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federal register

Tuesday
October 26, 1982

Selected Subjects

Administrative Practice and Procedure
  Interstate Commerce Commission
  Patent and Trademark Office

Air Pollution Control
  Environmental Protection Agency

Animal Drugs
  Food and Drug Administration

Antitrust
  Comptroller of Currency
  Federal Deposit Insurance Corporation
  Federal Home Loan Bank Board
  Federal Reserve System
  National Credit Union Administration

Coal Mining
  Surface Mining Reclamation and Enforcement Office

Commodity Futures
  Commodity Futures Trading Commission

Cotton
  Agricultural Marketing Service

Food Ingredients
  Food and Drug Administration

Government Property Management
  General Services Administration

Medicare
  Health Care Financing Administration

Motor Vehicle Pollution
  Environmental Protection Agency

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  Nuclear Regulatory Commission

Over-the-Counter Drugs
  Food and Drug Administration

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Presidential Documents

Title 3—

The President

Proclamation 4990 of October 22, 1982

Head Start Awareness Month

By the President of the United States of America

A Proclamation

Since its establishment in 1965, the National Head Start Program has helped over eight million low-income pre-school children and their families. In so doing, it has earned recognition and support for its success in early childhood education and development.

Equally important, the health and nutrition aspects of the program have improved the prevention, detection, and treatment of children's medical, dental, and nutritional problems, thereby removing barriers to growth and learning.

Perhaps the most significant factor in the success of Head Start has been the involvement of parents, volunteers, and the community. Their commitment and the services provided by dedicated Head Start staff have been instrumental in creating a quality program that truly provides young children with a "head start" in life.

For these reasons, the Congress, by House Joint Resolution 588, has authorized and requested the President to proclaim the month of October 1982 as Head Start Awareness Month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the month of October as Head Start Awareness Month. I call on Head Start centers and other educational and community groups to call attention to Head Start activities with appropriate ceremonies and celebrations.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of October, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-29559
Filed 10-25-82; 10:38 am]
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 28

Cotton Testing and Standards, Revision of Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is revising the schedule of fees for performing cotton fiber and processing tests and for cotton standards. This action is being taken in order to reflect increased costs of providing testing services and preparing standards.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Harvin R. Smith, Chief, Standards and Testing Branch, Cotton Division, Agricultural Marketing Service, Washington, D.C. 20250, (202) 447-2167.

SUPPLEMENTARY INFORMATION: This final rule is issued in conformance with USDA procedures established under Executive Order 12291 and has been classified "nonmajor" since the increase in fees is minimal and this action does not meet the criteria for a "major" rule as listed in the Executive Order. William T. Manley, Deputy Administrator, Marketing Program Operations, has determined that this action will not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (4 U.S.C. 601) because the fees in this final rule are not new but merely reflect a minimal increase in the costs currently borne by those entities which elect to utilize certain cotton testing services.

Proposed rulemaking was published on pages 26637-26639 of the Federal Register of June 21, 1982 and comments were invited until September 1, 1982. No comments were received in response to the proposal which would revise the schedule of fees for performing cotton fiber and processing tests and for cotton standards. No changes have been made between this final rule and the proposed rule except for minor non-substantive format and typographical changes including a correction to the authority citation as proposed for Part 28, Subparts A and E.

This final rule becomes effective on October 26, 1982, less than 30 days after the publication date because current revenue does not cover the cost of providing the services at this time and it is desirable that the fee increases have an effective date as early as possible in October 1982, the first part of Fiscal Year 1983. Furthermore, the Cotton Statistics and Estimates Act of 1927 (7 U.S.C. 471-476), the Cotton Service Testing Amendment (7 U.S.C. 473d), and the United States Cotton Standards Act (7 U.S.C. 55) together with the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35), all as applicable, require the recovery of costs for services rendered. Accordingly, under the administrative provisions of 5 U.S.C. 553, good cause is found for making this action effective October 26, 1982.

During FY 1981, 21423 cotton fiber and processing tests have been performed for private sources. Since the last fee review, the operating costs involved in providing these tests have increased based on (1) labor costs, up 4.8 percent, (2) cost of supplies, up some 25 percent, (3) utility costs, up some 39 percent, and (4) changes in the mix of tests requested as a reflection of technological changes in the textile industry. The fees have been realigned so that the actual costs of providing each test will be accurately reflected by the fee charged for that test.

Since the last review of the fees charged for practical forms of Universal Cotton Standards the costs involved with the shipping of these standards to overseas clients have exceeded the shipping component of the fee charged. As a result, the fee charged for surface delivered standards needs to be increased. There is no need to increase "FOB Memphis" fees. A chemical finishing test is also added.

List of Subjects in 7 CFR Part 28

Cotton, Grades, Samples, Standards, Testing.

Accordingly, the cotton classing, testing, and standards regulations are amended as set forth below.

PART 28—COTTON CLASSING, TESTING, AND STANDARDS

1. The authority citation for Part 28, Subparts A and E reads as follows:

Subpart A—Regulations Under the United States Cotton Standards Act

Authority: Sec. 10, 42 Stat. 1519; 7 U.S.C. 61, unless otherwise noted.

Subpart E—Cotton Fiber and Processing Tests

Authority: Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c. Sec. 3d, 55 Stat. 131; 7 U.S.C. 473d.

2. Section 28.123 (7 CFR 28.123) is revised to read as follows:

§ 28.123 Costs of practical forms of cotton standards.

The costs of practical forms of the cotton standards of the United States shall be as follows:

[Dollars each box]

Standards	Domestic shipments f.o.b. Memphis Tenn.	Shipments delivered outside the continental United States
Grade standards		
American Upland:		
12-sample official boxes (Universal Standards)	$150	$180
6-sample guide boxes	80	105
American Pima: 6-sample official boxes	110	135
Standards for Length of Staple		
American Upland (prepared in 1 pound rolls for each length)	11	14
American Pima (prepared in 1 pound rolls for each length)	12	15

3. Section 28.956 (7 CFR 28.956) is revised to read as follows:

§ 28.956 Prescribed fees.

Fees for fiber and processing tests shall be assessed as listed below:

Item No.	Kind of test	Fee per test
1.0	Furnishing USDA calibration cotton in the short, medium, long and extra long staple lengths including standard values for length by both array and Fibrograph methods, strength by flat bundle method at ⅛ inch gauge, and maturity and fineness by the Causticaire methods:	
	a. By surface delivery, 1 lb. sample	$17.00
	b. By air delivery within the U.S., 1 lb. sample	20.00
	c. By air delivery outside the U.S., 1 lb. sample	24.00
2.0	Furnishing international calibration cotton standards with standard values for micronaire reading and Pressley fiber strength and Fibrograph length:	
	a. By surface delivery, ½ lb. sample	12.00
	b. By air delivery within U.S., ½ lb sample	14.00
	c. By air delivery outside the U.S., ½ lb sample	18.00
3.0	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛ inch group, average length and average length variability as based on 3 specimens from a blended sample:	
	a. Ginned cotton lint, per sample	[illegible]
	b. Cotton comber noils, per sample	75.00
	c. Other cotton wastes, per sample	[illegible]
3.1	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛ inch group, average length, and average length variability is based on 2 specimens from a blended sample:	
	a. Ginned cotton lint, per sample	45.00
	b. Cotton comber noils, per sample	[illegible]
	c. Other cotton wastes, per sample	75.00
3.2	Fiber array of cotton samples, including purified or absorbent cotton. Reporting the average percentage of fibers ½ inch and longer by weight, the average of fibers shorter than ½ inch by weight, average length, and average length variability as based on 3 specimens from each sample, per sample	[illegible]
4.0	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 4 specimens from a blended sample, per sample	7.00
	Minimum fee unless performed in connection with other tests requiring a blended specimen	14.00
4.1	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 2 specimens from each unblended sample, per sample	4.50
	Minimum fee	[illegible]
5.0	Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛ inch gage as specified by applicant. Reporting the average strength as based on 6 specimens from a blended sample, per sample	7.50
	Minimum fee unless performed in connection with other tests requiring a blended sample	15.00
5.1	Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛ inch gage as specified by applicant. Reporting the strength as based on 2 specimens for each unblended sample, per sample	4.50
	Minimum fee	[illegible]
5.2	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for ⅛ inch gage. Reporting the average strength and elongation as based on 6 specimens from a blended sample, per sample	7.50
	Minimum fee unless performed in connection with other tests requiring blended sample	15.00
5.3	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for ⅛ inch gage. Reporting the strength and elongation as based on 2 specimens from each unblended sample, per sample	4.50
	Minimum fee	[illegible]
6.0	Fiber maturity and fineness of ginned cotton lint by the Causticaire method. Reporting the average maturity, fineness, and micronaire reading as based on 2 specimens from a blended sample, per sample	[illegible]
	Minimum fee	40.00
7.0	Micronaire readings on ginned lint. Reporting the micronaire reading as based on 2 specimens from each sample, per sample	.40
	Minimum fee	4.00
8.0	Neps content of ginned cotton lint. Reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender, per sample	12.00
9.0	Cotton carded yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps and classification and fiber length as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of 6½, 9½, or 12½ pounds-per-hour into two of the standard carded yarn numbers of 8s, 14s, 22s, 36s, 44s, or 50s, employing a standard twist multiplier unless otherwise specified, per sample	100.00
9.1	Cotton carded yarn spinning test (open-end) for short staple (³⅓₂nd inches and shorter) cottons. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps, and classification and fiber length as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at a carding rate of 12½ pounds-per-hour into 8s yarn using a sliver weight of 60 grains per yard; a rotor speed of 45,000 r.p.m.; an opening roll speed of 7,200 r.p.m.; a twist multiple of 4.5; and a rotar diameter of 46 millimeters	75.00
10.0	Spinning potentials test. Determining the finest yarn which can be spun with no ends down and reporting spinning potential yarn number. This test requires an additional 4 pounds of cotton, per sample	[illegible]
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12.0	Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 10 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns, per sample	175.00
13.0	Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 9 pounds of cotton into two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns, per sample	[illegible]
14.0	Two-pound cotton carded yarn spinning test available to cotton breeders only. Reporting data on yarn skein strength, yarn appearance, yarn neps and the classification and the fiber length of the cotton as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into two standard carded yarn numbers employing a standard twist multiplier, per sample	75.00
15.0	Processing and testing of additional yarn. Any carded or combed yarn number processed in connection with spinning tests including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers, per additional lot of yarn	[illegible]
15.1	Processing and furnishing of additional yarn. Any yarn number processed in connection with spinning tests. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn	[illegible]
16.0	Twist in yarns by direct-counting method. Reporting direction of twist and average turns per inch of yarn:	
	a. Single yarns based on 40 specimens per lot of yarn	70.00
	b. Plied or cabled yarns based on 10 specimens, per lot of yarn	18.50
17.0	Skein strength of yarn. Reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant per sample	10.00
17.1	Appearance grade of yarn furnished on bobbins by applicant. Reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin, per bobbin	4.00
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19.0	Color of ginned cotton lint. Reporting data on the reflectance in terms of Rd values and the degree of yellowness in terms of b values as based on the Nickerson-Hunter Cotton Colorimeter on samples which measure 5 x 6½ inches and weigh approximately 50 grams per sample	.60
	Minimum fee	[illegible]
20.0	Furnishing color standards, including a set of standard tiles and a master diagram for use in calibrating Nickerson-Hunter Cotton Colorimeters, per set	[illegible]
20.1	Furnishing replacement calibration tiles for above sets, each tile	[illegible]
20.2	Furnishing a Colorimeter calibration sample box containing 6 cotton samples with color values Rd and + b plotted on a color diagram based on the Nickerson-Hunter Cotton Colorimeter, per box	[illegible]
20.3	Furnishing new Colorimeter readings on samples in calibration boxes returned for check readings, per 6-sample box	5.00
21.0	Furnishing copies of test data worksheets. Includes individual observations and calculations which are not routinely furnished to the applicant, per sheet	2.00
22.0	Foreign matter content of cotton samples. Reporting data on the non-lint content as based on the Shirley-Analyzer separation of lint and foreign matter:	
	a. For samples of ginned lint or comber noils, per 100-gram specimen	[illegible]
	Minimum fee	12.00
	b. For samples of ginning and processing wastes other than comber noils, per 100-gram specimen	11.00
	Minimum fee	[illegible]
23.0	Furnishing identified cotton samples. Includes samples of ginned lint stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests, per identified sample	2.50
24.0	Furnishing additional copies of test reports. Include extra copies in addition to the 2 copies routinely furnished in connection with each test item, per additional sheet	.75

Item No.	Kind of test	Fee per test
24.1	Furnishing a certified relisting of test results. Includes samples or sub-samples selected from any previous tests, per sheet	10.00
25.0	High Volume Instrument (HVI) Measurements. Reporting micronaire, length (UHM), length uniformity, ⅛ inch gauge strength, color and trash content. Based on a 6 oz. (170 g) sample, per sample	1.30
	Minimum fee	13.00
26.0	Calibration cotton for use with High Volume Instruments, per 5 pound package	75.00
27.0	Sugar content of cotton. Reporting the percent sugar content as based on a quantitative analysis of reducing substances (sugers) on cotton fibers, per sample	4.00
	Minimum fee	[illegible]
28.0	Classification of ginned cotton lint is available in connection with other fiber tests, under the provisions of 7 CFR 28, § 28.56, at the fees prescribed by 7 CFR 28, § 28.116.) Classification includes grade, staple, and micronaire reading based on a 6 oz (170 g) sample.	
29.0	Chemical finishing tests on finished drawing silver. The Ahiba Texomat Dyer is used for scouring, bleaching and dyeing of a 3-gram sample. Color measurements are made on the unfinished, bleached and dyed cotton samples, using a Hunterlab Colorimeter, Model 25 M–3. The color values are reported in terms of reflectance (Rd), yellowness (+ b) and blueness (− b)	10.00
	Minimum fee	[illegible]

Dated: October 18, 1982.

Vern F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 82–29125 Filed 10–25–82; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL RESERVE SYSTEM

12 CFR Part 212

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

[Docket No. 82–21]

Management Official Interlocks

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Treasury, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency, Board of Governors of the Federal Reserve System, Federal Home Loan Bank Board, Federal Deposit Insurance Corporation and the National Credit Union Administration are amending their respective regulations implementing the Depository Institution Management Interlocks Act to reflect recent changes enacted by Congress in the law. These changes permit a management official whose service in an interlocking relationship is grandfathered under the Act to continue such service for the duration of the ten year grandfather period provided in the Act notwithstanding changes in circumstances. The changes also permit a management official of a depository organization and a nondepository organization to continue such service after the nondepository organization becomes a diversified savings and loan holding company.

EFFECTIVE DATE: The amendments are immediately effective October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason (202) 452–3564 or Melanie Fein (202) 452–3594, Board of Governors of the Federal Reserve System; Jerome Edelstein or Rosemarie Oda (202) 447–1880, Office of the Comptroller of the Currency; Pamela E. F. LeCren or Barbara I. Gersten (202) 389–4171, Federal Deposit Insurance Corporation; David J. Bristol (202) 377–6461 or Kenneth F. Hall (202) 377–6466, Federal Home Loan Bank Board; or Steven R. Bisker (202) 357–1030, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act ("Interlocks Act") was enacted as title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. No. 95–630, 12 U.S.C. 3201 *et seq.*) The general purpose of the Interlocks Act, and the final regulations issued thereunder, is to foster competition among depository institutions, depository holding companies, and their affiliates by prohibiting management official interlocks between unaffiliated organizations depending upon their size and location. Final regulations implementing the Interlocks Act were published effective July 19, 1979 (44 FR 42152) and were subsequently amended effective May 9, 1980 (45 FR 24384).

Under section 206 of the Interlocks Act (12 U.S.C. 3205) and the current regulations, certain persons are "grandfathered" in their positions as management officials for a period of ten years ending November 10, 1988. The occurrence of specified "changes in circumstances" as provided in the current regulations may result in the earlier termination of grandfathered interlocks.

Those changes in circumstances are defined to include certain mergers, acquisitions, consolidations, and the establishment of certain offices. Title III of Pub. L. 97–110, signed into law on December 26, 1981, amended section 206 to provide specifically that mergers, acquisitions, increases in total asset size, establishment of one or more offices, or change in management responsibilities shall not constitute changes in circumstances that will necessitate early termination of grandfathered interlocks. Due to this statutory change, the agencies are repealing the portion of their respective regulations that sets forth mergers, acquisitions, consolidations, and establishment of certain offices as changes in circumstances that will affect grandfathered interlocks and deleting other references to that provision. This action has the effect of repealing a final amendment to 12 CFR 563f.6(a)(1)(i) adopted by the Federal Home Loan Bank Board on December 4, 1981 (See 46 FR 61249 (1981)).

The amended regulation provides that persons who would have been required to terminate a grandfathered interlock based upon the provision of the regulations now being repealed but who have not yet terminated the interlock and persons who are continuing to serve in an interlocking position under an extension granted by one of the agencies may continue their interlocking service until November 10, 1988. The agencies will solicit comment on whether or not persons who have already terminated an interlock based upon the provision being repealed may resume their interlocking service.

The agencies also are amending their regulations to reflect the addition to section 206 by Pub. L. 97–110 of a new subparagraph (b). Subparagraph (b) permits an individual who serves as a management official of a depository organization and a nondepository organization to remain in that position regardless of the prohibitions of the Interlocks Act if the nondepository organization becomes a diversified savings and loan holding company as that term is defined by 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)). New subparagraph (b) ceases to operate as of November 10, 1988. The change in the law will be reflected in a new subparagraph (c) to the provision of the regulations dealing with permitted interlocking relationships.

It is the agencies' opinion that the amendment which added subparagraph (b) to section 206 is fully retroactive. Thus, a person who, prior to enactment of the amendment, resigned from either organization after the nondepository corporation became a diversified savings and loan holding company and such resignation was due to the Interlocks Act may resume his or her previous position. Persons who may continue to serve based upon the addition of subparagraph (b) to section 206 must terminate their interlocks no later than November 10, 1988 if they have not done so previously and the interlock is prohibited at that time.

The agencies are undecided on the issue of whether or not persons covered by section 206(b) may continue their interlocking service even though subsequent changes in circumstances occur. It is the agencies' intention to solicit comment on whether or not such interlocks may be affected by subsequent changes in circumstances. Until such time as comment is solicited and the issue fully considered by the agencies, no regulatory action will be taken regarding such interlocks in the event of subsequent changes in circumstances.

The agencies are not soliciting public comment with regard to these final amendments under authority of 5 U.S.C. 553(b), which authorizes waiver of public comment in the case of interpretative rules. The amendments can be considered interpretative as they merely conform the existing regulations to Federal law. The amendments are made effective immediately pursuant to 5 U.S.C. 553(d)(2), which authorizes waiver of a delayed effective date in the case of interpretative rules.

Regulatory Impact Analysis

Pursuant to section 3(g)(1) of Executive Order 12291 of February 17, 1981, it has been determined that the amendments do not constitute a major rule within the meaning of section 1(b) of the Executive Order. The amendments eliminate restrictions imposed by regulations implementing the Depository Institution Management Interlocks Act, 12 U.S.C. 3201 *et seq.* The amendments have no adverse effect on the operations of the depository institutions subject to them. As such, the amendments will not have an annual effect on the economy of $100 million or more, will not affect cost or prices for consumers, individual industries, government agencies or geographic regions, and will not have adverse effects on competition, employment, investment, productivity, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

List of Subjects

12 CFR Part 26

National banks, Management official interlocks.

12 CFR Part 212

Antitrust, Holding companies.

12 CFR Part 348

Antitrust, Banks, Banking, Holding companies.

12 CFR Part 563f

Antitrust, Savings and loan associations.

12 CFR Part 711

Antitrust, Credit unions.

Accordingly, and pursuant to their respective authority under section 209 of the Depository Institution Management Interlocks Act (12 U.S.C. 3207), the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration amend 12 CFR Parts 212, 26, 348, 563f, and 711 respectively, as follows:

BILLING CODE 4810-33-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

Management Official Interlocks

12 CFR Part 348 is amended as follows:

PART 348—[AMENDED]

1. The authority citation for Part 348 reads as follows:

Authority: Sec. 209, Pub. L. No. 95-630, 92 Stat. 3675 (12 U.S.C. 3207).

2. Section 348.4 is amended by revising paragraph (b)(5) and adding paragraph (c) as follows:

§ 348.4 Permitted interlocking relationships.

* * * * *

(b) * * *

(5) *Loss of management officials due to change in circumstance.* If a depository organization is involved in an event described in paragraphs 348.6(a) or 348.6(b) and such event results in the termination of service at the depository organization of 50 percent or more of the organization's directors or of 50 percent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in §§ 348.6(a) or 348.6(b) subject to the following conditions: (i) Each management official so affected must agree to sever his or her relationship with the depository organization no later than 30 months after the event (so long as the interlock remains prohibited); (ii) the appropriate Federal supervisory agency or agencies determine that the service by such management officials is necessary to provide management or operating expertise; (iii) the depository organization submits a plan for the termination of service by such management officials over the time period provided; and (iv) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(c) *Diversified savings and loan holding company.* Notwithstanding § 348.3, a person who serves as a management official of a depository organization and a nondepository organization is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)). This subparagraph shall cease to operate on November 10, 1988.

3. Section 348.5 is revised to read as follows:

§ 348.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR 348.6(a) as it existed prior to October 26, 1982 (12 CFR 348.6(a) (1981)) but who has not terminated such service as of October 26, 1982 is not prohibited from continuing such service until November 10, 1988.

§ 348.6 [Amended]

4. Section 348.6 is amended by removing paragraphs (a) (1) and (2) and redesignating paragraphs (b) (1) and (2) as (a) and (b), respectively.

By Order of the Board of Directors of the Federal Deposit Insurance Corporation this 23rd day of August 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

BILLING CODE 6714-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

Management Official Interlocks

12 CFR Part 26 is amended as follows:

PART 26—[AMENDED]

1. The authority citation for Part 26 reads as follows:

Authority: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. § 3201 *et seq.*).

2. Section 26.4(b)(5) is revised to read as follows:

§ 26.4 Permitted interlocking relationships.

* * * * *

(b) * * *

(5) *Loss of management officials due to change in circumstances.* If a depository organization experiences a change in circumstances described in paragraphs (a) or (b) of § 26.6, and the change requires the termination of service at the depository organization of 50 percent or more of the organization's directors or of 50 percent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in §§ 26.6(a) or 26.6(b): *Provided,* That: (i) Each management official so affected agrees to sever the prohibited interlocking relationship no later than 30 months after the change in circumstances; (ii) the appropriate Federal supervisory agency or agencies determine that the service by such management officials is necessary to provide management or operating expertise; (iii) the depository organization submits a proposal for the orderly termination of service by such management officials over the time period provided; and (iv) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

3. Section 26.4 is amended by adding paragraph (c) which reads as follows:

§ 26.4 Permitted interlocking relationships.

* * * * *

(c) *Diversified savings and loan holding company.* Notwithstanding § 26.3, a person who serves as a management official of a depository organization and a nondepository organization is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company, as defined in Section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)). This subparagraph shall cease to operate on November 10, 1988.

4. Section 26.5 is revised to read as follows:

§ 26.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of Section 8 of the Clayton Act (12 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR 26.6(a) as it existed prior to October 26, 1982 (12 CFR 26.6(a) (1981)) but who has not terminated such service as of October 26, 1982 is not prohibited from continuing such service until November 10, 1988.

§ 26.6 [Amended]

5. Section 26.6 is amended by removing paragraphs (a) (1) and (2) and redesignating paragraphs (b) (1) and (2) as (a) and (b), respectively.

Dated: August 13, 1982.

C. T. Conover,

Comptroller of the Currency.

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Part 212

Management Official Interlocks

12 CFR Part 212 is amended as follows:

PART 212—[AMENDED]

1. The authority citation for Part 212 reads as follows:

Authority: 12 U.S.C. 3201 *et seq.*

2. Section 212.4(b)(5) is revised to read as follows:

§ 212.4 Permitted interlocking relationships.

* * * * *

(b) * * *

(5) *Loss of management officials due to change in circumstances.* If a depository organization experiences a change in circumstances described in paragraphs (a) and (b) of § 212.6, and the change requires the termination of service at the depository organization of 50 percent or more of the organization's directors or of 50 percent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in §§ 212.6(a) or 212.6(b): *Provided,* That: (i) Each management official so affected agrees to sever the prohibited interlocking relationship no later than 30 months after the change in circumstances; (ii) the appropriate Federal supervisory agency or agencies determine that the service by such management officials is necessary to provide management or operating expertise; (iii) the depository organization submits a proposal for the orderly termination of service by such management officials over the time period provided; and (iv) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

3. Section 212.4 is amended by adding paragraph (c) which reads as follows:

§ 212.4 Permitted interlocking relationships.

* * * * *

(c) *Diversified savings and loan holding company.* Notwithstanding § 212.3, a person who serves as a management official of a depository organization and a nondepository organization is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company, as defined in Section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)). This subparagraph shall cease to operate on November 10, 1988.

4. Section 212.5 is revised to read as follows:

§ 212.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of Section 8 of the Clayton Act (12 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR 212.6(a) as it existed prior to October 26, 1982 (12 CFR 212.6(a) (1981)) but who has not terminated such service as of October 26, 1982 is not prohibited from continuing such service until November 10, 1988.

§ 212.6 [Amended]

5. Section 212.6 is amended by deleting paragraphs (a) (1) and (2) and redesignating paragraphs (b) (1) and (2) as (a) and (b), respectively.

By order of the Board of Governors of the Federal Reserve System, effective October 12, 1982.

William W. Wiles,
Secretary of the Board.

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

Management Official Interlocks

PART 563f—[AMENDED]

1. Amend § 563f.4 by revising subparagraph (5) of paragraph (b) and by adding a new paragraph (c), to read as follows:

§ 563f.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by Board order.* * * *

(5) *Loss of management officials due to changes in circumstances.* If a depository organization experiences a change in circumstances described in paragraphs (a) or (b) of § 563f.6, and the change requires the termination of service at the depository organization of 50 per cent or more of the organization's directors or of 50 per cent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in paragraphs (a) and (b) of § 563f.6, provided that: * * *

(c) *Diversified savings and loan holding company.* Notwithstanding § 563f.3 of this Part, a person who serves as a management official of a depository organization and of a nondepository organization is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company, as defined in Section 408(a) of the National Housing Act (12 U.S.C. 1730(a)(1)(F)). This paragraph shall cease to operate on November 10, 1988.

2. Revise § 563f.5, to read as follows:

§ 563f.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (12 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate service in one or more such interlocking positions as a result of a change in circumstances defined in § 563f.6(a) as it existed prior to October 26, 1982 (12 CFR 563f.6(a) (1981)), but who has not terminated such service as of October 26, 1982, is not prohibited from continuing such service until November 10, 1988.

§ 563f.6 [Amended]

3. Revise § 563f.6 by removing existing paragraph (a), and by redesignating existing subparagraphs (1) and (2) of paragraph (b) as paragraphs (a) and (b), respectively.

(Pub. L. No. 95-630 (12 U.S.C. 3201 *et seq., as amended by* International Banking Facility Deposit Insurance Act, Pub. L. No. 97-110, 302 (December 26, 1981)); Reorg. Plan No. 3 of 1947; 3 CFR, 1943-1948 comp., p 1071.)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

BILLING CODE 6720-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

Management Official Interlocks

12 CFR Part 711 is amended as follows:

PART 711—[AMENDED]

1. The authority citation for Part 711 reads as follows:

Authority: Sec. 209, Pub. L. No. 95-630; 92 Stat. 3675 (12 U.S.C. Section 3207).

2. Section 711.4 is amended by revising paragraph (b)(5) and by adding paragraph (c) as follows:

§ 711.4 Permitted interlocking relationships.

* * * * *

(b) * * *

(5) *Loss of management officials due to changes in circumstances.* If a depository organization is involved in an event described in paragraphs (a) or (b) of § 711.6, and such event results in the termination of service at the depository organization of 50 percent or more of the organization's directors or of 50 percent or more of the total management officials of the depository organization, such management officials may continue to serve in excess of the time periods provided in paragraphs (a) and (b) of § 711.6, provided that: (i) The appropriate Federal supervisory agency or agencies determines that the service by such management officials is necessary to provide management or operating expertise; (ii) each management official so affected agrees to sever the prohibited interlocking relationship no later than 30 months after the event (so long as the interlock remains prohibited); (iii) the depository organization submits a proposal for the orderly termination of service by such management officials over the time period provided, and (iv) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency or agencies in any specific case.

(c) *Diversified savings and loan holding company.* Notwithstanding § 711.3, a person who serves as a management official of a depository organization and a nondepository organization is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. Section 1730a (a)(1)(F)). This subparagraph shall cease to operate on November 10, 1988.

3. Section 711.5 is revised to read as follows:

§ 711.5 Grandfathered interlocking relationships.

(a) A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. Section 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR § 711.6(a) as it exists prior to October 26, 1982 but who has not terminated such service as of October 26, 1982 is not prohibited from continuing or resuming such service until November 10, 1988.

§ 711.6 [Amended]

4. Section 711.6 is amended by removing subparagraphs (a)(1) and (2) and redesignating (b)(1) and (2) as (a) and (b), respectively.

Dated: October 12, 1982.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

[FR Doc. 82-29288 Filed 10-25-82; 8:45 am]

BILLING CODE 7535-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 571

[No. 82-676]

Employment Contracts; Correction

Date: October 6, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; correction.

SUMMARY: The Federal Home Loan Bank Board corrects the final amendments to its employment contracts regulations which were published at 47 CFR 17471 (April 23, 1982).

EFFECTIVE DATE: April 15, 1982.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett, (202-377-6445), Associate General Counsel, or Cynthia D. Farmer, (202-377-6441, Legal Assistant, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C., 20552.

SUPPLEMENTARY INFORMATION: On April 15, 1982, the Federal Home Loan Bank Board adopted amendments pertaining to employment contracts so that federal and state-chartered institutions are subject to the same rules governing employment contracts entered into by institutions and their officers. Board Resolution No. 82-268 (April 15, 1982); 47 FR 17471, Published (April 23, 1982). The final rule inadvertently referred to paragraph (e) of 12 CFR 571.5; however, paragraph (e) already had been redesignated as paragraph (d) by a final rule published on November 4, 1981 (46 FR 54724).

§ 571.5 [Corrected]

Accordingly, the Board is correcting FR Doc 82-11214, appearing at 47 FR 17471, by changing the reference to paragraph (e) of 12 CFR 571.5 to read as paragraph (d)

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Sec. 402, 403, 407, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

By the Federal Home Loan Bank Board.

Thomas P. Vartanian,

General Counsel.

[FR Doc. 82-29352 Filed 10-25-82; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 77N-0037]

GRAS Status of Certain Red and Brown Algae and Their Extractives

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming, with specific limitations, that certain red and brown algae and alginic acid are generally recognized as safe (GRAS) as direct human food ingredients and is removing the brown algae *Nereocystis spp.* from the GRAS list. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency.

EFFECTIVE DATE: November 26, 1982.

FOR FURTHER INFORMATION CONTACT: Leonard C. Gosule, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204; 202-426-9463.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 4, 1978 (43 FR 34500), FDA published a proposal to affirm that the brown algae *Macrocystis pyrifera* is GRAS for use as a direct human food ingredient and to remove red algae, certain brown algae, and the extractives from red and brown algae (including alginic acid) from the list of direct food substances that are considered GRAS. The proposal was published in accordance with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), copies of the scientific literature review on algae and the report of the Select Committee on GRAS Substances (the Select Committee) on certain red and brown algae have been made available for public review in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Copies of these documents have also been made available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of the brown algae *Macrocystis pyrifera*, FDA gave public notice that it was unaware of any prior-sanctioned food ingredient use for these substances, other than for the proposed conditions of use. Persons asserting such additional or extended uses, in accordance with approvals granted by the U.S. Department of Agriculture or FDA before September 6, 1958, were given notice to submit proof of those sanctions, so that the safety of the prior-sanctioned use could be determined. That notice was also an opportunity to have prior-sanctioned uses of these ingredients recognized by issuance of an appropriate regulation under Part 181—Prior-Sanctioned Food Ingredients (21 CFR Part 181) or affirmed as GRAS under Part 184 or 186 (21 CFR Part 184 or 186) as appropriate.

FDA also gave notice that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert such sanction at any future time.

No reports of prior-sanctioned uses for red and brown algae or alginic acid were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for uses of red and brown algae or alginic acid under conditions different from those set forth in the final regulation has been waived.

One hundred twenty-six comments were submitted on the agency's proposal on red and brown algae and their extractives. One hundred eleven of these comments were not relevant to the issues addressed in the proposal. Those comments discussed the consumption of algae directly as food, the purported but undocumented health benefits of algae consumption, or the widespread acceptance of algae as food by Americans of Oriental descent. The agency emphasizes that this document addresses only the use of algae, in conjunction with spices, seasonings, and flavorings, as a flavor enhancer or flavor adjuvant. This document does not address, and therefore does not affect, the consumption of algae directly as food. The other comments and the agency's conclusions are summarized below:

1. One comment objected to the treatment of seaweed extractives in the proposed regulation, claiming that they had been addressed previously in the **Federal Register** of January 1, 1978.

The agency notes that no **Federal Register** was published on January 1, 1978. This comment may have been referring to the proposed rule on alginates, which was published in the

Federal Register of January 27, 1978 (43 FR 3725). That proposal addressed the ingredients ammonium alginate, calcium alginate, potassium alginate, and sodium alginate, which are currently listed as GRAS for use as stabilizers. It did not address either alginic acid or the extractives of red and brown algae currently listed in 21 CFR 182.40 as GRAS for use in conjunction with spices, seasonings, and flavorings. Consequently, it is appropriate for the agency to address red and brown algae and alginic acid in this final rule.

2. Five comments referred to the annual poundages of algae involved in commercial trade. Of these, three comments reported the amounts of algae annually used in or imported into the United States, and two comments reported the amounts of algae annually produced or consumed in Japan. However, none of these comments identified the species of algae involved, intended technical effects, the specific uses, or the use levels. This information is required as a basis for developing FDA GRAS affirmation regulations. Consequently, the agency did not make any change in the final rule on the basis of this information.

3. Four comments contained nutrition information, general characteristics of a variety of algae, or references to the published literature on algae. Although these comments provide valuable additions to the agency's file on algae, they did not necessitate any substantive change in the regulation.

4. Four comments addressed the uses of algae as condiments or as flavorings and seasonings. In two of these comments, the species of algae used were identified. The species of brown algae mentioned were: *Analipus japonicus, Eisenia bicyclis, Hizikia fusiforme, Kjellmaniella gyrata, Laminaria angustata, Laminaria claustonia, Laminaria digitata, Laminaria japonica, Laminaria longicruris, Laminaria longissima, Laminaria ochotensis, Laminaria saccharina,Petalonia fasica, Scytosiphon lomentaria,* and *Undaria pinnatifida.* The species of red algae mentioned were: *Gloiopeltis furcata, Porphyra crispata, Porphyra deutata, Porphyra perforata, Porphyra suborbiculata, Porphyra tenera,* and *Rhodymenia palmata.*

All these species were reported to be consumed currently in the United States. Consequently, FDA has modified the proposed rule to affirm these species as GRAS for use as flavorings, seasonings, and spices. The agency is not aware of any current use of *Nereocystis spp.* as a flavoring, seasoning, or spice, however. Therefore, the agency is removing the use of this ingredient from the GRAS list as proposed.

5. One comment objected to revoking the use of red and brown algae as spices, flavoring, and seasonings because this action would affect the diet of many Americans of Asian descent. The comment provided no further elaboration concerning the types of effects expected.

FDA believes that the other comments on this proposed rule, which were discussed above, have identified the species of red and brown algae that are safe and that are currently used as spices, flavorings, and seasonings in the United States. These species are affirmed as GRAS in this final rule. Consequently, the agency believes this final rule will not adversely affect the diet of any group of Americans.

6. Three comments requested that algae not be removed from the GRAS list because of lack of use because there are no unfavorable safety data.

FDA has previously emphasized that use information is very important in assessing the safety of GRAS food ingredients (21 CFR 170.30 (i), (j), and (k) and 21 CFR 170.35(b)(1)). Consequently, the agency did not make any change in the regulations on the basis of these comments.

7. One comment requested a hearing to ascertain the facts on edible seaweed use in the United States.

The agency believes that ample opportunity has been provided to ascertain these facts during the proposal's comment period. Consequently, the agency believes no hearing is needed.

8. One comment reported the use of alginic acid as a tablet disintegrant in prescription drugs, over-the-counter drugs, vitamin tablets, mineral tablets, and various special dietary food tablets.

FDA's review of the safety of GRAS food ingredients addresses only the use of those ingredients in conventional food.[1] The agency does not consider the uses of alginic acid described in this comment to be conventional food uses. Consequently, these uses of alginic acid are not affected by this regulation.

9. Four comments addressed the uses of alginic acid in food. Of these, one comment from a confectioner's trade association questioned whether the absence of current uses for alginic acid justified its removal from GRAS status. One comment requested that alginic acid be affirmed as GRAS simply because certain alginate salts have already been affirmed as GRAS. Three comments reported uses of alginic acid as a stabilizer and thickener or emulsifier in soups and soup mixes. Only one of these comments provided the quantitative use information required as a basis for evaluating the safe use of the ingredient. The comment indicated that alginic acid is used as a stabilizer and thickener in dehydrated oriental-style noodles at the level of 0.049 gram per two one-cup servings.

FDA has used data in Table 7 of U.S. Department of Agriculture Statistical Bulletin No. 616 to calculate that the density of canned soups is about 230 to 240 grams per cup, as served. Using these values, and the levels of alginic acid reported in the comment (0.049 grams per two one-cup servings), the agency has estimated the level of alginic acid in these products, as served, to be 0.01 percent. The agency concludes that sufficient safety data are contained in its GRAS safety reviews on alginates and red and brown algae to affirm this use of a alginic acid, which is derived from brown algae. However, because the calculated use level is based on an approximate value for the density of the finished product, the agency concludes it would be inappropriate to specify a precise use level for alginic acid in these products. Nevertheless, the agency considers that the restriction of this ingredient to use in soups and soup mixes does constitute a specific limitation on it use and is therefore consistent with the conditions under which inorganic salts of alginic acid have been affirmed as GRAS (see 47 FR 29946; July 9, 1982). Therefore, FDA has modified its proposed rule to affirm as GRAS the use of alginic acid in soups and soup mixes at a level not to exceed current good manufacturing practice.

10. Although FDA is affirming brown and red algae as GRAS for use in spices at levels that do not exceed current good manufacturing practice, it is doing so in accordance with § 184.1(b)(2) (21 CFR 184.1(b)(2)) and not § 184.1(b)(1), as is customarily the case. The agency is deviating from its usual practice because of its decision, announced in the proposal, to concur in the conclusion of the Select Committee. The Select Committee concluded that no evidence demonstrates or suggests reasonable grounds to suspect a hazard to the public when red and brown algae are used at current levels or at levels that might reasonably be expected in the future (see 43 FR 34502). Consistent with its agreement with this conclusion, FDA has not established any restriction on the levels at which these substances may be used other than that they be used at levels that are consistent with

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[1] FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

current good manufacturing practice. However, the Select Committee conditioned its conclusion by adding the qualification that use of these substances be "confined to ingredients of spices, seasonings, and flavorings." The agency believes that this qualification constitutes a specific limitation on the use of red and brown algae as food ingredients, and therefore that the uses of these substances should be restricted in the manner set forth in § 184.1(b)(2). These restrictions apply only to the use of these substances as food ingredients and do not affect their use directly as foods.

11. Four comments addressed the specifications proposed for food-grade algae. Three of these comments reported the results of heavy metals determinations in several species of algae.

FDA stated in the proposed rule that it is aware of the Select Committee's concern that a harmful concentration of certain heavy metals may accumulate in commercial algae, particularly if the algae are harvested from coastal waters that are contaminated with significant levels of heavy metals. The agency also stated its intention to investigate background levels of individual heavy metals (arsenic, cadmium, lead, mercury, selenium, and zinc) in algae to determine whether the Food Chemicals Codex specification for "heavy metals (as Pb)" should be replaced by separate specifications for each heavy metal.

FDA has evaluated the results of its own analyses as well as those reported in the comments. On the basis of this evaluation, the agency concludes that the consumption of these metals from the kelp used in conjunction with flavorings, seasonings, or spices is low and poses no undue risk to the exposed population. The agency also believes that the data currently available are not sufficient to support the establishment of separate specifications for each of the heavy metals mentioned above. Therefore, the agency is taking no action at this time with regard to modifying the Food Chemicals Codex specifications for kelp. In addition, the agency notes that a third edition of the Food Chemicals Codex has been printed since publication of the proposal, and this edition has been incorporated by reference in the final rule.

12. Specifications for dulse (red algae) were proposed in one comment. These proposed specifications for dulse were in general agreement with the Food Chemicals Codex specifications for kelp, except that the "loss on drying" specification suggested in the comment for dulse was not more than 20 percent, and the corresponding iodine levels were between 0.005 percent and 0.05 percent. The Food Chemicals Codex monograph on kelp specifies a loss on drying of not more than 13 percent and iodine levels between 0.15 percent and 0.22 percent.

The Food Chemicals Codex procedure for determining iodine in kelp is not sensitive enough to measure accurately iodine at 0.005 percent in dulse. Furthermore, the agency finds no need to establish a lower limit on iodine levels in dulse to ensure safety. Consequently, this regulation does not establish a lower limit on the iodine level for dulse. However, FDA has modified the proposed rule to include the other food-grade specifications suggested by this comment for dulse. These specifications are identical to the Food Chemicals Codex specifications for kelp except that the agency has established a loss on drying of not more than 20 percent and an upper limit of 0.05 percent iodine.

The format of the regulations is different from that in previous GRAS affirmation regulations. The agency has modified the form in which the specific limitations on the use of these ingredients is presented. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this rule, and the agency has determined that the rule is not a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 182 and 184 are amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. In Part 182:

§ 182.30 [Removed]

a. By removing § 182.30 *Natural substances used in conjunction with spices and other natural seasonings and flavorings.*

§ 182.40 [Amended]

b. In § 182.40 *Natural extractives (solvent-free) used in conjunction with spices, seasonings, and flavorings* by removing the entries for "Algae, brown," Algae, red," "Dulse" and "Kelp (see algae, brown)."

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In Part 184:

a. By adding new § 184.1011, to read as follows:

§ 184.1011 Alginic acid.

(a) Alginic acid is a colloidal, hydrophilic polysaccharide obtained from certain brown algae by alkaline extraction.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 13, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, D.C. 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, D.C. 20408.

(c) In accordance with § 184.1(b)(2), the ingredient is used in food only within the following specific limitations:

Category of food	Maximum level of use in food (as served)	Functional use
Soup and soup mixes, § 170.3(n)(40) of this chapter.	Not to exceed current good manufacturing practice	Emulsifier, emulsifier salt, § 170.3(o)(8) of this chapter; formulation aid, § 170.3(o)(14) of the chapter; stabilizer, thickener, § 170.3(o)(28) of the chapter.

(d) Prior sanctions for this ingredient different from the use established in this section do not exist or have been waived.

b. By adding new § 184.1120, to read as follows:

§ 184.1120 Brown algae.

(a) Brown algae are seaweeds of the species *Analipus japonicus, Eisenia bicyclis, Hizikia fusiforme, Kjellmaniella gyrata, Laminaria angustata, Laminaria claustonia, Laminaria digitata, Laminaria japonica, Laminaria longicruris, Laminaria longissima, Laminaria ochotensis, Laminaria saccharina, Macrocystis pyrifera, Petalonia fascia, Scytosiphon lomentaria* and *Undaria pinnatifida.* They are harvested principally in coastal waters of the northern Atlantic and Pacific oceans. The material is dried and ground or chopped for use in food.

(b) The ingredient meets the specifications for kelp in the Food Chemicals Codex, 3d Ed. (1981), p. 157, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L ST. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(2), the ingredient is used in food only within the following specific limitations:

Category of food	Maximum level of use in food (as served)	Functional use
Spices, seasonings, and flavorings, § 170.3(n)(26) of this chapter.	Not to exceed current good manufacturing practice.	Flavor enhancer, § 170.3(o)(11) of this chapter; flavor adjuvant, § 170.3(o)(12) of this chapter.

(d) Prior sanctions for this ingredient different from the use established in this section do not exist or have been waived.

c. By adding new § 184.1121 to read as follows:

§ 184.1121 Red algae.

(a) Red algae are seaweeds of the species *Gloiopeltis furcata, Porphyra crispata, Porphyra deutata, Porphyra perforata, Porphyra suborbiculata, Porphyra tenera* and *Rhodymenia palmata. Porphyra* and *Rhodymenia* are harvested principally along the coasts of Japan, Korea, China, Taiwan, and the East and West coasts of the United States. *Gloiopeltis* is harvested principally in southern Pacific coastal waters. The material is dried and ground or chopped for use in food.

(b) The ingredient meets the specifications for kelp in the Food Chemicals Codex, 3d Ed. (1981), p. 157, which is incorporated by reference, except that the loss on drying is not more than 20 percent and the maximum allowable level for iodine is 0.05 percent. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(2), the ingredient is used in food only within the following specific limitations:

Category of food	Maximum level of use in food (as served)	Functional use
Spices, seasonings, and flavorings, § 170.3(n)(26) of this chapter.	Not to exceed current good manufacturing practice.	Flavor enhancer, § 170.3(o)(11) of this chapter; flavor adjuvant, § 170.3(o)(12) of this chapter.

(d) Prior sanctions for this ingredient different from the use established in this section do not exist or have been waived.

Effective date. This regulation shall be effective November 26, 1982.

(Secs. 201(s)', 409, 701(a)', 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C 321(s)', 348, 371(a)))

Dated: September 17, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

Note.—Incorporation by reference approved by the Director of the Office of the Federal Register on March 31, 1982, and is on file at the Office of the Federal Register.

[FR Doc. 82–29222 Filed 10–25–82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Pyrantel Pamoate Paste

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pfizer. Inc., providing for safe and effective oral use of pyrantel pamoate paste as an anthelmintic in horses and ponies.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42d St., New York, NY 10017, filed an NADA (129–831) providing for use of a pyrantel pamoate paste in horses and ponies for removal and control of mature infections of large strongyles, small strongyles, pinworms, and large roundworms. The firm currently holds approval for use of pyrantel pamoate suspension formulation (NADA 91–739) in horses and ponies at the same dosage level and against the same parasites. The combination of a comparative critical (worm count) study (i.e., paste vs. suspension), clinical field studies, and copies of published literature constitutes sufficient evidence to conclude that Pfizer's pyrantel pamoate paste formulation is comparably effective against all the parasites now indicated for its suspension formulation. Approval of this NADA relies in part upon safety and effectiveness data contained in Pfizer's NADA, 91–739. The NADA is approved, and the regulations are amended to reflect the approval.

This approval does not change the approved use of the active ingredient, but instead provides an alternative drug vehicle containing an increased concentration of the active ingredient. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would an approval of a Category II supplement. Therefore, it did not require reevaluation of the safety and effectiveness data in NADA 91–739.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine had determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 520

Animal drugs, Oral.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.2044, to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.2044 Pyrantel pamoate paste.

(a) *Specifications.* Each milliliter of paste contains 180 milligrams of pyrantel base (as pyrantel pamoate).

(b) *Sponsor.* See 000069 in § 510.600(c) of this chapter.

(c) *Conditioners of use.* It is used in horses and ponies as follows:

(1) *Amount.* Equivalent of 3 milligrams pyrantel base per pound of body weight.

(2) *Indications for use.* For removal and control of infections from the following mature parasites: large strongyles (*Strongylus vulgaris, S. edentatus, S. equinus*); small strongyles; pinworms (*Oxyuris equi*); and large roundworms (*Parascaris equorum*).

(3) *Limitations.* Administer as single dose by depositing paste on dorsum of the tongue using the dose syringe. Not for use in horses intended for food. It is recommended that severely debilitated animals not be treated with this preparation. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. October 26, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: October 19, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-29338 Filed 10-25-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

Removal of Conditions of Approval of the New Mexico Permanent Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: This document amends 30 CFR Part 931 to remove certain of the conditions of approval of the New Mexico permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act).

New Mexico received approval of its permanent program effective December 31, 1980, subject to the State's satisfaction of 12 conditions of approval. On July 9, 1982, and July 29, 1982, New Mexico submitted to the Department of the Interior provisions to satisfy six conditions of approval. The Secretary is approving certain of the amendments submitted by the State and removing four conditions of approval. With regard to certain other amendments the Secretary has determined the provisions do not fully satisfy the conditions of approval which they are intended to satisfy and, therefore, the Secretary is granting the State additional time to submit further revisions.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-5351.

SUPPLEMENTARY INFORMATION: On February 28, 1980, OSM received a proposed regulatory program from the State of New Mexico. On December 31, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved the proposed program conditioned on the correction of 12 minor deficiencies (45 FR 86459-86490).

In accepting the Secretary's conditional approval, New Mexico agreed to submit provisions to satisfy conditions "a"-"d" and "f"-"l" by July 1, 1981, and a provision to meet condition "e" by January 28, 1982. Subsequently, New Mexico requested that the deadline for the State to meet conditions "a"-"d" and "f"-"l" be extended until February 28, 1982. On October 30, 1981 (46 FR 54070), OSM announced its decision to grant New Mexico's request. In response to a further request by the State in December 1981, the Secretary reexamined conditions "a"-"c" and "e"-"l" in light of proposed and final changes to the Federal permanent program rules. As a result of that reexamination, the Secretary decided to remove conditions "a" and "k", to extend the deadline for the State to meet conditions "b", "c", "f", "g", "i" and "l" to July 31, 1982, and to extend the deadline for the State to meet conditions "e", "h", and "j" to March 15, 1983 (47 FR 23150-23153, May 27, 1982).

On February 28, 1982, New Mexico submitted to OSM a policy statement to satisfy condition "d". Following a review of that material as outlined in 30 CFR 732, the Secretary determined that the amendment submitted by the State satisfied condition "d". Notice of the Secretary's decision to remove that condition was published in the **Federal Register** on May 27, 1982 (47 FR 23153-23155).

On July 9, 1982, New Mexico submitted regulatory revisions adopted by the New Mexico Coal Surface Mining Commission on that date which are intended to satisfy conditions "b", "c", "f", "g", "i" and "l". On July 29, 1982, OSM issued notice in the **Federal Register** of a public hearing and comment period on those amendments (47 FR 32738-32739). Subsequently, OSM announced an extension of the comment period to allow opportunity for commenters to review additional materials submitted to OSM by New Mexico on July 29, 1982, in satisfaction of conditions "b", "c", "f", "g", "i" and "l" (47 FR 36226-36227, August 19, 1982).

Findings

After thoroughly reviewing the amendments submitted to OSM by New Mexico on July 9, 1982, and July 29, 1982, to satisfy the Secretary's conditions of approval as listed at 30 CFR 931.11 (b), (c), (f), (g), (i) and (l), and after reviewing the public comment received on those amendments, the Secretary has made the following determinations:

1. To satisfy condition "b", New Mexico has amended State regulation 4-17(a) by deleting the requirement that a hearing connected with an unsuitability petition be adjudicatory in nature. The Secretary finds this revision partially satisfies condition "b". As discussed in finding 4(k)(ii) in the December 31, 1980 **Federal Register** notice announcing conditional approval of New Mexico's program (45 FR 86474) the Secretary was concerned that the State's requirement that the hearing be adjudicatory conflicted with the provisions of 30 CFR 764.17 that the hearing be legislative and fact-finding in nature, without cross-examination of witnesses. While New Mexico has deleted the requirement at regulation 4-17(a) that a hearing be adjudicatory in nature, the State has not added any language to clarify just how the hearing will proceed.

Condition "b" of the Secretary's approval of New Mexico's program requires that the State provide written procedures and regulations detailing how the hearing will operate. As discussed in the December 31, 1980 notice, the Secretary acknowledged that the type of "adjudicatory" hearing which has a well-developed tradition in New Mexico regulatory agencies may be consistent with Federal requirements since any person can elect that the hearing, as it involves his or her testimony, be strictly legislative in nature and thus the procedure would not have a chilling effect on the designation petition process. New Mexico's hearing process, however, has not been formalized. The Secretary finds that he cannot determine if the State's approach is consistent with Federal requirements because the State has not submitted implementing procedures or regulations.

On July 29, 1982, the State did submit to OSM a copy of procedures used by the Mining and Minerals Division in conducting a recent hearing regarding an unsuitability petition; these were agreed to by the parties involved in that hearing. However, the procedures have not been adopted by the Mining and Minerals Division for use at all unsuitability petition hearings.

Hence, the Secretary has determined that New Mexico has not fully satisfied condition "b". However, because New Mexico submitted material to satisfy this condition which the State, in good faith, believed to be adequate, the Secretary has decided to extend the date for New Mexico to satisfy condition "b" in order to allow the State time to draft further modifications to its program to address the deficiencies noted above. The Secretary hereby extends the date by which New Mexico must satisfy condition "b" to March 15, 1983.

2. State regulation 19–15 has been revised to delete the specific variance for return to approximate original contour on exploration sites. The Secretary has determined the State regulation, as amended July 9, 1982, is consistent with 30 CFR 815.15 and, thus, the Secretary finds the State has satisfied condition "c".

3. State regulation 20–102(a)(2)(iv) has been modified to require that the retained portion of a highwall shall not exceed the pre-existing cliff length. The rule, as amended, further specifies that the Director may require shorter lengths.

The Secretary finds that with this change, New Mexico's alternative to the Federal regulations which allows certain limited stretches of highwall to remain after mining is a fully acceptable means of implementing Sections 515 and 516 of SMCRA and is consistent with the regulations in 30 CFR Chapter VII. Thus, the Secretary finds New Mexico has satisfied condition "f".

4. New Mexico has amended the State regulation to revise the definition of "Unconsolidated Streamlaid Deposits Holding Streams" by inserting the word "other" in place of "intermittent". With this revision, the State's definition now covers "ephemerial streams" and, therefore, is consistent with the definition of that term provided at 30 CFR 701.5. Thus, the Secretary finds that New Mexico has satisfied condition "g".

5. New Mexico regulation 29–12(b) concerning citizen request for inspections, has been amended to eliminate the typographical error that it contained. Thus, the Secretary finds New Mexico has satisfied condition "i'

6. New Mexico regulation 11–19(o) which sets forth one of the "criteria for permit approval or denial" has been amended to include a reference to "the Endangered Species Act of 1973 (16 U.S.C. 153 *et seq.*)".

Regulation 11–19(o) as initially submitted by New Mexico for the Secretary's approval provided that the regulatory authority shall not approve a permit or a revision to a permit unless the Director finds that the activities "would not affect the continued existence of endangered or threatened species, indigenous to the State, or result in the destruction or adverse modification of their critical habitats contrary to State or Federal law." As discussed in finding 4(d)(vi) in the December 31, 1980 **Federal Register** notice, announcing the Secretary's conditional approval of New Mexico's program (45 FR 86468), the Secretary found that the State's use of the phrase "indigenous to the State" in conjunction with "endangered or threatened species" limited the protection to only those species that are native and not introduced. The Secretary found that New Mexico's regulation would not provide adequate protection to migratory species or species that merely pass through the State periodically, but do not necessarily establish any form of permanent resident status.

Consequently, as a condition of approval, the Secretary required that New Mexico amend regulation 11–19(o) to be consistent with the Federal regulation at 30 CFR 786.19(o) which provides for the protection of migratory and other endangered or threatened species as determined under the Endangered Species Act of 1973.

Although New Mexico has amended State regulation 11–19(o) to include a reference to the Endangered Species Act of 1973 (16 U.S.C. 153 *et seq.*), the Secretary finds that the manner in which the new language has been inserted in State regulation 11–19(o) does not broaden the protection to include migratory species.

The State regulation, as amended, reads as follows:

(o) The Director has found that the activities would not affect the continued existence of endangered or threatened species, indigenous to the State, or result in the destruction or adverse modification of their critical habitats contrary to the Endangered Species Act of 1973 (16 U.S.C. 153 *et seq.*) or other State or Federal law.

Because the reference to the Federal Act modifies the phrase "endangered or threatened species, indigenous to the State", the Secretary finds that the State rule still limits protection to species "indigenous" to the State.

The Secretary finds that in order to insure that the State's program provides for the protection of migratory species consistent with 30 CFR 786.19(o), State regulation 11–19(o) should be further amended to provide that permit approval or revision shall not be granted unless the Director has found that the activities would not affect threatened or endangered species that are indigenous to the State *or* any other species covered by the Endangered Species Act of 1973.

Because New Mexico submitted material to satisfy this condition which the State, in good faith, believed to be adequate, the Secretary has decided to extend the date for New Mexico to satisfy condition "1" in order to allow the State time to draft a further revision to its program to address the deficiency noted above. The Secretary hereby extends the date by which New Mexico must satisfy condition "1" to March 15, 1982.

7. In addition to the regulatory amendments intended to address conditions of approval, New Mexico modified State regulation 20–71(i) to eliminate the typographical error contained in that section. The Secretary has determined that this amendment is acceptable under the criteria for approval of State program amendments at 30 CFR 732.15 and 732.17.

Public Comment

Four comments were received by OSM in response to the **Federal Register** notices published July 29, 1982, and August 19, 1982, announcing receipt of the amendments submitted by New Mexico.

The S F Coal Corporation commented that it was opposed to OSM's regulatory requirement that hearings on unsuitability petitions be legislative and fact-finding in nature. On June 10, 1982, OSM proposed modifications to the Federal regulations at 30 CFR 760–769 which govern the procedures for designating lands unsuitable for mining (47 FR 25278–25306). Comment on the proposed rules was invited through September 10, 1982. As the S F coal company's comments pertain to the Federal requirements for hearings on unsuitability petitions, a copy of the company's letter has been entered into the administrative record which is being maintained for OSM's current rulemaking effort on the Federal lands unsuitable regulations. The company's comments will be addressed in the final rule modifying the Federal requirements.

Mr. Paul E. Frye, DNA—People's Legal Service, Inc., submitted several comments pertaining to the Secretary's conditional approval of New Mexico's program and the Secretary's approval of extensions of the deadlines for the State to satisfy conditions of approval. As noted above, this rulemaking addresses the adequacy of the amendments submitted by New Mexico in satisfying the conditions of approval. Because Mr. Frye's comments relative to the conditional approval and extensions are outside the scope of this rulemaking, no response is provided. With respect to the adequacy of the amendments in meeting the conditions, Mr. Frye made the following comments.

With reference to regulation 11–19(o), Mr. Frye asserted that the State has retained the limiting phrase "indigenous to the State" contrary to 30 CFR 786.19. As noted above in Finding 6, the Secretary agrees with the commenter's point that New Mexico regulation 11–19(o), as amended, still limits protection to endangered or threatened species "indigenous" to the State. For this reason, the Secretary has extended the deadline for New Mexico to satisfy condition "1" in order to allow the State time to correct this deficiency.

Concerning regulation 4–17(a), Mr. Frye stated that New Mexico has failed to state, pursuant to 30 CFR 764.17 that the nature of the hearing shall be legislative and fact-finding in nature. As discussed in Finding 1 above, the Secretary has determined that the amendment to New Mexico regulation 4–17(a) does not satisfy condition "b" because the State rule, as amended, does not clarify what the nature of a hearing on an unsuitability petition will be. Therefore, the Secretary has extended the deadline for New Mexico to satisfy condition "b" in order to allow the State time to further amend its program to be consistent with the Federal rule at 30 CFR 765.17.

In addition, Mr. Frye noted that the State has made no substantive change to regulation 20–71(i), and therefore he contended, it is still inadequate. The amendment to regulation 20–71(i) was adopted by New Mexico only for the purpose of correcting the typographical error which that Section contained. The amendment is not intended to address a condition of approval. Condition "a", which called for the State to revise State regulation 20–17(i) to be consistent with 30 CFR 816.71(i), was removed by the Secretary on May 27, 1982 (47 FR 23150–23153). As discussed in the May 27, 1982 notice, the Secretary reexamined each of the conditions of approval of New Mexico's program in light of OSM's revised standards for approval of State programs at 30 CFR Parts 730–732, which allow States to adopt alternatives to the Federal regulations provided they are no less effective than the Federal rules in meeting the purposes of the Act. The Secretary determined that although New Mexico's provision at 20–71(i) is not identical to the Federal rule, it is no less effective than the Federal standard in meeting the purpose of Section 515(b)(22) of the Act. Hence, the Secretary removed condition "a".

He also pointed out that the amendments submitted by the State have not been promulgated pursuant to New Mexico law 6–25A–6, N.M.S.A., inasmuch as no public hearing was held and no submission of arguments or examination of witnesses was allowed before the Commission. The Secretary has determined that the amendments submitted to OSM by New Mexico on July 9, 1982 were, in fact, promulgated in accordance with New Mexico law 69–25A–6, N.M.S.A., "Procedures for Adopting Regulations." A public hearing on the amendments was held by the New Mexico Coal Surface Mining Commission on July 9, 1982. Advertisement of the hearing was provided 30 days prior to the date it was held in two newspapers published in Albuquerque, in one newspaper published in Farmington and in one newspaper published in Gallup. A transcript of the hearing proceedings is available to the public at the New Mexico Energy and Minerals Division, 525 Camino de los Marquez, Sante Fe, New Mexico 87501.

The U.S. Department of Agriculture (USDA) commented, with regard to condition "c", that it could see nothing wrong with allowing the Director discretion to waive requirements for returning disturbed areas to original contour, if in fact doing so would cause excessive environmental degradation. As noted in the Secretary's finding in the December 31, 1980, **Federal Register** notice announcing conditional approval of New Mexico's program (45 FR 86470), the Secretary recognized the potential benefit that might be derived from implementing this provision. However, the Secretary determined the provision, as it stood, was too open-ended, and, therefore, required the State to place some limitations on the discretion allowed the Director. New Mexico chose to delete the provision rather than modify it to limit the discretion. As amended, the State's regulation is consistent with 30 CFR 815.15, and, therefore, the Secretary approves it.

USDA also commented with respect to regulation 29–12(b) that the last sentence does not appear clear. The Secretary finds that regulation 29–12(b) has been amended to eliminate the typographical error previously contained in that rule, thus removing the ambiguity.

The Fish and Wildlife Service (FWS), Albuquerque, New Mexico, noted that New Mexico has revised the language of Section 11–19(o) to insure compliance with the Endangered Species Act of 1973 as required by Condition "1". The Secretary disagrees that New Mexico regulation 11–19(o), as amended, insures the protection of all species in accordance with the Endangered Species Act of 1973. See finding 1 above for further discussion of this issue.

Approval of Amendments To Remove Conditions

Accordingly, conditions "c", "f", "g", and "i" are removed and 30 CFR Part 931 is amended to indicate approval of the New Mexico program amendments submitted to OSM July 9, 1982, which revise State regulations 20–17(i), 19–15(d), 20–102(a), 29–12(b), and the regulatory definition of "Unsolidated Streamlaid Deposits Holding Streams".

Additional Determinations

1. Compliance With the National Environmental Policy Act.

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Compliance With the Regulatory Flexibility Act.

The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. Compliance With Executive Order No. 12291.

On August 28, 1981, the Office of Management and Budget (OMB) granted the Office of Surface Mining exemption from sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve, or conditionally approve, State regulatory programs, actions, or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB are not needed for this program amendment.

4. Concurrence of the Environmental Protection Agency.

On September 30, 1982, the Environmental Protection Agency transmitted its written concurrence on all the amendatory provisions addressed in this notice.

List of Subjects in 30 CFR Part 931

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Accordingly, Part 931 of Title 30 is amended as set forth below.

Date: October 19, 1982.

Wm. P. Pendley,

Acting Assistant Secretary for Energy and Minerals.

PART 931—NEW MEXICO

1. 39 CFR 931.10 is revised to read as follows:

§ 931.10 State Regulatory program approval.

The New Mexico State Program as submitted on February 28, 1980, and amended and clarified on June 11, 1980, August 7, 1980, and September 10, 1980, was conditionally approved, effective December 31, 1980. Copies of the approved program together with copies of the letter of the New Mexico Energy and Minerals Department, Division of Mining and Minerals, agreeing to the conditions in 30 CFR 931.11 are available at:

(a) Energy and Minerals Department, Mining and Minerals Division, 525 Camino de los Marquez, Sante Fe, New Mexico 87501.

(b) Office of Surface Mining Reclamation and Enforcement, 219 Central Avenue, N.W., Albuquerque, New Mexico 87102.

(c) Office of Surface Mining Reclamation and Enforcement, Administrative Record Room, 1100 L Street, N.W., Washington, D.C. 20240.

§ 931.11 [Amended]

2. 30 CFR 931.11 is amended by removing and reserving paragraphs (c), (f), (g) and (i), and by amending paragraphs (b) and (l) by inserting "March 15, 1983," for "July 31, 1982," each time the latter date appears in those paragraphs.

3. 30 CFR 931 is amended by adding a new § 931.15 to read as follows:

§ 931.15 Approval of amendments to State regulatory program.

(a) The following amendment was approved effective May 27, 1982:

Procedures for Posting and Publishing Notices of Show Cause Orders dated February 19, 1982.

(b) The following amendments are approved effective October 26, 1982.

(1) New Mexico revised regulation 20-71(i) adopted July 9, 1982.

(2) New Mexico revised regulation 19-15(d) adopted July 9, 1982.

(3) New Mexico revised regulation 20-102(a) adopted July 9, 1982.

(4) New Mexico revised regulatory definition of "Unconsolidated Streamlaid Deposits Holding Streams" adopted July 9, 1982.

(5) New Mexico revised regulation 29-12(b) adopted July 9, 1982.

[FR Doc. 82-29345 Filed 10-25-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 21001-200]

Court Review of Patent and Trademark Office Decisions

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office is amending its rules of practice relating to court review of its decisions. The Federal Courts Improvement Act of 1982, Pub. L. 97-164, established the United States Court of Appeals for the Federal Circuit (CAFC), effective October 1, 1982, and transferred to this Court the jurisdiction previously vested in the U.S. Court of Customs and Patent Appeals to review Patent and Trademark Office decisions. This rulemaking action substitutes the name of the new Court where the predecessor U.S. Court of Customs and Patent Appeals is referred to in the rules, and changes Office procedures to conform to the requirements of the new Court's rules.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph F. Nakamura by telephone at (703) 557-3525 or by mail marked to his attention and addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION:

The Rule Changes

The Patent and Trademark Office has found that the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay of effective date are not applicable because they are unnecessary. The rule changes can have no substantive impact on the rights and duties of persons subject to the rules. These changes simply conform Office practice to the agency procedures required by the "Rules of the United States Court of Appeals for the Federal Circuit." These rules have already been issued, distributed and scheduled to go into effect on October 1, 1982. They can be changed only by the Court and are binding on the Office. The substitution of the name of the new Court for the prior Court's name is a housekeeping, and not a substantive, change to conform the rules to a change made by Pub. L. 97-164.

The Federal Courts Improvement Act of 1982, Pub. L. 97-164, established the United States Court of Appeals for the Federal Circuit and transferred to this Court the jurisdiction previously vested in the U.S. Court of Customs and Patent Appeals to review Patent and Trademark Office decisions. The rules in Parts 1 and 2 of Title 37, Code of Federal Regulations, in which the U.S. Court of Customs and Patent Appeals is named are accordingly being amended by substituting the name of the new Court. The rules so amended are §§ 1.8, 1.253(e), 1.301, 1.302, 1.303, 1.304 and 2.145.

The "Rules of the United States Court of Appeals for the Federal Circuit" specify that the Commissioner, upon receipt of an appellant's notice of appeal to the Court "shall promptly transmit to the clerk of this court a certified list as described in FRAP 17(b), which shall constitute compliance with the requirement of 35 U.S.C. 143 and 15 U.S.C. 1071(a)(3) for the transmission of a certified record to the Court." Sections 1.301 and 2.145 accordingly are being amended by deleting references to the transmission of a certified transcript of record by the Office to the Court on order of and at the expense of the appellant. Reference is being made instead to the certified list required by the new Court's rules.

The rules of the new Court require all appendices to be 8½ by 11 inches in size with type matter 6½ by 9½ inches. Accordingly, the alternative smaller page size permitted by section 253(e) for copies of testimony is being eliminated. The provision for allowing twenty-five additional copies of the testimony to be filed for use if an appeal is taken is also being eliminated since the transmission of a record to the Court is not required under the new Court's rules.

In addition to the above-noted changes, housekeeping changes are being made as follows.

In § 1.8(a), a reference to §§ 3.55 and 4.23 is being deleted since these sections are being deleted effective October 1, 1982. In §§ 1.302, 1.304 and 2.145, references to the masculine gender are being amended to include the feminine.

Other Considerations

Environmental, energy, and other considerations: The rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

This rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96-354), Executive Order 12291, and the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

The rule change will not have a significant impact on a substantial number of small entities (Regulatory Flexibility Act). If anything, the change will reduce costs for persons, including small businesses, who appeal to the new Court from Patent and Trademark Office decisions. A Regulatory Flexibility Analysis, therefore, will not be prepared.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291 because it does not result in: (a) An effect on the economy of $100 million or more, (b) a major increase in any costs or prices, or (c) adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete domestically or abroad with foreign-based enterprises.

This rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* since no additional recordkeeping or reporting requirements are placed upon the public.

List of Subjects in 37 CFR Parts 1 and 2

Administrative practice and procedure, Courts, Inventions and patents, Trademarks.

Amendment of Regulations

For the reasons given above, and pursuant to the authority of the Commissioner of Patents and Trademarks under 35 U.S.C. 6 and 15 U.S.C. 1123, Parts 1 and 2 of Title 37, Code of Federal Regulations, are amended as set forth below.

PART 1—RULES OF PRACTICE IN PATENT CASES

1. Section 1.8 is amended by revising paragraph (a)(1), (a)(2) and (a)(2)(viii) to read as follows:

§ 1.8 Certificate of mailing.

(a) Except in the cases enumerated below, papers and fees required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if: (1) they are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and deposited with the U.S. Postal Service with sufficient postage as first class mail prior to expiration of the set period, and (2) they are accompanied by a certificate stating the date of deposit. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated, the actual date of receipt of the paper or fee will be used for all other purposes. This procedure does not apply to the following:

* * * * *

(viii) The filing of a notice of election to proceed by civil action in an inter partes proceeding under 35 U.S.C. 141 or section 21(a)(1) of the Trademark Act, 15 U.S.C. 1071(a)(1), in response to another party's appeal to the Court of Appeals for the Federal Circuit.

* * * * *

2. Section 1.253 is amended by revising paragraph (e) to read as follows:

§ 1.253 Copies of the testimony.

* * * * *

(e) When the copies of the testimony are submitted in printed form, they may be produced by standard typographic printing or by any process capable of producing a clear black permanent image. All printed matter except on covers must appear in at least 11 point type on opaque, unglazed paper. Margins must be justified. Footnotes may not be printed in type smaller than 9 point. The page size shall be 8½ by 11 inches (21.8×27.9 cm.) with type matter 6½ by 9½ inches (16.5 by 24.1 cm.). The testimony shall be bound to lie flat when open.

* * * * *

3. Section 1.301 is amended by revising the section and section heading to read as follows:

§ 1.301 Appeal to U.S. Court of Appeals for the Federal Circuit.

Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Appeals, and any party to an interference dissatisfied with the decision of the Board of Patent Interferences, may appeal to the U.S. Court of Appeals for the Federal Circuit. The appellant must take the following steps in such an appeal: (a) In the Patent and Trademark Office give notice to the Commissioner and file the reasons of appeal (see §§ 1.302 and 1.304); (b) in the court, file a copy of the notice and reasons of appeal and pay the fee for appeal, as provided by the rules of the court. The certified list required by the rules of the Court will be transmitted to the Court by the Patent and Trademark Office.

4. Section 1.302 is amended by revising paragraph (a) to read as follows:

§ 1.302 Notice and reasons of appeal.

(a) When an appeal is taken to the U.S. Court of Appeals for the Federal Circuit, the appellant shall give notice thereof to the Commissioner, and file in the Patent and Trademark Office within the time specified in § 1.304, his or her reasons of appeal specifically set forth in writing.

* * * * *

5. Section 1.303 is amended by revising the section to read as follows:

§ 1.303 Civil action under 35 U.S.C. 145, 146, 306.

(a) Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Appeals, and any party dissatisfied with the decision of the Board of Patent Interferences, may, instead of appealing to the U.S. Court of Appeals for the Federal Circuit (§ 1.301), have remedy by civil action under 35 U.S.C. 145 or 146, as appropriate. Such civil action must be commenced within the time specified in § 1.304.

(b) If an applicant in an ex parte case or an owner of a patent involved in a reexamination proceeding has taken an appeal to the U.S. Court of Appeals for the Federal Circuit, he or she thereby waives his or her right to proceed under 35 U.S.C. 145.

(c) If any adverse party to an appeal taken to the U.S. Court of Appeals for the Federal Circuit by a defeated party in an interference proceeding files notice with the Commissioner within twenty days after the filing of the defeated party's notice of appeal to the court (§ 1.302), that he or she elects to have all further proceedings conducted as provided in 35 U.S.C. 146, certified copies of such notices will be transmitted to the U.S. Court of Appeals for the Federal Circuit for such action as may be necessary. The notice of election must be served as provided in § 1.248.

6. Section 1.304 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1.304 Time for appeal or civil action.

(a) The time for filing the notice and reasons of appeal to the U.S. Court of Appeals for the Federal Circuit (§ 1.302) or for commencing a civil action (§ 1.303) is sixty days from the date of the decision of the Board of Appeals or the Board of Patent Interferences. If a

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request for rehearing or reconsideration, or modification of the decision, is filed within the time specified in § 1.197(b) or § 1.256(b), or within any extension of time granted thereunder, the time for filing an appeal or commencing a civil action shall expire at the end of the sixty-day period or thirty days after action on the request, whichever is later. The sixty and thirty day periods may be extended by the Commissioner upon a showing of sufficient cause.

* * * * *

(c) If a defeated party to an interference has taken an appeal to the U.S. Court of Appeals for the Federal Circuit and an adverse party has filed notice under 35 U.S.C. 141 that he or she elects to have all further proceedings conducted under 35 U.S.C. 146 (§ 1.303(c)), the time for filing a civil action thereafter is specified in 35 U.S.C. 141.

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

7. Section 2.145 is amended by revising the section to read as follows:

§ 2.145 Appeal to court and civil action.

(a) *Appeal to U.S. Court of Appeals for the Federal Circuit.* An applicant for registration, or any party to an interference, opposition, or cancellation proceeding or any party to an application to register as a concurrent user, hereinafter referred to as inter partes proceedings, who is dissatisfied with the decision of the Trademark Trial and Appeal Board and any registrant who has filed an affidavit or declaration under section 8 of the Act or who has filed an application for renewal and is dissatisfied with the decision of the Commissioner (§§ 2.165, 2.184), may appeal to the U.S. Court of Appeals for the Federal Circuit. The appellant must take the following steps in such an appeal: (1) In the Patent and Trademark Office give written notice of appeal to the Commissioner (see paragraphs (b) and (d) of this section); (2) In the court, file a copy of the notice of appeal and pay the fee for appeal, as provided by the rules of the Court. The certified list required by the rules of the Court will be transmitted to the Court by the Patent and Trademark Office.

(b) *Notice of appeal.* (1) When an appeal is taken to the U.S. Court of Appeals for the Federal Circuit, the appellant shall give notice thereof in writing to the Commissioner, which notice shall be filed in the Patent and Trademark Office, within the time specified in paragraph (d) of this section. The notice shall specify the party or parties taking the appeal and shall designate the decision or part thereof appealed from.

(2) In inter partes proceedings, the notice must be served as provided in § 2.119.

(c) *Civil action.* (1) Any person who may appeal to the U.S. Court of Appeals for the Federal Circuit (paragraph (a) of this section), may have remedy by civil action under section 21(b) of the Act. Such civil action must be commenced within the time specified in paragraph (d) of this section.

(2) If an applicant or registrant in an ex parte case has taken an appeal to the U.S. Court of Appeals for the Federal Circuit, he thereby waives his right to proceed under section 21(b) of the Act.

(3) If any adverse party to an appeal taken to the U.S. Court of Appeals for the Federal Circuit by a defeated party in an inter partes proceeding files notice with the Commissioner within twenty days after the filing of the defeated party's notice of appeal to the court (paragraph (b) of this section), that he or she elects to have all further proceedings conducted as provided in section 21(b) of the Act, certified copies of such notices will be transmitted to the U.S. Court of Appeals for the Federal Circuit for such action as may be necessary. The notice of election must be served as provided in § 2.119.

(d) *Time for appeal or civil action.* (1) The time for filing the notice of appeal to the U.S. Court of Appeals for the Federal Circuit (paragraph (b) of this section), or for commencing a civil action (paragraph (c) of this section), is sixty days from the date of the decision of the Trademark Trial and Appeal Board or the Commissioner, as the case may be. If a request for rehearing or reconsideration, or modification of the decision, is filed within the time specified in § 2.129(c) or § 2.144, or within any extension of time granted thereunder, the time for filing an appeal or commencing a civil action shall expire at the end of the sixty day period or thirty days after action on the request, whichever is later. The sixty and thirty day periods may be extended by the Commissioner upon a showing of sufficient cause.

(2) The times specified herein are calendar days. If the last day of time specified for an appeal, or commencing a civil action falls on a Saturday, Sunday or legal holiday, the time is extended to the next day which is neither a Saturday, Sunday nor a holiday.

(3) If a party to an inter partes proceeding has taken an appeal to the U.S. Court of Appeals for the Federal Circuit and an adverse party has filed notice under section 21(a)(1) of the Act that he or she elects to have all further proceedings conducted under section 21(b) of the Act, the time for filing a civil action thereafter is specified in section 21(a)(1) of the Act.

Dated: October 1, 1982.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc 82-29287 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-16-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-004; A-4-FRL 2203-6]

Approval and Promulgation of Implementation Plans; Florida: Bubble Action for General Portland Inc. in Tampa, Florida

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is today announcing approval of the State Implementation Plan (SIP) revision submitted by the State of Florida on August 11, 1981, which contains an alternative emission reduction plan (bubble) for the General Portland Inc. facility located in Tampa, Florida. This bubble application is fully approvable under EPA's Emission Trading Policy Statement (47 FR 15077), which allows the use of source shutdowns in bubbles as well as bubbling of sources located in nonattainment areas lacking a demonstration of attainment for secondary standards. General Portland is located in an area of Tampa, Florida which has been designated nonattainment of the secondary total suspended particulates (TSP). EPA proposed to approve a control strategy for this area in the **Federal Register** on September 24, 1982 [47 FR 42124].

Approval of this bubble plan will allow General Portland to increase allowable particulate emission rates at one kiln and at one clinker cooler. The increased particulate emissions will be offset by a complete and permanent shutdown of two kilns and two clinker coolers.

EPA is also announcing approval of the portion of Florida's nonattainment SIP which limits particulate emissions from portland cement plants as reasonably available control technology (RACT) for the General Portland facility.

Approval of these revisions was proposed in the May 21, 1982, **Federal**

Register, (47 FR 22122) and no adverse comments were received.

DATE: These actions are effective November 26, 1982.

ADDRESSES: Copies of the materials submitted by Florida may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460
Air Management Branch, Environmental Protection Agency, Region IV, 345 Courtland Street NE. Atlanta, Georgia 30365
Florida Department of Environmental Regulations, Bureau of Air Quality Management, Twin Towers Office Building, 2600 Blairstone Road, Tallahassee, Florida 32301
Library, Office of the Federal Register, 1100 L Street NW., Room 8401, Washington D.C. 20005

FOR FURTHER INFORMATION CONTACT: Ms. Denise W. Pack, EPA Region IV, at the above listed address, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On April 7, 1981, the Florida Department of Environmental Regulation (DER) adopted the current emission limitations for the General Portland Inc. as part of Florida's revised SIP for nonattainment areas. On August 11, 1981, Florida submitted an alternative emission control plan (bubble) for the General Portland facility. The bubble involves particulate emissions from Kilns Nos. 4, 5, 6, and Clinker Coolers Nos. 4, 5, and 6. Each of these emissions points has been permitted according to the emission limitations contained in the April 7, 1981, SIP. EPA is today approving these emission limitations as Reasonably Available Control Technology (RACT).

The bubble being approved for General Portland allows the No. 6 Kiln and the adjacent Clinker Cooler to operate at an emission limit higher than that permitted under the RACT emission limitations. Operations at the Nos. 4 and 5 Kilns and Clinker Coolers will be permanently discontinued. The rules adopted by Florida specify that General Portland shall notify the Florida DER 14 days prior to the cessation of operations to afford the DER an opportunity to have representatives present to confirm the closure.

The proposal notice stated that the Company will decrease the amount of fugitive emission at the facility by ceasing to operate the supplement storage and transfer systems for Nos. 4 and 5 Kilns and Clinker Cooler. This is not true. Instead the company will decrease the amount of fugitive emissions by ceasing the storage and transfer of clinkers produced from Nos. 4 and 5 Kilns. Since General Portland is not seeking credit and no credit is being given for the elimination of fugitive particulates generated by the storage and transfer of these materials, this error will have no impact of EPA's decision to approve this SIP revision.

The General Portland bubble will increase the allowable particulate emission rate from Kiln No. 6 from the current emission limit (RACT) of 74 pounds per hour to 95 pounds per hour, determined by EPA Reference Method 5. An additional test will also be required using EPA Reference Method 17; the emission limit using this test is 40 pounds per hour. The SIP revision requires EPA Reference Method 5 for both kilns and coolers. The allowable particulate emission rate from Clinker Cooler No. 6 will increase from 20 pounds per hour to 45 pounds per hour. These increases in the allowable emission rates will be offset by discontinuing the use of Kilns Nos. 4 and 5, for which the current emission limit is 50 pounds per hour, and by discontinuing the use of Clinker Cooler Nos. 4 and 5, for which the current emission limit is 7.5 pounds per hour each. The ambient air quality impact of the revised emission limitations was evaluated using the CRSTER model.

In sum, air quality improvements are projected as a result of the changes. The use of this alternative set of emission limitations will result in a net decrease in emissions of particulates as compared to the current limitations. Also, the company will cease the storage and transfer of clinker produced from the Nos. 4 and 5 Kilns. General Portland is not seeking credit for eliminating the fugitive particulates generated by the storage and transfer of this material.

Action

Based on the foregoing, EPA hereby approves (1) the emission limits adopted by Florida's DER on April 7, 1981 as RACT for the General Portland facility, and (2) the General Portland bubble.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [60 days from today]. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Incorporation by reference of the State Implementation Plan for the State of Florida was approved by the Director of the Federal Register on July 1, 1982.

List of Subjects in 40 CFR Part 52

Air pollution control, Intergovernmental relations, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110 and 172, Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: October 18, 1982.

Anne M. Gorsuch,
Administrator.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart K—Florida

In § 52.520 paragraph (c) is amended by adding subparagraph (37) as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(37) RACT emission limits and bubble provision for General Portland Inc., Tampa (FAC 17-2.650(2)(c)1.c.), submitted by the Florida Department of Environmental Regulation on August 11, 1981.

[FR Doc. 82-29351 Filed 10-25-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 62

[A-9-FRL 2216-7]

Plans for the Control of Designated Pollutants From Existing Facilities; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On September 25, 1979 and November 4, 1981, rules for the control of total reduced sulfur emissions from existing kraft pulp mills were forwarded to EPA by the California Air Resources Board. EPA reviewed the submitted rules with respect to Section 11(d) of the Clean Air Act and determined that they should be approved.

EFFECTIVE DATE: This action is effective December 27, 1982.

ADDRESS: A copy of the California State Plan is located at the Region 9 Office and the following locations: Public Information Reference Unit, Environmental Protection Agency, Library, 401 "M" Street, SW. Room 2404, Washington, D.C. 20460; and California

Air Resources Board, 1102 "Q" Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Acting Director, Air Management Division, Region 9, Environmental Protection Agency, 215 Fremont Street San Francisco, CA 94105, Attn: Douglas Grano (415) 974-7641

SUPPLEMENTARY INFORMATION:

Background

In accordance with Section 111 of the Clean Air Act, "Standards of Performance for New Stationary Sources," EPA has promulgated standards of performance for criteria (pollutants for which National Ambient Air Quality Standards have been published) and non-criteria (or designated) pollutants. These standards apply to both existing and new sources.

Paragraph (d) of Section 111 requires states to develop plans for the control of emissions of designated pollutants from existing sources. The requirements for such plans are set forth in Subpart B of 40 CFR Part 60.

Designated pollutants which may contribute to the endangerment of public health are called "health related pollutants" while those that do not are called "welfare related pollutants." This distinction determines the closeness with which the states must follow the Federal guidelines in developing their plans. While states have limited flexibility in developing plans for the control of health related pollutants, greater flexibility is allowed in the control of welfare related pollutants. EPA has classified total reduced sulfur as a welfare related pollutant.

Subpart B states that EPA will publish a guidelines document for each source category for which a state plan is required. Once a guideline document is published, and a notice of its availability published in the **Federal Register**, states have nine months to adopt and submit a plan for the control of emissions of the designated pollutant from existing sources. The guideline document for the control of total reduced sulfur (TRS) from existing kraft pulp mills was published in March 1979.

On May 22, 1979 (44 FR 29828), EPA announced the availability of a final guideline document for the control of TRS from existing kraft pulp mills. The notice initiated the requirement that states submit plans on or before February 22, 1980.

Discussion

The California Air Resources Board submitted the following rules on the indicated dates to meet certain requirements of Section 111(d) of the Clean Air Act:

- Bay Area Air Quality Management District Rule 1, Regulation 12—Kraft Pulp Mills, submitted 9-25-79 and amended 9-5-80.
- Humboldt County Air Pollution Control District Regulation 1, Rule 130—Definitions; Rule 240—Permit to operate; and Rule 450—Sulfide Emissions Standard for Kraft Pulp Mills; submitted 9-25-79 and amended 11-4-81.
- Shasta County Air Pollution Control District Rule 3:2—Specific Air Contaminants, submitted 9-25-79 and amended 11-4-81.

The plan also consists of several state certified letters including emission inventories, and summary compliance schedules for the requirements set forth in 40 CFR 60.23 through 60.26.

Under Section 111(d) of the Clean Air Act, and 40 CFR Part 60, the Administrator is required to approve or disapprove this Plan. The Plan submittal has been evaluated and found to be in accordance with EPA policy and 40 CFR Part 60. EPA's detailed evaluation of the submitted plan is available at the EPA Library in Washington, D.C. and the Region 9 Office.

EPA Actions

It is the purpose of this notice to approve the California Plan. EPA's approval is being done without prior proposal because the Plan is not controversial. The public should be advised that this approval action will be effective 60 days from the date of this notice. However, if notice is received by EPA within 30 days that someone wishes to submit adverse or critical comments, the approval action will be withdrawn and a subsequent notice will indefinitely postpone the effective date, modify the final action to a proposal action, and establish a comment period.

Regulatory Process

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under the Clean Air Act any petitions for judicial review of this notice must be filed in the United States Court of Appeals for the appropriate circuit by December 27, 1982. This action may not be challenged later in proceedings to enforce its requirements.

(Sec. 111 of the Clean Air Act, as amended (42 U.S.C. 7411))

List of Subjects in 40 CFR Part 62

Air pollution control, Fluoride, Sulfur, Administrative practice and procedure, Intergovernmental relations, Reporting requirements.

Dated: October 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 62—[AMENDED]

Subpart F of Part 62 of Title 40 is amended as follows:

Subpart F—Plan for the Control of Designated Pollutants From Existing Facilities [§ 111(d) Plan]

1. In § 62.1100, paragraphs (b)(3) and (c)(3) are added to read as follows:

§ 62.1100 Identification of plan.

* * * * *

(b) * * *

(3) Control of total reduced sulfur (TRS) emissions from existing kraft pulping mills submitted as follows:

(i) 9-25-79; submittal of existing rules;
  (*a*) Bay Area Air Quality Management District (AQMD) Rule 1, Regulation 12—Kraft Pulp Mills
  (*b*) Humboldt County Air Pollution Control District Regulation 1; Rule 130—Definitions, Rule 240—Permit to Operate, Rule 450—Sulfide Emissions from Kraft Pulp Mills
  (*c*) Shasta County Air Pollution Control District Rule 3:2—Specific Air Contaminants
(ii) 3-21-80; Clarification of Bay Area Rule 1, Regulation 12—Kraft Pulp Mills
(iii) 4-7-80; Summary of district rules and State laws that meet the requirements of 40 CFR, Parts 60.23-60.26 for Designated Facilities in general
(iv) 5-29-80; revision of Bay Area AQMD Rule 1, Regulation 12—Kraft Pulp Mills
(v) 9-5-80; Evidence of public hearing and annual report schedule defined for Bay Area Rule 1, Regulation 12—Kraft Pulp Mills
(vi) 11-4-81; (*a*) Humboldt County APCD Rules 130—Definitions; 240—Permit to Operate; and 450—Kraft Pulp Mills amended (7-28-81)
  (*b*) Shasta County APCD Rule 3:2—Specific Contaminants amended (8-4-81)
  (*c*) A summary of compliance of all districts with the requirements set forth in 40 CFR 60.23 through 60.26
  (*d*) A list of witnesses appearing at Humboldt and Shasta Counties public hearings and a summary of testimonies Statewide emissions

inventory of all TRS sources in the State

(c) * * *

(3) Existing Kraft pulp mills

2. A new center heading and § 62.1104 are added and §§ 62.1105 through 62.1123 are reserved to read as follows:

Total Reduced Sulphur Emissions From Existing Kraft Pulp Mills

§ 62.1104 Identification of sources.

The plan applies to existing facilities at the following Kraft pulp mills:

(a) Louisiana Pacific, Antioch, Contra Costa County Pulp Mill
(b) Louisiana Pacific Corp., Samoa Complex
(c) Crown Simpson Pulp Company, Fairhaven
(d) Simpson Paper Company, Shasta County Pulp Mill

§ 62.1105–62.1123 [Reserved]

[FR Doc. 82-29256 Filed 10-25-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF ENERGY

Office of the Secretary

41 CFR Part 9-23

Amendments to the DOE Procurement Regulations; Correction

AGENCY: Energy Department.

ACTION: Final rule; Correction.

SUMMARY: This document corrects a final rule amending the DOE Procurement Regulations published at 47 FR 28924 on July 2, 1982.

ADDRESS: Comments, if any, should be addressed to the Department of Energy, Procurement Policy Branch, MA931.1, Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Richard B. Langston, Procurement Policy Branch, Procurement and Assistance Management Directorate, Department of Energy, (202) 252-8188.

Issued in Washington, D.C. October 19, 1982.

Hilary J. Rauch,

Director, Procurement and Assistance Management Directorate.

The following corrections are made.

§ 9-23.108 [Corrected]

1. On page 28929, at § 9-23.108, place an "a" before the paragraph which begins "When approval of the contractor's procurement system * * *."

2. On page 28929, at § 9-23.108, remove "(d) and" from the eleventh line of paragraph (g). As corrected, the eleventh line will read: "pursuant to paragraph (e) of"

[FR Doc. 82-29201 Filed 10-25-82; 8:45 am]

BILLING CODE 6450-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

[FPMR Amendment G-58]

Transportation Documentation and Audit; Passenger Transportation Services Furnished for the Account of the United States; Unused Ticket Refund Procedures

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends the policy and procedures regarding refunds from carriers for exchanged tickets (traveler exchange of an original ticket for one of lesser value) and the redemption of unused tickets (tickets that have not been exchanged and on which no portion of travel has been performed). Compliance with these revised procedures by Government agencies and the carrier industry will expedite the recovery of outstanding refunds due the U.S. Government.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures and Claims Branch, Office of Transportation Audits (202-275-0664).

SUPPLEMENTARY INFORMATION: A proposed rulemaking was published in the **Federal Register** of February 2, 1982 (47 FR 4707), inviting comments for 30 days ending March 4, 1982. The period for commenting on the proposed rule was extended until April 2, 1982, in the **Federal Register** (47 FR 11296), March 16, 1982. Section 101-41.210-5a of the proposed rulemaking required carriers to refund the value of unused tickets that have expired if an SF 1170 has not previously been issued. Section 101-41.210-5b provided for payment to the carrier if the expired ticket was subsequently used or a second refund made after issuance of an SF 1170. Since the effectiveness of these two program changes would rely largely upon the revenue accounting systems of the carrier industry, the General Services Administration has elected to withdraw § 101-41.210-5a and § 101-41.210-5b of the proposed rule for further study.

The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society. In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this final rule have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained

List of Subjects in 41 CFR Part 101-41

Air carriers, Accounting, Claims, Freight, Freight forwarders, Government property management, Maritime carriers, Moving of household goods, Passenger services, Railroads, Transportation.

Discussion of Major Comments

All comments received through the deadline date were considered in the final determination. There were 14 responses—7 from airlines, 5 from Government agencies and 2 from carrier associations. Five categories of relevant comments were received: (a) those supporting major portions of the proposed rule, (b) those opposing major portions of the proposed rule, (c) administrative comments, (d) comments regarding agency recovery of carrier refunds sent directly to the General Services Administration (GSA), and (e) comments opposing that portion of the proposed rule requiring carriers to refund unused tickets without first receiving an SF 1170.

Inasmuch as § 101-41.210-5a and § 101-41.210-5b have been withdrawn pending further review and investigation, we have determined that comments in category (e) are beyond the scope of this current proposal. The following summarizes the remaining relevant comments and recommendations plus our determinations and actions taken.

a. *Supporting comments.* Two carriers and one carrier association expressed a willingness to comply with our proposal for fare adjustment refunds within 90 days with no SF 1170 required and totally unused ticket refunds within 120 days from date of SF 1170. The carrier association also proposed that SF 1170's be eliminated when carriers have issued refund receipts for unused tickets and that refunds be sent directly to GSA unless the carrier could identify a proper agency mailing address. Two airlines suggested that agency submission of SF 1170's be eliminated altogether and all carrier refunds be sent directly to GSA. One carrier remarked that Federal agencies have been lax in submitting SF 1170 refund requests.

Determinations

Our proposed rule responds to assertions made by air carriers that they hold bonafide exchanged ticket refunds which cannot be promptly returned to Government agencies because the airlines have not received a Government refund request form, the SF 1170. The extent to which this contributes to uncollected refunds due the Government is unclear since instances of unused Government tickets may occur more frequently than do Government ticket exchanges. Consequently, the proposed regulation changes are intended to expedite the collection of exchanged ticket refunds without disrupting the Government refund program. Under current payment and accounting procedures, discontinuance of the SF 1170 would increase the possibility of refunds being issued to Government travelers instead of their agencies; make it more difficult for agencies to monitor carrier refunds; and would divert a large portion of carrier refunds away from the agencies and to GSA for necessary accounting and disposition. For these reasons, we are not, at this time, prepared to reduce the use of SF 1170's beyond that of our original proposal.

b. Opposing comments. Two Federal agencies argued that the proposed changes were not needed because the present system works well. One of them also indicated that current refund procedures are necessary because carriers will not make refunds without an SF 1170, and that carriers sometimes do not provide refund application forms—an essential document if use of SF 1170's is to be curtailed. The agency believed a dual system (use of SF 1170's for some types of refunds and elimination of the form for others) would only confuse and frustrate agency collection efforts, and that the proposed rule would not reduce paperwork for agencies since they would still be required to prepare SF 1170's to report refunds to GSA. One office was concerned that our proposal weakens the agencies' ability to control the refund process since without the SF 1170 there would be no way to systematically track agency ticket exchange claims against the carriers. This respondent suggested that we leave refund procedures unchanged until a more comprehensive solution can be developed, perhaps a system of ticket exchange refunds at the airline counter.

Determinations

GSA has determined that a substantial problem does exist in recovering refunds from carriers for unused transportation. For example, from April 1, 1982, through May 7, 1982, 4 airlines forwarded 46 individual refunds representing $4,000 to GSA because one of the above agencies which expressed satisfaction with the status quo apparently failed to file SF 1170 claims. This appears to be typical of problems at many Government offices. During the last 18 months, carriers have sent a large number of refunds to GSA allegedly because agencies have not presented SF 1170's and the carriers could not identify which agencies to refund. We have subsequently traced a portion of these unclaimed refunds to 17 Government agencies including every cabinet department. Timely refund of monies due the Government is a shared responsibility and we have found instances where carriers have failed to make refunds when agencies do present SF 1170's. We are also aware that carriers, from time to time, fail to issue refund applications or lose them. This underscores the need for the agency monitoring provisions of proposed § 101–41.210–1a. To help minimize the administrative burden this entails, our final rule requires only that a copy of the carrier refund application and any other pertinent information be sent to GSA rather than a specially prepared SF 1170. This rule change is not a final solution to the refund problem and a more comprehensive solution would be preferable. It is hoped, however, that these changes will expedite the Government's recovery of one type of carrier refund until such time as a more permanent solution can be developed.

c. Administrative comments. Several respondents noted that "bill charges to" information does not appear on the carrier's ticket as purported in proposed § 101–41.210–1 making it difficult for carriers to refund to agencies. An agency and a carrier association noted that GSA has several times altered the deadline for delivery of carrier refunds to agencies and that 180 days would be more practical than the 120 day deadline contained in the current proposal. One respondent also noted that the proposed rule specifies different office address codes and different deadlines for reporting to GSA carrier failure to refund monies for exchanged and unused tickets. It was suggested that these be standardized.

Determinations

Section 101–41.210–1 has been corrected by substituting the term "GTR" for the word "ticket" which appears after "bill charges to." For the purpose of helping to ensure that exchanged and downgraded ticket refunds are returned directly to the GTR issuing agencies, § 101–41.210–1 has been further revised to require that agencies provide "bill charges to" information to travelers. Each traveler, in turn, will be expected to make this information available to the carrier in the event of a ticket exchange or downgrade. The recommendation that refund deadlines be standardized at 180 days has not been adopted. On May 21, 1982, the President signed into law the Prompt Payment Act (Pub. L. 97–177) which requires Federal agencies to pay for services within 30 days. Since the Prompt Payment Act will expedite payment to carriers, the deadline for refunding the value of exchanged and downgraded tickets has been reduced to 60 days (§ 101–41.210–1). Consequently, the 120 day deadline for reporting carrier failure to refund the value of exchanged tickets (§ 101–41.210–1) and unused tickets (§ 101–41.210–5) has been reduced to 90 days. The requirement to report refunded monies to GSA (§ 101–41.210–1a(c)) has been deleted. GSA office codes have been standardized.

d. Agency recovery of carrier refunds sent directly to GSA. The four responses from Government agencies expressed concern with § 101–41.210–5c. Most indicated they did not have access to carrier check number, date, and amount of the check, making it difficult to recover carrier refunds sent directly to GSA. One agency suggested that GSA should require carriers to make this information available.

Determinations

In keeping with our intention of allowing Federal agencies a full year to recover refunds sent to GSA, we have increased the time allowed for agency action from 180 to 300 days.

No proposal has been made to change existing recovery procedures. The present § 101–41.210–5a(b) and its contents has simply been redesignated as § 101–41.210–5c. Furthermore, airlines do provide check number, date, and dollar amount of refund checks upon request. In the event this information is not readily available from the carrier, agencies may review GSA's accounting records to identify refunds due. Several agencies are now doing this. Contact Mr. Manus Gallagher (BWCA) at FTS 8-275-5061, commercial 202-275-5061 to make arrangements. The large number of transportation accounts within the Federal Government and GSA's limited resources make it impracticable for GSA to research and redistribute refunds to individual Government activities.

Title 41, Part 101-41 of the Code of Federal Regulations is amended as follows:

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The table of contents for Part 101-41 is amended by revising or adding the following 11 entries:

Sec.
101-41.210 Unused ticket refund procedures.
101-41.210-1 Ticket exchanges.
101-41.210-1a Agency monitoring and processing of exchanged ticket refunds.
101-41.210-2 SF 1170, Redemption of unused tickets (tickets that have not been exchanged and on which all or some portion of travel remains unperformed).
101-41.210-3 Agency processing of SF 1170.
101-41.210-3a Carrier processing of SF 1170.
101-41.210-4 Agency processing of SF 1170 refunds.
101-41.210-5 Report of carrier failure to make refund on SF 1170 demands.
101-41.210-5a [Reserved]
101-41.210-5b [Reserved]
101-41.210-5c Agency recovery of carrier refunds sent directly to GSA.

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

2. Subpart 101-41.2 is amended as follows:

Sections 101-41.210, 101-41.210-1, 101-41.210-2, 101-41.210-3, 101-41.210-4, and 101-41.210-5 are revised; §§ 101-41.210-1a, 101-41.210-3a, 101-41.210-5c are added; and §§ 101-41.210-5a and 101-41.210-5b are added and reserved. The text of the revised and added sections is set forth below.

§ 101-41.210 Unused ticket refund procedures.

Agencies shall not revise carrier bills or require carriers to rebill items except as provided in § 101-41.210-6, to recover from carriers the value of unused or unfurnished transportation.

§ 101-41.210-1 Ticket exchanges.

Agencies shall not submit an SF 1170 to the carrier to receive a refund for the unused value of an exchanged ticket (traveler exchange of an original ticket for one of lesser value) or returned ticket when the carrier has issued a receipt or a ticket refund application. Carriers are required to make refunds to the "bill charges to" office indicated on the GTR within 60 days from date of ticket exchange. All agencies shall provide travelers with a "bill charges to" address by attaching a copy of the GTR or some other document containing this information to either the ticket or travel authorization. If carriers cannot identify the issuing agency, refunds will be sent directly to GSA (BWCA), Washington, D.C. 20405. Any refunds sent directly to GSA will be subject to the following procedures:

(a) Carriers must include the GTR number, the ticket number, the amount being refunded, and any other information pertinent to the refund.

(b) Agencies shall make written inquiry directly to the carrier to obtain the above information for the purpose of recovering the refund from GSA.

§ 101-41.210-1a Agency monitoring and processing of exhanged ticket refunds.

Agencies awaiting exchanged or returned ticket carrier refunds shall:

(a) Obtain carrier refund applications from travelers for accounting purposes.

(b) Record and deposit refunds in conformity with agency fiscal procedures.

(c) Forward carrier refund applications and any other pertinent information to GSA (BWAB), Washington, D.C. 20405, if refund has not been received within 90 days of date of ticket exchange or return.

§ 101-41.210-2 SF 1170, Redemption of unused tickets (tickets that have not been exchanged and on which all or some portion of travel remains unperformed).

Agencies shall make demand for unused tickets on the carriers through the use of SF 1170. A separate SF 1170 must be used for each GTR, though more than one ticket or adjustment transaction may be related to that GTR. Each ticket must be listed on the redemption form.

§ 101-41.210-3 Agency processing of SF 1170.

Timely processing of SF 1170 is essential to facilitate prompt refunds from carriers. Agencies processing SF 1170 shall ensure that:

(a) All copies clearly show the required details;

(b) The orginal and the duplicate copy, together with pertinent unused tickets, are promptly forwarded to the carrier; and

(c) All other copies are retained by the agency for accounting control.

§ 101-41.210-3a Carrier processing of SF 1170.

Each carrier shall promptly refund monies to adjust items listed on an SF 1170, whether or not the related GTR has been submitted or paid. The carrier shall indicate on the original SF 1170 the amount credited to each ticket and the total amount being refunded, and shall return the original with its refund to the agency. A refund that is inconsistent with the information on the SF 1170 shall be explained or computed on the SF 1170 or in an attached letter. A carrier declining to refund shall furnish an explanation on the original SF 1170. If a carrier is unable to determine which agency submitted the SF 1170, the payment and refund information shall be sent directly to the General Services Administration (BWCA). Any refunds sent directly to GSA will be subject to the following procedures:

(a) Carriers must include the GTR number, the ticket number, the amount being refunded, and any other information pertinent to the refund.

(b) Agencies shall make written inquiry directly to the carrier to obtain the above information for the purpose of recovering the refund from GSA.

§ 101-41.210-4 Agency processing of SF 1170 refunds.

Upon return of the original SF 1170 with the refund, the agency shall record and deposit the refund in conformity with its fiscal procedures and within 30 days of receipt thereof forward the original SF 1170, together with any advice from the carrier regarding the basis of the refund, to the General Services Administration (BWAB).

§ 101-41.210-5 Report of carrier failure to make refund on SF 1170 demands.

If, within 90 days from the date of issuance of SF 1170, the carrier has failed to make refund for unused transportation or to furnish satisfactory explanation as to why no refund is due, the agency shall transmit the triplicate copy of the SF 1170 and all related correspondence to the General Services Administration (BWAB), for appropriate action.

§ 101-41.210-5a [Reserved]

§ 101-41.201-5b [Reserved]

§ 101-41.210-5c Agency recovery of carrier refunds sent directly to GSA.

To recover carrier refunds sent directly to GSA (BWCA), agencies must forward either an SF 1080, Voucher for Transfer Between Appropriations and/or Funds, or SF 1081, Voucher and Schedule of Withdrawals and Credits, to the General Services Administration (BWCA). Included on these forms must be the name of the carrier, carrier check number, date, and amount of check (obtained from carrier), as well as the GTR number and the appropriation number to be credited. Agency refund requests should be sent promptly to GSA (BWCA). Refunds from carriers which are not identified and claimed by agencies within 300 days after receipt by GSA (BWCA) will be returned to the U.S. Treasury as miscellaneous receipts.

(31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: September 27, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82–28354 Filed 10–25–82; 8:45 am]

BILLING CODE [illegible]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 405 and 442

Medicare and Medicaid; Miscellaneous Amendments

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Interim final rules with comment period.

SUMMARY: These regulations modify the rules pertaining to compliance with a Life Safety Code, participation of home health agencies (HHA's) in Medicare, and establishment and review of plans of treatment for home health services and outpatient speech pathology services.

The changes are necessary to implement several provisions of the Omnibus Reconciliation Act of 1980.

The intent of the statutory amendments is (1) to eliminate outdated Life Safety Code requirements imposed on skilled nursing facilities (SNFs); (2) to make it easier for providers of outpatient speech patholoy (OSP) services to meet the plan of treatment requirement; (3) to expand the sources of home health services and foster competition; (4) to make it easier for HHAs to meet certification and plan of treatment requirements, while guarding against conflict of interest in the performance of those functions.

The amended regulations extend the fire safety code provisions to all hospitals and SNFs under Medicaid as well as Medicare, and to intermediate care facilities (ICFs) under Medicaid. Our purpose is to keep Medicaid rules consistent with the Medicare rules in this area.

DATES: Effective Dates:

A. With one exception (see B. below), these rules are made effective on the statutory effective dates, as follows—

1. The revisions to fire safety (§§ 405.1022, 405.1134, 442.321, 442.322, 442.323, 442.507, 442.508, and 442.509) are effective as of December 5, 1980.

2. The changes that permit a speech pathologist to establish a plan of treatment for OSP services (§ 405.1717(b)), and permit a doctor of podiatric medicine to certify need for home health services and to establish and review a plan of treatment for those services (§ 405.1633(c)) are effective as of January 1, 1981.

3. The regulations that (1) remove the requirement that home health services be needed for a condition for which inpatient care was received (§ 405.1633(a)(2)); and (2) make it possible for proprietary HHAs to participate in Medicare (§§405.1220 and 405.1221) are effective as of July 1, 1981.

B. For reasons expalined under "**SUPPLEMENTARY INFORMATION**", the rules that prohibit certification of need for home health services and establishment and review of plans of treatment by physicians who have significant interest in, or relationship with, an HHA (§ 405.1633(d)) are effective November 26, 1982. The changes to §§ 405.170, 405.250, 405.1633 (a)(1) and (b), and 405.1634 are effective on December 27, 1982, because they are required by the changes to § 405.1633(d).

Comment Date: Although these are final rules we will consider any comments mailed by December 27, 1982.

ADDRESSES: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, Maryland 21235.

In commenting, please refer to BPP–197–FC.

If you prefer you may deliver your comments to Room 309–G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 132, East High Rise, 6325 Security Boulevard, Baltimore, Md. 21207.

Comments will be available for public inspection as they are received, beginning approximately three weeks after publication in Room 309–G of the Department's office at 200 Independence Ave., SW., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202–245–7890).

FOR FURTHER INFORMATION CONTACT:

For home health regulations (participation of proprietary HHAs and use of podiatrists), and outpatient speech pathology regulations: Stefan Miller, (301) 594–9741.

For limitations on functions that may be performed by a physician who has a significant interest in a home health agency: Raymond T. Johnson, (301) 594–9370.

For fire safety regulations: Mayer D. Zimmerman, (301) 594–1814.

SUPPLEMENTARY INFORMATION: These regulations are based on provisions of the Omnibus Reconciliation Act of 1980 (Pub. L. 96–499), enacted December 5, 1980, as discussed below:

Fire Safety

Section 915 of Pub. L. 96–499 amended section 1861(j)(13) of the Act to—

- Authorize the Secretary to specify in regulations which edition of the Life Safety Code (the Code) of the National Fire Protection Association (NFPA) must be met by skilled nursing facilities (SNFs); and
- To provide that any SNF which met the requirements of the 1967 or 1973 edition (or a State fire safety code approved by the Secretary) on the day before enactment of Pub. L. 96–499 be considered in compliance with the amended requirement for as long as it maintains the compliance it had on that date (December 4, 1980).

Fire safety requirements apply to all the institutions that participate in Medicare (hospitals and SNFs) and Medicaid (hospitals, SNFs, and ICFs). For Medicare, those requirements are set forth in the conditions of participation for hospitals and SNFs (Subparts J and K of 42 CFR Part 405). For Medicaid, hospitals and SNFs are required to meet the Medicare conditions of participation, and requirements for ICFs are contained in standards for payments to SNFs and ICFs (42 CFR Part 442).

Although the statutory amendment directly affects only the Medicare definition of a SNF, we are extending the provision to all institutions that participate in both programs. This will ensure greater consistency and multiply the benefits to be derived from the greater flexibility that the 1981 edition of the Code provides.

These revised regulations provide flexibility for all three types of institutions under both programs and minimize costs. They specify the 1981 edition of the Code, which offers more options for compliance with specific requirements and includes the Fire Safety Evaluation System (FSES), which is considered a less costly method of meeting requirements with no reduction in safety. They also provide that an institution may elect to continue to comply on the basis of a previous edition and thus not incur any expenses that might be required to shift to compliance with the 1981 edition.

Specifically—

- As required by the statutory amendment, as SNF will be condidered to be in compliance with the new fire safety requirement if it was in compliance with the 1967 or 1973 edition of the Code on the day before the law was enacted (December 4, 1980).
- In addition, a SNF, a hospital, an ICF, or an ICF/MR will be considered to be in compliance with the new fire safety requirements if it is in compliance with the 1967 or 1973 edition of the Code (as appropriate) 30 days after publication of these regulations.

The extension to other facilities is consistent with Congressional intent that a facility in compliance with an earlier edition of the Code not be required to incur additional expenditures to comply with a later edition.

The inclusion of a later date is necessary because of the time elapsed since the statutory amendment was enacted. Facilities built since December, 1980 will thus receive the protection intended by Congress when it enacted section 915 of Pub. L. 96–499. It should be noted that the earlier editions of the Code provide the same degree of safety as the 1981 edition. The provisions for accepting continued compliance with an earlier edition thus relieve facilities of the need for additional expenditures without any adverse effect on patient safety. We have made the following changes in the indicated sections of the regulations:

1. To specify the 1981 edition of the Code and to provide that a facility will be considered as meeting the fire safety requirements if the facility—

- Is a SNF that complied with an earlier edition of the Code on December 4, 1980; or
- Is a SNF, hospital, ICF, or ICF/MR that so complies on the 30th day after publication of these regulations: § 405.1022 (hospitals), § 405.1134 (SNFs) § 405.321(ICFs), § 442.322 (ICFs), § 442.507 (ICFs/MR), § 442.508 (ICFs/MR)

2. To delete references to specific standards for medical gasses and inhalation anesthesia or treatment in hospitals because those standards are specified in, and different for, each edition of the Code: § 405.1022(b).

3. To update the list of the types of construction in which blind or nonambulatory individuals may be housed above the street level floor, since the 1981 Code permits this in noncombustible construction or, under FSES, in sprinklered combustible construction: § 405.1134(a) (SNFs), § 442.323(b) (ICFs), § 442.509(b) (ICFs/MR).

Outpatient Speech Pathology (OSP)

Section 944(a) of Pub. L. 96–499 amended section 1835(a)(2)(D)(ii) of the Act to provide that a plan of treatment for OSP services may be established either by the physician or by the speech pathologist who furnishes those services. Certification of need for OSP services and periodic review of the plan must still be performed by the physician. The change in the law reflects the fact that, in actual practice physicians generally do not specify in detail the services needed, because speech pathology involves highly specialized knowledge and training.

In the conditions of participation for outpatient physical therapy and speech pathology, we have amended § 405.1717(b)—Plan of Care, to specify that a speech pathologist may establish the plan of treatment for speech pathology services, but that plan, like all others, must be reviewed by the physician.

Home Health Agency (HHA) Amendments

Section 930(n)(2) of Pub. L. 96–499 amended section 1861(o) of the Act by deleting the language that excluded, from the HHA definition, any proprietary (i.e., for profit) organization that was not licensed under State law.

Section 951 of Pub. L. 96–499 amended section 1861(r)(3) of the Act to provide that a doctor of podiatric medicine may certify need for home health services and establish and review a plan of treatment for those services if the performance of those functions is consistent with the policies of the HHA and the functions he or she is legally authorized to perform.

Section 930(e) of Pub. L. 96–499 amended sections 1814(a) and 1835(a) of the Act to require the Secretary to issue regulations (applicable to services to be furnished by HHAs that are not governmental agencies) that prohibit certification of need for home health services, or establishment and review of a plan of treatment for those services, by a physician who has a significant ownership interest in, or a significant financial or contractual relationship with, the HHA.

Under previous law and regulations a proprietary HHA was eligible to participate in Medicare only if it was located in a State that licensed HHAs; and was required to furnish all services directly, rather than through arrangements with other entities. In addition, only a doctor of medicine or osteopathy could certify need for home health services and establish and review a plan of treatment for those services; and doctors of medicine or osteopathy could certify need for service and establish and review plan of treatment even if they had a significant interest in, or relationship with, the HHA.

As a result of the statutory amendments, it will be easier for Medicare beneficiaries to obtain home health services in the 24 States that do not license HHAs, and HHAs will be allowed to provide part of their services through arrangements with other entities. HHAs will also have the option, where permitted by State law, of using a podiatrist to certify and recertify need for home health services and to establish and review a plan of treatment for those services. However, HHAs will no longer be able to use physicians who have a significant interest in the entity to certify need for home health services or establish and review plans of treatment for those services.

In the conditions of participation for HHAs, we have amended §§ 405.1220 and 405.1221 to delete the language that excluded proprietary HHA not licensed as such under State law and that required proprietary HHAs to furnish all services directly, through their own employees.

We have amended § 405.1633 to specify that certification of need for home health services *may* be performed by a doctor of podiatric medicine and may *not* be performed by any physician who has a significant ownership interest in, or a significant financial or contractual relationship with, the HHA. (We have also made conforming technical changes in § 405.170, which specifies conditions for payment for home health services.)

A physician would be considered to have a significant ownership interest if he or she owned 5% or more of the HHA's assets or was an officer, director, or partner in the HHA. Significant contractual relationship is defined as a relationship involving business transactions that amount to $25,000 or 5% of the HHA's operating expenses for the year, whichever is less. These definitions are based on the definitions that establish criteria for requiring disclosure of ownership and control information under the program integrity regulations (§ 420.201).

These rules are made effective 30 days after publication (rather than on the statutory effective date) because home health agencies and intermediaries and carriers could not apply the prohibitions until we established the criteria and defined the terms.

Waiver of Proposed Rule Making

The changes made by these regulations are based on statutory amendments that spell out the requirements or clearly reflect what Congress intended the content of the regulations to be. The changes eliminate outdated fire safety requirements, permit speech pathologists to establish a plan of treatment for OSP services, increase the potential sources of home health services (and thus foster competition among them), and make it possible for podiatrists to certify need for home health services and to establish and review treatment plans for those services, while guarding against possible conflict of interest in the performance of those functions by any physician.

We find that there is good cause to waive notice of proposed rulemaking because delay in publishing final regulations would not be in the public interest. Although these are final regulations, we will, as indicated under DATES, consider comments mailed within 60 days. Although we cannot acknowledge individual comments, if we change these regulations, we will discuss all the comments in the preamble to the revised regulations.

Impact Analysis

Executive Order 12291

Executive Order 12291 requires us to prepare a regulatory analysis for any rule that is likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, grovernment agencies, or geographic regions; or significant adverse effects on business or employment.

These rules will not result in any significant costs or benefits. They primarily implement statutory provisions; we estimate the economic impact of the statutory provisions as follows:

1. Fire safety amendments will not require additional expenditures by institutions or by the Medicare and Medicaid programs. Facilities that complied with an earlier edition of the Code are covered by the grandfather clause. New facilities would be subject to the 1981 edition of the Code, which is less costly because it offers more alternatives for meeting specific requirements.
2. The speech pathology amendment will have no appreciable economic impact.
3. The amendment that permits participation of proprietary HHAs is expected to increase program costs for fiscal year 1982 by $7.6 million: $7.3 million for services and $.3 million for survey and certification of the proprietary HHAs that enter the program.

Regulatory Flexibility Act of 1980 (Pub. L. 96–354)

This Act requires us to prepare and publish a regulatory flexibility analysis (RFA) for any regulations that will have a significant adverse impact on a substantial number of small entities. An RFA is not required for these regulations because, as stated above, they primarily implement statutory requirements.

List of Subjects

42 CFR Part 405

Administrative practice and procedure, Certification of compliance, Clinics, Contracts (agreements), End-stage renal disease (ESRD), Health care, Health facilities, Health maintenance organizations (HMO), Health professions, Health suppliers, Home health agencies, Hospitals, Inpatients, Kidney diseases, Laboratories, Medicare, Nursing homes, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

42 CFR Part 442

Certification of intermediate care facilities (ICFs), Certification of skilled nursing facilities (SNFs), Contracts (agreements), Disabled, Grant-in-aid program—health, Health facilities, Health professions, Health records, Information (disclosure), Medicaid, Mental health centers, Nursing homes, Nutrition, Privacy, Safety.

42 CFR Chapter IV is amended as set forth below:

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart A—Hospital Insurance Benefits

A. Subpart A of Part 405 is amended as set forth below:

1. The authority citation is revised to read as follows:

Authority: Secs 1102, 1801–1817 1866 and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395–1395i, 1395cc, and 1395hh.

2. Section 405.170 is revised to read as follows:

§ 405.170 Payment for home health services: Conditions.

Payment for home health services under Medicare Part A may be made only if the following conditions are met:

(a) *Request for payment.* Written request for payment if filed by or on behalf of the individual to whom the services were furnished.

(b) *Physician certification.* A physician provides certification and recertification in accordance with § 405.1633.

B. Subpart B of Part 405 is amended as set forth below:

1. The authority citation is revised to read as follows:

Authority: Secs. 1102, 1831–1843, 1861, 1862, 1866, and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395j–1395v, 1395x, 1395y, 1395cc, and 1395hh.

2. Section 405.250 is revised to read as follows:

§ 405.250 Payment for home health services and for medical and other health services furnished by a participating provider or an ESRD facility: Conditions.

Payment under Medicare Part B, for home health services or for medical or other health services furnished by a participating provider or an ESRD facility, may be made to the provider or facility only if the following conditions are met:

(a) *Request for payment.*

A written request for payment is filed by or on behalf of the individual to whom the services were furnished.

(b) *Physician certification.*

(1) For home health services, a physician provides certification and recertification in accordance with § 405.1633.

(2) For medical and other health services, a physician provides certification and recertification in accordance with § 405.1634.

Subpart J—Conditions of Participation; Hospitals

C. Subpart J of Part 405 is amended as set forth below:

1. The authority statement is revised to read as follows:

Authority: Secs. 1102, 1861 (e), (f) and (g), 1864 and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395x, 1395aa, and 1395hh.

2. Section 405.1022 is amended by revising paragraph (b) to read as follows:

§ 405.1022 Condition of participation—Physical environment.

* * * * *

(b) *Standard: Life safety from fire.* The hospital meets the applicable provisions of the 1981 edition of the Life Safety Code of the National Fire Protection Association (which is incorporated by reference [1]), except that, after consideration of State survey agency findings and recommendations, if any, HCFA may waive, for such periods as deemed appropriate, specific provisions of the Code which, if rigidly applied, would result in unreasonable hardship upon a particular hospital, but only if such waiver will not adversely affect the health and safety of the patients; and except that the provisions of the Life Safety Code applicable to hospitals shall not apply in any State if HCFA makes a finding that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in hospitals. Any hospital that on November 26, 1982, complies with the requirements of the 1967 edition of the Life Safety Code, with or without waivers, will be considered to be in compliance with this standard, as long as the facility continues to remain in compliance with that edition of the Code. The factors explaining the standard are as follows:

(1) The hospital meets the Life Safety Code standards applicable to hospitals.

(2) The hospital maintains written evidence of regular inspection and approval by State or local fire control agencies.

(3) [Reserved.]

(4) [Reserved.]

(5) The hospital has procedures for the proper routine storage and prompt disposal of trash.

(6) Written fire control plans contain provisions for prompt reporting of all fires; extinguishing fires; protection of patients, personnel and guests; evacuation; and cooperation with fire fighting authorities.

* * * * *

Subpart K—Conditions of Participation; Skilled Nursing Facilities

D. Subpart K of Part 405 is amended as set forth below:

1. The authority citation is revised to read as follows:

Authority: Secs. 1102, 1814, 1832, 1833, 1861, 1863, 1865, 1866, 1871, of the Social Security Act; 42 U.S.C. 1302, 1395f, 1395k, 1395l, 1395x, 1395z, 1395bb, 1395cc, 1395hh.

2. In § 405.1134 the undesignated introductory paragraph is reprinted and paragraph (a) is revised to read as follows:

§ 405.1134 Condition of participation—physical environment.

The skilled nursing facility is constructed, equipped, and maintained to protect the health and safety of patients, personnel, and the public.

(a) *Standard: Life safety from fire.* The skilled nursing facility meets the applicable provisions of the 1981 edition of the National Fire Protection Association's Life Safety Code (which is incorporated by reference [1]), except that, in consideration of a recommendation by the State survey agency, HCFA may waive, for such periods as deemed appropriate, specific provisions of the Code which, if rigidly applied, would result in unreasonable hardship upon a skilled nursing facility, but only if such waiver will not adversely affect the health and safety of the patients; and except that the provisions of the Code shall not apply in any State if HCFA finds, in accordance with applicable provisions of section 1861(j)(13) of the Social Security Act, that in such State there is in effect a fire and safety code, imposed by State law, which adequately protects patients in skilled nursing facilities.

Any SNF that on December 4, 1980 or on [30 days after publication] complied with the requirements of the 1967 or 1973 edition of the Life Safety Code, with or without waivers, will be considered to be in compliance with this standard so long as the facility continues to remain in compliance with that edition of the Code.

Any facility of two or more stories that is not of fire resistive construction and is participating on the basis of a waiver of construction type or height, may not house blind, nonambulatory, or physically handicapped patients above the street-level floor unless the facility—

(1) Is one of the following construction types (as defined in the Life Safety Code)—

(i) Type II (1, 1, 1)—protected non-combustible;

(ii) Fully sprinklered Type II (0, 0, 0)—non-combustible;

(iii) Fully sprinklered Type III (2, 1, 1)—protected ordinary;

(iv) Fully sprinklered Type V (1, 1, 1)—protected wood frame; or

(2) Achieves a passing score on the Fire Safety Evaluation System (FSES).

Subpart L—Conditions of Participation; Home Health Agencies

E. Subpart L of Part 405 is amended as set forth below:

1. The authority citation is revised to read as follows:

Authority: Secs. 1102, 1842, 1861, 1862, 1870 and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395u, 1395x, 1395y, 1395gg, and 1395hh.

2. Section 405.1220 is revised to read as follows:

§ 405.1220 Condition of participation: Compliance with Federal, State, and local laws.

The home health agency and its staff are in compliance with all applicable Federal, State, and local laws and regulations. If State or applicable local law provides for the licensure of home health agencies, an agency not subject to licensure must be approved by the licensing authority as meeting the standards established for such licensure.

3. Section 405.1221 is amended by revising paragraph (a) to read as follows:

§ 405.1221 Condition of participation: Organization, services, administration.

* * * * *

(a) *Standard: Services provided.* Part-time or intermittent skilled nursing services and at least one other therapeutic service (physical, speech, or occupational therapy; medical social services; or home health aide services) must be made available on a visiting basis, in a place of residence used as a patient's home. A home health agency must provide at least one of the qualifying services directly through agency employees, but may provide the second qualifying service and additional services under arrangements with another agency or organization.

* * * * *

Subpart P—Certification and Recertification; Claims and Benefit Payment Requirements; Check Replacement Procedures

F. Subpart P is revised as set forth below:

1. The authority citation is revised to read as follows:

Authority: Secs. 1102, 1814, 1835, and 1871 of the Social Security Act; 42 U.S.C. 1302, 1395f, 1395m, and 1395hh.

2. Section 405.1633 is amended by revising paragraphs (a) and (b) and adding new paragraphs (c) and (d) to read as follows:

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[1] Incorporation of the 1981 edition of the Life Safety Code, which is also referenced in other parts of Chapter IV, was approved by the Director of the **Federal Register** on September 28, 1981. The code is available for inspection at the Office of the Federal Register Information Center, Room 8301, 1110 L Street, NW., Washington, D.C. Copies may be obtained from—

National Fire Protection Association, Battery March Park, Quincy, Mass. 02269.

If any changes in this Code are also to be incorporated by reference, a notice of that effect will be published in the **Federal Register**.

[1] See footnote to § 405.1022(b) of this chapter.

§ 405.1633 Home health services: Certification and recertification.

(a) *Certification.*—(1) *Basic requirements.* As a condition for payment under Medicare Part A or Medicare Part B, a physician must certify that—

(i) The individual needs or needed intermittent skilled nursing care, or physical or speech therapy, or (for the period from July through November 30, 1981) occupational therapy;

(ii) Home health services were required because the individual was confined to the home except when receiving outpatient services;

(iii) A plan for furnishing the services has been established and is periodically reviewed by a physician who is not precluded from performing this function under paragraph (d) of this section; and

(iv) The services were furnished while the individual was under the care of a physician.

(2) *Special provisions applicable to Medicare Part A services furnished before July 1981.* As a condition for payment for Medicare Part A services furnished before July 1, 1981, the certification must also certify that the services were needed for a condition for which the individual had received inpatient hospital or SNF care.

(b) *Recertification.*—(1) *Timing and signature of recertification.* Recertification is required at least every 2 months, preferably at the time the plan is reviewed, and must be signed by the physician who reviews the plan.

(2) *Content and basis of recertification.* The recertification statement must indicate the continuing need for services and estimate how much longer the services will be required. Need for occupational therapy may be the basis for continuing services that were initiated because the individual needed skilled nursing care or physical or speech therapy.

(c) *Certification by a doctor of podiatric medicine.* After December 31, 1980, for purposes of certifying and recertifying need for home health services, the term "physician" may include a doctor of podiatric medicine if—

(1) The beneficiary needs the services because of a podiatric condition which that doctor is legally authorized to treat; and

(2) Performance of the certification function by a doctor of podiatric medicine is consistent with the HHA's policy.

(d) *Limitations on performance of certification and plan of treatment functions.* After November 26, 1982 need for home health services to be provided by a home health agency that is not a governmental entity may not be certified or recertified and a plan of treatment may not be established and reviewed by any physician who has a significant ownership interest in, or a significant financial or contractual relationship with, the agency. For purposes of this paragraph (d)—

(1) "Significant financial or contractual relationship" means a relationship that involves direct or indirect business transactions that, in any fiscal year, amount to more than $25,000 or 5 percent of the agency's total operating expenses, whichever is less. Business transactions means contracts, agreements, purchase orders, or leases to obtain services, supplies, equipment, and space; and

(2) A physician will be considered to have a "significant ownership interest" if he or she—

(i) Has a direct or indirect ownership interest of 5 percent or more in the capital, the stock, or the profits of the home health agency;

(ii) Has an ownership interest of 5 percent or more in any mortgage, deed of trust, note, or other obligation that is secured by the agency, if that interest equals 5 percent or more of the agency's assets; or

(iii) Is an officer or director of an HHA organized as a corporation, or a partner in an HHA organized as a partnership.

3. Section 405.1634 is revised to read as follows:

§ 405.1634 Medical and other health services furnished by a participating provider or ESRD facility: Certification and recertification.

(a) *Basic rules.* As a condition for Medicare Part B payment for services furnished by a provider or ESRD facility, the following requirements must be met:

(1) *Certification.* Certification is required for all services except:

(i) Hospital services and supplies incident to physicians' services furnished to outpatients; and

(ii) Outpatient hospital diagnostic services.

(2) *Recertification.* Recertification of continued need for services is required at least every 30 days for outpatient physical therapy and for outpatient speech pathology services.

(3) *Documentation, signature, and timing.* (i) The certification may be made on a record retained by the provider or facility or on a special form, or a physician's written order may be accepted as certification.

(ii) A certification must be signed by a physician who has knowledge of the case; the recertification, by the physician who reviews the plan of treatment.

(iii) The certification statement may be obtained at the time services are furnished or, if they are furnished on a continuing basis, either at the beginning or at the end of the series of visits.

(b) *Content of certification.*—(1) *Outpatient physician therapy and speech pathology services.* With respect to outpatient physical therapy and speech pathology services as defined in § 405.231(l) (1) and (3) and (m), the physician must certify that—

(i) The individual needed physical therapy or speech pathology services;

(ii) A plan for furnishing the services was established and periodically reviewed by the physician; and

(iii) The services were furnished while the individual was under the care of a physician.

(2) *Home dialysis support services.* With respect to home dialysis support services and home aide services, as defined in § 405.231(p), the certification statement must certify that the services are furnished in accordance with a written plan of treatment established and periodically reviewed by a team that includes the patient's physician and other professionals familiar with the patient's condition.

Subpart Q—Conditions of Participation: Clinics, Rehabilitation Agencies, and Public Health Agencies as Providers of Outpatient Physical Therapy and/or Speech Pathology Services; and Conditions for Coverage: Outpatient Physical Therapy Services Furnished by Physical Therapists in Independent Practice

G. Subpart Q is revised as set forth below:

1. The authority citation is revised to read as follows:

Authority: Secs. 1102, 1861(p), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395x(p), 1395hh).

§ 405.1717 [Amended]

2. Section 405.1717(b) is amended by inserting, in line 3, after the word "physician", the following clause: "or, after December 31, 1980, for speech pathology services, by the speech pathologist who furnishes the services,".

PART 442—STANDARDS FOR PAYMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

The authority citation for Part 442 remains unchanged and reads as follows:

Authority: Sec. 1102 Social Security Act, 49 Stat. 647 (42 U.S.C. 1302).

Subpart F—Standards for Intermediate Care Facilities Other Than Facilities for the Mentally Retarded

H. Supart F of Part 442 is amended as set forth below:

1. Section 442.321 is amended by revising paragraph (a) and adding a new paragraph (c) to read as follows:

§ 442.321 Fire protection.

(a) Except as provided in §§ 442.322 and 442.323 and paragraph (b) of this section, the ICF must meet the health care occupancy provisions of the 1981 edition of the Life Safety Code of the National Fire Protection Association which is incorporated by reference.[1]

(b) * * *

(c) Any facility that on November 26, 1982 complies with the requirements of the 1967 edition of the Life Safety Code, with or without waivers, will be considered to be in compliance with this standard as long as the facility continues to remain in compliance with that edition of the Code.

2. Section 442.322 is amended by designating and revising the undesignated introductory paragraph as (a), redesignating paragraphs (a), (b), an (c) as (a)(1), (a)(2), and (a)(3), and adding a new paragraph (b), to read as follows:

§ 442.322 Fire protection; Exception for smaller ICF's

(a) The State survey agency may apply the lodgings or rooming houses section of the residential occupancy requirements of the 1981 edition of the Life Safety Code of the National Fire Protection Association (which is incorporated by reference [1]), instead of the health care occupancy provisions required by § 442.321 to an ICF that has 15 beds or less if the ICF is primarily engaged in the treatment of alcoholism and drug abuse and a physician certifies that each resident is—

(1) Ambulatory;

(2) Engaged in an active program for rehabilitation designed to and reasonably expected to lead to independent living; and

(3) Capable of following directions and taking appropriate action for self-preservation under emergency conditions.

(b) Any facility that on November 26, 1982 complies with the requirements of the 1967 edition of the Life Safety Code will be considered to be in compliance with this standard as long as the facility continues to remain in compliance with that edition of the Code.

3. In § 442.323 paragraph (a) is reprinted and paragraphs (a)(1), (a)(2), (a)(3), and (b) are revised to read as follows:

§ 442.323 Fire protection: Waivers.

(a) The State survey agency may waive specific provisions of the Life Safety Code required by § 442.321, for as long as it considers appropriate, if—

(1) The waiver would not adversely affect the health and safety of the residents; and

(2) Rigid application of specific provisions of the Code would result in unreasonable hardship for the ICF; and

(3) The waiver is granted in accordance with guidelines issued by HCFA.

(b) Any facility of two or more stories that is not of fire resistive construction and is participating on the basis of a waiver of construction type or height, may not house blind, nonambulatory, or physically handicapped patients above the street-level floor unless the facility—

(1) Is one of the following constructions types (as defined in the Life Safety Code)—

(i) Type II (1, 1, 1)—protected noncombustible;

(ii) Fully sprinklered Type II (0, 0, 0)—noncombustible;

(iii) Fully sprinklered Type III (2, 1, 1)—protected ordinary;

(iv) Fully sprinklered Type V (1, 1, 1)—protected wood frame; or

(2) Achieves a passing score on the Fire Safety Evaluation System (FSES).

Subpart G—Standards for Intermediate Care Facilities for the Mentally Retarded

I. Subpart G of Part 442 is amended as set forth below:

1. Section 442.507 is amended by revising paragraphs (a) and (b), and adding a new paragraph (c), to read as follows:

§ 442.507 Fire protection.

(a) Except as provided in §§ 442.508, 442.509, and paragraph (b) of this section, the ICF/MR must meet the health care occupancy provisions of the 1981 edition of the Life Safety Code of the National Fire Protection Association which is incorporated by reference.[1]

(b) If the Secretary finds that the State has a fire and safety code imposed by State law that adequately protects residents in ICF's/MR, the State survey agency may apply the State code instead of the Life Safety Code, for purposes of certification for Medicaid.

(c) Any facility that on November 26, 1982, complied with the requirements of the 1967 edition of the Life Safety Code, with or without waivers, will be considered to be in compliance with this standard as long as the facility continues to remain in compliance with that edition of the Code.

2. Section 442.508 is revised to read as follows:

§ 442.508 Fire protection exceptions for smaller ICF's/MR.

(a) For smaller ICFs/MR, the State survey agency may apply the lodgings and rooming-home section of the residential occupancy requirements of the 1981 Edition of the National Fire Protection Association's Life Safety Code (which is incorporated by reference [1]), instead of the health care occupancy provisions required under § 442.507, if the following conditions are met:

(1) The ICF/MR has 15 beds or less.

(2) A physician or psychologist who is a "mental retardation professional", as defined in § 442.401, certifies that each resident is—

(i) Ambulatory;

(ii) Receiving active treatment; and

(iii) Capable of following directions and taking appropriate action for self-preservation under emergency conditions.

(b) Any facility that on November 26, 1982 complies with the requirements of the 1967 edition of the Life Safety Code will be considered to be in compliance with this standard as long as the facility continues to remain in compliance with that edition of the Code.

3. Section 442.509 is revised to read as follows:

§ 442.509 Fire protection waivers.

(a) The State survey agency may waive specific provisions of the Life Safety Code required by § 442.507, for as long as it considers appropriate, if—

(1) The waiver would not adversely affect the health and safety of the residents; and

(2) Rigid application of specific provisions would result in unreasonable hardship for the ICF/MR.

(3) The waiver is granted in accordance with guidelines issued by HCFA.

(b) Any facility of two or more stories that is not of fire resistive construction and is participating on the basis of a waiver of construction type or height, may not house blind, nonambulatory, or physically handicapped patients above the street-level floor unless the facility—

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[1] See footnote to § 405.1022(b) of this chapter.

[1] See footnote to § 405.1022(b) of this chapter.

[1] See footnote to § 405.1022(b) of this chapter.

(1) Is one of the following construction types (as defined in the Life Safety Code)—

(i) Type II (1, 1, 1)—protected noncombustible;

(ii) Fully sprinklered Type II (0, 0, 0)—noncombustible;

(iii) Fully sprinklered Type III (2, 1, 1)—protected ordinary;

(iv) Fully sprinklered Type V (1,1,1)—protected wood frame; or

(2) Achieves a passing score on the Fire Safety Evaluation System (FSES).

(Catalog of Federal Domestic Assistance Program No. 13.713, Medical Assistance Programs, No. 13.773 Medicare-Hospital Insurance Program, and No. 13.774 Medicare-Supplementary Medical Insurance)

Dated: July 30, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 30, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-29122 Filed 10-25-82; 8:45 am]

BILLING CODE 4120-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1002

Fees for Transcripts of Commission Proceedings; Revision of Information Provisions

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Freedom of Information Act requires that Commission records be available to the public, and the Commission has designated the fees for these records services in Title 49 Part 1002. The information which informs the public as to how to obtain transcript of testimony and of oral argument is obsolete and is being revised in this notice.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Kathleen King, 202-275-0956.

SUPPLEMENTARY INFORMATION: The material contained in § 1002.1(h) regarding availability of Commission transcripts is obsolete. This notice is designed to revise the outdated information and to remove several parts of the test which are unnecessary.

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of Information.

PART 1002—[AMENDED]

Accordingly, 49 CFR Part 1002 is amended as follows:

§ 1002.1 [Amended]

1. Section 1002.1 is amended by removing the two Notes and by revising the authority citation which follows paragraph (h) to read as follows:

(Sec. 501, 65 Stat. 290 (31 U.S.C. 483a; 49 U.S.C. 10101, 10321, 10924, 10925 and 10927; 5 U.S.C. 552, 553, 558, and 559))

2. Section 1002.1 is further amended by revising paragraph (h) to read as follows:

§ 1002.1 Fees for records search, copying, certification, and services in connection therewith.

* * * * *

(h) Transcript of testimony and of oral argument, or extracts therefrom, may be purchased by the public from the Commission's official reporter. For information regarding the official reporter, contact the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

This is not a major Federal action significantly affecting the quality of the human environment or the conservation of energy resources.

This change to the rules will have no adverse effect on small entities. It is merely a change to delete obsolete material and to bring the rules up to date. For the same reason, proposed rules all not considered necessary in this proceeding.

(49 U.S.C. 10321 and 31 U.S.C. 483a)

Decided: October 14, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29328 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Ex Parte No. 241 (Sub-1)]

Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution Rules, and Practices; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Removal of final rules; correction.

SUMMARY: In an earlier notice, the Commission found that its car service regulations, with the exception of § 1033.15, were not successful in improving railroad freight car utilization, and that they should be removed. At that time, the list of sections to be removed inadvertantly omitted the removal of § 1033.0. This notice corrects that omission.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275-7278,

or

Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION:

PART 1033—[AMENDED]

§ 1033.0 [Removed]

The notice published at 45 FR 49942, July 28, 1980, was meant to remove all sections in Part 1033 with the exception of § 1033.15. Accordingly, § 1033.0, which was intended for inclusion in that notice, is now removed from Title 49 of the Code of Federal Regulations.

(49 U.S.C. 10321(a), 11121(a), and 11122 and 5 U.S.C. 553 and 559)

Decided: October 14, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29325 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1241

[No. 38701]

Annual Survey Form for Certain Switching and Terminal Companies

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: This final rule adopts an annual survey form for certain Switching and Terminal Companies (S&T's) to simplify the collection process and ensure the uniformity of selected financial and statistical information. The S&T's listed in Appendix C have been voluntarily submitting similar information. The use of a specific form to improve data quality is necessary for the development of regional and system switching costs for Class I railroads.

DATE: Effective for the accounting and reporting year ending December 31, 1982.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION:

Background

On March 30, 1982, the Commission served a Notice of Proposed Rulemaking on an Annual Survey Form for Certain Switching and Terminal Companies (47 FR 13540, March 31, 1982). This Notice presented a report form containing basic financial and statistical information that selected Switching and Terminal Companies (S&T's) would submit annually to provide consistent and uniform regulatory costing applications.

While developing the Uniform Rail Costing System, we determined that certain basic financial and statistical information was needed from selected S&T's to develop regional and system switching costs for Class I railroads. These S&T's have been voluntarily furnishing relevant information to the Commission. We proposed a specific report form and the formal selection of particular S&T's to ensure uniform submissions and to improve data quality.

Review of Responses

The Commission received two responses to the Notice of Proposed Rulemaking. Southern Railway System requests that the Commission delete the Kentucky and Indiana Terminal Railroad Company (K&IT) from the list of designated S&T's required to file the Annual Survey Form. The K&IT is now an integral part of the Southern Railway Company; separate data is no longer available.

The Houston Port Bureau, Inc., believes the number of carriers required to file the Annual Survey Form should be expanded to include all railroads providing switching service at major cities and ports. It is primarily concerned that carriers providing switching service in Houston may continue to increase their switching charges at a rate faster than carriers in other cities. For the Houston area, Houston Port Bureau lists the Southern Pacific Railroad, Missouri Pacific Railroad Company, Sante Fe Railroad Company and the Missouri Kansas-Texas Railroad as additional carriers that should file the Annual Survey Form.

Discussion and Conclusions

The use of an annual survey form for railroad regulatory costing applications is essential for determining regional and system switching costs. Historically, the Commission has used S&T's financial and operating statistics in Rail Form A costing applications. The Commission eliminated annual reporting requirements for certain carriers including all S&T's in Docket No. 37523, served December 15, 1980 (46 FR 9114, January 28, 1981). Subsequently, the need for selected basic statistical information from the largest S&T's became evident during the implementation of the Uniform Rail Costing System. Each S&T listed in Appendix C has annual operating revenues in excess of $10 million. Their operating expenses are added to the Class I line-haul railroads' expenses to determine appropriate regional and system switching costs.

The Houston Port Bureau's suggestion that certain line-haul carriers also submit the Annual Survey Form reflects a misunderstanding about its intended use. Expenses related to switching operations of Class I carriers are already reported in their Annual Reports to the Commission. Clearly, the use of the Annual Survey Form by Class I railroads would be duplicative and would distort the results of the Uniform Rail Costing System.

Further, the information from the Annual Survey Form is inadequate for determining switching costs and charges for a specific city or port. Each terminal operation must have more discrete cost information to calculate switching costs and charges for a specific company or location. This degree of specificity is outside the scope of this proceeding.

We have removed the Kentucky and Indiana Terminal Railroad Company from the list of switching and terminal companies required to file the Annual Survey Form (Appendix C). Its switching operating costs are now included in the Annual Report of the Southern Railway Company. We have also removed the Chessie System from the list. This should have read the "Lakefront Dock and Railroad Terminal Company" (Lakefront), a switching and terminal company controlled by the Chessie System and ConRail. However, since the controlling railroads presently treat Lakefront as a joint facility operation, we have removed it from the list of designated carriers.

Regulatory Flexibility Act

This final rule will not have a significant economic impact on a substantial number of small entities. This rule directly affects only 18 switching and terminal carriers requiring them to submit previously voluntary information in a standard format. Based on a Bureau of Accounts survey of the affected carriers, it would cost each carrier approximately $240 to complete the report, not a significant impact.

This action does not significantly affect the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Part 1241

Railroads, Reporting and recordkeeping requirements.

This action is taken under authority of 5 U.S.C. 553 and 49 U.S.C. 11145.

We adopt the reporting changes in Appendix A to 49 CFR Part 1241 and the report form in Appendix B for the designated carriers listed in Appendix C.

Decided: October 15, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Sterrett was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

Appendix A

PART 1241—[AMENDED]

Amend 49 CFR Part 1241 by adding a new § 1241.14:

§ 1241.14 Annual survey form for certain switching and terminal companies.

Commencing with reports for the year ending December 31, 1982, and thereafter until further order, certain switching and terminal companies shall file the Annual Survey Form for Switching and Terminal Companies. The Commission shall designate particular switching and terminal companies by an appropriate order. Designated companies shall file the Annual Survey Form with the Bureau of Accounts, Interstate Commerce Commission, Washington, D.C. 20423, on or before March 31 of the year following the end of the period to which it relates.

BILLING CODE 7035-01-M

Appendix B

INTERSTATE COMMERCE COMMISSION
BUREAU OF ACCOUNTS
Washington, D.C. 20423

Annual Survey Form
for Switching and Terminal Companies

Approved by OMB

Expires 12-31-

Due Date: March 31, 198X

ANNUAL REPORT TO THE
INTERSTATE COMMERCE COMMISSION

(Attach address label here)	Carrier name and address if different than shown

Certification

I hereby certify that this report was prepared by me or under my supervision, that I have examined it, and that the items herein reported on the basis of my knowledge and belief are correctly shown.

Name and Title ______________________________

____

Street Address, City, State and Zip Code

____

____

Telephone Number (Including Area Code)

Date ______________________________

Appendix B (cont.)

NOTICE

ESTIMATE OF REPORTING BURDEN

In order to monitor carrier reporting burden and to satisfy OMB requirements pursuant to Section 409 of Public Law 93-153, it is requested that you furnish your best estimate of the number of hours required to complete this report.

In making this estimate, please include the number of hours attributable to preparing the report and for any special compilations contained in this report that would not generally be maintained or used by management for purposes other than reporting to this Commission.

Total hours (Estimated) ______________________________

Appendix B (cont.)

SELECTED BALANCE SHEET ITEMS

Line No.	Item (a)	Respondent only Balance at Close of Year (b)	Respondent only Balance at Beginning of Year (c)
1	Cash	$	$
2	Temporary cash investments		
3	Accounts receivable		
4	Materials and supplies		
5	Accounts payable		
6	Taxes accrued		

Appendix B (cont.)

SELECTED RESULTS OF OPERATIONS

Line No.	Item (a)	Amount for Current Year (b)
7	Total Railway Operating Revenues	$
	Joint Facility Revenues:	
8	Way and Structures (credit)	
9	Equipment (credit)	
10	Total Railway Operating Expenses	
11	Total Way and Structure Operating Expenses	
12	State Income Tax	
13	Other Income Tax	
14	Total Depreciation Expense	
	Depreciation Expenses:	
15	Way and Structures - Total	
16	Equipment - Total	

Appendix B (cont.)

SELECTED ROAD AND EQUIPMENT PROPERTY

Line No.	Item (a)	Credits for property retired during year (b)	Balance at close of year (c)	Accrued depreciation at close of year (d)
17	Engineering	XXXXXX		
18	Total Expenditures-Road	XXXXXX		
19	Total Expenditures-Equipment	XXXXXX		
20	Interest during Construction	XXXXXX		XXXXXX
21	Other Expenditures-General	XXXXXX		XXXXXX
22	Other Elements of Investment	XXXXXX		XXXXXX
23	Construction Work in Progress			
24	Grand Total		XXXXXX	

Appendix B (Cont.)

OPERATING STATISTICS

25. Number of Locomotive - Unit miles in yard switching service freight ____________

	Number of cars switched
26. Number of cars switched by your company on your own account	____________
27. Number of cars switched for each railroad served by your company	
Name of Railroad	
____________	____________
____________	____________
____________	____________
____________	____________
____________	____________
____________	____________
____________	____________
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____________	____________

Appendix C

Designated Switching and Terminal Companies for Filing Annual Survey Form

Aliquippa and Southern Railroad Company
The Alton and Southern Railway Company
Baltimore and Ohio Chicago Terminal Railroad Company
The Belt Railway Company of Chicago
Birmingham Southern Railroad Company
Conemaugh and Black Lick Railroad Company
Cuyahoga Valley Railroad Company
Houston Belt and Terminal Railroad Company
Indiana Harbor Belt Railway Company
Lake Terminal Railroad Company
Kansas City Terminal Railway Company
Monongahela Connecting Railroad Company
Patapsco and Back Rivers Railroad Company
Philadelphia, Bethlehem and New England Railroad Company
Port Terminal Railroad Association
South Buffalo Railway Company
Terminal Railroad Association of St. Louis
Union Railroad Company

[FR Doc. 82-29327 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-C

Proposed Rules

Federal Register
Vol. 47, No. 207
Tuesday, October 26, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 30, 40, and 70

Proposed Amendments Specifying Licensee Responsibility for Nuclear Materials and Procedures for Termination of Specific Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is proposing to amend its regulations to specify procedures for the termination of specific licenses authorizing possession and use of nuclear materials. The proposed amendments would clarify a licensee's authority and responsibility for nuclear materials and allow for orderly termination of specific licenses. The proposed rule also specifies that a license remains in effect, with respect to possession of residual nuclear materials present as contamination, until the Commission notifies the licensee, in writing, that the license is terminated. The proposed rule is necessary to establish clear procedures for the termination of licenses in order to establish a more coherent regulatory framework.

DATES: Comments must be received on or before December 27, 1982. Comments received after this date will be considered if it is practical to do so. Assurance of consideration is possible only if the comments are received on or before this date.

ADDRESSES: Submit written comments to the Secretary of the Commission, Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Services Branch. Copies of all comments received may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: K. G. Steyer, Chief, Chemical Engineering Branch, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: (301) 443-5910).

SUPPLEMENTARY INFORMATION:

Background

Under current NRC regulations, each licensese is required to notify the Commission, in writing, when the licensee decides to permanently discontinue activities involving nuclear materials. There are presently no regulatory requirements, however, for licensees to describe the disposition of nuclear materials authorized under a license. Also, there are no regulatory requirements for licensees, licensed under 10 CFR Parts 30, 40, and 70, to submit a final radiation survey before or at the time a license expires. Presently, the Commission requests information concerning the disposition of licensed nuclear materials and decontamination on a case-by-case basis. Information concerning residual radioactive contamination is requested from licensees in selected cases only where residual contamination is suspected of being a possible problem.

Discussion. Under the proposed regulations, each licensee, if the licensee does not apply for license renewal, would be required by regulation to submit appropriate information concerning the disposal of licensed nuclear materials and information on the absence or presence of residual radioactive contamination. If there is no detectable residual radioactive contamination above background radiation, the license may be terminated on written notice from the Commission.

In those cases where residual contamination is detected, the license would continue in force, beyond the expiration date if necessary, with respect to possession of residual nuclear materials. The licensee would continue to control entry to contaminated areas until (1) decontamination is complete, (2) the licensee has submitted a report of post decontamination survey results to the Commission, and (3) the Commission notifies the licensee in writing that the license is terminated. Prescribed fees charged for licensing services rendered by NRC would continue to be applicable until a license is terminated.

This proposed rule prescribes specific procedures that a licensee will follow in terminating a specific nuclear materials license and clarifies the licensee's responsibility for any residual nuclear materials. It does not address decommissioning issues, such as decommissioning alternatives, timing, planning, financial assurance, and residual radioactivity. Those issues will be considered in a separate rulemaking action. The proposed rulemaking on decommissioning would affect production and utilization facility licensees in addition to byproduct, source, and special nuclear material licensees.

Environmental Impact. The proposed amendments clarify requirements for termination of a licensee's responsibility for nuclear materials. The amendments are administrative in nature and do not add substantive requirements from an environmental viewpoint. Environmentally they are nonsubstantive and insignificant. No environmental impact statement, appraisal, or negative declaration needs to be prepared under 10 CFR 51.5(d)(3).

Paperwork Reduction Review. The proposed rule will be submitted to the Office of Management and Budget (OMB) for clearance of the information collection requirements that may be appropriate under the Paperwork Reduction Act (Pub. L. 96-511). The SF-83 "Request for Clearance," supporting statement, and related documents submitted to OMB will be placed in the Commission's Public Document Room at 1717 H Street NW; Washington, D.C. This material will be available for inspection and copying for a fee.

Regulatory Flexibility Act. Based on the information available at this stage of the rulemaking proceeding and in accordance with Section 605(b) of the Regulatory Flexibility Act of 1980, the Executive Director for Operations certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

The proposed rule would apply to the Commission's approximately 8,100 materials licensees under 10 CFR Parts 30-35, 40, and 70. These licensees include about 5,000 byproduct material licenses under Parts 30, 32, 33, and 34, 2,000 medical licenses under Part 35, 400 source material licenses under Part 40, and 700 special nuclear material licenses under Part 70. The proposed rule would affect about 200 NRC licensees per year who wish to terminate operations.

The NRC estimates that about 90 percent of the affected licensees would be considered small entities under the criteria set out in the size standards of the Small Business Administration in 13 CFR Part 121 (e.g., for most licensees less than 500 employees, for hospitals less than 150 beds, for other medical licenses less than $1.5 million annual gross receipts).

In developing the proposed rule, the NRC has specifically considered the potential problems that would face a small entity under these requirements. The NRC has attempted to structure the proposed requirements to mitigate the economic effect of the proposed rule on small entities to the extent possible considering the Commission's responsibility for public health and safety. Although there is not an absolute correlation between the size of a licensee and the requirements of the regulation, in general; the regulation, as proposed, will have minimal incremental impact on most smaller licensees.

The Commission's regulations do not specifically address the licensee's responsibility for nuclear materials upon the expiration or termination of a license in 10 CFR Parts 30, 40, and 70 or present formalized procedures for license termination. This proposed rule will specify the procedures to be followed when a licensee desires to terminate a materials license. Each licensee will be required to—

1. Submit a form NRC–314 that describes the disposal of licensed materials;

2. Conduct a final radiation survey if appropriate (e.g., licensees with a license for sealed sources may not need a final radiation survey); and either

3. Submit a certification that residual radioactive contamination attributable to activities conducted under the license is not detectable; or

4. Where residual radioactive contamination is present, submit a radiation survey report and a plan for decontamination, if necessary. In some cases, detectable residual contamination may be present, but the level may be suitable for release. In these cases, the licensee will not be required to submit a plan for decontamination. Otherwise, the licensee will prepare and submit a plan for decontamination.

The NRC believes that about 99 percent of the small entities affected by the proposed regulation will be able to comply with the requirements by following the simplest procedure. These licensees would submit a form NRC–314 and a statement certifying that no residual contamination attributable to activities conducted under the license is present. In some cases, a final radiation survey report would be submitted. Data collection for form NRC–314, which describes disposition of licensed materials, is similar to actions performed during regular operations. Some clerical and management time is required to complete the form and submit it. The average impact on small licensees, as a result of requiring submittal of a form NRC–314, is estimated to be less than an hour at an approximate cost of $20. Submittal of a certification letter requires only clerical and management personnel. Preparation and submittal of this letter will probably require about an hour at an approximate cost of $20. It is estimated that the total impact on small licensees under the simple procedure will be about one-half person-day of effort at an approximate cost of $80. Some licensees will be required to submit a final radiation survey report. However, many licensees will not, particularly licensees with sealed sources and byproduct licensees with small license possession limits and short half-life materials. A radiation survey must be conducted by qualified personnel (usually a health physics technician), the report assembled, and submitted. In cases involving extensive contaminated areas some land surveying, sample drilling, and special analyses may be involved.

These actions involve health physics management, clerical, and possibly other types of personnel. On the average for small licensees the impact of submitting radiation survey reports is estimated to be less than one-half person-day at a cost of approximately $80. For some larger licensees the average is estimated to be about two person-days at a cost of approximately $320.

The NRC believes that less than 1 percent of the affected small licensees would be required to submit a decontamination plan. This action will require the average small licensee to expend about one-half person-day of effort at an approximate cost of $80. A comparable effort might require the average larger licensee to expend about four person-days of effort an approximate cost of $640. Preparation and submittal of a decontamination plan requires use of technical, management, clerical, and possibly other types of personnel. Preparation of this plan would be facilitated by using technical and management personnel familiar with the operations.

The NRC believes that incremental costs resulting from the proposed rule will be small. The effect on small entities has been carefully considered in development of the proposed rule and the requirements reduced to the minimum considered necessary for protection of health and safety. However, because of the widely differing conditions under which the licensees covered by this proposed regulation operate, the NRC seeks public comment from small entities. Small entities are asked to describe how the proposed regulation affects them and how it could be further modified or tiered to impose less stringent requirements on them while adequately protecting public health and safety. Those small entities that offer comments on how the regulation could be further modified to take their differing needs into account should discuss specifically:

The size of their business and how the proposed regulations would result in a significant economic burden upon them as compared to larger organizations in the same business community.

How the proposed regulations could be further modified to take into account their differing needs or capabilities.

The benefits that would accrue or the detriments that would be avoided if the regulations were modified as suggested by the commenter.

How the proposed regulation, as modified, would still adequately protect the public health and safety.

List of Subjects

10 CFR Part 30

Byproduct material, Government contracts, Intergovernmental relations, Isotopes, Nuclear materials, Penalty, Radiation protection, Reporting requirements.

10 CFR Part 40

Government contracts, Hazardous materials—transportation, Nuclear materials, Penalty, Reporting requirements, Source material, Uranium.

10 CFR Part 70

Hazardous materials—transportation, Nuclear materials, Packaging and containers, Penalty, Radiation protection, Reporting requirements, Scientific equipment, Security measures, Special nuclear material.

Proposed Rulemaking

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 30, 40, and 70 is contemplated.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

1. The authority citation for Part 30 is revised to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 295 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 30.3, 30.34 (b) and (c), 30.41 (a) and (c) and 30.53 are issued under sec. 161b., 68 Stat. 948 as amended (42 U.S.C. 2201(b)); and §§ 30.36, 30.51, 30.52, and 30.55 issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§§ 30.3–30.6, 30.11–30.16, 30.18–30.20, 30.31–30.34, 30.39, 30.41, 30.51, 30.53, 30.55, 30.61, 30.71 [Amended]

2. Remove the authority citations following:

Sections 30.3, 30.4, 30.5, 30.6, 30.11, 30.12, 30.13, 30.14, 30.15, 30.16, 30.18, 30.19, 30.20, 30.31, 30.32, 30.33, 30.34, 30.39, 30.41, 30.51, 30.53, 30.55, 30.61, and 30.71.

§ 30.34 [Amended]

3. Section 30.34 is amended by removing and reserving paragraph (f).

* * * * *

(f) Reserved

* * * * *

4. Section 30.36 is revised to read as follows:

§ 30.36 Expiration and termination of licenses.

(a) Except as provided in § 30.37(b) and paragraph (d)(3) of this section, each specific license expires at the end of the day, in the month and year stated in the license.

(b) Each licensee shall immediately notify the Commission in writing, under § 30.6, when the licensee decides to permanently discontinue all activities involving materials authorized under the license and request termination of the license. This notification and request for termination of the license must include the reports and information specified in paragraphs (d)(1)(iii) and (iv) of this section. The licensee is subject to the provisions of paragraphs (d) and (e) of this section, as applicable.

(c) No less than 30 days before the expiration date specified in a specific license, the licensee shall either—

(1) Submit an application for license renewal under § 30.37; or

(2) Notify the Commission in writing under § 30.6, if the licensee decides not to renew the license.

(d)(1) If a licensee does not submit an application for license renewal under § 30.37, the licensee shall on or before the expiration date specified in the license—

(i) Terminate use of byproduct material;

(ii) Properly dispose of byproduct material;

(iii) Submit a completed form NRC–314; and

(iv) Submit a radiation survey report to confirm the absence of radioactive materials or establish the levels of residual radioactive contamination, unless the Commission determines a radiation survey report is not necessary. The licensee shall—

(A) Report levels of radiation in units of microrads per hour of beta and gamma radiation at one centimeter and gamma at one meter from surfaces, disintegrations per minute (or microcuries) per 100 square centimeters (removable and fixed on surfaces), and picocuries per gram of soil where contaminated soils are reported; and

(B) Specify the survey instrument(s) used.

(2) If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted under this paragraph and paragraphs (d)(1)(iii) and (iv) of this section is adequate, the Commission will notify the licensee in writing that the license is terminated.

(3) If detectable levels of residual radioactive contamination attributable to activities conducted under the license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual byproduct material present as contamination until the Commission notifies the licensee in writing that the license is terminated. During this time, the licensee is subject to the provisions of paragraph (e) of this section. In addition to the information submitted under paragraphs (d)(1)(iii) and (iv) of this section the licensee shall submit a plan for decontamination, if necessary.

(e) Each licensee who possesses residual byproduct material under paragraph (d)(3) of this section, following the expiration date specified in the license, shall—

(1) Be limited to actions, involving byproduct material, related to decontamination and other activities related to preparation for release for unrestricted use; and

(2) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the Commission notifies the licensee in writing that the license is terminated.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

5. The authority citation for Part 40 is revised to read as follows:

Authority: Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 11e(2), 83, 84, Pub. L. 95–604, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2014(e)(2), 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); secs. 274, Pub. L. 86–373, 73 Stat. 688 (42 U.S.C. 2021); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 40.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C 5951). Section 40.31 (g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 40.71 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 40.3, 40.25(d)(1)–(3), 40.35(a)–(d), 40.41(b) and (c), 40.46, 40.51(a) and (c), and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended, (42 U.S.C. 2201(b)), and §§ 40.25(c) and (D)(3) and (4), 40.26(c)(2), 40.35(e), 40.42, 40.61, 40.62, 40.64 and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

§§ 40.1, 40.2a, 40.3, 40.4, 40.11, 40.13, 40.14, 40.21, 40.22, 40.25, 40.26, 40.31, 40.32, 40.35, 40.41, 40.45, 40.51, 40.61–40.65, 40.71, Appendix A [Amended]

6. Remove the authority citations following:

Sections 40.1, 40.2a, 40.3, 40.4, 40.11, 40.13, 40.14, 40.21, 40.22, 40.25, 40.26, 40.31, 40.32, 40.34, 40.35, 40.41, 40.45, 40.51, 40.61, 40.62, 40.63, 40.64, 40.65, 40.71, and Appendix A.

§ 40.41 [Amended]

7. Section 40.41 is amended by removing and reserving paragraph (f).

(f) [Reserved]

* * * * *

8. Section 40.42 is revised to read as follows:

§ 40.42 Expiration and termination of licenses.

(a) Except as provided in § 40.43(b) and paragraph (d)(3) of this section, each specific license expires at the end of the day, in the month and year stated in the license.

(b) Each licensee shall immediately notify the Commission in writing, under § 40.5, when the licensee decides to permanently discontinue all activities involving materials authorized under the license and request termination of the license. This notification and request for termination of the license must include the reports and information specified in paragraphs (d)(1)(iii) and (iv) of this section. The licensee is subject to the provisions of paragraphs (d) and (e) of this section, as applicable.

(c) No less than 30 days before the expiration date specified in a specific license the licensee shall either—

(1) Submit an application for license renewal under § 40.43; or

(2) Notify the commission in writing, under § 40.5, if the licensee decides not to renew the license.

(d)(1) If a licensee does not submit an application for license renewal under § 40.43, the licensee shall on or before the expiration date specified in the license—

(i) Terminate use of source material;

(ii) Properly dispose of source material;

(iii) Submit a completed form NRC-314; and

(iv) Submit a radiation survey report to confirm the absence of radioactive materials or establish the level of residual radioactive contamination, unless the Commission determines a radiation survey report is not necessary. The licensee shall—

(A) Report levels of radiation in units of microrads per hour of beta and gamma radiation at one centimeter and gamma at one meter from surfaces, disintegrations per minute (or microcuries) per 100 square centimeters (removable and fixed on surfaces), and picocuries per gram of soil where contaminated soils are reported; and

(B) Specify the survey instruments(s) used.

(2) If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted under this paragraph and paragraphs (d)(1)(iii) and (iv) of this section is adequate, the Commission will notify the licensee in writing that the license is terminated.

(3) If detectable levels of residual radioactive contamination attributable to activities conducted under a license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual source material present as contamination until the commission notifies the licensee in writing that the license is terminated. During this time the licensee is subject to the provisions of paragraph (e) of this section. In addition to the information submitted under paragraphs (d)(1)(iii) and (iv) of this section the licensee shall submit a plan for decontamination, if necessary.

(e) Each licensee who possesses residual source material under paragraph (d)(3) of this section, following the expiration date specified in the license, shall—

(1) Be limited to actions, involving source material, related to decontamination and other activities related to preparation for release for unrestricted use; and

(2) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the Commission notifies the licensee in writing that the license is terminated.

9. Section 40.71 is amended by removing paragraph (d) and revising the section heading to read as follows:

§ 40.71 Modification and revocation of licenses.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

10. The authority section for Part 70 is revised to read as follows:

Authority: Secs 51, 53, 161, 182, 183, 68 Stat. 929, 930, 948, 953, 954, as amend, (42 U.S.C. 2071, 2073, 2201, 2232, 2233); secs 201, as amended, 202, 204, 206, 88 Stat. 1242, as amended, 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846).

Section 70.7 also issued under Pub. L. 95-601, sec. 20, 92 Stat. 2951 (42 U.S.C. 5851). Section 70. 21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 70.31 also issued under sec. 57d, Pub. L. 93-377, 88 Stat. 475 (42 U.S.C. 2077). Sections 70.36 and 70.44 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 70.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237). Section 70.62 also issued under sec. 108, 68 Stat. 939, as amended (42, U.S.C. 2138).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 70.3, 70.19(c), 70.24(a) and (b), 70.32(a)(3), (5), (6), and (d), 70.36, 70.39(b) and (c), 70.41(a), 70.42(a) and (c), 70.56, 70.57(b), (c) and (d) 70.58(a)-(g)(3), and (h)-(j) are issued under sec. 161(b), 68 Stat. 948, as amended (42, U.S.C. 2201(b)); §§ 70.20a(d), 70.20b (c) and (e), 70.21(c) 70.24(b), 70.32(e) and (g), 70.56, 70.57(b) and (d) and 70.58(a)-(g)(3), and (h)-(j) are isued under sec. 161i, 68 Stat. 949, as amended (42, U.S.C. 2201(i)); and §§ 70.20b(d) and (e), 70.38, 70.51-70.55, 70.58(g)(4), (k), and (1) and 70.59 are issued under sec. 161o, 68 Stat. 950, as amended (42, U.S.C. 2201(o)).

§§ 70.1, 70.3, 70.4, 70.11, 70.14, 70.19, 70.21-70.23, 70.31, 70.32, 70.36, 70.39, 70.41, 70.42, 70.44, 70.53-70.55, 70.57, 70.59, 70.61, 70.62, 70.71 [Amended]

11. Remove the authority citations following:

Sections 70.1, 70.3, 70.4, 70.11, 70.14, 70.19, 70.21, 70.22, 70.23, 70.31, 70.32, 70.36, 70.39, 70.41, 70.42, 70.44, 70.53, 70.54, 70.55, 70.57, 70.59, 70.61, 70.62, 70.71.

12. Section 70.32 is amended by removing and reserving paragraph (h) and revising paragraph (a) introductory text to read as follows:

§ 70.32 Conditions of licenses.

(a) Each license shall contain and be subject to the following conditions:

* * * * *

(h) (Reserved)

* * * * *

13. A new § 70.38 is added to read as follows:

§ 70.38 Expiration and termination of licenses.

(a) Except as provided in § 70.33(b) and paragraph (D)(3) of this section each specific license expires at the end of the day, in the month and year stated in the license.

(b) Each licensee shall immediately notify the Commission in writing, under § 70.5, when the licensee decides to permanently discontinue all activities involving materials authorized under the license and request termination of the license. This notification and request for termination of the license must include the reports and information specified in paragraphs (d)(1) (iii) and (iv) of this section. The licensee is subject to the provisions of paragraphs (d) and (e) of this section, as applicable.

(c) No less than 30 days before the expiration date specified in a specific license the licensee shall either—

(1) Submit an application for license renewal under § 70.33; or

(2) Notify the Commission in writing, under § 70.5, if the licensee decides not to renew the license.

(d)(1) If a licensee does not submit an application for license renewal under § 70.33, the licensee shall on or before the expiration date specified in the license—

(i) Terminate use of special nuclear material;

(ii) Properly dispose of special nuclear material;

(iii) Submit a completed form NRC-314; and

(iv) Submit a radiation survey report to confirm the absence of radioactive materials or establish the level of residual radioactive contamination, unless the Commission determines a radiation survey report is not necessary. The licensee shall—

(A) Report levels of radiation in units of microrads per hour of beta and gamma radiation at one centimeter and gamma at one meter from surfaces, disintegrations per minute (or microcuries) per 100 square centimeters (removable and fixed on surfaces), and picocuries per gram of soil where contaiminated soils are reported; and

(B) Specify the survey instrument(s) used.

(2) If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. If the information submitted under this paragraph and paragraphs (d)(1) (iii) and (iv) of this section is adequate, the Commission will notify the licensee in writing that the license is terminated.

(3) If detectable levels of residual radioactive contamination attributable to activities conducted under the license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual special nuclear material present as contamination until the Commission notifies the licensee in writing that the license is terminated. During this time the licensee is subject to the provisions of paragraph (e) of this section. In addition to the information submitted under paragraphs (d)(1) (iii) and (iv) of this section the licensee shall submit a plan for decontamination, if necessary.

(e) Each licensee who possesses residual special nuclear material under paragraph (d)(3) of this section, following the expiration date specified in the license, shall—

(1) Be limited to actions, involving special nuclear material, related to decontamination and other activities related to preparation for release for unrestricted use; and

(2) Continue to control entry to restricted areas until they are suitable for release for unrestricted use and the Commission notifies the licensee in writing that the license is terminated.

Dated at Bethesda, Maryland this 13th day of October, 1982.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc 82-[illegible] Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 212

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

[Docket No. 82-19]

Management Official Interlocks

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board and National Credit Union Administration are proposing to amend their regulations implementing the Depository Institutions Management Interlocks Act, 12 U.S.C. 3201 *et seq.*, to permit a management official of a depository organization who terminated a grandfathered interlock because of a change in circumstances, as defined by the agencies, to resume the interlock for the duration of the grandfather period under the Act. The agencies are making this proposal to extend to such management officials the benefit of a statutory amendment to the Act, which permits management officials, currently serving in grandfathered interlocks, to continue such service until November 10, 1988, despite the occurrence of a change in circumstances, i.e., mergers, consolidations, acquisition or establishment of an office.

DATE: Written comments should be received no later than November 26, 1982.

ADDRESS: Comments should be directed to: Docket No. [82-19], Communications Division, 3rd Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza, East, S.W., Washington, D.C. 20219, Attention: C. Christine Jones, (202) 447-1800. Comments will be available for public inspection and photocopying at this address.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason (202) 452-3564 or Melanie Fein (202) 452-3594, Board of Governors of the Federal Reserve System; Jerome Edelstein (202) 447-1880 or Rosemarie Oda (202) 447-1880, Office of the Comptroller of the Currency; Pamela E. F. LeCren (202) 389-4171, or Barbara I. Gersten (202) 38-94171, Federal Deposit Insurance Corporation; David J. Bristol (202) 377-6461 or Kenneth F. Hall (202) 377-6466, Federal Home Loan Bank Board; or Steve Bisker (202) 357-1030, National Credit Union Administration.

SUPPLEMENTARY INFORMATION: On December 28, 1981, Pub. L. 97-110 was signed into law amending the Depository Management Interlocks Act, 12 U.S.C. 3201 *et seq.*, to provide that mergers, acquisitions, consolidations and the establishment of offices do not constitute changes in circumstances which require termination of grandfathered interlocks. Consequently, in a final regulation being published in the **Federal Register** by the agencies, provisions which specified that those events constituted changes in circumstances requiring termination of grandfathered interlocks are rescinded. Ths action has the effect of permitting management officials currently serving grandfathered interlocking positions to continue such service until November 10, 1988 despite the occurrence of a merger, consolidation, acquisition or the establishment of an office.

The final regulation does not address the question of whether management officials who terminated their interlocking service may resume such serrvice. Under their rulemaking authority granted by § 209 of the Interlocks Act, 12 U.S.C. 3207, the agencies propose to amend their respective regulations to permit such management officials to resume their interlocking service for the duration of the grandfather period. A management official who terminated a grandfathered interlock for some reason other than a change in circumstances enumerated in the regulations would not be permitted to resume the interlock. Similarly, any person who resigned from a grandfathered interlock or otherwise terminated such service for reasons other than a change in circumstances after enactment of the amendment would not be permitted to resume the interlocking service.

The agencies believe that this proposed amendment is consistent with the Congressional intent underlying the statutory amendment to afford an uninterrupted grandfather period for interlocks that were in existence when the Interlocks Act was enacted. This intent was expressed in a statement during Congressional consideration of the statutory amendment that management officials would be permitted to resume interlocking service for the duration of the grandfather period. 127 Cong. Rec. S. 15309 (daily ed. Dec. 15, 1981) (remarks of Senator Garn).

Interested persons are invited to comment on the proposed regulation for thirty days from the date of this publication. A thirty-day comment period, rather than a sixty-day period, has been established to avoid any unnecessary delay in permitting management officials to resume service. Because this proposal involves only one amendment, the agencies believe that thirty days provides ample opportunity for those interested in this regulation to comment.

Regulatory Flexibility Act Analysis. Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the Board of Directors of the National Credit Union Administration certify that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendment would ease the application of the existing regulations. The effect of the amendment is expected to be beneficial rather than adverse and small entities are generally expected to share the benefits of the amendment equally with larger institutions.

Regulatory Impact Analysis. Pursuant to Section 3(g)(1) of Executive Order 12291 of February 17, 1981, it has been determined that the proposed amendment does not constitute a major rule within the meaning of Section 1(b) of the Executive Order. The amendment would ease restrictions imposed by regulations implementing the Depository Institution Management Interlocks Act, 12 U.S.C. 3201 *et seq.*, and would have no adverse effect on the operations of the depository institutions subject to it. As such, the amendment would not have an annual effect on the economy of $100 million or more, would not affect cost or prices for consumers, individual industries, government agencies or geographic regions, and would not have adverse effects on competition, employment, investment, productivity, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

List of Subjects

12 CFR Part 26

National banks, Management official interlocks.

12 CFR Part 212

Antitrust, Holding companies.

12 CFR Part 348

Antitrust, Banks, Banking, Holding companies.

12 CFR Part 563f

Antitrust, Savings and loan associations.

12 CFR Part 711

Antitrust, Credit unions.

Accordingly, pursuant to their respective authority under section 209 of the Depository Institution Management Interlocks Act (12 U.S.C. 3207), the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration propose to amend 12 CFR by amending Parts 212, 26, 348, 563f, and 711, respectively, as follows:

BILLING CODE 4810-33-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

Management Official Interlocks

12 CFR Part 26 is proposed to be amended as follows:

PART 26—[AMENDED]

1. The authority citation for Part 26 reads as follows:

Authority: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 *et seq.*)

2. Section 26.5 is proposed to be revised to read as follows:

§ 26.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of Section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate or who has terminated service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR 26.6(a) (1981) is not prohibited from continuing or resuming such service until November 10, 1988.

Dated: August 13, 1982.

C. T. Conover,

Comptroller of the Currency.

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Part 212

Management Official Interlocks

12 CFR Part 212 is proposed to be amended as follows:

PART 212—[AMENDED]

1. The authority citation for Part 212 reads as follows:

Authority: 12 U.S.C. 3201 *et seq.*

2. Section 212.5 is proposed to be revised to read as follows:

§ 212.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of Section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate or who has terminated service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR 212.6(a) (1981) is not prohibited from continuing or resuming such service until November 10, 1988.

By order of the Board of Governors of the Federal Reserve System, effective October 12, 1982.

William W. Wiles,

Secretary of the Board.

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

CFR Part 563f

[No. 82-504]

Management Official Interlocks

PART 563f—[AMENDED]

Revise § 563f.5, to read as follows:

§ 563f.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate or who has terminated service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR 563f.6(a) (1981) is not prohibited from continuing or resuming such service until November 10, 1988.

(Pub. L. No. 95-630 (12 U.S.C. 3201 *et seq.*, as *amended by* International Banking Facility Deposit Insurance Act, Pub. L. No. 97-110, 302 (December 26, 1981)); Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

BILLING CODE 6720-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

Management Official Interlocks

12 CFR Part 348 is proposed to be amended as follows:

PART 348—[AMENDED]

1. The authority citation for Part 348 reads as follows:

Authority: Sec. 209, Pub. L. No. 95-630, Stat. 3672 (12 U.S.C. 3207).

2. Section 348.5 is proposed to be revised as follows:

§ 348.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of section 8 of the Clayton Act (15 U.S.C. 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate or who has terminated service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR 348.6(a) (1981) is not prohibited from continuing or resuming such service until November 10, 1988.

By Order of the Board of Directors of the Federal Deposit Insurance Corporation this 23rd day of August 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

BILLING CODE 6714-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

Management Official Interlocks

12 CFR Part 711 is proposed to be amended as follows:

PART 711—[AMENDED]

1. The authority citation for Part 711 reads as follows:

Authority: Sec. 209, Pub. L. No. 95-630, Stat. 3672 (12 U.S.C. § 3207).

2. Section 711.5 is proposed to be revised as follows:

§ 711.5 Grandfathered interlocking relationships.

A person whose interlocking service in a position as a management official of two or more depository organizations began prior to November 10, 1978, and was not immediately prior to that date in violation of Section 8 of the Clayton Act (15 U.S.C. § 19) is not prohibited from continuing to serve in such interlocking positions until November 10, 1988. Any management official who has been required to terminate or who has terminated service in one or more such interlocking positions as a result of a change in circumstances defined in 12 CFR 711.6(a) (1981) is not prohibited from continuing or resuming such service until November 10, 1988.

Dated: October 12, 1982.

Rosemary Brady,
Secretary, National Credit Union Administration Board.

[FR Doc. 82-[illegible] Filed 10-25-82; 8:45 am]

BILLING CODE 7535-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 212

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

[Docket No. 82-20]

Management Official Interlocks

AGENCIES: Board of Governors of the Federal Reserve System, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Federal Home Loan Bank Board, and National Credit Union Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Federal Home Loan Bank Board propose to amend their regulations implementing the Depository Institution Management Interlocks Act, which generally prohibits certain management official interlocks between depository institutions, depository holding companies, and their affiliates. The proposed regulatory amendments would (1) simplify the procedures for obtaining exceptions to the Act and extensions of time to permit compliance with the Act, (2) ease the burden of the Act on depository institution holding companies by redefining the terms "office" and "total assets," (3) exclude management officials whose functions relate exclusively to retail merchandising and manufacturing, (4) broaden the circumstances under which the exception to the Act for disruptive management loss is available, (5) clarify the circumstances that require termination of non-grandfathered management official interlocks, and (6) provide that interlocks between depository organizations and nondepository organizations that

become diversified savings and loan holding companies, or their subsidiaries, need not be broken until November 10, 1988, despite the occurrence of changes in circumstances. These amendments will be of substantial interest to the banking, savings and loan, and credit union industries.

DATE: Comments must be received by December 27, 1982.

ADDRESS: Please send your comments to Docket No. 20, Communications Division, Third Floor, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, D.C. 20219. Attn: C. Christine Jones ((202) 447-1800). All comments received will be made available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason ((202) 452-3564) or Melanie Fein ((202) 452-3594), Board of Governors of the Federal Reserve System; Jerome Edelstein or Rosemarie Oda ((202) 447-1880), Office of the Comptroller of the Currency; Pamela E. F. LeCren or Barbara I. Gersten ((202) 389-4171), Federal Deposit Insurance Corporation; David J. Bristol ((202) 377-6461) or Kenneth F. Hall ((202) 377-6466), Federal Home Loan Bank Board; or Steven R. Bisker ((202) 357-1030), National Credit Union Administration.

SUPPLEMENTARY INFORMATION: The Depository Institution Management Interlocks Act ("Interlocks Act") was enacted as Title II of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. No. 95-630, 12 USC 3101 *et seq.).* The general purpose of the Interlocks Act, and the final regulations issued thereunder, is to foster competition among depository institutions, depository holding companies, and their affiliates. Final regulations implementing the Act were published on July 19, 1979 (44 FR 42152) and were subsequently amended effective May 9, 1980 (45 FR 24384). In addition, section 206 of the Act was amended by Congress on December 26, 1981 (International Banking Facility Deposit Insurance Act, Pub. L. No. 97-110, 95 Stat. 1513), and final and proposed regulations giving effect to the statutory amendment are being published in the **Federal Register.**

Under the Interlocks Act and the current regulations, a person is prohibited from serving as a management official of two or more unaffiliated depository organizations if those organizations, or their depository institution affiliates, have offices located in the same community ("community prohibition"). Similarly, a person may not serve as a management official of two unaffiliated depository organizations if one of the organizations has total assets of $20 million or more and both organizations, or their depository institution affiliates, one of which has total assets of $20 million or more, have offices located in the same Standard Metropolitan Statistical Area ("SMSA prohibition"). Finally, a person may not serve as a management official of two unaffiliated depository organizations or their depository and non-depository affiliates if one of the depository organizations has total assets in excess of $1 billion and the other has total assets in excess of $500 million ("major assets prohibition"). The regulations provide that certain exemptions from these prohibitions may be granted by the appropriate supervisory agencies upon request. In addition, section 206 of the Act, as amended on December 26, 1981, provides that interlocks between depository organizations that existed on November 10, 1978, are "grandfathered" for a period of ten years until November 10, 1988. As amended, section 206 also provides a limited ten-year exemption for management officials serving concurrently with a non-depository corporation and one or more depository organizations whose concurrent service would otherwise become prohibited as a result of the nondepository corporation becoming a diversified savings and loan holding company (as defined in 12 U.S.C. 1730a(a)(1)(F)).

The proposed amendments, if adopted, would relax restrictions of the current regulations and clarify the operation of certain provisions. The proposed amendments are based on the amendment to section 206 of the Act as well as on the agencies' experience in administering the regulations. Although the proposed amendments would ease the application of the current regulations, which are designed to foster competition among depository organizations, the agencies do not anticipate that the proposed changes will adversely affect competition. These proposals are in furtherance of the objectives of the Financial Institutions Regulation Simplification Act of 1980 (Title VIII, Pub. L. No. 96-221; 12 U.S.C. 3521 *et seq.),* which requires that regulations minimize whatever burdens are necessary. The changes would not establish any recordkeeping or reporting requirements. It is anticipated that depository institutions in general would benefit from the propsoed amendments. The proposed amendments and a full explanation of their effect follows.

1. *Definition of "Management Official"—Exclusion of Certain Persons.* Under the current regulations, a person whose management functions relate exclusively to the business of retail merchandising or manufacturing is not a management official for purposes of the prohibition based on major assets. Such a person is, however, considered a management official for purposes of the community and SMSA prohibitions. It has come to the agencies' attention that providing an exclusion only from the major assets prohibition creates an inconsistent result. A holding company employee with management functions solely over manufacturing or retailing activities may serve as a management official of depository organizations located anywhere in the country except in the SMSA or community where the holding company or its depository institution affiliates are located. The agencies propose to amend the definition so that a person whose management functions relate exclusively to retail merchandising or manufacturing is not considered a management official for purposes of any of the general prohibitions of the regulation.

2. *Definition of "Office."* The proposed amendments would exclude from the definition of "office" an office of a depository holding company. The definitional change is necessary to reflect a substantive change in the prohibitions of the regulation discussed at length below under the heading "General Prohibitions."

3. *Definition of "Total Assets"—Total Assets of Certain Holding Companies.* The agencies propose to amend the definition of "total assets" to provide that the total assets of diversified savings and loan holding companies and bank holding companies exempt from the Bank Holding Company Act by virtue of section 4(d) of that Act ("diversified holding companies") equal only the assets of their depository institution affiliates. Currently, the total assets of a diversified holding company are defined to include the assets of the company's depository institution affiliates for purposes of the SMSA prohibition, and the assets of *all* affiliates for purposes of the major assets prohibition. Thus, a management official of a diversified holding company with assets exceeding $1 billion is prohibited from serving as a management official of a depository organization with assets exceeding $500 million, regardless of the size or location of the depository institution affiliate that causes the diversified holding company to be included as a depository organization under the regulations.

By amending the definition of total assets as proposed, the regulations would key the interlocks prohibitions to the size of the diversified holding company's depository institution affiliate rather than to the size of the holding company system. The agencies believe that focusing on the depository institution affiliate is appropriate because the primary business activities of diversified holding companies normally do not involve competition among depository organizations of the type that the Interlocks Act is intended to foster. In addition, the depository institution affiliate generally represents a very small part of the assets and income of the holding company. Thus, it has been the experience of the agencies in the case of diversified holding companies that the asset size of the holding company itself is not an accurate measure of the market in which its depository institution affiliate actually competes.

The effect of the proposed amended definition is illustrated by the following example: X is a management official of Holding Company A and wishes to serve as a management official of Bank B. Holding Company A is a diversified bank holding company with consolidated assets, including the assets of all of its affiliates, in excess of $1 billion. Its only depository institution affiliate is located in SMSA 1. Bank B's total assets exceed $1 billion and all of its offices are located in SMSA 2. Under the proposed amendment, the total assets of Holding Company A would equal the total assets of its depository institution affiliate. Thus, X's concurrent service would be prohibited only if the assets of A's depository institution affiliate exceeded $500 million.

The agencies also propose to make technical changes in the definition of "total assets" to reflect the changes proposed in the general prohibitions discussed below. Under the current regulations, the total assets of a depository holding company include or exclude the assets of its nondepository institution affiliates depending upon whether the SMSA or major assets prohibitions are to be applied. The proposed change would eliminate that distinction since the total assets of a depository holding company will be irrelevant for purposes of the SMSA prohibitions under the proposed amendments.

4. *General Prohibitions.* The agencies have proposed a revision to the general prohibitions section of the regulations that clarifies the language of the section and, in conjunction with the redefinition of "office," effects a substantive change in its application. The general prohibitions of the current regulations provide that a management interlock may be prohibited due to the location of a depository holding company regardless of whether its depository institution affilates are located in the same community or SMSA as the holding company. For example, the regulations currently prohibit two depository holding companies located in the same community from sharing management officials even though neither has depository institution affilates located in that community or in the same community anywhere in the country. The agencies believe that this prohibition is unduly harsh.

The proposed amendment would apply the community and SMSA prohibitions of the regulation solely with reference to the location and asset size of depository institutions and would eliminate from consideration the location or asset size of depository holding companies. This proposed change would permit a depository holding company to interlock with another depository holding company located in the same community or SMSA, unless the major assets prohibition would apply or unless both companies have depository institution affiliates located in that community or SMSA and, in the case of an SMSA, one or both of the affiliates have assets in excess of $20 million.

5. *Exemption Relating to Diversified Savings and Loan Holding Companies.* On December 26, 1981, section 206 of the Interlocks Act was amended by adding a new subsection (b), effective as of November 10, 1978, the date of enactment of the Act. Subsection (b), which expires on November 10, 1988, provides that a person serving as a management official of a non-depository corporation and of a depository organization is not prohibited from continuing to serve with both entities as a result of the non-depository corporation becoming a diversified savings and loan holding company, as defined in section 408(a) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)). Without this express exemption, the transformation of the corporation into a depository organization would subject the official's dual service to the prohibitions of the Interlocks Act. Even if such dual service commenced prior to November 10, 1978, it would not be grandfathered under the Act since section 206 grants grandfather rights only to interlocks between depository organizations.

The agencies in a related action have amended their respective regulations to reflect the addition of subsection (b) to section 206 of the Interlocks Act. This proposal would further amend the regulations to provide that persons who were serving a depository organization and a nondepository organization when the latter became a diversified savings and loan holding company may maintain any interlocking service that existed when the corporation became a diversified savings and loan holding company until November 10, 1988, regardless of whether subsequent changes in circumstances occur that otherwise would require termination of such service. This proposed change reflects the agencies' view that section 206(b) of the Interlocks Act grants rights similar to those provided to grandfathered management officials by section 206(a), as amended by Congress. This interpretation is supported by the legislative history.

In addition, the proposal would permit interlocks between a depository organization and any nondepository subsidiaries of a nondepository organization that becomes a diversified savings and loan holding company to continue until November 10, 1988. If the agencies were to apply subsection (b) only to officials of the nondepository parent organization, inconsistencies would result since the exemption would then permit continued service by the management officials of the parent organization if the organization itself purchased the shares of a savings and loan, but would not permit the same officials to serve with a shell holding company set up by the parent organization to acquire the savings and loan. For example, if a management official were serving concurrently with Bank A, Nondepository Organization B, and Nondepository Organization C (a nondiversified shell holding company formed by B), and if C acquired a savings and loan association, the official would have to terminate his or her interlocking service with A and C even though none of the interlocks would have to be broken if B acquired the savings and loan directly. The effect of such an uneven application would be to discriminate against nondepository organizations that desired to acquire savings and loans through subsidiary holding companies, a result the agencies believe was not intended by Congress.

6. *Agency Approval of Exceptions.* The agencies have proposed a revision in the manner in which exceptions are granted under the regulations. Under the current regulations, an exception must be approved by both the federal supervisory agency of the institution in need of the exception and the supervisory agency of the other institution(s) involved in the interlock. Frequently, the primary federal

supervisor is not the same for each institution, and an applicant for the exception must apply to two or more different agencies. In the interests of simplifying the application of the regulations and affording prompt relief to institutions in need of management expertise, the agencies believe that approval by only the federal supervisory agency of the needy institution should be required for an exception to be granted. Approval by the other supervisory agencies involved would not be required. The proposed regulation would make clear that, if the depository institution seeking to qualify under one of the exceptions had no federal supervisory agency, the federal supervisory agency of the other institution involved in the proposed interlock would grant or deny the applied-for exception.

7. *Extension for Disruptive Management Loss.* The current regulations provide that the agencies may extend for a period of up to 30 months the compliance period for depository organizations losing 50 percent or more of their directors or total management officials as a result of changes in circumstances requiring the termination of management official interlocks. Based on the agencies' experience with this provision, the agencies propose the following changes:

(a) The current provision becomes operative when a depository institution faces the loss of 50 percent of either its directors or total management officials. Recognizing that the loss of a smaller percentage of management officials may also cause significant disruption to a depository organization, the agencies propose to reduce to 30 percent the percentage necessary to qualify for the extension.

(b) Under the existing regulations, the 30-month extension becomes available only when the depository organization facing disruptive management loss experiences a change in circumstances. It has come to the agencies' attention that a depository organization may experience a disruptive loss of management officials due to changes in circumstances involving other depository organizations but not the affected organization itself, or due to a series of changes in circumstances involving the organization and other depository organizations. Recognizing that these situations also may cause disruptive management loss, the agencies propose to make the 30-month extension available when any change in circumstances or combination of changes in circumstances results in the potential loss of 30 percent or more of an organization's directors or total management officials. Under the proposed amendments, changes in circumstances that occur within a 15-month period will be viewed in the aggregate in order to determine whether the requisite percentage exists. The 30-month period would be measured from the date of the first change in circumstances that occurred within the 15-month period.

The following example illustrates how the new provision would operate: Bank A, located in SMSA 1, has 10 directors. One of Bank A's directors serves as a director of Bank B in SMSA 2, one serves as director of Bank C in SMSA 3, and one serves as director of Bank D in SMSA 4. In Month 1, Bank B merges with a bank in SMSA 1. In month 7, Bank A merges with a bank located in SMSA 4. In Month 13, Bank C merges with a bank in SMSA 1. As a result of these mergers, Bank A's interlocks with each of the other three banks become prohibited. Bank A's management officials may apply for an extension to terminate the prohibited interlocks, which would end 30 months from the first change in circumstances.

(c) Under the current regulations, an organization qualifying for the 30-month extension must experience a change in circumstances that "requires the termination of service" of its directors or management officials. When some of the directors whose interlocks become prohibited in fact intend to retain their positions with the depository organization experiencing the change in circumstances, the extension would not appear to be necessary to avoid unduly disrupting the affected organization. For this reason, the agencies propose to limit the availability of the extension by requiring applicants to submit a written statement demonstrating the likelihood of disruptive management loss. The agencies do not believe this requirement would impose an undue regulatory burden; its purpose would be simply to ensure that the 30-month extension is granted only to organizations truly in need of relief. For purposes of demonstrating the likelihood of management loss, the agencies propose to estabish a rebuttable presumption that a director who is a full-time employee of the affected organization normally would not terminate interlocking service by resigning from that organization. The agencies believe that such a presumption is reasonable and would ease the regulatory burden in evaluating requests under this provision.

8. *Changes in Circumstances—Nongrandfathered Interlocks.* The Interlocks Act authorizes the agencies to grant a period of time, not in excess of 15 months, for compliance with the Act following changes in circumstances that cause interlocks to become prohibited. The current regulations provide that a management official with a nongrandfathered interlock that becomes prohibited as a result of a voluntary change in circumstances may continue to serve until the next regularly scheduled annual shareholders meeting of the institutions involved following a change in circumstances, unless the agencies impose a shorter time period. The management official may request an extension of the grace period not in excess of 15 months from the date of the change in circumstances. If the management official's non-grandfathered service becomes prohibited due to an involuntary change in circumstances, however, such as natural growth or a change in community or SMSA boundaries, the maximum 15-month grace period applies.

In order to simplify the grace period provision, the agencies propose to provide the maximum 15-month grace period for all changes in circumstances, whether voluntary or involuntary. This change would eliminate the necessity for institutions to apply for extensions of time, which in most cases are only for several months. In view of this proposal, the distinction between voluntary and involuntary interlocks would no longer be necessary. Accordingly, the proposed amendments would eliminate the distinction.

Since adopting the regulations, it has been the agencies' experience that other changes in circumstances, such as the termination of an affiliate relationship between two or more depository organizations, may cause nongrandfathered interlocks to become prohibited. The list of changes in circumstances specified in the regulations was intended to reflect the most commonly occurring changes and, as indicated when the regulations were originally adopted, was not intended to be exhaustive. To clarify their intent in this regard, the agencies propose to amend the regulations to indicate that nongrandfathered interlocks that become prohibited due to changes in circumstances other than those enumerated in the regulations also will be eligible for a grace period. The amendment also would specifically include disaffiliation as a change in circumstances.

9. *Effect on Clayton Act.* The Board of Governors of the Federal Reserve System is proposing to make a technical change in its regulation by eliminating

section 212.7 pertaining to the effect of the Interlocks Act on the Clayton Act. This section states that the Board of Governors regards the provisions of the first three paragraphs of section 8 of the Clayton Act to have been supplanted by the Interlocks Act. The other agencies' regulations do not include this provision since only the Board of Governors had jurisdiction over management interlocks under the Clayton Act prior to enactment of the Interlocks Act. The substance of the section will be incorporated into the authority section of the regulation. This proposed change is intended to make the agencies' regulations more uniform in appearance.

10. *Regulatory Flexibility Act Analysis.* Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration certify that the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendments would ease the application of the existing regulations and do not have any particular effect on small entities. The effect of the amendments is expected to be beneficial rather than adverse and small entities are generally expected to share the benefits of the amendments equally with larger institutions.

11. *Regulatory Impact Analysis.* Pursuant to Section 3(g)(1) of Executive Order 12291 of February 17, 1981, it has been determined that the proposed amendments do not constitute a major rule within the meaning of Section 1(b) of the Executive Order. The amendments ease restrictions imposed by regulations implementing the Depository Institution Management Interlocks Act, 12 U.S.C. 3201 *et seq.*, in instances where the easing of such restrictions has no anticompetitive effect. The amendments have no adverse effect on the operations of the depository institutions subject to them. As such the amendments will not have an annual effect on the economy of $100 million or more, will not affect costs or prices for consumers, individual industries, government agencies or geographic regions, and will not have adverse effects on competition, employment, investment, productivity, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

List of Subjects

12 CFR Part 26

National Banks, Management official interlocks.

12 CFR Part 212

Antitrust, Holding companies.

12 CFR Part 348

Antitrust, Banks, Banking, Holding companies.

12 CFR Part 563f

Antitrust, Savings and loan associations.

12 CFR Part 711

Antitrust, Credit unions.

Accordingly, pursuant to their respective authority under section 209 of the Depository Institution Management Interlocks Act (12 U.S.C. 3207), the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration hereby propose to amend Title 12 of the Code of Federal Regulations by amending Parts 26, 212, 348, 563f, and 711, respectively, as follows:

BILLING CODE 4810-33-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563f

[No. 82-505]

Management Official Interlocks

1. Revise paragraphs (f), (g) and (j) of § 563f.2, to read as follows:

§ 563f.2 Definitions.

* * * * *

(f)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nomineee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) persons described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

(g) "Office" means a principal or branch office, located in the United States, of a depository institution. "Office" does not inlcude a representative office of a foreign commerical bank, an electronic terminal, or a loan production office, or any office of a depository holding company.

* * * * *

(j) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of all of its affiliates, except that "total assets" of a diversified savings and loan holding company, as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. "Total assets" of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

* * * * *

2. Revise paragraphs (a) and (b) of § 563f.3, to read as follows:

§ 563f.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area ("SMSA").* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more; or

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository

institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the same SMSA as a depository institution affiliate of the other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

* * * * *

3. Amend § 563f.4 by revising the introductory language to paragraph (b), subparagraphs (1), (2), (3), and (5) of paragraph (b), and paragraph (c), to read as follows:

§ 563f.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A management official or a prospective management official of an insured institution, a savings and loan holding company, or an affiliate of either may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the Federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications is not subject to the interlocks regulations of any of the Federal supervisory agencies, then the Board shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low-income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (i) located, or to be located, in a low income or other economically depressed area, or (ii) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (A) The relationship is necessary to provide management or operating expertise to the organization specified in (i) or (ii) above; (B) no interlocking relationship permitted by this subparagraph shall continue for more than five years; and (C) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly-created organization; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than two years after the newly-chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to such organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officials due to changes in circumstances.* If a depository organization is likely to lose 30 percent or more of its directors or if its total management officials due to a change in circumstances described in § 563f.6 of this Part, the affected management officials may continued to serve in excess of the time periods specified in § 563f.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization submits a written statement demonstrating that, absent a grant of relief in accordance with this subparagraph; 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a fifteen-month period; and (iv) the depository organization submits a proposal for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to or in lieu of the foregoing may be imposed by the Federal supervisory agency. In evaluating written statements submitted pursuant to this paragraph, the Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 563f.3, a person who serves as a management official of a depository organization and of a nondepository organization (or any subsidiary thereof) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in Section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), and may continue to serve until November 10, 1988, despite the occurence of any subsequent changes in circumstances.

4. Revise § 563f.6, to read as follows:

§ 563f.6 Changes in circumstances.

(a) *Nongrandfathered Interlocks.* If a person's service as a management official is not grandfathered under section 563f.5 of this Part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's nongrandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

(Secs. 206, 207, 209, 92 Stat. 3674, 3675 (12 U.S.C. 3205, 3206, 3207, *as amended by* International Banking Facility Deposit Insurance Act, Pub. L. No. 97-110, 302 (December 26, 1981)); Reorg. Plan No. 3 of 1947; 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

BILLING CODE 6720-01-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 26

Management Official Interlocks

12 CFR Part 26 is proposed to be amended as follows:

PART 26—[AMENDED]

1. The authority citation for Part 26 reads as follows:

Authority: Depository Institution Management Interlocks Act, 92 Stat. 3672 (12 U.S.C. 3201 *et seq.*)

2. Section 26.2 (h), (i) and (l) are proposed to be revised as follows:

§ 26.2 Definitions.

* * * * *

(h)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) persons described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

(i) "Office" means a principal or branch office, located in the United States, of a depository institution. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office, or any office of a depository holding company.

* * * * *

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of all of its affiliates, except that "total assets" of a diversified savings and loan holding company, as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. "Total assets" of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

* * * * *

3. Section 26.3 (a) and (b) are proposed to be revised as follows:

§ 26.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area ("SMSA").* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more;

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the same SMSA as a depository institution affiliate of the other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

* * * * *

4. Section 26.4 is proposed to be amended by revising paragraphs (b), subparagraphs (b)(1), (b)(2), (b)(3), (b)(5) and adding new paragraph (c) to read as follows:

§ 26.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A management official or a prospective management official of a national bank, bank located in the District of Columbia, or an affiliate of either may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications set out below is not subject to the interlocks regulations of any of the federal supervisory agencies, then the Comptroller shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (A) located, or to be located, in a low income or other economically depressed area, or (B) Controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the organization specified in (A) or (B) above; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than five years; and (iii) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly-chartered organization, (ii) no interlocking relationship permitted by this subparagraph shall continue for more than two years after the newly-chartered organization commences

business; and (iii) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to such organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officials due to changes in circumstances.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 26.6 of this Part, the affected management officials may continue to serve in excess of the time periods specified in § 26.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization submits a written statement demonstrating that, absent a grant of relief in accordance with this subparagraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a fifteen-month period; and (iv) the depository organization submits a proposal for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to, or in lieu of, the foregoing may be imposed by the Federal supervisory agency. In evaluating written statements submitted pursuant to this subparagraph, the Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 26.3, a person who serves as a management official of a depository organization and of a non-depository organization (or its subsidiary affiliates) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in Section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), and may continue to serve until November 10, 1988, despite the occurrence of any subsequent changes in circumstances.

5. Section 26.6 is proposed to be revised as follows:

§ 26.6 Changes in circumstances.

(a) *Non-grandfathered interlocks.* If a person's service as a management official is not grandfathered under § 26.5 of this Part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's non-grandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

Dated: August 13, 1982.

C. T. Conover,

Comptroller of the Currency.

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Part 212

Management Official Interlocks

12 CFR Part 212 is proposed to be amended as follows:

PART 212—[AMENDED]

1. The authority citation for Part 212 reads as follows:

Authority: 12 U.S.C. 3201 *et seq.*

2. Section 212.2 (h), (i) and (l) are proposed to be revised as follows:

§ 212.2 Definitions.

* * * * *

(h)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) person described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. § 3201(4)).

(i) "Office" means a principal or branch office, located in the United States, of a depository institution. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office, or any office of a depository holding company.

* * * * *

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The "total assets" of a depository holding company include the total assets of all of its affiliates, except that "total assets" of a diversified savings and loan holding company, as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. The "total assets" of a United States branch or agency of a foreign commercial bank means the total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

* * * * *

3. Section 212.3 (a) and (b) are proposed to be revised as follows:

§ 212.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area ("SMSA").* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more; or

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the same SMSA as a depository institution affiliate of the other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

* * * * *

4. Section 212.4 is proposed to be amended by revising paragraph (b), paragraphs (b)(1), (b)(2), (b)(3), and (b)(5), and paragraph (c) to read as follows:

§ 212.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A management official or a prospective management official of a state member bank, bank holding company, or an affiliate of either, may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications set out below is not subject to the interlocks regulations of any of the federal supervisory agencies, then the Board shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (A) located, or to be located, in a low income or other economically depressed area, or (B) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (i) the relationship is necessary to provide management or operating expertise to the organization specified in (A) or (B) above; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than five years; and (iii) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly-chartered organization; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than two years after the newly-chartered organization commences business; and (iii) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to such organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to, or in lieu of, the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officials due to changes in curcumstances.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 212.6 of this Part, the affected management officials may continue to serve in excess of the time periods specified in § 212.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization submits a written statement demonstrating that, absent a grant of relief in accordance with this subparagraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a fifteen-month period; and (iv) the depository organization submits a proposal for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstancs which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to, or in lieu of, the foregoing may be imposed by the Federal supervisory agency. In evaluating written statements submitted pursuant to this subparagraph, the Federal supervisory agency will presume that a director who also is paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository oranization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 212.3, a person who serves as a management official of a depository organization and of a non-depository organization (or its subsidiary affiliates) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in

Section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), and may continue to serve until November 10, 1988, despite the occurrence of any subsequent changes in circumstances.

5. Section 212.6 is proposed to be revised as follows:

§ 212.6 Changes in circumstances.

(a) *Non-grandfathered interlocks.* If a person's service as a management official is not grandfathered under §212.5 of this Part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's non-grandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

By order of the Board of Governors of the Federal Reserve System, effective October 12, 1982.

William W. Wiles,

Secretary of the Board.

BILLING CODE 6210-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 348

Management Official Interlocks

It is proposed that 12 CFR Part 348 be amended as follows:

PART 348—[AMENDED]

1. The authority citation for Part 348 reads as follows:

Authority: Sec. 209, Pub. L. No. 95-630, 92 Stat. 3675 (12 U.S.C. 3207).

2. Section 348.2 (h), (i) and (l) are proposed to be revised to read as follows:

§ 348.2 Definitions.

* * * * *

"(h)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) (including an advisory director or honorary director); (ii) a director (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) persons described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

(i) "Office" means a principal or branch office, located in the United States, of a despository institution. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office, or any office of a depository holding company.

* * * * *

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The total assets of a depository holding company include the total assets of all of its affiliates, except that the total assets of a diversified savings and loan holding company, as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. Total assets of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

* * * * *

(3) Paragraphs (a) and (b) of § 348.3 are to be revised as follows:

§ 348.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area ("SMSA").* A management official of a depository organization may not serve at the same time as a management official of another depository organization not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more;

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the same SMSA as a depository institution affiliate of the other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

* * * * *

(4) Paragraphs (b), (b)(1), (b)(2), (b)(3), (b)(5), and (c) of Section 348.4 are to be revised as follows:

§ 348.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A management official or a prospective management official of an insured nonmember bank or any affiliate thereof may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the Federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications set out below is not subject to the interlocks regulations of any of the Federal supervisory agencies, then the FDIC shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (A) located, or to be located, in a low income or other

economically depressed area, or (B) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (i) the relationship is necessary to provide management or operating expertise to the organization specified in (A) or (B) above; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than five years; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly-created organization; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than two years after the newly-chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations, faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) the relationship is necessary to provide management or operating expertise to such organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

* * * * *

(5) *Loss of management officials due to change in circumstance.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 348.6 of this Part, the affected management officials may continue to serve in excess of the time periods specified in § 348.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization submits a statement demonstrating that, absent a grant of relief in accordance with this subparagraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a fifteen-month period; and (iv) the depository organization submits a proposal for the orderly termination of service by each such management official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to or in lieu of the foregoing may be imposed by the Federal supervisory agency. In evaluating written statements submitted pursuant to this subparagraph, the Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding § 348.3, a person who serves as a management official of a depository organization and of a nondepository organization (or any subsidiary thereof) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in Section 408(a)(1)(F) of the National Housing Act (12 U.S.C 1730(a)(1)(F)), and may continue to serve until November 10, 1988, despite the occurrence of any subsequent changes in circumstances.

5. Paragraphs (a) and (b) of section 348.6 are to be revised to read as follows:

§ 348.6 Changes in circumstances.

(a) *Non-grandfathered interlocks.* If a person's service as a management official is not grandfathered under § 348.5 of this Part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's nongrandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

By Order of the Board of Directors of the Federal Deposit Insurance Corporation this 23rd day of August 1982.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

BILLING CODE 6714-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 711

Management Official Interlocks

It is proposed that 12 CFR Part 711 be amended as follows:

PART 711—[AMENDED]

1. The authority citation for Part 711 reads as follows:

Authority: Sec. 209, Pub. L. No. 95-630, 92 Stat. 3675 (12 U.S.C. 3207).

2. Section 711.2(h), (i) and (l) are proposed to be amended to read as follows:

§ 711.2 Definitions.

* * * * *

(h)(1) "Management official" means (i) an employee or officer with management functions (including a branch manager); (ii) a director (including an advisory director or honorary director); (iii) a trustee of a business organization under the control of trustees (*e.g.*, a mutual savings bank); or (iv) any person who has a representative or nominee serving in any such capacity. (2) "Management official" does not include (i) a person whose management functions relate exclusively to the business of retail merchandising or manufacturing; (ii) a person whose management functions relate principally to the business outside the United States of a foreign commercial bank; or (iii) persons described in the provisos of section 202(4) of the Interlocks Act (12 U.S.C. 3201(4)).

(i) "Office" means a principal or branch office, located in the United States, of a depository institution. "Office" does not include a representative office of a foreign commercial bank, an electronic terminal, or a loan production office, or any office of a depository holding company.

* * * * *

(l) "Total assets" means assets measured on a consolidated basis as of the close of the organization's last fiscal year. The "total assets" of a depository holding company include the total assets of all of its affiliates, except that "total assets" of a diversified savings and loan holding company, as defined in section 408(a)(1)(F) of the National Housing Act (12 U.S.C. 1730a(a)(1)(F)), or of a bank holding company that is exempt from the prohibitions of section 4 of the Bank Holding Company Act of 1956 pursuant to an order issued under section 4(d) of that Act (12 U.S.C. 1843(d)), means only the total assets of its depository institution affiliate. "Total assets" of a United States branch or agency of a foreign commercial bank means total assets of such branch or agency itself exclusive of the assets of the other offices of the foreign commercial bank.

* * * * *

3. Paragraphs (a) and (b) of § 711.3 are proposed to be revised as follows:

§ 711.3 General prohibitions.

(a) *Community.* A management official of a depository organization may not serve at the same time as a management official of another organization not affiliated with it if:

(1) Both are depository institutions and each has an office in the same community;

(2) Offices of depository institution affiliates of both are located in the same community; or

(3) One is a depository institution that has an office in the same community as a depository institution affiliate of the other.

(b) *Standard Metropolitan Statistical Area* ("SMSA"). A management official of a depository organization may not serve at the same time as a management official of another depository organizaton not affiliated with it if:

(1) Both are depository institutions, each has an office in the same SMSA, and either institution has total assets of $20 million or more;

(2) Offices of depository institution affiliates of both are located in the same SMSA and either of the depository institution affiliates has total assets of $20 million or more; or

(3) One is a depository institution that has an office in the same SMSA as a depository institution affiliate of the other and either the depository institution or the depository institution affiliate has total assets of $20 million or more.

4. Section 711.4 is proposed to be amended by revising paragraph (b), paragraphs (b)(1), (b)(2), (b)(3), (b)(5), and paragraph (c) to read as follows:

§ 711.4 Permitted interlocking relationships.

* * * * *

(b) *Interlocking relationships permitted by agency order.* A managment official or a prospective management official of a federally insured credit union or any affiliate thereof may enter into an otherwise prohibited interlocking relationship with a depository organization that falls within one of the classifications enumerated in this paragraph (b) if the Federal supervisory agency (as specified in section 207 of the Interlocks Act) of the organization that falls within one of the classifications determines that the relationship meets the requirements set forth in this paragraph. If the depository organization that falls within one of the classifications set out below is not subject to the interlocks regulations of any of the Federal supervisory agencies, then the NCUA shall determine whether the relationship meets the requirements of this paragraph.

(1) *Organization in low income area; minority or women's organization.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations is (A) located, or to be located, in a low income or other economically depressed area, or (B) controlled or managed by persons who are members of minority groups or by women, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the organization specified in (A) or (B) above; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than five years; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(2) *Newly-chartered organization.* A person may serve at the same time as a management official of two or more depository organizations if one of the depository organizations (or an affiliate thereof) is a newly-chartered organization, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to the newly-created organization; (ii) no interlocking relationship permitted by this subparagraph shall continue for more than two years after the newly-chartered organization commences business; and (iii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case.

(3) *Conditions endangering safety or soundness.* A person may serve at the same time as a management official of two or more depository organizations (or affiliates thereof) if one of the depository organizations, faces conditions endangering the organization's safety or soundness, subject to the following conditions: (i) The relationship is necessary to provide management or operating expertise to such organization facing conditions endangering safety or soundness; and (ii) other conditions in addition to or in lieu of the foregoing may be imposed by the appropriate Federal supervisory agency in any specific case. * * *

(5) *Loss of management officials due to change in circumstance.* If a depository organization is likely to lose 30 percent or more of its directors or of its total management officials due to a change in circumstances described in § 711.6 of this Part, the affected management officials may continue to serve in excess of the time periods specified in § 711.6, provided that: (i) The depository organization's prospective loss of management officials or directors will be disruptive to the internal management of the depository organization; (ii) the depository organization submits a statement demonstrating that, absent a grant of relief in accordance with this subparagraph, 30 percent or more of either its directors or management officials are likely to sever their interlocking relationships with the depository organization; (iii) if the prospective losses of management officials resulted from more than one change in circumstances, such changes in circumstances must have occurred within a fifteen-month period; and (iv) the depository organization submits a proposal for the orderly termination of service by each such management

official over a period not longer than 30 months after the change in circumstances which caused the person's service to become prohibited (but if the loss of management officials is the result of more than one change in circumstances, the 30-month period is measured from the first change in circumstances). Other conditions in addition to or in lieu of the foregoing may be imposed by the Federal supervisory agency. In evaluating written statements submitted pursuant to this subparagraph, the Federal supervisory agency will presume that a director who also is a paid, full-time employee of the depository organization, absent unusual circumstances, will not resign from the position of director with that depository organization. This presumption may, however, be rebutted by a showing that such unusual circumstances exist.

(c) *Diversified savings and loan holding company.* Notwithstanding §711.3, a person who serves as a management official of a despository organization and of a nondepository organization (or any subsidiary thereof) is not prohibited from continuing the interlocking service when the nondepository organization becomes a diversified savings and loan holding company as that term is defined in Section 408(a)(1)(F) the of National Housing Act (12 U.S.C. 1730a(a)(1)(F)), and may continue to serve until November 10, 1988, despite the occurrence of any subsequent changes in circumstances.

5. Paragraphs (a) and (b) of §711.6 are proposed to be revised to read as follows:

§711.6 Changes in circumstances.

(a) *Non-grandfathered interlocks.* If a person's service as a management official is not grandfathered under §711.5 of this Part, the person's service must be terminated if a change in circumstances causes such service to become prohibited. Such a change may include, but is not limited to, an increase in asset size of an organization due to natural growth, a change in SMSA or community boundaries or the designation of a new SMSA, an acquisition, merger or consolidation, the establishment of an office, or a disaffiliation.

(b) *Grace period.* If a person's non-grandfathered service as a management official becomes prohibited under paragraph (a) of this section, the person may continue to serve as a management official of all organizations involved in the prohibited interlocking relationship until 15 months after the date on which the change in circumstances that caused the interlock to become prohibited occurred, unless the appropriate Federal supervisory agency or agencies take affirmative action in an individual case to establish a shorter period.

Dated: October 12, 1982.

Rosemary Brady,

Secretary, National Credit Union Administration Board.

[FR Doc. 82-29290 Filed 10-25-82; 8:45 am]

BILLING CODE 7535-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Monthly and Confirmation Statements

AGENCY: Commodity Futures Trading Commission.

ACTION: Petition for rulemaking.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has received a petition for rulemaking filed pursuant to § 13.2 of its regulations (17 CFR 13.2) requesting that the Commission amend § 1.33(a) of its regulations (17 CFR 1.33(a)) to provide that futures commission merchants ("FCMs") no longer be required to furnish monthly statements to those commodity customers and option customers whose accounts have no open positions at the end of the statement period and no activity since the prior statement period.[1] The Commission has decided to request comment on the rule amendment suggested by the petitioner as modified by this **Federal Register** release.

DATE: Comments must be submitted on or before November 26, 1982.

ADDRESS: Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Bruce A. Beatus, Esq., Legal Section, Division of Trading and Markets, at the address above. Telephone (202) 254-8955.

SUPPLEMENTARY INFORMATION: Section 1.33(a) of the Commission's regulations relates to the monthly statements that FCMs must furnish their customers. Subparagraph (a)(1) requires each FCM to furnish to each commodity futures customer a monthly statement showing the open contract, net unrealized profit or loss and funds deposited for margin in the customer's account. Subparagraph (a)(2) requires each FCM to furnish to each option customer a monthly statement showing all commodity options purchased, sold, exercised, or expired identified by underlying futures contract, strike price, transaction date and expiration date; all open commodity option positions carried as of the end of the monthly reporting period; all open commodity option positions marked to the market and the amount each such position is in-the-money, if any;[2] any customer funds carried in the account; and a detailed accounting of all financial charges and credits to the account. Exemptions from certain of the requirements contained in subparagraph (a)(1) are set forth in paragraph (c).

The petitioner is requesting that the Commission amend § 1.33(a) of its regulations to provide that FCMs no longer be required to furnish monthly account statements to those commodity futures or options customers whose accounts have no open positions at the end of the statement period and no trading activity since the prior statement period. The petitioner states that the cost of compliance with § 1.33(a) in regard to accounts which have experienced no trading activity during the previous reporting period is substantial and that, in its view, amending the rule as requested would result in streamlining the reporting requirements for FCMs while not diminishing customer protection.

Excerpts from the petition are set forth below:

Reasons for Petition

> Of the * * * accounts carried by [Petitioner], 36% during the period January through July, 1982 had credit balances but did not engage in any commodity trading activity. However, pursuant to the Commission's Regulation § 1.33(a) as stated above, [Petitioner] was required to provide these customers with statements. The cost of providing [these statements] was substantial.
>
> Pursuant to Rule 15c3-2 [17 CFR 240.15c3-2 (1982)] of the Securities Exchange Act of 1934, a registered broker/dealer is required to provide a customer with a statement of the amount due the customer whenever the statement is sent but not less frequently than once every three months. Thus, if there was

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[1] The Commission notes that it is also proposing to amend § 1.33 in connection with its proposal to expand the three-year commodity option pilot program to permit and govern the trading of options on physicals on domestic exchanges. While most of these proposed changes are technical in nature, in addition to the amendments affecting options, the Commission is proposing to amend § 1.33 to specify that FCMs must provide to their futures customers information relating to financial charges and credits to the customer's account during the preceding month. 47 FR 28401, 28411 (June 30, 1982).

[2] This in-the-money amount is the amount by which the market price of the underlying futures contract exceeds the strike price in the case of a call option, or the amount by which the market price of the underlying futures contract is less than the strike price in the case of a put option. *See* 46 FR 54500, 54509 (November 3, 1981).

> no activity in an account that had a credit balance, then the broker/dealer would only be required to provide a quarterly statement of the balance. If activity occurred in the account then a statement of account would be sent out at the end of the month. This provision is similar to Rule 409 of the New York Stock Exchange which provides that:
>
> > * * * member organizations shall send to their customers statements of account showing security and money positions and entries at least quarterly to all accounts having an entry, money or security position during the preceding quarter.
>
> [Petitioner] submits that Regulation § 1.33(a) in its current form creates a substantial burden on FCMs by causing the generation of a monthly statement where there is no activity in an account and does not serve any regulatory purpose. Further, * * * changing the regulations to provide that the monthly statement does not have to be sent out if there is no activity in an account during the month, would be an important step in an effort to streamline the reporting requirements for FCMs and would not injure or otherwise harm public customers.

The Commission agrees that its recordkeeping requirements for FCMs should be designed to provide meaningful information on a timely basis to the Commission and to customers and should not impose unwarranted burdens. Therefore, the Commission believes that, as there may be merit to the petition, interested persons should have an opportunity to comment upon the amendment to § 1.33(a) of the Commission's regulations suggested by the petitioner. The Commission, however, also believes that the petitioner's proposal may be too broad, as, for example, credit charges or other entries may be made on a monthly basis, independent of the occurrence of trading activity and as the customer may otherwise need to be routinely advised as to the status of its account. As a consequence, the Commission is publishing the petitioner's proposal with a modification designed to address this and other similar concerns which are discussed below.

One of the principal purposes of § 1.33(a) is to enable a commodity futures or commodity options customer to appraise its market positions more effectively.[3] As a consequence, the Commission is not convinced that completely eliminating the obligation to provide statements of the type required by § 1.33(a) with respect to accounts wherein no trading activity has occurred since the last statement period would not adversely affect a customer's ability to keep routinely informed as to the current status of its open account. The Commission, is, therefore, proposing an addition to the petitioner's amendment, the purpose of which is to make certain that in the event a customer account has neither open positions at the end of the statement period nor any credits or debits to the account balance since the prior statement period, such customer would still receive, at least once every three months, a statement containing the information prescribed in § 1.33(a).

The Commission is proposing this modification because it believes that it is important that customers be periodically informed as to the status of their accounts. The receipt of an account statement as specified in § 1.33(a) on at least a quarterly basis enables customers to verify the accuracy of the FCM's accounting and to inform themselves of any balance which the FCM might be carrying in their accounts. In addition, this Modification will conform the Commission's monthly statement requirements to those currently existing in the securities industry.[4] Of course, the proposed amendment to § 1.33(a) would not interfere with a customer's ability to detect unauthorized trading in its account because the Commission's proposal does not alter the existing requirement contained in paragraph (b) of § 1.33 that FCMs promptly confirm all commodity futures or option transactions affected for customers.

Moreover, the Commission wishes to point out that its modification of petitioner's rule proposal is intended to clarify that the rule encompasses not merely trading activity, but also any other debit or credit entries in the customer's account occurring during the prior monthly statement period. For example, a customer may agree that its commodity account may be debited to transfer funds for securities trading. In such a case debits would occur within a statement period even though no commodity futures or option trading activity had taken place. The Commission would expect such debit items to be reported to the customer on a monthly, not quarterly, basis, as is presently required by § 1.33(a).

Recode Regulatory Flexibility Act

The Commission has previously determined that registered futures commission merchants are not "small entities" for purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). 47 FR 18618 (April 30, 1982). The requirements of the Regulatory Flexibility Act do not, therefore, apply to these entities. Moreover, this proposed rule amendment, if adopted, would reduce existing requirements.

Accordingly, and for the reasons set forth above, the Chairman, on behalf of the Commission, hereby certifies pursuant to 5 U.S.C. 605(b), that the rule proposed herein, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

Section 1.33(a) of the Commission's regulations has previously been issued a control number, 3038–0024, pursuant to the Paperwork Reduction Act of 1980, Pub. L. 896–511, 94 Stat. 2812 (44 U.S.C. 3501 *et. seq.).* As noted above, rather than increasing a paperwork burden, this amendment would reduce an existing recordkeeping obligation. The Office of Management and Budget has been notified of that fact, and a copy of this **Federal Register** notice has been provided to that agency.

List of Subjects in 17 CFR Part 1

Records, Futures commission merchants.

PART 1—[AMENDED]

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 2(a)(1), 4b, 4c, 4g and 8a, thereof, 7 U.S.C. 2, 6b, 6c, 6g and 12a, the Commission hereby proposes to amend Chapter 1, Part 1 of Title 17 of the Code of Federal Regulations by revising § 1.33 introductory text to read as follows:

§ 1.33 Monthly and confirmation statements.

(a) Monthly Statements. Each futures commission merchant must promptly furnish in writing to each commodity customer and to each option customer, as of the close of the last business day of each month or as of any regular monthly date selected, except for accounts in which there are neither open positions at the end of the statement period nor any changes to the account balance since the prior statement period, but in any event not less frequently than once every three months, a statement which clearly shows:

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[3] *See* 39 FR 24235 (July 1, 1974).

[4] *See, e.g.*, Rule 15c3–2 of the Securities and Exchange Commission's regulations which provides that, in connection with customers' free credit balances, statements of account be sent not less frequently than once every three months. 17 CFR 240.15c3–2 (1982).

This proposal also reflects a continuation of previous efforts made by the Commission to minimize, to the extent practicable, inconsistent regulatory requirements on Commission registrants which are also subject to regulation by the Securities and Exchange Commission, such as FCM/broker-dealers.

* * * * *

Issued in Washington, D.C., on October 13, 1982 by the Commission.

Jane K. Stuckey,
Secretary of the Commission.

[FR Doc. 82-29384 Filed 10-25-82; 8:45 am]

BILLING CODE 6351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release Nos. 34-19135; 35-22666; IC-12734; S7-946]

Proposed Amendments to Rule 14a-8 Under the Securities Exchange Act of 1934 Relating to Proposals by Security Holders

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is requesting public comment on a wide variety of questions relating to the security holder proposal process. Comment is requested with respect to the appropriate nature of security holders' access to an issuer's proxy statement. To this end comments also are being solicited with respect to three alternative proposals for the regulation of security holder proposals.

DATE: Comments must be received on or before February 24, 1983.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549. Comment letters should refer to File No. S7-946 and all comments received will be available for public inspection and copying in the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: William E. Morley, (202) 272-2573 or John J. Gorman, (202) 272-2573, Office of the Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

Executive Summary

The Commission today is requesting public comment on a wide variety of issues relating to the federal regulation of the security holder proposal process. The issues posed and the three proposals set forth in the release are a part of the Commission's Proxy Review Program designed, in part, to reduce the burdens of compliance with the Commission's proxy rules consistent with investor protection.

Initially, the Commission is asking for the public's views with respect to the fundamental question of whether security holder access to the issuer's proxy statement should be provided under the Securities Exchange Act of 1934 or left to regulation under state law. Further, assuming that the Commission concludes that federal regulation is appropriate, the Commission is inviting comment on three specific proposals for such regulation, which are outlined in Section II of this release and set forth in the appendix hereto.

Proposal I would retain the framework of the current rule with certain revisions proposed to its specific terms, various interpretations thereunder and some of the staff procedures followed in administering the rule. Such revisions are intended to remove those procedural provisions that are not required to further the purpose of the rule as well as to clarify and to simplify the application of the rule.

Proposal II would permit the issuer, with the approval of its security holders, to vary the procedures specified in the Commission's security holder proposal rule. Under Proposal II, issuers would be permitted to formulate eligibility criteria and bases for exclusion of proposal more or less restrictive than those set forth in the Commission's rule.

Proposal III reflects a view that security holders should have relatively unfettered access to the issuer's proxy statement. Proposal III would require inclusion of a proposal so long as it is proper under state law and does not involve an election of directors, subject to a numerical limit on the aggregate number of proposals required to be included in any proxy statement. Such limitation is based on a recognition of the costs involved and therefore is proposed to vary depending on the number of the issuer's security holders.

Finally, the Commission recognizes that some commentators may feel that none of the three proposals would provide a satisfactory mechanism for dealing with security holder proposals. Accordingly, the Commission is asking those persons for any suggestions they may have for a different approach to the issue. Also set forth in the appendix to this release is statistical information concerning the operation of current Rule 14a-8, which information may be of some interest to those persons responding to the Commission's request for comments on the security holder proposal process.

Over the past several years, the Commission has been engaged in a number of major rulemaking initiatives designed to simplify, in a manner consistent with the protection of investors, the complex disclosure systems that have evolved during the more than forty years since the enactment of the federal securities laws. Application of similar themes in other areas produced, among other things, the Integrated Disclosure System, which streamlines and harmonizes two of the three major disclosure systems—the system for the registration of securities under the Securities Act of 1933 ("Securities Act") [15 U.S.C. 77a et seq.] and the continuous reporting system under the Securities Exchange Act of 1934 ("Exchange Act") [15 U.S.C. 78a et seq.]. In addition, the Commission recently examined the registration requirements and exemptive scheme under the Securities Act and adopted new Regulation D[1], intended to achieve uniformity between state and federal exemptions and to facilitate capital formation.[2]

The Commission now is involved in an extensive program in connection with the third major disclosure system—the rules, forms and schedules relating to the solicitation of proxies. This Proxy Review Program is designed to reduce disclosure burdens, to streamline requirements and to promote proxy statement readability. In furtherance of this program, the Commission has determined to undertake a re-examination of the present regulatory framework governing the security holder proposal process.[3]

I. Background

Recognizing that, with the increased dispersion of security holdings in public companies, the proxy solicitation process rather than the shareholder's meeting itself had become the forum for shareholder suffrage, the Commission, since 1942,[4] has provided security holders of public companies subject to its proxy regulations a right to have their proposals presented to the issuer's security holders at large and to have proxies with respect to such proposals solicited at little or no expense to the security holder. This right has been provided by Rule 14a–8 and its predecessors which have required issuers to include in their proxy statements appropriately submitted proposals that were proper for security holder action. In providing this right the Commission intended:

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[1] 17 CFR 230.501 et seq.

[2] Release No. 33-6389 (March 8, 1982) [47 FR 11251].

[3] In addition to a re-examination of the security holder proposal process, the program will entail: (1) The revision of rules relating to the disclosure of conflict of interest transactions and relationships between directors and issuers. *See* Release No. 33-6416 (July 9, 1982); (2) the simplification of the provisions contained in Item 402 of Regulation S-K relating to disclosure of management remuneration; (3) the simplification of Form S-14—the merger proxy statement; (4) review of the rules concerning proxy contests; and (5) evaluation of the recommendations of the Advisory Committee on Shareholder Communications concerning the process by which issuers communicate with the beneficial owners of their securities. *See* U.S. Securities and Exchange Commission, "Improving Communications Between Issuers and Beneficial Owners of Nominee Held Securities," *Report of The Advisory Committee on Shareholder Communications*, June 1982.

> To place stockholders in a position to bring before their fellow stockholders matters of concern to them as stockholders in such corporation; that is, such matters relating to the affairs of the company concerned as are proper subjects for stockholders' action under the laws of the state under which it was organized.[5]

Since its adoption in 1942, the security holder proposal rule has undergone a number of revisions, generally directed at better defining and refining the bases for exclusion of such proposals from the proxy statement and assuring the goal of security holder communication. Each of these revisions assumed the desirability of continuing the basic regulatory framework reflected in Rule 14a–8.

Fundamental to the Commission's present re-examination of the security holder process, however, is a reevaluation of the need for and desirability of providing a right of security holder access to the issuer's proxy statement under the Exchange Act, and if such right of access is to be continued, what the nature of such right should be. Accordingly, the Commission invites comments on this threshold issue, along with comments on the specific proposals described in the balance of the release. Persons supporting the proposition that there should be no right of access provided under the Exchange Act also should address what disclosure would be required pursuant to Rule 14a–9 under the Exchange Act [17 CFR 240.14a–9] of an issuer that has been advised that certain proposals will be presented at the meeting and that is soliciting discretionary authority which it intends to use to vote against such proposals.[6]

II. Alternatives to Current Rule 14a–8

Assuming that the Commission concludes that a right of access to an issuer's proxy statement should continue to be assured under the Exchange Act, the Commission is inviting comment on three specific proposals for such regulation. In this regard, the Commission is soliciting comment on all of the concepts and rule and interpretive revisions discussed in this release and those reflected in the appendix. Comments also are invited from those persons who believe that security holders should have a right of access to an issuer's proxy statement under the federal securities laws but that there is a preferable regulatory approach to those reflected in current Rule 14a–8 or Proposals I, II or III.

Proposal I

The first alternative approach to the security holder proposal process is to continue regulation based on the concepts underlying current Rule 14a–8. If the Commission adopts that approach, certain changes to the current rule, interpretations thereunder and staff procedures relating thereto will be considered.[7] Such changes are specifically discussed in Section II of the appendix to this release, and a number of such changes are reflected in Proposal I set forth in that section.

The major revisions being proposed to existing Rule 14a–8 include the following. A proponent to be eligible to submit a proposal would have to have been a record or a beneficial owner of at least 1% or $1,000 in market value of the issuer's securities entitled to be voted at the meeting on the proposal for a period of at least one year. Proponents who engage in a general, written solicitation of proxies with respect to a meeting of security holders would be ineligible to use the provisions of Rule 14a–8 for the inclusion of a proposal in the issuer's proxy material for the same meeting. Proponents would only be permitted to submit one proposal per issuer. The deadline for submission of proposals would be revised from 90 to 120 days. Issuers would be required to submit materials to the Commission 60 days before filing preliminary proxy material rather than 50 days.

It is proposed to revise the definition of personal grievance found in Rule 14a–8(c)(4) in line with existing interpretations of that provision. Paragraph (c)(5) of Rule 14a–8 is proposed to be amended to provide that if the issuer demonstrates that the matter involved in the proposal does not meet certain economic criteria or is not otherwise significantly related to the issuer's business, the proposal may be omitted. The Commission also is proposing that paragraph (c)(12) be revised. The revision would change the provision from permitting the omission of a proposal if it is "substantially the same as a proposal previously submitted to security holders" to permitting omission of a proposal if it "deals with substantially the same subject matter as a proposal previously submitted to security holders."

In addition, the Commission is proposing changes in two existing interpretive positions. The first would reverse the existing interpretation that a proposal that either requests the issuer to prepare and to disseminate a special report to shareholders or recommends that a special committee be formed to examine a particular area of the issuer's business may not be excluded under Rule 14a–8(c)(7) as relating to the issuer's ordinary business. Second, the Commission is requesting comment on the adoption of an interpretive postition under Rule 14a–8(c)(10) which would permit the exclusion of a proposal as "moot" if the issuer has "substantially" implemented the action requested by the proposal.

The Commssion also is considering the discontinuance of the issuance of no-action letters under Rule 14a–8, or certain provisions thereof.

These changes, both in the rule and the interpretations thereunder, reflect in large part, criticisms of the current rule that have increased with the pressure placed upon the existing mechanism by the large number of proposals submitted each year and the increasing complexity of the issues involved in those proposals, as well as the susceptibility of certain provisions of the rule and the staff's interpretations thereunder to abuse by a few proponents and issuers. In this regard, it has been suggested that the staff's interpretations of some of the existing provisions are "formalistic" and more restrictive than is necessary to achieve the purposes of the rule and have contributed to the abuse of its provisions.[8]

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[4] Prior to adoption of Rule X–14a–7 (predecessor of Rule 14a–8) the Commission administratively required disclosure of security holder proposals that the issuer had reason to believe would be proposed at the meeting. This position was based upon the inadequacy of disclosure in connection with the solicitation of discretionary authority that the issuer intended to use to vote on those security holder proposals which state law would permit to be raised at the shareholders' meeting. *See* Hearings on SEC Proxy Rules before The House Committee of Interstate and Foreign Commerce, 78th Cong. 1st Sess. pp. 169–170 (1943). Management would often state that it was unaware of any other business to come before the meeting and that it would vote in its judgment on such matters if any came up for a vote. In some cases, management had been advised that a shareholder intended to present a proposal; thus, the solicitation of discretionary authority had been false and misleading. *See* Release No. 34–2376 (January 12, 1940) [5 FR 174].

[5] Release No. 34–3638 (January 3, 1945) [11 FR 10988].

[6] *See* Rule 14a–4(c)(1) under the Exchange Act [17 CFR 240.14a–4(c)(1)].

[7] In addition, as discussed in Part II, if the Commission adopts Proposal II, it will retain a security holder proposal rule to regulate those issuers that do not elect to adopt their own plan. Thus, Proposals I and II might be adopted.

Proposal II

The Commission also is considering a more fundamental change in the security holder proposal process. Under this approach, the Commission would continue to have a rule that specifies the procedures governing the submission and inclusion of security holder proposals, but would adopt a supplemental rule that would permit an issuer and its security holders to adopt a plan providing their own alternative procedures to govern the process. The proposed approach would allow an issuer's board of directors and security holders, rather than the Commission, to make judgements as to what proposals should be included in the issuer's proxy statement at the company's expense. The plan would be required to be approved, and periodically reapproved, by the issuer's security holders. Such reapproval requirement recognizes that the composition of the security holder body changes over time and that new members of the corporate body should be assured some part in defining the parameters of their access to the issuer's proxy statement. The alternative plan or any amendments thereto could be proposed by either the issuer's board of directors or the security holders,[9] and subject to certain minimum requirements discussed in the following paragraph, the provisions of the plan could be as liberal or restrictive as the security holders are willing to approve.

In the event that the Commission were to adopt such an approach, it expects that the rule providing for the plan would contain some minimum limitations on the eligibility criteria and the bases for exclusion of proposals that could be incorporated in the plan. For example, the rule might provide that no such plan could include eligibility criteria that would preclude person(s) holding more than a specified percentage or value of the securities eligible to vote on the matter from submitting a proposal. With respect to the bases for excluding a proposal, the rule might set forth the general bases for exclusion of proposals which an issuer and its security holders could include in the plan. The Commission invites comment on whether it is necessary to provide such limitations on the provisions of the plan, since security holders would have the ability to reject the plan in the event they judge it to provide too limited access to the issuer's proxy statement. Those favoring such limitations are requested to provide specific suggestions as to the appropriate requirements of the rule.[10]

The Commission staff generally would not be involved in determining the includability of specific proposals under the issuer's plan. Disagreements between an issuer and a proponent as to the includability of a proposal pursuant to the plan would be resolved as provided in the plan, and in the last resort, by the courts. The Commission anticipates at least one exception to the foregoing; if the plan permitted under such a rule excludes proposals involving a personal grievance, the Commission staff would continue to be involved in reviewing such proposals to the same degree as it would under its own procedures.[11] The Commission is interested, however, in the commentors' views as to the need to have some form of no-action procedure with respect to other aspects of such plan. The Commission also solicits comments with respect to the practicality and feasibility of relying on the courts as the arbiter of disagreements between proponents and issuers arising under the plan.

This regulatory approach, while continuing to recognize the appropriateness of assuring that security holders have a right of access to the issuer's proxy statement, reflects the view that an issuer's security holders at large have a role to play in defining the scope of that access and the costs that they are willing to have the issuer bear to provide individual security holders the opportunity to communicate with the security holders at large.[12] The Commission also recognizes that commentators' views on this approach may vary significantly depending on the provisions of Rule 14a–8 adopted by the Commission. The Commission therefore invites specific comment on the utility of permitting adoption of such a plan if the Commission were to adopt Proposal I or Proposal III. The Commission also is requesting specific comment on the anticipated cost of such system.

This concept of permitting each issuer and its security holders to determine the extent of access to the issuer's proxy statement and to adopt procedures reflecting such determination is discussed further in Section III of the appendix to this release and incorporated in Proposal II set forth therein.

Proposal III

Another alternative approach to the current security holder proposal process has been suggested recently.[13] Under this approach, all proposals that are proper under state law and that do not involve the election of directors would be included in an issuer's proxy statement, subject to a numerical maximum. The rule would be self-executing and the Commission staff would no longer "adjudicate" disputes concerning the includability of contested proposals. This approach would require a far greater variety of proposals to be included in the issuer's proxy statement than is required under the current rule. However, the number of proposals an issuer would have to include in any particular proxy statement would be specifically limited by a numerical formula, the maximum being a function of the size of the issuer's shareholder body. While this approach would remove the Commission staff from its role as referee in routine interpretive matters, the Commission would still intervene in the process in those rare instances where necessary to redress the most egregious of conduct. This approach is more fully discussed in Section IV of the appendix to this release and incorporated in Proposal III set forth therein.

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[8] It has been suggested that under current construction of the rule, a few proponents have been able to use the rule as a publicity mechanism to further personal interests that are unrelated to the interests of security holders as security holders and that certain sophisticated proponents, who submit proposals annually to a variety of issuers, are able to require the inclusion of a proposal which has generated little security holder interest by simply changing its form or minimally varying its coverage. The rule was not designed to burden the proxy solicitation process by requiring the inclusion of such proposals.

[9] It should be noted that under Proposal II as set forth in Section III of the appendix the submission of an alternative plan would not be subject to the eligibility criteria applicable to the submission of other proposals and, as a result, such a plan could be proposed by a single shareholder owning one share of th issuer's voting securities.

[10] For example, under Proposal II as drafted, such plans could limit the number of proposals to one per proponent, could require proponents to pay a processing fee to the issuer, or could include exclusion penalties for noncompliance with procedural provisions, so long as such plan provisions would not result in the exclusion of a proposal of a holder of more than 1% of the issuer's securities entitled to be voted at the meeting on the proposal or $5,000 in market value of such securities.

[11] Thus, if the Commission should determine, in response to public comment, to discontinue the issuance of no-action letters with respect to requests relating to personal grievances, *see* p. 55, *infra*, of the appendix, then the proviso to Rule 14a–8A(c)(3) set forth in Section III of the appendix would not be adopted.

[12] From time to time, shareholders have complained directly to the Commission concerning what they have considered the inordinate cost the current rule has placed on the issuers in which they have invested.

[13] *See* Longstreth, The S.E.C. and Shareholder Proposals: Simplification in Regulation, Remarks to National Association of Manufacturers, Denver, Colorado (December 11, 1981).

In addition to seeking comments on this approach, the Commission solicits specific comment with respect to the costs of this approach alone or in tandem with Proposal II as compared to the costs of adopting either Proposal I or a combination of Proposals I and II.[14]

Those favoring this approach start from four basic premises. The first is that the security holder proposal process serves the public interest and should be preserved as in important element of shareholder democracy. A number of commentators believe that the security holder proposal process serves to validate the larger corporate system itself which is based on the notion of shareholder ownership and control. This belief is based upon the notion that the security holder proposal process introduces a level of accountability on management in making them respond to the questions of their security holders concerning certain major corporate decisions, and therefore the process, at its best, can be an opportunity for a more effective dialogue between management and the security holders and a stimulant for a reappraisal of existing management positions.

The second premise of the proponents of this approach is that the burden of the security holder proposal process on issuers is minimal in comparison to the benefits. While the available information on the actual economic costs of dealing with security holder proposals is limited, it appears to these proponents that those costs are largely within the control of management. On the other hand, these proponents believe that the benefits inherent in having management give careful consideration to legitimate questions raised by the security holders are substantial. While in most cases these benefits are difficult to quantify, these proponents cite numerous instances where management has made changes or taken action in response to proposals which received limited security holder support or where a proposal has been withdrawn after consultation between the proponent and the issuer's management.

Third, these proponents believe that both issuers and proponents will be better served by a simpler and more predictable regulatory process. The process of rendering informal advice concerning disputes about the eligibility of particular proposals for inclusion in the issuer's proxy materials involves difficult factual and legal judgements. As a result, there necessarily have been complaints about certain of the staff interpretations of the exclusionary provisions under existing Rule 14a–8. These complaints focus on the imprecise concepts involved in certain of those exclusionary provisions. Rather than attempting to redefine those exclusionary provisions, these proponents suggest that it is preferable simply to remove the exclusionary provisions altogether since there may be no way to revise the rules with sufficient precision to reach the problems without opening up new avenues of abuse and creating new uncertainties. Those favoring such an approach believe the drawbacks of requiring inclusion of a clearly objectionable proposal are greatly outweighed by the proposed simplification of the process.

Finally, this approach would eliminate the staff's participation in the process and thus relieve one demand on the Commission's limited resources. While the amount of staff time allocated to processing security holder proposals is not larger in absolute terms, it has been growing every year.[15]

III. Impact on Competition

In addition to the issues raised by the aforementioned revisions to Rule 14a–8, the Commission requests written comment on whether any of the proposals, if adopted, would have an adverse effect on competition or would impose a burden on competition which is neither necessary nor appropriate in furthering the purposes of the Exchange Act. Comments on this inquiry should include, to the extent feasible, detailed empirical and evidentiary material in support of any conclusions, opinons or positions. Comments on this inquiry will be considered by the Commission in complying with its responsibilities under Section 23(a)(2) of the Exchange Act.

IV. Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the proposals herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

Authority

The Commission is proposing the amendments to Rule 14a–8 and interpretations thereunder that are discussed herein pursuant to Sections 14(a) and 23(a) of the Exchange Act, Sections 12(e) and 20(a) of the Public Utility Holding Company Act of 1953, and Sections 20(a) and 38(a) of the Investment Company Act of 1940.

(Sec. 14(a) and 23(a), 48 Stat. 895 and 901; sec. 12(e) and 20(a), 49 Stat. 823 and 833; sec. 20(a) and 38(a), 54 Stat. 822 and 841; 15 U.S.C. 78n(a), 78w(a), 79l(e), 79t(a), 80a–37(a))

By the Commission.

George A. Fitzsimmons,
Secretary.
October 14, 1982.

APPENDIX

I. Statistics Concerning Operation of Current Rule 14a–8

The following presents certain statistical information concerning the operation of current Rule 14a–8 which the Commission believes may be of use to commentators in responding to the Commission's requests for comment concerning the security holder proposal process.

A. Issuers Affected and Costs of Compliance

Rule 14a–8 is applicable to any issuer subject to the proxy rules under Section 14 of the Exchange Act. However, the available information indicates that only a limited number of the approximately 9,000 companies whose securities are registered with the Commission under the Exchange Act actually receive proposals in any year. Statistics compiled by the American Society of Corporate Secretaries show that in the year ended June 30, 1981, 991 proposals were submitted to 376 companies.[16] Preliminary figures for the year ended June 30, 1982 indicate that approximately 850 proposals were submitted to 300 companies. Typically, the issuers receiving proposals are the larger and more widely followed corporations in the country. These companies also tend to receive the bulk of the proposals submitted. In the year ended June 30, 1982, approximately 43 companies received 5 or more proposals, accounting for approximately 350 of the 850 proposals submitted during that period.

To determine the appropriate regulatory approach to the security holder proposal process, the Commission seeks information concerning the cost to these issuers of complying with the current rule. In 1976, in response to a similar request for cost information, the Commission received only one response. American Telephone & Telegraph Company ("AT&T") indicated that the cost of including 5 proposals in its proxy statement was $22,450 per proposal while the cost for the 11 proposals excluded from its proxy material was $3,740 per proposal.[17] The Commission is again requesting issuers to provide information relating to the cost of compliance with the current Rule 14a-8. The Commission also is interested in commentators' assessment of the relationship of such costs to the benefit afforded the security holders at large by the rule.

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[14] Proposals II and III might both be adopted.

[15] The Commission staff spent approximately 1 staff year (1208 hours) in processing materials submitted to it pursuant to Rule 14a–8 during the 1982 season.

[16] The American Society of Corporate Secretaries has approximately 2800 members representing about 1800 companies. The information included in their statistics is obtained from their members, from the Commission's no-action letters under Rule 14a–8 and from information provided by the Interfaith Center on Corporate Responsibility and the Investor Responsibility Research Center

B. Commission Staff Treatment of Contested Proposals

In the year ended June 30, 1981, 173 issuers submitted letters to the staff of the Division of Corporation Finance contesting 387 proposals, and in the year ended June 30, 1982, 182 issuers contested 487 proposals. The following chart summarizes the staff disposition of these proposals.

	1981	1982
Contested proposals	387	487
Included	145	[illegible]
Excluded	211	278
No position expressed	[illegible]	5
Withdrawn	31	46
Letters issued by the Division of Corporation Finance	[illegible]	313
Disposition of contested proposals		
Included:		
A. Division could not give a no-action letter	[illegible]	121
B. Division allowed proponent to revise proposal to cure defect	55	[illegible]
Total	145	[illegible]
Excluded:		
Division took a no-action position for the following reasons (see detailed breakdown below)		
Substantive	133	201
Procedural	78	77
Total	211	278

	1981	1982
No Position Expressed:		
The Division declined to express any view with respect to management's reason for exclusion	0	5
Not Acted Upon:		
Withdrawn	31	46
Total contested Proposals	387	487
Reasons for no action positions:		
Substantive:		
A. Not a proper subject for action—14a-8(c)(1)	[illegible]	[illegible]
B. Proposal would require issuer to violate any law—14a-8(c)(2)	11	4
C. Proposal is contrary to any of the Commission's proxy rules, including Rule 14a-9—14a-8(c)(3)	12	15
D. Personal claim or grievance—14a-8(c)(4)	[illegible]	[1]42
E. Not significantly related to the issuer's business—14a-8(c)(5)	4	[illegible]
F. Matters beyond the issuer's control—14a-8(c)(6)	[illegible]	[illegible]
G. Matters relating to the issuer's ordinary business operations—14a-8(c)(7)	51	73
H. elections to office—14a-8(c)(8)	11	[illegible]
I. Counter proposals—14a-8(c)(9)	4	5
J. Mootness—14a-8(c)(10)	12	[illegible]
K. Duplicate proposals from two shareholders, one of which will be included—14a-8(c)(11)	6	2
L. Same proposal failed to receive minimum vote on last submission—14a-8(c)(12)	9	8
M. Proposals for specific amounts of dividends—14a-8(c)(13)	3	2
Procedural:		
A. Proponent not voting shareholder—14a-8(a)(1)	[illegible]	11
B. Lack of proper notice—14a-8(a)(2)	22	19
C. Not timely—14a-8(a)(3)	[illegible]	33
D. Number and length of proposals—14a-8(a)(4)	0	[2]14
Total excluded proposals	211	278

[1] The significant increase in the number of proposals excludable under Rule 14a-8(c)(4) is attributable to twenty proposals submitted by one proponent to Uniroyal, Inc. and to an identical proposal submitted to ten companies by one proponent, The Gold Bondholders Protective Council, Inc.

[2] Proposals excludable under Rule 14a-8(a)(4) are attributable to two letters, one involving 8 proposals and the other involving 6. In each instance, the letter involved a person who had been a frequent proponent under the security holder proposal rule who appeared to be employing a new tactic to submit additional proposals by having individuals or organizations over which he had control submit proposals on his behalf.

II. Revisions of Current Rule 14a-8—Proposal I

Among the various alternatives to regulating security holder proposals being considered by the Commission is a revised version of current Rule 14a-8 as discussed in this Section.

A. Procedural Requirements for Proponents

Paragraphs (a) and (b) of Rule 14a-8 are concerned primarily with the eligibility of a proponent to rely on Rule 14a-8 and the procedural requirements that such a proponent must follow in submitting his proposal. Paragraph (a)(1) provides that the proponent must be a record or beneficial owner of a security entitled to be voted on his proposal and that he must continue to own the security through the date of the meeting. Paragraph (a)(2) provides that the proponent must state that he intends to appear personally at the meeting to present his proposal for action, and paragraph (a)(3) requires that a proposal be received by the issuer "not less than 90 days in advance of a date corresponding to the date set forth on the management's proxy statement [for] * * * the last annual meeting of security holders." Paragraph (a)(4) limits each proponent to a maximum of two proposals of not more than 300 words each. Paragraph (b) provides that if management opposes a proposal, the proponent is entitled to have a supporting statement of up to 200 words included in management's proxy materials.

1. *Rule 14a-8(a)(1)—Eligibility.*

Rule Changes Under Consideration

The Commission has received a number of suggestions from the public concerning the imposition of additional eligibility requirements for proponents. The most consistently urged criteria are that a proponent be required to meet "minimum investment" and/or "minimum holding period" thresholds. Suggestions for a "minimum investment" vary from a low of 25 shares to a high of 5% of the issuer's securities. An alternative suggestion is that the minimum investment be defined as a specific dollar amount of all the issuer's securities, such as $1,000. With respect to the "minimum holding period" requirement, commentators generally have specified one year as an appropriate period. The Commission is considering a revision to Rule 14a-8(a)(1) that would provide that to be eligible to submit a proposal, a proponent must own at least 1% or $1,000 in market value of a security entitled to be voted at the meeting on the proposal and have held such securities for no less than one year prior to the date on which he submits the proposal.

The Commission is considering an additional modification to paragraph (a)(1) that would provide that persons who already have solicited, or will solicit an issuer's security holders through the use of a widespread distribution of written proxy soliciting materials with respect to the same meeting of the issuer's security holders, would be ineligible to include a proposal in the issuer's proxy material pursuant to Rule 14a-8. When a security holder undertakes the cost of communicating with other security holders, it may be unnecessary to impose on an issuer and its shareholders the additional costs associated with inclusion of the security holder proposal in the issuer's proxy material.

If Rule 14a-8 is retained, the reference to business days will be changed to a

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[17] These figures were computed as follows:

	Proposals included in proxy	Proposals excluded from proxy
Postage	$13,800	$0
Printing	$60,000	$0
Employee remuneration	$38,450	$38,450
Outside counsel	$0	$2,700
Total	$112,250	$41,150
Number of proposals	5	11
Estimated average cost per proposal	$22,450	$3,740

The costs of postage and printing depend on the number of shareholders. AT&T had approximately 2,903,000 common shareholders as of the record date for the annual meeting in question. Postage costs were based on third class bulk mailing rates.

comparable number of calendar days. This technical change is intended to make the deadline consistent with others in the rule that are set forth in terms of calendar days and still provide a proponent with sufficient time to furnish the requisite documentary support.

2. *Rule 14a–8(a)(2)—Notice.*

Rule Changes Under Consideration

Upon a re-examination of this provision, the Commission believes that requiring the proponent to notify the issuer of his intention to appear personally at the meeting serves little purpose. Accordingly, as part of its continuing effort to streamline the rules it administers and to eliminate unnecessary requirements, the Commission is considering a revision to paragraph (a)(2) that would delete this requirement.

Consistent with the proposed elimination of the notice requirement, the Commission also is considering a revision to the rule which would permit the proponent to arrange, from the outset, to have any person who is permitted under applicable state law, present the proposal for action at the meeting.[18] It is the Commission's view that such change should provide greater assurance that the proposal will be presented at the meeting and that the proposal will be presented by a well-informed person.[19] It must be emphasized, however, that it would continue to be the proponent's responsibility, not his representative's, to insure that the proposal is presented. In the event that the proponent or his representative fails, without good cause, to present the proposal for action at the meeting, the rule would continue to permit the issuer to exclude proposals submitted by the proponent from its proxy soliciting materials relating to any meeting held in the following two years.

In addition, the Commission is considering a revision of the current rule to require a proponent to notify the issuer at the time he submits the proposal of his name, address, the number of the issuer's securities that he holds of record or beneficially and the dates upon which he acquired such securities. This revision would provide the issuer with a means for determining whether the proponent satisfies the new minimum holding period requirement of Rule 14a–8(a)(1) and would facilitate implementation of certain amendments to paragraph (b) of the rule that would change the procedure for advising secuity holders of the proponent's identity.[20]

Interpretive Change Under Consideration

The Commission is not currently considering any other changes to paragraph (a)(2), but notes that it is also considering changing an existing staff interpretation under Rule 14a–8(a)(2). In a letter to *Atlas Corporation*, dated July 25, 1978, the staff indicated that attendance at another shareholders' meeting was good cause for failure to present a proposal. The Commission believes this position may be inconsistent with the provisions of the rule that are designed to assure that the proposal will be presented for action at the meeting. It would appear that a proponent who is unable to attend a particular meeting because of conflicting meeting dates should make arrangements to have an appropriate representative present the proposal at the meeting or forfeit the right to submit proposals to the issuer for the next two years.

3. *Rule 14a–8(a)(3)—Timeliness.*

Rule Changes Under Consideration

The Commission is considering the extension of the deadline for submission of proposals to be included in annual meeting proxy meterial from 90 to 120 days. The 30 day advance in the deadline for annual meeting proxy material is being proposed in conjunction with a 10 day advance in the deadline under paragraph (d) of Rule 14a–8 for the filing by the issuer of the reasons why it believes specific proposals may properly be excluded from its proxy materials.[21]

The Commission believes such changes could benefit both issuers and proponents and make the staff's processing of no-action requests under the rule more efficient. One of the most frequently voiced complaints from issuers is that with the increased number and complexity of security holder proposals and the longer lead time necessary for printing proxy materials, issuers frequently have as little as 10 days between the last date for submission of proposals and the filing date specified in Rule 14a–8(d) for submitting objections to proposals.[22] This limited period of time is proving inadequate for issuers to consider the security holder submissions and to prepare objections where appropriate. Moreover, the increased number of proposals and reductions in the Commission staff available to process contested security holder proposals have made it difficult for the staff to provide timely responses to issuers' letters submitted pursuant to Rule 14a–8(d). The Commission believes that advancing the filing requirements under paragraphs (a)(3) and (d) largely would eliminate the significant timing problems encountered under the current rule.

4. *Rule 14a–8(a)(4)—Number and Length of Proposals.*

Rule Changes Under Consideration

In 1981,[23] the Commission proposed to amend paragraph (a)(4) to permit a proponent to use an aggregate of 500 words for the proposal and a supporting statement, which would be allocated at the discretion of the proponent.[24] The proposal was intended to give proponents more flexibility in the presentation of their proposals and would not have increased the aggregate number of words available to proponents with respect to their proposals. The Commission is resoliciting comment on this change to Rule 14a–8(a)(4).

A number of persons commenting on the 1981 Release also raised issues with respect to aspects of Rule 14a–8 not the subject of the specific proposals addressed therein. The suggestion most frequently made was to reduce the number of proposals permitted security holders from two to one. These commentators suggested that such a change was one way to limit the increasing cost of proposals being received by some issuers. The Commission is requesting comment as to the appropriateness of such a change.

As noted above in the discussion of paragraph (a)(1), the time periods that would apply to all the provisions of a revised Rule 14a–8 would be stated in terms of calendar days. Accordingly, the reference to "10 business days" in paragraph (a)(4) would be changed to "14 calendar days".

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[18] The rule currently provides that a proponent may only arrange to have another person present the proposal if, after he furnishes the notice of his intent to appear personally at the meeting, he determines that he will be unable to appear. The existing rule also provides that the person selected by the proponent to represent him at the meeting must be a security holder.

[19] Letter to Will Maslow, American Jewish Congress dated, December 21, 1976.

[20] For a discussion of such changes *see* p. 33, *infra.*

[21] Currently, paragraph (d) requires that the issuer file such reasons, as well as any related materials, at least 50 days prior to the filing of its preliminary proxy materials unless the Commission permits them to be filed within a shorter period.

[22] *See* p. 58, *infra.* for further discussion of the similar change to paragraph (d).

[23] Release No. 34–17517 (February 5, 1981) [46 FR 12011].

[24] *See* p. 33, *infra.* for a discussion of the related change to paragraph (b)'s provision relating to the supporting statement. Currently, the supporting statement is limited to 200 words.

Other Issues

The Commission also is requesting comment on requiring that the proponent, like any other person filing soliciting material with the Commission, pay a fee to the Commission for processing the proposal. The fee initially would be given to the issuer at the time the proposal is submitted to it and paid by the issuer to the Commission.[25] If a proposal does not come before the Commission for review, for example, where it is withdrawn prior to the filing of the issuer's preliminary proxy material and prior to any submission by the issuer pursuant to Rule 14a–8(d), the fee would not be payable to the Commission and therefore would be required to be returned by the issuer to the proponent. The Commission is requesting public comment on the appropriateness and advisability of such a requirement.

5. *Rule 14a–8(b)—Supporting Statements for Proposals.*

Rule Changes Under Consideration

In the 1981 Release, the Commission proposed certain amendments to Rule 14a–8(b). With one exception, the Commission is resoliciting comment on these amendments. The changes proposed in the 1981 Release would have: (1) Permitted proponents to include a supporting statement whether or not the issuer opposed the proposal; (2) in conjunction with the change to paragraph (a)(4), allowed the proponent to submit a proposal and supporting statement totalling not more than 500 words allocated at the discretion of the proponent; and (3) required the issuer to include the name and address of the proponent, as well as the number of shares held by the proponent, in the proxy statement.

The Commission is no longer considering requiring disclosure of the proponent's name and address, but rather is considering deleting the issuer's option of providing such information to the Commission for its dissemination to security holders upon request. The staff has not been able in all cases to respond in a timely fashion to security holders' requests for the name and address of any particular proponent. When proxy materials containing uncontested proposals have not been reviewed by the staff in accordance with the Commission's selective review procedures, such materials have been forwarded to the files before the request arrives. Reordering these materials for the purpose of ascertaining the names and addresses of proponents has in some instances proved to be time consuming. The Commission believes it would be more efficient and a better use of its limited resources to require that this information be included in the proposal or provided by the issuer upon request.

B. Substantive Grounds for Omission of Security Holder Proposals

Rule 14a–8(c) currently sets forth thirteen substantive grounds for omitting security holder proposals from the issuer's proxy material. The thirteen bases are designed to permit exclusion from an issuer's proxy materials of those proposals that are not proper for security holders' action[26] and those that constitute an abuse of the security holder proposal process.[27] Although the Commission has not received any serious suggestions for additional exclusions to be incorporated into the rule, it has become increasingly aware of interpretative difficulties that exist under paragraph (c) of the rule. In order to minimize these problems without impairing reasonable access to the rule, the Commission believes that certain of the exclusionary grounds as well as some of the staff interpretations thereunder may need to be revised. As noted above, the Commission is requesting comment not only on the specific issues herein addressed, but on any additional revisions commentators deem necessary or appropriate. The changes to paragraph (c) and the interpretations thereunder indicated in this Section as under consideration by the Commission are reflected in Proposal I.

1. *Rule 14a–8(c)(3)—Contrary to the Commission's Proxy Rules, including Rule 14a–9.* The most common basis for asserting the right to exclude a proposal pursuant to Rule 14a–8(c)(3) is that either the proposal or its supporting statement is false or misleading in contravention of Rule 14a–9. A proponent's submission may violate Rule 14a–9 in its entirety or it may contain only certain statements that are violative of the rule. As with any preliminary proxy material, the proponent is given the opportunity to amend his submission to correct the Rule 14a–9 problems, except where it is clear that the proposal and supporting statement in their entirety are false or misleading or otherwise are so vague and ambiguous that the issuer and its security holders would not be able to determine what action the proposal is contemplating. Some issuers have been critical of this practice, since, in their view, the staff too frequently allows proponents the opportunity to amend statements. These issuers would prefer the omission of the entire proposal and supporting statement if any information contained therein is misleading. In the Commission's view, however, the staff's practice has worked well and is consistent with the treatment of other proxy soliciting material and has aided issuers and proponents alike in complying with its proxy rules. Thus, the Commission is not currently considering any changes to Rule 14a–8(c)(3) or in the staff's interpretations thereunder.

2. *Rule 14a–8(c)(4)—Personal Claim or Grievance.* Rule 14a–8 is intended to provide security holders a means of communicating with other security holders on matters of interest to them as security holders. It is not intended to provide a means for a person to air or remedy some personal claim or grievance or to further some personal interest. Such use of the security holder proposal procedures is an abuse of the security holder proposal process, and the cost and time involved in dealing with these situations do a disservice to the interests of the issuer and its security holders at large. Thus, Rule 14a–8(c)(4) specifically permits the omission of proposals that relate to the enforcement of personal claim or the redress of a personal grievance.[28]

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[25] Such a change would require amendment of Rule 14a–6(i) [17 CFR 240.14a–6(i)] to provide that in addition to the fees set forth therein, issuers would be required to pay a fee for each security holder proposal included in its proxy material and for any other proposal that the issuer pursuant to Rule 14a–8(d) notifies the Commission it intended to omit from its proxy material.

[26] (c)(1)—the proposal is not a proper subject for action by security holders under the laws of the issuer's domicile; (c)(2) a proposal that, if implemented, would violate federal, state, or foreign law; (c)(5)—a proposal dealing with matters that are not signficantly related to the issuer's business; (c)(6) a proposal dealing with matters beyond the issuer's power to effect; (c)(7)—a proposal dealing with matters relating to the conduct of the ordinary business of the issuer; (c)(12)—a proposal that is substantially the same as proposals voted on at a meeting of the issuer's security holders in the last five years and did not receive the required vote at those meetings; (c)(13)—a proposal relating to a specific amount of cash or stock dividends.

[27] (c)(3)—a proposal which is contrary to the Commission's proxy rules; (c)(4)—a proposal relating to the enforcement of a personal claim or grievance; (c)(8)—a proposal relating to an election to office; (c)(9)—a proposal that is counter to a proposal submitted by the issuer at the meeting; (c)(10)—a proposal that has been rendered moot; (c)(11)—a proposal which is substantially duplicative of a proposal previously submitted by another security holder for the same meeting.

[28] The substance of paragraph (c)(4) was incorporated into the security holder proposal rule in 1948. Release No. 34–4185 (November 5, 1948) [13 FR 6680]. In that release, the Commission noted:

* * * that in a few cases security holders have abused this privilege (the right to submit shareholder proposals) by using the rule to achieve personal ends which are not necessarily in the common interest of the isuer's security holder generally. In order to prevent such abuse of the rule.

Perhaps the most subjective provision and definitely the most difficult for the staff to administer, Rule 14a–8(c)(4) requires the staff to make determinations essentially involving the motivation of the proponent in submitting the proposal. In an effort to reduce the subjectivity inherent in paragraph (c)(4), the staff initially interpreted the provision very narrowly and required that the issuer, in order to justify the application of the provision, clearly demonstrate that the proposal under scrutiny relates to a personal claim or grievance. This gave rise to a requirement that the issuer show a direct relationship between the subject matter of a proposal and the proponent's personal claim or grievance. The staff determined that this requirement was met in those instances where the proposal or its supporting statement indicated on its face that a personal grievance existed. However, increasingly sophisticated proponents and their counsel began to draft proposals in broad terms so that they might be of general interest to all security holders, rather than in narrow terms reflecting the personal interests that motivated their submission. A contemporaneous development was the increased use of the security holder proposal process as a tool to bring pressure upon issuers to serve some personal interest of the proponent. These developments limited the efficacy of the staff's efforts to establish an objective test for determining the applicability of the rule and, consequently, a more subjective analysis has resulted. This more subjective analysis has been reflected in letters which indicated that a proposal, despite its being drafted in such a way that it might relate to matters which may be of general interest to all security holders, properly may be excluded under paragraph (c)(4), if it is clear from the facts presented by the issuer that the proponent is using the proposal as a tactic designed to redress a personal grievance or further a personal interest.

Rule Changes Under Consideration

The Commission has noted the complaints of issuers and proponents that the grounds for omission provided by paragraph (c)(4) are not sufficiently precise in the typical case as to be meaningful. To clarify the ambit of the Rule 14a–8(c)(4) exclusion, the Commission is considering a possible revision of the provision which would read as follows:

> If the proposal relates to the redress of a personal claim or grievance against the issuer or any other person, or represents an attempt to further a personal interest or if it is designed to result in a benefit to the proponent not shared with the other security holders at large.

Such a revision is intended to insure that the process will not be abused by proponents' attempting to achieve personal ends which are not necessarily in the common interest of the issuer's security holders generally. The discussion that follows addresses each of the separate provisions of the revised paragraph.

a. *Redress of a Personal Claim or Grievance.* In recent years, the staff has issued an increasing number of no-action letters with respect to the omission of proposals from proxy materials on this ground. Situations in which the staff has issued a no-action position under this provision include: (1) where the proposal directly related to the proponent's personal grievance;[29] and (2) where the proposal is of general interest to all security holders but the issuer demonstrated that it was submitted to redress a personal grievance.[30] In determining the availability of this portion of paragraph (c)(4) for omitting a proposal, it is incumbent upon an issuer to possess sufficient facts which demonstrate that the proposal was submitted in an attempt to redress a personal claim or grievance.

b. *Personal Interest.* Although this provision is not expressly included in the current version of the paragraph, the staff has recognized it as a basis for excluding a proposal under the rule. The history of the security holder proposal rule clearly indicates that proposals which attempt to further personal goals may be excluded from an issuer's proxy materials. Examples of proposals that the Commission has seen in the past which would be excluded under this provision include a request that the shareholders authorize the prosecution of all claims against the issuer raised in a complaint filed by the proponent,[31] requests to the issuer that it support certain litigation in which the proponent was involved,[32] and recommendations that shareholders of a utility pay the costs of nuclear power plant construction, rather than consumers, where the proponent was engaged in a campaign designed to reduce consumer rates.[33]

c. *Benefit to the Proponent Not Shared with Other Security Holders.* There has been an increase in the number of proposals used to harass issuers into giving the proponent some particular benefit or to accomplish objectives particular to the proponent. For example, there have been instances where the proponent appeared to be using the security holder proposal rule to force the issuer to buy back his securities at a premium price[34] or to subscribe to the proponent's publication.[35]

3. *Rule 14a–8(c)(5)—Not Significantly Related to the Issuer's Business.* Rule 14a–8(c)(5) permits issuers to omit from their proxy materials security holder proposals dealing with matters that are "not significantly related to issuer's business."[36] In interpreting the prior versions of this provision, the Commission and its staff have attempted to establish a viable objective standard for determining the circumstances under which the subject matter of a proposal would be deemed "significantly related."[37] The standard eventually developed by the staff based on economic significance of the subject matter of the proposal, however, gave

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but without unduly restricting the privilege which it grants to security holders, the amendment places reasonable limitations upon the submission of such proposals.

[29] *See* letter to *Eastman Kodak,* dated January 18, 1978, where the proposal requested that the issuer reimburse the proponent for expenses incurred in the filming of a documentary which was allegedly lost by the company.

[30] In letters to *Time Inc.,* dated February 8, 1979, *RCA Corporation,* dated February 9, 1979, *Times Mirror,* dated February 28, 1979 and *Cox Broadcasting,* dated April 9, 1979, the staff issued no-action letters where the facts indicated that the proponent was using the security holder proposal process to redress a personal grievance it had against the issuers for adverse publicity that the proponent had received.

[31] Letter to *C. I. Mortgage Group,* dated March 13, 1981.

[32] Letter to *American General Corporation,* dated February 12, 1982, *Connecticut General Corporation,* dated February 12, 1982, and *Equitable of Iowa Companies,* dated February 2, 1982.

[33] Letters to *Long Island Lighting Company,* dated February 2, 1981 and February 24, 1982.

[34] Letters to *Cummings Inc.,* dated February 6, 1980, and *Ingersoll-Rand,* dated February 23, 1978.

[35] Letter to *Armco Inc.,* dated January 29, 1980, and reconsidered March 5, 1980.

[36] The origin of this provision can be traced to Release No. 34–4775 (December 11, 1952) [17 FR 11431] wherein Rule 14a–8 was amended to provide that a security holder proposal may be omitted from an issuer's proxy material if it was submitted "primarily for the purpose of promoting general economic, political, racial, religious, social or similar causes." This provision became paragraph (c)(2)(ii) of Rule 14a–8 in 1973 and provided for the omission of any security holder proposal which "[c]onsists of a recommendation, request or mandate that action be taken with respect to any matter, including a general economic, political, racial, religious, social, or similar cause, that is not significantly related to the business of the issuer or is not within the control of the issuer." Release No. 34–9784 (September 22, 1972) [37 FR 32179].

[37] In absolute numbers, however, the provision was only considered in a limited number of cases in the period from 1973 through 1976.

rise to a great deal of controversy. That controversy began in 1976 in connection with the activities of the American Jewish Congress ("AJC"). The AJC submitted resolutions to more than 150 companies requesting reports on company policy regarding compliance with the Arab nations' economic boycott of Israel. In responding to the numerous no-action requests of companies who received the AJC proposals, the staff, after consulting with the Commission, utilized for the first time an economic significance test. In a series of letters, the staff agreed to the omission of these proposals where issuers would establish that their business with Arab countries and Israel constituted less than one percent of the company's sales, assets and earnings (the so-called "one percent test").[38] Many persons argued, however, that the one percent which may have a significant impact on the corporation, and because, in effect, it prevented security holders from raising questions if the corporation had a large sales volume.[39]

On the other hand, many other persons favored the one percent test and sought to have the Commission incorporate the standard in Rule 14a–8. It was their view that the Commission should revise the provision to permit omission of matters which did not have a significant economic relationship to the issuer's business. As part of its revisions to Rule 14a–8 in 1976, the Commission considered such an amendment and, in deciding not to add the word "economic" to the existing provision, stated:

> In this regard, the Commission does not believe that (c)(5) should be hinged solely on the economic relativity of a proposal, since there are many instances in which the matter involved in a proposal is significant to an issuer's business, even though such significance is not apparent from an economic viewpoint. For example, proposals dealing with cumulative voting rights or the ratification of auditors in a sense may not be economically significant to an issuer's business but they nevertheless have a significance to security holders that would preclude their being omitted under this provision. And proposals relating to ethical issues such as political contributions also may be significant to the issuer's business, when viewed from a standpoint other than a purely economic one.[40]

The Commission, however, did go on to say that it "recognized that there are circumstances in which economic data may indicate a valid basis for omitting a proposal under this provision."[41]

These statements in the 1976 Release foreshadowed the end of the one percent test and laid the foundation for the current position of the Commission and its staff in interpreting rule 14a–8(c)(5).[42] Under current construction, where the subject matter of a proposal bears no economic relationship to the issuer's business, the staff has permitted the exclusion of the proposal under paragraph (c)(5).[43] In those situations, however, where the proposal has reflected social or ethical issues, rather than economic concerns, raised by the issuer's business, and the issuer conducts any such business, no matter how small, the staff has not issued a no-action letter with respect to the omission of the proposal pursuant to paragraph (c)(5).

Rule Changes Under Consideration

Although the Commission believes that a totally objective standard for determining the availability of paragraph (c)(5) for the omission of a proposal is not feasible, it does appear that the staff's existing interpretation of Rule 14a–8(c)(5) may unduly limit the exclusion. Recognizing that economic data is useful in determining the significance of a matter to the issuer's business in many cases, the Commission is considering revising Rule 14a–8(c)(5) to incorporate economic factors.

For example, under this approach, Rule 14a–8(c)(5) might read as follows:

> If the proposal relates to operations which account for less than 5% of the issuer's gross assets at the end of its most recent fiscal year, and for less than 5% of its gross earnings and gross sales for its most recent fiscal year, and is not otherwise significantly related to the issuer's business.

Under such a revised paragraph (c)(5) a proposal would not be excludable, notwithstanding its failure to reach the specified economic thresholds, if a significant relationship to the issuer's business is demonstrated on the face of the resolution or supporting statement. Historically, the Commission staff has taken the position that certain proposals, while relating to only a small portion of the issuer's operations, raise policy issues of significance to the issuer's business.[44] Where the significant relationship is not immediately apparent on the face of the proponent's submission, the proponent, as in the past, could demonstrate the significant relationship supplementally. For example, the proponent could provide information that indicates that while a particular corporate policy which involves an arguably economically insignificant portion of an issuer's business, the policy may have a significant impact on other segments of the issuer's business or subject the issuer to significant contingent liabilities.

The Commission invites specific comment on such a revision to the rule as well as on an appropriate level of the percentage test to be used therein.

4. *Rule 14a–8(c)(7)—Ordinary Business Operations.* Under paragraph(c)(7) an issuer is permitted to omit a security holder proposal relating to the conduct of the "ordinary business operations of the issuer."[45] This

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[38] *See, e.g.,* letters to *American Home Products* dated May 4, 1975 and *International Business Machines Corporation,* dated May 4, 1975.

[39] Still other persons believed that the one percent test contravened *Medical Committee for Human Rights v. SEC,* 432 F.2d 659, 800 (D.C. Cir. 1970), vacated for mootness, 404 U.S. 403 (1971), which such persons suggest indicates that shareholders are entitled to be concerned about social policy questions which have little economic impact on the issuer.

[40] Release No. 34–12999 (November 22, 1976)[41 FR 52994].

[41] *Id.*

[42] In 1978, Citicorp and Motorola, Inc. each requested a no-action position with respect to shareholder proposals relating to their activities in South Africa. In each case, the issuer provided information in support of the fact that their business activities in South Africa amounted to less than one percent of their business. In rejecting the companies' reliance on Rule 14a–8(c)(5), the staff, with the concurrence of the Commission, cited the consideration raised in the 1976 release. *See* letters to *Citicorp* and *Motorola, Inc.,* dated February 23, 1978.

[43] *See, e.g.,* letter to *Arvin Industries, Inc.,* dated February 8, 1979, wherein the staff permitted the exclusion of a proposal which sought information on sales to South Africa and the company had no such sales.

[44] *See, e.g.* letters to *Long Island Lighting Company,* dated February 11, 1980 (cease further development, planning and construction of nuclear power plants); *Owens-Illinois Inc.,* dated February 15, 1980 (liquidate the assets of the company that are located in the Republic of South Africa); and *American Home Products Corporation,* dated February 13, 1978 (changes in the company's marketing and distribution of infant formula products).

Note, however, that when the proposal relates to an area in which the issuer has no involvement, the proposal is omittable under paragraph (c)(5).

[45] Former SEC Chairman J. Sinclair Armstrong explained the reasons underlying the provision as follows:

"The policy motivating the Commission adopting the rule * * * is basically the same as the underlying policy of most State corporation laws to confine the solution of ordinary business problems to the board of directors and place such problems beyond the competence and direction of the shareholders. The basic reason for this policy is that it is manifestly impracticable in most cases for stockholders to decide management problems at corporate meetings."

See Hearing on SEC Enforcement Problems Before the Subcommittee of the Senate Committee on Banking & Currency, 85th Cong., 1st Sess. part 1, at 119 (1957).

[46] Prior to 1954, many of the proposals included in proxy statements related to ordinary business operations, despite the presence of state laws which generally provided that the business and affairs of corporations shall be managed by their board of

provision is based on the requirements of most state laws that the business affairs of the corporation be conducted "by" or "under the direction of" the board of directors.[46] State law precedent, however, is rarely conclusive as to what is or is not ordinary business, and the staff generally has had to make its own determination as to whether a proposal involves an activity relating to the issuer's ordinary business.

Interpretive Changes Under Consideration

The major objection to the current interpretations under paragraph (c)(7) relates to the staff's refusal to apply the exclusion to a proposal that either requests that the issuer prepare and disseminate a report to shareholders or recommends that a special committee be formed to examine a particular area of the issuer's business where the subject matter of the report or of the examination is a matter involving the "ordinary business of the issuer." The basis for the staff's position rests on the premise that issuers do not prepare and issue reports on specific matters to shareholders or form committees to study particular aspects of its business as part of their ordinary business operations.[47] A number of commentators, however, have objected to this interpretation as raising form over substance. The Commission is considering whether it would be more appropriate to consider in each instance whether the type of information sought by the proposal involves the ordinary business operations of the issuer and to disregard whether a proposal requests the preparation and distribution of a report or the formation of a special committee.

5. *Rule 14a–8(c)(10)—Mootness.* A security holder proposal may be omitted from an issuer's proxy materials pursuant to paragraph (c)(10) if it has been rendered moot. Whether a proposal is moot involves a factual determination to be made on a case by cases basis.

Interpretive Changes Under Consideration

The staff has granted no-action requests pursuant to paragraph (c)(10) only in those circumstances where the action requested by the proposal already had been "fully" effected. As a result of this interpretation proponents have argued successfully on numerous occasions that a proposal may not be excluded as moot in cases where the company has taken most but not all of the actions requested by the proposal because the proposal has not been "fully" effectuated.

As a means of eliminating this problem, the Commission is considering revising its interpretation of paragraph (c)(10) to permit the omission of a proposal as moot if the issuer has "substantially" implemented the action requested by the proposal. While the subjectivity of such an interpretation of paragraph (c)(10) may raise further interpretive problems, the Commission believes that the current interpretation may not serve the interests of the issuer's security holders at large and may lead to an abuse of the security holder proposal process.

Other Issues

A further interpretative issue has been raised under paragraph (c)(10) as to whether a precatory resolution requesting that the issuer's board of directors consider a certain action should be deemed to be rendered moot if the board, in good faith, considers and rejects the subject matter of the proposal. The Commission invites comments on the appropriateness of introducing such an interpretation.

6. *Rule 14a–8(c)(12)—Resubmission of Proposals Included in Prior Years.* Paragraph (c)(12) provides that a proposal submitted by a security holder may be omitted from an issuer's proxy soliciting materials for three years following the inclusion in the issuer's proxy material of a proposal that is substantially the same and that failed to recieve a specified minimum percentage of the votes cast in regard thereto.[48] A proposal may be so omitted if it received less than 3 percent of the vote the first time it was considered, less than 6 percent the second time, or less than 10 percent thereafter. The purpose of the provision is to provide issuers with a means to avoid having to continue to bear the cost of including proposals that have generated little interest when previously presented to the security holders.

This has been and continues to be one of the more controversial provisions of the rule. Historically, the staff has interpreted the phrase "substantially the same proposal" to mean one which is virtually identical (in form as well as substance) to a proposal previously included in the issuer's proxy materials. Issuers have complained that as a result of this interpretation, the provision has not accomplished its stated purpose. Critics of the staff's interpretation argue that proponents are able to evade the strictures of paragraph (c)(12) by simply recasting the form of the proposal, expanding its coverage, or by otherwise changing its language in a manner that precludes one from saying that the proposal is identical to a prior proposal. In recognition this problem, the Commission proposed, in 1976, to revise Rule 14a–8(c)(12) to change the test for excluding a proposal under the provision from "substantially the same" to "substantially the same subject matter." After considering extensive public comment,[49] the Commission determined not to adopt the proposed revision at that time.

While rejecting the proposed revision of paragraph (c)(12), the Commission expressed concern about possible abuses of the rule. As a result, a second test for exclusion was announced as an interpretative matter. This test allows the omission of a proposal that, although not substantially the same as any one proposal submitted in a prior year, is composed essentially of the elements of two or more proposals that were submitted for a vote in prior years and failed to recieve the percentage of total vote specifed in the rule. The second test has been the subject of a number of no-action requests.[50] As with the first

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directors. In an effort to provide more guidance in this area, the Commission amended the security holder proposal rule to permit the exclusion of proposals relating to ordinary business. Release No. 34–4979 (January 6, 1954) [19 FR 246].

[47] For example, the staff, in a letter to *Castle & Cooke*, dated December 12, 1978, agreed with the company that a proposal requesting that it alter its food production methods in underdeveloped countries could be excluded under Rule 14a–8(c)(7) since the proposal specified the steps management should take to implement the action requested by the proposal. In 1980, however, the proponent instead asked the company to appoint a committee to review foreign agricultural operations with emphasis on the balance between labor and capital intensive production. The staff refused to apply the rule to this provision because the appointment of a special committee to study the company's foreign agricultural operations is a matter of policy. *See* letter to *Castle & Cooke*, dated December 14, 1979.

[48] A requirement that substantially the same proposal may not be resubmitted to an issuer unless the proposal received a specified minimum percentage of votes upon its most recent submission was initially adopted in 1948. *See* Release No. 34–4114 (July 6, 1948) [13 FR 3973]. In 1953, the provision was amended to its current format and designated as Rule 14a–8(c)(4). *See* Release No. 34–4950 (October 9, 1953) [18 FR 6646].

[49] The commentators expressed the following views: (1) abuses of the existing provision have been rare and do not justify the type of radical revision proposed; (2) that the new standard would be almost impossible to administer because of the subjective determinations that would be required under it; and (3) that it would unduly constrain shareholder sufferage because of its possible "umbrella" effect (*i.e.*, it could be used to omit proposals that had only a vague relation to the subject matter of a prior proposal that received little shareholder support). *See* 1976 Release.

[50] For examples of instances where proposals were considered to be excludable under the alternate test, *see*, *Texaco Inc.*, dated January 31, 1980; *Standard Oil of California*, dated February 12, 1980; *Mobil Corporation*, dated March 2, 1981; and

test, however, the staff has been criticized for its restrictive application.

Rule Changes Under Consideration

Despite the fact that the alternative test has proved effective in controlling some of the more flagrant abuses of Rule 14a–8(c)(12), the incidence of abuse of the existing provision and the existing interpretations thereunder continues to grow. It is the Commission's perception that, contrary to the rule's stated objective, security holders of a number of issuers are being called upon to vote ove and over again on issues in which they have shown little interest. Accordingly, the Commission is considering amendment of Rule 14a–8(c)(12).

The revision being considered is identical to the one proposed by the Commission in 1976 and would provide for the omission of a proposal if it "deals with substantially the same subject matter as a proposal previously submitted to security holders * * *." While the Commission is well aware of the arguments advanced in opposition to the proposal in 1976, it is concerned about the increase in the abuse of existing provision.

The Commission is not currently considering any change in the alternative interpretative test for exclusion.

Other Issues

From time to time, the Commission has received suggestions from proponents and issuers alike that the percentage tests reflected in Rule 14a–8(c)(12) should be revised. The Commission is requesting comment on the question of the appropriate levels for the percentage tests.

7. *No-Action Procedures.* The Commission also is requesting comment on the advisability of eliminating the Commission staff's administrative role in the current process and discontinuing the issuance of no-action letters under Rule 14a–8. Under such revision in the process, an issuer would proceed wholly at its own risk if it chose to delete a proposal. In the event a proposal was inappropriately excluded, the issuer could be sued by either the proponent or the Commission.

An alternative to eliminating the no-action letter procedure with respect to the entire rule could be to discontinue their issuance with respect to paragraphs (c)(1) [51] and (c)(2) [52] as to which the Commission staff requires an opinion of counsel and paragraphs (a)(4) [53] and (c)(4) [54] which generally require an investigation of the underlying facts. The applicability of paragraphs (c)(1) and (c)(2) to a particular proposal is a matter entirely based on the state, federal or foreign law cited by counsel for the issuer or the proponent in connection with the proposal. It has been suggested that because the Commission's staff may have no particular expertise with respect to the statutory provisions cited by counsel, it is the court, and not the staff, that are the appropriate forum for resolving disputes as to the legality under state, federal (other than securities laws) and foreign law of an action that is the subject of a security holder proposal.

The problems for the staff in dealing with paragraphs (a)(4) (c)(4) are of a different nature from those involved in interpreting paragraphs (c)(1) and (c)(2). The applicability of paragraphs (a)(4) and (c)(4) depends almost entirely upon a factual determination that in most cases requires an investigation of the surrounding facts and circumstances which the Commission staff is not a position to undertake. Accordingly, it has been suggested that these are areas better left to the issuer and the proponent, and where necessary to the courts, to resolve.

The Commission requests specific comment as to whether, if Rule 14a–8 is retained, it would be appropriate and in the public interest to discontinue to issue no-action letters with respect to: (1) all exclusions of proposal, whatever the basis cited for exclusion; or (2) only exclusions based on paragraphs (a)(2), (c)(1), (c)(2), and (c)(4). In requesting comment on the advisability of use of this procedure, the Commission is particularly interested in commentators' views with respect to the practicality of resorting to the courts to resolve disputes and the cost to proponents and issuers of such a change in the Commission's procedures.

The Commission also also requests commentators' views as to whether, if the staff were to discontnue issuance of such letters, it would be appropriate to discontinue requiring issuers to furnish the Commission with the Rule 14a–8(d) information with respect to exclusions as to which the Commission staff has discontinued issuing no-action letters.[55]

C. Procedural Requirements for Issuers

Paragraph (d) of Rule 14a–8 specifies the procedural requirements applicable to issuers that intend to omit security holder proposals from their proxy materials. The provision requires the issuer to notify the Commission and the proponent at least 50 days prior to the date that its preliminary proxy materials will be filed of its intention to omit a proposal and/or supporting statement.

Rule Changes Under Consideration

The Commission is considering whether to revise paragraph (d) to increase the deadline for issuers to submit materials from 50 days in advance of the filing date for preliminary materials to 60 days prior to such date. As previously noted in the discussion of paragraph (a)(3) relating to the timeliness requirement for proponents, this change is being considered in conjunction with a 30-day advance in the deadline date for proponents' submission of proposals in order to give issuers and the Commission staff more time to deal with the increased number and complexity of the security holder proposals being submitted.

Text of Alternative Revised Rule 14a–8

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is proposed to be amended as set forth below:

List of Subjects in 17 CFR Part 240

Reporting requirements; Securities.

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 240—[AMENDED]

1. By revising Rule 14a–8, § 240.14a–8, to read as follows:

Note.—Brackets indicate deletions and arrows indicate additions.

Proposal I

§ 240.14a–8. Proposals of security holders.

(a) If any security holder of an issuer notifies the issuer of his intention to

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American Home Products, dated March 4, 1982. For examples of instances where the staff disagreed with the issuers intention to omit a proposal under the alternative test, *see Newmont Mining Corp.,* dated March 29, 1977; *Del Monte Corporation,* dated February 26, 1981; and *Abbott Laboratories,* dated March 3, 1982.

[51] Exclusion of proposals not proper for security holder action.

[52] Exclusion of proposals requiring issuer to violate state, federal or foreign law.

[53] Limitation of number of proposals per proponent.

[54] Exclusion of proposals relating to a personal grievance.

[55] Pursuant to Rule 14a–8(d), the issuer must provide the Commission with five copies of: (1) the proposal; (2) the proponent's supporting statement; (3) a statement of the reasons why the issuer deems omission to be proper; and (4) where such reasons are based on matters of law, a supporting opinion of counsel.

Under either approach, the issuer still would be required to provide the information specified by subparagraph (d), including the opinion of counsel, to the proponent.

present a proposal for action at a forthcoming meeting of the issuer's security holders, the issuer shall set forth the proposal in its proxy statement and identify it in its form of proxy and provide means by which security holders can make the specification required by Rule 14a–4(b) [17 CFR 240.14a–4(b)]. Notwithstanding the foregoing, the issuer shall not be required to include the proposal in its proxy statement or form of proxy unless the security holder (hereinafter, the "proponent") has complied with the requirements of this paragraph and paragraphs (b) and (c) of this Section:

(1) *Eligibility.* (i) At the time he submits the proposal, the proponent shall be a record or beneficial owner of [a security] ►at least 1% or $1,000 in market value of securities◄ entitled to be voted at the meeting on his proposal, ►and have held such securities for at least one year at the time he submits the proposal◄, and he shall continue to own such securities through the date on which the meeting is held. If the issuer requests documentary support for a proponent's claim that he is a beneficial owner of ►at least $1,000 in market value of◄ such voting securities of the issuer ►or that he has been a beneficial owner of the securities for one or more years►, the proponent shall furnish appropriate documentation within [10 business days] ►14 calendar days◄ after receiving the request. In the event the issuer includes the proponent's proposal in its proxy soliciting materials for the meeting and the proponent fails to comply with the requirement that he continuously hold such securities through the meeting date, the issuer shall not be required to include any proposals submited by the proponent in its proxy materials for any meeting held in the following two calendar years.

(ii) ►Proponents who participate in a general proxy solicitation through the use of written proxy soliciting materials with respect to the same meeting of security holders will be ineligible to use the provisions of Rule 14a–8 for the inclusion of the proposal in the issuer's proxy soliciting materials. In the event the issuer includes a proponent's proposal in its proxy materials and the proponent thereafter engages in a proxy solicitation with respect to such meeting, the issuer shall not be required to include any proposals submitted by that proponent in its proxy soliciting materials for any meeting held in the following two calendar years.◄

(2) *Notice ►and Attendance at the Meeting◄*. [The proponent shall notify the issuer in writing of his intention to appear personally at the meeting to present his proposal for action. The proponent shall furnish the requisite notice at the time he submits the proposal, except that if he was unaware of the notice requirement at that time, he shall comply with it within 10 business days after being informed of it by the issuer. If the proponent, after furnishing in good faith the notice required by this provision, subsequently determines that he will be unable to appear personally at the meeting, he shall arrange to have another security holder of the issuer present his proposal on his behalf at the meeting.] ►At the time he submits a proposal, a proponent shall provide the issuer in writing with his name, address, the number of the issuer's voting securities that he holds of record or beneficially and the dates upon which he acquired such securities. A proposal may be presented at the meeting either by the proponent or his representative who is qualified under state law to present his proposal on the proponent's behalf at the meeting.◄ In the event that the proponent or his representative fails, without good cause, to present the proposal for acton at the meeting, the issuer shall not be required to include any proposals submitted by the proponent in its proxy soliciting material for any meeting held in the following two calendar years.

(3) *Timeliness.* The proponent shall submit his proposal sufficiently far in advance of the meeting so that it is received by the issuer within the following time periods:

(i) *Annual Meetings.* A proposal to be presented at an annual meeting shall be received at the issuer's principal executive offices not less than [90] ►120◄ days in advance of the date of the issuer's proxy statement released to security holders in connection with the previous year's annual meeting of security holders, except that if no annual meeting was held in the previous year or the date of the annual meeting has been changed by more than 30 calendar days from the date contemplated at the time of the previous year's proxy statement, a proposal shall be received by the issuer a reasonable time before the solicitation is made.

(ii) *Other Meetings.* A proposal to be presented at any meeting other than an annual meeting ►specified in paragraph (a)(3)(i) of this section◄ shall be received a reasonable time before the solicitation is made.

Note.—In order to curtail controversy as to the date on which a proposal was received by the issuer, it is suggested that proponents submit their proposals by Certified Mail—Return Receipt Requested.

(4) *Number and Length of Proposals.* The proponent may submit a maximum of [two proposals of not more than 300 words each] ►one proposal and an accompanying supporting statement◄ for inclusion in the issuer's proxy materials for a meeting of security holders. If the proponent [fails to comply with either of these requirements or if he fails to comply with the 200-word limit on supporting statements mentioned in paragraph (b)] ►submits more than one proposal, or if he fails to comply with the 500 word limit mentioned in paragraph (b) of this section,◄ he shall be provided the opportunity to reduce [within 10 business days] the items submitted by him to the limits required by this rule, ►within 14 calendar days of notification of such limitations by the issuer.◄

(b) ►(1) *Supporting Statement.*◄ [If the issuer opposes any proposal received from a proponent, it should also, at the request of the proponent, include in its proxy statement a statement of the proponent of not more than 200 words in support of the proposal, which statement shall not include the name and address of the proponent.] ►The issuer, at the request of the proponent, shall include in its proxy statement a statement of the proponent is support of the proposal, which statement shall not include the name and address of the proponent. A proposal and its supporting statement, in the aggregate shall not exceed 500 words.◄ The supporting statement shall be furnished to the issuer at the time that the proposal is furnished, and the issuer shall not be responsible for such statement and the proposal to which it relates.

►(2) *Identification of Proponent.*◄ The proxy statement shall also include either the name and address of the proponent► and the number of shares of the voting security held by the proponent◄ or a statement that such information will be furnished by the issuer [or by the Commission] to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor. [If the name and address of the proponent are omitted from the proxy statement, they should be furnished to the Commission at the time of filing the issuer's preliminary proxy material pursuant to Rule 14a–6(a) [17 CFR 240.14a–2(a).]

(c) The issuer may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(1) If the proposal is, under the laws of the issuer's domicile, not a proper subject for action by security holders.

Note.—A proposal that may be improper under the applicable state law when framed as a mandate or directive may be proper when framed as a recommendation or request.

(2) If the proposal, if implemented, would require the issuer to violate any state law or federal law of the United States, or any law of any foreign jurisdiction to which the issuer is subject, except that this provision shall not apply with respect to any foreign law compliance with which would be violative of any state law or federal law of the United States.

(3) If the proposal or the supporting statement is contrary to any of the Commission's proxy rules and regulations, including Rule 14a–9 [17 CFR 240.14a–9], which prohibits false or misleading statements in proxy soliciting materials;

(4) If the proposal relates to the [enforcement of a personal claim or the redress of a personal grievance against the issuer or any other person.] ►redress of a personal claim or grievance against the issuer of any other person, or represents an attempt to further a personal interest, or if it is designed to result in a benefit to the proponent not shared with the other security holders at large;◄

(5) [If the proposal deals with a matter that is not significantly related to the issuer's business;] ►If the proposal relates to operations which account for less than 5% of the issuer's gross assets at the end of its most recent fiscal year, and for less than 5% of its gross earnings and gross sales for its most recent fiscal year, and is not otherwise significantly related to the issuer's business;◄

(6) If the proposal deals with a matter that is beyond the issuer's power to effectuate;

(7) If the proposal deals with a matter relating to the conduct of the ordinary business operations of the issuer;

(8) If the proposal relates to an election to office;

(9) If the proposal is counter to a proposal to be submitted by the issuer at the meeting;

(10) If the proposal has been rendered moot;

(11) If the proposal is substantially duplicative of a proposal previously submitted to the issuer by another proponent, which proposal will be included in the issuer's proxy material for the meeting;

(12) [If substantially the same proposal has previously been.] ►If the proposal deals with substantially the same subject matter as a prior proposal◄ submitted to security holders in the issuer's proxy statement and form of proxy relating to any annual or special meeting of security holders held within the preceding 5 calendar years, it may be omitted from the issuer's proxy materials relating to any meeting of security holders held within 3 calendar years after the latest such previous submission:

Provided, That

(i) If the proposal was submitted at only one meeting during such preceding period, it received less than 3 percent of the total number of votes cast in regard thereto; or

(ii) If the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 6 percent of the total number of votes cast in regard thereto; or

(iii) If the prior proposal was submitted at three or more meetings during such preceding period, it received at the time of its latest submission less than 10 percent of the total number of votes cast in regard thereto; and

(13) If the proposal relates to specific amounts of cash or stock dividends.

(d) Whenever the issuer asserts, for any reason, that a proposal and any statement in support thereof received from a proponent may properly be omitted from its proxy statement and form of proxy, it shall file with the Commission, not later than [50] ►60◄ days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to Rule 14a–6(a) [17 CFR 240.14a–6(a)], or such shorter period prior to such date as the Commission or its staff may permit, five copies of the following items: (1) the proposal; (2) any statement in support thereof as received from the proponent; and (3) a statement of the reasons why the issuer deems such omission to be proper in the particular case; and (4) where such reasons are based on matters of law, a supporting opinion of counsel. The issuer shall at the same time, if it has not already done so, notify the proponent of its intention to omit the proposal from its proxy statement and form of proxy and shall forward to him a copy of the statement of reasons why the issuer deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(e) If the issuer intends to include in the proxy statement a statement in opposition to a proposal received from a proponent, it shall, not later than ten calendar days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to Rule 14a–6(a), or, in the event that the proposal must be revised to be includable, not later than five calendar days after receipt by the issuer of the revised proposal promptly forward to the proponent a copy of the statement in opposition to the proposal. In the event the proponent believes that the statement in opposition contains materially false or misleading statements within the meaning of Rule 14a–9 and the proponent wishes to bring this matter to the attention of the Commission, the proponent should promptly provide the staff with a letter setting forth the reasons for this view and at the same time promptly provide the issuer with a copy of such letter.

Security Holder Proposal Plans—Proposal II

The rule set forth as Proposal II would be in addition to whatever rule the Commission adopts specifying the procedures generally applicable to security holders' proposals, and would permit an issuer and its security holders to adopt their own procedures governing security holders' access to the issuer's proxy statement. As noted in the release, the Commission believes that even under such approach, it would be appropriate to provide certain limitations on the provisions permitting ommission of security holder proposals. While Proposal II includes certain such limitations, it does so prinicipally by way of example, and commentators are invited to provide suggestions as to other limitations to be incorporated in such a rule. The Commission specifically requests the views of the commentators as to whether the size of the proponent's investment in the issuer should be a basis upon which to delimit permissible eligibility criteria.

Text of New Rule 14a–8A

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By adopting a new Rule 14a–8A, § 240.14a–8A, to read as follows:

§ 240.14a–8A. Proposals of security holders.

(a) An issuer's security holders may adopt a written plan that specifies the procedures to be followed by a security holder (hereinafter the "proponent"), who intends to present a proposal for action at a forthcoming meeting of the issuer's security holders and who requests the issuer to set forth the proposal in its proxy statement and identify it in its form of proxy and provide means by which security holders can make the specification required by Rule 14a–8(b) [17 CFR 240.14a–4(b)], and the procedures to be followed by the issuer with respect to such request:

(1) Such plan must be approved by at least a majority of the outstanding voting securities of the issuer prior to its adoption by the issuer.

(2) Changes to the plan must be approved by at least a majority of the outstanding voting securities of the issuer prior to their adoption.

(3) Continuation of the plan must be approved by at least a majority of the outstanding voting securities of the issuer not less than once every five calendar years from its initial adoption.

(4) Security holders entitle to vote on the plan may initiate such plan or any amendments thereto, which plan or amendment shall be effective if approved by at least a majority of the outstanding voting securities of the issuer.

(b) Subject to the following limitations, the plan may establish procedural requirements for the submission of proposals:

(1) The plan may require that a proponent own of record or beneficially at least a specified number of, or value of, voting securities of the issuer, and/or have held such securities for at least a specified period of time, provided that no such criteria shall have the effect of precluding the submission of a proposal by a proponent(s) who owns at least 1% or $5,000 in market value (as of the close of any day in the 60 days preceding submission of the proposal) of securities entitled to be voted at the meeting on the proposal. The plan may include reasonable provisions for documentation by proponents of their eligibility under the plan to submit a proposal.

(2) The plan may establish deadlines and procedures for the submission to the issuer of security holder proposals. The plan shall not require the submission of a proposal more than 120 days prior to the annual meeting, nor more than 15 days prior to the filing with the Commission of the preliminary proxy statement relating to a special meeting of security holders.

(3) The plan shall provide a proponent with at least 500 words for each proposal and statement in support thereof to be included in the issuer's proxy statement.

(c) The plan may provide that a proposal may be omitted from the issuer's proxy statement and form of proxy under any one or more of the following circumstances, and the plan may include reasonable definitions and criteria to govern the application of these bases for omission:

(1) If the proposal is, under the laws of the issuer's domicile, not a proper subject for action by security holders;

(2) If the proposal, as implemented, would require the issuer to violate any state law or federal law of the United States, or any law of any foreign jurisdiction to which the issuer is subject, except that this provision shall not apply with respect to any foreign law compliance with which would be violative of any state law or fedral law of the United States;

(3) If the proposal relates to a personal grievance, provided that if an issuer plan contains such a provision before a secutity holder proposal is omitted on such basis the issuer must comply with the provisions of Rule 14A-8(d) in connection with such proposal;

(4) If the proposal deals with a matter that is not significantly related to the issuer's business; the plan may include a reasonable definition of "significantly related" that may include economic criteria;

(5) If the proposal deals with a matter that is beyond the issuer's power to effectuate;

(6) If the proposal deals with a matter relating to the conduct of the ordinary business operations of the issuer;

(7) If the proposal relates to an election to office;

(8) If the proposal is counter to a proposal to be submitted by the issuer at the meeting;

(9) If the proposal has been rendered moot;

(10) If the proposal is substantially duplicative of a proposal previously submitted to the issuer by another proponent, which proposal will be included in the issuer's proxy material for the meeting;

(11) If the proposal deals with substantially the same subject matter as a prior proposal submitted to security holders in the issuer's proxy statement and form of proxy relating to any meeting of security holders held within the preceding 5 calendar years, which prior proposal failed to be approved by security holders; or

(12) If the proposal relates to specific amounts of cash or stock dividends.

(d) The plan shall provide that the issuer shall notify the proponent(s), at least 10 days prior to the date of filing with the Commission of its preliminary proxy statement and form of proxy pursuant to Rule 14a–6(a) [17 CFR 240.14a–6(a)], of its intention to omit the proposal from its proxy statement and that such notification shall include a statement of the reason the issuer deems such omission to be proper in the particular case and where such reasons are based on matters of law, a supporting opinion of counsel.

(e) An issuer that has not adopted a plan pursuant to paragraph (a) of this section or that fails to have the plan reapproved as provided in paragraph (a) of this section, shall comply with Rule 14a–8 with respect to proposals submitted by security holders for inclusion in the issuer's proxy statement.

IV. Simplification in Regulation—Proposal III

As noted in the release, if the Commission determines that there should continue to be a right of access to an issuer's proxy statement under the Exchange Act, it is interested in considering alternatives to its current rule. As further noted, one such alternative would be to require all companies subject to Section 14 of the Exchange Act to include in their proxy material any security holder proposal that is proper under state law for action by security holders so long as such proposal did not relate to the election of the issuer's directors. The Commission anticipates that the elimination of eleven of the thirteen existing bases for omission would have the result that few proposals would be excludable on substantive grounds. The limited disputes with respect to the applicability of the remaining two grounds for exclusion generally would not be resolved by the Commission staff, but by the courts.

The principal limitation on the proposals to be incorporated would be numerical. For example, the rule could provide that an issuer would not be required to include more than five resolutions plus one additional proposal for each 100,000 record holders entitled to vote at the meeting in excess of 500,000, subject to a maximum of twelve proposals to be included. The order of receipt of the proposals would be irrelevant and duplicative proposals would be considered as one.

Where the proposals submitted exceed the maximum required to be included, preference would be given to the proposals submitted by proponents who have not had a proposal included in any of the issuer's proxy statements sent to security holders in the previous three years, Thus, if proposals submitted by these "new" proponents exceed the maximum required to be included, proposals would be selected by lot from those submitted by such "new" proponents. If the proposals of the "new" proponents were less than the maximum required to be included then all such proposals would be included, and the remaining proposals would be selected by lot from those submitted by proponents who had had a proposal presented in the proxy statement in the prior three years.[56] Appropriate disclosure would be required in the proxy statement as to the mechanism of selection.

The proposed approach also would include a number of self-executing procedural requirements relating to the number and length of proposals and eligibility of proponents. One variation in the eligibility criteria should be noted. Under Proposal III, the number or value of voting securities required of the proponent(s), would be decreased in the event that a majority of an issuer's security holder each owned, of record, less than the amount specified in the rule. The amounts would be required to be decreased to the number and value that would permit at least a majority of the issuer's security holders to meet such criteria.

Text of Alternative Revised Rule 14a–8

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By revising Rule 14a–8, § 240.14a–8 to read as follows:

Proposal III

§ 240.14a–8 Proposals of security holders.

(a) If any security holder of an issuer ("proponent") notifies the issuer of his intention to present a proposal for action at a forthcoming meeting of the issuer's security holders, the issuer shall set forth the proposal in its proxy statement and identify it in its form of proxy and provide means by which security holders can make the specification required by Rule 14a4(b) [17 CFR 240.14a–4(b)], subject to the limitations contained in this paragraph and paragraphs b and c of this section;

(1) At the time he submits the proposal, the proponent shall be a record or beneficial owner of at least 1% or $1,000 in market value of securities entitled to be voted at the meeting on his proposal, and have held such securities of the issuer for at least one year at the time he submits the proposal, and he shall continue to own such securities through the date on which the meeting is held, provided, however, if a majority of the issuer's security holders each own less than such amount of securities, the criteria contained in this section shall be decreased so that at least a majority of the security holders would be eligible to submit proposals. If the issuer requests documentary support for a proponent's claim that he meets the eligibility criteria, the proponent shall furnish appropriate documentation within 14 calendar days after receiving the request. In the event the issuer includes the proponent's proposal in its proxy soliciting materials for the meeting and the proponent fails to comply with the requirement that he continuously hold such securities through the meeting date, the issuer shall not be required to include any proposals submitted by the proponent in its proxy materials for any meeting held in the following five calendar years.

(2) At the time he submits a proposal, a proponent shall provide the issuer in writing with his name, address, the number of the issuer's voting securities that he holds of record or beneficially and the dates upon which he acquired such securities. A proposal may be presented at the meeting by either the proponent or his representative who is qualified under state law to present his proposal on the proponent's behalf at the meeting. In the event that the proponent or his representative fails, without good cause, to present the proposal for action at the meeting, the issuer shall not be required to include any proposals submitted by the proponent in its proxy soliciting materials for any meeting held in the following five calendar years.

(3) The proponent shall submit his proposal sufficiently far in advance of the meeting so that it is received by the issuer within the following time periods:

(i) A proposal to be presented at an annual meeting shall be received at the issuer's principal executive offices not less than 120 days in advance of the date of the issuer's proxy statement released to security holders, except that if no annual meeting was held in the previous year or the date of the annual meeting has been changed by more than 30 calendar days from the date contemplated at the time of the previous years' proxy statement, a proposal shall be received by the issuer a reasonable time before the solicitation is made.

(ii) A proposal to be presented at any meeting other than an annual meeting specified in paragraph (a)(3)(i) of this section shall be received a reasonable time before the solicitaton is made.

Note.—In order to curtail controversy as to the date on which a proposal was received by the issuer, it is suggested that proponents submit their proposals by Certified Mail—Return Receipt Requested.

(4) (i) The proponent may submit one proposal and an accompanying supporting statement for inclusion in the issuer's proxy materials for a meeting of security holders. If the proponent submits more than one proposal, or if he fails to comply with the 500 word limit mentioned in paragraph (b) of this section, he shall be provided the opportunity to reduce the items submitted by him to the limits required by this rule, within 14 calendar days of notification of such limitations by the issuer.

(ii) An issuer will not be required to include in its proxy materials for any meeting more than five security holder proposals plus one additional proposal for each 100,000 record holders entitled to vote at the meeting in excess of 500,000 subject to a maximum of twelve proposals to be included.

(iii) If the issuer receives more than the maximum number of proposals required to be included under paragraph (a)(4)(ii) of this section, the selection of those proposals to be included in the issuer's proxy statement will be made in the following manner:

(A) The issuer shall separate the proposals received into two groups; the first will include proposals received from proponents who have not had a proposal included in the issuer's proxy statements sent to security holders in the previous three years, and the second group will include all other proposals;

(B) If the number of proposals in the first group exceeds the maximum number of proposals required to be included under paragraph (a)(4)(ii) of this section, the proposals to be included will be determined by lot from among the proposals in such group;

(C) If the number of proposals in the first group is less than the maximum number of proposals required to be included under paragraph (a)(4)(ii) of this section, then all such proposals will be included and an additional number of proposals will be selected by lot for inclusion from the second group to reach the required maximum.

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[56] For example, an issuer with less than 500,000 record owners would be required to include five proposals in its proxy statement. If it received three includable proposals from new proponents and four proposals from repeat proponents, the three proposals from new proponents would be required to be included and the issuer would then select the remaining two proposals required to be included to meet the maximum by lot from among the four proposals submitted by repeat proponents.

(b)(1) The issuer, at the request of the proponent, shall include in its proxy statement a statement of the proponent in support of the proposal, which statement shall not include the name and address of the proponent. A proposal and its supporting statement, in the aggregate, shall not exceed 500 words. The supporting statement shall be furnished to the issuer at the time that the proposal is furnished, and the issuer shall not be responsible for such statement and the proposal to which it relates.

(2) The proxy statement also shall include either the name and address of the proponent and the number of voting securities of the issuer held by the proponent or a statement that such information will be furnished by the issuer to any person, orally or in writing as requested, promptly upon the receipt of any oral or written request therefor.

(c) The issuer may omit a proposal and any statement in support thereof from its proxy statement and form of proxy if:

(1) The proposal is, under the laws of the issuer's domicile, not a proper subject for action by security holders; or

Note.—A proposal that may be improper under the applicable state law when framed as a mandate or directive may be proper when framed as a recommendation or request.

(2) The proposal relates to the election of directors.

(d) Whenever the issuer asserts, for any reason, that a proposal and statement in support thereof received from a proponent may properly be omitted from its proxy statement and form of proxy, it shall notify the proponent, not later than 30 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed with the Commission pursuant to Rule 14a–6(a) [17 CFR 240.14a–6(a)], a statement of the reasons why the issuer deems such omission to be proper and where such reasons are based on matters of law, a supporting opinion of counsel.

(e) If the issuer intends to include in the proxy statement a statement in opposition to a proposal received from a proponent, it shall, not later than ten calendar days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to Rule 14a–6(a), or, in the event that the proposal must be revised to be includable, not later than five calendar days after receipt by the issuer of the revised proposal, promptly forward to the proponent a copy of the statement in opposition to the proposal. In the event the proponent believes that the statement in opposition contains materially false or misleading statement within the meaning of § 240.14a–9 and the proponent wishes to bring this matter to the attention of the Commission, the proponent should promptly provide the staff with a letter setting forth the reasons for this view and at the same time promptly provide the issuer with a copy of such letter.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed amendments published in Release No. 34–19135 (October 14, 1982) "Proposed Amendments to Rule 14a–8 Under the Securities Exchange Act of 1934 (the "1934 Act") Relating to Proposals by Security Holders," will not, if promulgated, have a significant economic impact on a substantial number of small entities. The first reason for such certification is that only a limited number of entities directly affected by the proposed amendments will be a "small business" or a "small organization" as defined in 17 CFR 240.0–10 because pursuant to 240.12g–1 issuers meeting the definition of "small business" or "small organization" are exempt from the registration requirement of Section 12(g)(1) of the 1934 Act and, thus, the rules and regulations under Section 14(a) of such Act are not applicable. In addition, it is not expected that a substantial number of small entities will be proponents of security holder proposals. A review of the contested security holder proposals processed by the Commission's staff in the period from October 1, 1980 to the present indicates that only two of the two hundred and sixty-two issuers making submissions under Rule 14a–8 would be classified as a "small business" as that term is defined in 17 CFR 240.0–10, and that only eight of the three hundred and nine proponents of those contested security holder proposals would be considered to be a "small business" or a "small organization" as defined in 17 CFR 240.0–10.

Dated: October 14, 1982.

John S. R. Rhad,

Chairman.

[FR Doc. 82–29012 Filed 10–25–82; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182 and 184

[Docket No. 81N–0312]

β-Carotene; Proposed Affirmation of GRAS Status as a Direct Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that β-carotene is generally recognized as safe (GRAS) as a direct human food ingredient. The safety of this ingredient has been evaluated under a comprehensive safety review conducted by the agency. The proposeal would take no action on the listing of this ingredient as a GRAS substance for use in dietary supplements.

DATE: Comments by December 27, 1982.

ADDRESS: Comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Susan Thompson, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, D.C.. 20204, 202–426–9463.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of β-carotene has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of this ingredient for use as a nutrient supplement in conventional food [1] and infant formula.

The GRAS status of the use of β-carotene in dietary supplements (i.e., over-the-counter vitamin preparations in forms such as capsules, tablets, liquids, wafers, etc.) is not affected by this proposal. The agency did not request consumer exposure data on dietary supplement uses when it initiated this review. Without exposure data, the agency cannot evaluate the safety of using this ingredient in dietary supplements. The use of this ingredient in dietary supplements will continue to be permissible under Subpart F of Part 182 (21 CFR Part 182).

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[1] FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

Carotenes are aliphatic or aliphatic-alicyclic hydrocarbons composed of eight isoprene groups in which a series of conjugated double bonds form a chromophoric system. Carotenes and their oxygen derivatives (apocarotenoids) constitute the carotenoids, a class of compounds widely distributed in nature and responsible for much of the yellow, orange, and red coloration of plants. They are involved in the photosynthetic processes of plants and exert a protective effect on chlorophyll. Some carotenoids also serve as precursors for vitamin A, an essential nutrient for man. β-Carotene ($C_{40}H_{56}$), which has the highest provitamin A activity, consists of two vitamin A moieties symmetrically linked at their terminal side-chain carbons. Vitamin A activity in foods has been expressed as international units (IU), 1.0 IU being equivalent to 0.3 μg vitamin A (retinol) or 0.6 μg β-carotene. Vitamin A activity can also be expressed as "retinol equivalents." By definition, 1.0 retinol equivalent equals 1 μg retinol, 6 μg carotene, or 10 IU β-carotene.

Synthetic β-carotene has been available commercially since 1954 and has virtually replaced the natural form. It occurs as red crystals or crystalline powder, insoluble in water, acids, and alkalies but soluble in carbon disulfide, benzene, and chloroform. It is not affected by changes of pH, reducing conditions, or metals and metal salts normally encountered in food processing. Synthetic β-carotene is sensitive to photo-oxidation in the presence of air but is resistant when oxygen has been excluded. β-carotene is synthesized by saponification of vitamin A acetate. The resulting alcohol is either reacted to form vitamin A Wittig reagent or oxidized to vitamin A aldehyde. Vitamin A Wittig reagent and vitamin A aldehyde are reacted together to form β-carotene.

Carotene was listed as a GRAS nutrient in a regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368). Subsequently, it was listed as a GRAS nutrient and dietary supplement in a regulation published in the **Federal Register** of January 31, 1961 (26 FR 938). However, under a final rule published in the **Federal Register** of September 5, 1980 (45 FR 58837), FDA divided the nutrient and dietary supplement category into separate listings for GRAS dietary supplements and GRAS nutrients. Therefore, carotene currently is listed as GRAS in § 182.5245 (21 CFR 182.5245) for use as a dietary supplement and in § 182.8245 (21 CFR 182.8245) for use in food as a nutrient.

It should be noted that the listing in Part 182 does not indicate a specific carotene isomer. The agency has concluded that β-carotene is intended because it is the only isomer known to be used by food manufacturers. β-Carotene is listed for use as food colorant in § 73.95 (21 CFR 73.95) and in § 166.110 (21 CFR 166.110), the standard of identity for margarine. Section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) lists vitamin A (which includes use of β-carotene) as a required nutrient in infant formula, subject to level restrictions. FDA is reviewing all nutrient levels in infant formulas under a contract with the American Academy of Pediatrics. Any necessary modifications in the nutrient levels of vitamin A in infant formula will be proposed by a separate rulemaking under section 412(a)(2) of the act. β-Carotene as a source of vitamin A also may be used to fortify foods as described in Part 104 (21 CFR Part 104).

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which carotene was used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to carotene. The survey revealed that β-carotene is used as a nutrient in dairy product analogs at a maximum level of 0.0015 percent, in fats and oils at 0.004 percent, in processed fruits and fruit juices at 0.00005 percent, and in infant formula at 0.00002 percent. FDA estimates from the NAS/NRC survey that the total amount of β-carotene used in food in 1970 was about 71 thousand pounds, or 2.8 times that used in 1960.

Carotene has been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 1,973 abstracts on carotene was reviewed, and 46 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

Information from the scientific literature review and other studies has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all the available safety information on carotene.[2] In the Select Committee's opinion:

> Carotene is a general term describing certain polyene hydrocarbons containing 40 carbon atoms. Three of these, α-, β-, and γ-carotene, as well as some closely related oxygen-containing carotenoids, exhibit provitamin A activity. β-carotene is the most active of the carotenes and the only one which is available commercially. It is added to food, chiefly margarine, both as a coloring agent, and for its vitamin A potential.
>
> Early studies of the health aspects of "carotene" were performed with preparations of uncertain composition and purity. However, it is apparent from the sources of carotene utilized and the purification procedures adopted, that the active principle in these studies was largely β-carotene, so that the results are relevant to the present review. Since the development of synthetic β-carotene for commercial use in 1954, nearly all research on "carotene" has employed a crystalline and well-defined product.
>
> The average daily intake of carotene from natural sources is estimated to be about 2 mg per day which is equivalent to approximately 3300 IU of vitamin A. Substantially larger amounts may be ingested in diets rich in colored vegetables. The Recommended Dietary Allowance of vitamin A from all sources is 5000 IU for adults. Consumption information from various sources, suggests that the per capita daily intake of β-carotene added to foods is 0.2 to 0.3 mg.
>
> Doses several orders of magnitude greater than would conceivably be used as additives in food have proved nontoxic to various animal species given β-carotene orally in acute, short- and long-term studies. A single study suggested some impairment in neonatal skeletal development when 180 mg per kg or more of carotene were administered, daily to rats, but this study has not been confirmed.
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> When given in moderate amounts, carotene is readily converted to vitamin A. However, this conversion is limited when large amounts

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[2] "Evaluation of the Health Aspects of Carotene (β-Carotene) as a Food Ingredient," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1979, pp. 11–21. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting that discussion in the preambles to proposals that affirm GRAS status in accordance with current good manufacturing practice.

of carotene are administered. The regulatory mechanism has not been elucidated. Doses of 180 mg (300,000 IU) daily for 2 or more years have been taken orally by patients suffering from certain types of photosensitivity with no evidence of hypervitaminosis A or other harmful effects.[2]

The Select Committee concludes that there is no evidence in the available information on carotene (β-carotene) that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.[2]

FDA has undertaken its own evaluation of all available information, and insofar as β-carotene is used as a nutrient in conventional food, concurs with the conclusion of the Select Committee. The agency concludes that no change in the GRAS status of this ingredient is justified. Therefore, the agency proposes that β-carotene be affirmed as GRAS when it is used as a nutrient supplement in conventional food. However, because the NAS/NRC survey did not specifically request data on dietary supplement use, FDA has no data upon which to judge the exposure from use of β-carotene as a dietary supplement. Without such exposure data, the agency cannot evaluate this use and therefore can take no action on the GRAS status of carotene for this use. Consequently, FDA is taking no action on the listing of carotene in § 182.5245 for use as a dietary supplement.

Additionally, FDA is proposing not to include in the GRAS affirmation regulation for β-carotene the levels of use reported in the NAS/NRC 1971 survey for this ingredient. Both FASEB and the agency have concluded that a large margin of safety exists for the use of this substance, and that any reasonably foreseeable increase in the level of consumption of β-carotene will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of β-carotene when it is used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of this substance is based on the evaluation of limited uses, the proposed regulation sets forth the technical effect and food categories that FDA evaluated.

In the **Federal Register** of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

Copies of the scientific literature review on carotene and the report of the Select Committee are available for review at the Dockets Management Branch (address above) and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Carotene (scientific literature review).	PB 241–950/AS	A10	$13.00
Carotene (β-carotene) (Select Committee report).	PB 80–119837	A03	6.00

[1] Price subject to change.

This proposed action does not affect the current use of carotene in pet food or animal feed.

The format of the proposed regulation is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of § 184.1245 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including both the technical effect and food categories listed. This change has no substantive effect but is made merely for clarity.

The agency has determined pursuant to 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substance covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.8245 [Removed]

1. In Part 182, by removing § 182.8245 *Carotene.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In Part 184, by adding new § 184.1245, to read as follows:

§ 184.1245 β-Carotene.

(a) β-Carotene (CAS Reg. No. 7235–40–7) is the chemical $C^{GT240}H_{56}$. It is synthesized by saponification of vitamin A acetate. The resulting alcohol is either reacted to form vitamin A Wittig reagent or oxidized to vitamin A aldehyde. Vitamin A Wittig reagent and vitamin A aldehyde are reacted together to form β-carotene.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 73, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing conditions of use:

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[2] *Ibid.*

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: Dairy product analogs as defined in § 170.3(n)(10) of this chapter; fats and oils as defined in § 170.3(n)(12) of this chapter; and processed fruits and fruit juices as defined in § 170.3(n)(35) of this chapter. β-Carotene may be used in infant formula as a source of vitamin A in accordance with section 412(g) of the act or with regulations promulgated under section 412(a)(2) of the act.

The agency is unaware of any prior sanction for the use of this ingredient in food under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before December 27, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 22, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–29223 Filed 10–25–82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 182 and 184

[Docket No. 81N–0340]

Thiamine Hydrochloride and Thiamine Mononitrate; Proposed Affirmation of Gras Status as Direct Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that thiamine hydrochloride and thiamine mononitrate are generally recognized as safe (GRAS) as direct human food ingredients. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency. The proposal would take no action on the listings of these ingredients as GRAS substances for use in dietary supplements.

DATE: Comments by December 27, 1982.

ADDRESS: Comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Leonard C. Gosule, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–426–8463.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of thiamine [1] hydrochloride and thiamine mononitrate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of these ingredients as nutrient supplements in conventional food [2] and infant formula.

The GRAS status of the use of thiamine hydrochloride and thiamine mononitrate in dietary supplements (i.e., over-the-counter vitamin preparations in forms such as capsules, tablets, liquids, wafers, etc.) is not affected by this proposal. The agency did not request consumer exposure data on dietary supplement uses when it initiated this review. Without exposure data, the agency cannot evaluate the safety of using these ingredients in dietary supplements. The use of these ingredients in dietary supplements will continue to be authorized under Subpart F of Part 182 (21 CFR Part 182).

Thiamine, also called thiamin or vitamin B_1, is an essential nutrient in humans. Its metabolic derivative, thiamine pyrophosphate, is a cofactor in certain enzymatic acyl transfer reactions. The principal effects of thiamine deficiency occur in the peripheral nervous system, the cardiovascular system, and the gastrointestinal tract. The classical syndrome of thiamine deficiency is beriberi, the symptoms of which include polyneuritis, cardiac pathology, and edema.

Thiamine is found naturally in a variety of foods. The richest sources are yeast, bran, whole wheat, millets, and unpolished rice. Other natural sources of thiamine include fresh fruits and vegetables, pork, beef (especially liver), mutton, fish, cow's milk, and eggs. However, thiamine that is added to food is generally prepared synthetically as the chloride-hydrochloride or mononitrate salt. (The chloride-hydrochloride salt of thiamine is generally referred to as thiamine hydrochloride.)

Thiamine, generally as the chloride-hydrochloride salt, is synthesized by one of two procedures. The perferred method is to synthesize separately, and then link, the pyrimidine and thiazole ring systems. The alternative approach is to synthesize the pyrimidine ring system containing a side-group in the 5-position. The thiazole ring system is constructed from this side-group by a process of chain elongation followed by ring closure. Thiamine hydrochloride is used to prepare thiamine monoitrate. Thiamine mononitrate salt is prepared by dissolving thiamine hydrochloride in alkaline solution followed by precipitation of the nitrate half-salt with a stoichiometric amount of nitric acid.

Both thiamine hydrochloride and thiamine mononitrate occur as white crystals or crystalline powders and are stable in the dry form. The hydrochloride salt is hygroscopic and very soluble in water (1 gram per milliliter) but is unstable in solution above pH 5.5. In contrast, the mononitrate salt is practically nonhygroscopic and is only moderately soluble in water (.03 gram per milliliter). It is more stable than the hydrochloride salt and is preferred by the food industry for the enrichment of flour mixes.

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[1] FDA is adopting this spelling instead of the spelling "thiamin," which was used in the report of the Select Committee on GRAS Substances (the Select Committee). The spelling "thiamine" is adopted because it is found in most FDA food standards, in section 412(g) of the Federal Food, Drug, and Cosmetic Act, and FDA's regulations for nutrition labeling of food (21 CFR 101.9(c)(7)).

[2] FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

Thiamine hydrochloride and thiamine mononitrate were listed as GRAS nutrients in a regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368). Subsequently, they were listed as GRAS nutrients and dietary supplements in a regulation published in the **Federal Register** of January 31, 1961 (26 FR 939). However, in a final rule published in the **Federal Register** of September 5, 1980 (45 FR 58837), FDA divided the nutrient and dietary supplement category into separate listings for GRAS dietary supplements and GRAS nutrients. Therefore, thiamine hydrochloride and thiamine mononitrate currently are listed as GRAS in §§ 182.5875 and 182.5878 (21 CFR 182.5875 and 182.5878), respectively, for use in dietary supplements and in §§ 182.8875 and 182.8878 (21 CFR 182.8875 and 182.8878), respectively, for use in food as nutrients. Thiamine hydrochloride also is considered GRAS for use as a flavoring substance by the Flavor and Extract Manufacturers' Association (FEMA), and its use as a flavoring agent was reported in the 1971 NAS/NRC survey. In addition, FDA has stated in an opinion letter (dated April 14, 1966) that thiamine is GRAS when used as a component of imitation meat flavor.

Thiamine is listed as a required ingredient in standards of identity for the enrichment for certain breads (21 CFR 136.115), grains and flours (21 CFR 137.160, 137.165, 137.185, 137.235, 137.260, 137.305, and 137.350), and macaroni and noodle products (21 CFR 139.115, 139.117, 139.122, 139.135, 139.155, and 139.165). Thiamine may also be used to fortify foods as described in Part 104 (21 CFR Part 104). Section 412(g) of the Federal Food Drug, and Cosmetic Act (the act) lists thiamine as a required nutrient in infant formula, subject to level restrictions. FDA is reviewing all nutrient levels in infant formulas under a contract with the American Academy of Pediatrics. Any necessary modifications in the nutrient level of thiamine in infant formula will be proposed by a separate rulemaking under section 412(a)(2) of the act.

Considerable loss of thiamine from food occurs in cooking and slow loss occurs during storage. In addition, thiamine is destroyed rapidly by sulfide. Consequently, the proposed GRAS regulations for sulfiting agents (21 CFR 182.3616, 182.3637, 182.3739, 182.3766, 182.3798, and 182.3862) (47 FR 29956; July 9, 1982) prohibit their use in meats and other foods recognized as significant sources of thiamine.

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which thiamine hydrochloride and thiamine mononitrate were used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to these ingredients. FDA estimates from the NAS/NRC survey that during the decade 1960–1970, use of both thiamine hydrochloride and thiamine mononitrate increased by approximately 20 percent. FDA also estimates that in 1970 the use of thiamine hydrochloride in food as a nutrient or flavoring agent was 135,000 pounds, and the use of thiamine mononitrate as a nutrient was 222,000 pounds.

Thiamine hydrochloride and thiamine mononitrate have been the subjects of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degraduation products, (6) carcinogenicity, teratogenicity, or matagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 4,612 abstracts was reviewed, and 79 particularly pertinent reports have been summarized in a scientific literature review.

Information from the scientific literature review and other sources has been summarized in a report to FDA by the Select Committee, which is composed of qualified scientists selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all the available information on thiamine hydrochloride and thiamine mononitrate.[3] In the Select Committee's opinion:

> Thiamin (thiamine) salts have been administered to man for months in daily doses up to 1 g or more without reported adverse effects, except for the development of sensitivity in rare cases. This dosage is several hundred times the estimated intake of thiamin hydrochloride and thiamin mononitrate added to foods. Most cases of sensitivity were induced by previous topical or parenteral exposure to thiamin.
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> Similarly, mice and rats fed daily for three generations with several hundred times their normal requirements of thiamin showed no adverse effects. Absorption of orally administered thiamin is regulated by a transport mechanism which offers an effective protection against overdosage. Excess thiamin in the tissues is rapidly excreted in the urine.[3]

The Select Committee concludes that no evidence in the available information on thiamine hydrochloride or thiamine mononitrate demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.[3]

FDA has undertaken its own evaluation of all available information on conventional food uses of thiamine hydrochloride and thiamine mononitrate and concurs with the conclusion of the Select Committee. The agency concludes that no change in the current GRAS status in these ingredients is justified. Therefore, the agency proposes that thiamine hydrochloride and thiamine mononitrate be affirmed as GRAS for use as a nutrient supplement. However, because the NAS/NRC survey did not specifically request data on dietary supplement use, FDA has no data upon which to judge the exposure from use of these substances in dietary supplements. Without such exposure data, the agency cannot evaluate this use of these ingredients and therefore can take no action on the GRAS status of thiamine hydrochloride and thiamine mononitrate for this use.

FDA received one letter that questioned the use of thiamine mononitrate as a contributor to the total dietary intake of nitrates. The Select Committee evaluated this question and found that dietary intake of nitrate from this source is only 0.1 percent of the total dietary intake of nitrate. FDA agrees with the Select Committee's assessment and concludes that the nitrate content of thiamine mononitrate does not represent a significant threat to human health.

Additionally, FDA is proposing not to include in the GRAS affirmation regulations for thiamine hydrochloride and thiamine mononitrate the food categories and levels of use reported in the 1971 NAS/NRC survey for these ingredients. Both FASEB and the agency have concluded that a large margin of safety exists in the use of these substances, and that a reasonably foreseeable increase in the level of consumption of these substances will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of these ingredients when they are used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of these substances is based on the evaluation of currently known uses, the proposed regulations set forth the technical effects that FDA evaluated.

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[3] "Evaluation of the Health Aspects of Thiamin Hydrochloride and Thiamin Mononitrate as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1978, p. 9–17. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it represents a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preamble to proposals that affirm GRAS status in accordance with current good manufacturing practice.

In the **Federal Register** of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

Copies of the scientific literature review on thiamine, a mutagenicity report on thiamine hydrochloride, and the report of the Select Committee on thiamine are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Thiamine (scientific literature review)	PB 241-951/AS	A17	$26.50
Thiamine hydrochloride (mutagenicity report)	PB 279-266/AS	A04	9.00
Thiamine (Select Committee report)	PB 241-951/AS	A03	7.50

[1] Price subject to change.

This proposed action does not affect the current use of thiamine hydrochloride and thiamine mononitrate in pet food or animal feed.

The format of the proposed regulations is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of §§ 184.1875 and 184.1878 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including the technical effects listed. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act, that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 184

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 182

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§§ 182.8875 and 182.8878 [Removed]

1. Part 182 is amended by removing § 182.8875 *Thiamine hydrochloride* and § 182.8878 *Thiamine mononitrate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended:

a. By adding new § 184.1875, to read as follows:

§ 184.1875 Thiamine hydrochloride.

(a) Thiamine hydrochloride ($C_{12}H_{17}ClN_4OS.HCl$, CAS Reg. No. 67–03–8) is the chloride-hydrochloride salt of thiamine. It occurs as hygroscopic white crystals or a white crystalline powder. The usual method of preparing this substance is by linking the preformed thiazole and pyrimidine ring systems.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 324, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitations other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing conditions of use:

(1) The ingredient is used as a flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter or as a nutrient supplement as defined in §170.3(o)(20) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice. Thiamine hydrochloride may be used in infant formula in accordance with section 412(g) of the act or with regulations promulgated under section 412(a)(2) of the act.

b. By adding new § 184.1878, to read as follows:

§ 184.1878 Thiamine mononitrate.

(a) Thiamine mononitrate ($C_{12}H_{17}N_5O_4S$, CAS Reg. No. 532–43–4), is the mononitrate salt of thiamine. It occurs as white crystals or a white crystalline powder and is prepared from thiamine hydrochloride by dissolving the hydrochloride salt in alkaline solution followed by precipitation of the nitrate half-salt with a stoichiometric amount of nitric acid.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 325, which is incorporated by reference. Copies are available from the National Academy

Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitations other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufacturing conditions of use:

(1) The ingredient is used as a nutrient supplement as defined in § 170.3(o)(20) of this chapter.

(2) The ingredient is used in food at levels not to exceed current good manufacturing practice. Thiamine mononitrate may be used in infant formula in accordance with section 412(g) of the act or with regulations promulgated under section 412(a)(2) of the act.

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before December 27, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 22, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29221 Filed 10-25-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 182, 184, and 186

[Docket No. 82N-0167]

Zinc Salts; Proposed Affirmation of Gras Status

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that zinc oxide and xinc sulfate are generally recognized as safe (GRAS), with specific limitations, as direct human food ingredients and to affirm that zinc chloride is GRAS as an indirect food ingredient. In addition, FDA is proposing not to affirm zinc chloride and zinc stearate as direct human food ingredients and is proposing to remove them from the list of substances that are GRAS. The proposal would take no action on the listing of zinc oxide, zinc sulfate, zinc chloride, and zinc stearate as GRAS substances for use in dietary supplements. The safety of zinc salts has been evaluated under the comprehensive safety review conducted by the agency.

DATE: Comments by December 27, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of zinc sulfate, zinc oxide, zinc chloride, and zinc stearate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm, with specific limitations, the GRAS status of zinc oxide and zinc sulfate as direct human food ingredients and to affirm zinc chloride as GRAS as an indirect human food ingredient. FDA proposes to remove zinc stearate and zinc chloride from GRAS status as direct human food ingredients. The agency will take no action on the GRAS status of dietary supplement uses of zinc oxide, zinc sulfate, zinc chloride, and zinc stearate.

Zinc is an essential element in the nutrition of man, animals, and plants. In man, it plays important roles in growth, sexual maturation, and the mobilization of vitamin A from the liver, and it functions as an integral component of several enzymes.

Zinc chloride consists of white, very deliquescent granules and occurs in nature only in combination with other elements. It is prepared by reacting zinc metal oxide with hydrochloric acid. Zinc oxide is a white or yellowish powder and occurs naturally as the mineral zincite, sometimes called red zinc ore. It is also produced commercially by combustion of vaporized zinc metal. It is insoluble in water and in alcohol. Zinc stearate is a fine, soft white, bulky powder that does not occur in nature. It is prepared by reacting sodium stearate and zinc sulfate in solution. Zinc sulfate contains one or seven molecules of water of hydration. It occurs as a white powder or granules and occurs in nature as the minerals zinkosite and goslarite. It is manufactured by leaching roasted zinc ore concentrate with sulfuric acid, filtering out the residue, and treating the clear liquor with zinc dust to remove heavy metals. The monohydrate loses water at temperatures above 238° C, whereas the heptahydrate effloresces in dry air at room temperature. The monohydrate is soluble in water and practically insoluble in alcohol, whereas the heptahydrate is insoluble in alcohol.

Zinc carbonate and zinc acetate were considered in this safety review, but their use is in animal feed. Therefore, they are not a subject of this proposal. Zinc gluconate and zinc hydrosulfite also are not included in this proposal because they were not a part of this safety review. Their GRAS status will be addressed with other gluconates and hydrosulfites in other proposals.

The zinc salts that are the subject of this review are listed in Subparts F and I in Part 182 (21 CFR Part 182) for use as dietary supplements and nutrients, under the regulations published in the **Federal Register** of January 31, 1961 (26 FR 938). However, in a recodification published in the **Federal Register** of September 5, 1980 (45 FR 58837), FDA divided the nutrient and dietary supplement category into separate listings for GRAS dietary supplements and for GRAS nutrients. As a consequence the zinc salts that are the subject of review are listed as follows: Zinc chloride in § 182.5985 (21 CFR 182.5985) and § 182.8985 (21 CFR

182.8985); zinc oxide in § 182.5991 (21 CFR 182.5991) and § 182.8991 (21 CFR 182.8991); zinc stearate in § 182.5994 (21 CFR 182.5994) and § 182.8994 (21 CFR 182.8994). Zinc chloride is also listed in § 182.70 (21 CFR 182.70) as a GRAS component of cotton and cotton fabrics used in dry food packaging, under a regulation published in the **Federal Register** of June 10, 1961 (26 FR 5224). Zinc sulfate is also listed in § 182.90 (21 CFR 182.90) as GRAS when used in paper and paperboard food-packaging materials, under a regulation published in the **Federal Register** of June 17, 1961 (26 FR 5421).

FDA has approved several specific indirect food additive uses of zinc salts. Zinc oxide is listed in § 175.300(b)(3)(xxvi) (21 CFR 175.300(b)(3)(xxvi)) and zinc stearate is listed in § 175.300(b)(3)(xxii)(*a*) and (*b*) (21 CFR 175.300(b)(3)(xxii) (*a*) and (*b*)) as components of resinous and polymeric coatings in contact with food, and zinc stearate (zinc salts of fatty acids) is listed in § 177.2600 (21 CFR 177.2600) as a component of rubber articles intended for repeated use. Zinc stearate (zinc salts of fatty acids) is also listed in § 176.170 (21 CFR 176.170) as a component of paper and paperboard in contact with aqueous and fatty food, in § 176.180 (21 CFR 176.180) as a component of paper and paperboard in contact with dry food, in § 177.2410 (21 CFR 177.2410) as a lubricant of resins in molded articles, in § 177.1460 (21 CFR 177.1460) as a component of melamine-formaldehyde resins in molded articles, in § 177.1900 (21 CFR 177.1900) as a component of urea-formaldehyde resins in molded articles, and in § 178.2010 (21 CFR 178.2010) as a stabilizer for polymers. These indirect food additive regulations are not affected by this proposal.

Section 412(g) of the Federal Food, Drug, and Cosmetic Act (the act) lists zinc as a required nutrient in infant formula, subject to level restrictions.

In 1971 and 1977, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which zinc salts are used and the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obtain an estimate of consumer exposure to these ingredients. This information indicates that overall annual consumption of zinc salts has increased fivefold since 1961. However, no information is available regarding whether the zinc content of the various food categories has changed within the past decade. The consumption of zinc as a food ingredient is very small compared to zinc consumed as a natural component of food.[1] FDA estimates from the NAS/NRC surveys that the amounts of zinc sulfate heptahydrate and zinc oxide used in 1970 to be 35,500 pounds and 30 pounds, respectively. NAS/NRC did not report direct food use of other zinc salts. The NAS/NRC surveys indicated that zinc oxide and zinc sulfate are used in foods as a nutrient. Zinc oxide is used in such foods as breakfast cereals, dairy products, and reconstituted vegetables. Zinc sulfate is used in such foods as nonalcoholic beverages and beverage bases and infant formula.

The zinc salts affected by this proposal have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered: (1) Chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 651 abstracts on the zinc salts was reviewed, and 91 particularly pertinent reports have been summarized in a scientific literature review.

Information from the scientific literature review and other sources is summarized in the report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The report of the Select Committee includes the following information:

> Zinc is absorbed largely from the duodenum. The degree of absorption is substantially affected by the nutritive status with respect to zinc, dietary phytate, calcium, and phosphorus. Usually about 8 to 10 percent of the zinc ingested by rats, cats, and dogs is absorbed and the rest is excreted in the feces. Retention may be higher in bone and skin than in some other tissues but the element is present in every cell. The average biological half-life of zinc in adult man is 154 days.
>
> As is the case with other metallic salts, zinc salts ingested in large amounts cause a variety of metabolic changes, including the inhibition of intestinal alkaline phosphatase, xanthine oxidase, liver catalase, cytochrome oxidase and succinic dehydrogenase; also, they modify the excretion of nitrogen, phosphorus, and sulfur. For example, feeding up to one percent of zinc oxide in the diet of rats resulted in increased urinary excretion of nitrogen while phosphorus and sulfur excretion was reduced. However, fecal excretion was also increased resulting in decreased net retention. Urinary excretion of both uric acid and creatinine was increased.
>
> In general, the most important effect of feeding excess zinc appears to be a specific microcytic hypochromic anemia, probably related to chagnes in iron and copper utilization. For example, decreases in iron storage proteins were observed when rats were fed a diet containing 0.4 percent zinc oxide. In other studies, diets containing 0.75 percent zinc (salt not indicated) resulted in decreased red cell life spans and increasing iron excretion in rats. Finally, feeding an excess of zinc oxide (up to 0.6 percent as zinc) to rats resulted in a decrease in both iron and copper levels of all tissues, explaining most of the enzyme changes. This effect of zinc excess on iron and copper metabolism appears to be the result of interference with iron and copper utilization at the cellular level and by increasing the excretion of copper. Evidence for this interaction is observed in studies in which iron and copper supplementation can reverse the anemia caused by excess zinc feeding.
>
> A similar interaction has been found with calcium. For example, increasing dietary calcium increased the loss of zinc in rats and resulted in decreasing absorption and decreasing turnover. In other studies, high calcium and phosphorus intakes appeared to increase the zinc requirement of rats. On the other hand, feeding an excess (0.75 percent zinc as zinc carbonate) in the diet of young rats for one week resulted in a marked decrease in bone calcium and phosphorus. The mechanism of this interaction remains unknown.
>
> In the rat the oral LD_{50} of zinc sulfate has been reported to be 1374 mg per kg; of zinc sulfate heptahydrate, zinc acetate heptahydrate, and zinc chloride, 750 mg per kg. Values of similar magnitude have been reported for mice and rabbits. One human fatality has been reported; the death of an adult female was attributed to zinc sulfate poisoning following the accidental consumption of about 30 g of the salt. This intake amounted to about 500 mg per kg of body weight, a value similar to that found to be a lethal dosage in animal studies.
>
> Many short-term feeding tests with high levels of zinc salts fed to a number of experimental animal species have shown no adverse effects at levels below 100 mg of the salt per kg day. At higher levels a variety of observations have been reported depending on the salt used. At these levels, the most injurious salts were the chloride and the acetate with the latter apparently the more toxic. On the other hand, extensive studies indicate that feeding zinc oxide or zinc sulfate at levels in excess of 500 mg of the salt per kg has no consistently adverse effects. It would appear that the nature of the compound plays a significant role in the toxicology of zinc. Unfortunately, all four compounds have not been compared under the same experimental conditions. Limited studies of zinc sulfate intake have been

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[1] See "Recommended Dietary Allowances," 9th Ed., The National Academy of Sciences, Washington, DC 20418, p. 146, 1980.

conducted in man. In general, there was no evidence of toxicity at levels of up to 660 mg per day of the heptahydrate (about 10 mg of the salt per kg per day) for up to 3 months.

Long-term exposures have been carried out in rats with zinc chloride, oxide, carbonate, and sulfate. These studies, extending for one year and over three generations, showed no effect at levels up to 0.25 percent of the diet. However, in other investigations, zinc sulfate, fed at dietary levels of about 100 ppm to rats and dogs, was reported to cause hematological changes including microcytosis, coupled with polychromasia in some animals and hyperchromasia in others; in addition, more rapid turnover of red blood cells was observed.

No evidence of carcinogenicity of the several zinc salts was noted in rat studies over three generations or in the feeding to rats of zinc oxide (equivalent to 34.4 mg of zinc daily for 29 weeks), zinc acetate (equivalent of up to 6.3 mg of zinc daily for 29 weeks), or zinc carbonate (equivalent of up to 1 percent zinc in the diet for 39 weeks). Two studies with evidence of carcinogenicity from zinc have been reported. These observations were made on mice given zinc chloride in drinking water at different levels and under different conditions, but the concentrations of greatest interest to the investigators were 10 to 20 mg of the salt per liter. Treatment schedules, or precise evaluation of tumors and sites were not reported. No controls were used in some of the experiments, and in others it is apparent that the controls were used in a different time sequence. No statistical evaluation of the data was given. Therefore, it is impossible to draw definite conclusions.

In another study mice were given up to 5,000 ppm of zinc as zinc sulfate in drinking water. No significant carcinogenic differences between the treated and control groups were observed. These findings, the comprehensive critical analyses of the literature by experienced investigators and recent reviews by two laboratories specializing in experimental carcinogenesis, make it evident that zinc salts taken orally should not be considered a carcinogenic hazard.

Reproduction studies performed through several generations have revealed no evidence of any adverse effect on fertility, gestation, and the health of the fetus from feeding up to 0.25 percent zinc chloride, zinc oxide, zinc carbonate, or zinc sulfate to rats. In addition, specific studies of the effect of excess dietary zinc, fed as the oxide, malate, acetate, citrate, or sulfate, on the chemical composition and enzymic activities of maternal and fetal tissues, have not revealed adverse effects.

Teratologic tests on three species of animals were negative. Daily oral administration of up to 30 mg of zinc sulfate per kg of body weight in mice (day 6 through day 15 of gestation), up to 42.5 mg per kg in rats (day 6 through 15 of gestation), and up to 88 mg per kg in hamsters (day 6 through day 10 of gestation) had no clearly discernible effect on nidation or on maternal or fetal survival. The number of abnormalities observed either in soft or skeletal tissues of the test groups did not differ from the number occurring spontaneously in the sham-treated controls.[2]

The members of the Select Committee have evaluated all available safety information on zinc sulfate, zinc oxide, zinc acetate, zinc carbonate, and zinc chloride. The Select Committee did not review zinc stearate because of a lack of safety information. In the Select Committee's opinion:

> The available information indicates that a wide margin exists between present intake levels of zinc salts and those that have been reported to produce noticeably harmful effects. Similarly, the suggestion that zinc chloride is carcinogenic has not been supported in carefully controlled animal studies.
>
> However, because of the central role of zinc as either an activator of certain enzymes or as a coenzyme in many metabolic reactions, it has been demonstrated that relatively large excesses of zinc salts in the diet can lead to metabolic dysfunctions. In particular, the interation, of zinc with several other mineral nutrients, notably iron, copper and calcium suggests that major modification of this nutritional balance might lead to significant metabolic disturbances. In consideration of this and the currently wide nutritional use of zinc sulfate and zinc oxide in infant formulas, it would be desirable, in due course, to expand our knowledge of the interaction of zinc salts in association with dietary levels of other essential mineral nutrients. It would also be desirable to establish maximum limits for the levels of zinc salts in food, particularly in formulas for infants, since this segment of the population may now consume the highest level of zinc salts when calculated on a daily or body weight basis.[2]

The Select Committee concludes that no available information on zinc sulfate, zinc oxide, zinc acetate, zinc carbonate, and zinc chloride demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels now current and in the manner now practiced. However, the Select Committee also states it is not possible to determine without additional data, whether a significant increase in consumption would constitute a dietary hazard.[2]

FDA has undertaken its own evaluation of all available information on these ingredients, including mutagenic evaluations of zinc oxide and zinc sulfate not available when the Select Committee formed its conclusion. Based on available safety data, the agency proposes to affirm zinc oxide and zinc sulfate as GRAS direct human food ingredients with specific limitations on their use in conventional foods[3] and to affirm zinc chloride as GRAS for indirect use. The levels of use in food set forth in this proposal for various food categories are the maximum levels reported to the NAS/NRC in their 1971 and 1977 surveys of food manufacturers on the use of GRAS ingredients. The agency encourages the submission, as comments on this proposal, of other food uses for these ingredients that may not have been reported during these surveys. Each report of an additional use should include the food category and maximum use level, so that the agency can determine whether a significant increase in the consumption of zinc salts will result from these new reported uses. FDA will address any changes in the regulatory status of the subject compounds when it issues the final rule.

The Select Committee expressed concern about the use of zinc salts in infant formula. FDA is reviewing all nutrient levels in infant formulas under a contract with the American Academy of Pediatrics. Any necessary modifications in the nutrient level of zinc in infant formula will be proposed by a separate rulemaking under section 412(a)(2) of the act.

FDA has conducted its own evaluation of zinc stearate and zinc chloride and proposes not to affirm their GRAS status as direct human food ingredients and to remove them from the list of substances that are GRAS for use as nutrients. No evidence of their use in food was reported during the NAS/NRC surveys of the food industry. Therefore, FDA must assume that use of these substances has been discontinued. In previous GRAS affirmation proposals, FDA emphasized that use information (i.e., foods in which the ingredient is added, the intended technical effect, and the levels of addition) is important in assessing the safety of GRAS food ingredients. Because the agency does not have any evidence of food use for zinc chloride and zinc stearate, the agency is proposing not to affirm these substances as GRAS.

The agency decided to propose not to affirm zinc chloride and zinc stearate as GRAS for direct food use after considering comments received in opposition to a proposal that FDA issued on April 13, 1973 (38 FR 9310) to remove zinc chloride, zinc stearate, and several other substances from the GRAS list. The basis for the 1973 proposal was the same as that for this proposal: the absence of evidence in the 1971 NAS/NRC survey that these substances are being used. Several of the comments that responded to the 1973 proposal requested that FDA retain zinc chloride and zinc stearate on the GRAS list for food-packaging materials, and two comments indicated plans for direct use of these salts in human food. However, in recent communications regarding direct food use of zinc chloride and zinc stearate, FDA has learned that these ingredients are not now being used in food, and that there are no plans to use them in food in the future.

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[2] "Evaluation of the Health Aspects of Certain Zinc Salts as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, pp. 5–8, 1973.

[2] *Ibid.*, p. 8.

[2] *Ibid.*, pp. 8–9.

[3] FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

Regarding the requested food-packaging uses of zinc chloride and zinc stearate, FDA is not aware of any current uses of zinc stearate which are not covered under existing regulations. The agency is proposing, however, to affirm zinc chloride as GRAS for indirect use as a constituent of cotton and cotton fabrics used in dry food packaging. The use of zinc chloride in cotton and cotton fabrics is the only use of zinc chloride in food-packaging materials of which FDA is aware. FDA will reconsider the regulatory status of zinc chloride and zinc stearate if adequate use information of the type cited above is submitted. Alternatively, persons seeking FDA approval of zinc chloride and zinc stearate may submit a GRAS or food additive petition in accordance with § 170.35 or § 171.1 (21 CFR 171.1).

FDA is taking no action at this time on the listings of zinc chloride, zinc oxide, zinc sulfate, and zinc stearate in Subpart F of Part 182. Because the NAS/NRC survey did not specifically request data on dietary supplement use, FDA does not have adequate data upon which to judge the exposure from the use of zinc chloride, zinc oxide, zinc sulfate, and zinc stearate as dietary supplements. Without such exposure data, the agency cannot evaluate the safety of their use in dietary supplements and therefore can take no action on the GRAS status of zinc chloride, zinc oxide, zinc sulfate, and zinc stearate for this use.

In the past, when a substance was listed in Part 182 as GRAS for both direct and indirect uses, FDA has proposed separate GRAS affirmation regulations in Parts 184 and 186 (21 CFR Parts 184 and 186) to govern its direct and indirect GRAS uses, respectively. Under § 184.1(a) (21 CFR 184.1(a)), however, ingredients affirmed as GRAS for direct food use in Part 184 are considered to be GRAS for indirect uses without a separate listing in Part 186. Based on § 184.1(a), FDA has reconsidered its traditional practice and has concluded that the duplicative listing in Part 186 is unnecessary, as a general rule, and may cause confusion. Thus, unless safety considerations make it necessary to impose specific purity specifications or other restrictions on the indirect use of a GRAS substance, FDA will no longer list in Part 186 substances that are affirmed as GRAS for direct use in Part 184. In keeping with this change in policy, FDA is not proposing a separate listing in Part 186 for the indirect uses of zinc sulfate. The indirect uses of zinc sulfate would be authorized under §§ 184.1997 and 184.1(a).

In the case of zinc sulfate, FDA believes that the general requirements that indirect GRAS ingredients be of a purity suitable for their intended use in accordance with § 170.30(h)(1) (21 CFR 170.30(h)(1)) and used in accordance with current good manufacturing practice are sufficient to ensure the safe use of this ingredient. Therefore, the agency has not proposed any specific purity specifications for its indirect use.

Although the policies discussed in the two preceding paragraphs are not inconsistent with FDA's current regulations, FDA published a proposal in the **Federal Register** of June 25, 1982 (47 FR 27817) to amend its procedural regulations in Parts 184 and 186 to reflect clearly these policies.

Copies of the scientific literature review on zinc salts, mutagenic evaluations of zinc oxide, zinc sulfate, and zinc stearate, teratogenic evaluation of zinc sulfate, and the report of the Select Committee are available for review at the Dockets Management Branch (address above) and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price[1]
Zinc salts (scientific literature review).	PB 221-214	A06	$12.00
Zinc oxide (mutagenic evaluation).	PB 257-880/AS.	A03	7.50
Zinc sulfate (mutagenic evaluation).	PB 245-451/AS.	A05	10.50
Zinc stearate (mutagenic evaluation).	PB 279-265/AS.	A04	9.00
Zinc sulfate (teratogenic evaluation).	PB 221-805/AS.	A03	7.50
Zinc sulfate (teratogenic evlauation, rabbits).	PB 267-191/AS.	A02	6.00
Certain zinc salts (Select Committee report).	PB [illegible]-870/AS.	A02	6.00

[1] Price subject to change.

The format of the proposed regulations is different from that in previous GRAS affirmation regulations. The agency has modified the form in which the conditions of use of these ingredients is presented. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that because the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifies in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients; Spices and flavorings.

21 CFR Part 184

Direct food ingredients; Food ingredients; Generally recognized as safe (GRAS) food ingredients.

21 CFR Part 186

Food ingredients; Generally recognized as safe (GRAS) food ingredients; Indirect food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

1. In Part 182:

§ 182.70 [Amended]

a. In § 182.70 *Substances migrating from cotton and cotton fabrics used in* *dry food packaging* by removing the entry "Zinc chloride".

§ 182.90 [Amended]

b. In § 182.90 *Substances migrating to food from paper and paperboard products* by removing the entry "Zinc sulfate".

§§ 182.8985, 182.8991, 182.8994, and 182.8997 [Removed]

c. By removing § 182.8985 *Zinc chloride*, § 182.8991 *Zinc oxide*, § 182.8994 *Zinc stearate*, and § 182.8997 *Zinc sulfate*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In Part 184:

a. By adding new § 184.1991, to read as follows:

§ 184.1991 Zinc oxide.

(a) Zinc oxide (ZnO, CAS Reg. No. 1314–13–12) is a white or yellowish-white powder and occurs naturally as the mineral zincite, sometimes called red zinc ore. Commercial zinc oxide is also produced by combustion of vaporized zinc metal.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981, p. 350, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(2), the ingredient is used in food only within the following specific limitations:

Category of food	Maximum percent [1]	Functional use
Breakfast cereals, § 170.3(n)(4) of this chapter.	0.02	Nutrient supplement, § 170.3(o)(20) of this chapter.
Dairy product analogs, § 170.3(n)(10) of this chapter.	0.006	Do.
Plant protein products, § 170.3(n)(33) of this chapter.	0.00025	Do.

[1] Maximum level of use in food (as served).

b. By adding new § 184.1997, to read as follows:

§ 184.1997 Zinc sulfate.

(a) Zinc sulfate ($ZnSO_4$, CAS Reg. No. 7733–02–0; $ZnSO_4.H_2O$, CAS Reg. No. 7446–19–7; or $ZnSO_4.7H_2O$, CAS Reg. No. 7446–20–0) exists as a white powder or granules and occurs in nature as the minerals zinkosite and goslarite. Zinc sulfate is manufactured by bleaching roasted zinc ore concentrate with sulfuric acid, filtering out the residue, and treating the clear liquor with zinc dust to remove heavy metals. The clear liquor is then evaporated, and zinc sulfate crystals separated by filtration or centrifugation.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 351, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c)(1) In accordance with § 184.1(b)(2), the ingredient is used in food only within the following specific limitations:

Category of food	Maximum percent [1]	Functional use
Beverages and beverage bases, nonalcoholic, § 17.3(n)(3) of this chapter	0.00002	Nutrient supplement, § 1703(o)(20) of this chapter

[1] Maximum level of use in food (as served)

(2) Zinc sulfate may be used in infant formual in accordance with section 412(g) of the act or with regulations promulgated under section 412(a)(2) of the act.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. In Part 186 by adding new § 186.1985, to read as follows:

§ 186.1985 Zinc chloride.

(a) Zinc chloride ($ZnCl_2$, CAS Reg. No. 7646–85–7) consists of white, very deliquescent granules and occurs in nature only in combination with other elements. It is prepared by reacting zinc metal or zinc oxide with hydrochloric acid.

(b) In accordance with § 186.1(b)(1), the ingredient is used as an indirect human food ingredient with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as an indirect human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used as a constituent of cotton and cotton fabrics used for dry food packaging.

(2) The ingredient is used at levels not to exceed current good manufacturing practice.

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document, any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposes to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR 184 or 186), as appropriate.

Interested persons may, on or before December 27, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 5, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–29340 Filed 10–25–82; 8:45 am]

BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL 2162-3]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; High-Altitude Emission Standards for 1982 and 1983 Model Year Light-Duty Motor Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed amendments.

SUMMARY: The proposed amendments would amend Section 86.082–30(a)(4) of the Environmental Protection Agency's regulations for vehicles sold in high-altitude areas, found in 40 CFR Subpart A. As amended, that provision would set forth steps a manufacturer may take which, if taken, would assure the manufacturer that it would be in compliance with certain regulatory requirements regarding the sale and delivery of such vehicles. The result of

manufacturers taking these steps should be that significant numbers of motor vehicles sold to ultimate purchasers for principal use at high-altitude are configured to meet high-altitude emission standards.

DATES: Comments should be submitted by November 26, 1982. Any person may request that EPA hold a public hearing to consider these amendments. Any request should be submitted to the information contact listed below by November 15, 1982. If a hearing is requested, EPA will publish a notice of the location, date, and time, and will hold the public comment period open for 30 days following the hearing.

ADDRESSES: Comments should be submitted to the U.S. Environmental Protection Agency, Central Docket Section (A-130), West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460: Docket No. EN-82-04. the docket may be inspected between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Mary T. Smith, Attorney/Advisor, Manufacturers Operations division (EN-340), Environmental Protection Agency, 401 M. St. SW., Washington, D.C. 20460, (202) 382-2514.

SUPPLEMENTARY INFORMATION: On October 8, 1980 (45 FR 66984), EPA published final regulations establishing exhaust and evaporative high-altitude emission standards and compliance procedures for 1982 and 1983 model year light-duty vehicles and light-duty trucks. On December 4, 1980, the Motor Vehicle Manufacturers Association of the United States, Inc. ("MVMA") filed a petition for review of those regulations in the United States Court of Appeals for the District of Columbia Circuit. EPA and MVMA entered into settlement discussions, which resulted in an agreement that EPA would propose to amend 40 CFR 86.082(a)(4), so that it sets forth with greater particularity the reasonable steps a manufacturer can take to assure itself that it will not violate Section 203(a)(1) of the Clean Air Act.

The regulations give vehicle manufacturers the option of either producing vehicles in high-altitude configurations, or producing vehicles which are capable of being modified into high-altitude configurations by dealers. 40 CFR 86.082-8(g)(1) and 86.082-9(g)(1). Section 86.082-30(a)(4) currently provides, among other things, that a manufacturer violates Section 203(a)(1) of the Act whenever it sells or delivers a subject motor vehicle which is not configured to meet the high-altitude emission standards (hereafter referred to as a "low-altitude vehicle") to an ultimate purchaser for principal use in a designated high-altitude area. This could occur when a manufacturer's authorized dealer fails to make the necessary modifications on a vehicle destined for principal use in a high-altitude area. A violation does not occur, however, when the manufacturer has "substantial reason to believe" that such vehicle will not be principally used by the ultimate purchaser at a designated high-altitude location.

The litigation brought by MVMA was based on its contention that the effect of this section is to unlawfully hold a manufacturer vicariously liable for actions taken by its dealers over which it has no control. MVMA maintains that since in the normal course of business, manufacturers do not sell motor vehicles to ultimate purchasers, they have no way of knowing with any certainty where an ultimate purchaser principally intends to use a motor vehicle. MVMA contends further that manufacturers sell and deliver their motor vehicles to independent dealers for resale to ultimate purchasers, and that despite manufacturers' good faith efforts, these dealers may operate in a manner that could result in some improper sales. MVMA has pointed out that the "reason to believe" and "substantial reason to believe" language of the present section gives insufficient guidance to manufacturers concerning what steps they can take to protect themselves from being held liable for improper sales.

The proposed amendment provides the requested guidance by describing steps a manufacturer can take to discharge its responsibility to ensure that vehicles are configured properly. It sets up a two-pronged approach under which a manufacturer could: (1) Establish a system designed to monitor sales for potential problems; and, (2) follow certain procedures with respect to any such problems. The system should work with minimal involvement by EPA.

Under the proposed amendments, a manufacturer could implement one of two systems. First, under paragraph (a)(4)(ii)(A) of § 86.082-30, it could in specified circumstances require dealers to furnish signed statements from purchasers that low-altitude vehicles will not be used principally in high-altitude areas. Alternatively, under paragraph (a)(4)(ii)(B), the manufacturer could implement a system which monitors factory orders or through other means identifies sale or delivery of improperly configured vehicles. Under either system, the manufacturer in circumstances specified in paragraph (a)(4)(ii)(C) would warn dealers that sale of improperly configured vehicles may be contrary to the terms of its franchise agreement and applicable regulatory requirements.

A manufacturer could choose to take steps in addition to those described above, or to implement a different system of assuring sale of properly configured vehicles. The point of the proposed amendments is that, if the manufacturer had taken the steps described above, the manufacturer would be conclusively deemed to have reason to believe that no low-altitude vehicles had been sold to an ultimate purchaser for principal use at a designated high-altitude location. A manufacturer would also have to inform its dealers and field representatives about the terms of the high-altitude regulations. Notwithstanding these protections, a manufacturer would be in violation of Section 203(a)(1) of the Clean Air Act, however, if it actually caused an improper sale.

Certain other aspects of the proposed amendments deserve mention. In paragraph (a)(4)(ii)(A), "contiguous counties" means counties physically adjacent to any county designated as high altitude in 40 CFR 86.082-30(a)(5). Under this paragraph, the manufacturer would require certain dealers to submmit written statements: (1) Dealers in designated high-altitude locations when they sell a low-altitude vehicle to an ultimate purchaser; (2) dealers in contiguous counties when they sell a low-altitude vehicle to an ultimate purchaser residing in a designated high-altitude location; and (3) dealers in designated high-altitude locations or contiguous counties when they sell or deliver a fleet of ten or more low-altitude motor vehicles to an ultimate purchaser residing in a designated high-altitude location. In this last category, the manufacturer would set up its system either to have the selling dealers submit the statements, or the delivering dealers. With respect to any ultimate purchaser who is a corporate entity, the phrase "residing in" would mean located in. EPA expects there to be few instances when low-altitude vehicles will be sold in designated high-altitude locations or to purchasers residing in designated high-altitude locations; consequently, there would be few instances where dealers would ask purchasers to sign the necessary statements.

In paragraph (a)(4)(ii)(C), the word "significant" was included to address a concern expressed by MVMA that the manufacturers not be in violation of the

Act for failing to take the steps set forth in this paragraph when a dealer sells or delivers only a few improperly configured motor vehicles to an ultimate purchaser for principal use in a designated high-altitude location despite having implemented either of the systems described in paragraphs (ii) (A) and (B). "Significant" in this context does not refer to a significant portion of the dealer's sales or a significant effect on air quality.

The amendments would also require the manufacturer to furnish information to EPA on request in specified circumstances, and would impose certain conditions on the frequency of such requests. Except for these specified limitations, EPA would retain its authority to seek information under Section 208 of the Act.

Regulatory Analysis

Section 3(b) of Executive Order 12291, 46 FR 13193 (February 19, 1981), requires EPA to initially determine whether a rule that it intends to propose or issue is a major rule and to prepare regulatory impact analyses for all major rules.

EPA has determined that the rules proposed herein are not major rules. As discussed above, these amendments simply provide better guidance on how manufacturers may comply with the substantive requirements already present in the original rule. Accordingly, a Regulatory Impact Analysis is not being prepared for this proposal.

This regulation was submitted to the office of Management and Budget for review as required by Executive Order 12291.

The reporting or recordkeeping (information) provisions in this proposed amendment will be submitted for approval to the Office of Management and Budget (OMB). Any final amendment will explain how its reporting or recordkeeping provisions respond to any OMB or public comments.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The revision of the regulations established by the rulemaking does not impose any substantive or reporting requirements on small entities in addition to those under the original rule. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant adverse economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labelling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: October 20, 1982.

Anne M. Gorsuch,

Administrator.

PART 86—[AMENDED]

For the reasons set forth in the preamble, EPA proposes to amend paragraph (a)(4) of 40 CFR 86.082–30 to read as follows:

§ 86.082–30 Certification.

(a) * * *

(4) The adjustment or modification of any light-duty vehicle and light-duty truck in acordance with instructions provided by the manufacturer for the altitude where the vehicle is principally used will not be considered a violation of Section 203(a)(3) of the Clean Air Act.

(i) a violation of Section 203(a)(1) of the Clean Air Act occurs when any manufacturer sells or delivers to an ultimate purchaser any light-duty vehicle or light-duty truck, subject to the regulations under the Act, which is not configured to meet high-altitude requirements:

(A) At a designated high-altitude location, unless such manufacturer has reason to believe that such motor vehicle will not be sold to an ultimate purchaser for principal use at a designated high-altitude location: or

(B) At a location other than a designated high-altitude location, when such manufacturer has reason to believe that such motor vehicle will be sold to an ultimate purchaser for principal use at a designated high-altitude location.

(ii) A manufacturer shall be deemed to have reason to believe that a motor vehicle which is not configured to meet high-altitude requirements will not be sold to an ultimate purchaser for principal use at a designated high-altitude location if the manufacturer has informed its dealers and field representatives about the terms of these high-altitude regulations, has not caused the improper sale itself, and has taken reasonable action which shall include, but not be limited to, either (A) or (B), and (C) of the following:

(A) Requiring dealers in designated high-altitude locations to submit written statements to the manufacturer signed by the ultimate purchaser that a motor vehicle which is not configured to meet high-altitude requirements will not be used principally at a designated high-altitude location; requiring dealers in counties contiguous to designated high-altitude locations to submit written statements to the manufacturer, signed by the ultimate purchaser who represents to the dealer in the normal course of business that he or she resides in a designated high-altitude location, that a motor vehicle which is not configured to meet high-altitude requirements will not be used principally at a designated high altitude location; and for each sale or delivery of fleets of 10 or more such vehicles in a high-altitude location or in counties contiguous to high-altitude locations, requiring either the selling dealer or the delivering dealer to submit written statements to the manufacturer, signed by the ultimate purchaser who represents to the dealer in the normal course of business that he or she resides in a designated high-altitude location, that a vehicle which is not configured to meet high-altitude requirements will not be used principally at a designated high-altitude location. In addition, the manufacturer will make available to EPA, upon reasonable written request (but no more frequently than quarterly, unless EPA has demonstrated that it has substantial reason to believe that an improperly configured vehicle has been sold), sales, warranty, or other information pertaining to sales of vehicles by the dealers described above maintained by the manufacturer in the normal course of business relating to the altitude configuration of vehicles and the locations of ultimate purchasers; or

(B) Implementing a system which monitors factory orders of low-altitude vehicles by high-altitude dealers, or through other means, identifies dealers that may have sold or delivered a vehicle not configured to meet the high-altitude requirements to an ultimate purchaser for principal use at a designated high-altitude location; and making such information available to EPA upon reasonable written request (but not more frequently than quarterly, unless EPA has demonstrated that it has substantial reason to believe that an improperly configured vehicle has been sold); and

(C) Within a reasonable time after receiving written notice from EPA or a State or local government agency that a dealer may have improperly sold or delivered a vehicle not configured to meet the high-altitude requirements to an ultimate purchaser residing in a designated high-altitude location, or based on information obtained pursuant to subparagraph (ii) that a dealer may have improperly sold or delivered a significant number of such vehicles to ultimate purchasers so residing, reminding the dealer in writing of the requirements of these regulations, and, where appropriate, warning the dealer that sale by the dealer of vehicles not configured to meet high-altitude requirements may be contrary to the terms of its franchise agreement with the manufacturer and the dealer certification requirements of § 85.2108 of this chapter.

[FR Doc. 82-29348 Filed 10-25-82; 8:45 am]

BILLING CODE 6560-50-M

Notices

Federal Register
Vol. 47, No. 207
Tuesday, October 26, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Notice of Public Hearing Regarding Application

Notice is hereby given of a public hearing to be held in the Jeff Davis County Courthouse, Hazlehurst, Georgia, beginning at 10:00 a.m., e.s.t., on November 4, 1982, upon the application of Steve Roberson, Jeff Davis County Tobacco Warehouse, Hazlehurst, Georgia; Al Averette, Appling Tobacco Company, Baxley, Georgia; Earlish Lightsey, Big Dixie Warehouses 1 and 2, Baxley, Georgia; and Ed Radford, Miles Tobacco Warehouse, Baxley, Georgia, for tobacco inspection and price support services to a new market which would be a consolidation of the currently designated markets of Hazlehurst and Baxley, Georgia. Such public hearings will be conducted and evidence received governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets (7 CFR Part 29, Subpart A, Secs. 29.1–29.3).

Dated: October 20, 1982.

John Ford,

Deputy Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82–29294 Filed 10–25–82; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

Proposed Determinations With Regard to the 1983 Rice Program

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed determinations.

SUMMARY: The following determinations are proposed to be made with respect to the 1983 crop of rice: (a) The loan and purchase level; (b) the established (target) price; (c) the percentage of reduction and the method for establishing acreage bases under an acreage reduction program (ARP); (d) whether to permit haying and grazing of conservation use acreage; (e) the extent of diversion and the level of payment under a land diversion program; (f) whether to require offsetting compliance; and (g) other provisions. These determinations are required to be made in accordance with provisions of the Agricultural Act of 1949, as amended (hereinafter referred to as the "Act").

DATE: Comments must be received on or before November 26, 1982 to be assured consideration.

ADDRESS: Dr. Howard C. Williams, Director, Analysis Division, USDA–ASCS, Room 3741, South Building, P.O. Box 2415, Washington, D.C. 20013

FOR FURTHER INFORMATION CONTACT: George H. Schaefer, Supervisory Agricultural Marketing Specialist, Analysis Division, USDA–ASCS, P.O. Box 2415, Washington, D.C. 20013 or call (202) 447–4634. A Preliminary Regulatory Impact Analysis describing the options considered in developing this proposed determination and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been designated as "major". It has been determined that these program provisions will affect the supply and price of rice during the 1983/84 marketing year, which will in turn impact upon producers, processors, exporters and consumers of rice.

The titles and numbers of the federal assistance programs to which this notice applies are: TITLE-Rice Production Stabilization, Number 10.065, and TITLE-Commodity Loans and Purchases, Number 10.051 as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since a notice of proposed rulemaking is not required to be published in accordance with 5 U.S.C. 553 or any other provision of law with respect to the subject matter of these determinations.

The following proposed program determinations will be made with respect to the 1983 crop of rice:

Proposed Determinations

1. *The Loan and Purchase Rate.* Section 101(i)(1) of the Act provides that the Secretary of Agriculture shall make available to producers in the several States of the United States loans and purchases for the 1983 crop of rice at such level as bears the same ratio to the loan level for the preceding year's crop as the established price for the 1983 crop of rice bears to the established price for the preceding year's crop. If the Secretary determines that loans and purchases at the foregoing level would substantially discourage the exportation of rice and result in excessive stocks of rice in the United States, the Secretary may establish loans and purchases at such level, not less than $8.00 per hundredweight, as the Secretary determines necessary to avoid such consequences.

Section 403 of the Act provides that appropriate adjustments may be made in the support price for differences in grade, type and other factors. Section 403 further provides that such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support.

The following loan and purchase levels are currently being considered for 1983 crop rice: (a) $8.55 per hundredweight, the rate calculated in accordance with the statutory formula; and (b) $8.14 per hundredweight, the 1982 crop loan and purchase rate. Export utilization for 1983/84 is forecast to decline from the 1982/83 level should the 1983 crop loan and purchase rate increase from the rate applicable to the 1982 crop.

The national average loan rate for rice is determined and announced on the basis of rough rice. However, USDA provides price support to the eligible producer on the milled outturn of a sample of rough rice. Consequently, separate loan rates for whole kernels and for broken kernels of milled rice need to be derived based on the rough rice loan rate.

To calculate these milled rice loan rates, the USDA currently uses the latest three-year average market prices for milled rice and broken rice as reported by *Rice Market News*, published by the Agricultural Marketing Service (AMS), and the latest three-year average milling yield outturn which is based on rough rice inspection certificates.

The USDA is considering revising this procedure by using the latest twelve month weighted average market prices as reported by the U.S. Department of Commerce to derive milled rice market prices, while continuing to use the broken rice prices as reported by AMS but for the latest twelve months, rather than three-year, period. The USDA is also considering using a fixed milling outturn. These changes are expected to more accurately reflect current and actual market prices and average milling yields.

USDA is also considering adopting discounts for grade and/or grading factors which more accurately reflect current commercial grade discounts. USDA previously derived loan discount rates based on the anticipated incidence of rough rice grades. This weighting method generated premiums and discounts which did not necessarily correspond to commercially used discounts. USDA is, therefore, considering applying commercially used grade discounts to the loan value of whole and broken kernels without regard to the anticipated incidence of grade in the 1983 and subsequent crops. Adoption of commercial discounts could result in the elimination of a premium for Grade 1 and a possible doubling of discounts for Grades 3, 4, and 5.

Comments, along with supporting data, are requested on (a) the loan and purchase rate for the 1983 crop of rice; (b) the proposed revisions in the method for calculating loan rates for whole and broken kernel rices; (c) the method of determining the loan rate differential for long, medium, and short grain rice; and (d) whether USDA should adopt commercial discounts for grade and/or grading factors, and if so, what level of discounts would be appropriate for 1983 crop rice.

2. *The Established (Target) Price.* Section 101(i)(2)(C) of the Act provides that the established price for rice shall be not less than $11.40 per hundredweight for the 1983 crop. Such established price may be adjusted by the Secretary as the Secretary determines to be appropriate to reflect any change in (a) the average adjusted cost of production per acre for the two crop years (1981 and 1982) immediately preceding the year for which the determination is made from (b) the average adjusted cost of production per acre for the two crop years (1980 and 1981) immediately preceding the year previous to the one for which the determination is made. The adjusted cost of production may be determined by the Secretary on the basis of such information as the Secretary finds necessary and appropriate for the purpose and may include variable costs, machinery ownership costs, and general farm overhead costs, allocated to the crops involved on the basis of the proportion of the value of the total production derived from each crop.

3. *The Percentage of the Acreage Reduction Program.* Section 101(i)(5)(A) of the Act provides that for the 1983 crop of rice, the Secretary shall provide for a combination of an acreage limitation program and a diversion program under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 20 percent, consisting of a reduction of 15 percent under the acreage limitation program and a reduction of 5 percent under the diversion program. However, the Secretary is authorized to implement a program which requires producers to make greater reductions in the planted acreage of rice.

As a condition of eligibility for loans, purchases, and payments on 1983 crop rice, the producers on a farm must comply with the terms and conditions of the combined acreage limitation and diversion program.

Section 101(i)(5)(A) of the Act provides that the acreage base for any farm for the purpose of determining any reduction required to be made for any year shall be the acreage planted on the farm to rice for harvest in the crop year immediately preceding the year for which the determination is made or, at the discretion of the Secretary, the average acreage planted to rice for harvest in the two crop years immediately preceding the year for which the determination is made. However, the Act further provides that the acreage base to be used for the farm under the program for the 1983 crop of rice shall be the same as the acreage base applicable to the farm under the acreage limitation program for the 1982 crop. Under the Act, the Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

The Act provides that any acreage limitation requirement which is established for a crop of rice shall be achieved by applying a uniform precentage reduction to the acreage base for each rice producing farm. This provision is applicable to other program crops such as wheat, feed grains, and upland cotton. In this regard, however, the Secretary has received comments that the determination of acreage bases on a farm with respect to rice may result in lower crop quality in some areas with red rice problems. In these particular areas, red rice can be controlled by rotating rice from the affected acreage on a farm for periods of up to two years. It has been suggested that if acreage bases are determined based upon the acreage of rice planted for harvest on a farm with no adjustments being permitted for crop rotation other than for established crop-rotation practices, this red rice control method cannot be utilized. Comments are requested on any need to make adjustments, on a case-by-case basis, which would resolve this problem arising from the establishment of rice acreage bases for a farm.

The determination of an appropriate percentage reduction requirement for a combined acreage limitation and land diversion program for the 1983 rice crop depends greatly on the magnitude of the 1982 rice crop and marketings. The 1982-crop planted acreage has been estimated at 3.32 million acres with harvested acres at 3.286 million, resulting in production estimated at 157.9 million hundredweight. This production level is based on an estimated harvested yield of 4,805 pounds per acre.

Domestic use of rice for 1982/83 is estimated at about 62.5 million hundredweight, about 5.2 percent above 1981/82. Export utilization is forecast at 91.2 million hundredweight, an 11 percent increase over 1981/82 levels due to the carry-over of export sales from 1981/82. Export sales in 1982/83 are projected to be unchanged from 1981/82 due to continued high stock levels in major exporting countries and adequate to high stocks in countries which traditionally purchase U.S. rice. U.S. exports for 1982/83 may vary markedly from this forecast should the Asian harvests occurring from October through December fall short of expected levels.

Given these estimated levels of production and utilization for 1982/83, ending stocks of rice will be about 43.5 million hundredweight, about 11 percent lower than the record-level ending stocks on 1981/82 (48.9 million hundredweight). The 1982/83 ending stocks level represents about 27 percent of a total utilization of 163.7 million hundredweight.

In the absence of an ARP for 1983 crop rice, it is estimated that planted acreage would approximate the 1981 crop level, or 3.85 million acres. Rice has historically been a more profitable enterprise than competing crops, and this relationship is assumed to continue for the 1983 crop. Yields for such acreage are estimated at 4,640 pounds per acre, resulting in total production of about 177 million hundredweight, and combined with carrying stocks of about 44 million hundredweight, a total supply for 1983/84 of about 221 million hundredweight.

Domestic food use for 1983/84 is expected to increase at about the same rate as in recent years. The projected 4 percent increase for 1983/84 is attributed to increasing industrial and direct food use, and is largely in proportion to population increases. Export utilization for 1983/84 is forecast to decline from the 1982/83 level should the 1983 crop loan rate increase.

Total demand for the 1983/84 marketing year is, therefore, projected at about 159 million hundredweight. This will result in ending stocks of approximately 62 million hundredweight—about 39 percent of total utilization for the year. This assessment could change if the 1982 crop marketings and the anticipated world rice trade depart from estimated levels.

The options under consideration at this time are: (a) a 15 percent acreage reduction program combined with a 5 percent land diversion program; and (b) a 25 percent combined acreage reduction and land diversion program.

Comments and supporting data are requested on (a) the appropriate level of a combined acreage reduction and land diversion program for the 1983 crop of rice; and (b) an appropriate level of ending stocks, expressed as a percentage of total utilization, which is not considered excessive.

In addition, USDA is considering allowing acreage on which permanent conservation practices are installed to be eligible as conserving use acreage for a three year period. Such acreage would be eligible for cost-share payments through the Agricultural Conservation Program. Comments on this option are requested.

4. *Whether to Allow Haying and Grazing of Conservation Use Acreage.* Section 101(i)(5)(A) of the Act provides that the regulations issued by the Secretary with respect to acreage required to be devoted to conservation uses shall assure protection of such acreage from weeds and wind and water erosion.

With respect to the 1982 crop rice acreage reduction program, participants were permitted to produce crayfish, catfish, and minnows or to graze the conservation use acreage except during the six principal growing months. In addition, specific cover crops and practices were developed at the local county ASC committee level and approved by the State ASC committee and the State conservationist for the 1982 conservation use acreage.

For the 1983 crop, proposals to coordinate conservation concerns with the production adjustment program include the following: (a) Expanding the definition of land which is eligible to satisfy ARP conservation use requirements; (b) allowing 1982 conservation use acreage to be included in the cropland base for subsequent programs; (c) giving priority for cost-sharing for conservation programs to practices installed on conservation use acreage; and (d) permitting haying and grazing within approved guidelines on conservation use acreage.

Interested persons are invited to comment on the grazing and haying of conservation use acreage and the conservation measures applied to land removed from production under the 1982 acreage reduction programs. Also, comments are requested on what changes may be necessary to provide a greater degree of compatibility and coordination between conservation and acreage reduction programs.

5. *The Land Diversion Payment Rate.* Section 101(i)(5)(B) of the Act provides that the Secretary shall implement a land diversion program for the 1983 crop of rice under which the Secretary shall make crop retirement and conservation payments to any producer of the 1983 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to 5 percent of the rice acreage base in addition to the reduction under the acreage limitation program, and the producer devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under the combined acreage limitation and land diversion program. Such payments shall be made in an amount computed by multiplying (a) the diversion payment rate, by (b) the farm program payment yield for the crop, by (c) the additional acreage diverted under the land diversion program. The diversion payment rate shall be established by the Secretary at not less than $3.00 per hundredweight, except that the rate may be reduced up to 10 percent if the Secretary determines that the same program objective could be achieved with the lower rate. The Secretary shall make not less than 50 percent of any land diversion payment to producers of the 1983 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determinations of performance, but in no event prior to October 1, 1982. If a producer fails to comply with a land diversion contract after obtaining an advanced land diversion payment, the producer shall repay the advance immediately and in accordance with regulations issued by the Secretary, pay interest on the advance. As noted under item 3 of this proposed determination the options under consideration at this time are: (a) A 5 percent land diversion requirement combined with a 15 percent acreage reduction requirement; and, (b) a 25 percent combined land diversion and acreage reduction requirement. Two payment rate options under consideration are: (a) $2.70 per hundredweight; and (b) $3.00 per hundredweight.

Interested persons are encouraged to comment regarding the appropriate land diversion payment rate for the combined land diversion and acreage reduction program for the 1983 crop of rice.

6. *Whether to Require Offsetting Compliance.* Under Section 101(i) of the 1949 Act, the Secretary may implement offsetting compliance requirements as a condition of eligibility for program benefits. If offsetting compliance is required, operators and owner of farms would have to ensure that all of their farms were complying with applicable program requirements such as planting within the established rice acreage bases established for the farms in order to be eligible for program benefits. Offsetting compliance was not in effect for the 1982 crop.

Interested persons are encouraged to comment on the need for the Secretary to require offsetting compliance for the 1983 crop of rice.

7. *Other Related Provisions.* A number of other determinations must be made in carrying out the rice loan and purchase programs such as: (a) Commodity eligibility; (b) storage requirements; and (c) such other provisions as may be necessary to carry out programs.

Consideration will be given to any data, views and recommendations that may be received relating to the above items.

Signed at Washington, D.C. October 21, 1982.

Everett Rank,

Administrator.

[FR Doc. 82-29350 Filed 10-25-82; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 202]

Resolution and Order Approving the Application of the Greater Burlington Industrial Corporation for a Foreign-Trade Subzone in St. Albans, Vt., Within the St. Albans Customs Port of Entry

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board, has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Greater Burlington Industrial Corporation, grantee of Foreign-Trade Zone 55, filed with the Foreign-Trade Zones Board (the Board) on June 25, 1981, requesting authority to establish a special-purpose subzone or the garment manufacturing facility of Pedigree USA, Inc., in St. Albans, Vermont, within the St. Albans Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application subject to the following conditions: (1) transformation of foreign merechandise resulting in a change of the country of origin is prohibited; (2) the operations shall be conducted in a manner compatible with the administration of textile and apparel quotas and visas.

As the proposal involves the possible construction of expanded facilities by parties other than the grantee, this approval includes authority to the grantee to permit such construction pursuant to section 400.815 of the Board's regulations, providing that prior to its granting permission it shall have the concurrences of the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation other than ornamenting and finishing of skiwear within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority to Establish a Foreign-Trade Subzone in St. Albans, Vermont, Within the St. Albans Customs Port of Entry

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 C.F.R. 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Greater Burlington Industrial Corporation, grantee of Foreign-Trade Zone 55, Burlington, Vermont, has made application (filed June 25, 1981) indue and proper form to the Board for authority to establish a special-purpose subzone at the garment manufacturing facility of Pedigree USA, Inc. in St. Albans, Vermont, within the St. Albans Customs port of entry;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard;

Whereas, the Board, pursuant to its authority to restrict or prohibit operations detrimental to the public interest (19 U.S.C. 81o), considered the possible impact of the proposed subzone on the Textile and Apparel Import Quota Program; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied and that the proposal would be in the public interest if certain restrictions are adopted;

Now, therefore, in accordance with the application filed June 25, 1981, the Board hereby authorizes the establishment of a subzone at the manufacturing facility of Pedigree USA, Inc. in St. Albans, Vermont, designated on the records of the Board as Foreign-Trade Subzone 55A at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and the Regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations:

Activation of subzone procedures at the facility shall be commenced within a resonable time from the date of issuance of the grant, and prior thereto, any necessary permits shall be obtained from Federal, State, and municipal authorities.

Any manufacturing at the facility which results in a change in the country of origin of foreign merchandise shall be prohibited. All operations within the subzone shall be conducted in a manner compatible with the administration of textile and apparel quotas and visas.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and District Army Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer at Washington, D.C. this 20th day of October 1982 pursuant to Order of the Board.

Foreign-Trade Zones Board.

Malcolm Baldrige,

Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 82–29383 Filed 10–25–82; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

Carbon Steel Wire Rod From Brazil; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation—Carbon Steel Wire Rod from Brazil.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether carbon steel wire rod ("wire rod") from Brazil is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission ("ITC") of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially

injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before November 15, 1982, and we will make ours on or before March 9, 1983.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: John Brinkman, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 377–4929.

SUPPLEMENTARY INFORMATION:

The Petition

On September 30, 1082, we received a petition from counsel for Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, and Raritan River Steel Company on behalf of the domestic wire rod industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Brazil are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. Critical circumstances have been alleged under section 733(e) of the Act. We will make a determination regarding this issue on or before the date of our preliminary determination. The allegation of sales at less than fair value is supported by comparisons of a United States price (estimated by the petitioner and adjusted for ocean freight, handling, off-loading, and United States duty) on sales of the merchandise in the United States with Brazilian f.o.b. home market price (based on price quotations) on sales made in Brazil.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on wire rod and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether wire rod from Brazil is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by March 9, 1983.

Scope of the Investigation

The merchandise covered by this investigation is carbon steel wire rod, a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured, and valued over 4 cents per pound. Wire rod is generally drawn through dies into wire. It may be marketed as such or further fabricated into wire-derived products such as shopping carts, bicycle spokes, and upholstery springs. Wire rod is currently classifiable under item 607.17 of the *Tariff Schedules of the United States* (TSUS).

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will detemine by November 15, 1982, whether there is a reasonable indication that imports of wire rod from Brazil are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

October 20, 1982.

[FR Doc. 82–29360 Filed 10–25–82; 8:45 am]

BILLING CODE 3510–25–M

Carbon Steel Wire Rod From Trinidad and Tobago; Initiation of Antidumping Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of antidumping investigation—carbon steel wire rod from Trinidad and Tobago.

SUMMARY: On the basis of a petition filed in proper form with the United States Department of Commerce, we are initiating an antidumping investigation to determine whether carbon steel wire rod ("wire rod") from Trinidad and Tobago is being, or is likely to be, sold in the United States at less than fair value. We are notifying the United States International Trade Commission ("ITC") of this action so that it may determine whether imports of this merchandise are materially injuring, or are threatening to materially injure, a United States industry. If the investigation proceeds normally, the ITC will make its preliminary determination on or before November 15, 1982, and we will make ours on or before March 9, 1983.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: John Brinkman, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; telephone (202) 377–4929.

SUPPLEMENTARY INFORMATION:

The Petition

On September 30, 1982, we received a petition from counsel for Atlantic Steel Company, Continental Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, and Raritan River Steel Company, on behalf of the domestic wire rod industry. In compliance with the filing requirements of § 353.36 of the Commerce Regulations (19 CFR 353.36), the petition alleges that imports of the subject merchandise from Trinidad and Tobago are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (19 U.S.C. 1673) (the Act), and that these imports are materially injuring, or are threatening to materially injure, a United States industry. The allegation of sales at less than fair value is supported by comparisons of a United States price (estimated by the petitioner and adjusted for ocean freight, United States unloading and wharfage, United States duty, handling, loading and United States reloading, and insurance) on sales of the merchandise in the United States with Trinidadian f.o.b. home market price (based on actual transactions) on sales made in Trinidad and Tobago.

Initiation of Investigation

Under section 732(c) of the Act, we must determine, within 20 days after the petition is filed, whether it sets forth the allegations necessary for the initiation of an antidumping investigation and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on wire rod and we have found that it meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping investigation to determine whether wire rod from Trinidad and Tobago is being, or is likely to be, sold at less than fair value in the United States. If our investigation proceeds normally, we will make our preliminary determination by March 9, 1983.

Scope of the Investigation

The merchandise covered by this investigation is carbon steel wire rod, a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured, and valued over 4 cents per pound. Wire rod is generally drawn through dies into wire. It may be marketed as such or further fabricated into wire-derived products such as shopping carts, bicycle spokes, and upholstery springs. Wire rod is currently classifiable under item 607.17 of the *Tariff Schedules of the United States* (TSUS).

Notification to ITC

Section 732(d) of the Act requires us to notify the United States International Trade Commission of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by November 15, 1982, whether there is a reasonable indication that imports of wire rod from Trinidad and Tobago are materially injuring, or are likely to materially injure, a United States industry. If its determination is negative, this investigation will terminate; otherwise, it will proceed according to the statutory procedures.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration

October 20, 1982.

[FR Doc. 82-29361 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-25-M

University of Illinois; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(b) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00184. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, 506 South Wright Street, Urbana, Illinois 61801. Instrument: Excimer Pumped Dye Laser System consisting of EMG 101, FL 2002 and FL 52. Manufacturer: Lambda Physik GmbH & Co., West Germany. Intended use of Instrument: See Notice on page 25395 in the **Federal Register** of June 11, 1982.

Comments: No comments have been received with respect to this application.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (February 19, 1981).

Reasons: This application is a resubmission of Docket Number 81-00185 which was denied without prejudice to resubmission on January 26, 1982 for informational deficiencies. The foreign instrument provides (a) high output energies in the ultraviolet (312-370 nanometers), (b) high repetition rates (50 Hz), (c) narrow line width 0.03 centimeters and (d) 10-20 nanosecond pulse duration pulses. The National Bureau of Standards advises in its memorandum dated August 26, 1982 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was available at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29319 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-25-M

Monsanto Research Corp.; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00060. Applicant: Monsanto Research Corporation, Mound Facility, Operated for the U.S. Department of Energy, Mound Road, Miamisburg, OH 45342. Instrument: X-Ray Photoelectron Spectrometer, X-SAM 800. Manufacturer: Kratos Scientific Instruments, United Kingdom. Intended use of instrument: See Notice on page 4720 in the **Federal Register** of February 2, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides (1) High sensitivity x-ray signals of at least 40,000 counts/second on silver $3d^{5/2}$ at equal to or greater than 0.9 electron volts excited by MgK and (2) X-ray monochromator. The National Bureau of Standards advises in its memorandum dated June 16, 1982 that (1) the capabilities of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29311 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-25-M

Monsanto Research Corp., Mound Facility; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00116. Applicant: Monsanto Research Corp., Mound Facility, Mound Road, Miamisburg, Ohio 45342. Instrument: CXP-200 Nuclear Magnetic Resonance Spectrometer. Manufacturer: Bruker Analytik GMBH, West Germany. Intended use of instrument: See Notice on page 13393 in the **Federal Register** of March 30, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (November 5, 1981).

Reasons: The foreign instrument provides the power (one kilowatt) and broadband capabilities needed for the work. The National Bureau of Standards advises in its memorandum dated July 27, 1982 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was available at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manfactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29312 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-25-M

The Oregon Health Sciences University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00248. Applicant: The Oregon Health Sciences University, 3181 S.W. Jackson Park Road, Portland, Oregon 97201. Instrument: Laser Doppler Analytical Electrophoresis Apparatus. Manufacturer: Malvern Instruments, Ltd., United Kingdom. Intended use of instrument: See Notice on page 33527 in the **Federal Register** of August 3, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument accurately determines the cell surface charge using an automated laser doppler method of measurement. The Department of Health and Human Services advises in its memorandum dated August 25, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-25315 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-25-M

University of Utah; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs, Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00153. Applicant: University of Utah, Salt Lake City, UT 84112. Instrument: Nanosecond Excitation Lamp. Manufacturer: Photochemical Research Associates, Canada. Intended use of instrument: See Notice on page 21903 in the **Federal Register** of May 20, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides a frequency stability of 0.1 percent (%), an amplitude stability of 5%, and a pulse width equal to 2.5 nanoseconds in air. The National Bureau of Standards advises in its memorandum dated July 13, 1982 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29313 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-25-M

University of Wisconsin-Parkside; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 82-00229. Applicant: University of Wisconsin-Parkside, P.O. Box 2000, Kenosha, WI 53141. Instrument: Counter Current Distribution Apparatus. Manufacutrer: Chemical Center Workshop, University of Lund Sweden. Intended use of instrument: See Notice on page 30537 in the **Federal Register** of July 14, 1982.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides Albertson type counter current two-phase partitioning with its precisely machined partitioning plates. The Department of Health and Human Services advises in its memorandum dated August 25, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29316 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

Performance Review Board; Appointment

Phillip B. Ladd has been appointed as a member of the Office of the Secretary Performance Review Board. This is in accordance with the Senior Executive Service Performance Appraisal System.

Jo Ann Sondey-Hersh,

Executive Secretary, Office of the Secretary, Performance Appraisal System.

[FR Doc. 82-29255 Filed 10-25-82; 8:45 am]

BILLING CODE 3510-BS-M

COMMODITY FUTURES TRADING COMMISSION

MidAmerica Commodity Exchange: Proposed Amendments Relating to the Live Cattle Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The MidAmerica Commodity Exchange has submitted a proposal to adopt a certificate delivery system for its live cattle futures contract which would be analogous to the certificate delivery system proposed by the Chicago Mercantile Exchange for its live cattle futures contract (47 FR 36007 (August 18, 1982)). The Commodity Futures Trading Commission ("Commission") has determined that the proposal is of major economic significance. In addition, the MidAmerica Commodity Exchange has submitted a proposed rule to permit pass-through deliveries between it and the Chicago Mercantile Exchange. Although this proposal is not of major economic significance, it is being published below in order to provide commentators with a more comprehensive understanding of the overall delivery system. Accordingly, publication of the proposals is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before November 26, 1982.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the MidAmerica Commodity Exchange, Chapter 13.

FOR FURTHER INFORMATION CONTACT: Robert Clark, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254-7303.

SUPPLEMENTARY INFORMATION: The MidAmerica Commodity Exchange ("MCE" or "Exchange") is proposing to amend Chapter 13 of its live cattle futures contract. The MCE proposes to adopt a certificate delivery system for its live cattle contract which would be analogous to the certificate delivery system recently proposed by the Chicago Mercantile Exchange ("CME") for its live cattle futures contract. *See,* 47 FR 36007. Currently, the terms and conditions of the MCE's 20,000 lb. "job lot" cattle contract parallel the terms and conditions of the CME's 40,000 lb. "round lot" cattle contract. As a result, according to the MCE, activity in a two-for-one MCE to CME contract inter-market spread has developed. In order to facilitate continued inter-market spread activity, MCE is proposing a revised delivery system conforming to that proposed by the CME and a pass-through delivery mechanism involving deliveries taken on one exchange and redelivered on the other.

The primary features of the MCE's proposed live cattle delivery system include an extension of the delivery process from one day to three days and new provisions providing for delivery certificates and procedures for retenders, demand notices, and reclaim notices applicable to such certificates. Under the Exchange's proposed system, a short trader would tender a certificate of delivery to the clearing house three business days before the intended date of physical delivery of the live cattle. Prior to the intended delivery date, a certificate can be retendered twice by the receivers. To retender, a receiver must establish a short position and pay a retender charge of $300 per contract, which accrues to the next receiver of the certificate. A long trader may present a demand notice for a certificate that has been tendered or retendered, and such traders will have priority over other longs in the assignment of certificates. A short trader who has tendered a certificate may, prior to delivery day, establish a long position and reclaim his own certificate if it has been retendered and if it has not already been assigned to the issuer of a demand notice. Certificates may be tendered from the third business day prior to the first business day of the delivery month until the third business day prior to the last business day of the delivery month. All of these proposed delivery features are identical to the CME's proposals, except that the retender charge per contract is one-half of the CME retender charge, reflecting the smaller contract size at the MCE.

The MCE's proposal also provides for a pass-through mechanism for the delivery of live cattle. This mechanism would permit an inter-market spreader to pass immediately two combined job lot delivery units from the MCE to the CME in a round lot unit of 40,000 lbs. if the two job lots are received at the MCE by the spreader from the same delivering short, in the same yard, and on the same day. Also, a round lot received at the CME by a spreader could be delivered immediately as a single unit against two job lot contracts at the MCE if the delivery is assigned to a long trader who holds two or more contracts. The Exchange states that the pass-through mechanism, which is currently in effect for hog futures trading on the MCE, would facilitate deliveries of live cattle on both the MCE and CME. In those cases in which the pass-through mechanism is applicable, it would eliminate the lags which occur when lots of cattle received by an inter-market spreader on one exchange must be combined or divided before redelivery on the other exchange. The Exchange indicates that this would lessen the strain, stress, shrinkage, and other deteriorating elements inherent in the delivery of live animals.

The proposed amendments to the live cattle contract would become effective immediately after Commission approval for all contract months subsequently listed by the Exchange for trading, but would not be applicable to currently listed months.

In accordance with Section 5a(12) of the Commodity Exchange Act, 7 U.S.C. 7a(12) (Supp. IV 1980), the commission has determined that proposed Rules 1303 and 1304 submitted by the MCE concerning its live cattle futures contract are of major economic significance and that proposed Rule 1306, although not of major economic significance, is necessary for a full understanding of the proposed changes. Accordingly, the MCE's proposed amendments are printed below, using brackets to indicate deletions and italics to indicate additions.

* * * * *

1303. [SELLER'S DUTIES—A seller intending to make delivery shall present to the clearing house a written notice of intent to deliver on a form prescribed by the clearing house and such notice must be delivered to the clearing house not later than 1:00 P.M. one business day prior to actual delivery. The buyer shall be notified by the clearing house not later than 2:30 P.M. of said day.

On the day of delivery, the seller shall promptly furnish to the buyer:

1. An official livestock yards receipt properly identified by lot number and/or pen number, number of head of cattle, net weight of cattle and date received.
2. Official United States Department of Agriculture quality grade, estimated average hot yield, estimated yield grade, and weight certificate.
3. Delivery order.

The Department of Inspections and Deliveries may require that the point of origin of cattle be shown on the notice of intent to deliver or other documents.]

PROCEDURES FOR TENDER, DEMAND, RETENDER, RECLAIM, AND ASSIGNMENT OF CERTIFICATES OF DELIVERY—

A. Tendering a Certificate—A clearing member representing a short may present a Certificate of Delivery (on a form prescribed by the clearing house) to the clearing house no later than 11:00 A.M. on the third business day prior to any delivery day; provided that a clearing member representing a short taking delivery on the Chicago Mercantile Exchange and making delivery on MidAmerica pursuant to rule 1306.B.2. shall present a Certificate of Delivery no later than 5:00 P.M. on the third business day prior to any delivery day. A Certificate of Delivery is a commitment to deliver cattle conforming with contract specifications at the delivery point designated in the Certificate on the third business day which is also a delivery day following the tender of that Certificate if the Certificate is not reclaimed. Each Certificate of Delivery shall include the information required under 1306.B.1.a. and 1306.B.2.a. below and all information which may be required by the Exchange including the name, telephone number and person responsible of the bonded livestock commission firm delivering cattle on behalf of the short.

B. Demand Notice—A clearing member representing a long may present a Demand Notice for the purpose of securing priority in the assignment of a Certificate of Delivery. The following rules govern Demand Notices:

1. The Demand Notice shall be presented to the clearing house (on a form prescribed by the clearing house) by 11:30 A.M. on any business day on which Certificates are tendered or retendered.

2. The Demand Notice shall specify: the date the long position was established, the buyer's choices (if any) for delivery points, and the minimum accrued retender charges acceptable to the buyer.

3. A Certificate assigned to a Demand Notice may not be retendered.

4. A Demand Notice which is not assigned a Certificate on the day of presentation is void.

C. Retender—A clearing member representing a long that is assigned a Certificate may retender that Certificate. The following rules govern retender:

1. A Certificate may only be retendered twice. A long that has been assigned a Certificate which has been retendered twice must take delivery.

2. A Certificate that has been assigned to a Demand Notice may not be retendered.

3. A Certificate may not be retendered after the last trading day of the contract month.

4. A long assigned a Certificate must establish a short position in the delivery month and notify the clearing house of retender by 11:00 A.M. on the business day following assignment.

5. The retendering long will be assessed a retender charge of $.015 per pound ($300 per contract). The retender charges accrue to the Certificate and are payable to the long exercising the Certificate or to the reclaiming short.

D. Reclaim—A clearing member representing a short that has tendered a Certificate may reclaim that Certificate upon the first or second retender if there is no Demand Notice issued for that Certificate.

The reclaiming short must have established a long position in the contract month and must issue a Reclaim Notice (on a form prescribed by the clearing house) to the clearing *house by 11:30 A.M. on the day the Certificate is retendered.*

E. Assignment of Certificates—The clearing house shall promptly assign Certificates and notify the clearing member representing the long on the day of tender or retender. Assignments shall be made in the following order:

1. Newly-tendered Certificates and retendered Certificates shall be assigned to Demand Notices which specify delivery points and retender charges which match those of the Certificate. In the case of duplication, the Certificate shall be assigned to the Demand Notice submitted by the long with the oldest long position. In the case of Demand Notices with long positions established on the same date, the time the Demand Notice was submitted to the clearing house will determine priority.

2. Retendered Certificates which have not been assigned to Demand Notices will be assigned to Reclaim Notices, if any.

3. Retendered Certificates and newly-tendered Certificates which have not been demanded or reclaimed will be assigned to long positions by matching the Certificates having the largest retender charges with the oldest long positions.

F. Payments for Tender and Retender—

1. All payments shall be by wire transfer of funds or by certified or cashier's check presented to the clearing house.

2. Payment for an assigned Certificate that is not retendered must be submitted to the clearing house by 12:00 noon on the business day after a tendered or retendered Certificate is assigned. The assignee shall submit payment equal to the settlement price on the day of assignment less accrued retender charges times the par weight, 20,000 pounds.

3. Payment received for a newly-tendered Certificate shall be retained by the clearing house until the Certificate is reclaimed or until cattle conforming with contract specifications are delivered.

4. The clearing house shall remit payment received for a retendered Certificate to the retenderer by the close of business on the business day following the day of retender.

1304. [BUYER'S DUTIES—A clearing member receiving a notice of intent to deliver may not liquidate the long position assigned delivery and must deposit with the clearing house, not later than 10:00 A.M. the following business day, a certified or cashier's check in an amount sufficient to meet the cost of delivery. This amount shall be determined by multiplying the weight of the contract, 20,000 pounds, by the settling price of the day the notice of intent to deliver is received.]

DELIVERY PROCEDURES—

A. Delivery Days—Delivery of live cattle must take place on the third business day which is also a delivery day folowing the initial tender of the Certificate. Delivery may be made on any business day of the contract month except that deliveries may not be made on the day preceding a holiday.

B. Seller's Duties—On the day of delivery, the seller shall promptly furnish the buyer a USDA Livestock Acceptance Certificate which shall include pen number, number of head, net weight of cattle, quality grade, estimated average hot yield, and estimated yield grade.

All deliveries on a single day at any one delivery facility for a single customer must be consigned to a single bonded livestock commission firm.

C. Payment—Upon the seller's fulfillment of the delivery in accordance with all conditions of the contract herein set forth, the clearing house shall release the retained funds to the seller. Title to each delivered unit shall pass to the buyer when the delivered unit is placed in the buyer's holding pen.

* * * * *

1306. DELIVERY—

A. Approved Stockyards—Deliveries of Exchange contracts of cattle can be made only from public livestock yards designated and approved for delivery by the Exchange.

A public livestock yard shall not be eligible for deliveries as an approved stockyard unless it is a stockyard within the definition of the Packers and Stockyards Act (chapter 9, United States Code, section 181–3, 201–217a, and 221–9) and has received notice to that effect from the Secretary of Agriculture.

Approved stockyards shall be required to keep such records, make such reports and be subject to inspection and regulation by the Secretary of Agriculture, as provided in the Packers and Stockyards Act.

B. Delivery Unit—Delivery shall be made in units of 20,000 pounds except that deliveries involving the taking of MidAmerica deliveries by a long, who is also making an equal quantity of deliveries on the Chicago Mercantile Exchange or the making of deliveries on the MidAmerica by a short taking an equal quantity of deliveries on the Chicago Mercantile Exchange may be combined for the purpose of such deliveries, and in accordance with the following pass-through provisions:

1. Pass-through deliveries from MidAmerica to the Chicago Mercantile Exchange—If a member is taking delivery on the MidAmerica Commodity Exchange and is making delivery on the Chicago Mercantile Exchange, and if the short is making delivery of two or more contracts for the same principal in the same yards on the same day, the long may demand of the short that the MidAmerica delivery units be combined into 40,000 pound units as hereinafter provided.

a. A clearing member who intends to make delivery of two or more contracts which are for the same principal, on the same day and in the same yards, must so indicate on each Certificate of Delivery.

b. A long accepting such notice may, before 1:15 P.M. on the day notice is received, require by a written "Buyer's" notice to the short and the clearing house that any two or any multiple of two of such deliveries be combined into one or more 40,000 pound contracts for delivery on the Chicago Mercantile Exchange. Such notice must indicate the name of the Chicago Mercantile Exchange clearing member in whose name the Chicago Mercantile Exchange delivery is to be made.

c. Upon receipt of such "Buyer's" notice from the long, the short shall instruct his livestock commission firm to submit the cattle for inspection to the Chicago Mercantile Exchange in accordance with Chicago Mercantile Exchange rules in the name of the Chicago Mercantile Exchange clearing member indicated on the "Buyer's" notice. The short shall thereupon consign to the commission firm in the name of the Chicago Mercantile Exchange clearing member, as specified in the "Buyer's" notice, two MidAmerica contract units, combined into a single lot, deliverable on the Chicago Mercantile Exchange. The short obligated to deliver a combined lot must deliver the entire combined lot on the day intended or incur the penalties provided under rule 1310. Such penalties shall apply to the entire combined lot.

d. The MidAmerica long, acting as agent for the MidAmerica short, shall deliver the combined lot on the Chicago Mercantile Exchange. The MidAmerica short shall be responsible for the delivered lot through the MidAmerica long and shall pay all expenses associated therewith until the delivery unit is graded, inspected, weighed and sealed by the inspectors. When the Chicago Mercantile Exchange delivery notice and delivery invoice is prepared, the MidAmerica long shall promptly delivery a copy thereof to the

MidAmerica clearing house and the MidAmerica short.

e. Upon receipt of the above documents and written notification of inspection, weighing, storage and expenses incurred, the clearing house shall make payment to the short.

f. The short shall promptly pay all fees actually incurred and paid by the long in connection with the delivery. Copies of actual billings from which the invoice was prepared must accompany the invoice.

g. The actual legal title and risk of ownership for the cattle shall not pass from the short to the long until the cattle have passed inspection and been accepted for delivery by the Chicago Mercantile Exchange.

2. Pass-through deliveries from the Chicago Mercantile Exchange to MidAmerica—If a member is taking delivery on the Chicago Mercantile Exchange and is making delivery on the MidAmerica Commodity Exchange, he may satisfy his MidAmerica delivery obligation by tendering the Chicago Mercantile Exchange delivery unit; provided, that the long is taking delivery of two or more contracts for the same principal.

a. A clearing member who intends to make delivery of two or a multiple of two contracts through a combined unit, must so specify on each Certificate of Delivery.

b. A long receiving such Certificate shall specify to the clearing house by 11:00 A.M. the following business day whether he has retendered said Certificate or has any open contracts which are for the same principals and, therefore, subject to combination.

c. Upon notification of such open contracts subject to combination, the short shall fulfill his MidAmerica Commodity Exchange delivery by releasing to the long, on the day of delivery, the combined unit received on the Chicago Mercantile Exchange as substitution for two MidAmerica contract units. Immediately upon being notified by the Chicago Mercantile Exchange that it has received title to the unit, the short shall order the stockyards company to release the unit directly to the long. In accepting the unit from the Chicago Mercantile Exchange, the short shall act as the long's agent, and title and all risk of loss shall pass to the long immediately upon the cattle being placed in a holding pen by the USDA inspector, acting for the Chicago Mercantile Exchange.

d. When the Chicago Mercantile Exchange delivery notice and delivery invoice are received by the short, he shall promptly deliver a copy thereof to the clearing house and the MidAmerica long.

e. A long shall receive the combined lot on the MidAmerica Commodity Exchange.

f. Upon receipt of the documents set forth in paragraph d above, the clearing house shall make payment to the short.

* * * * *

Other materials submitted by the MCE in support of the proposed rules may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by MidAmerica in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by November 26, 1982. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on October 21, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82-29324 Filed 10-25-82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Minnesota; Application

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northern States Power Company has applied for a right-of-way easement to install, operate and maintain fuel-carrying pipeline in, through, and across the following United States Government-owned lands, said lands being a part of the Twin Cities Army Ammunition Plant, Minnesota: Ramsey County, Minnesota, T30N, R23W, Section 16.

The pipeline, in its entirety, will convey natural gas across a portion of Twin Cities Army Ammunition Plant so as to improve gas service to intrastate consumers.

The purpose of this publication is to inform the public that the Corps of Engineers will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Those persons who desire to make comments or objections should state their views in detail and send them to the District Engineer, Omaha District, Corps of Engineers, 6014 U.S. Post Office and Courthouse, Omaha, Nebraska 68102, within 30 days of the date of publication of this notice.

Grant L. Fredicks, LTC,

Corps of Engineers Commanding.

Dated: September 30, 1982.

Peter P. Pollreis,

Chief, Real Estate Division, Omaha District, Corps of Engineers.

[FR Doc. 82-28221 Filed 10-25-82; 8:45 am]

BILLING CODE 3710-10-M

DEPARTMENT OF EDUCATION

National Advisory Council on Indian Education; Meeting

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming meeting of the full Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting.

DATES: Full Council Meeting: November 18, 1982, 9:00 a.m. to 5:00 p.m.; November 19, 1982, 9:00 a.m. to 5:00 p.m. and, November 20, 1982, 9:00 a.m. to 5:00 p.m.

ADDRESS: Hyatt Regency, 500 Poydras Plaza, New Orleans, Louisiana 70140 (504)561-1234.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Washington, DC 20004 (202)376-8812.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian

Education is established under Section 442 of the Indian Education Act, Title IV of Pub. L. 92–318, (20 U.S.C. 122g). The Council is established to submit to the Secretary of Education a list of nominees for the position of Director of Indian Education Programs, advise the Secretary of Education with respect to the administration of any program in which Indian children or adults participate from which they can benefit, review applications for assistance under Title III of the Act of September 30, 1950, and make recommendations to the Secretary with respect to their approval, evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and disseminate the results of such evaluations, provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations, assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950, submit to Congress not later than June 30 of each year a report of its activities; and, be consulted by the Secretary of Education regarding the definition of the term Indian.

The meeting will be open to the public. This meeting will be held at the Hyatt Regency, 500 Poydras Plaza, New Orleans, Louisiana 70140 (504)561–1234.

The proposed agenda includes:

(1) To review and prepare official comments and recommendations to the Secretary of Education regarding the *Revised Report on the Definition of Indian.*

(2) Executive Director's report.

(3) Committee discussions and reports.

(4) Review of NACIE FY 1983 budget.

(5) Plans for future NACIE activities.

(6) Regular Council business.

(7) Action on previous minutes.

(8) Public testimony.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street, N.W., Suite 326, Washington, D.C. 20004.

Date: October 20, 1982. Signed at Washington, D.C.

Michael P. Doss,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 82–29298 Filed 10–25–82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL82-25-000]

Review of Municipal Hydropower Development; Revised Notice of Informal Public Conference

October 21, 1982.

The Commission will convene an informal conference to review the progress of municipal hydropower development since the Commission's decision in the *City of Fayetteville* proceeding.[1] Interested parties are encouraged to attend this conference and apprise the Commission of any matters affecting municipal hydropower development that they deem relevant for Commission consideration in light of its statutory duty to encourage the expeditious development of water power resources consistent with the public interest.

By notice of September 21, 1982, this conference, which was previously scheduled for November 5, 1982, is rescheduled to be held in Hearing Room A of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C., commencing at 10:00 a.m. on November 16, 1982. Members of the public are welcome to attend.

The Commission is especially interested in the public's views on the various feasible contractual and other arrangements for the financing of hydropower projects by municipalities and current factors affecting such financing. Parties are encouraged to address the nature and extent of any constraints on financing and development imposed by current tax laws, economic conditions, the Federal Power Act and other relevant state or Federal requirements. Proposals to minimize the impact of any such constraints consistent with fundamental Commission statutory responsibilities are also solicited.

Any person wishing to present data or views to the Commission must so notify the Secretary of the Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 by November 8, 1982. When notifying the Secretary, each participant should submit a brief summary of his/her interest and the issues to be addressed in his/her statement. Parties who previously indicated their intent to attend this conference when it was scheduled for November 5, need not renotify the Secretary unless they will be unable to attend the November 16 conference.

Participants are also requested to prepare written statements in order to insure that the Commission will have the benefit of their views even if time constraints limit or preclude an oral presentation of their comments. These written statements will be made part of the record, and participants should be prepared to deliver only a summary of their comments at the conference. Original and fourteen copies of any prepared statement should be filed with the Secretary of the Commission by November 8, 1982, and should refer to Docket No. EL82–25–000.

A transcript of the conference will be made and will be available to the public through the Commission's Office of Congressional and Public Affairs, Division of Public Information. The Commission expects to utilize the information and views gathered in this conference to expand its technical expertise to deal with various policy issues relevant to municipal hydropower development. The Commission may utilize the information gained from this conference in future rulemaking or adjudicatory proceedings. In any adjudicatory proceeding in which the Commission relies on the transcript in this proceeding, the Commission intends to incorporate the transcript by reference and afford affected parties an opportunity to respond thereto.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29358 Filed 10–25–82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59101A; TSH-FRL 2233-7]

Modified Polyurethanes; Approval of Test Marketing Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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[1] In *City of Fayetteville Public Works Commission,* Project No. 3137 *et al.,* 16 FERC ¶ 61,209, (Sept. 16, 1981), the Commission declined to extend preference under Section 7(a) of the Federal Power Act (16 U.S.C. 800(a)) to applications filed jointly by municipal and non-municipal entities. In that decision, the Commission explained that "the preference afforded a municipality under Section 7(a) need not be jeopardized by contractual arrangements the municipality may make with non-municipal entities for assistance in financing, studying, constructing or operating a project. In order to retain its entitlement to municipal preference as the party who intends to be the licensee, the municipality must retain in such contractual relationships requisite control over the operation of the project and may not relinquish any property or other rights necessary for project purposes [footnote omitted]."

SUMMARY: EPA received applications for test marketing exemptions (TM-82-48 and TM-82-49) under section 5 of the Toxic Substances Control Act (TSCA) on September 16, 1982. Notice of receipt of the applications was published in the **Federal Register** of September 24, 1982 (47 FR 42151). EPA has granted the exemptions.

EFFECTIVE DATE: These exemptions are effective on October 14, 1982.

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-203, 401 M St., SW., Washington, D.C. 20460, (202-382-3734).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On September 16, 1982, EPA received two applications for exemptions from the requirements of sections 5(a) and 5(b) of TSCA to manufacture two new chemical substances for test marketing purposes. The applications were assigned test marketing exemption numbers TM-82-48 and TM-82-49. The submissions are for new chemicals described generically as modified polyurethanes. The submitter claimed the company identity and the specific chemical identities as confidential business information. A maximum of 800 kilograms (kg) of each new chemical substance will be manufactured for use as binders in electron beam-curable coatings. A maximum of five customers will test the fully formulated coatings for a period not to exceed 8 months. During manufacture, two workers may be exposed to each substance, for 7 hours total per worker. During use of the formulated products, five workers per shift per customer may be involved. No consumer exposure to the TME substances is expected, and environmental release will be negligible. A notice published in the **Federal Register** of September 24, 1982 (47 FR 42151) announced receipt of these applications and requeted comment on the appropriateness of granting the exemptions. The Agency did not receive any comments concerning these applications.

EPA has established that the test marketing of the new chemical substances submitted in TM-82-48 and TM-82-49, will not present any unreasonable risk of injury to health or the environment under the specific conditions set out in the applications. No significant health or environmental effect concerns for either substance were identified by EPA.

These test marketing exemptions are granted based on the facts and information obtained and reviewed, but are subject to all conditions set out in the exemption applications and, in particular, those enumerated below.

1. These exemptions are granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) of shipment(s) to the customers and the quantities shipped in each shipment, and must make these records available to EPA upon request.
3. Each bill of lading that accompanies a shipment of the substances during the test marketing period must state that the use of the substances is restricted to that described to EPA in the test marketing exemption applications.
4. The production volume of each new substance may not exceed the quantity of 800 kg described in the test marketing exemption applications.
5. The test marketing activity approved in this notice is limited to an 8-month period commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.
6. The number of workers exposed to the new chemicals and the duration of exposure should not exceed that specified in the applications.

The Agency reserves the right to rescind its decision to grant these exemptions should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of these substances under the conditions specified in the applications will not present an unreasonable risk of injury to human health or the environment.

Dated: October 14, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc.82-29334 Filed 10-25-82; 8:45 am]

BILLING CODE 6560-50-M

Region 6; Final Agency Action on a PSD Permit for E. I. du Pont de Nemours and Company

Notice is hereby given that on April 28, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit, number PSD-LA-335, to the E. I. du Pont de Nemours and Company for approval to modify the existing chemical process plant located approximately 1.5 miles west of La Place, Louisiana, off U.S. Highway 61, pursuant to 40 CFR 52.21. On June 3, 1981, E. I. du Pont de Nemours and Company petitioned the Administrator for review of their PSD permit.

Because a petition for review was filed with the Administrator, the issuance of the permit was no longer a final agency action and the PSD permit for TEX-USS was not effective. *See* 40 CFR 124.15(b)(2). The petition for review was denied by the Administrator on July 19, 1982. Pursuant to 40 CFR 124.19(f)(1), a final permit decision on PSD-TX-336 was issued by Region 6 on September 22, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of PSD-LA-108 is available *only* by the filing of a petition for review in the United States Court of Appeals for the Fifth Circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of all of the materials concerning PSD-LA-335 are available for public inspection upon request at the following location: Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, 1201 Elm Street, First International Building, Dallas, Texas 75270.

Dated: October 4, 1982.

Dick Whittington, P.E.,
Regional Administrator, Region 6.

[FR Doc. 82-29332 Filed 10-25-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION: Consolidation Reports of Condition and Consolidated Reports of Income (State Banks not members of the Federal Reserve System).

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503. Comments should be received within 60 days following publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact Dr. Panos Konstas, Information Clearance Officer, FDIC, telephone (202) 389-4351.

SUMMARY: The proposed information collections are to commence with the reports that will be filed as of March 31, 1983. Conceptually, two different types of collections are proposed here, with one type involving the addition of two new schedules to the Report of Condition and the other relating to the frequency of collection for the Report of Income.

The two schedules to be added are: Supervisory Supplement 2—"Repricing Opportunities for Selected Balance Sheet Categories" and Supervisory Supplement 3—"Commitments and Contingencies." The FDIC will collect these two supplements from all 8,930 insured state nonmember commercial banks. The frequency change affects banks with assets below $300 million. Presently, these banks submit Reports of Income in June and December of each year. It is proposed that, beginning in 1983, these banks will submit Reports of Income four times a year, the same frequency as for banks with assets of $300 million and over. This change in frequency affects 8,700 of the 8,930 FDIC-supervised banks. At the same time, most of Report of Income Section B, "Changes in Equity Capital," will be eliminated for all banks regardless of size.

Information collected in this proposal will be used for specific supervisory purposes, including the scheduling, planning, and conducting of onsite bank examinations, and for the effective discharge of the FDIC's responsibilities as the insurer of state nonmember, state member, and national banks.

It is estimated that the collection of Supplements 2 and 3 will create a reporting burden of 11 hours per filing for each of the 8,930 respondent banks; the increased frequency of collection of the Report of Income will increase the burden by a net of about 4.5 hours per filing.

Dated: October 18, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 82-29299 Filed 10-25-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-190]

Peoples Federal Savings and Loan Association, Bartlesville, Oklahoma; Final Action Approval of Conversion Applications

Dated: September 10, 1982.

Notice is hereby given that on September 10, 1982, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Peoples Federal Savings and Loan Association, Bartlesville, Oklahoma, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 82-29318 Filed 10-25-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-191]

Ponce De Leon Federal Savings and Loan Association, Coral Gables, Florida; Final Action Approval of Conversion Applications

Dated September 10, 1982.

Notice is hereby given that on September 22, 1982, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Ponce de Leon Federal Savings and Loan Association, Coral Gables, Florida, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street, NW., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board

J. J. Finn,
Secretary.

[FR Doc. 82-29319 Filed 10-25-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-189]

Victor Federal Savings and Loan Association, Muskogee, Oklahoma; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: September 2, 1982.

Notice is hereby given that on September 20, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board") acting pursuant to the authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of Victor Federal Savings and Loan Association, Muskogee, Oklahoma ("Association"). The application had been approved by the Board by Resolution No. 81-687, November 16, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Topeka, 3 Townsite

Plaza, 120 East 6th Street, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-29317 Filed 10-25-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-192]

Standard Savings Association, Houston, Texas; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: September 24, 1982.

Notice is hereby given that on September 24, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of Standard Savings Association, Houston, Texas ("Association"). The application had been approved by the Board by Resolution No. 82-374, dated May 21, 1982. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-29320 Filed 10-25-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-195]

American Federal Savings and Loan Association of Colorado, Pueblo, Colorado; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: October 12, 1982.

Notice is hereby given that on October 13, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 1 to the mutual-to-stock conversion application of American Federal Savings and Loan Association of Colorado, Pueblo, Colorado ("Association"). The application had been approved by the Board by Resolution No. 80-516, dated August 15, 1980. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Topeka, No. 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66603.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-29323 Filed 10-25-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-193]

American Home Savings & Loan Association, St. Louis, Missouri; Final Action Approval of Conversion Applications

Dated: October 7, 1982.

Notice is hereby given that on October 7, 1982, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of American Home Savings and Loan Association, St. Louis, Missouri, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of the Federal Home Loan Bank of Des Moines, 907 Walnut Street, Des Moines, Iowa 50309.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-29321 Filed 10-25-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-194]

First City Federal Savings and Loan Association, Bradenton, Florida; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: October 12, 1982.

Notice is hereby given that on October 15, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 3 to the mutual-to-stock conversion application of First Federal Savings and Loan Association, Bradenton, Florida ("Association"). The application had been approved by the Board by Resolution No. 81-32, dated January 21, 1981. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street, NW., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-29322 Filed 10-25-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 9375]

Sailing Agreement

Notice of Cancellation

Filing party: Martin Torbiak, Manager, Rate Information, Farrell Lines, One Whitehall Street, New York, N.Y. 10004.

Summary: On October 13, 1982 the Commission received notice from Farrell Lines to cancel its Agreement No. 9375 with the Belgian Line. Accordingly Agreement No. 9375 is cancelled effective October 13, 1982, the date the notice was received by the Commission.

Delta Steamship Lines, Inc., the Northern Pan-America Line, A/S, Compagnie Maritime Belge, S.A., Compagnie Maritime du Zaire, S.A.R.L., Compagnie Maritime des Chargeurs Reunis S.A., and Elder Dempster Lines Limited

Notice of Cancellation

Filing party: Henry X. Diercxsens, Executive Vice President, Atlantic Overseas Corporation, Five World Trade Center, New York, N.Y. 10048.

Summary: On October 13, 1982 the Commission received notice from the agent for Elder Dempster Lines to cancel Agreement No. 9966, a rationalization of sailings agreement in the U.S. Gulf/West Africa trade. Previously, by letter dated August 25, 1982, Delta Steamship Lines advised the Commission that it did not oppose the agreement's termination. The other named parties to Agreement No. 9966 no longer collectively rationalize their sailings in the agreement trade. Therefore, the agreement will be terminated effective October 13, 1982, the date the notice from the agent for Elder Dempster Line was received by the Commission.

Flomerca Trailer Service and Pan Atlantic Line, Inc.

Notice of Cancellation of Agreement No. 10102

Agreement No. 10102, approved May 21, 1974, authorized the transportation of general cargo under through bills of lading from loading ports of Flomerca Trailer Service at Santo Tomas, Guatemala and Puerto Cortes, Honduras with transshipment at Miami, Florida to Pan Atlantic Line, Inc. for discharge at ports in the U.S. Virgin Islands.

By letter dated August 6, 1982, the agent representing Flomerca Trailer Service in 1974 and who now represents Pan Atlantic Line was notified of the Commission's concern that Agreement No. 10102 appeared to be inactive and that the Commission proposed to terminate the agreement unless the Commission was notified that the agreement was still active. To date, no response has been received to the Commission's letter of August 6, 1982. Therefore, it appears that Agreement No. 10102 is no longer active and that the agreement should be terminated. Accordingly, notice is hereby given that Agreement No. 10102 will be terminated effective 15 days following publication of this notice in the **Federal Register**.

The U.S. Atlantic/Honduras and Guatemala Rate Agreement

Notice of Cancellation of Agreement No. 10131

Agreement No. 10131, approved August 21, 1974, established a rate agreement between Transportacion Maritima Mexicana, S.A. (Mexican Line) and Flota Mercante Gran Central Americana, S.A. (Flomerca Line) to govern their transportation of freight between ports in the United States in the range from Calais, Maine, to Jacksonville, Florida, inclusive, and Atlantic ports in Honduras and Guatemala.

By letter dated August 6, 1982, counsel representing the agreement parties in 1974 was notified of the Commission's concern that Agreement No. 10131 appeared to be inactive and that the Commission proposed to terminate the agreement unless counsel notified the Commission that the agreement was still active. To date, no response has been received to the Commission's letter of August 6, 1982. Therefore, it appears that Agreement No. 10131 is no longer active and that the agreement should be terminated. Accordingly, notice is hereby given that Agreement No. 10131 will be terminated effective 15 days following publication of this notice in the **Federal Register**.

North Atlantic Government Cargo Discussion and Self-Policing Agreement

Notice of Cancellation of Agreement No. 10138

Filing party: Howard A. Levy, Esq., Attorney For Agreement No. 10138, Suite 727, 17 Battery Place, New York, New York 10004.

Summary: On October 15, 1982, the Commission received notice to cancel Agreement No. 10138 between Lykes Bros. Steamship Co., Inc. and Sea-Land Service, Inc. Therefore, the agreement has been terminated effective October 15, 1982, the date the notice was received by the Commission.

Lykes Bros. Steamship Co., Inc. and O.N.E. Shipping Ltd.

Notice of Cancellation of Agreement No. 10191

Filing party: R. J. Finnan, Pricing, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, La. 70130.

Summary: On October 13, 1982, the Commission received notice to cancel Agreement No. 10191 between Lykes and O.N.E. Shipping Ltd. Therefore, the agreement has been terminated effective October 13, 1982, the date the notice was received by the Commission.

By Order of the Federal Maritime Commission.

Dated: October 21, 1982.

Francis C. Hurney,
Secretary.

[FR Doc. 82-29331 Filed 10-25-82; 8:45 am]

BILLING CODE 6730-01-M

Shipping Conditions in the Miami/Venezuela Trade; Time for Filing Response

By Notice published in the **Federal Register** of October 18, 1982 (47 FR 46375), the Commission requested that interested persons submit views, arguments or data on the petition of Coordinated Caribbean Transport, Inc., for investigation of shipping conditions in the Miami/Venezuela trade. Time for comment was set at November 19, 1982.

The Commission is of the opinion that a shorter time for comment should be established. Accordingly, views, arguments or data with respect to the petition shall be submitted on or before November 8, 1982.

By the Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 82-29362 Filed 10-25-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0427]

Announcement of Special Study of Margin Regulation

The staff of the Board of Governors of the Federal Reserve System has undertaken a study of the federal regulation and oversight of margins in financial markets. This review is being conducted with the cooperation of the staffs of the Securities and Exchange Commission and the Commodities Futures Trading Commission.

The need for a reexamination of federal margin authority at this time stems in part from changes in the structure of financial markets and their regulation since 1934 when federal authority for margin regulation in securities markets was first granted, and in part from the establishment and rapid growth of financial futures, options and other derivative markets in recent years. Some of these markets operate under a different regulatory framework than the cash markets on which they are based. The staff of the Board of Governors expects to suggest to the Board any legislative recommendations that seem appropriate in light of the results of the review.

As part of its review, the staff is soliciting views of interested persons on the following questions:

1. Federal regulation of initial margins in securities markets was established to dampen speculative price movements, protect unsophisticated investors and reduce the volume of credit diverted to speculative uses. Maintenance margins established by securities and futures exchanges are presently aimed primarily at preventing losses to market participants caused by the defaults of other participants. These margins are subject to federal oversight in securities markets but not on futures exchanges.

(a) Has the existing system of margin regulation been effective in achieving its goals?

(b) What impact has the growth of new markets subject to different regulations had on this effectiveness?

2. In light of current market structure, practices and regulatory controls, what should be the present goals of federal margin regulation of financial markts, including futures and options markets, as well as underlying cash markets?

3. What should be the scope of federal margin regulations?

(a) Which markets or instruments should be covered? Should some or all aspects of the federal regulation of margins in securities markets be extended to commodity futures or other financial markets? What problems might be encountered in such an extension? What would be the effect of, or rationale for, continuing to afford dissimilar regulatory treatment to markets trading instruments that perform similar functions?

(b) Should margin regulation or oversight extend to both initial and maintenance margins?

(c) To what extent should regulation or oversight extend to transactions among market makers and other professionals as well as to transactions involving public customers? Is regulation of clearinghouse margin practices necessary?

4. What are the appropriate levels of initial and maintenance margins in various markets? Are there special problems or considerations involved in defining or allowing for hedges or other special situations in the various markets?

5. What, if any, assets in addition to cash should be used for margin?

6. How should margin regulations be administered? Should regulators set initial or maintenance margin levels themselves, or simply have veto authority over margin rules set by exchanges and other groups of market participants? Which agency or agencies should have authority, and if more than one agency is to be involved, how can effective coordination be ensured?

Interested persons are inivited to submit their views on any of the above questions or on other related issues to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, not later than December 20, 1982. All such submissions should refer to Docket No. R–0427. For further information regarding this matter, contact Frederick M. Struble, Assistant Director, Division of Research & Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452–3794.

Board of Governors of the Federal Reserve System, October 21, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82–29356 Filed 10–25–82; 8:45 am]

BILLING CODE 6210–01–M

Consumer Advisory Council; Meeting of Consumer Advisory Council; Changes in Location and Times

On September 30, 1982 (47 FR 43187), the Board announced a meeting of its Consumer Advisory Council on October 27 and 28. Several changes have been made in the location and times of the meeting.

The meeting, which will be open to public observation, will take place in the Board Room, located on the second floor of the Board building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. The October 27 session is expected to begin at 1:00 p.m. and to continue until 5:00 p.m. The October 28 session is expected to begin at 9:00 a.m. and to conclude at 1:00 p.m., with no break for lunch.

Information about this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at (202) 452–3204.

Board of Governors of the Federal Reserve System, October 20, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82–29357 Filed 10–25–82; 8:45 am]

BILLING CODE 6210–01–M

Federal Open Market Committee; Domestic Policy Directive of August 24, 1982

In accordance with Part 217 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on August 24, 1982.[1]

The information reviewed at this meeting suggests only a little further advance in real GNP in the current quarter, following a relatively small increase in the second quarter, while prices on the average are continuing to rise more slowly than in 1981. In July the nominal value of retail sales rose somewhat from a sharply reduced June level; housing starts increased substantially, though from a relatively low rate; and industrial production and nonfarm payroll employment were essentially unchanged. The unemployment rate rose 0.3 percentage point to 9.8 percent. Over the first seven months of the year the advance in the index of average hourly earnings was considerably less rapid than during 1981.

The weighted average value of the dollar against major foreign currencies, while flunctuating over a wide range, has changed little on balance since late June despite a sharp decline in U.S. interest rates relative to foreign rates. Demand for dollars appeared to reflect concern about economic and financial difficulties abroad. The U.S. foreign trade deficit in the second quarter was somewhat below the first-quarter deficit, with petroleum imports down substantially.

M1 declined slightly in June and July, while growth of M2 moderated somewhat from its average pace earlier in the year. Business demands for credit, especially short-term credit, remained generally strong. Market interest rates have declined sharply since around midyear, reflecting a shift in market sentiment about the outlook for interest rates against the background of strains in financial markets, relatively weak economic indicators, and legislative action on the federal budget. The Federal Reserve discount rate was reduced in three steps from 12 percent to 10½ percent during the period.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote a resumption of growth in output on a sustainable basis, and contribute to a sustainable pattern of international transactions. At its meeting in early February, the Committee had agreed that its objectives would be furthered by growth of M1, M2, and M3 from the fourth quarter of 1981 to the fourth quarter of 1982 within ranges of 2½ to 5½ percent, 6 to 9 percent, and 6½ to 9½ percent respectively. The associated range for bank credit was 6 to 9 percent. The Committee began a review of these ranges at its meeting on June 30–July 1, and at a meeting on July 15, it reaffirmed the targets for the year set in February. At the same time the Committee agreed that growth in the monetary and credit aggregates around the top of the indicated ranges would be acceptable in the light of the relatively low base period for the M1 target and other factors, and that it would tolerate for some period of time growth somewhat above the target range should unusual precautionary demands for money and liquidity be evident in the light of current economic uncertainties. The Committee also indicated that it was tentatively planning to continue the current ranges for 1983 but that it would review that decision carefully in the light of developments over the remainder of 1982.

In the short run, the Committee continues to seek behavior of reserve aggregates consistent with growth of M1 and M2 from June to September at annual rates of about 5 percent and about 9 percent respectively. Somewhat more rapid growth would be acceptable depending on evience that economic and financial uncertainties are leading to exceptional liquidity demands and changes in financial asset holdings. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 7 to 11 percent.

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[1] The Record of Policy Actions of the Committee for the meeting of August 24, 1982, is filed as part of the original document. Copies are available upon request to The Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

By order of the Federal Open Market Committee, October 19, 1982.

Murray Altmann,

Secretary.

[FR Doc. 82-29296 Filed 10-25-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82D-0304]

Heptachlor and Heptachlor Epoxide in Milk; Revision of Regulatory Level

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the regulatory level for heptachlor and heptachlor epoxide in milk has been lowered from 0.3 part per million (ppm) on a fat basis to 0.1 ppm on a fat basis. This action is based on the Environmental Protection Agency's (EPA) recommendation and findings that the 0.1 ppm level provides adequate protection of public health and will not have a substantial impact on the dairy industry. FDA Compliance Policy Guide 7120.23 has been revised to reflect this change.

EFFECTIVE DATE: October 26, 1982.

ADDRESS: Written comments, data, and information on the revised regulatory level and requests for single copies of FDA Compliance Policy Guide 7120.23 should be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Raymond W. Gill, Bureau of Foods (HFF-312), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: FDA is responsible for enforcing tolerances established by EPA for pesticide residues in raw agricultural commodities. EPA previously established a zero tolerance for residues of heptachlor and heptachlor epoxide in milk (40 CFR 180.104). However, enforcement of a "zero" tolerance is not always practicable. For this reason, a finite number is generally set as a practicable regulatory limit for enforcement purposes. In the mid-sixties, the regulatory level for heptachlor and heptachlor epoxide residues in milk was established at 0.3 ppm (fat basis).

After the discovery earlier this year of widespread contamination with heptachlor and heptachlor epoxide of milk produced in Hawaii, FDA requested EPA to evaluate the current 0.3 ppm regulatory level. EPA closely monitored the levels of heptachlor and heptachlor epoxide residues in Hawaiian milk, assessed the duration of consumer exposure to those residues, and evaluated the economic impact of reducing the levels. Based on their findings, reported in "Heptachlor Action Level Assessment," EPA subsequently recommended that the regulatory level for heptachlor and heptchlor epoxide residues in milk should be lowered from 0.3 ppm (fat basis) to 0.1 ppm (fat basis). FDA concurs with this recommendation and has revised FDA Compliance Policy Guide 7120.23, "Raw Agricultural Commodities and Processed Foods Intended for Human Consumption—Adulteration Involving Pesticide Residues," to reflect this change.

A copy of EPA's "Heptachlor Action Level Assessment" and revised FDA Compliance Policy Guide 7120.23 are on file in the Dockets Management Branch (address above) and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of FDA Compliance Policy Guide 7120.23 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch.

Interested persons may submit to the Dockets Management Branch written comments, data, and information regarding this revised level. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 20, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29297 Filed 10-25-82; 8:45 am]

BILLING CODE 4160-01-M

J. B. Hunt Co.; Breeder Mix-42 HB; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) providing for use of Breeder Mix-42 HB (hygromycin B and bacitracin MD) for chickens for control of certain worm infestations and for growth promotion and feed efficiency. The firm requested withdrawal of approval.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV-218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4093.

SUPPLEMENTARY INFORMATION: J. B. Hunt Co., P.O. Box 200, Lowell, AK 72745, is sponsor of NADA 92-092 which provides for use of Breeder Mix 42-HB containing 1.6 grams per pound hygromycin B and 1.2 grams per pound bacitracin MD for making a complete breeder chicken feed containing 12 grams per ton hygromycin B and 9 grams per ton bacitracin MD for control of ascarid, cecal worm, and capillary worm infections, and for growth promotion and feed efficiency.

The product was originally approved March 20, 1973. Approval of this NADA had not been codified in the Code of Federal Regulations. The firm, in its submission of April 19, 1982, to FDA's Bureau of Veterinary Medicine, requested withdrawal of approval of the NADA without prejudice and waived opportunity for a hearing (see 21 CFR 514.115(d)) because the product is not being manufactured.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360(b)(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84) and in accordance with § 514.115 *Withdrawal of approval of applications* (21 CFR 514.115), notice is given that approval of NADA 92-092 and all supplements for J. B. Hunt Co.'s Breeder Mix-42 HB containing hygromycin B and bacitracin MD is hereby withdrawn, effective November 5, 1981.

Dated: October 19, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-29290 Filed 10-25-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M 10816, et al.]

Montana; Termination of Classifications for Multiple Use Management; Correction

October 13, 1982.

Paragraph 1 in Federal Register Document 82-26212, dated September 14, 1982, appearing on page 42033 in the issue of Thursday, September 23, 1982, should be corrected as follows: the acreage under M 12080 of "17,682.99 acres" should read "70,047.21 acres in Dawson and Wibaux Counties;" and the total acreage of "25,301 acres" described in the last line of Paragraph 1 should read "77,665 acres."

Kannon Richards,

Acting State Director.

[FR Doc. 82-29330 Filed 10-25-82; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Proposed Land Exchange Between the Bureau of Land Management and Mr. Gordon Macbeth

October 15, 1982.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action on proposed land exchange.

SUMMARY: This notice is to advise the public that the Rio Puerco Resource Area of the Bureau of Land Management (BLM) and Mr. Gordon Macbeth are proposing a land exchange.

SUPPLEMENTARY INFORMATION: The BLM has determined that 5364.59 acres of public land described as the Selected Lands are suitable to exchange for 7178.75 acres of private land identified as the Offered Lands under authority of Section 206 of the Federal Land Policy Management Act of 1976 (90 Stat. 2743). The purpose of the exchange is to acquire the private lands to consolidate federal holdings and more efficiently manage the pronghorn antelope, elk, and male deer habitat in the San Antonio—Pot Mountain Habitat Management Area. The exchange will also enable the BLM to more efficiently manage the livestock grazing management program in the Quinlan and Middlemist Allotment Management Plan Area.

The 5364.59 acres of public land will be conveyed subject to the following terms and conditions:

1. Two prior existing electric transmission line rights-of-way granted to Public Service Company of New Mexico, its successors and assigns, by right-of-way grants NM 0146924 and NM 036390 under authority of the Act of March 4, 1911 (43 U.S.C. 961).

2. All mineral deposits shall be reserved to the United States along with the rights to prospect for, mine and remove such deposits under applicable law.

3. All geothermal steam and associated geothermal resources shall be reserved to the United States along with the right to prospect for, mine and remove such deposits subject to the provisions and limitations of the Act of December 24, 1970 (84 Stat. 1566).

4. The right to construct ditches and canals across said lands under authority of the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

5. An exclusive easement that provides the BLM with the right to conduct historical, scientific and archaeological investigations, together with the right of ingress and egress for a period of ten years.

6. Portions of Twps. 11N, R. 1E., NMPM, Section 6 and Twps. 11N., R. 1W., NMPM, Sections: 4, 10, 12, 14, 22, 24, 26 amounting to approximately 465 acres lie within the floodplain identified on the Flood Hazard Boundary Map for Bernalillo County, New Mexico. Section 3(d) of Executive Order 11988, dated May 24, 1977, restricts the patentee(s) and successor(s) from seeking compensation from the United States or its agents in the event the existing or future facilities within this specific area are damaged from floods.

7. Mr. Ben Benavidez, holder of Grazing Lease 0809, shall have the right to continue to graze livestock on the lands included in the grazing lease until June 16, 1984.

In accordance with 43 CFR 2201.1(b), this notice shall segregate the public lands identified herein from further appropriations under all the public land laws, including the mining laws. This segregation shall teminate upon issuance of patent or 2 years from the date of this publication, whichever occurs first.

Selected Lands

T. 11 N., R. 1 E., NMPM:	*Acres*
Sec. 8, lots 1–4	136.91
Sec. 6, lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼	619.85
Sec. 18, lots 1–4, NE¼, E½W½, SE¼	621.92
Sec. 30, lots 1–4	178.85
T. 11 N., R. 1 W., NMPM:	
Sec. 4, lots 1–5, SE¼NE¼, E½SE¼	332.14
Sec. 10, all	640.00
Sec. 12, all	640.00
Sec. 14, all	640.00
Sec. 22, E½NE¼, SW¼NE¼, SE¼	280.00
Sec. 24, all	640.00
Sec. 26, lots 1–4, N½N½	180.44
Sec. 30, lots 1–6, E½SW¼, SE¼	454.48
Total	5,364.59

Offered Lands

T. 28 N., R. 11 E., NMPM:	Acres
Sec. 7, lots, 1–4, E½, E½W½	[illegible]
T. 29 N., R. 10 E., NMPM:	
Sec. 1, lots 1–4, S½N½, N½S½	461.84
Sec. 6, split diagonally from NE corner to SW corner and includes land from SE corner to diagonal line	319.14
Sec. 8, E½	320.00
Sec. 9, S½S½	160.00
Sec. 17, NE¼NW¼, W½NW¼	120.00
Sec. 22, N½NE¼, NW¼	240.00
Sec. 23, N½N½	160.00
Sec. 25, NE¼, SW¼	320.00
Sec. 26, SE¼NE¼, N½SE¼	120.00
Sec. 35, all	640.00
T. 29 N., R. 11 E., NMPM:	
Sec. 30, lot 1, NE¼NW¼	[illegible]
Sec. 31, lots 1, 2, NE¼, E½NW¼	321.08
Sec. 33, N½	320.00
T. 30 N., R. 10 E., NMPM:	
Sec. 24, S½, S½N½	480.00
Sec. 25, N½	320.00
Sec. 26, S½NE¼	80.00
T. 30 N., R. 11 E., NMPM:	
Sec. 19, lots 3, 4, E½SW¼	158.09
T. 31 N., R. 11 E., NMPM:	
Sec. 21, W½E½, W½	480.00
Sec. 29, all	640.00
Sec. 30, lots 1–4, E½, E½W½	632.24
Sec. 31, lot 1, N½NE¼, NE¼NW¼	157.57
Total	7,178.75

Detailed information concerning the exhange, including the environmental assessment, is available at the Albuquerque District Office, 3550 Pan American Freeway, NE, Albuquerque, New Mexico 87107.

For a period of 45 days after publication of this notice, interested parties may submit comments to the District Manager, Albuquerque District Office at the above address. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action by the State Director, this action will become the final determination.

Dated: October 18, 1982.

L. Paul Applegate,

District Manager.

[FR Doc. 82-29329 Filed 10-25-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 15, 1982. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243.

Written comments should be submitted by November 10, 1982.

Bruce MacDougal,

Acting Chief of Registration, National Register.

CALIFORNIA

Orange County

Santa Ana, *Wright, George L., House,* 831 N. Minter St.

San Luis Obispo County

San Luis Obispo, *Angel, Myron, House,* 714 Buchon St.

COLORADO

El Paso County

Manitou Springs, *Crystal Valley Cemetery (Manitou Springs MRA),* Plainview Ave.
Manitou Springs, *Keithley Log Cabin Development District (Manitou Springs MRA),* Roughly bounded by Santa Fe Pl., Crystal Park Rd., and Spur Rd.
Manitou Springs, *Manitou Springs Historic District (Manitou Springs MRA),* Roughly bounded by El Paso Blvd., Ruxton Ave., US 24, and Iron Mt. Ave.

DELAWARE

New Castle County

Wilmington, *Grace United Methodist Church,* 9th and West Sts.
Wilmington, *Postles House,* 1007 N. Broom St.
Wilmington, *St. Hedwig's Roman Catholic Church,* Linden and S. Harrison Sts.

ILLINOIS

Cook County

Chicago, *Fort Dearborn Hotel,* 401 S. LaSalle St.
Chicago, *Schulze Baking Company Plant,* 40 E. Garfield Blvd.
Chicago, *St. Luke's Hospital Complex,* 1435 S. Michigan Ave., 1400 Block S. Indiana Ave.

Jo Daviess County

East Dubuque, *East Dubuque School,* Montgomery Ave.

Kane County

St. Charles, *Hunt House,* 304 Cedar Ave.

McHenry County

Woodstock, *Woodstock Square Historic District,* Roughly bounded by Calhoun, Throop, Cass, Main, C and NW RR Tracks, and Jefferson Sts.

McLean County

Bloomington, *Davis, David III & IV, House,* 1005 E. Jefferson

Peoria County

Peoria, *North Side Historic District,* Roughly bounded by Perry, Caroline, Madison and Fayette Sts.

INDIANA

Delaware County

Muncie vicinity, *Jump, Dr. Samuel Vaughn, House,* SE of Muncie on IN 2

KENTUCKY

Carroll County

Carrollton, *Carrollton Historic District,* Roughly bounded by Main, Polk, 2nd, 7th, and both sides of Highland Ave. to 11th St.

MASSACHUSETTS

Essex County

Beverly, *United Shoe Machinery Corporation Clubhouse,* 134 McKay St.
Salem, *Choate, Rufus, House,* 14 Lynde St.

Hampden County

Longmeadow, *Longmeadow Historic District (The Green),* Roughly Longmeadow St. from Birdie Rd. to Wheelmeadow Brook

Middlesex County

Malden, *Waitt Brick Block,* 422–424 Main St.
Weston, *Boston Post Road Historic District,* Both sides of the Boston Post Rd. from Plain Rd. to Stony Brook

MICHIGAN

Bay County

Bay City, *Clements, James, Airport Administration Building,* 614 S. River Dr.

Genesee County

Atlas, *Atlas Grange Hall (Genesee County MRA),* 8530 Perry Rd.
Byron, *Bird/Boyd Farm House (Genesee County MRA),* 14215 Bird Rd.
Byron, *Middlesworth, Isaac, R., Farm House (Genesee County MRA),* 11355 Rolston Rd.
Clio, *Clio Depot (Genesee County MRA),* 300–308 W. Vienna Rd.
Clio, *House at 4344 Frances Road (Genesee County MRA),* 4344 Frances Rd.
Clio, *Mauk & Hammer/Houghton Elevator (Genesee County MRA),* 315 W. Vienna St.
Clio, *Tinker, Harry C., House (Genesee County MRA),* 12030 Lewis Rd.
Clio, *West Vienna United Methodist Church (Genesee County MRA),* 5461 Wilson Rd.
Davison, *Barn at 4277 Irish Road (Genesee County MRA),* 4277 Irish Rd.
Davison, *House at 1339 Cummings Road (Genesee County MRA),* 1339 Cummings Rd.
Davison, *McAra, John, House (Genesee County MRA),* 2157 Irish Rd.
Davison, *Van Buskirk, John, Farm House (Genesee County MRA),* 7348 Coldwater Rd.
Fenton, *Bangs, Benjamin, House (Genesee County MRA),* 819 S. Leroy St.
Fenton, *Church, Volney,/Carlos B. Shotwell House (Genesee County MRA),* 812 S. Adelaide St.
Fenton, *Colwell, David B., House (Genesee County MRA),* 901 S. Leroy St.
Fenton, *Dibbleville-Fentonville Historic District (Genesee County MRA),* Roughly bounded by Shiawassee, Riggs, Holly and George Sts.
Fenton, *Fenton Railroad Depot (Genesee County MRA),* 207 Silver Lake Rd.
Fenton, *Fenton Seminary (Genesee County MRA),* 309 High St.
Fenton, *Hinckley, Colonel J., House (Genesee County MRA),* 210 High St.
Fenton, *Jennings, H. N., House (Genesee County MRA),* 800 S. East St.
Fenton, *Riggs, Frederick, House (Genesee County MRA),* 617 S. Oak St.
Fenton, *Trump, Edwin, House (Genesee County MRA),* 801 S. East St.
Flint, *Aitken, Robert Farm House (Genesee County MRA),* 1110 Linden Rd.
Flint, *House at 4305 South Linden Road (Genesee County MRA),* 4305 South Linden Rd.
Flint, *House at 6112 Carpenter Road (Genesee County MRA),* 6112 Carpenter Rd.
Flint, *Thayer, H. Elmer, House (Genesee County MRA),* G–3202 Court St.
Flushing, *House at 10410 Stanley Road (Genesee County MRA),* 10410 Stanley Rd.
Flushing, *House at 5556 Flushing Road (Genesee County MRA),* 5556 Flushing Rd.
Flushing, *Main Street Historic District (Genesee County MRA),* Main St. from Maple to 628 Main St.
Flushing, *O'Sullivan, Daniel, House/Halfway House (Genesee County MRA),* 5035 Flushing Rd.
Gaines, *Genesee Avenue-Walker Street Historic District (Genesee County MRA),* Roughly bounded by Washington, Elm, Lord Sts, and RR Tracks
Goodrich, *Green, Alanson, Farm House (Genesee County MRA),* 11226 Green Rd.
Goodrich, *Hegel Road Historic District (Genesee County MRA),* Hegel Rd. between Seneca and the Goodrich Millpond
Grand Blanc, *First Baptist Church of Grand Blanc (Genesee County MRA),* 6101 S. Saginaw St.
Linden, *Bridge Street—Broad Street Historic District (Genesee County MRA),* 3 Central blocks of Broad St., 2 blocks Bridge St.
Linden, *House at 7066 Lobdell Road (Genesee County MRA),* 7066 Lobdell Rd.
Linden, *McCaslin, William Henry and Lucinda, Farm House (Genesee County MRA),* 15237 McCaslin Lake Rd.
Linden, *Murray, James H., House (Genesee County MRA),* 7232 Silver Lake Rd.
Millington, *McClew, Alexander, Farm House (Genesee County MRA),* 7115 Farrand Rd.
Ortonville, *Carmer, William, House (Genesee County MRA),* 10448 Washburn Rd.
Otisville, *Parker and Dunstan Hardware/Dr. E. D. Lewis Building (Genesee County MRA),* 129–133 W. Main St.
Otisville, *Swayze, E. S.,/Otisville Mason Lodge #401 (Genesee County MRA),* 106 Main St.
Swartz Creek, *Bloss, Frank D., and Sons Farm House (Genesee County MRA),* 8380 Reid Rd.
Swartz Creek, *Buck, Jesse H., Farm House (Genesee County MRA),* 6095 Baldwin Rd.
Swartz Creek, *Gilbert, Horace/Morgan and Enos Miller House (Genesee County MRA),* 5023 Holland Dr.

Gratiot County

Elwell, *MacLachlan, Dr. Charles H., Sanitarium and House,* 6482 Pingree Rd.

Huron County

Harbor Beach, *Grice, James and Jane, House,* 865 N. Huron Ave.

Kent County

Grand Rapids, *Aldrich Building,* 98 Monroe Center, NW

Grand Rapids, *Fine Arts Building,* 220 Lyon St., NW

Grand Rapids, *First (Park) Congregational Church,* 10 E. Park Pl., NE

Shiawassee County

Corunna, *Shiawassee County Courthouse,* Shiawassee St.

Wayne County

Detroit, *Palms, Francis, Building & State Theater,* 2111 Woodward Ave.

Detroit, *Parker, Thomas A., House,* 975 E. Jefferson Ave.

Detroit, *Vanity Ballroom Building,* 1024 Newport St.

MISSISSIPPI

Adams County

Natchez, *Clifton Heights Historic District,* Roughly bounded by Ridge and Mulberry Alley, Natchez Bluff, Park Ave., and Maple St.

Hancock County

Pearlington vicinity, *Claiborne Site (22 Ha 501)*

Washington County

Glen Allan vicinity, *Linden,* N of Glen Allan jct of SR 97 and 69

NEBRASKA

Colfax County

Schuyler vicinity, *Our Lady of Pepetual Help Catholic Church & Cemetery.*

Douglas County

Omaha, *Georgia Row House,* 1040–1044 S. 29th St.

NEW MEXICO

Sandoval County

Corrales, *Casa San Ysidro,* Church St.

NEW YORK

Dutchess County

Beacon/Fishkill, *Mount Beacon Incline Railway and Power House (Hudson Highlands MRA),* Howland Ave. and Wolcott St.

Fishkill, *Bannerman's Island Arsenal (Hudson Highlands MRA),* Pollepel Island, Off NY 9–D

Fishkill, *Dutchess Manor (Hudson Highlands MRA),* 400 Breakneck Rd.

Poughkeepsie, *Academy Street Historic District (Poughkeepsie MRA),* Academy St. Betweet Livingston and Montgomery Sts.

Poughkeepsie, *Adriance Memorial Library (Poughkeepsie MRA),* 93 Market St.

Poughkeepsie, *Amrita Club (Poughkeepsie MRA),* 170 Church St.

Poughkeepsie, *Balding Avenue Historic District (Poughkeepsie MRA),* Balding Ave. between Mansion and Marshall Sts.

Poughkeepsie, *Barrett House (Poughkeepsie MRA),* 55 Noxon St.

Poughkeepsie, *Booth, O. H., Hose Company (Poughkeepsie MRA),* 532 Main St.

Poughkeepsie, *Boughton/Haight House (Poughkeepsie MRA),* 73–75 S. Hamilton St.

Poughkeepsie, *Cedarcliff Gatehouse (Poughkeepsie MRA),* 66 Ferris Lane

Poughkeepsie, *Church Street Row (Poughkeepsie MRA),* Church St. from Academy to Hamilton St.

Poughkeepsie, *Clark House (Poughkeepsie MRA),* 85 Cedar Ave.

Poughkeepsie, *Clonton House (Poughkeepsie MRA),* 547 Main St.

Poughkeepsie, *Dixon House (Poughkeepsie MRA),* 49 N. Clinton St.

Poughkeepsie, *Dutchess County Court House (Poughkeepsie MRA),* 10 Market St.

Poughkeepsie, *Dwight-Hooker Avenue Historic District (Poughkeepsie MRA),* Dwight St. from Hamilton to Hooker, and 79–85 Hooker Ave.

Poughkeepsie, *Eastman Terrace (Poughkeepsie MRA),* 1–10 Eastman Terr.

Poughkeepsie, *Ethol House (Poughkeepsie' MRA),* 171 Hooker Ave.

Poughkeepsie, *Farmer's and Manufacturer's Bank (Poughkeepsie MRA),* 43 Market St.

Poughkeepsie, *First Baptist Church (Poughkeepsie MRA),* 260 Mill St.

Poughkeepsie, *First Presbyterian Church (Poughkeepsie MRA),* 25 S. Hamilton St.

Poughkeepsie, *Freer House (Poughkeepsie MRA),* 70 Wilbur Blvd.

Poughkeepsie, *Glebe House (Poughkeepsie MRA),* 635 Main St.

Poughkeepsie, *Gregory House (Poughkeepsie MRA),* 140 S. Cherry St.

Poughkeepsie, *Grey Hook (Poughkeepsie MRA),* 5 Ferris Lane

Poughkeepsie, *Guilford Dudley Memorial (Poughkeepsie MRA),* College Hill Park

Poughkeepsie, *Harlow Row (Poughkeepsie MRA),* 100–106 Market St.

Poughkeepsie, *Hasbrouck House (Poughkeepsie MRA),* 75–77 Market St.

Poughkeepsie, *Hershkind House (Poughkeepsie MRA),* 30 Hooker AVE.

Poughkeepsie, *Lady Washington Hose Company (Poughkeepsie MRA),* 20 Academy St.

Poughkeepsie, *Luckey, Platt & Company Department Store (Poughkeepsie MRA),* 332–346 Main Mall

Poughkeepsie, *Mader House (Poughkeepsie MRA),* 101 Corlies Ave.

Poughkeepsie, *Main Mall Row (Poughkeepsie MRA),* 315 Main Mall to 11 Garden St.

Poughkeepsie, *Market Street Row (Poughkeepsie MRA),* 88–94 Market St.

Poughkeepsie, *Moore House (Poughkeepsie MRA),* 37 Adriance Ave

Poughkeepsie, *Mulrein House (Poughkeepsie MRA),* 64 Montgomery St.

Poughkeepsie, *New York State Armory (Poughkeepsie MRA),* 61–65 Market St.

Poughkeepsie, *Niagara Engine House (Poughkeepsie MRA),* 8 N. Hamilton St.

Poughkeepsie, *Pelton Mill (Poughkeepsie MRA),*110 Mill St.

Poughkeepsie, *Phillips House (Poughkeepsie MRA),* 18 Barclay St.

Poughkeepsie, *Post-Williams House (Poughkeepsie MRA),* 44 S. Clinton St.

Poughkeepsie, *Poughkeepsie Trust Company (Poughkeepsie MRA),* 236 Main St.

Poughkeepsie, *Poughkeepsie Underwear Factory (Poughkeepsie MRA),* 6–1 N. Cherry St.

Poughkeepsie, *Reynolds House (Poughkeepsie MRA),* 107 S. Hamilton St.

Poughkeepsie, *Rombout House (Poughkeepsie MRA),* New Hackensack Rd.

Poughkeepsie, *Sague House (Poughkeepsie MRA),* 167 Hooker Ave.

Poughkeepsie, *South Hamilton Street Row (Poughkeepsie MRA),* 81–87 S. Hamilton St.

Poughkeepsie, *St. Paul's Epsicopal Church (Poughkeepsie MRA),* 161 Mansion St.

Poughkeepsie, *Thompson House (Poughkeepsie MRA),* 100 S. Randolph Ave.

Poughkeepsie, *Travis House (Poughkeepsie MRA),* 131 Cannon St.

Poughkeepsie, *Trinity Methodist Episcopal Church and Rectory (Poughkeepsie MRA),* 1–3 Hooker Ave.

Poughkeepsie, *Upper-Mill Street Historic District (Poughkeepsie MRA),* Roughly Mill St. from Center Plaza to Catherine St.

Poughkeepsie, *Young Men's Christian Association (Poughkeepsie MRA),* 58 Market St.

Orange County

Cornwall, *Deer Hill (Hudson Highlands MRA),* 58 Deerhill Rd.

Cornwall, *Gatehouse on Deerhill Road (Hudson Highlands MRA),* Deerhill Rd.

Cornwall, *House at 335 Mountain Road (Hudson Highlands MRA),* 335 Mountain Rd.

Cornwall, *LeDoux/Healey House (Hudson Highlands MRA),* 60 Deerhill Rd.

Cornwall, *River View House (Hudson Highlands MRA),* 146 Bayview Ave.

Cornwall-on-Hudson, *Barr, Amelia, House (Hudson Highlands MRA),* Mountian Rd.

Cornwall-on-Hudson, *Camp Olmsted (Hudson Highlands MRA),* 114 Bayview Ave.

Fort Montgomery, *St. Mark's Episcopal Church (Hudson Highlands MRA),* Canterbury Rd. and NY 9–W

Highland Falls, *Church of the holy Innocents and Rectory (Hudson Highlands MRA),* 112 Main St.

Highland Falls, *First Presbyterian Church of Highland Falls (Hudson Highlands MRA),* 140 Main St.

Highland Falls, *Highland Falls Railroad Depot (Hudson Highlands MRA),* Dock Rd.

Highland Falls, *Highland Falls Village Hall (Hudson Highlands MRA),* Main St.

Highland Falls, *House at 116 Main Street (Hudson Highlands MRA),* 116 Main St.

Highland Falls, *House at 37 Center Street (Hudson Highlands MRA),* 37 Center St.

Highland Falls, *Parry House (Hudson Highlands MRA),* Michel Rd.

Highland Falls, *Pine Terrace (Hudson Highlands MRA),* Main St.

Highland Falls, *Squirrels, The (Hudson Highlands MRA),* 225 Main St.

Highland Falls, *Stonihurst (Hudson Highlands MRA),* NY 218

Highland Falls, *Webb Lane House (Hudson Highlands MRA),* Webb Lane

Highland, *Cragston Dependencies (Hudson Highlands MRA),* NY 218

Highlands, *Storm King Highway (Hudson Highlands MRA),* NY 218

Orange/Rockland Counties

Highland/Stony Point, *Bear Mountain State Park Historic District (Hudson Highlands MRA),* Bear Mountain State Park, US 6

Putnam County

Cold Spring, *Cold Spring Historic District (Hudson Highlands MRA)*, Roughly Main, Fair, Chestnut Sts., and Paulding Ave.
Cold Spring, *Fair Lawn (Hudson Highlands MRA)*, NY 9–D
Cold Spring, *Plumbush (Hudson Highlands MRA)*, NY 9–D
Garrison, *Garrison Landing Historic District (Hudson Highlands MRA)*, Bounded by Hudson River and NY Central RR Tracks
Garrison, *Garrison Union Free School (Hudson Highlands MRA)*, NY 9–D
Garrison, *Hurst-Pierrepont Estate (Hudson Highlands MRA)*, NY 9–D
Garrison, *Moore House (Hudson Highlands MRA)*, Nelson La.
Garrison, *Rock Lawn and Carriage House (Hudson Highlands MRA)*, NY 9–D
Garrison, *Walker House (Hudson Highlands MRA)*, Cat Rock Rd.
Garrison, *Wilson House (Hudson Highlands MRA)*, Lower Station Rd.
Garrison, *Woodlawn (Malcom Gordon School) (Hudson Highlands MRA)*, NY 9–D
Nelsonville, *Champlin, H. D., & Son Horseshoeing and Wagonmaking (Hudson Highlands MRA)*, 286 Main
Nelsonville, *Cold Spring Cemetery Gatehouse (Hudson Highlands MRA)*, Peekskill Rd.
Nelsonville, *Dykman, J. Y., Flour and Feed Store (Hudson Highlands MRA)*, 289 Main St.
Nelsonville, *Dykman, J. Y., Store (Hudson Highlands MRA)*, 225 Main St.
Nelsonville, *First Baptist Church of Cold Spring (Hudson Highland MRA)*, Main St.
Nelsonville, *Fish and Fur Club (Hudson Highlands MRA)*, 258 Main St.
Nelsonville, *House at 249 Main Street (Hudson Highlands MRA)*, 249 Main St.
Nelsonville, *House at 3 Crown Street (Hudson Highlands MRA)*, 3 Crown St.
Nelsonville, *Hustis House (Hudson Highlands MRA)*, 328 Main St.
Philipstown, *Briches, The (Hudson Highlands MRA)*, Cat Rock Rd.
Philipstown, *Dick's Castle (Hudson Highlands MRA)*, NY 9–D
Philipstown, *Eagle's Rest (The Jacob Ruppert Estate) (Hudson Highlands MRA)*, NY 9–D
Philipstown, *Glenfields (Archibald Gracie King House) (Hudson Highlands MRA)*, Old Manitou Rd.
Philipstown, *Mandeville House (Hudson Highlands MRA)*, Lower Station Hill Rd.
Philipstown, *Montrest (Hudson Highlands MRA)*, Late Gate Rd.
Philipstown, *Normandy Grange (Hudson Highlands MRA)*, NY 9–D
Philipstown, *Oulagisket (Sloan Estate) (Hudson Highlands MRA)*, NY 9–D
Philipstown, *Thompson, Walter, House and Carriage House (Hudson Highlands MRA)*, Philipsebrook Rd.
Philipstown, *Wright, Russell, Huse (Dragon Rock) (Hudson Highlands MRA)*, NY 9–D

Rockland County

Stony Point, *Bear Mountain Bridge and Toll House (Hudson Highlands MRA)*, NY 6/202

Westchester County

Cortlandt, *Bear Mountain Bridge Rd. (Hudson Highlands MRA)*, NY 6/202, between Bear Mt. Bridge

NORTH CAROLINA

Cherokee County

Andrews, *Cover, Franklin Pierce, House*, SR 1388

Guilford County

Greensboro, *Latham-Baker House*, 412 Fisher Park Circle

Hertfort County

Ahoskie vicinity, *King-Casper-Ward-Bazemore House*, W of Ahoskie On NC 11

Mecklenburg County

Charlotte, *First Presbyterian Church* 200 W. Trade St.

Polk County

Saluda, *Church of the Transfiguration*, Henderson and Charles Sts.

Rowan County

Rockwell vicinity, *Bernhardt, George Matthias, House*, S of Rockwell on SR 2361
Woodleaf vicinity, *Bost, Henry Connor, House*, E of Woodleaf off US 601

OKLAHOMA

Payne County

Yale vicinity, *Sun Camp (Sun Oil Property TR)*, S of Yale
Yale vicinity, *Sun Oil Property Thematic Resource*, S of Yale

PENNSYLVANIA

Jefferson County

Brookville, *Brookville Presbyterian Church and Manse*, White and Main Sts.

RHODE ISLAND

Providence County

Providence, *Aylesworth Apartments*, 188–194 Broad St.
Providence, *Hay and Owen Buildings*, 101 and 117–135 Dyer St.
Providence, *Rhodes Street Historic District*, Rhodes, Janes, and Alphonso Sts.
Providence, *Wesleyan Avenue Historic District*, Roughly Wesleyan Ave. between Taylor and Broad Sts.
Woonsocket, *1761 Milstone (Woonsocket MRA)*, 640 S. Main St.
Woonsocket, *Arnold, John, House (Woonsocket MRA)*, 99 Providence St.
Woonsocket, *Cato Hill Historic District (Woonsocket MRA)*, Roughly bounded by Arnold, Blackstone, Cherry, and Railroad Sts. (Boundary increase)
Woonsocket, *Gaulin, Alphonse, Jr., House (Woonsocket MRA)*, 311 Elm St.
Woonsocket, *Grove Street Elementary School (Woonsocket MRA)*, 312 Grove St.
Woonsocket, *Hanora Mills (Woonsocket MRA)*, 1 Main St.
Woonsocket, *Jenckes Mansion (Woonsocket MRA)*, 837–839 Social St.
Woonsocket, *Linton Block (Woonsocket MRA)*, 3–5 Monument Sq.
Woonsocket, *Logee House (Woonsocket MRA)*, 225 Logee St.
Woonsocket, *North End Historic District (Woonsocket MRA)*, Roughly bounded by Verry, Highland Winter, and Summer Sts.
Woonsocket, *Pothier House (Woonsocket MRA)*, 172 Pond St.
Woonsocket, *Smithfield Friends Meeting House, Parsonage & Cemetery (Woonsocket MRA)*, 126 Smithfield Rd.
Woonsocket, *South Main Street Historic District (Woonsocket MRA)*, Roughly bounded by Mason, Coe, Andrews Sts., and Bernice Ave.
Woonsocket, *St. Andrews Episcopal Chapel (Woonsocket MRA)*, 576 Fairmount St.
Woonsocket, *St. Ann's Church Complex (Woonsocket MRA)*, Cumberland and Elm Sts. and Gaulin Ave.
Woonsocket, *St. Charles Borromeo Church Complex (Woonsocket MRA)*, N. Main, Daniels and Earle Sts.
Woonsocket, *Wilbur, Frank, House (Woonsocket MRA)*, 1273 Park Ave.
Woonsocket, *Woonsocket Civil War Monument (Woonsocket MRA)*, Monument Sq.
Woonsocket, *Woonsocket District Courthouse (Woonsocket MRA)*, 24 Front St.

[FR Doc. 82–29372 Filed 10–25–82; 8:45 am]

BILLING CODE 4310-70-M

Minerals Management Service

Atlantic Outer Continental Shelf; Availability of Draft Environmental Impact Statement and Location and Dates of Public Hearings Regarding Proposed Oil and Gas Lease Sale No. 78

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service has prepared a draft regional environmental impact statement (EIS) relating to proposed Oil and Gas Lease Sale No. 78. The proposal involves the offering of 5,733 blocks offshore the States of North Carolina, South Carolina, Georgia, and Florida.

Single copies of the draft EIS can be obtained from the Regional Manager, Atlantic Outer Continental Shelf Region, Minerals Management Service, Federal Building, 26 Federal Plaza, Suite 32–120, New York, New York 10278; or 1951 Kidwell Drive, Suite 601, Vienna, Virginia 22108.

Copies of the draft EIS will also be available for review in the following public libraries:

Richmond Public Library, 101 E. Franklin Street, Richmond, Virginia 23219.
Olivia Rainey Public Library, 104 Fayetteville Street, Raleigh, North Carolina 27601.
Dare County Library, Box 966, Manteo, North Carolina 27954.
Chaplin Memorial Library, 14 Avenue, North, Myrtle Beach, South Carolina 29577.
Norfolk Public Library System, 301 S. City Hall Avenue, Norfolk, Virginia 23501.
New Hanover County Library, 409 Market Street, Wilmington, North Carolina 28401.
Charleston County Library, 404 King Street, Charleston, South Carolina 29403.

Richland County Library, 1400 Sumter Street, Columbia, South Carolina 29201.
Atlanta Public Library, 126 Carnegie Way N.W., Atlanta, Georgia 30302.
Savannah Public Library, 2002 Bull Street, Savannah, Georgia 31401.
Jacksonville Public Library System, 122 N. Ocean Street, Jacksonville, Florida 32202.
Brunswick-Glynn County Regional Library, 208 Gloucester Street, Brunswick, Georgia 31520.
Leon County Public Library, 127 N. Monroe Street, Tallahassee, Florida 31401.
Volusia County Public Library, City Island, Daytona Beach, Florida 32014.

In accordance with 43 CFR 3314.1, public hearings on the draft EIS are scheduled in Daytona Beach, Florida at the Holiday Inn Surfside, 2700 North Atlantic Avenue, on December 7, 1982, at 9:00 a.m. to 5:00 p.m., and on the morning of December 8, 1982, if necessary. Hearings will also be held in Wilmington, North Carolina, at the Wilmington Hilton, 301 N. Water Street, on December 9, 1982, at 9:00 a.m. to 5:00 p.m.

The hearings will provide the Secretary of the Interior with additional information from both public and private sectors to help evaluate fully the potential effects of leasing oil and gas tracts in the South Atlantic. In addition, the proceedings will give the Secretary the opportunity to receive further comments and views of concerned Federal, State, and local agencies.

Interested individuals, representatives of organizations, and public officials who wish to testify at the hearings are requested to contact the Regional Manager, Atlantic OCS Region, Minerals Management Service, at the above address by 4:15 p.m., November 19, 1982. Written comments from those unable to attend a hearing also should be addressed to the Regional Manager, Atlantic OCS Region, Minerals Management Service, at the above address. The Minerals Management Service will accept written testimony and comments on the draft EIS until December 13, 1982. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered as part of the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, others will be given an opportunity to be heard.

After testimony and comments have been received and analyzed, a final EIS will be prepared.

Dated: October 20, 1982
Dave Russell,
Deputy Director, Minerals Management Service.

Approved:
Bruce Blanchard,
Director, Environmental Project Review.

[FR Doc. 82-29371 Filed 10-25-82; 8:45 am]
BILLING CODE 4310-MR-M

Office of Surface Mining Reclamation and Enforcement

Abandoned Mine Lands Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of Availability of Findings of No Significant Impact (FONSI) addressing Environmental Assessments (EA's) for development of thirteen (13) abandoned mine land projects under the State of Ohio Reclamation Plan.

SUMMARY: Eastern Technical Center, OSM, has prepared five (5) FONSI's based on EA's prepared by the Ohio Department of Natural Resources for thirteen (13) reclamation projects indicated below and included in the grant developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231–1234.

ADDRESS: Copies of the EA's and FONSI's are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:30 p.m.: Office of Surface Mining Reclamation and Enforcement, Ohio Field Office, 2242 South Hamilton, Columbus, Ohio 43227, (614) 866-0578.

FOR FURTHER INFORMATION CONTACT: Nina Rose Hatfield, Director, Ohio Field Office (address above).

Reclamation projects included in FONSI's, location and description:

I. Indian Run Project, City of Bellaire, Belmont County (a project to reclaim coal refuse pile and dismantle several wooden, concrete and metal structures associated with an abandoned underground coal mine).

II. Bond Project, Perry County, Fee-German Project, Perry County Mills Project, Coshocton County (three projects to reclaim open voids resulting from underground coal mine subsidence).

III. Youngstown Shaft Project, Mahoning County, Trumbull County Mine Shaft Project, Trumbull County Holland Mine Entries Project, Carroll County (three projects to fill abandoned mine shafts and to reclaim the project area).

IV. Martin-Velleca Project, Tuscarawas County, Jefferson County Road #1, Jefferson County (two projects to reclaim areas of unstable slopes).

V. Willow Creek Road Mine Seep, Meigs County, Warwick Township Road #269, Tuscarawas County, Uhrichsville Mine Seep, City of Uhrichsville, Tuscarawas County.

Bridgeport Mine Drainage, Belmont County (four projects to construct drainage control structures to divert mine drainage away from private and public property).

Dated: October 20, 1982.
J. Steven Griles,
Acting Director, Office of Surface Mining.

[FR Doc. 82-29344 Filed 10-25-82; 8:45 am]
BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier; Permanent Authority Decisions—Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–264

Decided: October 19, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 682 (Sub-42), filed October 13, 1982. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Connecticut Ave. NW-Suite 1112, Washington, DC 20036–5391, 202–887–5868. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. under continuing contract(s) with State Farm Mutual Automobile Insurance Company, of Bloomington, IL.

MC 72423 (Sub-16), filed October 8, 1982. Applicant: PLATTE VALLEY FREIGHTWAYS, INC., 111 East Chestnut St., Sterling, CO 80751. Representative: Jack B. Wolfe, 601 East 18th Ave. No. 107, Denver, CO 80203, 303–861–8046. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI).

MC 99653 (Sub-22), filed October 12, 1982. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 763, Pell City, AL 35125. Representative: Jone R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL 35209–4786, 205–942–9116. Transporting *metal and metal products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 118612 (Sub-18), filed October 1, 1982. Applicant: COLUMBIA TRUCKING, INC., 700–131 St. Pl., Hammond, IN 46320. Representative: Richard A. Kerwin, 180 North La Salle St., Chicago, IL, 312–332–5106. Transporting *petroleum products and coal products*, between points in Cook County, IL, on the one hand and, on the other, points in KS, CO, NE, KY, TN, AR, and OK.

MC 128302 (Sub-29), filed October 13, 1982. Applicant: THE MANFREDI MOTOR TRANSIT CO., 14841 Sperry Rd., Newbury, OH 44065. Representative: JAMES M. BURTCH, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Revere Sugar Corporation, of Lyndhurst, NJ.

MC 133732 (Sub-1), filed October 5, 1982. Applicant: WADE BROTHERS TRANSFER COMPANY, Route 3, Box 394, Hilliard, FL 32046. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, 904–632–2300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL, GA and AL, on the one hand and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 141872 (Sub-2), filed October 7, 1982. Applicant: MATS, INC., P.O. Box 1615, St. Paul, MN 55111 Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402 612–333–1341. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Hennepin, Ramsey, Wright, Carver, Dakota, Scott, Anoka and Washington Counties, MN, on the one hand, and, on the other, points in MN.

MC 144542 (Sub-4), filed October 7 1982. Applicant: CAR TRANSPORTERS CORPORATION, 2001 West Fourth Plain, Vancouver, WA 98660. Representative: John R. Bagileo, 918 16th St., N.W., Washington, DC 20006, 202–785–3700. Transporting *transportation equipment*, between those points in the U.S. in and west of MN, IA, MO, AR, and LA (including AK but excluding HI).

MC 144672 (Sub-29), filed October 5, 1982. Applicant: VICTORY EXPRESS, INC., P.O. Box 26189, Trotwood, OH 45426. Representative: Richard H. Schaefer, (Same address as applicant), 513–277–8933. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with (a) Nashua Corporation, of Nashua NH, (b) J.M. Huber Corporation, of Edison, NJ, (c) Chippewa Paper Products, Inc., of Hillside, IL, (d) All States Shippers Association Inc., of Chicago, IL., (e) KSH, Inc., of St. Louis MO, (f) Freight Consolidation Services, Inc., of Dayton, OH, (g) The Hooven and Allison Company, of Xenia, OH, (h) Miami Valley Transportation Consultants, Inc., of Dayton, OH, and (i) Dayton Bag and Burlap Company, of Dayton, OH.

MC 145242 (Sub-21), filed October 6, 1982. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Raul F. Beery, 275 E. State St., Columbus, OH 43215 614–228–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Bostwick Steel Lath Company, of Niles, OH, and its subsidiary, The Bostwick Steel Framing Co., of Knoxville, TN.

MC 151583(Sub-3), filed October 12, 1982. Applicant: UTF CARRIERS, INC., Benson Rd., Middlebury, CT 06749. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, 413–781–8205. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Hoover Company, of No. Canton, OH.

MC 156313 (Sub-9), filed October 8, 1982. Applicant: FALCON, INC., R. D. #1, Rte. 19, Harmony, PA 16037. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, 412–281–9494. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Roth American, Inc., of Wilkes Barre, PA.

MC 156313 (Sub-11), filed October 8, 1982. Applicant: FALCON, INC., R.D. #1, Rte. 19, Harmony, PA 16037. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, 412-281-9494. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with St. Regis Paper Co., of Dallas, TX.

MC 161863, filed October 13, 1982. Applicant: MERLE STERENBERG, d.b.a. BROOKFIELD FARMS TRUCKING, R.R. No. 2, Morrison, IL 61270. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, 217-544-5468. Transporting *fertilizer and ammonia*, between points in IA, IL and WI.

MC 162613, filed October 1, 1982. Applicant: CERTIFIED SAND & GRAVEL, 230 South Michigan Ave., Coldwater, MI 49036. Representative: John J. Morad, 30600 Telegraph Rd., Suite 3250, Birmingham, MI 48010, 313-644-2833. Transporting (1) *sand*, between points in Branch County, MI and Grant County, IN; and (2) *limestone*, between points in Grant County, IN and Litchfield, MI, under continuing contract(s) under parts (1) and (2) with Michigan South Central Power Plant, of Litchfield, MI.

MC 163462, (Correction) filed October 30, 1982, published in the **Federal Register**, issue of September 14, 1982, and republished, as corrected, this issue. Applicant: KWIKOOL ICE & COLD STORAGE, INC., 955 No. Columbia Blvd., Bldg C, Portland, OR 97217. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204, (503) 228-5275. Transporting *Food and related products* between points in OR, on the one hand, and, on the other, points in OR and WA, under continuing contract(s) with (1) Armour Food Company, of Portland, OR, (2) Western Meat Traders, Inc., of Sublimity, OR, (3) Swift & Company, of Chicago, IL, (4) The Rath Packing Company, of Waterloo, IA, (5) Western Excel Distributors, Inc., of Portland, OR.

Note.—The purpose of this republication is to correct the destination points.

MC 163573 (Sub-2), filed October 8, 1982. Applicant: LAND SPAN, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Paul M. Daniell, 1200 Atlanta Gas Light Tower, 235 Peachtree St., NE., Suite 1200, Atlanta, GA 30303, (404) 522-2322. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 164142, filed October 7, 1982. Applicant: B. P., INC., 1025 S. 25th Ave., Phoenix, AZ 85009. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014, 602-264-4891. Transporting *meat and meat byproducts, and commodities* used by packing houses, between points in AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164193, filed October 13, 1982. Applicant: H. DAN WRIGHT, 403 Prospect St., Beloit, WI 53511. Representative: H. Dan Wright (same address as applicant), 608-365-1553. Transporting *containers and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Western Container Division, Lakeside Fusee Corporation, of Beloit, WI.

For the following, please direct status inquiries to Team 3, 202-275-5223.

Volume No. OP3-02

Decided: October 18, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 67234 (Sub-59), filed October 4, 1982. Applicant: UNITED VAN LINES, INC., One United Dr., Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Employee Transfer Corporation, of Chicago, IL.

MC 129135 (Sub-10), filed September 30, 1982. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001, (319) 557-1320. Transporting *sand and sand products*, between points in Ogle, La Salle, and St. Clair Counties, IL, Columbia, Eau Claire, and Jackson Counties, WI, Le Sueur County, MN, and Muscatine County, IA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 134035 (Sub-52), filed October 4, 1982. Applicant: DOUGLAS TRUCKING COMPANY, P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Jack K. Willians (same address as applicant), (214) 872-6441. transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 145925 (Sub-6), filed September 27, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Rd., Hazelwood, MD 63042. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lamb-Weston, of Portland, OR.

MC 146585 (Sub-8), filed October 5, 1982. Applicant: DOUBLE DD TRUCK LINE, INC., 8860 S. Lone Elder Rd., P.O. Box 230, Canby, OR 97013. Representative: Jerry R. Woods, P.O. Box 28, Marylhurst, OR 97036, (503) 635-5600. Transporting *general commodities*, between points in the U.S. (except AK and HI), under continuing contract(s) with Fritz Companies, Inc., and its subsidiaries and divisions, Arthur J. Fritz & Co., Fritz Air Freight, Fritz Companies International, Fritz Drawback Division, Fritz Freight Forwarding, Fritz International Insurance Brokers, Fritz Information Services, Fritz Maritime Agencies, Fritz Transportation International, and Stewart Drayage Lines, all of San Francisco, CA.

Note.—The authority granted herein to the extent it authorizes the transportation of classes A and B explosive, shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 147844 (Sub-4), filed October 4, 1982. Applicant: RALPH L. BURRESS, P.O. Box 294, Dale, IN 47523. Representative: Jack Meyer, 111 E. Wisconsin Ave., Suite 1330, Milwaukee, WI 53202, (414) 272-8550. Transporting (1) *plumbing fixtures and fittings*, between points in Sheboygan County, WI, Spartanburg County, SC and Brown County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI) and (2) *internal combustion engines and electrical generators*, between points in Sheboygan County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148105 (Sub-4), filed October 5, 1982. Applicant: OVERLAND EXPRESS, INC., P.O. Box 12322, Houston, TX 77017. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437-1768. Transporting *metal and metal products*, between points in the U.S. (except AK and HI).

MC 148554 (Sub-4), filed October 5, 1982. Applicant: WALD TRANSFER & STORAGE, CO., a Corporation, P.O. Box 344, Houston, TX 77001. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437-1768. Transporting *metals* and *metal articles*, between points in the U.S. (except AK and HI).

MC 151004 (Sub-4), filed October 1, 1982. Applicant: WARNACO TRUCKING CORP., 350 Lafayette Street, Bridgeport, CT 06601. Representative: John F. Ryan, (same address as applicant), (203) 579–8006. Transporting *surgical scissors, drugs and toilet preparations,* between points in Wayne County, NC, and points in Fairfield County, Ct, under continuing contract(s) with Acme United, of Bridgeport, CT.

MC 152144 (Sub-3), filed September 24, 1982. Applicant: COMBINED TRANSPORT, INC., P.O. Box 3667, Central Point, OR 97502. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, (503) 226–6491. Transporting (1) *lumber and wood products,* (2) *pulp, paper and related products,* (3) *metal products,* and (4) *building and construction materials,* between points in the U.S. (except AK and HI).

MC 152824 (Sub-2), filed October 5, 1982. Applicant: W & S COMPANY, 7804 Idaho Lane, Minneapolis, MN 55445. Representative: Val M. Higgins, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *such commodities* as are dealt in or used by home improvement centers and hardware stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Cole Sewell Corp., of St. Paul, MN.

MC 154094 (Sub-2), filed October 5, 1982. Applicant: CONTRACT TRANSPORT, INC., P.O. Box 698, Hartville, OH 44632. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in U.S. in and east of MN, IA, MO, AR, and TX.

MC 155235, filed October 5, 1982. Applicant: DAVIDSON TRUCKING CO., INC., 140 Canal St., Malden, MA 02148. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181, (617) 235–5571. Transporting *metal and metal products,* between points in the U.S., under continuing contract(s) with Bellesteel Industries, Inc., of East Boston, MA.

MC 158865 (Sub-1), filed October 5, 1982. Applicant: PINKERTON'S INC., 100 Church St., New York, NY 10007. Representative: Jerome W. Pope, Suite 5000, One First National Plaza, Chicago, IL 60603, (312) 558–5600. Transporting *commercial papers, documents, written instruments and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions in interstate commerce, between points in the U.S. (except AK and HI), under continuing contract(s) with banks or banking institutions.

MC 159075 (Sub-2), filed October 7, 1982. Applicant: WILLIAM P. JONES, d.b.a. JONES BROS. TRUCKING, 1895 E. Broadway, P.O. Box 4414, Missoula, MT 59806. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *lumber and wood products,* between points in CA, ID, MT, OR, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 161534, filed October 4, 1982. Applicant: NORTHERN TIMER CORPORATION, P.O. Box 595, Haines, AK 99827. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004, (202) 737–1030. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI), under continuing contract(s) with (1) Alaska Constructing & Mining Equip. Inc., d.b.a. The Coal Bunkers and Williams & Associates, of Fairbanks, AK, (2) Knappton Corporation and North Pacific Lumber Company, of Portland, OR, (3) N.C. Machinery and Trucano Construction, of Juneau, AK, (4) Northland Wood Products Inc. and Schnabel Lumber Company, of Haines, AK and (5) OMNI North and Stephans & Sons and Mat-Su/Stephan J.V., of Anchorage, AK.

MC 162204, filed September 22, 1982. Applicant: SOUTHWEST SLEEPER COACHES, INC., 5155 Wichita St., Fort Worth, TX 76119. Representative: Bob Bowland, (same address as applicant), (817) 535–2859. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in Tarrant and Dallas Counties, TX, and extending to points in the U.S.

MC 162375, filed October 7, 1982. Applicant: BLASTING SUPPLIES CO., INC., 11008 Philadelphia Rd., Whitemarsh, MD 21162. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110, (215) 561–1030. Transporting *commercial explosives,* between points in the U.S. (except AK and HI), under continuing contract(s) with Nitrochem Energy Corp. of Allentown, PA. Condition: The authority granted here is limited in point of time to a period of five (5) years from the date of issuance.

MC 162624, filed October 7, 1982. Applicant: PERRY BUS LINE, 1403 Cambridge Rd., P.O. Box 1351, Perry, GA 31059. Representative: Carlene M. Smith (same address as applicant), (912) 987–2117. Transporting *passengers and their baggage,* in special and charter operations, beginning and ending at points in Houston, Macon, Taylor, Crawford, Peach, Dooly, Chatham, Sumter, Crisp, Lee, Dougherty, Monroe, Bibb, Pulaski, Schley, Tift, Colquitt, Lowndes, and Muscogee Counties, GA, and extending to points in the U.S. (except AK and HI).

MC 163685, filed October 4, 1982. Applicant: GLACIER TRANSIT & STORAGE, INC., 128 Appleton, Box 359, Plymouth, WI 53073. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *food and related products,* between points in Sheboygan County, WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163854, filed September 13, 1982. Applicant: ROBERT BEARD TRUCKING CO., P.O. Box 1045, Munford, TN 38058. Representative: Robert Lewis Beard, (same address as applicant), (901) 837–2016. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 164054, filed September 30, 1982. Applicant: SPACE AGE DELIVERY SERVICE, INC., 3350 E. 69th St., Long Beach, CA 90805. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA, on the one hand, and, on the other, points in AZ.

MC 164064, filed October 1, 1982. Applicant: CHAMBLISS TRANSFER; 104 W 2nd Street, Tipton, IA 52772. Representative: Gerald Chambliss (same address as applicant), (319) 886–2824. Transporting *used motor vehicles,* between points in IA, IL, WI, MN, NE, and MO.

MC 164125, filed October 4, 1982. Applicant: TRAIL MOTOR LINES, INC., P.O. Box 1716, Las Cruces, NM 88004. Representative: William J. Lippman, P.O. Box 6060, Snowmass Village, CO 81615, (303) 923–4565. Transporting (1) *metal products,* (2) *machinery,* (3) *commodities which because of their size or weight require the use of special equipment and* (4) *building materials,* between points in NM and TX, on the one hand, and, on the other, points in AZ, CA, CO, ID, LA, MT, NV, OK, OR, TX, UT, WA and WY.

MC 164154, filed October 7, 1982. Applicant: LAB CORPORATION, 27 Chantilly Ct., Seekonk, MA 02771. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MA, CT, RI, ME, VT and NH.

For the following, please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–005

Decided: October 19, 1982.

By the Commission, Review Board No. 2, Members Carleton and Williams.

MC 109426 (Sub-4), filed October 4, 1982. Applicant: McCOLLISTER'S MOVING & STORAGE, INC., 1800 Route 130 North, P.O. Box 9, Burlington, NJ 08016. Representative: James W. Patterson; 1200 Avenue of the Arts Bldg., Philadelphia, PA 19107, (215) 735–3090. Transporting (1) *household goods*, and (2) *electronic equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sperry Univac, of Blue Bell, PA.

MC 111656 (Sub-20), 1982, filed October 5, 1982. Applicant: FRANK LAMBIE, INC., Pier 79 North River, New York, NY 10018. Representative: John L. Alfan, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with Simpson Paper Company, of Miquon, PA.

MC 138686 (Sub-16), filed October 5, 1982. Applicant: L. C. W. TRUCKING, INC., P.O. Box 18316, Fort Worth, TX 76118. Representative: Billy R. Reid, 1721 Carl St., Ft. Worth, TX 76103, (817) 332–4718. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 141536 (Sub-5), filed October 5, 1982. Applicant: BILL BLANN, d.b.a. BLANN TRACTOR COMPANY, Route 2, Box 38, Hampton, AR 71744. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *food and related products*, between St. Louis, MO, on the one hand, and, on the other, points in Ouachita County, AR.

MC 148647 (Sub-35), filed October 5, 1982. Applicant: HI CUBE CONTRACT CARRIER CORP., 5501 West 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N LaSalle St., Rm 3520, Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Westwood Pharmaceuticals, Inc. of Buffalo, NY.

MC 154667 (Sub-13), filed October 6, 1982. Applicant: B.I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant), (919) 228–2239). Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 154766 (Sub-3), filed October 5, 1982. Applicant: JOHN A. VERIHA, d.b.a. PAPER RECLAIM, Route 1, Box 271A, Porterfield, WI 54159. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in Menominee County, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157556 (Sub-1), filed September 28, 1982. Applicant: EXECUTIVE VAN LINES, INC., 6234 N. MacArthur, Oklahoma City, OK 73132. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, D.C. 20036, (202) 785–0024. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S., under continuing contract(s) with Executive Transportation Services, Inc., of Oklahoma City, OK.

MC 162727, filed October 4, 1982. Applicant: MECHANICSVILLE BUS LINE, INC., Route 1 Box 648, Mechanicsville, VA 23111. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235, (804) 745–0446. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in VA, and extending to points in the U.S. (except AK and HI).

MC 164106, filed October 5, 1982. Applicant: SOUTHEAST CARPET TRANSPORT, INC., 316 Bear Creek Rd., Dalton, GA 30720. Representative: George M. Ellig (same address as applicant), (404) 277–9693. Transporting *floor coverings and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Southeast Carpet Consolidators, Inc., of Dalton, GA.

MC 164107, filed October 5, 1982. Applicant: CONTINENTAL SECURITY GUARDS, INC., 4010 N. 27th Ave., Phoenix, AZ 85017. Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017, (213) 483–4700. Transporting *coin and currency*, between points in Maricopa County, AZ and Clark County, NV. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team Four, Room 2410.

MC 164117, filed October 5, 1982. Applicant: ALVIS H. WILBURN, d.b.a. A & H SALVAGE, P.O. Box 68, Henderson, TX 75652. Representative: Alvis H. Wilburn (same address as applicant), (214) 657–9394. Transporting (1) *machinery*, (2) *building materials*, and (3) *metal products*, between points in the U.S., under continuing contract(s) with Texas Staple Co., Samco, Inc., and Valve Sales Co., all of Houston, TX, Crane & Tractor Co., of Hutchins, TX, K & K Compression, of Pasadena, TX, Midwest Steel & Scrap, of Glendale, AZ, Troy Hawkins, of Wichita Falls, TX, Wooley Fishing Tool, of Kilgore, TX, J. P. Miller Co., of S. El Monte, CA, and Universal Machine, of Harahan, LA.

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5–222

Decided: October 19, 1982.

By the Commission, Review Board NO. 3, Members Krock, Joyce, and Dowell.

MC 118318 (Sub-64), filed October 1, 1982. Applicant: IDA-CAL FREIGHT LINES, INC., P.O. Box Drawer M, Nampa, ID 83651. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701 (208) 343–3071. Transporting *food and related products*, between points in Dakota and Cumming Counties, NE, Crawford, Webster, Woodbury, Cherokee and Buena Vista Counties, IA, Rock City, MN, Lyon and Finney Counties, KS, Potter County, TX, Rock Island County, IL, Ada County, ID, and Walla Walla County, WA, on the one hand, and, on the other, points in the U.S.

MC 146108 (Sub-9), filed October 5, 1982. Applicant: BIG T TRANSFER, INC., P.O. Box 287, 222 West 4th St., New Albany, IN 47150. Representative: Harold C. Jolliff, 3242 Beech Drive, Columbus IN 47210 (812) 379–2556. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 147038 (Sub-6), filed October 5, 1982. Applicant: C. STRANGE TRUCKING CO., INC., 805 Ogden St., Marinette, WI 54142. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *metal products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Metal Finishing Supply Company, Inc., of Brookfield, WI.

MC 152509 (Sub-33), filed October 5, 1982. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant), (216) 566-2677. Transporting *plastic containers,* between points in the U.S. (except AK and HI), under continuing contract(s) with Hoover Universal Inc., Distribution Services, of Georgetown, KY.

MC 160939, filed September 22, 1982. Applicant: MICHAEL R. BOSTIC, d.b.a. BOSTIC SPREADER SERVICE, Route 1, Box 7, Price, MD 21656. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, 301-739-4860. Transporting *fertilizer,* between points in MD, PA, VA, NJ, DE, NY, and DC.

MC 163378, filed October 4, 1982. Applicant: STREAMSIDE FARMS TRUCKING, INC., R.D. #5, Box 390, Sinking Spring, PA 19608. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603, (215) 376-6721. Transporting *metal and plastic products,* between points in PA, IL, AZ, CA, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164139, filed October 6, 1982. Applicant: MOUNTAIN WEST TRUCKING, INC., 366 East 900 North, Orem, UT 84057. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting (1) *petroleum, natural gas and their products,* (2) *helicopters and helicopter parts,* and (3) *portable fuel storage tanks,* between points in the U.S. (except AK and HI), under continuing contract(s) with Rocky Mountain Helicopters of Provo, UT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29310 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-007]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: October 19, 1982.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Carleton and Williams.

Agatha L. Mergenovich,

Secretary.

MC-F 14986, filed October 4, 1982. Applicant: METROPOLITAN TRUCKING, INC. (METROPOLITAN) (75 Broad Ave., Fairview, NJ 07022)—CONTINUANCE IN CONTROL—J.E.M. INTERMODAL SERVICES, INC. (J.E.M.) (26 Hackensack Ave., Kearny, NJ 07032). Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466-0220. METROPOLITAN seeks authority to continue in control of J.E.M. upon the institution by J.E.M. of operations in interstate or foreign commerce, as a motor common carrier. Joseph Mangino, President, and Edward Mangino, Vice President, also seek to continue in control. METROPOLITAN is a motor common carrier pursuant to certificates issued in MC-8973 and sub-numbers thereunder.

Note.—J.E.M. has filed, as a directly related application, its initial common carrier application. This application, docketed No. MC-164127, is published in this same Federal Register issue.

[FR Doc. 82-29307 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP4-008]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: October 19, 1982.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate and applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2. Members Carleton and Williams.

Agatha L. Mergenovich,

Secretary.

MC 164127, filed October 4, 1982. Applicant: J.E.M. INTERMODAL SERVICE, INC., 26 Hackensack Ave., Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

Note—This application is directly related to MC–F 14966, which is published in this same **Federal Register** issue.

[FR Doc. 82–29308 Filed 10–25–82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–265

Decided: October 19, 1982.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 145733 (Sub-5), filed October 12, 1982. Applicant: AMERICAN AUTO SHIPPERS, INC., 450 Seventh Ave., New York, NY 10123. Representative: Ronald I. Shapss (same address as applicant), 212–239–4610. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164152, filed October 7, 1982. Applicant: ED NORTZ d.b.a. ED NORTZ TRUCKING, RR1, Sellkirk Settlement, Fargo, ND 58103. Representative: Betty Nygaard, Box 682, W. Fargo, ND 5807, (701) 282–5014. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

For the following, please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–006

Decided: October 19, 1982.

By the Commission, Review Board Number 2, Members Carleton and Williams.

MC 115557 (Sub-43), filed October 5, 1982. Applicant: CHARLES A. MCCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: Verne T. Mahood (same address as applicant), (814) 365–5811. Transporting *general commodities*, between Ellendale and Milton, DE, Bartow, Baskins, Bay Pines, Belleair, Belleair Beach, Jungle, Oakhurst, Seminole, Walsingham and West Lake Wales, FL, Arco, Darlington, Leslie, Mackay, and Moore, ID, Adams, Batesville, Greensburg, Huntersville, Morris, New Point, Prescott, Shelbyville, Spades, Sunman, and Waldron, IN, Linwood, Northfield, Pleasantville, Port Morris Junction, South River and Wrights, NJ, Chauncey and Kings Bridge, NY, Lewisburg, Lochiel, Mifflinburg, Montandon Junction, Rouseville, St. Marys and Titusville, PA, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423. Condition: The certificate to be issued to the extent it authorizes the transportation of explosives, will be conditioned to expire 5 years from its date of issuance, subject to extension upon appropriate petition.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

MC 144757 (Sub-24), filed October 5, 1982. Applicant: DAKOTA PACIFIC TRANSPORT, INC., 3104 East St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *general commodities* between (a) Agar, Gettysburg and Gorman, SD, (b) Klevenville, Mt. Horeb and Verona, WI, (c) Concordia, Emma, Lexington and Sweet Springs, MO, (d) Antoine and Delight, AR, (e) Baker, IL, (f) St. John, ND, (g) Amazon, Basin, Boulder and Clancy, MT, (h) Mahtomedi and Summit, MN, (i) Frisbee, Holcomb and White Oak, MO, (j) Jenera, Mt. Blanchard, Pandora, Pratts, Rimer, Rushmore and Vaughnsville, OH, (k) Greenbrae, CA, (1) Darlington, Leslie, Mackay and Moore, ID, (m) Barite, Bellevue, Gannett, Gimlet, Hailey, Hay, Ketchum, Pagari, Sun Valley and Tikura, ID, (n) New Holland, IL, (o) Bradbury, Falmouth, Greenup, Hidalgo, Janesville, Jones, Rose Hill and Toledo, IL, (p) Armstrong, Dillsburg, Gifford, Penfield, and Potomac, IL, (q) Brownwood, Covel, Hopedale, Natrona, San Jose, and Stanford, IL, (r) Bay Pines and Walsingham, FL, (s) Granville, and Middle Granville, NY, and Poultney, Rupert and West Pawlet, VT, (t) Walford, PA, (u) Cowden, Hills, Hendersonville, Hyland, Muse, Muse Junction and Thompsonville, PA, (v) Frankstown, Ganister, and Williamsburg, PA, (w) Guilford, Ross and Weisburg, IN, (x) Eaton Rapids and Onondaga, MI, (y) Latimer and Orangeville, OH, and Pymatuning, PA, (z) Curry and Martinsburg, PA, (aa) Batesville, Greensburg, New Point, St. Paul, Sunman and Waldron, IN, (bb) North Warren, PA, (cc) Cresco, PA, (dd) Ashcom, Bedford, Claysburg, East Freedom, Fishertown, Mt. Dallas, Osterburg, Queen and Sproul, PA, (ee) Lewisburg, Mifflinburg and Vicksburg, PA, (ff) Linwood and Northfield, NJ, (gg) Chauncy, Dunwoodie and Nepperham, NY, (hh) Abington, East Bridgewater, Kingston, North Abington, North Plymouth, Plymouth, Rockland, South Hanson, South Weymouth, West Hanover, and Whitman, MA, (ii) Needham Junction, MA, (jj) Laurel Junction and McAdo, PA (kk) Titusville, PA, (ll) South River and Wrights, NJ, (mm) Mt. Calvary, NJ, (nn) Blackwell, Bronte, Ft. Chadbourne, Shawville, and Tennyson, TX, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423. Condition: The certificate to be issued to the extent it authorizes the transportation of explosives, will be conditioned to expire 5 years from its date of issuance, subject to extention upon appropriate petition.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

MC 164006, filed September 27, 1982. Applicant: JOSEPH P. CLEARY d.b.a. CLEARY TRUCKING CO.; P.O. Box 528, Simi Valley, CA 93062. Representative: Terry E. Morgan, 2131 Almanor St., Oxnard, CA 93030, (805) 485–2040. (1) Transporting, (a) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (b) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, and (c) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI); and (2) as a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164126, filed October 6, 1982. Applicant: G & E TRUCKING, INC., 1780 Old Covington, Hwy, Conyers, GA 30207. Representative: Esther Brady, 3790 Rosemary Lane, Conyers, GA 30208, (404) 483–1087. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquires to Team 5 at 202–275–7289.

Volume No. OP5–223

Decided: October 19, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC 164119, filed October 5, 1982. Applicant: WILLIAM M. ELLIS, d.b.a. MRT INTERNATIONAL, P.O. Box 16251, Long Beach, CA 90806. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29309 Filed 10–25–82; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29869]

Rail Carriers; Chicago, Madison and Northern Railway Co.; Discontinuance, Exemption; Wisconsin Transportation Corp., d.b.a. Central Wisconsin Railroad Co.; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the discontinuance of operations over three light density, state owned lines by the Chicago, Madison and Northern Railway Company from the requirements of 49 U.S.C. 10903, and the operations over two of these lines by Wisconsin Transportation Corporation d.b.a. Central Wisconsin Railway Company from the requirements of 49 U.S.C. 10901.

DATES: This exemption is effective on November 26, 1982. Petitions for reconsideration must be filed by November 15, 1982, and petitions for stay must be filed by November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

ADDRESSES: Send petition for reconsideration to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) John F. Jenswold, Chicago, Madison and Northern Railway Company, Suite 900, 16 North Carroll Street, Madison, WI 53701, and

(3) Francis G. McKenna, Esq., Anderson & Pendelton, 1000 Connecticut Ave., NW., Washington, DC 20036.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave. NW., Washington, DC 20423, (202) 289–4357—DC metropolitan area, (800) 424–5403—Toll free for outside the DC area.

Decided: October 15, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29308 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 376N)]

Rail Carriers; Conrail Abandonment Between Fuller and Kinney, MI; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Fuller, milepost 2.7 and Kinney, milepost 7.5 in the County of Kent, MI, a total distance of 4.8 miles effective on September 20, 1982.

The net liquidation value of this line is $329,796. If within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line, it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29306 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 155N]

Rail Carriers; Conrail Abandonment Between Benton Harbor and Niles, MI; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Benton Harbor, milepost 0.0 and Niles, milepost 27.0 in the County of Berrien, MI, a total distance of 27.0 miles effective on September 20, 1982.

The net liquidation value of this line is $774,366. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29301 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 287N)]

Rail Carriers; Conrail Abandonment Between State Line and W. Slateford, PA; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between the NJ–PA State line, milepost 73.2 and W. Slateford, milepost 75.1 in the County of Northampton, PA, a total distance of 1.9 miles effective on July 7, 1982.

The net liquidation value of this line is $119,303. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29302 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-No. 121N)]

Rail Carriers; Conrail Abandonment of Exposition Spur Running Track in Wayne County, MI; Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between milepost 0.6 and milepost 2.9 in the County of Wayne, MI, a total distance of 2.3 miles effective on September 20, 1982.

The net liquidation value of this line is $314,861. If within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line, it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29303 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

[Section 5b Application No. 7]

Railroads Per Diem, Mileage, Demurrage and Storage—Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Filing of Proposed Amended Rate Bureau Agreement.

SUMMARY: An amended agreement was filed February 1, 1982, on behalf of railroad members of the Association of American Railroads, which participate in this rate bureau agreement, for approval under the provisions of 49 U.S.C. 10706(a). This interterritorial

agreement relates to procedures for the joint consideration or establishment of uniform per diem, mileage, demurrage, and storage rates and charges. Approval of this agreement must be based upon a finding that the making and carrying out of the agreement, as amended, further the transportation policy of 49 U.S.C 10101a. The agreement was filed in purported compliance with 49 CFR Part 1331. The complete application may be inspected at the Office of the Commission in Washington, D.C.

DATES: Parties interested in commenting should request to be included in the service list within 15 days following publication in the **Federal Register**. The service list will be made available to parties. Comments should be filed with the Commission and served on parties of record within 60 days of publication. Replies to comments should be filed and served within 90 days of publication.

ADDRESS: Send service list request, and, if possible, 15 copies of comments and replies to: Interstate Commerce Commission, Office of Preceedings, Room 5340, 12th and Constitution Avenue NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPPLEMENTARY INFORMATION: On February 1, 1982, railroads that are party to the rate bureau agreement approved in Section 5b Application No. 7, *Railroads Per Diem, Mileage, Demurrage and Storage—Agreement*, 358 I.C.C. 481 (1978)[1] requested approval of an amendment to that agreement dated January 1, 1982. Approval of the amendment is required under the provisions of 49 U.S.C. 10706(a).[2] The agreement being amended establishes procedures for joint consideration or establishment of per diem (or car hire) charges (the rate a railroad owning a railroad car charges another railroad for the use of the car while it is on the non-owning railroad); mileage rates or allowances paid by railroads to non-railroad owners of railroad cars; and demurrage or storage charges assessed by railroads against shippers or receivers for undue detention of railroad cars, including use of such cars for storage. The railroads party to the instant rate bureau agreement own or control approximately two-thirds of the freight cars in nationwide interchange service.

The application sets forth certain specific amendments to the agreement, which are stated to be non-substantive changes. The changes requested and our particular concerns are briefly described below.

First Amendment—The first amendment would eliminate Article I of the agreement, which contains several restrictions that are referred to as "rate bureau restrictions."

The *first* restriction is based on the provisions of 49 U.S.C. 10706(a)(3)(A)(i), which state that a rate bureau agreement may not:

> "permit a rail carrier to discuss, to participate in agreements related to, or vote on single-line rates proposed by another rail carrier, except that for purposes of general rate increases and broad tariff changes only, if the Commission finds at any time that the implementation of this clause is not feasible, it may delay or suspend such implementation in whole or in part * * *."

Applicants argue that the legislative history of the Staggers Rail Act of 1980 shows that Congress did not intend such single-line restriction to include proposals for car compensation, demurrage, and car mileage allowances, at H.R. Rep. No. 96-1430, 96th Cong., 2nd Sess. 114 (1980). Within the conference report it is explained that "Car compensation, demurrage, and car allowances are not considered single-line rates." Applicants also argue that the Commission's decision in Section 5b Application No. 2, *Western Railroads—Agreement*, 364 I.C.C. 635 (1981), is to the same effect and supports this interpretation.

The applicants take a broader view of the statutory language than has the Commission. We have in the past construed antitrust exemptions narrowly, and the Staggers Act has mandated even closer scrutiny of such exemptions. Section 5b Application No. 2, *Western Railroads—Agreement*, *supra*, viewed the language of section 10706(a)(3)(A)(i) in a narrow context. In light of the new rail transportation policy of the Staggers Act, we interpreted the clause to mean that the general prohibition against discussing or voting on the single-line rates of another railroad also extends to single-line changes made through general rate increases and broad tariff changes unless the Commission finds that applying the clause to either of these two ratemaking mechanisms is not feasible (364 I.C.C. at 642). We then found that general application of the prohibition to these ratemaking mechanisms had not been shown to be infeasible and should be implemented. However, based on the legislative history cited above by applicants, we stated in that same decision (364 I.C.C. at 644) that car compensation, demurrage, and car allowances are not charges which should be considered as single-line rates for purposes of the prohibitions of section 10706(a)(3)(A)(i). In a clarification of the prior decision, served May 19, 1982, addressing government-owned car allowances, we reiterated that car compensation charges should not be considered single-line rates. Nevertheless, we stated that collective consideration is precluded where the allowance, demurrage, or car compensation is particularized and does not fall within the definition of a broad tariff change.

This issue has not been fully resolved, and its determination must be addressed in this proceeding. We therefore seek comments on applicants' interpretation of the statute and whether public policy favors their position. More specifically, we seek comments on whether elimination of the first restriction would allow discussion, agreement, or voting on the type of particularized charges referred to in the May 19, 1982 clarification. We also request comment on whether car charges should be effected in a more particularized manner. Commenters should address whether car compensation, demurrage, or car allowances should be individually separated into single-line and joint-line components for purposes of antitrust immunity, and what, if any, practical problems this could create.

We are also interested in comments on whether any of the different types of car charges (car compensation, demurrage, car allowance, and storage charges) might be susceptible to differing exemption treatment. For example, because a demurrage charge accrues solely to a terminating railroad, determination of that charge might be a matter to be resolved solely by individual railroads and shippers. Revenue to a connecting carrier or car owner does not appear directly affected by the level of the demurrage charge. Collective action may not be necessary or appropriate in this situation. We invite comment on whether such separation is possible and on whether different treatment should be accorded in this proceeding to different types of charges.

The *second* restriction is based on the provisions of 49 U.S.C. 10706(a)(3) (A) (ii) and (iii), which require railroads not to discuss, agree on, or vote on any rate proposal applicable to an *interline* route in which they do not practicably participate. Applicants argue that car compensation, demurrage and car allowances are exempt from such restrictions because they are either general rate increases or broad tariff changes and not strictly single-line or joint-line proposals. Applicants rely on Section 5b Application No. 7, *supra,* at 484, citing Section 5b Application No. 8, *Railroads Per Diem and Mileage Rates for Trailers and Containers,* decided April 3, 1978 (not printed), where it is stated that such rates and charges are "neither a joint-line nor a single-line proposal within the meaning of Section 5b".

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[1] The instant agreement originated in Section 5a Application No. 7, *Association of American Railroads, Per Diem, Mileage, Demurrage and Storage—Agreement*, 277 I.C.C. 413 (1950).

[2] Prior to their codification in Pub. L. 95-473 (95th Congress), the provisions of 49 U.S.C. 10706(a) were contained in Section 5b of the Interstate Commerce Act. (Prior to that, they were contained in Section 5a.)

Applicants justify removal of the second restriction on the premise that car compensation, demurrage, and car allowances are now allegedly exempt from the practicably participate (direct connector) definition because such rate changes are either general increases or broad tariff changes exclusively. Parties should address applicants' assertion that car compensation, demurrage, and car allowances are neither single-line nor joint-line rates. In this regard, we note that the decisions in Ex Parte No. 334 (Sub-No. 4), *Flexibility in Setting Railroad Per Diem Levels,* 364 I.C.C. 107 (1980) and 364 I.C.C. 291 (1980), authorized rail carriers to take independent action unilaterally reducing basis per diem levels for freight cars they own or control. These decisions suggest that changes in car compensation, demurrage, and car allowances are not always handled through general increases or broad tariff changes. Parties filing comments thus should discuss whether elimination of the second restriction would result in an unwarranted increase in broad-scale collective action.

It is unclear to what extent these changes have uniform, nationwide application. We seek data from commentors on this question, as well as comments regarding the effect of the proposed amendments on competition. We also seek information from applicants as to the specific manner in which the charges are developed and published, as the extent of immunity depends on the manner in which the charges are developed and published.

The first amendment also removes the shipper-affiliate restriction, which was required by the Commission's decision in Ex Parte No. 297, *Rate Bureau Investigation,* 349 I.C.C. 811, 852 (1975), and was eliminated by a subsequent decision in that same proceeding at 365 I.C.C. 351, 352 (1981).

Second Amendment—The second amendment would change the membership of the Association of American Railroads Operating-Transportation General Committee, which has responsibility for changes in per diem rates or charges for *non-shipper* owned freight cars, and its Committee on Compensation, which has responsibility over changes in allowances, charges, or mileage rates for *shipper* furnished freight cars. By the amendment, each committee would be expanded to include additional members from the two major Canadian railroads, the National Railways of Mexico, and from each railroad on the AAR Board of Directors.

Third Amendment—The third amendment would change *Article VIII* of the agreement, which requires that a public hearing on demurrage and storage proposals must be held regardless of whether any interested or affected party has requested it. Recently, this has resulted in scheduling hearings at which there has been no one in attendance, causing needless expense. The proposed change would conform to another provision in the same article, relating to public hearings for mileage allowance matters, which requires hearings only upon request.

Remaining Amendments—Five additional amendments are stated to be minor. They appear to be largely editorial and are set forth on page 13 of the application.

Conclusion

Regardless of the merit of applicants' legal arguments concerning the applicability of the Staggers Act restrictions, continuing approval of the underlying agreements, as well as approval of any amendments, is required. See 49 U.S.C. 10706 (f) and (h). The applicant carries the burden of showing that the making and carrying out of the agreement will further the transportation policy of 49 U.S.C. 10101a. Specifically, the standard for review involves the resolution of issues such as: (1) Whether the proposed amended agreement would enhance one or more transportation goals; (2) whether the advantages of the agreement override other considerations, such as the anticompetitive nature of the agreement; and (3) whether the agreement is necessary or whether the objectives of the parties could be accomplished instead by some other means. Section 5b Application No. 2, *Western Railroads-Agreement, supra.* Parties, including applicant, should address these issues in detail.

Ex Parte No. 230 (Sub-No. 5), *Improvement of TOFC/COFC Regulation,* 365 I.C.C. 728 (1982), may have a bearing on this application. There a majority of the Commission determined that equipment charges for trailers and containers in exempt intermodal TOFC/COFC service are factors in setting rate levels, and that competition among carriers for such traffic would be increased if the antitrust immunity for collectively setting those charges was eliminated. However, we continued to permit collective consideration of car charges for flatcars used in TOFC/COFC service, since such cars are used fungibly in regulated and exempt service.

The decision in Ex Parte No. 334 (Sub-No. 4), *Flexibility in Setting Railroad Per Diem Levels, supra;* pending matters in Ex Parte No. 334 (Sub-No. 5), *Zone of Reasonableness for Car Hire Charges,* pursuant to 45 FR 73524 dated November 5, 1980 (original decision at 364 I.C.C. 299 (1980)); and deregulation of other areas besides TOFC/COFC may also affect the instant application. A related question is whether the agreement under consideration could or should be restricted to regulated commodities, which it is not at present.

The Commission is soliciting comments concerning what conditions, if any, required by Section 5b Application No. 2, *Western Railroads-Agreement, supra,* should be added to the instant agreement. The Commission is particularly interested in comments covering the practicability and desirability of separating single-line from joint-line rates (as discussed, beginning at 364 I.C.C. at 656). Also, the instant application doees not guarantee the publication options mandated by prior decisions, which specifically provide that an individual carrier must have the same publication options under a rate bureau agreement as it does with independent proposals published apart from the bureau (365 I.C.C. at 655). Parties should address whether or not a carrier should be permitted to choose to give advance notice of an independent action on a bureau docket, just as it may now elect whether or not to give prior notice to other carriers and shippers when it files an independent action in its own tariff (364 I.C.C. at 656).

Applicants state that the facts and circumstances relied upon to establish conformity with the National Transportation Policy are the same as those set forth in prior Commission decisions concerning the agreement. The continuing applicability of this rationale should be considered by the parties both with regard to the underlying agreement and the proposed amendments.

Comments should address the specific practical effects of any changes in antitrust immunity. Interested persons are invited to participate in this proceeding by commenting on the application. In addition to the above specified matters, comments generally should address whether the agreement as amended is justified as being in furtherance of the transportation policy.

This action should not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10706.)

Dated: October 19, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Andre concurred in the result.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29306 Filed 10-25-82; 8:45 am]
BILLING CODE 7035-01-M

[Application No. MC-1531]

United Van Lines, Inc.; Released Rates

AGENCY: Interstate Commerce Commission.

ACTION: Release Rates Application No. MC-1531.

SUMMARY: United Van Lines, Inc., seeks authority to establish and maintain a new Released Rates Rule to be published in its own tariff which is to be similar to R.R.O. MC-484 presently published in tariffs issued by Household Goods Carriers' Bureau, Agent. The applicant requests this authority in order to extend the application of RRO MC-484 to commodities other than those specifically identified in MC-484 and amendments.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. Brainerd W. LaTourette, Jr., Attorney At Law, County Bank Building, 11 S. Meramec Avenue, Suite 1400, St. Louis, MO 63105, Tele: (314) 727-0777.

FOR FURTHER INFORMATION CONTACT: Mr. Howard J. Rooney, Jr., Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423, Tele: (202) 275-7390/0782.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29304 Filed 10-25-82; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-123)]

Rail Carriers; Burlington Northern Railroad Co.; Abandonment—Between Creston, IA, and Maryville, MO.; Notice of Findings

The Commission has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its 65.98-mile between Creston, IA (milepost 196.13) and Clearfield, IA (milepost 189.42) in Union, Adams, and Taylor Counties, IA and Nodaway County, MO. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully conpensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10-day period.

Information and procedures regarding financial assistance for continued service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29485 Filed 10-25-82; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-12,642]

Rockport Log & Shake Co., Copalis Crossing, Washington; Negative Determination Regarding Application for Reconsideration

By an application dated June 3, 1982, one of the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Workers Adjustment Assistance in the case of workers and former workers producing red cedar shakes and shingles at the Rockport Log & Shake Company, Copalis Crossing, Washington. The determination was published in the **Federal Register** on May 4, 1982 (47 FR 19251).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

The petitioner claims that imports of cedar shakes and shingles began in early 1979 and still continue today. Petitioner also claims that the company set up a sales office in an eastern state but was forced to liquidate the entire stock because of imports from Canada.

The petitioners had previously filed for adjustment assistance on May 19, 1980 (TA-W-8120) which resulted in a negative determination issued by the Department on August 4, 1980. The petitioners on September 4, 1980 requested and were granted administrative reconsideration. The original determination was based on the Department's survey of Rockport's major customers (cedar brokers) which revealed that none of them had reduced purchases from Rockport and increased purchases of imports. On January 9, 1981 the Department issued a Notice of Negative Determination on Reconsideration on the basis of a secondary survey of customers of the cedar brokers which revealed that none of these customers increased purchases of imports through the period of Rockport's closure in November 1979. A further allegation by the petitioners was that the company set up a sales office in an eastern state but was forced to liquidate the entire stock because of Canadian imports. However, the sales office was established for only a few months in 1979 on a trial basis. Its operations accounted for a small amount of the subject firm's 1979 sales.

The review of the investigative case file for the most current investigation (TA-W-12,642) shows that the worker petition did not meet the "contributed importantly" test of the increased import criterion of the Trade Act in 1980 or 1981. The "contributed importantly" test is generally demonstrated through the Department's survey of customers of the workers' firm. In addition, the investigation revealed that the decline in domestic housing construction in 1980 and 1981 was an important factor in falling sales of shingles and shakes.

The Department's survey showed that customers accounting for the predominant portion of Rockport Log and Shake's sales decline either did not purchase imported shakes and shingles or decreased import purchases in 1980 compared to 1979 and in 1981 compared to 1980. Demand for shakes and shingles is determined primarily by the level of activity in the housing industry. Data supplied by the U.S. Department of Commerce showed that housing starts declining by 26 percent in 1980 compared to 1979 and by 15 percent in 1981 compared to 1980. Further, U.S. imports of shakes and shingles declined absolutely in 1980 compared to 1979 and in 1981 compared to 1980.

Conclusion

After review of the application and the investigative filed, I conclude that there has been no error or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application, is therefore, denied.

Signed at Washington, D.C., this 18th day of October 1982.

Robert A. Schaerfl,

Director, Office of Program Management Unemployment Insurance Service.

[FR Doc. 82-29328 Filed 10-25-82; 8:45 am]

BILLING CODE 7035-01-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 11, 1982–October 15, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,048; Helin Tackle Co., Detroit, MI

TA-W-13,191; Michigan Plating & Stamping Co., Grand Rapids, MI

TA-W-13,116; Jones & Laughlin Steel Co., Brier Hill Works, Youngstown, OH

Affirmative Determinations

TA-W-13,110; Concord Coats, Inc., New York, NY

A certification was issued in response to a petition received on November 25, 1981 covering all workers separated on or after November 19, 1981 and before January 1, 1982.

TA-W-13,150; Charley Co., Inc., Hialeah, FL

A certification was issued in response to a petition received on December 15, 1981 covering all workers separated on or after April 3, 1981.

TA-W-13,087; Frier Industries Distribution Corp., Carlstadt, NJ

A certification was issued in response to a petition received on November 2, 1981 covering all workers separated on or after October 26, 1980 and before December 31, 1981.

TA-W-12,996; Allied Chemical Corp., Buffalo, NY

A certification was issued in response to a petition received on September 21, 1981 covering all workers engaged in employment related to the production of oxalic acid separated on or after October 1, 1981.

TA-W-12,895; Eaton Corp., Brake Div., Gallatin, TN

A certification was issued in response to a petition received on August 10, 1981 covering all workers separated on or after March 15, 1981 and before March 15, 1982.

I hereby certify that the aforementioned determinations were issued during the period October 11, 1982–October 15, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 19, 1982.

Glenn M. Zech,

Acting Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-29366 Filed 10-25-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-82-85-C]

Bethlehem Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

Bethlehem Mines Corporation, Room 1871, Martin Tower, Bethlehem, Pennsylvania 18018 has filed a petition to modify the application of 30 CFR 75.1719-1(e)(4)(i) (illumination) to its Mine No. 60 (I.D. 36-00958) located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that when longwall mining equipment is being operated, illumination be provided for the length of the self-advancing roof support system which is between the gob side of the travelway and the side of the block of coal from which coal is being extracted.

2. The mine's longwall face is illiminated by lights recessed in the longwall shield canopy.

3. During recovery, wire mesh is used to control gob rock and roof slate. This mesh is normally 12 feet wide by 30 feet in length and is hung in bundles under the longwall shield canopy. As the longwall shields are advanced, during the recovery process the wire mesh is "fed" over the top of each shield.

4. In order to safety install the wire mesh, the longwall lighting system must be disconnected; to effectively protect employees, the wire mesh bundels need to be hing in the same location as the light attachments.

5. Petitioner states that to attempt to install the wire mesh and continue face lighting will result in a diminution of safety for the miners affected because:

a. The bundles of wire mesh would have to be hung on either side of the lights. When hung on the face side of the lights, the wire mesh can be caught in the shearer. If hung on the walkway side of the lights, the wire mesh will interfere with the travelways of the employees, subjecting miners to tripping and other hazards in the immediate vicinity of the moving equipment;

b. The wire mesh is unwielding and tends to get caught in the light wiring and fixtures; and

c. Wire mesh fouling and interference with the lighting installation will impede the expedient recovery process which could create additional roof control hazards for employees.

6. As an alternative method which will at all times provide the same degree of safety to the miners affected as that afforded by the standard, petitioner proposed that:

a. When the longwall face is within approximately 50 feet of the recovery entries, the lights will be disconnected;

b. Wire mesh will be used to control roof slate and gob rock to facilitate safe longwall recovery; and

c. Lights will be used at all times except during the recovery period.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 26, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29367 Filed 10-25-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-28-M]

Cities Service Co.; Petition for Modification of Application of Mandatory Safety Standard

Cities Service Company, Box 100, Miami, Arizona 85539 has filed a petition to modify the application of 30 CFR 57.4-61A (ventilation doors) to its Old Dominion Mine (I.D. No. 02-00139) located in Gila County, Arizona. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that to prevent the spread of smoke or gas in the event of a fire, ventilation doors be installed at or near shaft stations of intake shafts and at any shaft designated as an escapeway under 30 CFR 57.11-53, or at other locations which provide equivalent protection.

2. Petitioner states that installation of doors in the primary working area of the mine would hinder emergency evacuation of personnel.

3. The mine has been used as a water reservoir and has been flooded to the 12 level where a pumping station is located. Water is pumped for the mine's mill and a nearby city. The majority of work performed on the 12th level of this mine is maintenance related and this level is the only one presently active.

4. As an alternative method, petitioner proposes that it will:

a. Maintain water hoses and fire extinguishers, and continue the practice of wetting down the wooden lagging;

b. Provide two evacuation routes readily accessible to employees working on the 12th level.

5. Petitioner states that the alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 26, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29366 Filed 10-25-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-77-C]

Hard and Shiney Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Hard and Shiney Coal Company, Inc., R.D. No. 1, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its No. 5 Slope (I.D. No. 36-07267) located in Schuylkill County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are non-existent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities of air in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As an alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the proposed alternative method will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 26, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29365 Filed 10-25-82; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Washington State Standards; Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and

Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the **Federal Register** (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides after public hearing, for the adoption of State standards which are at least as effective as Federal standards promulgated under section 6 of the Act. Section 1952.123 of Subpart F sets forth the State's schedule for the adoption of Federal standards. By letter dated June 3, 1982 from Richard E. Martin, Assistant Director, to James W. Lake, Regional Administrator, and incorporated as Part of the plan, the State submitted an emergency rule amending WAC 296-62-07314, Medical Surveillance. The amendment now makes the State standard identical to the Federal standard, 29 CFR 1910.20, which was published in the **Federal Register** (45 FR 35212) on May 23, 1980. The State's amendment now specifies that designated employee representatives, as well as employees, are entitled to the examination of medical records. WAC 296-62-07314 became effective on September 25, 1981 and was published in the **Federal Register** (47 FR 11998) on March 19, 1982.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standards continue to be identical to the comparable Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; Department of Labor and Industries, General Administration Building, Olympia, Washington 98501; or the Office of State Programs, Room N-3613, 200 Constitution Avenue NW, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Washington State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective October 26, 1982.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Seattle, Washington this 7th day of September 1982.

Frank L. Strasheim,

Acting Regional Administrator.

[FR Doc. 82-29364 Filed 10-25-82; 8:45 am]

BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-176; Exemption Application No. D-3376]

Exemption From the Prohibitions for Certain Transactions Involving North-Monsen Company Profit Sharing Plan Located in Salt Lake City, Utah

AGENCY: Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption would permit the proposed sale of a warehouse and office building located at 252 Orchard Place, Salt Lake City, Utah (the Property) and concurrent extension of credit by the North-Monsen Company Profit Sharing Plan (the Plan) to Mr. Kent B. Monsen (Mr. Monsen), a trustee of the Plan and therefore a party in interest with respect to the Plan.

FOR FURTHER INFORMATION CONTACT: Alan H. Levitas of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216. (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 3, 1982, notice was published in the **Federal Register** (47 FR 39026) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) 406 (b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the transaction described in an application filed by legal counsel for the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that is has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section

406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale of the Property and concurrent extension of credit by the Plan to Mr. Monsen, based on the terms and conditions set forth in the notice of proposed exemption, provided that the terms of the transactions are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated party.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 21st day of October, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–29283 Filed 10–25–82; 8:45 am]

BILLING CODE 4510–29–M

[Application Nos. D-3373, D-3374 and D-3375]

Proposed Exemption for Certain Transactions Involving the Bell System Trust Located in New York, New York

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt, effective August 9, 1982, (1) the leasing of space in certain real estate (the Office Park) by Tamptel I, Inc., Tamptel II, Inc., Tamptel III, Inc. and Tamptel IV, Inc. (collectively, the Tamptel Corporations), wholly owned subsidiaries of the Bell System Trust (the Trust) to The Equitable Life Assurance Society of the United States (Equitable), the Landmarks Group Services Corporation of Florida (Landmarks) and the Landmarks Group General Corporation (the Management Corporation), all of which are or will be parties in interest with respect to the Bell System Pension Plan and the Bell System Management Pension Plan (collectively, the Plans), and to any other persons or entities that may be parties in interest with respect to the Plans; (2) the acquisition by or for the benefit of the Plans of certain real property (the Contiguous Property) from the Landmarks Group Properties Corporation, Blaine Kelly, Jr. and/or Donald Brooks (collectively, the Owners) or any affiliate of the Owners that may be a party in interest with respect to the Plans; and (3) the leasing of space in any buildings situated on the Contiguous Property, if acquired by or for the benefit of the Plans, to any persons or entities that may be parties in interest with respect to the Plans. The proposed exemption, if granted, will affect Eastdil Advisor, Inc. (Eastdil), the Tamptel Corporations, Landmarks, Equitable, the Management Corporation, the Owners, the participants and beneficiaries of the Plans, and other persons participating in the subject transactions.

DATES: Written comments must be received by the Department on or before December 6, 1982.

EFFECTIVE DATE: If granted, the exemption will be effective August 9, 1982.

ADDRESS: All written comments (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application Nos. D–3373, D–3374 and D–3375. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N–4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Department, telephone (202) 523–8972. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code. The proposed exemption was requested in an application filed by counsel for Eastdil, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Trust is a group trust consisting of all the assets of the Plans, both of which are sponsored by the American Telephone and Telegraph Company (AT&T). On December 31, 1981 the Plans covered approximately 1,226,000 participants and had net assets, combined, of approximately $35.8 billion. To promote diversification, AT&T has utilized the professional services of more than a hundred independent trustees and investment managers, including Eastdil and Equitable, to manage the Trust assets.

2. Eastdil, a subsidiary of Eastdil Realty, Inc., is a registered investment advisor under the Investment Advisors

Act of 1940, as amended. Eastdil will act as an independent fiduciary for the Plans with respect to the subject transactions. Eastdil currently manages more than $500 million in corporate pension assets on a separate account basis, the investments of which consist primarily of multi-tenant industrial and commercial properties. As of December 31, 1981 Eastdil was managing approximately $201,000,000 of the Plans' assets, and in addition had committed approximately $307,000,000 of the Plans' assets to real estate transactions closed but not yet funded. Eastdil represents that, to the best of its knowledge, neither Eastdil nor any of its officers, directors, stockholders, employees or agents is affiliated with or otherwise related to Equitable, Landmarks, the Management Corporation, the Owners or any of their respective officers, directors, stockholders, partners, employees, or other affiliates or agents and none of such parties has in any manner influenced the exercise of Eastdil's judgment as a fiduciary for the Plans. Eastdil represents further that it will not receive any consideration for its own account from any party dealing with the Plans.

3. Each of the Tamptel Corporations is a Delaware corporation organized by Eastdil, acting in its capacity as an investment manager for the Plans. Acting in such capacity, Eastdil caused all of the stock of each of the Tamptel Corporations to be issued to the Trust. All of the officers and directors of each of the Tamptel Corporations are employees of Eastdil. None of the Tamptel Corporations has any employees. Each of the Tamptel Corporations has applied for and received an exemption from federal income tax under section 501(c)(2) of the Code.

4. The Office Park consists of four buildings known as the Lakeside Building, the Parkside Building, the Horizon Building and the Pavilion Building (collectively, the Buildings) and adjacent land. The owner-landlord of the land on which the Office Park is situated is the St. Louis Catholic Benevolent and Educational Association (the St. Louis Catholic Association). The St. Louis Catholic Association is not affiliated with any of the parties to this application nor is it a party in interest with respect to the Plans. The ground lease of the Office Park (the Office Park Ground Lease) is held by Landmark Thirty, Ltd., Landmark Thirty-One, Ltd., Landmark Thirty-Two, Ltd. and Landmark Thirty-Three, Ltd., (collectively, the Landmarks Partnerships). The Landmarks Partnerships are limited partnerships which have as their general partner the Landmarks Group Properties Corporation. The Landmarks Partnerships and the Landmarks Group Properties Association are unrelated parties with respect to the Plans. The Office Park Ground Lease held by the Landmarks Partnerships terminates on September 31, 2028, but has four renewal options of ten years each. At the termination of the Ground Lease and any renewals thereof, all leasehold interest in the Office Park and the Buildings thereon will revert to the St. Louis Catholic Association. Eastdil determined that the acquisition of the Office Park Ground Lease was appropriate for the Plans and in the best interests of the Plans' participants and beneficiaries. In early 1980, Eastdil began negotiations for the Tamptel Corporations, on behalf of the Plans, to acquire the Office Park Ground Lease, including the Buildings thereon. Since Eastdil wanted the Plans to have the benefit of any appreciation in the value of the Office Park between June 1980 and the consummation of the entire purchase, Eastdil arranged for the Plans to make leasehold mortgage loans in the aggregate amount of $27,300,000 to the Landmarks Partnerships which were secured by the Buildings, at a fixed interest rate of ten percent per annum, approximating the expected cash flow to the Tamptel Corporations if they had owned the Buildings outright as of that date. The leasehold mortgage loans (the Loans) were made on June 27, 1980 and will mature in 2012. The Loans were made in conjunction with the Plans' acquisition of exclusive purchase options, at an aggregate option price of $470,000 to purchase all, but not less than all, of the Buildings for a purchase price equal to the sum of the Loan amounts and option prices, plus an additional aggregate amount of $4,230,000 payable upon exercise of the options. On August 9, 1982, Eastdil, on behalf of the Tamptel Corporations and the Plans, gave notice of their intent to exercise the options. If Eastdil does not cause the Tamptel Corporations to close on the purchase of the Office Park on or before October 26, 1982, the options will expire. In such event, the Plans would forfeit the $470,000 of option payments already made and be locked into long term leasehold mortgage loans providing for a fixed interest rate of only 10%, considerably below the market rate for such loans in the absence of exclusive purchase options. Furthermore, the Plans would be denied the acquisition of Buildings which Eastdil has determined would have a fair market value in excess of the aggregate purchase price of $32,000,000 and would be denied the opportunity to profit from the anticipated future appreciation in both the cash flow and value of the Buildings.

5. Office space in two of the Buildings in the Office Park, the Lakeside Building and the Horizon Building, is leased to parties which either are or will become, parties in interest with respect to the Plans. Together these leases to parties in interest comprise only 2.1 percent of the total rentable space in the Office Park. Exemptive relief is sought for these leases.

6. Approximately 5.8 percent of the rentable space in the Lakeside Building is currently leased to Landmarks (the Landmarks Lease). Eastdil determined that Landmarks and the Management Corporation, of which Landmarks is a wholly owned subsidiary, would, upon purchase of the Office Park Ground lease, provide services to the Plans as the leasing agent and property manager for the Office Park.[1] The Landmarks Lease had a term which ran from August 15, 1979 through August 14, 1982, with an option to renew, which was exercised, for an additional one year term ending on August 14, 1983. The renewal option provided for an increase in rent to reflect the fair market rental value of the lease space. Eastdil has reviewed and approved all terms and conditions of the Landmarks Lease and the renewal thereof. The applicants desire that Landmarks and/or the Management Corporation be permitted to continue to lease space in the Lakeside Building in conjunction with their provision of leasing and property management services. Eastdil, on behalf of the Tamptel Corporations and the Plans, will not permit any new lease to Landmarks, the Management Corporation or any of their affiliates unless Eastdil determines that its terms are no less favorable to the Plans than a lease which could be entered into with an unrelated third party on an arm's length basis.

7. Approximately 4.2 percent of the rentable space in the Horizon Building is leased to Equitable (the Equitable Lease). Equitable is an investment advisor to the Plans with respect to certain Plan assets not involved in the purchasing or leasing of the Office Park. The Equitable Lease was negotiated and entered into in an arm's length of transaction between unrelated parties prior to the conclusion of negotiations with respect to the acquisition of the

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[1] The Department is not proposing an exemption for the provision of services beyond that provided by section 408(b)(2) of the Act.

Office Park Ground Lease. The rental rates initially provided for in the Equitable Lease were not less than fair market rental value. The Equitable Lease has a term which runs from May 1, 1980 to August 31, 1985, subject to a renewal option by Equitable for an additional five year term at the prevailing fair market rental value.

8. In the future, Eastdil or another investment manager for the Plans may determine that it is in the best interest of the Plans to expand the Office Park by acquiring the Contiguous Property from the Owners or affiliates thereof. Following the closing of the purchase of the Office Park Ground Lease by the Temptel Corporations on behalf of the Plans, the Owners will become parties in interest with respect to the Plans by virtue of their ownership of the Management Corporation, which will be providing services for the Tamptel Corporations. Eastdil will not, on behalf of the Plans, permit the acquisition of any property from the Owners or any affiliate of the Owners that may be a party in interest with respect to the Plans, unless (i) such acquisition is negotiated on an arm's length basis and (ii) Eastdil determined that the acquisition of such property is on terms which are no less favorable to the Plans than arrangements which could be entered into by the Plans in an arm's length transaction with an unrelated party.

Also, Eastdil or another investment manager for the Plans may in the future determine that it is in the best interests of the Plans to lease space in the Buildings of the Office Park or in any buildings located on the Contiguous Property to persons or entities that may be parties in interest with respect to the Plans. Eastdil will monitor the obligations of the tenants of the Office Park, including any tenants that may be parties in interest with respect to the Plans. If acquired, the Contiguous Property will also be subject to the monitoring and supervision of Eastdil as described herein. Eastdil will not, on behalf of the Plans, permit the lease of any space in the Office Park or the Contiguous Property to any party in interest with respect to the Plans, unless (i) such lease is negotiated on an arm's length basis and (ii) Eastdil determines that the lease of such space to such person or entity is on terms which are no less favorable to the Plans than arrangements which could be entered into by the Plans in an arm's length transaction with an unrelated party.

9. In summary, the applicants represent that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because:

(1) Eastdil has determined that the subject transactions are appropriate for the Plans and in the best interest of the participants and beneficiaries of the Plans;

(2) Eastdil has approved, and will monitor and supervise all of the subject transactions;

(3) Eastdil will not permit the acquisition of any property from the Owners or any affiliate of the Owners or the lease of any space to any party in interest with respect to the Plans, unless (i) such acquisition or lease is negotiated on an arm's length basis and (ii) Eastdil determines that the acquisition of such property or the lease of space to such person or entity is on terms which are no less favorable to the Plans than arrangements which could be entered into by the Plans in an arm's length transaction with an unrelated party.

Notice to Interested Persons

Notice of the proposed exemption will be posted on all bulletin boards normally used for employee notices of all companies whose employees are covered by the Plans within ten business days of the date of publication of the notice of pendency in the **Federal Register**. Such notice will contain a copy of the notice of pendency published in the **Federal Register** and a statement advising interested persons of their rights to comment on the exemption. Notification will also be provided to the Communication Workers of America, the International Brotherhood of Electrical Workers and the Telecommunications International Union, by first class mail within the time period described above.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code.

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to and administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments

All interested persons are invited to submit written comments on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to:

(1) The leasing of space in the Buildings to Equitable, Landmarks, the Management Corporation and any other persons or entities that may be parties in interest with respect to the Plans, following the acquisition of the Office Park Ground Lease by the Tamptel Corporations on behalf of the Plans, provided that the terms and conditions of any such leases are at least as

favorable to the Plans as those which are customary for similar leases with respect to similarly situated buildings in the Tampa, Florida area, and provided further that any such leases are approved on behalf of the Plans by a trustee or investment manager which is not affiliated with or otherwise related to such tenants in any manner which would affect the exercise of its judgment as a fiduciary;

(2) The acquisition by or for the benefit of the Plans of the Contiguous Property from the Owners or any affiliate of any of the Owners that may be a party in interest with respect to the Plans, provided that the terms and conditions of any such acquisition are at least as favorable to the Plans as those obtainable in an arm's length transaction with an unrelated party, and that any such acquisition is approved on behalf of the plans by a trustee or investment manager which is not affiliated or otherwise related to the sellers of such property in any manner which would affect the exercise of its judgment as a fiduciary; and

(3) The leasing of space in any buildings situated on the Contiguous Property, if acquired by or for the benefit of the Plans, to any persons or entities that may be parties in interest with respect to the Plans, provided that the terms and conditions of any such lease are at least as favorable to the Plans as those which are customary for similar leases with respect to similarly situated buildings in the Tampa, Florida area, and provided further that any such leases are approved on behalf of the Plans by a trustee or investment manager which is not affiliated with or otherwise related to such tenants in any manner which would affect the exercise of its judgment as a fiduciary.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 20th day of October, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-29382 Filed 10-25-82; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82-60)]

Privacy Act of 1974; Systems of Records

In accordance with 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93-579), the National Aeronautics and Space Administration hereby publishes the systems of records currently maintained by the agency.

Walter B. Olstead,

Associate Administrator for Management.

October 8, 1982.

BILLING CODE 7510-01-M

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NASA 10ACMQ

SYSTEM NAME:

Aircraft Crewmembers Qualifications and Performance Records - NASA

SYSTEM LOCATION:

Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Crewmembers of NASA aircraft.

CATEGORIES OF RECORDS IN THE SYSTEM:

System contains: (1) Record of qualification, experience, and currency, e.g., flight hours (day, night, and instrument), types of approaches and landings, crew position, type aircraft, flight check ratings and related examination results, training performed and medical records; (2) flight itineraries and passenger manifests; and (3) biographical information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for; evaluation of crewmember performance by supervisory flight operations personnel and staff; by the individuals whose records are maintained; and on occasion by flight operations and safety survey teams. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) In cases of accident investigations, access to this system of records may be granted to federal or local agencies such as Department of Defense, Federal Aviation Administration, National Transportation Safety Board, or foreign governments; (2) To other agencies, companies, or governments requesting qualifications of crewmembers prior to authorization to participate in their flight programs; or to other agencies, companies, or governments whose crewmembers may participate in NASA's flight programs; (3) With prior approval by the individual - publicity or press releases; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, charts, punched cards, computer printouts.

RETRIEVABILITY:

Records are indexed by name or aircraft number.

SAFEGUARDS:

Records are protected in accordance with the requirements and procedures which appear at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Transportation and Aircraft Branch, Location 1.

Subsystem Managers: Chief, Ames Aircraft Operations Division, Location 2; Chief, Dryden Aircraft Operations Division, Location 3; Chief, Aircraft Operations Division, Location 5; Chief, Aircraft Operations Section, Location 6; Head, Aircraft Operations Branch, Location 7; Chief, Aircraft Operations Branch, Location 8; Chief, Aircraft Operations, Location 9; Chief Contract Management, Location 10; Data Acquisition Manager, Earth Resources Laboratory, Location 11; Head, Aeronautical Programs Branch, Location 4 (Locations are set forth in Appendix A).

NOTIFICATION PROCEDURE:

Information may be obtained from the cognizant system or subsystem manager listed above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individuals, training schools or instructors, medical units or doctors.

NASA 10BRPA

SYSTEM NAME:

Biographical Records for Public Affairs - NASA

SYSTEM LOCATION:

Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Principal and prominent management and staff officials, program and project managers, scientists, engineers, speakers, other selected employees involved in newsworthy activities, and other participants in agency program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current biographical information about the individual with a recent photograph when available. Data items are those generally required by NASA or the news media in preparing news or feature stories about the individual and/or the individual's activity with NASA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C 2473 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is compiled, updated, and maintained at NASA installations for ready reference material and for immediate availability when required by the news media for news stories about the individual generally involving participation in a major NASA activity.

The data serves as background information about the individual and is used within NASA to prepare public appearance announcements of key officials, speaking engagements, special appointments, participation in professional societies, etc.; to write news stories about special achievements, awards, participation in major NASA activities, programs, etc.; and to prepare responses to inquiries submitted to the Public Affairs Division from the news media.

Users are the staff members of the public information office within each office of Public Affairs.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: these records are made available to professional societies, civic clubs, industrial and other organizations, news media representatives, researchers, authors, Congress, other agencies and other members of the public in connection with NASA public affairs activities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Since the records are a matter of public information, no safeguard requirements are necessary.

RETENTION AND DISPOSAL:

Records are maintained as long as there is potential public interest in them and are disposed of when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Management Services, Public Affairs Division, Location 1.

Subsystem Managers: The Public Affairs Officer at Locations 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

NOTIFICATION PROCEDURE:

An individual desiring to find out if a Biographical System of Records contains a record pertaining to him/her should call, write, or visit the Public Affairs office at the appropriate NASA location.

RECORD ACCESS PROCEDURES:

An individual may request access to his/her record by calling, writing, or visiting the Public Affairs office at the appropriate NASA locations. Individuals may examine or obtain a copy of their biographical record at any time.

CONTESTING RECORD PROCEDURES:

The information in the record was provided voluntarily by the individual with the understanding that the information will be used for public release. The individual is at liberty at any time to revise, update, add, or delete information in his/her biographical record to his/her own satifaction.

RECORD SOURCE CATEGORIES:

Information in the biography of an individual in the system of records is provided volutarily by the individual generally with the aid of a form questionnaire.

NASA 10EEOR

SYSTEM NAME:

Equal Opportunity Records - NASA

SYSTEM LOCATION:

Locations 1 through 9 inclusive and Location 11 as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Complainants and applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Complaints and (2) applications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U. S. C. 2473; 44 U. S. C. 3101; Executive Order 11478, dated August 8, 1969; EEOC Regulations; 29 CFR Part 1613; MSPB Regulations; 5 CFR Parts 1200 - 1202; Equal Opportunity Act 1972, as amended (Pub. L. 92-261); Section 15 of the Age Discrimination in Employment Act of 1967, as amended (Pub. L. 93-259).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA to process complaints of alleged discrimination, including investigations, hearings, and appeals; to maintain active discrimination complaints files; and to retain inactive discrimination complaints files.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Equal Employment Opportunity Commission and the Merit Systems Protection Board to facilitate their processing of discrimination complaints, including investigations, hearings and reviews on appeals; (2) Responses to other Federal agencies and other organizations having legal and administrative responsibilities related to the NASA Equal Employment Opportunity Programs and to individuals in the record; (3) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by any combination of name, birthdate, social security number, ethnic groups, grades, topics, statistics.

SAFEGUARDS:

Records are located in locked metal file cabinets, or in metal file cabinets in secured rooms with access limited to those whose official duties require access and are locked during non duty hours.

RETENTION AND DISPOSAL:

Complaint case files for cases resolved within the agency, by EEOC, or by U.S. Court, are destroyed four years after resolution of the case. Other routine office records are reviewed periodically, and are retained or destroyed as appropriate.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator for Equal Opportunity Programs, Location 1.

Subsystem managers: Equal Employment Opportunity Officer at Locations 1, 3, and 8; Chief, Equal Employment Opportunity Programs Office at Location 2; Head, Equal Opportunity Programs Office at Location 4; Equal Employment Opportunity Programs Officer at Location 5; Equal Opportunity Officer at Location 6; Head, Equal Opportunity Programs Office at Location 7; Director, Equal Employment Opportunity Office at Location 9; Equal Opportunity Officer at Location 11. Locations are as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the cognizant system or subsystem manager listed above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Employees, applicants, installation EEO officers, complainants, EEO counselors, EEO investigators, EEOC complaints examiners, MSPB officials, complaints coordinators, Assistant Administrator for Equal Opportunity Programs.

NASA 10ERMS

SYSTEM NAME:

Executive Resources Management System - NASA

SYSTEM LOCATION:

Location 1, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Approximately 2,000 individuals with experience and education unique to the NASA mission in the technical and administrative fields who are considered to be candidates for key positions within NASA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data, education, training, work experience, career interests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473, 44 U.S.C. 3101, 5 U.S.C. 4103; 5 U.S.C. 3396..

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for the identification of replacement candidates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures may be made to organizations or individuals having contract, legal, administrative or cooperative relationships with NASA, including labor unions, academic organizations, governmental organizations, non-profit organizations, and contractors; and to organizations or individuals seeking or having available a service or other benefit or advantage. The purpose of such disclosures is to satisfy a need or needs, further cooperative relationships, offer information, or respond to a request; (2) Statistical or data presentations may be made to governmental or other organizations or individuals having need of information about individuals in the records; (3) Responses may be made to other federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records; (4) Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B may also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, lists, forms, index cards, microfilm, microfiche, and/or various computer storage devices such as discs, magnetic tapes and punched cards.

RETRIEVABILITY:

The records are indexed by social security number.

SAFEGUARDS:

Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Records are retained for varying periods of time depending on the need for use of the files and are destroyed or otherwise disposed of when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Development, Location 1.

Subsystem Managers: None.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager only.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by the individual concerned are set forth in 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain, NASA employees, other Federal employees, other oranizations and individuals, and NASA personnel records.

NASA 10GMVP

SYSTEM NAME:

Government Motor Vehicle Operators Permit Records - NASA

SYSTEM LOCATION:

Locations 1 through 14 inclusive as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NASA employees, contractor employees, other federal and state government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, home address, Social Security Number, physical description of individual, physical condition of individual, traffic record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; Federal Personnel Management Manual, Chapter 930; Federal Property Management Regulations Subpart 101-39.601; NASA Management Instruction 6720.1A.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for the purpose of identifying and checking record of applicant and issuing permits for operation of Government vehicles. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) National Driver Register, Department of Transportation, where Form 1047 is received for check and (2) Standard routine uses 1 through 4 inclusive, as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Records are kept in a locked metal file cabinet with access limited to those whose official duties require access. Room is locked during non-duty hours.

RETENTION AND DISPOSAL:

Records are maintained for a period of three years when permit expires or until permit holder leaves the Agency or requests cancellation. Records are destroyed when no longer required.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Budget and Support Branch, Location 1.

Subsystem Managers: Chief, Security Branch, Location 2; Transportation Officer, Location 3; Chief, Logistics Management Division, Location 4; Chief, Transportation Branch, Location 5; Chief of Transportation, Location 6; Chief, Management Support Division, Location 7; Head, General Services Section, Location 8; Director, Logistics Office, Location 9; Chief Contract Management, Location 10; Chief Installation Operations, Location 11; Chief, Administration Office, Location 12; Chief, Maintenance and Administration Office, Location 13; Chief of Facilities, Location 14. Locations are as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the cognizant system manager listed above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individual NASA employees and individual contractor employees.

NASA 10HABC

SYSTEM NAME:

History Archives Biographical Collection-NASA

SYSTEM LOCATION:

Locations 1 and 5 as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are of historical significance in aeronautics, astronautics, space science, and other concerns of NASA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical data; speeches and articles by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for researching and writing official histories and answering queries from various NASA offices. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: Disclosure to scholars (historians and other disciplines), or any other interested individuals for research and writing dissertations, articles, and books, for government, commercial and non-profit publication.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are stored in file folders.

RETRIEVABILITY:

The records are indexed by name.

SAFEGUARDS:

Because these records are archive material and therefore a matter of public information, there are no special safeguard procedures required.

RETENTION AND DISPOSAL:

Most biographical files are retained indefinitely, either in the archives or retired to the appropriate Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

Director, History Office, Code LBH-14, Location 1.

Subsystems Managers: Historian, Code BE-4, Location 5 (Locations are set forth in Appendix A).

NOTIFICATION PROCEDURE:

Information may be obtained from the cognizant system or subsystem manager listed above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to: Same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Press releases, newspapers, journals, and the individuals themselves.

NASA 10HERD

SYSTEM NAME:

Human Experimental and Research Data Records - NASA

SYSTEM LOCATION:

Locations 2, 3, 5, 6, and 9, as stated in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been involved in space flight, aeronautical research flight, and/or participated in NASA tests or experimental or research programs; Civil Service employees, military, employees of other government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or study.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data obtained in the course of an experiment, test, or research medical data from inflight records; other information collected in connection with an experiment, test, or research.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used by NASA for the purposes of evaluating new analytical techniques, equipment, and re-examining flight data for alternative interpretations, developing applications of experimental techniques or equipment, reviewing and improving operational procedures with respect to experimental protocols (both inflight and ground), life support systems operating procedures, determining human engineering requirements, and carrying out other research.

In addition to the internal use of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to other individuals or organizations, including Federal, State, or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; and (2) the standard routine use 4 as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in file folders; on punch cards, magnetic tapes, or discs; on microfilm, microfiche, still photographs, or motion picture film; and on various medical recordings such as electrocardiographic tapes, stripcharts, and x-rays.

RETRIEVABILITY:

By name, experiment or test; arbitrary experimental subject number; flight designation; or crew member designation on a particular space or aeronautical flight.

SAFEGUARDS:

Access is limited to Government personnel requiring access in the discharge of their duties, and to appropriate support contractor employees on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations set forth in 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Astronaut records are retained indefinitely. Ground test and research data are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed, except that significant medical data will be handled in accordance with CSC regulations and NASA Control Schedule 11.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, NASA Occupational Health Office, Location 1.

Subsystem Managers: Research Assistant to the Director, Location 2; Director of Man/Systems Integration Division, Location 3; Assistant Director for Life Sciences, Space and Life Sciences Directorate, Location 5; Director, Biomedical Office, Location 6; Director, Management Services Office, Location 9. Locations are as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the system or subsystem manager named above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Experimental test subjects, physicians, principal investigators and other researchers, and previous experimental test or research records.

NASA 10IGIC

SYSTEM NAME:

Inspector General Investigations Case Files - NASA

SYSTEM LOCATION:

National Aeronautics and Space Administration, Washington, DC 20546.

Subsystem Locations: Locations 2, 4, 5, 6, 7, 8, 9 and 10 as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of NASA, contractors and sub-contractors, and others whose actions have affected NASA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files pertaining to matters including, but not limited to, the following classifications of cases: (1)

Fraud against the Government, (2) Theft of Government property, (3) Bribery, (4) Lost or stolen lunar samples, (5) Misuse of Government property, (6) Conflict of interest, (7) Waiver of claim for overpayment of pay, (8) Leaks of Source Evaluation Board information, (9) Improper personal conduct, (10) Irregularities in awarding contracts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; 28 U.S.C. 535 (b); 5 U.S.C. App. I; 4 CFR Part 91; Executive Order 11478.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for: (1) Providing management with information which will serve as a possible basis for appropriate administrative action or the establishment of NASA policy; (2) Providing the Administrator of NASA (or the Comptroller General, as appropriate) sufficient information to provide a basis for decision concerning a request for waiver of claim in the case of an erroneous payment of pay.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Responding to the White House regarding matters inquired of; (2) Disclosure to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (3) Providing data to Federal intelligence elements; (4) Providing data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (5) Providing personal identifying data to Federal, State, local or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (6) Disclosing, as necessary, to a contractor, subcontractor, or grantee firm or institution to the extent that the disclosure is in NASA's interest and is relevant and necessary in order that the contractor/subcontractor/grantee is able to take administrative or corrective action; (7) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored in file folders, index cards and on computer tapes and disks.

RETRIEVABILITY:

Information is retrieved by name of individual.

SAFEGUARDS:

Information is kept in locked metal file cabinets, and in secured vault and secured computer rooms. Access is limited to Inspector General Division personnel with a need-to-know.

RETENTION AND DISPOSAL:

Special interest case files are reviewed for destruction or further retention 10 years after case is closed and routine interest case files are destroyed 5 years after case is closed. Case is not closed until all judical and administration avenues and considerations have been finally exhausted. (Special interest files are those investigative files which the Assistant Inspector General for Investigations determines should be retained because of especially significant, sensitive, or historical content. All other files are routine interest files.)

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, Location 1.

Subsystem Managers: Director, OIG Office at Ames Research Center, Location 2; Director, OIG Office at Goddard Space Flight Center, Location 4; Director, OIG Office at Lyndon B. Johnson Space Center, Location 5; Director, OIG Office of John F. Kennedy Space Center, Location 6; Director, OIG Office at Langley Research Center, Location 7; Director, OIG Office at Lewis Research Center, Location 8; Director, OIG Office at George C. Marshall Space Flight Center, Location 9; and Director, OIG Office at NASA Resident Office - JPL, Location 10.

NOTIFICATION PROCEDURE:

None. System is exempt. See below.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Exempt.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Inspector General Investigations Case Files system of records is exempt from all sections of the Privacy Act of 1974 (5 U.S.C. 552a), EXCEPT the following:

(b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to agency requirements for maintaining systems; and (i) relating to criminal penalties.

The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and Subpart 7 of the NASA regulations appearing in 14 CFR Part 1212, for the reason that the Office of Inspector General, NASA, is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

NASA 10PAYS

SYSTEM NAME:

Payroll Systems - NASA

SYSTEM LOCATION:

Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former NASA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The data contained in this system of records includes payroll, employee leave, insurance, labor and human resource distribution and overtime information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; 5 U.S.C. 5501 et seq.; 5 U.S.C. 6301 et seq.; General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 6; Treasury Fiscal Requirements Manual, Part III; Federal Personnel Manual; and NASA Financial Management Manual, Sections 9300 and 9600.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for maintaining the payroll records and related areas.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish to a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions and insurance data with carriers and collection agents; (3) To report to the Office of Personnel Management (a) withholdings of premiums for life insurance, health benefits and retirement, and (b) separated employees subject to retirement; (4) To furnish the U. S. Treasury magnetic tape reports on net pay, net savings allotments and bond transmittal pertaining to each employee; (5) To provide the Internal Revenue Service with detail of wages taxable under the Federal Insurance Contributions Act and to furnish a magnetic tape listing on Federal tax withholdings; (6) To furnish various financial institutions itemized listings of employee's pay and savings allotments transmitted to the institutions in accordance with employee requests; (7) To provide various Federal, state, and local taxing authorities itemized listing of withholdings for individual income taxes; (8) To respond to requests by State employment security agencies and the U.S. Department of Labor for employment, wage, and separation data on former employees for the purpose of determining eligibility for unemployment compensation; (9) To report to various Combined Federal Campaign offices total contributions withheld from employee wages; (10) To furnish leave balances and activity to the Office of Personnel Management upon request; (11) To furnish data to labor organizations in accordance with negotiated agreements; (12) To furnish pay data to the Department of State for certain NASA employees located outside the United States; and (13) Standard routine uses 1 through 4 inclusive as set forth in Apprndix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, and microfilm.

RETRIEVABILITY:

Records are indexed by name and/or social security number.

SAFEGUARDS:

Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Records are retained for audit by the General Accounting Office and are transferred to the National Personnel Records Center, St. Louis, Missouri, anywhere from one to three years. Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook - NHB 1441.1A.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, Office of the Comptroller, Location 1.

Subsystem Managers: Chief, Financial Management Division, Locations 2, 4, 5, and 7; Financial Management Officer, Locations 3; Chief, Financial Management Office, Location 6; Director of Resources Management, Location 8; Director, Financial Management Office, Location 9; Chief, Resources and Financial Management Office, Location 11. Locations are as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the cognizant system or subsystem manager listed above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained, personnel office, and the individual's supervisor.

NASA 10SCCF

SYSTEM NAME:

Standards of Conduct Counselling Case Files - NASA.

SYSTEM LOCATION:

National Aeronautics and Space Administration, Washington, DC 20546.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current, former, and prospective NASA employees, who have sought advice or have been counselled regarding conflict of interest requirements for government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Depending upon the nature of the problem, information collected may include employment history, financial data, and information concerning family members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C 3101; 18 U.S.C. 201, 203, 205, 207-209; 5 U.S.C. 7324-7327; Executive Order 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in the system of records is used within NASA for the purpose of counseling employees regarding conflict of interest problems. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Office of Personnel Management and Merit Systems Protection Board: for investigation of possible violations of standards of conduct which the agencies directly oversee; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are documentary and maintained in loose leaf binders or file folders.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Restricted access to a few authorized persons; stored in combination lock safe.

RETENTION AND DISPOSAL:

Retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant General Counsel for General Law, Code GG, NASA Headquarters, Washington, DC 20546.

NOTIFICATION PROCEDURE:

Information may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the System Manager and must include employee's full name and NASA installation where employed.

CONTESTING RECORD PROCEDURES:

The NASA regulations and procedures for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Information collected directly from individual and from his official employment record.

NASA 10SECR

SYSTEM NAME:

Security Records System - NASA.

SYSTEM LOCATION:

Locations 1 through 9 inclusive and Location 11, 12, and 14 as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees, applicants, NASA committee members, NASA consultants, NASA experts, NASA Resident Research Associates, guest workers, contractor employees, detailees, visitors, correspondents (written and telephonic), Faculty Fellows, sources of information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel Security Records, Criminal Matter Records, Traffic Management Records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Aeronautics and Space Act, Pub. L. 85-568; Espionage and Information Control Statutes, 18 U.S.C. 793 through 799; Sabotage Statutes, 18 U.S.C. 2151 through 2157; Conspiracy Statute, 18 U.S.C. 371; 18 U.S.C. 202-208 and 3056; Internal Security Act of 1950, 5 U.S.C. 781 through 798; Atomic Energy Act of 1954, Pub. L. 703; Executive Order 11653, Classification and Declassification of National Security Information and Material; Executive Order 10865, Safeguarding Classified Information Within Industry; Executive Order 10450, Security Requirements for Government Employees; Pub. L. 81-733; Executive Order 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies; Federal Property Management Regulation, 41 CFR Subpart 101-11; Federal Personnel Manual, Chapters 732 and 736; 14 CFR Part 1203a; 42 U.S.C. 2473 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Personnel Security Records: The information contained in this category of records is used within NASA for the purpose of granting security clearances; for determining qualifications, suitability, and loyalty to the United States Government; for determining qualifications for access to classified information, security areas, and NASA installations, and for determining qualifications to travel to Communist controlled areas.

In addition to the internal uses of the information contained in this category of records, the following are routine uses outside of NASA: (1) To determine eligibility to perform classified visits to other Federal agencies and contractor facilities; (2) To provide data to Federal intelligence elements; (3) To provide data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (4) To provide a basis for determining preliminary visa eligibility; (5) To respond to White House inquiries; (6) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (7) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (8) Disclosure to a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Criminal Matter Records: The information contained in this category of records is used within NASA for providing management with information which will serve as a possible basis for administrative action. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Traffic Management Records: The information contained in this category of records is used within NASA to provide designated officials and employees with data concerning vehicle ownership, traffic accidents, violation of traffic laws, suspension of driving privileges, traffic control, vehicle parking, and car pools. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, grantee, or other government organization information developed in an investigation or administrative inquiry concerning a violation of a Federal or State statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, grantee, or other government organization; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, magnetic tape, punch cards, microfilm, and film.

RETRIEVABILITY:

Records are indexed by name, file number, organization, place of origin, badge number, decal number, date of event, space number, payroll number, and social security number.

SAFEGUARDS:

Access to Personnel Security Records is controlled by Government personnel exclusively. Access to Criminal Matter Records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. After presenting proper identification and requesting a file or record, a person with a need-to-know and, if appropriate, a proper clearance may have access to a file or record only after it has been retrieved and approved for release by a NASA security representative. These records are secured in security storage equipment.

Traffic Management Records: Access to these records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. Access to these records is permitted after a determination has been made that the requestor has an official interest. These records are stored in locked containers.

RETENTION AND DISPOSAL:

Records, depending upon type, are retained from 6 months to 30 years before being destroyed. When current immediate need no longer exists, records are either transferred to the appropriate Federal Records Center or destroyed in accordance with records disposal instructions.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, NASA Security Office, Location 1.

Subsystem Managers: Chief, Security Branch, Locations 2, 4, and 5; Security Officer, Location 3; Chief, Security Office, Location 6; Security Officer, Locations 7, 8, and 11; Chief, Security Division, Location 9; Security Officer at Location 12; Safety and Security Officer at Location 15. Locations are as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the cognizant system or subsystem manager listed above. Requests must contain the following identifying data concerning the requestor: first, middle, and last name; date of birth; social security number; period and place of employment with NASA, if applicable.

RECORD ACCESS PROCEDURES:

Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information have been exempted by the Administrator under 5 U.S.C. 522a (k) (5) from the access provisions of the Act.

Criminal Matter Records compiled for civil or criminal law enforcement purposes have been exempted by the Administrator under 5 U.S.C. 552a (k) (2) from the access provisions of the Act.

Traffic Management Records: Requests from individuals should be addressed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

For Personnel Security Records and Criminal Matters Records see Access, above. For Traffic Management Records, the NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the Federal Register.

RECORD SOURCE CATEGORIES:

Personnel Security Records: Exempt
Criminal Matter Records: Exempt
Traffic Management Records: Employees, civil investigative agencies, civil law enforcement agencies, Federal and local judicial systems, medical records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a confidential source, are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (5) and Subpart 7 of the NASA regulations appearing in 14 CFR Part 1212.

Criminal Matter Records to the extent they constitute investigatory material compiled for law enforcement purposes are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (2) and Subpart 7 of the NASA regulations appearing in 14 CFR Part 1212.

Records subject to the provisions of 5 U.S.C. 552 (b) (1) (required by Executive order to be kept secret in the interest of national defense or foreign policy) are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to the access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552A (k) (1) and Subpart 7 of the NASA regulations appearing in 14 CFR Part 1212.

NASA 10OMEH&S

SYSTEM NAME:

System of Occupational Medicine, Environmental Health Offices and Safety Records - NASA

SYSTEM LOCATION:

In Medical Clinics/Units, Environmental Health Offices and Safety Offices at locations 1 through 14 inclusive as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NASA Civil Service employees & applicants; other Agency civil service & military employees working at NASA; visitors to field installations; on-site contractor personnel who receive job related examinations, have mishaps or accidents, or come to clinic for emergency or first aid treatment; space flight personnel and their families.

CATEGORIES OF RECORDS IN THE SYSTEM:

General medical records of first aid, emergency treatment, examinations, exposures, and consultations, and safety records.

Information resulting from physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal physicians; statistical records; examination schedules; daily log of patients; correspondence; chemical, physical, and radiation exposure records; other environmental health data, alcohol/drug patient information; consultation records; and safety and abatement data.

Astronauts and their families - more detailed and complex physical examinations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; OMB Circular A-72; Pub. L. 92-255; Pub. L. 79-658.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for the following purposes: Reference by examining physicians in conduct of physical examinations; review by physicians in consideration of fitness for duty; evaluation for physical disability retirement; statistical data development; patient recall; in-space medical evaluation for astronauts; exposure data for radiation/toxic exposure limits, compliance and examinations; consultations; evaluation of employees, applicants, and contractor employees for specialized or hazardous duties for determining reliability pursuant to the Space Transportation System--Personnel Reliability Program (14 CFR Part 1214 Subpart 5, NASA Management Instruction 8610.13, and for safety purposes.

Alcohol/drug patient case files (Employee Assistance Program Records) to be maintained separate from medical record, kept to an absolute minimum and handled with extreme privacy in accordance with Section 408 of Pub. L. 92-255. Disclosure of these records beyond officals of the office having a bona fide need for them or to the person to whom they pertain, is not to be made. Disclosures of information pertaining to an individual with a history of alcohol or drug abuse must be limited in compliance with the restrictions of the confidentiality of Alcohol and Drug Abuse Patient Records Regulations, 42 CFR Part 2.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Referral to private physicians designated by the individual when requested in writing; (2) Patient referrals; (3) Referral to OPM, OSHA and other Federal agencies as required in accordance with these special program responsibilities; (4) Referral of information to a non-NASA individual's employer; (5) Evaluation by medical consultants; (6) Disclosure to the employer of non-NASA personnel, information affecting the reliability of such office or employee for purposes of the Space Transportation System; and (7) Standard routine use 4 as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are in file folders, punch cards, electrocardiographic tapes, x-rays, and computer discs and tapes. They are handled between NASA installations by telecommunications.

RETRIEVABILITY:

By name, date of birth and social security number.

SAFEGUARDS:

Access limited to concerned medical environmental health and safety personnel on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

In accordance with CSC regulations and NASA Control Schedule II. Records on astronauts are retained permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, NASA Occupational Health Office, Location 1

Subsystem Managers: Medical Director or Medical Administrator at Locations 1 through 14 inclusive as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Information may be obtained from the cognizant system or subsystem manager listed above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individuals, physicians and previous medical records of individuals.

NASA 10SPER

SYSTEM NAME:

Special Personnel Records - NASA

SYSTEM LOCATION:

Locations 1 through 9 inclusive and Location 11 as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Candidates for and recipients of awards or NASA training; civilian and active duty military detailees to NASA; participants in enrollee programs; Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; NASA contract and grant awardees and their associates having access to NASA premises and records; individuals with interest in NASA matters including Advisory Committee Members; NASA employees and family members, prospective employees and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Special Program Files including: (1) Alien Scientist files; (2) Award files; (3) Counseling files, life and health insurance, retirement, upward mobility, and work injury counseling files; (4) Military and Civilian Detailee files; (5) Personnel Development files such as nominations for and records of training or education, Upward Mobility Program files, Intern Program files, Apprentice files, and Enrollee Program files; (6) Special Employment files such as Federal Junior Fellowship Program files, Stay-in-School Program files, Summer Employment files, Worker-Trainee Opportunity Program files, NASA Executive Position files, Expert and Consultant files, and Cooperative Education Program files; and (7) Supervisory appraisals under Competitive Placement Plan.

Correspondence and related information including: (1) Claims correspondence and records about insurance such as life, health, and travel; (2) Congressional and other Special Interest correspondence, including employment inquiries; (3) Correspondence and records concerning travel related to permanent change of station; (4) Debt complaint correspondence; (5) Employment interview records; (6) Information related to outside employment and activities of NASA employees; (7) Placement follow-ups; (8) Pre-employment inquiries and reference checks; (9) Preliminary records related to possible adverse actions; (10) Records related to reductions-in-force; (11) Records under agency as well as negotiated grievance procedures; (12) Separation information including exit interview records, death certificates and other information concerning deaths, retirement records, and other information pertaining to separated employees; (13)Special planning.

analysis, and administrative information; (14) Work performance records; (15) Working papers for prospective or pending retirements.

Special Records and Rosters including: (1) Locator files; (2) Ranking lists of employees; (3) Repromotion candidate lists; (4) Retired military employee records; (5) Retiree records.

Agencywide and installation automated personnel information.

Rosters, applications, recommendations, assignment information and evaluations of Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; also, information about NASA contract and grant awardees and their associates having access to NASA premises and records.

Information about members of advisory committees and similar organizations.

All NASA-maintained information of the same types as, but not limited to, that information required in systems of records for which the Office of Personnel Management and other Federal personnel-related agencies publish governmentwide Privacy Act Notices in the Federal Register.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used by officials and employees within NASA for preview, planning, review and management decisions regarding personnel and activities related to the records.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosures may be made to organizations or individuals having contract, legal, administrative or cooperative relationships with NASA, including labor unions, academic organizations, governmental organizations, non-profit organizations, and contractors; and to organizations or individuals seeking or having available a service or other benefit or advantage. The purpose of such disclosures is to satisfy a need or needs, further cooperative relationships, offer information, or respond to a request; (2) Statistical or data presentations may be made to governmental or other organizations or individuals having need of information about individuals in the records; (3) Responses may be made to other Federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records; (4) Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B may also apply.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders, lists, forms, index cards, microfilm, microfiche, and/or various computer storage devices such as discs, magnetic tapes and punched cards.

RETRIEVABILITY:

Records are indexed by any one or a combination of name, birthdate, social security number, or identification number.

SAFEGUARDS:

Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Records are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Personnel Programs Division, Location 1

Subsystem Managers: Director, Headquarters Personnel Division, Location 1; Director of Personnel, Locations 2, 3, 4, 5, 6, 7, 8, and 9; Chief, Personnel Office, Location 11. Locations are as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Apply to the System or Subsystem Manager at the appropriate location above. In addition to personal identification (name, social security number, etc.), indicate the specific type of record, the appropriate date or period of time, and the specific kind of individual applying (e.g., employee, former employee, contractor employee, etc.).

RECORD ACCESS PROCEDURES:

Same as notification procedures above.

CONTESTING RECORD PROCEDURES:

The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by the individual concerned are set forth in 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individuals to whom the records pertain, NASA employees, other Federal employees, other organizations and individuals.

NASA 10XROI

SYSTEM NAME:

Exchange Records on Individuals - NASA

SECURITY CLASSIFICATION:

Locations 6, 7, 8, and 9 as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees of, and applicants for employment with, NASA Exchanges, Recreational Associations, and Employees' Clubs at NASA installations. Individuals with active loans or charge accounts at one or more of the several organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Exchange Employees' personnel and payroll records, including injury claims, unemployment claims, biographical data, performance evaluations, annual and sick leave records, and all other employee records. Credit records on NASA employees with active accounts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for (1) maintaining exchange employees' payroll, leave, and other records; (2) determining pay adjustment eligibility; (3) determining Federal, State, and City tax withholdings; (4) determining leave eligibility; (5) determining person to notify in emergency; (6) certification of unemployment or injury claims; (7) determining eligibility for employment and promotion; and (8) determining credit standing.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions for insurance data with carriers and collection agents; (3) To provide various Federal, State, and local taxing authorities itemized listing of withholdings for individual income taxes; (4) To respond to State employment compensation requests for wage and separation data on former employees; (5) To report previous job injuries to worker's compensation organizations; (6) For emergency notice to person designated by employee; (7) To report unemployment record to appropriate State and local authorities; (8) When requested, provide other employers with work record; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Exchange personnel records are permanent.

SYSTEM MANAGER(S) AND ADDRESS:

NASA Comptroller, Location 1.

Subsystem Managers: Chairperson, Exchange Council, Locations 6 and 7; Treasurer, NASA Exchange, Location 8; Exchange Operations Manager, Location 9; Head, Administrative Management Branch, and Treasurer Wallops Exchange and Morale Association, Location 4. Locations are as set forth in Appendix A.

NOTIFICATION PROCEDURE:

Individuals may obtain information from the cognizant subsystem managers listed above.

RECORD ACCESS PROCEDURES:

Requests from individuals should be directed to the same address as stated in the notification section above.

CONTESTING RECORD PROCEDURES:

The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the **Federal Register.**

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained and the individual's supervisor.

NASA 22ORER

SYSTEM NAME:

LeRC Occupational Radiation Exposure Records - NASA.

SYSTEM LOCATION:

Locations 8 and 13, as set forth in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former LeRC employees and contractor personnel who may be exposed to radiation.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, exposure history, name of license holder, Social Security Number, employment and training history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, 2201; 10 CFR Part 20.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA to inform individuals of their radiation dosage.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Standard routine uses 1 through 4 inclusive as set forth in Appendix B and (2) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are personally supervised during the day and locked in the office at night.

Records are protected in accordance with the requirements and procedures which appear in the NASA rules section of the **Federal Register**.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Office of Environmental Health, location 8.

Subsystem manager: Manager, Plum Brook Reactor Facility, Location 13. Locations are set forth in Appendix A.

NOTIFICATION PROCEDURE:

Individuals may obtain information from the cognizant System Manager or subsystem manager listed above.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

RECORD SOURCE CATEGORIES:

Individual is sole source.

NASA 51RSCR

SYSTEM NAME:

GSFC Radiation Safety Committee Records - NASA

SYSTEM LOCATION:

Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Radiation users and custodians under GSFC cognizance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employment and training history.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; USNRC License and GHB 1860.1, 'Radiation Safety Handbook'; GHB 1860.2 'Radiation Safety Radio-Frequency'; GHB 1860.3 'Radiation Safety Laser'.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this sytem of records is used within NASA for review and approval of custodians and users of ionizing and non-ionizing radiation by the Radiation Safety Committee. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources; (2) Occupational Safety and Health Administration (Federal and State) may inspect records pursuant to fulfilling their responsibilities under the Occupational Safety and Health laws. (3) The Environmental Protection Agency may inspect records pursuant to fulfilling their responsibilities under the Environmental Protection laws and executive order; (4) The Food and Drug Administration may inspect records pursuant to fulfilling their responsibilities respecting use of lasers and x-rays; (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name only.

SAFEGUARDS:

Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are kept for two years. If employee does not wish to be renewed for position at the end of 2-year period, the record is removed and placed in inactive file.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health, Safety, and Security Office; address same as shown for system location.

NOTIFICATION PROCEDURE:

Individuals may obtain information from the system manager.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Employees

NASA 53BHTR

SYSTEM NAME:

Wallops Flight Center Base Housing Tenant Record - NASA.

SYSTEM LOCATION:

Wallops Flight Center, National Aeronautics and Space Administration, Wallops Island, Virginia 23337

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Tenants of Wallops Housing area.

CATEGORIES OF RECORDS IN THE SYSTEM:

Housing Rental Agreements, records of rent receipts and records of dormitory occupants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473 and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for control of family housing and dormitory facilities. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) To furnish to a third party a verification of an employee's tenant status upon a written request of tenant; (2) To furnish verification of residency to various Federal, State, and local authorities; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and card files.

RETRIEVABILITY:

Records are indexed by name and/or room number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook, NHB 1441.1A.

SYSTEM MANAGER(S) AND ADDRESS:

Head, Wallops Facilities Engineering Branch, Code 273 address same as shown for System Location.

NOTIFICATION PROCEDURE:

Individuals may obtain information from the System Manager.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Tenants and dormitory occupants and Administrative Management records.

NASA 72XOPR

SYSTEM NAME:

JSC Exchange Activities Records - NASA.

SYSTEM LOCATION:

Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, Texas 77058.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and past employees of JSC Exchange Operations, applicants under the JSC Exchange Scholarship Program, and JSC employees or JSC contractor employees participating in sports or special activities sponsored by the Exchange.

CATEGORIES OF RECORDS IN THE SYSTEM:

For present and past employees of the JSC Exchange Operations, the system includes a variety of records relating to personnel actions and determinations made about an individual while employed by the NASA Exchange-JSC. These records contain information about an individual relating to birth date; social security number; home address and telephone number; marital status; references; veteran preference, tenure, handicap; position description, past and present salaries, payroll deductions, leave; letters of commendation and reprimand; adverse actions, charges and decisions on charges; notice of reduction-in-force; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer and separation; minority group; records relating to life insurance, health and retirement benefits; designation of beneficiary; training; performance ratings; physical examinations; criminal matters; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

For successful applicants under the JSC Exchange Scholarship Program, the system contains information supplied by individual center employees who have applied for an Exchange Scholarship for their son or daughter and includes, but is not limited to, education, financial transactions or holdings, employment history, medical data and other related information.

For participants in social or sports activities sponsored by the Exchange, information includes employees' or contractors' employee identification number, organization, location, telephone number, and other information directly related to status or interest in participation in such activities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; NASA Management Instruction 9050.6; Treasury Fiscal Requirement Manual, Part III, Payroll Deductions and Withholdings; Federal Personnel Manual; JSCM 31712A, Exchange Activities Manual, dated May 1980.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for the following purposes: (1) With respect to past or present employees of the JSC Exchange Operations, information in the system is used to: (a) pay employees and advise employees through Leave and Earnings Statements, (b) provide for promotion opportunities, disciplinary actions, staffing controls, budget requirements, employee fringe benefits, and other related personnel managerial purposes, and (c) submit reports in accordance with legal or policy directives and regulations to center management and NASA Headquarters; (2) With respect to successful applicants under the JSC Scholarship Program, the information in the system is used to award scholarships to the sons and daughters of NASA-JSC employees; and (3) With respect to participants in the social or sports activities sponsored by the Exchange, the information maintained in the system is used to facilitate participation in such activities.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA for information maintained on JSC Exchange Operations employees only: (1) Provide information in accordance with legal or policy directives and regulations to the Internal Revenue Service, Department of Labor, Department of Commerce, Texas State Government Agencies, labor unions; (2) Provide information to insurance carriers with regard to worker's compensation, health and accident, and retirement insurance coverages; (3) Provide employment or credit information to other parties as requested by a current or former employee of the JSC Exchange Operations; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

For Exchange employees, records are maintained by name and filed as current or past employee. For Scholarship applicants, records are maintained by name. For participants in social or sports activities, records are maintained by name.

SAFEGUARDS:

Records are located in locked metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

For employees of JSC Exchange Operations, Personnel Records are retained indefinitely to satisfy payroll, reemployment, unemployment compensation, tax and employee retirement purposes.

For successful applicants under the JSC Exchange Scholarship Program, records are maintained until completion of awarded scholarship and then destroyed. Records pertaining to unsuccessful applicants are returned to them.

For participants in social or sports activities, records are maintained for a stated participation period, and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Exchange Operations, NASA Exchange - JSC, address same as shown for System Location.

NOTIFICATION PROCEDURE:

Individuals may obtain information from the System Manager.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

For employees of the JSC Exchange Operations, information is obtained from the individual employee, the employee references, insurance carriers, JSC Health Services Division, JSC Security, employment agencies, Texas Unemployment Commission, credit bureaus, and creditors.

With respect to the JSC Exchange Scholarship Program, the information is obtained from the parents or guardians of the scholarship participants.

For JSC employees and JSC contractor employees participating in social or sports activities sponsored by the Exchange, information is obtained from the individual participant.

NASA 73FHAP

SYSTEM NAME:

WSTF Federal Housing Administration (FHA) 809 Housing Program - NASA.

SYSTEM LOCATION:

JSC White Sands Test Facility, National Aeronautics and Space Administration, P. O. Drawer MM, Las Cruces, New Mexico 88001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

WSTF Civil Service and contractor personnel who have applied for FHA 809 housing.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, WSTF, and FHA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders and index cards.

RETRIEVABILITY:

Records are indexed by certificate number and person's name.

SAFEGUARDS:

Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Administration Office, address same as shown for System Location.

NOTIFICATION PROCEDURE:

Individuals may obtain information from the System Manager.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

NASA 76RTES

SYSTEM NAME:

KSC Radiation Training and Experience Summary - NASA

SYSTEM LOCATION:

John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Custodians and/or users of sources radiation (ionizing and non-ionizing). Applicable to all users or custodians at KSC and NASA or NASA contractor personnel at Cape Canaveral Air Force Station, Florida, or Vandenberg Air Force Base, California.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals name and radiation related training and experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2111, 2201, 2232, 2233, 10 CFR Part 33 for Federal Licensee, and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA to determine the suitability of individuals for specific assignments dealing with radiation and to preclude unnecessary exposure to self and others.

In addition to the internal uses of the information contained in this system of records, routine uses outside of NASA include: (1) Disclosure to Air Force Radiation Protection Officers at Eastern Space and Missile Center, Patrick Air Force Base, Florida, and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using sources of radiation to facilitate protection of the individual and the public; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

RETRIEVABILITY:

Records are indexed by name, program/project title. Use authorization number and/or license number as applicable.

SAFEGUARDS:

Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the applicable NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

KSC Radiation Protection Officer; address same as shown for System Location.

NOTIFICATION PROCEDURE:

Individuals may obtain information from the system manager.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individual is sole source.

NASA 76STCS

SYSTEM NAME:

KSC Shuttle Training Certification System (YC 04)

SYSTEM LOCATION:

John F. Kenndey Space Center Systems Training and Employee Development Branch, Kenndey Space Center, FL 32899

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

KSC Civil Service, KSC contractor, and DOD personnel who have received systems, skills, or safety training in support of KSC or Space Shuttle Operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of training attendance and certifications, including certifications of physical ability to perform hazardous tasks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473, 44 U.S.C. 3101

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA to determine training needs, and the operational readiness of the work force, to provide data for badging and access control to hazardous areas or critical operations, to determine the size of individual protective equipment and to identify personnel with needed skill combinations. In addition to the internal uses the information contained in this systems of records, the following are routine uses outside of NASA: (1) Disclosure is made of information on employees of KSC contractors to those contractor organizations and to the Computer Sciences Corporation to facilitate the performance of the contracts. These disclosures are made by Boeing Services International which compiles these training records for KSC; (2) Standard routine uses 1-4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained for KSC by Computer Sciences Corporation on computer tape with printouts made periodically as required. Complete printouts are filed in the KSC Systems Training and Employee Development Branch, and The Boeing Services International Training Office. Records containing raw data on course attendance and trainee statistics are maintained by Boeing Services International for KSC.

RETRIEVABILITY:

Indexed by name, organization, and skill.

SAFEGUARDS:

These listings are automated systems, skills, and safety training records maintained under administrative control of responsible organizations in areas that are locked when not in use. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Outdated records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Systems Training and Employee Development Branch, Kennedy Space Center, FL 32899

NOTIFICATION PROCEDURE:

Individuals may obtain information from the Systems Manager.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and for appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Information is obtained from class rosters, operational records, reports of physical examination completions and actions of certification boards.

NASA 76XRAD

SYSTEM NAME:

KSC USNRC Occupational External Radiation Exposure History for Nuclear Regulatory Commission Licenses - NASA.

SYSTEM LOCATION:

John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

KSC civil servants and KSC contractor personnel who have received radiation exposure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, date of birth, exposure history, name of license holder, social security number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, and 2201; 10 CFR, Part 20 for Federal Licensee; and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in this system of records is used within NASA to record exposure and to inform individuals of their approaching or exceeding radiation dose limits.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure to Air Force Radiation Protection Offices at Eastern Space and Missile Center, Patrick Air Force Base, Florida and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices, to facilitate the protection of individuals; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

RETRIEVABILITY:

Records are indexed by name in personnel dosimetry files.

SAFEGUARDS:

Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 CFR Part 1212.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

KSC Radiation Protection Officer; address same as shown for System Location.

NOTIFICATION PROCEDURE:

Individuals may obtain information from the System Manager.

RECORD ACCESS PROCEDURES:

Same as above.

CONTESTING RECORD PROCEDURES:

The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 CFR Part 1212.

RECORD SOURCE CATEGORIES:

Individual is sole source.

APPENDIX A.

LOCATION NUMBERS AND MAILING ADDRESSES OF NASA INSTALLATIONS AT WHICH RECORDS ARE LOCATED.

Location 1.
National Aeronautics and Space Administration
Washington, DC 20546

Location 2
Ames Research Center
National Aeronautics and Space Administration
Moffett Field, CA 94035

Location 3
Hugh L. Dryden Flight Research Facility
National Aeronautics and Space Administration
P. O. Box 273
Edwards, CA 93523

Location 4
Goddard Space Flight Center
National Aeronautics and Space Administration
Greenbelt, MD 20771

Location 5
Lyndon B. Johnson Space Center
National Aeronautics and Space Administration

Houston, TX 77058
Location 6
John F. Kennedy Space Center
National Aeronautics and Space Administration
Kennedy Space Center, FL 32899
Location 7
Langley Research Center
National Aeronautics and Space Administration
Langley Station
Hampton, VA 23665
Location 8
Lewis Research Center
National Aeronautics and Space Administration
21000 Brookpark Road
Cleveland, OH 44135
Location 9
George C. Marshall Space Flight Center
National Aeronautics and Space Administration
Marshall Space Flight Center, AL 35812
Location 10
NASA Resident Office-JPL
National Aeronautics and Space Administration
4800 Oak Grove Drive
Pasadena, CA 91103
Location 11
National Space Technology Laboratories
National Aeronautics and Space Administration
NSTL Station, MS 39529
Location 12
JSC White Sands Test Facility
National Aeronautics and Space Administration
P.O. Drawer MM
Las Cruces, NM 88001
Location 13
LeRC Plum Brook Station
National Aeronautics and Space Administration
Sandusky, OH 44870
Location 14
Michoud Assembly Facility
National Aeronautics and Space Administration
P.O. Box 29300
New Orleans, LA 70129

APPENDIX B

STANDARD ROUTINE USES - NASA

The following routine uses of information contained in systems of records subject to the Privacy Act of 1974 are standard for many NASA systems. They are cited by reference in the paragraph 'Routine uses of records maintained in the system, including categories of users and the purpose of such uses' of the **Federal Register** notice on those systems to which they apply.

Standard Routine Use No. 1 - LAW ENFORCEMENT - In the event that this system of records indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Standard Routine Use No. 2 - DISCLOSURE WHEN REQUESTING INFORMATION - A record from this system of records may be disclosed as a 'routine use' to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

Standard Routine Use No. 3 - DISCLOSURE OF REQUESTED INFORMATION - A record from this system of records may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Standard Routine Use No. 4 - COURT PROCEEDINGS - In the event there is a pending court or formal administrative proceeding, any records which are relevant to the proceeding may be disclosed to the Department of Justice or other agency for purposes of representing the Government, or in the course of presenting evidence, or they may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

[FR Doc. 82-28940 Filed 10-25-82; 8:45 am]

BILLING CODE 7510-01-T

NATURAL SCIENCE FOUNDATION

Commercial and Industrial Firms; Extension of Comment Period

AGENCY: National Science Foundation.

ACTION: Extension of time to comment.

SUMMARY: The National Science Foundation published a statement of principles as NSF policy toward the involvement of commercial and industrial firms with research facilities and equipment supported by NSF. The notice appeared on October 7, 1982, at 47 FR 44448, and requested comments from the public by October 26, 1982. As a result of a number of requests by interested parties to allow additional time to prepare and submit written comments on the proposed policy, NSF has extended the deadline for receipt of such comments, for two additional weeks, until November 9, 1982.

DATE: Send comments to the address listed above on or before November 9, 1982.

ADDRESS: National Science Foundation, 1800 G Street, NW.—Rm 501, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles H. Herz, General Counsel, National Science Foundation, 1800 G Street, NW, Room 501, Washington, DC 20550, (202/357-9435(6).

Charles H. Herz,
General Counsel, National Science Foundation.

[FR Doc. 82-29609 Filed 10-25-82; 11:48 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Clinch River Breeder Reactor Working Group on Structures and Materials; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) Working Group on Structures and Materials will hold a meeting on November 18, 1982, Room 762, 1717 H Street, NW, Washington, DC. The Working Group will continue its review of the CRBR structures and materials to include leak before break, inservice inspection, weldments, and structural seismic margins.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, November 18, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Department of Energy, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: October 21, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc.82-29361 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 80 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee) which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment was effective September 3, 1982.

The amendment on a one-time only basis modifies the plant Technical Specifications to allow the plant to remain in hot shutdown for a total of 5 days while repairing fan cooler unit 24. The amendment was authorized by telephone on September 3, 1982 and confirmed by letter dated September 7, 1982.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this statement.

For further details with respect to this action, see (1) the telecopy request for amendment dated September 3, 1982, and follow-up letter dated September 13, 1982, (2) the Commission's letter to the licensee dated September 7, 1982, (3) Amendment No. 80 to License No. DPR-26, and (4) the Comission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of October 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1., Division of Licensing.

[FR Doc. 82-29373 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 54 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised the Technical Specifications for operation of the Big Rock Point Plant (facility) located in Charlevoix County, Michigan. This amendment is effective as of its date of issuance.

The amendment approves Technical Specification changes which pertain to (1) the containment high-radiation monitor required by NUREG-0737, Item II.F.1(3) and (2) the test intervals for Type B and C leak tests required by Appendix J to 10 CFR Part 50.

The applications for amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated December 15, 1981 and January 7, 1980, (2) Amendment No. 54 to License No. DPR-6 and (3) the Commission's related Safety Evaluations. These items are available for public inspection at the commission's Public document Room, 1717 H Street, NW., Washington, D.C. and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A single copy of items (2) and (3) may be obtained by request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of October 1982.

For the Nuclear Regulatory Commission;

Dennis M. Crutchfield,

Chief Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-29374 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-219]

GPU Nuclear Corp. and Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Provisional Operating License No. DPR-16, issued to GPU Nuclear Corporation and Jersey Central Power & Light Company (the licensees), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

This amendment authorizes the addition of the requirement for making the Control Rod Drive Scram Discharge Volume (SDV) High Level and Scram Trip Bypass Rod Block a part of the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 4, 1981, (2) Amendment No. 63 to License No. DPR-16, and (3) the Commission's related Safety Evaluation, including the Technical Evaluation Report prepared by Franklin Research Center. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the Local Public Document Room, 101 Washington Street, Toms River, New Jersey 08753. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of October, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-29375 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-315]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-58, issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit No. 1 (the facility) located in Berrien County, Michigan. The amendment is effective as of the date of issuance.

This amendment permits a one time extension of the current 72 hour out-of-service time for one Safety Injection Pump to 312 hours to allow several minor adjustments to be made to return the pump to peak performance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 14, 1982, (2) Amendment No. 64 to License No. DPR-58, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of October 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-29376 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and Cleveland Electric Illumination Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 46 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications (TSs) for operating of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio.

The amendment was authorized by telephone on September 16, 1982, and was confirmed by letter dated September 20, 1982. The amendment permits a one-time extension to the surveillance period for the Steam Line Pressure-Low, instrument. The amendment was issued on an expedited basis to avoid an unnecessary and undesirable shutdown.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the telecopied application for amendment dated September 17, 1982, and the formal application dated September 30, 1982, (2) the Commission's letter to the licensee dated September 20, 1982, (3) Amendment No. 46 to License No. NPF-3, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of October 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. No. 4 Division of Licensing.

[FR Doc. 82-29377 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co. and Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. NPF-3, issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which added a license condition and revised Technical Specifications (TSs) for operation of the Davis-Besse Nuclear Power Station, Unit No. 1, (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment adds a condition to the license regarding the implementation of a secondary water chemistry monitoring program and deletes TSs relating to secondary water chemistry.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 3, 1979, (2) Amendment No. 47 to License No. NPF-3, and (3) the Commission's letter to The Toledo Edison Company dated October 15, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the William Carlson Library, University of Toledo, 2801 Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of October 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-29378 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 70-698]

Westinghouse Electric Corp. Waltz Mill Site, Yukon, Pennsylvania; Negative Declaration Regarding Renewal of License No. SNM-770

The U.S. Nuclear Regulatory Commission (the Commission) is considering the renewal of Special Nuclear Material License SMN-770 for the continued operation of Westinghouse Electric Corporation's Waltz Mill site at Yukon, Pennsylvania.

The Commission's Division of Fuel Cycle and Material Safety has prepared an environmental impact appraisal for the proposed renewal of license SMN-770. On the basis of this appraisal, the Commission has concluded that the environmental impact created by the proposed license renewal action would not be significant and does not warrant the preparation of an environmental impact statement and, accordingly, it has been determined that a Negative Declaration is appropriate. The environmental impact appraisal is available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Maryland, this 21st day of October, 1982.

For the Nuclear Regulatory Commission.

R. G. Page,

Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 82-29380 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: New.
2. The title of the information collection: NUREG-0906, "Guidance for implementation of the Standard Review Plan Rule."
3. The form number if applicable: Not applicable.
4. How often the collection is required: Non-recurring.
5. Who will be required or asked to report: Future applicants.
6. An estimate of the number of responses: 3.
7. An estimate of the total number of hours needed to complete the requirements of request: 11,500 hour decrease from previous requirement.
8. An indication of whether Section 3504(h), Pub. L. 96-511 applies: Not applicable.
9. Abstract: NRC regulations, specifically 10 CFR 50.34(g), requires the documentation and evaluation of differences between certain reactor license applications and the acceptance criteria of the Standard Review Plan (NUREG-0800). The proposed "Guidance for Implementation of the Standard Review Plan Rule" discusses the evaluation required, provides a suggested format, and gives illustrative examples.

Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street, NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland this 22nd day of October 1982.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 82-29379 Filed 10-25-82; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Order No. 454; Docket No. A83-3]

Mountville, Georgia 30261 (A. D. Moore, et al., Petitioners); Notice and Order of Filing of Appeal

Issued: October 21, 1982.

On October 12, 1982, the Commission received a petition from A. D. Moore, and 59 other postal patrons from Mountville, Georgia (hereinafter "Petitioners") concerning the alleged United States Postal Service (hereinafter "Postal Service" or "Service") intent to close the Mountville, Georgia post office. The petition not only complains of certain adverse effects this closing would have on the community, but further alleges that an adequate opportunity to be heard was not given.

The Act requires that the Service provide the affected community with at least 60 days notice prior to issuance of its Final Decision. The requirement is to "* * * ensure that such persons will have an opportunity to express their views."[1] The petition does not mention whether this notice was provided. Moreover, there is no mention in the petition of any hearings, nor is there any indication of any Final Determination, in this matter, pursuant to 39 U.S.C. 404(b)(3).[2] Furthermore, petitioners have neither attached a copy of the Postal Service's Final Determination to their petition as is required by Commission rules of practice, nor made any specific reference to 39 U.S.C. 404(b), which gives the Postal Rate Commission jurisdiction in the matters.

However, the document does clearly indicate that petitioners are requesting the type of review provided by statute. Furthermore, petitioners have made a sufficient statement to enable the Commission to assume jurisdiction in this matter. Thus, we conclude that petitioners have substantially complied with Commission rules of practice and their petition will be considered a petition for review pursuant to section 404(b) of the Postal Reorganization Act (hereinafter "Act").

Applicable Law in This Proceeding

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[3]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close or consolidate post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

Upon preliminary inspection, the petitioners appear to raise the following issues of law.

1. Is the Postal Service's proposed closing of this post office consistent with the "maximum degree of effective and regular postal services" standard of 404(b)(2)(C)?
2. As part of the effect on the community standard of section 404(b)(2)(A), must the Postal Service consider the effect the closing of the Mountville post office would have on those doing business within the community?
3. Must the Postal Service consider that the alternative post offices may be inaccessible to a number of Mountville postal patrons as part of its treatment of the "maximum degree of effective and regular postal services" standard of section 404(b)(2)(C)?

Other issues of law may become apparent when the Commission has had an opportunity to examine the determination made by the Postal Service. Such additional issues may emerge during Commission review of the Service's determination. Conversely, the determination may be found to resolve adequately one or more of the issues described above.

Commission Procedure in This Docket

In view of the statutory requirements, and in the interest of expedition of this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above, and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the Determination and record pursuant to § 113 of the rules of practice[4] make the request by order specifying the issues to be addressed. When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on Petitioners by the Service.

In addition, the Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

In briefing the case, or in filing any motion to dismiss for want of prosecution, in appropriate circumstances, the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases, and none is being appointed.[6]

The Commission Orders:

(A) The petition from A.D. Moore, *et al.* shall be construed as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file the administrative record in this case on or before October 27, 1982, pursuant to the Commission's rules of practice (39 CFR 3001.112(a)).

By the Commission.

David F. Harris,

Secretary.

Appendix

October 12, 1982—Filing of Petition.

October 21, 1982—Notice and Order of Filing of Appeal.

October 27, 1982—Filing of record by Postal Service [*see* 39 CFR 3001.112(a)].

November 1, 1982—Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].

November 12, 1982—Petitioner's initial brief [*see* 39 CFR 3001.115(a)].

November 29, 1982—Postal Service answering brief [*see* 39 CFR 3001.115(b)].

December 14, 1982—(1) Petitioner's reply brief, if petitioner chooses to file such brief [*see* 39 CFR 3001.115(c)]; (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.

January 7, 1983—Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 82-29343 Filed 10-25-82; 8:45 am]

BILLING CODE 7715-01-M

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[1] 39 U.S.C. 404(b)(1).

[2] Petitioners have not supplied a copy of the Postal Service's Final Determination, if indeed one is in existence.

[3] 39 U.S.C. 101(b).

[4] 39 CFR 3001.113.

[5] 39 CFR 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] In the matter of Gresham, S.C., Route No. 1, Docket No. A78-1 (May 11, 1978).

DEPARTMENT OF STATE

[Public Notice 829]

Privacy Act of 1974; New System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) and the Office of Management and Budget Circular No. A-108 of September 30, 1975 (40 FR 45877, October 3, 1975), notice is hereby given that the Department of State proposes to establish a new name-retrievable system of records.

The new system is entitled "U.S./Iran Claims Records. STATE-54." It will be used to provide information to attorneys in the Department of State and in other federal agencies who are working on claims against Iran filed in the Iran-United States Claims Tribunal in The Hague, The Netherlands. The information in this system will come from various sources: the individual claimants or their legal representatives, the Tribunal, and U.S. Government attorneys. The information will identify the parties to each claim, the value and nature of the claim, its history and current procedural status in the Tribunal, and other data which will enable U.S. Government attorneys to monitor the progress of claims and identify common legal issues relevant to various groups of claims. By identifying such common issues, the Department of State will be able to facilitate the expeditious processing of claims by the Tribunal and to assist U.S. claimants in the presentation of their claims. The record system will also be used to provide information to the Iran-United States Claims Tribunal, the Government of Iran, and other governments as appropriate.

Any persons interested in expressing views on this new system of records may do so by submitting comments in writing to the Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, 2201 C Street NW., Washington, D.C. 20520. If no comments are received by December 27, 1982, this new record system will go into effect.

The proposed "U.S./Iran Claims Records. STATE-54" will read as set forth below.

For the Secretary of State.

Dated: October 15, 1982.

Richard T. Kennedy,

Under Secretary for Management.

SYSTEM NAME:

U.S./Iran Claims Records.

SYSTEM LOCATION:

Department of State, 2201 C Street, NW., Washington, D.C. 20520

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. nationals with claims filed against Iran in the Iran-United States Claims Tribunal in The Hague, The Netherlands.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data relating to claims filed in the Iran-United States Claims Tribunal, including the names and addresses of parties to the claims, the value and nature of the claims, their procedural history in the Tribunal (hearing dates and decisions), correspondence, memoranda, and data which will enable U.S. Government attorneys to identify common legal issues in the claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS IN THE SYSTEM:

The Office of Iranian Claims in the Office of the Legal Adviser will use this record system to organize information concerning claims before the Tribunal. The information will be used primarily by attorneys and paralegals in the Office of Iranian Claims to facilitate their processing such claims. Certain information would also be made available to attorneys in other government agencies involved in the claims program, principally the Departments of Justice, the Treasury, and Defense, as well as to the Iran-United States Claims Tribunal, the Government of Iran, and other governments as appropriate. The information may also be released to other government agencies having statutory or other lawful authority to maintain such information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer media; hard copy.

RETRIEVABILITY:

By claim number or individual claimant name; by nature or amount of claim; by other descriptive features of claim.

SAFEGUARDS:

All employees of the Department of State have undergone a thorough background investigation. Access to the Department of State building and its annexes is controlled by security guards, and admission is limited to those individuals under proper escort. All records containing personal information are maintained in secured filed cabinets or in restricted areas, access to which is limited to authorized personnel.

RETENTION AND DISPOSAL:

These records will be maintained for the duration of the Iran-United States Claims Tribunal and for any period of time thereafter in which such records may be required to prepare a summary of the Tribunal's work.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, Office of the Legal Adviser, Room 5519A, Department of State, 2201 C Street, NW., Washington, D.C. 20520.

NOTIFICATION PROCEDURE:

Individuals who have reason to believe that the Office of the Legal Adviser might have records pertaining to them should write to the Information and Privacy Coordinator, Room 1239, Department of State, 2201 C Street, NW., Washington, D.C. 20520. The individual must specify that he/she wishes the records of the Office of the Legal Adviser to be checked. At a minimum, the individual must include: name; date and place of birth; claim registration number; present mailing address and zip code; and signature.

RECORD ACCESS PROCEDURES:

Individuals who wish to gain access to or amend records pertaining to them should write to the Information and Privacy Coordinator (address above).

CONTESTING RECORD PROCEDURES:

(See above.)

RECORD SOURCE CATEGORIES:

The individual or his legal representative, the Iran-United States Claims Tribunal, the Office of the Legal Adviser

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(1), certain records contained within this system of records are exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). See Department of State rules published in the **Federal Register**

[FR Doc. 82-29342 Filed 10-25-82; 8:45 am]

BILLING CODE 4710-08-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 207
Tuesday, October 26, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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Civil Aeronautics Board	1
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1

CIVIL AERONAUTICS BOARD

[M-365 (Amdt. 1); October 19, 1982]

Addition to the October 21, 1982 Meeting

TIME AND DATE: 10 a.m., October 21, 1982.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: 12a. Docket 35634, IATA agreements proposing a revised North/Central Pacific cargo rate structure. (BIA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the secretary (202) 673–5068.

[S-1545-82 Filed 10-22-82; 3:48 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Wednesday, October 27, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Reauthorization.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1538-82 Filed 10-22-82; 12:55 pm]

BILLING CODE 6351-01-M

3

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Thursday, October 28, 1982.

LOCATION: Third floor hearing room, 1111 18th Street, NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. *Toy Chests*
   The staff will brief the Commission on the advance notice of proposed rule making concerning the strangulation risk presented by Toy Chests and options for action.
2. *Children's Sleepwear Enforcement Policy*
   The staff will brief the Commission on proposed statements of policy concerning the children's sleepwear standards.
3. *Over-the-Counter Antihistamines*
   The Commission will consider the issue of whether to propose to require special packaging under the Poison Prevention Packaging Act for over-the-counter antihistamines.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301–492–6800.

[S-1543-82 Filed 10-22-82; 3:48 pm]

BILLING CODE 6355-01-M

4

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, October 27, 1982.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public:

1. *Kerosene Heaters*
   The Commission will be briefed by staff on status of the kerosene heaters project. Representatives from Consumers Union, Underwriters Laboratories, The National Kerosene Heaters Association and The American Petroleum Institute will participate with staff in the briefing.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Md. 20207; 301–492–6800.

[S-1544-82 Filed 10-22-82; 3:48 pm]

BILLING CODE 6355-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

October 21, 1982.

Open Commission Meeting, Thursday, October 28, 1982

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 28, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street NW., Washington, D.C.

Agenda, Item No., and Subject

General— 1— *Title:* Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979. *Summary:* The FCC will consider amendment of Part 2 of its Rules to implement domestically the radio frequency spectrum allocations adopted by the 1979 World Administrative Radio Conference.

General— 2— *Title:* Amendment of Part 15 Rules to provide for remote control and security devices (FCC Docket 20990). *Summary:* The Commission reconsiders several aspects of the rules recently adopted by Report and Order in this Docket for non-licensed radio control equipment used in wireless security and medical alert systems and other short-range, remote controlled systems. One consideration involves the susceptibility and interference potential of these devices to the Amateur Radio Service. The other basic issue involves the allowable self-testing rate of tramsmission (polling) for radio control transmitters in wireless security systems.

Private Radio— 1— *Title:* Allocation of frequencies in the 72–76 MHz band for use by fixed stations in the Automobile Emergency Radio Service. PR Docket No. 82–121, RM 3964. *Summary:* The FCC will consider whether to adopt a Report and Order allowing the use of 72–76 MHz frequencies for fixed purposes in the Automobile Emergency, as well as the Taxicab, Manufacturers, and Telephone Maintenance Radio Services.

Private Radio— 2— *Title:* Amendment of Part 2 of the rules to permit temporary use of additional frequencies in the Amateur Radio Service on a secondary, non-interferences basis. *Summary:* The Commission will consider whether to amemd its rules to make additional frequencies (10.100–10.150 MHz) available to the Amateur Radio Service for a temporary period.

Cable Television— 1— *Title:* "Request for Issuance of Tax Certificate" (CSR-2198) filed May 14, 1982, by California Oregon Broadcasting, Inc. *Summary:* California Oregon Broadcasting, Inc., pursuant to Section 1071 of the 1954 Internal Revenue

Code, requests issuance of a tax certificate in connection with the sale of Southern Oregon Broadcasting Company d.b.a. Southern Oregon Cable TV.

Cable Television—2—*Title:* "Petition for Reconsideration" (CSR-1340) filed June 8, 1981, by Desert Empire Television Corporation, licensee of Station KMIR-TV (NBC, Channel 36), Palm Springs, California. *Summary:* Desert Empire Television Corporation, licensee of Station KMIR-TV (NBC, Channel 36) Palm Springs, California, seeks reconsideration of the Commission's action in *Desert Empire Television Corporation,* FCC 81-196, 86 FCC 2d 644 (1981), denying the station's request for waiver of Section 76.92(g) of the Commission's Rules.

Assignment and Transfer—1—*Title:* (1) Applications for the assignment of licenses of stations KXXX and KXXX-FM, Colby, Kansas, from Golden Plaines, Inc. to Lesso, Inc. (BAL-820216GF and BALH-820216GG); and (2) Request of Lesso, Inc., for a waiver of Section 73.35(a) of the Commission's Rules, the "duopoly" rule, which prohibits 1 mV/m signal contour overlap between commonly-owned AM stations. *Summary:* The Commission will consider whether the facts of this case warrant a waiver of the Commission's AM duopoly rule.

Renewal—1—*Title:* License Renewal Application of Provident Broadcasting Company for Station WQCX(FM), Manchester, Georgia. *Summary:* The East Central Alabama-West Central Georgia Minority Christian Broadcast Coalition filed a petition to deny alleging that licensee's programming does not serve the needs and interests of the local minority population and that licensee's employment practices regarding minorities do not comply with the Commission's EEO rules and policies. The Commission considers petitioner's allegations.

Broadcast—1—*Title:* Petition for Reconsideration of Report and Order deleting Section 73.3611 of the Commission's Rules, Form 324—Annual Financial Report of Broadcasting Stations. *Summary:* The Commission will consider the petition for reconsideration filed in the above proceeding.

Broadcast—2—*Title:* Disclosure of FCC Form 324, Annual Financial Reports of Networks and Broadcasting Licensees. *Summary:* The Commission has before it two *Petitions for Rule Making* regarding the disclosure of financial data reported on FCC Form 324.

Complaints and Compliance—1—*Title:* Application for Review of Jose Pedro Bio. *Summary:* Mr. Bio seeks review of the Broadcast Bureau's determination that sanctions need not be imposed against station WJFD-FM for its violation of certain political broadcasting rules because they were nonflagrant and not made in bad faith. Mr. Bio also seeks clarification regarding the seven-day notification period under the personal attack rule.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: October 21, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1531-82 Filed 10-22-82; 10:12 am]

BILLING CODE 6712-01-M

6

FEDERAL COMMUNICATIONS COMMISSION

October 20, 1982.

Deletion of Agenda Item From October 21st Closed Meeting

The following item has been deleted at the request of the Office of Commissioner Dawson from the list of agenda items scheduled for consideration at the October 21, 1982, Closed Meeting and previously listed in the Commission's Notice of October 14, 1982.

Agenda, Item No., and Subject

Hearing—5—Applications for Review of a Hearing Designation Order and questions certified by the ALJ in the Vallejo, California, comparative TV proceeding (Docket Nos. 81-912-16).

Issued: October 20, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1532-82 Filed 10-22-82; 10:12 am]

BILLING CODE 6712-01-M

7

FEDERAL COMMUNICATION COMMISSION

October 21, 1982.

Closed Commission Meeting, Thursday, October 28, 1982

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, October 28, 1982, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Draft Decision in the WIOO, Inc., Carlisle, Pennsylvania, AM radio comparative renewal proceeding (Docket Nos. 21506-07).

Hearing—2—Application for Review of a Hearing Designation Order in the Kannapolis, North Carolina, comparative television proceeding (Docket Nos. 82-259, 82-260).

Hearing—3—Petition for review of a final Review Board Decision in the Payson, Arizona FM radio proceeding (Docket Nos. 80-559 and 80-560).

Hearing—4—Application for Review in the Theodore E. Sousa Citizens Band license revocation proceeding (SS Docket No. 78-89).

Hearing—5—Application for Review of a Hearing Designation Order and questions certified by the ALJ in the Vallejo, California, comparative TV proceeding (Docket Nos. 81-912-16).

Hearing—6—Draft Decision in the Hart, Michigan, comparative FM proceeding (Docket Nos. 80-688 and 80-689).

Hearing—7—Applications for Review and Certified Question in the William M. Rogers Amateur Radio license revocation proceeding (PR Docket Nos. 79-48, 49 and 50).

These items are closed to the public because they concern adjudicatory matters (see 47 CFR 0.603(j)).

The following persons are expected to attend:

Commissioners and their Assistants
General Counsel and members of his staff
Managing Director and members of his staff
Chief, Office of public Affairs and members of his staff

Action by the Commission:

Hearing Items 1 thru 4 and 7 October 18, 1982. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson and Sharp voting to consider these items in Closed Session.

Hearing Items 5 and 6 October 12, 1982. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider these items in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: October 21, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1533-82 Filed 10-22-82; 10:12 am]

BILLING CODE 6712-01-M

8

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, November 1, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1542-82 Filed 10-22-82; 3:33 pm]

BILLING CODE 6210-01-M

9

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-45]

TIME AND DATE: 3:30 p.m. Tuesday, November 2, 1982.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigations 731-TA-108/109 (Preliminary) (Portland Hydraulic Cement from Australia and Japan)—briefing and vote.
6. Investigations 731-TA-110/111 (Preliminary) (Bicycles from Korea and Taiwan)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1540-82 Filed 10-22-82; 3:10 pm]

BILLING CODE 7020-02-M

10

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-46]

TIME AND DATE: 2:30 p.m., Thursday, November 4, 1982.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation 731-TA-112 (Preliminary) (Steel Wire Rope from Korea)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1541-82 Filed 10-22-82; 3:10 pm]

BILLING CODE 7020-02-M

11

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 10 a.m., Monday, November 1, 1982.

PLACE: Board Conference Room, sixth floor, 1717 Pennsylvania Avenue, NW.

STATUS: Parts of this meeting will be opened to the public. The rest of the meeting will be closed to the public pursuant to 5 U.S.C. 552b (c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Portions open to the public:

Continued Publication of *An Outline of Law & Procedure in Representation Cases.*

Portions closed to the public:

Status of and personnel matters relating to the Puerto Rico Regional Office.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570; telephone: (202) 254-9430.

Dated: Washington, D.C., October 22, 1982.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-1534-82 Filed 10-22-82; 11:04 am]

BILLING CODE 7545-01-M

12

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-26]

TIME AND DATE: 9 a.m., Thursday, November 4, 1982.

PLACE: NTSB Board Room, 800 Independence Ave., SW., Washington, D.C. 20594.

STATUS: The first five items will be open to the public; the remaining items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Railroad Accident Report:* Derailment of Southern Pacific Transportation Campany Train No. 01-BSMFF-05, Carrying Radioactive Material, Thermal, California, January 7, 1982, and Recommendations to Southern Pacific Transportation Company, Research and Special Programs Administration, Association of American Railroads, American Short Line Railroad Association, American Trucking Association, Inc., Federal Railroad Administration, and Federal Highway Administration
2. *Letter* to the Federal Railroad Administration closing out 18 safety recommendations regarding track safety standards.
3. *Aircraft Accident Report:* Sunwest Airlines, Inc., Piper PA-31, Durango, Colorado, December 31, 1981.
4. *Marine Summary Reports.*
5. *Marine Summary Reports.*
6. *Order Denying Reconsideration:* Administrator v. Tracy, Dkt. SE-5194; deposition of Administrator's petition for reconsideration.
7. *Order Denying Reconsideration:* Administrator v. Daiker, Dkt. SE-5247; deposition of Administrator's petition for reconsideration.

CONTACT PERSON FOR MORE INFORMATION: Sharon Fleming (202) 382-6525.

October 22, 1982.

[S-1535-82 Filed 10-22-82; 12:55 pm]

BILLING CODE 4910-58-M

13

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-25]

TIME AND DATE: 9 a.m., Tuesday, November 2, 1982.

PLACE: NTSB Board Room, 800 Independence Ave., SE., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Fire On Board the Training Ship BAY STATE at the Massachusetts Maritime Academy, Buzzards Bay, Bourne, Massachusetts, December 22, 1981, and Recommendations to the Massachusets Maritime Academy and the U.S. Maritime Administration.
2. *Letter* to the Air Line Pilots Association regarding Petition for Reconsideration of Probable Cause in Aircraft Accident Report—North Central Airlines, Inc., Convair 580, N4825C, Kalamazoo, Michigan, July 25, 1978.
3. *Letter* to Kellogg Company regarding Motion to Withdraw Probable Caouse, Reconsider, and Investigate Further the Aircraft Accident involving an Avionics Marcel Dassault-Brequet Aviation, Falcon 10, N243K, Miegs Field, Chicago, Illinois, January 30, 1980.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382-6525.

October 22, 1982.

[S-1536-82 Filed 10-22-82; 12:55 pm]

BILLING CODE 4910-58-M

14

PAROLE COMMISSION

[3P0401]

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

TIME AND DATE: 10 a.m., Tuesday, October 26, 1982.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed meeting to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492-5987.

[S-1539-82 Filed 10-22-82; 2:44 pm]

BILLING CODE 4410-01-M

15

UNITED STATES RAILWAY ASSOCIATION

DATE AND TIME: October 28, 1982, 10 a.m.

PLACE: Board Room, Room 2-500, fifth floor, 955 L'Enfant Plaza North, S.W., Washington, D.C.

STATUS: The first portion of the meeting will be closed to the public; the second portion will be open.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS: Portion Closed to the Public (10 a.m.):

1. Internal Personnel Matters.
2. Review of Conrail Confidential and Proprietary Financial Information.

Portion Open to the Public (10:30 a.m.):

3. Approval of Minutes of September 9, 1982 Meeting.
4. Conrail Monitoring Indicators.

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 488-8777, ext. 503.

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Part II

Department of Health and Human Services

Food and Drug Administration

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph for OTC Bronchodilator Drug Products

DEPARTMENT OF HEALTH AND HUMAN SERVICES

21 CFR Part 341

[Docket No. 76N-052B]

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Tentative Final Monograph for OTC Bronchodilator Drug Products

AGENCY: Food and Drug Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is issuing a notice of proposed rulemaking in the form of a tentative final monograph that would establish conditions under which over-the-counter (OTC) bronchodilator drug products (drug products used in the symptomatic treatment of the wheezing and shortness of breath of asthma) are generally recognized as safe and effective and not misbranded. FDA is issuing this notice of proposed rulemaking after considering the report and recommendations of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products and public comments on an advance notice of proposed rulemaking that was based on those recommendations. This proposal deals only with bronchodilator drug products and is part of the ongoing review of OTC drug products conducted by FDA.

DATES: Written comments, objections, or requests for oral hearing before the Commissioner of Food and Drugs on the proposed regulation by December 27, 1982. New data by October 26, 1983. Comments on the new data by December 26, 1983. These dates are consistent with the time periods specified in the agency's final rule revising the procedural regulations for reviewing and classifying OTC drugs, published in the **Federal Register** of September 29, 1981 (46 FR 47730). Comments on the agency's economic impact determination by February 23, 1983.

ADDRESS: Written comments, objections, or requests for oral hearing to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. New data and comments on new data should also be addressed to the Dockets Management Branch.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, National Center for Drugs and Biologics (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 9, 1976 (41 FR 38312), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an advance notice of proposed rulemaking to establish a monograph for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products, together with the recommendations of the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products, which was the advisory review panel responsible for evaluating data on the active ingredients in these drug classes. Interested persons were invited to submit comments by December 8, 1976. Reply comments in response to comments filed in the initial comment period could be submitted by January 7, 1977.

In a notice published in the **Federal Register** of March 21, 1980 (45 FR 18400), the agency advised that it had reopened the administrative record for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products to allow for consideration of data and information that had been filed in the Dockets Management Branch after the date the administrative record previously had officially closed. The agency concluded that any new data and information filed prior to March 21, 1980 should be available to the agency in developing a proposed regulation in the form of a tentative final monograph.

In accordance with § 330.10(a)(10), the data and information considered by the Panel were put on public display in the Dockets Management Branch (HFA-305), Food and Drug Administration (address above), after deletion of a small amount of trade secret information. Data and information received after the administrative record was reopened have also been put on display in the Dockets Management Branch.

FDA is issuing the tentative final monograph for OTC cold, cough, allergy, bronchodilator, and antiasthmatic drug products in segments. This document on bronchodilator drug products is the second segment to be published. The first segment on anticholinergic drug products and expectorant drug products was published in the **Federal Register** of July 9, 1982 (47 FR 30002). Subsequent segments on antitussives, antihistamines, nasal decongestants, combinations, etc., will be published in future issues of the **Federal Register.**

The advance notice of proposed rulemaking, which was published in the **Federal Register** on September 9, 1976 (41 FR 38312), was designated as a "proposed monograph" in order to conform to terminology used in the OTC drug review regulations (21 CFR 330.10). Similarly, the present document is designated in the OTC drug review regulations as a "tentative final monograph." Its legal status, however, is that of a proposed rule. In this tentative final monograph (proposed rule) the FDA states for the first time its position on the establishment of a monograph for OTC bronchodilator drug products. Final agency action on this matter will occur with the publication at a future date of a final monograph, which will be a final rule establishing a monograph for OTC bronchodilator drug products.

In response to the advance notice of proposed rulemaking, 4 manufacturers, 2 manufacturers' associations, 1 consumer, 39 health care professionals, and 19 health care professional societies submitted comments on bronchodilator drug products. Copies of the comments received are also on public display in the Dockets Managment Branch.

This tentative final monograph would amend Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations in Part 341 (as set forth in the tentative final monograph on anticholinergic drug products and expectorant drug products that was published in the **Federal Register** of July 9, 1982 (47 FR 30002)) in Subpart A, by adding in § 341.3, new paragraph (c); by adding Subpart B, consisting at this time of § 341.16; and in Subpart C, by adding new §§ 341.76 and 341.90. This proposal constitutes FDA's tentative adoption of the Panel's conclusions and recommendations on OTC bronchodilator drug products, as modified on the basis of the comments received and the agency's independent evaluation of the Panel's report. Modifications have been made for clarity and regulatory accuracy and to reflect new information. Such new information has been placed on file in the Dockets Management Branch (address above). These modifications are reflected in the following summary of the comments and FDA's responses to them.

FDA published in the **Federal Register** of September 29, 1981 (46 FR 47730) a final rule revising the OTC procedural regulations to conform to the decision in *Cutler* v. *Kennedy,* 475 F. Supp. 838 (D.D.C. 1979). The Court in *Cutler* held that the OTC drug review regulations (21 CFR 330.10) were unlawful to the extent that they authorized the marketing of Category III drugs after a final monograph had been established.

Accordingly, this provision is now deleted from the regulations. The regulations now provide that any testing necessary to resolve the safety or effectiveness issues that formerly resulted in a Category III classification, and submission to FDA of the results of that testing or any other data, must be done during the OTC drug rulemaking process, before the establishment of a final monograph (46 FR 47738).

Although it was not required to do so under *Cutler*, FDA will no longer use the terms "Category I," "Category II," and "Category III" at the final monograph stage in favor of the terms "monograph conditions" (old Category I) and "nonmonograph conditions" (old Categories II and III). This document retains the concepts of Categories I, II, and III at the tentative final monograph stage.

The agency advises that the conditions under which the drug products that are subject to this monograph would be generally recognized as safe and effective and not misbranded (monograph conditions) will be effective 12 months after the date of publication of the final monograph in the **Federal Register**. In some advance notices of proposed rulemaking previously published in the OTC drug review, the agency suggested an earlier effective date. However, as explained in the tentative final monograph for OTC anticholinergic drug products and expectorant drug products (published in the **Federal Register** of July 9, 1982; 47 FR 30002), the agency has concluded that, generally, it is more reasonable to have a final monograph be effective 12 months after the date of its publication in the **Federal Register**. This period of time should enable manufacturers to reformulate, relabel or take other steps to comply with a new monograph with a minimum disruption of the marketplace thereby reducing economic loss and ensuring that consumers have continued access to safer and effective drug products.

On or after the effective date of the monograph, no OTC drug products that are subject to the monograph and that contain nonmonograph conditions, i.e., conditions that would cause the drug to be not generally recognized as safe and effective or to be misbranded, may be initially introduced or initially delivered for introduction into interstate commerce. Further, any OTC drug products subject to this monograph that are repackaged or relabeled after the effective date of the monograph must be in compliance with the monograph regardless of the date the product was initially introduced or initially delivered for introduction into interstate commerce. Manufacturers are encouraged to comply voluntarily with the monograph at the earliest possible date.

All "OTC Volumes" cited throughout this document refer to the submissions made by interested persons pursuant to the call-for-data notice published in the **Federal Register** of August 9, 1972 (37 FR 16029) or to additional information that has come to the agency's attention since publication of the advance notice of proposed rulemaking. The volumes are on public display in the Dockets Management Branch.

I. The Agency's Tentative Conclusions on the Comments

1. Many comments, mostly from health care professionals, objected to the Panel's recommendation that theophylline be available OTC. The comments raised two major concerns: appropriate dosages are difficult to determine, and the potential risk of toxicity is great. Several other comments supported the Panel's placement of theophylline in Category I, citing the savings in time and money to patients who would no longer have to visit a physician to obtain a prescription and nothing that adverse reactions tend to be minor while benefits in relief of wheezing and labored breathing tend to be significant.

Several comments objected to the term "excessive use" in the warning against the use of theophylline in children under 12 years of age in § 341.76(b)(4)(v). Another comment objected to the Panel's recommendations concerning the theophylline tablet dissolution testing in § 341.45. One comment pointed out that unpublished information has been generated indicating that measurements of whole-blood theophylline levels are almost as high as measurements of serum theophylline levels. A manufacturer of timed-release products commented that in view of the Panel's conclusion that small doses of theophylline at more frequent time intervals are desirable, timed-release dosage forms of theophylline may be preferable to immediate-release dosage forms.

In the **Federal Register** of December 10, 1976 (41 FR 54032), the agency announced that it did not agree with the Panel's recommendation that theophylline be classified in Category I and be made available for OTC use as a single ingredient. At that time, the agency stated that additional information, which was not available during the Panel's deliberations, indicated that the Panel's recommended therapeutic dose may be toxic to some individuals and suggested that the safe and effective use of theophylline requires careful dosage titration based on theophylline serum concentrations. The December 10, 1976 notice included a summary of the information on which the agency's decision was based. None of the comments in favor of the OTC availability of theophylline contained data from studies in support of a change in the agency's decision to place theophylline as a single ingredient in Category II. The advantages of OTC availability of theophylline cited by these comments, e.g., savings in time and money when a prescription is not required to obtain theophylline, do not outweigh the potential risk of toxicity. The agency therefore reaffirms its December 10, 1976 decision at this time and tentatively concludes that theophylline should not be available as a single ingredient in OTC drug products. Accordingly, §§ 341.16(d), 341.45, 341.76(b)(4), and 341.90(k) have been deleted from the monograph. Specific responses to the comments concerning the warning against the use of the drug in children under 12 years of age, dissolution testing of theophylline preparations, whole-blood and serum levels of theophylline, and timed-release dosage forms are obviated at this time by the agency's decision to place theophylline as a single ingredient in Category II.

The agency is reviewing the use of theophylline as an ingredient in OTC combination drug products and will address such combinations in a future **Federal Register** publication of the tentative final monograph for cold, cough, allergy, bronchodilator, and antiasthmatic combination products. Should the agency determine that theophylline-containing combinations are generally recognized as safe and effective, the above-mentioned sections, modified to apply to theophylline-containing combinations only, will be incorporated into the monograph at that time. The agency will also respond to specific comments concerning the warning against the use of theophylline in children under 12 years of age, dissolution testing of theophylline preparations, whole-blood and serum levels of theophylline, and timed-release dosage forms at that time should theophylline-containing combinations be included in the monograph.

2. One comment requested clarification of the phrase "pressurized preparation," as used by the Panel in stating its conclusions on the dosage of epinephrine-containing products (41 FR 38372), and asked whether the phrase

refers to an aerosol preparation, to a hand-held nebulizer preparation, or to both.

FDA has approved a number of epinephrine-containing aerosol products for OTC marketing through the NDA procedure. These products are marketed in containers pressurized with propellants, which dispense metered doses of the drug for oral inhalation in the form of an areosolized spray. There are other epinephrine-containing solutions on the OTC market that are to be used with hand-held nebulizers. Based upon a review of the Panel's report and minutes of the Panel meetings, the agency concludes that the Panel intended the phrase "pressurized preparation" to apply only to aerosol preparations.

3. A number of comments disagreed with the Panel's recommendation to allow the OTC marketing of epinephrine inhalation products for the treatment of asthma and recommended that the agency require these products to be dispensed only by prescription. The comments generally expressed the opinion that the self-diagnosis and self-treatment of asthma with aerosolized epinephrine can lead to serious clinical consequences. The comments argued that asthmatic patients have a propensity for abusing propellant devices and that this abuse could produce a psychological dependence and result in the administration of toxic doses of epinephrine. The comments also argued that there is a possibility of fatal reactions in asthmatics with cardiac disease who self-medicate with these products. The comments noted that the agency had proposed in the **Federal Register** of April 15, 1972 to limit epinephrine inhalation products to prescription use and stated that the agency should not have suspended that action.

The Panel reviewed the available data for epinephrine products, including the references cited in the agency's proposal of April 15, 1972. The Panel, therefore, was aware of the risks associated with the self-diagnosis and self-treatment of asthma, as well as the abuse potential and the possible adverse effects that may occur with the use of epinephrine inhalation products. However, the Panel concluded from these data that these risks are adequately defined for epinephrine inhalation products in § 341.76(b)(3) and do not outweigh the benefits to be derived from the OTC use of these products.

The comments provided no additional data that persuade the agency to limit epinephrine inhalation products to prescription use only. The Panel acknowledged that asthma requires professional diagnosis and management and recommended a warning in § 341.76(b)(1) for all bronchodilators, "*Caution:* Do not take this product unless a diagnosis of asthma has been made by a physician." The Panel believed, and the agency concurs, that once the diagnosis of asthma has been made by a physician it is reasonable to have bronchodilators available OTC so that in mild cases relief may be obtained quickly without the delays of obtaining a physician's prescription.

The agency believes that epinephrine, epinephrine bitartrate, and epinephrine hydrochloride (racemic) can be generally recognized as safe and effective when used in an aqueous solution equivalent to 1 percent epinephrine in a hand-held rubber bulb nebulizer at a dosage for adults and children 4 years of age and older of 1 to 3 inhalations not more often than every 3 hours.

Based on the Panel's recommendations and an OTC marketing history of many years under approved NDAs (Ref. 1), the agency also believes that epinephrine, epinephrine bitartrate, and epinephrine hydrochloride (racemic) in pressurized metered-dose inhalation aerosol dosage forms can be generally recognized as safe and effective at a dosage for adults and children 4 years of age and older of 1 to 2 inhalations of a metered dose equivalent to 0.16 to 0.25 milligram (mg) epinephrine per inhalation not more often than every 3 hours. The agency believes that requiring a metered-dose range for pressurized aerosol dosage forms in addition to the Panel's recommended dosage provides additional assurance that the product can be used safely on an OTC basis.

In a study by Kjellman, Tollig, and Wettrel (Ref. 2) comparing racemic epinephrine and salbutamol, 10 asthmatic children ranging from 7 to 16 years of age inhaled 2 doses of 0.9 milligram per kilogram bodyweight (a dose of 18 mg for a 20-kilogram (44-pound) child) racemic epinephrine 150 minutes apart. Blood pressure and heart rate were measured during and after the dosing period. No significant changes were found in the heart rate or the diastolic pressure. A small but significant increase was found in the mean systolic pressure (+7 millimeters of mercury) 5 minutes after the inhalation of epinephrine. There was no significant change in systolic pressure at 30 minutes and 150 minutes after inhalation of epinephrine. The dose given showed only a mild effect in blood pressure measurements even though it was more than 36 times greater than the highest dose (0.50 mg epinephrine in two inhalations) proposed by the agency for metered-dose aerosols. The agency believes that the proposed dose provides an adequate margin of safety for the OTC marketing of epinephrine or the equivalent in a metered-dose aerosol inhalation dosage form.

The agency proposes the following labeling directions for epinephrine, epinephrine bitartrate, and epinephrine hydrochloride (racemic) in pressurized metered-dose inhalation aerosol dosage forms based on the Panel's recommendations and the currently approved NDA labeling for these products (Ref. 1):

(i) *For use in a pressurized metered-dose aerosol container.* Each inhalation contains the equivalent of 0.16 to 0.25 milligram of epinephrine base.

(*a*) Inhalation dosage for adults and children 4 years of age and older: start with one inhalation, then wait at least 1 minute. If not relieved, use once more. Do not use again for at least 3 hours. The use of this product by children should be supervised by an adult. Children under 4 years of age: consult a doctor.

(*b*) The labeling must include directions for the proper use of the inhaler and for the proper care and cleaning of the mouthpiece. The directions must be clear, direct, and provide the consumer with sufficient information for the safe and effective use of the product.

References

(1) Copy of FDA-approved labeling including dosages from NDA 10-374, NDA 16-126, and NDA 16-803, OTC Volume 04BTFM. Docket No. 76N-052B. Dockets Management Branch.

(2) Kjellman, B., H. Tollig, and G. Wettrell, "Inhalation of Racemic Epinephrine in Children with Asthma," *Allergy*, 35:605-610, 1980.

4. Several comments objected to the Category I classification of methoxyphenamine hydrochloride and recommended that this ingredient be available only by prescription. The comments argued that methoxyphenamine is a weak bronchodilator, that there are better bronchodilators on the market, and that because it is an adrenergic compound it possesses the potential to cause adverse cardiovascular effects. One of the comments also expressed the opinion that methoxyphenamine should not be allowed OTC because asthma should be diagnosed and managed by health professionals and marketing the drug OTC would not be in the best interest of the public.

Besides the Panel's evaluation, methoxyphenamine hydrochloride was also reviewed by the National Academy of Sciences—National Research Council (NAS/NRC) Drug Efficacy Study Group for several indications including its use as a bronchodilator. Based on the report of the NAS/NRC Drug Efficacy Study Group, FDA, in a notice published in the **Federal Register** of April 26, 1972 (37 FR 8405), concluded that methoxyphenamine was possibly effective as a bronchodilator. No new data to support the effectiveness of methoxyphenamine were submitted in response to the April 26, 1972 **Federal Register** notice. Therefore, the agency published a notice of opportunity for hearing in the **Federal Register** of August 21, 1973 (38 FR 22501) reclassifying methoxyphenamine from possibly effective to lacking substantial evidence of effectiveness. No response was filed following the August 21, 1973 notice of opportunity for hearing. Therefore, in a notice of withdrawal of approval published in the **Federal Register** of January 16, 1981 (46 FR 3983), FDA withdrew approval of NDA 6-550 for methoxyphenamine hydrochloride and extended the notice to "any drug product that is identical, related, or similar to" the drug product containing methoxyphenamine hydrochloride.

The data reviewed by the NAS/NRC Drug Efficacy Group and the Panel concerning the effectiveness of methoxyphenamine hydrochloride were the same with the exception of a study by Roy, Seabury, and Johns (Ref. 1) which was reviewed by the Panel but not by the NAS/NRC Drug Efficacy Study Group. The agency has reviewed this study and concludes that it is inadequate to demonstrate the effectiveness of methoxyphenamine hydrochloride. The subjects studied included patients with mild hypertrophic emphysema as well as bronchial asthma. The authors did not specify which results were obtained in patients with bronchial asthma alone. Thus, the data cannot be analyzed with respect to the effectiveness of methoxyphenamine hydrochloride in the OTC target population, i.e., patients with mild bronchial asthma.

Therefore, the agency has reclassified methoxyphenamine hydrochloride in Category II in this tentative final monograph.

Reference

(1) Roy, E. C., J. H. Seabury, and L. E. Johns, Jr., "Spirometric Evaluation of Orthoxine in Bronchial Asthma," *Journal of Allergy*, 20:364–368, 1949.

5. One comment objected to the placement of belladonna alkaloids used as bronchodilators in Category II. The comment claimed that inhaled smoke from burning a stramonium belladonna preparation in cigarette or powder form provides asthmatic patients with relief of bronchial spasms. The comment maintained that marketing experience for over 100 years, submitted effectiveness studies, and a low incidence of reported intoxications should justify the ingredient's placement in Category I or at least Category III to allow for additional testing.

The agency disagrees with the comment. FDA affirms the Panel's determination that the effectiveness studies that were conducted were not sufficient to establish general recognition of effectiveness for belladonna alkaloids as a bronchodilator. FDA also agrees with the Panel that potential toxicity problems represent a negative benefit-to-risk ratio in that the psychotomimetic (producing manifestations resembling those of a psychosis, e.g., visual hallucinations, distortion of perception, and schizophrenia-like behavior) properties and potentially excessive anticholinergic effects of these drugs are undesirable characteristics for an OTC drug product. The agency believes that there is insufficient evidence to indicate that further testing would support Category I status for these drugs and concurs with the Panel's Category II classification.

6. One comment objected to the Panel's recommendation of a double-blind crossover protocol for testing Category III bronchodilators. The comment maintained that a crossover or parallel study would be appropriate, depending on the specific ingredient to be tested, and that the manufacturer should be allowed to choose which protocol to use.

In the preamble to the agency's proposed rule revising the OTC procedural regulations (45 FR 31422), the agency advised that tentative final and final monographs will no longer contain recommended guidelines for testing Category III ingredients. Interested persons may submit data and information to demonstrate the safety or effectiveness of any bronchodilator ingredient or condition included in the review by following the procedures outlined in the agency's policy statement published in the **Federal Register** of September 29, 1981 (46 FR 47770). This policy statement includes procedures for the submission and review of proposed protocols, agency meetings with industry or other interested persons, and agency communications on submissions of test data and other information. Thus the agency will not address this comment at this time, but will be glad to discuss the design of studies for specific bronchodilator drugs with manufacturers who may conduct such studies.

7. One comment suggested that the Panel's recommended drug interaction precaution for bronchodilator drug products should be deleted. This proposed precaution is "Do not take this product if you are presently taking a prescription antihypertensive or antidepressant drug containing a monoamine oxidase inhibitor." The comment argued that terms such as "antihypertensive," "antidepressant," and "monoamine oxidase inhibitor" are highly technical; that only a small percentage of the population is likely to understand this warning; and that including such a warning in the labeling of an OTC drug is contrary to the well-established principle that unnecessary or confusing precautions tend to dilute the significance of all instructions in the labeling and, hence, should be avoided.

The agency agrees with the comment that the Panel's proposed drug interaction precaution may not be readily understood by all consumers. However, it considers a warning of this type necessary to alert consumers because antihypertensive and antidepressant drugs are widely prescribed. To simplify this precautionary statement the agency is proposing to substitute the term "high blood pressure" for the term "antihypertensive" and the term "depression" for "antidepressant." The agency also believes that the words "monoamine oxidase inhibitor" would be confusing to consumers and need not be included in the precautionary statement to convey the intended message. Accordingly, the drug interaction precaution has been revised and will read as follows: "*Drug interaction precaution:* Do not take this product if you are presently taking a prescription drug for high blood pressure or depression, without first consulting your doctor."

8. One comment stated that the Panel used an inappropriate standard in categorizing some Category II claims, and that the Panel rejected claims such as "relieves gasping of air," "free breathing restored," and "breathes a sigh of relief" because the claims were made in emotional terms. The comment argued that there is no statute that bans emotional claims on the labeling of OTC drugs and urged FDA to reject all recommendations of the Panel based on an "improper standard."

The agency agrees with the Panel that these claims are inappropriate for OTC labeling and should remain in Category II. The Panel's purpose in reviewing labeling claims was to eliminate false, vague, confusing, and misleading claims. The agency believes that the above claims should be in Category II because they do not specifically indicate the pharmacologic effect of a drug and are exaggerated. Such overstatements and exaggerations tend to create a false image of a drug and are unclear and potentially misleading.

II. The Agency's Tentative Adoption of the Panel's Report

A. Summary of Ingredient Categories and Testing of Category II and Category III Conditions.

1. *Summary of ingredient categories.* The agency has reviewed all claimed active ingredients submitted to the Panel, as well as other data and information available at this time, and has proposed the recategorization of two bronchodilator active ingredients. In addition, the agency proposes to place metaproterenol sulfate in a metered-dose inhalation aerosol dosage form in Category I. For the convenience of the reader, the following table is included as a summary of the categorization of bronchodilator active ingredients by the Panel and the proposed classification by the agency.

Bronchodilator active ingredients	Panel	Agency
Belladonna alkaloids	II	II
Ephedrine	I	I
Ephedrine hydrochloride		
Ephedrine sulfate		
Racephedrine hydrochloride		
Epinephrine	I	I
Epinephrine bitartrate		
Epinephrine hydrochloride (racemic)		
Euphorbia pilulifera	III	III
Metaproterenol sulfate	[1]	I
Methoxphenamine hydrochloride	I	II
Pseudoephedrine hydrochloride	II	II
Pseudoephedrine sulfate		
Theophylline (anhydrous)	I	II
Aminophylline		
Theophylline calcium salicylate		
Theophylline sodium glycinate		

[1] Not reviewed.

2. *Testing of Category II and Category III conditions.* The Panel recommended testing guidelines for bronchodilator drug products (41 FR 38329 and 38376). The agency is offering these guidelines as the Panel's recommendations without adopting them or making any formal comment on them. Interested persons may communicate with the agency about the submission of data and information to demonstrate the safety or effectiveness of any bronchodilator ingredient or condition included in the review by following the procedures outlined in the agency's policy statement published in the **Federal Register** of September 29, 1981 (46 FR 47740). This policy statement includes procedures for the submission and review of proposed protocols, agency meetings with industry or other interested persons, and agency communications on submitted test data and other information.

B. Summary of the Agency's Changes in the Panel's Recommendations.

FDA has considered the comments and other relevant information and concludes that it will tentatively adopt the bronchodilator section of the Panel's report and recommended monograph with the changes described in FDA's responses to the comments above and with other changes described in the summary below. A summary of the changes made in the Panel's conclusions and recommendations follows.

1. The agency has classified in Category I epinephrine, epinephrine bitartrate, and epinephrine hydrochloride (racemic) in an aqueous solution equivalent to 1 percent epinephrine when used in a hand-held rubber bulb nebulizer. The agency has also proposed a dose for epinephrine, epinephrine bitartrate, and epinephrine hydrochloride (racemic) in a pressurized metered-dose inhalation aerosol dosage form of 1 to 2 inhalations of the equivalent of 0.16 to 0.25 mg epinephrine not more often than every 3 hours for adults and children 4 years of age and older. (See comment 3 above.)

2. The agency has reviewed the literature concerning the safety and effectiveness of metaproterenol sulfate as a bronchodilator in the form of a pressurized metered-dose inhalation aerosol and believes that it can be generally recognized as safe and effective for OTC use. Metaproterenol sulfate has been marketed under an approved NDA for 9 years as a prescription drug product in a pressurized metered-dose inhalation aerosol dosage form that contains 0.65 mg per inhalation with an adult dosage of 1 to 3 inhalations not more often than every 3 hours (Ref. 1).

The agency has reviewed studies by Emirgil, Dwyer, and Sobol (Ref. 2); Rodgers and Bickerman (Ref. 3); Chester et al. (Ref. 4); Roth, Watson, and Novey (Ref. 5); Shim and Williams (Refs. 6 and 7); Blackhall, Macartney, and O'Donnell (Ref. 8); and Chervinsky and Belinkoff (Ref. 9) concerning the safety and effectiveness of metaproterenol sulfate in a pressurized metered-dose inhalation aerosol dosage form. Several of these studies evaluated products that are marketed under the approved NDA (Refs. 2, 3, 4, 7, 8, and 9), and all but one (Ref. 3) were double-blinded. All of the studies were performed in asthmatic patients, although one study (Ref. 3) also included patients with chronic bronchitis and patients with emphysema and chronic bronchitis, and another study (Ref. 9) also included patients with chronic bronchitis. A crossover design was used in all of the studies. Seven of the studies evaluated inhaled doses of metaproterenol sulfate within the dosage range of 0.65 to 1.95 mg (Refs. 2 through 6, 8, and 9). The eighth study evaluated an inhaled dose of 3.25 mg metaproterenol sulfate (Ref. 7). All of the studies demonstrated an immediate bronchodilator effect after metaproterenol sulfate inhalation. Those studies that measured bronchodilation beyond 3 hours after dosing showed a 3- to 6-hour duration of action (Refs. 2 through 6 and 9).

Five of the studies detected no significant change in blood pressure measurements following inhalation of metaproterenol sulfate (Refs. 2, 3, 5, 7, and 9), and six of the studies detected no significant change in the pulse rate (Refs. 2, 3, 5, 7, 8, and 9). In one study, a patient gagged once on a dose of metaproterenol (Ref. 9). This was not a serious reaction and the patient was able to continue the dosage schedule without further problems. Seven of the studies did not detect any adverse reactions to inhaled metaproterenol sulfate (Refs. 2 through 8). However, a review of FDA adverse reaction reports since 1973 indicates that adverse reactions such as dizziness, nervousness, dry mouth, rapid heart beat, palpitations, and allergic reactions have been reported in cases where inhaled metaproterenol sulfate was the only drug given. In these cases, overdose was not indicated, other circumstances were not indicated as a cause of the reaction, and enough information was available to indicate a possible cause-and-effect relationship between the use of inhaled metaproterenol sulfate and the reaction.

Based on the safe and effective use of metaproterenol sulfate in a pressurized metered-dose inhalation aerosol dosage form under an approved NDA for 9 years, on a review of the literature, and on a review of FDA adverse reaction reports, the agency believes that metaproterenol sulfate can be generally recognized as safe and effective. The agency is therefore proposing that metaproterenol sulfate be Category I as an OTC bronchodilator in a pressurized metered-dose inhalation aerosol that contains 0.65 mg per inhalation with an adult dosage of 1 to 3 inhalations not more often than every 3 hours. The labeling directions and warnings are based on the current NDA approved labeling (Ref. 10).

References

(1) Letter from J. R. Crout, M.D., FDA, to Boehringer Ingleheim Ltd., OTC Volume 04BTFM, Docket No. 76N–052B, Dockets Management Branch.

(2) Emirgil, C., K. Dwyer, and B. J. Sobol, "A Comparison of the Duration of Action and the Cardiovascular Effects of Metaproterenol and Isoetharine-Phenylephrine Combination," *Current Therapeutic Research*, 19:371–378, 1976.

(3) Rodgers, J. M., and H. A. Bickerman, "An Evaluation of the Duration of Bronchodilator Activity of Bronkometer^{R} and Metaprel^{R} in Patients with Reversible Bronchospasm," *Current Therapeutic Research*, 28:147–153, 1980.

(4) Chester, E. H., et al., "Bronchodilating Effect of Terbutaline Aerosol," *Clinical Pharmacology and Therapeutics*, 23:630–634, 1978.

(5) Roth, M. J., A. F. Wilson, H. S. Novey, "A Comparative Study of the Aerosolized Bronchodilators, Isoproterenol, Metaproterenol and Terbutaline in Asthma," *Annals of Allergy*, 38:16–21, 1977.

(6) Shim, C., and M. H. Williams, Jr., "Comparison of Oral Aminophylline and Aerosol Metaproterenol in Asthma," *The American Journal of Medicine*, 71:452–455, 1981.

(7) Shim, C., and M. H. Williams Jr., "Bronchial Response to Oral Versus Aerosol," Metaproterenal in Asthma *Annals of Internal Medicine*, 93:428–431, 1980.

(8) Blackhall, M. I., B. Macartney, and S. R. O'Donnell, "The Acute Effects of the Administration of Rimiterol Aerosol in Asthmatic Children," *British Journal of Clinical Pharmacology*, 6:59–62, 1978.

(9) Chervinsky, P., and S. Belinkoff, "Comparison of Metaproterenol and Isoproterenol Aerosols: Spirometric Evaluation after Two Months' Therapy," *Annals of Allergy*, 27:611–616, 1969.

(10) Copy of FDA-approved labeling from NDA 16–402, OTC Volume 04BTFM, Docket No. 76N–052B, Dockets Management Branch.

3. The agency has deleted § 341.16(c) and the reference to § 341.16(c) in § 341.76(b)(2) of the Panel's recommended monograph. These sections provided dosages and warnings for methoxyphenamine hydrochloride. The agency has reclassified methoxyphenamine hydrochloride in Category II. (See comment 4 above.)

4. The agency has deleted §§ 341.16(d), 341.45, 341.76(b)(4), and 341.90(k) of the Panel's recommended monograph. These sections provided dosages, testing guidelines, warnings, and professional labeling for single ingredient theophylline products. In the **Federal Register** of December 10, 1976 (41 FR 54032), the agency announced that it disagreed with the Panel's Category I classification of single ingredient theophylline products. At that time, the agency determined that because it is essential to have a physician titrate theophylline dosages, based on individual patient measurements of theophylline serum levels, theophylline should not be available OTC as a single ingredient product. The agency reaffairms that position and classifies theophylline, as a single ingredient, in Category II. (See comment 1 above.)

5. The agency has added to § 341.76 a "Statement of identity" paragraph and a "Directions" paragraph to conform with the format of other recently published advance notices of proposed rulemaking and tentative final monographs. Inclusion of new paragraphs has necessitated a redesignation of § 341.76(a) to § 341.76(b) and § 341.76(b) to § 341.76(c). The agency is also redesignating Subpart D as Subpart C and placing the labeling sections of the monograph in Subpart C.

6. The Panel recommended five indications for bronchodilator drug products in § 341.76(a)(2) as follows:

(i) "For temporary relief of bronchial asthma."

(ii) "For symptomatic control of bronchial asthma."

(iii) "Provides temporary relief from acute symptoms of bronchial asthma."

(iv) "Relaxes tense bronchial muscles to ease breathing for asthma patients."

(v) "For temporary relief of wheezing (attacks and distress) of bronchial asthma."

The agency is concerned that none of these indications alone would provide the consumer who is suffering from bronchial asthma with a clear understanding of the relief that an OTC bronchidilator can be expected to provide. Believing that it is important for the consumer to know what to expect of a medication, the agency has developed the following indication, which is included in the tentative final monograph in § 341.76(b)(1): "For temporary relief of shortness of breath, tightness of chest, and wheezing due to bronchial asthma." This indication is being proposed for all OTC bronchodilator drug products.

Portions of the indications recommended by the Panel have been combined and revised by the agency into statements that may be included in labeling at the manufacturer's option. These statements appear in § 341.76(b)(2) in this tentative final monograph under the heading "Other Allowable Statements" as follows:

(i) "For the" (select one of the following: "temporary relief" or "symptomatic control") "of bronchial asthma."

(ii) "Eases breathing for asthma patients" (which may be followed "by reducing spasms of bronchial muscles").

The agency believes that these statements, as revised, contain information in addition to the indication that could be helpful to consumers. The statements are not required but may appear in bronchodilator drug product labeling provided they are neither placed in direct conjunction with information required to appear in the labeling nor occupy labeling space with greater prominence or conspicuousness than the required information. The agency welcomes comment on these labeling changes.

7. In § 341.76(b) (1), (2) (i), and (3) (ii) the Panel recommended use of the signal word "Caution" in a section of the labeling where the heading "*Warnings*" is also recommended. The agency notes that historically there has not been a consistent usage of the signal words "warning" and "caution" in OTC drug labeling. For example, in §§ 369.20 and 369.21 (21CFR 369.20 and 369.21), which list "warning" and "caution" statements for drugs, the signal words "warning" and "caution" are both used. In some instances either of these signal words is used to convey the same or similar precautionary information.

FDA has considered which of these signal words would be most likely to attract consumers' attention to that information describing conditions under which the drug product should not be used or its use should be discontinued. The agency concludes that the signal word "warning" is more likely to flag potential dangers so that consumers will read the information being conveyed. Therefore, FDA has determined that the signal word "warning," rather than the word "caution," will be used routinely in OTC drug labeling that is intended to alert consumers to potential safety problems. Accordingly, the signal word "Caution" has been deleted from this tentative final monograph. Also, § 341.76(b) (1), (2)(i), and (3)(ii) have been redesignated § 341.76(c) (1), (4)(i), and (5)(ii), respectively.

8. In several of the warnings and directions in its monograph, the Panel recommended the use of the word "physician". The agency is substituting the word "doctor" for "physician" in the warnings and directions in all OTC drug monographs because it believes that the word "doctor" is more commonly used and better understood by consumers. If the word "doctor" is adopted in the final monograph, the agency will use this language in other final monographs and other applicable OTC drug regulations and will propose amendments to those regulations accordingly. Public comment on this proposed change in labeling language is invited.

9. The Panel recommended the following warning (in § 341.76(b)(2)(ii))

regarding possible side effects of ephedrine-containing bronchodilator drug products: "Nervousness, tremor, sleeplessness, nausea and loss of appetite may occur." The agency believes that consumers should be advised that these reactions to ephedrine may occur in some persons, and that the labeling should include a warning to consult a doctor if these reactions persist or become worse. The agency has therefore revised this warning, which appears in § 341.76(c)(4)(ii) in the tentative final monograph. In addition, because the potential of ephedrine to cause these side effects may be increased at higher than recommended OTC doses, the agency is adding the following sentence to the directions in § 341.76(d)(1) for use of ephedrine-containing products: "Do not exceed recommended dose unless directed by a doctor."

10. The agency has revised the Panel's recommended drug interaction precaution for ephedrine containing and epinephrine containing drug products to read as follows: *"Drug interaction precaution:* Do not take this product if you are presently taking a prescription drug for high blood pressure or depression, without first consulting your doctor." The agency concludes that terms such as "antihypertensive," "antidepressant," and "monoamine oxidase inhibitor," which were previously used in this warning, may not be readily understood by all consumers. However, because antihypertensive and antidepressant drugs are widely prescribed, the agency believes it is necessary to have a warning on bronchodilators to alert consumers to avoid taking antihypertensive or antidepressant drugs simultaneously in order to avoid any adverse reactions. (See comment 7 above.) This precaution appears in § 341.76(c)(3) of the tentative final monography.

11. The agency has deleted § 341.76 (b)(2)(v) and (b)(3)(vi) of the Panel's recommended monograph. These sections provided warnings against using ephedrine preparations in children under 12 years of age and using epinephrine inhalation preparations in children under 4 years of age. The directions provided in new § 341.76(d) state clearly that a doctor should be consulted for the use of ephedrine preparations in children under 12 years of age and the use of epinephrine inhalation preparations in children under 4 years of age. The agency believes that these warnings are therefore repetitious and unnecessary.

12. The agency has moved the Panel's recommended warning in § 341.76(b)(2)(iii) and has included it in new § 341.76(c)(2). The warning states: "Do not take this product if you have heart disease, high blood pressure, thyroid disease, diabetes, or difficulty in urination due to enlargement of the prostate gland unless directed by a doctor." Although the Panel recommended this warning only for oral ephedrine preparations, a similar warning is included in the currently approved NDA labeling for epinephrine preparations and metaproterenol sulfate in metered-dose inhalation aerosol dosage forms. The agency is therefore proposing that this warning be required for oral ephedrine preparations and for epinephrine preparations and metaproterenol sulfate in metered-dose inhalation aerosol dosage forms.

13. The agency has moved part of the Panel's recommended warning in § 341.76(b)(3)(v) and has included it as part of the warning in new § 341.76(c)(4)(i). The warning previously stated: "Keep this product out the reach of children and adolescents because unsupervised access may cause abuse or possible adverse effects on the heart of excessively used." The agency believes that such a warning may encourage rather than discourage abuse. The agency has, therefore, modified the warning in § 341.76(c)(5)(i) to emphasize the possible adverse effects of overdosage and has deleted any reference to possible abuse of the drug product by children and adolescents. In addition, the agency has added the statement "The use of this product by children should be supervised by an adult" in the directions paragraph (§ 341.76(d)(2)) for epinephrine drug products to prevent possible overdosage in this age group.

The agency proposes to revoke the existing warnings for oral ephedrine preparations and epinephrine in an inhalation dosage form in § 369.20 at the time that this monograph becomes effective.

The agency has examined the economic consequences of this proposed rulemaking and has determined that it does not require either a Regulatory Impact Analysis, as specified in Executive Order 12291, or a Regulatory Flexibility Analysis, as defined in the Regulatory Flexibility Act (Public Law 96–354). Specifically, it would switch metaproterenol sulfate in a metered-dose inhalation aerosol dosage form from prescription to OTC marketing status and would require reformulation of product containing methoxyphenamine hydrochloride as a single active ingredient by placing this drug in Category II. However, methoxyphenamine hydrochloride had already been effectively removed from the marketplace by the agency's withdrawal of an approved NDA. (See the **Federal Register** of January 16, 1981; 46 FR 3983.) This proposal also reaffirms the agency's dissent from the Panel's recommendation to switch theophylline as a single ingredient from prescription to OTC status (see the **Federal Register** of December 10, 1976; 41 FR 54032), but because this dissent prevented the switch from being implemented, the OTC market will not be affected, nor will continued OTC availability of combination drug products containing theophylline be affected. Some relabeling will be required, but can be accomplished with minimal cost. Therefore, the agency concludes that the proposed rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on OTC bronchodilator drug products. Types of impact may include, but are not limited to, costs associated with product testing, relabeling, repackaging, or reformulating. Comments regarding the impact of this rulemaking on OTC bronchodilator drug products should be accompanied by appropriate documentation. Because the agency has not previously invited specific comment on the economic impact of the OTC drug review on bronchodilator drug products, a period of 120 days from the date of publication of this proposed rulemaking in the **Federal Register** will be provided for comments on this subject to be developed and submitted. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has carefully considered the potential environmental effects of this proposal and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact, and the evidence supporting this finding, is contained in an environmental assessment (under 21 CFR 25.31, proposed in the **Federal Register** of December 11, 1979; 44 FR 71742), which may be seen in the Dockets

Management Branch, Food and Drug Administration.

List of Subjects in 21 CFR Part 341

OTC drugs: Anticholinergics, Expectorants, Bronchodilators.

PART 341—[AMENDED]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701, 52 Stat. 1041–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321(p), 352, 355, 371)), and the Administrative Procedure Act (secs. 4, 5, and 10, 60 Stat. 238 and 243 as amended (5 U.S.C. 553, 554, 702, 703, 704)), and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982)), it is proposed that Subchapter D of Chapter I of Title 21 of the Code of Federal Regulations be amended in Part 341 (as set forth in the tentative final monograph that was published in the **Federal Register** of July 9, 1982 (47 FR 30002)) to read as follows:

1. In Subpart A, § 341.3 is amended by adding new paragraph (c), to read as follows:

§ 341.3 Definitions.

* * * * *

(c) *Bronchodilator drug.* A drug used to overcome spasms that cause narrowing of the bronchial air tubes, such as in the symptomatic treatment of the wheezing and shortness of breath of asthma.

2. By adding Subpart B, consisting at this time of § 341.16, to read as follows:

Subpart B—Active Ingredients

§ 341.16 Bronchodilator active ingredients.

The active ingredients of the product consist of any of the following when used within the dosage limits established for each ingredients:

(a) Ephedrine.
(b) Ephedrine hydrochloride.
(c) Ephedrine sulfate.
(d) Epinephrine.
(e) Epinephrine bitartrate.
(f) Epinephrine hydrochloride (racemic).
(g) Metaproterenol sulfate.
(h) Racephedrine hydrochloride.

3. In Subpart C, new §§ 341.76 and 341.90 are added, to read as follows:

§ 341.76 Labeling of bronchodilator drug products.

(a) *Statement of identity.* The labeling of the product contains the established name of the drug, if any, and identifies the product as a "bronchodilator."

(b) *Indications.* (1) The labeling of the product contains the following statement under the heading "Indications": "For temporary relief of shortness of breath, tightness of chest, and wheezing due to bronchial asthma."

(2) *Other allowable statements.* In addition to the required in formation identified in paragraph (1) above, the labeling of the product may contain any of the following statements provided such statements are neither placed in direct conjunction with information required to appear in the labeling nor occupy labeling space with greater prominence or conspicuousness than the required information.

(i) "For the" (select one of the following: "temporary relief" or "symptomatic control") "of bronchial asthma."

(ii) "Eases breathing for asthma patients" (which may be followed by: "by reducing spasms of bronchial muscles").

(c) *Warnings.* The labeling of the product contains the following warnings under the heading "Warnings":

(1) "Do not take this product unless a diagnosis of asthma has been made by a doctor."

(2) "Do not take this product if you have heart disease, high blood pressure, thyroid disease, diabetes, or difficulty in urination due to enlargement of the prostate gland unless directed by a doctor."

(3) *"Drug Interaction Precaution.* Do not take this product if you are presently taking a prescription drug for high blood pressure or depression, without first consulting your doctor."

(4) *For products containing ephedrine, ephedrine hydrochloride, ephedrine sulfate, or racephedrine hydrochloride identified in § 341.16(a), (b), (c), and (h).* (i) "Do not continue to take this product, but seek medical assistance immediately if symptoms are not relieved within 1 hour or become worse."

(ii) "Some users of this product may experience nervousness, tremor, sleeplessness, nausea, and loss of appetite. If these symptoms persist or become worse, consult your doctor."

(5) *For products containing epinephrine, epinephrine bitartrate, epinephrine hydrochloride (racemic), or metaproterenol sulfate identified in § 341.16(d), (e), (f), and (g).* (i) "Do not take this product at higher than recommended doses unless directed by a doctor. Excessive use may cause nervousness and rapid heart beat, and, possibly, adverse effects on the heart."

(ii) "Do not continue to take this product, but seek medical assistance immediately if symptoms are not relieved within 20 minutes or become worse."

(d) *Directions.* The labeling of the product contains the following information under the heading "Directions":

(1) *For products containing ephedrine, ephedrine hydrochloride, ephedrine sulfate, or racephedrine hydrochloride identified in § 341.16(a), (b), (c), and (h).* Adults: oral dosage is 12.5 to 25 milligrams every 4 hours, not to exceed 150 milligrams in 24 hours, or as directed by a doctor. Do not exceed recommended dose unless directed by a doctor. Children under 12 years of age: consult a doctor.

(2) *For product containing epinephrine, epinephrine bitartrate, and epinephrine hydrochloride (racemic) identified in § 341.16(d), (e), and (f)*—(i) *For use in a pressurized metered-dose aerosol container.* Each inhalation contains the equivalent of 0.16 to 0.25 milligram of epinephrine base.

(*a*) Inhalation dosage for adults and children 4 years of age and older: start with one inhalation, then wait at least 1 minute. If not relieved, use once more. Do not use again for at least 3 hours. The use of this product by children should be supervised by an adult. Children under 4 years of age: consult a doctor.

(b) The labeling must include directions for the proper use of the inhaler and for the proper care and cleaning of the mouthpiece. The directions must be clear, direct, and provide the consumer with sufficient information for the safe and effective use of the product.

(ii) *For use in a hand-held rubber bulb nebulizer.* The ingredient is used in an aqueous solution at a concentration equivalent to 1 percent epinephrine base. Inhalation dosage for adults and children 4 years of age and older: 1 to 3 inhalations not more often than every 3 hours. The use of this product by children should be supervised by an adult. Children under 4 years of age: consult a doctor.

(3) *For products containing metaproterenol sulfate identified in § 341.16(g) in a pressurized metered-dose aerosol container.* Each inhalation contains 0.65 milligram metaproterenol sulfate.

(i) Inhalation dosage for adults: start with one inhalation, then wait 2 minutes. If not relieved, inhalation can be repeated, then wait another 2 minutes. If still not relieved, inhalation can be repeated one more time. Do not use again for at least 3 hours. Do not use more than 12 inhalations in 24 hours unless directed by a doctor. Children under 12 years of age: consult a doctor.

(ii) The labeling must include directions for the proper use of the inhaler and for the proper care and cleaning of the mouthpiece. The directions must be clear, direct, and provide the consumer with sufficient information for the safe and effective use of the product.

§ 341.90 Professional labeling.

The labeling of the product provided to health professionals (but not to the general public) may contain the following additional dosage information for products containing the active ingredients identified below:

(a) *For products containing ephedrine, ephedrine hydrochloride, ephedrine sulfate, or racephedrine hydrochloride identified in § 341.16 (a), (b), (c), and (h):* Children 6 to under 12 years of age: oral dosage is 6.25 to 12.5 milligrams every 4 hours, not to exceed 75 milligrams in 24 hours. Children 2 to under 6 years of age: oral dosage is 0.3 to 0.5 milligram per kilogram of body weight every 4 hours, not to exceed 2 milligrams per kilogram of body weight in 24 hours.

(b) [Reserved]

Interested persons may, on or before December 27, 1982, submit to the Dockets Management Branch (HFA-305,), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments, objections, or requests for oral hearing before the Commissioner on the proposed regulation. A request for an oral hearing must specify points to be covered and time requested. Written comments on the agency's economic impact determination may be submitted on or before February 23, 1983. Three copies of all comments, objections, and requests are to be submitted, except that individuals may submit one copy. Comments, objections, and requests are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Comments, objections, and requests may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday. Any scheduled oral hearing will be announced in the **Federal Register.**

Interested persons, on or before October 26, 1983, may also submit in writing new data demonstrating the safety and effectiveness of those conditions not classified in Category I. Written comments on the new data may be submitted on or before December 26, 1983. These dates are consistent with the time periods specified in the agency's final rule revising the procedural regulations for reviewing and classifying OTC drugs, published in the **Federal Register** of September 29, 1981 (46 FR 47730). Three copies of all data and comments on the data are to be submitted, except that individuals may submit one copy, and all data and comments are to be identified with the docket number found in brackets in the heading of this document. Data and comments should be addressed to the Dockets Management Branch (HFA-305) (address above). Received data and comments may also be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

In establishing a final monograph, the agency will ordinarily consider only data submitted prior to the closing of the administrative record on December 26, 1983. Data submitted after the closing of the administrative record will be reviewed by the agency only after a final monograph is published in the **Federal Register** unless the Commissioner finds good cause has been shown that warrants earlier consideration.

Dated: July 20, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

Dated: September 27, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

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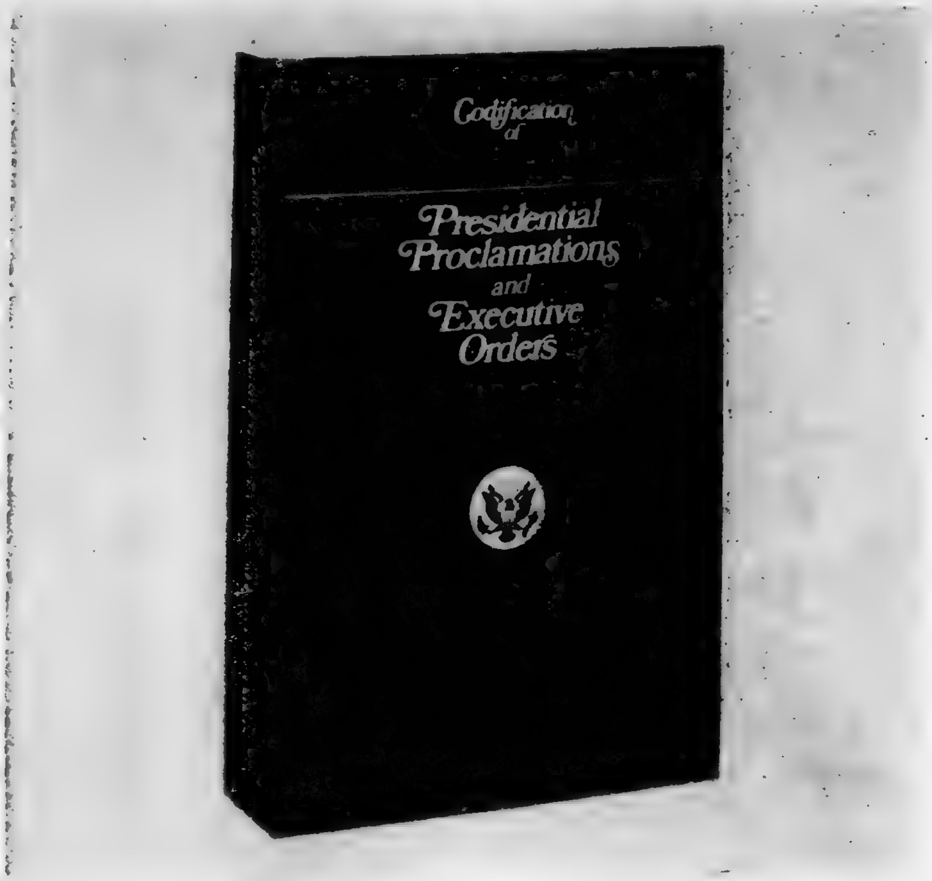

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Wednesday
October 27, 1982

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Agricultural Marketing Service

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Oil and Gas Exploration
Minerals Management Service

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Presidential Documents

Title 3—

The President

Executive Order 12389 of October 25, 1982

Amending the Generalized System of Preferences

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*), as amended, section 604 of the Trade Act of 1974 (19 U.S.C. 2483), and section 503(a)(2)(A) of the Trade Agreements Act of 1979 (93 Stat. 251), and as President of the United States of America, in order to modify, as provided by sections 504 (a) and (c) of the Trade Act of 1974 (19 U.S.C. 2464 (a) and (c)), the limitations on preferential treatment for eligible articles from countries designated as beneficiary developing countries, and to adjust the original designation of eligible articles after taking into account information and advice received in fulfillment of section 503(a) of the Trade Act of 1974 (19 U.S.C. 2463(a)), it is hereby ordered as follows:

Section 1. In order to subdivide and amend the nomenclature of existing items for purposes of the Generalized System of Preferences (GSP), the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202) are modified as provided in Annex I to this Order, attached hereto and made a part thereof.

Sec. 2. Annex II of Executive Order No. 11888 of November 24, 1975, as amended, listing articles that are eligible for benefits of the GSP when imported from any designated beneficiary developing country, is amended by inserting in numerical sequence TSUS item 690.15.

Sec. 3. Annex III of Executive Order No. 11888, as amended, listing articles that are eligible for benefits of the GSP when imported from all designated beneficiary developing countries except those specified in General Headnote 3(c)(iii) of the TSUS, is amended as follows:

(a) by deleting TSUS item 386.09 and inserting in numerical sequence TSUS item 386.13; and

(b) by deleting TSUS item 690.15.

Sec. 4. General headnote 3(c)(iii) of the TSUS, listing articles that are eligible for benefits of the GSP except when imported from the beneficiary developing countries listed opposite those articles, is modified as follows:

(a) by deleting the TSUS item number and country "386.09 . . . Taiwan" and inserting in lieu thereof "386.13 . . . Taiwan"; and

(b) by deleting "690.15 . . . Romania".

Sec. 5. In order to provide staged reductions in the rates of duty for the new TSUS items created by Annex I to this order, Annex III to Proclamation 4707 of December 11, 1979, is amended by Annex II to this Order, attached hereto and made a part hereof.

Sec. 6. Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I to this Order is reduced to the same level as, or to a lower level than, the corresponding rate of duty inserted in the column entitled "LDDC" by Annex I to this Order, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

Sec. 7. Executive Order No. 12371 of July 12, 1982, modified the TSUS for purposes of the GSP by creating new items providing for solid-state electronic watches, clocks, and modules, and by renumbering certain items. As a result of that renumbering a conforming change must be made to headnote 1 of subpart C, part 4 of schedule 6 and headnote 2(ii) of part 7 of schedule 8 of the TSUS. Accordingly, such headnotes are modified by deleting "item 688.45" and by inserting in lieu thereof "item 688.43".

Sec. 8. In order to make retroactive certain changes in regard to wrapper tobacco made by Annexes I and II of Executive Order No. 12354 of March 30, 1982, creating TSUS items 170.10 and 170.15, modifying headnote 2 of part 13, schedule 1 of the TSUS, and listing such articles as eligible for benefits of the GSP when imported from any designated beneficiary developing country, such changes are hereby made effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after July 4, 1981.

Sec. 9. (a) The amendments and modifications made by Sections 2, 3(b), and 4(b) of this Order are effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after March 31, 1982.

(b) The amendments and modifications made by Sections 1, 3(a), 4(a), 5, 6, and 7 of this Order shall be effective with respect to articles both: (1) imported on and after January 1, 1976, and (2) entered, or withdrawn from warehouse for consumption, on and after the third day following publication of this Order in the *Federal Register.*

Ronald Reagan

THE WHITE HOUSE,
October 25, 1982.

ANNEX I

GENERAL MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Notes:

1. Bracketed matter is included to assist in the understanding of ordered modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively.

(a) Item 386.09 is superseded by:

[Articles. . .:]

[Lace. . . .:]

[Other:]

"386.11	Tents and sleeping bags, of manmade fibers.	[See Annex II]	10% ad val.	90% ad val.
386.13	Other	[See Annex II]	10% ad val.	90% ad val."

(b) Item 386.10 is redesignated as 386.15.

ANNEX II

Annex III to Presidential Proclamation 4707 of December 11, 1979, is amended by deleting from Section A of that Annex TSUS item number 386.09 with its corresponding rates of duty and by inserting the following TSUS item numbers, rates of duty, and footnotes therein:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty,[1] effective with respect to articles entered on and after January 1—							
		1980	1981	1982	1983	1984	1985	1986	1987
386.09[4]	25% ad val.....	25%	25%	[4]22.5%	(4)	(4)	(4)	(4)	(4)
386.10[4]	17.5% ad val.	17.5%	17.5%	[4]15.9%	(4)	(4)	(4)	(4)	(4)
386.11[4]	25% ad val.....	(4)	(4)	[4]22.5%	20%	17.5%	15%	12.5%	10%
386.13[4]	25% ad val.....	(4)	(4)	[4]22.5%	20%	17.5%	15%	12.5%	10%
386.15[4]	17.5% ad val.	(4)	(4)	[4]15.9%	14.3%	12.7%	11%	9.4%	7.8%

[4] Item 386.09 is discontinued and is superseded by items 386.11 and 386.13, and item 386.10 is redesignated as 386.15, effective September, 1982.

[FR Doc. 82-29717
Filed 10-25-82; 4:39 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 47, No. 208
Wednesday, October 27, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain provisions of the Oregon-Washington Federal milk order. The suspension removes the limit on the amount of milk not needed for fluid (bottling) use that may be moved directly from farms to nonpool manufacturing plants and still be priced under the order. Suspension of the provisions for the period of October through December 1982 was requested by three cooperative associations who represent a substantial number of producers suppling the market. The suspension is needed to prevent uneconomic movements of milk.

EFFECTIVE DATE: October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Proposed Suspension: Issued September 28, 1982; published October 1, 1982 (47 FR 43390).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has been determined that the need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the issuance of the suspension in time to include October 1982 in the suspension period. The initial request for this action was received on September 24, 1982. A notice of proposed suspension was issued on September 28, 1982, inviting interested parties to comment on the proposed action by October 8, 1982.

It has also been determined that this proposed action would not have a significant economic impact on a substantial number of small entities. This action lessens the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Oregon-Washington marketing area.

Notice of proposed rulemaking was published in the **Federal Register** (47 FR 43390) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. No opposing views were received.

After considering all relevant material, including the proposal in the notice, and other available information, it is hereby found and determined that for the months of October through December 1982 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In the third sentence of paragraphs (a) and (b) of § 1124.11, the word "not".

Statements of Consideration

This action removes for October through December 1982 the limit on the amount of producer milk that a cooperative association or other handlers may divert from pool plants to nonpool plants. The order now provides that a cooperative association may divert a total quantity of producer milk not in excess of the total quantity received during the month from all member producers at pool plants. Similarly, the operator of a pool plant may divert a total quantity of producer milk not in excess of the total quantity received from producers (for which the operator of such plant is the handler during the month) at such pool plant.

The suspension was requested by three cooperative associations who represent a substantial number of producers on the market. The basis for the request is that current marketing conditions require the three associations to handle an increasing quantity of reserve milk supplies during the fall months because of increased milk production by member producers. They stated that this situation will be aggravated by the fact that sales to one of their principal pool plant outlets will decline substantially because this plant will discontinue this fall part of its manufacturing operations. The cooperatives stated that the loss of such sales reduces the basis of their diversion allowances since the order's allowable diversions are based upon receipts of milk at pool plants.

Without the suspension, the cooperatives expect that their reserve milk supplies during October-December 1982 to exceed the quantity of producer milk that may be diverted to nonpool manufacturing plants under the order's present diversion limitations. In the absence of the suspension, the cooperatives believe that some of the fluid milk would have to be moved, uneconomically, first to pool plants and then to nonpool manufacturing plants, in order to still maintain producer status for such milk during the months of October through December 1982.

In view of these changes in marketing conditions, the diversion limitation percentages during October through December 1982 should be suspended to ensure the orderly marketing of reserve milk supplies. The suspension will provide greater flexibility in the handling of the market's reserve milk supplies and thus prevent uneconomic movements of some milk through pool plants merely for the purpose of qualifying it for producer milk status under the order.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the most efficient method of handling milk not needed for the fluid market is by direct movements from producers' farms to manufacturing outlets. This suspension allows for such economical movements of milk while the dairy farmers involved retain producer status;

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to comment. No opposing views were received.

Therefore, good cause exists for making this order effective upon publication in the **Federal Register**.

List of Subjects in 7 CFR Part 1124

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for October through December 1982.

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Effective date: October 27, 1982.

Signed at Washington, D.C. on: October 21, 1982.

C. W. McMillan,
Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82–29486 Filed 10–26–82; 8:45 am]

BILLING CODE 3410–02–M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

Extensions of Credit by Federal Reserve Banks; Changes in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of governors has amended its Regulation A, "Extensions of Credit by Federal Reserve Banks," for the purpose of adjusting discount rates. The action was designed to maintain an appropriate alignment with short-term market interest rates.

EFFECTIVE DATE: The changes were effective on the dates specified below.

FOR FURTHER INFORMATION CONTACT: William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452–3257).

SUPPLEMENTARY INFORMATION: Pursuant to the authority of 5 U.S.C. 553(b)(3)(B) and (d)(3), these amendments are being published without prior general notice of proposed rulemaking, public participation, or deferred effective date. The Board has for good cause found that current economic and financial considerations require that these amendments must be adopted immediately.

List of Subjects in 12 CFR Part 201

Banks, banking, Credit, Credit unions, Foreign banks.

PART 201—[AMENDED]

Pursuant to section 10(b) and 14(d) of the Federal Reserve Act (12 U.S.C. 347b and 357) Part 201 is amended as set forth below:

1. Section 201.51 is revised to read as follows; § 201.51 Short term adjustment credit for depository institutions.

The rates for short term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	9½	Oct. 12, 1982.
New York	9½	Oct. 12, 1982.
Philadelphia	9½	Oct. 12, 1982.
Cleveland	9½	Oct. 13, 1982.
Richmond	9½	Oct. 12, 1982.
Atlanta	9½	Oct. 12, 1982.
Chicago	9½	Oct. 12, 1982.
St. Louis	9½	Oct. 12, 1982.
Minneapolis	9½	Oct. 12, 1982.
Kansas City	9½	Oct. 12, 1982.
Dallas	9½	Oct. 12, 1982.
San Francisco	9½	Oct. 11, 1982.

2. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit to depository institutions.

(a) The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	9½	Oct. 12, 1982.
New York	9½	Oct. 12, 1982.
Philadelphia	9½	Oct. 12, 1982.
Cleveland	9½	Oct. 13, 1982.
Richmond	9½	Oct. 12, 1982.
Atlanta	9½	Oct. 12, 1982.
Chicago	9½	Oct. 12, 1982.
St. Louis	9½	Oct. 12, 1982.
Minneapolis	9½	Oct. 12, 1982.
Kansas City	9½	Oct. 12, 1982.
Dallas	9½	Oct. 12, 1982.
San Francisco	9½	Oct. 11, 1982.

(b) The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

Federal Reserve Bank	Rate	Effective
Boston	9½	Oct. 12, 1982.
New York	9½	Oct. 12, 1982.
Philadelphia	9½	Oct. 12, 1982.
Cleveland	9½	Oct. 13, 1982.
Richmond	9½	Oct. 12, 1982.
Atlanta	9½	Oct. 12, 1982.
Chicago	9½	Oct. 12, 1982.
St. Louis	9½	Oct. 12, 1982.
Minneapolis	9½	Oct. 12, 1982.
Kansas City	9½	Oct. 12, 1982.
Dallas	9½	Oct. 12, 1982.
San Francisco	9½	Oct. 11, 1982.

Note.—These rates apply for the first 60 days of borrowing. A 1 percent surcharge applies for borrowing during the next 90 days, and a 2 percent surcharge applies for borrowing thereafter.

By order of the Board of Governors of the Federal Reserve System, October 18, 1982.

William W. Wiles,
Secretary of the Board.

[FR Doc. 82–29639 Filed 10–26–82; 8:45 am]

BILLING CODE 6210–01–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1508 and 1509

Amendments to Requirements for Full-Size and Non-Full-Size Baby Cribs

AGENCY: Consumer Product Safety Commission.

ACTION: Final amendments.

SUMMARY: The Commission is amending its requirements for full-size and non-full-size baby cribs. The amendments address a neck and head entrapment hazard associated with certain design configurations on crib panels by prohibiting cribs with those configurations.

DATE: The amendments become effective on April 27, 1982, and apply only to cribs manufactured after that date.

FOR FURTHER INFORMATION CONTACT: Ms. Christine Nelson, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 492–6400.

SUPPLEMENTARY INFORMATION: For the reasons discussed below, the Commission has voted 4–1 (Chairman Nancy Harvey Steorts dissenting in an opinion filed in and available from the Office of the Secretary) to issue final amendments to its crib regulations:

I. Introduction

In late 1977 the Commission learned of a child whose neck and head had become entrapped in the cutout headboard design of a crib. As was the case with later victims, the child had strangled to death in the cutout. The Commission staff immediately opened an investigation into the hazard.

The manufacturer of the crib notified retailers of the hazard and made available a modification kit which contained a shaped piece of board to close off the opening. In February 1978 the Commission and manufacturer issued a joint press release that alerted consumers and announced a number of corrective actions. At the urging of the Commission, the manufacturer undertook additional actions, including new letters to dealers and the distribution of warning posters to the public.

A different crib model, produced by the same manufacturer, was later identified as being involved in other strangulations due to neck and head entrapment. That model also became the subject of a staff investigation and subsequent voluntary corrective actions by the manufacture. Posters were distributed to pediatricians' offices to warn owners of the cribs. In addition, a consent agreement later required the manufacturer to place paid warning messages in magazines and to send letters to parents of small children who might be sleeping in the hazardous cribs.

Based on the information obtained in connection with the investigations, the Commission prepared and proposed for public comment amendments to its existing requirements for baby cribs. The proposed amendments addressed the entrapment hazard by prohibiting certain crib panel configurations.

II. Proposed Amendments

The Commission proposed the amendments in December 1980 (45 FR 82659–65, December 16, 1980). A list of 44 documents was included in the **Federal Register** notice proposing the amendments, and a list is again included at the end of this **Federal Register** notice. The original list has been expanded to include documents that have been placed into the record since December 1980. The expanded list of 88 documents therefore includes all of the documents in the record of this proceeding. Those documents are cited, by number, throughout this **Federal Register** notice.

The discussion in sections A–E below describes the December 1980 proposed amendments:

A. Existing Crib Regulations

The Commission currently enforces two baby crib regulations. The safety requirements in each regulation are comparable, but one applies to full-size cribs and the other applies to non-full-size cribs.

Full-size cribs (16 CFR Part 1508) have interior dimensions of 133 cm. by 71 cm., a standardized size. Non-full-size cribs (16 CFR Part 1509) are most other rigid-sided cribs, including portable, oversized, undersized, and specialty cribs.[1] Both categories of cribs must comply with a test procedure for the spacing of crib slats and spindles. This addresses the risk that an infant will strangle when its body, but not its head, slips through the slats.

If a crib mattress is too small, an infant could suffocate by becoming entrapped between the crib frame and the mattress, with its face wedged against the mattress. Therefore, labels specifying the correct mattress size are required for full-size cribs, which are generally not sold with a mattress as part of their original set. Since most non-full-size cribs are sold with a mattress, they must meet mattress size requirements that specify the allowable space between the unit and the mattress. In addition, permanent labeling requirements for non-full-size cribs assure that consumers have adequate information about the correct size for a replacement mattress.

Both crib regulations also have requirements for: minimum effective rail height; locking or latching devices for drop or folding sides; construction and finishing, including provisions to eliminate "toe-holds" that might help babies climb out; assembly instructions; cautionary labeling; manufacturer identification; and recordkeeping.

Neither of the crib regulations addresses the neck and head entrapment hazard that the proposed final amendments address.

B. Risk of Injury

Including the strangulations discussed in *Introduction*, the Commission learned of fourteen incidents[2] in which cutout designs in crib headboards or footboards were involved (3). Eight children under two years of age died, while the other six escaped death and permanent injury ("near misses"). The Commission staff analyzed all of these case histories to attempt to establish common aspects of the incident sequences and to determine the critical physical characteristics of the children at risk (2).

In contrast to the risk addressed by the existing slat spacing requirements, the fourteen incidents involved necks and heads that became entrapped while the children were completely inside the cribs. The staff analysis concluded that the victims were able to stand at or climb up to the top of the end panel (headboard or footboard), and then become entrapped in a cutout opening (2).

According to the analysis, three factors are necessary for this type of neck/head entrapment to occur: (a) The neck is smaller (or compresses to a dimension smaller) than the entrance to the opening, (b) the head is larger than the minimum dimensions of the open area of the cutout, and (c) the child's feet, because of panic, short stature, or loss of footing, fail to provide effective support.

It is possible and even likely that "Near miss" incidents have occurred without being reported. Like the six reported "near misses", these would be situations in which a parent or other adult found a child entrapped, but was able to extricate the child before any injury resulted. There may also have been instances in which children were temporarily entrapped, but were then able to extricate themselves.

In an effort to obtain as much injury information as possible, the Commission contacted medical examiners and health care professionals and reviewed available medical literature. No additional incidents were discovered from those efforts.

However, the Commission learned after the amendments were proposed in December 1980 of another death associated with a crib cutout (73). In that incident, the hinged side of a portable crib was left folded down, exposing an opening that meets the cutout definition. The Commission stresses that the amendments are sufficiently broad to apply to such a cutout because the sides of portable cribs are often left down in normal usage, just as the side rails of full-size cribs are often left down. (When the side of the portable crib involved in the incident is up, it forms an enclosed opening that is covered by the slat spacing requirements of the non-full-size crib regulation. Most portable cribs form such enclosed openings in both the "up" and "down" positions because of horizontal bars that run through the hinges.)

C. Proposed Test Requirements

The test requirements proposed in December 1980 were designed to prohibit, from full-size and non-full-size crib end and side panels, any cutouts (partially-bound openings) that can entrap the necks and heads of children using the cribs.[3] By using a "headform probe," the test simulates the way that a child's head and neck can become entrapped. When the probe is placed in the cutout, it must be free to swing through a vertical arc without interference from any portion of the crib end or side panels.

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[1] Cribs with mesh, net or screen sides, car beds, baby baskets, and bassinets are not covered by either regulation.

[2] In one of these fourteen incidents, involving a death, the crib had been damaged and then modified by the parent. However, the entrapment and strangulation followed the same pattern as in the other thirteen incidents (3).

The proposed amendments described the probe and the way it is positioned at all times during the test procedure. The probe is placed with "neck" resting horizontally within the cutout area. The "head" of the probe is pivoted upward and backward. The cutout fails the test if the head portion of the probe does not freely attain a full upright position.

The proposed test procedure was based on the staff's reconstruction of the injury incident scenarios from the investigation reports (2, 5). In each of the cases, the victim was found suspended by the head because the effective opening of the cutout was too small to allow free passage of the head back into the crib. The test procedure is based on the premise that gravity alone should be sufficient to free an entrapped child.

The development of the proposed headform probe, including its dimensions, is fully described in staff documents (2). From the same injury incident investigation reports (35), the staff learned that most of the children were between one and two years of age and they were found with their heads entrapped in cutouts on the upper portions of the headboards. While it was impossible to determine the head sizes from the reports, none of the victims was of unusual height or weight.

The size of the probe is related to the sizes of heads and necks of children who fall within the age range of one to two years (2). The staff considered anthropometric data from a 1977 University of Michigan study (27) and other sources (21–26; 28–30). Since complete data were not available for children younger than two years of age, data for children between two and 3.5 years of age were used. (This is the youngest age grouping of complete, statistically representative data available.) The staff used head length, head width, and head height dimensions at the 95th percentile level. This level means that 95 percent of the children in that age group have head dimensions less than the size used in the proposed probe. The location of the widest point on the probe (with respect to the vertical plane) was designed as a band starting two inches from the rear of the probe and extending all the way forward. The band is two inches high to account for the variable location of the widest point on a child's head.

To obtain the appropriate neck dimension for the probe, the staff first used the 5th percentile dimension for children between two and 3.5 years of age. The staff then extrapolated this dimension to about one year of age because this was the age of the youngest victim for whom relevant information was available. The staff further reduced this dimension by 25 percent to account for the pliability of the neck.

In general, the probe incorporates dimensions for the smallest neck sizes and the largest head sizes. This is a "worst case" approach because a small neck would be most likely to fit into an opening and a large head would be most likely to become entrapped. Using these dimensions in the test probe provides a margin of safety for children who will not combine these two extremes of neck and head sizes.

D. Economic Considerations

The cribs already investigated by the Commission are no longer being manufactured and they have been the subject of numerous corrective activities (see *Introduction*). The Commission estimated that about 65,000 additional cribs shipped by manufacturers, representing eleven different models, may fail to comply with the proposed test procedure (6). The cost of the corrective action, including the cost of locating the cribs, was estimated to be nearly $2.5 million (6). However, none of these cribs contains cutouts that are as "deep" or otherwise appear as hazardous as those contained in the cribs described in *Introduction*, and none are known to have been associated with any death or injury incidents. As a result, the Commission preliminarily concluded that the proposed amendments should not apply to these 65,000 cribs that have already been manufactured. The proposed amendments incorporated various margins of safety and the Commission preliminarily decided that the amendments should appropriately be applied only to those cribs manufactured in the future.

The Commission's economics staff surveyed the crib manufacturers' 1980 catalogs and received additional information directly from the manufacturers (6). Based on these data, the Commission estimated that only four or fewer models that may fail the proposed test procedure were still being produced in 1980 (6). In addition, manufacturers indicated that these models were being phased out due to lack of consumer demand and the adverse publicity associated with the entrapment hazard (6). Based on preliminarily staff observations, the Commission anticipated that none of the 1981 models would fail the proposed test procedure.

Therefore, the Commission preliminary found that the economic impact on crib manufacturers of the proposed amendments would be slight. It believed that certain minimal costs would be incurred by a manufacturer who performs compliance tests on prototype models (6). These costs would be limited to fabrication of the headform probe and time spent on the testing.

The Commission also found that any current model lines that fail the test could be discontinued or redesigned without imposing a significant economic burden on any manufacturer (6). Each year, manufacturers routinely discontinue and redesign cribs in response to consumer demand and in anticipation of that demand (6). Discontinuation of a model would not result in economic losses as long as the cribs already manufactured could continue to be sold (6). Redesign of a crib model may only involve slight adjustment of the machinery that cuts the headboard and footboard patterns (6). Retooling was not expected to be necessary for such slight changes in the sizes and shapes of any noncomplying cutouts (6). Any redesign costs were therefore expected to be minimal.

E. Effective Date

Cribs are generally marketed according to an annual design and production cycle (6). New designs are completed by the summer, and they are manufactured beginning in the fall and continuing throughout most of the following calendar year. Retail orders are also placed beginning in the fall. The orders are then filled by shipments that continue through the following fall, and sometimes until the end of the following calendar year.

Depending on the time of year that the amendments would be issued, the Commission proposed that they become effective between two and eight months after the issuance date.

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[3] A full-bounded opening could present a different entrapment risk of injury. This potential risk would require a different test procedure than the one for partially-bounded openings. The Commission has no injury data on any risk associated with fully-bounded openings (unless of course they are slats within the existing regulations), and the proposed amendments do not address any such risk.

III. Public Comments on Proposed Amendments and Commission Revisions

In response to its December 1980 proposal (45), the Commission received four public comments (46, 47, 48, 49). Based on those comments[4] and based on some additional work by its staff, the Commission in August 1981 suggested some changes in the proposed test procedure and extended the comment period so that the public could comment on them (46 FR 43452–56, August 28, 1981) (56). (The public comments received during the extended comment period are discussed in section IV below.)

A. Contacts Constituting Failure

As originally worded, the proposed test procedure identified as a failure contact by the probe with any surfaces or edges other than those surfaces labeled "A" or "B" or the edges of those surfaces (see Fig. 3), when the headform probe is rotated in a vertical arc after being placed in a cutout along the upper edge of a crib end or side panel. Some of the commenters objected to the wording of the requirement as overly restrictive in that it would prohibit many designs which could not be considered as entrapment hazards.

It was clearly not the intention of the proposed test procedure to prohibit designs where contact is made with only one side of the headform probe (52). For example, a horizontal top rail with no cutouts but having a cornerpost extending vertically more than 2½ inches would fail the proposed test. A child's head or neck would not become entrapped by such a configuration. The Commission therefore suggested clarifying the language of the test procedure so that contact with only one side of the probe would not constitute failure. (Single point contact with those surfaces representing the back of a child's head would still be considered a failure.) According to the clarified language of the test, simultaneous contact at two or more points on opposite sides of the probe would be a failure.

In addition, the Commission added language to clarify that if an edge or surface on one side of the probe is contacted during the vertical arc, "sideways motion of the headform shall not be restrained" (subsection (b)(1)) (52). In other words, a test failure shall not result merely because the probe slides horizontally along the panel, as long as the probe maintains a vertical arc. (This point is further discussed in section IV D (3) below.)

B. Labeling of Probe's Surfaces

One commenter suggested expanding the identification of the surfaces of the probe and then specifying those combinations of surfaces which, when contacted by the probe during the test procedure, would constitute a failure. Several sets of surfaces were cited by the commenter as potentially failing combinations.

The Commission accepted the basic suggestion for additional labeling of surfaces in order to clarify the test procedure (52). However, to identify all possible failing combinations would be cumbersome and possibly confusing. In addition, the commenter's suggestion did not account for possible panel contact with the edges formed by adjacent surfaces of the probe. The Commission revised the test procedure by identifying additional surfaces and edges of the probe and simplifying the commenter's suggested definition of what constitutes a failure.

C. V-shaped Cutouts

After reviewing the proposed test procedure, the Commission staff suggested that it needed to be revised to prohibit certain V-shaped cutouts that present the entrapment hazard (52). Those cutouts were permitted by the language of the proposal.

The proposed test would have permitted V-shaped cutouts symmetrical about a vertical axis (upright) if the angle between the legs of the "V" was less than the included angle between surfaces of the headform probe designated "B". Such cutouts would allow passage of the probe as long as it is permitted to "ride upward" on the edges of surfaces "B" (and cause the neck of the probe to lose contact with the crib panel), while being swung through a vertical arc. This riding upward action, however, is not consistent with the premise of the test procedure that gravity alone should be sufficient to allow a child to fall free without becoming entrapped.

The Commission therefore revised the test procedure so that simultaneous contact of the panel with both surfaces "B" would not be permitted (52). The following combinations of contacts with the panel are permitted: surface "B" and surface "A"; two edges "AB;" and surface "B" and an opposing edge "AB."

There could also be V-shaped cutouts that are asymmetric with respect to the vertical (tilted sideways) (52). Such a configuration would exist on a crib panel where a convex (semicircular) shape meets a cornerpost or canopy support. Similar configurations have been used on crib head and footboards. Depending on the size of the angle formed, these configurations could present the entrapment hazard, but would not fail the test if the probe is swung only through a vertical arc.

To prohibit hazardous asymmetrical V-shaped cutouts, the Commission revised the test procedure to require that, upon completion of the swing to the upright position, the probe be "rocked sideways" in a plane parallel to the plane of the crib panel (52). If the rocking motion results in prohibited contact between the probe and the panel, the cutout fails the test. The rocking motion would not affect the results of tests on cutouts that are not V-shaped.

D. Economic Considerations

After revising the test procedure, the Commission staff reviewed the preliminary economic assessment that accompanied the December 1980 proposal (53, 54). A review of 1980 and 1981 manufacturers' catalogs identified several models containing an asymmetrical V-shape cutout formed by the cornerpost or canopy support and a convex-shaped end panel. However, none of those cutouts would clearly fail the revised August 1981 test procedure (54). The Commission stated that it did not believe the August 1981 revisions would place an added burden on crib manufacturers, and suggested that the final amendments could become effective six months after their issuance.

IV. Public Comments on Revisions

Following the August 1981 notice, the Commission received public comments from two crib manufacturers and a trade association. Specifically they came from Child Craft (58), the Juvenile Products Manufacturers Association, Inc. (JPMA) (59), and Questor Juvenile Products Company (60).

The public comments and the Commission's responses will be discussed by topic:

A. "Rocking Test"

1. JPMA has commented that the "rocking test," described in section IIIC above, is vague (59). This comment stems, in part, from the statement in section (b)(2) of the August 1981 revised test procedure that "the headform *may* be rocked from side to side" (emphasis added) upon completion of the upward swing portion of the procedure.

The word "may" was used to indicate that it is unnecessary to perform the rocking test on every cutout subject to the amendments (71). Instead, it should be performed only when the cutout is a V-shape. Because of the nature of the test procedure, such cutouts may not fail during the process of swinging the headform probe through a vertical arc to an upright position. As discussed in section IIIC, the rocking test is necessary to identify any asymmetrical V-shape cutouts that present the unreasonable strangulation risk to children.

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[4] All of the issues raised in these comments are discussed in this section or, where the same issues were raised during the extended comment period, in section IV below.

To eliminate any possible vagueness or confusion, the Commission has decided to clarify the language of the rocking test procedure (71). Accordingly, subsection (b)(2) in the final amendments reads as follows (in pertinent part): "If a cutout is V-shaped (the side boundaries or the tangents to the side boundaries are nowhere parallel), an additional test shall be performed on the cutout. Upon completion of the swing to the upright position, rock the headform sideways. . . ."

JPMA's comment concerning vagueness also stems from its uncertainty about whether the probe is permitted to slide along the panel during the rocking test. The Commission's response is that the probe must slide for the rocking test to be performed properly (75). Therefore, subsection (b)(2) of the final amendments below now contains a new sentence that specifically describes the sliding motion: "This will result in the probe sliding toward the bottom of the cutout."

2. All three commenters have made substantive objections to the rocking test. Child Craft has stated that a crib "with a very large convex radius (nearly a straight line) on the top rail and a moderate post extension" would fail the test procedure (58). Similarly, Child Craft has stated that a cutout that is an asymmetrical V-shape with an included angle of 89 degrees would fail the test (58). The Commission believes that both of these described cutouts would pass the test. Since the commenter has stated incorrectly that simultaneous contact with a crib end panel and surface "B" and edge "AB" of the probe would constitute a failure, the comment may be based on a misconception about the proper test procedure (71). If not, the Commission's full discussion of asymmetrical V-shapes, below, will likely respond to Child Craft's concerns about the rocking test.

Questor has stated that the rocking test offers no useful purpose and may eliminate some crib designs that have canopy supports extending from a horizontal top edge of a crib end or side panel (60). The Commission's response is that such designs would not fail the test procedure (71).

JPMA has stated broadly that the rocking test would ban cribs that pose no risk of strangulation caused by entrapment (59). To respond to this comment, the Commission must discuss the test procedure in some detail (71, 72, 75, 76).

The headform probe and test procedure were designed to identify crib panel cutouts that had proved hazardous and cutouts that were similar enough to present the same hazard. Such cutouts essentially were those consisting of two distinct projections that were too close together to permit the passage of the head.

The hazard scenario generally involved entrapment of the back of the child's head by the two projections. After the test procedure was first developed, however, the Commission realized that certain V-shaped cutouts could also present an entrapment hazard. The original test procedure, as proposed in December 1980, did not fully address that additional hazard.

If a V-shaped cutout is too narrow, i.e., if it has an included angle that is too small, the entrapment hazard is presented. With the child's neck at the base of the V, its head would be unlikely to fall free from the narrow V-shaped cutout. Symmetrical V-shaped cutouts will fail the test if the included angle is less than 75½ degrees. However, if an asymmetrical V-shape is the same size, it would pass the test procedure without necessarily being any less of a risk. The reason for this is that the probe must remain upright during the test. The rocking test is intended to remedy this situation, and assure that cutouts will not pass the test only because they happen to be asymmetrical instead of symmetrical.

Since the Commission has limited injury data on V-shaped cutouts in cribs, it has also evaluated the available data on such cutouts in all children's products (35, 71). Specifically, the Commission knows of ten child head entrapment incidents involving V-shaped cutouts. Nine involved V-shapes along the top edge of wooden folding corrals and baby gates. The included angle of those symmetrical V-shaped cutouts, where known, ranged from 33 to 70 degrees. These incidents all involved symmetrical openings with included angles of less than 75½ degrees. Similar openings on crib panels would not be permitted by the Commission's crib cutout test procedure. The Commission has no injury data for symmetrical V-shaped cutouts with included angles of more than 70 degrees. However, the prohibition of cutouts with included angles between 70 and 75½ degrees provides a margin of safety that is justified by the Commission technical staff's belief that head entrapment could occur in such cutouts.

The tenth head entrapment injury incident involves an asymmetrical V-shape cutout located in the footboard of a crib that was formed by the junction of a vertical canopy support and a scalloped top edge in the footboard. Its included angle was about 50 degrees. Since the Commission's test procedure would also prohibit asymmetrical V-shapes with included angles of less than 75½ degrees (because of the rocking test), the cutout involved in this incident would be banned by the crib amendments below.

According to JPMA, a number of currently-marketed cribs would fail the test procedure because they have asymmetrical V-shapes with included angles of less than 75½ degrees (59). JPMA has submitted illustrations of such cribs and asserted that they do not pose a strangulation risk.

After the close of the public comment period, on October 21, 1981, the Commission staff met with some crib manufacturers who are members of JPMA (61). The manufacturers discussed some cribs that they believed failed the test procedure but were not hazardous. They also volunteered to submit a test procedure that could be substituted for the rocking test. Their test was submitted, and it involves placing a 4½ inch straight edge on the neck portion of the headform probe. Its effect would be to decrease from 75½ to about 70 degrees the included angle of asymmetrical V-shapes that would fail the test procedure.

The Commission acknowledges that no known injury incidents have involved V-shaped cutouts with included angles between 70 and 75½ degrees. The Commission also recognizes that asymmetrical V-shapes may be less hazardous than symmetrical V-shapes, depending on the amount of tilt. Nevertheless, the Commission believes that the rocking test is a reasonable and necessary provision for protecting children from head and neck entrapment in cribs.

The Commission has no injury or other data that supports the substitution of the industry's suggestion, except that its economic burden might be less because certain crib designs currently on the market would presumably be allowed to remain on the market. In addition, the nature of the hazard precludes a single solution that will apply perfectly to every possible crib cutout. There are limitless combinations of head shapes and sizes throughout the population of crib users. The shapes and sizes of crib cutouts are similarly limitless. The Commission believes that its test procedure, including the rocking test, distinguishes between hazardous and non-hazardous cutouts in the most practical and appropriate way possible.

B. Economic Impact

JPMA's comments asserted that the rocking test would cause economic harm to the industry (59). At the October 21, 1981 meeting with the JPMA-member crib manufacturers, the staff asked for any data that would support this assertion (61). Specifically, the staff requested the number of crib designs that would require modification, the number of crib units affected, the types of redesigns that would be required and the associated costs, and information on the expected impact from implementation of the JPMA's alternative test requirements.

Six manufacturers[5] responded to this request by providing information (63, 64, 65, 66, 67, 69). Two of the manufacturers reported that the crib amendments, including the rocking test, would require no changes in their cribs (63, 67). A third manufacturer reported that 11 crib designs, representing 12 percent of sales and inventory, would require modification costing approximately $100,000 (65). A fourth manufacturer reported that modification would be necessary for five crib designs, accounting for 5,100 units and approximately eight percent of sales. That manufacturer estimated that its costs would be $50–60,000 (64). The fifth manufacturer did not specify the number of models or cribs that would be affected, but estimated its costs at $630,000, with $500,000 due to lost sales revenues, $25,000 for a new catalog and advertising materials, and $105,000 for several types of manufacturing costs (66). The sixth manufacturer reported that one model would be affected by the amendments, and that 1040 cribs would therefore require modification (69).

The Commission can neither verify nor disprove the estimated cost data submitted by the crib manufacturers. Nevertheless, the Commission will assume its accuracy, for purposes of discussion, because other data and factors support the Commission's belief that the economic impact on the crib industry will be minimal (77):

1. The cost information submitted by the manufacturers is based on the assumption that cribs that fail to comply with the amendments will have to be retrofitted before being sold. This will not be the case because the amendments will apply only to cribs introduced into interstate commerce after a date in the future. Now that the amendments have been issued, in this document, the manufacturers can undertakes any necessary redesigning or retooling to assure that no noncomplying cribs will be introduced into interstate commerce after that date. (The effective date is discussed in section V below. It was proposed to be between two and eight months following issuance, and has now been set as six months from publication of the amendments. This will provide ample time for any necessary redesign or retooling of noncomplying cutouts. (85)).

The Commission believes that any costs of redesign, retooling, administration, or advertising will be minimal and can be incorporated into the manufacturers' usual production and distribution cycle. No large or disruptive costs will prevent manufacturers from assuring that all of their crib models manufactured in six months will comply with the amendments. Therefore, no costs will be incurred from the retrofitting of already-manufactured cribs.

2. Some manufacturers believe that the noncomplying crib models will not sell after the final amendments have been issued, even though the amendments do not apply to those cribs then in inventory. In follow-up telephone conversations with the staff, three crib manufacturers made this point and spoke of consumer and retailer resistance to such cribs (79). However, the staff discussed this point by telephone with several retailers, and were told that consumers would be unlikely to be aware of any difference between complying and noncomplying cribs (79). In addition, the retailers were not concerned because inventories of cribs turn over in 30–40 days.

3. Using the manufacturers' estimates of numbers of crib models that will be affected by the amendments[6] and the manufacturers' cost data for retrofitting, the Commission has concluded that the per unit cost attributable to the amendments would still average out to less than $1 per crib (assuming the total costs to a manufacturer are spread over its entire production of cribs). Since this is a very small percentage of the $70–200+ retail price of cribs, there would not necessarily be any perceptible change in the retail price of cribs.

In summary, the Commission believes that the costs imposed by the crib amendments on the industry, if any, will be minimal redesign and retooling costs for a few crib models. Consumers will continue to enjoy a broad choice among a large variety of crib styles and models, and the utility of cribs will be unaffected by the amendments. Similarly, the minimal costs are unlikely to result in any impact on the competition among crib manufacturers in general or on the viability of small businesses in particular.

C. Headform Probe

1. JPMA has suggested that the lower surface "D" on the headform probe be subdivided into two new surfaces "C" and a remaining surface "D" (59). The two new triangular surfaces "C" would then be adjacent to the new rectangular-shaped surface "D".

The purpose of this change would be to prevent a failure resulting from a single point contact on either of these new surfaces "C". Such a single point contact, for example from a spherical knob on a corner post, is unlikely to present the entrapment hazard. This would be the case as long as the head would not simultaneously contact any portion of the crib across from the knob. If any opposing surface were contacted in combination with surface "C", failure would still result.

The Commission agrees with JPMA's suggestion (72). It helps to focus the test procedure on the cutouts that present the entrapment hazard, without reducing the protection to children. The change has been adopted in the final amendments below.

2. JPMA has also suggested that the dimensions of the headform be changed to exempt certain headboards possessing small indentations that "pose no risk of injury" (59). JPMA has provided no specific suggestion for such an exemption and the Commission cannot determine from the picture of the one example submitted whether the small cutout would comply with or fail the test procedure. In any case, the

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[5] A seventh manufacturer responded with information based on a provision (not the rocking test) that was changed in August 1981 (68). Since the final amendments (at section (b)(1)) incorporate an additional change that addresses this manufacturer's concerns about economic impact, consideration of this follow-up economic submission is unnecessary.

[6] The information from the responding manufacturers shows that 17 crib models, involving roughly 1,000 cribs each, might have to be modified. Since more than 1 million cribs are manufactured in the United States yearly, the percentage of noncomplying cribs would be below two percent (77). (This contrasts sharply with JPMA's claim that the amendments would affect 50 percent of the current crib production.) In any case, the Commission believes that the responding manufacturers misunderstood the need to retrofit cribs, as discussed above.

Commission knows of no such cutouts that do not present the same hazard addressed by the amendments, and has not changed the probe in response to this comment.

3. In a broader comment, JPMA has stated that "[t]he dimensions of the probe are not in any way representative of the heads of children which the regulations seek to protect" (59).

The Commission disagrees with this comment (72, 51). As explained above, the probe is intended to represent a range in the population and will only be an approximation of any one individual. The "worst case" is used for each dimension to provide a margin of safety, so it is highly unlikely that any individual would possess these extremes. The maximum width of the head is used because this is the dimension involved with the hazard pattern. Since the precise location of that dimension is undocumented, a two-inch band is used to allow for variation in location throughout the range of the population.

Most children who use cribs are approximately two years of age or under. However, children over two years of age do use cribs and they were not ignored in the statistical formulation of the probe.

One of the hazard patterns involves children falling onto the crib panel. Since this involves force that compresses the victim's neck, a 25 percent compression factor was used in conjunction with the neck size approximation. This is particularly appropriate because infants do not have a completely calcified bone structure and their muscular system is not well developed. As a result, there is considerable pliability in the neck.

The Commission still believes that its headform probe is based on human factors professional judgment and the best available anthropometric data. Except for the change involving surfaces "C and D", discussed above, the probe remains unchanged from the one proposed in December 1980.

D. Miscellaneous

1. JPMA has stated that the proposed regulations do not clearly state whether a single contact of an edge adjacent to surface "D" constitutes a failure (59). More specifically, this comment cites to a conflict in language between subsections (b)(1) and (b)(2) of the proposed amendments, and suggests a language change.

The Commission agrees with JPMA that the suggested language is preferable (71). Therefore, the final amendments below adopt the following language for subsection (b)(1) as a clarifying change: "If, during the swing to an upright position, an edge or surface other than surface "D", is contracted, sideways motion of the headform shall not be restrained."

2. Questor has stated that the use of the word "panel" may be confusing to those who are not knowledgeable about the construction of cribs (60). The word is used in the regulation to refer to the location of the cutouts as being along the upper edges of an end or side panel.

The use of a substitute word (the commenter proposed "board" or "rail") could make the regulation more confusing, especially if the substitution were made after so much attention has already been focused on the existing language. Since only one commenter has expressed any problem with the word "panel," and since that commenter apparently understands the amendments, the Commission has decided not to adopt the suggestion.

3. JPMA has suggested a different clarification in the wording of the amendments (59). The last sentence of subsection (b)(1) permits sideways movement of the headform if it makes a nonfailing contact during its swing. JPMA notes that the sentence does not specify how the sideways motion is to be executed, and suggests that it state that the neck is not to be rotated nor the probe moved from a vertical plane.

The second sentence of subsection (b)(1) specifies that "[t]he probe shall not be rotated about the major axis of the neck during [the test] procedure," and the Commission sees no need to repeat this instruction in the last sentence of the same subsection (71). The next sentence states that "[t]he arc through which the head is swung shall be in a vertical plane." While this instruction similarly does not need repeating, it does require clarification for the situation in which a non-failing, single-point contact occurs (71). Therefore, the Commission has added to the last sentence of subsection (b)(1) the instruction that "the arc through which the headform is swung shall remain vertical." This clarifies that the probe must continue in a new vertical plane after it is moved sideways along the panel.

V. Effective Date

The comments received on an appropriate effective date have generally indicated that six months of lead time would be acceptable, if the amendments are not issued in the middle of the model year. Specifically, JPMA's most recent comments were that the amendments should not become effective before January 1, 1983 (59).

In accordance with the discussion in section IVB above, the Commission believes that a lead time of six months will assure that the amendments will have no more than a minimal impact on the industry (77). This is supported by an economics staff memo that considers the impact of a six-month lead time as of September 7, 1982 (85). At the same time, the Commission does not believe that the amendments need to be made effective in less than six months because it knows of no models currently on the market that present a very grave risk of injury to children. After balancing the risk of injury presented by any noncomplying cribs on the market and the need to minimize the economic impact on the industry as much as possible, the Commission has decided on an effective date that is six months from now.

In December 1980 the Commission proposed that the amendments apply to all cribs introduced into interstate commerce after the effective date. However, the final amendments issued below apply to all cribs manufactured after the effective date. Since it is usually easier to determine when a crib is manufactured than when it is introduced into interstate commerce, this change will make industry compliance and Commission enforcement easier. If the change has any economic effect, it would probably be to impose a slightly smaller burden on industry because a crib manufactured just before the effective date may not be introduced into interstate commerce until after the effective date. Such a crib, under the amendments (and in contrast to the proposed amendments), would not be subject to the crib cutout requirements issued below.

VI. Environmental Review

The Commission has issued environmental review procedures (16 CFR Part 1021; 45 FR 69433; October 21, 1980) concerning agency compliance with the National Environmental Policy Act, as amended. These procedures provide that safety regulations for products normally have little or no potential for affecting the human environment and that preparation of environmental documents is generally not required (§ 1021.5(c)(1)). If a particular safety regulation for products may produce environmental effects, the Commission would prepare appropriate environmental documents.

The Commission reviewed the proposed crib amendments and concluded that they have little or no potential for significantly affecting the human environment (45). At most, they will require alteration of certain crib designs manufactured in the future. Therefore, the Commission prepared no environmental documents in considering that proposal.

The Commission's opinion of the final crib amendments is that they would also have little or no potential for significantly affecting the human environment.

VII. Conclusion

Based on the public comments, the discussion above, and the information contained in the record of this proceeding, the Commission has found that cribs with certain cutouts on their end or side panels present a "mechanical hazard" within the meaning of section 2(s) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261(s)). In normal use, the design of cribs containing such cutouts presents an unreasonable risk of personal injury to children.

The hazard presented to children, strangulation, is the most severe hazard possible. It is a hazard that children cannot protect themselves against; it is a hazard that parents would not expect to be presented by a product in which children spend a great deal of their early lives. The frequency of the risk is more difficult to evaluate. The Commission knows of fourteen injury incidents that the amendments would address (see footnote 2), including eight deaths. However, all but one of these deaths were associated with the two models that contained the "deepest" cutouts encountered by the Commission. Based on this factor and on the high potential cost of notification and retrofit activities, the amendments apply only to cribs that have not yet been manufactured.

The Commission expects the amendments to impose very small costs on the crib industry. Redesigning and retooling will be necessary for a small percentage of available crib models, at most, and the six months of lead time will permit such changes to be made as part of the normal business cycle. Any testing, advertising, administrative, or other costs will also be minimal or nonexistent.

The Commission has carefully considered the severity and, to the extent possible, the frequency of the risk that the amendments would address, as well as the costs that would be associated with the amendments. The Commission's conclusion is that the risk presented by cribs not yet manufactured is an "unreasonable" one, under the applicable statutory criteria, if the cribs contain cutouts that fail the test procedure.

The Commission further concludes that the benefits bear a reasonable relationship to the costs. Even though neither benefits nor costs can be fully quantified in this case, the costs will be minimal and the benefits would be measured in terms of saved lives.

If such cribs present a mechanical hazard and are intended for use by children, they are "hazardous substances" under section 2(f)(1)(D) of the FHSA and "banned hazardous substances" under section 2(q)(1)(A) of the FHSA (15 U.S.C. 1261 (f)(1)(D) and (q)(1)(A)). Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1), 74 Stat. 1304–05, 83 Stat. 187–89; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends Parts 1508 and 1509 by adding the identical new §§ 1508.11 and 1509.13 and new Figures 2 and 3 which would appear at the end of each part as follows:

List of Subjects in 16 CFR Parts 1508 and 1509

Consumer protection, Cribs, Infants and children.

PART 1508—REQUIREMENTS FOR FULL-SIZE BABY CRIBS

PART 1509—REQUIREMENTS FOR NON-FULL-SIZE BABY CRIBS

§ 1508.11/1509.13 Requirements for cutouts.

Full-size/Non-full-size baby cribs shall comply with the following test requirements:

(a) Place the neck of the headform probe shown in Figure 2 into any cutout (partially-bounded opening) located along the upper edges of an end or side panel. The axis of the neck shall be horizontal and at right angles to the plane of the panel at the point of contact. The head portion of the probe shall be on the outer side of the panel. With the neck resting on the panel at any point within the cutout area (for compliance purposes, the Commission may test at all points that could result in a failure), and the front of the probe pointing downwards, draw the head of the probe towards the panel until surface "A" makes contact with the outer side of the panel (see Figure 3).

(b)(1) Press down on the neck to cause the head to swing upwards through the cutout in the panel. The probe shall not be rotated about the major axis of the neck during this procedure. The arc through which the head is swung shall be in a vertical plane and shall terminate when the major axis of the neck attains an upright position or is prevented from attaining an upright position by an obstruction. During the test, contact shall be maintained between surface "A" (or at least one of edges "AB"), the neck of the headform probe and the panel. If, during the swing to the upright position, an edge or surface other than surface "D" is contacted, sideways motion of the headform shall not be restrained, but the arc through which the headform is swung shall remain vertical

(2) If a cutout is V-shaped (the side boundaries or the tangents to the side boundaries are nowhere parallel), an additional test shall be performed on the cutout. Upon completion of the swing to the upright position, rock the headform sideways parallel to the plane of the panel while maintaining contact between surface "A" or an edge "AB" and the panel. This will result in the probe sliding toward the bottom of the cutout. The maximum angle through which the headform is rocked shall be determined by contact with the panel by a surface or edge other than "A" or "AB" or until one of the surfaces "B" is in a vertical plane.

(c) During the test described in paragraph (b) of this section, no portion of the panel shall contact:

(1) Simultaneously, more than one of surfaces "B", "C" or edges "BC," "CC," or "CD," in any combination if they are on opposing sides of the headform.

(2) Any of surfaces "D".

Note.—Edges are identified by the letter designations for surfaces that lie on either side of the edge.

Effective date: The amendments apply to all cribs manufactured after April 27, 1983.

(Secs. 2(f)(1)(D), (q)(1)(A), (s); 3(e)(1), 74 Stat. 372, 374, 375, 80 Stat. 1304–05, 83 Stat. 187–89, 15 U.S.C. 1261, 1262)

Dated: October 22, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

List of Documents Supporting the Regulation

1. Staff briefing package, including restricted cover memorandum and briefing paper, November 12, 1980. (The Tabs are listed separately as documents below):

2. Tab A HIEH Memorandum "Data for Crib Amendment," with attachments; December 14, 1979; 14 pages.

HIEH Memorandum "Crib Amendment—Additional Comments," March 26, 1980; 3 pages.

3. Tab B HIEA Memorandum "Update of Data Related to Crib Amendment," October 15, 1980; 2 pages.

HIEA Memorandum "Analysis of Injury Data Associated with Crib Finials and Cornerposts," June 12, 1980; 2 pages.

HIEA Memorandum "Injury Data Update for Crib Headboard Configurations Amendment," January 2, 1980; 1 page.

4. Tab C Albert F. Esch, "Fatal Entrapment of Infants in Crib Headboards II," with attachment; March 12, 1980; 4 pages.

"Health Sciences Review & Recommendations Regarding the Proposed Crib Amendment," February 14, 1980; 7 pages.

5. Tab D ESEM Memorandum "Proposed Amendment to the Crib Regulations," with attachment; March 13, 1980; 4 pages.

6. Tab E HICP Memorandum "Preliminary Economic Assessment of Crib Amendment," February 1, 1980; 7 pages.

HICP Memorandum, "Crib Amendment," March 10, 1980; 2 pages.

HICP Memorandum, "Crib Amendment," April 2, 1980; 1 page.

HICP Memorandum, "Design-Production Cycle for Cribs," October 24, 1980; 2 pages.

7. Tab F CERM Memorandum, "Amendments to the Crib Regulation," January 15, 1980; 1 page.

8. Tab G Draft FEDERAL REGISTER Notice "Proposed Amendment to Requirements for Full-Size and Non-Full-Size Baby Cribs"; 21 pages.

9. ESEM Memorandum, "ESEM Comments on Headform Probe for Amendment to Crib Regulations," with attachments; January 29, 1980; 8 pages.

10. Memorandum from Jim Hill, "Response to Crib Amendment FR Notice," April 2, 1980; 1 page.

11. Letter from Gulf & Western Industries, Inc.; March 14, 1980; 4 pages (Restricted in part).

12. Notes of telephone conversations between Jacob Handelsman and Joel Cunard; January 15, 1980; 4 pages.

13. Notes of telephone conversations between Jacob Handelsman and officials of Questor; January 1980; 2 pages.

14. Notes taken by Jacob Handelsman concerning staff investigations of hazardous cribs; January 1980; 7 pages. (Restricted).

15. Notes of conversation between Jacob Handelsman and a Juvenile Product Manufacturers Association official; January 21, 1980; 1 page.

16. Notes of conversation between Jacob Handelsman and an official of Simmons; January 17, 1980; 1 page.

17. Notes of conversation between Jacob Handelsman and an official of Okla Homer Smith; 1 page.

18. Memo of conversation between Jacob Handelsman and an official of Connor Forest Industries; January 11, 1980; 2 pages.

19. Memo of conversation among Jacob Handelsman and two officials of Child Craft; January 18, 1980; 3 pages.

20. Letter from Connor Forest Industries; January 22, 1980; 1 page.

21. Barber, C. R., et al, "Growth of the Skull in Young Children II—Changes in Head Shape," *Journal of Neurology, Neurosurgery and Psychiatry*, 10, pp. 54–56, 1956.

22. Boyd, J. D., "Clinical Appraisal of Infant Head Size," *American Journal of Diseases of Children*, 69, pp. 71–82, 1945.

23. Goldstein, M., "Development of the Head in the Same Individuals," *Human Biology*, 4, pp. 197–219, 1939.

24. Goldstein, M., "Changes in Dimensions and Form of the Face and Head with Age," *American Journal of Physical Anthropology*, 22, No. 1, pp. 37–98, 1939.

25. Goodenough, F. L., *Development Psychology*, Appleton-Century-Crafts, Inc., N.Y., 1962.

26. Meredith, H. V., "Changes in the form of the Head and Face during Childhood," *Growth*, 24, pp. 215–265, 1960.

27. Snyder, G. R., et al, "Anthropometry of Infants, Children and Youths to Age 18 for Product Safety Design, Final Report," Contract CPSC C–75–0068, May 1977.

28. Snyder, R. G., et al, "Physical Characteristics of Children as Related to Death and Injury for Consumer Product Safety, Final Report," Contract FDA 72–70, May 1975.

29. Snyder, R. G., et al, "Source Data of Infant and Child Measurements, Interim Data 1972," Contract FDA 72–70, Interim Report, Reprinted 1975.

30. Young, J. W., "Selected Facial Measurements of Children for Oxygen Mask Design," Federal Aviation Agency, Office of Aviation Medicine, Oklahoma City, Oklahoma, 1966.

31. Brazelton, T. B., *Infants and Mothers Differences in Development*, New York; Delta Book, Dell Publication, 1969; portions.

32. Caplan, F. (ed.), *The First Twelve Months of Life*, The Princeton Center for Infancy and Early Childhood. New York; Grosset and Dunlap, 1973; portions.

33. McGraw, M. B., *The Neuromuscular Maturation of the Human Infant*, New York; Hafner, 1969; portions.

34. L. Joseph Stone and Joseph Church, *Childhood and Adolescence*, New York, Random House, 1975; page 82.

35. In-depth investigation reports on incidents involving cribs, baby gates, and baby corrals; various dates (Restricted in part.)

36. HS Memorandum, "Additional Data on Crib Headboards," September 19, 1980; 12 pages.

37. HIEA Memorandum, "In-depth Investigations of Crib Related Accidents," with attachments; August 29, 1980; 206 pages. (Restricted in part.)

38. HS Memorandum, "Additional Information for Crib Amendment Project," August 8, 1980; 9 pages.

39. OPM Memorandum, "Additional Information on the Crib Amendment Project," with restricted vote sheet; July 3, 1980; 16 pages.

40. Staff briefing package including cover memorandum, June 17, 1980, 28 pages.

41. Various restricted enforcement documents.

42. Tapes of Commission briefings and meetings.

43. Feldman, K. W., and Simms, Roy J., "Strangulation in Childhood: Epidemiology and Clinical Course," *Pediatrics*, Vol. 5, No. 6, June, 1980; pages 1079–1085.

44. "Infant Strangulation," *Pediatrics*, Neonatology Supplement 59; 1977; pages 1043–1045.

45. *Federal Register* document proposing crib amendments for public comment; December 16, 1980.

46. Comment from Child Craft; January 19, 1981.

47. Comment from Juvenile Products Manufacturers Association; February 13, 1981.

48. Comment from Action for Child Product Safety; February 12, 1981.

49. Comment from Okla Homer Smith Furniture Manufacturing Company, Inc.; February 17, 1981.

50. Cover memo and briefing paper from Elaine Besson, OPM; July 20, 1981.

51. Memo from D. T. Van Houten, HIEH; April 2, 1981 (revised May 15, 1981).

52. Memo from John Preston, ESMT; May 7, 1981.

53. Memo from Jacob Handelsman, HICP, March 30, 1981.

54. Memo from Jacob Handelsman, HCIP: May 28, 1981.

55. Ballot vote memorandum from Carole Roth, OGC; July 27, 1981.

56. *Federal Register* document extending public comment period; August 28, 1981.

57. Letter from Elaine Besson specifically soliciting comments from 24 interested people and groups; August 1981.

58. Comment from Child Craft; September 14, 1981.

59. Comment from Juvenile Products Manufacturers Association; September 28, 1981.

60. Comment from Questor Juvenile Products Company; September 28, 1981.

61. Log of meeting between CPSC staff and crib industry, October 21, 1981.

62. Letter from Aaron Locker, Representing JPMA, to Commission; October 29, 1981.

63. Letter from Welsh Juvenile Products; December 7, 1981.

64. Letter from Okla Homer Smith; December 8, 1981.

65. Letter from Child Craft; December 11, 1981.

66. Letter from Simmons Juvenile Products Company, Inc.; December 18, 1981.

67. Letter from Questor (Ohio); December 14, 1981.

68. Letter from Questor (California); December 21, 1981.

69. Letter from Pat Higdon Industries; February 9, 1982.

70. Memo from Regina Miles, HIEA; October 26, 1981.

71. Memo from John Preston, ESMT; December 24, 1981.

72. Memo from D. T. Van Houten, EPHF; December 30, 1981.

73. Memo from George Rutherford, EPHA; July 9, 1982.

74. Memo from George Rutherford, EPHA; July 15, 1982.

75. Memo from John Preston, ESMT; May 10, 1982.

76. Memo from D. T. Van Houten, EPHF; May 18, 1982.

77. Economic Assessment of the Crib Amendment by George Nichols; April 1982.

78. Memo From Albert Esch, M.D.; June 24, 1982.

79. Logs of telephone conversations between George Nichols and industry representatives; January 1982–September 1982.

80. Canadian Cradles and Cribs Regulations; October 15, 1981.

81. Cover memo and briefing paper from John Liskey and Terri Rogers, OPM; July 27, 1982.

82. Memo from Alan Shakin, OGC. (RESTRICTED); August 10, 1982.

83. Vote sheets; August 20, 1982.

84. Tape of Commission briefing: September 1, 1982.

85. Memo from George Nichols, ECCP; September 7, 1982.

86. Tape of Commission Meeting: September 8, 1982.

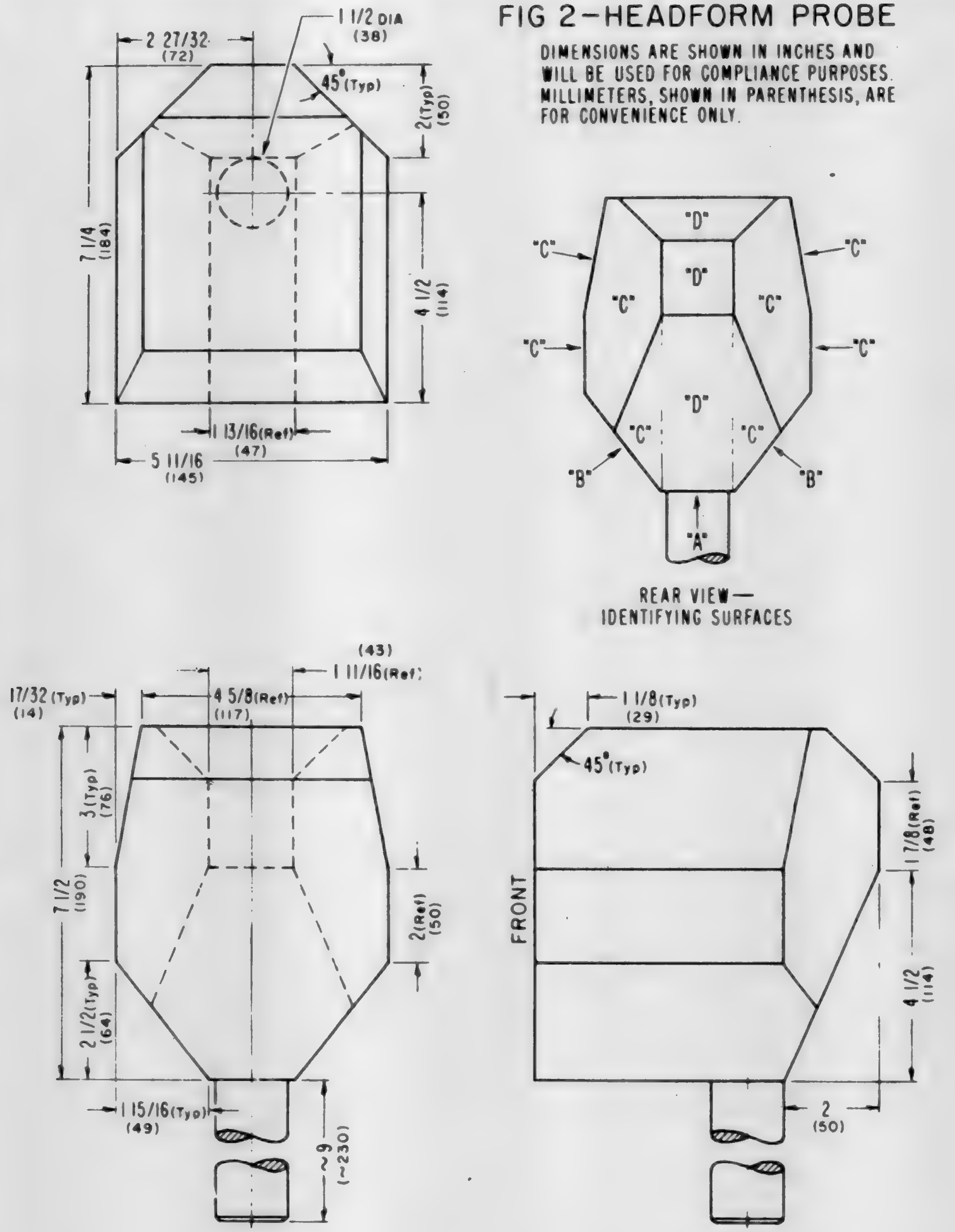
87. Ballot vote sheets on final **Federal Register** document; September 1982.

88. **Federal Register** document issuing final amendments to crib regulations (see above).

BILLING CODE 6355-01-M

FIG 2—HEADFORM PROBE

DIMENSIONS ARE SHOWN IN INCHES AND WILL BE USED FOR COMPLIANCE PURPOSES. MILLIMETERS, SHOWN IN PARENTHESIS, ARE FOR CONVENIENCE ONLY.


2 27/32 (72)
1 1/2 DIA (38)
45° (Typ)
2 (Typ) (50)
7 1/4 (184)
4 1/2 (114)
1 13/16 (Ref) (47)
5 11/16 (145)
"D"
"D"
"D"
"C"
"C"
"C"
"C"
"C"
"C"
"C"
"C"
"B"
"B"
"A"
(43)
1 11/16 (Ref)
17/32 (Typ) (14)
4 5/8 (Ref) (117)
3 (Typ) (76)
7 1/2 (190)
2 (Ref) (50)
2 1/2 (Typ) (64)
1 15/16 (Typ) (49)
~9 (~230)
1 1/8 (Typ) (29)
45° (Typ)
FRONT
1 7/8 (Ref) (48)
4 1/2 (114)
2 (50)

REAR VIEW—
IDENTIFYING SURFACES

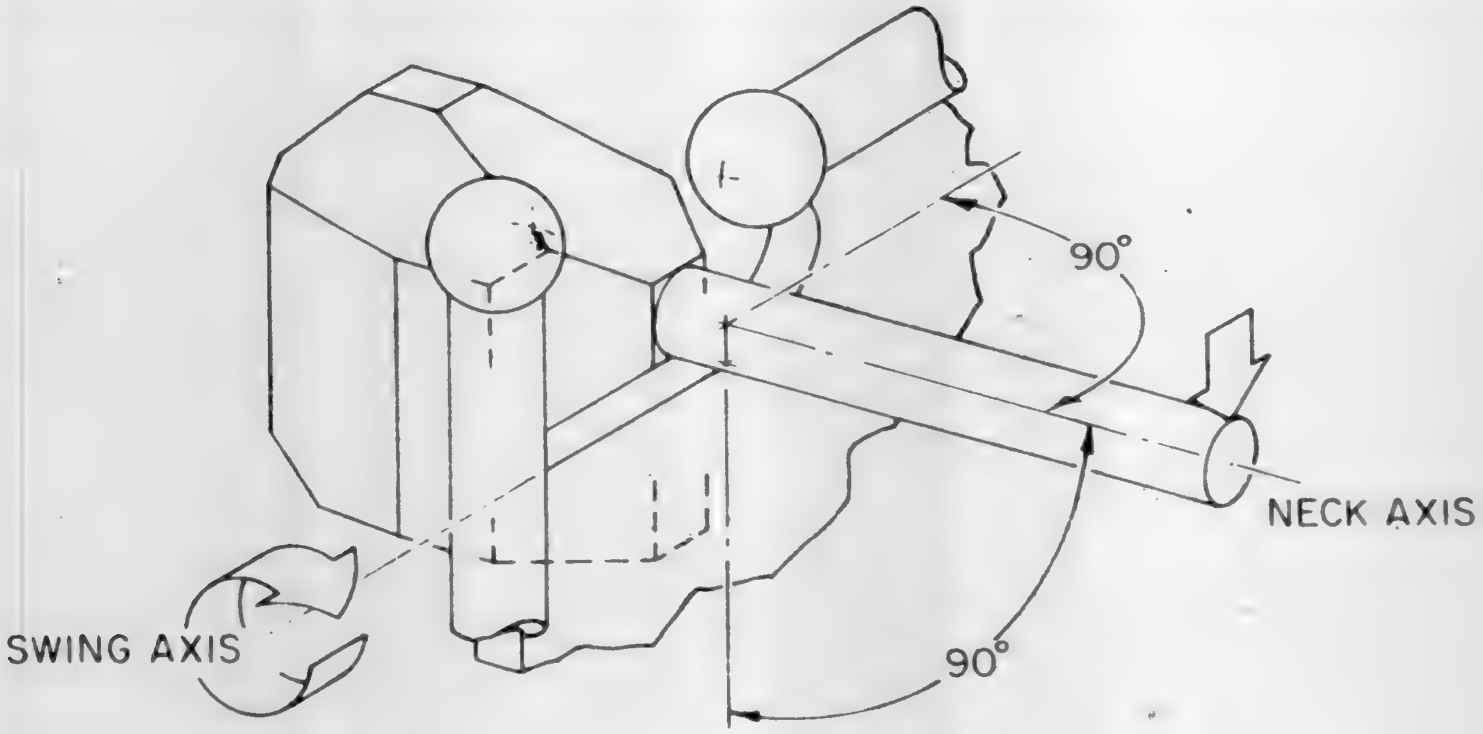

90°
NECK AXIS
SWING AXIS
90°

FIG 3

[FR Doc. 82-29556 filed 10-26-82; 8:45 am]

BILLING CODE 6355-01-C

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6431; 34-19143; 35-22669; 39-758; IC-12741; IA-828]

Record Retention Schedule

AGENCY: Securities and Exchange Commission.

ACTION: Amendment of rule.

SUMMARY: The Securities and Exchange Commission today announced the amendment of 17 CFR 200.80f, Appendix F, which prescribes the retention periods for various classes of Commission records, and provides a retention period for other classes of records where no period was originally stated. Administrative experience with the current retention periods has demonstrated that certain classes of records may be maintained for shorter periods of time. As amended, the records retention schedule will permit the disposal of records as to which there no longer is an enforcement or regulatory interest and will help prevent the Commission's retention filing system from becoming overburdened and cumbersome.

DATE: Effective October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Robert Michael Duffey, Office of the General Counsel, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Telephone: (202) 272-2454.

Regulatory Flexibility Act: No regulatory flexibility analysis (or certification that one is not required) is necessary because the rule is procedural and thus not within the definition of "rule" for purposes of Chapter II, Title 17, Code of Federal Regulations.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of information, Privacy, Securities.

The authority for Part 200 is as follows:

Authority: Pub. L. 78-115, 57 Stat. 380; Pub. L. 81-754, 64 Stat. 578; Pub. L. 94-575, 80 Stat. 2713.

Section 200.80f, Appendix F, of subpart D, Part 200, Chapter 11 of Title 17 CFR is revised as follows:

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

§ 200.80f Appendix F—Records control schedule.

Type of filing	File No.	Retention period
Securities Act of 1933		
Registration statements (regulation C).	2-	30 yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Periodic reports (sec. 15(d)—1934 Act) (annual, quarterly current, and proxy material).	2-	10 yr.
Notice of proposed resale of restricted securities and resale of securities by control persons (forms 144).	9-	6 yr.
Notice of sale of securities pursuant to Rule 242 (form 242).	15-	Do.
Application for exemption from Section 5 registration for interests or participations issued in connection with Keogh Plans (Section 3(a)(2)).	18-	10 yr.
Notice of sale of securities pursuant to Section 4(6) (form 4(6)).	19-	6 yr.
Offering sheets for oil or gas royalties—regulation B (schedules A, B, C, and D).	20-	15 yr.
Reports of sale (accorded confidential treatment) (forms 1-G).	20-	7 yr.
Reports after termination of offering (forms 3-G).	20-	Do.
Notice of Sale for offerings under Regulation D and Section 4(6).	21-	6 yr.
Notification of exemption from registration (regulation A).	24-	10 yr. after completion or termination of offering or order permanently suspending exemption, whichever comes first.
Report of issuers of sale of securities deemed not to involve any public offering (form 146).	[illegible]-	6 yr.
Notice of sales of securities by closely held issuers (issuers with 100 or fewer beneficial owners) other than investment companies, registered or required to be registered under the Investment Company Act of 1940 (forms 240).	90-	6 yr.
Applications for relief from disability (regulation A).	92-	5 yr. after date on which final action is taken.
Notification of exemption for assessment or assessable stock (regulation F).	94-	10 yr.
Notification of exemption for securities issued by a small business investment company (regulation E).	95-	10 yr. after completion or termination of offering or order permanently suspending exemption, whichever comes first.
Applications for relief from disability (regulation F).	96-	5 yr. after date on which final action is taken.
Notice of proposed sale by noncontrolling person of restricted securities of issuers which do not satisfy all of the conditions of rule 144 (forms 237).	98-	6 yr.
Notification of exemption of shares of stock or similar security offered to provide funds to be distributed to shareholders in lieu of using fractional shares, script certificates or order forms, in connection with a stock dividend, stock split, reverse stock split, conversion, merger or similar transaction (rule 236).	100-	Do.
Securities Exchange Act of 1934		
Registration statements.	1-, 0-	30 yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Periodic reports (Sec. 13(a)) (annual, quarterly, current, and proxy material).	1-, 0-	10 yr.
Reports by NASDAQ issuers.	1-, 0-	Do.
Notices and applications for reentry or continuance in membership and applications for review of disciplinary actions—self-regulatory organizations (Rules 19d-2, 19d-3 and 19h-1).	3-	Do.
Consolidated Quotation System Plan and Amendments.	4-281	For as long as plan remains approved plus 6 yr.
Intermarket Trading System Plan and Amendments.	4-208	For as long as plan remains approved plus 6 yr.
Acquisitions, tender offers and solicitations.	5-	10 yr. from date of last entry or document.
Reports of beneficial ownership of securities (sec. 16(a)).	6-	6 yr.
Applications for permission to extend unlisted trading privileges and related applications pursuant to Rules 12f-.	7-	10 yr.

Type of filing	File No.	Retention period
Applications for registration as broker-dealer and related reports.	8-	For as long as broker-dealer is registered plus 10 yr.
Annual report-income and expenses.	8-	10 yr.
Reports by OTC market makers (form X-17A-12).	8-	6 yr
Reports by third market makers (form X-17A-16).	8-	Do.
Reports by broker-dealer block positioners (form X-17A-17).	8-	Do.
Forms and reports of nonmembers of securities association (SECO broker-dealers):		
Personnel forms (Forms SECO-2, SECO 2-F, U-4).	8-	For as long as broker-dealer has reporting requirement plus 6 yr.
Annual assessment and information forms (Form SECO-4).	8-	For as long as broker-dealer has reporting requirement plus 6 yr.
Initial fees and information form (Form SECO-5).	8-	For as long as broker-dealer has reporting requirement plus 6 yr.
Other periodic financial reports of broker-dealers pursuant to Rule 17a-5(a) and (b) (includes monthly and quarterly reports, and customer statements of SECO firms).		6 yr.
Applications by an exchange for registration as a national securities exchange.	10-	For as long as the exchange is registered plus 6 yr.
Applications for listing securities on an exempted exchange.	13-	10 yr.
Applications for registration as a national securities association or affiliated securities association.	16-	For as long as the association is registered plus 6 yr
Reports on stabilizing activities (forms X-17A-1).	17-	6 yr.
Application for exemption pursuant to Rule 17a-15(h) (amended and redesignated Rule 11Aa3-1(g))	23-	As long as exemption is in effect plus 6 yr
Plans by exchanges authorizing payment of special commissions in connection with distributions of securities on exchanges (Rule 10b-2(d)).	26-	As long as plan is in effect plus 6 yr.
Applications for exemption from Section 13(f).	27-	10 yr
Reports by institutional investment managers of information with respect to accounts over which they exercise discretion (form 13f).	28-	4 yr.
Annual and supplemental reports of the Municipal Securities Rulemaking Board.	80-	10 yr.
Exemption from Section 12(g), 13, 14, 15(d) or 16 (Rule 12h-2).	81-	10 yr.
Exemptions for American Depository Receipts and certain foreign securities (Rule 12g3-2).	82-	10 yr.
Periodic reports:		
Inter-American Development Bank.	83-1	3 yr.
Asian Development Bank.	83-2	3 yr.
Applications for registration as a transfer agent (nonbank) and amendments thereto.	84-	For as long as agent is registered plus 6 yr.
Applications for registration as a municipal securities dealer which is a bank or separately identifiable department or division of a bank and amendments	86-	For as long as municipal securities dealer is registered plus 6 yr.
Personnel forms for municipal securities dealers (bank regulator forms MSD-4 and MSD-5).	86-	For as long as dealer has a reporting requirement plus 6 yr.
Applications for registration as a securities information processor and amendments.	87-	For as long as securities information processor is registered plus 6 yr.
Applications for exemption as a securities information processor	88-	For as long as securities information processor has a reporting requirement plus 6 yr.
(Secs. 12(b) and 12(g) and exemptions thereunder). Exemption—American Depository Receipts.	92-	Rule 12g-3(a)(b). 10 yr.
Reports of disciplinary actions by self-regulatory organizations (Rule 19d-1)		
Stock Exchange	128-8	6 yr
NASD	205-3C	Do.
Clearing agencies.	600-9	Do.
Suspension of trading of securities other than on a national securities exchange (Section 15(c)(5)).	500-	10 yr.
Applications for registration as a clearing agency and amendments thereto.	600-	For as long as agency is registered plus 6 yr.
Applications for exemption from registration as a clearing agency.	601-	For as long as agency has a reporting requirement plus 6 yr.
Proposed rule changes and notices as to stated policies and interpretations by self-regulatory organizations	SR-	For as long as organization is registered plus 6 yr.
Consolidated Transaction Reporting Plan and Amendments.	S7-433	For as long as plan remains approved plus 6 yr.
Reports for missing, lost or counterfeit securities (form X-17F-1A).		Indefinitely.
Public Utility Holding Company Act of 1935		
Notification and registration by public utility holding companies and annual supplements.	30-	For as long as holding company has a reporting requirement plus 10 yr.
Applications and declarations.		
Applications and declarations for authorization of service companies.	37-	For as long as service company is part of registered holding company system plus 5 yr.
Order granting or withdrawing exemptions from rules.	50-	2 yr. after closing ¹
Applications for approval of reorganization under sec. 11(f).	52-	Do.
Divestment of securities, assets or control.	54-	Do.
Applications for approval of fees incurred in connection with plan under sec 11(f).	55-	Do
Simplification of corporate structure.	59-	Do.
Applications/declarations pursuant to secs. 6(b), 7, 9, 9(c)(3), 10, 12(b), 12(c), 12(d), 12(f) and applicable rules thereunder.	70-	Do.
Statements and reports.		
Reports of beneficial ownership of securities (sec. 12(a))	6-	6 yr.
Statements pursuant to sec. 12(i) by persons employed or retained by a registered holding company or subsidiary thereof	12-1	Until new statement is filed
Exemption of purchaser, assignee, etc., of leased facilities.	32-	For life of lease plus 5 yr
Statement under rule 70(a)(1) executed by financial institution authorizing representative to serve as officer/director of holding company, filed by representative.	38-	For as long as officer/director serves.
Certificates of notification by registered holding companies and subsidiaries of security issues exempted from sec. 6(a) by sec. 6(b) or exempt under rule 47(b) and not the subject of an order of the Commission.	40-	Until new certificate is filed.

Type of filing	File No.	Retention period
Report by an affiliate service company or one engaged principally in the performance of services.	62-	For as long as service company is part of registered holding company system plus 5 yr.
Declaration with respect to solicitations regarding reorganization of registered holding companies of subsidiaries subject to Rule 62.	68-	10 yr.
Report of communication with stockholders (secs. 14 and 15).	72-	2 yr.
Periodic accounting reports:		
Annual report by mutual and subsidiary service companies.	49-	For as long as service company is part of registered holding company system plus 5 yr.
Statements and reports from unregistered (exempt) companies		
Statement of exemption from the act by order.	31-	For as long as company relies on exemption.
Annual statement by banks holding public utility securities but claiming exemption under rule 3.	33-1	2 yr.
Annual statements by holding companies claiming exemption pursuant to rule 2 (intrastate or predominantly operating companies).	69-	Do.
Trust Indenture Act of 1939		
Statements of eligibility and qualification of corporations or individuals as trustees under qualified indenture under which debt security has been or is to be issued and exemptions therein.	22-	For the life of the indenture.
Reports of indenture trustee to indenture security holders with respect to eligibility and qualification under sec. 310.	93-	1 yr.
Investment Advisers Act of 1940		
Applications for registration as investment adviser.	801-	For as long as investment adviser is registered plus 6 yr.
Applications for exemption from registration as investment adviser.	803-	For as long as investment adviser is conducting business under an exemption plus 6 yr.
Investment Company Act of 1940		
Reports of beneficial ownership of securities (sec. 30(f)).	6-	6 yr.
Notifications and registration statements.	811-	30 yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Periodic reports (Annual, quarterly, semiannual, proxy material).	811-	10 yr.²
Applications for exemption and other relief.	812-	10 yr.²
Applications by foreign management investment companies for order permitting registration.	812-	30 Yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Notice of Intent to elect to be subject to Sections 55 through 65 of the Investment Company Act of 1940.	814-	2 yr. from date of filing.
Notification of withdrawal of Election to be subject to Sections 55 through 65 of the Investment Company Act of 1940.	814-	Do.
Notification of Election to be subject to Sections 55 through 65 of the Investment Company Act of 1940.	814-	30 yr. or for so long as a class of the issuer's equity securities is registered under the Securities Exchange Act of 1934 plus 10 yr., whichever comes first.
Request for advisory report regarding reorganization of registered investment company.	816-	6 yr.
Report of repurchase of securities by closed end investment company.	817-	Do.
Sales literature regarding securities of certain investment companies (sec. 24(b)).	818-	Do.
Statement of the Federal Savings & Loan Corp. relating to the exemption of certain issuers.	819-	Do.
Compliance reports (sec. 12(f)).		Do.
Miscellaneous files and reports		
Administrative proceedings stop orders.	3-	30 yr. or for as long as registrant has reporting requirement plus 10 yr., whichever comes first.
Disciplinary proceedings (broker-dealer and investment adviser).	3-	25 yr.
2(e) Proceedings	4-	Do.
All others	3-	Do.
Securities violations files.	119-	10 yr. from date of last reported action.
General correspondence:		
Active companies	132-3	10 yr.
Inactive companies.	132-3	6 yr.
All others	132-3	6 yr. from date of last entry.
Litigation files	LIT-	10 yr. (except for briefs), 25 years (briefs).
Do	CIV-MISC	10 yr.
Do	CRIM-MISC.	Do.
Reorganization files (Chapters IX, X, XI).	206-, 207, etc., 917-, etc.	30 yr. from date that plan was substantially consummated.
Minutes of Commission meetings: Record copies of minutes of meetings of Commission since its establishment and orders and opinions of the Commission..		
Confidential treatment materials		
Periodic reports (1933 and 1934 Acts).		10 yr.
Subject files		
Federal Government agencies (miscellaneous correspondence).	111-	10 yr.
Congressional files:		
House Committees.	112-4	Permanent.
Members of Congress.	122-2	Retain until expiration of term in office plus 1 yr.
Senate Committees	122-3	Permanent.
Congressional Commissions and Joint Committees.	122-6	Do.
Canadian Extradition Treaty (correspondence).	123-13	Do.
Legislation and Laws: Suggested amendments to acts administered by the Commission.	124-1 through 124-6; 124-11, 124-20.	Do.
Proposed legislation submitted by Senate to SEC for comment.	124-7	Do.
Proposed legislation submitted by House to SEC for comment.	124-7a	Do.
Bills not yet reported in Congress (drafted).	124-7b	Do.
Stock exchanges (general correspondence).	128-4	For as long as organization is registered plus 6 yr
Rules and regulations under the separate acts (1933, 1934, 1935, 1939, 1940-IA, and 1940-IC.	140-	Permanent.
NASD (general correspondence).	205-3	For as long as organization is registered plus 6 yr
Advisory committees to the Commission..	265-	Permanent.
Rule proposals (SEC), comments, views, etc.	S7-	Do.
Reports of Internal Inquiries: Supporting Documentation.		5 yr. from date of final action if no final report is issued, or 5 yr. from date of final report.
Final Reports		5 yr. from date of final report.

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[1] A file is "closed" when the transaction(s) proposed and/or other issues raised are finally resolved by an appropriate Commission order which does not expressly reserve jurisdiction with respect to any further matters, and the applicant or declarant has consummated such transaction(s) or taken such other steps as may be required to fully comply with the terms and conditions imposed by the Commission in its order.

[2] Excludes closed and investment companies. Retention schedule to be supplied by amendment.

The Commission finds that this amendment pertains only to procedural matters and eliminates certain restrictions in the present rule; it is therefore not subject to the provisions of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, requiring advance notice and opportunity for comment. Accordingly, it is effective immediately.

By the Commission.

Dated: October 15, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29272 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 4

[Docket Nos. RM82-2-000, RM82-2-001, RM82-2-002, RM82-2-003]

Amendments to Regulations Governing Case-by-Case Exemptions From All or Part of Part 1 of the Federal Power Act for Small Hydroelectric Power Projects With an Installed Capacity of 5 Megawatts or Less

Issued: October 20, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order Granting Rehearing Solely for Purpose of Further Consideration.

SUMMARY: The Federal Energy Regulatory Commission is issuing an order granting limited rehearing on three applications filed with respect to the Commission's final rule amending the definition of "small hydroelectric power project." The rule provides specific guidance on what constitutes a natural water feature project and makes several changes to provisions governing the filing and consideration of initial and competing applications for small hydroelectric power projects.

The Commission's order grants rehearing solely to allow sufficient time for further consideration of the rehearing applications. The order does not constitute a grant or denial of any application on its merits, either in whole or in part.

FOR FURTHER INFORMATION CONTACT: Fredric D. Chanania, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8033.

SUPPLEMENTARY INFORMATION: In the matter of amendments to regulations governing case-by-case exemptions from all or part of Part 1 of the Federal Power Act for Small Hydroelectric Power Projects with an installed capacity of 5 megawatts or less; order granting rehearing for purpose of further consideration.

On August 27, 1982, the Federal Energy Regulatory Commission (Commission) issued a final rule amending the definition of "small hydroelectric power project" to provide specific guidance on what constitutes a natural water feature project that may be exempted from certain provisions, including licensing provisions, of Part 1 of the Federal Power Act (Docket No. RM82-2-000, Order No. 255, 47 FR 38506 (September 1, 1982)). The rule also made several changes to regulations governing the filing and consideration of initial and competing applications for small hydroelectric power projects.

The Commission has received three timely petitions for rehearing of this final rule from the Tulalip Tribes of Washington (Docket No. RM82-2-001); the Upper Skagit Indian Tribe, Swinomish Tribal Community, Sauk-Suiattle Indian Tribe, Skagit System Cooperative, and Point No Point Treaty Council (Docket No. RM82-2-002); and the National Wildlife Federation, Idaho Wildlife Federation, Montana Wildlife Federation, Natural Resources Defense Council, Inc., Friends of the River, Trout Unlimited, Inc., Tulalip Tribes of Washington, and Columbia River Inter-tribal Fish Commission (Docket No. RM82-2-003).

In order to afford sufficient time to consider the issues raised in these petitions, the Commission will grant rehearing of the final rule solely for the purpose of such further consideration.

The Commission Orders:

Rehearing of Order No. 255 is granted solely for the limited purpose of further consideration of the issues raised in the three petitions for rehearing. This action does not constitute a grant or denial of any petition on its merits, either in whole or in part. As provided in Rule 713(d)(1) of the Commission's Rules of Practice and Procedure, 18 CFR 385.713(d)(1), no answers to these petitions will be permitted.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29480 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 10

[T.D. 82-148]

Entry of Certain Antique Articles Under the Endangered Species Act Amendments of 1978

Correction

In FR Doc. 82-23008, beginning on page 36630, on Monday, August 23, 1982, on page 36631, in the first column, in § 10.53, the second paragraph should be designated as paragraph "(e)".

BILLING CODE 1505-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[FAP 2H5363/T96; PH-FRL 2232-5]

Tolerances for Pesticides in Animal Feeds; Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation to permit the combined residues of the herbicide glyphosate and its metabolite in or on soybean hulls. This regulation to permit the marketing of soybean hulls while further data are collected on the herbicide was requested pursuant to a petition by Monsanto Co.

EFFECTIVE DATE: October 27, 1982.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 245, CM No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1800).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of September 22, 1982 (47 FR 41855) which announced that Monsanto Co., 1101 17th St., NW., Washington, D.C. 20036, had submitted a feed additive petition (FAP 2H5363) proposing that 21 CFR 561.253 be amended by the establishment of a regulation permitting the combined residues of the herbicide gylphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in soybean hulls at 30 parts per million (ppm) resulting from the application of the herbicide on soybeans in conjunction with a proposed experimental use program.

There were no comments received in response to the notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the regulation included an acute oral toxicity study in rats with a median lethal dose (LD$_{50}$) of greater than 5,000 milligrams (mg)/kilogram (kg) of body weight (bw); an acute dermal toxicity study in rabbits with an LD$_{50}$ greater than 5,000 mg/kg; and eye irritation study in rabbits (slight irritation); a dermal irritation study in rabbits (slight irritation); a rat teratology study with no-observed teratogenic effects at 3,500 mg/kg/day and fetotoxic no-observed-effect level (NOEL) is 1,000 mg/kg/day; a rabbit teratology study with no observed teratogenic effects at 350 mg/kg/day and fetotoxic NOEL of 175 mg/kg/day, no evidence of mutagenicity in rec-assay (*B. subtilis*) up to 2,000 ug/test, reverse mutation, Ames test (*Salmonella*); a mouse dominant lethal assay at 2,000 mg/kg; a 2-year rat chronic/oncogenic study with a NOEL 31 mg/kg/day and negative oncogenic potential; a three-generation rat reproduction study with a NOEL of 10 mg/kg/day; and a human dermal patch study which shows it is not a primary irritant.

Desirable studies that are currently lacking are a chronic oral toxicity study in a non-rodent species and an oncogenicity study in a second species. The petitioner has agreed to perform these studies.

Tolerances have previously been established for glyphosate. The current tolerances occupy 23.28 percent of the acceptable daily intake (ADI) and the current theoretical maximal residue contribution (TMRC) is 1.3971 mg/day/1.5 kg. Granting these tolerances will increase the percentage of the occupied ADI to 24.20 percent. The new TMRC will be 1.4522 mg/day/1.5 kg. The ADI is based on a NOEL of 10 mg/kg/day (3-generation rat reproduction study) and a 100-fold safety factor.

There are no regulatory actions pending against the herbicide and no Rebuttable Presumption Against Registration (RPAR) criteria have been exceeded. The nature of the residue in plants and animals is adequately understood. Adequate analytical methods, gas chromatography using a phosphorous-specific-flame photometric detector and liquid chromatography, are available for enforcement purposes.

The pesticide is considered useful for the purpose for which the feed additive regulation is sought, and it is concluded that the pesticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the feed additive regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945). (Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1))).

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: October 12, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR 561.253 is revised to read as follows:

§ 561.253 Glyphosate.

(a) A feed additive regulation is established permitting the combined residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on the following feed commodities.

Feeds	Parts per million
Citrus pulp, dried	0.4
Soybean hulls	20

(b) A feed additive regulation is established for glyphosate in or on the following feed commodities resulting from the application of glyphosate to growing crops in accordance with an experimental use program. The conditions set out in paragraph (b) of this section shall be met.

Feeds	Parts per million	Company	Expiration date
Soybean hulls	30	Monsanto	Oct. 12, 1984

(1) Residues in the feed in excess of the established tolerance resulting from the use described in this paragraph remaining after expiration of the experimental program will not be considered to be actionable if the herbicide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and the feed additive regulation.

(2) The Company concerned shall immediately notify the Environmental Protection Agency of any findings for the experimental use that have a bearing on safety. The firm shall also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employee of the Environmental Protection Agency or the Food and Drug Administration.

[FR Doc. 82–29952 Filed 10–26–82; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF EDUCATION

34 CFR Subtitles A and B

Effective Dates of Regulations

AGENCY: Department of Education.

ACTION: Notice of effective dates of regulations.

SUMMARY: The Secretary of Education provides notice of the effective dates of certain final regulations. When these regulations were published in the **Federal Register**, the Secretary promised to publish a notice stating the effective date of the regulations. Publication of this notice fulfills the Secretary's commitment and informs the public of the effective dates of the regulations.

EFFECTIVE DATES: For the effective dates of these regulations see Supplementary Information.

FOR FURTHER INFORMATION CONTACT: A. Neal Shedd, Director, Division of Regulations Management, 400 Maryland Avenue, SW., (Room 2129, FOB-6), Washington, D.C. 20202. Telephone: (202) 245-7091.

SUPPLEMENTARY INFORMATION: Under Section 431(d) of the General Education Provisions Act, 20 U.S.C. 1232(d), Department of Education regulations must be transmitted to Congress for a 45-day review period. Regulations are transmitted to Congress concurrently with publication in the **Federal Register** and become effective 45 days after publication. However, the statutory effective date may change if Congress takes certain adjournments. The Department is therefore publishing this notice of the effective dates of these regulations in order to inform the public. Determination of these effective dates is based on Congressional adjournments as published in the Senate *Calendar of Business* and the House *Calendars of the United States House of Representatives and History of Legislation.*

The following Department of Education regulations became effective on the dates stated. Regulations are listed by title, part number, and **Federal Register** citation and publication date.

1. College Library Resources Program; 34 CFR Part 773; 46 FR 31866 (June 17, 1981); Effective date: August 1, 1981.
2. Research in Education of the Handicapped; 34 CFR Part 324; 46 FR 31996 (June 18, 1981); Effective date: August 2, 1981.
3. Special Education Programs for Students Whose Families Are Engaged in Migrant and Other Seasonal Farmwork—High School Equivalency Program and College Assistance Migrant Program; 34 CFR Part 206; 46 FR 35072 (July 6, 1981); Effective date: September 4, 1981.
4. Law School Clinical Experience Program; 34 CFR Part 639; 46 FR 36338 (July 14, 1981); Effective date: September 4, 1981.
5. State Student Incentive Grant Program; 34 CFR Part 692; 46 FR 36342 (July 14, 1981); Effective date: September 4, 1981.
6. Library Research and Demonstration; 34 CFR Part 777; 46 FR 37464 (July 20, 1981); Effective date: September 4, 1981.
7. Bilingual Education: Desegregation Support Program; 34 CFR Part 520; 46 FR 37594 (July 21, 1981); Effective date: September 4, 1981.
8. Institutional Grants for Graduate and Professional Study; 34 CFR Part 648; 46 FR 37866 (July 22, 1981); Effective date: September 5, 1981.
9. Training in the Legal Profession; 34 CFR Part 651; 46 FR 37870 (July 22, 1981); Effective date: September 5, 1981.
10. College Housing Program; 34 CFR Part 614; 46 FR 38880 (July 29, 1981); Effective date: September 12, 1981.
11. Veterans' Cost-of-Instruction Payments to Institutions of Higher Education; 34 CFR Part 629; 46 FR 39778 (August 4, 1981); Effective date: September 18, 1981.
12. Cooperative Education Program; 34 CFR Parts 631, 632, 633, 634, and 635; 46 FR 39784 (August 4, 1981); Effective date: September 18, 1981.
13. Supplemental Funds for Cooperative Education; 34 CFR Part 636; 46 FR 39804 (August 4, 1981); Effective date: September 18, 1981.
14. Bilingual Education Training Projects; 34 CFR Part 510; 46 FR 44140 (September 2, 1981); Effective date: October 23, 1981.
15. National Institute of Handicapped Research; 34 CFR Parts 350, 351, 352, 353, 354, 355, 356, and 362; 46 FR 45300 (September 10, 1981); Effective date: October 25, 1981.
16. Continuing Education Outreach—State-Administered Program; 34 CFR Part 605; 46 FR 46925 (September 23, 1981); Effective date: November 7, 1981.
17. Experimental Program for Opportunities in Advanced Study and Research in Education; 34 CFR Part 703; 46 FR 49584 (October 7, 1981); Effective date: November 21, 1981.
18. Minority Institutions Science Improvement Program; 34 CFR Part 637; 46 FR 51204 (October 16, 1981); Effective date: December 9, 1981.
19. Graduate and Professional Study Fellowships Program; 34 CFR Part 649; 46 FR 55255 (November 9, 1981); Effective date: January 11, 1982.
20. National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs; 34 CFR Parts 674, 675, and 676; 47 FR 736 (January 6, 1982); Effective date: March 3, 1982.
21. Educational Opportunity Centers; 34 CFR Part 644; 47 FR 2258 (January 14, 1982); Effective date: March 3, 1982.
22. Financial Assistance for School Expenditures and Construction in Cases of Certain Disasters; 34 CFR Part 219; 47 FR 3328 (January 22, 1982); Effective date: March 8, 1982.
23. Talent Search Program; 34 CFR Part 643; 47 FR 7604 (February 19, 1982); Effective date: April 22, 1982.
24. Special Services for Disadvantaged Students Program; 34 CFR Part 646; 47 FR 9150 (March 3, 1982); Effective date: April 29, 1982.
25. Upward Bound Program; 34 CFR Part 645; 47 FR 9158 (March 3, 1982); Effective date: April 29, 1982.
26. International Education Programs; 34 CFR Parts 655, 656, 657, 658, and 660; 47 FR 14113 (April 1, 1982); Effective date: May 16, 1982.
27. Fund for the Improvement of Postsecondary Education; 34 CFR Part 630; 47 FR 15552 (April 9, 1982); Effective date: May 24, 1982.
28. Grants to State Educational Agencies to Improve the Interstate and Intrastate Coordination of Migrant Education Activities; 34 CFR Part 205; 47 FR 17246 (April 21, 1982); Effective date: June 17, 1982.
29. Cooperative Education Program; 34 CFR Parts 631, 632, 633, 634, and 635; 47 FR 17252 (April 21, 1982); Effective date: June 17, 1982.
30. Consolidated Grant Applications for Insular Areas; 34 CFR Part 76; 47 FR 17420 (April 22, 1982); Effective date: June 17, 1982.
31. Training Program for Special Programs Staff and Leadership Personnel; 34 CFR Part 642; 47 FR 17786 (April 23, 1982); Effective date: June 17, 1982.
32. Supplemental Funds for Cooperative Education; 34 CFR Part 636; 47 FR 18852 (May 3, 1982); Effective date: June 17, 1982.
33. Pell Grant Program; 34 CFR Part 690; 47 FR 20737 (May 13, 1982); Effective date: June 27, 1982.
34. College Housing Program; 34 CFR Part 614; 47 FR 22020 (May 20, 1982); Effective date: July 21, 1982.
35. National Institute of Handicapped Research Funding Priorities for Fiscal 1982; 34 CFR Parts 350 and 352; 47 FR 24038 (June 2, 1982); Effective date: July 21, 1982.
36. Special Programs for Students from Disadvantaged Backgrounds; 34 CFR Parts 642, 643, 644, 645, and 646; 47 FR 24938 (June 8, 1982); Effective date: July 23, 1982.
37. Innovative Programs for Severely Handicapped Children Funding Priorities for Fiscal 1982; 34 CFR Part 315; 47 FR 27089 (June 23, 1982); Effective date: August 7, 1982.
38. Nondiscrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance; 34 CFR Part 106; 47 FR 32526 (July 28, 1982); Effective date: September 17, 1982.
39. National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs; 34 CFR Parts 674, 675, and

676; 47 FR 33228 (July 30, 1982); Effective date: September 17, 1982.

40. National Direct Student Loan Program, College Work-Study Program, and Supplemental Educational Opportunity Grant Program; 34 CFR Parts 674, 675, and 676; 47 FR 33398 (August 2, 1982); Effective date: September 17, 1982.

Dated: October 21, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-29522 Filed 10-26-82; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 2140-5]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rulemaking.

SUMMARY: The EPA announces final rulemaking on revisions to the Indiana State Implementation Plan (SIP) for ozone. This action conditionally approves the State's strategy to control volatile organic compound (VOC) emissions from stationary industrial sources in areas which are nonattainment for ozone. EPA's action is based upon a revision which was submitted by the State to satisfy the requirements of Part D of the Clean Air Act (Act).

EFFECTIVE DATE: This final rulemaking becomes effective on November 26, 1982.

ADDRESSES: Copies of the SIP revisions, public comments on the notice of proposed rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses.

Environment Protection Agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

Environmental Protection Agency Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460.

Copies of the State submittal are available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Sharon Reinders, Air Programs Branch, Environmental Protection Agency, Region V, Chicago, Illinois 60604, (312) 886-6034.

SUPPLEMENTARY INFORMATION:

Background

On March 3, 1978 (43 FR 8962), and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act (Act), the EPA designated certain areas in Indiana as not attaining the National Ambient Air Quality Standard (NAAQS) for photochemical oxidants (subsequently changed to ozone). Part D of the Act requires each State to revise its SIP to meet specific requirements for areas designated as nonattainment. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982 or, in certain cases, by December 31, 1987. The requirements for an approvable SIP are described in a "General Preamble" for Part D rulemaking published in the **Federal Register** at 44 FR 20372 (April 4, 1979) and supplements dated July 2, August 28, September 17, and November 23, 1979 (44 FR 38583, 50371, 53761, 67182).

An adequate SIP for ozone is one which provides for sufficient control of VOC from stationary and mobile sources to provide for attainment of the standards. For stationary sources, the plan must include, as a minimum, legally enforceable requirements reflecting the application of reasonably available control technololgy (RACT) for those stationary sources for which the EPA has published a Control Techniques Guideline (CTG) by January 1978, (Group I) and additional RACT requirements on an annual basis for VOC sources covered by CTGs published by January of the preceding year. The CTG's published by the preceding January must be adopted and submitted to EPA. Adoption and submittal of additional RACT regulations for sources covered by CTGs published between January 1978 and January 1979 (Group II) were originally due July 1, 1980 (44 FR 50371, August 28, 1979). EPA revised the July 1, 1980, deadline to January 1, 1981 (45 FR 78121, November 25, 1980). The State has submitted its Group II RACT regulations to EPA and, on May 13, 1982 (47 FR 20586), the regulations were proposed for public comment.

In general, where the State regulations are not supported by the information in the CTGs, the State must provide an adequate demonstration that its regulations represent RACT, or amend the regulations to be consistent with the information in the CTGs.

In response to the requirements of Part D of the Act, the State of Indiana submitted a strategy to control emissions from the Group I CTG source categories to the EPA on February 11, 1980. The submittal consists of a revised regulation APC-15, Volatile Organic Compound Emission Limitations.

The revised regulation is divided into the following major sections:

Section 1—Definitions
Section 2—Applicability
Section 3—Surface Coating Emission Limitations
Source Category Subsections: (a) Automobile and Light Duty Trucks, (b) Can Coating, (c) Coil Coating, (d) Paper Coating, (e) Fabric and Vinyl Coating, (f) Metal Furniture, (g) Large Appliances, (h) Magnet Wire.
Section 4—Solvent Metal Cleaning: (a) Cold Cleaners, (b) Open Top Vapor Degreasers, (c) Conveyorized Degreasers
Section 5—Petroleum: (a) Petroleum Refining Sources, (b) Fixed Roof Storage Tanks for Petroleum Liquid, (c) Bulk Gasoline Terminal, (d) Bulk Gasoline Plant, (d) Gasoline Dispensing Stations
Section 6—Miscellaneous Operations: (a) Asphalt Paving
Section 7—Emissions of Organic Solvents
Section 8—Compliance: (a) Method of Compliance
Section 9—Compliance Schedules
Section 10—Test Methods and Procedures
Section 11—Repealer
Section 12—Force and Effect
Section 13—Saving Clause
Section 14—Severability

On March 15, 1982 (47 FR 11042), EPA proposed rulemaking on revised APC-15. A summary of EPA's proposed rulemaking follows. The reader is referred to the notice of proposed rulemaking for further details.

Summary of Proposed Rulemaking

1. EPA proposed to approve the revised regulation APC 15 (submitted February 11, 1980), with the exceptions described in the notice of proposed rulemaking, and to incorporate it into the Indiana SIP. EPA proposed that Section 3 (surface coating emission limitations) of revised APC-15 replace the current Federally enforceable SIP (existing APC 15, 38 FR 12698) requirements for the affected sources. For all other existing VOC sources, the requirements of the current Federally approved SIP (existing APC 15, 38 FR 12698) will remain a part of the SIP until compliance with the revised APC 15 requirements is achieved. Accordingly, EPA proposed to approve the December 31, 1982, compliance date provided in revised APC 15 only for those sources

covered by Section 3 and those existing sources that were not previously regulated under the current Federally enforceable SIP.

2. EPA proposed approval of a "bubble" provision, Section 8(a)(2), with the understanding that Indiana would adhere to the EPA "bubble policy" published in the **Federal Register** (44 FR 71780) and, therefore, submit each bubble as a SIP revision. EPA recommended that Indiana submit a generic bubble rule as described in an EPA policy statement published in the **Federal Register** (46 FR 20551).

3. EPA proposed to approve a compliance date of December 31, 1982, for existing sources of VOC emissions (referred to in Sections 5(c) through (f)) which are not covered by the requirements of 40 CFR 52.787. Existing gasoline marketing sources in Marion County are subject to 40 CFR 52.787. Therefore, EPA proposed to exclude these sources in Marion County from the 1982 compliance data required by Section 5.

4. EPA proposed to approve conditionally the Part D requirement for Group I CTG regulations in the ozone nonattainment areas of the State covered by revised APC 15 Sections 3(a)(2), 3(f)(2), 3(g)(2), 3(e), 5(e) and 10. EPA proposed to accept up to a six-month completion date (from final rulemaking) for corrections.

5. Additionally, EPA proposed to remove provisions of the current Federally approved SIP (existing APC 15, 38 FR 12693) affecting sources of VOC emissions in attainment/unclassifiable areas.

During the public comment period, EPA received three comments. The Agency's evaluation of these comments is summarized below.

State Comments

The Air Pollution Control Board (APCB) responded to our proposed rulemaking in a letter dated May 7, 1982, and supports EPA's conclusion that the SIP revision requiring control of VOC emissions is conditionally approvable. The APCB commented on EPA's proposed approval of a "bubble" provision, Section 8(a)(2), on the conditionally approvable rules noted in point 4 above, and committed to finalize changes to revised APC 15 to satisfy the conditions of EPA's conditional approval. On June 2, 1982, the State further notified EPA that finalized changes to APC 15 will be submitted to the APCB for action by December 31, 1982. This will allow the State to submit the revised State promulgated regulation to EPA by July 1, 1983. A summary of each State comment and EPAs response follow.

Bubble Policy

On April 7, 1982, the APCB adopted a generic bubble rule which will supercede the requirements specified in the VOC rule, Section 8(a)(2). The bubble provisions in revised APC 15 are no longer necessary and will be deleted.

Response: EPA agrees with the State that a generic bubble rule is superior to the "bubble" rule contained in Section 8(a)(2) of revised APC 15 on which EPA proposed approval. EPA will take rulemaking action on the generic rule when the State submits it as a SIP revision and, therefore, takes no action on Section 8(a)(2) at this time.

Section 3 (a)(2), (f)(2), (g)(2)—Surface Coating Emission Limitations

Instead of modifying the transfer efficiency equations, the APCB proposes to delete the equations. The equations will be replaced with a general statement which will approve transfer efficiency improvement on a case-by-base basis. The approvals will be submitted to EPA as source specific SIP revisions.

Response: EPA agrees with the State's comment.

Section 3(e)—Surface Coating Emission Limitations

The APCB commented that the equation contained in the fabric and vinyl coating rule will be deleted and submitted a proposed revised rule for EPA review.

Response: EPA has reviewed the proposed rule, visited the affected facilities in the State and, based upon best engineering judgment, agrees that the proposed rule represents RACT. The EPA will take rulemaking action when the State submits the rule as a SIP revision.

Section 5—Petroleum

The APCB believes that a 20,000 gallon/month throughout exemption is within approximately 5 percent of emissions that result from a regulation requiring control of 2,000 gallon capacity tanks. Therefore, the APCD will provide, within six months from the effective date of this final rulemaking, justification for its 20,000 gallon/month exemption demonstrating that exempt emissions are within 5 percent of RACT requirements.

Response: EPA accepts the States commitments to conduct a study to demonstrate that the present rule represents RACT.

Section 10—Test Methods and Procedures

The APCB will add the reference test procedures specified in CTG document EPA 450/2–77–026 to APC 15. EPA will take rulemaking action when the State submits the rule as a SIP revision.

Industry Comment

EPA received one comment from industry. The commentor supports EPA's position that Section 3, surface coating emission limitations, of revised APC–15 replace the current Federally enforceable SIP requirements for the affected surface coating sources and supports EPA's policy of allowing afterburner shutdown during the months of November through March. The commentor claims this afterburner shutdown policy results in the use of an incineration emission reduction credit for purposes of applying the emission limitations of Section 3 of revised APC 15 during these months.

Response: The emission limitations in Section 3 are to be achieved at all times through the use of add-on control or coating reformulation. Only if add-on control is the compliance option, can it be turned off in the winter months. EPA policy is based upon energy conservation considerations. ("Revised Seasonal Afterburner Policy", December 1, 1980, Walter Barber, Director Office of Air Quality Planning and Standards.) The Indiana rule does not provide for emission reduction credits in the winter months if the afterburner is continued to be operated.

Public Comment: EPA received a comment from Save the Dunes Council of Beverly Shores, Indiana. The commentor is concerned with Section 8(a)(1)(A)(ii) which eliminates the requirement for incineration in the months of November through March, provided that it is not required for the control of toxic substances or odor, and provided that an episode level for ozone has not been declared under the provision of APC 15. The commentor wrote that there have been many citizen complaints about odor in Indiana and requests EPA to disapprove this section of APC 15.

Response: Referring again to EPA's "Revised Seasonal Afterburner Policy", any plan revisions which provide for afterburner shutdown in the period of November through March can be approved. The policy applies to gas-fired afterburners installed to control emissions of VOCs for the purpose of reducing ambient ozone concentrations. It does *not* apply to flares (which do not use natural gas as an auxiliary fuel), VOCs vented to boilers, afterburners operated principally for odor control, or afterburners operated to control toxic or hazardous substances.

Final Determination of APC 15

EPA's decision is based on the review of the comments received from the State, industry and public and on the State's commitment to finalize changes to the regulation discussed above and submit the regulation to the APCB by December 31, 1982. This will allow Indiana to submit the revised State promulgated regulation to EPA by July 1, 1983.

1. EPA approves of revised APC 15 with the exceptions of Sections 3(a)(2), 3(f)(2), 3(q)(2), 3(e), 5(e), and 10, which EPA is conditionally approving.

For a discussion of conditional approval and its practical effect, see 44 FR 38583 (July 2, 1979) and 43 FR 67182 (November 23, 1979).

2. EPA replaces the current Federally enforceable SIP requirements for surface coating with Section 3 of revised APC-15. For all other existing VOC sources, the requirement of the current Federally approved SIP will remain a part of the SIP and Federally enforceable until compliance with the revised APC 15 requirements is achieved. Accordingly, EPA approves the December 31, 1982, compliance date provided in revised APC 15 only for those sources covered by Section 3 and those existing sources that were not previously regulated under the current Federally enforceable SIP.

Where there is a conflict between the requirements of revised APC 15 and the requirements of the current Federally approved SIP such that it would be impractical for a source to comply with the current Federally approved SIP while moving toward compliance with the revised regulation, then the State may grant an exemption. Any exemption granted, however, must be reviewed and acted upon by EPA either as part of the State adopted regulation or a future SIP revision. Furthermore, if there is any delay or lapse in the applicability or enforceability of revised APC 15, because of a court order or for any other reason, the current SIP will be applicable and Federally enforceable.

3. EPA removes the requirements of the current Federally approved SIP affecting VOC sources in attainment/unclassifiable areas as proposed. EPA bases this action on the State's revised APC 15 which eliminates control requirements on sources in these areas (except where Section 7 is applicable).

4. EPA is taking no action on the present "bubble" rule contained in Section 8(a)(2) of revised APC 15. On April 7, 1982, the APCB adopted a generic bubble rule which will supersede the requirements in revised APC 15. Therefore, EPA will take rulemaking action on the generic rule when the State submits it as a SIP revision.

On February 11, 1982 (47 FR 6275), EPA approved the ozone attainment demonstrations for Clark, Floyd, Lake, Marion, and Porter Counties, but noted that the plans for these counties were still deficient in that EPA had not yet approved the Group I CTG RACT emission limitations for sources in these counties. EPA has conditionally approved these emission limitations today. Therefore, the overall ozone SIP revisions for these five counties are now conditionally approved, and the ozone new source growth limitations of Section 110(a)(2)(I) of the Act for Clark, Floyd, Lake, Marion and Porter Counties are removed.

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date of publication. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons, Intergovernmental relations.

Note.—Incorporation by reference of the State Implementation Plan for the State of Indiana was approved by the Director of the **Federal Register** on July 1, 1982.

This notice is issued under authority of Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502).

Dated: October 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

1. Section 52.770 is amended by adding paragraph (c)(33) as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(33) On February 11, 1980, Indiana submitted APC 15. EPA is taking no action the "bubble" provisions contained in Section 8(a)(2) of revised APC 15.

* * * * *

2. Section 52.773 is amended by adding paragraph (f) as follows:

§ 52.773 Approval status.

* * * * *

(f) The Administrator finds that the ozone strategy for Clark, Floyd, Lake, Marion and Porter Counties satisfies all requirements of Part D, Title I of the Clean Air Act which were required to be federally approved by July 1, 1979.

* * * * *

3. Section 52.777 is amended by adding new paragraph (c) as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

* * * * *

(c) Part D-Conditional approval—The Indiana part for Clark, Floyd, Lake, Marion and Porter Counties is provided the following conditions are satisfied: (1) The plan for strategy source volatile organic compound control must contain the following:

(i) For regulation APC 15, Section 5, petroleum, the State must conduct a study to demonstrate that the 20,000 per month throughput exemption meets RACT requirements and submit the results to EPA within 6 months of the effective date of final rulemaking on APC 15. If the demonstrated emissions resulting from the State's exemption are not essentially equivalent to those resulting from the RACT requirements, then the State must submit to EPA a rule which requires control of emission from storage tanks at gasoline dispensing facilities with either 10,000 gallons per month or more throughput or 2,000 gallons capacity.

(ii) The regulation APC 15, Sections 3(a)(2), (f)(2) and (g)(2), surface coating emission limitations, the transfer efficiency equations must be replaced with a statement addressing transfer efficiency improvement on a case by case basis and the new rules submitted to EPA as SIP revisions. These rules must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

(iii) For regulation APC 15, Section 3(e), surface coating emission limitations, the State must revise the rule to meet the requirements of RACT and submit the new rule to EPA as a SIP revision. This rule must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

(iv) For regulation APC 15, Section 10, test methods and procedures, the State must add EPA approved test methods and procedures and submit the new rule to EPA as a SIP revision. This rule must be submitted to the Air Pollution Control Board by December 31, 1982, and finally promulgated by the State and submitted to EPA by July 1, 1983.

[FR Doc. 82-29349 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP OF2399/R434A; PH FRL 2232-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Cyano(3-Phenoxyphenyl)Methyl 4-Chloro-Alpha-(1-Methylethyl)Benzeneacetate; Technical Amendment.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment

SUMMARY: EPA issued a regulation pursuant to a pesticide petition submitted by Shell Oil Company that established tolerances for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(1-methylethyl)benzeneacetate in or on certain raw agricultural commodities which included the commodity "corn, field, grain". This amendment changes the commodity name "corn, field, grain" to "corn, grain".

EFFECTIVE DATE: Effective on May 19, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a regulation published in the **Federal Register** of May 19, 1982 (47 FR 21537) that established tolerances under 40 CFR 180.379 for residues of the insecticide cyano(3-phenoxyphenyl)methyl 4-chloro-alpha-(methylethyl) benzeneacetate in or on certain raw agricultural commodities which included the commodity "corn, field, grain" at 0.02 part per million (ppm).

The petitioner, Shell Oil Company, Suite 200, 1025 Conn. Ave., NW., Washington, D.C. 20036, requested to amend the petition by substituting the commodity "corn, grain" for "corn, field, grain" at the same tolerance level of 0.02 part per million (ppm). The amendment will permit inclusion of "pop corn" within the commodity designation "corn, grain" without increasing the tolerance level of 0.02 ppm.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: October 7, 1982.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

§ 180.379 [Amended]

40 CFR 180.379 is amended by deleting the commodity "corn, field, grain * * * 0.02" and inserting in its place "Corn, grain * * * 0.02".

[FR Doc. 82-28953 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program; Illinois, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Associate Director, State and Local Programs and Support, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed Special Flood Hazard Areas (SFHAs) for those communities is appropriate as a result of requests for changes in the interim and/or Proposed Rule.

DATE: These modified SFHAs are in effect as of the dates listed in the sixth column of the attached list and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESS: The modified SFHA determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support has published a notification of the SFHAs in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Associate Director has received appeals from the communities requesting changes in the proposed SFHA determinations.

The numerous changes made in the SFHAs on the Flood Insurance Rate Map for each community make it administratively infeasible to publish in this notice all of the SFHA changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified SFHA determinations are available for inspection.

The modifications are pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These SFHAs are basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These SFHAs together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified SFHAs shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The changes in the SFHAs listed below are in accordance with 44 CFR 65.4.

§ 65.4 List of communities with detailed engineering data (FIRM's).

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Illinois: Madison	Village of Pontoon Beach, (FEMA Docket No. 6272).	*Granite City Press Record*, Jan. 28, Feb. 4, 1982.	Paul Bennett, President, Village Board, Village of Pontoon Beach, 3910 Highway 111, Granite City, IL.	Feb. 5, 1982	170477B.
Indiana: Lake	City of Crown Point, (FEMA Docket No. 6272).	*Lake County Star*, Feb. 2, 11, 1982	The Honorable Richard Collins, City of Crown Point, 101 North East St., Crown Point, IN 60008.	Feb. 12, 1982	[illegible]
Montana: Butte-Silver Bow	Unincorporated, (FEMA Docket No. 6272).	*The Montana Standard*, Feb. 23, 24, 1982.	Hon. Don Peoples, Chief Executive, Butte-Silver Bow, Butte-Silver Bow Courthouse, Butte, MT 59701.	Feb. 23, 1982	300077D.
Oregon: Grant	City of John Day, (FEMA Docket No. 6272).	*The Blue Mountain Eagle*, Feb. 25, Mar. 4, 1982.	Hon. Ralph G. Hunter, Mayor, City of John Day, 240 South Canyon Blvd., John Day, OR 97845.	Feb. 23, 1982	410077C.
Oregon: Jackson	City of Medford, (FEMA Docket No. 6272).	*Medford Mail Tribune*, Feb. 23, 24, 1982.	Hon. Al Densmore, Mayor, City of Medford, 411 West Eighth St., Medford, OR 97501.	Feb. 23, 1982	410096C.
Vermont: Putland	Town of Brandon, (FEMA Docket No. 6272).	*Dateline Brandon*, Feb. 12, 19, 1982.	Ms. Patricia Scott, Town Manager, Town Office Building, Center St., Brandon, VT 05733.	Feb. 19, 1982	[illegible]
Arizona: Cochise	City of Willcox, (FEMA Docket No. 6308).	*Arizona Range News*, May 6, 13, 1982.	Hon. Betty Fewell, Mayor, City of Willcox, 151 West Maley St., Willcox, AZ 85643.	Dec. 28, 1982	040018C.
Colorado: Garfield	City of Rifle, (FEMA Docket No. 6300).	*The Rifle Telegram*, May 5, 12, 1982.	Hon. George Mitchell, Mayor, City of Rifle, P.O. Box 1908, Rifle, CO 81650.	Dec. 28, 1982	[illegible]
Illinois: Cook	Village of Tinley Park, (FEMA Docket No. 6313).	*Star Herald*, May 13, 20, 1982	Edward J. Zabrocki, Village President, Village of Tinley Park, 17355 South 68th Ct., Tinley Park, IL 60477.	Dec. 31, 1982	170169C.
Illinois: Piatt and Douglas	Village of Atwood, (FEMA Docket No. 6293).	*The Atwood Herald*, May 13, 20, 1982.	Horace Romine, Village President, Village of Atwood, 110 West Central, Atwood, IL 61913.	Dec. 31, 1982	170543B.
Minnesota: Washington	City of Hugo, (FEMA Docket No. 6315).	*Forest Lake Times*, May 13, 20, 1982.	Hon. Marvin LaValle, Mayor, 5524 Upper 146th Street North, Hugo, MN 55038.	Dec. 31, 1982	270504C.
Missouri: Jefferson	City of Crystal City, (FEMA Docket No. 6280).	*Jefferson County Democrat-Pilot*, April 26, May 3, 1982.	Hon. Terry Yesberg, Mayor, City of Crystal City, 450 Bailey Rd., Crystal City, MO 63019.	Dec. 28, 1982	290189C.
Wyoming: Laramie	Unincorporate area, (FEMA Docket No. 6303).	*The Wyoming State Tribune*, May 4, 11, 1982.	Mr. Dean Fogg, Chairman, Board of County Commissioners, Laramie County Courthouse, P.O. Box 608, Cheyenne, WY 82001.	Dec. 28, 1982	560029C.
California: Alameda	City of Newark, (FEMA Docket No. 6311).	*The Argus*, May 5, 12, 1982	Hon. David W. Smith, Mayor, City of Newark, 37101 Newark Blvd., Newark, CA 94560.	Jan. 3, 1983	060009C.
California: Contra Costa	City of San Pablo, (FEMA Docket No. 6292).	*The News*, May 12, 19, 1982	Hon. Kathryn Carmignani, Mayor, City of San Pablo, City Hall, One Alvarado Square, San Pablo, CA [illegible].	Jan. 3, 1983	060036C.
California: Ventura	City of Thousand Oaks, (FEMA Docket No. 6309).	*News Chronicle*, May 7, 14, 1982	Hon. Alex Fiore, Mayor, City of Thousand Oaks, P.O. Box 1496, Thousand Oaks, CA 91360.	Jan. 3, 1983	[illegible]
Colorado: Jefferson	City of Lakewood, (FEMA Docket No. 6317).	*Lakewood Sentinel*, May 13, 20, 1982.	Hon. William Rertler, Mayor, City of Lakewood, 44 Union Blvd., Lakewood, CO 80228.	Jan. 3, 1983	085075C.
Colorado: Jefferson	City of Wheat Ridge, (FEMA Docket No. 6301).	*The Wheat Ridge Sentinel*, May 13, 20, 1982.	Hon. Frank Stites, Mayor, City of Wheat Ridge, P.O. Box 638, Wheat Ridge, CO 80033.	Jan. 3, 1983	085079B.
Illinois: Lake	Village of Long Grove, (FEMA Docket No. 6322).	*Vernon Town Crier*, May 27, June 3, 1982.	Mr. D. M. Doughty, Village Administrator, Village of Long Grove, Route 6, Box 193, Long Grove, IL [illegible].	Jan. 14, 1983	170380C.
Kansas: Allen	City of Iola, (FEMA Docket No. 6302).	*The Iola Register*, May 13, 20, 1982	Hon. John L. Carder, Mayor, City of Iola, 2 West Jackson Ave., Iola, KS 66749.	Jan. 3, 1983	200003C.
Maryland: Allegany	City of Westernport, (FEMA Docket No. 6318).	*The Piedmont Herald*, June 1, 8, 1982.	Hon. James Wills, Mayor, City of Westernport, P.O. Box 266, Westernport, MD 21562.	Jan. 14, 1983	240007C.
Minnesota: Stearns and Benton	City of Sartell, (FEMA Docket No. 6314).	*The Saint Cloud Daily*, May 21, 28, 1982.	Hon. Robert Bogard, Mayor, City of Sartell, P.O. Box 140, Sartell, MN 56377.	Jan. 7, 1983	270460D.
Oregon: Clatsop	City of Gearhart, (FEMA Docket No. 6316).	*The Seaside Signal*, May 13, 20, 1982.	Hon. Leo Sayles, Mayor, City of Gearhart, P.O. Drawer "D", Gearhart, OR 97138.	Jan. 3, 1983	410030C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: September 16, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29201 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA-6432]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or November 26, 1982, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (200) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30-day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128)

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

BILLING CODE 6718-03-M

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

EFFECTIVE DATE October 1, 1982

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
NY	361161	Wilmington, Town of (Essex County)	0010A 0015A 0020A	I	FL	B	1	3	1	1-17-75	N/A	10	N/A	N/A	Don DeMacy, Supervisor Wilmington, NY 12997
													EFFECTIVE DATE: October 12, 1982		
AK	020124	City of Galena Yukon-Koyukuk Division	0001A 0002A	1	FL	B	4	2	1	N/A	N/\	N/A	N/A	N/A	Vernon A. White, Mayor Box 149 Galena, AK 99741
													EFFECTIVE DATE: November 16, 1982		
OR	410041	City of Vernonia Columbia County	0001B	I	FL	B	1	3	1	11-30-73 3-05-76	N/A	8 9 10	N/A	N/A	Henry Anderegg, Mayor 919 Bridge Street Vernonia, OR 97064
TX	480901	Lee County Unincorporated Areas)	0001A thru 0010A	I	FL	B	4	2	1	N/A	N/A	N/A	N/	AN/A	Joyce Hamff, County Clerk Rt. 1 Giddings, TX 78942 713-542-3178
													EFFECTIVE DATE: November 30, 1982		
CA	060702	City of Poway San Diego County	0001A 0002A 0003A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Marjorie Wahlsten City Clerk Box 785 Poway, CA 92064
													EFFECTIVE DATE: December 3, 1982		
VT	500069	Bradford, Town of	0005A 0010A	I	FL	B	1	3	1	1-31-75	N/A	9 10	N/A	N/A	Susan Spaulding Town Administrator Town Office Bradford, Vermont 05033

EFFECTIVE DATE December 3, 1982

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
NY	360208	Margaretville, Village Delaware County	0001B	I	FL	B	I	3	I	5-31-74 4-9-76	N/A	10	N/A	N/A	Orvill Rosa, Mayor Main Street Margaretville, NY 12455

EFFECTIVE DATE: December 10, 1982

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
MS	280176	Vicksburg, City of. Warren Co.	0005B	I	FL	B	I	1	I	1-23-74 9-27-76	N/A	10 9 8	N/A	N/A	Demery F. Grubbs, P. O. Drawer 150 Vicksburg, MS 39180

COMMUNITY MAP ACTIONS

(Codes: Where no entry is necessary use N/A)

Columnm Code:

1. Two letter state designator.

2. FIA Community 6-digit identity number.

3. Community name
County(ies) name

4. Four digit number and suffix of each FIRM or FHBM panel printed.

5. INL/COAST I=INLAND W- Wave Height
C=COASTAL

6. HAZARD FL=FLOOD NF=NON FLOOD PRONE
MS=MUDSLIDE MF=MINIMALLY FLOOD PRONE
ER=EROSION

7. 60.3 CODE A=Special Hazard not defined, no elevation data (No FHBM)
B=Special Hazard Designated, no elevation data (FHBM)
C=FIRM, No Floodway or Coastal High Hazard
*D=FIRM, Regulatory Floodway Designated
*E=FIRM, Coastal High Hazard
*Dual entry is available.

8. PROGRAM STATUS 1=EMERGENCY
2=REGULAR
3=NOT PARTICIPATING, NO MAP
4=NOT PARTICIPATING, WITH MAP
5=WITHDREW
6=SUSPENDED

9. FHBM STATUS 1=NEVER MAPPED
2=ORIGINAL
3=REVISED
4=RESCINDED
5=SUPERCEDED BY FIRM

10. FIRM STATUS 1=NEVER MAPPED
2=ORIGINAL
3=REVISED
4=RESCINDED
5=ALL ZONE C-NO PUBLISHED FIRM
6=ALL ZONE A AND C-NO ELEVATIONS DETERMINED

11. DATES OF ALL PREVIOUS MAPS

12. REVISION CODES
1. 67 BFE (Base Flood Elevation) Decrease
2. 67 BFE Increase
3. 65 SFHA (Special Flood Hazard Area) Change
4. Change of Zone Designation; revised FIRM
5. Curvilinear
6. 64 Incorporation
7. 64 Discorporation
8. 64 Annexation
9. SFHA Reduction
10. Non-67 SFHA Increase Without Numbered Zones
11. Non 67 SFHA Increase With Numbered Zones
12. Drafting Correction; Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone Designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (70)
18. Letter of Map Amendment (70 without Federal Register publication)
19. Federal Register Ommission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
21. Miscellaneous

13. List of Numbered Floodway Panels Printed

14. Address of Community Map Repository

BILLING CODE 6718-03-C

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29202 Filed 10–26–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 64

[Docket No. FEMA 6436]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 3429, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Alaska: Southeast Fairbanks Division	Delta Junction, city of	020104B	Sept. 16, 1982, suspension withdrawn	Oct. 25, 1977.
Arkansas: Baxter	Mountain Home, city of	050351A	do	Feb. 14, 1975.
Colorado: Montrose	Olathe, town of	080128B	do	June 28, 1974, Dec. 19, 1975.
Connecticut: Tolland	Columbia, town of	090160B	do	Aug. 27, 1976, Nov. 8, 1974.
Delaware: Kent	Dover, city of	100006C	do	July 22, 1977, May 31, 1974, Jan. 2, 1976
Florida:				
Brevard	Unincorporated areas	125092C	do	July 1, 1974, Aug. 6, 1976, Sept. 22, 1972.
Do	Cape Canaveral, city of	125094D	do	July 1, 1974, Aug. 15, 1974, May 20, 1977, Sept. 30, 1972.
Do	Cocoa Beach, city of	125097D	do	July 1, 1974, Dec. 26, 1975, May 20, 1977, June 16, 1972.
Dixie	Cross City, town of	120074B	do	Jan. 30, 1976, Sept. 13, 1974.
Volusia	Daytona Beach, city of	125099C	do	Sept. 7, 1973, July 1, 1974, May 27, 1977
Do	Daytona Beach Shores, city of	125100C	do	May 27, 1977, Sept. 7, 1973.
Do	New Smyrna Beach, city of	125132C	do	Dec. 7, 1973, May 27, 1977.
Do	Ormond Beach, city of	125136C	do	Sept. 7, 1973, July 1, 1974, May 27, 1977
Do	Ponce Inlet, town of	125312C	do	Aug. 9, 1974, Feb. 13, 1976, Oct. 8, 1976
Illinois:				
McHenry and Lake	Island Lake, village of	170370B	do	Mar 8, 1974, June 4, 1976.
Perry	Pinckneyville, city of	170540B	do	Mar. 22, 1974, Oct. 10, 1975, Nov. 9, 1979
Indiana:				
Knox	Decker, town of	180322C	do	Feb. 1, 1974, June 11, 1976.
Dearborn	Greendale, town of	180040B	do	Jan. 16, 1974, Dec. 12, 1975.
Crawford	Marengo, town of	180033B	do	Feb. 1, 1974, Sept. 19, 1975.
Massachusetts: Worcester	Leominster, city of	250314B	do	Mar. 22, 1974, Oct. 17, 1975, Oct. 22, 1980
Michigan: Kent	Grandville, city of	[illegible]	do	July 13, 1973, June 18, 1976.
Minnesota:				
Marshall	Oslo, city of	270272B	do	Aug. 19, 1974, Dec. 20, 1974.
Do	Stephen, city of	270273B	do	May 17, 1974, June 4, 1976.
Missouri: Lincoln	Silex, village of	290212B	do	Nov 22, 1974, Dec. 5, 1975.
New Hampshire: Strafford	Rochester, city of	[illegible]	do	Nov. 8, 1977.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
New Jersey:				
Gloucester	Greenwich, township of	340204B	do	Jan. 23, 1974, Nov. 25, 1977
Ocean.:	Jackson, township of	340375A	do	Jan. 24, 1975.
New York:				
Genesee	Batavia, city of	360279B	do	Dec. 28, 1973, July 16, 1976.
Schoharie	Esperance, village of	361542B	do	Jan. 24, 1975, Jan. 30, 1976.
Oswego	Granby, town of	[illegible]	do	May 3, 1974.
Do	Scriba, town of	360663B	do	July 19, 1974, Aug. 6, 1976.
Texas: Wharton	Wharton, city of	480654C	do	June 11, 1974, July 19, 1977, July 3, 1979.
Virginia: Sussex	Stony Creek, town of	510159C	do	Aug. 9, 1974, Apr. 30, 1976, Mar. 16, 1979.
New Mexico: Valencia	Belen, city of	350088B	do	June 7, 1974, Apr. 2, 1976.
Alaska: Sitka Division	Sitka, city and borough of	020006B	do	June 28, 1974, Sept. 12, 1975.
Michigan: Saginaw	Chesaning, village of	260591B	Sept. 20, 1982, Emergency; Sept. 20, 1982, Regular.	Mar. 11, 1977.
New York: Onondaga	Elbridge, town of	360575B	Apr. 8, 1974, Emergency; Aug. 16, 1982, Regular; Aug. 16, 1982, Suspended; Sept. 24, 1982, Reinstated.	May 31, 1974, May 28, 1976.
Texas: Hays	Unincorporated areas	480321A	Sept. 23, 1982, Emergency	Mar. 21, 1978.
Colorado: Mesa	Palisade, town of	080198	Sept. 27, 1982, Emergency	Aug. 13, 1976.
Michigan: Oakland	Rose, township of	260729 New	do	Do.
North Dakota: Richland	Greendale, township of	380660 New	do	Do.
Pennsylvania: Franklin	Quincy, township of	421655A	do	June 20, 1980, Dec. 27, 1974.
New Jersey: Warren	Franklin, township of	340563A	Aug. 6, 1975, Emergency; Aug. 2, 1982, Regular; Aug. 2, 1982, Suspended; Sept. 29, 1982, Reinstated.	Nov. 22, 1974.
Arizona: Pinal	Apache Junction, city of	040120B	Sept. 30, 1982; suspension withdrawn	June 10, 1980.
Arkansas: Johnson	Clarksville, city of	050112B	do	Nov. 30, 1973, Aug. 6, 1976.
Alaska: Bristol Bay Division	Dillingham, city of	020041B	do	May 31, 1974, Dec. 12, 1975.
California:				
Humboldt	Blue Lake, city of	060438A	do	Jan. 17, 1975.
Orange	Costa Mesa, city of	060216C	do	July 2, 1976, June 27, 1978, May 17, 1974.
Do	Garden Grove, city of	060220B	do	May 7, 1976, June 14, 1974.
Contra Costa	Hercules, city of	060434	do	Mar. 26, 1976, Oct. 22, 1976.
Orange	Westminster, city of	060237D	do	Nov. 5, 1977, Aug. 8, 1978.
Colorado:				
Rio Grande	Del Norte, town of	080154B	do	June 4, 1976.
Chaffee	Salida, city of	080031B	do	May 3, 1974, Jan. 30, 1976.
Florida:				
Palm Beach	Delray Beach, city of	125102C	do	July 16, 1976, Mar. 9, 1979.
Do	Highland Beach, town of	125111C	do	Oct. 17, 1970, July 1, 1974, Jan. 9, 1976, Jan. 26, 1979.
Brevard	Indialantic, town of	125115D	do	Aug. 18, 1972, July 1, 1974, May 7, 1976.
Do	Malabar, town of	120024C	do	Mar. 1, 1974, Dec. 19, 1975, Sept. 28, 1979.
Palm Beach	Tequesta, village of	120228C	do	June 11, 1971, July 1, 1974, Oct. 8, 1976, Jan. 5, 1979.
Indiana: Huntingdon	Warren, town of	180095B	do	Nov. 23, 1973, Apr. 30, 1976.
Minnesota:				
Roseau	Greenbush, city of	270413B	do	May 3, 1974, Aug. 6, 1976.
Marshall	Grygla, city of	270269A	do	Aug. 8, 1975.
Montana: Beaverhead	Unincorporated areas	300001A	do	Sept. 30, 1982.
New Jersey:				
Hudson	North Bergen, township of	340225C	do	June 28, 1974, Oct. 31, 1975, Aug. 13, 1976.
Somerset	South Bound Brook, borough of	340445A	do	Oct. 22, 1976.
New York:				
Orange	Cornwall, town of	360611B	do	Mar. 29, 1974, May 28, 1976.
Do	Crawford, town of	361250A	do	Nov. 15, 1974.
Olster	Gardiner, town of	360856B	do	May 31, 1974, July 30, 1976.
Cayuga	Moravia, village of	360118B	do	May 3, 1974, July 2, 1976.
Ulster	New Paltz, town of	361544C	do	May 17, 1974, Jan. 2, 1976, Aug. 6, 1976.
North Dakota: Stutsman	Spiritwood Lake City, city of	380315B	do	Mar. 20, 1979.
Oregon: Washington	Unincorporated areas	410238B	do	Jan. 24, 1975, Sept. 13, 1977.
Virginia: Loudoun	Leesburg, town of	510019B	do	Aug. 30, 1974, Sept. 12, 1975.
Tennessee: Washington	Jonesboro, town of	470198B	do	Feb. 1, 1974, Oct. 22, 1976.
Texas: Randall	Canyon, city of	480533C	do	Apr. 30, 1976, Oct. 22, 1976.
Illinois: Scott	Naples, village of	706098	Oct. 1, 1982, suspension withdrawn	Apr. 2, 1976, Jan. 9, 1974.
Minnesota: Winona	Stockton, city of	270532C	Oct. 2, 1982, suspension withdrawn	Aug. 23, 1974, Oct. 24, 1975, Sept. 22, 1978.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29204 Filed 10–26–82; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 65

[Docket No. FEMA-6427]

Communities With Minimal Flood Hazard Areas; for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule.

SUMMARY. The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with Minimal Flood Hazards Areas.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at acturial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register.**

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have significant economic impact on a substantial number of small entities. This rule provides routine legal notice regarding the completed stage of engineering tasks in delineating the special flood hazards areas of the specified community and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The entry reads as follows:

§ 65.7 List of communities with minimal flood hazard areas.

State	County	Community	Date of conversion to regular program
New York	Greene	Town of Athens	Sept 3, 1982
Do.	Steuben	Town of Greenwood	Do.
Do	......do	Town of Howard	Do.
Do	Cattaraugus	Town of Randolph	Nov. 5, 1982
Pennsylvania	Erie	Township of Concord	Do.
Do.	Wayne	Township of Oregon	Do.
Do.	Lawrence	Township of Union	Do.
Do.	Berks	Township of Upper Bern	Do.
Louisiana	St. Landry	Village of Leonville	Nov. 9, 1982.
New York	Allegany	Town of Clarksville	Nov. 12, 1982
Do.	St. Lawrence	Town of Hopkinton	Do.
Pennsylvania	Chester	Township of New London	Do.
Do.	Perry	Township of Spring	Do.
Oregon	Lake	City of Lakeview	Nov. 16, 1982
Michigan	Alpena	City of Alpena	Nov. 19, 1982
New Jersey	Cumberland	Township of Fairfield	Do.
Pennsylvania	Pike	Township of Palmyra	Do.
Do	Perry	Township of Tuscarora	Do.
Arkansas	Grant	Town of Poyen	Nov. 23, 1982
Do	Desha	Town of Reed	Do.
California	Del Norte	City of Crescent City	Do.
Oklahoma	Okfuskee	Town of Weleetka	Do.
Texas	Van Zandt	City of Grand Saline	Do.
Do	......do	City of Van	Do.
Illinois	Cook	City of Evanston	Nov. 26, 1982
New Jersey	Monmouth	Borough of Farmingdale	Do.
Do	Cumberland	Township of Lawrence	Do.
Pennsylvania	......do	Township of Upper Mifflin	Do.
Oklahoma	Pontotoc and Hughes	Town of Allen	Nov. 30, 1982

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support).

Issued: September 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29174 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA 6440]

List of Withdrawal of Flood Insurance Maps Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Director, Federal Emergency Management Agency, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATES: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood-prone location is now being identified on another map, the community name for the effective map is shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires, at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) For acquisition and construction of buildings, and

(2) For buildings located in a special flood hazard area identified by the Director of Federal Emergency Management Agency

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Emergency Management Agency's (FEMA) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM). A FHBM is usually designated by the letter "E" following the community number. If the FEMA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 44 CFR Part 59 et seq.).

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities. As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. Accordingly, Subchapter B of Chapter 1 of Title 44 of the Code of Federal Regulations is amended as follows:

PART 65—[AMENDED]

1. Present § 65.6 is revised to read as follows:

§ 65.6 Administrative withdrawal of maps.

(a) *Flood Hazard Boundary Maps (FHBM's).* The following is a cumulative list of withdrawals pursuant to this Part:

40 FR 5149
40 FR 17015
40 FR 20798
40 FR 46102
40 FR 53579
40 FR 56672
41 FR 1478
41 FR 50990
41 FR 13352
41 FR 17728
42 FR 8895
42 FR 29433
42 FR 46226
42 FR 64076
43 FR 24019
44 FR 815
44 FR 6383
44 FR 18485
44 FR 25636
44 FR 34120
44 FR 52835
44 FR 57094
45 FR 12421
45 FR 26051
45 FR 31318
45 FR 34120
45 FR 49570
45 FR 52385
46 FR 13695
46 FR 20176
46 FR 26776
46 FR 46810
47 FR 3121
47 FR 18869
47 FR 28657
47 FR 41744
47 FR 47564

(b) *Flood Insurance Rate Maps (FIRM's)* The following is a cumulative list of withdrawals pursuant to the Part:

40 FR 17015
41 FR 1478
42 FR 49811
42 FR 64076
43 FR 24019
44 FR 25636
45 FR 12421
45 FR 49570
46 FR 20176
46 FR 46810
47 FR 3121
47 FR 18869
47 FR 41744

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made pursuant to § 65.6:

State	Community name and number	County	Hazard ID date	Rescission date	Reason
Illinois	Village of Piper City 170236(E)	Ford	Sept. 19, 1975	Oct. 25, 1982	2
Michigan	Township of Baraga—260352(E)	Baraga	May 26, 1978	do	2
Do	Township of Blaine—260027	Benzie	July 9, 1976	do	2
Do	Township of Breitung—260390	Dickinson	Mar. 11, 1977	do	2
Do	Township of Claybanks—260482	Oceana	Nov. 26, 1976	do	2
Do	Village of Elberta—260553	Benzie	Sept. 19, 1975	do	2
Do	Village of Ellsworth—260349	Antrim	Apr. 11, 1975	do	2
Do	Township of Exeter—260586	Monroe	July 30, 1976	do	2
Do	Village of Fife Lake—260406	Grand Traverse	do	do	2
Do	Township of Forsyth—260450	Marquette	Mar. 25, 1977	do	2
Do	Township of Holmes—260457	Menominee	Apr. 1, 1977	do	2
Do	City of Houghton—260568	Houghton	June 10, 1977	do	2
Do	Township of Ingallston—260660	Menominee	Sept. 28, 1979	do	2
Do	City of Ishpeming—260133	Marquette	Nov. 12, 1976	do	2
Do	Township of McMillan—260487	Ontonagon	Oct. 3, 1975	do	2
Do	Village of Powers—260406	Menominee	July 11, 1975	do	2
Do	Township of Torch Lake—260708	Houghton	Aug. 12, 1977	do	2
Do	Township of Watersmeet—260404	Gogebic	Mar. 18, 1977	do	2
Do	Township of Weesaw—260049	Berrien	Sept. 3, 1976	do	2
Do	Township of Wells—260388	Delta	June 10, 1977	do	2
Do	Township of Wright—260495	Ottawa	May 27, 1977	do	2
New York	Village of Savannah—361505	Wayne	Aug. 27, 1976	do	4

Key to Symbols:
E The community is participating in the Emergency Program. It will remain in the Emergency Program without a FHBM.
R The community is participating in the Regular Program.
1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
2. FIA determined the Community would not be inundated by a flood having a one-percent chance of occurrence in any given year.
3. The Flood Hazard Boundary Map (FHBM) contained printing errors or was improperly distributed. A new FHBM will be prepared and distributed.
4. The community lacked land-use authority over the special flood hazard area.
5. The FHBM does not accurately reflect the Community's special flood hazard areas (i.e., sheet flow flooding, extremely inaccurate map, etc.). A new FHBM will be prepared and distributed.
6. The Flood Insurance Rate Map was rescinded because of inaccurate flood elevations contained on the map.
7. The Flood Insurance Rate Map was rescinded in order to re-evaluate the mudslide hazard in this Community.
8. The T&E or H&E Map was rescinded.
9. A revision of the FHBM within a reasonable period of time was not possible. A new FHBM will be prepared and distributed.
10. Miscellaneous.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 12, 1982.

Lee M. Thomas,
Associate Director, State and Local Programs and Support.

[FR Doc. 82-29175 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 65

[Docket No. FEMA-6441]

Communities with No Special Hazard Area for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Federal Emergency Management Agency, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by 100-year flood. Therefore, the Agency is converting the communities listed below to the Regular Program of the National Flood Insurance Program of (NFIP) without a map.

EFFECTIVE DATE: Date listed in fourth column of list of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the **Federal Register**.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notices stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

The entry reads as follows:

§ 65.8 List of communities with no special flood hazard areas

State	County	Community name	Date of conversion to regular program
Illinois	Ford	Village of Piper City	Oct. 25, 1982.
Michigan	Baraga	Township of Baraga	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support.

Issued October 12, 1982.

Lee M. Thomas,
Associate Director, State and Local Programs and Support.

[FR Doc. 82-29176 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287–0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe developments. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Orchard Park, town, Erie County (Docket No. FEMA-6262).	South Branch Smokes Creek	Downstream corporate limits	*645
				Approximately 400' upstream of Milestrip Road *661
			Upstream of West Webster Road	[illegible]
			Confluence of South Tributary to South Branch Smokes Creek.	*720
			Upstream of California Road	*747
			Downstream of U.S. Route 219	*776
			Upstream of Duerr Road	*802
			Downstream of Jewett Holmwood Road	*861
			Downstream of Dennis Road	*904
			Upstream of Freeman Road	*918
			Approximately 2,090' upstream of Freeman Road	*940
			Approximately 3,800' upstream of Freeman Road	*965
			Approximately 100' upstream of State Route 240	*1,009
		Tributary to South Branch Smokes Creek	Confluence with South Branch Smokes Creek	*704
			Downstream of California Road	*750
			Upstream of U.S. Route 219	*775
			Approximately 100' downstream of New Taylor Road	*779
		South Tributary to South Branch Smokes Creek.	Confluence with South Branch Smokes Creek	*720
			Upstream of Access Road	*749
			Upstream of of Spillway	*760
			Approximately 4,000' downstream of Armor Duells Corners Road.	*790
			Upstream of Murphy Road	*832
			Upstream of U.S. Route 219	*851
		Northwest Branch Smokes Creek	Downstream corporate limits	[illegible]
			Approximately 220' upstream of Berg Road	[illegible]
			Upstream of Lake Avenue	*725
			Confluence of Northeast Branch Smokes Creek	*740
			Downstream of Milestrip Road	*775
			Downstream of Baker Road	*812
			Downstream of East Quaker Street	*840
			Upstream of Freeman Road	*877
			Upstream of Jewett Holmwood Road	*896
			Downstream of Chessie System	*941
			Approximately 1,400' upstream of Chessie System	*960
			Approximately 3,800' upstream of Chessie System	*1,000
			Approximately 700' upstream of Footbridge	*1,023
		Northeast Branch Smokes Creek	Confluence with Northwest Branch Smokes Creek	*740
			Downstream of Access Road	*779
			Approximately 3,200' upstream of Baker Road	*821
			Upstream of East Quaker Street	*859
			Upstream of Dam	*872
			Downstream of Transit Road	*902

Maps available for inspection at the Town Engineering Department, Municipal Building Annex, 6524 East Quaker Road, Orchard Park, New York.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) Waupun, Dodge, and Fond du Lac Counties (Docket No. FEMA-6254).	Harris Creek	Just upstream of Newton Avenue	*866
			Just downstream of Main Street	*859
		South Branch of the Rock River	About 0.3 mile downstream of Fond du Lac Street	*872
			Just upstream of River Road	*877
			Just upstream of North Brandon Street	*884
			About 1.0 mile upstream of Brandon Street	*886
Maps available for inspection at the Office of the Flood Plain Administrator, City Hall, 201 East Main Street, Waupun, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29177 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

The Agency has developed criteria for flood plain management in floodprone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future constructions within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Lewis, township, Lycoming County (Docket No. FEMA-6243).	Lycoming Creek	Downstream Corporate Limits	*618
			Township Route 506 (upstream)	*631
			Confluence of Daugherty Run	*641
			Confluence fo Wolf Run	*658
			Confluence of Trout Run	*672
			Approximately 5,000′ upstream of confluence of Trout [illegible]	*684
			Abandoned Railroad Bridge (upstream) first crossing	*691
			Township Route 840 (upstream)	*714
			Confluence of Grays Run	*717
			State Route 943 (Township Route 467) (downstream)	*730
			Abandoned Railroad Bridge (upstream) fourth crossing	*740
			Legislative Route 41051 (upstream)	*764
			Approximately 4,750′ upstream Legislative Route 41051.	*772
			Upstream Corporate Limits	*786
		Daugherty Run	Confluence with Lycoming Creek	*641
			Township Route 506 (downstream)	*655
			Approximately 650′ upstream Township Route 506 bridge ruins.	*682
		Wolf Run	Confluence with Lycoming Creek	*658
			U.S. Route 15 (upstream)	*679
			Approximately 950′ upstream U.S. Route 15	*692
		Trout Run	Confluence with Lycoming Creek	*672
			Township Route 836 (upstream)	[illegible]
			U.S. Route 15 (upstream)	*717
		Grays Run	Confluence with Lycoming Creek	*717
			State Route 14 (upstream)	*723
			Private Bridge (upstream)	*752
		Shoemaker Run	Confluence with Lycoming Creek	*737
			Township Route 856 (upstream)	*740
			Approximately 1,830′ upstream Township Route 856 Bridge.	*814
Maps available for inspection at the residence of Ms. Grace Wettlaufer, Chairperson of the Lewis Planning Commission, Bodines, Pennsylvania.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 24, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29178 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6439]

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule; correction.

SUMMARY: This document corrects a Notice of Final Determinations of base (100-year) flood elevations Heading previously published at 47 FR 34540 on August 10, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Final Determinations Elevation Heading, previously published at 47 FR 34540 on August 10, 1982, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

The Final Base (100-year) Flood Elevations Heading located in the fifth column incorrectly reads: "*Elevation in meters". The Heading should read correctly as follows: "Depth in feet above ground. *Elevation in feet (NGVD)."

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 30, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29179 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Jacksonville, Calhoun County (FEMA-6154)	Tallasseehatchee Creek	Just downstream of Southern Railway	*624
			Just upstream of Southern Railway	[illegible]
			Just upstream of Forney Street	*644
			Just upstream of Alabama Highway 21	*670
		Tallasseehatchee Creek Tributary 1	Just upstream of Marbut Drive	[illegible]
			Just downstream of Alabama Highway 21	*670
			Just upstream of Alabama Highway 21	*673
			Just Upstream of Church Street	*677
		Tallasseehatchee Creek Tributary 2.	Approximately 300 feet upstream of Church Street	*685
		Tallasseehatchee Creek Tributary 3	Just upstream of Church Street	*676
			Just upstream of 8th Avenue	*721
			Just downstream of Macon Drive	*783
		Little Tallasseehatchee Creek	Approximately 300 feet upstream of Weaver Road	*645

Maps available for inspection at Municipal Technical Advisor's Office and Mayor's Office, City Hall, 320 South Church St., Jacksonville, Alabama 36265.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Clovis (City) Fresno County, FEMA-6299	Dry Creek	Intersection of Creek and Barstow Avenue	*347
		Pup Creek	Intersection of 9th Street and Dewitt Avenue	*352

Maps available for inspection at Department of Public Works, 1033 5th Street, Clovis, California.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Fresno County (Unincorporated Areas) FEMA-6356	Alluvial Drain	100 feet upstream from center of Temperance Avenue	*391
		Bullard Avenue Drainage	100 feet upstream from center of Bethel Avenue	[illegible]
		Central Canal	Intersection of Central Avenue and Cedar Avenue	*285
		Coalmine Canyon Creek	500 feet north along Monterey Avenue from its intersection with Cambridge Avenue.	#1
		Dog Creek	Intersection of Highland Avenue and Bullard Avenue	[illegible]
		Dry Creek	Intersection of Behymer Avenue and Sunnyside Avenue.	[illegible]
		Dry Creek Canal	200 feet upstream from center of California Avenue	*288
		Fancher Creek	Intersection of McKinley Avenue and Greenwood Avenue.	#2
		Fancher Creek Canal	Intersection of Belmont Avenue and Temperance Avenue	#1

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Fresno Canal	100 feet upsteam from center of McCall Avenue	*359
		Greenwood Park Drainage	Intersection of Bethel Avenue and Almond Avenue	*356
		Herndon Canal	250 feet downstream from center of McKinley Avenue	*314
		Hog Creek	Approximately 3000 feet upstream from center of Friant Kern Canal.	*468
		Hughes Creek	100 feet upstream from center of Pine Flat Road	*559
		Kings River	Intersection of river and Goodfellow Avenue	*329
		Kings River East Branch	Approximately 700 feet upsteam from confluence with Kings River.	*346
		Los Gatos Creek	Intersection of Tractor Avenue and Monterey Avenue	#2
		Mill Creek	Intersection of Live Oak Road and Chaparal Road	#1
		Mill Ditch	Intersection of Brentwood Avenue and Kenmore Drive	*312
		Orange Cove Drain	Intersection of South Avenue and Hill Avenue	*400
		Panoche Creek	Intersection of Barstow Avenue and San Diego Avenue.	*165
		Pup Creek	Intersection of Bullard Avenue and Armstrong Avenue	*369
		Redbank Creek	Intersection of Shields Avenue and Leonard Avenue	*359
		Redbank Creek Tributary 1	Intersection of Bullard Avenue and creek	*408
		Redbank Creek Tributary 2	100 feet upstream from center of Herdon Avenue	*436
		Redbank Creek Tributary 3	100 feet upstream from center of Academy Avenue	*447
		Redbank Creek Tributary 4	Intersection of Herndon Avenue and Academy Avenue	*433
		Redbank Creek Tributary 5	Intersection of Sierra Avenue and Academy Avenue	*425
		San Joaquin River	300 feet upstream from center of Firebaugh-Madera Road.	*143
			200 feet upstream from center of Nork Fork Road	*311
		San Joaquin River B Branch	Approximately 900 feet upstream from confluence with San Joaquin River.	*280
		Southern Pacific Railroad Drainage	Intersection of J Street and North Avenue (within Sanger corporate limits).	*363
		Tivy Valley Creek	Intersection of creek and Princeton Avenue	#3
		Warthan Creek	100 feet upstream from center of Alcalder Road	*725
		Weldon Creek	Intersection of Piedra Road and Weldon Avenue	#1
		Wooten Creek	Intersection of Sumner Avenue and Hill Avenue	#1

Maps available for inspection at Department of Resources and Development, 4499 E. Kings Canyon Road, Fresno, California.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Fresno (City), Fresno County, FEMA-6299	Central Canal	200 feet upstream from center of South Chestnut Avenue.	*298
		Dry Creek	Intersection of North Chestnut Avenue and East Sierra Avenue.	#1
		Dry Creek Canal	Intersection of North Palm Avenue and East Franklin Avenue.	*285
		Fancher Creek Canal	Intersection of Florence Avenue and South Drinda Avenue.	*285
		Hernden Canal	Intersection of West Shields Avenue and North College Avenue.	*306
		Mill Ditch	Intersection of East McKinley Avenue and North Peach Avenue.	#1
		San Joaquin River	100 feet downstream from center of North Blackstone Avenue (State Highway 41).	*268

Maps available for inspection at Department of Inspection, 2326 Fresno Street, Fresno, California.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Colorado	Paonia (Town), Delta County, FEMA-6356	Minnesota Creek	75 feet upstream from center of Minnesota Avenue	*5700
		North Fork Gunnison River	50 feet upstream from center of P Road	*5621

Maps available for inspection at Town Hall, 226 Grand Avenue, Paonia, Colorado.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	East Haven, Town, New Haven County, (Docket No. FEMA-6356).	Long Island Sound	Entire shoreline within community	*15

Maps available for inspection at the Town Engineer's Office, 250 Main Street, East Haven, Connecticut.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Largo (City), Pinellas County, FEMA-6333	Gulf of Mexico	Downstream (south) side of 8th Avenue at its crossing over McKay Creek.	*10
			Intersection of Indian Rocks Road and Anglers Lane	*10
		Boca Ciega Bay	Intersection of Pleasant View Drive and Circle Drive	*11
		Tampa Bay	Intersection of Egret Drive and Sandpiper Drive	*10

Maps available for inspection at Engineering Department, 214 Cleveland Avenue, Largo, Florida.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(V) London Mills, Fulton County, (Docket No. FEMA-[illegible]356).	Spoon River	About 1100 feet downstream of State Route 116	*532
			About 1650 feet upstream of 2nd Street	*538
		Tributary to Swegle Creek	Just upstream of State Route 116	*533

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At upstream corporate limits (about 1240 feet upstream of county boundary).	*539
Maps available for inspection at the Village Hall, P.O. Box 113, London Mills, Illinois.				
Iowa	(C) West Branch, Cedar County, (Docket No. FEMA-6262).	West Branch Wapsinonoc Creek	About 2100 feet downstream of Sewage Treatment Plant Road.	*707
			Just upstream of Main Street	*713
			About 0.8 mile upstream of College Street	*724
		Tributary A	Just downstream of Parkside Drive	*713
			About 220 feet upstream of Downey Street footbridge	*716
Maps available for inspection at the City Office, Box 218, West Branch, Iowa.				
Kansas	(C) McPherson, McPherson County, (Docket No FEMA-6286)	Dry Turkey Creek	Just upstream of State Route 61	*1473
			About 650 feet upstream of confluence with Bull Creek.	*1476
			Just upstream of East Avenue A	*1480
			Just upstream of East Kansas Avenue	*1484
			Just upstream of Atchison, Topeka, and Sante Fe Railway.	*1486
			About 1200 feet upstream of North Maxwell Street	*1487
			Just downstream of County Road A	*1494
		East Branch Dry Turkey Creek	At confluence with Dry Turkey Creek	*1475
			About 650 feet downstream of South Frontage Street	*1487
			Just upstream of East Kansas Avenue	*1490
			Just upstream of East First Street	*1493
			Just downstream of Atchison, Topeka, and Sante Fe Railway.	*1494
		Dry Turkey Creek Tributary No. 3	Just downstream of Hulse Street	*1486
			Just upstream of Briarwood Lane	*1490
		Bull Creek	At confluence with Dry Turkey Creek	*1476
			Just downstream of Chicago, Rock Island and Pacific Railroad	*1478
			Just upstream of South Main Street	*1483
			Just upstream of West Kansas Avenue	*1487
			Just downstream of County Road A	*1494
		Bull Creek Tributary No. 2	At confluence with Bull Creek	*1484
			Just upstream of Atchison, Topeka, and Santa Fe Railway.	*1488
			Just downstream of West First Street	*1492
Maps available for inspection at the City Hall, 400 East Kansas, McPherson, Kansas.				
Louisiana	Town of Madisonville, St. Tammany Parish (FEMA-[illegible]).	Lake Pontchartrain	Intersection of Drainage Canal and State Highway 1077.	*17
			Intersection of Main Street and Jahncke Street	*11
			Intersection of Ponchatoula Avenue and 8th Street	*11
Maps available for inspection at Town Hall, P.O. Box K, Madisonville, Louisiana 70447.				
Maryland	Baltimore, City of (Indep. City) (FEMA-6299)	Patapsco River	Southeast of Route 695	*12
		Northwest of Route 695 *10		
			East of Baltimore and Ohio Railroad in the vicinity of Wagners Point.	*9
			At Harbor Tunnel	*10
			Northeast of Hanover Street	*10
			At Hanover Street	*8
			At Patapsco Avenue	*8
		Curtis Bay	Northeast of Ferry Point	*10
			Southwest of Ferry Point	*8
		Colgate Creek	At confluence with Patapsco River	*8
			At Conrail Railroad	*8
		Northwest Harbor	At confluence with Patapsco River	*10
			Southeast of Locust Point	*10
			Northwest of Locust Point	[illegible]
		Middle Branch Patapsco River	At Hanover Street Bridge	*10
			At Western Maryland Railroad	*8
Maps are available for inspection at the Planning Department, 222 East Saratoga Street, Baltimore, Maryland.				
New Jersey	East Windsor, Township, Mercer County, (Docket No. FEMA-6356).	Millstone River	Downstream corporate limits	*72
			Upstream Old Cranbury Road (Old York Road)	*81
			Upstream New Jersey Turnpike	*91
			Upstream corporate limits	*98
		Rocky Brook	At confluence with Millstone River	*78
			Upstream of Ward Street	*90
			Upstream of ETRA Lake Dam	*99
			Upstream of Disbrow Hill Road	*105
		Bear Creek	Downstream corporate limits	*88
			At upstream corporate limits	*94
		Big Bear Brook	Downstream corporate limits	*83
			At Dutch Neck Road	*92
			Upstream of Oak Creek Drive	*97
			Upstream of U.S. Route 130	*108

Maps available for inspection at the Office of the Township Clerk, Municipal Building, Ward Street, East Windsor, New Jersey.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Bath, Village, Steuben County, (Docket No. FEMA-6356).	Cohocton River	Downstream corporate limits	*1,095
			Upstream Cameron Street (County Route 10)	*1,102
			Upstream corporate limits	*1,115
Maps available for inspection at the Office of the Village Clerk, Municipal Building, 110 Liberty Street, Bath, New York.				
New York	Dolgeville, Village, Herkimer and Fulton Counties, (Docket No. FEMA-6356).	East Canada Creek	Downstream corporate limits	*709
			Upstream High Falls Dam	*744
			Upstream D. Green Company Dam	*791
			Upstream State Route 29	*795
			Approximately 3,700' upstream of State Route 29	*822
		Beaver Brook	Confluence with East Canada Creek	*750
			Upstream South Helmer Avenue	*804
			Downstream Abandoned Railroad	*831
			Upstream corporate limits	*850
Maps available for inspection at the Village Hall, 41 North Main Street, Dolgeville, New York.				
New York	East Hampton, Town, Suffolk County, (Docket No. FEMA-6356).	Atlantic Ocean	From western corporate limits to Montauk Point	*14
		Gardiners Bay and Block Island Sound.	From Montauk Point to a point 1,780 feet west of Montauk Point.	*13
			From a point 1,780 feet west of Montauk Point to False Point.	*12
			From False Point to Lake Montauk	*11
			Lake Montauk, entire shoreline	*10
			From Lake Montauk to Napeague Harbor	*11
			Napeague Harbor, entire shoreline	*10
			From Napeague Harbor to Acabonack Harbor	*11
			Acabonack Harbor, entire shoreline	*9
			From Acabonack Harbor to Three Mile Harbor	*11
			Three Mile Harbor, entire shoreline	*10
			From Three Mile Harbor to western corporate limits including entire shoreline of Northwest Harbor and Sag Harbor Bay.	*11
			Gardiners Island, south from Cherry Hill Point to a point 2,200 feet north of confluence with Great Pond.	*10
			Gardiners Island, from a point 2,200 feet north of confluence with Great Pond north along shoreline to Cherry Hill Point.	*11
Maps available for inspection at the Office of the Town Clerk, Town Hall, 159 Pantigo Road, East Hampton, New York.				
New York	Lyons, Village, Wayne County, (Docket No. FEMA-6356).	New York State Barge Canal	At downstream corporate limits	*396
			Upstream of State Route 14	*398
			At upstream corporate limits	*400
		Ganargua Creek	Confluence with New York State Barge Canal	*399
			At upstream corporate limits	*403
Maps available for inspection at the Village Office, 76 William Street, Lyons, New York.				
New York	Niagara Falls, City, Niagara County, (Docket No. FEMA-6356).	Gill Creek	Corporate limits upstream	*585
			Porter Road upstream	*578
			Robbin Drive upstream	*576
			Niagara Street upstream	*571
			Confluence with Niagara River	*562
		Niagara River	Corporate limits upstream	*569
			Approximately 4,500 feet downstream of upstream confluence of Little Niagara River.	*568
		Cayuga Creek	Upstream corporate limits	*571
			Approximately 700' upstream Lindbergh Avenue	*570
			Confluence with Little Niagara River	*569
		Bergholtz Creek	Upstream corporate limits	*573
			91st Street upstream	*572
			Confluence with Cayuga Creek	*571
Maps available for inspection at the City Hall, 745 Main Street, Niagara Falls, New York.				
New York	Ossining, Town, Westchester County (Docket No. FEMA-6356).	Croton River	Upstream of U.S. Route 9	*8
			Approximately 4,560' upstream of U.S. Route 9	*9
		Hudson River	Entire shoreline within community	*8
Maps available for inspection at the Office of the Town Engineer, Municipal Building, 16 Croton Avenue, Ossining, New York.				
New York	Oyster Bay, Town, Nassau County (Docket No. FEMA-6356).	Oyster Bay Harbor	Shoreline within community	*15
		Mill Neck Creek	Shoreline within community	*12
		Beaver Lake	Shoreline within community	*14
		Long Island Sound	Shoreline within community	*17
		Hempstead Habor	Shoreline within community	*14
		Atlantic Ocean	Shoreline within community	*14
			Shoreline of Great South Bay within community	*9
Maps available for inspection at the Town Hall Complex, West Building, Audrey Avenue, Oyster Bay, New York.				
New York	Village of Shoreham, Suffolk County (FEMA-6333)	Long Island Sound	Along the northernmost corporate limits between the western and eastern corporate limits.	*16
Maps are available for inspection at the Office of the Village Clerk, Overhill Road, Shoreham, New York.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	St. Johnsville, Town, Montgomery County (Docket No. FEMA-6288).	Mohawk River	Downstream corporate limits	*311
			Upstream corporate limits	*321

Maps available for inspection at the Office of the Town Clerk, 108 West Main Street, St. Johnsville, New York.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Walworth, Town, Wayne County (Docket No. FEMA-6356).	Black Creek	Downstream corporate limits	*456
			Corporate limits 2nd crossing	*461
			Corporate limits 3rd crossing	*472
			Upstream Wiedrick Road	[illegible]
			Upstream Lincoln Road	*487
			Downstream Penfield Road	[illegible]
		Tributary No. 1	Downstream corporate limits	[illegible]
			Upstream Walworth-Marion Road	*467
			Upstream Walworth-Ontario Road	*477
		Tributary No. 2	Confluence with Black Creek	*457
			Upstream Walworth-Ontario Road	[illegible]
			Upstream Walworth-Penfield Road	*465
		Tributary No. 3	Confluence with Black Creek	*477
			Approximately 1,400′ downstream Walworth-Penfield Road.	*484
			Upstream Walworth-Penfield Road	*494
		Tributary No. 4	Confluence with Black Creek	[illegible]
			Upstream Canandaigua Road	*491
			Upstream Walworth-Penfield Road	[illegible]
		Tributary No. 5	Confluence with Black Creek	*487
			Approximately 350′ downstream West Road	*491
			Upstream West Road	[illegible]

Maps available for inspection at the Town Hall, 2248 Marion Road, Walworth, New York.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Waverly, Village, Tioga County (Docket No. FEMA-6356).	Cayuta Creek	State Route 17 (downstream)	[illegible]
			Ithaca Street (upstream)	*813
			Upstream corporate limits	[illegible]
		Dry Brook	Downstream corporate limits	*837
			Chemung Street (upstream)	[illegible]
			Pine Street (upstream)	[illegible]
			Clinton Street	[illegible]
			Approximately 800′ upstream from Moore Street	*945
			Approximately 2,000′ upstream from Moore Street	[illegible]
		Chemung River	State Route 17 (downstream)	*778
			Upstream corporate limits (extended)	*781

Maps available for inspection at the Village Hall, 362 Broad Street, Waverly, New York.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(Uninc.) Lucas County (Docket No. FEMA-6333).	Blue Creek	At confluence with Swan Creek	*641
			Just upstream of Waterville-Swanton Road	*643
			Just upstream of Schadel Road	*647
			Just upstream of Neapolis-Waterville Road	[illegible]
			About 2300 feet upstream of Neapolis-Waterville Road	*651
		Berger Ditch	About 600 feet downstream of Cedar Point Road	*578
			Just downstream of upstream corporate limits (about 5200 feet upstream of Cedar Point Road).	*582
		Blystone Ditch	Just downstream of Monclova Road	[illegible]
			Just upstream of the Norfolk and Western Railroad (about 800 feet upstream of Monclova Road).	*626
			Just downstream of Norfolk and Western Railroad (upstream of Black Road).	*632
		Carl Ditch	Just downstream of Perrysburg-Holland Road	*610
			Just upstream of Pilliod Road	*617
			Just upstream of Holloway Road	[illegible]
			About 450 feet upstream of Albon Road	[illegible]
			Just downstream of Interstates 90 and 80	[illegible]
		Cedar Creek	Just downstream of Lyon Road	*578
			About 500 feet upstream of Decant Road	[illegible]
			About 100 feet downstream of Cousine Road	[illegible]
			About 4600 feet upstream of Cousine Road	[illegible]
		Drennon Ditch	Just upstream of the Village of Holland corporate limits (about 2000 feet downstream of Angola Road).	[illegible]
			About 1000 feet downstream of Angola Road	[illegible]
			About 920 feet downstream of Angola Road	*638
			Just downstream of dam	[illegible]
			Just upstream of dam	*644
			About 50 feet upstream of Angola Road	*647
			About 3100 feet upstream of King Road	*652
			About 3300 feet upstream of King Road	*656
			Just downstream of Centennial Road	*661
		Eisenbraum Ditch	About 400 feet upstream of Woods Avenue	*646
			About 700 feet upstream of Woods Avenue	*647
		Everett Ditch	At the confluence with Wolf Creek	*635
			At the confluence of Kujawski Ditch	*639
		Good Ditch	Just upstream of Holland-Sylvania Road	*626
			Just upstream of Interstate 475	*629
			About 50 feet upstream of McCord Road	*635
			Just upstream of King Road	*656
		Heldman Ditch	About 50 feet downstream of the Interstate 475 culvert outlet.	*634
			About 700 feet upstream of Hill Avenue	*637

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 100 feet downstream of McCord Road	*642
			About 300 feet upstream of Nebraska Avenue	*646
			Just downstream of Dorr Street	*654
		Hill Ditch	About 350 feet downstream of the Interstate 475 culvert outlet.	*635
			Just upstream of Wilford Road	*640
			Just upstream of the McCord Road culvert inlet	*648
			About 2400 feet upstream of the McCord Road culvert [illegible]	*649
		Keener Ditch	About 1550 feet upstream of the confluence with Swan Creek.	*615
			Just upstream of weir	*619
			About 2570 feet upstream of the confluence with Swan Creek.	*625
		Kujawski Ditch	At the confluence with Everett Ditch	*639
			Just upstream of the Crissey Road culvert inlet	*644
			About 1750 feet upstream of the Crissey Road culvert inlet.	*647
			About 700 feet upstream of the Conrail bridge	*664
		Maumee River	Just upstream of Interstate 475	*593
			About 3.5 miles upstream of Abandoned Highway bridge.	*624
			At upstream county boundary	*646
		Ottawa River	About 300 feet upstream of Interstate 475	*609
			About 4600 feet upstream of Sturbridge Road	*613
		Peter May Ditch	Just upstream of Derbeyshire Road	*635
			About 550 feet upstream of McCord Road	*640
			About 400 feet upstream of Perrine Road	*654
			Just downstream of King Road	*659
		Sautter Ditch	About 2400 feet downstream of Corduroy Road	*578
			About 3600 feet upstream of Jerusalem Road	*593
		Shantee Creek (West)	About 1500 feet downstream of Omar Avenue	*584
			Just downsteam of the Chessie System and Ann Arbor Railroad.	*586
		Silver Creek	About 1750 feet downstream of Stickney Avenue	*583
			Just downstream of Stickney Avenue	*584
		Smith Ditch	At confluence with Hill Ditch	*640
			About 2650 feet upstream of McCord Road	*653
		Stone Ditch	About 350 feet downstream of the Ohio Turnpike culvert outlet.	[illegible]
			About 800 feet upstream of the Ohio Turnpike culvert inlet.	*632
			Just downstream of Salisbury Road	*639
		Swan Creek	Just upstream of Salisbury Road	*614
			Just downstream of Whitehouse-Spencer Road	*647
		Tenmile Creek	About 1000 feet downstream of Brint Road (at City of Sylvania corporate limits).	[illegible]
			Just downstream of Centennial Road	*665
			Just downstream of Sylvania-Metaniova Road	[illegible]
		Thomas Ditch	Confluence with Wood Ditch	*647
			About 740 feet upstream of the confluence with Wood Ditch.	*648
			About 1780 feet upsteam of the confluence with Wood Ditch.	*651
		Tifft Ditch	About 650 feet upstream of Peartree Lane	*633
		Wood Ditch	At confluence with Kujawski Ditch	*644
			Just upstream of Conrail	*646
			About 1050 feet upstream of Geiser Road	*650
		Wolf Creek	Just upstream of Holland-Sylvania Road	[illegible]
			About 1000 feet upstream of Perrysburg-Holland Road	*615
			About 350 feet downstream of Roycroft Drive	*625
			About 4400 feet upstream of Albon Road (at confluence of Everett Ditch).	*635
		Shallow Flooding (Overflow from Eisenbraum Ditch).	About 1000 feet north of intersection of Gilhouse Road and Talmadge Road.	#1
		Lake Erie	Shoreline	*578
		Maumee Bay	Shoreline (east of City of Oregon)	*578
			Shoreline (west of City of Oregon)	*579
Maps available for inspection at the Lucas County Building Regulations Department, 437 Michigan Street, Toledo, Ohio.				
Pennsylvania	Warrington, Township, York County (Docket No. FEMA-6262).	Conewago Creek	2.63 miles downstream of Harmony Grove Road	*361
			Upstream of Harmony Grove Road	*371
			Upstream corporate limits	*372
		Conewago Creek Tributary	Confluence with Conewago Creek	*369
			Upstream of Detters Mill Road	*375
			Upstream of New York Road	*388
Maps available for inspection at the Warrington Township Building, Roseville, Pennsylvania.				
Pennsylvania	West Manheim, Township, York County (Docket No. FEMA-6262).	West Branch Codorus Creek	Confluence with Lake Marburg	*623
			Upstream of Black Rock Road	*634
			Upstream of Private Road	*647
			Upstream of Fuhrman Mill Road	*663
			Upstream of Private Road	*676
			Approximately 500 feet upstream of Private Road	*680

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 600 feet downstream of Musselman Road.	*698
			Approximatey 200 feet upstream of Musselman Road	*708
		South Branch Conewago Creek	At downstream corporate limits	*593
			Upstream of Westminster Avenue	*604
			Upstream of Beck Mill Road	*615
			Upstream of Sunset Drive	*626
			Upstream of Shorbs Hill Road	*644
			Downstream of Lawrence Drive	*664
			Upstream of Lawrence Drive	*667
			Upstream of Park Entrance	*677
		Furance Creek	At confluence with Lake Marburg	*623
			Upstream of Private Road	*635
			Upstream of Farm Road	*637
			Upstream of Pumping Station Road	*649
			Downstream of Fuhrman Mill Road	*708
			Approximately 150 feet upstream of Fuhrman Mill Road.	*711

Maps available for inspection at the Township Building, West Manheim, Pennsylvania.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	Town of North Myrtle Beach, Horry County (FEMA-6356).	Atlantic Ocean	Intersection of 55th Avenue North and Nixon Street	*15
			Intersection of 27th Avenue North and Nixon Street	*15
			Intersection of Main Street and Ocean Boulevard	*14
			Intersection of 21st Avenue South and Ocean Boulevard South.	*14
			Intersection of 46th Avenue South and ocean Boulevard.	*14

Maps available for inspection at Town Hall, 1801 Highway 17 South, North Myrtle Beach, South Caroline 29582.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	Town of Smyrna, Rutherford County (FEMA-6262)	Stewart Creek	Just downstream of Louisville and Nashville Railroad (Abandoned).	*513
			Just upstream of Enon Spring Road	*523
			Just downstream of U.S. Highways 41 and 705	*524
		Harts Branch	Approximately 200 feet upstream of Maple View Street	*519
			Just upstream of U.S. Highways 41 and 705	*525
		Rock Spring Branch	Just downstream of Old Nashville Pike	*544
		Finch Branch	Just downstream of Jones Mill Road	*513
			Approximately 100 feet upstream of Jones Mill Road	*514

Maps available for inspection at Town Hall, 311 Lowry Street, Smyrna, Tennessee 37167.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of Dallas, Dallas, Denton, Collin, Rockwall and Kaufman Counties (FEMA-6356.	Trinity River	Just downstream of I-635	*397
				*407
		Just downstream of Central Expressway.		
			Just upstream of Houston Street	*414
			Just downstream of Texas Pacific Railroad	*415
			Just upstream of Hampton Road	*420
		West Fork of Trinity River	Just upstream of confluence with Trinity River	*423
			Just downstream of corporate limits	*424
		Elm Fork of Trinity River	Just upstream of Empire Freeway	*424
			Just upstream of State Highway 348	*427
			Just downstream of Royal Lane	*429
			Just upstream of Valley View Lane	*434
		Hickory Creek	Just upstream of Edd Road	*415
			Just upstream of Ravenview Road	*435
		Stream 4C3	Just downstream of Kleberg Road	*404
			Just upstream of Woody Road	*441
		Stream 4C6	Just about one hundred and fifty feet from the corporate limits.	*452
		Stream 4C1	Just about three hundred and thirty five feet from the corporate limits.	*393
		Prairie Creek	Just upstream of Fireside Drive	*412
			Just upstream of Elam Road	*437
			Just downstream of Bruton Road	*472
			Just downstream of Praine Creek Road	[illegible]
			Just downstream of Military Parkway	*505
			Just upstream of Southern Pacific Railroad	*529
		Hatfield Branch	Just upstream of Fireside Drive	*418
			Just downstream of St. Augustine Drive	*452
			Just downstream of Lake June Road	[illegible]
		Rylie Branch	Just upstream of St. Augustine Road	*420
			Just upstream of Seagoville Road	*452
			Just downstream of Acres Drive	*464
		Pleasant Branch	Just upstream of Prairie Road	*472
			Just downstream of Bruton Road	*477
		Lake June	Just upstream of Branch Lake June Road	*465
			Just upstream of St. Augustine Road	[illegible]
		Estes Branch	Just upstream of Bluff Creek Drive	*483
		Cypress Branch	Just downstream of Jennie Lee Lane	*481
		Town East Branch	Approximately 800 feet upstream of the confluence with Praine Creek.	*510
		Elam Creek	Just downstream of Gayglen Drive	[illegible]
			Just downsteam of Elam Road	*426
			Just downstream of Southern Railway	*441

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Lake June Road	*465
			Just downstream of Tillman Street	*484
		Stream 4B5	Just upstream of East Bound Loop 12	*417
		Fivemile Creek	Just upstream of Simpson Stuart Road	*409
			Just upstream of Bonnie View Road	*429
			Just upstream of Lancaster Road	*447
			Just downstream of Marshalis Avenue	*470
			Just downstream of Interstate Highway 35	*481
			Just downstream of Polk Street	*502
			Just downstream of Rugged Drive	*518
			Just downstream of West Kiest Boulevard	*529
			Just downstream of Spring Valley Lane	*558
			Just upstream of Coombs Creek Drive	*566
			Just upstream of Ledbetter Bridge	*580
			Just upstream of West Keist Boulevard	*595
			Just downstream of Ledbetter Drive	*653
		Newton Creek	Just downstream of Highway 45	*404
			Just downstream of Bonnie View Road	*453
		Wilson Branch	Just upstream of J.J. Lemon Road	*425
			Just downstream of Tioga Street	*440
		Memory Branch	Just upstream of confluence with Wilson Branch	*448
		Whites Creek	Just downstream of Langdon Drive	*441
			Just downstream of Cleveland Road	*470
		Moreland Branch	Just downstream of Cleveland Road	*472
		Shepard Branch	Just downstream of Langdon Drive	*467
			Just downstream of Cleveland Road	*492
		Santa Rosa Branch	Approximately 800 feet upstream of confluence with Floyd Branch.	*472
		Stream 5A1	Just upstream of Barnabus Drive	*477
		Alta Mesa Branch	Just upstream of Persimmon Road	*441
			Just downstream of Simpson Stuart Road	*479
		Ricketts Branch	Approximately 200 feet upstream of Houston School Road.	*489
			Just upstream of Wheatland Road	*598
		Runyon Springs Branch	Just downstream of Crouch Road	*463
			Approximately 350 feet upstream of the confluence of Barney Branch.	*499
		Barney Branch	Just downstream of Wheatland Road	*525
		Parrish Branch	Just upstream of Wheatland Road	*593
		Herring Branch	Just downstream of Greenspan Avenue	*579
			Just downstream of Cleardale Drive	*592
		Lisbon Branch	Just upstream of Ledbetter Drive	*455
			Just upstream of Adelaide Drive	*467
		Alice Branch	Just downstream of Ann Arbor Avenue	*477
		Red Bird Branch	Just upstream of Lake Placid Road	*591
			Just upstream of Reynoldston Road	*568
		South Prong of Fivemile Creek	Just downstream of Hampton Road	*562
			Just downstream of Boulder Drive	*599
			Just downstream of Westmoreland Road	*622
			Just downstream of Camp Wisdom Road	*682
		Brooklawn Branch	Just upstream of Chaucer Place	*605
			Just downstream of Camp Wisdom Road	*593
		Boulder Branch	Just downstream of Camp Wisdom Road	*619
		Ranchita Branch	Just downstream of Cockrell Hill Road	*668
		Corral Branch	Just upstream of Cockrell Hill Road	*658
		Adams Branch	Just upstream of confluence with Fivemile Creek	*498
		Red Bud Branch	Just downstream of West Kiest Boulevard	*541
			Just downstream of Nokomis Avenue	*529
		Crow Creek	Just upstream of Hampton Road	*538
			Just downstream of Westmoreland Avenue	*591
			Just downstream of Ledbetter Drive	*632
		Old Hickory Branch	Just downstream of Ledbetter Drive	*567
			Just downstream of Boulder Drive	*595
		Hardin Branch	Just downstream of Kiest Boulevard	*565
			Just downstream of Kiest Crest Drive	*593
		Stream 5A3	Just downstream of Atchison Topeka and Santa Fe Railroad.	*596
			Just downstream of Cooms Creek Drive	*600
		Ledbetter Branch	Just upstream of Duncanville Road	*639
			Just downstream of Cockrell Hill Road	*588
		Kenwood Branch	Just upstream of Wisteria Drive	*633
			Just upstream of La Rue Street	*638
		Honey Springs Branch	Just upstream of Central Expressway	*412
			Just upstream of Overton Road	*488
			Just upstream of Sunnyvale Street	*505
		White Rock Creek	Just upstream of Scyene Road	*406
			Just upstream of Missouri Pacific Railroad	*417
			Just upstream of Mockingbird Lane	*466
			Just upstream of Abrams Road	*480
			Just upstream of Forest Lane	*508
			Just upstream of Alpha Road	*544
			Just upstream of Beltline Road	*561
			Just upstream of West Grove Road	*578
			Just upstream of Frankford Road	*595
		Stream 5B1	Just upstream of Jim Miller Road	*421
			Just upstream of Scyene Road	*448
		Stream 5B2	Just upstream of Loganwood Street	*453

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Just upstream of McNeil Street	*479
		Stream 5B3	150 feet upstream of confluence with Stream 5B1	*433
		Stream 5B38	Just upstream of Hatcher Street	*406
			Just downstream of Reed Lane	*407
		Peaks Branch	Just upstream of Hatcher Street	*410
			Just upstream of Frank Street	*419
		Forney Branch	Just upstream of Military Parkway	*445
			Just upstream of Forney Road	*447
			Just upstream of Jim Miller Road	*482
		Stream 5B5	Just upstream of Samuel Boulevard	*424
			Just downstream of Highland Road	*458
			Just upstream of Hunnicut Road	*490
		Stream 5B6	Just upstream of Thornton Freeway	*478
			Just upstream of Jim Miller Road	*514
		Stream 5B9	Just upstream of Grand Avenue	*459
			Just downstream of Lindsley Avenue	*465
		Ash Creek	Just upstream of Highland Road	*435
			Just downstream of Lakeland Drive	*451
			Just downstream of Buckner Boulevard	*472
		South Fork of Ash Creek	Just upstream of Ferguson Road	*468
			Just upstream of King Edward Place	*485
		Stream 5B7	Just upstream of Peavy Road	*504
		McComas Branch	Just upstream of Meadow Lake Drive	*470
			Just downstream of Sperry Street	*480
			Just upstream of Sperry Street	*487
		Beards Branch	Just downstream of Wendover Road	*488
			Just upstream of Wendover Road	*499
		Rush Creek	Just upstream of Lawther Drive	*465
			Just upstream of Santa Barbara Drive	*506
			Just upstream of Trammel Drive	*535
		Williamson Branch	Just upstream of Southern Pacific Railroad	*475
			Just upstream of Sperry Street	*497
			Just upstream of Mockingbird Lane	*519
			Just downstream of Abrams Road	*537
			Just upstream of Abrams Road	*546
			Just upstream of Norris Street	*562
		Dixon Branch	Just upstream of Buckner Boulevard	*467
			Just downstream of Easton Road	*487
			Just upstream of Northwest Highway	*507
			Just upstream of West Kingsley Road	*550
			Just downstream of LBJ Freeway	*560
		Stream 5B8	Just upstream of Buckner Boulevard	*500
			Just upstream of Peavy Road	*535
		Stream 5B10	Just upstream of Dixfield Road	*492
			Just downstream of Lochwood Road	*509
			Just upstream of Lochwood Road	*522
		Park Branch	Just upstream of Bel-Air Drive	*501
		East Prong of Dixon Branch	Just upstream of Mediterranean Road	*526
			Just downstream of Rolling Rock Road	*531
			Just upstream of Rolling Rock Road	*538
		Jackson Branch	Just downstream of Kingsley Road	*487
			Just downstream of LBJ Freeway	*528
			Just upstream of LBJ Freeway	*534
			Just downstream of Chimney Hill Road	*561
			Just upstream of Chimney Hill Road	*566
		McCree Branch	Just upstream of Missouri-Kansas-Texas Railroad	*477
			Just upstream of Chiswell Road	*478
			Just downstream of Fieldcrest Drive	*486
		Audelia Branch	Just downstream of LBJ Freeway	*528
			Just upstream of LBJ Freeway	*533
			Just upstream of Forest Lane	*552
			Just upstream of Shadow Way	*581
		Caruth Creek	Just upstream of Eastridge Drive	*495
			Just downstream of Hemlock Lane	*536
		Skillman Branch	Just downstream of Northwest Highway	*516
			Just upstream of Northwest Highway	*526
			Just downstream of Southwestern Boulevard	*535
		Jenkins Branch	Just upstream of Greenville Avenue	*501
			Approximately 100 feet downstream of Boedecker Street.	*572
		Richardson Branch	Just upstream of Golf Cart Bridge	*494
			Just downstream of Whitehurst Drive	*534
			Just upstream of Whitehurst Drive	*545
		Royal Branch	Just upstream of Central Expressway	*512
			Just upstream of Boedecker Road	*546
			Just upstream of Barrywood Drive	*562
		Cottonwood Creek of White Rock Creek.	Just downstream of Forest Lane	*506
			Just downstream of Road to Texas Instruments	*538
			Just downstream of Spring Valley Road	*561
		Floyd Branch of White Rock Creek	Just upstream of Southern Pacific Railroad	*510
			Just upstream of Forrest Lane	*515
			Just downstream of LBJ Freeway (Interstate Highway [illegible]).	*541
			Just upstream of LBJ Freeway (Interstate Highway [illegible]).	*555
		Hunt Branch	Just downstream of Spring Valley Road	*562
		Buffalo Creek	Just upstream of Forest Lane	*519

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

[redacted]	City/town/county	Source of flooding	Location	#Depth in [redacted] ground. *Elevation in feet (NGVD)
			Just upstream of Hillcrest Road	*536
		King of Glory Branch	Just upstream of Wander Lane	*543
			Just upstream of Forest Lane	*558
		Arapeho Branch	Just upstream of Meadow Creek	*553
			Just upstream of Hillcrest Road	*585
			Just upstream of Round Rock Road	[redacted]
		Kiowa Branch	Just downstream of Alexis Drive	*553
			Just downstream of La Cosa Drive	*583
			Just downstream of Meadering Way	*647
		McKamy Branch	Just upstream of Mapleshade Lane	*674
			Just upstream of Private Drive	*652
			Just upstream of Shady Lane	*637
			Just downstream of Shady Lane	*629
			Just downstream of Davenport Road	*586
		Osage Branch	Just downstream of Davenport Road	*602
			Just upstream of Davenport Road	*607
			Just downstream of Dickerson Street	*657
			Just upstream of Coit Road	[redacted]
		Stream 5B13	Just upstream of Davenport Road	*626
			Just downstream of Shady Lane	[redacted]
			Just upstream of Private Road	*671
		Stream 5B14	Just upstream of Shady Lane	*645
		Keller Springs Branch	Just upstream of Keller Springs Road	*572
			Just downstream of Dirt Road and Dam	*578
			Just upstream of Dirt Road and Dam	*595
		Hall Branch	Just upstream of Club Hill Lane	*585
			Just upstream of Hilton Head Road	*613
			Just upstream of Addison Road	*632
		Stream 5B15	Approximately 300 feet upstream of North Forty Place	*597
		Stream 5B16	Just upstream of Dirt Road	*634
		Stream 5B17	Just downstream of Private Bridge	[redacted]
		Long Branch of Duck Creek	Just upstream of Centerville Road	*533
		Cedar Creek	Just downstream of Corinth Street	*414
			Just upstream of Moore Street	*421
			Just downstream of Clarendon Drive	*443
			Just downstream of Zangs Boulevard	*479
			Just upstream of Tyler Street	*516
			Just upstream of Montclair Avenue	*542
		Little Cedar Creek	Just upstream of Morrell Avenue	*428
			Just upstream of confluence of King's Branch	*449
			Just upstream of Stella Avenue	[redacted]
			Just upstream of Iowa Avenue	*519
			Just downstream of Louisiana Avenue	*535
		Kings Branch	Just downstream of Denley Drive	*470
			Just downstream of Woodin Boulevard	*535
			Just downstream of Montana Avenue	*549
		Cedar Crest Branch	Just downstream of Southerland Avenue	*525
			Just upstream of Ozona Street	*548
		Beckley Club Branch	Just downstream of Iowa Avenue	*491
			Just downstream of Elmore Avenue	*546
			Just upstream of Hobson Avenue	*569
		South Branch of Cedar Creek	Just upstream of Beckley Avenue	*477
			Just downstream of Louisiana Avenue	*504
			Just upstream of Illinois Avenue	*526
		Zang's Branch	Just upstream of confluence with South Branch of Cedar Creek.	[redacted]
		Elmwood Branch	Just downstream of Tyler Street and Vernon Avenue	*515
			Just upstream of Edgefield Avenue	*533
			Just downstream of Hampton Road	*574
			Just upstream of Melbourne Avenue	*595
		Rugged Branch	Just downstream of Elmwood Boulevard	*538
			Just downstream of Berkeley Avenue	*558
		Coombs Creek	Just upstream of Edgefield Avenue	*448
			Just upstream of Colorado Boulevard	*466
			Just upstream of Hampton Road	*494
			Just downstream of Davis Street	*519
			Just downstream of the intersection of Jefferson Boulevard and Westmoreland Road.	*549
			Just downstream of Clarendon Drive	*590
		Turtle Creek	Just upstream of Dallas North Tollway	*413
			Just upstream of Bowen Road	*433
			Just upstream of Blackburn Street	*453
			Just downstream of Avondale Avenue	*461
		Cedar Springs Branch	Just upstream of Lucas Street	*413
			Just upstream of Maple Avenue	*440
			Just downstream of Kings Road	*465
		Knights Branch	Just downstream of Harry Hines Boulevard	*418
			Just downstream of Missouri-Kansas-Texas Railroad	*460
			Just upstream of Missouri-Kansas-Texas Railroad	*467
		West Fork of Knights Branch	Just downstream of Mockingbird Lane	*448
			Just upstream of Maple Avenue	*456
		Chalk Hill Branch	Just upstream of Bernal Drive	*421
			Just upstream of Texas and Pacific Railroad	*433
			Just upstream of Ft. Worth-Dallas Turnpike Ramp	*449
			Just upstream of Hale Street	*491
			Just upstream of Jefferson Boulevard	*592
		Fish Creek	Just upstream of Fish Creek Road	*469
		Stream 8C1	Just upstream of confluence with Mountain Creek	*435

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Jefferson Boulevard	*445
		O'Guinn Creek	Just upstream of Florena Road	*466
			Just upstream of West Kiest Boulevard	*499
			Just upstream of Spur 408 northbound Service Road	*561
			Just upstream of Private Road	*582
			Just downstream of Cedar Ridge Road	*625
		Mountain Creek	Just upstream of confluence of Stream 8C1	*435
			Just upstream of Texas and Pacific Railroad	*458
			Just downstream of I-20	*471
			Just upstream of Camp-Wisdom Road	*475
		Bachman Branch	Just upstream of Harry Hines Boulevard	*425
			Just downstream of Midway Road	*466
			Just upstream of Royal Lane	*549
			Just downstream of Willow Lane	[illegible]
		Browning Branch	Just upstream of Park Lane	[illegible]
			Just upstream of Lake Hill Court	*519
			Just upstream of Walnut Hill Lane	*534
		Slaughter Branch	Just upstream of Northwest Highway	*494
			Just upstream of Inwood Road	*500
		Joes Creek	Just upstream of Willowbrook Road	*431
			Just downstream of Brockbank Drive	*440
			Just upstream of Lombardy Lane	*450
			Just upstream of Shady Oak Lane	*490
			Just upstream of Northaven Road	*540
		East Fork of Joes Creek	Just upstream of Dam	*515
		West Fork of Joes Creek	Just downstream of Manana Drive	*430
			Just upstream of Walnut Hill Lane	*435
			Just downstream of Denton Drive	*451
		Farmers Branch	Just upstream of I-635 North Access Road	*439
		Stream 6D3	Just upstream of Marsh Lane	*614
			Just downstream of Old Trinity Mills Road (Approximately 2000 feet east of the intersection of Kelly Springfield Boulevard and Old Trinity Mills Road).	*585
			Just upstream of Old Trinity Mills Road (Approximately 1100 feet east of the intersection of Kelly Springfield Boulevard and Old Trinity Mills Road)..	*572
		Steam 6E1	Just upstream of Marsh Lane	*596
			Just downstream of Marsh Lane	*590
			Just upstream of Kelly Springfield Road	*550
			Just upstream of the St. Louis-San Francisco Railway	*534
		Duck Creek	Just upstream of Limit of Detailed Study	*410
			Approximately 1300 feet downstream of East Fork Road.	*412
		Rowlett Creek	Just upstream of Rowlett Road	*437
			Just upstream of Miller Road	*444
			Just upstream of Missouri-Kansas-Texas Railroad	*451
		Long Branch of Rowlett Creek	Approximately 100 feet downstream of Kirby Road	*438
		Stream 2D1	Just downstream of Dam	*446
			Just upstream of Dam	*447
		Stream 2E10	Approximately 550 feet downstream of Chiesa Road	*441
		Muddy Creek	Just downstream of Liberty Grove Road	*442
		Stream 2E9	Approximately 850 feet downstream of Edgewater Road.	*440
		Stream 2E2	Approximately 2200 feet downstream of Liberty Grove Road.	*440
		Stream 2A5	Just downstream of Dalrock Road	*440
			Just upstream of Dalrock Road	*446
		Stream 2A4	Just downstream of Dalrock Road	*439
			Just upstream of Dalrock Road	*444
		Stream 2A3	Just downstream of Dirt Road	[illegible]
			Just upstream of Dirt Road	*444
		Cottonwood Creek (East Fork-Trinity River).	Just downstream of Liberty Grove Road (Flooding controlled by Backwater from Lake Ray Hubbard).	*437
			Just upstream of Liberty Grove Road	*445
		Lake Bay Hubbard	Entire Shoreline	*437
		Eagle Ford Sump	Entire Sump Area	*416
		Eagle Ford No. 3 Sump	Entire Sump Area	*421
		Trinity-Portland Sump	Entire Sump Area	*413
		Francis Street Sump	Entire Sump Area	*410
		Westmoreland-Hampton Sump	Entire Sump Area	*407
		Pavaho Sump	Entire Sump Area	*409
		Pumping Plant "C" Sump	Entire Sump Area	*404
		Corinth Street Sump	Entire Sump Area	*400
		Hampton-Oaklawn Sump	Entire Sump Area	*405
		Nobles Branch Sump	Entire Sump Area	[illegible]
		Record Crossing	Entire Sump Area Sump	[illegible]
		Pumping Plant	Entire Sump Area "A"	393
		Beckley Avenue Sump	Entire Sump Area	[illegible]
		Grapevine Creek	Just downstream of Beltline Road	*458
			Just downstream of Moore Road	[illegible]

Maps available for inspection at Public Works Department, 1500 West Mockingbird Lane, Room C24, Dallas, Texas 75235.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Vermont	Swanton, village, Franklin County (Docket No. FEMA-6356).	Missisquoi River	Downstream corporate limits (extended)	*110
			Downstream corporate limits	*111
			Downstream Swanton Village Dam	*113
			Upstream corporate limits (extended)	*119

Maps available for inspection at the Village Offices, First and Elm Streets, Swanton, Vermont.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Virginia	Chesterfield County (Docket No. FEMA-6356)	James River	Confluence of Kingsland Creek	*22
			Downstream of the City of Richmond (downstream county boundary).	*28
			Second downstream county boundary extended	*139
			Upstream county boundary extended	*145
		Falling Creek	Confluence with the James River	*25
			Upstream of U.S. Routes 1–301	*39
			Upstream of State Route 150 (downstream crossing Chippenham Parkway).	*43
			Upstream of Cogbill Road	*56
			Upstream of Hopkins Road	*93
			Upstream of State Route 150 (upstream crossing Chippenham Parkway).	*109
			Upstream of State Secondary Route 643 (Turner Road).	*140
			Upstream of State Secondary Route 651 (Belmont Road).	*149
			Upstream of State Secondary Route 649 (Newbys Bridge Road).	*161
			Upstream Gregorys Dam	*174
			Upstream of State Secondary Route 653 (Courthouse Road).	*187
			Upstream Lucks Lane	*212
			Upstream of U.S. Route 60 (Midlothian Highway)	*242
			Upstream of Old Buckingham Road	*249
		Pocoshock Creek	Confluence with Falling Creek	*107
			Upstream of dam	*128
			Upstream of State Route 150 (Chippenham Parkway)	*139
			Upstream of State Secondary Route 650 (Turner Road).	*152
			Downstream of State Secondary Route 647 (Walmsley Boulevard).	*163
			Upstream of U.S. Route 360	*179
			Upstream of Twilight Lane	*201
			Upstream of Providence Road	*207
			Upstream of South Arch Road	*225
			Upstream of Sturbridge Drive	*281
		Proctors Creek	Confluence with the James River	*19
			Upstream of Seaboard Coast Line Railway (downstream crossing)	*25
			Upstream of Interstate Route 95	*46
			Upstream of U.S. Route 1–301	*68
			Upstream of State Route 145 (Chester Road)	*103
			Upstream of Seaboard Coast Line Railway (3rd crossing).	*120
			Upstream of confluence of Crooked Branch	*126
			Upstream of Salem Church Road	*148
		Great Branch	Confluence with Proctors Creek	*103
			Upstream of State Route 145 (Chester Road)	*114
			Upstream of Seaboard Coast Line Railway	*126
			Upstream State Secondary Route 632	*145
		Great Branch Tributary	Confluence with Great Branch	*126
			Approximately 2,450 feet upstream of confluence of Great Branch.	*132
		Redwater Creek	Confluence with Proctors Creek	*19
			Upstream of Coxendale Road	*48
			Downstream of Osborne Road	*65
			Approximately 4,800 feet upstream of Osborne Road	*106
		Crooked Branch	Confluence with Proctors Creek	*126
			Upstream of Centralia Road	*147
			Approximately 8,100 feet upstream of Centralia Road (approximately 100 feet downstream of Hollyberry Drive).	*172
		Kingsland Creek	Confluence with the James River	*22
			Upstream of Seaboard Coast Line Railway Spur	*55
			Upstream of Interstate Route 95	*63
			Upstream of U.S. Routes 1–301	*76
			Upstream of Seaboard Coast Line Railway (downstream crossing).	*88
			Upstream of Seaboard Coast Line Railway (upstream crossing).	*107
			Upstream of confluence with Reedy Creek	*115
			Upstream of State Secondary Route 641 (Beulah Road).	*131
			Upstream of State Route 10	*182
		Johnson Creek	Confluence with the James River	*8
			Upstream Allied Chemical Road	*14
			Upstream of Spruce Avenue	*23
			Upstream of Enon Church Road (State Secondary Route 746).	*45
			Upstream of Seaboard Coast Line Railway	*57
			Upstream of Kingston Avenue	*76
			Downstream of Inge Road	*99
			Upstream of Old Bermuda Hundred Road	*112
		Appomattox River	Downstream county boundary	*8

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Chesterfield Avenue	*28
			Upstream of Seaboard Coast Line Railway	*41
			Upstream of Pickett Avenue	*87
			Upstream of upstream VEPCO dam	*121
			Downstream of Brasfield Dam	*132
		Swift Creek	At confluence with the Appomattox River	*8
			Upstream of Interstate Route 95	*13
			Upstream of Seaboard Coast Line Railway	*26
			Upstream of State Secondary Route 625 (Brander's Bridge Road).	*69
			At confluence of Franks Branch	*90
			Upstream of State Secondary Route 631 (Bradley Bridge Road).	*104
			Upstream of State Secondary Route 655 (Beach Road).	*128
			Upstream of Pocahontas State Park Dam	*141
			Upstream of State Secondary Route 653 (Qualla Road).	*149
			Upstream of State Secondary Route 654 (Bailey Bridge Road).	*156
			Upstream of U.S. Route 360	*175
		Licking Creek	At confluence with Swift Creek	*109
			At confluence of First Branch	*129
			Upstream of State Secondary Route 636 (Nash Road)	*144
		Timsberry Creek	Confluence with Swift Creek	*13
			Upstream of Seaboard Coast Line Railway	*67
			Approximately 7,900 feet upstream of Tipton Hill Street (downstream of State Route 144).	*96
		Timsberry Creek Tributary	Confluence with Timsberry Creek	*68
			Upstream of State Route 144	*83
		Nuttree Branch	Confluence with Swift Creek	*160
			Upstream of dam	*164
			Upstream of Hull Street (U.S. Route 360)	*187
		Ashton Creek	Confluence with the Appomattox River	*8
			Upstream of State Secondary Route 746	*20
			Upstream of State Secondary Route 620	*45
			Upstream of Interstate Route 95	*56
			Upstream of Seaboard Coast Line Railway	*93
			Downstream of State Route 144	*106
		Oldtown Creek	Upstream of Seaboard Coast Line Railway (downstream crossing).	*68
			Downstream of Brander's Bridge Road	*73
			Upstream of Woodpecker Road	*82
			Upstream of Hickory Road (State Secondary Route 628).	*94
			Upstream of Warren Avenue	*108
			Upstream of Halloway Avenue	*120
			Downstream of Matoaca Road	*142
		Oldtown Creek Tributary	Confluence with Oldtown Creek	*124
			Upstream of Matoaca Road	*131
		Tomahawk Creek	Confluence with Swift Creek Reservoir	*183
			Upstream of State Secondary Route 652 (Old Hundred Road).	*204
			Upstream of Otterdale Road	*224
			Downstream of Southern Railway	*271
		Little Tomahawk Creek	Confluence with Swift Creek Reservoir	*183
			Upstream of State Secondary Route 652	*199

Maps available for inspection at the County Courthouse, Chesterfield, Virginia.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director.

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29168 Filed 10–26–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

National Flood Insurance Program, Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agent.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated in the table below.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the foodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Tombstone (City), Cochise County, FEMA-6333	Walnut Gulch	Intersection of Camino San Rafael Road and Ridge Road (Gleeson Road).	*4,391
Maps available for inspection at City Clerk's Office, 315 E. Fremont, Tombstone, Arizona.				
California	Huntington Beach (City), Orange County, FEMA-5938	Santa Ana River	Intersection of Edwards Street and Warner Avenue	#1
			Intersection of Padua Drive and Misty Lane	*1
			Intersection of Garfield Avenue and Ward Steet	#2
			Intersection of Heil Avenue and Hone Lane	*3
			Intersection of Atlanta Avenue and Magnolia Street	*11
			Intersection of Holburn Lane and Ramsgate Lane	*14
		Pacific Ocean	Centerline of Edgewater Lane 500 feet west from the intersection of Edgewater and Waverly Lanes.	*5
			850 feet southwest from the intersection of Pacific Coast Highway and Warner Avenue.	*6
			650 feet southwest from the intersection of Pacific Coast Highway and Warner Avenue.	*13
Maps available for inspection at City Hall, Huntington Beach, California.				
California	Oakland (City), Alameda County, FEMA-6299	Line A (Temescal Creek)	Line B (Glen Echo Creek)	
			Intersection of 47th Street and Market Street	[illegible]
			50 feet upstream from center of 29th Street	*33
		Line C:	Intersection of Grand Avenue and Elmwood Avenue	#2
		Line D (Trestle Glen)	Intersection of Park Avenue and Lakeshore Avenue	#2
		Line E (Sausal Creek)	100 feet upstream from center of El Centro Avenue	*218
		Line F (Peralta Creek)	50 feet upstream from center of Florida Street	*206
		Line G	130 feet upstream from center of Fairfax Avenue	*94
		Line I (Seminary Avenue Drain)	50 feet upstream from center of Harmon Avenue	*40
		Line K (Arroyo Viejo Creek)	100 feet downstream from center of MacArthur Boulevard.	*72
		Line M (Elmhurst Creek)	100 feet upstream from center of Hegenberger Expressway.	*10
		Line N (Stonehurst Creek)	100 feet upstream from center of Nimitz Freeway (State Highway 17).	*17
		Line P (San Leandro Creek)	100 feet upstream from center of Nimitz Freeway (State Highway 17).	*17
		San Francisco Bay	Intersection of Tidal Canal and center of Dennison Street.	*7

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lake Merritt	300 feet north from center of 14th Street Bridge of Line R (Merritt Outflow).	*5
Maps available for inspection at Department of Engineering, 14th & Washington, Oakland, California.				
California	Reedley (City), Fresno County, FEMA-6299	Kings River	Downstream side of Olsen Avenue crossing the river	*307
Maps available for inspection at Department of Public Works, 845 G Street, Reedley, California.				
California	Sanger (City), Fresno County, FEMA-6299	Cherry Avenue Percolation Basin	Intersection of Cherry Avenue and Behtel Avenue	*354
		Greenwood Park Drainage	Intersection of Palm and Dewitt Avenue	#1
			Intersection of Plen Avenue and Greenwood Avenue	#1
		Southern Pacific Railroad	Intersection of Anendale Avenue and K Street	#2
			Intersection of K Street and Jensen Avenue	#2
Maps available for inspection at the Department of Public Works, 1700 7th Street, Sanger, California.				
Delaware	Bethany Beach, Town, Sussex County, (Docket No. FEMA-6299).	Atlantic Ocean	Entire shoreline within community	*12
Maps available for inspection at the Town Hall, 214 Garfield Parkway, Bethany Beach, Delaware.				
Delaware	Fenwick Island, Town, Sussex County, (Docket No FEMA-6299).	Atlantic Ocean	Entire shoreline within community	*13
Maps available for inspection at the Office of the Town Clerk, Town Hall, Fenwick Island, Delaware.				
Delaware	Henlopen Acres, Town, Sussex County, (Docket No FEMA-6299).	Atlantic Ocean	Entire shoreline within community	*13
Maps available for inspection at the Town Hall, 104 Tidewaters Road, Henlopen Acres, Delaware.				
Delaware	Rehoboth Beach, City, Sussex County, (Docket No FEMA-6299).	Atlantic Ocean	Entire shoreline within community	*13
		Lewes and Rehoboth Canal	Entire shoreline within community	*9
Maps available for inspection at the City Hall, 73 Rehoboth Avenue, Rehoboth Beach, Delaware.				
Delaware	South Bethany, Town, Sussex County, (Docket No FEMA-6299).	Atlantic Ocean	Entire shoreline within community	*11
Maps available for inspection at the Town Hall, 402 Evergreen and Pine Streets, South Bethany, Delaware.				
Florida	Unincorporated Areas of Highland County, (FEMA-6079).	Arbuckle Creek	Just downstream of U.S. Highway 98 (State Highway 700)	*45
			Approximately 1,000 feet upstream of Seaboard Coast Line Railroad.	*50
		Jack Creek	Just upstream of Weir, 600 feet upstream of confluence with Josephine Creek.	*65
			Just upstream of Covered Bridge	*72
		Yellow Bluff Creek	Approximately 700 feet upstream of confluence with Josephine Creek.	*52
			Just downstream of U.S. Highway 98 (State Highway 700).	*77
		Josephine Creek	Just downstream of State Highway 17	*63
			Just upstream of Weir	*68
		Channel Between Lake June-In-Winter and Lake Placid.	Approximately 1,300 feet upstream of confluence with Lake June-In-Winter.	*75
			Just downstream of Lake Placid	*96
		Channel Between Lake Josephine and Wolf Lake.	Just upstream of State Highway 66	*80
			Just upstream of Unnamed Road	*95
		Carter Creek	Just upstream of Arbuckle Creek Road	*67
			Just upstream of State Highway 17	*93
			Just upstream of confluence with Little Bonnet Lake	*102
		Channel A	Just upstream of State Highway 17	*98
			At Little Red Water Lake Shoreline	*104
		Lake Adelaide	Entire Shoreline	*109
		Lake Annie	Entire Shoreline	*113
		Lake Carrie	Entire Shoreline	*76
		Lake Charlotte	Entire Shoreline	*94
		Lake Chilton	Entire Shoreline	*115
		Lake Clay	Entire Shoreline	*79
		Lake Damon	Entire Shoreline	*100
		Lake Francis	Entire Shoreline	*72
		Grassy Lake	Entire Shoreline	*93
		Lake Henry	Entire Shoreline	*75
		Lake Huntley	Entire Shoreline	*84
		Lake Istokpoga	Entire Shoreline	*42
		Lake Josephine	Entire Shoreline	*75

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lake June-In-Winter	Entire Shoreline	*75
		Lake McCoy	Entire Shoreline	*87
		Mirrow Lake	Entire Shoreline	*96
		Lake Olivia	Entire Shoreline	*118
		Lake Pabor	Entire Shoreline	*106
		Lake Pearl	Entire Shoreline	*87
		Persimmon Lake	Entire Shoreline	*69
		Lake Placid	Entire Shoreline	*96
		Lake Pythias	Entire Shoreline	*102
		Red Beach Lake	Entire Shoreline	*78
		Lake Ruth	Entire Shoreline	*92
		Lake Sebring	Entire Shoreline	*110
		Lake Trout	Entire Shoreline	*99
		Wolf Lake	Entire Shoreline	*95
Maps available for inspection at County Commissioner's Building, Sebring, Florida 33870.				
Florida	Hollywood (City) Broward County FEMA-6299	Atlantic Ocean—Open Coast	Intersection of North Surf Road and Meade Street	*9
			Approximately 200 feet east of the intersection of North Surf Road and Simms Street.	*11
			Approximately 150 feet east of the intersection of South Surf Road and Jasmine Terrace.	*9
		Atlantic Ocean—Port Everglades	Approximately 1,000 feet east of the intersection of Eisenhower Boulevard and SE 25 Streeet.	*9
		Atlantic Ocean—Intracoastal Waterway.	Intersection of Perry Street and North Ocean Drive	*8
			Intersection of Taft Street and North 11 Avenue	*8
			Intersection of Johnson Street and North 16 Avenue	*7
			Intersection of North 9 Avenue and Buchanan Street	*8
			Intersection of South 7 Avenue and Adams Street	*7
			Intersection of Tyler Street and South 16 Avenue	*7
Maps available for inspection at Building Department, 2600 Hollywood Boulevard, 2nd Floor, Hollywood, Florida.				
Georgia	City of Morrow, Clayton County, (FEMA-6333)	North Fork Juster Creek	Just upstream of Interstate Highway 75	*867
			Just upstream of Reynolds Road	*879
		Conine Creek	Approximately 300 feet from Interstate Highway 75	*870
		Duffey Tributary	Approximately 50 feet from Limit of Detailed Study	*865
		York Tributary	Just upstream of Duffey Drive	*850
			Just upstream of Argonne Drive	*864
		Stratford Tributary	Just upstream of Mural Circle	*867
Maps available for inspection at City Hall, 1500 Morrow Road, Morrow, Georgia 30260.				
Georgia	City of Mountain Park, Fulton and Cherokee Counties (FEMA-6154).	Rocky Creek	At Mountain Park Road	*915
Maps available for inspection at City Hall, 100 Mountain Park Road, Roswell, Georgia 30075.				
Louisiana	City of New Orleans, and Orleans Parish, (FEMA-6299).	Gulf of Mexico/Lake Borgne	Intersection of Chief Mentuer Pass and Intercoastal Waterway.	*18
		Gulf of Mexico/Lake Pontchartrain	At northern cul-de-dac of Francesco Road*	12
			Intersection of Azba Road and Lucrino Road	*11
Maps available for inspection at the Department of Safety and Permits, Building Permit Division, Room 7E04, City Hall, 1300 Perdido, New Orleans, Louisiana 70112.				
Louisiana	Unincorporated Areas of St. John the Baptist Parish, (FEMA-6299).	Lake Pontchartrain	Approximately 300 feet from shoreline	*16
Maps available for inspection at St. John the Baptist Police Jury Inspector's Office, Parish Courthouse, 1801 West Airline Highway, LaPlace, Louisiana 70068.				
Louisiana	Unincorporated Area of Tangipahoa Parish, (FEMA-[illegible]).	Tangipahoa River	Just downstream of U.S. Highway 190	*32
			Just downstream of State Highway 443	*49
			Approximately 400 feet upstream of State Highway 16	*109
			Just upstream of State Highway 10	*128
			Approximately 500 feet upstream of State Highway 440.	*173
			Just upstream of State Highway 1,054	*220
		Natalbany River	Just upstream of State Highway 1,064	*44
			Just downstream of State Highway 442	*59
			Just upstream of State Highway 40	*85
			Just upstream of State Highway 16	*124
			Just upstream of Bannett Road	*163
			Just downstream of State Highway 1,048	*175
		Ponchatoula Creek	Just upstream of U.S. Highway 190 (westbound)	*39
		Yellow Water River Canal	Just upstream of of U.S. Highway 190	*40
		Beaver Creek	Just upstream of Illinois Central Gulf Railroad	*175
		Button Creek	Just downstream of U.S. Highway 51	*199
		Lake Maurepas	Along shoreline	*15
		Lake Pontchartrain	Along shoreline	*18
Maps available for inspection at Williams Tycer Associates, Inc., 110 East Chestnut, Amite, Louisiana 70422.				
Maryland	Betterton, Town, Kent County, (Docket No. FEMA-6299).	Sassafras River	From eastern corporate Limits to Clark Road extended	*14
			From Clark Road extended to western corporate limits	*13
Maps available for inspection at the Town Office, Monday and Friday, between 2:00 p.m. and 4:00 p.m., Betterton, Maryland.				
Massachusetts	Haverhill, City Essex County (Docket No. FEMA-6218).	Merrimack River	Downstream Corporate Limits	*16
			Confluence of Millvale Reservoir Brook	*19
			Upstream of Groveland Street	*21
			Upstream of Bridge Street	*23

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Upstream of Interstate Route 495 (southbound)	*26
			Upstream Corporate Limits	*31
		Little River	Confluence with Merrimack River	*23
			Downstream Boston & Maine Railroad	*26
			Upstream Interstate Route 495 (southbound)	*29
			Upstream Rosemont Street	*36
			Upstream Corporate Limits	*39
		Creek Brook	Confluence with Merrimack River	*27
			Upstream of Access Road approximately 50' upstream of Broadway.	*41
			Approximately 3,300' upstream of Broadway	*70
			Approximately 950' downstream of Lake Street	*115
			Crystal Lake Spillway	*153
		Millvale Reservoir Brook	Confluence with Merrimack River	*19
			Millvale Reservoir Spillway	*45
		Haverhill Riverside Airport Brook	Confluence with Merrimack River	*20
			Upstream of East Broadaay	*31
			Upstream Kenoza Street	*52
Maps available for inspection at the City Engineer's Office, Haverhill City Hall, 4 Summer Street, Room 214, Haverhill, Massachusetts.				
Michigan	(Twp.) Bedford, Calhoun County (Docket No. FEMA-6299).	Kalamazoo River	At downstream corporate limits	*799
			At upstream corporate limits (near Custer Road)	*804
			About 6,750 feet upstream of Custer Road	*806
		Waubascon Creek	At confluence with Kalamazoo River	*804
			Just upstream of Michigan Avenue	*806
			At upstream corporate limits (about 1,500 feet upstream of Cross Street).	*812
		Secondary Channel	At confluence with Kalamazoo River	*803
			At divergence with Kalamazoo River	*803
Maps available for inspection at the Town Hall, 115 South Uldriks, Battle Creek, Michigan.				
Michigan	(Twp.) Elmwood, Leelanau County (Docket No. FEMA-6299).	West Arm-Grand Traverse Bay	Shoreline	*584
		Lake Leelanau	Shoreline	*590
		Cedar Lake	Shoreline	*595
		Outflow from Cedar Lake	Shoreline	*584
Maps available for inspection at the Town Hall, 10740 Cherry Bend Road, Traverse City, Michigan.				
Michigan	(Twp.) Milton, Antrim County, (Docket No., FEMA-6299).	Grand Traverse Bay	Shoreline	*584
		Elk Lake	Shoreline	*590
		Torch Lake	Shoreline	*591
		Torch River	Just downstream of Cherry Avenue	*591
			At mouth at Skegemog Lake	*590
Maps available for inspection at Mr. Clays' Residence, Route #1, Box 19D, Kewadin, Michigan.				
Michigan	(V) Sparta, Kent County (Docket No. FEMA-6333)	Nash Creek	About 1,700 feet downstream of Division Street	*740
			Just upstream of Chessie System	*745
			About 0.6 mile upstream of State Street	*745
		Rogue River	About 0.7 mile downstream of 13 Mile Road	*738
			About 150 feet upstream of 13 Mile Road	*742
Maps available for inspection at the Village Hall, 160 East Division Street, Sparta, Michigan.				
Michigan	(Cht. Twp.) Waterford, Oakland County (Docket No., FEMA-6299)	Clinton River	Just downstream of Cass Lake Road	*931
			Just upstream of Elizabeth Lake Road	*939
			Just upstream of Emburke Boulevard	*943
			Just downstream of dam near Hatchery Road	*948
			Just downstream of Oakland Lake East Dam	*954
			About 500 feet downstream of Van Norman Lake Outlet.	*961
			Just downstream of Van Norman Lake Outlet	*969
		Oakland Lake-West Outlet	Just downstream of Oakland Lake-West Outlet	*954
		Coles Bay Otter Lake (North Channel).	Just downstream of Cass Lake Road	*932
		Clinton River West Channel.	At confluence with Clinton River	*945
			Just downstream of Dam near Hatchery Road	*950
		Otter Lake	Shoreline	*931
		Cass Lake	Shoreline	*932
		Loon Lake	Shoreline	*952
		Oakland Lake	Shoreline	*960
		Woodhull Lake	Shoreline	*960
		Van Norman Lake	Shoreline	*969
		Coles Bay	Shoreline	*932
		Gerundegut Bay	Shoreline	*932
		Eagle Lake	Shoreline	*960
		Sylvan Lake	Shoreline	*931
		Lester Lake	Shoreline	*969
		Wormer Lake	Shoreline	*953
		Schoolhouse Lake	Shoreline	*953
		Mohawk Lake	Shoreline	*953
		Silver Lake	Shoreline	*952
		Upper Silver Lake	Shoreline	*952
		Lotus Lake	Shoreline	*969

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Maceday Lake	Shoreline	*969
		William Lake	Shoreline	*969

Maps available for inspection at the Town Hall, 5200 Civic Center Drive, Waterford, Michigan.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Mississippi	City of Richland, Rankin County, (FEMA-6005	Richland Creek	Approximately 2000 feet upstream of Old U.S. Highway 49	*270
			Just downstream of U.S. Highway 49	*271
			Just upstream of U.S. Highway 49	*272
		Pearl River	Just downstream of Illinois Central Gulf Railroad	*268
			Just upstream of Illinois Central Gulf Railroad	*269
		Pearl River Tributary 1	Just upstream of Old U.S. Highway 49 (Cleary Road)	*278
			Approximately 125 feet downstream of South Gate Industrial Drive.	*286
			Just upstream of South Gate Industrial Drive	*288
			Just downstream of U.S. Highway 49	*294
		Pearl River Tributary 2	Just upstream of Old U.S. Highway 49	*271
			Just downstream of U.S. Highway 49	*271
		Squirrel Branch	Just downstream of U.S. Highway 49	*271
			Just upstream of U.S. Highway 49	*272
		Conway Slough	Approximately 500 feet upstream of Old U.S. Highway [illegible].	*263
			Just downstream of Illinois Central Gulf Railroad	*264

Maps available for inspection at City Hall, P.O. Box 08127, Richland Station, Jackson, Mississippi 39218.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Brunswick Chariton County Docket No. FEMA-6299).	Grand River	About 2,600 feet upstream from mouth	*647
			Upstream corporate limits	*649

Maps available for inspection at the City Hall, Brunswick, Missouri.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Mexico, Audrain County, (Docket No. FEMA-6333)	Lakeview Park Creek	About .34 mile downstream of Huntingfield Drive	*752
			Just upstream of Huntingfield Drive	*760
			Just upstream of private road (about .46 mile Upstream of Huntingfield Road).	*766
			Just upstream of U.S. Highway 54	*773
			Just downstream of Missouri Power and Light Dam	*775
			Just upstream of Missouri Power and Light Dam	*795
			About .1 mile downstream of Osage Road	*797
			Just upstream of Osage Road	*805
			Just upstream of Illinois Central Gulf Railroad	*807
		North Fork Lakeview Park Creek	At confluence with Lakeview Park Creek	*797
			Just upstream of Lakeview Road	*800
			Just downstream of Illinois Central Gulf Railroad	*804
			Just upstream of Illinois Central Gulf Railroad	*809
		Davis Creek	About .22 mile downstream of State Highway 15	*735
			About .43 mile upstream of Kentucky Road	*740
		South Fork Salt River	Just downstream of County Highway J	*735
			Just downstream of Norfolk and Western Railway	*751
		Town Branch	Just downstream of State Highway J	*738
			Just downstream of Craig Street	*743
			Just upstream of Woodlawn Street	*749
			Just upstream of Calhoun Street	*751
			Just upstream of Jefferson Street	*760
			Just upstream of Olive Street	*769
			Just downstream of Green Boulevard	*816

Maps available for inspection at the City Engineer's Office, City Hall, 300 North Coal Street, Mexico, Missouri.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Plattsburg, Clinton County, (Docket No. FEMA-[illegible].	Concord Creek	Just upstream of East Concord Drive	*902
			About 150 feet downstream of Lake Concord Spillway	*902
			Just downstream of Lake Concord Spillway	*915
			About 6,000 feet upstream of confluence with Funkhouser Creek (near western corporate limit).	*935
		Lake Concord	Shoreline	*921
		Smithville Reservoir	Shoreline	*876
		Funkhouser Creek	Just upstream of confluence with Oak Branch	*876
			About 250 feet Upstream Broadway Street	*923
			Just upstream of Plotsky Avenue	*944
			About 3,800 feet upstream of Plotsky Avenue (near western corporate limit).	*971
		Horsefork Creek	Just downstream of State Highway 116	*885
			Just upstream of Atchison, Topeka and Santa Fe Railroad.	[illegible]
		Minklers Branch	Confluence with Horsefork Creek Just upstream of East Street.	*886
			Just upstream of East Street	*904
			Just upstream of Main Street	*910
			Just upstream of Second Street	*916
			Just upstream of Walnut Street	*929
			Just dowstream of Fourth Street	*933

Maps available for inspection at the City Hall, Plattsburg, Missouri.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(T) Sumner, Chariton County (Docket No. FEMA-[illegible]).	Grand River	About 5,100 feet upstream of State Highway 139	*671
			About 8,200 feet upstream of State Highway 139	*672

Maps available for inspection at the City Hall, Sumner, Missouri

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Nebraska	(V) Pender, Thurston County (Docket No. FEMA-6333)	Logan Creek	About 6,800 feet downstream of State Highway 94	*1,323
			Just upstream of State Highway 94	*1,330
			About 7,700 feet upstream of State Highway 94	*1,333
		Unamed Tributary to Logan Creek	At mouth	*1,331
			About 7,600 feet upstream of State Highway 9	*1,336
		Logan Creek Overflow	About 1,350 feet downstream of First Street	*1,325
			About 1,700 feet upstream of Willis Street	*1331
Maps available for inspection at the City Office, City Hall, P.O. Box S, Pender, Nebraska.				
Nevada	Yerington (City), Lyon County, FEMA-6333	Walker River	Intersection of Main Street and Goldfield Avenue	*4,379
			Intersection of McCormick Avenue and Wassuk Way	*4,390
Maps available for inspection at City Clerk's Office, 102 S. Main, Yerington, Nevada				
New Jersey	Avalon, Borough, Cape May County (Docket No. FEMA-6299)	Atlantic Ocean	76th Street extended 850 feet seaward from its intersection with Dune Drive	*14
			62d Street extended 550 feet seaward from its intersection with Dune Drive.	*14
			48th Street extended 700 feet seaward from its intersection with Dune Drive.	*14
			30th Street extended 350 feet seaward from its intersection with Avalon Avenue	*14
			13th Street extended 700 feet seaward from its intersection with Avalon Avenue	*14
			Dune Drive extended 500 feet northeast from its intersection with 7th Street.	*14
			74th Street extended 800 feet seaward from its intersection with Dune Drive	*11
			52d Street extended 450 feet seaward from its intersection with Dune Drive	*11
			30th Street at the Boardwalk	*11
New Jersey	Avalon, Borough, Cape May County	Atlantic Ocean	Intersection of 7th Street and First Avenue	*11
			Intersection of 3rd Avenue and 6th Street	*11
			Intersection of 77th Street and Ocean Drive	*10
			Intersection of 53rd Street and Dune Drive	*10
			Intersection of Pelican and Heron Drives	*10
			Intersection of 1st Avenue and 29th Street	*10
			Intersection of 5th Avenue and 21st Street	*10
			Intersection of Dune Drive and 8th Street	*10
			Confluence of Shark Creek with the Gulf Island Thorofare	*11
Maps available for inspection at the Office of the Municipal Clerk, Municipal Building, 3100 Dune Drive, Avalon, New Jersey.				
New Jersey	Cranford, Township, Union County (Docket No FEMA-6333)	Rahway River	Upstream of Garden State Parkway	*44
			Upstream side of downtstream crossing of Conrail	*53
			Upstream side of Droescher's Dam	*61
			Confluence with Orchard Street Branch	*68
			Upstream side Kenilworth Boulevard	*71
		Orchard Street Branch	Confluence with Rahway River	*68
			Approximately 700' upstream of upstream Conrail crossing	*75
		Gallows Hill Road Branch	Confluence with Rahway River	*69
			Upstream side of Second Private Drive	*82
		College Branch	At confluence with Rahway River	*70
			Springfield Avenue bridge	*70
Maps available for inspection at the Municipal Building, 8 Springfield Avenue, Cranford, New Jersey.				
New Jersey	Eagleswood, Township, Ocean County (Docket No. FEMA-6278).	Little Egg Harbor	Entire shoreline within community	*8
Maps available for inspection at the Municipal Building, Division Street, West Creek, New Jersey.				
New Jersey	Egg Harbor, Township, Atlantic County (Docket No. FEMA-6333).	English Creek	Downstream of Zion Road at spillway	*10
			Upstream of School Road	*16
			Approximately 4,100' upstream of School Road	*27
		Mill Branch	Confluence with Little Meadow Run	*12
			Upstream of Garden State Parkway	*17
			Upstream of Spruce Road	*25
			Upstream of Ridge Road	*26
			Approximately 3,200' upstream of Ridge Road	*30
		Little Meadow Run	Confluence with Mill Branch	*12
			Upstream of Garden State Parkway	*16
			Approximately 3,580' upstream of Spruce Road	*22
			Upstream of Delaware Road	*32
			Upstream of Ridge Road	*33
		Lakes Creek	Bevis Mill Road	*9
			Approximately 4,900' upstream of Bevis Mill Road	*13
		Maple Run	At confluence with Patcong Creek and Mill Branch	*12
			Approximately 1,800' upstream Mill Road	*14
		Patcong Creek	At spillway upstream of Central Avenue	*11
			At confluence with Mill Branch and Maple Run	*12
		North Branch	Downstream of Garden State Parkway	*14

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Garden State Parkway	*20
			Upstream of Conrail	*30
			Upstream of upstream Conrail crossing	*46
		Great Egg Harbor Bay within community.	Entire shoreline of Great Egg Harbor Bay	*9
			Entire shoreline of Great Egg Harbor River	*9
			Entire shoreline for estern portion of the township	*9
Maps available for inspection at the Office of the Construction Official, Egg Harbor Township Complex, Central Avenue and Bargaintown Road, Bargaintown, New Jersey.				
New Jersey	Lower, Township, Cape May County (Docket No. FEMA-6299).	Delaware Bay	Entire shoreline within community	*9
		Atlantic Ocean	Entire shoreline between Borough of Cape May Point and City of Cape May.	*14
			Along the Lower Township/Cape May Point corporate limits between Seagrove Avenue and Sunset Boulevard.	*10
			Along the City of Cape May/West Cape May corporate limits to approximately 920' east of intersection of Seagrove Drive and Sunset Boulevard.	*12
			Along the Lower Township/West Cape May corporate limits to the U.S. Coast Guard Base.	*10
			Entire shoreline between U.S. Coast Guard Base and Wildwood Crest corporate limits.	*14
			Along the corporate limits of Lower Township/Wildwood Crest.	*10
			Along the corporate limits of Lower Township/City of Wildwood.	*10
Maps available for inspection at the Municipal Building, 2600 Bayshore Road, The Villas, New Jersey.				
New Jersey	Stone Harbor, Borough, Cape May County (Docket No FEMA-6299)	Atlantic Ocean	82nd Street extended 300 feet seaward from its intersection with First Avenue.	*14
			96th Street extended 400 feet seaward from its intersection with First Avenue.	*14
			111th Street extended 400 feet seaward from its intersection with First Avenue.	*14
			122nd Street extended 400 feet seaward from its intersection with Second Avenue.	*14
			Terrain along the shoreline southwest of 122nd Street and along Hereford Inlet.	*14
			Sand Marsh along the eastern bank of Great Channel, southwest of Ocean Drive.	*12
			Intersection of Third Avenue and 122nd Street	*12
			110th Street extended 300 feet seaward beyond its intersection with First Avenue.	*11
			88th Street extended 250 feet seaward beyond its intersection with First Avenue.	*11
			Intersection of 118th Street and Third Avenue	*10
			Intersection of Golden Gate Road and 104th Street	*10
			Intersection of 100th Street and First Avenue	*10
			Intersection of Second Avenue and 92nd Street	*10
			Intersection of Third Avenue and 82nd Street	*10
Maps available for inspection at the Office of the Borough Clerk, Borough Hall, 9508 Second Avenue, Stone Harbor, New Jersey.				
New Jersey	Sussex, Sussex County (Docket No. FEMA-6299)	Clove Brook	Clove Acres Lake	*429
			Downstream side of Clove Acres Lake Dam	*414
			Downstream side of Newton Avenue	*409
			Downstream side of Loomis Avenue	*407
			Downstream corporate limits	*401
Maps available for inspection at the Office of the Borough Clerk, Municipal Building, Two Main Street, Sussex, New Jersey.				
New Jersey	West Cape May, Borough Cape May County (Docket No. FEMA-6333).	Delaware Bay	Flooding affecting north-western corporate limits	*9
		Atlantic ocean	From southern corporate limits approximately 100 feet west of First Avenue to Sunset Boulevard.	*12
			From southern corporate limits approximately 100 feet west of First Avenue and approximately 340 feet east of Morrison Avenue to the nothern copporate limits.	*10
			From southern corporate limits approximately 300 feet east of Morrison Avenue and approximately 400 feet west of South Bay Shore Road to Fifth Avenue.	*10
Maps available for inspection at the Municipal Building, West Cape May, New Jersey.				
New Mexico	Unincorporated areas of Chaves County (FEMA-6278).	North Berrendo	Just upstream from Atchison, Topeka & Santa Fe Railway.	*3543
			Just downstream from U.S. Highways 285 and 70	[illegible]
		South Berrendo Creek	Just upstream from Berrendo Road	*3555
			Approximately 100 feet upstream from Main Street (U.S. Highways 285 and 70).	*3589
		Rio Hondo	Approximately 400 feet upstream from confluence with South Berrendo Creek.	*3510
			Just upstream from State Highway 253	*3514
		Pecos River	Just downstream from State Highway 31	[illegible]
			Just downstream of confluence of Rio Felix	*3403

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rio Felix	Just downstream of Atchison, Topeka & Santa Fe Railway.	*3411
			Just downstream from U.S. Highway 285 Alternate and State Highway 2.	*3420
			Just upstream from State Highway 339	*3451
		North Spring River	South of College Boulevard at the eastern corporate limits of the City of Roswell.	#2
		South Spring River	Just downstream of U.S. Highway 285 Bypass and State Highway 2.	*3560
		Thirteen Mile Draw	Just upstream of U.S. Highway 285	*3571
		Tumbleweed Draw	Approximately 400 feet downstream of State Highway 2.	*3552
			Just upstream of State Highway 285 Alternate	*3568
Maps available for inspection at the office of the Chaves County Manager, County Courthouse, Roswell, New Mexico 88201.				
New York	Cobleskill, Village, Schoharie County (Docket No. FEMA-6218).	Cobleskill Creek	Downstream corporate limits	*886
			Confluence of Mill Creek	*900
			Upstream corporate limits	*919
		Mill Creek	Confluence with Cobleskill Creek	*900
			Upstream of West Main Street	*925
			Upstream of North Grand Street	*947
			Upstream of Quarry Road	*1,014
			Approximately 2,700′ upstream of Quarry Road	*1,064
Maps available for inspection at the Village Office, Main Street, Cobleskill, New York.				
New York	Hunter, Town Greene County (Docket No. FEMA-6262).	Schoharie Creek	Downstream corporate limits.	*1,544
			Approxomately 3,800′ upstream corporate limits	**1,570
			Approximately 12,000′ upstream corporate limits	*1,620
			Confluence of Tributary to Schoharie Creek	*1,672
			Abandoned railroad abutments (upstream)	*1,712
			Confluence with Gooseberry Creek	*1,729
			Approximately 2,900′ upstream confluence with Gooseberry Creek.	*1,742
		Stony Clove Creek	Downstream corporate limits	*1,167
			Approximately 5,000′ upstream of downstream corporate limits.	*1,240
			Lanesville Road (upstream)	*1,290
			Wright Road (upstream)	*1,403
			Benjamin Road (downstream)	*1,590
			Approximately 7,100 upstream Benjamin Road	*1,752
		Gooseberry Creek	Confluence of Schoharie Creek	*1,729
			Bloomer Road (upstream)	*1,766
			Approximately 3,300′ upstream Bloomer Road	*1,820
		Sawmill Creek	Downstream corporate limits	*1,909
			Approximately 350† downstream of upstream corporate limits	*1,940
Maps available for inspection at the Town House, Route 23A, Tannersville, New York.				
New York	Huntington, Town, Suffolk County (Docket No. FEMA-6333)	Long Island Sound	From southeastern corporate limits to Village of Asharoken.	*16
		Huntington Bay	From Village of Asharoken to confluence of Northport Bay	*14
			Huntington Harbor from Village of Huntington Bay to approximately 900 feet northeast of Ketewomoke Drive extended.	*12
			Huntington Harbor from approximately 900 feet northeast of Ketewomoke Drive extended to Village of Lloyd Harbor	*14
		Northport Bay	From confluence with Huntington Bay to approximately 450 feet northeast of Birmingham Drive extended.	*14
			From approximately 450 feet northeast of Birmingham Drive extended to Winkle Point Road extended	*12
			From Winkle Point Road extended to Village of Asharoken.	*14
			From Village of Northport to Village of Huntington Bay	*14
		Cold Spring Harbor	Entire shoreline within the community	*12
Maps available for inspection at the Town Hall, 100 Main Street, Huntington, New York.				
New York	Ocean Beach, Village, Suffolk County (Docket No. FEMA-6333).	Atlantic Ocean	Entire shoreline within community	*15
		Great South Bay	Entire shoreline within community	*5
Maps available for inspection at the Village Hall, Ocean Beach, New York.				
New York	Quogue, Village, Suffolk County (Docket No. FEMA-6333).	Atlantic Ocean	Entire shoreline within the community	*14
		Quantuck Bay	From southern corporate limits to south of Montauk Highway.	*8
			From south of Montauk Highway to northern corporate limits.	*7
		Shinnecock Bay	Southern portion of Shinnecock Bay up to approximately 750 feet north of Bay Road extended.	*9
			Shoreline of Quogue Creek from confluence with Shinnecock Bay to Schaeffer Lane (extended).	*9

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Shoreline of Quogue Creek from Schaefer Lane (extended) to confluence with Quontuck Bay.	*8
			From approximately 750 feet north of Bay Road extended to northern corporate limits.	*7
			Entire shoreline of Stone Creek	*7
			Entire shoreline of Phillips Creek	*7
Maps available for inspection at the Village Office, Jessup Avenue, Quogue, New York.				
New York	Smithtown, Town, Suffolk County (Docket No. FEMA-6333).	Long Island Sound	Entire shoreline within the community	*16
Maps available for inspection at the Town Hall, 99 West Main Street, Smithtown, New York.				
New York	Southampton, Village, Suffolk County (Docket No. FEMA-6299).	Shinnecock Bay	Shoreline from approximately 0.07 mile southwest of Meadow Lane (extended) to a point 0.59 mile west of Shinnecock Road (extended).	*9
			Shoreline from a point 0.59 mile west of Shinnecock Road (extended) to a point 0.1 mile south of Boatmans Lane (extended).	*8
			Shoreline from a point 0.1 mile south of Boatmans Lane (extended) to a point approximately 120′ south of Hill Street.	*7
		Atlantic Ocean	Entire shoreline within community	*14
Maps available for inspection at the Village Hall, 23 Main Street, Southampton, New York.				
Ohio	(V) Brilliant, Jefferson County (Docket No. FEMA-6299).	Ohio River	At downstream corporate limits	[illegible]
			At upstream corporate limits	*667
Maps available for inspection at the Mayor's Office, Village Hall, 409 Prospect Street, Brilliant, Ohio.				
Ohio	(V) Pataskala, Licking County (Docket No. FEMA-[illegible].	South Fork Licking River	About 1200 feet downstream of Service Road	*975
			Just downstream of Conrail	*991
			Just upstream of Conrail	*997
			About 2400 feet upstream of State Route 16	*1,016
		Muddy Fork	About 550 feet downstream of County Road 151	*983
			Upstream corporate limit (just downstream of State Route 16).	*1,005
		Pataskala Tributary	Confluence with South Fork Licking River	*997
			Upstream corporate limit (just downstream of Blacks Road).	*1,017
Maps available for inspection at the Clerk Treasurer's Office, Village Hall, 430 South Main Street, Pataskala, Ohio.				
Oklahoma	Town of Alex, Grady County (FEMA-6299)	Washita River	Approximately 800 feet downstream from State Highway 19C.	*1,026
			Approximately 500 feet upstream from State Highway 19C.	*1,027
		Soldier Creek	Approximately 350 feet downstream of the Town of Alex Western Corporate Limits.	*1,029
		Tributary No. 1	Approximately 200 feet upstream of H Avenue	*1,034
			Just upstream of State Highway 19C	*1,045
		Tributary No. 2	Just upstreamn from H Avenue	*1,027
		Tributary No. 3	Approximately 250 feet downstream from State Highway 19C.	*1,031
Maps available for inspection at Town Hall, 208 Broadway Street, Alex, Oklahoma 73002.				
Oklahoma	Town of Colony, Washita County (FEMA-6299)	Cobb Creek	Approximately 350 feet upstream of State Highway 69 (Seger Street).	*1,454
			Approximately 200 feet upstream of State Highway [illegible]	*1,470
		Tributary No. 1	Just downstream from School Road	*1,456
			Approximately 100 feet downstream of State Highway 69 (Seger Street).	*1,469
Maps available for inspection at Community Building, Colony, Oklahoma 73021				
Pennsylvania	Rapho, Township, Lancaster County (Docket No. FEMA-6333).	Little Chickies Creek	Downstream Drager Road	*273
			Upstream Dam	*290
			Upstream Pinkerton Road	*302
			Downstream Bridge Valley Road	*320
			Downstream Mount Joy Road	*327
			Upstream Mount Pleasant Road	*346
		Chickies Creek	Upstream Eby Chiques Road	*328
			Upstream Conrail	*335
			Approximately 200′ upstream State Route 283	*350
			Downstream Ensman Road	*355
			Downstream Lebanon Road	*439
			At confluence of Shearers Creek	*448
		Rife Run	Upstream West Colebrook Road	*400
			Upstream Orchard Road	*410
Maps available for inspection at the Rapho Municipal Building, R.D. 2, Manheim, Pennsylvania.				
Pennsylvania	Snyder, Township, Blair County (Docket No. FEMA-[illegible]	Little Juniata River	Upstream of Honest Hollow Road	[illegible]
			Upstream of State Route 453 (1st crossing)	*872

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Upstream of Plummer Hollow Road	*886
			Confluence of Hutchinson Run	*906
			Upstreasm of Conrail	*917
		Bald Eagle Creek	Downstream of Westvaco Bridge	*916
			Confluence of Decker Run	*941
			Downstream of Old U.S. Route 220 (Legislative Route 57 (55)).	*986
			Confluence of Vanscoyoc Run	*1,019
			Downstream of U.S. Route 220	*1,045
			Upstream of State Route 350 (Legislative Route 524)	1,056
		Big Fult Run	Confluence with Bald Eagle Creek	*1,048
			Downstream of State Route 350 (Legislative Route 524).	*1,066
			Upstream of Old U.S. Route 220 (Legislative Route 55).	*1,085
			Downstream of 1st Private Road	*1,121
			Approximately 1,440' upstream of 1st Private Road	*1,142
			Upstream of 2nd Private Road	1,178
		Decker Run	Confluence with Bald Eagle Creek	*941
			Downstream of 1st Private Road	*987
			Downstream of 3rd Private Road	*1,030
			Approximately 1,340' upstream of 3rd Private Road	*1,060
			Approximately 2,720' upstream of 3rd Private Road	*1,090
			Upstream of 4th Private Road	*1,127
			Approximately 1,490' upstream of 4th Private Road	*1,160
		Schell Run	Approximately 4,650' downstream of Township Route 510.	*967
			Downstream of Township Route 510	*1,086
			Approximately 1,945' upstream of Township Route 510	*1,146
		Hutchinson Run	Confluence with Little Juniata River	*906
			Upstream of Old U.S. Route 220 (Legislative Route 57 (55)).	*911
			Downstream of Private Road	*948
			Approximately 2,155' downstream of Township Route 515.	*1,000
			Upstream of Township Route 515 (55)	*1,053
Maps available for inspection at the Snyder Township Building, R.D. 3, Tyrone, Pennsylvania.				
Rhode Island	Barrington, Town, Bristol County (Docket No. FEMA-6333).	Massachuck Creek	Entire stream upstream of Washington Road.	*6
		Brickyary Pond	Entire shoreline	*6
		Echo Lake	Entire shoreline	*8
		Narragansett Bay	Entire shoreline	*20
		Providence River	Entire shoreline	*20
		Palmer River	Shoreline from Conrail to northern corporate limits	*12
			Shoreline from confluence of Barrington River to Conrail.	*18
		Warren River	Shoreline from confluence of Narragansett Bay to approximately 350' east of Adams Point Road extended.	*20
			Shoreline approximately 350' east of Adams Point Road extended to Ferry Lane extended.	*19
			Shoreline Ferry Lane extended to confluence of Barrington River	*18
Maps available for inspection at the Office of the Building Inspector, Town Hall, 283 County Road, Barrington, Rhode Island.				
Rhode Island	East Greenwich, Town, Kent County (Docket No. FEMA-6286)	Frenchtown Brook	Downstream Davisville Road	*47
			Upstream State Route 4	*66
			Upstream South County Trail	*91
			Upstream of Adirondack Drive	*119
			Upstream of Dam between Adirondack Drive and confluence of Mawney Brook.	*162
			Upstream of Tillinghast Road	*187
			Downstream High Hawk Road	*204
			Upstream Trail Road	*264
			Upstream Carrs Pond Road	*285
			Approximately 575 feet upstream of Carrs Pond Road	*300
		Mawney Brook	Upstream of Dam at Tillinghast Road	*190
			Upstream of Dam located approximately 2,150 feet downstream of Middle Road.	*236
			Upstream Middle Road	*246
			Upstream of Dam at the Access Road between Middle Road and Division Road.	*273
			Division Road upstream side	*285
		Pierce Road Brook	Boston Post Road upstream side	*43
			Maplewood Drive upstream side	*47
			Middle Road upstream side	*60
			Kent Road upstream side	*93
		Maskerchugg River	Confluence with Greenwich Cove	*14
			Upstream of downstream dam	*34
			Kenyon Avenue upstream side	*40
			Sylvan Drive upstream side	*60
			Division Street upstream side	*70
		East Branch Maskerchugg River	Confluence with Maskerchugg River	*42
			Division Street upstream side	*66

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		West Branch Maskerachugg River	At confluence of Maskerchugg River	*40
			Balsam Drive downstream side	*58
			Howland Drive upstream side	*83

Maps available for inspection at the Town Hall, East Greenwich, Rhode Island.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Rhode Island	Newport, City, Newport County (Docket No. FEMA-[illegible]	Atlantic Ocean	Shoreline from northeastern corporate limits to Brenton Point.	*19
			Shoreline from Brenton Point to confluence of Narragansett Bay.	*18
		Narragansett Bay	Entire shoreline within the community	*15

Maps available for inspection at the Office of the City Planner, City Hall, Broadway Street, Newport, Rhode Island.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Rhode Island	North Kingstown, Town, Washington County (Docket No. FEMA-6333).	Annaquatucket River	Upstream of Boston Neck Road	*22
			Upstream of Featherbed Lane	*29
			Upstream of Tower Hill Road (U.S. Route No. 1)	*42
			Upstream of Belleville-pond Dam	*49
			Upstream of Old Railroad Grade (downstream crossing).	*[illegible]
			Approximately 100' downstream of Conrail	*81
		Mattatuxet River	Confluence with Pettaquamscutt River	*12
			Upstream of State Route 138	*16
			Upstream of Dam	*39
		Quidnessett Brook	Approximately 3,800' downstream of Qudnessett Road.	*13
			Approximately 1,000' upstream of Quidnesset Road	*19
		Sand Hill Brook	Approximately 100' downstream of North Quidnessett Road.	*16
			Upstream of of Briarbrook Drive (downstream crossing).	*24
			Upstream of U. S. Route 1	*37
			Approximately 100' downstream of Devils Foot Road	*41
		Narragansett Bay	Shoreline from north corporate limits to Quonset Point	*19
			Shoreline from Quonset Point to south corporate limits	*17
		Potowomut River	Shoreline from confluence with Narragansett Bay to approximately 2,200' east of the confluence.	*18

Maps available for inspection at the Department of Planning and Development, Town Hall, 80 Boston Neck Road, North Kingstown, Rhode Island.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	City of Bradford, Gibson County (FEMA-6333)	Town Creek	Just upstream of Illinois Central Gulf Railroad	*349
			Just upstream of State Highway 105 (Main Street)	*356

Maps available for inspection at City Hall, East Main Street, Bradford, Tennessee 38316.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	Town of Kenton, Gibson & Obion Counties (FEMA-6333).	Carroll Creek	Just upstream of U.S. Route 45W	*305
		Unnamed Tributary to Carroll Creek.	Just upstream of Sanderson Street	*314

Maps available for inspection at Town Hall, 108 North Poplar, Kenton, Tennessee 38233.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	Town of Milan, Gibson County (FEMA-6333)	Wolf Creek	Just upstream of U.S. Highway 79 (Vanhook Street)	*391
			Just upstream of State Route 104 (South 1st Street)	*395
		Clear Creek	Just at the confluence with Wolf Creek	*396

Maps available for inspection at Town Hall Building, South First Street, Milan, Tennessee 38358.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	City of Trenton, Gibson County (FEMA-6333)	North Fork of Forked Deer River	Just upstream of U.S. Highway 45 Bypass	*316
		Cain Creek Tributary	Just downstream of Kellwodd Drive	*330
			Just upstream of College Street	*343
		North Fork Tiributary	Just upstream of U.S. Highway 45W	*313
		North Fork Tributary No. 3	Just upstream of County Road	*320

Maps available for inspection at City Hall, 309 College Street, Trenton, Tennessee 38382.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	Village of Dickinson, Galveston County (FEMA-6333)	Bensons Bayou	Just upstream of Deats Road	*12
			Approximately 700 feet upstream of Rodeo Bend Road.	*14
		Bordens Gully	Approximately 200 feet downstream of Spruce Street	*12
			Just downstream of Hughes Lane	*14
		Dickinson Bayou	Approximately 800 feet upstream of Highway 3	*11
			Approximately 800 feet upstream of I-45 & 75	*12
			Just downstream of Highway 646	*13
		Gum Bayou	Just upstream of FM 517 (Flooding at this location is affected by backwater effects from Dickinson Bayou).	*11
		Magnolia Bayou	Approximately 500 feet upstream of Deats Road	*12
			Approximately 250 feet upstream of Sunset Drive	*14
		Tributary to Gum Bayou	Just downstream of the corporate limits	*13

Maps available for inspection at Village Hall, 2716½ Main Street, Dickinson, Texas 77539.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	City of La Marque, Galveston County (FEMA-6333)	Lower Highland, Bayou	Just upstream of State highway 6 near the southern corporate limits (Flooding at this location is affected by Coastal Surge from Galveston Bay).	*12
			Just upstream of Fairwood Road (Flooding at this location is affected by Coastal Surge from Galveston Bay).	*12

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Upper Highland Bayou and Diversion Channel.	Just upstream of Old Camp Wallace Road (Flooding at this location is affected by Costal Surge from Galveston Bay).	*12
		Unnamed Tributary 1	Just downstream of Main Street (FM 519)	*7
		Unnamed Tributary 2	Just downstream of Edna Street	*7
		Unnamed Tributary 3	Just downstream of FM 1,765	*16
		Marchand Bayou	Just upstream of FM 519 (Flooding at this location is affected by Coastal Surge from Galveston Bay).	*12
			Just downstream of Newman Road	*15
Maps available for inspection at City Hall, 322 Laurel, La Marque, Texas 77568.				
Texas	City of Nome, Jefferson County (FEMA-6299)	Cotton Creek	Just upstream of 3rd Street	*42
Maps available for inspection at Mayor Ferguson's Office at the Briggs Motor Comapny, U.S. Highway 90, Southside, Nome, Texas 77629.				
Texas	Town of Pine Forest, Orange County (FEMA-6333)	Ten Mile Creek	Approximately 300 feet upstream of Sugar Hill Road	*15
			Just downstream of State Highway 1,131	*17
		Tiger Creek	Just upstream of southern corporate limits	*14
			Approximately 600 feet upstream of Lake View and Cutoff Roads.	*16
Maps available for inspection at Orange County Commissioners Office, 190 Camp Street, Vidor, Texas 77662.				
Virginia	Cape Charles, Town, Northampton County (Docket No. FEMA-6262).	Chesapeake Bay	Entire shoreline within community	*11
Maps available for inspection at the Municipal Building, Cape Charles, Virginia.				
Virginia	Newport News (Docket No. FEMA-6333).	Chesapeake Bay	Hampton Roads from eastern corporate limits to Small Boat Harbor	*13
			Entire shoreline of Small Boat Harbor	*10
		James River	From Small Boat Harbor to a point approximately 750' upstream of Museum Parkway (extended).	*13
			From a point approximately 750' upstream of Museum Parkway (extended) to confluence of Fishers Creek	*12
			Fishers Creek from confluence to a point approximately 780' upstream	*11
			Fishers Creek from a point approximately 780' upstream to a point approximately 1,170' downstream of Graham Drive (extended).	*10
			Fishers Creek from a point approximately 1,170' downstream of Graham Drive (extended) to a point approximately 900' upstream of Madison Lane North	*9
			From confluence of Fisher Creek to confluence of Deep Creek	*12
			Deep Creek from confluence to a point approximately 7,680' upstream.	*10
			Deep Creek from a point approximately 7,680' upstream to a point approximately 210' upstream of Warwick Boulevard.	*9
			From confluence of Deep Creek to Fort Eustis boundary.	*12
		Warwick River	From confluence with James River to Digges Drive (extended).	*12
			From Digges Drive (extended) to confluence of Lucas Creek	*11
			Lucas Creek from confluence to a point approximately 1,100' downstream from Tabbs Lane	*10
			Lucas Creek from a point approximately 1,110' downstream from Tabbs Lanes to Gwynn Circle.	*9
			From confluence of Lucas Creek to a point approximately 600' downstream of Hoopes Road (extended).	*11
			From a point approximately 600' downstream of Hoopes Road (extended) to a point approximately 7,260' upstream of Hoopes Road (extended).	*10
			From a point approximately 7,260' upstream of Hoopes Road (extended) to confluence of Stony Run.	*9
			Stony Run from confluence to a point approximately 750' downstream from Lucas Creek Road.	*9
			From confluence of Stony Run to a point approximately 270' upstream of Fort Eustis Boulevard.	*9
		Skiffes Creek	From northern boundary of Fort Eustis to a point approximately 4,530' downstream of the Chessie System Railroad.	*9
Maps available for inspection at the Public Works Department, City Hall, Newport News, Virginia.				
Virginia	Northampton County (Docket No. FEMA-6226)	Atlantic Ocean	From northern corporate limits to a point .16 mile south of corporate limits.	*13
			From a point .16 mile south of corporate limits to a point 9.26 miles south of corporate limits.	*14
			From a point 9.26 miles south of corporate limits to the Chesapeake Bay Bridge/Tunnel at Fishermans Island.	*13
		Chesapeake Bay	From Chesapeake Bay Bridge/Tunnel at Fishermans Island to confluence of Old Plantation Creek.	*11
			Old Plantation Creek From confluence to Hunts Point	*10

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Old Plantation Creek from Hunts Point to a point 5,500 feet upstream of Hunts Point.	*9
			Old Plantation Creek upstream from a point 5,500 feet upstream of Hunts Point.	*8
			From confluence of Old Plantation Creek to confluence of Cherrystone Inlet.	*11
			Cherrystone Inlet from confluence to confluence of Old Castle Creek.	*10
			Cherrystone Inlet from confluence of Old Castle Creek to a point 8,700 feet upstream of Old Castle Creek.	*9
			Cherrystone Inlet upstream of a point 8,700 feet upstream of Old Castle Creek.	*8
			From confluence of Cherrystone Inlet to confluence of the Gulf.	*11
			The Gulf from confluence to a point 3,450 feet upstream of confluence.	*9
			The Gulf upstream of a point 3,450 feet upstream of confluence.	*8
			From confluence of the Gulf to confluence of Barlow Creek.	*11
			Barlow Creek from confluence to a point 4,975 feet upstream of confluence.	*9
			Barlow Creek upstream of a point 4,975 feet upstream of confluence.	*8
			From confluence of Barlow Creek to confluence of Mattawoman Creek.	*11
			Mattawoman Creek from confluence to a point 6,750 feet upstream of confluence.	*9
			Mattawoman Creek upstream from a point 6,750 feet upstream of confluence.	*8
			From confluence of Mattawoman Creek to confluence of Hungars Creek.	*11
			Hungars Creek from confluence to a point 13,225 feet upstream of confluence.	*9
			Hungars Creek upstram from a point 13,225 feet upstream of confluence.	*8
			From confluence of Hungars Creek to confluence of Nassawaddox Creek.	*11
			Nassawaddox Creek from confluence to a point 3,650 feet upstream of confluence.	*10
			Nassawaddox Creek from a point 3,650 feet upstream of confluence to confluence of Church Creek.	*9
			Church Creek upstream from confluence with Nassawaddox Creek.	*8
			Nassawaddox Creek from confluence of Church Creek to a point 4,350 feet upstream of confluence of Church Creek.	*9
			Nassawaddox Creek upstream from a point 4,350 feet upstream.	*8
			Holly Grove Cove	*8
			Warehouse Creek	*8
			From confluence of Nassawaddox Creek to confluence of Occohannock Creek at northern corporate limits.	*11
			Occohannock Creek from confluence to confluence of Johnson Cove.	*10
			Occohannock Creek from confluence of Hohnson Cove to Concord Point.	*9
			Occohannock Creek upstream from Concord Point	*8

Maps available for inspection at the Department of Planning and Zoning, Northampton County Courthouse, Eastville, Virginia.

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Cross Plains, Dane County (Docket No. FEMA-6333).	Black Earth Creek	About 200 feet downstream of U.S. Highway 14	*859
			About 0.5 mile downstream of Church Street	*865
			About 1,500 feet upstream of Church Street	*875
		Brewery Creek	Just downstream of Main Street	*874
			Just upstream of Lewis Street	*882
			Just upstream of Valley Street	[redacted]
			About 600 feet upstream of Brewery Road	*905

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Enchanted Valley Creek	Just downstream of U.S. Highway 14	*875
			Just upstream of U.S. Highway 14	*878
			Just downstream of Brewery Road	[illegible]
			Just upstream of Brewery Road	[illegible]
			Just downstream of Military Road (near Brewery Road)	[illegible]
			Just upstream of Military Road(near Brewery Road)	*910
Maps available for inspection at the Village Hall, 2107 Julius Street, Cross Plains, Wisconsin.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 22, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29169 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 47, No. 208
Wednesday, October 27, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 82-051]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Live Virus Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: These proposed amendments would revise the Standard Requirements for live virus vaccines by: (a) Deleting the requirement to retest the Master Seeds for immunogenicity every 5 years after the initial 3-year retest, (b) reducing the minimum virus titer required for serial release, and (c) where applicable, deleting unnecessary potency and safety test requirements for release of product before a lot of Master Seed Virus is established.

Current standards for live virus vaccines require that each Master Seed be retested for immunogenicity 3 years after the initial immunogenicity test and every 5 years thereafter. These standards also specify that such vaccines shall have a minimum titer for release. It has been found that in some cases the minimum titer is in excess of the titer actually needed for adequate animal protection. Therefore, these amendments would reduce such titers so that they conform with presently available scientific information.

When the Master Seed principle was instituted, a paragraph (e) was included in the Standard Requirements providing for animal tests of product prior to release until a lot of Master Seed Virus could be established. These amendments would eliminate such animal tests which are no longer necessary.

DATE: Comments must be received on or before December 27, 1982.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed amendment to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, MD 20782.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20784, 301–436–8245.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "non-major" rule.

The proposed amendments would not have an adverse effect on the economy and would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets. These revisions would reduce regulatory requirements.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action would not result in an adverse economic impact on a substantial number of small entities. Small entities are defined as independently owned firms not dominant in the field of veterinary biologics manufacturing. This action would result in a beneficial effect to all licensed producers of live virus vaccines by reducing the number of times the Master Seed Virus must be retested for immunogenicity and by permitting the production of serials of vaccines with lower titer requirements.

The requirement to periodically requalify the immunogenicity of a Master Seed has been considered necessary until such time as an accumulation of data would support the antigenic stability of Master Seed Viruses over extended periods of storage. Data accumulated over several years have shown that the immunogenicity of the Master Seed is not adversely affected over extended periods of storage. Therefore, the continued retesting of Master Seed Viruses approved by Veterinary Services for host animal immunogenicity is no longer considered necessary and would be deleted. The elimination of such testing would result in a reduction in testing costs to the producer.

Most of the minimum titers now required for release of live virus vaccines were established before the Master Seed concept. Based on data available at that time it was believed that these titers were required along with host animal tests to insure that each serial and subserial of vaccine would retain its effectiveness over long periods of storage and varying conditions of use. These minimum titers were retained when new Standard Requirements providing for release of product under the Master Seed concept were applied.

Results of immunogenicity studies with Master Seeds and stability data that have been accumulated indicate that vaccines can be released with lower titers than required by the current Standard Requirements and still maintain the required efficacy. The lower titer for release of each product would be directly related to the minimum titer used in the initial Master Seed immunogenicity test. This would permit an increased number of doses of vaccine that may be produced from a lot of bulk virus material. This could result in a lower cost of production for some licensees. A virus titer of $10^{2.5}$ is the lowest titer that can consistently be validated. This minimum virus titer would be retained in the Standard Requirements for all applicable products.

When the Master Seed concept was first applied, it was necessary to provide alternate test procedures such as host animal potency and safety tests for the release of serials and subserials of products until a lot of Master Seed had been fully established in accordance with applicable requirements and the filed Outline of Production. It was expected at the time these requirements were published that licensed firms would establish an acceptable Master Seed. With the completion of such Master Seed Virus testing, these alternate requirements have become unnecessary. Therefore, paragraph (e) is being deleted from the applicable Standard Requirements.

The proposed amendments would in effect relax current Standard Requirements for live virus vaccines.

List of Subjects in CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

Section 113.137 would be amended by revising paragraph (c)(4) to read:

§ 113.137 Distemper Vaccine—Mink.

* * * * *

(c)* * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided,* That five of the five vaccinates and at least four of the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

* * * * *

Section 113.139 would be amended by revising paragraph (c)(4) to read:

§ 113.139 Feline Panleukopenia Vaccine.

* * * * *

(c)* * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Ten susceptible cats (8 vaccinates and 2 controls) shall be used in the retest. Susceptibility shall be determined in the manner provided in paragraph (c)(1) of this section.

* * * * *

Section 113.140 would be amended by revising paragraph (c)(4) to read:

§ 113.140 Canine Hepatitis Vaccine.

* * * * *

(c)* * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Ten susceptible dogs (8 vaccinates and 2 controls) shall be used in the retest. Susceptibility shall be determined in the manner provided in paragraph (c)(1) of this section.

* * * * *

Section 113.141 would be amended by revising paragraph (c)(4) to read:

§ 113.141 Canine Distemper Vaccine, Ferret Avirulent.

* * * * *

(c)* * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Ten susceptible dogs (8 vaccinates and 2 controls) shall be used in the retest. Susceptibility shall be determined in the manner provided in paragraph (c)(1) of this section.

* * * * *

Section 113.141 would be amended by revising paragraph (c)(4) to read:

§ 113.142 Canine Distemper Vaccine, Ferret Virulent.

* * * * *

(c)* * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided,* That five of five vaccinates and at least four of the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

* * * * *

Section 113.143 would be amended by revising paragraphs (b)(5) to read:

§ 113.143 Encephalomyelitis Vaccine, Venezuelan.

* * * * *

(b)* * *

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and two controls need to be used in the retest; *Provided,* That five of five vaccinates and the two controls shall meet the criteria in paragraph (b)(4) of this section.

* * * * *

Section 113.144 would be amended by revising paragraph (c)(9) and (d)(3) to read:

§ 113.144 Bovine Parainfluenza$_3$ Vaccine.

* * * * *

(c) * * *

(9) The Master Seed Virus shall be tested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided,* That five of five vaccinates and at least four of the controls shall meet the criteria prescribed in paragraph (c)(6) of this section.

* * * * *

(d) * * *

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer per dose sufficiently greater than the titer or vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall be a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ $TCID_{50}$ per dose.

* * * * *

Section 113.145 would be amended by revising paragraphs (c)(8) and (d)(3) to read:

§ 113.145 Bovine Rhinotracheitis Vaccine.

* * * * *

(c) * * *

(8) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided,* That five of five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraphs (c) (5) and (6) of this section.

* * * * *

(d) * * *

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer per dose sufficiently greater than the titer or vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall be a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ $TCID_{50}$ per dose.

* * * * *

Section 113.145 would be amended by revising paragraphs (c)(7) and (d)(3) to read:

§ 113.146 Bovine Virus Diarrhea Vaccine.

* * * * *

(c) * * *

(7) The Master Seed Virus shall be tested for immunogenicity in 3 years unless use of the lot previously tested is

discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided,* That five of five vaccinates and at least four of the five controls shall meet the criteria prescribed in paragraphs (c)(4) and (c)(5) of this section.

* * * * *

(d) * * *

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer per dose sufficiently greater than the titer or vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ TCID per dose.

* * * * *

Section 113.148 would be amended by revising paragraphs (c)(6) and (d)(2) to read:

§ 113.148 Measles Vaccine.

* * * * *

(c) * * *

(6) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only five vaccinates and five controls need to be used in the retest; *Provided,* That five of five vaccinates and at least four of the controls shall meet the criteria prescribed in this section.

* * * * *

(d) * * *

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of the vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ ID_{50} per dose.

* * * * *

Section 113.149 would be amended by revising paragraphs (c)(4) and (d)(2) to read:

§ 113.149 Feline Calicivirus Vaccine.

* * * * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Either 10 vaccinates and 6 controls or 5 vaccinates and 3 controls shall be used in the retest.

* * * * *

(d) * * *

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ $TCID_{50}$ or plaque forming units per dose.

* * * * *

Section 113.150 would be amended by revising paragraphs (c)(4) and (d)(2) to read:

§ 113.150 Feline Rhinotracheitis Vaccine.

* * * * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Either 10 vaccinates and 6 controls or 5 vaccinates and 3 controls shall be used in the retest.

* * * * *

(d) * * *

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ $TCID_{50}$ or plaque forming units per dose.

* * * * *

Section 113.160 would be amended by removing paragraph (e) and by revising paragraph (c)(5) to read:

§113.160 Avian Encephalomyelitis Vaccine.

* * * * *

(c) * * *

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(4) of this section.

* * * * *

Section 113.161 would be amended by removing paragraph (e) and by revising paragraph (c)(5) to read:

§ 113.161 Avian Pox Vaccine.

* * * * *

(c) * * *

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(4) of this section.

* * * * *

Section 113.162 would be amended by revising paragraph (c)(4) to read:

§ 113.162 Bronchitis Vaccine.

* * * * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

* * * * *

Section 113.163 would be amended by removing paragraph (e) and by revising paragraph (c)(6) to read:

§ 113.163 Fowl Laryngotracheitis Vaccine.

* * * * *

(c) * * *

(6) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need by use in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraphs (c)(4) and (5) of this section.

* * * * *

Section 113.164 would be amended by removing paragraph (e) and by revising paragraphs (c)(5) and (d)(3) to read:

§ 113.164 Newcastle Disease Vaccine.

* * * * *

(c) * * *

(5) The Master Seed Virus shall be retested for immunogenicity in 3 years unless use of the lot previously tested is discontinued. Only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(4) of this section.

* * * * *

(d) * * *

(3) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer per dose sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{0.7}$ greater than that used in the immunogenicity test but not less than $10^{2.5}$ EID_{50} per dose.

* * * * *

Section 113.166 would be amended by removing paragraph (e) and by revising paragraph (c)(4) to read:

§ 113.166 Bursal Disease Vaccine.

* * * * *

(c) * * *

(4) The Master Seed Virus shall be retested for immunogenicity in 3 years from the original testing unless use of the lot previously tested is discontinued. only one method of administration recommended on the label need be used in the retest. The vaccinates and the controls shall meet the criteria prescribed in paragraph (c)(3) of this section.

* * * * *

(37 Stat. 832–833; 21 U.S.C. 151–158)

Done at Washington, D.C., this 21st day of October 1982.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 82-29515 Filed 10-20-82; 8:45 am]

BILLING CODE 3410-34

CIVIL AERONAUTICS BOARD

14 CFR Part 221

[EDR-448; Econ. Regs. Docket 41034]

Tariffs; Removal of Requirements for Statements of Fares of Rates Based Upon Units of Distance or Time

Dated: October 7, 1982.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to remove tariff requirements for statements of fares or rates based upon units of distance or time. These provisions appear to be unnecessary, since the Board now encourages innovation in carrier pricing methods. The change is proposed at the Board's own initiative to remove superfluous regulation.

DATES: Comments by: December 13, 1982. Reply comments by: December 28, 1982.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: November 12, 1982.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 41034, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Thomas G. Moore, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5401, or Joanne Hitchcock, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: 14 CFR Part 221 currently contains rules concerning the manner in which carriers file statements of passenger fares or rates, specifically prohibiting fare or rate calculations on a time basis, and expressly setting out the methods for fare or rate calculations on a mileage basis.

Section 221.55, *Time, fares, rates, or charges,* prohibits carriers from filing statements of rates, fares or charges that apply per unit of time. The current language dates from the rulemaking in ER–1125 (44 FR 33056, June 8, 1979), which amended Part 221 to exempt air carriers from the requirement of filing tariffs for charter flights, and eliminated provisos to § 221.55 that allowed charter rates or charges to be stated to apply per unit of time under limited circumstances.

Section 221.54 permits carriers to file statements of fares or charges by mileage, in one of three ways: the tariff may show the applicable distance from each point of origin to each point of destination; the tariff may make reference by CAB numbers to a separate mileage or distance guide, as set out in § 221.106; or, reference may be to the mileage publication of the International Air Transport Association, to that of the Department of Commerce, Coast and Geodetic Survey Publication No. 238, or to the Book of Official CAB Airline Route Maps and Airport to Airport Mileages published by the Air Transport Association of America. Additionally, this section states that point-to-point fares or rates take precedence over mileage fares or rates when both are published for the same transportation.

These provisions lost much of their usefulness with the elimination of charter tariffs (ER–1125), because many of the statements of fares and rates based on time and mileage were filed by carriers for charter operations. Carriers now file fare and rate tariffs solely for their scheduled operations, and most of these state fares and rates to apply on a point-to-point basis. The Board's authority to require tariff filings related to fares and rates for interstate and overseas air transportation will cease on January 1, 1983, although such filings will still be required for international air transportation.

The Board has tentatively concluded that it generally no longer needs to restrict the way that carriers compute or state their fares, and that these sections therefore should be revoked. Under this proposal, carriers would in most cases be permitted to file tariffs that state fares or rates by any reasonable methods. The Board would retain the power to alter, suspend, or reject any fare or rate tariff for foreign air transportation that appeared to be unjust or unreasonable. By Order 82–9–11, the Board required IATA carriers to file fares for through travel to interior points as through fares from origin to interior destination. This should be construed as an unusual circumstance in which the Board found itself obliged to prescribe a reasonable method of fare computation. We do not anticipate doing so frequently in the future.

Regulatory Flexibility Act

In accordance with 5 U.S.C. § 605(b), as added by the Regulatory Flexibility Act, Pub. L. 96–354, the Board certifies that this rule will not, if adopted as proposed, have a significant economic impact on a substantial number of small entities. Commuter carriers are largely exempt from the tariff filing requirements of section 403 of the Act, including those which are the subject of this rulemaking (14 CFR 298.11(b)).

List of Subjects in 14 CFR Part 221

Air rates and fares, credit, Explosives, Freight, Handicapped.

PART 221—[AMENDED]

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 221, *Tariffs*, as follows:

§ 221.52 [Amended]

1. In § 221.52, paragraph (c), *Territorial; application of time or distance rates, or fares*, would be removed. Also in § 221.52, Paragraph (d) would be redesignated as paragraph (c).

§ 221.54 [Amended]

2. Section 221.54, *Distance fares, rates, or changes*, would be removed and reserved.

§ 221.55 [Amended]

3. Section 221.55, *Time fares, rates, or changes*, would be removed and reserved.

§ 221.106 [Amended]

4. Section 221.106, *Mileage or distance guide*, would be removed and reserved.

(Secs. 102, 204, 401, 402, 403, 404, 411, 416, 1001, 1002, Pub. L. 85–726, as amended, 72 Stat. 740, 743, 754, 757, 758, 760, 769, 771, 788: 49 U.S.C. 1302, 1324, 1371, 1372, 1373, 1374, 1381, 1386, 1481, 1482)

By the Civil Aeronautics Board:

Phyllis T. Kaylor,
Secretary.

[FR Doc.82–29546 Filed 10–26–82; 8:45am]

BILLING CODE 6320–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[EE–52–78]

Qualified Joint and Survivor Annuity

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to qualified joint and survivor annuities required to be provided under certain retirement plans. Changes to the present regulations are being made to conform them to *BBS Associates, Inc. v. Commissioner of Internal Revenue*, 74 T.C. 1118 (1980), *aff'd* No. 80–2851 (3d Cir. July 29, 1981) and to simplify them. The regulations would affect sponsors of, administrators of, and participants in certain retirement plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by December 27, 1982. The regulations are generally effective for plan years beginning after December 31, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (EE–52–78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

William D. Gibbs of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3430) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 401(a)(11) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to *BBS Associates, Inc. v. Commissioner of Internal Revenue*, 74 T.C. 1118 (1980), *aff'd* No. 80–2851 (3d Cir. July 29, 1981) and to simplify them. These regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Qualified Joint and Survivor Annuity

Section 401(a)(11) provides that if a trust provides for the payment of benefits in the form of an annuity, such trust must provide for the payment of annuity benefits in a form having the effect of a qualified joint and survivor annuity in order for the trust to be qualified under section 401.

The existing regulations under section 401(a)(11) interpret this provision to require a plan offering a life annuity benefit as a benefit option to provide that the automatic form of benefit payment be a qualified joint and survivor annuity.

The Tax Court and the Court of Appeals for the Third Circuit rejected the Service's interpretation in *BBS Associates, Inc. v. Commissioner of Internal Revenue*, 74 T.C. 1118 (1980), *aff'd* No. 80–2851 (3rd Cir. July 29, 1981). The court held that section 401(a)(11)(A) and 401(a)(11)(E) do not require that the automatic form of benefit distribution be a qualified joint and survivor annuity merely because a plan offers a life annuity as an optional form of benefit. The court also held that *Example 1* of § 1.401 (a)–11(a)(3), which illustrated the Service's position, was invalid.

In notice 82–4, 1982–8 I.R.B. 36, the Service stated that it would not file a petition for a writ of certiorari in the *BBS* case and that the invalidated regulations would be amended.

This notice of proposed rulemaking conforms § 1.401(a)–11 to the *BBS* decision. The proposed regulations require that, in order for a plan to qualify under section 401(a), if the plan offers benefits payable as a life annuity, such life annuity benefits must be paid in the form of a qualified joint and survivor annuity unless the participant elects otherwise.

Approval of Benefit Options

The court also held in the *BBS* decision that section 401(a)(11) was not violated by a plan provision requiring administrative committee consent before forms of benefit payment other than a lump sum could be elected. The proposed regulations clarify that such a procedure is permissible. However, it is made clear that such a procedure can not result in the denial of benefit payments required by section 401(a)(11). The regulations illustrate a method whereby a plan may use an administrative committee and satisfy the requirements of section 401(a)(11).

Changes to Simplify Administration

The proposed changes to the regulations under section 401(a)(11) also include several changes that are intended to ease the administrative burdens of complying with the joint and survivor annuity requirements.

The regulations require the plan administrator to provide certain information to participants concerning their ability to elect out or a joint and survivor annuity and to elect an early survivor annuity. The proposed amendments make it clear that it is permissible to provide this information by posting it, as opposed to mailing or hand delivering it to individual plan participants.

The regulations currently allow defined contribution plans to satisfy the requirement that election of an early survivor annuity be permitted by automatically paying a survivor benefit equal to the vested portion of the account balance. The proposed amendments allow defined benefit plans to adopt a similar procedure if the plan pays a survivor benefit equal to the present value of the vested benefit.

Executive Order 12291 and Regulatory Flexibility Act

The Commissioner has determined that this proposed regulation is not a major regulation for purposes of

Executive Order 12291. Accordingly, a regulatory impact analysis is not required.

Although this document is a notice of proposed rulemaking which solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting information

The principal author of these proposed regulations is Willian D. Gibbs of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

List of Subjects in 26 CFR 1.401-0—1.425-1

Income taxes, Employee benefit plan, Pensions, Stock options, Individual retirement accounts, Employee stock ownership plans.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

Section 1.401(a)-(11) is amended by—

1. Striking out in paragraphs (a)(1), (i), (ii) and (iii) "such benefits" and inserting in lieu thereof "life annuity benefits".
2. Revising paragraph (a)(3) *Example* (1).
3. Revising paragraph (c)(2)(i)(C).
4. Revising the first two sentences of paragraph (c)(3)(ii).
5. Revising paragraph (d)(1) and adding a new paragraph (d)(5).

These revised and added provisions read as follows:

§ 1.401 (a)-11 Qualified joint and survivor annuities.

(a) *General rule*—* * *

(3) *Illustrations* * * *

Example (1). The X Corporation Defined Contribution Plan was established in 1960. As in effect on January 1, 1974, the plan provided that, upon his retirement, a participant could elect to receive the balance of his individual account in the form of (1) a lump-sum cash payment, (2) a lump-sum distribution consisting of X Corporation stock, (3) five equal annual cash payments, (4) a life annuity, or (5) a combination of options (1) through (4). The plan also provided that, if a participant did not elect another form of distribution, the balance of his individual account would be distributed to him in the form of a lump-sum cash payment upon his retirement. Assume that section 401(a)(11) and this section became applicable to the plan as of its plan year beginning January 1, 1976, with respect to persons who were active participants in the plan as of such date (see paragraph (f) of this section). If the X Corporation Defined Contribution Plan continues to allow the life annuity payment option, it must be amended to provide that if a participant elects a life annuity option the life annuity benefit will be paid in a form having the effect of a qualified joint and survivor annuity, except to the extent that the participant elects another form of benefit payment. However, the plan can continue to provide that, if no election is made, the balance will be paid as a lump-sum cash payment. If the trust is not so amended, it will fail to qualify under section 401(a).

* * * * *

(c) *Elections.* * * *

(2) *Election of early survivor annuity*—(i) *In general.* * * *

(C) A plan is not required to provide an election under this subparagraph if—

(*1*) The plan provides that an early survivor annuity is the only form of benefit payable under the plan with respect to a married participant who dies while employed by an employer maintaining the plan,

(*2*) In the case of a defined contribution plan, the plan provides a survivor benefit at least equal in value to the vested portion of the participant's account balance, if the participant dies while in active service with an employer maintaining the plan, or

(*3*) In the case of a defined benefit plan, the plan provides a survivor benefit at least equal in value to the present value of the vested portion of the participant's accrued benefit (determine immediately prior to death), if the participant dies while in active service with an employer maintaining the plan. Any present values must be determined in accordance with actuarial assumptions or factors specified in the plan.

* * * * *

(3) *Information to be provided by plan administrator.* * * *

(ii) The method or methods used to provide the information described in subdivision (i) of this subparagraph may vary. Posting which meets the requirements of § 1.7476-2(c)(1) may be used; see § 1.7476-2(c)(1) for examples of other methods which may be used. * * *

(d) *Permissible additional plan provisions*—(1) *In general.* A plan will not fail to meet the requirements of section 401(a)(11) and this section merely because it contains one or more of the provisions described in paragraph (d) (2) through (5) of this section.

* * * * *

(5) *Benefit option approval by third party.* (i) A plan may provide that optional forms of benefit payment elected by a participant are subject to the approval of an administrative committee or similar third party. However, the administrative committee cannot deny a participant any of the benefits required by section 401(a)(11). For example, if a plan offers a life annuity option, the committee may deny the participant a qualified joint and survivor annuity only by denying the participant access to all life annuity options without knowledge of whether the participant wishes to receive a qualified joint and survivor annuity. Alternatively, if the committee knows which form of life annuity the participant has chosen before it makes its decision, the committee cannot withhold its consent for payment of a qualified joint and survivor annuity even thought it denies all other life annuity options.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. Plan M provides that the automatic form of benefit payout will be a single sum distribution. The plan also permits, subject to approval by the administrative committee, the election of several optional forms of life annuity. On the election form that is reviewed by the administration committee the participant indicates whether any life annuity option is preferred, without indicating the particular life annuity chosen. Thus, the committee approves or disapproves the election without knowledge of whether a qualified joint and survivor annuity will be elected. The administrative committee approval provision in Plan M does not cause the plan to fail to satisfy this section. On the other hand, if the form indicates which form of life annuity is preferred, committee disapproval of any election of the qualified joint and survivor annuity would cause the plan to fail to satisfy this section.

* * * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-29546 Filed 10-26-82: 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF INTERIOR

Minerals Management Service

30 CFR Parts 211, 221, 231, 250, and 270

Decision Not To Propose Rulemaking To Require the Designation of an Operator of Record and the Implementation of a Single Payor Plan for Each Lease

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Decision not to propose rulemaking.

SUMMARY: On June 22, 1982 (47 FR 26856), the Minerals Management Service (MMS) sought comments on the concepts of an operator of record and a single payor plan for each lease, both recommendations of the Commission of Fiscal Accountability of the Nation's Energy Resources. MMS received 41 responses to this notice. Because of the comments and for other considerations, MMS has decided not to propose rulemaking on these two items.

FOR FURTHER INFORMATION CONTACT: Orie L. Kelm, Deputy Associate Director for Royalty Management (703) 860–7511.

SUPPLEMENTARY INFORMATION: After reviewing the comments and considering other material that has been developed, the Minerals Management Board of MMS has reached the following conclusions concerning these two proposed items:

"Operator of Record"

Comments received by MMS pointed out a number of substantial legal and administrative problems that need further research before a decision can be made whether to proceed with a proposed operator of record. Therefore, MMS does not propose to issue a rulemaking on the operator of record concept at this time.

Further study will be undertaken by MMS prior to final determination on how the operator of record concept could best be implemented.

"Single Payor Plan for Each Lease"

MMS feels that the establishment of the payor information form/subaccount system as part of the new Auditing and Financial System, now being established as the permanent royalty collection system, meets the goals of this specific recommendation. Therefore MMS does not propose to proceed with any other type of payor plan process.

List of Subject in 30 CFR Parts 211, 221, 231, 250, and 270

Minerals royalty accounting.

Dated: October 22, 1982.

Robert E. Boldt,

Associate Director for Royalty Management.

[FR Doc. 82-29520 Filed 10-2-82: 8:45 am]

BILLING CODE 4310-MR-M

VETERANS ADMINISTRATION

38 CFR Part 3

Claims Based Upon Ionizing Radiation Exposure

AGENCY: Veterans Administration.

ACTION: Proposed regulations.

SUMMARY: The VA (Veterans Administration) proposes three regulations to comply with an order of the United States District Court for the District of Columbia. The proposed regulations consist of the texts of three internal Agency documents which were previously ruled invalid by the court, but have now been ordered published for public notice and comment. They relate to veterans' disability claims based upon alleged ionizing radiation exposure in service. VA believes that none of the three documents is regulatory in nature, and is appealing the court order compelling this publication. The regulations may be subject to rescission following appellate review of the underlying litigation.

DATE: Comments must be received on or before January 25, 1983. We propose to make these regulations effective date of final approval.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until February 4, 1983. Any person visiting Central Office for the purpose of inspecting comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to a VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: A. J. Mullen, Veterans Administration, Office of General Counsel (021E), 810 Vermont Ave., NW., Washington, DC 20420, (202) 389–3088.

SUPPLEMENTARY INFORMATION: These three proposed regulations are being published to comply with a court order in the case of *Gott v. Nimmo,* No. 80–0906 (D.D.C., Memorandum Order Sept. 7, 1982). For an account of the background of the documents and the course of this litigation, the reader is referred to the supplementary information accompanying the publication in the Federal Register of a proposed VA regulation, 38 CFR 3.161, on May 20, 1982. See 47 FR 21858 (1982) As discussed therein, use of all three of the challenged documents was terminated following the court's order of September 30, 1981, which declared them invalid.

As noted above, an appeal of *Gott v. Nimmo* is now pending before the United States Court of Appeals for the District of Columbia Circuit. Not only is VA advancing the argument that the three documents in question are not such as to be required to be promulgated as proposed regulations, but the DNA (Defense Nuclear Agency) is also challenging the district court's order requiring rulemaking on the methodologies by which it determines ionizing radiation dosages for military participants in nuclear weapon tests. See 47 FR 21853(1982). The basic position of the Government in this litigation is that the materials on which the district court has ordered rulemaking constitute mere informational guidance to agency personnel, and are not rules which substantively bind decisionmaking on veterans' disability claims.

The regulations proposed herein are the verbatim texts on the three VA documents invalidated by the district court by its order of September 30, 1981, modified to conform with format requirements of the **Federal Register.** Because they have been out of use for some time, they may contain some outdated material. Following review of comments received in response to this publication, they will be revised as required. The proposed regulations, which would be added as §§ 3.162, 3.163, and 3.164 to Title 38, Code of Federal Regulations, are set forth below. It is again emphasized that these proposed regulations are being published solely to comply with the court order. Should the Government position in this litigation be upheld on appeal, these documents will be withdrawn.

The Administrator hereby certifies that these proposed rules, if promulgated, would not have a significant economic impact, in terms of compliance costs, paperwork and recordkeeping, or any other regulatory burden, on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that these regulations would affect only individuals applying for VA disability benefits. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, we have determined that these proposed regulation changes are nonmajor for the following reasons:

(1) They will not have an effect on the economy of $100 million or more.

(2) They will not cause a major increase in costs or prices.

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

(Catalog of Federal Domestic Assistance Program number is 64.109)

Approved: October 19, 1982.

Robert P. Nimmo,

Administrator.

PART 3—ADJUDICATION

The Veterans Administration is proposing to amend 38 CFR Part 3 as follows:

Sections 3.162, 3.163, and 3.164 are added to read as follows:

§ 3.162 Joint Department of Defense and Veterans Administration memorandum of understanding on investigation of ionizing radiation injury claims from veteran atmospheric nuclear weapons tests participants.

(a) *Purpose and scope.* The purpose of this memorandum of understanding is to formalize and improve existing procedures to ensure the most complete investigation of veterans' ionizing radiation injury claims. The procedures agreed upon herein will apply to administrative claims for medical care, disability compensation, or survivor benefits that are filed with the Veterans Administration (VA) by eligible veterans (or by survivors on behalf of eligible veterans) who were participants in the U.S. atmospheric nuclear weapons testing program, 1945–1952, and who allege injury, disease process, or death resulting from exposure to nuclear-test-related ionizing radiation.

(b) *General.* Although the VA and the Department of Defense (DOD) have cooperated intimately for over a year in developing background detail for veterans claims, it is apparent that we are now in a position to do more, particularly in cases for which no recorded radiation dosage is available. Within the past few months, several methodologies for dose reconstruction have been developed and refined, and in a number of cases these methodologies have provided the VA with valuable supporting information. Subsequently, VA–DOD planning conferences on May 29 and June 5, 1979, developed the key elements of this memorandum of understanding.

(c) *Policy.* The VA will determine the critical elements of information necessary to support each case. The DOD will thoroughly research each case to develop as much as possible the information needed.

(d) *Implementation.* The VA and the Defense Nuclear Agency (DNA) will issue implementing instructions necessary to insure the accomplishment of the general provisions in this agreement.

(e) *Responsibilities and procedures.* (1) *VA.* Requests for information originating at Regional Offices (RO) will be reviewed by the Compensation and Pension Service (C&P Service). C&P Service will:

(i) Select cases that are within the scope of this agreement.

(ii) Determine critical information needed to support each claim.

(iii) Determine the VA priority for DOD development of necessary information (IMMEDIATE/PRIORITY/ROUTINE).

(iv) Prepare a request for information using Appendix A to this section as a guide to provide all available information that may be helpful to DOD researchers.

(v) Forward each request, through the VA Records Development Division, to the appropriate Military Service action office, with information copy to DNA. Appropriate addresses are listed in Appendix B to this section.

(2) *DOD.* Action offices for this program are part of DOD Nuclear Test Personnel Review (NTPR) Teams in each Military Service. Action offices will:

(i) Thoroughly research each referred case according to priorities established by C&P Service.

(ii) Reconstruct a range of probable exposures for the claimant if required. If existing methodologies are inappropriate, develop new methodology, individually research each case, and/or develop alternative items of information which may be helpful in adjudicating each claim.

(iii) Respond directly to the VA Records Development Division (Appendix B), with information copy to DNA. In cases where unavoidable delay is anticipated, provide interim notice with reason and projected completion date.

(iv) In extreme cases where no helpful information can be provided, respond accordingly with appropriate explanation.

(v) Requests within the scope of this program received directly from VA RO's will be forwarded to C&P Service for processing.

(f) *Principles of operation.* (1) Radiation dosage reconstruction or calculation will be requested only when absolutely necessary, and not in cases where service-connection can be logically established using other means (such as disease process trends in medical records, available film badge readings, etc).

(2) Radiation dosage reconstruction or calculation will be requested only for claimed disabilities that may eventually be attributable to nuclear-test-related ionizing radiation exposure, e.g., selected types of cancer. In cases of doubt, C&P Service should request dose reconstruction. Any disagreement by Military Service action offices should be brought to the attention of DNA for resolution with C&P Service.

(3) Priorities will be established according to the urgency of need of the claimant.

(4) Examples of critical information that is considered appropriate for development through this program are verification of test participation, recorded dosage, reconstruction or calculation of possible exposure range, and description of individual or unit activities at the test site.

(g) *Dosage reconstruction.* (1) DNA, through one of its contractors, is calculating probable exposure ranges for selected atmospheric test participant groups. As these are completed, DNA will distribute the results (with recommended limiting factors on use) to VA (C&P Service) and Military Service action offices for general use.

(2) Other dose estimation methodologies are in current use or

being developed by the NAvy NTPR Team and the Army NTPR Team; and it is expected that others will be developed during execution of this program. As calculations of probable exposure ranges are completed for specified groups/units/ships, these will be distributed to other interested action offices and C&P Service (with appropriate limiting factors) for general use.

(h) *Updating of previous claims.* By previous verbal agreement, VA C&P Service is gathering available personnel identification data on all previously investigated claims within the purview of this agreement. VA C&P Service will assign priorities to each of these claims and send them to DNA who will distribute to Military Service action offices. Recorded radiation doses will be checked by action offices with current, updated radiation dosimetry files. The remainder that require dosage reconstruction or other information will be processed by action offices according to the provisions of this memorandum, except that replies will be sent directly to C&P Service, Attn: 211C.

Appendix A to § 3.162

Personnel Identification Form

[To Accompany VA Requests for Information]

Note.—All available information will be helpful. Information generally considered to be critical is identified by (*).

Note to users.—Disclosure of this information to unauthorized users could result in prosecution under the provisions of the Privacy Act of 1974.

*VA priority ______
(Immediate, priority, routine) ______

Participant Identification Information

VA claim number ______

*Name (Last) (First) (Middle) ______

Sex: M F ______

Social security number ______

*Telephone (Area Code) (Number) ______

Birthdate (Month/Day/Year) ______

*Address ______
(Number or P.O. Box) (Street) (Apt.) ______

(City) (State) (ZIP) ______

*Armed Service

Rank (at time of test)

*Service number(s) ______

Place of birth (City) (State) ______

Claimant Identification Information

[If Different From Participant]

Relation to participant ______

Name (Last) (First) (Middle) ______

Sex: M F

Telephone (Area Code) (Number) ______

______

Address (Number or P.O. Box) (Street) (Apt.)

______

(City) (State) (ZIP) ______

Test Participation Information

Test series name(s) ______

Shot name(s) ______

Shot dates(s) ______

*Date(s) present at test site(s)

______

______

*Test location(s)

Dosimeter(s), Film Badge(s) issued? Yes No Worn? Yes No

*Unit/ship (home station) ______

*Unit/ship (at test site) ______

*Description of activities/participation ______

______

Participant Status and Claim Information

Deceased? Yes No
Cause of death ______

Year ______

Benefit(s) claimed ______

Alleged service-connected injury, disease process, or cause of death ______

______

VA diagnosis ______

Other diagnosis and source ______

*Location of medical record ______

*Specific research or information requested from DOD ______

______

*Specific research or information already requested from other sources, e.g., REECo. ______

______

Appendix B to § 3.162

Addresses

[Action Organizations and Monitoring Offices]

Army Action Office

DAAG–AMR–S, TAGO, Attn: ANTPR, Forrestal Building, Room GAO 76, Washington, D.C. 20314, Phone: (202) 693–1847

Navy Action Office

Navy NTPR, Commonwealth Building, Room 756, 1300 Wilson Boulevard, Arlington, VA 22209, Phone: (202) 697–1890/1904/1909

Air Force Action Office

HQ, USAF/SGES, Attn: AFNTPR, Bolling Air Force Base, Washington, D.C. 20332, Phone: (202) 767–5078

Marine Corps Action Office

Commandant of the Marine Corps, Code MSRB–60, HQ, USMC, Washington, D.C. 20380, Phone: (202) 694–8161

VA Request Processing Office

Veterans Administration, Records Development Division (231C), Administrative Service, 810 Vermont Avenue, N.W., Washington, D.C. 20420

VA C&P Service

Veterans Administration, Director for Field Services (212), Compensation and Pension Service, 810 Vermont Avenue, N.W., Washington, D.C. 20420, Phone: (202) 389–3982/3909/3976

DNA Monitoring Office

HQ, Defense Nuclear Agency, NTPR Coordinator, Room 165, Washington, D.C. 20305, Phone: (202) 325–7064/0459/7744

§ 3.163 Rating practices and procedures—disability—ionizing radiation exposure.

(a) *Claims alleging disabilities attributed to exposure to ionizing radiation.* (1) For some time, claims have been received in which it is alleged that disabilities have resulted from veterans' exposure to ionizing radiation during service through their participation in atmospheric testing of nuclear devices.

(2) Some 200,000 U.S. military personnel participated in the atmospheric testing of nuclear weapons in Nevada and the South Pacific between 1945 and 1962. Since the Limited Test Ban Treaty of 1963, all U.S. tests have been underground.

(3) This testing and the resultant health hazard were discussed in a recent comprehensive study of the health effects of ionizing radiation by representatives of several executive agencies, including the VA, HEW, DOD, DoE, DoL, EPA and NRC. The findings are contained in the "Report of the Interagency Task Force on the Health Effects of Ionizing Radiation," June 1979. The Interagency Task Force (hereinafter referred to as "ITF") reported that an estimated 43% of the test participants received no exposure to ionizing radiation as a result of their participation; 87% received less than 1 rem of external radiation; 97% less than 3 rem, and over 99% less than 5 rem. It should be pointed out that these estimates are based upon external film badge reading of participants.

(4) Although film badge readings are available for a large number of participants, not every participant was badged. In some cases, for units in which individuals operated in close proximity to each other (e.g., a ship's crew, an infantry squad), a representative sample of the unit was badged. In general, this was done for

units which were not expected to be exposed to significant radiation. Individual badging was generally carried out for persons expected to be exposed to higher levels of radiation.

(5) The badges measured external gamma and high energy beta radiation, as these were the types of greatest concern. They did not measure direct neutron radiation, to which few, if any, participants were exposed. Nor did the badges measure low energy beta, which would not penetrate the badge covering (just as it would not penetrate clothing or skin). Finally, the badges did not measure any dose commitment that may have occurred from inhalation or ingestion of radioactive particles. All research and analysis to date indicate that there is little likelihood that test participants inhaled or ingested any significant amounts of radiation; however, additional studies are underway, and the possibility should not be entirely discounted.

(6) Film badges and dosimeters were subject to errors that should be taken into account in assessing dose received. An error factor of ±20% is generally recognized as reasonable for the badges and dosimeters used at that time, and as high as ±50% in some instances.

(b) *Health effects of ionizing radiation* (1) *Acute somatic effects.* Individuals exposed to high levels and rates of ionizing radiation may experience acute somatic effects within days or weeks after exposure. The ITF reported that single, whole-body doses of over 100 rem can affect bone marrow cells and cells lining the intestinal tract, causing such effects as anemia, hemorrhage, infections, nausea and diarrhea. High doses were also said to cause neural cell damage. Chromosomal damage occurs at lower dose levels, as well as high doses.

(2) *Late somatic effects.* (i) Although there are little positive data on the health effects of low-dose radiation, some negative data (Japanese atom bomb survivors, studies of background radiation) do exist. The failure to show positive results in these studies is attributed to the small sample sizes, since large samples are needed to reveal the relatively infrequent effects expected at low doses.

(ii) A recent study by the Center for Disease Control, reported in the Journal of the American Medical Association issue of October 3, 1980, noted preliminary findings indicating that nine cases of leukemia have occurred among 3,224 participants in military maneuvers during the 1957 nuclear test explosion "Smoky." This figure represents a statistically significant increase over the expected incidence of 3.5 cases in a population of that size. Film badge data for eight of the leukemia victims were available, with gamma doses ranging from zero to 2,977 mrem. Mean gamma dose among the eight cases was 1,167 mrem. The report noted that the dosage data were of uncertain accuracy, since the film badges may have been worn at other tests in addition to Smoky and they recorded only external (gamma and beta) radiation without measuring possible internal exposure or neutron radiation. Further, the authors cautioned that inherent weaknesses of the study, such as the relatively small number of cases involved, make it difficult to draw useful conclusions as to the relationship between radiation exposure and subsequent health problems. Thus far, the authors have failed to note increased mortality from any form of cancer other than leukemia. A much larger group of former test participants is the subject of an extensive, Government-funded morbidity/mortality study currently being undertaken by the National Academy of Sciences.

(iii) Current estimates of low-dose health effects are based on studies of medical exposure, as well as the Japanese atom bomb survivors.

(iv) Cancer is the major disease associated with radiation exposure. Certain sites (e.g., blood-forming tissue, female breast) appear more sensitive, but other tissues also are shown to be at increased risk. It is not unlikely that eventually all tissue may be shown to be subject to radiocarcinogenesis.

(v) Various types of cancer have been linked to radiation by epidemiological studies conducted among persons exposed to atom bomb radiation and fallout, persons exposed to diagnostic or therapeutic radiation, and persons exposed to radiation in their occupations.

(A) The following cancers show strong associations:

Leukemia (except chronic lymphatic leukemia)
Thyroid
Female breast
Lung
Bone
Liver
Skin

(B) The following cancers show associations that appear meaningful but are less striking:

Lymphoma (including multiple myeloma)
Stomach
Esophagus
Bladder
Brain
Salivary gland
Colon
Rectum

(C) The following cancers show suggestive but unconfirmed associations:

Uterus
Cervix
Kidney
Pancreas
Small intestine

(D) The ITF acknowledged that ongoing and proposed research will permit a more definitive listing of late somatic effects of low-level ionizing radiation.

(vi) There are no distinguishable pathological features of the cancers induced by radiation from which they may be differentiated from cancers due to "natural" factors. It is thus impossible to say *with certainty* whether such a disease would have occurred regardless of the radiation exposure.

(vii) In the absence of acceptable hard data on the latent effects of low level radiation, the ITF reports, it has been necessary to assume that there is a directly proportional or "linear" relationship between the risks of high and low doses. This theory assumes as well that there is no threshold level of exposure below which radiation will not have any potentially carcinogenic effect. These assumptions have been criticized as both underestimating and overestimating the potential hazard of low-dose exposure, although it would appear that they currently offer a sound basis for projecting this risk.

(viii) The Work Group on Care and Benefits of the ITF reported a "natural" incidence of fatal cancer of 1,600 in any population of 10,000. They provided the estimate of one additional death for each additional rem to which the entire group was exposed: for example, if all in a group of 10,000 were exposed to one rem in addition to naturally occurring background radiation, there would be only one fatal cancer beyond the 1,600 otherwise expected. Since the 200,000 test participants received an average dose of about half a rem, some *ten* fatal cancers from among the entire group can be expected over the lifetime of the participants which might be statistically related to radiation exposure. On the other hand, some 32,000 fatal cancers *not* related to this radiation can be expected.

(3) *Genetic effects.* Experimental studies in animals have shown that radiation can produce gene mutations which can result in abnormalities in later generations. However, no genetic effects have ever been observed in humans, despite much data and extensive study.

(c) *Development of evidence.* Claims for disabilities based upon such exposure pose unique development problems for claimants and special assistance should be extended to them. Section 3.164 provides for Central Office coordination of the search of Government records for exposure data, and lists the identifying information necessary for these special searches to ensue.

(d) *Adjudication of claims—reasonable doubt.* (1) The problems inherent in the adjudication of claims in which there are allegations of late somatic effects of radiation are many. The records obtained may not conclusively place an individual at a test site or elsewhere, or document with certainty the dosage of exposure in a given claim. The resolution of reasonable doubt in a claimant's favor requires that, at a minimum, veterans be presumed to have been present at a test or series of tests as claimed unless the service department conclusively places them elsewhere at the time in question. Also, when an individual dosimetry reading for a claimant is not available but the service department is able to supply or estimate a range of exposure for the claimant's organizational unit, exposure at the upper limit of the range is to be conceded.

(2) In keeping with the application of the reasonable doubt standard, even where an individual dosimeter reading is available, the reading should be carefully interpreted in light of the known variance in those readings. Further, an overall estimated exposure level for the veteran's organizational unit, if any, should be used if more beneficial to the veteran than the adjusted dosimeter reading.

(3) The many remaining unknowns concerning the carcinogenic effects of low-level radiation make such determinations especially perflexing. It should presently be assumed, however, that there is no level of exposure below which some risk does not attach, and that the probability of radiation-induced disease increases with the intensity and duration of exposure. That is not to say that dosage should be the sole, or even controlling, criterion. Consideration should be given to such factors as the estimated date of onset of the disease in relation to the dates of exposure, and where available, to such post-service personal and occupational histories as cigarette smoking (in lung cancer cases) and significant contact with other known carcinogens (such as benzene in leukemia cases).

(4) Where the evidence in its entirety creates a reasonable doubt as distinguished from speculation or remote possibility, such doubt should be resolved in favor of service connection. Additionally, there should be no hesitancy in submitting claims based on malignancies to Central Office (212) for advisory opinions.

(e) *Copies of rating sheets furnished to Compensation and Pension Service.* The copies of rating sheets furnished to C&P Service should contain the dates and branch of service; serial number; name, date and location of all A-tests attended; the military unit to which assigned at time of test; duty assignment at test; dosimetry reading or amount of radiation exposure, if known; and any other identifying information which would assist in any further search for information.

§ 3.164 Development of ionizing radiation exposure.

(a) *General.* (1) When claims are received stating that disability is the result of an exposure to ionizing radiation while a participant in an atmospheric nuclear weapons test, a special search will be required for dosimetry data.

(2) An understanding between the Defense Nuclear Agency and the VA requires that this search be coordinated through Compensation and Pension Service (212A).

(b) *Development.* (1) *Nuclear atmospheric tests.* In addition to requesting all treatment evidence of record, full development will be undertaken to secure from the claimant detailed facts as to:

(i) The dates and place of the test;

(ii) Operation or test shot code names;

(iii) The number of tests witnessed;

(iv) The organization or unit (ship, task group, company or squadron, etc.) and rank at time of test;

(v) The duty place and organization unit from which claimant may have been detailed for participation;

(vi) A detailed description of activities during the entire period of participation, including:

(A) How far was the veteran from the center or ground zero at the time of each explosion?

(B) At the time of each explosion, was the veteran in the open, under cover (building, closed vehicle, trench, etc.), in a plane or aboard ship (on or below deck)?

(C) Did the veteran move to or toward ground zero after the explosion, how soon thereafter, and how close?

(D) How long did the veteran remain in the vicinity of the explosion, initially and after advancing?

(E) Is the veteran aware of any peculiarity of the trials (unexpected wind change, severe dust conditions, etc.?)

(vii) Whether a film badge was issued and worn;

(viii) The names of other servicepersons with the claimant at time of participation;

(ix) Complete clinical records, not summaries, of all medical care received during or after service, together with all tissue blocks, slides, or other pathology samples; and

(x) A record of preservice and postservice radiation exposure, including all medical and occupational sources, and a record of exposure to other known carcinogenic agents (cigarettes, chemicals, etc.).

(2) *Other than nuclear atmospheric tests.* When a claimant alleges exposure by reason of the nature of military duties, such as radiologist, X-ray technician, nuclear power technician, etc., in addition to request for all service clinicals, a separate VA Form 60-3101 will be prepared requesting a copy of DD Form 1141, Record of Occupational Exposure to Ionizing Radiation (if maintained) form the 201 file. Note: These cases will not be reported to Central Office for further development.

(c) *Report to Central Office.* (1) Subsequent to development as outlined in paragraph (b) of this section, the following additional information will be telephoned to the Compensation and Pension Service (212A), FTS 389-3909, 3976, or 3982:

(i) File number;

(ii) Social security number;

(iii) Service number;

(iv) Period of service;

(v) Claimant's telephone number and address;

(vi) Veteran's date and place of birth; and

(vii) Nature of disability.

(2) The Compensation and Pension Service (212A) will initiate the necessary contact with the appropriate National Test Personnel Review Office. Final rating action will be deferred until reply is received from Compensation and Pension Service.

(d) *Expungement of classified military data.* Information relative to military bases where nuclear weapons may be located within the continental United States is classified Confidential whereas locations past or present outside the continental United States are classified Secret or Top Secret. The fact that a veteran inadvertently revealed such information in an application for benefits should not be compounded by further release within or without the VA in any manner.

(1) Such classified data will be cut out (rather than obliterated) from such records or statements.

(2) A VA Form 119, Report of Contact, prepared for the claims file and signed by the Adjudication Officer, or supervisory designee not lower than the Assistant Adjudication Officer, will cite the kind of evidence removed, the reason for record expungement, and summarize or restate any other obliterated facts or statements not referring to specific military bases where nuclear exposure allegedly occurred.

[FR Doc. 82-29517 Filed 10-26-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-002; (A-4-FRL 2195-3]

Approval and Promulgation of Implementation Plans; Tennessee: Prevention of Significant Deterioration Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On June 19, 1978 (43 FR 26380), EPA promulgated regulations for the prevention of significant air quality deterioration (PSD) and requirements for States to develop and submit regulations for PSD. These regulations were based on the Clean Air Act Amendments of 1977. On August 7, 1980 (45 FR 52676), EPA promulgated revised PSD regulations requirements for State plans.

On December 9, 1981, Tennessee submitted regulations to meet the PSD requirements. On May 25, 1982, Tennessee submitted supplemental information along with draft revisions to the original PSD submittal of December 9, 1981. EPA proposes today to approve the Tennessee PSD regulations and draft revisions (which are being parallel processed) with the understanding that certain changes will be made by the State in the latter before they are adopted.

DATE: To be considered, comments must be received on or before November 26, 1982.

ADDRESS: Written comments should be addressed to Raymond S. Gregory of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the materials submitted by Tennessee may be examined during normal business hours at the following locations:

Air Management Branch, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365

Tennessee Air Pollution Control Division, 150 9th Avenue North, Nashville, Tennessee 37203

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory of EPA Region IV's Air Management Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, telephone 404/881-3286 (FTS 257-3286).

SUPPLEMENTARY INFORMATION: On December 5, 1974, EPA published regulations under the 1970 version of the Clean Air Act for the prevention of significant air quality deterioration (PSD). These regulations established a program for protecting areas with air quality cleaner than the national ambient air quality standards (NAAQS). The Clean Air Act Amendments of 1977 mandated certain immediately effective changes in EPA's PSD regulations, and established comprehensive new PSD requirements which are to be incorporated by States into their implementation plans. On June 19, 1978 (43 FR 26380), and August 7, 1980 (45 FR 52676), EPA promulgated guidance to assist States in preparing State implementation plan (SIP) revisions meeting the new requirements.

The State of Tennessee has complied with these requirements and has adopted and submitted on December 9, 1981, a new rule 1200-3-9-.01-(4) for the review of new sources. On May 25, 1982, the State submitted draft revisions to the original submittal. Provisions of Tennessee's PSD regulations include a listing of sources considered to be major sources, what constitutes maximum allowable increases (increments) for Class I, II, and III areas, public participation requirements, procedures for areas violating increments, requirements for sources impacting Class I areas and procedures for innovative control technology waivers. In addition, Tennessee's regulations specify that sources apply best available control technology.

EPA today proposes to approve the original submittal and the draft revisions with the understanding that the following changes will be made.

The definition of "necessary preconstruction approvals or permits" should be changed to read, "means all permits or approvals required under air quality control laws and regulations." Under the proposed definition it would be possible for a source to be grandfathered even if it had not obtained all required air permits before the appropriate cut-off date.

The definition of "baseline date" should be changed to read, "means the earliest date after August 7, 1977, that a major stationary source or major modification submits a complete application to this Division 1200-3 or the EPA Administrator." With the proposed definition, Federally-issued PSD permits may not trigger the baseline.

The definition of "legally enforceable" should be changed to read, "means all limitations and conditions which are enforceable by the Technical Secretary and the EPA Administrator."

The State did not specify in the SIP that alternative air quality models must be submitted to the Administrator for approval. However, the State does specify such in the permit application instructions given to prospective PSD applicants. In addition, the State indicated in May 25, 1982, submittal that the State would include all guidelines concerning approved EPA models and methods for approval of alternative models in the SIP.

The PSD SIP submittal requires sources to obtain emissions offsets to cure predicted violations of PSD increments or air quality standards only if otherwise required under Tennessee's new source review provisions for non-attainment areas. The State has indicated that it will change this provision to require sources to obtain emissions offsets to cure predicted increment or standard violations wherever necessary.

The original PSD submittal did not include a procedure for notifying EPA and Federal Land Managers concerning a PSD permit affecting a Class I area as required. The draft revisions did require notice of permit applications and preliminary determinations. The notification requirement should also include notification of public hearings, final determinations, and permits issued.

The States are required to adopt procedures for obtaining the consent of the Governor(s) of an affected neighboring state when an innovative technology waiver is granted. The State revision requires only consultation with Governor(s) of affected states. EPA therefore proposes to reserve the permitting authority for sources requesting innovative technology waivers where there is a significant impact on a state(s) adjacent to Tennessee.

Although EPA is proposing to approve the Tennessee revisions, it should be noted that certain portions of the revisions would require inclusion of vessel emissions in the review of certain stationary sources. In connection with EPA's recent amendments to SIP new source review requirements, 47 FR 27554, 27555–27556 (June 25, 1982), several members of the maritime industry raised the claim that States are implicitly preempted from requiring such reviews by the Ports and Waterways Safety Act, as amended, 46 U.S.C. 391(a) *et seq.* EPA is still considering these claims. Accordingly, a final decision on whether to approve the vessel emission provisions of the revised regulations may be deferred until this issue is resolved. It should also be noted, however, that any EPA decision on whether to approve these revisions, in so far as they apply to vessel emissions, will not affect the applicability of the rules for purposes of State law.

Action

EPA proposes to approve revisions to the Tennessee State Implementation Plan submitted on December 9, 1981, and the draft revisions submitted on May 25, 1982, if certain changes are made in the draft revisions. In addition, EPA is proposing to reserve the permitting authority for sources requesting innovative technology waivers where there is a significant impact on a state(s) adjacent to Tennessee.

As previously stated, written comments must be received on or before November 26, 1982. A thirty-day comment period is being used because the SIP submission and the issues involved are not so complex as to warrant a longer comment period. At the close of the comment period, EPA will review all comments and any changes made by Tennessee before publishing a notice of final rulemaking.

Under 5 U.S.C. Section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under Executive Order 12291, today's action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

(Secs. 110 and 161, Clean Air Act (42 U.S.C. 7410 and 7471))

Dated: August 11, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82–28542 Filed 10–26–82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 171

[OPP 40004C; PH-FRL 2187-3]

Certification of Pesticide Applicators; Expansion of Recertification Time Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to extend the period of validity of the certifications of pesticide applicators who are certified under a Federal pesticide applicator certification program as authorized by section 4 of the amended Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA or the Act). The proposed rule would require recertification of commercial applicators after three years, instead of the present two-year requirement; private applicators would have to be recertified every four years instead of the present three-year requirement. At present, Federal pesticide applicator certification programs are administered by EPA in Nebraska and Colorado. The operation of State programs with longer recertification intervals has not been demonstrated to be less effective than the shorter intervals required in Federal certification programs. However, the longer recertification interval does not place less burden on the pesticide applicator and results in less cost to the administrating agency.

DATE: Comments regarding the proposed rule will be accepted until December 27, 1982.

ADDRESSES: Written comments should be submitted to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, D.C. 20460.

Comments should bear the identifying notation OPP 40004C. The administrative record, including comments, is available for public inspection in Room E–107 at the address noted above from 8:00 a.m. to 4:00 p.m. Monday through Friday except legal holidays.

FOR FURTHER INFORMATION CONTACT: John MacDonald, Office of Pesticides and Toxic Substances, Enforcement (EN–342), Environmental Protection Agency, Rm. 2416, 401 M St., SW., Washington, D.C. 20460 (202–755–9201).

SUPPLEMENTARY INFORMATION:

Discussion

Section 4(a)(1) of FIFRA, as amended in 1978 (Pub. L. 95–396, 92 Stat. 819, 7 U.S.C. 136b(a)(1)), requires the Administrator to conduct a Federal pesticide applicator certification program in those States which do not have an approved certification plan under section 4 of the FIFRA. Federal applicator certification regulations (40 CFR 171.11) require applicators applying restricted use pesticides to be certified.

These regulations specify that a commercial applicator's certification is valid for two years and a private applicator's for three years. The requirement that applicators be recertified at the specified intervals is to ensure that they meet the requirements of changing technology and maintain a continuing level of competence. EPA established Federal pesticide applicator certification programs in Nebraska and Colorado pursuant to these regulations, when the States did not develop programs of their own. The establishment of Federal programs in Nebraska and Colorado were announced in the **Federal Register** of March 15, 1978 (43 FR 10727) and June 29, 1978 (43 FR 28249), respectively.

EPA has monitored and evaluated both the operation of the two Federal pesticide certification programs and EPA-approved State pesticide certification programs. Many of the State programs require recertification at less frequent intervals than the Federal programs. The most common State recertification interval for commercial applicators is three years. Recertification intervals for private applicators are often somewhat longer. The operation of State programs with longer recertification intervals has not been demonstrated to be less effective than the shorter intervals required in Federal certification programs. However, the longer recertification interval does place less burden on the pesticide applicator and results in less cost to the administrating agency. For these reasons EPA is proposing to extend the recertification intervals to three years for commercial applicators and four years for private applicators.

This rule will not be effective until 60 days after publication of the final rule in the **Federal Register.** The rule, if adopted, would not extend the certification period of those applicators who are presently certified with the Agency. The expanded recertification time period would apply to certifications and recertifications issued after this amendment's effective date.

Statutory Review

Copies of this proposal were provided to the Secretary of Agriculture and the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate in accordance with FIFRA sec. 25(a)(3).

Regulatory Flexibility Act

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA hereby certifies that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small businesses. This proposed rule currently has an impact only on those applicators who are certified by EPA in Nebraska and Colorado. These will not be any detrimental economic effects on these applicators in that the regulatory requirement is being relaxed with a cost savings to them.

Compliance With Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether a rule is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This rule in not "Major" since it affects only restricted use pesticide applicators in Nebraska and Colorado. This rule does not impose any further regulatory requirements on pesticide applicators. The proposed rule:

(1) Does not have an annual effect on the economy of $100 million or more.

(2) Will not substantially increase costs to consumers, industry, or the government.

(3) Will not have a significant adverse effect on competition, employment, investment, productivity, or innovation.

This proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any response to those comments are available for public inspection at the office of the Document Control Officer, Rm. E-107, at the address given above.

List of Subjects in 40 CFR Part 171

Pesticides and pests, Intergovernmental relations, Indian lands.

Dated: October 18, 1982.

Anne M. Gorsuch,

Administrator.

PART 171—[AMENDED]

Therefore, it is proposed that 40 CFR 171.11 be amended by revising paragraphs (c)(4) and (d)(2) to read as follows:

§ 171.11 Federal certification of pesticide applicators in States or Indian Reservations where there is no approved State or tribal certification plan in effect.

* * * * *

(c) * * *

(4) *Certification procedure.* An individual who desires to be certified or recertified under this paragraph shall complete the EPA certification form and submit the form to the appropriate EPA Regional Office. In order to be initially certified as a commercial applicator under this paragraph, an individual must take and pass written examinations approved by the Administrator and administered by the Administrator or any other party approved by him or her. A general examination will be given, based on the general standards found in § 171.4(b) and the standards for supervision found in § 171.6. In addition, specific category and subcategory examinations will be given, based on the appropriate category or subcategory standards found in § 171.4(c) and the applicable Federal plan. The Administrator will notify the individual in writing of the results of the examinations within 45 days unless special circumstances justify a longer time period. The Administrator will issue to each person who has passed a general examination and one or more category or subcategory examinations a commercial applicator certificate covering each category and subcategory in which he or she has qualified. A commercial applicator certificate is valid for a period of three years from the date of issuance, unless earlier suspended or revoked by the Administrator (two years from the date of issuance, in the case of certificates issued prior to [effective date of amended rule]), and is valid within the State or Indian Reservation named on the certificate.

* * * * *

(d) * * *

(2) *Issuance of certificates.* The Administrator will issue a private applicator certificate to each individual who successfully completes any available certification option. Individuals who, for any reason, fail to complete successfully a certification option may attempt to complete the same option or, if available, an alternative option. A private applicator certificate is valid for a period of four years from the date of issuance (three years from the date of issuance, in the case of certificates issued before [effective date of amended rule]), unless earlier suspended or revoked by the Administrator, and is valid within the State or Indian Reservation name on the certificate.

* * * * *

[FR Doc. 82-29335 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 1E2529/P256; PH-FRL 2232-6]

Chlorpyrifos; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that a tolerance be established for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the raw agricultural commodity cherries. This proposed regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was submitted pursuant to a petition by the Interregional Research Project No. 4 (IR-4).

DATE: Comments must be received on or before November 26, 1982.

ADDRESS: Written comments to: Emergency Response Section, Process Coordination Branch, Registration Division (TS-767C), Environmental Protection Agency, Rm. 716B, CM No. 2 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs (703-557-1192) at the above address.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition number 1E2529 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Michigan and Ohio.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act, propose the establishment of a tolerance for combined residues of the insecticide chlorpyrifos [*O,O*-diethyl-*O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol (TCP) in or on the raw agricultural commodity cherries at 1.5 parts per million (ppm). The petition was later amended to propose a tolerance of 2.0 ppm combines residues.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the proposed tolerance were a 2-year rat feeding study with a red-blood-cell cholinesterase (RBC ChE) no-observed-effect-level (NOEL) of 0.1 mg/kg/day and negative oncogenic potential; a 2-

year dog feeding study with a RBC ChE NOEL of 0.1 mg/kg/day; a 180-day rat feeding study with a RBC ChE NOEL of 0.15 mg/kg/day; a 90-day dog feeding study with a RBC ChE NOEL of 0.03 mg/kg/day; a 3-generation rat reproduction study with a NOEL of 1.0 mg/kg (highest dose); and a mouse teratology study negative at 25 mg/kg/day (higest dose). A rat teratology study and an additional reproduction study must be submitted within a reasonable period of time.

The acceptable daily intake (ADI), based on the 2-year rat feeding study (RBC ChE NOEL of 0.1 mg/kg/day) and using a 10-fold safety factor, is calculated to be 0.01 mg/kg of body weight (bw)/day. The maximum permitted intake (MPI) for a 60-kg human is calculated to be 0.6 mg/day. The theoretical maximum residue contribution (TMRC) from existing and proposed tolerances for a 1.5 kg daily diet is calculated to be 0.6406 mg/day; the current action will increase the TMRC by 0.0031 mg/day (0.48 percent). Published and proposed tolerances utilize 106.77 percent of the ADI; the current action will utilize an additional 0.51 percent.

The nature of the residues is adequately understood and adequate analytical method, gas chromatography, using a flame photometric detector to determine chlorpyrifos and a ^{63}Ni electron capture detector to determine the TCP, is available for enforcement purposes. Supportive residue data are from tests conducted in Michigan. Since cherries are not normally used for animal feed, there will be no problem of secondary residues in meat, milk, poultry and eggs. There are presently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the tolerance established by amending 40 CFR 180.342 would protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, "[PP 1E2529/P256]". All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, agricultural commodities, Pesticides and pests.

Dated: October 14, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.342 be amended by adding and alphabetically inserting the raw agricultural commodity cherries to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cherries	2.0
* * * * *	

[FR Doc. 82-29081 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PP 2E2701/P257, PH-FRL 2230-8]

Permethrin; Proposed Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes the establishment of a tolerance for the combined residues of the insecticide permethrin and its metabolites in or on the raw agricultural commodity spinach. This proposed regulation establishes the maximum permissible level for the combined residues of the insecticide in or on spinach.

DATE: Comments must be received on or before November 26, 1982.

ADDRESS: Written comments, bearing the document control number (OPP 2E2701/P257) should be submitted to: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, PM-17, at the above address.

SUPPLEMENTARY INFORMATION: The Agency was informed that approximately 200 acres of spinach, grown in Tennessee, were treated with the insecticide permethrin ((3-phenoxyphenyl)methl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate). The spinach is currently being held in storage pending establishment of a tolerance level for residues of permethrin in or on spinach. Based on residue data on spinach and other leafy vegetables, it is concluded that a level of 20 parts per million (ppm) is adequate to cover residues of the parent compound and its metabolites, 3-(2,2-dichloroethenyl-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl)methanol (3-PBA). The toxicological data considered in support of this chemical was discussed in a related document [PP 8F2099, 9F2196, 9F2243, 9F2192, 0F2425, 0F2307, 9F2207, 1F2562, 1F2564/R422] published in the **Federal Register** of October 13, 1982 (47 FR 45008).

Using a no-observed-effect level (NOEL) of 5 mg/kg/day, derived from the most sensitive 2-year rat chronic feeding/oncogenicity study and a 100-fold safety factor, the acceptable daily intake (ADI) was determined to be 0.05 mg/kg/day. This tolerance would increase the percentage of the ADI used from 21.13 percent to 21.64 percent.

The theoretical maximal residue contribution (TMRC) for the insecticide from use on spinach will be increased by 2.41 percent. There are no actions currently pending against continued registration of the insecticide.

Tolerances have been previously established (40 CFR 180.378) for residues of the insecticide on various raw agricultural commodities at levels ranging from 0.05 ppm to 20.0 ppm. The nature of residue is adequately understood and an adequate analytical method, gas chromatography, is available for enforcement purpose. Spinach is not a feed item, and therefore there is no reasonable expectation of residues in eggs, meat, milk, or poultry from this tolerance.

The pesticide is considered useful for the purposes for which the tolerance will protect the public health. It is proposed therefore, that the tolerance be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register** that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation, Comments must bear a notation indicating the document control number "[PP 2E2701/P257]". All written comments filed in response to this petition will be available in the product manager's office, Registration Division, at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(E)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedure; Agricultural commodities; Pesticides and pests.

Dated: October 8, 1982.

Douglas D Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.378 be amended by adding and alphabetically inserting the commodity spinach to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Spinach	20.0
* * * * *	

[FR Doc. 82–29014 Filed 10–26–82; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 5–3

Procurement by Negotiation; Structured Approach to Profit/Fee Objectives

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of availability of proposed rule.

SUMMARY: This proposed amendment to the General Services Administration Procurement Regulations will implement the Office of Federal Procurement Policy (OFPP) Policy Letter 80–7 (December 9, 1980) by providing an agency structured approach for determining profit or fee prenegotiation objectives. The provisions in the proposal are based on policies and procedures already published by the National Aeronautics and Space Administration (NASA) in the NASA Procurement Regulation (41 CFR Chapter 18).

DATE: Comments will be considered if received by November 30, 1982.

ADDRESS: Copies of the proposal are available upon request to interested parties for comments from General Services Administration, Office of Federal Procurement Regulations, Office of Acquisition Policy, 18th and F Streets, NW., Room 4026, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202) 523–4755.

Dated: October 18, 1982.

Allan W. Berres,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 82–29279 Filed 10–26–82; 8:45 am]

BILLING CODE 6820-61-M

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44 CFR Part 67

[Docket No. FEMA-6425]

Proposed Based Flood Elevation and Zone Designation Determinations for the City of Diaz, Jackson County, Ark. Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevation and zone designation are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified or participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-name community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Clerk, Municipal Building, Highway 17, Diaz, Arkansas.

Send comments to: Honorable Blount Hohn, Mayor, City of Diaz, P.O. Box 136, Diaz, Arkansas 72043.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Diaz, Arkansas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 ot the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Village Creek:		
At the southern corporate limits	231	A3
At the northern corporate limits	232	A4
White River:		
At the southernmost corporate limits	231	A10
At Route 18	231	Do
Just east of Bergen Lake	231	Do
At the northwesternmost corporate limits.	232	Do
Along Main Street Ditch	231	Do.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood Insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XII of Housing and Urban Development Act of 1968), effective Janaury 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support.)

Issued: September 17, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29181 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-4485]

Proposed Flood Elevation Determinations; Jamestown, Colorado

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule; revision.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Jamestown, Colorado.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 FR 42261 on September 20, 1978, and in the *Boulder Daily Camera*, published on or about September 7, 1978, and September 8, 1978, and hence supersedes those previously published rules for the areas cited below.

DATE: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Clerk's Office, Town Hall, Main Street, Jamestown, Colorado.

Send comments to: Honorable Skip Breffle, Box 298, Jamestown, Colorado 80455.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Town of Jamestown, Boulder County, Colorado, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67.

Flood insurance; Flood plains.

The proposed base (100-year) flood elevations are:

Source of flooding	location	#Depth in feet above ground *Elevation in feet (NGVD)
James Creek	At downstream corporate limit	*6,802
	20 feet upstream from centerline of Main Street	*6,915
	10 feet downstream from corporate limits.	*7,057
Little James Creek	10 feet upstream from centerline of Ward Street.	*6,978
	90 feet upstream from centerline of James Canyon Drive.	*7,167
	10 feet downstream from upstream corporate limit.	*7,267
Unnamed Tributary to Little James Creek.	At corporate limit	7,299

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29184 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6437]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Longmont, Boulder County, Colo. Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of Planning and Development, City of Longmont, Civic Center Complex, Third and Kimbark, Longmont, Colorado.

Send comments to: Honorable William Swenson, Mayor, City of Longmont, Civic Center Complex, Third and Kimbark, Longmont, Colorado 80501.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Longmont, Colorado, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Souce of flooding and location	Elevation (feet) vertical national geodetic datum	Zone designation
Spring Gulch:		
Just upstream of the Colorado and Southern Railroad.	4,986	Zone A3
At a point located approximately 500 feet upstream of East 11th Avenue.	4,989	Do
At a point located approximately 50 feet downstream of Mountain View Avenue.	4,998	Do.
At East 15th Avenue	5,003	Do.

Along St. Vrain Creek in the recently annexed area located between North 119 Street and the easternmost corporate limits, the proposed special flood hazard area, identified as Zone A, has been added. Along Left Hand Creek between South Bowen Street and Pike Road, the proposed special flood hazard area has been revised from Zone A5 to Zone A. Also along Left Hand Creek, between Pike Road and the southern corporate limits, the proposed special flood hazard area, identified as Zone A, has been added.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance; Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 28, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29193 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6421]

National Flood Insurance Program; Proposed Elevations for the Town of Lexington, Mass.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations described below.

The proposed elevations will be the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the flood-prone areas and the proposed elevations are available for review at the Town Office.

Send comments to: Mr. Alfred Busa, Chairman, Board of Selectmen, 1625 Massachusetts Avenue, Lexington, Massachusetts 02173.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, State and Local Programs and Support, Federal Emergency Management Agency, Room 514, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local

Programs and Support, gives notice of the proposed elevations (100 year flood) for the Town of Lexington, Massachusetts in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234, 87 Stat. 980), which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

The elevations together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed elevations for selected locations are:

Source of flooding	Location	Elevation (feet) (NGVD)
North Lexington Brook.	Upstream side of access road to Town dump.	117.6
	Upstream side of B&M Railroad.	118.7
	Downstream side of Route 128 ..	120.5
Kiln Brook..........	Upstream side of Melex Road	117.0
	Upstream side of B&M Railroad.	117.3
	Upstream side of Hartwell Avenue.	117.4

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance; Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: September 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29186 Filed 10–26–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA 6429]

Proposed Base Flood Elevation and Zone Designation Determinations for Buchanan County, Missouri, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Highway Department, Buchanan County Courthouse, Fifth and Jules, St. Joseph, Missouri.

Send comments to: Honorable Gerald Vanover, Presiding Judge, Buchanan County Courthouse, Fifth and Jules, St. Joseph, Missouri 64501.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for Buchanan County, Missouri, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations, on Panels 25, 40, 75, and 125 of 125, are as follows:

Souce of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Missouri River:		
At the southern corporate limits.	[illegible]	A5.
Just downstreams of U.S. Route 59.	792	A5.
At a point located approximately 1500 feet downsteam of the confluence of Lost Creek.	[illegible]	A5.
At a point located approximately 1800 feet upstream of the confluence of Lost Creek.	799	A8.
At a point located approximately 700 feet upsteram of River Mile 434.	[illegible]	A8.
At a point located approximately 500 feet downstream of River Mile 445.	814	A8.
At a point located approximately 800 feet downstream of River Mile 450.	[illegible]	A8.
At the northern corporate limits	821	A8.
Tributary of the 102 River:		
At the northern corporate limits.	860	A10
Tributary of the Platte River:		
Area located along eastern border of the Town of Agency and north of the Atchison, Topeka and Santa Fe Railway.	838	All.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended: 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 23, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29190 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6423]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Belton, Cass County, Missouri Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the Director of Community and Economic Development, Belton City Hall, 506 Main Street, Belton, Missouri.

Send comments to: Honorable Gary Mallory, Major, City of Belton, P.O. Box 230, Belton, Missouri 64012.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Belton, Missouri, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flooded elevations and zone designations, on Panel 3 of 5, are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Oil Creek:		
At a point located approximately 250 feet upstream of 160th Terrace extended.	994	A3.
At a point located approximately 100 feet downstream of 162nd Street.	1005	A3.
At a point located approximately 200 feet upstream of 163rd Street.	1000	A3.
At a point located approximately 125 feet downstream of the Private Road.	1016	A3.
At the limit of detailed study (Springdale Lane).	1024	A3.

Also along Oil Creek, the proposed special flood hazard area, identified as Zone A, has been added upstream of Springdale Lane.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a signficant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 17, 1982.

Lee M. Thomas,

Assocate Director, State and Local Programs and Support.

[FR Doc. 82-29183 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6424]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Blue Springs, Jackson County, Missouri Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Engineering Department, Blue Springs City Hall, 903 Main Street, Blue Springs, Missouri.

Send comments to: Honorable John Michaels, Mayor, City of Blue Springs, 903 Main Street, Blue Springs, Missouri 64015.

FOR FURTHER INFORMATION CONTACT: Mr Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Blue Springs, Missouri, in acordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Burr Oak Creek		
At a point located approximately 800 feet upstream of Saunders Road.	[illegible]	A7
Blue Branch Creek Tributary No. 2:		
At the southernmost corporate limits.	811	All.
At a point located approximately 100 feet downstream of Mize Road.	[illegible]	A5.
At a point located approximately 425 feet upstream of Interstate Route 70.	832	A5.
At a point located approximately 1300 feet downstream of Porter Road extended.	837	A5
Just upstream of Porter Road extended.	[illegible]	A5
At the upstream limit of detailed study.	[illegible]	A5
Blue Branch Creek Tributary No 1:		
Just upstream of the eastern corporate limits.	829	A6
Just downstream from the upstream limit of detailed study.	836	A6.

Also along Blue Branch Creek Tributary No. 1, the proposed special flood hazard area, identified as Zone A, has been added between the upstream limit of detailed study and U.S. Route 40. Proposed special flood hazard areas, identified as Zone A, have been added along unnamed tributaries in the area located north of Pink Hill Road and between Route 7 extended and Owens School Road extended. Additional annexed areas have been identified as Zones B and C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support.)

Issued: September 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29182 Filed 10–26–82; 8:45 am]

BILLING CODE 6718–03–M

[Docket No. FEMA-6430]

44 CFR Part 67

Proposed Based Flood Elevation and Zone Designation Determinations for Douglas County, Nevada Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Community Development Department, Valley Professional Building, 1645 Highway 395, Minden, Nevada.

Send comments to: Mr. Kenneth C. Kjer, Chairman, Board of County Commissioners, Douglas County Courthouse, P.O. Box 218, Minden, Nevada 89423.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for Douglas County, Nevada, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of Flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Martin Slough:		
At a point located approximately 150 feet upstream of U.S. Route 395.	4,700	A6.
At a point located just upstream of Buckeye Road.	4,714	[illegible]
At a point located approximately 100 feet downstream of High School [illegible]	4,740	[illegible].
At a point located just downstream of Tolar Avenue.	4,751	A6.

The area generally located between Tolar Avenue, U.S. Route 395 and Elges Avenue, has been revised from Zone B to Zone AO, with a depth of 1 to 2 feet. Along Pine Nut Creek, the special flood hazard area, identified as Zone A, has been modified between the unnamed canal just west of Allerman Canal and Saw Mill Road.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 23, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29189 Filed 10–26–82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

Revision of Proposed Flood Elevation Determinations; Cove Neck, Nassau, New York.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Cove Neck, Nassau County, New York.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 47 FR 35796 on August 17, 1982, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the residence of the Village Clerk, Mrs. W. D. Robinson, Tennis Court Road, Cove Neck, New York.

Send comments to: Honorable Stephen Ulman, Mayor of Cove Neck, Box 279, Cove Neck Road, Cove Neck, New York 11709.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287–0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-years) flood elevations are listed below for selected locations in the Village of Cove Neck, Nassau County, New York, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, flood plains.

The proposed base (100-year) flood elevations are:

Source of flooding and location	# Depth in [illegible] ground. *Elevation in feet (NGVD)
Oyster Bay Cove:	
Oyster Bay Cove shoreline	*12
Oyster Bay Harbor:	
Oyster Bay Harbor shorline north of Oyster Bay Cove shoreline to approximately 2,000 feet south of Cove Point	*12
Oyster Bay Harbor shoreline from approximately 2,000 feet south of Cove Point to Cove Point	*15
Cold Spring Harbor:	
Cold Spring Harbor shoreline from Cove Point to Cooper Bluff	*16
Cold Spring Harbor shoreline from Cooper Bluff to Village of Cove Neck—Village of Laurel Hollow Corporate limits	*15
Sagamore Hill National Historical Site along eastern corporate limits	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44

FR 19367; and delegation of authority to the Associate Director)

Issued: September 29, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc 82-29191 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6438]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Anadarko, Caddo County, Oklahoma

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Clerk, Anadarko City Hall, 501 West Virginia, Anadarko, Oklahoma.

Send comments to: Honorable E. E. Otey, Mayor, City of Anadarko, 501 West Virginia, P.O. Box 647, Anadarko, Oklahoma 73005.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Anadarko, Oklahoma, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Washita River:		
At the easternmost corporate limits.	1,166	A5.
At a point located approximately 5000 feet upstream of the easternmost corporate limits.	1,170	A5.

In the recently annexed area, located in the northeasternmost portion of the City, special flood hazard area, identified as Zone A, has been added. Additional annexed areas have been identified as Zone C.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67.

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 24, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29192 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6426]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of Grove, Delaware County, Oklahoma Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the City Clerk, Grove City Hall, Grove, Oklahoma.

Send comments to: Honorable Huber Logue, Mayor, City of Grove, P.O. Box 1268, Grove, Oklahoma 74344.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of Grove, Oklahoma, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations, on Panels 3 and 4 of 4, are as follows:

Source of flooding and location	Elevation (feet) national geodetic vertical datum	Zone designation
Spring Branch:		
At a point located approximately 300 feet upstream of Christy Drive extended.	772	A2
At a point located approximately 800 feet downstream of the eastern corporate limits.	779	A2.

In the recently annexed areas, in the southern portion of the City, proposed special flood hazard areas, identified as Zone A, have been added. Additional annexed areas have been identified as Zones B and C.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 17, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29180 Filed 10-26-82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6401]

Revision of Proposed Flood Elevation Determinations; Johnstown, Cambria County, Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Johnstown, Cambria County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the **Federal Register** at 47 FR 41776 on September 22, 1982, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Room 106, Johnstown, Pennsylvania.

Send comments to: Honorable Herbert Pfuhl, Mayor of Johnstown, City Hall, Johnstown, Pennsylvania 15901.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287-0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of Johnstown, Cambria County, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed base (100-year) flood elevations are:

Source of Flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
Conemaugh River.	Downstream corporate limits	*1,154
	Coopersdale Bridge (upstream)	*1,159
	Fourth Avenue (upstream)	*1,164
	Confluence of Little Conemaugh River and Stonycreek River.	*1,167
Little Conemaugh River.	Confluence with Conemaugh River and Stonycreek River.	*1,167
	Chessie System (1st crossing)	*1,171
	Swank Court (upstream)	*1,182
	Upstream corporate limits	*1,212
Stonycreek River.	Confluence with Conemaugh River and Little Conemaugh River.	*1,167

Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
St. Clair Run	Haynes Street	*1,173
	Horner Street	*1,179
	Upstream corporate limits	*1,198
	Confluence with Conemaugh River.	*1,158
	D Street (upstream)	*1,166
	Bachys Avenue	*1,181
	Fairfield Avenue (upstream)	*1,211
	Upstream corporate limits	*1,257
Elk Run	Shallow flooding affecting community.	#1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29185 Filed 10–26–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

[Docket No. FEMA 6422]

Proposed Elevations and Zone Designations for the City of East Ridge, Tennessee

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevations and zone designations described below.

The proposed elevations and zone designations will be the basis for the flood plain management measures that the community is required to ether adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Map and other information showing the detailed outlines of the floodprone areas and the proposed elevations and zone designations are available for review at the City Administrator's Office.

Send comments to Mr. J. David Mays, Jr., City Administrator, City of East Ridge, 1501 Tombras Avenue, East Ridge, Tennessee 37412.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Chief, Engineering Branch, Natural Hazards Division, State and Local Programs and Support, Federal Emergency Management Agency, Room 514, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed elevations and zone designations (100 year flood) for the City of East Ridge, Tennessee in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42, U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

The proposed elevations and zone designations together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. The proposed elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed elevations and zone designations for selected locations are:

Source of Flooding	Location	Existing elevation	Proposed elevation
South Chickamauga Creek.	Along the eastern corporation limits (from north to south).	680–688	683–691

		Existing zone designation	Proposed zone designation
		A8	A10

		Existing elevation	Proposed elevation
Backwater flooding from West Chickamauga Creek.	Between the U.S. Route 41/76 interchange and the southern corporate limits, east of Route 75.	677	679
	Southwest side of the U.S. Route 41/76 interchange.		682

		Existing zone designation	Proposed zone designation
	Southeast of Route 41/76 and Route 75 interchange in the vicinity of Lenora Road.	B	A10
	Along Route 75 south of the Loop.	B	Zone C
	Along Route 75 north of the Loop.	B	A10
	At the U.S. Route 41/76 and Route 75 interchange.	C	A9
	Southwest of U.S. Route 41/76 and Route 75 interchange.	B	A9

Source of Flooding	Location	Existing elevation	Proposed elevation
Spring Creek	Between Spring Creek and Springvale Road.	678–681	680–682

		Existing zone designation	Proposed zone designation
	West of Spring Creek Road.	A4	A7

Pursuant to the provisions of 5 USC 605(b), the Associate Director to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated Special Flood Hazard Areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support)

Issued: September 21, 1982.

Lee M. Thomas,

Associate Directors, State and Local Programs and Support.

[FR Doc. 82–29187 Filed 10–26–82; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6428]

Proposed Base Flood Elevation and Zone Designation Determinations for the City of San Marcos, Hays, and Caldwell Counties, Tex.; Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations as described below.

The proposed base flood elevations and zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Office of the Planning Director, San Marcos City Hall, 630 East Hopkins, San Marcos, Texas.

Send comments to: Honorable Emmie Craddock, Mayor, City of San Marcos, 630 East Hopkins, San Marcos, Texas 78666.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed base flood elevations and zone designations for the City of San Marcos, Texas, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These base flood elevations and zone designations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base flood elevations and zone designations are as follows:

Source of flooding and number location	Elevation, national geodetic vertical datum (feet)	Zone designation
Blanco River:		
Just downstream of Route 80	[illegible]	A14.
At a point located approximately 1200 feet upstream of Route 80.	[illegible]	A21.
Approximately 100 feet downstream of Crepe Myrtle Street extended.	600	A21.
At the limit of detailed study	[illegible]	A21.
Purgatory Creek:		
At a point located approximately 600 feet upstream of Wilson Street extended.	[illegible]	A5.
At the limit of detailed study	[illegible]	A5.
Willow Springs Creek:		
At a point located approximately 600 feet upstream of Ellis Street.	588	A7.
At Redwood Road	[illegible]	A2.
At the limit of detailed study	612	A2.
Unnamed Tributary to Blanco river:		
At a point located approximately 300 feet north of the Missouri, Kansas, and Texas Railroad.	584	A26.
At a point located approximately 150 feet south of Route 21.	585	A14.

The proposed special flood hazard areas, identified as Zone A, have been added in six additional annexed areas. The first area is generally located along the Blanco River between the limit of detailed study and the northern corporate limits. The second area is located along Purgatory Creek between the limit of detailed study and the western corporate limits. The third area is located along Willow Springs Creek between the limit of detailed study and the western corporate limits. The fourth area is located along the San Marcos River between Durango Street extended and the southern corporate limits. The fifth area is located along an Unnamed Tributary of Cottonwood Creek between the limit of detailed study and the southern corporate limits. Finally, the sixth area is located along Hemphill Creek.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 67

Flood insurance—flood plains.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 24, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29188 Filed 10–26–82; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 47, No. 208
Wednesday, October 27, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given purusant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CRF Part 800), that on October 28, 1982, at 7:00 p.m., a public information meeting will be held at the Holiday Inn, 1015 Elm Street, Dallas, Texas.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opporunity for representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed lease and development of property located at 400 N. Ervay Street, Dallas, an undertaking of the United States Postal Service that will adversely affect the downtown Dallas Post Office Building, a property eligible for the National Register of Historic Places. Consideration will be given to the undertaking, its effects on the National Register or eligible property, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such property.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by a representative of the Postal Service.

III. A statement by the Texas State Historic Preservation Officer or his representative.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statement to five (5) minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Advisory Council on Historic Preservation, Western Division of Project Review, 730 Simms Street, Room 450, Golden, Colorado 80401; telephone (303) 234-4946.

Dated: October 21, 1982.

John M Fowler,

Acting Executive Director.

[FR Doc. 82-29471 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Timber Export and Substitution Restrictions; Results of Comments

Comments were solicited in the **Federal Register** on August 2, 1982 (47 FR 33303), as to whether a public hearing should be scheduled to determine whether unprocessed Douglas-fir, Western redcedar, Western hemlock, and other species presently restricted from export, are surplus to the needs of domestic markets during this time of poor timber markets (36 CFR 223.10). The comments showed little support for either a public hearing or finding these species surplus. Based on this information, a public hearing on the issue will not be scheduled.

Dated: October 18, 1982.

R. Max Peterson,

Chief.

[FR Doc. 82-29530 Filed 10-26-82; 8:45 am]

BILLING CODE 3410-11-M

Office of the Secretary

Forms Under Review by Office of Management and Budget

October 22, 1982.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper, Statistical Clearance Officer, (202) 447-6201.

Revised

- Rural Electrification Administration

Rating Summary of Operations and Maintenance (REA Electric Systems)
REA Form 300
On occasion
Businesses or other institutions: 330 responses; 1,320 hours; not applicable under 3504(h)
Archie W. Cane (202) 382-9088

- Packers and Stockyards Administration

Regulations and Related Reporting Requirements—Packers and Stockyards Act P&S-5, 122, 124, 124-1, 125, 130, 131, 132, 134, 135, 202, 212, 216, 218
On occasion, semiannually, annually
Businesses or other institutions: 40,205 responses; 12,059 hours; not applicable under 3504(h)
Charles H. Swearingen (202) 447-4193

Extension

- Packers and Stockyards Administration

Application for Registration—Livestock Market Agencies and Dealers P&SA 116, 116-1
On occasion

Individuals, businesses or other institutions: 1,725 responses; 828 hours; not applicable under 3504(h)
Charles H. Swearingen (202) 447-4193

- Food and Nutrition Service

7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools—Reporting
On occasion, triennially
State or local governments and businesses or other institutions: 21,182 responses; 5,956 hours; not applicable under 3504(h)
Chris Lipsey (703) 756-3600

- Food and Nutrition Service

7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools—Recordkeeping
On occasion, annually triennialy
State or local governments and businesses or other institutions: 60,840 responses; 15,286 hours; not applicable under 3504(h)
Chris Lipsey (703) 756-3600

- Food and Nutrition Service

7 CFR Part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools—Applications and Agreements
On occasion, annually
Individuals or households, state or local governments, businesses or other institutions: 10,988,809 responses; 977,468 hours; not applicable under 3504(h)
Chris Lipsey (703) 756-3600

Richard J. Schrimper,
Statistical Clearance Officer.

[FR Doc. 82-29472 Filed 10-26-82; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[Order 82-10-86; Docket 41062]

Braniff Airways, Inc.; Order Instituting Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order Instituting Show-Cause Proceeding: Order 82-10-86, Docket 41062.

SUMMARY: The Board is instituting the *Transatlantic Certificate Amendments Show Cause Proceeding* to consider proposed technical changes to the following certificates of public convenience and necessity: Braniff Airways, Inc., for Route 177; Delta Air Lines, Inc. for Route 178; Northwest Airlines, Inc., for Route 179; Pan American World Airways, Inc. for Routes 132 and 133; and Trans World Airlines, Inc. for Route 147.

DATES: Objections to the proposed changes shall be filed by November 15, 1982. Replies shall be filed by November 26, 1982.

ADDRESS: All pleadings should be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 in Docket *Transatlantic Certificate Amendments Show Cause Proceeding.*

FOR FURTHER INFORMATION CONTACT: Jeffrey B. Gaynes, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5035.

SUPPLEMENTARY INFORMATION: The complete text of Order 82-10-86 is available from our Distribution Section, Room 100, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

By the Civil Aeronautics Board: October 21, 1982.

Phyllis T. Kaylor
Secretary

[FR Doc. 29552 Filed 10-26-82; 8:45 am]

BILLING CODE 6320-01-M

[Order 82-10-87; Docket 38028]

China Airlines, Ltd.; Order to Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 82-10-87.

SUMMARY: The Board proposes to approve the following application.

Applicant: China Airlines, Ltd. (CAL)
Application Date: April 11, 1980—Docket: 38028

Authority Sought: Foreign air transportation of persons, property and mail between Taipei and Kaohsiung, Taiwan; via intermediate points in the Pacific; via Fairbanks and Anchorage, Alaska (without traffic rights in Alaska); and coterminal points Guam; Honolulu, Hawaii; Los Angeles and San Francisco, California; Seattle, Washington; and New York, New York.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than November 16, 1982, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and Coordination Council for North American Affairs in Washington, D.C. and the American Institute in Taiwan in Arlilngton, Va. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

Addresses for objections: Docket 38028, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.
Applicant: China Airlines, Ltd., c/o Mr. George C. Pendleton, Esq., Pendleton and McLaughlin, 1000 Connecticut Avenue, NW., Suite 707, Washington, D.C. 20036.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Gordon H. Bingham, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5134.

By the Civil Aeronautics Board: October 21, 1982.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-29553 Filed 10-26-82; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Arizona Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Arizona Advisory Committee of the Commission originally scheduled for October 28-29, 1982, Phoenix, Arizona (FR Doc. 82.26166, on page 42011) has been changed.

The meeting will now be held on December 2-3, 1982, location will remain the same.

Dated at Washington, DC, October 20, 1982.

John I. Binkley,
Advisory Committee Management Officer.

[FR Doc. 29676 Filed 10-26-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 25-82]

Proposed Foreign-Trade Zone—Clark County, Nevada, Las Vegas Customs Port of Entry; Amendment of Application

Notice is hereby given that the State of Nevada has amended its application to establish a general-purpose foreign-trade zone in the Las Vegas Customs port of entry area (Docket 2–81, 46 FR 5029, 1/19/81), making the Nevada Development Authority (NDA), a private non-profit Nevada corporation, the new applicant, and changing the proposed sites for the facility. NDA is an economic development agency that works closely with State and local governments. It is financed mainly by the private sector. NDA is authorized to make this proposal under Nevada Revised Statues, 273A.010–273A.050. The amended application was formally filed on October 20, 1982.

The change involves a restructuring of the plan for financing and operating zone sites to serve the area's needs through a greater involvement of the private sector. The amended project will cover about 54 acres at four sites in Las Vegas and Clark County, Nevada.

Site 1 involves the 23-acre Las Vegas Convention Center, located at Desert Inn and Paradise Roads, Clark County. Zone procedures would be used for international trade shows, portions of the center to be activated with Customs approval. Site 2 is the 100,000 square-foot Cashman Field convention center, located at Las Vegas Boulevard North and Washington Avenue, Las Vegas, that would be used in the same way. Site 3 involves an industrial park site covering 25 acres at Paradise and Sunset Roads, Clark County. Space will be available for a variety of processing and distribution operations and for firms requiring separate facilities. Site 4 is a multi-user public warehouse, located at Sunset and Bermuda Roads, Clark County. The facility will offer 120,000 square feet for initial general-purpose zone activity.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the amended application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Max G. Willis, District Director, U.S. Customs Service, Pacific Region, 300 South Ferry Street, San Pedro, California 90731; and Colonel Paul W. Taylor, District Engineer, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, California 90053.

Comments concerning the amended application are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before November 30, 1982.

Copies of the new application as well as the original application are available for public inspection at each of the following locations:

U.S. Customs Service, International Arrivals Building, McCarran Airport, Las Vegas, Nevada 89111

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Constitution NW., Room 1519, Washington, D.C. 20230.

Dated: October 21, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82–29514 Filed 10–26–82; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: November 18, 1982, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room B841, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will continue to its conclusion November 19, 1982 in Room B841, Main Commerce Building.

AGENDA: General session.

(1) Opening remarks by the Acting Chairman.

(2) Presentation of papers or comments by the public.

(3) Nomination and election of a new Chairman.

(4) A review of subcommittee activities: a. Memory and Media, b. Foreign Availability, c. Display and Terminals, and d. Export Regulations.

(5) New business: Executive session.

(6) Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202–377–4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202–377–2583.

Dated: October 19, 1982.

John K. Boldock,

Director, Office of Export Administration.

[FR Doc. 82–29513 Filed 10–26–82; 8:45 am]

BILLING CODE 3510–25–M

National Bureau of Standards

[Docket No. 2908-185]

Announcement of Plans To Propose a Federal Information Processing Standard for a High Speed Channel Interface

Correction

In FR Doc. 82-27399 beginning on page 43995 in the issue of Tuesday, October 5, 1982, the date which appeared on page 43996, in the first column, the third complete paragraph, should have read February 2, 1983.

BILLING CODE 1505-01-M

National Voluntary Laboratory Accrediation Program (NVLAP) Quarterly Report (July 1–September 30, 1982)

AGENCY: National Bureau of Standards, Commerce.

ACTION: Publication of the NVLAP quarterly report.

SUMMARY: The National Bureau of Standards (NBS) announces accreditation actions for the third quarter of 1982. In addition, the status of all NVLAP laboratory accreditation programs (LAPs) is summarized.

FOR FURTHER INFORMATION CONTACT: Mr. John W. Locke, Manager, Laboratory Accreditation, National Bureau of Standards, TECH B141, Washington, DC 20234, (301) 921-3431. Those interested in using the services of a NVLAP accredited laboratory may obtain the latest copy of the list of test methods for which it is accredited either from the laboratory itself or from Mr. Locke at the address given above. Also available from Mr. Locke is a complete listing of NVLAP accredited laboratories with a corresponding list of the test methods for which each is accredited.

SUPPLEMENTARY INFORMATION:

Background

This report has been prepared in accordance with sections 7a.17(a), 7b.17(a), and 7c.17(a) of the National Voluntary Laboratory Accreditation Program (NVLAP) Procedures (15 CFR Parts 7a, 7b, and 7c). In addition, to fulfill NVLAP requirements for monthly reporting of accreditation actions, notice of actions taken under NVLAP for the month of September is included in this report.

NVLAP accreditation does not relieve the laboratories from the necessity of observing and complying with existing Federal, State, and local statutes, ordinances, and regulations that may be applicable to their operations, including consumer protection and antitrust laws.

Accreditation is granted for a period of one year. All laboratories will have one of four anniversary dates, January 1, April 1, July 1, or October 1. All accreditation actions will be made during the month preceding each anniversary date. However, before it expires, accreditation may be terminated at the request of the laboratory or may be revoked due to violation of the accreditation criteria or other conditions of the laboratory's accreditation. The criteria are described in sections 7a.19–7a.30 of the NVLAP Procedures (46 FR 37034–37036, dated July 17, 1981).

New Accreditations Granted

Three laboratories were newly accredited during September 1982. The name and address of each laboratory and the test methods for which one year accreditation was granted are listed below. In each case accreditation is granted on October 1, 1982 and expires on September 30, 1983

Apache Building Products Company, Attn: Dennis W. Rosato, 2025 East Linden Avenue, Linden, NJ 07036 Phone (201) 486–6723.

NVLAP code	Designation	Short title
01/D18	ASTM D1622	Apparent Density; Rigid Cellular plastics.
01/D21	ASTM D2126	Response to Thermal and Humid Aging (Proc. E); Rigid Cellular Plastics.
01/D27	ASTM D2126	Response to Thermal and Humid Aging (Proc. C); Rigid Cellular Plastics.
01/S11	ASTM D1621	Compressive Properties; Rigid Cellular plastics (Proc. A-Crosshead)
01/T06	ASTM C518	Thermal Transmission Properties; Heat Flow Meter.

Quikrete Technical Center, Attn: Tom E. Pecuil, 2250 Stephenson Road Lithonia, GA 30058, Phone (404) 482–7301.

NVLAP code	Designation	Short title
02/M01	ASTM C31	Making and Curing Concrete Test Specimens in the Field.
02/M03	ASTM C172	Sampling Fresh Concrete.
02/P01	ASTM C143	Slump of Portland Cement Concrete.
02/W01	ASTM C138	Unit Weight, Yield, and Air Content (Gravimetric) of Concrete.
02/A01	ASTM C231	Air Content of Freshly Mixed Concrete by the Pressure Method.
02/S01	ASTM C39	Compressive Strength of Cylindrical Concrete Specimens.

Stratton Laboratories, Attn: Jack Kilgore, P.O. Box 1007, Cartersville, GA 30120, Phone (404) 382–9351.

NVLAP code	Designation	Short title
03/S01	ASTM D1335	Tuft Bind of Floor Coverings
	Federal test method Standard 191-5100	Textile Test Method—Breaking Strength
	Standard 191-5950	Textile Test Method—Delamination.
03/F03	DoC FF1-70	Methenamine Pill Test.
03/F04	ASTM E648	Radiant Panel (Carpet)

Additional Test Methods

In a letter dated August 13, 1982, Mr. Bart Gauger of the California Energy Commission's Building and Appliance Standards Office requested that NBS add the test methods listed below to the Insulation LAP:

ASTM D2126, Procedure G
California Energy Commission Tests for Insulating Materials:
  Corrosiveness of Mineral Fiber Blankets and Loose Fill
  Bond Strength of Spray Applied Cellulose
  Bond Deflection of Spray Applied Cellulose
  Air Erosion of Spray Applied Cellulose
  Installed Compressed Thickness

NBS has deemed such additions suitable and is including these tests as part of the LAP. Copies of the California testing procedures will be available upon request Application requests for these test methods should be addressed to Mr. Locke.

Laboratory Whose Accreditation Was Renewed During the Third Quarter of 1982

Reaccreditation was granted to the following laboratory during the third quarter of 1982, for one or more test mehtods available under NVLAP. The laboratory received a certificate of accreditation and a corresponding list of test methods for which it was accredited. Anyone who wishes to know which test methods the laboratory is accredited for should contact the laboratory directly or Mr. Locke.

General Testing Laboratories, Inc., 1517 Walnut Street, Kansas City, MO 64108

Insulation LAP Status

The LAP for thermal insulation materials has 62 test methods for which accreditation may be granted. Forty-one laboratories are currently accredited to perform one or more of these test methods.

Concrete LAP Status

The LAP for freshly mixed field concrete has two groups of test methods and one optional test method for which accreditation can be granted. Fifty-one laboratories are currently accredited under the Concrete LAP.

Carpet LAP Status

The LAP for carpet has 12 test methods for which accreditation may be granted. Twenty-five laboratories are currently accredited for one or more of these test methods.

LAPs Under Development

Stove LAP—NVLAP offered a laboratory accreditation program (LAP) for solid fuel room heaters (Stove LAP) for the first time last spring. There are six laboratories participating in the first round of accreditation. Requests for accreditation during the second round are now being accepted. On-site assessments at the participating laboratories were begun in August and it is expected that the laboratory visits will be completed by mid-October.

Proficiency testing for the LAP was conducted during the month of September. Each participant purchased a specific stove for testing and conducted several of the fire tests from UL 1482 as part of the proficiency testing requirements. Because this is a new proficiency program, data analysis will probably not be completed until late November. Results of the proficiency program will be reported in a NVLAP Tech Brief.

Dosimetry LAP—Draft criteria interpretation documents and assessment forms have been circulated for review and are presently being finalized. A draft LAP Handbook will be ready for circulation soon. Letters were sent to over 100 persons to determine their interest in serving as technical experts to assess and evaluate applicant dosimetry processors. Over 15 of these persons have indicated a positive interest in serving as technical experts. Efforts continue to obtain the services of a testing laboratory to conduct the proficiency testing for this LAP.

Electromagnetic Calibration Services LAP—A draft LAP Handbook will be ready for circulation soon. Final details for the proficiency testing and the relationship of a Measurement Assurance Program are being worked out. A notice announcing the formal establishment of this LAP is expected in the fourth quarter of 1982.

Window and Door LAP—A Preliminary Finding of Need to Accredit Laboratories That Test Window and Door Products was published in the **Federal Register** on August 24, 1982 (47 FR 36875–36878). The notice requested comments to determine whether there is a need to establish a LAP for window and door product testing. The deadline for submission of comments is October 25, 1982. A Summary and Analysis Report of Request for Laboratory Accreditation Program for Testing Window and Door Products was filed with the Department of Commerce (DOC) Central Reference and Records Inspection Facility (CRRIF), Room 6628, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, DC for public inspection and copying. NBS has received eight comments on the preliminary finding of need.

A final feeding of need to proceed or withdraw the request for LAP to accredit laboratories that test window and door products is expected to be published during the fourth quarter of 1982.

Acoustics LAP—The announcement of the establishment of a laboratory accreditation program (LAP) for laboratories that provide acoustical testing services was published in the **Federal Register** on September 10, 1982 (47 FR39874–39878). The notice provides information, for interested laboratories, on requesting an application, enrollment, test methods, fees, and other conditions of participation in the accreditation process.

All laboratories that submit an application and the required fee by October 29, 1982, will be scheduled for an initial on-site visit as part of the first group of laboratories to be considered for accreditation under the Acoustics LAP. Laboratories whose application for accreditation are postmarked after the above date will be evaluated in subsequent on-site visits.

Dated: October 20, 1982.

Raymond G. Kammer,

Acting Director, National Bureau of Standards.

[FR Doc. 82-28959 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Taking of Marine Mammals; Modification No. 1 To Permit No. 277

Notice is hereby given that pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 277 issued to Dr. Charles L. Ortiz, University of California at Santa Cruz, Santa Cruz, California 95064, on November 7, 1979 (44 FR 65805), is hereby modified to extend the period of authorized activities for three years. No increase in numbers of animals is authorized.

Accordingly, Section A–1 is deleted and replaced by:

"1. A total of 5,670 northern elephant seals (*Mirounga angustirostris*) may be taken as described in the application."

and, Section B–6 is deleted and replaced by:

"6. This permit is valid with respect to the taking authorized herein until December 31, 1985."

This modification becomes effective upon publication in the **Federal Register**.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 21, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-29545 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-22-M

Taking of Marine Mammal; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant:
   a. Name: Gregory Dean Kaufman and Roger Kevin Wood (P254A).
   b. Address: Pacific Whale Foundation, P.O. Box 1038, Makena, Maui, Hawaii 96753.
2. Type of Permit: Scientific Research/Scientific Purposes.
3. Name and Number of Animals: Humpback whale (*Megaptera novaeangliae*), 250.
4. Type of Take: Potential harassment.
5. Location of Activity: Waters of Hawaiian Islands.
6. Period of Acitivity: 5 years.

Concurrent with the publication of this notice in the **Federal Register**, the

Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 20, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals & Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-29544 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-22-M

Office of the Secretary

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Travel and Tourism Administration.

Title: International Air Traveler Survey.

Type of request: New.

Burden: 83,000 respondents; 13,800 reporting hours.

Needs and uses: These statistics will be used by Federal, State, and local governments and the various segments of the private travel industry for development of marketing/facilitative programs aimed at the international travel market to/from the U.S.

Affected public: Passengers on international flights of scheduled airlines departing from U.S. airports.

Frequency: Monthly.

Respondent's obligation: Voluntary.

OMB Desk Officer: Ken Allen, 395-3785.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to Ken Allen, OMB desk officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer, Office of Information Management.

[FR Doc. 82-29512 Filed 10-26-82; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Proposed Additions

Correction

In FR Doc. 82-28394, appearing on page 46126, on Friday, October 15, 1982, in the third column, under "**Class 8415**" in the third line "5923" should read "5023".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Performance Awards (Bonuses) in the Senior Executive Service; Defense Contract Audit Agency

SUMMARY: This notice announces the intent of the Defense Contract Audit Agency to grant performance awards (bonuses) to members of the Senior Executive Service in recognition of performance achievements during the 1982 performance rating period.

FOR FURTHER INFORMATION CONTACT: Mr. Roger D. Kriesch, Personnel Management Specialist, Office of the Director of Personnel, Defense Contract Audit Agency, Department of Defense, Cameron Station, Alexandria, VA (202) 274-5798 or 274-5799.

SUPPLEMENTARY INFORMATION: The publication of a notice at least 14 days prior to the scheduled date for awarding bonuses is required by the U.S. Office of Personnel Management guidelines.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 22, 1982.

[FR Doc. 82-29528 Filed 10-26-82; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

EXTENSION

Industrial Plant Equipment Replacement Analysis Worksheet (DD Form 1106)

The DD Form 1106 is used by Defense Contractors and in-house activities to perform the required economic analysis for replacement of industrial plant equipment. This economic analysis compares operating and capital costs of the existing equipment with those of the proposed replacement equipment to assure judicious expenditure of Defense funds.

DoD contactor and in-house activities: 170 responses; 6,800 hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and Mr. John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of DD Form 1106 and instructions may be obtained from Mr. John R. King, Defense Industrial Resources Support Office, Two Skyline Place, Suite 1406, 5203 Leesburg Pike, Falls Church, Virginia 22041, (202) 756–2310.

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
August 22, 1982.
[FR Doc. 82–29627 Filed 10–26–82; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

Upward Bound Program; Application Notice for New Awards for Fiscal Year 1983

Applications are invited for new awards under the Upward Bound Program.

Authority for this program is contained in sections 417A and 417C of the Higher Education Act of 1965, as amended. (20 U.S.C. 1070d, 1070d–1a)

The Secretary is authorized to make grants under this program to institutions of higher education, public and private agencies and organizations, and, in exceptional cases, to secondary schools.

The purpose of the grant awards is to permit applicants to carry out projects designed to generate in participants the skills and motivation necessary for success in education beyond high school.

Closing date for transmittal of applications: An application for a new award must be mailed or hand delivered by December 23, 1982.

Applications delivered by mail: An application sent by mail should be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.047 (Upward Bound). Washington, D.C. 20202.

An applicant should show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept a private metered postmark or a private mail receipt as proof of mailing. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use the registered mail or at least first class mail.

Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: The Secretary is accepting applications for up to three years of funding. However, the Department of Education may not fund an applicant for a period of time longer than is requested by the applicant in the application. Applicants requesting multi-year funding must submit information that shows why a multi-year project is needed; a detailed work plan and budget for the first year of the project; and an outline of the work plan and an estimate of the Federal funds needed for each additional year requested.

The Secretary approves requests for the additional year(s) if:

1. The Congress has appropriated sufficient funds under the program;

2. The Secretary believes that the grantee will satisfactorily complete the budget period that is about to end;

3. The grantee has submitted all required reports that must be submitted before the date of the continuation award; and

4. Continuation of the project is in the best interest of the Federal Government.

The applications for new awards will be evaluated competitively under the selection criteria for new awards, 34 CFR 645.31, published in the **Federal Register** on March 3, 1982, 47 FR 9158–9168. In addition, applicants that have been funded within the three previous years may receive additional points on the basis of their prior experience. The prior experience section of the application will be evaluated on the basis of the provisions in 34 CFR 645.32, that were published in the **Federal Register** on June 8, 1982, 47 FR 24938–24945.

Suggestions for fiscal year 1983 applicants for upward bound funds: Experience has shown that the most successful Upward Bound projects have certain common characteristics. These characteristics can be summarized as follows:

(1) Projects which have a strong institutional, local, or private sector commitment to their objectives. This often takes the form of in-kind or cash contributions to enhance the opportunities made available to Upward Bound students.

(2) Projects which work closely with and are fully endorsed by the local education agency(ies) in the target area served by the project.

(3) Projects which provide mechanisms for continually monitoring student performance, both in project sponsored academic programs and in regular course work being undertaken in high school.

(4) Projects which follow-up on their Upward Bound graduates by monitoring the progress and performance of those who have entered postsecondary education.

(5) Projects which make a point to acknowledge and reward secondary school academic achievement, and in some instances postsecondary accomplishments, of current or former Upward Bound students.

(6) Projects which give priority to the strengthening of basic and higher level skills of their Upward Bound participants in mathematics, science, English language literacy in reading, writing, and speaking, and foreign language literacy.

Therefore, in recognition of these characteristics of successful program practices, the Secretary encourages all applicants to address the ways and means by which such practices will be part of the objectives and overall project design for the proposed Upward Bound project.

Application preparation workshops: The Department of Education will conduct Application Preparation Workshops to assist prospective applicants to develop applications for the Upward Bound Program. Each workshop will be a half day long. The presentation will include a review of the requirements for filing applications for the Upward Bound Program and a review of the program regulations. In addition, there will be a discussion of the suggested application development guide and the technical review evaluation form. Time will be provided for questions and answers. Each workshop will begin with registration at 8:30 a.m. and presentations are scheduled from 9:00 a.m. to 12 noon. There is no registration fee for the workshops.

The scheduled dates and locations are as follows:

November 10—New York, New York

Columbia University, McMillin Theater, 116 St. and Broadway
Contact Person: Mr. Larry Dais, Office of Government Relations and Community Affairs (212) 280-4469

November 15—Atlanta, Georgia

Atlanta University Center, Robert W. Woodruff Center, Exhibition Hall—Upper Level, 111 Chestnut Street, S.W. (Corner of Chestnut and Beckwith Streets)
Contact Person: Mr. Marvin King, Morris Brown College (404) 525-7831 ext. 250

November 16—Chicago, Illinois

Roosevelt University, Ganz Recital Hall, Room 745, 430 S. Michigan Avenue
Contact Person: Ms. Roberta Fireman, Executive Assistant to the Dean of Faculty (312) 341-3615

November 17—Denver, Colorado

State Capitol, Supreme Court Room, Colfax and Sherman
Contact Person: Ms. Dot Wolfe, Department of Education (303) 837-4295

November 18—San Francisco, California

University of San Francisco, Parina Lounge, University Center, Main Entrance, Golden Gate Avenue and Kitteridge
Contact Person: Mr. Robert Norris, Upward Bound Project (415) 666-6376

Available funds: The President's Fiscal Year 1983 budget request proposes $24,900,000 to be made available for Upward Bound grants. It is estimated that these funds could support approximately 175 awards.

Although processing of new applications will proceed on this basis it should be noted that the final level of funding will not be known until the Congress takes final action on the Fiscal Year 1983 budget.

Application forms: Applications forms and program information packages are expected to be ready for mailing by November 8, 1982. Application packages will not automatically be mailed to all institutions of higher education. However, they will be mailed to all currently funded Special Programs projects. Application packages may be obtained by contacting the Division of Student Services, Information Systems and Program Support Branch, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone number: (202) 245-7070.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary suggests that the narrative portion of the application not exceed fifty (50) pages in length. The Secretary further suggests that only the information required by the application form be submitted.

Applicable regulations: Regulations applicable to this program are: (a) Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, and 78; and

(b) Regulations governing the Upward Bound Program (34 CFR Part 645) that were published in the **Federal Register** on March 3, 1982 (47 FR 9158-9168) and on June 8, 1982 (47 FR 24938-24945).

Further information: For further information contact the Program Development Branch, Division of Student Services, U.S. Department of Education (Room 3514, Regional Office Building 3), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone number: (202) 245-2511.

(20 U.S.C. 1070d, 1070d-1a)

Dated: October 21, 1982.

T. H. Bell,
Secretary of Education.

(Catalog of Federal Domestic Assistance Number: 84.047—Upward Bound Program)

[FR Doc. 29523 Filed 10-26-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 82-CERT-015]

Atlas Powder Co.; Application for Recertification of the Use of Natural Gas to Displace Fuel Oil

Correction

In FR Doc. 82-28635, appearing on page 46565, on Tuesday, October 19, 1982, in the heading, "Atlas Power Co." should have read "Atlas Powder Co.".

BILLING CODE 1505-01-M

[ERA Docket No. 82-Cert-018]

GTE Products Corp.: Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 8, 1982, GTE Products Corporation (GTE), 1120 Connecticut Avenue, N.W., Suite 900, Washington, D.C. 20036, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for certification of an eligible use of approximately 730 million cubic feet of natural gas which is expected to displace the use of approximately 4,700,000 gallons (111,905 barrels) of No. 6 fuel oil (0.72 percent sulfur) and approximately 215,000 gallons (5,120 barrels) of No. 4 fuel oil (0.44 percent sulfur) per year at its glass manufacturing facilities in Versailles, Kentucky.

The eligible seller of the natural gas is Global Petroleum Partners, 1411 Bryan Avenue, Lexington, Kentucky 40503. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkel Avenue, S.E., Charleston, West Virginia 25325; and Columbia Gas of Kentucky, Inc., 99 North Front Street, Columbus, Ohio 43215, a local distribution company.

Because of the time-sensitive nature of GTE's arrangements with respect to the natural gas involved in this application, GTE has requested that the certification be issued expeditiously in order that GTE may be in a position, at the earliest possible date, to make the necessary final arrangements to purchase the natural gas and to displace the full volumes of fuel oil.

The ERA has carefully reviewed GTE's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that GTE's application satisfies the criteria enumerated in 10 CFR Part 595. We are, therefore, granting the certification and transmitting that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6144, RG-64, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays

The requested certification is being issued prior to the 10-day public comment period because it involves the displacement of large volumes of fuel oil, and it is in the public interest to maximize the displacement of fuel oil. The application also states that the arrangements to purchase this natural gas must be made final by October 31, 1982, at the latest, to avoid the possibility of losing the gas supply entirely.

Given the circumstances related to the availability of the gas and the authority of the Administrator to terminate a certification for good cause (10 CFR 595.08), it is not in the public interest to permanently lose this opportunity to displace large volumes of fuel oil while public comments are being solicited.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Adminstration, Natural Gas Branch, Room 6144, RG–64, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461, Attention: Paula Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to GTE and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., October 20, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–29427 Filed 10–26–82; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER83–25–000]

Arizona Public Service Co.; Notice of Filing

October 21, 1982.

The filing Company submits the following:

Take notice that Arizona Public Service Company on October 12, 1982, tendered for filing Amendment No. 1 dated September 10, 1982, to the Interruptible Transmission Service Agreement between San Diego Gas and Electric Company (San Diego) and Arizona Public Service Company (APS).

Waiver is requested under the provisions of Section 35.11 so that this Amendment becomes effective on November 1, 1982 in accordance with the terms of the Agreement.

A copy of this filing was served upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 29395 Filed 10–26–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER80–71–004]

Central Illinois Public Service Co.; Notice of Compliance Filing

October 20, 1982.

The filing Company submits the following:

Take notice that on October 5, 1982, Central Illinois Public Service Company filed revised rate schedules for the Company's Rates W–2 and W–3 and revised cost of service in support thereof (Schedule E). Such filings are made pursuant to the Commission's orders in Opinion Nos. 142 and 142–A, issued July 12, 1982 and September 30, 1982, respectively.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before November 3, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29409 Filed 10–26–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. QF83–1–000]

Children's Hospital and Health Center; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 21, 1982.

On October 1, 1982, Children's Hospital and Health Center, 8001 Frost Street, San Diego, California 92123, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility is under construction at Children's Hospital and Health Center, at the above address. The primary energy source to the facility will be natural gas. The facility will consist of three diesel engines and three 350 kilowatt generators. Total net electric power production capacity of the facility will be 1030 kilowatts. Waste heat will be recovered for use in heating and cooling applications. Installation of the facility began in the summer of 1982.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29396 Filed 10–26–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER81–588–000]

Florida Power & Light Co.; Notice of Refund Report

October 20, 1982.

The filing Company submits the following:

Take notice that on October 4, 1982, Florida Power & Light Company filed a refund report pursuant to the Commission's letter order of August 26, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 3, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29410 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-29-000]

Florida Power & Light Co.; Notice of Filing

October 21, 1982.

The filing Company submits the following:

Take notice that on October 12, 1982, Florida Power & Light Company (FP&L) tendered for filing Revised Amendments to Agreements to Provice Specified Transmission service between FP&L and the various parties for which FP&L transmits power and energy for interchange transactions. In addition, FP&L tendered for filing a Revised Amendment Number Two to the February 14, 1980 Contract between FP&L and Jacksonville Electric Authority for Transmission of Power and Energy in the Implementation of the Power Sale Agreement between Jacksonville Authority and Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company; and Southern Company Services, Inc., and a Revised Amendment Number One to the January 28, 1977 Agreement to Provide Specified Transmission Service between FP&L and the Utilities Commission of the City of New Smyrna Beach, Florida.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29397 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-2024-000]

Regina E. Herzlinger; Application

October 21, 1982

The filing individual submits the following:

Take notice that on October 5, 1982, Regina E. Herzlinger, filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director—Monongahela Power Company ("Monongahela")
Director—The Potomac Edison Company ("Potomac")
Director—West Penn Power Company ("West Penn")

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29398 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-30-000]

Idaho Power Co.; Filing

October 21, 1982

The filing Company submits the following:

Take notice that on October 13, 1982, Idaho Power Company (Idaho) tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electronic Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during August, 1982, along with cost justification for the rate charged. This filing includes the following supplements:

Utah Power & Light Company, Supplement 10
Sierra Pacific Power Company, Supplement 8
Washington Water Power Company, Supplement 7
Southern California Edison Company, Supplement 7
San Diego Gas & Electric Company, Supplement 4
City of Burbank, Supplement 6
City of Glendale, Supplement 6
City of Pasadena, Supplement 6
Los Angeles Water and Power Company, Supplement 6

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-29399 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-23-000]

Kansas City Power & Light Co.; Filing

October 21, 1982.

The filing Company submits the following:

Take notice that on October 12, 1981, Kansas City Power & Light Company (KCPL) tendered for filing proposed changes in its contracts with the following two wholesale customers:

1. Coffey County Rural Electric Cooperative Association, Inc. (Coffey County), FPC No. 69
2. United Electric Cooperative, Inc. (United), FPC No. 84

KCPL states that Coffey County and United have assigned all rights, title and interest in their respective contracts to Kansas Electric Power Cooperative, Inc. (KEPCo), and that the purpose of this filing is to change the customer names in the respective contracts from Coffey County and United to KEPCo.

KCPL states that the proposed effective date for such changes is January 1, 1982, the effective date of the assignments, and KCPL requests waiver of the Commission's notice requirements in order to effect the stated tariff changes.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29411 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP73-224-003]

Kansas-Nebraska Natural Gas Co., Inc.; Petition To Amend

October 20, 1982.

Take notice that on August 25, 1982,[1] Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 15265, Lakewood, Colorado 80215, filed in Docket No. CP73-224-003 a petition to amend the order issued August 28, 1973,[2] as amended, in Docket No. CP73-224 pursuant to Section 7(c) of the Natural Gas Act so as to authorize increases and decreases in Winter Period Service sales with a total 2,675 Mcf per day increase, a 279 Mcf per day decrease in contract demand under Rate Schedule CD-1, and changes to reflect the priorities set forth in Petitioner's permanent curtailment plan, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner contends that two of its wholesale customers have requested increases in demand based on growth in their market areas. Minnesota Gas Company requests a Winter Period Service increase of 2,140 Mcf and Northwestern Public Service Company seeks an increase of 1,089 Mcf. Petitioner additionally states that Natural Gas Distributing Company (NGD) and Northern Natural Gas Company (Peoples Natural Gas Division) have requested Winter Period Service demand decreases of 289 Mcf and 265 Mcf respectively. The total changes in Winter Period Service demand nominations are proposed to increase 2,675 Mcf. It is stated that pursuant to NGD's request Petitioner proposes to implement a reduction in NGD's CD-1 contract demand by 279 Mcf.

Petitioner also seeks to amend the original certificate to reflect the priorities set forth in its permanent curtailment plan. Petitioner asserts its permanent curtailment plan is set forth in Section 13.b of its FERC Gas Tariff and that it became effective on January 1, 1982. It is submitted that under Petitioner's permanent curtailment plan, Priority 1 applies to residential customers and small commercial customers using less than 50 Mcf on a peak day; Priority 2 covers essential agricultural users; Priority 3 is available for commercial customers having peak day requirements of more than 50 Mcf, except for boiler fuel customers who use more than 300 Mcf on a peak day. Further, it is said that feedstock and process gas customers using no more than 500 Mcf on a peak day, and customers who require gas for flame stabilization and ignition fuel in boilers fired by other fuels also fall within Priority 3. It is asserted that Priority 4 is reserved for essential industrial process and feedstock customers having peak day requirements in excess of 500 Mcf, and Priority 5, which consists of five steps or categories of use, applies to boiler fuel use of more than 300 Mcf on a peak day and other industrial uses having peak day requirements of more than 500 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29400 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-231-000]

Kenvil Energy Corp.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 21, 1982.

On September 29, 1982, Kenvil Energy Corp., 400 Morris Avenue, Denville, New Jersey 07834, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be located near an anthracite refuse bank in Schuylkill County, Pennsylvania. The primary energy source to the facility will be coal refuse material which the Applicant characterizes as "waste." Natural gas or fuel oil will be used as supplementary fuel. The electric power production capacity of the facility will be 15 megawatts. No other small power production facilities owned by the Applicant will be located within one mile of the facility. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29401 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

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[1] The application was initially tendered for filing on August 25, 1982; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until August 26, 1982; thus, filing was not completed until the latter date.

[2] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. FR 83-28-000]

Long Island Lighting Co.; Filing

(October 21, 1982.)

The filing Company submits the following:

Take notice that Long Island Lighting Company on October 12, 1982, tendered for filing a supplement to FERC Rate Schedule No. 15 with the Incorporated Village of Freeport which recalculates the fuel cost adjustment provision that is applicable to energy sales made under this rate schedule.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determined the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29402 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-22-000]

Long Island Lighting Co.; Filing

October 21, 1982

The filing Company submits the following:

Take notice that Long Island Lighting Company (LILCO) on October 12, 1982, tendered for filing changes in its FERC Rate Schedule 29, pursuant to which LILCO sells power to the Incorporated Village of Rockville Centre, Long Island, New York. The changes reflect changes that LILCO has been permitted by the New York State Public Service Commission to make in the rates it charges retail customers under its SC2-MRP (Large General and Industrial Service with Multiple Rate Periods) and which by operation of FERC Rate Schedule 29 are applicable to the power LILCO sells to Rockville Centre. The filing covers seven changes that occurred between August 24, 1978 and May 7, 1982.

Copies of the filing were served upon the Village of Rockville Centre and the New York State Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29403 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST82-267-001 and ST82-267-000]

Louisiana Resources Co.; Self-Implementing Transaction and Petition for Waiver

October 20, 1982.

On March 19, 1982, Louisiana Resources Company (LRC) and Transcontinental Gas Pipe Line Corporation (Transco), entered into an exchange agreement. Under the agreement, LRC would transport up to 10,000 MMBtu equivalent of natural gas per day on behalf of Transco pursuant to Section 311(a)(2) of the Natural Gas Policy Act (NGPA). Although service under the agreement commenced on April 19, 1982, LRC did not make a timely report of this transaction pursuant to Sections 284.4 and 284.126 of the Commission's regulations.

On July 26, 1982, LRC filed a petition for a waiver of these rules to permit the late filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such petitions or protests should be filed on or before November 1, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for the public inspection.

Kenneth F. Plumb,

Secretary.

[FR. Doc. 82-29413 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-169-008]

Michigan Wisconsin Pipe Line Co. Petition To Amend

October 19, 1982.

Take notice that on October 8, 1982, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-169-008 a petition to amend the order issued September 25, 1979, as amended, pursuant to Section 7(c) of the Natural Gas Act, so as to extend Petitioner's authorization to transport natural gas for Natural Gas Pipeline Company of America (Natural) and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), for a period of one year through October 31, 1983, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner submits that by orders issued on Docket Nos. CP66-110 *et al.*, Midwestern Gas Transmission Corporation (Midwestern) and Great Lakes Gas Transmission Company (Great Lakes) were authorized to import from Canada a total of 132,000,000 Mcf of natural gas for a period ending October 31, 1982. Petitioner further states that approximately 67,000,000 Mcf of the gas authorized for import have been imported and sold and that, to enable the balance of the authorized quantity to be imported and sold and that, to enable the balance of the authorized quantity to be imported and sold, Midwestern and Great Lakes have filed a joint petition to amend their authorizations. Petitioner indicates that Midwestern sells a portion of the imported volumes to Natural and Tennessee, and Petitioner provides transportation services which enables Natural and Tennessee to receive said gas. It is alleged that the authorization for that transportation service expired on October 31, 1982. Petitioner proposes to continue these transportation services until October 31, 1983.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervine or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29414 Filed 10-26-82: 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP66-121-022, CP79-161-005, and CP66-112-006]

Midwestern Gas Transmission Co.; Great Lakes Gas Transmission Co.; Petition To Amend

October 19, 1982.

Take notice that on September 22, 1982, Midwestern Gas Transmission Company (Midwestern), P.O. Box 2511, Houston, Texas 77001, and Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket Nos. CP66-121-022, CP66-112-006, and CP79-161-005 a joint petition to further amend the orders issued September 25, 1979, as amended, in these dockets pursuant to Sections 3 and 7(c) of the Natural Gas Act, so as to extend to October 31, 1983, Petitioners' authorization to import, transport and sell on an interruptible basis the remainder of the 132,000,000 Mcf of natural gas previously authorized to be imported and sold by October 31, 1982, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners submit that by order issued September 25, 1979, as amended, Midwestern was authorized in Docket No. CP66-112 to import 114,000,000 Mcf of gas with a daily volume limit of 600,000 Mcf at two points on the United States-Canada border, near Emerson, Manitoba, and near Niagara Falls, New York, that in Docket No. CP66-121 Great Lakes was authorized to sell 18,000,000 Mcf of gas to be imported by Great Lakes to Midwestern at the Emerson inter-connection pursuant to a gas purchase contract dated November 17, 1978, as amended, and that in Docket No. CP66-161 Midwestern was authorized to sell such imported gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), and Natural Gas Pipeline Company of America (Natural).

It is stated that since the September 25, 1979, order the Petitioners have imported and sold approximately 67,000,000 Mcf of the 132,000,000 Mcf of gas authorized. Petitioners assert that the remaining 65,000,000 Mcf of the total volume authorized cannot be imported by the authorized termination date of October 31, 1982. It is therefore requested that the above-described importation, sale, and transportation of natural gas authorizations be extended for a one-year period to October 31, 1983. Midwestern further requests that its gas resale arrangements with Tennessee, Northern, and Natural be amended to permit the continuation of the sales until October 31, 1983.

Petitioners assert that the natural gas would only be imported when needed in United States markets and that such gas would be transported through the use of existing facilities and on a best-efforts interruptible basis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a motion to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29415 Filed 10-26-82: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-27-000]

Niagara Mohawk Power Corp.; Filing

October 21, 1982.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 12, 1982, tendered for filing as a rate schedule, an agreement between Niagara and the Power Authority of the State of New York (PASNY) dated April 22, 1982.

Niagara presently has on file an agreement with PASNY dated January 15, 1963. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 22. This new agreement is being transmitted as a supplement to the existing agreement.

The original January 15, 1963 agreement states that Niagara will provide backup power when request ed by PASNY so that PASNY can maintain an uninterrupted supply of interruptible power and energy to its aluminum reduction customers in the St. Lawrence Area. Niagara will supply the energy at a power rate not to exceed 80,000 kilowatts at any time prior to January 1, 1993 and at the rate of 40,000 kilowatts for the remainder of the agreement when and if Niagara can supply the power and energy from its generating facilities, contract resources or its interconnections without necessitating an interruption to its customers. This supplement revises the rate for emergency power as provided for in terms of the original agreement. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of September 1, 1982.

Copies of the filing were served upon Power Authority of the State of New York and Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29416 Filed 10-26-82: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-26-000]

Niagara Mohawk Power Corp.; Filing

October 21, 1982.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 12, 1982, tendered for filing as a rate schedule, an agreement between Niagara and the Rochester Gas and Electric Corporation (Rochester) dated July 20, 1982.

Niagara presently has on file an agreement with Rochester dated April 12, 1973. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 76. This new agreement is being transmitted as a supplement to the existing agreement.

The original April 12, 1973 agreement states that Niagara will provide for the transmission of power and energy to and from the Power Authority of the State of New York at the Blenheim-Gilboa Pumped Storage Plant for Rochester. This supplement revises the rate to be paid by Rochester for the use of Niagara's facilities. In addition, the monthly charge will be updated on October 1 of each succeeding year using Niagara's most recent annual fixed charges. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of October 1, 1982.

Copies of the filing were served upon the Rochester Gas & Electric Corporation and Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procecure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29404 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-21-000]

Ohio Edison Co.; Filing

October 20, 1982.

The filing Company submits the following:

Take notice that on October 8, 1982, Ohio Edison Company (Ohio) tendered for filing an application to effect the operation of the tax adjustment clause contained in its FERC Electric Schedule No. 140 and in its FERC Electric Tariff Original Volume No. 1.

Ohio states that the application would have tax adjustment provisions effected to recover additional gross receipts taxes imposed by the State of Ohio in November of 1981. The amount of the tax increase attributable to municipal resale customers for the year ending April 30, 1982 is $284,539. Ohio Edison proposes to begin recovering the additional taxes effective December 1, 1982 by a percentage added to customers monthly invoices. Ohio further states that the effect of the application would be a .71% increase in the amount collected for the year ended April 30, 1982. There would be no change in return to Ohio as such dollars collected will be paid out to the State of Ohio.

Copies of this filing were served upon the Public Utilities Commission of Ohio and the Municipal Wholesale Customers of Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29417 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-20-000]

Pacific Power & Light Co.; Filing

October 20, 1982.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on October 8, 1982, tendered for filing, revised Appendix 1 for the state of Montana. Pacific's Revised Appendix 1 for the average system cost for the state of Montana is applicable to the exchange of power between Bonneville Power Administration (Bonneville) and Pacific.

Pacific requests an effective date of May 27, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Bonneville Public Service Commission of the state of Montana and Bonneville's Direct Service Industrial Customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211 and 385.214). All such motions or protests should be filed on or before November 2, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29418 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-76-000]

Pacific Power & Light Co.; Application

October 20, 1982.

Take notice that on October 14, 1982, Pacific Power & Light Company (Pacific) filed an amendment to its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order (1) authorizing it to issue and sell not more than 5,000,000 shares of its common stock [1] and (2) exempting the issuance from competitive bidding pursuant to 18 CFR 34.2(b)(2).

Any person desiring to be heard or to make any protest with reference to this revised application should, on or before October 31, 1982, file with the Federal Energy Regulatory Commission,

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[1] Pacific's original filing with the Commission requested authority to issue no more than 2,500,000 shares of common stock.

Washington, D.C. 20426, petitions to intervene or protest in accordance with 18 CFR 385.211 or 385.214, respectively. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29405 Filed 10-26-82: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-510-000]

Panhandle Eastern Pipe Line Co.; Trunkline Gas Co.; Application

October 22, 1982.

Take notice that on August 25, 1982, Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP82-510-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Kansas Power & Light Company (KP&L), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they have contracted to transport 20,000 Mcf of natural gas per day on a firm basis and up to an additional 10,000 Mcf of natural gas per day on an interruptible basis to Consumers Power Company (Consumers) for the account of KP&L from Reno County, Kansas, to an existing Consumers-Trunkline interconnection. It is stated Panhandle would receive the gas near Haven, Reno County, Kansas, and Trunkline would redeliver the gas near Elkhart County, Indiana, during summer injection periods (April 1 through October 31). It is further stated that during winter withdrawal periods (November 1 through March 31), Consumers would deliver to Trunkline for the account of KP&L at the existing Consumers-Trunkline interconnection near Elkhart county, Indiana, 35,000 Mcf of gas per day on a firm basis and up to an additional 15,000 Mcf of gas per day on an interruptible basis, and that Panhandle would in turn deliver gas to KP&L in Reno County, Kansas.

KP&L would pay Applicants a monthly charge of $117,800 for the firm basis transportation service and 19.34 cents per Mcf for the interruptible basis transportation service during the summer injection periods. It is stated that there would also be an excess/deficiency charge of 19.34 cents per Mcf. It is further stated that Trunkline would deliver thermally equivalent volumes to Consumers less the five percent fuel usage on Panhandle's system and less one percent fuel usage of Trunkline's system. During the winter withdrawal periods, KP&L would pay Applicants a monthly charge of $41,300 for the firm basis transporation service and 3.89 cents per Mcf for the interruptible basis transportation service. There would be an excess/deficiency charge of 3.89 cents per Mcf during the winter withdrawal periods.

It is indicated that the subject gas would be stored by Consumers for KP&L.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 10, 1982 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29406 Filed 10-26-82: 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-24-000]

Public Service Company of Indiana, Inc.; Filing

October 21, 1982.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on October 12, 1982, tendered for filing pursuant to the Interconnection Agreement between Public Service Company of Indiana, Inc. and Indianapolis Power & Light Company a Seventh Supplemental Agreement.

Said Supplemental Agreement establishes a new delivery point known as the 106 Street Tap Point and extends service for a five year period at the Carmel Tap Point.

Copies of the filing were served upon Indianapolis Power & Light Company and the Public Service Commission of Indiana.

Public Service Company of Indiana, Inc. has requested waiver of the Commission's notice requirement to permit an effective date of June 1, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.211, 385.214). All such motions or protests should be filed on or before November 4, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29407 Filed 10-26-82: 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6619-001]

Raeford Hydropower Corp.; Exemption From Licensing

October 22, 1982.

A notice of exemption from licensing of a small hydroelectric project known as Raeford Dam Hydroelectric Project, Project No. 6619, was filed on August 27, 1982, by Raeford Hydropower Corporation. The proposed hydroelectric project would have an installed capacity of 800 kW and would be located on

Rockfish Creek, at Upchurch's Pond, in Cumberland County, North Carolina.

Pursuant to Sections 4.109(c) and 375.308(ss) of the Commission's regulations, and subject to the terms and conditions set forth in Section 4.111 of the Commission's regulations, the Director, Office of Electric Power Regulation, issues this notification that the above project is exempted from licensing as of September 27, 1982.

Lawrence R. Anderson,

Director, Office of Electric Power Regulation.

[FR Doc. 82-29408 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-229-000]

Raymond and Phyllis Kvamme; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 21, 1982.

On September 27, 1982, Raymond and Phyllis Kvamme of RR #6, Decorah, Iowa, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 10 kW wind installation located in Decorah, Iowa. Applicant states that no other hydroelectric facilities owned by the applicant located within one mile of the same site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-9412 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-7-000]

San Diego Solar Concept, I, Ltd.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 21, 1982.

On October 12, 1982, San Diego Solar Concepts I, Ltd., P.O. Box 20173, San Jose, California 95160, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping-cycle cogeneration facility will be located in the Borrego Springs area of San Diego, California. The facility will consist of a maximum of 300 solar modules floating in cooling ponds. No oil or gas will be used in the facility. The electric power production capacity of the facility will be 300 kilowatts. Hot water produced in the coiling process will be sold for process use in a nearby plant. Installation of the facility will begin in December 1982. No electric utility, electricity utility holding company or any combination thereof has any ownership in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29422 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-222-000]

Synergics, Inc., Emporia, Va.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 21, 1982.

On September 13, 1982, Synergics, Inc., of at 1444 Foxwood Court, Annapolis, Maryland 21401, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facilities as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 2700 kW hydroelectric installation located in Emporia, Virginia. Applicant states that no other hydroelectric facility owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29419 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-220-000]

Synergics, Inc., High Bridge, N.J.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 21, 1982.

On September 13, 1982, Synergics, Inc., of 1444 Foxwood Court, Annapolis, Maryland 21401, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 600 kW hydroelectric installation located in High Bridge, New Jersey. Applicant states that no other hydroelectric facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions of protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29420 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-221-000]

Synergics, Inc., Halifax, Va.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 21, 1982.

On September 13, 1982, Synergics, Inc., of 1444 Foxwood Court, Annapolis, Maryland 21401, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 1300 kW hydroelectric installation located in Halifax, Virginia. Applicant states that no other hydroelectric facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29421 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. QF82-212-000, QF82-213-000, QF82-214-000]

Wehran Energy Corp., Pelham Bay, Holtsville Landfill, Horseblock Rd.; Amendment to Notices of Application for Commission Certification of Qualifying Status of Small Power Production Facilities

October 20, 1982.

In Dockets No. QF82-212-000, QF82-213-000 and QF82-214-000 appearing in the **Federal Register** issue of September 29, 1982 on pages 42798 and 42799, the electric power production capacity of each facility was identified as 500 kilowatts. While applicant stated that the initial installation at each facility will have a capacity of 500 kilowatts, applicant also stated that capacity additions might be made at each facility if sufficient biomethane gas is available. Therefore, the Notice is amended to state that the maximum electric power production capacities at the Pelham Bay and Horseblock Road facilities will be 5,000 kilowatts and at the Holtsville Landfill facility will be 3,000 kilowatts.

In view of this amendment, the comment period specified in the original notice is extended by 15 days.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29423 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Volume 758]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 21, 1982.

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JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                              FIELD NAME              PROD  PURCHASER
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   PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
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-ADOBE OIL & GAS CORPORATION             RECEIVED:  09/23/82     JA: PA
 8257294  15229        3706326913    103           STANLEY EHILENSKI #1                   COMMODORE                24.0 COLUMBIA GAS TRAN
-ALCOVE INVESTMENTS                      RECEIVED:  09/23/82     JA: PA
 8257295  15365        3706320697    108           LOUIS J BILAN JR #1                    NORTH MAHONING           10.0 APOLLO GAS CO
 8257296  15366        3706320792    108           LOUIS J BILAN JR #2                                             10.0 APOLLO GAS CO
 8257297  15367        3706321894    108           LOUIS J BILAN JR #3                                             10.0 APOLLO GAS.CO
-ANGERMAN ASSOCIATES INC                 RECEIVED:  09/23/82     JA: PA
 8257298  15157        3712921940    103           MARY E EARNEST #2 - WES-21940          W PA UPPER DEVONIAN S    25.0 PEOPLES NATURAL G
 8257299  15158        3712900000    103           ORIO S & ELVA J STEEL #3-WES-21964     W PENNA - UPPER DEVON    15.0 COLUMBIA GAS TRAN
-ASHTOLA PRODUCTION CO                   RECEIVED:  09/23/82     JA: PA
 8257300  15233        3705120278    103           GLEN C HONSACKER #1                    MASONTOWN                 0.0
-ATLAS RESOURCES INC                     RECEIVED:  09/23/82     JA: PA
 8257301  15231        3706326856    103           LENTZ #1                               GRANT                   187.0 COLUMBIA GAS TRAN
 8257303  15258        3703921559    107-TF        MIHALAK #1                             SPRING                   16.0 COLUMBIA GAS TRAN
 8257302  15242        3706325789    103           MOORE #1                               MONTGOMERY              436.0 COLUMBIA GAS TRAN
-BOYD & SHRIVER                          RECEIVED:  09/23/82     JA: PA
 8257307  09456        3706324087    108           BISHOP #476                            NORTH MAHONING            0.0 CONSOLIDATED GAS
 8257315  15239        3706300000    108           BLOOM #341                             N MAHONING                0.0 CONSOLIDATED GAS
 8257309  09525        3706323483    108           BOWERS #452                            CANOE                     0.0 CONSOLIDATED GAS
 8257306  02131        3706321649    108           BROWN #402                             GRANT                     0.0 CONSOLIDATED GAS
 8257314  09510        3706323939    108           CLARK #485                             CANOE                     0.0 CONSOLIDATED GAS
 8257304  02915        3706322499    103           ELDER #427                             E MAHONING                0.0 CONSOLIDATED GAS
 8257305  02111        3706322498    108           KNOX #430                              N MAHONING                0.0 CONSOLIDATED GAS
 8257313  09509        3706323474    108           KOPAS #457                             CANOE                     0.0 CONSOLIDATED GAS
 8257312  09508        3706324091    108           KOPAS #487                             CANOE                     0.0 CONSOLIDATED GAS
 8257311  09507        3706323900    108           LEASURE #486                           CANOE                     0.0 CONSOLIDATED GAS
 8257310  09506        3706323478    108           TYGER #456                             CANOE                     0.0 CONSOLIDATED GAS
 8257308  09504        3706323534    108           WINEBARK #458                          CANOE                     0.0 CONSOLIDATED GAS
-CARDINAL OIL CO                         RECEIVED:  09/23/82     JA: PA
 8257319  15191        3704900000    107-TF        A KUZMA #1 82-2 PA PER ERI-21605       CONNEAUT                  0.0 NATIONAL FUEL GAS
 8257321  15194        3704921915    107-TF        A MATASOWSKI #1 82-4 PER ERI-21915     CONNEAUT                  0.0 NATIONAL FUEL GAS
 8257322  15379        3704921892    107-TF        D CAMP #1 82-5 PA PER ERI-21892        CONNEAUT                  0.0 NATIONAL FUEL GAS
 8257323  15380        3704921893    107-TF        D CAMP #2 82-6 PA PER ERI-21893        CONNEAUT                  0.0 NATIONAL FUEL GAS
 8257320  15192        3704921885    107-TF        E BROOKS #1 82-1 PA PER ERI-21885      CONNEAUT                  0.0 NATIONAL FUEL GAS
 8257318  12144        3703920620    107-TF        S DILLINGER #1 80-5 PER CRA-20620      CONNEAUT                  0.0 COLUMBIA GAS TRAN
-CASTLE GAS CO INC                       RECEIVED:  09/23/82     JA: PA
 8257326  15038        3706324006    108           A CHUNCRK #1 (C-469) IND-24006         YOUNG TOWNSHIP            5.3 INDUSTRIAL ENERGY
 8257331  15043        3706323912    108           A H MIKESELL #2 (C-447) IND-23912      WHITE TOWNSHIP           11.5 COLUMBIA GAS TRAN
 8257327  15039        3706324678    108           CLEARFIELD BIT COAL CORP #1 (C-578)    WHITE TOWNSHIP           19.5 PEOPLES NATURAL G
 8257332  15044        3706324158    108           D E RISINGER #1 (C-487) IND-24158      CENTER TOWNSHIP          30.0 COLUMBIA GAS TRAN
 8257328  15040        3706323916    108           E EVANS #1 (C-448) IND-23916           WHITE TOWNSHIP            7.5 COLUMBIA GAS TRAN
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257324	15295	3706325514		103		F KOLB #4(C-283) IND-25514	YOUNG TOWNSHIP	55.0	COLUMBIA GAS TRAN
8257329	15041	3706323972		108		HALLIBURTON #1 (C-454) IND-23972	CENTER TOWNSHIP	13.0	COLUMBIA GAS TRAN
8257330	15042	3706324071		108		R D HENRY #3 (C-473) IND-24071	EAST MAHONING TOWNSHI	20.9	PEOPLES NATURAL G
8257325	15296	3706326689		103		R S HENRY #4 (C-750) IND-26689	YOUNG TOWNSHIP	50.0	COLUMBIA GAS TRAN
-COLUMBIA GAS TRANSMISSION CORP				RECEIVED:		09/23/82 JA: PA			
8257347	15261	3705120295		103		BENJAMIN C & TWILA L SUMAY 620748	PENNSYLVANIA SW SHALL	12.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		09/23/82 JA: PA			
8257346	15241	3703300215		108		ANTONIO J PALUMBO WN-714	CENTRAL	15.0	GENERAL SYSTEM PU
8257341	15169	3703321256		103		D G SPENCER #1 WN 1896	FERGUSON TOWNSHIP	14.0	GENERAL SYSTEM PU
8257340	15168	3703321216		103		D SPENCER #2 WN 1895	PENN TOWNSHIP	16.0	GENERAL SYSTEM PU
8257336	15164	3706326555		103		DONALD HICKOK #1 WN 1881	GREEN TOWNSHIP	4.7	GENERAL SYSTEM PU
8257335	15371	3703321202		102-2		E M WATT #1 WN-1892	FERGUSON TOWNSHIP	18.0	GENERAL SYSTEM PU
8257338	15166	3703321202		103		E M WATTS #1 WN-1892	FERGUSON TOWNSHIP	18.0	GENERAL SYSTEM PU
8257337	15165	3703321201		103		MARSHALL-BELL UNIT #1 WN 1891	FERGUSON TOWNSHIP	7.3	GENERAL SYSTEM PU
8257344	15231	3703300057		108		PENNA STATE TRACT #43 WN-1236	GOSHEN	20.0	GENERAL SYSTEM PU
8257342	15170	3703321259		103		R L SPENCER #1 WN 1897	FERGUSON TOWNSHIP	23.5	GENERAL SYSTEM PU
8257334	15369	3703321259		102-2		R L SPENCER #1 WN-1897	FERGUSON TOWNSHIP	24.0	GENERAL SYSTEM PU
8257333	15368	3703321251		102-2		SNYDER-SCHROT #1 WN 1898	FERGUSON TOWNSHIP	36.0	GENERAL SYSTEM PU
8257343	15171	3703321251		103		SNYDER-SCHROT #1 WN 1898	FERGUSON TOWNSHIP	36.0	GENERAL SYSTEM PU
8257339	15167	3703321232		103		V O BARRETT #1 WN 1893	FERGUSON TOWNSHIP	15.0	GENERAL SYSTEM PU
8257345	15235	3703320529		108		WILLIAM BARR WN 1315	BRADY TOWNSHIP	18.0	GENERAL SYSTEM PU
-DAMSON-LOUDEN CO LTD & NCC-LOUDEN L				RECEIVED:		09/23/82 JA: PA			
8257348	15232	3706521284		108		ROBERT A KECK 175-2		4.0	COLUMBIA GAS OF P
-DELTA DRILLING CO				RECEIVED:		09/23/82 JA: PA			
8257350	15360	3706326760		103		MURDICK-MORGAN #4 IND 26760	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8257353	15363	3706326860		103		R J HAINES #1 26860	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8257354	15364	3706326822		103		R ST CLAIR #2 IND 26822	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8257351	15361	3706326823		103		R ST CLAIR #4 IND 26823	CHERRYHILL FLD	0.0	COLUMBIA GAS TRAN
8257352	15362	3706326820		103		T M RHODES #1 IND 26820	CHERRYHILL	0.0	COLUMBIA GAS TRAN
8257349	15226	3706326784		102-2		W H BECK #3 IND 26784	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-DOC-NCC SERVICE CO				RECEIVED:		09/23/82 JA: PA			
8257356	15263	3712921912		103		F N STONER TRUST 761-6	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8257357	15263	3712922053		103		FRANK L SMITH 1590-3	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
8257355	15262	3712922042		102-2		SOUTHMORELAND SCHOOL DISTRICT 748-4	EAST HUNTINGDON	30.0	TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC				RECEIVED:		09/23/82 JA: PA			
8257360	15357	3706323937		108		BLAIR SMELTZER #1 K-L-15	UPPER DEVONIAN SANDS	30.0	INDUSTRIAL GAS SA
8257361	15358	3700522153		108		EARL HUFFMAN #1 K-L-66	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
8257362	15359	3706324207		108		H WALLACE POLLOCK #1 K-L-65	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8257358	15236	3706324055		108		J & L MOBILE HOMES #1 KL-45	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8257359	15237	3706323998		108		R PHILIPPE #1 KL-42	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
-ENERGY PRODUCTION CO				RECEIVED:		09/23/82 JA: PA			
8257365	15225	3706326621		103		CHARLES ALTEMUS #2	NOLO MOUNTAN	12.8	COLUMBIA GAS TRAN
8257363	15034	3706326471		103		JOHN SHARDELLA #1	NOLO MOUNTAIN	22.3	COLUMBIA GAS TRAN
8257364	15224	3706326614		103		PHILIP NIBERT #1	NOLO MOUNTAIN	30.4	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:		09/23/82 JA: PA			
8257367	15173	3704921548		107-TF		G CROWELL #1	CORRY	18.0	NATIONAL FUEL GAS
8257368	15174	3704921322		107-TF		J HIPPS #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8257369	15227	3704921873		107-TF		L ALLEN #3	WATERFORD	18.0	COLUMBIA GAS TRAN
8257370	15228	3704921797		107-TF		M ALLEN #2	WATERFORD	18.0	COLUMBIA GAS TRAN
8257366	15172	3704921805		107-TF		W MCCRAY #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
-EPSILON 1980 S T JOINT VENTURE				RECEIVED:		09/23/82 JA: PA			
8257371	15289	3703321029		103		FINK #1	KNOX	25.0	COLUMBIA GAS TRAN
-FELMONT OIL CORPORATION				RECEIVED:		09/23/82 JA: PA			

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257373	15314	3702120123		102-2		MARTIN L BEARER #19 F-309	DRISCOLL HOLLOW	0.0	
8257372	15313	3703321134		102-2		MARTIN L BEARER #26 F-320	DRISCOLL HOLLOW	0.0	
8257374	15315	3702120148		102-2		VINCENT CARPINELLO #2 F-339	DRISCOLL HOLLOW	0.0	
-FOX OIL & GAS INC				RECEIVED:	09/23/82	JA: PA			
8257381	15211	3706326196		102-2		DALE E MYERS #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257380	15210	3706324926		102-2		EDWARD FURMAN #2	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257377	15207	3706324645		102-2		ELMER LEAMER #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257378	15208	3706324971		102-2		GEORGE BAKER #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257382	15212	3706326466		102-2		GEORGE BAKER #3	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257383	15213	3706326363		102-2		GERALD FLEMING #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257379	15209	3706324945		102-2		GREEN TWP COM ASSOC	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257376	15205	3706324434		102-2		NESBIT SHAFFER #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257375	15204	3706326421		102-2		R CHERNISKY #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
8257384	15161	3706326421		103		R CHERNISKY #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
-GULF OIL CORPORATION				RECEIVED:	09/23/82	JA: PA			
8257423	15083	3703300000		108		BEATTY LETHA #1	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257431	15091	3703320423		108		BELL #1	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257422	15082	3703300000		108		DAISHER WM #1	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257429	15089	3703300000		108		FEE "A" #16	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257428	15088	3703300000		108		FEE "A" #17	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257430	15090	3703300000		108		FEE "A" #2	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257414	15074	3703300000		108		FEE "A" #20	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257413	15073	3706520824		108		FEE "A" #25	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257385	15045	3703323507		108		FEE "A" #26	REED-DEEMER	3.0	NATIONAL FUEL GAS
8257412	15072	3703300000		108		FEE "A" #29	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257411	15071	3703300000		108		FEE "A" #32	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257410	15070	3703300000		108		FEE "A" #36	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257409	15069	3703300000		108		FEE "A" #37	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257408	15068	3703300000		108		FEE "A" #38	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257407	15067	3703300000		108		FEE "A" #40	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257406	15066	3703300000		108		FEE "A" #41	REED-DEEMER	9.1	NATIONAL FUEL GAS
8257405	15065	3703300000		108		FEE "A" #42	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257404	15064	3703300000		108		FEE "A" #43	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257403	15063	3703300000		108		FEE "A" #44	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257402	15062	3703300000		108		FEE "A" #45	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257401	15061	3703300000		108		FEE "A" #47	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257400	15060	3703300000		108		FEE "A" #50	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257399	15059	3703300000		108		FEE "A" #52	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257398	15058	3703300000		108		FEE "A" #57	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257397	15057	3703300000		108		FEE "A" #58	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257396	15056	3703300000		108		FEE "A" #60	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257395	15055	3703300000		108		FEE "A" #61	REED-DEEMER	3.3	NATIONAL FUEL GAS
8257394	15054	3703300000		108		FEE "A" #63	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257393	15053	3703300000		108		FEE "A" #64	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257392	15052	3703300000		108		FEE "A" #68X	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257391	15051	3703300000		108		FEE "A" #80	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257386	15046	3703300000		108		FEE "A" #86	REED-DEEMER	11.0	NATIONAL FUEL GAS
8257387	15047	3703300000		108		FEE "A" #92	REED-DEEMER	11.0	NATIONAL FUEL GAS
8257388	15048	3703300000		108		FEE "A" #97	REED-DEEMER	6.0	NATIONAL FUEL GAS
8257389	15049	3703300000		108		FEE "A" #98	REED-DEEMER	6.0	NATIONAL FUEL GAS
8257390	15050	3703300000		108		HICKOCK #2	REED-DEEMER	6.0	NATIONAL FUEL GAS
8257427	15087	3703300000		108		HICKOCK STELLA #1	REED-DEEMER	2.0	NATIONAL FUEL GAS
8257425	15085	3703320364		108		IRVIN B W #3	REED-DEEMER	3.3	NATIONAL FUEL GAS

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 8257424  15084         3703320422   108            IRVIN B W #5                             REED-DEEMER              2.0 NATIONAL FUEL GAS
 8257421  15081         3706520369   108            MCCLURE H & L #2                         REED-DEEMER              3.3 NATIONAL FUEL GAS
 8257420  15080         3706520300   108            MCCLURE HARRIET #1                       REED-DEEMER              2.0 NATIONAL FUEL GAS
 8257419  15079         3706520299   108            MCCLURE HARRIET #2                       REED-DEEMER              3.3 NATIONAL FUEL GAS
 8257418  15078         3706520329   108            MCCLURE HARRIET #3                       REED-DEEMER              2.0 NATIONAL FUEL GAS
 8257417  15077         3706500000   108            MCCLURE HARRIET #4                       REED-DEEMER              2.0 NATIONAL FUEL GAS
 8257416  15076         3706500000   108            MCCLURE HARRIET #6                       REED-DEEMER              2.0 NATIONAL FUEL GAS
 8257415  15075         3706500000   108            MCCLURE HARRIET #7                       REED-DEEMER              2.0 NATIONAL FUEL GAS
 8257426  15086         3703300000   108            PARRISH KATHRYN #1                       REED-DEEMER              2.0 NATIONAL FUEL GAS
-J & J ENTERPRISES INC                  RECEIVED:  09/23/82    JA: PA
 8257444  15223         3706522010   108            JAMES W KINTER #1                        PUNXSUTAWNEY BORO        6.5 CONSOLIDATED GAS
 8257441  15156         3703321242   103            M KOVALCHICK #26 (85A)                   BRADY                    0.0 COLUMBIA GAS TRAN
 8257438  15153         3703321275   103            MIKE KOVALCHICK #28 (85A)                BRADY                    0.0 COLUMBIA GAS TRAN
 8257443  15292         3703321276   103            MIKE KOVALCHICK #29 (108A)               BRADY                    0.0 COLUMBIA GAS TRAN
 8257437  15152         3703321224   103            R & P COAL CO #10 (58A)                  BANKS                    0.0 COLUMBIA GAS TRAN
 8257439  15154         3703321225   103            R & P COAL CO #11 (PA)                   BRADY                    0.0 COLUMBIA GAS TRAN
 8257440  15155         3703321248   103            R & P COAL CO #23 (45A)                  BRADY                    0.0 COLUMBIA GAS TRAN
 8257442  15291         3703321249   103            R & P COAL CO #27 (F6A)                  BRADY                    0.0 COLUMBIA GAS TRAN
 8257434  13334         3703321207   102-4          THOMAS DUKE #1 (70A)                     BURNSIDE                 0.0 CONSOLIDATED GAS
 8257436  13336         3703321208   102-4          THOMAS DUKE #2 (70A)                     BURNSIDE                 0.0 CONSOLIDATED GAS
 8257435  13335         3703321209   102-4          THOMAS DUKE #3 (70A)                     BURNSIDE                 0.0 CONSOLIDATED GAS
 8257433  13136         3706326237   102-4          V W SMITH - M J BAKER #1 (11A)           MONTGOMERY               0.0 CONSOLIDATED GAS
-JAMES DRILLING CORP                    RECEIVED:  09/23/82    JA: PA
 8257432  15240         3706323831   108            J W BROOKS #1                            BANKS                    2.5 CONSOLIDATED GAS
-KALTSAS OIL CO                         RECEIVED:  09/23/82    JA: PA
 8257445  14901         3704921710   103            HERBERT MILLER #2                        NORTH EAST FIELD HORN   15.0 COLUMBIA GAS TRAN
 8257448  14900         3704900000   107-TF         HERBERT MILLER #2                        NORTH EAST FIELD HORN   15.0 COLUMBIA GAS TRAN
 8257446  14902         3704900000   103            LEO GORNIAK #1                           NORTH EAST FIELD HORN   13.0 COLUMBIA GAS TRAN
 8257449  14903         3704900000   107-TF         LEO GORNIAK #1                           NORTH EAST FIELD HORN   13.0 COLUMBIA GAS TRAN
 8257447  14904         3704921753   103            RICHARD APPLEBEE #3                      NORTH EAST FIELD HORN   12.0 COLUMBIA GAS TRAN
 8257450  14905         3704921753   107-TF         RICHARD APPLEBEE #3                      NORTH EAST FIELD HORN   12.0 COLUMBIA GAS TRAN
-KAPPA S T JOINT VENTURE 81             RECEIVED:  09/23/82    JA: PA
 8257451  15288         3703321268   103            DANVIR #1                                NONE                    25.0 COLUMBIA GAS TRAN
-KEYSTONE ENERGY OIL & GAS PRODUCTIO RECEIVED:  09/23/82    JA: PA
 8257452  14259         3706322673   103            FULMER #1-A                              JAY FULMER              81.3 PEOPLES NATURAL G
-MERIDIAN EXPLORATION CORP              RECEIVED:  09/23/82    JA: PA
 8257453  15294         3703921481   103            VENANGO VAL INN & GOLF COURSE 595-1 CAMBRIDGE SPRINGS       30.0 NATIONAL FUEL GAS
 8257454  11639         3703921481   107-TF         VENANGO VAL INN & GOLF COURSE 595-1 CAMBRIDGE SPRINGS       30.0 NATIONAL FUEL GAS
-MERIDIAN OIL & GAS ENT INC             RECEIVED:  09/23/82    JA: PA
 8257455  15199         3704921625   103    107-TF AMOS K FLINT #1                           CONNEAUT                 7.0 NATIONAL FUEL GAS
 8257456  15200         3704921625   103    107-TF AMOS K FLINT #1                           CONNEAUT                 7.0 NATIONAL FUEL GAS
-MID-EAST OIL CO                        RECEIVED:  09/23/82    JA: PA
 8257466  09521         3712921613   108            ANTHONY SULKOSKY #1                      BLAIRSVILLE             20.0 PEOPLES NATURAL G
 8257463  15322         3706326743   103            CUCCARESE/GOLD #1                        BOLIVAR                 24.0
 8257464  15323         3706326739   103            CUCCARESE/GOLD #2                        BOLIVAR                 24.0
 8257462  15321         3706522451   103            EDWARD J GOLLA                           REYNOLDSVILLE           18.0
 8257465  15324         3706326297   103            EUGENE PATTERSON #1                      ROCHESTER MILLS         30.0
 8257457  15316         3712921942   103            GLENN C STEELE #1                        SALTSBURG               47.0
 8257458  15317         3712921943   103            GLENN E STEELE #2                        SALTSBURG               45.0
 8257461  15320         3706522453   103            JOHN H LINGENFELTER #1                   PUNXSUTAWNEY            38.0
 8257460  15319         3706522269   103            JOHN R LELLOCK #1                        PUNXSUTAWNEY            26.0
 8257459  15318         3712921969   103            KENNETH B WALKER #1                      SALTSBURG               18.5
-MITCHELL ENERGY CORPORATION            RECEIVED:  09/23/82    JA: PA
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257467	15260	3703921456		103		F S URBANICK #1	LINESVILLE (MEDINA/WH	0.0	COLUMBIA GAS TRAN
8257468	15259	3703921456		107-TF		F S URBANICK #1	LINESVILLE (MEDINA/WH	0.0	COLUMBIA GAS TRAN
-MONROE RESOURCES LTD				RECEIVED:	09/23/82	JA: PA			
8257469	15148	3712330603		102-2		M MANWARING #5	FREEHOLD	20.0	COLUMBIA GAS TRAN
8257470	15149	3712330603		107-TF		M MANWARING #5	FREEHOLD	20.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	09/23/82	JA: PA			
8257529	15128	3706500000		108		A COOK SONS CO #X-101	BARNETT TOWNSHIP	0.8	GENERAL SYSTEM PU
8257530	15129	3706500000		108		A COOK SONS CO #X-108	BARNETT TOWNSHIP	0.7	GENERAL SYSTEM PU
8257521	15120	3705300000		108		A COOK SONS CO #X-124	BARNETT TOWNSHIP	0.7	GENERAL SYSTEM PU
8257537	15136	3703100000		108		A COOKS SONS #X-72	FARMINGTON TOWNSHIP	0.7	GENERAL SYSTEM PU
8257536	15135	3703100000		108		A COOKS SONS CO #X-79	FARMINGTON TOWNSHIP	0.5	GENERAL SYSTEM PU
8257535	15134	3703100000		108		A COOKS SONS CO #X-80	FARMINGTON TOWNSHIP	0.6	GENERAL SYSTEM PU
8257485	15004	3706500000		108		A W LATHROP #2.57	HEATH TOWNSHIP	4.7	GENERAL SYSTEM PU
8257484	15002	3706522670		108		A W LATHROP #2160	HEATH TOWNSHIP	3.5	GENERAL SYSTEM PU
8257495	15028	3706500000		108		A W LATHROP #796	HEATH TOWNSHIP	2.1	GENERAL SYSTEM PU
8257543	15195	3704700000		108		ALLEG NAT FOREST #1223-P	HIGHLAND TOWNSHIP	1.8	GENERAL SYSTEM PU
8257544	15196	3704700000		108		ALLEG NAT FOREST #5989	JONES TOWNSHIP	4.0	GENERAL SYSTEM PU
8257514	15111	3704700000		108		ALLEGHENY NAT'L FOREST #1213P	HIGHLAND TOWNSHIP	1.6	GENERAL SYSTEM PU
8257515	15112	3704700000		108		ALLEGHENY NAT'L FOREST #1246P	HIGHLAND TOWNSHIP	1.4	GENERAL SYSTEM PU
8257476	14956	3704700000		108		ALLEGHENY NATL FOR #1238-P	SPRING CREEK TOWNSHIP	1.6	GENERAL SYSTEM PU
8257473	14953	3704700000		108		ALLEGHENY NATL FOR #1248-P	HIGHLAND TOWNSHIP	0.2	GENERAL SYSTEM PU
8257477	14957	3704700000		108		ALLEGHENY NATL FOR #1254-P	SPRING CREEK TOWNSHIP	0.8	GENERAL SYSTEM PU
8257474	14954	3704700000		108		ALLEGHENY NATL FOR #1269-P	HIGHLAND TOWNSHIP	1.7	GENERAL SYSTEM PU
8257480	15018	3704720972		108		ALLEGHENY NATL FOREST #1304-P	HIGHLAND TOWNSHIP	0.7	GENERAL SYSTEM PU
8257550	15221	3708300000		108		ARMSTRONG FOREST CO FARM #4851	SERGEANT TOWNSHIP	1.2	GENERAL SYSTEM PU
8257539	15138	3706500000		108		C RODGERS #617	HEATH TOWNSHIP	5.5	GENERAL SYSTEM PU
8257534	15133	3703100000		108		COOK FOREST ST PK #X-145	FARMINGTON TOWNSHIP	1.0	GENERAL SYSTEM PU
8257532	15131	3703100000		108		COOK FOREST ST PK #X-152	FARMINGTON TOWNSHIP	2.1	GENERAL SYSTEM PU
8257531	15130	3703100000		108		COOK FOREST ST PK #X-154	FARMINGTON TOWNSHIP	0.6	GENERAL SYSTEM PU
8257528	15127	3703100000		108		COOK FOREST ST PK #X-156	FARMINGTON TOWNSHIP	1.0	GENERAL SYSTEM PU
8257527	15126	3703100000		108		COOK FOREST ST PK #X-157	FARMINGTON TOWNSHIP	0.8	GENERAL SYSTEM PU
8257526	15125	3703100000		108		COOK FOREST ST PK #X-158	FARMINGTON TOWNSHIP	0.8	GENERAL SYSTEM PU
8257525	15124	3703100000		108		COOK FOREST ST PK #X-159	FARMINGTON TOWNSHIP	0.9	GENERAL SYSTEM PU
8257524	15123	3703100000		108		COOK FOREST ST PK #X-164	FARMINGTON TOWNSHIP	0.6	GENERAL SYSTEM PU
8257503	15096	3703100000		108		DAN DETAR #2845	WASHINGTON TOWNSHIP	0.2	GENERAL SYSTEM PU
8257545	15215	3706500000		108		DAVID REYNOLDS #377	WINSLOW TOWNSHIP	0.4	GENERAL SYSTEM PU
8257540	15139	3706500000		108		E CUMMINGS #2063	KNOX TOWNSHIP	0.3	GENERAL SYSTEM PU
8257506	15103	3706500000		108		G W DUNKLE #3539	HEATH TOWNSHIP	5.4	GENERAL SYSTEM PU
8257522	15121	3705300000		108		GILFILLAN #X-13	BARNETT TOWNSHIP	0.7	GENERAL SYSTEM PU
8257523	15122	3705300000		108		GILFILLEN ET AL #X-7	BARNETT TOWNSHIP	0.4	GENERAL SYSTEM PU
8257499	15092	3704700000		108		GRANT & HORTON #765-P	RIDGWAY TOWNSHIP	1.1	GENERAL SYSTEM PU
8257483	15001	3706521195		108		GRUBE & KUNTZ FARM #3512	HEATH TOWNSHIP	2.8	GENERAL SYSTEM PU
8257509	15106	37[illegible]		108		H A MOATE #2 #6199	GIBSON TOWNSHIP	4.4	GENERAL SYSTEM PU
8257478	14958	3704700000		108		HALLOCK #3813	SPRING CREEK TOWNSHIP	2.2	GENERAL SYSTEM PU
8257500	15093	3705300000		108		HAMMOND HEIRS #4818	TIONESTA TOWNSHIP	0.3	GENERAL SYSTEM PU
8257511	15108	3704720971		108		J A HYDE #5118	RIDGWAY TOWNSHIP	0.7	GENERAL SYSTEM PU
8257548	15219	3708300000		108		J BROWN & A MEDLANDER #5394	HAMLIN TOWNSHIP	0.3	GENERAL SYSTEM PU
8257549	15220	3708300000		108		J BROWN & A MEDLANDER #5395	HAMLIN TOWNSHIP	0.4	GENERAL SYSTEM PU
8257501	15094	3712100000		108		J E KEVERLINE #4622	PINEGROVE TOWNSHIP	0.5	GENERAL SYSTEM PU
8257541	15141	3704700000		108		J F REINARD #4724	MILLSTONE TOWNSHIP	0.0	GENERAL SYSTEM PU
8257504	15101	3706500000		108		J T ENGLISH #737	HEATH TOWNSHIP	0.6	GENERAL SYSTEM PU
8257490	15022	3704700000		108		JERRY CRARY #882 P	SPRING CREEK TOWNSHIP	0.3	GENERAL SYSTEM PU
8257487	15017	37083[illegible]		108		L D WETMORE #1[illegible]-P	HAMILTON TOWNSHIP	1.0	GENERAL SYSTEM PU

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257498	15031	3708300000		108		L D WETMORE #538-P	HAMILTON TOWNSHIP	0.9	GENERAL SYSTEM PU
8257493	15026	3706500000		108		LATHROP & WYNKOOP #570	HEATH TOWNSHIP	2.5	GENERAL SYSTEM PU
8257518	15116	3704700000		108		LIZZIE M HYDE #5013	MILLSTONE TOWNSHIP	1.0	GENERAL SYSTEM PU
8257482	14981	3704720504		108		LIZZIE M HYDE #5055	SPRING CREEK TOWNSHIP	4.8	GENERAL SYSTEM PU
8257513	15110	3704900000		108		M & R FROMBACH #1614-P	CONNEAUT TOWNSHIP	0.5	GENERAL SYSTEM PU
8257480	14978	3706522699		108		M J LOWERS #2699	HEATH TOWNSHIP	8.3	GENERAL SYSTEM PU
8257520	15118	3706500000		108		NATIE J LOWERS #3545	HEATH TOWNSHIP	7.5	GENERAL SYSTEM PU
8257517	15115	3704700000		108		O W PROPER #424-P	HIGHLAND TOWNSHIP	2.0	GENERAL SYSTEM PU
8257533	15132	3703100000		108		OBEN LANDSE #X-151	FARMINGTON TOWNSHIP	1.0	GENERAL SYSTEM PU
8257492	15025	3706521507		108		PA STATE FOREST #560	HEATH TOWNSHIP	3.0	GENERAL SYSTEM PU
8257494	15027	3706500000		108		PA STATE FOREST #701	HEATH TOWNSHIP	4.3	GENERAL SYSTEM PU
8257496	15029	3706500000		108		PA STATE FOREST #805	HEATH TOWNSHIP	3.4	GENERAL SYSTEM PU
8257497	15030	3706500000		108		PA STATE FOREST #810	HEATH TOWNSHIP	3.3	GENERAL SYSTEM PU
8257471	15234	3704700000		103		PA STATE FOREST SC-588	JONES	13.6	GENERAL SYSTEM PU
8257519	15117	3706500000		108		PA STATE GAME LANDS #SC-429	HEATH TOWNSHIP	4.9	GENERAL SYSTEM PU
8257489	15020	3704700000		108		PA STATE GAME LANDS #SC244	SPRING CREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8257516	15114	3704700000		108		PA STATE GAME LANDS #SC397	HORTON TOWNSHIP	4.5	GENERAL SYSTEM PU
8257510	15107	3704700000		108		PA STATE GAME LANDS #SC418	HORTON TOWNSHIP	2.9	GENERAL SYSTEM PU
8257486	15015	3706520769		108		PA STATE GAME LANDS #SC427	HEATH TOWNSHIP	3.7	GENERAL SYSTEM PU
8257472	14951	3704721210		108		PA STATE GAME LANDS #1210-P	HIGHLAND TOWNSHIP	0.6	GENERAL SYSTEM PU
8257475	14955	3704700000		108		PA STATE GAME LANDS #1279-P	HIGHLAND TOWNSHIP	1.0	GENERAL SYSTEM PU
8257491	15024	3706522346		108		S T DOUGHERTY #377	HEATH TOWNSHIP	3.9	GENERAL SYSTEM PU
8257505	15102	3706500000		108		SIMPSON LANDS CO #5590	POLK TOWNSHIP	2.0	GENERAL SYSTEM PU
8257479	14975	3706521235		108		STATE GAME LANDS #5891	SNYDER TOWNSHIP	0.2	GENERAL SYSTEM PU
8257547	15217	3706500000		108		STATE GAME LANDS #5506	SNYDER TOWNSHIP	1.0	GENERAL SYSTEM PU
8257508	15105	3704700000		108		STATE GAME LANDS FARM #5884	SPRING CREEK TOWNSHIP	0.9	GENERAL SYSTEM PU
8257512	15109	3706500000		108		SULGER #5756	WARSAW TOWNSHIP	6.9	GENERAL SYSTEM PU
8257507	15104	3706500000		108		T M ALLSHOUSE #3705	ROSE TOWNSHIP	1.1	GENERAL SYSTEM PU
8257625	15023	3704700000		108		TERESIA DAVIS #SC7H	BENZINGER TOWNSHIP	1.5	GENERAL SYSTEM PU
8257481	14979	3705321853		108		TINDALE & CARSON #2321	HICKORY TOWNSHIP	1.0	GENERAL SYSTEM PU
8257546	15216	3706500000		108		W & D HENDERSON #3567	HEATH TOWNSHIP	4.1	GENERAL SYSTEM PU
8257502	15095	3712100000		108		W T BAUM #3107	CRANBERRY TOWNSHIP	0.5	GENERAL SYSTEM PU
8257538	15137	3706500000		108		WILLIAM MCKENDREE #X-166	BARNETT TOWNSHIP	1.5	GENERAL SYSTEM PU
8257542	15142	3708300000		108		WM RAYMER FARM #5233	KEATING TOWNSHIP	0.1	GENERAL SYSTEM PU
-ROBERT BRACE FARMS				RECEIVED:		09/23/82 JA: PA			
8257316	14752	3704921869		102-2		MCCALL #3	WATERFORD	25.0	NATIONAL FUEL GAS
8257317	14753	3704921869		107-TF		MCCALL #3	WATERFORD	0.0	NATIONAL FUEL GAS
-S T JOINT VENTURE 81A				RECEIVED:		09/23/82 JA: PA			
8257609	15286	3703321176		103		SWISSTOCK #1	JORDAN	25.0	COLUMBIA GAS TRAN
8257610	15287	3703321301		103		SWISSTOCK #1-SH	KNOX	25.0	COLUMBIA GAS TRAN
-T W PHILLIPS GAS & OIL CO				RECEIVED:		09/23/82 JA: PA			
8257577	15255	3706320481		108		A & P TAMSULA #1	BURRELL	5.6	T W PHILLIPS GAS
8257570	15248	3706300000		108		A I YONS #2	NORTH MAHONING	4.3	T W PHILLIPS GAS
8257590	15307	3706320759		108		A K SIMPSON #1	WASHINGTON	4.2	T W PHILLIPS GAS
8257568	15246	3706320368		108		A R FLEMING #1	ARMSTRONG	3.2	T W PHILLIPS GAS
8257586	15303	3706322674		108		A R FLEMING #1 - 164	ARMSTRONG	6.7	T W PHILLIPS GAS
8257582	15299	3706320450		108		A R FLEMING #2	ARMSTRONG	6.7	T W PHILLIPS GAS
8257569	15247	3706320688		108		ALAN HOLSINGER #1	BRUSH VALLEY	9.8	T W PHILLIPS GAS
8257557	15183	3706500000		108		ANNIE L MOSER #2	OLIVER	6.2	T W PHILLIPS GAS
8257566	15244	3706320840		108		BOYD CLAWSON #2	BLACKLICK	6.5	T W PHILLIPS GAS
8257561	15298	3706300000		108		BYRL JOHNSON #2	CONEMAUGH	2.0	T W PHILLIPS GAS
8257575	15253	3706321153		108		C F GAHAGEN #2	NORTH MAHONING	5.6	T W PHILLIPS GAS
8257584	15301	3706320939		108		C LASSICK & G BEERS #1	CENTER	4.8	T W PHILLIPS GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257565	15243	3706300030		108		C M MARSHALL #2	CONEMAUGH	14.5	T W PHILLIPS GAS
8257597	15338	3706520203		108		CALVIN SHAFFER #2	PERRY	0.6	T W PHILLIPS GAS
8257574	15252	3706320008		108		CHARLES M WEBER #1	ARMSTRONG	2.7	T W PHILLIPS GAS
8257552	15178	3706321288		108		CLYDE STRAWCUTTER #1	BANKS	12.7	T W PHILLIPS GAS
8257607	15354	3703120146		108		D M WOLFGANG #1	RED BANK	3.2	T W PHILLIPS GAS
8257608	15355	3703320432		108		DAVID D STEPHENS #1	BELL	1.2	T W PHILLIPS GAS
8257596	15337	3706520517		108		DENNIS R SHAFFER #1	WINSLOW	0.9	T W PHILLIPS GAS
8257585	15302	3706320783		108		F A & D A MUSSER TR #1-50	CENTER	16.1	T W PHILLIPS GAS
8257598	15339	3706321113		108		FRANK J STEPHENSON #1	WEST MAHONING	4.0	T W PHILLIPS GAS
8257599	15340	3706321289		108		FRANK J STEPHENSON #2	WEST MAHONING	7.4	T W PHILLIPS GAS
8257606	15347	3706321277		108		G R WALKER #1	WEST MAHONING	6.3	T W PHILLIPS GAS
8257571	15249	3706321328		108		GEORGE & EDNA RUSSELL #1	BLACKLICK	9.0	T W PHILLIPS GAS
8257578	15256	3706321329		109		H F WILLIAMS #3	BLACKLICK	6.6	T W PHILLIPS GAS
8257583	15303	3700521927		108		J C MOORE #1	COWANSHANNOCK	2.8	T W PHILLIPS GAS
8257560	15186	3706321095		108		J D MARSHALL #1	SOUTH MAHONING	4.4	T W PHILLIPS GAS
8257559	15185	3706321247		108		J DALE MARSHALL #1	SOUTH MAHONING	7.1	T W PHILLIPS GAS
8257554	15180	3712920250		108		J E MCQUAIDE #1	SALEM	1.0	T W PHILLIPS GAS
8257558	15184	3706300060		108		J S LIGHTCAP #1	EAST MAHONING	3.1	T W PHILLIPS GAS
8257602	15343	3706300070		108		JOHN M SHAWLEY #1	CONEMAUGH	5.3	T W PHILLIPS GAS
8257572	15250	3706320879		108		JOHN WASCHOCK #2	BRUSH VALLEY	3.0	T W PHILLIPS GAS
8257555	15181	3706300000		108		JOSIAH NEAL #2	WEST MAHONING	3.3	T W PHILLIPS GAS
8257603	15344	3706321297		108		K G RAMSDEN #1	BURRELL	4.1	T W PHILLIPS GAS
8257604	15345	3712920525		108		LLOYD F STITT #2	DERRY	4.6	T W PHILLIPS GAS
8257592	15309	3706300063		108		LUELLA M OBERLIN #2-824	CANOE	2.8	T W PHILLIPS GAS
8257591	15308	3706321102		108		LUELLA M OBERLIN #3 - 145	CANOE	8.7	T W PHILLIPS GAS
8257593	15310	3706300006		108		LUELLA M OBERLIN #1	CANOE	2.7	T W PHILLIPS GAS
8257573	15251	3706320355		108		M A WYNCOOP #1	RAYNE	1.1	T W PHILLIPS GAS
8257553	15179	3706320605		108		MILTON C MCGEE #1	EAST MAHONING	3.2	T W PHILLIPS GAS
8257595	15312	3706320349		108		MURRAY N RAMER #2	ARMSTRONG	5.9	T W PHILLIPS GAS
8257600	15341	3706300000		108		MYRL SPENCE #1	WASHINGTON	4.2	T W PHILLIPS GAS
8257556	15182	3706322382		108		NORTH AMERICAN COAL CO #1	WEST WHEATFIELD	6.5	T W PHILLIPS GAS
8257561	15187	3706322174		108		PEARL E STEAR #1	SOUTH MAHONING	3.7	T W PHILLIPS GAS
8257562	15188	3706322176		108		PEARL E STEAR #2	SOUTH MAHONING	2.7	T W PHILLIPS GAS
8257563	15189	3706322177		108		PEARL E STEAR #3	SOUTH MAHONING	3.1	T W PHILLIPS GAS
8257564	15190	3706322178		108		PEARL E STEAR #4	SOUTH MAHONING	3.2	T W PHILLIPS GAS
8257594	15311	3706320336		108		R & P COAL CO #3-1144	CENTER	4.5	T W PHILLIPS GAS
8257587	15304	3706320544		108		R & P COAL CO #4 - 328	WASHINGTON	4.6	T W PHILLIPS GAS
8257551	15177	3706320230		108		R W SHAFFOR #1	BLACKLICK	8.3	T W PHILLIPS GAS
8257588	15305	3706320566		108		S & P COAL CO #2 - 322	WASHINGTON	5.6	T W PHILLIPS GAS
8257580	15297	3712920594		108		S H LYONS #1	LOYALHANNA	9.5	T W PHILLIPS GAS
8257589	15306	3706321187		108		SARA J WEAVER #2	WEST MAHONING	9.4	T W PHILLIPS GAS
8257567	15245	3706320696		108		SARAH J WEAVER ET AL #1-110A	WEST MAHONING	3.6	T W PHILLIPS GAS
8257605	15346	3706320655		108		U S A #1 - 100	BLACKLICK	6.9	T W PHILLIPS GAS
8257579	15257	3706320812		108		WESTMORELAND MINING COMPANY #3-555A	CONEMAUGH	9.1	T W PHILLIPS GAS
8257576	15254	3706320586		108		WILLIAM DORN #1	NORTH MAHONING	6.6	T W PHILLIPS GAS
8257601	15342	3706300000		108		WILLIS M SHIRLEY #1	CONEMAUGH	2.7	T W PHILLIPS GAS
-UNION DRILLING INC				RECEIVED:		09/23/82 JA: PA			
8257613	11520	3706325348		108		JOHN LOCKMONIC #1 C674	CHERRYHILL TOWNSHIP	3.0	COLUMBIA GAS TRAN
8257614	11521	3706325379		108		MURRAY C BRAUGHLER #2 J881	CHERRYHILL TOWNSHIP	14.0	COLUMBIA GAS TRAN
-UNIVERSAL RESOURCES HOLDINGS INC				RECEIVED:		09/23/82 JA: PA			
8257615	15150	3712330848		102-2		CORNISH #4	FREEHOLD	20.0	COLUMBIA GAS TRAN
8257616	15151	3712330848		107-TF		CORNISH NO 4	FREEHOLD	20.0	COLUMBIA GAS TRAN
-US ENERGY DEVELOPMENT CORP				RECEIVED:		09/23/82 JA: PA			

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                                                                       VOLUME  758          PAGE  208
 JD NO    JA DKT       API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME             PROL   PURCHASER
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 8257611  15332       3712330911     102-2         D CURTIS #4                        COLUMBUS               20.0 COLUMBIA GAS TRAN
 8257612  15333       3712330911     107-TF        D CURTIS #4                        COLUMBUS               20.0 COLUMBIA GAS TRAN
-VAR-GAS EXPLORATION INC              RECEIVED:  09/23/82    JA: PA
 8257617  15293       3706326783     103           J DEWAYNE DILLS #1                 BURRELL                 0.0 T W PHILLIPS GAS
-VICTORY DEVELOPMENT CO               RECEIVED:  09/23/82    JA: PA
 8257621  15283       3706326693     103           BATTEN #1 IND-26693                MONTGOMERY             36.0 COLUMBIA GAS TRAN
 8257620  15282       3706326437     103           EDWARDS #1 IND-26437               MONTGOMERY             36.0 COLUMBIA GAS TRAN
 8257623  15335       3706326599     103           W PA WATER CO #1 IND-26599         WHITE                  36.0 COLUMBIA GAS TRAN
 8257622  15334       3706326600     103           W PA WATER CO #2 IND-26600         WHITE                  36.0 COLUMBIA GAS TRAN
 8257624  15336       3706326601     103           W PA WATER CO #3 IND-26601         WHITE                  36.0 COLUMBIA GAS TRAN
 8257619  15281       3706326178     103           YARNAL #1 IND-26178                MONTGOMERY             36.0 ATLAS RESOURCES I
 8257618  15280       3706326522     103           YARNAL #18 IND-26522               MONTGOMERY             36.0 ATLAS RESOURCES I

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION,
CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.
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BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denoted additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS leases
  102–2: New well (2.5 mile rule)
  102–3: New well (1000 ft rule)
  102–4: New onshore reservoir
  102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
  107–CB: Geopressured brine
  107–CS: Coal Seams
  107–DV: Devonian shale
  107–PE: Production enhancement
  107–TF: New tight formation
  107–RT: Recompletion tight formation
Section 108: Stripper well
  108–SA: Seasonally affected
  108–ER: Enhanced recovery
  108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 82–29425 Filed 10–26–82; 8:45 am]

BILLING CODE 6717–01–M

[Volume 759]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 21, 1982.

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JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                              FIELD NAME               PROD  PURCHASER
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**************************************************************************************
  KANSAS CORPORATION COMMISSION
**************************************************************************************
-COMANCHE PRODUCTION, INC.                RECEIVED: 09/23/82    JA: KS
8257785  K-82-0079   1505300000   108-4         SVATY #2                               ELLSWORTH                 91.0 INTERNORTH INC
**************************************************************************************
  NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
**************************************************************************************
-ALPHA TWENTY-ONE PRODUCTION CO          RECEIVED: 09/24/82    JA: NM
8257790              3002527866   103           LANSFORD #5                            PENROSE-SKELLY            70.0 EL PASO NATURAL G
8257791              3002527879   103           LANSFORD #6                            PENROSE-SKELLY            70.0 EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY                RECEIVED: 09/24/82    JA: NM
8257787              3002509138   108           HALE (GAS) WN #1                       JALMAT (YATES)            18.0 EL PASO NATURAL G
-DUGAN PRODUCTION CORP                   RECEIVED: 09/24/82    JA: NM
8257795              3004525149   107-TF        HOLLY #1                               BASIN DAKOTA              85.0 EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY             RECEIVED: 09/24/82    JA: NM
8257793              3003900000   108-PB        SAN JUAN 28-7 UNIT #249                BASIN DAKOTA               0.0 EL PASO NATURAL G
-EXXON CORPORATION                       RECEIVED: 09/23/82    JA: NM
8257779              3002527661   102-3         NEW MEXICO "DA" STATE #2               UNDESIGNATED             548.7 LLANO INC
-HNG OIL COMPANY                         RECEIVED: 09/23/82    JA: NM
8257780              3001500000   102-2         PARDUE "30" COM #1                     UND NO LOVING MORROW     803.0
-MOBIL PROD TEXAS & NEW MEXICO INC       RECEIVED: 09/24/82    JA: NM
8257786              3001516178   108-SA        BRAINARD GAS COM #2                    ATOKA/PENN                16.4 PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY              RECEIVED: 09/23/82    JA: NM
8257778              3002508012   108           CHEM-STATE #1                          TULK (WOLFCAMP)            1.0 WARREN PETROLEUM
8257777              3002524267   108           SANTA FE #125                          VACUUM N (ABO)             1.0 EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY              RECEIVED: 09/24/82    JA: NM
8257789              3002527423   103           EAST VACUUM GB/SA UNIT TR 1982 #001    VACUUM GB/SA               4.0 EL PASO NATURAL G
8257788              3002527426   103           EV GB/SA UNIT TRACT 2206 #1            VACUUM GB/SA POOL          4.0 EL PASO NATURAL G
-RAULT PETROLEUM CORP                    RECEIVED: 09/23/82    JA: NM
8257783              3000561493   102-2         HANLAD STATE #1 (LG-0001)              WILDCAT-PENN            1500.0 EL PASO NATURAL G
-SHELL OIL CO                            RECEIVED: 09/24/82    JA: NM
8257792              3002500000   108-ER        STATE A #5                             VACUUM GLORIETA            0.0 PHILLIPS PETROLEU
-SOUTHLAND ROYALTY CO                    RECEIVED: 09/24/82    JA: NM
8257794              3004525288   103           SAMMONS #2-E                           BASIN                    120.0 SOUTHERN UNION GA
-TEXACO INC                              RECEIVED: 09/23/82    JA: NM
8257781              3004508976   108           NEW MEXICO COM "J" #1 (2ND FILING)     AZTEC-PICTURED CLIFFS     19.0 EL PASO NATURAL G
8257782              3004512158   108           NEW MEXICO COM "P" #1                  BASIN DAKOTA              15.1 NORTHWEST PIPELIN
**************************************************************************************
  OHIO DEPARTMENT OF NATURAL RESOURCES
**************************************************************************************
-ATLAS ENERGY GROUP INC                  RECEIVED: 09/27/82    JA: OH
8257626              3413322340   103    107-TF BEAL #1                                DEERFIELD                  0.0 REPUBLIC STEEL CO
-ATWOOD RESOURCES INC                    RECEIVED: 09/27/82    JA: OH
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                                                                                   VOLUME  759        PAGE  02
 JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                      FIELD NAME           PROD  PURCHASER
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 8257627                3407524851    103    107-TF FRED WEEKLY #2                 CLARK                14.0 COLUMBIA GAS TRAN
-B T SIMPSON JR                       RECEIVED:  09/27/82    JA: OH
 8257712                3415723509    103           FAG-OHIO #1                    UHRICHSVILLE         30.0 EAST OHIO GAS CO
-BETHEL RESOURCES INC                 RECEIVED:  09/27/82    JA: OH
 8257635                3416922532  D 107-TF        MANN #2                        FRANKLIN             12.0 COLUMBIA GAS TRAN
 8257636                3416922686  D 107-TF        MANN #3                        FRANKLIN             12.0 COLUMBIA GAS TRAN
 8257637                3416922687  D 107-TF        MANN #4                        FRANKLIN             12.0 COLUMBIA GAS TRAN
-BLAUSER WELL SERVICE INC             RECEIVED:  09/27/82    JA: OH
 8257639                3410522182    103           ARTHUR D HEINEY #1-35          OLIVE                 6.8 COLUMBIA GAS TRAN
 8257638                3410522181    103           ROBERT FORTNEY #1              OLIVE                11.5 COLUMBIA GAS TRAN
-CAMERON BROS                         RECEIVED:  09/27/82    JA: OH
 8257640                3411926313    107-TF        A J CROCK #1                   SPRINGFIELD          11.0
-CLARENCE SHERMAN                     RECEIVED:  09/27/82    JA: OH
 8257710                3415722217    103    107-RT FRED GROH #1                   BUCKS                12.8 EAST OHIO GAS CO
 8257711                3415722236    103    107-RT OTTO OTT #3                    BUCKS                 9.1 EAST OHIO GAS CO
 8257709                3407521712    103    107-RT TROYER #17                     CLARK                 9.1
-CLINTON OIL CO                       RECEIVED:  09/27/82    JA: OH
 8257641                3403124840    103    107-TF J SIEGRIST #2-726              TRINWAY              10.0
-CLYDE BAUMAN                         RECEIVED:  09/27/82    JA: OH
 8257628                3407452860    103           CLYDE BAUMAN #4                NEW SALEM EAST        2.0 COLUMBIA GAS TRAN
 8257629                3407452807    103           CLYDE BAUMAN #6                RICHLAND              2.0 COLUMBIA GAS TRAN
-DOME DRILLING CO                     RECEIVED:  09/27/82    JA: OH
 8257642                3403521142    107-TF        BROOKINS-ROONEY #1             NORTH OLMSTED         2.0 COLUMBIA GAS TRAN
-DRILLERS PETROLEUM CORP              RECEIVED:  09/27/82    JA: OH
 8257645                3412122258  D 107-DV        DUANE & SUE MANTEL #1          JEFFERSON            75.0
-DUSTY DRILLING COMPANY INC           RECEIVED:  09/27/82    JA: OH
 8257643                3411522719    107-TF        MAIER #1-C                     ROKEBY LOCK          14.4 COLUMBIA GAS TRAN
 8257644                3411522721    107-TF        PERRY ACRES #1-C               ROKEBY LOCK          14.4 COLUMBIA GAS TRAN
-EAGLE MOUNTAIN ENERGY CORP           RECEIVED:  09/27/82    JA: OH
 8257646                3411522821    103    107-TF D HANCHER #1                   BRISTOL              20.0 COLUMBIA GAS TRAN
 8257647                3411522822    103    107-TF J L & P J WHITEHOUSE #1        BRISTOL              20.0 COLUMBIA GAS TRAN
-ENNEY OILFIELD RENTAL CO             RECEIVED:  09/27/82    JA: OH
 8257648                3411922102    108           BLACKSTONE #1                                        2.6 EAST OHIO GAS CO
 8257649                3411922399    108           R STAKER #1                                          0.0 NATIONAL GAS & OI
-GASEARCH INC                         RECEIVED:  09/27/82    JA: OH
 8257651                3415522280    103    107-TF CARMEL #3                      BRISTOL              20.0 YANKEE RESOURCES
 8257650                3415522181    103    107-TF DETWEILLER #1                  MESOPOTAMIA          20.0 YANKEE RESOURCES
-GREEN GAS COMPANY                    RECEIVED:  09/27/82    JA: OH
 8257653                3410322094    107-RT        METZGER #1                     LIVERPOOL             2.5 COLUMBIA GAS TRAN
 8257652                3403521153    107-TF        RADOS #2                       OLMSTEAD              1.5 COLUMBIA GAS TRAN
-GUARDIAN MANAGEMENT INC              RECEIVED:  09/27/82    JA: OH
 8257654                3403124685    103    107-TF LEE #1 WC                      WARSAW               18.0 COLUMBIA GAS TRAN
-HARLEY DRILLING & PRODUCING          RECEIVED:  09/27/82    JA: OH
 8257655                3416923250    103    107-TF RABER-WHITMAN #1               CRESTON              75.0 COLUMBIA GAS TRAN
-HOPCO RESOURCES INC                  RECEIVED:  09/27/82    JA: OH
 8257656                3411928136    103    107-TF L PRIOR #A1                    LICKING              12.0 COLUMBIA GAS TRAN
-J & J OIL & GAS CO                   RECEIVED:  09/27/82    JA: OH
 8257658                3416722888    108           GERALD LYNCH #1                                      2.0 RIVER GAS CO
 8257657                3416722835    108           GERALD LYNCH #2                                      1.0 RIVER GAS CO
 8257659                3416722963    108           MORRIS-HALL #1                                       2.0 RIVER GAS CO
-K S T OIL & GAS CO INC               RECEIVED:  09/27/82    JA: OH
 8257660                3415321140    103    107-TF VAL HALLA SOMMER #3            TWINSBURG             0.0
-KENOIL                               RECEIVED:  09/27/82    JA: OH
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8257661		3408322522		108		HARLEY FRAZEE #2		1.0	COLUMBIA GAS TRAN
8257662		3408322614		108		HARLEY FRAZEE #3		1.0	COLUMBIA GAS TRAN
-L A MOORE & SON INC				RECEIVED:	09/27/82	JA: OH			
8257666		3411925686	D	103		CARSON-HARKNESS #1		6.0	NATIONAL GAS & OI
-NUCORP ENERGY COMPANY				RECEIVED:	09/27/82	JA: OH			
8257672		3413321930	D	107-RT		BURNETT #1	MANTUA	15.0	EAST OHIO GAS CO
8257668		3400721105	D	107-RT		NAGY #1	SHEFFIELD	25.0	OHIO GAS CO
8257671		3400721110	D	107-RT		NAGY #2	SHEFFIELD	25.0	OHIO GAS CO
8257670		3400721107	D	107-RT		SPURLOCK #1	SHEFFIELD	25.0	OHIO GAS CO
8257669		3400721106	D	107-RT		SPURLOCK #2	SHEFFIELD	25.0	OHIO GAS CO
-OHIO OIL & GAS CO				RECEIVED:	09/27/82	JA: OH			
8257678		3415522221		107-TF		GUTHRIE #4	CORTLAND	20.0	COLUMBIA GAS TRAN
8257677		3415522223		107-TF		GUTHRIE #5	CORTLAND	20.0	COLUMBIA GAS TRAN
8257679		3415522222		107-TF		GUTHRIE 6	CORTLAND	20.0	COLUMBIA GAS TRAN
-OXFORD OIL CO				RECEIVED:	09/27/82	JA: OH			
8257683		3411924362		108		CHARLES ELMORE #1		16.0	NATIONAL GAS & OI
8257680		3403122629		108		DENVER LAMP #1		6.0	NATIONAL GAS & OI
8257681		3403123485		108		DENVER LAMP #2		0.0	NATIONAL GAS & OI
8257682		3411521739		108		JOHN SULLIVAN #1		0.5	NATIONAL GAS & OI
8257684		3411925391		108		LARRY MITCHELL #1		2.0	NATIONAL GAS & OI
-PAUL J OBERMILLER				RECEIVED:	09/27/82	JA: OH			
8257676		3416922726		103	107-TF	DEWEY HARTMAN #1	MILTON	12.0	COLUMBIA GAS TRAN
8257673		3410322223		103	107-TF	JOSEPH & ELIZABETH RAMSIER #1	WADSWORTH	12.0	COLUMBIA GAS OF O
8257674		3416922606		103	107-TF	RICHARD BAUMAN #1	MILTON	12.0	COLUMBIA GAS TRAN
8257675		3416922608		103	107-TF	RICHARD BAUMAN #2	MILTON	12.0	COLUMBIA GAS TRAN
-POI ENERGY INC				RECEIVED:	09/27/82	JA: OH			
8257691		3400722038		103	107-TF	H & M FULLER #T-2	WINDSOR	36.0	
8257690		3400722010		103	107-TF	HARTSTOCK #T-2	ROME	35.0	
8257686		3400721628		103	107-TF	KASHNER #T-1	DORSET	18.0	
8257685		3400721621		103	107-TF	PAUL #T-1	CHERRY VALLEY	33.0	
8257687		3400721807		103	107-TF	R HOLLEY #T-1	ASHTABULA	26.0	
8257688		3400721832		103	107-TF	R HOLLEY #T-2	WINDSOR	26.0	
8257689		3400721833		103	107-TF	R HOLLEY #T-3	WINDSOR	26.0	
8257692		3400722046		103	107-TF	ROBINSON-KAMPF #T-1	ROME	41.0	
-PONDEROSA OIL COMPANY				RECEIVED:	09/27/82	JA: OH			
8257696A		3416922807		103		ALBERT FATH #1	SUGAR CREEK	10.0	COLUMBIA GAS TRAN
8257696B		3416922807	D	107-TF		ALBERT FATH #1	SUGAR CREEK	10.0	COLUMBIA GAS TRAN
8257694A		3416922794		103		ELI J MAST #1	SUGAR CREEK	10.0	COLUMBIA GAS TRAN
8257694B		3416922794	D	107-TF		ELI J MAST #1	SUGAR CREEK	10.0	COLUMBIA GAS TRAN
8257695A		3416922796		103		LELAND KRATZER #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
8257695B		3416922796		107-TF		LELAND KRATZER #1	SUGAR CREEK	12.0	COLUMBIA GAS TRAN
8257693A		3416922793		103		LLOYD LEHMAN #1	SUGAR CREEK	10.0	COLUMBIA GAS TRAN
8257693B		3416922793	D	107-TF		LLOYD LEHMAN #1	SUGAR CREEK	10.0	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP				RECEIVED:	09/27/82	JA: OH			
8257702		3401921570		103	107-TF	EPPLER UNIT #2	MALVERN	13.5	
8257703		3401921571		103	107-TF	FARMER UNIT #2	MINERVA	9.5	
8257704		3401921572		103	107-TF	FARMER UNIT #3	MINERVA	9.1	
8257707		3415722293		108		MERRICK #2		2.0	MB OPERATING CO I
8257701		3401921098		108		MOTZ-VISNICK #2		0.6	MB OPERATING CO I
8257700		3401921097		108		MOTZ-VISNICK #3		0.6	MB OPERATING CO I
8257699		3401921091		108		NEWELL #3-C		2.8	MB OPERATING CO I
8257698		3401921093		108		NEWELL #4-C		2.8	MB OPERATING CO I
8257697		3401920721		108		STEPHENSON-HADORN #1		1.8	MB OPERATING COMP

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 JD NO    JA DKT          API NO       D SEC(1) SEC(2) WELL NAME                     FIELD NAME                 PROD   PURCHASER
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 8257706                  3407322653     103    107-TF SUNDAY CREEK COAL #62         WARD                       18.3 COLUMBIA GAS TRAN
 8257705                  3401921579     103    107-TF THOMPSON UNIT #1              MALVERN                    21.9
-RESERVE EXPLORATION CO                   RECEIVED:  09/27/82     JA: OH
 8257708                  3411122121     103           GREER #1                      FRANKLIN                   18.2 COLUMBIA GAS TRAN
-TEMPLE OIL & GAS CO                      RECEIVED:  09/27/82     JA: OH
 8257713                  3411924412     108           JAMES FOGELSONG #1                                        7.0 NATIONAL GAS & OI
 8257714                  3411924757     103    107-RT JERRY MILLER #2               CLAY                       24.0 COLUMBIA GAS TRAN
-THE BENATTY CORPORATION                  RECEIVED:  09/27/82     JA: OH
 8257634A                 3411925526     103           A MASON #1                    HARRISON                   25.0 COLUMBIA GAS TRAN
 8257634B                 3411925526 D 107-TF          A MASON #1                    HARRISON                   25.0 COLUMBIA GAS TRAN
 8257633A                 3411925482     103           B SWINGLE #1                  HARRISON                   35.0 COLUMBIA GAS TRAN
 8257633B                 3411925482 D 107-TF          B SWINGLE #1                  HARRISON                   35.0 COLUMBIA GAS TRAN
 8257630A                 3411925461     103           B SWINGLE #2                  HARRISON                   30.0 COLUMBIA GAS TRAN
 8257630B                 3411925461 D 107-TF          B SWINGLE #2                  HARRISON                   30.0 COLUMBIA GAS TRAN
 8257632A                 3411925471     103           FRAUNFELTER-BUCY #1           HARRISON                   25.0 COLUMBIA GAS TRAN
 8257632B                 3411925471 D 107-TF          FRAUNFELTER-BUCY #1           HARRISON                   25.0 COLUMBIA GAS TRAN
 8257631A                 3411925463     103           W DEARTH #1                   HARRISON                   25.0 NATIONAL GAS CORP
 8257631B                 3411925463 D 107-TF          W DEARTH #1                   HARRISON                   25.0 NATIONAL GAS CORP
-THE MUTUAL OIL & GAS COMPANY             RECEIVED:  09/27/82     JA: OH
 8257667                  3411122495   107-DV          G BAKER #5M                   FRANKLIN                    6.0 COLUMBIA GAS TRAN
-TOWNER PETROLEUM CO                      RECEIVED:  09/27/82     JA: OH
 8257716                  3405923316     103    107-TF R STARR #2                    OXFORD                     27.0 TENNESSEE GAS PIP
 8257715                  3405923296     103    107-TF WHITLEY CHARLES #2            OXFORD                     27.0 TENNESSEE GAS PIP
-TRAP SPRINGS OIL AND GAS COMPANY         RECEIVED:  09/27/82     JA: OH
 8257717                  3416723347     108           C CLOSE #1                                                1.8 GAS TRANSPORT INC
 8257721                  3416724699     108           C P ARNOLD #2                                             2.3 GAS TRANSPORT INC
 8257720                  3416724658     108           CLARENCE ARNOLD #4                                        2.0 GAS TRANSPORT INC
 8257719                  3416724551     108           G LANG #2                                                 2.7 GAS TRANSPORT INC
 8257718                  3416723365     108           J E LANG #1                                               3.2 GAS TRANSPORT INC
 8257722                  3416724700     108           R MARTIN #1                                               1.8 GAS TRANSPORT INC
-TWINOAKS OIL & GAS                       RECEIVED:  09/27/82     JA: OH
 8257724                  3410323104     103    107-TF ALICE INGALLS #1              GRANGER                    12.0 COLUMBIA GAS TRAN
 8257723                  3410323032     103    107-TF TERRACO #1                    GRANGER                    10.0 COLUMBIA GAS TRAN
-VICTOR MCKENZIE                          RECEIVED:  09/27/82     JA: OH
 8257664                  3412725479     103           FLOYD KING #1                 THORN                       0.0
 8257665                  3412725503     103           WALTER TROUT #1               HOPEWELL                    0.0
 8257663                  3404520745     103           WILLIAM JOHNSTON #1           RUSHCREEK                   0.0
-VIKING RESOURCES CORP                    RECEIVED:  09/27/82     JA: OH
 8257726                  3408520349     103    107-TF HASKINS-KROGGEL UNIT #1       MADISON                    30.0
 8257727                  3408520350     103    107-TF HASKINS-KROGGEL UNIT #2       MADISON                    30.0
 8257730                  3409921477     103    107-TF LAMANCUSA #3                  DAMASCUS                   30.0
 8257729                  3409921464     103    107-TF LAMANCUSA #4                  DAMASCUS                   30.0
 8257725                  3408520348     103    107-TF GROSZ/CINCO UNIT #2           MADISON                    30.0
 8257728                  3409921460     103    107-TF TAYLOR UNIT #2                BERLIN                     30.0
-WENNER PETROLEUM CORPORATION             RECEIVED:  09/27/82     JA: OH
 8257731                  3416923278   107-TF          [illegible] GASSER #2         MILTON-WAYNE POOL          21.7 COLUMBIA GAS TRAN
-ZENITH EXPLORATION COMPANY               RECEIVED:  09/27/82     JA: OH
 8257735                  3415723068     103           MARGARET B WARD #1            RUSH                        2.0 EAST OHIO GAS CO
 8257736                  3415723069     103           MARGARET B WARD#2             RUSH                        2.7 EAST OHIO GAS CO
 8257734                  3415723067     103           ROBERT [illegible] CLARK #1   PERRY                       2.4 EAST OHIO GAS CO
 8257733                  3415722920     103           THOMAS H HISRICH #1           PERRY                       9.0 EAST OHIO GAS CO
 8257732                  3415722919     103           THOMAS H HISRICH #2           PERRY                       6.0 EAST OHIO GAS CO
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   OKLAHOMA CORPORATION COMMISSION
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-TEXAS PRODUCTION CORP                    RECEIVED:  09/16/82     JA: OK
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                                                                                              VOLUME  759          PAGE  005
JD NO    JA DKT          API NO      D SEC(1) SEC(2) WELL NAME                                FIELD NAME               PROD   PURCHASER
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8257784  5562            3509300009   103            CONDREAY #1 (CHESTER & MS)                                           0.0 DELHI GAS PIPELIN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA
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-AMINOIL USA INC                          RECEIVED:  09/27/82     JA: LA   3
 8257774  G2-2742        1777140608   102-5          OCS-G-3453 #D-3 S/T                      SHIP SHOAL            1095.0 TENNESSEE GAS PIP
-AMOCO PRODUCTION CO                      RECEIVED:  09/27/82     JA: LA   3
 8257750                 1770140095   102-1          OCS-G-4090 #A-3                          WEST CAMERON          2775.0
 8257759  G2-3000        1770140083   102-1          OCS-G-4090 WELL #A-1                     WEST CAMERON          5475.0
 8257752  G2-3003        1770140100   102-1          OCS-G-4398 #A-4D                         WEST CAMERON          8200.0
 8257740  G2-3004        1770040485   102-1          OCS-G-4398 #A-6                          WEST CAMERON          7450.0
 8257751  G2-3002        1770140109   102-1          OCS-G-4398 WELL #A-4                     WEST CAMERON          1380.0
-CHEVRON U S A INC                        RECEIVED:  09/27/82     JA: LA   3
 8257771  G2-2790        1770340174   102-5          OCS-G-2853 #3                            EAST CAMERON           847.0 COLUMBIA GAS TRAN
 8257766  G2-2642        1770340182   102-5          OCS-G-2853 #6                            EAST CAMERON          1460.0 COLUMBIA GAS TRAN
-CONOCO INC                               RECEIVED:  09/27/82     JA: LA   3
 8257743  G2-2530        1770340212   102-5          EAST CAMERON 47 J-1                      EAST CAMERON          3200.0 TENNESSEE GAS PIP
-EXXON CORPORATION                        RECEIVED:  09/27/82     JA: LA   3
 8257757  G2-2963        1770840544   102-1          OCS-G 4109 #A-6                          SOUTH MARSH ISLAND     100.0 COLUMBIA GAS TRAN
-KERR-MCGEE CORPORATION                   RECEIVED:  09/27/82     JA: LA   3
 8257739  G2-3017        1771140589   107-DP         OCS 0347 #3 (RECOMP)                     SHIP SHOAL             900.0 TRANSCONTINENTAL
-MARATHON OIL COMPANY                     RECEIVED:  09/27/82     JA: LA   3
 8257776  G2-2762        1770940477   102-5          EUGENE ISLAND BLK 57 WELL #57-12         EUGENE ISLAND           10.0 NATURAL GAS PIPEL
 8257758  G2-2777        1772440189   102-5          MAIN PASS BLK 306 WELL F-17              MAIN PASS              135.3 SOUTHERN NATURAL
-MOBIL OIL EXPLORATION & PROD S E         RECEIVED:  09/27/82     JA: LA   3
 8257773  G1-2337        1772240034   102-5          SOUTH PASS 77 #A-5A                      SOUTH PASS              22.0 TRANSCONTINENTAL
-SHELL OFFSHORE INC                       RECEIVED:  09/27/82     JA: LA   3
 8257742  G2-2770        1772540264   102-1          MP 41 OCS-G 4125 #JA-4                   MAIN PASS                0.0 TENNESSEE GAS PIP
 8257769  G2-2769        1772540268   102-1          MP 41 OCS-G 4125 #JA-6                   MAIN PASS                0.0 TENNESSEE GAS PIP
 8257763  G2-2772        1772540254   102-1          MP 41 OCS-G 4125 NO JA-2                 MAIN PASS                0.0 TENNESSEE GAS PIP
-SHELL OIL CO                             RECEIVED:  09/27/82     JA: LA   3
 8257756  G2-2926        1770840184   102-5          OCS-G 2279 A-6A                          SOUTH MARSH ISLAND     150.0 TRANSCONTINENTAL
-SONAT EXPLORATION COMPANY                RECEIVED:  09/27/82     JA: LA   3
 8257741  G2-2597        1770340371   102-5          EAST CAMERON 45 A-7                      EAST CAMERON           650.0 SOUTHERN NATURAL
 8257755  G2-2826        1770340395   102-5          EAST CAMERON 45/46 A-9                   EAST CAMERON           130.0 SOUTHERN NATURAL
-SUPERIOR OIL CO                          RECEIVED:  09/27/82     JA: LA   3
 8257749  G2-3033        1770040497   107-DP         OCS-0247 #12                             WEST CAMERON          2000.0
 8257748  G2-3032        1770040519   107-DP         OCS-0247 #15                             WEST CAMERON          1700.0
-TENNECO OIL COMPANY                      RECEIVED:  09/27/82     JA: LA   3
 8257764  G2-2697        1770000374   102-5          WEST CAMERON BLK 180 #C-6                WEST CAMERON           800.0 TENNESSEE GAS PIP
 8257775  G2-2758        1770040240   102-5          WEST CAMERON 165 #A-2                    WEST CAMERON             0.0 NATURAL GAS PIPEL
-TEXACO INC                               RECEIVED:  09/27/82     JA: LA   3
 8257746  G2-2667        1771940208   102-5          OCS-G-2937 W D 109 #A-3                  WEST DELTA             767.0 NATURAL GAS PIPEL
-UNION OIL COMPANY OF CALIF               RECEIVED:  09/27/82     JA: LA   3
 8257770  G2-2678        1770540482   102-5          OCS-G 2869 #2 ST2                        VERMILION             1232.0
-ARCO OIL AND GAS COMPANY                 RECEIVED:  09/27/82     JA: TX   3
 8257754  G2-2994        4270140017   102-1          OCS G-3723 N PADRE ISL BLK 956 B-2       NORTH PADRE ISLAND    3650.0 TRANSCONTINENTAL
 8257760  G2-2995        4270140018   102-1          OCS G-3723 N PADRE ISL BLK 956 B-3       NORTH PADRE ISLAND    3650.0 TRANSCONTINENTAL
 8257761  G2-2996        4270140019   102-1          OCS G-3723 N PADRE ISL BLK 956 B-4       NORTH PADRE ISLAND    1460.0 TRANSCONTINENTAL
 8257762  G2-2997        4270140020   102-1          OCS G-3723 N PADRE I B 956 B-5 S/T1      NORTH PADRE ISLAND    2190.0 TRANSCONTINENTAL
-EXXON CORPORATION                        RECEIVED:  09/27/82     JA: TX   3
 8257744  G2-2658        4270940679   102-5          OCS-G 2390 #A-2                          HIGH ISLAND           4000.0 UNITED GAS PIPE L
-PENNZOIL COMPANY                         RECEIVED:  09/27/82     JA: TX   3
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                                                                                           VOLUME  759          PAGE  006
 JD NO    JA DKT        API NO     D SEC(1) SEC(2) WELL NAME                          FIELD NAME            PROD   PURCHASER
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 8257747  G2-2706       4270940669   102-5         HIGH ISLAND A-499 #C-5             HIGH ISLAND AREA SOUT 2920.0 UNITED GAS PIPE L
 8257772  G2-2707       4270940682   102-5         HIGH ISLAND A-499 #C-6 ST          HIGH ISLAND AREA SOUT 5475.0 UNITED GAS PIPE L
-TENNECO OIL COMPANY                 RECEIVED:  09/27/82    JA: TX  3
 8257737  G2-3037       4270640070   102-1         GALVESTON AREA BLK 391 #A-5        GALVESTON AREA           0.0 TENNESSEE GAS PIP
 8257765  G2-2980       4270640077   102-1         GALVESTON AREA BLOCK 391 #A-4      GALVESTON AREA           0.0 TENNESSEE GAS PIP
 8257738  G2-3024       4270640074   102-1         GALVESTON AREA BLOCK 391 #A-7      GALVESTON AREA           0.0 TENNESSEE GAS PIP
 8257753  G2-2984       4271540003   102-1         SABINE PASS 18 #B-1                SABINE PASS           5500.0 TENNESSEE GAS PIP
 8257768  G2-2983       4271540007   102-1         SABINE PASS 18 #B-2                SABINE PASS           3500.0 TENNESSEE GAS PIP
 8257767  G2-2982       4271540015   102-1         SABINE PASS 18 #B-5                SABINE PASS           7500.0 TENNESSEE GAS PIP
-UNION OIL COMPANY OF CALIF          RECEIVED:  09/27/82    JA: TX  3
 8257745  G2-2666       4271140421   102-5         OCS-G 3548 #1                      HIGH ISLAND EAST ADDI  575.0 TEXAS GAS TRANSMI

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION,
CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.
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BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each HGPA section are indicated by the following codes:

Section 102–1: New OCS lease
  102–2: New well (2.5 mile rule)
  102–3: New well (1000 ft rule)
  102–4: New onshore reservoir
  102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
  107–CB: Geopressured brine
  107–CS: Coal seams
  107–DV: Devonian shale
  107–PE: Production enhancement
  107–TF: New tight formation
  107–RT: Recompletion tight formation

Section 108: Stripper well
  108–SA: Seasonally affected
  108–ER: Enhanced recovery
  108–PB: Pressure buildup

Kennneth F. Plumb,

Secretary.

[FR Doc. 82–29425 Filed 10–26–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP82–47–000]

Review of Off-System Sales Program; Schedule for Public Conference

October 22, 1982.

In order to accommodate the large number of persons who have expressed an intent to participate in the informal public conference on the subject of the Commission's off-system sales policy, the conference has been scheduled for two days, Thursday, November 4, 1982, and Friday, November 5, 1982. In addition, the conference will begin at 9:00 a.m. instead of 10:00 as indicated in earlier notices.

The conference will be conducted by grouping the participants into the following discussion panels:

Thursday, November 4, 1982

9:00 a.m.—Natural Gas Pipeline Company of America, Texas Independent Producers and Royalty Owners Association, Associated Gas Distributors, Faustina Pipe Line Company, Houston Pipeline Company, Process Gas Consumers Group and The American Iron and Steel Institute, Wisconsin Public Service Commission, Texas Railroad Commission

10:30 a.m.—Northern Natural Gas Company, Michigan Wisconsin Pipe line Company, Cities Service Gas Company, East Tennessee Natural Gas Company, Consolidated Gas Supply Corporation, Columbia Gas Transmission Corporation

11:30 a.m.—Illinois Commerce Commission, Public Service Commission of Colorado, State of Michigan and Michigan Public Service Commission, New York Public Service Commission, Louisiana Commissioner of Conservation, Iowa State Commerce Commission, Texas Energy & Natural Resources Advisory Council

1:30 p.m.—Superior Oil Company, Pitts Oil Company, West Central Texas Oil & Gas Association, Gulf Oil Corporation, North Texas Oil & Gas Association Southern Union Gathering Company, RAW Energy Corporation, National Gypsum Energy Corporation, Texaco Inc.

3:00 p.m.—Cascade Natural Gas Corporation, Washington Gas Light Company, Frederick Gas Co., Inc., and Shenandoah Gas Company, Michigan Consolidated Gas Company, Laclede Gas Company, American Public Gas Association, Peoples Gas Light & Coke Company and North Shore Gas Company, People's Counsel of Maryland, Public Service Electric and Gas Company

Friday, November 5, 1982

9:00 a.m.—National Fuel Gas Supply Corporation, Transcontinental Gas Pipeline Corporation, Northwest Pipeline Company, Tennessee Gas Pipeline Company, Southwest Gas Corporation, Texas Gas Transmission Corporation, United Gas Pipe Line Company

10:00 a.m.—Lone Star Gas Company, Valero Transmission Company, Delhi Gas Pipeline Corporation, United Texas Transmission Company, Bridgeline Gas Distribution Company

11:00 a.m.—Edison Electric Institute, The Fertilizer Institute, District of Columbia Hospital Association, Dow Chemical Company, Southern California Edison Company

12.00 noon—Michigan Power Company, Iowa-Illinois Gas & Electric Company, Interstate Power Company, Wisconsin Gas Company, Southern California Gas Company and Pacific Lighting Gas Supply Company, Northern Illinois Gas Company, Office of Consumers Counsel, State of Ohio

Since statements were filed with the Commission on October 12, 1982, panel participants should not read their prepared statements. Rather, when a panel is called, each panelist will be given five (5) minutes to outline his position. The remainder of the time allowed for each panel will be devoted to answering questions of the Commissioners and the Commission Staff.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29486 Filed 10–26–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79–416–004]

ANR Storage Co.; Notice of Petition to Amend

October 22, 1982.

Take notice that on September 10, 1982, ANR Storage Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79–416–004 a petition to further amend the order issued on August 22, 1980, in Docket No. CP79–416, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to permit the increase in storage capacity of ANR's Excelsior 6/East Kalkaska 1 storage reservoir located in Kalkaska County, Michigan, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner asserts that during development of the Cold Springs 31 and Excelsior 6 storage fields there was discovered an additional geological formation which demonstrated potential communication with the Excelsior 6 reservoir. Petitioner states that the August 22, 1980, order has been amended to allow for the expansion of the storage field boundary, the drilling of a new injection/withdrawal well, and the reconditioning of a production well. Petitioner states that subsequently it became apparent that large volumes of gas were migrating between the East Kalkaska 1 and the Excelsior 6 Reservoir. Petitioner indicates that as a result of the natural communication between the East Kalkaska 1 and the Excelsior 6 Reservoir the estimated total capacity of the reservoir is now

11,089,000 Mcf. This volume represents an increase of some 2,014,000 Mcf from the capacity approved in the original application.

Petitioner indicates that no new facilities would be required to provide for the proposed increase in capacity. Petitioner avers that this capacity could be contacted for storage service to interstate or intrastate natural gas companies which desire to receive increased storage service. Petitioner further states that customers would be charged the rates which are currently in effect for similar services from this field.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29495 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-11-000]

Columbia Gas Transmission Corp.; Notice of Application

October 22, 1982.

Take notice that on October 7, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP83-11-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Vistron Corporation (Vistron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to transport for Vistron up to 28,000 Mcf of natural gas per day purchased by Vistron from The Inland Gas Company, Inc. (Inland), on a best-efforts basis. The gas would be received by Applicant at existing points in interconnection with Inland in Boyd, Floyd and Knott Counties, Kentucky, and redelivered for the account of Vistron at an existing point of delivery, located in Allen County, Ohio, to Columbia Gas of Ohio, Inc. (COH), a wholesale customer of Applicant. Applicant states COH would make ultimate delivery of the gas to Vistron through an existing point of delivery at Vistron's Lima, Ohio, plant. It is advised that Vistron would utilize the natural gas in the production of ammonia-based products, principally agricultural fertilizers.

Applicant asserts that no additional facilities would be required to effectuate the receipt and delivery of the gas to be transported. Applicant states its charge for the proposed service would be 19.26 cents per Mcf with a 0.0072 cent per Mcf surcharge associated with the General R&D Funding Unit of the Gas Research Institute. In addition Applicant would retain for company use an unaccounted-for gas 2.56 percent of the total quantity of gas received from Inland for the account of Vistron.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29496 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-217-000]

DeSoto Hardwood Flooring Co.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 21, 1982.

On October 12, 1982, DeSoto Hardwood Flooring Co., P.O. Box 1201, Memphis, Tennessee 38101, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Rules.

The topping-cycle cogeneration facility will be located in Memphis, Tennessee. The facility will consist of a new steam turbine and generator installed between two existing boilers. The primary energy source to the facility will be biomass in the form of hardwood sawdust, shavings and hogged wood pieces. The electric power production capacity of the facility will be 285 kilowatts and exhaust steam will be used in process and heating applications. The turbine will be installed in November 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29497 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-443-004]

El Paso Natural Gas Co.; Notice of Petition To Amend

October 22, 1982.

Take notice that on September 14, 1982, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP78-443-004 a petition to amend the order issued January 12, 1979, in Docket No. CP78-443, as amended, pursuant to Section 7(c) of the Natural Gas Act so as to extend the term of the existing transportation and delivery arrangement between Petitioner and Southwest Gas Corporation (Southwest) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Petitioner states that by order issued January 12, 1979, it was authorized to transport up to 2,500 Mcf of natural gas per day and to deliver such natural gas, less shrinkage, to Southwest, on a best efforts basis, at various existing delivery points within the State of Arizona and at the Arizona-Nevada boundary by means of Petitioner's existing interstate pipeline system. Petitioner further states that the transportation arrangement with Southwest is scheduled to expire on December 31, 1982. Petitioner states it has been advised by Southwest that the transportation service being rendered by Petitioner would be required by Southwest for an indefinite period of time beyond said expiration date.

Petitioner submits that it has entered into an amendatory agreement with Southwest which extends the transportation arrangement on a year to year basis after December 31, 1982. Petitioner further states that all other terms and provisions of the transportation arrangement remain in full force and effect. Accordingly, Petitioner requests that the authorization granted in this proceeding be further amended so as to authorize the extension of the term of the arrangement between Petitioner and Southwest.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29498 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-224-003]

El Paso Natural Gas Co.; Notice of Petition To Amend and Request for Declaratory Order

October 22, 1982.

Take notice that on September 3, 1982, El Paso Natural Gas Company (Petitioner), P.O. Box 1492, El Paso, Texas 77978, filed in Docket No. CP79-224-003 a petition to amend the order issued March 26, 1981, in Docket No. RP72-6, *et al.*, as amended, pursuant to Section 7(c) of the Natural Gas Act and Rule 207 of the Commission's Rules of Practice and Procedure so as to authorize Petitioner to utilize the Washington Ranch Storage Project facilities for system flexibility or alternatively a declaratory order that amendment of the existing authorization is not required for Petitioner to undertake system flexibility operations, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that on March 26, 1981, it was authorized in Docket No. CP79-224, as amended, to implement the Washington Ranch Storage Project. It is further stated that by order issued December 21, 1981, the Commission amended these authorizations as necessary to permit changes in the facilities to be constructed and abandoned as part of the Project.

Petitioner requests either an order declaring that the use as herein proposed of the Washington Ranch Storage Project facilities is permitted by its existing certificate, as previously amended, or else, if the Commission determines that the existing certificate, as amended, must be further amended to permit such use, then Petitioner requests such amendment of the certificate authorization.

Petitioner proposes to withdraw gas from the Washington Ranch Morrow Gas Field to augment its flowing supplies as necessary to meet system-wide demand, and inject flowing gas into the field when its flowing gas supply available for sale exceeds system-wide demand as day-to-day operating procedures permit. Petitioner states that it believes that the existing storage project facilities can be beneficially utilized to give Petitioner greater flexibility in the operation of its system, and would not jeopardize Petitioner's ability to protect its service to its east of California Priority 1 and 2 customers. It is further stated that the use of such facilities for system flexibility would not detract from Petitioner's ability to accommodate the banking or borrowing of natural gas allocations by Petitioner's Category B customers currently permitted under its Permanent Allocation Plan, and that the use of the facilities for system flexibility would not require modification of the Permanent Allocation Plan.

Any person desiring to be heard or to make any protest with reference to said petition to amend and request for declaratory order should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29499 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-479-000]

Louisiana Intrastate Gas Corp.; Notice of Application

October 22, 1982.

Take notice that on September 21,

1982, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST82–479–000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA) and § 284.123(b)(2) of the Commission's Regulations for approval of the transportation charges proposed for transporting natural gas on behalf of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a gas exchange agreement dated August 24, 1982, Applicant proposes to receive gas from Tennessee at a point in Lafayette Parish, Louisiana, and to redeliver an equivalent quantity of gas less Tennessee's *pro rata* share of the gas received for fuel, company use and unaccounted for to Tennessee in Natchitoches, St. Mary, and Terrefonne Parishes, Louisiana. Applicant states that the proposed transportation service is for a period of two years from the date of initial deliveries. It is further stated that Tennessee would owe Applicant a fee only if the volume redelivered by Applicant to Tennessee exceeded the volume redelivered that month by Tennessee to Applicant. It is proposed that the fee for such excess volumes would be 20.0 cents per million Btu redelivered by Applicant to Tennessee. Applicant maintains that the proposed fee is fair and equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be take but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29500 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-558-000]

Michigan Wisconsin Pipe Line Co.; Notice of Application

October 22, 1982.

Take notice that on September 30, 1982,[1] Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP82–558–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a change in service for Indiana Gas Company, Inc. (Indiana Gas), from Rate Schedules CD–1 to SGS–1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Indiana Gas has informed Applicant that it has purchased the gas distribution system of the Town of Hope, Indiana (Hope), and as a result of that purchase it desires to combine its currently effective Rate Schedule CD–1 daily contract demand of 704 dt equivalent of gas and its annual contract quantity of 123,816 dt equivalent with Hope's currently effective Rate Schedule SGS–1 daily contract demand of 1,910 dt equivalent of gas and its annual contract quantity of 362,805 dt equivalent into a single service agreement under Rate Schedule SGS–1, having a total daily contract demand of 2,614 dt equivalent of gas and an annual contract quantity of 486,621 dt equivalent. Applicant states that such change is permitted under the provisions of Section 8 of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1.

Applicant requests that the proposed consolidation become effective on November 1, 1982. Applicant further states the requested changes would not affect Applicant's ability to meet the requirements of its other customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 29501 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP2-522-000]

Montana-Dakota Utilities Co.; Notice of Application

October 22, 1982.

Take notice that on September 2, 1982, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP82–522–000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for United Gas Pipe Line Company (United), Natural Gas Pipeline Company of American (Natural), and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) (collectively referred to as Participants) and the construction and operation of the facilities required to transport the gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contracted with Participants to transport and deliver certain natural gas volumes purchased by Participants from producer's in the Williston Basin of North Dakota and in Carter, Fallon, Wibaux, Richland, Roosevelt, Sheridan, Daniels, Dawson, Prairie, Custer, and Powder River Counties in Montana. It is stated that Applicant would receive, transport and redeliver an initial volume of up to 73,000 Mcf per day and ultimately up to 150,000 Mcf per day to Northern Border Pipeline Company (Northern Border) in McKenzie County, North Dakota.

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[1] The application was originally tendered for filing on September 30, 1982. However, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until October 14, 1982; thus filing was not completed until the latter date.

In order to transport and redeliver up to the first 73,000 Mcf of natural gas per day for Participants, Applicant seeks authorization to construct and operate compressors and transmission line facilities as follows:

1. A new compressor station consisting of compressor units and related piping and metering facilities in the Ft. Buford area with an estimated requirement of approximately 5,733 horsepower. The Ft. Buford compressor would be located in McKenzie County, North Dakota. The compressor station, including related facilities, would be designed to redeliver the 73,000 Mcf of natural gas per day to Northern Border for the account of Participants.

2. A compressor unit and related facilities at the junction of the 6-inch gathering line from the TR Plant with the 8-inch gathering line from the Little Knife Plant to the Belfield junction. The compressor unit would be located in Billings County, North Dakota. The estimated horsepower requirement at this location is approximately 526. It is stated that this facility is required in order to transport additional volumes of Participant's natural gas from Warren Petroleum Company's Little Knife Plant and Western Gas Processor's Ltd's TR Plant to Applicant's pipeline transmission system.

3. Construct approximately 5 miles of 12¾-inch O.D. natural gas transmission loop line between Shell Oil Company's Stateline Plant and the junction of Applicant's existing 12-inch Williston to Cabin Creek Transmission line in Richland County, Montana. It is claimed this looping is required in order to transport additional volumes of Participant's natural gas from Koch Hydrocarbon Company's McKenzie Plant to Applicant's main pipeline transmission systems.

It is stated that Participants would pay Applicant an initial fee of 30.136 cents per Mcf for the transportation service. Applicant further states that Participants would pay Applicant a monthly demand charge as compensation for the addition of incremental facilities, including those proposed herein. Such demand charge would allow Applicant to recover its capital cost of construction, its cost of capital related to said construction including a return on common equity, operating and maintenance expenses, taxes other than income taxes, and income taxes including allocated overhead costs. The demand charge for the initial facilities proposed by Applicant would be $240,642 per month. It is stated that as additional consideration for the transportation service provided by Applicant for participants, Applicant may elect to purchase up to 15 percent of the gas volumes otherwise subject to transportation by Applicant.

Applicant estimates that the total cost of the proposed facilities would be $8,812,750, which cost would be furnished through internally generated funds and external financing, including long term debt and common stock.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29502 Filed 10-20-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-17-000]

Mountain Fuel Resources, Inc.; Notice of Application

October 21, 1982.

Take notice that on October 12, 1982, Mountain Fuel Resources, Inc. (Applicant), 79 South State Street, Salt Lake City, Utah 84147, filed in Docket No. CP82-17-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an increase in peak day deliverability for Northwest Pipeline Corporation (Northwest) from the Clay Basin Storage Field commencing with the 1983-1984 heating season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Northwest proposes long term sales to Texas Eastern Transmission Corporation (TETCO) and Transwestern Pipeline Company (Transwestern) and to support such sales requires increased peak day deliverability from storage beginning with the 1983-1984 withdrawal season in addition to its current storage service. The application further states that Applicant is capable of utilizing the existing storage facilities at Clay Basin to withdraw up to 240,000 Mcf of natural gas a day during the subject period and thereafter. This allegedly is in conformity with agreements executed between applicant and Northwest, and among Applicant, Mountain Fuel Supply Company, and Northwest, and dated October 7, 1982. These agreements are said to amend the currently effective storage service rate schedules S-1 and S-3. No addition to the previously authorized seasonal withdrawal level nor any new facilities is proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the apropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29503 Filed 10–26–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82–480–000]

Northern Illinois Gas Co.; Notice of Application

October 22, 1982.

Take notice that on September 22, 1982, Northern Illinois Gas Company (Applicant), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. ST82–480–000 an application pursuant to §§ 284.222 and 284.123(b)(2) of the Commission's Regulations for approval of rates to be charged for providing transportation and storage services to East Tennessee Natural Gas Company (East Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a limited term storage agreement with East Tennessee, whereby East Tennessee would arrange to have gas transported to an existing point of interconnection between Applicant and one of its supplier pipelines. It is asserted that the first injections would take place on September 22, 1982, and that Applicant would provide the storage service to East Tennessee for one year. For the proposed service, Applicant indicates that it would charge East Tennessee a total rate of 76.30 cents per Mcf, stored on a 1000 Btu basis. It is submitted that Applicant's existing sales transportation rates approved by the Commission do not reflect the costs of providing the type of storage service being offered to East Tennessee. Therefore, Applicant requests approval of the proposed rates as fair and equitable.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29504 Filed 10–26–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82–176–002]

Northwest Pipeline Corp.; Notice of Amendment to Application

October 22, 1982.

Take notice that on September 10, 1982, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110–1526, filed in Docket No. CP82–176–002 an amendment to its application in Docket No. CP82–176–000 filed pursuant to Section 7(c) of the Natural Gas Act to reflect the transportation of 66,000 Mcf of natural gas per day for Transwestern Pipeline Corporation (Transwestern) and the construction and operation of approximately 185.4 miles of 30-inch and 36-inch pipeline loop and an additional 18,500 site rated compressor horsepower on its existing mainline transmission system in lieu of the facilities originally proposed, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in Docket No. CP82–176–000, as supplemented, it requested authorization to construct and operate approximately 243 miles of 30-inch and 36-inch loop pipeline and 5,830 additional compressor horsepower on Applicant's existing system, for the sale and delivery on a firm basis of up to 3,000,000 therms of natural gas per day to Texas Eastern Transmission Corporation (TETCO) and/or Transwestern, and for the sale and delivery to TETCO and/or Transwestern of up to an additional 250,000 therms of natural gas per day on an interruptible basis under Applicant's proposed Rate Schedule OS–1. Applicant also indicates that it requested authority to transport on a firm basis up to 763,000 therms per day for the account of certain existing shipper customers under Applicant's proposed Rate Schedule T–2.

Applicant proposes in Docket No. CP82–176–002 to transport an additional 66,000 Mcf of natural gas per day pursuant to Rate Schedule T–2 and to revise its facility design by construction and operation of the following facilities in lieu of the facilities originally proposed:

(1) Compressor cylinder modifications at its Chelis, Baker, Caldwell, and Ignacio compressor stations;
(2) Centrifugal compressor modifications at its Lava Hot Springs, Muddy Creek, and Green River compressor stations;
(3) Up to an additional 3,500 site rated compressor horsepower at its Mountain Home compressor station;
(4) Yard piping modifications at its Vernal and Ignacio compressor stations;
(5) Up to 8,100 site rated compressor horsepower at a new compressor station to be constructed in the vicinity of Cortez, Colorado;
(6) Up to an additional 5,500 site rated compressor horsepower at its Ignacio compressor station;
(7) 68.6 miles of 36-inch loop pipeline on the south side of its Rangely compressor station;
(8) 116.8 miles of 30-inch loop pipeline in the area extending from the terminus of the 36-inch loop towards Applicant's mainline compressor station at Ignacio, Colorado; and
(9) Pine Gulch Meter Station to be constructed in the vicinity of Applicant's Ignacio Compressor Station at the interconnection of Applicant's transmission system and those facilities proposed by Continental Divide Pipeline Company.

Applicant estimates the cost of the proposed facilities to be $186,925,000. Applicant further asserts that in all other respects the proposal in Docket No. CP82–176–000, as supplemented, remains unchanged.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Pulumb,

Secretary.

[FR Doc. 82-29505 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-527-000]

Transcontinental Gas Pipe Line Corp.; Notice of Application

October 22, 1982.

Take notice that on September 13, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), Post Office Box 1396, Houston, Texas 77251, filed in Docket No. CP82-527-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a pipeline tap, valve, and appurtenant facilities at Station No. 63 in St. James Parish, Louisiana, and for permission to recover the cost of refinery gas purchased from GHR Energy Corp. (GHR) through Applicant's purchased gas adjustment (PGA) clause, and to recover through its rate base the cost of nonjurisdictional pipeline and appurtenant facilities necessary to effectuate the receipt of refinery gas into Applicant's system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to install, construct, and operate certain tap, valve and appurtenant facilities to be located at Applicant's existing Station No. 63 on its Southeast Louisiana Lateral, in St. James, Parish, Louisiana. The proposed facilities are estimated to cost $106,900. Applicant states the proposed facilities would be financed initially through short-term loans and available cash. It is further stated that permanent financing would be undertaken as a part of an overall long-term finincing program at a later date.

Applicant states it has entered into a gas purchase agreement with GHR which provides for the sale to Applicant of up to 50,000 Mcf per day of refinery gas, but not less than an average of 25,000 Mcf of refinery gas per day during each year would be tendered by GHR to Applicant. Applicant states it is obligated to take or to pay for 85 percent of the quantities tendered for delivery by GHR, up to 50,000 Mcf per day, during each year of the contract. However, it is stated, in no event would Applicant's obligation to pay for gas that has been tendered but not taken exceed the quantities flared at GHR's refinery during the contract year. Applicant also states that if GHR has available for sale volumes of gas in excess of 50,000 Mcf per day, then Applicant would have the right but not the obligation to purchase such excess volumes.

It is indicated that the purchase price to be paid for refinery gas purchased by Applicant would be 100 percent of the price per million Btu for No. 6 low surphur fuel oil less an amount equivalent to Applicant's average systemwide unit transmission costs for sales and long-haul transportation in effect from time to time in Applicant's rates. Applicant specifically requests that the Commission authorize it to recover the cost of the refinery gas which it would purchase, by means of the PGA clause in its tariff, and the recovery by Applicant of the costs of certain nonjurisdictional pipeline and appurtenant facilities by inclusion in its rate base.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29506 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-125-006]

Trans-Niagara Pipeline; Amendment to Application

October 22, 1982.

Take notice that on August 27, 1981,[1] Trans-Niagara Pipeline (Applicant), 2700 Post Oak Boulevard, Houston, Texas 77251, filed in Docket No. CP82-125-006 an amendment to the application filed in Docket No. CP82-125-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect two alternative proposals with respect to the construction of facilities to receive and transport natural gas to be imported from Canada, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it sought authorization in Docket No. CP82-125-003 to construct and operate approximately 160 miles of large diameter pipeline, compression and appurtenant facilities from a point on the United States-Canada border 5 miles north of Niagara Falls, New York, to the Leidy Storage Field, near Tamarack, Pennsylvania, and to provide firm and overrun transportation service for various importers. Applicant's proposed facilities would parallel Tennessee Gas Pipeline Company, a Division of Tenneco Inc.'s (Tennessee), existing and proposed facilities from the point of import near Niagara Falls, New York, to East Aurora, New York, a distance of approximately 49 miles. Applicant states that Commission Staff's Draft Environmental Impact Statement (DEIS) in Docket No. CP81-296-000 later suggested that a joint large-diameter pipeline be constructed to accommodate the transportation of Tennessee's and Applicant's gas.

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[1] The application was initially tendered for filing on August 27, 1982; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until August 30, 1982; thus, filing was not completed until the latter date

Applicant in Docket No. CP82-125-006 submits two alternative proposals to Tennessee's alternative, both alternatives involving the construction of an expanded Trans-Niagara System. In its first alternative, Applicant proposes to construct a pipeline from a point on the United States-Canadian border 5 miles north of Niagara Falls, New York, to East Aurora, New York, where it would connect with Tennessee's facilities as described in Docket No. CP81-296-001 and with Applicant's proposed system as described in Docket No. CP82-125-004. Applicant submits that the first alternative involves construction of 48.56 miles of 48-inch pipeline, 112.74 miles of 42-inch pipeline, 0.38 mile of dual 36-inch Niagara River Crossing, and 87,699 horsepower Lewiston compressor station, a 58,313 horsepower Leidy compressor station, and meter stations at Lewiston and Leidy. Applicant states its first alternative would have a maximum throughput capacity of 2,467,239 Mcf per day at Niagara Falls and 2,446,191 Mcf per day at East Aurora, which it claims is more than adequate to transport the total peak day quantities of 2,300,000 Mcf per day pending import authorization at Niagara Falls, New York. Applicant estimates that the cost of its first alternative is $522,562,000.

Applicant's second alternative would involve construction of the pipeline, compression and appurtenant facilities identified with respect to the first alternative except that the amount of compression at the Leidy compressor station would be 83,089 horsepower compared to the 58,313 horsepower proposed for the first alternative. Applicant indicates its second alternative would have a maximum throughput capacity of 1,612,456 Mcf per day at the terminus of Applicant's pipeline and an estimated cost of $532,834,000.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29507 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-18-002]

United Gas Pipe Line Co.; Notice of Petition to Amend

October 22, 1982.

Take notice that on September 13, 1982, United Gas Pipe Line Company (Petitioner), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-18-002 a petition to amend the order issued January 21, 1980, in Docket No. CP80-18 pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the maximum daily quantity of gas transported for Mid Louisiana Gas Company (Mid Louisiana), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioner seeks to increase the maximum daily quantity of gas transported for Mid Louisiana from 750 Mcf per day to 3,000 Mcf per day. Petitioner states that pursuant to a gas transportation agreement with Mid Louisiana, Mid Louisiana delivers gas to Petitioner at a point of interconnection on Petitioner's 16-inch Belle Isle Field main pipeline in St. Mary Parish, Louisiana. Petitioner then redelivers equivalent quantities less fuel and company-used gas to Mid Louisiana at the point of interconnection between Petitioner's and Mid Louisiana's pipelines at the Scotland Compressor Station in Baton Rouge Parish, Louisiana.

Petitoner further states that pursuant to an agreement dated February 16, 1982, Mid Louisiana would assign 50 percent of all gas production from the St. Mary Parish Land Company No. 2, No. 3, and No. 4 wells. Petitioner alleges that in order to transport Mid Louisiana's 50 percent share of such production the maximum daily quantity of gas transported must be increased from 750 Mcf to 3,000 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29508 Filed 10-26-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-8-000]

Valero Transmission Co.; Notice of Application

October 21, 1982.

Take notice that October 6, 1982, Valero Transmission Company (Applicant), P.O. Box 500, San Antonio, Texas 78292, filed in Docket No. CP82-8-000 an application pursuant to Sections 311(a)(2) of the Natural Gas Policy Act of 1978 and Section 284.127 of the Commission's Regulations for authorization to transport natural gas for a term in excess of two years for Texas Eastern Transmission Company (TETCO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to transport up to 200,000 Mcf of gas per day for TETCO's account or more subject to available pipeline capacity. Applicant would receive the gas from El Paso Natural Gas Company at a point of interconnection of Applicants' and El Paso's systems in Pecos County, Texas. Applicant states that if the Commission grants the application of Continental Divide Pipeline Company in Docket No. CP82-174-000, the point of delivery would be at the interconnection of Applicant's system with that of

Transwestern Pipeline Company in Pecos County, Texas. Gas would be redelivered to TETCO at interconnections of the TETCO system with that of Applicant in Lavaca, Brazoria, and Nueces Counties, Texas.

Said transportation arrangement is sought for an initial term of fifteen (15) years and from year to year thereafter. The application further states that TETCO would pay Applicant monthly, for each million transported and redelivered by Valero at the point of redelivery during each calendar year of the term hereof, the sum of 11.0 cents per million, increased by 0.5 cent per million effective January 1, 1983, and each succeeding January 1, and ¾ of 1 percent of the weighted monthly average price at which Valero sells gas to its customers during that calendar year as approved by the Railroad Commission of Texas from time to time; provided, however, the weighted average price of the rate for any calendar year would not exceed 112 percent of such positions for the proceeding calendar year.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29509 Filed 10–26–81; 8:45 am]

BILLING CODE 6717–01–M

Industry-wide Investigation

October 18, 1982.

Take notice that the Commission authorized the publication of the following, which was issued October 7, 1982:

The Federal Energy Regulatory Commission announced today October 7, 1982 that it has authorized an industrywide enforcement investigation of possible overcharging for natural gas through the use of producer-owned processing plants. There are over 800 processing plants in the United States. The Commission's order gives the enforcement staff power to subpoena witnesses and documents relevant to the investigation.

The Commission also announced that several major natural gas producers which sell gas to Tennessee Gas Pipeline Company have made, or would be making, refunds to Tennessee which, according to Tennessee, will total about $65 million. A large interstate gas pipeline, Tennessee has reported to the Commission that, so far, it has received about $60.5 million from the producers and that it has passed the refunds on to its coustomers. This report is contained in documents filed at the Commission in Docket No. RP81–44.

In addition to ordering an investigation, the Commission, to encourage voluntary compliance, has also invited all producers which own or operate gas processing plants situated on pipelines to consider whether they should pay refunds to their pipeline customers. To encourage immediate compliance, the Commission said that voluntary payment of refunds within 120 days of October 7, 1982, would be taken into account by the Commission.

The Commission said that the refunds to Tennessee apparently were necessary because of overcharges by the producers resulting from the operation of two large gas-processing plants in Louisiana, the Yscloskey and Grand Chenier plants, which are situated on Tennessee's pipeline system. The producers sell gas to Tennessee at their wells, but later take back the gas from Tennessee's system for processing in their plants. The processed gas is then returned to Tennessee.

It appears, the Commission said, that the refunds to Tennessee were necessary because the producers, from 1971 until at least 1979, paid Tennessee too little for the gas from Tennessee's system that was consumed in operating their plants. The producers also may not have compensated Tennessee adequately for the volumes of gas lost through shrinkage of the gas when it was processed by removing liquefiable hydrocarbons from it. As a result, the gas returned to Tennessee may have cost the pipeline and, ultimately, its interstate customers, more than the maximum price allowed by law.

The producers which have paid refunds as a result of these overchargers are Amoco Production Company; ARCO Oil and Gas Company; Chevron U.S.A., Inc.; Cities Service Company; Conoco Inc.; Exxon Company, U.S.A.; Getty Oil Company; Mobil Oil Exploration and Producing Southeast, Inc.; Newmont Oil Company; Shell Oil Company; The Superior Oil Company; and Tenneco Oil Company. According to Tennessee, Gulf Oil Corporation is actively considering whether it should pay refunds.

In addition, the Commission announced that it was concerned that other producer-owned gas processing plants situated on pipelines may have been operated in a similar manner, with the result that other pipelines may also have been overcharged for gas. Jurisdictional pipelines whose gas was processed in the plants may, in turn, have overcharged their customers for the gas. Because of these concerns, the Commission invited producers which own or operate such plants to consider whether any refunds to their pipeline customers may be required.

The Commission stated that voluntary payment of refunds, within 120 days of October 7, 1982, would be taken into account by the Commission. No such consideration would be given to producers whom the Commission itself discovered, after the time period, to owe refunds.

The Commission also stated, however, that where it appeared that producers which made voluntary refunds within the 120-day period had violated the Natural Gas Policy Act of 1978, it would seek payment by them, and possibly by pipelines, of civil penalties under that statute. For producers which pay refunds (with appropriate interest) and file appropriate refund reports and releases with the Commission, all within 60 days of October 7, 1982, the civil penalty sought will be 2½% of the total amount refunded. For producers taking the same action, but within the second 60-day period, the civil penalty sought will be 5% of the total amount refunded. The Commission also stated that where refunds are paid, it will seek appropriate agreements to ensure against future violations of law.

Copies of the Commission's order instituting the investigation are available in the Division of Public Information.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29521 Filed 10–26–82; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: High Energy Physics Advisory Panel

Date and time

Thursday, November 11, 1982—9:00 a.m.–4:00 p.m.

Friday, November 12, 1982—9:00 a.m.–3:30 p.m.

Place: Room 701–702, Clark Hall, Cornell University, Ithaca, New York.

Contact: Dr. P. K. Williams, Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER–221, Washington, DC 20545, Telephone: 301–353–3624.

Purpose of Committee: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative agenda

Thursday, November 11

Administrative matters
Status of FY 83 NSF/EPP Budget and Scenarios for FY 84
Status of FY 83 DOE/HEP Budget and Scenarios for FY 84
Further discussion of DOE and NSF Budgets
Discussion on International Activities and Involvements
Preliminary Planning and Charge for June 1983 Woods Hole Study of US–HEP Facilities
HEPAP Review of Cornell/CESR Program
Site Visit
  Newman Laboratory
  Wilson Laboratory

Friday, November 12

Status of the Technical Assessment Committee for University Programs (TACUP)
Discussion of Long-Range Planning
Preliminary Planning and Charge for June 1983 Woods Hole Study of US–HEP Facilities
Further Discussions on Budgets, Long-Range Planning and 1983 Woods Hold Study
Further Discussions on Budgets, Long-Range Planning and 1983 Woods Hold Study
Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at 202–252–8990. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Rm. 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on October 22, 1982.

Howard H. Raiken,
Deputy Advisory Committee Management Officer.

[FR Doc. 82–29426 Filed 10–26–82; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals announces the procedures for disbursement of the funds obtained as the result of the consent orders which the DOE entered into with Northeast Petroleum Industries, Inc. and Nordstrom oil Company. The funds will be available to customers which purchased gasoline from Northeast or gasoline, diesel fuel, or Nos. 1 or 2 fuel oil from Nordstrom during the period November 1, 1973 through April 30, 1974.

DATE AND ADDRESS: Applications for refund of a portion of the Northeast or Nordstrom consent order funds must be received within 90 days of publication of this notice in the **Federal Register** and should be addressed to: Northeast and Nordstrom Consent Order Refund Proceedings, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. All applications should conspicuously display a reference to the appropriate case number BEF–0065 (Northeast) or BEF–0081 (Nordstrom).

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Office of Hearings and Appeals, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461, (202) 633–8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c), notice is hereby given of the issuance of the decision and order set out below. The decision and order concerns two separate consent orders which the DOE's Office of Enforcement entered into with Northeast Petroleum Industries and Nordstrom Oil Company. *See* 44 FR 42314 (1979) and 44 FR 66655 (1979). The two consent orders settled all disputes between the DOE and the firms regarding Northeast's and Nordstrom's compliance with the DOE price and allocation regulations during the period November 1, 1973 through April 30, 1974. Under the terms of the consent orders, Northeast has deposited $439,635 in an escrow account and Nordstrom has deposited $65,000 in an escrow account. It was stipulated in each consent order that the refund amount was in settlement of possible enforcement actions based on allegations that the firms violated DOE regulations during the period November 1, 1973 through April 30, 1974.

The Office of Hearings and Appeals previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interest parties concerning the proper disposition of both consent order funds. The proposed decision and order discussing the distribution of funds obtained through the Northeast and Nordstrom consent orders was issued on April 9, 1982. 47 FR 16396.

The final decision and order, published concurrently with this Notice, reflects an analysis of the comments received from interested parties. As the decision indicates, applications for refund from the escrow funds may now be filed. Applications will be accepted provided they are received no later than 90 days after the publication of this decision and order in the **Federal Register**. *See* 10 CFR 205.286. Applications will be accepted from all persons who claim that they were injured by Northeast's or Nordstrom's alleged regulatory violations during the period covered by the consent orders. In order to establish entitlement to a portion of the consent order funds, a purchaser must establish, in addition to proof of purchase of the volume claimed, that the purchaser did not pass through price increases to its own customers. The specific information required in an application for refund is set forth in the decision and order.

The decision does not establish mechanical standards for the proper allocation of funds among successful claimants, such as the *pro rata* volumetric distribution used in some previous refund cases. Instead, the decision discusses a number of equitable factors which will be considered in the process of allocating funds among successful claimants. The decision and order also reserves the question of the proper disposition of any remaining consent order funds until the first stage claims procedure is completed.

Dated: October 15, 1982.

George B. Breznay,

Office of Hearings and Appeals.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Northeast Petroleum Industries, Inc. and Nordstrom Oil Company.

Dates of Filing: June 11, 1981, September 4, 1981.

Case Numbers: BEF–0065, BEF–0081.

This proceeding concerns two Petitions for the Implementation of Special Refund Procedures filed by the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) with the Office of Hearings and Appeals pursuant to the provisions of 10 CFR Part 205, Subpart V. Under those preocedural regulations the OE may request that the Office of Hearings and Appeals furmulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of DOE regulations. The OE filed the petitions in this case in connection with consent orders which the DOE entered into with Northeast Petroleum Industries, Inc. (Northeast) and Nordstrom Oil Company (Nordstrom). Northeast, headquartered in Chelsea, Massachusetts, and Nordstrom, located in Cedar Rapids, Iowa are both engaged in the marketing of petroleum products to resellers and end-users, and were subject to the Mandatory Petroleum Price Regulations set forth at 10 CFR Part 212, Subpart F.

A DOE audit of Northeast's records revealed possible violations of the DOE price regulations with respect to sales of motor gasoline from November 1, 1973 through April 30, 1974. In order to settle the dispute between Northeast and the DOE regarding those sales, Northeast and the DOE entered into a consent order on June 19, 1979. Under the terms of the consent order, Northeast agreed to remit $459,635 to the DOE, which is being held in an interest-bearing account established with the United States Treasury pending determination of its proper distribution.

On July 19, 1979, the OE published a notice in the **Federal Register** requesting that interested persons who believe that they have claims to all or a portion of the Northeast refund amount provide written notification of their claims within 30 days of publication. 44 FR 42314 (1979). The DOE also gave notice through a press release issued the same day. The OE did not receive any claims in response to the **Federal Register** notice or the press release. Subsequently, the OE filed its petition pursuant to Subpart V.

A DOE audit of Nordstrom's records revealed possible violations of the DOE price regulations with respect to sales of motor gasoline, diesel fuel, and Nos. 1 and 2 fuel oil made to resellers and end-users during the period November 1, 1973 through April 30, 1974. On August 17, 1978, the OE issued a Notice of Probable Violation (NOPV) to Nordstrom. In order to settle the dispute between Nordstrom and the DOE regarding Nordstrom's sales of petroleum products during the audit period, Nordstrom and the DOE entered into a consent order on September 24, 1979. Under the terms of that order, Nordstrom agreed to remit $65,000 to the DOE, which is also being held in an interest-bearing account established with the United States Treasury pending determination of its proper distribution.

On November 20, 1979, the OE published a notice in the **Federal Register** requesting that persons who believed that they had claims to all or a portion of the Nordstrom refund amount submit written notification of their claims with in 30 days of publication. 44 FR 66655 (1979). The DOE also gave notice through a press release issued the same day. The OE received a notice of claim from the Defense Logistics Agency. Subsequently, the OE filed its petition pursuant to Subpart V.

On April 9, 1982, the Office of Hearings and Appeals issued a Proposed Decision and Order tentatively setting forth procedures to distribute refunds to parties who were injured by Northeast's or Nordstrom's alleged violations. *Office of Enforcement,* No. HEF–0002 (April 9, 1982) (proposed decision); 47 FR 16396 (April 16, 1982). In the proposed decision we described a two-stage process for distribution of the funds made available by the Northeast and Nordstrom consent orders. Specifically, we proposed to disburse funds in the first stage to claimants who could demonstrate that they were adversely affected by Northeast's or Nordstrom's alleged overcharges in sales of covered products during the applicable period. We also proposed several procedures for disbursing any funds remaining after the meritorious claimants had received appropriate refunds. We suggested that the amount of money available for the second-stage refund process would influence the untimate disposition of those funds. We proposed that such funds be distributed to state governments in areas affected by the alleged overcharges, for the purpose of rreducing energy-related expenses subject to the direct control of those governments. In the alternative, remaining funds might be deposited in the United States Treasury.

The purpose of this decision is the establishment of procedures to be used for filing claims in the first stage of the Northeast and Nordstrom refund process. This decision sets forth the information that a Northeast or Nordstrom customer should submit in order to establish entitlement to a portion of the respective consent order funds. In establishing these requirements, we will address comments filed in response to the first-stage proposal in the April 9 decision. We will not, however, determine procedures for the second stage of the refund process in this decision. Our determination concerning the final disposition of any remaining funds will necessarily depend on the size of the fund. *Office of Enforcement (Coline),* 9 DOE ¶ 82,508 (1981). It is therefore premature for us to address the issues raised by commenters concerning the proposed disposition of funds remaining after all the meritorious claims have been paid.

Jurisdiction

In our April 9 proposed determination and in other recent decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. *See* 47 Fed. Reg. 16396 (April 16, 1982); *Office of Enforcement (Olin),* 9 DOE ¶ 82,539 (1982). We need not elaborate upon that discussion here. In the proposed decision, we rejected Northeast's contentions that (i) we should not assert jurisdiction over the settlement funds obtained as a result of the Northeast consent order, and (ii) the funds should instead be deposited in the United States Treasury.

In their comments on the Proposed Decision and Order, both Northeast and Nordstrom contest our decision to exercise jurisdiction over this matter. Nordstrom asserts that it entered into the consent order with the DOE with the understanding that the funds would be deposited into the U.S. Treasury, and that its individual customers would not be notified. Nordstrom asks that the DOE abide by the firm's understanding of the original intent of the consent order. Northeast, in its comments, requests that we reconsider our decision to accept jurisdiction over the Northeast consent order and that we dismiss this proceeding.

The crux of both firms' arguments is that first stage refund proceedings would create publicity which they believe would be harmful to their business relationships. These concerns were not addressed in the consent orders. The Northeast and Nordstrom consent orders do not provide for a specific method of distribution of the settlement funds. Rather, each states that the money in the consent order fund "* * * be distributed in a just and equitable manner in accordance with applicable laws and regulations." Consent Order with Northeast Petroleum Industries, Inc. at 2 (June 19, 1979); Consent Order with Nordstrom Oil Company at 4 (September 24, 1979). The Subpart V distribution scheme was part of the applicable laws and regulations at the time these consent orders were executed. Consequently, distribution of the consent order funds pursuant to Subpart V is entirely consistent with the terms of the consent orders. We presume that the terms in each consent order were arrived at through careful negotiations by both sides. If Northeast and Nordstrom desired a specific method for the distribution of the consent order funds, they could have attempted to insert specific terms into those documents which covered this matter.(*1*) We cannot now modify the terms of the consent orders Nordstrom and Northeast executed with the DOE merely because the firms have subsequently determined they are dissatisfied with provisions to which they voluntarily agreed. *See United States* v. *Armour & Co.*, 402 U.S. 673, 682 (1971). We have therefore decided to continue to exercise jurisdiction over the Northeast and Nordstrom consent order funds, and we affirm our authority to fashion refund procedures.(*2*)

Eligible Claimants and Standard of Proof

Any party that believes that it is eligible for a refund may file an application. However, we will not consider applications for refund from the operators of retail service stations (rather than independent lessee dealers who were themselves subject to the DOE regulations) owned by Northeast or Nordstrom if the operators are salaried employees of either firm because those parties were not intended to benefit from the consent order funds addressed in this decision.

The standard of proof which must be met to establish eligibility to a portion of the Northeast and Nordstrom consent order funds will vary between different types of claimants. We proposed in our April 9, determination that claimants that are resellers or that are involved in the production or distribution of goods or services be required to demonstrate that, during the period covered by the consent order, they would have kept their prices for petroleum products or goods and services at the same level had the alleged overcharges not occurred. In other words, we stated that we wanted an indication that the reseller was not simply passing on to its customers any Northeast or Nordstrom price increases. We stated that a claimant should demonstrate that at the time it purchased covered products from its supplier, market conditions would not premit it to pass through the additional costs associated with the alleged overcharges. In addition, we suggested that a reseller of petroleum products must have maintained a "bank" of unrecovered product costs until January 28, 1981, the date on which the President decontrolled all remaining covered products, in order to demonstrate that it did not subsequently recover these costs by increasing its prices. Finally, we stated that a purchaser who is an ultimate consumer and not engaged in the sale of goods or services would not have to make a showing that it absorbed any unlawful price increases.

We received comments on this issue from the Association of American Railroads. It asks us to follow our previous decisions and add regulated transportation companies to the class of claimants that would not be required to demonstrate that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel (Tenneco)*, 9 DOE ¶ 82,538 (1982). The Association contends that any overcharges which regulated transportation companies had incurred would have been channeled to their customers by the regulatory bodies. It notes that any refunds which regulated transportation companies receive would also be passed through to their customers. The Association thus argues that regulated transportation companies should be treated in the same manner as ultimate purchaser claimants, which need only demonstrate that they purchased a specific quantity of product sold by Northeast or Nordstrom during the relevant time period in order to qualify for refunds.

We will accept the Association's proposal. This is consistent with our determination in prior cases to accept similar proposals because they would assist us in distributing refunds in an efficient, cost-effective, and equitable manner. *See Office of Special Counsel (Pennzoil)* 9 DOE ¶ 82,545 at 85,244 (1982). As we have noted, the DOE's Office of Special Counsel has reviewed the operation of the agencies that regulate transportation companies and public utilities and has determined that refunds to these firms are indeed factored into their rate making systems. *Id.* Similarly, we believe that refunds to claimants that are agricultural cooperatives will likewise directly influence the prices charged to their member customers. These cooperatives are owned by their customers, and the ultimate consumers of the petroleum products purchased by the cooperative will therefore receive the benefit of the refund either as a price reduction or as a distribution at the close of the cooperative's fiscal year. *See Tenneco*, 9 DOE at 85,203.

Consequently, we have concluded that refund applications from firms whose prices for goods or services are regulated by a government agency or by the terms of a cooperative agreement will not be required to show that they absorbed alleged Northeast or Nordstrom overcharges. Instead, those applicants should supply us with a full explanation of the manner in which refunds will be passed through to their customers in the form of lower prices or better service. In addition, these applicants' receipt of refund money will be conditioned on notice to the appropriate regulatory body or membership group.

We suggested in our proposed decision that another group of purchasers be excused from having to document more than the fact that they purchased products from Northeast or Nordstrom during the relevant period of time. We stated that we would consider establishing a threshold level of purchases under which applicants, primarily small firms and individuals, would not be required to make a detailed showing of actual injury. We proposed a purchase threshold of 50,000 gallons per month on each product. Firms with purchases below that level would be permitted to claim a refund based upon their level of purchases without having to submit evidence concerning their banks of unrecouped product cost increases or prevailing market conditions which had prevented them from passing through the alleged overcharges. In addition, firms that purchased more than an average of 50,000 gallons per month of a product would be excused from the requirement of showing that the effects of the alleged violations were not passed through, provided that they limit their claims to the 50,000 gallons per month level.

The State of New York, in its comments, urges us not to adopt any threshold purchase level. Instead, it requests us to adopt a presumption that any reseller that was overcharged would have passed through the alleged violation to its customers. After careful consideration we have concluded that it is in the best interests of efficient resolution of these proceedings to establish a threshold level of purchases below which a claimant need not demonstrate injury. The State of New York has offered no evidence in support of its position that most small resellers can be presumed to have passed on all of the alleged overcharges to their customers. The adoption of a small claims threshold purchase level below which firms do not have to submit evidence of injury is based upon several factors. First, it has been our experience in dealing with tens of thousands of firms in the petroleum industry that businesses with a relatively low level of sales will not have maintained sophisticated recordkeeping systems. A requirement that these firms produce records or transactions that occurred eight years ago, if those records even exist, would prove to be an onerous one. Secondly, the cost of compiling this information from a recordkeeping system of this type would in many cases exceed the refund to be gained. Consequently, in the interest of fostering the restitutionary objectives of the Subpart V process, we will establish a threshold figure of 50,000 gallons per month, or 600,000 gallons per year. Claims based upon a sales figure below this level will not have to supply documentation of injury.

In summary, with respect to applicants that claim a refund based upon purchases of less than an average of 50,000 gallons per month of a relevant Northeast or Nordstrom product during the period for which a refund is claimed, we will require only proof of purchase from either Northeast or Nordstrom. With respect to applicants claiming a refund based upon purchase volumes greater than that amount, we will require a showing that the purchaser did not pass through the price increases to its own customers. Retailers and resellers who are claiming refunds on the basis of purchases exceeding the 50,000 gallon per month small claim threshold level should submit two types of data in order to make the required showing. They should submit data summarizing the applicant's unrecouped increased product costs (bank) for each calendar quarter for which the firm claims a refund. If the applicant used its banked costs to increase its selling price at a later date, such data should be included in the application and the firm's refund may be appropriately reduced. We note that even if a firm's bank was reduced to zero during the period covered by the consent order, it may nevertheless be possible for the firm to establish eligibility for a refund by showing that during the period, market forces reduced its sales and compelled the applicant to purchase and consequently to sell a smaller volume of relevant product with correspondingly lessend profits. In addition, applicants should submit any other type of available data showing that they were not able to increase their prices to pass through the alleged overcharges due to market conditions.

Although we shall not engage in a time-consuming legal and factual analysis leading to a precise measure of damages, we wish to emphasize that the burden of establishing eligibility for a refund rests on the claimant.

Allocation of Refund Money

In *Office of Enforcement (Vickers)*, 8 DOE ¶ 82,597 (1981), we used a "pure" volumetric method of allocating refunds to claimants. Refunds in that case were based on the proportion of the product bought by the applicant to the total amount of product sold by the supplier during the relevant time period. Based on our experience in Subpart V cases since that time, we stated in our proposed decision that the adoption of the "pure" volumetric plan of distribution would not be the best mechanism for allocating the Northeast and Nordstrom consent order funds. Because the size of the refund pool derived from consent orders is a negotiated issue, the amount of money available for distribution is likely to be less than the amount needed to make full restitution to injured claimants, as in the present instance. Where a "pure" volumetric refund distribution scheme is adopted, there is in effect an additional limitation on the amount of refund which can be distributed to a successful claimant because of the per gallon refund ceiling. In the event that a significant number of applicants fail to demonstrate the merits of their claims, the total amount of refunds made to successful claimants may be far less than the amount of the settlement funds available for distribution. We therefore believe that it is fully consistent with the restitutionary objectives of the present proceeding to distribute available funds by a method other than the *Vickers* "pure" volumetric distribution scheme. Accordingly, we proposed an alternative means of distribution based on a modified version of the "pure" volumetric refund formula which takes into account certain equitable considerations.

In its comments, the State of New York expresses a concern that our proposal to use a modified volumetric mechanism for distribution of first-stage funds may deprive some injured consumers of a share of the refunds. The State's concern is based on the possibility that meritorious claims filed during the first stage of the Northeast and Nordstrom refund proceeding might exhaust the settlement fund and thereby obviate the need for a second stage.*(3)* We believe this concern is unfounded. First, consumers of Northeast or Nordstrom products will not be precluded from sharing in the refund pool. Individual consumers and groups of consumers that can document the volumes of Northeast or Nordstrom products they purchased during the relevant time period will have the opportunity to file first-stage applications for refund. Second, even if the consent order funds will be depleted in the first stage of the proceeding because of the large number of eligible claimants that can successfully document their injuries attributable to the alleged charges, the purpose of this proceeding would not be frustrated, as New York State contends.*(4)* Distribution of settlement funds to those who may have been injured by the alleged overcharges is the goal of a Subpart V proceeding. That goal is not compromised if the settlement funds can be distributed in a first-stage proceeding, rather than in two stages.

Consequently, we will utilize a modified volumetric scheme of the type discussed in the proposed decision because we believe that the restitutionary objectives of the present proceeding can be best achieved by utilizing such a scheme. We will first establish a "floor" or minimum amount a successful claimant could receive which will assist a potential applicant in deciding whether or not to apply for a refund. In this proceeding the minimum amount that a successful claimant will recover can be determined by multiplying its total product purchases (in gallons) by the total amount of money available for distribution (the relevant consent order amount) divided by the total sales (in gallons) by the relevant firm of all products covered by the individual consent order. The refund floor in the Northeast case is $.0210816 per gallon and in the Nordstrom case it is $.0098357 per gallon. The OHA will also consider the following factors in determining individual refunds: (i) The amount of interest accumulated in the escrow accounts since the DOE received settlement funds from Northeast and Nordstrom; (ii) the number of qualified claimants, and the aggregate volume of their purchases from the firms as compared to the amount of products sold by these firms during the consent order period; (iii) the impact of the alleged violations on the claimant's business; (iv) the market conditions prevalent during the consent order period; (v) the claimant's position in the distribution chain, that is, whether it is a refiner, reseller, or ultimate consumer; and (vi) the manner in which the claimant's business is governed by federal, state or local regulatory agencies or other relevant private contractual agreements, such as those affecting agricultural cooperatives. A balancing of these factors will enable us to further the restitutionary goals of Subpart V and the underlying statutory objectives.

We are also establishing a minimum amount of $15 for first-stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the modest benefits of restitution in those situations. *See, e.g., Uban Oil Co.,* 9 DOE ¶ 81,541 at 85,225; *See also* 10 CFR 205.286(b).

Application for Refund Procedures

After having considered all the comments received concerning the first stage proceedings tentatively adopted in our April 9 decision, we have concluded that applications for refund should now be accepted from parties who purchased petroleum products from Northeast or Nordstrom. We will now discuss the specific requirements for applications for refund that we have adopted.

Applications for refund of a portion of the Northeast or Nordstrom consent order funds must be filed within 90 days after publication of this Decision and Order in the **Federal Register.** *See* 10 CFR 205.286. Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the Northeast Consent Order Fund, Case Number BEF–0065 or Nordstrom Consent Order Fund, Case Number BEF–0081. If the applicant is not a direct purchaser from Northeast or Nordstrom, is should indicate from whom the product was purchased and indicate what basis the applicant has for its belief that the product which it purchased originated from Northeast or Nordstrom.

All applications for refund for an amount in excess of $100 must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 1200 Pennsylvania Avenue, N.W., Washington, D.C. Any applicant that believes that its application contains confidential information must so indicate on the first page of its application and submit two additional copies of its application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application must indicate whether the applicant or any person acting on its instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each application must also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief.

See 10 CFR 205.283(c); 18 U.S.C. section 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by the OHA for additional information concerning the application. All applications should be sent to: Northeast and Nordstrom Consent Order Refund Proceedings, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following subjects should be covered by each purchaser of Northeast or Nordstrom products:

A. Each applicant should report its volume of purchases by calendar quarter for the period of time for which it is claiming it was injured by the alleged overcharges, if any.

B. Each applicant should specify how it used the Northeast or Nordstrom product, such as whether it was a reseller or ultimate user.

C. If the applicant is a reseller, it should state whether it maintained banks of unrecouped product cost increases from the date of the alleged violation through January 27, 1981.*(5)* It should furnish the OHA with quarterly bank calculations for the entire period.

D. The applicant must state whether it or any of its affiliates have filed any other applications for refunds which might affect its level of banks.

E. The applicant must submit evidence to establish that it did not pass on the alleged injury to its customers. For example, a firm may submit market surveys to show that price increases to recover alleged overcharges were infeasible.

F. The applicant should report whether it is or has been involved as a party in DOE or private section 210 enforcement actions. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its application for refund. *See* 10 CFR 205.9(d).

It Is Therefore Ordered That:

The Petitions for Implementation of Special Refund Procedures filed by the Economic Regulatory Administration in Case Numbers BEF–0065 and BEF–0081 are hereby granted. The refund amount provided by Northeast Petroleum Industries, Inc. and Nordstrom Oil Company will be distributed in the manner set forth in the foregoing decision.

George B. Breznay

Director, Office of Hearings and Appeals.

Dated: October 15, 1982.

Footnotes

(1) The DOE has entered into consent orders which have addressed concerns similar to those raised now by Northeast and Nordstrom. Those consent orders each provided for a specific method of distribution of the settlement funds, such as depositing the money in the United States Treasury. *See, e.g.,* Consent Order with Western Crude Oil, Inc., 46 FR 51641 (1981).

(2) These firms could use the refund process to build good will and ameliorate any potential harm to their customer relations by helping us locate those customers who may be eligible for refunds as Northeast suggested in its comments.

(3) In our April 9 decision we proposed that if a second stage should prove necessary in either case, state governments in the affected areas may be designated as refund recipients for the purpose of reducing energy-related expenses subject to their control.

(4) Based on our experience in previous Subpart V cases, it is unlikely that the settlement funds will be exhausted in the first stage.

(5) Those resellers who did not elect to maintain bank calculations for the period May 1, 1980 through January 27, 1981, do not, of course, have to supply bank calculations for that period. *See* 45 FR 29546 (1980).

[FR Doc. 82–29428 Filed 10–26–82; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Week of October 4 Through October 8, 1982

During the week of October 4 through October 8, 1982, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: October 18, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

P&R Trading Co., Clyde, Texas; HRO–0091 Crude Oil

On October 6, 1982, P&R Trading Company (P&R), Clyde, Texas, filed a Notice of Objection to a Proposed Remedial Order (PRO) which the Dallas Office of the Economic Regulatory Administration issued to the firm on September 9, 1982. The PRO charges that during the period September 1979 through November 1980, P&R violated pricing regulations in connection with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart L. According to the PRO, P&R's violations resulted in $5,160,948.59 or overcharges.

Patriot Petroleum Distributors, Inc., Tampa, Florida; HRO–0092 Motor Gasoline

On October 7, 1982, Patriot Petroleum Distributors, Inc., 410 Ware Boulevard, Tampa, Florida, 33269, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast District Office of Enforcement issued to the firm on September 17, 1982. In the PRO, the Southeast District found that during the period April 1, 1979 through June 30, 1979, Patriot sold motor gasoline at prices in excess of the maximum lawful selling prices permitted by the DOE Mandatory Petroleum Price Regulations. According to the PRO, the violations by Patriot resulted in $116,995.48 of overcharges.

[FR Doc. 82–29429 Filed 10–26–82; 8:45 am]

BILLING CODE 6450–01–M

Objection to Proposed Remedial Order Filed; Week of September 27 Through October 1, 1982

During the week of September 27 through October 1, 1982, the notice of objection to proposed remedial order listed in the Appendix to this Notice was filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR 205.194 within 20 days after publication of this Notice. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: October 19, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

Inland Crude Purchasing Co., Witchita, Kansas; HRO–0090

On September 28, 1982, Inland Crude Purchasing Co. of Witchita, Kansas filed a Notice of Objection to a Proposed Remedial Order which the Tulsa, Oklahoma office of the Economic Regulatory Administration of the DOE issued to the firm on September 14, 1982.

In the PRO the ERA found that during the period July 1979 through October 1980, Inland Crude Purchasing Co. violated the DOE regulations governing the maximum resale price for crude oil.

According to the PRO the Inland Crude Purchasing Co. violation resulted in overcharges in the amount of $172,135.57 plus interest.

[FR Doc. 82–29430 Filed 10–26–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. ECAO–CD–81–2; ORD–FRL–2233–3]

Air Quality Criteria Document For Lead

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: A workshop will be held at the Environmental Research Center, Research Triangle Part, North Carolina, on November 3–5, 1982, to facilitate preparation of the working draft chapters on potential exposures and epidemiology of the EPA *Air Quality Criteria Document for Lead.* The workshop begins at 1:00 p.m. Wednesday, November 3, continues through an evening session that night, and is expected to end by approximately 5:30 p.m. on Thursday, November 4. However, if necessary, the workshop will reconvene from 8:30 a.m.—12:00 Noon on Friday, November 5. The public is invited to attend as observers.

FOR FURTHER INFORMATION CONTACT: Dr. David Weil, Project Manager, Environmental Criteria and Assessment Office, MD–52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone: 919/541–4163.

SUPPLEMENTARY INFORMATION: The existing Air Quality Criteria Document for Lead (EPA–600/8–77–017) is being updated and revised pursuant to Sections 108 and 109 of the Clean Air Act, as amended, 42 U.S.C. 7408 and 7409, and will be used as a basis for the review and, as appropriate, revision of the National Ambient Air Quality Standard (NAAQS) for lead. As part of this process, EPA is assembling a panel consisting of its consulting authors and contributors, EPA personnel and other scientific and technically qualified persons selected by EPA to discuss the proposed revisions and suggest ways of resolving outstanding issues.

Persons wishing to attend these workshops as observers should contact David Weil (see "Further Information" above). Copies of the draft chapters to be discussed will be provided at the meeting to such observers, who will have an opportunity to make brief oral statements should they so desire. Ample opportunity for public review of the revised chapters and submission of written comments will be provided when the first external review draft of the entire document is submitted for EPA Science Advisory Board review.

Detailed notes of the meeting will be kept by EPA, containing an accurate summarization of key matters discussed and any conclusions reached. These notes, preliminary chapter drafts discussed at the meeting, and any other materials provided for or produced collectively at the meeting will be included in the docket established for the review of the lead document. The docket is available for inspection and copying between the hours of 8 and 4 at EPA headquarters in the Central Docket Section (A-130), Gallery 1, West Tower, Waterside Mall, 401 "M" Street, SW., Washington, D.C. 20460. (The criteria document docket is No. ECAO-CD-81-2).

Dated: October 12, 1982.

Courtney Riordan,

Acting Assistant Administrator for Research and Development (RD-672).

[FR Doc. 82-29333 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-30000/18C; PH-FRL 2234-1]

Ethylene Bisdithiocarbamates (EBDC'S); Determination Concluding the Presumption Against Registration; Notice of Availability of Decision Document

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Determination; Notice of Availability.

SUMMARY: Six EBDC chemicals were referred for review under the Rebuttable Presumption Against Registration (RPAR) process in August, 1977, because pesticide products containing these chemicals as active ingredients where shown to meet several of the Agency's risk criteria. This notice constitutes the final determination of the Agency concluding the RPAR proceedings for the EBDC's. The Agency has determined that EBDC registrants must amend their labels to adopt certain precautionary statements to protect users. Registrants must also agree to conduct additional toxicological studies.

DATE: Requests for a hearing must be received on or before November 29, 1982 or within thirty (30) days from receipt of this Notice, whichever occurs later.

ADDRESS:

Requests for a hearing must be submitted to: Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

Copies of the Decision Document are available upon request from: Jeff Kempter, Special Pesticide Review Division (TS-791), Environmental Protection Agency, Rm. 711-E, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Jeff Kempter (703-557-7451).

I. Introduction

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, requires the Environmental Protection Agency (EPA) to review the risks and benefits of the uses of pesticides suspected of causing adverse effects to human health or the environment. On August 10, 1977, EPA issued a Rebuttable Presumption Against Registration (RPAR) notice of pesticide products containing the ethylene bisdithiocarbamates (EBDC's), which are widely used broad spectrum protective fungicides. Position Document 1 (PD 1), published together with the RPAR notice, provided background and supporting data for the presumptions of risk cited in the RPAR Notice. Specifically at issue in the RPAR action are the following six EBDC's registered with the Agency: Diammonium EBDC, mancozeb, maneb, metiram, nabam and zineb. The rebuttable presumption was based on evidence showing that the EBDC's pose risks as follows: acute toxicity to aquatic organisms, oncogenic effects in test animals, and teratogenic effects in test animals. In addition, the RPAR notice of August 10, 1977, cited three other possible adverse effects of the EBDC's for which insufficient evidence existing to initiate a rebuttable presumption: mutagenicity, thyroid effects and skin sensitization.

The EBDC's are registered for use as fungicides on fruits, vegetables, small grains, nuts, tobacco seed beds, field crops, floral and ornamental plants, pine nurseries (including Christmas trees), turf grass and grass grown for seed. They are used also as slimicides in water cooling systems, sugar mills, and pulp and paper mills. About 30 million pounds of the EBDC's are applied annually in the United States.

Since the RPAR against EBDC's was issued, the Agency has reviewed rebuttal comments and data submissions and has conducted in-depth risk and benefit analyses. This Notice annonces the Agency's decision to continue registration for all uses of EBDC products as long as registrants comply with the terms and conditions of registration set forth in Unit III of this Notice. This Notice also announces the availability of the Decision Document which details the Agency's analyses and rationale for the determination.

This Notice is organized into four units. Unit I is this introduction. Unit II, entitled "Legal Backgound," is a general discussion of the regulatory framework within which those actions are taken. Unit III, entitled "Determinations and Initiation of Regulatory Action," sets forth the regulatory actions which the Agency is implementing concerning the EBDC's, the bases for these determinations and a summary of the Agency's analysis of the risks and benefits of the EBDC's. Unit IV, intitled "Procedural Matters," discusses the procedures which will be followed in implementing the regulatory action which the Agency is announcing in this notice.

II. Legal Background

In order to obtain a registration for a pesticide under FIFRA, a manufacturer must demonstrate that the pesticide satisfies the statutory standard for registration. That standard requires, among other things, that the pesticide perform its intended function without causing "unreasonable adverse effects on the environment," FIFRA section 3(c)(5). "Unreasonable adverse effects on the environment" is defined to mean "any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide," FIFRA section 2(bb)). In effect, this standard requires a finding that the benefits of each use of the pesticide exceed the risks of use, when the pesticide is used in accordance with commonly recognized practice and in compliance with the terms and conditions of registration. The burden of proving that a pesticide satisfies the registration standard is on the proponents of registration and continues as long as the registration remains in effect. Under section 6 of FIFRA, the Administrator may canel the registration of a pesticide or modify the terms and conditions or registration whenever it is determined that the pesticide causes unreasonable adverse effects on the environment. The Agency created the RPAR process to facilitate the identification of pesticide uses which may not satisfy the statutory standard for registration and to provide an informal procedure to gather and evaluate information about the risk and benefits of these uses.

The regulations governing the RPAR process are set forth at 40 CFR 162.11. This section provides that a rebuttable presumption shall arise if a pesticide meets or exceeds any of the risk criteria set out in the regulations. The Agency announces that an RPAR has arisen by publishing a notice of determination in the **Federal Register**. After an RPAR is issued, registrants and other interested persons are invited to review the data upon which the presumption is based and to submit data and information to rebut the presumption of risk by showing that the Agency's initial determination of risk was in error, or by showing that use of the pesticide is not likely to result in any significant exposure to human beings or the environment with regard to the adverse affects in question. In addition to submitting evidence to rebut the risk presumption, respondents may submit evidence as to wheather the economic, social and environmental benefits of the use of the pesticide outweigh the risk of use.

The regulations require the Agency to conclude an RPAR by issuing a notice of determination. In that notice, the Agency is required to state and explain its position on the question of whether the risk presumption has been rebutted. If the Agency determines that the presumption is not rebutted, it will then consider information relating to the social, economic, and environmental costs and benefits which registrants and other interested persons submitted to the Agency, and any other benefits information known to the Agency. In determining whether the use of a pesticide poses risks which are greater than the benefits, the Agency considers possible changes to the terms and conditions of registration which can reduce risks, and the impacts of such modifications on the benefits of the use. After weighing the risks and benefits of pesticide use, the Administrator may conclude the RPAR process by issuing a notice of intent to hold a hearing pursuant to section 6(b)(2) of FIFRA to determine whether the registrations for the use should be cancelled, denied or reclassified.

FIFRA section 6(b) requires the Agency to submit proposed notices pursuant to section 6 to the Secretary of Agriculture for comment and to provide the Secretary of Agriculture with an analysis of the impact of the proposed action on the agricultural economy. The Agency is required to publish any comments received from the Secretary and the Administrator's response to those comments with the notice of proposed action. Making any changes in the proposed action which are deemed appropriate as a result of the comments received, the Agency issues a notice containing its final determination of the regulatory actions (if any) which the Agency proposes to implement. Registrants and other people adversely affected by the Agency's actions can request a hearing to challenge the Agency's determination.

III. Determinations and Initiation of Regulatory Action

The Agency has considered information on the risks associated with EBDC uses including information submitted by registrants and other interested persons. The Agency has also considered information on the social, economic and environmental benefits of the EBDC uses including benefits information submitting by registrants, the United States Department of Agriculture and other interested persons. The Agency's assessment of the risk and benefits of the EBDC uses, its conclusions and determinations whether EBDC uses pose unreasonable adverse effects on the environment, and its determination whether modifications in terms or conditions of registration reduce risks sufficiently to eliminate any unreasonable adverse effects, are set forth in detail in the decision document on EBDC. That document is hereby adopted by the Agency as its statement of reasons for the determinations and actions announced in this notice, and as its analysis of the impacts of the proposed regulatory actions on the agricultural economy. For the reasons summarized below and developed in detail in the decision document, the determinations of the Agency on EBDC are as follows.

A. Determinations of Risk

1. *RPAR risk criteria and rebuttals.* The Agency has determined that the three risk criteria cited in the RPAR notice and in PD 1 as bases for the presumption against the EBDC's have not been rebutted. These criteria are: (1) acute hazards to aquatic species of wildlife (maneb and zineb), (2) oncogenicity (EBDC's and a metabolite, ethylenethiourea) and (3) teratogenicity (ethylene thiourea).

Two of these original risk criteria—oncogenicity and teratogenicity—represent potential risks to humans. Animal studies show that maneb, zineb and ethylene thiourea (ETU) are oncogenic in rats and mice. Likewise, several studies show that ETU is teratogenic in rats. The third criterion—acute hazards to aquatic wildlife—is no longer a concern for cranberry fields but is for the use of mancozeb on commercially grown wild rice.

The PD 1 also cited three areas of potential concern—thyroid toxicity, mutagenicity and skin sensitization.

The Agency has determined that the thyroid effects of the EBDC's exceeded the risk criterion for a rebuttable presumption. This criterion was not rebutted.

Available mutagenicity test results for the EBDC's are inconclusive and thus do not meet the mutagenicity risk criterion of "multitest evidence." The data for ETU meet the RPAR criterion of multitest evidence for microbioal systems only. However, the data for both the EBDC's and ETU are incomplete and testing is needed before the Agency can judge the potential mutagenicity of these chemicals to humans.

The Agency has reviewed the data submitted on skin sensitization and has concluded that the risk criterion was not met.

2. *Exposure assessment.* The avenues of exposure to ETU as a result of the various fungicidal uses of the EBDC's are dietary (oral), dermal and inhalational. An estimated 60,000 pesticide applicators, both professional and nonprofessional, work with the EBDC's. Dietary exposure potentially affects the entire U.S. population.

Human exposure to EBDC's was calculated for the U.S. population based on estimated consumption of dietary residues of ETU in treated crops. With limited ETU data, assumptions were made about the conversion of EBDC's to ETU and other factors. Upper limit (worst case) and lower limit (lowest case) estimates of exposure were estimated to be 0.00365 mg/kg/day and 0.0024 mg/kg/day of ETU, respectively. Although several rebuttals criticized the Agency for overestimating the upper limit of exposure, it is possible that the Agency underestimated the upper limit, since available data on possible residues of ETU in drinking water, meat, milk, eggs, animal feed and processed foods were not available. Uncertainty has also been added to the dietary exposure estimates because of limited data on: (1) ETU residue data on most raw agricultural commodities, (2) conversion of EBDC to ETU during food processing and (3) animal metabolism. Data in these areas are needed to estimate accurately dietary exposure.

In the near future the reregistration review of the EBDC's will identify the residue chemistry data gaps and require the data to be generated. When these data are available the Agency will be able to estimate more accurately exposure for risk assessment purposes, to assess the adequacy of tolerances and to reduce the uncertainty associated with the current dietary exposure estimates.

Applicator exposures were estimated for ETU inhaled or absorbed dermally during mixing or loading and during ground spray or aerial applications. Field data were used along with reasonable assumptions to estimate daily, seasonal and annual exposures. On the one hand, the fact that the available studies were not complete and that there are limited dermal penetration data for the EBDC's and ETU add uncertainty to the exposure estimates. On the other hand, the Agency has recently received preliminary data showing that ETU has been found in the urine of applicators. Dermal absorption studies in rats are needed for each of the EBDC's to assure the accuracy of the applicator exposure estimates. Other studies may be identified in the near future in a reregistration review of the EBDC's.

3. *Risk assessment.* After estimating exposure, the Agency evaluated the potential risks of the EBDC's for each unrebutted risk criterion.

a. *Acute toxicity to aquatic organisms.* Since mancozeb is used only on commercially grown wild rice and since current cultural practices prevent most non-target organism exposure, it was concluded that the risks of acute toxicity to aquatic organisms are not unreasonable as long as an appropriate warning is added to the label.

b. *Oncogenicity.* The oncogenic potential for the EBDC's and ETU has been evaluated qualitatively and quantitatively.

Qualitatively, the Agency has concluded that the EBDC's may have the potential to cause oncogenic effects in humans based on the animal data. However, the Agency has recognized several arguments which attach uncertainty to quantitative assessment of risk.

First, the Agency agrees with rebutters that there are several deficiencies in the EBDC studies which make them unreliable for use in a risk assessment. Consequently, these studies were not used for the quantitative risk assessment.

Second, it was suggested by the rebutters that both the liver and thyroid tumors observed in animals were induced indirectly. The Agency recognized that this is possible, but has concluded that additional testing is needed to support this hypothesis. Such testing includes long term animal feeding, metabolism, and mutagenicity tests. In addition, the need for chronic feeding studies will be assessed during the reregistration review. Until the mechanism of action is clarified, a risk assessment model which assumes that EBDC and ETU are tumor initiators (i.e., a linear low dose model) will be used.

Third, the rebutters cited several "negative" animal and epidemiological studies as evidence that EBDC's and ETU are not oncogenic. The Agency acknowledged that such studies appeared to show negative results. But the Agency found shortcomings in these studies and concluded that they did not prove that the EBDC's and ETU are not potentially oncogenic.

Using a linear low dose (one-hit) model and assuming that this provides and upper bound of risk, the Agency quantitatively assessed the potential lifetime oncogenic risks of the general public and applicators exposed to EBDC's and ETU. The Innes et al. (1969) mouse liner tumor data for ETU were used, since they were the most sensitive results available. Based on the estimated exposures, the lifetime risks to the U.S. population from estimated dietary residues of ETU ranged from 5×10^{-4} (upper limit exposure) to 5×10^{-6} (lower limit exposure). Risks to applicators over a 40-year working period ranged from 1×10^{-2} to 9×10^{-5}, depending on the crop, method of application and phase of operation (mixing/loading versus application).

In summary, the Agency assumed that the EBDC's and ETU may pose a potential oncogenic risk to man based on evaluation of animal data. In the absence of adequate oncogenicity and mutagenicity information to resolve the mechanism of action and the choice of a risk assessment model, the Agency estimated risks based on the one-hit model. The Agency views these estimates as only rough indications of potential effects. Moreover, the uncertainties associated with the exposure data indicate that the risk estimates may be higher or lower than the actual risks. The Agency has taken these issues into account in reaching its regulatory decision.

c. *Teratogenicity and thyroid toxicity.* Teratogenic and thyroid toxicity risks were evaluated by comparing the no observed effect level (NOEL) in animal studies with estimated human exposure levels to determine whether the margins of safety (MOS) were adequate. The MOS's for the U.S. population ranged from 200 to >1,000 for teratogenicity and from 70 to >1,000 for thyroid toxicity. Some of these estimated MOS's are not acceptable. However, the exposure estimates upon which these MOS's were based were extremely crude due to the lack of mammalian metabolism studies for conversion of EBDC's to ETU. Consequently, additional metabolism studies are being required at this time. Further, residue data will be required during a reregistration review in the near future to confirm the exposure estimates upon which the MOS's are based. The MOS's for applicators (<10 to 1,000) are not acceptable and protective clothing must be added to the label in order to prevent unreasonable adverse effects.

d. *Mutagenicity.* Based upon review of available studies, including the large data bases provided by Agency-sponsored and international collaborative testing programs, the Agency has determined that the EBDC fungicides have been inadequately tested for mutagenicity and therefore the data are inconclusive. Additional testing is needed on each of the six EBDC chemicals before the Agency can adequately judge their potential mutagenicity.

A review of the data base on ETU has led to the conclusion that this chemical meets the criterion for mutagenicity on the basis of multitest evidence in microbial systems and no further testing for specific genetic end-points (gene mutation, chromosome abberrations, DNA damage/repair) is needed. However, the positive results reported in some short-term mammalian assays (specifically, mammalian cell transformation *in vitro),* which are of significant relevance to the potential oncogenicity of ETU and the EBDC's, prompts the need for confirmation in other short-term assays of this type for both ETU and each of the six EBDC's

e. *Alternative fungicides.* Information on the risks of the alternative fungicides is incomplete. Without such information the Agency cannot clearly determine whether the risks of the alternatives are lower or higher than those of the EBDC's These data will be obtained for most alternatives in the near future under the Agency's data call-in and reregistration review programs. Meanwhile, however, the lack of risk data on the alternative fungicides adds uncertainty to judgment about the risks of EBDC's

B. Determinations on Benefits

The EBDC's are the most widely used fungicides in the United States, accounting for almost half of the organic fungicides applied to agricultural crops. The EBDC's also have important industrial uses such as in water cooling systems, sugar mills and pulp and paper mills. These chemicals are effective against a broad spectrum of fungi and plant diseases caused by fungi. They mix well with other pesticides and usually are less expensive than alternative fungicides.

The benefits of the EBDC fungicides were jointly assessed by the U.S. Department of Agriculture and the EPA in terms of the economic impacts which would result if the uses under review were cancelled and users were forced to apply available alternatives. Major economic impacts are expected should the EBDC fungicides be cancelled for lettuce, wild rice, and grass seed. Moderate impacts are anticipated from cancellation of bananas, mushrooms, spinach, sweet corn, green peppers, Christmas trees and pine nurseries, and flower/foliage plants. Minor impacts are projected for producers of apples, grapes, lima beans, tobacco and small grains, although certain individual growers could experience major impacts. Minor impacts are projected for all other uses of the EBDC's. However, these aggregated conclusions only give part of the benefits picture.

First, the projected economic impacts of EBDC cancellation were calculated assuming the continued availability of alternative chemicals. If the registrations of one or more of these alternatives were cancelled, the economic impacts of EBDC cancellation could increase significantly. When fungicides are reviewed one-by-one, the benefits of any single fungicide or group of fungicides can be distorted so that the actual economic impact of cancellation is not accurately conveyed. This is demonstrated by the fact that the Preliminary Benefit Analysis for EBDC's indicates total impacts to be approximately $150 million or more to two percent of the total economic benefit of fungicides—a seemingly minor contribution considering EBDC's account for 35 percent of organic fungicide use. Benefits for the remaining chemicals will increase disportionately after a fungicide is cancelled.

Second, grower impacts would vary by region, although all regions would be affected. In general, individuals in the eastern coastal areas would be hardest hit, with the Southeast suffering the greatest losses, since the climatic conditions there tend to intensify the incidence of diseases which are most destructive to fruits and vegetables. The West would suffer fewer losses in production than the East, but heavy reliance on protective postharvest treatments of fruits and vegetables to protect them from spoilage during shipping and marketing would mean the impacts would still be significant. While absolute losses would be large for the Midwest, relative losses would tend to be lower because while all the seeds for their field crops are treated with fungicides, the vast acreages cultivated would moderate the percentage of crop value lost. Because Florida's warm, humid climate is more conducive to the types of fungal growth controlled by EBDC's Florida growers would be more severely affected by cancellation of EBDC's than would growers in other States. California, Arizona and Ohio growers would also suffer a disproportionate share of losses.

Third, should the EBDC fungicides be cancelled, consumer price increases would be expected for lettuce, spinach, bananas, green peppers, snap beans, watermelon and mushrooms. No consumer impacts are expected for all other uses of the EBDC's.

Fourth, the loss of the most efficacious fungicides could also result in incidents of human poisoning due to the presence of mycotoxins in produce infected with fungi. To date, mycotoxins of human consequence have been reported to occur in four important food crops—peanuts, wheat, potatoes and apples. The potential for mycotoxin problems in other crops is unknown.

Overall, they Agency has concluded that the EBDC's have significant benefits to agriculture, industrial users and consumers.

C. Determinations on Unreasonable Adverse Effects

For reasons set forth in detail in the decision document, the Agency has determined that the benefits of EBDC use exceed the risks under certain conditions as follows:

1. The potential risk of acute toxicity to aquatic organisms resulting from EBDC use on commercial rice may be reduced satisfactorily by adding a statement to the label which warns users of the product's toxicity to fish and of potential environmental hazard (See Unit III.D. for exact label wording).

2. Current estimated risks of teratogenicity and thyroid toxicity to professional and agricultural applicators can be adequately reduced by requiring that protective clothing be worn during mixing and loading. Such clothing includes long pants, long-sleeved shirt, gloves, hat and boots. These must be specified on the label.

3. The issues of whether EBDC's or ETU pose a potential risk of oncogenicity, mutagenicity, teratogenicity or thyroid effects to man are subject to many uncertainties. The laboratory data on oncogenicity and mutagenicity are not adequate to resolve key scientific issues such as the mechanism of action of EBDC's and ETU. The data for determining dietary and applicator exposure are also not adequate to assess risks. Although oncogenic risks were estimated for ETU, the uncertainties surrounding the risk numbers make them difficult to use for regulatory decisions. Finally, risk data for the alternative fungicides are incomplete so that they cannot be compared to the EBDC's or ETU. Additional data on the EBDC's, ETU and alternative fungicides are required to enable the Agency to perform a proper risk assessment (see Unit III.D. for list of required tests). Although not all data that are needed can be identified at this time, the reregistration review for EBDC's and other fungicides scheduled for the near future will ascertain in greater detail what additional data are required to support the continued registration of these products.

Meanwhile, a risk reduction measure which will reduce human dietary exposure is to highlight preharvest intervals on all non-commercial labels so that home garden users will be encouraged to comply with them.

During the time period required for registrants to generate the requested data and for the Agency to evaluate them, it is anticipated that unreasonable adverse effects will not occur as long as registrants comply with the label changes and data requirements listed in Unit III.D. below.

D. Regulatory Actions

Based on the above conclusions, the Agency has determined that the RPAR will be ended and the registrations of EBDC's will be continued as long as registrants comply with the following terms and conditions:

1. Add a wildlife warning for use of mancozeb on commercially grown wild rice:

> This product is toxic to fish. Discharge from treated areas maybe hazardous to fish in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of wastes.

2. Add a statement to the label requiring protective clothing (long pants, long sleeve shirt, gloves, hat and boots) be worn during mixing and loading.

3. Highlight preharvest intervals on labels of non-commerical (homeowner) products.

E. Other Determinations—Testing Requirements

Under Section 3(c)(2)(B) of FIFRA, the Agency will notify registrants of EBDC containing pesticides that they must agree to conduct, jointly or separately, tests to maintain current registrations. The requirement for these data will be independent of the Agency's RPAR determination as set forth in this notice to modify the terms of registration. The additional data include mutagenicity, metabolism, and dermal penetration tests for each of the six EBDC active ingredients and ETU. These tests must be submitted within 18 months of the date of the registrant's receipt of a 3(c)(2)(B) letter from the Agency. The Agency will review these studies with the intent of resolving the scientific uncertainties associated with the current risk assessment.

1. Submit the following studies within 18 months of receipt of a letter issued from the Agency in accordance with section (3)(c)(2)(B) of FIFRA:

a. Metabolism studies designed to demonstrate the *in vivo* conversion of the various EBDC's to ETU and other metabolites. Unless adequate justification is given, these studies must be performed on each of the six currently registered EBDC active ingredients. A metabolism study on ETU will not be required at this time because the Agency believes a recent study by the National Toxicology Program (1982) may provide adequate information.

b. Dermal absorption studies designed to demonstrate the dermal penetration of each of the EBDC's and ETU. Unless adequate justification is given, these studies should be performed on each of the six currently registered EBDC's. The study requires application of various doses of radiolabled test compound to the shaved skin of male rats, followed at specific intervals after dosing by total urine collection, determination of blood concentration, determination of the quantity in the body and determination of the quantity remaining on the skin.

c. The following mutagenicity studies on each of the six registered EBDC's:

(1) Ames assays for gene mutation in *Salmonella typhimurium* (TA strains), or *Escherichia coli* WP2, performed with and without the use of mammalian metabolic activation (S–9) from (Aroclor) 1254-induced liver microsomes from both mouse and rat strains found to respond positively in oncogenicity testing.

(2) Host-mediated assays by both oral and parenteral routes of administration, in the same strains of mice and rats as in (1) with appropriate microbial or mammalian indicator cells.

(3) *In vitro* mammalian cell gene mutation assays, using the mouse lymphoma cell line L5178Y (for TK), or Chinese hamster ovary cells (CHO, for HGPRT), performed with and without the use of mammalian metabolic activation systems (S–9) derived from Aroclor 1254-induced liver microsomes from mice and rats.

(4) *In vitro* cytogenetic assays, for both gross chromosome aberrations (clastogenesis), and for sister-chromatid exchanges (SCE's), in replicate cultures of rodent hampster or human cell lines or strains or human lymphocytes, performed with and without the use of metabolic activation (S–9) from induced mice and rats.

(5) Primary hepatocyte repair test for unscheduled DNA synthesis (UDS), performed with the same strains of rats and mice as in (1), employing both *in vivo* as well as *in vitro* exposure to test compounds.

d. Mammalian cell transformation assays on each of the six EBDC's and ETU, with or without metabolic activation (as appropriate) in one of the following cell systems capable of detecting initiation—Syrian hamster embryo (SHE, clonal or focus assay), or mouse embryo fibroblasts from the strains Bagg albino (BALB 3T3), or C3H (C3H–10T1/2)—and in one of the following viral cell cultures capable of detecting enhancement of transformation by chemicals (promotion)—SHE cells infected with simian adenovirus (SA7/SHE), or Fischer rat embryo V–9 cells infected with Rauscher leukemia, virus (RLV/RE), or mouse embryo cells infected with AKR (mouse) leukemia virus (AKR/ME).

IV. Procedural Matters

This notice initiates actions to cancel registrations and deny applications for registrations of EBDC products for all uses unless the registrants or applicants modify the terms and conditions of registration as described in this Notice ("conditional" cancellation or denial).

As provided in FIFRA section 6(b), "the proposed action shall become final and effective at the end of 30 days from receipt by the registrant, or publication, of a notice issued under paragraph (1), whichever occurs later, unless within that time either (i) the registrant makes the necessary corrections, if possible, or (ii) a request for a hearing is made by a person adversely affected by the notice." Paragraph (1), FIFRA section 6(b)(1), provides that the Administrator may issue a notice of intent to cancel a registration or change its classification together with the reasons (including the factual basis) of his action.

FIFRA section 3(c)(6) provides that the Administrator may deny applications for registration "* * * unless the applicant corrects the conditions and notifies the Administrator thereof during the 30 day period beginning with the day after the date on which the applicant receives the notice * * *." FIFRA section (c)(6) also provides that "Upon such notification, the applicant for registration or other interest person with the concurrence of the applicant shall have the same remedies as provided for in section 6."

This part of the notice explains how registrants and applicants for registration may modify the terms and conditions of registration and how registrants, applicants for registration, and certain other interested or affected parties may request a hearing on the cancellation and denial actions that this notice initiates.

A. Procedures for Amending the Terms and Conditions of Registration

Registrants affected by the cancellation actions described above may avoid cancellation by amending the terms and conditions of registration within the 30 day period. This must be done by submitting labels amended as follows:

1. Add a wildlife warning for use of mancozeb on commercially grown wild rice:

> This product is toxic to fish. Discharge from treated areas may be hazardous to fish in neighboring areas. Do not contaminate water by cleaning of equipment or disposal of wastes.

2. Add a statement to the label requiring protective clothing (long pants, long sleeve shirt, gloves, hat and boots) be worn during mixing and loading.

3. Highlight preharvest intervals on labels of non-commercial (homeowner) products.

The amended label must be submitted to: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C) Office of Pesticide Programs, Environmental Protection Agency, Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, Virginia 22202. (703–557–1900).

B. Procedures for Requesting a Hearing

Registrants affected by the cancellation actions described above may request a hearing on such actions within thirty (30) days of receipt of this notice or within thirty (30) days from publication of this Notice in the **Federal Register**, whichever occurs later. Any other person adversely affected by this Notice described above may request a hearing within thirty (30) days from publication of this notice in the **Federal Register**.

Applicants for registration affected by the denial actions described above may request a hearing on such actions within thirty (30) days of receipt of this notice, or within thirty (30) days of publication of its notice in the **Federal Register**, whichever occurs later. Other interested persons may, with the concurrence of the applicant, request a hearing during the time period available to the applicant.

All registrants, applicants, and other interested or affected parties who request a hearing must file the request in accordance with the procedures established by FIFRA and the Agency's Rules of Practice Governing Hearings (40 CFR Part 164). These procedures require among other things that: (1) All requests must identify the specific registration(s) or application(s) and the specific use(s) for which a hearing is requested, (2) all requests must be accompanied by objections that are specific for each use of the identified pesticide products for which a hearing is requested, and (3) all requests must be received by the hearing clerk within the applicable thirty (30) day period. Failure to comply with these requirements will automatically result in denial of the request for a hearing.

Request for hearings must be submitted to: Hearing Clerk (A-110), U.S. Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

C. How to Avoid Cancellation of Registration or Denial of Application

In order to avoid cancellation of registration or denial of registration application, one of the three following actions must be taken:

1. Submit an application to amend the registration or application as described above in paragraph A;
2. Request a hearing, as described above in paragraph B, to challenge *all* conditions described in paragraph A which apply to the product; or
3. Request a hearing, as described above in paragraph B, to challenge *some* of this notice's conditions and submit an application to amend the registration or application in accordance with paragraph A with respect to all the notice's conditions not so challenged.

Note.— If a hearing is requested to challenge *some* of the notice's conditions, but the registrant or applicant fails to file an application to amend the registration or application by incorporating the unchallenged conditions within the thirty-day period, the registration will be cancelled or the application denied by operation of law.

Dated: October 14, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-29494 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59102A; TSH-FRL 2235-2]

Substituted Alkyl Cyclic Amine; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-51) under section 5 of the Toxic Substances Control Act (TSCA) on September 20, 1982. Notice of receipt of the application was published in the **Federal Register** of September 30, 1982 (47 FR 43159). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on October 19, 1982.

FOR FURTHER INFORMATION CONTACT: June Thompson, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460, (202-382-3737).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial proposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On September 20, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to import a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-51. The submission is for a substituted alkyl cyclic amine. The substance will be used as a plastic additive. The submitter claimed its identity, the specific identity, and specific use as confidential business information. A maximum of 4,000 pounds (lbs) will be imported and will be test marketed for a period not to exceed 1 year. The importer states that 10-12 workers could have dermal or inhalation exposure to the test market substance during processing. A maximum of 18 workers could have dermal or inhalation exposure at the use location.

A notice published in the **Federal Register** of September 30, 1982 (47 FR 43159) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing of the substance submitted in TM-82-51 under the conditions set out in the application will not present any unreasonable risk of injury to health or the environment. The Agency identified no significant health or environmental effect concerns.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this importer.
2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment and must make these records available to EPA upon request.
3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.
4. The production volume of the new substance may not exceed the quantity of 4,000 lbs described in the test marketing exemption application.
5. The test marketing activity approved in this notice is limited to a period of 1 year commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.
6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exempton should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: October 20, 1982.

Don R. Clay

Director, Office of Toxic Substances.

[FR Doc. 82-29493 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59101B; TSH-FRL 2235-1]

Substituted Polyethyleneamine Polyisobutenyl Succinimide; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-82-50) under section 5 of the Toxic Substances Control Act (TSCA) on September 16, 1982. Notice of receipt of the application was published in the **Federal Register** of September 24, 1982 (47 FR 42151). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on October 19, 1982.

FOR FURTHER INFORMATION CONTACT: Anna Coutlakis, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, D.C. 20460, (202-382-3742).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On September 16, 1982, EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-82-50. Texaco Chemical Company claimed the specific chemical identity, the production volume, and manufacturing process of the new substance as confidential business information. The generic name of the new substance is substituted polyethyleneamine polyisobutenyl succinimide. It will be used as a lubricant additive. There is a potential for dermal exposure to 10 workers during manufacturing and processing. The biggest potential exposure will be to consumers during use. The test marketing period is not to exceed 7 months. A notice published in the **Federal Registerr** of September 24, 1982 (47 FR 42151) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not received any comments concerning the application.

EPA has established that the test marketing of the substance described in TM-82-50, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment. No significant health effects or environmental effects were identified for the TME substance. Release to the environment will be low from manufacturing and processing and dispersive from use.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) of shipment(s) to the customers and the quantities shipped in each shipment, and must make these records available to EPA upon request.
3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of substance is restricted to that described to EPA in the test marketing exemption application.
4. The production volume of the new substance may not exceed that described in the test marketing exemption application.
5. The test marketing activity approved in this notice is limited to a period of 7 months commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.
6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: October 19, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-29492 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

[OPP-50583; PH-FRL 2230-6]

Pesticides; Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below:

Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

279-EUP-88. Issuance. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 10,000 pounds of the insecticide cypermethrin on cotton to evaluate the control of various insects. A total of 35,000 acres are involved; the program is authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The experimental use permit is effective from June 7, 1982 to June 7, 1983. Temporary tolerances for residues of the active ingredient in or on cottonseed:

milk; meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep have been established. A food additive regulation for residues of the active ingredient in or on cottonseed oil has been established (21 CFR 193.87). (Franklin Gee PM 17, Rm. 207, CM#2, (703–557–2690))

8730–EUP–11. Renewal. Health-Chem Corporation, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of 330 pounds of the pheromone (Z)-11-hexadecenal on artichokes to evaluate the control of the artichoke plume moth. A total of 40 acres are involved; the program is authorized only in the State of California. The permit was previously effective from July 14, 1981 to July 14, 1983. It is now effective from July 26, 1982 to July 26, 1982. A temporary exemption from the requirement of a tolerance for residues of the active ingredient in or on artichokes has been established. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

47360–EUP–2. Issuance. Mississippi Agricultural and Forestry Experiment Station, P.O. Box 197, Stoneville, MS 38776. This experimental use permit allows the use of 38 gallons each of the herbicides bentazon and acifluorfen and 50 gallons of fluchloralin on soybeans to evaluate the effectiveness of aerial and ground application methods for applying preplant incorporated and postemergence herbicides. A total of 75 acres are involved; the program is authorized only in the State of Mississippi. The experimental use permit is effective from June 30, 1982 to June 30, 1983. Permanent tolerances for residues of the active ingredients in or on soybeans have been established (40 CFR 180.335, 180.363, and 180.383). (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800)).

47664–EUP–1. Issuance. Richard M. Poche, P.O. Box 513, Conifer, CO 80433. This experimental use permit allows the use of 2.5 pounds of the insecticide zinc phosphide on orchards, rangelands, sugarcane fields, and in and around warehouses to evaluate the control of gophers, ground squirrels, prairie dogs, rats, and voles. A total of 20 acres are involved; the program is authorized only in the States of Colorado, Florida, and Washington. The experimental use permit is effective from August 5, 1982 to August 5, 1983. Permanent tolerances for residues of the active ingredient in or on grapes, grasses (rangeland), and sugarcane have been established (40 CFR 180.284). (William Miller, PM 16, Rm. 211, CM#2, (703–557–2600))

707–EUP–95. Extension. Rohm and Haas Company, Independence Mall West, Philadelphia, PA 19105. This experimental use permit allows the use of 6,000 pounds of the chemical hybridizing agent potassium 1-(p-chlorophenyl)-1,4-dihydro-6-methyl-4-oxopyridazine-3-carboxylate on wheat to evaluate its hybridizing potential. A total of 4,445 acres are involved; the program is arthorized only in the States of Arkansas, Colorado, Illinois, Indiana, Kansas, Missouri, Nebraska, Oklahoma, Tennessee, and Texas. The experimental use permit is effective from October 18, 1982 to October 18, 1983. A temporary tolerance for residues of the active ingredient in or on wheat (second generation, grown out of the hybrid seed and untreated male parent) has been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1800))

7182–EUP–22. Extension. 3M Company, 3M Center, Building 232–GSE–04, St. Paul, MN 55144. This experimental use permit allows the use of 1,200 pounds of the plant growth regulator mefluidide on pasturegrass to evaluate its effect on forage quality enhancement and animal productivity enhancement. A total of 4,800 acres are involved; the program is authorized only in the States of Illinois, Indiana, Kentucky, Maryland, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, Tennessee, and Virginia. The experimental use permit is effective from August 6, 1982 to August 6, 1983. Temporary tolerances for residues of the active ingredient in or on pasturegrasses; pasturegrass hay; milk; meat of cattle, sheep, goats, and horses; fat of cattle, goats, and horses; and meat byproducts of cattle, sheep, goats, and horses have been established. (Robert Taylor, PM 25, Rm. 245, CM#2, (703–557–1900))

47894–EUP–1. Issuance. York County Mosquito Control, P.O. Box 532, Yorktown, VA 23690. This experimental use permit allows the use of one pound of the insecticide 3-methyloctadecanoic acid on marshes, sewages, and swamps to evaluate the control of mosquitoes. Atotal of 500 acres are involved; the program is authorized only in the State of Virginia. The experimental use permit is effective from September 10, 1982 to September 10, 1983. This permit is issued with the limitation that none of the material will enter the food-chain or any water system which is used as drinking water for humans or animals intended for human consumption. (Franklin Gee, PM 17, Rm. 207, CM#2, (703–557–2690))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: October 7, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–28943 Filed 10–26–82; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Telecommunications Industry Advisory Group Expense Accounts Subcommittee Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of three meetings of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee scheduled to meet on Wednesday, November 10, 1982, Tuesday, November 30, 1982, and Tuesday, December 14, 1982. Each meeting will begin at 9:30 a.m. The meeting locations are as follows:

Wednesday, November 10, 1982

GTE Service Corporation, Suite 900, 1120 Connecticut Avenue, NW., Washington, D.C.

Tuesday, November 30, 1982

Southern Pacific Communications Commission, Suite 500, 1828 L Street, NW., Washington, D.C.

Tuesday, December 14, 1982

Federal Communications Commission, Room No. 7317, 2025 M Street, NW., Washington, D.C.

The agenda are as follows:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment.

With prior approval of Subcommittee Chairman John Howes, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Howes (212/393–

4029) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29392 Filed 10-26-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Penn Square Bank, N.A., Oklahoma City, Oklahoma: Notice of Appointment of Receiver and Issuance of Powers of Attorney

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Public notice.

SUMMARY: In order to facilitate the performance of its duties as Receiver of the Penn Square Bank, N.A., Oklahoma City, Oklahoma, the Federal Deposit Insurance Corporation (hereafter the "FDIC") publishes the following notice. It is hoped that publication of this notice will resolve any uncertainties concerning the appointment of the FDIC as Receiver and the authority of the liquidator and assistant liquidators to act on behalf of the Receiver. Publication of this notice is also intended to comply with the provisions of title 16, Section 20 of the Oklahoma Statutes (16 O.S. § 20), thus relieving the liquidator and the assistant liquidators, each of whom holds a power of attorney, of the necessity of recording their power in various different localities in order to effect a conveyance of interests in property.

Notice: By Resolution dated July 5, 1982, the Comptroller of the Currency of the United States Declared the Penn Square Bank, N.A., Oklahoma City, Oklahoma, to be insolvent. Pursuant to title 12 of the United States Code, sections 191 and 1821(c) (12 U.S.C. §§ 191 and 1821 (c)), the Comptroller on the same date appointed the FDIC Receiver of th Penn Square Bank. Acting pursuant to a delegation dated November 16, 1981, the Director of the FDIC's Divisions of Liquidation appointed James P. Hudson liquidator of the Penn Square Bank on July 5, 1982. Subsequently, the following individuals were appointed assistant liquidators: W. Norman Davis, Gregory P. Murphy, Ronald W. Carris, Donald J. Lubitz, Lewis Green, Lamar C. Kelly.

Effective October 25, 1982, Thomas R. Procopio will replace James P. Hudson as liquidator.

For the pupose of facilitating the liquidation of the assets held by the Receiver, the liquidator and each of the above-named assistant liquidators has been provided a general power of attorney by the FDIC. Each has thus been authorized and empowered: to sign, seal, and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necesary and proper for the collection and recovery by the FDIC for any and all such sums, moneys and properties of every kind and nature whatsoever for and on behalf of the FDIC, and to give receipts and acquittances therefor in the name and on behalf of the FDIC, for any and all such sums, moneys and properties received or taken into his possession; and further, without limitation on the generality of the foregoing, each is authorized and empowered for and in the name of the FDIC, to release, discharge or assign any and all judgments, mortgages on real estate or personal property, including the release and discharge of the same of record in the office of any prothonotary or register of deeds, wherever located where payments on account of the same in redemption or otherwise may have been made by the parties debtor, to endorse receipt of such payment upon the records in any such office or in any other appropriate public office; also to receipt, collect and give all proper acquittances for any other sums of money owing the FDIC or payable to the FDIC for any asset which he may sell or dispose of; also to execute any and all transfers and assignments as may be necessary to assign any shares, bonds, securities or other choses in action; also to sign, seal, acknowledge and deliver any and all leases and agreements as he shall deem necessary or proper in the care and management of the foregoing assets; to sign effectual receipts for the payment of all rents and profits due or to become due thereon; also to extend, postpone, release and satisfy or do any other thing advisable in his discretion affecting the lien of any mortgage or mortgages now or herafter held, standing or appearing upon the records in any public office wherever located; also to execute, acknowledge, and deliver, in the name of the FDIC, a power of attorney, wherever necessary or required by law, to any attorney employed by the FDIC, and in its name and stead, to foreclose any mortgages, or other securities on either real or personal property, wherever located, which it may now own or hereafter acquire, and generally to do and perform every act necessary, convenient or desirable in the use, liquidation and collection of the foregoing assets held by the FDIC wherever located.

It should be noted that the FDIC may from time to time substitute or appoint additional persons to the positions of liquidator and assistant liquidator.

Dated October 20, 1982.

Federal Deposit Insurance Corporation

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82-29451 Filed 10-26-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL HOME LOAN BANK BOARD

Modern Savings and Loan Association, Pasadena, Tex. Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in Section 406(c)(1)(B)(i)(I) of the National Housing Act, as amended, the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole Receiver for Modern Savings and Loan Association, Pasadena, Texas, effective October 21, 1982.

Dated: October 22, 1982.

J. J. Finn,

Secretary.

[FR Doc 82-29554 Filed 10-26-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

October 19, 1982.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act [44 U.S.C. Chapter 35]. Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register,** but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for

OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the **Federal Register**. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents is available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829).

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880).

Request for Change to an Existing Report Package

1. Report titles: Supervisory Supplement 2 (Repricing Opportunities for Selected Balance Sheet Categories) and Supervisory Supplement 3 (Commitments and Contingencies) to the Report of Condition and Income.

Agency form numbers: FFIEC 010–015.

Frequency: Quarterly.

Reporters: State member banks.

SIC Code: 602pt.

Small businesses are affected.

General description of report: approximately 4,084 responses; approximately 158,239 hours needed to complete the entire Call and Income report package on an annual basis; an average of 38 hours per response; respondent's obligation to reply is mandatory (12 U.S.C. 324); a pledge of confidentiality is not made for Supervisory Supplements 2 and 3 (all elements of the package are available to the public with exception of a portion of Supervisory Supplement 1); cost to the public of the entire Call and Income Report package is approximately $3,164,780; cost to the Federal Government is $435,453; 6 forms submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96–511.

Included in the Federal Reserve submission to OMB is a proposal for the addition of two supplements to the quarterly Report of Condition and Income (Call Reports) submitted by state member banks. These supplements will collect data needed to monitor a bank's exposure to interest rate risk and the extent to which a bank might have undertaken risks in the form of commitments and contingencies. The Federal Reserve will utilize these data to assess potential dangers to the safety and soundness of the banking system and to improve the monitoring of the condition of banks between on/site examinations. (The Federal Deposit Insurance Corporation and the Comptroller of the Currency are proposing to collect comparable data for their own use.)

Board of Governors of the Federal Reserve System, October 21, 1982

James McAfee,

Asssociate Secretary of the Board

[FR Doc. 82–29461 Filed 10–26–82; 8:45 am]

BILLING CODE 6210–01–M

Ameribank Corp.; Formation of Bank Holding Company

Ameribank Corporation, Shawnee, Oklahoma, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a) (1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Americorp, Shawnee, Oklahoma ("Company"), which owns 100 per cent of the voting shares of American National Bank & Trust Company of Shawnee, Shawnee, Oklahoma ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Ameribank Corporation, Shawnee, Oklahoma, has also applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain certain nonbanking activities presently engage in by Company or indirectly through its subsidiary, Banker's Insurance Agency of Shawnee, Inc. These activities included making or acquire loans or other extensions of credit, for Company's own account or for the account of others. These lending activities are conducted from an office located in Shawnee, Oklahoma, serving an area within a 25 mile radius of Shawnee, Oklahoma. Company's subsidiary engages in the sale of life, accident and health, and mortgage cancellation insurance directly related to extensions of credit by Bank. These activities are conducted from offices in Shawnee, Oklahoma, serving Pottawatomie County, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 19, 1982.

Board of Governors of the Federal Reserve System, October 21, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82–29423 Filed 10–26–82; 8:45 am]

BILLING CODE 6210–01–M

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service

National Archives Advisory Council; Meeting

Notice is hereby given that the National Archives and Records Service Advisory Council will meet on November 4, 1982 from 2:00 p.m. to 5:30 p.m. and November 5, 1982 from 9:00 a.m. to 4:30 p.m. in Room 105, National Archives and Records Service, 8th and Pennsylvania Avenue, NW., Washington, D.C. 20408. The meeting will be devoted to a review of the current state of the Archives, reports from Council Subcommittees, and related matters of concern to the operation of the National Archives and Records Service of the United States.

The meeting will be open to the public.

Dated: October 15, 1982.

G. N. Scaboo,

Acting Archivist of the United States.

[FR Doc. 82-29526 Filed 10-26-82; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Aging Review Committee: Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Aging Review Committee, National Institute on Aging, on December 1, 2, and 3, 1982, in Building 31, Conference Room 10 (C wing), National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 9:00 a.m. to 10:00 a.m. on December 1, for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 1, from 10:00 a.m. to adjournment on December 3, for the review, discussion and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. June McCann, Committee Management Officer, NIA, Building 31, Room 2C05, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-5898, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, Aging Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: October 8, 1982.

Betty J. Beveridge,

National Institutes of Health.

[FR Doc. 82-29463 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Biomedical Library Review Committee and the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications; Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Biomedical Library Review Committee on November 15-16, 1982, convening each day at 8:30 a.m. in the NMAC Classroom, Lister Hill Center Building of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on November 16, and the meeting of the Subcommittee for the Review of Medical Library Resource Improvement Grant Applications on November 17 from 9:00 a.m. to 12 noon in the 5th Floor Conference Room of the Lister Hill Center Building.

The meeting on November 15 will be open to the public from 8:30 to 11:00 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.Code, and Section 10(d) of Pub. L. 92-463, the regular meeting and subcommittee meeting will be closed to the public for the review, discussion, and evaluation of individual grant applications, as follows: The regular meeting on November 15 from 11:00 a.m. to 5:00 p.m., and on November 16 from 8:30 a.m. to adjournment; and the subcommittee meeting on November 17 from 9:00 a.m. to 12 noon. These applications and the discussion could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Biomedical Information Support Branch, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301-496-4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—Medical Library Assistance, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: October 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29465 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases (NIADDK), November 18, 19 and 20, 1982, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 8:00 p.m. to 9:30 p.m. on November 18; from 9:00 a.m. to 12:05 p.m. and from 2:00 p.m. to 4:15 p.m. on November 19; from 9:00 a.m. to 11:30 a.m. on November 20. The open portion of the meeting will be devoted to scientific presentations by various laboratories of the NIADDK Intramural Research Program. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 7:30 p.m. to 8:00 p.m. and 9:30 p.m. to 10:00 p.m. on November 18; from 12:05 p.m. to 2:00 p.m. and 4:15 p.m. to adjournment on November 19; from 11:30 a.m. to adjournment on November 20, for the review, discussion and evaluation of individual intramural programs and projects conducted by the NIADDK, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of the meeting and rosters of the members will be provided by the Committee Management Office, National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases, Building 31, Room 9A46, Bethesda, Maryland 20205. Further information concerning the meeting may be obtained by contacting the office of Dr. J. E. Rall, Executive Secretary, Board of Scientific Counselors, National Institutes of Health, Building 10, Room 9N-222, Bethesda, Maryland 20205, (301) 496-4128.

Dated: October 18, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–29466 Filed 10–26–82; 8:45 am]

BILLING CODE 4140–01–M

Board of Scientific Counselors; Meeting

Pursuant to Pub L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, on November 29, 30, and December 1, 1982. On November 29 and 30, the meeting will be held in Room 11C401, Building 10, National Institutes of Health, Bethesda, Maryland. On December 1, the meeting will be held in Conference Room 7A–24, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public on November 29 and 30 from 8:30 a.m. until adjournment. During this open session, the permanent staff of the Laboratory of Clinical Investigation will present and discuss their immediate past and present research activities.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting of the Board will be closed to the public on December 1 from 8:30 a.m. until adjournment for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personal qualifications and performance, and the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meeting and rosters of the Board members.

Dr. Kenneth W. Sell, Executive Secretary, Board of Scientific Counselors, NIAID, National Institutes of Health, Building 5, Room 137, telephone (301) 496–2144, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13–301, National Institutes of Health)

Dated: October 13, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–29457 Filed 10–26–82; 8:45 am]

BILLING CODE 4140–01–M

Cancer Center Support Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Center Support Review Committee, National Cancer Institute, November 18, 1982, Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205. This meeting will be open to the public on November 18 from 8:30 a.m. to 10:00 a.m. to review administrative details, and to present reports by the Division Director, Branch Chief, and Executive Secretary on committee concerns. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 18, from 10:00 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Robert L. Manning, Executive Secretary, Cancer Center Support Review Committee, National Center Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7721) will furnish substantive program information.

(Catalog of Federal Domestic Assistance No 13.397, project grants in cancer center support, National Institutes of Health)

Dated: October 19, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

[FR Doc. 82–29468 Filed 10–26–82; 8:45 am]

BILLING CODE 4140–01–M

Cancer Special Program Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Special Program Advisory Committee, National Cancer Institute, November 15–16, 1982, Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20014. This meeting will be open to the public on November 15 from 9:00 a.m. to 10:00 a.m. for reports by the Executive Secretary and the Branch Chief and to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public on November 15, from 10:00 a.m. to adjournment, and on November 16, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William R. Sansloue, Executive Secretary, Cancer Special Program Advisory Committee, National Cancer Institute, Westwood Building, Room 805, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance No. 13.392, project grants in cancer construction, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: October 19, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29469 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Cellular and Molecular Basis of Disease Review Committee and the Genetic Basis of Disease Review Committee; Joint Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the joint meeting of the Cellular and Molecular Basis of Disease Review Committee and the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, on November 19, 1982, at the National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Maryland.

This meeting will be open to the public on November 19, 1982, from 8:30 a.m. until 10:00 a.m. for background information and discussion of issues relevant to the National Institute of General Medical Sciences and its National Research Service Award training activities and research programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 10:00 a.m. on November 19, 1982, until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Room 9A10, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7301) will provide a summary of the meeting and a roster of committee members.

Dr. Helen R. Sunshine, Executive Secretary, Cellular and Molecular Basis of Disease Review Committee and Executive Secretary, Genetic Basis of Disease Review Committee, NIGMS, National Institutes of Health, Room 949, Westwood Building, Bethesda, Maryland, 20205 (Telephone: 301/496-7585) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13-863, Cellular and Molecular Basis of Disease Research and Catalog of Federal Domestic Assistance Program No. .13-862, Genetic Research)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: October 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29461 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Clinical Cancer Program Project Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Clinical Cancer Program Project Review Committee, National Cancer Institute, December 2-3, 1982, Building 31C, Conference Room 6, 9000 Rockville Pike, Bethesda, Maryland 20205. This meeting will be open to the public on December 2 from 8:30 a.m. to 10:00 a.m. for reports by the Chairperson, Executive Secretary, and other staff members; and to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 2, from 10:00 a.m. to adjournment; and on December 3, from 8:30 a.m. to adjournment, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Louise G. Thomson, Executive Secretary, Clinical Cancer Program Project Review Committee, National Cancer Institute, Westwood Building, Room 809, National Institutes of Health, Bethesda, Maryland 20205 (301/496-7924) will furnish substantive program information.

(Catalog of Federal Domestic Assistance No. 13.397, project grants in cancer center support, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of the Circular.

Dated: October 19, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29467 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors, NINCDS; Meeting

Pursuant to the Public Law 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, November 10-12, 1982: in Woods Hole, Massachusetts, Swope Center, Meigs Room on November 10; and Conference Room 1B07, Building 36, Bethesda, Maryland, on November 11 and 12. This meeting will be open to the public from 10:00 a.m. to 2:00 p.m. on November 10, and 9:00 a.m. to 5:00 p.m. on November 11 to discuss progam planning and program accomplishments. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public from 8:30 a.m. to 10:00 a.m. on November 10 and 9:00 a.m. until the conclusion of the meeting on November 12 for the review, discussion and evaluation of individual programs and projects conducted by the National Institues of Health, including consideration of personnel qualifications and performances, the competence of individual investigators and similar items, the disclosure of which would consitute a clearly unwarranted invasion of personal privacy.

The Freedom of Information Coordination, Mr. Edward M. Donohue, Federal Building, Room 1004, 7550 Wisconsin Avenue, Bethesda, Maryland, 20205, telephone (301) 496-9231, will furnish summaries of the meeting and rosters of committee members.

The Executive Secretary from whom susbstantive program information may be obtained is Dr. Thomas N. Chase, Director, Intramural Research Program, NINCDS, Building 10, Room 5N214, NIH, Bethesda, Maryland, 20205, telephone (301) 496-4297.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Betty J. Beveridge,

Committee Management Officer, National Institues of Health

[FR Doc. 82-29458 Filed10-26-82; 8:45 am]

BILLING CODE 4140-01-M

General Clinical Research Centers Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the General Clinical Research Centers Committee, Division of Research Resources, November 22-23, 1982, Conference Room 7, Building 31, 9000 Rockville Pike, Bethesda, MD.

The meeting will be open to the public on November 22, 1982, from 9:00 to approximately 12:00 noon, to discuss administrative matters and program plans. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 22, 1982, from approximately 1:00 p.m. to recess, and on November 23, from 8:30 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and discussions could reveal trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Rm. 5B-10, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Ephraim Y. Levin, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Room. 5B51, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-6595, will furnish substantive program information.

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of the Circular.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

Dated: October 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29464 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Heart, Lung, and Blood Research Review Committee A; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on December 3-4, 1982, in Building 31, Conference Room 7.

This meeting will be open to the public on December 3, 1982 from 8:30 AM to approximately 9:30 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and section 10(d) of Pub.L. 92-463, the meeting will be closed to the public on December 3, from approximately 9:30 AM until adjournment on December 4, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Peter M. Spooner, Executive Secretary, Heart, Lung, and Blood Research Review Committee A, Westwood Building, Room 648, National Insitutes of Health, Betheda, Maryland 20205, phone (301) 496-7265, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; 13.838, Lung Diseases Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: October 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29459 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Heart, Lung, and Blood Research Review Committee B; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20205, on December 3-4, 1982, in Building 31, Conference Room 9.

This meeting will be open to the public on December 3, 1982, from 8:30 AM to approximately 10:00 AM to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 3, 1982, from approximately 10:00 AM to adjournment on December 4, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiry Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meetings and rosters of the committee members.

Dr. Louis M. Ouellette, Executive Secretary, NHLBI, Westwood Building, Room 554, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; and 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: October 19, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–29470 Filed 10–26–82: 8:45 am]

BILLING CODE 4140–01–M

Maternal and Child Health Research Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on November 16–17, 1982, in the Landow Building, Conference Room A, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on November 16, from 9:00 a.m. to 10:15 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Associate Director for Scientific Review, and Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code, Sections 552b(c)(4) and 552b(c)(6) and section 10(d) of Public Law 92–463, the meeting will be closed to the public on November 16 from 10:30 a.m. to adjournment on November 17 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal property.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C08, National Institutes of Health, Bethesda, Maryland, Area Code 301—496–1485, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 6C03, National Institutes of Health, Bethesda, Maryland, Area Code 301—496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Dated: October 12, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82–29455 Filed 10–26–82; 8:45 am]

BILLING CODE 4140–01–M

Mental Retardation Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Mental Retardation Research Committee, National Institute of Child Health and Human Development, on November 18, 1982, in Conference Room A, Landow Building, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 18 from 8:00 a.m. to 9:00 a.m. to discuss items relative to the Committee's activities including announcements by the Director, National Institute of Child Health and Human Development, and the Executive Secretary, Mental Retardation Research Committee.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 18 from 9:00 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, 6C–08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1485, will provide a summary of the meeting and roster of committee members. Dr. Stanley L. Slater, Executive Secretary, Mental Retardation Research Committee, NICHD, Landow Building, Room 6C–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

Dated: October 12, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.865, Research for Mothers and Children, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 82–29454 Filed 10–26–82; 8:45 am]

BILLNG CODE 4140–01–M

Minority Access to Research Careers Review Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, National Institutes of Health, Building 31C, Conference Room 8, on Novmeber 8–9, 1982.

This meeting will be open to the public on November 8, from 9:00 a.m. to 10:30 a.m. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92–463, the meeting will be closed to the public for approximately the last six hours of the day on November 8 and until adjournment on November 9. It is estimated that this will occur from 10:30 a.m. to 5:00 p.m. on November 8 and from 8:30 a.m. until adjournment on November 9, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A–10, 5333 Westbard Avenue, Bethesda, Maryland 20205, telephone (301) 496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Harriet L. Gordon, M.D., Executive Secretary, Westwood Building, Room 949, Bethesda, Maryland 20205, telephone (301) 496–7585.

Dated: Oct. 8, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program 13.880, Minority Access to Research Careers (MARC), National Institutes of Health, Department of Health and Human Services)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

[FR Doc. 82-29453 Filed 10-28-82: 8:45 am]

BILLING CODE 4140-01-M

Pharmacological Sciences Review Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Pharmacological Sciences Review Committee, National Institute of General Medical Sciences, National Institutes of Health, November 11 and 12, 1982, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland 20814.

This meeting will be open to the public on November 11 from 9:00 a.m. to 10:30 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Public Law 92-463, the meeting will be closed to the public for approximately 12 hours for the review, discussion, and evaluation of individual grant applications. It is anticipated that this will occur on November 11, from approximately 10:30 a.m. to 5:00 p.m. and on November 12, from 8:30 a.m. to adjournment. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Ellen Casselberry, Public Information Officer, NIGMS, Westwood Building, Room 9A10, Bethesda, Maryland 20205 (Telephone: 301, 496-7301), will provide a summary of the meeting and a roster of committee members. Substantive program information may be obtained from Dr. Anthony Demsey, Executive Secretary, Pharmacological Sciences Review Committee, Westwood Building, Room 950, Bethesda, Maryland 20205 (Telephone: 301, 496-7125).

Dated: October 12, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistant Program 13-859, Pharmacology-Toxicology Research, National Institute of General Medical Sciences, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 82-29462 Filed 10-26-82: 8:45 am]

BILLING CODE 4140-01-M

Population Research Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, on November 4-5, 1982 in the Landow Building, Conference Room "A," 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on November 4 from 9:00 a.m. to 10:30 a.m. to discuss the program status, new developments and projections for population research centers, program projects and institutional fellowships. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code, sections 552b(c)(4) and 552b(c)(6) and section 10(d) of Public Law 92-463, the meeting will be closed to the public on November 4 from 10:30 a.m. to adjournment on November 5 for the review, discussion and evaluation of individual grant applications. The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Landow Building, Room 6C-08, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1485, will provide a summary of the meeting and a roster of committee members. Dr. Dinesh C. Sharma, Executive Secretary of the Population Research Committee, NICHD, Landow Building, Room 6C-03, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496-1696, will furnish other information.

Dated: October 12, 1982.

(Catalog of Federal Domestic Assistance Program No. 13.864, Population Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-29456 Filed 10-26-82: 8:45 am]

BILLING CODE 4140-01-M

Research Manpower Review Committee; meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, National Institutes of Health on November 8-9, 1982, at the Linden Hill Hotel, 5400 Pooks Hill Road, Bethesda, Maryland, 20814.

This meeting will be open to the public on November 8, 1982, from 8:00 p.m. to aproximately 10:00. p.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in section 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 9, 1982, from 8:00 a.m. until adjournment for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Terry Bellicha, Chief, Public Inquiries and Reports Branch, National heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda Maryland 20205, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Carol H. Letendre, Executive Secretary, NHLBI, Westwood Building, Room 548, Bethesda, Maryland 20205, phone (301) 496-7363, will furnish substantive program information.

Date October 8, 1982.

Betty J. Beveridge,

National Institutes of Health Committee Management Officer.

(Catalog of Federal Domestic Assistance Program Nos. 13.837, Heart and Vascular Diseases Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

[FR Doc. 82-29460 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

Vision Research Program Committee; Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Vision Research Program Committee, National Eye Institute, November 18 and 19, 1982, Conference Room 8, Building 31, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on November 18 from 8:30 a.m. to 9:00 a.m. for opening remarks and discussion of program guidelines. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9:00 a.m. on November 18 until adjournment on November 19 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Mary Carter, Committee Management Officer, National Eye Institute, Building 31, Room 6A-03, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-4903, will provide summaries of the meeting and rosters of committee members.

Dr. Catherine Henley, Review and Special Projects Officer, Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A-06, National Institutes of Health, Bethesda, Maryland 20205 (301) 496-5561, will furnish substantive program information.

Dated: October 6, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, Retinal and Choroidal Diseases Research; 13.868, Corneal Diseases Research; 13.869, Cataract Research; 13.870, Glaucoma Research; and 13.871, Sensory and Motor Disorders of Visual Research; National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b)(4) and (5) of that Circular.

[FR Doc. 82-29452 Filed 10-26-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-82-1175]

Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35)..

The notice lists the folowing information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Proposal: Contractor's Certification Concerning Labor Standards and Prevailing Wage Requirements

Office: Labor Relations.

Form Number: HUD-1421.

Frequency of Submission: Nonrecurring.

Affected Public: Prime Construction Contractors.

Estimated Burden Hours: 3,000.

Status: Extension.

Contact: Richard Allan, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Subcontractor's Certificate Concerning Labor Standards and Prevailing Wage Requirements

Office: Labor Relations.

Form Number: HUD-1422.

Frequency of Submission: Nonrecurring.

Affected Public: Subcontractors and Lower-Tier Construction Subcontractors.

Estimated Burden Hours: 15,000.

Status: Extension.

Contact: Richard Allan, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Survey of Prevailing Maintenance Wage Rates For Public Housing Authorities

Office: Labor Relations.

Form Number: HUD-5136.

Frequency of Submission: Annually.

Affected Public: Local Public Agencies.

Estimated Burden Hours: 7,250.

Status: Extension.

Contact: Richard Allan, HUD, (202) 755-5370; Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Single Family Mortgage Insurance Premium Questionnaire

Office: Administration.
Form Number: HUD–2753.
Frequency of Submission: Monthly.
Affected Public: HUD—Approved Mortgagees.
Estimated burden Hours: 960.
Status: Revision.
Contact: Linda F. Milner, HUD, (202) 755–5747; Robert Neal, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Low-Income Multifamily Housing Rehabilitation 167(k) and Non-167(k) Project Survey Questionnaire

Office: Policy Development and Research.
Form Number: None.
Frequency of Submission: Nonrecurring.
Affected Public: Developers and Managers of Low-Income Housing Rehabilitation Projects.
Estimated Burden Hours: 120.
Status: New.
Contact: David Einhorn, HUD, (202) 755–6164; Robert Neal, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Weekly Payroll Report

Office: Labor Relations.
Form Number: WH–347.
Frequency of Submission: Weekly.
Affected Public: Construction Contractors.
Estimated Burden Hours: 900,000.
Status: Extension.
Contact: Richard Allan, HUD, (202) 755–5370; Robert Neal, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Request for Determination and Response to Request

Office: Labor Relations.
Form Number: SF–308.
Frequency of Submission: Nonrecurring.
Affected Public: Public Housing Authorities, and Community Development Block Grant Recipients, States.
Estimated Burden Hours: 667.
Status: Extension.
Contact: Richard Allan, HUD, (202) 755–5370; Robert Neal, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Proposal: Affirmative Fair Housing Marketing Plan

Office: Fair Housing and Equal Opportunity.
Form Number: HUD–935.2.
Frequency of Submission: Nonrecurring.
Affected Public: Sponsors or Developers of Federally-assisted Housing Projects and Subdivisions of Five or more (Except Low-Income Housing).
Estimated Burden Hours: 4,500.
Status: Extension.
Contact: Steve Tursky, HUD, (202) 755–5288; Robert Neal, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 8, 1982.

Donald J. Keuch, Jr.,
Deputy Assistant Secretary for Administration.

[FR Doc. 82-29388 Filed 10-26-82; 8:45 am]
BILLING CODE 4210-01-M

[Docket No. N-82-1177]

Notice of Submission of Proposed Information Collections to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposals.

ADDRESS: Interested persons are invited to submit comments regarding these proposals. Comments should refer to the proposal by name and should be sent to:

Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755–5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how fequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposals should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirements are described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Title 1 collection letters.
Office: Housing.
Form Number: HUD–9812.
Frequency of Submission: On occasion.
Affected Public: Individuals or households.
Estimated Burden Hours: 332.
Status: Extension.
Contact: John L. Brady, HUD, (202) 755–6857; Robert Neal, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 9, 1982.

Proposal: Title 1 collection letters.
Office: Housing.
Form Number: HUD–9812B.
Frequency of Submission: On occasion.
Affected Public: Individuals or households.
Estimated Burden Hours: 83.
Status: Extension.
Contact: John L. Brady, HUD, (202) 755–6857; Robert Neal, OMB, (202) 395–6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 9, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-29474 Filed 10-26-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-82-1176]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: Proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATON CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Manufactured Housing and Construction Safety Standards Reporting
Office: Housing
Form Number: None
Frequency of Submission: On Occasion and Monthly
Affected Public: State and Local Governments and Businesses or Other Institutions (except farms)
Estimated Burden Hours: 174.308
Status: New
Contact: Tobias Gottesman, HUD, (202) 755-6584; Robert Neal, OMB, (202) 395-6880

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 7, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-29473 Filed 10-26-82; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Papago Reservation, Ariz.; Ordinance Regulating the Use, Possession, Sale and Distribution of Intoxicating Beverages

October 12, 1982.

This Notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify the Ordinance No. 05-82 relating to the application of the Federal Indian Liquor laws on the Papago Indian Reservation, Arizona was duly adopted on April 6, 1982, by the Papago Council which has jurisdiction over the area of Indian country included in the ordinance which reads as follows:

Kenneth Smith,

Assistant Secretary-Indian Affairs.

Ordinance of the Papago Tribal Council Alcoholic Beverages Licensing and Control Ordinance

Ord. No. 05-82

Statement of Purpose: An ordinance alternatively prohibiting or sanctioning and licensing the introduction, sale, possession and consumption of alcoholic beverages within the exterior Boundaries of the Papago Reservation, Arizona.

Be it enacted by the Council of the Papago Tribe of the Papago Reservation as follows:

Article I—Title; Interpretation; Prohibition; District Option; Sanction

Section 1—Short Title

This ordinance may be cited as the Alcoholic Beverages Licensing and Control Ordinance of the Papago Tribe.

Section 2—Interpretation

This ordinance shall be deemed an exercise of the police power of the Papago Tribe for the protection of the public welfare, health, peace, and morals of the people of the Papago Reservation and all provisions of this ordinance shall be liberally construed for the accomplishment of ths purpose.

Section 3—Prohibition

The introduction, sale, possession and consumption of spirituous liquor within the exterior boundaries of the Papago Reservation in violation of the federal Indian liquor laws, 18 U.S.C. 1154 and 1156, or in violation of the Law and Order Code of the Papago Tribe is prohibited, except within the exterior boundaries of any of the eleven (11) Districts of the Papago Reservation which have, in accordance with the provisions of Section 4 of this Article, sanctioned the introduction, sale, possession and consumption of spirituous liquor within the District in conformity with this ordinance.

Section 4—District Option

Each of the eleven (11) Districts of the Papago Reservation is empowered to sanction the introduction, sale, possession and consumption of spirituous liquor within the exterior boundaries of the District in conformity with this ordinance as follows:

(A) *District Council:* The District Council may by action of a majority of its members sanction the introduction, sale, possession and consumption of spirituous liquor within the exterior boundaries of the District. The action of the District Council shall be memorialized by formal resolution and shall be submitted to the Papago Council for approval. Upon approval of the resolution by the Papago Council, the introduction, sale, possession and consumption of spirituous liquor in conformity with this ordinance shall be lawful within the exterior boundaries of the District.

(B) *Election:* The question of whether a District should sanction the introduction, sale, possession and consumption of spirituous liquor within the exterior boundaries of the District in conformity with this ordinance shall be put to a referendum vote of the registered voters of the District upon receipt by the Papago Election Board (1) of a resolution of the District Council requesting such referendum election, or (2) of a petition of registered voters of the District requesting such referendum election signed by at least ten percent of the number of voters voting for candidates for the office of Representative to the Papago Council from the District at the last election of the Papago Tribe. Upon receipt of a petition the Election Board shall determine whether a sufficient number of registered voters from the District have signed the petition. If the resolution or valid petition is received by the Election Board within 180 days prior to the general election of the Papago Tribe, the referendum ballot shall be submitted to the voters at the general election. If the resolution or petition is received by Board at any other time, it shall conduct a special referendum election in the District within ninety days of receipt of the resolution or valid petition in conformity with the Uniform Election Ordinance on a date designated by the District Council. The referendum ballot shall contain the following question:

"Shall the introduction, sale, possession and consumption of spirituous liquor be made lawful within the exterior boundaries of this District in conformity with the Alcoholic Beverages Licensing and Control Ordinance of the Papago Tribe?"

The registered voters of the District shall vote on said question, those in favor voting "Yes" on their ballots and those opposed "No", and the Election Board shall determine the number of votes cast for and against the referendum measure, and shall issue and post its Certificate of Election Results in conformity with the Uniform Election Ordinance. If a majority of the votes cast was in favor of the referendum measure, the Papago Council shall at its next meeting issue its certificate of election and the introduction, sale, possession and consumption of spirituous liquor in conformity with this ordinance shall thereafter be lawful within the exterior boundaries of the District.

Section 5—Sanction

The introduction, sale, possession and consumption of spirituous liquor shall be lawful within the exterior boundaries of any of the eleven (11) Districts of the Papago Reservation which have, in accordance with the provisions of Section 4 of this Article, sanctioned the introduction, sale, possession and consumption of spirituous liquor within their respective Districts in conformity with this ordinance. The federal Indian liquor laws shall, however, remain applicable to any act or transaction which is not in conformity with this ordinance. Violations of this ordinance by any person may be subject to federal prosecution as well as legal action in the Papago Tribal Courts.

Article II—Definitions

In this ordinance, unless the context otherwise requires:

(A) "Beer" means any beverage obtained by the alcoholic fermentation, infusion or decoction of barley, malt, hops, or other ingredients not drinkable, or any combination of them.

(B) "Broken package" means any container of spirituous liquor on which the United States tax seal has been broken or removed, or from which the cap, cork or seal placed thereupon by the manufacturer has been removed.

(C) "Commission" means the liquor licenses and control commission of the Papago Tribe.

(D) "Election days" means the biennial primary election for the nomination of United States, state, county and precinct officers, a special election called pursuant to Section 1, Article 21 of the Constitution of the State of Arizona, the biennial general election of the State of Arizona, and the biennial primary or general elections and any special elections of the Papago Tribe, and any Secretarial election called pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934, as amended.

(E) "License" or "Tribal License" means a license issued pursuant to the provisions of this ordinance.

(F) "Licensee" or "Tribal licensee" means a person who has been issued a license pursuant to the provisions of this ordinance.

(G) "Off-sale retailer" means any person operating an established general merchandise or retail store selling groceries and commodities other than spirituous liquors and engaged in the sale of spirituous liquors only in the original package, to be taken away from the store premises and to be consumed off the premises.

(H) "On-sale retailer" means any person operating an establishment where spirituous liquors are sold in the original container for consumption on or off the premises and in individual portions for consumption on the premises.

(I) "Person" includes a partnership, association, company or corporation, as well as a natural person.

(J) "Premises" or "Licensed premises" means the area from which the licensee is authorized to sell, dispense or serve spirituous liquors under the provisions of the license.

(K) "Sanctioning District" means any of the eleven (11) Districts of the Papago Reservation which have sanctioned the introduction, sale, possession and consumption of spirituous liquor within the District in conformity with this ordinance, in accordance with the provisions of Section 4 of Article 1 of this ordinance.

(L) "Sell" includes soliciting or receiving an order for, keeping or exposing for sale, delivering for value, peddling, keeping with intent to sell and trafficking in.

(M) "Spirituous liquor" includes alcohol, brandy, whiskey, rum, tequila, mescal, gin, wine, porter, ale, beer, any malt liquor, malt beverage, absinthe or compound or mixture of any of them, or of any of them with any vegetable or other substance, alcohol bitters, bitters containing alcohol, and any liquid mixture or preparation, whether patented or otherwise, which produces intoxication, fruits preserved in ardent spirits, and beverages containing more than ½ of 1 percent of alcohol by volume.

(N) "Wines" means the product obtained by the fermentation of grapes or other agricultural products containing natural or added sugar or any such alcoholic beverage fortified with grape brandy and containing not more than 24 percent of alcohol by volume.

Article III—Unlawful Acts

It is unlawful within the exterior boundaries of a sanctioning District:

(1) For a person to have in his possession or custody or under his control a still or distilling apparatus, and any mash, wort or wash, for distillation or for the production of spirits or alcohol, and any still, distilling apparatus, mash, wort, wash, or finished product produced therefrom found on or within the exterior boundaries of the Papago Reservation shall be forfeited to the Papago Tribe, and shall forthwith be destroyed by the Papago Police, the Indian Police, or peace officer of the United States Indian Service.

(2) For a person to buy for resale, sell or deal in spirituous liquors on or within the exterior boundaries of a sanctioning District, without first having procured a valid license issued by the commission or otherwise first complying with the provisions of this ordinance.

(3) For any person, except the commission, to import spirituous liquors into the Papago Reservation from a foreign country unless:

(a) such person is over nineteen years of age.

(b) such person has been physically within such foreign country immediately prior to such importation and such importaiton coincides with his return from such foreign country.

(c) the amount of spirituous liquor imported does not exceed the amount permitted under federal law to be imported duty free in any period of thirty-one days.

(4) For a person to take or solicit orders for spirituous liquors, except from or through the Papago liquor licenses and control commission, or in accordance with any regulation of such commission.

(5) For a licensee, or an officer or employee of a Papago Liquor Store to employ a person under the age of ninteen (19) years to manufacture, sell or dispose of spirituous liquors. The provisions of this paragraph shall not aply to persons under the age of nineteen employed to package and carry merchandise, including spirituous liquor, in unbroken packages for the convenience of the customer or the employer.

(6) For a licensee, or an officer or employee of a Papago Liquor Store, or any other person to sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of or given to any person under the age of 19 years, of a person under the age of 19 years to buy, receive, have in his possession or consume spirituous liquors. The foregoing provisions shall not apply to persons under the age of nineteen employed to package and carry merchandise, including spirituous liquor, in unbroken packages for the convenience of the customer or the employer. It shall be the responsibility of the licensee or the manager of a Papago Liquor Store, or their employees, and of anyone acting in their behalf to ascertain that the purchaser, acquirer or consumer of any intoxicating beverage, either by the drink or by the bottle or other container, is 19 years of age or older.

(7) For a person under 19 years of age to offer or present to a licensee or their employees, or to officers of employees of a Papago Liquor Store, or to other persons a fraudulent or false certificiate of birth or other written evidence of age which is not actually his own, or to otherwise misrepresent his age for the purpose of inducing such licensee, manager or employee or other person to sell, give, serve or furnish spirituous liquors contrary to law.

(8) To influence or attempt to influence the sale, giving or serving of spirituous liquor to a person under 19 years of age by misrepresenting the age of such person or to oder, request, receive or procure spirituous liquor from any licensee, employee or other person for the purpose of selling, giving or serving it to a person under 19 years of age.

(9) For an on-sale licensee to employ a person under the age of 19 years in any capacity connected with the handling of spirituous liquors.

(10) For a licensee or an employee of a Papago Liquor Store, when engaged in waiting on or serving customers, to consumer spirituous liquors or remain on or about the premises while in an intoxicated or disorderly condition.

(11) For any employee of a licensee or of a Papago Liquor Store, during his working hours or in connection with his employment, to give or purchase for any other person, accept a gift of, purchase for himself or consume spirituous liquor.

(12) For licensee or an employee thereof, or for a Papago Liquor Store (except as in this ordinance otherwise provided), or for any other person to sell or offer to sell, directly or indirectly, or to sanction the sale on credit of spirituous liquor, or to give, lend or advance money or anything of value to any person for the purpose of purchasing or bartering for, spirituous liquor, except that sales or spirituous liquor consumed on the licensed premises may be included on bills rendered to registered guests in hotels and motels, and spirituous liquor sales for on-premises consumption only inconnection with a served meal may be made a part of charges to patrons of bona fide restaurants whose credit is based upon standard bona fide credit cards.

(13) For a licensee or a Papago Liquor Store, or an employee thereof, or for any person to serve, sell, or furnish spirituous liquor to an intoxicated or disorderly person, or for a licensee or a Papago Liquor Store, or employee thereof, to allow or permit an intoxicated or disorderly person to come into or remain on or about his premises.

(14) For a licensee or a Papago Liquor Store, or an employee thereof, to sell, dispose of, deliver, or give spirituous liquor to a person, or allow a person to consume spirituous liquors on his premises during hours polling places are open for voting on election days, or between the hours of 1:00 o'clock a.m. and 6:00 o'clock a.m. on weekdays and 1:00 o'clock a.m. and 12:00 o'clock noon Sundays.

(15) For an off-sale retailer or a Papago Liquor Store retailer to sell spirituous liquors except in the original container or to permit spirituous liquor to be consumed on the premises.

(16) For an on-sale retail licensee to employ a person for the purpose of soliciting the purchase of spirituous liquors by patrons of the establishment for themselves, on a percentage basis or otherwise. No licensee shall serve employees or allow a patron of the establishment to give spirituous liquor to, or to purchase liquor for or drink liquor with, any employee.

(17) For a person to consume spirituous liquor from a broken package in a public place, thoroughfare or gathering. This paragraph shall not apply to sale of spirituous liquors on the premises of and by an on-sale retail licensee. This paragraph shall also not apply to a person consuming spirituous liquor from a broken package in a public recreation area, at a community feast house, park or meeting place pursuant to the customs of the community, or on private property with permission of the owner or lessor or on the walkways surrounding such private property.

(18) For a person to have in his possession or to transport spirituous liquor which is manufactured in a distillery, winery, brewery, or rectifying plant contrary to the laws of the United States.

Article IV—Liquor Licenses and Control Commission

Section 1—Appointment of members; terms; payment

There is created the liquor licenses and control commission which shall consist of three members appointed by the Papago Council. Of the members first appointed, one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year from the date of his appointment and until his successor shall have been appointed and qualified. Thereafter, all appointments shall be for terms of three years or until successors are appointed or qualified. No member of the commission, or any officer or employee of the commission shall be financially interested, directly or indirectly, in any business licensed to deal in spirituous liquor. The Papago Council may remove any member of the commission for cause. The members of the commission shall appoint from among their membership a chairman and vice chairman, who shall serve at the pleasure of the commission. The majority of the commission shall constitute a quorum, but no decision of the commission on any matter shall be valid unless made upon the concurrence of the majority of the members. Members of the commission shall be entitled to receive, upon presentation of proper vouchers, such per diem and mileage payments as the Papago Council shall from time to time establish for its standing committees, boards and commissions.

Section 2—General powers of commission

The commission shall have the following powers and duties:

(A) To buy, import or have in its possession for sale, and sell spirituous liquor in the manner set forth in this ordinance.

(B) To have control and supervision of the purchase, importation, transportation and sale of spirituous liquor in accordance with the provisions of this ordinance, and to fix the wholesale and retail prices at which spirituous liquors are to be sold at Papago Liquor Stores: Provided, that in fixing the sales prices, the commission shall not give any preference of make any discriminations as to classes, brands or otherwise, except where special sales are deemed necessary to remove unsaleable merchandise, or except where the addition of a service or handling charge to the fixed sales price of any merchandise in the same comparable price bracket, regardless of class, brand or otherwise is, in the opinion of the commission, required for the efficient operation of the Papago store system.

(C) To determine the villages in sanctioning Districts within which Papago Liquor Stores shall be established and locations of the stores within such villages.

(D) To grant, issue, suspend and revoke all licenses authorized to be issued under this ordinance and the regulations of the commission.

(E) By regulation to require on-sale retailers to engage and provide security guards where deemed necessary by the commission to enforce the provisions of this ordinance.

(F) To acquire, lease, furnish and equip such buildings, rooms or other accommodations as shall be required for the operation of this ordinance.

(G) To appoint, fix the compensation and define the powers and duties of such managers, officers, clerks and other employees as shall be requried for the operation of this ordinance.

(H) To determine the nature, form and capacity of all packages and original containers to be used for containing spirituous liquor.

(I) Without in any way limiting or being limited by the foregoing, to do all such things and perform all such acts as are deemed necessary or advisable for the purpose of carrying into effect the provisions of this ordinance and the regulations made thereunder.

(J) Issue adminstrative rulings in response to a written inquiry from licensees or applicants regarding the application of this ordinace. The inquiries shall state with specificity the facts involved in the question. The rulings shall be determinative of subsequent treatment of the matter and may be relied upon by the licensee or applicant until a regulation related to the subject of the inquiry is adopted. Any ruling remains in effect until a regulation related to the subject of the inquiry is adopted.

(K) From time to time, to make such regulations not inconsistent with this ordinance as it may deem necessary for the efficient administtration of this ordinance. The commission shall cause such regulations to be published and disseminated throughout the Papago Reservation in such manner as it shall deem necessary and advisable. Such regulations adopted by the commission shall have the same force as if they formed a part of this ordinance.

(L) To investigate, whenever any person complains, or when the commission is aware that there are reasonable grounds to believe that spirituous liquor is being sold on premises not licensed under the provisions of this ordinance. If the investigation produces evidence of the unlawful sale of spirituous liquor or of any other violation of the provisions of this ordinance, the commission shall cause the prosection of the person or persons believed to have been liable for the unlawful acts.

Section 3—Specific subjects on which commission may adopt regultions

Subject to the provions of this ordinance and without limiting the general power conferred by the preceding section, the commission may make regulations regarding:

(A) The equipment and management of Papago Liquor Stores and warehouses in which spiritutous liquor is kept or sold, and the books and records to be kept therein.

(B) The duties and conduct of the officers and employees of the commission.

(C) The purchase as provided in this ordinance of spirituous liquor, and its supply to Papago Liquor Stores.

(D) The classes, varieties and brands of spirituous liquor to be kept and sold in Papago Liquor Stores.

(E) The issuing and distribution of price lists for the various classes, varieties or brands of spirituous liquor kept for sale by the commission under this ordinance.

(F) Forms to be used for the purposes of this ordinance.

(G) The issuance of licenses and the conduct, management, sanitation and equipment of licensed premises.

(H) The place and manner of depositing the receipts of Papago Liquor Stores and the transmission of balances to the Treasurer of the Papago Tribe.

Article V—Papago Liquor Stores

Section 1—Commission to Establish Papago Liquor Stores

The commission shall establish, equip, operate and maintain, at such places throughout the Papago Reservation as it shall deem essential and advisable, stores to be known as "Papago Liquor Stores" and warehouses and other merchandising facilities for the sale of spirituous liquors in accordance with the provisions of regulations made under this ordinance. A Papago warehouse and wholesale store shall be located on the Papago Reservation in a place designated by the commission. When the commission shall have determined upon the location of a liquor store in any village within a sanctioning District, it shall give notice of such location by posting such notice for a period of at least thirty days following it determination in a conspicuous place on the outside of the premises in which the proposed store is to operater or, in the event that a new structure is to be built, in a similarly visible location. The notice shall be in such form, of such size and containing such provisions as the commission may require by its regulations. If, prior to the last day of such posted notice, ten or more persons residing within a one-half mile radius from such location, or the Village Council of the village within which such store is to be located, shall file a protest with the District Council of the District averring that the location is objectionable because of its proximity to a church, a school, or to a private residence, the District Council shall forthwith hold a hearing affording an opportunity to the protestants and to the commission to present evidence. The District Council shall render its decision immediately upon the conclusion of the testimony and from the decision there shall be no appeal. If the District Council shall determine that the proposed location is undesirable for the reasons set forth in the protest, the commission shall abandon it and find another location.

The commission may acquire or lease any rooms, buildings, warehouses or other merchandising facilities, and may purchase equipment and appointments necessary to carry out the provisions of this ordinance.

Section 2—Selection of Personnel

Officers and employees of the commission, except as herein provided, shall be appointed and empolyed in accordance with the employment practices and policies of the Papago Tribe.

Section 3—Appointment of Superintendent and Managers of Papago Liquor Stores

The commission shall appoint a person who shall serve at the discretion of the commission, shall be the chief administrative officer of the commission, and shall be known as the "superintendent" of liquor licenses and control. He shall be responsible for carrying out the administrative provisions of this ordinance and of the regulations adopted by the commission under this ordinance. Every Papago Liquor Store and/or commission warehouse or merchandising facility shall be under the supervision of a person appointed by the commission who shall be known as the "manager"and who shall, under direction of the commission, be responsible for carrying out the provisions of this ordinance and the regulations adopted by the commission under this ordinance as far as they relate to the conduct of such store, warehouse or facility. The superintendent may act as manager of such store, warehouse and/or facility.

Section 4—Sales by Papago Liquor Stores

(A) Every Papago Liquor Store shall keep in stock for sale such classes, varieties and brands of spirituous liquors as the commission shall prescribe.

(B) Every Papago Liquor Store shall sell spirituous liquors to Tribal licensees, licensed under this ordinance, at standard wholesale discount prices established by the commission. All other sales by such stores shall be at retail prices. No liquor shall be sold except for cash, except that the commission may by regulation authorize the acceptance of checks for liquor sold at wholesale. The commission shall have the power to designate certain stores for wholesale or retail exclusively.

Section 5—Working Capital

The net profits of the commission shall be general revenue of the Papago Tribe. The commission is authorized to keep and have on hand a stock of spirituous liquor for sale, the value of which, computed on less carload price quotations f.o.b. warehouse filed by spirituous liquor vendors, shall not at any time exceed the amount of working capital authorized. The maximum permanent working capital of the commission is established at $200,000.00 and permanent advances up to this amount may be authorized by the Chairman of the Papago Council upon recommendation of the commission with the approval of the Treasurer of the Papago Council. At any time the total working capital exceeds the amount necessary to provide a turnover of stock approximately eight times annually, the Chairman, upon recommendation of the Treasurer of the Papago Council, may authorize the return of such excess to the general fund of the Papago Tribe.

Section 6—Audits

It shall be the duty of the Treasurer of the Papago Council to make or cause to be made such audits as may be necessary in connection with the administration of the financial affairs of the commission and the Papago Liquor Stores operated and maintained by the commission.

Section 7—Tribal Taxes

Subject to the provision relating to wholesale sales contained in subsection (B) of Section 4 above, the commission shall sell spirituous liquors at a price to be determined by the commission, which price shall include any luxury or transaction privilege or other taxes, levied and imposed by the Papago Tribe. All net revenue derived from such taxes shall be deposited to the credit of the general fund of the Papago Tribe.

Article VI—Licenses and Regulations

Section 1—Authority to Issue Liquor Licenses

Subject to the provisions of this ordinance and regulations made thereunder, the commission shall have the authority to issue on-sale and off-sale retailers' licenses for any premises kept or operated by any person licensed to operate a general merchandise or retail store, a restaurant, bar, motel or hotel within a sanctioning District on the Papago Reservation.

Section 2—Application Procedure

Every applicant for a spirituous liquor license, or for the transfer of an existing license to himself or to another premises not then licensed, shall make application therefor on a form prescribed or furnished by the commission in duplicate, and shall file one copy with the commission and the other with the District Council of the sanctioning District where the applicant desires to do business. The applicant shall also post notice of his application (in such form, of such size and containing such provisions as the commission may require by its regulations) in a conspicuous place on the outside of the premises in which he proposes to do business, or, in the event that a new structure is to be built, in a similar visible location, with a statement informing a person who is a resident of the age of nineteen years or more residing, owning or leasing property within a one-half mile radius from such location and who is opposed to such application, that they may file a written protest with the District Council within thirty (30) days after the date of posting. Proof of posting such notice shall be filed with the District Council and with the commission. The District Council shall then hold a hearing affording an opportunity to any protestants and the applicant to present evidence. The District Council shall render its decision and from this decision there shall be no appeal. If the District Council should recommend approval of the application, it shall file a copy of the Resolution certifying such approval with the commission and the commission shall set the application for hearing by the commission. The commission shall consider the application and any other facts relating to the qualifications of the applicant and shall approve or disapprove each application within one hundred and twenty (120) days after filing of the application.

Section 3—Qualifications of Spirtuous Liquor Licenses

(A) Every licensee shall, if required, have a valid Federal license to trade with Indians pursuant to Part 251, Title 25, Code of Federal Regulations.

(B) No corporation shall receive or hold a license except through a designated agent who shall be a natural person. Upon the death, resignation or discharge of such agent, the license shall be assigned forthwith to another qualified agent selected by the corporation.

(C) Every licensee, whether Indian or non-Indian, shall be subject to the civil jurisdiction of the Papago Courts, and every non-Indian applicant for a license shall file his written consent to such jurisdiction with his application.

(D) No person who holds, either by appointment or election, any public office which involves the duty to enforce any of the penal laws of the United States or of the Papago Tribe shall be issued a license, nor shall such person have any interest, directly or indirectly, in such license.

(E) No license shall be issued to any person who, within one (1) year prior to application therefor, has violated any provision of a spirituous liquor license theretofore issued or has had a license revoked.

Section 4—Applications for Licenses

(A) Every applicant for a spirituous liquor license, or for the transfer of an existing license to himself or to another premises not then licensed shall file written application with the commission in such form and containing such information as the commission shall from time to time prescribe, which shall be accompanied by an application fee of fifty dollars ($50) and the prescribed license or transfer fee. Every such application shall contain a description of that part of the general merchandise or retail store, the restaurant, bar, motel or hotel for which the applicant desires a license and shall set forth such other material information, description or plan of that part of the store, restaurant, bar, motel or hotel where it is proposed to keep and sell liquor as may be required by the commission. No licensee shall alter or change the physical arrangement of the licensed premises so as to encompass greater space or the use of different or additional entrances, openings or accommodations than the space, entrance or entrances, openings or accommodations offered to the public at the time of issuance of licensee's license or a prior written approval of the licensed premises, without first having filed with the commission floor plans and diagrams completely disclosing the proposed physical alterations of the licensed premises and shall have secured the written approval thereof by the commission. This requirement shall apply to any person to person transfer of the licensed premises.

(B) Each application shall be signed and verified by oath or affirmation by the owner, if a natural person, or, in the case of an association, by a member or partner thereof, or, in the case of corporation, by its designated agent who shall hold the license for the corporation.

(C) If the applicant is an association, the application shall set forth the names and addresses of the persons constituting the association, and of a corporation, the names and addresses of the principal officers and of the persons owning ten percent (10%) or more of the corporation. Each application shall state whether the applicant or any of the foregoing persons were in the past five years convicted of a felony.

(D) If any false statement is intentionally made in any part of the application, the applicant shall be deemed to be in voilation of this ordinance and shall be subject to the penalties provided in this ordinance.

Section 5—Licenses; Contents; Transfers

(A) The licenses shall be to sell or deal in spirituous liquors only at the place and in the manner provided therein, and a separate license shall be issued for each specific business, each license specifying:

1. The particular spirituous liquors which the license is authorized to sell or deal in.
2. The place of business for which issued.
3. The purpose for which the liquors may be sold.

(B) A spirituous liqour license shall be transferable as to any permitted location within the same sanctioning District, provided such transfer meets the requirements of an original application. A spirituous liquor license may be transferred to a person qualified to be a licensee, provided such transfer is pursuant to either a judicial decree, a bona fide sale of the entire business and stock in trade, or such bona fide transactions as may be provided by regulations of the commission and that such transfer meets the requirements of an original application. Any change in ownership of the business of a licensee, directly or indirectly, as defined by commission regulations, shall be deemed a transfer and shall comply with this section.

(C) All applications for transfer pursuant to subsection (B) of this section shall be filed and determined in accordance with the provisions of section 2 and 4 of this Article.

(D) No spirituous liquor license shall be assigned, transferred or sold, except as provided in this section. No spirituous liquor license shall be leased or subleased.

(E) A license which is not used by the licensee for a period in excess of six (6) months shall expire, except that the commission may grant additional time if, in its judgment, the licensee is in good faith attempting to comply with this section.

Section 6—Issuance of Licenses; Regulatory Provisions; Revocation

(A) The commission shall issue a spirituous liquor license only after satisfactory showing of the capaibility, qualifications and reliability of the applicant, and that the public convenience required, and that the best interest of the community will be satisfactorily served by the issuance.

(B) The commission may issue on-sale retailer licenses:

(i) To any hotel or motel within a sanctioning District on the Papago Reservation which has in conjunction therewith a bar or restaurant;

(ii) To any restaurant within a sanctioning District of the Papago Reservation which is regularly open for serving meals to guests for compensation and has suitable kitcken facilities connected therewith for keeping, cooking and preparing foods required for ordinary meals; and

(iii) To any bar within a sanctioning District of the Papago Reservation operated by responsible persons which is regularly open for serving spirituous liquors to guests for compensation and where no food is sold and no other business is carried on except the sale of cigarettes and tobacco products.

The holder of an on-sale retailer license may sell and serve spirituous liquors in individual portions only for consumption on the licensed permises, and he may sell such liquors in original container for consumption both on or off the licensed premises.

The holder of an on-sale retailer license may not sell or deal in spirituous liquors unless he has complied with the regulations of the commission requiring such licensee to provide security guards duly approved by the commission as being of good moral character and commissioned to enforce the provisions of this ordinance on or about the licensed premises.

(C) The commission may issue off-sale retailer licenses to any general merchandise or retail store within a sanctioning District of the Papago Reservation operated by responsible persons which is regularly open for selling groceries and commodities other than spirituous liquors to customers for compensation.

The holder of an off-sale retailer license may sell spirituous liquor only in the orignial package to be taken away from the licensed permises and to be consumed off of the premises.

(D) In addition to other grounds prescribed in this ordinance upon which a license may be revoked, the commission may revoke a license in any case where in its judgment the licensee ceased to operated a hotel, motel, restaurant, bar or general merchandise or retail store, as prescribed in subsections (B) and (C) of this section.

Section 7—Licensing Premises Near School Building or Church

Unless written approval is first obtained from the governing body of school or church, no spirituous liquor license shall be issued for any building whose exterior walls are within three hundred horizontal feet of a school or church building in which classes or services are regularly conducted.

Section 8—License Fees

(A) A fee shall accompany an application for an original license or transfer of a license, or in case of renewal be paid in advance. Every license shall expire on December 30 of each year. An application fee for an original license or the transfer of a license shall be fifty (50) dollars, which shall be retained by the commission.

(B) Issuance fees for original licenses shall be:

(1) On-sale retailer's license to sell all spirituous liquors by individual portions and in original containers—Seven hundred fifty dollars ($750).

(2) On-sale retailer's license to sell wine and beer by individual portions and in the original containers—One hundred dollars ($100).

(3) On-sale retailer's license to sell beer by individual portions and in original containers—One hundred dollars ($100).

(4) Off-sale retailer's license to sell all spirituous liquors—Five hundred dollars ($500).

(5) Off-sale retailer's license to sell wine and beer—One hundred fifty dollars ($150).

(6) Off-sale retailer's license to sell beer—One hundred dollars ($100).

(C) If a license is issued on or after July 1 in any year, one-half of the annual license fee shall be charged.

(D) The annual fees for licenses shall be:

(1) On-sale retailer's license to sell all spirituous liquors by individual portions and in original containers—One hundred fifty dollars ($150).

(2) On-sale retailer's license to sell wine and beer by individual portions and in original containers—Seventy five dollars ($75).

(3) On-sale retailer's license to sell beer by individual portions and in original containers—Twenty five dollars($25).

(4) Off-sale retailer's license to sell all spirituous liquors—Fifty dollars ($50).

(5) Off-sale retailer's license to sell wine and beer—Fifty dollars ($50).

(6) Off-sale retailer's license to sell beer—Twenty five dollars ($25).

(E) Transfer fees from person to person and from place to place for licenses transferred pursuant to subsection (B) of Section 5 shall be one-hald of the fees prescribed in subsection (B) above.

Section 9—Revocation or Suspension of license

(A) The commission may suspend or revoke any license issued hereunder for cause and upon a hearing, with notice mailed to the licensee by registered mail at least ten (10) days prior to such hearing. Cause shall mean the failure to pay prescribed license fees and taxes as they become due; the failure of an on-sale retailer licensee to provide a security officer to enforce the provisions of this ordinance on or about the licensed premises as prescribed in subsection (B) of Section 6; the transfer or attempted transfer of the license without the prior written approval of the commission; the violation or non-compliance with any provision of this ordinance or of the regulations enacted thereunder.

(B) Any decision of the commission in any matter shall be final, unless any person aggriveved, or a village or District Council, within thirty (30) days after receiving notice of the decision of the commission, appeals to the Papago Council. The Papago Council may affirm the decision of the commission, remand the mater for further proceedings before the commission or reverse or modify the decision if it finds that the objection of the person aggrieved is well taken. The decision of the Papago Council on all matters shall be final.

Article VII—Exemptions; Violations; Penalties; Jurisdiction

Section 1—Exemptions

The provisions of this ordinance shall not apply to drug stores or hospitals within sanctioning Districts selling or dispensing spirituous liquors upon prescriptions; to the production, consumption, sale, furnishing or possession of spirituous liquors within sanctioning Districts for scientific, sacramental, religious, medicinal or mechanical purposes; or to the production, consumption, sale, furnishing or possession within sanction Districts of wine produced acording to Tribal custom from the fermentation of the fruit of the saguaru, cereus giganteus.

Section 2—Violations

(A) Any person who violates any provision of Article III of this ordinance shall be guilty of a criminal offense punishable by a fine of not more than five hundred dollars ($500), or by imprisonment in the Tribal jail for not more than six (6) months, or both.

(B) Any person who violates any other provision of this ordinance, or any lawful regulation or ruling of the commission made pursuant thereto, shall be liable for a civil penalty of not more than five hundred dollars ($500), plus court costs, per violation.

(C) Any licensee violating any provision of this ordinance may, in addition to the penalties prescribed in subsection (A) and (B) above and to the penalties prescried by the federal Indian liquor laws, 18 U.S.C. 1154 and 1156, have his licenses suspended by the commission.

Section 3—Jurisdiction

The Papago Tribal Courts shall have jurisdiction over all violations of this ordinance and may, in addition to the penalties prescribed in Section 2 above, grant such other relief as is necessary and proper for the enforcement of this ordinance, including but not limited to injunctive relief against acts in violation of this ordinance. Nothing, however, in this ordinance shall be construed to authorize or require the criminal trial and punishment of non-Indians except to the extent allowed by any applicable present or future Act of Congress or any applicable federal court decision.

Article VIII—Contraband; Seizure; Forfeiture

Section 1—Seizure

All spirituous liquors within the exterior boundaries of the Papago Reservation held, owned, or possessed by any person or licensee operating in violation of the provisions of this ordinance, or of any regulations made thereunder, or of any other law of the Papago Tribe relating to the manufacture, introduction, sale, possession and consumption of spirituous liquors are hereby declared to be contraband and subject to forfeiture to the Tribe. Upon presentation of a sworn affidavit the Judge of the Papago Tribal Courts shall issue an order directing the Papago Police, Indian Police or other officer of the United States Indian Service to seize contraband liquor within this Reservation and deliver it to the commission. A copy of the court order shall be delivered to the person from whom the property was seized or shall be posted at the place where the property was seized.

Section 2—Hearing

Within three weeks following the seizure of the contraband a hearing shall be held in the Papago Tribal Courts, at which time the person from whom the property was seized shall be given an opportunity to present evidence in defense of his or her activities.

Section 3—Notice of Hearing

Notice of the hearing of at least ten (10) days shall be given to the person from whom the property was seized if known. If the person is unknown, notice of the hearing shall be posted at the place where the contraband was seized and at such other public places on the Reservation as may be directed by the Judge. The notice shall describe the property seized, and the time, place and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized.

Section 4—Judgment of Forfeiture—Disposition of Proceeds of Property

If upon the hearing the evidence warrants, or if no person appears as claimant, the Papago Tribal Courts shall thereupon enter a judgment of forfeiture, and order such articles sold or destroyed forthwith, and the proceeds of any sale shall become general revenue of the Papago Tribe.

Article IX—Nuisance; Abatement

Section 1—Declaration of Nuisance

Any room, house, building, vehicle, structure, or other place where spirituous liquor is sold, manufactured, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or any regulations made thereunder, or of any other law of the Papago Tribe relating to the manufacture, introduction, sale, possession and consumption of spirituous liquor, and all property kept in and used in maintaining such place, are hereby declared to be a public nuisance.

Section 2—Abatement of Nuisance

The commission shall institute and maintain an action in the Papago Tribal Courts in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this ordinance. The plaintiff shall not be required to give bond in this action. Restraining orders, temporary injunctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant, the Court may also order the room, house, building, vehicle, structure, or place closed for a period of up to one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the Court in the sum of not less than One Thousand Dollars ($1,000.00).

payable to the Tribe and conditioned that spirituous liquor will not be thereafter manufactured, kept, sold, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or any other applicable Tribal law. If any condition of the bond be violated, the whole amount may be recovered as a penalty for the use of the Tribe. Any action taken under this section shall be in addition to any other penalties provided in this ordinance.

Article X—Conflicting Ordinances; Amendments

Section 1—Conflicting Ordinances and Resolutions

All resolutions and ordinances of the Papago Tribe, including but not restricted to Section 18, Chapter 5 of the Law and Order Code of the Papago Tribe, heretofore enacted prohibiting the sale, introduction, possession or consumption of spirituous liquors on or within the exterior boundaries of the Papago Reservation shall have no further legal force or effect within the exterior boundaries of sanctioning Districts, but shall have full force and effect on or within the exterior boundaries of the Districts which have not sanctioned the introduction, sale, possession and consumption of spirituous liquor in accordance with the provisions of Section 4 of Article I of this ordinance.

Section 2—Amendments

This ordinance may hereby be amended by resolution of the Papago Council approved by the Secretary of the Interior or his authorized representative.

Certification

The foregoing Ordinance was duly enacted by the Papago Council on the *6th* day of April, 1982, at a meeting at which a quorum was present with a vote of *1,039* for; *109.0* against; *0* not voting; and *0* absent, pursuant to the authority vested in the Papago Council by Section 2(h), (m) and Section 3(b), (c) and (e) of Article V of the Constitution and By-laws of the Papago Tribe of Arizona as amended, ratified by the Papago Tribe on December 12, 1936, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 536). This Ordinance shall be effective as of the date the Secretary of the Interior or his designee approves this Ordinance and publishes it in the **Federal Register.**

The Papago Council:

Max H. Norris,

Chairman.

Attest:

Rose Johnson,

Secretary.

Ordinance Approved this 14th day of April, 1982.

Curtis C. Nordwall,

Superintendent, Papago Agency.

[FR Doc. 82-29437 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[F-14840-A, F-14840-B]

Alaska Native Claims Selection

Correction

In FR Doc. 82-26993, beginning on page 43194, on Thursday, September 30, 1982 make the following correction:

1. On page 43194, in the second column, in the first line of the document "Tihteet', Inc." should read "Tihteet' Aii, Inc."
2. In the second column, in the fifth line "F-14880-B" should read "F-14840-B".
3. Also on page 43194, in the second column, in sixteenth line from the bottom "N.," should read "T. 17 N.,"

BILLING CODE 1505-01-M

[S 2745]

California; Termination of Proposed Withdrawal and Reservation of Land

October 16, 1982.

Notice of Bureau of Reclamation, U.S. Department of the Interior, application S-2745 for withdrawal and reservation of the following described national forest land from the mining laws (30 U.S.C. Ch. 2), for construction of the Allen Camp Unit, Pit River Division, Central Valley Project was published in the **Federal Register** on September 5, 1969, pages 14083 and 14084, F.R. Doc. 69-10587 and republished on August 3, 1977, page 39279, FR Doc. 77-22293. The applicant has withdrawn its application in its entirety.

Mount Diable Meridian

T. 40 N., R. 7 E., MD Mer.,
  Sec. 1, lots 3 and 4, SE¼NW¼, E½SW¼, SW¼SW¼;
  Sec. 2, lots 1, 2 and 4, SW¼NE¼, SW¼NW¼, N½NW¼SW¼, E½SE¼SW¼;
  Sec. 3, lots 1 and 2, S½NE¼, SE¼.
T. 41 N., R. 7 E., MD Mer.,
  Sec. 24, SE¼;
  Sec. 25, W½NE¼, NE¼NE¼, NW¼SE¼ SW¼, W½SW¼, S½SE¼;
  Sec. 26, lots 3 and 4, NW¼SE¼, SW¼;
  Sec. 27, E½E½SE¼, SW¼SW¼;
  Sec. 34, W½, N½NE¼, SE¼NE¼, NE¼SE¼;
  Sec. 35, lot 2, SW¼NE¼, NW¼NW¼, SE¼;
T. 41 N., R. 8 E., MD Mer.,
  Sec. 1, lots 1, 2 and 3, S½NE¼, SE¼NW¼, S½SW¼, N½SE¼;
  Sec. 2, lots 1, 2, 3, and 4, S½NE¼, S½NW¼, S½;
  Sec. 10, E½SE¼;
  Sec. 11, E½, SW¼;
  Sec. 12, N½;
  Sec. 14, NW¼;
  Sec. 15;
  Sec. 16, SE¼;
  Sec. 19, lots 3 and 4, E½SW¼, NE¼SE¼;
  Sec. 20, E½SW¼;
  Sec. 21, NE¼, N½SW¼, SW¼SW¼, N½SE¼;
  Sec. 22, NE¼, NE¼NW¼, W½SW¼, E½SE¼, NW¼SE¼;
  Sec. 26, N½NE¼, N½N½NW¼;
  Sec. 27, SW¼NE¼, SE¼NW¼, S½SW¼, SE¼;
  Sec. 28, W½NW¼, SE¼NW¼;
  Sec. 29, NE¼, E½NW¼, NW¼NW¼, S½SW¼;
  Sec. 30, lots 1, 2, and 4, NE¼NW¼, SE¼SW¼, SE¼;
  Sec. 31, NE¼, E½NW¼, Lots 1 and 2;
  Sec. 32, N½, SE¼;
  Sec. 33;
  Sec. 34, W½;
  Sec. 35, SW¼NW¼, S½SE¼NW¼;
  Sec. 36, S½SW¼.
T. 41 N., R. 9 E., MD Mer.,
  Sec. 3, SE¼;
  Sec. 6, lot 6, E½SW¼;
  Sec. 7, SE¼NE¼, N½NE¼, E½SW¼, NE¼SE¼, Lots, 2, 3, and 4;
  Sec. 8, N½SW¼, N½SW¼SW¼, N½SE¼;
  Sec. 9, W½SE¼, SE¼SE¼;
  Sec. 16, E½NE¼, SW¼NW¼;
  Sec. 17, NE¼ S½NW¼, SW¼;
  Sec. 18, SE¼NE¼, W½NE¼, E½NW¼, Lots 1 and 2.
T. 42 N., R. 8 E., MD Mer.,
  Sec. 35, E½SE¼;
  Sec. 36, SW¼.

The area described aggregates 11,453.64 acres in Modoc County, California.

Therefore, pursuant to the regulations contained in 43 CFR 2310.2-1, these lands shall immediately be relieved to the segregative effect of the above mentioned application.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-29438 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Realty Action; Modified Competitive Sale—I-18802, Public Land in Caribou County, Idaho

Summary: The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713) at no less than the fair market value of $8,400.

Boise Meridian, Idaho

T. 6 S., R. 42 E., Section 11: SW¼SE¼—40 acres.

The land will be sold at public auction by modified competitive bidding. Monsanto Company, Soda Springs, Idaho 83276 will be the designated bidder to have a preference right to purchase the land by meeting the highest bid. Such preference right is being offered because they are the adjoining landowners and have a pending phosphate use permit application (I-3800) on the subject tract.

The land has not been used for and is not required for any federal purpose. The location and physical characteristics of the tract make it difficult and uneconomical to manage as public land. Disposal would not have any significant effect on resource values and would best serve the public interest.

A patent for the land, when issued, will be subject to the following conditions:

1. A right-of-way for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.
2. All minerals will be reserved to the United States as required by Section 209(a) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1719.
3. All valid existing rights and reservations of record.

The sale will be held at the Bureau of Land Management Office, 490 East 2nd. South, Soda Springs, Idaho 83276, at 1:00 p.m. on Wednesday, January 12, 1983.

Bidding Information and Instructions:

Bidder Qualifications: The Federal Land Policy and Management Act requires that bidders must be citizens of the United States 18 years of age or over, or, in the case of a corporation, be subject to the laws of any state or the United States. Bids may be made by a principal (the one desiring to purchase the land) or his duly qualified agent.

Bid Standards: No bid will be accepted for less than the appraised fair market value of $8,400. Bids must be for all the land in the specified tract.

Method of Bidding: Bids may be made either by mail or personally at the sale. Bids sent by mail will only be considered if received by the Bureau of Land Management, Soda Springs Resource Area Office, 490 East 2nd South, Soda Springs, Idaho 83276, prior to 1 p.m. on January 12, 1983. Bids sent in by mail must be in sealed envelopes accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed bid envelopes must be marked in the lower left-hand corner, "Sealed Bid, Public Land Sale I-18802, Sale to be January 12, 1983." If two or more valid sealed bids in the same amount are received and they are the high bid, the determination of which bid is to be considered the highest bid shall be by a drawing. The drawing, if required, shall be held immediately following the opening of the bids. The highest qualifying sealed bid shall then be announced.

Oral bids will be received immediately after all sealed bids have been opened and the highest sealed bid is announced. The highest sealed bid will be the base for oral bids. All oral bids must be made in increments of not less than $50.00. Sealed bidders present at the sale may also make oral bids. The highest bid price, either sealed or oral, will establish the sale price. If the highest bid is an oral bid, the successful bidder will be required to pay immediately one-fifth of the high bid price by cash, personal check, money order, bank draft, or any combination of these.

Modified Bidding: For a period of 30 days following the date of the sale, Monsanto Company will have a preference right to purchase the land by meeting the highest bid. If they meet the highest bid, the land will be sold to them, and the other bid will be returned. Refusal or failure by the designated bidder to meet the highest bid shall constitute a waiver of such bidding provision.

Final Details: The succesful high bidder, whether it is by sealed or oral bid, will be required to submit full payment for the balance of the bid within 30 days from the date of the sale. Failure to submit such payment within the 30 day period shall result in cancellation of the sale and the bid deposit shall be forfeited. All unsuccessful sealed bids will be returned within 30 days from the sale date. If no bids for the land, either sealed or oral, are received on the sale date, the sale will be adjourned until the next Wednesday at the same hour and place and continued on each succeeding Wednesday, until the lands are sold as specified in this notice or the sale is otherwise terminated.

Further Information/Inquiries: Detailed information concerning this sale, including the planning documents and Environmental Assessment, is available for review in the Soda Springs Resource Area Office at the address indicated above. For a period of 45 days from the date of this notice, interested parties may submit comments to the Bureau of Land Management, Idaho Falls District Manager, 940 Lincoln Road, Idaho Falls, Idaho 83401.

Any adverse comments will be evaluated by the Idaho State Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director this realty action will become the final determination of the Department of Interior.

Dated: October 15, 1982.

O'dell A. Frandsen,

District Manager.

[FR Doc. 82-29439 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-84-M

[W-4471-A]

Wyoming; Proposed Continuation of Public Water Reserves

Corrections

In FR Doc. 82-26211 beginning on page 42034 in the issue of Thursday, September 23, 1982, make the following changes:

1. On page 42034, first column, under T. 49 N., R. 103 W., the first line should read: "Sec. 15, W½NW¼, NE¼SW¼, and NW¼SE¼;".
2. On page 42036, first column, under T. 44 N., R. 92 W., the next line should read: "Sec. 17, NE ¼SW¼."; under T. 57 N., R. 93 W., the first line should read: "Sec. 1, NE¼SW¼, and SW¼SE¼;" under T. 42 N., R. 95 W., the second line should read: "Sec. 23, SW¼NW¼."; under T. 43 N., R. 95 W., the first line should read; "Sec. 19, SE¼SE¼;".
3. On page 42036, second column, under T. 43 N., R. 100 W., the fourth line should read; "Sec. 6, SE¼SE¼."

BILLING CODE 1505-01-M

Meeting of the California Desert District Grazing Advisory Board.

Notice is hereby given in accordance with Pub. L. 94-579, Title IV, Section 403, that a public meeting of the California Desert District Grazing Advisory Board will be held Wednesday, November 17, 1982 from 10 a.m. to 4:30 p.m. at the B. P. O. Elks Lodge No. 1799, 244 West Hobsonway, Blythe, California 92225.

The agenda for the meeting will include:

—Otay Grazing Environmental Impact Statement
—Range Improvement Project Listing for fiscal year 1983
—Fiscal year 1983 Range Management Budget
—Continuing Resolution Constraints
—Fiscal year 1982 Desert Plan Amendments Recommendations
—Land Exchange Proposal for Escondido Special Project Area

The meeting is open to the public, with time allotted for public comment after each subject has been presented.

Summary minutes of the meeting will be maintained in the California Desert District and will be available for public inspection during regular business hours within 30 days following the meeting.

For further information and meeting confirmation, contact the California Desert District, 1965 Spruce Street, Riverside, California 92507 (714) 351-6398.

Dated: October 18, 1982.

Mark E. Lawrence,

Acting District Manager.

[FR Doc. 82-24525 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered species:

Applicant: Regional Director, Region 2, U.S. Fish and Wildlife Service, Albuquerque, NM (PRT 2-1770).

The applicant requests a permit to import dead salvaged endangered and threatened sea turtles or parts thereof for scientific research. No turtle will be purposely killed for research activities.

Applicant: Dr. Roger Gambs, Department of Biological Sciences, California Polytechnic State University, San Luis Obispo, CA (PRT 2-9657).

The applicant requests a permit to take Morro Bay Kangaroo rats (*Dipodomys heermani morroensis*) for scientific research. Take will include trapping, weighing, measuring and tagging.

Applicant: Beth Ann Sorensen, Kalispell, MT (PRT 2-9694).

The applicant requests a permit to purchase in interstate commerce 2 pairs of nene geese (*Branta sandvicensis*) for enhancement of propagation.

Applicant: Dr. John Wright, Natural History Museum of Los Angeles County, Los Angeles, CA (PRT 2-9734).

The applicant requests a permit to import two nile crocodiles (*Crocodylus niloticus*) from a Zambian crocodile farm for scientific research on nuclear and mitochodrial DNA.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: October 21, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82-29549 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3978, Block 75, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to imform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 18, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-29441 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Commission of Intent to Perform Interstate Transportation for Certain Nonmembers

Date: October 22, 1982.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

(1) M.L.X. Company
(2) 150 Clovis Avenue, #102, Clovis, CA 93612
(3) 150 Clovis Avenue, Suite 102, Clovis, CA 93612
(4) Winston Tanner, 159 Clovis Ave., #102, Clovis, CA 93612

(1) Missouri Farmers Association, Inc.
(2) 201 S. Seventh St., Columbia, Missouri 65201
(3) 201 S. Seventh St., Columbia, MO 65201
(4) Dale E. Bolander, 201 S. Seventh St., Columbia, MO 65201

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29477 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderationa; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,
Secretary.

MC-FC-79859. By decision of October 13, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to T. J. STIDHAM, INC., of Plant City, FL, of Certificate No. 125335 (Sub-No. 114), issued to GOODWAY TRANSPORT, INC., of York, PA, which authorizes the transportation of (1) *food and related products,* and (2) *citrus byproducts* between points in FL, on the one hand, and, on the other, points in the U.S. Representative: A. J. Swanson, P.O Box 1103, Sioux Falls, SD 57101-1103.

Note: Transferee is not a carrier.

No. MC-FC-80076. By decision of October 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to FRANKLIN THOMAS WILLIAMS, doing business as FRANKLIN THOMAS WILLIAMS TRUCKING, of Red Oak, IA, of Certificate No. MC-123025 (Sub-No. 1) issued January 2, 1981, to TERRY SKALBERG, doing business as TERRY SKALBERG TRUCKING, of Red Oak, IA, authorizing the transportation of sand, gravel, dirt, rocks, and crushed limestone, in dump vehicles, (a) between points in NE and IA (except points on and west of Int. Hwy 29, located in Pottawattamie, Mills, and Freemont Counties, IA) and (b) between points in IA (except Muscatine), Mo (except Sequiota), and KS (except Bonner Springs). Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506.

No. MC-FC-80089. By decision of October 6, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to VAN DE HOGEN CARTAGE INC., of Dearborn, MI of Permit No. MC-143857 (Sub-No. 3)X issued December 4, 1981 to VAN DE HOGEN CARTAGE LIMITED, of Windsor, Ontario, CN, authorizing the transportation of *building material, clay, concrete glass or stone products, ores and minerals,* and *lumber, and wood products,* between points in the United States, under continuing contracts with named shippers. Representative: William J. Hersch P.C., 64 Niagara St., Buffalo, NY 14202.

Note.—This decision has been made in accordance with the statutory provisions of the Bus Regulatory Reform Act of 1982 with great weight being given to the mandates set forth in the National Transportation Policy.

No. MC-FC-80092. By decision of October 6, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to BALLENTINE TRANSPORT, INC. of Scottsbluff, NE, of Certificate No. MC-145743 Sub-18 issued to T.F.S., INC. of Grand Island, NE, authorizing: food and related products, between points in the U.S., on the one hand, and, on the other, points in NE. Representative: Richard S. Mandelson, 1660 Lincoln St., Suite 1600, Denver, CO 80264. TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80094. By decision of October 15, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to UNITED TRUCKING INC., of Gillette, WY, of Certificate No. MC-148929 issued December 1, 1980, to GAY'S HOTSHOT SERVICE INC., of Casper, WY, authorizing: *machinery equipment, materials and supplies* used in, or in connection with, discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, equipment, materials and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof except in connection with main or truck pipelines, between points in that part of NE on and west of U.S. Hwy 83 extending through McCook, North Platte, and Valentine, NE, those in that part of CO on and east of U.S. Hwy 87 extending through Trinidad, Pueblo, Colorado Springs, Denver, and Wellington, CO, and Casper, WY, and points in that part of Wyoming in and east of Campbell, Converse, and Albany Counties, WY, on the one hand, and, on the other, points in that part of ND on and west of North Dakota Hwy 30 extending through Rolla, York, Medina and Lehr, ND, and those in SD west of the Missouri River and on and north of U.S. Hwy 14 extending through Midland, Rapid City, Sturgis and Spearfish, SD. Representative: Leon L. Brady, S-160 Savageton Route, Gillette, WY 82716, phone 307-686-6724.

Note.—TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80098. By decision of October 13, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to JENSEN TRUCKING COMPANY, INC., of Gothenburg, NE of Certificate No. MC-140280 issued May 25, 1978 to INTERSTATE EXPRESS, INC., of Streator, IL authorizing the transportation of (1) *glass bottles,* between points in LaSalle County, IL, on the one hand, and, on the other, Clinton, Davenport, Muscatione, Burlington, Fort Madison, and Keokuk, IA, and points in that part of IN on and north of U.S. Hwy 24 and on and west of U.S. Hwy 31; (2) *roofing and building materials,* between Marseilles, IL on the one hand, and, on the other, points in that part of IN north of U.S. Hwy 63, including points on the indicated portions of the highways specified; (3) *scrap rags and paper,* from Indianapolis, IN to Marseilles, IL; (4) *glass containers,* from Seneca, Streator, and Ottawa, IL to points in IA, and the Lower Peninsular of MI; (5) *fiberboard and paperboard boxes,* from Streator, IL to points in IA, and the Lower Peninsular of MI; (6) *empty containers and pallets,* from points in IA, and the Lower Peninsular of MI, to Streator, Seneca, and Ottawa, IL, subject to a no tacking or joining restriction; (7) *glass containers, caps, covers, tops, rings, and stoppers for glass containers, and fiberboard boxes,* from Streator, IL to points in IN on and south of U.S. Hwy 40 through Terre Haute, IN and Richmond, IN. Representative: Scott T. Robertson, P.O. Box 94748, Lincoln, NE 68509.

Note.—Transferee holds authority. No TA filed.

No. MC-FC-80104. By decision of October 13, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to DEARBORN'S MOVING AND STORAGE, INC., of East Kingston, NH, Certificate No. MC-133098 issued April 7, 1970 to DEARBORN'S MOVING & STORAGE COMPANY, INCORPORATED, of Exeter, NH authorizing transportation of household goods between points in Rockingham and Strafford Counties, NH, on the one hand, and, on the other, points in ME, VT, MA, RI, CT, NY and NJ. Representative: Robert L. Cope, 1703 M Street NW., Suite 501, Washington, D.C. 20036.

Note.—Transferee holds no authority. No TA filed.

No. MC-FC-80105. By decision of October 12, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to Jim Senske d/b/a Senske & Son Transfer, of Crookston, MN, of Certificate No. MC-136293 (Sub-No. 2), and Permit No. MC-138931 (Sub-No. 2) and (Sub-No. 4), issued to Louie Senske and Jim Senske, d/b/a Senske & Son Transfer, of Crookston, MN, authorizing the following transportation:

No. MC-136293 (Sub-No. 2), to operate as a *common carrier,* of malt beverages and malt beverage containers and cartons, from St. Louis, MO, to Crookston, MN, and spoiled malt beverages from Crookston, MN, to St. Louis, MO.

No. MC-138931 (Sub-No. 2), to transport self-propelled loaders, and equipment and materials, from the plant site of Hydra-Mac, Inc., at Thief River Falls, MN, to points in the United States, under contract with Hydra-Mac, Inc.

No. MC-138931 (Sub-No. 4), to transport earth moving scrapers and parts from the facilities of Toreq, Inc., at Thief River Falls, MN, to points in the United States, under contract with Toreq, Inc. Representative: James B. Hovland, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402.

By decision of October 15, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to TRUMPET TRANSPORT CO., of Omaha, NE, of Certificate No. MC-140635 (Sub-Nos. 30, 31, and paragraph (1) of Sub 32), issued to ADAMS LINES, INC., Of Omaha, NE, which authorize the transportation of *food and related products,* between points in IA, NE, and MN, on the one hand, and, on the other, points in NY, NJ, PA, CT, MA, RI, NC, SC, GA, FL, AL, TN, KY, MO, KS, MD, VA, and DC; *general commodities* (with usual exceptions), between facilities of Morton Chemical, Division of Morton-Norwich Products, Inc., at or near Elk Grove Village and Ringwood, IL, on the one hand, and, on the other, points in CA; and *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between Chicago, IL, on the one hand, and, on the other, points in CO, IA, KS, MN, MO, NE, and SD. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103.

Note.—Transferee is not a carrier. This application was previously Docket No. MC-F-14967.

No. MC-FC-79965. By decision of October 19, 1982, issued under 49 U.S.C. 10926 and the transfer rules at CFR Part 1132, Review Board Number 3 approved the transfer to OMEGA TRANSPORTATION, INC., of Portland, OR of Certificate No. MC-158244 issued to ALPHA TRANSPORT, INC., of Portland, OR, authorizing: lumber and wool products, between points in OR, WA, MT, ID, and CA, on the one hand, and, on the other, points in CA, CO, IL, IN, IA, KS, MN, MO, NE, ND, OH, SD, TX, VT, WI, and WY. Representative: Nancy J. Phelps, 9570 SW., Barbur Blvd., Suite 307, Portland, OR 97219.

Note.—TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80014. By decision of October 19, 1982, issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Roberts Delivery Service, Inc., of Certificate of Registration No. MC-2406 (Sub-No. 3) issued January 13, 1964, to F & H Transporation Co., Inc. evidencing a right to engage in transportation in interstate commerce corresponding in scope to Irregular Route common carrier Certificate No. 4781 August 26, 1964 issued by the Massachusetts Department of Public Utilities conditioned upon transferee filing with the Commission: (a) A certified copy of the State certificate as reissued to transferee, or, if the State Commission does not reissue the certificate, a certified copy of the state order approving the transfer of the underlying intrastate rights, and (b) A written notice confirming the date of consummation of that intrastate transaction. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103.

Note.—A directly related application to convert the subject Certificate of Registration to a Certificate of Public Convenience and Necessity has been filed in No. MC-140096 (Sub-No. 2) and published in this same Federal Register issue. Upon issuance by the Commission of the interstate operating rights sought in No. MC-140096 (Sub-No. 2), the corresponding Certificate of Registration in No. MC-2406 (Sub-No. 3) shall be cancelled.

No. MC-FC-80062. By decision of October 6, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Robert Stevens, Dba AZUSA TRUCKING, of Azusa, CA of Permit No. MC-148357 Sub 8 and Certificate No. MC-148357 Sub 7X issued to AZUSA TRANSPORTATION, INC., of Azusa, CA, authorizing in Sub-No. 8 (1) *plastic materials* (except commodities in bulk), from points in TX, to points in CA, under continuing contract(s) with Bolcof Plastic, Inc., (2) *insecticides, fasteners, tape, ties, fertilizer carts, grass catchers, pruning shears, wooden plant stakes, sprayers and steel shelving,* from the facilities of Dexol Industries, at Torrance, CA, to the facilities of Dexol Industries, at Dallas TX, and points in AZ, CO, ID, IA, KS, MT, NE, NV, NM, OR, UT, WA, and WY, under continuing contract(s) with Dexol Industries, of Torrance, CA, and (3) *clothing* from the facilities of Petrie Stores Corporation at Dallas, TX, to Los Angeles, Oakland, and San Francisco, CA, under continuing contract(s) with Petrie Stores, of Secaucus, NJ; in Sub-No. 7X *general commodities* (except classes A and B explosives and household goods, as defined by the Commission), (a) between points in WA, OR, ID, NV, UT, AZ, CA, CO, NM, and TX, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, MI, IN, KY, TN, MS, AL, FL, GA, NC, SC, VA, WV, OH, MD, PA, NY, NJ, MA, CT, DE, RI, WI, IL, OK, KS and DC; and (b) between Los Angeles, CA, on the one hand, and, on the other, points in the US (except AK and HI). Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633.

Note.—TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80103. By decision of October 15, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to certified Freight Systems Corporation of Coopersburg, PA of Certificate No. MC-73567 Subs 135, 136, 139, 140, 141, 143, and 144X issued to Elliot Brothers Trucking Company, Inc. (Gary R. Greeblatt, Receiver in Bankruptcy), of Baltimore, MD, authorizing: General commodities and named specified commodities, over regular and irregular routes, between named points in MD, ME, NH, VT, NJ, VA, PA, DE, DC, NY, CT, RI, MA. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA. 18966.

Note.—TA lease is not sought. Transferee is not a carrier.

No. MC-FC-80106. By decision of October 15, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to Mickelson Trucking, Inc., of Mt. Horeb, WI of Permit No. MC-159972 issued September 24, 1982 to Sonnenburg Haulers, Inc., of Mt. Horeb, WI, authorizing: *foodstuffs*, between points in the U.S. (except AK and HI), under contracts with named shippers. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719.

Note.—TA has been filed. Transferee is not a carrier.

No. MC-FC-80109. By decision of October 15, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to ROGERS TRANSFER INC., of Aurora, IL, of Certificate No. MC-146493, issued to AIRPORT LIVERY SERVICE, INC., also of Aurora, IL, which authorizes the transportation of *general commodities* (with exceptions), between Aurora and Joliet, IL, on the one hand, and on the other, points in WI on and south of US Hwy 10, those points in IA on and east of US Hwy 63, points in IL on and north of US Hwy 36, those points in IN on and north and west of a line beginning at the IL-IN State line, and extending along US Hwy 36 to junction US Hwy 27, then north over US Hwy 27 to the IN-MI State line, and those points in MI on and west and south of a line beginning at the IN-MI State line, and extending along US Hwy 127 to junction US Hwy 10, then west over US Hwy 10 to Lake Michigan. Representative: Joseph E. Ludden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601.

Note.—Transferee is not a carrier.

[FR Doc. 82-29476 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that is is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's reglations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3, (202) 275-5223.

Volume No. OP3-03

Decided: October 18, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 58495 (Sub-2), filed October 6, 1982. Applicant: EDDIE L. BELL and VERDEAN BELL, d.b.a. BELL TRANSFER, 518 Lincoln St., Winner, SD 57580. Representative: Kim L. Bell (same address as applicant), (605) 842-0690. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points, in the U.S. (except AK and HI).

MC 58885 (Sub-37), filed September 29, 1982. Applicant: ATLANTA MOTOR LINES, INC., 1622 Cedar Grove Road, Conley, GA 30027. Representative: Paul P. Watkins, P.O. Box 76358, Atlanta, GA 30358, (404) 255-0688. Transporting *general commodities*, between Mineral Bluff, GA and Culberson, Old Murphy and Ranger, NC, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for complete abandonment of all rail service.

MC 119634 (Sub-57), filed October 5, 1982. Applicant: DICK IRVIN, INC., Hwy 2 West, P.O. Box F, Shelby, MT 59474. Representative: Mark A. Cole (same address as applicant), (406) 434-5583. (A) As a *broker* of *general commodities* (except household goods), and (B) transporting (1) for or on behalf of the

U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (3) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except HI).

MC 164015, filed September 28, 1982. Applicant: MIDWESTERN TANK LINES, INC., 328 E. Stonehedge Dr., Ste. 19A, Salt Lake City, UT 84107. Representative: William J. Lawson (same address as applicant), (801) 262–7684. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI).

MC 164035, filed September 29, 1982. Applicant: MARCUS E. HOLSTINE, 7235 Xavier St., Westminster, CO 80030. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837–1204. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164124, filed October 4, 1982. Applicant: DUKE'S ENTERPRISES, INCORPORATED, Esseltine, SD 57234. Representative: Edward L. Duke, 108 Spruce Ave., N., Thief River Falls, MN 56701, (218) 681–1020. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between point in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5–225

Decided: October 19, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 163469 (Sub-1), filed October 7, 1982. Applicant: IHC TRANSPORTATION, P.O. Box 3189, Bldg. 102, Fort Harrison Industrial Park, Terre Haute, IN 47803. Representative: Owen B. Katzman, 1828 L St. NW., Suite 1111, Washington, DC 20036, (202) 822–8200. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164088, filed October 5, 1982. Applicant: DIANA REFRIGERATED TRUCKING INC., 1417 N. Missouri, Cape Girardeau, MO 63701. Representative: Columbus M. Miles, Jr. (same address as applicant), (314) 334–8918. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164118, filed October 5, 1982. Applicant: KAREN R. AND JOSEPH G. TIMRECK, d.b.a. K & J TRUCKING, 2350 South 23d St., Manitowoc, WI 54220. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164169, filed October 8, 1982. Applicant: GARRARD TRANSPORTATION SERVICE, P.O. Box 9010, Columbus, MS 39701. Representative: Norman J. Philion, 1920 N Street NW., Washington, DC 20036, (202) 331–8800. As a *broker* of *general commodities* (except household goods) between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–29481 Filed 10–26–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 187]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Agatha L. Mergenovich,
Secretary.

MC 99680 (Sub-20) (republication), filed May 5, 1982, published May 25, 1982, and republished this issue. Applicant: NORTHSHORE & CENTRAL ILLINOIS FREIGHT CO., 7701 W. 95th St., Hickory Hills, IL 60457. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. A decision by the Commission, Division 2, acting as an Appellate Division, decided October 7, 1982 and served October 14, 1982, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* between Uniontown, KY, on the one hand, and, on the other, points in the United States. Applicant is fit, willing, and able properly to perform the granted service and to conform to the statutory and administrative requirements. The purpose of this republication is to delete the commodity and territorial exclusions. Condition: To the extent the certificate granted herein authorizes the transportation of classes A and B explosives, it will expire 5 years from date of issuance. Applicant must certify to the Commission, prior to initiating operations, that all rail service has actually terminated at the involved points. Applicant must send an affidavit marked "Certification of Rail Service Termination" to the Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

MC 110841 (Sub-24) (republication), filed April 12, 1982, published May 10, 1982, and republished this issue. Applicant: PORT NORRIS EXPRESS CO., INC., North Avenue, Port Norris, NJ 08349. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, (703) 525–4050. A decision by the Commission, Division 2, acting as an Appellate Division, decided September 28, 1982, and served October 4, 1982, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between Kansas, Windsor, Ashmore, and Tower Hill, IL, Huntertown, Wallen, Laotto, Swan, Avilla, Gadsden, Toto, Tefft, Charlottesville, Greenfield, Philadelphia, Gem, Cumberland, Hebron, Denham, Plainfield, Clayton, Amo, Coatesville, Fillmore, Pennville, West Cambridge City, Hillsboro, Waynetown, and Covington, IN, Ludlow, MA, Clinton, Tekonsha, Homer, Concord, Spring Arbor, Centerville, Nottawa, Fairfax, Colon, Sherwood, and Union City, MI, Mt. Hope, Veron, Rudeville, Highland Lakes, Blairstown, Marksboro, Greendell, Cranberry Lake, Lake Lackawanna, Pemberton, Elm, and Ft. Dix, NJ, New Milford, Rosendale, High Falls, Rifton, Tillson, Williamsville, Gardiner, Modina, Lee, Blossvale, Lima, Malone, Constable, Trout River, Leicester, LaGrange, Groveland, Mt. Morris, Sonyea, Linden, Oneida Castle, Red Oaks Mill, Fishkill Plains, St. Andrews, Plattekill, Ilion, and Stafford, NY, Berwick, Ellis, Dresden, Cadiz, Patterson, Grant, Lisbon, Westerville, Galena, Sunbury, Centerburg, Bangs, Mount LIberty, Millwood, Phalanx, Garrettsville, Piney Fork, Pekin, Paris, Amsterdam, Wolf Run, Pattersonville, Augusta, Mechanicstown, Bergholz, Harrod, White Cottage, Moxahala Park, Roseville, Hepburn, Meeker, Big Island, New Lexington, Savona, Fort Jefferson, Germantown, Farmersville, Ingomar, West Alexandria, Trotwood, Brookville, Bachman, West Sonora, Eldorado, Glass Rock, Mt. Perry, Fultonham, East Fultonham, and Crooksville, OH, and Heilwood, Mountain Home, Pulaski, Spring City, Seiple, Upland, Carlton, Dimeling, Madera, Potts Run, Nanty Go, Lilly, Alexandria, Mount Pleasant, Hepburnville, Woodland Park, Cochranton, Utica, Niles, New Providence, Garland, Pittsfield, Youngsville, Irvine, Starbrick, Waterford, Union City, Beaver Dam, Elgin, Spring Creek, Greason, Audubon, Newville, Oakville, Cornwall, Northwood, Vail, Bald Eagle, Port Matilda, Julian, Unionville, Wingate, South Bradford, Degolia, Custer City, Eyers, Grove, Strawberry Ridge, Lewis Run, and Slatington, PA, on the one hand, and, on the other, points in the United States. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to include authority to transport classes A and B explosives and household goods and to serve Alaska and Hawaii.

MC 146890 (Sub-46) (republication), filed May 25, 1982, published June 11, 1982, and republished this issue. Applicant: C & E TRANSPSORT, INC., d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, 1910 Pennsylvania Ave. NW., Washington, DC 20006, (202) 828–5015. A decision by the Commission, Review Board #2, decided September 28, 1982, and served October 15, 1982, finds that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives and household goods), between points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, on the one hand, and, on the other points in the United States (except Alaska and Hawaii). Applicant is fit, willing, and able properly to perform the granted service and to conform to the statutory and administrative requirements. The purpose of this republication is to expand the authority to include points in Ohio.

MC 147770 (Sub-5) (republication), filed March 12, 1982, published April 14, 1982, and republished this issue. Applicant: WEST AMERICAN TRANSPORT, INC., 1260 West North Temple, Salt Lake City, UT 84116. Representative: Mark K. Boyle, Suite 400, 10 West Broadway Bldg., Salt Lake City, UT 84101, (801) 363–3550. A decision by the Commission, Division 1, acting as an Appellate Division, decided September 2, 1982, and served October 4, 1982, finds that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *food and related products,* (2) *farm products, metal products and machinery* and (3) *parts and supplies* for the commodities in (2) above (a) between points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming and (b) between points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming on the one hand, and, on the other, those points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to authorize the grant of authority originally sought.

MC 161301 (republication), filed March 30, 1982, published April 23, 1982, and republished this issue. Applicant: PAUL L. FANSON, d.b.a. TOTEM COACHES, INC., P.O. Box 1283, Puyallup, WA 98371. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055–3273, (206) 235–1111. A decision by the Commission, Review Board No. 1, decided June 25, 1982, and served July 6, 1982, finds that applicant is authorized to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage,* in the same vehicle with passengers, in special or charter operations, between points in Washington, on the one hand, and, on the other, points in Alaska, Washington, Oregon, California, Nevada, Idaho, and Montana. Applicant is fit, willing, and able properly to perform the granted service and to conform to the statutory and administrative requirements. The purpose of this republication is to grant authority to serve Alaska and Washington.

[FR Doc. 82–29479 Filed 10–26–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP–5–224]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: October 19, 1982.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed.

Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 5, (202) 275-7289.

MC 5428 (Sub-13), filed October 8, 1982. Applicant: LYON VAN LINES, INC., P.O. Box 5011, Carrollton, TX 75006. Representative: J. B. Stuart (same address as applicant), (214) 446-1500. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. under continuing contract(s) with Stromberg-Carlson Corporation of Lake Mary, FL.

MC 40978 (Sub-96), filed October 7, 1982. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Dr., Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, 414-273-7410. Transporting *furniture and fixtures*, between points in Allegheney and Westmoreland Counties, PA, on the one hand, and, on the other, points in LA, IL, IN, MI, MN, MO, OH and WI.

MC 139559 (Sub-3), filed October 5, 1982. Applicant: B & H CARTAGE, INC., 52 Summit St., Newark, OH 43055. Representative: William L. Weese (same address as applicant), (614) 323-3200. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 142629 (Sub-6), filed October 12, 1982. Applicant: ED HOPSON PRODUCE COMPANY, INC., P.O. Box 3287, Oxford, AL 36203. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, 205-578-3212. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI.

MC 143389 (Sub-16), filed October 8, 1982. Applicant: MERCHANTS DUTCH EXPRESS, INC., 2019 Jackson St., P.O. Box 2525, Monroe, LA 71207. Representative: James K. Adams (same address as applicant), (318) 322-2888. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Georgia-Pacific Corporation, of Atlanta, Ga.

MC 144739 (Sub-9), filed October 6, 1982. Applicant: BOB'S TRUCK SERVICE, INC., P.O. Box 528, Middletown, OH 45042. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between St. Louis, MO, and points in MI, WI, IL, IN, OH, WV, KY, VA, PA, and MD, and (2) between points in MS, AL, GA, SC, NC, and TN, on the one hand, and, on the other, St Louis, MO, and points in WI, MI, IL, IN, OH, KY, WV, PA, MD, and VA.

MC 149199 (Sub-17), filed October 7, 1982. Applicant: FRONTIER EXPRESS, INCORPORATED, d.b.a. D & M TRANSPORTATION, 905 S.W. Second, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73036, (405) 262-1322. Transporting *such commodities* as are dealt in or used by manufacturers of off-highway vehicles and drilling rig draw works, between points in Montgomery, Angelina and Limestone Counties, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 151738 (Sub-1), filed October 7, 1982. Applicant: CONCEPT, INC., Box 485, Cooperstown, ND 58425. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502-2056, (701) 223-5300. Transporting *such commodities* as are dealt in or used by manufacturers and dealers of agricultural equipment, industrial equipment, and lawn and leisure products, between Fargo, ND, on the one hand, and, on the other, points in MN.

MC 164159 filed October 7, 1982. Applicant: TRANSPORTATION SYSTEMS, INC., P.O. Box 8689, Fountain Valley, CA 92703. Representative: Charles Ephraim, 918 16th St., N.W., Suite 406, Washington, DC 20006, (202) 833-1170. Transporting *general commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Overland Shippers and Receivers Association, Inc., of Fountain Valley, CA.

MC 164168, filed October 8, 1982. Applicant: NMC TRANSPORTATION COMPANY, 1610 Farlin Ave., Green Bay, WI 54303. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in the U.S., under continuing contract(s) with University Travel Service, Inc., d/b/a Moor Fun Tours, of Green Bay, WI.

MC 164179, filed October 12, 1982. Applicant: RADIO TRANSFER, INCORPORATED, 1240 Fuller, N.E., Grand Rapids, MI 49505. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482-2400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Kent, Ottawa, Allegan and Van Buren Counties, MI, on the one hand, and, on the other, points in OH, IL, and IN.

[FR Doc. 82-29460 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no siginificant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-210

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm., 620, Philadelphia, PA 19106. Originally published in **Federal Register** dated September 29, 1982.

MC 153918 (Sub-II-3TA), filed September 13, 1982. Applicant: TRANSPORTATION & CONSOLIDATION CENTERS, INC., P.O. Box 1524, Harrisburg, PA 17105. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Contract, irregular—*General commodities (except Classes A & B explosives, household goods and commodities in bulk)* between points in CA, CT, DE, DC, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV and WI, under continuing contract(s) with TCC Inc., An underlying ETA seeks 120 days authority. Supporting shipper(s): TCC Inc., Harrisburg International Airport, Middletown, PA 17057. The purpose of re-publishing the above is to show the State of NY which was not shown in the first publication.

MC 164192 (Sub-II-1TA), filed October 13, 1982. Applicant: AMENT TRUCKING CO., Box 182, R.D. #3, Dallas, PA 18612. Representative: Raymond A. Talipski, 121 S. Main St., Taylor, PA 18517. *Recreation supplies, pet supplies, coal and coal products, ice melting compounds* between Luzerne County, PA, on the one hand, and, on the other, points in NY, NJ, MD, WV, DE, VT, RI, CT, MA, ME, NH, VA, GA, MO, IL, TN, DC. An underlying ETA seeks 120 days authority. Supporting shipper(s): Millazzo Industries, 1609 River Rd., Pittston, PA 18640.

MC 14251 (Sub-II-1TA), filed October 12, 1982. Applicant: APPLIED DISTRIBUTION SYSTEMS CORP., 3275 Alum Creek Dr., Columbus, OH 43215. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Auto parts having an immediately prior or subsequent movement in interstate commerce* between Cleveland, OH, on the one hand, and, on the other, points in OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Maremont Corporation, 1283 Murfreesboro Rd., Nashville, TN 37217.

MC 164197 (Sub-II-1TA), filed October 13, 1982. Applicant: JOCK TRUCKING COMPANY, 5825 Addison St., Philadelphia, PA 19143. Representative: Paul Breen, 226 S. 16th St., Philadephia., PA 19202. Contract irregular: *frozen meats,* between points in PA and NJ., under a continuing contract(s) with Mullica Hill Cold Storage Co. An underlying ETA seeks 120 days authority. Supporting shipper(s): Mullica Hill Cold Storage Co., Route 538, Mullica Hill, N.J. 08026

MC 107012 (Sub-II-239TA), filed October 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same as applicant). Contract, irregular: *General commodities (except household goods, classes A & B explosives, and commodities in bulk)* between points in the U.S., under continuing contract(s) with Charlotte Freight Association, Inc., of Charlotte, NC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Charlotte Freight Assoc., Inc., 3508 Starita Road, Charlotte, NC 28213.

MC 107012 (Sub-II-240TA), filed October 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract, irregular: *household goods* from points in the United States to points in MA, PA, NY, MD, VA, WV, TN, KY, IN, AL, under continuing contract(s) with Hills Department Stores for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Hills Department Stores, 15 Dan Road, Canton, MA 02021.

MC 107012 (Sub-II-241TA), filed October 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same as applicant). Contract irregular: *household goods* between points in the United States, under continuing contract(s) with Standard Oil of Indiana for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Standard Oil of Indiana, 200 E. Randolph Drive, Chicago, IL 60601.

MC 107012 (Sub-II-242TA), filed October 12, 1982. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Margaret S. Vegeler (same as applicant). Contract, irregular: *General commodities* (except classes A & B explosives and commodities in bulk) between points in the United States under continuing contract(s) with Hughes Tool Company, of Houston, TX for 270 days. Supporting shipper: Hughes Tool Company, 5425 Polk Avenue, Houston, TX 77001.

MC 123675 (Sub-II-1TA), filed October 7, 1982. Applicant: SOLDIER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Keith D. Warner (same as applicant). Contract, irregular; *Truck cabs and component parts, on special racks,* between Marion, IN and Lehigh County, PA for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): General Tire & Rubber Company, One General Street, Akron, OH 44329.

MC 164191 (Sub-II-1TA), filed October 13, 1982. Applicant: MICHAEL A. OLENCHOCK JR., d.b.a., TWO-WAY CONTRACT CARRIER, Box 534-C R.D. No. 3, Latrobe, PA 15650. Representative: Harold O. Orlofske, P.O. Box 368, Neenah, WI 54956. *Contract;* irregular: *garments and equipment, materials and supplies used in the manufacture and distribution thereof* between Eldersburg, MD, on the one hand, and, on the other, Jacksonville and Miami, FL; Washington, GA; Bishopville and Orangeburg, SC, under contract with Londontown Corp. of Eldersburg, MD for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Londontown Corp., Londontown, Blvd., Eldersburg, MD 21784.

MC 154475 (Sub-II-2TA), filed October 8, 1982. Applicant: MARGARET WEIR, d.b.a. WEIR EXPRESS, Suite 508, 11256 Cornell Park Drive, Blue Ash, OH 45242. Representative: Edward R. Kirk, Esq., 85 East Gay Street, Columbus, OH 43215. *Chewing gum and related articles* from Cincinnati, OH to points in Hamilton, Butler, Warren and Clermont Counties, OH and Boone, Campbell, and Kenton Counties, KY, having a prior or subsequent movement in interstate commerce for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Wm. Wrigley Jr. Company, 410 North Michigan Ave., Chicago, IL 60611.

MC 154240 (Sub-II-1TA), filed October 7, 1982. Applicant: HEIL WINDERMERE STORAGE AND MOVING CO., 8649 Freeway Dr., Macedonia, OH 44056. Representative: Richard J. Heil (same as above). *Chemicals and related products, rubber and plastic products, glass products, metal products, machinery, transportation equipment and commodities which because of their size require the use of special handling equipment,* between Lorain Co/OH and Cuyahoga Co., OH on the one hand and on the other points in the US for 270 days. Supporting shipper(s): Xerxes Corporation, 34250 Mills Rd., Avon, OH 44011.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29482 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 6 SDM]

Burlington Northern Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Burlington Northern Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 6 SDM. The Commission on October 14, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 6 SDM.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29476 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 7 SDM]

Chicago, Milwaukee, St. Paul and Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. has filed with the Commission its amended color-coded system diagram map in docket No. AB 7 SDM. The Commission on October 13, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 7 SDM.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29475 Filed 10-26-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-170, 171, and 173 (Final)]

Certain Carbon Steel Products From the Republic of Korea

AGENCY: United States International Trade Commission.

ACTION: Institution of final countervailing duty investigations and scheduling of a hearing to be held in connection with the investigations.

EFFECTIVE DATE: October 12, 1982.

SUMMARY: As a result of affirmative preliminary determinations by the United States Department of Commerce that there is a reasonable basis to believe or suspect that the Government of the Republic of Korea (Korea) is providing, directly or indirectly, subsidies with respect to the manufacture, production, or exportation of certain carbon steel products within the meaning of section 701 of the Tariff Act of 1930 (19 U.S.C. § 1671), the United States International Trade Commission hereby gives notice of the institution of the following investigations under section 705(b) of the Act (19 U.S.C. § 1671d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Korea of the specified merchandise:

Hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (TSUSA) (investigation No. 701-TA-170 (Final));

Hot-rolled carbon steel sheet, provided for in TSUSA items 607.6610, 607.6700, 607.8320, 607.8342, and 607.9400 (investigation No. 701-TA-171 (Final)); and

Galvanized carbon steel sheet, provided for in TSUSA items 608.0710, 608.0730, 608.1100, and 608.1300 (investigation No. 701-TA-173 (Final)).

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger (202-523-0312) or Mr. Daniel Leahy (202-523-1369), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background.—On June 21, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly subsidized imports of the subject carbon steel products from Korea on May 7, 1982, by United States Steel Corp. The Department of Commerce will make its final subsidy determinations in these cases on or before December 20, 1982. The Commission must make its final injury determinations in the investigations within 120 days after the date of Commerce's preliminary subsidy determinations or by February 8, 1983 (19 CFR § 207.25). A public version of the staff report containing preliminary findings of fact will be placed in the public record on December 23, 1982, pursuant to section 207.21 of the Commission's Rules of Practice and Procedure (19 CFR § 207.21).

Hearing.—The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m., e.s.t., on January 10, 1983, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436. The hearing in these investigations will be held simultaneously with the hearing previously scheduled for antidumping investigations Nos. 731–TA–53, 58, 59, 60, 61, 62, 63, 67, 69, 70, 74, 82, 83, 85, and 86 (Final) concerning certain carbon steel products from Belgium, France, Italy, Romania, the United Kingdom, and the Federal Republic of Germany (47 F.R. 46773, October 20, 1982). Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (515 p.m.) on December 17, 1982. All persons desiring to appear at the hearing and make oral presentations may file prehearing briefs and should attend a prehearing conference to be held at 10:00 a.m., e.s.t., on December 23, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing Briefs must be filed on or before January 5, 1983.

Testimony at the public hearing is governed by section 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23, as amended by 47 FR 33682, August 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to new information. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with rule § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, August 4, 1982). Posthearing briefs must conform with the provisions of rule 207.24 (19 CFR 207.24, as amended by 47 F.R. 6191, February 10, 1982) and must be submitted not later than the close of business on January 17, 1983.

Written submissions.—Any person may submit to the Commisison a written statement of information pertinent to the subject of these investigations. A signed original and fourteen (14) true copies of each submission must be filed with the secretary to the Commisison on or before January 17, 1983. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

Service of documents.—Any interested person may appear in these investigations as a party, either in person or by representative, by filing an entry of appearance with the Secretary in accordance with section 201.11 of the Commission's rules (19 CFR § 201.11, as amended by 47 F.R. 6189, February 10, 1982). Each entry of appearance must be filed with the Secretary no later than 21 days after the publication of this notice in the **Federal Register**.

The Secretary will compile a service list from the entries of appearance filed in these final investigations and from the Commission's record in the preliminary investigations. Any party submitting a document in connection with these investigations shall, in addition to complying with section 201.8 of the Commission's rules (19 CFR § 201.8, as amended by 47 F.R. 6188, February 10, 1982, and 47 F.R. 13791, April 1, 1982), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in section 201.16(b) of the rules (19 CFR § 201.16(b), as amended by 47 F.R. 33682, August 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

For further informaion concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207, as amended by 47 F.R. 6182, February 10, 1982, and 47 F.R. 33682, August 4, 1982) and part 201, subparts A through E (19 CFR part 201, as amended by 47 F.R. 6182, February 10, 1982, 47 F.R. 13791, April 1, 1982, and 47 F.R. 33682, August 4, 1982).

This notice is published pursuant to section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR § 207.20, as amended by 47 F.R. 6190, February 10, 1982).

By order of the Commission.

Issued: October 22, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–29534 Filed 10–26–82; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–112]

Certain Cube Puzzles; Commission Request for Comments Regarding Proposed Termination of Respondents Based on Settlement Agreements

AGENCY: International Trade Commission.

ACTION: Request for public comment on the proposed termination of two respondents based on individual settlement agreements.

SUMMARY: The settlement agreements would result in the termination of this investigation as to respondents Henry Wedemeyer, Inc., and Chinese Arts and Crafts, Inc. This notice requests comments from the public on the proposed termination.

DATES: Comments will be considered if received within 30 days of publication of this notice. They should conform with section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR § 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain cube puzzles. Notice of the institution of the investigation was published in the **Federal Register** of December 29, 1981 (46 FR 62964). Complainant Ideal Toy Corp. (Ideal) and each of the above-named respondents have moved jointly in separate motions for termination of this investigation as to the above-named respondents. The Commission investigative attorney has filed a public interest statement stating that there are no public interest factors that warrant denying the motions to terminate. On July 28, 1982, the presiding officer recommended that the joint motions be granted (Order No. 31).

SETTLEMENT AGREEMENTS: The settlement agreements are summarized as follows:

Henry Wedemeyer, Inc.

1. Wedemeyer agrees to pay a certain sum of money to Ideal.
2. Wedemeyer agrees to destroy its inventory of cube puzzles.
3. Wedemeyer agrees to the entry of a judgment by consent in a related district court action.

Chinese Arts and Crafts, Inc.

1. Chinese Arts and Crafts agrees to pay a certain sum of money to Ideal.

2. Chinese Arts and Crafts agrees to the entry of a judgment by consent in a related district court action.
3. Chinese Arts and Crafts will not make unauthorized use of Ideal's "trademark packaging, trade dress, style and labeling for its 'RUBIK'S CUBE' puzzles," or attempt to exploit Ideal's rights therein.

WRITTEN COMMENTS REQUESTED: In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effect that the proposed termination of the above-named respondents based on the settlement agreements may have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than 30 days after publication of this notice in the **Federal Register.** In addition, pursuant to 19 CFR § 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

ADDITIONAL INFORMATION: The original and 14 copies of all written submissions must be filed with the Secretary to the Commission, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's Office.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0499.

By order of the Commission.

Issued: October 21, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–29531 Filed 10–26–82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 377–TA–128]

Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydorxide Preparations Used in the Formulation Thereof; Commission Decision Not To Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination terminating Stoller Chemical Co. and Three Jay Laboratories as respondents in the above-captioned investigation. Accordingly, as of November 19, 1982, the initial determination will become the Commission's determination with respect to this matter.

AUTHORITY: The authority for the Commission's disposition of this matter is contained in sections 335 and 337 of the Tariff Act of 1930 (19 U.S.C. §§ 1335, 1337) and in sections 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982; to be codified at 19 CFR §§ 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: On September 17, 1982, complainant Kocide Chemical Corp., and respondents Stoller Chemical Corp. ("Stoller") and Three Jay Laboratories, Inc. ("Three Jay") jointly moved (Motion No. 128–4) to terminate the Commission's investigation with respect to Stoller and Three Jay. On October 4, 1982, the presiding officer granted Motion No. 128–4 and terminated Stoller and Three Jay as respondents in investigation No. 337–TA–128, *Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof.*

Pursuant to rule 210.53(h)(2), an initial determination of the presiding officer under rule 210.53(c) becomes the determination of the Commission fifteen (15) days from the date of service, unless the Commission orders review of the initial determination.

Having examined the record in this investigation, including Motion No. 128–4, the papers filed in connection therewith, and the initial determination of the presiding officer, the Commission finds no grounds for review of the initial determination.

Copies of the presiding officer's initial determination and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0375.

By order of the Commission.

Issued: October 20, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82–29533 Filed 10–26–82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–128]

Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the formulation Thereof; Order No. 13: Order Cancelling TEO Hearing

By a letter of October 13, 1982 to the presiding officer, filed with the Commission Secretary, complainant Kocide Chemical Corp. withdrew its request for a temporary exclusing order. Accordingly, notice is heregy given that the hearing on temporary relief, scheduled to commence on November 15, 1982, is cancelled.

The Secretary shall publish this order in the **Federal Register.**

Isued: October 15, 1982.

Judge Donald K. Duvall,

Presiding Officer.

[FR Doc. 82–29539 Filed 10–26–82; 8:45 am]

BILLING CODE 4020-02-M

[Investigation No. 337–TA–122]

Certain Miniature, Battery-Operated, All Terrain, Wheeled Vehicles; Termination of Respondents Based on a Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Termination of the investigation with respect to respondents LJN Toys, Ltd. (LJN), LJN Toys (Hong Kong) Ltd. (LJN HK), and Universal International (Holdings) U.S.A., Ltd. (Universal) based on a settlement agreement.

SUPPLEMENTARY INFORMATION: Complainants and respondents LJN, LJN HK, and Universal, supported by the Commission investigative attorney, moved on July 19, 1982, to terminate the investigation as to those respondents on the basis of a settlement agreement.

On September 22, 1982, the Commission published a notice in the **Federal Register** requesting comment from the public and from interested Federal agencies regarding whether the investigation should be terminated as to the aforementioned respondents on the basis of the settlement agreement (47 F.R. 41880). The comment period, shortened to 15 days, expired on October 7, 1982. No comments were received.

On October 14, 1982, the Commission granted the motion and terminated this investigation as to LJN, LJN HK, and Universal on the basis of the settlement agreement. The Commission concluded that such termination would not adversely affect the public interest.

Notice of this investigation was published in the **Federal Register** of May 19, 1982 (47 F.R. 21638).

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0480.

By order of the Commission.

Issued: October 19, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29540 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-124]

Certain Textile Spinning Frames and Automatic Doffers Therefor; Commission Review of Initial Determination

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined to review on its own motion an initial determination granting a motion for summary judgement that the Schubert & Salzer respondents have not as a matter of law violated section 337, and terminating the investigation with respect to such respondents.

AUTHORITY: The authority for Commission disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) and in section 210.55 of the Commission's Rules of Practice and Procedure (19 CFR § 210.55, as amended at 47 FR 25137 (June 10, 1982).

SUPPLEMENTARY INFORMATION: The initial determination was issued in response to a motion for summary determination and termination as to respondents Schubert & Salzer Machinefabrik A.G. and Schubert & Salzer Machine Works.

The initial determination granted the motion for summary determination and terminated the investigation as to the Schubert & Salzer respondents. None of the parties to the investigation petitioned for review of the initial determination, and no government agency has recommended it. However, the Commission has determined that there are certain issues of law that warrant review of the initial determination.

Specifically, the scope of the Commission's review shall be limited to the following issues: (1) whether there are no genuine issues of material fact with respect to whether the S & S respondents have violated section 337; and (2) assuming a summary determination was appropriate, whether the Schubert & Salzer respondents have not, as a matter of law, violated section 337.

Copies of the presiding officer's initial determination, the Commission Action and Order, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: Sheila Landers, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0421.

By order of the Commission.

Issued: October 19, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29541 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-106]

Certain Vacuum Bottles and Components Thereof; Termination of Two Respondents on the Basis of Settlement Agreements

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation as to respondents Kenco Incentives, Inc. (Kenco), and Wholesale Merchandisers, Inc. (Wholesale Merchandisers), on the basis of settlement agreements.

SUMMARY: On June 7, 1982, a joint motion (Motion No. 108-20) was filed by complainant Union Manufacturing Co. (Union) and respondent Kenco to terminate Kenco as a party-respondent in the above-captioned investigation on the basis of a settlement agreement. On June 23, 1982, the presiding officer recommended that the joint motion be granted. A **Federal Register** notice was published on August 18, 1982, seeking comments from interested members of the public and other Government agencies on the proposed termination of this respondent. 47 FR 38037. No comments were received. On October 19, 1982, the Commission granted the joint motion to terminate the investigation as to respondent Kenco on the basis of a settlement agreement.

On July 21, 1982, a joint motion (Motion No. 108-23) was filed by complainant Union and respondent Wholesale Merchandisers to terminate Wholesale Merchandisers as a party-respondent in the above-captioned investigation on the basis of a settlement agreement. On July 30, 1982, the presiding officer recommended that the joint motion be granted. A **Federal Register** notice was published on August 25, 1982, seeking comment from interested members of the public and other Government agencies on the proposed termination of this respondent. 47 FR 37313. No comments were received. On October 19, 1982 the Commission granted the joint motion to terminate the investigation as to respondent Wholesale Merchandisers on the basis of a settlement agreement.

SUPPLEMENTARY INFORMATION: This investigation is being conducted under section 337 of the Tarrif Act of 1930 (19 U.S.C. 1337) and concerns alleged unfair trade practices in the importation into and sale in the United States of certain vacuum bottles and components thereof. Notice of the institution of the investigation was published in the **Federal Register** of October 29, 1981 (43 FR 53543).

Copies of any nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-0499.

By order of the Commission.

Issued: October 22, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29535 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-87 (Final)]

Hot-Rolled Carbon Steel Plate From Brazil

AGENCY: United States International Trade Commission.

ACTION: Continuation of final countervailing duty investigation.

EFFECTIVE DATE: September 22, 1982.

SUMMARY: On September 7, 1982, the United States Department of Commerce suspended its countervailing duty investigation concerning hot-rolled carbon steel plate from Brazil (47 FR 39394). The basis for the suspension was an agreement by the Government of Brazil to offset all benefits which Commerce found to constitute subsidies with an export tax on all exports of the subject products to the United States. Accordingly, pursuant to section 704(f)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1671c(f)(1)(B)), the United States International Trade Commission suspended its countervailing duty investigation on hot-rolled carbon steel plate from Brazil (47 FR 41884). On September 22, 1982, however, a request to continue the investigation was filed with Commerce and the Commission pursuant to section 704(g)(2) of the tariff Act (19 U.S.C. 1671c(g)(2)) by counsel for Republic Steel Corp., Inland Steel Co., Jones & Laughlin Steel, Inc., National Steel Corp., and Cyclops Corp. Similar requests were received from United States Steel Corp on September 24, 1982, and from counsel for Bethlehem Steel Corp. on September 27, 1982. Accordingly, the Commission hereby gives notice of the continuation of investigation No. 701-TA-87 (Final), Hot-Rolled Carbon Steel Plate from Brazil.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone (202-523-0242), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Commission determination.—The Commission will make its determination in this investigation within 45 days of the date on which Commerce publishes its final net subsidy determination.

Hearing.—The Commission does not intend to schedule an additional hearing in connection with this continued investigation since the hearing of September 1, 1982, on this investigation was held prior to the suspension.

Written submissions.—Any person may submit to the Commission a written statement of information pertinent to the subject of this investigation. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission on or before December 6, 1982. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

Service of documents.—Any interested person may appear in this investigation as a party, either in person or by representative, by filing an entry of appearance with the Secretary in accordance with section 201.11 of the Commission's rules (19 CFR 201.11). Each entry of appearance must be filed with the Secretary no later than 21 days after the publication of this notice in the **Federal Register**.

The Secretary will compile a service list from the entries of appearance filed in this final investigation and from the Commission's record in the preliminary investigation. Any party submitting a document in connection with these investigations shall, in addition to complying with section 201.8 of the Commission's rules (19 CFR 201.8), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirements set forth in section 201.16(b) of the rules (19 CFR 201.16(b)).

In addition to the foregoing, each document filed with the Commission in the course of this investigation must include a certificate of service setting forth the manner and date of such service. This certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR Part 207, 44 FR 76457 as amended in 47 FR 6190 and 47 FR 12792) and part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to section 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20).

By order of the Commission.

Issued: October 20, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29537 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-89 (Final)]

Prestressed Concrete Steel Wire Strand From the United Kingdom

AGENCY: U.S. International Trade Commission.

ACTION: Institution of final antidumping investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731-TA-89 (Final) to determine, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)), whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the United Kingdom (U.K.) of steel wire strand for prestressing concrete (PC strand), provided for in item 642.11 of the Tariff Schedules of the United States, which are alleged to be sold at less than fair value (LTFV).

EFFECTIVE DATE: October 15, 1982.

FOR FURTHER INFORMATION CONTACT: David Coombs, Office of Investigations, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436; telephone 202-523-1376.

SUPPLEMENTARY INFORMATION:

Background.—On March 4, 1982, a petition was filed with the Commission and the U.S. Department of Commerce by counsel for American Spring Wire Corp., Armco Inc., Bethlehem Steel Corp., Florida Wire & Cable Co., Pan American Ropes Inc., and Shinko Wire America Inc., alleging that an industry in the United States is materially injured or is threatened with material injury by reason of imports of PC strand from the U.K., which are alleged to be sold at LTFV. On April 14, 1982, the Commission determined, pursuant to § 733(a) of the Tariff Act of 1930 (19 U.S.C. § 1673b(a)), that there was a resonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports from the U.K. which were alleged to be sold at LTFV (47 F.R. 18200). On October 6, 1982, Commerce issued a preliminary determination that imports of PC strand from the U.K. are being sold in the United States at LTFV (47 F.R. 44132). Accordingly, the Commission is instituting this final antidumping investigation.

This investigation will be subject to the provisions of part 207 of the Commission's Rules of Practice and Procedure (19 CFR § 207 (1981)), as amended, and particularly subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before December 29, 1982, a written statement of information pertinent to the subject matter of the investigation. A signed original and fourteen copies of such statements must be submitted. All written submissions, except for confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted in conformance with the requirements of section 201.6 of the Commission's Rules (19 CFR § 201.6 (1981)). Each sheet of information for which confidential treatment is desired must be clearly marked at the top "Confidential Business Data". All written submissions, except for confidential business data, will be available for public inspection at the Office of the Secretary, U.S. International Trade Commission.

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Rules (19 CFR § 201.11), not later than twenty-one (21) days after the publication of this notice in the *Federal Register.* Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation, pursuant to § 201.11(d) of the Commission's Rules (19 CFR § 201.11(d)). Each document filed by a party to this investigation must be served on all other parties to the investigation (as identified by the service list) and a certificate of service must accompany the document. Absent a certificate of service, the Secretary shall not accept such document for filing (19 CFR § 201.16(c)).

Public hearing.—The Commission will hold a public hearing in connection with this investigation on January 4, 1983, in the Hearing Room of the U.S. International Trade Commission Building, beginning at 10:00 a.m. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on December 13, 1982. Persons desiring to appear at the hearing and make oral presentations may file a prehearing brief and should attend a prehearing conference to be held at 10:00 a.m., on December 15, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing briefs must be filed on or before December 29, 1982.

A staff report containing preliminary findings of facts will be made available to all interested parties on December 17, 1982.

Testimony at the pubilc hearing is governed by section 207.23 of the Commission's Rules (19 CFR § 201.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to new information. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with rule 207.22 (19 CFR § 201.22). Posthearing briefs will also be accepted within a time specified at the hearing.

Public inspection.—All written submissions, except for confidential business information, will be available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207, 47 F.R. 6182, February 10, 1982; 47 F.R. 12792, March 25, 1982; 47 F.R. 33682, August 4, 1982), and part 201, subparts A through E (19 CFR part 201, 47 F.R. 6182, February 10, 1982; 47 F.R. 13791, April 1, 1982; F.R. 33682, August 4, 1982)

This notice is published pursuant to section 207.12 of the Commission's Rules of Practice and Procedure (19 CFR § 201.12 (1981)).

By order of the Commission.

Issued: October 18, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29536 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

Certain Seamless Steel Pipes and Tubes from Japan

AGENCY: United States International Trade Commission.

ACTION: Change of Date of Public Hearing.

SUMMARY: Notice is hereby given that the public hearing to be held in connection with United States International Trade Commission investigation No. 731-TA-87 (Final), certain seamless steel pipes and tubes from Japan, will begin at 10:00 a.m., Wednesday, January 12, 1983, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. A hearing date of November 3, 1982, had previously been announced in the Commission's notice of institution of investigation as published in the Federal Register of September 29, 1982 (47 F.R. 42847). Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) December 16, 1982. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 10:00 a.m., on December 20, 1982, in Room 117 of the U.S. International Trade Commission Building. Prehearing statements must be filed on or before January 5, 1982. The Commission's final action, notification of the Department of Commerce, is similarly postponed until February 14, 1982. These changes are made pursuant to the Department of Commerce's granting of an extension of time as a result of a request by an exporter involved in this investigation. (see 47 F.R. 44594).

By order of the Commission.

Issued: October 20, 1982

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29532 Filed 10-26-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 82-18]

Supreme Drug, Inc. Tyree L. Simmons, R.Ph., Chicago, Illinois; Hearing

Notice is hereby given that on April 9, 1982, the Drug Enforcement Administration, Department of Justice, issued to Supreme Drug, Inc., Tyree L. Simmons, R.Ph., an Order To Show Cause as to why the Drug Enforcement

Administration should not revoke its DEA Certificate of Registration, AS3883952.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Wednesday, November 3, 1982, in Courtroom No. 3, Room 309, U.S. Claims Court, 717 Madison Place, NW., Washington, D.C.

Dated: October 21, 1982.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82-29510 Filed 10-26-82; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82-64)]

NASA Advisory Council (NAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Informal Task Force for the Study of Issues in Selecting Private Citizens for Space Shuttle Flight.

DATE AND TIME: November 11-12, 1982, 9 a.m. to 5 p.m.

ADDRESS: NASA John F. Kennedy Space Center, Headquarters Building, Room 4111, Kennedy Space Center, FL.

FOR FURTHER INFORMATION CONTACT: Mr. Carl R. Praktish, Code LB-4, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-8380).

SUPPLEMENTARY INFORMATION: The NASA Advisory Council Informal Task Force for the Study of Issues in Selecting Private Citizens for Space Shuttle Flight was established under the NASA Advisory Council to conduct a study of the relevant issues and to report its findings and recommendations to the Council. The Task Force is comprised of its Chairperson, Dr. John E. Naugle, and eight other members.

The meeting will be closed to the public because the members will consider the qualifications of candidates from whom to solicit counsel on the objectives for flying passengers and the various options for the selection process. Because the meeting will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this meeting should be closed to the public.

TYPE OF MEETING: Closed.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

October 21, 1982.

[FR Doc. 82-29393 Filed 10-26-82; 8:45 am]

BILLING CODE 7510-01-M

[Notice (82-65)]

NASA Advisory Council (NAC), Space and Earth Science Advisory Committee (SESAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space and Earth Science Advisory Committee.

DATE AND TIME: November 18, 1982, 9:00 a.m. to 5:30 p.m.; and November 19, 1982, 9:00 a.m. to 3:00 p.m.

ADDRESS: National Aeronautics and Space Administration Room B226-A, 600 Independence Ave. SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey D. Rosendhal, Code E, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3653).

SUPPLEMENTARY INFORMATION: The NAC Space and Earth Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space and Earth Science programs. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Committee members and other participants). Topics under discussion at this meeting will include discussion of the role of the Space and Earth Science Advisory Committee, and an overview of the Office of Space Science and Applications programs.

TYPE OF MEETING: Open.

Agenda

November 18, 1982

9:00 a.m.—Introduction, Announcements, Meeting Logistics, Other Administrative Matters.
9:30 a.m.—Office of Space Science and Applications Program Status, Discussion of Role of SESAC, Possible Committee Activities.
1:00 p.m.—Overview of Office of Space Science and Applications Programs.
5:30 p.m.—Adjourn.

November 19, 1982

9:00 a.m.—Overview of Office of Space Science and Applications Programs (continued).
1:00 p.m.—Arrangements for next meeting, assignments, general discussion, meeting summary.
3:00 p.m. Adjourn.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

October 18, 1982.

[FR Doc. 82-29394 Filed 10-26-82; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Application Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 29, 1982. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541(, has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 **Federal Register**. Additional information was published in the 13 July 1982 **Federal Register**, page 30328.

The application received is as follows:

1. *Applicant:* A. W. Erickson, School of Fisheries, University of Washington, Seattle, Washington 98195.

Activities for Which Permit Requested: Taking, Import into U.S.A.

The applicant proposes to conduct a census of seals in the pack ice surrounding Antarctica. No actual taking of live specimens is intended.

Location: Pack ice surrounding the Antarctic continent.

Dates: January 1, 1983 to December 12, 1983.

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 82-29436 Filed 10-26-82; 8:45am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-508A]

Washington Public Power Supply System, et al; receipt of Antitrust Information

The Washington Public Power Supply System has submitted antitrust information accompanying its application for an operating license for a pressurized water reactor (known as WNP-3) Near Satsop, in Grays Harbor County, Washington. The data submited contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage. The construction permit holders for WNP-3 are Washington Public Power Supply System, Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power and Light Company and Washington Water Power Company.

On completion of the staff's antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under Section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington, D.C. and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have not been any significant changes, requests for reevaluation may be submitted for a period of 30 days after the date of the **Federal Register** notice. The results of any reevaluation that is requested will also be published in the **Federal Register** and copies sent to the Washington, D.C. and local public document rooms.

A copy of the general information portion of the application for an operating license and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N. W., Washington, D.C. 20555, and at the local public document room at the W. H. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the applicant's activities since the construction permit antitrust review should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Economic Analysis Branch, Office of Nuclear Reactor Regulation, on or before November 26, 1982.

Dated at Bethesda, Maryland, this 19th day of October, 1982.

For the Nuclear Regulatory Commission

Janis D. Kerrigan,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Docs. 82-29241 Filed 10-26-82; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-11984]

Canadian Pacific Limited; Notice of Application and Opportunity for Hearing

October 19, 1982.

Notice is hereby given that Canadian Pacific Limited (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "Act"), for a finding that the trusteeship of Bank of Montreal Trust Company ("Bank of Montreal Trust") under an Equipment Trust Agreement of the Company dated as of January 1, 1977 (the "1977 Indenture"), which was not qualified under the Act, and under a proposed Equipment Trust Agreement to be entered into between the Company and Bank of Montreal Trust, Trustee (the "1982 Indenture"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank of Montreal Trust from acting as Trustee under the 1982 Indenture.

Section 310 (b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (l) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (l), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures. The Company alleges that:

(1) The Company has outstanding on the date hereof $23,330,000 aggregate principal amount of its Equipment Trust Certificates, Series W (the "1977 Trust Certificates") issued under the 1977 Indenture executed by the Company and Bank of Montreal Trust, as Trustee. Inasmuch as the 1977 Trust Certificates were offered and sold to private investors for investment and not with a view to distribution, the issuance and sale of the 1977 Trust Certtificates was therefore exempt from registration under the Securities Act of 1933, as amended (the "Securities Act"), and the 1977 Trust Certificates have not been registered under the Securities Act. Accordingly, the 1977 Indenture was not qualified under the Trust Indenture Act. Bank of Montreal Trust is currently

acting as Trustee under the 1977 Indenture.

(2) The Company intends to file with the Commission on or about October 25, 1982, a Registration Statement on Form S-3 and pursuant to Rule 415 covering equipment trust certificates to be issued in one or more series (the "New Trust Certificates") under the 1982 Indenture. It is intended that the 1982 Indenture will be qualified under the Trust Indenture Act. As the Company desires to appoint Bank of Montreal Trust to act as Trustee under the 1982 Indenture, Bank of Montreal Trust will file a statement on Form T-1 as to its eligibility and qualifications under the Trust Indenture Act.

(3) The 1982 Indenture will contain the provision required by Section 310(b) of the Trust Indenture Act.

(4) Bank of Montreal Trust would not be qualified to act as trustee under the 1982 Indenture and the 1982 Indenture could not be qualified under the Trust Indenture Act unless Bank of Montreal Trust is deemed not to have such a conflicting interest by reason of a finding by the Commission after opportunity for hearing that its acting as Trustee under the 1977 and 1982 Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify it from so acting.

(5) The 1982 Indenture contemplates the possible issuance of the New Trust Certificates in series, each series issued thereunder to be secured by separate trust equipment. Since the 1977 Trust Certificates are secured by a separate and distinct group of identified standard-guage railroad equipment, which is owned by a trust established exclusively for the benefit of the holders of such 1977 Trust Certificates, as will be the case with respect to each series of the New Trust Certificates, should Bank of Montreal Trust have occasion to proceed against the security held in one of these trusts, such action would not affect the security, or the use of any security, held in any other trust. Thus, the existence of the other trusteeship should not inhibit or discourage Bank of Montreal Trust's actions or involve Bank of Montreal Trust in a conflict of interest.

(6) The material differences between the 1977 Indenture and the 1982 Indenture, and between the rights of the holders of the 1977 Trust Certificates and the holders of the New Trust Certificates relate to aggregate principal amounts, dates of issue, maturity and interest payment dated, interest rates, denominations, redemption prices and procedures, sinking fund provisions, conditional sale of equipment as opposed to lease of equipment, certain events of default, the inclusion of provisions required by the Trust Indenture Act, certain financial covenants, provisions as to the trustee, provisions as to supplement agreements and amendments and other provisions of a similar nature. Any such differences and any other difference in the provisions of the 1977 and 1982 Indentures are unlikely to cause any conflict of interest between the respective trusteeships of Bank of Montreal Trust under said Indentures.

(7) The Company is not in default under the 1977 Indenture, and upon the issuance of the New Trust Certificates will not be in default under the 1982 Indenture.

(8) Such differences as exist between the 1977 Indenture and the 1982 Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Bank of Montreal Trust from acting as Trustee under the 1982 Indenture.

(9) Applicant has waived notice of hearing, and any and all rights to specify procedures under the Rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is on file in the offices of the Commission's Public Reference Section at 450 Fifth Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 15, 1982 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29442 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash, (202) 272-2700.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Service, Washington, D.C. 20549.

New Rule

Rule 17Ad-10 (17 CFR 240.17Ad-10). SEC File No. 240-265.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval proposed rule 17Ad-10 concerning the accurate creation and maintenance by registered transfer agents of securityholder files. Rule 17Ad-10 sets forth certain standards to be followed by registered transfer agents that maintain issuers' securityholder records and other transfer agents contractually related to the same issuers.

The potential respondents are registered transfer agents.

Submit comments to OMB Desk Officer: Robert Veeder, (202) 395-4814.

George A. Fitzsimmons,

Secretary.

October 19, 1982.

[FR Doc. 82-29447 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash, (202) 272-2700.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

New Rule

Rule 17Ad-11 (17 CFR 240.17Ad-11). SEC File No. 270.281.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval Rule 17Ad-11 under the Securities Exchange Act of 1934 concerning reports by registered transfer agents to issuers and the appropriate regulatory agency. Rule 17Ad–11 requires registered transfer agents to report to affected issuers and their appropriate regulatory agency when they experience certain operational difficulties.

The potential respondents are registered transfer agents.

Submit comments to OMB Desk Officer: Robert Veeder, (202) 395–4814.

George A. Fitzsimmons,

Secretary.

October 19, 1982.

[FR Doc. 82–29446 Filed 10–26–82; 8:45 am]

BILLING CODE 8010–01–M

Forms Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash, (202) 272–2700.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Amended Rule

Rule 17Ad–4 (b) and (c) (17 CFR 240.17Ad–4 (b) and (c)), SEC File No. 270–264.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval Rule 17Ad–4 (b) and (c) under the Securities Exchange Act of 1934 concerning the status of certain registered transfer agents under applicable Commission rules. Amended Rule 17Ad–4(b) sets forth certain standards to be followed by registered transfer agents whose activity volume exempts them from certain Commission rules. Amended Rule 17Ad–4(c) sets forth certain standards to be followed by registered transfer agents when their activity volume increase so that they are no longer exempt from certain Commission rules.

The potential respondents are registered transfer agents.

Submit comments to OMB Desk Officer: Robert Veeder, (202) 395–4814.

George A. Fitzsimmons,

Secretary.

October 19, 1982.

[FR Doc. 82–29443 Filed 10–26–82; 8:45 am]

BILLING CODE 8010–01–M

Rules Under Review By Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash, (202) 272–2700.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Service, Washington, D.C. 20549.

New Rule

Rule 17Ad–13 (17 CFR 240.17Ad–13), SEC File No. 270–263.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for approval Rule 17Ad–13 under the Securities Exchange Act of 1934 concerning the audit of registered transfer agent internal accounting control. Rule 17Ad–13 requires certain registered transfer agents to obtain an annual report, prepared by an accountant, on the adequacy of certain aspects of the transfer agent's internal accounting controls and procedures for safeguarding funds and securities relative to transfer agent activies.

The potential respondents are registered transfer agents.

Submit comments to OMB Desk Officer: Robert Veeder, (202) 395–4814.

George A. Fitzsimmons,

Secretary.

October 19, 1982.

[FR Doc. 29446 Filed 10–26–82; 8:45 am]

BILLING CODE 801–01–M

[Release No. 34–19150; File No. SR–MSTC–82–18]

Self-Regulatory Organizations; Proposed Rule; Midwest Securities Trust Co.; Relating to Price Schedule for Municipal Bonds

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 5, 1982, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is the Price Schedule for Municipal Bonds effective for items processed after July 1, 1982.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The purpose of the rule change is to establish a fee schedule for MSTC's Municipal Bond Program.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, and the rules and regulations thereunder applicable to MSTC in that it provides for the equitable allocation of fees and other charges among MSTC's participants.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 17, 1982.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 18, 1982.

George A. Fitzsimmons,

Secretary.

Exhibit A

MSTC–M FEE SCHEDULE FOR PARTICIPANTS

Service fee:	
Full MSTC Participant	$150.00/mo.
MSTC–M Participant Only	300.00/mo.
Safekeeping:	
Position fee—Item (per Cusip):	
(1) For Cusip with only one participant with position.	2.10/mo.
(2) For Cusip with two participants with position.	1.50/mo.
(3) For Cusip with three or more participants with position.	1.25/mo.
Position fee—Value (per par value):	.000020/mo.
Transactions:	
Interest	
For interest received	2.00/credit
Deposit	8.00 + .06/$M over $50,000
Withdrawal	8.00 + .06/$M over $50,000
Deposit/Withdrawal shipping fee:	
(4) Shipping fees will be rebated quarterly. Rebates will be a pro rata share of excess of fees collected less actual cost of shipments between depository satellites and custodians under MSTC's courier contract.	3.00/item
Withdrawal for delivery to non-member will be standard withdrawal fees plus charges of clearing agent as a pass through cost plus $1.00	
Bookentry depository delivery instructions:	
receive/deliver—interparticipant	1.75
deliver—intraparticipant	1.75
Redemption processing:	
Position fee	1.50
Position value	.03/1M
Plus shipment costs to paying agent.	12.00/issue
Call Processing:	
Position fee	1.50
Position value	.03/1M
Plus shipment costs to paying agent.	12.00/issue
For each bond received after expiration date or call or tender and subsequently returned to participant.	[illegible]/bond
Other:	
Terminal usage	Rebilled at cost
Line (terminal)	Rebilled at cost

[FR Doc. 82-29445 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

October 20, 1982.

The above named national securities exchange has filed applications with the Securities and exchange Commission pursuant to Section 12(f) (1) (B) of the Securities Exchange Act of 1934 and rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

AMR Corporation, Common Stock, $1 Par Value (File No. 7–6343)

Resorts International Inc., Common Stock, Class A, $1 Par Value (File No. 7–6344)

Universal Resources Corp., Common Stock, $.50 Par Value (File No. 7–6345)

National Patent Development Corp., Common Stock, $.01 Par Value (File No. 7–6346)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 10, 1982 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29450 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

October 20, 1982.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(*f*)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stock of:

AMR Corporation, Common Stock, $1 Par Value (File No. 7–6347)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 10, 1982 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29449 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19151; File No. SR-PSE-82-11]

Filing of Proposed Rule Change by the Pacific Stock Exchange, Inc.

October 18, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 27, 1982, the Pacific Stock Exchange, Inc. ("PSE") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend rule X, Section 12 of the rules of the board of Governors of the Pacific Stock Exchange, Inc. to require certain member organizations to use a registered securities depository for the confirmation, acknowledgement and book-entry settlement of the following depository eligible transactions: (1) a purchase by the customer where its agent is to receive the securities against payment ("COD"); and (2) a sale by the customer where its agent is to deliver the securities against payment ("POD").

The proposed rule change provides for certain exemptions, including an exemption for COD/POD transactions between a member organization and a customer when the member organization and its agent are not currently participants in a registered securities depository or the customer and its agent are not currently participants in a registered securities depository.

In its filing, the PSE made statements regarding the purposes and statutory basis of the proposed rule change. The PSE believes that member firms of each self-regulatory organization on which securities are traded continue to experience problems, especially in periods of high trading volume, in processing collect on delivery orders (COD), payment on delivery orders (POD), as well as Don't Know Rejected Trades (DKs). The Purpose of the proposed rule change is to help encourage prompt delivery and payment and reduce "Don't Know Rejected Trades." It is also intended to reduce the costs and delays associated with unnecessary physical movement of stock certificates. Electronic confirmation, acknowledgement, and book-entry settlement through a registered securities depository will provide for more expeditious and efficient settlement of COD/POD transactions for parties to institutional trades and will thus facilitate more cost efficient operation during both normal and high volume periods.

The PSE believes that the proposed rule change is consistent with the requirements of Sections 6(b)(5), 17A(a)(1) and (2) and 17A(e) of the Act. In its filing the PSE stated that the proposal is consistent with Section 6(b)(5) in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

The PSE further stated, in its filing, that the proposed rule change is consistent with Section 17A(a)(1) of the Act by furthering the specific objectives of Congress relative to the clearance and settlement of securities transactions. In addition, the PSE stated that the proposed rule change is consistent with the Congressional mandate of Section 17A(a)(2) that the Commission facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities. This proposed rule change, which in effect encourages expanded use by current participants of clearance and settlement facilities already in existence, by design will facilitate the implementation of such a national system. The PSE further believes that the proposed rule change will encourage the use of more efficient depository procedures for confirmation, acknowledgement, and settlement of COD/POD transactions. A diminished reliance on inefficient methods would reduce the clerical, interest, and other related costs borne by brokers and eventually passed along to their customers.

Furthermore, in its filing, the PSE stated that under Section 17A(e) of the Act, the Commission is directed to end the physical movement of securities certificates in connection with the settlement among brokers and dealers of transactions in securities consummated by means of the mails or any means or instrumentalities of interstate commerce. The PSE believes that to the extent this proposal will promote book entry settlement, it will correspondingly reduce the physical delivery and receipt of securities among brokers in connection with the settlement of securities transactions.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before November 17, 1982. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, Washington, D.C. 20549. Reference should be made to File No. SR-PSE-82-11.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-2944 Filed 10-26-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Notice of Granting of Relief from Disabilities Incurred by Conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live..

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Noel A. Haera, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202-566-7258).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

ABRAMS, Melvin, 2400 Section Road, Cincinatti, Ohio, convicted on July 6, 1966, in the Hamilton County Common Pleas Court in Ohio.

ACKERMAN, Marcus O. Jr., 346 See Wee Circle, Mount Pleasant, South Carolina, convicted in October 1978, in the United States District Court, Charleston, South Carolina.

ACKERS, John M., 333 Grove Street, Box 99, Norwell, Massachusetts, convicted on February 16, 1954, in the Plymouth Superior Court of Massachusetts.

ADAMES, Esteban E., 1408 Fanhawe Street, Philadelphia, Pennsylvania, convicted on August 2, 1970, in the Court of Quarters Sessions (City Hall), County of Philadelphia.

ADLER, Alfred A., 10360 East Flintlock Trail, Tucson, Arizona, convicted on August 25.

1980, in the Superior Court of Pima County, Arizona.

AINSWORTH, Steven A., 1213 Millie, Rosenberg, Texas, convicted on August 30, 1978, in the 262nd District Court of Harris County, Texas.

ALDRIDGE, Derrick A., 716 East Morango, Flint, Michigan, convicted on August 4, 1978, in the Tenth Judicial Circuit Court, Birmingham, Alabama; and on September 17, 1972, in Pine Bluff, Arkansas.

ALMOND, Michael A., 695 West 8th Street, St. Johns, Arizona, convicted on September 30, 1977, in the United States District Court, Southern District of Texas, Corpus Christi Division.

ALMOND, Tracey L., P.O. Box 1571, Marrietta Trailer Court, No. 12, Forks, Washington, convicted on April 27, 1978, in the District Court, Fourth Judicial District, County of Missoula, Montana.

ALTIS, Larry D., 390 Ragan Drive, Christiansburg, Virginia, convicted on September 8, 1976, in the Roanoke County Circuit Court, Salem, Virginia; and on November 15, 1976, in the Franklin County Circuit Court, Rocky Mount, Virginia.

ANDERSON, Danny C., P.O. Box 5176, Ketchikan, Alaska, convicted on March 31, 1974, in the Superior Court of King County, Washington..

ANDERSON, Eugene K., 835 Woods Road, Southeast, Port Orchard, Washington, convicted on December 9, 1980, in the Superior Court of Kitsap County, Washington.

ANDERSON, Warren A., Route 1, Box 66, Foley, Minnesota, convicted on May 12, 1980, in the United States District Court, Third Division, St. Paul, Minnesota.

ANGELLE, Gary M., 3604 Terrace Drive, Nederland, Texas, convicted on December 10, 1978, in the 252nd District Court, Jefferson County, Texas.

ANGERS, BRADFORD J., 7770 Goforth Circle, Dallas, Texas, convicted on December 21, 1951; and on March 10, 1952, in the Recorders Court, Detroit, Michigan.

ARMOUR, Clifford D., 2230 McCutchin Place, Pensacola, Florida, convicted on June 6, 1975, in the United States District Court, Northern Judicial District of Mississippi.

ARNETT, Richard, 2223 Devonport Drive, Apartment 2, Lexington, Kentucky, convicted on October 28, 1977, in the Fayette Circuit Court, Lexington, Kentucky.

ARNOLD, Horace, 94 Chauncey Street, Brooklyn, New York, convicted on January 4, 1952, in the United States District Court, Washington, DC.

ARROWOOD, Lewis R., Number 64, Madison Village, Richmond, Kentucky, convicted on March 9, 1979, in the Fayette Circuit Court, Lexington, Kentucky; and on April 4, 1979, in the United States District Court, Lexington, Kentucky.

ASLAKSON, Kurt N., 552 Concord Drive, Chaska, Minnesota, convicted on December 29, 1980, in the First Judicial District Court of Carver County, Minnesota.

AUCIELLO, Alfred, P.O. Box 112, Synanon Church, Badger, California, convicted on November 3, 1948, in the Supreme Court of Queens County, New York.

AYERS, Jonathan K., 125 South Cross Street, Harrisville, Virginia, convicted on May 13, 1969, at Ramey Air Force Base, Puerto Rico.

BACHOFER, Michael J., 17714 31st Drive, Northeast, Arlington, Washington, convicted on May 15, 1971, in the Superior Court of Snohomish County, Washington; and on March 18, 1976, in the Superior Court of Lewis County, Washington.

BADGER, John W., Gentry Street, Jefferson, North Carolina, convicted on July 24, 1973, in the United States District Court, Wilksboro Division, Middle District of North Carolina.

BADOUR, Daniel L., 2409 Adair Street, Flint, Michigan, convicted on April 22, 1980, in the Circuit Court of Palm Beach County, Florida.

BAILEY, Harold D., 1437 Reed Drive, Lot 18, Marietta, Georgia, convicted on April 23, 1953; and on September 20, 1955, in the Superior Court for Cobb County, Georgia.

BAILEY, Isom J., P.O. Box 212, Bradshaw, West Virginia, convicted on July 15, 1955, in the McDowell County Circuit Court of West Virginia; and on October 19, 1956, in the Circuit Court of Buchanan County, Virginia.

BAILEY, James, 5400 Willows Avenue, Philadelphia, Pennsylvania, convicted on September 16, 1945; and on February 28, 1955, in the Common Pleas Court of Philadelphia, Pennsylvania.

BAIRD, Debbie, Route 3, Box 3278, Grandview, Washington, convicted on December 13, 1976, in the Circuit Court of Lane County, Oregon.

BAIRD,. William E. Jr., Route 6, Box 182, Seneca, South Carolina, convicted on February 16, 1971, in the Pickens County Court, Pickens, South Carolina.

BAKER, Charlie M., P.O. Box 662, Sheridan, Wyoming, convicted on May 30, 1979, in the United States District Court, Cheyenne, Wyoming.

BAKER, William H. III, 1208 Thornwood Drive, Birmingham, Alabama, convicted on November 27, 1974, in the United States District Court, Birmingham, Alabama.

BALDO, Harry J., 4128 Durwood, Flint, Michigan, convicted on May 13, 1974, in the District Court, of Reno County, Kansas.

BALOUGH, Steven M., Rural Route 1, Box 2006, Dora, Missouri, convicted on April 26, 1976, in the Douglas County District Court, Omaha, Nebraska.

BARRETT, Sam, 3229 West Jefferson Street, Louisville, Kentucky, convicted on March 28, 1958, in the Kentucky Circuit Court of Spencer County, Kentucky.

BARUP, Harold W., Route 1, Box 1013, Waterville, Vermont, convicted on March 28, 1977, in the Vermont District Court, Unit 3, Lamoille County Circuit, Hyde Park, Vermont.

BASHAM, Sherman E., 4–A Harry Smith Apartments, Owensboro, Kentucky, convicted on April 20, 1971, in the Circuit Court of Grayson County, Kentucky; on August 26, 1971, in the Circuit Court, Madison, Indiana; and on March 19, 1974, in the Circuit Court of Jefferson County, Kentucky.

BATEMAN, Jimmy L., 1717 Northwest Second Street, Oklahoma City, Oklahoma, convicted on June 9, 1969, in the District Court of Oklahoma County, Oklahoma.

BATES, James W., Route 6, Box 301–A, Owensboro, Kentucky, convicted in September 1976, in the United States District Court, Nashville, Tennessee.

BATTEY, Michael L., 6528 Springfield Drive, Charlotte, North Carolina, convicted on August 3, 1972, in the Superior Court, Mecklenburg, North Carolina.

BAUER, Robert A., 1110 Tyler Street, Corpus Christi, Texas, convicted on August 31, 1977, in the Tenth Judicial District Court of Washington County, Minnesota.

BAUMRING, Victor A., 21 Markfield Drive, Charleston, South Carolina, convicted on April 8, 1975, in the Charleston County of General Sessions, Charleston, South Carolina.

BEAM, Benjamin C. Jr., 204 Illinois Street, Spindale, North Carolina, convicted on February 5, 1974, in the Criminal Court of Marion County, West Virginia.

BEARD, Frank L., 3207 LaQuinta, Missouri City, Texas, convicted on May 25, 1969, in the Dallas Criminal District Court, Number 1, Dallas, Texas.

BERG, Armin R., 1101 Webster Street, Bay City, Michigan, convicted on July 8, 1968, in the Circuit Court of Ottawa County, Grand Haven, Michigan; and on March 16, 1970, in the 61st District Court of Kent County, Michigan.

BETHLEHEM STEEL CORPORATION AND SUBSIDIARY COMPANIES, Bethlehem, Pennsylvania, convicted on July 24, 1980, in the United States District Court, Southern District of New York.

BEVERLY, William R. III, 4044 McKay Avenue, Richmond, Virginia, convicted on June 13, 1975, in the Circuit Court, Richmond, Virginia.

BEVRY, Kenneth G., 4800 Highway H, Franksville, Wisconsin, convicted on January 13, 1978, in the United States District Court, Eastern District of Wisconsin.

BILLET, Gordon A., 2060 East Hyacinth, St. Paul, Minnesota, convicted on February 16, 1978, in the Ramsey County District Court, St. Paul, Minnesota.

BISHOP, Homer K., S & D Trailer Court, Route 1, Lot, 1, Garden City, Kansas, convicted on March 12, 1975, in the District Court of Grady County, Oklahoma.

BLACK, Don R., 2395 Redwood Avenue, Space 12, Grants Pass, Oregon, convicted on February 21, 1973, in the District Court of Washoe County, Nevada.

BLACKBURN, Joseph C., Route 1, Box 85X, Madison, Virginia, convicted on June 9, 1978, in the United States District Court, Savannah, Georgia.

BLASKOWSKI, George J., 125 First Street, Lewiston, Minnesota, convicted on May 9, 1978, in the Third Judicial District Court, Winona, Minnesota.

BLEWETT, Stanely E., 308 7th Street, Bowling Green, Kentucky, convicted on January 30, 1976, in the Warren County Circuit Court, Bowling Green, Kentucky.

BOOTH, Ronald L., 7550 Fern School Road, Sheridan, Oregon, convicted on January 29, 1979, in the Circuit Court of Lincoln County, Oregon.

BORUM, Charles O., 1725 Canterbury Road, Macon, Georgia, convicted on March 3, 1975, in the United States District Court, Macon, Georgia.

BOURGEOIS, Mark D., 615 Trowbridge Street, Franklin, Louisiana, convicted on May 10, 1978, in the 15th Judicial District Court, Parish of Lafayette, Louisiana.

BOWLES, Robert P., Route 12, Mt. Vernon Road, Gainesville, Georgia, convicted on March 4, 1977, in the United States District Court, Northern District of Gainesville, Georgia.

BOWMAN, Ralph S., 7025 Cutting Boulevard, El Cerrito, California, convicted on May 16, 1977, in the United States District Court, Southern Judicial District of California.

BOYD, Reginald, 1423 West 15th Avenue, Gary, Indiana, convicted on August 10, 1972, in the Northern Judicial District, Hammond, Indiana.

BOYER, Larry J., 8 Lincoln Street, Mount Morris, Illinois, convicted on January 31, 1972, in the 14th Circuit Court of Whiteside County, Illinois.

BRACKEE, Richard I., 198 Madden Road, Cinebar, Washington, convicted on June 1, 1970, in the Superior Court of Lewis County, Washington.

BRADY, Kevin T., 326 Avant, Hazelwood, Missouri, convicted on January 16, 1978, in the Circuit Court of Levy County, Florida.

BRAXTON, Harry Jr., 556 St. Andrews Boulevard, Charleston, South Carolina, convicted on December 2, 1947, in the Court of General Sessions, Charleston, South Carolina.

BREEDEN, Stephen L., Star Route, Box 85–A, Natural Bridge Station, Virginia, convicted on April 13, 1978, in the Circuit Court of Rockbridge County, Virginia.

BRICE, Joe, 119 Avenue H, Sugarland, Texas, convicted on January 24, 1944, in the Fourth District Court of Quachita County, Louisiana.

BRISCO, Donald K., 3705 Joshua Court, Arlington, Texas, convicted on April 30, 1974, in the Criminal District Court of Tarrant County, Texas.

BROCKMAN, Evan R., Route 1, Box 184, Lindenstation, Wisconsin, convicted on April 4, 1964, in the County Court of Jueau County, Wisconsin.

BROWN, Richard L. Jr., 1957 Delmont Street, Walla Walla, Washington, convicted on October 31, 1973; and on February 20, 1975, in the Superior Court of Walla Walla, Washington.

BRUNAS, Deborah M., 19784 Westbrook, Detroit, Michigan, convicted on August 1, 1978, in the Wayne County Circuit Court, Detroit, Michigan.

BRUSEAU, David H., 26869 Old Halley Road, Sweet Home, Oregon, convicted on May 15, 1959, in the Circuit Court of Ingham County, Michigan.

BRYANT, Vanie, 649 Ozburn Road, Atlanta, Georgia, convicted on October 1, 1951, in the United States District Court, Northern District of Atlanta, Georgia.

BULLOCK, Ray K., 3711 San Felipe, Apartment G–2, Houston, Texas, convicted on November 5, 1976, in the United States District Court, Southern District of Texas.

BURCHETT, George K., Route 1, Box 32, Ivanhoek, Virginia, convicted on April 13, 1942, in the United States District Court, Abingdon, Virginia.

BURGE, Stanley E., 2300 East 12th Street, Apartment 35, Post Falls, Idaho, convicted on March 27, 1979, in the First Judicial District Court of Kootenai County, Idaho.

BURKEY, Douglas J., 839 East Walnut Street, Lancaster, Pennsylvania, convicted on February 17, 1978, in the Superior Court of Kent County, Delaware.

BURLINGAME, Richard, Rural Route 1, Box 31, Castorland, New York, convicted on November 13, 1948, in the St. Lawrence County Court; and on November 21, 1947, in the County Court of Tiogo County, New York.

BURNEY, Phillip D., 234 Anita Court, West Palm Beach, Florida, convicted on May 9, 1972, in the Circuit Court of Palm Beach, Florida.

BURNS, John L., Route 3, Box 207–D, Springfield, Tennessee, convicted on August 5, 1980, in the United States District Court, Middle District of Nashville, Tennessee.

BURNS, Robert E. Jr., 434 Green Valley Road, Inola, Oklahoma, convicted on March 17, 1977, in the 15th Judicial District Court of Wagoner County, Oklahoma.

BUSH, Verlo W., 1564 North Portland Road, Newberg, Oregon, convicted on March 8, 1976, in the Circuit Court of Rainier County, Oregon.

BUTLER, Jann T., 851 South Jackson, Tacoma, Washington, convicted on August 25, 1967, in the Superior Court of Pierce County, Tacoma, Washington.

BUTRIM, Joseph M., 6909 Railway Avenue, Baltimore, Maryland, convicted on March 2, 1962, in the Criminal Court of Baltimore County, Maryland.

BYRAM, Durward H. Jr., P.O. Box 111, Sebastopol, Mississippi, convicted on May 21, 1975, in the United States District Court, Pudacah. Kentucky.

BYRAM, Durward H., Sr., P.O. Box 111, Sebastopol, Mississippi, convicted on October 19, 1970, in the Scott County Circuit Court, Forrest, Mississippi; and on May 21, 1975, in the United States District Court, Paducah, Kentucky.

CABLE, Charles R., 53317 Woodstock Drive, Lapine, Oregon, convicted on August 14, 1970, in the Superior Court of San Bernardino, California.

CADIEN, James Lee, Jr., 2716 Oakland Street, Beaufort, South Carolina, convicted on July 26, 1979, in the Court of General Sessions, Beaufort, South Carolina.

CALLAHAN, Patrick N., 320 West 8th Street, Dallas, Texas, convicted on March 15, 1968, in the Criminal District Court of Dallas County, Texas.

CANZONE, Michael, 1922 McGraw Avenue, Bronx, New York, convicted on February 19, 1936, in the Court of General Sessions of New York County, New York.

CAPANEGRO, Michael J., 480 Dune Road, West Hampton Beach, New York, convicted on July 7, 1977, in the Southern Judicial District of New York.

CAPITANI, Charles W., 2925 6th Avenue, Hibbing Minnesota, convicted in April 1973, in the United States District Court of Northern Illinois.

CARNES, Dale D. Sr., 206 Southwest Arlan Drive, Ankeny, Iowa, convicted on February 6, 1959, in the Warren County District Court, Indianola, Iowa.

CAROON, Michael, S., 4534 South 54th, Lincoln, Nebraska, convicted on September 10, 1975, in the District Court of Lancaster County, Nebraska.

CASSINELLI, Donald J., 968–2 Mesa Ridge. Sparks, Nevada, convicted on April 13, 1976, in the District Court of Washoe County, Nevada.

CATON, George G., Route 2, Box 38, Green Pine Acres, West Blocton, Alabama, convicted on May 19, 1977, in the Shelby County Circuit Court of Alabama.

CHAMBERLAIN, Terry N., 3727 Roswell Street, St. Louis, Missouri, convicted on August 1, 1977, in the United States District Court, Northern District of Iowa.

CHANDLER, Wilson L., Route 3, Box 318, Petersburg, Virginia, convicted on February 23, 1973, in the Circuit Court of Dinwiddie County, Virginia.

CLARKE, Joseph M., 154 East Duval Street, Philadelphia, Pennsylvania, convicted on January 8, 1970, in the Motor Vehicle Court, Philadelphia, Pennsylvania.

CHASE, Richard J., Box 55761, Tanana Apartments, No. 12, North Pole, Alaska, convicted on February 23, 1976, in the Superior Court, Fourth Judicial District of Alaska.

CHILDERS, Brian L., 5090 Northwest Anderson Hill Road, Silverdale, Washington, convicted on April 11, 1977, in the Superior Court of Kitsap County, Washington.

CLAYTON, Robert W., Route 6, Box 406, Gunterville, Alabama, convicted on December 9, 1977, in the United States District Court, Birmingham, Alabama.

CLEM, Charles H., 1120 Lee Street, Covington, Kentucky, convicted in the Vanderburgh Circuit Court, Evansville, Indiana.

CLOYD, Gregory A., P.O. Box 54, Wallace, Kansas, convicted on July 14, 1976, in the District Court of Adams County, Brighton, Colorado.

COEN, Richard H., P.O. Box 2, Monroe, Nebraska, convicted on December 8, 1960, in the Noble County District Court, Oklahoma.

COHEN, Robert H., 1345 Southeast Bonneville, Idaho Falls, Idaho, convicted on October 20, 1975, in the United States District Court, District of Oregon.

COHEN, Sylvan H., 3029 Thrush Drive, St. Charles, Missouri, convicted on August 30, 1976, in the United States District Court, St. Louis, Missouri.

COLE, Henry G., 253 Norwood Avenue, Northeast, Atlanta, Georgia, convicted on April 1, 1949, in the Northern Federal District Court of Georgia.

COLE, Larry E., Rouses Trailer Park, Highway 24 West, Lot 9, Atlantic Beach, North Carolina, convicted on September 10, 1974, in the Superior Court of Carteret County, North Carolina.

COLLINS, Marshall D., 9791 Calendula Avenue, Westminister, California, convicted on October 17, 1980, in the Superior Court of Los Angeles County, California.

CONNELL, Gregory E., 17034 427th Avenue, Southeast, North Bend, Washington, convicted on April 15, 1975, in the Superior Court of King County, Washington.

CONSTANTINO, Justo, 41 Beaver Street, Brooklyn, New York, convicted on December 18, 1973, in the Queens County Superior Court, Kew Gardens, New York.

COOK, Cecil, 876 Brentwood Drive, Norfolk, Virginia, convicted on January 29, 1962, in the Circuit Court, County of Norfolk, Virginia.

COOK, Shirel B., Route 11, Box 50–A, Hardinsburg, Kentucky, convicted on November 18, 1974, in the Henderson Circuit Court, Henderson, Kentucky.

COOLEY, Ancle H., 106 Underwood Drive, Hopkinsville, Kentucky, convicted on December 8, 1965, in the United States District Court, Chattanooga, Tennessee.

COPE, Kenneth G., 709 Fifth Avenue, East, Springfield, Tennessee, convicted on August 11, 1977, in the Robertson County Criminal Court, Springfield, Tennessee.

COPPOCK, Walter J., 643 Taravel Street, Apartment 2, San Francisco, California, convicted on December 13, 1948, in the United States District Court, Los Angeles, California.

CORNWALL, Herman R., Box 155, Cariban Trailer Park, Inkom, Idaho, convicted on March 26, 1973, in the District Court, Seventh Judicial District of Idaho.

CORREA, Richard C., 150–A Miles Lane, Watsonville, California, convicted on January 20, 1970, in the Superior Court of Santa Cruz County, California.

CORSO, Leonard, 40 Old Route 25–A, Fort Salonga, New York, convicted on March 5, 1971, in the Eastern District of New York.

COUCH, Alfred J., 224 East Lake Street, Madisonville, Kentucky, convicted on October 11, 1969, in the Hopkins County Circuit Court, Madisonville, Kentucky.

COX, Roger W., Jr., 6425 Brownlee Drive, Nashville, Tennessee, convicted on January 31, 1955, in the Criminal Court of Davidson County, Tennessee.

CURTIS, Kimberly A., 24689 Powerline Road, Harrisburg, Oregon, convicted on January 31, 1980, in the Circuit Court, of Linn County, Oregon.

COTHREN, Carl D., P.O. Box 3–D, Traphill, North Carolina, convicted on November 22, 1949; and on May 5, 1967, in the United States District Court, Wilkesboro, North Carolina.

CRAWFORD, Dennis R., P.O. Box 72, Defiance Road, Defiance, Missouri, convicted on May 5, 1969, in the Circuit Court of Maries County, Missouri.

CREED, Timothy L., P.O. Box 931, Aberdeen, North Carolina, convicted on November 29, 1976, in the Moore County Superior Court, Carthage, North Carolina.

CRIBBS, Elton, Route 1, Fargo, Georgia, convicted on December 23, 1958, in the Criminal Court of Duval County, Florida.

CROYLE, Guy E., 927 West 4th Street, Lewistown, Pennsylvania, convicted on October 19, 1978, in the United States District Court, Eastern Judicial District, Philadelphia, Pennsylvania.

CUBBAGE, Billy F., Route 1, Box 612, Stanley, Virginia, convicted on September 25, 1979, in the Circuit Court of Rockingham County, Harrisburg, Virginia.

CUMMINS, Calvin L., 102 Church Street, Edon, Ohio, convicted on January 17, 1976, in the Branch County Circuit Court, Coldwater, Michigan.

DACHTON, Paul M., 14650 Southwest 16th Street, Davie, Florida, convicted July 27, 1971, in the Criminal Court of Dade County, Florida.

DALTON, Randall E., 907 Clara Street, Warrenton, Missouri, convicted on August 20, 1970, in the United States District Court, Deadwood, South Dakota.

DANIEL, Irvin, 1203–C Alfred Avenue, Yeadon, Pennsylvania, convicted on January 6, 1973, in the Court of Quarter Sessions, Philadelphia, Pennsylvania.

DANNA, Salvatore W., 1002 Nabbs Creek Road, Glen Burnie, Maryland, convicted on May 19, 1961, in the Towson Criminal Court of Baltimore County, Towson, Maryland.

DAVIS, Gerald G., 110 Walnut Street, Grundy, Virginia, convicted on December 5, 1974, in the Circuit Court of Buchanan County, Commonwealth of Virginia.

DAVIS, Lancelot, 28 Yellow Pine, Mount Charleston, Nevada, convicted on December 19, 1968, in the Pinella County Circuit Court of Florida.

DAVIS, Robert L., Route 3, Box 196, North Platte, Nebraska, convicted on April 14, 1975, in the Lincoln County District Court, North Platte, Nebraska.

DAVIS, William R., 5535 Rogers Drive, Columbus, Georgia, convicted on May 20, 1974, in the United States District Court, Middle District of Alabama.

DAVOLT, Barbara (Heier), 5312 West Banff Lane, Glendale, Arizona, convicted on October 26, 1979, in the Superior Court, of Maricopa County, Arizona.

DAWSEY, Edward M., 4615 Andrews Road, Mobile, Alabama, convicted on November 16, 1981, in the United States District Court, Southern District of Alabama, Mobile, Alabama.

DEARINGER, Anthony E., 402 First Street, Steilacoom, Washington, convicted on November 15, 1966, in the Superior Court of Pierce County, Washington.

DEATHRIAGE, Johnny D., 1632 Lydia Drive, Tulare, California, convicted on March 15, 1963, in the Superior Court, County of Los Angeles, California.

DEATON, Michael G., Prather Mobile Home Park, Apartment 10, Flaherty, Kentucky, convicted on June 11, 1976, in the Meade Circuit Court, Brandenburg, Kentucky.

DE BOER, Craig D., Number 13 Prineville Mobile Court, Prineville, Oregon, convicted on February 3, 1975, in the Sixth Judicial District Court, State of Nevada.

DEMPSEY, Gene, 1716 South Valley Mills Drive, Waco, Texas, convicted on February 5, 1963 in the 54th Judicial District Court of McLennon County, Texas.

DEROUEN, Sidney W., 638 Cleveland Street, Lake Charles, Louisiana, convicted on May 6, 1975, in the 14th Judicial District Court, Lake Charles, Louisiana.

DIAZ, Richard M., 1071 Southside Drive, Elko, Nevada, convicted on October 17, 1977, in the District Court of Churchill County, Nevada.

DIEM, Brain W., 6544 18th Northwest, Seattle, Washington, convicted on June 6, 1978, in the Superior Court of King County, Washington.

DIX, Steven L., 1157 Wilshire Drive, Prineville, Oregon, convicted on May 16, 1977, in the Circuit Court of Multnomah County, Portland, Oregon.

DIXON, Delmas W., 5920 Rosalyn Drive, Fort Worth, Texas, convicted on November 14, 1960, in the Criminal District Court of Tarrant County, Texas.

DONIGAN, Leo, 1128 Gwen Drive, LaPeer, Michigan, convicted on May 6, 1976, in the United States District Court, Detroit, Michigan.

DONOVAN, Clinton, 2814 Blair Road, Pollock Pines, California, convicted on October 19, 1961, in the United States District Court, Reno, Nevada.

DOROFF, Gary W., 1440 10th Avenue, Fargo, North Dakota, convicted on March 9, 1978, in the Cass County District Court of North Dakota.

DOSS, Danny J., 617 Arthur Street, La Grange, Georgia, convicted on August 14, 1972, in the Superior Court of Troup County, Georgia.

DOSTIE, Harry T., 109 Birch Street, Lewiston, Maine, convicted on March 22, 1972, in the Superior Court of Androscoggin County, Maine.

DUKATNIK, John David, Box 65, Whitharral, Texas, convicted on January 28, 1980, in the Hockley County District Court, Levelland, Texas.

DULCICH, John L., 314 Newton Street, Gretna, Louisiana, convicted on April 11, 1979, in the United States District Court, Eastern District of Louisiana.

DUNBAR, Coley K., 608 Cindy Court, Virginia Beach, Virginia, convicted on January 4, 1979, in the United States District Court, Eastern District of Virginia, Norfolk Division.

DUNCAN, James F., Route 7, Box 147, Jasper, Alabama, convicted on December 19, 1978, in the United States District Court, Birmingham, Alabama.

DURKEE, Harold E., 111 Ann Street, Clarendon Hills, Illinois, convicted on November 5, 1974, in the Northern Judicial District of Illinois, Eastern Division, Chicago, Illinois.

EANES, Donald G., 2112 Rokeby Avenue, Chesapeake, Virginia, convicted on March 30, 1972, in the Chesapeake Circuit Court, Chesapeake, Virginia.

EBEL, Keith Edward, 1905 Schnell Drive, Arabi, Louisiana, convicted on September 13, 1977, in the 25th Judicial District Court, Arabi, Louisiana.

ENERSON, Larry N., 1677 North 19th Street, Coos Bay, Oregon, convicted on May 21, 1975; and on March 24, 1977, in the Circuit Court of Coos County, Oregon.

ENGEL, Richard J., 807 12th Avenue, Southeast, Rochester, Minnesota, convicted on April 13, 1972, in the Third Judicial District Court of Olmstead County, Minnesota.

ENGLE, Ronald J., 479 University, Corpus Christi, Texas, convicted on August 23, 1973, in the United States District Court, Southern Judicial District of Corpus Christi, Texas.

ENGLES, Stephen J., 229 7th Avenue South, St. Cloud, Minnesota, convicted on March 20, 1981, in the Seventh Judicial District Court of Benton County, Minnesota

ENGLISH, Wendell B., Route 4, Box 62, Douglas, Georgia, convicted on January 23, 1978, in the Superior Court of Coffee County, Georgia.

EVINGER, Allen L., Route 1, Box 222, Pleasant Hill, Missouri, convicted on February 28, 1976, in the Circuit Court of Jackson County, Missouri.

EWING, James P., 1129 North Popular, Fresno, California, convicted on April 1, 1968, in the Superior Court, Los Angeles, California.

FAGGETTI, Jack E., Rural Route 1, Noble, Illinois, convicted on September 5, 1959, in the United States District Court, Charlotte, North Carolina.

FARRELL, Gregory Paul, 9515 Southwest 78th Street, Miami, Florida, convicted on September 19, 1969, in the Dade County Criminal Court, Dade County, Florida.

FARRINGTON, Frank C., 2037–D Fairview Avenue East, Seattle, Washington, convicted on July 7, 1978, in the Superior Court of King County, Washington.

FEDER, George M., 915 Baker Avenue, Mankato, Minnesota, convicted on December 15, 1975, in the First Judicial District Court, County of McCleod, Glencoe, Minnesota.

FILLINGIM, Larry K., 416 Riverlake Court, Woodstock, Georgia, convicted on March 21, 1970, in the Criminal District Court, Parish of New Orleans, Louisiana.

FISHER, Ralph R., 104 South Edison Street, Fredericksburg, Texas, convicted on August 25, 1977, in the 178th District Court of Harris County, Texas; and on February 16, 1978, in the District Court of Lavaca County, Texas.

FLAGG, Carl, 9412 South Wabash Avenue, Chicago, Illinois, convicted on December 14, 1973, United States District Court, Northern District, Eastern Division of Chicago, Illinois.

FORD, Kenneth D., 1677 Juneau Drive, Anchorage, Alaska, convicted on November 21, 1978, in the United States District Court, District of Alaska, Anchorage, Alaska.

FOX, Gerald E., 9617 West 6th Avenue, Lakewood, Colorado, convicted on December 23, 1954, in the Circuit Court of St. Louis, Missouri.

FRAZIER, Wayne G., Route 1, Box 174, Waco, Georgia, convicted on October 14, 1975, in the Superior Court of Carroll County, Georgia.

FREDRICK, Scott A., 501 East 12th Street, Mitchell, South Dakota, convicted on August 30, 1979, in the Fourth Judicial Circuit Court of Davison County, South Dakota.

FROCK, Clifford W., P.O. Box 703, Bosworth, Missouri, convicted on July 14, 1965, in the Circuit Court of Carroll County, Carrollton, Missouri.

FUHRMAN, Larry W., 101 Holly Park Street, Longview, Washington, convicted on June 3, 1976, in the Superior Court of Cowlitz County, Washington.

GALFIN, Lee G., 10 River Road, Carmel Valley, California, convicted on August 31, 1967, in the Superior Court of Los Angeles County, California.

GALLEGOS, Al R., 1736 Clarkson Street, Apartment A, Denver, Colorado, convicted on October 17, 1969, in the Second District Court, Denver, Colorado.

GANTT, Jerry L., 405 West 11th Street, Tempe, Arizona, convicted on November 28, 1978, in the Superior Court of Arizona.

GARCIA, Fermin L., 1430 Peterson Street, San Antonio, Texas, convicted on October 3, 1973, in the 186th District Court, San Antonio, Texas.

GARNER, Cicero C., Route 1, Box 109, Beulaville, North Carolina, convicted in 1949, in the United States District Court, Greensboro, North Carolina.

GARZA, Salvador R., Route 5, Box 5764, Herminston, Oregon, convicted on June 1, 1976, in the United States District Court, Eastern District of Michigan.

GATHINGS, Mitchell T., P.O. Box 309, Ellerbe, North Carolina, convicted on April 4, 1977, in the Richmond County Superior Court, Rockingham, North Carolina.

GIANDOMENICO, Frederick C., 40 Front Street, Walpole, Massachusetts, convicted on June 4, 1971, in the District Court of Wrentham, Norfolk County, Massachusetts.

GIBBS, Charles G., P.O. Box 39, Engelhard, North Carolina, convicted on November 8, 1979, in the United States District Court, Eastern Judicial District of North Carolina.

GIBNEY, Edward J., 530 Foxglove Road, Venice, Florida, convicted, on June 21, 1977, in the Superior Court of Essex County, New Jersey; and on June 22, 1977, in the United States District Court, District of New Jersey.

GILES, Robert, 12243 Cheyenne, Detroit, Michigan, convicted on February 24, 1958, in the Recorders Court, Detroit, Michigan.

GLENN, Jack T., 337 Mulberry Road, Forestdale, Alabama, convicted on December 20, 1979, in the United States District Court, Northern District of Alabama.

GOLLYHORN, William R., Route 5, Box 5538, Hermiston, Oregon, convicted on June 18, 1978, in the Umatilla County Circuit Court of Oregon.

GOODFELLOW, William C., 1027 Princeton, Spokane, Washington, convicted on November 16, 1976, in the Superior Court of Spokane County, Washington.

GOODRICH, Donald E., 730 Johnson Drive, Kerrville, Texas, convicted on June 28, 1973, in the Federal District Court, Tucson, Arizona.

GOPLERUD, John B., 105 East First Street, Park Rapids, Minnesota, convicted on April 13, 1981, in the District Court of Hubbard County, Park Rapids, Minnesota.

GORDON, Thomas L., 20421 Cherrylawn, Detroit, Michigan, convicted on February 11, 1938, in the Detroit Records Court, Detroit, Michigan.

GOWIN, Paul W., 722 12th Street, Clarkston, Washington, convicted on August 7, 1964, in the Circuit Court, Lima County, Oregon; and on June 23, 1975, in the District Court of Clearwater County, Oregon.

GRANT, Homer J., 200 Story Street, Lincolnton, North Carolina, convicted on November 18, 1976; and on January 2, 1977, in the Superior Court of Lincoln County, North Carolina.

GREGORY, Rogers L., Mill Hill, Northfield, Vermont, convicted on June 16, 1980, in the United States District Court, District of Vermont.

GRIFFIN, Layne D., 5109 North 49th, Ruston, Washington, convicted on September 17, 1969, in the Superior Court of Pierce County, Washington.

GRIFFITH, Alan R., 5669 North Lewis Road, Coleman, Michigan, convicted on August 25, 1966, in the Circuit Court of Clare County, Harrison, Michigan.

GRIMES, Robert A., 12428 Woodhall Landing, Fenton, Michigan, convicted on July 18, 1978, in the United States District Court, Flint, Michigan.

GROSTEFFON, Paul A., 3058 East Gordonville Road, Midland, Michigan, convicted on April 30, 1971; and on April 8, 1972, in the Circuit Court of Midland, Michigan.

GRUNAS, Dominic V., 41525 Hanford, Canton, Michigan, convicted on December 2, 1971, in the Recorders Court, Detroit, Michigan.

GURNEY, Hicklen A. Jr., P.O. Box 405, Black Hawk, South Dakota, convicted on April 23, 1962, in the Owens County Criminal Court, Indiana.

HAAG, John R., 2351 North 11th Street, Springfield, Oregon, convicted on August 7, 1963, in the Criminal Court of Lane County, Oregon.

HACKER, Gilbert L., 1110 4th, Dodge City, Kansas, convicted on September 6, 1978, in the Judicial District Number 26, City of Seward, Liberal, Kansas.

HALE, Stephen L., P.O. Box 1421, Juneau, Alaska, convicted on October 21, 1974, in the Circuit Court of Walton County, Florida.

HAMBLET, Darrell A., Route 5, Box 504, Hillsboro, Oregon, convicted on June 8, 1961, in the Circuit Court of Multnomah County, Oregon; and on September 14, 1970, in the Circuit Court of Marion County, Oregon.

HAMILTON, Linwood F., 805 Wildwood Drive, Charleston, West Virginia, convicted on January 27, 1977, in the United States District Court, Charleston, West Virginia.

HAMLETT, Walter H., 457 Flinthill Road, Bessemer, Alabama, convicted on September 16, 1975, in the United States District Court, Northern District of Florida, Pensacola, Florida.

HANES, Donovan L., 7822 Plymouth LaPorte Trail, Plymouth, Indiana, convicted on May 7, 1962, in the Marshall County Circuit Court, Plymouth, Indiana.

HANLEY, Gordon G., 66 Parkwood Lane, Hilton, New York, convicted in 1974, in the Monroe County Court, Rochester, New York.

HANSEL, Ernest H., P.O. Box 325, Seligman, Arizona, convicted on November 12, 1959, in the Circuit Court of Pinellas County, Florida; and on September 9, 1968, in Circuit Court of Hillsborough County, Florida

HANSEN, Neil D., Rural Route 2, Box 316, Truman, Minnesota, convicted on May 3, 1974, in the Fifth Judicial District of Martin County, Minnesota.

HARRELL, Lee R., 519 Woolridge Road, Hopkinsville, Kentucky, convicted on July 18, 1975, in the Christian County Circuit Court, Hopkinsville, Kentucky.

HARRIS, Don A., Route 1, Box 410, Roaring Rivering, North Carolina, convicted on November 18, 1963, in the United States District Court, Wilkeaboro, North Carolina.

HARRIS, William T., 304 King Street, Bay City, Michigan, convicted on March 2, 1973, in the Circuit Court, for the City of Bay County, Bay City, Michigan.

HARTMANN, Willard H., 195 Edmund Avenue, Apartment 123, St. Paul, Minnesota, convicted on September 17, 1975; and on November 8, 1970, in the Second Judicial District, Ramsey County, Minnesota.

HARVEY, Charles D., 221 Harrison Avenue, Avalon, Pennsylvania, convicted on January 29, 1979, in the United States District Court, Western District of Pennsylvania.

HAYES, Jerry W., Route 1, Box 701, Bon Agun, Tennessee, convicted on April 20, 1973, in the 194th Judicial District Court of Dallas City, Dallas, Texas.

HAYNES, Clyde R., 7003 Toten Beach Loop Road, Marysville, Washington, convicted on May 24, 1957, in the Superior Court of Snohomish County, Washington; and on December 19, 1968, in the District Court of Cass County, Minnesota.

HEFFNER, Stanley P., 2129 South Xenophon Street, Lakewood, Colorado, convicted on October 9, 1964, in the Garfield County District Court, Garfield, Colorado.

HELLIGSO, Danny R., Route 1, Box 828, Astoria, Oregon convicted on January 26, 1976, in the Circuit Court of Clatsop County, Astoria, Oregon; and on March 4, 1974, in the United States District Court, Judicial District of Oregon.

HENSLEY, Shelby J., 1007 West Main Street, Mesa, Arizona, convicted on December 29, 1976, in the United States District Court, Northern District of California.

HEPBURN, Harvey W., East 2821 Brockdale Road, Shelton, Washington, convicted on March 31, 1976, in the Superior Court of Thurston County, Washington.

HEPKER, Clifford A., Sr., Route 1, Box 159, Kahoka, Missouri, convicted on May 10, 1960, in the Circuit Court of Texas County, Missouri.

HERREN, John H., 825 Second Avenue, Northeast, Fayette, Alabama, convicted on September 23, 1976, in the Northern District of Alabama.

HIETBERG, Merco F., 3414 Glen Arm Drive, West, Indianapolis, Indiana, convicted on November 24, 1976, in the Superior Court Number 1, Monroe County, Indiana.

HILL, Donald F., 4458 West St. Louis Street, Wichita, Kansas, convicted on September 28, 1973, in the United States District Court, Wichita, Kansas.

HILL, James F., 6236 Carpenter Street, Philadelphia, Pennsylvania, convicted in December 1971, in the Philadelphia Municipal Court, Pennsylvania.

HINES, Ernest, 2923 Edwards Street, Winston-Salem, North Carolina, convicted on September 25, 1970, in the Superior Court of Burlington County, New York.

HOGAN, Scott R., 7025 41st Street, Vero Beach, Florida, convicted on April 21, 1967, in the Circuit Court of Indian River County, Florida; and on July 6, 1967, in the Circuit Court of Brevard County, Florida.

HOLDEN, Lyle A., 1929 North Grandview Lane, Bismark, North Dakota, convicted on May 8, 1978, in the United States Federal District Court, Bismark, North Dakota.

HOLLEN, Edward A., Rural Delivery Number 2, Cochranton, Pennsylvania, convicted on May 6, 1963, in the Court of Quarter Sessions, Crawford County, Pennsylvania; and on January 23, 1967, in the Criminal Court of Cs City, North Dakota.

HOLLENBECK, Donald A., P.O. Box 163, Trail City, South Dakota, convicted on April 19, 1973, in the Circuit Court, Sixth Judicial District, Walworth City, South Dakota.

HOLMES, Betram A., Jr., 23 Brooksite Drive, Smithtown, New York, convicted on May 15, 1974, in the County Court of Suffolk County, New York.

HONEYCUTT, David W., Lanecrest Drive, Midland, North Carolina, convicted on April 1, 1977, in the Superior Court, County of Union, North Carolina.

HOOTEN, William C., 418 Morgan Avenue, South, Minneapolis, Minnesota, convicted on April 3, 1970; and on October 1, 1970, in the Hennepin County District Court, Hennepin, Minnesota.

HOOTS, Garry J., Route 3, Box 25, Yadkinville, North Carolina, convicted on July 5, 1977, in the United States District Court, Winston-Salem, North Carolina.

HOWELL, Michael R., Route 2, Box 302, Vinton, Virginia, convicted on April 3, 1973, in the Circuit Court of Bedford County, Bedford, Virginia.

HUNTER, Josephine S., P.O. Box 245, LaPush, Washington, convicted on March 9, 1959, in the United States District Court, Western District of Washington.

HUNTER, Willis M., 2546 West Page Street, Philadelphia, Pennsylvania, convicted on May 19, 1949, in the Court of Oyer and Terminer, General Jail Delivery, Court of Philadelphia; and on July 24, 1952, in the United States District Court, Philadelphia, Pennsylvania.

HUTTON, Mark H., 14028 Lower Edgemond Road, Waynesboro, Pennsylvania, convicted on December 1, 1978, in the 39th Judicial District Court of Common Pleas of Franklin County, Chambersburg, Pennsylvania.

ICKES, Rodger L., Rural Delivery 3, Box 136, Newville, convicted on September 12, 1974, in the Cumberland County Court of Pennsylvania.

INGRAM, Foster, Route 1, Box 414, Hamlet, North Carolina, convicted on March 8, 1976, in the United States District Court, Rockingham, North Carolina.

ISBELL, Boise S., P.O. Box 175, Red Bay Alabama, convicted on September 10, 1971, in the United States District Court, Northern District of Mississippi, Eastern Division, Aberdeen, Mississippi.

IVEY, Patrick W., 4828 Michael, Houston, Texas, convicted on June 9, 1977, in the 182nd District Court of Harris County, Texas.

JACOBSON, Gordon L., 179 Ball Park Drive, Kelso, Washington, convicted on December 6, 1974, in the Superior Court of Cowlitz County, Washington.

JACOBSON, Karl A., 6819 Pacific Avenue, Apartment 22, Tacoma, Washington, convicted on March 27, 1979, in the Superior Court of Pierce County, Washington.

JACOBSON, Richard O., Route 6, Box 188, Brainerd, Minnesota, convicted on December 19, 1980, in the United States District Court, District of Minnesota.

JAKUBEC, James D., 1932 Emerson Avenue, South, Apartment 5, Minneapolis, Minnesota, convicted on July 30, 1963, in the Hennepin County Court, Fourth Judicial District, Minneapolis, Minnesota.

JEFFRIES, David K., 2400 Southside Boulevard, Apartment 13, Beaufort, South Carolina, convicted on October 26, 1978, in the Jasper County, South Carolina Court of General Sessions, Ridgeland, South Carolina.

JEFFREY, Michael R., 508 1st Avenue, East, Williston, North Dakota, convicted on November 16, 1970, in the Fifth Judicial District Court, William's City, North Dakota.

JOHNSON, Calvin S., Route 1, Box 254, Union Grove, North Carolina, convicted on May 18, 1948, in the United States District Court, Wilkesboro, North Carolina; and on May 5, 1949, in the United States District Court, Shelby, North Carolina.

JOHNSON, Mark D., 2035 40th Avenue, Longview, Washington, convicted on July 18, 1977, in the Superior Court of Pierce County, Washington.

JOHNSON, Mark L., 1530 East St. Germain Street, Apartment 107, St. Cloud, Minnesota, convicted on February 3, 1976, in the Sixth Judicial District Court of Lake County, Minnesota.

JOHNSON, Oliver G., Route 3, Box 160–B, Hamptonville, North Carolina, convicted on March 21, 1975, in the Wilkes City Superior Court, Wilkesboro, North Carolina.

JOHNSON, William R., Box 150, Armory Road, North Wilkesboro, North Carolina, convicted on November 28, 1939; November 15, 1943; November 28, 1945; and on December 9, 1959, in the United States District Court, Wilkesboro, North Carolina.

JONES, Bradley H., Rural Route 1, Barrett, Minnesota, convicted on January 4, 1978, in the First Judicial District of Scott County, Shakopee, Minnesota.

JONES, Chester L. III., 665 Morning Road, Fayetteville, Georgia, convicted on January 11, 1980, in the Superior Court of Fayette County, Georgia.

JONES, Dan L., 3081 Boxdale, Memphis, Tennessee, convicted on December 9, 1977; and on May 19, 1978, in the United States District Court, Memphis, Tennessee.

JONES, Hoyt D., Route 4, Box 313–A, Farmville, Virginia, convicted on September 12, 1975, in the Circuit Court of Charlotte County, Virginia.

JONES, James R., 3014 Division Street, Vancouver, Washington, convicted on December 19, 1973, in the Superior Court of Clark County, Washington.

JONES, Joseph C., Route 1, Box 86, Bloomington, Wisconsin, convicted on August 8, 1975, in the Grant County Circuit Court, Wisconsin.

JONES, William F., 2704 Talbut Street, Philadelphia, Pennsylvania, convicted on

April 21, 1978, in the United States District Court, Eastern District of Pennsylvania.

JOSHLIN, Ernest F., 5928 Yarborough Road, Shreveport, Louisiana, convicted on May 4, 1973, in the United States District Court, Shreveport, Louisiana.

JURRAS, Cheryl L., 6 Bluebird Drive, Colchester, Vermont, convicted on November 3, 1969, in the Vermont District Court, Orange County Circuit, Chelsea, Vermont.

KAROTKO, David A., 2120 Woodlawn Avenue, Erie, Pennsylvania, convicted on May 24, 1974, in the United States District Court, Pittsburgh, Pennsylvania.

KATEZ, John W., 10313 Big Feather Trail, Jackonsville, Florida, convicted on July 8, 1971, in the Circuit Court, Alachua City, Florida.

KELLY, Malcolm C., 3831 Harvest Court, Portsmouth, Virginia, convicted on August 4, 1971, in the Circuit Court, Portmouth City, Portsmouth, Virginia.

KENNEDY, Robert A., Rural Delivery 8, Black Creek Road, Osewgo, New York, convicted in January 1979, in the United States District Court, Northern District, Syracuse, New York; and on December 11, 1978, in the United States District Court, Northern District of New York.

KERTSON, Robert D., 13202 Bitter Place, North, Seattle, Washington, convicted on March 12, 1976, in the Superior Court of Pima County, Arizona.

KIRKLAND, David A., 26 South 11th Street, Kansas City, Kansas, convicted on July 17, 1970, in the Johnson City Kansas District Court, Olathe, Kansas.

KITE, Lynne M., 2636 Cascade Place, West, Apartment F, Tacoma, Washington, convicted on October 23, 1967, in the United States District Court, Western District of Washington.

KJAR, David P., 4026 Ronney Drive, Corpus Christi, Texas, convicted on June 3, 1963, in the General Court Martial, Randolph Air Force Base, Texas.

KLIER, Thomas L., 1362 Southview Drive, Indianapolis, Indiana, convicted on April 10, 1975, in the Marion County Criminal Court, Indianapolis, Indiana.

KLING, Charles H., P.O. Box 105, Farmington, Illinois, convicted on March 21, 1950; and in September 1950, in the Knox County Illinois Circuit Court, Galesburg, Illinois.

KLINGENBERG, Robert J., 420 Lakewood Circle, Virginia Beach, Virginia, convicted on December 3, 1954, in the United States District Court, Newark, New Jersey.

KNAUS, Andrew H. Jr., 1009 Richard Street, Gretna, Louisiana, convicted on April 11, 1979, in the United States District Court, Eastern Judicial District, New Orleans, Louisiana.

KNOUSE, James, 1521 Beaver Road, Ambridge, Pennsylvania, convicted on August 24, 1977, in the Court of Common Pleas of Beaver County, Pennsylvania.

KOTSCHAU, Richard V., 110 Parkside Drive, Levittown, New York, convicted on February 27, 1969, in the United States District Court, Eastern District of New York.

KROHN, Charles L., 237 Columbia Avenue, Horsham, Pennsylvania, convicted on October 30, 1975, in the Municipal Court of Philadelphia, Pennsylvania.

KUNESH, Ronald, Rural Route 2, Onamia, Minnesota, convicted on October 27, 1978, in the Benton County Court, Foley, Minnesota.

LADELLA, Noble D., 4005 Grand Boulevard, East Chicago Indiana, convicted on December 15, 1972, in the United States District Court, Hammond, Indiana.

LAMELA, Felice, North Young Avenue, Marlboro, New York, convicted on July 26, 1973, in the United States District Court, Southern District of New York, New York.

LANG, John C., 123 South 5 Mile, Midland, Michigan, convicted on November 23, 1960, in the Circuit Court for Wayne County Michigan.

LANE, David Keith, 2202 Grand Avenue, Joplin, Missouri, convicted on May 20, 1974, in the Circuit Court of Newton County, Missouri.

LANE, Richard W., 109 Carlyle Circle, Palm Harbour, Florida, convicted on March 17, 1978, in the United States District Court, Tampa, Florida.

LAROCHE, Ted W., 1724 Queenswood, Drive, Apartment 11, Findlay, Ohio, convicted on September 9, 1971, in the Common Pleas Court of Wood County, Ohio.

LARUE, Warren W., Route 2, Raywick Kentucky, convicted on July 28, 1972, in the Warren County Circuit Court, Bowling Green, Kentucky.

LARSON, Michael D., 733 East 650 North, Bountiful, Utah, convicted on June 3, 1977, in the United States District Court, Central Division, Salt Lake City, Utah.

LAURSEN, David H., 4453 Sunset Way, Longview, Washington, convicted on September 3, 1974, in the Superior Court of Cowlitz County, Washington.

LAYE, James L., 2775 Lincoln Way West, Chambersburg, Pennsylvania, convicted on March 20, 1974, in the Franklin County Court, Chambersburg, Pennsylvania.

LAYMAN,Gary L., 2345 Harrod Street, Ashland, Kentucky, convicted on March 31, 1971, in the Madison County Circuit Court, Richmond, Kentucky.

LEE, Glen D., 2009 40th Street, Lubbock, Texas, convicted on August 22, 1977, in the 106th Judicial District Court of Gaines County, Texas.

LEFFEW, Larry D., Rural Route 6, Box 51, Danville, Indiana, convicted on July 14, 1974, in the Morgan County Superior Court, Martinsville, Indiana.

LIPKINS, Shelly Jr., 9753 North Martindale, Apartment C–5, Detroit, Michigan, convicted on June 27, 1967, in the Recorders Court, Detroit, Michigan.

LLOYD, John P., 8109 Attleboro Drive, Jonesboro, Georgia, convicted on August 16, 1974, in the Clayton County Court, of Georgia.

LOERKE, Darrell E., 405 Drury Lane, LeGrand, Iowa, convicted on December 19, 1956, in the Fourteenth Judicial District of Iowa, Humbolt County, Dakota City, Iowa.

LONG, Douglas M., 14916 North 13th Lane, Loxahatchee, Florida, convicted on September 10, 1971, in the Criminal Court, Dale County, Florida.

LONG, John W., 17224 191st Street, Northeast, Woodinville, Washington, convicted on May 11, 1976, in the Superior Court, County of Spokane, Washington; and on November 3, 1980, in the Superior Court. County of Benton, Richland, Washington.

LORIDANS, Heri, 1930 Wildwood Drive. Haughton, Louisiana, convicted in December 1970, in the United States District Court, New Orleans, Louisiana.

LOWDER, Donald H., 488 East 6th Street, Wendell, Idaho, convicted on May 26, 1972; July 16, 1973; and on May 7, 1977, in the District Court, Fifth Judicial District of Idaho.

LOWDERMILK, Richard F., Route 1, Box 188, Capron, Virginia, convicted on April 14, 1978, in the United States District Court, Eastern District of Virginia.

LOWERS, Dorsey D., P.O. Box 793, Middleburg, Virginia, convicted on October 24, 1972, in the United States District Court, Northern Judicial District of Ohio, Eastern Division; and on January 22, 1974, in the Court of Common Pleas of Summit County, Ohio.

LYNDE, Curtis J., Rural Route 1, Box 149, Glyndon, Minnesota, convicted on June 18, 1980, in the Clay County Circuit Court, Minnesota.

LYNN, Larry W., Route 2, Box 15–C, Lindale, Texas, convicted on November 17, 1972, in the 196th Judicial District of Texas, Dallas, Texas.

MAKI, Larry R., P.O. Box 253, Coleraine, Minnesota, convicted on October 24, 1977, in the Ninth Judicial District Court of Itasca County, Minnesota.

MAHAFFEY, Stephen E., 380 Glendale Drive, Apartment 1, Winston-Salem, North Carolina, convicted on August 4, 1980, in the Superior Court, Winston-Salem, North Carolina.

MALITZ, David M.; Route 3, Box 471, Pulcifer, Wisconsin, convicted on September 15, 1976, in the Milwaukee County Circuit Court, Wisconsin.

MANDESE, Joseph M., 2826 Samara Drive, Tampa, Florida, convicted on July 26, 1974, in the United States District Court, Middle District Court of Tampa, Florida.

MANGONE, Sharon A., 7138 Leader, Houston, Texas, convicted on November 4, 1976, in the Criminal District Court, Number 208, Harrris Co.

MARTIN, Edward E., 228 South Roanoke Avenue, Youngstown, Ohio, convicted on January 4, 1980, in the United States District Court, Northern District of Ohio, Eastern Division.

MARTIN, James, E., 1209 South Pruett, Baytown, Texas, convicted on December 18, 1978, in the 189th District Court, of Harris County, Houston, Texas.

MARTIN, Michael E., Route 1, Box 221, Norway , Maine, convicted on August 28, 1972, in the Cumberland County Superior Court of Maine.

MARX, Henry, 6130 Lavendale, Dallas, Texas, convicted on January 18, 1961, in the District Court of Northern, Texas.

MCCARTY, Joseph T., 1806 South 12th Street, Sheboygan, Wisconsin, convicted on May 5, 1975, in Sheboygan County, Branch II, Sheboygan, Wisconsin.

MCCLURE, George W. Jr., 1206 High Street, Bremerton, Washington, convicted on April

17, 1980, in the Superior Court of Kitsap County, Washington.

MCCORMICK, Steven A. Sr., Route 3, Box 328–D, Mullins, South Carolina, convicted on September 12, 1979, in the Court of General Sessions of Marion County, South Carolina.

MCCULLOUGH, James M., 3242 Northwest 65th Avenue, Seattle, Washington, convicted on April 1, 1974, in the United States District Court, Southern District of California.

MCEACHERN, Robert N., Route 3, Box 3029, Grandview, Washington, convicted on February 25, 1969, in the Superior Court of Yakima County, Washington.

MCFARLAND, Robert W., P.O. Box 30, Malanga, Washington, convicted on November 11, 1977, in the Superior Court of Chelan County, Washigton.

MCKAY, Calvin C., 14856 Stout Street, Detroit, Michigan, Convicted on May 6, 1947, in the Circuit Court of St. Clair County, Michigan.

MCKEAN, John G., 4134½ Eagle Rock Boulevard, Los Angeles, California, convicted April 26, 1967, in the Superior Court, San Francisco.

MCNEAL, Wayne F., 2487 Navajo Trail Southwest, Atlanta, Georgia, convicted on January 14, 1970, in the Superior Court of Fulton County, Georgia.

MEYER, William W., 426 South Fifth, Douglas, Wyoming, convicted on September 20, 1965, in the Seventh Judicial District Court of Converse City, Wyoming.

MEYERS, Grant O., 909 Jenny Street, Garden City, Kansas, convicted on July 16, 1979, in the District Court, Kearney City, Kansas.

MILAM, Wallace P., 2192 Hickory Crest, Memphis, Tennessee, convicted on July 31, 1975, in the District Court, Oxford, Mississippi.

MILLER, Charles D., 723 Allens Creek Road, Waynesville, North Carolina, convicted on May 19, 1962, United States District Court, Ashville, North Carolina.

MILLET, Lester J. Jr., Post Office Box 246, La Place, Louisiana, convicted on September 23, 1976, in the United States District Court, Eastern District of Louisiana.

MILLS, Jim M., Route 1, Beech Bluff, Tennessee, convicted on September 27, 1960, in the United States District Court, Jackson, Tennessee.

MILLSAP, Mark R., North 2208 Locust, Spokane, Washington, convicted on March 21, 1977, in the District Court, First Judicial District of Bonner County, Idaho.

MILWEE, Donald C., 1670 Neptune Road, Kissimmee, Florida, convicted on May 18, 1973, in the Orange County Circuit Court, Orlando, Florida.

MINTCH, William L., Donque Street, Saint Regis Falls, New York, convicted on October 25, 1978, in the Franklin County Supreme Court, Malone, New York.

MINTER, Charles J., Route 1, Box 238, Dallas, Texas, convicted on July 24, 1979, in the Fifth Criminal District Court, Dallas, Texas.

MONTGOMERY, Joseph L. Jr., Route 6, Box 322, Northport, Alabama, convicted on October 15, 1963; and on May 3, 1965, in the Tuscaloosa County Circuit Court, Tuscaloosa, Alabama.

MOODY, Samuel A., P.O. Box 909, 1020 Caples, Woodland, Washington, convicted on May 9, 1958, in the Superior Court of Cowlitz County, Washington.

MOORE, Richard, 106–10 32nd Avenue, East Elmhurst, New York, convicted on December 6, 1966, in the Court of Common Pleas, Cleveland, Ohio.

MORAN, Jonathan K., 224 Pelise Avenue, Orange, Virginia, convicted on December 9, 1969, in the Corporation Court, Alexandria, Virginia.

MORGAN, James O., P.O. Box 158, Cross Anchor, South Carolina, convicted in 1956, in the Laurens County Court of General Sessions of South Carolina.

MORRIS, John R., P.O. Box 31, Marksville, Louisiana, convicted on November 9, 1973, in the 19th Judicial District Court, Parish of Eastern Baton Rouge, Louisiana.

MORROW, James C., Route 1, Box 85, Lineville, Alabama, convicted on September 14, 1979, in the United States District Court, Montgomery, Alabama.

MULLINS, Donald R., 777 Southwest Sixth Terrace, Florida, convicted on May 16, 1960, in the Criminal Court of Dade County, Florida.

MUSTARI, Louis F., 634 West 32nd Street, Chicago, Illinois, convicted on October 20, 1977, in the Chicago Court Number 48, Chicago, Illinois.

MUSTACCHIO, James L., 120 Ingram Avenue, Southwest, Canton, Ohio, convicted on June 11, 1963, in the Common Pleas Court of Ohio.

MYERS, David C., 2902 South 13th Road, Arlington, Virginia, convicted on September 15, 1976, in the Court of Common Pleas, Jefferson County, Pennsylvania.

NAJARIAN, Jacob H., 14948 Keppen, Allen Park, Michigan, convicted on October 23, 1975, in the United States District Court, Eastern District of Detroit, Michigan.

NANNENGA, Charles E., 143 16th Northwest, Mason City, Iowa, convicted on June 20, 1972, in the Gerro Gordo County Court of Mason City, Iowa.

NAVARRO, Paul F., 23155 North Rosedale Court, St. Clair Shores, Michigan, convicted on May 23, 1979, in the United States District Court of Eastern, Michigan.

NELSON, Clarence R. Jr., Rural Route 3, Boone, Iowa, convicted in May 1979, in the United States District Court, Des Moines, Iowa.

NEWMAN, Barbara Ann, Route 1, Box 44, Kellogg, Minnesota, convicted on June 9, 1980, in the Third Judicial District Court, Wabasha, Minnesota.

NEWMAN, Kevin S., Route 3, Box 118, Dobson, North Carolina, convicted on January 7, 1980, in the Superior Court, Dobson, North Carolina.

NEWTON, Billy J., 109 Nakoma Drive, Birmingham, Alabama, convicted on October 20, 1971, in the Tenth Judicial Circuit of Alabama, Jefferson City, Birmingham, Alabama; and on April 2, 1965, in the 36th Judicial District of Alabama, Lawrence County, Moulton, Alabama.

NILES, Harry E., 25 St. Andrews Circle, Broken Arrow, Oklahoma, convicted on March 7, 1977, in the United States District Court, Dallas, Texas.

NOBLES, James F., 1061 Reon Drive, Virginia Beach, Virginia, convicted on March 7, 1957, in the Corporation Court, Part 2, Norfolk, Virginia.

NORRIS, William E., 610 West Riverview Drive, Sparks, Nevada, convicted on May 17, 1950, in the Superior Court of Tulore County, California.

NOTT, George A., 3325 Sterling Road, Omer, Michigan, convicted on April 7, 1977, in the Circuit Court of Arenac County, Standish, Michigan.

O'BRIEN, Daniel H., 422 Northgate Apartments, North Avenue, Burlington, Vermont, convicted on March 2, 1977, in the Vermont District Court, Burlington, Vermont.

O'CONNER, Daniel F., 79 Great Neck Road, Wareham, Massachusetts, convicted on May 22, 1959, in the Fourth District Court, Plymouth County, Massachusetts.

ODOM, William T., 5659 Fairmont Road, Montgomery, Alabama, convicted on December 5, 1977; and on March 8, 1973, in the United States District Court, Eastern District of Spokane, Washington.

OLIVER, Deborah D., 541 New Castle Street, Apartment 3, Butler, Pennsylvania, convicted on March 29, 1977; and on April 3, 1979, in the Allegheny County Court, Pittsburgh, Pennsylvania.

OLLERTON, Gerald L., 95 North 1360 East, Springville, Utah, convicted on June 20, 1980, in the District Court, Fourth Judicial District of Utah.

OLSEN, Michael N., 1730 Sheridan, Port Townsend, Washington, convicted on April 30, 1976, in the Superior Court of Jefferson County, Washington.

OLSON, Leonard A., 5040 Shady Island Circle, Morind, Minnesota, convicted on May 6, 1977, in the United States District Court, Fourth Division, Minneapolis, Minnesota.

ORTTEL, Steven D., 24042 Dogwood Street, Northwest, Bethel, Minnesota, convicted on May 12, 1975, in the Anoka County District Court of Minnesota.

OWENS, Dean C., P.O. Box 163, Heber, Arizona, convicted on October 18, 1976, in the United States District Court, Phoenix, Arizona.

PADILLA, Gilbert M., Space 26, El Maquey Mobile Home Park, P.O. Box 159, Miami, Arizona, convicted on September 10, 1965, in the Superior Court of Gila County, Globe, Arizona.

PAGE, Gregory S., 2510 Mosswood Way, Bowling Green, Kentucky, convicted on April 24, 1975, in the Warren County Circuit Court, Bowling Green, Kentucky.

PARKER, Dewey J., 314 Noel Avenue, Frankfort, Kentucky, convicted on June 10, 1970; April 17, 1971; and on March 9, 1979, in the Grayson County Circuit Court, Leitchfield, Kentucky.

PARRIS, Daniel J., 1235 Pond Street, Cary, North Carolina, convicted on December 13, 1976, in the Superior Court of Wake County, North Carolina.

PARTEN, Richard A., 3199 Ilene Lane, Levittown, New York, convicted on October 1, 1971, in the Supreme Court of Queen County, New York.

PATTERSON, Henry, 1161 Windrim Avenue, Philadelphia, Pennsylvania, convicted in

December 1938, in West Palm Beach Florida.

PAYTON, Robert E., 209 South Pine, Norfolk, Nebraska, convicted on July 13, 1979, in the District Court of Madison County, Nebraska.

PEDANO, Frank J. Jr., 1945 Fitzgerald Street, Philadelphia, Pennsylvania, convicted on October 14, 1971, in the United States District Court, Southern Division of New Jersey.

PELZEL, Steven M., Route 2, P.O. Box 205, Sleepy Eye, Minnesota, convicted on September 8, 1980, in the Brown County District Court, New Ulm, Minnesota.

PENNINGTON, Leonard F., Route 5, Box 218, Lexington, Virginia, convicted on November 29, 1978, in the United States District Court, Roanoke, Virginia.

PERKINS, Calvin M., 10–B Roy Drive, Monroe, Louisiana, convicted on February 15, 1974, in the United States District Court, Shreveport, Louisiana.

PERRY, Wiley J., Route 5, Box 825, Natchitoches, Louisiana, convicted on April 11, 1956, in the District Court, Neosho County, Kansas.

PFAU, William H. Jr., 52 Old Farm Road, Levittown, New York, convicted on October 6, 1944, in the Somerset County Superior Court of New York.

PHIELSCHIEFTER, Teresa D., 6117 Gulf Freeway, Apartment 374, Houston, Texas, convicted on October 17, 1978, in the 228th District Court of Harris County, Texas.

PHIPPS, Burrow S., 926 Polk Street, Vicksburg, Mississippi, convicted on July 21, 1975, in the Court of DuVal County, Florida; and on July 21, 1975, in the Circuit Court of Clay County, Florida.

PIERCE, Karen Q., P.O. Box 204, Coin Jock, North Carolina, convicted on June 11, 1980, in the Superior Court of Currituck County, North Carolina.

PIERCE, Mack M., P.O. Box 204, Coin Jock, North Carolina, convicted on June 18, 1980, in the Superior Court of Currituck County, North Carolina.

PIERSON, Paul W. Jr., 1410 East Fourth Street, Lima, Ohio, convicted on April 20, 1959, in the Court of Common Pleas of Auglaize County, Ohio.

PILOT, Roger Ray., 5376 Stiffler Road, Flint, Michigan, convicted on May 7, 1968, in the Genesee Circuit Court, Flint, Michigan; and on July 26, 1972, in the Shiawassee Circuit Court, Corunna, Michigan.

PINTLER, Richard A., 5694 North Street, Highway 20, Oak Harbor, Washington, convicted on August 10, 1978, in the Superior Court of Island County, Washington.

PITZELE, Robert J., P.O. Box 139, Badger, California, convicted on August 5, 1969, in the Superior Court, County of Los Angeles, California.

PONDER, Robert L., 2903 Diana Drive, Southwest, Atlanta, Georgia, convicted on June 9, 1960, in the Superior Court of DeKalb County, Georgia.

POOLE, Marvin R., 5314 Cemetery Road, Grovetown, Georgia, convicted on January 14, 1970, in the Richmond County Superior Court, Augusta, Georgia.

PORTER, Edward J., 2418 Morgan, Irving, Texas, convicted on February 22, 1972, in the 147th Judicial District Court of Travis County, Texas.

POSPISIL, Richard W., 7260 Southwest Philomaton Boulevard, Corvallis, Oregon, convicted on June 28, 1974, in the General Court Martial, Fort Campbell, Kentucky.

PREDIEU, Roy A., 1501 Pierce Street, Lynchburg, Virginia, convicted on September 9, 1976, in the Lynchburg Circuit Court, Lynchburg, Virginia.

PRESLEY, Charles R., 9216 Forts Lake Road, Pascagoula, Mississippi, convicted on November 10, 1971, in the United States District Court, Southern District of Mississippi, Biloxi, Mississippi.

PRESTON, Paul H., 625 Union Street, Chatfield, Minnesota, convicted on May 17, 1979, in the Olmsted County District Court, Rochester, Minnesota.

QUINN, Roy M., Route 3, Box 294, Ferrum, Virginia, convicted on March 20, 1946, in the Circuit Court of Halifax County, Halifax, Virginia.

RAMIREZ, Joe, 187 East Solano Street, Corning, California, convicted on October 3, 1974, in the United States District Court, Eastern Judicial District of California.

RAMSEY, Wayne E., Route 1, Box 11, Nathalie, Virginia, convicted on January 16, 1964, in the Circuit Court of Campbell County, Virginia; and on January 28, 1964, in the Circuit Court of Halifax County, Virginia.

RANCOUR, Steven L., 3614 Thomas Avenue, North, Minneapolis, Minnesota, convicted on November 9, 1973, in the Hennepin County Court, Minneapolis, Minnesota.

REDFORD, Gary L., 271 Beech Street, Longview, Washington, convicted on December 17, 1970, in the Superior Court of Cowlitz County, Washington.

REEVES, Jerry, Rural Route 2, Box 8–B, Wheatfield, Indiana, convicted on December 21, 1955; and on March 29, 1957, in the Lake County Criminal Court, Crown Point, Indiana.

RICHARDSON, John A., 11345 Bache or Valley Road, Witter Springs, California, convicted on May 16, 1977, in the District Court of San Diego, California.

RICHESIN, Jerry G., 3400 Meadow Oak, Fort worth, Texas, convicted on April 21, 1954, in the Tarrant County Criminal District Court of Tarrant County, Texas.

RICKERSON, Robert L., Rural Route 3, Box 207–C, Augusta, Kansas, convicted on December 23, 1976, in the District Court of Lynn County, Kansas.

RISE, David W., 913 South Spruce, Casper, Wyoming, convicted in February 1980, in the Military Court, Fort Gordon, Georgia.

ROBBINS, Zebulin V., 809 West Main, Space 405, Battle Ground, Washington, Convicted on June 22, 1973, in the Circuit Court of Washington County, Oregon.

ROBEL, David W., 7708 205th Place, Southwest, Edmonds, Washington, convicted on September 29, 1977, in the Superior Court of King County, Washington.

ROBERTSON, Robert W., 26730 31st Avenue, Northeast, Arlington, Washington, convicted on July 12, 1976, in the Superior Court of Snohomish County, Washington.

ROBINSON, Curtis E., 1102 Bridge Street, Charlevoix, Michigan, convicted on October 21, 1977, in the Circuit Court, Grand Traverse County, Michigan.

RODGERS, Harry W., III., Gooseneck Road, Royal Oak, Maryland, convicted on August 23, 1977, in the United States Federal Court, Baltimore, Maryland.

RODGERS, William A., 9120 West Lake Avenue, Baltimore, Maryland, convicted on August 23, 1977, in the United States District Court, Baltimore, Maryland.

ROETHE, Leo W., 1216 Sherman Avenue, Fort Atkinson, Wisconsin, convicted on April 4, 1977, in the United States District Court, Eastern District of Wisconsin.

ROMPOLA, Mitchell R., 3109 Townline Road, Traverse City, Michigan, convicted on April 18, 1980, in the United States District Court, Grand Rapids, Michigan.

ROOP, Ronald B., Sr., 8650 Acorn, Alto, Michigan, convicted in December 1958, in the Dona Ana District Court, Las Cruces, New Mexico; and in July 1961, in the Kent County Superior Court, Grand Rapids, Michigan.

ROSENBURG, Julius, 9230 Darlington Road, Philadelphia, Pennsylvania, convicted in December 1944, in Philadelphia, Pennsylvania.

ROSKE, Edward E., 8821 Southeast Lambert, Portland, Oregon, convicted on March 2, 1953, in the Circuit Court of Lima County, Oregon.

ROSPLOCH, Charles A., Jr., Route 63, Hinsdale, New Hampshire, convicted in July 1979, in the Federal District Court, Concord, New Hampshire.

RUMERY, Richard D., 347 North Platte Street, Omaha, Nebraska, convicted on January 17, 1978, in the District Court of Dawson County, Nebraska.

RUSSELL, Mark W., Rural Route 2, P.O. Box 226, Dawson Springs, Kentucky, convicted on March 18, 1975, in the Hopkins County Circuit Court, Madisonville, Kentucky.

SARFF, Lawrence R., 5344 37th Avenue, South, Minneapolis, Minnesota, convicted on June 23, 1959, in the Hennepin County Court, Minneapolis, Minnesota.

SARISKY, Albert J., 390 West 14th Street, Apartment 10, Idaho Falls, Idaho, convicted on May 23, 1977, in the United States District Court, Boise, Idaho.

SAUNDERS, Robert M. Jr., 6705 River Road, Richmond, Virginia, convicted on May 7, 1979, in the United States District Court, District of West Virginia, Charleston, West Virginia.

SAUNDERS, Stephen R., 211 Shadywood Drive, Newport News, Virginia, convicted on October 10, 1975, in the United States District Court, Alexandria, Virginia.

SAVAGE, Thomas M., RFD 1, Box 314, Piney Island, Chincoteaque, Virginia, convicted on August 8, 1977, in Accomack County Court, Virginia.

SCHEILE, Mark G., 5316 61st Street, Sacramento, California, convicted on June 14, 1978, in the District Court, Fourth Judicial District of Montana.

SCHNEIDER, John R., 60 Salem Road, Schwenksville, Pennsylvania, convicted on October 10, 1979, in the Montgomery County Court, Norristown, Pennsylvania.

SCHOEN, John L., 2341 Whitehall Road, State College, Pennsylvania, convicted on June 5, 1951, in the Court of Quarter Sessions of Delware County, Pennsylvania.

SCOTT, Jerry P., 6952 McKinley, Tacoma, Washington, convicted on June 12, 1963, in the Superior Court of Pierce County, Washington.

SCOTT, Richard L., 520 30th Street, Newport News, Virginia, convicted on May 5, 1980, in the United States District Court, Hampton, Virginia.

SEITZ, Vernon E., Post Office Box 40, Coldspring, Texas, convicted on November 30, 1962, in the Criminal District Court of Harris County, Texas.

SELLARS, David E., 18655 Southeast Yamhill Circle, Portland, Oregon, convicted on November 6, 1964, in the Circuit Court of Multnomah County, Oregon.

SHEETS, Redford L., Route 2, Wilbar, North Carolina, convicted on November 20, 1962; and on March 25, 1944, in the United States District Court, Wilkesboro, North Carolina.

SICKINGER, William E., 800 Lark Circle, Mechanicsville, Virginia, convicted on January 24, 1954, in the Circuit Court, Richmond, Virginia.

SIMPSON, Eldon, 110 South 200 East, Lehi, Utah, convicted on June 6, 1980, in the Fourth Judicial District Court of Utah County, Utah.

SIMPSON, Robert E., Route 14, Box 163, Plum Spring Road, Bowling Green, Kentucky, convicted on March 14, 1972, in the Warren County Circuit Court, Bowling Green, Kentucky.

SIMS, Kenneth D., 402 West Avenue, Apartment L, Lovington, New Mexico, convicted on May 16, 1978, in the 23rd Judicial District Court of Brazoria County, Texas.

SIRES, Eva P., Route 1, Box 88, Powers Road, Rosalia, Washington, convicted on December 21, 1976, in the Superior Court, Spokane, Washington.

SIZEMORE, Harry L., Route 3, Box 212, Attalla, Alabama, convicted on October 21, 1977, in the United States District Court, Northern District of Alabama, Birmingham, Alabama.

SKELTON, Lewis L., 5809 Northeast 6th Avenue, Vancouver, Washington, convicted on June 10, 1977, in the Superior Court of Clark County, Washington.

SKINNER, Vincent J., 126 East Liberty, Rapid City, South Dakota, convicted on December 31, 1970, in the Fourth District Court, Hennipen County, Minnesota.

SLARK, Richard M., 2502 La Vista Road, Decatur, Georgia, convicted on October 22, 1976, in the United States District Court, Atlanta, Georgia.

SMITH, Byron P., P.O. Box 35, Corsica, Pennsylvania, convicted on July 1, 1976, in the United States District Court, Western Judicial District, Pittsburgh, Pennsylvania.

SMITH, Jay W., 2814 South 13th, Council Bluff, Idaho, convicted on April 16, 1972, in the District Court of Roscommon City, Michigan.

SMITH, Jim D., P.O. Box 1243, Lewisville, Texas, convicted on March 28, 1968, in the Criminal District Court Number 2, Dallas, Texas.

SMITH, Ollie L., 5921 Murray Avenue, Hananhan, South Carolina, convicted on September 20, 1978, in the United States District Court, Charleston, South Carolina.

SNOOK, Thomas E., 3401 Reynolds Road, Richmond, Virginia, convicted on September 30, 1976, in the Circuit Court, Hanover County, Hanover, Virginia.

SNYDER, Kevin L., Mohawk Mobile Manor Trailer Park, Lot 16, Tyler Road, Chittenango, New York, convicted on October 3, 1978, in the County Court, Madison County, Wampsville, New York.

SOLON, Matthew I., 4 Happy Hollow Boulevard, Council Bluff, Iowa, convicted on June 8, 1970, in the District Court, Harrison County, Iowa.

SPEARING, Ronald R., Route 4, Middlebrook Apartments Number 1, Buhl, Idaho, convicted on January 11, 1974, in the District Court, Fifth District of Idaho.

SPICER, Jonathan P., 648 Main Street, Rockland, Maine, convicted on May 2, 1975, in the Superior Court of Aroostook County, Maine.

SPILKA, Louis R., 8078 Goringwood Lane, Germantown, Tennessee, convicted on September 4, 1980, the United States District Court, Eastern District of Arkansas, Western Division.

SPIRO, Scott K. 645½ Highland Avenue, Bremerton, Washington, convicted on February 5, 1973, in the 105th Judicial District Court of Nueces County, Texas.

SPONSELLER, Gerald W., 3905 Oakwood, Apartment 1, Melvindale, Michigan, convicted on June 21, 1976, in the Wayne County Circuit Court, Southgate, Michigan.

SPRIGGS, William H., 511 South Main Street, Chambersburg, Pennsylvania, convicted on January 31, 1973, in the Franklin County Common Pleas Court, Pennsylvania.

STALLINGS, Jesse M., P.O. Box 201, Halls Bridge Road, Jackson, Georgia, convicted on April 14, 1978, in the United States District Court, Middle District of Georgia.

STANBERRY, Albert H., Rural Route 4, Box 345, Charleston, Illinois, convicted on August 15, 1969; in the Circuit Court of Cumberland County, Fifth Judicial Circuit, Toledo, Illinois.

STANFIELD, Jack Dencil E., 1222 Thrasher Pike, Hixson, Tennessee, convicted on November 17, 1969, in the United States District Court, Nashville, Tennessee.

STAFFORD, Edward A., Rural Delivery 1, Box 538, Hopwood, Pennsylvania, convicted on September 1, 1964, in the Fayette County Court, Uniontown, Pennsylvania.

STEFANIA, Gabriel J., 80–42 263rd Street, Floral Park, New York, convicted on December 6, 1974, in the United States District Court, Southern District of New York.

STEPHENS, William C. Jr., 4917 Thunderbird Drive, Apartment 18, Boulder, Colorado, convicted on January 25, 1978, in the Fairfax County Court, Virginia.

STEVENS, Harold, Flinton, Pennsylvania, convicted on November 16, 1978, in the United States District Court, Western District of Pennsylvania.

STRANG, Mark R., 27252 Southeast 54th Place, Issaquah, Washington, convicted on January 1, 1979, in the Superior Court, Jacksonville, North Carolina.

STRINGFIELD, Lilburn O., Route 2, Box 146, Frisco, Texas, convicted on October 16, 1978, in the 219th Judicial District Court, McKinney, Texas.

SUNDEEN, Gary C., 619 Neill Street, Buxton, North Dakota convicted on May 19, 1980, in the Trail County District Court, East Central District of North Dakota.

SUTTON, Douglas S., 33 Highland Court, Paris, Illinois, convicted on March 12, 1976, in the Circuit Court of the Fifth Judicial Circuit of Edgar County, Paris, Illinois.

SERBER, Gary L., Rural Route 1, Box 192, Austin, Indiana convicted on November 14, 1979, in the United States District Court, Southern Judicial District of Indiana, New Abany Division.

SWANSON, Jon L., Route 4, Box 4400–A, Rainier, Oregon, convicted on October 29, 1974, in the Superior Court of Cowlitz County, Washington.

TARTER, Thomas H., Route 1, Box 231–B, Dunnville, Kentucky, convicted on May 14, 1979, in the United States District Court, Western District Court, Western District, Bowling Green, Kentucky.

TAYLOR, Christopher C., Rural Delivery 2, Box 323–V, Bellefonte, Pennsylvania, convicted on March 26, 1973, in the Court of Common Pleas of Centre County, Pennsylvania.

TEW, Jasper H., Route 1, Box 270, Slocomb, Alabama, convicted on January 16, 1980, in the United States District Court of Alabama, Montgomery, Alabama.

THOMAS, Burgett W., Route 1, Box 39, Friendsville, Maryland, convicted on September 18, 1978, in the United States District Court, Northern District of West Virginia.

THOMAS, Harley D., Route 2, Box 2000, Lake Park, Minnesota, convicted on May 24, 1954, in the County of Hillsborough, Tampa, Florida.

THOMAS, Joan R., 257 Rochester Road, Mobile, Alabama, convicted on March 12, 1976, in the United States District Court, Southern Judicial District of Alabama.

THOMAS, R. Thornley, III, 1409 Hemlock, Cayce, South Carolina, convicted on June 27, 1974, in the Richland County Court, Columbia, South Carolina

THOMPSON, Arthur L., 218 North Washington, Jewell, Kansas, convicted on December 23, 1970, in the District Court, Mitchell County, Beloit, Kansas.

THOMPSON, Fernald D., 41 Edwards Street, Lincoln, Maine, convicted on October 25, 1973, in the Penobscot County Superior Court, Bangor, Maine.

TIDBALL, Keith M., 185 Nicholson Drive, Kalispell, Montana, convicted on April 12, 1963, in the United States District Court, District of South Dakota.

TOBAR, John O. Jr., 111 Alabama Avenue, Selma, Alabama, convicted on September 2, 1972, in the Dallas County Circuit Court, Dallas County, Alabama.

TRAMMELL, Alan D., Route 3, Box 235, Elkton, Virginia, convicted on July 17, 1980, in the Circuit Court, Rockingham County, Virginia.

TROTMAN, Jessee M., 28 North Wheeler Avenue, Baltimore, Maryland, convicted on March 14, 1950; and on February 25, 1976, in the Criminal Court, Fayette and Gay, Baltimore City Criminal Court, Baltimore, Maryland.

TURNER, William A., 417 South Withlacoochee Avenue, Marion, South Carolina, convicted on October 21, 1957, in the Court of General Sessions of Marion County, South Carolina.

TYREE, Henry R., Route 2, Rocky Mount, Virginia, convicted on October 11, 1965, in the Circuit Court of Franklin County, Virginia.

UNDERKOFFLER, Edward, 220 South 6th Street, Lebanon, Pennsylvania, convicted on July 16, 1971, in the Lebanon County Court of Common Pleas, Lebanon, Pennsylvania.

VALZDEZ, Arthur R., 248 Snyder, Cheyenne, Wyoming, convicted on July 18, 1969, in the District Court of Laramie County, Wyoming.

VALENTINE, Gary L., Route 1, Box 222, Minden, Louisiana, convicted on May 18, 1978, in the United States District Court, Western Judicial District of Louisiana.

T3VAN CLEAVE, Larry E., 1308 Meadow Creek Drive, Pewaukee, Wisconsin, convicted on June 27, 1975, in the Douglas County Court, Superior, Wisconsin.

VANDERPOOL, Selwyn, Route 5, Box 515, Renick, West Virginia, convicted in January 1974, in the United States District Court, Huntington, West Virginia.

VANDERPOOL, Selwyn, Route 5, Box 515 Renick, West Virginia, convicted in January 1974, in the United States District Court, Huntington, West Virginia.

Circuit Court of Leon County, Florida.

VAZ, Ronald M., 74 Hollis Street, Woonsocket, Rhode Island, convicted on October 20, 1975, in the United States District Court, District of Rhode Island.

WAHUS, Gordon E., P.O. Box 1311, Huron, South Dakota, convicted on April 2, 1980, in the United States District Court of South Dakota.

WALKENHORST, Dennis L., 1704–B Georgia Avenue, Albany, Georgia, convicted on March 2, 1966, in the Circuit Court of LaFayette, Missouri.

WALKER, Danny L., 2240 Northwest 42nd Street, Apartment 43, Oklahoma City, Oklahoma, convicted on February 4, 1976, in the Pontotoc County District Court, Ada, Oklahoma.

WALLACE, Woodrow W. Jr., 375 Arnold Road, Apartment A–106, Mobile, Alabama, convicted on August 18, 1975, in the United States District Court, Southern District of Alabama.

WARD, Jack, 2512 97th Street, East, Palmetto, Florida, convicted on May 25, 1965, in the Lexington County Court, Lexington, South Carolina

WARD, James L., Route 1, Box 352, Roaring River, North Carolina, convicted on May 18, 1949; May 22, 1956; and on May 18, 1964, in the United States District Court, Wilkesboro, North Carolina.

WARD, Michael A., 5924 32nd Avenue, Southwest, Seattle, Washington, convicted on September 21, 1976, in the King County Superior Court of Washington.

WARD, Terry A., 418 Central Park, West, New York, New York, convicted on June 11, 1971, in the New York Supreme Court, New York.

WARREN, Glen Darrell E., 3907 Georgie Way, Crestwood, Kentucky, convicted on November 8, 1973, in the Henry Circuit Court of Henry County, Kentucky.

WALTERS, David W., P.O. Box 512, Malone, Florida, convicted on February 13, 1978, in the Circuit Court of Jackson County, Marianna, Florida.

WATSON, Dwayne D., 403 East 10th Street, Shamrock, Texas, convicted on May 4, 1971, in the 31st Judicial District Court of Wheeler County, Texas.

WATSON, Patrick A., 3802 Caravelle Parkway, Apartment 558, Corpus Christi, Texas, convicted on September 7, 1978, in the 230th District Court of Harris County, Texas.

WATTS, Kenneth L., 1262 Park Avenue, Tarrant, Alabama, convicted on May 4, 1974, in the Tenth Circuit Court, Birmingham, Alabama.

WEBER, Terry L., 2135–A East Phinney Bay, Bremerton, Washington, convicted on October 25, 1973, in the General Court martial, Srabic Bay Naval Air Station, Philippini Islands; and on October 18, 1974, in the District Court of Logan County, Colorado.

WEBSTER, Paul R., 1129 Morgan Road, Bremerton, Washington, convicted on March 5, 1979, in the Superior Court of Kitsap County, Washington.

WEIDE, Douglas L., Rural Route 1, Lake Mills, Wisconsin, convicted on September 22, 1976, in the Iowa County Circuit Court, Dodgeville, Wisconsin.

WELLS, Stephen R., 3761 Molly Boulevard, Muskegon, Michigan, convicted on August 18, 1976, in the Superior Court of Thurston County, Washington.

WENZLAFF, Joe, 709 Hickory Street, West Bend, Wisconsin, convicted on December 13, 1971, in the Branch II, Washington County Court, West Bend, Wisconsin.

WEST, Danny A., 302 East Smith Street, Poplarville, Mississippi, convicted on August 10, 1965; and on March 12, 1968, in the Circuit Court of Harrison County, Mississippi.

WESTERMAN, Billy M., Route 1, Box A–41, Blackwell, Texas, convicted on May 4, 1977, in the Curry County District Court, Clovis, New Mexico.

WESTWOOD, Frank R. Jr., 452 Fairway, Wichita, Kansas, convicted on December 6, 1976; and on August 28, 1978, in the United States District Court, Judicial District of Kansas, Wichita, Kansas.

WETTLAUFER, Donald E., 3211 Woodrow Way, Atlanta, Georgia, convicted on June 5, 1978, in the United States Distrit Court, Northern District of Georgia.

WHITEHEAD, William C. Jr., 6900 East Holmes Road, Memphis, Tennessee, convicted on March 9, 1979, in the United States District Court, Western Judicial District, Memphis, Tennessee.

WHITNEY, Robert K., 66 Oconee Estates, Seneca, South Carolina, convicted on January 9, 1971, in the Court of General Sessions of Pickens county, Pickens, South Carolina.

WICK, Larry D., 1494 Bruce Drice, Anderson, Califormia, convicted on August 14, 1967, in the Superior Court, Shasta County, California; and March 10, 1969, in the Superior Court of Tehema County, California.

WIDDER, Scott, K., 15095 Northewest Oakmont Loop, Beaverton, Oregon, convicted on Deptember 26, 1977, in the Curcuit Court of Washington County, Oregon.

WILBUR, Garth C., 3431 Holland Cliff Road, Huntingtown, Maryland, convicted on March 25, 1974, in the District of Columbia Washington, DC.

WILKES, Jack E., 408 Daniel Circle, Dothan, Alabama, convicted on March 30, 1954, in the General Court Martial, Dothan, Alabama.

WILKINSON, David R., P.O. Box 489, John Day, Oregon, convicted on October 29, 1970, in the Circuit Court of Randolph County, Missouri.

WILKINSON, James T., 13213 Corpus Christe, Houston, Texas, convicted on November 11, 1973, in the 176th Destrict Court of Harris County, Texas.

WELSON, Major R., Route 1, Box 227, Woodland, Alabama, convicted on November 2, 1979, in the United States District Court, Middle District of Alabama, Montgomery, Alabama.

WINNEY, Curtis L., P.O. Box 801, Forks, Washington, convicted on December 12, 1978, in the Superior Court of Clallam County, Port Angeles, Washington.

WIRTZ, Terry J., 3947 South Ferdinand, Seattle, Washington, convicted on July 29, 1977, in the Superior Court of King County, Washington.

WOOD, Tony M., 134 Glenn Trail, Mount Airy, North Carolina, convicted on February 8, 1977, in the Surry County Superior Court, Dobson, North Carolina.

Zambelli, George R., 205 East Winter Avenue, New Castle, Pennsylvania, convicted on March 16, 1981, in the United States District Court, Western District of Pennsylvania.

ZELEK, Marcel R., 5151 Lantana Road, Lake Worth, Florida, convicted on February 6, 1962, in the Criminal Court of Records, Palm Beach County, Florida.

ZIRK, Dennis P., 115 Fern Drive, Joppa, Maryland, convicted on May 4, 1978, in the District Court of Baltimore County, Maryland.

ZYNN, Donald G., 5007 Townsend Avenue, Los Angeles, California, convicted on August 7, 1975, in the County Court of Chester County, Pennsylvania.

Compliance With Executive Order 12291

It has been determined that this notice is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in cost or prices for consumers, individual industries, Fedral, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterpeises in domentic or export market.

Signed: October 19, 1982.

Stephen E. Higgins,

Acting Director.

[FR Doc. 20-28359 Filed 10-20-82: 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

[Supplement to Department Circular; Public Debt Series—No. 27-82]

Series X-1984 Notes; Interest Rate

October 21, 1982.

The Secretary announced on October 20, 1982, that the interest rate on the notes designated Series X-1984, described in Department Circular—Public Debt Series—No. 27-82 dated October 14, 1982, will be 9¾ percent. Interest on the notes will be payable at the rate of 9¾ percent per annum.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-29433 Filed 10-26-82: 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 208

Wednesday, October 27, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, November 1, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger:

The First National Bank in Little Rock, Little Rock, Arkansas, and Commercial National Bank of Little Rock, Little Rock, Arkansas.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Pelzer & Chard, P.A., North Charleston, South Carolina, in connection with the liquidation of American Bank & Trust, Orangeburg, South Carolina.

Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. Tampa, Florida, in connection with the liquidation of Metropolitan Bank & Trust Company, Tampa, Florida.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed mergers:

Liberty National Bank and Trust Company of Louisville, Louisville, Kentucky, and United Kentucky Bank, Inc., Louisville, Kentucky.

The Parkersburg National Bank, Parkersburg, West Virginia, and Union Trust National Bank, Parkersburg, West Virginia.

Memorandum and Resolution re: Recommendation to withdraw proposed Part 350 of the Corporation's rules and regulations, entitled "Special Reporting Basis for Insured Savings Bank," which would have (1) required all insured savings banks to report all debt and equity securities acquired on or after January 1, 1983 on a current value basis for purposes of preparing their Reports of Condition and Income that are filed with the FDIC, and (2) permitted insured savings banks to defer and amortize gains and losses on dispositions of financial assets acquired prior to January 1, 1983.

The meeting will be held in the Board Room on the sixth floor of the FDIC building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: October 25, 1982.

Federal Deposit Insurance Corp.

Hoyle L. Robinson,

Executive Secretary.

[S-1547-82 Filed 10-25-82: 2:04 pm]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:20 p.m. on Monday, November 1, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assesment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance for United States branches of a foreign bank:

Banco Consolidado, C.A., Caracas, Venezuela, for Federal deposit insurance of deposits received at and recorded for the accounts of its two federally-chartered United States branches located at Suite 10211, One World Trade Center, New York (Manhattan), New York, and 9 West 57th Street, New York (Manhattan), New York.

Applications for consent to merge, establish branches, redesignate the main office, and exercise full trust powers:

Muir, Wilson & Muir, Bloomfield, Kentucky, for consent to merge with Wilson & Muir Bank & Trust Company, Bardstown, Kentucky, under the Charter of Muir, Wilson & Muir and with the title "Wilson & Muir Bank & Trust Company," to establish the three offices of Wilson & Muir Bank & Trust Company as branches of the resultant bank, to redesignate the main office of Wilson & Muir Bank & Trust Company as the main office of the resultant bank, and to exercise full trust powers.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation at (202) 389–4425.

Dated: October 25, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

S–1548–82 Filed 10–25–82; 2:04 p.m.]

BILLING CODE 6714–01–M

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

October 20, 1982.

TIME AND DATE: 10 a.m., Wednesday, October 27, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Florence Mining Company, Docket No. PITT 75–15, etc., (IBMA 77–32); Motion for reconsideration. (Issues include whether the Commission should reconsider its decision in this case issued August 31, 1982.)

2. Lansalot Olguin v. Cities Service Company and Inspiration Consolidated Copper Co., Doctet No. WEST 82–125–DM; Petition for Interlocutory Review. (Issues include whether the judge erred in denying Inspiration Copper's motion to dismiss a discrimination proceeding against it.)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–1550–82 Filed 10–25–82; 3:44 pm]

BILLING CODE 6735–01–M

4

LEGAL SERVICES CORPORATION

Board of Directors Meeting

TIME AND DATE:

2 p.m.–5 p.m., Friday, October 29, 1982;

9 a.m.–5 p.m., Saturday, October 30, 1982.

PLACE: Legal Services Corporation Headquarters, 733 Fifteenth Street, NW., eighth floor conference room, Washington, D.C. 20005.

STATUS OF MEETING: Open (Portion of the meeting may be closed to discuss a personnel matter under 45 CFR 1622.5(a) and 1622.5(e)).

CHANGE IN MATTERS TO BE CONSIDERED:

Addition to the agenda

Board action on regulations implementing restrictions in the 1983 Continuing Resolution for the Corporation.

CONTACT PERSON FOR MORE INFORMATION: Anne Tracy, Office of the President (202) 272–4040.

Date Issued: October 16, 1982.

William F. Harvey,

Chairman, Board of Directors.

[S–1549–82 Filed 10–25–82; 3:44 pm]

BILLING CODE 6820–35–M

5

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE

DATE: October 29, 1982.

PLACE: Room 2007, Federal Building, 450 Golden Gate Avenue, San Francisco, CA.

TIME: 10 a.m. until 4 p.m.

PURPOSE: Public hearing to receive testimony on the Commission's draft final report of the Insurance Premium. . Witnesses shall include individuals from state guaranty agencies, lending institutions, postsecondary officials, and students.

FOR FURTHER INFORMATION CONTACT: Donna M. Lumia, Hearings Coordinator (202) 472–9023.

Submitted the 13th day of October 1982.

Richard T. Jerue,

Chief Executive Director.

[S–1551–82 Filed 10–25–82; 3:44 pm]

BILLING CODE 6820–BC–M

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federal register

Wednesday
October 27, 1982

Part II

Department of Commerce

Patent and Trademark Office

Revision of Patent Procedure

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 5

[Docket No. 21001-202]

Revision of Patent Procedure

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Patent and Trademark Office proposes to amend the rules of practice in patent cases, Part 1 of 37 CFR, to implement the sections of Pub. L. 97–247 of 1982 which become effective on February 27, 1983, and to make other miscellaneous changes. The other miscellaneous changes are being made to clarify and improve the rules where appropriate. The rulemaking also proposes to amend Part 5 of 37 CFR to establish procedures expediting the granting of a license under 35 U.S.C. 184 permitting filing of a patent application in a foreign country and to indicate on the application filing receipt if such a license is granted. This action is necessary at this time in order that final rules may be adopted prior to February 27, 1983, the effective date of the sections of Pub. L. 97–247 which this proposal seeks to implement.

DATES: Comments must be submitted on or before December 16, 1982; a public hearing will be held December 16, 1982, 9:30 a.m.; requests to present oral testimony should be received on or before December 9, 1982.

ADDRESSES: Address written comments and requests to present oral testimony to the Commissioner of Patents and Trademarks, Attention: R. Franklin Burnett, Room 3–11A13, Washington, D.C. 20231. The hearing will be held in Room 11C24 of Building 3, Crystal Plaza, located at 2021 Jefferson Davis Highway, Arlington, Virginia. Written comments and a transcript of the public hearing will be available for public inspection in Room 11A13 of Building 3, Crystal Plaza at 2021 Jefferson Davis Highway, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: R. Franklin Burnett by telephone at (703) 557–3054 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: This proposed rule change is designed primarily to (1) implement the changes in practice in the Patent and Trademark Office provided for in Pub. L. 97–247 enacted on August 27, 1982; (2) correct, or clarify or rewrite certain rules; and (3) to expedite the granting of licenses under 35 U.S.C. 184.

This proposal contains a number of changes in practice designed to benefit both the Office in its handling of its mission and the public the Office serves.

Certain of the proposed changes are more or less housekeeping in nature.

A final rule on "Revision of Patent and Trademark Fees" was published on July 30 1982 at 47 FR 33086–33112 with corrections in the printing thereof being published on August 4, 1982, at 47 FR 33688 and on August 5, 1982, at 47 FR 33959. The final rule was also published in the Official Gazette on August 10, 1982, at 1021 O.G. 19–94. A final rule relating to definitions of "independent inventor" and "nonprofit organizations" was published on September 10, 1982 at 47 FR 40134–40140. A "Revision of Patent and Trademark Fees Confirmation" was Published on September 17, 1982 at 47 FR 41272–41283 upon enactment of H.R. 6260 as Pub. L. 97–247 on August 27, 1982. A final rule relating to the definition of "small business concern" was published on September 30, 1982 at 47 FR 43272–43276.

Discussion Of Specific Rules

Section 1.4, if amended as proposed, would add a reference to Subpart D relating to citation of prior art and reexamination.

Section 1.6, if amended as proposed, would insert "federal" before "holidays" in § 1.6(a)–(c) in accordance with section 21 (b) of Title 35, United States Code, as amended by Public law 97–247. Proposed new § 1.6(d) would establish in the regulations a procedure under which papers and fees which could not be filed on a particular date because of an interruption or emergency in the United States Postal Service which is so designated by the Commissioner, may be promptly filed after the ending of such a designated interruption or emergency and be considered as having been filed on that particular date. Authority for such a practice is found in section 21(a) of Title 35, United States Code, as amended by Pub. L. 97–247.

Section 1.7, if amended as proposed, would insert "federal" before "holiday" in accordance with 35 U.S.C. 21(b), as amended by Pub. L. 97–247.

Section 1.8, if amended as proposed, would delete in § 1.8(a) the references to §§ 3.55 and 4.23, which sections were deleted from the rules by the rulemaking entitled "Revision of Patent and Trademark Fees" published in the **Federal Register** on September 10, 1982 at 47 FR 40134–40140. The proposed change in § 1.8(a)(i) results from the change made in § 111 of Title 35, United States Code, by Pub. L. 97–247. Under the proposal, the certificate of mailing procedure would be available for filing oaths or declarations and filing fees. However, the certificate of mailing procedure could not be used for filing specifications and drawings to obtain a filing date. Such papers could be filed under proposed § 1.10. The proposed change in § 1.8(a)(viii) would recognize the establishment of the Court of Appeals for the Federal Circuit.

Section 1.10, if added as proposed, would provide a procedure for assigning the date on which any paper or fee is deposited as Express Mail with the United States Postal Service as the filing date of the paper or fee in the Patent and Trademark Office. Authority for the Commissioner to establish such a procedure is provided in § 21(a) of Title 35, United States Code, as amended by Pub. L. 97–247. The proposed procedure, in § 1.10(a), would require the use of the "Express Mail Post Office to Addressee Service" of the United States Postal Service. This service provides for the use of a mailing label which clearly indicates the date on which it was deposited. Proposed § 1.10(b) would require (1) that the number of the Express Mail mailing label be placed on each paper or fee and (2) that a certificate of express mailing, signed by the person mailing the paper or fee, accompany the paper or fee and state the date of deposit as Express Mail in the United States Postal Service. Under proposed § 1.10(c), the Office would accord the paper or fee the certificate date as the filing date without further proof if the paper or fee is received in the Office on the first day the Office receives papers or fees following the certificate date. Since Express Mail provides for one day delivery, the certificate plus timely receipt one day later is considered sufficient evidence to establish the deposit date. If, however, more than one day has elapsed between the certificate date and the Office receipt date, § 1.10(c) provides that the person mailing the paper or fee may be required to file (1) a copy of the Express Mail receipt showing the actual date of mailing and (2) an affidavit or declaration from the person who mailed the paper or fee averring to the fact that the mailing occurred on the date certified. The certificate of mailing procedure of § 1.8(a) would continue to be available in addition to the proposed procedure under § 1.10.

Section 1.17, paragraph (h), if amended as proposed, would delete the reference to § 1.45 and add a reference to proposed § 1.48 relating to the correction of inventorship in patent applications.

Section 1.22 as it currently exists is proposed to be labeled as paragraph (a) and is proposed to be amended to recognize that filing dates may be assigned without payment of the basic filing fee as authorized by section 111 of Title 35, United States Code, as amended by Pub. L. 97–247. Proposed new § 1.22(b) would indicate that fees paid to the Office should be itemized in such a manner that the purpose for which the payment is submitted can be clearly determined by Office personnel for proper processing.

Section 1.24, if amended as proposed, would delete the reference to coupons in denominations of forty cents since coupons in this denomination are no longer necessary.

Section 1.41, if amended as proposed, would require in § 1.41(a) that a patent be applied for in the name of the actual inventor or inventors and that the full names of the inventors be stated. Section 1.41(b), as proposed to be amended, clarifies the definition of the word "applicant". Proposed new § 1.41(c) permits any person authorized by the applicant to file an application for patent in order to receive a filing date on behalf of the inventor or inventors, but the oath or declaration for the application must be made by all of the actual inventors in accordance with proposed §§ 1.63 and 1.64. Under proposed new § 1.41(d), a showing may be required from the person initially filing an application that the filing was authorized.

Sections 1.42 and 1.43, if amended as proposed, would remove the requirement that the legal representative sign the application papers in view of the proposed changes pursuant to 35 U.S.C. 111 as amended by Pub. L. 97–247. The oath or declaration must still be signed. Several occurrences of the masculine gender in § 1.42 are also proposed to be deleted.

Section 1.45, if amended as proposed, would delete present § 1.45(b) and (c) in view of proposed new § 1.48 and remove the requirement that joint inventors sign the application papers. The joint inventors would, however, still be required to make the oath or declaration in accordance with proposed new §§ 1.63 and 1.64.

Section 1.46, if amended as proposed, would permit anyone to file the application if authorized by the inventor or inventors or one of the persons mentioned in §§ 1.42, 1.43, or 1.47.

Section 1.47, if amended as proposed, would change the reference for the rule on oaths or declarations from § 1.65 to proposed § 1.63.

Section 1.48, if added as proposed, would add a new section relating to correction of inventorship as authorized by § 116 of Title 35, United States Code, as amended by Pub. L. 97–247. Under proposed § 1.48, if the correct inventor or inventors are not named in an application for patent, the application could be amended to name only the actual inventor or inventors so long as the error in the naming of the inventor or inventors occurred without any deceptive intention. Proposed § 1.48 would require that the amendment be diligently made and be accompanied by (1) a petition including a statement of facts verified by the original named inventor or inventors establishing when the error without deceptive intention was discovered and how it occurred; (2) an oath or declaration by each actual inventor or inventors as required by § 1.63; (3) the fee set forth in § 1.17(h); and (4) the written consent of any assignee. Correction would be permitted in cases where the person originally named as inventor was in fact not the inventor of the subject matter contained in the application. If such error occurred without any deceptive intention on the part of the true inventor, the Office would have the authority to substitute the true inventor for the erroneously named person. Although probably rarer, instances such as changes from a mistakenly identified sole inventor to different, but actual, joint inventors; conversions from erroneously identified joint inventors to different but actual, joint inventors; and conversions from erroneously identified joint inventors to a different, but actual, sole inventor would also be permitted. In each instance, however, the Office would have to be assured of the presence of innocent error, without deceptive intention on the part of the true inventor or inventors, before permitting a substitution of a true inventor's name.

Section 1.51, if amended as proposed, would change the reference in paragraph (a)(2) to new § 1.63 for the requirements of an oath or declaration and would change paragraph (b) with regard to the required time for filing material information disclosure statements.

Section 1.52, if amended as proposed, would revise § 1.52(c) relating to interlineations, erasures, cancellations or other alterations in application papers to specify that such changes must be made before the signing of any accompanying oath or declaration and should be dated and initialed or signed by the applicant on the same sheet of paper. Section 1.52(c), as proposed to be amended, would prohibit making alterations in the application papers after the signing of an oath or declaration referring to such application papers. Under § 1.52(c), as proposed to be amended, amendments to application papers made after the signing of an oath or declaration referring to the application papers, could only be made in the manner provided by §§ 1.121 and 1.123–1.125.

Section 1.53, if amended as proposed, would revise the title to indicate that the section, as amended, would relate to application serial numbers, filing dates and completion of applications. Section 1.53(a) as proposed, would indicate that a serial number is assigned to any application received for identification purposes, even if the application is incomplete or informal. Section 1.53(b), as proposed, would provide that a filing date would be assigned an application as of the date a specification containing a description and claim and any required drawing are received in the Patent and Trademark Office. Although the filing fee and oath or declaration could be submitted later, no amendments could be made to the specification or drawings which would introduce new matter. This practice is authorized by 35 U.S.C. 111 as amended by Pub. L. 97–247. Proposed new § 1.53(c) would provide for notifying applicant of any application incomplete because the specification or drawing is missing and giving the applicant a time period to correct any omission. If the omission is not corrected within the time period given, the application would be returned or otherwise disposed of and a handling fee of $50.00 would be retained from any refund of a filing fee. Proposed new § 1.53(d) would provide that, where a filing date has been assigned to a filed specification and drawing, the applicant will be notified and be given a period of time in which to file the missing fee, oath or declaration and to pay the surcharge due. Proposed new § 1.53(e) would indicate that a patent application would not be forwarded for examination on the merits until all required parts had been received. Proposed new § 1.53(f) indicates that international applications filed under the Patent Cooperation Treaty which designate the United States of America are considered to have a United States filing date, except as provided in 35 U.S.C 102(e), on the date the requirements of PCT Article 11(1) (i) to (iii) are met.

Section 1.54, if amended as proposed, would designate the existing section as paragraph (a) and add a reference to § 1.53. Section 1.54(b) is proposed to be added to indicate that applicant will be informed of the serial number and filing date of the application.

Section 1.55, if amended as proposed, would limit the section to claims for foreign priority by deleting paragraphs (a) and (d) and redesignating paragraphs (b) and (c) as paragraphs (a) and (b). Section 1.55(a), as proposed, would change the reference from § 1.65 to proposed § 1.63

Section 1.56, if amended as proposed, would revise paragraph (c) to delete reference to signing of the application but would add reference to signing of the oath or declaration pursuant to proposed § 1.63. Under § 1.56(c), as proposed to be amended, an application may be stricken from the files if an oath or declaration pursuant to proposed § 1.63 is signed in blank, or without actual inspection of the application papers, or without the review of the specification indicated in proposed § 1.63(b). Section 1.56(c), as proposed to be amended, would also provide for an application to be stricken from the files if application papers filed in the Office are altered after the signing of an oath or declaration pursuant to proposed § 1.63 referring to those application papers.

Section 1.57 is proposed to be deleted since the requirements relating to applicant's signature to the oath or declaration of the application are adequately covered in other sections.

Section 1.59, if amended as proposed, would be rewritten to refer to and conform with the changes proposed in § 1.53.

Section 1.60, if amended as proposed, would require the applicant to supply a verified copy of the originally signed application in all cases where the § 1.60 filing procedure is used. The Office would no longer prepare copies without charge under the proposal. The Office, by a separate final rule, is adopting a new § 1.62 to provide for the filing of a file wrapper continuing application which will eliminate the need for the Office to continue to prepare copies under § 1.60.

Section 1.63, if added as proposed, would add a section replacing current § 1.65 relating to the required content and execution of an oath or declaration filed as a part of a patent application. Proposed § 1.63(a) provides that the oath or declaration, (1) be executed in accordance with § 1.66 or § 1.68, (2) identify the specification to which it is directed in some definite manner such as giving the title of the invention or serial number of the application, if previously filed, (3) identify each inventor and his or her residence and country of citizenship, and (4) state whether the inventor is a sole or joint inventor of the claimed invention. Proposed § 1.63(b) would further require the oath or declaration to state that the person signing the oath or declaration (1) has reviewed and understands the contents of the identified specification, (2) believes the named inventor is the original and first inventor, and (3) acknowledges the duty to disclose information which is material. Proposed paragraph (c) would require that any application in which a claim for foreign priority is made identify in the oath or declaration the first filed foreign application. Proposed § 1.63(d) would require that the oath or declaration in a continuation-in-part application, which discloses and claims subject matter in addition to that disclosed in the prior copending application, state that the person making the oath or declaration acknowledges the duty to disclose material information (including any foreign patenting, publication, or public use or sale in the United States of the subject matter of the prior application which occurred more than one year prior to the filing date of the continuation-in-part application).

Section 1.64 is proposed to be added to clearly indicate who must sign the oath or declaration of a patent application.

Section 1.65 is proposed to be deleted because the oath or declaration requirements set forth therein are covered by proposed § 1.63.

Section 1.67, if amended as proposed, would delete all of present paragraphs (a) and (b) and substitute therefor new wording. Proposed § 1.67(a) would indicate that a supplemental oath or declaration meeting the requirements of proposed § 1.63 may be required to correct deficiencies or inaccuracies present in an earlier oath or declaration. Proposed § 1.67(b) would require a supplemental oath or declaration to be filed (1) when a claim is presented embracing material not originally claimed and (2) when a subsequently filed oath or declaration under proposed § 1.53(d) refers to an amendment which includes improper new matter. Proposed § 1.67(b) would also clearly state the prohibition against entry of new matter after the filing date of the application.

Section 1.69, paragraph (b), if amended as proposed, would change the time at which a translation of a non-English language oath or declaration which has not been supplied by the Office must be filed. The current time period of two months after the filing date would be changed to two months after notification that a translation is required. The reference to § 1.65 in § 1.69(b), as proposed to be amended, would be changed to proposed § 1.63.

Section 1.70, if amended as proposed, would merely refer to proposed § 1.63 for the requirements to be met when an oath or declaration is filed under 35 U.S.C. 371(c)(4).

Section 1.77, if amended as proposed, would change paragraphs (h) and (i) to refer to the abstract of the disclosure and signed oath or declaration, respectively.

Section 1.97, if amended as proposed, would change the title from "prior art statement" to "material information disclosure statement". This proposed change is appropriate since the designation "material information disclosure statement" more accurately characterizes the nature and content of the information required to be disclosed to the Patent and Trademark Office pursuant to § 1.56. Section 1.97, if amended as proposed, would also provide additional time for filing a material information disclosure statement if the filing receipt has not been received within three months of the filing date. If the filing receipt is not received within three months of the filing date, the disclosure statement should be submitted within two months after receiving the filing receipt.

Section 1.98, if amended as proposed, would indicate that material information disclosure statements should list prior art with all of the information which is required to print such citations on the front page of a patent.

Section 1.99, if amended as proposed, would change the title to be consistent with the proposed amendment to § 1.97.

Section 1.101, if amended as proposed, would specifically indicate that applications which are to have their examination advanced pursuant to § 1.102 will be taken up for examination out of order by the examiner.

Section 1.118, if amended as proposed, would designate the existing section as paragraph (a) and amend it to clearly state that no new matter may be introduced into an application and to make specific reference to proposed §§ 1.53, 1.63 and 1.67. Proposed new § 1.118(b) would indicate how improper amendments which introduce new matter in the specification or claims will be handled by the examiner.

Section 1.123, if amended as proposed, would require all corrections to drawings to be made by bonded draftsmen at applicant's expense since the Office does not have sufficient draftsmen to make such corrections. Sketches of any desired corrections would, however, still require approval of the examiner.

Section 1.125, if amended as proposed, would relax the prohibition against substitute specifications which are not required by the examiner. The proposed section would, however, add the requirement that any substitute specification filed must be accompanied by a statement that the substitute specification includes no new matter. Under the proposed section the statement must be a verified statement if made by a person not registered to practice before the Office.

Section 1.131, if amended as proposed, would specifically refer to the use of affidavits or declarations under the section during reexamination of a patent. Under the section as proposed to be amended, the same person or persons who would make the affidavit or declaration in an application would be required to make the affidavit or declaration on behalf of the owner of the patent under reexamination.

Section 1.132, if amended as proposed, would specifically refer to the use of affidavits or declarations under the section during reexamination of a patent.

Section 1.137, if amended as proposed in paragraph (b), would except from the provisions of paragraph (b) those applications abandoned pursuant to proposed § 1.53(d) because the fee, oath, or declaration and the surcharge were not submitted. Section 111 of Title 35, United States Code, as amended by Pub. L. 97–247, requires that any delay in submission of the fee and oath be shown to be unavoidable. Thus, paragraph (b) of § 1.137 is inapplicable to the revival of applications which become abandoned pursuant to proposed § 1.53(d).

Section 1.141, if amended as proposed, would revise the rule to more clearly define what inventions are considered to be separate inventions for purposes of requiring restriction. The changes would provide in the rules the criteria which has been used in the past and is currently being used to determine if claims to different categories of invention (i.e., product, process, method of making, method of use) are directed to a single inventive concept.

Section 1.153, if amended as proposed, would change the reference for oath and declaration requirements from § 1.65 to proposed § 1.63.

Section 1.154, if amended as proposed, would revise paragraph (e) to refer to the signed oath or declaration requirements of § 1.153(b).

Section 1.162, if amended as proposed, would change the reference from current § 1.65 to proposed § 1.63.

Section 1.163, if amended as proposed, would change the wording of the section to clearly indicate that a signed oath or declaration is required rather than a signed specification.

Section 1.172, if amended as proposed, would clearly indicate that the reissue oath is signed and sworn to rather than the reissue application.

Section 1.174, if amended as proposed, would remove the requirement that photoprints of original drawings be securely mounted or pasted on sheets of drawing board because paper drawings are acceptable.

Section 1.175, if amended as proposed, would change the reference to the oath or declaration from § 1.65 to proposed § 1.63.

Section 1.301, 1.302 and 1.303, if amended as proposed, would refer to the Court of Appeals for the Federal Circuit rather than to the Court of Customs and Patent Appeals.

Section 1.324, if amended as proposed, would include wording similar to that in proposed § 1.48 for correction of inventorship in applications.

Section 1.325, if amended as proposed, would include reference to the reexamination procedures.

Section 1.335, if added as proposed, would provide a new section relating to the filing in the Patent and Trademark Office of notices of arbitration awards. Such filing is required under section 294 of Title 35, United States Code, as added by Pub. L. 97–247.

Section 1.565, if amended as proposed, would add a paragraph (e) indicating that a patent owner who has a claim rejected on a United States patent which claims the same invention must file a reissue application, if appropriate, in order to seek an interference pursuant to § 1.205. The rejection cannot be overcome by an affidavit or declaration pursuant to § 1.131. Proposed § 1.565(e) also provides that the failure or refusal of the patent owner to file a reissue application in such circumstances shall be taken as a disclaimer of the invention covered by the claim under rejection and will result in cancellation of the claim in the reexamination certificate issued pursuant to 35 U.S.C. 307 and § 1.570.

Section 5.12, if amended as proposed, would separate the section into two paragraphs. Proposed paragraph (a) would provide that the filing of an application for an invention made in the United States would be considered to include a petition for a license for foreign filing. If a license is granted, it will be indicated on the filing receipt. If it is not granted, no indication of the denial will appear. Failure to grant a license should be considered a denial of a first petition for a license. A subsequent petition may be filed under § 5.12(b). Section 5.12(b) is essentially the text of § 5.12 in its present form. No rights to file a petition for license are being removed.

Environmental, energy, and other considerations: The proposed rule change will not have a significant impact on the quality of the human environment or the conservation of energy resources.

The proposed rule change is in conformity with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354), Executive Order 12291, and the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

The rule change will not have a significant adverse economic impact on a substantial number of small entities (Regulatory Flexibility Act, Pub. L. 96–354) for several reasons. Public Law 96–517 and 97–247 have both taken into consideration the impact they may have on small entities. In general, the rule change will also expedite proceedings before the Patent and Trademark Office changing existing procedures where they can be simplified.

The Patent and Trademark Office has determined that this rule change is not a major rule under Executive Order 12291. The annual effect on the economy will be less than $100 million. There will be no major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule change will not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, since no significant additional record keeping or reporting requirements are placed upon the public. In fact, some paperwork, especially that related to requests for extensions of time, will be reduced.

List of Subjects in 37 CFR Parts 1 and 5

Administrative practice and procedure, Courts, Inventions and patents.

Notice is hereby given that, pursuant to the authority granted to the Commissioner of Patents and Trademarks by 35 U.S.C. 6 and Pub. L. 97–247, the Patent and Trademark Office proposes to amend Title 37 of the Code of Federal Regulations as set forth below.

It is proposed to amend 37 CFR, Parts 1 and 5, as follows with deletions indicated by brackets and additions by arrows.

PART 1—[AMENDED]

1. Section 1.4 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.4 Nature of correspondence.

(a) Correspondence with the Patent and Trademark Office comprises: (1) Correspondence relating to services and facilities of the Office, such as general inquiries, requests for publications supplied by the Office, orders for printed copies of patents or trademark registrations, orders for copies of records, transmission of assignments for recording, and the like, and (2) correspondence in and relating to a particular application or other proceeding in the Office. See particularly the rules relating to the filing, processing, or other proceedings of national applications in Subpart B, §§ 1.31 to 1.352; of international applications in Subpart C, §§ 1.401 to 1.482; ►of reexamination of patents in Subpart D, §§ 1.501 to 1.570;◄ and of [Trademark] ►trademark◄ applications §§ 2.11 to 2.189.

* * * * *

2. Section 1.6 is proposed to be revised to read as follows:

§ 1.6 Receipt of letters and papers.

(a) Letters and other papers received in the Patent and Trademark Office are stamped with the date of receipt. No papers are received in the Patent and Trademark Office on Saturdays, Sundays or ►federal◄ holidays, within the District of Columbia.

(b) Mail placed in the Patent and Trademark Office pouch up to midnight on weekdays, excepting Saturdays and ►federal◄ holidays, by the post office at Washington, D.C., serving the Patent and Trademark Office is considered as having been received in the Patent and Trademark Office on the day it was placed in the pouch.

(c) In addition to being mailed or delivered by hand during office hours, letters and other papers may be deposited up to midnight in a box provided at the guard's desk at the lobby of building 3 of the Patent and Trademark Office at Crystal Plaza, Arlington, Virginia and at the main entrance ►(14th Street)◄ of the department of Commerce Building, Washington, D.C., on weekdays except Saturdays and ►federal◄ holidays, and all papers deposited therein are considered as received in the Patent and Trademark Office on the day of deposit.

►(d) If interruptions or emergencies in the United States Postal Service which have been so designated by the Commissioner occur, the Patent and Trademark Office will consider as filed on a particular date in the Office any paper or fee which is (1) promptly filed after the ending of the designated interruption or emergency and (2) accompanied by a statement indicating that such paper or fee would have been filed on that particular date if it were not for the designated interruption or emergency in the Postal Service. Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office.◄

3. Section 1.7 is proposed to be revised to read as follows:

§ 1.7 Times for taking action: Expiration on Saturday, Sunday or [federal] holiday.

Whenever periods of time are specified in this part in days, calendar days are intended. When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the Patent and Trademark Office falls on Saturday, Sunday, or on a ►federal◄ holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding day which is not a Saturday, Sunday, or a ►federal◄ holiday. See § 1.304 for time for appeal or for commencing civil action.

4. Section 1.8 is proposed to be amended by revising the introductory texts of paragraphs (a) and (a)(2) and paragraphs (a)(1) and paragraph (a)(2) (i) and (viii) to read as follows:

§ 1.8 Certificate of mailing.

(a) Except in the cases enumerated below, papers and fees required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if: (1) They are addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and deposited with the U.S. Postal Service with sufficient postage as first class mail prior to expiration of the set period, and (2) they are accompanied by a certificate stating the date of deposit [(see forms, §§ 3.55 and 4.23)]. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated [, the] ►. The◄ actual date of receipt of the paper or fee will be used for all other purposes. This procedure does not apply to the following:

(i) The filing of ►a◄ national ►application specification and drawing or other papers for the purpose of obtaining an application filing date;◄ [applications for patents;]

* * * * *

(viii) The filing of a notice of election to proceed by civil action in an inter partes proceeding under 35 U.S.C. 141 or section 21(a)(1) of the Trademark Act, 15 U.S.C. 1071(a)(1), in response to another party's appeal to the ►Court of Appeals for the Federal Circuit◄ [Court of Customs and Patent Appeals];

* * * * *

5. A new § 1.10 is proposed to be added to read as follows:

§ 1.10 Filing of papers and fees by Express Mail with Certificate.

(a) Any paper or fee to be filed in the Patent and Trademark Office can be filed utilizing the Express Mail Post Office to Addressee Service of the United States Postal Service and be considered as having been filed in the Office on the date the paper or fee is shown to have been deposited as Express Mail with the United States Postal Service.

(b) Any paper or fee filed by Express Mail must have the number of the Express Mail mailing label placed thereon prior to mailing, be addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, and must be accompanied by a certificate of express mailing which states the date of express mailing and is signed by the person mailing the paper or fee.

(c) The Office will accept the certificate of express mailing and accord the paper or fee the certificate date under 35 U.S.C. 21(a) without further proof of the date on which the express mailing occurred if the paper or fee is received in the Office on the first day the Office receives papers or fees following the certificate date. If more than one day has elapsed between the certificate date and the Office receipt date the person mailing the paper or fee may be required to file a copy of the Express Mail receipt showing the actual date of mailing and an affidavit or declaration from the person who mailed the paper or fee averring to the fact that the mailing occurred on the date certified.◄

6. Section 1.17 is proposed to be amended by revising paragraph (h) to read as follows:

§ 1.17 Patent application processing fees.

* * * * *

(h) For filing a petition to the Commissioner under a section of this part listed below which refers to this paragraph—$120.00

[—§ 1.45—for correction of inventorship]
—§ 1.47—for filing by other than all the inventors or a person not the inventor
►—§ 1.48—for correction of inventorship◄

—§ 1.182—for decision on questions not specifically provided for
—§ 1.183—to suspend the rules
—§ 1.268—for late filing of interference settlement agreement

* * * * *

7. Section 1.22 is proposed to be revised to read as follows:

§ 1.22 Fees payable in advance.

►(a)◄ Fees and charges payable to the Patent and Trademark Office are required to be paid in advance, that is, at the time of [making application for] ►requesting◄ any action by the Office for which a fee or charge is payable ►with the exception that under § 1.53 applications for patent may be assigned a filing date without payment of the basic filing fee◄.

►(b) All fees paid to the Patent and Trademark Office should be itemized in each individual application, patent or other proceeding in such a manner that it is clear for which purpose the fees are paid.◄

8. Section 1.24 is proposed to be revised to read as follows:

§ 1.24 Coupons.

Coupons in denominations of [forty cents and] one dollar are sold by the Patent and Trademark Office for the convenience of regular purchasers of U.S. patents and trademark registrations; these coupons may not be used for any other purpose. [The 40-cent coupons are sold individually and in books of 50 with stubs for record for $20.] The one dollar coupons are sold individually and in books of 50 with stubs for record for $50. These coupons are good until used; they may be transferred but cannot be redeemed.

9. Section 1.41 is proposed to be revised to read as follows:

§ 1.41 Applicant for patent.

(a) A patent must be applied for ►in the name of the actual inventor or inventors. Full names must be stated, including the family name and at least one given name without abbreviation together with any other given name or initial.◄ [and the application papers must be signed and the necessary oath or declaration executed by the actual inventor in all cases, except as provided by § 1.60)]

(b) Unless the contrary is indicated the word "applicant" when used in these sections refers to the inventor [,] ►or◄ joint inventors who ►are applying◄ [have applied] for a patent, or to the person mentioned in §§ 1.42, 1.43, or 1.47 who ►is applying◄ [has applied] for a patent in place of the inventor.

►(c) Any person authorized by the applicant may file an application for patent on behalf of the inventor or inventors, but an oath or declaration for the application § 1.64.◄

►(d) A showing may be required from the person filing the application that the filing was authorized where such authorization comes into question.◄

10. Section 1.42 is proposed to be revised to read as follows:

§ 1.42 When the inventor is dead.

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may [sign the application papers and] make the necessary oath of declaration, and apply for and obtain the patent. Where the inventor dies during the time intervening between the filing of [his] ►the◄ application and the granting of a patent thereon, the letters patent may be issued to the legal representative upon proper intervention [by him].

11. Section 1.43 is proposed to be revised to read as follows:

§ 1.43 When the inventor is insane or legally incapacitated.

In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may [sign the application papers and] make the necessary oath or declaration, and apply for and obtain the patent.

12. Section 1.45 is proposed to be amended by removing paragraphs (b) and (c) and the designation (a) to the first paragraph and by revising the text to read as follows:

§ 1.45 Joint inventors

[(a)] Joint inventors must apply for a patent jointly and each must [sign the application papers and] make the required oath or declaration: neither of them alone, nor less than the entire number, can apply for a patent for an invention invented by them jointly, except as provided in § 1.47.

[(b) If an application for patent has been made through errors and without any deceptive intention by two or more persons as joint inventors when they were not in fact joint inventors, the application may be amended to remove the names of those not inventors upon filing of a petition including a statement of the facts verified by all of the original applicants, the required fee (§ 1.17(h)), and an oath or declaration as required by § 1.65 by the applicant who is the actual inventor, provided the amendment is diligently made. Such amendments must have the written consent of any assignee.]

[(c) If an application for patent has been made through error and without any deceptive intention by less than all the actual joint inventors, the application may be amended to include all the joint inventors upon filing of a petition including a statement of the facts verified by, and an oath or declaration as required by § 1.65 executed by all the actual joint inventors, along with the required fee (§ 1.17(h)), provided the amendment is diligently made. Such amendment must have the written consent of any assignee.]

13. Section 1.46 is proposed to be revised to read as follows:

§ 1.46 Assigned inventions and patents.

In case the whole or a part interest in the invention or in the patent to be issued is assigned, the application must still be made ►or authorized to be made an oath or declation signed◄ by the inventor or one of the persons mentioned in §§ 1.42, 1.43, or 1.47. However, the patent may be issued to the assignee or jointly to the inventor and the assignee as provided in § 1.334.

14. Section 1.47 is proposed to be revised to read as follows:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the omitted inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts and by the required fee (§ 1.17(h)) and must state the last known address of the omitted inventor. The Patent and Trademark Office shall forward notice of the filing of the application to the omitted inventor at said address. Should such notice be returned to the Office undelivered, or should the address of the omitted inventor be unkown, notice of the filing of the application shall be published in the *Official Gazette*. The omitted inventor may subsequently join in the application on filing an oath or declaration of the character required by § [1.65] ►1.63◄. A patent may be granted to the inventor making the application, upon a showing satisfactory to the Commissioner, subject to the same rights which the omitted inventor would have had if he or she had been joined.

(b) Whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may make application for patent on behalf of and as agent for the inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and by the required fee (§ 1.17(h)) and must state the last known address of the inventor. The assignment, written agreement to assign or other evidence of proprietary interest, or a verified copy thereof, must be filed in the Patent and Trademark Office. The Office shall forward notice of the filing of the application to the inventor at the address stated in the application. Should such notice be returned to the Office undelivered, or should the address of the inventor be unknown, notice of the filing or the application shall be published in the *Offical Gazette*. The inventor may subsequently join in the application on filing an oath or declaration of the character required by § [1.65] ►1.63◄. A patent may be granted to the inventor upon a showing satisfactory to the Commissioner.

15. A new § 1.48 is proposed to be added to read as follows:

►§ 1.48 Correction of inventorship.

If the correct inventor or inventors are not named in an application for patent through error without any deceptive intention, the application may be amended to name only actual inventor or inventors. Such amendment must be diligently made and must be accompanied by (1) a petition including a statement of facts verfied by the original named inventor or inventors establishing when the error without deceptive intention was discovered and how it occurred; (2) an oath or declaration by each actual inventor or inventors as required by § 1.63; (3) the fee set forth in § 1.17(h); and (4) the written consent of any assignee.◄

16. Section 1.51 is proposed to be amended by revising paragraphs 1.51(a)(2) and (b) to read as follows:

§ 1.51 General requisites of an application.

(a) * * *

(2) An oath or declaration, see §§ [1.65] ►1.63◄ and 1.68. * * *

(b) Applicants are encouraged to file a [prior art] ►material information disclosure◄ statement [at the time of filing the application or within three months thereafter]. See §§ 1.97 through 1.99.

17. Section 1.52 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1.52 Language, paper, writing, margins.

* * * * *

(c) Any interlineation, erasure, [or] cancellation or other alteration of the application papers [as] filed must ►be◄ [have been] made before the ►signing of any accompanying oath or declaration pursuant to § 1.63 referring to those application papers and should be dated and initialed or signed by the applicant on the same sheet of paper. No such alterations in the application papers are permissible after the signing of an oath or declaration referring to those application papers (§ 1.56(c)). After the signing of the oath or declaration referring to the application papers amendments may only be made in the manner provided by §§ 1.121 and 1.123–1.125.◄ [application was signed and sworn to or declaration made, and should be dated and initialed or signed by the applicant in marginal note or footnote on the same sheet or paper to indicate such fact. No such alterations are permissible after execution of the application papers. (See § 1.56.)]

* * * * *

18. Section 1.53 is proposed to be revised to read as follows:

§ 1.53 ►Serial number, filing date, and completion of application► [Application accepted and filed for examination only when complete].

(a) ►Any application for a patent received in the Patent and Trademark Office will be assigned a serial number for identification purposes◄ [An application for a patent will not be accepted and placed upon the files for examination until all its required parts complying with the rules relating thereto, are received, except that certain minor informalities may be waived subject to subsequent correction whenever required].

(b) ►The filing date of an application for patent is the date on which (1) a specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75, and (2) any drawing required by § 1.81(a), are received in the Patent and Trademark Office. No new matter may be introduced into an application after its filing date (§ 1.118).◄ [If the papers and parts are incomplete, or so defective that they cannot be accepted as a complete application for examination, the applicant will be notified; the papers will be held six months for completion and, if not by then completed, will thereafter be returned or otherwise disposed of; the fee, if submitted, will be refunded.]

►(c) If any application is received without the specification or drawing required by paragraph (b) of this section, applicant will be so notified and given a time period within which to submit the omitted specification or drawing in order to obtain a filing date as of the date of receipt of such submission. If the omission is not corrected within the time period set, the application will be returned or otherwise disposed of; the fee, if submitted, will refunded less a $50.00 handling fee.◄

►(d) If an application which has been accorded a filing date pursuant to paragraph (b) of this section does not include the appropriate filing fee or an oath or declaration by the applicant, applicant will be so notified and given a period of time within which to file the fee, oath, or declaration and to pay the surcharge as set forth in § 1.16(e) in order to prevent abandonment of the application. The notification pursuant to this paragraph may be made simultaneously with any notification pursuant to paragraph (c) of this section.◄

►(e) An application for a patent will not be placed upon the files for examination until all its required parts, complying with the rules relating thereto, are received, except that certain minor informalities may be waived subject to subsequent correction whenever required.◄

►(f) The filing date of an international application designating the United States of America shall be treated as the filing date in the United States of America under PCT Article 11(3), except as provided in 35 U.S.C. 102(e).◄

19. Section 1.54 is proposed to be revised to read as follows:

§ 1.54 Parts of application to be filed together►; filing receipt◄.

►(a)◄ It is desirable that all part of the complete application be deposited in the Office together; otherwise a letter must accompany each part, accurately and clearly connecting it with the other parts of the application.►See § 1.53 with regard to completion of an application.◄

►(b) Applicant will be informed of the application serial number and filing date by a filing receipt.◄

20. Section 1.55 is proposed to be revised to read as follows:

§1.55 ►Claim for foreign priority◄ [Serial number and filing date of application]

[(a) Complete applications are numbered in regular order, and the applicant will be informed of the serial number and filing date of the application by a filing receipt. The filing date of the application is the date on which the complete application, acceptable for placing on the files for examination is received in the Patent and Trademark Office; or the date on which the last part completing such application is received in the case of an incomplete or defective application completed within six months.]

[(b)] ►(a)◄ An applicant may claim the benefit of the filing date of a prior foreign application under the conditions specified in 35 U.S.C. 119. The claim to priority need be in no special form and may be made by the attorney or agent if the foreign application is referred to in the oath or declaration as required by [§ 1.65] ►§ 1.63◄. The claim for priority and the certified copy of the foreign application specified in the second paragraph of 35 U.S.C. 119 must be filed in the case of interference (§ 1.224); when necessary to overcome the date of a reference relied upon by the examiner; or when specifically required by the examiner; and in all other cases they must be filed not later than the date the issue fee is paid. If the papers filed are not in the English language, a translation need not be filed except in the three particular instances specified in the preceding sentence, in which event a sworn translation or a translation certified as accurate by a sworn or official translator must be filed. If the priority papers are submitted after the date the issue fee is paid, they must be accompanied by a petition requesting their entry and the fee set forth in § 1.17(i).

[(c)] ►(b)◄ An applicant may under certain circumstances claim priority on the basis of an application for an inventor's certificate in a country granting both inventor's certificates and patents. When an applicant wishes to claim the right of priority as to a claim or claims of the application on the basis of an application for an inventor's certificate in such a country under 35 U.S.C. 119, last paragraph (as amended July 28, 1972), the applicant or his attorney or agent, when submitting a claim for such right as specified in paragraph (b) of this section, shall include an affidavit or declaration including a specific statement that, upon an investigation, he ►or she◄ has satisfied himself ►or herself◄ that to the best of his ►or her◄ knowledge the applicant, when filing his ►or her◄ application for the inventor's certificate, had the option to file an application either for a patent or an inventor's certificate as to the subject matter of the identified claim or claims forming the basis for the claim of priority.

[(d) The filing date of an international application designating the United States of America shall be treated as the filing date in the United States of America under PCT Article 11(3), except as provided in 35 U.S.C. 102(e).]

21. Section 1.56 is proposed to be amended by revising paragraph (c) to read as follows:

§ 1.56 Duty of disclosure; striking of applications.

* * * * *

(c) Any application may be stricken from the files if: (1) [Signed or sworn to] ►An oath or declaration pursuant to § 1.63 is signed◄ in blank, or without actual inspection ►and review◄ by the applicant ►as required by § 1.63(b)◄ ; or (2) ►If application papers filed in the Office are altered◄ [Altered or partly filled in] after ►the signing of an oath or declaration pursuant to § 1.63 referring to those application papers◄ [being signed or sworn to].

* * * * *

22. Section 1.57 is proposed to be removed.

[§1.57 Signature]

(a) The application must be signed by the applicant in person. The signature to the oath or declaration under § 1.65 will be accepted as the signature to the application provided the oath or declaration under § 1.65 is attached to and refers to the specification and claims to which it applies. Otherwise the signature must appear at the end of the specification after the claims.

(b) The signature to the oath or declaration under § 1.70 will be accepted as the signature to the application provided the oath or declaration under § 1.70 specifically refers to the specification and claims to which it applies.

(c) Full names must be given, including at least one given name without abbreviation together with any other given name or initial.]

23. Section 1.59 is proposed to be revised to read as follows:

§1.59 Papers of [complete] application ►with filing date◄ not to be returned.

Papers in [a complete] ►an◄ application ►which has received a filing date pursuant to § 1.53◄ [, including the drawings,] will not be returned for any purpose whatever. If applicants have not preserved copies of the papers, the Office will furnish copies at the usual cost.

24. Section 1.60 is proposed to be revised to read as follows:

§1.60 ►Continuation or divisional◄ [Continuing] application for invention disclosed and claimed in a prior application.

A continuation or divisional application (filed under the conditions specified in 35 U.S.C. 120 or 121), which discloses and claims only subject matter disclosed in a prior application may be filed as a separate application before the patenting or abandonment of or termination of proceedings on the prior application. If the application papers comprise a copy of the prior application as filed, signing and execution by the applicant may be omitted provided the copy [either] is [prepared and certified by the Patent and Trademark Office or is prepared] ►supplied◄ by the applicant and verified by an affidavit or declaration by the applicant, ►or◄ his ►or her◄ attorney or agent, stating that it is a true copy of the prior application as filed. [Certification may be omitted if the copy is prepared by and does not leave the custody of the Patent and Trademark Office.] Only amendments reducing the number of claims or adding a reference to the prior application (§ 1.78(a)) will be entered before calculating the filing fee and granting the filing date.

25. A new § 1.63 is proposed to be added to read as follows:

►§1.63 Oath or declaration.

(a) An oath or declaration filed under § 1.51(a)(2) as a part of an application must

(1) be executed in accordance with either § 1.66 or § 1.68;

(2) identify the specification to which it is directed;

(3) identify each inventor and the residence and country of citizenship of each inventor; and

(4) state whether the inventor is a sole or joint inventor of the invention claimed.

(b) In addition to meeting the requirements of paragraph (a), the oath or declaration must state that the person making the oath or declaration

(1) Has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration;

(2) Believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought; and

(3) Acknowledges the duty to disclose information which is material to the examination of the application in accordance with § 1.56(a).

(c) In addition to meeting the requirements of paragaraphs (a) and (b) of this section, the oath of declaration in any application in which a claim for fogeign priority is made pursuant to § 1.55 must identify the first filed foreign application for patent or inventor's certificate by specifying the application number, country, day, month and year of its filing.

(d) In any continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, the oath or declaration must also state that the person making the oath or declaration acknowledges the duty to disclose material information (including any foreign patenting, publication, or public use or sale in the United States of the subject matter of the prior application which occurred more than one year prior to the national or PCT international filing date of the continuation-in-part application).◄

26. A new § 1.64 is proposed to be added to read as follows:►

§ 1.64 Person making oath or declaration.

(a) The oath or declaration must be made by all of the actual inventors except as provided for in §§ 1.42, 1.43, or 1.47.

(b) If the person making the oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47), the oath or declaration shall state the relationship of the person to the inventor and, upon information and belief, the facts which the inventor is required to state.◄

27. Section 1.65 is proposed to be removed.

[§ 1.65 Oath or declaration.

(a)(1) The applicant, if the inventor, must state that he verily believes himself to be the original and first inventor or discoverer of the process, machine, manufacture, composition of matter, or improvement thereof, for which he solicits a patent; that he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, and shall state of what country he is a citizen and where he resides and whether he is a sole or joint inventor of the invention claimed in his application. In every original application the applicant must distinctly state that to the best of his knowledge and belief the invention has not been in public use or on sale in the United States more than one year prior to his application or patented or described in any printed publication in any country before his invention or more than one year prior to his application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in this country. He must acknowledge a duty to disclose information he is aware of which is material to the examination of the application. He shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself, or his legal representatives or assigns. If any such application has been filed, the applicant shall name the country in which the earliest such application was filed, and shall give the day, month, and year of its filing; he shall also indentify by country and by day, month, and year of filing, every such foreign application filed more than twelve months before the filing of the application in this country.

(2) This statement (i) must be subscribed to by the applicant, and (ii) must either (a) be sworn to (or affirmed) as provided in § 1.66, or (b) include the personal declaration of the applicant as prescribed in § 1.68. See § 1.153 for design cases and § 1.162 for plant cases.

(b) If the application is made as provided in §§ 1.42, 1.43, or 1.47, the applicant shall state his relastionship to the inventor and, upon iformation and belief, the facts which the inventor is required by this section to state.

(c) An additional statement may be required if the application has not been filed in the Patent and Trademark Office within a reasonable time after execution of the original statement.]

28. Section 1.67 is proposed to be revised to read as follows:

§ 1.67 Supplemental oath or declaration [for matter not originally claimed].

(a) ►A supplemental oath or declaration meeting the requirements of § 1.63 may be required to be filed to correct any deficiencies or inaccuracies present in an earlier filed oath or declaration.◄ [When an applicant presents a claim for matter originally shown or described but not substantially embraced in the statement of invention or claim originally presented, he shall file a supplemental oath or declaration to the effect that the subject matter of the proposed amendment was part of his invention: That he does not know and does not believe that the same was ever known or used in the United States before his invention or discovery thereof, or patented or described in any printed publication in any country before his invention or discovery thereof, or more than one year before his application, or in public use or on sale in the United States for more than one year before the date of his application, that said invention has not been patented or made the subject of an inventor's certificate in any foreign country prior to the date of his application in this country on an application filed by himself or his legal representatives or assigns more than twelve months prior to his application in the United States, and has not been abandoned. Such supplemental oath or declaration should accompany and properly identify the proposed amendment, otherwise the proposed amendment may be refused consideration.]

(b) ►A supplemental oath or declaration meeting the requirements of § 1.63 must be filed (1) when a claim is presented for matter originally shown or described but not substantially embraced in the statement of invention or claims originally presented, and (2) when an oath or declaration submitted in accordance with § 1.53(d) after the filing of the specification and any required drawings specifically and improperly refers to an amendment which includes new matter. No new matter may be introduced into an application after its filing date even if a supplemental oath or declaration is filed (§ 1.53(b); § 1.118).◄ In proper cases the oath or declaration here required may be made on information and belief by an applicant other than inventor.

29. Section 1.69 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.69 Foreign language oaths and declarations.

* * * * *

(b) Unless the text of any oath or declaration in a language other than English is a form provided or approved by the Patent and Trademark Office, it must be accompanied by a verified English translation, except that in the case of an oath or declaration filed under [§ 1.65] ►§ 1.63◄, the translation may be filed in the Office no later than two months [aftr the filing date] ►from the date applicant is notified to file the translation◄.

30. Section 1.70 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.70 Content of oath or declaration [relating to content of and amendment to an application] under 35 U.S.C. 371(c)(4).

(a)[(1)] When an applicant of an international application, if the inventor, desires to enter the national stage under 35 U.S.C. 371, he or she must ►file an oath or declaration in accordance with § 1.63◄ [specifically identify the international application and any amendments thereto and state that he or she has reviewed the referred to application and any amendments, and that he or she verily believes himself or herself to be the original and first inventor or discoverer of the process, machine, manufacturer, composition of matter, or improvement thereof, for which he or she solicits a patent; that he or she does not know and does not believe that the same was ever known or used in the United States of America before his or her invention or discovery thereof, and shall state of what country he or she is a citizen and where he or she resides and whether he or she is a sole or joint inventor of the invention claimed in his or her international application as filed or as amended. In every application the applicant must distinctly state that to the best of his or her knowledge and belief the invention has not been in public use or on sale in the United States of America more than one year prior to his or her international application, or patented or described in any printed publication in any country before his or her invention or more than one year prior to his or her international application, or patented or made the subject of an inventor's certificate in any foreign country prior to the date of his or her international application on an application filed by himself or herself or his or her legal representatives or assigns. If any such application has been filed, the applicant shall name the country, in which the earliest such application was filed, and shall give the day, month, and year of its filing; he or she shall also identify by country and by day, month, and year of filing, every such foreign application filing, more than twelve months before the filing of international application].

[(2) This statement (i) must be subscribed to by the applicant, and (ii) must either (a) be sworn to (or affirmed) as provided in § 1.66, or (b) include the personal declaration of the applicant as prescribed in § 1.68.]

* * * * *

31. Section 1.77 is proposed to be amended by revising paragraphs (h) and (i) to read as follows:

§ 1.77 Arrangement of application elements.

The elements of the application should appear in the following order:

* * * * *

(h) [Signature. (See § 1.57] ►Abstract of the disclosure.◄

(i) [Abstract of the disclosure.] ►Signed oath or declaration.◄

* * * * *

32. Section 1.97 is proposed to be revised to read as follows:

§ 1.97 Filing of ►material information disclosure◄ [prior art] statement.

(a) As a means of complying with the duty of disclosure set forth in § 1.56, applicants are encouraged to file a ►material information disclosure◄[prior art] statement at the time of filing the application or within three months thereafter ►if the filing receipt has been received. If the filing receipt has not been received within three months after the time of filing, the disclosure statement should be submitted within two months after receiving the filing receipt. If filed separately, the disclosure statement should include the Group Art Unit to which the application is assigned as indicated on the filing receipt◄. The statement may either be separate from the specification or may be incorporated therein.

(b) The statement shall serve as a representation that the ►material information◄ [prior art] listed therein includes, in the opinion of the person filing it, ►all of the material information◄ [the closest prior art] of which that person is aware; the statement shall not be construed as a representation that a search has been made or that no ►other material information◄ [better art] exists.

33. Section 1.98 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.98 Content of ►material information disclosure◄ [prior art] statement.

(a) Any statement filed under § 1.97 or § 1.99 shall include: (1) A listing of patents, publications or other information and (2) a concise explanation of the relevance of each listed item. The statement shall be accompanied by a copy of each listed patent or publication or other item of information in written form or of at least the portions thereof considered by the person filing the statement to be pertinent. ►All United States patents listed should be identified by their patent numbers, patent dates and names of the patentees. Each foreign published application or patent should be cited by identifying the country or office which issued it, the document number and publication date. Each printed publication should be identified by author (if any), title, date, pages and place of publication.◄

34. Section 1.99 is proposed to be revised to read as follows:

§ 1.99 Updating of ►material information disclosure◄ [prior art] statement.

If prior to issuance of a patent an applicant, pursuant to his ►or her◄ duty of disclosure under § 1.56, wishes to bring to the attention of the Office additional patents, publications or other information not previously submitted, the additional information should be submitted to the Office with reasonable promptmess. It may be included in a supplemental ►material information disclosure◄ [prior art] statement or may be incorporated into other communications to be considered by the examiner. Any transmittal of additional information shall be accompanied by explanations of relevance and by copies in accordance with the requirements of § 1.98.

35. Section 1.101 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.101 Order of examination.

(a) Applications filed in the Patent and Trademark Office and accepted as complete applications [(§§ 1.53 and 1.55)] are assigned for examination to the respective examining groups having the classes of inventions to which the applications relate. Applications shall be taken up for examination by the examiner to whom they have been assigned in order in which they have been filed except for ►those applications in which examination has been advanced pursuant to §1.102 and◄ those applications in which the Office has accepted a request ►for waiver of patent rights◄ filed under § 1.139 ►which are not examined on the merits◄.

* * * * *

36. Section 1.118 is proposed to be revised to read as follows:

§ 1.118 Amendment of disclosure.

►(a) No amendment shall introduce new matter into the disclosure of an application after the filing date of the application (§ 1.53(a)). All amendments to the specification, including the claims, and the drawings filed after the filing date of the application◄ [In original applications, all amendments of the drawings or specifications, and all additions thereto,] must conform to at least one of them as it was at the time of the filing of the application. Matter not found in either, involving a departure from or an addition to the original disclosure, cannot be added to the application ►after its filing date◄ even though supported by [a supplemental oath, and can be shown or claimed only in a separate application] ►an oath or declaration in accordance with § 1.63 or § 1.67 filed after the filing date of the application◄.

►(b) If it is determined that an amendment filed after the filing date of the application introduces new matter, claims containing new matter will be rejected and deletion of the new matter in the specification and drawings will be required even if the amendment is accompanied by an oath or declaration in accordance with § 1.63 or § 1.67.◄

37. Section 1.123 is proposed to be revised to read as follows:

§ 1.123 Amendments to the drawing.

[(a)] No change in the drawing may be made except by permission of the Office. Permissible changes in the construction shown in any drawing may be made only by [the Office.] ►bonded draftsmen, at applicant's expense.◄ A sketch in permanent ink showing proposed changes, to become part of the record, must be filed ►for approval by the examiner◄. The paper requesting amendments to the drawing should be separate from other papers.

[(b) Substitute drawings will not ordinarily be admitted in any case unless required by the Office.]

38. Section 1.125 is proposed to be revised to read as follows:

§ 1.125 Substitute specification.

If the number or nature of the amendments shall render it difficult to consider the case, or to arrange the papers for printing or copying, the examiner may require the entire specification or claims, or any part thereof, to be rewritten. A substitute specification ►may◄ [will ordinarily] not be accepted unless it has been required by the examiner ►or unless it is clear that acceptance of a substitute specification would facilitate processing of the application. Any substitute specification filed must be accompanied by a statement that the substitute specification includes no new matter. Such statement must be a verified statement if made by a person not registered to practice before the Office.◄

39. Section 1.131 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.131 Affidavit or declaration of prior invention to overcome cited patent or publication.

(a) When any claim of an application ►or a patent under reexamination◄ is rejected on reference to a domestic patent which substantially shows or describes but does not claim the rejected invention, or on reference to a foreign patent or to a printed publication, and the applicant ►or the owner of the patent under reexamination◄ shall make oath or declaration as to facts showing a completion of the invention in this country before the filing date of the application on which the domestic patent issued, or before the date of the foreign patent, or before the date of the printed publication, then the patent or publication cited shall not bar the grant of a patent to the applicant ►or the confirmation of the patentability of the claims of the patent◄, unless the date of such patent or printed publication [be] ►is◄ more than one year prior to the date on which the ►applicant's or patent owner's◄ application was filed in this country.

* * * * *

40. Section 1.132 is proposed to be revised to read as follows:

§ 1.132 Affidavits or declarations traversing grounds of rejection.

When any clain of an application ►or a patent under reexamination◄ is rejected on reference to a domestic patent which substantially shows or describes but does not claim the invention, or on reference to a foreign patent, or to a printed publication, or to facts within the personal knowledge of an employee of the Office, or when rejected upon a mode or capability of operation attributed to a reference, or because the alleged invention is held to be inoperative or lacing in utility, or frivolous or injurious to public health or morals, affidavits or declarations traversing these references or objections may be received.

41. Section 1.137 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.137 Revival of abandoned application.

* * * * *

(b) An application unintentionally abandoned for failure to prosecute ►, except pursuant to § 1.53(d),◄ may be revived as a pending application if the delay was unintentional. A petition to revive an unintentionally abandoned application must be filed within one year of the date on which the application became abandoned or be filed within three months of the date of the first decision on a petition to revive under paragraph (a) of this section which was filed within one year of the date of abandonment of the application. A petition to revive an unintentionally abandoned application must be accompanied by (1) a statement that the abandonment was unintentional, (2) a proposed response unless it has been previously filed, and (3) a petition fee as set forth in § 1.17(m). Such statement must be a verified statement if made by a person not registered to practice before the Patent and Trademark Office. The Commissioner may require additional information where there is a question whether the abandonment was unintentional. The three month period set forth in this paragraph may be extended under the provisions of § 1.136(a), but no further extentions under § 1.136(b) will be granted. Petitions to the Commissioner under § 1.183 to waive any time periods for requesting revival of an unintentionally abandoned application will not be considered, but will be returned to the applicant.

* * * * *

42. Section 1.141 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.141 Different inventions in one application.

* * * * *

(b) A group of claims of different categories in an application so linked as to form a single inventive concept are considered to be one invention. In particular any of the following groupings of claims of different categories may be included in the same application:

(1) In addition to a claim for a given product,

(i) A claim for one process specially adapted for the manufacture of the said product, [as where] ►for example, where◄ the process of making as claimed cannot be used to make other and materially different products ►and the product as claimed cannot be made by another and materially different process◄;

(ii) A claim for one ►specially adapted◄ use of the said product, [as where] ►for example, where◄ said use as claimed cannot be practiced with another materially different product ►and the product as claimed cannot be used in a materially different process of using◄; or

(iii) Both (b)(1)(i) and (ii);

(2) In addition to a claim for a given process, a claim for one apparatus or means specifically designed for carrying out of the said process, [that is, it] ►for example, where the apparatus◄ cannot be used to practice another

materially different process ▶and the process cannot be practiced by another materially different apparatus or by hand◀.

* * * * *

43. Section 1.153 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.153 Title, description and claim, oath or declaration.

* * * * *

(b) The oath or declaration required of the applicant must comply with § [1.65] ▶1.63◀ except that the period of twelve months specified therein with respect to foreign applications is six months in the case of designs.

44. Section 1.154 is proposed to be amended by revising paragraph (e) to read as follows:

§ 1.154 Arrangement of specification.

The following order of arrangement should be observed in framing design specifications:

* * * * *

(e) [Signature of applicant. (See § 1.57)] ▶Signed oath or declaration (See § 1.153(b)).◀

45. Section 1.162 is proposed to be revised to read as follows:

§ 1.162 Applicant, oath or declaration.

The applicant for a plant patent must be the person who has invented or discovered and asexually reproduced the new and distinct variety of plant for which a patent is sought (or as provided in §§ 1.42, 1.43, and 1.47). The oath or declaration required of the applicant, in addition to the averments required by § [1.65] ▶1.63◀, must state that he ▶or she◀ has asexually reproduced the plant. Where the plant is a newly found plant the oath or declaration must also state that it was found in a cultivated area.

46. Section 1.163 is proposed to be amended by revising paragraph (b) to read as follows:

§ 1.163 Specification.

* * * * *

(b) Two copies of the specification (including the claim) must be submitted, but only one [need be] signed ▶oath or declaration is required. The◀ [and executed; the] second copy ▶of the specification◀ may be a legible carbon copy of the original.

47. Section 1.172 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.172 Applicants, assignees.

(a) Reissue [applications] ▶oaths◀ must be signed and sworn to or declaration made by the inventors except as otherwise provided (see §§ 1.42, 1.43, 1.47), and must be accompanied by the written assent of all assignees, if any, owning an undivided interest in the patent, but a reissue [application] ▶oath◀ may be made and sworn to or declaration made by the assignee of the entire interest if the application does not seek to enlarge the scope of the claims of the original patent.

* * * * *

48. Section 1.174 is proposed to be amended by revising paragraph (a) to read as follows:

§ 1.174 Drawings.

(a) The drawings upon which the orignial patent was issued may be used in reissue applications if no changes whatsoever are to be made in the drawings. In such cases, when the reissue application is filed, the applicant must submit a temporary drawing which may consist of a copy of the printed drawings of the patent or a photoprint of the original drawings [securely mounted by pating on sheets of drawing board] of the size required for original drawing [or an order for the same].

* * * * *

49. Section 1.175 is proposed to be amended by revising the introductory text of paragraph (a) to read as follows:

§ 1.175 Reissue oath or declaration.

(a) Applicants for reissue, in addition to complying with the requirements of [the first sentence of § 1.65] ▶§ 1.63◀, must also file with their applications a statement under oath or declaration as follows:

* * * * *

50. Section 1.30.1 is proposed to be revised to read as follows:

§ 1.301 Appeal to U.S. Court of [Customs and Patent] Appeals ▶for the Federal Circuit◀.

Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Appeals, and any party to an interference dissatisfied with the decision of the Board of Patent Interferences, may appeal to the U.S. Court of [Customs and Patent] Appeals ▶for the Federal Circuit◀. The appellant must take the following steps in such an appeal: (a) In the Patent and Trademark Office give notice to the Commissioner and file the reasons of appeal (see §§ 1.302 and 1.304); (b) in the court, file a petition of appeal and a certified transcript of the record within a specified time after filing the reasons of appeal, and pay the fee for appeal, as provided by the rules of the court. The transcript will be transmitted to the Court by the Patent and Trademark Office on order of and at the expense of the appellant.

Such order should be filed with the notice of appeal, but in no case should it be filed later than 15 days thereafter.

51. Section 1.302, paragraph (a), is proposed to be revised to read as follows:

§ 1.302 Notice and reasons of appeal.

(a) When an appeal is taken to the U.S. Court of [Customs and Patent] Appeals ▶for the Federal Circuit◀, the appellant shall give notice thereof to the Commissioner, and file in the Patent and Trademark Office, within the time specified in §1.304, his ▶or her◀ reasons of appeal specifically set forth in writing.

* * * * *

52. Section 1.303 is proposed to be revised to read as follows:

§ 1.303 Civil action under 35 U.S.C. 145, 146, 306.

(a) Any applicant or any owner of a patent involved in a reexamination proceeding dissatisfied with the decision of the Board of Appeals, and any party dissatisfied with the decision of the Board of Patent Interferences, may, instead of appealing to the U.S. Court of [Customs and Patent] Appeals ▶for the Federal Circuit◀ (§ 1.301), have remedy by civil action under 35 U.S.C. 145 or 146, as appropriate. Such civil action must be commenced within the time specified in § 1.304.

(b) If an applicant in an ex parte case or an owner of a patent involved in a reexamination proceeding has taken an appeal to the U.S. Court of [Customs and Patent] Appeals ▶for the Federal Circuit◀, he or she thereby waives his or her right to proceed under 35 U.S.C. 145.

(c) If a defeated party to an interference proceeding has taken an appeal to the U.S. Court of [Customs and Patent] Appeals ▶for the Federal Circuit◀, and any adverse party to the interference shall, within twenty days after the appellant shall have filed notice of the appeal to the court (§ 1.302), file notice with the Commissioner that he or she elects to have all further proceedings conducted as provided in 35 U.S.C. 146, certified copies of such notices will be transmitted to the U.S. Court of [Customs and Patent] Appeals ▶for the Federal Circuit◀ for such action as may be necessary. The notice of election must be served as provided in § 1.248.

53. Section 1.324 is proposed to be revised to read as follows:

§ 1.324 Correction of inventorship in patent.

Whenever a patent is issued and it appears that ►the correct inventor or◄ [there was a misjoinder or nonjoinder of] inventors ►were not named through◄ [and that such misjoinder or ommission occurred by] error [and] without deceptive intention, the Commissioner may, on petition of all the parties and the assignees and satisfactory proof of the facts and payment of the fee set forth in § 1.20(b), or on order of a court before which such matter is called in question, issue a certificate ►naming only the actual inventor or inventors◄ [deleting the misjoined inventor from the patent or adding the non-joined inventor to the patent].

54. Section 1.325 is proposed to be revised to read as follows:

§ 1.325 Other mistakes not corrected.

Mistakes other than those provided for in §§ 1.322, 1.323, 1.324, and not affording legal grounds for reissue ►or for reexamination,◄ will not be corrected after the date of the patent.

55. A new § 1.335 is proposed to be added to read as follows:

►§ 1.335 Filing of notice of arbitration awards.

(a) Written notice of any award by an arbitrator pursuant to 35 U.S.C. 294 must be filed in the Patent and Trademark Office by the patentee, or the patentee's assignee or licensee. If the award involves more than one patent a separate notice must be filed for placement in each patent. The notice must set forth the patent number, the names of the inventor and patent owner, and the names and addresses of the parties to the arbitration. The notice must also include a copy of the award.

(b) If an award by an arbitrator pursuant to 35 U.S.C. 294 is modified by a court, the party requesting the modification must file in the Patent and Trademark Office, a notice of the modification for placement in each patent to which the modification applies. The notice must set forth the patent number, the names of the inventor and patent owner, and the names and addresses of the parties to the arbitration. The notice must also include a copy of the court's order modifying the award.

(c) Any award by an arbitrator pursuant to 35 U.S.C. 294 shall be unenforceable until any notices required by paragraph (a) or (b) of this section are filed in the Patent and Trademark Office. If any required notice is not filed by the party designated in paragraph (a) or (b) of this section, any party to the aribtration proceeding may file such a notice.◄

56. Section 1.565 is proposed to be amended by adding a new paragraph (e) to read as follows:

§ 1.565 Concurrent office proceedings.

* * * * *

►(e) If a claim of a patent in the process of reexamination is rejected based upon a United States patent which claims the same invention, the patent owner will be given a specified time within which to file a reissue application in order to seek an interference pursuant to § 1.205, if appropriate. The failure or refusal of the patent owner to file a reissue application for purposes of seeking an interference, where appropriate, shall be taken as a disclaimer of the invention covered by the claim under rejection and will result in cancellation of the claim in the reexamination certificate issued pursuant to 35 U.S.C. 307 and § 1.570.◄

PART 5—[AMENDED]

57. Section 5.12 is proposed to be revised to read as follows:

§ 5.12 Petition for license.

►(a) Filing of an application for patent for inventions made in the United States will be considered to include a petition for license under 35 U.S.C. 184 for the subject matter of the application. The filing receipt will indicate if a license is granted. If the initial automatic petition is not granted, a subsequent petition may be filed under paragraph (b) of this section.

(b)◄ Petitions for license under 35 U.S.C. 184 should be presented in letter form and should include petitioner's address, and full instructions for delivery of the requested license when it is to be delivered to other than the petitioner.

Date: September 30, 1982.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc. 82-29267 Filed 10-26-82; 8:45 am]

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federal register

Wednesday
October 27, 1982

Part III

Department of the Interior

Minerals Management Service

Oil and Gas Operating Regulations; Final Rule

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 221

Oil and Gas Operating Regulations

AGENCY: Minerals Management Service, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will amend the regulations governing the exploration, development, and production of oil and gas from onshore Federal and restricted Indian leases. The final regulations revise and modernize the regulations in 30 CFR Part 221 which were last promulgated in their entirety in 1942. The revised regulations (1) eliminate unnecessary items, (2) reflect advances in technology, (3) incorporate provisions for environmental protection, (4) recognize applicable Department opinions and policy directives, (5) provide for more meaningful enforcement actions, and (6) segregate the royalty provisions from those relating to operational matters.

EFFECTIVE DATE: November 26, 1982.

ADDRESS: Associate Director for Onshore Minerals Operations, Minerals Management Service, 12203 Sunrise Valley Drive, Reston Virginia 22091.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald R. Daniels, (703) 860–7535, (FTS) 928–7535, or Mr. Stephen H. Spector, (703) 860–6259, (FTS) 928–6259.

SUPPLEMENTARY INFORMATION: The principal authors of this final rulemaking are Mr. Gerald R. Daniels, Acting Assistant Chief, Onshore Fluid Minerals Division; Mr. C. J. Curtis, Office of the Deputy Minerals Manager for Oil and Gas, North Central Region; Mr. Frank A. Salwerowicz, Deputy Minerals Manager for Oil and Gas, Central Region; Mr. Thomas E. Godfrey, Acting District, Supervisor, Jackson, Mississippi; Mr. Raymond W. Vinyard, Drilling Unit Supervisor, Tulsa, Oklahoma; and Mr. Stephen H. Spector, Onshore Fluid Minerals Division, assisted by the Office of the Solicitor.

The Minerals Management Service's (MMS) predecessor, the Conservation Division of the U.S. Geological Survey, published these regulations as Proposed Rulemaking on November 17, 1981 (46 FR 56564). Comments were invited for 30 days and, in response to several petitions, were extended for an additional 30 days ending January 18, 1982. Comments were received from 44 separate entities and individuals, including 2 from oil and gas industry associations, 23 from oil and gas lessees and operators, 6 from Indian Tribes and Indian representatives, 3 from State governments, 1 from a general member of the public, and several from offices within the Department of the Interior. In addition, the Commission on Fiscal accountability of the Nation's Energy Resources (Linowes Commission), established by the Secretary of the Interior in July 1981 to investigate theft and other alleged shortcomings in the accountability of production from Federal and Indian oil and gas leases, provided a draft of its report for inclusion as comments in this rulemaking. Specific discussion concerning the adoption of recommendations of the Commission which relate to sections of the regulations already under review is covered herein. However, the majority of the report deals with royalty requirements which are not the subject of this rulemaking, and those comments will be addressed in a separate rulemaking relating to royalty accounting provisions for all leasable minerals.

The following discussion relates to some general comments which did not concern any one specific section.

One general change which has been included in this rulemaking is the revision of responsible officials' titles to reflect the creation of the Minerals Management Service on January 19, 1982 (47 FR 4751). These title changes do not change or alter the basic responsibility of these officials except for those detailed in the definitions section.

Several commenters were concerned by the reservation of specific numbers in the regulations without explanation of future use. The Federal Register recommends the listing of any number not used, and it has been deemed desirable to set apart general categories of the rules. With regard to current royalty requirements, this rulemaking restates the portions of provisions which relate to royalty requirements, without change, except to renumber them beginning with § 221.100. It is anticipated that eventually royalty requirements for all leased commodities will utilize the same numbering within applicable parts of the regulations of the MMS. This numbering change also resulted in other section number changes from those in proposed rulemaking.

For the convenience of lessees and operators and the public, the following chart shows the old and new royalty section numbers:

New	Old
221.100	221.12.
221.101	221.13.
221.102	221.35 (portion of).
221.103	[illegible]
221.104	221.39 (portion of).
221.105	221.40 (portion of).
221.106	221.43(d).
221.107	221.44 (portion of).
221.108	221.45 (portion of).
221.109	221.46.
221.110	221.47.
221.111	221.48.
221.112	221.49.
221.113	221.50.
221.114	221.51.
221.115	221.52.
221.116 (a) and (b)	221.54 (i) and (j).
221.117	221.60.
221.118	221.61.
221.119	221.62.
221.120	221.63.
221.121	221.64.
221.122	221.65.
221.123	221.80.

The proposed rulemaking omitted any reference to the naval petroleum reserves or the jurisdiction of the Department of Energy (DOE). Since these regulations could be incorporated by reference by DOE, it was originally deemed inappropriate to reference DOE authority herein. However, the Director, Naval Petroleum and Oil Shale Reserve, has requested that the references to both naval petroleum reserves and the Secretary of Energy be reinserted for the present time. The Administration is proposing legislation which would transfer the naval petroleum reserves to the jurisdiction of the Secretary of the Interior. In view thereof, further responsibility for the oil and gas operations on the naval petroleum reserves is still uncertain and eventually may be more directly subject to these rules. Therefore, it is determined that these references should be continued as they were shown in the Final Rulemaking of December 1, 1981 (46 FR 58304). That final rulemaking also added the references to the National Petroleum Reserve-Alaska (NPR-A) to Part 221. Comments were invited concerning the decision not to promulgate a separate part of the CFR for NPR-A operations, even though leasing would be under a separate authority. Only one commenter specifically addressed this point, and the comment supported the single operating regulation concept. Therefore, no change is made.

Eight of the Linowes Commission recommendations addressed points which had already been considered in this rulemaking. Changes in the proposed rules have been made for clarification and to focus more specifically on these eight Linowes recommendations. One of these recommendations (Production start-up notification) would require the lessee to notify the Department of new production start-up. Wording has been added to

§ 221.32(c) to require notice of new production start-up. This allows specifics, such as time frames and method of notification, to be detailed in applicable orders or notices.

A second recommendation (Verification of production and sales) suggested that well test data, run tickets, and LACT meter readings be obtained on a sample basis. Well test data are required under § 221.26, and the language has been expanded to specify quantity as well as quality. In § 221.36(c) (Run tickets), specific procedures have been eliminated and replaced with a statement that run tickets must be completed in accordance with applicable notices and orders. This allows flexibility in dealing with the differing situations on Federal and Indian leases while being more in keeping with the needs of a general rulemaking. Refinements of an existing notice are expected to be promulgated shortly by MMS in the form of a revised notice or order.

With regard to site security, the Commission recommended elimination of detailed regulatory requirements and advocated placing responsibility for site security on the lessee through a lessee-prepared site security plan. Several sections of the proposed rulemaking dealt with aspects of site security, and, where necessary, changes have been made to reflect the Commission's recommendations.

Section 221.20 (General requirements) now specifies that the lessee is responsible for site security, while § 221.32 (Well records and reports) now requires schematic diagrams to be maintained by the operator. As a corollary, § 221.34 (Measurement of oil) and § 221.35 (Measurement of gas) have been expanded to include submission of a schematic diagram within 30 days of installation or modification of facilities. To emphasize site security, a new § 221.37 (Site security) has been added and the elements of the proposed rulemaking which related to seals included within this general section.

Two of the seven Commission recommendations concerning enforcement of regulations are implemented in this rulemaking. These two recommendations suggest that shut-in authority be used in cases of serious site security noncompliance and that the Secretary pursue lease cancellation if necessary. Section 221.61 (now 221.51) now specifically authorizes the Supervisor to order a well or operations shut-in for repeated instances of noncompliance, and § 221.62 (now § 221.53) emphasizes the Secretary's authority to cancel leases for repeated violations while providing for initiation of action by MMS.

Cooperative agreements with States and Indian Tribes for purposes of inspection, audits, and training were also advocated by the Commission. Although cooperative agreements relating to these topics and technical assistance are an ongoing process and in some instances may require specific statutory authority, language has been added in § 221.11 (Responsibility of the Deputy Minerals Manager) to provide the DMM's with some authority and responsibility to provide technical advice and information and to negotiate and consummate cooperative agreements.

A number of comments suggested that records be made available to the Indians, whether Tribes, owners, lessors, or individual allottees. Further, many of the commenters requested that the MMS send copies of each document directly to the Indian owner to assure that they receive records of all actions taken, and further, that no action be taken until the Indian owner has concurred.

The MMS has not adopted these suggestions for inclusion in the oil and gas operating regulations. Since these regulations apply to the performance of work on oil and gas leases and to the exercise of the Secretary of the Interior's trust responsiblity to supervise those operations on behalf of the Indian's interest, inclusion of policy matters such as those requested by the commenters would be out of place. Such matters would be better addressed by directives such as the Minerals Management Service operations manual or specific instructions.

The MMS will continue the U.S. Geological Survey's (USGS) policy of maintaining complete openness of its files and records to any authorized representative of an Indian Tribe or Indian Allottee. These are available for examination at any of the MMS field offices. However, we hope that requests for such data will be kept within reasonable bounds since many of the older records cover lease histories of 50 or more years and have been archived, and retrieval and/or reproduction may be time-consuming and expensive. The MMS also will continue past policy of providing documents pertaining to operations on Indian oil and gas leases to the appropriate Superintendent's office of the Bureau of Indian Affairs (BIA) since these offices are more convenient to the Indian lessor, or owner, and the BIA has a more thorough knowledge of the location and authority of the various tribal entities.

The request to withhold MMS approval of all documents submitted by operators until concurrence of the Indian owner is obtained is a marked departure from past policy. Considering the hundreds of required concurrences, especially on allotted Indian lands, MMS hesitates at present to adopt such a course of action since future operations could be paralyzed while attempting to obtain concurrence.

The following comments are listed under the section of the proposed regulation to which they relate.

Authority

One commenter stated that the authorities should be expanded to include all environmental laws which control operations on an oil and gas lease. While we agree that operations on a leasehold are subject to laws such as the National Historic Preservation Act, the Endangered Species Act, the Clean Water Act, and the Safe Drinking Water Act, to mention only a few, we do not believe they are the statutory authorities for promulgating these regulations. Because of the broad general provisions of §§ 221.20, 221.23 and 221.30, the National Environmental Policy Act of 1969 is cited as an authority. All other applicable laws must also be complied with and are generally cited as stipulations to the lease.

Definitions. [Section 221.2]

The separation of the MMS from the USGS resulted in changes in titles and realignment of some duties. For the purposes of this definition section, this change and a previous reorganization are both referred to as "the reorganization." Because of changes in alphabetical order of the definitions caused by changes, additions, and deletions, the definitions are now listed without any individual designation (i.e. (a), (b), etc.) as they appeared in the proposed rulemaking. Additional definitions appear at the end of this discussion. If no comments were received concerning the definition as published for comment, no change was made in the definition as proposed.

Conservation Manager. Due to the reorganization, the title is now "Minerals Manager."

Deputy Conservation Manager (DCM). Due to the reorganization, the title now appears as *"Deputy Minerals Manager (DMM)."* Several commenters requested that changes be made which will limit the DMM's approval authority for contractual agreements to those involving Federal leases (not Indian) and further limit such authority to agreements between the Government and the lessees and not to agreements between lessees and/or operators. We agree that the DMM's authority for approval of contractual agreements is limted to only Federal lands (not Indian). However, we do not specfically limit the authority of the DMM with respect to agreements between lessees and/or operators since such authority never extended to those types of agreements, nor is there any intent herein to so extend that authority.

Designated Operator or Agent. Two commenters requested definition of the difference between designated operator and designated agent. We agree that the two terms in common usage cause confusion and therefore we have dropped "or Agent" from the definition. No other changes were made.

Director. The reorganization created the position of Director, Minerals Management Service, which is now the applicable definition of "Director." The definition formerly meant Director, U.S. Geological Survey.

District Supervisor (Supervisor). The only revision in this definition is to change DCM to DMM in the body of the text. Two commenters complained about confusion introduced by referring to the officer in charge of a district office as "the Supervisor" when the term "Supervisor," which appears in leases and other regulations, refers to a different officer with differing authority and responsibility. However, recommendations and comments by the Linowes Commission, which have been adopted by the Secretary, prescribe separation of some of the duties performed by the previously designated "Supervisor" as that title appears in leases and other regulations. The redefinition of officers and duties appearing in this rulemaking implements that decision.

Lease. Several commenters recommended defining the term more broadly to include both Federal and Indian leases. Clarifying changes have been made.

Notice to Lessees and Operators (NTL). Two commenters suggested that the definition be changed to provide an opportunity for comment before issuance of NTL's. This change has been made in § 221.15.

Oil. Although no comments were received, the definition has been revised to incorporate the statutory definition contained in the Combined Hydrocarbon Leasing Act of November 16, 1981. This definition was proposed by a separate rulemaking published in the **Federal Register** of May 12, 1982 (47 FR 20324).

Operator. No comments; only editorial changes made for clarity.

Paying well. Several comments were received on this definition. Some of the commenters felt that the definition was too restrictive while others felt it was too broad. After careful consideration, the definition was not altered except for minor editorial changes. This basic definition has served adequately for many years. For additional clarification and consistency of terms, a separate definition of "Production in paying quantities" has now been provided.

Waste of oil or gas. A single comment was received concerning the phrase "sanctioned by the Supervisor" and recommending that the Supervisor approve all such actions. The requested change was not made. Currently, the Supervisor may accept actions taken by State regulatory agencies without the need for formal approvals. Accordingly, the word "sanctioned" is believed to be appropriate.

Additions to the definition section (§ 221.2) resulted from comments requesting further clarification or from the reorganization. Additions are listed in their proper alphabetical order for inclusion in this final rulemaking.

Associate Director for Royalty Management. The reorganization established this new position which has authority and responsibility for royalty management functions formerly performed by the Supervisor.

Fresh water. Since MMS is responsible for protecting fresh water as well as protecting usable water as required by other regulations, we believed it advisable to define "fresh" water as water containing less than 1,000 p.p.m./t.d.s., and other usable waters as prescribed by NTL-2B.

Maximum ultimate economic recovery. Several commenters requested a definition of this term. That definition is provided.

Information collection. [Section 221.2-1]

Although this rulemaking does not revise any of the royalty requirements, it does restate all existing royalty requirements to avoid a lapse in the rules governing the collection of rents and royalties. As a result, the forms for royalty accounting are included in this section. A third royalty accounting form is listed which has been adopted for those cases transferred to the Royalty Accounting Center, Lakewood, Colorado, and consolidates two previous forms. It will eventually be used by all oil and gas payors. In the justification statement for the royalty accounting forms, one commenter recommended that the word "sales" may be too limiting to include royalty on other transfers which may not be technically sales. The final phrase has been omitted from the sentence.

Several commenters reiterated the proposal originally made in comments on the Notice of Intent, to change the filing time on both forms 9-330 and 9-331 from 15 days to 30 days following completion. In considering this request, the recommendation of the Linowes Commission to require a notice of new production start-up was also evaluated. It has been determined that when adopted together, these two changes will provide the Supervisor a portion of the required information immediately and allow the lessee an additional 15 days to provide the remainder of the date.

The proposed rulemaking specifically requested comments on the information gathering requirements of the regulations which do not require the filing of specific forms. We received no comments specifically directed to these requirements. We have included a separate portion of § 221.2-1 which refers to the information collection requirements contained in the various sections of Part 221 which do not call for forms. The information collection approval data is listed later in this preamble.

Jurisdiction. [Section 221.10]

One commenter suggested that authority to supervise their own oil and gas operations be delegated to the Indian Tribes. The suggestion is not adopted as it is current policy that the Secretary's authority is now vested in the MMS, and these rules reflect the existing policy. Further discussion of the merits of the suggestion will be continued with those Tribes expressing interest in such a policy.

The only other comment suggested that the laws affecting Indian land leasing be cited in the "Authority Section" so that violations of 25 CFR Part 171 are also violations of 30 CFR Part 221. The citations under "Authority" beginning with 25 U.S.C. are the appropriate citations of existing law pertaining to Indian lands insofar as we can determine. However, we believe the regulations in Title 25 CFR and Title 30 CFR pertaining to oil and gas leasing and operations can and should be mutually exclusive though complementary for the most part as the responsibility for their administration is vested in different Agencies. In those areas where they do overlap or conflict, one or the other should prevail as is prescribed in 30 CFR 221.71.

Responsibility of the DMM. [Section 221.11]

One commenter suggested that the abbreviation "DCM" be spelled out at least once. We agree and have revised the heading. Several commenters advised that the DMM's authority to approve certain formal agreements on behalf of the Department of the Interior should be limited to those involving Federal oil and gas leases and should not include authority to approve formal agreements involving Indian oil and gas leases as that authority is vested in the Bureau of Indian Affairs. We agree and have made the appropriate changes.

Two commenters suggested that the delegation of authority to the DMM to approve gas storage agreements is appropriate, but that it conflicts with 43 CFR 3105.5–1 which provides that gas storage agreements be approved by the Secretary of the Interior. They suggested that the "conflicts" provision, 30 CFR 221.71, clearly prescribe that insofar as operational matters are concerned that 30 CFR Part 221 will prevail in the event of conflict. We agree and have made the appropriate change.

Several commenters questioned the meaning of the word "assess" as used in connection with compensatory royalty. They proposed several resolutions of the perceived problem with the terminology, and one suggested that the Associate Director for Royalty Management be responsible for assessment. We believe the term "assess" is proper and that it applies to the percentage of production from a well or wells on offsetting property which represents a loss of production from drainage from the leased land. We also believe that the DMM is the responsible officer for making the assessment. The pricing provisions applicable to regular production will be employed by the Associate Director for Royalty Management in computing and collecting the payment due.

One commenter suggested a time certain filing requirements be established for unit and communitization agreements (i.e., 90 days before the expiration date of the primary term of the first involved lease). While we agree that the principle involved might increase efficiency of processing these agreements, we do not believe this type of detail belongs in the regulations and have not made the requested change. If "11th hour" agreement filings are burdening all offices to the degree that they are interfering with processing of more timely filed agreements, it may become necessary to correct the situation via an operating order.

Two commenters suggested that local NTL's (Notices to Lessees and Operators) not be issued until after they have been published with an opportunity for comment since they perceive that additional reporting burdens or other requirements may be imposed. We agree that new notices will not be issued without opportunity for comment.

Many commenters objected to a provision in the proposed regulations pertaining to exploration and development contracts for restricted Indian lands, i.e., proposed as § 221.72. We agree with the comments and have deleted § 221.72. Also, the Linowes Commission recommended closer cooperation with Indian Tribes, State governments, and other Federal Agencies. In view of the foregoing, we have added a provision to § 221.11 which assigns responsibility to the DMM for providing technical information and advice relative to oil and gas exploration and development contracts and for negotiating and entering into cooperative agreements with the States, other Federal Agencies, and with Indian Tribes.

Responsibility of the Supervisor. [Section 221.12]

One commenter requested that the royalty provisions enumerated in various editions of lease terms and regulations be continued as the responsibility of the Supervisor. Another commenter suggested that the title be fully spelled out as District Supervisor to avoid confusion with past regulations and lease terms. We acknowledge that some confusion is probably engendered by the appearance of the same title with differing meanings in different documents. However, we believe that, as usage becomes more common, the confusion or problems will abate. Also, this rulemaking does not involve royalty matters. The royalty provisions are renumbered starting with § 221.100 and revised to show the Associate Director for Royalty Management as the responsible officer.

Two commenters suggested deletion of similar language appearing at §§ 221.12, 221.20, and 221.22 concerning environmental protection and maximum recovery. We agree that the language was repeated too often and have deleted it from § 221.22. However, we believe it is important to retain the language in both § 221.12 and § 221.20.

Responsibility of the Associate Director for Royalty Management. [Section 221.13]

These regulations did not propose changing any of the royalty provisions previously existing in 30 CFR Part 221. The royalty provisions have been retained but renumbered commencing with § 221.100. However, since the duties formerly performed by the Conservation Division of the USGS have been transferred to the MMS with a realignment of duties, we believe it is important to change the royalty provisions to reflect the responsibility now vested in the Associate Director for Royalty Management.

Because of this change, we have added a section, i.e., § 221.13, to describe the duties of this newly designated officer and the corresponding reduction in responsibility of the Supervisor. Many leases still indicate that these duties are performed by the Supervisor.

In some cases, sections of the previous edition of the regulations contained both operational and royalty accounting provisions. The operational aspects are included in this rulemaking and revised. The royalty provisions will stand as written in the previous edition of the regulations but will be renumbered, the appropriate officer designated, and the operational provisions deleted.

Onshore oil and gas orders. [Section 221.13]

Only one comment was received regarding the oil and gas orders section (now § 221.14), and it suggested joint authority be given the Director, Office of Trust Responsibilities (of the Bureau of Indian Affairs), in approving orders that apply to Indian lands. We do not agree that such joint authority should be established by regulation. Most orders which apply to Indian lands will also apply to Federal lands which have four to five times the volume of operations. The MMS will certainly seek the advice and cooperation of the Director, Office of Trust Responsibility, in drafting and completing operating orders, but believes final authority and responsibility must rest with one or the other Agency. The authority and responsibility to supervise operations is vested in the MMS.

The MMS plans to issue operating orders as soon as possible after these regulations become final. Each order will be published in the **Federal Register** for comment before issuance in final form. The operating orders will serve as the main vehicle for detailing how these operating regulations will be implemented. Until such time as operating orders can be completed, thus superseding or cancelling the existing NTLs, it will be necessary to maintain all current Notices to Lessees and Operators in effect.

Notices to lessees and other implementing procedures. [Section 221.15]

Several commenters expressed concern about future Notices to Lessees and Operators, their extent, the officers authorized to issue them, and the methods of issuance. We have added this section in response to those comments and to advise that: (1) The DMM may only issue NTLs after some form of notice and opportunity for comment by directly affected parties; (2) all existing NTLs will remain in effect until superseded or cancelled; and (3) internal guidance within MMS will be included in the operations manual or other written instructions.

General requirements. [Section 221.20]

The term "site security" was added to clarify and emphasize that site security of leasehold production is a general responsibility of the lessee. This is in accord with the recommendation of the Linowes Commission regarding site security.

Conduct of operations. [Section 221.21]

Several comments suggested that current requirements for designation of an operator be simplified and bond coverage correlated therewith. Bond coverage must be provided for each operation both on Federal and Indian leases. However, current BLM regulation in 43 CFR Part 3104 applicable to Federal leases do not authorize a designated operator to provide such bond. Modification of the appropriate provisions of 43 CFR Group 3100 has been recommended to allow operators either to (1) submit a "designation of operator" form where bond coverage is provided by the lessee(s) or approved holder(s) of operating rights, or (2) submit a letter certifying that the lessee(s) of record agrees to the designation and to having bond coverage provided by such designated operator. Evidence of actual notice to all lessees of record would be required. We will continue to work with BLM in seeking this modification.

A few comments suggested that a copy of any order, instruction, or notice specific to a lease be mailed to the lessee(s) as well as delivered to the local representative. We agree with this suggestion and have implemented it. Section 221.21 was also revised for editorial clarity and to specify that any contractor served a notice or order is the party responsible for the particular activity involved in the notice.

Drilling and producing obligations. [Section 221.22]

Several comments suggested that the general description of the lessee's drilling and producing obligations in the proposed § 221.22(a) was identical to similar language in other sections. We agree that there was duplication in the language and that the language, as proposed, was not consistent with lease terms relating to the lessee's drilling and producing obligations. Accordingly, the entire section has been revised to eliminate duplication and for consistency with the applicable lease provisions.

With regard to proposed § 221.22 (b) and (c), several comments suggested that language be included to provide the lessee an opportunity to submit evidence showing that drainage is not occurring under a specific lease. Language has been included to accomplish this. Suggestions were also made that language be added to specify the economic requirements that apply in determining whether compensatory royalty is assessed. These criteria are considered internal and this are not appropriate for inclusion in the regulations.

Drilling applications and plans. [Section 221.23]

Two comments suggested that § 221.23(a) be clarified to recognize the relationship between State spacing orders and the Federal jurisdiction on Indian lands and to include a reference to field rules. Changes were made to accommodate these suggestions. A suggestion that language be included to waive archeological clearance unless a proposed well is within a designated archeological site was not adopted because such procedure is not in accord with the applicable departmental regulations, 36 CFR Chapter VIII.

Section 221.23(c) was rewritten for clarity. It was suggested that an operator may stake a location at the time of filing a preliminary environmental review. This was not considered appropriate since such detail is more appropriate in an operating order. However, consideration is still being given to the suggestion in other streamlining efforts.

Seven commenters stated that some of the items detailed in § 221.23(d) were unnecessary or inappropriate for inclusion in regulations. We agree, and this section was modified to include only the principal operational and environmental items in the drilling plan. Details concerning the actual items which must be included in the plan are included in applicable orders and notices.

It was suggested that § 221.23(d) be modified to allow the Supervisor to approve necessary changes in the drilling plan as needed. This was done. Language was also included to permit an applicant to submit a drilling plan for a single well or for several wells to be drilled to the same zone in a field or area of geologic and environmental similarity. An individual application for each well would still be required. Since a drilling plan is one element of an application, it was deemed advisable to reverse paragraphs (d) and (e).

Several suggestions were made regarding modifications of the "30-day" period proposed in § 221.23(e). Several commenters interpreted this provision as precluding processing in less than 30 days. This was not the intention of the proposed provision; it has therefore been revised for clarity. Operators should be aware that applications submitted less than 30 days before desired commencement of operation might not be completely processed in that time frame.

Section § 221.23(f) received a wide spectrum of comments requesting both shortening and lengthening the 30-day approval period. Since efforts are now underway to streamline APD processing and it is anticipated that improvements will be forthcoming, it was decided that § 221.23(f) as proposed is reasonable and was only slightly modified for clarity at this time.

Well identification. [Section 221.24]

One suggestion was made that the requirement for a marker on abandoned wells be clarified, and this has been done. One comment suggested eliminating all markers on abandoned wells. However, since many markers are now waived, this requirement is not considered unduly burdensome.

Control of wells. [Section 221.25]

Several comments suggested that the requirement in § 221.25(b) for reporting well deviation in excess of 6° was too restrictive. We agree, and the requirement has been increased to 10° and also made dependent upon the location of the bottom hole well location in relation to the spacing unit or lease boundary.

Two comments suggested that in § 221.25(d) "fresh water" be defined or clarified. This suggestion was adopted by adding "fresh water" in the *Definitions* section and also adding language to clarify that usable water up to 5,000 ppm of total dissolved solids is to be protected. Several comments suggested that the requirement for tests of the effectiveness of protective measures be clarified and expressed concern that tests are mandated by present language. Tests are not mandated but may be requested by the Supervisor when conditions dictate. Historically, such requested tests have been infrequent, and no change is expected. The words "and surveys" were added to clarify that a well survey such as a cement bond log might be appropriately requested to verify isolation of fresh water or minerals.

Samples, tests, and surveys. [Section 221.26]

Several comments suggested that the word "reasonably" be added to the first sentence of § 221.26(a) and that the time of testing be at the operator's discretion. This sentence has been modified to include "reasonably" and to clarify that the testing, logging, etc. will be done during the drilling and completion of a well. Paragraph (b) of § 221.26 of the proposed rule was deleted. The requirements of paragraph (b) for samples are adequately addressed in paragraph (a).

Several comments suggested that paragraph (c) be made more explicit or deleted because of the potential for damage to the well bore and associated legal ramifications. Paragraph (c) has been deleted.

A new paragraph was added as a result of one suggestion and to conform to a recommendation of the Linowes Commission. This paragraph, now § 221.26(b), provides that the lessee conduct periodic representative well tests in accord with applicable orders and notices. Such tests are commonly taken pursuant to standard industry practice.

Several comments suggested that paragraph (d) (now paragraph (c)) be modified to require that such samples, tests, and surveys be at the lessor's expense. A requirement that the lessor bear no expense was included in the previous regulations for many years with little, if any, objections or abuse. This suggestion was not adopted because the lessee is and should be liable to show that his operations are in compliance. This paragraph merely reflects the lease terms.

Subsequent well operations. [Section 221.27]

A number of comments suggested that § 221.27 be clarified to better define the specific types of operation pertinent to each reporting requirement. This suggestion was adopted by utilizing separate paragraphs to list the well operations having the same reporting requirements. Paragraph (a) lists the types of well operations requiring both prior approval and a subsequent report.

Paragraph (b) lists operations which do not require prior approval but do require subsequent reports, and paragraph (c) lists the types of operations requiring no report

Other lease operations. [Section 221.28]

Section 221.28 was clarified by adding a reference to §§ 221.23 (drilling operations) and 221.27 (subsequent well operations).

A number of comments suggested editorial changes. Changes have been made to clarify the section as requested. Several comments suggested that a decision to abandon should be the sole province of the lessee. This concept was not adopted because the Supervisor is responsible for maximum ultimate economic recovery, as defined. One comment suggested that rehabilitation requirements be more explicit. This was not accepted because such requirements are defined in appropriate notices and orders.

Environmental obligations. [Section 221.30]

Several comments were received concerning the environmental obligations contained in proposed § 221.30(a). These comments were divided between those who desired that additional environmental consultations with other interested parties be required through regulations and those who desired a relaxing of some of the requirements. It was determined that the provisions of § 221.30(a), as proposed, were adequate as written and that specific instructions would be issued by means of orders and notices. Accordingly, only editorial changes for the sake of clarity have been made.

Comments were received concerning the requirements of proposed § 221.30(c). The requirements in this paragraph are general in nature and all commenters requested that additional details be included for purposes of clarification. These changes have not been made since NTL-3A currently provides specific requirements concerning the questions raised by these comments.

A few comments were received concerning the requirements contained in proposed § 221.30(d). Two of the comments concerned the relationship between the required contingency plan and EPA's SPCC plans. This relationship is clarified in NTL-3A, and an SPCC plan will meet the requirements of proposed paragraph (d). A third comment recommended that the BIA Superintendent be delegated authority to approve operations to control and remove pollutants. These are technical actions fully within the scope of these operating regulations. Accordingly, the requested change has not been made.

Well records and reports. [Section 221.32]

The Linowes Commission recommendations relating to the need for schematic facility diagrams and notices of initial well production have been adopted.

Confidentiality. [Section 221.33]

The majority of the commenters suggested that the proposed confidentiality periods were inadequate and could adversely affect the lessee's competitive position and result in the drilling of fewer exploration wells. We agree that the proposed confidentiality provision were inadequate and have modified the time period during which information that is privileged or confidential may be withheld from disclosure. Several comments were received concerning the release of data for Indian lands. Some of these commenters were disturbed that information on Indian lands is not available under the Freedom of Information Act. The Associate Solicitor, Division of Indian Affairs, has advised us that our proposal in § 221.33(c) as written was overly restrictive, and it has now been modified to show that only "confidential and privileged" information would be withheld. Several commenters also suggested that specific requirements be added for handling geological, geophysical, or other privileged or confidential information obtained from outside the boundaries of the lease. This recommendation has been adopted.

Measurement of oil. [Section 221.34]

Several of the comments concerned the need for flexibility in approving alternate methods for measuring crude oil. We agree that MMS may wish to approve other measuring systems in the future, and the requested change was made. Other comments concerned the requirements for schematic diagrams and the review of such schematics by the Indian lessor. The technical review of these schematics is fully the responsibility of the Supervisor, and no change in this requirement has been made. For clarity, a change was made addressing when such schematics will be required.

Measurement of gas. [Section 221.35]

A change similar to that made in § 221.34 has been made to allow the

MMS to approve the use of turbine meters or other measurement systems. The requirement for gas facility schematic diagrams has also been clarified. Several comments were received concerning the change in pressure base from 15.025 psia to 14.73 psia for reporting volumes of gas produced. This change has been in effect for several years (NTL–1 and NTL–1A). It only specifies the pressure base at which gas production shall be reported; it does not alter existing lease royalty provisions. Other changes were recommended and, where necessary for clarity, were made.

Disposition of production. [Section 221.36]

Eighteen comments were received concerning the proposed disposition of production requirements. Many of the comments requested that the requirements for run tickets be modified and that additional details be provided. Although minor editorial changes have been made, most of the requested changes were not made. The MMS requirements for run tickets are contained in NTL–7, the final version of which reflects many of the comments. The regulations in this part are intended to be general, and specific requirements will be contained in applicable orders and notice. Many other comments related to the requirement for storage of royalty oil. This provision was previously contained in § 221.40(b) and has been in effect for almost 40 years. We see no convincing arguments for changing these requirements. Accordingly, only minor editorial changes have been made. Other comments recommended that provisions be added concerning royalty requirements on production which is avoidably lost or wasted. These requirements are currently contained in NTL–4A and can be addressed when the royalty provisions in §§ 221.100 to 221.123 are proposed for modification.

Since seals are part of the site security requirement, these requirements have been removed from the proposed § 221.36 and a new section, 221.37 Site security, has been established. A Notice of Intent to propose site security standards has been published for comment in the **Federal Register** of April 21, 1982, (47 FR 17076), and an interim rule with request for comments was published October 15, 1982 (47 FR 46236) effective November 15, 1982.

The new § 221.37 which is contained in the interim rule provides that site security plans shall be developed in accordance with applicable standards. Such minimum standards are developed as a part of the above-described interim rulemaking. Because the interim rule has been published, § 221.37 is omitted from this final rule.

Acts of noncompliance. [Section 221.60]

Several comments received on § 221.60 (now § 221.50) expressed concern that remedies for acts of noncompliance as proposed are unduly harsh if the lessee is not afforded an opportunity to be heard and a reasonable period of time in which to comply. In response to these comments, a new paragraph 221.51(a) has been added to provide for notice and opportunity to be heard, and time for corrective action and/or to show cause before some remedies are imposed. One of the comments suggested that the immediate shutdown for environmental protection should be changed from "may be taken" to "shall be taken." Since the Supervisor is expected to exercise his responsibilities with regard to environmental protection very judiciously, § 221.51(b) is unchanged with regard to immediate shutdown for operations conducted without approval or those which could harm life, property, or the environment. The additional reason "for repeated instances of noncompliance" has been inserted to deal with the chronic offender, and to respond to comments that shutdown should not be imposed for unintentional or insignificant acts of noncompliance. The only other comments received regarding § 221.60 were that the criteria for shutdown of operations should be expanded to include specifically, shutdown for economic loss or waste. It is believed that the definition of noncompliance contained in this section adequately covers these concerns, and that no revision is necessary.

Assessments for noncompliance. [Section 221.61]

The schedule of liquidated damage assessments proposed in § 221.61 (now § 221.52) has been described by some commenters as "excessive," and by other commenters as "unrealistically small" or "grossly inadequate." As explained in the proposed rulemaking, the amounts have been increased by a factor of 10 from those established in 1942, and are considered adequate for the stated purpose. Consequently, this schedule has been revised only slightly, for reasons stated hereafter. The existing assessments for royalty matters are listed in § 221.116, and since they were not proposed for modification they will continue at their current level temporarily. However, since § 221.61(a) of the proposal dealt with written orders of the officials and a new official is now added due to reorganization, that provision is also listed in § 221.116. It has been suggested that, because drilling without approval is a very serious offense and creates numerous problems for both the MMS and surface management agencies, the assessment of liquidated damages for this act of noncompliance should be levied each day of the noncompliance. In response to this suggestion, paragraph (c) has been added to those assessments to be levied daily. Other changes have been made for clarity. In response to comments that the assessment for abandonment without approval should be equivalent to the assessment for drilling without approval, or subsequent well work without approval, and that the assessment for failure to maintain seals should not be more than these other assessments, we have made the following changes: the assessment in paragraph (i) has been raised to $250, and the assessment in paragraph (j) has been lowered to $250 per day. For clarity, the phrase in paragraph (j) reading "For failure to maintain seals * * *" was revised to read "For failure to maintain effective seals * * *" Some comments received expressed opinions that it would be unfair to levy assessments on lessees and operators for deficiencies caused by third parties, such as when vandals or thieves remove or destroy well signs or seals. It is the position of MMS that the lessee or operator is the responsible party, and this responsibility extends to making appropriate corrections in conjunction with law enforcement agencies and/or development of adequate security systems when problems are encountered with vandals or thieves. The penalties provided for in § 221.62 (now § 221.53) are not to be levied until after the lessee receives a notice of the noncompliance and is offered an opportunity to remedy any defaults or violations. Since it is intended that this should be a written notice, the words "in writing" have been inserted. Some editorial changes have been made in § 221.63(b) (now § 221.54(b)) to clarify when penalties must be paid and that they are subject to late payment charges.

Surface rights. [Section 221.70]

Several comments urged that the section (now §221.60) concerning surface rights be deleted while others recommended that the section be made more restrictive. This section does not intend to define the provisions of the lease; however, it is intended to clarify that the Supervisor may not grant surface use in excess of that defined in the lease instrument. As a result, no substantial changes were made.

Damages on restricted Indian lands. [Section 221.71]

Several commenters questioned the methodology of assessment of surface damages. However, this section (now §221.61) is only intended to delineate responsibility and not the manner of carrying out that responsibility. As a result, the section stands as proposed.

Oil and gas exploration and development contracts—restricted Indian lands. [Section 221.72]

Many commenters said that this section did not belong in the operating regulations since the Supervisor has no responsibility for operations under these contracts and only acts in an advisory capacity. Since the relationship between the parties involved could be better handled by a memorandum of understanding, the section has been eliminated from the regulations.

Relief from operating and producing requirements. [Section 221.80]

Commenters requested expansion of this section (now §221.70) to delineate all circumstances under which "suspension of operations" will be authorized. This section was determined to be adequate for the intended purpose and was left unaltered except for clarification of the circumstances under which the suspension will be terminated.

Conflicts between regulations. [Section 221.81]

Some comments requested expansion of this section (now §221.71) to include other Federal regulations while other comments pointed out certain technical inaccuracies. After review of the section, it was decided that the section was not technically correct, and the section was revised so that it applies only to conflicting Department of the Interior regulations.

Technical and procedural review. [Section 221.82]

A number of comments on this section (now §221.72) requested more time for preparation and submittal of a request for technical and procedural review. Accordingly, time for filing was increased to 10 days with a requirement that all supporting data be included.

Appeals. [Section 221.83]

Only one comment expressed concern that the filing of an appeal does not automatically stop the action being appealed. The section (now §221.73) does provide for this concern, and no change has been made.

E.O. 12291 Federal Regulation

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 because the existing regulatory scheme was found to be basically sound and required only minor modernization to reflect 40 years of changed conditions. The organization of the rules is revised to group like provisions into general headings. The elimination of some reporting and approval requirements will result in a savings to a majority of the lessees. While the liquidated damages are raised to a more realistic level, it is estimated that only 2 percent of the active operations will be found to be in noncompliance during the first year. This would represent about 1,000 operations, thus resulting in approximately $250,000 at an average assessment of $250. The eventual streamlining of application processing may result in a decrease in the ultimate cost for consumers and an increase in productivity of United States oil and gas development operations.

Regulatory Flexibility Act

The Department has also determined that the rulemaking will not have a significant economic effect on a substantial number of small entities, and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). The updating of 30 CFR Part 221 will have a minor beneficial economic effect on a substantial number of small entities. The reduction of the filing requirements for advance approval of routine well operations will have a beneficial effect on a large number of small oil and gas operations. While the increased assessment for noncompliance could prove a hardship for small operators, these would only be imposed if the regulations and lease terms are not complied with. There are no adverse economic effects of the revision of this part.

Paperwork Reduction Act

The information collection requirements contained in Part 221 which require the filing of forms have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned the following clearance numbers:

Form No	Name	OMB No
9-330	Well Completion or Recompletion Report and Log.	1010-0004
9-329/329A	Monthly Report of Operation (and Continuation).	1010-0005
9-361	Monthly Report of Sale and Royalty.	[illegible]
9-614A	Rental and Royalty Remittance Advice.	1028-0007
9-331	Sundry Notice and Reports on Wells.	1010-0002
9-331C	Application for Permit to Drill, Deepen, or Plug Back.	1010-0003
9-2014	Report of Sales and Royalty Remittance.	1028-0029

The information collection requirements contained in §§ 221.21,221.23, 221.24, 221.25, 221.26, 221.27, 221.28, 221.29, 221.30, 221.32, 221.34, 221.35, 221.36, 221.37, 221.60, 221.70 and 221.72 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1010-0001.

Environmental Effects

It is hereby determined that this final rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C) is required.

List of Subjects in 30 CFR Part 221

Government contracts, Mineral royalties, Oil and gas exploration, Public lands/minerals resources, Reporting requirements.

Under the authority of the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13193), Part 221 (except § 221.37), Chapter II, Title 30 of the Code of Federal Regulations is revised as set forth below.

Dated: October 6, 1982.

Donald Paul Hodel,

Under Secretary.

PART 221—ONSHORE OIL AND GAS OPERATIONS

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221.123 Late payment or underpayment charges.

Authority: The Act of February 25, 1920 (30 U.S.C. 181, et seq.), as amended; the Act of May 21, 1930 (30 U.S.C. 301–306); the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359), as amended; the Act of March 3, 1909 (25 U.S.C. 396), as amended; the Act of May 11, 1938 (25 U.S.C. 396a–396q), as amended; the Act of February 28, 1891 (25 U.S.C. 397), as amended; the Act of May 29, 1924 (25 U.S.C. 398); the Act of March 3, 1927 (25 U.S.C. 398a–398e); the Act of June 30, 1919 (25 U.S.C. 399), as amended; R.S. § 441 (43 U.S.C. 1457), see also Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471, et seq.), as amended; the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), as amended; the Act of December 12, 1980 (Pub. L. 96–514, 94 Stat. 2964); and the Combined Hydrocarbon Leasing Act of 1981 (Pub. L. 97–78, 95 Stat. 1070).

General Provisions

§ 221.1 Purpose and scope.

The regulations in this part govern operations associated with the exploration, development, and production of oil and gas deposits from leases issued or approved by the United States, restricted Indian land leases, and those under the jurisdiction of the Secretary of the Interior by law or administrative arrangement, including the National Petroleum Reserve in Alaska. They are intended to promote the orderly and efficient exploration, development, and production of oil and gas. The regulations in this part are administered under the direction of the Director of the Minerals Management Service (MMS); except that as to lands within naval petroleum reserves, they shall be administered under such official as the Secretary of Energy shall designate.

§ 221.2 Definitions.

Associate Director for Royalty Management. The officer in charge of the Royalty Management Program, Minerals Management Service, or any subordinate acting under his direction in matters relating to the collection of rent and royalties, the obtaining of appropriate records, computations, and any audits of the royalty payments and obligations of lessees, operators, or payors.

Avoidably lost. Avoidably lost production shall mean the venting or flaring of produced gas without the prior authorization, approval, ratification, or acceptance of the Supervisor and the loss of produced oil or gas when the Supervisor determines that such loss occurred as a result of (1) negligence on the part of the lessee, or (2) the failure of the lessee to take all reasonable measures to prevent and/or control the loss, or (3) the failure of the lessee to comply fully with the applicable lease terms and regulations, applicable orders and notices, or the written orders of the Supervisor, or (4) any combination of the foregoing.

Communitization Agreement. An agreement approved to allow separate tracts to be developed and operated in conformity with an established well-spacing or well-development program (see 43 CFR Part 3105).

Deputy Minerals Manager (DMM). The officer in charge of a Regional Oil and Gas Office, or its equivalent, who is authorized, under the direction of the appropriate Minerals Manager, to approve unitization, communitization, gas storage, and other contractual agreements for Federal lands; and to approve, supervise, and direct operations on oil and gas leases on Federal and restricted Indian lands that lie within the jurisdictional boundaries of that Region.

Designated Operator. The party designated by the lessee(s) or holder(s) of operating rights under an approved operating agreement, who is authorized to conduct operations on the leased land or a portion thereof.

Director. The Director of the Minerals Management Service.

District Supervisor (Supervisor). The officer in charge of a District Oil and Gas Office, or its equivalent, who is authorized, under the direction of the appropriate DMM, to approve drilling and other well operations and to supervise and direct oil and gas operations under Federal and restricted Indian lands oil and gas leases that lie within the jurisdictional boundaries of that District.

Fresh water. Water containing not more than 1,000 ppm of total dissolved solids, provided that such water does not contain objectionable levels of any constituent that is toxic to animal, plant, or aquatic life, unless otherwise specified in applicable notices or orders.

Gas. Any fluid, either combustible or noncombustible, which is extracted from a reservoir and which has neither independent shape nor volume, but tends to expand indefinitely; a substance that exists in a gaseous or rarefied state under standard temperature and pressure conditions.

Gas Storage Agreement. An agreement authorizing the subsurface storage of gas, whether or not produced from federally owned lands, in Federal lands leased or subject to leasing.

Lease. An agreement issued pursuant to Title 43 CFR or Title 25 CFR, or other special Federal leasing authority, which, in consideration of covenants to be observed, grants to a lessee the exclusive right and privilege of exploring for, developing, and producing oil or gas deposits owned by the lessor subject to the terms and conditions of the lease, regulations, and statutes.

Leased Lands, Leasehold. Lands and deposits made subject to an oil and gas lease.

Lessee. The party authorized by or through a lease or an approved assignment thereof, to explore for, develop, and produce oil or gas on the leased lands in accordance with the lease terms, regulations, and law.

Lessor. The party to a lease who holds legal or beneficial title to the mineral estate in the leased lands.

Maximum Ultimate Economic Recovery. The recovery of oil and gas from the leased lands which a prudent operator could be expected to make from that field or reservoir given existing knowledge of reservoir and other pertinent facts and utilizing common industry practices for primary, secondary, and tertiary recovery operations.

Minerals Manager. The officer in charge of a Regional Office of the MMS.

National Petroleum Reserve in Alaska. The area also known as NPR–A which was designated by section 102 of the Naval Petroleum Reserve Production Act of 1976 (90 Stat. 303) and established by Executive Order of the President, dated February 27, 1923, except for tract Number 1 as described in Public Land Order 2344 dated April 24, 1961.

Notice to Lessees and Operators (NTL). A written notice issued by the DMM. NTL's implement the regulations in this part and operating orders, and serve as instructions on specific item(s) of importance within a Region or portion thereof.

Oil. Any nongaseous hydrocarbon substance other than those substances leasable as coal, oil shale, or gilsonite (including all vein-type solid hydrocarbons). Oil includes liquefiable hydrocarbon substances such as drip gasoline and other natural condensates recovered or recoverable in a liquid state from produced gas without resorting to a manufacturing process. For royalty rate consideration in special tar sand areas, any hydrocarbon substance with a gas-free viscosity, at original reservoir temperature, greater than 10,000 centipoise is termed tar sand. Hydrocarbon extraction from tar sand is also governed by the regulation at 30 CFR Part 231 and applicable orders and notices.

Onshore Oil and Gas Order. A formal numbered order issued by the Director that implements the regulations in this part.

Operator. The party that has control or management of operations on the leased land or a portion thereof. The operator may be a lessee, holder of rights under an approved operating agreement, or designated operator.

Paying Well. A paying well is a well that is capable of producing oil or gas of sufficient value to exceed direct operating costs and the costs of lease rentals or minimum royalty.

Production in Paying Quantities. Lease production of oil and/or gas of sufficient value to exceed direct operation costs and the cost of lease rentals or minimum royalty.

Secretary. The Secretary of the Interior or his duly authorized representative, except where lands in naval petroleum reserves are included, and in that case, the Secretary of Energy.

Superintendent. The Superintendent of an Indian Agency, or other officer authorized to act in matters of record and law with respect to oil and gas leases on restricted Indian lands.

Waste of Oil or Gas. Any act or failure to act by the lessee that is not sanctioned by the Supervisor as necessary for proper development and production and which results in (1) a reduction in the quantity or quality of oil and gas ultimately producible from a reservoir under prudent and proper operations, or (2) avoidable surface loss of oil or gas.

§ 221.2–1 Information collection.

The information collection requirements contained in Part 221 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned the following Clearance Numbers:

OPERATING FORMS

Form No.	Name and filing date	OMB No.
9–330	Well Completion of Recompletion Report and Log—Due 30 days after well completed.	1010-0004
9–329/329A	Monthly Report of Operation (and Continuation)—Due 10th day of second month following production month.	1010-0005
9–331	Sundry Notice and Reports on Wells—Subsequent report due 30 days after operations completed.	1010-0002
9–331C	Application for Permit to Drill, Deepen, or Plug Back—Due 30 days prior to planned action.	1010-0003

The above information is being collected for Federal and Indian lease management purposes. The information will be used to allow evaluation of the technical, safety, and environmental factors involved with drilling and producing oil and gas on Federal and Indian oil and gas leases. The obligation to respond is mandatory only if the lessee elects to initiate drilling, completion, or subsequent operations on an oil and gas well. The Monthly Report of Operations is mandatory after drilling has commenced.

ROYALTY ACCOUNTING FORMS

Form No.	Name and filing date	OMB No.
9–361	Monthly Report of Sale and Royalty—Due 10th day of second month following production month.	1026-0006
9–614A	Rental and Royalty Remittance Advice—Due by end of month following sales month.	1026-0007
9–2014	Report of Sales and Royalty Remittance—Due by end of month following sales month (used where Acct. transferred to Royalty Accounting Center, Lakewood, Colorado).	[illegible]

The information is being collected for Federal and Indian royalty accounting purposes. The information will be used to permit accounting and auditing of royalties submitted by the operator of Federal and Indian oil and gas leases. The obligation to respond is mandatory only after the lessee begins production of oil and gas.

Other Reporting Requirements

The information collection requirements contained in §§ 221.21, 221.23, 221.24, 221.25, 221.26, 221.27, 221.28, 221.29, 221.30, 221.32, 221.34, 221.35, 221.36, 221.37, 221.60, 221.70, and 221.72 have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned Clearance Number 1010–0001. The information may be collected from some lessees to either provide data so that proposed operations may be approved or to enable the monitoring of compliance with granted approval. The information will be used to grant approval to begin or alter operations or to allow operations to continue. The obligation to respond is required to obtain the benefit under the lease.

§ 221.3 Cross references.

25 CFR Parts 211, 212, 213, and 227
30 CFR Parts 223, 225, 226, 231, and 290
40 CFR Chapter V
43 CFR Parts 2, 4, and 1820 and Groups 3000 and 3100

§ 221.4-221.9 [Reserved]

Jurisdiction and Responsibility

§ 221.10 Jurisdiction.

Subject to the supervisory authority of the Secretary and the Director, all operations conducted on or for the benefit of a Federal or Indian oil and gas lease by, or on behalf of, the lessee are subject to the regulations in this part and are under the jurisdiction of the DMM for the Region in which the leased land is located.

§ 221.11 Responsibility of the Deputy Minerals Manager (DMM).

The DMM is authorized and directed to approve unitization, communitization, gas storage, and other contractual agreements for Federal lands; to assess compensatory royalty; to approve suspensions of operations or production, or both; to issue NTL's; to approve and monitor other operator proposals for drilling, development, or production of oil or gas; to perform technical and procedural reviews; to assess monetary penalties or liquidated damages; to exercise supervisory control over operations approved, inspected, and regulated by the District Supervisor; to provide technical information and advice relative to oil and gas development and operations on Federal and Indian lands; and to enter into cooperative agreements with States, Federal Agencies, and Indian Tribes relative to oil and gas development and operations.

§ 221.12 Responsibility of the District Supervisor (Supervisor).

The Supervisor is authorized and directed to approve, inspect, and regulate the operations that are subject to the regulations in this part; to require compliance with lease terms, with the regulations in this part, and all other applicable regulations promulgated under the cited laws; and to require that all operations be conducted in a manner which protects other natural resources and the environmental quality, protects life and property, and results in the maximum ultimate economic recovery of oil and gas with minimum waste and with minimum adverse effect on the ultimate recovery of other mineral resources. The Supervisor may issue written or oral orders to govern specific lease operations. Any such oral orders shall be confirmed in writing by the Supervisor within 10 working days from issuance thereof. Before approving operations on a leasehold, the Supervisor shall determine that the lease is in effect, that the operator is authorized to conduct such operations, that acceptable bond coverage has been provided, and that the proposed plan of operations is sound from both a technical and environmental standpoint.

§ 221.13 Responsibilities of the Associate Director for Royalty Management.

The Associate Director is responsible for the collection of certain rents, royalties, and other payments; for the receipt of sales and production reports; for determining royalty liability; for maintaining accounting records; for any audits of the royalty payments and obligations; and for any and all other functions relating to royalty management on Federal and Indian oil and gas leases.

§ 221.14 Onshore Oil and Gas Orders.

(a) The Director is authorized to issue Onshore Oil and Gas Orders when necessary to implement and supplement the regulations in this part. All orders will be published in the **Federal Register** both for public comment and in final form.

(b) These Orders are binding on lessees and operators of Federal and restricted Indian oil and gas leases which have been, or may hereafter be, issued. The Onshore Oil and Gas Orders listed below are currently in effect:

Order No.	Subject	Effective date	FEDERAL REGISTER reference	Supersedes
[Reserved]	[Reserved]	[Reserved]	[Reserved]	[Reserved]

§ 221.15 NTL's and other implementing procedures.

(a) The DMM is authorized to issue NTL's when necessary to implement the onshore oil and gas orders and the regulations in this part. All NTL's will be issued after notice and opportunity for comment.

(b) All NTL's issued prior to the promulgation of these regulations shall remain in effect until modified, superseded by an Onshore Oil and Gas Order, or otherwise terminated.

(c) A manual and other written instructions will be used to provide policy and procedures for internal guidance of the Minerals Management Service.

§§ 221.16-221.19 [Reserved]

Requirements for Lessees and Operators

§ 221.20 General requirements.

The lessee shall comply with applicable laws and regulations; with the lease terms, Onshore Oil and Gas Orders, NTL's; and with other orders and instructions of the Supervisor. These include, but are not limited to, conducting all operations in a manner which ensures the proper handling, measurement, disposition, and site security of leasehold production; which protects other natural resources and environmental quality; which protects life and property; and which results in maximum ultimate economic recovery of oil and gas with minimum waste and with minimum adverse effect on ultimate recovery of other mineral resources.

§ 221.21 Conduct of operations.

(a) Leasehold operations shall be conducted by the lessee or its designees. The lessee may authorize the actual conduct of operations in its behalf by designating another party as operator in a manner and form acceptable to the Supervisor. Acceptance of an executed designation as authority for the designee to act for the lessee in matters relating to the conduct of lease operations does not relieve the lessee from the ultimate responsibility for compliance with applicable laws, regulations, lease terms, Onshore Oil and Gas Orders, NTL's, and the orders and instructions of the Supervisor. Lessees shall notify the Supervisor in writing when a designation of operator has been canceled. A designated operator cannot designate a different party as operator.

(b) The contractor or other person in charge of or conducting operations on a leasehold will be considered the agent of the lessee for such operations with full responsibility for acting on behalf of the lessee insofar as complying with applicable laws, regulations, the lease terms, NTL's, Onshore Oil and Gas Orders, and other orders and instructions of the Supervisor. The serving of orders, instructions, or notices on the contractor or other person in charge of conducting such operations on a leasehold, when delivered personally or by ordinary mail, will be deemed to be service upon the lessee. When served in this manner, a copy will be mailed to the lessee and the designated operator at their address of record.

§ 221.22 Drilling and producing obligations.

(a) The lessee shall drill diligently and produce continuously from such wells as are necessary to protect the lessor from loss of royalty by reason of drainage. The DMM may assess compensatory royalty under which the lessee will pay a sum determined as adequate to compensate the lessor for lessee's failure to drill and produce wells required to protect the lessor from loss through drainage by wells on adjacent lands. Any such assessment will be made after a review of available information relating to development of the leased lands. Such assessment is subject to termination or modification based upon the DMM's continuing review of such information.

(b) The lessee, at its election, may drill and produce other wells in conformity with any system of well spacing or production allotments affecting the field or area in which the leased lands are situated, and which is authorized and sanctioned by applicable law or by the Supervisor.

(c) After notice in writing, the lessee shall promptly drill and produce such other wells as the Supervisor may reasonably require in order that the lease may be properly and timely developed and produced in accordance with good economic operating practices.

§ 221.23 Drilling applications and plans.

(a) Each well shall be drilled in conformity with an acceptable well-spacing program at a surveyed well location approved or prescribed by the Supervisor after appropriate environmental and technical reviews (see § 221.30). An acceptable well-spacing program may be either (1) one which conforms with a spacing order or field rule issued by a State Commission or Board and accepted by the DMM, or (2) one which is located on a lease committed to a communitized or unitized tract at a location approved by the DMM, or (3) any other program established by the DMM.

(b) Any well drilled on restricted Indian land shall be subject to the location restrictions specified in the lease and/or Title 25 of the Code of Federal Regulations.

(c) The lessee shall submit to the Supervisor for approval an Application for Permit to Drill for each well. No drilling operations, nor surface disturbance preliminary thereto, may be commenced prior to the Supervisor's approval of the permit.

(d) The Application for Permit to Drill process shall be initiated at least 30 days before commencement of operations is anticipated. Prior to approval, the application must be administratively and technically complete. A complete application consists of Form 9–331C and the following attachments: (1) A drilling plan, which may already be on file, containing information required by paragraph (e) below and appropriate orders and notices, (2) evidence of bond coverage as required by Department of the Interior regulations, (3) designation of operator, where necessary, and (4) such other information as may be required by applicable orders and notices. If the process is initiated less than 30 days prior to the desired date of commencement of drilling operations, the process may not be completed by the desired date.

(e) Each drilling plan shall contain the information specified in applicable notices or orders, including a description of the drilling program, the surface and projected completion zone location, pertinent geologic data, expected problems and hazards and proposed mitigation, road and drillpad location and construction, methods for containment and disposal of waste material, plans for restoration of the surface, and other pertinent data as the Supervisor may require. A drilling plan may be submitted for a single well or for several wells which are proposed to be drilled to the same zone within a field or area of geologic and environmental similarity. A drilling plan may be modified from time to time as circumstances may warrant, with the approval of the Supervisor.

(f) Upon initiation of the Application for Permit to Drill process, the Supervisor will consult with the appropriate Federal Surface Management Agency and with other appropriate interested parties and will take one of the following actions within 30 days: (1) Approve the application as submitted or with appropriate modifications or stipulations; (2) return the application and advise the applicant of the reasons for disapproval; or (3) advise the applicant, either in writing or orally with subsequent written confirmation, of the reasons why final action will be delayed along with the date such final action can be expected.

§221.24 Well identification.

(a) Lessee shall properly identify in a conspicuous place each drilling, producing, or abandoned well, with the name of the operator, the lease serial number, the well number, the surveyed description of the well (either footages or the quarter-quarter section, the section, township, and range), and, when specifically requested by the Supervisor, the name of the Indian allotted lessor preceding the lease serial number. The lessee shall maintain all well markings in a legible condition.

(b) All abandoned wells shall be marked with a permanent monument containing the information in (a). The well identification requirement for an abandoned well may be waived in writing by the Supervisor upon submission of a request by the surface owner or surface management agency.

§ 221.25 Control of wells.

(a) *Drilling wells.* The lessee shall take all necessary precautions to keep each well under control at all times, and shall utilize and maintain materials and equipment necessary to insure the safety of operating conditions and procedures.

(b) *Vertical drilling.* The lessee shall conduct drilling operations in a manner so that the completed well does not deviate significantly from the vertical without the prior written approval of the Supervisor. Significant deviation means a projected deviation of the well bore from the vertical of 10° or more, or a projected bottom hole location which could be less than 200 feet from the spacing unit or lease boundary. Any well which deviates more than 10° from the vertical or could result in a bottom hole location less than 200 feet from the spacing unit or lease boundary without prior written approval must be promptly reported to the Supervisor. In these cases, a directional survey is required.

(c) *High pressure or loss of circulation.* The lessee shall take immediate steps and utilize necessary resources to maintain or restore control of any well in which the pressure equilibrium has become unbalanced.

(d) *Protection of fresh water and other minerals.* The lessee shall isolate freshwater-bearing and other usable water containing 5,000 ppm or less of dissolved solids and other mineral-bearing formations and protect them from contamination. Tests and surveys of the effectiveness of such measures shall be conducted by the lessee using procedures and practices approved or prescribed by the Supervisor.

§ 221.26 Samples, tests, and surveys.

(a) During the drilling and completion of a well, the lessee shall, when required by the Supervisor, conduct tests, run logs, and make other surveys reasonably necessary to determine the presence, quantity, and quality of oil, gas, other minerals, or the presence or quality of water; to determine the amount and/or direction of deviation of any well from the verticial; and to determine the relevant characteristics of the oil and gas reservoirs penetrated.

(b) After the well has been completed, the lessee shall conduct periodic well tests which will demonstrate the quantity and quality of oil and gas and water. The method and frequency of such well tests will be specified in appropriate notices and orders. When needed, the lessee shall conduct reasonable tests which will demonstrate the mechanical integrity of the downhole equipment.

(c) Results of samples, tests, and surveys approved or prescribed under this section shall be provided to the Supervisor without cost to the lessor.

§ 221.27 Subsequent well operations.

(a) A plan proposing further well operations shall be submitted by the lessee on Form 9–331 for approval by the Supervisor prior to commencing operations to redrill, deepen, perform casing repairs, plug-back, alter casing, perform nonroutine fracturing jobs, recomplete in a different interval, perform water shut-off conversion to injection. A subsequent report on these operations also will be filed on Form 9–331. The Supervisor may prescribe that each plan contain all or a portion of the information set forth in § 221.23.

(b) Unless additional surface disturbance is involved and if the operations conform to the standard of prudent operating practice, prior approval is not required for routine fracturing or acidizing jobs, or recompletion in the same interval; however, a subsequent report on these operations must be filed on Form 9–331.

(c) No prior approval or a subsequent report is required for well cleanout work, routine well maintenance, or bottom hole pressure surveys.

§ 221.28 Other lease operations.

Prior to commencing any operation on the leasehold which will result in additional surface disturbance, other than those authorized under § 221.23 or 221.27, the lessee shall submit a proposed plan of operations on Form 9–331 to the Supervisor for approval.

§ 221.29 Well abandonment.

(a) The lessee shall promptly plug and abandon, in accordance with a plan first approved in writing or prescribed by the Supervisor, each newly completed or recompleted well in which oil or gas is not encountered in paying quantities or which, after being completed as a producing well, is demonstrated to the satisfaction of the Supervisor to be no longer capable of producing oil or gas in paying quantities, unless the Supervisor shall approve the use of the well as a service well for injection to recover additional oil or gas or for subsurface disposal of produced water. In the case of a newly drilled or recompleted well, the approval to abandon may be written or oral with written confirmation.

(b) Completion of a well as plugged and abandoned may also include conditioning the well as water supply source for lease operations or for use by the surface owner or appropriate Government Agency, when authorized by the Supervisor. All costs over and above the normal plugging and abandonment expense will be paid by the party accepting the water well.

(c) No well may be temporarily abandoned for more than 30 days without the prior approval of the Supervisor. The Supervisor may authorize a delay in the permanent abandonment of a well for a period of 12 months. When justified by the lessee, the Supervisor may authorize additional delays, no one of which may exceed an additional 12 months. Upon the removal of drilling or producing equipment from the site of a well which is to be permanently abandoned, the surface of the lands disturbed in connection with the conduct of operations shall be rehabilitated or restored in accordance with a plan first approved or prescribed by the Supervisor.

§ 221.30 Environmental obligations.

(a) The lessee shall conduct operations in a manner which protects the mineral resources, other natural resources, and environmental quality. In that respect, the lessee shall comply with the pertinent orders of the Supervisor and other standards and procedures as set forth in the applicable laws, regulations, lease terms and conditions, and the approved drilling plan or subsequent operations plan. Before approving any Application for Permit to Drill submitted pursuant to § 221.23, or other plan requiring environmental review, the Supervisor shall prepare an environmental record of review or an environmental assessment, as appropriate. These environmental documents will be used in determining whether or not an environmental impact statement is required and in determining any appropriate terms and conditions of approval of the submitted plan.

(b) The lessee shall exercise due care and diligence to assure that leasehold operations do not result in undue damage to surface or subsurface resources or surface improvements. All produced water must be disposed of by injection into the subsurface, by approved pits, or by other methods which have been approved by the Supervisor. Upon the conclusion of operations, the lessee shall restore or rehabilitate the disturbed surface in a manner approved or reasonably prescribed by the Supervisor.

(c) All spills or leakages of oil, gas, produced water, toxic liquids, or waste materials, blowouts, fires, personal injuries, and fatalities shall be reported by the lessee in accordance with these regulations and as prescribed in applicable order or notices. The lessee shall exercise due diligence in taking necessary measures, subject to approval by the Supervisor, to control and remove pollutants and to extinguish fires. A lessee's compliance with the requirements of the regulations in this part shall not relieve the lessee of the obligation to comply with other applicable laws and regulations.

(d) When reasonably required by the Supervisor, a contingency plan shall be submitted describing procedures to be implemented to protect life, property, and the environment.

(e) The lessee's liability for damages to third parties shall be governed by applicable law.

§ 221.31 Safety precautions.

The lessee shall perform operations and maintain equipment in a safe and workmanlike manner. The lessee shall take all precautions necessary to provide adequate protection for the health and safety of life and the protection of property. Compliance with health and safety requirements prescribed by the Supervisor shall not relieve the lessee of the responsibility for compliance with other pertinent health and safety requirements under applicable laws or regulations.

§ 221.32 Well records and reports.

(a) The lessee shall keep accurate and complete records with respect to all lease operations including, but not limited to, production facilities and equipment, drilling, producing, redrilling, deepening, repairing, plugging back, and abandonment operations, disposition of leasehold products, and other matters pertaining to operations. With respect to production facilities and equipment, the record shall include schematic diagrams as required by applicable orders and notices.

(b) Standard forms for providing basic data are listed in § 221.2–1. As noted on Form 9–330, two copies of all electric and other logs run on the well must be submitted to the Supervisor. Upon request, the lessee shall transmit to the Supervisor copies of such other records maintained in compliance with paragraph (a) of this section.

(c) The lessee shall furnish the Supervisor a copy of the daily drilling report, when requested, and a notice of production start-up.

§ 221.33 Confidentiality.

(a) Information obtained pursuant to this part and on file shall be open for public inspection and copying during regular office hours upon a written request, pursuant to rules at 43 CFR Part 2, except that: (1) Upon request, information obtained from a lessee under this Part that constitutes trade secrets and commercial or financial information which is privileged or confidential or other information that may be withheld under the Freedom of Information Act (5 U.S.C. 552(b)), such as geologic and geophysical data and maps, shall not be available for public inspection or made public or disclosed without the consent of the lessee for a period of 12 months; (2) upon expiration of the 12-month period, the lessee may request that the data be held confidential for an additional 12-month period; and (3) upon termination of a lease, whether by expiration of its terms or otherwise, such information shall be made available to the public.

(b) Information requested to be kept confidential under this section shall be clearly identified by the lessee by marking each page of documents submitted with the words "CONFIDENTIAL INFORMATION" at the top of the page. All pages so marked shall be physically separated from other portions of the submitted materials. All information not marked "CONFIDENTIAL INFORMATION" will be available for public inspection.

(c) Confidential and privileged information obtained from a lessee under this part on a restricted Indian lease shall be available only to the Tribe or allotted Indian lessor, their designated agent, or authorized U.S. Department of the Interior officials. Such information shall not be made available to any other party without the express authorization of the Tribe or alloted Indian lessor.

(d) Any geological, geophysical, or financial information which is either not required under the regulations in this part or covers lands not under Federal or Indian leases, but which the lessee submits to the Supervisor, shall be held confidential and shall not be released without the lessee's consent.

§ 221.34 Measurement of oil.

(a) All oil production shall be measured by tank gauging, positive displacement metering system, or other methods acceptable to the DMM, pursuant to methods and procedures prescribed in applicable orders and notices. Where production cannot be measured due to spillage or leakage, the amount of production shall be determined in accordance with the methods and procedures approved or prescribed by the Supervisor.

(b) Within 30 days after treating and measurement facilities are installed or modified on a lease, or when otherwise requested by the Supervisor, a schematic diagram will be submitted to the Supervisor clearly depicting the vessels, piping, and metering system involved with handling and disposal of oil, water, and gas.

§ 221.35 Measurement of gas.

(a) All gas production shall be measured by orifice meters or other methods acceptable to the DMM on the lease pursuant to methods and procedures prescribed in applicable orders and notices. The measurement of the volume of all gas produced shall be adjusted by computation to the standard pressure and temperature of 14.73 psia and 60° F unless otherwise prescribed by the Supervisor, regardless of the pressure and temperature at which the gas is actually measured. Gas lost without measurement by meter shall be estimated in accordance with methods prescribed in applicable orders and notices.

(b) Within 30 days after treating and measurement facilities are installed or modified on a lease or when otherwise requested by the Supervisor, a schematic diagram will be submitted to the Supervisor clearly depicting the vessels, piping, and metering system involved with handling and disposal of gas and liquid hydrocarbons.

§ 221.36 Disposition of production.

(a) The lessee shall put into marketable condition, if economically feasible, all oil, other hydrocarbons, gas, and sulphur produced from the leased land.

(b) Where oil accumulates in a pit, such oil must either be (1) recirculated through the regular treating system and returned to the stock tanks for sale, or (2) pumped into a stock tank without treatment and measured for sale in the same manner as from any sales tank in accordance with applicable orders and notices. In the absence of prior approval from the Supervisor, no oil should go to a pit except in an emergency. Each such occurrence must be reported to the Supervisor and the oil promptly recovered in accordance with applicable orders and notices.

(c) A proper run ticket must be completed by the purchaser or transporter prior to Federal or Indian oil being removed from the lease in accordance with applicable orders and notices.

(d) The lessee shall conduct operations in such a manner as to prevent avoidable loss of oil and gas.

(e) When requested by the DMM, the lessee shall furnish storage for royalty oil, on the leasehold or at a mutually agreed upon delivery point off the leased land without cost to the lessor, for 30 days following the end of the calendar month in which the royalty accrued.

§ 221.37 Site security.

* * * * *

§§ 221.38–221.49 [Reserved]

Noncompliance and Assessments

§ 221.50 Remedies for acts of noncompliance.

In the event of an act of noncompliance, the Supervisor is authorized to shut down operations; to enter upon a lease and to perform, or have performed, at the sole risk and expense of the lessee, operations that the lessee fails to perform when directed in writing by the Supervisor; to recommend cancellation of the lease and forfeiture under the bond; and to assess penalties and/or liquidated damages in specific instances of noncompliance when the lessee fails to comply with applicable law, the regulations in this part or promulgated under the cited laws, the lease terms, the approved operating plan, or the written orders or instructions issued by the Supervisor.

§ 221.51 Shutting down operations; lease cancellations.

(a) When necessary for compliance, entry upon the lease to conduct operations and recommendations for lease cancellation and for forfeiture under the surety bond will be taken only after the lessee is duly notified in writing. The lessee will be provided a reasonable period of time to either take corrective action or to show why the lease should not be so entered or recommended for cancellation and forfeiture declared under the surety bond.

(b) Immediate shut-in action may be taken where operations are initiated and conducted without prior approval; or where continued operations could result in the loss of revenue, or serious harm to life, property, or the environment; or for repeated instances of noncompliance. Shut-in actions in other situations may only be taken after due notice, in writing, has been given

§ 221.52 Assessments for noncompliance.

Certain instances of noncompliance result in loss or damage to the lessor, the amount of which is difficult or impracticable to ascertain. Except where actual losses or damages can be ascertained in an amount larger than that set forth below, the following amounts shall be deemed to cover loss or damage to the lessor from specific instances of noncompliance. Provided that as to paragraphs (a), (c), (f), (g), and (j) of this section the specified loss or damage shall be applicable to each successive day of the noncompliance.

(a) For failure to comply with a written order or instructions of the Supervisor or DMM, $250 if compliance is not obtained within the time specified.

(b) For failure to perform any operation ordered in writing by the Supervisor, if said operation is thereafter performed by or through the Supervisor; the actual cost of performance and an additional 25 percent of such amount to compensate the United States for administrative costs.

(c) For failure to obtain approval of an Application for Permit to Drill prior to commencing operations or causing surface disturbance preliminary thereto or for failure to obtain approval before initiating any major departure from a previously approved permit to drill, $250.

(d) For failure to obtain approval of a plan for subsequent well operations before commencing work on a well to redrill, deepen, convert to injection, using any well for gas storage or water disposal, or any other operation requiring prior approval under § 221.27 of this Part, $250.

(e) For failure to properly identify a well location or derrick, whether the well is drilling, producing, or abandoned, $100.

(f) For failure to install blowout preventers or other related drilling safety and control equipment as required by the approved drilling plan, $250.

(g) For failure to exercise due care and diligence in preventing undue damage to surface or subsurface resources or surface improvements as required by the regulations in this Part and the applicable lease terms, $250.

(h) For failure to maintain records and file required reports, records, samples, or data as required by the regulations in this part and by applicable orders and notices, $100.

(i) For failure to obtain approval of a plan for well abandonment prior to commencement of such operations, $250.

(j) For failure to maintain effective seals required by the regulations in this part and by applicable orders and notices, or for failure to maintain the integrity of any seal placed upon any property or equipment by the Supervisor, $250.

§ 221.53 Penalties.

Whenever a lessee fails to comply with any provisions of the lease, of the regulations in this part, of applicable orders or notices, or of any other appropriate orders of the DMM or his representative, the DMM shall give the lessee notice in writing to remedy any defaults or violations. Failure by the lessee to perform or commence the necessary remedial action pursuant to the notice may subject the lease to cancellation proceedings pursuant to 43 CFR Subpart 3108 for Federal leases or provisions of Title 25 CFR for Indian leases, or the lessee to a penalty of not more than $1,000 per day for each and every day the terms of the lease, the regulations, or such orders are violated; or to both such penalty and cancellation. Normally, a penalty would only be assessed for violations involving serious threats to health, safety, property, or the environment, or for continuous disregard of orders. The lessee shall be entitled to notice of noncompliance and a hearing within 30 days after such notice, with respect to the terms of the lease, regulations, or orders violated. The penalty shall be assessed beginning with the date specified in the notice of noncompliance, subject to the outcome of the hearing. The hearing shall be held by the appropriate Minerals Manager whose findings shall be conclusive unless an appeal is taken pursuant to 30 CFR Part 290.

§ 221.54 Payment of assessment or penalties.

(a) Assessments made under § 221.52 are due upon issuance and shall be paid within 30 days of receipt of "Certified Mail" written notice, as directed by the Supervisor or DMM in the notice. Failure to pay assessed damages timely will be subject to late payment charges under § 221.123 of this part.

(b) Penalties under § 221.53 shall be paid within 30 days of the completion of any requested hearing as authorized by that section; or within 30 days of the completion of an appeal pursuant to 30 CFR Part 290. Failure to pay assessed penalties timely will be subject to late payment charges under § 221.123 of this part.

(c) Payments made pursuant to this section shall not relieve the lessee from the responsibility of compliance with the regulations in this part or from liability for waste or any other damage. A waiver of any particular assessment shall not be construed as precluding an assessment pursuant to § 221.52 for any other act of noncompliance occurring at the same time or at any other time.

§§ 221.55–221.59 [Reserved]

Special Provisions

§ 221.60 Surface rights.

(a) Lessees shall have the right of surface use only to the extent specifically granted by the lease. With respect to restricted Indian lands, additional surface rights may be exercised when granted by a written agreement with the Indian surface owner and approved by the Superintendent of the Indian agency having jurisdiction.

(b) The Supervisor is responsible for approving and supervising the surface use of all drilling, development, and production activities on the leasehold. This includes storage tanks and processing facilities, sales facilities, all pipelines upstream from such facilities, and other facilities to aid production such as water disposal pits and lines, and gas or water injection lines.

§ 221.61 Damages on restricted Indian lands.

Assessments for damages to lands, crops, buildings, and to other improvements on restricted Indian lands shall be made by the Superintendent and be payable in the manner prescribed by said official.

§§ 221.62–221.69 [Reserved]

Relief, Conflicts, and Appeals

§ 221.70 Relief from operating and producing requirements.

(a) Applications for relief from either the operating or the producing requirements of a lease, or both, shall be filed in triplicate with the DMM, and they shall include a full statement of the circumstances that render such relief necessary.

(b) The DMM, in the interest of conservation, is authorized to act on applications submitted for a suspension of operations or production or both filed pursuant to 43 CFR Subpart 3103. The application for suspension must be filed with the DMM prior to the expiration data of the lease; must be executed by all lessees of record or, in the case of a Federal unit approved under 30 CFR Part 226, by the unit operator on behalf of committed tracts or by all lessees of such tracts; and include a full statement of the circumstances that render such relief necessary.

(c) If approved, a suspension of operations and production will be effective on the first of the month in which the completed application was filed with the DMM. Suspensions will terminate when they are no longer justified in the interest of conservation, when such action is in the interest of the lessor, or as otherwise stated by the DMM in the approval letter.

§ 221.71 Conflicts between regulations.

In the event of any conflict between the regulations in this part and the regulations in Title 25 CFR or in 43 CFR Group 3100, concerning oil and gas operations on Federal and Indian leaseholds, the regulations in this part shall govern with respect to the lessee's obligations in the conduct of oil and gas operations, acts of noncompliance, and the jurisdiction and authority of the DMM and the Supervisor.

§ 221.72 Technical and procedural review.

A lessee or operator may request a technical and procedural review of any instructions, orders, or decisions issued by the Supervisor or DMM under the regulations in this part. Such request including all supporting documentation must be filed in writing within 10 working days of the date such instructions, orders, or decisions were received and must be filed with the next higher level reviewing official (the DMM or Minerals Manager, as appropriate). Such a request shall not result in a suspension of the instruction or order unless the reviewing official so determines. The reviewing official will issue a final decision within 10 working days. Where a technical and procedural review is requested, the decision issued upon review will represent the final decision from which an appeal may be taken pursuant to § 221.73 of this part.

§ 221.73 Appeals.

Instructions, orders, or decisions issued under the regulations in this part may be appealed in accordance with the provisions of 30 CFR Part 290. An appeal shall not result in a suspension of the requirement for compliance with the order or decision from which the appeal is taken unless the official to whom the appeal is made determines that suspension of the requirements of the order or decision will not be detrimental to the interests of the lessor or upon submission and acceptance of a bond deemed adequate to indemnify the lessor from loss or damage.

Royalty Requirements

§ 221.100 Production records; rentals, royalties, and payments; drainage and waste.

The Associate Director for Royalty Management shall compile and maintain records of production and prices, determine royalties accrued, and estimate the amount and value of oil, gas, and other products wasted. The Associate Director shall render monthly to the lessee, or his agent, statements, showing the amount of oil, gas, casing-head or natural gasoline, propane, butane, or other hydrocarbons produced or sold and the amount or value of production accruing to the lessor as royalty from each lease; the loss by drainage or waste and the compensation due to the lessor as reimbursement; and, except as to any disposal of gas that shall have been determined by the Secretary of the Interior to be sanctioned by the laws of the United States and of the State in which it occurs, the amount and full value, computed at a price of not less than 5 cents per 1,000 cubic feet, of all gas wasted by blowing, release, escape into the air, or otherwise. Also, as to producing leases of Indian lands and lands within naval petroleum reserves, the Associate Director shall determine rental liability, record rental royalty, and other payments, and maintain lease accounts.

§ 221.101 Division orders, run tickets, sales agreement or contracts.

The Associate Director is authorized to approve, subject to such conditions as he shall prescribe, division orders or temporary purchase agreements granting to transportation agencies or purchasers authority to receive products from leased lands in accordance with Government rules and regulations; sign run tickets or other receipts for royalty oil or gas delivered to a representative of the lessor or to the lessor's account; and approve sales agreements and contracts, subject to any conditions, modification, or revocation that may be prescribed on review thereof by the Director.

Cross Reference: For regulations relating to approval of sales agreements or contracts, see Part 223 of this chapter.

§ 221.102 Waste prevention; beneficial use.

The lessee is obligated to prevent the waste of oil or gas, and to avoid physical waste of gas, the lessee shall consume it beneficially or market it or return it to the productive formation. If waste of gas occurs, the lessee shall pay the lessor the full value of all gas wasted by blowing, release, escape, or otherwise at a price not less than 5 cents for each 1,000 cubic feet unless, on application by the lessee, such waste of gas under the particular circumstances involved shall be determined by the Secretary to be sanctioned by the laws of the laws of the United States and of the State in which it occurs.

§ 221.103 Sales contracts; division orders.

The lessee shall file with the Associate Director triplicate (quadruplicate for production of restricted Indian lands or naval petroleum reserves) executed copies of all contracts for the disposition of all products of the leased land except that portion used for purposes of production on the leased land or unavoidably lost, and he shall not sell or otherwise dispose of said products except in accordance with a sales contract, division order, or other arrangement first approved, as provided in § 221.101.

§ 221.104 Relief from operating, royalty, and rental requirements.

Applications for any modification authorized by law of the royalty or rental requirements of a lease for lands of the United States shall be filed in triplicate in the office of the Associate Director.

Cross Reference: For regulations of the Bureau of Land Management relating to royalty and rental relief, and suspension of operations and production, see 43 CFR Parts 3100 to 3104.

§ 221.105 Royalty and rental payments.

(a) When due in money, the lessee shall tender all payments of rental and royalty by check or draft on a solvent bank, or by money order drawn to the order of the appropriate receiving officer, in accordance with statements rendered by the Associate Director pursuant to § 221.100, or in the case of public-land leases in accordance with instructions of the Bureau of Land Management.

(b) If the lessor elects to take royalty in oil or gas, unless otherwise agreed upon, such royalty shall be delivered on the leasehold, by the lessee to the order of and without cost to the lessor, as instructed by the Associate Director.

§ 221.106 Measurement of oil.

Lease production, pipeline runs.

For the convenience of the lessor and lessee, monthly statements of production and royalty shall be based in general on production recorded in pipeline runs or other shipments. When shipments are infrequent or do not approximate actual production, the Associate Director may require statements of production and royalty to be made on such other basis as he may prescribe, gains or losses in volume of storage being taken into account when appropriate. Evidence of all shipments of oil shall be furnished by pipeline or other run tickets signed by representatives of the lessee and of the purchaser who have witnessed the measurements reported and the determinations of gravity, temperature, and the percentage of impurities contained in the oil.

§ 221.107 Measurement of gas.

Gas of all kinds (except gas used for purposes of production on the leasehold or unavoidably lost) is subject to royalty.

§ 221.108 Determination of gasoline content of natural gas.

Tests to determine the gasoline content of gas delivered to plants manufacturing gasoline are required to check plant efficiency and to obtain an equitable basis for allocating the gasoline output of any plant to the several sources from which the gas treated in derived.

§ 221.109 Quantity basis for computing royalties on natural gasoline, butane, propane, and other liquid hydrocarbon substances extracted from gas.

The primary quantity basis for computing monthly royalties on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas is the monthly net output of the plant at which the substances are manufactured, "net output" being defined as the quantity of each such substance that the plant produces for sale.

(a) If the net output of a plant is derived from the gas obtained from only one leasehold, the quantity of gasoline or other liquid hydrocarbon substances of which computations of royalty for the lease are based is the net output of the plant.

(b) If the net gasoline output of a plant is derived from gas obtained from several leaseholds producing gas of uniform gasoline content, the proportion of net output of gasoline allocable to each lease as a basis for computing royalty will be determined by dividing the amount of gas delivered to the plant from each leasehold by the total amount of gas delivered by the plant from all leaseholds.

(c) If the net gasoline output of a plant is derived from gas obtained from several leaseholds producing gas of diverse gasoline content, the proportion of net output of gasoline allocable to each leasehold as a basis for computing royalty will be determined by multiplying the amount of gas delivered to the plant from the leaseholds by the gasoline content of the gas and dividing the arithmetical product thus obtained by the sum of the simular arithmetical products separately obtained for all leaseholds from which gas is delivered to the plant.

(d) If the net output of butane, propane, or other liquid hydrocarbon substances of a plant is derived from gas obtained from several leaseholds, the proportion of net output of such substances allocable to each leasehold as a basis for computing royalty will be determined by substituting the butane, propane, or other liquid hydrocarbon content for the gasoline content and following the method outlined in paragraph (b) or (c) of this section, whichever is applicable: *Provided*, That when in the judgment of the Associate Director, it is impracticable to test gas to determine the content of butane, propane, or other liquid hydrocarbon substances, the gasoline content will be used in determining the proportion of the net output of such substances allocable to each leasehold.

(e) The Associate Director is authorized, whenever in his judgment neither method prescribed in paragraph (b) and (c) of this section is practicable, to estimate the production of natural gasoline, butane, propane, or other liquid hydrocarbon substances from any leasehold from (1) the quantity of gas produced from the leasehold and transmitted to the extraction plant, (2) the gasoline, butane, propane, or other liquid hydrocarbon content of such gas as determined by test, and (3) a factor based on plant efficiency or recovery and so determined as to insure full protection of the royalty interest of the lessor.

§ 221.110 Value basis for computing royalties.

The value of production, for the purpose of computing royalty, shall be the estimated reasonable value of the product as determined by the Associate Director due consideration being given to the highest price paid for a part or for a majority of production of like quality in the same field, to the price received by the lessee, to posted prices, and to other relevant matters. Under no circumstances shall the value of production of any of said substances for the purposes of computing royalty be deemed to be less than the gross proceeds accruing to the lessee from the sale thereof or less than the value computed on such reasonable unit value as shall have been determined by the Secretary. In the absence of good reason to the contrary, value computed on the basis of the highest price per barrel, thousand cubic feet, or gallon paid or offered at the time of production in a fair and open market for the major portion of like-quality oil, gas, or other products produced and sold from the field or area where the leased lands are situated will be considered to be a reasonable value.

§ 221.111 Royalty rate on oil; flat-rate leases.

The royalty on crude oil shall be the percentage (established by the terms of the lease) of the value or amount of the crude oil produced from the leased lands.

§ 221.112 Royalty rates on oil; sliding- and step-scale leases (public land only).

Sliding- and step-scale royalties are based on the average daily production per well. The Supervisor shall specify which wells on a leasehold are commercially productive, including in that category all wells, whether produced or not, for which the annual value of permissible production would be greater than the estimated reasonable annual lifting cost, but only wells which yield a commercial volume of production during at least part of the month shall be considered in ascertaining the average daily production per well. The average daily production per well for a lease is computed on the basis of a 28-, 29-, 30-, or 31-day month (as the case may be), the number of wells on the leasehold counted as producing, and the gross production from the leasehold. (Tables for computing royalty on the sliding-scale and on the step-scale basis may be obtained upon application to the Associate Director.) The Supervisor will determine which commercially productive wells shall be considered each month as producing wells for the purpose of computing royalty in accordance with the following rules, and in his discretion may count as producing any commercially productive well shut-in for conservation purposes.

(a) For a previously producing leasehold, count as producing for every day of the month each previously producing well that produced 15 days or more during the month, and disregard wells that produced less than 15 days during the month.

(b) Wells approved by the Supervisor as input wells shall be counted as producing wells for the entire month if so used 15 days or more during the month and shall be disregarded if so used less than 15 days during the month.

(c) When the initial production of a leasehold is made during the calendar month, compute royalty on the basis of producing well-days.

(d) When a new well is completed for production on a previously producing leasehold and produces for 10 days or more during the calendar month in which it is brought in, count such new wells as producing every day of the month, in arriving at the number of producing well-days. Do not count any new well that produces for less than 10 days during the calendar month.

(e) Consider "head wells" that make their best production by intermittent pumping or flowing as producing every day of the month, provided they are regularly operated in this manner, with approval of the Supervisor.

(f) For previously producing leaseholds on which no wells produced for 15 days or more, compute royalty on a basis of actual producing well-days.

(g) For previously producing leaseholds on which no wells were producing during the calendar month but from which oil was shipped, compute royalty at the same royalty percentage as that of the last preceding calendar month in which production and shipments were normal.

(h) Rules for special cases not subject to definition, such as those arising from averaging the production from two distinct sands or horizons when the production of one sand or horizon is relatively insignificant compared to that of the other, shall be made by the Associate Director as need arises.

(i) (1) In the following summary of operations on a typical leasehold for the month of June, the wells considered for the purpose of computing royalty on the entire production of the property for the months are indicated.

Well No.	Record	Count (marked X)
1	Produced full time for 30 days.	X.
2	Produced for 26 days, down 4 days for repairs.	X.
3	Produced for 28 days; down June 5, 12 hours, rods; June 14, 6 hours, engine down; June 26, 24 hours, pulling rods and tubing.	X.
4	Produced for 12 days; down June 13 to 30	
5	Produced for 8 hours every day (head well)	X
6	Idle producer (not operated)	
7	New well, completed June 17; produced for 14 days.	X
8	New well, completed June 22; produced for 9 days.	

(2) In this example, there are eight wells on the leasehold, but wells Nos. 4, 6, and 8 are not counted in computing royalties. Wells Nos. 1, 2, 3, 5, and 7 are counted as producing for 30 days. The average production per well per day is determined by dividing the total production of the leasehold for the month (including the oil produced by wells 4 and 8) by 5, the number of wells counted as producing, and dividing the quotient thus obtained by the number of days in the month.

§ 221.113 Royalty on gas.

The royalty on gas shall be the percentage established by the terms of the lease of the value or amount of the gas produced.

(a) Royalty accrues on dry gas, whether produced as such or as residue gas after the extraction of gasoline.

(b) If the lessee derives revenue on gas from two or more products, a royalty normally will be collected on all such products.

(c) For the purpose of computing royalty, the value of wet gas shall be either the gross proceeds accruing to the lessee from the sale thereof or the aggregate value determined by the Secretary of all commodities, including residue gas, obtained therefrom, whichever is greater.

§ 221.114 Royalty on casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from gas.

A royalty as provided in the lease shall be paid on the value of one-third (or the lessee's portion if greater than one-third) of all casing-head or natural gasoline, butane, propane, or other liquid hydrocarbon substances extracted from the gas produced from the leasehold. The value of the remainder is an allowance for the cost of manufacture, and no royalty thereon is required. The value shall be so determined that the minimum royalty accruing to the lessor shall be the percentage established by the lease of the amount or value of all extracted hydrocarbon substances accruing to the lessee under an arrangement, by contract or otherwise, for extraction and sale that has been approved by the Associate Director.

(a) When a minimum price established by the Secretary is used in determining the value of natural gasoline accruing to the lessee, the volume of such gasoline may be corrected when deemed necessary by the Associate Director to such standard and by such method as may be approved by the Associate Director, in order that volumetric differences between natural gasolines of various specifications may be equitably adjusted.

(b) The present policy is to allow the use of a reasonable amount of dry gas for operation of the gasoline plant, the amount allowed being determined or approved by the Associate Director, but no allowance shall be made for boosting residue gas, or other expenses incidental to marketing.

§ 221.115 Royalty on drip gasoline or other natural condensate.

The royalty on all drip gasoline, or other natural condensate recovered from gas produced from the leased lands without resort to manufacturing process, shall be the same percentage as provided in the lease for other oil, except that such substance, if processed in a casing-head gasoline plant, shall be treated for royalty purposes as though it were gasoline.

§ 221.116 Liquidated damages.

Administrative costs arising out of certain defaults or violations of orders requiring the performance of certain duties by lessees, as set forth in the regulations in this part, constitute loss or damage to the United States the amount of which is difficult or impracticable of ascertainment. Therefore, the following amounts shall be deemed to cover such loss or damage and shall be payable upon receipt of notice from the Associate Director of such loss or damage.

(a) For failure to comply with a written order or instructions of the Associate Director, $250 if compliance is not obtained within the time specified.

(b) For failure to file sales contracts or division orders as required by lease terms, $25 for each violation, and for failure to submit pipeline run tickets, or other proper evidence of disposal as required by these regulations, $10 for each violation.

(c) For failure to file the following reports within the time specified in the regulations in this part, or within such other time designated in writing by the Associate Director, $10 for each violation.

(1) Lessee's Monthly Report of Operations. Daily Report of Gas-Producing Wells, when required. Lessee's Statement of Oil and Gas Runs and Royalties.

(2) Special forms or reports as required by the Associate Director.

§ 221.117 Monthly report of operations (Form 9-329 Public; Form 9-329A Indian).

A separate report of operations for each lease must be made on Form 9-329 for public land and on Form 9-329A for Indian land, for each calendar month, beginning with the month in which drilling operations are initiated, and must be filed in duplicate with the Supervisor on or before the 6th day of the succeeding month, unless an extension of time for the filing of such report is granted by the Supervisor. The report on this form shall disclose accurately all operations conducted on each well during each month, the status of operations on the last day of the month, and a general summary of the status of operations on the leased lands, and the report must be submitted each month until the lease is terminated or until omission of the report is authorized by the Associate Director. It is particularly necessary that the report shall show for each calendar month:

(a) The lease be identified by inserting the name of the United States land office and the serial number, or in the case of Indian land, the lease number and lessor's name, in the space provided in the upper right corner;

(b) Each well be listed separately by number, its location be given by 40-acre subdivision (¼ ¼ sec. or lot), section number, township, range, and meridian;

(c) The number of days each well produced, whether oil or gas, and the number of days each input well was in operation be stated;

(d) The quantity of oil, gas, and water produced, the total amount of gasoline, and other lease products recovered, and other required information. When oil and gas, or oil, gas, and gasoline, or other hydrocarbons are concurrently produced from the same lease, separate reports on this form should be submitted for oil and for gas and gasoline, unless otherwise authorized or directed by the Associate Director.

(e) The depth of each active or suspended well, and the name, character, and depth of each formation drilled during the month, the date each such depth was reached, the date and reason for every shut-down, the names and depths of important formation changes and contents of formations, the amount and size of any casing run since last report, the dates and results of any tests such as production, water shut-off, or gasoline content, and any other noteworthy information on operations not specifically provided for in the form.

(f) The footnote must be completely filled out as required by the Associate Director. If no runs or sales were made during the calendar month, the report must so state.

§ 221.118 Daily report of gas-producing wells (Form 9-352).

Unless otherwise directed by the Associate Director, the readings of all meters showing production of natural gas from leased lands shall be submitted daily on Form 9-352, together with the meter charts. After a check has been had, the meter charts will be returned.

§ 221.119 Statement of oil and gas runs and royalties (Form 9-361 Public; Form 9-361A Indian).

When directed by the Associate Director, a monthly report shall be made by the lessee in duplicate, on Form 9-361 or Form 9-361A, showing each run of oil, all sales of gas, gasoline, other lease products, and the royalty accruing therefrom to the lessor. When use of this form is required, it must be completely filled out and sworn to.

§ 221.120 Royalty and rental remittance (Form 9-614A Indian).

Form 9-614A, completely filled out and signed, shall be submitted to the Associate Director in triplicate and shall accompany each remittance covering payments of royalty or rental on Indian lands.

§ 221.121 Royalty and rental remittance (naval petroleum reserves).

Remittance covering payments of royalty or rental on naval petroleum reserves must be accomplished by necessary identification information and sent direct to the Director, Naval Petroleum Reserves in California.

§ 221.122 Special forms or reports.

When special forms or reports other than those referred to in the regulations in this part may be necessary, instructions for the filing of such forms or reports will be given by the Associate Director.

§ 221.123 Late payment or underpayment charges.

(a) The failure to make timely or proper payments of any monies due pursuant to leases, permits, and contracts subject to these regulations will result in the collection by the MMS of the full amount past due plus a late payment charge. Exceptions to this late payment charge may be granted when estimated payments on minerals production have already been made timely and otherwise in accordance with instructions provided by MMS to the payor. However, late payment charges assessed with respect to any Indian lease, permit, or contract shall be collected and paid to the Indian or tribe to which the amount overdue is owed.

(b) Late payment charges are assessed on any late payment or underpayment from the date that the payment was due until the date on which the payment is received in the appropriate MMS accounting office. Payments received after 4 p.m. local time on the date due will be acknowledged as received the following workday.

(c) Late payment charges are calculated on the basis of a percentage assessment rate. In the absence of a specific lease, permit, license, or contract provision prescribing a different rate, this percentage assessment rate is prescribed by the Department of the Treasury as the "Treasury Current Value of Funds Rate."

(d) This rate is available in Treasury Fiscal Requirements Manual Bulletins that are published prior to the first day of each calendar quarter for application to overdue payments or underpayments in that new calendar quarter. The rate is also published in the Notices section of the **Federal Register** and indexed under "Fiscal Service/Notices/Funds Rate; Treasury Current Value."

(e) Late payment charges apply to all underpayments and payments received after the date due. The charges include production and minimum royalties; assessments for liquidated damages; administrative fees and payments by purchasers of royalty taken-in-kind; or any other payments, fees, or assessments that a lessee/operator/permittee/payor/royalty taken-in-kind purchaser is required to pay by a specified date. The failure to pay past due amounts, including late-payment charges, will result in the initiation of other enforcement proceedings.

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Part IV

Environmental Protection Agency

Standards of Performance for New Stationary Sources

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2070-5(a)]

Standards of Performance for New Stationary Sources; Industrial Surface Coating—Large Appliances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes standards of performance to limit emissions of volatile organic compounds (VOC's) from new, modified, and reconstructed surface coating operations within large appliance assembly plants. The standard was proposed in the **Federal Register** on December 24, 1980 (45 FR 85085). This standard implements Section 111 of the Clean Air Act and is based on the Administrator's determination that the surface coating of large appliances causes, or contributes significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. The intended effect of this standard is to require all new, modified, and reconstructed large appliance surface coating operations to control emissions to the level achievable through use of the best demonstrated system of continuous emission reduction, considering costs, non-air-quality health, and environmental and energy impacts.

EFFECTIVE DATE: October 27, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard (NSPS) is available *only* by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under Section 307(b)(2) of the Clean Air Act, requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES:

Background Information Document. The background information document (BID) for the final standard may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Industrial Surface Coating: Large Appliances—Background Information for Promulgated Standards" (EPA-450/3-80-037b). The BID contains (1) a summary of all public comments made on the proposed standard and the Administrator's responses to the comments; (2) a summary of changes made to the standard since proposal; and (3) the final environmental impact statement (EIS), which summarizes the impacts of the standard.

Docket. A docket, number A-80-06, containing support information used in developing the promulgated standard, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Chief, Standards Preparation Section, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

SUPPLEMENTARY INFORMATION: OMB Control Number: 2000-0473

The Standard

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

The promulgated standard applies to new, modified, or reconstructed large appliance surface coating operations for which construction was commenced after December 24, 1980. Existing facilities are not subject to the regulation unless modified or reconstructed as defined in 40 CFR 60.14 or 60.15. The standard, as revised since proposal, applies to each prime coat and each topcoat operation within a large appliance assembly plant where large appliance parts are being coated with organic coatings. Powder coatings, however, are excluded from the definition of organic coatings. VOC emissions from each affected facility are limited to a monthly average of 0.90 kilogram per liter of applied coating solids. An affected facility is defined as a surface coating operation that consists of an application station(s), flashoff area(s), and a curing oven. Coating operations for any of the following organic surface-coated metal products manufactured for household, commercial, or recreational use are subject to the standard:

Range
Oven
Microwave oven
Refrigerator
Freezer
Washer
Dryer
Dishwasher
Water heater
Trash compactor

BDT for this industry has been determined to be the application of a coating containing 62 percent by volume of solids at a transfer efficiency of 60 percent with an assumed solvent density of 0.88 kg/*l*. The regulation, however, permits tradeoffs between these variables. In other words, an owner or operator using application equipment with a higher transfer efficiency may use a coating with a correspondingly lower solids content. Compliance can also be achieved by the use of coatings with an average organic-solvent content that, in conjunction with any capture system and control device operated at the reduction efficiency demonstrated during the most recent performance test, limits emissions to 0.90 kg/*l* of applied coating solids.

Following the initial 1-month performance test, the owner or operator must calculate and record the VOC emissions from each affected facility for each calendar month. Each monthly calculation is considered a performance test. Information necessary to perform the monthly calculation can be obtained from company records and data supplied by the coating manufacturer or by an analysis of the coating by Reference Method 24. Equations and transfer efficiencies for calculating the emissions for each affected facility are provided in the standard. Reference Method 25 will be used to determine the VOC concentration in a gas stream. This method in conjunction or combined with Reference Methods 1, 2, 3, and 4 will be used to determine the percentage reduction of VOC emissions achieved through use of a capture system and control system.

Recordkeeping requirements include those data necessary to substantiate the monthly calculations of emissions. These data must be retained at the source for a period of 2 years. The regulation contains no reporting requirements in addition to those required by the General Provisions of 40 CFR Part 60 relative to the initial performance test.

Environmental, Energy, and Economic Impacts

In 1980 it is believed that there were a total of 59 companies operating 104 facilities engaged in the production of large household appliances. Although plants are widely dispersed throughout 25 States, industry production is concentrated in the Midwestern and

Midsouthern States. It is estimated that the standard will apply to approximately 160 new, modified, or reconstructed surface coating operations (40 plants) by 1986.

Environmental, energy, and economic impacts of standards of performance are normally expressed as incremental differences between a facility complying with the proposed standard and a facility complying with a typical State implementation plan (SIP) emission standard. Most existing large appliance surface coating operations are in localities that are considered nonattainment areas for achieving the national ambient air quality standard (NAAQS) for ozone. New facilities are expected to locate in similar areas. At the time the emissions estimates in the BID for the proposed standard were prepared, SIP's were being revised for these areas. In revising their SIP's, most States were relying upon the control techniques guideline (CTG) document, "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume V: Surface Coating of Large Appliances" (EPA–450/2–77–034[CTG]). It appeared that most States were adopting the CTG recommendations statewide, in attainment as well as in nonattainment areas. For this reason, no distinction was made between the "no additional regulation" alternative and the alternative eventually selected as BDT. Both were based upon 62 percent (volume) solids coatings, and the transfer efficiency incorporated into the BDT alternative was an estimate of the average transfer efficiency actually achieved in the industry. Therefore, in the documents supporting the proposed standard, the emissions reduction attributable to the NSPS was reported as "minimal."

Now that the majority of SIP revisions have been approved, the emissions estimates have been refined. A recent analysis that is documented in the BID for the final standard indicates that 89 percent of the known large appliance manufacturing plants are located in nonattainment areas or in attainment areas where the emissions limits are at least as strict as those recommended by the CTG. If the projected growth in the industry is accommodated through plants subject to the NSPS distributed geographically in the same manner as existing plants (rather than through increased use of existing capacity), it is estimated that the standard will reduce nationwide VOC emissions by approximately 700 metric tons per year by 1986.

Standards of performance have other benefits in addition to reducing emissions beyond the requirements of a typical SIP. They establish a degree of national uniformity, which precludes situations in which some States may attract new industries as a result of having relaxed air pollution standards relative to other States. Further, standards of performance provide documentation that reduces uncertainty in case-by-case determinations of best available control technology (BACT) for facilities located in attainment areas and lowest achievable emission rates (LAER) for facilities located in nonattainment areas. This documentation includes identification and comprehensive analysis of alternative emission control technologies, development of associated costs, evaluation and verification of applicable emission test methods, and identification of specific emission limits achievable with alternate technologies. Costs are provided in an economic analysis that reveals the affordability of controls in an unbiased study of the economic impact of controls on an industry.

The rulemaking process that implements a performance standard assures adequate technical review and promotes participation of representatives of the industry being considered for regulation, government, and the public affected by that industry's emissions. The resultant regulation represents a balance in which government resources are applied in a well-publicized national forum to reach a decision on a pollution emission level that allows a dynamic economy and a healthful environment.

Surface coating operations in a typical large appliance assembly plant consume 73,000 GJ of energy a year. Because no new coatings, application methods, or control devices will be required, this standard will have no discernible impact on energy consumption in the large appliance industry.

Although growth through the next few years will probably be dampened by inflation, it is predicted that the large appliance industry will continue to experience steady, if minimal, overall growth. As in previous years, industry growth is expected to be confined to major manufacturers. The acquisition trend is also expected to continue as small manufacturers, unable to compete with mass producers, become prime candidates for acquisition. Although inflationary pressures are expected to increase industrywide prices during the next few years, price increases are expected to remain minimal.

Surface coating operations in a typical large appliance assembly plant represent a capital investment of almost $3 million. Annual direct operating costs are approximately $1.8 million. Because no new coatings, application methods, or control devices will be required, it is estimated that the standard will have no discernible impact on capital or operating costs of new surface coating operations within large appliance assembly plants. For the same reasons, no impact on product price is anticipated. The standard's impact on water pollution and solid waste disposal will also be minimal.

Detailed analyses of the regulatory alternatives and the environmental, energy, and economic impacts of the standard of performance were originally presented in "Industrial Surface Coating: Appliances—Background Information for Proposed Standards" (EPA–450/3–80–037a) and remain unchanged since proposal.

Public Participation

Prior to proposal of the standard, interested parties were advised by public notice in the **Federal Register** (45 FR 30686, May 9, 1980) of a meeting of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) to discuss the standard for appliance surface coating operations recommended for proposal. Held on June 5, 1980, the meeting was open to the public and each attendee was given an opportunity to comment on the standard recommended for proposal. The standard was proposed and published in the **Federal Register** on December 24, 1980 (45 FR 85085). The preamble to the proposed standard discussed the availability of the BID, "Industrial Surface Coating: Appliances—Background Information for Proposed Standards" (EPA–450/3–80–037a), which describes in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at that time and copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was held on January 28, 1981, at Research Triangle Park, North Carolina. The hearing was open to the public and each attendee was given an opportunity to comment on the proposed standards. Written comments were accepted throughout the comment period, which extended from December 24, 1980, to February 23, 1981.

Twenty-one comment letters were received and three interested parties testified at the public hearing concerning issues relative to the proposed standard of performance for the appliance surface coating source category. The comments have been carefully considered and, where determined to be appropriate, changes have been made in the proposed standard.

Significant Comments and Changes to the Proposed Standard

Comments on the proposed standard were received from the appliance industry, the coatings industry, Federal agencies, one State and one local air pollution control agency, and two trade associations. Although a number of changes have been made in the standard since proposal, the affected facilities, control techniques on which the standard is based, and impacts remain as presented in the BID for the proposed standard. A detailed discussion of the comments and responses can be found in the BID for the promulgated standard. Most comment letters contained multiple comments. Major comments and responses are summarized in this preamble and have been divided into the following areas: General, Emission Control Technology, and Reporting and Recordkeeping.

General

This standard was proposed as an appliance surface coating standard that included several appliances not traditionally considered to be large household appliances, the category that appeared on the priority list of major source categories for which EPA is to promulgate NSPS. These other products had been added for reasons to be enumerated below, and a proposal to amend the priority list to include all appliances regardless of size was published in the **Federal Register** (45 FR 85099) concurrently with the proposal of the standard (December 24, 1980).

Several commenters said that the numerous small appliances manufactured by the home ventilating industry should not be covered by the appliance standard because the home ventilating industry and large appliance industry use different types of coatings and application equipment and have different manufacturing environments. Line speeds in large appliance manufacturing plants are faster, and coating operations of the two industries are not similar. Large appliance manufacturing plants make one or two products using a two-coat system, while home ventilating plants make a wide variety of products using a single-coat system. The coating technology is not as advanced in the small shops making the small appliances, and the existing small appliance coating application equipment does not approach the 60-percent assumed average transfer efficiency for large appliances. Failure to recognize these differences will allow unfair advantage to a few industries.

One company further commented that its range hoods are coated with a single-coat, modified alkyd baking enamel formulated for a hot, grease-laden environment. Specifications for this coating differ from specifications for acrylic coatings used in the large appliance industry. Another commenter stated that the available high-solids coatings were inadequate for coating irregularly shaped objects like range hoods and fans. Compliance coatings are reasonably available for the five major appliance colors but are not reasonably available for the other thirteen colors and color combinations used for range hoods. According to this commenter, while approaches to the development of new low-solvent coatings and new, efficient application systems for home ventilating products show promise [waterborne and high-solids coatings; exempt solvents, powder coatings, and electrodeposition (EDP)], they are still in the experimental stage.

The commenters continued that although much of the coating equipment used in the home ventilating industry is similar to that used in the large appliance industry, distinct shape differences for some parts make spinning disc electrostatic equipment, which is common in the large appliance industry, impractical for coating range hoods with high-solids coatings. Small appliance application coating equipment, like large appliance application equipment, will have to undergo modification before high-solids coatings are used.

As the commenters reported, often in the home ventilating industry, parts of several appliance products are coated on the same line. As different standards might then exist for different products, productivity would suffer while the line was changed to comply with whatever standards might apply to the units being coated. If the most stringent standard were used for all products coated on this hypothetical line, those not covered (but coated in compliance, nevertheless) may not be able to remain competitive with products made by manufacturers who did not have to comply. Different standards might also apply to different lines within a plant. One of the commenters stated that because of time constraints and limited resources, he was unable to provide complete cost information on the range hood/fan segment of the industry, and, therefore, only noted that the model plants used in the economic analysis are not typical of this segment of the industry.

Comments of a similar nature concerning the availability of high-solids coatings in many colors and the differences in coating operations were also received from one manufacturer of refrigerated display cases.

Based upon the comments received, EPA has determined that in the absence of additional analysis and study, it is inappropriate to conclude that BDT for the manufacture of traditional large appliances also applies to the manufacture of other appliances. The majority of data upon which the proposed standard was developed pertained to the surface coating of traditional household appliances such as ranges, microwave ovens, ovens, refrigerators, laundry equipment, and freezers. This information is contained in the BID for the proposed standard. The decision to regulate 17 other appliance products (range hoods, refrigerated display cases, dry cleaning equipment, water softeners, interior lighting fixtures, vacuum cleaners, ice makers, air purifiers, baseboard heaters, room heaters, humidifiers, dehumidifiers, fans, furnaces, window air conditioners, unitary air conditioners, and heat pumps) was made subsequent to development of the majority of the background information. This decision was made because the coating application methods appeared to be identical to those used in large appliance coating operations and because the coating materials and performance specifications also appeared to be similar to those used in the large appliance industry. Therefore, there appeared to be no technical reason to exclude these other appliance products. As a result of the reevaluation prompted by these comments, the entire group of 17 other appliance products listed above has been deleted from the standard. This is not to imply that none of these industries can achieve the levels of control required by this standard. This or even more stringent requirements may be appropriate in the application of BACT or LAER.

In addition, the Administrator has concluded from these comments that further examination of such factors as projected growth and applicable emission limits for other segments of the appliance coating industry are necessary before concluding that these other appliance coating operations contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the Agency is withdrawing the proposed amendment to aggregate all appliance surface coating operations into one source category on the priority list. An announcement to this effect appears elsewhere in this issue of the **Federal Register**.

One commenter stated that one company in its corporation uses an aluminum-based coating on gas furnace parts that are subject to very high temperatures (1,000° F) and may use similar coatings on certain parts of gas dryers and water heaters. While the coating solids are inorganic, the material is spray applied with an organic carrier that yields organic-solvent emissions. A question existed as to whether this coating would be considered an "organic coating." If so, it would not meet the standard nor would any other temperature-resistant coating known to the commenter.

Although an "organic coating" was not defined explicitly in the proposed standard, EPA considers any coating that yields VOC emissions to be organic. For clarification, a definition of an "organic surface coating" has been added in § 60.451 of the final regulation. In addition, the specific problem raised by the commenter is corrected in the final version of the standard by incorporating a temperature cutoff in the regulation. After several industry representatives were consulted, 250° F was selected as the cutoff because coatings required to withstand heat in excess of this temperature are difficult, if not impossible, to formulate at the 62-percent (volume) solids level. The coating of appliance parts that are subject to in-use temperatures above 250° F, therefore, is not subject to the emission limitations in this standard.

One commenter noted that key operating parameters of application equipment should be checked regularly to ensure that equipment is being operated in accordance with manufacturers' specification. These checks could be performed at the same time monthly determinations of VOC emissions compliance are made. It was recommended that the Agency encourage operator training by offering an incentive in the form of additional transfer efficiency credits for firms that have operator training programs.

Proper operation and maintenance of facilities is required in § 60.11(d) of the General Provisions of 40 CFR Part 60. Therefore, improper operation or emission excesses resulting from improper operator training would be considered a violation of § 60.11(d). Although EPA certainly encourages industry to provide adequate training for its spray equipment operators, a mechanism to "credit" operator training is not within the scope of EPA's regulatory development program. The training program's adequacy would have to be monitored, and the implementation and enforcement requirements are considered to be excessive. Decreases in coating use, part rejection, and maintenance are major economic incentives for a company to implement an operator training program. The Agency believes these reasons are sufficient to ensure proper operation and maintenance of application equipment.

Three commenters noted that technical requirements for surface coating of wood stoves, furnaces, and room heaters are not similar to large appliances in that high temperature requirements preclude the use of water-based coatings. High-solids coatings are also not available to meet these performance specifications. Consequently, wood stoves, furnaces, and room heaters should be classified as miscellaneous metal parts and products with extreme performance characteristics and should not be covered in this regulation.

Wood stoves and direct-fired room heaters were never intended to be included in this regulation. Although one commenter indicated successful testing of a coating that could achieve the proposed emission limit, EPA does not have sufficient data to conclude that such coatings have been adequately demonstrated. Because the coating of large appliance parts exposed to extreme temperatures was not intended to be subject to the proposed standard, the definition of large appliance parts to be covered by this regulation has been clarified. In addition, furnaces and room heaters have been excluded from the list of products to be covered by this regulation.

One commenter expressed concern that the proposed standard was unduly restrictive in that it did not allow use of the "bubble concept," whereby credit for overcompliance on one line could be used to offset use of noncompliance coatings on another line. Other commenters stated that many firms manufacturing smaller appliances finished several products on a single line.

The "bubble concept" refers to application of a standard to an entire plant rather than to separate portions of an individual plant. The term "affected facility" refers to the particular portion of a plant to which a standard applies. In this case the affected facility has been defined as a surface coating operation, which consists of a coating application station(s), flashoff area(s), and an oven. The choice of the affected facility for any standard is based on the Agency's interpretation of the Clean Air Act, as amended, and judicial construction of its meaning. Under Section 111, the NSPS must apply to "new sources;" a "source" is defined as "any building, structure, facility, or installation which emits or may emit any air pollutant" [Section 111(a)(3)]. Most industrial plants, however, consist of numerous pieces or groups of equipment that emit air pollutants and that might be viewed as "sources." EPA uses the term "affected facility" to designate the equipment, within a particular kind of plant, that is chosen as the "source" covered by a given standard.

In choosing the affected facility, EPA must decide which pieces or groups of equipment are the appropriate units for separate emission standards in that particular industrial context. One major consideration in this decision is that use of a narrower definition brings replacement equipment under the NSPS sooner. If, for example, an entire plant were designated the affected facility, no part of the plant would be covered by the standard unless the plant as a whole were "modified." If, on the other hand, each piece of equipment were designated the affected facility, as each piece were replaced, the replacement piece would be a new source subject to the standard. Since the purpose of Section 111 is to minimize emissions by the application of the best demonstrated control technology (considering cost, other health and environmental effects, and energy requirements) at all new and modified sources, there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if the Agency concludes that the relevant statutory factors (technical feasibility, cost, energy, and other environmental impacts) point to a broader definition. As shown in the BID, it is both technologically and economically feasible to control each coating operation. Since selecting this narrowest definition of the affected facility would achieve the greatest emission reduction, this definition is most consistent with the purposes of Section 111.

Two other possible definitions of the affected facility in this standard are all prime coat (or topcoat) operations in a product line and all prime coat (or topcoat) operations within an assembly plant. The product line definition would have reduced the number of affected facilities and would have permitted tradeoffs between different coatings and application technologies. Likewise, defining all prime coating (or topcoating) operations within a plant as the affected facility would have reduced the number of affected facilities and, consequently, the associated recordkeeping and compliance calculations. However, such definitions would not necessarily result in either the use of best technology or the minimization of emissions from new sources. For these reasons, the Agency has chosen each surface coating operation as the affected facility.

The specific concern from small appliance manufacturers who finish several products on a single line that different standards would apply to different products on the same coating line is no longer applicable since manufacturers of these products are not subject to the promulgated standard. The Agency is not aware of any large appliance manufacturers finishing several products on a single line who might encounter this situation.

One commenter opposed implementation of the proposed standard at this time because he considered additional regulations unnecessary and overly burdensome and thought industry deserves to be advised of the real need for VOC standards more stringent than those now imposed.

Standards of performance are promulgated under Section 111 of the Clean Air Act. Section 111(b)(1)(A) requires that the Administrator establish standards of performance for categories of new, modified, or reconstructed stationary sources that in his judgment cause or contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Standards of performance prevent new air pollution problems from developing by requiring application of the best technological system of continuous emission reduction that the Administrator determines to be adequately demonstrated. The 1977 Amendments to the Clean Air Act added the words, "in the Administrator's judgment," and the words, "may reasonably be anticipated," to the statutory test. The legislative history for these changes stresses two points:

- The Act is preventive, and regulatory action should be taken to prevent harm before it occurs; and
- The Administrator should consider the contribution of each single class of sources to the cumulative impact of all VOC emitters.

The 1977 Amendments to the Clean Air Act also required that the Administrator promulgate a priority list of source categories for which standards of performance are to be promulgated. The priority list, 40 CFR 60.16, was promulgated in the **Federal Register** on August 21, 1979 (44 FR 49222). Development of the priority list was initiated by compiling data on a large number of source categories from literature resources. Major stationary source categories were then subjected to a priority ranking procedure using the three criteria specified in Section 111(f) of the Act. The procedure ranks source categories on a pollutant-by-pollutant basis. In this ranking, first priority was given to the quantity of emissions, second priority was given to the potential impact on health or welfare, and third priority was given to the mobility and competitive nature of the source category.

In light of the considerations stated above, the Administrator found that the large appliance coating industry is a "significant contributor." (Applying the criteria for prioritizing such contributors, the Administrator ranked the surface coating of large appliances 28th of 59 source categories on the priority list.) This listing decision requires the Agency to promulgate standards of performance for new sources in this category.

Another study was conducted to investigate the large appliance surface coating industry in more detail. This study resulted in development of the BID, which specifically addressed the industry in terms of structure, processes, and emission control techniques. The BID also described modification and reconstruction; alternative regulatory options; and the environmental, economic, and energy impacts that would be associated with implementing each of the various regulatory options. During this study it was estimated that a minor reduction in emissions would result from the proposed regulation, primarily because of improvements already achieved by State regulations. A more recent study, however, estimated that the standard would reduce nationwide VOC emissions by 700 metric tons per year by 1986. This new study is documented in the BID for the final standard. The regulation has other benefits in addition to reducing emissions beyond those required in State regulations. The transfer efficiency concept incorporated in this regulation was not included in the CTG document issued to the States. Its inclusion here is a major benefit because specifying an emissions limit based upon a specific VOC content and a specific transfer efficiency automatically incorporates an equivalency provision into the regulation and allows tradeoffs between VOC content and transfer efficiency. That is, an operator using application equipment with a high transfer efficiency could use a coating with a higher VOC content. Such a provision also enables the diverse coatings and application techniques within the industry to be accommodated by a single standard.

Also, standards of performance establish a degree of national uniformity, which precludes situations in which some States may attract industries by relaxing air pollution standards relative to other States. They improve the efficiency of case-by-case determinations of BACT for facilities located in attainment areas and LAER for facilities located in nonattainment areas, by providing a starting point for the basis of these determinations. This starting point results from the process of developing a standard of performance, which involves comprehensive analysis of alternative emission control technologies and evaluation and verification of emission test methods.

For these reasons, VOC emissions from large appliance surface coating operations have been selected for regulation under an NSPS.

Emission Control Technology

One of the commenters stated that the generic classifications of equipment in Table 1 (Section 60.453) are poorly defined and inappropriate. The Agency's listing of transfer efficiencies for generic equipment will encourage the use of lower priced, inferior equipment that does not perform as well as the Agency has indicated. The listing will also discourage use of equipment that presently exceeds listed values, since added credit may be difficult to obtain. For this reason, the Agency's estimates of emission reductions are overstated and the objectives will not be met. The commenter suggested that a standardized test method be adopted to determine transfer efficiency. Equipment could then be "certified" by the manufacturer and a list of equipment ratings and operating conditions could be supplied to EPA for publication. The equipment operator should be required to use these published transfer efficiencies to determine compliance.

The promulgated standard will significantly benefit users of equipment that has a high transfer efficiency because of the flexibility of coating selection it will afford. Incorporation of the transfer efficiency concept into this standard is one of the main improvements over earlier RACT guidelines and existing State regulations because existing regulations do not give credit for transfer efficiency. With this regulation, due credit will be given to users of more efficient equipment.

EPA recognizes that the actual transfer efficiency achieved in production line situations depends on a large number of variables. It was this difficulty in determining transfer efficiency values that caused EPA to use the table of assigned numbers. Any improvement in the efficiency at which coatings are applied will benefit both the EPA's goal of reducing VOC emissions and the industry's goal of achieving more economical operation. A more detailed listing of transfer efficiency values would require a uniform test method for all situations. Such a method has not yet been developed but is under investigation by EPA's Industrial Environmental Research Laboratory (IERL). The Agency does not believe the listed transfer efficiencies will promote the use of inferior equipment because operating cost advantages, such as decreased coating usage, will dictate the use of efficient equipment and encourage its proper operation.

Several commenters stated that the proposed standard was inequitable because the concept of assumed transfer efficiency did not account for the following parameters:

- Part configuration,
- Type of coating,
- Solids level,
- Resin type,
- Flow rate,
- Operator efficiency,
- Local environmental conditions,
- Charging voltages, and
- Interaction of all of the above variables with each type of application equipment.

Two of these commenters suggested that spray equipment manufacturers had not had adequate opportunity to suggest an appropriate test method to determine actual transfer efficiency that could be incorporated into the standard. It was suggested that the National Spray Equipment Manufacturers Association (NSEMA) coordinate industry responses on transfer efficiency. Exception was taken to NSEMA not being contacted during development of this standard.

No changes were made in the regulation as a result of these comments. EPA believes that to reflect BDT for the large appliance coating industry, emission limits for new sources must incorporate the use of both high-solids coatings and relatively efficient application equipment but must not at the same time deny industry flexibility to use different types of application equipment and different coatings. For this reason, the Agency has included the key transfer efficiency concept in this standard.

The commenter's claim that all the listed parameters affect transfer efficiency is correct. However, a universally acceptable test method for determining precise transfer efficiency under each conceivable set of variables has not yet been developed. This means that the Agency must either delete this crucial component of BDT or instead include in the standard assigned transfer efficiency values that correlate at least generally to the efficiencies of the application equipment used in the industry. EPA has chosen the latter course. The Agency has included values that are correlated to each piece of equipment and are sufficiently high to ensure that, regardless of coating properties and other relevant variables, each facility will be credited with at least the efficiency its equipment attains with the particular coatings it applies. These transfer efficiencies listed are based on data provided by spray equipment manufacturers and results of tests conducted during standard development. EPA contacted and visited several equipment and coatings manufacturers during the standard development process. Summaries of these contacts are contained in Docket Category II–E.

Moreover, the standard provides that if the operator can demonstrate to the satisfaction of the Administrator that other transfer efficiencies are appropriate (e.g., due to variables such as those cited in the comment), the Administrator will approve their use on a case-by-case basis. This provision ensures that a facility using equipment that achieves an efficiency greater than that assigned by the standard is fully credited for the efficiency achieved.

One commenter noted that the potential for cost effectiveness and overall performance of regenerative thermal oxidation systems was not included in background documentation for the proposed standard. A system designed by this company is said to be capable of providing primary heat exchange efficiencies of up to 95 percent in the thermal oxidation process. The high thermal energy recovery of this system allows operation in a self-sustaining mode of hydrocarbon contents of from 3 to 5 percent of the lower explosive limit (LEL). Little or no additional fuel is required. This system virtually eliminates the following problem areas generally associated with incineration systems:

- Fouling of heat transfer surfaces,
- Corrosion,
- Catalyst poisoning,
- Secondary emissions, and
- High operating costs with low LEL gas streams.

The commenter requested clarification of the potential of regenerative thermal oxidation systems in the documentation for the promulgated standard.

Regulatory Alternative B–III, outlined in Chapter 6 of the BID for the proposed standard, presents EPA's analysis of incineration of the topcoat exhaust. The analysis reveals that this option has a significantly greater capital investment and an increase in energy consumption over other options. Although the annual operating costs and energy use of a regenerative thermal oxidation system may be lower, initial capital investment is large compared to that for low-solvent coatings technology. Reduction in total organic-solvent emissions realized by controlling the topcoat oven exhaust is small because only 20 percent of these emissions are concentrated in the oven. The remaining 80 percent of the emissions are fugitives from the application and flashoff areas. The small percentage of emissions available for reduction by incineration makes any incinerator difficult to cost justify when compared to low-solvent coatings. For this reason and others set forth in the preamble to the proposal, EPA has decided to base the standard on low-solvent processes, rather than on incineration. Therefore, EPA does not consider necessary further clarification of the potential of regenerative thermal oxidation systems in the documentation for the promulgated standard.

Reporting And Recordkeeping

A comment received during development of another surface coating standard that is considered applicable to large appliance surface coating indicated that the 10-calendar-day period within which violations of the standards must be reported was insufficient to permit the coordination and clearances required to notify EPA of a violation.

As a result of this comment and others, EPA has been investigating alternative ways of reducing monitoring, recordkeeping, and reporting burdens on owners and operators. The goal is to reduce all recordkeeping and reporting not essential to determining compliance or to ensuring proper operation and maintenance. After reviewing requirements in the proposal, EPA determined that monthly compliance tests, monitoring, and compilation of monitoring data are essential for both the owner or operator and EPA to determine compliance and to ensure proper operation and maintenance. A responsible owner or operator would need monitoring information compiled in a usable form to determine when adjustments in the control system are needed to ensure that it is performing at its intended effectiveness level.

EPA is therefore requiring only the additional step of filing the information in an accessible location. Because EPA judges that monthly compliance tests, monitoring, and recordkeeping are essential for determining compliance and proper operation and maintenance, these requirements have not been changed since proposal. It was judged, however, that reporting is not essential to EPA. In addition, when States are delegated the authority to enforce this standard, they may prefer either not to have reporting or to have reporting on a different schedule than EPA proposed. Therefore, the requirement to report violations of the standard and quarterly incineration reports has been removed since proposal. A State, however, at any time is free to impose its own reporting requirements in conjunction with this regulation.

Another commenter expressed concern over the time a facility would need for recordkeeping and reporting to determine monthly compliance as proposed in the regulation and stated that an added overhead burden would be placed on the industries that ultimately would be passed on to the consumer. Another commenter estimated that it would probably require one person per year at each affected plant, considerably more than estimated in the preamble.

As stated in the previous response, the requirement to report violations of monthly compliance tests has been removed since proposal. In the preamble to the regulation it was estimated that in the fifth year of applicability the promulgated regulation would apply to 160 affected facilities and over these 5 years would require about 40 industry person-years for recordkeeping and reporting. This amounts to about 1 person-month per affected facility per year. (This information is contained in a Reports Impact Analysis, Docket Entry II–I–20. Because all reporting requirements except for the initial performance test results have been eliminated from the standard, and because of the requirement to estimate the Agency resources needed for observing performance tests and for litigation, the Reports Impact Analysis has been revised since proposal. It is now estimated that the industry burden for recordkeeping and reporting will be 28 person-years over the first 5 years of applicability.) Information a manufacturer needs to keep on a day-to-day basis to determine compliance with this standard includes volume of coating used and volume of dilution solvent used. These data are normally kept by companies to provide adequate stock room balances of needed supplies. The other item of information needed to determine compliance, the fraction of solids in the coating, can be obtained from the coating manufacturer. The recording of these data is needed by both the owner/operator and EPA to determine that the source is in compliance. EPA considers the lower time estimates in the Reports Impact Analysis to be reasonably accurate. Therefore, the Agency does not consider the recordkeeping, which is necessary to determine compliance, an unreasonable burden.

Information Requirement Impacts

Reporting and recordkeeping requirements of this regulation are assessed in a Reports Impact Analysis. A copy of this analysis, which considers various alternatives and impacts, is included in the docket for public review. Please reference Subcategory II–I of Docket No. A–80–6.

The regulation will require no reports in addition to those required under the General Provisions of 40 CFR Part 60. The General Provisions contain notification requirements that enable the Agency to keep abreast of facilities subject to the standard and also contain requirements for conducting and reporting of initial performance tests. The resources needed by industry to maintain records and to prepare the reports through the first 5 years would be about 28 person-years. The resources required by EPA and State and local agencies to process the reports and maintain records through the first 5 years would be about 1.5 person-years. Analysis of these reporting requirements indicates that they are reasonable considering the savings in Agency time and resources required for effective enforcement.

The Paperwork Reduction Act of 1980 (Pub. L. 95–511) requires clearance from the Office of Management and Budget (OMB) of certain public reporting/recordkeeping requirements before this rulemaking can be promulgated as final. The reporting/recordkeeping requirements associated with this standard have been approved by OMB, and has been assigned OMB Control Number 2000–0473.

Regulatory Flexibility Analysis

This rulemaking was proposed before January 1, 1981, and therefore is not subject to the requirements of the Regulatory Flexibility Act. However, these requirements were reviewed, and it was determined that this rule would not have a significant economic impact on a substantial number of small entities.

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered by EPA in the development of this rulemaking. The docket system is intended to allow members of the industries involved and the public to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket, except for certain interagency review materials, will serve as the record in case of judicial review [Section 307(d)(7)(A)].

Miscellaneous

The effective date of this regulation is October 27, 1982. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal December 24, 1980.

As prescribed by Section 111, promulgation of this standard was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of this promulgated standard was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standard to ensure that cost was carefully considered in determining BDT. The economic impact assessment is included in the BID for the proposed standard.

In addition to the economic impact analysis, the emissions reduction and annualized costs for typical facilities—expressed in dollars per ton of pollutant removed per year—were examined for several regulatory alternatives and results included in the BID for the proposed standard. Although such data are often used as a measure of the economic efficiency of pollution control systems, this concept of cost effectiveness was not directly applicable here because the alternatives considered represented different coating technologies rather than varying degrees of control within the same technology. A given coating technology may not be technically the most appropriate for a given segment of the industry, even though that technology may be more cost effective for the industry as a whole. Therefore, a plant operator must select a specific coating technology with an established cost and associated emissions and may not have the option of selecting a control system whose efficiency depends upon capital and operating costs alone.

As previously discussed, BDT for this industry has been determined to be the application of a coating containing 62 percent by volume coating solids at a 60-percent transfer efficiency (Alternative II). This decision was made primarily for technological rather than for economic reasons.

The emissions and annualized costs in the absence of an NSPS are nearly identical to those for the NSPS level of control in a nonattainment area. Compared to an uncontrolled plant in an attainment area, however, the NSPS level represents an emission reduction of 104 tons per year and an annual savings of about $682 per ton of emissions reduced for a prime coat operation and an emission reduction of 173 tons per year and an annual savings of approximately $758 per ton of emissions reduced for a topcoat operation. These savings result from reduced material costs. EDP (Alternative III) and powder coating (Alternative IV) are not required by the standard but may be selected in some instances. Compared to an uncontrolled plant, these result in annual savings of approximately $1,400 and $10,000 per ton of emissions reduced, respectively. These technologies, however, are not universally applicable.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because (1) the national annualized compliance costs, including capital charges resulting from the standard, total less than $100 million; (2) the standard does not cause a major increase in prices or production costs; and (3) the standard does not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets. This regulation was submitted to OMB for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are included in Docket Number A-80-6. The docket is available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

Dated: October 20, 1982.

Anne M. Gorsuch,

Administrator.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

PART 60—[AMENDED]

40 CFR Part 60 is amended by adding a new Subpart SS as follows:

Subpart SS—Standards of Performance for Industrial Surface Coating: Large Appliances

Sec.
60.450 Applicability and designation of affected facility.
60.451 Definitions.
60.452 Standard for volatile organic compounds.
60.453 Performance test and compliance provisions
60.454 Monitoring of emissions and operations.
60.455 Reporting and recordkeeping requirements.
60.456 Test methods and procedures.

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601(a), and additional authority as noted below.

§ 60.450 Applicability and designation of affected facility.

(a) The provisions of this subpart apply to each surface coating operation in a large appliance surface coating line.

(b) The provisions of this subpart apply to each affected facility identified in paragraph (a) of this section that commences construction, modification, or reconstruction after December 24, 1980.

§ 60.451 Definitions.

(a) All terms used in this subpart not defined below are given the meaning in the Act or in Subpart A of this part.

"Applied coating solids" means the coating solids that adhere to the surface of the large appliance part being coated.

"Large appliance part" means any organic surface-coated metal lid, door, casing, panel, or other interior or exterior metal part or accessory that is assembled to form a large appliance product. Parts subject to in-use temperatures in excess of 250° F are not included in this definition.

"Large appliance product" means any organic surface-coated metal range, oven, microwave oven, refrigerator, freezer, washer, dryer, dishwasher, water heater, or trash compactor manufactured for household, commercial, or recreational use.

"Large appliance surface coating line" means that portion of a large appliance assembly plant engaged in the application and curing of organic surface coatings on large appliance parts or products.

"Coating application station" means that portion of the large appliance surface coating operation where a prime coat or a top coat is applied to large appliance parts or products (e.g., dip tank, spray booth, or flow coating unit).

"Curing oven" means a device that uses heat to dry or cure the coating(s) applied to large appliance parts or products.

"Electrodeposition" (EDP) means a method of coating application in which the large appliance part or product is submerged in a tank filled with coating material suspended in water and an electrical potential is used to enhance deposition of the material on the part or product.

"Flashoff area" means the portion of a surface coating line between the coating application station and the curing oven.

"Organic coating" means any coating used in a surface coating operation, including dilution solvents, from which VOC emissions occur during the application or the curing process. For the purpose of this regulation, powder coatings are not included in this definition.

"Powder coating" means any surface coating that is applied as a dry powder and is fused into a continuous coating film through the use of heat.

"Spray booth" means the structure housing automatic or manual spray application equipment where a coating is applied to large appliance parts or products.

"Surface coating operation" means the system on a large appliance surface coating line used to apply and dry or cure an organic coating on the surface of large appliance parts or products. The surface coating operation may be a prime coat or a topcoat operation and includes the coating application station(s), flashoff area, and curing oven.

"Transfer efficiency" means the ratio of the amount of coating solids deposited onto the surface of a large appliance part or product to the total amount of coating solids used.

"VOC content" means the proportion of a coating that is volatile organic componds (VOC's), expressed as kilograms of VOC's per liter of coating solids.

"VOC emissions" means the mass of volatile organic compounds (VOC's), expressed as kilograms of VOC's per liter of applied coating solids, emitted from a surface coating operation.

(b) All symbols used in this subpart not defined below are given the meaning in the Act or Subpart A of this part.

C_a = the concentration of VOC's in a gas stream leaving a control device and entering the atmosphere (parts per million by volume, as carbon).
C_b = the concentration of VOC's in a gas stream entering a control device (parts per million by volume, as carbon).
C_f = the concentration of VOC's in a gas stream emitted directly to the atmosphere (parts per million by volume, as carbon).
D_c = density of coating (or input stream), as received (kilograms per liter).
D_d = density of a VOC-solvent added to coatings (kilograms per liter).
D_r = density of a VOC-solvent recovered by an emission control device (kilograms per liter).
E = the VOC destruction efficiency of a control device (fraction).
F = the proportion of total VOC's emitted by an affected facility that enters a control device (fraction).
G = the volume-weighted average mass of VOC's in coatings consumed in a calendar month per unit volume of applied coating solids (kilograms per liter).
L_c = the volume of coating consumed, as received (liters).
L_d = the volume of VOC-solvent added to coatings (liters).
L_r = the volume of VOC-solvent recovered by an emission control device (liters).
L_s = the volume of coating solids consumed (liters).
M_d = the mass of VOC-solvent added to coatings (kilograms).
M_o = the mass of VOC's in coatings consumed, as received (kilograms).
M_r = the mass of VOC's recovered by an emission control device (kilograms).
N = the volume-weighted average mass of VOC's emitted to the atmosphere per unit volume of applied coating solids (kilograms per liter).
Q_a = the volumetric flow rate of a gas stream leaving a control device and entering the atmosphere (dry standard cubic meters per hour).
Q_b = the volumetric flow rate of a gas stream entering a control device (dry standard cubic meters per hour).
Q_f = the volumetric flow rate of a gas stream emitted directly to the atmosphere (dry standard cubic meters per hour).
R = the overall VOC emission reduction achieved for an affected facility (fraction).
T = the transfer efficiency (fraction).
V_s = the proportion of solids in a coating (or input stream), as received (fraction by volume).
W_o = the proportion of VOC's in a coating (or input stream), as received (fraction by weight).

§ 60.452 Standard for volatile organic compounds.

On or after the date on which the performance test required by § 60.8 is completed, no owner or operator of an affected facility subject to the provisions of this supbart shall discharge or cause the discharge of VOC emissions that exceed 0.90 kilogram of VOC's per liter of applied coating solids from any surface coating operation on a large appliance surface coating line.

§ 60.453 Performance test and compliance provisions.

(a) Sections 60.8 (d) and (f) do not apply to the performance test procedures required by this subpart.

(b) The owner or operator of an affected facility shall conduct an initial performance text as required under § 60.8(a) and thereafter a performance test each calendar month for each affected facility according to the procedures in this paragraph.

(1) An owner or operator shall use the following procedures for any affected facility that does not use a capture system and control device to comply with the emissions limit specified under § 60.452. The owner or operator shall determine the composition of the coatings by formulation data supplied by the coating manufacturer or by analysis of each coating, as received, using Reference Method 24. The Administrator may require the owner or operator who uses formulation data supplied by the coating manufacturer to determine the VOC content of coatings using Reference Method 24. The owner or operator shall determine the volume of coating and the mass of VOC-solvent used for thinning purposes from company records on a monthly basis. If a common coating distribution system serves more than one affected facility or serves both affected and existing facilities, the owner or operator shall estimate the volume of coatings used at each facility, by using the average dry weight of coating and the surface area coated by each affected and existing facility or by other procedures acceptable to the Administrator.

(i) Except as provided in subparagraph b(1)(iv) of this section, the weighted average of the total mass of VOC's consumed per unit volume of coating solids applied each calendar month will be determined as follows.

(A) Calculate the mass of VOC's consumed ($M_o + M_d$) during the calendar month for each affected facility by the following equation:

$$M_o + M_d = \sum_{i=1}^{n} L_{c_i} D_{c_i} W_{o_i} + \sum_{j=1}^{m} L_{d_j} D_{d_j}, \quad (1)$$

($\Sigma L_{d_j} D_{d_j}$ will be 0 if no VOC-solvent is added to the coatings, as received)

where
n is the number of different coatings used during the calendar month, and
m is the number of different VOC-solvents added to coatings during the calendar month.

(B) Calculate the total volume of coatings solids used (L_s) in the calendar month for each affected facility by the following equation:

$$L_s = \sum_{i=1}^{n} L_{c_i} V_{s_i}, \quad (2)$$

where
n is the number of different coatings used during the calendar month.

(C) Select the appropriate transfer efficiency from Table 1. If the owner or operator can demonstrate to the satisfaction of the Administrator that transfer efficiencies other than those shown are appropriate, the Administrator will approve their use on a case-by-case basis. Transfer efficiencies for application methods not listed shall be determined by the Administrator on a case-by-case basis. An owner or operator must submit sufficient data for the Administrator to judge the accuracy of the transfer efficiency claims.

TABLE 1.—TRANSFER EFFICIENCIES

Application method	Transfer efficiency (T_k)
Air-atomized spray	0.40
Airless spray	0.45
Manual electrostatic spray	0.60
Flow coat	0.85
Dip coat	0.85
Nonrotational automatic electrostatic spray	0.85
Rotating head automatic electrostatic spray	0.90
Electrodeposition	0.95

Where more than one application method is used within a single surface coating operation, the owner or operator shall determine the composition and volume of each coating applied by each method through a means acceptable to the Administrator and compute the weighted average transfer efficiency by the following equation:

$$T=\frac{\sum_{i=1}^{n}\sum_{k=1}^{m} L_{c_{ik}} V_{s_{ik}} T_k}{L_s}, \qquad (3)$$

where
n is the number of coatings (or input streams) used, and
m is the number of application methods used.

(D) Calculate the volume-weighted average mass of VOC's consumed per unit volume of coating solids applied (G) during the calendar month for each affected facility by the following equation:

$$G=\frac{M_o+M_d}{L_s T}. \qquad (4)$$

(ii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during the calendar month for each affected facility by the following equation:

$$N=G. \qquad (5)$$

(iii) Where the volume-weighted average mass of VOC's discharged to the atmosphere per unit volume of coating solids applied (N) is equal to or less than 0.90 kilogram per liter, the affected facility is in compliance.

(iv) If each individual coating used by an affected facility has a VOC content, as received, which when divided by the lowest transfer efficiency at which the coating is applied, results in a value equal to or less than 0.90 kilogram per liter, the affected facility is in compliance, provided no VOC's are added to the coating during distribution or application.

(2) An owner or operator shall use the following procedures for any affected facility that uses a capture system and a control device that destroys VOC's (e.g., incinerator) to comply with the emission limit specified under § 60.452.

(i) Determine the overall reduction efficiency (R) for the capture system and control device. For the initial performance test the overall reduction efficiency (R) shall be determined as prescribed in A, B, and C below. In subsequent months, the owner or operator may use the most recently determined overall reduction efficiency (R) for the performance test, providing control device and capture system operating conditions have not changed. The procedure in A, B, and C, below, shall be repeated when directed by the Administrator or when the owner or operator elects to operate the control device or capture system at conditions different from the initial performance test.

(A) Determine the fraction (F) of total VOC's emitted by an affected facility that enters the control device using the following equation:

$$F=\frac{\sum_{i=1}^{n} C_{b_i} Q_{b_i}}{\sum_{i=1}^{n} C_{b_i} Q_{b_i}+\sum_{k=1}^{p} C_{f_k} Q_{f_k}}, \qquad (6)$$

Where
n is the number of gas streams entering the control device
p is the number of gas streams emitted directly to the atmosphere.

(B) Determine the destruction efficiency of the control device (E) using values of the volumetric flow rate of each of the gas streams and the VOC content (as carbon) of each of the gas streams in and out of the device by the following equation:

$$E=\frac{\sum_{i=1}^{n} Q_{b_i} C_{b_i}-\sum_{j=1}^{m} Q_{a_j} C_{a_j}}{\sum_{i=1}^{n} Q_{b_i} C_{b_i}}, \qquad (7)$$

Where
n is the number of gas streams entering the control device, and
m is the number of gas streams leaving the control device and entering the atmosphere.

(C) Determine overall reduction efficiency (R) using the following equation:

$$R=EF. \qquad (8)$$

(ii) Calculate the volume-weighted average of the total mass of VOC's per unit volume of applied coating solids (G) during each calendar month for each affected facility using equations (1), (2), (3) if applicable, and (4).

(iii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during each calendar month by the following equation:

$$N=G\,(1-R). \qquad (9)$$

(iv) If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is equal to or less than 0.90 kilogram per liter of applied coating solids, the affected facility is in compliance.

(3) An owner or operator shall use the following procedure for any affected facility that uses a control device for VOC recovery (e.g., carbon adsorber) to comply with the applicable emission limit specified under § 60.452.

(i) Calculate the total mass of VOC's assumed (M_o+M_d) and the volume-weighted average of the total mass of VOC's per unit volume of applied coating solids (G) during each calendar month for each affected facility using equations (1), (2), (3) if applicable, and (4).

(ii) Calculate the total mass of VOC's recovered (M_r) during each calendar month using the following equation:

$$M_r=L_r D_r. \qquad (10)$$

(iii) Calculate overall reduction efficiency of the control device (R) for each calendar month for each affected facility using the following equation:

$$R=\frac{M_r}{M_o+M_d} \qquad (11)$$

(iv) Calculate the volume-weighted average mass of VOC's emitted to the atmosphere (N) for each calendar month for each affected facility using equation (9).

(v) If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is equal to or less than 0.90 kilogram per liter of applied coating solids, the affected facility is in compliance. Each monthly calculation is considered a performance test.

§ 60.454 Monitoring of emissions and operations.

(a) The owner or operator of an affected facility that uses a capture system and an incinerator to comply with the emission limits specified under § 60.452 shall install, calibrate, maintain, and operate temperature measurement devices as prescribed below:

(1) Where thermal incineration is used, a temperature measurement device shall be installed in the firebox. Where catalytic incineration is used, a temperature measurement device shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Each temperature measurement device shall be installed, calibrated, and maintained according to the manufacturer's specifications. The device shall have an accuracy of the greater of 0.75 percent of the temperature being measured expressed in degrees Celsius or ±2.5° C.

(3) Each temperature measurement device shall be equipped with a recording device so that a permanent continuous record is produced.

(Sec.114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.455 Reporting and recordkeeping requirements.

(a) The reporting requirements of §60.8(a) apply only to the initial performance test. Each owner or operator subject to the provisions of this subpart shall include the following data in the report of the initial performance test required under § 60.8(a):

(1) Except as provided in subparagraph (a)(2) of this section, the volume-weighted average mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) for a period of 1 calendar month from each affected facility.

(2) For each affected facility where compliance is determined under the provisions of § 60.453(b)(1)(iv), a list of the coatings used during a period of 1 calendar month, the VOC content of each coating calculated from data determined using Reference Method 24 or supplied by the coating manufacturer, and the minimum transfer efficiency of any coating application equipment used during the month.

(3) For each affected facility where compliance is achieved through use of an incineration system, the following additional information will be reported:

(i) The proportion of total VOC's emitted that enters the control device (F).

(ii) The VOC reduction efficiency of the control device (E).

(iii) The average combustion temperature (or the average temperature upstream and downstream of the catalyst bed), and

(iv) A description of the method used to establish the amount of VOC's captured and sent to the incinerator.

(4) For each affected facility where compliance is achieved through use of a solvent recovery system, the following additional information will be reported:

(i) The volume of VOC-solvent recovered (L_r), and

(ii) The overall VOC emission reduction achieved (R).

(b) Following the initial performance test, the owner or operator of an affected facility shall identify and record:

(1) Each instance in which the volume-weighted average of the total mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) is greater than the limit specified under § 60.452.

(2) Where compliance with § 60.452 is achieved through use of thermal incineration, each 3-hour period of coating operation during which the average temperature of the device was more than 28° C below the average temperature of the device during the most recent performance test at which destruction efficiency was determined as specified under § 60.453.

(3) Where compliance with § 60.452 is achieved through use of catalytic incineration, each 3-hour period of coating operation during which the average temperature recorded immediately before the catalyst bed is more than 28° C below the average temperature at the same location during the most recent performance test at which destruction efficiency was determined as specified under § 60.453. Additionally, all 3-hour periods of coating operation during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference across the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.453 will be recorded.

(c) Each owner or opreator subject to the provisions of this subpart shall maintain at the source, for a period of at least 2 years, records of all data and calculations used to determine VOC emissions from each affected facility. Where compliance is achieved through the use of thermal incineration, each owner or operator shall maintain at the source daily records of the incinerator combustion chamber temperature. If catalytic incineration is used, the owner or operator shall maintain at the source daily records of the gas temperature, both upstream and downstream of the incinerator catalyst bed. Where compliance is achieved through the use of a solvent recovery system, the owner or operator shall maintain at the source daily records of the amount of solvent recovered by the system for each affected facility.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.456 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.452 as follows:

(1) Method 24 or formulation data supplied by the coating manufacturer to determine the VOC content of a coating. In the event of dispute, Reference Method 24 shall be the reference method. For determining compliance only, results of Method 24 analyses of waterborne coatings shall be adjusted as described in Subsection 4.4 of Method 24. Procedures to determine VOC emissions are provided in § 60.453.

(2) Method 25 for the measurement of the VOC concentration in the gas stream vent.

(3) Method 1 for sample and velocity traverses.

(4) Method 2 for volocity and volumetric flow rate.

(5) Method 3 for gas analysis.

(6) Method 4 for stack gas moisture.

(b) For Method 24, the coating sample must be a 1-liter sample taken into a 1-liter container at a point where the sample will be representative of the coating material.

(c) For Method 25, the sample time for each of three runs is to be at least 60 minutes and the minimum sample volume is to be at least 0.003 dscm except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(d) The Administrator will approve sampling of representative stacks on a case-by-case basis if the owner or operator can demonstrate to the satisfaction of the Administrator that the testing of representative stacks would yield results comparable to those that would be obtained by testing all stacks.

(Sec. 114 of the Clean Air Act amended (42 U.S.C. 7414))

[FR Doc. 82-29516 Filed 10-26-82; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2070-5(b)]

Standards of Performance for New Stationary Sources; Priority List; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws the proposed amendment to the priority list that was published in the **Federal Register** (45 FR 85099) on December 24, 1980. The priority list is a list of major source categories for which EPA is required to promulgate new source performance standards (NSPS) and includes the category "Industrial Surface Coating: Large Applicances." The proposed amendment, which is being withdrawn, would have amended the priority list by aggregating all appliance surface coating operations (including small appliance coating operations) in one category.

After considering the comments received EPA has concluded that further study of applicable control technology is necessary before promulgating standards for this segement of the industry. The source category on the list will remain as "Industrial Surface Coating: Large Appliances."

DATE: This withdrawal is effective October 27, 1982.

ADDRESSES:

Background Information Documents. Background information on the emissions from the appliance surface coating industry may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone (919) 541-2777. Please refer to "Industrial Surface Coating: Appliances—Background Information for Proposed Standards," EPA-450/3-80-037a. Public comments on the proposed NSPS's for the appliance coating individual which bear on this withdrawal; EPA's responses to the Comments; and a summary of the changes made prior to promulgation are contained in the document, "Industrial Surface Coating: Large Appliances—Background Information for Promulgated Standards," EPA-450/3-80-037b, which is available from the same address.

Docket. A docket, number A-80-06, containing comments received during the public comment period for the proposed addition to the priority list and the proposed NSPS for appliance coating operations, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

SUPPLEMENTARY INFORMATION: Under Section 111 of the Clean Air Act, EPA is required to develop a standard of performance for new stationary sources that the Administrator determines may contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Section 111(f) of the Act, as amended in 1977, requires that the Administrator promulgate a priority list of categories of major stationary sources for which standards of performance for new sources are to be promulgated.

In developing priorities, Section 111 specifies that the Administrator consider: (1) The quantity of emissions from each source category, (2) the extent to which each pollutant endangers public health or welfare, and (3) the mobility and competitive nature of each stationary source category.

The priority list, which identifies major source categories in order of priority for development of regulations, was proposed on August 31, 1978 and promulgated, after revisions, on August 21, 1979 (40 CFR 60.16, 44 FR 49222). Of the 59 source categories on the list, large appliance surface coating operations are listed as number 28.

On December 24, 1980 (45 FR 85099), EPA proposed to amend the priority list to aggregate all appliance surface coating operations into one source category. EPA studies of the appliance coating industry had indicated that the operations, processes, and emissions characteristic of the coating of certain comparatively small appliances were similar, and in many cases identical, to those associated with traditional, large appliance surface coating. Therefore, it appeared that there was no reason to distinguish among the emissions from appliance surface coating operations based solely on the size of the appliance being coated. Accordingly, the Administrator determined that emissions from appliance surface coating operations as a whole contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare.

Because of the similarities in coating materials and coating application techniques, some of these smaller appliances were included on the list of products to be covered by the proposed NSPS for "Industrial Surface Coating: Appliances," also published on December 24, 1980 (45 FR 85085). Comments received on that proposal have indicated certain important differences, of which EPA was not aware, between the manufacture and coating of smaller appliances and of the traditional, large household appliances.

After considering these comments, the Agency has concluded that further study of applicable control technology is necessary before promulgating standards for this segment of the industry. (See final promulgation of NSPS in this separate part of the **Federal Register**. In addition, the Administrator has concluded from these comments that further examination of such factors as the projected growth and applicable emission limits for other segments of the appliance coating industry are necessary before concluding that these other appliance coating operations contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. Therefore, the Agency is withdrawing the proposed amendment to aggregate all appliance surface coating operations into one source category on the priority list.

Dated: October 20, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-29346 Filed 10-26-82; 8:45 am]

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Wednesday
October 27, 1982

Part V

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Mining and Reclamation Operations Under a Federal Program for the State of Nevada

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 928

Surface Mining and Reclamation Operations Under a Federal Program for the State of Nevada

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Reclamation and Enforcement (OSM) of the Department of the Interior proposes a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Nevada. This includes surface effects of underground coal mining. This proposed program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATES: Written comments must be received not later than 5:00 p.m. on January 18, 1983 at the address below. A public hearing will be held on January 13, 1983. Requests to testify at the hearing should be received by January 7, 1983. If commenters requests a hearing date later than that set, OSM will consider postponing the hearing until a later time; any new date will be announced by a notice in the **Federal Register.**

ADDRESS: Written comments must be mailed or hand-delivered to: Office of Surface Mining, New Mexico Field Office, 219 Central Avenue, NW, Albuquerque, New Mexico 87102.

The Public hearing on the proposed program will be held at the Federal Building, GSA Conference Room, Rm. 4002, Reno, Nevada 89509, at 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. Telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION:

Availability of Copies

Copies of the proposed program are available for inspection and may be obtained at the OSM office listed above in "**ADDRESSES.**"

Public Comment Period

The comment period on the proposed program will extend until January 19, 1983. All written comments must be received at the location above under "**ADDRESSES**" by close of business on that date.

All written comments received, a transcript of the public hearing, summaries of meetings held at the request of any person or organization to receive advice or recommendations concerning the proposed program with representatives of OSM, and other documents comprising the administrative record on the Federal program for Nevada will be made available for public review during regular business hours at the location listed above.

OSM appreciates any and all comments on the proposal, but those that would be most useful should be as specific as possible, focus on the issues of this proposed rulemaking, and provide reasons for any recommendations. OSM will not consider comments that do not pertain to the issues in this proposal. Nor can OSM ensure consideration of written comments received after the comment period ends or those delivered to an address other than that specified.

Public Hearing

A public hearing on the proposed program will be held at the time and location listed above to hear all those who wish to testify. The hearing may be cancelled if, by January 7, 1983, no person has expressed interest in presenting testimony.

Individual testimony at the hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testmony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officials who will attend the hearing. Advance submissions will give these officials an opportunity to consider appropriate questions which could be asked for clarification or to request more specific information from the person testifying. The public hearing will continue until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Background

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce or maintain an approved State program.

An additional standard for the promulgation of a Federal program is found in 30 CFR Part 736, which requires the implementation of a Federal program for a State where the Director of OSM (the Director) "reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands * * * at any time before June 1985 * * *." 30 CFR 736.11(a)(1).

Nevada has identifiable coal reserves, but has failed to submit a program to the Secretary to obtain primary regulatory responsibility. The Director believes that it is reasonable to expect that coal exploration or surface coal mining will occur in Nevada before June 1985. Therefore, pursuant to 30 CFR 736.11, the Director must promulgate and implement a Federal program.

Once a decision is made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that in implementing a Federal program the Secretary take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations, 30 CFR 736.22(a)(1). The Act (Section 505(b)) and the regulations (§ 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. If the State's laws or regulations establish more stringent standards regulating surface mining control and reclamation procedures than those found in the Act or the Secretary's regulations, or if the State regulates or protects an aspect of the environment affected by surface mining operations which neither the Act nor the Secretary's regulations protect, then those State standards are specifically preserved. Thus, the Secretary believes that the requirements of Section 505(b) can best be met by identifying Nevada laws and regulations which impose equivalent or more stringent environmental controls, and by listing them in § 928.700(e).

Also, in promulgating a program for a State, Section 504(g) of the Act specifies that any State statutes or regulations which regulate surface mining and reclamation operations subject to the Act will be superseded and preempted by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of the Act and the Federal program. This provision is reinforced by Section 505(a) of the Act, which states that only those State laws and regulations which are inconsistent with the Act and its implementing regulations shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which interfere with achievement of the purposes of the Act must be identified and preempted by OSM.

Finally, a Federal program, according to Section 504(h) of the Act, must include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. The Federal statutes with which the surface mining permitting process must be coordinated are set out in 30 CFR 736.22(c). State statutes for which a permit is required must be indentified in the process of promulgating a Federal program, and the Federal program must provide for coordination with the review and issuance procedures required by those statutes.

Federal programs are based on the Secretary's permanent program regulations: 30 CFR Subchapters A, F, G, J, K, L and M. The permanent program regulations establish procedures and performance standards under the Act and form the benchmark for State programs.

In order for a State to have a program approved by the Secretary, Section 503(a)(7) requires that the State's rules and regulations be consistent with the Secretary's regulations.

The parts of the permanent program regulations that must be included in a Federal program are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Part 760, 761, 762, and 765), permits and permit applications (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapater M). In addition, the provision in the permanent regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who perform functions or duties under the Act.

The rules for the permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56064). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323–15393 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098).

Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507–53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440–77447 (December 31, 1979); 45 FR 2626–2629 (January 11, 1980); 45 FR 25998–26001 (April 16, 1980); 45 FR 33926–33927 (May 20, 1980); 45 FR 39446–39447 (June 10, 1980); 45 FR 52306–52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780–58786 (September 4, 1980); and 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 52287 (December 7, 1981).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the **Federal Register** on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447–77454); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547–51550). In two opinions the Court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court have been appealed to the Court of Appeals for the District of Columbia Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80–1810, 80–1811, 80–1812, 80–1813 and 80–1823. The Court has granted a stay of the proceedings pending the revision of regulations as noted below. However, the stay does not apply to Federal programs such as this one.

Nevada Federal Program

As mentioned above, when promulgating a Federal program for a State, OSM is required by Section 504(a) of the Act to take into consideration the nature of the terrain, climate, biological, chemical, and other relevant physical conditions of that State. OSM has reviewed Nevada's laws and regulations to determine whether they suggest that special provisons may be necessary or appropriate based on special terrain or other physical conditions in the State. To date no special environmental conditions have been identified. OSM solicits comments on special provisions that should be promulgated and the basis for those provisions.

Pursuant to Section 504(a), the Secretary becomes the regulatory authority when a Federal program is implemented for a State. OSM's permanent program regulations contain references to "regulatory authority" and "The State regulatory authority, " which mean the Secretary when a Federal program for a State is involved. Section 701(22) of the Act.

The Office of Surface Mining is delegated all of the Secretary's authority for implementing, maintaining and enforcing a Federal program. This proposed program for Nevada would not change these responsibilities.

Explanation of Cross-referencing

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), OSM stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR at 32229). However, except for changes to incorporate more stringent State environmental protection standards and to list other State laws requiring permits for which coordination is required, OSM believes that few changes are needed in the permanent program regulations for any particular State for which a federal program must be promulgated.

In January, 1981, the Secretary directed that the Department review all existing regulations in order to eliminate those which are burdensome, excessive and unnecessary. Review of the permanent program regulations was initiated and may result in a large scale revision of them. See semi-annual Calendar of Federal Regulations notice of rule review and revision, 47 FR 1709 (January 13, 1982). See also, e.g., revisions of OSM's bonding regulations, 30 CFR Subchapter J, 46 FR 45082 (September 9, 1981) and OSM's inspection and enforcement regulations, 30 CFR Parts 842, 843, and 845, 47 FR 35620 (August 16, 1982).

In order to take advantage of the results which revision of the permanent program regulations will achieve, OSM proposes to develop and promulgate this Federal program in the following manner. Rather than repeating the full text of the permanent regulations which are being revised, there would be a cross-reference to the permanent program regulations. For example, criteria for the designation of lands unsuitable for surface coal mining would be provided by the statement that "Part 762 of this chapter * * * shall apply to surface coal mine operations." (See proposed § 928.762). One effect of the proposed cross-referencing to the permanent program regulations would be that as the permanent program regulations are revised, this Federal program would be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking would be undertaken or necessary for revision of this program if the cross-referencing alternative becomes effective, unless OSM determined that special conditions were necessary for a particular State. A notice appeared in the **Federal Register** July 13, 1982 (47 FR 30267), advising the public that any change in a permanent program rule would also result in a corresponding change in all Federal programs, absent special conditions. The notice invited comments on necessary modifications to accommodate unique or unusual aspects of surface mining in any State so that the final permanent program rule would be tailored for each State's Federal program as necessary.

The promulgation of this cross-referencing program would not result in any modification of the substance of OSM's permanent program rules. Where specific provisions are needed for an individual State's Federal program which are different from the permanent program regulations, a separate paragraph is proposed to be added to the appropriate section of that State's Federal program. Cross-referencing to the permanent program rules may also be used in the promulgation of other Federal programs. Public comment on the cross-referencing method as it affects other Federal programs, however, should be directed to each of those rulemaking notices.

Several provisions of the permanent program regulations are already applicable and need not be cross-referenced here because they were fully promulgated for application to all regulatory programs. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Emplooyees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. (30 CFR Part 764—Designating Lands Unsuitable for Surface Coal Mining, would be included in the Nevada Federal program by a cross-reference under § 928.764, to provide a petition process on non-Federal and non-Indian lands in Nevada.)

With regard to the bonding regulations (Subchapter J), only Part 800 is proposed to be cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981) (proposed).

Content and Organization of the Program

The content and organization of the proposed Federal program for the State of Nevada would generally follow the permanent program regulations. But, as discussed above, instead of the full text appearing, each section of this proposed program would include only reference to the pertinent permanent program regulation. Sections 928.700 (e) and (f) set out more stringent and inconsistent State statutes respectively. Where specific provisions are needed for each proposed Federal program for a State which are different from the permanent program regulations, a separate paragraph is proposed to be added to the appropriate section.

Detailed Discussion

Under Section 504(g) of the Act, any statutes or regulations of the State which are in effect to regulate surface coal mining and reclamation operations subject to the Act, are preempted and superseded by the Federal program to the extent they interfere with the achievement of the purposes and requirements of the Act and the Federal program. In accordance with 30 CFR 736.23, the Director has tentatively identified the following Nevada statutes and regulations as requiring partial Federal supersession: (a) NRS 326.080 to 326.100; and (b) NRS 535.010 to 535.050.

NRS 326.080 to 326.100 address the maintenance and defense of possessory actions by applicants and contractors to purchase public lands. NRS 326.100 provides that nothing contained in NRS 326.080 and 326.090 shall be construed to prevent prospecting for precious metals on these lands or to prevent the opening of any mine.

Section 516 of the Act and Subchapter G, promulgated thereunder, set forth the general requirements for permit and exploration procedure systems. Part 776 of Subchapter G requires that any person who intends to conduct coal exploration where less than 250 tons coal will be removed, file a written notice of intent to explore with the regulatory authority. Where an exploration operation will remove more than 250 tons of coal, Part 776 requires that, prior to commencing exploration activities, written approval be obtained from the regulatory authority. To the extent that NRS 326.080 to 326.100 apply to coal-related activities, they appear to be inconsistent with the purposes and requirements of Section 512 of the Act and 30 CFR Subchapter G.

NRS 535.010 to 535.050 govern the construction and maintenance of dams and other obstructions. NRS 535.010 allows the state engineer to approve the construction of any dams, based upon plans and specifications submitted to him. NRS 535.030 requires inspection of dams by the state engineer from "time to time."

30 CFR 816.49(f) and 817.49(f) provide that all dams and embankments meeting criteria for regulation under 30 CFR 77.216(a) shall be routinely inspected in accordance with 30 CFR 77.216–3. Additionally, 30 CFR 816.49 *et seq.* and 817.49 *et seq.* require all dams and impoundments to be constructed in accordance with detailed design criteria. NRS 535.010 contains no such design criteria.

Having reviewed these statutory provisions, OSM tentatively concludes that they lack the specificity of the comparable Federal provisions and fail to establish permitting and design criteria and performance standards as detailed as those in the Federal Act. The Nevada Federal program proposed here would be pervasive with regard to surface coal mining and reclamation. OSM proposes to preempt and supersede NRS 326.080 to 326.100 and NRS 535.010 to 535.050 to the extent they regulate surface coal mining and reclamation operations.

Section 504(h) of the Federal Act also requires that each Federal program include a process for coordinating the review and issuance of permits for surface mining and reclamation operations with any other Federal or State permit process applicable to the proposed operation. OSM proposes to accomplish this by listing relevant Nevada statutes and regulations in 928.770.

Public comment is invited on this method of effecting these requirements of Sections 504(a), (g), and (h) and 505 of the Act.

Copies of the Nevada statutes referred to herein and of other Nevada statutes are in the administrative record and are available for review at the place listed above under "ADDRESSES."

OMB Review

The recordkeeping and reporting requirements of the proposed rule are the same as those of the permanent program regulations which have been approved by the Office of Management and Budget under 44 U.S.C. 3507. Although this rule would contain information and recordkeeping requirements, OSM anticipates less than ten respondents. Under the Paperwork Reduction Act, clearance of information collection forms is required only when ten or more respondents are expected. If in the future the number of respondents appear to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the **Federal Register**, in accordance with the requirements of 44 U.S.C. Chapter 35.

Other Information

OSM has examined these proposed rules according to the criteria of Executive Order 12291 (46 FR 13193, February 19, 1981) and determined that they do not constitute a major rule. There would be no major economic impact through adoption of this rule because it would affect only a small number of mining operations.

OSM has examined these proposed rules pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and determined that they will not have a significant impact on a substantial number of small entities.

Section 702(d) of the Act provides that promulgation of a Federal program shall not constitute a major Federal action under the National Environmental Policy Act, 42 U.S.C. 4332. Thus, no Environmental Assessment is required for this rulemaking.

List of Subjects in 30 CFR Part 928

Coal mining, Intergovernmental relations, Surface mining, Underground mining, Reporting requirements.

Drafting Information

These regulations were drafted by William Larkin, Office of the Solicitor and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

Dated: October 6, 1982.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

OSM proposes to add Part 928 to 30 CFR Chapter VII to read as follows:

PART 928—NEVADA

Sec.
928.700 General.
928.701 General.
928.707 Exemption for coal extraction incident to government-financed highway or other construction
928.761 Areas designated unsuitable for surface coal mining by act of congress.
928.762 Criteria for designating areas as unsuitable for surface coal mining operations.
928.764 Process for designating areas unsuitable for surface coal mining operations.
928.770 General requirements for permit and exploration procedures.
928.771 General requirements for permits and permit applications.
928.776 General requirements for coal exploration.
928.778 Surface mining permit applications—minimum requirements for legal, financial, compliance, and related information.
928.779 Surface mining permit applications—minimum requirements for information on environmental resources.
928.780 Surface mining permit applications—minimum requirements for reclamation and operations plan.
928.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.
928.783 Underground mining permit applications—minimum requirements for information on environmental resources.
928.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.
928.785 Requirements for permits for special categories of mining.
928.786 Reviews, public participation, and approval or disapproval of permit applications and permit terms and conditions.
928.787 Administrative and judicial review of decisions on permit applications.
928.788 Permit review, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.
928.795 Small operator assistance.
928.800 General requirements for bonding of surface coal mining and reclamation operations.
928.815 Performance standards—coal exploration.
Sec.
928.816 Performance standards—surface mining activities.
928.817 Performance standards—underground mining activities.
928.818 Special performance standards—concurrent surface and underground mining.
928.819 Special performance standards—auger mining.
928.823 Special performance standards—operations on prime farmland.
928.824 Special performance standards—mountaintop removal.
928.826 Special performance standards—operations on steep slopes.
928.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.
928.828 Special performance standards—In Situ Processing.
928.842 Federal inspections.
928.843 Federal enforcement.
928.845 Civil penalties.

Authority: Pub. L. 95-87, The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*

§ 928.700 General.

(a) This part contains all rules applicable to surface coal mining operations in Nevada which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the Nevada Federal program.

(c) The rules in this part apply to all surface coal mining operations in Nevada conducted on non-Federal and non-Indian lands. The rules of Subchapter D of this chapter apply to operations on Federal lands in Nevada.

(d) The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) There are no identified Nevada state laws that provide for more stringent environmental control and regulation of surface coal mining operations than do the provisions of the Act and the regulations in this chapter.

(f) The following are Nevada laws that interfere with the achievement of the purposes and requirements of the Act and are, in accordance with Section 504(g) of the Act, preempted and superseded to the extent that they apply to non-exempt coal exploration and surface coal mining and reclamation operations as defined in the Act:

(1) NRS 326.080 to 326.100.

(2) NRS 535.010 to 535.050.

§ 928.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining and reclamation operations in Nevada.

§ 928.707 Exemption for coal extraction incident to government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-Financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 928.761 Areas designated unsuitable for surface coal mining by act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply to surface coal mining and reclamation operations.

§ 928.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mine operations.

§ 928.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mine operations beginning one year after the effective date of this program.

§ 928.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under State Programs, shall apply to coal exploration and surface coal mining and reclamation operations.

(b) Where applicable, no person shall conduct coal exploration which results in the removal of more than 250 tons in one location, or surface coal mining operations without permits issued pursuant to the: Nevada Water Pollution Control Law, NRC 445.131 *et seq.;* Air Pollution Law, NRS 445.401 *et seq.;* Historic Preservation and Archelogy Law, NRS 383.085 *et seq.;* and Protection and Propagation of Native Fauna Law, NRS 503.584 *et seq.*

§ 928.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person who makes application for a permit to conduct surface coal mine operations on non-Federal and non-Indian lands.

(b) A person who wishes to conduct new surface coal mining and reclamation operations or who wishes a revision of his permit shall file a complete application at least 12 months prior to the date upon which permit issuance or revision is desired, and shall pay to the Secretary a permit fee in accordance with Section 736.25 of this chapter.

§ 928.776 General requirements for coal exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations on non-Federal and non-Indian lands.

(b) The Office shall make every effort to act on an exploration application within 60 days or receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but that more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

§ 928.778 Surface mining permit applications—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct surface coal mining and reclamation operations.

§928.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who makes application to conduct surface coal mining and reclamation operations.

§ 928.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.

Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct surface coal mining and reclamation operations on non-Federal and non-Indian lands.

§ 928.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct underground coal mining operations.

§ 928.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground coal mining operations.

§ 928.784 Underground mining permit applications—Minimum requirements for reclamation and operation plan.

Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct underground coal mining.

§ 928.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations as specified therein.

§ 928.786 Review, public participation, and approval or disapproval or permit applications and permit terms and conditions.

Part 786 of this chapter, Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 928.787 Administrative and judicial review of decisions on permit applications.

Decisions on permit applications shall be subject to administrative and judicial review in accordance with Part 787 of this chapter and Sections 520, 525 and 526 of the Act.

§ 928.788 Permit review, revisions, and renewals, and transfer, sale and assignment of rights granted under permits.

Part 788 of this chapter, Permit Review, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights

Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mining and reclamation operations, and to transfer, sale, and assignment of rights granted under permits.

§ 928.795 Small operator assistance.

Part 795 of this chapter, Small Operator Assistance, shall apply to any person making application for assistance under the small operator assistance program.

§ 928.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 928.815 Performance standards—coal exploration.

Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

§ 928.816 Performance standards—surface mining activities.

Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

§ 928.817 Performance standards—underground mining activities.

Part 817 of this chapter, Permanent Program Performance Standards—Underground Mining Activities, shall apply to any person who conducts underground coal mining operations.

§ 928.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining, shall apply to any person who conducts combined surface and underground coal mining operations.

§ 928.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 928.822 Special performance standards—operatins in alluvial valley floors.

Part 822 of this chapter, Special Permanent Program Performance Standards—Operations in Alluvial Valley Floors, shall apply to any person who conducts surface coal mining and reclamation operations on allivial valley floors.

§ 928.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 928.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts coal mining operations constituting mountaintop removal mining.

§ 928.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance Standards—Operations on Steep Slopes, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 928.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite and not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing Plants and Support Facilities Not Located at or near the Minesite or Not Within the Permit Area for a Mine, shall appy to any person who conducts surface coal mining and reclamation operations which include the operation of coal processing plants and supports facilities not located at or near the minesite and not within the permit area for a mine.

§ 928.828 Special performance standards—in situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 928.842 Federal inspections.

(a) Part 842 of this chapter, Federal Inspections, shall apply to all coal exploration and surface coal mining and reclamation operations.

(b) The Office will furnish a copy of each inspection report regading inspections conducted pursuant to this part to the Nevada Division of Mineral Resources upon request.

§ 928.843 Federal enforcement.

(a) Part 843 of this chapter, Federal Enformcement, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) The Office will furnish a copy of each enforcement action document and order to show cause issued pursuant to this part to the Nevada Division of Mineral Resources upon request.

§ 928.845 Civil penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface coal mining and reclamation operations.

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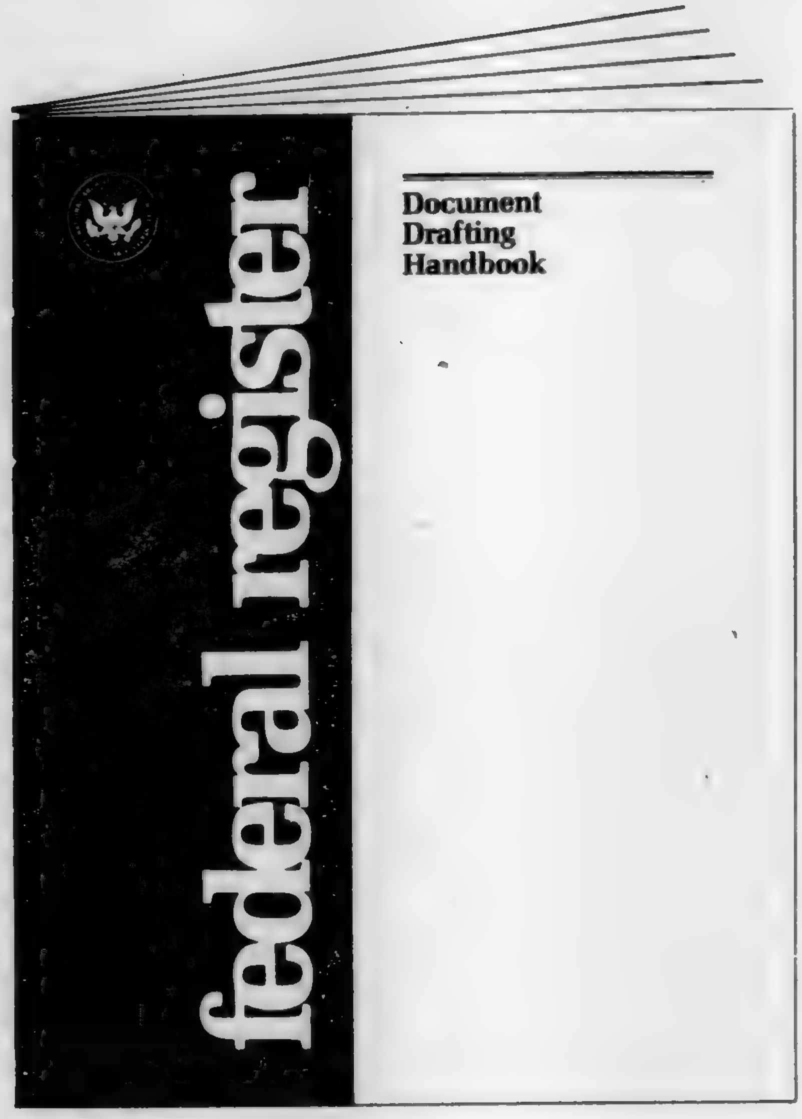
S. 1698 / Pub. L. 97-359 To amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States citizens. (Oct. 22, 1982; 96 Stat. 1716) Price: $1.75.

H.R. 4828 / Pub. L. 97-360 To set aside certain surplus vessels for use in the provision of health and other humanitarian services to developing countries. (Oct. 22, 1982; 96 Stat. 1718) Price: $1.75.

H.R. 3787 / Pub. L. 97-361 To amend sections 10 and 11 of the Act of October 21, 1970 (Pub. L. 91-479; 16 U.S.C. 460x), entitled "An Act to establish in the State of Michigan the Sleeping Bear Dunes National Lakeshore, and for other purposes". (Oct. 22, 1982; 96 Stat. 1720) Price: $2.00.



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Title 3—

The President

Executive Order 12390 of October 25, 1982

Delegation to the Secretary of State

By the authority vested in me as President of the United States of America by Section 301 of Title 3 of the United States Code, in order to assign certain functions to the Secretary of State, it is hereby ordered as follows:

Section 1. The functions vested in the President by Section 306 of the Supplemental Appropriations Act of 1982 (Public Law 97–257) are delegated to the Secretary of State.

Sec. 2. Before making the determination and providing the written reports referred to in that Section 306, the Secretary of State shall confer with the Secretary of the Treasury and, as appropriate, with the Secretary of Agriculture and the heads of other interested Executive agencies.

Sec. 3. Similar functions vested in the President by Section 205 of Public Law 97–216 were delegated to the Secretary of State. The performance by the Secretary of State of those functions is confirmed and ratified.

Ronald Reagan

THE WHITE HOUSE,
October 25, 1982.

[FR Doc. 82–29799
Filed 10–26–82; 2:28 pm]
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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 46

Increase of License Fees Under the Perishable Agricultural Commodities Act and Clarification of Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service increases its fee for licenses issued under the Perishable Agricultural Commodities Act from the current $150 basic fee, plus $50 for each branch in excess of nine with a maximum fee of $1,000 to a $180 basic fee, plus $72 for each branch in excess of nine with a maximum fee of $1,200. The license fees recovered through this program are used to defray all program costs except those for certain legal services.

The regulation relating to license requirements for dealers who purchase potatoes for processing is also revised to reflect a statutory amendment.

EFFECTIVE DATE: This final rule is effective October 1, 1982.

FOR FURTHER INFORMATION CONTACT: Michael D. Price, Regulatory Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-4180.

SUPPLEMENTARY INFORMATION: On July 16, 1982, Agricultural Marketing Service published a proposed rule (47 FR 30997) concerning this amendment. Interested persons were given until September 10, 1982, to submit comments. Four comments were received. All expressed strong support for the license fee increase. In addition, one suggested that licensing activities be increased to generate additional revenue.

Summary of Final Evaluation

These regulations have been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and have been classified nonmajor because they do not meet any of the criteria identified under the Executive Order. These actions will not have an annual effect on the economy of $100 million or more nor will they have a major increase in prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. These actions will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets. This rule also has been reviewed with regard to the requirements of Pub. L. 96-354. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that these proposed rules do not have a significant economic impact on a substantial number of small entities.

The Administrative Procedure Act, (5 U.S.C. 553(d)), requires that publication of a rule shall be made not less than 30 days before its effective date. Exceptions to this provision may be made for good cause found and published with the rule. The increase in the license fee level was established by Pub. L. 97-98 due to a short fall in the funding of the PACA. It is imperative that the fee increase be effective October 1, 1982, in order to collect fees at the new level starting November 1, 1982. The increased revenue is necessary to continue administration of the program and provide service to the Fruit and Vegetable Industry, and any delay will pose a substantial risk that there will not be sufficient funds to administer the program. The amendment to the definition of the term "dealer", is mandated by statute. It is a non-substantive procedural change and, therefore, is also excepted from the 30-day notice provision.

The Perishable Agricultural Commodities Act (PACA) was enacted by Congress in 1930 to curb abuses in the marketing of perishable agricultural commodities in interstate and foreign commerce. The Act establishes a code of fair trade and provides for the enforcement of contracts. The law is enforced through a system of licensing. Commission merchants, dealers and brokers are required to be licensed. The license fees recovered through this program are used to defray all program costs except those for certain legal services.

License Fee

On December 22, 1981, the statutory ceiling on license fees was amended by Pub. L. 97-98 to authorize the establishment of fee levels that would permit sufficient revenues to cover annual operational costs for at least four years, not to exceed a $300 basic fee, plus $150 for each branch in excess of nine with a $3,000 ceiling. No additional fee is required for establishments which have from one to nine branches. The present level is $150 basic fee, plus $50 for each branch in excess of nine with a $1,000 ceiling. The new level will be $180 basic fee, plus $72 for each branch in excess of nine with a $1,200 ceiling. The increase is expected to provide sufficient funds to cover operational costs through fiscal year 1983.

Dealer

The term dealer defines persons engaged in the business of buying or selling produce in wholesale or jobbing quantities in commerce who are subject to license. However, there has been a specific exemption for persons buying produce for canning and/or processing within the State where grown, whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice, or consists of cherries in brine. On November 1, 1978, that exemption was removed by Pub. L. 95-562, for persons buying potatoes for processing within the State where grown. The change became effective January 1, 1982. These persons are now subject to license as dealers, and the regulation is being amended to reflect this. Persons who purchase commodities *other than potatoes* as defined under the exemption are still not subject to license for those transactions.

List of Subjects in 7 CFR Part 46

Administrative practice and procedure, Perishable, Agricultural Commodities Act.

In view of the foregoing, 7 CFR 46.2 and 46.6 are amended as follows:

1. 7 CFR 46.2 is amended by revising paragraph (m)(3) and adding paragraph (m)(4).

§ 46.2 Definition.

* * * * *

(m) "Dealer" means any person engaged in the business of buying or selling in wholesale or jobbing quantities in commerce and includes:

* * * * *

(3) Growers who market produce grown by others.

(4) The term "dealer" does not include persons buying produce, other than potatoes, for canning and/or processing within the State where grown, whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen, or packed in ice, or consists of cherries in brine.

* * * * *

2. 7 CFR 46.6 is revised to read as follows:

§ 46.6 License fee.

The annual license fee is one hundred and eighty (180) dollars plus seventy-two (72) dollars for each branch or additional business facility operated by the applicant exceeding nine. In no case, shall the aggregate annual fees paid by any applicant exceed one thousand two-hundred (1,200) dollars. The Director may require that the fee be submitted in the form of a money order, bank draft, Cashier's Check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

Done at Washington, D.C., on October 25, 1982.

Vern F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 82-29738 Filed 10-27-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Addition of Pan American World Airways, Inc., and Rich International Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Rich International Airways and Pan American World Airways to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

DATES: The effective date of the agreement with Rich International Airways, Inc. is October 17, 1982 for flights from Freeport, Bahamas and October 18, 1982 for flights from Nassau, Bahamas. The effective date of the agreement with Pan American World Airways, Inc. is October 18, 1982 for flights originating at Freeport, Bahamas.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: The Commissioner of the Immigration and Naturalization Service entered into agreements with the following carriers to provide for the preinspection of their passengers and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)):

	Effective
At Freeport, Bahamas:	
Pan American World Airways, Inc.	Oct. 18, 1982.
Rich International Airways, Inc.	Oct. 17, 1982.
At Nassau, Bahamas:	
Rich International Airways, Inc.	Oct. 18, 1982.

Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds air carriers to the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 553 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Accordingly, 8 CFR Part 238 is amended as follows:

§ 238.4 [Amended]

Section 238.4 is amended as follows:

1. Add in alphabetical order, "Pan American World Airways, Inc." and "Rich International Airways, Inc." under "At Freeport."

2. Add "Rich International Airways, Inc." under "At Nassau."

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: October 22, 1982.

Marvin Gibson,

Acting Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 82-29732 Filed 10-27-82; 8:45 am]

BILLING CODE 4410-10-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Delegation to Commission Secretary

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to allow the Commission's Secretary to perform certain functions previously performed by the Commission itself. Specifically, these amendments will allow the Secretary to rule on certain requests for hearings, to refer certain requests for hearings to the Atomic Safety and Licensing Board Panel, and to take action on minor procedural matters. These amendments will allow the Commission to act on these matters more expeditiously.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Michael B. Blume, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone: 202/634-3224.

SUPPLEMENTARY INFORMATION:

I. Background and Action Taken

Under section 201(a)(1) of the Energy Reorganization Act of 1974, 42 U.S.C. 5841(a)(1), the Commission is required to meet to take formal actions. This has required the Commission to meet to dispose of non-substantive hearing requests, and to perform certain other minor ministerial functions. Both to minimize time spent on minor matters and to expedite the decisional process by eliminating the need for a Commission meeting, the Commission has previously delegated certain functions to its Secretary, who has the authority to act for it. 10 CFR 2.772. The Secretary is thus authorized, among other things, to rule on certain requests for extensions of time to file pleadings. 10 CFR 2.772(b). The Commission has decided to transfer additional authority to the Secretary, who shall act after consulting with the General Counsel and the Commission. Therefore, the Commission is amending 10 CFR 2.772 to allow the Secretary to:

1. Deny hearing requests which both fail to comply with the Commission's pleading requirements and fail to raise genuine issues. The Secretary will now, for example, be able to dispose of requests for hearings on matters not within the Commission's jurisdiction *and* not containing allegations of interest required by 10 CFR 2.714.

2. Refer requests for hearings, where the requester is entitled to a hearing as a matter of right, to the Atomic Safety and Licensing Board Panel or an Administrative Law Judge. This will allow the Secretary, for example, to refer to the Licensing Board Panel requests for hearings by licensees in response to Commission orders to show cause. *See* 10 CFR 2.202(c).

3. Rule on minor procedural matters.

II. Statement Regarding Notice and Comment

Because these amendments concern minor procedural matters, i.e., rules of agency procedure and practice, good cause exists for finding that the notice-and-comment procedures of the Administrative Procedures Act, 5 U.S.C. 553, are unnecessary and for making the amendment effective on publication in the **Federal Register.**

III. Statement Regarding Paperwork Reduction Act

These amendments dealing with delegations of authority from the Commission to its Secretary have no application/reporting/recordkeeping or other information collection requirements and, as such, are not subject to the requirements of the Paperwork Reduction Act of 1981, 44 U.S.C. 3501–3520.

IV. List of Subjects in 10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalty, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

The authority citation for this document is: Sec. 161, Pub. L. 83–703, 68 Stat. 948, as amended (42 U.S.C. 2201).

For the reasons set forth in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552, 553, the Nuclear Regulatory Commission adopts the following amendments to 10 CFR Part 2, published as a document subject to codification.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

In § 2.772, new paragraphs (i), (j), and (k) are added to read as follows:

§ 2.772 Authority of the Secretary to rule on procedural matters.

* * * * *

(i) Deny a request for hearings, where the request fails to comply with the Commission's pleading requirements set forth in this Part, and fails to set forth an arguable basis for further proceedings.

(j) Refer to the Atomic Safety and Licensing Board Panel or an Administrative Law Judge, as appropriate, requests for hearings not falling under section 2.104 of this Part, where the requester is entitled to further proceedings.

(k) Take action on minor procedural matters.

Dated at Washington, D.C., this 22d day of October 1982.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82–29737 Filed 10–27–82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82–NM–48–AD; Amdt. 39–448]

Airworthiness Directives; McDonnell Douglas Model DC–9 and C–9 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On May 5, 1982 the FAA issued a Telegraphic Airworthiness Directive (AD) T82–10–51 to all known operators of McDonnell Douglas DC–9 and C–9 (Military) series airplanes certificated in all categories. This action was prompted by reports of cracks in the fuselage skin under the dorsal fin attach angle where the dorsal fin to fuselage two piece attach angles butt together. This AD required inspection and repairs necessary to correct this condition which, if undetected, could compromise the structural integrity of the fuselage. Revisions to this Telegraphic AD, issued on May 17, 1982 and June 6, 1982, adjusted compliance times based on new information obtained from the manufacturer, expanded the inspection requirements, and introduced a mandatory dye penetrant inspection procedure. This AD is hereby published in the **Federal Register** to make it effective to all persons.

DATES:

Effective date—November 8, 1982.

This AD was effective earlier to all recipients of Telegraphic AD T82–10–51 original issue, Revision 1, and Revision 2, dated May 5, 1982, May 17, 1982, and June 17, 1982, respectively.

Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). This information also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, or 4344 Donald Douglas Drive, Long Beach, California 90808.

FOR FURTHER INFORMATION CONTACT: Michael Asahara, Aerospace Engineer, Airframe Branch, ANM–120L, Federal Aviation Administration, Northwest Mountain Region, Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808, telephone (213) 548–2824.

SUPPLEMENTARY INFORMATION: On May 5, 1982, the FAA issued Telegraphic AD T82–10–51 applicable to McDonnell Douglas Model DC–9 and C–9 (Military) series airplanes requiring inspection and repair, as necessary, of the fuselage skin and dorsal fin two piece attach angles where the dorsal fin to fuselage attach angles butt together. This action was prompted by reports of cracks in the fuselage skin and angles which, if allowed to go unrepaired, could compromise the structural integrity of the airplane. While this AD was not applicable to aircraft with one piece dorsal fin attach angles, inspections also were accomplished on some of these aircraft that revealed cracks in the skin and angles. Since this condition was likely to exist or develop on other airplanes of this same type design, Telegraphic AD T82–10–51–R1 was issued on May 17, 1982, to expand the inspection and repair requirements to include all DC–9 airplanes regardless of attach angle configuration. Following the issuance of Telegraphic AD T82–10–51–R1, and as a result of an analysis provided by the manufacturer, the FAA learned that type design differences in

DC-9 airplanes combining higher landing or maneuvering stresses with a lower fracture toughness skin material could cause these airplanes to develop critical length cracks prior to the 300 landings interim modification requirement originally specified for all models. The FAA, therefore, determined that the 300 landings compliance time applicable to the angle repair for certain DC-9 series airplanes not exhibiting skin cracks was not adequate, and that a more restrictive compliance time was necessary in the interest of safety. In addition, a dye penetrant inspection was specified for airplanes with dorsal fin one-piece attach angles to be used on a repetitive basis for an indefinite period. Since this situation applied to all airplanes of the same type design, Telegraphic AD T82-10-51-R2 was issued on June 7, 1982, to reduce the above referenced 300 landings compliance time for certain airplanes to 50 landings and to impose a more rigorous inspection requirement where terminating action was not required.

This AD differs from the previously issued Telegraphic AD T82-10-51-R2 as follows:

1. Provides an eddy current inspection as an alternate inspection method to the dye penetrant inspection previously specified.

2. In paragraph A.2. & A.3.:

- In the next to the last sentence, "at intervals of 2,000 landings * * *" has been changed to "at intervals not to exceed 2,000 landings* * *"
- In the last sentence, "accomplish paragraph C(1) * * *" has been changed to "accomplish the terminating action specified in paragraph C.1 * * *", or "C.2 * * *" as applicable.

3. In paragraph B.2.:

"—accomplish a dye penetrant inspection of the angle within 1,000 additional landings and thereafter at 3,000 landing intervals until paragraph C1 below is complied with" has been changed to read "* * * accomplish an eddy current inspection of the angle per McDonnell Douglas DC-9 Alert Service Bulletin A53-154, Revision 4, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, or a dye penetrant inspection of the angle within 1,000 additional landings and thereafter at intervals not to exceed 3,000 landings until the terminating action specified in paragraph C.1. below is accomplished."

4. In paragraph B.3.: add "original issue," after "Service Sketch 3413A,". Also after "Los Angeles Aircraft Certification Office," change "and dye penetrant inspect the angle at 3,000 landing intervals until paragraph C2 is complied with" to read "and thereafter conduct an eddy current or dye penetrant inspection of the angle per paragraph B.2. at intervals not to exceed 3,000 landings until the terminating action specified in paragraph C.2. is accomplished.

5. The paragraph following paragraph B.4. beginning with "a dye penetrant * * *" has been identified as paragraph B.5. and has been changed to read "a dye penetrant, or an eddy current inspection of the angle per paragraph B.2. shall be repeated at intervals not to exceed 3,000 landings after the accomplishment of the repair until the terminating action specified in paragraph C.1. is accomplished * * *" Also "at intervals of 2,000 landings * * *" has been changed to "at intervals not to exceed 2,000 landings * * *." and in the last sentence, "accomplish per paragraph C(1) below" has been changed to "accomplish the terminating action specified in paragraph C.1. below."

6. In paragraph C.1.: Drawing 5939711-1, or -2 or -501 or -502 has been deleted. The following was added after the word "accomplish * * *": "the applicable modifications and/or inspections per paragraph 2, Accomplishment Instructions specified in McDonnell Douglas DC-9 Service Bulletin 53-154, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office."

7. In paragraph C.2: Drawing 5939711-1, or -2 or -501 or -502 has been deleted. The following was added after the word "accomplish * * *": "the applicable modification and/or inspections per paragraph 2, Accomplishment Instructions specified in McDonnell DC-9 Service Bulletin 53-154, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office."

8. Added paragraph C.3. which reads as follows: "Previous accomplishment of dye penetrant and/or eddy current inspections, and modification required by AD 74-16-02, which is also outlined in McDonnell Douglas Service Bulletin 53-154, may be considered as equivalent methods for complying with the requirements of this AD."

9. The title "Chief, Los Angeles Area Aircraft Certification Office" was changed to "Manager, Los Angeles Aircraft Certification Office".

10. The description "one-piece (or two-piece) dorsal fin attach angle(s)" was changed to "dorsal fin one-piece (or two-piece) attach angle(s)," as appropriate.

11. Michael Asahara replaces Harry Irwin as the person to contact for further information.

Since this situation is likely to exist or develop on other airplanes of the same type design, this AD requires inspection for cracks and repairs, if necessary, of defective parts. This AD is now published to make it effective to all persons.

Since a situation existed, and still exists, that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-9 and C-9 (Military) series airplanes, fuselage serial numbers 1 thru 1050 inclusive, regardless of dorsal fin attach angle configuration, including those aircraft reworked in accordance with DC-9 Structural Repair Manual Chapter 53-05, Figure 19A, certificated in all categories. Compliance required as indicated unless previously accomplished.

To detect cracks and prevent possible loss of structural integrity of the fuselage, accomplish the following:

A. Airplanes with dorsal fin two piece attach angles, part number 5912188-27, -28, -29, and -30.

1. Within 100 landings from May 17, 1982, visually inspect from inside the airplane the upper fuselage skin between longerons 4L thru 4R for cracks in the area adjacent to the following fuselage stations appropriate to the model being inspected: Series 10 and 20:FS 901.400, Series 30 and C-9:FS 1080.400, Series 40:FS 1156.400, Series 50:FS 1251.400, Series 80:FS 1422.400.

2. If no cracks are found, accomplish the interim modification described in McDonnell Douglas Service Sketch 3414, original issue, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, prior to the accumulation of 50 landings after receipt of this emergency AD for DC-9 Model 15, Series 30, 40, 50, and C-9 aircraft fuselage numbers 1 thru 950 and prior to the accumulation of 400 landings from May 17, 1982, for all other affected airplanes. Verification that no cracks exist must be repeated immediately prior to accomplishment of the interim modification. The visual inspection (reference paragraph A.1.) shall be repeated at intervals not to exceed 2,000 landings after the accomplishment of the interim modification. Prior to accumulating 4,000 landings from May 17, 1982, accomplish the terminating action specified in paragraph C.1. below.

3. If cracks are found, before further flight accomplish the interim modification described in McDonnell Douglas Service Sketches 3413A and 3414, original issue, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, and repeat the visual inspection (reference paragraph A.1.) at intervals not to exceed 2,000 landings thereafter. Prior to accumulating 4,000 landings from May 17, 1982, accomplish the terminating action specified in paragraph C.2. below.

B. Airplanes with dorsal fin one piece attach angle part number 5912188–5, –6.

1. Within 500 landings from May 17, 1982, for airplanes with less than 22,500 landings, and within 100 landings from May 17, 1982, for airplanes with 22,500 or more landings, visually inspect from inside the airplane the upper fuselage skin between longerons 4L thru 4R for cracks in the area adjacent to the following fuselage stations appropriate to the model being inspected: Series 10 and 20:FS 901.400, Series 30 and C–9:FS 1080.400, Series 40:FS 1156.400, Series 50:FS 1251.400, Series 80:FS 1422.400. Also, visually inspect from outside the airplane the dorsal fin attach angles for cracks.

2. If no angle cracks are found, accomplish an eddy current inspection of the angle per McDonnell Douglas DC–9 Alert Service Bulletin A53–154, Revision 4, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, or a dye penetrant inspection of the angle within 1,000 additional landings and thereafter at intervals not to exceed 3,000 landings until the terminating action specified in paragraph C.1. below is accomplished.

3. If skin cracks are found, before further flight, accomplish the interim modification described in McDonnell Douglas Service Sketch 3413A, original issue, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, and thereafter conduct an eddy current or dye penetrant inspection of the angle per paragraph B.2. at intervals not to exceed 3,000 landings until the terminating action specified in paragraph C.2. is accomplished.

4. If dorsal fin attach angle cracks are found, accomplish the repair described in DC–9 Structural Repair Manual, Chapter 53–05, Figure 19, prior to the accumulation of 50 landings after receipt of this emergency AD for DC–9 Model 15, Series 30, 40, 50, and C–9 aircraft fuselage numbers 1 thru 896, and prior to the accumulation of 400 landings from May 17, 1982, for all other affected aircraft. Verification that no skin cracks exist must be repeated immediately prior to accomplishment of the repair.

5. A dye penetrant, or an eddy current inspection of the angle per paragraph B.2. shall be repeated at intervals not to exceed 3,000 landings after the accomplishment of the repair until the terminating action specified in paragraph C.1. is accomplished. As an alternative to this procedure, accomplish the interim modification described in McDonnell Douglas Service Sketch 3414, original issue, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office, in accordance with the compliance schedule specified in paragraph B.4. above. The visual inspection (reference paragraph B.1.) shall be repeated at intervals not to exceed 2,000 landings after the accomplishment of the interim modification. Prior to the accumulation of 4,000 landings from May 17, 1982, accomplish the terminating action specified in paragraph C.1. below.

C. Terminating Action. The following constitutes terminating action for compliance with this AD.

1. For aircraft found to be crack free, accomplish the applicable modifications and/or inspections per paragraph 2, Accomplishment Instructions specified in McDonnell Douglas DC–9 Service Bulletin 53–154, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office.

2. For aircraft found to have cracks, accomplish the applicable modifications and/or inspections per paragraph 2, Accomplishment Instructions specified in McDonnell Douglas DC–9 Service Bulletin 53–154, dated August 24, 1982, or later revisions approved by the Manager, Los Angeles Aircraft Certification Office.

3. Previous accomplishment of dye penetrant and/or eddy current inspections, and modification required by AD 74–16–02, which is also outlined in McDonnell DC–9 Service Bulletin 53–154, dated August 24, 1982, may be considered as equivalent methods for complying with the requirements of this AD.

D. Paragraph C.1. and C.2., as applicable, may be initially accomplished in lieu of the interim modifications or repairs specified in paragraph A and B above.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the inspection requirements of this AD.

F. Alternative means of compliance providing an equivalent level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FFA Northwest Mountain Region.

G. For the purposes of complying with this AD, subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's number of hours time in service by the operator's fleet average time from takeoff to landing.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1–750 (54–60). These documents also may be examined at FAA Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168, or Los Angeles Area Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808.

This Amendment becomes effective November 8, 1982, and was effective earlier to those recipients of Telegraphic AD T82–10–51 original issue, Revision 1 and Revision 2, dated May 5, 1982, May 17, 1982 and June 7, 1982, respectively.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note:—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Seattle, Washington on October 19, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–29724 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–NM–92–AD; Amdt. 39–4482]

Airworthiness Directives; Short Brothers Limited Model SD3–30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to Short Brothers Limited Model SD3–30 airplanes which requires replacement of the right outer window transparency immediately aft of the propeller plane with a transparency of increased thickness. This action is necessary to prevent propeller ice from penetrating the right hand window and injuring airplane occupants.

DATES: Effective—November 8, 1982.

ADDRESSES: The service bulletin specified in this AD may be obtained upon request to Shorts Aircraft, 1725 Jefferson Davis Highway, Suite 510, Arlington, Virginia 22202 or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Sulmo Mariano, Foreign Aircraft Certification Branch, ANM-150S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2530. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA) of the United Kingdom has classified Short Brothers Limited Service Bulletin SD3-56-02 dated November 5, 1981, as mandatory. This service bulletin requires replacement of the right outer window transparency immediately aft of the propeller plane with a transparency of increased thickness. One incident has occurred in service in which ice cast by the propeller broke the window and entered the passenger cabin injuring an occupant. To prevent this type of accident from occurring, the CAA requires replacement of the transparency in accordance with the service bulletin.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable airworthiness bilateral agreement.

Since this condition is likely to occur on airplanes of this model registered in the United States, an AD is being issued which requires replacement of the window transparency with a transparency of increased thickness in accordance with Short Brothers Limited Service Bulletin SD3-56-02 dated November 5, 1981.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Short Brothers Limited: Applies to Model SD3-30 airplanes serial numbers SH3002-SH3071 inclusive, SH3073, SH3075, SH3077, and SH3078.

Compliance required within the next 100 hours time in service after the effective date of this AD unless already accomplished. To prevent window transparency penetration by propeller ice:

1. Replace the right outer window transparency immediately aft of the propeller plane with a transparency of increased thickness in accordance with paragraph 2, "Accomplishment Instructions," of Short Brothers Limited Service Bulletin SD3-56-02 dated November 5, 1981.
2. Alternate means of compliance which provide an equivalent level of safety may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.
3. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1)

This amendment becomes effective November 8, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

Issued in Seattle, Washington, on October 19, 1982.

Charles R. Foster,
Director, Northwest Mountain Region.

[FR Doc. 82-29727 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 82-ASW-65; Amdt. 39-4478]

Airworthiness Directive; Societe Nationale Industrielle Aerospatiale (SNIAS) Model AS332C/L Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires initial and repetitive inspections, reduces the service life of the main rotor spindle sleeve, and imposes reduced collective angle and air speed limitations on the Aerospatiale Model AS332C/L series helicopters. The AD is needed to detect and prevent fatigue cracks which could result in failure of the main rotor spindle. Failure of the main rotor spindle may cause separation of the main rotor blade from the helicopter and subsequent loss of control of the helicopter.

DATE: Effective November 11, 1982.

Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

These documents may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106, or Rules Docket, Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Chris Christie, Manager, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, Brussels, Belgium, telephone 513.38.30, or Samuel E. Brodie, Helicopter Policy and Procedures Staff, Aircraft Certification Division, Federal Aviation Administration, P.O. Box 1689, Forth Worth, Texas 76101, telephone number (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: The FAA has determined that complete separation of a lug on the main rotor head spindle occurred in service in an Aerospatiale Model AS332L helicopter. Separation of the spindle yoke lug resulted from a fatigue crack possibly initiated by fretting corrosion on the lug. Separation of a spindle lug may cause severe vibration and possible separation of a main rotor blade from the helicopter. Loss of a main rotor blade in flight may cause loss of control of the helicopter. Since cracks in the main rotor spindle may exist or occur on other helicopters of the same type and series, an AD is being issued for Aerospatiale Model AS332C/L series helicopters to require an initial and repetitive inspection, a reduction in service life of the main rotor spindle sleeve and a reduced air speed limitation on the helicopter. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

One AS332L helicopter will be affected by this AD for an estimated cost of $1610.00.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS). Applies to Model AS332C/AS332L series helicopters certified in all categories that are equipped with main rotor spindles P/N 330A31.1122.09 and .10.

Compliance is required as indicated.

To detect fretting corrosion and to prevent possible cracking of the main rotor head spindle yoke lugs, accomplish the following:

(a) Prior to the first flight of each day following the effective date of the AD, accomplish a visual inspection in accordance with Aerospatiale AS332 Service Bulletin No. 05.02, paragraph 1C(2)(a) or equivalent approved by the Manager, FAA, Europe, Africa and Middle East office.

(b) Within the next 25 hours' time in service following the effective date of this AD, unless already accomplished, check the torque of the flap hinge pin nut in accordance with Aerospatiale AS332 Service Bulletin No. 05.02, paragraph 1C(1)(a) or an equivalent approved by the Manager, FAA, Europe, Africa, and Middle East office. Thereafter, at intervals not to exceed 25 hours' time in service since the last inspection, accomplish the inspection in accordance with Aerospatiale AS332 Service Bulletin No. 05.02, paragraph 1C(1)(c) or an equivalent approved by the Manager, FAA, Europe, Africa and Middle East office.

(c) Within the next 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours' total time in service, inspect the spindle yoke lug in accordance with Aerospatiale AS332 Service Bulletin No. 05.02, paragraph 1C(2)(b) or an equivalent inspection approved by the Manager, FAA, Europe, Africa and Middle East office.

Note.—(1) For spindles having 90 hours' or more time in service, accomplish the inspection of paragraph (c) of this AD within 10 hours' additional time in service following the effective date of this AD.

(2) For spindles having less than 90 hours' time in service, accomplish the inspection of paragraph (c) of this AD prior to attaining 100 hours' total time in service.

(d) In addition to the inspection instructions noted in paragraphs (a), (b) and (c) of this AD, the service life limit of the main rotor hub spindles, PN 330A31.1112.09 and .10 is effectively reduced from 1500 hours' to 300 hours' total time in service. For spindles with more than 300 hours' time in service on the effective date of this AD remove from service prior to attaining an additional 25 hours' time in service.

(e) The collective pitch limit in level flight specified in the Rotorcraft Flight Manual, Section 2-1, paragraph 15, is reduced from 16.5° to 16° or less and the airspeed is limited to IAS=131 KT (243 KM/HR). The following placard must be installed adjacent to the pilot and copilot airspeed indicators. The placard must be within sight of and readable by the pilot and copilot.

EXCEPT IN CASE OF EMERGENCY, COLLECTIVE PITCH IN LEVEL FLIGHT IS LIMITED TO 16° AND THE AIRSPEED IS NOT TO EXCEED THE FOLLOWING LIMITS

H_p	A/S KTS IAS
SL	131
1000	128
2000	126
3000	124
4000	120
5000	116
7000	108
9000	[illegible]
11000	[illegible]
12000	71

This amendment becomes effective November 11, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation that is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final regulatory evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), and it is subject to review by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas on October 12, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-29725 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 82-ANM-6]

Establishment of Jet Routes and Area High Routes; Alteration of Jet Routes J-58 and J-107

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment realigns Jet Route J-58 from Wilson Creek, NV, to Milford, UT, to Farmington, NM, and realigns J-107 from Milford, UT, to Rock Springs, WY, to Casper, WY, to Dupree, SD, to Pembina, ND. This action improves traffic flow, aids flight planning, and reduces controller workload.

EFFECTIVE DATE: December 23, 1982.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

History

On August 19, 1982, the FAA proposed to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to realign Jet Route J-58 and J-107 in the vicinity of Milford, UT (47 FR 36220). The realignment supports the resectorization program in the Salt Lake City Air Traffic Control Center. The realignment improves traffic flow, reduces intrafacility coordination, reduces pilot and controller workload. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. One comment objecting to the proposal was received. Except for editorial changes, and except as specifically discussed below, this amendment is the same as that proposed in the notice. Section 75.100 of Part 75 or the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

The Rule

This amendment to Part 75 of the Federal Aviation Regulations realigns

V–58 between Wilson Creek, NV, and Farmington, NM, and realigns J–107 between Milford and Pembina, ND, via Rock Springs, WY, and Dupree, SD. This action improves traffic in the Salt Lake City, UT, area.

Discussion of Comments

One comment objecting to the proposal was submitted by Mr. George H. Carver of the Airline Transport Association (ATA), and stated that the real reason for the jet route realignment was due to the proposed realignment of the Denver/Los Angeles/Salt Lake City Centers' boundaries in the vicinity of Bryce Canyon, UT. Mr. Carver expressed concern that although not required, the proposal to change the center boundaries was not coordinated with his office or with the aviation community through an informal airspace meeting. He suggests that the center boundary changes will cause the opposite effect from the desired result described in the jet route realignment docket and will require additional changes to SID's and STAR's east of Las Vegas. After due consideration for Mr. Carver's comments, the FAA does not concur with the objection. Contrary to Mr. Carver's statement, the realignment of J–58 is not required because of the center boundary proposal. In fact, due to the proximity of J–58 and the current Los Angeles/Salt Lake City boundary, it is desirable to realign J–58 to improve traffic flow regardless of the new center boundary proposal. We also do not anticipate any changes to the existing CROWE FOUR arrival which begins in the Salt Lake City ARTCC area or to the OVETO SID which will terminate prior to the proposed new center boundary. The point is we anticipate a smoother traffic flow for en route traffic to and from the Bay area and an improvement in our arrival/departure flow south of Salt Lake City, while leaving the McCarran traffic unaffected.

List of Subjects in 14 CFR Part 75

Jet routes.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is amended effective 0901 G.m.t., December 23, 1982, as follows:

J–58 [Amended]

By deleting the words "Wilson Greek, NV; Bryce Canyon, UT; Farmington, NM;" and substituting for them the words "Wilson Creek, NV; Milford, UT; Farmington, NM;"

J–107 [Amended]

By deleting the words "Milford, UT; Delta, UT; Rock Springs, WY; Crazy Woman, WY;

J–107 [Amended]

By deleting the words "Milford, UT; Delta, UT; Rock Springs, WY; Crazy Woman, WY; Dickinson, ND; Pembina, ND;" and substituting for them the words "Milford, UT; Rock Springs, WY; Casper, WY; Dupree, SD; Pembina, ND;"

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on October 21, 1982.

Harold W. Becker,

Acting Manager, Airspace and Air Traffic Rules Division.

[FR Doc. 82–29728 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 171

[Docket No. 20669; Amdt. 171–11]

Non-Federal Navigation Facilities; Microwave Landing System Requirements for Non-Federal Navigational Facilities; Correction

Correction

In FR Doc. 82–28367 beginning on page 46259 in the issue of Monday, October 18, 1982, make the following corrections:

§ 171.311 [Corrected]

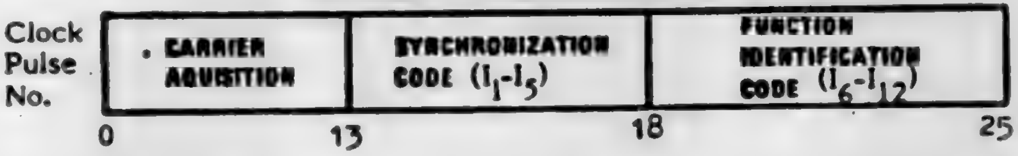
1. On page 46260, middle column, *Table 1. Frequency Channel Plan* for § 171.311(a) should have been printed as follows:

TABLE 1.—FREQUENCY CHANNEL PLAN

Channel No.	Frequency (MHz)
500	5031.0
501	5031.3
502	5031.6
503	5031.9
504	5032.2
505	5032.5
506	5032.8
507	5033.1
508	5033.4
509	5033.7
510	5034.0
511	5034.3
* * *	* * *
598	5060.4
599	5060.7
600	5061.0
601	5061.3
* * *	* * *
698	5090.4
699	5090.7

2. Also on page 46260, in the third column, *Figure 6. Preamble Organization* for § 711.311 should have been printed as follows:

FIGURE 6. PREAMBLE ORGANIZATION



Clock Pulse No.
CARRIER AQUISITION
SYNCHRONIZATION CODE (I_1-I_5)
FUNCTION IDENTIFICATION CODE (I_6-I_{12})
0
13
18
25

BILLING CODE 1505–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80–53]

Prescribed Maximum Lawful Prices Under the Natural Gas Policy Act of 1978

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 357.307(l), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of November and December 1982, and January 1983, Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Director, OPPR, (202) 357–8500.

SUPPLEMENTARY INFORMATION:

Issued October 21, 1982.

In the matter of publication of prescribed maximum lawful prices under the Natural Gas Policy Act of 1978; Docket No. RM80–53; order of the Director, OPPR.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of November and December 1982, and January 1983, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103, 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to August 1982 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kenneth A. Williams,
Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

§ 271.101 [Amended]

1. Section 271.101(a) is amended by inserting the maximum lawful prices for November and December 1982, and January 1983, in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other than NGPA sections 104 and 106(a)]

Subpart of Part 271	NGPA section	Category of gas	Maximum lawful price per MMBtu for deliveries in— November 1982	December 1982	January 1983
B	102	New natural gas, certain OCS gas	$3.249	$3.274	$3.299
C	103	New, onshore production wells	2.698	2.710	2 722
F	106(b)(1)(B)	Alternative maximum lawful price for certain intrastate rollover gas.	1.539	1.546	1.553
G	107(c)(5)	Gas produced from tight formations	5.396	5.420	5 444
H	108	Stripper gas	3.481	3.508	3.535
I	109	Not otherwise covered	2.234	2.244	2.254

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(A)

[Subpart D, Part 271]

Category of natural gas	Type of sale or contract	Maximum lawful price per MMBtu for deliveries made in— November 1982	December 1982	January 1983
Post-1974 gas	All producers	$2.234	$2.244	$2.254
1973–1974 biennium gas	Small producer	1.890	1.899	1.908
	Large producer	1.445	1.452	1.459
Interstate rollover gas	All producers	.829	.833	.837
Replacement contract gas or recompletion gas	Small producer	1.062	1.067	1.072
	Large producer	.811	.815	.819
Flowing gas	Small producer	.535	.537	.539
	Large producer	.453	.455	.457
Certain Permian Basin gas	Small producer	.634	.637	.640
	Large producer	.556	.559	.562
Certain Rocky Mountain gas	Small producer	.634	.637	.640
	Large producer	.535	.537	.539
Certain Appalachian Basin gas	North subarea contracts dated after October 7, 1969.	.504	.506	.508
	Other contracts	.471	.473	.475
Minimum rate gas [1]	All producers	.278	.279	.280

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather then MMBtu.

§ 271.102 [Amended]

2. Section 271.102(c) is amended by inserting the inflation adjustment for the months of November and December 1982, and January 1983, in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery	Factor [1]
1982:	
November	1.00455
December	1.00455
1983:	
January	1.00455

[1] Factor by which price in preceding month is multiplied.

[FR Doc. 82–29490 Filed 10–27–82; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 3

[CGD 82–080]

1st/3rd District Boundary Realignments

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a boundary line between the First and Third Coast Guard Districts east of Long Island. It will also modify the boundaries of the New York, New London and Providence Captain of the Port Zones and will adjust the New York and Providence Marine Inspection Zones to coincide with this boundary line. These changes are necessary to clarify areas of jurisdictional responsibility between the 1st and 3rd Coast Guard Districts. An additional change is also included to correct the location of the Philadelphia Captain of the Port Office.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: LT Ernest J. FINK, Port Safety Officer, Third Coast Guard District, Building 301, Room 109, Governors Island, New York 10004, (212) 668–7179.

SUPPLEMENTARY INFORMATION: Since these amendments are matters relating to agency organization, they are exempt from the notice of proposed rulemaking requirements in 5 U.S.C. 553(b)(3)(A), and since these amendments are not substantive, they may be made effective in less than 30 days after publication in the **Federal Register** under 5 U.S.C. 553(d)(3).

Executive Order 12291 does not apply to matters of agency organization (section 1(a)(3)). These amendments are editorial in nature and are considered to be nonsignificant under DOT Order 2100.5 of May 22, 1980. No additional requirements will be imposed on the public as a result of this rulemaking. This rule simply redefines areas of Coast Guard responsibility and jurisdiction which were previously unclear. The only changes to be experienced by the public are the specific Coast Guard offices having jurisdiction over a particular area, and from what location the Coast Guard will enforce that jurisdiction.

Existing regulations in 33 CFR Part 3 do not describe the First and Third Coast Guard District boundaries between Watch Hill Light and Montauk Point Light. This omission has resulted in incidents in which the jurisdictional responsibility of the First and Third Coast Guard Districts was unclear. These regulations will complete the boundary line between the two districts at the eastern end of Long Island Sound by drawing a line from Watch Hill Light to a point approximately 11½ miles from Montauk Point Light on the existing seaward boundary extending 112° T. from Montauk Point Light. The boundaries of the New York, New London, and Providence Captain of the Port Zones as well as the boundaries of the New York and Providence Marine Inspection Zones will be moved to coincide with this change. In addition, the location of the Philadelphia Captain of the Port office has been corrected.

An economic evaluation of Final Rule has not been conducted since its impact is expected to be minimal. As existing requirements and responsibilities will not be altered, the overall cost to the public will not change. This rulemaking imposes no burdens on the public as it is solely organizational in nature. It will not affect the economy to any measurable degree, result in any increase in price for consumers, individual industries, Federal, State, or local government agencies or geographic regions, or result in any adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Likewise, it is hereby certified that this Final Rule will not have any economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub L. 96–354; 5 U.S.C. 601 et seq.). This certification is made in accordance with Section 605 of Title 5 of the United States Code.

The Coast Guard has determined that this rule does not constitute a major federal action significantly affecting the quality of human environment, and therefore no environmental assessment or environmental impact statement was prepared.

Drafing Information

The principal persons involved in drafting this amendment are: Lieutenant Ernest J. Fink, Project Officer, Port Safety Branch, Third Coast Guard District and Lieutenant Ronald L. Nelson, Project Attorney, Legal Staff, Third Coast Guard District.

List of Subjects in 33 CFR Part 3

Organization and functions (Government agencies).

PART 3—[AMENDED]

In consideration of the foregoing, Part 3 of Title 33 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 3 is amended to read as follows:

Authority: 80 Stat. 383, as amended (5 U.S.C. 552); 14 U.S.C. 633; sec. 6(b), 80 Stat. 938 (49 U.S.C. 1655(b)); 49 CFR 1.46(b).

Subpart 3.05—First Coast Guard District

2. Paragraph (b) of § 3.05–1 is revised to read as follows:

§ 3.05–1 First District.

(a) * * *

(b) The First Coast Guard District shall comprise Maine and New Hampshire; Vermont, except the Counties of Orleans, Franklin, Grand Isle, Chittenden, Addison, and Rutland; Massachusetts, except the waters of the Congamond Lakes; Rhode Island, with exception of Watch Hill Light Station; that portion of Connecticut containing the waters of Beach Pond in New London County; all U.S. naval reservations on shore in Newfoundland; the ocean area encompassed by the Search and Rescue boundary between Canada and the United States easterly to longitude 63° W.; thence due south to latitude 41° N.; thence southwesterly along a line bearing 219° T. to the intersection with the ocean boundary between the First and Third Coast Guard Districts, which is defined as a line extending 112° T. from Montauk Point Light; thence west-northwesterly along this line to 40°59.9′ N. latitude, 71°37.5′ W. longitude; thence north-northwesterly to Watch Hill Light along a line bearing 150° T. from Watch Hill Light.

3. Paragraph (b) of § 3.05–20 is revised to read as follows:

§ 3.05–20 [Amended]

(a) * * *

(b) The boundary of the Providence Marine Inspection Zone and Captain of the Port Zone starts at 41°18.2′ N. latitude, 71°51.6′ W. longitude, and proceeds north along the Rhode Island State line, including the waters of Beach Pond, to the Massachusetts State line; thence east to 42°04.1′ N. latitude, 71°06′ W. longitude; thence southeast to 41°40.6′ N. latitude, 70°43′ W. longitude, including the waters of Sippican Harbor, its bays, coves, and inlets; thence southeast to 41°32′ N. latitude, 70°42′ W. longitude; thence south to 41°31′ N latitude, 70°41.6′ W. longitude; thence east through the passage between Woods Hole and Nonamesset Island; thence south to 41°30′ N. latitude, 70°40′ W.; thence southwest to 41°22′ N. latitude, and 70°51′ W. longitude, thence due south to the ocean boundary between the First and Third Coast Guard Districts, which is defined as a line extending 112° T. from Montauk Point Light; thence west-northwesterly along this line to 40°59.9′ N. latitude, 71°37.5′ W. longitude; thence north-northwesterly to Watch Hill Light along a line bearing 150° T. from Watch Hill Light.

Subpart 3.15—Third Coast Guard District

4. Section 3.15–1 is revised to read as follows:

§ 3.15–1 Third district.

(a) The District Office is in New York, New York.

(b) The Third Coast Guard District is comprised of the counties of Orleans, Franklin, Grand Isle, Chittendon, Addison, and Rutland in Vermont; Connecticut, but not including the waters of Beach Pond in New London County; Watch Hill Station in Rhode Island; that portion of Massachusetts containing the waters of the Congamond Lakes in Hampden County; New York, except that part north of latitude 42° N. and west of longitude 74°39′ W.; New Jersey; that part of Pennsylvania north of latitutde 41° N. and east of longitude 78°55′ W. and south of latitude 41° N. and east of longitude 79° W.; Delaware, including Fenwick Island Light, but not including that part of Delaware that contains the reaches of the Nanticoke River and the Chesapeake and Delaware Canal; the ocean area encompassed by a line bearing 150° T. from Watch Hill Light to 40°59.9′ N. latitude, 71°37.5′ W. longitude; thence east-southeasterly along a line bearing 112° T. from Montauk Point Light to the southernmost point of the First Coast Guard District (39°00′ N.; 65°05′ W.); thence southwesterly along a line bearing 219° T. to the intersection with the ocean boundary between the Third and Fifth Coast Guard Districts, which is defined as a line extending 122° T. from the coastal end of the Third and

Fifth Coast Guard District land boundary; thence northwesterly along this line to the coast.

5. Section 3.15-10 is revised to read as follows:

§ 3.15-10 New York Marine Inspection Zone.

(a) The New York Marine Inspection Office is in New York, New York with a sub-office in New London, Connecticut.

(b) The New York Marine Inspection Zone starts at the New Jersey shoreline at 39°57.0′ N. latitude; thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River in a northwesterly direction to 42°00.0′ N. latitude; thence due east to 74°39.0′ W. longitude; thence due north to the Canadian border; thence easterly along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence southerly along the Vermont-New York boundary to its juncture with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachusetts, New York, and Connecticut boundaries; thence easterly along the Connecticut-Massachusetts boundary, including the waters of the Congamond Lakes to the Connecticut-Rhode Island boundary; thence southerly along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6′ N. latitude, 71°50.0′ W. longitude, at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light; thence south-southeasterly along a line bearing 150° T. from Watch Hill Light.

6. Paragraph (a) of § 3.15-25 is revised to read as follows:

§ 3.15-25 Philadelphia Marine Inspection Zone and Captain of the Port Zone.

(a) The Philadelphia Marine Inspection Office is located in Philadelphia, Pennsylvania. The Philadelphia Captain of the Port Office is located in Gloucester City, New Jersey.

* * * * *

7. Section 3.15-55 is revised to read as follows:

§ 3.15-55 New London Captain of the Port Zone.

(a) The New London Captain of the Port Office is located in New London, Connecticut.

(b) The New London Captain of the Port Zone starts at Watch Hill Light, Rhode Island; thence south-southeasterly along a line bearing 150° T. from Watch Hill Light to 41°10.0′ N. latitude, 71°45.2′ W. longitude; thence due west to the eastern end of Plum Island at 72°11.8′ W. longitude; thence westerly along the southern shoreline of Plum Island to 41°10.0′ N. latitude, 72°12.1′ W. longitude; thence westerly to Orient Point Light; thence southwesterly along the northern shoreline of Long Island-New York to 72°38.0′ W. longitude; thence due north to the Connecticut shoreline; thence westward along the Connecticut shoreline to 72°40.0′ W. longitude; thence due north to the Connecticut-Massachusetts boundary; thence eastward along this boundary to the Rhode Island boundary; thence southerly along the Connecticut-Rhode Island boundary, excluding the waters of Beach Pond, to 41°22.6′ N. latitude, 71°50.0′ W. longitude at Westerly, Rhode Island; thence in a southerly direction along the east shore of the Pawcatuck River to Watch Hill Light.

8. Paragraph (a) of § 3.15-57 is revised to read as follows:

§ 3.15-57 New Haven Captain of the Port Zone.

(a) The New Haven Captain of the Port Zone is located in New Haven, Connecticut.

* * * * *

9. Section 3.15-60 is revised to read as follows:

§ 3.15-60 New York Captain of the Port Zone.

(a) The New York Captain of the Port Office is located in New York, New York with a sub-office in Albany, New York.

(b) The New York Captain of the Port Zone starts at the New Jersey shoreline at 39°57.0′ N. latitude, thence westward to 39°57.0′ N. latitude, 74°27.0′ W. longitude; thence north-northwesterly to the junction of the New York, New Jersey, and Pennsylvania boundaries at Tristate; thence along the east bank of the Delaware River in a northwesterly direction to 42°00.0′ N. latitude; thence due east to 74°39.0′ W. longitude; thence due north to the Canadian border; thence easterly along the Canadian border to the northeast corner of the Orleans County line in Vermont; thence following the eastern and southern boundaries of Orleans, Franklin, Chittenden, Addison, and Rutland counties to the Vermont-New York boundary; thence southerly along the Vermont-New York boundary to its juncture with the Massachusetts-New York boundary; thence south-southwesterly along the Massachusetts-New York boundary to the junction of the Massachusetts, New York, and Connecticut boundaries; thence southerly along the New York-Connecticut boundary to 41°01.5′ N. latitude, 73°40.0′ W. longitude; thence due south to 40°58.0′ N. latitude, at the southern shore of Manursing Island; thence south-southeasterly to the north shore of Long Island at Dosoris Island at 40°53.7′ N. latitude, 73°38.2′ W. longitude; thence due south to 40°41.5′ N. latitude; thence east-northeasterly to 40°49.5′ N. latitude, 73°00.0′ W. longitude; thence due north to the Long Island shoreline; thence easterly along the Long Island shoreline to Orient Point Light; thence easterly to the shoreline of Plum Island at 41°10.0′ N. latitude, 72°12.1′ W. longitude; thence easterly along the southern shoreline of Plum Island to 41°10.0′ N. latitude, 72°11.8′ W. longitude; thence due east to 71°45.2′ W. longitude; thence south-southeasterly along a line bearing 150° T. from Watch Hill Light.

Dated: October 21, 1982.

B. F. Hollingsworth,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 82-29720 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[CCGD11-82-07]

Establishment of Safety Zone in the Vicinity of National Steel and Shipbuilding Company Shipway Three

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone Regulations establishes a safety zone in San Diego harbor in the vicinity of National Steel and Shipbuilding Co. Shipway Three. The safety zone is established to provide a clearance during the launching of a vessel. This safety zone will remain in effect while National Steel and Shipbuilding Company launches hull 418 at Shipway Three.

EFFECTIVE DATE: This amendment is effective from 0930 on 30 October 1982 until 1030 on 30 October 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant D. W. TIFFANY or Lieutenant S.

W. DENO, c/o Captain of the Port, U.S. Coast Guard Marine Safety Office, 2710 Harbor Drive, San Diego, CA, Tel: 714-293-5860.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rulemaking because the shipbuilder's schedule did not allow sufficient prior notice.

Drafting Information:

The principal persons involved in the drafting of the rule are Lt S.W. Deno and Lt D. W. Tiffany, Marine Safety Office, San Diego, 2710 Harbor Drive, San Diego, CA 92101, Tel: 714-293-5860. The project attorney is Lt W. P. Athayde, c/o Commander, Eleventh Coast Guard District (d1), 400 Oceangate, Long Beach, CA 90822.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

PART 165—[AMENDED]

In consideration of the foregoing, Part 165 of Title 33 of the Code of Federal Regulations is amended by adding § 165.1120 to read as follows:

§ 165.1120 Safety zone adjacent to National Steel and Shipbuilding Company, San Diego Harbor.

The waters within the following boundaries are a safety zone: the area landward of a line drawn between 32°41.4′N-117°09.1′W and 32°40.8′N-117°08.1′W.

(86 Stat. 427, as amended (33 U.S.C. 1224); 49 CFR 1.46(n)(4))

Dated: September 29,1982.

J. C. Carney,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 82-29718 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-7-FRL 2219-7]

Attainment Status Designations—Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: Final action is being taken in this notice to redesignate the Nebraska portion (Douglas and Sarpy Counties) of Air Quality Control Region 085 (AQCR 085) from unclassifiable to attainment for photochemical oxidants (ozone). Because there is insufficient valid monitoring or modeling data for ozone prior to 1981, data generated during the 1981 ozone season were used to determine the attainment/nonattainment status of AQCR 085.

EFFECTIVE DATE: This action will be effective on December 27, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Comments should be directed to Eloise Reed, Air Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106.

The submitted SIP revision is available for review during normal business hours at the following locations:

Air Branch, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106

Nebraska Department of Environmental Control, 301 Centennial Mall, Lincoln, Nebraska 68509

FOR FURTHER INFORMATION CONTACT: Eloise Reed, Air Planning and Development Section, Air Branch, Air and Waste Management Division, Environmental Protection Agency, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-3791, FTS: 758-3791.

SUPPLEMENTARY INFORMATION: Douglas and Sarpy Counties were redesignated from nonattainment to unclassifiable at 46 FR 57045 (November 20, 1981), because there was insufficient data to make an attainment status designation. At 46 FR 57045 EPA stated that data from the 1981 ozone season would be used for a final determination of attainment status.

On August 3, 1982, the Nebraska Department of Environmental Control requested a redesignation from unclassifiable to attainment for Douglas and Sarpy Counties, the Nebraska portion of AQCR 085, based on ozone monitoring data from the 1981 calendar year. EPA's guidelines for assessing compliance with the ozone standard, EPA 450/4-79-003, state one ozone season of ambient data is sufficient to show attainment if no data have been excluded arbitrarily, and if the data are valid by having been subject to an acceptable quality assurance plan. The data meet these criteria and show no violation of the National Ambient Air Quality Standard for ozone.

Action

Based on EPA's review of the material submitted, the Administrator hereby grants the redesignation request made by the State of Nebraska.

Since EPA views any Section 107 redesignation made on the basis of measured air quality data as routine and noncontroversial, these redesignations are made without prior proposal. The public is advised that this action will be effective December 27, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on the action taken today, the action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that redesignations do not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (60 days after publication of this notice). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

This notice of final rulemaking is issued under the authority of Section 107(d) of the Clean Air Act Amendments of 1977.

Dated: October 20, 1982.

Anne M. Gorsuch,

Administrator.

PART 81—[AMENDED]

Part 81, Subpart C § 81.328 is amended by revising the table for ozone to read as follows:

§ 81.328 [Amended]

NEBRASKA—OX

Designated area	Does not meet primary standard	Better than national standard
Entire state		X

[FR Doc. 82-29655 Filed 10-27-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 86

[AMS-FRL 2192-1]

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1981 Through 1984 Model Year Light-Duty Diesel Vehicles, Summary of Decision and Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes interim oxides of nitrogen (NO_x) emission standards for 1984 model year light-duty vehicles belonging to two classes or categories of light-duty vehicles (diesel engine families) for which EPA has granted waivers from standards otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(B). Specifically, this amendment applies to new diesel engine families of Toyo Kogyo Co., Ltd. (Mazda) and Ford Motor Company (Ford) which I have determined qualify under the statutory criteria for waivers of the NO_x standard for model year 1984. This action has the effect of setting interim NO_x standards at the most stringent level that will permit Mazda and Ford to market its diesel engine family in model year 1984.

EFFECTIVE DATE: November 29, 1982.

ADDRESSES: Information relevant to this rule, including the accompanying decision document, is contained in Public Docket EN-82-03 at the Central Docket Section of the Environmental Protection Agency, Gallery I, 401 M Street, S.W., Washington, D.C. 20460, and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services. Interested parties may also obtain the decision document by contacting the Manufacturers Operations Division as indicated below.

FOR FURTHER INFORMATION CONTACT: John Allison, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 382-2547.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Clean Air Act, as amended (ACT), 42 U.S.C. 7521(b)(1)(B), requires that regulations applicable to NO_x emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which provide that such emissions from vehicles or engines shall not exceed 1.0 grams per vehicle mile (g/mi).

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO_x standard for the 1981 through 1984 model years for any class or category of light-duty diesel vehicles or engines (diesel engine families) for which the Administrator can make the required statutory findings. I must promulgate interim NO_x standards applicable to the subject engine families for those model years for which I have granted waivers.

Mazda and Ford have each submitted applications for waivers for their new diesel engine families for model year 1984. Ford is purchasing this engine family from Mazda for use in its own vehicles. My decision to grant the waiver applications, which includes the statutory criteria and my determination with respect to the diesel engine families covered by the applications, is explained in detail in a decision document which may be obtained as noted above.

In that decision document, I granted waivers covering Mazda's and Ford's new "TX1" engine family for the 1984 model year because Mazda and Ford each demonstrated, and I concluded, that there is a substantial risk that these new engine families will not be able to meet emission standards during the waiver period without encountering significant engine performance problems and increased levels of particulate and hydrocarbon (HC) emissions.

Granting these waivers for these engine families will not endanger public health, because there will not be a significant increase in ambient NO_x levels; moreover, denying these waivers could result in the production of diesel vehicles emitting more particulate matter. Finally, Mazda and Ford have demonstrated that these engine families have met the fuel economy and long-term air quality benefit criteria for receiving waivers.

Having decided to grant these waiver applications, I am simultaneously promulgating regulations adopting emission standards not permitting NO_x emissions from 1984 model year vehicles of these diesel engine families to exceed 1.5 g/mi. The public has received an opportunity to comment on the waiver applications and a public hearing has been held to consider these requests; however, no testimony or comments were received. For these reasons, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation is impracticable and unnecessary. (5 U.S.C. 553)

The Office of Management and Budget (OMB) has exempted this action from the requirements of sections 3 and 7 of Executive Order 12291.

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory flexibility analysis. The interim NO_x standards established by this rulemaking apply to Mazda and Ford only, which are not "small entities" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: October 20, 1982.

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521, 7601(a))

Anne M. Gorsuch,
Administrator.

PART 86—[AMENDED]

For the reasons set forth above, 40 CFR 86.082-8(a)(1)(iii) is revised to read as follows:

§ 86.082-8 Emissions standards for 1982 and later model year light-duty vehicles.

(a)(1) * * *

(i) * * *

(ii) * * *

(iii) Oxides of nitrogen—1.0 grams per vehicle mile, except that: (A) Oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by

American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (B) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 and later model year engine families shall not exceed the prescribed levels:

Manufacturer and engine family	Model years	Standard (g/mi)
General Motors Corp.:		
1.8 liter (L)	1982, 1983, 1984	1.5
4.3L	1982, 1983, 1984	1.5
5.7L	1982, 1983, 1984	1.5
EF-C	1983, 1984	1.5
Daimler-Benz AG:		
2.0L	1984	1.5
2.4L—Naturally aspirated (NA).	1982, 1983, 1984	1.25
3.OL-NA	1982	1.5
3.OL-turbo-charged (TC)	1982, 1983, 1984	1.5
AB Volvo:		
2.4L-NA	1982, 1983, 1984	1.5
2.4L-TC	1983, 1984	1.5
Peugeot:		
2.3L-TC-XD2S	1982	1.5
XD2S/XD3S-TC	1983, 1984	1.5
2.3L-NA-XD2C	1982, 1983, 1984	1.2
1.9L-NA-XUD9	1983, 1984	1.5
Volkswagen AG:		
1.6L-NA-2250 pound inertia weight class (I.W.).	1982, 1983, 1984	1.3
1.6L-TC-2250 I.W	1982, 1983, 1984	1.3
1.6L-NA-2500 and 2750 I.W.	1982, 1983, 1984	1.4
1.6L-TC-2500 and 2750 I.W.	1982, 1983, 1984	1.4
2.0L-NA	1982, 1983, 1984	1.5
2.0L-TC	1982, 1983, 1984	1.5
Nissan Motor Company:		
2.8L	1982, 1983, 1984	1.5
XM1	1983, 1984	1.5
Isuzu Motors Ltd.:		
1.8L	1982, 1983, 1984	1.5
Renault:		
2.0L	1982, 1983, 1984	1.5
BL Cars, Ltd.:		
2.4L-TC	1983, 1984	1.5
3.6L-TC	1983, 1984	1.5
Chrysler Corp.:		
1.9L-NA	1984	1.5
Ford Motor Company:		
2.4L-TC	1984	1.5
TX1	1984	1.5
BMW:		
2.4L-TC	1984	1.5
Vehicle Technology, Inc.:		
4-88 HTA	1982, 1983	1.5
4-92 HTA	1982, 1983	1.5
5-92 HTA	1982, 1983	1.5
6-92 HTA	1982, 1983	1.5
Toyo Kogyo Co., Ltd.:		
TX1	1984	1.5

[FR Doc. 82-29555 Filed 10-27-82; 8:45 am]

BILLING CODE 6560-26-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6433]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Idaho: Kootenai County	Coeur D'Alene, city of	160075	750625, emergency; 820902, regular	740329
Indiana:				
Wayne County	Spring Grove, town of	180286	750710, emergency; 820902, regular	741213
Wayne County	Wayne County [3]	180280	750324, emergency; 820902, regular	741206
Massachusetts: Middlesex County	Tyngsborough, town of	250220	750618, emergency; 820902, regular	740802
Michigan:				
Saginaw County	Frankenmuth, city of	260188	750905, emergency; 820902, regular	740123
Kent County	Wyoming, city of	260111	730411, emergency; 820902, regular	731109
Minnesota:				
Olmsted County	Stewartville, city of	270332	750507, emergency; 820902, regular	740503

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Kittson County	St. Vincent, city of	270232	741217, emergency; 820902, regular	[illegible]
Nebraska: Cass County	Cass County [2]	310407	741205, emergency; 820902, regular	761105
New Jersey:				
Gloucester County	National Park, borough of	[illegible]	750103, emergency; 820902, regular	740412
Gloucester County	Paulsboro, borough of	340210	750513, emergency; 820902, regular	[illegible]
Warren County	Washington, township of	340496	751106, emergency; 820902, regular	[illegible]
Gloucester County	Woolwich, township of	340217	750513, emergency; 820902, regular	740405
New York:				
Suffolk County	Brightwaters, village of	361342	740531, emergency; 820902, regular	741018
Onondaga County	Minoa, village of	361017	750418, emergency; 820902, regular	[illegible]
Oswego County	Pulaski, village of	[illegible]	750602, emergency; 820902, regular	740510
[illegible]:				
Fairfield County	Bremen, village of	390160	750722, emergency, 620902, regular	740621
Miami County	Covington, village of	[illegible]	750724, [illegible] 820902, regular	740607
Licking County	Kirkersville, village of	390701	760504, emergency, 820902, regulatory	750214
Perry County	New Lexington, village of	390443	750915, emergency; 820902, regular	740517
Wood County	North Baltimore, village of	390587	750703, emergency, 820902, regular	[illegible]
Shelby County	Shelby County [2]	[illegible]	790403, emergency; 820902, regular	741220
Fairfield County	Sugar Grove, village of	390163	750625, emergency; 820902, regular	740830
Pennsylvania:				
Westmoreland County	Rostraver, township of	422184	740826, emergency; 820902, regular	740524
Montgomery County	Upper Moreland, township of	421909	741114, emergency; 820902, regular	741220
South Carolina: Florence County	Florence County [2]	450076	790522, emergency, 820902, regular	780428
Texas:				
Orange County	Bridge City, city of	480511	731217, emergency; 820902, regular	740524
Lubbock County	Lubbock, city of	480452	730524, emergency; 820902, regular	740830
Washington:				
Whatcom County	Bellignham, city of	530199	750430, emergency; 820902, regular	740614
Whatcom County	Nooksack, city of	530203	751128, emergency; 820902, regular	741122
Wisconsin:				
Kenosha County	Kenosha, city of	550209	750414, emergency; 820902, regular	731228
Waukesha County	Waukesha, city of	550491	740402, emergency; 820902, regular	740208
West Virginia: Wetzel County	New Martinsville, city of	[illegible]	750512, emergency; 820902, regular	740628
Pennsylvania:				
Carbon County	Rowmanstown, borough of	[illegible]	750702, emergency; 820903, regular	740116
Lackawanna County	La Plume, township of	422458	750728, emergency; 820903, regular	741227
Mercer County	Sandy Lake, township of	421874	790517, emergency; 820903, regular	741213
California: Alameda County	Dublin, city of	[illegible]	820908, emergency; 820908, regular	0
Texas: Cameron County	Palm Valley, town of	481580	820908, emergency, 820908, regular	0
New York:				
Wyoming County	Arcade, village of	361555	750725, emergency; 820910, regular	740531
Ulster County	Saugerties, village of	361504	760311, emergency; 820910, regular	741115
Pennsylvania:				
Crawford County	Beaver, township of	422385	770127, emergency; 820910, regular	750228
Mercer County	Jamestown, borough of	422481	760218, emergency; 820910, regular	750103
Mercer County	New Lebanon, borough of	422484	790827, emergency; 820910, regular	750124
Arkansas: Clay County	St. Francis, city of	050037	750422, emergency; 820914, regular	740816
Oklahoma: Nowata County	South Coffeyville, town of	400411	780509, emergency; 820914, regular	760625
Texas:				
Red River County	Avery, city of	[illegible]	800926, emergency; [illegible]14, regular	760813
Upshur County	Ore City, city of	481038	751211, [illegible] [illegible]14, regular	761105
Alaska: Southeast Fairbanks	Delta Junction, city of	[illegible]	750828, emergency, [illegible]16, regular	771025
Arkansas: Baxter County	Mountain Home, city of	050351	760209, emergency; [illegible]16, regular	750214
Colorado: Montrose County	Olathe, town of	[illegible]	750605, [illegible] 820916, regular	740628
Connecticut: Tolland County	Columbia, town of	[illegible]	750814, [illegible] [illegible]16, regular	741108
Delaware: Kent County	Dover, city of	[illegible]	750724, [illegible] [illegible]16, regular	740531
Florida: Dixie County	Cross City, town of	120074	750626, emergency; 820916, regular	740913
Iowa: Mills County	Malvern, city of	190205	750804, emergency; [illegible]16, regular	[illegible]
Illinois:				
McHenry County	Island Lake, village of	170370	750124, emergency; 820916, regular	[illegible]
Perry County	Pinckneyville, city of	170540	750702, emergency; 820916, regular	740322
[illegible]				
Boone County	Boone County [2]	180011	751126, emergency; [illegible]16, regular	741129
Dearborn County	Dearborn County [2]	180038	750403, emergency; 820916, regular	780407
Dearborn County	Greendale, town of	[illegible]	750319, emergency; [illegible]16, regular	740116
Dearborn County	Lawrenceburg, city of	180041	741227, [illegible] [illegible]16, regular	740116
Crawford County	Marengo, town of	180033	760106, [illegible] [illegible]16, regular	740201
Massachusetts: Worcester County	Leominster, city of	250314	750724, emergency; 820916, regular	740322
Michigan: Kent County	Grandville, city of	260271	730330, emergency, [illegible]16, regular	730713
Minnesota:				
Marshall County	Oslo,city of	270272	740515, emergency; 820916, regular	0
Marshall County	Stephen, city of	270273	740426, emergency; 820916, regular	740517
Missouri: Lincoln County	Silex, village of	290212	761101, emergency, 820916, regular	741122
Nebraska: Otoe County	Nebraska City, city of	310392	750521, emergency; 820916, regular	770325
New Hampshire: Strafford County	Rochester, city of	330150	750722, emergency; 820916, regular	771108
New Jersey:				
Gloucester County	Greenwich, township of	[illegible]	730418, emergency; 820916, regular	740123
Ocean County	Jackson, township of	340375	730112, emergency; 820916, regular	750124
New Mexico: Valencia County	Belen, city of	[illegible]	750623, emergency; 820916, regular	740607
New York:				
Genesee County	Batavia, city of	[illegible]	730725, emergency; 820916, regular	731228
Schoharie County	Esperance, village of	361542	760727, emergency; [illegible], regular	750124
Oswego County	Granby, town of	[illegible]	750630, emergency; 820916, regular	[illegible]
Oswego County	Scrira, town of	[illegible]	750915, emergency, 820916, regular	740719
Oklahoma:				
Tulsa County	Tulsa County [2]	400462	750421, emergency; 820916, regular	[illegible]
Pennsylvania:				
Snyder County	Penn, township of	421024	730112, emergency; 820916, regular	770722
Texas:				
Harris County	Humble, city of	[illegible]	741025, emergency; 820916, regular	771129
Wharton County	Wharton, city of	[illegible]	740611, emergency; 820916, regular	761231
Virginia:				
Sussex County	Stony Creek, town of	510159	740409, emergency; 820916, regular	[illegible]

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
New Jersey:				
Cape May County	Dennis, township of	340552	750728, emergency; 820917, regular	750404
Morris County	Mine Hill, township of	340556	810428, emergency; 820917, regular	770107
New York:				
Steuben County	Hartsville, town of	361602	800318, emergency; 820917, regular	0
Ulster County	Lloyd, town of	361012	750819, emergency; 820917, regular	740906
Pennsylvania:				
Mercer County	Coolspring, township of	421863	750711, emergency; 820917, regular	740920
Franklin County	Letterkenny, township of	422425	790430, emergency; 820917, regular	741220
Chester County	Oxford, borough of	420204	750617, emergency; 820917, regular	740726
Berks County	Richmond, township of	421096	750828, emergency; 820917, regular	740913
Mercer County	Sugar Grove, township of	422489	790504, emergency; 820917, regular	750131
Michigan:				
Saginaw County	Chesaning, village of	260591	820920, emergency; 820920, regular	770311
Arkansas:				
Mississippi County	Blytheville, city of	050140	740816, emergency; 820921, regular	731116
Craighead County	Cash, city of	050096	760624, emergency; 820921, regular	750418
Mississippi County	Joiner, city of	050145	750908, emergency; 820921, regular	740517
Mississippi County	Keiser, city of	050146	750403, emergency; 820921, regular	740517
Randolph County	Maynard, town of	050265	750807, emergency; 820921, regular	750124
Benton County	Sulphur Springs, city of	050015	750903, emergency; 820921, regular	740823
Oklahoma:				
Ottawa County	Picher, city of	400159	760525, emergency; 820921, regular	760723
Mayes County	Spavinaw, town of	400028	761223, emergency; 820921, regular	760813
New York:				
Steuben County	Troupsburg, town of	361436	791129, emergency; 820924 regular	750221
Pennsylvania: Bradford County	Franklin, township of	421298	760312, emergency, 820924, regular	741025
Arkansas:				
Poinsett County	Tyronza, city of	050171	750512, emergency; 820928 regular	750418
Poinsett County	Weiner, city of	050173	751031, emergency; 820928, regular	750418
Oklahoma:				
Wagoner County	Okay, town of	400217	770708, emergency; 820928, regular	740816
Texas:				
Lamar County	Deport, city of	480426	750602, emergency; 820928, regular	740628
Lamar County	Reno, city of	481254	800109, emergency; 820928, regular	760813
Alaska:				
Bristol Bay Division	Dillingham, city of	020041	750807, emergency; 820930, regular	740531
Arkansas:				
Johnson County	Clarksville, city of	050112	750626, emergency; 820930, regular	731130
Arizona:				
Pinal County	Apache Junction, city of	040120	791220, emergency; 820930, regular	800610
California:				
Humboldt County	Blue Lake, city of	060438	750702, emergency; 820930, regular	750117
Orange County	Costa Mesa, city of	060216	710625, emergency; 820930, regular	740517
Orange County	Garden Grove, city of	060220	730119, emergency; 820930, regular	740614
Nevada County	Grass Valley, city of	060211	751211, emergency; 820930, regular	740517
Contra Costa County	Hercules, city of	060434	750725, emergency; 820930, regular	[illegible]
Alameda County	Oakland, city of	065048	701204, emergency; 820930, regular	750103
Fresno County	Reedley, city of	060053	750513, emergency; 820930, regular	740301
Colorado:				
Chaffee County	Buena Vista, town of	080030	750725, emergency; 820930, regular	740503
Rio Grande County	Del Norte, town of	080154	740809, emergency; 820930, regular	740517
Rio Grande County	Monte Vista, city of	080155	750527, emergency; 820930, regular	761203
Chaffee County	Salida, city of	080031	750616, emergency; 820930, regular	740503
Connecticut:				
New Haven County	Meriden, city of	090081	740411, emergency; 820930, regular	770816
Fairfield County	Ridgefield, town of	090013	750124, emergency; 820930, regular	740913
Indiana:				
Huntington County	Andrews, town of	180097	820728, emergency; 820930, regular	740607
Huntington County	Warren, town of	180095	750219, emergency; 820930, regular	731123
Minnesota:				
Roseau County	Greenbush, city of	270413	740415, emergency; 820930, regular	740503
Marshall County	Grygla, city of	270260	740524, emergency; 820930, regular	750606
Montana: Beaverhead County	Beaverhead County[3]	300001	770314, emergency; 820930, regular	0
North Dakota: Stutsman County	Spritwood Lake City, city of	380315	761101, emergency; 820930, regular	790320
New Jersey:				
Hudson County	North Bergen, township of	340225	741205, emergency; 820930, regular	740628
Somerset County	South Bound Brook, borough of	340445	750212, emergency; 820930, regular	761022
Nevada:				
Lyon County	Lyon County	320029	820420, emergency; 820930, regular	780131
Lyon County	Yerington, city of	320016	750124, emergency; 820930, regular	740109
New York:				
Orange County	Cornwall, town of	360611	750415, emergency; 820930, regular	740329
Orange County	Crawford, town of	361250	751001, emergency; 820930, regular	741115
Ulster County	Gardiner, town of	360856	740626, emergency; 820930, regular	740531
Oneida County	Marshall, town of	360534	750717, emergency; 820930, regular	740602
Cayuga County	Moravia, village of	360116	750718, emergency; 820930, regular	740503
Ulster County	New Paltz, town of	360859	740627, emergency; 820930, regular	740517
Ulster County	Shawangunk, town of	360865	750915, emergency; 820930, regular	740621
Oregon: Washington County	Washington County[3]	410238	730410, emergency; 820930, regular	750124
Tennessee:				
Washinton County	Jonesboro, town of	470196	740116, emergency; 820306, regular	740201
Sullivan County	Sullivan County[3]	470181	790306, emergency; 820930, regular	771230
Washington County	Washington County[3]	470265	791016, emergency; 820930, regular	770325
Texas:				
Randall County	Canyon, city of	480533	740830, emergency; 820930, regular	740201
Tarrant County	Keller, city of	480602	750606, emergency; 820930, regular	761119
Randall County	Lake Tanglewood, village of	481259	750721, emergency; 820930, regular	761126
Randall County	Randall County[3]	480532	780613, emergency; 820930, regular	760110
Virginia: Loudoun County	Leesburg, town of	510091	750321, emergency; 820930, regular	740830

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area [1]	Hazard area identified
Wisconsin: Jefferson County	Johnson Creek, village of	550194	760213, emergency; 820930, regular	[illegible]
West Virginia: Brooke County	Follansbee, city of	540013	750716, emergency; 820930, regular	[illegible]

Total is: 148.

[1] Key for reading 4th column (effective date): First two digits designate the year, middle two digits designate the month, last two digits designate the day.

[2] Unincorporated areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 5, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82–29203 10–27–82; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287–0230, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arkansas	City of Malvern, Hot Springs County (FEMA-6356)	Rockport Creek	Just upstream of State Highway 270	*278
		Town Creek	Just upstream of Walco Road	*255
			Just upstream of Laurel Street	*272
			Just upstream of Banks Street	*281
		Chatman Creek	Just upstream of U.S. Highway 67	*275
			Just upstream of Dyer Street	*278
		Tributary to Chatman Creek	Just upstream of State Highway 9	*294

Maps available for inspection at City Hall, 305 Locust Street, Malvern, Arkansas.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Palm Springs (city), Riverside County (FEMA-5947)	Arenas Canyon Creek	800 feet southeast of intersection of Camino Real and Murray Canyon Drive.	*523
		Chino Canyon Creek	Intersection of San Rafel Drive and Lynette Drive	[illegible]
			100 feet downstream of intersection of creek and Indian Avenue.	*619
		Palm Canyon Wash	200 feet upstream of intersection of Wash and Golf Club Drive.	[illegible]

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			50 feet upstream of intersection of wash and Bogie Road.	*352
			100 feet upstream of intersection of Wash and Bogert Trail.	*546
		Tahquitz Creek	50 feet upstream of intersection of creek and Bogie Road.	*352
			50 feet upstream of intersection of creek and Farrell Drive.	*388
			75 feet downstream of intersection of creek and Palm Canyon Drive.	*444
			Intersection of Camino Real and San Lorenzo Road	#2
		Tramview Wash	Area enclosed by Club Circle Drive	#1
		Tramview Wash Tributary	Intersection of Siminole Road and Linden Way	#2
		Whitewater River	Intersection of Vista Chino and Bogie Road	*457
			Intersection of Montecito Circle and Montecito Drive	#3
		West Cathedral Channel	150 feet upstream of intersection of channel and Dunn Road (upstream crossing).	*715
Maps available for inspection at Department of Community Development, City Hall, 3200 E. Tahquitz, Palm Springs, California.				
Delaware	Kent, county, unincorporated area (FEMA-6278)	Delaware Bay	Northern County Line at Smyrna River	*12
			Woodland Beach	*12
			Leipsic River	*12
			Simons River	*12
			Port Mahon	*12
			Little River	*12
			Pickering Beach	*12
			Kitts Hummock	*12
			St. Jones River	*12
			South Bowers	*12
			Bennetts Pier	*12
			Big Stone Beach	*12
			Southern County Line at Mispillion River	*12
Maps available for inspection in Room 318, Kent County Administration Building, 414 Federal Street, Dover, Delaware.				
Florida	Belleair Beach (city), Pinellas County (FEMA-6333)	Gulf of Mexico	Intersection of Causeway Boulevard and Palm Drive	*10
Maps available for inspection at City Hall, 444 Causeway Boulevard, Belleair Beach, Florida.				
Florida	Belleair Beach (city), Pinellas County (FEMA-6246)	Gulf of Mexico	West side of Gulf Boulevard (State Highway 699, County Road 208) at its intersection with Causeway Boulevard.	*10
Maps available for inspection at Town Hall, 880 Gulf Blvd., Belleair Shore, Florida.				
Florida	Indian Rocks Beach (city), Pinellas County (FEMA-6333).	Gulf of Mexico	Intersection of East Gulf Boulevard and La Hacienda Drive.	*10
Maps available for inspection at Building Department, 1507 Bay Palm Boulevard, Indian Rocks Beach, Florida.				
Florida	Indian Shores (town), Pinellas County (FEMA-6333)	Gulf of Mexico	Intersection of 193rd Avenue and Whispering Pines Drive.	*10
Maps available for inspection at Building Department, 1930 Gulf Boulevard, Indian Shores, Florida.				
Florida	Madeira Beach (city), Pinellas County (FEMA-6333)	Gulf of Mexico	Intersection of North Bayshore Drive and 140th Avenue.	*11
Maps available for inspection at Building & Zoning Department, 300 Municipal Drive, Madeira Beach, Florida.				
Florida	North Redington Beach (town), Pinellas County (FEMA-6333).	Gulf of Mexico	Intersection of Bath Club Concourse and Gulf Boulevard (State Highway 699).	*10
Maps available for inspection at Building Department, 190 173rd Avenue, North Redington Beach, Florida.				
Florida	Redington Beach (Town), Pinellas County, FEMA-6333.	Gulf of Mexico	Intersection of 159th Avenue and Gulf Boulevard (State Highway 699).	*11
Maps available for inspection at Town Hall, 105-164th Avenue, Redington Beach, Florida.				
Florida	Redington Shores (Town), Pinellas County, FEMA-6333.	Gulf of Mexico	Intersection of Coral Avenue and Gulf Boulevard (State Highway 699).	*10
Maps available for inspection at Building Department, 17798 Gulf Boulevard, Redington Shores, Florida.				
Florida	St. Petersburg Beach (City), Pinellas County, FEMA-6333.	Gulf of Mexico	Intersection of 21st Avenue and Gulf Boulevard (State Highway 699).	*10
			Intersection of 79th Avenue and Boca Ciega Avenue	*11
Maps available for inspection at Building Department, 7701 Boca Ciega Drive, St. Petersbury Beach, Florida.				
Florida	Treasure Island (City), Pinellas County, FEMA-6333	Gulf of Mexico	Intersection of 3rd Street East and Capri Boulevard	*11
			Intersection of 82nd Avenue and West Gulf Boulevard	*13
Maps available for inspection at Building Department, 120 108th Avenue, Treasure Island, Florida.				
Georgia	City of Covington, Newton County, (FEMA 6356)	Dried Indian Creek	Just upstream of Clark Street	*701
			Just upstream of Interstate Highway 20	*722
		Dried Indian Creek Tributary No. 1	Just upstream of of Rebecca Street	*674
			Just upstream of Thompson Avenue	*723
		Dried Indian Creek Tributary No. 2	Approximately 100 feet downstream of Interstate Highway 20 (State Highway 402)..	*720

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Yellow River Tributary	Just downstream of State Highway 26	*659

Maps available for inspection at City Hall, 211, Conyers Street, Covington, Georgia 30209.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Louisiana	Town of Grand Isle, Jefferson Parish (FEMA-6333)	Gulf of Mexico	At the intersection of Oleander Avenue and Church Road.	*14
			At the intersection of Oleander Avenue and Jean Lafite Street.	*12
			At the intersection of Oleander Avenue and Leona Linda Avenue.	*12
			At the intersection of Oleander Avenue and Ludwig Lane.	*11

Maps available for inspection at Town Hall, Ludwig Lane, Grand Isle, Louisiana 70358.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Louisiana	Unincorporated Areas of Iberia Parish (FEMA-6333)	Gulf of Mexico/Vermilion Bay	State Highway 329 at the City of Emma	*11
			Intersection of Adolph Road and Segura Road	*11
			City of Delaware, intersection of Arpent Road and County Road 222.	*12

Maps available for inspection at Office of the Ibena Parish Secretary—Troasurer, Iberia Parish Courthouse, 1300 Iberia Street, New Iberia, Louisiana 70560.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maryland	Harford County (Docket No. FEMA-6299)	Bush River	Eastern shoreline north of Conrail to Park Beach Drive extended.	*13 *13
			Northern shoreline	*12
			Western shoreline from Birch Avenue extended to the Bush River Yacht Club.	*14 *13
			Western shoreline from Bush River Yacht Club to Baker Avenue West extended.	
			Western shoreline north of Conrail	
		Otter Point Creek	Southern shoreline in vicinity of Kennard Avenue extended.	*13
			Northern shoreline in vicinity of Harford Boat Club Road extended.	*12
		Gunpower River	Shoreline from confluence of Foster Branch to confluence with Gunpowder Falls.	*13
		Susquehanna River	Shoreline from Havre de Grace corporate limits to Lapidum Road (extended).	*12
			Conowingo Dam	*38
		Deer Creek	Ady Road (State Route 543) upstream side	[illegible]
			Greir Nursery Road upstream side	*240
			Cherry Hill Road upstream side	*265
			Rocks Road (State Route 24) upstream side	*299
			St. Clair Bridge Road 2nd crossing downstream side	*324
			Federal Hill Road (State Route 165) upstream side	*336
			Dam—upstream side	*355
			Carea Road—upstream side	*387
			Amos Road—upstream side	*413
			State Route 23—upstream side	*452
			Jolly Acres Road—upstream side	*466
			Approximately 1,700' downstream of Long Corner Road.	[illegible]
			County Boundary	*510
		Swan Creek	Aberdeen corporate limits (extended)	*12
			State Route 132 upstream side	*28
			At Oak Street	*56
			State Route 462 upstream side	153
		Carsins Run	Interstate Route 95 southbound upstream side	*188
			Gilbert Road upstream side	*214
		Bynum Run	Chessie system upstream side	*10
			State Route 7 upstream side	*20
			Hookers Mill Road upstream side	*45
			Most downstream Private Road (ford) upstream side	*87
			Wheel Road upstream side	*131
			At Andrews Way	*203
			MacPhail Road upstream side	[illegible]
			State Route 22 (Churchville Road) upstream side	*265
			Southampton Road upstream side	[illegible]
			Confluence of Wysong Branch	*324
			U.S. Route 1 Belair Bypass upstream side of culvert	*385
			Bynum Road upstream side	*411
			Approximately 5,900' upstream of Bynum Road	*439
		Tributary 1 to Bynum Run	Confluence of Tributary 2 to Bynum Run	[illegible]
			Fountain Green Road (State Route 543) downstream side.	*293
		Tributary 2 to Bynum Run	Confluence with Tributary 1 to Bynum Run	[illegible]
			Southampton Road upstream side	*294
		Wysong Branch	Confluence with Bynum Run	*324
			Private Farm Road downstream side	*346
		Farnandis Branch	Virginia Avenue (extended)	*246
		Ha Ha Branch	U.S. Route 40 upstream side	*13
			At Philadelphia Road (State Route 7)	*25
			Red Maple Drive extended	*54
			Approximately 140' downstream of Interstate Route 95	*74
		Winters Run	U.S. Route 40 upstream side	*17
			State Route 7 upstream side	*31
			Confluence of Tributary 3 to Winters Run	[illegible]
			Singer Road upstream side	*91
			Atkisson Dam upstream side	*128

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Ring Factory Road upstream side	*143
			Whitaker Mill Road upstream side	*162
			Bel Air Road upstream side	*204
			Wildwood Drive upstream side	*257
			Confluence of Long Branch	*294
			Confluence of West Branch	*337
		East Branch	Confluence of West Branch	*337
			Upstream Cosner Road	*360
			Upstream Phillips Mill Road	*391
			At Poteet Road	*405
			Upstream Morse Road	*440
			Confluence of Tributary to East Branch	*451
			Upstream Jarrettsville Road	*497
			Upstream Federal Hill Road	*630
		West Branch	Confluence with East Branch	*337
			Upstream Putnam Road	*352
			Upstream Baldwin Mill Road	*389
			Upstream Charles Street	*412
			Upstream of most upstream Private Road	*444
			Upstream Durham Road	*460
			Approximately 500 feet downstream of Furnance Road	*499
		Tributary 1 to Winters Run	Upstream Winters Run Road	*40
			Approximately 540′ downstream of Clayton Road	*64
		Tributary 2 to Winters Run	Confluence with Winters Run	[illegible]
			Upstream Chipper Drive (second crossing)	*42
		Tributary 3 to Winters Run	Confluence with Winters Run	*60
			Approximately 1,360′ upstream of confluence with Winters Run.	*78
		Tributary 4 to Winters Run	Confluence with Atkisson Reservoir	*131
			Approximately 60′ downstream Wheel Road	*201
		Tributary to East Branch	Confluence with East Branch	*451
			Approximately 1,000 feet upstream of confluence with East Branch.	*467
		Plumtree Run	Confluence with Atkisson Reservoir	*138
			Upstream Plumtree Road	*196
			At Tollgate Road	*243
			Upstream Ring Factory Road	*271
			Upstream of downstream Private Road	*292
			Upstream corporate limits	*319
		Bear Cabin Branch	Upstream Carrs Mill Road	*263
			Upstream Grafton Shop Road	*286
			Upstream Bernadette Drive	*326
			Approximately 2,860′ upstream of Bernadette Drive	*350
			Approximately 5,400′ upstream of Bernadette Drive	*380
		Bread and Cheese Branch	Confluence with Winters Run	*290
			Upstream of Angleside Road	*323
			Upstream Ryan Road	*360
		Long Branch	Confluence with Winters Run	*294
			Upstream Boggs Road	*350
			Upstream Rock Spring Road	*394
		Reardon Inlet	Upstream Westwood Road	*20
			Confluence of Tributary to Reardon Inlet	*38
		Tributary to Reardon Inlet	Confluence with Reardon Inlet	*38
			Approximately 840′ upstream of confluence with Reardon Inlet.	*43
		Foster Branch	Upstream Joppa Farm Road	*13
			Upstream Trimble Road	*20
		Wildcat Branch	Approximately 400′ upstream of confluence with Little Gunpowder Falls.	*199
			Approximately 1,450′ upstream of confluence with Little Gunpowder Falls.	*245
			Upstream Reckord Road	*290
			Confluence of Tributary to Wildcat Branch	*328
			Upstream State Route 152 culvert	*371
			Approximately 180′ downstream of U.S. Route 1	*419
		Tributary to Wildcat Branch	Confluence with Wildcat Branch	*355
			Upstream U.S. Route 1	
		Rocky Branch	Confluence with Wildcat Branch	*297
			Downstream State Route 147	*372

Maps available for inspection at the Bel Air Public Library, Hickory Avenue, Bel Air, Maryland.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(V) Clarkston, Oakland County (Docket No. FEMA-6333).	Clinton River	Just downstream of Pinehurst Street	*975
			Just downstream of Waldon Road	*978
			Just upstream of Waldon Road	[illegible]
			Just downstream of East Church Street	*985
			Just upstream of East Church Street	*990
			Just downstream of North Main Street (near Washington Street).	*994
			Just upstream of Spillway Outlet	*1000
			About 450 feet upstream of Miller Road	*1002
		Clarkston Dam Outlet	At confluence with Middle Lake	*976
			About 650 feet upstream of Depot Street	*976
		Deer Lake	Shoreline	*976
		Middle Lake	Shoreline	*976
		Parke Lake	Shoreline	*991

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(V) Coopersville, Ottawa County (Docket No. FEMA-6276).	Deer Creek	Just upstream of Interstate 96 West	*615
			Just upstream of Center Street	[illegible]
			About 2500 feet upstream of Cleveland Street	*627
Maps available for inspection at the City Hall, 289 Danforth Street, Coopersville, Michigan.				
Michigan	(Twp.) Talmadge, Ottawa County (Docket No. FEMA-6276).	Grand River	About 0.6 mile downstream of Lake Michigan Drive	*600
			About 8.0 miles upstream of Lake Michigan Drive (at southeastern corporate limits).	[illegible]
Maps available for inspection at the Town Hall, 0-1451 Leonard Road West, Grant Rapids, Michigan.				
Michigan	(Twp.) West Bloomfield, Oakland County (Docket No. FEMA-6333).	Franklin Branch River Rouge	About 1.0 mile downstream of Ten Hill Road	*800
			About 1600 feet upstream of Ten Hill Road (just upstream of dam).	*827 [illegible]
			Just downstream of Middlebelt Road	
			Just upstream of Middlebelt Road	*871
			About 2800 feet upstream of Middlebelt Road (just downstream of dam).	*875
			About 2800 feet upstream of Middlebelt Road (just upstream of dam).	[illegible]
			Just downstream of Walnut Lake Road	[illegible]
			Just upstream of Walnut Lake Road	*900
			Just upstream of Lockhart Drive	*926
			Just upstream of Check Dam	[illegible]
		Simpson Lake outlet	At confluence with Franklin Branch River Rouge	*872
			Just upstream of Spring Road	*875
			Just upstream of Walnut Lake Road	*879
		Walnut Lake Outlet	About 400 feet downstream of Middlebelt Road	*879
			About 625 feet upstream of Middlebelt Road	[illegible]
		Pebble Creek	Just upstream of 14 Mile Road	[illegible]
		About 2300 feet upstream of Farmington Road (just upstream of Private Drive).	*927	
		Just upstream of Nashway Drive	*945	
		Just downstream of West Maple Road.	*949	
		Minnow Pond Drain	Just upstream of 14 Mile Road	*882
		About 2900 feet downstream of West Maple Road.	*925	
		Just downstream of West Maple Road.	*943	
		Carus Lake Pleasant Lake Channel.	Just upstream of Haggerty Road	[illegible]
		Just upstream of Grand Trunk Western Railroad.	*942	
		Just downstream of Halstead Road.	*948	
		Clinton River	Within the corporate limits	*932
		Pleasant Lake	Shoreline	*948
		Middle Straits Lake	Shoreline	*933
		Upper Straits Lake	Shoreline	[illegible]
		Union Lake	Shoreline	*928
		Greene Lake	Shoreline	*930
		Pine Lake	Shoreline	*932
		Walnut Lake	Shoreline	[illegible]
		Simpson Lake	Shoreline	*879
		Woodpecker Lake	Shoreline	*949
		Morris Lake	Shoreline	*926
		Hammond Lake	Shoreline	*921
		Upper Long Lake	Shoreline	*914
		Cass Lake	Shoreline	*932
Maps available for inspection at the Township Hall, 4460 Orchard Lake Road, West Bloomfield, Michigan.				
Minnesota	(C) Mounds View Ramsey County (Docket No. FEMA-6333).	Ardan Park Pond	Shoreline	*905
		Judicial Ditch No. 1 Pond	Shoreline	*901
		Lois Drive Pond	Shoreline	*901
		Branch No. 5 Pond	Shoreline	*903
		County Road H-2 Pond	Shoreline	*901
		Belle Lane Pond	Shoreline	[illegible]
		Bronson Drive Pond	Shoreline	*904
		Highway 10, County Road I Pond	Shoreline	*905
		Woodcrest Lake-1	Shoreline	*889
		Rice Creek Pond	Shoreline	*873
		Oak Lake Park Pond	Shoreline	*894
		Greenwood Drive Pond	Shoreline	*894
		Longview Drive Pond	Shoreline	*892
		Woodcrest Lake-2	Shoreline	*889
		Spring View Lane Pond	Shoreline	*877
		Shallow Flooding (Ponding from Rainfall).	Southeast Pond	*874
			Knollwood Drive Pond	*893
			Long Lake Road Highway 10 Pond	*897
			Hillview Pond	*901
			Silver Lake Road Pond	*901
			Edgewood Drive Pond	*902
Maps available for inspection at the Clerk Administrator's Office, City Hall, 2401 Highway #10, Mounds View, Minnesota.				
Missouri	(C) Franklin, Howard County (Docket No. FEMA-[illegible]).	Cottonwood Creek	At mouth	*601
			At northern corporate limits	[illegible]
		Missouri River	About 0.46 mile downstream of Missouri-Kansas-Texas Railroad.	[illegible]
			About 0.15 mile upstream of Missouri-Kansas-Texas Railroad.	*601

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Sulfer Creek	About 950 feet downstream of Missouri-Kansas-Texas Railroad.	*600
			About 1600 feet upstream of Crews Avenue	*601
Maps available for inspection at City Hall, Franklin, Missouri.				
Missouri	(C) Union, Franklin County (Docket No. FEMA-6333)	Bourbeuse River	About 0.24 mile downstream of U.S. Highway 50	*515
			About 0.85 mile upstream of U.S. Highway 50	*519
		Flat Creek	At confluence with Bourbeuse River	*515
			Just upstream of Church Street	*522
			About 0.23 mile upstream of Chicago, Rock Island and Pacific Railroad.	*580
		Fenton Creek	At confluence with Flat Creek	*515
			Just upstream of Chicago, Rock Island and Pacific Railroad.	*522
			Just upstream of St. Louis Rock Road	*533
			About 0.55 mile upstream of St. Louis Rock Road	*570
		Possum Creek	At confluence with Flat Creek	*524
			Just upstream of Main Street	*545
			About 0.65 mile upstream of Main Street	*606
		Flat Creek North Tributary	At confluence with Flat Creek	*533
			About 0.9 mile upstream of Chicago, Rock Island and Pacific Railroad.	*582
Maps available for inspection at the City Hall, 500 East Locust, Union, Missouri.				
Nebraska	(C) Grand Island Hall County (Docket No. FEMA-6278).	Wood River	About .22 mile downstream of Gunbarrel Road	*1,822
			About 2,400 feet downstream of Stuhr Road	*1,840
			Just upstream of U.S. Highways 281 and 34	*1,870
		Moores Creek	About 1,350 feet downstream of U.S. Highway 281	*1,854
			About 850 feet downstream of Webb Street	*1,862
			Just upstream of State Highway 2	*1,874
		Sheet Flow (Overflow from Moores Creek).	At the intersection of Capital Avenue and Broadwell Avenue.	*1,861
			Southeast of the intersection of Webb Road and State Highway 2.	*1,864
			Southeast of the intersection of U.S. Highway 281 and State Highway 2.	*1,868
			Just northwest of the intersection of Capital Avenue and North Road.	*1,873
Maps available for inspection at the City Hall, Grand Island, Nebraska.				
Nevada	Lyon County (Unincorporated Areas) FEMA-6333	Carson River	80 Feet east from center of intersection of Silver Street and U.S. Highway 50.	*4,359
		Gold Canyon Creek	70 feet upstream from center of State Highway 341	*4,905
		Walker River	Center of intersection of Willow Drive and State Highway 3.	*4,395
Maps available for inspection at Department of Public Works, Lyon County Courthouse, Yerington, Nevada.				
New Jersey	Beachwood, Borough Ocean County (Docket No. FEMA-6333)	Jakes Branch	Downstream corporate limits	*16
			Upstream side of Double Trouble Road	*18
			Chestnut Street (extended)	*21
		Barnegat Bay	Toms River shoreline	*6
Maps available for inspection at the Borough Hall, 315 Atlantic City Boulevard, Beachwood, New Jersey.				
New Jersey	Kenilworth, Borough Union County (Docket No. FEMA-6333.	Rahway River	Kenilworth Avenue (upstream)	*71
			Lenape Park Dam (upstream)	*73
		Drainage Ditch	Confluence with Rahway River	*71
			Confluence with Branch 10-30-1	*71
		Stream 10-30	Confluence with Drainage Ditch	*71
			Willshire Drive (upstream)	*74
		West Brook	Downstream corporate limits	*76
			Carnegie Avenue (upstream)	*82
			Sumner Street (upstream)	*88
		Branch 10-24	Downstream corporate limits	*80
			Garden State Parkway (upstream)	*84
			Rahway Valley Railroad (upstream)	*89
		Branch 10-30-1	Confluence with Drainage Ditch	*71
			North 12th Street (extended)	*76
		Black Brook	Downstream corporate limits	*74
			Springfield Road (upstream)	*80
Maps available for inspection at the Borough Hall, 567 Kenilworth Boulevard, Kenilworth, New Jersey.				
New Jersey	South Hackensack, Township Bergen County (Docket No. FEMA-6356).	Hackensack River	In Southern portion of community in vicinity of U.S. Route 46.	*9
		Saddle River	Downstream corporate limits	*18
			Upstream corporate limits	*20
		West River Ditch	Interstate Route 80 (downstream side)	*5
Maps available for inspection at the Municipal Building, 227 Phillips Avenue, South Hackensack, New Jersey.				
New Jersey.	Union Beach, Borough Monmouth County (Docket No. FEMA-6333).	Raritan Bay	Shoreline from confluence of Chingarora Creek to Conaskonk Point.	*17
			Shoreline from Conaskonk Point to confluence of Waackaack Creek.	*18
		Thornes Creek	Entire shoreline within community	*5
		Chingarora Creek	Shoreline from confluence with Raritan Bay to approximately 500 feet upstream of Raritan Bay.	*16
			Shoreline from approximately 500 feet upstream of Raritan Bay to St. Johns Avenue (extended).	*15
			Shoreline from St. Johns Avenue (extended) to upstream corporate limits.	*12
Maps available for inspection at the Municipal Building, 650 Poole Avenue, Union Beach, New Jersey.				
New Jersey	Beachwood, Borough	Jakes Branch	Downstream corporate limits	*16

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
	Ocean County (Docket No. FEMA-6333)	xd	Upstream side of Double Trouble Road	*18
			Chestnut Streeet (extended)	*21
		Barnegat Bay	Toms River shoreline	*6
Maps available for inspection at the Borough Hall, 315 Atlantic City Boulevard, Beachwood, New Jersey.				
New Mexico	City of Alamogordo, Otero County (FEMA-6356)	Flow Path 1	Just downstream of 24th Street	*4360
			Just upstream of Fairgrounds Road	*4413
		Flow Path 2	Just upstream of Scenic Drive	*4590
			Just upstream of State Highway 200	*4595
		Flow Path 3	Just upstream of Southern Pacific Railroad	*4359
			Just upstream of Washington Avenue	*4410
			Just upstream of Scenic Drive	*4573
		Flow Path 4	Just upstream of the culvert inlet on Mountain View Avenue.	*4386
			Just downstream of 18th Street	*4408
		Flow Path 5	Approximately 60 feet upstream of Southern Pacific Railroad.	*4310
			Just upstream of the culvert inlet on White Sands Boulevard.	*4320
			Just upstream of Abbott Avenue	*4412
		Flow Path 6	Just upstream of 10th Street	*4509
			Approximately 80 feet upstream of the culvert inlet on Shawnee Trail.	*4580
		Flow Path 7	Just downstream of Bellamah Drive	*4405
			Just downstream of Sunshine Drive	*4511
		Flow Path 8	Just upstream of Washington Avenue	*4387
			Just downstream of Del Norte Drive	*4418
		Flow Path 9	Approximately 100 feet upstream of Southern Pacific Railroad.	*4320
			Approximately 120 feet upstream of the culvert inlet on U.S. Highway 54 and 70 (White Sands Boulevard)	*4323
		Flow Path 10	Approximately 70 feet upstream of Southern Pacific Railroad.	*4311
			Just upstream of the culvert inlet on U.S. Highway 54 and 70 (White Sands Boulevard).	*4320
		Flow Path 11	Just downstream of West 1st Street	*4317
			Just downstream of Southern Pacific Railroad	*4319
		Flow Path 12	Just upstream of South Florida Avenue	*4373
			Just upstream of Canyon Road	*4543
		Flow Path 13	Just upstream of 24th Street	*4379
			Just downstream of Hawaii Avenue	*4405
		Flow Path 14	Just upstream of Canal Street	*4361
		Flow Path 15	Just upstream of confluence with Flow Path 8	*4420
			Just upstream of confluence of Flow Path 28	*4430
		Flow Path 16	Just upstream of South Florida Avenue	*4380
			Just upstream of Canyon Road	*4557
		Flow Path 17	Just downstream of Collins Avenue	*4219
			Just downstream of Southern Pacific Railroad	*4300
		Flow Path 18	Just downstream of Airport Road	*4169
			Just downstream of Mescalero Street	*4221
		Flow Path 19	Just downstream of New York Avenue	*4328
			Just upstream of Cuba Avenue	*4374
		Flow Path 20	Just downstream of New York Avenue	*4330
			Just upstream of Utah Avenue	*4378
		Flow Path 21	Just upstream of Virginia Avenue	*4347
			Just upstream of Oregon Avenue	*4388
		Flow Path 22	Just downstream of 14th Street	*4345
			Just downstream of Utah Avenue	*4392
		Flow Path 23	Just downstream of New York Avenue	*4330
			Just downstream of Alaska Avenue	*4355
		Flow Path 25	Just downstream of Adams Avenue	*4419
			Just downstream of Juniper Avenue	*4462
		Flow Path 26	Just downstream of McKinley Avenue	*4469
			Just upstream of Scenic Drive	*4492
		Flow Path 27	Just downstream of Sunbeam Avenue	*4592
			Just upstream of Abbott Avenue	*4644
		Flow Path 28	Just upstream of the confluence with Flow Path 15	*4430
			Just downstream of the Eastern Corporate Limits	*4491
		Flow Path 29	Approximately 100 feet downstream of Alamo Avenue	*4358
			Just downstream of Hawaii Avenue	*4384
		Flow Path 30	Just downstream of Airport Road	*4158
			Just downstream of Municipal Avenue	*4243
		Flow Path 31	Just upstream of 1st Street	*4312
			Just upstream of Eddy Drive	*4322
		Flow Path 32	Just upstream of the Southern Corporate Limits	*4137
		Flow Path 33	Just downstream of La-Velle Road	*4265
			Just downstream of Southern Pacific Railroad	*4304
Maps available for inspection at City Hall, 511 Tenth Street, Alamogordo, New Mexico 88310.				
New Mexico	Village of Ruidoso, Lincoln County (FEMA-6356)	Brady Canyon	Just downstream of Oak Drive	*6880
			Just downstream of Ash Drive	*6907
		Cedar Creek	Just downstream of Cree Meadows Road	[illegible]
			Just upstream of Cree Meadows Road	*6802
			Just downstream of Starlite Drive	*6716
		Cherokee Bill Canyon	Just upstream of Cliff Drive	*6525
			Just upstream of Pinecrest Drive	*6563
		Carrizo Creek	Just upstream of Sand and Gravel Road	*6568
			Just upstream of Lower Tomahawk Trail	[illegible]
		Rio Ruidoso	Just downstream of Cedar Creek Road	*6517
			Just downstream of Chamber of Commerce Road	[illegible]
			Just upstream of Willow Road River Trail	*6596
Maps available for inspection at Village Hall, Cree Meadows Drive, Ruidoso, New Mexico 88345.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
New York	Babylon, Town, Suffolk County (Docket No. FEMA-6333).	Atlantic Ocean	Entire shoreline within community	*15
			Fire Island Inlet shoreline within the community	*12
			Great South Bay shoreline within the community	*8
Maps available for inspection at the Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, New York.				
New York	Clarkstown, Town, Rockland County (Docket No. FEMA-6333).	Crumm Creek	Confluence with Hackensack River	*124
			Downstream of Philips Hill Road	*226
			Approximately 80' upstream of Little Tor Road	*269
			Downstream of Rollingwood Drive	*314
			Approximately 100' upstream of Mary Ann Lane	*350
			Downstream of Buena Vista Drive	*452
		Demarest Kill	Confluence with Hackensack River	*96
			Approximately 160' upstream of Old State Route 304	*104
			Upstream of Squadron Boulevard West	*126
			Upstream of New Hempstead Road	*151
			Upstream of Twin Elm Lane	*192
			Downstream of Middletown Road	*249
		East Branch, Hackensack River	Confluence with Hackensack River	[illegible]
			Downstream of Kings Highway	*121
			Approximately 100' upstream of Gilchrest Road	*134
			Approximately 880' upstream of U.S. Route 9W	*151
		Hackensack River	Downstream corporate limits	*60
			Lake DeForest	*86
		West Branch Hackensack River	Upstream of Old State Route 304	*90
			Downstream of Lucille Boulevard Dam	*116
		Mill Creek	Confluence with Hackensack River	*67
			Upstream of Demarest Mill Road	*120
			At Rockford Drive	*166
		Naurausheun Brook	Downstream corporate limits	*198
			Downstream Pelham Avenue	*266
			Upstream of North Middletown Road culvert	*288
			Downstream of Smith Road	*296
		Pascack Brook	Downstream corporate limits	*329
			Downstream of Old Nyack Turnpike	*343
			Upstream of Pascack Road	*361
			Upstream corporate limits	*406
		Hudson River	Entire shoreline within Clarkstown	*8
Maps available for inspection at the Department of Environmental Control, Town Hall, 10 Maple Avenue, New City, New York.				
New York	Esperance, Town, Schohane County (Docket No. FEMA-6356).	Schohane Creek	At downstream corporate limits	*532
			At most downstream Town/Village of Experance corporate limits	*574
			At most upstream Town/Village corporate limits	*582
			At upstream corporate limits	*594
		Fly Creek	At confluence with Schohane Creek	*586
			Upstream of U.S. Route 20	*673
Maps available for inspection at the Office of the Town Clerk, Sloansville, New York				
New York	Middletown, City, Orange County (Docket No FEMA-6333)	Monhagen Brook	Downstream corporate limits	*467
			Downstream of Genung Street	*495
Maps available for inspection at the Department of Public Works, City Hall, 16 James Street, Middletown, New York				
New York	Port Jefferson, Village, Suffolk County (Docket No. FEMA-6333).	Long Island Sound	Entire shoreline	*16
		Port Jefferson Harbor	From Belle Terre/Port Jefferson corporate limits to 600 feet southwest of Belle Terre/Port Jefferson corporate limits	*11
			From 600 feet southwest of Belle Terre/Port Jefferson corporate limits to Port Jefferson/Poquott corporate limits	*14
		Mt Sinai Harbor	From the mouth to approximately 250 feet east of Waterview Drive extended	*16
			From approximately 250 feet east of Waterview Drive extended to the corporate limits.	*15
Maps available for inspection at the Office of the Village Clerk, Village Hall, 121 West Broadway, Port Jefferson, New York.				
New York	Westmoreland, Town, Oneida County (Docket No. FEMA-6356)	Deans Creek	Downstream corporate Limits	*482
			Upstream of Stop Seven Road	*504
			Upstream of State Route 233	*523
			Upstream of Creaser Road	*543
			Upstream of Station Hill Road	*581
			Upstream of Abandoned Railroad	*607
			Upstream of Deans Highway	*633
			Upstream corporate limits	*651
		Sucker Brook	Confluence with Deans Creek	*514
			Downstream of New York State Route 90	*525
		Tributary A to Onskany Creek	Confluence with Onskany Creek	*499
			Upstream of Stop Seven Road	*521
			Approximately 900' upstream of State Route 233	*534
		Onskany Creek	Downstream corporate limits	*481
			Upstream corporate limits	*508
Maps available for inspection at the Town Barn, station Hill Road, Westmoreland, New York				
North Dakota	Minot (city), Ward County (FEMA-6299)	Souris River	Intersection of 33rd Avenue Southeast and 51st Street Southeast	*1,547
			Intersection of Burdick Expressway and 15th Street Southeast.	*1,552
			Intersection of 2nd Avenue Northwest and 8th Street Northwest.	*1,557
			Intersection of camino Arboles and Camino Abierto	*1,563
Maps available for inspection at City Manager's Office, Minot Civic Center, Minot, North Dakota.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Altoona, city, Blair County (Docket No. FEMA-6356)	Burgoon Run	Downstream corporate limits	*1,080
			58th Street (upstream side)	*1,106
			Upstream corporate limits	*1,131
		Mill Run	Downstream corporate limits	*1,053
			Coleridge Avenue (upstream side)	*1,072
			Downstream crossing of Union Avenue (upstream side).	*1,080
			Upstream crossing of Union Avenue (upstream side)	*1,112
			6th Avenue and 31st Street (upstream side)	*1,139
			West Chestnut Avenue (upstream side)	*1,166
		Spring Run	Downstream corporate limits	*1,157
			14th Avenue (upstream side)	*1,185
			Approximately 50' upstream of East Penn Avenue	*1,224
			Upstream corporate limits	*1,238
		Brush Run	Downstream corporate limits	*1,097
			14th Street (upstream side)	*1,125
			Approximately 120' downstream of 7th Street	*1,146
Maps available for inspection at the City Engineer's Office, City Hall, Altoona, Pennsylvania.				
Pennsylvania	Lower Windsor, York County (Docket No. FEMA-6262).	Susquehanna River	Downstream corporate limits	*230
			Approximately 6,100' upstream of confluence of Canadochly Creek.	*234
			Upstream corporate limits	*239
		Kreutz Creek	At Meadow Road	*467
			At upstream corporate limits	*487
		Fishing Creek	Downstream of upstream side State Route 624	*544
			Downstream of Winters Road	*566
			At upstream corporate limits	*574
		Cabin Creek	Approximately 2,200' downstream of Forge Hill Road	*299
			Upstream of State Route 124	*314
			Upstream of Meisenhelder Road	*328
			Upstream of Prayer Mission Road	*352
			Approximately 100' upstream of Furnace Road	*382
		Cabin Creek Tributary No. 1	Confluence with Cabin Creek	*339
			Downstream of State Route 124	*349
			Approximately 70' upstream of Cabin Creek Road	*367
		Cabin Creek Tributary No 2	Confluence with Cabin Creek	*386
			Approximately 1,750' upstream of Marior Road	*404
		Canadochly Creek	Confluence with Susquehanna River	*233
			Upstream of Bank Hill Road	*272
			Approximately 1,600' downstream of Water Street	*312
			Approximately 200' upstream of Road T-774	*348
Maps available for inspection at the Lower Windsor Township Office, R.D. 1, Wrightsville, Pennsylvania.				
Pennsylvania	Manheim, Borough, Lancaster County (Docket No. FEMA-6000).	Chickies Creek	Power Road	*397
			Downstream of State Route 772	[illegible]
			Downstream of East Steigel Street	*400
			Downstream of East High Street	*401
		Rife Run	Upstream of West High Street	*392
			Upstream of West Colebrook Street	*400
			Upstream corporate limits (4th crossing)	*406
Maps available for inspection at the Borough Hall, Manheim, Pennsylvania.				
Pennsylvania	Washington, Township, York County (Docket No. FEMA-6262).	Conewago Creek	Downstream corporate limits and confluence of Bermudian Creek	*372
			Downstream Davidsburg Road	*378
			Approximately 2,500' downstream of Big Mount Road	*385
			Approximately 10,200' upstream of Big Mount Road	*392
			Upstream corporate limits	*400
		Bermudian Creek	Downstream corporate limits and confluence with Conewago Creek.	*372
			Approximately 500' upstream of Bermudian Church Road.	*373
		North Branch Bermudian Creek	Approximately 900' downstream of Bentz Mill Road	*445
			Upstream State Route 194	*474
			Upstream corporate limits	*491
		Tributary No. 1	Confluence with North Branch Bermudian Creek	*458
			Approximately 500' upstream of Mount Top Road	*462
		Tributary No. 2	Confluence with North Branch Bermudian Creek	*459
			Approximately 50' upstream of Barren Church Road	*461
Maps available for inspection at the Washington Township Building.				
Rhode Island	Portsmouth, Town, Newport County (Docket No. FEMA-6356).	Narragansett Bay	Entire shoreline of Patience Island	*18
			Prudence Island, western shoreline from Providence Point south to approximately 0.5 mile south of Middle Road (extended).	*18
			Prudence Island, eastern shoreline from approximately 0.2 mile north of Madison Avenue (extended) to Providence Point.	*18
			Shoreline from southern corporate limits to Mount Hope Bridge.	*17
			Entire shoreline of Hog Island	*17
		Mount Hope Bay	Mount Hope Bridge to Common Fence Point	*17
		Sakonnet River	Common Fence Point to Conrail bridge	*17
			Conrail bridge to approximately 0.1 mile north of Child Street (extended).	*20
			Approximately 0.1 mile north of Child Street (extended) to southern corporate limits.	*17
Maps available for inspection at the Office of the Building Official, Town Hall, 2200 East Main Road, Portsmouth, Rhode Island.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
South Carolina	Town of Atlantic Beach, Horry County (FEMA–6356)	Atlantic Ocean	Approximately 150 feet seaward of intersection of 1st Avenue and 31st Avenue South along 31st Avenue South.	*16
			Approximately 50 feet seaward of intersection of 1st Avenue and 31st Avenue South along 31st Avenue South.	*14
Maps available for inspection at Town Hall, 701 30th Avenue South, Atlantic Beach, South Carolina.				
South Carolina	Town of Briarcliff Acres, Horry County (FEMA 6356)	Atlantic Ocean	Intersection of Ocean View Drive and Cabana Road	*13
Maps available for inspection at Mayor Turner's home at 30 Center Drive or Councilman Richard Rotsee' home at 152 Pinetree Lane, Briarcliff Acres, South Carolina.				
South Carolina	City of Myrtle Beach, Horry County (FEMA 6356)	Atlantic Ocean	Intersection of 3d Avenue South and Ocean Boulevard	*13
			Intersection of 72d Avenue North and Ocean Boulevard.	*13
Maps available for inspection at City Hall, Tenth and Broadway Avenues, Myrtle Beach, South Carolina 29577.				
South Carolina	Town of Surfside Beach, Horry County (FEMA 6356)	Atlantic Ocean	Intersection of Surfside Drive and Ocean Boulevard	*16
			Intersection of Pinewood Drive and Surfside Drive	*15
			Intersection of Myrtle Drive and Juniper Drive	*14
Maps available for inspection at Town Hall, Highway 17 South, Surfside Beach, South Carolina 29577.				
Texas	City of Rosenberg, Fort Bend County (FEMA 6122)	North Branch of Dry Creek	Just downstream of Laurel Avenue	[illegible]
			Just upstream of Laurel Avenue	*99
		Dry Creek	Approximately 250 feet upstream of Louise Avenue	[illegible]
			Approximately 200 feet downstream of Fourth Street	[illegible]
			Just downstream of State Highway 36	[illegible]
		Seabourne Creek	Just downstream of Bernard Avenue extended	*97
		Brazos River	Just upstream of 6th Street extended	[illegible]
Maps available for inspection at City Hall, 2110 South Fourth Street, Rosenberg, Texas 77471.				
Texas	Unincorporated Areas of Wichita County (FEMA–6376).	Wichita River	Just upstream of Cameron Road	[illegible]
			Just downstream of River Road	*941
			Just downstream of Barnett Road	*959
		East Fork Pond Creek	Just downstream of U.S. Highway 287	[illegible]
			Just upstream of U.S. Highway 287	[illegible]
			Just downstream of Tank Farm Road	[illegible]
		East Fork Pond Creek Tributary	Approximately 1,000 feet downstream of Hemme Road.	*1014
		Middle Fork Pond Creek	At State Highway 367	*957
			Just downstream of U.S. Highway 287	[illegible]
			Just downstream of Rogers Road	[illegible]
		West Fork Pond Creek	Just downstream of Horseshoe Lake Road	*977
			Just upstream of Horseshoe Lake Road	*978
			Just upstream of Rogers Road	*1011
		Gordon Creek	Just downstream of N. Atlantic Street	*1015
			Just downstream of Iowa Park corporate limits	*1016
		Buffalo Creek	Just downstream of FM 1814	*976
		Buffalo Creek Tributary	Just downstream of the City of Iowa Park southernmost corporate limits.	*995
			Just downstream of the City of Iowa Park northern corporate limits.	*1013
		Gilbert Creek	Just upstream of Bishop Road	[illegible]
		Plum Creek	Just downstream of the southernmost Wichita Falls corporate limits.	*957
Maps available for inspection at Wichita County Clerk's Office, Seventh And Lamar Streets, Wichita Falls, Texas 76301.				
Virginia	Norfolk, City (Docket No. FEMA–6333)	Chesapeake Bay	Entire shoreline within community	*12
			Entire shoreline of Willoughby Bay	*11
			Shoreline of Elizabeth River from Norfolk and Portsmouth Belt Railway Pier to confluence of southern and eastern Branches of Elizabeth River.	*10
			Shoreline of Lafayetter River from confluence with Elizabeth River to Hampton Boulevard.	*10
			Shoreline of Lafayetter River east of Hampton Boulevard.	[illegible]
			Entire shoreline of southern and eastern Branches of Elizabeth River.	*9
Maps available for inspection at the City Hall, Norfolk, Virginia.				
Virginia	Sussex County (Docket No. FEMA–6333)	Nottoway River	Confluence of Rowanty Creek	*70
			Approximately 50' upstream of State Route 40	*73
			Approximately 100' upstream of Interstate 95	[illegible]
			Upstream Seaboard Coastline Railroad	[illegible]
			Upstream County boundary	*94
		Rowanty Creek	Confluence with Nottoway River	*70
			Upstream of State Route 602	*71
			Approximately 2,050' upstream of Interstate 95	*75
		Stony Creek	Confluence with Nottoway River	*72
			Upstream of Seaboard Coastline Railroad	*79
			Upstream of County boundary	[illegible]
		Sappony Creek	Confluence with Stony Creek	*83
			Upstream of State Route 681	*88
			Approximately 12,900' upstream of State Route 681	*106
		Peaquarter Swamp	Confluence with Stony Creek	[illegible]
			Upstream of State Route 681	*91
			At County boundary	*121
Maps available for inspection at the County Courthouse, Sussex, Virginia.				

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 22, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29172 Filed 10-27-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

45 CFR Parts 205, 206, and 233

Aid to Families With Dependent Children; Correction

AGENCY: Social Security Administration, HSS.

ACTION: Correction to final rules.

SUMMARY: This document corrects final rules which amended the Aid to Families With Dependent Children program, as mandated by the Omnibus Budget Reconciliation Act of 1981. The final rules were published on February 5, 1982 (47 FR 5648). This action is necessary to correct errors in punctuation, citations, to reinstate paragraphs or language inadvertently omitted from the final regulation, and to include technical corrections which were erroneously omitted from the final regulations.

EFFECTIVE DATE: The final regulations, as corrected, are effective October 1, 1981, except § 233.20(a)(13)(v) which contains information collection requirements subject to OMB approval.

FOR FURTHER INFORMATION CONTACT: Mr. David Siegel, Office of Family Assistance, SSA, Transpoint Building, 2100 Second Street, SW., Washington, D.C. 20201, (202) 245-2736.

SUPPLEMENTARY INFORMATION: We have made the following changes in the final rules. We have included a correction to § 205.10 to make clear that subparagraphs (i) through (v) of paragraph (a)(5) are retained and still in effect. In § 206.10(a)(1) of the final regulation a new subparagraph (vi) was added. We have clarified the fact that numbered subparagraphs (iv) and (v) of § 206.10(a)(1) are reserved for future use. In § 233.20(a)(7)(i), we have inserted two sentences following the colon in the first sentence which were omitted. In 45 CFR 26.10(a)(4), we have reinstated a reference and added clarifying language inadvertently omitted from the final regulations. A clarification in language is made in § 233.20(a)(13)(i)(A)(2) to indicate that in determining the 90 percent level, the agency will consider aid, income, and liquid resources.

Two conforming changes not a part of the final regulations (45 CFR 233.10(b), and 45 CFR 233.26(b)), have been included. In § 233.10(b)(4), we have substituted the words "principal earner" in the place of "father" at the end of the sentence. In § 233.26, we have deleted paragraph (b) since it no longer applies to the adult assistance categories. The content of this paragraph is now in § 233.33(b). Finally, in § 233.20(a)(3)(i) we have corrected the paragraph designations to distinguish provisions applicable to the AFDC program from the adult assistance programs.

Dated: October 18, 1982.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

Accordingly, the Department of Health and Human Services is correcting the following parts of Title 45 of the Code of Federal Regulations which were published February 5, 1982 (47 FR 5648) to read as follows:

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. Section 205.10 (a)(5) is corrected to reinstate subparagraphs (i) through (v) to read as follows. (The introductory text of paragraph (a)(5) is reprinted for the convenience of the user.)

§ 205.10 Hearings.

(a) *State plan requirements.* * * *

* * * * *

(5) An opportunity for a hearing shall be granted to any applicant who requests a hearing because his or her claim for financial assistance (including a request for supplemental payments under §§ 233.23 and 233.27) is denied, or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by any agency action resulting in suspension, reduction, discontinuance, or termination of assistance, or determination that a protective, vendor, or two-party payment should be made or continued. A hearing need not be granted when either State or Federal law requires automatic grant adjustments for classes of recipients unless the reason for an individual appeal is incorrect grant computation.

(i) A request for a hearing is defined as a clear expression by the claimant (or his authorized representative acting for him), to the effect that he wants the opportunity to present his case to higher authority. The State may require that such request be in written form in order to be effective;

(ii) The freedom to make such a request shall not be limited or interfered with in any way. The agency may assist the claimant to submit and process his request;

(iii) The claimant shall be provided reasonable time, not to exceed 90 days, in which to appeal an agency action;

(iv) Agencies may respond to a series of individual requests for hearing by conducting a single group hearing. Agencies may consolidate only cases in which the sole issue involved is one of State or Federal law or policy or changes in State or Federal law. In all group hearings, the policies governing hearings must be followed. Thus, each individual claimant shall be permitted to present his own case or be represented by his authorized representative;

(v) The agency may deny or dismiss a request for a hearing where it has been withdrawn by the claimant in writing, where the sole issue is one of State or Federal law requiring automatic grant adjustments for classes of recipients, where a decision has been rendered after a WIN hearing before the manpower agency that a participant has, without good cause, refused to accept employment or participate in the WIN program, or has failed to request such a hearing after notice of intended action for such refusal, or where it is abandoned. Abandonment may be deemed to have occurred if the claimant, without good cause therefor, fails to appear by himself or by authorized representative at the hearing scheduled for such claimant.

* * * * *

PART 206—APPLICATION, DETERMINATION OF ELIGIBILITY AND FURNISHING ASSISTANCE—PUBLIC ASSISTANCE PROGRAMS

2. Section 206.10 is corrected by replacing the period at the end of paragraph (a)(1)(iii) with the word "and" and removing and reserving subparagraphs (iv) and (v) of paragraph (a)(1) to read as follows:

§ 206.10 Application, determination of eligibility, and furnishing of assistance.

(a) *State plan requirements.* * * *
(1) * * *
(iv) [Reserved]
(v) [Reserved]
(vi) * * *

* * * * *

3. Section 206.10 (a)(4) is corrected to read as follows:

§ 206.10 Application, determination of eligibility, and furnishing of assistance.

(a) *State plan requirements.* * * *

(4) Adequate notice shall be sent to applicants and recipients to indicate that assistance, including supplemental payments under § 233.27, has been authorized (including the amount of financial assistance) or that it has been denied or terminated. Under this requirement, adequate notice means a written notice that contains a statement of the action taken, and the reasons for and specific regulations supporting such action, and an explanation of the individual's right to request a hearing.

* * * * *

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN FINANCIAL ASSISTANCE PROGRAMS

4. The following language was inadvertently omitted and should be inserted on page 5674 as follows:

60. Section 233.10 is amended by revising paragraph (b)(4) to read as follows:

§ 233.10 General provisions regarding coverage and eligibility.

* * * * *

(b) *Federal financial participation.* * * *

(4) Federal financial participation is available in assistance payments which are continued in accordance with the State plan, for a temporary period during which the effects of an eligibility condition are being overcome, e.g., blindness in AB, disability in APTD, physical or mental incapacity, continued absence of a parent, or unemployment of a principal earner in AFDC.

* * * * *

5. Section 233.20(a)(3)(i) is corrected to insert a designation "(A)" immediately following the designation "(i)" and removing the designation "(A)" immediately preceding the word "Specify" to read as follows:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.* * * *
(3) *Income and resources*—(i)(A) *OAA, AB, APTD, AABD.* * * *

* * * * *

6. Section 233.20 is amended by revising paragraph (a)(7)(i) is corrected to insert two sentences after the colon in the first sentence. As corrected, paragraph (a)(7)(i) reads as follows:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.* * * *

(7) *Disregard of earned income; method.*

(i) Provide that for other than AFDC, the following method will be used for disregarding earned income: The applicable amounts of earned income to be disregarded will be deducted from the gross amount of "earned income," and all work expenses, personal and non-personal, will then be deducted. Only the net amount remaining will be applied in determining need and the amount of the assistance payment.

* * * * *

7. Section 233.20(a)(13)(i)(A)(*2*) is corrected to read as follows:

§ 233.20 Need and amount of assistance.

(a) *Requirements for State plans.*
* * *

(13) *Recovery of overpayments and corrections of underpayments for AFDC.*
* * *

(i) * * *
(A) * * *

(*2*) If recovery is made from the grant, such recovery shall result in the assistance unit retaining, for any payment month, from the combined aid, income and liquid resources, (without application of section 402(a)(8) of the Act) not less than 90 percent of the amount payable under the State plan to a family of the same composition with no other income. Where a State chooses to recover at a rate less than the maximum, it must recover promptly.

* * * * *

8. The following language was inadvertently omitted and should be inserted on page 5678 as follows:

10a. Section 233.26 is amended by removing and reserving paragraph (b).

§ 233.26 Retrospective budgeting; determining eligibility after the initial one or two months.

(a) * * *
(b) [Reserved]

* * * * *

§ 233.51 [Corrected]

9. Section 233.51 is corrected by inserting in the next to last line of the introductory paragraph, the word "to" before "his or her sponsor)".

[FR Doc. 82-29121 Filed 10-27-82; 8:45 am]

BILLING CODE 4190-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 82-445]

Commission Organization; Amendment To Establish the Mass Media Bureau

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the Commission's Rules to incorporate the consolidation of the Broadcast Bureau and the Cable Television Bureau into the Mass Media Bureau. This reorganization was necessary to reflect new regulatory philosophies and emerging technologies. The reorganization creates an integrated organizational structure for the administration of Commission policies regarding traditional broadcasting, cable television and the emerging television delivery systems, by combining these services into a single Bureau.

EFFECTIVE DATE: November 30, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Richard D. Goodfriend, Office of Managing Director, (202) 632-7513.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 0

Organization and functions (Government agencies).

Order

Adopted: September 14, 1982.

Released: October 13, 1982.

In the matter of Amendment of Part 0 of the Commission's Rules to establish the Mass Media Bureau.

1. The Commission has before it for consideration the combination of the Broadcast Bureau and the Cable Television Bureau into a newly established Mass Media Bureau. Implementation of the proposed changes would require removal of §§ 0.71, 0.72, 0.83, 0.84, 0.281, 0.282, 0.287, 0.288 and 0.290 plus the addition of §§ 0.61, 0.62, 0.283, 0.284, and 0.285 of the Commission's Rules and Regulations.

2. To reflect new regulatory philosophies and emerging technologies, the Commission is hereby approving the combination of the Broadcast Bureau and the Cable Television Bureau into the Mass Media Bureau. This reorganization creates an integrated organizational structure for the administration of Commission policies regarding traditional broadcasting, cable television and the emerging television delivery systems, by combining these essentially similar consumer services into a single Bureau. The Commission believes that this consolidation will result in: (1) Faster and more efficient authorization of service; (2) reduction of duplicate recordkeeping; (3) less confusion about FCC services among consumers; (4) greater flexibility of staff utilization; and (5) more orderly development of emerging television delivery technologies.

3. The amendments adopted herein pertain to agency organization. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act are, therefore, inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

4. In view of the foregoing, it is ordered, effective November 30, 1982, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 0—[AMENDED]

Part 0 of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

§§ 0.71, 0.72, 0.83, 0.84, 0.281, 0.282, 0.287, 0.288 and 0.290 [Removed]

1. By removing §§ 0.71, 0.72, 0.83, 0.84, 0.281, 0.282, 0.287, 0.288, and 0.290 and the undesignated center headings appearing with these sections.

2. By adding §§ 0.61, 0.62, 0.283, 0.284, and 0.285 and the following undesignated center headings:

Mass Media Bureau

§ 0.61 Functions of the Bureau.

The Mass Media Bureau develops, recommends and administers policies and programs for the regulation of all radio and television broadcast industry services. Advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to the regulation and development of radio and television services. The Mass Media Bureau has the following duties and responsibilities:

(a) Process applications for authorizations in radio and television services, including conventional and auxiliary broadcast services, direct broadcast satellite services and cable television relay services.

(b) Administer U.S. responsibilities under international agreements and treaty obligations pertaining to broadcasting.

(c) Process applications for renewal of licenses and for assignment or transfer of ownership interests in such licenses.

(d) Participate in hearings before the Administrative Law Judges, the Review Board and the Commission.

(e) Plan and develop proposed rulemakings and conduct comprehensive studies and analyses (legal, engineering, social and economic) of various petitions for policy or rule changes submitted by industry or the public.

(f) Conduct studies and compile data relating to radio and television network operations necessary for the Commission to develop and maintain an adequate regulatory program.

(g) Investigate complaints and answer general inquiries from the public and handle political broadcasting and fairness doctrine complaints.

(h) Develop, recommend, implement, and administer policies and programs with respect to the regulation of cable television systems and related private microwave radio facilities.

§ 0.62 Units of the Bureau.

The Mass Media Bureau is comprised of the following units:

(a) Office of the Bureau Chief.

(b) Administration and Management Staff.

(c) Audio Services Division.

(d) Enforcement Division.

(e) Policy and Rules Division.

(f) Video Services Division.

Chief, Mass Media Bureau

§ 0.283 Authority delegated.

The performance of functions and activities described in section 0.61 of this part is delegated to the Chief, Mass Media Bureau: Provided, That the following matters shall be referred by the Chief, Mass Media Bureau to the Commission en banc for disposition:

(a) *Applications.* Formal and informal applications for new or modified facilities, and for the renewal, assignment, and transfer of construction permits and licenses involving such facilities, when such applications fail to satisfy the requirements of Commission rules or established Commission policy in the following areas of special concern:

(1) *Multiple ownership, concentration of control, and cross-interests.* (i) Acquisition of a third broadcast station or modification of facilities if such would result in the common ownership of three broadcast stations where any two are within 100 miles of a third and primary service contour overlap would occur; "one-to-a-market" situations involving UHF stations or TV satellite stations; and duopoly situations involving TV satellite stations. (Commonly owned AM and FM stations in the same market are treated as one station for the purpose of the "third station" limitations.)

(ii) Acquisition of a broadcast station by a newspaper in the same area, or other organization having substantial interests in the print media in the same area.

(iii) Creation of common ownership interests, management ties, or employment relationships between licensees serving substantial common areas and populations. Commonality of areas and populations served shall be determined in duopoly situations by overlap of the following service contours: AM—1 mVm; FM—1 mVm; and TV—Grade B. In "one-to-a-market" situations, commonality of areas and populations served shall be determined by community encompassment with the following service contours: AM—2 mVm; FM—1 mVm; and TV—Grade A.

(iv) Acquisition of broadcast properties by corporations or individuals appearing to dominate the economic life of the community.

(2) *Trafficking.* Acquisition of broadcast properties by persons having a history of short term buying and selling such properties, or seeking waiver of the "three-year rule" (section 1.597) when the seller will realize a profit.

(3) *Anti-trust activity, unfair trade practices, and violations of law not previously considered by the Commission.*

(i) Proposals by applicants against whom communications-related anti-trust suits are pending or against whom there is pending any anti-trust suit in which an adverse verdict has been reached.

(ii) Proposals by applicants who have entered into a consent decree, have pleaded guilty or nolo contendere, or have been adjudged guilty in an anti-trust case during the three-year period preceding the filing of the application.

(iii) Proposals by applicants who have been the subject of a final cease and desist or consent order issued by the Federal Trade Commission during the three-year period preceding the filing of the application.

(iv) Proposals by applicants or including parties with felony or capital offense conviction records, or against whom a criminal proceeding is pending.

(4) *Violations and complaint matters.* Proposals filed by applicants against whom violation notices of a serious nature are outstanding or against whom questions suggesting serious misconduct remain unresolved, or by applicants with records of serious past misconduct.

(5) *Equal employment opportunities.* Proposals filed by applicants whose equal employment opportunities programs do not comply with Commission rules or policies and cannot be cleared by further staff inquiry or action, or whose past performance suggests the existence of discriminatory practices.

(6) *Short term licenses and renewals.* Proposals which in the opinion of the Chief, Mass Media Bureau, warrant the issuance of a short-term license or renewal authorization.

(7) *Programming: Commercial matter.* (i) Commercial TV applicants for a new station or assignment or transfer, or renewal of license, proposing to exceed 16 minutes of commercial matter per hour, or during periods of high demand for political advertising, providing for exceptions permitting in excess of 20 minutes of commercial matter per hour during 10% or more of the station's total weekly hours of operation.

(8) *Programming: Program content and ascertainment of community needs.* (i) Applications for new stations or assignments and transfers.

(A) Commercial AM and FM proposals of applicants for new stations and of assignees and transferees that have not submitted a narrative statement of their proposed programming, commercial TV proposals of applicants for new stations and of assignees and transferees (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total non-entertainment programming.

(B) Commercial TV proposals of applicants for new stations and of assignees or transferees which contain substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1971 Ascertainment Primer: 27 FCC 2d 650 (1971), 36 FR 4092).

(ii) Applications for renewal.

(A) Commercial TV proposals (except those made by UHF stations not affiliated with major networks) which project for the hours 6:00 a.m. to 12:00 midnight less than the indicated percentages in one or more of the following categories: 5% total local programming; 5% informational (news plus public affairs) programming; and 10% total non-entertainment programming.

(B) Commercial TV proposals containing substantial ascertainment defects which, for any reason, cannot be resolved by further staff inquiry or action. (See 1976 Ascertainment Primer: 57 F.C.C. 2d 418 (1975) recon. granted in part, 61 F.C.C. 2d 1 (1976)).

(9) *Programming: Promise versus performance.* (i) Applications for assignments and transfers. TV applications for assignment or transfer which very substantially from the assignor's or transferor's prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this section), or from the programming categories (as set forth in paragraph (a)(8) of this section), and for which variation there is lacking, in the judgment of Mass Media Bureau, adequate justification in the public interest.

(ii) Applications for renewal. Commercial TV applications for renewal which vary substantially from prior representations with respect to commercial practices (as set forth in paragraph (a)(7) of this section), or from the programming categories set forth in paragraph (a)(8) of this section, and for which variation there is lacking, in the judgment of the Mass Media Bureau, adequate justification in the public interest.

(10) *Hearing Orders.* (i) Mutually exclusive applications, including renewal and construction permit applications, involving non-routine hearing issues.

(ii) Other renewal and assignment and transfer applications which appear to call for an evidentiary hearing.

(iii) Such other applications, as in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission prior to designation for hearing.

(11) *Interference and mileage separations.* Proposals for new or modified AM, FM, and TV facilities which would create substantial new prohibited overlap or station separation shortages. In the case of AM proposals (other than Class IV), a net increase in objectionable interference to another AM station involving more than 1 percent of the population served by such other station, whether or not consented to by the station affected, shall be referred to the Commission.

(12) *Station location.* (i) Commercial AM, FM, and TV proposals which on their face, appear realistically intended to serve another community of larger size. Signal penetrations of 5 mV/m (AM), 3.16 mV/m (FM), and city grade (TV) shall be used in determining whether referral to the Commission is appropriate.

(ii) Any other such proposal raising allocations problems or presumptions under section 307(b) of the Communications Act which, for any reason, cannot be resolved by further staff inquiry or action.

(13) *Main studio relocation.* All AM, FM, and TV proposals for main studio relocation, or for waiver of main studio program origination requirements under circumstances which have traditionally been viewed as creating a de facto change in station location.

(14) *VHF television expansion.* Commercial VHF television proposals seeking to bring or extend their Grade B contours into a significant area or population included within the predicted Grade B contour of a UHF television station where the area or population involved is covered by fewer than 4 VHF television signals.

(15) *Agreements to amend or dismiss applications.* Any situation in which a community will be deprived of a proposed broadcast station by reason of amendment or dismissal of an application mutually exclusive with another application for a different community.

(16) *Experimental and developmental operation.* Proposals for experimental and developmental authority containing policy implications which, in the opinion of the Chief, Mass Media Bureau, warrant referral to the Commission.

(17) *Miscellaneous applications and requests.* (i) Proposals for special temporary, emergency, conditional, or interim operating authority of more than routine significance.

(ii) Any other application, proposals, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(b) *Petitions and other requests for Commission action.* (1) Petitions to deny, informal objections, and other petitions, directed against AM, FM, and TV applications for new or modified facilities, or for renewal, assignment or transfer of control, will be referred to the Commission if they: (i) Contain new or novel issues not previously considered by the Commission, (ii) appear to justify a change in Commission policy; or (iii) present documented allegations of failure to comply with the Commission's Equal Employment Opportunity rules and policies, or the applicant in question falls outside the applicable processing criteria in its employment of women and minorities.

(2) Petitions and other requests for reconsideration of actions taken by the Chief, Mass Media Bureau, when such petitions or requests contain new or novel arguments not previously considered by the Commission, present facts or arguments which appear to justify a change in Commission policy, or request reconsideration of orders designating cases for hearing.

(3) Applications for review of actions taken by the Chief, Mass Media Bureau, which comply with § 1.115 of this chapter.

(4) Petitions and other requests for waiver of Commission rules, whether or not accompanied by an application, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(5) Petitions and other requests for declaratory rulings, when such petitions or requests contain new or novel arguments not previously considered by the Commission, or present facts or arguments which appear to justify a change in Commission policy.

(6) Petitions for rulemaking which have been accepted under § 1.403, and final dispositions of rulemaking proceedings not involving routine changes in the FM and TV Tables of Assignments.

(7) Petitions and other requests for waiver of the prime-time access rule, in areas where Commission policy is not clearly established.

(8) Petitions and other requests for long-term waiver of the policy limiting affiliations by commonly owned networks in the same market.

(9) Petitions and other requests for waiver of the sponsorship identification provisions of the Communications Act, in accordance with section 317(d) thereof.

(10) Any other petition, pleading, or request presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

(c) *Administration and enforcement.* (1) Proposed orders to show cause why station licenses or construction permits should not be revoked.

(2) Proposed actions following any case remanded by the courts.

(3) Notices of opportunity for hearing pursuant to § 1.80(g) of this chapter; and notices of apparent liability, final forfeiture orders, and orders cancelling or reducing forfeitures imposed under § 1.80(f) if the amount set out in the notice of apparent liability is more than $4,000.

(4) Proposed public notices expressing Commission policy, interpreting the provisions of law, regulations, or treaties, or warning the broadcast industry as to certain types of violations.

(5) Problems involving apparent violation of the Commission's rules governing equal employment opportunities or otherwise indicating the existence of discriminatory practices which, in the opinion of the Chief, Mass Media Bureau, or the Equal Employment Opportunity Commission should be brought to the attention of FCC Commissioners.

(6) Any other complaint or enforcement matter presenting novel questions of fact, law, or policy which cannot be resolved under outstanding precedents and guidelines.

§ 0.284 Actions taken under delegated authority.

(a) In discharging the authority conferred by § 0.281 of this part, the Chief, Mass Media Bureau, shall establish working relationships with other bureaus and staff offices to assure the effective coordination of actions taken in the following areas of joint responsibility;

(1) Complaints arising under sections 315 and 605 of the Communications Act—Office of General Counsel.

(2) Objections to proposed call signs and requests for waiver of procedural rules governing call sign assignments—Office of Managing Director.

(3) Requests for waiver or refund of filing and/or grant fees—Office of Managing Director and Office of General Counsel.

(4) Requests for waiver of tower painting and lighting specifications—Field Operations Bureau.

(5) Matters involving emergency communications—Office of Managing Director.

(6) Complaints involving equal employment opportunities—Office of General Counsel.

(7) Requests for use of frequencies or bands of frequencies shared with private sector nonbroadcast or government services—Office of Science and Technology and appropriate operating bureau.

(8) Requests involving coordination with other agencies of government—Office of General Counsel, Office of Science and Technology and appropriate operating bureau.

(9) Proposals involving transmitter sites on public lands owned or controlled by the Departments of Agriculture or Interior—Office of Science and Technology.

(10) Proposals involving possible harmful impact on radio astronomy or radio research installations—Office of Science and Technology.

(11) To act on all applications for authorization, petitions for special relief, petitions to deny, waiver requests, objections, complaints, and requests for declaratory rulings and stays in the Cable Television Services, unless novel questions of fact, law or policy are involved which cannot be resolved under existing precedents and guidelines.

(b) With respect to non-routine applications granted under authority delegated in § 0.283 of this part, the Chief, Mass Media Bureau or his designees, shall enter on the working papers associated with each application a narrative justification of the action taken. While not available for public inspection, these working papers shall, upon request, be made available to the Commissioners and members of their staffs.

(c) The Chief, Mass Media Bureau, shall prepare and submit to the Commission a quarterly statistical summary of actions taken during the preceding quarter under authority delegated to him in § 0.283 of this part. The statistical summary shall be accompanied by a statement of industry trends apparent in the staff handling of non-routine matters during the same quarter.

§ 0.285 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official record of the action taken by the Chief of the Mass Media Bureau.

[FR Doc. 82-29589 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-305; RM-4055; RM-4166]

FM Broadcast Station in Valdosta and Nashville, Georgia; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 244A to Valdosta, Georgia, and Channel 237A to Nashville, Georgia, in

response to requests by The Rainbow Group and by Country Communications, Inc., respectively. Valdosta could receive a fourth commercial FM station while Nashville could obtain a first local FM station.

DATE: Effective December 20, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Valdosta and Nashville,[1] Georgia; BC Docket No. 82–305, RM–4055, RM–4166.

1. The Commission has under consideration its notice of proposed rule making herein, published in the **Federal Register** on June 22, 1982 (47 FR 26861). The notice proposed to assign FM Channel 244A to Valdosta, Georgia, in response to a request by The Rainbow Group ("petitioner"). Comments were filed by petitioner reaffirming its intention to apply for operation on the channel if so assigned.

2. Comments and a counterproposal were filed by Country Communications, Inc. ("Country").[2] Country contends that more than the usual quota of FM assignments have already been made to Valdosta and that there is a greater need for an assignment in Nashville, Georgia. Country requests that Channel 244A be assigned to Nashville. Country states that it would apply for operation on the channel if it were so assigned.

3. Petitioner filed reply comments showing that Channel 237A could be used at Nashville in full compliance with all spacing requirements if the station were located southwest of the city. Petitioner states that Channel 237A cannot be used at Valdosta and that the Commission "should utilize the FM spectrum to the fullest extent possible by assigning Channel 244A to Valdosta."[3]

4. Our study shows that Channel 237A can be assigned to Nashville with a site restriction of approximately 2 miles south of the city. Operation from such a site would appear to present no problems of providing a required 70 dBu signal over all of the city of Nashville.

5. In view of the foregoing, we find that the public interest would be served by the assignment of Channel 244A to Valdosta, Georgia, and Channel 237A to Nashville, Georgia. As a result, Valdosta could receive a fourth commercial FM station while Nashville could obtain a first local FM service.

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's Rules.

7. Accordingly, it is ordered, That effective December 20, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Nashville, Ga	237A.
Valdosta, Ga	225, 240A, 244A, 256.

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning this proceeding, contact Philip S. Cross, Broadcast Bureau, (202) 632–5414.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–29584 Filed 10–27–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–323; RM–4088]

Radio Broadcast Services, FM Broadcast Station in Ishpeming, Mich.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Channel 298 for Channel 296A at Ishpeming, Michigan, in response to a petition filed by Taconite Broadcasting, Inc. and modifies the license of Station WMQT–FM (Channel 296A) to specify operation on Channel 298.

DATE: Effective December 20, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Ishpeming, Michigan); BC Docket No. 82–323, RM–4088.

1. The Commission has under consideration a notice of proposed rule making, 47 FR 29287, published July 6, 1982, filed by Taconite Broadcasting, Inc. ("petitioner") proposing the substitution of Channel 298 for Channel 296A at Ishpeming, Michigan, and modification of the license for Station WMQT–FM, Channel 296A, to specify operation on Channel 298. Petitioner submitted comments in support of the proposal. No oppositions to the proposal were received.

2. A site restriction of 1.7 miles southeast of the city is required.

3. Canadian concurrence has been received.

4. The Commission has determined that the public interest would be served by substituting Class C Channel 298 for Channel 296A at Ishpeming, Michigan, since it would provide expanded service to the area. Since no other expressions of interest have been filed, we are also modifying the license of Station WMQT–FM to specify operation on Channel 298.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's Rules, it is ordered, that effective December 20, 1982, § 73.202(b) of the Commission's Rules is amended with respect to the following community.

City	Channel No.
Ishpeming, Mich	222, 298.

6. It is further ordered, pursuant to authority contained in section 316 of the Communications Act of 1934, as amended, that the license of Station WMQT–FM, Ishpeming, Michigan, is

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[1] This community has been added to the caption.

[2] Public Notice of the counterproposal was given on August 2, 1982, Report No. 1369.

[3] Country subsequently filed a "Request for Continuation of Consolidation of Rulemaking Proceeding" in which it declared that the two proposals "should be continued as a joint docket" and acted upon simultaneously.

modified to specify operation on Channel 298 subject to the following:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

7. It is further ordered that this proceeding is terminated.

8. It is further ordered that the Secretary shall send a copy of this *Order* by Certified Mail, Return Receipt Requested, to Taconite Broadcasting Company, Inc., 326 Quincy Street, Hancock, Michigan 49849.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1063, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29583 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-306; RM-4056]

Radio Broadcast Services, FM Broadcast Station in Miles City, Montana; Changes Made in Table of Assignments

AGENCY: Federal Cummunications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes commercial FM Class C Channel 223 for Channel 224A at Miles City, Montana, and modifies the construction permit for Station KMCM-FM, Miles City, to specify operation on Channel 223, at the request of Miles City Broadcasting Corporation.

DATE: Effective December 20, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Miles City, Montana); BC Docket No. 82-306, RM-4056.

1. The Commission has under consideration its notice of proposed rule making herein published in the **Federal Register** on June 22, 1982 (47 FR 26866). The Notice was issued in response to a petition by Miles City Broadcasting Corporation ("petitioner"), permittee of FM Station KMCM-FM, Channel 224A, Miles City, Montana. The Notice to substitute Channel 223 for Channel 224A at Miles City and to modify the permit for Station KMCM-FM to specify operation on Channel 223. Petitioner filed comments in support of the proposal. No oppositions to the proposal were filed.

2. We believe that the public interest would be served by the substitution of Class C Channel 223 for Channel 224A at Miles City, Montana, in order to provide a wide coverage area service to this region. Additionally, we have authorized a modification of Miles City Broadcasting Corporation's construction permit for Station KMCM-FM to specify operation on Channel 223, since there has been no other expression of interest in the Class C Channel. See, *Cheyenne, Wyoming,* 62 F.C.C. 2d 63 (1976).

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective December 20, 1982, the FM Table of Assignments, §73.202(b) of the Rules, is amended as follows:

City	Channel No.
Miles City, Mont.	[illegible]

4. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the construction permit of Miles City Broadcasting Corporation for Station KMCM-FM, Miles City, Montana, is modified, effective December 20, 1982, to specify operation on Channel 223 in lieu of Channel 224A, subject to the following:

(a) The permittee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

5. It is further ordered, That the Secretary shall send a copy of this Order by Certified Mail, Return Receipt Requested, to: Miles City Broadcasting Corporation, 60 West Fourth Street, St. Paul, Minnesota, 55102.

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29580 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-352; RM-4096]

Radio Broadcast Services, TV Broadcast Stations in Wilmington, North Carolina; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes UHF television Channel 26 for Channel 29 at Wilmington, North Carolina, as requested by Wilmington Telecasters, Inc., and modifies its construction permit to specify operation on Channel 26 instead of Channel 29.

DATE: Effective December 20, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Wilmington, North Carolina); BC Docket No. 82-352, RM-4096.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

1. The Commission has before it for consideration a notice of proposed rule making, 47 FR 29858, published July 9, 1982, in response to a petition filed by Wilmington Telecasters, Inc. ("petitioner"), permittee of a new television station to operate on Channel 29 at Wilmington, North Carolina. Petitioner requested that Channel 26 be substituted for Channel 29 and that its permit be modified to specify operation on Channel 26. Petitioner requested the change in channels in order to relocate its transmitter at a more desirable site.

2. Supporting comments were filed by petitioner in which it reaffirmed its intention to file for the channel, if assigned. No oppositions to the proposal were received.

3. We conclude that the public interest would be served by the substitution of Channel 26 for Channel 29 and the modification of petitioner's construction permit to specify operation on Channel 26.

4. The assignment of Channel 26 requires a site restriction of 16.8 miles southeast of Wilmington, and petitioner's construction permit will be modified accordingly.

5. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204 and 0.281 of the Commission's Rules.

7. Accordingly, it is ordered, That effective December 20, 1982, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with regard to the following community:

City	Channel No.
Wilmington, N.C	3-, 6, 26-, *39-

8. It is further ordered, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the construction permit of Wilmington Telecasters, Inc. for a new television station in Wilmington, North Carolina, is modified, effective December 20, 1982, to specify operation on Channel 26 in lieu of Channel 29. The modification is subject to the following:

(a) The permittee shall file with the Commission a minor change application for a construction permit (Form 301), specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

9. It is further ordered, That the Secretary shall send a copy of this order by Certified Mail, Return Receipt Requested, to: Wilmington Telecasters, Inc., c/o P.O. Box 586, Durham, North Carolina 27702.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632–5414.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–29581 Filed 10–27–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82-249; RM–4083, RM–4141, RM–4142]

Radio Broadcast Services, FM Broadcast Stations in Clarion, Emporium and Mercer, Pennsylvania; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 224A to Clarion, Pennsylvania, and Channel 244A to Mercer, Pennsylvania, in response to requests by Clarion County Broadcasting Company and Mercer County Broadcasting Company, respectively. In addition, Channel 257A is substituted for Channel 224A at Emporium, Pennsylvania. The assignment could provide a first FM service to Clarion and a second FM service to Mercer. A separate request for a first FM channel at Sugar Creek, Pennsylvania, was withdrawn.

EFFECTIVE: December 20, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73.

Radio broadcasting.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Clarion, Emporium [1] and Mercer,[1] Pennsylvania); BC Docket No. 82–249, RM–4083, RM–4141, RM–4142.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

1. The Commission has before it the Notice of proposed rule making herein, published in the **Federal Register** on May 11, 1982 (47 FR 20162), proposing to assign FM Channel 244A to Clarion, Pennsylvania, in response to a petition by Clarion County Broadcasting Company ("petitioner").[2]

2. Two counterproposals were filed in response to the *Notice*.[3] Mercer County Broadcasting Company ("Mercer Broadcasting") proposed the assignment of Channel 224A to Clarion; Channel 244A to Mercer, Pennsylvania; and substitution of Channel 257A for Channel 224A at Emporium, Pennsylvania.[4] Stephen Strattan ("Strattan") [5] proposed that Channel 244A be assigned to Sugar Creek Borough, Pennsylvania, instead of Mercer. Strattan withdrew this proposal on September 1, 1982.

3. Petitioner's proposal is supported in letters from various businesses and organizations in Clarion.

4. Mercer Broadcasting claims that its proposal should be preferred because it contains assignment opportunities for both Clarion and Mercer.

5. In reply comments, petitioner stresses the need for a fulltime radio service in Clarion, and Mercer Broadcasting stresses that its counterproposal would provide channel assignments to both Clarion and Mercer.

6. The Commission's staff has determined that no channel other than 244A can be assigned to Mercer in compliance with our Rules. The assignment of Channel 244A to Mercer would involve a site restriction of 4.6 miles north of Mercer to meet spacing requirements to Station WFFM–FM, Braddock, Pennsylvania. The assignment of Channel 224A to Clarion would involve a site restriction of 6.8

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[1] These communities have been added to the caption.

[2] Petitioner is licensee of AM Radio Station WWCH, Clarion, Pennsylvania.

[3] Public Notice of the two counterproposals was issued on July 2, 1982, Report No. 1361.

[4] There is one application pending for Channel 224A at Emporium filed by Emporium Broadcasting Company (File No. 8206323AH).

[5] Strattan is licensee of Station WHCX–FM, Brookville, Pennsylvania.

miles east of Clarion to meet spacing requirements to Station WPNT–FM, Pittsburgh, Pennsylvania. Further, assignment of Channel 224A to Clarion would necessitate a change in the assignment to Emporium, Pennsylvania, from Channel 224A to 257A. Mercer Broadcasting states that Channel 257A could be used at the transmitter site proposed by Emporium Broadcasting with no short spacing. Mercer Broadcasting further states that Channel 257A could be substituted for Channel 224A in the Emporium application without the necessity of any additional engineering work and that no additional costs should be incurred by Emporium Broadcasting in making the channel change.

7. Petitioner states that it would apply for either channel (244A and 224A) at Clarion.

8. We conclude that the public interest would be served here by our assigning Channel 244A to Mercer and Channel 224A to Clarion to provide a second local FM service to Mercer and a first local FM service to Clarion. The assignment at Emporium will be changed from Channel 224A to Channel 257A.

9. Petitioner and Mercer Broadcasting have stated their intent to apply for the respective channels, if assigned, and, if authorized, to build a station promptly.

10. Accordingly, it is ordered, That effective December 20, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following communities:

City	Channel No.
Clarion, Pa	224A
Emporium, Pa	257A
Mercer, Pa	244A

11. It is further ordered, That this proceeding is terminated.

12. It is further ordered, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this *Order* to Emporium Broadcasting Company, 145 E. Fourth Street, Emporium, Pennsylvania 15834.

13. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632–5414.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–29582 Filed 10–27–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[BC Docket No. 82–355; RM–4092]

Radio Broadcast Services, TV Broadcast Station in Farwell, TX; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF television Channel 18 to Farwell, Texas, as its first channel, in response to a petition filed by Best Broadcasting Company, Inc.

DATE: Effective December 20, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632–5414.

SUPPLEMENTARY INFORMATION: .

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Farwell, Texas); BC Docket No. 82-355, RM–4092.

Report and Order—Proceeding Terminated

Adopted: October 14, 1982.

Released: October 21, 1982.

1. The Commission has before it for consideration a notice of proposed rule making, 47 FR 29859, published July 9, 1982, in response to a petition filed by Best Broadcasting Company, Inc.[1] ("petitioner"), proposing the assignment of UHF TV Channel 18 to Farwell, Texas, as that community's first television assignment. Supporting comments were filed by petitioner in which it reaffirmed its intention to file for the channel, if assigned. No oppositions to the proposal were received.

2. Farwell (pop. 1,354),[2] the seat of Parmer County (pop. 11,038), is located approximately 88 miles southwest of Amarillo. Farwell has no local television service.

3. In support of its proposal, petitioner submitted information with respect to Farwell which is persuasive as to its need for a first television channel assignment.

4. We believe that the public interest would be served by the assignment of Channel 18 to Farwell, Texas. An interest has been shown for its use, and such an assignment would provide the community with a station which could render a first local television broadcast service.

5. The transmitter site is restricted to 1.5 miles north of the city to avoid short spacing to Channel 18 in Midland, Texas.

6. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commisson's Rules.

7. Accordingly, it is ordered, That effective December 20, 1982, § 73.606(b) of the Commission's Rules, the TV Table of Assignments, is amended with regard to the following community:

City	Channel No
Farwell, Texas	18 +

8. It is further ordered, That this proceeding is terminated.

9. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632–5414.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–29579 Filed 10–27–82; 8:45 am]

BILLING CODE 7212–01–M

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[6] Station WWIZ operates on Channel 280A assigned to Sharon, Pennsylvania, but used at Mercer pursuant to § 73.203(b) of the Commission's Rules.

[1] Petitioner is the licensee of AM Station KZOL, and an applicant for FM Channel 222 (BPH 811016AQ) in Farwell. Petitioner states that if it is the ultimate permittee of television Channel 18, it will sell its conflicting broadcast interests or seek a waiver of § 73.636 in order to comply with the Commission's multiple ownership rules.

[2] Population figures are derived from the 1980 U.S. Census, Advance Reports.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Parts 392, 393 and 397

[BMCS Amdt. No. 81-5]

Federal Motor Carrier Safety Regulations; Miscellaneous Amendments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending the Federal Motor Carrier Safety Regulations (FMCSR) to (1) eliminate unnecessary equipment costs by rescinding the requirement that commercial motor vehicles carry tire chains, (2) clarify the intent of certain requirements concerning lights, intoxicating liquor and emergency signals, (3) update obsolete references and addresses in those requirements relating to brake tubing and hoses, railroad grade crossing exemption permits, mobile structure trailers, and chain specifications for tie down assemblies, (4) eliminate the reporting requirement for temporary seats in buses, and (5) include State abbreviation in the marking requirements for motor vehicles transporting hazardous materials operated by private carriers.

EFFECTIVE DATE: November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety, (202) 426-9767; or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 426-0346, Federal Highway Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FHWA is making a number of revisions to the FMCSR. The amendments replace outdated references and addresses, clarify the intent of certain terms or requirements concerning lights, emergency signals and the term "intoxicating liquor." The amendment also eliminates (1) the requirement that commercial motor vehicles carry tire chains and (2) the reporting requirement for temporary seats in buses.

1. Section 392.5, Intoxicating liquor, is amended to clarify the meaning of the term "intoxicating liquor" by changing the word "liquor" to "beverage". This change is to make it clear that beer and wine are included in the prohibition. The intent was set forth in the Federal Motor Carrier Safety Regulations "Interpretations", published in the **Federal Register**, November 23, 1977 (42 FR 60078). It is stated therein that this section specifically prohibits a driver from consuming an alcoholic beverage, regardless of alcohol content, for a period of 4 hours before reporting for duty.

2. Section 392.10, Railroad grade crossings; stopping required, is being revised by changing the obsolete reference for special permits in accordance with the provisions of § 170.13 of this title to the current reference for exemptions in accordance with the provisions of Subpart B of Part 107 (49 CFR Part 107) of this title.

3. Section 392.22, Emergency signals: Stopped vehicles, is being amended by revising paragraph (b)(1)(iii) to make it clear that the warning device referred to therein is to be placed in the opposite direction from the one required in paragraph (ii).

4. Part 393, Parts and Accessories Necessary For Safe Operations, is amended by adding a new § 393.9 Lamps operable, to make it clear that all required lamps must be operable at all times.

5. Section 393.17, Lamps and reflectors—combinations in driveaway-towaway operation, is amended by eliminating outdated references in paragraph (c) previously deleted from §§ 571.3 and 571.108 of this title. In addition, the term "mobile structure trailer" is added in lieu of the deleted reference.

6. Section 393.45, Brake tubing and hose, adequacy, is amended by deleting the word "nylon" and inserting the word "nonmetallic." In addition, brake tubing and brake hose are defined.

7. Section 393.91, Buses, aisle seats prohibited, is being amended to eliminate the reporting requirement for the use of temporary seats in buses. There have been no reports filed in recent years and we have no knowledge of any problems in this area.

8. Section 393.95 Emergency equipment on all power units, is being amended by eliminating paragraph (d) Tire chains. A joint petition filed by the National Tank Truck Carriers, Inc., and the Common Carrier Conference, Irregular Route, and a petition filed by the American Trucking Associations, Inc. requested elimination of the requirement that tire chains be carried on power units during the time when likely to encounter conditions requiring them. The petitioners pointed out that most States have their own rules for tire chains which are tailored to their geography and climate. The petitioners further contend that many of their members comply with the current rule by carrying tire chains from the beginning to the end of the winter season whether or not the chains are actually needed. Both petitioners advise that tire chains cost approximately $150 for a single set and approximately $270 for a dual set. The cost, they contend, is substantial in maintaining replacement sets, keeping track of the chains and providing the necessary storage space when the chains are not required during good weather.

The petitions have merit. BMCS data contains no history of accidents resulting from nonuse of tire chains. In view of the foregoing, the rule requiring tire chains to be carried on power units is being rescinded.

9. Section 393.102, Securement systems, is being revised to update the chain specifications reference and the footnote is revised to reflect a change of address of the National Association of Chain Manufacturers.

10. Section 397.21, Marking of vehicles operated by private carriers, is being amended by revising paragraph (b)(2) to indicate the State in which the city or community is located.

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. Since the changes being adopted in this document are primarily nonsubstantive in nature or eliminate unnecessary requirements, the FHWA finds good cause to make this amendment final without prior notice and opportunity for comment and without a 30-day delay in effective date under the Administrative Procedure Act. Notice and opportunity for comment are not required under the regulatory policies and procedures of the Department of Transportation because it is not anticipated that such action would result in the receipt of useful information. Accordingly, the amendments are effective upon issuance.

It is anticipated that the economic impact of this rulemaking action will be a minimal cost savings to the motor carrier industry. With respect to item 10 (marking of vehicles), information available to BMCS indicates that there will be no increased costs due to the fact that carriers already display State as well as city markings. Accordingly, a full regulatory evaluation is not required.

For the foregoing reasons, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

PART 392—DRIVING OF MOTOR VEHICLES

1. Section 392.5 is revised to read as follows:

§ 392.5 Intoxicating beverage.

(a) No person shall—

(1) Consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 4 hours before going on duty or operating, or having physical control of, a motor vehicle; or

(2) Consume an intoxicating beverage regardless of its alcoholic content, or be under the influence of an intoxicating beverage, while on duty, or operating, or in physical control of, a motor vehicle; or

(3) Be on duty or operate a motor vehicle while the driver possesses an intoxicating beverage regardless of its alcoholic content. However, this paragraph does not apply to possession of an intoxicating beverage which is manifested and transported as part of a shipment.

(b) No motor carrier shall require or permit a driver to—

(1) Violate any provision of paragraph (a) of this section; or

(2) Be on duty or operate a motor vehicle if, by the driver's general appearance or conduct or by other substantiating evidence, the driver appears to have consumed an intoxicating beverage within the preceding 4 hours.

2. Section 392.10 is amended by revising paragraph (a)(6) to read as follows:

§ 392.10 Railroad grade crossings; stopping required.

(a) * * *

(6) Every cargo tank motor vehicle, whether loaded or empty, transporting any commodity under exemption in accordance with the provisions of Subpart B of Part 107 of this title.

* * * * *

3. Section 392.22 is amended by revising paragraph (b)(1)(iii) to read as follows:

§ 392.22 Emergency signals: Stopped vehicles.

* * * * *

(b) * * *

(1) * * *

(iii) One at a distance of approximately 100 feet from the stopped vehicle in the opposite direction from those placed in accordance with paragraphs (i)(ii) of this section, in the center of the traffic lane or shoulder occupied by the vehicle.

* * * * *

PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

4. Part 393 is amended by adding a new § 393.9 to Subpart B to read as follows:

Subpart B—Lighting Devices, Reflectors, and Electrical Equipment

§ 393.9 Lamps operable.

All lamps required by this subpart shall be capable of being operated at all times.

5. Section 393.17 is amended by revising paragraph (c) to read as follows:

§ 393.17 Lamps and reflectors—combinations in driveaway-towaway operation.

* * * * *

(c) If the towed vehicle in a combination is a mobile structure trailer, it must be equipped in accordance with the following lighting devices. For the purposes of this part, "mobile structure trailer" means a trailer that has a roof and walls, is at least 10 feet wide, and can be used off road for dwelling or commercial purposes.

* * * * *

6. Section 393.45 is amended by revising paragraphs (b)(1)(i) and (c) introductory text and (1) and adding a new paragraph (d) to read as follows:

§ 393.45 Brake tubing and hose, adequacy.

* * * * *

(b) *Special requirements for brake hose other than nonmetallic tubing.* (1) * * *

(i) Hydraulic brake hose: Society of Automotive Engineers (SAE) J1401a, January 1978.

* * * * *

(c) *Nonmetallic brake tubing.* Coiled nonmetallic brake tubing may be used for connections between towed and towing vehicles or between the frame of a towed vehicle and the unsprung subframe of an adjustable axle of that vehicle if—

(1) The tubing conforms to the requirements for Type B nonmetallic tubing set forth in SAE Standard J844d, "Nonmetallic Air Brake System Tubing," July 1976;

* * * * *

(d) *Brake tubing and brake hose-definition.* As used in this section, "brake tubing" and "brake hose" are conduits or lines used in a brake system to transmit or contain the medium (fluid, air, or vacuum) used to apply force to a motor vehicle's brakes. Brake hose is flexible compared to brake tubing except for coiled nonmetallic brake tubing set forth in paragraph (c) of this section. Brake hose is intended for use in the brake system when movement in the line is anticipated. Brake tubing is intended for use in the brake system when movement in the line is not anticipated.

7. Section 393.91 is revised to read as follows:

§ 393.91 Buses, aisle seats prohibited.

No bus, except buses having a seating capacity of eight or less persons shall be equipped with aisle seats unless such seats are so designed and installed as to automatically fold and leave a clear aisle when they are unoccupied. No bus shall be operated if any seat therein is not securely fastened to the vehicle: *Provided, however,* that this section shall not apply with respect to any bus while engaged exclusively in the transportation of agricultural workers in charter transportation if such bus carries, not to exceed eight passengers, on temporary folding seats located in the center aisle of the bus.

§ 393.95 [Amended]

8. Section 393.95 is amended by removing and reserving paragraph (d) *Tire Chains.*

9. Section 393.102 is amended by revising the second sentence of paragraph (b) of this section and footnote number 1 to this paragraph to read as follows:

§ 393.102 Securement systems.

* * * * *

(b) * * * Chain used as a component of a tie down assembly must conform to the requirements of the November 1975 edition of the National Association of Chain Manufacturer's Welded and Weldless Chain Specifications[1] applicable to all type of chain. * * *

* * * * *

10. Section 397.21 is amended by revising paragraph (b)(2) to read as follows:

§ 397.21 Marking of vehicles operated by private carriers.

* * * * *

(b) * * *

(2) The city or community and State abbreviation, in which the carrier maintains its principal office or in which the vehicle is customarily based.

(49 U.S.C. 304, 1655; 49 CFR 1.48(b) and 301.60)

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[1] Copies of these specifications may be secured by writing to the National Association of Chain Manufacturers, 500 North Michigan Avenue, Chicago, Illinois 60611.

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety.)

List of Subjects

49 CFR Part 392

Motor carriers, Driving practices.

49 CFR Part 393

Motor carriers, Motor vehicle equipment, Motor vehicle safety.

49 CFR Part 397

Hazardous materials transportation, Motor carriers.

Issued on: October 20, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety.

[FR Doc. 82-29337 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 81-18; Notice 2]

Federal Motor Vehicle Safety Standards; Brake Hoses

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend Safety Standard No. 106, *Brake Hoses,* to make a change in the test procedures relating to the brake hose "whip test". Specifically, the list of items to be removed from the brake hose assembly prior to conducting the "whip test" is expanded to include mounting brackets. The amendment is responsive to a petition for rulemaking submitted by General Motors Corporation, and makes the test procedures specified in the standard consistent with the test procedures used by the agency's Office of Enforcement.

DATES: Any petitions for reconsideration of this rule should be received on or before November 29, 1982. This amendment is effective October 28, 1982.

ADDRESS: Any petition for reconsideration should refer to the docket number and notice number of this notice and be submitted to NHTSA Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Vernon Bloom, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2153).

SUPPLEMENTARY INFORMATION: Safety Standard No. 106, *Brake Hoses* (49 CFR 571.106), specifies a "whip test" for hose assemblies to measure fatigue resistance. On March 29, 1982, the agency issued a notice of proposed rulemaking to amend the procedure for that test, in response to a petition for rulemaking submitted by General Motors Corporation (47 FR 13176). General Motors asked for certain changes because of possible confusion between the NHTSA's Laboratory Procedures and the procedures stated in the standard with respect to preparing brake hose assemblies for the "whip test".

The Laboratory Procedure for conducting the "whip test" published by the NHTSA Office of Standards Enforcement in 1975 ("Laboratory Procedure for Brake Hose Testing" TP-106-03) specifies the following procedure in preparation of the Whip Fatigue Test: "All external appendages such as chafing collars, mounting brackets, date bands and spring guards shall be removed from the brake hose assembly prior to testing on the whip machine." By contrast, paragraph S6.3.2(a) of Safety Standard No. 106 specifies the following preparation: "Remove hose armor and date band, if any." As noted in the March proposal, General Motors was concerned that this inconsistency might create confusion, and requested that the standard be amended to include all the items that are specified for removal in the Laboratory Procedure. The notice of proposed rulemaking sought to remove the inconsistency.

There were five comments to the proposal from the following vehicle manufacturers: Chrysler, Ford, American Motors, Volkswagen and General Motors. All supported the proposed change and stated that it should have absolutely no adverse effect on the integrity of the whip fatigue test.

The agency has determined that this minor technical change should be adopted as proposed. The agency has always intended for all external appendages to be removed prior to conducting the "whip test". As noted in the proposal, since it is only the brake hose itself that is being tested for fatigue resistance, it is not necessary to have readily removable external components present during the test. Further, these external components could unnecessarily complicate the test procedure or cause problems by becoming caught in the test apparatus. The agency does not believe that removing these components will in any way degrade the safety performance that is garnered from the "whip test". Therefore, the standard is being amended as proposed.

The agency has determined that this amendment does not qualify as a major regulation under Executive Order 12291 or as a significant regulation under the Department's Regulatory Policies and Procedures because it is a minor technical change. The effects of this amendment are so insignificant that a full regulatory evaluation is not required. There will not be any effect on the cost of brake hoses.

The agency has also evaluated the amendment under the precepts of the Regulatory Flexibility Act and the Administrator hereby certifies that the modification will not have any significant economic impact on small entities, including small businesses, small organizations or small governmental units. Since this is a minor technical change affecting only a minor test procedure, it will have no impact on small entities whatsoever.

The agency has evaluated the amendment under the National Environmental Policy Act and determined that the modification will not have a significant effect on the quality of the human environment. In fact, it will have absolutely no effect on the environment.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In light of the above considerations, paragraph S6.3.2(a) of Safety Standard No. 106, *Brake Hoses* (49 CFR 571.106) is amended to read as follows:

§ 571.106 Standard No. 106; Brake hoses.

* * * * *

S 6.3.2 Preparation.

(a) Remove all external appendages including, but not limited to, hose armor, chafing collars, mounting brackets, date bands and spring guards.

* * * * *

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 5, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82-29518 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 74-14; Notice 28]

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Transportation.

ACTION: Final rule.

SUMMARY: The purpose of this notice is to amend the fuel loading test conditions of Safety Standard No. 208, *Occupant Crash Protection*. The amendment is in response to a petition for rulemaking submitted by Mercedes-Benz of North America. Standard No. 208 currently specifies that vehicles are to be crash tested with their maximum capacity of fuel. Several other NHTSA safety standards only require fuel tanks to be filled from 90 to 95 percent of capacity. This amendment makes the fuel loading conditions of Standard No. 208 consistent with these other standards. This change will enable manufacturers to simultaneously determine compliance with several standards during the same crash tests, thereby reducing compliance test costs. In connection with this change, this notice also adds a definition for "fuel tank capacity" to the agency's general definition list in 49 CFR 571.3.

DATES: This amendment is effective October 28, 1982. Any petitions for reconsideration of this rule should be received on or before November 29, 1982.

ADDRESS: Any petitions for reconsideration should refer to the docket number and notice number of this notice and be submitted to Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Nelson, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: The fuel tank loading condition in Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208) differs from that used in several other NHTSA safety standards. Paragraph S8.1.1(a) of Standard No. 208 currently specifies that a passenger car is to be loaded "to its unloaded vehicle weight plus its rated cargo and luggage capacity weight" prior to conducting a barrier crash test. The term "unloaded vehicle weight" is defined in 49 CFR 571.3 as "the weight of a vehicle with maximum capacity of all fluids necessary for operation of the vehicle * * *." Therefore, under the current test conditions of the standard, fuel tanks are to be filled to 100 percent capacity. The fuel loading conditions of Safety Standards Nos. 301, *Fuel System Integrity*, 212, *Windshield Mounting*, and 219, *Windshield Zone Intrusion*, specify that fuel tanks are only loaded from 90 to 95 percent of capacity.

On January 28, 1982, the agency proposed to amend the loading conditions of Standard No. 208 to make them consistent with those of Standards Nos. 301, 212 and 219 (47 FR 4098). The proposed amendment was issued in response to a petition for rulemaking submitted by Mercedes Benz of North America, which asked that the fuel loading conditions of Standard No. 208 be amended to be consistent with Safety Standard No. 301. Mercedes pointed out that such an amendment would serve to harmonize the two standards and would eliminate the current need for running separate barrier crash tests for the two standards. The company stated that tests being conducted to evaluate occupant crash protection systems yield data which cannot be used to evaluate the integrity of fuel systems because of the variation in fuel tank loading conditions.

Several parties commented on the proposed change. All of them were vehicle manufacturers which supported lowering the fuel loading conditions of Standard No. 208. All the manufacturers noted that the proposed change would standardize test conditions for the standards employing dynamic crash testing, and would thereby reduce costs. After reviewing these comments, the agency has determined that the standard should be amended as proposed.

As noted in the proposal, the agency believes that filling fuel tanks from 90 to 95 percent capacity for Standard 208 testing will be sufficiently representative of the maximum fuel loading that will occur on the highway. Vehicles are seldom driven with their fuel tanks filled to 100 percent capacity. Moreover, the difference in overall vehicle weight because of the 5 to 10 percent less fuel with this amendment should have no significant effect on the test results of Standard No. 208. Therefore, the change does not significantly reduce the stringency of the standard and realistically maintains the intended purpose of the loading conditions.

The agency also believes it is important to facilitate simultaneous testing for various safety standards, where possible, in order to minimize testing costs. Since Standards Nos. 301, 212, and 219 only require fuel tanks to be loaded from 90 to 95 percent capacity, the agency has determined that Standard No. 208 should be amended to be consistent. In this case, testing costs can be reduced without jeopardizing safety whatsoever.

In its comment, General Motors Corporation suggested that the amendment also include a definition of "fuel tank capacity", so that there will be no questions concerning the proper procedure for filling fuel tanks prior to testing. General Motors' suggestion was prompted by a discussion in the preamble of the proposal concerning what constitutes the "capacity" of a fuel tank. That discussion was included because the agency had previously received several questions asking whether the vapor volume of a fuel tank is included in determining capacity. The discussion clarified the agency's position that "capacity" does not include vapor volume.

The agency believes that General Motors' suggestion has merit. Therefore, a definition for "fuel tank capacity" is added by this amendment to 49 CFR 571.3, the agency's general definition section. The term is defined as the volume of fuel that can be pumped into a previously unfilled tank through the filler pipe with the vehicle on a level surface, but excluding the vapor volume of the tank and the volume of the tank filler pipe. The definition is being added to 49 CFR 571.3, rather than to Standard No. 208, so that it is clear the same term is applicable to all safety standards which specify fuel loading in terms of tank capacity (i.e., Standards Nos. 301, 212, and 219 as well as Standard No. 208).

The agency has determined that this definition can be added to 49 CFR 571.3 without notice and opportunity to comment since it is merely an interpretive amendment and is therefore within the exceptions to rulemaking procedures specified in the Administrative Procedure Act (5 U.S.C. 553(b)(3)(A)). In fact, the addition of this definition is merely a codification of previous NHTSA interpretations.

The agency has determined that this amendment does not qualify as a major regulation under Executive Order 12291, nor as a significant regulation under the Department's guidelines for issuing regulations. The amended test condition will provide a minor benefit to those manufacturers which choose to conduct simultaneous crash tests for several safety standards by reducing costs. Further, the agency has determined that the impacts are so minimal as not to warrant preparation of a full regulatory evaluation.

The agency has considered the amendment under the National Environmental Policy Act and determined that the change will not have a significant impact on the quality of the human environment.

Finally, the agency has considered the amendment under the precepts of the Regulatory Flexibility Act and the Administrator hereby certifies that the modified test condition will not have a significant economic impact on a substantial number of small entities. Only vehicle manufacturers will be affected by the amendment. Since the amendment will only reduce testing costs slightly in relation to overall manufacturer costs, the modification will not significantly affect any vehicle manufacturer that might qualify as a small business under the Act. The amendment would have no significant impact on small organizations or small governmental units. Although these units are fleet purchasers of vehicles, the amendment is so insignificant that it will have no effect on the retail price of cars.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, 49 CFR 571.208 and 49 CFR 571.3 are amended as set forth below.

§ 571.208 [Amended]

1. The first sentence of S 8.1.1 is amended to read:

* * * * *

"Except as provided in paragraph (c) of this section, the vehicle, including test devices and instrumentation is loaded as follows:"

* * * * *

2. A new paragraph S 8.1.1(c) is added to read as follows:

* * * * *

"(c) The fuel tank is filled to any level from 90 to 95 percent of capacity."

* * * * *

§ 571.3 [Amended]

A new definition is added at the end of § 571.3 to read as follows:

* * * * *

"*Vehicle fuel tank capacity*" means the tank's unusable capacity (i.e., the volume of fuel left at the bottom of the tank when the vehicle's fuel pump can no longer draw fuel from the tank) plus its usable capacity (i.e., the volume of fuel that can be pumped into the tank through the filler pipe with the vehicle on a level surface and with the unusable capacity already in the tank). The term does not include the vapor volume of the tank (i.e., the space above the fuel tank filler neck) nor the volume of the fuel tank filler neck.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 5, 1982.

Raymond A. Peck, Jr.,
Administrator.

[FR Doc. 82–29519 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–59–M

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49 CFR Part 571

[Docket No. 81–10; Notice 2]

Federal Motor Vehicle Safety Standards; Impact Protection for the Driver From the Steering Control Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule.

SUMMARY: In response to a petition for rulemaking filed by General Motors (GM), the National Highway Traffic Safety Administration is amending Standard No. 203, *Impact Protection for the Driver From the Steering Control System,* to modify the current limitation of 2,500 pounds on the amount of force imposed on the steering column during the compliance test which simulates a crash. GM sought the change because a mechanical interference between several parts in its tilting and telescoping steering wheel cause the force measured in the Standard No. 203 impact test to momentarily increase above 2,500 pounds. The standard will now allow the force measured on the steering column to exceed 2,500 pounds for a cumulative duration of not more than 3 milliseconds. The agency has concluded that this amendment will not pose an unreasonable risk to safety.

EFFECTIVE DATE: This amendment is effective December 2, 1982. Petitions for reconsideration must be received no later than November 29, 1982.

ADDRESSES: Petitions for reconsideration should refer to the docket number and be sent to: Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours are 8 a.m. to 4 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. William Smith, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–2992).

SUPPLEMENTARY INFORMATION: In response to a petition for rulemaking from General Motors (GM), NHTSA issued a notice in October 1981 (46 FR 48260) that proposed an amendment to Standard No. 203, *Impact Protection for the Driver From the Steering Control System* (49 CFR 571.203). The notice proposed modifying the current 2,500 pound limitation on the amount of force imposed on the steering column. The force is measured during an impact test in which a hard rubber block simulating the human torso strikes the steering column at 15 miles per hour.

GM sought the change because a mechanical interference between several parts in its tilting and telescoping steering wheel cause the force measured in the Standard No. 203 impact test to momentarily increase above 2,500 pounds. The mechanical interference only occurs when the steering wheel is fully telescoped and tilted down 15 degrees. GM requested and the agency proposed to prohibit forces above 2,500 pounds only if they cumulatively exceeded 3 milliseconds in duration.

To support its request, GM presented data from three sled tests simulating 30 mile-per-hour frontal barrier crashes in which an unrestrained Part 572 anthropomorphic test dummy struck the steering column. The GM tests showed that the momentary increase in force levels measured on the steering column do not cause a corresponding increase in the resultant acceleration in the test dummy's chest. (Resultant acceleration is the criterion used in Standard No. 208 *Occupant Crash Protection,* as a means of determining whether forces are potentially harmful.)

This notice amends Standard No. 203 to adopt the proposed change. Significant comments submitted to the docket are addressed below.

Five commenters, American Motors, Chrysler, Ford, General Motors, and Volkswagen, supported adoption of the proposed amendment. The Insurance Institute for Highway Safety (IIHS) and the Center for Auto Safety (CFAS) filed comments opposing the amendment.

IIHS argued that the GM test data considered by the agency do not demonstrate that the short duration force levels permitted by the amendment will not pose an unreasonable risk of injury to the driver. IIHS objected that GM had not discussed the relationship between the 30 mile-per-hour impact tests the automaker conducted with instrumented

Part 572 test dummies and the 15 mile-per-hour impact tests GM conducted with the body block in accordance with the requirements of Standard No. 203. IIHS said that it is difficult to make a straightforward comparison between the two tests because one involves use of a full-size test dummy representing a 50th percentile male while the other uses a simple hard rubber block representing only the upper torso and head of a human. In addition, IIHS stated that the force/deflection characteristics of the test dummy and the torso block are significantly different.

The agency believes that of the two tests, the 30 mile-per-hour sled test conducted by GM is more representative of an actual vehicle crash. In GM's sled test, the unrestrained test dummy was placed on a vehicle seat behind the steering column as in an actual vehicle. In the simplified 15 mile-per-hour test of Standard No. 203, the torso block is accelerated toward the column, usually by a pendulum, and then released to strike the column.

Equally important, the anthropomorphic test dummy specified in Part 572 of the agency's regulations is more representative of a human than the torso block used in Standard No. 203. The simplified torso block was developed before human-like test dummies were available. The area representing the chest of the torso block is significantly harder and stiffer than a human chest. As a result of that hardness and stiffness, an impact with that surface is more likely to produce the sudden, short increases in acceleration than is a more flexible surface designed to be similar to the human chest. The chest of the Part 572 anthropomorphic test dummy is based on testing done with cadavers and human volunteers and thus is more representative of the actual human chest. Thus, the agency believes that the GM testing is a better measure of the forces that would be imposed on a driver's chest in an actual crash. As explained more fully below, the agency is considering changes to Standard No. 203 that would improve its test procedures and requirements.

IIHS's second objection was that GM had not demonstrated that the Part 572 dummy and the injury criteria used in GM's testing are suitable for assessing whether the forces generated in the testing are likely to be injurious. IIHS said that the Part 572 dummy was designed specifically with the air bag in mind, which distributes forces over a large area to reduce injuries, and was not designed to be sensitive to the effects of large concentrated loads. IIHS and CFAS both emphasized that concentrated forces are known injury producers.

The Part 572 test dummy was designed to be used in the automatic restraint system testing of Standard No. 208, *Occupant Crash Protection*. During and after its development, the test dummy has been used extensively to measure loads generated by automatic and conventional belt systems as well as air bag systems. The injury criterion used in the GM testing is the same as the chest injury criterion adopted in Standard No. 208. At present, the Part 572 test dummy and the Standard No. 208 chest injury criterion are the only generally recognized and accepted measures of potential injury to the chest. The data from the GM testing, using available test dummies, show that the resultant acceleration measured in the chest were within the limits set by the agency in Standard No. 208. Thus, the agency concludes that based on available data, the short duration forces experienced in the Standard No. 203 impact test do not pose an unreasonable risk of injury.

Future Rulemaking

Several commenters requested the agency to make several technical and other amendments to the standard. GM requested the agency to amend the standard to adopt the updated version of the Society of Automotive Engineers recommended practice currently incorporated in Standard No. 203. Volkswagen recommended that the agency consider, for reasons of international harmonization, modifying the standard to adopt the alternative head impact test procedure contained in the European regulation on steering columns, Economic Commission for Europe Regulation 12.

IIHS and CFAS both criticized the agency for not upgrading the performance requirements of the standard and urged the agency to do so quickly. IIHS devoted a substantial portion of its submission to changes in the test procedures and requirements for the standard. Ford said that, before making any changes to the standard, the agency should determine whether any changes would compromise the field performance of current steering systems.

As mentioned in the notice of proposed rulemaking for this rule, the agency actively is considering possible improvements to Standard No. 203. The agency agrees, as Ford pointed out, that steering columns meeting Standard No. 203 have been proven to be injury reducers. However, the agency's technical report (Publication No. DOT HS 805-705) evaluating Standard No. 203 and Standard No. 204, *Steering Column Rearward Displacement*, also suggested areas for improving the standards. The agency will consider CFAS's, GM's, IIHS's, and Volkswagen's suggested changes during the process of evaluating possible changes to the standard.

At present, a number of research projects are being conducted for the agency on energy-absorbing steering columns. For example, Calspan is conducting a special study (contract DTNH22-80-C-07450) of data gathered during the National Crash Severity Study. The study is identifying conditions leading to both more and less successful operations of energy-absorbing steering columns, determining the relationship of energy-absorbing column compression and column intrusion to injury severity and comparing performance between specific energy-absorbing column designs. The agency is also working with Minicars, Inc., to conduct static and dynamic testing of steering columns to rate their protective capability. Based on the Calspan, Minicar and other research, the agency will make a determination of what, if any, changes to propose to the standard.

Economic Effects

The agency has assessed the economic and other effects of this final rule and determined that the rule is not major within the meaning of Executive Order 12291. In addition, the rule is not significant within the meaning of the Department of Transportation's regulatory policies and procedures. Based on that assessment, the agency has concluded that the economic and other consequences of this final rule are so minimal that a full regulatory evaluation is not required by DOT's policies and procedures. The impact is minimal because the final rule relieves a restriction contained in the current standard and thus will not require manufacturers to make any design changes to their vehicles. Any cost savings should be very small.

The agency has also considered the effect of this final rule on small businesses, small governmental jurisdictions and small organizations as required by the Regulatory Flexibility Act. The Administrator certifies that the final rule will not have a significant economic effect on a substantial number of small entities and thus a regulatory flexibility analysis is not necessary. The primary effect of this final rule is to relieve a restriction for motor vehicle manufacturers, virtually none of which is a small business entity for the purposes of the Regulatory Flexibility Act. In view of the small potential cost savings, the final rule will have no effect on small organizations and small government jurisdictions which purchase new vehicles.

In addition, the agency has analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant effect on the human environment.

The agency has determined, for good cause shown, that an effective date of 35 days is in the public interest, since the amendment adopted in this notice relieves a restriction in the current standard.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—[AMENDED]

In consideration of the foregoing, the following amendment is made to § 571.203, *Impact Protection for the Driver from the Steering Control System*, of Title 49 of the Code of Federal Regulations:

§ 571.203 [Amended]

1. Section S 5.1 is revised to read as follows:

* * * * *

When the steering control system is impacted in accordance with Society of Automotive Engineers Recommended Practice J944, "Steering Wheel Assembly Laboratory Test Procedure," December 1965, or an approved equivalent, at a relative velocity of 15 miles per hour, the impact force developed on the chest of the body block transmitted to the steering control system shall not exceed 2,500 pounds, except for intervals whose cumulative duration is not more than 3 milliseconds.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 5, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82–29547 Filed 10–27–82; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1011

Delegations to Individual Commissioners; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Reinstatement of final rules; corrections.

SUMMARY: In Ex Parte No. 55 (Sub-No. 39) published at 45 FR 5739, January 24, 1980, the Commission revised certain references to Suspension Board matters and procedures relating to that Board. Those revisions inadvertently revised 49 CFR 1011.5(b)(2) and removed the delegation to the Vice-Chairman of the Commission to handle matters involving admissions, disbarment or discipline of practitioners before the Commission. Those provisions were reinstated by a rule published at 47 FR 9466, March 5, 1982, but the March 5 rule in turn inadvertently removed the Suspension Board material. This rule corrects the March 5, 1982 document.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Kathleen King, (202) 275–0956.

SUPPLEMENTARY INFORMATION: This rule corrects inadvertent errors made by two earlier rules which amended 49 CFR Part 1011. In the first rule, paragraph (b)(2) was revised, mistakenly removing the delegation of authority to the Vice Chairman in practitioner matters. The second rule reinstated that authority, but removed the authority delegation relating to calamitous visitation. To correct this problem, the March 5, rule, FR Doc. 82–6043, is corrected as follows:

1. The reinstated text of § 1011.5(b)(2) remains the same.
2. A new § 1011.5(b)(3) containing the Suspension Board delegation is added.
3. As corrected § 1011.5(b) as published on March 5, 1982, 47 FR 9466, reads as follows:

§ 1011.5 Delegation to individual Commissioners.

* * * * *

(b) * * *

(2) Matters involving the admission, disbarment or discipline of practitioners before the Commission under rules 7 through 11 of the General Rules of Practice (49 CFR 1100.7–1100.11).

(3) Reduced rates authorization in cases of calamitous visitation under 49 U.S.C. 10721 and, in related matters, relief from the provisions of 49 U.S.C. 10730 and the long and short haul restrictions of 49 U.S.C. 10726.

* * * * *

This action will not significantly affect either the quality of the human environment or conservation of energy resources and will not affect small businesses.

(49 U.S.C. 10321 and 5 U.S.C. 553)

Decided: October 14, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29328 Filed 10–27–82; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1137

[Ex Parte No. MC—142 (Sub-2)]

Freight Forwarder Restrictions

AGENCY: Interstate Commerce Commission.

ACTION: Notice of judicial stay of final rules.

SUMMARY: In this proceeding, the Commission made the motor carriers of property restriction removal rules applicable to freight forwarders. On October 8, 1982, the United States Court of Appeals for the Fifth Circuit entered a stay of the freight forwarder restriction removal rules pending judicial review of these rules in *Global Van Lines, Inc. et al.* v. *Interstate Commerce Commission and United States of America*, U.S.C.A., 5th Cir., No. 82–4284.

EFFECTIVE DATE: Effective October 28, 1982.

FOR FURTHER INFORMATION CONTACT:

Robin K. Williams, (202) 275–7697.
Howell I. Sporn, (202) 275–7691.

SUPPLEMENTARY INFORMATION: In this proceeding, the Commission made the motor carriers of property restriction removal rules, 49 CFR Part 1137, applicable to freight forwarders (47 FR 31281, July 19, 1982). The new rules were made effective immediately. Subsequently, several parties requested a stay of the effect of the decision served July 19, 1982, pending judicial review. The Commission denied the petition for stay pending judicial review but did reopen the proceeding to extend the effective date of the applicability of the restriction removal rules to freight forwarders to October 8, 1982 (47 FR 39687, September 9, 1982).

Inasmuch as the freight forwarder restriction rules have been stayed by the court, the Restriction Removal Board will not accept freight forwarder restriction removal applications for publication in the **Federal Register.** Those applications filed prior to October

8, 1982, and awaiting publication and those which have been published and are now awaiting final processing and issuance of broadened permits, will be held in abeyance until the Fifth Circuit completes its review of the rules.

In the interim, freight forwarders are free to seek reformation of their permits using the conventional OP–1 procedures.

Decided: October 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29611 Filed 10–27–82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 230

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes; Cooperative Agreement Between NOAA and the Alaska Eskimo Whaling Commission

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Rule related notice.

SUMMARY: At its 32nd Annual Meeting held in Brighton, England, in July 1980, the International Whaling Commission (IWC) adopted an amendment to the Schedule of the International Convention for the Regulation of Whaling, 1946, which established a three-year quota for the taking of the Bering Sea stock of bowhead whales for calendar years 1981, 1982, and 1983 of 45 landed or 65 struck with a maximum of 17 landed in any one year. All amendments to the Schedule of the Convention adopted at the 32nd Annual Meeting, including the three-year quota, became effective on November 25, 1980 (45 FR 85031, December 24, 1980). On May 11, 1982 (47 FR 20137) the Cooperative Agreement between the National Oceanic and Atmospheric Administration (NOAA) and the Alaska Eskimo Whaling Commission (AEWC) that implements this three-year quota was published. This notice publishes an amendment to the Cooperative Agreement.

DATES: The Cooperative Agreement became effective on March 26, 1981 and was amended and extended on February 28, 1982 and was further amended in July 1982.

ADDRESSES: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Mr. Richard B. Roe, Acting Director, Office of Marine Mammals and Endangered Species (F/MM), Washington, D.C. 20235, telephone (202) 634–7461.

SUPPLEMENTARY INFORMATION: Prior to 1977, the IWC Schedule exempted the native subsistence harvest of bowhead whales from its otherwise total prohibition of the hunting of bowhead whales. In 1977, the IWC removed that exemption and established annual quotas each year from 1977 to 1980. At the 32nd Annual Meeting of the IWC in July 1980, the IWC adopted a three-year quota for bowhead whales of 45 whales landed or 65 struck with a maximum of 17 landed in any one year.

The IWC Schedule including the bowhead whale catch limits is published in the **Federal Register** annually which makes it effective with respect to all U.S. citizens as required by the Whaling Convention Act of 1949.

NOAA entered into a two-year Cooperative Agreement in 1981 with the Alaska Eskimo Whaling Commission (AEWC) for cooperative bowhead whale management. This Agreement was amended on February 28, 1982 and published in the **Federal Register** on May 11, 1982 (47 FR 20137).

In this notice, we publish a further amendment to the Cooperative Agreement that was agreed to by NOAA and the AEWC in July, 1982. This amendment extends the Cooperative Agreement through December 31, 1987. It further provides that NOAA and the AEWC shall determine through annual negotiations the total number of whales that may be struck in each year from 1983 to 1987. If NOAA and the AEWC do not agree on a quota for a particular year, the quota from the previous year shall apply. The Agreement as further amended states that the United States Government agrees that civil assessments shall be the exclusive enforcement mechanism for violations by registered members of the AEWC of provisions of: (a) The Agreement as it may be amended from time to time, (b) the Marine Mammal Protection Act, the Whaling Convention Act, and the Endangered Species Act as these acts may relate to aboriginal whaling, (c) the International Convention for the Regulation of Whaling, 1946, and (d) regulations of the International Whaling Commission. The AEWC will initially make the assessment and transfer the assessment to NOAA. If NOAA does not agree with the assessment, it may seek review in an administrative trial-type hearing.

The 1982 amended Agreement is printed below.

List of Subjects in 50 CFR Part 230

Whales.

Dated: October 22, 1982.

William G. Gordon,

Assistant Administrator for Fisheries.

Amendment to the Cooperative Agreement Between the National Oceanic and Atmospheric Administration and the Alaska Eskimo Whaling Commission

1. The PURPOSE section is amended to read as follows:

The purposes of this agreement are to protect the bowhead whale and the Eskimo culture, to promote scientific investigation of the bowhead whale, and to effectuate the other purposes of the Marine Mammal Protection Act, the Whaling Convention Act and the Endangered Species Act as these acts may relate to aboriginal subsistence whaling.

In order to achieve these purposes, this agreement provides for:

(a) cooperation between members of the Alaska Eskimo Whaling Commission (AEWC) and the National Oceanic and Atmospheric Administration (NOAA) in management of the bowhead whale hunt for 1981 through 1987; and

(b) an exclusive enforcement mechanism that shall apply during the term of this agreement to any violation by whaling captains (or their crews) who are registered members of the AEWC of any provisions of the Marine Mammal Protection Act, the Endangered Species Act, or the Whaling Convention Act as these acts may relate to aboriginal subsistence whaling, of the International Convention for the Regulation of Whaling, 1946, of regulations of the International Whaling Commission, or of any provisions of this agreement.

2. The responsibilities section is amended to read as follows:

NOAA has primary responsibility within the United States Government for management and enforcement of programs concerning the bowhead whale. The AEWC is an association governing Alaskan Eskimo whalers who hunt for bowhead whales. The AEWC adopted a Management Plan on March 4, 1981, to govern hunting for bowhead whales by Alaskan Eskimos. Under this cooperative agreement the AEWC will in cooperation with NOAA manage the 1981 through 1987 bowhead whale hunts. The authority and responsibilities of the AEWC are contained in and limited by this agreement and the Management Plan as amended from time to time to the extent the Management Plan is not inconsistent with this agreement. If the AEWC fails to carry out its enforcement responsibilities or meet the conditions of this agreement or of the Management Plan as amended from time to time, NOAA may assert its federal management and enforcement authority and will regulate the bowhead whale hunt in a manner consistent with federal law, this agreement and the Management Plan to the extent necessary to carry out the responsibilities that are not being carried out. Such assertion of federal authority will be preceded by notice to AEWC of intent to regulate the bowhead whale hunt to the extent necessary to carry out those responsibilities and conditions, and will not be effected until the AEWC or its members have been given an opportunity to present their views on the need for such assertion in a public forum; provided, however, that in cases where irreparable harm to the bowhead whale resource might result, the assertion of federal authority may be effected immediately after notice, in which cases the public forum on the need for such assertion will be conducted as soon as practicable thereafter.

3. The inspection and reporting section is not amended.

It reads as follows:

NOAA personnel shall monitor the hunt and the AEWC shall assist such personnel with such monitoring. The AEWC will provide an oral report to NOAA daily regarding the number of strikes and landings. The AEWC will also inform all whaling captains who are engaged in whaling activities of the number of whales struck or landed at all times. The AEWC will also provide a report to NOAA within 30 days after the conclusion of the spring hunt and the fall hunt containing at least the following information:

(1) The number, dates, and locations of every strike or landing;

(2) The lengths, (as measured from the point of the upper jaw to the notch between the tail flukes), the extreme width of the flukes, and the sex of the bowhead whales landed;

(3) The length and sex of a fetus, if present, in a landed bowhead whale; and

(4) An explanation of circumstances associated with the striking of any bowhead whale not landed, and an estimate of whether a harpoon or bomb emplacement caused a wound which might be fatal to the animal (e.g., the harpoon entered a major organ of the body cavity and the bomb exploded).

NOAA will provide technical assistance in collection of the above information. The AEWC shall assist appropriate persons in collection of specimens from landed whales, including but not limited to ovaries, ear plugs, and baleen plates. Such specimens shall be available to appropriate government officials. NOAA personnel cooperating with AEWC will work closely with the AEWC Commissioner in each whaling village to facilitate the accurate monitoring of the hunt.

4. The management section is amended to read as follows:

(1) No more than a total of 19 whales shall be struck in 1982. The AEWC and NOAA shall determine the total number of whales that may be struck in each year from 1983 through 1987 through annual negotiations that shall be concluded by March 15 of the year for which the quota is applicable. If the AEWC and NOAA are unable in these annual negotiations to agree on quotas for a particular year, the quota from the previous year shall apply. The AEWC management plan will provide that whaling captains and crews will use their best efforts to land every whale that is struck, and strike whales that are under 12 meters (39 feet) and presumed to be sexually immature.

(2) The AEWC may determine the allocation of these permitted strikes among the whaling villages.

(3) Deleted (incorporated into enforcement section).

5. A new section is added to read as follows:

Enforcement

(1) The AEWC agrees that whaling captains will be subject to civil monetary assessments for whales struck over any strike limit and whales landed over any landing limit that is prescribed in this agreement and the Management Plan as they may be amended from time to time. The AEWC will collect the assessments from the whaling captains and deposit them with NOAA representatives. In the event of a dispute between NOAA and the AEWC over the number of whales landed or struck, or the amount of the assessment, or other factual matters, NOAA will consult with the AEWC about the matter. If the dispute cannot be resolved, it will be referred to a NOAA administrative law judge for determination under a trial-type administrative proceeding of factual findings and the amount of assessment. The procedures contained in 50 CFR 218.21–218.25 will control these proceedings. The decision of the administrative law judge may be appealed to the Administrator of NOAA. Whaling captains may also be liable for civil assessments for other violations of the management plan as determined by the AEWC or by an administrative law judge under the procedures described above.

(2) In consideration of the AEWC's agreement hereunder, the Government of the United States agrees that the enforcement provision described in paragraph (1) of this section shall be the exclusive enforcement mechanism that shall apply during the term of this agreement to any violation by whaling captains or their crews who are registered members of the AEWC of any provisions of the Marine Mammal Protection Act, the Endangered Species Act, or the Whaling Convention Act as these Acts may relate to aboriginal subsistence Whaling, of the International Convention for the Regulation of Whaling, 1946, of any regulations of the International Whaling Commission, or of any provisions of this agreement.

(3) The AEWC annually will furnish NOAA the names of all registered whaling captains.

6. The authorities section is amended to read as follows:

This cooperative agreement is concluded under the authorities governing management of living marine resources, including but not limited to the Marine Mammal Protection Act of 1972 and the Whaling Convention Act of 1949.

7. The duration section is amended to read as follows: This agreement is in effect from March 26, 1981 through December 31, 1987.

8. The consultation section is not amended. It reads as follows:

NOAA and the AEWC shall consult during the operation of this agreement concerning the matters addressed herein as well as all other matters related to bowhead whales which either party believes are suitable for such consultation. Specifically, NOAA shall consult with the AEWC on any action undertaken or any action proposed to be undertaken by any agency or department of the Federal Government that may affect the bowhead whale and shall use its best efforts to have such agency or department participate in such consultation with the AEWC.

9. A new section is added entitled Limitation of Use. It reads as follows:

Nothing in this Agreement shall be construed to support or contradict the position of either party regarding the jurisdiction of the International Convention for the Regulation of Whaling, 1946, or the Whaling Convention Act of 1949 with respect to aboriginal subsistence whaling by Alaskan Eskimos.

Roger Silook,
Chairman, Alaska Eskimo Whaling Commission;

Robert W. McVey,
NOAA Representative;

John V. Byrne,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc. 82-29741 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 611

[Docket No. 21021-215]

Foreign Fishing

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; corrections.

SUMMARY: NOAA corrects the "date" line of a final rule removing the table of total allowable level of foreign fishing (TALFF) from the Code of Federal Regulations, to clarify the effective date. NOAA also corrects the sample Telex message included in the regulations

implementing the Pacific Coast groundfish fishery management plan.

FOR FURTHER INFORMATION CONTACT: Susan E. Jelley, 202-634-7432.

Dated: October 22, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

1. The "date" line for FR Doc. 82-27711 appearing on page 44264 in the issue of October 7, 1982, is corrected to read: "**EFFECTIVE DATE:** November 8, 1982."

§ 611.70 Pacific coast groundfish fishery [Corrected].

2. In FR Doc. 82-27291, the word "REOREP" in the first line of the sample TELEX report in 50 CFR 611.70(j)(7)(ii), appearing in the right-hand column on page 43973 in the issue of October 5, 1982, is corrected to read "RECREP".

(16 U.S.C. 1801 *et seq.*)

[FR Doc. 82-29740 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF EDUCATION

34 CFR Parts 674, 675, 676, and 690

Pell Grant Program—Family Contribution Schedule; National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs—Definition of "Independent Student"

AGENCY: Education Department.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations for the 1983–84 Pell Grant family contribution schedule based upon Pub. L. 97–301 enacted on October 13, 1982. These regulations are being issued in place of the final regulations that would have resulted from either of the alternative proposals published in the **Federal Register** as a Notice of Proposed Rulemaking on August 2, 1982.

Further, the Secretary revises the dates that appear in each of the definitions of the term "independent student" in the National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Program regulations, 34 CFR 674.2, 675.2 and 676.2, respectively. The effective date as well as other dates referenced in each definition will apply to the 1983 academic year.

EFFECTIVE DATE: The amendments to the Pell Grant Program regulations (Part 690) are expected to take effect 15 days after publication in the **Federal Register.** Unless Congress takes certain adjournments, the date changes in the definition of an independent student in the campus-based program regulations (Parts 674, 675, and 676) are expected to take effect 45 days after publication. If you want to know the effective dates of these regulations call or write the contact person listed below. These regulations apply only to awards made for the period of July 1, 1983, through June 30, 1984.

FOR FURTHER INFORMATION CONTACT: Brian Kerrigan, Acting Chief, Pell Grant Policy Section, or David Morgan, Pell Grant Program Specialist, Office of Student Financial Assistance, U.S. Department of Education (Room 4318, Regional Office Building 3), Washington, D.C. 20202. Telephone: (202) 472–4300.

SUPPLEMENTARY INFORMATION:

Background

On August 2, 1982, the Secretary published in the **Federal Register** a Notice of Proposed Rulemaking (47 FR 33412) setting forth alternative regulations for determining the expected family contribution under the Pell Grant Program only (Alternative A), or under the Pell Grant, National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Alternative B). The regulations proposed under Alternative A depended upon the timely enactment of changes proposed by the Administration to the Higher Education Act of 1965. Congress did not act upon these proposed amendments, but instead enacted Pub. L. 97–301 which does not reflect either alternative proposed by the Secretary.

Pell Grant Family Contribution Schedule

Section 5 of Pub. L. 97–301 requires the Secretary to use, with certain specific modifications, the 1982–83 Pell Grant Family Contribution Schedule as the 1983–84 Pell Grant Family Contribution Schedule. The modifications include the treatment of certain veteran's benefits, an increase in the family-size offset, and other changes to reflect the most recent and relevant data.

Campus-based Programs Need Analysis Systems

Section 4 of Pub. L. 97–301 authorizes the Secretary to continue approving separate systems of need analysis for the campus-based programs in the 1983–84 and 1984–85 award years.

Veterans Educational Benefits

In the 1982–83 award year certain veterans benefits were not considered in determining the student's expected family contribution. Section 124(5) of Pub. L. 97–92 required the Secretary to exclude as income, veterans educational benefits under Chapters 34 and 35 of Title 38 in the United States Code. However, a portion of these benefits were considered in determining the amount of the student's Pell Grant. The total of the student's Pell Grant, expected family contribution, a portion of the above described veterans benefits, and all social security educational benefits could not exceed the student's cost of attendance used in the Pell Grant calculation. If that total exceeded the cost of attendance, the student's Pell Grant award was reduced to the extent necessary to prevent the total of those amounts from exceeding his or her Pell Grant cost of attendance.

For the 1983–84 award year, the law requires that one-half of the veterans benefits a student receives under Chapters 34 and 35 of Title 38 must be included as effective family income in determining the student's expected family contribution. This is the same procedure that was used to assess veterans benefits before the 1982–83 award year.

Updating the Family-size Offsets

As required by Pub. L. 97–301, the family-size offsets have been increased by 7.3 percent. Thus, the offsets used in 1982–83 were multiplied by 107.3 percent and the result was rounded to the nearest $100.

Definition of "Independent Student"

The regulations for each of the three campus-based programs are amended by revising the respective dates that appear in the definition of the term "independent student" so that 1983 will be the applicable academic year.

Other Changes that Reflect the Most Recent and Relevant Data

- *Social Security Benefits*

Pub. L. 97–92 also required the Secretary to exclude social security educational benefits as income in determining the 1982–83 expected family contribution. These are benefits that are either paid to or on account of the student which would not be paid if he or she were not a student. For the 1982–83 award year, the Pell Grant award was reduced if social security educational benefits, the expected family contribution, and a portion of the veterans benefits exceeded the Pell Grant cost of attendance. Pub. L. 97–301 requires that, in the 1983–84 award year, social security educational benefits continue to be excluded from the expected family contribution.

Noneducational benefits received by the student from the Social Security Administration (e.g., Supplemental Security Income) will be included as income in determining the expected family contribution.

- *Updating Reporting Years*

The regulations update the calendar years used in the 1982–83 schedule. The base year is 1982 rather than 1981, and the years used to determine independent student status 1982 and 1983. For married students, the critical year is 1983.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291.

They are classified as non-major because they do not meet the criteria for major regulations established in the order.

Regulatory Flexibility Act

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations establish the formula for determining student eligibility for financial assistance under the Pell Grant. As such they do not have an impact on small entities.

List of Subjects

34 CFR Part 674

Loan programs—education, Student aid.

34 CFR Part 675

Colleges and universities, Education, Employment, Grant programs—education, Student aid.

34 CFR Part 676

Education, Grant programs—education, Student aid.

34 CFR Part 690

Administrative practice and procedure, Education of disadvantaged, Grant program—education, Student aid

Citation of Legal Authority

A citation of statutory of other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

Dated: October 25, 1982.

(Catalog of Federal Domestic Assistance Numbers: National Direct Student Loan Program, 84.038; College Work-Study Program, 84.033; Supplemental Educational Opportunity Grant Program, 84.007; and Pell (Basic) Grant Program, 84.063)

T. H. Bell,
Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations as set forth below:

PART 690—PELL GRANT PROGRAM

1. Subparts C and D of Part 690 are revised to read as follows:

Subpart C—Expected Family Contribution for a Dependent Student

Sec.
690.31 Indicators of financial strength.
690.32 Special definitions.
690.33 Effective family income.
690.33a Effective student income.
690.34 Computation of the expected family contribution for a dependent student.
690.34a Computation of the expected family contribution for a dependent student from the effective student income.
690.35 Computation of the expected contribution from parental assets.
690.36 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.
690.37 Computation of the expected contribution from the assets of the dependent student (and spouse).
690.38 Computation of the total expected family contribution.
690.39 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

Subpart D—Expected Family Contribution for an Independent Student

690.41 Indicators of financial strength.
690.42 Special definitions.
690.43 Effective family income.
690.44 Computation of the expected family contribution for an independent student from the effective family income.
690.45 Computation of the expected contribution from the assets of the independent student (and spouse).
690.46 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.
690.47 [Reserved]
690.48 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

Subpart C—Expected Family Contribution for a Dependent Student

§ 690.31 Indicators of financial strength.

"Expected family contribution" for a dependent student means the amount that the student and his or her family may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the family contribution for a dependent student;

(a) The effective incomes of (1) the student and his or her spouse, and (2) the student's parent(s).

(b) The number of family members in the household of the student's parent(s).

(c) The number of family members in the household of the student's parent(s) who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(d) The assets of (1) the student and his or her spouse, and (2) the student's parent(s).

(e) The marital status of the student.

(f) The unusual medical expenses of the student's parents.

(g) The additional expenses incurred when both parents of the student are employed or when a family is headed by a single parent who is employed.

(h) The tuition paid by the student's parents for dependent children, other than the student, who are enrolled in an elementary or secondary school.

(Pub. L. 97-301)

§ 690.32 Special definitions.

For purposes of this subpart:

"Assets" means cash on hand, including amounts in checking and savings accounts, trusts, stocks, bonds, other securities, real estate, home (if owned), income producing property, business equipment, and business inventory. However, for Native American students, the following shall not be considered as an asset of the student or his or her family in determining the expected family contribution:

(a) Any property received under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(b) Any property that may not be sold or encumbered without the consent of the Secretary of Interior, or

(c) Any other property held in trust for the student or his family by the United States Government.

"Business assets" means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery and other equipment, patents, franchise rights, and copyrights.

"Dependent of the student's parents" means:

(a) The student,

(b) Any of the student's dependent children,

(c) Dependent children of the student's parents including those children who have been determined as to be "dependent students" when applying for Title IV student assistance, and

(d) Other persons (except the student's spouse) who live with and receive more than one-half of their support from the parents and will continue to receive more than half of their support from the parents during the 1983–84 award year.

"Dependent student" means any student who does not qualify as an independent student as defined in § 690.42(a).

"Dependent student offset" means (a) an offset from the effective income of a dependent student and his or her spouse to meet the basic needs of the student and spouse, plus (b) the portion of negative parental discretionary income that will not be used to offset the normal contribution from parental assets.

"Effective family income" and "effective income of the student and spouse" are described in §§ 690.33 and 690.33a respectively.

"Employment expense offset" means an allowance to meet expenses relating to employment when both parents are employed or when a parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Family-size offset" means an allowance to meet the subsistence expenses of a family, including food, shelter, clothing, and other basic needs. This offset is derived from the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration.

"Farm assets" means any property owned and used in the operation of a farm for profit, including real estate, livestock, livestock products, crops, farm machinery, and other equipment inventories. A farm is not considered to be operated for profit if crops or livestock are raised mainly for the use of the family, even if some income is derived from incidental sales.

"Federal income tax" means (a) the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code, or (b) the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or (c) the comparable taxes paid to the central government of a foreign country.

"Legal guardian" means an individual who has been appointed by a court to be a legal guardian of a person and who is specifically required by the court to use his or her own financial resources to support that person.

"Medical expenses" means unreimbursed medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code that were paid in 1982, unless the student files an application with the Secretary under the provisions of § 690.39. In that case the expenses reported are those paid in 1983.

"Net assets" means the current market value at the time of application of the assets included in the definition of "assets" minus the outstanding liabilities (indebtedness) against those assets.

"Parent" means the student's mother, father or legal guardian. An adoptive parent is considered to be the student's mother or father.

(Pub. L. 97-301)

§ 690.33 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal income taxes paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), (e), (f), and (g) of this section, and § 690.39,—

(1) The sum received in 1982 by the student's parents from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on municipal bonds; and

(iii) Other income upon which no Federal income tax is paid except for Social Security educational benefits received on account of the student. Examples of income to be reported include child support payments and income from income maintenance programs such as welfare benefits.

(2) One-half of any veteran's benefits to be paid to the student under chapters 34 and 35 of the United States Code for the 1983–84 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student's parents under the distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(d) For a student whose parents are divorced or separated, the following procedures apply for reporting a parent's income to determine the annual adjusted family income—

(1) Report only the income, as described in paragraph (b) of this section, of the parent with whom the student resided for the greater portion of the 12 month period preceding the date of the application.

(2) If the preceding criterion does not apply, report only the income of the parent who provided the greater portion of the student's support for the 12 month period preceding the date of application.

(3) If neither of the preceding criteria apply, report only the income of the parent who provided the greater support for the period commencing January 1, 1982 and ending 12 months prior to the date of application.

(e) If either of the parents have died, the student shall report only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(f) The following rule applies if either a parent whose income is taken into account under paragraph (d) of this section, or a parent who is a widow or widower and whose income is taken into account under paragraph (3) of this section, has remarried. The income of that parent's spouse shall be included in determining the student's annual adjusted family income if, in either 1982 or 1983, the student—

(1) Has received or will receive financial assistance of more than $750 in either of those years from that spouse, or

(2) Has lived or will live for more than six weeks in either of those years in the home of the parent and that spouse.

(g) The annual adjusted family income does not include any student financial assistance except those veteran's benefits cited in paragraph (b)(2) of this section.

(Pub. L. 97-301)

§ 690.33a Effective student income.

(a) Effective student income is the annual adjusted income of the student (and spouse for a married student) minus the Federal, income taxes paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant. However, if estimated income is used, as provided by subparagraph (f) of this section, estimated income taxes will not be subtracted in determining the effective student income.

(b) "Annual adjusted income of the student and spouse" means, except as provided in paragaphs (c), (d), (e) and (f) of this section and § 690.39 the sum received in 1982 by the student and spouse from—

(1) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(2) Investment income upon which no income tax need be paid. An example of such income is the interest on municipal bonds; and

(3) Other income upon which no Federal income tax is paid except for Social Security educational benefits paid to the student. Examples of such income include child support payments, and income from income maintenance programs such as welfare benefits.

(c) For a Native American student, the annual adjusted income of the student and spouse does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(d) If a student is divorced or separated, or if his or her spouse has died, the spouse's income shall not be considered in determining the "annual adjusted gross income of the student and spouse".

(e) The annual adjusted income of the student and spouse does not include any student financial assistance.

(f) If a student estimates that his or her income plus the income of his or her spouse, in the period of June 1, 1983 through May 31, 1984 will not exceed 60 percent of effective student income for 1982, effective student income will be the income estimated for that period. Estimated income includes only the income categories listed in paragraph (b).

(Pub. L. 97–301)

§ 690.34 Computation of the expected family contribution for a dependent student from the effective family income.

The expected family contribution for a dependent student from effective family income is calculated as follows:

(a) Determine the parents' discretionary income by deducting the following offsets from the effective family income:

(1) A family size offset in the amount specified in the following table:

FAMILY-SIZE OFFSETS

	Amount
Family members:	
2	$5,[illegible]
3	7,100
4	[illegible]
5	10,600
6	12,000

Plus $1,400 for each additional family member over 6. In determining the family size, the following rules apply—

(i) If the parents are not divorced or separated, family members include the student's parents, and the dependents of the student's parents.

(ii) If the parents are divorced or separated, family members include the parent whose income is included in computing the effective family income and that parent's dependents.

(iii) If the parents are divorced and the parent whose income is included in computing the effective family income has remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those people referenced in paragraph (a)(1)(ii) of this section, the new spouse and any dependents of the new spouse if that spouse's income is included in determining the effective family income.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of the effective income of the parents. The expenses that may be reported are those expenses paid by the student's parents during 1982, unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the expenses reported will be those paid in 1983. The expenses of both parents are included only if the incomes of both are subject to inclusion in determining the effective family income. Similarly, a stepparent's expenses are included only if his or her income was subject to inclusion.

(3) An employment expense offset in the amount specified as follows—

(i) If both parents were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the parent with the lesser earned income.

(ii) If a parent qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income. The earned income figure to be used in all cases is that figure for 1982 unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the figure to be used is the one for 1983.

(4) An educational expense offset equal to the tuition paid by the student's parents for dependent children, other than the student, enrolled in elementary or secondary school. The tuition which may be reported is the tuition paid in 1982 unless the student files an application with the Secretary under the provisions of § 690.39. In that case, the tuition reported will be that paid in 1983.

(b) If the parents' discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following chart. If the parent's discretionary income is negative, there is no expected contribution from income.

Discretionary income	Expected contribution
$0 to $5,000	11% of discretionary income.
$5,001 to $10,000	$550 + 13% of amount over $5,000.
$10,001 to $15,000	$1,200 + 18% of amount over $10,000.
$15,001 and above	$2,100 + 25% of amount over $15,000.

(Pub. L. 97–301)

§ 690.34a Computation of the expected family contribution for a dependent student from the effective student income.

The expected family contribution for a dependent student from effective student income is calculated as follows:

(a) Determine the student's discretionary income by deducting from the effective student income the relevant dependent student offset.

(1) If the parental discretionary income is positive, the offset is as follows:

DEPENDENT STUDENT OFFSET

Single student	[illegible]100
Married student	4,500

(2) If the parental discretionary income is negative, the relevant offset in paragraph (a)(1) of this section is increased by the amount of negative parental discretionary income that will be used as an offset against the contribution from parental assets in § 690.35(d).

(b) If the student's discretionary income is a positive amount, multiply it by one of the following figures to determine the expected contribution from effective student income:

(1) 75 percent for the single dependent student, or

(2) 25 percent for the married dependent student.

(c) If the student's discretionary income is negative, there is no expected contribution from the effective student income.

(Pub. L. 97–301)

§ 690.35 Computation of the expected contribution from parental assets.

The expected contribution from parental assets is determined in the following manner:

(a) If the parental assets include a principal place of residence, deduct $25,000 from the net value of the principal place of residence. If this subtraction produces a negative number, it shall be changed to zero.

(b) If the parental assets include assests other than a principal place of residence and other than farm and business assets, deduct $25,000 from the net value of those other assets. If this subtraction produces a negative number, it shall be changed to zero.

(c)(1) If the parental assets include farm and/or business assets, deduct $80,000 from the net value of the farm and/or business assets. If this subtraction produces a negative number, it shall be changed to zero.

(2) If the sum of the farm and business deduction and the deductions in paragraphs (a) and (b) of this section exceeds $100,000, the farm and business deduction shall be reduced by the amount that that sum exceeds $100,000.

(d)(1) Normally, the expected contribution from parental assets equals five percent of the total of the results obtained in paragraphs (a), (b), and (c) of this section.

(2) However, if the calculation of discretionary income required by § 690.34(a) produces a negative number, the expected contribution from parental assets, calculated under paragraph (d)(1) of this section, shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(e)(1) If the student's parents are separated, or divorced and not remarried, only the assets of the parent whose income is included in computing annual adjusted family income shall be considered.

(2) However, if that parent has remarried, or if the parent was a widow or widower who has remarried, and the parent's spouse's income is also included under § 690.33, the assets of that parent's spouse shall also be included.

(Pub. L. 97-301)

§ 690.36 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each grant, the amount expected from effective family income as determined in § 690.34(b) is added to the amount expected from parental assets as determined in § 690.35.

(b)(1) For each grant, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which Pell Grant assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

(2) Family members are those persons referenced in § 690.34(a)(1).

(Pub. L. 97-301)

§ 690.37 Computation of the expected contribution from the assets of the dependent student (and spouse).

(a) The expected contribution from the net assets of a single dependent student equals 33 percent of the amount of those assets.

(b) The expected contribution from the net assets of the married dependent student and spouse is determined in the following manner:

(1) Deduct an asset reserve of $25,000 from the net assets. If this subtraction produces a negative number, it shall be changed to zero.

(2) The expected contribution from the net assets of the dependent student and spouse equals five percent of the remainder obtained in paragraph (b)(1) of this section.

(c) If the married dependent student is separated, only his or her assets shall be considered.

(Pub. L. 97-301)

§ 690.38 Computation of the total expected family contribution.

For each grant the total expected family contribution is the sum of—

(a) The expected contribution from the effective family income and parental assets as determined in § 690.36,

(b) The expected contribution from effective student income as determined in § 690.34a, and

(c) The expected contribution from the student's (and spouse's) assets as determined in § 690.37.

(Pub. L. 97-301)

§ 690.39 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1983 for effective family income, if—

(1) A parent or stepparent whose 1982 income from work must be reported under § 690.33 has lost his or her job for at least 10 weeks during 1983,

(2) A parent or stepparent whose 1982 income from work must be reported under § 690.33 has been unable to pursue normal income-producing activities for at least 10 weeks during 1983 because of the occurrence—in 1982 or 1983—of (i) a disability, or (ii) a natural disaster,

(3) A parent or stepparent whose income must be reported under § 690.33 received unemployment compensation or nontaxable income in 1982 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least 10 weeks in 1983 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include Social Security benefits, welfare, court ordered child support, etc.,

(4) The parent(s) of the student have become separated or divorced after the student submitted his or her application. If such a separation or divorce is between a parent and a stepparent, the stepparent's income must have been reportable on the previous application under § 690.33 for this condition to apply, or

(5) A parent or stepparent whose 1982 income must be reported under § 690.33 has died after the submission of an earlier application for 1983-84. However, if the parent referred to in this paragraph is the last surviving parent with whom the student has or will have a dependency relationship according to § 690.42, the student must file an application under § 690.48(a)(7) if he or she wishes to use income data from 1983.

(b) For an application submitted under paragraph (a) of this section, the student (and parent) shall include the income already received for 1983 and an estimate of the income to be received for the remainder of that year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her family has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(Pub. L. 97-301)

Subpart D—Expected Family Contribution for an Independent Student

§ 690.41 Indicators of financial strength.

"Expected family contribution" for an independent student means the amount that the student and his or her spouse may reasonably be expected to contribute toward the cost of his or her education for an award period. Each of the following elements of financial strength will be considered in determining the family contribution for an independent student;

(a) The effective family income of the independent student and spouse.

(b) The number of family members in the household of the student and spouse.

(c) The number of family members in the household of the student and spouse who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(d) The assets of the student and spouse.

(e) The unusual medical expenses of the student and spouse.

(f) The additional expenses incurred when both the student and spouse are employed or when the employed student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(g) The tuition paid by the student or spouse for dependent children who are enrolled in an elementary or secondary school.

(Pub. L. 97-301)

§ 690.42 Special definitions.

The definitions of "assets", "business assets", "farm assets", "family size offset", "Federal income tax", "legal guardian", "local income tax", "medical expense", "net assets", "parent", and "State income tax" are set forth in § 690.32.

"Dependent" means (a) the student's spouse (unless separated or divorced from the student), (b) any of the student's or spouse's children who qualify as dependent students (with respect to the student or spouse) and are attending an institution of higher education on at least a half-time basis, (c) other dependent children of the student or spouse, and (d) other persons who live with and receive more than one-half of their support from the student or spouse and will continue to receive more than one-half of their support from the student or spouse during the 1983-84 award period.

"Effective family income" is described in § 690.43.

"Employment expense offset" means an allowance to meet expenses relating to employment when both the independent student and his or her spouse are employed or when the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Independent student" means:

(a) A single student who for 1982 and 1983—

(1) Has not lived and will not live for more than six weeks in either year in the home of the parent(s) for whom income must be reported according to § 690.33;

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 690.33; and

(3) Has not received and will not receive financial assistance of more than $750 in either year from the parent(s) for whom income must be reported according to § 690.33; or

(b) A married student who for 1983—

(1) Will not live for more than six weeks in the home of the parent(s) for whom income must be reported according to § 690.33;

(2) Will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 690.33; and

(3) Will not receive financial assistance of more than $750 from the parent(s) for whom income must be reported according to § 690.33.

(Pub. L. 97-301)

§ 690.43 Effective family income.

(a) Effective family income is the annual adjusted family income minus the Federal income tax paid or payable for the year that adjusted gross income is used in the calculation of the student's Pell Grant.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), and (e) of this section and § 690.48—

(1) The sum received in 1982 by the student and spouse from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax is paid. An example of such income is the interest on municipal bonds; and

(iii) Other income upon which no Federal income tax is paid except for Social Security educational benefits paid to the student. Examples of such income include child support payments, and income from income maintenance programs such as welfare benefits.

(2) One-half of any veteran's benefits to be paid to a student under Chapters 34 and 35 of Title 38, United States Code for the 1983-84 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.), the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), or the Maine Indians Claims Settlement Act (25 U.S.C. 1721, et seq.).

(d) In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be considered in determining the annual adjusted family income.

(e) The annual adjusted family income does not include any student financial assistance.

(Pub. L. 97-301)

§ 690.44 Computation of the expected family contribution for an independent student from the effective family income.

The expected family contribution for the independent student from effective family income is calculated as follows:

(a) Determine discretionary income by deducting the following offsets from the effective family income.

(1) A family size offset in the amount specified in the following table.

FAMILY-SIZE OFFSETS

	Amount
Family members:	
1	$4,500
2	5,800
3	7,100
4	8,600
5	10,600
6	12,000

Plus $1,400 for each additional family member over 6.

In determining the family size, the following rules apply—

(i) Family members normally include the student and spouse and their dependents.

(ii) However, if the student is divorced or separated, the spouse (ex-spouse) and his or her dependents are not counted in the family size.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of effective family income. The expenses that may be reported are those expenses paid by the student and spouse in 1982, unless the student files an application with the Secretary under the provisions of § 690.48. In that case, the expenses reported will be those paid in 1983. The expenses of both the student and spouse are included only if the incomes of both are subject to inclusion in determining the effective family income.

(3) An employment expense offset in the amount specified as follows—

(i) If both the student and spouse were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the person with the lesser earned income.

(ii) If a student qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income.

The earned income figure to be used in all cases is that figure for 1982, unless the student files an application with the Secretary under the provisions of § 690.48. In that case the figure to be used is the one for 1983.

(4) An educational expense offset equal to the tuition paid by the student and spouse for dependent children enrolled in elementary or secondary

school. The tuition that may be reported is the tuition paid in 1982, unless the student files an application with the Secretary under the provisions of § 690.48. In that case the tuition reported will be that paid in 1983. (20 U.S.C. 1070a(a)(3)(B))

(b) If the discretionary income is a positive amount, multiply it by one of the following figures to determine the expected family contribution from the effective family income of the student and spouse:

(1) 75 percent for the single independent student with no dependents; or

(2) 25 percent for the independent student with one or more dependents (including a spouse).

If the discretionary income is negative, there is no expected family contribution from effective family income.

(Pub. L. 97-301)

§ 690.45 Computation of the expected contribution from the assets of the independent student (and spouse).

(a)(1) Normally, the expected contribution from the net assets of the single independent student with no dependents equals 33 percent of the amount of those assets.

(2) However, if the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's assets calculated under paragraph (a)(1) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be changed to zero.

(b) For an independent student with dependents, the expected contribution from the assets of the student (and spouse) is determined in the following manner:

(1) If the assets include a principal place of residence, deduct $25,000 from the net value of the principal place of residence. If this subtraction produces a negative number, it shall be changed to zero.

(2) If the assets include assets other than a principal place of residence and other than farm and business assets, deduct $25,000 from the net value of those other assets. If this subtraction produces a negative number, it shall be changed to zero.

(3)(i) If the assets include farm and/or business assets, deduct $80,000 from the net value of the farm and/or business assets. If this subtraction produces a negative number, it shall be changed to zero.

(ii) If the sum of the farm and business deduction and the deductions in paragraphs (b)(1) and (b)(2) of this section exceeds $100,000, the farm and business deduction shall be reduced by the amount that that sum exceeds $100,000.

(4)(i) Normally, the expected contribution from the assets of the independent student with dependents equals five percent of the total of the results obtained in paragraphs (b)(1), (2), and (3) of this section.

(ii) However, if the calculation of discretionary income required by § 690.44(a) produces a negative number, the expected contribution from the student's (and spouse's) assets calculated under paragraph (b)(4)(i) of this section shall be reduced by the amount of that negative discretionary income. If this subtraction produces a negative number, it shall be reduced to zero.

(5) If the married independent student with dependents is separated, only his or her assets shall be considered.

(Pub. L. 97-301)

§ 690.46 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each grant, the amount expected from family income as determined in § 690.44 is added to the amount expected from assets as determined in § 690.45.

(b) For each grant, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which Pell Grant assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

Family members are those persons referenced in § 690.44(a)(1).

(Pub. L. 97-301)

§ 690.47 [Reserved]

§ 690.48 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1983 for effective family income if—

(1) The student was employed full-time in 1982 (at least 35 hours per week) for a minimum of 30 weeks during 1982) and is no longer employed full-time,

(2) A spouse whose 1982 income from work must be reported under § 690.43 has lost his or her job for at least 10 weeks during 1983,

(3) The student or spouse whose 1982 income from work must be reported under § 690.43 has been unable to pursue normal income-producing activities for at least 10 weeks during 1983 because of the occurrence—in 1982 or 1983—of (i) a disability or (ii) a natural disaster,

(4) The student or spouse whose income must be reported under § 690.43 received unemployment compensation or nontaxable income in 1982 (that would be used in the calculation of the student's expected family contribution) and had a complete loss for at least 10 weeks in 1983 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits would include welfare, court ordered child support, etc.,

(5) The student has become separated or divorced after he or she submitted his or her application,

(6) A spouse whose 1982 income must be reported under § 690.43 has died after the submission of an earlier application for 1983 or 1984, or

(7) The student's last surviving parent with whom the student has or will have a dependency relationship according to § 690.42 has died.

(b) For an application submitted under paragraph (a) of this section, the student shall include the effective family income to be received for the remainder of that year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her spouse has suffered a loss of or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(Pub. L. 97-301)

PARTS 674, 675, AND 676—[AMENDED]

§ 674.2, 675.2, and 676.2 [Amended]

2. Sections 674.2, 675.2, and 676.2, respectively, are each amended by removing the definitions of “_Independent student (effective through June 30, 1981)_”, “*_Independent student (effective July 1, 1981 through June 30, 1982)_” and by adding, immediately following the definition of “*_Independent student (effective July 1, 1982)_”, the definition of “*_Independent student (effective July 1, 1983)_” to read as follows:

* * * * *

*_Independent student_ (effective July 1, 1983):

(a) A single student who for 1982 and 1983—

(1) Has not lived and will not live for more than six weeks in either year in the home of his or her parent(s);

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by his or her parent(s); and

(3) Has not received and will not receive financial assistance of more than $750 in either year from his or her parent(s); or

(b) A married student who for 1983—

(1) Has not lived and will not live for more than six weeks in the home of his or her parent(s);

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by his or her parent(s); and

(3) Has not received and will not receive financial assistance of more than $750 from his or her parent(s).

(c) If a student's mother and father are divorced or separated, only one parent will be considered to be the parent of the student for purposes of applying the criteria in paragraphs (a) and (b) of this section. To determine that parent—

(1) Choose the parent with whom the student resided for the greater portion of the 12 month period preceding the date of application to have an expected family contribution determined under an approved need analysis system.

(2) If the preceding criterion does not apply, choose the parent who provided the greater portion of the student's support for the 12 month period preceding the date of application to have an expected family contribution determined under an approved need analysis system.

(3) If neither of the preceding criteria apply, choose the parent who provided the greater support for the period commencing January 1 of the calendar year which immediately precedes the first calendar year of the award period and ending 12 months prior to the date of application to have an expected family contribution determined under an approved need analysis system.

(d) If either of the parents have died, the institution shall consider only the surviving parent as the parent for purposes of applying the criteria in paragraphs (a) and (b) of this section. If both parents have died, the institution shall not consider either parent.

[FR Doc. 82-29745 Filed 10-27-82; 8:45 am]

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Proposed Rules

Federal Register
Vol. 47, No. 209
Thursday, October 28, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 68

Proposed Revisions to the United States Standards for Rough Rice, Brown Rice for Processing and Milled Rice

Correction

In FR Doc. 82–28329 beginning on page 46094 in the issue of Friday, October 15, 1982, make the following correction:

On page 46097, in § 68.310, under "Milling requirements (minimum)", the entry for Grade U.S. No. 4 now reading "Lightly milled" should have read "Reasonably well milled".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 36

[Docket No. 23340; Petition Notice No. PR-82-13]

Petition for Rulemaking of the Aerospace Industries Association of America; Noise Certification of Turbojet and Large Transport Category Aircraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Publication of petition for rule making; request for comments.

SUMMARY: This notice publishes for public comment the petition of the Aerospace Industries Association of America (AIA), dated September 8, 1982, on behalf of its member air carriers, for amendment of Parts 21 and 36 of the Federal Aviation Regulations (FAR) (14 CFR Parts 21 and 36). These Parts relate to airplane noise certification and prescribe both the noise level limits and the methods for demonstrating compliance with those limits. The AIA petition concerns the rules for turbojet airplanes and proposes: (a) Retaining the basic noise requirements that must be met for airplane noise certification; (b) deleting the detailed noise measurement and analysis specifications from the rule and issuing Advisory Circulars containing compliance demonstration techniques currently approved by FAA; (c) simplifying procedures for noise information reporting requirements in the Airplane Flight Manual; and (d) amending the acoustical change provisions of 14 CFR Part 21 to eliminate multiple compliance requirements such as demonstrations for non-standard operating configurations and alternative takeoff thrust options.

The petition involves questions of regulatory philosophy similar to those discussed by the FAA in Notice 82–13, Air Transportation Regulation (47 FR 41486; September 20, 1982). That Notice proposes, among other things, to implement the concept of Regulation By Objective (RBO) within the context of air transportation safety regulations. The FAA believes the AIA petition should be published verbatim in order to fully expose it for public comment and to ensure full consideration of the issues raised. This notice sets forth the contents of the AIA petition as received by the FAA without change, and its publication in accordance with FAA procedures governing the processing of petitions for rule making does not represent an FAA position on the merits of the petition or an FAA proposal to amend the current noise rules.

DATES: Comments must be received on or before January 20, 1983.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Federal Aviation Administation, Office of the Chief Counsel, Attn: Rules Docket (AGC–204), Docket No. 23340, 800 Independence Avenue, SW, Washington, D.C. 20591; or delivered in duplicate: Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Comments delivered must be marked: Docket No. 23340. Comments may be inspected at Room 916 between 8:30 a.m. and 5:00 a.m.

FOR FURTHER INFORMATION CONTACT: Richard Tedrick, Noise Policy and Regulatory Branch (AEE–110) Noise Abatement Division, Office of Environment and Energy, Federal Aviation Administration, 800 Independence Ave., SW, Washington, D.C. 20591; telephone (202) 755–9027.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petition for rule making as they may desire. Communications should identify the docket or petition notice number and be submitted in duplicate to the address for submitting comments indicated above under the caption "ADDRESSES." All communications received on or before the closing date for comments will be considered by the FAA before taking action on the petition for rule making. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments.

Issues:

The AIA petition raises issues concerning the stringency of the noise certification requirements, the quality of noise test data, and the costs of noise certification and subsequent documentation. Therefore, rather than publishing a synopsis, it is believed that public comments on the full text of the petition would be helpful.

To assist the FAA in its review of the AIA petition, comments are specifically welcomed on the following matters concerning the petition:

1. Ways in which the "Regulation by Objective" (RBO) concept can be implemented within the framework and objectives of Parts 21 and 36.
2. Cost savings and/or impacts that could be realized by adoption of RBO.
3. Need for the airplane flight manual to document the results of noise certification.
4. Alternatives to airplane flight manuals for documenting noise certifications.
5. Excepting "non-standard configurations" and derated engines from individual noise certification actions.
6. Means for simplifying the definition of, and documentation for, "acoustical changes."
7. Simplified (or alternative) noise testing procedures and methods for correcting test results to Part 36 standard day conditions.

8. Coordination and comparison with the international noise certification procedures (ICAO Annex 16).

9. Date of applicability for the proposed rule and aircraft types to which the rule would be applied.

10. Stringency and technical validity of noise certifications and noise data collected under the proposed rule modifications.

The AIA Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petition for rule making of the Aerospace Industries Association of America, dated September 8, 1982.

Issued in Washington, D.C., on October 21, 1982.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

Petition for Rulemaking; Requested by Aerospace Industries Association: Noise Certification of Turbojet and Large Transport Category Airplanes

1.0 *Summary.* In accordance with paragraph 11.25 of Federal Aviation Administration (FAA) general rulemaking procedures (14 CFR Part 11), the Aerospace Industries Association of America (AIA) petitions the FAA on behalf of AIA member companies for amendments to sections of those regulations pertaining to the noise certification of turbojet and large transport category airplanes (14 CFR Part 21 and 14 CFR Part 36).

The purpose of the amendments proposed in this petition is to reduce the burden of demonstrating compliance with Parts 21 and 36 without compromising the objectives of airplane noise certification. As the noise regulation is currently structured, compliance demonstrations require that airplane noise measurements and analyses be carried out and documented in a prescribed manner. Important advancements in the technology of such measurements and analyses have occurred in the twelve years since Part 36 was promulgated. These advancements, coupled with the twelve years of experience in applying the regulation, provide evidence that many of the current demonstration specifications are obsolete and unnecessarily burdensome. The peitition proposes amendments that would facilitate the application of current and future technology in demonstrations and, at the same time, eliminate unwarranted burdens. On the other hand, the proposed amendments would not relax the stringency of the standards nor degrade the quality of test data. Thus, Parts 21 and 36 would continue to require the maximum level of noise relief for airport communities consistent with the mandate of Section 611 Paragraph d(4) of the Federal Aviation Act of 1958 (as amended) for full consideration of economic reasonableness and technological practicability. Some of the proposed amendments may apply only to turbojet powered airplanes.

The proposed amendments have been assessed for compatibility with the noise standards applicable to subsonic jet airplanes adopted by the International Civil Aviation Organization (ICAO). As a result of this assessment, AIA believes corresponding amendments could appropriately be incorporated within ICAO standards, Annex 16, Volume 1—Aircraft Noise. The FAA is requested to support within ICAO the incorporation of these amendments and thereby promote continued improvement and international harmonization of airplane noise standards.

Obsolescence in the specifications for demonstrating compliance is due to the rapid progress in technology and the inability of the formal rulemaking process to keep elaborate demonstration specifications current. It has therefore been necessary for manufacturers and the FAA to adopt measurement and analysis procedures differing from those specified in Appendix A by exercising the "equivalent procedure" authority provided in the regulation. These deviations have proven to be essential to keep certification costs from reaching unreasonable levels. AIA believes that the proposed amendments to both Part 36 and Part 21 would substantially streamline the administration of the noise certification process and provide the framework for achieving significant reductions in certification costs. Based on our members' assessment, the potential exists for up to a 50% certification cost reduction relative to a continuation of airplane noise compliance demonstration methods similar to those followed over the past twelve years.

One of the important amendments proposed in this petition is the removal from 14 CFR Part 36 of the detailed compliance noise measurement and analysis specifications currently contained in Appendices A, B and C of Part 36 and the publication of such specifications for applicant guidance in FAA Advisory Circulars. This change would not alter the noise level limits in the rule nor the airplane flight conditions at which compliance with the limits must be demonstrated. However, the change would facilitate the development and use of future new technically supportable methods that are expected from continuing technological developments. The existing requirement for documentation and prior FAA approval of the noise measurement and analysis procedures used in a specific certification program would be retained. Appropriate summaries of the test results and techniques would continue to be provided by the FAA on request.

Specifically, the amendments would align the regulation with the FAA announced plan of "regulation by objective" by (a) retaining within the regulation the basic noise requirements that must be met for airplane noise certification, (b) deleting the detailed noise measurement and analysis specifications from the rule and issuing Advisory Circulars and other appropriate documentation containing demonstration techniques approved by FAA, (c) simplifying procedures for noise information reporting requirements in the Airplane Flight Manual and (d) amending 14 CFR Part 21 acoustical change provisions to eliminate multiple compliance requirements such as demonstrations for non-standard operating configurations and alternative takeoff thrust options.

AIA believes that the adoption of the proposed regulatory amendments is in the public interest since a reduction in manufacturers' and government expenditures for regulatory compliance can be achieved without adverse impact on the progress in airplane source noise reduction currently being made by our member airframe and engine manufacturers.

2.0 *Background.* Industry and FAA experience in noise measurment and analysis methods was extremely limited at the time Federal Aviation Regulation (FAR), Part 36 was promulgated in 1969. The rule and accompanying appendices were structured for the demonstration of certification compliance by an individual airplane, and the noise measurement and analysis methods were based upon the technology available at the time the rule was promulgated.

Since 1969, Part 36 has been amended twelve times. In addition to the increased stringency of the noise level limits for both new type (Stage 3) and derivative (Stage 2) designs of turbojet and large transport category airplanes, four of the amendments introduced revisions that resulted in more restrictive noise measurement and analysis requirements. FAR Part 21 was also amended to provide a short-term exemption for engine/nacelle intermixes from the "acoustical change" requirement. FAR Part 21 still retains the requirement to demonstrate compliance with FAR Part 36 when a change in airplane configuration other than intermix constitutes a change in type design.

In the more than twelve years since the promulgation of FAR Part 36, the commercial jet transporation industry has expended considerable funds and efforts to achieve major advancement in the technology of noise measurement and analysis. These advancements, coupled with noise certification experience, provide evidence that the current rule specifications for compliance demonstrations according to Parts 36 and 21 are, in numerous situations, obsolete and unnecessarily burdensome.

The FAA recently initiated a timely review of all of its standards for airplane certification to insure that they represent the current state of technology and to insure that they impose the least burden to industry consistent with safe and efficient airplane operation. As a result of this review certain changes in Part 36 were suggested. The suggested changes would not reduce stringency of the standards nor reduce the quality of the nose certification data developed; thus, they would not compromise the objective of the standards which requires the application in airplane design of all available, technologically practicable, and economically reasonable noise control technology. The suggested changes would provide manufacturers with more flexible and cost-effective testing methods consistent with existing standards of data quality. They would also improve the procedures for certifying an original airplane model and its derivatives.

In furthering the principle of international harmonization of airplane noise rules, the FAA determined that several of the changes being considered for FAR 36 should also be considered for the nose standards of the International Civil Aviation Organization (ICAO). The FAA presented these changes in a working paper at the March 1982 meeting of Working Group D of the ICAO Committee on Aircraft Noise, and invited consideration by the group of the suggested changes.

The AIA has pursued a cooperative study of the suggested changes in the March Working Paper with other manufacturing organizations within the International Coordinating Council of Aerospace Industries Associations (ICCAIA). As a result of this study it was concluded that the combined data and experience of the international manufacturing community support changes of the type suggested. In addition, other changes deemed worthy of adoption were identified in the ICCAIA study. The recommendations of this petition have been developed after review of the changes suggested by the FAA and ICCAIA and/or directed toward the same broad objective.

3.0 Petition for Rulemaking

3.1 Purpose and Scope. This petition for regulatory change proposes to amend current certification procedures regarding "acoustical changes" (14 CFR Part 21) and noise standards (14 CFR Part 36). The petition requests that Part 36 noise regulations pertaining to turbojet and large transport category airplanes be amended to reflect the Federal Government's current policy to describe regulatory requirements in terms of "objectives" rather than by specifying lengthy and detailed technical requirements on methods for achieving the objectives. AIA members believe that this regulatory philosophy would substantially aid in reducing the administrative burden for both government and industry, and would also provide greater flexibility in the use of state-of-the-art technology for compliance demonstration.

The regulatory language in Part 21 has necessitated noise compliance demonstrations and approvals, for numerous airplane configurations, that offer no benefits to the control and reduction of airplane noise (a single airplane is often considered as having multiple configurations for which noise compliance must be demonstrated). The proposed changes to Part 21 would eliminate these unproductive noise compliance demonstrations.

The requested regulatory amendments are intended to achieve, as a minimum, the following objectives:

1. A regulation that readily accommodates efficient flight demonstration procedures for use in compliance demonstration.
2. A regulation that accommodates in an efficient and consistent manner the needs of derivative airplane certifications.
3. Substantially reduce or eliminate the need to resort to a regulatory "equivalency" or similar type feature.
4. A regulation that readily accommodates improved noise compliance demonstration technology.
5. A regulation that permits noise test and measurement technology growth without unduly influencing the continued viability of previously acquired noise data bases.
6. Require only noise related data that are necessary and relevant be placed in the Airplane Flight Manual.
7. Eliminate the noise compliance requirements for non-standard operating configurations and alternative (de-rated) takeoff thrust operations.

Advantages to be derived from amending the existing regulatory structure and requirements are described below along with the proposed regulatory changes as required by Paragraph 11.25 of FAR Part 11. It should be noted that in some instances the same proposed regulatory change would alleviate several noted problems with the existing regulation. Prior certification test data, and industry and FAA experience support these requested changes.

3.2 Proposed Amendments to 14 CFR Part 36 and Part 21.

3.2.1 14 CFR Part 36.

Rule Structure.

The proposed amendments to FAR Part 36 are consistent with the FAA announced plan of "regulation by objective" and are also responsive to Executive Order 12291. Accordingly, the rule should be structured so that it provides the noise limits to be met, and the flight conditions at which they are to be met; however, the detailed specification of compliance demonstration should be deleted. Technical details of noise measurement and analysis procedures that are normally used in noise compliance demonstration should be published in FAA Advisory Circulars and other appropriate documents. This documentation would provide guidance to applicants and would facilitate ready accommodation of current and future noise measurement and analysis technology and would define acceptable procedures for future certification programs.

In modifying FAR 36 in accordance with the above suggestions the regulation and Advisory Circular language and format should be identical to existing Annex 16 where such language and format would be consistent with proposed amendments.

(1) *Airplane Type*[1] *Certification.* From an administrative point of view, the current noise certification process is cumbersome and is unnecessarily burdensome on both industry and FAA resources. The regulatory language and prescribed noise measurement and analysis technical specifications of Part

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[1] "Type" as used in this petition refers to all airplanes on a Type Certificate with the added requirement that the power plants be of similar designs.

36 do not lend themselves to the practical certification of the prototype and derivative designs within an airplane type. As a result the detailed language is not consistent with the way in which the majority of large transport category airplanes are certified. Because a broad family of derivative configurations usually evolves from an original type design, flight testing of each subsequent configuration identified as an acoustical change under 14 CFR 21 Paragraph 21.93(b) in accordance with the full procedures of Appendix A would be impractical and prohibitively costly. Therefore, in order to comply with Part 36, manufacturers have devoted substantial resources to developing alternative methods for compliance demonstration, and the use of these methods has been approved by FAA on the basis of a finding of equivalency between the alternative methods and those of Appendix A. In principle, these alternative methods involve the development of a generalized noise data base for the airplane type. This approved data base is used to demonstrate compliance for the test airplane configuration and also for derived versions that have the same noise source characteristics. For those derived versions that have a change in the noise source characteristics, the noise data base is adjusted using supplemental analysis and/or test results, in some cases including static engine and/or limited flight testing. Over ninety five percent of all compliance approvals for large jet transport category airplanes have been obtained by the lengthy and detailed process of demonstrating "equivalency" (i.e., methods differing from those specifically detailed in FAR 36, Appendices A, B, & C). Thus, we submit, the need for regulatory amendments to reflect current compliance demonstration practices is self-evident.

While it may not have been possible to have identified a specific plan for airplane type noise certification when Part 36 was initially promulgated, experience has now been gained, and it is time to reflect this experience in the structure and language of Part 36. AIA therefore proposes that the FAA modify Part 36 to define those components that are common to all airplane noise compliance requirements and to avoid placing specifications in the regulation on methods for noise measurement and analysis for use in compliance demonstration. These common reference components that would be retained in the regulation are (a) measurement locations, (b) noise limits, (c) operational procedures, and (d) environmental conditions. Revising the regulation in this manner would negate the need to specifically expand the regulation to accommodate multiple versions within an airplane type. These certifications are currently accomplished using the "equivalency" feature of FAR 36. In conjunction with this regulatory change Advisory Circulars must be published at the earliest date possible that describe the currently used demonstration methods, e.g., acquisition of flight test data for demonstrating compliance, flight test data plus supplemental analysis, flight test data plus supplemental static and/or flight measurements, etc. These methods should include those described in FAR 36 Appendix A and methods previously approved by the FAA through the process of equivalency findings.

The amendment of Part 36 along with the publication of Advisory Circulars would provide industry with assurance of continued use of proven demonstration methods, thereby providing a base for long term certification planning. Further, it would inform all industry members of the acceptability of alternative, simpler and less costly demonstration techniques for derivative versions. The FAA administrative burden associated with Part 36 would be reduced substantially because the regulation would become more consistent with the demonstration methods actually in use. Thus, the continued need for the review and approval of alternative techniques would be minimized and a more efficient certification administrative process would evolve.

(2) *Long-Term Acceptability of FAA-Approved Airplane Noise Data.* AIA members invest substantial resources to develop generalized noise data bases for an airplane type since these data bases are essential for the cost effective and timely FAR 36 compliance demonstrations of individual airplane versions within a type. Derivative versions of an airplane type are developed over a period of many years. Our members are concerned with the possibility that, should the current structure of Part 36 be retained and subsequent amendments be made to the noise measurement and analysis procedures of existing Part 36 Appendices A and B, the potential exists for airplane-type data bases established prior to any such amendments to be questioned as to their continued validity. This could result in a substantial burden being placed on manufacturers to re-test and/or re-evaluate existing and already approved noise data.

When approval of compliance is requested for an airplane, the approved noise measurement and analysis procedures represent acceptable methods for compliance demonstration at that point in time. Noise data acquired using these procedures, and approved by FAA, should not be subject to any requirement for re-evaluation nor subject to any requalification as to their validity as a result of any subsequent FAA revisions to the noise measurement and analysis procedures. Noise data acquired under FAA approved procedures should continue to remain a a valid basis for the evaluation of derivative certification compliance.

Manufacturers believe the assurance of noise data base acceptability over the life of an airplane program is vital to the noise certification of an entire airplane type. Therefore, AIA requests FAA to amend FAR Part 36 such that there is not a direct regulatory requirment to use specifically designated noise measurement and analysis procedures for use in evaluating noise compliance. Modifying the noise regulation to define the "objective" and relegating the noise measurement and analysis procedures to Advisory Circular status as discussed in the previous sections would substantially aid in retaining noise data base acceptability.

(3) *Airplane Flight Manual Contents.* In combination with a significant reduction in the number of airplane configurations for which compliance demonstration is required, AIA members petition the FAA for simplification in the Airplane Flight Manual (AFM) reporting requirements under Part 36. An AFM is a legally required document certifying compliance with applicable airworthiness requirements and providing the information necessary for the safe operation of the airplane. If Part 36 compliance requires airplane limitations in terms of weight and/or operating configurations, such limitations are placed in the limitations section of the AFM. However, beyond this, only a minimum requirement for a Part 36 compliance statement should be necessary. Noise levels obtained under Part 36 reference conditions do not necessarily relate to the noise levels resulting from operation of the airplane at in-service weights and with typical in-service flight management procedures. Further, the noise descriptor required for noise certification differs from the descriptor endorsed by the FAA and airport authorities for conducting airport noise studies, i.e.,

certificated noise levels are reported in effective perceived noise decibels, whereas for community noise evaluation FAA has endorsed, and most airport monitoring systems provide as output, the A-weighted decibel as a fundamental unit. For these reasons, AIA members find no public benefit to be derived from inclusion of detailed Part 36 certification information in the AFM. Nevertheless, manufacturers are required to expend substantial AFM bookkeeping resources to maintain this information as it relates to the many thousands of individual airplane configurations. Certification noise levels and procedure information are available from FAA, and have in fact been published in Advisory Circular 36–1B. AIA encourages FAA to modify the AFM requirements as far as Part 36 compliance information is concerned so as to delete requirements for unnecessary and irrelevant information. Absence of noise information from the AFM would have no impact whatsoever on the pilot's operation of the airplane nor on the airplane noise levels experienced by airport communities.

(4) *Changes Related to Noise Measurement and Evaluation Procedures.* Since the promulgation of FAR Part 36, AIA member noise technology development programs and noise certification experience have provided substantial improvements in airplane noise measurement and analysis technology. However,the procedural changes made in technical Appendices A, B, and C to FAR Part 36 thus far have tended to be increasingly restrictive rather than to reflect the technology gains that would permit acquisition of quality data with improved test flexibility and more efficient noise measurement and analysis methods. Based upon previous experience and the expectation that noise measurement and analysis technology would continue to expand, AIA requests that the technical details of compliance demonstrations in Appendices A, B, and C be removed from FAR Part 36. AIA also requests that the FAA publish at the earliest possible date Advisory Circulars and other appropriate documentation that outline those currently used noise measurement and analysis procedures. This documentation could then by used as guidance material by all applicants involved in demonstrating compliance with noise standards and serve as a basis for discussions with appropriate ICAO working groups for purposes of developing international harmonization.

Advisory Circulars and other documentation developed for purposes of identifying acceptable methods for the noise measurement and analysis of airplane acoustic data should reflect existing and future practices. Advisory material for noise flight testing should afford manufacturers the greatest opportunity for test site selection, and the greatest flexibility in airplane operation and noise measurement and analysis methods to assist in completion of testing in the minimum time and at reasonable cost, consistent with maintenance of data quality. A similar philosophy should be adopted when developing advisory material that detailed acceptable methods for supplementing a flight data base with engineering analyses and/or additional static and/or flight acoustic data. Adoption of this recommendation would have no impact on data quality. However, adoption would reduce both the industry and FAA administrative burden and would provide a needed mechanism for the approval and/or publication of improved and technically supportable techniques.

3.2.2 *14 CFR Part 21.*

Multiple Compliance Demonstrations

AIA members are concerned about the large number of airplane operating configurations for which Part 36 compliance demonstration is provided (for one existing production airplane this is as large as 50 configurations per airplane) and propose that all non-standard operating configurations can be excluded from the demonstration requirements. Excluding these configurations would have no negative impact on airplane source noise control or on cumulative airport noise exposure and would provide a substantial reduction in the number of configurations, for a specific airplane model, requiring noise compliance demonstration. This exclusion would also provide a reduction in compliance approvals and maintenance of compliance documentation with a corresponding reduction in work expenditure by both industry and government.

FAR Part 21 Para. 21.93(b) requires a demonstration of Part 36 compliance for all airplane configurations classified as an acoustical change. Past FAA interpretation and implementation of the requirements of 21. 93(b) have resulted in manufacturers providing compliance substantiation analysis and documentation for many airplane configurations operated on an infrequent or temporary basis (these may include gear-down dispatch, spare engine carriage, in-service evaluation, and configuration deviation items). Part 36 compliance demonstrations for such non-standard operating configurations are unproductive. In practice the use of non-standard configurations is undesirable from an operational standpoint because of the performance degradation and/or limitations and increased fuel usage that frequently accompany their use. In effect, therefore, their use by operators is self-controlling.

Further, noise level differences of these alternative configuations relative to the "standard" configuration are small and are often offset by other airplane operating performance limitations, such as weight, associated with the particular non-standard configuration. The combination of the small, if any, noise increase and the infrequent use of non-standard operating configurations results in a negligible impact on individual airplane noise levels and absolutely no measurable impact on the cumulative noise levels around our nation's airports. However, the technical analyses, certification administrative actions, and the documentation (including Airplane Flight Manual) requirements associated with compliance demonstration for non-standard configurations places an unwarranted burden on industry resources. This effort is being expended without any public benefit whatsoever. Therefore, as a further step toward eliminating unnecessary technical and administrative workload for both industry and government, AIA petitions FAA to amend Part 21 to no longer classify non-standard configurations as acoustical changes and thereby provide relief from the Part 36 compliance demonstration requirements for all such configurations. This request is consistent with the action (Amendment 21–56) taken by FAA to permit temporary Part 36 compliance exemptions for engine/nacelle intermix configurations. This request is also consistent with the policy of several ICAO member states who have judged compliance demonstrations for such configurations unwarranted.

AIA members also believe that a requirement to substantiate compliance for airplanes operating at alternate (de-rate) takeoff thrust ratings is unnecessary and its elimination would allow further reduction of Part 36 compliance demonstrations. When Part 36 was originally promulgated the use of takeoff thrust was specified for the takeoff test condition (the rule still specifies this requirement). It was not foreseen in 1969 that the evolution of flight management computer systems and the quest for optimum operating efficiency would result in airplane configurations with multiple takeoff thrust ratings. Consequently manufacturers now find themselves with a requirement to demonstrate Part 36 compliance at each of several alternate takeoff thrust ratings. AIA members do not believe that it was the original intent, nor is it necessary, to require these additional demonstrations of compliance. The noise level limits and compliance procedures of Part 36 have been established by FAA based on technology demonstration and economic considerations in accordance with the mandate of Section 611 of the Federal Aviation Act. Compliance with the Part 36 requirements by an airplane configuration operated at its maximum certificated takeoff weight and maximum allowable takeoff thrust ensures that all economically reasonable and technological practicable noise reduction is incorporated into the design. Compliance demonstration at alternate (de-rate) takeoff thrust ratings has no impact on the airplanes' structural, engine, or nacelle design and therefore provides no further satisfaction of the intent of noise certification.

The use of alternate takeoff thrust ratings in airplane operations generally occurs with reduced takeoff weight. The substantial effort required of manufaturers in terms of technical analysis, compliance approvals and bookkeeping (including Airplane Flight Manual) provides no additional measure of noise relief to the public. AIA therefore petitions FAA to clarify Part 21 to specifically delete any possible interpretation requiring multiple compliance demonstrations for alternate takeoff thrusts; compliance should be demonstrated for only the maximum allowable thrust rating. With advancing sophistication in flight management computers and in anticipation of expanding availability of alternate thrust ratings in airplane configurations, AIA members believe it is important to eliminate the unnecessary multiple configuration demonstrations and thus reduce further the administrative burden to both industry and FAA.

It is the opinion of AIA that the application of all economically reasonable noise control measures can be achieved by requiring a compliance demonstration for only one reference configuration per airplane model. This reference configuration would correspond to the normally installed and operated engine-nacelle and airframe configuration, and the takeoff performance would be based on the maximum allowable thrust rating until achieving the specified altitude where thrust reduction is a permitted option.

[FR Doc. 82-29613 Filed 10-27-82; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Parts 120, 121, 135; and SFAR 38

[Docket No. 22480; Notice No. 82-13A]

Air Transportation Regulation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meetings.

SUMMARY: This notice announces two public meetings to afford interested persons the opportunity to attend a presentation and question-and-answer period regarding Notice of Proposed Rulemaking (NPRM) No. 82-13 (47 FR 41486; September 20, 1982). NPRM No. 82-13, Air Transportation Regulation, proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which implements a new concept in aviation safety regulations entitled "Regulation By Objective" (RBO).

DATES:

Tuesday, November 30, 1982, 9:00 a.m. to 5:00 p.m.;

Thursday, December 9, 1982, 9:00 a.m. to 5:00 p.m.

ADDRESSES: November 30: Los Angeles Marriott Hotel, 5855 W. Century Blvd., Los Angeles, CA 90045, (213) 641-5700. December 9: Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591, Auditorium, 3rd Floor.

FOR FURTHER INFORMATION CONTACT: Ida M. Cronauer, Regulatory Review Branch, ASF-410, Office of Aviation Safety, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone: (202) 755-8714.

SUPPLEMENTARY INFORMATION:

Availability of Additional Copies of Notice

Any person may obtain a copy of Notice 82-13 or this notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA-800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of the NPRM. Persons interested in being placed on the mailing list for future NPRMs should request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Background

NPRM 82-13, which was published in the **Federal Register** on Monday, September 20, 1982, proposes to remove Parts 121 and 135 from the Federal Aviation Regulations and to add a new Part 120 which implements a new concept in aviation safety regulations entitled "Regulation By Objective" (RBO). Under the new concept the FAA would substitute broadly stated safety objectives for many of its detailed "how to" regulations.

Regulation by objective has three major goals:

1. To continue the high level of safety that has made United States aviation regulatory standards a model for almost every aviation regulatory body in the world.
2. To provide regulatory flexibility so that the aviation industry will not be impeded in developing innovative methods for achieving the level of safety thus far maintained under Federally established safety objectives.
3. To comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act of 1980 for reviewing exisiting regulations.

NPRM 82-13 stated that in addition to seeking comments on proposed Part 120, the FAA planned to schedule a public presentation of RBO to explain what it is and how it will work. In order to afford more people the opportunity to attend and participate, the FAA has scheduled two meetings; one to be held in Los Angeles, California, and one in Washington, D.C.

Request To Make a Presentation

Interested persons are invited to attend the meetings and to participate by making oral or written statements. Written statements should be submitted in duplicate and will be made a part of the rules docket. Requests to make an oral presentation at either public meeting should identify Docket No. 22480, indicate at which meeting the presentation will be made, the time required, and be sent to Ida M. Cronauer, Regulatory Review Branch, ASF-410, Federal Aviation Administration, 800 Independence Ave., SW., Washington, D.C. 20591; Telephone: (202) 755-8714. Requests must be received on or before November 22, 1982. Presentations will be scheduled on a first-come first-served basis as time may permit within the meeting schedule.

Meeting Procedures

Persons who plan to attend the meetings should be aware of the following procedures to be followed:

(a) The meeting will be informal in nature and will be conducted by the designated representative of the Administrator under 14 CFR 11.33. Each participant will be given an opportunity to make a presentation.

(b) The meetings will begin at 9:00 a.m. (local time). There will be no admission fee or other charge to attend and participate. All meeting sessions will be open to all persons on a space available basis. The presiding officer may accelerate the meeting agenda to enable early adjournment if the progress of the meeting is more expeditious than planned.

(c) All meeting sessions will be recorded by a court reporter. Anyone interested in purchasing the transcript should contact the court reporter directly. A copy of the court reporter's transcript will be filed in the docket.

(d) Position papers or other handout material relating to the substance of the meeting may be accepted at the discretion of the presiding officer. Participants submitting handout materials must present an original and two copies to the presiding officer for approval before distribution. If approved by the presiding officer, there should be an adequate number of copies provided for further distribution to all participants.

(e) Statements made by FAA participants at the hearing should not be taken as expressing a final FAA position.

Public Meeting Schedule

The schedule for the meetings is as follows:

November 30, 1982, Los Angeles, California

9:00 to 9:10 Presentation of Meeting Procedures.
9:10 to 10:30 FAA Presentation of proposed Part 120.
10:30 to 12:00 Public Presentations and Discussion.
1:30 to 5:00 Public Presentations and Discussion.

December 9, 1982, Washington, D.C.

9:00 to 9:10 Presentation of Meeting Procedures.
9:10 to 10:30 FAA Presentation of proposed Part 120.
10:30 to 12:00 Public Presentations and Discussion.
1:30 to 5:00 Public Presentations and Discussion.

(Secs. 313(a), 314(a), 601 through 610, and 1102 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1355(a), 1421 through 1430, and 1502); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 1.45)

Issued in Washington, D.C., on October 26, 1982.

Kenneth S. Hunt,
Director of Flight Operations.

[FR Doc. 82–29852 Filed 10–27–82; 10:11 am]
BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC–12745; File No. S7–949]

Exemptive Relief for Separate Accounts That Offer or Sell Variable Annuity Contracts to Certain Employees of Texas Institutions of Higher Education and Other Exemptive Relief for Certain Separate Accounts

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule and proposed rule amendments.

SUMMARY: The Commission is proposing for comment a rule and amendments to a rule relating to exemptions from the Investment Company Act of 1940 for registered insurance company separate accounts that offer or sell variable annuity contracts. The proposed rule would codify the standards that the Commission has developed with respect to applications filed by registered separate accounts and certain related persons seeking exemptive relief from various provisions of the Act to the extent necessary to permit them to comply with certain provisions of Texas law in connection with the sale of variable annuity contracts to certain employees of Texas institutions of higher education, thereby eliminating the need for such applications. The proposed rule amendments would expand the availability of the exemptive relief from the Act's minimum net worth requirement provided to separate accounts by an existing rule and the availability of related exemptive relief provided by three other existing rules. The Commission is also proposing related technical amendments to one of the general rules under the Act.

DATE: Comments must be received on or before December 17, 1982.

ADDRESS: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Comment letters should refer to File No. S7–949. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lemke, Acting Special Counsel (202–272–2061), Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission ("Commission") today is publishing for comment proposed rule 6c–7 under the Investment Company Act of 1940 (15 U.S.C. 80a–l *et seq.*) ("Act") and amendments to rule 14a–2 under the Act (17 CFR 270.14a–2), relating to exemptions from certain provisions of the Act for registered insurance company separate accounts[1] that offer or sell variable annuity contracts (sometimes referred to as "separate accounts" or "applicants").[2] The exemptions would also be available for any depositor of, or underwriter for, such accounts ("other persons," and, together with separate account, sometimes referred to as "applicants"). Proposed rule 6c–7 would codify the standards that the Commission has developed with respect to applications filed by separate accounts and other persons seeking exemptive relief from various provisions of the Act to the extent necessary to permit them to comply with certain provisions of Texas law in connection with the sale of variable annuity contracts to certain employees of Texas public institutions of higher education. The proposed rule is one of several rules which the Commission has proposed or expects to propose codifying the standards that it has developed in connection with certain types of applications filed by separate accounts for so-called "start-up" exemptive relief and for other relief under the Act.[3]

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[1] Section 2(a)(37) of the Act (15 U.S.C. 80–2(a)(37)) defines "separate account" to mean "an account established and maintained by an insurance company pursuant to the laws of any State or territory of the United States, or of Canada or any province thereof, under which income, gains and losses, whether or not realized, from assets allocated to such account, are, in accordance with the applicable contract, credited to or charged against such account without regard to other income, gains, or losses of the insurance company." A substantially identical definition of "separate account," as that term is used in various rules under the Act, is contained in rule 0–1(e)(1) under the Act (17 CFR 270.0–1(e)(1)). The term "insurance company" is defined in section 2(a)(17) of the Act (15 U.S.C. 80a–2(a)(17)).

[2] As used herein, the term "variable annuity contract" includes any variable accumulation or annuity contract or participation therein participating in a separate account pursuant to which the value of the contract, either prior or subsequent to annuitization, or both, varies according to the income, gains, or losses of the separate account.

[3] *See* Investment Company Act Rel. No. 12675 (September 20, 1982) (47 FR 42374, September 27, 1982) (proposed rule 11a–2).

With respect to the proposed amendments to rule 14a–2, the availability of the exemptive relief from the Act's minimum net worth requirement presently provided to separate accounts by that start-up rule is limited to separate accounts that fund certain "tax-benefited" variable annuity contracts. Moreover, since the availability of exemptive relief from three other provisions of the Act provided by related start-up rules 15a–3 (17 CFR 270.15a–3), 16a–1 (17 CFR 270.16a–1), and 32a–2 (17 CFR 270.32a–2) (the "related start-up rules") depends upon the applicability of rule 14a–2, the exemptions provided by those related start-up rules at present are also available only with respect to tax-benefited contracts. The amendments to rule 14a–2 now being proposed would expand the availability of that rule, and thus also of the related start-up rules, sufficiently to permit any separate account offering variable annuity contracts, regardless of the federal tax treatment accorded such contracts by the Internal Revenue Code, as amended, to rely on these rules.

Finally, the Commission is proposing several related technical amendments to rule 0–1(e) (17 CFR 270.0–1(e)) of its General Rules and Regulation under the Act.

Background

Section 6(c) of Act (15 U.S.C. 80a–6(c)) broadly authorizes the Commission to exempt, by rule or by order upon application, any person, security, or transaction from any provision of the Act "if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of [the Act]." The legislative history of this provision indicates that its purpose is to give the Commission flexibility "to meet situations which were not known" at the time the Act was adopted.[4]

Pursuant to section 6(c), a number of separate accounts and other persons have, for a variety of reasons, sought exemptive relief from various provisions of the Act prior to offering their variable annuity contracts to the public or to a specific segment of the public. With respect to certain types of these applications, it has been the Commission's experience that once the underlying legal issues have been resolved in the initial application, subsequent applications generally do not raise novel issues of law or fact. Therefore, Commission approval of such subsequent applications is generally granted, provided that applicants satisfy certain conditions which, in light of the standards for relief prescribed by section 6(c), the Commission's experience has shown are necessary and appropriate for the relief sought.

The Commission now believes that it would be appropriate to adopt rule 6c–7, which would codify generally the standards that the Commission has developed in connection with applications for exemptive relief from various provisions of the Act to the extent necessary to permit separate accounts and other persons to comply with certain provisions of Texas law in connection with the sale of variable annuity contracts to certain employees of Texas institutions of higher education. In addition, the Commission has reconsidered existing start-up rule 14a–2 and now believes that it would be appropriate to amend that rule in order to expand the availability of the exemptive relief provided to separate accounts therein from the Act's minimum net worth requirement and the availability of the relief privided by three related start-up rules from several other provisions of the Act.

Discussion

1. *Texas Optional Retirement Program Relief.* In 1967, the State of Texas enacted a statute that directed the governing boards of all Texas institutions of higher education to make available to their faculty members an Optional Retirement Program ("Program") as an alternative to the existing teacher retirement system.[5] The Program statute, as amended, provides as the funding media for the Program certain tax-qualified fixed or variable retirement annuity contracts purchased from any insurance or annuity company qualified to do business in Texas.[6] One provision of the statute provides that if a participant terminates his participation in the Program for reason other than death, retirement, or termination of employment in all Texas institutions of higher education, then he forfeits all accured benefits under the Program.[7] The predecessor of this provision, which was virtually identical in substance to the present provision,[8] was interpreted by the Attorney General of Texas in 1973 as prohibiting a participant from redeeming his annuity contract for cash or receiving a loan for all or any part of his accumulated contributions, notwithstanding express contractual language permitting such transactions, on the ground that each annuity contract issued to a Program participant must be construed in light of the provisions of the Program statute.[9]

Because section 22(e) (15 U.S.C. 80a–22(e)),[10] section 27(c)(1) (15 U.S.C. 80a–27(c)(1)),[11] and section 27(d) (15 U.S.C.

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[4] *Hearings on H.R. 10065 Before a Subcommittee of the House Committee on Interstate and Foreign Commerce,* 76th Cong., 3d Sess. 120 (1940) (statement of David Schenker) (hereinafter cited as "Hearings on H.R. 10065"). In *M.A. Hanna Company,* 42 SEC 477, 482 n. 5 (1969) (citations omitted), the Commission stated that "Section 6(c) was designed for exceptional situations where compliance with specific provisions of the Act is not necessary to accomplish the Act's objective and policies and that the authority conferred by Section 6(c) must be exercised with circumspection." *See also* Investment Company Act Release No. 1171 (April 28, 1948) ("the propriety of granting the relief which is sought [pursuant to section 6(c)] largely depends upon the purposes of the section from which an exemption is requested, the evils against which it is directed, and the ends which it seeks to accomplish").

[5] The Program statute was originally adopted in 1967 as Subchapter G of Chapter 51 of the Texas Education Code (hereinafter referred to as the "old statute"). This Code was repealed in 1981 and the Program, as amended, was reenacted as Chapter 36 of Title 110B of the Texas Revised Civil Statutes (Vernon 1981 Pamphlet) (hereinafter cited as "Ch. 36.—").

[6] *See* Chs. 36.002, 36.004, *supra.*

[7] Ch. 36.105, *supra.*

[8] Section 51.358 of the old statute provided that Program benefits would be available to participants upon death, termination of employment due to total disability, retirement, or termination of employment in Texas public institutions of higher learning. Issuers of variable annuity contracts have represented to the Commission, and the Commission is unaware of any judicial or legal interpretation to the contrary, that deletion in the amended statute of the language regarding the availability of benefits if a participant terminates employment due to disability was not intended as a substantive change to the rights of Program participants.

[9] Attorney General of Texas, Opinion H–532 (Feb 18, 1975) (hereinafter "Attorney General's Opinion"). This interpretation was reaffirmed by the Attorney General in 1977 in Opinion H–1060 (Sept. 23, 1977).

[10] Section 22(e) states, in part, that no registered investment company shall suspend the right of redemption or postpone the date of payment upon redemption of any redeemable security in accordance with its terms for more than seven days after tender of the security except under certain cirucmstances. The term "redeemable security" is defined in section 2(a)(32) of the Act (15 U.S.C. 80a–2(a)(32)) to mean "any security, other than short-term paper, under the terms of which the holder upon its presentation to the issuer or to a person designated by the issuer, is entitled (whether absolutley or only out of surplus) to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof."

[11] Section 27(c)(1) generally requires that any periodic payment plan certificate sold by a registered investment company or its depositor or underwriter must be a redeemable security (*see* note 10 *supra*). Section 2(a)(27) of the Act (15 U.S.C. 80a–2(a)(27)) defines a periodic payment plan certificate, in part, as any certificate or security providing for a series of periodic payments by the holder and representing an undivided interest in certain specified securities or in a unit or fund of securities purchased wholly or partly with the proceeds of such payments. It has been the commission's position that if a variable annuity

80a–27(d))[12] of the Act do not permit the imposition of restrictions on redemption of the type required by the Program statute, as that statute has been interpreted by the Attorney General of Texas, separate accounts and other persons that propose to offer or sell variable annuity contracts to Program participants must obtain individual orders granting exemptive relief from these provisions.[13] Applicants typically justify their requests for exemptive relief on the ground that without such relief, Program participants would be denied an opportunity to select, through the purchase of the separate account's contract, a funding medium for their retirement benefits which is one of the types of funding media specifically provided for such purpose by the Texas legislature in the Program statute.

It has been the Commission's experience that such applications generally demonstrate that the requested relief is consistent with the standards set forth in section 6(c), and the relief typically is granted, provided that applicants include appropriate disclosure in the prospectus and in all sales literature informing participants of the restrictions on redemption imposed by the Program statute, agree to instruct their salepeople specifically to bring the restrictions to the attention of potential Program purchasers, and obtain from each Program purchaser a signed statement acknowledging the restrictions. The Commission now believes that in light of its experience, it would be appropriate to adopt a rule codifying the standards under which it has granted such exemptive relief by idividual order in the past. Accordingly, the Commission is proposing rule 6c–7, as discussed *infra*.

2. *Amendments to Existing Start-Up Rule.* Section 14(a) of the Act (15 U.S.C. 80a–14(a)) generally prohibits a registered investment company or its principal underwriter from publicly offering the securites of the investment company for sale unless the company either has a specified net worth, has previously made a public offering, or has taken steps to insure that it will have a specified net worth prior to making its public offering.[14] The legislative history of this provision indicates that section 14(a) was intended to insure that an investment company has a certain degree of financial responsibility prior to offering its securities.[15]

In 1969 the Commission determined that it would be appropriate to provide limited exemptive relief from section 14(a), and adopted rule 14a–2.[16] This rule exempts registered separate accounts proposing to engage in the sale of certain tax-benefited variable annuity contracts,[17] and their principal underwriters, from the requirements of section 14(a), provided that the separate account's sponsoring insurance company has a combined capital and surplus, if a stock company, or an unassigned surplus, if a mutual company, of not less than $1,000,000. At the same time, the Commission adopted rules 15a–3, 16a–1, and 32a–2 [18]—three related start-up rules the availability of which is conditioned upon, among other things, the separate account qualifying for exemptive relief from section 14(a)

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contract is permitted to be paid for with more than one purchase payment, the contract is a periodic payment plan certificate subject generally to section 27 of the Act (15 U.S.C. 80a–27).

[12] Section 27(d) generally provides that it shall be unlawful for any issuer of a periodic payment plan certificate (*see* note 11 *supra*) to sell such a certificate unless the certificate permits the holder thereof to surrender the certificate at any time within the first eighteen months after its issuance and receive in cash payment therefor a certain calculable amount.

[13] This conclusion is acknowledged in the Attorney General's Opinion, *supra* note 9, at 5, which states that "[i]f registered investment companies are unable to secure an exemption from the Securities and Exchange Commission for contracts to be used in the [Program], then these companies' variable annuity contracts are not eligible for use in [the Program]."

[14] Section 14(a) provides, in relevant part, that:

(a) No registered investment company organized after the date of enactment of this title, and no principal underwriter for such a company, shall make a public offering of securities of which such company is the issuer, unless—

(1) such company has a net worth of at least $100,000;

(2) such company has previously made a public offering of its securities, and at the time of such offering had a net worth of at least $100,000; or

(3) provision is made in connection with and as a condition of the registration of such securities under the Securities Act of 1933 which in the opinion of the Commission adequately insures (A) that after the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription for any security until firm agreements have been made with such company by not more than twenty-five responsible persons to purchase from it securities to be issued by it for an aggregate net amount which plus the then net worth of the company, if any, will equal at least $100,000; (B) that said aggregate net amount will be paid in to such company before any subscriptions for such securities will be accepted from any persons in excess of twenty-five; (C) that arrangements will be made whereby any proceeds so paid in, as well as any sales load, will be refunded to any subscriber on demand without any deduction, in the event that the net proceeds so received by the company do not result in the company having a net worth of at least $100,000 within ninety days after such registration statement becomes effective.

[15] *See S. Rep. No.* 1775, 76th Cong., 3d Sess. 13 (9140); *Hearings on H.R. 10065, supra* note 4, at 116.

[16] Investment Company Act Rel. No. 5586 (Jan. 24, 1969) (34 FR 1910) (proposed); Investment Company Act Rel. No. 5738 (July 10, 1969) (34 FR 12695) (adopted). Rule 14a–2 provides, in relevant part, that:

A registered separate account, and any principal underwriter for such account, shall be exempt from Section 14(a) of the Act with respect to a public offering of tax-benefited variable annuity contracts participating in such account: (1) If at the commencement of such offering such insurance company shall have (a) a combined capital and surplus, if a stock company, or (b) an unassigned surplus, if a mutual company, of not less than $1,000,000 as set forth in the balance sheet of such insurance company contained in the registration statement or any amendment thereto relating to such variable annuity contracts filed pursuant to the Securities Act of 1933, as amended, and (2) if at no time thereafter such insurance company shall knowingly place payments from contracts which are not tax-benefited in such separate account.

As the Commission discussed in the proposing and adopting releases, relief was necessary because separate accounts offering contracts issued in connection with certain tax-bennefited plans, which contemplate relatively small periodic payments made by or on behalf of a large number of individual employees, may not be able to obtain $100,000 of purchase payments within 90 days after the effective date of the registration statement and, thus, may have to make arrangements pursuant to section 14(a)(3)(C) of the Act (15 U.S.C. 80a–14(a)(3)(C)) to refund all purchase payments on demand and without the imposition of any sales load. Moreover, the Commission pointed out that a privately contributed $100,000 in such accounts would not eliminate this problem because it would require separate accounting treatment and could raise problems concerning the investment objectives of such accounts, including whether the addition of monies that were not tax-benefited to the account would preclude favorable tax treatment for other monies in the account. This problem of course would not arise where the contracts issued by the accounts did not receive special tax benefits.

[17] The term "tax-benefited variable annuity contracts" is defined in rule 14a–2 to mean variable annuity contracts purchased in connection with a plan meeting the requirements for qualification under section 401 of the Internal Revenue Code or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code, or contracts which meet the requirements of section 403(b) of the Code.

[18] Rule 15a–3 exempts the investment adviser of certain registered separate accounts from the requirement of section 15(a) of the Act (15 U.S.C. 80a–15(a)) that the initial written contract pursuant to which the investment adviser serves or acts shall have been approved by a vote of a majority of the outstanding voting securities of the registered separate account, under certain conditions. Rule 16a–1 generally exempts persons from the requirement of section 16(a) of the Act (15 U.S.C. 80a–16(a)) that no person shall serve as a director of a registered investment company unless elected to that office by shareholders to the extent necessary to permit such persons to serve as directors of certain separate accounts during the separate account's first year of operations, provided that certain conditions are satisfied. Rule 32a–2 exempts certain registered separate accounts from the prohibition contained in section 32(a) of the Act (15 U.S.C. 80a–31(a)) against filing any statement with the Commission that is signed or certified by an independent public accountant unless the selection of such accountant has been ratified by a vote of the contractowners of the separate account. These rules were necessitated by the exemptive relief included in rule 14a–2—and their availability is generally conditioned upon the separate account qualifying for the relief provided by rule 14a–2—because if there is no initial capital in the separate account, there can be no shareholders eligible initially to approve the investment advisory agreement, elect a board of directors, or ratify the selection of an independent public accountant.

either pursuant to rule 14a–2 or by order of the Commission.

The Commission now believes that limiting the availability of the exemptive relief provided by rule 14a–2 and by the related startup rules only to registered separate accounts offering certain tax-benefited variable annuity contracts is not necessary or appropriate for the protection of investors. The Commission believes that the present rule's requirement that in order for a separate account to rely on the rule its sponsoring insurance company must have a minimum capital and surplus, which would be retained in the proposed amended rule, is sufficient to protect investors from the abuses that section 14 of the Act is intended to eliminate. Moreover, the proposed amendments to the rule would benefit insurance companies sponsoring separate accounts that offer or sell contracts that are not tax-benefited by eliminating what the Commission believes to be an unnecessary burden presently imposed on them. Accordingly, the Commission, as discussed *infra*, is proposing to amend rule 14a–2 in order to make the relief provided therein—and thereby the relief provided by the related start-up rules—available to any registered separate account funding variable annuity contracts, regardless of whether such contracts are tax-benefited.[19]

Proposed Rule and Rule Amendments

1. *Proposed Rule 6c–7.* Proposed rule 6c–7 exempts a registered separate account and any depositor of or underwriter for such account from the provisions of sections 22(e), 27(c)(1), and 27(d) of the Act to the extent necessary to permit compliance with the Texas Optional Retirement Program statute, as discussed *supra*, provided that the separate account or the depositor or underwriter for such account satisfies the conditions prescribed by paragraphs (a)–(e) of the proposed rule. As noted above, these conditions codify existing practices with respect to these applications.

Paragraph (a) of the proposed rule requires that the separate account's registration statement, including its prospectus, must include appropriate disclosure concerning the restrictions on redemption imposed by the Program statute, while paragraph (b) requires similarly appropriate disclosure to be included in any sales literature used in the Program market. Paragraph (c) requires that salespeople invloved in soliciting in the Program market be instructed specifically to bring the restrictions on redemption to the attention of potential purchasers. Paragraph (d) requires that there be obtained from each purchaser of a contract in connection with the Program, prior to or at the time of purchase, a signed statement acknowledging the restrictions on redemption.

Finally, paragraph (e) requires that the separate account's Registration Statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.) include a representation that rule 6c-7 is being relied upon and that the provisions above have been complied with.[20] This provision will insure that the fact that a separate account is relying on the relief provided by the rule will be made available to the general public and it will enhance the Commission's ability to monitor utilization of and compliance with the rule. In this regard, the Commission believes that compliance with paragraph (e) would not require a special filing by the separate account but rather that the required information may be included in the separate account's next post-effective amendment.

2. *Proposed Amendments to Rule 14a-2.* The proposed amendments to rule 14a-2 would expand the availability of the exemptive relief provided therein to separate accounts from the minimum net worth requirement of section 14(a) of the Act. The relief provided by the present rule is available only to separate accounts issuing certain tax-benefited variable annuity contracts. The proposed amendments would make the rule's exemptive relief available to any separate account offering variable annuity contracts regardless of whether such contracts are tax-benefited. Furthermore, because the exemptive relief provided to certain separate accounts by related start-up rules 15a-3, 16a-1, and 32a-2 under the Act (*see* note 18 *supra*) is made available in part to separate accounts qualifying for exemption under rule 14a-2, the proposed amendments, if adopted, would expand the availability of the relief afforded by those rules.

3. *Proposed Technical Amendments to Rule 0–1(e).* Rule 0–1 of the General Rules and Regulations under the Act defines various terms used in those rules. Rule 0–1(e) defines the term "separate account" and sets forth the conditions for availability of exemptive relief for separate accounts pursuant to those rules. The Commission is proposing to amend rule 0–1(e) to include rule 6c-7 as one of the rules listed therein.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting requirements, Securities.

Text of Proposed Rule 6c-7 and Proposed Amendments to Rules 14a-2 and 0-1(e)

PART 270—[AMENDED]

It is proposed that Part 270 of Chapter II of Title 17 of the Code Federal Regulations be amended as follows:

1. By revising paragraphs (e) and (e)(2) of § 270.0–1 to read as follows:

§ 270.0–1 Definition of terms used in this part.

* * * * *

(e) Definition of separate account and conditions for availability of exemption under §§ 270.6c-6, 270.6c-7, 270.14a-2, 270.15a-3, 270.16a-1, 270.22d-3, 270.22e-1, 270.27a-1, 270.27a-2, 270.27a-3, 270.27c-1, and 270.32a-2 of this chapter.

(1) * * *

(2) As conditions to the availability of exemptive Rules 6c-6, 6c-7, 14a-2, 15a-3, 16a-1, 22d-3, 22e-1, 27a-1, 27a-2, 27a-3, 27c-1, and 32a-2, the separate account shall be legally segregated, the assets of the separate account shall, at the time during the year that adjustments in the reserves are made, have a value at least equal to the reserves and other contract liabilities with respect to such account, and at all other times, shall have a value approximately equal to or in excess of such reserves and liabilities; and that portion of such assets having a value equal to, or approximately equal to, such reserves and contract liabilities shall not be chargeable with liabilities arising out of any other business which the insurance company may conduct.

* * * * *

2. By adding new § 270.6c–7 to read as follows:

§ 270.6c–7 Exemptions from certain provisions of sections 22(e) and 27 for registered separate accounts offering variable annuity contracts to participants in the Texas Optional Retirement Program.

A registered separate account, and any depositor of or underwriter for such account, shall be exempt from the provisions of sections 22(e), 27(c)(1), and 27(d) of the Act (15 U.S.C. 80a–22(e), 80a–27(c)(1), and 80a–27(d), respectively) with respect to any variable annuity contract participating in such account to the extent necessary to permit compliance with the Texas Optional Retirement Program ("Program"), *Provided,* That the separate account, depositor, or underwriter for such account.

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[19] In addition to making the exemptive relief provided by rule 14a–2 available to separate accounts offering contracts that are not tax-benefited, the proposed amendments would, of course, also make the rule's exemptive relief available to separate accounts offering tax-benefited contracts not presently included within the definition of that term contained in the present rule (*see* note 17 *supra*), such as contracts purchased in connection with a plan meeting the requirement for qualification under section 457 of the Internal Revenue Code.

[20] The exemptive relief afforded by the proposed rule, of course, would be made available only so long as Texas law is interpreted by the Attorney General of Texas as imposing restrictions upon the redeemability of variable annuity contracts offered or sold to Program participants that are inconsistent with the pertinent provisions of the Act.

(a) Includes appropriate disclosure regarding the restrictions on redemption imposed by the Program in each registration statement, including the prospectus, used in connection with the Program;

(b) Includes appropriate disclosure regarding the restrictions on redemption imposed by the Program in any sales literature used in connection with the offer of annuity contracts to Program participants;

(c) Instructs salespeople who solicit Program participants to purchase annuity contracts specifically to bring the restrictions on redemption imposed by the Program to the attention of potential purchasers;

(d) Obtains from each Program participant who purchases an annuity contract in connection with the Program, prior to or at the time of such purchase, a signed statement acknowledging the restrictions on redemption imposed by the Program; and

(e) Includes in Part II of the separate account's Registration Statement under the Securities Act of 1933 a representation that this section is being relied upon and that the provisions of paragraphs (a)–(d) of this section have been complied with.

3. By revising § 270.14a–2 to read as follows:

§ 270.14a–2 Exemption from section 14(a) of the Act for certain registered separate accounts and their principal underwriters.

A registered separate account, and any principal underwriter for such account, shall be exempt from section 14(a) of the Act (15 U.S.C. 80a–14(a)) with respect to a public offering of variable annuity contracts participating in such account if, at the commencement of such offering, the insurance company establishing and maintaining such separate account shall have (a) a combined capital and surplus, if a stock company, or (b) an unassigned surplus, if a mutual company, of not less than $1,000,000 as set forth in the balance sheet of such insurance company contained in the registration statement or any amendment thereto relating to such contracts filed pursuant to the Securities Act of 1933, as amended.

Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Chairman of the Commission has certified that the rule and rule amendments proposed herein will not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

Paperwork Reduction Act

The information collection required by rule 6c–7 has been submitted to the Office of Management and Budget for clearance.

Statutory Authority

Proposed rule 6c–7 and the proposed amendments to rule 14a–2 are promulgated pursuant to the provisions of sections 6(c) and 38(a) of the Act (15 U.S.C. 80a–6(c) and 80a–37(a), respectively). The proposed amendment to rule 0–1(e) (17 CFR 270.0–1(e)) is promulgated pursuant to the provisions of section 38(a) of the Act (15 U.S.C. 80a–37(a)).

By the Commission.

George. A. Fitzsimmons,
Secretary.

October 18, 1982.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that proposed rule 6c–7 and the proposed amendments to rule 14a–2 under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.)* ("Act"), if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for the certification with respect to proposed rule 6c–7 is that there are few, if any, registered insurance company separate accounts that are expected to elect to use this exemption and qualify as "small entities," as that term has been defined in the Commission's rules. Moreover, the reduction in costs to such separate accounts, if any, resulting from the proposed rule's elimination of their need to file certain exemptive applications is not expected to have a significant economic impact on any such separate accounts.

The reason for this certification with respect to the proposed amendments to rule 14a–2 is that the proposed amended rule will not have a significant economic impact on any entities, as discussed below. Present rule 14a–2 provides that separate accounts issuing certain tax-benefited variable annuity contracts need not comply with section 14(a) of the Act, which generally requires, as relevant here, that a separate account have at least $100,000 of assets prior to making a public offering of its contracts. The practical effect of section 14(a) and rule 14a–2, as relevant here, is that they require that in certain circumstances the sponsoring insurance company of a separate account proposing to offer contracts that are not tax-benefited may have to invest $100,000 of its assets in the separate account until such time as the separate account has accumulated $100,000 of purchase payments from contractowners.

However, it has been the Commission's experience that the economic impact of this requirement, if any, is not significant with respect to sponsoring insurance companies because: (1) The types of investments in which separate accounts invest are similar in many instances to the types of investments that such insurance companies would otherwise have invested their assets in; (2) the return earned on assets invested in separate accounts is generally comparable to the yield that such insurance companies would otherwise have earned on those assets; and (3) this requirement does not in any way permanently restrict such insurance companies' ability to utilize any of their assets invested in separate accounts, since generally they may, at any time and without any restrictions, redeem those assets (albeit to the possible detriment of the separate account's ability to offer securities publicy under the Act).

The proposed amendments to rule 14a–2 would make the exemptive relief provided therein from section 14(a) available to all separate accounts, regardless of the tax status of the contracts they offer. Accordingly, because the Commission believes that the present economic impact of the requirement imposed by section 14(a) and rule 14a–2 is not significant with respect to any existing sponsoring insurance company, the Commission believes that the elimination of that requirement through the proposed amendments to rule 14a–2 would not have a significant economic impact on any future sponsoring insurance company or separate account.

John S. R. Shad,
Chairman.

October 18, 1982.

[FR Doc. 82–29487 Filed 10–27–82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 74

[CGD 81–051]

Charges for Coast Guard Aids to Navigation Work

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to revise 33 CFR Part 74 which establishes the charges for Coast Guard aids to navigation work. The charges presently listed in the Code of Federal Reguations were last reviewed in 1976 and do not reflect current costs. The proposed revision will delete the

charges for aids to navigation work from the regulations and direct the persons subject to those charges to the appropriate Coast Guard District Commander for current costs. Additionally, the regulations will be simplified with unnecessary material removed.

DATES: Comments must be received on or before December 13, 1982.

ADDRESSES: Comments may be submitted to Commandant (G–CMC/44), U.S. Coast Guard, Washington, D.C. 20593. Comments will be available for examination at the Marine Safety Council (G–CMC/44), (CGD 81–051), Room 4402, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C. 20593, between 8 AM and 4 PM Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: LTJG Ronald A. GAN, Office of Navigation, Short Range Aids Division (G–NSR/14), Room 1416, U.S. Coast Guard Headquarters, 2100 Second St. SW, Washington, D.C. 20593, (202) 426–1973, between 8 AM and 4 PM Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. All responses should identify this notice (CGD 81–051) and the specific section of the proposal to which they apply. Replies should also include the reasons for the communication and the name and address of the person submitting the remarks. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. All responses received before the expiration of the comment period will be considered before the final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a later notice in the Federal Register if it is requested in writing by an interested person who is raising a genuine issue and desires to comment orally at a public hearing.

Drafting information: The principal persons involved in the drafting of this proposal are LTJG Ronald A. GAN, Project Manager, Office of Navigation, and LT Mark D. HANLON, Project Attorney, Office of the Chief Counsel.

Background

Title 14, section 85, United States Code gives the Secretary of Transportation, for the protection of maritime navigation, the authority to prescribe and enforce necessary and reasonable rules and regulations relative to the establishment, maintenance, and operation of lights and other signals of fixed and floating structures in or over waters subject to the jurisdiction of the United States and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States.

Title 14, section 86, United States Code gives the Coast Guard the authority to mark the location of any sunken vessel or other obstruction to navigation existing on the navigable waters or waters above the continental shelf of the United States. The Coast Guard may then, at the discretion of the Secretary of Transportation, charge the owners of the same for the cost of marking.

Title 14, section 642 of the United States Code authorizes the Coast Guard to recover the cost of repair or replacement of an aid to navigation that is damaged or destroyed by a private person.

Discussion of Proposed Rule

The proposed rules would revise regulations which specify the charges for Coast Guard aids to navigation work. Presently, the charges are listed in the Code of Federal Regulations. These charges were last reviewed in 1976 and do not reflect the present cost of Coast Guard equipment and services. The transfer of these costs from the regulations to an annually revised, and readily available, Coast Guard publication would allow the Coast Guard to charge the users for the current average cost of manpower and equipment associated with the marking process. The average cost will be based upon review of actual expenses recorded by units servicing aids to navigation.

The discrepancies between the charges published in 33 CFR Part 74 and the actual costs incurred force the Coast Guard to absorb any increases in the cost of manpower and equipment. Using 1981 accounting data, the greatest loss absorbed in buoy costs is in the preparation and servicing of an 8 foot lighted buoy. It costs approximately $1420 to prepare a buoy of this type for setting. The preparation charge published in the regulations is $869.The resulting loss to the Coast Guard is $551. Further, the monthly service charge for this buoy in 33 CFR Part 74 is $63 while the actual cost is $86. This results in a monthly servicing loss of $23.

In the case of certain smaller buoys, the difference between the published charges and the actual costs results in the user being charged too much for the aids to navigation work. The best illustration of this is the 4th class can or nun buoy. The published preparation charge for this buoy is $112. Due to advances in the design of this type of buoy, preparation is no longer required before setting the buoy and the user is unnecessarily charged. The published monthly service charge is $21 while the actual cost is only $4. This discrepancy results in the user being overcharged $17 per month by the Coast Guard.

The disparity between the published and actual charges for aids to navigation work is not limited to the buoy costs alone. The vessel and boat use costs have also gone up markedly since the last review of charges in 1976. Using 1981 accounting data, the greatest discrepancy exists in the cost per hour of a coastal buoy tender (WLM). The regulations list the cost per hour of a WLM as $194. This published average hourly charge for the three types of WLM is drastically less than the actual cost. In reality, a 157 foot WLM costs $871 per hour to operate, a 157 foot WLM costs $638 per hour, and a 133 foot WLM costs $443 per hour. Consequently, the Coast Guard must absorb the difference in the costs which ranges from $677 to $249.

The proposed revisions to this Part are necessary and worth-while because the financial burden for aids to navigation work will be more equitably shifted from the taxpayers to the actual users of the service. It is proposed that Subpart 74.05, Charges to Armed Forces, and Subpart 74.15, Charges to Federal Agencies Other Than the Armed Forces, be removed. These subparts regulate various charges to other governmental agencies. Agreements between governmental agencies need not be codified in the Code of Federal Regulations.

Regulatory Evaluation

These proposed regulations have been evaluated under DOT Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations", dated May 22, 1890, and have been found not to be significant. The proposed increase in cost to the public will vary since the work performed, types of vessels performing, and charges will vary. A review of past charges was conducted in an effort to determine the scope of the impact of this proposal on the public. In 1981, the Coast Guard charged the public $83,750 for the installation and maintenance of aids marking sunken obstructions. This proposal is estimated to increase the overall replacement charges by 16%, overall preparation charges by 30%, overall service charged by 13%, and overall vessel use charges by 204%. For example, if a third class unlighted buoy is prepared, installed by a 75 foot WLR in three billable hours, and maintained for one year, the current charge is $562. The charge as proposed here, based upon the latest average cost figures, would be $966. The result is a 72% charge increase. If, for example, a 3½ foot lighted buoy is prepared, installed by a 133 foot WLM in three billable hours, and maintained for one year, the current charge is $1,193. The charge proposed here, based upon the latest average cost figures, would be $2,112. The result is a 77% charge increase. Assuming an average charge increase of 75% and assuming the work performed in the future will be similar to that done in 1981, the amount chargeable would increase from $83,750 to $146,562

The satisfactory marking of a sunken wreck by its owner is a statutory obligation. The owner has the option of marking the wreck privately or requesting the Coast Guard to mark it. Any proposed increase in the charge for Coast Guard marking need not additionally burden the owner since he may elect to mark the wreck privately. The owner may benefit from electing the Coast Guard marking program if it is more convenient or cost-effective.

These proposed regulations have been evaluated under E.O. 12291 and have been determined not to be major, for the reasons stated above. In addition, these proposed regulations are certified as having no significant economic impact upon a substantial number of small entities. The need to mark an obstruction is a random occurrence which is no more likely to affect small entities than any other entity. In the event that a small business entity is affected, it is anticipated that the maximum increase in the cost of marking an obstruction will be $1,000. This relatively minor cost increase is not expected to significantly impact the economics of small businesses.

List of Subjects in 33 CFR Part 74

Navigation (water).

PART 74—[AMENDED]

In consideration of the foregoing, it is proposed that Part 74 of Title 33, Code of Federal Regulations, be amended as follows:

1. The authority citation for Part 74 is revised as follows:

Authority: 14 U.S.C. 81, 85, 86, 92, 93, 141, 633, 642, 647; (49 CFR 1.46(b)).

Subpart 74.01—Charges to the Public

2. By revising § 74.01–10 as follows:

§ 74.01–10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

Charges for the establishment, maintenance, and replacement by the Coast Guard of an aid, either permanent or temporary, to mark a sunken wreck or other obstruction to navigation are calculated to recover the Coast Guard costs involved in, or associated with, the marking process. These charges will be invoiced to the owner of the obstruction. Charges for the removal of aids to navigation established by the Coast Guard will be invoiced to the owner unless the District Engineer requests the continued marking of the obstruction. All charges will be assessed in accordance with Subpart 74.20 of this part.

Subpart 74.05—Charges to the Armed Forces [Removed]

3. By removing Subpart 74.05.

Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces [Removed]

4. By removing Subpart 74.15.

Subpart 74.20—Aids to Navigation Costs

5. By revising § 74.20–1 to read as follows:

§ 74.20–1 Buoy and vessel use costs.

(a) The buoy and vessel use costs for establishing, maintaining, repairing, replacing, or removing an aid to navigation under the requirements of this part are contained in COMDTNOTE 7310 (series) which is available at the Office of the Comptroller of the appropriate Coast Guard District Commander.

(b) Buoy and vessel use charges under this part are made for the cost or value of time, in hours, consumed by the Government vessel, including ship's complement, employed in marking the obstruction. No charge for time and expense of Coast Guard vessels is made when the marking of the obstruction causes only minimal interruption of routinely scheduled ship's duty.

Dated: August 26, 1982.

H. H. Kothe,

Captain, U.S. Coast Guard, Acting Chief, Office of Navigation.

[FR Doc. 82–29719 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 110

[CCGD8–82–13]

Anchorage Regulations, Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering amending the anchorage regulations on the Lower Mississippi River by establishing a permanent anchorage in the vicinity of Magnolia, Louisiana, to be called the Magnolia Anchorage. This action is necessary to provide needed additional anchorage space for deep draft vessels and to accommodate the occasional overflow from the deep draft anchorages further upriver. The anchorage is also needed so that midstream transfer operations can be conducted.

DATE: Comments must be received on or before December 13, 1982.

ADDRESS: Comments should be mailed to Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117. The comments will be available for inspection or copying at the above address. Normal office hours are between 7:00 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: LCDR R. E. FORD, Port Safety Officer, Captain of the Port, New Orleans, LA, U.S. Coast Guard, 4640 Urquhart Street, New Orleans, LA 70117, Tel: (504) 589–7118.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CCGD8–82–13), the specific section of the proposal to which their comments apply, and give the reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

These rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The principal persons involved in drafting this notice are LT M. W. BROWN, Project Officer, c/o Commander, Eighth Coast Guard District (mps) and LT J. C. HELFRICH, Project Attorney, c/o Commander, Eighth Coast Guard District (dl), Hale Boggs, Federal Bldg., 500 Camp Street, New Orleans, LA 70130.

Discussion of Proposed Rule

In the past, the Crescent River Pilot Association has continuously requested the Captain of the Port, New Orleans to allow them to anchor vessels in the vicinity of Magnolia, LA on the Lower Mississippi River. Because of those requests, and the continuing nature of them, the Captain of the Port recommended that a temporary anchorage be established in the vicinity of Magnolia in order to evaluate the actual need and feasibility of a permanent anchorage in that location. Based on this recommendation, the Commander, Eighth Coast Guard District established a temporary anchorage from mile 45.8 to mile 47.5 AHOP and 800 feet wide on the right descending bank of the Lower Mississippi River on 20 November 1981 for 90 days. Upon the completion of the initial 90 day period, the need for the anchorage was reevaluated and it was determined that the anchorage was still needed but that modifications were necessary. Accordingly, on 19 April 1982 the temporary anchorage was reestablished but relocated at mile 45.5 to mile 46.9 AHOP on the right descending bank. The width of the anchorage was also modified to 1100 feet from mile 45.5 to mile 46.3, and 600 feet measured 500 feet from the Low Water Reference Plane from mile 46.3 to mile 46.9. This was necessary due to a revetment in part of the anchorage. This temporary anchorage was again re-established on 14 July 1982.

Based on the usage and safety record of the anchorage, creation of a permanent anchorage is justified. The anchorage has the capacity to handle 4 vessels under normal conditions, but could handle up to 6 vessels in an emergency and presently has an average density of approximately 2 vessels per day. The anchorage is a deep draft anchorage and is needed to provide anchorage space for facilities in the area and to accommodate the occasional overflow from the deep draft anchorages further upriver. The anchorage is also needed so that midstream transfer operations can be conducted.

The anchorage is in the vicinity of several existing facilities, and there are two additional facilities that will also be located in the area in the planning stages. The anchorage is located along a reasonably straight stretch of the river and no waterway user conflicts are anticipated. Since the temporary anchorage has been established, there have been no vessel accidents in the immediate area and this anchorage poses no hazard to vessels navigating in the area. Because of the character of the river at the location, this proposed anchorage offers a safe means of preventing crowding at other anchorages as well as providing earmarked space in case of an emergency, thus enhancing navigational safety on the waterway. The Coast Guard has thus far received no adverse comments concerning this anchorage.

Economic Evaluation

These proposed regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplication, Analysis, and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation of the proposal has not been conducted since its impact is expected to be minimal. It is believed, however, that any economic impacts will be positive as the existence of this anchorage decreases vessel transit time and allows additional midstream cargo operations to occur. It is also certified that in accordance with Section 605(b) of the Regulatory Flexibility Act, that these rules, if promulgated, will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Proposed Regulations.

In consideration of the foregoing, the Coast Guard proposes to amend Part 110 of Title 33, Code of Federal Regulations, as follows:

PART 110—[AMENDED]

1. By adding a new paragraph (4a) to § 110.195 as follows:

§ 110.195 Mississippi River below Baton Rouge, LA including south and southwest passes.

(a) * * *

(4a) Magnolia Anchorage. An area 1.4 miles in length between mile 45.5 to mile 46.9 above Head of Passes along the right descending bank of the river. From mile 45.5 to mile 46.3 the area has a width of 1100 feet. From mile 46.3 to mile 46.9 the area has a width of 600 feet as measured 500 feet riverward from the Low Water Plane of the right descending bank.

* * * * *

(33 U.S.C. 471; 49 U.S.C. 1655(g)(1): 49 CFR 1.46(c)(1): 33 CFR 1.05–1(g))

Dated: October 22, 1982.

W. H. Stewart,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 82–29743 Filed 10–27–82; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL 2182-6]

Standards of Performance for New Stationary Sources; Appendix A; Traverse Point Revisions to Method 1

AGENCY: Environmental Protection Agency (EPA)

ACTION: Proposed rule and notice of public hearing.

SUMMARY: The purpose of this action is to propose revisions to Method 1, "Sample and Velocity Traverses for Stationary Sources," of Appendix A of 40 CFR Part 60 that would decrease the minimum number of required traverse points. For particulate traverses, the number of traverse points is reduced from 48 to 24. For velocity traverses, the number is reduced from 24 to 16. This action is being taken because several studies have shown that the number of traverse points can be reduced from those now specified without sacrificing accuracy. This change would reduce the sampling time and possibly the cost of testing.

A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning the proposed revisions.

DATES:

Comments. Comments must be received on or before December 27, 1982.

Public Hearing. A public hearing will be held, if requested. Persons wishing to request a public hearing must contact EPA by December 13, 1982. If a hearing is requested, an announcement ot the date and place will appear in a separate **Federal Register** notice.

ADDRESSES:

Comments. Comments should be submitted (in duplicate if possible) to: Central Docket Section (A–130), Attention: Docket Number A–82–07, U.S.

Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Public Hearing. Persons wishing to present oral testimony should notify Mrs. Naomi Durkee, Emission Standards and Engineering Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5578.

Background Information Document. The Background Information Document (BID) for the proposed revisions may be obtained from the U.S. EPA Library (MD–35), Research Triangle Park North Carolina 27711, telephone Number (919) 541–2777. Please refer to "Background Information for Proposed Revisions to Reduce Number of Traverse Points in Method 1" (EPA 450/3–82–016a).

Docket. Docket No. A–82–07, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Shigehara, Emission Measurement Branch (MD–19), Emission Standards and Engineering Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–2237.

SUPPLEMENTARY INFORMATION: Method 1, "Sample and Velocity Traverses for Stationary Sources," is being revised because several studies have shown that the number of traverse points can be reduced from those now specified without sacrificing accuracy. This change would reduce the sampling time and possibly the cost of testing.

These revisions would apply to all souces subject to the standards of performance specifying the use of Method 5 for the measurement of particulate matter emissions or method 2 for velocity measurements, including standards that have already been promulgated. This rulemaking would not impose any additional emission measurement requirements on any facilities. Rather, the rulemaking would simply revise a test method associated with emission measurement requirements that would apply irrespective of this rulemaking.

Miscellaneous

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a regulatory impact analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices; and there will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprise to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b), I hearby certify that the attached rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and Paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

(Secs. 111, 114, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7414, and 7601(a))

Dated: October 19, 1982.

Anne M. Gorsuch

Administrator.

PART 60—[AMENDED]

It is proposed that Appendix A of 40 CFR Part 60 be amended by revising Method 1 as follows:

1. By revising Figure 1–1 and Figure 1–2 as shown below.

BILLING CODE 6560-50-M

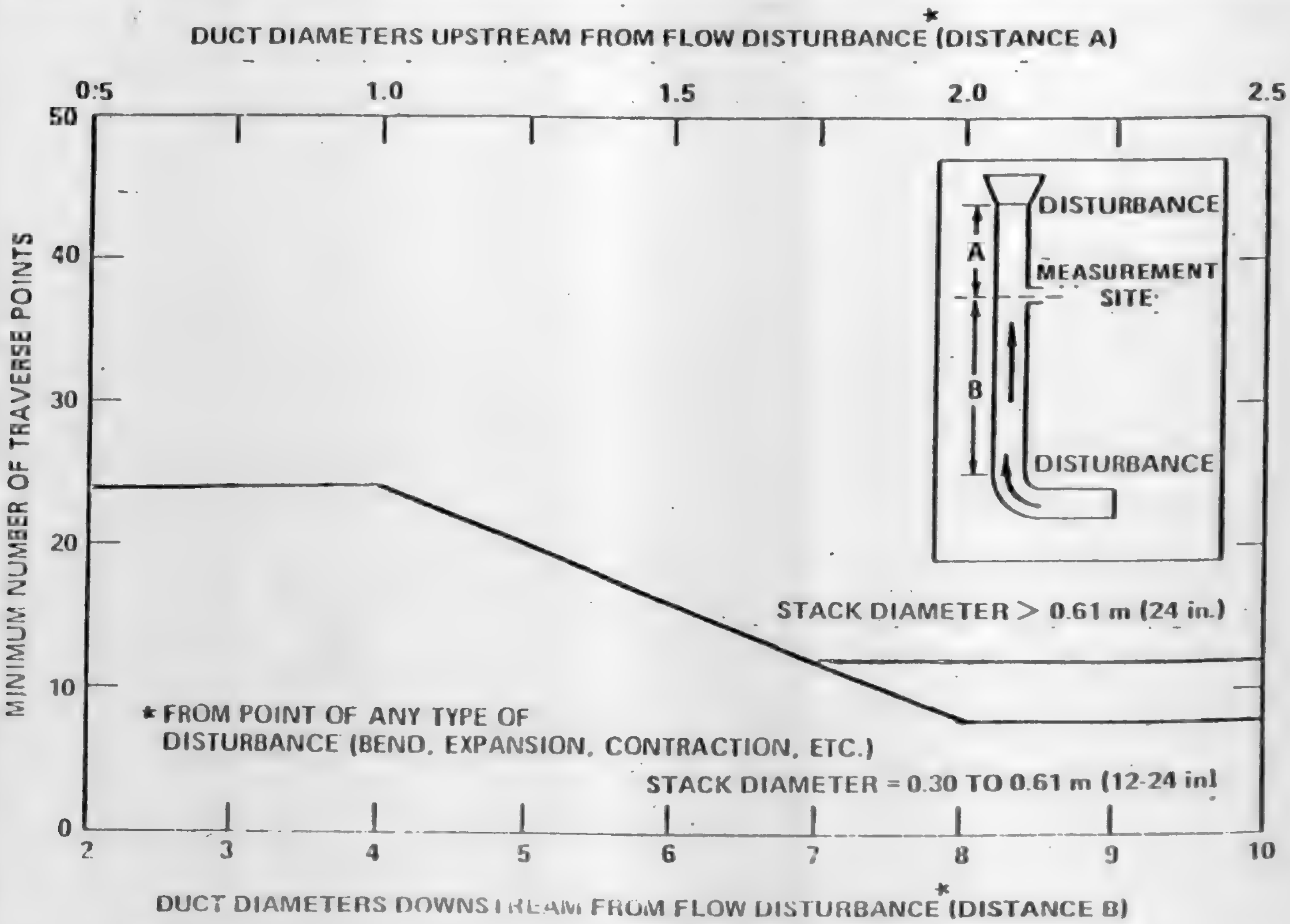

Figure 1-1. Minimum number of traverse points for particulate traverses.

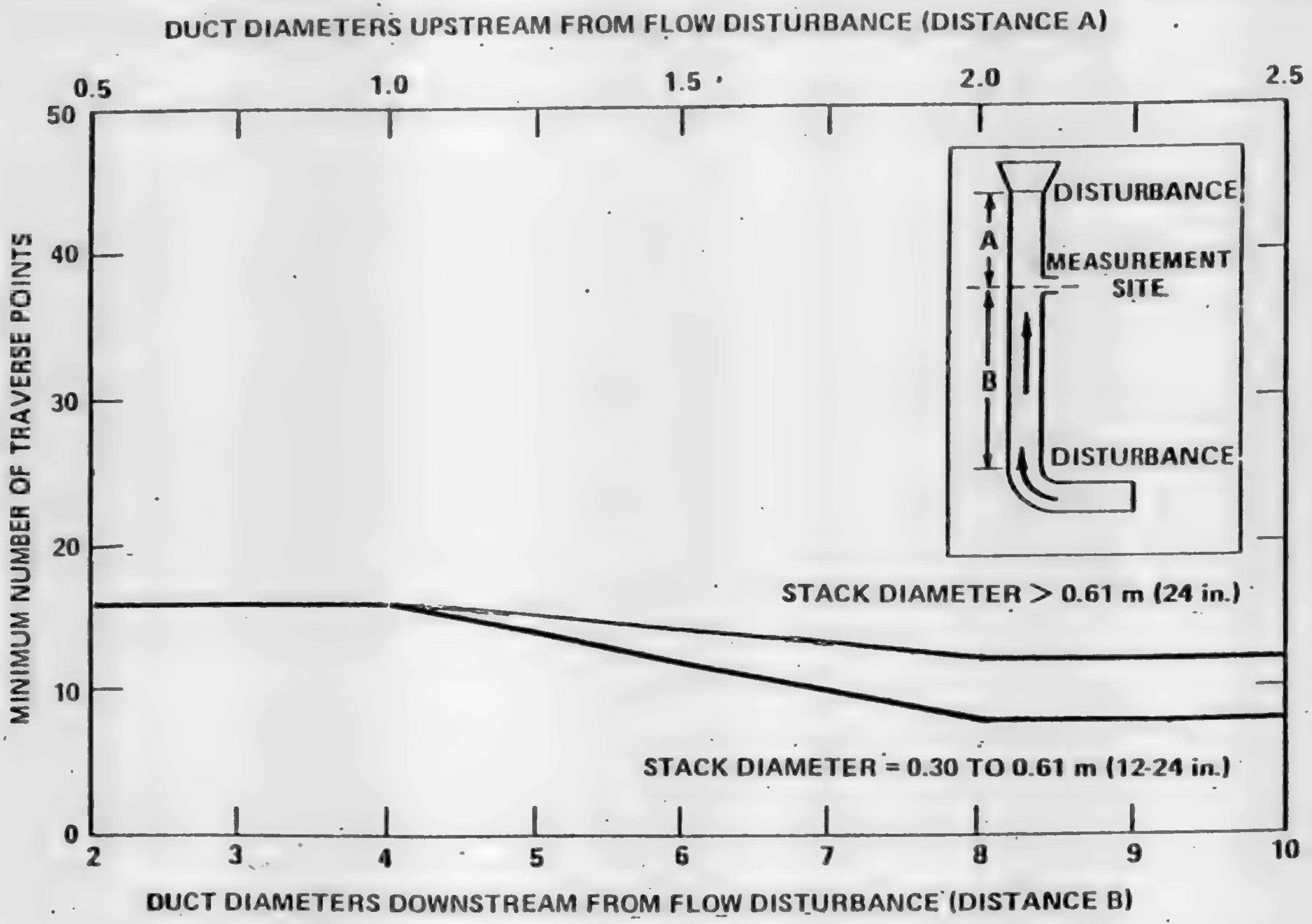

Figure 1-2. Minimum number of traverse points for velocity (nonparticulate) traverses.

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2. By adding citations 7 through 12 to Section 3 (Bibliography) as follows:

Appendix A—Reference Methods

* * * * *

Method 1. Sample and Velocity Traverses for Stationary Sources

* * * * *

3. * * *

7. Hanson, H.A., R.J. Davini, J.K. Morgan, and A.A Iversen. Particulate Sampling Strategies for Large Power Plants Including Nonuniform Flow U.S. Environmental Protection Agency. Research Triangle Park, N.C. Publication No. EPA-600/2-76-170. June 1976. 350 p.

8. Brooks, E.F. and R.L. Williams. Flow and Gas Sampling Manual. U.S. Environmental Protection Agency. Research Triangle Park, N.C. Publication No. EPA-600/2-76-203. July 1976. 93p.

9. Entropy Environmentalist, Inc. Traverse Point Study. EPA Contract No. 68-01-3172. June 1977. 19 p.

10. Brown, J., and K. Yu. Test Report: Particulate Sampling Strategy in Circular Ducts. Emission Measurement Branch, Emission Standards and Engineering Division U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711. July 31, 1980. 12 p.

11. Hawksley, P.G.W., S. Badzioch, and J.H. Blackett. Measurement of Solids in Flue Gases. Leatherhead, England, the British Coal Utilisation Research Association, 1961. p. 129-133.

12. Knapp, K.T. The Number of Sampling Points Needed for Representative Source Sampling. In: Proceedings of the Fourth National Conference on Energy and the Environment, Theodor, L., et al. (ed.). Dayton, Dayton Section of the American Institute of Chemical Engineers. October 3-7, 1976. p. 563-568.

[FR Doc. 82-29652 Filed 10-27-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 123

[HW-4-FRL 2234-3]

Hazardous Waste Management Program, Kentucky: Application for Interim Authorization, Phase II, Components A and B

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period and of a public hearing.

SUMMARY: Today EPA is announcing the availability for public review the Kentucky application for Interim Authorization, Phase II, Components A and B, of the Hazardous Waste Management Program, inviting public comment, and giving notice that if significant public interest is expressed, EPA will hold a public hearing on the application.

DATE: If significant public interest is expressed, a public hearing is scheduled for December 14, 1982 at 7:00 p.m., EST. EPA reserves the right to cancel the public hearing if significant public interest is not communicated to EPA by telephone or in writing by November 29, 1982. EPA will determine by December 2, 1982, whether there is significant interest to hold the public hearing. All written comments on Kentucky's application for Phase II, Components A and B, must be received by the close of business on November 29, 1982.

ADDRESSES: Written comments on the application and communication either in writing or by telephone of interest in EPA holding a public hearing on the Kentucky application must be directed to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. EPA, 345 Courtland St., N.E., Atlanta, Georgia 30365, 404/881-3016.

To find out if EPA will hold a public hearing on Kentucky's application based upon EPA's decision that there was significant public interest in such a hearing, write or telephone after November 29, 1982, the EPA contact person listed below or telephone Mr. J. Alex Barber, Director, Division of Waste Management, Department of Environmental Protection, Natural Resources & Environmental Protection Cabinet, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601, 502/564-6716.

Copies of the Kentucky Phase II, Components A & B, interim authorization application are available during normal business hours at the following addresses for inspection and copying:

Division of Waste Management, Department of Environmental Protection, Natural Resources & Environmental Protection Cabinet, Fort Boone Plaza, 18 Reilly Road, Frankfort, Kentucky 40601, Telephone: 502/564-6716

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881-4216

Written comments should be sent to: James H. Scarbrough, Chief, Residuals Management Branch, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881-3016.

If significant public interest is expressed, and EPA decides to hold the public hearing on December 14, 1982, it will be held at: Capital Plaza Tower Auditorium, Wilkinson Blvd. and Mero Street, Frankfort, Kentucky.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone: 404/881-3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33066) the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted interim authorization. The interim authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of Kentucky received interim authorization for Phase I on April 1, 1981.

In the January 26, 1981 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of interim authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2802), contains standards for permitting containers, tanks, surface impoundments and waste piles. Component B, published in the **Federal Register** January 23, 1981 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State interim authorization is included in 40 CFR Part 123, Subpart F (45 FR 33479).

As noted in the May 19, 1980 **Federal Register**, copies of complete State submittals for Phase II interim authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

Dated: October 19, 1982.

Charles R. Jeter,

Regional Administrator.

[FR Doc. 82-29558 Filed 10-26-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6431]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to caluculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67.

Flood insurance, Floodplains.

The proposed base (100-Year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Yuma (city)	Colorado River	At center of Fourth Avenue Bridge	*136
	Yuma County	Yuma Levee	At the intersection of Colorado Street and 21st Avenue.	*133
		Shallow Flooding	At the intersection of 1st Street and 9th Avenue	*133
			At the intersection of 3rd Street and Maiden Lane	*138
			On 10th Street, 500 feet west of Southern Pacific RR	*142
		East Main Canal	At the intersection of 17th Street and Magnolia Avenue.	#3
			100 feet upstream from 12th Street crossing	#2

Maps available for inspection at the Department of Development Services, 3W 3rd Street, Yuma, Arizona.

Send comments to the Honorable Phil Clark, 180 W. 1st Street, Yuma, Arizona 85364.

California	Lindsay (City), Tulare County	Lewis Creek	Center of intersection of Hermosa Street and Harvard Avenue.	*385

Maps available for inspection at City Clerk's Office, 251 E. Honolulu Street, Lindsay, California.

Send comments to the Honorable James Chapman, P.O. Box 369, Lindsay, California 93247.

California	Tulare (city), Tulare County	Elk Bayou	Confluence with Elk Bayou Ditch	*266
		Shallow Flooding	On Avenue 200, one hundred feet east from center of intersection with Southern Pacific Railroad.	#1
		Shallow Flooding	300 feet southwest from confluence of Elk Bayou and Elk Bayou Ditch.	#2

Maps available for inspection at the Planning Department, 411 East Kern Avenue, Tulare, California.

Send comments to the Honorable Phil Vandergrinft, 411 East Kern Avenue, Tulare, California 93274.

Florida	City of Apalachicola, Franklin County	Apalachicola Bay	Intersection of Market Street and Avenue J	*9
			Intersection Avenue B and 6th Street	*13
		Shallow Flooding	Intersection of 8th Street and Avenue G	*11
			Intersection of 10th Street and 23rd Avenue	*14

Maps available for inspection at City Clerk's Office, City Hall, 6 Avenue E, Apalachicola, Florida 32320.

Send comments to Mayor Roger R. Newton or Ms. Dorothy Rolstad, City Clerk, City Hall, P.O. Box 10, Apalachicola, Florida 32320.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Bradenton (City), Manatee County	Gulf of Mexico	2800 feet west from the center of intersection of Palma Sola Boulevard and Manatee Avenue.	*15
			300 feet west from the center of intersection of Palma Sola Boulevard and Manatee Avenue.	*14
			50 feet west from the center of intersection of Palma Sola Boulevard and Manatee Avenue.	*13
			900 feet west from the center of intersection of Flamingo Road and State Highway 64.	*12
			At the center of intersection of Flamingo Road and State Highway 64.	*11
			At the center of intersection of Point Pleasant Avenue and 18th Street West.	[illegible]

Maps available for inspection at Planning Office, 500 15th Street, West, Bradenton, Florida.

Send comments to the Honorable Bill Evers, P.O. Box 730, Bradenton, Florida 33506.

Florida	City of Carrabelle, Franklin County	Gulf of Mexico St. George Sound	Mouth of Carrabelle River	*16
			Avenue F South	*14
			Avenue E South	*12
		Carrabelle River	Upstream of U.S. Highway 98	*11
			Downstream of U.S. Highway 98	*10
		Ponding Areas	At 8th Street East near D Avenue South	*20
			At 3rd Street East near A Avenue South	*13
			South of C Avenue North and east of 2nd St. West	*14

Maps available for inspection at City Hall, Avenue B, South, Carrabelle, Florida 32322.

Send comments to Mayor Charles A. Millender, Sr., or Charles Daniels, City Clerk, City Hall, P.O. Drawer 569, Carrabelle, Florida 32322.

Florida	Unincorporated Areas of Franklin County	Apalachicola River	Just upstream of Apalachicola Northern Railroad	*11
		Ochlockonee River	Just upstream of the confluence of the Ochlockonee River and Crooked River.	*13
		Apalachicola Bay/East bay	Intersection of State Highway 384 and Apalachicola Northern Railroad.	*10
		Saint Georges Sound	Intersection of U.S. Highways 98, 319 (State Highway 30) and State Highway 379.	*12
			Intersection of Alternate State Highway 90 and U.S. Highways 98, 319 (State Highway 30).	*12
			Intersection of U.S Highways 98, 319 (State Highway 30) and State Road 91A.	*14
			Intersection of U.S. Highways 98, 319 (State Highway 30) and State Highway 376.	*14
		Gulf of Mexico	Just downstream of State Highway 377 (U.S. Highway 319) (Ochlockonee Bay)	*13
			Intersection of Alligator Point Road and Gulf Shore Boulevard.	*14
			Intersection of U.S. Highway 98 (State Highway 30) and Interstate Highway 370.	*14

Maps available for inspection at Office of the Franklin County Commissioners, Franklin County Courthouse, Highway 98, Apalachicoloa, Florida 32320.

Send comments to Mr. Willis Collins, Jr., Chairman of Franklin County Commissioners, or Mr. Cecil Varnes, Vice Chairman, Franklin County Courthouse, P.O. Box 340, Apalachicola, Florida 32320.

Florida	Unincorporated areas of Gulf County	St. Joseph Bay	Along the shoreline of St. Joseph State Park	*8
			Along the shoreline of Port St. Joe	*10
			Along the shoreline of Beacon Hill	*10
		Gulf of Mexico	Along the shoreline of St. Joseph Point	*9
			Along the shoreline of Cape San Blas	*9
			Along the southern shoreline of the Indian Peninsula	*10
		Indian Lagoon	Along the north shoreline	*11
		Apalachicola River	At confluence of Brothers River	*13
			Approximately 3,000 feet downstream of confluence of Chipola River.	*21

Maps available for inspection at Office of the Circuit Court Clerk, Gulf County Courthouse, 1000 Fifth Street, Port St. Joe, Florida 32456.

Send comments to Mr. Jimmy O. Gortman, Chairman of Gulf County Commissioners, or Mr. Jerry Gates, Gulf County Circuit Court Clerk, County Courthouse, 1000 Fifth Street, Port St. Joe, Florida 32456.

Florida	Town of Mexico Beach, Bay County	Gulf of Mexico	Approximately 650 feet Seaward from intersection of 38th Street and Highway 98 along 38th Street.	*9
			Approximately 130 feet Seaward from intersection of 15th Street and Highway 98 along 15th Street	*9
			Approximately 100 feet Seaward from intersection of 1st Street and Highway 98 along 1st Street.	*9

Maps available for inspection at Town Hall, Fourteenth Street, Mexico Beach, Florida 32410.

Send comments to Mayor James T. Heathcock or Mr. Steve Rudloss, Town Administrator, Town Hall, P.O. Box 13425, Mexico Beach, Florida 32410.

Florida	Palmetto (city), Manatee County	Gulf of Mexico	1,750 feet west from center of intersection of 14th Avenue West and 33rd Street West.	*12
			350 feet north from center of intersection of Mantego Drive and Terra Ceia Drive.	*11
			At the center of intersection of Terra Ceia Drive and Tampico Drive.	*10

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			At the center of intersection of 27th Avenue Boulevard and 21st Street West.	*9
			At the center of intersection 7th Street West and 19th Avenue West.	*8

Maps available for inspection at Building Department, 516 8th Avenue West, Palmetto, Florida.

Send comments to the Honorable Ken Burton, 516 8th Avenue West, Palmetto, Florida 33561.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	City of Port St. Joe, Gulf County	St. Joseph Bay	Along the shoreline	*10

Maps available for inspection at City Clerk's Office, City Hall, Fifth and Williams Streets, Port St. Joe, Florida 32456.

Send comments to Mayor Frank Pate, Jr. or L. A. Farrie, City Clerk, City Hall, Fifth and Williams Streets, Port St. Joe, Florida 32456.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	Unincorporated areas of DeKalb County	Barbashela Creek	Just downstream from Redan Road	*838
			Approximately 150 feet upstream of Redan Road	*840
			Approximately 700 feet upstream from Main Street Park Drive.	*849
			Approximately 350 feet downstream from Rockbridge Road.	*861
		Barbashela Creek Tributary A	Approximately 550 feet upstream from Golf Cart Trail Bridge.	*830
			Approximately 70 feet downstream from Hidden Hills Parkway.	*889
		Blue Creek	Approximately 100 feet upstream from River Road	*773
			Just upstream from Dam and Bridge above River Road.	*776
		Burnt Fork Creek	Approximately 300 feet upstream from Druid Hills Road.	*911
			Approximately 500 feet upstream from Pangbron Road	*958
			Just upstream from Interstate Highway 285	*1012
		Camp Creek	Approximately 120 feet downstream from Antebellum Drive.	*967
			Approximately 140 feet upstream from Antebellum Drive.	*975
		Camp Creek Tributary A	Approximately 1,130 feet upstream from Seaboard Coast Line Railroad.	*952
		Clarks Creek	Just downstream from Hearn Road	*726
			Approximately 600 feet upstream from Lombard Road	*737
		Cobbs Creek	Just downstream from Rainbow Drive	*796
			Just upstream from Interstate Highway 20	*802
			Just upstream from Snapfinger Road	*853
			Approximately 90 feet upstream from Glenwood Drive	*870
			Approximately 380 feet upstream from Peachcrest Road.	*904
			Just downstream from Bobbie Lane	*937
		Conley Creek	Approximately 700 feet downstream from Ellingwood Road.	*770
			Approximately 250 feet upstream from Bouldercrest Road.	*777
			Just downstream from east Conley Creek Road	*807
		Corn Creek	Just downstream from Flakes Mill Road	*751
			Just upstream from Flakes Mill Road	*752
		Crooked Creek Tributary Stone Mountain.	Just upstream from South Deshon Road	*770
			Just downstream from Stephenson Road	*782
			Just upstream from Stephenson Road	*783
		Crooked Creek Tributary A	Just downstream from Mystery Valley-Golf Course Drive.	*839
			Approximately 125 feet upstream from Mystery Valley-Golf Course Drive.	*840
		Crooked Creek Tributary A-1	Just upstream from Kilgore Road	*854
			Approximately 100 feet downstream from Shadow Rock Drive.	*861
		Crooked Creek (South River)	Approximately 150 feet upstream from Browns Mill Road.	*690
			Just downstream from Berline Drive	*694
		Doless Creek	Just upstream from Interstate Highway 285	*783
		Doolittle Creek	Just downstream from Interstate Highway 285	*776
			Approximately 100 feet upstream from Flat Shoals Road.	*803
			Appoximately 150 feet upstream from Whites Mill Road.	*816
			Just upstream from Tilson Road	876
			Just upstream from Barberrie Avenue	*929
		Doolittle Creek Tributary "A"	Just upstream from Hermosa Drive	*805
		Doolittle Creek Tributary "B"	Just upstream from Dawn Drive	*870
		Fowler Branch	Approximately 300 feet upstream from Snapfinger Road.	*819
			Just upstream from Wedgefield Circle	*845
		Henderson Creek	Approximately 100 feet upstream from Henderson Creek Road.	*895
		Honey Creek	Just upstream from Hayden Quarry Road	*808
			Just upstream from Turner Road	*809
		Honey Creek Tributary "A"	Approximately 270 feet downstream from Rockland Road.	*777
		Indian Creek	Just upstream from Durham Park Road	*877
			Approximately 100 feet upstream from Dial Drive	*911
		Indian Creek Tributary "A"	Just upstream from Access Road	*901

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Intrenchment Creek	Approximately 300 feet downstream from Constitution Road.	*783
			Approximately 100 feet upstream from Key Road	*796
			Approximately 100 feet downstream from Custer Avenue.	[illegible]
		Intrenchment Creek Tributary A	Approximately 310 feet upstream from Eastland Road	[illegible]
			Just downstream from Sky Haven Road	[illegible]
		Johnson Creek	Approximately 2200 feet upstream from Union Grove Road.	*721
		Little Stone Mountain Creek	Just downstream from Old Stone Mountain Road	[illegible]
		Nancy Creek	Just upstream from Ashford Dunwoody Road	*872
			Just upstream from Shallow Ford Road	[illegible]
			Just upstream from Cotillion Drive (Interstate Highway 285).	*941
			Just upstream from Amberly Drive	*974
		Nancy Creek, Tributary A	Just downstream from Peachford Road	*937
			Just downstream from Peeler Road	*951
		Nancy Creek, Tributary B	Just downstream from Plantation Lane	[illegible]
		Nancy Creek, Tributary C	Approximately 130 feet upstream from Harts Mill Road	*874
		Nancy Creek, Tributary D	Approximately 70 feet downstream from Mill Creek [illegible].	*855
		North Fork Nancy Creek	Just downstream from Interstate Highway 285	[illegible]
			Just upstream from Private Entrance	*910
		North Fork Peachtree Creek	Just upstream from Buford Highway	[illegible]
			Approximately 150 feet downstream from Claimont [illegible].	*854
			Just upstream from Shallowford Road	[illegible]
			Just upstream from Chamblee-Tucker Road	*893
			Just upstream from Pleasantdale Road	*916
		North Fork Peachtree Creek, Tributary A.	Approximately 200 feet downstream from Buford High-[illegible].	*851
			Just downstream from Dresden Drive	[illegible]
		North Fork Peachtree Creek, Tributary B.	Just upstream from Capehart Circle	*881
			Just upstream from Plaster Road	*890
		North Fork Peachtree Creek, Tributary C.	Just upstream from Summitridge Drive	*914
		North Fork Peachtree Creek, Tributary D.	Approximately 100 feet downstream from Melinda Drive.	*865
		Panthers Branch	Just upstream from Snapfinger Road	*765
			Just upstream from Zinzendorf Drive	*769
			Just upstream from Thompson Mill Road	[illegible]
			Just upstream from Interstate Highway 20	*844
		Peachtree Branch	Approximately 200 feet downstream from Henderson Mill Road.	*898
		Peavine Creek	Approximately 300 feet downstream from Oxford Road	*857
			Just upstream from North Decatur Road	*866
			Just upstream from Durand Falls Drive	*925
		Pole Bridge Creek	Just upstream from Browns Mill Road	*689
			Just upstream from Evans Mill Road	*736
			Just upstream from Hillandale Road	*798
			Just upstream from Marbut Road	*834
		Pole Bridge Creek, Tributary A	Approximately 100 feet upstream from Hillandale Road	*789
		Pole Bridge Creek Tributary B	Approximately 100 feet upstream from Covington [illegible]	*815
			Approximately 80 feet upstream from Marbut Road	[illegible]
		Shoal Creek	Just upstream from Columbia Drive	*759
			Just upstream from Rainbow Drive	*799
			Just upstream from Ember Drive	*814
			Just upstream from Glenwood Drive	*863
			Just downstream from Memorial Drive	*902
		Snapfinger Creek	Just upstream from Snapfinger Road	*759
			Just upstream from Covington Road	*816
			Just downstream from Redan Road	[illegible]
			Just downstream from Rays Road	*900
			Just downstream from Hemlock Drive	*927
			Just upstream from Memorial Drive	*945
		Snapfinger Creek Tributary A	Approximately 140 feet upstream from dam	*775
			Approximately 80 feet downstream from Harvest Hill Court	[illegible]
		Snapfinger Creek Tributary B	Approximately 220 feet downstream from South Indian Creek Drive	*867
		Snapfinger Creek Tributary C	Just upstream from Memorial Drive	*905
			Just upstream from Memorial College Avenue	[illegible]
			Just upstream from Dunleith Court	*919
		South River	Just upstream from Bridge Road	*690
			Just upstream from McDonough Road	*705
			Just upstream from Flakes Mill Road	*737
			Just upstream from Waldrop Road	*753
			Just upstream from Panthersville Road	*760
			Just upstream from Boulder Chrest Road	*772
			Just upstream from Moreland Avenue	*792
		South River Tributary A	Just upstream from Lehigh Boulevard	*815
		Stephenson Creek	Just upstream from Browns Mill Road	*697
			Just upstream from South Goddard Road	*701
		Stone Mountain Creek	Just upstream from Rock Chapel Road	*745
			Just upstream from North Deshon Road	*773
			Just upstream from Stewart Mill Road	*788

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 200 feet upstream from Stone Mountain Freeway (U.S. Highway 78) (State Road 10).	*850
			Just upstream from Silver Hill Road	*859
		Stone Mountain Creek Tributary A	Approximately 100 feet upstream from North Deshon Road.	*817
		Suger Creek	Approximately 100 feet downstream from Clifton Church Road.	*774
			Approximately 200 feet upstream from Mary Lou Lane	*900
			Approximately 100 feet upstream from Fayetteville Road.	*901
		Snapfinger Creek Tributary D	Just upstream from Memorial Drive	*932
			Just upstream from Krueger Store Access Road	*940
			Just downstream from Abingdon Drive	*948
		Snapfinger Creek Tributary E	Approximately 100 feet downstream from Central Drive...	*975
		South Fork Peachtree Creek	Just downstream from Old Briarcliff Road	*839
			Approximately 300 feet upstream from Old Clairmont Road.	*880
			Just upstream from Willvee Drive	*901
			Just upstream from Stone Mountain Freeway	*915
			Just upstream from Idlewood Road	*998
			Just downstream from Elmdale Drive	*1049
		South Fork Peachtree Creek Tributary A.	Just upstream from Brockett Road	*979
			Approximately 100 feet downstream from Jerico Road	*995
		South Fork Peachtree Creek Tributary B.	Just upstream from Stone Mountain Freeway (U.S. Highway 87).	*905
			Just upstream from Franks Drive	*907
		South Fork Peachtree Creek Tributary C.	Just downstream from Access Road	*922
			Just upstream from Milscott Drive	*928
			Just upstream from Access Bridge	*941
		Sugar Creek Tributary A	Just upstream from Glenwood Avenue	*925
		Swift Creek	Just upstream from Georgia Railroad Spur	*761
			Approximately 200 feet downstream from Rogers Lake Road.	*807
		Swift Creek Tributary A	Approximately 140 feet downstream from Dam	*765
			Just upstream from Georgia Railroad Spur	*827
			Just downstream from Rogers Lake Road	*873
		Tom George Pine Mountain Creek	Just upstream from Dam	*751
			Just downstream from Lithonia Corporate Limits	*851
		Yellow River	Just downstream from Pleasant Hill Road	*720
			Approximately 700 feet downstream from County Line	*744

Maps available for inspection at Director of the County Development Department, Room 309, Calloway Building, Decatur, Georgia 30030.

Send comments to Mr. Manvel Maloof, Chairman, DeKalb County Commission, DeKalb County Courthouse, or Mr. M. Warren Director of the County Development Department or Mr. Bob Cowan, Senior Engineer, County Development Department, Room 309, Calloway Building, Decatur, Georgia 30030.

Illinois	(V) Joppa, Massac County	Ohio River	About 0.6 mile downstream of confluence of Bayou Creek.	*335
			About 0.2 mile upstream of confluence of Bayou Creek.	*336

Maps available for inspection at the Village Hall, Joppa, Illinois

Send comments to Honorable Harvey B. Parker III, Village President, Village of Joppa, Village Hall, Joppa, Illinois 62953.

Illinois	(V) Lake Zurich, Lake County	Buffalo Creek	At downstream of corporate limit	*803
			About 600 feet downstream of Sandalwood Court	*820
			About 1,000 feet upstream of Old Mill Grove Road	*823
		North Flint Creek	Just upstream of U.S. Route 12	*822
			Just downstream of Brairwood Road	*834
		Echo Lake	Within corporate limits	*844
		Lake Zurich	Within corporate limits	*844

Maps available for inspection at the Village Clerk's Office, Municipal Building, 61 West Main Street, Lake Zurich, Illinois.

Send comments to Honorable Henry J. Paulus, Village President, Village of Lake Zurich, Municipal Building, 61 West Main Street, Lake Zurich, Illinois 60047

Illinois	(Uninc.) Massac County	Ohio River	About 15.3 miles downstream of Interstate 24 (at downstream county boundary).	*334
			About 12.7 miles upstream of Interstate 24 (at upstream county boundary).	*341
		Massac Creek	Just upstream of U.S. Route 45	*338
			Just downstream of County Highway 13	*345
			Just downstream of Interstate 24	*369
			Just downstream of State Route 145	*404

Maps available for inspection at the County Clerk's Office, County Courthouse, Superman Square, Metropolis, Illinois.

Send comments to Honorable Paul Stratmeyer, Chairman of the County Board of Commissioners, Massac County, County Courthouse, Superman Square, Metropolis, Illinois 62960.

Illinois	(V) Olmsted, Pulaski County	Ohio River	At downstream corporate limit	*332
			At upstream corporate limit	*333

Maps available for inspection at the Village Hall, Olmsted, Illinois.

Send comments to Honorable James Burd, Village President, Village of Olmsted, Village Hall, P.O. Box 186, Olmsted, Illinois 62970.

Illinois	(V) Rockdale, Will County	Thorn Creek	About 100 feet downstream of Mound Road	*537
			At upstream corporate limit (Just downstream of Belleview Avenue).	*565

Maps available for inspection at the Clerk's Office, Municipal Building, Otis Avenue, Rockdale, Illinois.

Send comments to Honorable Donald Gould, Village President, Village of Rockdale, Municipal Building, Otis Avenue, Rockdale, Illinois 60436.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(Uninc.) Dubuque County	North Fork Maquoketa River	About 1.8 miles downstream of U.S. Highway 151	*813
			Just downstream of State Highway 136	[illegible]
			About 2.2 miles downstream of U.S. Highway 20	[illegible]
			Just upstream of City of Dyersville Corporate limits (upstream crossing).	[illegible]
			About 0.2 mile downstream of State Highway 136 (in New Vienna.	*992
			About 2.5 miles upstream of State Highway 136 (in New Vienna).	*1,012
		North Fork Maquoketa River Tributary.	About 0.2 mile downstream of Oak Ridge Subdivision Road.	*957
			About 1.7 miles upstream of Oak Ridge Subdivision Road.	*997
		Hewitt Creek Tributary	Just upstream of City of Dyersville corporate limits	*964
			About 0.7 mile upstream of City of Dyersville corporate limits.	*980
		Hewitt Creek	Just upstream of City of Dyersville corporate limits	*954
			About 1.8 miles upstream of City of Dyersville corporate limits.	*973
		Mississippi River	South county boundary	*605
			North county boundary	*616
		Catfish Creek	At mouth	*610
			About 100 feet downstream of County Road (upstream of City of Dubuque).	*694
		Granger Creek	At mouth	*612
			About 3.2 miles upstream of U.S. Highway 52	*701
		South Fork Catfish Creek	About 0.6 mile upstream of mouth	*635
			Just downstream of English Mill Road	*707
			About 300 feet upstream of English Mill Road	*714
			About 0.3 mile upstream of U.S. Highway 20	*767
		Middle Fork Catfish Creek	About 0.5 mile downstream of County Road	*779
			About 0.3 mile upstream of County Road	*792
		Union Park Hollow	About 400 feet downstream of State Highway 386	*622
			About 100 feet upstream of State Highway 386	*635
			About 8000 feet upstream of State Highway 386	*759
		Couler Valley	At mouth	*622
			About 0.6 mile upstream of State Highway 386 (downstream of City of Dubuque).	*629
		Couler Valley Tributary	At mouth	*622
			About 0.3 mile upstream of mouth	*638
		Dunon Creek	West county boundary	*896
			About 100 feet downstream of County Road	*927
		North Fork Little Maquoketa River	At mouth	*649
			Just downstream of U.S. Highway 52	*661
		North Fork Little Maquoketa River Tributary.	At mouth	*653
			Just downstream of County Road (about 1.8 miles upstream of mouth).	*721
			About 0.3 mile upstream of County Road (about 2.1 miles upstream of mouth).	*730
		Bloody Run Creek	At mouth	*622
			About 100 feet downstream of Mudd Lake Road	*633
		Little Maquoketa River	Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*614
			About 4.5 miles upstream of confluence of North Fork Little Maquoketa River.	*698
		Sherril Creek	At mouth	*646
			About 0.3 miles upstream of Glen Dalfa Road	*652
		Cloie Branch	At mouth	*636
			About 2.7 miles upstream of mouth	*696

Maps available for inspection at the County Zoning Office, Dubuque County Courthouse, Seventh and Central Streets, Dubuque, Iowa.

Send comments to Chairman of the County Board of Supervisors, Dubuque County, Dubuque County Courthouse, Seventh and Central Streets, Dubuque, Iowa 52001

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(C) Grimes Polk County	Little Beaver Creek	About 2,430 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*913
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*925
			About 100 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*934
			About 1,500 feet upstream of James Street	*935
		Little Beaver Creek Tributary	Mouth at Little Beaver Creek	*914
			Just downstream of First Street	*929
			Just upstream of Trail Ridge Road	*935
			Just downstream of Little Beaver Road	*936
			Just upstream of Little Beaver Road	*941
			About 350 feet upstream of Jacob Street	*950

Maps available for inspection at City Hall, 404 South Second Street, Grimes, Iowa.

Send comments to Honorable Ron Kramer, Mayor, City of Grimes, City Hall, 404 South Second Street, Grimes, Iowa 500111.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Iowa	(Uninc.) Story County	Skunk River	About 2.05 miles downstream of U.S. Highway 30 Bypass.	*872
			About 700 feet downstream of 13th Street	*890

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of State Highway 221	*950
			At upstream county boundary	*951
		Fourmile Creek	Just upstream of Northwest 166th Avenue	*1,005
			About 0.28 miles upstream of County Highway R38	*1,013
		Indian Creek	Downsteam county boundary	*855
			Just upstream of County Road (About 5.3 miles upstream of county boundary).	*879
		West Branch Indian Creek	Just downstream of County Road (About 5.05 miles downstream of City of Nevada corporate limit).	*914
			About 0.55 mile upstream of Chicago and Northwestern Railroad.	*967
		Walnut Creek	About 550 feet downstream of County Road	[illegible]
			About 3830 feet upstream of U.S. Highway 69	*928
		Ballard Creek	About 500 feet downstream of Interstate 35	*878
			Just downstream of U.S. Highway 69	*947
			About 200 feet downstream of County Road (About 1.43 miles upstream of U.S. Highway 69).	*983
			About 200 feet upstream of County Road (About 1.49 miles upstream of U.S. Highway 69).	*988
		Worle Creek	About 0.65 mile downstream of U.S. Highway 30	*905
			About 250 feet downstream of County Road	*935
			About 450 feet upstream of County Road	*942
			Just downstream of County Highway R38	*978
			About 150 feet upstream of County Highway R38	*983
			At upstream county boundary	*1,016
		Onion Creek	Mouth at Squaw Creek	*907
			Just upstream of County Road (About 1.7 miles upstream of mouth).	*935
			About 650 feet of downstream of county boundary	*969
		Squaw Creek	Mouth at Skunk River	*883
			About 0.69 mile downstream of confluence of Onion Creek.	*906
			About 0.61 mile upstream of County Road (About 3.5 miles upstream of confluence of Onion Creek).	*919
		Bear Creek	About 600 feet downstream of Interstate 35	*932
			About 1.08 miles downstream of County Highway R77	*1,017
			About 600 feet upstream of County Highway E515	*1,037
		Long Dick Creek	Mouth at Skunk River	*960
			About 0.20 mile upstream of County Road	*994
		Rock Creek	At confluence with Indian Creek	*862
			About 1,000 feet downstream of County Highway E63	*879
			Just downstream of County Road (About 1.7 miles upstream of County Highway E63).	*906
		Rock Creek Tributary	About 900 feet upstream of mouth	*876
			About 0.94 mile upstream of mouth	*902
		Keigley Branch	Mouth at Skunk River	*926
			About 600 feet upstream of County Road	*942
		Lateral A	About 0.77 mile upstream of mouth	*887
			About 1.85 miles upstream of mouth	*927

Maps availabe for inspection at the Planning and Zoning Office, Story County Courthouse, Nevada, Iowa.

Send comments to Honorable Donald E. Nelson, Chairman of the County Board of Supervisors, Story County, Story County Courthouse, Nevada, Iowa 50201.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maine	Ogunquit, village York County	Josias River	At confluence with basin	*9
			Downstream of U.S. Route 1	*27
			Upstream corporate limits	*34
		Ogunquit River	At Beach Street	*9
			Upstream of U.S. Route 1	*35
			At confluence of Ogunquit River Tributary	*62
			Upstream of North Village Road	*87
		Ogunquit River Tributary	At confluence with Ogunquit River	*62
			Downstream of Maine Turnpike	*71
		Atlantic Ocean	At southern corporate limits	*23
			At Jacks Cove	*13
			At Perkins Cove	*15
			At Oarweed Cove	*14
			At northern corporate limits	*14

Maps available for inspection at the Village Hall, School Street, Ogunquit, Maine.

Send comments to Honorable Bradford Sterl, Chairman of the Ogunquit Board of Selectmen, School Street, Ogunquit, Maine 03907.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maine	Wells, town, York County	Blackmith Brook	Confluence with Webhannet River	*9
			Upstream of U.S. Route 1	*44
			Approximately 1,050′ upstream of U.S. Route 1	[illegible]
		Depot Brook	Confluence with Webhannet River	[illegible]
			Upstream of Concrete Dam	[illegible]
			Approximately 2,600′ upstream of U.S. Route 1	*77
		Webhannet River	Confluence with Atlantic Ocean	[illegible]
			Upstream of Waterfall	*31
			Approximately 2,700′ above U.S. Route 1	[illegible]
		Green Brook	Confluence with Ogunquit River	[illegible]
			Approximately 80′ downstream of Hiltons Lane	*104
		Tributary 1 to Green Brook	Confluecne with Green Brook	*103
			Approximately 1,400′ upstream of Hiltons Lane	*115
		Little River	Entire length within corporate limits	[illegible]
		Merriland River	Confluence with Little River	[illegible]
			Upstream Boston and Maine Railroad	*24
			Upstream Old Farm Road	*130

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)
			Downstream Quary Road	*168
		Ogunquit River	Downstream corporate limits	*9
			Upstream of U.S. Route 1	*35
			Upstream Maine Turnpike Southbound	*70
			Confluence with Green Brook	*90
		Stevens Brook	Confluence with Ogunquit River	*9
			Upstream U.S. Route 1	*31
			Approximately 3,600' above U.S. Route 1	*61
		West Brook	Approximately 3,100' downstream of Bragdon Road	*132
			Upstream of downstream crossing of Bragdon Road	*158
			Approximately 2,600' upstream of upstream crossing of Bragdon Road.	*161
		South Branch of West Brook	From confluence with West Brook to a point approximately 2,400' upstream of confluence with West Brook.	*158
		Atlantic Ocean	At northern corporate limits	*14
			At Drakes Island Road extended	*17
			At Mile Road extended	*16
			At Eldridge Road extended	*18
			At southern corporate limits	*12
Maps available for inspection at the Municipal Building, Wells, Maine.				
Send comments to Honorable Fred T. Breslin, Town Manager of Wells, Municipal Building, Wells, Maine 04090.				
Massachusetts	Westford, town, Middlesex County	Stony Brook	Downstream corporate limits	*143
			Upstream of Depot Road.	*167
			Downstream of Town Farm Road	*191
			Upstream of Murray Printing Company Dam	*208
		Beaver Brook	Confluence with Forge Pond	*208
			Upstream corporate limits	*209
		Boutwell Brook	Confluence with Stony Brook	*189
			Upstream of Hartford Road	*207
		Tadmuck Brook	Confluecne with Stony Brook	*160
			Upstream of Main Street	*200
			Upstream of Providence Road	*228
		Butter Brook	Downstream corporate limits	*175
			Upstream of Carlisle Road	*201
			Upstrem of Griffin Road	*210
		Tradmuck Swamp Brook	Downstream corporate limits	*197
			Approximately 3,300' upstream from Interstate 495	*201
		Forge Pond	Entire shoreline within community	*208
Maps available for inspection at the Selectmen's Office, Town Hall, 55 Main Street, Westford, Massachusetts.				
Send comments to Honorable Richard Emmet, Chairman of the Westford Board of Selectmen, Twon Hall, 55 Main Street, Westford, Massachusetts 01886.				
Michigan	(Twp.) Carrollton, Saginaw County	Saginaw River	About 1.2 miles downstream of Sixth Avenue	*589
			About 0.95 miles upstream of Sixth Avenue	*590
		Shallow Flooding (Overflow from Saginaw River and Universal Drain).	At intersection of Titabawassee Road and Venoy Road.	*587
			At intersection Schust Road and Mapleridge Street	*588
			At intersection of Hickory Street and Gladstone Street	[illegible]
			Area About 1,200 feet west of the intersection of Church Street and Michigan Avenue.	*589
Maps available for inspection at the Town Hall, 1645 Mapleridge Road, Saginaw, Michigan.				
Send comments to Honorable Raymond Kostrzewa, Township Supervisor, township of Carrollton, Town Hall, 1645 Mapleridge Road, Saginaw, Michigan 48604.				
Michigan	(V) St. Charles, Saginaw County	Bad River	Just upstream of Conrail	*594
			About 2.0 miles upstream of Conrail	*595
		South Branch Bad River.	Within corporate limits	*594
		Shiawassee Flats	Within corporate limits	*594
Maps available for inspection at City Hall, 110 West Spruce, St. Charles, Michigan.				
Send comments to Honorable Joyce Depre, Village President, Village of St. Charles, City Hall, 110 West Spruce, St. Charles, Michigan 48655-1299.				
Missouri	(Uninc.) Boone County	Missouri River	At downstream county boundary	*562
			About 1.4 miles downstream of confluence of Little Bonne Femme Creek.	*576
			About 1.6 miles upstream of Interstate 70	*594
		Bear Creek	At mouth of Rocky Fork Creek	*603
			About 680 feet downstream of Oakland Road (near City of Columbia).	*707
			Just upstream of Oakland Road (near Farm Road)	*733
			About 1.8 miles upstream of Oakland Road (upstream crossing).	*775
		Clear Creek	About 2,300 feet upstream of State Highway 163	[illegible]
			Just upstream of Rock Quarry Road	*678
			Just downstream of Woodhaven Childrens Home Road.	*727
			Just upstream of Woodhaven Childrens Home Road	*732
			At City at Columbia corporate limits	*741
		Callahan Creek	At mouth at Perche Creek	[illegible]
			Just upstream of County Road (7.0 miles from mouth)	*619
		Gans Creek	About 1.24 miles downstream of County Road (downstream crossing).	*699
			Just upstream of Country Road (downstream crossing)	*730
			About 250 feet downstream of U.S. Highway 63	*746

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Harmony Creek	At mouth at Perche Creek	*592
			About 2,900 feet upstream of County Highway ZZ	*600
		Hinkson Creek	At mouth at Perche Creek	*584
			About 2,000 feet upstream of thrid Missouri Kansas Texas Railroad crossing (abandoned).	*596
			About 1.05 miles downstream of confluence of Nelson Creek.	*710
			About 1.24 miles upstream of Nelson Creek Road	*741
		Little Bonne Femme Creek	About 3.0 miles upstream of mouth at Missouri River	*579
			About 0.5 mile upstream of Hillcreek Road	*602
		Little Bonne Femme Tributary No. 1.	At confluence of unnamed tributary	*590
			About 1.25 miles upstream of County Highway K	*630
		Little Bonne Femme Tributary No. 2.	At mouth	*595
			About 1,200 feet upstream of County Highway K	*646
		Little Bonne Femme Tributary No. 3.	At mouth	*594
			About 2,940 feet upstream of County Highway K	*631
		Turkey Creek	About 1.66 miles downstream of U.S. Highway 63	*740
			About 400 feet downstream of U.S. Highway 63	*787
		Mill Creek	At mouth at Hinkson Creek	*584
			Just upstream of County Highway KK	*603
			At City at Columbia corporate limits	*620
		Perche Creek	Just downstream of Missouri Kansas Texas Railroad (abandoned).	*584
			Just upstream of Interstate 70	*594
			Just downstream of County Highway E	*600
		Nelson Creek	At mouth at Hinkson Creek	*723
			Just upstream of County Road (1,500 feet upstream of mouth).	*727
			Just upstream of County Highway PP	*783
			About 2.05 miles upstream of County Highway PP	*845
		Rocky Fork Creek	At mouth at Perche Creek	[illegible]
			Just downstream of County Highway VV	[illegible]
			Just upstream of County Highway VV	*644
			About 4,300 feet upstream of County Highway VV	*645
		Cow Branch	At mouth at Bear Creek	*604
			Just upstream of Creasy Spring Road	*642
			Just downstream of U.S. Highway 63	*716
		Meridith Branch	Just upstream of County Highway TT	*584
			About 1,900 feet upstream of County Highway TT	*596
		Sugar Branch	At mouth at Perche Creek	*585
			Just upstream of Wehmeyer Road	*603
			About 300 feet downstream of Interstate 70	*685
		Midway Branch	At mouth at Callahan Creek	*595
			Just upstream of County Road (near mouth)	*605
			Just upstream of Main Street	*652
			About 0.6 mile upstream of Main Street	*709
		Goodin Branch	At mouth at Meredith Branch	*584
			Just downstream of Georgetown Road	*604
			About 450 feet upstream of County Road	*627
		Henderson Branch	At mouth at Perche Creek	*591
			About 0.42 mile upstream of County Highway UU	*601
			About 3,600 feet upstream of County Highway UU	*620
		Sugar Branch Tributary	At mouth at Sugar Branch	*586
			About 800 feet upstream of County Highway UU	*590
			About 3,200 feet upstream of County Highway UU	*616

Maps available for inspection at the Boone County Planning Department, City County Building, Seventh & Broadway, Columbia, Missouri.

Send comments to Honorable William Frech, Presiding Judge, Boone County, City County Building, Seventh & Broadway, Columbia, Missouri 65201.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Carthage, Jasper County	Spring River	About 700 feet downstream of Francis Street	*936
			About 3,000 feet upstream of State Highway 96	*947
		City Branch	Just upstream of Mound Street	*947
			About 100 feet downstream of Olive Street	*949
			Just upstream of Olive Street	*955
			About 100 feet downstream of Oak Street	*955
			Just upstream of Oak Street	*960
			Just upstream of Francis Street	*973
			Just downstream of Missouri Pacific Railway	*992
			Just upstream of Missouri Pacific Railway	[illegible]
			About 420 feet upstream of Missouri Pacific Railway	[illegible]
		Carter Branch	Mouth at Mill Race	*943
			Just upstream of State Highway 96	*949
			Just upstream of Central Avenue	*955
			Just upstream of Chestnut Street	*973
			Just downstream of 13th Street	*993

Maps available for inspection at 214 South Garrison, Carthage, Missouri.

Send comments to Honorable Kent Nell, Major, City of Carthage, Jasper County Courthouse, Room 5, Carthage, Missouri 64836.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Fulton, Callaway County	Stinson Creek	About 1,800 feet downstream of confluence of Smith Branch.	*692
			Just upstream of Nichols Street	*727
			About 1,000 feet upstream of U.S. Highway 54	*770
		Smith Branch	At mouth at Stinson Creek	*696
			Just downstream of County Highway O	*721
			Just upstream of County Highway O	*732

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in [illegible] ground. *Elevation in feet (NGVD)
			Just upstream of Vine Street	*793
			About 0.7 mile upstream of Westminster Avenue	*820
		Whitlow Branch	At mouth at Stinson Creek	*712
			Just downstream of Mokane Road	*724
			Just upstream of Mokane Road	*730
			About 900 feet upstream of East Reed Street	*794
		Westminster Branch	At mouth at Stinson Creek	*735
			About 1,200 feet upstream of West 7th Street (upstream crossing).	*782
		Big Hollow Creek	About 700 feet downstream of Cote Sans Dessien Road.	*780
			About 250 feet downstream of U.S. Highway 54 (near corporate limits).	*792
			Just upstream of U.S. Highway 54 (near corporate limits).	*799
			At upstream corporate limits	*801
Maps available for inspection at the City Hall, Fourth & Market Streets, Fulton, Missouri.				
Send comments to Honorable George Oestreich, Mayor, City of Fulton, City Hall, Fourth & Market Streets, P.O. Box 142, Fulton, Missouri 65251.				
Missouri	(Unincorporated), Greene County	James River	About 2.5 miles downstream of County Road 141	*1,104
			Just downstream of James River Dam	*1,141
			About 0.2 mile upstream of James River Dam	*1,151
			About 0.1 mile upstream of County Road 148	*1,186
			About 1.4 miles upstream of County Road 134	*1,240
		Sac River	About 0.4 mile downstream of U.S. Highway 160	*961
			About 0.6 mile downstream of County Road 80	*976
			About 0.04 mile upstream of County Road 80	*984
		Little Sac River	Just upstream of State Highway 13	*1,086
			Just downstream of McDaniel Dam	*1,096
			Just upstream of McDaniel Dam	*1,127
			About 0.25 mile upstream of County Road 175	*1,178
			Just upstream of Fellows Dam	*1,263
			Just downstream of County Road 197	*1,263
			Just upstream of County Road 197	*1,271
			About 0.1 mile upstream of U.S. Highway 65	*1,279
		Pomme De Terre River	About 200 feet downstream of County Road 225	*1,106
			About 800 feet upstream of County Road 239	*1,128
		Little Pomme De Terre River	Just upstream of County Highway CC	*1,125
			About 0.75 mile upstream of Old U.S. Highway 65	*1,163
		Wilsons Creek	About 0.25 mile downstream of County Road 182	*1,116
			About 0.8 mile upstream of State Highway 13	*1,210
		South Creek	At mouth	*1,148
			About 200 feet upstream of County Highway FF	*1,162
			Just upstream of County Road 160	*1,180
			At City of Springfield corporate limits	*1,208
		Lindsey Creek	At mouth	*1,212
			Just upstream of East Miller Road	*1,232
		East Fork Pickerel Creek	About 1,700 feet upstream of County Road 57	*1,206
			Just upstream of State Highway 174	*1,272
			Just downstream of County Road 67	*1,283
		Evergreen Creek	About 0.12 mile downstream of County Road 170	*1,214
			At City of Republic corporate limits	*1,249
		Hamilton Creek	about 0.19 mile downstream of County Road 17	*980
			At City of Ash Grove corporate limits	*1,008
		Shuyler Creek	About 0.6 mile downstream of confluence of Lindsey [illegible].	*1,189
			About 0.57 mile upstream of South Lynn Avenue	*1,262
		North Fork Shuyler Creek	About 320 feet downstream of County Road 97	*1,196
			Just upstream of County Road 97	*1,204
			About 700 feet upstream of County Road 178	*1,244
		Pierson Creek	At mouth	*1,172
			Just upstream of County Road 136	*1,229
			Just downstream of County Road 213	*1,313
		South Branch	At mouth	*1,169
			Just upstream of County Road 135	*1,219
		Ward Branch	At mouth	*1,113
			About 0.88 mile upstream of U.S. Highway 160	*1,212
		Dry Branch (near Ash Grove)	Just upstream of Cove	*993
			About 200 feet upstream of County Highway F	*1,020
			About 100 feet upstream of St. Louis-San Francisco Railway.	*1,041
		Dry Branch (near Republic)	About 2,300 feet downstream of City of Republic corporate limits.	*1,236
			At City of Republic corporate limits	*1,254
			About 340 feet downstream of State Highway 174	*1,295
		West Fork Dry Branch	About 3,400 feet downstream of County Highway 174	*1,226
			Just upstream of County Highway 178	*1,263
			At City of Republic corporate limits	*1,272
		Mt. Pleasant Branch	Just upstream of County Road 85	*1,088
			About 660 feet upstream of County Road 95	*1,187
		North Fork Mt. Pleasant Branch	At mouth	*1,088
			Just downstream of U.S. Highway 160	*1,156
			Just downstream of St. Louis-San Francisco Railway	*1,168
		East Fork Mt. Pleasant Branch	At mouth	*1,120
			About 0.3 mile upstream of County Road 76 (near City of Willard corporate limits).	*1,185

Maps available for inspection at the Greene County Planning and Zoning Office, 833 Boonville, Springfield, Missouri.

Send comments to Honorable H. C. Compton, Presiding Judge, Greene County, Greene County Courthouse, 940 Boonville, Springfield, Missouri 65802.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Avon-by-the-Sea, borough, Monmouth County	Atlantic Ocean	Entire Atlantic Ocean shoreline within community	*13
		Shark River	Entire Shark River shoreline within community	*10

Maps available for inspection at the Municipal Building, 301 Main Street, Avon-by-the-Sea, New Jersey.

Send comments to Honorable Robert F. McDevitt, Mayor of Avon-by-the-Sea, 301 Main Street, Avon-by-the-Sea, New Jersey 07717.

New Jersey	Bradley Beach, borough, Monmouth County	Atlantic Ocean	Entire shoreline within community	*13
		Fletcher Lake	Entire shoreline within community	*10

Maps available for inspection at the Municipal Building, 701 Main Street, Bradley Beach, New Jersey.

Send comments to Honorable Leonard W. Riley, Mayor of Bradley Beach, 701 Main Street, Bradley Beach, New Jersey 07720.

New Jersey	Jefferson, township, Morris County	Rockaway River	Most downstream corporae limits	*662
			Warton and Northern Railroad (upstream side)	*687
			Upstream of most downstream crossing of Berkshire Valley Road.	*695
			Upstream second crossing Berkshire Valley Road	*707
			Approximately 4,500' downstream of Longwood Lake Dam.	*716
			Upstream Longwood Lake Dam	*742
			Upstream Longwood Lake Road	*744
			Confluence of Tributary No. 5 to Rockaway River	*752
			Upstream Lake Swannanoa Dam	*770
			Approximately 3,000' downstream of Dover-Milton Road.	*777
			Upstream Dover-Milton Road	*807
			Upstream of downstream crossing of Russia Road	*843
			Upstream second crossing Russia Road	*860
		Tributary No. 5 to Rockaway River	Confluence with Rockaway River	*752
			Old Mill Dam	*770
			Upstream Cozy Lake Dam	*781
			Approximately 1,900' upstream of Laurel Drive	*787
		Tributary No. S-1 to Rockaway River.	Upstream Brookside Drive	*775
			Patterson Drive	*801
			Upstream end of Moosepac Pond	*806
		Tributary No. 6 to Rockaway River	Upstream Carib Trail	*778
			upstream of Private Drive	*789
			Upstream of Milton Road	*805
		Tributary No. 7 to Rockaway River	Confluence with Rockaway River	*802
			Upstream Fire Lookout Road	*839
			Spillway (upstream side)	*866
			Downstream Private Drive (upstream side)	*906
			Upstream Weldon Road	*930
		Pequanock River	Downstream corporate limits	*753
			Upstream side second crossing State Route 23	*769
			Upstream side Cozy Lake Road	*782
			Upsteam side Davenport Road	*787
			Oak Ridge Reservoir Dam (upstream side)	*848
		Weldon Brook	Confluence with Lake Hopatcong	*926
			State Route 15 Northbound	*926
			East Shawnee Trail (upstream side)	*940
		Tributary No. 2 to Lake Hopatcong	Township Route 181	*926
			Lorretacong Drive (upstream side)	*935
		Lake Hopatcong	Entire shoreline in community	*926
		Tributary No. 1 to Lake Hopatcong	Downstream of Espanong Road culvert	*926

maps available for inspection at the Municipal Building, Weldon Road, Lake Hopatcong, New Jersey.

Send comments to Honorable Horace Chamberlain, Jr., Mayor of Jefferson Township, Municipal Building, Weldon Road, Lake Hopatcong, New Jersey 07849.

New Jersey	Plainfield, city, Union County	Green Brook	At Jefferson Avenue	*52
			Clinton Avenue (downstream side)	*62
			Approximately 50' upstream of Gerald Avenue	*75
			Approximately 65' upstream of Westervelt Avenue	[illegible]
			Leland Avenue (upstream side)	*123
			At upstream corporate limits	*136
		Cedar Brook	At downstream corporate limits	*72
			Steele Avenue (upstream side)	*82

Maps available for inspection at the Office of the City Engineer, Municipal Building, 515 Watchung Avenue, Plainfield, New Jersey.

Send comments to Honorable Everett Lattimore, Mayor of Plainfield, 515 Watchung Avenue, Plainfield, New Jersey 07060.

New Jersey	Port Republic, city, Atlantic County	Atlantic Ocean	Shorelines of the Mullica River, Nacote Creek and Mattix Run.	*9
		Clarks Mill Stream	Mill Street (upstream side)	*11
			Upstream of concrete piping just upstream of Indian Cabin Road.	*16
		Morses Mill Stream	Riverside Drive (downstream side)	*11
			Corporate limits	*14

Maps available for inspection at the City Hall, 143 Main Street, Port Republic, New Jersey.

Send comments to Honorable Joseph Courter, Mayor of Port Republic, 143 Main Street, Port Republic, New Jersey 08241.

New Jersey	Ridgewood, village, Bergen County	Saddle River	Downstream corporate limits	*57
			Upstream Grove Street	*61

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream East Ridgewood Avenue	*69
			Upstream Linwood Avenue	*76
			Upstream State Route 17	*83
			First upstream corporate limits	*90
		Hohokus Brook	Confluence with Saddle River	*57
			Upstream Grove Street	*66
			Upstream East Ridgewood Avenue	*75
			Upstream Linwood Avenue	*83
			Upstream East Glen Avenue	*94
			First upstream corporate limits	*112
			Second upstream corporate limits	*149
			Upstream of First Dam	*187
			Upstream of Second Weir	*205
			Most upstream corporate limits	[illegible]
		Goffle Brook	Downstream corporate limits	*135
			Upstream of Dam	*161
			Upstream corporate limits	*170

Maps available for inspection at the Municipal Building, 131 North Maple Avenue, Ridgewood, New Jersey.

Send comments to Honorable Edward Butler, Mayor of Ridgewood, 131 North Maple Avenue, Ridgewood, New Jersey 07451.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Bethlehem, town, Albany County	Hudson River	Downstream corporate limits	*18
			Upstream corporate limits	*20
		Krum Kill	Confluence with Normans Kill	*115
			Upstream of State Route 85	*142
			Upstream of New York State Thruway	*158
			Upstream corporate limits	*167
		Normans Kill	Approximately 2 miles downstream of New Scotland Road.	*110
			Upstream corporate limits	*120
		Onesquethaw Creek	At State Route 396	*118
			Downstream of South Albany Road	*147
			Downstream of Abandoned Railroad	*181
		Vloman Kill	Downstream of U.S. Route 9W	*118
			Upstream of Elm Avenue	*123

Maps available for inspection at the Town Hall, 445 Delaware Avenue, Delmar, New York.

Send comments to Honorable Thomas Corrigan, Supervisor of Bethlehem, 445 Delaware Avenue, Delmar, New York 12054.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Clayville, village, Oneida County	Sauquoit Creek	Downstream corporate limits	*930
			Upstream of Conrail/Main Street culvert	*962
			Upstream of downstream dam	*976
			Upstream of Oneida Street (upstream crossing)	*1,005
			Upstream of dam (3rd crossing)	*1,023
			Upstream corporate limits	*1,050

Maps available for inspection at the Village Hall, 2 Wiremill Place, Clayville, New York.

Send comments to Honorable Donald Moore, Mayor of Clayville, 2 Wiremill Place, Clayville, New York 13322.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Ellenville, village, Ulster County	Sandburg Creek	Downstream corporate limits	*300
			Upstream Canal Street	*315
			Upstream corporate limits	*327

Maps available for inspection at the Village Hall, 81 North Main Street, Ellenville, New York.

Send comments to Honorable Rivan Krieger, Mayor of Ellenville, 81 North Main Street, Ellenville, New York 12428.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Great Neck Estates, village, Nassau County	Little Neck Bay	Shoreline at southwestern corporate limits	*15
			Shoreline southwest of intersection of Cedar Drive and Shore Drive.	*13
			At Crystal Drive extended	*13

Maps available for inspection at the Village Hall, Four Atwater Road, Great Neck Estates, New York.

Send comments to Honorable Murray Seeman, Mayor of Great Neck Estates, Four Atwater Road, Great Neck Estates, New York 11021

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Kings Point, village, Nassau County	Little Neck Bay	At Beach Lane extended	*13
		Long Island South	At Steamboat Road extended	*17
			At Ballantine Lane	*13
			At Hewlett Point	*17
		Manhasset Bay	At Dock Lane extended	*17
			At Shore Drive extended	*18
			At Turtle Cove Lane extended	*17
			At Harbor Way extended	*16

Maps available for inspection at the Village Hall, 32 Steppingstone Lane, Kings Point, New York.

Send comments to Honorable Leonard Wegman, Mayor of Kings Point, 32 Steppingstone Lane, Kings Point, New York 11024.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	New Hartford, village, Oneida County	Sauquoit Creek	Downstream corporate limits	*526
			Approximately 100' upstream	*534
			Upstream corporate limits	*548

Maps available for inspection at the Village Hall, 48 Genesee Street, New Hartford, New York.

Send comments to Honorable John J. Kazanjian, Mayor of New Hartford, 48 Genesee Street, New Hartford, New York 13413.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Plandome Manor, village, Nassau County	Manhasset Bay	Shoreline at Heritage Way (extended)	*17
			Shoreline west of Estates Drive	*14
			Southern shoreline of Leeds Pond	*16

Maps available for inspection at the residence of the Village Clerk, One Gulls Cove Road, Plandome Manor, New York.

Send comments to Honorable Arthur Schiller, Mayor of Plandome Manor, One Gulls Cove Road, Plandome Manor, New York 11030.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Port Washington North, Village, Nassau County	Manhasset Bay	Entire shoreline within community	*13

Maps available for inspection at the Village Hall, 1 Soundview Drive, Port Washington, New York.

Send comments to Honorable Thomas J. Pellegrino, Mayor of Port Washington North, One Soundview Drive, Port Washington, New York 11050.

New York	Sands Point, village, Nassau County	Manhasset Bay	Shoreline at Cedar Lane (extended)	*13
		Long Island Sound	Shoreline at West Creek Farms Road (extended)	*17
			Shoreline west of Halfmoon Lane	*13
			Shoreline at Mott Point	*19
			Shoreline at Prospect Point	*19

Maps available for inspection at the Village Hall, Tibbetts Lane, Sands Point, New York.

Send comments to Honorable Roy C. Olsen, Mayor of Sands Point, P.O. Box 186, Port Washington, New York 11050.

Ohio	(V) Coal Grove, Lawrence County	Ohio River	At confluence of Ice Creek	*547
			About 0.63 mile upstream of Ashland-Coal Grove Highway.	*548

Maps available for inspection at the Mayor's Office, Village Hall, 513 Cemetery Lane, Coal Grove, Ohio.

Send comments to Honorable Tom McKnight, Mayor, Village of Coal Grove, Village Hall, 513 Cemetery Lane, Coal Grove, Ohio 45638.

Ohio	(C) Columbus, Franklin and Fairfield Counties	Scioto River	About 3.5 miles downstream of Interstate 270	*697
			Just upstream of Interstate 670	*706
			Just downstream of Julian Griggs Dam	*751
			Just upstream of Julian Griggs Dam	*769
			About .8 miles upstream of confluence of Cramer Ditch.	*776
		Scioto River Divided Flow Reach	At confluence with Scioto River	*700
			At divergence with Scioto River	*708
		Scioto-Olentangy Overland Flow	Just downstream of Chessie System	*723
			About 200 feet downstream of Edgehill Road	*726
		Olentangy River	At mouth	*721
			Just upstream of Henderson Road	*739
			About 0.8 mile upstream of Interstate 270	*761
		Alum Creek	At mouth	*728
			Just upstream of Morse Road	*780
			Just downstream of Interstate 270	*797
		Big Walnut Creek	About 7.6 miles downstream of confluence of Alum Creek.	*710
			Just upstream of Williams Road	*729
			Just upstream of Interstate 70	[illegible]
			Just upstream of dam, about 0.4 mile upstream of Morse Road.	*815
			About 1.2 miles upstream of State Route 161	*829
		Georges Creek	About 1.47 miles downstream of Wright Road	*760
			Just downstream of Gender Road	*777
			About 0.4 mile upstream of Long Road	*800
		South Fork Georges Creek	Just upstream of Lehman Road	*764
			Just downstream of Wright Road	*784
		Tributary I	About 2,500 feet upstream of mouth	*770
			Just upstream of Conrail	*781
		Tributary E	At Mouth	[illegible]
			About 4,900 feet upstream of mouth	[illegible]
		Rocky Fork	About 1.25 miles downstream of Dublin Granville Road	*945
			About 0.75 mile upstream of Dublin Granville Road	[illegible]
		Clover Groff Ditch	Just upstream of Conrail	[illegible]
			Just upstream of Roberts Road	[illegible]
			About 1.05 miles upstream of Roberts Road	[illegible]
		Hamilton Ditch	Just downstream of Private Drive	*937
			About 500 feet upstream of Private Drive	*937
		Briggsdale Run	About 0.55 mile downstream of U.S. Rout 62	*740
			About 160 feet upstream of Woodbrook Lane	*757
			About 0.2 mile upstream of Clarendon Avenue	*765
		Hayden Run	At mouth	*772
			Just downstream of Falls	*776
			Just upstream of Falls	*807
			Just upstream of Hayden Run Road	*850
		Marsh Run	At mouth	*706
			About 200 feet upstream of Interstate 71	*711
			About 0.5 mile upstream of Interstate 71	*719
		Mason Run	Just upstream of Interstate 270	*740
			Just downstream of Refugee Road	*744
			Just upstream of Refugee Road	*751
			Just upstream of Main Street	*782
		Scioto Big Run	Just upstream of Interstate 270	*700
			Just downstream of Gantz Road	*727
			Just upstream of Chessie System	*752
			Just downstream of Clairbrook Avenue	*883
			Just upstream of Clairbrook Avenue	*892
			Just downstream of Sullivant Avenue	*902
			Just upstream of Sullivant Avenue	*907
		Hellbranch Run	About 0.4 mile downstream of Norton Road	*896
		Hellbranch Run (cont'd)	Just upstream of Alkire Road	*889

Maps available for inspection at the Department of Development, City Hall, 90 West Broad Street, Columbus, Ohio.

Send comments to Honorable Tom Moody, Mayor, City of Columbus, City Hall, 90 West Broad Street, Columbus, Ohio 43215.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Crown City, Gallia County	Ohio River	Within the community	*560

Maps available for inspection at the Mayor's Office, Village Hall, Charles Street, Crown City, Ohio. Send comments to Honorable Charles Burgess, Mayor, Village of Crown City, Village Hall, Charles Street, Crown City, Ohio 45632.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(Uninc.) Franklin County	Scioto River	At downstream county boundary	*692
			Just downstream of Julian Griggs Dam	*751
			Just upstream of Julian Griggs Dam	*769
			Just upstream of State Route 161	*777
			At upstream county boundary	*795
		Olentangy River	About 0.9 mile downstream of Stadium Drive	*724
			Just downstream of Lane Avenue	*727
			About 0.06 mile downstream of Bethel Road	*741
			About 1.1 miles upstream of Bethel Road	*746
			About 0.1 mile upstream of Interstate 270	*759
			At upstream county boundary	*765
		Alum Creek	Mouth at Big Walnut Creek	*728
			Just upstream of Williams Road	*729
			Just upstream of U.S. Route 62	*760
			About 0.07 mile upstream of Sunbury Road	*764
			Just downstream of Morse Road	*779
			About 0.17 mile upstream of State Route 161	*788
			About 0.37 mile upstream of State Route 3	*794
			About 0.42 mile upstream of Schrock Road	*803
			About 1.3 miles upstream of Park Road	*814
		Georges Creek	Mouth at Little Walnut Creek	*740
			Just upstream of Chessie System	*752
			Just upstream of U.S. Highway 33	*755
			About 2.2 miles upstream of U.S. Highway 33	*769
			Just upstream of Long Road	*795
			At upstream county boundary	*808
		South Fork of Georges Creek	Mouth at Georges Creek	*758
			Just upstream of Lehman Road	*764
			Just upstream of Wright Road	*787
			At upstream county boundary	*794
		Big Walnut Creek	About 0.45 mile downstream of U.S. Route 23	*692
			Just upstream of Reese Road	*719
			About 0.5 mile upstream of Refugee Road	*749
			About 1.15 miles downstream of State Road 161	*817
			Just upstream of State Road 161	*823
			Just downstream of Hoover Dam	*835
		Little Walnut Creek	About 0.73 mile upstream of Hayes Road	*726
			About 1.71 miles upstream of Hayes Road	*731
			Just downstream of confluence of Big Run	*735
			About 1.32 miles upstream of confluence of Tussing Ditch.	*747
		Tributary A	About 200 feet upstream of mouth	*1,074
			About 0.23 mile upstream of Evans Road	*1,107
		Tributary B	About 100 feet upstream of mouth	*1,054
			Just upstream of Babbitt Road	*1,072
			About 0.34 mile upstream of Babbitt Road	*1,076
		Tributary B-1	About 100 fest upstream of mouth	*989
			About 0.6 mile upstream of mouth	*1,018
		Tributary C	About 200 feet upstream of mouth	*942
			About 0.7 mile upstream of mouth	*985
		Tributary F	About 0.76 mile upstream of mouth	*891
			About 0.95 mile upstream of mouth	*898
		Tributary G	About 1.0 mile upstream of mouth	*988
			About 1.6 miles upstream of mouth	*905
		Tributary J	About 0.67 mile downstream of Ebright Road	*740
			Just downstream of Winchester Pike	*751
		Tributary K	About 730 feet upstream of mouth	*851
			Just downstream of Graham Road	*855
		Tributary GA	About 0.3 mile upstream of mouth	*885
			Abouth 0.86 mile upstream of Wagoner Road	*943
		Big Darby Creek	About 0.4 mile downstream of U.S. Highway 62	*785
			Just upstream of Interstate 71	*893
			Just upstream of Alkire Road	*838
			Just upstream of U.S. Highway 40	*865
			Just upstream of Interstate 70	*878
			About 0.75 mile upstream of Scioto Darby Creek Road.	*899
		Little Darby Creek	Mouth at Big Darby Creek	*837
			Just upstream of dam near Alkire Road	*841
			About 3.44 miles upstream of Alkire Road	*866
		Rocky Fork	About 1.13 miles upstream of mouth	*808
			About 2.8 miles upstream of mouth	*870
			Clark State Road	*912
			Just upstream of Dublin Granville Road	*958
			About 1.0 mile upstream of Walnut Street	*992
		Hamilton Ditch	Mouth at Hellbranch Run	*904
			Just downstream of Conrail	*908
			Just upstream of Conrail	*913
			Just upstream of Feder Road	*919
			Just upstream of Walker Road	*933

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 1.94 miles upstream of Roberts Road	*940
		Clover Groff Ditch	Mouth at Hellbranch Run	*903
			Just downstream of State Route 40	*904
			Just upstream of State Route 40	*909
			Just downstream of Conrail	*914
			Just upstream of Conrail	*923
			Just downstream of Feder Road	*924
			About 0.2 miles upstream of Interstate 70	*930
			Just upstream of Elliot Road	*947
		Briggsdale Run	Mouth at Scioto Big Run	*731
			Just upstream of County Childrens Home Road	*734
			About 0.1 mile upstream of U.S. Route 62	*751
		Mason Run	Mouth at Big Walnut Creek	*739
			About 0.4 miles upstream of Interstate 270	*742
		Marsh Run	Mouth at Scioto Big Run	*708
			Just upstream of Marlane Drive	*757
			About 0.28 miles upstream of Demorest Road	*876
		Hayden Run	Mouth at Scioto River	*772
			Just downstream of Falls	*777
			Just upstream of Falls	*807
			Just downstream of Dublin Road	*813
			Just upstream of Dublin Road	*818
			Just downstream of Hayden Run Road (about 0.19 mile upstream of Bublin Road).	*828
			Just upstream of Hayden Run Road (about 0.19 mile upstream of Dublin Road).	*834
			Just downstream of Hayden Run Road (about 0.55 mile upstream of Dublin Road).	*845
			Just upstream of Hayden Run Road (about 0.55 mile upstream of Dublin Road).	*850
			Just downstream of Leppert Road	*922
			Just upstream of Leppert Road	*932
			About 1.52 miles upstream of Cosgray Road	*942
		Scioto Big Run	Mouth at Scioto River	*699
			Just upstream of Gantz Road	*731
			Just downstream of Chessie System	*747
			Just upstream of Chessie System	*752
			Just downstream of Georgesville Road	*819
		Republican Run	Mouth at Mulberry Run	*748
			Just downstream of Interstate 71	*750
			About 0.05 mile upstream of Interstate 71	*767
			About 0.33 miles upstream of Stringtown Road	795
			Just downstream of Demorest Road	862
		Hellbranch Run	Mouth at Big Darby Creek	*748
			Just downstream of State Route 665	*826
			Just upstream of State Route 665	*832
		Hellbranch Run (cont'd)	Just upstream of Beatty Road	*849
			Just upstream of Grove City Road	*862
			About 0.05 mile downstream of Kunz Road	*881
			Just upstream of Kunz Road	*888
			Just upstream of Conrail	*894
			About 1.4 miles upstream of State Route 40	*912
		Big Run	Mouth at Little Walnut Creek	*735
			Just downstream of Hayes Road	*740
			Just upstream of Hayes Road	*745
			About 0.4 mile upstream of Hayes Road	*745
		Sugar Run	Mouth at Rocky Fork	*948
			Just upstream of State Route 605	*1,025
			Just upstream of Central College Road	*1,040
			Just downstream of Walnut Street	*1,093
			Just upstream of Walnut Street	*1,098
			About 0.35 mile upstream of Walnut Street	*1,101
		Mulberry Run	Mouth at Scioto River	*689
			About 0.23 mile upstream of State Route 104	*700
			Just downstream of Briar Hill Road	750
			Just upstream of Briar Hill Road	757
			About 0.10 mile upstream of Haughn Road	*836
		Indian Run-North Fork Indian Run	Mouth at Scioto River	*776
			At confluence of North Fork Indian Run	*804
			Just downstream of Access Road	*867
		Grant Run	Mouth at Scioto River	*697
			Just upstream of State Route 104	*702
			Just downstream of Borror Road	*757
			Just upstream of Borror Road	*762
			Just downstream of Haughn Road	*834
			Just upstream of Haughn Road	*839
		Grant Run Tributary	Mouth at Grant Run	*704
			Just upstream of Boror Road	*716
			Just downstream of Holton Road	*749
			Just upstream of Holton Road	*755
			About 0.06 mile downstream of Interstate 71	*785
			Just upstream of Interstate 71	*802
			Just upstream of Hoover Road	*808
			Just upstream of Haughn Road	*835
		Plum Run	Mouth at Scioto River	*694
			About 0.06 mile upstream of State Route 665	*695
			Just downstream of Borror Road	*762
			Just upstream of Borror Road	*767

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of Hoover Road	[illegible]
			Just upstream of Hoover Road	*811
			About 1.0 mile upstream of Seeds Road	*863
		Plum Run Tributary	Mouth at Plum Run	*748
			Just upstream of Zuber Road	*764
			Just upstream of Hoover Road	*811
			Just upstream of Seeds Road	*840

Maps available for inspection at the Mid Ohio Regional Planning Commission, 410 South High Street, Columbus, Ohio.

Send comments to Honorable Michael J. Dorrian, Chairman of the Franklin County Commissioners, Franklin County, 410 South High Street, Columbus, Ohio 43215.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C) Gallipolis, Gallia County	Ohio River	At downstream corporate limits	*569
			At upstream corporate limits	*570

Maps available for inspection at the City Manager's Office, 518 Second Street, Gallipolis, Ohio.

Send commetns to Honorable Chris Norris, City Manager, City of Gallipolis, 518 Second Street, Gallipolis, Ohio 45631.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(Uninc.) Licking County	Licking River	About 1.31 miles downstream of County Road 315	*793
			About 2.75 miles upstream of County Road 315	*810
		North Fork Licking River	About 0.95 mile downstream of Water Works Road	*830
			Just upstream of Mt. Vernon Road (downstream crossing).	*886
			At confluence with Lake Fork Licking River	*932
			Just downstream of Torrens Road	*959
		South Fork Licking River	Just upstream of Irving Wick Drive East	*845
			Just upstream of U.S. Route 40 (downstream crossing)	*881
			Just upstream of County Road 40	*926
			Just upstream of McIntosh Road	*1,028
			About 2,600 feet upstream of Mink Street	*1,102
		Dry Creek	At mouth	*861
			Just downstream of State Route 661	*981
		Sycamore Creek	At south county boundary	*1,021
			About 1,800 feet upstream of Interstate 70	*1,051
		Raccoon Creek	About 3,000 feet downstream of Cherry Valley Road	*876
			Just upstream of County Road 539A	*923
			Just upstream of County Road 22	*966
			About 1,100 feet upstream of State Route 37	*1,080
		Hebron Tributary	At mouth	*878
			About 2,750 feet upstream of mouth	*878
		Lateral E	At confluence with South Fork Licking River	[illegible]
			Just downstream of State Route 79	*864
			Just upstream of State Route 79	*872
			Just downstream of Conrail	*898
			Just upstream of Conrail	*903
		Lateral EA	At mouth	*873
			About 950 feet upstream of mouth	*880
		Lateral K	About 1,400 feet downstream of Dam	*919
			About 200 feet downstream of Main Street	*944
			About 400 feet upstream of Main Street	*950
		Kiber Run	At confluence with Raccoon Creek	*1,049
			About 3,600 feet upstream of County Road 41	*1,079
		Log Pond Run	About 1.23 miles downstream of Goose Pond Road	[illegible]
			About 0.46 mile upstream of Price Road	[illegible]
		Bell Run	At confluence with South Fork Licking River	[illegible]
			About 3,300 feet upstream of U.S. Route 40	*905
		Clear Run	At mouth	*911
			Just downstream of Newark-Granville Road	*921
			About 100 feet upstream of Newark-Granville Road	*929
		Beaver Run	At confluence with South Fork Licking River	*869
			Just downstream of State Route 79	*872
			Just upstream of State Route 79	*886
			About 6700 feet upstream of Conrail	*890
		Muddy Fork	At confluence with South Fork Licking River	*983
			About 1900 feet upstream of Columbia Road	*1,028
		Clear Fork	At mouth	*867
			About 1800 feet upstream of Dutch Lane Road	*1,048
		Sharon Valley	Just upstream of Country Club Road	*877
			Just downstream of Jones Road	*952
		Dillon Lake	At Brownsville Road	*793

Maps available for inspection at the Floodplain Administrator's Office, Licking County Administration Building, 743 East Main Street, Newark, Ohio. Send comments to Honorable Frank Gosset, Floodplain Administrator, Licking County, Licking County Administration Building, 743 East Main Street, Newark, Ohio 43055.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(C) Martins Ferry, Belmont County	Ohio River	About 0.35 mile downstream of Conrail	*660
			About 3.85 miles upstream of Conrail (near upstream corporate limits).	[illegible]

Maps available for inspection at the Mayor's Office, City Hall, Fifth and Walnut Streets, Martins Ferry, Ohio. Send comments to Honorable John Laslo, Mayor, City of Martins Ferry, City Hall, Fifth and Walnut Streets, Martins Ferry, Ohio 43302.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Pomeroy, Meigs County	Ohio River	About 0.4 mile downstream of U.S. Route 33	*577
			About 0.7 mile upstream of confluence of Kerr Run	[illegible]

Maps available for inspection at the Mayor's Office, Village Hall, East Second Street, Pomerocy, Ohio. Send comments to Honorable Clarence Andrews, Mayor, Village of Pomeroy, Village Hall, East Second Street, Pomeroy, Ohio 45769.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Powhatan Point Belmont County	Ohio River	About 1.35 miles downstream of confluence of Captain Creek (At downstream corporate limits).	*646

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 0.9 mile upstream of confluence of Captina Creek (At upstream corporate limits).	*640

Maps available for inspection at the Mayor's office, Village Hall, Main Street, Powhatan Point, Ohio. Send comments to Honorable Inez Wright, Mayor, Village of Powhatan Point, Village Hall, Main Street, Powhatan Point, Ohio 43942

Ohio	(V) Shadyside, Belmont County	Ohio River	At downstream corporate limits	*654
			At upstream corporate limits	*655

Maps available for inspection at the Mayor's Office, City Hall, East 39th Street, Shadyside, Ohio. Send comments to Honorable Ron Kaluger, Mayor, City of Shadyside, City Hall, East [illegible] Street, Shadyside, Ohio 43947.

Tennessee	Unincorporated areas of Fayette County	Wolf River (segment 1)	Just upstream of Fletcher Road	*302
			Just downstream of Rossville Macon Road	*317
		Wolf River (segment 2)	Approximately 1300 feet upstream of State Highway 57.	*345
		Wolf River (segment 3)	Approximately 100 feet downstream of Yager Road	*382
		North Fork Wolf River	Just upstream of State Highway 76	*350
		Hergis Creek	Approximately 5300 feet upstream of confluence with North Fork Wolf River.	*357
		Loosahatchie River	Just upstream of Interstate Highway 40	*280
			Just upstream of Oakland Road	*297
			Just upstream of Old Mill Road	*347
			Approximately 330 feet upstream of Laconia Road	*389
		Little Cypress Creek	Just downstream of Center Point Road	*282
		Bluff Creek	Approximately 660 feet upstream of Macon-Warren Road.	*361
		Cypress Creek	Approximately 200 feet upstream of U.S. Highway 64	*291
		Cypress Creek Tributary B	Approximately 260 feet downstream of Hickory Withe Road.	*334
		Cane Creek	Approximately 1400 feet downstream of Center Point Road.	*279

Maps available for inspection at Planning Commission Administrator's Office, 302–C Midland Street, Somerville, Tennessee 38068.

Send comments to Mr. David Smith, Fayette County Executive, County Courthuse, Room 204 or Mr. Larry Brady, Planning Commission Administrator, 302–C Midland Street, Somerville, Tennessee 38068.

Tennessee	Unincorporated areas of Henry County	Bailey Fork Creek-Town Creek-Jones Bend Creek.	Just upstream of Louisville and Nashville Railroad	*355
			Just downstream of India Road	*395
		Bailey Fork Tributary One	Just downstream of Corporate Limits	*395
		Bailey Fork Tributary Two	Just downstream of Oak Drive	*390
		Clifty Creek	Approximately 275 feet downstream of Clifty Road	*380
			Just downstream of Reynoldsburg Road	*416
		Clifty Creek Tributary	Just upstream of Industrial Park Road	*405
			Just downstream of Reynoldsburg Road	*432
		McGowen Branch	Just downstream of India Road	*403
			Just downstream of Guthrie Road	*427
		Three Mile Branch	Approximately 4000 feet upstream of confluence with McGowen Branch.	*441
		Smallwood Branch	Approximately 400 feet downstream of India Road	*402
		Turkeypen Creek	Just downstream of County Home Road	*377
		Henson Branch	Just downstream of Sandy Grove Road	*390

Maps available for inspection at County Clerk's Office, Henry County Courthouse, Paris, Tennessee 38242.

Send comments to Mr. Jim W. Farmer, Henry County Executive, County Courthouse, P.O. Box 7, or Mr. Dorris Coley, Henry County Clerk, County Courthouse, P.O. Box 442, Paris, Tennessee 38242.

Tennessee	City of Jackson, Madison County	South Fork of Forked Deer River	Just upstream of U.S. Highway 70	*347
			Just upstream of Bolivar Street	*351
		Jones Creek	Just upstream of Secondary Route 8059	*375
		Meridian Creek	Approximately 275 feet upstream of Harts Bridge Road.	*365
			Approximately 175 feet upstream of State Route 5	*376
		Bond Creek	Just upstream of Secondary Route 8189 (Perry Switch Road).	*358
			Just downstream of Harts Bridge Road West	*376
		Cane Creek	Just upstream of A Street	*363
			Just upstream of Second Street	*365
		Johnson Creek	Just downstream of Lower Brownsville Road	*345

Maps available for inspection at City Hall, 314 Main Street, or the Jackson Regional Planning Commission Office, Church Street, Jackson, Tennessee 38301.

Send comments to Mayor Robert Conger, City Hall, 314 Main Street, or Mr. Eugene Smith, Assistant to the City Commissioner, Jackson Regional Planning Commission Office, Church Street, Jackson Tennessee 38301

Tennessee	Unincorporated areas of Madison County	Middle Fork of Forked Deer River	Just downstream of the Illinois Central Gulf Railroad	*338
			Just upstream of State Route 5	*355
		Matthews Branch	Just upstream of Old Humboldt Road	*364
		Deloach Creek	Just downstream of the Illinois Central Gulf Railroad	*347
			Approximately 350 feet upstream of the Illinois Central Gulf Railroad.	*349
			Just upstream of Old Humboldt Road	*364
		Moize Creek	Just upstream of the Illinois Central Gulf Railroad	*354
			Just downstream of Ashport Road	*361
		Dyer Creek	Just downstream of Florida Steel Corporation Access Road.	*370
		Johnson Creek (Middle Fork Basin).	Just downstream of Ashport Road	*386
			Just upstream of Christmasville Road	*398

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Gilmers Creek	Just upstream of U.S. Highway 70 (State Route 1)	*424
			Just downstream of Waynick Road	*443
		Spring Creek	Just downstream of George Anderson Road	*387
			Just downstream of U.S. Highway 70 (State Route 1)	[illegible]
		South Fork of Forked Deer River	Approximately 450 feet upstream of Secondary Route [illegible].	*326
			Just downstream of Interstate Highway 40	*341
			Just upstream of Secondary Route 8058	*371
		Cypress Creek	Just upstream of Lower Brownville Road	[illegible]
			Just downstream of U.S. Highway 70	[illegible]
		Cub Creek	Just upstream of Lower Brownsville Road	*343
			Just upstream of Womack Road	[illegible]
		Johnson Creek	Just upstream of Lower Brownsville Road	*345
			Just downstream of Westover Road	*360
		Bond Creek	Just upstream of unnamed Access Road	*401
			Just downstream of Gobelet Road	*457
		Cane Creek	Just upstream of State Route 8183 (Old Bolivar Road)	*407
		Meridian Creek	Just upstream of the Illinois Central Gulf Railroad	*357
			Just downstream of Medon Malesus Road	*410
		North Fork of South Fork of Forked Deer River.	Just upstream of Secondary Route 8162	*364
			Approximately 400 feet downstream of State Route 8241.	*372
		Bear Creek	Just downstream of State Route 5	*38[illegible]
		Brown Creek	Approximately 2000 feet upstream of State Route 8059 (Bluff Road).	[illegible]
		Sandy Creek	Just downstream of Angina Road	*418
			Just downstream of Bowman Road	*433
		Sandy Creek Tributary	Just downstream of Bowman Road	*436

Maps available for inspection at Madison County Courthouse, Main Street, Jackson, Tennessee 38301.

Send comments to Mr. J. Alexander Leech, County Executive, Madison County Courthouse, Main Street, Jackson, Tennessee 38301.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	City of Murfreesboro, Rutherford County	West Fork Stones River	Just downstream of Thompson Lane	*556
			Just downstream of U.S. Highway 41 and 70	*563
			Just upstream of Interstate Highway 24	*587
		Sinking Creek	Just downstream of Memorial Boulevard (U.S. Highway 231) Drive.	*596
			Just upstream of Highland Street	[illegible]
			Just upstream of Ewing Road	*612
		Lytle Creek	Just upstream of Louisville and Nashville Railroad near Carnation Street.	[illegible]
			Just upstream of the intersection of U.S. Highway 70 (Southeast Broad Street) and West Main Street.	*585
			Just upstream of Old Salem Road	*590

Maps available for inspection at City Hall, 220 Northwest Broad Street, Murfreesboro, Tennessee 37130.

Send comments to Mayor Joe B. Jackson or Mr. E.C. Fite, City Manager, City Hall, P.O. Box 1139, Murfreesboro, Tennessee 37130.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Tennessee	City of Paris, Henry County	Town Creek-Jones Bend Creek	Just downstream of India Road	*401
			Just downstream of Louisville and Nashville Railroad	*405
		Bailey Fork Tributary One	Just downstream of Oak Drive	*401
			Just upstream of Wilson Street	*409
		Bailey Fork Tributary Two	Just upstream of Lankford Road	*409
		Clifty Creek	Just downstream of Reynoldsburg Road	*417
			Approximately 625 feet upstream of Reynoldsburg [illegible]	*419

Maps available for inspection at City Hall, 100 North Caldwell Avenue, Paris, Tennessee 38242.

Send comments to Mayor William Culley or Mr. Thomas R. Williams, City Manager, City Hall, P.O. Box 970, Paris, Tennessee 38242.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Texas	Unincorporated areas of Chambers County	Barrow Slough	Approximately 500 feet downstream of White Road	*21
		Cedar Bayou	Just upstream of Ferry Road	*17
			Just upstream of Southern Pacific Railroad	*23
		Cedar Gully	Just downstream of Cedar Bayou Bay Road	*25
		Cotton Bayou	Approximately 500 feet upstream of State Highway 565.	*16
			Just downstream of Interstate Highway 10 (Fedder Road).	*30
		Double Bayou East Fork	Approximately 300 feet upstream of Sykes Road (FM 2936).	*18
			Just downstream of State Highway 1663	*32
		Double Bayou West Fork	Just downstream of State Highway 562	*19
		Hackberry Gully	Just downstream of State Highway 565	*17
			Just upstream of Interstate Highway 10	*32
		Horsepen Bayou	Just downstream of Southern Pacific Railroad	*23
		Lee Gully	Just upstream of Speights Road (State Highway 1663)	*21
		Sawpit Gully	Just upstream of Southern Pacific Railroad	*24
		Spindletop Bayou	Just upstream of State Highway 124	*15
			Just downstream of State Highway 65	*22
		Spring Branch	Just upstream of Speights Road	*26
		Whites Bayou, South of I–10	Just upstream of Bailey Road	*18
		Turtle Bayou-Whites Bayou	Approximately 400 feet downstream of State Highway 61.	*22
		Galveston Bay/Cedar Bayou	Just upstream of Tri-City Beach Road	*12
		Trinity Bay/Hackberry Gully	Just downstream of Cotton Lane Road	*13
		Trinity Bay/Trinity River	Just downstream of Interstate Highway 10	*13
		Trinity Bay/Double Bayou West Fork.	Just downstream of Eagle Road	*12

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		East Bay/Oyster Bayou	Just downstream of White Ranch Road (FM 1985)	*11
		Gulf of Mexico/Mud Bayou	Just upstream of the Atchison, Topeka and Santa Fe Railway.	*12

Maps available for inspection at County Judge's Office, Chambers County Courthouse, 404 Washington Avenue, Anahuac, Texas 77514.

Send comments to Judge Alma L. Turner, County Judge, Chambers County Courthouse, P.O. Box 939, Anahuac, Texas 77514 or Mr. Jack Chambliss, Civil Defense Director, P.O. Box 957, Anahuac, Texas 77514.

Texas	Deer Park, city, Harris County	Patrick Bayou	Entire shoreline within corporate limits	*11
		Tucker Bayou	Entire shoreline within corporate limits	*11
		Willow Springs Bayou	Downstream corporate limits	*23
			Downstream of Pasadena Boulevard	*29
		Tributary to Willow Springs Bayou	Downstream corporate limits	*24
			Pasadena Boulevard (upstream side)	*28

Maps available for inspection at the City Hall, Deer Park, Texas.

Send comments to Honorable Jimmy Burke, Mayor of Deer Park, P.O. Box 700, Deer Park, Texas 77536.

Texas	El Lago, city, Harris County	Clear Lake	The entire shoreline within the community	*15
		Taylor Lake	Upstream of Nasa Road to upstream corporate limits	*11

Maps availabe for inspection at the City Hall, El Lago, Texas.

Send comments to Honorable Elizabeth Lenoir, Mayor of El Lago, 3802 Nasa Road 1, Apt. 27, Seabrook, Texas 77586.

Texas	Morgans Point, city, Harris County	Galveston Bay	Entire shoreline within corporate limits	*19
		San Jacinto River	Barbours Cut: entire shoreline within corporate limits	*12

Maps available for inspection at the City Hall, Morgans Point, Texas.

Send comments to Honorable John H. McCulley, Mayor of Morgans Point, P.O. Box 839, La Porte, Texas 77571.

Texas	Seabrook, city, Harris County	Galveston Bay	Entire shoreline of Galveston Bay within community	*16
			Eastern shoreline of Clear Lake	*13
			Entire shoreline of Clear Creek within community	*13
			Entire shoreline of Pine Gully within community	*12
		Clear Lake	Shoreline from western corporate limits to approximately 450 feet west of Elan Street (extended).	*15
			Shoreline from approximately 450 feet west of Elan Street (extended) to approximately 250 feet west of Ocean View Drive (extended).	*14
		Taylor Lake	Entire shoreline within community	*11

Maps available for inspection at the City Hall, Seabrook, Texas.

Send comments to Honorable L. W. Dickerson, Mayor of Seabrook, P.O Box 539, Seabrook, Texas 77586.

Texas	Shoreacres, city, Harris County	Galveston Bay	Entire shoreline within community	*17
		Taylors Bayou	Entire length within the community	*11

Maps available for inspection at the Shoreacres City Hall.

Send comments to Honorable Charles Ritterhouse, Mayor of Shoreacres, 619 Shoreacres Boulevard, La Porte, Texas 77571.

Texas	Taylor Lake Village, city, Harris County	Taylor Lake	Entire shoreline within community	*11
		Forrest Lake	Entire shoreline within community	*11

Maps available for inspection at the Taylor Lake Village City Hall, Seabrook, Texas.

Send comments to Honorable Marta Greytok, Mayor of Taylor Lake Village, 1202 Kirby Road, Seabrook, Texas 77586.

Utah	Salt Lake City, city, Salt Lake County	Jordan River	100 feet downstream of the intersection of Redwood Road and Jordan River.	*4,215
			50 feet downstream of the intersection of 21st South Street and Jordan River.	*4,229
		Red Butte Creek	Intersection of 11th East Street and Red Butte Creek	*4,371
			60 feet upstream of the intersection of Fort Douglas Entrance Road and Red Butte Creek.	*4,889
		Emigration Creek	110 feet upstream of the intersection of 13th East Street (State Highway 181) and Emigration Creek.	*4,412
			80 feet downstream of the intersection of Foothill Drive (U.S. Highway 40 and State Highway 186) and Emigration Creek.	*4,682

Maps available for inspection at Planning and Zoning Department, City-County Building, 4th South and State Street, Salt Lake City, Utah

Send comments to the Honorable Ted L. Wilson, City-County Building, 4th South and State Street, Salt Lake City, Utah 84111.

Vermont	Cambridge, town, Lamoille County	Lamoille River	Downstream corporate limits	*440
			Downstream corporate limits between Town of Cambridge and Village of Cambridge.	*446
			Approximately 200 feet upstream of State Route 15	*454
			Upstream of Town Route 23	*461
			Upstream corporate limits	*466
		Seymour River	Downstream corporate limits	*467
			Upstream of downstream Access Road	*489
			Upstream of upstream Access Road	*505
		North Branch Lamoille River	Confluence with Lamoille River	*454
			Upstream corporate limits	*470

Maps available for inspection at the Cambridge Town Offices, Jeffersonville, Vermont.

Send comments to Honorable Joseph Rooney, Chairman of the Cambridge Board of Selectmen, Town of Cambridge, Jeffersonville, Vermont 05464.

Vermont	Jeffersonville, village, Lamoille County	Lamoille River	Downstream corporate limits	*452

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream State Route 108	*456
			Upstream corporate limits	*459
		Brewster River	Confluence with Lamoille River	*458
			Upstream Private Road	*480

Maps available for inspection at the Village Offices, Jeffersonville, Vermont.

Send comments to Honorable Wendell T. Wells, Village Trustee of Jeffersonville, Village Offices, Jeffersonville, Vermont 05464.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Vermont	Plainfield, town, Washington County	Winooski River	Downstream corporate limits	[illegible]
			Upstream U.S. Route 2	*685
			Downstream of Village corporate limits	*704
			Approximately 1,300' downstream of Plainfield Dam	*721

Maps available for inspection at the Town Hall, Plainfield, Vermont.

Send comments to Honorable Kenneth Russell, Chairman of the Plainfield Board of Selectmen, Town Hall, Plainfield, Vermont 05664.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Vermont	Plainfield, village, Washington County	Winooski River	Downstream corporate limits	*704
			Downstream Plainfield Dam	*732
			Upstream corporate limits	*751

Maps available for inspection at the Village Hall, Plainfield, Vermont.

Send comments to Honorable Gary Graves, Village Trustee of Plainfield, Village Hall, Plainfield, Vermont 05664.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 22, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29170 Filed 10-27-82; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 61

[CGD 80-064]

Marine Engineering; Thermal Fluid Heaters, Required Tests and Inspections

Correction

In FR Doc. 82-28545, in the issue of Monday, October 18, 1982, beginning on page 46336, make the following corrections:

1. On page 46336, in the middle column under the "**SUPPLEMENTARY INFORMATION**", first paragraph, line 7, "(CDG)" should read "(CGD)".

2. On page 46336, in the last column, under the heading "**DISCUSSION OF PROPOSED RULES**", the third paragraph, line 18, insert "to" after "be".

3. On page 46337, the last column, § 61.30-10, *Hydrostatic test.*, line 3, "1½" should read "1½" and in line 11, "land" should read "an".

4. On page 46338, the first column, § 61.30-20, last line of the section before the "Note", the first "of" should read "or".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-715; RM-4192]

FM Broadcast Stations in Flagstaff and Winslow, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a third class C FM assignment to Flagstaff, Arizona, and the substitution of one Class C channel for another unused Class C channel at Winslow, Arizona, in response to a petition filed by Communications, Ltd.

DATES: Comments must be filed on or before December 6, 1982, and reply comments on or before December 21, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Released: October 21, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast stations, (Flagstaff and Winslow, Arizona), BC Docket No. 82-715 RM-4192.

Adopted: October 14, 1982.

1. The Commission herein considers a petition for rule making filed September 1, 1982, by Communications Ltd. ("petitioner") which seeks the assignment of Class C Channel 248 to Flagstaff, Arizona, and the substitution of Channel 286 for unused Channel 247 at Winslow, Arizona. Petitioner expressed a desire to apply for the requested channel at Flagstaff, if assigned.

2. In support of the proposal to assign a third FM channel to Flagstaff, petitioner submitted population and economic information. However, in view of the action taken in *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982), this information is no longer relevant.

3. In view of the foregoing and the fact that the proposed assignment could provide a third FM broadcast service to Flagstaff, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following cities:

City	Channel No.	
	Present	Proposed
Flagstaff, Ariz.	225, 230	225, 230, 248.
Winslow, Ariz.	236, 247	236, 280.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before December 6, 1982, and reply comments on or before December 21, 1982, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

PART 73—[AMENDED]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-29565 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-713; RM-4191]

FM Broadcast Station in Bakersfield, Calif.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes the assignment of Channel 296A to Bakersfield, California, in response to a petition filed by Kern Communications Company. The proposed assignment could provide a sixth FM service to Bakersfield.

DATES: Comments must be filed on or before December 6, 1982, and reply comments must be filed on or before December 21, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Adopted: October 14, 1982.

Released: October 21, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations, (Bakersfield, California), BC Docket No. 82–713; RM–4191.

1. A petition for rule making was filed August 27, 1982, by Kern Communications Company ("petitioner") seeking the assignment of Channel 296A to Bakersfield, California, as its sixth FM assignment.[1] The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the provision of a sixth service to Bakersfield, California, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Bakersfield, Calif..	231, 243, 268, 300	221A, 231, 243, 268, 296A, 300.

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before December 6, 1982, and reply comments on or before December 21, 1982, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

PART 73—[AMENDED]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See §1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate for service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82–29587 Filed 10–27–82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 79–269; RM–3396]

TV Broadcast Stations in Dover and Seaford, Delaware, et al.

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposed rule.

SUMMARY: Action taken herein dismisses from further consideration, an earlier proposal made on the Commission's own motion, to assign UHF television Channel 34 to Wildwood, New Jersey, because no one had expressed an interest in operating a facility on such an assignment.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

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[1] A petition is also pending to assign Channel 221A to Bakersfield, California, (BC Docket 82–623), 47 FR 40454, published September 14, 1982.

FOR FURTHER INFORMATION CONTACT: Israel Teitelbaum, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations, *(Dover and Seaford, Delaware;* Asbury Park, Atlantic City, New Brunswick, Newton, Vineland, West Milford and *Wildwood, New Jersey;* Kingston and Syracuse, New York; and Bethlehem, Lebanon and State College, Pennsylvania.) BC Docket No. 79-289 RM-3392 RM-3398 (3-13-80; 45 FR 16219).

Adopted: October 8, 1982.

Released: October 18, 1982.

1. The Commission adopted a Notice of Proposed Rule Making, 45 FR 16219, pub. March 13, 1980, in this proceeding proposing to assign six UHF television assignments to the State of New Jersey and to make corresponding amendments to the Television Table of Assignments, 47 CFR 73.606(b), to accommodate those new assignments. Among other things, the *Notice* proposed the assignment of Channel 34 from Dover, Delaware to Wildwood, New Jersey. No party has expressed an interest in this assignment. The Delaware Citizens' Committee has filed an opposition to this proposal claiming that its adoption would have an adverse impact upon the growth of UHF television service in Delaware. The Committee asks us to sever the Wildwood proposal from the remainder of this proceeding and to confirm that this proposal will not be adopted. This request is granted for the reasons set forth below.

2. The Committee argues that the Commission's Wildwood proposal requires the substitution of inferior assignments to Delaware and may otherwise result in a loss of potential UHF service to that State. The Committee has received public funding to provide service to Delaware and argues that our proposal hamstrings the Committee's abilities to provide optimal service.

3. Given the lack of interest in the proposed assignment of a UHF channel in Wildwood, we believe that the Committee's request should be granted. Such action will permit the Committee to commit funds to Delaware service confident that it will not be required to operate on assignments that it believes to be inferior to those currently assigned to that State.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and 307(b) of the Communications Act of 1934, as amended, the Commission's proposal to assign UHF Channel 34 to Wildwood, New Jersey, and the attendant amendments to the Table of Assignments for Dover, and Seaford, Delaware, are dismissed.

5. For further information regarding this proceeding, contact Israel Teitelbaum, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Laurence E. Harris,

Chief, Broadcast Bureau.

[FR Doc. 82-29566 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-714; RM-4193]

FM Broadcast Stations in Lubbock, Tex.; Proposed Changes in Table in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: Action taken herein proposes the assignment of Channel 292A to Lubbock, Texas, in response to a petition filed by Jerrico Broadcasting. The proposed assignment could provide a seventh FM service to Lubbock.

DATES: Comments must be filed on or before December 6, 1982, and reply comments must be filed on or before December 21, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 14, 1982.

Released: October 21, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Lubbock, Texas), BC Docket No. 82-714 RM-4193.

1. A petition for rule making was filed September 2, 1982, by Jerrico Broadcasting ("petitioner") proposing the assignment of Channel 292A to Lubbock, Texas,[1] as its seventh FM assignment. Petitioner expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the provision of a seventh FM service to Lubbock the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Lubbock, Tex.	229, 233, 242, 258, 266, 273.	229, 233, 242, 258, 266, 273, 292A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before December 6, 1982, and reply comments on or before December 21, 1982, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoke or written concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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[1] Petitioner submitted community data for Lubbock. However, in view of the action taken in BC Docket No. 80-130, *Revision of FM Assignment Policies and Procedures,* 90 F.C.C. 2nd 88 (1982), this information is no longer required.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

PART 73—[AMENDED]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-29586 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 90

[PR Docket No. 92-618]

Allocation of Frequencies for Wildlife Tracking Telemetry in the Forestry-Conservation Radio Service; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Extension of comment/reply comment period.

SUMMARY: The FCC is extending the time for the submission of comments and reply comments in this docket concerning frequency allocation in the Forestry-Conservation Radio Service. The Commission took this action in order to give all interested parties amply opportunity to comment and to assure a complete record in the proceeding.

DATE: Comments are now due by February 1, 1983 and replies by March 1, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

Adopted: October 18, 1982

Released: October 20, 1982.

In the matter of Amendment of Part 90 of the Commission's rules and regulations to authorize frequencies for Wildlife Tracking Telemetry in the Forestry-Conservation Radio Service, PR Docket No. 82-618, RM-4016 (9-13-82; 47 FR 40194).

1. The Nevada Department of Wildlife (NEVADA), the Alaska Department of Fish and Game (ALASKA), and The Idaho Department of Fish and Game (IDAHO) separately have requested an Extension of Time for filing Comments and Reply Comments in the above-captioned proceeding. The Notice of Proposed Rule Making was adopted August 30, 1982 and released September 3, 1982. Comments are due by October 12, 1982 and Reply Comments by October 27, 1982.

2. NEVADA and ALASKA are silent as to why additional time is necessary for them to comment on the proposals made in the proceeding. In support of its Request for an Extension of Time IDAHO says:

> We have just become aware of the proposed FCC Regulations concerning telemetry operations which would apparently seriously affect considerable work the Idaho Department of Fish and Game does with Animal Radio Tracking.
>
> Since it is impossible to fully assess the probable impacts in the time remaining, and since we understand many other State and Federal Agencies and Universities would be similarly affected, we urgently request the FCC postpone a decision on these Regulations.

3. IDAHO, while it requests a Time Extension, gives no specific amount of time it needs. ALASKA and NEVADA, while they give no specific reasons for needing a Time Extension, each identify 90 days as the amount of time necessary.

4. The Commission has considered the reasons given in support of the requested Time Extension, together with the amount of time asked. Because most of the requesting parties maintain that they need approximately 90 days, if they are to submit meaningful comments, and because there are no pressing countervailing reasons why such parties should not have additional time, we are persuaded that the public interest will be served by granting the requests, since it will permit a more thorough discussion of the proposals.

5. Accordingly, it is ordered, pursuant to the authority set forth in § 0.331 of the Commission's Rules and Regulations, that interested parties will have until February 1, 1983 to file comments and until March 1, 1983 to file comments in this proceeding.

Federal Communications Commission.

James C. McKinney,

Chief, Private Radio Bureau.

[FR Doc. 82-29560 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 173 and 178

[Docket No. HM-185, Notice No. 82-7]

Standard for Polyethylene Containers; Extension of Comment Period

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Extension of time to file comments.

SUMMARY: On August 26, 1982, MTB published a notice of proposed rulemaking (Docket No. HM-185, Notice No. 82-7; 47 FR 37592) concerning a revision of standards in 49 CFR applicable to the construction and use of polyethylene containers used as packagings for hazardous materials. Subsequently, petitions have been received from two companies citing a need for additional time in which to evaluate and comment of the proposals in the notice and requesting a 90 day extension of time for filing comments. MTB believes that an extension is consistent with the public interest and, by this notice, is extending the comment period from October 25, 1982, to January 24, 1983.

DATE: Comments must be received on or before January 24, 1983.

ADDRESS: Submit comments to Docket Branch, Information Services Division, Materials Transportation Bureau, Room 8426, Department of Transportation, 400 7th Street, SW, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Edward T. Mazullo, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426-2075.

Issued in Washington, D.C. on October 20, 1982.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulations, Material Transportation Bureau.

[FR Doc. 82-29356 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-60-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 82-16; Notice 2]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Equipment

AGENCY: National Highway Traffic Safety Administration (NHTSA), Dot.

ACTION: Extension of period to file comments.

SUMMARY: In response to a request from the American Motorcyclist Association, the agency is extending for three weeks the period to file comments on the proposal to amend Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment,* published September 23, 1982 (47 FR 42009). Under this proposal, modulating headlamps would be allowed on motorcycles. The Association, noting the agency's wish to have the largest possible number of comments from users of modulating headlamps, wished to encourage industry press to make note of the docket and inform users that their comments are expressly solicited. The agency concurs in this request and is granting an extension for the time requested.

DATES: The new closing date for filing comments is November 30, 1982.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-29651 Filed 10-27-81; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 676

North Pacific Fishery Management Council; Bering-Chukchi Sea Herring Fishery; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration (NOAA) Commerce.

ACTION: Notice of public hearing.

SUMMARY: The North Pacific Fishery Management Council (Council) will hold a public hearing on revisions to the Bering-Chukchi Sea herring fishery management plan (FMP).

DATES: The hearing will be held from 10 a.m. to 5 p.m. on Wednesday, November 10, 1982, at the Kuskokwim Valley Native Association Building in Bethel, Alaska.

FOR FURTHER INFORMATION CONTACT: Jim H. Branson, Executive Director, North Pacific Fishery Management Council, 605 West Fourth Avenue, P.O. Box 3136DT, Anchorage, AK 99510; phone (907) 274-4563.

SUPPLEMENTARY INFORMATION: The purpose of the hearing is to receive comments on revisions to the FMP recommended by the Council it its July meeting. The major changes are in the section dealing with optimum yield (OY). OY would have two components: one for the winter fishery and one for the summer fishery in the Aleutian Islands area. Both components of OY would be available only to domestic fishermen and joint ventures.

The proposed revision which addresses the summer fishery provides for an adjustment to allowable biological catch (ABC) to take into account herring stocks which spawn in the Aleutians and Alaska Peninsula areas. Also included is an apportionment not to exceed 2,000 mt in the fishery conservation zone for the summer food and bait fishery. Additional harvest in State waters would be at the discretion of the Alaska Department of Fish and Game and would not be affected by the FMP; however, the actual harvest will be taken into account when the winter apportionment is determined. Other revisions provide additional safeguards for nothern stocks found offshore by reducing the potential surplus left after the spring inshore fishery before making allocations to the winter offshore fishery.

Revised sections of the FMP were mailed to the interested public on October 15, 1982. Additional copies are available from the Council office at 605 West Fourth Avenue, P.O. Box 3136DT, Anchorage, AK 99510; the Alaska Department of Fish and Game, P.O. Box 96, Bethel, AK 99559; the Bethel Public Library, Bethel, AK 99559; and the National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802.

Final Council action on the FMP is scheduled for the December 7-9, 1982 meeting in Anchorage.

Should winter travel necessitate cancelling the hearing, notice of cancellation and a new schedule will be announced locally by telephone and radio and, when possible, by newspaper and television.

List of Subjects in 50 CFR Part 676

Fish, Fisheries, Fishing, Reporting requirements.

(16 U.S. 1801 et seq.)

Dated: October 25, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-29739 Filed 10-27-82 8:45]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 47, No. 209
Thursday, October 28, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Pilot Program To Provide Information to Internal Revenue Service on Multiple Housing Transfers, Voluntary Conveyances and Foreclosures

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The Farmers Home Administration (FmHA) will supply the Internal Revenue Service (IRS) with certain information on Section 515 Rural Rental Housing loans that have been transferred, voluntarily conveyed and foreclosed. This exchange of information with IRS is part of an effort to increase cooperation between Federal agenies and to ensure that tax dollars are properly collected when projects are disposed of through transfer, voluntary conveyance or foreclosure.

FOR FURTHER INFORMATION CONTACT: Paul R. Conn, Director, Multi-Family Housing Servicing and Property Management Division, Farmers Home Administration, Room 5321, South Agriculture Building, Washington, D.C. 20250, (202) 382–1599.

SUPPLEMENTARY INFORMATION: FmHA through its Multiple Housing Servicing and Property Management Division will supply IRS with information, such as, names and addresses of borrowers and transferees, indentification numbers, mortgage amount(s), date of disposition, etc., on 515 Rural Rental Housing projects transferred, voluntarily conveyed or foreclosed. This action will only affect the catalogue of Federal Domestic Assistance Number 10.415—Rural Rental Housing Loan program. This affected program is subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H. The pilot program will initially involve the reporting of information on projects disposed of during calendar year 1980. Information for more recent years may be supplied after an evaluation of the pilot program has been made by IRS and FmHA.

Dated: October 22, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82–29708 Filed 10–27–82: 8:45 am]

BILLING CODE 3410–07–M

Forest Service

Coronado National Forest Grazing Advisory Board; Meeting

The Coronado National Forest Grazing Advisory Board will hold a special meeting at 10:00 a.m., November 23, 1982, at the Federal Building, 301 West Congress, Room 7X, Tucson, Arizona. The purpose of this meeting is to discuss allotment management planning and the use of range betterment funds.

The meeting will be open to the public. Persons who wish to attend should notify Larry Allen, Coronado Supervisor's Office, telephone 602–629–6418. Written statements will be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: Nonmembers are asked to withhold comments until the close of business.

Dated: October 20, 1982.

William H. Carter,

Acting Forest Supervisor.

[FR Doc. 82–29567 Filed 10–27–82; 8:45 am]

BILLING CODE 3410–11–M

Montana; Lewis and Clark National Forest Plan Draft Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Extension of public review period for the Lewis and Clark National Forest Plan Draft Environmental Impact Statement.

SUMMARY: The period of public review for the Lewis and Clark National Forest Draft Environmental Impact Statement has been extended until November 30, 1982.

ADDRESSES: Requests for further information should be addressed to: J. Dale Gorman, Supervisor, Lewis and Clark National Forest, Box 871, Great Falls, MT 59403.

Everett Towle,

Acting Regional Forester.

[FR Doc. 82–29568 Filed 10–27–82; 8:45 am]

BILLING CODE 3410–11–M

Preference Right Coal Lease Application; Ouray Ranger District, Grand Mesa, Uncompahgre and Gunnison National Forests, Ouray and Gunnison Counties, Colorado; Intent To Apply Unsuitability Criteria

Pursuant to Mineral Leasing Act of 1920, the Surface Mining Control and Reclamation Act of 1977 and 43 CFR Part 3400 and in accordance with the Memorandum of Understanding Between the Department of Agriculture and the Department of Interior Providing for Coordination of Activities Pursuant to the Federal Coal Management Program, the Forest Service, Department of Agriculture will apply the unsuitability criteria set out in 43 CFR 3461.1 to the following coal preference right lease application:

C–0120075 Gulf Oil Corporation

T46N, R7W, NMPM, Section 3, part of Section 4 and N½ Section 10.

The purpose of applying the unsuitability criteria is to determine if all or part of the lease area is available for leasing.

Due to the geology of the area any operations would be by underground mining methods. In applying the criteria the Forest Service will consider the surface impacts from anticipated underground operations.

Consent to lease does not approve any development or operations. Prior to operations an exploration plan and a mining plan must be prepared and approved. These plans will be reviewed in an environmental analysis process in accordance with the National Environmental Policy Act of 1969.

Maps and rationale for application of the unsuitability criteria will be available by November 19, 1982 at the Ouray District Ranger Office, 101 N. Uncompahgre Ave., P.O. Box 1047, Montrose, Colorado 81401.

Craig W. Rupp, Regional Forester, Rocky Mountain Region, is the responsible official for application of the unsuitability criteria. He will decide whether or not to consent to issuance of this lease. This decision is anticipated by December 21, 1982.

The Bureau of Land Management, USDI, is responsible for issuing the lease.

Comments on the Notice of Intent or on the application of the unsuitability criteria should be sent to Donald A. Heiser, District Ranger, Ouray Ranger District, P.O. Box 1047, Montrose, Colorado 81401. Comments should be sent by December 13, 1982.

Dated: November 5, 1982.

Jimmy R. Wilkins,

Forest Supervisor, Grand Mesa, Uncompahgre and Gunnison National Forests.

[FR Doc. 82-29659 Filed 10-27-82; 8:45 am]

BILLING CODE 3410-11-M

CANADA AND UNITED STATES—INTERNATIONAL JOINT COMMISSION

Public Hearings

October 21, 1982.

The International Joint Commission will hold three public hearings on the feasibility and desirability of limited regulation of Lake Erie water levels. The Commission will also invite comment on the report of its International Lake Erie Regulation Study Board, which has been released to the public.

The four-year study of the Board concludes that, based on economic criteria, limited regulation of Lake Erie is not a viable concept. Limited regulation could lower the maximum lake level and provide substantial economic benefits in terms of reduced property damage and improved recreational beaches along the Lake Erie Shore. These benefits would be far outweighted by economic losses to commercial navigation, recreational boating and hydro-electric power generation, according to the Board.

Before making recommendations to the Governments of Canada and the United States, the Commission wishes to receive the views of all interested individuals and groups who have additional information to provide on the subject. When a written statement is presented, extra copies should be provided, if possible for distribution to the media and for Commission use. Those unable to attend may also mail written submissions to the Commission offices in Ottawa and Washington (addresses below) and these will become part of the record.

TIMES AND PLACES OF HEARINGS

Nov 17, 1982	2:30 pm–6:00 pm	Stouffer's Inn on the Square, 24 Public Square, Cleveland, Ohio.
Nov 18, 1982	2:00 pm–6:00 pm. 7:00 pm–11:00 pm	Park Hotel, Niagara Falls, Ont.
Nov 19, 1982	2:00 pm–6:00 pm	Court Room, 2nd floor, City Hall, Ogdensburg, NY

D. G. Chance, Secretary, Canadian Section, International Joint Commission, 100 Metcalfe Street, Ottawa, Ontario K1P 5M1, (613) 995–2984.

D. A. LaRoche, Secretary, United States Section, International Joint Commission, 2001 "S" St., N.W., Washington, D.C. 20440, (202) 673–6222.

David A. LaRoche,

Secretary, U.S. Section, International Joint Commission.

[FR Doc. 82-29585 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-14-M

COMMISSION ON CIVIL RIGHTS

Hawaii Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a consultation of the Hawaii Advisory Committee to the Commission will convene at 8:30a and will end at 5:00p, on November 19, 1982, at the Prince Kuhio Federal Building, Room C–270, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850. The purpose of this consultation is to gather information on education issues in Hawaii, including affirmative action in Hawaii's public education school system.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Helen R. Nagtalon-Miller, 3201 Beaumont Woods Place, Honolulu, Hawaii 96822, (808) 948–7183, or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles CA 90010, (213) 798–3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, October 20, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29711 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

Hawaii Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Hawaii Advisory Committee to the Commission will convene at 10:00a and will end at 1:00p, on November 13, 1982, Island Colony Hotel, 445 Seaside Avenue, Honolulu, Hawaii 96806. The purpose of this meeting is an orientation of Hawaii Advisory Committee members and to review the up-coming Committee consultation on education issues in Hawaii including affirmative action in Hawaii's public education school system.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Helen R. Nagtalon-Miller, 3201 Beaumont Woods Place, Honolulu, Hawaii 96822, (808) 948–7183, or the Western Regional Office, 3660 Wilshire Boulevard, Suite 810, Los Angeles CA 90010, (213) 798–3437.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, October 20, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29712 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

Idaho Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Idaho Advisory Committee to the Commission will convene at 12:00 noon and will end at 5:00 P.M. on November 13, 1982, at the Red Lion Inn, 1800 Fairview Avenue, in the Spokane Room, Boise, Idaho 83702. The purpose of this meeting is to discuss civil rights issues within the State and plan future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Rudy M. Pena, 2410 Joretta, Boise, Idaho 83704, (208) 334–3993; or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, WA 98174, (206) 442–1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29713 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

New Jersey Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30p and will end at 9:30p, on November 16, 1982, at the Ramada Inn, East Brunswick, New Jersey. The purpose of this meeting is to discuss program planning and block grants.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheriden Avenue, Plainfield, NJ 07060, (212) 572-7577; or the Eastern Regional Office, Jacob K. Javits Building, Room 1639, 26 Federal Plaza, New York, NY 10278, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, October 19, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29710 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

Oklahoma Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Oklahoma Advisory Committee to the Commission will convene at 6:00 P.M. and will end at 8:00 P.M. on November 17, 1982, at the Quality Inn Central, Hideaway B, 112 N. Eastern Avenue, Oklahoma City, Oklahoma 73117. The purpose of this meeting is to plan followup to the Block Grant project report.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Earl D. Mitchell, 3 Summit Circle, Stillwater, Oklahoma 74074, (405) 624-6212; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio, TX 78204, (512) 229-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29714 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin Advisory Committees; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a joint meeting of the Central States Advisory Committees and the Midwestern Advisory Committees to the Commission will convene at 9:00 A.M. and will end at 4:00 P.M. on November 18, 1982, and will reconvene at 9:30 A.M. and will end at 3:00 P.M. on November 19, 1982, at the Radisson Muehlebach, 12th and Baltimore Streets, Kansas City, Missouri 64105. The purpose of this meeting is to discuss joint program planning activities.

Persons desiring additional information or planning a presentation to these Committees, should contact the Chairperson of the Missouri Advisory Committee, Mrs. Joanne Collins, 4030 Bellefontaine, Kansas City, Missouri 64130, (816) 274-1321; or the Central States Regional Office, 911 Walnut Street, Room 3103, Kansas City, MO 64106, (816) 374-5253; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, IL 60604, (312) 353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 25, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29715 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

New York Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York Advisory Committee to the Commission will convene at 4:00p and will end at 6:30p, on November 18, 1982, at the Grand Hyatt New York Park Avenue at Grand Central, New York, NY 10017. The purpose of this meeting is to discuss program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Robert J. Mangum, 420 East 23rd Street, New York, NY 10010, (212) 420-3935, or the Eastern Regional Office, Jacob K. Javits Building, Room 1639, 26 Federal Plaza, New York, NY 10278, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, DC, October 19, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29716 Filed 10-27-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Deformed Steel Bars for Concrete Reinforcement From South Africa

AGENCY: International Trade Administration, Commerce.

ACTION: Final Affirmative Countervailing Duty Determination and Countervailing Duty Order.

SUMMARY: We determine that certain benefits which consitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in South Africa of deformed steel bars for concrete reinforcement, as described in the "Scope of Investigation" section of this notice. The estimated net bounty or grant is indicated under the "Suspension of Liquidation" section of this notice.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. Thran, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone: (202) 377-1766.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in South Africa of deformed steel bars for concrete reinforcement (rebars), as described in the "Scope of Investigation" section of this notice. The following programs are found to confer bounties or grants.

- Export incentive program—category C.
- Assumption of financing charges.
- Railroad rate differential.
- Central government rail rebate.

We determine the estimated net bounty or grant to be the amount indicated in the "Suspension of Liquidation" section of this notice.

Case History

On May 18, 1982, we received a petition from counsel for Industrial Siderurgica, Inc., a manufacturer producing deformed steel bars for concrete reinforcement. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in South Africa of rebars. The petitioner filed against deformed bars and plain billet bars, but amended the petition on May 28, 1982, to remove plain billet bars from the investigation. We found the petition sufficient and, on June 7, 1982, we initiated a countervailing duty investigation (47 FR 25174).

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) the Act and the rebars at issue here are dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

We presented a questionnaire concerning the allegations to the government of South Africa in Washington, D.C. On July 23, 1982, we received the response to the questionnaire.

On August 11, 1982, we preliminarily determined there was reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law, were being provided to manufacturers, producers, or exporters in South Africa of rebars (47 FR 35806). No hearing was requested.

Scope of Investigation

For the purpose of this investigation, the term "deformed steel bars for concrete reinforcement" covers hot-rolled steel bars, of solid cross section, having deformations of various patterns on their surfaces, as currently provided for in items 606.79 and 606.81 of the *Tariff Schedules of the United States*.

The South African Iron and Steel Industrial Corporation (ISCOR) is the only known producer in South Africa of the subject product exported to the United States.

The period for which we are measuring subsidization is the corporate fiscal year 1981, which runs from July 1, 1980, through June 30, 1981.

Analysis of Programs

In its response, the government of South Africa provided data for the applicable period. Additionally, we received information from ISCOR, which produced and exported rebars to the United States during 1980 and 1981. Throughout this notice, the general principles applied by the Department of Commerce to the facts of this investigation are described in detail in Appendices 2 and 4 which accompany the notice of "Final Affirmative Countervailing Duty Determination: Carbon Steel Wire Rod from Belgium," in the September 27 issue of the **Federal Register** (47 FR 42403). Based upon our analysis of the petition and response to our questionnaire, we determine the following.

I. Programs Determined To Confer Bounties or Grants on Manufactures, Producers, or Exporters of Rebars

We determine bounties or grants are being provided to manufacturers, producers, or exporters in South Africa of rebars under the programs listed below. In our preliminary determination, we did not include the rail rate differential, Category C of the central government rebate in our calculation of the total benefit as these programs had been terminated as of April 1, 1982. We have reexamined our position on this issue, and we have taken into account the benefits from these programs on exports of the subject merchandise exported prior to April 1, 1982. We believe there may be shipments of rebars from South Africa exported prior to April 1, 1982, that may enter this country after the date of this final determination.

Assumption of Finance Charges

In 1978 the government of South Africa assumed R70 million of ISCOR's finance charges. Under the grants methodology described in Appendix 2, we treated this payment as a grant, and allocated the amount over 15 years, the average life of capital assets in integrated steel mills. This allocation was performed using a discount rate to reflect the time value of these grant funds. We used a "risk-free", rate as indicated by the secondary market rate for long-term government debt, as an appropriate discount rate. Using this methodology, we calculated a benefit of 0.35 percent *ad valorem*.

Railroad Rate Differential

The South African Transport Services (SATS), a government-owned corporation, maintains a rate schedule that generally provides railroad rates for shipments destined for export that are lower than domestic rates.

ISCOR used rail transport for its exports of rebars. The export rate is approximately 50 percent of the domestic rate. We find this program to confer a bounty or grant, and we calculate its benefit by dividing the differential per ton by the per ton value of the product.

As stated in our preliminary notice, SATS maintains that its export rates are "cost justified," and that the difference between the domestic and export rates reflects the difference in the costs of handling the two types of traffic.

SATS has demonstrated that rate differentials between domestic and export steel shipments are generally cost justified. It has shown that the ratio of revenues to costs in export shipments of steel is greater than the similar ratio for most domestic shipments. The exception was certain domesic steel shipments railed under the same conditions as exports. Prior to April 1, these were charged higher rates than exports. Necessarily, the revenue-to-cost ratio for these shipments exceeded the normal ratio for domestic shipments.

During our verification we found that steel for export is shipped in "full-truck loads" (full cars) and 39-car trains. The mill is charged for a fully loaded car whether or not it is able to fill the car completely. These trains are moved to the harbors as complete units. The only handling required is the changing of locomotives on various parts of the lines. At the ports the harbor administration unloads the train and loads the ships; for this service a separate fee is charged.

In contrast, domestic shipments are charged rates on a per ton basis. The railroad moves the cars from the mill to a marshalling yard where they are transferred to other trains for hauling to their destination. (Marshalling may occur more than once during any shipment.) At the destination the railroad is responsible for unloading the train.

SATS has made available to domestic steel shippers, effective April 1, 1982, the same rates export shipments enjoy if the domestic shipments meet the same loading and point-to-point conditions imposed on export shipments.

Based on the availability of the lower rate to all domestic steel shippers meeting the conditions imposed on export shipments of steel, we determine that the rate afforded by SATS to exporters of rebars is not provided on terms more favorable than those for domestic shippers and that it does not constitute a bounty or grant in this case for shipments exported after April 1, 1982. For shipments prior to April 1, 1982, we find the bounty or grant to be 6.8 percent *ad valoreum* based on the difference in the full truckload rate available to exporters and the per ton rate available to domestic shippers.

Central Government Rebate

The government of South Africa offered a "Central Government Rebate" of up to 25 percent of the railroad charges on products shipped in open railway cars for export. ISCOR benefited from this program in 1981. However, as this program was terminated on April 1, 1982, we are not including this benefit in our calculation of the bounties or grants on shipments after that date. For shipments prior to April 1, 1982, we find the benefit under this program is 1.70 percent *ad valorem.*

Export Incentive Program—Category C (Finance Charges Aid Scheme)

The South African government provided for a tax-free rebate to certain firms increasing the value of their exports of manufactured goods. The rebate was equal to 25 percent of the interest costs for financing exports. ISCOR benefited from this program in 1981. However, as this program was terminated on April 1, 1982, we are not including this benefit in our calculation of the bounties or grants on shipments after that date. For shipments prior to April 1, 1982, we calculated a benefit of 1.2 percent *ad valorem.*

II. Programs Determined Not To Confer Bounties or Grants on Manufacturers, Producers, or Exporters of Rebars

Based upon our verification, we determine that bounties or grants are not being provided to manufacturers, producers, or exporters in South Africa of rebars under the following programs:

Government Equity Participation in ISCOR

The government of South Africa owns over 99 percent of the outstanding shares of ISCOR. The remaining shares are not publicly traded. The petitioners alleged that the purchase of equity by the government represents a bounty or grant.

In our preliminary determination, we made the tentative judgment, based on ISCOR's financial statements, that the purchase of share capital in ISCOR by the government was inconsistent with commercial considerations, and therefore potentially a bounty or grant.

We then measured the value of the bounty or grant by comparing the government's rate of return in 1981 on its equity investment in ISCOR with the national average rate of return in 1981 on equity investments in South Africa as evidenced by the report of the South African Reserve Bank. We then multiplied this difference by the amount of the government equity infusions since 1974. We preliminarily found the value of the benefit, allocated over total ISCOR sales, to be 3.7 percent *ad valorem.*

ISCOR has provided additional information to suggest that the government's equity infusions were consistent with commercial considerations, and therefore not a bounty or grant. ISCOR's income statements in its annual reports are based on an inflation-based accounting system which charges to production costs the increased replacement costs of fixed assets. This expense item is in addition to normal depreciation. While approved and recommended by the National Council of Chartered Accountants (SA), this practice is not followed by most South African companies. However, ISCOR has been using it since 1952.

The effect of this practice on ISCOR is to understate its profit performance *vis-a-vis* companies not using the inflation-based system. When the provisions for increased replacement costs are added back to profits, ISCOR's performance changes dramatically. Instead of two profitable years in the last eight, ISCOR shows profits in six of those years.

Moreover, we have found that ISCOR's non-payment of taxes in those years is not related to a poor profit performance, but instead to significant write-offs for major capital expenditures made during earlier periods. These write-offs are not preferential under South African tax law.

For these reasons we determine that the South African government's purchase of ISCOR's share capital was not inconsistent with commercial considerations, and therefore is not potentially a bounty or grant under the Act.

ISCOR Loan Guarantees

The petitioners alleged that the South African government's ownership of ISCOR allows the company to receive loans at interest rates lower than if the company were privately held. In our preliminary determination, we estimated the benefit from loan guarantees based on the best information available. ISCOR has since presented information on all its loans outstanding during the period for which subsidization is being measured.

Government ownership of a firm does not implicitly guarantee the debt of the firm, and thus does not confer *per se* a bounty or grant. An explicit loan guarantee by the state, on the other hand, bestows a benefit to the extent that the recipient of the guaranteed loan pays less for the debt than would have been commercially available absent the guarantee. In ISCOR's case we found that only certain of the company's loans obtained in foreign countries were guaranteed by the government. Those loans of ISCOR's which were guaranteed carried rates generally higher than the rates for long-term corporate bonds in the countries in which they were received. The long-term corporate bond rate is the rate we selected as our measure of debt incurred solely on the basis of commercial considerations. This rate was used as the best information available for comparison as there was only one similar ISCOR loan that was not guaranteed. (That loan carried the same interest rate as a government guaranteed loan given on the same day.) Therefore, we determine that the guarantee of ISCOR's loans by the government did not provide a benefit which is a bounty or grant in this case.

Employee Training Programs

The South African Department of Manpower certifies training programs to the taxing authority which allows businesses to deduct 200 percent of qualified training expenses. The Department of Manpower has demonstrated that all qualified training programs are available to all companies and industries and that they are neither restricted to certain sectors of the economy nor preferential to exporters. Therefore, we find the tax benefits from the training programs not to be bounties or grants.

Reduced Ocean Freight Rates

The petitions alleged that South African shippers benefited from reduced ocean freight rates. We could find no evidence of such a program. We did find evidence of rate negotiation between shippers and carriers; however, this does not constitute a bounty or grant under the Act.

III. Programs Determined Not To Be Used by Manufacturers, Producers, or Exporters of Rebars

We determine that the following programs, which were alleged by the petitioners to confer bounties or grants, are not used by the manufacturers, producers, or exporters in South Africa of rebars.

- Export credit insurance,
- Pre- and post-shipment financing,
- Export incentive program—category A, B and D,
- Beneficiation allowances for base mineral processing,
- Homeland development, and
- Iron/steel export promotion scheme.

Comment 1

The petitioner argues that adjustments to ISCOR's financial statements to reflect its use of a replacement cost inflation factor is improper. They also state that investments in steel in general, and in ISCOR in particular, were not prudent in the period 1974 to 1980.

DOC Position

ISCOR's use of the replacement cost inflation factor in its accounts is a conservative accounting procedure. It understates the firm's profits relative to other firms not using the system. Therefore, in order to place ISCOR's performance in its proper perspective, an adjustment must be made. When that adjustment is made, ISCOR's profits, while not high, are in a range that could be expected to attract certain investors. Therefore, we found that equity infusions into ISCOR were not inconsistent with commercial considerations.

Comment 2

The petitioner cites the eight years in which ISCOR did not pay taxes as proof of its unprofitable condition.

DOC Position

We have found that ISCOR's non-payment of taxes in those years was not related to poor profit performance, but instead to significant write-offs for major capital expenditures made during the early and mid-seventies. These write-offs can be carried forward until exhausted. They are not preferential under South African tax law.

Comment 3

The petitioner argues that the government's waiver of dividend payments is a demonstration that its participation in ISCOR is for objectives other than commercial considerations.

DOC Position

Our principal consideration in judging whether a government's participation in a firm is consistent with commercial consideration is the firm's profitability during the period for which subsidization is being measured.

After restating ISCOR's performance in historical cost terms, we find the firm's profitability to be sufficient to warrant making that judgment affirmatively. The fact that the government chose not to take capital out of the firm in the form of dividends is not enough, in and of itself, to make us change our position.

Verification

In accordance with section 776(a) of the Act, we verified the data relied upon in our final determination. During this verification, we followed standard procedures, including inspection of documents, discussions with government officials and on-site inspection of manufacturers' operations and records.

Suspension of Liquidation

The suspension of liquidation ordered in our preliminary determination shall remain in effect until further notice. The total net bounty or grant for rebars exported before April 1, 1982, and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice is 10.05 percent *ad valorem*. For shipments exported on or after April 1, 1982, and entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice, the total bounty or grant is 0.35 percent, a rate which is *de minimis*. Therefore, the duty deposit is 0.0 percent.

As required by section 706(a)(3) of the Act, cash deposits of estimated countervailing duties in the amounts specified above of the f.o.b. invoice prices shall be required on shipments of the subject products entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

The Department intends to complete an administrative review of this determination and order under section 751 of the Act.

This determination and order are published in accordance with sections 705(d) and 706(a) of the Act.

Lawrence Brady,

Assistant Secretary for Trade Administration.

October 25, 1982.

[FR Doc. 82-29706 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic And Atmospheric Administration

Deep Seabed Mining—Notice of Receipt of Amendment to an Application for Exploration License

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of receipt of an amendment to an application for Deep Seabed Mining Exploration License.

SUMMARY: Pursuant to Section 116(a) of the Deep Seabed Hard Mineral Resources Act and 15 CFR 970.212(a), which was published at 46 FR 45901, September 15, 1981, the National Oceanic and Atmospheric Administration (NOAA) published notice on June 25, 1982, at 47 FR 27583 that it received, on February 18, 1982, two applications from Ocean Mining Associates (OMA), Box 2, Gloucester Point, Virginia 23062, for licenses to conduct deep seabed mining exploration activities in the Northeastern Equatorial Pacific Ocean within the seabed area generally known as the Clarion-Clipperton Fracture Zone. OMA filed on October 15, 1982 an amendment to the application to eliminate areas of the deep seabed in conflict with some other applicants for exploration licenses. Subject to 15 CFR 970-902, which excludes certain information from public disclosure, interested persons will be permitted to examine the materials relevant to these applications.

FOR FURTHER INFORMATION CONTACT: Laurence J. Aurbach, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Suite 105, Page 1 Building, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 653-8257.

Dated: October 21, 1982.

Francis J. Balint,

Director, Office of Information and Management Services.

[FR Doc. 82-29723 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-12-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcing an Increase in the Import Restraint Level for Certain Wool Apparel from the Socialist Republic of Romania

October 22, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the import level for men's and boys' wool suits in Category 443 from 7,180 dozen to 7,638 dozen, produced or manufactured in Romania and exported during the twelve-month period which began April 1, 1982 by the application of carryforward.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

SUMMARY: The Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania provides, among other things, for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the level in the succeeding year. At the request of the Government of the Socialist Republic of Romania, an increase for carryforward is being applied to the level of resraint for wool textile products in Category 443.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Diana Bass, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On April 1, 1981, there was published in the **Federal Register** (47 FR 13856) a letter dated March 25, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain categories of wool and man-made fiber textile products, including Category 443, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on April 1, 1982 and extends through March 31, 1983. In accordance with the terms of the bilateral agreement, as amended, and at the request of the Government of the Socialist Republic of Romania, the United States Government has agreed to increase the level for wool textile products in Category 443. Accordingly, in the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase the level to 7,638 dozen.

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

October 22, 1982

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: On March 25, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the the twelve-month period beginning on April 1, 1982 and extending through March 31, 1983 of wool and man-made fiber textile products, produced or manufactured in Romania, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Effective on October 29, 1982, paragraph 1 of the directive of March 25, 1982 is further amended to include an adjusted twelve-month level of restraint of 7,638 dozen [2] for wool textile products in Category 443, produced or manufactured in Romania and exported during the twelve-month period which began on April 1, 1982.

The action taken with respect to the Government of the Socialist Republic of Romania and with respcet to man-made fiber textile products from Romania has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82–29704 Filed 10–27–82; 8:45 am]

BILLING CODE 3510–25–M

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[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of September 3 and November 3, 1980, as amended, between the Governments of the United States and the Socialist Republic of Romania, which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after March 31, 1982.

Announcing an Import Control Level for Certain Man-Made Fiber Textile Products from the Republic of Singapore

October 22, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling imports of man-made fiber woven shirts in Category 640, produced or manufactured in Singapore and exported during the agreement year which began on January 1, 1982 at a level 29,167 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654))

SUMMARY: Under the terms of the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, the United States has decided to control imports of man-made fiber textile products in Category 640 in the same manner as other categories are currently being controlled.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published in the **Federal Register** (46 FR 61687) a letter dated December 15, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. The letter published below further amends the letter of December 15, 1981 to include an import control level of 29,167 dozen for Category 640. The level has not been adjusted to account for any imports after December 31, 1981. Imports during the January-August 1982 period have totaled 22,932 dozen and will be charged. When the data become available, additional charges will be made for the period which began on September 1, 1982 and extends to the effective date of this action.

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

October 22, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive issued to you on December 15, 1981 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, produced or manufactured in Singapore and exported during the twelve-month period which began on January 1, 1982.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 28, 1982 and for the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 entry into the United States for consumption and withdrawal from warehouse for consumption of man-made fiber textile products in Category 640, produced or manufactured in Singapore, in excess of 29,167 dozen.[1]

Textile products in Category 640 which have been exported to the United States prior to January 1, 1982 shall not be subject to this directive.

Textile products in Category 640 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include enty for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of the Republic of Singapore and with respect to imports of man-made fiber textile products from Singapore has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affiars functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Walter C. Lenahan,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-29705 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency Committee; Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee has been scheduled as follows:

December 1, 1982, Wednesday, RDJTF HQ, Tampa, Florida. The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to tactical commanders.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 25, 1982.

[FR Doc. 82-29702 Filed 10-27-82; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Survivor Benefits Program—Application for Annuity—DD 1884.

Public Law 92-425 provides for an annuity, as determined by the retiree, to be paid to widows, dependent children, and other natural interest persons. Upon the death of the retiree, the Uniformed Services Finance Center that paid the service member (retiree) will send the beneficiary DD-1884 in original copy for completion and return that office. Completion/submission of the form revalidates eligibility of the designated beneficiary and updates record information such as address of beneficiary. The completion/submission of DD-1884 is required to enable the beneficiary to apply for entitled benefits provided for in the Public Law.

Widows, dependent children, other natural interest persons of Uniformed Services Retirees; 12,000 respondents; 12,000 burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 4B929, Pentagon, Washington, DC 20301, telephone (202) 697-1195.

A copy of the request for extension may be obtained from Mr. Robert L. Newhart, OASD, MRA&L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This action is for an extension of authority, not for contract purposes.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 25, 1982.

[FR Doc. 82-29703 Filed 10-27-82; 8:45 am]

BILLING CODE 3810-01-M

Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, December 7, 1982; Tuesday, December 14, 1982; Tuesday, December 21, 1982; and Tuesday, December 28, 1982 at 10:00 a.m. in Room 3D321, the Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant

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[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1981. Imports in Category 640 during the January-August 1982 period have amounted to 22,932 dozen.

Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for federal prevailing rate employees pursuant to Pub. L. 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92–463, meetings may be closed to the public when they are "concerned with matters listed in 5 U.S.C. 552b." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D264, the Pentagon, Washington, D.C. 20301.

M. S. Healy,

OSD Federal Register Liaison Officer. Department of Defense.

October 25, 1982.

[FR Doc. 82–29701 Filed 10–27–82; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Proposed Flood Control Project on the North Branch Chicago River in Lake and Cook Counties, Illinois; Intent To Prepare Draft, Environmental Impact Statement

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. The proposed project would involve the construction of flood damage reduction reservoirs in the North Branch Chicago River watershed in Lake and Cook Counties, Illinois. The reservoirs would be excavated below existing ground level and would be dry during non-flood periods, except for a permanent sediment pool. Each reservoir would include a pumping station to empty the reservoir after each flood event had subsided.

2. Alternatives studied in detail are:

a. No action.

b. A system of six reservoirs, two on each branch of the river, which would be part of a larger system of 10 reservoirs, four of which are already in place.

c. A series of plans based on an incremental analysis of the overall effects of each reservoir. The plan finally selected for implementation may consist of none, any one, or any combination of the six Lake County reservoirs investigated.

3. The alternatives considered in this study are essentially from the plan developed by the Soil Conservation Service (SCS) of the U.S. Department of Agriculture, in cooperation with the Metropolitan Sanitary District of Greater Chicago (MSDGC). Their Floodwater Management Plan was released in 1974 and is being partially implemented by MSDGC. This plan was coordinated with all interested parties and agencies during the SCS/MSDGC study. The U.S. Army Corps of Enginers began reevaluation of this plan in 1976, and public participation has included numerous meetings and coordination with the State of Illinois, MSDGC and SCS. The Corps of Engineers also held an interagency meeting to discuss the Floodwater Management Plan in March 1977. Attendees included interested Federal, state and local agencies. In August 1979 a conference was held in Washington, D.C. with representatives from the Illinois Division of Water Resources, MSDGC, SCS, and the Corps of Engineers to discuss hydrologic/hydraulic analysis and computation of benefit-cost ratios. In addition to the agencies mentioned, coordination has also been undertaken with the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, the Illinois Department of Conservation, and the Northeastern Illinois Planning Commission.

4. Significant issues to be analyzed in depth are destruction of wetlands; disruption or destruction of terrestrial and aquatic habitat; mitigation for habitat losses; disposal of excavated material; and aesthetic effects.

5. No scoping meeting will be held.

6. The DEIS is expected to be available in April 1983.

7. Questions about the proposed action and DEIS can be answered by: Rose Austin, U.S. Army Corps of Engineers, Chicago District, Environmental and Social Analysis Section, 219 South Dearborn Street, Chicago, Illinois 60604 (312/353–6464).

Dated: October 20, 1982.

Christos A Dovas, P.E., LTC,

Corps of Engineers, District Engineer.

[FR Doc. 82–29571 Filed 10–27–82; 8:45 am]

BILLING CODE 3710-HN-M

DEPARTMENT OF ENERGY

Energy Information Administration

Request for Comments on Proposed Form EP-781, "Annual Report of International Electrical Export/Import Data"

AGENCY: Energy Information Administration, Energy.

ACTION: Request for comments.

SUMMARY: The requirement to submit electric energy export/import data annually to the Department of Energy (DOE) is found at 10 CFR 205.300 *et seq.* and 205.320 *et seq.*, and is included in the terms and conditions of each approved Export Authorization and Presidential Permit. The purpose of this Notice is to solicit comments on a proposed optional form, which has been developed for submission of these annual reports. The proposed form and instructions are reproduced following this Notice.

DATES: Comments are due November 29, 1982.

ADDRESSES: Address comments to: Garet Bornstein, Office of Energy Emergency Operations, EP–422, Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20582.

FOR FURTHER INFORMATION CONTACT: Garet Bornstein (address above), (202) 252–1714 or Lise Courtney Howe, Office of General Counsel, GC–11, Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–2900.

SUPPLEMENTARY INFORMATION:

I. Background

On October 28, 1980 (45 FR 71558), the Department issued Final Rules relating to applications for authorization to export electric energy to a foreign country (10 CFR 205.300 *et seq.*) and to applications for the construction, connection, operation or maintenance of facilities for the transmission of electric energy at U.S. international boundaries (10 CFR 205.320 *et seq.*).

Pursuant to these rules, an electric utility or other entity, subject to DOE jurisdiction under Part II of the Federal Power Act, which proposes to transmit electricity from the United States to a foreign country must have an Export Authorization (§ 205.300). Additionally, any person, firm, co-operative, corporation or other entity which operates an electric power transmission or distribution facility crossing the border of the United States for the transmission of electric energy between the United States and a foreign country must have a Presidential Permit in compliance with Executive Order 10485, as amended by Executive Order 12038 § 205.320).

Section 205.308(c) relating to electrical exports states that persons receiving authorization to transmit electric energy from the United States shall submit to the DOE by February 15 each year, reports covering each month of the preceding calendar year detailing the gross amount of kilowatt-hours of energy, by authorized category, received or delivered, and the cost and revenue associated with each category.

Section 205.325 states that persons receiving Permits to construct, connect, operate or maintain electric transmission facilities at international boundaries shall submit to the DOE by February 15 each year, reports covering each month of the preceding calendar year and detailing, by category, the gross amount of kilowatt-hours of energy received or delivered and the cost and revenue associated with each category.

The required submission of these data also is included in the terms and conditions of each Export Authorization and Presidential Permit holder. This often has led to the submission of more data than required, thereby unnecessarily burdening Export Authorization or Presidential Permit holders. DOE, therefore, has decided to develop an optional form for the annual submission of these data.

II. Comment Procedures

Form EP-781 is reproduced following this Notice. The public is invited to provide comments on the form within 30 days of publication of this Notice. The following general guidelines are provided to assist in the preparation of responses:

1. Should specific instructions and definitions be included?
2. How many hours, including time for research, computation, form preparation, and administrative review will your firm require to complete and submit the form for the first year of reporting?
3. How many hours will your firm require to prepare the form for subsequent years of reporting?
4. If alternate sources of these data are available to you provide the names of these sources and the title under which the data are collected.
5. How can the form be improved?

Comments submitted in response to this Notice will be included in the request for Office of Management and Budget approval of this data collection and will become a matter of public record.

Issued in Washington, D.C. October 22, 1982.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

Instructions for Completing Form EP-781—Annual Report of International Electrical Export/Import Data

I. Purpose

Form EP-781 has been developed as an optional form to collect information required pursuant to 10 CFR 205.300 *et seq.* and 205.320 *et seq.* Under these regulations, holders of Export Authorizations and Presidential Permits are required to report annually the gross amount of kilowatt hours of energy received or delivered and the cost and revenues associated with these transactions.

II. When to Submit

Reports must be submitted by February 15 each year.

III. Who Must Submit

Holders of Export Authorization and Presidential Permits issued pursuant to 10 CFR section 205.300 and 10 CFR section 205.320.

IV. What to Submit

A separate form must be submitted for each Presidential Permit or Export Authorization held.

V. Where to Submit

Reports are to be submitted not later than February 15 to: Office of Energy Emergency Operations (EP-40), Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585.

Questions concerning the report may be sent to the address above, or may be directed to the EP-781 Coordinator at (202) 252-1714.

VI. General Instructions

Use of Form EP-781 for submission of data required pursuant to 10 CFR 205.308 and 205.325 is optional; however, submission of the data is mandatory. Use of the form is encouraged to ensure consistent reporting of these data and to reduce respondent reporting burden.

VII. Specific Instructions

No specific instructions are included. Information requested is considered to be self explanatory.

VIII. Provisions Concerning Confidentiality of Information

The Department of Energy does not consider data submitted on form EP-781 to be confidential and will not treat it as such.

BILLING CODE 6450-01-M

EP-781 (9/72)

Form Approved
OMB Number
Expires:

ANNUAL REPORT OF INTERNATIONAL ELECTRIC IMPORT/EXPORT DATA

Use of this reporting format is optional. However, data requested must be submitted by Permit holders.

DOE does not consider the data to be confidential and will not treat it as such.

1.0 Identification Information

(a) Name of Permit Holder ____________________

(b) Mailing Address ____________________

(c) City,State Zip Code ____________________

(d) Name of Contact Person ____________________

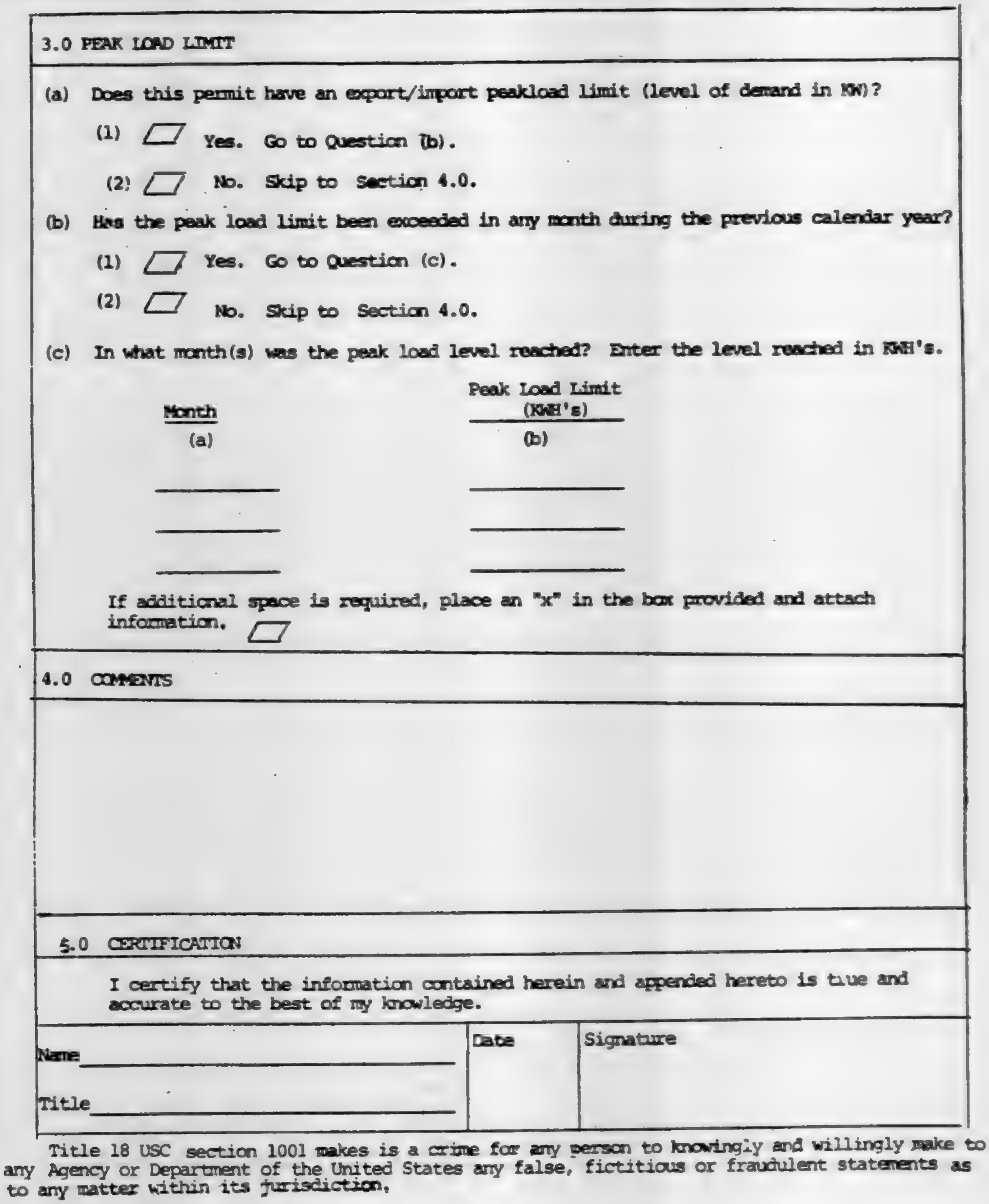
(e) Telephone Number of Contact Person ____________________
(Including Area Code)

f. Presidential Permit/Export Authorization Number, if applicable: ________________

g. Report Year:
19____

2.0 Import/Export Information

Transfer Point (a)	Month (b)	Imports Per Month (KWH) (c)	Costs in U.S. Dollars (d)	Exports Per Month (KWH) (e)	Revenues in U.S. Dollars (f)
	JAN				
	FEB				
	MAR				
	APR				
	MAY				
	JUN				
	JUL				
	AUG				
	SEPT				
	OCT				
	NOV				
	DEC				
ANNUAL TOTAL					



3.0 PEAK LOAD LIMIT

(a) Does this permit have an export/import peakload limit (level of demand in KW)?

(1) ☐ Yes. Go to Question (b).

(2) ☐ No. Skip to Section 4.0.

(b) Has the peak load limit been exceeded in any month during the previous calendar year?

(1) ☐ Yes. Go to Question (c).

(2) ☐ No. Skip to Section 4.0.

(c) In what month(s) was the peak load level reached? Enter the level reached in KWH's.

Month (a)	Peak Load Limit (KWH's) (b)

If additional space is required, place an "x" in the box provided and attach information. ☐

4.0 COMMENTS

5.0 CERTIFICATION

I certify that the information contained herein and appended hereto is true and accurate to the best of my knowledge.

Name Title	Date	Signature

Title 18 USC section 1001 makes is a crime for any person to knowingly and willingly make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

[FR Doc. 82-29551 Filed 10-27-82; 8:45 am]

BILLING CODE 6450-01-C

Federal Energy Regulatory Commission

[Docket No. TA82-2-20-002]

Algonquin Gas Transmission Co.; Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

October 22, 1982.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") on October 18, 1982, tendered for filing Second Substitute 59th Revised Sheet No. 10 and Alternate Second Substitute 59th Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin Gas states that the above-mentioned tariff sheets are being filed to track substitute rates filed by its pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern").

Algonquin Gas requests that the Commission accept that tariff sheet effective September 1, 1982, which synchronizes its rates with the underlying tariff sheet of Texas Eastern.

Algonquin Gas notes that a copy of this filing is being served upon lack affected party and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29614 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-31-000]

American Electric Power Service Co.; Filing

October 22, 1982.

Take notice that on October 13, 1982, the American Electric Power Service Company (AEP) tendered for filing (1) Power Supply Agreement, dated as of October 1, 1982 among Appalachian Power Company (Appalachian), Ohio Power Company (Ohio Power), Monongahela Power Company (Monongahela) and West Penn Power Company (West Penn); (2) Power Resale Agreement, dated as of October 1, 1982 among Monongahela, West Penn, Jersey Central Power and Light Company (Jersey Central), Metropolitan Edison Company (Met Ed), and Pennsylvania Electric Company (Penelec).

AEP states that the Agreements set forth terms pursuant to which Appalachian and Ohio Power will deliver to Monongahela and West Penn 560,000 kilowatts of Capacity and Energy for resale to Jersey Central, Met Ed and Penelec for the period October 25, 1982 through December 31, 1990, inclusive.

The parties have requested a waiver of the Commission's Rules and Regulations to permit the proposed sale to become effective on less than 60 days notice.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29624 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-42-000]

American Electric Power Service Corp.; Filing

October 25, 1982.

Take notice that on October 18, 1982, Appalachian Power Company (AEP) tendered for filing on behalf of its affiliate Appalachian Power Company (APCO, which is an AEP operating subsidiary) Modification 10 dated August 1, 1982 to the Interconnection Agreement dated February 7, 1957 between Carolina Power & Light Company (Carolina) and APCO. The Commission has previously designated the 1957 Agreement as APCO's Rate Schedule FERC No. 44.

Section 1 of this Agreement revises the Short Term Power Service Schedule to include a provision which shall allow either party to sell Short Term Power on a daily basis at the rate of one-fifth (⅕) of their weekly demand rate. The terms and conditions of this proposed change are substantially the same as the Short Term Power Service Schedule presently on file with the Commission between Indiana & Michigan Electric Company (also an AEP operating subsidiary) and Illinois Power Company (Docket ER81-767-000) which has been accepted for filing by the Commission by Letter Order dated November 9, 1981.

AEP requests an effective date of August 8, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29625 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-31-002 (PGA83-1, IPR83-1)]

Arkansas Louisiana Gas Co.; Proposed Change in FERC Gas Tariff

October 22, 1982.

Take notice that on October 18, 1982, Arkansas Louisiana (Arkla) submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Rate Schedule No. G-2, First Substitute 32nd Revised Sheet No. 4 to become effective October 1, 1982.

Arkla states that this filing is made for the purpose of complying with Paragraph (B) of the Commission's order issued September 30, 1982, in which the Commission required Arkla to file within (15) days revised rates tracking the current rate of Louisiana Nebada Transit Company, one of Arkla's pipeline suppliers.

In this filing Arkla also requested that First Substitute 32nd Revised Sheet No. 185 be permitted to become effective on October 1, 1982.

Copies of this filing were mailed to jurisdictional customers served under Arkla's Rate Schedule No. G-2.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29615 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-35-000]

CP National Corp.; Filing

October 22, 1982.

Take notice that on October 15, 1982, CP National Corporation (CP National) tendered for filing a wheeling agreement between CP National and the Fort Mohave Indian Tribe. Under the agreement, CP National will receive the power and energy that the Western Area Power Administration has allocated to the Tribe for irrigation pumping and wheel that energy to the Tribe.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29628 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER80-71-000]

Central Illinois Public Service Co.; Notice of Refund Report

October 22, 1982.

Take notice that on October 8, 1982, Central Illinois Public Service Company filed a refund report pursuant to Commission Opinion No. 142, issued on July 12, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 9, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29639 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos.TA83-1-44-001, TA82-2-44-000, TA82-1-44-000 and TA81-2-44-000 through TA81-44-006]

Commercial Pipeline Co., Inc.; Proposed Change in FERC Gas Tariff

October 22, 1982.

Take notice that on October 13, 1982, Commercial Pipeline Company, Inc. (Commercial) tendered for filing (as part of its FERC Gas Tariff, Fist Revised Volume No. 1) Corrected 40th Revised Sheet No. 3A superseding Substitute 39th Revised Sheet No. 3A to become effective on October 23, 1982.

Commercial states that this filing is made pursuant to Staff's request that certain corrections and additions be made to Substitute 39th Revised Sheet No. 3A.

Copies of this filing were served on Commercial's jurisdictional customers, as well as the Kansas Corporation Commission and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29617 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER76-320-000]

Connecticut Light and Power Co.; Refund Report

October 22, 1982.

Take notice that on August 20, 1982, Connecticut Light and Power Company filed a refund report pursuant to the Commission's order of May 4, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C 20426, on or before November 3, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29640 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-1-23-000]

Eastern Shore Natural Gas Co.; Tariff Filing

October 22, 1982.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on Oct. 15, 1982, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff to be effective November 1, 1982:

1. Proposed Tariff Sheets to Original Volume No. 1

Twenty-Second Revised Sheet No. 5
Twenty-Second Revised Sheet No. 6
Seventh Revised Sheet No. 7
Twenty-Second Revised Sheet No. 10
Twenty-Second Revised Sheet No. 11
Twenty-Second Revised Sheet No. 12

2. Alternative Tariff Sheets to Original Volume No. 1

Alternate Twenty-Second Revised Sheet No. 5
Alternate Twenty-Second Revised Sheet No. 6
Alternate Seventh Revised Sheet No. 7
Alternate Twenty-Second Revised Sheet No. 10
Alternate Twenty-Second Revised Sheet No. 11

Alternate Twenty-Second Revised Sheet No. 12

The purpose of the "Proposed Tariff Sheets" and "Alternate Tariff Sheets" is to reflect various rate adjustments pursuant to the General Terms and Conditions of Eastern Shore's gas tariff and the transportation cost tracking provision of the Stipulation and Agreement approved by letter order issued March 27, 1981 in Docket No. RP80-84. Such adjustments, which are identified below by reference to the related section numbers, are described in detail as follows:

A. *Tracking Rate Changes from Transco under PGA Clause (Section 21):*

1. Eastern Shore proposes to "track" Transco's rate adjustments as filed per "Proposed Tariff Sheets" to be effective November 1, 1982 as proposed in Transco's PGA filing dated October 1, 1982.

2. In the alternative, Eastern Shore proposes to "track" Transco's rate adjustments as filed per "Alternate Tariff Sheets" to be effective November 1, 1982 as proposed in Transco's PGA filing dated October 1, 1982.

B. *Changes in Rates to Reflect Deferred Gas Cost Adjustment (Section 21):* The determination of the (7.0) cents per dt commodity surcharge for amortizing the Unrecovered Purchased Gas Account is shown in the filing on Schedule 2. The calculation is based on the balance in the account as of August 31, 1982.

C. *"PGA Reduction" Reflecting Incremental Pricing Regulations (Section 23):* As Eastern Shore is projecting a zero (0) MSAC for the upcoming PGA period, there can be no incremental pricing surcharges and therefore no "PGA Reduction".

D. *Changes in Rate to Reflect Curtailment Credits (Section 20):* The calculation of the Demand Charge Adjustment of .1 cent per dt pursuant to Section 20 is shown in the filing on Schedule 4.

Pursuant to Article VI of the Stipulation and Agreement in Eastern Shore's Docket No. RP80-84 costs paid to others for transportation may be reflected in Eastern Shore's jurisdictional rates. The determination of the .4 cent per dt transportation surcharge adjustment for amortizing the Unrecovered Transportation Cost Account is shown in the filing on Schedule 5.

It is requested that the "proposed" sheets become effective November 1, 1982 if the Commission accepts Transco's "proposed" sheets. If, however, the Commission does not accept Transco's "proposed" sheets and instead permits Transco's "alternate" sheets to become effective in accordance with the Commission's suspension order of April 30, 1982 in Transco's Docket No. RP82-55, then Eastern Shore proposes that its "alternate" sheets be made effective November 1, 1982.

Eastern Shore states that in making the instant filing it has assumed Commission approval of Eastern Shore's proposal, filed September 13, 1982 in Docket No. TA82-2-23-001, to change its PGA effective dates from September 1 and March 1 to November 1 and May 1. Otherwise the rates accepted by the Commission effective September 1, 1982, will remain effective. (See order issued September 10, 1982 in Eastern Shore's Docket No. TA82-2-23-000.)

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed in or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29618 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-39-000]

Edison Sault Electric Co.; Filing

October 25, 1982.

Take notice that Edison Sault Electric Company (Edison) on October 18, 1982, tendered for filing a Supplemental Agreement No. 7, between Edison and Upper Peninsula Power Company (Upper Peninsula), dated October 1, 1982, which agreement will supplement an existing Contract for Electric Service, dated September 10, 1976, between the same two parties. The contract between the parties, dated September 10, 1976, has been designated FPC Rate Schedule No. 7 (Docket No. ER77-98). The proposed supplemental agreement provides for a change in the rate schedule as provided in the contract, dated September 10, 1976, under section "Increases or Decreases in Rates".

Copies of the filing were served upon Upper Peninsula Power Company and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29629 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP80-40-000]

El Paso Natural Gas Co.; Finality of Order Dismissing Protests

October 22, 1982.

On September 16, 1982, the Chief Administrative Law Judge issued an order in this proceeding dismissing protests pertaining to contracts covered by Section 102, 103, or 107(C) (1)-(4) of the Natural Gas Policy Act of 1978. No party filed exceptions to the judge's order, and the Commission decided not to initiate review of the order. Accordingly, the judge's order is a final order of the Commission pursuant to Rule 712(a) of the Commission's Rules of Practice and Procedure.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29628 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-6-000]

El Paso Natural Gas Co.; Rate Change and Cancellation of Rate Schedule

October 22, 1982.

Take notice that on October 15, 1982, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of a change in rates (and certain identified tariff provisions) for natural gas service rendered to jurisdictional customers served under all rate schedules contained in Original Volume No. 1 and certain rate schedules contained in Third Revised Volume No. 2 and Original Volume No. 2A. Additionally, pursuant to Section 154.64 of the Federal Energy Regulatory Commission's ("Commission") Regulations and in the form prescribed by Section 250.2 of said Regulations, El Paso is tendering for filing and acceptance a revised tariff sheet which will serve to give notice of cancellation of Rate Schedule G–X.

To implement the instant notice of change in rates and cancellation of Rate Schedule G–X, El Paso submitted revised and original tariff sheets, identified on the attached Appendix, for filing and acceptance. The proposed effective date for the tariff sheets and for the increase in rates the subject hereof, is November 14, 1982.

El Paso states that its jurisdictional revenues, based upon its current rates which rates are currently subject to refund and made effective July 1, 1982 at Docket No. RP82–33, are deficient by $104,052,898 annually based upon the test period cost of service and projected sales volumes. Since El Paso's last general rate increase filing filed with the Commission on December 31, 1981 at Docket No. RP82–33, El Paso has experienced and now projects a significant decline in total sales for its interstate pipeline transmission system, based on several factors which include (i) anticipation of a large carryover of hydroelectric power generation capability; (ii) startup of the Diablo Canyon #1 and San Onofre #2 and #3 nuclear power plants; and (iii) continued recession that has affected most industrial demand. El Paso submits that these reasons are not price related and that El Paso would lose the load regardless of price. El Paso also expects that there will be temporary switching to residual fuel oil purchased by industrial customers from refiners who have surplus residual oil. Although the switching would be price induced, El Paso submits that the cost of gas is not the cause. Rather, refiners have the ability to sell off their surplus by undercutting the industrial gas rates established by the local public utility commission.

As a result of the decline in projected total sales, El Paso has found it necessary to design a two-part rate in order to (i) afford its five largest jurisdictional customers a lower commodity rate to aid such customers in marketing their gas in recognition of the current market condition; and (ii) stabilize El Paso's financial situation. The existing ABD Rate Schedules have been superseded and replaced by: (i) ABD–S Rate Schedules for Small Volume General Distribution System Service, by state, which are applicable for El Paso's small east-of-California ("EOC") customers and which have a single part rate; and (ii) ABD–L Rate Schedules for Large Volume General Distribution System Service, by state, which are applicable for El Paso's EOC jurisdictional customers having sales which are equal to or in excess of 20,000,000 Mcf annually (i.e. Arizona Public Service Company, Southern Union Company and Southwest Gas Corporation). Proposed ABD–L Rate Schedules have a two-part rate, as do proposed revised Rate Schedules A–1–X and G. Additionally, proposed Rate Schedule G revises the currently effective Minimum Annual Bill provision to reflect the effect of the two-part rate. ABD–L Rate Schedules and Rate Schedule A–1–X contain a Minimum Bill Provision. Rate Schedule G–X, which is applicable to excess gas delivered to Southern California Gas Company and/or Pacific Gas and Electric Company, has been deemed unnecessary under the provisions of the currently effective service agreements and is therefore proposed to be cancelled. Tendered Twenty-fourth Revised Sheet No. 27–E is in the form prescribed by § 250.2 of the Commission's Regulations and, when accepted for filing and permitted to become effective, will serve to give notice of cancellation of Rate Schedule G–X.

The production and local area sales rate schedules, Rate Schedule X–1 and the special rate schedules "keyed" thereto, reflect an increase of 6.19¢ per Mcf. The proposed increase in rates under EOC sales rates for small customers (ABD–S) and the special rate schedules "keyed" thereto is 7.81¢ per Mcf. Such increase results in an ABD–S Base Tariff Rate for Texas, New Mexico and Arizona of 391.39¢, 391.54¢ and 393.59¢ per Mcf, respectively. The proposed ABD–L Rate Schedules reflect a Fixed Monthly Charge of 3.143¢ per Mcf of the applicable Billing Determinant set forth in Rate Schedule ABD–L and a Commodity Charge for Texas, New Mexico and Arizona as set forth in the Base Tariff Rate of 353.68¢, 353.83¢ and 355.88¢ per Mcf, respectively. The Base Tariff Rate for Rate Schedule A–1–X reflects a Fixed Monthly Charge of 3.143¢ per Mcf of the applicable Billing Determinant set forth in Rate Schedule A–1–X and a Commoditiy Charge of 355.40¢ per Mcf. The Base Tariff Rate for the California sales rate schedule, Rate Schedule G, reflects a Fixed Monthly Charge of 2.351¢ per Mcf of the applicable Billing Determinant set forth in Rate Schedule G and a Commodity Charge of 350.18¢ per Mcf.

The increase in rates for transportation services is 0.81¢ per Mcf as to Mainline Transmission Charges, 7.62¢ per Mcf as to Field Transmission and Field Gathering Charges, 16.49¢ per Mcf as to Processing and 0.19¢ per Mcf applicable to Dehydration only. The increase in the Short Haul Charge, which applies to transportation distances equal to or less than 100 actual transportation miles, is 0.04¢ per Mcf. The San Juan Triangle Charges have decreased by $0.8267 for the Demand Charge and 2.72¢ per Mcf as to the Commodity Charge. The Back Haul Charge is one-half the Base Tariff Rate for the applicable forward haul rate.

El Paso has requested waiver of Section 154.63(e)(2)(ii) of the Commission's regulations so as to permit the inclusion in rate base of an amount consisting of $1,662,604 attributable to facilities not yet placed in service, and the concomitant inclusion in the filed rates of costs associated with such facilities. In the event that such facilities have not been placed in service prior to the effective date of the rates which are the subject of this filing, El Paso will adjust its rates to reflect the elimination of such facilities, excluding those facilities associated with the Anadarko expansion project proposed at Docket No. CP82–179 ("Anadarko III"), as discussed below, from rate base and the elimination of the associated costs from rates.

El Paso has also requested waiver of § 154.63(e)(2)(ii) of the Commission's Regulations so as to permit the inclusion in rates of costs related to certain additional gas supplies to be transported through the presently uncertificated facilities proposed for the Anadarko III expansion proposal. The annual effect of El Paso's cost of service of this single project (exclusive of purchased gas costs) is approximately $6.3 million of which El Paso has only included $4.7 million or 75% of the total to coincide with the nine (9) months the project will be in service over the sales period. Assuming timely issuance of a certificate, El Paso projects that all facilities required to implement this expansion project will be in service by July 1, 1983, three (3) months beyond the close of the test period underlying the rates proposed.

El Paso submits that good cause exists to grant such waiver. Absent this waiver, El Paso will be subjected to a substantial and inequitable cost undercovery associated with the Anadarko III expansion project, while, at the same time, El Paso's customers will be receiving significant gas supply benefits stemming from El Paso's willingness to undertake this important project. Although the Anadarko III project has not yet been certificated, El Paso has predicated the rates proposed on the projected availability, beginning July 1, 1983, of the increased supplies to be transported through the expanded Anadarko area facilities. The projection is consistent with El Paso's conviction that the Anadarko III expansion represents a needed, timely, and economically efficient means of securing significant new supplies for El Paso's system and that it will be found to be so by the Commission. El Paso seeks waiver of the Commission's Regulations with respect to its Anadarko III costs subject to the condition that, on or before December 31, 1982, a certificate of public convenience and necessity has been issued to to El Paso authorizing construction of the facilities therein proposed. In addition, El Paso would not oppose the further condition that if such facilities are not in fact in service on or before July 1, 1983, El Paso will be required immediately to reduce its rates to reflect elimination of all costs associated with the Anadarko III project.

El Paso has proposed certain revisions to the Table of Contents, Rate Schedules, General Terms and Conditions and Index of Purchasers contained in its Original Volume No. 1 Tariff in order to reflect the new rate design discussed above.

Depending upon the outcome of the proceeding at Docket No. RP82-102-000, El Paso will file, to be effective January 1, 1983, a notice of rate change to increase the currently effective Gas Research Institute funding unit to a level as authorized by the Commission. Further, El Paso will file, to be effective April 1, 1983, a semiannual notice of rate change in accordance with the terms of El Paso's Purchased Gas Cost Adjustment Provision of its FERC Gas Tariff. Finally, El Paso, from time to time, may make filings to effectuate rate adjustments and surcharges applicable to particular items of cost which are not included in its general Section 4 rate increase filings. If the effectiveness of the rates proposed by the instant notice is suspended beyond the date that any other rate adjustment of surcharge which El Paso may be authorized to collect becomes effective, El Paso will make the appropriate filings with the Commission to reflect in its rates the effect of any such adjustments or surcharges. To facilitate making such fulings, El Paso specifically requests that the Commission expressly state in its suspension order, applicable to the instant notice, that the rates ultimately placed into effect in the instant proceeding shall reflect any rate adjustments or surcharges which become effective during the suspension period pursuant to El Paso's FERC Gas Tariff or any other Commission authorization.

As a result of the decision of the United States Court of Appeals for the Fifth Circuit in *Mid-Louisiana Gas Co. v. FERC*, No. 80-3804 (December 23, 1981), all of El Paso's company-owned production is deemed to be subject to the maximum lawful price provisions of the Natural Gas Policy Act of 1978. Consistent with the *Mid-Louisiana* decision, El Paso is treating such production as having been acquired through a "first sale" and has eliminated from its cost of service and the rate change all costs associated with such production.

El Paso has requested that waiver be granted of all applicable rules and regulations of the Commission as may be necessary so as to implement the notice of change and cancellation of rate schedule in the manner described herein.

El Paso states that a copy of the notice of change and cancellation of rate schedule, together with a copy of the documents filed concurrently, has been served upon all customers served from El Paso's interstate system and upon all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said notice should, on or before Nov. 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a motion to intervene or a protest in accordance with the requirements of Rule 214 or Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

Appendix

Original Volume No. 1

Twenty-fifth Revised Sheet No. 1
Thirty-fourth Revised Sheet No. 3-B
Twenty-fourth Revised Sheet No. 4
Second Revised Sheet No. 5
Original Sheet Nos. 5-A, 5-B and 5-C
Twenty-first Revised Sheet No. 27-B
Seventh Revised Sheet No. 27-C
Fourth Revised Sheet No. 27-D
Twenty-fourth Revised Sheet No. 27-E
Third Revised Sheet No. 33
Twenty-second Revised Sheet No. 34
Twenty-sixth Revised Sheet No. 36
Fourth Revised Sheet No. 37
Sixth Revised Sheet No. 47
Second Revised Sheet No. 63-F
Second Revised Sheet No. 63-G
Fourth Revised Sheet No. 63-H
Twenty-fifth Revised Sheet No. 92
Twenty-sixth Revised Sheet No. 93
Twenty-seventh Revised Sheet No. 94
Twenty-first Revised Sheet No. 95
Eighth Revised Sheet No. 95-A

Third Revised Volume No. 2

Twenty-fifth Revised Sheet No. 1-D
Thirteenth Revised Sheet No. 1-D.2

Original Volume No. 2A

Twenty-sixth Revised Sheet No. 1-C

[FR Doc. 82-29619 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. DR82-701-001]

Florida Power Corp.; Notice of Compliance Filing

October 22, 1982.

The filing company submits the following:

Take notice that on October 1, 1982, Florida Power Corporation filed revised rates in compliance with the Commision's order of September 24, 1982.

Any person desiring to be heard or to protest his filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 8, Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public in spection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29641 Filed 10-27-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-32-000]

Florida Power & Light Co., Filing

October 22,1982.

The filing Company submits the following:

Take notice that on October 13, 1982, Florida Power & Light Company (FPL) tendered for filing a fully executed Agreement, entitled "Service Agreement For the Supply of Sale for Resale Electric Power Service to Lake Worth Utilities Authority" (Lake Worth) and Exhibit A—Delivery Point and Service specifications to the Service Agreement.

FPL also tendered for filing Revised Sheet No. 24 to FPL's FPC Electric Electiric Tariff, Original Volume No. 1 (Tariff) which sheet reflects the addition of Lake Worth to the index of Customers and Delivery Points.

FPL states that under the Agreement, FPL shall furnish electric service in accordance with the Agreement and the Tariff.

FPL requests an effective date of November 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Director of Utilities of the Lake Worth Utilities Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29642- filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-5-000]

Gulf States Utilities Co.; Application

October 25, 1982.

Take notice that on October 15, 1982, Gulf States Utilities Company (Applicant), filed an Application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to 6,000,000 shares of its Common Stock, without par value, pursuant to the Applicant's automatic Dividend Reinvestment and Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 11, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385-214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29630 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-36-000]

Idaho Power Co.; Filing

October 22, 1982.

Take notice that on October 15, 1982, Idaho Power Company (Idaho) tendered for filing service agreements between Idaho and Puget Sound Power & Light Company and the Intermountain Consumer Power Association.

Idaho requests an effective date of October 12, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29631 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-6-000]

Idaho Power Co.; Application

October 25, 1982.

Take notice that on October 19, 1982, Idaho Power Company (Applicant) filed an Application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing the entry into a $100,000,000 Short-Term Debt Credit Agreement. Final maturity date for debt issued under the Agreement would be not later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said Application should, on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). The Application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29632 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-10-000]

The Inland Gas Company, Inc.; Application

October 22, 1982.

Take notice that on October 2, 1982, The Inland Gas Company, Inc. (Applicant), 340 Seventeenth Street, Ashland, Kentucky 41101, filed in Docket No. CP83-10-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to be sold directly to Vistron Corporation (Vistron), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to transport in its existing pipeline system and deliver through existing interconnecting facilities located in Boyd, Floyd and Knott Counties, Kentucky, up to 28,000 Mcf of natural gas per day to Columbia Gas Transmission Corporation (Columbia Transmission) for the account of Vistron. According to Applicant authorization for said transportation and delivery is required for Applicant to effect a non-jurisdictional sale of natural gas to Vistron pursuant to the terms and provisions of a gas sales agreement with Vistron dated September 30, 1982. Applicant states that no additional facilities would be required to implement the proposed transportation and delivery. Applicant further states that the gas would be transported to Vistron, for use in its ammonia-based products plant near Lima, Ohio, through the facilities of Columbia Transmission and Columbia Gas of Ohio, Inc.

It is indicated that the sales agreement as well as the related transportation agreements provide for service on a best-efforts, interruptible basis. Applicant advises that Vistron would utilize the natural gas in the production of ammonia-based products, principally agricultual fertilizers. It is stated that Applicant would charge Vistron an initial rate of $3.54 per Mcf, subject to any adjustments consistent with the rates of Applicant's major supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), specified under Rate Schedule CD-2 of Tennessee's FERC Gas Tariff, Original Volume No. 1. Applicant submits that the sale to Vistron would alleviate Applicant's exposure to substantial payments under the minimum bill provisions of Tennessee's FERC Gas Tariff, Original Volume No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29646 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER80-598-000, ER80-599-000, ER80-638-000, ER80-718-000, and ER81-320-000]

Iowa-Illinois Gas and Electric Co.; Refund Report

October 25, 1982.

Take notice that on October 12, 1982, Iowa-Illinois Gas and Electric Company filed a refund report pursuant to the Commission's order issued on September 22, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 9, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29633 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-37-000]

Kansas Power & Light Co.; Filing

October 25, 1982.

Take notice that on October 15, 1982, the Kansas Power and Light Company (KPL) tendered for filing a newly executed contract with the City of Herington, Kansas for wholesale service to that community with the proposed effective date of not later than July 1, 1983. KPL states that this contract permits the City of Herington to receive service under rate schedule WTU-81 designated supplement 6 to R.S. FERC No. 177. The proposed contract change will increase the capacity of on and off peak power to the City of Herington and KPL will purchase emergency electrical energy, when available from the City of Herington.

Copies of the filing have been mailed to the City of Herington and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211, 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29634 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC82-40-000]

MacMillan Bloedel Inc., (Southern Natural Gas Co.; Informal Settlement Conference

October 21, 1982.

On July 23, 1982, MacMillan Bloedel Inc. (MBI) filed a petition for temporary and extraordinary relief from the currently effective curtailment plan of Southern Natural Gas Company (Southern). MBI requests an order directing Southern to deliver a maximum of 8,928 Mcf per day under a firm contract for a nine month period between August 15, 1982 and May 15, 1983.

Take notice that on November 3, 1982, at 9:30 a.m., a settlement conference for all interested parties will be convened concerning the issues involved in the above-referenced proceeding. All parties will be expected to come fully prepared to discuss the merits of the issues arising in this proceeding and to make commitments with respect to such issues and to any offers of settlement or stipulation discussed at the conference. The conference will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The room will be posted on the bulletin board located on the second floor of the building on the date of conference.

All interested parties and Staff will be permitted to attend but attendance will not be deemed to authorize intervention as a party in these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29643 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-1-000]

Michigan Wisconsin Pipe Line Co.; Tariff Filing

October 22, 1982.

Take notice that on October 1, 1982, Michigan Wisconsin Pipe Line Company tendered for filing Sixth Revised Sheet No. 667 under Rate Schedule X-64 of First Revised Volume No. 2 of its F.E.R.C. Gas Tariff, to become effective November 1, 1982.

Michigan Wisconsin states that this filing has been made to reflect the redetermination of the monthly charge to the High Island Offshore System (HIOS) for services rendered by Michigan Wisconsin in accordance with a service agreement between Michigan Wisconsin and HIOS dated August 4, 1977, and authorized by Commission Order issued July 6, 1978, at Docket No. CP78-134.

Any person desiring to be heard or to protest said filing should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington, D.C. 20426, in accordance with Rule 211 or Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any party wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29620 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-499-000]

Niagara Mohawk Power Corp.; Refund Report

October 22, 1982.

Take notice that on October 12, 1982, Niagara Mohawk Power Corporation filed a refund report pursuant to the Commission's order of August 26, 1982.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 9, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29644 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-1-37-002 and TA83-1-37-001 (PGA 83-1, DCA 83-1]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

October 22, 1982.

Take notice that on October 12, 1982, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets:

Second Revised Sheet No. 125
Third revised Sheet No. 126

Sheet Nos. 125 and 126 constitute revisions to Northwest's PGA clause as required by Commission Order dated September 30, 1982 at the above referenced docket. The changes revise Northwest PGA provision in order to limit the inclusion of exchange gas transactions in Northwest's annualized purchased gas cost calculation and its monthly purchased gas deferral calculation to noncurrent exchange gas transactions only.

Northwest is submitting the above tariff sheets in compliance with the September 30, 1982 Commission Order. Northwest requested that the Commission: (1) Grant relief from that portion of Ordering Pargaraph (B) that requires the filing of reduced rates because, when the proper exchange gas adjustment is made, the revision would actually result in a rate increase; and (2) make a one time adjustment to Account No. 191 by the balance of the exchange gas account at June 30, 1982; all as more fully discussed in the filing. To the extent the Commission denies the relief requested herein, Northwest respectfully requested that the Commission construe the instant filing as a petition for rehearing pursuant to Section 19(a) of the Natural Gas Act, 15 U.S.C. 717e.

Northwest also requests waiver of the Commission's regulations in order to allow an effective date of October 1, 1982, the effective date approved by the Commission in its September 30, 1982 Order.

A copy of this filing has been mailed to all of Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before October 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29621 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-33-000]

Pacific Gas and Electric Co.; Filing

October 22, 1982.

Take notice take that Pacific Gas and Electric Company (Pacific) on October 13, 1982, tendered for filing an Economy Energy Contract between Pacific and Salt River Project Agricultural Improvement and Power District (Salt River Project) dated September 3, 1982.

Pacific states that the Contact provides for non-firm energy sales between the Parties at mutually agreed upon times and locations as scheduled by the Parties' dispatchers. The rates for such sales shall be either in the form of an average of the Seller's incremental energy cost and the Purchaser's decremental energy cost, or at a rate mutually acceptable by both Parties with the intent of providing a benefit to each Party. In addition, on or about the twentieth of the following month, the Seller shall render a bill to the Purchaser for such transactions to be payable within fifteen (15) days of receipt of said bill.

Pacific further states that any transmission charges and energy losses incurred during transmission of such economy energy shall be included as credits to the Purchaser's decremental costs.

Pacific request an effective date of September 3, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29635 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-40-000]

Pacific Power & Light Co.; Filing

October 25, 1982.

Take notice that Pacific Power & Light Company (Pacific) on October 18, 1982, tendered for filing the Transmission Agreement between Bonneville Power Administration (Bonneville) and Pacific executed on September 27, 1979. The Transmission Agreement provides for certain transmission services to be provided by Bonneville and the exchange transmission capacity between Bonneville and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective 60 days from the date of this filing.

Copies of this filing were served upon Bonneville Power Administration.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29636 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-38-000]

Public Service Co. of New Hampshire; Filing

October 25, 1982.

Take notice that on October 15, 1982, the Public Service Company of New Hampshire (PSNH) tendered for filing an initial rate for transmission service to be provided to Boston Edison Company and Massachusetts Municipal Wholesale Electric Company by PSNH over its Pool Transmission Facilities system.

The rate applicable to the provision of transmission service is $8.54 per KW, per year, determined pursuant to the formula contained in FERC Electric Tariff Original Volume No. 1, filed by PSNH on December 7, 1981, as revised, and pursuant to the formula in said tariff the rate will be updated annually as provided therein.

PSNH requests an effective date of November 1, 1982.

Copies of the filing were served upon Boston Edison Company, Massachusetts Municipal Wholesale Electric Company, the New Hampshire Public Utilities Commission and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 10, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29637 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-105-000]

Sierra Pacific Power Co.; Request for Further Order

October 21, 1982.

Take notice that on October 8, 1982, Sierra Pacific Power Company filed a request that the Commission issue a further order in Docket No. ER82-105-000 amending an earlier settlement agreement that was accepted and approved by the Commission on August 2, 1982. Sierra Pacific seeks modification of that portion of the Commission's letter order which states that "approval of this settlement shall not constitute approval of or precedent regarding any principle or issue in this proceeding." Sierra Pacific requests that the letter order be amended to specifically recognize that the underlying cost support which accompanied the original filing was based on full normalization of all method and life timing differences. Such an amendment, ordered on or before January 1, 1983, would qualify Sierra Pacific for substantial Accelerated Cost Recovery System (ACRS) benefits under the Economic Recovery Tax Act of 1981 (26 USC 168).

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before October 29, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the original filing, the settlement agreement, and the letter requesting issuance of the further order are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29645 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP80-24-000]

Transcontinental Gas Pipe Line Corp.; Finality of Order Dismissing Protests

October 22, 1982.

On September 16, 1982, the Chief Administrative Law Judge issued an order in this proceeding dismissing protests pertaining to contracts covered by Section 102, 103 or 107(C) (1)-(4) of the Natural Gas Policy Act of 1978. No party filed exceptions to the judge's order, and the Commission decided not to initiate review of the order. Accordingly, the judge's order is a final order of the Commission pursuant to Rule 712(a) of the Commission's Rules of practice and Procedure.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29638 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP82-125-003 and CP82-125-004 and Docket Nos. CP82-385-000]

Trans-Niagara Pipeline and Transcontinental Gas Pipe Line Corp.; and Environmental Inspection of the Route and Alternatives

October 22, 1982.

Notice is given that from November 3 to November 5, 1982, members of the staff of the Federal Energy Regulatory Commission, accompanied by technicians representing the applicants, will conduct an environmental inspection of the routes of the facilities proposed in the applications identified above and alternatives to them. The inspection will be made by overflight of the proposed and alternative routes in a helicopter provided by the companies. Because of the restricted carrying capacity of the aircraft, parties wishing to join this inspection will need to arrange for their own transportation.

Additional information about the field inspection is available from Mr. Kenneth Frye, Project Manager, Environmental Evaluation Branch, Office of Pipeline and Producer Regulation, telephone (202) 357-9039.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29622 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP80-26-000]

Trunkline Gas Co.; Finality of Order Dismissing Protests

October 22, 1982.

On September 15, 1982, the Chief Administrative Law Judge issued an order in this proceeding dismissing protests pertaining to contracts covered by Section 102, 103 or 107(C)(1)-(4) of the Natural Gas Policy Act of 1978. No party filed exceptions to the judge's order, and the Commission decided not to initiate review of the order. Accordingly, the judge's order is a final order of the Commission pursuant to Rule 712(a) of the Commission's Rules of Practice and Procedure.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29647 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-65-001]

Trunkline LNG Co.; Filing of Change in FERC Gas Tariff

October 22, 1982.

Take notice that Trunkline LNG Company (Trunkline LNG) on October 14, 1982 tendered for filing First Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This revised tariff sheet will become effective, subject to refund, on October 16, 1982, the day after initial deliveries.

Trunkline LNG states that this filing reflects a reduction in the interim rate included in its pending cost of service tariff, which is the subject of this proceeding, from $7.38 per MMBtu $7.16 per MMBtu. Trunkline LNG states that this reduction solely reflects the change in the cost of LNG, effective July 1, 1982, pursuant to Article VIII of the LNG Supply Contract, as authorized by previous commission orders in Docket No. CP74-138, *et. al.*

Trunkline LNG states that copies of this filing were served on Trunkline Gas Company, Trunkline Gas Company's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C., 20426, in accordance with Section 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such petitions or protests be filed on or before Oct. 29, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29623 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-34-000]

Utah Power & Light Co.; Filing

October 22, 1982.

Take notice that on October 15, 1982, Utah Power & Light Company (Utah) tendered for filing a change in rates under a Residential Purchase and Sale Agreement between Utah and the Bonneville Power Administration (BPA).

Utah states that the Agreement was entered into pursuant to the Pacific Northwest Electric Power Planning and Conservation Act, Pub. L. 96-501. The Agreement provides for the exchange of electric power between Utah and BPA for the benefit of Utah's residential and farm customers in the State of Idaho.

Utah proposes an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing were served upon BPA and the Idaho Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29648 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2408-003]

Alabama Power Co., Mount Vernon Mills, Inc.; Application for Transfer of Major License

October 25, 1982.

Take notice that Alabama Power Company and Mount Vernon Mills, Inc., joint Licensees for the Thurlow Project, FERC No. 2874, have requested that the project license be transferred to Alabama Power Company, which would become the sole Licensee for the project. The Thurlow Project is located on the Tallapoosa River in Tallapoosa and Elmore Counties, Alabama. The project installed capacity is 58, 000 kilowatts.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29665 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3521-001]

Atlantic Power Development Corp.; Surrender of Preliminary Permit

October 25, 1982.

Take notice that Atlantic Power Development Corporation, (APDC), Permittee for the Monongahela River Lock and Dam No. 7 Project No. 3521 located on the Monongahela River in Allegheny County, Pennsylvania has requested that its preliminary permit be terminated. The preliminary permit was issued on October 27, 1981, and would have expired October 1, 1983.

APDC states that due to pending renovations of the dam by the Corps of Engineers the project is rendered infeasible.

APDC's request was dated September 28, 1982. The surrender of the permit for Project No. 3521 is effective as of the date of issuance of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29666 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6693-000]

James W. Guercio; Application for Preliminary Permit

October 25, 1982.

Take notice that James W. Guercio (Applicant) filed on September 20, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6693 to be known as the Caribou Ranch II Project located on the North Boulder Creek in Boulder County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: James W. Guercio, Caribou Ranch, P.O. Box 310, Nederland, Colorado 80466.

Project Description—The proposed project would consist of the following: (1) A proposed 25-foot-long, 10-foot-wide and 6-foot-high diversion and intake structure; (2) a proposed 11,000-foot-long, 18-inch diameter penstock; (3) a proposed 500-square-foot powerhouse containing a turbine/generator unit with an installed capacity of 800-kW; (4) a proposed tailrace; (5) a proposed 500-foot-long transmission line; and (6) appurtenant facilities. The estimated annual energy production of 5,500 MWh would be exchanged/sold to Public Service Company of Colorado.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $50,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 25, 1983, the competing application itself (see: 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before December 27, 1982, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commssion's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before December 27, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29667 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6393-001]

Lawrence J. McMurtrey; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 25, 1982.

Take notice that on September 8, 1982, Lawrence J. McMurtrey (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6393 would be located on Goodman and Murphy Creeks within Mt. Baker-Snoqualmie National Forest near the town of Darrington in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. Lawrence J. McMurtrey, 12122 196th N.E., Redmond, Washington 98052.

Project Description—The proposed project would consist of: (1) Two 2-foot-high diversion structures; (2) two 24-inch-diameter pipelines, one 9,240 feet long, the other 3,036 feet long connecting with; (3) a 30-inch-diameter, 3,330-foot-long penstock; (4) a powerhouse to contain a generating unit with a rated capacity of 3,260 kW, operating under a head of 1,479 feet; (5) a tailrace; and (6) appurtenant facilities. The estimated average annual energy output is 14.25 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 13, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 18, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29668 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6403-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 25, 1982.

Take notice that on June 3, 1982, Western Hydro Electric, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6403 would be located on Swift Creek within Mt. Baker National Forest in Whatcom County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Inc., 50 S. Main St., Suite 600, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A 6-foot-high concrete diversion structure; (2) a 48-inch-diameter, 16,000-foot-long penstock; (3) a powerhouse containing two generating units with a combined rated capacity of 4,800 kW, operating under a head of 1,200 feet; and (4) appurtenant facilities.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comment will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 13, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc.

are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 F.R. 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 13, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb.

Secretary.

[FR Doc. 82-29671 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6402-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 25, 1982.

Take notice that on June 3, 1982, Western Hydro Electric, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6402 would be located on Rainbow Creek within Mt. Baker National Forest in Whatcom County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Vice President, Western Hydro Electric, Inc., 50 S. Main St., Suite 600, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A 6-foot-high concrete diversion structure; (2) a 42-inch-diameter, 11,000-foot-long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 3,650 kW, operating under a head of 1,190 feet; and (4) appurtenant facilities.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Departments of Fisheries and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevent to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 13, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 13, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29670 Filed 10-27-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53042; TSH-FRL 2234-5]

Premanufacture Notices; Monthly Status Report for September 1982

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to issue a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for September 1982.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance. Nonconfidential portions of the PMNs may be seen in Rm. E-106 at the address below between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays

ADDRESS: Written comments are to be identified with the document control number "[OPTS-53042]" and the specific PMN number should be sent to: Document Control Officer TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460, (202-282-3532).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M Street, SW., Washington, DC 20460, (202-382-3746).

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during September; (b) PMNs received previously and still under review at the end of September; (c) PMNs for which the notice review period has ended during September; (d) chemical substances for which EPA has received a notice of commencement to manufacture during September; and (e) PMNs for which the review period has been suspended. Therefore, the September 1982 PMN Status Report is being published.

Dated: October 20, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

Premanufacture Notices Monthly Status Report September 1982

I. 69 PREMANUFACTURE NOTICES RECEIVED DURING THE MONTH

PMN No.	Identity/generic name	FR citation	Expiration date
82-641	Generic name: Substituted ammonium sulfonate	47 FR 39885 (9/10/82)	Nov 29, 1982
82-642	Generic name: Organophosphorus compound	47 FR 41165 (9/17/82)	Dec. 1, 1982
82-643	Generic name: Organophosphorus compound	47 FR 41166 (9/17/82)	Do.
82-644	Generic name: Alkylene ether diol	47 FR 41166 (9/17/82)	Do
82-645	Generic name: Condensate of formaldehyde and an organic base	47 FR 41166 (9/17/82)	Do.
82-646	Generic name: Cobalt complex-[hydroxynitro-phenyl-azo)-(substituted)phenyl pyrazolones], sodium salt.	47 FR 41166 (9/17/82)	Do
82-647	Generic name: [(Benzoquinolinyl)-(imidazolyl-methylene)]-indenedione derivative, mixed salt	47 FR 41166 (9/17/82)	Do.
82-648	Generic name: [(Benzoquinolinyl)-(imidazolyl-methylene)]-indenedione derivative, mixed salt	47 FR 41166 (9/17/82)	Do
82-649	Generic name: Benzene dicarboxylic acid polyester	47 FR 41166 (9/17/82)	Do.
82-650	Generic name: Pentasubstituted pentanamide	47 FR 41166 (9/17/82)	Do.
82-651	Generic name: Metal complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Dec. 5, 1982
82-652	Generic name: Metal complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Do.
82-653	Generic name: Metal complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Do.
82-654	Generic name: Mixed complexed substituted aromatic salt	47 FR 41166 (9/17/82)	Do.
82-655	Generic name: Substituted acrylamide copolymer	47 FR 41166 (9/17/82)	Do.
82-656	Generic name: Polymer of disubstituted benzenes and disubstituted alkane	47 FR 41167 (9/17/82)	Dec 7, 1982
82-657	Generic name: Sulfonated vinylic polymer	47 FR 41167 (9/17/82)	Do.
82-658	Generic name: Substituted pyrazine salt	47 FR 42152 (9/24/82)	Dec. 8, 1982
82-659	Generic name: Substituted succinic anhydride	47 FR 42152 (9/24/82)	Do.
82-660	Generic name: Polycarboxylic anhydride polymer	47 FR 42152 (9/24/82)	Do.
82-661	Generic name: Modified polyurethane	47 FR 42152 (9/24/82)	Do
82-662	Generic name: Modified polyurethane	47 FR 42152 (9/24/82)	Do.
82-663	Generic name: Modified diol.	47 FR 42152 (9/24/82)	Do
82-664	Generic name: 4-hydroxy-N-substituted-3-nitro-benzenesulfonamide	47 FR 42152 (9/24/82)	Do.
82-665	Generic name: 3-amino-4-hydroxy-N-substituted benzenesulfonamide	47 FR 42152 (9/24/82)	Do.
82-666	Generic name: Oleic, linoleic and palmitic acids	47 FR 42152 (9/24/82)	Dec. 12, 1982
82-667	Generic name: Cyclic aldehyde	47 FR 42152 (9/24/82)	Do.
82-668	Poly(oxy-1, 2-ethanediyl) alpha-C_{12}-C_{14} alkyloxy-omega methoxy	47 FR 42152 (9/24/82)	Do
82-669	Generic name: Unsaturated polyester with halo-genated glycol	47 FR 42153 (9/24/82)	Dec. 13,1982
82-670	Generic name: Oxirane polymer of isocyanic acid ester.	47 FR 42153 (9/24/82)	Do.
82-671	Generic name: Vinyl chloride-ethylene co-polymer	47 FR 42153 (9/24/82)	Dec. 14, 1982
82-672	Generic name: Substituted polyethyleneamine polyisobutenylsuccinimide	47 FR 42153 (9/24/82)	Do.
82-673	Generic name: Substituted polyethyleneamine polyisobutenylsuccinimide	47 FR 42153 (9/24/82)	Do.
82-674	Hexa-aquomagnesium (II) bis(2-carboxylatomono-peroxy-benzoic acid)	47 FR 42153 (9/24/82)	Do.
82-675	Generic name: Isocyanate terminated polyester-ether polyurethane prepolymer	47 FR 43160 (9/30/82)	Dec. 15, 1982
82-676	Generic name: Heterocyclic, aromatic methane	47 FR 43161 (9/30/82)	Do
82-677	Generic name: Chromium complex of a substituted phenolazophenylpyrazolone	47 FR 43161 (9/30/82)	Do.
82-678	Generic name: Chlorinated aromatic azo anthraquinone pigment	47 FR 43161 (9/30/82)	Do.
82-679	Generic name: Chlorinated aromatic azo pigment	47 FR 43161 (9/30/82)	Dec. 18, 1982
82-680	2-propenoic acid, 2-hydroxyethyl ester, polymer with 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, -hydro-w-hydroxy poly(oxy-1,2-ethanediyl), 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethy-cyclohexane and 2 oxepanone.	47 FR 43161 (9/30/82)	Do.
82-681	Generic name: Chromium complex of a sulfoaphthylazophenylpyrazolone	47 FR 43161 (9/30/82)	Dec. 19, 1982
82-682	Generic name: Polyester from an alkanedioic acid, carbomonocyclic anhydride and substituted alkane diols.	47 FR 43161 (9/30/82)	Do.
82-683	Generic name: Halogenated ketone	47 FR 43161 (9/30/82)	Do.
82-684	Generic name: Halogenated hydrocarbon	47 FR 43161 (9/30/82)	Do.
82-685	Generic name: Diethylene glycol ether	47 FR 43161 (9/30/82)	Do.
82-686	Generic name: Disubstituted-1-naphthol	47 FR 43161 (9/30/82)	Do.
82-687	Generic name: Methacrylate copolymer	47 FR 43161 (9/30/82)	Do.
82-688	Generic name: Acrylate copolymer solution	47 FR 43162 (9/30/82)	Do.
82-689	Generic name: Alkiyl amino ethoxy ethanol	47 FR 43162 (9/30/82)	Dec. 20, 1982.
82-690	Generic name: [Hydroxy(methylsulfonyl)phenyl]azo substituted heteromonocycle, metal complex (2:1), compd. alkanamine(1:1).	47 FR 44606 (10/8/82)	Dec. 21, 1982.

I. 69 Premanufacture Notices Received During the Month—Continued

PMN No.	Identity/generic name	FR citation	Expiration date
82-691	Generic name: Ethylene interpolymer	47 FR 44608 (10/8/82)	Dec. 22, 1982.
82-692	Generic name: Substituted glycine complex.	47 FR 44608 (10/8/82)	Do.
82-693	Generic name: 1,1-dimethylethyl peroxyester	47 FR 44608 (10/8/82)	Do.
82-694	Generic name: Trialkyl dioxane	47 FR 44608 (10/8/82)	Dec. 25, 1982.
82-695	Generic name: Alkyl bicyclononane.	47 FR 44608 (10/8/82)	Do.
82-696	Generic name: Alkyl spirononane	47 FR 44608 (10/8/82)	Do.
82-697	Generic name: Alkyl spirodecane	47 FR 44609 (10/8/82)	Do.
82-698	Generic name: Aminosulfur compound	47 FR 44609 (10/8/82)	Do.
82-699	Generic name: Unsaturated polyester	47 FR 44609 (10/8/82)	Do.
82-700	Generic name: Alkyd resin.	47 FR 44609 (10/8/82)	Do.
82-701	Generic name: Aromatic disazo dye	47 FR 44609 (10/8/82)	Dec. 26, 1982.
82-702	Generic name: Metal complexed, substituted aromatic azo compound	47 FR 44609 (10/8/82)	Do.
82-703	Generic name: Reaction product of coco glycerides, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines.	47 FR 44609 (10/8/82)	Do.
82-704	Generic name: Reaction product of carboxylic acid, sulfur, and polyalkylene-substituted phenol condensation product with aldehyde and mixed amines.	47 FR 44609 (10/8/82)	Do.
82-705	Generic name: Epoxy urethane	47 FR 44609 (10/8/82)	Do.
82-706	Generic name: Sulfophenylazonaphthyl dye.	47 FR 44609 (10/8/82)	Do.
82-707	Generic name: Neutralized reaction product of an alkanedioic acid and substituted alkanes.	47 FR 44609 (10/8/82)	Do.
82-708	Generic name: Ester of diazo-naphthoquinone	47 FR 44609 (10/8/82)	Dec. 27, 1982.
82-709	Generic name: Dibasic acid esters of monohydric	47 FR 44609 (10/8/82)	Do.

II. 110 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

PMN No.	Identity/generic name	FR citation	Expiration date
82-156	Methyl-{trifluoromethyl-poly-(oxy-difluoro-methylene)-poly-[oxy-2-(trifluoromethyl)-trifluoroethylene]oxy} difluoromethyl carboxylate.	47 FR39241 (9/7/82)	Nov. 21, 1982.
82-157	Trifluoromethyl-poly-(oxydifluoro-methylene)-poly-[oxy-2-(trifluoromethyl)-trifluoro-ethylene]oxy-difluoromethyl carboxylic acid.	47 FR 39241 (9/7/82)	Do.
82-158	2-{trifluoromethyl-poly-(oxy-difluoromethylene)-poly-[oxy-2-(trifluoromethyl)-trifluoro-ethylene]oxy} 2,2 difluoroethanol.	47 FR 39241 (9/7/82)	Do.
82-159	Aryl-[aryl-oxycarbonyl difluoromethyl-poly-(oxy-difluoromethylene)-poly-(oxydifluoromethylene)-poly-(oxytetrafluoro ethylene)oxy]-difluoromethyl-carboxylate.	47 FR 39242 (9/7/82)	Do.
82-160	Methyl[methyloxycarbonyl difluoromethyl-poly-(oxydifluoromethylene)-poly-(oxy tetrafluoro ethylene)oxy]-difluoromethyl carboxylate.	47 FR 39242 (9/7/82)	Do.
82-161	2-(cyano difluoromethyl-poly-(oxydifluoro-methylene)-poly-(oxytetrafluoroethylene)-oxy] 2,2-difluoroacetonitrile.	47 FR 39242 (9/7/82)	Do.
82-162	2-[2,2-difluorohydroxyethyl-poly-(oxy-difluoromethylene -poly-(oxy trifluoroethylene)oxy]-2,2-difluoroethanol.	47 FR 39242 (9/7/82)	Do.
82-163	2-[2,2-difluoroaminoethyl-poly-(oxydifluoromehtylene)-poly-(oxytetrafluoroethylene)oxy] 2,2-difluoro-ehtylamine.	47 FR 39242 (9/7/82)	Do.
82-164	2-{1-[N-m-isocyanato-o-(p)-tolyl)carbamyl] 2,2-difluoroethyl-poly-(oxydifluoroethyene)-poly-tetrafluoro-ethylene)oxy} 2,2-difluoroethyl-N-(m-isocyanato-o-(p)-tolyl)-carbamate.	47 FR 39242 (9/7/82)	Do.
82-165	2[isocyanato-2,2-difluoroethyl-poly-oxydifluoro-methylene)-poly-(oxytetrafluoroethylene)oxy]-2,2-difluoroethyl isocyanate.	47 FR 39242 (9/7/82)	Do.
82-538	Generic name: Modified polymer of styrene and substituted alkyl methacrylates	47 FR 35333 (8/13/82)	Oct. 31, 1982.
82-539	Generic name: Terephthalate polyester transesterification product with dialkylene glycols and glycerine.	47 FR 35333(8/13/82)	Do.
82-540	Polymer of butyl 2-methyl-2-propenoate, ethenyl benzene, N-[(2-methylpropoxy)methyl]-2-propenamide..	47 FR 35333 (8/13/82)	Do.
82-541	Generic name: Fumarated rosin ester.	47 FR 35333 (8/13/82)	Nov. 1, 1982.
82-542	Generic name: Citric acid ester.	47 FR 35333 (8/13/82)	Do.
82-543	Generic name: Maleic acid ester.	47 FR 35333 (8/13/82)	Do.
82-544	Generic name: Benzoic acid ester.	47 FR 35333 (8/13/82)	Do.
82-545	Polymer of hexane, 1,6-diisocyanato-, hopolymer, 2-butanone, oxime.	47 FR 35333 (8/13/82)	Do.
82-546	Void.		
82-547	Generic name: Modified polymer of styrene and substituted alkyl methacrylates.	47 FR 35333 (8/13/82)	Do.
82-548	Generic Name: Organometallic coupling agent.	47 FR 35333 (8/13/82)	Do.
82-549	Void		
82-550	Generic name: Sulfoaryl disazon substituted nahthalenesulfonic acid salt.	47 FR 35333 (8/13/82)	Do.
82-551	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt.	47 FR 35334 (8/13/82)	Do.
82-552	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt.	47 FR 35334 (8/13/82)	Do.
82-553	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt.	47 FR 35334 (8/13/82)	Do.
82-554	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt.	47 FR 35334 (8/13/82)	Do.
82-555	Generic name: Sulfoaryl disazo substituted naphthalenesulfonic acid salt.	47 FR 35334 (8/13/82)	Do.
82-556	Generic name: Sulfoaryl disaxo substituted naphthalenesulfonic acid salt.	47 FR 35334 (8/13/82)	Do.
82-557	Generic name: Acetamidodimethylsiloxane	47 FR 35334 (8/13/82	Nov. 2 1982.
82-558	Generic name: Acetamidodimethylsiloxane	47 FR 35334 (8/13/82	Do.
82-559	Generic name: Disubstituted benzene.	47 FR 35334 (8/13/82	Do.
82-560	Generic name: Polymer of the homopolymer of hexane, 1,6-diisocyanato-, substituted alkyl alkanoates and a benzene derivative.	47 FR 35334 (8/13/82)	Do.
82-561	Generic name: Substituted unsaturated polycyclic alcohol	47 FR 35334 (8/13/82)	Do.
82-562	Generic name: 1-Naphthalenesulfonic acid, ((((triazin)amino)disulfo)azo)-, trisodium salt	47 FR 36469 (8/20/82)	Nov. 3, 1982.
82-563	Ethyllithium	47 FR 36469 (8/20/82)	Nov. 7, 1982.
82-564	Generic name: Aliphatic polyol oligoacrylate oligopropionate	47 FR 36469 (8/20/82)	Do.
82-565	Generic name: Alkenyl alkanoate ester	47 FR 36469 (8/20/82)	Nov. 8, 1982.
82-566	Generic name: Heteromonocycle, substituted	47 FR 36469 (8/20/82)	Nov. 9, 1982.
82-567	Generic name: Heteromonocycle, substituted	47 FR 36469 (8/20/82)	Do.
82-568	Generic name: Chromophore substituted poly(oxy-alkylene).	47 FR 36469 (8/20/82)	Do.
82-569	Generic name: Epoxidized hydroxystearic acid	47 FR 36469 (8/20/82)	Do.
82-570	Generic name: Amino acid modified polyester	47 FR 37954 (8/27/82)	Nov. 10, 1982.
82-571	Generic name: Orthophthalic anhydride modified unsaturated polyester resin	47 FR 37954 (8/27/82)	Nov. 13, 1982.
82-572	Generic name: Organophosphorous compound	47 FR 37954 (8/27/82)	Do.
82-573	Generic name: Pentasubstituted pentanamide	47 FR 37954 (8/27/82)	Do.
82-574	Generic name: Glycol ester of fatty acids	47 FR 37954 (8/27/82)	Nov. 14, 1982.
82-575	Void		
82-576	Generic name: Unsaturated polyester	47 FR 37954 (8/27/82)	Do.
82-577	Generic name: Unsaturated polyester	47 FR 37954 (8/27/82)	Do.
82-578	Generic name: Unsaturated polyester	47 FR 37954 (8/27/82)	Do.

II. 110 PREMANUFACTURE NOTICES RECEIVED PREVIOUSLY AND STILL UNDER REVIEW AT THE END OF THE MONTH—Continued

PMN No.*	Identity/generic name	FR citation	Expiration date
82-579	Generic name: Unsaturated polyester	47 FR 37954 (8/27/82)	Do.
82-580	Generic name: Salt of sulfosuccinic diester	47 FR 37954 (8/27/82)	Do.
82-581	Generic name: N-alkyl-1,3-diamine propane salts of mixed mono and dialkyl hydrogen phosphate.	47 FR 37954 (8/27/82)	Do.
82-582	Generic name: N-alkyl-1,3-diamine propane salts of mixed mono and dialkyl hydrogen phosphate.	47 FR 37955 (8/27/82)	Do.
82-583	Generic name: N-alkyl-1,3-diamine propane salts of mixed mono and dialkyl hydrogen phosphate.	47 FR 37955 (8/27/82)	Do.
82-584	Dimethyl ester of 4,4′-(hydroxymethylene)bis-1, 2-benzenedicarboxylic acid	47 FR 39242 (9/7/82)	Nov. 17, 1982.
82-585	Polymer of dimethyl ester of 4,4′-(hydroxymethylene)bis-1,2-benzenedicarboxylic acid with 4,4′-methylenedianiline.	47 FR 39242 (9/7/82)	Do.
82-586	Generic name: Ethyl ester of tertiary butyl carbomonocyclic acid	47 FR 39242 (9/7/82)	Do.
82-587	Generic name: Alkylbenzenesulfonic acid compound with dialkyl fatty amine	47 FR 39242 (9/7/82)	Do.
82-588	4-(1,1-dimethylethyl)pyridine	47 FR 39242 (9/7/82)	Do.
82-589	Generic name: Cresol novolac modified methacrylic epoxy ester	47 FR 39242 (9/7/82)	Nov. 20, 1982.
82-590	Generic name: Fatty acid esters of monohydric alcohol	47 FR 39242 (9/7/82)	Nov. 21, 1982
82-591	Generic name: Fatty acid esters of monohydric alcohol	47 FR 39243 (9/7/82)	Do.
82-592	Generic name: Polyester polymer	47 FR 39243 (9/7/82)	Do.
82-593	Generic name: Polyester polymer	47 FR 39243 (9/7/82)	Do.
82-594	Generic name: Polymer of alkyl and substituted alkyl acrylates	47 FR 39243 (9/7/82)	Do.
82-595	Generic name: Di(substitutedalkyl)dimethyl-ammonium salt	47 FR 39243 (9/7/82)	Do.
82-596	Generic name: Di(substitutedalkyl)dimethyl-ammonium salt	47 FR 39243 (9/7/82)	Do.
82-597	Vinyl acetate-N-methylolacrylamide copolymer	47 FR 39243 (9/7/82)	Nov 22, 1982.
82-598	Ethyl acrylate homopolymer	47 FR 39243 (9/7/82)	Do.
82-599	Vinyl acetate-ethyl acrylate-N methylol acrylamide polymer	47 FR 39243 (9/7/82)	Do.
82-600	Butyl acrylate-vinyl acetate copolymer	47 FR 39243 (9/7/82)	Do.
82-601	Ethyl acrylate-methyl methacrylate copolymer	47 FR 39243 (9/7/82)	Do.
82-602	Generic name: Mixed glycol oligoesters of mixed dicarboxylic acids	47 FR 39243 (9/7/82)	Do.
82-603	Generic name: Mixed glycol oligoesters of aromatic diocarboxylic acid	47 FR 39243 (9/7/82)	Do.
82-604	Generic name: Monoureido silanne ester	47 FR 39244 (9/7/82)	Do.
82-605	Generic name: Thiadiazole derivative	47 FR 39244 (9/7/82)	Do.
82-606	Ethyl-{trifluoromethyl-poly-[oxy difluoro-methylene)-poly-]oxy-2-trifluoromethyl-tri-fluoromethyl-trifluoroethylene]oxy} difluoro-methyl carboxylate.	47 FR 39244 (9/7/82)	Nov. 23, 1982.
82-607	Isopropyl-[trifluoromethyl-poly-(oxydifluoro-methylene)-poly-[oxy-2-trifluoromethyl)-tri-fluoroethylene]oxy] difluoromethyl carboxylate.	47 FR 39244 (9/7/82)	Do
82-608	Ethyl[ethyl oxycarbonyl difluoromethyl-poly-(oxydifluoromethylene)-poly-(oxytetrafluoro-ethylene)oxy]difluoromethyl carboxylate.	47 FR 39244 (9/7/82)	Do.
82-609	Isopropyl[methyl oxycarbonyl difluoromethyl-poly-(oxydifluoromethylene)-poly-(oxytetrafluoro-ethylene)oxy]difluoromethyl carboxylate.	47 FR 39244 (9/7/82)	Do.
82-610	2-[2,20-difluorohydroxyethyl-poly-(oxydifluoro-methylene)-poly-(oxytrifluoroethylene)oxy]-2,2-difluoroethanol.	47 FR 39244 (9/7/82)	Do.
82-611	2-[2,2-difluorohydroxyethyl-poly-(oxydifluoro-methylene)-poly-(oxytrifluoroethylene)oxy]-2,2-difluoroethanol..	47 FR 39244 (9/7/82)	Do.
82-612	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 25°–35°.	47 FR 39244 (9/7/82)	Do.
82-613	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 35°–50°.	47 FR 39244 (9/7/82)	Do.
82-614	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 50°–60°.	47 FR 39244 (9/7/82)	Do
82-615	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 60°–75°.	47 FR 39244 (9/7/82)	Do
82-616	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 75°–90°.	47 FR 39245 (9/7/82)	Do
82-617	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 90°–105°.	47 FR 39245 (9/7/82)	Do.
82-618	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 105°–120°.	47 FR 39245 (9/7/82)	Do.
82-619	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 120°–140°.	47 FR 39245 (9/7/82)	Do.
82-620	Mixed C5–C18 perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 140°–165°.	47 FR 39245 (9/7/82)	Do.
82-621	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 165°-180°.	47 FR 39245 (9/7/82)	Do.
82-622	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 180°-190°.	47 FR 39245 (9/7/82)	Do.
82-623	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 190°-200°.	47 FR 39245 (9/7/82)	Do.
82-624	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 200°-220°.	47 FR 39245 (9/7/82)	Do.
82-625	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 220°-235°.	47 FR 39246 (9/7/82)	Do.
82-626	Mixed C_5–C_{18} perfluorinated hydrocarbons, ethers and tertiary amines, characterized by boiling point range 235°–255°.	47 FR 39246 (9/7/82)	Do.
82-627	Generic name: Modified polyester	47 FR 39884 (9/10/82)	Do
82-628	Generic name: Polyacrylate	47 FR 39885 (9/10/82)	Do.
82-629	Dimethyl hydantoin, formaldehyde, toluene sulfonamide condensation product	47 FR 39885 (9/10/82)	Do.
82-630	Generic name: Unsaturated alkyl fatty amine	47 FR 39885 (9/10/82)	Do.
82-631	Generic name: Unsaturated amine adduct	47 FR 39885 (9/10/82)	Do.
82-632	Generic name: Fatty secondary amide	47 FR 39885 (9/10/82)	Do.
82-633	Generic name: Fatty secondary amide	47 FR 39885 (9/10/82)	Do.
82-634	Generic name: Fatty secondary amide	47 FR 39885 (9/10/82)	Do.
82-635	Generic name: Alkyl acid esters	47 FR 39885 (9/10/82)	Do.
82-636	Generic name: Alkyl ester	47 FR 39885 (9/10/82)	Do.
82-637	Generic name: Stearyl methacrylate co-polymer	47 FR 39885 (9/10/82)	Do.
82-638	Ethanol 2,2′-[sulfonyl bis(4,1-phenyleneoxy)]bis	47 FR 39885 (9/10/82)	Do.
82-639	Generic name: Polyacrylate copolymer	47 FR 39885 (9/10/82)	Do.
82-640	Generic name: Amino modified polyester	47 FR 39885 (9/10/82)	Do.

III. 66 PREMANUFACTURE NOTICES FOR WHICH THE NOTICE REVIEW PERIOD HAS ENDED DURING THE MONTH. (EXPIRATION OF THE NOTICE REVIEW PERIOD DOES NOT SIGNIFY THAT THE CHEMICAL HAD BEEN ADDED TO THE INVENTORY)

PMN No.	Identity/generic name	FR citation	Expiration date
82-400	Potassium N,N-bis(hydroxyethyl) cocamine oxide phosphate	47 FR 25402 (6/11/82)	Sept. 12, 1982.
82-409	Potassium N,N-bis(hydroxyethyl) tallow amine oxide phosphate	47 FR 25403 (6/11/82)	Sept. 13, 1982.
82-412	Anthra[2,1,9-def:6,5,10-d'e'f']diisoquinoline-1,3,8,10(2H,9H)-tetrone, 2,9-bis(4-aminophenyl)	47 FR 25403 (6/11/82)	Sept. 1, 1982.
82-413	Generic name: Polyether polyglycol resin polymer	47 FR 25403 (6/11/82)	Do.
82-414	Generic name: Polyester polymer	47 FR 25403 (6/11/82)	Do.
82-415	Generic name: Polyester polymer	47 FR 25403 (6/11/82)	Do.
82-416	Generic name: Urethane polyol	47 FR 25403 (6/11/82)	Do.
82-417	Generic name: Polymer of alkenes and substituted alkenes	47 FR 25403 (6/11/82)	Do.
82-418	Generic name: Hydrogen bis[1-[1-[(3,5-disubstituted-2-hydroxyphenyl)azo]-3-(N-mono-substituted)-2-naphthalenolate(2-)]chromate(1-).	47 FR 26235 (6/17/82)	Sept. 2, 1982.
82-419	Generic name: Acrylamide-acrylate copolymer	47 FR 26235 (6/17/82)	Do.
82-420	Invalid		
82-421	1-(cyclohexen-1-yl) piperidine	47 FR 26235 (6/17/82)	Sept. 5, 1982.
82-422	Generic name: Tetrasubstituted benzisoxazole	47 FR 26235 (6/17/82)	Do.
82-423	Generic name: Polyhaloalkoxyalkylphenone	47 FR 26235 (6/17/82)	Sept. 6, 1982
82-424	Polymer of: Hexanediol, dantocol, trimethylol propane, isophthalic acid, adipic acid	47 FR 26235 (6/17/82)	Do.
82-425	Generic name: Polyester of a substituted alkanoic ester, alkanoic diols and a carbomonocyclic diacid.	47 FR 26235 (6/17/82)	Do.
82-426	Generic name: Substituted cyclopentadiene	47 FR 26235 (6/17/82)	Sept. 7, 1982.
82-427	Generic name: Alkoxylated aliphatic glycol	47 FR 26235 (6/17/82)	Do.
82-428	Generic name: Acrylated alkoxylated aliphatic glycol	47 FR 26235 (6/17/82)	Do.
82-429	Generic name: Ethoxylated molybdenum amine	47 FR 26235 (6/17/82)	Do.
82-430	Generic name: Tetrasubstituted benzisoxazole	47 FR 26235 (6/17/82)	Do.
82-431	Generic name: Isocyanic acid, polymethylene polyphenylene ester polymer with modified polyalkylene glycol.	47 FR 26235 (6/17/82)	Do.
82-433	Found to be on the Inventory		
82-434	Generic name: Polyquaternary methacrylamide ammonium acetate	47 FR 27610 (6/25/82)	Sept. 12, 1982.
82-435	Generic name: Poly[oxy(methyl-1,2-ethanediyl)] aliphatic ether amide of dialkenoic acid	47 FR 27610 (6/25/82)	Do.
82-436	Soyabean oil polymer with maleic anhydride, neopentyl glycol, tetrahydrophthalic anhydride and trimethylol propane.	47 FR 27610 (6/25/82)	Do.
82-437	Generic name: Modified polyester of a carbomonocyclic anhydride and a substituted alkanediol	47 FR 27610 (6/25/82)	Do.
82-438	Generic name: Aromatic amine ester	47 FR 27610 (6/25/82)	Do.
82-439	Generic name: Sulphonated phenyl arsine dibromide	47 FR 27610 (6/25/82)	Do.
82-440	Generic name: Copolyesters	47 FR 27611 (6/25/82)	Sept. 13, 1982.
82-441	Generic name: Alkylphenol, formaldehyde, alkanolamine, alkylene oxides reaction product	47 FR 27611 (6/26/82)	Do.
82-442	Generic name: Aromatic acids, polyether polyol alkyd.	47 FR 27611 (6/25/82)	Do.
82-443	Generic name: Alkyl substituted mercaptan	47 FR 27611 (6/25/82)	Sept. 14, 1982.
82-444	Further clarification needed on chemical identity.		
82-445	Withdrawn.		
82-446	Generic name: Substituted imidazolidinone	47 FR 28994 (7/2/82)	Sept. 16, 1982.
82-447	Generic name: Substituted imidazolidinone	47 FR 28994 (7/2/82)	Do.
82-448	Generic name: A reaction product of phenylene-bis[[[(butane derivative)-substituted]-phenyl]azo], compound with organic acids.	47 FR 28995 (7/2/82)	Do.
82-449	1-cyclohexen-1-amine, N,N-dibutyl	47 FR 28995 (7/2/82)	Sept. 19, 1982.
82-450	Generic name: Amino alkyl alkoxy silanes	47 FR 28995 (7/2/82)	Do.
82-451	Generic name: Metal complexed disazo compound	47 FR 28995 (7/2/82)	Do.
82-452	Generic name: Benzoxazole oxazolidinone	47 FR 28995 (7/2/82)	Do.
82-453	Generic name: Benzoxazolium salt	47 FR 28995 (7/2/82)	Do.
82-454	Generic name: Saturated polyester resin	47 FR 28995 (7/2/82)	Sept. 20, 1982.
82-455	Generic name: Polyhaloalkoxyarylamide	47 FR 28995 (7/2/82)	Do.
82-456	Generic name: Isocyanate terminated polyether polyurethane prepolymer	47 FR 28995 (7/2/82)	Do.
82-457	Generic name: Alkyd derivative from fatty acids, substituted alkanoic acids, a carbomonocyclic anhydride, polyols and esters.	47 FR 28995 (7/2/82)	Do.
82-458	Generic name: Polymer of a vegetable oil derivative, alkane diols and a carbomonocyclic anhydride.	47 FR 28995 (7/2/82)	Do.
82-459	Generic name: Silicon substituted organic ester	47 FR 28995 (7/2/82)	Do.
82-460	Generic name: Dialkyl amide of an alkenedioic acid	47 FR 28995 (7/2/82)	Sept. 21, 1982
82-461	Generic name: Diacyl peroxide	47 FR 28996 (7/2/82)	Sept. 22, 1982
82-462	Generic name: Trisubstituted benzoxazole	47 FR 28995 (7/2/82)	Do.
82-463	Generic name: Unsaturated polyester resin	47 FR 30103 (7/12/82)	Sept. 23, 1982.
82-464	Generic name: 2-hydroxy-3-naphthoic acid N-aryl amide	47 FR 30103 (7/12/82)	Sept. 26, 1982.
82-466	Polymer of vinyl toluene, styrene, 2 ethyl hexyl acrylate	47 FR 30103 (7/12/82)	Do.
82-467	Generic name: Aromatic aliphatic branched polyester resin	47 FR 30103 (7/12/82)	Sept. 28, 1982.
82-468	Generic name: Isocyanate terminated polyether polyurethane prepolymer	47 FR 30103 (7/12/82)	Sept. 27, 1982.
82-469	Reaction product from benzyl-1-hydroxydiphenyl ethoxylate and glycolic acid, sodium salt	47 FR 30103 (7/12/82)	Do.
82-470	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30103 (7/12/82)	Sept. 28, 1982
82-471	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30103 (7/12/82)	Do.
82-472	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30103 (7/12/82)	Do.
82-473	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-474	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-475	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-476	Generic name: Terephthalic acid mofified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-477	Generic name: Terephthalic acid modified unsaturated polyester resin	47 FR 30104 (7/12/82)	Do.
82-478	Generic name: Calcium salt of a substituted amino acid	47 FR 30104 (7/12/82)	Do.
82-479	Generic name: Heteropolycyclic(dihydroxyhetero-polycycle)	47 FR 30104 (7/12/82)	Sept. 29, 1982
82-480	Generic name: Polyol polyacrylate	47 FR 30104 (7/12/82)	Do.
82-481	Generic name: Blocked urethane polymer	47 FR [illegible] (7/16/82)	Sept. 30, 1982.

IV. 46 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE

PMN No.	Chemical identification	FR citation	Date of commencement
81-315	Propoxylated hydrazines	46 FR 44048 (9/2/81)	May 20, 1982.
81-337	Generic name: Epoxy resin modified with substituted organic acid	46 FR 39809 (8/3/81)	Sept. 7, 1982.
81-414	Generic name: Polyalkanediol polyurethane	46 FR 45996 (9/16/81)	Sept. 13, 1982.
81-441	Generic name: Mixed mono and dialkyldithiothiadiazoles	46 FR 47004 (9/23/81)	June 1982.

IV. 46 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE—Continued

PMN No.	Chemical identification	FR citation	Date of commencement
81-485	Generic name: Polymer of a substituted alkanediol, carbomonocyclic anhydride and a substituted alkanoic ester.	46 FR 48979 (10/5/81)	Aug. 18, 1982.
81-630	Generic name: Poly(ester)-co-poly(ether)	46 FR 62312 (12/23/81)	Sept. 1, 1982.
81-634	Generic name: Protein associated biopolymer	46 FR 62313 (12/23/81)	Sept. 7, 1982.
82-1	Generic name: Halogenated derivative of polyethylene glycol	47 FR 1409 (1/13/82)	Aug. 20, 1982.
82-26	Generic name: Substituted amine	47 FR 3595 (1/26/82)	Sept. 20, 1982.
82-62	Generic name: Hybrid urethane	47 FR 5933 (2/9/82)	Aug. 24 1982.
82-71	Generic name: Alkyl aryl amino polyol	47 FR 7311 (2/18/82)	June 15, 1982.
82-138	Generic name: Trisubstituted phenol	47 FR 8843 (3/2/82)	July 20, 1982.
82-167	Generic name: Disubstituted benzene	47 FR 10900 (3/12/82)	May 31, 1982.
82-178	Generic name: Disubstituted butanamide	47 FR 11957 (3/19/82)	June 15, 1982.
82-179	Generic name: Substituted thioic acid ester	47 FR 11957 (3/19/82)	Aug. 2, 1982.
82-180	Generic name: Disubstituted benzene	47 FR 11957 (3/19/82)	June 14, 1982.
82-210	Generic name: Disubstituted benzene	47 FR 13038 (3/26/82)	June 21, 1982.
82-211	Generic name: Disubstituted butanamide salt	47 FR 13038 (3/26/82)	June 15, 1982.
82-212	Generic name: Disubstituted benzene	47 FR 13038 (3/26/82)	July 14, 1982.
82-213	Generic name. Disubstituted benzene	47 FR 13038 (3/26/82)	June 22, 1982.
82-221	Generic name: Disubstituted benzene	47 FR 14218 (4/2/82)	July 28, 1982.
82-222	Generic name: Disubstituted benzene	47 FR 14218 (4/2/82)	July 23, 1982.
82-249	Generic name: Modified hydroxy functional acrylic copolymer	47 FR 16404 (4/16/82)	Oct. 4, 1982.
82-256	Generic name: Poly[(aminoalkylamino)alkylene oxide], aqueous solution	47 FR 16404 (4/16/82)	Sept. 15, 1982.
82-257	*m*-chlorophenyl phenyl ether	47 FR 16404 (4/16/82)	July 19, 1982
82-273	*m*-chlorophenyl phenyl sulfide	47 FR 16405 (4/16/82)	July 26, 1982
82-284	Methylated triphenyl phosphate residue	47 FR 17667 (4/23/82)	Sept. 21, 1982
82-285	Isopropylated triphenyl phosphate residue	47 FR 17667 (4/23/82)	Sept. 10, 1982
82-286	Generic name: Substituted aryl alkyl siloxane	47 FR 17667 (4/23/82)	July 20, 1982.
82-287	Generic name Disubstituted benzene	47 FR 18652 (4/30/82)	Aug. 2, 1982
82-288	Generic name: Polymer of disubstituted acrylic acid, disubstituted benzene and substituted acrylic acid.	47 FR 18652 (4/30/82)	Aug. 11, 1982.
82-290	Generic name: Disubstituted benzene	47 FR 18653 (4/30/82)	Aug. 2, 1982.
82-291	Generic name: Sulfonated copper phthalocyanine dye	47 FR 18653 (4/30/82)	Aug. 15, 1982.
82-320	Phenol, 4-nitroso-, magnesium salt, hexahydrate	47 FR 19782 (5/7/82)	Sept. 1, 1982
82-329	Generic name: Poly[(aminoalkylamino)alkylene oxide]	47 FR [illegible] (5/14/82)	Sept. 15, 1982.
82-369	Generic name: Benzenedicarboxylic acid saturated mixed glycols copolyester	47 FR 23553 (5/28/82)	Aug. 24, 1982.
82-370	Generic name: Benzenedicarboxylic acid saturated mixed glycols copolyester	47 FR 23553 (5/28/82)	Do.
82-373	Generic name: Poly(ester-urethane)	47 FR 23554 (5/28/82)	Aug. 23, 1982.
82-377	Generic name: Hybrid urethane	47 FR 23554 (5/28/82)	Aug. 26, 1982
82-400	Potassium N,N-bis(hydroxyethyl) cocoamine oxide phosphate	47 FR 25402 (6/11/82)	Sept. 10, 1982.
82-409	Potassium N,N-bis(hydroxyethyl) tallow amine oxide phosphate	47 FR 25403 (6/11/82)	Do.
82-412	Anthra[2,1,9-def:6,5,10-d′e′f′]diisoquinoline-1,2,8,10(2H,9H)- tetrone, 2,9-bis(4-aminophenyl)-	47 FR 25403 (6/11/82)	Sept. 21 1982
82-429	Generic name: Ethoxylated molybdenum amine	47 FR 26235 (6/17/82)	Sept. 10, 1982
82-435	Generic name: Poly[oxy(methyl-1,2-ethanediyl)] aliphatic ether amide of dialkenoic acid	47 FR 27610 (6/25/82)	Sept. 24, 1982
82-438	Generic name: Aromatic amine ester	47 FR 27610 (6/25/82)	Oct. 4, 1982
82-447	Generic name: Substituted imidazolidinone	47 FR 28994 (7/2/82)	Sept. 17, 1982.

V. 14 PREMANUFACTURE NOTICES FOR WHICH THE REVIEW PERIOD HAS BEEN SUSPENDED

PMN No.	Identity/generic name	FR citation	Date suspended
80-137	Benxeneamine, 4,4′-methylene bis [*N*-1-methy-butylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1980
80-138	Benxeneamine, 4,4′-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80	Do.
80-146	Phosphorodithioic acid *O,O′*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980
80-147	Phosphorodithioic acid *O,O′*-di(isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
[illegible]	Generic name: Benzeneamine, [*N*-(1-methyl-hexylidene)-*N*-(methyl butylidene)-4,4′-methylene bis].	45 FR 73127 (11/4/80)	Dec. 24, 1980
81-558	4-hydroxy-3-(5-(2-hydroxysulfonyloxy) ethylsulfonyl)-2-(methoxyphenylazo)-7-succinyl-amino-2-naphthalenesulfonic acid disodium salt.	46 FR 55146 (11/6/81)	Jan. 27, 1982
81-561	4-[4-[2-(hydroxysulfonyoxy)ehtylsulfonyl]-5-methyl-2-methoxyphenylazo]-3-methyl-1-(3-sulfophenyl)-5-pyrazolone disodium salt.	46 FR 55146 (11/6/81)	Do.
81-660	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-1-naphthalene sulfonic acid disodium salt.	47 FR 1021 (1/8/82)	Mar 26, 1982
81-661	4-hydroxy-3-(2-methoxy-5-methyl-4-(2-(hydroxysulfonyloxy)ethylsulfonyl)phenylazo)-6-(3-sulfophenyl)amino-2-naphthalenesulfonic acid trisodium salt.	47 FR 1021, (1/8/82)	Do
82-60	Generic name: Zinc, *O,O*-bis alkylphosphoro dithioate	47 FR 5932 (2/9/82)	Apr. 15, 1982
82-387	Phosphorodithioic acid, *O,O′*, secondary butyl and isooctyl mixed esters	47 FR 25401 (6/11/82)	July 30, 1982
[illegible]	Phosphorodithioic acid, *O,O′*, secondary butyl and isooctyl mixed esters, zinc salt	47 FR 25401 (6/11/82)	Do.
82-432	Reaction mixture containing: isobornyl acetyl acetate, isobornyl acetate and ethylacetylacetate	47 FR 27610 (6/25/82)	July 2, 1982
82-465	Generic name: Quaternary ammonium chloride	47 FR 30103 (7/12/82)	Sept. 26, 1982

[FR Doc. 82-29336 Filed 10-27-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 82-619; FCC 82-438]

American Telephone & Telegraph Co.; Applicability of the ENFIA Tariff to Certain OCC Services

AGENCY: Federal Communication Commissions.

ACTION: Order granting petition for declaratory ruling.

SUMMARY: The Commission grants, in part, an emergency petition filed by AT&T seeking a declaratory ruling regarding the applicability of the ENFIA charges to certain OCC MTS/WATS-type services incorporating resold facilities. The Commission holds that exchange usage by any interstate MTS/WATS-type switched message service should be paid for under ENFIA (or separations in the case of resold MTS or WATS) once—but only once—at each end.

ADDRESS: Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Aileen Amarandos, Common Carrier Bureau at (202) 632-6910.

SUPPLEMENTARY INFORMATION:

Adopted October 6, 1982.

Released October 19, 1982.

In the matter of American Telephone and Telegraph Company, Applicability of the ENFIA Tariff to Certain OCC Services; CC Docket No. 82–619; order.

1. On August 19, 1982, the American Telephone and Telegraph Company (AT&T), on its own behalf and on behalf of the Bell System Operating Companies (BSOCs) filed an emergency petition asking us to declare: (1) That MCI's usage of local exchange facilities in providing interstate MTS/WATS-type services is governed by the BSOC 8 (ENFIA) tariff (except for resale of MTS and WATS), whether or not such services involve use of facilities leased from other carriers, and (2) that MCI's failure to make payments required by that tariff is unlawful: In response to public notices inviting public comment on this petition, pleadings were filed by the Association of Long Distance Telephone Companies (ALTEL); MCI Telecommunications Corporation (MCI); jointly by Satelco, Incorporated, Tel Systems Management Corporation and Teltec Saving Communications Company (Joint Resellers); Sourthern Pacific Communications Company (SPCC); and U.S. Telephone Communications, Incorporated (U.S. Tel).

2. In their comments, these Other Common Carriers (OCCs) and resellers urge us either to recognize an exemption from the application of the ENFIA tariff in instances where exchange connections are obtained through resold facilities and services, or to recognize a categorical exemption from ENFIA for "pure resellers" who do not use any of their own facilities in the provision of intercity services. In light of the terms of applicability of the ENFIA tariff, and the lack of any modification of the tariff, we find that ENFIA charges apply to each end of MCI's MTS/WATS-like services regardless of whether any segment of the network over which those services are provided incorporates resold facilities. Therefore, for reasons discussed more fully below, and to the extent indicated, AT&T's petition is granted.

I. Background

3. The ENFIA tariff establishes charges to be paid by OCCs for access to BSOC local exchange facilities in the provision of end-to-end MTS/WATS-like services. The ENFIA tariff is an interim "rough justice" arrangement based on a negotiated agreement between AT&T and serval of the OCCs including MCI. The agreement provides for the calculation of charges for three separate elements. Element 1 applies to the line between the OCC switch and the telephone company Class 5 local exchange switch. The specific rates for Element 1 are determined by reference to charges for such lines in other telephone company tariffs. Element 2 covers the use of the traffic sensitive switching and trunking facilities, and Element 3 provides a mechanism for simulating the compensation local carriers receive for MTS or WATS use of non-traffic sensitive (NTS) local exchange plant.

4. We initially accepted the ENFIA Agreement in 1979 and allowed the implementing BSOC 8 tariff to go into effect for three years. *Exchange Network Facilities for Interstate Access (ENFIA),* 71 FCC 2d 440 (1979). In accordance with the terms of the original agreement, we recently found that, since a more permanent access charge mechanism has not yet been implemented, the public interest would be served by an extension of the arrangement for a maximum period of an additional two years. *Extension of ENFIA Agreement* (Extension Order), 90 FCC 2d 6 (1982).[1] The ENFIA tariff will be superseded by the access charges that will be established pursuant to a final decision in CC Docket No. 78–72, the MTS/WATS Market Structure Inquiry. *See Fourth Supplemental Notice of Inquiry and Proposed Rulemaking,* FCC 82–247 (released June 4, 1982).

5. By its terms, the ENFIA tariff applies only to "Execunet/Sprint-type interstate services" or "any end-to-end MTS/WATS-type interstate services."[2]. The ENFIA Agreement is limited to ensuring that an equitable share of cost responsibility for jointly used subscriber plant is assigned to the OCCs insofar as those OCCs offer MTS/WATS equivalent services. BSOCs are paid for the use of their local exchange facilities in connection with AT&T's MTS and WATS services through the separations and division of revenues processes. The ENFIA Agreement sought to provide a mechanism for establishing reasonable parity between MTS/WATS compensation and MTS/WATS equivalent compensation to local carriers. The rates under the ENFIA tariff are somewhat lower than the compensation BSOCs received from MTS and WATS, but are greater than the local business rates that the OCCs had originally paid for exchange connections before the *Execunet* decisions established that the OCCs could offer MTS/WATS-type services.[3] The ENFIA Agreement does not include services which are connected with exchange facilities at only one end such as foreign exchange (FX) and common control switching arrangements with off-network access lines (CCSA/ONALs). Local companies receive compensation for these services under an entirely different mechanism than that used for MTS and WATS or other MTS/WATS-type services. *ENFIA,* 71 FCC 2d at 444.[4]

6. The ENFIA Agreement focuses on the functional equivalency between MTS/WATS and OCC Execunet/SPRINT-type services rather than on the specific facilities used. Similarly, the tariff does not specify particular network configurations that are

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[1] *Review pending,* MCI Telecommunications Corp. v. FCC, D.C. Cir. No. 82–1553 (filed May 18, 1982). Shortly after the agreement was extended, AT&T filed proposed increases to its BSOC 8 tariff. We found that there were substantial questions concerning the lawfulness of these revisions and their conformity with the language and intent of the agreement. Therefore, we suspended the effectiveness of the proposed increases for five months and instituted an investigation to determine the proper rates. *Exchange Network Facilities (ENFIA)* 90 FCC 2d 202 (1982) (Designation Order), FCC 82–431 (released September 29, 1982), *review pending,* MCI Telecommunications Corp. v. FCC, D.C. Cir. No. 82–1554 (filed May 18, 1982). The two review proceedings have been consolidated.

[2] The criteria for identifying such services were first articulated in MCI Telecommunications Corp., 60 FCC 2d 25 (1976), *reversed on other grounds,* 561 F.2d 265 (D.C. Cir. 1977) *cert. denied,* 434 U.S. 1040 (1978). They include sharing of intercity facilities by all users, direct access on demand by a customer, use of common local exchange plant at both ends and customer billing on a per call basis subject to time and distance or a monthly minimum.

[3] MCI Telecommunications Corp. v. FCC, 561 F. 2d 365 (D.C. Cir. 1977), *cert. denied,* 434 U.S. 1040 (1978) (Execunet I); 580 F. 2d 590 (D.C. Cir. 1978), *cert. denied,* 439 U.S. 980 (Execunet II).

[4] An FX subscriber obtains a connection to the foreign exchange under private line tariffs. Similarly, private line tariffs extablish the charges for a CCSA customer's dedicated lines and switches. Interstate private line revenues are included in the telephone industry "partnership" pool, and the share of these revenues received by a local company through the division of revenues/settlements process is determined by the portion of associated investment and expenses assigned to the interstate jurisdiction through separations. Private line costs are directly assigned to the relevant jurisdiction. Origination and termination at the "open end" of FX and CCSA/ONAL services are provided at the business local exchange rate. These exchange revenues and expenses are treated as intrastate for separations purposes. For a further description of these services *see, e.g.,* MTS and WATS Market Structure, 77 FCC 2d 224, 228–229 (1980); New York Telephone Company, 76 FCC 2d 349 (1980).

considered to create MTS/WATS-like services. Our relaxation of resale restrictions [5] has led to the development of numerous variations in the technical configurations employed by non-telephone company carriers in the provision of telecommunications services. The applicability of ENFIA to some of these configurations is the essence of the controversy now before us.

7. Aspects of this issue have already been addressed by the Chief of the Common Carrier Bureau in two separate instances. In *Leased Data Services,* Mimeo 32441 (released June 12, 1980), the Bureau determined that ENFIA applied to the use by LDS of originating cities' exchange facilities in the provision of a resale service that involved leased private line connections from specified locations to an intermediate city where connection was made to MCI's Execunet Service. Even though the use of exchange facilities in the originating cities was outbound only, and although local carriers in the intermediate and termination cities were compensated for the use of their facilities through MCI's ENFIA payments, it was determined that LDS provided an end-to-end MTS/WATS-type service from the point of origination that was subject to the ENFIA tariff.[6] In *AT&T Transmittal No. 41,* Mimeo 001153 (released May 29, 1981) *recon. pending,* the Bureau rejected a revision to the ENFIA tariff proposed by AT&T that would have deleted from section 1.1 of the regulations in the ENFIA tariff the following language: "this tariff does not apply to services offered by the Telephone Company." According to AT&T, this revision would have clarified the applicability of ENFIA to resellers of MTS and WATS. The Bureau disagreed with AT&T's contention that resold MTS and WATS are in fact "MTS/WATS-type interstate services" within the meaning of ENFIA tariff, on the basis that even when MTS and WATS are resold, local carriers are compensated for the use of their exchange facilities through the separations and division of revenues/settlements processes.[7]

8. At the time that the extension of the ENFIA Agreement was under consideration, questions regarding the applicability of ENFIA to resellers were raised in petitions or pleadings filed in CC Docket No. 78–371 by U.S. TEL and Tel Systems Management (TSM), Teltec and ALTEL. These resellers voiced a concern that the application of ENFIA to their services constitutes unjust and unreasonable discrimination with respect to access charges paid by resellers and those paid by providers of other services including sharers of interstate telecommunications services and users of MTS/WATS equivalent services such as FX, CCSA/ONALS, and point to point private line who pay only local buisness rates for exchange access. Rather than delay our consideration of the more general issue of the extension of the ENFIA Agreement, we noted in Footnote 8 of our Extension Order [8] and Footnote 10 of our Designation Order [9] that certain matters regarding the application of ENFIA to resellers were not pertinent to the basic issues regarding the viability and implementation of the ENFIA Agreement.

9. MCI has now interpreted these footnotes as an affirmative decision on the part of the Commission to categorically exclude all resellers from the ENFIA tariff.[10] Beginning in May, 1982, MCI stated that it expected to pay business exchange rates for local access to certain resold circuits used in the provision of its Execunet service. MCI initially paid the ENFIA rates under protest and requested that the BSOCs adjust their invoices to reflect the lower exchange rate for designated circuits.[11] In June, 1982, upon receipt of unadjusted invoices from the BSOCs, MCI began to withhold payment for access to the resold circuits on the theory that substantial overpayment for these circuits had been remitted in May. On August 19, 1982, AT&T filed its emergency petition for a declaratory ruling.

II. Contentions of the Parties

10. AT&T contends that neither Footnote 8 to the Extension Order nor Footnote 10 to the Designation Order modified the ENFIA Agreement to exempt resale carriers engaged in the provision of MTS/WATS-type services from ENFIA charges. AT&T maintains that the resold circuits used by MCI merely extend that carrier's intercity network, and do not alter the fundamental character of MCI's end-to-end MTS/WATS-type service. AT&T asserts that the basic issue is whether the proper compensation is received by local telephone companies rather than whether a particular intercity carrier is a reseller and that, except in the case of resold MTS and WATS, the ENFIA agreement requires that all affected local carriers be compensated for interconnection to MCI's service.

11. MCI and SPCC maintain that ENFIA does not apply to resold facilities and ask that AT&T's petition be denied. MCI argues that, regardless of the applicability of ENFIA to resale prior to the Extension Order, an exemption for resellers has now been affirmatively established in Footnote 8 of that order, and further that the exemption is sweeping and applies to all resellers. According to MCI, as a result of our "ruling" in the Extension Order, ENFIA charges are now applicable only to

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[5] Resale occurs when a user subscribes to the communications services and facilities of another entity and them reoffers communications service and facilities to the public (with or without "adding value") for a profit. In Docket 20097 it was determined that subscribers of AT&T's private line services should be allowed to participate in the unlimited resale and sharing of such services provided they are not converted into MTS or WATS or their equivalents. Regulatory Policies Concerning Resale and Shared Use of Common Carrier Services and Facilities, 60 FCC 2d 261 (1976), *reconsideration,* 62 FCC 2d 88 (1977), *aff'd sub nom.,* AT&T v. FCC, 572 F.2d 17 (2d Cir.), *cert. denied,* 439 U.S. 875 (1978). Resale and sharing of MTS and WATS was authorized in CC Docket No. 80–54, Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services, 77 FCC 2d 274 (1980), 83 FCC 2d 167 (1980), *recon. denied,* 86 FCC 2d 820 (1981), *petition for review denied,* Southern Pacific Communications Company v. FCC, 682 F.2d 232 (D.C. Cir. 1982). We are now considering removal of the remaining restrictions on resale of AT&T's private line services in CC Docket No. 82–44, AT&T, FCC 82–51 (released February 4, 1982).

[6] ENFIA payments were collected in the intermediate and termination cities from MCI only, avoiding double compensation from LDS in those cities.

[7] The Bureau found no inconsistency between this decision and its earlier decision in *Leased Data Services* since the interstate traffic carried by LDS was never transmitted via AT&T's interstate switched message services.

[8] This footnote states: The applicability of ENFIA charges to resellers, an issue raised by U.S. TEL and TSM is outside the scope of this particular decision and will be treated separately.

[9] This footnote states: We also recieved petitions or comments from resale carriers U.S. Tel and Teltec and from ALTEL, a trade association which includes resale carriers. They deny that ENFIA should apply to resellers, but state that AT&T imposes ENFIA charges on them in fact. They contend that the Commission should reject the increases, which they claim could force them out of business, or not apply them to resellers. We note in this regard, owever, that the Common Carrier Bureau has specifically ruled that ENFIA does not apply to MTS/WATS at present. AT&T (ENFIA), Mimeo No. 001153, released May 29, 1981, *recon. pending.* Moreover, although we are considering the removal of the ban against resale of AT&T's private line services if such services are used to form MTS/WATS equivalents, we have not as yet taken such action. AT&T, CC Docket No. 82–44, FCC 82–51, released February 4, 1982.

[10] Based on the same interpretation of these footnotes, on July 13, 1982 U.S. Tel filed a formal complaint pursuant to Section 208 of the Communications Act and Section 1.721 of our Rules alleging that the imposition of ENFIA charges for interconnection of its services with local exchanges is unjust and unreasonably discriminatory in violation of Section 201(b) and 202(a) of the Communications Act.

[11] The Chairman of the Board of MCI also wrote to the Chairman of this Commission indicating that, with respect to certain circuits, MCI considered itself a reseller exempt from ENFIA under our Extension Order. Letter dated June 28, 1982 from William G. McGowan to Chairman Fowler.

direct connections between OCC terminals and serving central offices, but that charges for exchange connections to resold facilities have reverted to the business local exchange rate. MCI also questions the practicality of applying ENFIA to resellers since, under our *Competitive Carrier Rulemaking,* FCC 82–350 (released August 20, 1982), resellers are now exempted from certification requirements under Section 214, making the identification of those resellers properly subject to ENFIA more difficult and creating opportunities for double charging carriers who resell OCC services for which ENFIA payments have already been made. SPCC argues that the original ENFIA Agreement never contemplated resold facilities and that the definition in the ENFIA tariff of "Jointly Used Subscriber Plant" which refers to an "OCC's intercity network" plainly excludes calls completed over another carrier's network. MCI and SPCC both dispute AT&T's contention that compensation of the local exchange carrier is a pivotal issue. SPCC observes that there are currently numerous instances in which exchange access is provided for *de facto* MTS/WATS equivalents such as FX, CCSA, FTS and AT&T's Enhanced Private Switched Communications Service in a manner that does not provide a contribution to local exchange costs.

12. ALTEL, U.S. Tel and the Joint Resellers contend that pure resellers should be distinguished from established, facilities-based OCCs, and should be exempted from ENFIA rates. They fear that a decision granting AT&T's petition with respect to MCI will have a direct adverse impact on their interests. These parties claim that the services they provide are fundamentally different from those provided by the ENFIA Agreement signatories since pure resellers own virtually none of their own facilities, rely heavily on the resale of higher costs AT&T intercity services, and often offer interstate universal service on an outward only basis generating lower usage in the local exchange. They claim that the imposition of ENFIA on their operations places them at a competitive disadvantage with respect to the established facilities-based OCCs, and creates disincentives for the expansion of resale services. They argue that the continued application of ENFIA to resellers would be contrary to the position taken by the Commission in Footnotes 8 an 10 in our April, 1982 ENFIA orders. They also maintain that it would exacerbate the discrimination that currently exists between access charges for end-to-end MTS/WATS-type services and the local business rate applied to other MTS/WATS equivalents such as FX and CCSA/ONALS. ALTEL further comments that ENFIA charges are currently applied inconsistently to resellers, sometimes resulting in double compensation for the use of local exchange facilities, and often resulting in the circumvention of the prohibitions against the resale of AT&T's private line services for the purpose of creating MTS/WATS equivalents.

13. ALTEL requests that we reaffirm that ENFIA charges do not apply to resellers and that we direct AT&T to alter the ENFIA tariffs to provide exchange network access to resellers at local exchange business rates pending the resolution of access charge issues in CC Docket No. 78–72. The Joint Resellers ask that any ruling that we make on AT&T's petition be specifically limited to AT&T's relationship with MCI, and that the obligations of pure resellers under the ENFIA tariff be addressed in a broader proceeding. Similarly, although U.S. Tel summarizes the position taken in its Complaint, it maintains that without the procedural safeguards of a broader proceeding resolution of the instant matter in favor of AT&T will have an adverse impact on its Complaint, and therefore asks that AT&T's petition be dismissed.[12]

III. Discussion

14. It is apparent that great confusion has ensued from indications that we have given that the provision of certain services by resellers present unique questions under ENFIA. Under the language of the tariff itself, no distinctions are made between resellers and non-resellers or between pure and partial resellers. Thus the use of such distinctions would lead to improper applications of the tariff. Prior to our April orders MCI paid ENFIA charges for the disputed circuits and its opposition to AT&T's petition is premised on the argument that we have now exempted it from such payments. However, in the context of our actions to extend ENFIA we did not exempt any carrier from the ENFIA tariff merely on the basis of its status in whole or in part as a reseller. In this respect, we agree with AT&T that, in order for such an exemption to exist, the ENFIA Agreement would have to have been altered, and no such modification has been made.[13] We also disagree with SPCC that the reference in the ENFIA tariff to an "OCC's intercity network" excludes networks that are built in part with leased facilities and services. The language of the ENFIA tariff is addressed to exchange access for end-to-end MTS/WATS-type services and its applicability does not turn on whether the facilities used to provide these services are leased or owned.

15. It is our interpretation of the ENFIA tariff that the touchstone for its applicability is not the status of a carrier as a reseller or as a facilities-based entity. Rather, it is the compensation that is due to a local carrier according to the agreement that led to adoption of our original ENFIA decision and the tariff filed to implement that agreement. The parties to ENFIA acknowledged that:

> The agreement is patterned after the method by which local telephone companies are presently compensated for use of exchange facilities for traditional interstate MTS and WATS services. The basic methodology is one of compensating the local telephone companies for the costs they incur in carrying interstate MTS and WATS calls, and in adapting their facilities and procedures for carrying such calls. 71 FCC 2d at 444–45.

As we pointed out in our recent ENFIA Rate Order (FCC 82–431, released September 29, 1982) the ENFIA Agreement reflects "separations and division of revenues/settlements processes by which local carriers share in the interstate revenues according to their costs." (p. 12). Under the Separations Manual, interstate MTS and WATS minutes are counted (i.e., SPF'ed) once—and only once—at each end. We believe that it was the intention of the ENFIA Agreement, as well as the implementing tariff based upon it, that correlative treatment be afforded MTS-WATS equivalent services and that exchange usage by any interstate MTS/WATS-type switched message service should be paid for under ENFIA (or separations in the case of resold MTS or WATS) once—but only once—at each end.[14] We recognize that there are instances where MTS/WATS-type services are provided at least partially through the reseal of OCC Execunet/SPRINT services. In such cases, we do not believe it appropriate that ENFIA be applied twice for the termination of an interstate call in a single city.

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[12] We note that the action we take in this matter does not dispose of U.S. Tel's complaint. We hold merely that ENFIA rates are applicable to interconnections for MTS/WATS equivalent services without regard to whether the intercity facilities used in those services belong to the OCC or are resold facilities belonging to AT&T or another carrier. Our ruling here does not foreclose the availability of a later ruling, in the context of a complaint by U.S. Tel or another reseller, that actual rates are unjust, unreasonable or unduly discriminatory, if the complainant can make a case for such a ruling.

[13] *See* FPC v. Sierra Pacific Power Co., 350 U.S. 348 (1956). *See also* MCI v. FCC, 665 F.2d 1300, 1303 (D.C. Cir. 1981).

[14] By "end" we mean any local exchange in which usage of an MTS/WATS-type service may be originated or terminated. This standard does not alter the exemption of FX and CCSA/ONALs from ENFIA since, although we have asserted jurisdiction

16. In interpreting and applying the ENFIA tariff there appears to be no sound basis here for distinguishing between those carriers who provide services over their own intercity facilities and those who have chosen to lease those intercity facilities from AT&T or another carrier. There is also no basis for distinguishing between the charges to be applied for exchange access on those routes where a particular carrier, such as MCI, has chosen to use its own facilities rather than those of AT&T or another carrier. Since ENFIA rates are generally higher than the applicable local charges, such a distinction would simply penalize carriers who have built their own facilities.

17. We are aware, and several parties pointed out to us, that there are differences in treatment that currently exist between MTS/WATS-equivalent services subject to ENFIA and certain interstate services for which users pay only local business rates for connection to local facilities. A resolution of these differences, however, is a matter outside the scope of this declaratory ruling proceeding. As previously noted, the consistent practice under the Separations Manual has been to assign the minutes of use of the "open-end" of FX service and CCSA/ONAL service to the intrastate jurisdiction.[15] In contrast, the minutes of use of the exchange plant associated with MTS/WATS equivalent service—as in the case of MTS/WATS itself—have been treated as interstate. The ENFIA agreement and the order accepting it recognized this distinction in treatment for MTS/WATS equivalent services, on the one hand, and FX and CCSA/ONAL "open-end" service, on the other.[16] We anticipate that any anomaly caused by this disparate treatment will be eliminated when the appropriate changes have been made to separations procedures by the Federal-State Joint Board in CC Docket No. 80–286,[17] and a comprehensive access charge plan is in place.[18]

18. For the purposes of this petition, we have undertaken an interpretation of the tariff in order to clarify statements that we have previously made and to demonstrate the reasons why MCI must pay ENFIA charges on the disputed circuits. We recognize, however, that because of the unique nature of the ENFIA tariff, further disagreements regarding its applicability to the increasingly varied configurations used in the provision of MTS/WATS-type services might arise. Such disputes are properly resolved through the complaint mechanism established in section 208 of the Communications Act and § 1.721 of our Rules.

19. Accordingly, it is hereby ordered, That, pursuant to Sections 4(i), (j), 201, 203 and 205(a) of the Communications Act, 47 U.S.C. 154(i), (j), 201, 203 and 205(a), the American Telephone and Telegraph Company's Emergency Petition for Declaratory Ruling IS GRANTED, to the extent that we are declaring that that the ENFIA tariff applies to exchange usage by interstate MTS/WATS-type switched message services except where the same exchange usage has been paid for in that city by an underlying carrier through either ENFIA or the separations process.

Federal Communications Commission.

William J. Tricarico,

Secretary.

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over the charges paid by interstate customers of these services. New York Telephone, 78 FCC 2d 349, we have not, as yet, asserted jurisdiction over the relevant costs, expenses and revenues through the separations process.

[15] Note 4, *supra.*

[16] 71 FCC 2d at 444. This difference does not favor AT&T's MTS/WATS offering over those of its competitors.

[17] *See* Amendment of Part 67 and Establishment of a Joint Board, 78 FCC 2d 837, 845 (1980).

[18] Fourth Supplemental Notice in CC Docket No. 78–72, *supra.*

[BC Docket No. 82–710, File No. BPH-810105AH, et al.]

Clearlake Broadcasting Co., et al.; Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: October 8, 1982.

Released: October 18, 1982.

In re Applications of Sydney H. Moate, Ping Yu Moate, Richard J. Joslyn, and Peggy L. Joslyn, d.b.a. Clearlake Broadcasting Co., Lakeport, California, BC Docket No. 82–710, File No. BPH-810105AH, Req: 99.5 MHz, Channel 258 1.4 kW (H&V), 2125 feet, MAGIC COMMUNICATIONS CORP. Lakeport, California, BC Docket No. 82–711, File No. BPH–810630AI, Req: 99.5 MHz, Channel 258 5.012 kW (H&V), 1468 feet, Pamela K. Fishtrom, d.b.a. KONOCTI BROADCASTING COMPANY, Lakeport, California, BC Docket No. 82–712 File No. BPH–810701AL, Req: 99.5 MHz, Channel 258 2.5 kW (H&V), 1900.7 feet, For Construction Permit for a New FM Station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) The above-captioned mutually exclusive applications filed by Sydney H. Moate, Ping Yu Moate, Richard J. Joslyn and Peggy L. Joslyn, d.b.a. Clearlake Broadcasting Company (Clearlake); Magic Communications Corp. (Magic); and Pamela K. Fishtrom, d.b.a. Konocti Broadcasting Company (Konocti); (ii) a request by Konocti for waiver of the Commission's minimum mileage separation rule (Section 73.207), the Commission's letter of July 28, 1982 concerning this request, and Konocti's response to the Commission, filed August 27, 1982; (iii) a petition to deny filed by Young Radio, Inc. (Young) against Konocti; and (iv) an informal objection filed by Broadcasting Corporation of Mendocino County (BCMC) against Konocti and related pleadings.[1]

2. Clearlake. Analysis of the financial data submitted by Clearlake reveals that $63,630 will be required to construct and operate the station for three months. Clearlake plans to finance construction and operation with $53,000 in existing capital and $97,000 in new capital. The principals, however, have failed to demonstrate current liquid assets sufficient to meet both their current obligations and their stated contribution to the proposed station. Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, the applicant will be given 30 days from the date of mailing of this Order to review its financial proposal in light of Commission requirements, to make any changes that may be necessary, and, if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If the applicant cannot make the required certification, it shall so advise the Administrative Law Judge

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[1] BCMC filed its objection as a petition to deny the application of Konocti. However, in attempting to link Konocti's proposed site with Clearlake's proposal, BCMC does not provide a clear reason why the objections raised in its Clearlake petition are applicable to the Konocti proposal. Therefore, BCMC's petition will be treated as an informal objection pursuant to § 73.3587 of the Rules.

who shall then specify an appropriate issue. Minority Broadcasters of East St. Louis, Inc., BC Docket No. 82-378.

3. Clearlake's application further indicates that it will require 9 employees. There is no indication of how many will be full-time and how many part-time. The Commission requires that if there will be five or more full-time station employees, the applicant must complete and file Section VI of FCC Form 301 in triplicate and supply a statement detailing the applicant's hiring and promotion policies even though there may be only a few members of minority races residing within the proposed service area. Clearlake has failed to provide the required information. To remedy this deficiency, Clearlake will be required to file Section VI with the presiding Administrative Law Judge.

4. Short-spacing. The Commission's Rules define interference to FM stations solely on the basis of minimum assignment and station separation requirements, maximum power, and antenna height rules. Section 73.209(b). Commission policy does not permit waiver of the minimum mileage separation requirements where there are several mutually exclusive applications for the same channel when any one of them specifies a non-short-spaced site. Trend Broadcasting, Inc., 18 F.C.C. 2d 749 (1969). The rationale for this policy is that a request for a waiver of the short-spacing rules must be supported by a showing that no other sites are available. Since Clearlake and Magic have applied for sites that are not short-spaced, the apparent inference is that non-short-spaced sites are available to Konocti.

5. The Commission notified Konocti by letter July 28, 1982, explaining its minimum separation policy and giving Konocti 30 days to amend its application or be dismissed and denied comparative hearing with the non-short-spaced applicants. Nelson County Broadcasting Co., Inc., 64 F.C.C. 2d 932 (1977). On August 27, Konocti filed its response, contending that neither the Clearlake nor Magic sites were suitable for broadcast use because of line-of-sight problems that would lead to significant shadowing throughout the city of license.[2] Our study of Konocti's claims and accompanying engineering studies indicate that a question of fact exists that would be best treated during the comparative hearing process. Accordingly, we will defer any action on Konocti's request for waiver until a determination can be made as to which site or sites proposed, if any, would comply with the Commission's requirements for providing line-of-sight coverage to the city of license.

6. Young Radio, Inc. (Young), licensee of station KVYN(FM), St. Helena, California, has filed a petition to deny against Konocti, noting the latter's admitted short-spacing (63.26 miles instead of the required 65) with KVYN's transmitter. Young requests denial of Konocti's waiver request and dismissal of its application. Young will be added as a party to this proceeding to give it the opportunity under Section 316(a) of the Communications Act of 1934, as amended, to show in hearing why its license should not be modified. F.C.C. v. National Broadcasting Company, Inc., (KOA), 319 U.S. 239 (1943).

7. De facto reallocation. Broadcasting Corporation of Medocino County (BCMC), licensee of station KWNE(FM), Ukiah, California, filed petitions to deny against the Clearlake and Konocti applications. These petitions allege that a grant of either application would result in a de facto reallocation of the channel assigned for use in Lakeport and circumvent the rulemaking process by allowing the applicants to primarily serve the larger community of Ukiah and, thereby, deprive the assigned community of service. Hall Broadcasting Co., Inc., 71 F.C.C. 2d 235, 237 (1979). In its petition, filed July 8, 1981, against Clearlake's proposed site on Cow Mountain, BCMC's intent was to test the Clearlake proposal against the nine factors enumerated in Communications Investment Corporation v. F.C.C., 641 2d 954 (D.C. Cir. 1980) (hereafter CIC), the case in which the U.S. Court of Appeals listed nine factors, based on its study of past Commission cases on de facto reallocation, that could be used to judge whether an applicant's intent was to violate the fair and equitable distribution of broadcast services provision of Section 307(b) of the Communications Act.[3] On November 16, 1981, Clearlake filed a minor amendment to its application, specifying a change of transmitter site approximately three miles from its original proposal. In failing to address this change in subsequent pleadings, BCMC's petiton to deny Clearlake's application becomes moot. On December 11, 1981, BCMC filed its petition against Konocti wherein it noted that the petition was filed "for the same reasons discussed in the petition to deny filed against Clearlake," since "Konocti anticipates locating its antenna at the same location proposed by Clearlake." BCMC's petition against Konocti is clearly defective in that it relies completely on allegations contained in separate pleadings filed against a different party. Petitions to deny must contain specific allegations of fact sufficient to show that a grant of the application would be prima facie inconsistent with the public interest, convenience and necessity. Gulf Television Corp., 31 F.C.C. 2d 596(1971). Although Konocti's proposed site is on Cow Mountain, it is approximately one mile from the tendered Clearlake site and differs also in power and height above average terrain. In failing to demonstrate substantial links between the Konocti and the original Clearlake sites, BCMC has filed to provided the specificity of fact sufficient to sustain a petition to deny. Therefore, while we will dismiss BCMC's petition against Konocti because of the foregoing, we will treat its broader allegations in the context of an informal objection pursuant to § 73.3587 of the Commission's Rules.

8. In its decision in CIC, the United States Court of Appeals outlined nine factors which the Commission and the Court have relied on in determining whether a proposed transmitter move raises a question of de facto reallocation. The Court's factors were based on its study of cases where either the Court or the Commission required an evidentiary hearing on a de facto reallocation issue. The factors specified are:

(1) The ratio of the population of the larger city to the city of license;

(2) The relative distance of the proposed transmitter site from the city of license as compared to the larger city;

(3) The ratio of the signal strengths in both cities;

(4) Whether the city of license or any nearby area will lose coverage as a result of the proposal;

(5) Whether the proposed site is already in use by stations licensed to the larger city;

(6) Does the station plan to share facilities, staff, and/or programming with a co-owned AM station which is licensed to the larger city;

(7) Has the applicant evinced a prior interest in locating in the larger city;

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[2] Section 73.315(b) specifies that the "transmitter site should be chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path."

[3] Section 307(b) of the Communications Act of 1934, as amended, requires that channels be distributed equitably and efficiently in communities throughout the nation. Particular channels are made available for use in a specified community (or within a certain distance from that community) and are listed in § 73.202 (Table of Assignments) of the Rules. Only through a rulemaking proceeding can an applicant alter the Table.

(8) Does the applicant plan to move its studio to the larger city; and

(9) Does the proposed transmitter site present a unique advantage to the applicant.

9. Our review of Konocti's application, in light of the first three CIC factors, reveals that the population ratio of Ukiah to Lakeport is 3.27:1, Konocti's proposed transmitter site is 10.5 miles northwest of Lakeport and 7.25 miles southeast of Ukiah, and that Konocti will provide an undetermined superior signal to Ukiah (BCMC's determination in regard to the original Clearlake site was 85.5 dBu signal to Ukiah and an 80 dBu signal to Lakeport). We find no reason to weigh these factors in favor of the petitioner. The over-riding factor in our evaluation is the Commission-imposed site restriction of 12 miles northwest of Lakeport to avoid serious short-spacing problems with the adjacent channel Class A station in St. Helena. Any site adhering to the intent of the rulemaking slants both the population and distance ratios in the petitioner's favor. Thus, we will not penalize applicants for such matters. Further, Konocti's proposal will provide Lakeport with a signal in excess of the minimum required by § 73.315 of the Rules. The stronger signal provided to Ukiah is the result of the site restriction and, in any event, not dispositive.

10. Factors four through eight weigh in favor of Konocti. No specific detail has been provided to show that the entire city of Lakeport would not be covered by Konocti's proposed station. Since this is an application for a new station, there can be no loss of service involved to nearby areas. The fifth and sixth factors fall in Konocti's favor since the proposed site is not in use by any station assigned to Ukiah, and Konocti does not own an AM station licensed to Ukiah. The seventh and eighth factors, similarly, fall in Konocti's favor because it has never evinced an interest in locating either its station or its main studio in Ukiah.

11. Concerning the ninth factor, we find that Konocti has failed to show that its proposed Cow Mountain site offers any unique advantages from a standpoint of signal propagation. This is of little decisional signficance. The Court in CIC noted an applicant might offer a showing that would sufficiently explain a proposed transmitter location but "a required showing will rarely be possible, however, because it will be necessary for the proposing station to demonstrate that no other site closer to the primary market will do: showing a negative beyond dispute is not often easy." CIC, at 970. Thus, while we believe that this factor affords an applicant the opportunity of overcoming other factors which may stand against it by establishing that the proposed site is unique, a failure to do so should not be weighed against it.

12. In summary, de facto reallocation requires that existence of an element of removal of the channel from one city and an effective use of the same channel in another city. No reallocation can be assumed to exist if either element is missing. Central Alabama Broadcasting, 68 F.C.C. 2d 1339, 1340 (1978); Great Trails Broadcasting Corp., 59 F.C.C. 2d 916 (1976). Konocti's proposal provides no indication of abandonment of its community of license; it will provide Lakeport with the required city grade signal and maintain its main studio in Lakeport from which it will originate programming to meet the needs it ascertains are those of its city of license. Should this situation change in the future, the Commission would address that issue then. Accordingly, we find that analysis of most all of the CIC factors favors the applicant, and that BCMC has failed to raise a substantial and material question of fact that would require a hearing to determine whether the proposed operation would constitute a de facto reallocation of Channel 258B from Lakeport to Ukiah.

13. Petitions for leave to amend. On April 7, 1982, Magic filed a petition for leave to amend its application. The amendment changed the mailing addresses of both the applicant and of principal Clifford Marko. On May 28, 1982, Konocti filed a petition for leave to amend its application. Its statement indicated that the proposed site for its studios may not be available to the applicant, but that it would locate its main studio within Lakeport. The last day for filing amendments, as a matter of right, was December 11, 1981. We find that good cause has been shown for the filing of the respective amendments, and the petitions for leave to amend will be granted with the accompanying amendments accepted for informational purposes only.

14. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

15. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

16. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether a grant of the application of Konocti Broadcasting Company would result in a modification of the license of Station KVYN(FM) and, if so, whether or not the public interest would be better served by a grant of the proposal, together with a waiver of § 73.207 of the Commission's Rules.

2. To determine whether the sites proposed by Magic Communications Corp. and Clearlake Broadcasting Company meet the requirements of § 73.315 of the Commission's Rules and, if either do not, whether circumstances exist which warrant waiver of that Section.

3. To determine which of the proposals would, on a comparative basis, best serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

17. It is further ordered, That Clearlake Broadcasting Company shall submit a financial certification in the form required by Section III, F.C.C. Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

18. It is further ordered, That Clearlake Broadcasting Company file a completed Section VI with the presiding Administrative Law Judge in accordance with § 73.2080(c) of the Commission's Rules.

19. It is further ordered, That, Young Radio, Inc., licensee of FM station KVYN, St. Helena, California, is made a party to the proceeding, and its petition to deny is granted to the extent indicated and is denied in all other respects.

20. It is further ordered, That the petitions for leave to amend filed by Konocti Broadcasting Company and Magic Communications Corp. are granted and the accompanying amendments are accepted for informational purposes only.

21. It is further ordered, That the petition to deny the application of

Clearlake Broadcasting Company filed by Broadcasting Corporation of Mendocino County is dismissed as moot.

22. It is further ordered, That the petition to deny the application of Konocti Broadcasting Company filed by Broadcasting Corporation of Mendocino County is dismissed, but when considered as an informal objection is denied.

23. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

24. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-29577 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 82-722, File No. BP-811009AX and BC Docket No. 82-723, File No. BP-820325AG]

Wayne D. Tisdale and Lake Region News Corp; Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 30, 1982.

Released: October 20, 1982.

In re Applications of Wayne D. Tisdale, Sisseton, South Dakota, BC Docket No 82-722, File No. BP-811009AX, REQ: 1530 kHz, 1 kW, D, Lake Region News Corp.; Sisseton, South Dakota, BC Docket No. 82-723, File No. BP-820325AG, REQ: 1530 kHz, 1 kW, D, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above captioned mutually exclusive applications for new AM broadcast stations.

2. *Wayne D. Tisdale.* We have no evidence tha the applicant gave local notice of the filing of a major amendment to its application specifying a new frequency, transmitter location and antenna height, as required by Section 73.3580 of the Commission's Rules. It will therefore be required to demonstrate compliance with the requirement.

3. *Other matters.* Data submitted by the applicants indicate that there would be a significant difference in the areas and populations which would receive service from the proposals. Consequently, for the purpose of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue for the purpose of determining whether a comparative preference should accrue to either of the applicants.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

5. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To detemine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

6. It is further ordered, That Wayne D. Tisdale shall publish local notice of its amended application, if it has not already done so, and shall file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order is published in the **Federal Register.**

7. It is further ordered. That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

8. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing (either individually or jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 82-29572 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Meeting

October 20, 1982.

Task Group B-1 of Working Group B: Legal Implications.

Chairman: Martin Rothblatt (202) 463-2900.

Date: Friday, November 5, 1982.

Time: 1:30-4:30 P.M.

Location: 1111 19th Street, N.W., 10th floor, Washington, D.C.

Agenda: (1) Review comments and contributions; (2) Discuss working paper on legal implications of orbit spectrum planning by the ITU; (3) Preparation for Subcommittee preliminary report.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29573 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee for the 1985 ITU World Administrative Radio Conference on the Use of the Geostationary Satellite Orbit and the Planning of the Space Services Utilizing It (Space WARC Advisory Committee); Meeting

October 20, 1982.

Task Group B-4 of Working Group B: Institutional Accommodations of New Services and Technologies.

Chairman: S. A. Levy (202) 331-2624.

Date: Tuesday, November 9, 1982.

Time: 9:30 A.M.-12:30 P.M.

Location: Hogan & Hartson, 7th floor, 815 Connecticut Avenue, N.W., Washington, D.C. 20006.

Agenda: (1) Introductions; (2) Approval of Agenda; (3) Report on Plenipotentiary Conference; (4) Report on Institutional Requirements of New Services; (5) Discussion of Institutional Implications of Alternative Planning Approaches; (6) Future Work Program;

(7) Other Business; (8) Next Meeting; (9) Adjournment.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29574 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

Joint Meeting of the TIAG Steering Committee, the Definitions and Rules Subcommittee and the Plant Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a joint meeting of the Telecommunications Industry Advisory Group (TIAG) Steering Committee, the Definitions and Rules Subcommittee and the Plant Accounts Subcommittee scheduled to meet on Tuesday, November 16, 1982. The meeting will be held at 9:30 a.m. in Room 330 of the Federal Communications Commission offices locted at 1200 19th Street, N.W., Washington, D.C. and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Discussion of Subcommittee Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of the Chairman, Gerald P. Vaughan, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Steering Committee or Subcommittee objectives. Anyone not a member of the Steering Committee, the Definitions and Rules Subcommittee or the Plant Accounts Subcommittee and wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29576 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Auditing and Regulatory Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group's Auditing and Regulatory Subcommittee scheduled to meet on Wednesday, December 1, 1982. The meeting will be held at 9:00 a.m. in Room 330 of the Commission's offices at 1200 19th Street, NW., Washington, D.C. and will be open to the public. The agenda is as follows:

I. General administrative matters.
II. Continued analysis of GAAP as it applies to USOA.
III. Continued analysis of impact of ERTA of 1981 on regulated industries.
IV. Further assignment of tasks.
V. Other business.
VI. Presentation of oral statements.
VII. Adjournment.

With prior approval of Subcommittee Chairman Hugh A. Gower, oral statements, while not favored or encouraged, may be allowed if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Gower (404/658-1776) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29575 Filed 10-27-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First National Cincinnati Corporation,* Cincinnati Ohio; to acquire 100 percent, less directors' qualifying shares, of the voting shares or assets of The Farmers and Traders National Bank of Hillsboro, Hillsboro, Ohio. Comments on this application must be received not later than November 22, 1982.

2. *Peoples Bancorp Inc.,* Marietta, Ohio; to acquire 100 percent of the voting shares of The Peoples Bank, Nelsonville, Ohio. Comments on this application must be received not later than November 19, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Tennessee National Bancshares,* Maryville, Tennessee; to acquire 100 percent of the voting shares or assets of First National Bank of Jefferson City, Jefferson City, Tennessee. Comments on this application must be received not later than November 22, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60609:

1. *Firstbank of Illinois Co.,* Springfield, Illinois; to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First Trust and Savings Bank of Taylorville, Taylorville, Illinois. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR. Doc. 82-29600 Filed 10-27-82. 8.45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo*) (or continue to engage in an activity earlier commenced *de novo),* directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits for the public, such as grerater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of facts that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Manufacturers Hanover Corporation* , New York, New York (reinsurance activities; Massachusetts): To engage, through its subsidiary, Ritter Life Insurance Company, in the activity of reinsuring single credit life insurance related to extensions of credit made in the State of Massachusetts by subsidiaries of Manufacturers Hanover Corporation. These activities would be conducted from an office in Huntington Valley, Pennsylvania, serving the State of Massachusetts. Comments on this application must be received not later than November 18, 1982.

2. *Manufacturers Hanover Corporation*, New York, New York (reinsurance activities; Illinois): To engage, through its subsidiary, Tempco Life Insurance Company, in the activity of reinsuring single and joint credit life insurance related to extensions of credit made in the State of Illinois by subsidiaries of Manufacturers Hanover Corporation. These activities would be conducted from an office in Phoenix, Arizona, serving the State of Illinois. Comments on this application must be received not later than November 18, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *The Colonial Bancgroup, Inc.*, Montgomery, Alabama (making loans for its own account; Alabama): To engage directly in making for its own account, loans and other extensions of credit, such as would be made, for example, by a mortgage, finance, credit card, or factoring company. These activities would be conducted from offices in Montgomery, Alabama. Comments on this application must be recieved not later than November 17, 1982.

Board of Governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR. Doc. 82-29598 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Authorization for Foreign Currency Operations

In accordance with the Committee's rules regarding availability of information, notice is given that the Committee's authorization for foreign currency operations was amended effective August 28, 1982, for the period through August 23, 1983, to read as follows:

The Federal Open Market Committee directs the Federal Reserve Bank of New York to maintain reciprocal currency arrangements ("swap" arrangements) for the System Open Market Account for periods up to a maximum of 12 months with the following foreign banks, which are among those designated by the Board of Governors of the Federal Reserve System under § 214.5 of Regulation N, Relations with Foreign Banks and Bankers, and with the approval of the Committee to renew such arrangements on maturity:

Foreign Bank	Amount of arrangement (millions of dollars equivalent)
Austrian National Bank	250
National Bank of Belgium	1,000
Bank of Canada	2,000
National Bank of Denmark	250
Bank of England	3,000
Bank of France	2,000
German Federal Bank	6,000
Bank of Italy	3,000
Bank of Japan	5,000
Bank of Mexico:	
Regular	700
Special	325
Netherlands Bank	500
Bank of Norway	250
Bank of Sweden	300
Swiss National Bank	4,000
Bank for International Settlements:	
Dollars against Swiss francs	[illegible]
Dollars against authorized European currencies other than Swiss francs	1,250

Any changes in the terms of existing swap arrangements, and the proposed terms of any new arrangements that may be authorized, shall be referred for review and approval to the Committee.

By order of the Federal Open Market Committee, October 19, 1982.

Murray Altmann,

Secretary.

[FR Doc. 82-29597 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

First Stillwater Bancshares, Inc.; Formation of Bank Holding Company

First Stillwater Bancshares, Inc., Stillwater, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First Union Corporation, Stillwater, Oklahoma and thereby indirectly acquire The First National Bank and Trust Company of Stillwater, Stillwater, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Stillwater Bancshares, Inc., Stillwater, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of The First Union Corporation, Stillwater, Oklahoma and thereby indirectly acquire the First Union Company, Stillwater, Oklahoma, First Union Insurance Agency, Inc., Stillwater, Oklahoma, First Union Financial Services, Inc., Stillwater, Oklahoma.

Applicant states that the proposed subsidiaries would engage in the activities of providing credit related insurance and extending credit and servicing loans. These activities would be performed from offices of Applicant's subsidiary in Stillwater, Oklahoma, and the geographic area to be served is the State of Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than November 19, 1982.

Board of governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29599 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *U.S.B. Holding Co., Inc.*, Nanuet, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Union State Bank, Nanuet, New York. Comments on this application must be received not later than November 22, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Columbia Bancing Company*, Columbia, Alabama; to become a bank holding company by acquiring 80 percent of the voting shares of Bank of Columbia, Columbia, Alabama. Comments on this application must be received not later than November 22, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Kane County Bancshares, Inc.*, Elburn, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Kane County Bank and Trust Company, Elburn, Illinois. Comments on this application must be received not later than November 22, 1982.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *G-6 Corporation*, Mesquite, Texas; to become a bank holding company by acquiring 95.57 percent or more of the voting shares of First State Bank, Mesquite, Texas. Comments on this application must be received not later than Nomember 22, 1982.

2. *Gulf Southwest Bancorp, Inc.*, Houston, Texas; to become a bank holding company by acquiring at least 80 percent of the voting shares of Southern State Bank, South Houston, Texas; League City National Bank, South League City, Texas; and Aluin Community Bank, N.A., Aluin, Texas; and at least 99.96 percent of the voting shares of Merchants Park Bank, Houston, Texas; and 100 percent of the voting shares of Gulf Southwest Bancshares, Inc., Houston, Texas and 100 percent of the votings shares of Westgrove Corporation, South Houston, Texas. Comments on this application must be received not later than November 22, 1982.

3. *New Ulm Financial Corporation*, New Ulm, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of New Ulm State Bank, New Ulm, Texas. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29601 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Wilber Corporation*, Oneonta, New York; to become a bank holding company by acquiring 100 percent of the voting shares of Wilber National Bank, Oneonta, New York. Comments on this application must be received not later than November 19, 1982.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *F&M Bancorp*, Miamisburg, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers and Merchants Bank, Miamisburg, Ohio. Comments on this application must be received not later than November 19, 1982.

C. **Federal Reserve Bank of Atlanta** (Roberty E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Bank of Gonzales Holding Company, Inc.*, Gonzales, Louisiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Gonzales, Gonzales, Louisiana.

2. *Bayoulands Financial Corporation*, Platterville, Louisiana; to become a bank holding company by acquiring 80 percent of the voting shares of Bayoulands Bank, Platterville, Louisiana. Comments on this application must be received not later than November 19, 1982.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Lena Corporation*, Lena, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Citizens State Bank of Lena, Lena, Illinois. Comments on this

application must be received not later than November 19, 1982.

E. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Hillsboro Bancshares, Inc.*, Hillsboro, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Hillsboro, Hillsboro, Missouri. Comments on this application must be received not later than November 19, 1982.

F. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Hebron Banshares, Inc.*, Omaha, Nebraska; to become a bank holding company by acquiring 80 percent of the voting shares of Security Bank of Hebron, Hebron, North Dakota. Comments on this application must be received not later than November 19, 1982.

G. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *C & M Bancshares, Inc.*, Cameron, Missouri; to become a bank holding company by acquiring 78 percent of the voting shares of Memphis Bancshares, Inc., Memphis, Missouri, and thereby indirectly acquire The Farmers and Merchants Bank of Memphis, Memphis, Missouri; and by acquiring 100 percent of the voting shares of Cameron Bankshares, Inc., Cameron, Missouri, and thereby indirectly acquire the Cameron State Bank, Cameron, Missouiri. Comments on this application must be received not later than November 19, 1982.

H. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Cal Rep Bancorp, Inc.*, Bakersfield, California; to become a bank holding company by acquiring 100 percent of the voting shares of California Republic Bank, Bakersfield, California. Comments on this application must be received not later than November 19, 1982.

Board of Governors of the Federal Reserve Systems, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29602 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

Northwestern National Bank of Minneapolis; Corporation to Do Business Under Section 25(a) of the Federal Reserve Act

An application has been submitted for the Board's approval of the organization of a corporation to do business under section 25(a) of the Federal Reserve Act ("Edge Corporation"), to be know as Northwest International Bank, Miami, Miami, Florida. Northwest International Bank, Miami, Florida would operate as a subsidiary of Northwestern National Bank of Minneapolis, Minneapolis, Minnesota. The factors that are considered in acting on the application are set forth in § 211.4(a) of the Board's Regulation K (12 CFR § 211.4(a)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 22, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 22, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29598 Filed 10-27-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with repect to these proposed acquisitions during the applicable waiting period:

Transaction	Waiting period terminated effective
(1) Independence National Corporation's proposed acquisition of all voting securities of National Life Insurance Company..	Oct. 19, 1982.
(2) Guardian Royal Exchange assurance p.l.c. proposed acquisition of all voting securities of Tri American Corporation.	Oct. 19, 1982.
(3) General Foods Corporation's proposed acquisition of all voting securities of Entenmann's Inc..	Oct. 19, 1982.
(4) Exxon Corporation's proposed acquisition of certain assets of Tosco Corporation.	June 11, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

Transaction	Waiting period terminated effective
Esmark, Inc's, proposed acquisition of certain assets of Wellman Dynamics Corp..	Oct. 21, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia A. Foster, Compliance Specialist, Premerger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82-29672 Filed 10-27-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Meeting of the California Desert District Multiple Use Advisory Council

Notice is hereby given in accordance with Pub. L. 92-463 and 94-579 that the California Desert District Multiple Use Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally Friday, November 19 and Saturday, November 20, 1982, in the BPO Elks Lodge No. 1799, 244 W. Hobsonway, Blythe, California. The meetings will be from 8 a.m. to 5 p.m. and from 8 a.m. to 12 p.m., respectively.

Items to be addressed are:

—Budget
—Plan Implementation Review
—Federal Asset Management Program
—Review of Escondido Project, including Otay Grazing Environmental Impact Statement
—Wilderness Review
—Air Quality
—Wind Energy
—Chuckwalla Bench
—1982 Plan Amendments

A major subject on the agenda, the 1982 Plan Amendments, will be the 1982 proposed amendments to the California Desert Plan and Eastern San Diego County Management Framework Plan. The meeting will serve to review the Plan Amendments and comments received during the public review period. Recommendations will be made regarding the proposed Plan Amendments.

A field trip is scheduled for Thursday, November 18. Field trip issue will be the following: Chuckwalla Bench.

The meeting is open to the public, with time allotted for public comment after each subject is presented. Statements may be filed in advance to Desert Advisory Council Chairman Clayton A. Record, Jr., Public Affairs Office, 1695 Spruce Street, Riverside, California 92507.

For further information and meeting confirmation contact the California Desert District, 1695 Spruce Street, Riverside, California (714) 351-6383.

Dated: October 18, 1982.

Mark E. Lawrence,

Acting District Manager.

[FR Doc. 82-29563 Filed 10-26-82; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Wednesday, December 1, 1982. The meeting will begin at 9:30 a.m. in the Bureau of Land Management Cedar City District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda is as follows: (1) Review of Proposed Allotment Management Plans, (2) Rangeland Improvement and Maintenance Policy, (3) Rangeland Betterment Projects, (4) Grazing Regulations, (5) General Board Business.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 9:30 a.m. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801-586-2401, by November 26, 1982. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: October 21, 1982.

Morgan S. Jensen,

District Manager.

[FR Doc. 82-29562 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

Utah; Negro Bill Canyon Intensive Wilderness Inventory Decision—Not in Effect; Bureau of Land Management

ACTION: Notice.

SUMMARY: This notice announces that the State Director's final wilderness intensive inventory decision to identify 7,620 acres of the Negro Bill Canyon inventory unit (UT-060-138) is not in effect as published in the September 14, 1982, **Federal Register** (47 FR 40489), due to an appeal received on the decision. The **Federal Register** notice published September 14, 1982, indicated that of the 9,420 acres in the inventory unit 7,620 acres contained wilderness characteristics and would be identified as a wilderness study area (WSA). The remainder of the unit (1,840 acres) was being dropped from further wilderness review. Since the appeal is against having part of the inventory unit identified as a WSA that part of the decision to drop 1,840 acres from further wilderness review is now in effect. The decision on the 7,620 acres identified as having wilderness characteristics and subject to the appeal is not in effect and will remain under management restriction imposed by Section 603 of the Federal Land Policy and Management Act pending resolution of the appeal by the Interior Board of Land Appeals in which the appeal was filed.

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator, (801) 524-4257.

Roland G. Robison,

State Director.

[FR Doc. 82-29561 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[U-47297]

Utah: Realty Action Sale of Public Lands in Rich County

AGENCY: Bureau of Land Management, Salt Lake District, Interior.

ACTION: Notice.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value shown:

Legal description	Acre-[illegible]	Value
T. 12 N., R. 8 E., S.L.M., Section 29, NW¼NE¼	40.0	[illegible]

The above described land will be sold in order to dispose of lands which because of location and other characteristics are difficult and uneconomical to manage. The sale is consistent with the Bureau's planning system and the public interest will be served by offering these lands for sale.

In order to accommodate this sale, the classification decision of April 17, 1981 (U-48153) classifying certain lands in Rich County, Utah, for disposal under the Act of March 3, 1877 (19 Stat. 377; 43 U.S.C. 321-323) as amended, is hereby cancelled as to all lands in Township 12 North, Range 8 East, S.L.M. These lands are opened to operation under the public land laws, effective the date of this notice.

The sale will be held on January 10, 1982 at 10:00 A.M. at the BLM offices at 2370 S. 2300 W., Salt Lake City, Utah. Said lands will be sold by public auction through competitive bidding. Bids may be made by a principal or duly qualified agent. Qualified bidders include: citizens of the United States 18 years of age or over; a corporation subject to the laws of any state or as the United States; a state, state instrumentality or political subdivision authorized to hold property; and any entities capable of holding lands or interests therein under the laws of the state within which the lands to be conveyed are located. Entities include but are not limited to associations, partnerships, and other legal entities.

Sealed bids shall be considered only if received at the place of sale, BLM, 2370 South 2300 West, Salt Lake City, Utah 84119, prior to 9:00 A.M. the day of the sale and for at least the appraised value. Each bid shall be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to the Bureau of Land Management for not less than one-fifth of the amount of bid and shall be enclosed in a sealed envelope clearly marked "Bid for Public Land Sale U-47297, Rich County." If two or more bids for the same amount are received, the apparent high bidder shall be determined by drawing pursuant to 43 CFR 2711.3-1(c).

The sealed bids shall be opened and publicly declared at the beginning of the sale. Oral bids will then be entertained. The oral bids must be made in increments of $500 or more. A maximum of two minutes will be allowed between oral bids for the submission of a higher bid. After oral bids are entertained, the apparent high bidder will be declared. The person declared to have entered the apparent high qualifying oral bid shall submit payment by cash, personal check, bank draft, money order or any combination thereof, any additional amount necessary to bring the amount tendered with their sealed bids up to one-fifth of the amount of the oral bid, immediately following the close of the sale.

The acceptance or rejection of any offer to purchase shall be in writing no later than 30 days after receipt of such offer.

The terms and conditions applicable to the sale are:

(1) The apparent high bidder shall submit the remainder of the full bid price within 30 days from date of sale. Failure to submit the full bid price prior to, but not including the 30th day following the sale, shall result in cancellation of the sale of the above described lands and the deposit shall be forfeited.

(2) The authorized officer may reject the highest qualified bid and release the bidder from his obligation and withdraw the tract for sale, if he determines that consummation of the sale would be inconsistent with the provisions of any existing law or collusive or other activities have hindered or restrained free and open bidding or consummation of the sale would encourage or promote speculation in public lands.

(3) The patent will contain a reservation for ditches and canals and be subject to all valid existing rights.

(4) All minerals will be reserved to the United States.

Detailed information concerning the sale, including the planning documents, environmental assessment and the record of public involvement, is available for review at the Salt Lake District, Bureau of Land Management Office, 2370 South 2300 West, Salt Lake City, Utah 48119.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, BLM, 2370 South 2300 West, Salt Lake City, Utah 84119. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Frank W. Snell,

District Manager.

[FR Doc. 82-29564 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[C-24224]

Colorado; Partial Cancellation of Withdrawal Application and Opening of Land

Corrections

In FR Doc. 82-26573 beginning on page 42641 in the issue of Tuesday, September 28, 1982, make the following changes:

1. On page 42642, first column, under T. 15 S., R. 78 W., the fourth line should read: "Sec. 12, NE¼, NE¼NW¼, S½NW¼, E½SW¼,"; and the seventh line should read: "NW¼SE¼;".

BILLING CODE 1505-01-M

Combined Miles City, Lewistown and Butte Districts Grazing Advisory Boards Meeting

October 22, 1982.

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Miles City, Lewistown and Butte District Grazing Advisory Boards will be held December 6, 1982. The meeting will begin at 1:00 p.m. in the Northern Hotel at Broadway and First Avenue North Billings, Montana.

The agenda is as follows:

1. Water Rights.
2. Asset Management.
3. General items of mutual interest regarding the Rangeland Management program, allotment management plans and Range Betterment Funds.

The meeting is open to the public. The public may make oral statements before the Grazing Advisory Board or file written statements for the boards' consideration. Depending upon the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the three Bureau of Land Management District Offices and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information contact District Managers at Miles City District Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301; Lewistown District, Bureau of Land Management, Drawer 1160, Lewistown, Montana 59457; or Butte District, Bureau of Land Management, P.O. Box 308, Butte, Montana 59701.

Ray Brubaker,

District Manager.

[FR Doc. 82-29661 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[N-4883]

Nevada; Order Providing for Opening of Land; Correction

October 19, 1982.

In FR Doc. 82-24226, page 38995 of the issue published on Friday, September 3, 1982, the case file number at the top of the order should read "N-4883" instead of N-7196.

Richard G. Morrison,

Acting Chief, Division of Operations.

[FR Doc. 82-29660 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 10138]

Oregon; Partial Termination of Proposed Withdrawal and Reservation of Land

Notice of U.S. Forest Service, Department of the Agriculture, application OR 10138, for withdrawal and reservation of land was published as FR Doc. 38-213 of page 30569 of the issue of November 6, 1973. The purpose of the proposed withdrawal is to protect the Mt. Ashland Winter Sports Area. The applicant agency has cancelled its application insofar as it affects the following described land:

Willamette Meridian

Rogue River National Forest

T. 40 S., R. 1 E.,
  Sec. 15, SW¼NW¼.

The area described contains 40 acres in Jackson County, Oregon.

Pursuant to the regulations contained in 43 CFR 2310.2-1(c), the above described land will be open to entry and location under the mining laws (30 U.S.C. Ch. 2) at 9:30 a.m. on December 6, 1982.

Dated: October 21, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-29664 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 11159]

Oregon; Partial Termination of Proposed Withdrawal and Reservation of Lands; Correction

In FR Doc. 82–15156, published at page 24452 in the issue of Friday, June 4, 1982, make the following correction on the fifth line following T. 18 S., R. 9 E.: "sec. 19, Lots 1, 2, and 3, S½NE¼, SE¼NW¼, "should read "sec. 19, Lots 2, 3, and 4, S½NE¼, SE¼NW¼,".

Dated: October 21, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-29663 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

[OR 11469(WASH)]

Washington; Termination of Proposed Withdrawal and Reservation of Lands; Correction

In FR Doc. 82–5522, published at page 8865 in the issue of Tuesday, March 2, 1982, make the following correction on the first line following T. 39 N., R. 9 E.: "Sec. NW¼NE¼, N½NW¼, and ", should read "Sec. 3, NW¼NE¼, N½NW¼, and ".

Dated: October 21, 1982.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-29662 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Alaska; Proposed Land Exchange

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service is negotiating a small land exchange on Upper Ugashik Lake within the Alaska Peninsula National Wildlife Refuge. A draft report on this proposed transaction is available for review. Comments will be considered.

ADDRESS: Requests for the draft report, further information and/or comments should be addressed to: William H. Mattice, Chief, Division of Realty, Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 263–34880.

DATES: Comments are requested by November 22, 1982.

SUPPLEMENTARY INFORMATION: A survey in 1981 disclosed that a 1973 application for a five acre headquarters site was within a previously designated Recreation and Public Purposes Land Classification, and was not available for patenting. Since the property is now improved, and the applicant is entitled to a similar site nearby, a land exchange is proposed to accommodate the applicant and to prevent disturbance of additional land. Section 1302 of the Alaska National Interest Lands Conservation Act (ANILCA) provides for land exchanges of this type.

Dated: October 20, 1982.

William H. Mattice,

Chief, Division of Realty.

[FR Doc. 82-29658 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: This Notice announces that Texaco U.S.A., Unit Operator of the Eugene Island Block 205 Federal Unit Agreement No. 14–08–0001–8654, submitted on October 19, 1982, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 205 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that Minerals Management Service is considering approval of the plan and that it is available for public review at the offices of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 21, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-29666 Filed 10-27-82; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30037]

Rail Carriers; Atchison, Topeka and Santa Fe Railway Co.; Abandonment Exemption—Chicago, IL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903–10906, the abandonment by the Atchison, Topeka and Santa Fe Railway Company of less than 3 miles of line in Chicago, IL, subject to standard labor protection provisions.

DATES: This exemption shall be effective on November 29, 1982. Petitions to stay the effectiveness of this decision must be filed by November 8, 1982. Petitions for reconsideration must be filed by November 17, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Michael W. Blaszak, 80 East Jackson Boulevard, Chicago, IL 60604.

Pleadings should refer to Finance Docket No. 30037.

FOR FURTHER INFORMATION CONTACT:

Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289–4357—DC metropolitan area, (800) 424–5403—Toll free for outside the DC area.

Decided: October 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29604 Filed-10-26-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30039]

Prairie Central Railway Co.; Acquisition, Operation, and Securities Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10901 and 11301 the proposed acquisition and operation by Prairie Central Railway Company of a 25.25 mile line segment of Conrail's abandoned Cairo Branch between Lawrenceville and Mt. Carmel, IL, and the issuance of a promissory note to be used to finance this transaction respectively.

DATES: Exemption effective on October 28, 1982. Petitions to reopen must be filed by November 17, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: William C. Evans, Suite 1100, 1660 L Street, NW., Washington, DC 20036.

Pleadings should refer to Finance Docket No. 30039.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

DECIDED: October 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29610 Filed 10-27-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Decision-Notice Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: October 21, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC-F-14965, filed October 4, 1982, Applicants: W.F.W. COMPANY, P.O. Box 13506, Tampa, FL 33681—continuance in control—both REBEL EXPRESS COMPANY, 6241 North Dixie Highway, Fort Lauderdale, FL 33334, and for continuance in control by W.F. Wolff, Sr., through the transaction. Applicant's representative : Philip B. Cochran, Suite 1815, 50 West Broad Street, Columbus, Ohio 43215. The operating authority Rebel was awarded in MC-149608 (Sub-No. 5) was set forth at p. 9083 of the Wednesday, March 3, 1982, **Federal Register**. W.F.W. Company also controls The Youngstown Cartage Company and B&P Motor Express Co., both certificated motor carriers. No application has been filed for temporary authority.

[FR Doc. 82-29605 Filed 10-27-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note:—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275-7030.

Volume No. OP 2-266

Decided: October 20, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-623, filed October 14, 1982. Applicant: B & B FOREST PRODUCTS, INC., d.b.a. B & B FORWARDING, 1717 Torrance Blvd., Torrance, CA 90501. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, 202-785-0024. As a *freight forwarder*, in connection with the transportation of *household goods, baggage, and transportation equipment*, between points in the U.S.

MC 682 (Sub-41), filed October 7, 1982. Applicant: BURNHAM VAN SERVICE, INC., 5000 Burnham Blvd., Columbus, GA 31907. Representative: David Earl Tinker, 1000 Conn. Ave., NW., Suite 1112, Washington, DC 20036-5391, (202) 887-5868. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Digital Equipment Corporation, of Maynard, MA.

MC 144513 (Sub-23), filed October 12, 1982. Applicant: CONDOR CARRIER, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. (402) 475-6761. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: The purpose of this application is to convert contract carrier authority to common carrier authority. The authority in permits MC-138054 Subs 1, 10, 14, 22, 25, 34, and 36, superceded by MC-144513 Subs 22X on November 5, 1981, and MC-138054 Subs 2, 3, 5, 6, 7, 11, 21, 23, 28, 30, and 31, are all to be coincidentally cancelled upon issuance of the Certificate in MC-,144513 Sub 23 above.

MC-159062 (Sub-1), filed October 15, 1982. Applicant: CENTRAL TRUCKING, INC., 137 Burgess Lane, Charlottesville, VA 22901. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804-282-3809. Transporting *coal*, between points in KY, TN, VA (except Bristol, Glasgow, and Marion), and WV, on the one hand, and, on the other, points in MD, PA, VA (except Bristol, Glasgow, and Marion), and WV.

MC-163182, filed October 13, 1982. Applicant: NEW BREED HAULING & RIGGING CORPORATION, 20 Lucon Drive, Deer Park, NY 11729. Representative: Zoe Ann Pace, 387 Park Avenue South, New York, NY 10016, (212) 532-1800. Transporting *petroleum products combustible liquids and flammable liquids*, between points in the U.S., under continuing contract(s) with Brookhaven National Laboratory, of Upton, NY. Condition: To the extent any permit issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited to a period expiring 5 years from its date of issuance.

For the following, please direct status inquiries to Team 3 at 202-275-5223.

Volume No. OP 3-05

Decided: October 21, 1982.

By the Commission, Review Board No. 2, Members Carlton, Williams, and Ewing.

MC-15735 (Sub-59), filed October 14, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Broadview, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. Transporting *household goods*, between points in the U.S., under continuing contract(s) with American Natural Gas Coal Gasification Company, of Detroit, MI.

MC 22484 (Sub-10), filed October 6, 1982. Applicant: BROWN FROM WABASH, INC., 403 Cass St., Wabash, IN 46992. Representative: Donald W. Smith, P.O. Bos 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting *plastic products*, and *pulp, paper and related products*, between St. Louis, MO, Philadelphia, PA, Chicago and Rock Island, IL, Cincinnati, OH, Baltimore, MD, Boston, MA, Chattanooga, Memphis, and Nashville, TN, Fort Worth and Houston, TX, Lousiville, KY, Winston-Salem, NC, Sioux City, IA, Jacksonville, FL, Wilmington, DE, and Atlanta, GA, and points in Wabash, Deleware, Madison, and Rush Counties, IN, St. Charles County, MO, Montgomery, Chester, and Delware Counties, PA, Miami, Cuyahoga, Portage, and Pickaway Counties, OH, Muskogee County, OK, Cleveland and Guilford Counties, NC, Sumter and Nassau Couties, FL, Monmouth and Middlesex Counties, NJ, DeKalb County, GA, Oswego County, NY, and Jefferson Parish, LA, on the one hand, and, on the other, those points in the U.S. in the east of ND, SD, NE, KS, OK, and TX.

MC 41294 (Sub-4), filed October 12, 1982. Applicant: UNITED RIGGING & HAULING, INC., 6701 Ammendale Rd., Beltville, MD 20705. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425-13th St. NW., Washington, DC 20004, (202) 737-1030. Transporting *commodities* which because of size or weight require special equipment, between points in the U.S. (except AK and HI).

MC 67234 (Sub-60), filed October 6, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Leeds & Northrup Company, A Unit of General Signal Corp., of North Wales, PA.

MC 67234 (Sub-61), filed October 6, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400. St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Standard Oil Company (Indiana), of Chicago, IL.

MC 67234 (Sub-62), filed October 12, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400. St. Louis, MO 63105. (314) 727–0777. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and KI), under continuing contract(s) with Solid State Scientific, Inc., of Montgomeryville, PA.

MC 102285 (Sub-10), filed October 8, 1982. Applicant: MIAMI TRANSFER CO., INC., 10340 N.W. 37th Ave., P.O. Box 680579, Miami, FL 33168. Representative: Norman J. Bolinger, Suite 225, 3100 University Blvd., S. Jacksonville, FL 32216, (904) 724–7539. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, FL, GA, NC, and SC.

MC 123074 (Sub-23), filed October 14, 1982. Applicant: M. L. ASBURY, INC., 1100 S. Oakwood, Detroit, MI 48217. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084, (313) 649–6650. Transporting *Commodities in bulk*, (1) between points in MI, OH, IL, and IN; and (2) between ports of entry on the International Boundary line between the United States and Canada, in the U.S., on the one hand, and, on the other, points in MI, IN, IL, and OH.

MC 123675 (Sub-10), filed October 14, 1982. Applicant: SOLDIER BROS. A B T LINE, INC., 614 Paine Ave., Toledo, OH 43605. Representative: Keith D. Warner (same address as applicant), (419) 691–6746. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The General Tire & Rubber Company Akron, OH.

MC 126545 (Sub-16), filed October 1, 1982. Applicant: GLENERY, INC., 173 Hickory Street, Kearny, NJ 07032. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with BASF Wyandotte, of Holland, MI.

MC 128075 (Sub-47), filed October 13, 1982. Applicant: JOHNSRUD TRANSPORT, INC., 5301 Northeast 17th St., Des Moines, IA 50313. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *Food and related products*, between points in the U.S. under continuing contract(s) with Hunt-Wesson Foods, Inc. of Fullerton, CA.

MC 136635 (Sub-73), filed October 12, 1982. Applicant: WHITEFORD TRUCK LINES, INC., 640 West Ireland Rd., South Bend. IN 46680. Representative: Morman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 148814 (Sub-3), filed October 14, 1982. Applicant: NATIONAL TRAFFIC SERVICE, INC., 1706–196th S.E., Bothell, WA 98011. Representative: Frank Willson, 2828 Colby, Suite 400, Everett, WA 98201, (206) 259–5511. Transporting (1) *glass*, between points in TX, MO, OK, TN, VA, PA, and CA, on the one hand, and, on the other, points in WA, OR and CA, (2) *glass and lumber*, between ports of entry on the international boundary line between the U.S. and Canada, in WA, on the one hand, and, on the other, points WA, (3) *lumber and shakes*, between points in WA and OR, on the one hand, and, on the other, points in the U.S. (except AK and HI), (4) *plastic insert layers*, between points in CA and MI, on the one hand, and, on the other, points in WA, (5) *plastic trim*, between points in WA, on the one hand, and, on the other, points in MI, (6) *polymers*, between points in CA, on the one hand, and, on the other, points in WA, (7) *aluminum extrusions*, between points in MO, on the one hand, and, on the other, points in CA, UT, WA and OR and (8) *wood products and prefinished moldings*, between points in WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150255 (Sub-10), filed October 8, 1982. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202 (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Empire Staple Company of Denver, CO.

MC 151934 (Sub-2), filed October 13, 1982. Applicant: KING'S EXPRESS, INC., R. R. 2, St. Joseph, MN 56374. Representative: Stanley C. OLsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Robel Packers, Inc. of St. Cloud, MN.

MC 155235 (Sub-1), filed October 12, 1982. Applicant: DAVIDSON TRUCKING CO., INC., 140 Canal St., Malden, MA 02148. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181 (617) 235–5571. Transporting *metal and metal products*, between points in the U.S., under continuing contract(s) with Penn Culvert Company, Inc., of Billerica, MA

MC 157105 (Sub-1), filed October 15, 1982. Applicant: B & R TRUCK LINE, INC., 2226 Brooktree, P.O. Box 30001, Houston, TX 77249. Representative: Charles E. Munson, 500 W. Sixteenth St., P.O. Box 1945, Austin, TX 78767 (512) 978–9808. Transporting (1) *Mercer commodities*, (2) *those commodities which because of their size or weight require the use of special handling or equipment*, and (3) *metal products*, (a) between points in TX, OK, NM, AR, LA and MS, and (b) between points in TX, OK, NM, AR, LA and MS, on the one hand, and, on the other, points in CA, AZ, UT, CO, ND, KS, IL, IN, MI, OH, PA, NY and FL.

MC 160345, filed October 8, 1982. Applicant: EATON TRANSPORATION COMPANY, INC., 2951 Coors Ct., Santa Rosa, CA 94501. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111 (415) 986–1414. Transporting *food and related products*, between points in CA and CO.

MC 161754, filed October 13, 1982. Applicant: ANCONA GRAIN, INC., Ancona, IL 61311. Representative: Albert

A. Andrin, 180 North La Salle Street, Chicago, IL 60601 (312) 332–5106. Transporting (1) *fertilizer and chemicals,* between points in IL, WI, IA, MO and IN, and (2) *concrete products,* between points in IL, on the one hand, and, on the other, points in WI, IA, IN, MO, KY, MI, TN, MN, OH, NE and KS.

MC 164134, filed October 6, 1982. Applicant: DIRECT EXPRESS, INC., P.O. Box 2280, Dearborn, MI 48123. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084 (313) 649–6650. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of pharmaceuticals, medical supplies and equipment, and hospital supplies and equipment, between Detroit, MI, on the one hand, and, on the other, points in OH.

MC 164145, filed October 5, 1982. Applicant: VAL TRUCKING, INC., 3226 W. Durango, Phoenix, AZ 85009. Representative: Donald E. Fernaays, 2619 N. 50th Place, Phoenix, AZ 85008 (602) 952–1560. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with AmeriGas, of Phoenix, AZ.

MC 164165, filed October 4, 1982. Applicant: LEE M. WHITE, INC., P.O. Box 434, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229 (804) 282–3809. Transporting (1) *building materials,* (2) *lumber and wood products,* and (3) *pulp, paper and related products,* between points in NC and VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 164175, filed October 12, 1982. Applicant: MACHINERY TRANSPORT SPECIALISTS, INC., P.O. Box 27011, Milwaukee, WI 53227. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094 (414) 261–9725. Transporting *machinery and related parts,* between points in the U.S. (except AK and HI).

MC 164195, filed October 13, 1982. Applicant: INTERCOASTAL TRANSPORTATION, INC., 58–51 52nd Ave., Woodside, NY 11377. Representative: Alfred C. Fields (same address as applicant), (212) 424–9800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Schrafft Candy Co., of Boston, MA, (2) D.V.C. Industries Inc., of Bayshore, NY, (3) Fiberlux, Inc., of Mt. Vernon, NY, (4) Rainbow Industries, Inc., of Flushing, NY, (5) Meldon Steel, of Westbury, NY, (6) A.D.I., Inc., of Queens, NY, (7) Bremer Paper, of Glendale, NY, (8) Jameco Industries, Inc., of Wyadanch, NY, (9) American Jawa, of Plainview, NY, and (10) Knomark, Inc., of Jamaica, NY.

MC 164215, filed October 14, 1982. Applicant: DEWEY JOE DUNCAN, d.b.a. DUNCAN'S SERVICE COMPANY, 1503 West Marshall Ave., Longview, TX 75604. Representative: Charles E. Munson, 500 West Sixteenth St., P.O. Box 1945, Austin, TX 78767, (512) 478–9808. Transporting *wrecked, disabled, and abandoned vehicles,* and *replacement vehicles* for wrecked and disabled vehicles, between points in TX, LA, NM, MS, AR, and OK.

MC 128685 (Sub-44), filed September 3, 1982, previously published in the **Federal Register** issue of September 28, 1982. Applicant: DIXON BROS., INC., P.O. D. 8, Newcastle, WY 82701. Representative: Jerome Anderson, 100 Transwestern I, Billings, MT 59101, (406) 248–2611. Transporting *building and construction materials, equipment and supplies,* between points in the U.S. in and west of OH, KY, MO, AR, and LA.

Note.—This republication corrects the commodity description.

MC 163295, filed August 2, 1982, previously noticed in the **Federal Register** issue on August 20, 1982. Applicant: Z. V. V., INC., Rt. 7, Box 538, Stafford, VA 22553. Representative: Zelda V. Vines (same address as applicant), (703) 659–6282. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in VA, on the one hand, and, on the other, points in VA, FL, MS, TN, PA, NJ, NY, MD, DE, SC, GA, LA, WV, NC, and DC.

Note.—This republication corrects the territorial description.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–29603 Filed 10–26–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 15]

Motor Carriers; Applications Alternate Route Deviations, and Intrastate Applications

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. T–10060, Filed September 30, 1982. Applicant: GEORGE EUGENE LEWIS D.B.A. GEO-MAR, DELIVERY SERVICE, 3 Norton Rd, Binghamton, NY 13905. Certificiate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities in messenger service:* Between the Towns of Delhi, Sidney and Walton (Delaware County) the Cities of Binghamton, Endicot, Syracuse and Oneonta, and Intrastate and foreign commerce authority sought. Hearing: No hearing scheduled. Request for procedural information should be addressed to the New York State Department of Transportation 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–29606– filed 10–27–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP–5–226]

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,
Secretary.

MC 121699 (Sub-16) (Republication), filed February 17, 1982, published in the FR issue March 8, 1982, and republished this issue. Applicant: VOLUNTEER EXPRESS, INC., 1325 Elm Hill Pike, Nashville, TN 37210. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004, 202-347-8862. An Order of the Commission, Division 2, decided October 4, 1982, and served October 7, 1982, finds that the present and future public convience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier by motor vehicle, over irregular routes, transporting general commodities*, between Lexington, Luray, Beech Bluff, Ralston, Terrell, Malesus, Medon, Toone, Conger, Boliver, Middleburg, Hickory Valley and Grand Junction, TN; Michigan City, Lamar, Hudsonville, Holly Springs, Waterford, Spraggins, Abbeville, McClary, College Hill, Oxford, Taylor, and Water Valley, MS; Deanfield, Whitesville, Philpot, Oak Ridge, Masonville, Thompsonville, and Edgoten, KY; Kenwood, Hickory Point, Dodsville, Fox Bluff, Chapmansboro, Parkburg, Deanburg, Silerton, Hornsby, Searles, and Lacy, TN, on the one hand, and on the other, points in the United States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate the grant of authority to transport general commodities without exception and to serve points in Alaska and Hawaii.

Conditions: (1) The certificate to be issued, to the extent it authorizes the transportation of explosives, will be conditioned to expire 5 years from its date of issuance, subject to exension upon appropriate petition.

(2) Applicant must certify to the Commission, prior to initiating operations, that all rail service has actually terminated at the involved points. Applicant must send an affidavit marked "Certification of Rail Service Termination" to the Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423.

[FR. Doc 82-29807 Filed 10-27-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 009]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall address specifically the issue(s) indicated as the purpose for republication. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

By the Commission.

Agatha L. Mergenovitch,

Secretary.

MC 98776 (Sub-10) (republication), filed April 20, 1982; published in the **Federal Register** issue of May 6, 1982; and republished this issue. Applicant: ELDRIDGE TRUCK LINE, Inc., P.O. Box 659, Somerset, KY 42501. Representative: Robert H. Kinker, 314 West Main St., P.O. Box 464, Frankfort, KY 40602, Phone: (502) 223-8244. In a decision by the Commission, Review Board Number 3, decided September 22, 1982, and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting commodities in bulk, between points in Kentucky, on the one hand, and, on the other, points in Indiana, Illinois, Ohio, North Carolina and Tennessee.

Note: The purpose of this republication is to correct the territorial description.

MC 141197 (Sub-50) (republication), filed November 20, 1980; published in the **Federal Register** issue of July 2, 1982; and republished this issue. Applicant: FLEMING-BABCOCK, INC., 4106 Mattox Rd., Riverside, MO 64151. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068, Phone: (816) 781-6000. In a decision by the Commission, Review Board Number 2, decided September 9, 1982, and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between Altamont and Maysville, MO; Calhan and Roman, CO; Avoca, IA; Deshler and Ruskin, NE; and Toulon, IL, on the one hand, and, on the other, points in the United States; will serve a useful public purpose responsive to a public demand or need. Applicant is fit, willing, and able properly to perform the granted service and to conform to statuory and administrative requirements.

Note (A): (1) To the extent that the Certificate to be issued in this proceeding, authorizes the transportation of classes A and B explosives, it will expire five (5) years from the date it is issued; and (2) applicant must certify to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423.

Note (B): The purpose of this republication is to include "Avoca, IA; Deshler, Hebron, and Ruskin, NE; and Toulon, IL" in the territorial description.

MC 144757 (Sub-23) (republication), filed June 21, 1982; published in the **Federal Register** issue of July 14, 1982; and republished this issue. Applicant: Dakota Pacific Transport, Inc., 3104 E. St. Patrick, Rapid City, SD 57701. Representative: J. Maurice Andren, 1734 Sheriden Lake Rd., Rapid City, SD 57701, Phone: (605) 343-4036. In a decision by the Commission, Review Board Number 2, decided October 7, 1982, and finds that performance by applicant: To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities*, between Aredale, Cartersville, Dougherty, Kesley, Camp Dodge, and Johnston, IA; Garden Plain, Beason, Burtonview, Hallville, Jenkins, Johnson Siding, Skelton, Argenta, and Oreana, IL; Welch, Gloster, North St. Paul, Ely, Murray, Rivers, Robinson, Tower Junction, and Wahlsten, MN; Haddam, Hollis, Morrowville, and Wayne, KS; Lanham, NE; Blanche, Blue Pond, Burgess, and Jamestown, AL; Chelsea, Menlo, and Patton, GA; Prine, FL; Amsterdam, Berger, Hollister, and Rogerson, ID; Williamsville, Blooming Grove, Vails Gate, Gardiner, New Paltz, Wallkill, Cherry Creek, Conwango, South Dayton, and Spring Valley, NY; Konawa and Maud, OK; Bainbridge, Summit, Bondclay, Lawco, Lisman, Pedro, Royersville, Superior, Crooksville, Fultonham, Glass Rock, Roseville, Roseville Mine, South Zanesville, Spangler, Bangs, Centerburg, Condit, Galena, Gambier, Howard, Millwood, Sunbury, Westerville, Farmersville, Ft. Jefferson, Ingomar, Lewisburg, Savona, and West Alexandria, OH; Clinton, MI; Deringer, Gowen Breaker, Export, Murraysville, Coilton, Keplers Mill, Tatamy, Walters (Lower Mill), Bowmanston, Cementon, Coplay, Hokendauqua, and Slatington, PA; Ben Davis and Bridgeport, IN; Amenia, ND, on the one hand, and, on the other, points in the United States; will serve a useful public purpose responsive to a public demend or need. Applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements.

Note: (A) (1): To the extent that the Certificate to be issued in this proceeding, authorizes the transportation of classes A and B explosives, it shall be limited in point of time, to a period expiring five (5) years from the date it is issued; and (2) applicant must certify to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The Certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423.

Note (B): The purpose of this republication is to include "classes A and B explosives and household goods" in the commodity description.

[FR Doc. 82-29606 Filed 10-27-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Temporary Authority Applications

Correction

In FR Doc. 82-25848 beginning on page 41435 in the issue of Monday, September 20, 1982, make the following correction:

On page 41438, third column, in the paragraph for *MC 149141 (Sub-4-2TA), Melvin R. Steen, Applicant,* in line 11, "Manteca" should have been designated "Manteca, CA".

BILLING CODE 1505-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register**.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278 or Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specfics	Review board[1]	Decided date
325	Chicago, Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0243, (Bituminous coal)	[illegible]	10-21-82
326	Chicago Milwaukee, St. Paul and Pacific Railroad Co., ICC-MILW-C-0252, (Soda ash)	[illegible]	10-21-82
[illegible]	Southern Pacific Transportation Co., ICC-SP-C-0233, ICC-SP-C-0234, (Soda ash), and ICC-SP-C-0236 (Chemicals: borax) (Sordium borate), Acid, boric or borax (Sodium borate), and (Acid, boric)	3	10-22-82
330	Soo Line Railroad Co., ICC-SOO-C-0112, (Woodpulp and printing paper)	3	10-22-82
331	Soo Line Railroad Co., ICC-SOO-C-0111, (Woodspulp, printing paper, and pulp mill by-products)	1	10-21-82

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Member Fortier not participating. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29483 Filed 1027-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

National Institute of Justice

Advisory Board; Meeting

Notice is hereby given that the National Institute of Justice Advisory Board will hold its meeting on November 13, 1982 from 1:00 P.M. to 5:00 P.M., on November 14, 1982 from 9:00 A.M. to 5:00 P.M. and on November 15-16, 1982 from 2:00 P.M. to 4:30 P.M. at the Hyatt Regency, 265 Peachtree Street, N.E., Atlanta, Georgia.

The first two days will be devoted to an indepth briefing on the National Institute including the status of current and planned programs. The Board will also continue its discussion on organization and development of its by-laws.

This meeting is being held in conjunction with the annual meeting of the International Association of Chiefs of Police. On November 15 and 16, executive officials of the four major law enforcement associations will present to the Board their views on current law enforcement needs and research priorities.

The meeting is open to the public. For further information, please contact Betty M. Chemers, National Institute of Justice, U.S. Department of Justice, Washington, D.C. 20531 (202-724-2953).

Dated: October 20, 1982.

James K. Stewart,

Director-Designate.

[FR Doc. 82-29690 Filed 10-27-82; 8:45 am]

BILLING CODE 4410-18-M

Agency Forms Under Review

October 25, 1982.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, extensions, or revisions. Each entry contains the following information.

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3503(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OBM review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting coments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

Department of Justice

Agency Clearance Officer Larry E. Miesse—202-633-4312.

New (not previously approved or expired more than 6 months ago)

- Federal Bureau of Investigation

Department of Justice
Nationwide Law Enforcement Training Needs Assessment
Annually
State or local governments
State and local law enforcement agencies throughout the United States: 16,000 responses; 16,000 hours; not applicable under 3504(h).
Andy Uscher—395–4814

Larry E. Miesse,
Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 82–29596 Filed 10–27–82; 8:45 am]

BILLING CODE 4410–01–M

Advisory Committee on Tax Litigation; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App. I, Supp. II), and with the approval of the Attorney General, and following consultation with the Committee Management Secretariat, General Service Administration, the Assistant Attorney General, Tax Division, Department of Justice, has determined that renewal of the Advisory Committee on Tax Litigation is in the public interest in connection with the performance of duties imposed on the Tax Division by law.

Purpose: The primary purpose of the Advisory Committee on Tax Litigation is to provide an organized public forum for discussion between Justice Department officials and representatives of the public of relevant tax litigation issues. The Advisory Committee also is to provide constructive observations about the Tax Division's current or proposed policies, programs, and procedures, and problems which may be encountered by taxpayers and tax practitioners in dealing with the Tax Division, Department of Justice. Where appropriate or necessary, the Advisory Committee presents recommendations on improving Tax Division operations.

Membership: The Advisory Committee consists of fourteen (14) members, all of whom must have a background and interest in, and concern for, litigation of Federal tax matters.

The Committee membership will be balanced in terms of points of view represented and geographical origin. It will be appointed by the Assistant Attorney General, Tax Division.

The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act.

Termination: The services of the Advisory Committee are expected to be needed for an indefinite period of time and the Committee will be an ongoing endeavor. The instant authorization is for a two-year term, with further provision for renewal of the Committee's charter on a biennial basis thereafter.

Interested persons are invited to submit comments regarding the current activity for the Advisory Committee on Tax Litigation. Such comments, as well as any inquiries, may be addressed to Diane M. Kozub, Liaison Officer, Tax Division, Department of Justice, Washington, D.C. 20530, phone: 202–633–3966.

Dated: October 15, 1982.

Glenn L. Archer, Jr.,
Assistant Attorney General, Tax Division, Department of Justice.

[FR Doc. 82–29560 Filed 10–27–82; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importation of Controlled Substances; Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II, and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on June 21, 1982, Arenol Chemical Corporation, 40–33 23rd Street, Long Island City, New York 11101, made application to the Drug Enforcement Administration to be registered as an importer of Phenylacetone (8501), a basic class controlled substance in Schedule II.

As to the basic class of controlled substance listed above for which application for registration has been made, any other applicant therefor, and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressd to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203) and must be filed no later than November 29, 1982.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Acting Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a) and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: October 21, 1982.

Gene R. Haislip,
Deputy Assistant Administrator, Office of Diversion Control Drug Enforcement Administration.

[FR Doc. 82–29696 Filed 10–27–82; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on June 21, 1982, Arenol Chemical Corporation, 40–33 23rd Street, Long Island City, New York 11101, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine (1100)	II.
Methamphetamine (1105)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than November 29, 1982.

Dated: October 21, 1982.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 82–29699 Filed 10–27–82; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL SCIENCE FOUNDATION

Permit Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357–7934.

SUPPLEMENTARY INFORMATION: On September 9, 1982, the National Science Foundation published a notice in the **Federal Register** of a permit application received. On October 13, 1982 a permit was issued to: Warren M. Zapol, M.D. and Robert C. Schneider, M.D.

Charles E. Myers,

Division of Polar Programs.

[FR Doc. 82–29673 Filed 10–27–82; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Social and Economic Science, Subpanel for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel for Sociology of the Advisory Panel for Social and Economic Science.

Date and time: November 15 and 16, 1982, Monday—9:00 a.m. to 5:30 p.m.; Tuesday—9:00 a.m. to 4:00 p.m.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C., Room 338.

Type of Meeting: Closed.

Contact person: Joanne Miller, Acting Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357–7802.

Purpose of subpanel: To provide advice and recommendation concerning support for research in the Sociology Program.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 25, 1982.

[FR Doc. 82–29654 Filed 10–27–82; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for Social Science, Subpanel on Economics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Economics of the Advisory Panel for Social Science.

Date/time: November 4, 1982—9:00 a.m. to 5:00 p.m. November 5, 1982—9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G St., NW (Rm. 628) Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Daniel H. Newlon, Program Director for Economics, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 357–9674.

Purpose of subpanel: To provide advice and recommendations concerning support for research in Economics.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

Reason for late notice: Administrative oversight.

M. Rebecca Winkler,

Committee Management Coordinator.

October 25, 1982.

[FR Doc. 82–29653 Filed 10–27–82; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on November 4–5, 1982, in Room 1046, 1717 H Street, NW., Washington, D.C. Notice of this meeting was published in the **Federal Register** on September 22, 1982.

The agenda for the subject meeting will be as follows:

Thursday, November 4, 1982

8:30 A.M.–9:00 A.M.: Report of ACRS Chairman (Open)—The ACRS Chairman will report briefly on miscellaneous matters of interest relating to ACRS activities.

9:00 A.M.–12:30 P.M.: SEP Review of Light Water Reactors (Open)—The Committee will hear the report of its Subcommittee and consultants who may be present regarding the SEP review and evaluation of the Oyster Creek Nuclear Power Plant No. 1 and regarding the difference summaries for the Dresden Power Station Unit 2 and the Millstone Nuclear Power Station Unit No. 1.

Members of the NRC Staff will report and respond to Committee questions regarding these evaluations. Representatives of the power plant licensees will also participate in the discussion to the degree considered appropriate.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed.

1:30 P.M.–2:30 P.M.: ACRS Subcommittee Activities (Open)—The members will hear and discuss the reports of designated ACRS Subcommittee Chairmen concerning recent activities including the proposed NRC rule (10 CFR Part 50) for resolution of ATWS, and consideration of extreme external phenomena in the regulatory review of nuclear power plants.

2:30 P.M.–4:30 P.M.: Clinch River Breeder Reactor (Open)—Representatives of the NRC Staff will report to the Committee regarding proposed criteria to be used as the basis for the CP review of this project.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed.

4:30 P.M.–6:00 P.M.: ACRS Reports to the Nuclear Regulatory Commission (Open)—The Committee members will discuss the proposed ACRS report regarding the SEP review of the Oyster Creek Nuclear Power Plant No. 1 and proposed ACRS comments regarding the criteria proposed for the CP review of the CRBR.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to the matters being discussed.

Friday, November 5, 1982

8:30 A.M.–10:30 A.M.: NRC Human Factors Integrated Program Plan (Open)—The members will hear the report of its Subcommittee and consultants who may be present regarding the proposed NRC Human Factors Integrated Program Plan. Members of the NRC Staff will report to the Committee and respond to questions regarding this matter.

10:30 A.M–11:15 A.M.: ACRS Subcommittee Activities (Open)—The Committee members will hear the reports of designated Subcommittee Chairmen and members concerning safety related matters including proposed changes in NRC Rules (10 CFR Part 21) Reporting of Defects and Noncompliance; 10 CFR Part 140, Criteria for an Extraordinary Nuclear Occurrence; and the thermal-hydraulic design of the CRBR.

11:15 A.M.–12:30 P.M.: Future ACRS Activities (Open)—The members will discuss anticipated subcommittee and full Committee activities including consideration of items such as preparation of the ACRS annual safety research report to the U.S. Congress, review of the CRBR, and Phase III of the Systematic Evaluation Program.

1:30 P.M.–2:00 P.M.: ACRS Subcommittee Activities (Open)—The members will hear and discuss the report of the ACRS Procedures Subcommittee regarding the conduct of ACRS activities, conduct of individual ACRS members and working relations with the NRC Staff.

Portions of this session will be closed as necessary to discuss information the release of which would represent an undue invasion of personal privacy and the internal personnel rules and practices of the agency.

2:00 P.M.–5:30 P.M.: ACRS Reports to the Nuclear Regulatory Commission (Open)—The members will complete consideration of proposed ACRS reports and comments/recommendations to the NRC and its staff regarding items considered during this meeting.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 30, 1981 (46 FR 47903). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information (5 U.S.C. 552b(c)(4)), and safeguards information (5 U.S.C. 552b(c)(3)), and inormation, the release of which would represent a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)), and relates solely to internal agency personnel rules and practices (5 U.S.C. 552b(c)(2)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond, F. Fraley (telephone 202/634–3265), between 8:15 A.M. and 5:00 P.M. EST.

Dated: October 21, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–29667 Filed 10–27–82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Clinch River Breeder Reactor; Meeting

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) will hold a meeting on November 19, 1982, Room 1046, 1717 H Street, NW, Washington, DC. The Subcommittee will continue discussion of the HCDA energetics issue for CRBR.

In accordance with the procedures outlined in the **Federal Register** on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary, industrial security and/or Unclassified Safeguards information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTIONS 3 and 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, November 19, 1982—8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Department of Energy, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary, industrial security and/or Unclassified Safeguards information. The authority for such closure is Exemptions (3) and (4) to the Sunshine Act, 5 U.S.C. 552b(c) (3), (4).

Dated: October 22, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-29668 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new revision or extension: Revision.

2. The title of the information collection: Proposed Amendments to 10 CFR Parts 30, 40 and 70 Specifying Licensee Responsibility for Nuclear Materials and Procedures for Termination of Specific Licenses.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Once per license.

5. Who will be required or asked to report: 10 CFR Parts 30, 40 and 70 Licensees.

6. An estimate of the number of responses: 220 per year.

7. An estimate of the total number of hours needed to complete the requirement or request: 510.

8. An indication of whether Section 3504 (h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: The proposed amendments would clarify a licensee's authority and responsibility for nuclear material and allow for orderly termination of specific licenses issued under 10 CFR Parts 30, 40 and 70. The proposed rule also specifies that a license remains in effect until the Commission notifies the licensee, in writing, that the license is terminated. The proposed rule is necessary to establish clear procedures for termination of licenses in order to establish a more coherent regulatory framework.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street N.W., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (303) 492-8585.

Dated at Bethesda, Maryland, this 22nd day of October 1982.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 82-29665 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission—New information request.

2. The title of the information collection: Steam Generator Tube Integrity.

3. The form number if applicable: NA.

4. How often the collection is required: One.

5. Who will be required or asked to report: All PWR Licensees.

6. An estimate of the number of responses: 50.

7. An estimate of the total number of hours needed to complete the requirement or request: 15,000 hours.

8. An indiction of whether Section 3504(h), Pub. L. 96-511 applies: No.

9. Abstract: Information request to support hearing concerning economic and worker safety of the problem concerning steam generator tube integrity.

Copies of the submittal may be inspected or obtained for a fee from NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Comments and questions should be directed to the OMB reviewer, Jefferson B. Hill, (202) 395-7340.

NRC Clearance Officer is R. Stephen Scott, (301) 492-8585.

Dated at Bethesda, Maryland, this 22nd day of October 1982.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Director, Office of Administration.

[FR Doc. 82-29666 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. NPF-6 issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit 2 (the facility), located in Pope County, Arkansas. The amendment is effective as of the date of issuance.

The amendment allows for testing of the electrical containment penetration conductor circuit breakers in accordance with manufacturer's recommendations. These tests are an improvement over those previously required since each overcurrent trip element of the circuit breaker is tested rather than just the instantaneous trip element.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 23, 1982, as supplemented September 22, 1982, (2) Amendment No. 35 to Facility Operating License No. NPF-6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555 and at the

Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-29677 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. NPF-6 issued to Arkansas Power & Light Company (the licensee), which revised the Technical Specifications for operation of Arkansas Nuclear One, Unit 2 (the facility), located in Pope County, Arkansas. The amendment is effective within 30 days of its date of issuance.

The amendment modifies the ANO-2 Appendix A Technical Specifications dealing with the surveillance requirements for the pressurizer safety valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 29, 1980 as supplemented May 6, 1981, (2) Amendment No. 36 to Facility Operating License No. NPF-6, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and at the Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-29678 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 63 to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee), which revised the Technical Specifications for operation of the Pilgrim Nuclear Power Station (the facility), located near Plymouth, Massachusetts. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to clarify conditions for which containment isolation valve operability is required and actions to be taken in the event of containment isolation valve inoperability.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this act, see (1) the application for amendment dated September 30, 1982, (2) Amendment No. 63 to License No. DPR-35, and (3) the Commission's letter to the licensee dated October 21, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of October, 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-29681 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

Nebraska Public Power District (Cooper Nuclear Station); Exemption

I

The Nebraska Public Power District (the licensee) is the holder of Facility Operating License No. DPR-46 (the license) which authorizes operation of the Cooper Nuclear Station located in Nemaha County, Nebraska, at steady state reactor core power levels not in excess of 2381 megawatts thermal (rated power). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.71(e) of 10 CFR Part 50 requires the licensees of nuclear power reactors to submit an Updated Final Safety Analysis Report (UFSAR) within 24 months of July 22, 1980 (effective date of regulation).

By letter dated July 16, 1982, Nebraska Public Power District (NPPD) stated that it could comply with the rule, but requested an Exemption from the requirements of 50.71(e) for Cooper Nuclear Station (CNS) for six months for the following reasons. To assure that the draft UFSAR, provided by Stone and Webster Engineering Corporation under contract to NPPD, would reflect the integrated operation of the station, the licensee embarked on a particularly indepth review. And further, the licensee used this occasion to involve all licensee personnel associated with the technical support of the station in this review, which it considers would provide valuable training. These aspects would have had to be curtailed to meet the July 22, 1982 submittal date in the regulations. As a result, the licensee is requesting a six-month exemption from the date of compliance.

The staff has evaluated the licensee's request for a six-month extension to the regulation that requires an UFSAR be submitted by July 22, 1982. We believe that the extension of time is warranted to permit completion of an indepth review of the UFSAR and thus permit both the involvement and additional training of plant personnel. The staff has determined that good cause has been shown to support the exemption and therefore, a six-month exemption from the date of compliance is acceptable.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption from compliance with the July 22, 1982 date for submitting an UFSAR:

> A revision of the original FSAR containing those original pages that are still applicable plus new replacement pages shall be filed by January 22, 1983. This revision shall bring the FSAR up to date as of a maximum of 12 months prior to the date of filing the revision. The next revision shall be filed no later than July 22, 1983 so that subsequent revisions will be in compliance with § 50.71(e) of 10 CFR Part 50.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland, this 22nd day of October, 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-29679 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR-42, and Amendment No. 52 to Facility Operating License No. DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise the Appendix A Technical Specifications concerned with the peak burnup limits shown in Figure TS.3.10-7. The peak burnup limit is increased from 47,000 to 51,000 MWD/MTU.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 14, 1982 as revised July 7 and September 24, 1982, (2) Amendment Nos. 58 and 52 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnestoa 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-29680 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and The Cleveland Electric Illuminating Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. NPF-3 issued to The Toledo Edison Company and The Cleveland Electric Illuminating Company (the licensees), which revised Technical Specifications for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

This amendment allows a change in the calculational method for determining the maximum allowable high flux trip setpoint when one or more safety valves on any steam generator are inoperable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 5, 1982, (2) Amendment No. 48 to License No. NPF-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the University of Toledo Library, Documents Department, 2801 West Bancroft Avenue, Toledo, Ohio 43606. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of October, 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-29683 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station (Unit No. 1); Issuance of Amendment to Facility Operating License No. NPF-12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. This amendment modifies the Technical Specifications to provide for a tolerance on the hydrogen content of the sample gas used in the calibration of the containment hydrogen monitors. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) South Carolina Electric & Gas Company letter, dated October 19, 1982, (2) Amendment No. 3 to Facility Operating License No. NPF-12 with Appendix A Technical Specifications page changes, and (3) the Commission's related safety evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of October 1982.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82-29682 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-24, and Amendment No. 70 to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company (the licensee), which revised Technical Specifications for operation of Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in the Town of Two Creeks, Manitowoc County, Wisconsin. The amendments are effective as of the date of issuance.

The amendments allow a relaxation of the monthly functional test of the turbine stop and governor valves during end of cycle operation with low primary system boron concentration.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 14, 1982, (2) Amendment Nos. 65 and 70 to License Nos. DPR-24 and DPR-27, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and the Joseph Mann Library, 1516 16th Street, Two Rivers, Wisconsin 54241. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-29689 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266-OLA, 50-301-OLA, 50-266-OLA2]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant, Units 1 and 2); Relocation of Hearing

October 21, 1982.

The November 17-20, 1982 evidentiary hearing, related primarily to the adequacy of in-service non-destructive testing of the sleeves that Wisconsin Electric Power Company (applicant) proposes to use to repair corroded steam generator tubes, primarily in Unit 2, has been relocated pursuant to the suggestion of all the parties. Sessions will still be held November 17-20, 1982, from 9 am to 5 pm daily, with additional sessions if required. Limited appearance statements may be presented to the Board on November 17 from 8 pm to 10 pm at the originally scheduled location: Carlton on the Lake, 1515 Memorial Drive, Two Rivers, Wisconsin 54241, Telephone: 414-793-4524.

The remainder of the hearing, including a portion devoted to a special prehearing conference in Docket No. 50-266-OLA2, will be held at: U.S. District Court, Room 398, Federal Building, 517 E. Wisconsin Avenue, Milwaukee, Wisconsin 53202, Telephone: 414-291-3372.

Individuals wishing to make limited appearance statements concerning either or both cases may address the Board for no more than five minutes, from 8 pm to 10 pm on November 17, and may file written statements for incorporation in the record, providing that they tell the Board prior to 8 pm November 17, in writing, of their intention to appear. If a person needs more time for an appearance, they must use part of their 5 minutes to persuade the Board that they need the additional time.

For the Atomic Safety and Licensing Board.

Peter B. Bloch,

Chairman, Administrative Judge.

[FR Doc. 82-29689 Filed 10-27-82; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF STATE

[CM-8/571]

Integrated Services Digital Network (ISDN) Working Party and Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the ISDN Working Party and Study Group D of the U.S. Organization for the International Telegraph and Telephone Consultative Committee will meet on November 19, at 9:00 a.m. in Room 6320 of the Department of State, 2201 C Street, NW., Washington, D.C.

The agenda for the meeting is as follows:

1. Report of Study Group XVII meeting;
2. Report of Study Group VII, WP I and II meeting;
3. Report of Study Group XVII (ISDN Group of Experts, Level I Characteristics of basic access) meeting;
4. Impact on Study Group VII meeting with respect to common physical interface;
5. Any other business.

Members of the general public may attend the meeting and join in the discussion subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is therefore requested that prior to November 19 persons who plan to attend the meeting inform Mr. William Lowell, Office of International Communications Policy, Department of State, telephone (202) 632-6583, of their intention. All attendees must use the C Street entrance to the building.

Dated: October 12, 1982.

Arthur L. Freeman,

Director, Office of International Communications Policy.

[FR Doc. 82-29696 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/572]

Overseas Schools Advisory Council; Meeting

The Overseas Schools Advisory Council, Department of State, will hold its annual meeting on Wednesday, December 15, 1982, 9:30 a.m., in Conference Room 1408, Department of State Building, Washington, D.C.

Agenda items scheduled for discussion are as follow:

I. Welcome and Introduction of Participant
II. Greetings from the Department of State
III. Status Report of the 1981-1982 Program
IV. Results of Surveys and Reports Regarding Local Fund-Raising Activities Conducted by Overseas Schools and Meetings Organized by Regional Overseas Schools Associations
V. Review of Council's Program For Improving Educational Opportunities Abroad For Dependents of U.S. Government, Corporations and Foundation Employees
VI. Participation of U.S. Corporations and Foundations Overseas Personnel on School Boards
VII. Council Communications of U.S. Corporations and Foundations
VIII. Election of Council's Chairman and Vice Chairman
IX. Other Business

For purposes of fulfilling building security, members of the public desiring to attend the meeting should call Ms. Joyce Bruce, Office of Overseas Schools, Department of State, Washington, D.C., Area Code 703-235-9600, prior to December 15. the public may participate in discussions at the Chairman's instructions

Dated: October 19, 1982.

Ernest N. Mannino,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 82-29697 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-24-M

[CM-8/570]

Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Group 1 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on November 18, 1982 at 9:30 a.m. in Room 330, Federal Communications Commission, Brown Building, 1200 19th Street NW., Washington, D.C.

Study Group 1 deals with matters relating to efficient use of the radio frequency spectrum, and in particular, with problems of frequency sharing, taking into account the attainable characteristics of radio equipment and systems; principles for classifying emissions; and the measurement of emission characteristics and spectrum occupancy. The purpose of the meeting is to review preparations for the meeting of international Study Group 1 in October, 1983.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520; telephone (202) 632-2592.

Dated: October 19, 1982.

Gordon L. Huffcutt,

Chairman, U.S. CCIR National Committee.

[FR Doc. 82-29695 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-07-M

[CM-8/569]

Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting

The Department of State announces that Study Groups 10 and 11 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet jointly on November 15, 1982 in Room 330, Brown Building, 1220 19th Street, NW., Washington, D.C. at 9:30 a.m.

Study Group 10 deals with questions relating to sound broadcasting; Study Group 11 deals with questions relating to television broadcasting. The purpose of the meeting is to review the work under way in preparations for the international meetings of Study Groups 10 and 11 in September 1983.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Requests for further information should be directed to Mr. Gordon Huffcutt, State Department, Washington, D.C. 20520, telephone (202) 632-2592.

Dated: October 19, 1982.

Gordon L. Huffcutt,

Chairman, U.S. CIR National Committee.

[FR Doc. 82-29694 Filed 10-27-82; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Executive Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held on November 17, 1982 at the Sheraton National Motor Hotel, Columbia Pike and Washington Boulevard, Arlington, Virginia, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks and Introductions; (2) Approval of Minutes of Meeting Held on September 17, 1982; (3) Chairman's Report on RTCA Administration and Activities; (4) Special Committee Activities Report for September and October, 1982; (5) Status Report on Future Planning Group Activities; (6) Report of Fiscal and Management Subcommittee; (7) Consideration of Establishing New Special Committees; (8) Approval of Special Committee 136 Report on Emergency Locator Transmitter (ELT) Equipment Installation and Performance; (9) Comments and Reports of International Associates; and (10) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1425 K Street, N.W., Washington, D.C. 20005, (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on October 18, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-29612 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement, Valencia County, New Mexico

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will no longer be prepared for a proposed highway project in Valencia County, New Mexico.

FOR FURTHER INFORMATION CONTACT: Bruce Lind, Program Development Engineer, Federal Highway Administration, 117 U.S. Court House, Santa Fe, New Mexico 87501, Telephone: (505) 988-6136.

SUPPLEMENTARY INFORMATION: On Jan. 28, 1982, the FHWA, in cooperation with the New Mexico State Highway Department, issued a Notice of Intent to prepare an environmental impact statement (EIS) on a proposal to improve SR-49 in Valencia County, New Mexico. Through subsequent studies and coordination with other agencies, no significant impacts on the quality of the human environment have been identified as a result of this proposal. Therefore an EIS will not be prepared for this proposed project.

An environmental assessment is being prepared for this project and a public hearing will be held in December, 1982.

Issued on: October 18, 1982.

Bruce A. Lind,

Program Development Engineer, Santa Fe, New Mexico.

[FR Doc. 82-29435 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Mercer and Somerset Counties, New Jersey

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Mercer and Somerset Counties, New Jersey.

FOR FURTHER INFORMATION CONTACT: Lloyd J. Jacobs, Staff Specialist for the Environment, Federal Highway Administration, 25 Scotch Road, Second Floor, Trenton, New Jersey 08628, Telephone: (609) 989-2291.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the New Jersey Department of Transportation (NJDOT), intends to prepare an Environmental Impact Statement on a proposed action to construct a section of I-95 in Mercer and Somerset Counties (Federal Project Number I-95-5(13)3) and to complete I-695 (Federal Project Number I-695-4(1)22) in Somerset County, all in New Jersey. The proposed project would consist of constructing a six-lane freeway to Interstate standards from the present terminus of I-95 from its junction with I-295 in Hopewell Township, Mercer County to I-287 in Franklin Township, Somerset County. The total project length is approximately 26 miles. The purpose of the proposed project is to close a gap in the most easterly Interstate route that runs from Maine to Florida, allow interstate traffic to bypass the New York-northeastern New Jersey metropolitan area when used in the future with a completed I-287, and serve northeast-southwest traffic movements within and through New Jersey.

Alternatives under consideration include the no-build and four build alternatives using various alignments.

No formal scoping meeting is planned at this time as coordination with federal, state, and local agencies and the public has been in process since 1976.

A public hearing will be scheduled upon completion of the Draft EIS. The Draft EIS will be available for agency and public review and comment prior to the public hearing.

Comments or questions concerning this proposed action and Draft EIS should be directed to the FHWA at the address provided above.

Issued on: October 19, 1982.

John J. Kessler, Jr.,

Division Administrator, Trenton, New Jersey.

[FR Doc. 82-29675 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-22-M

Maritime Administration

[Docket No. S-723]

Aeron Marine Shipping Co., Aries Marine Shipping Co., Atlas Marine Co., Aquarius Marine Co., American Shipping, Inc., Pacific Shipping, Inc., and Worth Oil Transport Co.; Joint Application for Section 805(a) Permission

The subject companies—parties to long-term operating-differential subsidy contracts in the foreign bulk trade of the United States—are affiliates of Adonic Shipping Corp. (Adonic). Adonic is the bareboat charterer of the tug/barge tanker unit named *Groton* from its owner First Tug/Barge Corporation. The *Groton* has been time chartered by Adonic to Amerada Hess Corporation. The subject companies request written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act), to be affiliated with Adonic the bareboat charterer of the *Groton*.

The *Groton* operates primarily in the Virgin Islands to U.S. trade, which does not require permission under section 805(a) of the Act. However, from time to time, commencing in the immediate future, and continuing throughout the period of the Berger subsidized companies' operating-differential subsidy contracts, Adonic intends to operate the *Groton* in the Gulf Coast to East Coast trade, and perhaps other coastwise operations. Accordingly, the permission requested would cover all coastwise operations of the *Groton* for the period of each subsidy contract.

The Berger subsidized companies have a request pending dated February 23, 1982 (Docket S-715) to be affiliated with any other operator which owns, operates or charters vessels in the coastwise or intercoastal trades. Clearly, the instant request is also covered in Docket S-715. However, since the coastwise operations of the *Groton* are scheduled to commence in the immediate future and Docket S-715 has been scheduled for a hearing, this request is separately submitted. It in no way derogates from the full breadth of the permission requested in Docket S-715.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a) of the Act) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by close of business on November 4, 1982 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administrator.

Dated: October 25, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-29709 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP82-6; Notice 2]

Chrysler Corp.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Chrysler Corporation of Detroit, Michigan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.120, *Tire Selection and Rims for Vehicles Other Than Passenger Cars*. The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on February 22, 1982, and an opportunity afforded for comment (47 FR 7791).

Paragraph S5.2 of Standard No. 120 requires each rim of a truck wheel to be marked with five discrete items of information. Chrysler determined that spare tire wheel rims on approximately 1500 Dodge D150 Ram Miser light duty pickup trucks lacked the designation of the source of the rims' published nominal dimensions, the rim size designation, and the DOT certification symbol. The manufacturer identification and date of manufacture markings were present as required.

Chrysler argued that the noncompliance was inconsequential for the following reasons: The spare wheel provided is a properly matched combination of rim and tire, omission of the information does not in any way compromise the performance characteristics of the rim, and for replacement information attention is more likely to be directed to the sidewall of the tire being replaced than to the rim. Further, in the event of a recall, each rim bears a distinctive Chrysler part number which readily identifies it.

No comments were received on the petition.

The agency concurs in the arguments of the petitioner presented above. In addition, the vehicle label, which meets the requirements of paragraph S5.3, will have listed the tire size designation that is appropriate for the rims. The facts that the rims otherwise comply and that a relatively small number of rims are affected also support the petition.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and the petition is hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-29649 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP80-11; Notice 2]

Batavus USA Inc.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by Batavus USA Inc. of Atlanta, Georgia, to be exempted from notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.111, Motor Vehicle Safety Standard No. 111, *Rearview Mirrors*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on July 17, 1980, and an opportunity afforded for comment (45 FR 48015).

Standard No. 111 requires that each motorcycle be equipped with a rearview morror. If the mirror is of unit magnification, it shall have not less than 12.5 square inches of reflective surface (i.e., if circular, a diameter of not less than 3.99 inches). The Batavus mirror measured 11.75 square inches, having as diameter of 3.855 inches. Approximately 13,800 motor driven cycles (mopeds) have been imported and sold with the mirror in question. Models affected are VA and HS Starlites and the Regency. Vehicles manufactured after January 1, 1979, have complying rearview mirrors. Batavus argued that the noncompliance is inconsequential as it relates to motor vehicle safety because the margin of noncompliance is so small that a safety hazard does not exist.

Two comments were received on the petition, from the Truck Safety Equipment Institute and the Commissioner, Illinois Vehicle Equipment Safety Commission. Both opposed granting the petition, commenting on the vulnerability of small two-wheeled vehicles to accidents and the necessity of meeting the minimum requirements of Standard No. 111.

The NTSAF concurs with these comments. Because of the vulnerability of moped riders in crashes, and the practical limits of improving the crashworthiness of this type of vehicle, the Federal motor vehicle safety standard intended to enhance the ability to avoid accidents are of great importance. Thus, minimum performance requirements of motorcycle standards must be rigorously examined when they are not met. A motorcycle is required only to have one mirror, and when the viewing area is less than the minimum, that deviation cannot be said to have an inconsequential effect upon safety. Therefore, petitioner has not met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby denied.

The engineer and attorney principally responsible for this notice are Marx Elliott and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); Delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82–29650 Filed 10–27–82 8:45]

BILLING CODE 4910–59–M

[Docket No. EX82–2; Notice 2]

Boyertown Auto Body Works, Inc.; Decision on Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Boyertown Auto Body Works, Inc., of Boyertown, Pennsylvania, for temporary exemption of its Track Lorry from five Federal motor vehicle safety standards. The petition is denied with respect to one standard. The basis of the petition was that compliance would cause substantial economic hardship.

Notice of receipt of the petition was published on May 6, 1982, and an opportunity afforded for comment (47 FR 19610).

Boyertown intends to produce a Track Lorry for the railroad industry to use as a rail track inspection vehicle. But because it is not designed exclusively for use on rails and would make some use of public roads, it is a motor vehicleand required to comply with all applicable Federal motor vehicle safety standards. The standards for which it has requested exemption are No. 203, *Impact Protection for the Driver From the Steering Control System,* No. 204; *Steering Control Rearward Displacement,* No. 208, *Occupant Crash Protection,* No. 212, *Windshield Mounting,* No. 219, *Windshield Zone Intrusion,* and No. 301, *Fuel System Integrity.* The company appears unsure of the extent to which it may already comply with these standards and intends to make a study of it, at a cost to it of $18,000. Retooling costs to comply with these standards could amount to $300,000. It produced 1,000 motor vehicles of other types last year and had a net loss in 1981 of $14,500. Over the years 1978–1981 it has a cumulative net profit of less than $75,000. It has requested the exemptions for a three-year period.

Boyertown argued that an exemption would be in the public interest and consistent with traffic safety objectives because of the vehicle's use as a track inspection vehicle and the fact that it would not be operated extensively at high speeds on the public roads.

No comments were received on the petition.

The motor vehicle involved is one of the most unusual that has come to NHTSA's attention. It is a hybrid vehicle, a truck that is capable of use both on rails and on the public roadways. Clearly, its use of the latter primarily facilitates its transfer from one job site to another. The objectives of traffic safety will not be compromised by an exemption for a truck whose use of the public roads is limited. The NHTSA also concurs with the petitioner's argument that an exemption for a truck used as a track inspection vehicle, a truck produced by few if any other manufacturers, is in the public interest.

With respect to safety standards, Boyertown clarified its request for exemption from Standard No. 208 to restrict it to the requirements to provide a Type 2 system (lap and shoulder restraints), saying that it had not conducted tests on the system, which would cost it over $4,000 in a computer study, but that it would provide a Type 1 (lap belt) system. NHTSA does not understand the hardship aspects of the request. The cost of the hardware and installation, and wiring to a warning device are minimal in relation to the retail sales price of the vehicle and to conformance costs associated with other standards. Further, the costs to insure compliance with the belt anchorage requirements of Standard No. 210 do not appear excessive. NHTSA has traditionally viewed conformance with occupant restraint requirements as critical to motor vehicle safety. The agency has concluded that Boyertown has not met its burden of persuasion that conformance with Standard No. 208 would create substantial economic hardship, and its petition for exemption from that standard is denied.

With respect to Standards Nos. 203, 204, 212, 219, and 301, the agency finds that immediate compliance would create substantial economic hardship for a company which experienced a net loss in its last fiscal year, and whose cumulative profit in the last four years is less than its estimated cost to retool for compliance with the standards. It further accepts the petitioner's arguments that its limited use on the public roads and its utility as a vehicle involved in safety-related operations supports a finding that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act.

Accordingly, Boyertown Auto Body Works, Inc. is hereby granted NHTSA Exemption No. 82–2, expiring October 1, 1985, from 49 CFR 571.203, Motor Vehicle Safety Standard No. 203, *Impact Protection for the Driver From the Steering Control System,* 49 CFR 571.204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement,* 49 CFR 571.212, Motor Vehicle Safety Standard No. 212, *Windshield Mounting,* 49 CFR 571.219, Motor Vehicle Safety Standard No. 219, *Windshield Zone Intrusion,* and 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, *Fuel System Integrity.*

Since the Regulatory Flexibility Act may apply to a proceeding to exempt a single manufacturer, the agency has examined this action under that Act. The agency certifies that the exemption does not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis has not been prepared.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on October 19, 1982.

Diane K. Steed,

Acting Administrator.

[FR Doc. 82–29367 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. EX82–3; Notice 2]

Electric Auto Corp.; Grant of Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Electric Auto Corporation of America, of

Southfield, Michigan, for temporary exemption from several Federal motor vehicle safety standards. The basis of the petition was that compliance would cause substantial economic hardship.

Notice of receipt of the petition was published on June 25, 1982 (47 FR 27436) and on opportunity afforded for comments.

Electric Auto Corporation of America ("Electric Auto") is a subsidiary of Electric Auto Corporation Bahamas Limited of Freeport, Bahamas. It has produced ten pre-production prototypes of a passenger car called the "Silver Volt", intended as a luxury automobile. Electric Auto hopes to build 200 vehicles in 1982 and 1200 vehicles in 1983. The base vehicle is the Buick Regal rear wheel drive intermediate station wagon body to which substantial modifications are made. Petitioner offers the information that the Silver Volt is a successor to the Transformer I based on a Chevrolet Chevelle body, whose manufacturer Electric Fuel Propulsion Corp. was granted NHTSA Exemption No. 75–19.

Petitioner has asked for a two-year exemption from portions of eight Federal motor vehicle safety standards at the end of which it believes it will comply fully. The standards are:

1. Standard No. 103, *Defrosting and Defogging Systems.* Silver Volt is fitted with the ESPAR combustion type heater used on Volkswagon Microbus and Beetle models, which have been certified as conforming to Standard No. 103. The unit incorporates a heated water jacket type ESPAR "which has a more effective direct application of heat to the screen for defrosting and defogging using thermal transfer into the existing GM heater core."

Petitioner believes that Silver Volt meets Standard No. 103 but that if it does not, retooling costs of $50,000 will be required.

2. Standard No. 105, *Hydraulic Brake Systems.* Petitioner asks for relief from paragraph S7.3, the first (preburnish) effectiveness test of the service brake system which "have not been carried out under the required controlled conditions". But Silver Volt may comply as it is based upon a complying GM vehicle, and its GVW is within 5 percent of that of the GM-based Transformer I which met S7.3. Further, Silver Volt "has regenerative braking down to 10 m.p.h. which will assist the hydraulic braking system".

3. Standard No. 201, *Occupant Protection in Interior Impact.* The interior structures of Silver Volt are so similar to those of the GM host vehicle that the vehicle probably conforms.

4. Standard No. 204, *Steering Control Rearward Displacement.* As a result of an independent study of structural integrity, certain structural reinforcements have been made to the Silver Volt chassis, to prevent excessive chassis deformation. Petitioner has also concluded that the 15-inch extension it makes to the front body work "would considerably assist in reducing the severity of damage to the passenger compartment on impact."

5. Standard No. 212, *Windshield Mounting.* The independent study referenced above has concluded that there should be no "serious structural deformation in a crash in the windshield area which would negate the G.M. certification under FMVSS 212".

6. Standard No. 216, *Roof Crush Resistance.* The force to be applied to the roof to demonstrate crush resistance is 5,000 pounds, the same as for the Buick wagon host car. Therefore Silver Volt ought to comply. If modifications are needed, retooling costs in excess of $300,000 would be incurred.

7. Standard No. 219 *Windshield Zone Intrusion.* Petitioner places reliance on performance under this standard for reasons similar to Standard No. 212.

8. Standard No. 301, *Fuel System Integrity.* Silver Volt is equipped with a 5.8 gallon gasoline tank which supplies fuel for the combustion type heater and auxiliary power unit. The tank "is mounted in a well protected central location in the vehicle and is filled through a filler neck located above the off-side wheel well cover underneath the hood".

However, tests and modifications that may be required to show conformance to Standards Nos. 201, 204, 212, 219, and 301 could cost $1,200,000 inclusive. The company's net incomes in 1979 and 1980 were $383,000 and $395,000, respectively.

Petitioner avers that an exemption would be in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act because, as an electric vehicle, it is not a contributor to air pollution, and it is an alternative form of transportation which "will reduce the national dependency on foreign oil supply."

No comments were received on the petition.

The National Highway Traffic Safety Administration has decided to grant the petition of Electric Auto Corporation. The petitioner appears to have a reasonable basis upon which it could certify compliance with the standards for which it requests exemption though it has chosen the conservative approach of petitioning for exemption until funds are sufficient for it to test to certify conformance, or to make such modifications as may be required. Petitioner's good faith is evidenced by its request for an exemption of only two years, one less than the maximum provided by statute. NHTSA accepts petitioner's estimate that testing and modifications might incur costs over three times the company's net income for recent fiscal years. Further, it wishes to encourage propulsion systems that are alternatives to the internal combustion engine.

Accordingly, it is hereby found that immediate compliance with the standards discussed herein would cause petitioner substantial economic hardship and that a temporary exemption would be in the public interest and consistent with objectives of the National Traffic and Motor Vehicle Safety Act. Electric Auto Corporation of America is hereby granted NHTSA Exemption 82–3, expiring September 1, 1984, from the following Federal motor vehicle safety standards or portions thereof: 49 CFR 571.103, Motor Vehicle Safety Standards No. 103, *Defrosting and Defogging Systems;* paragraph S7.3 of 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems;* 49 CFR 571.201, Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact;* 49 CFR 571.204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement;* 49 CFR 571.212, Motor Vehicle Safety Standard No. 212, *Windshield Mounting;* 49 CFR 571.216, Motor Vehicle Safety Standard No. 216, *Roof Crush Resistance;* 49 CFR 571.219, Motor Vehicle Safety Standard No. 219, *Windshield Zone Intrusion:* and 49 CFR 571.301, Motor Vehicle Safety Standard No. 391, *Fuel System Integrity.*

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on October 20, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82–29366 Filed 10–27–82; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. IP82–3; Notice 2]

Toyo Rubber Industry Co., Ltd.; Grant of Petition for Determination of Inconsequential Noncompliance

This notice grants the petition by Toyo Rubber Industry Co., Ltd., of Osaka, Japan, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on February 4, 1982 (47 FR 5397), and an opportunity afforded for comment.

Paragraph S4.3.5 of Standard No. 109 requires each tire with a maximum inflation pressure of 60 psi to have permanently molded onto one or both sidewalls, in letters and numerals not less than ½ inch high (12.7 mm), the words "inflate to 60 psi". Toyo Rubber failed to comply with this requirement on about 193,000 tires. The requisite information is present in characters only 7 mm high. Petitioner argued that the information it has provided is legible, and that consumers will not be misled. It had received no reports or complaints on the noncompliance, had corrected the mistake in present production, and believed that the compliance is inconsequential as the tire otherwise complies with Standard No. 109.

No comments were received on the petition.

In establishing paragraph S4.3.5, NHTSA required that the words "inflate to 60 psi" be added because these tires unlike most with which consumers are familiar, are not designed for use at inflation pressures lower than the maximum inflation pressures. Although letters 12.7 mm would be easier to read, characters 7 mm should be legible to a person inflating the tire.

Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety and its petition is hereby granted.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on October 21, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR. Doc 82-29341 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-59-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 209
Thursday, October 28, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY CREDIT CORPORATION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 46054, October 14, 1982.

PREVIOUS ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., October 20, 1982.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

1. Minutes of CCC Board Meeting on August 12, 1982.
2. Memorandum re: Status Report on Emergency Grain Storage.
3. Memorandum re: Extended Storage—Grain.
4. Memorandum re: Update of Commodity Credit Corporation (CCC)-Owned Inventory.
5. Memorandum re: Alcohol Demonstration Project Report.
6. Docket XCP-98a re: Ratification of Milk Price Support Program, 1982-83 through 1984-85 Marketing Years.
7. Ratification re: Repurchase Offer for CCC Guarantees on Export Credit Sales to Sudan.
8. Ratification re: Repurchase Offer for CCC Guarantees on Export Credit Sales to Romania.
9. Memorandum re: Section 416—Foreign Donations.
10. Memorandum re: Operating Procedure Relative to Milk Marketings Deduction.

Closed portion of meeting:

11. Minutes of CCC Board Meeting on June 25, 1982.
12. Docket CZ-266 (Resolution No. 20) re: Commodities Available for Pub. L. 480 During Fiscal Year 1983.

SUPPLEMENTARY INFORMATION: The above agenda was published by Departmental Press Release No. 1231-82 on October 18, 1982. The General Counsel certified a portion of this meeting could be closed to the public. All members of the Board present as follows voted to close the portion of the meeting:

1. John R. Block, Chairman, Secretary of Agriculture.
2. Richard E. Lyng, Member.
3. Seeley G. Lodwick, Member.
4. William G. Lesher, Member.
5. Mary C. Jarratt, Member.
6. Everett G. Rank, Member.

CONTACT PERSON FOR MORE INFORMATION: Edward D. Hews, Secretary, Commodity Credit Corporation, Post Office Box 2415, Room 3090—South Building, U.S. Department of Agriculture, Washington, DC 20013; telephone (202) 447-7583.

[S-1552-82 Filed 10-25-82; 4:23 pm]

BILLING CODE 3410-05-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, November 2, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, November 4, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Draft advance notice of proposed rulemaking—Party Committee expenditure limitations (11 CFR 110.7)
Proposed revision of 11 CFR 114.3 and 114.4
Commission budget process, management plan, and the Commission's Budget Task Force
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-1554-82 Filed 10-26-82; 2:57 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 46961, Thursday, October 21, 1982.

PLACE: Board Room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled Wednesday, October 27, 1982:

Amendments to Part 509a concerning Removals, Suspensions, and Prohibitions Where a Crime is Charged or Proven

[S-1556-82 Filed 10-26-82; 3:44 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., November 3, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 5680-34: Modification of the Pacific-Straits Conference to prescribe independent action procedures applicable to interior-point traffic.
2. Agreements Nos. 10450 and 10451: Forty-eight hour rate agreements in the Great Lakes-India trades.
3. Agreement No. 8220-10: Modification of the North Atlantic/Israel Freight Conference Agreement to provide for the right of independent action with respect to Israeli Ministry of Defense cargoes.
4. Agreement No. 10126-5: Modification of the Florida/Curacao, Aruba and Bonaire Rate Agreement to permit the agreement Secretary to act on behalf of the members and to permit the agreement to enter into agreements with carriers of other agreements.
5. Agreement No. T-4052: Preferential berth assignment between the City of Richmond and Johnson Line AB, the East Asiatic Company, Ltd., and Blue Star Line, Ltd., at the port of Richmond, California.

Portion closed to the public:

1. Docket No. 82–30: Contract Marine Carriers, Inc.—Appeal of agreements Nos. 10045 and 10105 from denial of intervention.
2. Docket No. 81–28: Transportacion Maritima Mexicana, S.A. v. Board of Commissioners of the Port of New Orleans—Further consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S-1555-82 Filed 10-26-82; 3:44 pm]

BILLING CODE 6730-01-M

5

INTERSTATE COMMERCE COMMISSION

TIME AND DATE: 1:30 p.m., Thursday, November 4, 1982.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th and Constitution Avenue, N.W., Washington, D.C. 20423.

STATUS: Closed Special Conference:

A majority of the Commission voted to close this conference because it is likely to relate solely to the internal personnel rules and practices of the agency, within the meaning of 5 U.S.C. 552b(c)(2) and 49 CFR 1012.7(d)(2).

In addition to the Commission, Special Counsel Schack will be in attendance.

MATTER TO BE CONSIDERED: Personnel Matter—Discussion With Commission Employee of Involvement in Agency Proceedings.

CONTRACT PERSON FOR MORE INFORMATION: Robert R. Dahlgren, Director, Office of Public Affairs, Telephone: (202) 275–7252.

[S-1546-82 Filed 10-25-82; 11:16 am]

BILLING CODE 7035-01-M

6

SECURITIES AND EXCHANGE COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: (To be published.)

STATUS: Closed meeting.

PLACE: Room 6059, 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, October 14, 1982.

CHANGES IN THE MEETING: The following additional item was considered at a closed meeting scheduled on Wednesday, October 20, 1982, at 10:00 a.m.

Litigation matter.

Commissioners Evans, Longstreth and Treadway determined by vote that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Richard Starr at (202) 272–2467.

October 25, 1982.

[S-1553-82 Filed 10-26-82; 11:11 am]

BILLING CODE 8010-01-M

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Thursday, October 28, 1982

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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List of Public Laws

Last Listing October 27, 1982

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

H.R. 4717 / Pub. L. 97-362 Miscellaneous Revenue Act of 1982. (October 25, 1982; 96 Stat. 1726) Price: $2.00.

H.R. 5879 / Pub. L. 97-363 Refugee Assistance Amendments of 1982. (October 25, 1982; 96 Stat. 1734) Price: $1.75.

H.R. 6170 / Pub. L. 97-364 To amend title 23, United States Code, to encourage the establishment by States of effective alcohol traffic safety programs and to require the Secretary of Transportation to administer a national driver register to assist State driver licensing officials in electronically exchanging information regarding the motor vehicle driving records of certain individuals. (October 25, 1982; 96 Stat. 1738) Price: $2.25.

H.R. 4613 / Pub. L. 97-365 Debt Collection Act of 1982. (October 25, 1982; 96 Stat. 1749) Price: $2.25.

H.R. 4441 / Pub. L. 97-366 To amend title 17 of the United States Code with respect to the fees of the Copyright Office, and for other purposes. (October 25, 1982; 96 Stat. 1759) Price: $1.75.

H.R. 7292 / Pub. L. 97-367 White House Conference on Productivity Act. (October 25, 1982; 96 Stat. 1761) Price: $1.75.

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Ronald Reagan

1981	$25.00

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federal register

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Unified Agenda of Federal Regulations

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Thursday
October 28, 1982

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: Executive Order 12291 (Federal Regulation) and the Regulatory Flexibility Act (5 U.S.C. 605) require that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Office of Management and Budget (OMB) Bulletin 82–16 (July 22, 1982) requires that each agency agenda include, at a minimum, certain specific types of information for each entry, and that all agendas be published together as a **Unified Agenda of Federal Regulations.** The following Parts in this issue of the **Federal Register** are the agency agendas, which together comprise the first **Unified Agenda of Federal Regulations.**

ADDRESS: Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory projects, please refer to the Agency Contact listed for each entry. To provide comment on or to obtain further information about the **Unified Agenda of Federal Regulations,** contact:

Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, Room 5216, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503, (202) 395–6993.

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About the Unified Agenda

This is the first edition of the **Unified Agenda of Federal Regulations,** a project of the Regulatory Information Service Center undertaken for the Office of Information and Regulatory Affairs, Office of Management and Budget. The Regulatory Information Service Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public. The Office of Information and Regulatory Affairs is responsible for overseeing the Federal government's regulatory and information-management activities and implementing President Reagan's Executive Order 12291.

In the past, two separate documents provided information on Federal regulatory activity. The semiannual **Calendar of Federal Regulations** provided detailed descriptions of the most important Federal regulations under development. The semiannual agendas provided brief descriptions of most regulations under development at each agency. Individual agency agendas were published at different times during the year, and contained different types and amounts of information about agency regulatory activity. The Unified Agenda combines the uniform and government-wide features of the Calendar with the broad coverage of the agendas.

This edition of the Unified Agenda includes 47 Federal departments, agencies, and commissions. (Agencies of the United States Congress are not included.) The Unified Agenda contains the first uniform reporting of data on regulatory activities under development throughout the Federal government. These data elements—regulation title, agency contact, small business effects, CFR citation, legal authority, abstract, and timetable—should be readily identifiable in each agency's agenda. Agencies also included any additional information they considered important.

Future editions of the **Unified Agenda of Federal Regulations** will be published in April and October of each year. We welcome comments on this first edition and suggestions for improving future ones.

Dated: October 12, 1982.

Mark G. Schoenberg,

Executive Director.

How To Use the Unified Agenda

Each agency agenda appears as a separate Part in this edition of the **Federal Register.** The Parts are organized alphabetically in three groups: first, by cabinet departments; second, by other executive agencies; and third, by independent agencies. Departments are divided into agencies, which may in turn be divided into subagencies, in alphabetical order.

Each agency begins its agenda with a preamble providing information specific to its agenda. Each agency was asked to list its rules in three groups:

1. Current and projected rulemakings—those regulations the

agency currently is or soon will be developing;

2. Reviews of existing regulations—those existing regulations the agency is reviewing to determine whether to propose modifications through rulemaking; and

3. Completed actions—those actions or reviews the agency completed or withdrew since it published its last agenda.

Within each of the three groups, each agency was asked to list priority actions before all other actions. Priority actions include:

- Major rules under Executive Order (EO) 12291;
- Rules designated for priority review by the Presidential Task Force on Regulatory Relief; and
- Rules designated for priority review or development by the agency.

Under EO 12291, a major rule is any regulation that is likely to result in:

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The regulatory activities included in the agency agendas are those currently planned for the next 12 months. The agendas do not include regulations excluded from review under EO 12291 (such as military regulations and adjudicatory decisions), routine regulations, and regulations related to internal agency management.

About the Agenda Entries

OMB Bulletin 82-16 states that entries describing regulations under development and review should contain, at a minimum, the following information:

- Title of the Regulation;
- Agency Contact—the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation;
- Effects on Small Businesses and Other Entities—an indication of whether the rule is expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601 (6));
- CFR Citation—the section(s) of the Code of Federal Regulations that authorize(s) or will be affected by the action;
- Legal Authority—the section(s) of the United States Code or Public Law or the Executive Order that authorize(s) the regulatory action (agencies may use common name references to laws in addition to USC or PL references);
- Abstract—a description of the problem the regulation will address, the alternatives that the agency is considering, and the potential costs and benefits of the action;
- Timetable—the dates and citations (if available) for all past and at least the next future stage of rulemaking.

Entries that describe actions that agencies have completed or withdrawn contain, at a minimum, the following information:

- Title of the regulation;
- Agency contact name and phone number;
- **Federal Register** citation of the final action, when available; and
- Reason for completion.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed. The Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear. The information in this edition is accurate as of September 24, 1982, in the judgment of the individual agencies.

List of Abbreviations

The following abbreviations appear throughout this edition of the Agenda:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule, describing the general area that may be subject to regulation and asking for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a formal regulatory proposal.

CFR—The Code of Federal Regulations is a codification of the general and permanent rules published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles, each title covering a broad area of Federal regulatory law. The Office of the Federal Register revises the CFR annually.

EO—An Executive Order is a directive from the President to executive agencies, issued under Constitutional or statutory authority. Executive Orders are published in the **Federal Register** and in Title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that announces all proposed and final Federal regulations. It also contains notices of public meetings and other events Federal agencies may schedule.

FY—Fiscal year is a budgetary term. The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act, an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- A reference to the legal authority under which the rule is proposed; and
- Either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL—A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the two-year life of each Congress; for example, Pub. L. 97-17 would be the seventeenth law of the 97th Congress.

RIA—A Regulatory Impact Analysis is required by EO 12291 for all major rules and other regulations designated by the Office of Management and Budget. An RIA is prepared to determine whether a proposed regulatory action meets the requirements of Section 2 of EO 12291, namely that regulatory actions:

- Be based on adequate information concerning the need for and consequences of the action;
- Not be undertaken unless the potential benefits outweigh the potential costs to society;
- Maximize net benefits to society;
- Entail the least net cost to society of the alternatives considered; and

- Take into account the condition of particular affected industries, the national economy, and contemplated future regulatory actions.

U.S.C.—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The U.S.C. is divided into 50 titles, each title covering a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

Copies of individual agency agendas may be available directly from the agency. Please contact the particular agency for further information.

[FR Doc. 82-28716 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part III

Department of Agriculture

Office of the Secretary

Semi-Annual Regulatory Agenda: Major Regulations Pending and Planned for October 1982 Through April 1983

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR, Subtitle A, Chs. I–VII, IX–XII, XIV–XVIII, XXI, XXIV–XXIX

9 CFR, Chs. I–IV

36 CFR, Ch. II

41 CFR, Ch. 4

Semi-Annual Regulatory Agenda: Major Regulations Pending and Planned for October 1982 Through April 1983

AGENCY: Department of Agriculture, Office of the Secretary.

ACTION: Semi-Annual Regulatory Agenda.

SUMMARY: This agenda provides summary descriptions of major regulations being developed in agencies of the U.S. Department of Agriculture in conformance with Executive Order 12291, Federal Regulation. The agenda also describes regulations affecting small entities as required by Section 602 of the Regulatory Flexibility Act, Pub. L. 96–354.

FOR FURTHER INFORMATION CONTACT: For further information on any specific decision shown in this agenda, please contact the person listed for that decision.

A few copies of the Agenda are available. Requests for copies should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 147–E, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 382–1270.

SUPPLEMENTARY INFORMATION:

Agenda Organization

The Agenda includes three sections:

- A list of major actions formerly reported which have been completed, redesignated as "nonmajor," or withdrawn from consideration since publication of the last Regulatory Agenda;
- A list of major regulatory actions planned or under development between October of 1982 and April of 1983. Actions are organized under headings identifying the USDA agency responsible; and
- A list of existing regulations scheduled for review for which review is ongoing or will be initiated between now and April 1983.

Be sure to review each of these sections to identify decisions on which you may want to comment. If additional information is desired on an entry, contact the person identified in that entry.

How to Identify New Items on the Agenda

The Regulatory Agenda number shows the month and year that the item was identified as major and placed on the Regulatory Agenda. The first two digits after the agency abbreviation identify the month, and the third digit provides the year. Thus, ASCS 042–18 indicates that it was identified as major in April (i.e., "04") of 1982 (i.e., "2"). Any entry with a number indicating a date later than April 1982 is new on the Regulatory Agenda.

Background of Regulatory Agenda

This Administration is committed to reducing the burden of Federal regulation on the American economy. To this end, procedures have been established to concentrate greater effort on analyzing major regulatory actions to ensure that Government action is needed, that it is clearly within delegated legal authority, and that the effects of taking the action are as well understood as possible.

Also, USDA is focusing added attention on regulatory actions which affect small entities. "Small entities" include small businesses, small not-for-profit organizations, and small governmental jurisdictions. Any time an agency cannot certify that a rule (as defined in the Regulatory Flexibility Act) will not have a significant economic impact on a substantial number of small entities, a Regulatory Flexibility Analysis (RFA) must be completed. The RFA will identify and analyze less burdensome alternative regulatory strategies consistent with the law. Entries in the Agenda for which a RFA will be carried out are identified by the symbol "(RFA)" found at the end of the action's "Description." This symbol is shown both in the list of current major actions and in the "List of Regulations Scheduled for Review."

The dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown. The "pre-notice" date, when given, is an indication the agency intends to seek public input prior to the "notice of proposed rulemaking."

In this Agenda, we have attempted to list all major actions and regulatory reviews pending at the time of publication, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing.

Dated: September 24, 1982.

Richard E. Lyng,

Acting Secretary.

Summary of Actions Completed, Withdrawn, or Redesignated Nonmajor Since the Last Agenda

Please note that this is an information list only, and is not a vehicle for formal announcement of final decisions or withdrawal of proposals from consideration.

AMS 081–91; Standards for Grades of Carcass Beef and Standards for Grades of Slaughter Cattle; Withdrawn; 9/22/82; 47 FR 41934; John Ford, (202) 447–7813; USDA, Room 242–E Administration Bldg., Washington, D.C. 20250

APHIS 081–36; Swine Health Protection Program; Completed. This entry, a nonmajor rule, appeared pursuant to the Regulatory Flexibility Act in the April 1982 Agenda. The rule was analyzed for possible significant impact on a substantial number of small entities. An Initial Regulatory Impact Analysis was prepared and a determination made by the Administrator that the regulation will not have such an impact. Robert D. Good, (301) 436–8487, USDA, APHIS, Room 841 Federal Building, Hyattsville, MD 20782

ASCS 042–28; Price Support Level for Milk, 1982–83 Marketing Year (beginning October 1, 1982); Completed; 9/24/82, 47 FR 42128; Charles N. Shaw, (202) 447–7601, USDA, ASCA, Room 3752–S, Washington, D.C. [illegible]

FNS 081–31; Food Stamp Program: Household Composition, Income Standards, Initial Month Benefits, Adjustments, Deductions, and Outreach; Completed; 9/00/ 82, 47 FR 0000; Thomas O'Connor, (202) 756–3429, USDA, FNS, Room 708, Park Center Drive, Alexandria, VA 22302

FNS 081–36; National School Lunch, School Breakfast, and Special Milk Programs: Documentation of Income and Verification of the Information on the Free and Reduced Price Applications; Redesignated nonmajor; Stanley C. Garnett, (703) 756–3620, USDA, FNS, Room 509, Park Office Center, Alexandria, VA 22302

FNS 101–53; Puerto Rico Nutritional Assistance Block Grant; Completed; 7/27/82, 47 FR 32409; Thomas O'Connor, (703) 756–3429, USDA, FNS, Room 708, Park Office Center, Alexandria, VA 22302

FNS 111–58; Proposed Revision in Policies Governing the Use of Vegetable Protein Products in Child Nutrition Programs; Redesignated nonmajor; Cynthia Ford, (703) 756–3556, USDA, FNS, Room 609, Park Office Center, Alexandria, VA 22302

FNS 052–26; Private Sector Inventory (PSI) System for Processing USDA Donated Foods; Redesignated nonmajor; Kay Tibbits or Grace Sheffey, (703) 756–3660, USDA, FNS, Alexandria, VA 22302

FS 041–1; Review of Regulations—Regulations for National Forest System Land and Resource Management Planning; Completed; 9/30/82, 47 FR 43026; Raymond M. Housley, (202) 447–3523, USDA, FS, Room 3018–S, Washington, D.C. 20250

FSIS 041–2; Mechanically Processed (Species) Product; Completed; 6/29/82 47 FR 28214;

M. A. Nelson, (202) 447-2709, USDA, FSIS, Room 350-E, Administration Building, Washington, D.C. 20250

Animal and Plant Health Inspection Service

APHIS 092-47

REVIEW OF THE REGULATION COVERING THE PROHIBITED AND RESTRICTED IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS FROM COUNTRIES WHERE CERTAIN ANIMAL DISEASES AND PESTS EXIST

DESCRIPTION: The regulation covering the importation of animals and animal products from countries with Rinderpest, Foot-and-Mouth Disease, Fowl Plague, Newcastle Disease, African Swine Fever, and/or Hog Cholera, is scheduled to be reviewed as part of the five year cyclical review of regulations required by E.O. 12291. Because this rule affects international trade, the possible economic impact of any changes in the regulation could be significant. While at this point in the review no significant changes are planned, an initial regulatory impact analysis is underway to gauge the possible economic impact on the economy as a whole and on small businesses in particular of any changes that may be considered. The review itself will evaluate the appropriateness of the present rule; analyze the differences in impact and effectiveness of possible alternative regulatory strategies; and, if necessary, make recommendations for improvements. Any changes considered would be put forward for public comment as proposed rulemaking notices.

AUTHORITY: 19 U.S.C. 1306; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 9 CFR 94.

PROJECTED SCHEDULE

a. Date of Pre-Notice: None.
b. Date of Proposal: 4/83.
c. Final Decision: 7/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Dr. David E. Herrick, (301) 436-8530, USDA, APHIS, Room 821, Federal Building, Hyattsville, Maryland 20782

Agricultural Stabilization and Conservation Service

ASCS 022-10

1982 SUGAR BEET AND SUGAR CANE LOAN PROGRAM

DESCRIPTION: Support the price of domestically produced sugar beets and sugarcane through nonrecourse loans at such levels as the Secretary determines to be appropriate but not less than 17 cents per pound for raw cane sugar for the 1982 crop; sugar beets are to be supported at a rate determined by the Secretary to be fair and reasonable in relation to the support level for sugarcane.

AUTHORITY: Agricultural Act of 1949, Section 201, 7 U.S.C. 1446.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 7/30/82 (47 FR 33238).
c. Final Decision: 10/1/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Thomas Fink, (202) 382-9879, USDA, ASCS, Room 3636-S, Washington, D.C. 20250

ASCS 042-16

DETERMINATION OF LOAN AND PURCHASE RATE, ESTABLISHED "TARGET" PRICES, ACREAGE REEDUCTION AND/OR PAID DIVERSION PROGRAM AND FARMER-OWNED RESERVE PROGRAM PROVISIONS FOR THE 1983 CROP OF FEED GRAINS—AND LOAN AND PURCHASE PROGRAM FOR SOYBEANS

DESCRIPTION: To provide adequate feed grain and soybean supplies for domestic and foreign utilization, support farm income, combat inflation, minimize Government intervention, hold down Federal costs, and conserve natural resources.

AUTHORITY: Agricultural Act of 1949, Section 105B, 7 U.S.C. 1444d; Agricultural Act of 1949, Section 201, 7 U.S.C. 1446.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 7/27/82 (47 FR 32461).
c. Final Decision: 1/15/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Orville I. Overboe (202) 447-4417, USDA, ASCS, Room 3746-S, Washington, D.C. 20250.

ASCS 042-17

DETERMINATION OF LOAN AND PURCHASE RATE; ESTABLISHED "TARGET" PRICES, ACREAGE REDUCTION AND/OR PAID DIVERSION PROGRAM AND FARMER-OWNED RESERVE PROGRAM PROVISIONS FOR THE 1983 CROP OF WHEAT

DESCRIPTION: To provide adequate wheat supplies for domestic and foreign utilization, support farm income, combat inflation, minimize Government intervention, hold down Federal costs, and conserve natural resources.

AUTHORITY: Agricultural Act of 1949, Section 107B, 7 U.S.C. 1445b-1.

PROJECTED SCHEDULE:

a. Date of Pre-notice: None.
b. Date of Proposal: 4/30/82 (47 FR 22573).
c. Final Decision: 1/15/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Bruce R. Weber; (202) 447-4146, USDA, ASCS, Room 3738-S, Washington, D.C. 20250.

ASCS 042-18

DETERMINATION OF 1983-CROP RICE PROGRAM TO INCLUDE ESTABLISHMENT OF LOAN AND PURCHASE RATE, ESTABLISHED "TARGET" PRICE, AND ACREAGE REDUCTION AND/OR PAID DIVERSION PROGRAMS, IF ANY

DESCRIPTION: To achieve the optimal balance between the multiple objectives of providing adequate rice supplies for domestic and foreign utilization, while maintaining adequate carryover stocks, supporting farm income, combating inflation, holding down Treasury costs and borrowing, and conserving natural resources.

AUTHORITY: Agricultural Act of 1949, Section 101(i), 7 U.S.C. 1441.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 9/30/82.
c. Final Decision: 12/1/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: George H. Schaefer, (202) 447-4634, USDA, ASCS, Room 3742-S, Washington, D.C. 20250.

ASCS 042-21

DETERMINATION OF 1983 UPLAND COTTON LOAN RATE, TARGET PRICE, NATIONAL PROGRAM ACREAGE, ACREAGE REDUCTION PROGRAM AND/OR DIVERSION PROGRAM, ACREAGE BASES, AND ESTIMATED DEFICIENCY RATE

DESCRIPTION: To maintain adequate but not excessive supplies of upland cotton for domestic and export use while providing price and income protection for producers and keeping Federal outlays to a minimum. To determine whether a paid diversion program should be offered. To determine ELS cotton loan rate based on upland cotton loan rate, and establish loan rates for seed cotton.

AUTHORITY: Agricultural Act of 1949, Section 103(g)(1), 7 U.S.C. 1444.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 7/82 (47 FR 31025).
c. Final Decision: 11/1/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Charles V. Cunningham, (202) 447-7954, USDA, ASCS, Room 3741-S, Washington, D.C. 20250.

ASCS 042-25

CCC GRAIN PRICE SUPPORT REGULATIONS GOVERNING THE GRAIN RESERVE PROGRAM FOR 1982 AND SUBSEQUENT CROPS AND ALTERNATIVE PROGRAM FOR 1981 AND PRIOR CROPS

DESCRIPTION: To implement regulations which govern the farmer-owned Grain Reserve Program which would: (1) implement the new reserve program for 1982-crop wheat and feed grains and subsequent crops, (2) provide for trigger-release levels for wheat and feed grains, (3) establish a minimum level at which the Secretary may limit the quantity of wheat or feed grains that may enter the reserve, and (4) incorporate the new rotation provisions which permit the removal of farm-stored corn and sorghum reserve grain going out of condition, provided replacement stocks are in place within 15 days.

AUTHORITY: Agricultural Act of 1949, Section 110, 7 U.S.C. 1445e.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Interim Rule: 8/16/82 (47 FR 35493).
c. Final Decision: 2/1/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Steve Gill, (202) 382–9888, USDA, ASCS, Room 3623–S, Washington, D.C. 20250.

Farmers Home Administration

FmHA 080-47

MOBILE HOME LOAN PROCEDURE

DESCRIPTION: Invite public input for draft regulations for mobile home loans to implement Section 527 of Title V of the Housing Act of 1949, as amended.

AUTHORITY: Section 510(j) of the Housing Act of 1949, 42 U.S.C. 1480(j); Section 527 of the Housing Act of 1949, 42 U.S.C. 1490g

PROJECTED SCHEDULE:

a. Date of pre-notice: 10/21/80 (45 FR 69469).
b. Date of Proposal: 6/83.
c. Final Decision: 12/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: James W. Craun, (202) 382–1489, USDA, FmHA, Room 5351–S, Washington, D.C. 20250.

FmHA 041-12

RESTRICTING LOAN GUARANTEES WITH TAX-FREE OBLIGATIONS

DESCRIPTION: To amend the "General" Regulations (7 CFR Part 1980, Subpart A, and Part 1990, Subpart A) dealing with all FmHA guarantee programs to add a new section to prohibit guaranteeing of loans when the funds are obtained, either directly or indirectly, from tax-exempt obligations.

AUTHORITY: The Consolidated Farm and Rural Development Act, Section 339, 7 U.S.C. 1989; the Emergency Agricultural Credit Adjustment Act of 1978, Section 209(c), 7 U.S.C. note preceding 1961; the Biomass Energy and Alcohol Fuels Act of 1980, Section 212(e)(2), 42 U.S.C. 8812(e)(2); Housing Act of 1949, Section 517, 42 U.S.C. 1487.

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 2/19/82 (47 FR 7437).
c. Final Decision: 10/82.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Wilton L. Ward, (202) 475–4005, USDA, FmHA, Room 5314S, Washington, D.C. 20250.

Food and Nutrition Service

FNS 101-54

FOOD STAMP PROGRAM—MONTHLY REPORTING AND RETROSPECTIVE BUDGETING (MRRB)

DESCRIPTION: This rule implements Sections 107 and 108 of the Omnibus Reconciliation Act of 1982 (Public Law 97–35). The rule will impose a national accounting system on almost all households and will base benefits on circumstances from a previous month. The final rule will include provisions of the 1982 Food Stamp Amendments.

AUTHORITY: 1981 Omnibus Reconciliation Act, Public Law 97–35, 95 Stat. 357

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Interim Rule: 5/82 (47 FR 22684).
c. Final Decision: 2/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Thomas O'Connor, (703) 756–3429, USDA, FNS, Room 708, Park Office Center, Alexandria, VA 22302.

Food Safety and Inspection Service

FSIS 092-3

RECORDS, REGISTRATION, AND REPORTS

DESCRIPTION: The Agency will review Parts 320 and 381 Subpart 0, of Title 9 of the Code of Federal Regulations relating to records and reports required to be maintained by official meat and poultry establishments. The purpose of the review will be to determine whether present reporting and recordkeeping requirements placed upon the industry can be reduced or effected in a more efficient, less burdensome manner.

AUTHORITY: 21 U.S.C. 451 *et seq.*, 601 *et seq.*, 9 CFR 320 and 381; 5 U.S.C. 601 *et seq.*, 44 U.S.C. 3501 *et seq.*, Executive Order 12291.

PROJECTED SCHEDULE:

a. Date of Initiation: 10/82.
b. Date of Proposal: None.
c. Final Decision: 9/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: John W. McCutcheon, (202) 447–6525, USDA, FSIS, Room 327–E, Washington, D.C. 20250.

Office of Finance and Management

OFM 102-1

INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS: REGULATIONS GOVERNING CONSULTATION AND REVIEW BY STATE AND LOCAL GOVERNMENTS OF PROPOSED FEDERAL FINANCIAL ASSISTANCE AND DIRECT FEDERAL DEVELOPMENT ACTIVITIES

DESCRIPTION: Regulations will be proposed governing formulation, evaluation, and review by state and local government officials of proposed Federal financial assistance and direct Federal development activities. These regulations replace the procedures required by OMB Circular A–95 and will foster effective intergovernmental partnership and strengthen Federalism by accommodating state and local elected officials' concerns through the state designated process.

AUTHORITY: Executive Order 12372 of July 14, 1982

PROJECTED SCHEDULE:

a. Date of Pre-Notice: None.
b. Date of Proposal: 1/83.
c. Final Decision: 4/83.

FOR FURTHER INFORMATION ON THIS DECISION, CONTACT: Peter Ben Ezra, (202) 382–8998, USDA, OFM, Room 3200 Auditors Building, Washington, D.C. 20250.

List of Regulations Scheduled for Review

This list provides an overview of the USDA regulations undergoing review between October 1982 and April 1983. Any action deemed to have a significant economic impact on a substantial number of small entities is identified with the letters "RFA" (Regulatory Flexibility Act) following the description. Regulations are reviewed and announced in the **Federal Register** (FR) using, basically, the same procedural rules which apply to new regulations.

If you wish to comment on a particular regulation under review, get in touch with the "contact" identified for the item of interest to you. Please note that this particular list is not a request for comments; it serves as an announcement only.

Parts affected	Subject	Description	Contact
Agricultural Marketing Service—Scheduled, Nonmajor			
Review of the following is withdrawn and will be scheduled in the April 1983 Agenda			
7 CFR 53-B	Feeder Pig Grades and Standards.	Describes the specifications and application of standards for grades of feeder pigs.	Russell Knister, USDA, AMS, Room 2631-S, Washington, D.C. 20250, (202) 447-5679.
Review of the following is withdrawn and will be scheduled at a later date			
7 CFR 53-B, Parts 120-124	Vealers and Slaughter Calves Grades and Standards.	This regulation covers the classes of vealers and slaughter calves and application and specifications of standards for grades of slaughter vealers and calves.	Russell Knister, USDA, AMS, Room 2631-S, Washington, D.C. 20250, (202) 447-5679.
Scheduled for Review			
7 CFR 27	Cotton Classification Under Futures Legislation.	This regulations includes procedures for classification, inspection sampling, and micronaire determinations in accordance with the United States Cotton Futures Act. Procedures for issuance of certificates, designation of spot markets, and issuance of quotations or value of grade are included.	Lloyd R. Frazier, USDA, AMS, Room 304, Annex, Washington, D.C. 20250, (202) 447-2147.
7 CFR 29-A, 29.1 (excludes parts 29.2-3)	Tobacco Inspection Policy Statement.	Review of the policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets. (Definitions).	J. T. Bunn, USDA, AMS, Room 502, Annex, Washington, D.C. 20250, (202) 447-7235.
7 CFR 29-B, 29.12-.133 (excludes 29.75a, 123, 125, 127, and 129).	Tobacco Inspection Regulations.	Review the procedures for permissive and mandatory inspection, appeals, licensing of tobacco inspectors, and samplers and weighers.	J. T. Bunn, USDA, AMS, Room 502, Annex, Washington, D.C. 20250, (202) 447-7235.
7 CFR 29-C, all but 29.2251-.2481 and 29.3501-.3681.	Tobacco Inspection Standards.	Define official standard grades for all tobacco except Kentucky and Tennessee fire-cured (U.S. types 22 and 23) and dark air-cured tobacco (U.S. types 35, 36, and 37).	J. T. Bunn, USDA, AMS, Room 502, Annex, Washington, D.C. 20250, (202) 447-7235.
7 CFR 32	Mohair Standards	Defines standards and procedures for determining mohair top. Also includes methods for obtaining representative samples of official grade standards for grease mohair.	Russell Knister, USDA, AMS, Room 2631-S, Washington, D.C. 20250, (202) 447-5679.
7 CFR 53-B, Parts 130-135	Slaughter Lambs, Yearlings, and Sheep Grades and Standards.	Regulations to make the slaughter lamb standards conform to the revised lamb carcass standards as published in the FEDERAL REGISTER September 13, 1982.	Russell Knister, USDA, AMS, Room 2631-S, Washington, D.C. 20250, (202) 447-5679.
7 CFR 1205	Cotton Research and Promotion.	Procedures including rules of practice necessary to implement the Cotton Research and Promotion Act. Includes procedures for the cotton research and promotion order and the Cotton Board rules and regulations.	Naomi Hacker, USDA, AMS, Room 309, Annex, Washington, D.C. 20250, (202) 447-2259.
7 CFR 1250.500-1250.552	Egg Research and Promotion—Rules and Regulations.	This regulation implements the terms and provisions of the Egg Research and Promotion Order. It prescribes procedures for collection and remittance of assessments, methods to be used for obtaining producer refunds, and content and submission of producer and handler reports and records.	Janice L. Lockard, USDA, AMS, Room 3955-S, Washington, D.C. 20250, (202) 382-8132.
Animal and Plant Health Inspection Service—Scheduled, Major			
9 CFR 94	Rinderpest, Foot-and-Mouth Disease, Fowl Pest (Fowl Plague), Newcastle Disease (Avian Pneumoencephalitis), African Swine Fever, and Hog Cholera: Prohibited and Restricted Importations.	This regulation designates countries where rinderpest or foot-and-mouth disease of livestock exist and either prohibits or restricts the importation of animals, animal products, and materials from such countries. (RFA).	D. E. Herrick, USDA, APHIS-VS Room 821, Federal Bldg., Hyattsville, MD 20782, (301) 436-8530.
Animal and Plant Health Inspection Service—Scheduled, Nonmajor			
7 CFR 301.38	Black Stem Rust	This regulation limits the interstate movement fo certain plants susceptible to black stem rust, a dangerous plant disease of small grains.	T. Lanier, USDA, APHIS, Room 643, Federal Building, Hyattsville, MD 20782, (301) 436-8247.
7 CFR 319.24	Corn Diseases	Regulates the importation from several Southeast Asian and Pacific countries of indian corn and closely related plants subject to certain injurious diseases.	T. Lanier, USDA, APHIS, Room 643, Federal Building, Hyattsville, MD 20782, (301) 436-8247.
7 CFR 360	Noxious Weeds	Designates certain plants as "noxious weeds" pursuant to the Federal Noxious Weed Act of 1974. Outlines permit procedures for movement of noxious weeds.	T. Lanier, USDA, APHIS, Room 643, Federal Building, Hyattsville, MD 20782, (301) 436-8247.
9 CFR 53	Foot-and-Mouth Disease, Pleuropneumonia, Rinderpest and Certain Other Communicable Diseases of Livestock.	Regulation provides for the determination of the existence of exotic or foreign animal and poultry diseases and for agreements to cooperate with States; for payments to owners, at specified rates, for animals and materials destroyed because of specific exotic diseases; procedures and requirements under which payments to owners for animals or materials destroyed may be made; for disinfection or destruction of materials; and disinfection of premises and conveyance.	K. A. Hand, USDA, APHIS-VS, Room 743, Federal Bldg., Hyattsville, MD 20782, (301) 436-8065.
9 CFR 56	Swine Destroyed Because of Hog Cholera.	Regulation provides for cooperation with States in eradicating hog cholera, a contagious, infectious and communicable disease of swine; for payment to owners, at specified rates, for swine destroyed; and procedures and requirements under which such payment may be made.	L. Schnurrenberger, USDA, APHIS-VS, Room 841, Federal Bldg., Hyattsville, MD 20782, (301) 436-8436.

Parts affected	Subject	Description	Contact
9 CFR 76	Hog Cholera and Other Communicable Swine Diseases.	Regulation provides for cooperation with States in eradicating hog cholera and other communicable diseases of swine; for quarantine of affected areas; for requirements for interstate movement of swine and swine products from quarantined areas; for approval of livestock markets; and for cleaning and disinfection of means of conveyance, markets and facilities.	L. Schnurrenberger, USDA, APHIS-VS, Room 841, Federal Bldg., Hyattsville, MD 20782, (301) 436-8438.
9 CFR 105	Suspension of Biologics Licenses or Permits.	Conditions and procedures are set forth concerning the suspension of U.S. Veterinary Biological and U.S. Veterinary Biologics Establishment Licenses.	R. J. Price, USDA, APHIS-VS, Room 827, Federal Bldg., Hyattsville, MD 20782, (301) 436-8245.
9 CFR 115	Inspections of Establishments and Biological Products.	Authority for the inspection of licensed establishments and products is provided by this regulation.	R. J. Price, USDA, APHIS-VS, Room 827, Federal Bldg., Hyattsville, MD 20782, (301) 436-8245.
9 CFR 151	Recognition of Breeds and Books of Record of Purebred Animals.	Provides for the duty free entry of purebred animals.	N. Q. Faizi, USDA, APHIS-VS, Room 815, Federal Bldg., Hyattsville, MD 20782, (301) 436-8383.
Federal Grain Inspection Service—Scheduled, Nonmajor			
7 CFR 800.60	Deceptive Practices	FGIS will conduct a review of that part of the regulations under the U.S. Grain Standards Act dealing with deceptive actions and practices that knowingly cause or attempt to cause official personnel to issue incorrect official certificates or other official forms. The review will examine the need for and consequences of the regulations, assure that they are consistent with the intent of the law and current Agency policy, clarify and simplify the language, and make them more cost effective to FGIS and the industry.	J. T. Abshier, USDA, FGIS, Room 2405, Auditors, Washington, D.C. 20250, (202) 447-8262.
7 CFR 800.70	Fees for Official Services Performed by Official Agencies.	FGIS will conduct a review of Procedures for Official Agencies establishing fees to assure that the procedures are necessary, not in conflict with current laws or Agency policy.	E. R. Bergeron, USDA, FGIS, Room 1642-S, Washington, D.C. 20250, (202) 382-0231.
7 CFR 800.75 through 7 CFR 800.78	Kinds of Official Services.	FGIS will conduct a review of the kinds of official inspection and weighing services and the prohibited and restricted services under the regulations under the U.S. Grain Standards Act to ensure that the services adequately meet the needs of the U.S. grain marketing system and maintain the integrity of the inspection and weighing system.	J. W. Marshall, USDA, FGIS, Room 1641-S, (202) 382-0228; J. T. Abshier, Room 2405, Auditors, Washington, D.C. 20250, (202) 447-8262.
7 CFR 800.135 through 7 CFR 800.140	Appeal Inspection Services.	FGIS will conduct a review of the appeal inspection services under the regulations under the U.S. Grain Standards Act to ensure that the service is cost effective and meets the needs of the U.S. grain industry.	J. W. Marshall, USDA, FGIS, Room 1641-S, (202) 382-0228; J. T. Abshier, Room 2405, Auditors, Washington, D.C. 20250, (202) 447-8262.
7 CFR 800.160 through 7 CFR 800.166	Official certificates	FGIS will conduct a review of the procedures for issuance and distribution of official certificates under the regulations under the U.S. Grain Standards Act to ensure that the procedures are cost effective and meet the needs of the U.S. grain market.	J. W. Marshall, USDA, FGIS, Room 1641-S, Washington, D.C. 20250, (202) 382-0228.
Food and Nutrition Service—Scheduled			
FNS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 246, 247	Supplemental Food Programs for Women, Infants and Children (WIC and CSFP).	Review of administrative aspects of program regulations to determine if programs can be made more flexible and less proscriptive and burdensome.	Phil Cohen, USDA, FNS, Room 416, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3730.
7 CFR 273.2	Application Processing.	These rules describe the procedures for processing food stamp applications and determining eligibility and level of benefits.	Thomas O'Connor, USDA, FNS Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
7 CFR 273.7	Work Registration	These rules establish the work registration and job finding responsibilities of food stamp participants. They also establish how the requirements are to be administered.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
7 CFR 273.10	Recertification	These rules contain procedures to be followed in recertifying current food stamp participants for continued participation in the Food Stamp Program.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
7 CFR 274, 276	Issuance, Accountability and Liability.	These rules govern the issuance of food stamps to Food Stamp Program participants. They also establish the system for accounting for the food stamps and establish liabilities for losses during the issuance process.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., (703) 756-3429.
7 CFR 275	Performance Reporting System.	This rule describes procedures by which USDA monitors and evaluates State agency administration of the Food Stamp Program.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302 (703) 756-3429.
Food and Nutrition Service—Scheduled, Nonmajor			
7 CFR 250	Food Distribution Program.	This rules outlines the responsibilities of the Food and Nutrition Service and State agencies concerning the distribution of USDA-donated foods acquired under various legislative authorities. The rule prescribes the terms and conditions under which donated foods may be obtained through State distributing agencies for use in schools, child care institutions, nonprofit summer camps for children, charitable institutions, nutrition programs for the elderly, and otherwise in the assistance of needy persons.	Don McCreary, USDA, FNS, Room 506, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-[illegible].
7 CFR 250.15	Processing of Donated Foods.	This rule sets forth the requirements which permit State distributing agencies, subdistributing agencies, and recipient agencies to employ commercial facilities to process USDA-donated foods by converting them into different end products or by repackaging them. The provisions prescribed ensure that food processors pass on maximum benefits of donated foods to recipient agencies and that processing activities are conducted in a manner which maintains maximum accountability and integrity of the donated foods provided by USDA.	Don McCreary, USDA, FNS, Room 506, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-[illegible]

Parts affected	Subject	Description	Contact
7 CFR 253	Food Distribution Program on Indian Reservations.	This rule describes the terms and conditions under which (1) USDA-donated foods (available under 7 CFR 250) may be distributed to households on or near Indian reservations; (2) the program may be administered by capable Indian tribal organizations; and (3) funds may be obtained from USDA for the costs incurred in administering the program. The rule also provides for the concurrent operation of the Food Distribution Program and the Food Stamp Program on Indian reservations when such concurrent operation is requested by an Indian tribal organization.	Bob Beard, USDA, FNS, Room 506, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3660
7 CFR 273.2	Expedited Service	This rule establishes procedures for issuing benefits on an expedited basis to households in immediate need of assistance.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
7 CFR 273.16, 273.18	Fraud	These regulations describe procedures for identifying household members who have committed fraud in the Food Stamp Program and procedures for recovering overpayments from participating households.	Thomas O'Connor, USDA, FNS, Room 708, Park Office Center, 3101 Park Center Dr., Alexandria, VA 22302, (703) 756-3429.
Foreign Agricultural Service—Scheduled			
FAS has scheduled the following regulations for review for which the category was not yet determined as of the publication deadline for this regulatory agenda.			
7 CFR 17.8	Public Law 480	Sales of Agricultural Commodities made available under Title I, Agricultural Trade Development and Assistance Act of 1954, as amended (Fees and Agents).	Leo Wallace, USDA, FAS, Room 4526-S, Washington, DC 20225, (202) 447-6211
7 CFR 1487	Non-Commercial Risk Assurance Program.	Provides 6-month to 3-year guarantees against non-commercial risks private financing U.S. agricultural commodities exports.	Larry McElvain, USDA, FAS, Room 4526-S, Washington, DC 20225, (202) 447-6225.
Food Safety and Inspection Service—Scheduled, Major			
9 CFR 320 and 381 (subpart O)	Records, Registration, and Reports.	Sets forth requirements for records, registration and reports	John W. McCutcheon, USDA, FSIS, Room 327-E, Washington, D.C. 20250, (202) 447-6525.
Food Safety and Inspection Service—Scheduled, Nonmajor			
9 CFR 302, 304, 305, 306 and 381 (subparts B, D, E, and F).	Administrative Regulations.	Sets forth administrative requirements for applying for inspection, granting, refusing, inaugurating, and withdrawing inspection and assigning program employees.	John W. McCutcheon, USDA, FSIS, Room 327-E, Washington, D.C. 20250, (202) 447-6525.
9 CFR 309 and 310	Slaughter	Sets forth ante-mortem and post-mortem inspection requirements for meat	John W. McCutcheon, USDA, FSIS, Room 327-E, Washington, D.C. 20250, (202) 447-6525.
9 CFR 329, 335 and 381 (subparts U and W).	Procedural Regulations.	Sets forth procedural requirements for detaining, seizing, and condemning meat and poultry products.	John W. McCutcheon, USDA, FSIS, Room 327-E, Washington, D.C. 20250, (202) 447-6525.
Forest Service—Scheduled, Nonmajor			
36 CFR 212	Administration of the Forest Development Transportation System.	Describes the plan for the system of access roads, trails, and airfields needed for protection, administration and use of the National Forest System	M. R. Howlett, USDA, FS, P.O Box 2417, Washington, D.C. 20013, (703) 235-8035.
36 CFR 228	Locatable minerals	Rules and procedures for the use of the surface of National Forest Systems lands for locatable minerals.	Howard Banta, USDA, FS, P.O Box 2417, Washington, D.C. 20013, (703) 235-8105
36 CFR 251.10	Mining in Custer State Park Game Sanctuary.	Prohibitions on location of mining claims within certain areas of the Sanctuary	Howard Banta, USDA, FS, P.O. Box 2417, Washington, D.C. 20013, (703) 235-8105.
36 CFR 254, subpart B	National Forest Townsites.	Sets forth circumstances and procedures for conveying National Forest System lands in Alaska and Western States to communities.	Richard D. Hull, USDA, FS, P.O Box 2417, Washington, D.C. 20013, (703) 235-8212.
36 CFR 281	Land Disposal; Sale of Lands Pursuant to Section 10 of the Act approved March 11, 1911.	Describes procedures for disposing of National Forest lands principally in the eastern U.S. and conditions under which these lands may be sold	Richard D. Hull, USDA, FS, P.O. Box 2417, Washington, D.C. 20013, (703) 235-8212.
36 CFR 295	Use of Motor Vehicles Off Forest Development Roads.	Sets forth the process for developing management plans for use of off-road vehicles on National Forest lands.	Roy Feuchter, USDA, FS, P.O. Box 2417 Washington, D.C. 20013, (202) 447-3706.
Packers and Stockyards Administration—Scheduled, Nonmajor			
9 CFR 201.43-.47, 201.49-.50, 201.52, 201.101, 201 53-.66, 201.111, 203.4-.5.	Accounts and Records, Payment and Accounting for Livestock and Live Poultry, Trade Practices and Record Retention.	The payment and accounting regulations set forth the payment requirements for livestock and live poultry and for the accounting and maintenance of records. The trade practice regulations prohibit certain business practices of stockyard owners, market agencies, dealers and packers. The policy statements relate to disposition of records by packers and market agencies paying expenses of buyers.	Kenneth Stricklin, USDA, P&SA, Room 3422-S, Washington, D.C. 20250, (202) 447-7363.

Parts affected	Subject	Description	Contact
9 CFR 201.67, 201.70, 302.2-.6, 203.7-.14, 203.16.	Trade Practices, Livestock Sales to a Packer on Credit.	The trade practice regulations prohibit packers and dealers from owning market agencies selling on commission and packer ownership of dealers and market agencies buying on commission, and prohibit certain business practices with respect to competition between packers, dealers and market agencies. The sales on credit regulation prescribes terms and conditions under which parties to a purchase and sale may expressly agree in writing to credit. The policy statements relate to packer purchases of livestock for export, packer sales as purchase contracts and advertising and promotional allowances.	Kenneth Stricklin, USDA, P&SA, Room 3422-S, Washington, D.C. 20250, (202) 447-7363.
Rural Electrification Administration—Scheduled, Nonmajor			
50-1	Electric Transmission Specifications and Drawings, 100 kV and above—T805B.	Sets forth standard specifications and drawings for construction of transmission lines at 100 kV and above.	Archie Cain, USDA, REA, Room 1270-S, Washington, DC 20250, (202) 382-9088.
50-3	Specifications and Drawings for 12.5/7.2 kV Line Construction—D804.	Sets forth standard specifications and drawings for construction of 12.5/7.2 kV distribution lines by REA borrowers.	Archie Cain, USDA, REA, Room 1270-S, Washington, DC 20250, (202) 382-9088.
50-4	Specifications and Drawings for 34.5/19.9 kV Line Construction—D801.	Sets forth standard specifications and drawings for construction of 34.5/19.9 kV distribution lines by REA borrowers.	Archie Cain, USDA, REA, Room 1270-S, Washington, DC 20250, (202) 382-9088.
400-4	Payment of Legal Fees from Loan and Equity Funds.	Sets forth information concerning payment of legal fees from loan and equity funds to attorneys selected by telephone borrowers.	John N. Rose, USDA, REA, Room 2913-S, Washington, DC 20250, (202) 382-[illegible].
Soil Conservation Service—Scheduled, Nonmajor			
7 CFR 611	Soil Surveys	SCS is responsible for the soil survey activities of USDA. Soil surveys on non-federal lands are carried out cooperatively with State agricultural experiment stations and other State agencies. Cooperative arrangements exist between SCS and other Federal agencies for soil surveys on Federal lands. Soil surveys include information about each kind of soil insufficient detail to meet reasonable needs of landusers, groups, organizations, and units of government. Soil surveys are published when soil survey field work is completed on a designated area.	Ralph J. McCracken, USDA, SCS, Room 5204-S, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3905.
7 CFR 612	Snow Surveys and Water Supply Forecast.	SCS administers a coorperative snow survey and water supply forecast program in 12 western States. The program provides agricultural water users and other water management groups in these western States with water supply forecasts. SCS establishes, maintains, and operates manual and automated snow courses. Water supply outlook reports are prepared and issued monthly in the 12 western States for months of January through June.	Ralph J. McCracken, USDA, SCS, Room 5204-S, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3905.
7 CFR 613	Plant Materials Centers.	SCS operates 16 plant materials centers for the assembly, testing, and release of plant materials needed in resource conservation and development programs. SCS places emphasis on plant materials work to find suitable plants for erosion control under difficult soil and site conditions. Other plant materials work includes plants that improve wildlife food and cover, extend the grazing season for pasture and rangeland, and for environmental protection and enhancement.	Paul M. Howard, USDA, SCS, Room 5207-S, P.O. Box 2890, Washington, DC 20013, (202) 447-4630.
7 CFR 630	Long Term Contracting.	The purpose of this subchapter is to provide for programs to extend cost sharing of conservation measures and technical assistance to landowners.	Cletus J. Gillman, USDA, SCS, Room 5002-S, P.O. Box 2890, Washington, DC 20013, (202) 447-7145.
7 CFR 631	Great Plains Conservation Program.	This is a long-range volunteer program to assist farmers and ranchers to plan and apply land use development and treatment measures in approved States. SCS enters into contracts with procedures based upon approved plans to provide cost-sharing where appropriate and in the public interest.	Cletus J. Gillman, USDA, SCS, Room 5002-S, P.O. Box 2890, Washington, DC 20013, (202) 447-7145.
7 CFR 657	Prime and Unique Farmland.	It is SCS policy to make and keep current an inventory of the prime farmland and unique farmland of the nation. This inventory is carried out in cooperation with other Federal, State, and local agencies. The objective is to identify the extent and location of important rural lands needed to produce food, feed, fiber, forage, and oilseed crops.	Ralph J. McCracken, USDA, SCS, Room 5204-S, P.O. Box 2890, Washington, D.C. 20013, (202) 447-3905.
7 CFR 660	Cooperative Relationships and Arrangements.	Cooperative relationships and arrangements initiated by SCS are written in memorandums of understanding, cooperative agreements, and trust fund agreements. The instrument evidences the intent of SCS and the cooperating parties to carry out an undertaking which will result in mutual benefit to each.	Cletus J. Gillman, USDA, SCS, Room 5002-S, P.O. Box 2890, Washington, DC 20013, (202) 447-7145.

[FR Doc. 82-28235 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part IV

Department of Commerce

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, Subchs. A, B, C, Chs. IV, VIII, IX, Subtitle D, Ch. XXIII

37 CFR Ch. I, Subchs. A, B

41 CFR Subtitle A, Ch. XIII

50 CFR Chs. II, III, IV, V

SEMIANNUAL AGENDA OF DEPARTMENT OF COMMERCE REGULATIONS

AGENCY: Commerce Department.

ACTION: Semiannual Agenda of Department of Commerce Regulations.

SUMMARY: In compliance with Executive Order 12291, entitled "Federal Regulation," and the Regulatory Flexibility Act (Pub. L. No. 96-354), the Department of Commerce (DOC) in October and April of each year publishes in the **Federal Register** an agenda of its ongoing or expected rulemakings (regulations that the Department expects to propose and/or issue) over the next 12 months. In addition, the agenda lists all existing regulations currently under review for possible revision or repeal and all such reviews scheduled to begin over the next 12 months. Finally, the agenda lists all rulemakings and reviews of existing regulations completed since publication of the last agenda. The purpose of the agenda is to provide information to the public on regulations being reviewed, proposed to be issued, or issued by the Department and to facilitate comments and views by interested members of the public.

Regulatory activities initiated after September 30, 1982 are not included in this agenda but will be included in the next.

FOR FURTHER INFORMATION CONTACT: For additional information about a specific regulatory action listed in the agenda, contact the individual identified as the contact person. Comments or inquires of a general nature about the agenda should be directed to H. Stephen Halloway, Associate General Counsel of Legislation and Regulation, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-1328.

For information on this edition of the agenda contact: M. Kendall Fleeharty, Assistant General Counsel for Regulation, U.S. Department of Commerce Washington D.C. 20230 Telephone: (202) 377-1328.

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order No. 12291. The Executive Order requires that all executive agencies publish semiannually an agenda of regulations which are under consideration. The Executive Order and Office of Management and Budget Bullentin No. 82-16 issued July 22, 1982 (which established guidelines and procedures for the preparation and publication of the October 1982 Government agency agendas) directs agencies to provide in the agenda the following information on all regulatory activities being conducted or planned to be conducted by the agency during the next 12 months (October 1, 1982 to September 30, 1983): the title of the regulation, the name, title, address and phone number of an agency person who is knowledgeable about the regulation, whether the regulation has or is expected to have a significant economic impact on a substantial number of small entities (if so, the Regulatory Flexibility Act requires the agency to prepare a Regulatory Flexibility Analysis (RFA)), the section(s) of the Code of the Federal Regulations (CFR) which authorize(s) or will be affected by the action, the section of the United States Code (USC), Paublic Law (Pub. L. No.), or Executive Order that authorizes the action, an abstract describing the problem the regulation addresses, alternatives to the regulation being considered, potential costs and benefits of the action, and a timetable of dates and citations (where available) for past and future stages of the action.

The OMB Bulletin also requires that regulations designated for priority development or review by the agency head or the President's Task Force on Regulatory Relief, and Regulations which are "major rules" within the meaning of Executive Order 12291 (A Regulatory Impact Analysis (RIA) must be prepared by the agency for any regulation considered to be a "major rule") be listed under a priority heading separate from non-priority rules and reviews. The Department also assigns this priority classification to all rules required to be reviewed, revised or issued by a Court Order and those new rules whose issuance is needed to protect the public or the environment and those revisions whose issuance furthers the regulatory reform and relief goals of the Administration. The OMB Bulletin also requires that all regulations issued or withdrawn, and reviews completed since the preceding agenda, be listed with the following information: the title of the regulation, the agency contact name and phone number, the Federal Register citation of the final action, if available, and the final action taken.

EXPLANATION OF INFORMATION CONTAINED IN THE AGENDA:

Within the Department, the office of the Secretary and various operating units may issue regulations. Operating units such as the National Oceanic and Atmospheric Administration (NOAA), the International Trade Administration (ITA), and the Patent and Trademark Office (PTO) issue the greatest share of the Department's regulations, while other operating units such as the Monority Business Development Agency (MBDA) currently have no regulations in effect.

The abbreviations and names of the organizational units and subunits reporting regulatory activities in this agenda are as follows:

Office of the Secretary (OS)
  Assistant Secretary for Administration (OS/ADM)
Bureau of Economic Analysis (BEA)
Bureau of the Census (CENSUS)
Economic Development Administration (EDA)
International Trade Administration (ITA)
National Bureau of Standards (NBS)
National Oceanic and Atmospheric Administration (NOAA)
  National Marine Fisheries Service (NOAA/NMFS)
  Office of Coastal Zone Management (NOAA/OCZM)
  Office of Minerals and Energy (NOAA/OME)
  Office of Management and Budget (NOAA/OMB)
National Telecommunications and Information Administration (NTIA)
Office of Productivity, Technology and Innovation (OPTI)
Patent and Trademark Office (PTO)

The heading "completed actions" does not differentiate between "priority" and "non-priority" classifications because these classifications are being estiblished for the first time in this agenda. Under the subheading "where listed in previous agenda", "RUC" stands for "regulation under consideration" in the last agenda. This corresponds to the headings for priority or non-priority current and projected rulemakings in this agenda. "RUR" stands for "regulations under (selected for) review" in the last agenda, which corresponds to the headings for priority or non-priority reviews of existing regulations in this agenda.

Under the subheading "timetable" under the headings for priority and non-priority current and projected rulemakings, "ANPRM" stands for Advance Notice of Proposed Rulemaking, and "NPRM" stands for Notice of Proposed Rulemaking. Under the subheading "additional information" is indicated whether a RIA and/or a RFA is required, whether such documents are available, and the availability of other documents such as Environmental Assessments or Environmental Impact Statements.

The Department's agenda lists 130 regulatory actions. Of these, 50 are priority current and projected rulemakings of which 2 have been determined to be "major rules" for the purpose of Executive Order 12291 and which therefore require preparation of a Regulatory Impact Analysis (RIA). Twenty-seven regulatory actions are non-priority current and projected rulemakings. One is a priority review of an existing regulation and 8 are non-priority reviews of existing regulations. Finally, there are 44 "completed actions" of which 10 are also now priority and non-priority current and projected rulemakings. Sixteen regulations potentially will have a "significant economic impact on a substantial number of small entities" within the meaning of the Regulatory Flexibility Analysis (RFA).

In addition, Department units have or will undertake economic analyses of 19 regulations listed in the agenda even though these are not "major rules" with the meaning of Executive Order 12291. In these instances, the agency involved, in conjunction with the Office of the General Counsel, has determined that such an analysis will contribute to the development of cost effective rules.

A large number of the regulations presented in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well to provide some understanding of the technical and institutional elements of the NMFS's programs, a section of "Explanation of Information Contained in NMFS's Regulatory Entries" is provided below.

EXPLANATION OF INFORMATION CONTAINED IN MMFS's REGULATORY ENTRIES

The Magnuson Fishery Conservation and Management Act of 1976 (16 USC 1801 *et seq.*) (Act) requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries within their respective areas.

In the development of such plans (and regulations), the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs makes it difficult for the NMFS to determine the significance of some regulatory actions under consideration at the time the semiannual regulatory agenda is published. Frequently, the NMFS does not have specific plan objectives or alternatives for management since the Councils may not have approved or submitted plans to the Secretary of Commerce for review, adoption, and implementation.

Malcolm Baldridge,

Secretary of Commerce.

BILLING CODE 3510-BW-M

SEMIANNUAL AGENDA OF DEPARTMENT OF COMMERCE REGULATIONS

I. Office of the Secretary

Priority Current and Projected Rulemakings

Unit/Sub Unit: OS/ADM.

Title: Age Discrimination Act of 1975: Implementation.

CFR: 15 CFR Part 8a.

Legal Authority: Age Discrimination Act of 1975 (Pub. L. No. 94–1135).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Arthur E. Cizek, Office of Civil Rights, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–4993.

Timetable:

Action: NPRM Final Rule.

Date: July 10, 1980 Not determined.

FR Cite: 45 FR 124.

Abstract: The regulations set out DOC's policies and procedures to ensure that there is no discrimination on the basis of age in non-Federal Government programs or activities receiving financial assistance from the Department.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared.

Unit/Sub Unit: OS/ADM.

Title: Procurement; Debarred, Suspended & Ineligible Bidders.

CFR: 41 CFR Subpart 13–1.6.

Legal Authority: 5 USC 301, 552, & Section 205(c) of the Federal Property & Administrative Services Act.

Effects on Small Entities: None.

Agency Contact: John Danmeyer, Office of Procurement Services, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–4248.

Timetable:

Action: Final Rule.

Date: 60 days after GSA publishes its amendment to the Govt.-wide Fed. Procurement Regs. Incorporating OMB Policy Letter 82–1.

FR Cite:

Abstract: To prescribe DOC Procedures for debarring and suspending bidders and contractors from participating in Government contracting and subcontracting. The Federal Procurement regulations (41 CFR Subpart 1–1.6) prescribe Government procedures for debarment, suspension and placement of bidders in an ineligible status. These regulations require that each Executive Agency issue regulations specifying responsibilities, in the case of potential suspension, for the granting of denying of a request for hearing and assigning responsibility for decisions with regard to debarment. The regulation to be issued would simply implement the Government-wide requirements for the Department.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: OS/ADM.

Title: Intergovernmental Review of Federal Programs.

CFR: 15 CFR (New Part).

Legal Authority: Executive Order 12372.

Effects on Small Entities: No significant economic impact is expected on small entities.

Agency Contact: H. Stephen Halloway, Associate General Counsel for Legislation and Regulation, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–1328.

Timetable:

Action: NPRM Final Rule.

Date: Jan. 15, 1983, April 30, 1983.

FR Cite:

Abstract: Executive Order 12372 establishes new procedures to provide State and local governments with the opportunity to coordinate and review proposed Federal financial assistance and direct Federal Development. The Department is currently reviewing current agency regulations which are affected by the Order. The revision will implement the requirements of the Order and will provide for more effective particpation by State and local governments.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Priority Reviews of Existing Regulations

Unit/Sub Unit: OS/ADM.

Title: Non-Discrimination in Federally Assisted Programs of the Dept. of Commerce; Implementation of Title VI of the Civil Rights Act of 1964.

CFR: 15 CFR Part 8.

Legal Authority: Title VI of Civil Rights Act of 1964 (42 USC 2000–1).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Arthur E. Cizek, Office of Civil Rights, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377–4994.

Date for Start of Review: Review is underway.

Target Date for Completion of Review: 60 days after receipt of Department of Justice recommendations.

Abstract: The Department of Justice requested the Department of Commerce to review 15 CFR Part 8, which governs the Department of Commerce's implementation of the Government-wide non-discrimination program. Completion of review is awaiting receipt of recommendations from the Department of Justice.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and will be prepared.

Completed Actions

Unit/Sub Unit: OS/ADM.

Title: Public Information; Freedom of Information (Fees); Privacy Act (Fees).

Agency Contact: Marilyn S. McLennan, Chief Information Policy & Management Div., Ofc. of Information Management, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–4217.

Where Listed in Prior Agenda: RUC.

Action Taken: Withdrawn, no revisions to the existing regulations will be proposed or issued during the next 12 months.

Abstract: Existing regulations (15 CFR 4.4 and 4b.11) set the fee structure for search and reproduction charges in response to Freedom of Information Act and Privacy Act requests. These fees need adjustment to fully recover costs. A study was planned of the existing fee structure to determine how the fee structure should be adjusted, but it has been postponed pending completion of higher priority assignments.

Unit/Sub Unit: OS/ADM

Title: Section 504 of the Rehabilitation Act of 1973: Implementation; Prohibition of Discrimination Against the Handicapped in Federally Assisted Programs of the Dept. of Commerce.

Agency Contact: Arthur E. Cizek, Ofc. of Civil Rights, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–4994.

Where Listed in Prior Agenda: RUC.

Action Taken: Final rule published on April 13, 1982 in 47 FR 17741.

Abstract: The regulation establishes procedures and policies to assure nondiscrimination based on handicap in non-Federal Government programs and activities receiving financial assistance from the Department of Commerce.

Unit/Sub Unit: OS/ADM.

Title: Public Information; Freedom of Information (Business Information).

Agency Contact: Marilyn S. McLennan, Chief, Information Policy & Management Div., Ofc. of Information Management, U.S. Dept. of Commerce, Wash., D.C. 20230, (202) 377–4217.

Where Listed in Prior Agenda: RUC.

Action Taken: Withdrawn, no regulations will be proposed or issued during the next 12 months.

Abstract: The Department had planned to issue regulations to govern how it advises and consults with submitters of business data when data is requested by a third party pursuant to the Freedom of Information Act. The Department has policies and procedures which govern these procedures, but has not translated those into regulations. This task has been postponed because of other higher priorities.

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II. Bureau of Economic Analysis

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: BEA.

Title: Direct Investment Surveys.

CFR: 15 CFR 806.14(a)(2) and 806.16.

Legal Authority: International Investment Survey Act of 1976 (22 USC 3101–3108).

Effects on Small Entities: No significant economic impact.

Agency Contact: Margaret L. Woody, Management Analyst, Mgmt. Services Div., U.S. Dept. of Commerce, Wash., D.C. 20230, (202) 377–3036.

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Sept. 30, 1982, Nov. 30, 1982, Jan. 1983.

FR Cite:

Abstract: The present regulations (15 CFR Part 806) need to be revised in order to conduct the 1982 benchmark survey of U.S. direct investment abroad. The last such survey was conducted in 1977. The International Investment Survey Act requires such a survey to be conducted every 5 years. The data collected serve as benchmarks for quarterly sample surveys used to prepare balance of payments, material economic accounts, and general purpose statistics.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

BILLING CODE 3510-06-M

III. Bureau of the Census

Non-Priority Reviews of Existing Regulations

Unit/Sub Unit: Census.

Title: Special Services & Studies Performed by the Bureau of the Census (Fees).

CFR: 15 CFR 50.15, 50.20, 50.25, 50.30, 50.35.

Legal Authority: 15 U.S.C. 192, 189a; 13 U.S.C. 8.

Effect on Small Entities: No significant economic effect on a substantial number of small entities.

Agency Contact: Sherry Courtland, Program & Policy Dev. Ofc., Bureau of the Census, U.S. Dept. of Commerce, Wash., D.C. 20233, (301) 563–2758.

Date for Start of Review: October 1, 1982.

Target Date for Completion of Review: Dec. 31, 1982.

Abstract: These regulations are being reviewed to revise, where appropriate, the fee structure for providing special services and studies by the Bureau of the Census. The sections being reviewed refer to the fee structure for unpublished data from the 1980 Census of Population and Housing, enumeration district maps, housing data from the 1980 census, foreign trade shipping statistics, and seasonal adjustments of time series. 13 USC 8 requires Census to charge fees that recover the cost of work or services performed.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Completed Actions

Unit/Sub Unit: Census.

Title: Regulations Relating to Commerce & Foreign Trade; Foreign Trade Statistics; Census & Customs Access to Records Kept in Normal Business Practice.

Agency Contact: Harold L. Blyweiss, Foreign Trade Div., Bur. of the Census, U.S. Dept. of Commerce, Wash, D.C. 20233, (301) 763–5526.

Where Listed in Prior Agenda: RUC.

Action Taken: Final amendment to existing rule published on Feb. 18, 1982 in 47 FR 7213.

Abstract: The Foreign Trade Statistics regulations (15 CFR Part 30) were amended primarily for the purpose of conforming them with existing practices by eliminating obsolete requirements and by updating references that have changed.

Unit/Sub Unit: Census.

Title: Regulations Relating to Commerce & Foreign Trade, Foreign Trade Statistics, Foreign Trade Zones.

Agency Contact: Harold L. Blyweiss, Foreign Trade Div., Bur. of the Census, U.S. Dept. of Commerce, Wash., D.C. 20233, (301) 563–5526.

Where Listed in Prior Agenda: RUC.

Action Taken: Final amendment to existing rule published on July 9, 1982 in 47 FR 29828.

Abstract: The Foreign Trade Statistics regulations (15 CFR Part 30) were amended in order to obtain statistical data on the movement of merchandise into and out of U.S. Foreign Trade Zones.

BILLING CODE 3510-07-M

IV. Economic Development Administration

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: EDA.

Title: EDA Establishment and Organization, Description of Organization.

CFR: 13 CFR Subpart 301C.

Legal Authority: DOC Organization Orders 10–4, 45–1 (40 FR 56702; 40 FR 5549).

Effects on Small Entities: None.

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, EDA, U.S. Department of Commerce, Wash., D.C. 20230, (202) 377–5441.

Timetable:

Action: NPRM Final Rule.

Date: Fall 1982, Winter 1982–1983.

FR Cite.

Abstract: The existing regulations need to be amended to reflect organizational changes made pursuant to the most recent amendments to the Department of Commerce Organization Orders cited above. There are no costs associated with this amendment and there are no viable alternatives to it.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: EDA.

Title: Property Management Standards: Real Property.

CFR: 13 CFR Part 314.5

Legal Authority: 42 U.S.C. 3211, Section 1–105 of Executive Order 12185, DOC Organization Order 10–4 (40 FR 56702).

Effects on Small Entities: None.

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, EDA, U.S. Dept. of Commerce, Washington, D.C. 20230 (202) 377–5441.

Timetable:

Action: Interim Rule, Final Rule.

Date: Fall 1982, Winter 1982–1983.

FR Cite:

Abstract: An amendment to the existing regulation is needed to fulfill a need not contemplated when the regulations were originally drafted. This proposed amendment would permit the Assistant Secretary for Economic Development to waive the prohibition against placing a mortgage on property which has already been financed by an EDA public works grant, if certain conditions are met. The conditions for waiver are the same as those which must be met by EDA applicants who seek to place a mortgage on the property which is to be financed by an EDA public works grant. The benefits are that grantees will have the ability to raise needed funds from the private sector. The costs are a very slight risk that a public facility may lose its public character. The alternative of not amending this regulation was considered and rejected.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub unit: EDA.

Title: Civil Rights Requirements for EDA Assisted Projects.

CFR: 13 CFR Parts 311.1 and 311.3(d).

Legal Authority: Section 504 of the Rehabitation Act of 1973 (29 U.S.C. 794); Executive Order 12250.

Effects on Small Entities: None.

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, EDA, U.S. Dept. of Commerce, Washington, D.C. 20230, (202) 377–5441.

Timetable:

Action: Interim Rule, Final Rule.

Date: Fall 1982, Winter 1982–1983.

FR Cite:

Abstract: This regulation needs to be amended in order to incorporate pertinent portions of a recent DOC regulation (15 CFR Part 8(b)) which establishes procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from DOC. The DOC regulation already applies to EDA financial recipients and this amendment is being undertaken so that EDA financial recipients will not have to refer to non-EDA issued regulations to be aware of or understand their responsibilities. Consequently, these regulations impose no additional costs or provide any additional benefits other than to provide an administrative aid to recipients.

Additional Information: Since this regulation just repeats in a different section of CFR responsibilities already imposed, neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: EDA.

Title: Energy Conservation Regulations; Public Works & Development Facilities Program; Business Development Program; Technical Assistance, Research & Information; Special Economic Development & Adjustment Assistance Grants.

CFR: 13 CFR Parts 305.59, 306.12(g)(14), 306.12(j), 307.22(b), 307.28(c)(b), 307.55(a)(15), 307.55(b)(5), 307.56(h), 307.57(a)(6), 308.6(a)(8).

Legal Authority: Executive Order No. 12185.

Effects on Small Entities: None.

Small Entities: None.

Agency Contact: James F. Marten, Deputy Chief Counsel for Operations and Administration, EDA, U.S. Dept. of Commerce, Washington, D.C. 20230 (202) 377–5441.

Timetable:

Action: Interim Rule, Final Rules.

Date: May 10, 1982, Winter 1982–83.

FR Cite: 47 FR 19983.

Abstract: Interim regulations were issued to bring the existing regulations within the bounds of the requirements of the Executive Order. The new regulations are designed to encourage EDA assistance recipients to undertake energy conservation measures on a voluntary basis. There are no viable alternatives to the regulation.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Completed Actions

Unit/Sub Unit: EDA.

Title: Public Works & Development Facilities Program: Disbursement of Funds for Grant & Loan Projects; Disbursement of Funds for Grants.

Agency Contact: James Marten, Deputy Chief Counsel for Oper. & Admin., EDA, U.S. Dept. of Commerce, Wash., D.C. (202) 377–5441.

Where Listed in Prior Agenda: RUC.

Action Taken: Final rule published on Apr. 18, 1982 in 47 FR 15102.

Abstract: This amendment provides for waivers by the Assistant Secretary for Economic Development from the requirement that disbursement of grant funds will not be made until all contracts for project completion have been executed. A waiver now can be granted upon a showing by the grantee that enforcement of the condition would be unduly burdensome.

Unit/Sub Unit: EDA.

Title: General Requirements for Financial Assistance; Standards for Suspending or Terminating Collection Action.

Agency Contact: James Marten, Deputy Chief Counsel for Oper. & Admin., EDA, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–5441.

Where Listed in Prior Agenda: RUC.

Action Taken: Regulation will not be proposed or issued.

Abstract: This proposed regulation would be established administrative standards for the collection, compromise and termination of agency claims, as well as for referral of claims for appropriate action to the Department of Justice. It was determined that such a regulation is not needed.

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V. International Trade Administration

Priority Current and Projected Rulemakings

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade: Export Administration Regulations.

CFR: 15 CFR Parts 368, 370–376, 377–379, 385–386, 390, 399.

Legal Authority: Export Admin. Act of 1979 (50 U.S.C. App. 2401 *et seq.*); Exec. Orders 12002 & 12214; DOC Organization Order 10–3; ITA Organization & Function Orders 14–1 & 14–4.

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: John K. Boidock, Ofc. of Export Admin., Intl. Trade Admin., U.S. Dept. of Commerce, Wash., D.C. 20230, (202) 377–2118.

Timetable:

Action: ANPRM (simplify language & format ANPRM (policy review) NPRMs (covering various portions of the regulations) Public Comment Period Ends Final Rule.

Date: April 30, 1982, Oct. 1982, Mar. 1983–May 1984, July 1984, Sept. 1984.

FR Cite: 47 FR 18613.

Abstract: The existing regulations provide procedures for the administrative programs required to carry out the Department's responsibilities for regulating exports of U.S. goods and technology for purposes of national security, foreign policy, and short supply.

Review of these regulations to remove artificial barriers to small business exports was initiated by the President's Task Force on Regulatory Relief.

Revisions to the regulations will be proposed to improve organization, indexing, simplify language, eliminate unnecessary administrative requirements and obsolete provisions, reduce documentation requirements and lessen the compliance burden. Economic impacts will be reviewed and addressed. It is unclear whether the review of policy issues, some of which are mandated by the Export Administration Act, will be changed.

A more readable and understandable set of regulations with reduced administrative and documentation requirements will result from these revisions. This should considerably aid small business in making exports.

Additional Information: An RIA and an RFA are required. The RFA will be included in the RIA which is being prepared.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade; Industrial Mobilization Regulations; Defense Materials System & Defense Priorities System (OMS/OPS).

CFR: 15 CFR Parts 330–32, 340–43, 350–54.

Legal Authority: Defense Production Act of 1950 (50 USC App. 2061 *et seq.*); Exec. Order 10480.

Effects on Small Entities: No significant economic impact.

Agency Contact: Iain S. Baird, Director, Priorities & Allocations Div., Ofc. of Industrial Resource Admin., ITA, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–2233.

Timetable:

Action: NPRM Public Comment Period Ended Interim Rule.

Date: June 2, 1981, Aug. 31, 1981, Fall 1982.

FR Cite: 46 FR 29662.

Abstract: To implement those priorities and allocation authorities of Title I of the Defense Production Act of 1950, as amended, that are assigned to the Office of Industrial Resource Administration, a new regulatory system was proposed that: 1) consolidates the existing regulations and eliminates duplication; 2) is clearly written, organized and presented; and 3) provides for an efficient and effective priorities and allocations system designed to meet likely future challenges and demands. Public comments received were overwhelmingly in favor of the proposed regulations. The benefit of this regulations will be a regulatory system that will be easy to understand and use, without any increase in cost or burden on the public.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulations will impose only minimal recordkeeping and administrative burdens on any individual entity subject to them.

Unit/Sub Unit: ITA.

Title: Energy Regulation I, Priorities & Allocations Regulations.

CFR: 15 CFR Part 350.

Legal Authority: Defense Production Act of 1950 (50 USC App. 2061 *et seq.*); Exec. Order 11921.

Effects on Small Entities: No significant economic impact.

Agency Contact: Iain S. Baird, Director, Priorities & Allocations Div., Ofc. of Industrial Resource Admin., U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–2233.

Timetable:

Action: NPRM Public Comment Period Ended Interim Rule.

Date: June 2, 1981, Aug. 31, 1982, Fall 1982.

FR Cite: 46 FR 29662.

Abstract: To provide regulatory procedures to implement those material and equipment priorities and allocations responsibilities under section 101(c) of the Defense Production Act of 1950, as amended, that are assigned to the Office of Industrial Resource Administration and that relate to the timely performance of contracts and orders which will maximize domestic energy supplies.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulations would impose only a minimal recordkeeping and administrative burden on any individual entity subject to the regulations. This regulation will be included as part of the new Defense Priorities and Allocations System (DPAS) regulation now in proposal form.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade, Miscellaneous Adjustment Assistance for Firms & Industries Adversely Affected By Imports.

CFR: 15 CFR Part 320.

Legal Authority: Ch. 2 of Titile II of the Trade Act of 1974 (19 USC 2341 et seq.).

Effects on Small Entities: Not determined.[1]

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[1] This rule is exempt from the requirements of the Regulatory Flexibility Act, since the Department is

Agency Contact: Lyle Ryter, Ofc. of Trade Adustment Assistance, ITA, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–0150

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Nov. 1982, End of Jan. 1983, Mar. 1983.

FR Cite:

Abstract: This regulation will implement the responsibilities transferred from EDA to ITA concerning the provision of adjustment assistance to firms and industries adversely affected by imports. The proposed rule will reflect recent amendments to the authorizing legislation and make procedural changes required because of the transfer of the program to ITA.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade, Foreign Trade Zones Board: General Regulations Governing Foreign Trade Zones in the United States, with Rules of Procedures.

CFR: 13 CFR Part 400.

Legal Authority: Foreign-Trade Zones Act of 1934 (19 USC 81a et seq.).

Effects on Small Entities: No significant economic impact on a substantial number of small entities.

Agency Contact: John L. Evans, Deputy to the Deputy Asst. Sec. for Import Admin., Ofc. of Import Admin., International Trade Admin., U.S. Dept. of Commerce, Wash., D.C. 20230 (202)377–1780.

Timetable:

Action: ANPRM, NPRM Public Comment Period Ends Final Rule.

Date: Oct. 14, 1980, Jan. 1983, Mar. 1983, July 1983.

FR Cite: 45 FR 67681.

Abstract: Revision of the regulation is needed to administer the Foreign-Trade Zones Act of 1934, as amended, to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States. At the time the ANPRM was published the emphasis was on changing the rules to provide improved guidance to the public on procedures and criteria followed in making decisions concerning special-purpose subzones and operations detrimental to the public interest. Since that time, it has been decided to propose revisions to the entire 15 CFR Part 400 in order to update the language and conform it to current CFR format.

Additional Information: These rules apply to approximately 75 zones and subzones throughout the United States. Of the 1500 companies using these zones, 900 do so on a full time basis. This level of activity is not sufficient to classify these rules as major under Executive Order 12291. Accordingly, no RIA is required or will be prepared. No RFA is required or will be prepared.

Completed Actions

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade; Export Admin. Regulations.

Agency Contact: Richard Isadore, Director, Operations Div., Ofc. of Export Admin., International Trade Admin., U.S. Dept. of Commerce, Wash., D.C. 20230, (202)377–4188.

Where Listed in Prior Agenda: RUR.

*Action Taken:*The existing regulations are being revised. This title is now listed under priority current & projected rulemakings.

Abstract: See listing under priority current and projected rulemakings.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade Miscellaneous Regulations, Instruments & Apparatus for Educational & Scientific Institutions.

Agency Contact: Richard Seppa, Statutory Import Programs Staff, ITA, U.S. Dept. of Commerce, Wash., D.C. 20230, (202) 377–1660.

Where Listed in Prior Agenda: RUC.

Action Taken: Final Rule published on July 28, 1982 in 47 FR 32515.

Abstract: The Departments of Commerce and the Treasury have joint responsibilities under the Educational, Scientific and Cultural Materials Importation Act of 1966. The rule which revised 15 CFR Part 301 will (i) improve the public's understanding of the requirements for duty-free entry of instruments and apparatus for educational and scientific institutions by placing both the Commerce and the Treasury regulations in a single part; and (ii) update and clarify miscellaneous provisions.

Unit/Sub Unit: ITA.

Title: Regulations Relating to Commerce & Foreign Trade, Export Administration Regulations Restrictive Trade Practices or Boycotts.

Agency Contact: William V. Skidmore, Ofc. of Antiboycott Compliance, U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–5914.

Where Listed in Prior Agenda: RUC.

Action Taken: Final rule published on Sept. 1, 1982 in 47 FR 38501.

Abstract: The rule which amended 15 CFR Part 369 makes five revisions or clarifications of the antiboycott provisions of the Export Administration Regulations. Three of the revisions deal with the elimination of the reporting requirement for vessel eligible clauses, insurance agent clauses, and most risk of loss clauses. The two other changes make clear that banks may not implement letters of credit which include the condition "do not negotiate with blacklisted banks", or words to that effect, and that they may not insist by refusing to pay, that a beneficiary comply with a requirement in a letter of credit that he furnish a statement about his blacklist status.

The Department believes that the changes in the reporting requirements will substantially reduce the burden on the business community of complying with the restrictive trade practice or boycott reporting provisions of the Export Administration Regulations without reducting the Department's ability to monitor boycott activity effectively. The letter of credit revisions will clarify a complex area of the regulations, and affirm the Department's commitment to fair enforcement of the antiboycott provisions of the Export Administration Act without any disruption of commercial practices.

BILLING CODE 3510-25-M

VI. National Bureau of Standards

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: NBS.

Title: Federal Interaction with Voluntary Standards Bodies.

CFR: 15 CFR Part 19.

Legal Authority: 41 USC 405; OMB Circular A–119.

Effects on Small Entities: Not yet determined.

Agency Contact: Allen J. Farrar, Legal Advisor, National Bureau of Standards, U.S. Dept. of Commerce, Washington, D.C. 20234, (301) 921–2425.

TIMETABLE

Action	Date	FR Cite
Notice announcing issuance of DOC procedures.	Jan. 6, 1981	46 FR 1574.
Postponement of effective date of procedures to Mar. 30, 1981.	Feb. 10, 1981	46 FR 11657.
Further postponement of effective date of procedures to April 29, 1981.	Mar. 30, 1981	46 FR 19227.

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not required by Section 553 of Title 5 of the United States Code or any other law to publish general notice of proposed rulemaking for regulations implementing the adjustment assistance program (see Section 553(a)(2) concerning loans and grants).

TIMETABLE—Continued

Action	Date	FR Cite
Notice seeking public comment on whether procedures should be suspended indefinately or allowed to go into effect on an interim basis pending their reexamination.	Mar. 30, 1981	46 FR 19266.
Further postponement of effective date of procedures to June 29, 1981.	Apr. 29, 1981	46 FR 23922.
Notice announcing that effective date of 15 CFR Part 19 is postponed until further notice.	June 29, 1981	46 FR 33238.

Abstract: 15 CFR Part 19 established procedures in Subpart A, which has never gone into effect, for listing voluntary standards bodies and their standards-developing groups, a precondition for Federal participation in such bodies and groups. This listing, which was undertaken by the Secretary of Commerce, was intended to implement the procedures set out in section 7a of OMB Circular A–119 of January 17, 1980. To be listed, voluntary standards bodies would have to certify their adherence to certain due process and other criteria. 15 CFR Part 19 also established procedures in Subpart B for delisting voluntary standards bodies and their standards-developing groups which did not adhere to the due process and other criteria set out in Subpart C. In addition, 15 CFR Part 19 established procedures in Subpart F for a voluntary dispute resolution service for the rapid handling of procedural complaints by interested parties against voluntary standards bodies that were listed by the Secretary.

The Office of Management and Budget is presently reviewing OMB Circular A–119. Specifically OMB is considering whether the mandate in the Circular of procedural criteria to which private standards-developing bodies must adhere as a precondition to Federal participation should be continued. Depending on whether and how the Circular is revised, the Department's regulations may need revision.

Additional Information: An RIA is not required and will not be prepared. It has not yet been determined whether an RFA is required or will be prepared.

BILLING CODE 3510-13-M

VII. National Oceanic and Atmospheric Administration

Priority Current and Projected Rulemakings

Unit/Sub Unit: NOAA/NMFS.

Title: Guidelines for Fishery Management Plans: National Standards.

CFR: 50 CFR Part 602.2.

Legal Authority: Section 301 of the Magnuson Fishery Conservation & Management Act (16 USC 1851).

Effects on Small Entities: No significant economic impact is expected on a substantial number of small entities.

Agency Contact: Daphne White, Office of Resource Conservation & Management, NMFS, NOAA, U.S. Dept. of Commerce, Washington, D.C. 20225 (202) 634–7218.

Timetable:

Action: NPRM Final Rule.

Date: June 23, 1982, Winter 1982–83.

FR Cite: 47 FR 27228.

Abstract: The national standard guidelines interpret statutory criteria for development, review, and implementation of fishery management plans, amendments, and regulations. The current guidelines are obsolete. The revision is intended to result in improved fishery management plans, and to result in a more uniform understanding among the Regional Fishery Management Councils of the basis for Secretarial review.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 3 to the Mackerel, Squid, & Butterfish Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 611.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 U.S.C. 1801 et seq.).

Effects on Small Entities: No significant economic impact is expected on a substantial number of small entities.

Agency Contact: Allen E. Peterson, Jr., Director, Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930, (671) 281–3600.

Timetable:

Action: NPRM Final Rule.

Date: Oct. 1982, Feb. 1983.

FR Cite:

Abstract: The amendment and implementing regulations are needed to prevent overfishing, regulate foreign fishing and joint ventures, and provide an environment for expansion of the U.S. mackerel, squid, and butterfish fisheries. The objectives are to merge the current mackerel, squid, and butterfish fishery management plans (FMPs), and to develop a multiyear FMP to minimize the need for annual amendments. The amendment merges existing Atlantic mackerel, squid, and butterfish FMPs, and extends the merged plans for three years. Because the proposed amendment does not change existing domestic regulations, there is no impact of this amendment on small entities in this fisheries.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Fishery Management Plan for the Precious Coral Fisheries of the Western Pacific Region: Implementing Regulations.

CFR: 50 CFR Parts 611 & 688.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.).

Effects on Small Entities: A substantial number of small entities will not be affected.

Agency Contact: Alan W. Ford, Dir., Southwest Region, NMFS, NOAA, 300 S. Ferry Street, Terminal Island, CA 90731 (213) 548–2575.

Timetable:

Action: NPRM Final Rule.

Date: Sept. 15, 1980, Feb. 1983.

FR Cite: 45 FR 60957.

Abstract: The regulations propose quotas, gear restrictions, and closed areas for the harvest of precious corals.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review, Environmental Impact Statement, and the Fishery Management Plan are available.

Unit/Sub Unit: NOAA/NMFS.

Title: 1983 Amendment to the Fishery Management Plan for Commerical & Recreational Salmon Fisheries off the Coast of Calif., Oregon and Washington.

CFR: 50 CFR Part 611.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.).

Effects On Small Entities: Not yet determined.

Agency Contact: Herbert Larkins, Director, Northwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 700 Sand Point Way, NE., Seattle, WA 98115 (206) 527–6140.

Action: NPRM Final Rule.

Timetable:

Date: April 1983, May 1983.

FR Cite;

Abstract: The amendment and implementing regulation would establish quotas, seasons, gear restrictions, and size limits for the commercial and recreational catch of salmon off the west coast in 1983.

Additional Information: An RIA is not required and will not be prepared. A Regulatory Impact Review/initial RFA is being prepared and will be available.

Unit/Sub Unit: NOAA NMFS.

Title: Amendment No. 2 to Atlantic Billfishes and Sharks Preliminary Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 611.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 U.S.C. 1801 et seq.).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702 (813) 893-3141.

Timetable:

Action: NPRM Final Rule.

Date: Aug. 4, 1982, Dec. 1982.

FR Cite: 47 FR 33722.

Abstract: The Preliminary Fishery Management Plan (PMP) does not contain sufficient management measures to control the foreign bycatch of billfish and sharks in the directed tuna longline fishery in the fishery conservation zone (FCZ). The effects of the foreign bycatches are to diminish the value of the U.S. fishermen's right to the first opportunity to harvest Atlantic billfishes and sharks in the FCZ, as permitted under the Magnuson Act. The regulations would amend the existing PMP to increase availability of billfishes and sharks to U.S. fishermen; reduce conflict between domestic and foreign fishermen; conserve billfish resources within the FCZ; and provide reasonable opportunity for foreign nations to fish for tuna under international agreements.

The regulations will have a significant impact on a substantial number of small entities. The PMP governs foreign nations fishing in the FCZ, but the domestic recreational industry and commercial fisheries will benefit through anticipated increased recreational fishing success, more efficient commercial fishing, and reduced gear damage. In view of the area closures and compensatory payment system, the beneficial impacts of the PMP cannot be quantified until the season is over. However, there will be an increase in recreational fishery success, a more efficient commercial fishery, and reduced gear damage.

Additional Information: An RIA is not required and will not be prepared. An RFA is required. A Regulatory Impact Review and an Initial RFA is contained in the Atlantic Billfish and Sharks Preliminary Fishery Management Plan which is available. A Draft Environment Impact Assessment is also available.

Unit/Sub Unit: NOAA/NMFS

Title: Northwest Atlantic Foreign Fishing.

CFR: 50 CFR Part 611.50.

Legal Authority: Magnuson Fishery Conservation & Management Act (*16* USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact on U.S. small entities.

Agency Contact: Allen Peterson, Jr., NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930 (617) 281-3600.

Timetable:

Action: Public Hearings NPRM Final Rule.

Date: Fall 1982, Winter 1982-83, Spring 1983.

FR Cite:

Abstract: The foreign fishing areas, seasons, and gear requirements need to be reassessed in light of expanding U.S. fishing operations and a change in the foreign fisheries.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is being prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 4 to Fishery Management Plan for Bering Sea Groundfish: Implementing Regulations.

CFR: 50 CFR 611.93 and 673.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 U.S.C. 1801 et seq.)

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586-7221.

Timetable:

Action: NPRM Final Rule.

Date: Oct. 1982, Feb. 1983.

FR Cite:

Abstract: The problems being addressed are (1) natural fluctuations in biomass of fish stocks and (2) growing U.S. fishery. The amendments will raise quotas. The benefits are potential increased revenues to about 30 U.S. vessels of a total of about $12.3 million and payment to the United States of $100,000. No incremental costs will occur except the minor costs of the rulemaking.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is available. The existing FMP is available and the Amendment will be available in October, 1982.

Unit/Sub Unit: NOAA/NMFS

Title: Amendment No. 5 to the Bering Sea Goundfish Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Parts 611.93 & 673.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586-7221.

Timetable:

Action: NPRM Final Rule.

Date: Oct. 1982, Feb. 1983.

FR Cite:

Abstract: The problem being addressed is the incidental catch of chinook salmon by foreign fishermen. Alternatives considered were to do nothing or to be more restrictive. There will be a very minor economic benefit to chinook salmon fishermen in western Alaska as their salmon catches increase. The total increase in catch to be shared by a large number of U.S. fishermen is expected to be about $193,000/year with a slight adverse economic impact on foreign fishermen.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review/initial RFA and an Environmental Assessment are available. The amendment will be available October, 1982.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment to Preliminary Fishery Management Plan for the Hake Fisheries of the Northwestern Pacific: Implementing Regulations.

CFR: 50 CFR Part 611.53.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 U.S.C. 1801 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Allen E. Peterson, Jr., Director, Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm Street, Gloucester, MA 01930 (617) 281-3600.

Timetable:

Action: NPRM Final Rule.

Date: Nov. 1, 1982, Dec. 31, 1982.

FR Cite:

Abstract: The purpose of the Preliminary Fishery Management Plan (PMP) amendment and implementing regulations is to decrease silver hake optimum yield (OY) and the total allowable level of foreign fishing (TALFF) in response to latest fishery data. The PMP only affects foreign fishing vessels, and does not impact upon U.S. fishing entities. The benefit of lowering the OY and TALFF is to set a harvest level which maintains a spawning stock of adequate size, and which protects the stock from any unforeseen increases in fishing effort. The alternative of taking no action was considered and rejected because the present OY migh allow undesirable reductions in spawning stock. No costs to industry are expected. The PMP regulations will be amended to incorporate a public comment period in the procedure for considering joint venture applications.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The existing PMP is available and the proposed amendment will be available in November 1982.

Unit/Sub Unit: NOAA/NMFS.

Title: 1983 Foreign Fishing Fees.

CFR: 50 CFR 611.22.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.).*

Effects on Small Entities: No significant economic impact on U.S. small entities.

Agency Contact: Susan Jelley, NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., DC. 20235, (202) 634–7432.

Timetable:

Action: NPRM (Permit Fees) Final Rule (Permit Fees) NPRM (Poundage Fees) Final Rule (Poundage Fees) ANPRM (Auction and/or Discounts).

Date: Sept. 3, 1982, Nov. 1982, Oct. 1982, Dec. 1982, Oct. 1982.

FR Cite: 47 FR 38947.

Abstract: The 1982 fees need to be revised in order that receipts from foreign fishing during 1983 will recover at least the foreign share of the costs of administering the Magnuson Act during fiscal year 1982. Comments are being solicited on the possibility of auctioning the fish allocations, and of offering discounted fees to those countries that aid the United States fishery development plans.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review for permit fees is available. A Regulatory Impact Review for poundage fees is being prepared and will be available in October 1982.

Unit/Sub Unit: NOAA/NMFS.

Title: Reef Fish Resources of the Gulf of Mexico Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 641.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Dir., Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702 (813) 893–3141.

Timetable:

Action: NPRM Final Rule.

Date: Oct. 1982, Jan. 1983.

FR Cite:

Abstract: Biological data indicate that there has been a substantial decline in reef fish stocks in the Gulf of Mexico. Contributing to this decline is overfishing in many areas of the Gulf of Mexico by recreational and commercial users. In addition, there is expanding competition between recreational and commercial users for a limited resource. The objectives are to rebuild the declining reef fish stocks whenever they occur within the fishery; establish a fishery reporting system for monitoring the reef fish fishery; conserve reef fish habitats and increase reef fish habitats in appropriate areas and provide protection for juveniles while protecting existing and new habitats; and minimize conflicts between user groups of the resource and conflicts for space. Benefits from the implementation of the plan over a 5-year period could reach a discounted maximum of $8 million for commercial fishermen and $23.2 million for recreational fishermen. Annual costs for development and implementation of the plan over a 5-year period are estimated at $393,315. The adopted measures would minimize the burden on the public and address the problems in the fishery in a cost-effective manner. However, the regulations will require small entities to be selective in size of fish taken and will prohibit the use of certain types within specific areas. The regulations will require some small entities to relocate their fishery areas. Net benefits will occur to the fishery because of the rebuilding of the resources.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared. A Regulatory Impact Review/initial RFA will be available in November 1982. A Draft Environmental Impact Statement is available. The Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico will be available.

Unit/Sub Unit: NOAA/NMFS.

Title: Coastal Migratory Pelagic Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 642.

Legal Authority: Magnuson Fishery Conservation and Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL. 33702 (812) 893–3141.

Timetable:

Action: NPRM Final rule.

Date: May 8, 1982, Nov. 1982.

FR Cite: 47 FR 21279.

Abstract: The fishery management plan (FMP) covers coastal pelagic resources located in the fishery conservation zone (FCZ) in the Gulf of Mexico and the South Atlantic. The species of primary interest are King mackerel, Spanish mackerel, and cobia. The purpose of the FMP and impementing regulations is to respond to gear conflicts between commercial fishermen and user conflicts between commercial and recreational fishermen. In addition, the rapid increase in effort in the King and Spanish mackerel fisheries could lead to overfishing. The FMP imposes mandatory reporting requirements on individual fishermen. Closure of segments of the fishery will adversely affect purse seine and gillnet fishermen, and possibly commercial hook and line fishermen. The prohibition of possession of Spanish mackerel of less than 12 inches will have a minimal effect on fishermen.

Additional Information: An RIA is not required and will not be prepared. An RFA, a Regulatory Impact Review, a draft Environmental Impact Statement, and the FMP are available.

Unit/Sub Unit: NOAA/NMFS.

Title: Fishery Management Plan for the Spiny Lobster Fishery in Puerto Rico & the Virgin Islands: Implementing Regulations.

CFR: 50 CFR Part 645.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.).*

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702 (813) 893–3141.

Timetable:

Action: NPRM Final Rule.

Date: September 3, 1982, Not yet determined.

FR Cite: 47 FR 38948.

Abstract: A fishery management plan (FMP) and implementing regulations are needed to manage the spiny lobster resources of the Caribbean. Management measures will protect long-term yields, prevent depletion of the stocks, increase yields from the fishery, and acquire information necessary to better manage the fishery. The primary objective is to achieve optimum yields from a presently healthy fishery stock without encountering the problems of economic or biologic overfishing that have been known to occur in some other fisheries. The FMP imposes size limits which will cause an estimated loss in income during the first year of $228 per fisherman, and $117 per fisherman in the second year. Size limits in subsequent years are expected to improve landings in the third and subsequent years, resulting in $118 per fisherman increase in income. The prohibition of taking lobsters in certain areas may have minor supply and income effects on commercial and recreational harvesters which may be offset by aesthetic benefits to divers and research benefits to scientists. Additional reporting burdens will be placed on some fishermen.

Additional Information: An RIA is not required and will not be prepared. An RFA, a Regulatory Impact Review, an Environmental Impact Statement, and the proposed Fishery Management Plan are available.

Unit/Sub Unit: NOAA/NMFS.

Title: Snapper-Grouper Complex of the South Atlantic Region Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 646.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack Brawner, Acting Director, Southeast Region, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702.

Timetable:

Action: Public Hearing, NPRM Final Rule.

Date: Aug. 31, Sept. 9, 1982, June 1983, Oct. 1983.

FR Cite: 47 FR 36001.

Abstract: A fishery management plan (FMP) is needed to prevent overfishing of snappers and groupers and to obtain information required for improved management of the fishery. The main objective is to prevent overfishing for all species in the complex. The FMP and implementing regulations will be designed to eliminate the growth of overfishing by prohibiting the use of fish traps shoreward of the 100 fathom line. Other measures include prohibiting the use of certain gear and prohibiting the use of poison and explosives.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: American Lobster Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 649.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Allen E. Peterson, Jr., Director, Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930.

Timetable:

Action: FMP Adopted, NPRM Final Rule.

Date: Spring 1983, Spring 1983, Summer 1983.

FR Cite:

Abstract: The new fishery management Plan (FMP) would promote conservation of the American lobster and reduce the risk of a fishery collapse due to intensive exploitation in all coastal fisheries. The FMP would establish conservation measures for the offshore fishery, and encourage the States to adopt similar restrictions. The principal alternative is no Federal action and to leave lobster management to the States. Shore-term (1983) costs to industry are identified (approximately a 3% reduction in revenues); substantial long-term increases in resource productivity expected from establishing minimum size limit for lobsters retained in fishery. While fishery revenues may be redistributed among vessels, positive net economic benefits are expected in the long term through long-term increase in resource productivity.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared. A Regulatory Impact Review/initial RFA will be available in the Spring of 1983. A Draft Environmental Impact Statement and the FMP will be available in the Spring of 1983.

Unit/Sub Unit; NOAA/NMFS

Title: Atlantic Groundfish Interim Fishery Management Plan: Implementing Regulations

CFR: 50 CFR Part 651.

Legal Authority: Magnuson Fishery Conservation and Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Allen E. Peterson, Jr., Dir. Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930 (617) 281-3600.

Timetable:

Action: NPRM Emergency Interim Rule, Interim Rule Extended, Final Rule.

Date: Mar. 11, 1982, Mar. 31, 1982, May 15, 1982, Oct. 1982.

FR Cite: 47 FR 10605, 47 FR 13357, 47 FR 20781.

Abstract The domestic fishery for cod, haddock, and yellowtail flounder, which occurs in the U.S. fishery conservation zone of the northwestern Atlantic, has been managed for the past 4 year under the Fishery Management Plan (FMP) for Atlantic Groundfish. The management program was designed to allocate groundfish among different vesssel classes over the fishing season. This program, however, has been viewed as too restrictive and inequitable by certain vessel classes. An Interim FMP has been published to govern the fishery until the old plan is revised. The Interim FMP will (1) protect concentrations of spawning cod, haddock, and yellowtail flounder (regulated species); (2) reduce the risk of recruitment overfishing of regulated species; and (3) permit the acquistion of reliable data on normal fishing patterns of the industy and the biological attributes of the stocks as may be determined from commercial activities (in suport of the development of a future comprehensive FMP).

The Interim FMP impacts on approximately 1,000 fishing vessels and the affliated shore-side facilities that service these vessels. Elimination of the quota (95,000 mt) in the old Plan is expected to result in an increase in landings to 109,700 mt in 1982 and to 115,600 mt in 1983. Such increased landings can be expected to increase correspondingly gross revenues and lower prices at all market levels. In addition, elimination of trip limits and vessel class allocation measures reduces to zero the input costs associated with these regulations. An increase in minimum mesh size would increase the present value of gross revenues but would also result in an increase in short-run costs. The short-run impact of the increase in mesh size could result in an estimated reduction in yield of between 6 and 16 percent in 1983.

Additional Information; An RIA is not required and will not be prepared. An RFA, and a Regulatory Impact Review, and an Environmental Impact Statement are available. The Interim FMP is available.

Unit/Sub Unit: NOAA/NMFS

Title: Withdrawal of Secretarial Approval of Fishery Management Plan for the Atlantic Herring Fishery of the Northeast Atlantic.

CFR: 50 CFR Part 653.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.).*

Effects on Small Entities: No significant economic impact.

Agency Contact: Allen E. Peterson, Director, Northeast Region, MNFS, NOAA, U.S. Dept. of Commerce, 14 Elm Street, Gloucester, MA 01930 (617) 291-3600.

Timetable:

Action: NPRM Final Rule.

Date: Sept. 1982, Nov. 1982.

FR Cite:

Abstract: Withdrawal of approval was necessitated by serious operational difficulties in implementing the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic (FMP), which no longer met the national standards of the Magnuson Act. Erroneous assumptions made in the original FMP regarding State cooperation in implementing the management measures, and changed fishery circumstances rendered the FMP invalid and inoperative. The New England Fishery Management Council failed to take remedial action within a reasonable time. Alternatives considered included amending the FMP or withdrawing approval of selected parts. The action chosen was least costly alternative for resolving the management problems.

Repeal of the regulations implementing the FMP will not affect the operation of the fishery to any measurable degree. The annual quotas and area/period catch allocations under the regulations did not control or affect annual or seasonable levels of herring landings, the exvessel price of herring, or the income to fishermen or processors.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is available.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 1 to the Stone Crab Fishery of the Gulf of Mexico Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 654.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702, (813) 893-3141.

Timetable:

Action: NPRM Final Rule.

Date: April 23, 1982, Oct. 1982.

FR Cite: 47 FR 17597.

Abstract: This amendment and implementing regulations would provide flexibility in amending regulations, modify reporting requirements and delete exceptions pertaining to live bait shrimping. The major benefits from this regulation are a reduction of the reporting burden for participants in the fishery, and protection of the stone crab stocks from lost or abandoned traps.

The amendment establishes a mechanism for changing the location and effective period of the line of separation for the use of trawl gear and stone crab gear. The amendment modifies the reporting burden and the deletion of the exception for live bait shrimping within the separation line. Neither of these changes in expected to have any impact on the fishery resources, or the physical or human environment. The amendment provides for the disposition of lost or abandoned non-wooden stone crab traps. Because most traps are made of wood, this measure will not have a significant impact.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review, an Environmental Assessment, and the existing Fishery Management Plan are available.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 7 to Tanner Crab Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 671.

Legal Authority: Magnuson Fishery Conservation and Mgmt. Act (16 USC 1801 *et seq.*).

Effects on Small Entities: The regulation will not affect a substantial number of small entities.

Agency Contact: Mr. Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802, (907) 586-7221.

Timetable:

Action: NPRM Final Rule.

Date: Sept. 3, 1981, Dec. 1982.

FR Cite: 46 FR 44203.

Abstract: Amendment No. 7 would eliminate the 16.5 million pounds of total allowable level of foreign fishery for *C. opilio*; reduce the optimum yield (OY) for *C. opilio* in the Bering Sea management area from 130 million pounds to equal the domestic annual harvest within a range of 39.5–91.0 million pounds; establish OYs for *C. bairdi* in the Chignik management area at 5.0 million pounds and in the South Peninsula management area at 6.0 million pounds; and increase the range OY for *C. bairdi* in the Bering Sea management area from 22.0–33.0 million pounds to 28.0–36.0 million pounds. Amendment No. 7 should increase harvest levels and abundance of *C. bairdi* tanner crab and harvest of the full acceptable biological catch of *C. opilio* in the Bering Sea by U.S. fishermen. The amendment focuses on the elimination of the *C. opilio* total allowable level of foreign fishing. The only substantial economic impact will be on foreign fishery fleets.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. Proposed Amendment No. 7 is available.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 8 to Tanner Crab Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 671.

Legal Authority: Magnuson Fishery Conservation and Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802, (907) 586-7221.

Timetable:

Action: NPRM Final Rule.

Date: March 1983, Aug. 1983.

FR Cite:

Abstract: Amendment No. 8 to the Tanner Crab Fishery Management Plan (FMP) would establish a minimum harvest size of 3.2 inches for *C. opilio* (the standard industry practice); remove the FMP's provision for storing pots on fishing grounds 72 hours before the fishing season opens (a minor adverse economic impact offset by more effective enforcement); and set the optimum yields (OYs) for *C. bairdi* at 14 million pounds in the Bering Sea District and 13.4 million pounds in the Kodiak District, and set the OY for *C. opilio* in the Bering Sea District equal to the domestic annual harvest—this would make these OYs consistent with the State of Alaska harvest guidelines (the current standard industry practice) to more accurately reflect current stock assessments. The amendment represents a technical adjustment necessary to update the FMP and more accurately reflect current management practices by the State of Alaska. No new economic burdens would be imposed on U.S. fishermen. Any impacts will be minor and potential benefits significantly outweigh adverse impacts.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: High Seas Salmon Fishery Management Plan Regulatory Amendment to Clarify Closure Authority of the Secretary: Implementing Regulations.

CFR: 50 CFR Part 674.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: No significant economic impact.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: Aug. 6, 1982, Nov. 1982.

FR Cite: 47 FR 34167.

Abstract: This amendment to the High Seas Salmon Fishery Management Plan and implementing regulations would clarify the authority of the Secretary, as delegated to the Alaska Regional Director, NMFS, to close the high seas salmon fishery at any harvest level within the chinook salmon optimum yield range that he determines to be necessary for the conservation and management of chinook salmon.

The reduction in catch proposed for 1982 would be evenly distributed over approximately 965 power trollers and 2,137 hand trollers. Reductions in revenues would be insignificant-estimated between $465 and $537 per power troller and $33 and $38 per hand troller in 1982.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review/initial RFA is available.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 3 to the High Seas Salmon Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 674.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 *et seq.*).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802, (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: March 1983, May 1983.

FR Cite:

Abstract: Amendment No. 3 and implementing regulations to the High Seas Salmon Fishery Management Plans (FMP) may be needed to prevent depletion of the stocks by overfishing if naturally spawning stocks of southeast Alaska and Pacific Northwest chinook salmon are depressed. Reducing the optimum yield (OY) could contribute to resolution of the problem; alternatively reducing the harvest level within the current OY range may be adequate to address the problem. Adjustment of fishing season dates may also be appropriate. Adjustment of OY levels or the fishing season would impact over 3,000 commercial salmon trollers. Adverse impacts could include lower catch/revenues or increase competition for available catch. It is unknown at this time whether Amendment No. 3 is necessary.

Additional Information: A RIA is not required and will not be prepared. A RFA is required and is being prepared. A Regulatory Impact Review/initial RFA will be available in the Spring of 1983.

Unit/Sub Unit: NOAA/NMFS.

Title: King Crab (Bering Sea/Aleutian Islands) Fishery Management Plan: Implementing Regulations.

CFR: 50 CFR Part 676.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221).

Timetable:

Action: NPRM Final Rule.

Date: Nov. 1982, April 1983.

FR Cite:

Abstract: This fishery management plan (FMP) and implementing regulations seek to ensure effective conservation and management of King Crab stocks in the Bering Sea and Aleutian Islands area while providing continued active participation of the State of Alaska in management of these fisheries. Non-resident Alaskan fishermen will have more effective input to fishery management. There is a need for enforcement of sex and minimum size limits to prevent overharvesting the King Crab optimum yield, and to prevent harvesting of females and under-sized crab.

The regulation protects smaller vessels that compete with larger vessels in their ability to move between fishing areas. Regulatory measures also ensure equitable representation of all components of the harvesting sector. Alternative measures under the FMP could have a significant impact on small entities.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and a Regulatory Impact Review/initial RFA wil be available in the winter of 1982–1983. A Draft Environmental Impact Statement is available as well as the FMP for the Bering Sea/Aleutian Island King Crab fishery.

Unit/Sub Unit: NOAA/NMFS.

Title: Spiny Lobster Fishery Management Plan for the Western Pacific: Implementing Regulations.

CFR: 50 CFR Part 681.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.).

Effects on Small Entities: Regulations will not affect a substantial number of small entities.

Agency Contact: Alan W. Ford, Dir., Southwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 300 S. Ferry Street, Terminal Island, CA 90731 (213) 548–2575.

Timetable:

Action: NPRM Final Rule.

Date: June 30, 1982, Nov. 1982.

FR Cite: 47 FR 28430.

Abstract: This fishery management plan and implementing regulations would establish size limits for retention of lobster, close certain areas to lobster fishing to protect endangered species, prescribe legal gear, and establish reporting requirements. The fishery has never had more than six firms operating in it and no more than nine are anticipated. The present discount value of benefits for the next 10 years is $6 million. Federal costs are estimated at $21,000/year.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review, Environmental Impact Statement, and the proposed Fishery Management Plan are available.

Unit/Sub Unit: NOAA/NMFS.

Title: Coral & Coral Reefs Fishery Management Plan in the Gulf of Mexico & the South Atlantic: Implementing Regulations.

CFR:

Legal Authority: Magnuson Fishery Conservation & Managment Act (16 USC 1801).

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Jack T. Brawner, Acting Director, Southeast Region NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd. St. Petersburg, FL 33702 (813) 983–3141.

Timetable:

Action: NPRM Final Rule.

Date: Dec. 1982, May 1983.

FR Cite:

Abstract: Regulation is needed to control the potential harvest of coral/coral reefs in the Gulf of Mexico and the South Atlantic Ocean. Although the present harvest is at a very low level, rapid increases in effort could lead to extensive destruction of the corals. The objective is to develop more and better data and to optimize benefits generated from the coral resource while conserving the coral and coral reefs. Certain types of gear will be prohibited and fishing will be restricted in certain areas, with a consequent adverse economic impact on small entities. Benefits will accrue through the conservation of the coral and coral reefs which are important habitats sustaining spiny lobsters, snappers, groupers and other fishes.

Additional Information: An RIA is not required and will not be prepared. An RFA is required. A Regulatory Impact Review/initial RFA will be available in December 1982. A Draft Environmental Impact Statement and a Fishery Management Plan for Coral and Coral Reefs in the Gulf of Mexico and the South Atlantic will also be available in December 1982.

Unit/Sub Unit: NOAA/NMFS.

Title: Halibut Moratorium.

CFR:

Legal Authority: Northern Pacific Halibut Act of 1982 (16 USC 773 *et seq.*).

Effects on Small Entities: Not yet determined.

Agency Contact: Robert W. McVey, Director, Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586–7221.

Timetable:

Action: NPRM Final Rule.

Date: Jan. 1983, April 1983.

FR Cite:

Abstract: These regulations would prohibit the landing and sale of halibut if a vessel owner had not landed and sold halibut between 1978 and 1982. The purpose of these regulations is to preserve halibut.

Additional Information: A RIA is not required and will not be prepared. It has not been determined whether an RFA is required. A Regulatory Impact Review/initial RFA is being prepared and will be available January 1983.

Unit/Sub Unit: NOAA/NMFS

Title: Civil Procedures.

CFR: 15 CFR Part 904.

Legal Authority: Magnuson Fishery Conservation & Management Act (15 USC 1801 *et seq.*); Halibut Act Amendments of 1982 (16 USC 773–773).

Effects on Small Entities: No significant economic impact.

Agency Contact: Patricia Kraniotis, Acting Assistant General Counsel for Enforcement & Litigation, NOAA, U.S. Dept. of Commerce, 2601 Wisconsin Ave., NW., Wash., D.C. 20235 (202) 254–8350.

Timetable:

Action: Interim Rule NPRM Final Rule.

Date: Dec. 18, 1981, Sept. 1983, Jan. 1984.

FR Cite: 46 FR 61643.

Abstract: The existing regulations (15 CFR Part 904) provide uniform procedures for enforcement and civil proceedings under the various fishery and marine resource statutes administered by NOAA. The regulations are being revised to consolidate all aspects of NOAA's civil process which can be uniformly treated. The revised regulations will provide uniform permit processing procedures and sanction procedures; means of addressing the respondent's ability to pay in civil penalty proceedings; procedures for issuance and appeal of written warnings for violations of law; and procedures for selling seized perishable fish. The revisions will clarify for the public the procedures which NOAA follows in carrying out its enforcement responsibilities. The amendments thus are beneficial rather than burdensome to the public. These procedural regulations will not increase costs to the public or local governments. Nor will they have a significant adverse effect on competition, employment or industry. The alternative of not further consolidating the procedures was considered and rejected. There is no alternative to making the updating and housekeeping portions of the amendments.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS

Title: Designated Critical Habitat: Designation of Critical Habitat for the Hawaiian Monk Seal.

CFR: 50 CFR Subpart 226B.

Legal Authority: Endangered Species Act of 1973 (16 USC 1531 *et seq.*).

Effects on Small Entities: Not determined.

Agency Contact: Alan W. Ford, Director, Southwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 300 S. Ferry St., Terminal Island, Calif. 90731 (213) 548–2575.

Timetable:

Action: NPRM Final Rule.

Date: Not yet determined.

FR Cite:

Abstract: Designation of Critical Habitat is conducted pursuant to the Endangered Species Act of 1973, as amended. Critical Habitat is that area within (or outside) the geographic range of the animal wherein are found those physical and/or biological features essential for the conservation of the species and which may require special management considerations. The objective is to protect the Hawaiian Monk Seal.

Additional Information: A draft Environmental Impact Statement is available for public review. A Final Recovery Plan discussing and recommending areas to be designated as the critical habitat is being prepared and will be available at a date not yet determined. The proposed rules will be based in part on the recommendations made in the Final Recovery Plan. Required determinations under Executive Order 12291 and the Regulatory Flexibility Act will be made when the critical habitat is proposed.

Unit/Sub Unit: NOAA/NMFS.

Title: Whaling.

CFR: 50 CFR Part 351.

Legal Authority: Whaling Convention Act (16 U.S.C. 916 *et seq.*).

Effects on Small Entities: No U.S. small entities will be affected by the regulations.

Agency Contact: Mr. Richard B. Roe, Acting Director, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7461.

Timetable:

Action: NPRM Final Rule.

Date: Not yet determined. Dec. 1982.

FR Cite:

Abstract: The Whaling Convention Act requires that the Schedule of the International Convention for the Regulation of Whaling, 1946, be published in the Federal Register by the Secretary of Commerce to become effective with respect to all persons and vessels subject to the jurisdiction of the United States in accordance with terms of such regulations. These regulations are revised annually in accordance with the most recent amendments to the Schedule of the International Convention for the Regulation of Whaling.

These regulations relate to commercial whaling, which is currently prohibited for all persons and vessels subject to United States jurisdiction with the exception of subsistence whaling which is the subject of a separate rulemaking. Therefore, they will have no impact on any U.S. entities.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. These regulations are exempt from National Environmental Policy Act environmental document requirements, since they consitute a programmatic function with no potential for significant environmental impact.

Unit/Sub Unit: NOAA/NMFS.

Title: Fisheries Obligation Guarantee Program.

CFR: 50 CFR Part 255.

Legal Authority: Title XI of the Merchant Marine Act (46 U.S.C. 1271 *et seq.*) which was amended by the American Fisheries Promotion Act of 1980.

Effects on Small Entities: No significant economic impact is expected.

Agency Contact: James D. Meehan, Ofc. of Utilization & Dev., NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., N.W., Wash., D.C. 20235, (202) 634–7496.

Timetable:

Action: NPRM Final Rule.

Date: Aug. 8, 1982, Nov. 1982.

FR Cite: 47 FR 33648.

Abstract: The American Fisheries Promotion Act extended the benefits of the Fishing Vessel Obligation Guarantee Program to newly constructed shoreside facilities as well as used vessels or shoreside facilities involved in underutilized or developing fisheries. The existing regulations are being revised to employ a less stringent economic soundness criteria for vessels or facilities operated in underutilized fisheries. The revised regulations are designed to stimulate the development of new fisheries by making long term financing available and by providing a U.S. Government guarantee of repayment of the debt portion of vessel or shoreside facility construction, reconstruction, reconditioning or purchasing costs where there is insufficient economic information to assess the prospects for commercial success.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OCZM.

Title: General Regulations for the National Estuarine Sanctuary Program.

CFR: 15 CFR Part 921.

Legal Authority: Section 315 of the Coastal Zone Management Act of 1972 (16 USC 1456).

Effects on Small Entities: No significant economic impact.

Agency Contact: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Mgmt., NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., D.C. 20235 (202) 634–4236.

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Nov. 1982, Jan. 1983, March 1983.

FR Cite:

Abstract: The proposed regulations revise existing procedures for selecting potential estuarine sanctuaries. Site identification and selection is to be based on a revised biogeographic classification scheme and typology of estuarine areas. The regulations place a greater emphasis on management planning early in the process of evaluating a potential site. The regulations reflect a progression from the initial identification of a site, through the designation process, and continued implementation.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The regulatory Flexibility Act does not apply because the regulations affect only Federal agency actions.

Unit/Sub Unit: NOAA/OCZM.

Title: General Regulations for the National Marine Sanctuary Program.

CFR: 15 CFR Part 922.

Legal Authority: Title III of the Marine Protection, Research & Sanctuaries Act (16 USC 1431–1434).

Effects on Small Entities: No significant economic impact.

Agency Contact: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Mgmt., NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW, Wash., DC. 20235 (202) 634–4236.

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Sept. 7, 1982, Nov. 5, 1982, Jan. 1983.

FR Cite: 47 FR 39191.

Abstract: These proposed regulations revise existion procedures for identifying and selection potential marine sanctuary candidates, as well as designating these sites as national marine sanctuaries. The regulations reflect a management-oriented approach to protecting special marine areas. They reflect the refinements and programmatic policies outlined in the Program Development Plan for the National Marine Sanctuary Program (January 1982).

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations effect only Federal agency actions.

Unit/Sub Unit: NOAA/OCZM.

Title: Regulations for Proposed La Parguera/Mona & Monito Islands Puerto Rico National Marine Sanctuary.

CFR: 15 CFR Part 929.

Legal Authority: Title III of the Marine Protection, Research & Sanctuaries Act (16 USC 1431–1434).

Effects on Small Entities: No Significant economic impact.

Agency Contact: Dr. Nancy Foster, Deputy Director, Sanctuary Programs Office, Office of Coastal Zone Management, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Washington, DC. 20235 (202) 634–4236.

Timetable:

Action: NPRM Public Comment Period Ends Final Rule.

Date: Nov. 1982, Jan. 1983, March 1983.

FR Cite:

Abstract: These regulations will protect the ecological, recreational, and aesthetic resources of the waters off La Parguera and the waters surrounding the Mona and Monito Islands, Puerto Rico If this area is designated as a national marine sanctuary.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OCZM.

Title: Regulations for the Key Largo Coral Reef National Marine Sanctuary.

CFR: 15 CFR Part 929.

Legal Authority: Title III of the Marine Protection, Research & Sanctuaries Act (16 USC 1431 1434).

Effects on Small Entities: No significant economic impact.

Agency Contact: Dr. Nancy Foster, Deputy Director, Sanctuary Program Office, Office of Coastal Zone Mgmt. NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., DC. 20235 (202) 834–4236.

Timetable:

Action: Interim Rule NPRM Final Rule.

Date: Jan. 16, 1976, Sept. 1982, Dec. 1982.

FR Cite: 47 FR 2379.

Abstract: The regulations will replace and update interim regulations to protect ecological, recreational, and aesthetic resources of the Key Largo National Marine Sanctuary.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OCZM.

Title: Federal Consistency with Approved Coastal Zone Management Programs: Definition of the Term: "Directly Affecting" in Section 307(c)(1) of the Coastal Zone Management Act.

CFR: 15 CFR Part 930.

Legal Authority: Coastal Zone Management Act of 1972 (16 USC 1456).

Effects on Small Entities: No significant economic impact:

Agency Contact: JoAnn Chandler, Director, Policy, Evaluation & External Relations, Office of Coastal Zone Mgmt., NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., Wash., D.C. 20235 (202) 634–4245.

Timetable:

Action: NPRM Final Rule NPRM (to withdrawal Rule) Final Rule (withdrawal) Notice Confirming Withdrawal.

Date: May 14, 1982, July 8, 1981, Oct. 16, 1981, Jan. 29, 1982, May 11, 1982.

FR Cite: 46 FR 26658, 46 FR 35253, 46 FR 50937, 46 FR 4231, 47 FR 2011.

Abstract: Section 307(c)(1) of the Coastal Zone Management Act (CZMA) provides that Federal activities "directly affecting the coastal zone" of a State with a Federally-approved coastal zone management program must be consistent with that program to the maximum extent practicable. The definition of "directly affecting" has been the subject of long-standing controversy both among Federal agencies and between the Federal agencies and the coastal states. The coastal states' interpretation has generally been broader than that of the Federal agencies, although, until 1981, the Department of Commerce supported the states' position.

The definition was the subject of an opinion from the Department of Justice in April 1979, a Secretarial mediation that concluded without resolving the issues in 1980, and an extensive interagency review in early 1981 under the guidance of the Office of Management and Budget. A final rule, issued July 8, 1981, defined a Federal activity narrowly as "directly affecting the coastal zone" if the Federal agency finds that the conduct of the activity itself produces a measurable physical alteration in the coastal zone or if the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval. "Direct effects" did not include effects identified by the Federal agency as uncertain, speculative or remote.

In May 1981, California filed a lawsuit seeking to enjoin the Department of the Interior from leasing certain tracts offshore California on the grounds among others that the activity directly affected the California coastal zone and a consistency determination was required. The District Court's opinion, issued in August 1981, held that the lease sale directly affected the coastal zone and in other respects adopted California's interpretation of the CZMA. The broad definition of "directly affecting" was affirmed by the Ninth Circuit August 12, 1982. A petition for rehearing has been filed by California on other aspects of the litigation. Following the decision on rehearing, the parties must decide whether to seek review by the Supreme Court.

NOAA's narrow definition of the term in the rules issued in July 1981 was subsequently withdrawn. Following publication of the final regulations, but before they became effective, NOAA had received comments of concern from State governments and members of Congress assigned to Committees that have oversight responsibilities with respect to the CZMA. Congressional resolutions expressing disapproval of the final regulations were introduced in both the House and Senate. The regulations were withdrawn on April 27, 1982. New regulations will be proposed when the outcome of the litigation is final.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply to these regulations because they affect only Federal agency actions.

Unit/Sub Unit: NOAA/OCZM.

Title: Federal Consistency with Aproved Coastal Management Programs: Implementations of Sections 307(c) (1), (2) and (3) and 307(d) of the Coastal Zone Management Act (CZMA) and Coastal Energy Impact Program Administrative Procedures: Implementation of Section 308 of the CZMA.

CFR: 15 CFR 930 and 931.

Legal Authority: Coastal Zone Management Act of 1972 (16 USC 1456); Executive Order 12372; Recission of OMB Circular A–95.

Effects on Small Entities: No significant economic impact.

Agency Contact: Roberta Miller, Policy Analyst Officer of Coastal Zone Mgmt., NOAA, U.S. Dept. of Commerce, 3300 Whiteheaven St., NW., Wash., D.C. 20235 (202) 634–4249.

Timetable:

Action: NPRM Final Rule.

Date: Feb. 1983, April 1983.

FR Cite:

Abstract: Under existing regulations, applications for financial assistance for public facilities and Services and for other construction projects under the Coastal Energy Impact Program are subject to the Project Notification and Review System established by the now-rescinded OMB Circular A–95. The existing regulations also encourage Federal agencies undertaking actions that are likely to significantly affect the coastal zone to notify state coastal zone agencies using the A–95 process. State agencies are encouraged by the regulations to use the A–95 process to monitor Federal agency activities. These regulations will be revised to conform to the provisions of Executive Order 12372 and departmental regulations to be promulgated under that Order.

Additional Information: Neither and RIA nor an RFA is required or will be prepared. Because the regulations concern the actions of state and Federal agencies only, they are not subject to the provisions of the Regulatory Flexibility Act.

Unit/Sub Unit: NOAA/OME.

Title: Deep Seabed Mining Regulations for Commerical Recovery Permits.

CFR: 15 CFR Part 971.

Legal Authority: Deep Seabed Hard Mineral Resources Act (30 USC 1401 *et seq.).*

Effects on Small Entities: No significant economic impact.

Agency Contact: Laurence J. Aurbach, Office of Ocean Minerals and Energy, NOAA, U.S. Dept. of Commerce, 2001 Wisconsin Ave., NW., Wash., DC. 20235 (202) 653–8257.

Timetable:

Action: ANFRM NPRM Pub. Hearing Final Rule.

Date: June 1983, Dec. 1983, Feb. 1983, Sept. 1983.

FR Cite:

Abstract: Under 15 CFR 970, prospective deep seabed miners may apply to NOAA for the exploration license needed to explore the deep seabed for manganese nodules. Under the new regulations, prospective miners will be able to apply to NOAA for a permit to commercially recover and process nodules to obtain strategic metals (nickle, copper, cobalt, manganese). These permits would provide security of tenure for applicants with respect to other U.S. citizens and other nations' permittees in accordance with applicable international agreements. Fees for securing and maintaining a permit will be based on the Government's processing costs. These fees would be an inconsequential portion of the cost of a commercial recovery operation. The cost of a commercial recovery operation is expected to exceed one billion dollars. Alternatives to the regulations would require amending the Deep Seabed Hard Mineral Resources Act, which would be considered in the context of the U.S. law of the sea policy.

Additional Information: The RIA and RFA prepared for the exploration license regulations will be reviewed and reaffirmed or supplemented as need to cover new issues raised by the commercial recovery permit regulations. It is expected that small entities will not be permittees. Rather some small entities are expected to be contractors or subcontractors to permittees. The RIA and RFA are available contact, as are the programmatic Environmental Impact Statement and supporting guidance document on seabed mining using currently foreseeable technology.

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: NOAA/NMFS.

Title: Guidelines for Development of Fishery Management Plans: Content and Format.

CFR: 50 CFR Parts 602.3 and 602.4.

Legal Authority: Section 301 of the Magnuson Fishery Management and Conservation Act (16 USC 1851).

Effects on Small Entities: No significant economic impact.

Agency Contact: Daphne White Office of Resource Conservation and Mgmt., NMFS, NO, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634-7218.

Timetable:

Action: NPRM Final Rule.

Date: Not yet determined.

FR Cite:

Abstract: Revised guidelines for development of fishery management plans are needed to conform with new legislation and administration regulatory policy with regard to standards, procedures, content, and format. These guidelines will not have a direct regulatory impact on the fishing industry or entities participating in the industry.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Fishery Conservation and Management: Confidentiality of Statistics.

CFR: 50 CFR Part 603.

Legal Authority: Magnuson Fishery Conservation and Management Act (16 USC 1361 et seq.).

Effects on Small Entities: Not applicable.

Agency Contact: B. G. Thompson, Resource Statistics Division, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634-7366.

Timetable:

Action: NPRM Interim Rule, Final Rule.

Date: Jan. 9, 1978, Dec. 7, 1979, Dec. 1982.

FR Cite: 43 FR 1460, 44 FR 237.

Abstract: The regulations provide internal procedures to protect statistics collected from the public under the Magnuson Fishery Conservation and Management Act from disclosure.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The Regulatory Flexibility Act does not apply because the regulations affect only internal operations of an agency.

Unit/Sub Unit: NOAA/NMFS.

Title: Treatment of Prohibited Species.

CFR: 50 CFR Part 611.

Legal Authority: Magnuson Fishery Conservation & Management Act (16 USC 1801 et seq.)

Effects on Small Entities: A significant economic impact is expected on a substantial number of small entities.

Agency Contact: Dr. Roland Smith, NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St, NW., Wash., DC. 20235 (202) 634-7449.

Timetable:

Action: ANPRM.

Date: Spring 1983.

FR Cite:

Abstract: Foreign and domestic fishermen are presently required to discard all prohibited species caught incidentally with permitted fish. This includes fish caught by U.S. fishermen and delivered to foreign processors at sea ("joint ventures"). Fish that are frequently already dead must be discarded. Obviously, this is wasteful. Alternative ways of minimizing the bycatch of prohibited species are being considered. If dead prohibited species are allowed to be kept, fishing vessels will experience a substantial increase in revenues.

Additional Information: An RIA is not required and will not be prepared. An RFA is required and is being prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: General Foreign Fishing.

CFR: 50 CFR 611.1-611.50.

Legal Authority: Magnuson Fishery Conservation & Mgmt. Act (16 USC 1801 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Susan Jelley, NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., DC. 20235 (202) 634-7432.

Timetable:

Action: NPRM Final Rule.

Date: Nov. 1982, Spring 1983.

Abstract: The regulations which govern foreign fishing in the U.S. fishery conservation zone will be simplified and some reporting requirements will be standardized on a nation-wide basis. Revised regulations should be easier to understand and enforce.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Preemption of State Authority under Section 306(b) of the Magnuson Fishery Conservation & Management Act.

CFR: 50 CFR Part 619.

Legal Authority: Section 301 of the Magnuson Fishery Conservation & Management Act (16 USC 1856(b)).

Effects on Small Entities: No significant economic impact.

Agency Contact: Frederick D. Kyle, Office of General Counsel, NMFS, NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., NW., Wash., DC. 20235 (202) 634-4224.

Timetable:

Action: Interim Rule Final Rule.

Date: March 22, 1982, Nov. 15, 1982.

FR Cite: 47 FR 12181.

Abstract: The regulations interpret certain statutory terms applicable to, and establish procedures governing, formal adjudicatory hearings to be held before the Secretary of Commerce can apply Federal fishery regulations to certain waters within State boundaries.

Section 306(b) of the Magnuson Fishery Conservation and Management Act authorizes the Secretary of Commere to regulate a fishery within State boundaries in certain circumstances. Before the Secretary is authorized to do so, he must make certain findings after providing an opportunity for a formal adjudicatory hearing. The regulations apprise affected parties of the procedures to be followed at such a hearing and also of the types of information to be scrutinized that is relevant to the findings to be made.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Endangered Species: General Permit Procedures.

CFR: 50 CFR Subparts 220A,B, C&D.

Legal Authority: Endangered Species Act (16 USC 1531 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Patricia Montanio, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634-7529.

Timetable:

Action: NPRM.

Date: Aug. 1983

FR Cite:

Abstract: These regulations outline procedures for obtaining a permit under the Endangered Species Act of 1973. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR Part 223).

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Endangered Species: Interagency Cooperation.

CFR: 50 CFR Part 402.

Legal Authority: Endangered Species Act of 1973 (16 USC 1531 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Charles Karnella, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7471.

Timetable:

Action: NPRM Final rule.

Date: Not yet determined.

FR Cite:

Abstract: The regulations will update existing regulations pursuant to the 1978, 1979 and 1982 amendments to the Endangered Species Act. The revisions will explain, organize, and simplify the consultation process required by Section 7 of the Act, and will be published jointly with the U.S. Fish and Wildlife Service.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is available. The Department of the Interior, as lead agency in the development of the proposed revision, has prepared a Draft Environmental Assessment which is available. A determination will be made as to whether this is a major Federal action significantly affecting the quality of the human environment within the meaning of § 102(2)(C) of the National Environmental Policy Act of 1969. These regulations simply specify how the requirements of Section 7 of the Act should be met prior to the undertaking of any Federal action.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Fish Steaks.

CFR: 50 CFR Subpart 262A.

Legal Authority: Agricultural Marketing Act of 1946 (7 USC 1621–1630).

Effects on Small Entities: No significant economic impact.

Agency Contact: James R. Brooker, Seafood Research, Inspection & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7458.

Timetable:

Action: Interim Rule Pub. Comments Final Rule.

Date: Nov. 1982, Winter 1983, Spring 1983.

FR Cite:

Abstract: The interim rule would establish a voluntary standards system to classify fish steaks by quality into four categories—U.S. Grade A, B, C, and Substandard. The objective is to facilitate trade in fish steaks classified by quality thereby benefiting the consumer and the industry. The standards would be used in a voluntary program of fishery products inspection and certification by NMFS. The total value of the industry product in 1981 was $19 million. Industry has expressed a high level of interest in and support for the voluntary standards.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Products: U.S. Standards for Grades of Fish Fillets.

CFR: 50 CFR Subparts 263A, B, C, D, & E.

Legal Authority: Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1630).

Effects on Small Entities: No significant economic impact.

Agency Contact: James R. Brooker, Seafood Research, Inspection, & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7458.

Timetable:

Action: NPRM.

Date: 1984.

FR Cite:

Abstract: This revision would amend 50 CFR Subpart 263A and delete 50 CFR Parts 263A, B, C & D. The revision will simplify the voluntary standards for the inspection/grading of fish fillets by industry and Government inspection personnel by incorporating general criteria for the standards.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom (Grades of Frozen Fried Fish Portions).

CFR: 50 CFR Subpart 264G.

Legal Authority: Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1630).

Effects of Small Entities: No significant economic impact.

Agency Contact: James R. Brooker, Seafood Research, Inspection, & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7458.

Timetable:

Action: NPRM.

Date: Spring 1983.

FR Cite:

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products & Certain Other Processed Food Products: Standards for Grades of Crustacean Shellfish Products (Frozen Raw Headless Shrimp).

CFR: 50 CFR Subpart 265A.

Legal Authority: Agricultural Marketing Act of 1946 (7 USC 1621–1630).

Effects on Small Entities: No significant economic impact.

Agency Contact: James R. Brooker, Seafood Research Inspection, & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7458.

Timetable:

Action: Interim Rule, Final Rule.

Date: May 20, 1982, Jan. 1983.

FR Cite: 47 FR 21840.

Abstract: The final rule will establish general quality grading standards for all non-breaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into four categories—U.S. Grades A, B, C and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all non-breaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Public Display of Fur Seals: Pribilof Islands.

CFR: 50 CFR Subpart 215B.

Legal Authority: Fur Seal Act of 1966 (16 USC 1151 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Patricia Montanio, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–20235.

Timetable:

Action: NPRM.

Date: Aug. 1983.

FR Cite:

Abstract: The existing regulations outline procedures for the submission of applications and the issuance of permits for public display of Fur Seals under the Fur Seal Act. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR Part 223).

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Scientific Research & Public Display Permit Regulations.

CFR: 50 CFR Part 223.

Legal Authority: Fur Seal Act of 1966 (16 USC 1151 *et seq.*); Endangered Species Act of 1973 (16 USC 1531 et seq.).

Effects on Small Entities: No significant economic impact is expected on a substantial number of small entities.

Agency Contact: R. B. Brumsted, Acting Deputy Director, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Timetable:

Action: NPRM Final Rule.

Date: Aug. 1983, Nov. 1983.

FR Cite:

Abstract: Simplication and consolidation of regulations for the issuance of public display permits under the Fur Seal Act of 1966, public display and scientific research permits under the Marine Mammal Protection Act of 1972, and permits for endangered species under the Endangered Species Act of 1973. The proposed regulation will standardize permit procedures under the three Acts and eliminate duplicative regulations.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. A Regulatory Impact Review is being prepared.

Unit/Sub Unit: NOAA/NMFS

Title: Regulations Governing The Taking & Importing Of Marine Mammals: Taking by State & Local Government Officials.

CFR: 50 CFR Part 216.22

Legal Authority: Marine Mammal Protection Act of 1972 (16 USC 1361 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Thomas McIntyre, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Timetable:

Action: NPRM.

Date: March 1983.

FR Cite:

Abstract: The regulations are being revised to clarify responsibilities with regard to beached and stranded marine mammals, and provide authority to MNFS Regional Directors to develop programs to manage these animals in cooperation with State and local government officials.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Special Exceptions.

CFR: 50 CFR Subpart 216D.

Legal Authority: Marine Mammal Protection Act of 1972 (16 USC 1361 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Patricia Montanio, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Washington, D.C. 20235, (202) 634–7529.

Timetable:

Action: NPRM.

Date: Aug. 1983.

Abstract: The existing regulations outline procedures for the submission of applications and the issuance of permits for public display and scientific research under the Marine Mammal Protection Act of 1972. These regulations will be substantially revised or deleted depending on the final rule promulgated consolidating and standardizing NOAA's Scientific Research and Public Display Permit Regulations (50 CFR Part 223).

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing The Taking & Importing Marine Mammals: Transfer of Management Authority to the States.

CFR: 50 CFR Subpart 216H.

Legal Authority: Marine Mammal Protection Act of 1972 (16 USC 1361 et seq.).

Effects on Small Entities: No significant economic impact.

Agency Contact: Georgia Cranmore, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–1792.

Timetable:

Action: NPRM Public Comment Period Ended Final Rule.

Date: May 12, 1982, July 12, 1982, Jan. 1983.

FR Cite: 47 FR 20496.

Abstract: The proposed regulations establish procedures for the transfer of marine mammal management authority back to the states, the form and minimum requirements of a state application for the transfer of management authority, the relationship between Federal and state wildlife agencies both prior and subsequent to the transfer of management authority, and the revocation and return to NOAA of management authority once transferred to the states. The regulations will implement recent amendments to the Marine Mammal Protection Act, and will assist in return of marine mammal management to the states.

Additional Information: Neither an RIA nor an RFA is required or will be prepared. The proposed rule would not be a major Federal action significantly affecting the quality of the human environment within the meaning of § 102(2)(C) of the National Environmental Policy Act of 1968. An Environmental Assessment is available.

Unit/Sub Unit: NOAA/NMFS.

Title: Marking Requirements for the Importation, Exportation, & Interstate Transportation of Fish or Wildlife.

CFR: 50 CFR 14.81 et seq.

Legal Authority: Lacey Act Amendments of 1981 (16 USC 3371–3375).

Effects on Small Entities: No significant economic impact.

Agency Contact: Alan F. Mager, Enforcement Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7265.

Timetable:

Action: NPRM.

Date: Not yet determined.

FR Cite:

Abstract: These regulations will enable NOAA to monitor interstate and foreign commerce in fish and fishery products, for the purpose of detecting violations of Federal, state and foreign laws. Regulations will conform to current industry practices.

Additional Information: The regulations will be issued jointly with the Department of the Interior. Neither an RIA nor an RFA is required.

Unit/Sub Unit: NOAA/NMFS.

Title: Financial Aid Program Procedures.

CFR: 50 CFR Part 251.

Legal Authority: Title XI of Merchant Marine Act (46 USC 1271–1279); Section 607 of the Merchant Marine Act (46 USC 1177).

Effects on Small Entities: No significant economic impact is expected on a substantial number of small entities.

Agency Contact: Michael L. Grable, Chief, Financial Services Division, NMFS, NOAA, U.S. Dept. of Commerce, Washington, D.C. 20235, (202) 634–7496.

Timetable:

Action: NPRM Final Rule.

Date: Not yet determined.

FR Cite:

Abstract: This amendment involves revising the conditional fisheries mechanism in order to develop the harvesting of domestic underutilized species by allowing use of financial assistance programs in the construction of so-called combination vessels whose operation for underutilized species is often necessarily associated with economically viable, traditional, and often conditional species. The primary purpose of NOAA's Fishing Vessel Obligation Guarantee and Capital Construction Fund Programs is to enable a sound capitalization of the cost of construction of new fishing vessels. The present conditional fisheries regulations often impede the construction of combination vessels.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Non-Priority Reviews of Existing Regulations

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Notice & Hearing on Section 103 Regulations.

CFR: 50 CFR Subpart 216G.

Legal Authority: Marine Mammal Protection Act of 1972 (16 U.S.C 1361 *et seq.)*

Effects on Small Entities: No significant economic impact.

Agency Contact: Richard B. Roe, Acting Director, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7461.

Date for Start of Review: Jan. 1983.

Target Date for Completion of Review: Not yet determined.

Abstract; The existing regulations establish procedures for promulgating regulations involving: (1) taking of marine mammals incidental to commercial fishing operations, (2) waivers of the moratorium, and (3) taking of depleted marine mammals by Indians, Aleuts, or Eskimos. The regulations establish the rules of practice and procedures for all hearings conducted pursuant to Section 103(d) of the Marine Mammal Protection Act of 1972.

Additional Information: Neither an RIA nor an RFA would be required if it is decided to revise these regulations.

Unit/Sub Unit: NOAA/NMFS.

Title: Marine Mammals: Pribilof Islands.

CFR: 50 CFR Subpart 215A & C.

Legal Authority: Fur Seal Act of 1966 (16 U.S.C. 1151–1182); Re-Reorganization Plan No. 4 of 1970.

Effects on Small Entities: Not yet determined.

Agency Contact: Georgia Cranmore, Office of Marine & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7471.

Date for Start of Review: July 1, 1982.

Target Date For Completion of Review: Spring 1983.

Abstract: The regulations implement the provisions of the Fur Seal Act of 1966 other than those relating to the public display of Fur Seals. The regulations apply to the Administration of the Priblilof Islands and the take of Fur Seals. NOAA is conducting an overall review of the management of the Islands.

Additional Information: An RIA is not required and will not be prepared. If is is decided to revise the regulations it has not yet been determined whether an RFA would be required.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing The Taking and Importing of Marine Mammals: Native Exceptions.

CFR: 50 CFR 216.23.

Legal Authority: Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 *et seq.*)

Effects of Small Entities: No significant economic impact.

Agency Contact: Thomas McIntyre, Office of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7529.

Date for Start of Review: Review is ongoing.

Target Date for Completion of Review: Aug. 1982.

Abstract: The existing regulations establish exemptions to the Marine Mammal Protection Act moratorium on the taking of marine mammals for natives to allow them to take marine mammals for subsistence purposes. The regulations may need to be revised because of amendments to the Marine Mammal Protection Act in October 1981 which changed the nature of the exemption.

Additional Information: Neither an RIA nor an RFA would be required if revisions are needed to the regulations.

Unit/Sub Unit: NOAA/OMB.

Title: General Regulations; Public Information; Public Accessibility to NOAA Information Under the Administrative Procedure Act & the Freedom of Information Act.

CFR: 15 CFR Part 903.

Legal Authority: 5 U.S.C. 552 & 553, 15 U.S.C. 311.

Effects of Small Entities: No significant economic impact.

Agency Contact: Sam Stone, Director, Management Branch, NOAA, U.S. Dept. of Commerce, Science Center, Rockville, Maryland 20852 (301) 443–8192.

Date for Start of Review: March 1982

Target Date for Completion of Review: Not determined.

Abstract: Existing regulations prescribe policies regarding the availability of NOAA materials and records pursuant to the Freedom of Information Act. Review is being conducted to determine more economical procedures for programming requests under the Act.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OMB.

Title: General Regulations; Coordination of Federal & Federally Assisted Programs & Projects.

CFR: 15 CFR Part 905.

Legally Authority: OMB. Circular A–95.

Effects on Small Entities: Not determined.

Agency Contact: Barbara Webster, Acquisition & Grants Management Division, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20230 (301) 443–8503.

Date for Start of Review: July 1982.

Target Date for Completion of Review: Summer 1983.

Abstract: Existing regulations implement OMB Circular A–95 which was designed to promote maximum coordination of Federally Assisted programs. Executive Order 12372 rescinded OMB Circular A–95, July 14,

1982. The regulations will be revised to conform to the Order and to Departmental regulations promulgated thereunder.

Additional Information: None.

Unit/Sub Unit: NOAA/OMB.

Title: General Regulations; Policies & Procedures Regarding Disclosure of Information & NOAA Employee Testimony in Litigation Not Involving the U.S.

CFR: 15 CFR Part 909.

Legal Authority: 15 U.S.C. 313, 1512, 1516; 33 U.S.C. 884; 43 U.S.C. 1458, 1460, 1461.

Effects on Small Entities: No significant economic impact.

Agency Contact: John S. Brookbank, Jr., Office of the General Counsel, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20230 (301) 427-7053.

Date for Start of Review: June 1982.

Target Date for Completion of Review: January 1983.

Abstract: Regulation provides policies and procedures regarding disclosure of NOAA records and data for use in legal proceedings, and rules covering testimony of NOAA employees. Review is being conducted to determine inconsistencies with Department of Commerce rules. Only technical changes are expected.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: NOAA/OMB.

Title: General Regulations; Uniform Relocation Assistance & Real Property Acquisition Policies.

CFR: 15 CFR Part 916.

Legal Authority: 5 U.S.C. 301, 41 U.S.C. 4601 and 4633.

Effects on Small Entities: No significant economic impact.

Agency Contact: Jim Garrett, Facilities & Services Division, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20230 (301) 443-8727.

Date for Start of Review: March 1983.

Target Date for Completion of Review: March 1982.

Abstract: Existing regulations require general policies and procedures for persons displaced by NOAA and NOAA-assisted programs. Review is being undertaken to determine the need for procedural instructions to further implement the regulations.

Additional Information: Neither an RIA nor an RFA is required or being prepared.

Unit/Sub Unit: NOAA/NMFS.

Title: Extension of Commercial/Recreational Salmon off California, Oregon, & Wash. Fishery Management Plan for Fishing Year 1982.

Agency Contact: Herbert Larkins, Dir., Northwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 7600 Sand Point Way, NE, Seattle, WA 98115, (206) 527-6140.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on August 16, 1982 in 47 FR 35489.

Abstract: The intended effect of the regulations is to prevent overfishing, to apportion equitably the ocean harvest between commercial and recreational fisheries, to allow more salmon to survive the ocean fisheries and reach the various inside fisheries, to meet the U.S. obligations to treaty Indian fisheries, and to achieve the 1982 salmon spawning escapement goals.

Unit/Sub Unit: NOAA/NMFS.

Title: Pacific Coast Groundfish Fishery Management Plan: Implementing Regulations.

Agency Contact: Herbert Larkins, Dir., Northwest Region, NMFS, NOAA, U.S. Dept. of Commerce, 7600 Sand Point Way, NE, Seattle, WA 98115 (206) 527-6140.

Where Listed in Prior Agenda: RUD.

Action Taken: Final Rule issued on Oct. 5, 1982 in 47 FR 43964.

Abstract: The purpose of this Fishery Management Plan and its implementing regulations is to achieve the optimum yield from the Pacific Coast groundfish fishery.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 3 to the High Seas Salmon Fishery Management Plan: Implementing Regulations.

Agency Contact: Robert W. McVey, Dir., Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802 (907) 586-7221.

Where Listed in Prior Agenda: RUD.

Action Taken: No regulations will be proposed or issued.

Abstract: A reduction in harvest limit within existing optimum yield was announced on May 14, 1982 in 47 FR 20830 in lieu of Amendment No. 3.

Unit/Sub Unit: NOAA/NMFS.

Title: Spiny Lobster Fishery of the Gulf of Mexico & South Atlantic Fishery Management Plan: Implementing Regulations.

Agency Contact: Jack T. Brawner, Acting Regional Dir., Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, FL 33702 (813) 893-3141.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule issued on July 2, 1982 in 47 FR 29202.

Abstract: The intended effect of these regulations is to prevent overfishing, increase the yield from the fishery, reduce user-group conflicts, and obtain the basic information required for improved management of the fishery.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 4 to the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic: Implementing Regulations.

Agency Contact: Allen E. Peterson, Jr., Dir., Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930, (617) 281-3600.

Where Listed in Prior Agenda: RUD

Action Taken: No regulation will be proposed or issued.

Abstract: Regulations to implement Amendment No. 4 will not be issued because the entire Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic has been withdrawn. Federal management of this fishery has been terminated until such time as the New England Fishery Management Council prepares a new Fishery Management Plan which is approved and implemented.

Unit/Sub Unit: NOAA/NMFS.

Title: Atlantic Sea Scallops Fishery Management Plan: Implementing Regulations.

Agency Contact: Allen E. Peterson, Jr., Dir., Northeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 14 Elm St., Gloucester, MA 01930, (617) 281-3600.

Where Listed in Prior Agenda: RUD

Action Taken: Final Rule published on August 16, 1982 in 47 FR 35990.

Abstract: This final rule (50 CFR Part 650) implements the Fishery Management Plan for Atlantic Sea Scallops. These regulations are intended to allow the fishery for Atlantic Sea Scallops to attain optimum yield.

Unit/Sub Unit: NOAA/NMFS.

Title: Amendment No. 10 to the Groundfish of the Gulf of Alaska Fishery Management Plan: Implementing Regulations.

Agency Contact: Robert W. McVey, Dir., Alaska Region, NMFS, NOAA, U.S. Dept. of Commerce, P.O. Box 1668, Juneau, AK 99802, (907) 586-7221.

Where Listed in Prior Agenda: RUD

Action Taken: Final rule published on June 2, 1982 in 47 FR 23936.

Abstract: The intended effects of these regulations which implement Amendment No. 10 to the Groundfish of the Gulf of Alaska Fishery Management Plan are to (1) reduce the problem of gear conflicts and grounds preemption caused by foreign fishermen, (2) alleviate high incidental catches of Pacific halibut in incidental catches of Pacific halibut in the foreign trawl fishery, and (3) aid the recovery of the severely depressed Pacific ocean perch resource.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain

Other Processed Food Products: U.S. Standards for Grades of Fish Steaks.

Agency Contact: James R. Brooker, Seafood Research Inspection & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7458.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title is now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Fish Fillets.

Agency Contact: James R. Brooker, Seafood Research Inspection & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7458.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title is now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Crustacean Shellfish Products (Frozen Raw Headless Shrimp).

Agency Contact: James R. Brooker, Seafood Research Inspection & Consumer Services Div., NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7458.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed. An interim rule was issued on May 20, 1982 in 47 FR 21840. Title is now listed under non-priority current and projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Processed Fishery Products, Processed Products Thereof, & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom (Grades of Frozen Fried Fish Portions).

Agency Contact: James R. Brooker, Seafood Research, Inspection & Consumer Services Div., NMFS, NOAA, Dept. of Commerce, Wash., D.C. 20235 (202) 634–7458.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title is now listed under non-priority current and projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Establishing Restricted Fishing Areas and Gear Requirements to Protect Sea Turtles.

Agency Contact: Charles Oravetz, Southeast Region, NMFS, NOAA, U.S. Dept. of Commerce, 9450 Koger Blvd., St. Petersburg, Florida 33702 (813) 893–3366.

Where Listed in Prior Agenda: RUD.

Action Taken: No regulations will be proposed or issued.

Abstract: Regulations to establish restricted fishing areas and gear requirements, such as turtle excluder devices, were being considered in an effort to reduce the incidental catch of sea turtles by the commercial shrimp industry in the southeastern United States. NOAA has concluded that a voluntary program rather than regulations would better suit the present available gear situation. Preliminary indications are that the use of experimental gear can reduce the incidental catch of sea turtles by more than 95%. However, use of existing experimental gear is not suitable for all situations. A testing period is needed to perfect this gear. The gear has potential economic benefits to shrimp fishermen. A voluntary program is the best way to encourage shrimp fishermen to adopt this gear. Moreover, the fishermen will be able to provide valuable information on the refinements and modifications that would be necessary for effective use of the gear by a majority of the fishermen. This program includes demonstrations of the gear at various ports used by commercial shrimp fishermen.

Unit/Sub Unit: NOAA/NMFS.

Title: Endangered Species: Genral Provisions.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, no revisions are necessary.

Abstract: This regulation (50 CFR Part 217) introduces NOAA's Endangered Species Act regulations (50 CFR Parts 217–227).

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Introductions and Prohibitions.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, no revisions are needed.

Abstract: Subpart A of 50 CFR Part 216 is the Introduction to the Marine Mammal Protection Act regulations and includes purpose and scope, definitions and other laws that interface with the Act. Subpart B of 50 CFR Part 216 describes prohibited acts, cites pre-Act exceptions and lists depleted species.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Collection of Certain Marine Mammal Parts.

Agency Contact: Thomas McIntyre, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, no revisions are needed.

Abstract: These regulations (50 CFR 216.26) provide for the legal possession of certain marine mammal parts whose possession is otherwise prohibited by the Marine Mammal Protection Act.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Taking by State & Local Government Officials.

Agency Contact: Thomas McIntyre, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking and Importing of Marine Mammals: Approvals & Review of State Laws.

Agency Contact: Georgia Cranmore, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–1792.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current and project rulemakings.

Abstract: See abstract for this regulation listed under non-priority current and projected rulemakings. The regulation is there retitled as

Regulations Governing the Taking and Importing of Marine Mammals: Transfer of Management Authority to the States.

Unit/Sub Unit: NOAA/NMFS.

Title: Whaling Provisions: Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes.

Agency Contact: Richard B. Roe, Acting Director, Ofc . of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7461.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on May 11, 1982 in 47 FR 20137.

Abstract: Whaling activities conducted domestically by U.S. citizens for subsistence purposes are subject to the terms of the Whaling Convention Act which implements the Schedule of the International Convention for the Regulation of Whaling, 1946. In July 1980 the International Whaling Commission adopted an amendment to the Schedule, which established a three-year quota for the taking of Bowhead whales for the years 1981, 1982, and 1983. A cooperative agreement between NOAA and the Alaska Eskimo Whaling Commission provides specifically for the management of the Bowhead hunt. The final regulations prohibit Bowhead whaling except under the cooperative agreement.

Unit/Sub Unit: NOAA/NMFS.

Title: Regulations Governing the Taking & Importing of Marine Mammals: Special Exceptions.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current and projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Determination of Critical Habitat for Endangered & Threatened Species of Sea Turtles in Mosquito Lagoon, Fl.

Agency Contact: Richard B. Roe, Acting Director, Ofc . of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7461.

Where Listed in Prior Agenda: RUD.

Action Taken: Regulation will not be proposed or issued.

Abstract: Mosquito Lagoon has been determined not to meet the criteria specified for designating critical habitats under Section 4 of the Endangered Species Act of 1973. The area probably is not used regularly by significant numbers of sea turtles. Thus, the proposed action would not provide additional protection for endangered or threatened sea turtles.

Unit/Sub Unit: NOAA/NMFS.

Title: Endangered Species: General Permit Procedures.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, Marine Fisheries Service, NOAA, U.S. Dept of Commerce, Wash., D.C. 20235, (202) 634–7529.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/NMFS.

Title: Marine Mammals: Federal/State Cooperation in the Conservation of Endangered & Threatened Species.

Agency Contact: Charles Karnella, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235, (202) 634–7471.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed, no revisions are necessary.

Abstract: These regulations (50 CFR Part 225) implement Section 6 of the Endangered Species Act, which requires that the Secretary of Commerce, in carrying out programs authorized by that Act, cooperate to the maximum extent practicable with the states.

Unit/Sub Unit: NOAA/NMFS.

Title: Fish & Wildlife Coordinating Act: Uniform Procedures for Compliance.

Agency Contact: Kenneth Roberts, Acting Director, Ofc. of Habitat Protection, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C., (202) 634–7490.

Where Listed in Prior Agenda: RUD.

Action Taken: Proposed rule was withdrawn on July 19, 1982 in 47 FR 31299 in favor of entering into a memoranda of agreement between the Departments of Commerce and the Interior and issuing other Executive instructions.

Abstract: The proposed rule was intended to implement the Fish and Wildlife Coordination Act by requiring the Department of Commerce and the Department of Interior to give equal consideration to fish and wildlife concerns in any water resource decisions. Administrative action was considered for more efficient and less cumbersome than a regulation.

Unit/Sub Unit: NOAA/NMFS.

Title: Termination of Utility Services: Pribilof Islands.

Agency Contact: Georgia Cranmore, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–1792.

Where Listed in Prior Agenda: RUD.

Action Taken: Review suspended.

Abstract: NOAA had planned to develop regulations to assist in collecting debts owed the Federal Government by Pribilof Island residents for unpaid utility bills. This regulatory activity has been suspended and no further action is contemplated pending completion by NOAA of an overall review of the management of the Islands.

Unit/Sub Unit: NOAA/NMFS

Title: Public Display of Fur Seals: Pribilof Islands.

Agency Contact: Patricia Montanio, Ofc. of Marine Mammals & Endangered Species, NMFS, NOAA, U.S. Dept. of Commerce, Wash., D.C. 20235 (202) 634–7529.

Where Listed in Prior Agenda: RUR:

Action Taken: Review completed, revisions will be proposed. Title now listed under non-priority current & projected rulemakings.

Abstract: See abstract for this title under non-priority current and projected rulemakings.

Unit/Sub Unit: NOAA/OCZM.

Title: Implementation of the Coastal Zone Management Act of 1980.

Agency Contact: Vickie A. Allin, Acting Deputy Dir., Policy, Evaluation & External Relations, Ofc. of Coastal Zone Mgmtn., NOAA, U.S. Dept. of Commerce, 3300 Whitehaven St., N.W. Wash., D.C. 20235 (202) 634–4245.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on May 17, 1982 in 47 FR 21009.

Abstract: These regulations implement key provisions of the Coastal Zone Management Improvement Act of 1980 (CZMA). These areas include: Section 303/306—Significant improvements. Section 306(b)—Program administration grants allocation formula. Section 308—Administering CEIP grants. Section 312—Review of performance.

The final rules implementing Sections 303 and 306(a) broadly define "significant improvements" to include state accomplishments that add elements to current management programs or strengthen existing program elements. Generally, the final significant improvement regulations provide for a flexible and cooperative approach so that coastal states and NOAA can effectively deal with the phase down of Federal funding.

The allocation formula (Section 306(b)) in the final regulations is simple, straight forward, and easy to administer and will minimize the disruption in state funding from current levels. The formula is based on (1) an established minimum share allocated to each state and (2) a proportionate share of the remainder to be allocated 60 percent on the length of shoreline, which provides a reasonable approximation of the magnitude of the resource to be managed, and 40 percent on coastal county population which provides a reasonable approximation of the pressures for use of coastal resources.

The final regulations implementing Section 308(c)(3) have been combined with existing regulations implementing Sections 308(c)(1) and (2) and replace Subpart D (Planning for the Consequences of Energy Facilities) and Subpart L (OCS State Participation Grants) of 15 CFR Part 931—the Coastal Energy Impact Program (CEIP) regulations. The final regulations, therefore, govern the award of all grants under Section 308(c). Consolidation of the three categories of Section 308(c) grants under one subpart will greatly simplify the regulations for administering the CEIP. Under this consolidated approach, states will receive one allotment under Section 308(c) that they will then apportion at their discretion among the allowable uses of Subsections (c)(1) and (3).

Section 312 of the CZMA requires a "continuing review of the performance of coastal states with respect to coastal management." This review must include a written evaluation that assesses the extent to which the state has: (1) implemented and enforced its approved program; (2) addressed the coastal management needs identified in Section 303(2)(A)–(I) of the CZMA; and (3) adhered to the terms of any grant, loan or cooperative agreement funded under the CZMA. The basic requirements for continuing review are set forth in the regulations, which provide that evaluations will be conducted in the course of continuing reviews and that written findings will be prepared.

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VIII. National Telecommunication and Information Administration

Non-Priority Current and Projected Rulemakings

Unit/Sub Unit: NTIA.

Title: Public Telecommunications Facilities Program.

CFR: 15 CFR Part 2301.

Legal Authority: Public Telecommunications Finance Act of 1978 (47 USC 390 *et seq.*), as amended by the Public Broadcasting Amendments Act of 1981 (Pub. L. No. 97–35).

Effects on Small Entities: No significant economic impact.

Agency Contact: Robert M. Hunter, Ofc. of the Chief Counsel, Natl. Telecommunications & Information Admin. U.S. Dept. of Commerce, Washington, D.C. 20230 (202) 377–1816.

Timetable:

Action: Interim Rules & Policy Statement. Final Rules.

Date: Mar. 15, 1982, Oct. 1982.

FR Cite: 47 FR 11228.

Abstract: Under the Public Telecommunications Facilities Programs (PTFP) NTIA makes matching grants to nonprofit organizations to assist in the planning and construction of public telecommunications facilities. By a PTFP Report and Order published in 1979 in 44 FR 30895 and made part of 15 CFR Part 2301 NTIA had required grantees to use Federally funded equipment "only" for public telecommunications purposes. By Interim Rules and a Policy Statement published in 1982 in 47 FR 11228 NTIA amended its PTFP regulations to allow grantees more flexibility in the use of Federally funded equipment. The purpose of this change was to assist grantees in meeting their increasing financial needs by and authorizing them limited use of Federally funded equipment for "other than public telecommunications purposes." This was done by amending the regulations to require grantees to use Federally funded equipment "primarily" for public telecommunications purposes. In the course of making these amendments, NTIA rewrote numerous sections of the rules governing the PTFP to simplify and clarify them and to rewrite the list of priorities under which grants would be made.

This action will result in some increase in the use of Federally funded equipment and a concomitant increase in the need for repair and replacement of the equipment. As yet, NTIA has no data on which to base an estimate of the costs of the change in policy. It is anticipated, however, that the "costs"—in terms of more frequent repair and replacement of facilities—will be more than offset by the benefits—cash income—generated by the grantees' use of the equipment for "other than public telecommunications purposes."

NTIA has received public comments on the Interim Rules and is now evaluating those comments.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

NTIA's PTFP rules affect a number of smalll entities, generally nonprofit organizations and educational institutions. The changes in NTIA's regulations now authorize grantees to a limited extent to engage in "other than public telecommunications activities" with the view toward increasing their economic viability and thereby decreasing their dependence on Federal support. While the changes allow grantees to generate revenue, it is not anticipated that the amount of revenue will be substantial enough to displace Federal support at this time. Therefore, the economic impact on small entities is not viewed as significant.

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IX. Office of Productivity, Technology and Innovation

Priority Current and Projected Rulemakings

Unit/Sub Unit: OPTI.

Title: Centers for Industrial Technology.

CFR: 15 CFR Part 17a.

Legal Authority: 15 USC 272, 1512; Sec. 6 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 USC 3705); Reorganization Plan No. 5 of 1950; Reorganization Plan No. 3 of 1946.

Effects on Small Entities: No significant economic impact.

Agency Contact: Egils Milbergs, Dir., Ofc. of Productivity, Tech. & Innov., U.S. Dept. of Commerce, Wash., D.C. 20230 (202) 377–1581.

Timetable:

Action: NPRM Public Comment Period Ended Final Rule.

Date: May 12, 1982, June 12, 1982, Jan. 1983.

FR Cite: 47 FR 20316.

Abstract: 15 CFR Part 17a provides for grants and technical services from the Department of Commerce to establish Centers for Industrial Technology under the Cooperative Generic Technology Program. As funding is not available for grants for developing these Centers, the Department is studying how best to encourage the private sector to develop cooperative research and development arrangements without grants. The proposed substitute rules published for comment on May 12, 1982 provide procedures whereby members of the public and private sectors can apply for and receive technical assistance from the Department of Commerce in the establishment of privately-funded cooperative R&D activities.

Potential benefits of providing technical assistance in the formation of private sector cooperative R&D ventures include fostering innovation of new products and processes. The only potential cost is that of the staff personnel providing technical assistance. Alternative programs to assist the private sector are under consideration.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

BILLING CODE 3510-09-M

X. Patent and Trademark Office

Priority Current and Projected Rulemakings

Unit/Sub Unit: PTO.

Title: Trademark Applications Examination Proceedings; Trademark Interference, Concurrent Use, Opposition & Cancellation Proceedings; Trademark Post-Registration Proceedings.

CFR: 37 CFR Parts 2.20, 2.27, 2.63–2.65, 2.72, 2.81, 2.88, 2.94–2.113, 2.115–2.117, 2.120–2.129, 2.131, 2.132, 2.134, 2.135, 2.142, 2.146–2.148 2.165, 2.173, 2.184 and 2.186.

Legal Authority: 15 USC 1123.

Effects on Small Entities: No significant economic impact.

Agency Contact: Janet E. Rice, Trademark Trial & Appeal Board, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3551.

Timetable:

Action: NPRM Hearing Scheduled Final Rule.

Date: June 29, 1982, Oct. 4, 1982, May 1983.

FR Cite: 47 FR 28324, 47 FR 33991.

Abstract: The trademark rules need to be revised to clarify and simplify procedures and to codify existing practice. The proposed revision will not adversely affect substantive trademark rights. Procedures will be simplified and proceedings in the PTO will be expedited without significant effect on the economy or on a substantial number of small entities.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: Revision of Patent Procedures.

CFR: 37 CFR Parts 1.4, 1.6–1.9, 1.10, 1.22, 1.41–1.43, 1.45, 1.46, 1.48, 1.52–1.57, 1.60, 1.63–1.65, 1.67, 1.69, 1.70, 1.77, 1.97, 1.98, 1.101, 1.118, 1.123, 1.125, 1.141, 1.153, 1.154, 1.162, 1.163, 1.172, 1.174, 1.175, 1.324, 1.325, 1.335.

Legal Authority: 35 USC 6.

Effects on Small Entities: No significant economic impact.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Com. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (603) 557–3054.

Timetable:

Action: NPRM Hearing Final Rule.

Date: Oct. 1982, Dec. 1982, Jan. 1983.

FR Cite:

Abstract: The procedures for filing and examining patent applications need to be revised to make them consistent with the requirements of Pub. L. No. 97–247. The proposed revision is intended to benefit patent applicants and will have no significant effect on the economy or adverse impact on small entities.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: Continuation-in-Part Applications: Oath or Declaration.

CFR: 37 CFR Part 1.65.

Legal Authority: 35 USC 6.

Effects on Small Entities: No significant economic impact.

Agency Contact: Louis O. Maasell, Ofc. of the Asst. Com. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3070.

Timetable:

Action: NPRM Public Comment Period Closed Final Rule.

Date: Jan. 28, 1981, Mar. 31, 1981, Jan. 1983.

FR Cite: 46 FR 9121.

Abstract: The existing regulation needs to be amended so that the PTO can obtain additional information in the oath or declaration in continuation-in-part applications. The additional information to be provided by the applicant, will reduce the risk of invalidity if a patent is issued and later challenged in court.

The amendment will have relatively minor economic impact and will not affect a large number of small entities.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: File Wrapper, Continuing Applications Procedures.

CFR: 37 CFR Parts 1.62 and 1.138.

Legal Authority: 35 USC 6.

Effects on Small Entities: No significant economic impact.

Agency Contact: Louis O. Maassel, Ofc. of the Asst. Com. for Patents, U.S Patent and Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3070.

Timetable:

Action: NPRM Hearing Held Final Rule.

Date: Nov. 7. 1980, Feb. 4, 1981, Nov. 1982.

FR Cite: 45 FR 73965.

Abstract: The existing regulations need to be amended to allow the prosection of patent applications to continue after a final rejection upon payment of an additional fee. The need for filing a complete new application to continue prosecution would be eliminated, and the paperwork burden on inventors and the PTO would be reduced.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: Requests for Identifiable Records.

CFR: 37 CFR Part 1.15.

Legal Authority: 35 USC 6.

Effects on Small Entities: No significant economic impact.

Agency Contact: John W. Dewhirst, Ofc. of the Solicitor, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–3542.

Timetable:

Action: NPRM.

Date: Nov. 1982.

FR Cite.

Abstract: The existing regulations govern request for records not disclosed to the public as part of PTO's informational activities. The regulations need to be revised to eliminate obsolete provisions.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Unit/Sub Unit: PTO.

Title: Advertising by Practitioners; Professional Conduct.

CFR: 37 CFR Parts 1.344, 1.345, 2.13 and 2.14.

Legal Authority: 35 USC 6; 15 USC 1123.

Effects on Small Entities: No significant economic impact.

Agency Contact: Fred E. McKelvey, Ofc. of the Solicitor, U.S. Patent and Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557–2237.

Timetable:

Action: NPRM Final Rule.

Date: Nov. 1982, May 1983.

FR Cite:

Abstract: The existing regulations needs to be revised to conform to current American Bar Associaiton standards of conduct and advertising for persons registered to practice before the Patent and Trademark Office. The amendment will have no significant effect on the economy or on a substantial number of small entities. The overall effect of the amendments will be to remove a restriction against advertising.

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Completed Actions

Unit/Sub Unit: PTO.

Title: Revised Fee Schedule.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Com. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557-3054.

Where Listed in Prior Agenda: RUD.

Action Taken: Revised fee schedules published on July 30, 1982 in 47 FR 33086, on Sept. 10, 1982 in 47 FR 40134, & on Sept. 30, 1982 in 47 FR 43276.

Abstract: The patent and trademark fee schedules were revised in accordance with the requirements of Pub. L. No. 97-247.

Unit/Sub Unit: PTO.

Title: Reissue, Reexamination, Protest & Examination Procedures in Patent Cases.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Com. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557-3054.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on May 19, 1982 in 47 FR 21746.

Abstract: The existing patent examination rules were amended relating to reissue applications, protests to the issuance of patents, and duty of disclosure.

Unit/Sub Unit: PTO.

Title: Trademark Applications: Filing Dates.

Agency Contact: Alan B. Davidson, Ofc. of the Asst. Comm. for Trademarks, U.S. Patent & Trademarks Office, U.S. Dept. of Commerce, Wash., D.C. 20231, (703) 557-3916.

Where Listed in Prior Agenda: RUD.

Action Taken: Final rule published on Sept. 2, 1982 in 47 FR 38693.

Abstract: The filing dates and requirements for trademark applications contained in the trademark regulations were amended to reduce special handling and delays.

Unit/Sub Unit: PTO.

Title: Rules of Practice in Patent Cases.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Comm. for Patents, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231 (703) 557-3054.

Where Listed in Prior Agenda: RUR.

Action Taken: Final rules published on May 19, 1982 in 47 FR 21746 and on July 30, 1982 in 47 FR 33086.

Abstract: The Rules of Practice in Patent Cases (37 CFR Part 1) were amended to curtail reissue and protest procedures and to make changes required by the new fee schedule.

Unit/Sub Unit: PTO.

Title: Forms for Patent Cases.

Agency Contact: R. Franklin Burnett, Ofc. of the Asst. Comm. for Patents, U.S. Patents & Trademark Ofc., Dept. of Commerce, Wash., D.C. 20231 (703) 557-3054.

Where Listed in Prior Agenda: RUR.

Action Taken: Existing regulations repealed on Sept. 10, 1982 in 47 FR 40134.

Abstract: The regulations (37 CFR Part 3) were repealed because all current forms are contained in a separate form booklet prepared and available from the Superintendent of Documents.

Unit/Sub Unit: PTO.

Title: Government Inventions Jurisdiction.

Agency Contact: O.A. Neumann, Ofc. of the Solicitor, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231 (703) 557-3539.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed; no revisions to regulations needed.

Abstract: The existing regulations (37 CFR Parts 100-102) provide procedures for enforcing a uniform Government-wide policy regarding title to inventions made by Government employees in the course of their employment.

Unit/Sub Unit: PTO.

Title: Register of Government Interests in Patents.

Agency Contact: Kenneth L. Cage, Special Laws Administration Group, U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231 (703) 557-2877.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed; no revisions to regulations needed.

Abstract: The existing regulations (37 CFR Part 7) provide for the recording by the Patent and Trademark Office of all licenses, assignments, or other interests of the Government in or under patents or applications for patents.

Unit/Sub Unit; PTO.

Title: Procedures for Enforcing Regulations Relating to Use of Patent & Trademark Ofc. Records Facilities.

Agency Contact: Theresa Brelsford, Ofc. of the Asst. Comm. for Admin., U.S. Patent & Trademark Ofc., U.S. Dept. of Commerce, Wash., D.C. 20231 (703) 557-2290.

Where Listed in Prior Agenda: RUR.

Action Taken: Review completed; no changes will be made at this time.

Abstract: These regulations which are not codified prescribe internal Patent and Trademark procedures for enforcing regulations relating to the use of PTO records facilities by PTO employees.

[FR Doc. 82-28061 Filed 10-27-82; 8:45 am]

BILLING CODE 3510-16-M

federal register

Thursday
October 28, 1982

Part V

Department of Defense

Office of the Secretary

Improving Government Regulations; Semiannual Agenda of Regulations for Period: May 1, 1982–September 1, 1982

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chs. I, V, VI, and VII

33 CFR Ch. II

36 CFR Ch. III

Improving Government Regulations; Semiannual Agenda of Regulations for Period: May 1, 1982–September 1, 1982

AGENCY: Department of Defense.

ACTION: Publication of DoD's semiannual agenda of regulations under review or development.

SUMMARY: The Department of Defense is publishing its third semiannual agenda of regulations for public information and comments under E.O. 12291, "Federal Regulation." This agenda incorporates the objectives and criteria, when applicable, of the regulatory reform program under E.O. 12291. It contains DoD issuances initiated by DoD Components that have been reviewed to determine their economic and environmental impact on state, local, public or private interests under the criteria of E.O. 12291. Although most DoD issuances listed in the agenda are of negligible public impact, their nature may be of public interest and are therefore published to provide notice and an opportunity for participation in the DoD rulemaking process.

This agenda updates the version published in April 1982 and covers the period May 1, 1982 to September 1, 1982. The next agenda is scheduled to be published in April 1983. In addition to this agenda, DoD Components also publish, for public review, issuances pertaining to their specific statutory administrative requirements.

FOR FURTHER INFORMATION CONTACT: For information concerning the overall DoD regulatory improvement and general semiannual agenda information contact Colonel Peter H. Karalus, telephone 202–695–4281 or write to Directorate for Organizational and Management Planning, OASD(C), Washington, D.C. 20301.

For questions of a legal nature concerning the agenda and its statutory requirements or obligations contact Ms. Kathleen Buck, legal counsel, Office of the General Counsel, Washington, D.C. 20301, or call 202–697–2714.

For specific agenda items, contact the appropriate individual indicated in each DoD Component report.

SUPPLEMENTARY INFORMATION: This consolidated agenda is composed of the regulatory status reports from the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force. The issuances identified herein are not major regulations that impact significantly upon the public, the economy, state, or private institutions as defined under E.O 12291, nor do they have a substantial ecomomic impact upon a significant number of small business entites under the criteria of the Regulatory Flexibility Act (Pub. L. 96–354).

DoD issuances range from DoD Directives (reflect departmental policy) to Implementing Instructions and Regulations (largely internal in nature and used to implement Directives). The OSD agenda section, therfore, contains the Directives under which DoD components promulgate their implementing regulations.

To facilitate identification and to clarify the differences among these issuances, they are identified by their DoD internal numbering system which denotes Component level of authority and type of issuance in addition to the required CFR number.

In addition, the format of this DoD Agenda has been revised to accommodate a proposed "Unified Agenda of Federal Regulations" which standardizes the Agenda format for all Federal Agencies. This revised format and report structure is intended to provide a more comprehensive and systematic means of monitoring regulatory activity in each Federal Agency. The information presented in this report therefore incorporates these changes which are basically the reporting requirements under E.O. 12291 and identifies rules subject also to the Regulatory Flexibility Act. Accordingly, this DoD Agenda incorporates these requirements when determined applicable to DoD issuances and, in addition, identifies those rules which may be subject to the reporting requirements of P. L. 96–511, "The Paperwork Reduction Act." Individual DoD Component agenda reports may vary the reporting format on account of their separate mission functions and responsibliities in the rulemaking process.

Included in this agenda is the fourth regulatory report from the U.S. Army Corps of Engineers, whose civil works functions fall under the reporting requirements of E.O. 12291. Their agenda will reflect these requirements and follow-on reporting actions will be taken, as necessary.

Although not a regulatory agency, the Department of Defense will continue to participate in regulatory initiatives designed to reduce economic costs and unnecessary environmental burdens upon the public. Comments and recommendations are invited on the revised format and to rules reported and shoud be addressed to the DoD Component representatives identified in each section. Comments are also invited on the revised format and should be addressed to the DoD Regulatory Coordinator; Directorate for Organizational and Management Planning, OASD(C); Room 3A326, The Pentagon; Washington, D.C. 20301.

Note.—The publishing of this agenda does not waive the applicability of the military affairs exemption in title 5, section 553 and section 1 of Executive Order 12291.

Although sensitive to the needs of the public and regulatory reform, DoD reserves the right to exercise the exemptions and flexibility permitted in its rulemaking process in order to proceed with its overall defense-oriented mission.

Arthur H. Ehlers,
Acting Deputy Assistant Secretary of Defense.
September 20, 1982.

AGENCY: Office of the Secretary, DoD.

ACTION: OSD Semiannual Agenda of Regulatory Documents Developed or Proposed for the Period May 1 through September 1, 1982.

SUMMARY: The regulatory mateial listed below is in 3 parts: (1) current and projected rule making; (2) review of existing regulations; and (3) completed actions.

FOR FURTHER INFORMATION CONTACT: Contact officials' names and telephone numbers appear after each agenda item. For other information on the agenda, contact Mrs. M. S. Healy, Directives Division, C&D, OSD, telephone 202–697–4111.

SUPPLEMENTARY INFORMATION: *E. O. 12291.* None of the regulatory documents listed below is a "major rule" and no major rules are presently under development.

Regulatory Flexibility Act, section 610. OSD has screened its existing regulatory documents and has concluded that none of its regulations or similar documents causes significant impact on a substantial number of small entities.

Paperwork Reduction Act, Pub. L. 96–511. None of the DoD regulatory documents listed in the agenda require information collection reports affecting the public sector under the criteria of Pub. L. 96–511.

The OSD agenda follows:

I. CURRENT AND PROJECTED RULE MAKING

[May 1, 1982-Sept. 1, 1982]

Title	Agency contact	CFR/DoD Doc Nr	Legal authority	Abstract/time table
Identification of Institutions of Higher Learning that Bar Recruiting Personnel from their Premises.	Ronald G. Liveris, 202-697-0250.	32 CFR Part 216, DoD Directive 1322.13.	Pub. L. 92-436, Section 606(a) 1973.	This proposed rule, to be published shortly, is intended to implement section 606 of Pub. L. 92-436, which provides that no funds appropriated for DoD may be used at any institution that bars recruiting personnel on their premises.
The DoD Explosives Safety Board	M. Healy, 202-697-4111	32 CFR Part 186, DoD Directive 5154.4.	10 U.S.C., Section 172	To be reissued within 90 days.
Publication of Proposed Adopted Regulations Affecting the Public.	M. Healy, 202-697-4111	32 CFR Part 296, DoD Directive 5400.9.	5 U.S.C. 551, 552 and 553.	To be reissued within 90 days.

II. REVIEW OF EXISTING RULES

[May 1, 1982-Sept. 1, 1982]

Title	Agency contact	CFR/DoD Doc Nr	Legal authority	Abstract/time table
Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).	Charles M. Gallegos, 303-361-[illegible].	32 CFR Part 199, DoD 6010.8-R.	Pub. L. 97-114	Continuous review.
Intergovernmental Coordination of DoD Land and Facility Plans and Projects.	David McKinnon, 697-3306	32 CFR Part 243, DoD 4165.61	E.O. 12372	Being reviewed to incorporate E.O. 12372. Final rules to be published by April 30, 1983.

III. COMPLETED ACTIONS

[May 1, 1982-Sept. 1, 1982]

Title	Agency contact	CFR/DoD Doc Nr	Legal authority	Abstract/time table
Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).	Charles M. Gallegos, 303-361-[illegible].	32 CFR Part 199, DoD 6010.8-R, Amend No. 16.	10 U.S.C. 1079, 1086, 5 U.S.C. 301.	This amends beneficiary signature requirements for the CHAMPUS claims forms. Final rule published 47 FR 35765, published August 17, 1982.
Do	Do	32 CFR Part 199, DoD 6010.8-R, Amend No. 15.	Pub. L. 97-114	This amends elimination of nonavailability statement where primary insurance covers 75 percent of the cost. Final rule published 47 FR 20122, May 11, 1982.
Do	D0	32 CFR Part 199, DoD 6010.8-R, Amend No. 14.	Pub. L. 97-114	This amends benefit consideration for electric-powered cart-type vehicles. Final rule published 47 FR 20123, May 11, 1982.
Discharge Review Boards (DRB) Procedures and Standards.	Colonel Thomas Cuthbert, 202-697-3387.	32 CFR Part 70, DoD Directive 1332.28.	10 U.S.C. 1553, 38 U.S.C. 101 and 3103, as amended.	Revises Discharge Review Board Procedures and Standards; final rule published 47 FR 37770, August 26, 1982.
Reserve Officers' Training Corps Program for Secondary Educational Institutions.	Alvin Tucker, 202-695-1760	32 CFR Part III, DoD Directive 1205.13.	10 U.S.C. 2031, as amended	Updates DoD policies for the organization and administration of the junior ROTC; final rule published 47 FR 36615, August 23, 1982.
Use of Contractor and DoD Resources for Maintenance of Materiel.	Robert T. Mason, 202-695-0338	32 CFR Part 179, DoD Directive 4151.1.	5 U.S.C. 301	Update and clarification of existing directive on depot support of materiel., Final rule published 47 FR 35961, August 18, 1982.
Armed Services Military Clubs and Package Stores.	Major A. Szurgyi, 202-697-9525	32 CFR Part 261, DoD Directive 1015.3.	50 U.S.C. Appendix, Section 473, Section 6.	Update of existing directive, incorporating regulatory requirements mandated by Congress. Final rule published 47 FR 34533, August 10, 1982.
Senior Reserve Officers Training Corps Programs.	Alvin Tucker, 202-695-1760	32 CFR Part 92, DoD Directive 1215.8.	5 U.S.C. 301, 10 U.S.C. 511, 672(d); 2102(b), (2), and (3), and 2109; 11 U.S.C..	Update of ROTC policy; it incorporates active duty commitment and reimbursement requirements and other mandated changes. Final rule published 47 FR 19322, May 5, 1982.

BILLING CODE 3810-01-M

AGENCY: Department of the Army.

ACTION: Semiannual agenda of regulatory information under review or development by the Department of the Army.

SUMMARY: The Department of the Army published its first agenda in 1978 and annually thereafter in compliance with Executive Order 12044, Pub. L. 96-354 and the DOD plan for improving Government Regulations. This agenda provides the status of regulations that were previously reported.

SUPPLEMENTARY INFORMATION: The Department of the Army has no major regulations under development which meet the criteria of Pub. L. 96-354 and Executive Order 12291.

I. CURRENT AND PROJECTED RULEMAKING (12-MO PROJECTIONS)

[May 1, 1981–Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal authority	Abstract/time table
The Army General Counsel's, Honors Program.	LTC Taylor (202) 695-0562, office of the Army General Counsel.	32 CFR 585	10 U.S.C. §§ 3012, 3065	Establish policy & procedures governing Army General Counsel's Honors Program. To recruit highly qualified attorney's to fill vacancys in the Army General Counsel's Office. Purpose Rule under comment period. Does not meet RIA, RFA, and Paperwork Act requirements. To be completed by end of 1982.

II. REVIEW OF EXISTING REGULATIONS

[May 1, 1982–Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal Authority	Abstract/time table
Environmental Quality, Environmental Effects of Army Actions.	Gary Robinson, Army Environmental Office (202) 694-3434.	32 CFR 651	42 USC 4321 et seq.	Changes to existing Rule to clarify procedures and policies, as a result of experience and practice gained since initial issuance of this Rule. Does not need RIA, RFA, and Paperwork Act requirements. Expected publication, Sept. 82.

III. COMPLETED ACTIONS

[May 1, 1982–Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal Authority	Abstract/time table
Freedom of Information Act; implementation.	Mr. William Walker, (202) 325-6163, the Adjutant General's Office.	32 CFR 519 (47FR 35590)	5 USC 552	Revision of Army Regulation to ensure consistency with DOD policy. Rule does not meet the RIA, RFA, and Paperwork Act requirements. Completed August 16, 1982.
Claims against the United States	Mr. Gormain Boyle, (301) 677-7960, the Army Claims Service.	32 CFR 536	28 USC 2671-2680	Changes required under PL 97-124, Dec. 29, 1981 to extend the provisions of the Federal Claims Act. Rule does not meet the requirements of RIA, RFA and Paperwork Act. Completed June 21, 1982.

I. CURRENT AND PROJECTED RULEMAKING (12-MO PROJECTION)

ARMY CORPS OF ENGINEERS SEMI-ANNUAL AGENDA OF REGULATIONS

[May 1, 1982 thru Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal Authority	Abstract/Time table
Modification of Completed Projects	Mr. Teeters, (202) 272-0116	(Proposed)	Sec. 216, Pub. L. 91-611	Will unify and simplify guidance to field operating activities on use of existing authorities for study and accomplishment of needed modifications to completed projects. (Engineer Regulation 1165-2-119)/ If proposed as a rule, scheduled for publication October 1982. Consideration is being given to issuance as internal agency guidance.
Implementation of E.O. 11990: Protection of Wetlands.	Mr. Teeters, (202) 272-0116	33 CFR 235	E.O. 11990	Will provide instructions to field operating activities for implementing the E.O. (Engineer Regulation 1165-2-401)/ Proposed rule published June 10, 1980. Comment period closed July 24, 1980. Final rule has been prepared and awaits clearance for publication.
Use of Nonstructural Measures in Planning for Flood Damage Reduction.	Mr. Teeters, (202) 272-0116	(Proposed)	33 U.S.C. 7016-11	Will provide guidance for formulation of plans incorporating nonstructural measures. (Engineer Regulation 1165-2-122)/ If proposed as a rule, scheduled for publication August 1983. Consideration is being given to issuance as internal agency guidance.
Rules and Regulations Governing Public Use of Water Resource Development of Projects Administered by the Chief of Engineers.	Darrell E. Lewis, 202-272-0247	36 CFR Chapter III Part 327	16 U.S.C. 460d	Published in 1979, new policy requires revision. Publication date dependent upon adoption of new fee structure and lakeshore mgmt., regulation. This rule prescribes the policies and procedures to be used in the Corps of Engineers' regulatory programs.
Regulatory Programs of the Corps of Engineers.	Bernard Goode 202-272-0200	33 CFR 320-330	Sec. 10 R&H Act, Sec. 404 CWA, Sec. 103 MPRSA.	Priority regulation. Proposed regulation/30 Nov. 82. Final/Feb. 83.

I. CURRENT AND PROJECTED RULEMAKING (12-MO PROJECTION)—Continued

[May 1, 1982 thru Sept. 1, 1982]

Title	Agency contact	CFR/DOD Doc NR	Legal Authority	Abstract/Time table
Inspection & Evaluation of Corps of Engineers Bridges.	Gordon Miller, 202-272-0234	33 CFR Section 222.3/ER 1110-2-99.	Sec. 26, Federal-Aid Highway Act of 1968, 23 U.S.C. 116(d) delegation of authority in 49 CFR 1.48(b).	This rule defines the Corps policy, and prescribes the procedures and responsibilities for the periodic inspection and evaluation of bridges owned or maintained by the Corps of Engineers on Civil Works projects. The benefits from this rule will be safer and better maintained bridges. This document is currently in the CFR, and is presently being revised and combined with another regulation (ER 1110-2-100, Periodic Inspection and Continuing Evaluation of Completed Civil Works Projects). Upon completion of this process, which is scheduled for FY 83, this ER 1110-2-99 will be rescinded and 33 CFR Section 222.3 cancelled.
Periodic Inspection and Continuing Evaluation of Completed Civil Works Structures.	Gordon Miller, (202) 272-0234	33 CFR Section 222.2/ER 1110-2-100.	Pub. L. 92-367, 86 Stat. 506 (33 U.S.C. 467 et seq.).	This regulation defines objectives, states policy, assigns responsibilities, and establishes procedures by which the Corps carries out its responsibilities for assuring the benefit of continuing structural adequacy of its major Civil Works structures in service. This document is currently in the CFR, and is presently being revised and combined with another regulation (ER 1110-2-99, Inspection and Evaluation of Corps of Engineers Bridges) An updated version is scheduled for publication in FY 83.
Reservoir Regulation	Earl Eiker, (202) 272-0224	33 CFR Section 222.7/ER 1110-2-240.	Sec. 7, Pub. L. 78-534, 58 Stat. 890 (33 U.S.C. 709); The Federal Power Act, 41 Stat. 1063 (16 U.S.C. 791(A)); and Sec. 9, Pub. L. 83-436, 68 Stat. 303, specific legislative authorization Acts and Public Law listed in Appendix E of the regulation.	This regulation describes policy, procedures and provides guidance for the Corps of Engineers to follow in performing water control management activities for the regulation of Corps and non-Corps projects. The benefits are better water control plans, water savings and improvement in the availability of water. This rule is currently in the CFR and a revision (addition) has been completed. The revised rule is now being prepared for publication in the Federal Register as a final rule.

II. REVIEW OF EXISTING REGULATIONS—NONE.

III. COMPLETED ACTIONS

Title	Agency contact	CFR/DOD Doc Nr	Legal authority	Abstract/time table
Establishment of Wetland Areas in Connection with Dredging.	Mr. Teeters, (202) 272-0116	33 CFR 232	Sec. 150 PL 94-587	Provides guidance to field operating activities for establishing wetlands at water resources projects./(Engineer Regulation ER 1165-2-27)/Issued as internal agency guidance July 30, 1982.
The Small Reclamation Projects Reclamation Act of 1956, As Amended.	Mr. Teeters, (202) 272-0120		PL 84-984	Provides guidance for Corps assistance to applicants for Bureau of Reclamation loans under the 1956 Act. (Engineer Regulatoin 1165-2-111)/Reissued as up-dated internal agency guidance May 28, 1982.
Regulatory Programs of the Corps of Engineers.	Bernard Goode, (202) 272-0200	33 CFR 320-330	Sec. 10 R&H Act, Sec. 404 CWA, Sec. 103 MPRSA.	Priority Regulation, Interim Final/22 Jul 82.

BILLING CODE 3710-08-M

AGENCY: Department of the Navy.

ACTION: Semiannual agenda of regulatory information for the period May 1, 1982–September 1, 1982 under review or development by the Department of the Navy.

SUMMARY: None of the regulations contained in this agenda meet the criteria of the Regulatory Flexibility Act (PL 96–354), the major rules under E.O. 12291, or contain reporting requirements under the "Paperwork Act".

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information contact Ms. Alcinda P. Wenberg, telephone 202–695–1921 or write to Chief of Naval Operations, Op–09B15C, Department of the Navy, Washington, D.C. 20350.

I. CURRENT AND PROJECTED RULEMAKING.

[May 1, 1982 to Sept. 1, 1982]

Title	Agency contact	CFR/DOD document number	Legal authority	Abstract/time table
Nonnaval Medical and Dental Care	Mr. H. Pelham, BUMED Tel: 254-4101.	32 Part 732 (BUMEDINST 6320.32D).	5 U.S.C. 301; 10 U.S.C. 1071-1085, 5031, 6148, 6201-6203, 8140; and 32 CFR 700.1202.	To update the BUMED Instruction. Final rule to be published in February 1983.[1]

[1] Approximate completion date.

II. REVIEW OF EXISTING REGULATIONS

[May 1, 1982 to Sept. 1, 1982]

Title	Agency contact	CFR/DOD document number	Legal authority	Abstract/time table
Availability to the Public of Department of the Navy Records.	Ms. Doris Mattingly, OPNAV, Tel: 694-2004.	32 Part 701.1 (SECNAVINST 5720.42B).	5 U.S.C. 552	Being revised to implement a DOD Regulation. Final rule to be published in February 1983.[1]
Personal Privacy and Rights of Individuals Regarding Their Personal Records.	Ms. Gwen Aitken, OPNAV, Tel: 694-2817.	32 Part 701.100 (SECNAVINST 5211.5C).	5 U.S.C. 522a	Final rule to be published in September 1982.[1]
Disposition of cases involving physical Disability.	LCDR M. W. Kirkpatrick, NCPB, Tel: 696-4366.	32 Part 725 SECNAVINST 1850.4).	5 U.S.C. 301, 10 U.S.C. 1216, 5031.	Under revision due to change in basic requirements. Final rule to be published in late 1982.[1]
Administrative Discharges and Related Matters Concerning Separations of enlisted personnel from the Naval Service.	Mr. Minick, NMPC, Tel: 694-5613.	32 Part 730 (MILPERS Manual, 15560 and SECNAVINST 1910.XX.).	Secs. 280, 1162, 1163, 6291-6298, 70A Stat. 14, 89, 391-393, as amended 76 Stat. 506, 517, Sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 133, 280, 1162, 1163, 1168, 6291-6298.	Changes being staffed. Final rule to be published in late 1982.[1]
Manual of the Judge Advocate General	LCDR F. N. Ottie, JAG, Tel: 325-9860.	32 Parts 719, 720, 726, 727, 750-752, 755-757. (JAGINST 5800.7 Ch-2).	3 U.S.C. 301; 5 U.S.C. 301; 10 U.S.C. 815, 5031, 5148, 2733, 7621-28, 939; 32 CFR 700.206 and 700.1202; 37 U.S.C. 601-604, 1001; 31 U.S.C. 204-243.	Will be published in late 1982.[1]

[1] Approximate completion date.

III. COMPLETED ACTIONS

[May 1, 1982 to Sept. 1, 1982]

Title	Agency contact	CFR/DOD document number	Legal authority	Abstract/time table
Medical and Dental Care for Eligible Persons at Naval Medical Department Facilities.	CDR M.D. Hannas, BUMED, Tel: 254-4388.	32 Part 728 (BUMEDINST 6320.31B).	Secs. 5031, 6011, 70A Stat. 278, 275, as amended, sec. 301, 80 Stat. 379; 5 U.S.C. 301, 10 U.S.C. 5031, 6011.	To update the BUMED Instruction. Final rule published in August 1982.

BILLING CODE 3810-01-M

AGENCY: Department of the Air Force.

ACTION: Semiannual agenda of regulatory information for the period May 1, 1982–September 1, 1982 under review or development by the Department of the Air Force.

SUMMARY: The regulations listed on the agenda are existing or proposed regulations under internal review for revision or development and only apply to those regulations affecting the public. The Department of the Air Force has no "major rules" under development or review as defined by Executive Order 12291. Also, it has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 (P.L. 96–354) do not apply to these rules and that these rules do not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act of 1980 (P.L. 96–511).

FOR FURTHER INFORMATION CONTACT: Where a contact official is indicated, contact the specified individual. For general information, contact Mrs. Winnibel F. Holmes, telephone (202) 697–1861 or write, Department of the Air Force, 1947 ASG/DASJR, Pentagon, Washington, DC 20330.

I. CURRENT AND PROJECTED RULEMAKING (12-MO PROJECTION)

[May 1, 1982–Sept. 1, 1982]

Title	Agency contact	CFR No.	Legal authority	Abstract/time table
Air Force Freedom of Information Act Program (AFR 12-30).	Ms. Ward, HQ USAF/DAAD, (202) 694-3488.	32 CFR 806	DODD 5400.7, P.L. 93-502, 5 U.S.C. 552.	Provides policy and guidance/revision is being prepared for printing. Estimated publication date: October 1982.
Selecting Architect Firms for Professional Service by Negotiated Contracts (AFR 88-31).	Mr. Bender, HQ USAF/LEEE, (202) 767-4243.	32 CFR 834	P.L. 95-507; 15 U.S.C. 631, 632, 637, 681, 682, 683, 687, 693, 694; 25 U.S.C. 450.	USAF policies & procedures/revision is at USAF Publishing Division for editorial service. Estimated publication date: December 1982.
Use of USAF Installations by Other Than U.S. DOD Aircraft (AFR 55-20).	Ms. Young, HQ USAF/PR, (202) 697-3095.	32 CFR 855	Federal Aviation Act of 1958; P.L. 85-726; 49 U.S.C. 1507(a) and 1508.	Gives requirements procedures, and responsibilities/revision is in coordination process within the USAF. Estimated publication date: February 1983.

II. REVIEW OF EXISTING REGULATIONS

Title	Agency contact	CFR No.	Legal authority	Abstract/time table
Claims Manual (AFM 112-1)	Mr. Van Nuys, HQ USAF/JACC, (202) 693-0350.	32CFR 842	10 U.S.C. 939; 1089(f); 2732-2737; 9801-9804, 9806; 28 U.S.C. 2671-2680; 31 U.S.C. 340-343; 951-953; 32 U.S.C. 715; 42 U.S.C. 2651-2653.	Guidance for USAF property & personal injury claims/draft is being developed. Estimated publication date: December 1982.
Acquisition of Information Concerning Persons and Organizations Not Affiliated With the Department of Defense (AFR 124-13).	Lt. Col. Hoffman, HQ AFOSI/XPP, (202) 767-5828.	32 CFR 954	DODD 5200.27 10 U.S.C. 8012	Provides USAF policy, limitation & procedures/awaiting determination and interpretation of policy issues by OSD. Estimated publication date: Not determined.

III. COMPLETED ACTIONS

Title	Agency contact	CFR No.	Legal authority	Abstract/time table
Public Affairs Policies and Procedures (AFR 190-1).	Mr. Newton, OSAF/PA, (202) 697-4100.	32 CFR 837	Sec. 8012, 70A Stat 488; 10 U.S.C. 8012.	Published as final August 6, 1982, 47 FR 34134-34137.
Environmental Impact Analysis Process (AFR 19-2).	Lt. Col. Rudolph, UQ USAF/LEEV, (202) 697-6244.	32 CFR 989	DODD 6050.1 P.L. 91-190	Final. Has been sent to the Federal Register for publication.

[FR Doc 82-28062 Filed 10-27-82; 8:45 am]

BILLING CODE 3910-01-M

federal register

Thursday
October 28, 1982

Part VI

Department of Education

Office of the Secretary

Unified Agenda of Federal Regulations

DEPARTMENT OF EDUCATION

Office of the Secretary

34 CFR Subtitle A and Chapters I–VII

Unified Agenda of Federal Regulations

AGENCY: Department of Education.

ACTION: Publication of the Unified Agenda of Federal Regulations.

SUMMARY: The Secretary of Education publishes a Unified Agenda of Federal Regulations as required by Office of Management and Budget (OMB) Bulletin No. 82–16 issued under the authority of Executive Order 12291 ("Federal Regulations"). The purpose of the agenda is to encourage more effective public participation in the regulatory process by giving the public early information about pending regulatory activities.

FOR FURTHER INFORMATION CONTACT: Questions or comments related to specific regulations listed in this agenda should be directed to the contact person listed for that set of regulations. Questions or comments on the overall agenda should be directed to A. Neal Shedd, Director, Division of Regulations Management, Office of the General Counsel, Department of Education, Room 2129 FOB–6, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 245–7091.

SUPPLEMENTARY INFORMATION: Executive Order 12291, dated February 17, 1981, and the Regulatory Flexibility Act, Pub. L. 96–354, enacted September 19, 1980, require the Department of Education to publish, in October and April of each year, an agenda of regulations that the Department expects to issue and currently effective regulations that are under review. The agenda includes both notices of proposed rulemaking (NPRMs) currently being drafted and pending final regulations for which NPRMs have been published. The agenda also includes certain other types of notices that, for example, proposed new requirements or substantive policy changes or specify Secretarial priorities.

Under the authority of Executive Order 12291, the Director of OMB has issued OMB Bulletin No. 82–16, dated July 22, 1982, prescribing the content and structure of a Unified Agenda of Federal Regulations. The unified agenda will replace the Semiannual Regulations Agenda and Review List previously issued by the Department and last published on May 14, 1982. The unified agenda will be issued semiannually and will cover the succeeding 12 months from the date of publication.

For each set of regulations or each notice listed, the agenda provides: the title of the document, the type of document, a citation of any rulemaking since publication of the most recent agenda, and planned dates of future rulemaking. In addition, the agenda provides the following information:

(1) An abstract, which includes: a description of the problem to be addressed, any principal alternatives being considered, the potential costs to all applicants and grantees resulting from the planned action, and the potential benefits to all applicants and grantees resulting from the planned action—such as benefits that might be effected by any deregulation or other amendments.

(2) An indication of whether the planned action is likely to have a significant effect on a substantial number of small entities.

(3) A reference to where a reader can find the current regulations in the Code of Federal Regulations.

(4) A citation of legal authority.

(5) The name, address, and telephone number of the contact person at the Department from whom a reader can obtain additional information regarding the planned action.

This publication in the **Federal Register** does not impose any binding obligation on the Department with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded. Dates of future regulatory actions are subject to revision in subsequent agendas.

Dated: September 24, 1982.

T. H. Bell,

Secretary of Education.

ACTIONS COMPLETED SINCE PUBLICATION OF PREVIOUS AGENDA

Title of regulatory document	Summary
Pell Grant Program: Cost of Attendance	1. *Contact Person:* a. *Name:* Brian Kerrigan. b. *Telephone Number:* (202) 472–4300. 2. FEDERAL REGISTER *Citation:* 47 FR 20737. 3. *Date of Final Action:* May 13, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
College Housing Program	1. *Contact Person:* a. *Name:* Charles I. Griffith. b. *Telephone Number:* (202) 245–3253. 2. FEDERAL REGISTER *Citation:* 47 FR 22020. 3. *Date of Final Action:* May 20, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
Prior Experience for Special Programs for Student from Disadvantaged Backgrounds	1. *Contact Person:* a. *Name:* Mary K. Smith. b. *Telephone Number:* (202) 245–2511. 2. FEDERAL REGISTER *Citation:* 47 FR 24938. 3. *Date of Final Action:* June 8, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
EDGAR—Audit Standards	1. *Contact Person:* a. *Name:* Willie Price. b. *Telephone Number:* (202) 755–1217. 2. FEDERAL REGISTER *Citation:* 47 FR 31382. 3. *Date of Final Action:* July 20, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
Nondiscrimination on the Basis of Sex in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Personal Appearance Code).	1. *Contact Person:* a. *Name:* Antonio J. Califa. b. *Telephone Number:* (202) 245–2184. 2. FEDERAL REGISTER *Citation:* 47 FR 32526. 3. *Date of Final Action:* July 28, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
Education Consolidation and Improvement Act of 1981, Chapter 1	1. *Contact Person:* a. *Name:* John Staehle. b. *Telephone Number:* (202) 245–3081. 2. FEDERAL REGISTER *Citation:* 47 FR 32856. 3. *Date of Final Action:* July 29, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.

ACTIONS COMPLETED SINCE PUBLICATION OF PREVIOUS AGENDA—Continued

Title of regulatory document	Summary
Education Consolidation and Improvement Act of 1981, Chapter 2	1. *Contact Person:* a. *Name:* Allen King. b. *Telephone Number:* (202) 245-8223. 2. FEDERAL REGISTER *Citation:* 47 FR 32884. 3. *Date of Final Action:* July 29, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Technical Amendments).	1. *Contact Person:* a. *Name:* Margaret Henry. b. *Telephone Number:* (202) 245-9720. 2. FEDERAL REGISTER *Citation:* 47 FR 33228. 3. *Date of Final Action:* July 30, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Funding Procedures).	1. *Contact Person:* a. *Name:* John McGonigal. b. *Telephone Number:* (202) 245-9720. 2. FEDERAL REGISTER *Citation:* 47 FR 33398. 3. *Date of Final Action:* August 2, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
Strengthening Research Library Resources	1. *Contact Person:* a. *Name:* Frank A. Stevens. b. *Telephone Number:* (202) 245-9530. 2. FEDERAL REGISTER *Citation:* 47 FR 35454. 3. *Date of Final Action:* August 13, 1982. 4. *Reason for Completion:* Published in the FEDERAL REGISTER.
EDGAR—Annual Funding Priorities	1. *Contact Person:* a. *Name:* Chester Glod. b. *Telephone Number:* (202) 245-7810. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Organizational Conflicts of Interest	1. *Contact Person:* a. *Name:* Peggy Saunders. b. *Telephone Number:* (202) 245-1766. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Awards to Former Department Employees or to Their Employers	1. *Contact Person:* a. *Name:* Peggy Saunders. b. *Telephone Number:* (202) 245-1766. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Education Department General Administrative Regulations (EDGAR)—Amendments—Part 76 (Private Schools)	1. *Contact Person:* a. *Name:* Philip Rosenfelt. b. *Telephone Number:* (202) 472-6300. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Disposal and Utilization of Surplus Real Property for Education Purposes	1. *Contact Person:* a. *Name:* Gil Sailor. b. *Telephone Number:* (202) 426-6585. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Relocation Assistance and Real Property Acquisition Policies	1. *Contact Person:* a. *Name:* Gene Tutterrow. b. *Telephone Number:* (202) 245-2525. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Rehabilitation Technical Assistance Program	1. *Contact Person:* a. *Name:* Charles Smolkin. b. *Telephone Number:* (202) 472-3796. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.
Helen Keller National Center for Deaf-Blind Youth and Adults	1. *Contact Person:* a. *Name:* Charles Smolkin. b. *Telephone Number:* (202) 472-3796. 2. FEDERAL REGISTER *Citation:* N/A. 3. *Date of Final Action:* N/A. 4. *Reason for Completion:* Withdrawn from the agenda.

CURRENT AND PROJECTED RULEMAKING

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Priority Regulations: Education Department General Administrative Regulations (EDGAR) (NPRM)	1. *Abstract:* a. *Description of Problem:* Existing regulations will be reviewed to determine whether to propose modifications through rulemaking. Amendments to the regulations would be designed to clarify and consolidate existing regulations, implement changes to OMB circulars, and effect regulatory relief. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:*	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—To be determined. Final—To be determined.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Parts 74, 75, 76, 77, and 78. 4. *Legal Authority:* 5 U.S.C. 301. 5. *Contact Person:* a. *Name and Title:* Chester Glod, Contracts and Grants Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-7810.	
Priority Regulations: Nondiscrimination on the Basis of Sex in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (College Athletics Policy) (NPRM).	1. *Abstract:* a. *Description of Problem:* The documents under review include the 1979 policy interpretation of the intercollegiate athletic provisions of Title IX of the Education Amendments of 1972 and the regulations implementing those provisions. The review will consider opportunities for affecting regulatory relief, including reductionin paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 106. 4. *Legal Authority:* 20 U.S.C. 1681, 1682. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* d. *Potential Benefits:* To be determined *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Aug. 1983.
Priority Regulations: Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Provision of Auxiliary Aids) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing regulatory requirements regarding the provision of auxiliary aids. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens, and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Business and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 104. 4. *Legal Authority:* 29 U.S.C. 794. 5. *Contact Person:* a. *Name and Title:* Atonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Priority Regulations: Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Elementary and Secondary Education) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing regulatory provisions governing the elementary and secondary education of handicapped students (Subpart D of the regulations). The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 104 4. *Legal Authority:* 29 U.S.C. 794. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Priority Regulations: Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Program Accessibility) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing the Department's regulatory requirements for program accessibility by handicapped persons, including standards governing accessibility to facilities. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 104 4. *Legal Authority:* 29 U.S.C. 794. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Priority Regulations: Assistance to States for Education of Handicapped Children (Final).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would reduce fiscal and administrative burdens on grant recipients while assuring a free appropriate public education for all handicapped children.	*Dates and Citations of Past Rulemaking:* 47 FR 33836; Aug. 4, 1982.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* The following are among the principal alternatives considered and accepted by the Secretary in the drafting of the proposed regulations: (1) The use of non-binding guidelines in helping the States to understand certain regulatory provisions, (2) The removal of numerous detailed documentation requirements. (3) Placing certain decision-making at the State and local levels, and (4) Providing the Federal Government with assurances in place of detailed information about policy and procedures. A comprehensive discussion of the specific issues and alternatives considered is provided in the preable to the proposed regulations. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ■ No ☐ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 300 4. *Legal Authority:* 20 U.S.C. 1401, 1411 *et seq.* 5. *Contact Person:* a. *Name and Title:* Shirley A. Jones, Acting Deputy Director, Special Education Programs. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 426-6114.	*Dates of Future Rulemaking:* May, 1983.
Intergovernmental Review of Federal Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* To implement, through regulations, Executive Order 12372 (Intergovernmental Review of Federal Regulations, July 14, 1982), which is designed "to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development." b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) To be determined. 4. *Legal Authority:* Executive Order 12372 (July 14, 1982; 42 U.S.C. 4231(a); Sec. 301, Title 5, U.S.C.). 5. *Contact Person:* a. *Name and Title:* Chester Glod, Contracts and Grants Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-7810.	*Dates and Citations of Past Rulemaking:* None *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Apr. 1983
Equal Access to Justice (Final)	1. *Abstract:* a. *Description of Problem:* To implement, through requlations, the Equal Access to Justice Act, which provides for the payment of attorney fees and other adjudication expenses to qualified parties that prevail over the Department in certain administrative proceedings. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part 21 (new part) 4. *Legal Authority:* 5 U.S.C. 504. 5. *Contact Person:* a. *Name and Title:* Peter Wathen-Dunn, Attorney. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 755-1106.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking.* November, 1982
Privacy Rights of Parents and Students (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 99. 4. *Legal Authority:* 20 U.S.C. 1232g. 5. *Contact Person:* a. *Name and Title:* Patricia Ballinger, Management Analyst. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-0233.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking.* NPRM—Dec. 1982. Final—Apr. 1983.
Availability of Information of the Public Under the "Freedom of Information Act" (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments would update and clarify the regulations. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* None. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part 5. 4. *Legal Authority:* 5 U.S.C. 552. 5. *Contact Person:* a. *Names and Title:* Jack L. Billings, Privacy Act Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3338.	*Dates and Citations of Past Rulemaking:* *Date of Future Rulemaking:* NPRM—Nov. 1982. Final—Mar. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Privacy Act Regulations (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to these regulations would be designed to (1) establish procedures for notifying individuals about existence of and access to their medical records, and (2) provide for an appeals procedure for individuals denied access to any records about themselves that are maintained in systems of records to the Department. Other amendments would be designed to effect regulatory relief. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part 5b. 4. *Legal Authority:* 5 U.S.C. 552a. 5. *Contact Person:* a. *Name and Title:* Jack Billings, Privacy Act Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3338.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983 Final—May 1983
Privacy Act Regulations (Final).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would permit the Office for Civil Rights to withhold investigatory materials contained in its "Complaint Files and Log" system of records. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* None. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 5b. 4. *Legal Authority:* 5 U.S.C. 301, 552a. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* 47 FR 21096; May 17, 1982. *Dates of Future Rulemaking:* February, 1983.
Nondiscrimination on the Basis of Sex in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Notification of Nondiscrimination Policy) (NPRM).	1. *Abstract:* a. *Description of Problem:* The provision of the regulations under review specifies the minimal requirements a recipient of Federal financial assistance must meet in issuing an initial notification of its policy of nondiscrimination. Any proposed amendments would give the recipient more discretion in providing notice of its nondiscriminatory policy and would eliminate obsolete or duplicative requirements. b. *Alternatives:* To be determined. c. *Potential Cost:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 106. 4. *Legal Authority:* 20 U.S.C. 1681, 1682. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Nondiscrimination on the Basis of Race, Color, National Origin, Sex or Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance. (Assurance of Compliance) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing the provisions of these regulations requiring an applicant for or recipient of Federal financial assistance to complete and submit forms that assure compliance with the regulations. Any proposed amendments would be designed to effect regulatory relief, including the reduction of paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 100, 104, 106. 4. *Legal Authority:* 20 U.S.C. 1681, 1682; 42 U.S.C. 2000 et. seq.; 29 U.S.C. 794. 5. *Contract Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking.* *Dates of Future Ruelmaking:* NPRM—Jan. 1983. Final—Aug. 1983.
Nondiscrimination on the Basis of Race, Color, National Origin, Sex, or Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Student Assistance) (NPRM).	1. *Abstract:* a. *Description of Problem:* Proposed amendments to the regulations would exclude contracts of insurance or guaranty from coverage under the regulations implementing these statutes. The amendments would also make the definition of the term "Federal financial assistance" consistent in the regulations. b. *Alternatives:* None. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Business and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Parts(s) 100, 104, 106. 4. *Legal Authority:* 42 U.S.C. 2000d-1; 29 U.S.C. 794; 20 U.S.C. 1681, 1682. 5. *Contract Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Aug. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	
Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The regulations would implement the Age Discrimination Act of 1975, as amended, with consideration given to affecting regulatory relief by reducing paperwork and compliance burdens. b. *Alternatives:* None. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 110. 4. *Legal Authority:* 42 U.S.C. 6101 *et. seq.* 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* March 1983
Nondiscrimination on the Basis of Race, Color, National Origin, Sex, or Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance (Definition of Program or Activity) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing the definition of "program or activity" as used in the regulations implementing the civil rights statutes enforced by the Department. Consideration will be given to effecting regulatory relief, where appropriate, in any proposed amendments that may result from this review. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 100, 104, 106. 4. *Legal Authority:* 42 U.S.C. 2000d-1; 29 U.S.C. 794; 20 U.S.C. 1681, 1682. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates of Future Rulemaking* NPRM—Mar. 1983. Final—Nov. 1983
Nondiscrimination on the Basis of Race, Color, or National Origin under Programs Receiving Federal Financial Assistance Through the Department of Education (Language Minority Policies) (NPRM).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing the Department's policy regarding instruction for students whose principal language is not English. The review will consider opportunities for effecting regulatory relief, including reduction of paperwork and compliance burdens. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 100. 4. *Legal Authority:* 42 U.S.C. 2000d-1. 5. *Contact Person:* a. *Name and Title:* Antonio J. Califa, Director, Litigation, Enforcement, and Policy Service. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2184.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking:* NPRM—Apr. 1983. Final—Dec. 1983.
Chapter 1, ECIA, Grants to LEAs to meet the Special Educational Needs of Disadvantaged Children (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing final regulations published on July 29, 1982 (47 FR 32856). Any additional publication would address the applicability of the General Education Provision Act to these regulations. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 200, 201. 4. *Legal Authority:* 20 U.S.C. 3801-3806, 3807, 3871-3876. 5. *Contact Person:* a. *Name and Title:* Dr. John Staehle, Deputy Director of Compensatory Education Programs. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-3081.	*Dates and Citations of Past Rulemaking:* 47 FR 32856; July 29, 1982 *Dates of Future Rulemaking:* To be determined.
Chapter 2, ECIA, Consolidation of Elementary and Secondary Education Programs (Block Grants) (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing final regulations published on July 29, 1982 (47 FR 32884). Any additional publication would address the applicability of the General Education Provision Act to these regulations. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 298. 4. *Legal Authority:* 20 U.S.C. 3811-3876. 5. *Contact Person:* a. *Name and Title:* Allen King, Deputy Director, Division of Educational Support for State and Local Education Programs. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.	*Dates and Citations of Past Rulemaking:* 47 FR 32884; July 29, 1982. *Dates of Future Rulemaking:* To be determined.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	c. *Telephone Number:* (202) 245-8223.	
Financial Assistance to State Educational Agencies for Migratory, Neglected or Delinquent, and Handicapped Children (Chapter 1, ECIA) (NPRM).	1. *Abstract:* a. *Description of Problem:* The amended regulations would implement statutory requirements and provide other necessary information to applicants. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* $3,693,475. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 201-204. 4. *Legal Authority:* 20 U.S.C. 3801-3807, 3871-3876. 5. *Contact Person:* a. *Name and Title:* Thomas W. Fagan, Director, Grants, Policy, and Administration, Compensatory Education Program. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9877.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Oct. 1982. Final—Mar. 1983.
Indian Education Fellowship Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would clarify statutory requirements and substantially reduce administrative burdens on project administrators and applicants. b. *Alternatives:* To be determined. c. *Potential Costs:* None. d. *Potential Benefits:* $25,000. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 263. 4. *Legal Authority:* 20 U.S.C. 3385b. 5. *Contact Person:* a. *Name and Title:* Dr. Norman Hearn, Director, DPS. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-8236.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—Mar. 1983.
Financial Assistance to State Educational Agencies to Improve the Interstate and Intrastate Coordination of Migrant Education Activities (Chapter 1, ECIA) (NPRM).	1. *Abstract:* a. *Description of Problem:* The amended regulations would establish requirements to promote and enhance interstate and intrastate coordination of migrant education programs. They would also enable the Secretary to (1) establish, in consultation with SEAs, priority areas for program funding and (2) establish appropriate criteria that would ensure the selection of quality proposals in areas of national need. b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* $16,000. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 205. 4. *Legal Authority:* 20 U.S.C. 3803(a). 5. *Contact Person:* a. *Name and Title:* Melissa Murray, Educational Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2222.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—June 1983.
Follow Through Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) incorporate legislative changes and (2) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* None. d. *Potential Benefits:* $5,400. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 215. 4. *Legal Authority:* 20 U.S.C. 9861-9868. 5. *Contact Person:* a. *Name and Title:* Susan Green, Project Manager. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9846.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Desegregation of Public Elementary and Secondary Education (formerly Desegregation of Public Education) (NPRM).	1. *Abstract:* a. *Description of Problem:* Any proposed amendments to the regulations would be designated to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 270. 4. *Legal Authority:* 42 U.S.C. 2000c 5. *Contact Person:* a. *Name and Title:* Jack Simms, Director, Equity Training and Technical Assistance. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-8484.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Indian Education Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness; (2) clarify existing regulations; and (3) improve the quality of projects assisted under the programs. b. *Alternatives:* Consideration will be given to the use of alternative tiers for certain provisions of the regulations governing Part A entitlement grants. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 250–262. 4. *Legal Authority:* 20 U.S.C. 241aa–241ff, 1211a, 1221h, 3385a. 5. *Contact Person:* a. *Name and Title:* Dr. Norman Hearn, Director, DPS. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245–8236.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
Assistance for School Construction in Areas Affected by Federal Activities by Federal Activities (SAFA) (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The amended regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3), where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 221. 4. *Legal Authority:* 20 U.S.C. 241–1, 646. 5. *Contact Person:* a. *Name and Title:* David Phillips, Acting Head, Policy Development and Analysis Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245–2547.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking:* April 1983.
Assistance to Local Educational Agencies for Maintenance and Operation in Areas Affected by Federal Activities (SAFA) (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The amended regulations would (1) implement amendments to the law, (2) clarify existing requirements, and (3), where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 222. 4. *Legal Authority:* 20 U.S.C. 631–647. 5. *Contact Person:* a. *Name and Title:* David Phillips, Acting Head, Policy Development and Analysis Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245–2547.	*Dates and Citations of Past Rulemaking.* *Rulemaking:* June 1983.
Entitlements to Children Residing on Indian Lands (SAFA) (Type of document to be determined).	1. *Abstract:* a. *Description of Problem:* The amended regulations would (1) implement amendments to the law, (2) clarify certain regulatory provisions, and (3) where practicable, effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 223. 4. *Legal Authority:* 20 U.S.C. 340(b)(3). 5. *Contact Person:* a. *Name and Title:* David Phillips, Acting Head, Policy Development and Analysis Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245–2547.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking:* June 1983.
Guidance and Counseling (Type of Document to be determined).	1. *Abstract:* a. *Description of Problem:* The Secretary is reviewing these regulations to determine whether they are necessary in view of the provisions of the Education Consolidation and Improvement Act of 1981. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part 211. 4. *Legal Authority:* 20 U.S.C. 2531–2534. 5. *Contact Person:* a. *Name and Title:* Allen King, Deputy Director, Educational Support Services. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245–8832.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* To be determined.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Training Personnel for the Education of the Handicapped (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief including reduction of paperwork and compliance burdens and improvement of cost effectiveness. The amendments would also authorize a number of separate competitions to give the Secretary greater flexibility in directing funds to the most critical needs of personnel preparation in special education. b. *Alternatives:* To be determined. c. *Potential Costs:* None. d. *Potential Benefits:* $46,000. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 318. 4. *Legal Authority:* 20 U.S.C. 1431, 1432, 1434. 5. *Contact Person:* a. *Name and Title:* William R. Peterson, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9491.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Oct. 1982. Final—Apr. 1983.
Incentive Grants (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. Specifically, the amendments would reduce administrative burdens to State educational agencies by simplifying and streamlining their requirements. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 301. 4. *Legal Authority:* 20 U.S.C. 1419. 5. *Contact Person:* a. *Name and Title:* Shirley A. Jones, Acting Deputy Director, Special Education Programs. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9661.	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—May 1983.
Recruitment of Personnel and Dissemination of Information (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 320. 4. *Legal Authority:* 20 U.S.C. 1433. 5. *Contact Person:* a. *Name and Title:* Helen Corradino, Education Program Specialist. b. *Address.* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9722.	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—Jan. 1983.
Training Programs for Teachers of Handicapped Children in Areas with a Shortage (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation: 34 CFR Part(s) 322.* 4. *Legal Authority:* 20 U.S.C. 1119b—1119b-5. 5. *Contact Person:* a. *Name and Title:* William Wolfe, Budget Analyst. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9661.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking:* NPRM—Nov. 1982. Final—Apr. 1983.
Vocationa Rehabilitation Service Projects (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 369–375, 378, 379. 4. *Legal Authority:* 20 U.S.C. 711(c), 732, 750, 777(a)(1), 777(a)(3), 777(b), 777(f), 795(g). 5. *Contact Person:* a. *Name and Title:* Charles Smolkin, Acting Director, Policy Development and Review Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3796.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Regional Resource Centers (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* Consideration will be given to eliminating program regulations and relying on the statute to provide guidance for the administration of projects assisted under the program. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 305. 4. *Legal Authority:* 20 U.S.C. 1421. 5. *Contact Person:* a. *Name and Title:* Nancy Safer, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4650.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Auxiliary Activities (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdeos and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 315. 4. *Legal Authority:* 20 U.S.C. 1424. 5. *Contact Person:* a. *Name and Title:* Max Mueller, Chief, Program Development Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9836.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Apr. 1983.
Instructional Media for the Handicapped (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 330, 331, 332, 333. 4. *Legal Authority:* 20 U.S.C. 1451, 1452. 5. *Contact Person:* a. *Name and Title:* Malcolm Norwood, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4640.	*Dates and Citations of Past Rulemakings* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Centers for Independent Living (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* The use of program guidelines only, rather than regulations, was considered but determined not to be viable because the Secretary's need for selection criteria in evaluating applications. c. *Potential Costs:* None. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 366. 4. *Legal Authority:* 29 U.S.C. 711(c) and 796(e). 5. *Contact Person:* a. *Name and Title:* Charles Smolkin, Acting Director, Policy Development and Review Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3796.	*Dates and Citations of Past Rulemakings* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Apr. 1983.
Vocational Rehabilitation Training Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 385–390. 4. *Legal Authority:* 20 U.S.C. 711(c), 744, 776. 5. *Contact Person:* a. *Name and Title:* Charles Smolkin, Acting Director, Policy Development and Review Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3796.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Centers and Services for Deaf-Blind Children (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.	*Dates and Citations of Past Rulemaking:*

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities.* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 307. 4. *Legal Authority:* 20 U.S.C. 1422. 5. *Contact Person:* a. *Name and Title:* R. Paul Thompson, Chief, Special Need Section. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-2535.	*Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—June 1983.
Early Education for Handicapped Children (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 309. 4. *Legal Authority:* 20 U.S.C. 1423. 5. *Contact Person:* a. *Name and Title:* Richard Champion, Education Program Specialist b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9722.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Jan. 1983 Final—June 1983
Research in Education of the Handicapped (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 324. 4. *Legal Authority:* 20 U.S.C. 1414-1444. 5. *Contact Person:* a. *Name and Title:* Allen Dittman, Acting Chief, Research Projects. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9836.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking.* NPRM—Feb. 1983. Final—Aug. 1983.
Regional Educational Program for Handicapped Persons (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 336. 4. *Legal Authority:* 20 U.S.C. 1424a. 5. *Contact Person:* a. *Name and Title:* Joseph Rosenstein, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9722.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking.* NPRM—Feb. 1983. Final—Aug. 1983.
Vending Facility Program for the Blind on Federal and Other Property (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 395. 4. *Legal Authority:* 20 U.S.C. 107a. 5. *Contact Person:* a. *Name and Title:* Charles Smolkin, Acting Director, Policy Development and Review Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3796.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking.* NPRM—Feb. 1983. Final—Aug. 1983
State-Administered and Discretionary Vocational Education Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* Proposed amendments to the regulations would reduce administrative burdens on State and local agencies and relieve current restrictions on State and local decision-making authority b. *Alternatives:* To be determined. c. *Potential Costs:* $12,560. d. *Potential Benefits.* $1,000,000. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 400, 408. 4. *Legal Authority:* 20 U.S.C. 2301-2461. 5. *Contact Person:*	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Dec. 1982. Final—July 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	a. *Name and Title:* Sharon A. Jones, Chairperson, Vocational Education Regulations Task Force. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number: (202) 472-6244.*	
State-Administered and Discretionary Vocational Education Programs (NPRM).	1. *Abstract:* a. *Description of Problem:* Proposed amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* Consideration is being given to eliminating a number of existing regulatory provisions including: (1) prescribed representation of certain specified types of persons on State advisory councils; (2) the assurance that participants in adult basic education will not be charged tuition and fees; and (3) the requirement that States use a competitive process in evaluating applications for subgrants. c. *Potential Cost:* None. d. *Potential Benefits:* $251,856. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 425, 426, 431, 432. 4. *Legal Authority:* 20 U.S.C. 1201–1211c. 5. *Contract Person:* a. *Name and Title:* Sharon A. Jones, Chairperson, Vocational Education Regulations Task Force. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number: (202) 472-6244.*	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.
Bilingual Education Training Projects Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would specify additional factors that the Secretary would consider in selecting grantees. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part 510. 4. *Legal Authority:* 20 U.S.C. 3231. 5. *Contract Person:* a. *Name and Title:* Regina Robbins, Regulations Coordinator. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking* NPRM—Nov. 1982. Final—Apr. 1983.
Bilingual Education Support Service Projects and Material Development Projects (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would consolidate the allowable activities under Parts 504 and 505 into one set of regulations under Part 504 and remove Part 505 when the proposed regulations were published in final form. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 504, 505. 4. *Legal Authority:* 20 U.S.C. 3211 *et seq.* 5. *Contact Person:* a. *Name and Title:* Regina Robbins, Regulations Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—June 1983.
Eligibility of Foreign Medical Schools under the Guaranteed Student Loan Program (Final).	1. *Abstract:* a. *Description of Problem:* These regulations would establish the procedures and criteria used in determining whether medical schools located outside the United States and Canada are eligible to participate in the Guaranteed Student Loan Program. b. *Alternatives:* None. c. Potential Costs: Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part 601 (new CFR Part). 4. *Legal Authority:* 20 U.S.C. 1082, 1085(a). 5. *Contact Person:* a. *Name and Title:* Richard J. Rowe, Director, Eligibility and Agency Evaluation Staff. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9873.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking:* October, 1982.
Guaranteed Student Loan Program: 1983–84 Family Contribution Schedule (NPRM).	1. *Abstract:* a. *Description of Problem:* The proposed regulations would establish for the 1983–84 academic year levels of expected family contributions that would be used in determining student eligibility for interest subsidies under the Guaranteed Student Loan Program.	*Dates and Citations of Past Rulemaking:*

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* If approved, two significant changes proposed to the Congress would affect these regulations: (1) Separation of the need analysis system for the Pell Grant Program from the need analysis system used by the campus-based programs and by the Guaranteed Student Loan Program. This would permit the campus-based and GSL programs continued use of uniform methodology-based systems and would be unaffected by future amendments to the Pell Grant authorizing legislation. (2) A more stringent standard for defining "independent student." c. *Potential Costs:* Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 682. 4. *Legal Authority:* 20 U.S.C. 1071–1087–4. 5. *Contact Person:* a. *Name and Title:* Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202. c. *Telephone Number:* (202) 245–2475.	*Dates fo Future Rulemaking* NPRM—Oct. 1982. Final—Feb. 1983.
Pell Grant National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs: 1983–84 Family Contribution Schedule (Final).	1. *Abstract:* a. *Description of Problem:* The regulations would be used in determining the expected family contributions for academic year 1983–84 for the Pell Grant Program and the campus-based programs. b. *Alternatives:* The Administration has proposed to the Congress significant charges in the Pell Grant Program. These charges are designed to (1) establish a separate need analysis for the Pell Grant Program, (2) improve the integrity of the program, and (3) effect a more stringent standard for defining "independent student." If the Congress were to disapprove or not act on the proposed changes, the need analysis provisions of the authorizing legislation would prevail. The proposed rules covered both alternatives, that is, Congressional enactment or no change in the law. c. *Potential Costs:* Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities.* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 668, 690. 4. *Legal Authority:* 20 U.S.C. 1085, 1088, 1092, 1097, 1141(a), 1070a 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Basic Grant Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472–4300.	*Dates and Citations of Past Rulemaking* 47 FR 33412; Aug. 2, 1982. *Dates of Future Rulemaking* November, 1982.
Training Program for Special Programs Staff and Leadership Personnel: Notice of Proposed Priorities	1. *Abstract:* a. *Description of Problem:* This notice would establish priorities the Secretary intends to use in evaluating applications for grant awards in fiscal year 1983. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* N/A. 4. *Legal Authority:* 20 U.S.C. 1070d–1d. 5. *Contact Person:* a. *Name and Title:* John Hunt, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245–5211.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking.* Notice of Proposed Priorities—Dec 1982 Notice of Final Priorities—Feb. 1983.
National Direct Student Loan Program (Subpart C—Due Diligence) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to Subpart C of the regulations would permit stricter standards in procedures for the collection of student loans. This would aid in reducing the number of defaulted loans. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 674. 4. *Legal Authority:* 20 U.S.C. 421–429. 5. *Contact Person:* a. *Name and Title:* Janet Chad, Campus-based Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202. c. *Telephone Number:* (202) 245–8720.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.
National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs (Campus-based programs) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to regulations for the three campus-based programs would be designed to effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Business and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 674, 675, 676. 4. *Legal Authority:* 20 U.S.C. 421–429; 42 U.S.C. 2751–2756b; 20 U.S.C. 1070b-b-3. 5. *Contact Person:* a. *Name and Title:* Margaret Henry, Chief, Policy Section, Campus-based Branch.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-9720.	
Guaranteed Student Loan Program (NPRM).	1. *Abstract:* a. *Description of problems:* Amendments to these regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 682. 4. *Legal Authority:* 20 U.S.C. 1071-1087-4. 5. *Contact Person:* a. *Name and Title:* David Bayer, Chief, Guaranteed Student Loan Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2475.	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.
PLUS Program (NPRM).	1. *Abstract:* a. *Description of Problems:* Amendments to these regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 683. 4. *Legal Authority:* 20 U.S.C. 1071-1087-3a. 5. *Contact Person:* a. *Name and Title:* David Bayer, Chief, Guaranteed Student Loan Branch b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2475.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—Mar. 1983.
Pell Grant Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 690. 4. *Legal Authority:* 20 U.S.C. 1070a. 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Basic Grant Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking:* NPRM—Dec. 1982. Final—May 1983.
Student Assistance General Provisions—Amendment (NPRM).	1. *Abstract:* a. *Description of Problem:* The proposed regulations would implement a recently enacted statute to deny assistance or benefits under the Department's student assistance programs for failure to meet the registration requirements under Section 3 of the Military Selective Service Act. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part 668. 4. *Legal Authority: 20 U.S.C. 1970 et seq.* 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Pell Grant Program. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking.* *Dates of Future Rulemaking:* NPRM—Jan. 1982. Final—May. 1983.
Secretary's Criteria for Nationally Recognized Accrediting Agencies and Associations (currently included in 34 CFR Part 603—Secretary's Recognition Procedures for National Accrediting Bodies and State Agencies) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of costs effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 602. 4. *Legal Authority:* 20 U.S.C. 1141a et al. 5. *Contact Person:* a. *Name and Title:* Barbara Binker, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2810.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Sept. 1983.

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Secretary's Criteria for State Approval Agencies for Public Postsecondary Vocational Education (currently included in 34 CFR Part 603—Secretary's Recognition Procedures for National Accrediting Bodies and State Agencies) (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities.* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 603. 4. *Legal Authority:* 20 U.S.C. 1094(b)(3). 5. *Contact Person:* a. *Name and Title:* Joan Givens, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C., 20202. c. *Telephone Number:* (202) 245-2229.	*Dates of Future Rulemaking* NPRM—Jan. 1983. Final—Sept. 1983.
Higher Education Programs in Modern Foreign Language Training and Area Studies (Fulbright-Hays) (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 662-686 4. *Legal Authority:* 20 U.S.C. 2452. 5. *Contact Person:* a. *Name and Title:* Ralph Hines, Education Program Specialist. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C., 20202. c. *Telephone Number:* (202) 245-2810.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Jan. 1983. Final—Sept. 1983
Student Assistance General Provisions (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities.* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 668. 4. *Legal Authority:* 20 U.S.C. 20 U.S.C. 1085, 1088, 1092, 1094, 1097, 1141(a).. 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Basic Grant Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C., 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Jan. 1983 Final—May 1983
Pell Grant and National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs: 1984-85 Family Contribution Schedule (NPRM)	1. *Abstract:* a. *Description of Problem:* The proposed regulations would establish the expected family contributions to be used in determining the financial need of students applying for assistance under the Pell Grant and campus-based programs for academic year 1984-85. b. *Alternatives:* To be determined c. *Potential Costs:* Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities.* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 668, 690. 4. *Legal Authority:* 20 U.S.C. 1085, 1088, 1092, 1097, 1141(a), 1070a 5. *Contact Person:* a. *Name and Title:* Brian Kerrigan, Acting Chief, Policy Section, Basic Grant Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-4300.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Apr. 1983. Final—June 1983.
Guaranteed Student Loan Program. 1984-85 Family Contribution Schedule (NPRM)	1. *Abstract:* a. *Description of Problem:* The proposed regulations would establish for the 1984-85 academic year levels of expected family contributions that would be used in determining student eligibility for interest subsidies under the Guaranteed Student Loan Program. b. *Alternatives:* To be determined. c. *Potential Costs:* Not applicable. d. *Potential Benefits:* Not applicable. 2. *Significant Effects on Small Businesses and Other Entities.* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 682. 4. *Legal Authority:* 20 U.S.C. 1071-1087-4. 5. *Contact Person:* a. *Name and Title:* Larry Oxendine, Chief, Policy Section, Guaranteed Student Loan Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2475.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Apr. 1983 Final—June 1983.
Library Services, Public Library Construction, and Interlibrary Cooperation (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness.	*Dates and Citations of Past Rulemaking*

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* None. c. *Potential Costs:* None. d. *Potential Benefits:* $11,300. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 770. 4. *Legal Authority:* 20 U.S.C. 351. 5. *Contact Person:* a. *Name and Title:* Robert Klassen, Branch Chief. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202 c. *Telephone Number:* (202) 472-6150.	*Dates of Future Rulemaking* NPRM—Nov. 1982 Final—May 1983
Government in the Sunshine Act (Type of document to be determined.)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 705. 4. *Legal Authority:* 20 U.S.C. 1221e. 5. *Contact Person:* a. *Name and Title:* Eileen Nicosia, Acting Chief, Policy and Administrative Coordination. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 254-7900.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* December 1982
National Institute of Education: Educational Research Grant Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to these regulations would be designed to (1) consolidate, clarify, and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 700 701, 702, 709, 710, 716, 718 and 720. 4. *Legal Authority:* 20 U.S.C. 1221e 5. Contact Person: a. *Name and Title:* Frederick Mulhauser, Research Associate. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 254-7930.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Dec 1982 Final—Mar. 1983
Women's Educational Equity Act Program (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined d. *Potential Benefits:* To be determined 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 745. 4. *Legal Authority:* 20 U.S.C. 3341-3348. 5. *Contact Person:* a. *Name and Title:* Leslie Wolfe, Director, Women's Educational Equity Act Program. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 245-2181	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Jan. 1983 Final—June 1983
Territorial Teacher Training Assistance (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 790. 4. *Legal Authority:* Section 1525, Part C of Title XV of the Education Amendments of 1978. 5. *Contact Person:* a. *Name and Title:* Andrew Lebby, Deputy Director, Office of Dissemination and Professional Development. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 653-5844.	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Jan 1983 Final—Apr 1983
National Diffusion Network Program (NPRM).	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to (1) clarify and simplify the requirements governing the program, and (2) effect regulatory relief, including the reduction of paperwork and compliance burdens and the improvement of cost effectiveness.	*Dates and Citations of Past Rulemaking*

CURRENT AND PROJECTED RULEMAKING—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 796. 4. *Legal Authority:* 20 U.S.C. 3041. 5. *Contact Person:* a. *Name and Title:* Robert Mulligan, Deputy Director, National Diffusion Network. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 653-7000.	*Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—July 1983.

EXISTING REGULATIONS

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
Bilingual Education Act Program (Title VII, ESEA) (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 500-505, 510, 514, 515, 520. 4. *Legal Authority:* 20 U.S.C. 3221-3261. 5. *Contact Person:* a. *Name and Title:* Regina Robbins, Regulations Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
Bilingual Education Vocational Programs (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 525, 526, 527. 4. *Legal Authority:* 20 U.S.C. 2301-2461. 5. *Contact Person:* a. *Name and Title:* Regina Robbins, Regulations Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Jan. 1983. Final—Aug. 1983.
Transition Program for Refugee Children (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ■ To be determined ☐ 3. *CFR Citation:* 34 CFR Part(s) 538. 4. *Legal Authority:* 20 U.S.C. 1522(d). 5. *Contact Person:* a. *Name and Title:* Regina Robbins, Regulations Officer. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202. c. *Telephone Number:* (202) 472-3520.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—Aug. 1983.
Land Grant Colleges and Universities (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness. b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities:* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 612. 4. *Legal Authority:* 20 U.S.C. 5. *Contact Person:* a. *Name and Title:* Margaret Conway, Program Attorney. b. *Address: U.S. Department of Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.* c. *Telephone Number:* (202) 426-5100.	*Dates and Citations of Past Rulemaking:* *Dates of Future Rulemaking:* NPRM—Feb. 1983. Final—July 1983.
Federal State Relationship Agreements (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness.	*Dates and Citations of Past Rulemaking:*

EXISTING REGULATIONS—Continued

Unified Agenda of Federal Regulations

Title and Type of Regulatory Document	Summary	Timetable
	b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 604. 4. *Legal Authority:* 20 U.S.C. 1143. 5. *Contact Person:* a. *Name and Title:* Edwin J. Neumann, Acting Chief, Education Outreach Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202. c. *Telephone Number:* (202) 245-9868	*Dates of Future Rulemaking* NPRM—Mar. 1983 Final—Aug 1983
Financial Assistance for Construction, Reconstruction, and Renovation of Academic Facilities (NPRM)	1. *Abstract:* a. *Description of Problem:* Amendments to the regulations would be designed to effect regulatory relief, including reduction of paperwork and compliance burdens and improvement of cost effectiveness b. *Alternatives:* To be determined. c. *Potential Costs:* To be determined. d. *Potential Benefits:* To be determined. 2. *Significant Effects on Small Businesses and Other Entities* Yes ☐ No ☐ To be determined ■ 3. *CFR Citation:* 34 CFR Part(s) 617-621. 4. *Legal Authority:* 20 U.S.C. 1132a-1132e-1 5. *Contact Person:* a. *Name and Title:* Charles I. Griffith, Chief, College Facility Branch. b. *Address:* U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, D.C., 20202. c. *Telephone Number:* (202) 245-3253	*Dates and Citations of Past Rulemaking* *Dates of Future Rulemaking* NPRM—Apr. 1983 Final—Oct 1983.

[FR Doc. 82-28063 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part VII

Department of Energy

Regulatory Agenda

DEPARTMENT OF ENERGY

10 CFR Chs. II, III, and X

41 CFR Ch. 9

Regulatory Agenda

AGENCY: Department of Energy.

ACTION: October 1982 Regulatory Agenda.

SUMMARY: The Department of Energy (DOE) is publishing an agenda of regulatory activities that DOE expects to take in the next year. This Regulatory Agenda includes (1) All rules expected to be issued as proposed or final rules before October 1983, (2) all rules being reviewed within the Department to determine whether to propose modifications through rulemaking, and (3) all rules listed in the April 1982 Regulatory Agenda for which regulatory action has been completed. In addition, the Agenda identifies each rule that DOE expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities," and thus also serves as the Department's regulatory flexibility agenda. The Agenda does not include routine regulations and those that relate to internal agency management. Many of the included rules relate to programs that are inconsistent with the Administration's policies and DOE is promulgating such rules only because they are required by statute to be promulgated.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda in general, contact: William Funk, Assistant General Counsel for Regulatory Oversight, Department of Energy, Room 6A-141, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-6736.

Specific

For further information about any particular item on the Agenda, contact the individual listed under that item.

SUPPLEMENTARY INFORMATION: Executive Order 12291 (46 FR 13193, February 19, 1981), requires each Federal agency to publish, in April and October of each year, an agenda of proposed regulations that the agency has issued or expects to issue, and currently effective rules that are under agency review. OMB Bulletin 82-16 sets forth standards and procedures for the preparation of these agendas.

Executive Order 12291 also provides that the regulatory agenda may be incorporated with the "regulatory flexibility agenda" required under the Regulatory Flexibility Act (Public Law 96-354, 5 U.S.C. 602). The regulatory flexibility agenda must contain: (1) A brief description of the subject area of and a summary of the nature of any rule which the agency expects to propose or promulgate which is "likely to have a significant economic impact on a substantial number of small entities"; (2) the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking; and (3) the name and telephone number of an agency official knowledgeable concerning each such rule.

Appended to this Notice is DOE's October 1982 Regulatory Agenda, reflecting the status of rules listed as of October 1, 1982. Incorporated in this Agenda is the regulatory flexibility agenda required under 5 U.S.C. 602.

Many of these rules are required by statute to be promulgated. Were it not for these legal requirements, DOE would not promulgate these rules because the Administration has indicated that these programs are inconsistent with the Administration's policies. Rules of this type are identified in the additional information section. DOE will, of course, in promulgating these rules comply with the requirements of Executive Order 12291 and the Regulatory Flexibility Act.

The October 1982 Regulatory Agenda has been prepared in accordance with OMB Bulletin 82-16. Regulatory activities have been divided among the following three categories: (1) current and projected rulemakings (that is, rulemakings for which a **Federal Register** notice already has been issued or is expected to be issued prior to October 1983); (2) reviews of existing regulations (that is, pending reviews within the agency to determine whether to modify an existing regulation through a rulemaking); and (3) completed action (that is, regulatory activities listed in the preceding agenda for which the agency has completed its action prior to the publication of the current agenda). Each category is divided into two sections on the basis of whether the activity relates to a priority regulation. Priority regulations include all regulations designated for priority development or review by an agency head, all regulations that are "major rules" under Section 2(b) of Executive Order 12291, and all regulations designated for review by the Presidential Task Force on Regulatory Relief.

Category 2 contains only two items. This small number reflects the Department's recent completion of two comprehensive reviews of its regulation. The first review was directed at the petroleum price and allocation regulations and resulted in the revocation of nearly all these regulations. (See 46 FR 20506, April 3, 1981). The second review was directed at all other regulations. This review covered 155 existing and proposed regulations. On April 30, 1982, the Department published a notice of the results of this review. (47 FR 18574).

Each item in category 1 and 2 will contain the following information: (1) Title; (2) responsible office (that is, the office within DOE that has primary responsibility for the regulatory activity); (3) agency contact (that is, the name, title, address and phone number of a person in the agency who is knowledgeable about the regulation); (4) CFR citation (that is, the section of the Code of Federal Regulations that will be affected); (5) legal authority (that is, a citation to the section of the United States Code (U.S.C.) or Public Law (Pub. L.) or the Executive Order that authorizes the regulatory action); (6) timetable (that is, the projected date of the next future stage of rulemaking and, with respect to outstanding proposed rulemakings, the **Federal Register** citations for all past notices); (7) effects on small business and other entities (that is, whether the action is likely to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act); (8) abstract (that is, a description of the problem the regulation will address, the alternatives being considered for addressing the problem, and the potential costs and benefits of the action); and, where appropriate, (9) additional information: Each item in category 3 will contain the following information: (1) title; (2) responsible office; (3) agency contact; (4) **Federal Register** citation of final action; and (5) reason for completion.

Those rules which are identified as being likely to have a significant economic impact on a substantial number of small entities include some rules for which a notice of proposed rulemaking (NOPR) was issued prior to January 1, 1981. Although these rules are listed in the Agenda, under section 4 of the Regulatory Flexibility Act the regulatory flexibility analyses specified in 5 U.S.G. 603-604 are *not* required, and such analyses will not be completed in regard to these rules. These rules, where an NOPR was issued prior to January 1, 1981, are identified in the additional information section.

On September 22, 1982, a draft of this Agenda was transmitted to the Chief

Counsel for Advocacy of the Small Business Administration (SBA) for comment, if any, to fulfill the requirement of 5 U.S.C. 602(b). In addition to publication of this Agenda in the Federal Register, DOE has endeavored to give notice of this Agenda to small entities by forwarding copies to a number of trade associations that represent small entities. Small entities are invited to submit comments on any item in the Agenda. Comments should be submitted to: William Funk, Assistant General Counsel for Regulatory Oversight, Department of Energy, Room 6A-141, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-6736.

DOE's next Regulatory Agenda will be published in April 1983.

Issued in Washington, D.C., this 24th day of September 1982.

Eric J. Fygi,

Acting General Counsel.

DOE's October 1982 Regulatory Agenda is as follows:

I. Current and Projected Rulemakings

A. Priority Regulations

1. Review and Establishment of Natural Gas Curtailment Priorities for Interstate Pipelines.
2. Commercial and Apartment Conservation Service (CACS) Program Regulations.
3. Federal Standby Commercial and Apartment Conservation Service (CACS) Plan.
4. Federal Standby Residential Conservation Service (RCS) Plan.
5. Energy Efficiency Standards for Eight Types of Consumer Products.
6. Energy Efficiency Standards for Four Types of Consumer Products.
7. Energy Efficiency Standards for Heat Pumps.

B. Other Regulations

1. Administrative Procedures with Respect to the Import and Export of Natural Gas.
2. Powerplant and Industrial Fuel Use Act of 1978; Final Rules for Existing Facilities.
3. Recordkeeping Requirements Reduction.
4. Federal Energy Management & Planning Program; Methodology & Procedures for Life Cycle Costing Analysis.
5. Passive Solar Admendments to Residential Conservation Service (RCS) Program Regulations.
6. Energy Performance Standards for New Buildings.
7. Admendments to Department of Energy Conduct of Employees Regulations.
8. Procurement Regulations.
9. Acquisition Regulations.
10. Financial Assistance Regulations.
11. Financial Assistance Regulations; Cooperative Agreements.
12. Security Policies and Practices Relating to Labor-Management Relations.
13. Intergovernmental Review of Federal Programs.
14. Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material.
15. Safeguarding Certain Unclassified Information.
16. National Security Information.

II. Review of Existing Regulations

A. Priority Regulations. None.

B. Other Regulations

1. Procedures for Preliminary Energy Audits and Guidelines for Building Plans.
2. Federal Energy Management Program (FEMP) Guidelines for General Operations Plans.

III. Completed Actions

A. Priority Regulations

1. Residential Conservation Service Program Regulations.
2. Standby Procedures for Emergency Purchases and Allocations of Natural Gas During a Declared Emergency.

B. Other Regulations. None.

I. Current and Projected Rulemakings

A. Priority Regulations

Review and Establishment of Natural Gas Curtailment Priorities For Interstate Pipelines

Responsible Office: Economic Regulatory Administration.

Agency Contact: Paula Daigneault, Economic Regulatory Administration, Department of Energy, 12th & Pennsylvania Avenue NW., Washington, D.C. 20561, (202) 633-9296.

CFR Cite: 10 CFR 598.10 et seq.

Legal Authority: Pub. L. 95-91, Section 301(b), 402(a)(1)(E); Pub. L. 95-621, Section 401, 402, 403.

Timetable:

Action, Date, and FR Cite:

NPRM, July 2, 1980, 45 FR 45098.

FR, See Additional Information, paragraph 1.

Effect on Small Entities: Undetermined; See Additional Information, paragraph 2.

Abstract: The proposed rule establishes natural gas curtailment priorities applicable to deliveries by interstate pipelines during periods when not enough gas is available to supply all customers. The proposed rule implements the rulemaking requirements of Title IV of the Natural Gas Policy Act of 1978 by establishing curtailment priorities for high priority uses and for essential agricultural and essential industrial feedstock and process uses.

Additional Information:

1. FERC currently is reviewing the proposed rule pursuant to section 404 of the DOE Act. FR will be issued approximately six weeks after FERC concurrence is received.

2. A regulatory flexibility analysis is not required in regard to this rule since the notice of proposed rulemaking was issued prior to January 1, 1981.

Federal Standby Commercial and Apartment Conservation Service (CACS) Plan

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs or Shelly Launey (CE-115), Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585 (202) 252-1650.

CFR Cite: 10 CFR Part 458.

Legal Authority: Pub. L. 95-619, Pub. L. 96-294.

Timetable:

Action and Date:

NPRM, August 1983.

Effect on Small Entities: No.

Abstract: Title VII of the National Energy Conservation Policy Act, as amended, requires large gas and electric utilities to offer audit and information services to small commercial and large multi-family customers. Each state has the option to implement plan for the operation of the program by its covered utilities. The statute requires DOE to implement a Federal Plan for States or nonregulated utilities which do not submit their own Plan or for States and non-regulated utilities which do not adequately implement their Plan.

Alternative levels of flexibility will be examined. Insufficient data currently exists to reliably estimate potential program costs or benefits.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Federal Standby Residential Conservation Services (RCS) Plan

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs or Nancy Tate (CE–115), Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–1605.

CFR Cite: 10 CFR Part 456.

Legal Authority: Pub. L. 95–619, Pub. L. 96–294

Timetable:

Action, Date, and FR Cite:

NPRM, January 9, 1981, 45 FR 2522.
Withdrawal, November 12, 1981, 46 FR 55838.
NPRM, October 1982.
FR, March 1983.

Effect on Small Entities; No.

Abstract: The National Energy Conservation Policy Act mandates a Residential Conservation Service (RCS) Program under which large electric and natural gas utilities offer energy audits and other related conservation services to their residential customers. Each state has the option of implementing a FCS Program for itself. The proposed Federal Standby RCS Plan, when made final, would be used to implement the FCS program in nonparticipating or noncomplying States. The proposed Plan is largely based on the revised RCS program regulations, issued June 25, 1982 (47 FR 27752). The alternatives considered and the benefits and the costs of the program are more fully described in the June 25 notice on the revised RCS program regulations.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Commercial and Apartment Conservation Service (CACS) Program Regulations

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs or Shelley Launey (CE–115), Conservation and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–1650.

CFR Cite: 10 CFR Part 458.

Legal Authority: Pub. L. 95–619, Pub. L. 96–294

Timetable:

Action, Date and FR Cite:

NPRM, January 16, 1981, 46 FR 44820.
FNPRM, October 1982.
FR, March 1983.

Effect on Small Entities: No.

Abstract: On January 16, 1981, DOE issued an NPRM in compliance with Title VII of the National Energy Conservation Policy Act, as amended, which requires DOE to establish a utility audit program for multifamily dwelling and small commercial buildings. DOE is preparing to issue a further NPRM that would simplify and lessen the regulatory and reporting requirements that were proposed originally.

Alternative levels of flexibility will be examined. Insufficient data currently exists to reliably estimate potential program costs or benefits.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it it inconsistent with the Administration's policies.

Energy Efficiency Standards for Eight Types of Consumer Products

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Michael J. McCabe, Conservation and Renewable Energy, Department of Energy, 1100 Independence Ave., S.W., Washington, D.C. 20585, (202) 252–9127.

CFR Cite: 10 CFR 430.

Legal Authority: Pub. L. 94–163, section 325, Pub. Law 95–619, section 422.

Timetable:

Action, Date, and FR Cite:

NPRM, June 30, 1980, 45 FR 43976.
NPRM, April 2, 1982, 45 FR 14424.
FR, October 29, 1982.

Effect on Small Entities: No.

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or it is not technologically feasible or economically justified. This rule deals with eight of these products: refrigerators and refrigerator-freezers, freezers, clothes dryers, water heaters, room air conditioners, kitchen ranges and ovens, central air conditioners and furnaces. The 1982 NPRM evaluates various efficiency levels for consumer products and determined that none would save a significant amount of energy and that for each the costs would outweigh the benefits. Accordingly, the NPRM proposed no standard for each appliance.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Energy Efficiency Standards for Four Types of Consumer Products

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Michael J. McCabe, Conservation and Renewable Energy, Department of Energy, 1100 Independence Ave., S.W., Washington, D.C. 20585, (202) 252–9127.

CFR Cite: 10 CFR Part 430.

Legal Authority: Pub. L. 94–163, Section 325, Pub. Law 95–619, Section 422.

Timetable:

Action, Date and FR Cite:

ANPRM, December 13, 1979, 44 FR 72276.
NPRM, May 1983.

Effect on Small Entities: Undetermined.

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with four of these products: dishwashers, clothes washers, television sets, and humidifiers and dehumidifiers. The analysis will include all allowable alternatives including various efficiency levels for these consumer products as well as the alternative of no efficiency standard for these consumer products.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

Energy Efficiency Standards for Heat Pumps

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Michael J. McCabe, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–9127.

CFR Cite: 10 CFR Part 430.

Legal Authority: P.L. 94–163, Section 325, P.L. 95–619, Section 422.

Timetable:

Action, Date, and FR Cite:

ANPRM, January 23, 1,980, 45 FR 5602.

Effect on Small Entities: Undetermined.

Abstract: Congress directed DOE to prescribe energy efficiency standards for certain specific consumer products unless DOE determines, by rule, that the establishment of such standard will not result in significant conservation of energy or is not technologically feasible or economically justified. This rule deals with heat pumps. The analysis will include all allowable alternatives including various efficiency levels as well as the alternative of no efficiency standard.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Administration's policies.

B. Other Regulations

Administrative Procedures with Respect to the Import and Export of Natural Gas

Responsible Office: Economic Regulatory Administration.

Agency Contact: Stanley C. Vass, Economic Regulatory Administration, Department of Energy, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20561, (202) 633-9296.

CFR Cite: 10 CFR Parts 205 and 590.

Legal Authority: 15 U.S.C. 717 et seq., P.L. 95-91, Sections 301 and 402.

Timetable:

Action, Date and FR Cite:

NPRM, August 26, 1981, 46 FR 44696.
FR, December 1982.

Effect on Small Entities: Undertermined.

Abstract: ERA is currently following the FERC procedural rules on an interim basis in natural gas import and export proceedings. The proposal would establish administrative procedures that generally would be informal, would provide more flexibility for tailoring the procedures to the needs of a particular case, and would reflect ERA's organization structure and legislative mandate. Evidentiary hearings would be reserved for situations where necessary to resolve disputes of material issues of fact. The proposal would also eliminate the FERC requirement that the ultimate decisionmaker or an Administrative Law Judge presides at hearings. The proposed rule would ease the regulatory burden on applicants and interested parties by simplifying the procedures and reducing the amount of information and number of documents required for an import or export application.

Powerplant and Industrial Fuel Use Act of 1978; Final Rules for Existing Facilities

Responsible Office: Economic Regulatory Administration.

Agency Contact: Constance L. Buckley, Economic Regulatory Administration, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2967.

CFR Cite: 10 CFR Parts 501, 504, and 506.

Legal Authority: Pub. L. 95-91, Pub. L. 95-621, Pub. L. 97-35.

Timetable:

Action, Date and FR Cite:

NOPR, May 24, 1982, 47 FR 22365.
NOPR, June 10, 1982, 47 FR 25153.
FR, December, 1982.

Effect on Small Entities:

Abstract: This proposal would revise rules implementing Title III of the Powerplant and Industrial Fuel Use Act of 1978 (FUA) to eliminate the regulatory provision for issuing involuntary prohibition orders to existing major fuel burning installations. The proposal further deletes regulations made unnecessary by the Omnibus Budget Rconciliation Act of 1981 amendments to FUA.

Recordkeeping Requirements Reduction

Responsible Office: Economic Regulatory Administration.

Agency Contact: William Funk, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-6739.

CFR Cite: 10 CFR 210.1.

Legal Authority: Pub. L. 93-275, Pub. L. 95-91.

Timetable:

Action and Date:

NPRM, November 1982.

Effect on Small Entities: No.

Abstract: The proposal would eliminate the recordkeeping requirements imposed by the petroleum price and allocation regulations for certain product resellers. If adopted, the amendment would reduce a regulatory burden on a number of small entities.

Federal Energy Management & Planning Programs Methodology & Procedures for Life Cycle Costing Analyses

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Thomas Benson, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9472.

CFR Cite: 10 CFR Part 436.

Legal Authority: Pub. L. 95-619, Section 545-547, Pub. L. 96-294, Section 405, E.O. 11912. E.O. 12003.

Timetable:

Action and Date:

ANPRM, October 7, 1980.
NPRM, June 1083.

Effect on Small Entities: No.

Abstract: The National Energy Conservation Policy Act requires DOE to promulgate regulations that establish a methodology for estimating and comparing the life cycle costs of Federal buildings and for determining life cycle cost effectiveness. The Energy Security Act requires that the regulations provide for the use of marginal costs in the life cycle cost analysis. DOE is preparing a NPRM to comply with this requirement.

Additional Information: This rule is required by statute to be promulgated. Were it not for this requirement, DOE would not promulgate this rule because it is inconsistent with the Admministration's policies.

Passive Solar Amendments to Residential Conservation Service (RCS) Program Regulations

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs or Gina Urso (CE-115), Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-1650.

CFR Cite: 10 CFR 456.

Legal Authority: Pub. L. 95-619, Pub. L. 96-294.

Timetable:

Action, Date, and FR Cite:

NPRM, June 17, 1982, 47 FR 26148.
FR, October 1982.

Effect on Small Entities: No.

Abstract: The amendments will provide for the continued coverage of passive solar measures as part of home energy audits provided under the RCS program. Coverage of these measures is required by Title VII of the National Energy Conservation Policy Act, as amended. The sections concerning passive solar measures were reserved in the revised RCS regulations published on June 25, 1982 (47 FR 27752) in anticipation of these amendments. The alternatives considered concern the specific passive solar measures to be covered and the estimated costs and savings of these measures. Insufficient data exists to estimate the potential costs and benefits of the action.

Additional Information: The Residential Conservation Service Program is required by statute. Were it not for this requirement, DOE would not issue this rule, because the program is inconsistent with the Administration's policies.

Energy Performance Standards for New Buildings

Responsible Office: Conservation and Renewable Energy.

Agency Contact: James A. Smith, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-9835.

CFR Cite: 10 CFR 435.

Legal Authority: Pub. L. 94-385, Pub. L. 96-399, Pub. L. 95-91, Pub. L. 97-35.

Timetable:

Action and Date:

NPRM, June 1983.

Effect on Small Entities:
Undetermined.

Abstract: Title III of the Energy Conservation and Production Act, as amended, requires the development and promulgation of energy performance standards for new buildings. In order to comply with this requirement, DOE currently is developing voluntary guidelines for the private sector and mandatory standards for the federal government.

Additional Information: This rule is required by statute. Were it not for this requirement, DOE would not promulgate this rule as it is inconsistent with the Administration's policies.

Amendments to Department of Energy Conduct of Employees

Responsible Office: Office of General Counsel.

Agency Contact: Katherine B. Soffer, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-1522.

CFR Cite: 10 CFR 1010.

Legal Authority: Pub. L. 95-521, Pub. L. 95-28, 18 U.S.C. 201-209, Pub. L. 95-91, Section 601-608, Executive Order 11222.

Timetable:

Action and Date:
NPRM, December 1982.

Effect on Small Entities: No.

Abstract: The regulations need to be revised to reflect the provisions and requirements of the Ethics in Government Act. In addition, it is anticipated that certain sections of the regulations will be clarified and/or revised to reflect current Office of General Counsel policy and interpretations.

Department of Energy Procurement Regulations

Responsible Office: Management and Administration.

Agency Contact: Richard B. Langston, Management and Administration, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-8188.

CFR Cite: 41 CFR Part 9.

Legal Authority: 41 U.S.C. 7254.

Timetable:

Action:
See Additional Information.

Effect on Small Entities:

Abstract: In order to provide standard procedures and minimize confusion for DOE contract personnel and DOE contractors, it is necessary for DOE to amend its procurement regulations. The expected changes in the procurement regulations will involve (1) new coverage regarding policy, reporting clauses, and a format for letter contacts; (2) standard clauses for cost type construction and A-E contracts plus value engineering in construction contracts; and (3) miscellaneous updates to keep current with changes in Federal Procurement Regulation and OFPP Policy Letters.

Additional Information: DOE may decide to issue more than one NPRM to accomplish these changes in the procurement regulations. DOE anticipates issuance of the NPRM(s) in the last quarter of calendar 1982.

Department of Energy Acquisition Regulation

Responsible Office: Management and Administration.

Agency Contact: Richard B. Langston, Management and Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-8188.

CFR Cite: 41 CFR Part 9.

Legal Authority: Pub. L. 93-400, Pub. L. 96-83, E.O. 12352.

Timetable:

Action and Date:
NPRM, February 1983.
FR, October 1983.

Effect on Small Entities: No.

Abstract: The Federal Acquisition Regulation is being developed to promote uniformity in Federal procurement policy. When this regulation is published, it will be necessary for DOE to promulgate an acquisition regulation to implement and supplement the Federal Acquisition Regulation with respect to DOE. No significant cost impact is expected.

Financial Assistance Regulations

Responsible Office: Management and Administration.

Agency Contact: Frank Slezak, Management and Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-8191.

CFR Cite: 10 CFR Part 600, Subparts A, B, and C.

Legal Authority: Pub. L. 95-224, Pub. L. 95-91.

Timetable:

Action, Date and FR Cite:
NPRM, March 19, 1982, 47 FR 12038.
FR, October, 1982..

Effect on Small Entities: No.

Abstract: Financial Assistance Regulations contain policies and procedural requirements applicable to the award and administration of grants and cooperative agreements. The revisions to the existing 10 CFR Part 600 provide for greater uniformity and where possible reduce the burden for recipients of DOE financial assistance.

Financial Assistance Regulations; Cooperative Agreements

Responsible Office: Management and Administration.

Agency Contact: Scott Sheffield, Management and Administration, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-8267.

CFR Cite: 10 CFR Part 600, Subpart C.

Legal Authority: Pub. L. 95-91, Section 644 and 646, Pub. L. 95-224.

Timetable:

Action and Date:
NPRM, February 1983.

Effect on Small Entities: No.

Abstract: This proposed rule will revise the existing Subpart C. The purpose of the revision is to conform DOE policy on cooperative agreement award and administration with government-wide policy.

Security Policies and Practices Relating to Labor-Management Relations

Responsible Office: Management and Administration.

Agency Contact: Juanita E. Smith, Management and Administration, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-9023.

CFR Cite: 10 CFR Part 706.

Legal Authority: Pub. L. 95-91.

Timetable:

Action and Date:
NPRM, September, 1983.

Effect on Small Entities: No.

Abstract: DOE proposes to amend 10 CFR Part 706. This part previously was published as an Energy Research and Development Administration (ERDA) regulation and was revised to reflect its status as a DOE regulation. Section 301 of the Department of Energy Organization Act transferred to and vested in the Secretary of Energy all the functions previously vested in ERDA. To reflect better its present character as a DOE regulation, DOE is proposing to amend Part 706 in several sections to reflect current application of Part 706. For example, a definition of installation, will be included in order to specify which DOE contractors are covered by Part 706. In addition, other changes are being made in the interest of brevity, consistency and clarity.

Intergovernmental Review of Federal Programs

Responsible Office: Management and Administration.

Agency Contact: Frank Slezak, Management and Administration, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-8191.

CFR Cite:

Legal Authority: 42 U.S.C. 4231(a) E.O. 12372.

Timetable:
Action and Date:
NPRM, January 1983.
FR, April 1983.
Effect on Small Entities: No.

Abstract: The regulation will provide for a new intergovernmental review process for Federal programs. States will designate their own process for intergovernmental reviews of proposed Federal financial assistance and direct development activities rather than relying upon the Federally prescribed requirements of OMB Circular A–95. Executive Order 12372 requires regulations to be published by April 30, 1983.

Proposed Changes in Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Significant Quantities of Special Nuclear Material

Responsible Office: Defense Programs.

Agency Contact: Martin J. Dowd, Defense Programs, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20545, (202) 353–4642.

CFR Cite: 10 CFR Part 710.

Legal Authority: Sec. 145, 68 Stat. 942, as amended; 42 U.S.C. 2165; sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201, E.O. 10450, 3 CFR 1949–1953 comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963, comp., p. 389 as amended, 3 CFR Chapt. IV.; sec. 104(c), 38 Stat. 1237; 42 U.S.C. 5814; sec. 105(a) 99 Stat. 1238; 42 U.S.C. 5815.

Timetable:
Action and Date:
NPRM, June 1983.
Effect on Small Entities: No.

Abstract: DOE proposes to amend Part 710 to delegate the authority to suspend DOE access authorization to the Managers of its Field Operations. Under the existing regulation, only the Assistant Secretary for Defense Programs has the authority to suspend an individual's access authorization in those cases where information is received which raises a question concerning the continued eligibility of an individual for access authorization. The proposed amendment would allow the Manager of a Field Operation to suspend access authorization for an individual subject to recertification of the suspension by the Assistant Secretary for Defense Programs within 30 days. DOE also proposes to assign to the Managers of its field Operations the preparation of notification letters, which enumerate the charges against the individual and explain the individual's rights to "due process." A change is also proposed that would allow witnesses to testify in the presence of other witnesses during hearings before Hearing Officers, under certain specified conditions.

Safeguarding Certain Unclassified Information

Responsible Office: Defense Programs.

Agency Contact: Trisha Dedik Chico, Defense Programs, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–1870.

CFR Cite: 10 CFR Part 1004.

Legal Authority: 42 U.S.C. 2168.

Timetable:
Action and Date:
NPRM, October 1982.
FR, April 1983.
Effect on Small Entities: No.

Abstract: For purposes of the Freedom of Information Act, 5 U.S.C. 552, Section 148 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2168) requires the Secretary to withhold certain unclassified information pertaining to the design or production facilities and utilization facilities; security measures relating to the protection of production or utilization facilities, nuclear materials contained in such facilities, and nuclear materials in transit; and the design, manufacture, or utilization of atomic weapons or components thereof, if such information is removed from the Restricted Data category. DOE is amending its Freedom of Information regulations to designate the administrative appellate authority for denials of information falling within the scope of Section 148 of the Atomic Energy Act.

National Security Information

Responsible Office: Defense Programs.

Agency Contact: Robert T. Duff, Defense Programs, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (301) 353–3521.

CFR Cite: 10 CFR Part 1045.

Legal Authority: E.O. 12356. Information Security Oversight Office Directive No. 1.

Timetable:
Action and Date:
NPRM, December 1982.
Effect on Small Entities: No.

Abstract: Executive Order 12356 and Information Security Oversight Office Directive No. 1 require that those portions of related agency implementing regulations that affect members of the public be published in the **Federal Register**. Specifically, points of contact for (1) suggestions or complaints concerning the Department of Energy classification and security program, and (2) for submission of requests under the Mandatory Review provisions of the Executive Order are required to be published.

II. Reviews of Existing Regulations

A. Priority Regulations. None

B. Other Regulations

Procedures for Preliminary Energy Audits and Guidelines for Buildings Plans

Responsible Office: Conservation and Renewable Energy.

Agency Contact: William F. Vance, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252–9471.

CFR Cite: 10 CFR, Part 435, Subpart B & C.

Legal Authority: Pub. L. 94–163, Pub. L. 95–619, E.O. 11912, E.O. 12003.

Timetable:
Action: N/A.
Effect on Small Entities: No.

Abstract: The regulations in Subpart B are needed to provide the procedures for conducting and reporting on preliminary energy audits of Federal buildings, as required by Title V, Part 3, of the National Energy Conservation Policy Act (NECPA) and section 10 of E.O. 11912, as amended. The regulations in Subpart C are needed to provide guidelines for the formulation and updating of Buildings Plans by Federal agencies to achieve goals for reduction of Federal building energy use, pursuant to section 10 of E.O. 11912, as amended, section 381 of the Energy Policy and Conservation Act, as amended, and NECPA. DOE is reviewing these procedures and guidelines in order to determine how to make them less prescriptive.

Federal Energy Management Program (FEMP) Guidelines for General Operations Plans

Responsible Office: Conservation and Renewable Energy.

Agency Contact: William F. Vance, Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9471.

CFR Cite: 10 CFR Part 436.

Legal Authority: Pub. L. 94–163, Pub. L. 95–619, Pub. L. 96–102, E.O. 11912, E.O. 12003.

Timetable:
Action: N/A.
Effect on Small Entities: No.

Abstract: This rule is needed to provide guidelines for use by Federal agencies in their development of overall 10–year energy management plans to conserve energy in the general operations of the agencies. DOE is reviewing these guidelines in order to determine how to make them less prescriptive.

III. Completed Actions

A. Priority Regulations

Residential Conservation Service Program Regulations

Responsible Office: Conservation and Renewable Energy.

Agency Contact: Mark Friedrichs (CE-115), Conservation and Renewable Energy, Department of Energy, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-1650.

Final Action:

Action, Date and FR Cite:

FR, June 25, 1982, 47 FR 27752.

Reason for Completion: This rule was reviewed pursuant to the direction of the Vice President's Task Force on Regulatory Relief. This review identified large portions of the original program rule that created unnecessary and costly burdens. After notice and public comment DOE amended the program rule to minimize costs and burdens consistent with the objectives of the statute. Because this program is required by statute, DOE did not have the discretion to eliminate the program.

Standby Procedures for Emergency Purchases and Allocation of Natural Gas During a Declared Emergency

Responsible Office: Environmental Protection, Safety and Emergency Preparedness.

Agency Contact: Romullo Diaz, Environmental Protection, Safety and Emergency Preparedness, Department of Energy, 1000 Independence Avenue, SW., 20585, (202) 252-2934.

Final Action:

Action: See Additional Information.

Reason for Completion: DOE has decided to withdraw the proposal for providing standby procedures for authorization of emergency natural gas purchases and for emergency natural gas allocations and standby procedures for emergency prohibitions on the burning of natural gas by electric powerplants and major fuel-burning installations.

Additional Information: DOE has prepared a notice announcing the withdrawal of the NPRM, but this notice has not yet been published in the **Federal Register.**

B. Other Regulations: None.

[FR Doc. 82-28084 Filed 10-27-82; 8:45 am]

BILLING CODE 6450-01-M

federal register

Thursday
October 28, 1982

Part VIII

Department of Health and Human Services

Office of the Secretary

Unified Agenda of Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

20 CFR Ch. III

21 CFR Ch. I

42 CFR Chs. I–IV

45 CFR Subtitle A, Chs. II, III, and XIII

Unified Agenda of Regulations

AGENCY: Department of Health and Human Services.

ACTION: Publication of unified agenda of regulations.

SUMMARY: The President's February 17, 1981, Executive Order (12291) and the Regulatory Flexibility Act of 1980 require the Department to publish an agenda of significant regulations being developed and an indication of those regulatory actions that are being analyzed for their effect on small businesses. The Department published its last agenda on April 30, 1982.

FOR FURTHER INFORMATION CONTACT: For further inquiries or comments related to specific regulations listed in the agenda, the public is encouraged to contact the appropriate responsible individual. Questions or comments on the overall agenda should be sent to: John J. Phelan, Executive Secretariat, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 245–6111.

Dated: September 22, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

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OFFICE OF THE SECRETARY

Current and Projected Regulations

a. Title: Intergovernmental Review of Federal Programs

b. *Agency Contact:* Gordon Boe, Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs, Room 632–F; Humphrey Building; 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245–6036.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* NA.

e. *Legal Authority:* Section 401(a) of the Intergovenmental Cooperation Act of 1968 (42 U.S.C. 4231(a)); Section 301 of Title 3 of the United States Code; Section 5 of Executive Order 12372, "Intergovenmental Review of Federal Programs."

f. *Abstract:* This regulation implements Executive Order 12372, which establishes a new Federal policy for consulting with State and local elected officials with regard to proposed Federal financial assistance activities and direct Federal development.

g. *Timetable:* NPRM scheduled to be published in second quarter of FY 1983. A final regulation is expected to be published in the **Federal Register** in the third quarter of FY 1983.

a. Title: Nondiscrimination on the Basis of Age in Federally Assisted Programs (HHS-Specific)

b. *Agency Contact:* James S. Fukumoto, Acting Director, Division of Policy & Special Projects, Office of Management & Policy, Office for Civil Rights, Room 5412, HHS North Building, 330 Independence Avenue SW., Washington, D.C, 20201, (202) 245–6700.

c. *Effects on Small Businesses and Other Entities:* Below threshold.

d. *CFR Citation:* 45 CFR Part 91.

e. *Legal Authority:* 42 U.S.C. 6101 *et seq.*

f. *Abstract:* To prohibit age discrimination in programs and activities that receive financial assistance from the Department.

g. *Timetable:* Governmentwide final regulations to implement the Age Discrimination Act were published in the **Federal Register** on June 12, 1979 (44 FR 33768). The Department's Agency-specific NPRM was published in the **Federal Register** on September 24, 1979 (44 FR 55101). Comment period ended on November 23, 1979. The final draft is in clearance and publication is expected during the first quarter of the current fiscal year.

a. Title: Nondiscrimination Requirements Applicable to Block Grants and Community Development and Head Start Programs—Including Nondiscrimination on the Bases of Sex and Religion

b. *Agency Contact:* James S. Fukumoto, Acting Director, Division of Policy & Special Projects, Office of Management & Policy, Office for Civil Rights, Room 5412, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245–6700.

c. *Effects on Small Business and Other Entities:* Below threshold.

d. *CFR Citation:* 45 CFR Part 80, new subpart to be assigned.

e. *Legal Authority:* Community Services Block Grant: Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35 [OBRA] 677, 95 Stat. 516, 42 U.S.C. 9906. Preventive Health & Health Services Block Grant: OBRA 1908, 95 Stat. 542, 42 U.S.C. 300w–7. Alcohol and Drug and Mental Health Services Block Grant: OBRA 1918, 95 Stat. 543, 42 U.S.C. 300x–7. Primary Care Block Grant: OBRA 901, 1902, 95 Stat. 558; 42 U.S.C. 300y–9. Maternal and Child Health Services Block Grant: OBRA 2191, 95 Stat. 818, 42 U.S.C. 708. Low-Income Home Energy Assistance Block Grant: OBRA 2602, 2606, 95 Stat. 900, 42 U.S.C. 8625. Community Economic Development Act of 1981: OBRA 632(a), 95 Stat. 498, 42 U.S.C. 9821; Head Start Act: OBRA 654(a), 95 Stat. 507, 42 U.S.C. 9849.

f. *Abstract:* To implement the nondiscrimination requirements applicable to block grants and the Community Economic Development and Head Start Programs authorized by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35.

g. *Timetable:* Draft NPRM is in clearance, to be sent to the Department of Justice and the Office of Management and Budget for review. Publication of the NPRM in the **Federal Register** is expected during the first quarter of FY 83.

a. Title: Letter of Credit Sanctions

b. *Agency Contact:* David V. Dukes, Deputy Assistant Secretary for Management and Budget, Finance, Room 705–D, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245–7084.

c. *Effects on Small Businesses and Other Entities:* These regulations are not expected to have a significant economic impact on a substantial number of "small entities" as defined in 5 U.S.C. 601(6).

d. *CFR Citation:* Proposed 45 CFR Part 76.

e. *Legal Authority:* 5 U.S.C. 301.

f. *Abstract:* The proposed regulations would establish a procedure by which the Department may impose sanctions on a recipient holding a letter of credit under any program administered by the Department of Health and Human Services should the recipient violate the terms of the letter of credit.

g. *Timetable:* A Notice of Proposed Rule Making is expected to be published in the **Federal Register** in the first quarter of FY 1983.

a. Title: Unallowability of Costs of Influencing Congressional Legislation

b. *Agency Contact:* Matthias Lasker, Director, Office of Procurement and Assistance Policy, Room 513D, HHH Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202–245–7665.

c. *Effects on Small Businesses and Other Entities:* No significant effect on small entities.

d. *CFR Citation:* 45 CFR Part 74.

e. *Legal Authority:* Sec. 407 of Pub. L. 95–480, 95 Stat. 1589.

f. *Abstract:* Will draw attention to an implement a statutory provision prohibiting payment of grant funds for costs of influencing legislation of the U.S. Congress. No policy issues, budgetary savings, or costs are involved.

g. *Timetable:* Next action is undetermined.

a. Title: Grants and Subgrants to For-Profit Organizations

b. *Agency Contact:* Matthias Lasker, Director, Office of Procurement and Assistance Policy, Room 513D, HHH Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202–245–7665.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact on a substantial number of small entities.

d. *CFR Citation:* 45 CFR Part 74.

e. *Legal Authority:* 5 U.S.C. 301.

f. *Abstract:* Will announce final decision to make for-profit organizations eligible for grants in programs in which they are not statutorily barred from receiving grants and will provide regulations for grants and subgrants to for-profit organizations. No anticipated budgetary impact. Will improve discretionary grant programs by increasing the numbers of organizations eligible to compete for grants and by making greater use of the resources of the private for-profit sector.

g. *Timetable:* Next action is undetermined.

a. Title: Civil Money Penalties

b. *Agency Contact:* Harvey Yampolsky, Assistant General Counsel, Inspector General Division, Room 5541, HHS, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 472–5335.

c. *Effects on Small Businesses and Other Entities:* These regulations are not expected to have a significant economic impact on a substantial number of "small entities" as defined in 5 USC 601(6).

d. *CFR Citation:* These regulations would be located in a new 45 CFR Part 100.

e. *Legal Authority:* Section 1128A of the Social Security Act as added by section 2105(a) of Pub. L. 97–35, the Omnibus Budget Reconciliation Act of 1981; 42 USC 1320a–7a.

f. *Abstract:* These regulations implement section 1128A of the Social Security Act. Section 1128A permits the imposition of civil money penalties against persons who have submitted prohibited claims under the Medicare, Medicaid, and Maternal and Child Health Block Grant programs. The regulations resolve a number of legal and policy issues, such as the administrative procedures to be used. Implementation of the civil money penalty program is estimated to require annual administrative expenses of $2.2 million and to result in program savings of two dollars for every dollar spent.

g. *Timetable:* A Notice of Proposed Rule Making is expected to be published in the **Federal Register** in the first quarter of FY 1983.

a. Title: Public Information Regulations

b. *Agency Contact:* Russell M. Roberts, Director, Freedom of Information/Privacy Division, Office of Public Affairs, Department of Health and Human Services, Room 118F, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201. Telephone number: (202) 472–7453.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 5 (Availability of Information to the Public).

e. *Legal Authority:* 5 U.S.C. 552 (Freedom of Information Act).

f. *Abstract:* This will be the first complete undate since August 1974 of the Department's Public Information Regulation Implementing the Freedom of Information Act. It will facilitate public access to information by making necessary revisions, clarifying, and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing FOIA requests by providing them with an integrated regulation that is compatible with current procedures for processing FOIA requests and assessing search and copy fees that reflect the increased cost of such services. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

g. *Timetable:* Next action is undetermined.

a. Title: Rulemaking relating to Public Property, Loans, Grants, Benefits, and Contracts

b. *Agency Contact:* Terry Coleman, Deputy General Counsel for Regulations, Room 706E, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 245–7544.

c. *Effects on Small Businesses and Other Entities:* These regulations are not expected to have a significant economic impact on a substantial number of "small entities" as defined in 5 USC 601(6).

d. *CFR Citation:* 45 CFR Part 2.

e. *Legal Authority:* 5 U.S.C. 301.

f. *Abstract:* These regulations state the Department's policy on the use of notice and comment procedures where they are not required by statute. The regulations have no direct budgetary impact.

g. *Timetable:* A Notice of Proposed Rulemaking was published in the **Federal Register** on June 22, 1982. 47 F.R. 26860. The next action is undetermined.

a. Title: Equal Access to Justice

b. *Agency Contact:* Darrel Grinstead, Assistant General Counsel, Business and Administrative Law Division, Room 5362, HHS, 330 Independence Avenue SW., Washington D.C. 20201, (202) 245–2151.

c. *Effects on Small Businesses and Other Entities:* These regulations are not expected to have a significant economic impact on a substantial number of "small entities" as defined in 5 USC 601(6).

d. *CFR Citation:* 45 CFR Part 13.

e. *Legal Authority:* Section 203(a)(1) of Pub. Law 96–481; 5 U.S.C. 504(c)(1).

f. *Abstract:* These regulations implement the Equal Access to Justice Act. They describe the circumstances under which the Department of Health and Human Services may award attorneys fees and certain other expenses to eligible entities who prevail over the Department in specified administrative proceedings where the Department's position in the proceeding was not substantially justified. The Act imposes a cost obligation on the Department that cannot be estimated because it cannot be determined how frequently the Department's position in administrative proceedings will be found not to have been substantially justified, which is the criterion for awards under the Act.

g. *Timetable:* Interim final regulations were published in the **Federal Register** on March 12, 1982. 47 FR 10834. Final regulations responding to public comments are expected to be published in the **Federal Register** in the first quarter of FY 1983.

a. Title: Administration of Grants to States Other Than Block Grants or Open-Ended Grants

b. *Agency Contact:* Matthias Lasker, Director, Office of Procurement and Assistance Policy, Room 513D, HHH Bldg., 200 Independence Avenue SW., Washington, D.C. 20201, 202-245-7665.

c. *Effects on Small Businesses and Other Entities:* No effect on small entities.

d. *CFR Citation:* 45 CFR Part 74 and 98.

e. *Legal Authority:* 5 U.S.C. 301.

f. *Abstract:* Will reduce and simplify grants administration requirements imposed on States. Will apply to all HHS closed-end categorical grants to States, discretionary (project) grants as well as mandatory (formula) grants. Issues will probably by: degree to which planning requirements can be simplified; whether requirement for grant financial status reports from States should be eliminated; whether Federal controls should be removed from income earned by States from grant-supported activities; and whether States should be permitted unrestricted use of Federal funds exceeding budgeted amounts that result from carryover of unused grant funds from one funding period to the next of a discretionary grant. No significant expected impact on Federal budget but should reduce administrative costs of States (no estimate available or feasible).

g. *Timetable:* An NPRM is expected to be issued during first quarter of FY 1983. This regulation will be reviewed by the Presidential Task Force on Regulatory Relief and is a priority rule.

a. Title: Privacy Act Regulation

b. *Agency Contact:* Russell M. Roberts, Director, Freedom of Information/Privacy Division, Office of Public Affairs, Department of Health and Human Services, Room 118F, Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201. Telephone number: (202) 472-7453.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 5(b) (Privacy Act Regulation).

e. *Legal Authority:* 5 U.S.C. 552(a) (Privacy Act of 1974).

f. *Abstract:* This will be the first complete update since 1975 of the Department's Privacy Act Regulation implementing the Privacy Act of 1974. It will facilitate individuals' access to information and records that the Department maintains about them in more than 400 designated Privacy Act Systems of Records, clarifying and promulgating at one time all the subparts of the regulation. It will also help Departmental personnel processing Privacy Act requests by providing them with an integrated regulation that is compatible with current procedures for processing such requests. The only alternative to this complete update is to continue to operate with a regulation that in the past has been revised on a piecemeal basis.

g. *Timetable:* Next action is undetermined.

Completed Action

1. Title: HHS Block Grant Programs

Agency Contact: Robert Raymond, 202-245-7316.

CFR Citation: 45 CFR Parts 16, 74 and 96.

Reason for Completion: Final Rule published July 6, 1982.

2. Title: Equipment Acquired Under Public Assistance Programs

Agency Contact: Edward Tracy, 202-245-7411.

CFR Citation: 45 CFR Part 95, Subpart G.

Reason for Completion: Final Rule published on September 21, 1982.

3. Title: Availability of Information to the Public

Agency Contact: Russell Roberts, 202-472-7453.

CFR Citation: 45 CFR Part 5.

Reason for Completion: Final Rule published on September 21, 1982.

OFFICE OF HUMAN DEVELOPMENT SERVICES

Current and Projected Rulemaking

1. Office of Assistant Secretary for Planning and Evaluation, Public Health Service, and Office of Human Development Services

a. Title: Consolidated Grants to Insular Areas—Final Rule

b. *Agency Contact:* Catherine Carver, Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs, Room 640-F, Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245-6156.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 42 CFR Part 50, Subpart F, 45 CFR Parts 97 and 1300.

e. *Legal Authority:* Section 501, Pub. L. 95-134, 91 Stat. 1164, amended, Sec. 9, Pub. L. 95-348, 92 Stat. 495, Sec. 601, Pub. L. 96-205, 94 Stat. 90 (48 U.S.C. 1469a).

f. *Abstract:* This is a joint regulation of the Office of the Assistant Secretary for Planning and Evaluation, the Public Health Service, and the Office of Human Development Services. The regulation would authorize the consolidation of certain formula and block grants to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands (the "Insular Areas"). The regulation would also waive all requirements for matching that are imposed upon an insular area under any of those block or formula grant programs that are included in a consolidated grant. Previous regulations allowing for consolidations of grants of the Public Health Service (42 CFR Part 50, Subpart F) and the Office of Human Development Services (45 CFR Part 1300) would be repealed.

g. *Timetable:* An NPRM was published on June 16, 1982 (47 FR 26104). A final rule is expected to be published during the first quarter of fiscal year 1983.

2. Administration on Aging

a. Title: Grants for State and Community Programs on Aging: Funding of Program Development and Coordination Activities as Allowable Supportive Services Costs—Final Rule

b. *Agency Contact:* Floyd Godfrey or Anita Shalit, Administration on Aging, Room 4750, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245-0641.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Part 1321.

e. *Legal Authority:* Title III of the Older Americans Act (42 U.S.C. 3021 through 3030g).

f. *Abstract:* Under this regulation, States must expend up to the limit of 8.5 percent for area plan administration prior to spending direct supportive service funds for program development and coordination. In addition, the State Plan on Aging must include an assurance that State and area agencies on aging will obtain review and comment from the general public, including older persons, government officials and the aging services network prior to using additional amounts of direct supportive service funds for program development and coordination.

g. *Timetable:* An NPRM was published on February 5, 1982 (47 FR 5440). The final rule is expected to be published during the first quarter of fiscal year 1983.

3. Administration on Aging

a. Title: Grants for State and Community Programs on Aging; Grants to Indian Tribes for Supportive and Nutrition Services; and Standard Setting Requirements for Medical and Nonmedical Facilities where SSI Recipients Reside—Notice of Proposed Rulemaking

b. *Agency Contact:* Floyd Godfrey or Anita Shalit, Administration on Aging, Room 4750, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245–0641.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Parts 1321, 1328, and 1397.

e. *Legal Authority:* Title III of the Older Americans Act (42 U.S.C. 3057); Section 1616(e) of the Social Security Act (42 U.S.C. 1382e).

f. *Abstract:* This NPRM will propose requirements that will give States and Indian tribes greater flexibility in meeting the statutory requirements to provide supportive and nutrition services to older individuals. The NPRM also provides for: (1) the establishment of an assurance in the agency's State plan that the State will meet the requirements under Section 1616(e) of the Social Security Act to establish, maintain and enforce standards in facilities where substantial numbers of SSI recipients live; and (2) funding sanctions for failure to comply with those provisions.

g. *Timetable:* The NPRM is expected to be published during the first quarter of fiscal year 1983.

4. Administration for Children, Youth and Families

a. Title: Foster Care Maintenance Assistance, Adoption Assistance, and Child Welfare Services—Final Rule

b. *Agency Contact:* Frank Ferro, Associate Chief, Children's Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013, (202) 755–7418.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Parts 1355, 1356, 1357, and 1392.

e. *Legal Authority:* Adoption Assistance and Child Welfare Act of 1980, Pub. L. 96–272, 42 U.S.C. 670 et seq., 94 Stat. 501, 42 U.S.C. 620 et seq., 94 Stat. 516 et seq., Section 1102 of the Social Security Act, as amended, 42 U.S.C. 1302.

f. *Abstract:* This regulation will implement the provisions of the Adoption Assistance and Child Welfare Act of 1980 (titles IV–E, Federal Payments for Foster Care and Adoption Assistance, and IV–B, Child Welfare Services, of the Social Security Act) to establish a program of adoption assistance, strengthen the program of foster care assistance for neglected and dependent children, and to improve the child welfare services program.

g. *Timetable:* An NPRM was published on December 31, 1980 (45 FR 86817). A final rule governing fiscal requirements was published on July 15, 1982 (47 FR 30922). On the same date, a second NPRM governing the programmatic requirements of foster care, adoption assistance and child welfare services was published (47 FR 30932). A final rule on the programmatic sections is expected to be published during the third quarter of fiscal year 1983.

5. Administration for Children, Youth and Families

a. Title: Child Abuse and Neglect Prevention and Treatment Program—Final Rule

b. *Agency Contact:* Jay Olson, Special Assistant to the Director, National Center on Child Abuse and Neglect, Administration for Children, Youth and Families, Room 2008D Donohoe Building, 400 Sixth Street SW., P.O. Box 1182, Washington, D.C. 20013, (202) 245–2859.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Part 1340.

e. *Legal Authority:* The Child Abuse Prevention and Treatment Act, Pub. L. 93–247, 88 Stat. 4; Pub. L. 95–266, 92 Stat. 205; Secs. 609–610, Pub. L. 97–35, 95 Stat. 488 (42 U.S.C. 5101 et seq.).

f. *Abstract:* This regulation will implement the amendments to the Child Abuse Prevention and Treatment Act contained in Title I of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, Pub. L. 95–266, as amended. The regulation will also clarify, simplify and eliminate where repetitive of the statute, rules governing the Child Abuse and Neglect Prevention and Treatment Program and those related to the coordination of Federal activities related to child abuse and neglect.

g. *Timetable:* An NPRM was published on May 27, 1980 (45 FR 35794). It is expected that the final rule will be published during the first quarter of fiscal year 1983.

6. Administration on Developmental Disabilities

a. Title: Developmental Disabilities Program—Second Notice of Proposed Rulemaking

b. *Agency Contact:* Mrs. Madelyn C. Schultz, Administration on Developmental Disabilities, Room 349–F Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201, (202) 245–1961.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Parts 1385, 1386, and 1387.

e. *Legal Authority:* Pub. L. 88–164, 77 Stat. 282, as amended by Pub. L. 90–170, 81 Stat. 527; Pub. L. 91–517, 84 Stat. 1316; Pub. L. 94–103, 89 Stat. 486; Pub. L. 95–602, 92 Stat. 2955; Pub. L. 97–35, 95 Stat. 563 (42 U.S.C. 6001 et seq.).

f. *Abstract:* This proposed regulation would provide maximum flexibility to States in their implementation of the basic formula grant program and the protection and advocacy system. It proposes to simplify State administration of the program and reduce reporting and paperwork requirements.

g. *Timetable:* An NPRM was published on May 9, 1980 (45 FR 31006). The Department plans to rescind the first NPRM and publish a second NPRM more consistent with Executive Order 12291 and the Department's rulemaking principles. The second NPRM is expected to be published during the first quarter of fiscal year 1983.

7. Administration for Native Americans

a. Title: Native American Programs—Final Rule

b. *Agency Contact:* David Litton, Acting Director, Policy Planning and Budget Division, Administration for Native Americans, Room 5300, HHS North Building, 330 Independence Avenue SW., Washington, D.C. 20201, (202) 245–7727.

c. *Effects on Small Businesses and Other Entities:* No significant economic impact.

d. *CFR Citation:* 45 CFR Part 1336.

e. *Legal Authority:* The Native American Programs Act, Title VIII of the Head Start, Economic Opportunity and Community Partnership Act of 1974, Pub. L. 93–644, as amended by Pub. L. 95–568 and Pub. L. 97–35 (42 U.S.C. 2991 et seq.).

f. *Abstract: This regulation will revise and simplify the appeals process and establish new management and administrative procedures which will reduce reporting and paperwork requirements. It will also remove unnecessary provisions and revise the language of the current regulation for clarity.*

g. *Timetable:* An NPRM was published on August 26, 1982 (47 FR 37852). The final rule is expected to be published during the second quarter of fiscal year 1983.

Completed Actions

(None)

SOCIAL SECURITY ADMINISTRATION

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- —Annual Earnings Test (OASDI)
- —Changes to the Retirement Test (OASDI)
- —Proration of Shelter, Utilities, and Similar Expenses for AFDC Children Living With Ineligible Relatives (AFDC)
- —Benefits for Certain Prisoners (OASDI)
- —Changes in Lump-Sum Death Payment, Month of Entitlement, Mothers and Fathers Benefits and Student Benefits (OASDI)
- —Revision of Totalization Benefit Computation (OASDI)
- —Deduction of Impairment-Related Work Expenses (OASDI, SSI)
- —Revised Medical Criteria for Determination of Disability (OASDI, SSI)
- —Extension of Trial Work Period and Reinstatement of Benefits (OASDI, SSI)
- —Least Costly Approach (AFDC)
- —Time Limitations for Issuing Hearing Decisions and for Appeals Council Actions (OASDI, SSI)

Review of Existing Regulations
- —None at this time

Completed Actions (From Last Agenda)
- —Withholding Part B Black Lung Benefits to Recover Part C Overpayments (BL)
- —Continued Payment of Benefits to Persons in Approved Vocational Rehabilitiation Programs (OASDI, SSI)
- —Representative Payee (OASDI, SSI)
- —Experiment To Improve the Hearing Process Through the Involvement of SSA Representatives (OASDI, SSI)
- —Computing Primary Insurance Amounts, Reorganization of Subpart, and Changes in Computing Dropout Years for Workers Entitled to Disability Insurance Benefits (OASDI)

Current and Projected Rulemakings

Priority Regulations

a. Title—Old-Age, Survivors, and Disability Insurance, Black Lung, and Supplemental Security Income Programs; Waiver of Adjustment or Recovery of Overpayments

b. *Agency Contact*—Name: Larry Dudar. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: 301–594–6629.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart F; 410, subpart E; and 416, Subpart E.

e. *Legal Authority*—30 U.S.C. 923, 42 U.S.C. 404, 405, 427, 1302, 1383(b).

f. *Abstract*—The proposed regulation would: (1) establish a time limit for requesting waiver of recovery of an overpayment of benefits; (2) standardize among the three programs the definitions of "without fault" (a criterion for waiver for recovery); (3) identify a resource base for all three programs, recovery from which will be considered to "defeat the purpose" (another criterion for waiver) of the program; (4) limit the amount of miscellaneous living expenses considered in determining whether recovery will "defeat the purpose" of the program; and (5) provide that recovery will be considered "against equity and good conscience" only if the individual relinquished a valuable right or changed his or her position for the worse because of the incorrect payment or because of a notice that the payment would be made. The regulation would be expected to result in program savings and negligible administrative cost.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Eligibility, Mandatory Application for Earned Income Tax Credits

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: 301–594–7460.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart B.

e. *Legal Authority*—42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383.

f. *Abstract*—Existing regulations provide that individuals are not eligible for SSI benefits if they do not apply for other benefits when notified to do so by SSA. These benefits include payments based on past employment and military service. These proposed rules amend the regulations by adding to these benefits which must be applied for amounts payable as earned income tax credits (EITC's) under the provisions of sections 43 and 3507 of the Internal Revenue Code. These payments became countable as earned income for Supplemental Security Income (SSI) purposes with the enactment of Pub. L. 96–222 (section 101(a)(2)(B)). It is estimated that these regulations will have no significant program or administrative costs or savings.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Burial Plots and Prepaid Burial Contracts

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: 301-594-7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416 Subpart L.

e. *Legal Authority*—42 U.S.C. 1302, 1382, 1382b, 1382c, and 1383.

f. *Abstract*—This regulation specifies that burial plots and prepaid burial contracts are not resources for purposes of the Supplementary Security Income (SSI) program. It will resolve the problem within the SSI program of an individual who is found ineligible or loses eligibility for SSI benefits because he or she owns a burial plot or has a burial contract. We estimate that this regulation will have minimal program and administrative costs.

g. *Timetable*—Past Actions: An Interim Rule was published on August 17, 1982. Next Stage: Publication of a Final Regulation—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Effective Date of Application and Proration of Initial SSI Benefit Payment

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: 301-594-7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subparts C and E.

e. *Legal Authority*—Pub. L. 97-248.

f. *Abstract*—These regulations, effective October 1, 1982, will enable SSI benefits in the month of application to be prorated from the date of application or the date of eligibility, whichever is later. The regulations will also apply to months in which the individual reapplies after a period of ineligibility.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Program: Rounding of SSI Benefit Amounts

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR, Part 416, Subpart D.

e. *Legal Authority*—Pub. L. 97-248.

f. *Abstract*—These rules reflect changes in the law enabling SSI monthly benefit and income eligibility amounts to be rounded to the next lower dollar. Rounding takes place after the cost-of-living adjustment (COLA) has been made and subsequent COLAs are based on unrounded benefit and income eligibility amounts.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Programs; Mandatory Pass Through Under State Supplementation Provisions

b. *Agency Contact*—Name: Irving Darrow. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 597-3409.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart T.

e. *Legal Authority*—Sec. 186 of Pub. L. 97-248 (Sec. 1618(c) of the Social Security Act, as amended; 42 U.S.C. 1382g(c))

f. *Abstract*—These rules reflect changes in the law enabling States to switch from the "maintaining of total expenditures" method of compliance with mandatory pass through provisions to the "maintaining of payment levels" method without first having to pass through to SSI recipients all the Federal cost-of-living benefit increases which have occurred since December 1976.

g. *Timetable*—Past Actions: None. Next Stage: Publication of Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Phaseout of Hold Harmless Protection

b. *Agency Contact*—Name: Irving Darrow. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 597-3409.

c. Effects on Small Businesses and Other Entities—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart T.

e. *Legal Authority*—Sec. 184 of Pub. L. 97-248.

f. *Abstract*—These rules reflect changes in the law which reduce Federal contributions toward the cost of State's supplementary payments to 60% of what they otherwise would have been for FY 1982; 40% of what they otherwise would have been for FY 1983; and discontinue them entirely afterwards.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Burial Spaces and Certain Funds Set Aside for Burial Expenses

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart L.

e. Legal Authority—Pub. L. 97-248.

f. *Abstract*—These regulations provide for the exclusion of burial spaces for the use of an individual and members of his or her immediate family. The amendment also provides for the exclusion of up to $1,500 each for an individual and spouse held in separately identifiable burial funds. However, the amount excluded as a burial fund will be reduced by the face value ($1,500 or less) of life insurance where the cash surrender value was already counted in excludable resources and any amount held in an irrevocable burial arrangement (not considered a resource because it cannot be redeemed for cash). Thus, the exclusion of burial funds is not an exclusion of additional amounts of resources. Rather, it gives SSI recipients an alternative to life insurance and irrevocable burial plans for providing for their burial expenses without affecting their SSI eligibility. The provision also stipulates that future SSI benefits will be reduced by any amounts of the excluded burial funds used for purposes other than those for which they were set aside. The Secretary is authorized to exclude from income and resources increases in the value of burial funds which result from accrual of interest or from appreciation. the effective date of these regulations is 11/1/82.

g. *Timetable*—Past Actions: None. Next Stage: Publication of an Interim Regulation—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Limitations in Cases Involving Felonious Homicide

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subparts D and J.

e. *Legal Authority*—Sections 202(d) and 1102 of the Social Security Act.

f. *Abstract*—This regulation prohibits a child who is found by a competent judicial body to have intentionally caused the death of a wage earner, from being paid a survivor's benefit on that wage earner's record. Under previous policy, survivors benefits were often paid to these juveniles because under the juvenile systems in most States the juveniles were not convicted of crimes. In addition, the word "finally" was removed from the existing regulations so as to make it clear that benefit payments will cease beginning with the month a court pronounces a conviction and will not resume unless and until the conviction is reversed. Minimal program savings are expected because of the small number of persons affected. There is no administrative cost impact.

g. *Timetable*—Past Actions: An Interim Regulation was published on March 30, 1982 (47 FR 13324). Next Stage: Publication of a Final Regulation—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Deeming of Income and Resources

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart K.

e. *Legal Authority*—Sections 1102, 1612, 1613, 1614(c) and 1631 of the Social Security Act.

f. *Abstract*—The regulation reflects a temporary change in policy which provides that the Secretary, in appropriate circumstances, will not apply the ordinary SSI rules for deeming certain family member's income and resources to a noninstitutionalized person. The regulation enables a patient to retain Medicaid eligibility while being treated at home at considerably less cost to the government than if he or she were in an institution. This temporary policy deals with this concern while States develop appropriate programs of home and community based services under their Medicaid programs. The regulation will have inconsequential impact on administrative costs. Minimal program savings will result because of the relatively small number of persons affected.

g. *Timetable*—Past Actions: An Interim Regulation was published on June 4, 1982 (47 FR 24274). Next Stage: Publication of a Final Regulation—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Rules for Certain Medical Cessation Cases

b. *Agency Contact*—Name: Harry Short. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7337.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart P, and 416, Subpart I.

e. *Legal Authority*—Sections 205, 1102, and 1631 of the Social Security Act.

f. *Abstract*—This proposed regulation describes revised procedures for processing certain cases where a person's benefits are being stopped because he or she has been found to be not now disabled or blind, as defined in the law. The proposed regulation amends the rules describing when a person's disability will be determined to have ended and, therefore, when cash disability benefits will be stopped (and, for a disabled worker, when a period of disability ends). These changes will result in a moderate increase in program costs.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—second quarter in FY 1983.

Other Regulations

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Payments to States for Successful Rehabilitation Services

b. *Agency Contact*—Name: Harry Short. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7337.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart V, and 416, Subpart V.

e. *Legal Authority*—Pub. L. 97-35, Sections 2209 and 2344.

f. *Abstract*—This regulation will implement provisions of the Omnibus Budget Reconciliation Act of 1981. These provisions provide for replacement of the system under which State Vocational Rehabilitation (VR) agencies were given a lump sum advance to cover costs they might incur in attempting to rehabilitate beneficiaries with a system under which States or other participants will be paid on a case-by-case basis, though they may continue to get lump sum advances. The regulation will limit reimbursement for VR services to cases of successful rehabilitation attributable to VR involvement. Program savings are anticipated through FY 1983.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on October 14, 1981 (46 FR 50756). Next Stage: Publication of a Final Regulations—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Megacap DIB Reductions

b. *Agency Contact*—Name: Armand Esposito. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7455.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart E.

e. *Legal Authority*—Section 224 of the Social Security Act (42 U.S.C. 424) as amended by Section 2208 of Pub. L. 97–35.

f. *Abstract*—This interim regulation will implement statutory cost reduction provisions in the disability program (1) by offsetting disability benefits with other public disability payments (in addition to workmen's compensation); (2) by extending the period of offset through age 64; (3) by authorizing offset for the first month for which the worker is entitled to workmen's compensation regardless of when SSA receives notice of such entitlement; and (4) by providing that "reverse" offset under State law would not preclude Federal offset unless the State law was in effect on February 18, 1981. These changes will result in savings to the social security disability trust fund.

g. *Timetable*—Past Actions: None. Next Stage: Publication of an Interim Regulation—third quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Coverage of Employees of State and Local Governments

b. *Agency Contact*—Name: Armand Esposito. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7455.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart M.

e. *Legal Authority*—42 U.S.C. 418 and 1302.

f. *Abstract*—This proposed regulation reflects policies and procedures concerning agreements between States and the Secretary for Social Security coverage of State and local employees, termination of those agreements, payment of Social Security contributions, filing of wage reports by States, charging interest for late payments, etc. The current rules need to be organized into a logical sequence and to be updated to reflect many policies which SSA has followed for many years. In preparing this regulation, we reviewed all policies to assess their impact on the trust funds and to reduce recordkeeping burdens. This proposed regulation primarily reflects current policies so that any program and administrative savings will be minimal.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on September 28, 1979 (44 FR 55899). On September 26, 1980 we published a Notice of Availability of a working draft of these proposed regulations (45 FR 63868). Next Stage: Publication of a Notice of Proposed Rulemaking—second quarter in FY 1983.

a. Title—Old Age, Survivors, and Disability Insurance Program; Repeal of OASDI Minimum Benefit Provision; Rounding of Benefits

b. *Agency Contact*—Name: Phil Berge. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7452.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subparts C, D, and E.

e. *Legal Authority*—Pub. L. 97–35, Sections 2201 and 2206; Pub. L. 97–123, Section 2.

f. *Abstract*—This proposed regulation explains that effective January 1982 there is, in general, no longer a minimum primary insurance amount (PIA). Instead, the PIA is the amount computed based on the individual's earnings. The regulation also explains the amended rules on rounding, i.e., amounts computed will be rounded down to the next lower multiple of $.10 at intermediate steps of the calculation and the next lower $1 at the final step. The repeal of the minimum benefit will result in decreased OASDI benefits, but will increase costs to the Supplemental Security Income program as more people become eligible for Supplemental Security Income benefits.

The amended rules on rounding will result in program savings.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Fee Schedule for Furnishing Information

b. *Agency Contact*—Name: Armand Esposito. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7455.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 401 and 422 Subpart E.

e. *Legal Authority*—P.L. 97–35 (2207); 42 U.S.C. 405, 1302, and 1306.

f. *Abstract*—The substantive changes in these rules conform current rules on who can deny or release a record to those published in final by HHS on May 12, 1982 at 47 FR 20309. They conform the SSA Freedom of Information Act (FOIA) fee schedule to that proposed by HHS in a Notice of Proposed Rulemaking published on April 12, 1982 at 47 FR 15610. They also announce a fee schedule under which we will charge the full cost of providing certain records as allowed by section 2207 of the Omnibus Budget Reconciliation Act of 1981. Although it is mandatory, the proposed HHS FOIA fee schedule and our proposed fee schedule to charge full cost of providing certain records will result in savings to the Social Security trust funds by permitting SSA to charge more than currently allowed for providing records and record related services.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Federal Financial Participation in the Cost of a Statewide Mechanized Claims Processing and Information Retrieval System

b. *Agency Contact*—Name: John Gallagher. Title: Director, Division of State Systems Management. Address: Office of Family Assistance, 2100 Second St. SW., Washington, D.C. 20024. Phone: (202) 245–2133.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the

Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—45 CFR Part 205.

e. *Legal Authority*—42 U.S.C. 602(a), 603(a)(3), and 613, as amended by sec. 406 of Pub. L. 96–265.

f. *Abstract*—The regulation will make available, at State option, 90 percent matching funds for the planning, design, development, and installation of a statewide claims processing and information retrieval system for the AFDC program. The 90 percent matching includes the purchase or rental of computer equipment and software used for the operation of this system. The regulation will result in short-run administrative costs, but is expected to result in greater long-run program savings through increased accuracy of processing.

g. *Timetable*—Past Actions: An Interim Regulation was published September 30, 1981 (46 FR 47784). Next Stage: Publication of a Final Regulation—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Filing of Applications and Other Forms, Withdrawal of an Application

b. *Agency Contact*—Name: Larry Dudar. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–6629.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart G.

e. *Legal Authority*—42 U.S.C. 405 and 1302.

f. *Abstract*—The proposed regulation would permit a person eligible for widow's or widower's benefits to withdraw a deceased worker's application for reduced old-age benefits if the worker died before SSA certified the worker's entitlement to the Treasury Department for payment. The change would permit avoidance of the reduction in widow's or widower's benefits that is required where the worker was entitled to benefits reduced because of his or her age. The reduction appears inequitable if the worker died before his or her entitlement was certified. The regulation would result in some program costs and negligible administrative costs.

g. *Timetable*—Past Action: A Notice of Decision to Develop Regulations was published March 2, 1982 (47 FR 8789). Next Stage: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Aid to Families with Dependent Children Program; Disclosure of Information for Audits

b. *Agency Contact*—Name: Helen Hamilton. Title: Program Specialist. Address: Office of Family Assistance, SSA, 2100 Second St., SW., Washington, D.C. 20024. Phone: (202) 245–3341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—45 CFR 205.50.

e. *Legal Authority*—42 U.S.C. 1302; 42 U.S.C. 602 as amended by sec. 403(a) of Pub. L. 96–265.

f. *Abstract*—This regulation permits disclosure of information concerning applicants for and recipients of financial assistance under title IV–A of the Social Security Act. Disclosure is permitted for purposes of program audits conducted by any governmental entity authorized by law to conduct such audits. The change implements sec. 403(a) of the Social Security Disability Amendments of 1980. This regulation will result in a negligible administrative costs.

g. *Timetable*—Past Actions: An Interim Regulation was published on May 3, 1982 (47 FR 18879). Next Stage: Publication of Final Regulation—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Medicaid Eligibility Determinations

b. *Agency Contact*—Name: Cliff Terry. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone (301) 595–7519.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart U.

e. *Legal Authority*—42 U.S.C. 1302, 1383, 1383c, and 4222.

f. *Abstract*—The proposed regulation gives the rules under which SSA agree to make determinations of Medicaid eligibility for Supplemental Security Income (SSI) beneficiaries on behalf of States and to give States other assistance in Medicaid program administration. The agreements avoid duplication of effort between State and Federal governments and simplify the Medicaid application process for applicants. This revision makes the rules clearer and easier to read. The rules also provide for SSA'a making Medicaid determinations for a State that implements sec. 1912 of the Social Security Act. Sec. 1912 authorizes a State to require, as a condition of Medicaid eligibility, that a person assign to the State any rights he or she has to payments from someone else for medical care. The regulations will result in no program or administrative costs or savings for SSA.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in FY 1983.

a. Title—Supplemental Security Income Program; Deeming of Income and Resources

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subparts K and L.

e. *Legal Authority*—Pub. L. 97–35 section 2176; Section 1915(c) of the Social Security Act.

f. *Abstract*—This regulation, provides that until April 30, 1983 the Secretary, in appropriate circumstances, will not apply the SSI rules for deeming certain family members income and resources to a noninstitutionalized individual. This will enable such individual to qualify for or retain eligibility for Medicaid benefits until States have had time to develop appropriate programs of home and community based services under their Medicaid programs.

g. *Timetable*—Past Actions: An Interim regulation was published on June 4, 1982 (47 FR 24274). Next Stage: Publication of Final Regulation—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Mandatory Application For Earned Income Tax Credits

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7460.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart B.

e. *Legal Authority*—Section 611(e)(2) Commissioner's Decision 5/17/82.

f. *Abstract*—These rules add earned income tax credits (EITC's) as another example of the type of payments for which an individual must apply and pursue (if so directed by SSA) in order to be eligible for SSI benefits.

g. *Timetable*—Past Actions: None. Next Stage: Publication of Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Supplemental Security Income Program; Reductions, Suspensions and Terminations

b. *Agency Contact*—Name: Charles H. Campbell. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 597-3406.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart M.

e. *Legal Authority*—U.S.C. 1302, 1382, 1382c, 1382d, and 1383.

f. *Abstract*—This regulation reorganizes, revises, and clarifies the rules on withholding, reducing, suspending, and terminating an SSI beneficiary's benefits. These regulations include changes in the present rules that are required by recent statutory enactments and, additionally, make the rules easier to read and understand. This regulation will have no impact on SSA programs and administrative costs.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on June 19, 1979 (44 FR 35241). Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in FY 1983.

a. Title—Aid to Families with Dependent Children Program; General Administration—Public Assistance Programs Quality Control Reviews

b. *Agency Contact*—Name: Sean Hurley. Title: Program Policy Specialist. Address: Office of Family Assistance, Room 1416, Switzer Bldg., 330 "C" St. SW., Washington, D.C. 20201. Phone: (202) 245-0976.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—45 CFR 205.40.

e. *Legal Authority*—42 U.S.C. 602(a) and 1302.

f. *Abstract*—This regulation requires State agencies to submit to SSA their review findings from their sample cases according to a schedule. We are requiring the scheduled submission of this data so that it is more readily available and reports concerning this data are completed on a timely basis. Also, timely data on payment error rates will assist administrators in determining where funds are being lost. These regulations will involve no significant increase in costs.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on October 24, 1980 (45 FR 70521). Next Stage: Publication of a Final Regulation—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Exception to Status as Resident of a Public Institution for Educational and Vocational Training

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7457.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart B.

e. *Legal Authority*—42 U.S.C. 1302, 1381a, 1382, 1382c, and 1383.

f. *Abstract*—This proposed regulation has been developed because SSA has begun to receive applications on behalf of severely retarded individuals in public institutions. Individuals in public educational institutions enrolled in or registered for education or vocational training have been excluded from the status as a resident of a public institution and, thus, may be eligible for SSI benefits. This proposed rule would restrict the exception to residents in public educational institutions primarily to receive educational or vocational training. The education or vocational training must have the objective of gainful employment. Adoption of this proposed regulation will entail no program costs but will prevent anticipated program and administrative costs.

g. *Timetable*—Past Actions: None. Next State: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Sheltered Workshops and Earned Income Tax Credits

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7457.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart K.

e. *Legal Authority*—Pub. L. 96-222; Pub. L. 96-265.

f. *Abstract*—The regulations provide that sheltered workshop remuneration is earned income as of 10/1/80 and that earned income tax credits are earned income as of 1/1/80. The regulations eliminate the need to determine whether sheltered workshop services are employment or therapy—which determines whether remuneration received is earned or unearned income. Earned income is advantageous to a beneficiary as it provides greater exclusions and higher benefits. The earned income tax credits, which did not affect benefits prior to 1980, would have been unearned income as of 1980 and would have resulted in lower benefits, if this law had not been enacted. The administrative costs from both provisions will be negligible while generating some program savings.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on January 19, 1981 (46 FR 4949). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Supplemental Security Income Program; Age 18 and Alien Deeming

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7457.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart K.

e. *Legal Authority*—Pub. L. 96–265, sections 203 and 504.

f. *Abstract*—This regulation provides that deeming of parental income and resources to an eligible child ends when a child reaches age 18 unless a savings clause applies to children between 18 and 21, and that a sponsor's income and resources are deemed to an alien for a period of three years after admission for aliens who first apply for SSI benefits after September 30, 1980. The regulation eliminates different treatment of children aged 18 to 21 depending on status as students, and assumes that sponsors will support aliens and sets more rigid rules for the sponsor to alien deeming than apply to other deeming categories.

Section 203 of Pub. L. 96–265, which pertains to age 18 deeming, will generate minimal program savings and insignificant cost outlays. However, section 504 of Pub. L. 96–265, which pertains to sponsor to alien deeming, will result in some cost savings as well as program savings.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on November 14, 1980 (45 FR 75225). A Notice of Proposed Rulemaking was published on December 10, 1981 (46 FR 6047). Next Stage: Publication of Final Regulation—first quarter in FY 1983.

a. Title—Supplemental Security Income Program; Eligibility, Amount of Benefits, Income, Resources, State Supplementary Provisions, Agreements, Payments

b. *Agency Contact*—Name: Rita Hauth. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7457.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subparts B, D, K, L, and T.

e. *Legal Authority*—Pub. L. 97–35, Section 2341.

f. *Abstract*—This regulation will implement statutory provisions for retrospective monthly accounting and spell out how they affect various regulations that deal with eligibility for and the amount of SSI benefits. This regulation will implement a significant change from quarterly to monthly determinations of eligibility and benefit amount. Although in the first year (1982) of implementation of retrospective monthly accounting there will be an administrative cost, it will be followed by an administrative saving thereafter. Some significant program costs are projected in 1982 through 1984 and neither cost nor savings in 1985.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on October 29, 1981 (46 FR 53449). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Limitation on Prospective Life of Application

b. *Agency Contact*—Name: Phil Berge. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7452.

c. *Effects on Small Business and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subparts G & J, and 416, Subparts C & N.

e. *Legal Authority*—Pub. L. 96–265, Section 306.

f. *Abstract*—These rules should promote final resolution of cases at the hearing stage and help to reserve appeals council review for cases of a genuinely appellate nature. These rules specify that if a person files an application for benefits before the first month he or she meets all requirements for entitlements, we will allow the claim only if he or she meets all requirements before a hearing decision is issued (if a hearing is held). These rules will generate program savings and administrative costs and savings.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on September 16, 1980 (45 FR 61315). Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Adjustment for Federal Share for Uncashed Checks

b. *Agency Contact*—Name: Charles H. Campbell. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 597–3406.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—CFR 205.44.

e. *Legal Authority*—42 U.S.C. 303, 603(a), 1203, 1302, 1353, and 1383(note).

f. *Abstract*—This regulation establishes a uniform policy for a State to return to the Federal government its share of uncashed or cancelled assistance checks. A GAO audit disclosed many instances where these uncashed or cancelled checks were not refunded to the Federal government. This regulation will result in significant program savings.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on November 14, 1980 (45 FR 75244). Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Experiments and Demonstration Projects Under the Disability Insurance and Supplemental Security Income Programs

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subparts D and P, and 416, Subparts B and I.

e. *Legal Authority*—42 U.S.C. 1310; Section 505 of Pub. L. 96–265.

f. *Abstract*—The Social Security Disability Amendments of 1980 authorized the Secretary to conduct experiments and demonstration projects in the DI and SSI programs. These rules will authorize modification of the requirements for disability benefits and SSI benefits when a person has been selected to participate in an experiment or demonstration project. We estimate that this regulation will have minimal program and administrative costs. The expenditures for FY 1982, 1983, and 1984 for the experiments are provided for in the Department's operating budget.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on April 12, 1982 (47 FR 15602). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Supplemental Security Income Program; Disposing of Resources for Less Than Fair Market Value

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of

Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart L.

e. *Legal Authority*—42 U.S.C. 1302, 1382b, and 1383; Section 5 of Pub. L. 96-611.

f. *Abstract*—This regulation provides that an individual (or eligible spouse) who gives away or sells any nonexcludable resource for less than fair market value for the purpose of establishing SSI eligibility will have the uncompensated value of those resources counted toward the resource limit for 24 months from the date of disposal. This type of transfer is presumed to be for the purpose of establishing SSI eligibility unless the individual can present convincing evidence that the transfer (disposal) was exclusively for some other purpose. Administrative costs will be minimal; however, there will be a saving in program costs.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on October 22, 1981 (46 FR 51778). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Supplemental Security Income Program; Resources

b. *Agency Contact*—Name: Henry Lerner. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7414.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 416, Subpart L.

e. *Legal Authority*—42 U.S.C. 1302, 1382, 1382b, 1382c, and 1383.

f. *Abstract*—Those proposed rules describe what we mean by resources, how we count resources, and how resources affect eligibility for SSI benefits. We estimate that administrative and program costs will be minimal for these regulations.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on March 27, 1979 (44 FR 12837). Next Stage: Publication of a Notice of Proposed Rulemaking—first quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Computing a Supplemental Payment in States Required to do so By Section 402(a)(28) of the Social Security Act

b. *Agency Contact*—Name: Alice Stewart. Title: Program Specialist. Address: Office of Family Assistance, Room B411, TransPoint Bldg., 2100 Second St. SW., Washington, D.C. 20024. Phone: (202) 426-6200.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—45 CFR 232.21, 233.20, 302.32.

e. *Legal Authority*—42 U.S.C. 602 and 1302.

f. *Abstract*—This regulation will require that eligibility be based on the current month's reported support payments, and each month's supplemental payment be based on the largest part of the amount collected in the current month that would not cause ineligibility. It will provide uniform and equitable redeterminations of eligibility and payment amounts. This regulation will result in minimal costs.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on May 18, 1979 (44 FR 29122). A Notice of Proposed Rulemaking was published on February 15, 1980 (45 FR 8322). Next Stage: Publication of Final Regulations—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Annual Earnings Test

b. *Agency Contact*—Name: Marval Cazer. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7463.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart E.

e. *Legal Authority*—Pub. L. 97-35, section 2204.

f. *Abstract*—This proposed regulation delays from January 1982 until January 1983 (except for certain fiscal year beneficiaries) full implementation of section 302(a), Pub. L. 95-216, which reduced from 72 to 70 the age at which Social Security benefits are no longer subject to an earnings test. It delays for one year the removal of all earnings test restrictions for workers at age 70. This regulation will result in significant program savings.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on May 26, 1982 (47 FR 22965). Next Stage: Publication of Final Regulations—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Changes to the Retirement Test

b. *Agency Contact*—Name: Marval Cazer. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594-7463.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart E.

e. *Legal Authority*—Pub. L. 96-473, Sections 1, 3, and 4.

f. *Abstract*—This regulation contains the rules that will eliminate some of the harsh and unintended effects of the Social Security Amendments of 1977. The provisions of the regulation (1) permit the use of the monthly earnings test by certain beneficiaries in the year that their entitlement terminates for a reason other than death; (2) exclude, for the purposes of the annual earnings test, self-employment income received in a year after the initial year of entitlement not attributable to services performed after the month of entitlement; and (3) provide all beneficiaries the use of the monthly earnings test in at least one year after 1977. The regulation will generate minimal administrative savings and some program costs which are outlined in the 1983 President's Budget.

g. *Timetable*—Past Actions: An Interim Regulation was published on February 10, 1982 (47 FR 5999). Next Stage: Publication of Final Regulations—first quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Proration of Shelter, Utilities, and Similar Expenses for AFDC Children Living With Ineligible Relatives

b. *Agency Contact*—Name: Roy Simon. Title: Policy Specialist. Address: Office of Family Assistance, Room B-416, Transpoint Building, 2100 Second St. SW., Washington, D.C. 20024. Phone: (202) 245-2021.

c. *CFR Citation*—45 CFR 233.

d. *Abstract*—The regulation would have provided that a State could prorate the shelter, utilities, and similar needs of specified assistance units living with closely related family members who are ineligible for AFDC. However, the need for this regulation is superseded by Congressional enactment of section 155 of the Tax Equity and Fiscal Responsibility Act of 1982.

e. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on December 16, 1980 (45 FR 82681). A Notice of Proposed Rulemaking was published on October 31, 1981 (46 FR 53720). Next Stage: Publication of notice to withdraw Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Benefits for Certain Prisoners

b. *Agency Contact*—Name: Dave Smith. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21245. Phone: (301) 594–7336.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subparts D, E, and P.

e. *Legal Authority*—Pub. L. 96–473, Section 5.

f. *Abstract*—The regulation places certain restrictions on the payment of benefits based on disability and student status to persons who have been convicted of a felony and are imprisoned. The rules specify the conditions under which these benefits will not be paid to an imprisoned felon and how a finding of disability may be affected where the person's imprisonment is connected with his or her commisison of a felony or the disability alleged arises out of imprisonment. There will be program savings and administrative costs as a result of the regulations.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on June 11, 1982 (47 FR 25376). Next Stage: Publication of Final Regulations—second quarter in fiscal year 1983.

a. Title—Old-Age, Survivors and Disability Insurance Program; Changes in Lump-Sum Death Payment, Month of Entitlement, Mothers and Fathers Benefits and Student Benefits

b. *Agency Contact*—Name: Dave Smith. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7336.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart D.

e. *Legal Authority*—Pub. L. 97–35, Sections 2202, 2203, 2205, and 2210.

f. *Abstract*—The regulation limits lump-sum death payments to widows, widowers, or dependent children, provides for terminating mother's and father's benefits when the child becomes age 16, changes the first month of entitlement for certain benefits, phases out over a 4-year period benefits payable to students, and otherwise significantly limits benefit payments to students. There are program and administrative savings as a result of these provisions.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on July 29, 1982 (47 FR 32732). Next Stage: Publication of Final Regulation—third quarter in fiscal year 1983.

a. Title—Old-Age, Survivors, and Disability Insurance Program; Revision of Totalization Benefit Computation

b. *Agency Contact*—Name: David Smith. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7336.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a signficant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart T.

e. *Legal Authority*—42 U.S.C. 433.

f. *Abstract*—The proposed regulation changes the method by which totalization benefits are computed. Current rules can cause undesirable program results and are difficult to administer. No additional costs are involved. Administrative savings are negligible.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—third quarter in fiscal year 1983.

a. Title—Old-Age, Survivors and Disability Insurance and Supplemental Security Income Programs; Deduction of Impairment-Related Work Expenses

b. *Agency Contact*—Name: David Smith. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (303) 594–7336.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart P and 416, Subpart I.

e. *Legal Authority*—Pub. L. 96–265, Section 302.

f. *Abstract*—This regulation provides for the deduction from earnings of certain impairment-related work expenses in determining: (1) whether a disabled person has done substantial gainful activity; and (2) the amount of a disabled person's earned income for SSI purposes. The rules specify the kinds of expenses that may be deducted and the manner in which the deductions will be made. The rules will encourage disabled persons to work by enabling them to deduct certain work expenses. There will be additional program and administrative costs as a result of these regulations.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on January 6, 1982 (47 FR 9642). Next Stage: Publication of Final Regulation—second quarter in FY 1983.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Revised Medical Criteria for Determination of Disability

b. *Agency Contact*—Name: Fred Miranda. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7341.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibilty Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Part 404, Subpart P.

e. *Legal Authority*—Sections 205, 1102, and 1631 of the Social Security Act.

f. *Abstract*—The regulation revises the medical evaluation criteria used in making Social Security and SSI disability determinations. The changes reflect advances in medical treatment of some conditions and in the methods of evaluating others. Since no significant change in disability allowance and denial rates is expected to result from these changes in the regulations, there will be little, if any, impact on costs (both program and administrative).

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on May 6, 1982 (47 FR 19619). Next Stage: Publication of Final Regulation—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Extension of Trial Work Period and Reinstatement of Benefits

b. *Agency Contact*—Name: Harry Short. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7337.

c. *Effects on Small Businesses and Other Entities*—The regulation in not expected to have significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart P, and 416, Subpart I.

e. *Legal Authority*—Pub. L. 96–265, Section 303.

f. *Abstract*—This proposed regulation will provide persons who remain disabled and who have completed a trial work period with an additional period of 15 months in which to continue to test their ability to work. During this period a person may be paid benefits for all months in which he or she does not do substantial gainful activity. The regulation also extends the trial work period provisions (and the additional period) to widows, widowers, and surviving divorced wives. These changes will have only a negligible effect on program costs.

g. *Timetable*—Past Actions: A Notice of Decision to Develop Regulations was published on November 14, 1980 (45 FR 75225). Next Stage: Publication of Notice of Proposed Rulemaking—second quarter in FY 1983.

a. Title—Aid to Families With Dependent Children Program; Least Costly Approach

b. *Agency Contact*—Name: Jack Schanberger. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–6785.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibilty Act (5 U.S.C 601(6)).

d. *CFR Citation*—45 CFR 205, 206, 233, 234, and 235.

e. *Legal Authority*—42 U.S.C. 602, 605, 606, and 1302.

f. *Abstract*—This regulation will affect a number of provisions of the AFDC program. It will result in savings to State and Federal governments and will ease the paperwork burden of the States. The changes may include provisions on restricted payments, hearings, State training plans, durational period of incapacity, and others that will result in a "least costly" approach to the administration of AFDC. This regulation will result in dollar savings and the relief of administrative burdens that we expect to accrue.

g. *Timetable*—Past Actions: None. Next Stage: Publication of a Notice of Proposed Rulemaking—date of next stage is undetermined.

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Time Limitations for Issuing Hearing Decisions and for Appeals Council Actions

b. *Agency Contact*—Name: Joy Loving. Title: Director, Division of Program Development. Address: Office of Policy and Procedures, Office of Hearings and Appeals, 106 Webb Building, 4040 N. Fairfax Drive, Arlington, Va. 22203. Phone: (703) 235–8524.

c. *Effects on Small Businesses and Other Entities*—The regulation is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

d. *CFR Citation*—20 CFR Parts 404, Subpart J and 416, Subpart N.

e. *Legal Authority*—42 U.S.C. 405(a), 1302, 1320, 1383, and 1395.

f. *Abstract*—This regulation provides time limits for issuing hearing decisions and for certain actions by the Appeals Council as ordered by the U.S. District Court for the Western District of Kentucky in the *Blankenship* and *Finch* cases (except for SSI non-disability hearings, for which time limits already exist). Draft regulation is pending further court action.

g. *Timetable*—Past Actions: A Notice of Proposed Rulemaking was published on February 27, 1980 (45 FR 12837). Next Stage: Next action stage undetermined at this time.

Reviews of Existing Regulations

(None at this time that have not already reached the current and projected rulemaking stage.)

Completed Actions

a. Title—Federal Coal Mine Health and Safety Act of 1969, Title IV—Black Lung Benefit (1969—); Withholding Part B Black Lung Benefits to Recover Part C Overpayments

b. *Agency Contact*—Name: Jack Schanberger. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7459.

c. *CFR Citation*—20 CFR Part 410, Subpart C.

d. *Timetable*—Past Actions: A Final regulation was published on May 4, 1982 (47 FR 19116).

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Continued Payment of Benefits to Persons in Approved Vocational Rehabilitation Programs

b. *Agency Contact*—Name: Harry Short. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7337.

c. *CFR Citation*—20 CFR Parts 404, Subparts D, J, and P and 416, Subparts M & N.

d. *Timetable*—Past Actions: A Final regulation was published on July 21, 1982, (47 FR 31539).

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Insurance Programs; Representative Payee

b. *Agency Contact*—Name: Phil Berge. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland 21235. Phone: (301) 594–7452.

c. *CFR Citation*—20 CFR Parts 404, Subpart Q and 416, Subpart F.

d. *Timetable*—Past Actions: A Final regulation was published on July 14, 1982 (47 FR 30468).

a. Title—Old-Age, Survivors, and Disability Insurance and Supplemental Security Income Programs; Experiment to Improve the Hearing Process Through the Involvement of SSA Representatives

b. *Agency Contact*—Name: Joy Loving. Title: Director, Office of Policy and Procedures. Address: Office of Hearings and Appeals, 106 Webb Building, 404 N. Fairfax Drive, Arlington, Va. 22203. Phone: (703) 235–8524.

c. *CFR Citation*—20 CFR Parts 404, Subpart J and 416, Subpart N.

d. *Timetable*—Past Actions: A Final regulation was published on August 19, 1982 (47 FR 36117).

a. Title—Old-Age, Survivors, and Disability Insurance Program; Computing Primary Insurance Amounts, Reorganization of Subpart, and Changes in Computing Dropout Years for Workers Entitled to Disability Insurance Benefits

b. *Agency Contact*—Name: Jack Schanberger. Title: Legal Assistant. Address: Social Security Administration, Office of Regulations, 6401 Security Blvd., Baltimore, Maryland, 21235. Phone: 594–6785.

c. *CFR Citation*—20 CFR Part 404, Subpart C.

d. *Timetable*—Past Actions: A final regulation was published on July 15, 1982 (47 FR 30731).

OFFICE OF CHILD SUPPORT ENFORCEMENT

I. Current and Projected Rulemaking

I.A. Priority Regulations

a. Title: Reduction in Certain Federal Payments to States under the Child Support Enforcement Program

b. *Agency Contact:* Pierre Mooney, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entitlies:* None.

d. *CFR Citation:* 45 CFR 303.52, 45 CFR Part 304.

e. *Legal Authority:* Section 174 of the Tax Equity and Fiscal Responsibility Act of 1982, 42 U.S.C. 655 and 658.

f. *Abstract:* This regulation implements section 174 which reduces Federal matching for State administrative costs from 75 percent to 70 percent effective October 1, 1982. Incentive payments to States and political subdivisions for the collection of child support would be reduced from 15 percent to 12 percent of the amount collected effective October 1, 1983. Federal matching under section 455(c) of the Act for the costs of certain court personnel who perform child support enforcement activities would be eliminated as of October 1, 1983.

g. *Timetable:* A final regulation is expected to be published in the **Federal Register** during the first quarter of FY 1983.

a. Title: Reimbursement of State Agency in Initial Month of Ineligibility for AFDC

b. *Agency Contact:* Carol Jordan, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.32

e. *Legal Authority:* Section 173 of the Tax Equity and Fiscal Responsibility Act of 1982, 42 U.S.C. 654(5).

f. *Abstract:* Under former law, amounts of child support collected which were sufficient to make the family ineligible for AFDC had to be paid to the family beginning with the first month of ineligibillity.

The regulation would implement section 173 which requires that amounts collected which are sufficient to make the family ineligible for AFDC are to be retained by the State rather than paid to the family. This would allow the State to reimburse itself for AFDC that would have already been paid for that month, before the support was collected and known to have made the family ineligible. Thus, the family would not receive a double payment for the first month of ineligibility, once in the form of child support collected which was sufficient to make the family ineligible for AFDC and once in the form of the child support collection for that month.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Fees for Services to Non-AFDC Families

b. *Contact:* Michael Fitzgerald, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects of Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.33 and 304.50.

e. *Legal Authority:* Section 171 of the Tax Equity and Fiscal Responsiblity Act of 1982, 42 U.S.C. 654(6).

f. *Abstract:* Law prior to Pub. L. 97–35 allowed States to provide child support enforcement services to non-AFDC families without charge or to charge the custodial parent an application fee of up to $20 (regardless of the services provided) and to recover costs in excess of the application fee by retaining a portion of any child support payments which were collecteD. Pub. L. 97–35 maintained the option of charging an application fee (except if only collection services were provided) and replaced the optional provision of recovering costs in excess of the application fee by retaining a portion of the collection with a requirement that States impose a fee equal to 10 percent of the support owed, to be charged against the absent parent and added to the amount of the collection.

Section 171 repeals the Pub. L. 97–35 10 percent fee amendment and restores the provision of prior law under which States have an option as to whether or not to recover costs in excess of the application fee and to charge the application fee for any services provided. It gives States the additional option of allowing them to recover costs either from the absent parent or from the custodial parent.

If a State elects to collect from the custodial parent (by deducting the costs from the amount of support which is collected), the State must have in effect a procedure for informing all individuals authorized to establish support obligations that it plans to recover costs from collections. The effective date is August 13, 1981. This notice of proposed rulemaking will implement section 171.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Collection of Past-Due Support from Federal Tax Refunds

b. *Agency Contact:* Carol Jordan, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.60 and 303.72.

e. *Legal Authority:* Pub. L. 97–35, 42 U.S.C. 664 and 654(18).

f. *Abstract:* These final regulations require child support enforcement agencies to have and use procedures to obtain payment of past-due support from over-payments of Federal income tax. These regulations will also contain procedures for agencies to follow in implementing this tax refund offset collection method. The tax refund offset procedure is estimated to lead to collections of $140 million in tax year 1981 based on the submittal of 550,000 cases.

g. *Timetable:* An interim final regulation with comment period was published in the **Federal Register** on February 19, 1982. Responses to comments received and changes to the regulation are expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Collection of Support for Certain Adults

b. *Agency Contact:* Marianne Rufty, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citations:* 45 CFR Parts 301 through 305.

e. *Legal Authority:* Section 171 of the Tax Equity and Fiscal Responsibility Act of 1982 and section 2332 of Pub. L. 97–35, 42 U.S.C. 651; 42 U.S.C. 652(a)(1), (7), (10)(C); 42 U.S.C. 652(b); 42 U.S.C. 653(c)(1); 42 U.S.C. 654(4)(B), (5), (6), (9)(C), (11), (16); 42 U.S.C. 657 (b), (c); and 42 U.S.C. 660.

f. *Abstract:* The final regulations provide that, at its option, a State may collect and enforce support obligations from an absent parent both for the children and the spouse or former spouse with whom the children are living. A State may not attempt to establish a separate spousal support obligation and may collect spousal support only if the existing support obligation includes both child and spousal support. If a State chooses to collect spousal support, it may use all exisiting collection mechanisms and enforcement remedies used to collect and enforce child support.

g. *Timetable:* A final regulation is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Intercept of Unemployment Benefits

b. *Agency Contact:* Carol Jordan, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.65.

e. *Legal Authority:* Section 2335 of Pub. L. 97–35; 42 U.S.C. 654(19).

f. *Abstract:* These regulations would require child support enforcement agencies to determine periodically whether any individuals receiving unemployment compensation owe child support obligations and, if so, to enforce the obligations through an agreement with the individual to have specified amounts withheld from the compensation. In the absence of an agreement, the child support enforcement agency would be required to use legal process in appropriate cases to enforce the withholding. State child support enforcement agencies would be required to reimburse State unemployment compensation agencies for the administrative costs of their efforts to enforce child support obligations.

g. *Timetable:* A notice of intent to publish regulations was published in the **Federal Register** on February 2, 1982. The notice of proposed rulemaking is expected to be published during the first quarter of FY 1983.

I.B. Other Regulations

a. Title: Computerized Child Support Enforcement System

b. *Agency Contact:* Michael Fitzgerald, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.85, 303.65, 303.66, 303.67, 304.90 and 304.91.

e. *Legal Authority:* Section 405 of Pub. L. 96–265; 42 U.S.C. 652 (d) and (e), 655(a) and 654(16).

f. *Abstract:* These final regulations make Federal funding available at the 90 percent rate for the costs of developing, implementing and enhancing computerized child support enforcement systems (CSES) that meet the requirements in the regulations; they also specify criteria OCSE uses in determing whether to approve an initial and annually updated advance planning document (APD) so that the system will receive 90 percent FFP; they specify that OCSE must review approved CSESs funded at 90 percent FFP on a continuous basis; they specify the conditions under which OCSE will suspend approval of an APD for systems funded at 90 percent FFP; and they make explicit the conditions under which FFP is available at the 70 percent rate of CSESs.

g. *Timetable:* An interim final regulation with a 60-day comment period was published in the **Federal Register** on September 30, 1981. Responses to comments received on the interim final rule and changes to the regulation are expected to be published during the first quarter of FY 1983.

a. Title: Requests to Use the Federal Parent Locator Service in Parental Kidnapping and Child Custody Cases

b. *Agency Contact:* Judy Hagopian, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 302.35, 303.15, 303.69, 303.70, 304.20 and 304.23.

e. *Legal Authority:* Section 9 of Pub. L. 96–611, 42 U.S.C. 654(17), 655, and 663.

f. *Abstract:* These regulations provide that a State may enter into an agreement with the Secretary to use the Federal Parent Locator Service (PLS) in connection with the enforcement or determination of child custody and in cases of parental kidnapping of a child. Previously the Social Security Act permitted States to obtain information from the Federal PLS only for the purpose of locating absent parents to establish paternity or establish or enforce child support obligations.

Pub. L. 96–611 provides no Federal funding for the use of the Federal PLS in connection with parental kidnapping and child custody cases. The States must, however, impose a fee sufficient to cover, or pay, the costs to the Federal and State governments for providing this service. Initially, OCSE will charge a fee of $10 per request with an additional $4 fee for requests without social security numbers. These fees are expected to offset Federal costs of providing the information to the States.

g. *Timetable:* A final regulation with comment period was published in the **Federal Register** on November 3, 1981. Responses to comments received on the final regulation and changes to the regulation are expected to be published during the first quarter of FY 1983.

a. Title: Treatment of Assigned Support Payments Received Directly and Retained by AFDC Recipients

b. *Agency Contact:* Elizabeth Matheson, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 232.12, 233.20, 302.31 and 303.80.

e. *Legal Authority:* 42 U.S.C. 652(a), 42 U.S.C. 1302.

f. *Abstract:* These joint Office of Family Assistance (OFA)–OCSE regulations will provide regulatory authority for child support enforcement agencies to recover support payments that have been assigned to the State as a condition of eligibility for receiving AFDC when these support payments have been incorrectly made directly to the family. Under current regulations, the AFDC agency must treat these support payments as income to the family and reduce the AFDC grant accordingly. These regulations will give States the flexibility to use either the child support or AFDC agency in resolving a direct payment problem.

g. *Timetable:* The final regulation with comment period is expected to be published in the **Federal Register** by the end of September 1982.

a. Title: FFP in the Costs of Cooperative Agreements with Courts and Law Enforcement Officials

b. *Agency Contact:* Michael Fitzgerald, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Business:* None.

d. *CFR Citation:* 45 CFR 304.21.

e. *Legal Authority:* Section 404 of Pub. L. 96–265, 42 U.S.C. 655(c).

f. *Abstract:* These final regulations will implement the requirements of section 404 of Pub. L. 96–265, which apply to court costs incurred on or after July 1, 1980. These regulations will expand the availability of Federal funding of the costs of courts under cooperative agreements with child support agencies to include costs associated with judicial determinations. The expanded funding will be available in costs which exceed calendar year 1979 costs. Federal funding of costs of the judicial decisionmaker, however, will continue to be prohibited.

Section 174 of the Tax Equity and Fiscal Responsibility Act of 1982 repealed section 455(c) of the Social Security Act. (See I.A. regulation entitled "Reduction in Certain Federal Payments to States under the Child Support Enforcement Program".) Therefore, these regulations are effective only until October 1, 1983.

g. *Timetable:* A notice of proposed rulemaking was published in the **Federal Register** June 4, 1981. The final regulation is expected to be published in the first quarter of fiscal year 1983.

a. Title: Procedures for Case Assessment and Prioritization

b. *Agency Contact:* Marianne Rufty, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 303.10.

e. *Legal Authority:* 42 U.S.C. 652(a)(1) and 42 U.S.C. 1302.

f. *Abstract:* This proposed regulation would permit State child support enforcement agencies to implement case assessment and prioritization procedures to achieve greater program efficiency. Limited program resources and other operating constraints have compelled IV–D agencies to concentrate on cases with high potential for collection of support payments. Although many States have implemented such procedures, they are concerned that current Federal regulations require IV–D agencies to locate absent parents, establish paternity and establish and enforce support obligations for *all* cases, on a first come, first served basis. The proposed regulation would alleviate States' concerns and allow States to focus available resources on cases which have high probability for success.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Prompt Recovery of Disallowed Funds

b. *Agency Contact:* Marianne Rufty, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 301.15.

e. *Legal Authority:* 42 U.S.C. 655(b)(2) and 42 U.S.C. 1302.

f. *Abstract:* In keeping with the Administration's effort to collect debts owed the Federal government, this proposed regulation would reduce the time period that State IV–D agencies may retain funds for expenditures that have been disallowed as a result of an audit and determined not to be subject to Federal funding. Current OCSE policy allows States that appeal audit determinations to retain disallowed funds pending resolution of the appeals process. This proposed regulation would provide for the prompt recovery of disallowed funds, regardless of a State's decision to appeal, through a reduction in the first grant award following the issuance of the notice of disallowance to the State IV–D agency.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the first quarter of fiscal year 1983.

a. Title: Medical Support Enforcement

b. *Agency Contact:* Carol Jordan, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1010, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 45 CFR 304.20, 45 CFR 304.23, 45 CFR 306.50 and 45 CFR 306.51.

e. *Legal Authority:* 42 U.S.C. 654(13) and 42 U.S.C. 1302.

f. *Abstract:* Currently, medical support enforcement activities are pursued through optioned cooperative agreements between the State IV–D agency and the State Medicaid agency. This proposed regulation would require all State IV–D agencies to attempt to obtain minimal medical support information during the normal processing of child support cases. This would result in increased use of available third party resources in the form of private medical insurance and in medical cost savings to State and Federal governments.

g. *Timetable:* A notice of proposed rulemaking is expected to be published during the first quarter of fiscal year 1983.

a. Title: Revision of IV–D Program Audit Regulations

b. *Agency Contact:* Michael P. Fitzgerald, (301) 443–5350, Program Specialist, Office of Child Support Enforcement, Room 1036, 6110 Executive Blvd., Rockville, Maryland 20852.

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 45 CFR Part 305.

e. *Legal Authority:* 42 U.S.C. 652(a)(1), 42 U.S.C. 652(a)(4), 42 U.S.C. 603(h) and 42 U.S.C. 1302.

f. *Abstract:* These proposed regulations revise the audit regulations to permit OCSE to incorporate the audit criteria currently in the regulations and new performance measurement criteria into an audit guide. Since 1977, OCSE has conducted an annual process-oriented audit of each State's Child Support Enforcement program that reviews the establishment and use of procedures to carry out specific child support activities. However, since State IV–D programs have been in operation for 7 years and in many instances have reached a degree of maturity where it is no longer necessary to focus primarily on process-oriented functions, we believe that the OCSE audit should evaluate the State via both established functions and performance measures. This change will better enable the Federal government to measure program efficiency and result.

g. *Timetable:* A notice of proposed rulemaking is expected to be published in the **Federal Register** during the second quarter of FY 83.

II. Reviews of Existing Regulations

None.

III. Completed Actions

1. Title: Incentive Payments to States

Agency Contact: Michael Fitzgerald, (301) 443–5350.

Federal Register *Citation:* 47 FR 37886, August 27, 1982.

Reason For Completion: Final regulation.

2. Title: Deletion of Title IV–D State Plan and Audit Requirements

Agency Contact: Elizabeth Matheson, (301) 443–5350.

Federal Register *Citation:* 47 FR 24716, June 8, 1982.

Reason for Completion: No substantive or unfavorable comments received on final regulation within comment period.

PUBLIC HEALTH SERVICE

Current and Projected Rulemakings

Title: New Drug Approval Process; Revision of IND/NDA Rules

Agency Contact: IND rules, Steven H. Unger, Regulatory Counsel, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

NDA rules, Michael C. McGrane, Regulatory Counsel, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

Effects on Small Business and Other Entities: The great majority of firms that would be affected by these proposed rules are large companies. Although the impact on any individual drug company may be substantial, that impact would be beneficial, reducing cost and burden, and the total number of small companies affected would not be substantial. Thus, the agency believes that these proposed revisions would not have a significant economic impact on a substantial number of small entities.

CFR Citation: 21 CFR Parts 310, 312, 314, 430, 431, 433.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(p), 501, 502 503, 505, 506, 507, 701(a) (21 U.S.C. 321(p), 351, 352, 353, 355, 356, 357, 371(a))) and the Public Health Service Act (sec. 351 (42 U.S.C. 262)).

Abstract: These proposed rules would revise extensively the IND/NDA rules to improve the efficiency of FDA's operations and to update and clarify its internal policies in reviewing and expediting applications for new drugs. These revisions are believed necessary to improve the efficiency of the drug review process. The result would be greater asurance that safe and effective new drugs are approved as promptly as possible. The undertaking reflects FDA's commitment to refine and improve the entire IND/NDA process. The IND/NDA rules were scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291.

Timetable: Notice of Proposed Rulemaking for NDA rules expected to publish in the first quarter in FY 1983. Notice of Proposed Rulemaking for IND rules expected to publish in the second quarter in FY 1983.

This rule will be reviewed by the President's Task Force on Regulatory Relief and is a priority rule.

Title: Abbreviated New Drug Applications for Post-1962 Drugs

Agency Contact: Jean Mansur, Deputy Assistant Director for Regulatory Affairs, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3640.

Effects on Small Businesses and Other Entities: The proposed rule would have a significant favorable effect on small business firms that market generic drugs, because the proposed rule would reduce existing regulatory barriers to competition in the pharmaceutical market. Details on the effects on small businesses will be included as part of an initial regulatory impact analysis, to be made available when the proposed rule is published.

CFR Citation: 21 CFR Part 314.

Legal Authority: Federal Food, Drug, and Cosmetic Act (sec. 201(p), 502, 505, 701(a) (21 U.S.C. 321(p), 352, 355, 371(a))).

Abstract: This proposed rule would permit applicants to file abbreviated new drug applications (ANDA's) for products identical to approved post-1962 drugs and to omit certain reports that are required in full NDA's to show safety and effectiveness of the product. It would apply only to certain drug products specified by FDA. If adopted, the proposed rule would reduce duplicative human testing of drugs and also reduce the cost to the manufacturer of getting the affected drugs on the market.

Timetable: Notice of Proposed Rulemaking expected to publish in the second quarter in FY 1983.

Title: Allergenic Source Material

Agency Contact: Michael Hooten, Consumer Safety Officer, National Center for Drugs and Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

Effects on Small Businesses and Other Entities: This proposed rule would affect about 20 allergen manufacturers. Depending on various factors involving the firms current practices, increased costs per firm would vary from no cost increases to minor increases. The anticipated costs are not expected to have a significant impact on any firm, large or small.

CFR Citation: 21 CFR Part 680.

Legal Authority: Public Health Service Act (sec. 351) (42 U.S.C. 262).

Abstract: This proposal would amend the biologics rules to establish criteria for source materials used in the manufacture of a final allergenic product. Specific requirements would be prescribed for the propagation and maintenance of materials used to prepare certain allergenic products. Inspection and recordkeeping requirements would apply to all manufacturers of allergenic products. These procedures are believed necessary to reduce the likelihood of misidentified or contaminated source materials and assure their suitability for manufacture into final allergenic products.

Timetable: Notice of Proposed Rulemaking published September 26, 1978 (43 FR 43472). Reproposal expected to publish in the second quarter in FY 1983.

Title: Obligations of Sponsors of Clinical Investigations

Agency Contact: Marilyn L. Watson, consumer Safety Office,r National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3640.

Effects on Small Businesses and Other Entities: Because the proposed rule was issued prior to January 1, 1981, a final rule would be exempt from the requirements for a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Parts 52, 71, 170, 171, 180, 310, 312, 314, 320, 330, 430, 431, 510, 511, 514, 570, 571, 601, 630, 812, 813, 1003, 1010.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 503, 505, 506, 507, 512–516, 518–520, 701(a), 706, 801 (21 U.S.C. 346, 348, 352, 353, 355, 356, 357, 360b–360f, 360h–360j, 371(a), 376, 381)) and the Public Health Service Act (secs. 215, 351, 354–360F (42 U.S.C. 216, 262, 263b–263n)).

Abstract: This proposed rule would clarify or revise certain existing requirements concerning obligations of persons who sponsor clinical investigaitons involving a drug or medical device and extend those requirements to cover other products regulated by FDA. The rule is intended to provide greater protection of the rights and safety of subjects involved in clinical investigations and to help assure the quality and integrity of the data filed with FDA under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.

Timetable: Notice of Proposed Rulemaking published September 27, 1977 (42 FR 49612). Final Rule expected to publish in the third quarter in FY 1983.

Title: Requirements for Designating a Manufacturer's Name on a Drug Product Label

Agency Contact: Steven Unger, Regulatory Counsel, National Center for Drugs and Biologics (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

Effects on Small Businesses and Other Entities: This proposed rule would permit considerable flexibility in identifying on the label the statutorily required name of the manufacturer, repacker, or distributor. Therefore, it should not increase and may actually decrease labeling costs for labelers including small businesses.

CFR Citation: 21 CFR Part 201.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 502, 701(a) (21 U.S.C. 352, 701(a))).

Abstract: This proposed rule would amend the rule setting forth requirements for designating a manufacturer's name on a drug product actually made by a corporately related firm under common ownership and control. The action responds to a petition pointing out various marketing and labeling problems that the current rule poses for certain diversified corporate structures. The rule would permit any member of a diversified corporate "family" to claim to have manufactured a product made within the "family."

Timetable: Notice of proposed rulemaking published June 8, 1982 (47 FR 24735). Final rule expected to publish in the third quarter in FY 1983.

Title: Biological Products; Inspection Frequency of All Licensed Biological Establishments and Their Additional Location(s)

Agency Contact: Rada Proehl, Consumer Safety Officer, National Center for Drugs and Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

Effects on Small Businesses and other Entities: This proposed rule would reduce the minimum required inspection frequency and reduce the burden associated with an inspection, but it would not change the standards to which manufacturers must adhere. Thus, it is expected that this rule would not have a significant economic impact on a substantial number impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 21 CFR 600.21.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201 (g) and (h), 510, 701(a), 704 (21 U.S.C. 321 (g) and (h), 360, 371, 374]) and the Public Health Service Act (sec. 351 (42 U.S.C. 262)).

Abstract: This proposed rule would amend the biologics rules by changing the required minimum frequency of inspections for all licensed biological establishments and their additional location(s) from at least once every year to at least once every 2 years. This action would (1) provide flexibility for the agency to reduce the inspection burden on a specific portion of the regulated industry, (2) provide the agency with greater flexibility in management of its resources, and (3) provide a uniform requirement for frequency of inspections of all manufacturers of drugs and devices, consistent with requirements in the Federal Food, Drug, and Cosmetic Act.

Timetable: Notice of Proposed Rulemaking published July 30, 1982 (47 FR 32953). Final rule expected to publish in the third quarter in FY 1983.

Title: Over-the-Counter (OTC) Drug Review

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD-510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4960.

Effects of Small Businesses and other Entities: The effects, if any, vary depending on the individual rulemaking. However, the agency anticipates that the rules would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 21 CFR Parts 310, 330-360.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(p), 502, 505, 701(a)) (21 U.S.C. 321(p), 352, 355, 371(a))).

Abstract: The OTC drug review establishes conditions under which OTC drugs are considered generally recognized as safe and effective and not misbranded. After a final monograph (i.e., final rule) is issued, only OTC drugs meeting the conditions of the monograph, or having an approved new drug application, may be legally marketed.

Timetable: (Key: NPRM—Advance notice of proposed rulemaking; NPRM—Notice of proposed rulemaking; FR—Final rule).

Alcohol (Topical) Products—ANPRM published May 21, 1982 (47 FR 22344); Next action is undetermined.

Anorectal Products—ANPRM published May 27, 1980 (45 FR 35576); NPRM expected to publish in the fourth quarter in FY 1983.

Anthelmintic Products—ANPRM published September 9, 1980 (45 FR 59541); NPRM published August 24, 1982 (47 FR 37062); next action undetermined.

Antibiotic First Aid Products—ANPRM published April 1, 1977 (42 FR 17642); ANPRM published July 9, 1982 (47 FR 29986); next action is undetermined.

Antidiarrheal Products—ANPRM published March 21, 1975 (40 FR 12924); NPRM expected to publish in third quarter in FY 1983.

Antidotes, Toxic Ingestion Products—ANPRM published January 5, 1982; NPRM expected to publish in the fourth quarter in FY 1983.

Antiemetic Products—ANPRM published March 21, 1975 (40 FR 12934); NPRM expected to publish in the third quarter in FY 1983.

Antiperspirant Products—ANPRM published October 10, 1978 (43 FR 46694); NPRM published August 20, 1982 (47 FR 36492); next action is undetermined.

Aphrodisiac Products—ANPRM expected to publish in the first quarter in FY 1983.

Astringent (Wet Dressings) Products—ANPRM published September 7, 1982 (47 FR 39412, 39436); next action is undetermined.

Benign Prostatic Hypertrophy Products—ANPRM expected to publish in the first quarter in FY 1983.

Boil Ointments—ANPRM published June 29, 1982 (47 FR 28306); next action is undetermined.

Cholecystokinetic Products—ANPRM published February 12, 1980 (45 FR 9286); NPRM published August 24, 1982 (47 FR 37068); next action is undetermined.

Cough/Cold (Anticholinergic-Expectorant) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM published July 9, 1982 (47 FR 30002); next action is undetermined.

Cough/Cold (Antihistamine) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM expected to publish in the third quarter in FY 1983.

Cough/Cold (Antitussive) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM expected to publish in the fourth quarter in FY 1983.

Cough/Cold (Bronchodilator) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM expected to publish in the first quarter in FY 1983.

Cough/Cold (Nasal Decongestant) Products—ANPRM published September 9, 1976 (41 FR 38312); NPRM expected to publish in the second quarter in FY 1983.

Dandruff, Seborrheic Dermititis and Psoriasis Control Products—ANPRM expected to publish in the second quarter in FY 1983.

Diaper Rash Products—ANPRM published September 7, 1982 (47 FR 39406, 39412, 39436, 39464); next action is undetermined.

Exocrine Pancreatic Insufficiency Products—ANPRM published December 21, 1979 (44 FR 75666) NPRM expected to publish in the fourth quarter in FY 1983.

External Analgesic Products—ANPRM published December 4, 1979 (44 FR 69768); NPRM expected to publish in the fourth quarter in FY 1983.

Fever Blister/Cold Sore Products (External)—ANPRM published September 7, 1982 (47 FR 39412, 39436); next action is undetermined.

Hypo/Hyperphosphatemia Products—ANPRM published December 9, 1980 (45 FR 81154); NPRM expected to publish in the fourth quarter in FY 1983.

Ingrown Toenail Relief Products—ANPRM published September 3, 1982 (47 FR 39120), next action is undetermined.

Insect Bites and Stings (Relief) Products—ANPRM published September 7, 1982 (47 FR 39412, 39436); next action is undetermined.

Internal Analgesic Products—ANPRM published July 8, 1977 (42 FR 35346); NPRM expected to publish in the fourth quarter in FY 1983.

Laxative Products—ANPRM published March 21, 1975 (40 FR 12902); NPRM expected to publish in the third quarter in FY 1983.

Leg Muscle Cramps (Nocturnal Relief) Products—ANPRM expected to publish in the first quarter in FY 1983.

Male Genital Desensitizer Products—ANPRM published September 7, 1982 (47 FR 39412); next action is undetermined.

Menstrual Products—ANPRM expected to publish in the second quarter in FY 1983.

Nailbiting/Thumbsucking Deterrent Products—ANPRM published October 17, 1980 (45 FR 69122); NPRM published September 3, 1982 (47 FR 39096); next action is undetermined.

Ophthalmic Products—ANPRM published May 6, 1980 (45 FR 30002); NPRM expected to publish in the fourth quarter in FY 1983.

Oral Cavity (Health Care) Products—ANPRM published May 25, 1982 (47 FR 22760); next action is undetermined.

Oral Discomfort (Relief) Products—ANPRM published May 25, 1982 (47 FR 22712); next action is undetermined.

Oral Mucosal Injury Products—ANPRM published November 2, 1979 (44 FR 63270); NPRM expected to publish in the fourth quarter in FY 1983.

Overindulgence Remedies—ANPRM expected to publish in the first quarter in FY 1983.

Pediculicide Products—ANPRM published June 29, 1982 (47 FR 28312); next action is undetermined.

Poison Ivy/Oak/Sumac Prevention—ANPRM published September 7, 1982 (47 FR 39412, 39436); next action is undetermined.

Skin Bleaching Products—ANPRM published November 3, 1978 (43 FR 51546); NPRM published September 3, 1982 (47 FR 39108); next action is undetermined.

Skin Protectant Products—ANPRM published August 4, 1978 (43 FR 34628); NPRM expected to publish in the fourth quarter in FY 1983.

Vaginal Drug Products—ANPRM expected to publish in the second quarter in FY 1983.

Wart Remover Products—ANPRM published October 3, 1980 (45 FR 65609); NPRM published September 3, 1982 (47 FR 39102); next action is undetermined.

Title: Reye Syndrome—Labeling for Salicylate-Containing Drug Products

Agency Contact: Paul O. Fehnel, Jr., Chief, Precedent Regulations and Legislative Activies Branch, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, Rockville, MD 20857, 301–443–6490.

Effects on Small Businesses and Other Entities: Although there would be costs involved for relabeling and possible product reformulations, the agency believes, at this time, that impacts on small businesses would be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR 201.314.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 701(a) (21 U.S.C. 321(n), 352, 371(a))).

Abstract: This proposed rule would require certain salicylate-containing drug products for human use to bear a warning that salicylates when used for symptomatic relief of influenza (flu) or cbicken pox have been associated with the development of Reye syndrome in children or would prohibit salicylate-containing prediatric over-the-counter and prescription drug products from being recommended for symptomatic relief of flu or chicken pox. In addition, the proposed rule would also require that the "Directions" section of the labeling for all OTC drug products subject to the rule include a statement directing the consumer to read the warnings.

Timetable: Notice of Proposed Rulemaking expected to publish in the first quarter in FY 1983.

Title: Pregnancy Warning for Over-the-Counter (OTC) Drugs

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Effects on Small Businesses and Other Entities: Under this proposed rule, there would be costs associated with labeling revisions. However, the costs incurred by small businesses are estimated by FDA to be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Part 330.2.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(p) 502, 505, 701(a) (21 U.S.C. 321(p), 352, 355, 701(a))).

Abstract: This proposed rule would amend the general provisions for all OTC drugs in 21 CFR Part 330 to include a warning concerning the use of systemically absorbed OTC drugs by pregnant or nursing women.

Timetable: Notice of Proposed Rulemaking published September 7, 1982 (47 FR 39470). Next action is undetermined.

Title: Sucrose and Corn Sugar, Corn Syrup, and Invert Sugar—Affirmation of GRAS Status as Direct Human Food Ingredients

Agency Contact: Corbin I. Miles, Chief, GRAS Review Branch, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–472–4750.

Effects on Small Businesses and Other Entities: Because the effect of the two proposals is to maintain current known uses of sucrose and corn sugar, corn syrup, and invert sugar covered by the proposals, there could be no significant economic impact on large or small businesses.

CFR Citation: 21 CFR Parts 182, 184.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a) (21 U.S.C. 321(s), 348, 371(a))).

Abstract: These two proposed rules would affirm the GRAS (generally recognized as safe) status of sucrose and corn sugar, corn syrup, and invert sugar. This action is the result of a re-evaluation of the safety of these food ingredients as part of FDA's review of the safety of all GRAS ingredients.

Timetable: Notices of proposed Rulemaking expected to publish in the second quarter in fiscal year 1983.

Title: Caffeine

Agency Contact: For GRAS status: Lawrence Lin, Consumer Safety Officer, Bureau of Foods (HFF–334), Food and

Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–426–8950.

For food standard proposal: Prince Harrill, Deputy Director, Division of Food Technology, Bureau of Foods (HFF–210), 200 C Street, S.W., Washington, D.C. 202–245–1164.

Effects on Small Businesses and Other Entities: Because the proposed rule would announce the agency's tentative conclusion that a prior sanction exists for the use of caffeine in soft drinks, there should be no economic impact on any business, large or small, in the affected industry.

CFR Citation: 21 CFR Parts 165 and 181.

Legal Authority: GRAS—Federal Food, Drug, and Cosmetic Act (secs. 201(s) and 701(a) (21 U.S.C. 321(s), 371(a))); Standard of Identity—Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e) (21 U.S.C. 341, 371(e))).

Abstract: This proposed rule would announce the agency's tentative conclusion that a prior sanction exists for the use of caffeine in soft drinks. A companion proposal would propose the revocation of the food standard for soda water which requires that soda water designated by any name that includes the word "cola" or "pepper" contain caffeine.

Timetable: Previous Notices of Proposed Rulemaking to amend food standard and to interim list caffeine published October 21, 1980 (45 FR 69816). Reproposed rules expected to publish in the third quarter in fiscal year 1983.

Title: Labeling of Sodium Content of Foods

Agency Contact: F. Edward Scarbrough, Chief, Regulatory Affairs Staff, Bureau of Foods (HFF–204), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–245–3117.

Effects on Small Businesses and Other Entities: FDA estimates that approximately 3500 food manufacturing firms would incur total first year costs of as much as $14.7 million and recurring annual costs of $0.5 million to comply with this proposed rule. The agency believes that this proposal would not have a significant impact on a substantial number of small businesses. If certain products or sectors of the industry anticipate unique burdens from it, FDA is interested in minimizing their burdens by special provisions. The exemption of very small firms, special labeling variations for certain products, or extension of the effective date are among alternatives the agency is willing to consider if information on the need for, and the anticipated cost saving of, such flexibilities are reasonably demonstrated.

CFR Citation: 21 CFR Parts 101.9, 101.13, 105.69.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a)) (21 U.S.C. 321, 343, 371(a)).

Abstract: This proposed rule would have three primary purposes: (1) to require that the sodium content of foods be included as part of the nutrition labeling information whenever nutrition labeling is required or is provided voluntarily; (2) to define certain terms, some of which are now used in the marketplace, to ensure consistency in their meaning and applicability to the general food supply; and (3) to revoke the requirement that sodium be listed in milligrams per 100 grams and require only listing of sodium in milligrams per serving. The proposal would leave intact the current exemption in 21 CFR 101.9(a) which permits manufacturers voluntarily to provide information on sodium content alone without triggering a requirement for full nutrition labeling; by doing so, the agency hopes to encourage voluntary quantitative sodium labeling.

Timetable: Notice of Proposed Rulemaking published June 18, 1982 (47 FR 26580). A notice announcing a 90-day extension of the comment period published August 10, 1982 (47 FR 34574). Final rule expected to publish in the fourth quarter in FY 1983.

Title: Policy for Regulating Carcinogenic Chemicals in Food and Color Additives

Agency Contact: For policy and rules to be proposed: Terry C. Troxell Consumer Safety Officer, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–472–5690.

For risk assessement procedures: Alan M. Rulis, Consumer Safety Officer, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–472–5676.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Chapter 1.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201, 409, 701(a), 706) (21 U.S.C. 321, 348, 371(a), 376).

Abstract: This proposed rule would propose a new policy for use in assuring the safe use of food additives and color additives that contain minor amounts of carcinogenic chemicals. This policy would (1) clarify the definition of an "additive," (2) interpret the Delaney Clause to apply only when the additive itself has been shown to cause cancer, and (3) use risk assessment procedures as one of the tools for determining the safety clause of section 409 of the act.

Timetable: Advance Notice of Proposed Rulemaking published April 2, 1982 (47 FR 14464). NPRM expected to be published in fourth quarter of FY 1983.

Title: Infant Formula; Labeling Requirements

Agency Contact: Nicholas Duy, Consumer Safety Officer, Bureau of Foods (HFF–204), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–245–3117.

Effects on Small Businesses and other Entities: The agency estimates that this proposed rule would impose a one-time cost of approximately $50,000 total for the industry (5 firms). Because sales of infant formula in the U.S. are estimated to exceed $500 million annually, the cost of this proposed rule would not have a perceptible effect on the retail price of infant formula.

CFR Citation: 21 CFR Parts 105, 107.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(n) and (aa), 403(a) and (j), 412, 701(a) and (e) (21 U.S.C. 321(n) and (aa), 343(a) and (j), 350a, 371(a) and (e))).

Abstract: This proposed rule would revise labeling requirements for infant formula to require the label declaration of nutrients under the Infant Formula Act of 1980, expiration dating, and directions for preparation and use, including a pictogram and a symbol to indicate the need for dilution. This proposal would provide necessary information for health care professionals and assist consumers, including those who cannot read English, in the appropriate preparation and use of infant formula to assure the health and well being of formula-fed infants.

Timetable: Notice of Proposed Rulemaking expected to publish in the first quarter in FY 1983.

Title: New Animal Drug Applications; Safety and Effectiveness Data Supporting the Approval of Minor Use New Animal Drugs

Agency Contact: Thomas V. Raines, Veterinary Medical Officer, Bureau of Veterinary Medicine (HFV–149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913

Effects on Small Businesses and Other Entities: Because the proposed rule was issued prior to January 1, 1981, as final rule would be exempt from the requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Part 514.1.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a) (21 U.S.C. 360b, 371(a))).

Abstract: This proposed rule would define the safety and effectiveness data submission requirements for the approval of new animal drugs for use in a minor species or in the treatment of rare or infrequently occurring diseases in major species. This proposed rule is intended to encourage the development of new animal drugs that are needed but do not have significant market potential.

Timetable: Notice of Proposed Rulemaking published July 20, 1979 (44 FR 42714). Final rule expected to publish in the first quarter in FY 1983.

Title: New Animal Drugs for Use in Animal Feeds; Definition and General Considerations; Revised Procedures Regarding Medicated Feed Applications

Agency Contact: George Graber, Director, Division of Animal Feeds, Bureau of Veterinary Medicine (HFV–220), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4438.

Effects on Small Businesses and Other Entities: Although there would be costs involved for several sectors of the medicated feed industry, FDA believes, at this time, that impacts on small businesses would be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Parts 207, 210, 225, 226, 501, 514, 558.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), (21 U.S.C. 360b, 371(a))).

Abstract: This proposed rule would revise the existing rules to provide revised criteria for the need of an approved medicated feed application for the manufacture of medicated feeds.

Timetable: Notice of Proposed Rulemaking published January 9, 1981 (46 FR 2456). Tentative Final Rule expected to publish in the second quarter in FY 1983.

Title: National Environmental Policy Act; Policy and Procedures

Agency Contact: John C. Matheson, Chief, Environmental Staff, Bureau of Veterinary Medicine (HFV–310), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4500.

Effects on Small Businesses and Other Entities: Because the proposed rule was issued prior to January 1, 1981, a final rule would be exempt from the requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Part 25.

Legal Authority: Federal Food, Drug, and Cosmetic Act (sec. 701(a) (21 U.S.C. 371(a)) and the National Environmental Policy Act of 1969 (sec. 102(2)(C) (42 U.S.C. 4332)).

Abstract: This proposed rule would amend agency requirements for compliance with the National Environmental Policy Act in accordance with the Council on Environmental quality's regulations (40 CFR 1500–1508). This rule, which has agency-wide applicability, would change the environmental documents and procedures followed for environmental review of actions proposed by or requested by the agency.

Timetable: Notice of Proposed Rulemaking published December 11, 1979 (44 FR 71742). Final rule expected to publish in the third quarter in FY 1983.

Title: Medical Device Reporting

Agency Contact: Robert A. Forst, Legal Associate, Bureau of Medical Devices, Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7114.

Effects on Small Businesses and Other Entities: Under this proposed rule, there would be costs to the medical device industry associated with submission of reports to FDA. However, the costs incurred by small businesses are estimated by FDA to be insufficient to warrant a regulatory flexibility analysis under the Regulatory Flexibility Act.

CFR Citation: 21 CFR Part 803.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 502(t), 519, 701(a), 704(e) (21 U.S.C. 352(t), 360j, 371(a), 374(e))).

Abstract: This proposed rule would establish requirements for the submission to FDA of reports concerning medical devices that may have caused or contributed to a death or serious injury.

Timetable: Notice of Proposed Rulemaking published November 18, 1980 (45 FR 76183). Abeyance of proposed rule published November 24, 1981 (46 FR 57568). Tentative final rule expected to publish in the first quarter in FY 1983

Title: Prosthetic Hair Fibers for Implantation into the Human Scalp

Agency Contact: Pamela F. Wojtowicz, Consumer Safety Officer, Bureau of Medical Devices (HFK–114), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7218.

Effects on Small Businesses and Other Entities: FDA is unaware of any businesses continuing at the present time in the manufacture, distribution, or implantation of prosthetic hair fibers. The proposed rule is intended to prevent the future recurrence of such activities.

CFR Citation: 21 CFR Part 895.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 502(r), 516, 518, 519, 701(a) (21 U.S.C. 352(r), 360f, 360h, 360i, 371(a))).

Abstract: This proposed rule would make prosthetic hair fibers intended for implantation into the human scalp to simulate natural hair or conceal baldness a banned medical device. FDA has determined that prosthetic hair fibers intended for such use present substantial deception and an unreasonable and substantial risk of illness or injury, that the deception or risk cannot be corrected or eliminated by labeling or change in labeling, and that the deception or risk associated with use of the device presents an unreasonable, direct, and substantial danger to the health of individuals.

Timetable: Notice of Proposed Rulemaking expected to publish in the second quarter in FY 1983.

Title: Premarket Approval; Procedures for Medical Devices

Agency Contact: Charles H. Kyper, Acting Premarket Approval Coordinator, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7445.

Effects on Small Businesses and Other Entities: Small businesses and other entities presently are submitting to FDA applicaitons for premarket approval for class III medical devices following requirements in section 515 of the act and FDA's informal guidelines. The proposed rule would clarify the procedures used to enable manufacturers to gain approval for marketing Class III devices. Thus, FDA believes that issuance would not increase significantly the present regulatory burden on small businesses and other entities.

CFR Citation: 21 CFR Part 814.

Legal Authority: Federal Food, drug, and Cosmetic Act (secs. 501–503, 510, 513–520, 701(a), 702, 703, 704, 705, 706, 708, and 801 (21 U.S.C. 351, 353, 360, 360c–360j, 371(a), 373, 374, 375, 379, 381)).

Abstract: This proposed rule would establish requirements for submission to FDA of applications for premarket approval including safety and effectiveness data for all class III (premarket approval) medical devices. The rule would establish procedures for manufacturers to demonstrate the safety and effectiveness of these medical devices.

Timetable: Notice of Proposed Rulemaking published December 12, 1980 (45 FR 81769). Final rule expected to publish in the fourth quarter in FY 1983.

Title: Dental Devices; Classification

Agency Contact: Darryl G. Singleton, Dental Officer, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7555.

Effects on Small Businesses and Other Entities: Effect is insignificant. Rules classifying devices into class I (general controls) generally maintain the status quo; these devices now are subject to only the general controls provisions of the act, and under the final rule, would remain subject only to such controls either in their entirety or with certain exemptions. Devices classified into class II (performance standards) also would remain subject only to the general controls provisions of the act, unless and until an applicable performance standard were established. Similarly, devices classified into class III (premarket approval) remain subject only to the general controls provisions until an additional rule is promulgated under section 515(b) of the act requiring that such devices have, in effect, approved applications for premarket approval.

CFR Citation: 21 CFR Part 872.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a) (21 U.S.C. 360c, 371(a))).

Abstract: This proposed rule would classify commercially distributed dental devices into one of three regulatory classes, depending upon the regulatory controls needed to assure their safety and effectiveness.

Timetable: Notice of Proposed Rulemaking published December 30, 1980 (45 FR 85962-86168). Final Rule expected to publish in the fourth quarter in FY 1983.

Title: Detached Cigarette Filters and Medical Devices; Classification

Agency Contact: Robert A. Forst, Legal Associate, Bureau of Medical Devices (HFK-140), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301-427-7114.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Part 868.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a) (21 U.S.C. 360c, 371(a))).

Abstract: FDA plans to issue a proposed rule to classify into one of three regulatory classes those detached cigarette filters that FDA has concluded are medical devices based on evidence showing that manufacturers or vendors intend the articles to cure, mitigate, treat, or prevent disease or to affect the structure or function of the body within the meaning of section 201(h) of the act. The classification would be dependent upon the regulatory controls needed to assure the safety and effectiveness of the device. The proposal is a follow-up to FDA's November 25, 1980 decision granting, in part, a request to regulate certain detached cigarette filters as medical devices and denying requests to regulate as devices cigarettes and attached cigarette filers, generally.

Timetable: Notice of Proposed Rulemaking expected to publish in the fourth quarter in FY 1983.

Title: Protection of Human Subjects; Prisoners Used as Research Subjects

Agency Contact: Halyna P. Breslawec, Staff Pharmacist, Office of Health Affairs (HFY-2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

Effects on Small Businesses and Other Entities: Any costs the proposed rules would impose would not affect any small entities as defined by the Regulatory Flexibility Act. The only companies currently conducting research on prisoners are among the largest pharmaceutical companies.

CFR Citation: 21 CFR Part 50, Subpart C.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 406, 409, 502, 503, 505, 506, 507, 510, 513-516, 518-520, 701(a), 706, 801 (21 U.S.C. 346, 348, 352, 353, 355, 356, 357, 360, 360c-360f, 360h-360j, 371(a), 376, 381)), and the Public Health Service Act (sess. 215, 351, 354-360F (42 U.S.C. 216, 262, 263b-263n)).

Abstract: This proposed rule would establish conditions under which biomedical research on prisoners would be accepted in satisfaction of FDA's regulatory requirements. In the **Federal Register** of July 7, 1981 (46 FR 35085), FDA stayed indefinitely the effective date on the original rule, pending final action on its proposal. FDA's original rule, published May 30, 1980 (45 FR 36386), had been challenged in court by several prisoners and a drug manufacturer because the rule would have virtually banned research on prisoners. Under the new proposal published December 18, 1981, FDA would accept, in addition to the categories of research listed in the original rule, the results of biomedical research on prisoners if the sponsor of the proposed research establishes that the conditions set forth by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research had been met.

Timetable: Notice of Proposed Rulemaking published December 18, 1981 (46 FR 61666). Final rule expected to publish in the fourth quarter in FY 1983.

Title: Requirements Applicable to Projects for Family Planning Services

Agency Contact: Marjory E. Mecklenburg, Deputy Assistant Secretary for Population Affairs, Room 725H, 200 Independence Ave., SW., Washington, D.C. 20201, 202/472-9093.

Effects on Small Businesses and Other Entities: The required change will be minimal in cost as it will generally consist of a slight revision of present intake and counseling procedures applicable to only some grantee client populations. Thus, it is expected that this regulation will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 59.

Legal Authority: Section 6(c), Pub. L. 91-572, 84 Stat. 1507 and the Public Health Service Act, Section 1006 (42 U.S.C. 300a-4(a)), Section 931(b)(1), Pub. L. 97-35.

Abstract: Title X of the Public Health Service Act requires family planning projects to encourage family participation in the provision of services by the projects, to the extent practical. Existing regulations would be amended to require family planning clinics receiving Title X funds to notify parents or guardians of unemancipated minors, age 17 or younger, within ten days following the provision of prescription drugs or devices. In addition, grantees would be required to comply with any State law requiring that notification be provided to or consent obtained from parents or guardians of unemancipated minors receiving family planning services.

Timetable: Notice of Proposed Rulemaking published February 22, 1982 (47 FR 7699). A decision concerning the issuance of a final rule will be made in the first quarter of FY 1983.

Title: Adolescent Family Life Demonstration Projects

Agency Contact: Donald Underwood, Grants Management Officer, Office of Adolescent Pregnancy Programs, Department of Health and Human Services, Room 602, Reporters Building, Washington, D.C. 20201, 202/472-5588.

Effects on Small Businesses and Other Entities: Given the size of the appropriation anticipated, the number of grants for demonstration projects that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 59.

Legal Authority: Section 215, Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216); Title XX, Public Health Service Act, 95 Stat. 578, *et seq.* (42 U.S.C. 300z, *et seq.*).

Abstract: The proposed rule would establish the requirements for grants for demonstration projects funded under the recently enacted Title XX of the Public Health Service Act. The title authorizes the Department of Health and Human Services to make grants to projects that will provide health, social and educational services to pregnant and nonpregnant adolescents, adolescent parents, and their families.

Timetable: Notice of Proposed Rulemaking expected to be published in the first quarter of FY 1983.

Title: Research Regulations for the Adolescent Family Life Program

Agency Contact: Donald Underwood, Grants Management Officer, Office of Adolescent Pregnancy Programs, Department of Health and Human Services, Room 602 Reporters Building, Washington, D.C. 20201, 202/472-5588.

Effects on Small Businesses and Other Entities: Given the size of the appropriation anticipated, the number of grants for research that can be funded is not expected to result in this regulation's having a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Parts 52 and 52h.

Legal Authority: Section 955(a), Pub. L. 97-35, 95 Stat. 589 (42 U.S.C. 300z-7(a)(1)).

Abstract: The regulation would amend the general health research regulations of the Department of Health and Human Services to make them applicable to research grants funded under the recently enacted Title XX of the Public Health Service Act. Title XX provides for research into questions relating to adolescent premarital sexual relations and adolescent pregnancy and parenthood. The amendments of not expand the scope of the current regulations to include a new type of research project, but simply add a new statutory authority to the current substantive rules now governing grants under a number of health research authorities.

Timetable: Final Rule expected to be published in the first quarter of FY 1983. Public comment will not be requested on the amendments since they are technical in nature and no substantive modification of 42 CFR Parts 52 and 52h will be made.

Title: Confidentiality of Alcohol and Drug Abuse Patient Records

Agency Contact: Judith T. Galloway, Regulations Officer, Alcohol, Drug Abuse and Mental Health Administration, Room 13C-06, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-3200.

Effects on Small Businesses and Other Entities: It has been determined that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

CFR Citation: 42 CFR Part 2.

Legal Authority: 21 U.S.C. 1175 and 42 U.S.C. 4582.

Abstract: A comprehensive rewrite of the regulations has been undertaken to make them more understandable and less burdensome. Among 15 issues raised in the Notice of Decision to Develop Regulations, the one expected to have the most impact concerns the scope of applicability. The 14 other issues raised in the Notice as well as some raised by the public will be addressed in the NPRM.

Timetable: Notice of decision to Develop Regulations published January 2, 1980. (45 FR 53) Notice of Proposed Rulemaking to be published in the second quarter in FY 1983.

Title: Specifications for Medical Examinations of Underground Coal Miners

Agency Contact: Ms. Mitzie Martin, Chief, Receiving Center Section, Examinations Processing Branch, Division of Respiratory Disease Studies, National Institute for Occupational Safety and Health, CDC, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, 304-599-7301 or FTS 923-7301.

Effects on Small Businesses and Other Entities: This amendment will update the existing regulations to allow the use of the latest standards for classifying X-rays of pneumoconioses. It is expected that this amendment will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 37.

Legal Authority: Section 203 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 843).

Abstract: The National Institute for Occupational Safety and Health administers an X-ray examination program for coal miners as mandated by the Federal Mine Safety and Health Act of 1977. The proposed amendment will enable X-ray readers in the Department's medical surveillance program for underground coal miners to classify miner's chest X-rays more accurately in accordance with the latest standards. The existing regulations currently provide for the use of the 1971 version of the International Labor Office (ILO) system for classifying radiographs (X-rays) of the pneumoconioses. The amendment proposes to adopt the 1980 revision of the ILO classification system which has now become the recognized international standard for classifying this type of disease.

Timetable: Notice of Proposed Rulemaking expected to be published in the first quarter in FY 1983.

Title: Project Grants for Preventive Health Services—Childhood Immunization Programs; Venereal Disease Control Programs; Research, Demonstrations, and Public Information and Education for the Prevention and Control of Venereal Disease

Agency Contact: Windell R. Bradford, Assistant Director, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, 404-329-3771 or FTS 236-3771.

Effects on Small Businesses and Other Entities: This amendment will reduce burdensome and unnecessary requirements. It is expected that this amendment will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 51b, Subparts B, D, and F.

Legal Authority: Sections 317 and 318 of the Public Health Service Act, as amended (42 U.S.C. 247b and 247c).

Abstract: The final rule will amend the existing regulations to remove burdensome and unnecessary requirements in regulations for categorical grants that were not included in the Block Grants. It also implements an amendment to Section 318 of the PHS Act which requires that at least 5 percent of grant funds appropriated under Section 318(c) for the prevention and control of veneral disease be expended for programs authorized under Section 318(b). The rule provides a regulatory base to expand capability to refine veneral disease prevention and control technology.

Timetable: Notice of Proposed Rulemaking published July 17, 1980 (45 FR 47878). Final Rule expected to be published in the first quarter in FY 1983.

Title: Project Grants for Preventive Health Services—Grants for Influenza Immunization Programs

Agency Contact: Windell R. Bradford, Assistant Director, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, 404-329-3771 or FTS 236-3771.

Effects on Small Businesses and Other Entities: The existing regulations are being revoked because the program is no longer authorized by legislation. It is expected that this revocation will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 51b, Subpart E.

Legal Authority: Section 317 of the Public Health Service Act, as amended (42 U.S.C. 247b).

Abstract: The existing regulations provide for grants under Section 317 of the Public Health Service Act for programs to immunize persons in high risk groups against influenze. This program is no longer authorized by legislation, and the regulations governing the program should be revoked.

Timetable: Revocation Notice expected to be published in the first quarter in FY 1983.

Title: Fees for Direct Training

Agency Contact: Dr. Seth N. Leibler, Acting Director, Center for Professional Development and Training, Centers for Disease Control, Atlanta, Georgia 30333, 404–262–6671 or FTS 236–6671.

Effects on Small Businesses and Other Entities: The existing regulations are being revoked because they are obsolete. It is expected that this revocation will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 65.

Legal Authority: Section 311(b) of the Public Health Service Act, as amended (42 U.S.C. 243(b)); Section 302(c) of Public Law 94–317, Disease Control Amendments of 1976, approved June 23, 1976; and Public Law 95–480, Title II, approved October 18, 1978.

Abstract: The Centers for Disease Control provides technical training to help ensure that health workers throughout the country possess the necessary skills and knowledge to achieve the objectives of disease control programs. The existing regulations set forth a fee policy for this training and provide for a fee schedule. The existing regulations also provide that the CDC may waive the fee requirement when such waiver is judged to be in the public interest. Changes in legislation in 1976 and 1978 made the waiver provisions unnecessary, thus making the current regulations obsolete and requiring its revocation.

Timetable: Notice of Decision to Develop Regulations published December 19, 1980 (45 FR 83579). Revocation Notice expected to be published in the first quarter in FY 1983.

Title: Foreign Quarantine

Agency Contact: Dr. Laurence S. Farer, Acting Director, Quarantine Division, Center for Prevention Services, Centers for Disease Control, Atlanta, Georgia 30333, 404–329–2501 or FTS 236–2501.

Effects on Small Businesses and Other Entities: This amendment will update the existing regulations to reflect current concepts of disease surveillance, investigation, and control. It is expected that these regulations will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 71.

Legal Authority: Sections 361–369 of the Public Health Service Act, as amended (42 U.S.C. 264–272).

Abstract: The existing regulations were developed to implement the provisions of the Public Health Service Act in preventing the introduction, transmission, or spread of communicable disease from foreign countries into the United States. The amendment will update existing regulations to reflect current concepts of disease surveillance, investigation, and control.

Timetable: Notice of Decision to Develop Regulations published June 29, 1979 (44 FR 37963). Notice of Proposed Rulemaking expected to be published in the first quarter in FY 1983.

Title: Requests for Health Hazard Evaluations and Occupational Safety and Health Investigations of Places of Employment

Agency Contact: Mary L. Flint, Regulations Specialist, National Institute for Occupational Safety and Health, CDC, 5600 Fishers Lane, Room 8–11, Rockville, Maryland 20857, 301–443–3745 or FTS 443–3745.

Effects on Small Businesses and Other Entities: It is expected that this amendment will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Parts 85 and 85a.

Legal Authority: Sections 20 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669 and 657) and Sections 501 and 103 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951 and 813).

Abstract: In performing its research activities under the provisions of the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977, the National Institute for Occupational Safety and Health (NIOSH) is often required to conduct onsite investigations of the workplace. The procedures governing these investigations are contained in 42 CFR Parts 85 and 85a. Part 85 governs health hazard evaluations, while Part 85a concerns the conduct of investigations under NIOSH-initiated research projects. NIOSH proposes to amend Parts 85 and 85a to expressly provide for the use of personal sampling devices as an investigative technique. This action is necessary to give notice that employees may be requested to wear personal sampling devices as part of the environmental sampling procedures used by NIOSH during its workplace investigations.

Timetable: Notice of Proposed Rulemaking expected to be published in the first quarter in FY 1983.

Title: Minimum Requirements for Construction and Equipment for Hospital and Medical Facilities

Agency contact: Florence B. Fiori, Director, Bureau of Health Facilities, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7700.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 124, Subpart C.

Legal Authority: Sections 215 (42 U.S.C. 216), 603(b), (42 U.S.C. 291c), and 1620(2) (42 U.S.C. 300s).

Abstract: Secretary is required to issue regulations containing standards for construction, modernization, and equipment for medical facilities assisted under Titles VI and XVI of the Act. The current standards are contained in a manual entitled "Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities," which are incorporated by reference into regulations at 42 CFR Part 124, Subpart C.

The NPRM proposes to delete the incorporation by reference of this manual from regulation; the manual would continue to be updated and issued as guidance material.

Timetable: The NPRM is expected during the first quarter of FY 1983.

Title: National Guidelines for Health Planning, Rescission of Computed Tomography Scanning Standards

Agency Contact: Lyman Van Nostrand, Acting Associate Administrator for Planning, Evaluation, and Legislation, Health Resources and Services Administration, Center

Building, Room 10-22, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436-7270.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 121, Subpart A and C.

Legal Authority: Section 1501 of the Public Health Service Act, 88 Stat. 2227 (41 U.S.C. 300).

Abstract: The Guidelines consist of national health standards respecting the supply, distribution and organization of health resources. This final rule removes the CT scanner standard from the *Code of Federal Regulations.* (The Department will make updated, more flexible technical guidelines available for voluntary use.)

A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on May 20, 1982, to revoke the existing standard Computed Tomography (CT) scanners. The public comment period closed on July 6, 1982. The Final Notice, which takes into consideration the public comments, removes § 121.210 from 42 CFR Part 121.

Timetable: NPRM published on May 20, 1982 (47 FR 21862). Final Rule is expected in the first quarter of FY 1983.

Title: Reasonable Volume of Uncompensated Services to Persons Unable to Pay (Hill-Burton)

Agency Contact: Florence B. Fiori, Director, Bureau of Health Facilities, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436-7700.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 124, Subpart F.

Legal Authority: Sections 215 (42 U.S.C. 216), 1610 (42 U.S.C. 300r), 1620(3) (42 U.S.C. 300s), and 1627 (42 U.S.C. 300s-6).

Abstract: The existing regulations at 42 CFR Part 124, Subpart F establish specific requirements that recipients of Federal assistance under Title VI or Title XVI of the PHS Act made assurances that they will make available in the facility constructed, modernized or converted with that assistance, a reasonable volume of services to persons unable to pay for services. The proposed regulation would provide increased flexibility to obligated facilities and reduce administrative burden while assuring access to intended beneficiaries.

Timetable: The NPRM is expected during the first quarter of FY 1983.

Title: Repeal of First-Year Enrollment Increase Requirement

Agency Contact: Florence B. Fiori, Director, Bureau of Health Facilities, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436-7700.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: Undetermined.

Legal Authority: Section 720(a)(1) of the Public Health Service Act as amended by the Omnibus Budget Reconciliation Act of 1982 (Public Law 97-35).

Abstract: The Omnibus Budget Reconciliation Act of 1982 (P. L. 97-35) requires the Secretary to unilaterally release all health professions teaching facilities assisted under Section 720(a)(1) of the Public Health Service Act from their previous obligation of increasing their first year enrollment and maintaining that level for 10 years. A notice explaining this release was published in the **Federal Register** on October 1, 1981. Since this is a technical amendment to implement a statutory requirement, this requirement will be codified in a final rule without a public comment period.

Timetable: Final Rule (Technical Amendment) expected during first quarter of FY 1983.

Title: Title XVI Waiver and Recovery

Agency Contact: Jack Moss, Bureau of Health Facilities, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436-7755.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 124, Subpart H.

Legal Authority: Public Law 93-641, Section 1622(a).

Abstract: Under Section 1622(a) of the Public Health Service Act, if a medical facility which has been constructed, modernized or converted with funds provided under Title XVI changes its status in certain ways within 20 years, a recovery action (i.e., action to recover the value of the Federal contribution) must be considered. The Government's right to recover funds may be waived under certain circumstances if good cause exists.

One issue that will be considered is whether the greater flexibility in waiver authority provided to the Secretary under Title XVI should be made applicable to existing regulations for assistance provided under Title VI.

Timetable: Notice of Proposed Rulemaking (NPRM) expected during third quarter of FY 1983.

Title: Health Systems Agency and State Health Planning and Development Agency Reviews; Certificate of Need

Agency Contact: William R. Berry, Acting Director, Bureau of Health Planning, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436-7170.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 143, Subpart D, and Part 123, Subpart E.

Legal Authority: Section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216) Sections 1501-1532 of the Public Health Service Act, 93 Stat. 592-630.

Abstract: The Certificate of Need (CON) Program is a State-run program requiring health care providers to submit certain proposed large capital expenditures for review by the State Health Planning and Development Agency which determines whether the expenditures are needed. If the proposed expenditures are found to be unneeded, the provider faces penalties—which vary from State to State—if the project proceeds.

The proposed rules would raise minimum thresholds for planned projects to be reviewed. Also, States could exempt from review certain projects intended solely for medical research. States also may modify the requirements for a health maintenance organization (HMO) or combination of such organizations to qualify for an exemption. The proposed rules also would give State agencies greater discretion in determining the types of projects to be reviewed, the procedures to be followed, and the criteria to be considered in reviewing applications.

Timetable: The NPRM is expected during the first quarter of FY 1983. This is an item that will go under review by the Presidential Task Force on Regulatory Relief and is a priority rule.

Title: Limitation on Federal Participation for Capital Expenditures

Agency Contact: William R. Berry, Acting Director, Bureau of Health Planning, Health Resources and Services Administration, East-West Hwy., Hyattsville, Maryland 20782, (301) 436–6850.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 100 Subpart A.

Legal Authority: Section 1122 of the Social Security Act, as amended, 86 Stat. 1386, (42 U.S.C. 1320a–1); section 215 of the Public Health Service Act, 58 Stat. 690 (42 U.S.C. 216), and section 1501–1532 of the Public Health Service Act, as amended, 95 Stat. 570–578 (42 U.S.C. 300K–1–300n–1).

Abstract: This NPRM sets forth provisions under which the Secretary may deny Federal reimbursement under Title XVIII (Medicare) and Title XIX (Medicaid), for expenses related to capital expenditures (1) which the Designated Planning Agency (DPA) has found to be inconsistent with established standards, criteria or plans developed under the Public Health Service (PHS) Act; or (2) for which the DPA was not provided notice as required. The NPRM includes changes made in response to comments received on the NPRM published in the **Federal Register** on March 19, 1976, and changes necessary to conform to the amendments to Title XV of the PHS Act enacted by the Health Planning and Resources Development Amendments of 1979 (P.L. 96–79), the Health Programs Extension Act of 1981 (P.L. 97–35). Also, many States have discontinued their agreements with the Department to perform reviews under the section 1122 program because the requirements of section 1122 are inconsistent with the Department's requirements for acceptable certificate of need (CON) programs. Now, requirements for CON and section 1122 reviews are as alike as possible.

Timetable: The NPRM is expected during the first quarter of FY 1983. This is an item that will be reviewed by the Presidential Task Force on Regulatory Relief and is a priority rule.

Title: Area Health Education Center Programs

Agency Contact: Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Hwy., Hyattsville, Maryland 20782, (301) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Subpart MM.

Legal Authority: Section 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216); Section 781 of the Public Health Service Act, 90 Stat. 2312 (42 U.S.C. 295g–1), as amended.

Abstract: The final regulations govern the establishment of cooperative agreements between the Secretary and schools of medicine and osteopathy to assist in the planning, development, and operation of Area Health Education Centers (AHECs). These centers are intended to improve the distribution, supply, quality, utilization and efficiency of health personnel in the health service delivery system and to encourage the regionalization of educational responsibilities of health professions schools.

Interim final regulations were published in 1978. The regulations are being updated to conform to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35) and to the Paperwork Reduction Act requirements.

Timetable: Final Rule during first quarter of FY 1983.

Title: Criteria for Evaluation of Plans To Reduce Reliance on Foreign Medical Graduates

Agency Contact: Kenneth Moritsugu, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Hwy., Hyattsville, Maryland 20782 (301) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 45 CFR Part 61 (proposed).

Legal Authority: section 212(j) of the Immigration and Nationality Act Amendments of 1981 (P.L. 97–116), 95 Stat. 611 (8 U.S.C. 1182(j)(2)(A).

Abstract: The Secretary is required to publish criteria by which the HHS Substantial Disruption Waiver Board will evaluate the plans for reduction of reliance on Foreign Medical Graduates (FMGs) which are required of sponsoring programs that apply for waivers on the basis of "substantial disruption." The Secretary also makes recommendations on granting waivers to the International Communications Agency which grants the waivers.

Timetable: Final Rule during the first quarter of FY 1983.

Title: Grants for Advanced Nurse Training Program

Agency Contact: Dr. Mary S. Hill, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6681.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subpart Z.

Legal Authority: Section 821 of the Public Health Service Act—Nurse Training Act of 1975 (Title IX of P.L. 94–63).

Abstract: These regulations implement the Secretary's authority to make grants to public and nonprofit private collegiate schools of nursing to meet the costs of projects to (1) plan, develop, and operate, (2) significantly expand, or (3) maintain existing programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialities determined by the Secretary to require advanced training and to establish procedures for announcement of funding preferences as warranted.

Timetable: Final Rule expected during the first quarter of FY 1983.

Title: Grants for Predoctoral, Graduate, and Faculty Development Educational Programs in Family Medicine

Agency Contact: Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6518.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subpart Q.

Legal Authority: Section 786(a) of the Public Health Service Act as amended by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

Abstract: These regulations apply to grants for schools of medicine or osteopathy, hospitals, and other public or private nonprofit entities to plan, develop, and operate or participate in predoctoral, graduate, or faculty training. The development of a technical amendment is needed to conform existing regulations to the Omnibus Budget Reconciliation Act of 1982 (P.L. 97–35).

Timetable: Final Rule during first quarter of FY 1983.

Title: Grants for Residency Training in General Internal Medicine or General Pediatrics

Agency Contact: Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subpart FF.

Legal Authority: Section 784 of the Public Health Service Act as amended by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

Abstract: These regulations set forth requirements for grants for residency training programs in general internal medicine or general pediatrics. The statute expressly states that the Secretary will define training by regulation. The development of a technical amendment is needed to conform existing regulations (42 CFR Part 57, Subpart FF) to the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

Timetable: Final Rule during first quarter of FY 1983.

Title: Health Professions Curriculum Development

Agency Contact: Thomas Hatch, Director, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6810.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subpart NN.

Legal Authority: Section 788(b), (formerly 788(d)) of the Public Health Service Act as amended by the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

Abstract: Technical amendments to the existing regulations (42 CFR Part 57, Subpart NN) are needed to implement provisions in the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35).

This program provides support to health professions institutions, or other public or nonprofit private entities, for special targeted health professions projects in a variety of high priority areas which train students to function effectively and efficiently as members of a health care team and other projects that address current and emerging health problems. Twenty-three examples are cited specifically in the authorizing legislation.

Timetable: Final Rule during second quarter of 1983, if included in FY 1983 appropriations.

Title: Health Professions Technical Amendments

Agency Contact: Judy Silsbee, Program Coordination Branch, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–7458.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, Subparts S&T, and Part 58, Subpart C.

Legal Authority: Omnibus Budget & Reconciliation Act of 1981, P.L. 97–35 Sections 787, 792, and 820 of the PHS Act.

Abstract: The changes in these rules are technical—for example, they amend definitions, references to the Commonwealth of the Northern Marianas, section citations, etc. Included are changes to Educational Assistance to Individuals from Disadvantaged Backgrounds: Public Health Traineeships; and Nursing Special Project Grants.

Timetable: Final Rule during first quarter of FY 1983.

Title: Nurse Practitioner Traineeships

Agency Contact: Dr. Mary S. Hill, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6681.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR part 57, Subpart Y.

Legal Authority: Section 215 of the Public Health Service Act, 58 Stat. 690, as amended by 63 Stat. 35 (42 U.S.C. 216), Section 822(b) of the Public Health Service Act, 91 Stat. 393 (42 U.S.C. 296m); as amended by 95 Stat. 930 (42 U.S.C. 254e).

Abstract: This final regulation governs a grant program to provide traineeships for nurse practitioner training to registered nurses. The rule deletes the requirement that trainees must be residents of health manpower shortage areas and provides instead that applicants from such areas be given special considerations; the rule modifies practice commitment requirements and includes conditions for waiver or suspension of repayments.

No funding for future traineeships is anticipated. The rule is needed to administer existing traineeships and to monitor compliance and repayment/waivers.

Timetable: Final Rule during first quarter of FY 1983.

Title: Project Grants for Establishment of Departments of Family Medicine

Agency Contact: Kenneth Moritsugu, Bureau of Health Professions, Health Resources and Services Administration, Center Building 3700 East-West Highway, Hyattsville, Maryland 20782, (3031) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 75, Subpart R.

Legal Authority: Section 780 of the Public Service Act as amended by the Omnibus Reconciliation Act of 1981, Public Law 97–35.

Abstract: These regulations govern the award of grants to schools of medicine and osteophathy to establish or strengthen departments, divisions, or other academic administrative units which provide clinical instruction in family medicine. A primary purpose is to assist family medicine units attain equal administrative status with other major clinical units. The rule is being prepared to conform 42 CFR Part 57, Subpart R, to the Omnibus Budget Reconciliation Act of 1981 (P. L. 97–35) and to reflect comments received in response to a notice of proposed rulemaking (NPRM) published in the **Federal Register** on October 16, 1980.

Timetable: Final Rule during the first quarter of FY 1983.

Title: Standards for Accreditation of Educational Programs and Certification of Selected Medical and Dental Personnel Who Administer Radiologic Procedures

Agency Contact: Thomas D. Hatch, Director, Bureau of Health Professions, Health Resources and Services Administration, 3700 East-West Hwy., Hyattsville, MD 20782 (301) 436–6810.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 75, (proposed).

Legal Authority: Section 979 of the Consumer Patient Radiation and Safety Act of 1981 (P.L. 97–35), 95 Stat. 599–600 (42 U.S.C. 10004).

Abstract: The Department is proposing rulemaking to establish standards for both the accreditation of educational programs and the certification of radiologic personnel.

Standards have been developed after consultation with relevant professional and State officials for accreditation of educational institutions and certification of radiologic personnel. The categories of personnel to be affected by the initial standards are: radiographers, dental hygienists, dental assistants, radition therapy technologists, and nuclear medicine technologists. The standards are mandatory for agencies of the Federal Government. Standards are voluntary for States.

Timetable: Notice of Proposed Rulemaking (NPRM) is scheduled during the first quarter of FY 1983.

Title: Training Grants for Preventive Medicine Residency Program

Agency Contact: Kenneth Moritsugu, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, (301) 436–6418.

Effects on Small Businesses and Other Entities: None—It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 57, (proposed).

Legal Authority: Section 793 of the Public Health Service Act as amended by the Omnibus Reconcilitation Act of 1981 (P. L. 97–35).

Abstract: These regulations would implement provisions of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97–35) which give the Secretary new authority for a grants program which will assist schools of medicine, osteopathy, and public health in the planning and development of new residency programs and the maintenance and improvement of existing residency training programs in preventive medicine. Funds from this program can be used to provide financial assistance to trainees in the residency programs.

Timetable: Notice of Proposed Rulemaking (NPRM) during third quarter of FY 1983, if included in FY 1983 appropriations.

Title: Indian Health Service/Health Resources and Services Administration; Pregraduate Education Scholarship Program

Agency Contact: Pierre Colombel, Indian Health Service, 5600 Fishers Lane, Room 6A–23, Rockville, Maryland 20857, Telephone (301) 443–5441.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the regulatory flexibility Act.

CFR Citation: 42 CFR 36 Subpart J.

Legal Authority: Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.) and Indian Health Amendments of 1980 (25 U.S.C. 1601 et seq.)

Abstract: The proposed rule covers the new four year pregraduate scholarship program authorized by the Indian Health Care Amendments of 1980, Pub. L. 96–537, which is intended to encourage Indians to enter the health professions and to ensure the availability of Indian health professionals to serve Indians. The proposal would also change the current regulation governing the Health Profession Preparatory Scholarship Program for Indians (1) to provide for the contingency that the stipend could be reduced if Federal salaries were reduced; and (2) to remove the requirement that an annual list of scholarship recipients be published in the **Federal Register**.

Timetable: Notice of Proposed Rulemaking (NPRM) expected to be published in the 2nd quarter FY 1983.

Title: Contact Health Service Delivery Area for the Penobscot Reservation

Agency Contact: Jim Mitchell, Indian Health Service, 5600 Fishers Lane, Room 5A–27, Rockville, Maryland 20857, Telephone (301) 443–2694.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the regulatory flexibility Act.

CFR Citation: 42 CFR 36.22.

Legal Authority: Snyder Act (25 U.S.C. 13); Transfer Act (42 U.S.C. 2001–2004).

Abstract: In response to a request from the Penobscot Nation, a notice of proposed rulemaking (NPRM) was published on January 6, 1981 proposing to enlarge the Contract Health Service Delivery Area (CHSDA) for the Penobscot Reservation. The proposal would have expanded the CHSDA beyond reservation boundaries to twelve additional counties in the State of Maine.

Timetable: NPRM published on January 6, 1981 (46 FR 1318). Next action undertermined.

Title: Persons to Whom Services Will Be Provided, Basic Indian Eligibility for Services

Agency Contact: Richard J. McCloskey, Indian Health Service, 5600 Fishers Lane, Room 6A–14, Rockville, Maryland 20857, Telephone (301) 443–1116.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the regulatory flexibility Act.

CFR Citation: 42 CFR 36.12.

Legal Authority: Snyder Act (25 U.S.C. 13); Transfer Act (42 U.S.C. 2001–2004).

Abstract: The Indian Health Service is considering amending the regulations governing basic Indian eligibility for services. Various suggestions have been made by those concerned with the growing difficulty of clearly identifying those who are eligible for services and the impact of an increasing IHS service population combined with tighter resources. The purpose of the **Federal Register** notice is simply to solicit additional ideas and suggestions as to the best, fairest and most workable approach to Indian eligibility before making any specific proposal.

Timetable: **Federal Register** Notice soliciting public comments expected to be published in the 2nd quarter FY 1983.

Title: Persons to Whom Services Will Be Provided, Non-Indian Spouses of Eligible Indians

Agency Contact: Richard J. McCloskey, Indian Health Service, 5600 Fishers Lane, Room 6A-14, Rockville, Maryland 20857, Telephone (301) 443-1116.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the regulatory flexibility Act.

CFR Citation: 42 CFR 36.12.

Legal Authority: Snyder Act (25 U.S.C. 13); Transfer Act (42 U.S.C. 2001-2004).

Abstract: Current regulations provide Indian Health Services to the non-Indian wives of eligible Indians. The Indian Health Service has been advised that this provision is a legally indefensible discrimination based on sex. The notice of proposed rulemaking (NPRM) proposed to make the non-Indian spouse (husband and wife) eligible for IHS care. The NPRM also proposed to limit care to non-Indian members of an eligible Indian's family which would be a tightening of the current IHS policy which deals with Indian households.

Timetable: Notice of Proposed Rulemaking published December 16, 1980 (45 FR 82450). The comments and options are under review. A final rule or a revised proposal is expected to be published in the 2nd quarter FY 1983.

Title: Medical Care for Seamen and Certain Other Persons

Agency Contact: Walter W. Ward, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

Effects on Small Businesses and Other Entities: None.

CFR Citation: 42 CFR 32.

Legal Authority: Public Health Service Act, (secs. 320 and 322(b) (42 U.S.C. 255 and 249(b), respectively)). Public Law 97-35, section 986.

Abstract: The proposed regulation will delete obsolete sections related to the provision of medical care for seafarers by the Public Health Service. The entitlement was terminated by Public Law 97-35 on October 1, 1981.

Timetable: Notice of Proposed Rulemaking expected to be waived and Final Rule to be published in first quarter of FY 1983.

Title: Health Professions Student Loan Program (HPSL); Debt Management; Delinquency Rates

Agency Contact: Sarah J. Silsbee, Chief, Program Coordination Branch, HRSA, BHPr, Room 422, 3700 East-West Highway, Hyattsville, Maryland 20782, 301 436-7458.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 57, Subpart C.

Legal Authority: Public Health Service Act (Sections 740-744 (42 U.S.C. 297m-q)).

Abstract: The amendments in the HPSL regulations are designed to help reduce the delinquency rate and increase the debt collection efforts in the HPSL program. The proposed rule would: (1) require schools to use credit bureaus, collection agencies and litigation in collecting delinquent loans; (2) require the submission of financial aid transcripts by loan applicants; (3) require the establishment of monthly repayment schedules; (4) mandate the inclusion in all promissory notes of an acceleration clause to be exercised at the school's option; (5) permit schools to grant forbearance in extraordinary circumstances; (6) set performance standards which require schools to achieve a delinquency rate of not more than 5 percent by March 31, 1983; define delinquent accounts as those more than 30 days overdue; and establish a uniform formula for computing borrower and dollar delinquency rates; (7) require the submission of a quarterly report on the status of the program; and (8) require the retention of repayment records of borrowers for a 5-year period after a loan has been repaid.

Timetable: Notice of Proposed Rulemaking published August 31, 1982 (47 F.R. 3865) with a 45 day comment period. Final Rule expected to be published second quarter FY 83.

Title: National Health Service Corps (NHSC); Need and Demand Criteria; Private Practice Option (PPO) Loans to Individuals

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, HRSA, BCHDA, Room 7-05, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-2380.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 23.

Legal Authority: Public Health Service Act (Sections 331-338, 338C and 338E (42 U.S.C. 254f)).

Abstract: The amendments to the NHSC regulations are needed to implement P.L. 97-35. The Secretary is now required to evaluate the current criteria for shortage area designation to determine if the use of the criteria has resulted in areas which do not have a shortage of health professions personnel being designated. Different criteria (including the actual use of health professions personnel in an area, taking into account residents' health status, and indicators of an unmet demand and the likelihood that such demand will not be met in two years) is required to be considered. The Secretary is required to report to the Congress not later than November 30, 1982, on the results of these activities.

Also the Secretary is authorized to make such arrangements as are deemed necessary for the individual exercising the private practice option for the use of equipment and supplies and for the lease or acquisition of other equipment and supplies. Upon the expiration of the private practice agreement, the Secretary may sell to the individual equipment and other property of the United States utilized by the individual in providing health services. Sales may be made at fair market value, except that the Secretary is permitted to make such sales for a lesser value if he determines that the individual is financially unable to pay the full market value.

Timetable: Notice of Proposed Rulemaking expected to be published first quarter FY 83 with a 45-60 day comment period.

Title: Nursing Student Loan Program (NSL); Debt Management; Delinquency Rates

Agency Contact: Sarah J. Silsbee, Chief, Program Coordination Branch, HRSA, BHPr, Room 422, 3700 East-West Highway, Hyattsville, Maryland 20782, 301 436-7458.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 57, Subpart D.

Legal Authority: Public Health Service Act (Sections 835-841 (42 U.S.C. 216)).

Abstract: The amendments in the NSL regulations are designed to help reduce the delinquency rate and increase the debt collection efforts in the NSL program. The proposed rule would: (1) require schools to use credit bureaus, collection agencies and litigation in collecting delinquent loans; (2) require the submission of financial aid transcripts by loan applicants; (3) require the establishment of monthly repayment schedules; (4) mandate the inclusion in all promissory notes of an acceleration clause to be exercised at the school's option; (5) permit schools to grant forbearance in extraordinary circumstances; (6) set performance standards which require schools to achieve a delinquency rate of not more than 5 percent by March 31, 1983; define delinquent accounts as those more than 30 days overdue; and establish a uniform formula for computing borower and dollar delinquency rates; (7) require the submission of a quarterly report on the status of the program; and (8) require the retention of repayment records of borrowers for a 5-year period after a loan has been repaid.

Timetable: Notice of Proposed Rulemaking expected to be published first quarter FY 83 followed by a 45 day comment period.

Title: Health Education Assistance Loan (HEAL) Insurance Premium

Agency Contact: Sarah J. Silsbee, Chief, Program Coordination Branch, HRSA, BHPr, Room 422, 3700 East-West Highway, Hyattsville, Maryland 20782, 301 436-7458.

Effects on Small Businesses and Other Entities: It is expected that this final rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 60.14.

Legal Authority: Public Health Service Act (Sections 727-739 (U.S.C. 294-2941)).

Abstract: In order to ensure that sufficient funds will be available to cover insurance claims paid to HEAL lenders, the Secretary is proposing to increase the rate of the insurance premium to 1 percent per year of the loan principal effective on the first day of the calendar quarter beginning after the date of publication of the regulations.

Timetable: Final regulations expected to be published first quarter FY 83.

Title: National Health Service Corps (NHSC) Scholarship Program; Breach of Contract; Obligated Service

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, HRSA, BCHDA, Room 7-05, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-2380.

Effects on Small Businesses and Other Entities: It is expected that this proposed rule will not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR, Part 62.

Legal Authority: Public Health Service Act (Sections 338A-F (42 U.S.C. 294t)).

Abstract: An individual who has entered into a written scholarship contract will be given an opportunity to withdraw without incurring damages. Also, A Private Practice Option (PPO) individual will be considered a civilian member of the NHSC and can fulfill his/her service obligation through the PPO.

Timetable: Notice of Proposed Rulemaking expected to be published first quarter FY 83 with a 45-60 day comment period.

Title: Grants for Maternal and Child Health Services Federal Set-Aside Program

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7-05, 5600 Fishers Lane, Rockville, Maryland 20857, 301 443-2380.

Effects on Small Businesses and Other Entities: This notice will not significantly impact on small business or other entities.

CFR Citation: 42 CFR Parts 51a, 51d, and 51f.

Legal Authority: Section 502a of Title V of the Social Security Act.

Abstract: The Omnibus Budget Reconcilation Act of 1981 (Pub. L. 97-35) revised Title V of the Social Security Act to establish the Maternal and Child Health Service Block Grant. In the block grant there is a Federal Set-Aside Program which provides for the retention of 10 to 15 percent of the appropriation in each fiscal year for continuation of certain categorical programs (special projects of regional and national significance, maternal and child health research and training, genetic disease testing, counseling and information and hemophilia diagnostic and treatment centers). A Final Rule, published on June 25, 1982, made regulations for the previous programs applicable to the set-aside authority until regulations specifically designed for the set-aside could be developed.

Timetable: NPRM will be published first quarter FY 1983.

Title: Program Grants for Migrant Health Services

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7-05, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-2380.

Effects on Small Business and Other Entities: This regulation will increase opportunities for States to become grantees under this program. Not every State will choose to implement this approach and it is anticipated that many who do will implement it in co-application with existing grantees. Therefore, it is expected that this regulation will not have a significant impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 56.

Legal Authority: Public Health Service Act, (Sections 215, 329 (92 Sta. 3551-3555), (42 U.S.C. 216, 254 b)).

Abstract: A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1979. Because of administrative changes and new policy direction, a new NPRM will be developed to place greater emphasis on and to facilitate State participation in this program. The new NPRM would also simplify the regulation and incorporate the provisions of Pub. L. 95-626. These regulations will simplify application requirements for States, give certain priorities to awards to States, and will offer alternatives for States to meet requirements which have tended to be barriers to States.

Timetable: NPRM published 12/19/80, 45 FR 85366. A revised NPRM will be published during the second quarter fiscal year 1983.

Title: Grants for Community Health Services Program

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7-05, 5600 Fishers Lane, Rockville, Maryland 20857, 301-443-2380.

Effects on Small Business and Other Entities: It is anticipated that the Community Health Centers Program will be subsumed in the Primary Care Block Grant Program during the next two years and, therefore, revision of the regulations would be unnecessary at this time. Thus, there will be no impact at this time on small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR 51c.

Legal Authority: Public Health Service Act, (Section 330 (42 U.S.C. 254c)).

Abstract: A notice of proposed rulemaking (NPRM) was published in the **Federal Register** on December 19, 1980 to revise the existing regulations to incorporate provisions of Pub. L. 95-626, the Health Services Amendments of 1979. However, administrative changes and new policy directions—passage and implementation of the Primary Care

Block Grant Program in the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97–35—rendered the NPRM obsolete. Since it is anticipated that the Primary Care Block Grant will incorporate the Community Health Centers program within two years no further action is anticipated on these regulations at this time.

Timetable: NRPM published 12/19/80, 45 FR 83544.

Title: Program Grants for Black Lung Clinics

Agency Contact: James J. Corrigan, Associate Bureau Director for Legislation and Policy, Bureau of Health Care Delivery and Assistance, Room 7–05, 5600 Fishers Lane, Rockville, Maryland 20857, 301–443–2380.

Effects on Small Business and Other Entities: This regulation will have no significant effect on small business and other entities as defined by the Regulatory Flexibility Act.

CFR Citation: 42 CFR Part 55a.

Legal Authority: Sec. 427(a) of Federal Mine Safety and Health Act.

Abstract: This is a notice of proposed rulemaking (NPRM) which would amend the current Black Lung Clinics regulation. It would implement an administrative decision to simplify the regulation and to foster a greater role for the States in the administration of the program.

Timetable: NPRM is expected to be published second quarter fiscal year 1983.

Title: Health Maintenance Organizations

Agency Contact: Dwight Blankenbaker, Director, Policy Office, Office of Health Maintenance Organizations, Park Building—Rm. 3–10, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4695.

Effects on Small Business and Other Entities: The Department has determined that these proposed rules would have no significant impact on a substantial number of small entities, including HMOs, small businesses, small organizational units, and small governmental jurisdictions.

CFR Citation: 42 CFR Part 110.

Legal Authority: Sec. 215 of the Public Health Service Act, as amended, 58 Stat. 690 (42 U.S.C. 216); secs. 1301–1318, as amended, Pub. L. 97–35, 95 Stat. 572–578 (42 U.S.C. 300e–300e–17).

Abstract: The regulations at 42 CFR Part 110, Subparts, A, B, C, H, & I would be amended, through a notice of proposed rulemaking, to provided needed regulatory guidance concerning certain provisions in the Health Maintenance Organization Amendments of 1981. These rules govern the organization and operation of health maintenance organizations (HMOs). These rules specifically establish criteria for submitting a grant, loan, or loan guarantee application; establish requirements for certain employers and States to offer to their employees the option of membership in qualified HMOs; and establish requirements for continued compliance of Federally qualified HMOs. Changes would include regulatory interpretations of community rating by class (CRC), the definition of primary care outside the HMO's service area, and the protection of HMO members from liability of payment of any fees which are the legal obligation of the HMO. In addition, the regulations would be amended to delete burdensome or unnecessary regulatory provisions.

Timetable: A Notice of Proposed Rulemaking is expected to be published during the first quarter of fiscal year 1983.

Title: National Library of Medicine Programs—Revision of General Rules for the National Library of Medicine, National Library of Medicine Grants, National Institutes of Health and National Library of Medicine Training Grants

Agency Contact: Kenneth Carney, Executive Officer, National Library of Medicine, Bethesda, Maryland 20209, (301) 496–6491.

Effects on Small Business and Other Entities: The amendments to these regulations will have negligible effect on small businesses and other entities.

CFR Citation: 42 CFR Parts 4, 59a, 63 and 64.

Legal Authority: 42 U.S.C. 216, 42 U.S.C. 276, 42 U.S.C. 280b–2.

Abstract: All of the regulations are being substantially clarified and reduced in size by eliminating out of date or otherwise available information.

The regulations at 42 CFR Part 4 pertain to the access of facilities and library collections. Those at 42 CFR Part 59a deal with NLM extramural programs. Part 59a is being amended to remove the requirement that photocopies of biomedical material be provided without charge to users. The regulations at 42 CFR Part 63 deal with both NIH and NLM traineeships. Part 63 is proposed to be deleted because NIH no longer has general traineeship authority and the sole remaining NLM program is unfunded. The regulations at 42 CFR Part 634 govern the training grants of NIH and NLM.

Timetable: Proposed regulations are expected to be published before the end of 1982.

Title: Conduct of Persons and Traffic on Certain Federal Enclaves—Revision of General Rules

Agency Contact: William G. Ketterer, Senior Attorney, NIH, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–6043.

Effects on Small Business and Other Entities: The amendments of 45 CFR 3 will have no effect on small businesses and other entities.

CFR Citation: 42 CFR Part 3.

Legal Authority: Sec. 1–5, 63 Stat. 281, as amended, 75 Stat. 574 (40 U.S.C. 318–318d) Sec. 205, 63 Stat. 389 as amended, 64 Stat. 591, 75 Stat. 414, 40 U.S.C. 486. Delegations of Authority 33 FR 604, 41 FR 34346, 44 FR 15774.

Abstract: The regulations govern the conduct of individuals and traffic on the National Institutes of Health reservation in Bethesda, Maryland and the U.S. PHS Hospital at Staten Island, N.Y. The regulations are being amended to remove coverage of the Staten Island PHS Hospital. That facility has been transferred to Bayley Seton Hospital, a private non-profit New York Corporation.

Timetable: The final rule should be published during the second quarter of FY 1983.

Title: National Institutes of Health Center Grants 42 CFR 52a

Agency Contact: Lowell D. Peart, NIH Regulations Officer, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–4606.

Effects on Small Business and Other Entities: The regulations will have no effect on small businesses and other entities.

CFR Citation: 42 CFR Part 59a.

Legal Authority: 42 U.S.C. 287d, 289c–2 and 6.

Abstract: The regulations would cover grants by the National Institutes of Health for support of research and demonstration centers. They would replace existing regulations covering only centers supported by the National Heart, Lung and Blood Institute. These regulations would be available for other center programs which may be created in the future or operated under the general research authorities of NIH.

Timetable: Proposed regulations are expected to be published in the second quarter of FY 1983.

Title: Protection of Human Subjects: Regulations on Research Involving Children

Agency Contact: Dr. Charles McCarthy, Director, Office for Protection from Research Risks, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–7163.

Effects on Small Business and Other Entities: The regulations will have no effect on small businesses and other entities.

CFR Citation: 45 CFR Part 46.

Legal Authority: 5 U.S.C. 301.

Abstract: The regulations will provide additional protections for children who are research subjects of DHHS supported research. Institutional Review Boards will have added responsibilities to review research involving children. These regulations define the circumstances under which such research can be conducted or supported, describe procedures for the review and approval of the research, and identify the requirements for informed consent to participate in research by and for such subjects. The regulations require permission from parents and guardians and except under certain circumstances from the children themselves.

The National Research Act requires the Secretary to publish all recommendations of the National Commission for the Protection of Human Subjects of Biomedical and Behavorial Research. The regulations will adopt, with some changes, the recommendations made by the Commission.

Timetable: Final regulations should be published before the end of the second quarter in FY 1983.

Title: National Research Service Awards

Agency Contact: William F. Raub, Ph.D., Associate Director for Extramural Research and Training, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–1096.

Effects on Small Business and Other Entities: The regulations will have no effect on small businesses and other entities.

CFR Citation: 42 CFR Part 66.

Legal Authority: 472 of PHS Act (42 U.S.C. 289*l*–1) as recently amended.

Abstract: National Research Service Awards are made by PHS agencies to promote training in specified areas of science at both the pre-doctoral and post-doctoral level. The technical amendments are intended to comply with statutory changes mandated by the Omnibus Budget Reconciliation Act of 1981. The amendments liberalize the payback options available to Award recipients, and make minor technical changes in the regualtions.

Timetable: Regulations should be proposed before the end of the second quarter of FY 1983.

Reviews of Existing Regulations

Common or Usual Names for Non-Standardized Foods—Juice Beverages

Agency Contact: Howard Pippin, Chief, Guidelines and Compliance Research Branch, Division of Regulatory Guidance, Bureau of Foods (HFF–312), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204, 202–245–3092.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR 102.30, 102.32, 102.33.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(n), 403, 701(a) (21 U.S.C. 321(n), 343, 371(a))).

Abstract: As part of its retrospective review, FDA is currently reviewing these final rules concerning a common or usual name for diluted fruit or vegetable juice beverages other than diluted orange juice beverages, diluted orange beverages, and noncarbonated beverage products containing no fruit or vegetable juice. Because of the similarity of these three rules, FDA has concluded that it would be appropriate to review them together.

To avoid imposing substantial compliance costs that may later be found unnecessary should the review process result in a decision to revoke or modify the present rules, FDA proposed in the **Federal Register** of March 26, 1982 (47 FR 13003) to extend the effective date for compliance with a 1980 rule establishing common or usual name labeling requirements for diluted fruit or vegetable juice beverages.

Timetable: A final notice extending the effecitve date for a common or usual name for diluted fruit or vegetable juice beverages expected to publish in the first quarter in FY 1983. By September 1983, FDA expects to decide whether to retain the rules unchanged or to initate rulemaking to revise or revoke them.

Title: Current Good Manufacturing Practice in Manufacturing, Processing, Packing, or Holding Human Food (Umbrella Rule)

Agency Contact: F. Leo Kauffman, Chief, Formulation Section, Plant and Protein Technology Branch, Division of Food Technology, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204,202–245–1164.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR 110.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 302, 303, 304, 402(a), 701(a) (21 U.S.C. 332, 333, 334, 342(a), 371(a))).

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current "umbrella" GMPs in 21 CFR Part 110.

Timetable: By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

This rule will be reviewed by the President's Task Force on Regulatory Relief and is a priority rule.

Title: Current Good Manufacturing Practice for Finished Pharmaceuticals

Agency Contact: Robert J. Meyer, Consumer Safety Officer, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Part 211.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 512, 701(a) (21 U.S.C. 351, 352, 360b, 371(a))).

Abstract: As part of its retrospective review, FDA plans to determine the need for any changes in the current GMPs to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable: By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

Title: Antibiotic Drugs

Agency Contact: Robert J. Meyer, Consumer Safety Officer, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Parts 430–460.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 505, 507, 701(f) and (g) (21 U.S.C. 355, 357, 371(f) and (g)).

Abstract: As part of its retrospective review, FDA is currently reviewing these final rules to determine which should be maintained in effect and which may no longer be necessary for the review and approval of antibiotic drugs. One aspect of this retrospective review has been completed by publication of a final rule exempting antibiotic drugs and antibiotic susceptibility medical devices from certification. (See entry under Completed Actions)

Timetable: By September 1983, FDA expects to decide whether to retain the rules unchanged or to intitiate rulemaking to revise or revoke them.

Title: Blood and Blood Products

Agency Contact: Steven F. Falter, Consumer Safety Officer, National Center for Drugs and Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

Effects on Small Businesses and Other Entities: The agency anticipates that this retrospective review would result in a relief of regulatory burden. However, the actions would probably not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act.

CFR Citation: 21 CFR Parts 606, 640, 660.

Legal Authority: Federal Food, Drug, and Cosmetic Act (sec. 701(a)) (21 U.S.C. 371(a)) and the Public Health Service Act (sec. 351) (42 U.S.C. 262)

Abstract: As part of its retrospective review, FDA plans to issue one or more proposed rules to amend the biologics rules concerning blood and blood products to eliminate unnecessary regulatory burdens while maintaining appropriate public protection. Many of the proposed revisions would respond to comments received by the agency at public meetings held to consider the retrospective review of FDA's exisiting rules.

Timetable: Notice(s) of Proposed Rulemaking expected to publish in the fourth quarter of FY 1983.

Title: Bubble Bath Products

Agency Contact: Heinz J. Eiermann, Director, Division of Cosmetics Technology, Bureau of Foods (HFF–440), Food and Drug Administration, 200 C Street, S.W., Washington, D.C. 20204, 202–245–1530.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Part 740.17

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 201(n), 602(a), 701(a) (21 U.S.C. 321(n), 362, 371(a))

Abstract: As part of its retrospective review, FDA is reviewing this 1980 final rule requiring that labels of cosmetic bubble bath products bear a prescribed caution statement and adequate directions for their safe use. Petitions from two trade associations assert, among other things, that the requirements of the rule are unjustified and place an undue burden on industry.

Timetable: Interim stay of effective date expected to publish in the first quarter of FY 1983, along with a notice of proposed stay and a request for comments, data, and information.

Title: Investigational Exemptions for Intraocular Lenses

Agency Contact: Roger W. Barnes, Deputy Director, Division of Ophthalmic, Ear, Nose, and Throat and Dental Devices, Bureau of Medical Devices (HFK–460), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7536.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21CFR Part 813.

Legal Authority: Federal Food, Drug, and Cosmetic Act (secs. 301, 501, 502, 520, 701, 704, 801 (21 U.S.C. 331, 351, 352, 360j, 371, 374, 381))

Abstract: As part of its retrospective review, FDA is reviewing this rule in Part 813 that requires sponsors to submit to FDA an application before beginning a clinical study of an investigational intraocular lens intended to be surgically implanted into the eye to replace the natural lens. FDA's regulations in Part 812 provide requirements for the performance of a clinical study of investigational devices other than intraocular lenses. To eliminate unnecessary regulations, FDA is considering whether a clinical study of an intraocular lens may be regulated by FDA under the more general requirements in Part 812, instead of the specific requirements in Part 813.

Timetable: By September 1983, FDA expects to decide whether to retain unchanged the specific rule in Part 813 or to initiate rulemaking to revise or revoke it.

Title: Records and Reports; Electronic Products

Agency Contact: John G. Bailey, Director, Technical Information Staff, Bureau of Radiological Health (HFX–25), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3434.

Effects on Small Businesses and Other Entities: Undetermined at this time.

CFR Citation: 21 CFR Part 1002.

Legal Authority: Public Health Service Act (secs. 354–360F (42 U.S.C. 263b–263m)).

Abstract: As part of its retrospective review, FDA plans to determine the need for revision of the various records and reports requirements in Part 1002 for radiation-emitting electronic products to eliminate unnecessary requirements and to allow flexibility without undermining protection of the public health.

Timetable: By September 1983, FDA expects to decide whether to retain the rules unchanged or to initiate rulemaking to revise or revoke them.

Completed Actions

Title: Enforcement Policy; Infant Formula Recalls

Agency Contact: John M. Taylor, Director, Division of Regulatory Guidance, Bureau of Foods (HFF–310), Food and Drug Administration, 200 C Street, SW., Washington, D.C. 20204, 202–245–3092.

Abstract: This final rule establishes recall procedures for removing adulterated infant formula from the marketplace.

Timetable: Notice of Proposed Rulemaking published January 15, 1982 (47 FR 9331). Final Rule published April 30, 1982 (47 FR 18832).

Title: User Labeling for Menstrual Tampons

Agency Contact: Maria E. Donowa, Special Medical Assistant, Bureau of Medical Devices (HFK–300), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, MD 20910, 301–427–7175.

Abstract: This final rule requires manufacturers of menstrual tampons to include information on toxic shock syndrome (TSS) in the labeling of the device.

Timetable: Notice of Proposed Rulemaking published October 21, 1980 (45 FR 69840). Final rule published June 22, 1982 (47 FR 26982).

Title: Over-the-Counter (OTC) Drug Review Upset Stomach (Antacid Amendment)

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Abstract: This document amended the labeling provisions for over-the-counter (OTC) antacid drug products to permit the use of the term "upset stomach." The Food and Drug Administration (FDA) is taking this action because it has concluded that consumers use the term "upset stomach" to describe symptoms associated with gastric hyperacidity. In addition, FDA is amending the monograph for OTC antacid drug products to include a "Statement of Identity" paragraph. The agency is taking this action after considering public comments on the proposed rule. This final rule is part of FDA's ongoing review of OTC drug products.

Timetable: Notice of Proposed Rulemaking published September 21, 1979 (44 FR 54731). Final Rule published August 31, 1982 (47 FR 38481).

Title: Over-the-Counter (OTC) Drug Review Upset Stomach (In Vitro Test Amendment)

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–510), Food and drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Abstract: The Food and Drug Administration (FDA) revised the administration procedures by which persons might request and be granted a modification of the in vitro test for over-the-counter (OTC) antacid drug products. This document also contains a redelegation of authority to FDA's National Center for Drugs and Biologics (NCDB) to grant or deny petitions for a test modification. This action is taken to make these procedures conform to the agency's current administrative regulations and to clarify the procedures for submitting such a request.

Timetable: Notice of Proposed Rulemaking published May 27, 1980 (45 FR 35349). Final Rule published August 31, 1982 (47 FR 38480).

Title: Over-the-Counter (OTC) Drug Review; Camphorated Oil Drug Products for Human Use

Agency Contact: William E. Gilbertson, Director, Division of OTC Drug Evaluation, National Center for Drugs and Biologics (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4960.

Abstract: This final rule establishes that any camphorated oil drug product or any similar drug product for human use is misbranded and a new drug, and is subject to regulatory action unless it is the subject of an approved new drug application. FDA is issuing this final rule after considering public comments on the proposed rule. This final rule is part of FDA's ongoing review of OTC drug products.

Timetable: Notice of Proposed Rulemaking published September 26, 1980 (45 FR 63869). Final Rule published September 21, 1982 (47 FR 41716).

Title: Patient Package Inserts for Prescription Drug Products

Agency Contact: Eileen Hodkinson, Regulatory Counsel, National Center for Drugs and Biologics (HFD–30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6490.

Abstract: This final rule revokes 21 CFR Part 203 that established a pilot program in which FDA required the dispenser of certain human drug products to provide labeling to the patient when the products were dispensed. This part was scheduled for retrospective review announced by FDA in its July 2, 1982 notice (47 FR 29004) establishing priorities for reviewing the agency's existing rules under the Regulatory Flexibility Act and Executive Order 12291.

Timetable: Stay of the effective dates of FDA's patient package insert program published April 28, 1981 (46 FR 23739 and 23815). Public meetings held September 30, 1981 and October 1, 1981. Notice of Proposed Rulemaking to revoke the regulations published February 17, 1982 (47 FR 7200). Final Rule published September 7, 1982 (47 FR 39147).

Title: Exemption of Antibiotic Drugs and Antibiotic Susceptibility Medical Devices from Certification

Agency Contact: Theodore E. Herman, Deputy Director, Regulations Policy Staff, Office of Regulatory Affairs (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

Abstract: This final rule amends the antibiotic drug and new animal drug rules to exempt all classes of antibiotic drugs from batch certification requirements. The rule also exempts antibiotic susceptibility devices from batch certification.

Timetable: Notice of Proposed Rulemaking published May 7, 1982 (47 FR 19954). Final Rule published September 7, 1982 (47 FR 39155).

Title: Health Maintenance Organizations; Procedural Regulations

Agency Contact: Dwight Blankenbaker, Director, Policy Office, Bureau of Health Mainenance Organizations and Resource Development, Health Resources and Services Administration, Park Building, Room 3–10, 12420 Parklawn Drive, Rockville, MD 20857, Telephone 301–443–4695.

Abstract: These final rules amended the Public Health Service regulations at 42 CFR Part 110, Subparts A–J, governing the operations of health maintenance organizations (HMOs) to reflect changes in the HMO law. In addition, changes were made in the provisions governing repayment of grant funds and the award of loans or loan guarantees to eligible HMOs.

Timetable: Final Rule published on May 5, 1982 (47 FR 19336).

Title: Qualification of Health Maintenance Organizations

Agency Contact: Dwight Blankenbaker, Director, Policy Office, Bureau of Health Mainenance Organizations and Resource Development, Health Resources and Services Administration, Park Building, Room 3–10, 12420 Parklawn Drive, Rockville, MD 20857, Telephone 301–443–4695.

Abstract: These final rules amended the Public Health Service regulations at 42 CFR Part 110, Subpart F, on qualification of health maintenance organizations (HMSs). Changes were made to update the procedural requirements for entities applying for Federal qualifications as an HMO.

Timetable: Final Rule published on July 21, 1982 (47 FR 31666).

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Pre-admission Diagnostic Service: Same Hospital.	Sheila Ryan, Director, Division of Medical Services Coverage Policy, Room 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8561.	This regulation provides 100% reimbursement for certain preadmission diagnostic services furnished on an outpatient basis within 7 days before admission to the hospital as an inpatient. It is intended to attain cost savings allowed by the law.	No	42 CFR 405.240 and 405.242.	Sec. 932 and 934 of P.L. 96-499.	PC to be published 4th quarter FY 82; next action undetermined.
HHA Cost Limits (Effective 10/1/82).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation establishes a revised schedule of limits on Medicare payments for home health agency services. Revises methodology to allow a single limit for hospital-based and free-standing HHAs. It is intended to prevent Medicare payment for home health agency costs that result from inefficiency.	No	NA	Sec. 223 of P.L. 92-603	PNC to be published 4th quarter FY 82; next action undetermined.
Medicaid Cost Sharing.	Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation revises the rule concerning imposition of cost sharing amounts on Mediaid recipients. It remvoes the prohibition on States from imposing deductibles, coinsurance or copayments on categorically or medically needy individuals with certain exceptions. States are precluded from imposing such charges for services furnished to children, pregnant women and certain institutionalized patients. It prohibits imposition of deductibles, cost sharing or similar charges for emergency and family planning services and supplies to any individual. Services furnished by an HMO to a categorically needy individual who is enrolled in the HMO are also exempt in cost sharing. Medically needy HMO enrolles may also be exempt.	No	42 CFR 447.50, 447.59.	Sec. 1902(a)(14) of the Social Security Act as amended by Sec. 131 of Tax Equity and Fiscal Responsibility Act.	PC 2nd quarter FY 83.
State Residency Policy Revision.	Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation clarifies State responsibilities regarding Medicaid eligibility based on residency. It gives States greater flexibility in regard to interstate agreements. It is intended to provide greater flexibility to States. (Regulatory Reform).	No	42 CFR 435.403, 436.403.	Sec. 1902(a)(16) and 1902(b)(3) of the Social Security Act.	NPRM 1st quarter FY 83. This regulation is a review item of the Presidential Task Force on Regulatory Relief.
Medicaid Overpayment Reporting Requirements.	Guy Harriman, Chief, Recovery Evaluation Branch, Room 1-B-2, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8194.	This regulation requires States to establish procedures to identify overpayments made to providers of services and report them to HCFA on a timely basis. It is intended to reduce State and Federal Medicaid costs and improve program efficiency.	No	42 CFR 447.401-447.4340.	Sec. 1903(d)(2) of the Social Security Act; Federal Claims Collection Act.	NPRM 1st quarter FY 83.
Conditions of Approval and Reapproval and Procedures for Reduction of FFP.	Charles Booth, Director, Division of Methods and Systems Requirements, Room 2-A-1, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-5415.	This regulation establishes conditions for initial approval of MMIS and for subsequent reapproval. It also establishes procedures for reduction of FFP and MMIS in those States failing to meet initial or reapproval standards. It is intended to improve effectiveness of States' MMIS; to ensure efficient system operations; to better detect cases of fraud, waste and abuse effectively; and to reduce Medicaid program costs.	No	42 CFR 433.110-433.117, 433.119-433.124, 433.127, and 433.130-433.131.	Title IX of P.L. 96-398 and Secs. 1102, 1902(a)(4) and 1903(a)(3) of the Social Security Act.	NPRM 1st quarter FY 83.
Payment for Physician Services in Providers.	Leonard Peshkin, Program Analyst, Division of Medical SErvices Reimbursement, Room 1-G-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1115.	This regulation sets forth basic conditions for reasonable charge reimbursement; clarifies determinations of reasonable cost reimbursement for physician's services; and establishes more specific conditions for payment of certain physician specialties. It also establishes limits or compensation allowable under Medicare for physicians' services to providers and patients. It is intended to ensure that Medicare payments for services of physicians in institutional providers are determined accurately and are reasonable in amount.	No	42 CFR 405.480-405.455 and 405.550-405.556.	Sec. 1814(b), 1842(b), 1861(b), and 1861(v) of the Social Security Act; Sec. 108 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 82; next action undetermined.
SNF Cost Limits (Effective 10/1/82).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation establishes a revised schedule of limits on Medicare payments for skilled nursing facility services. Revises methodology to allow a single limit for hospital-based and freestanding SNFs. It is intended to prevent payment for SNF costs that result from operating inefficienty.	No	N/A	Sec. 223 of P.L. 92-603	FN 4th quarter FY 82.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Private Room Subsidy.	William Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1802.	This regulation eliminates the Medicare private room subsidy by subtracting from a hospital's allowable cost, the differential costs for private rooms over semi-private rooms when the use of the private room was not medically necessary. It is intended as an FY 83 budget initiative.	No	42 CFR 405.452	Sec. 1861(v)(2) of the Social Security Act: Sec. 111 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82 Final 2nd quarter FY 83.
Withholding the Federal Share of Payments to Recover Medicare or Medicaid Overpayments.	Guy Harriman, Chief, Recovery Evaluation Branch, Room 1-B-2, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8193.	This regulation recovers overpayments to providers and physicians under Medicare and Medicaid by withholding the Federal share of payments to them. It is intended to improve financial management, promote efficiency and increase accountability for overpayments.	No	42 CFR 405.375, 447.30-447.31, and 447.301.	Sec. 1885 and Sec. 1914 of the Social Security Act.	NPRM 1st quarter FY 83.
Reductions in Medicaid Payments.	Charles Schreibeis, Director, Division of Budget, Room 368, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-597-1702.	This regulation controls the rising health care expenditures for the Medicaid program and encourages State activities in combating fraud and abuse. Reduces Medicaid expenditure payments by set percentages for fiscal years 1982, 1983 and 1984. Effectuates certain offsets of the expenditure reductions. Establishes a policy to contain costs and soften the fiscal repercussions on the States. Increases States anti-fraud and abuse measures. It is intended to contain and reduce program costs; improve program efficiency; and promote more effective management.	No	42 CFR 433.201-433.217, and 45 CFR 201.5.	Sec. 1903 (s) and (t) of the Social Security Act.	Final 4th quarter FY 82.
Interest Assessment on Overpayments and Underpayments—Medicare.	Guy Harriman, Chief, Recovery Evaluation Branch, Room 1-F-2, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8193.	This regulation assesses interest on overpayments (which are not in litigation) and determines interest on underpayments made to suppliers of services or providers. It is intended to have HCFA confrom to Federal Claims Collection Act (FCCA) and existing Departmental regulations. To improve efficiency and promote better management.	No	42 CFR 405.301, 405.376, and 405.419.	Federal Claims Collection Act, Sec. 117 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82; next action undetermined.
Pre-Admission Diagnostic Services: Different Hospital, Physician's Office.	Sheila Ryan, Director, Division of Medical Services, Coverage Policy, Room 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8561.	This regulation provides full coverage under Medicare for diagnostic testing in the outpatient department of another hospital or in a physician's office within 7 days prior to the patient's admission as an inpatient. It is intended to provide incentives for delivering services in lower cost-settings.	No	42 CFR 405.240	Sec. 932 and 934 of P.L. 96-499.	NPRM 1st quarter FY 83.
HHA Bonding and Escrow.	William Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1803.	This regulation sets forth requirements (including the establishment of bonding or escrow accounts) that home health agencies must meet to minimize the financial risk to the Medicare program that could arise from overpayments to agencies. It is intended to assure that home health agencies are financially viable enough to participate in the Medicare program.	No	42 CFR 405.402, 405.419, 405.429, 405.1201-405.1202, and 405.1231.	Sec. 930 of P.L. 96-499	NPRM 1st quarter FY 83.
Differential Reimbursement.	William Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1803.	This regulation authorizes reimbursement at the State Medicaid SNF and ICF rate where the patient requires a lower level of care, but is inappropriately placed in a hospital. It is intended to refine institutional policies to assure the most efficient delivery of needed health care.	No	42 CFR 405.160, 405.162, 405.402, 405.437, 405.452, 405.1627, and 405.1629.	Sec. 902 of P.L. 96-499, and Sec. 2102 P.L. 97-35.	NPRM 4th quarter FY 82; Final 1st quarter FY 83.
Three-Year Limit on Hospital Revenue Rate of Increase and Exception Provisions.	Marilyn Koch, Chief, Health Facilities Cost Containment Branch, Room 194, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9235.	This regulation establishes a target rate reimbursement system applicable to a hospital's first three cost reporting periods beginning on or after October 1, 1982. It will also provide for appropriate exemptions, exceptions, and adjustments from the limits in cases where events beyond the hospital's control or extraordinary circumstances, distort the hospital's increase in costs.	No	N/A	Sec. 101 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82 Final 2nd quarter FY 83.
Nursing Salary Cost Differential.	William Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1803.	This regulation reduces the Medicare inpatient routine nursing salary cost differential for hospitals. Eliminates the nursing differential for SNFs. It is intended to eliminate payment for costs that are not supported by current utilization patterns..	No	42 CFR 405.430	Sec. 1861(v)(1) of the Social Security Act as amended by Sec. 103 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82; next action undertermined.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Limit Physician Outpatient Reimbursement.	Leonard Nowacki, Program Analyst, Division of Medical Services Reimbursement, Room 1-G-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-2871.	This regulation establishes reasonable charge limits for routine physician services provided in hospital outpatient settings. It is intended to reduce program costs and implement a statutory requirement..	No	42 CFR 405.502	Sec. 2142 of P.L. 97-35; Sec. 104 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82; next action undetermined.
Services Covered Under Automobile, Liability, or Employer Group Health Insurance.	Herbert Pollock, Chief, Medicare Eligibility Policy, Room 474, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-4978.	This regulation provides that Medicare would be secondary payor for the first 12 months for the health care received by ESRD beneficiaries who are under age 65 and who are covered by an employer group health insurance plan. Provides that Medicare be the secondary payor for services covered under an automobile or liability insurance policy or plan (including a self-insured plan) or under no-fault insurance. It is intended to reduce unnecessary reimbursement and promote program efficiency.	No	42 CFR 405.322-405.328.	Sec. 953 of P.L. 96-499 and Sec. 2146 of P.L. 97-35.	Final 1st quarter FY 83.
Home and Community Services.	Robet Wren, Director, Division of Provider Services, Room 405, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9820.	This regulation allows States to reduce Medicaid expenses for institutional care and gives the beneficiary an opportunity to receive necessary services at home. Clarifies the deeming of income methodology to prevent unnecesary institutionalization to qualify for benefits. It is intended to revise regulations to provide maximum flexibility to the States and make them less burdensome.	No	42 CFR 435.3, 435.232, 435.341, 435.833, and 441.302-441.304.	Sec. 2176 of P.L. 97-35	Final 1st quarter FY 83.
Assistants at Surgery	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation prohibits reasonable charge reimbursement for an assistant at surgery in hospitals where an approved training program exists in the specialty, except under certain exceptional circumstances.	No	N/A	Sec. 113 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82 Final 2nd quarter FY 83.
Lien Provisions	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation allows States to impose liens on real property, including the home, of institutionalized Medicaid beneficiaries who the State determines, after notice and opportunity for a hearing, are reasonably likely to remain in a nursing home for the remainder of their lives. It also specifies conditions under which the State could not execute a lien.	No	N/A	Sec. 132 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 82; next action undermined.
Comprehensive Outpatient Rehabilitation Facilities Services.	Sheila Ryan, Director, Division of Medical Services Coverage Policy, Room 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8581.	This regulation recognizes comprehensive outpatient rehabilitation facilities as Medicare "providers" for purposes of reimbursement. It is intended to provide a source of comprehensive rehabilitation services.	No	42 CFR 405.230, 405.243, 405.250, 405.260-405.263, 405.401, 405.431, 405.455 and Part 485.	Sec. 933 of Pub. L. 96-499	Final 1st quarter fiscal year 1983.
Conditions of Participation for Hospitals.	Margaret Van Amringe, Director, Division of Hospital Services, 2nd Floor, Dogwood East Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9714.	This regulation simplifies requirements which hospitals must meet to be certified to participate in Medicare and Medicaid. It is intended to reduce Federal requirements, simplify and clarify regulations, and provide maximum flexibility in hospital administration while strengthening patient health and safety.	No	42 CFR 482.1-482.64	Sec. 1861(e) of the Social Security Act.	Proposed 1st quarter fiscal year 1983. This regulation is a review item of the Presidential Task Force on Regulatory Relief.
HHA Cost Limits (Effective 10/1/83).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation would set forth an updated schedule of limits on HHA costs, established by type of service on reimbursable costs per visit that may be reimbursed for cost reporting periods beginning 10/1/83. It is intended to reduce unnecessary reimbursement and promote efficiency.	No	N/A	Sec. 223 of Pub. L. 92-603	Next action undetermined.
SNF Cost Limits (Effective 10/1/83).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation would set limits on SNF costs for cost reporting periods beginning 10/1/83. It is intended to reduce unnecessary reimbursement and promote efficiency.	No	N/A	Sec. 223 of Pub. L. 92-603	Next action undetermined.
Update of Total Hospital Cost Limits (Effective 10/1/83).	Carl Slutter, Director, Division of Health Care Cost Containment, Room 190, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9344.	This regulation would set forth a schedule of limits on hospital inpatient general routine operating costs that may be reimbursed for cost reporting periods beginning 10/01/83. It is intended to reduce unnecessary reimbursement and promote efficiency.	No	N/A	Sec. 223 of Pub. L. 92-603	Next action undetermined.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Total Hospital Costs Limits.	Marilyn Koch, Chief, Health Facilities Cost Containment Branch, Room 194, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9235.	This regulation establishes a total hospital cost limit which included routine operating as well as ancillary services operating costs. The limits will be applied on an average cost-per-case basis, and adjusted for case-mix. The rule also specifies appropriate exceptions or adjustments for psychiatric hospitals.	No	N/A	Sec. 101 of Tax Equity and Fiscal Responsibility Act.	FNC 4th quarter fiscal year 1982 Final 2nd quarter fiscal year 1983.
Hill-Burton Charity Care Costs.	Paul Trimble, Chief, Provider Accounting Policy Branch, Room 1-A-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8640.	This regulation clarifies Medicare policy regarding reimbursement for services provided as free care under a Hill-Burton obligation.	No	42 CFR 405.420	Sec. 1861(v)(1) of the Social Security Act; Sec. 106 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter fiscal year 1982; next action undetermined.
Hospice Care.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation authorizes coverage under Medicare Part A for hospice care for terminally ill beneficiaries with a life expectancy of 6 months or less. It is intended to provide a basic and coordinated range of services to hospices while giving hospices flexibility to provide, under arrangements, for some services.	No	N/A	Sec. 122 of Tax Equity and Fiscal Responsibility Act.	NPRM 2nd quarter fiscal year 1983.
Reduction in Error Rate Tolerance.	John Berry, Director, Bureau of Quality Control, Room 200, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-6410.	This regulation replaces existing rules and procedures for disallowing Federal Financial Participation (FFP) in erroneous Medicaid payments due to eligibility errors as detected through the Medicaid Quality Control (MQC) system. It establishes, with certain exceptions, a 3% target error rate for quarters beginning after March 30, 1983, and provides discretion in applying fiscal penalties.	No	N/A	Sec. 133 of Tax Equaity and Fiscal Responsibility Act.	FC 2nd quarter FY 83.
Working Aged	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation requires employers to offer their employees age 65 through 69 and their dependents the same health benefits as are offered to their younger employees. The provision makes Medicare the secondary payor for such employees. This provision amends the Federal Age Discrimination in Employment Act (ADEA).	No	N/A	Sec. 116 of Tax Equity and Fiscal Responsibility Act.	FC 1st quarter FY 83.
Prohibition of Recognition Payments Under Certain Percentage Arrangements.	Bill Goeller, Chief, Reimbursement Policy Branch, Room 1-H-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1802.	This regulation provides that no cost which a provider incurs under a contract would be considered "reasonable" if determined as a percentage (or other proportion) of the provider's charges, revenues, or claim for reimbursement, except in certain cases. It is intended to preclude Medicare reimbursement for services when payment is not related to the value of those services.	No	N/A	Sec. 109 of Tax Equity and Fiscal Responsibility Act.	FC 3rd quarter FY 83.
Amending and Reopening of Cost Reports.	Stanley Katz, Director, Division of Technical Policy and Litigation, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.	This regulation specifies the rights of providers, intermediaries and HCFA in situations where providers who used to amend or reopen reports for retroactive costs. It is intended to alleviate problems which arise where disallowed cost in one area can currently be reallocated by amending costs reports, and where identification of potential errors might be precluded in facility rules.	No	N/A	N/A	Proposed 2nd quarter FY 83.
Recognition of State Hospital Cost Control System.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation permits payment to hospitals under a State applied alternative reimbursement system if that system meets certain statutory requirements. The rule also specifies other criteria necessary for approval.	No	N/A	Sec. 101 of Tax Equity and Fiscal Responsibility Act.	FC 3rd quarter FY 83.
Utilization and Quality Control Peer Review.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation establishes conditions under which peer review organizations will be determined eligible to enter into performance contracts for utilization and quality control peer review.	No	N/A	Sec. 141-150 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 83.
Prospective Reimbursement for ESRD Dialysis Services.	Bernadette Schumacher, Chief, ARSB, BPP, Room 1-B-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1049.	This regulation establishes an incentive-based prospective reimbursement for outpatient maintenance and self-care dialysis training furnished to Medicare beneficiaries.	Yes	42 CFR 405.231, 405.240, 405.251, 405.402, 405.438-405.441, 405.502, 405.541-405.542, 405.544 and 405.690-405.691.	Secs. 1861, 1862(a), 1871, 1874 and 1881 of the Social Security Act.	Final 1st quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Medicaid Cost Sharing—Definition of Nominal.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation defines "nominal" as it relates to Medicaid cost sharing amounts.	No	N/A	Sec. 131 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 83 This regulation is a review item of Presidential Task Force on Regulatory Relief.
Survey and Certification Procedures.	Mark Bernsohn, Program Analyst, Fiscal and Administrative Branch, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7940.	This regulation streamlines, simplifies and integrates survey and certification procedures for providers and suppliers under Medicare and Medicaid. Provides for the granting of "deemed status" to skilled nursing facilities, accredited by the JCAH. It is intended to accomplish effective monitoring with greater flexibility to States without loss of quality of health services.	No	42 CFR Parts 405, 431, 441, 442, 489, and 490.	Sec. 1814, 1861, 1865, 1866, 1871, 1902(a)(33)(B) and 1910(a) of the Social Security Act.	No action contemplated before 04/01/83 as a result of Congressional language. This regulation is a review item of the Presidential Task Force on Regulatory Relief.
Claims Processing Reviews Under MQC System.	Randolph Graydon, Program Analyst, Eligibility Review Branch, BQC, Room 239, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1380.	This regulation revises the requirements for conducting processing reviews under the States' use of the new Medicaid Quality Control. Changes the Medicaid quality control assessment period from semi-annual to an annual review period. It is intended to enhance HCFA's effectiveness in finding errors and increase the States' flexibility in its operations.	No	42 CFR 431.800	Sec. 201 of P.L. 96-123	Next action undetermined. This regulation is a review item of the Presidential Task Force on Regulatory Relief.
			Nonpriority			
Depreciation—Useful Life Guidelines.	Bernard Patashnik, Director, Division of Institutional Services, Reimbursement, Room 1-A-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1335.	This regulation clarifies current regulations regarding IRS useful life guidelines to insure the continued use of the "utility" concept in Medicare; and prohibits the use of investment incentive proposals which would accelerate depreciation. It is intended to prevent waste and inefficiency in the Medicare program.	No	42 CFR 405.415	Sec. 203 of P. L. 97-34	Final 3rd quarter FY 83.
Deeming of Income Between Spouses; Categorically Needy.	Marinos Svolos, Director, Division of Medicaid, Eligibility Policy, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation This regulation reinstates former Medicaid rules in 1902(f) States for determining the financial eligibility and the level of Medicaid payments for institutional care of aged, blind and disabled categorically-needy individuals when one spouse is institutionalized. It is intended to reinstate our former rule which was recently upheld in court.	No	42 CFR 435.121, 435.734 and 436.711.	Sec. 1902(f) of the Social Security Act.	Final 2nd quarter FY 83.
Medicaid Contracts With HMO's and PHP's.	Bernard Truffer, Chief, Health Organizations, Reimbursement Sect., Division of Alternative Reimbursement Systems, Room 1-A-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1369.	This regulation encourages the enrollment of Medicaid beneficiaries in HMO's by loosening qualification criteria, extending limits on percentage of Medicare/Medicaid enrollees, allowing States to establish minimum enrollment periods and to share in cost savings. It is intended to provide maximum flexibility to States. (Regulatory Reform).	No	42 CFR 431.501-431.504, 431.510-431.512, 431.520-431.537, 431.540-431.545, 431.547-431.550, 431.555-431.560, 431.565, 431.568-431.578, 431.580-431.589, 431.591-431.597, and Part 434.	Sec. 2178 of P. L. 97-35	NPRM 1st quarter FY 83.
Medicare Payments to HMO's.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation authorizes both prospective reimbursement under risk-sharing contracts and cost-based reimbursement under reasonable cost reimbursement contracts for Health Maintenance Organizations (HMOs) and other medical plans. This provision modifies current law requirements for contracting with HMOs.	No	N/A	Sec. 114 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 83.
RHC Prospective Reimbursement.	Bernadette Schumaker Acting Director, Division of Alternative Reimbursement Systems, Room 1-B-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1049.	This regulation establishes a prospective payment method for services under Medicare and Medicaid. It is intended to provide incentives for more efficient delivery of rural health clinic services.	No	42 CFR 405.2401-405.2437, 405.2440-405.2441, and 447.371.	Sec. 1833(a)(3) of the Social Security Act.	Proposed 4th quarter FY 82.
Elimination of Three-day Hospital Requirement for SNF Services.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation specifies a reimbursement methodology designed to ensure that SNF coverage without the 3-day prior hospitalization does not lead to increased costs or alter the acute care nature of the benefit. It also specifies any limitations in the extent and scope of SNF services and categories of individuals eligible.	No	N/A	Sec. 123 of Tax Equity and Fiscal Responsibility Act.	NPRM 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Miscellaneous Medicare/Medicaid Amendments.	Stefan Miller, Branch Chief, Ambulatory Services Branch, HSQB, Room 2-K-3, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-597-5138. Raymond Johnson, Chief, Utilization Effectiveness Branch, Room 455, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9370.	This regulation makes it possible for proprietary HHAs to participate in Medicare; provides that a doctor of podiatric Medicare may be considered a physican for home health purposes; authorizes a speech pathologist to establish a plan of treatment for outpatient speech pathology services. Authorizes the Secretary to specify which edition of a fire safety code must be met by SNF's that participate in Medicare. It is intended to implement statutory requirements.	No	42 CFR 405.170, 405.250, 405.1022, 405.1134, 405.1220–405.1221, 405.1223, 405.1633–405.1634, 405.1717, 442.321–442.323, and 442.507–442.509.	Sec. 915, 944(a), 930(n), 951 and 930(c) of P.L. 96-499.	FN 4th quarter FY 82.
Access to Books and Records of Subcontractors.	Ron Galler, Program Analyst, Validation Planning Branch, Room 2-Q-3, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8833.	This regulation authorizes the Secretary to review providers' books and records to verify costs of contracts of $10,000 and over for a 12-month period. It is intended to strengthen HCFA's capacity to effectively detect fraud and abuse and to conform Medicare procedures with those of other Federal agencies that purchase services from the private sector.	No	42 CFR Part 420	Sec. 1861(v)(1) of the Social Security Act; Sec. 127 of Tax Equity and Fiscal Responsibility Act.	NPRM 4th quarter FY 82; Final 1st quarter FY 83.
Timely Claims Payment—Medicaid.	Newton Dikoff, Director, Division of Standards, BPO, Room 1-B-4, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-[illegible]90.	This regulation improves timeliness of Medicaid claims. It is intended to improve State program management and increase provider participation in Medicaid.	No	42 CFR 447.45	Sec. 2(b) of P.L. 95-142	NPRM 4th quarter FY 82.
Reimbursement for Laboratory Services.	Paul Riesel, Chief, Physican and Practitioner, Reimbursement Branch, Room 1-A-4, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1843.	This regulation requires Medicare carriers to use independent laboratories' charges to physicans in determining the customary charges of independent laboratories. It is intended to more accurately reflect the customary charges of independent laboratories.	No	42 CFR 405.503	Sec. 1833(h) and 1842 of the Social Security Act.	NPRM 1st quarter FY 83.
Summary of Provisions of Tax Equity and Fiscal Responsibility Act.	Larry Oday, Director, Bureau of Program Pollicy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207.	This notice contains various regulatory changes to Medicare and Medicaid programs to conform with certain requirements to the Tax Equity and Fiscal Responsibility Act of 1982.	No	N/A	Tax Equity and Fiscal Responsibility Act.	GN 4th quarter FY 82.
Payment for LTC and Inpatient Hospital Services.	Tom Jazwiecki, Chief, Long-Term Care Section, Room 1-A-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-[illegible].	This regulation makes minor changes and clarifications to the procedural requirements for States to obtain approval of their inpartient reimbursement rates. It is intented to respond to public comments to the regulations published on September 30, 1981 and operational exprerience gained implementing those regulations.	No	42 CFR 447.250, 447.252–447.256, 447.258, 447.260, 447.265, 447.271–447.272, and 447.280.	Sec. 962 of P.L. 96-499; Sec. 2173 of P.L. 97-35.	Final 2nd quarter FY 83.
Freedom of Choice	Stanley Katz, Director, Division of Technical Policy and Litigation, 2nd Floor, Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.	This regulation makes changes to the regulations published on October 1, 1981, regarding a Medicaid beneficiary's option to choose among participating providers. It is intended to respond to public comments and clarify and revise some requirements in the prior rule.	No	42 CFR 431.51, and 431.54–432.55.	Sec. 2175 of P.L. 77-35	Final 2nd quarter FY 83.
Warranty Requirement For Used DME.	Ronald Wren, Program Analyst, Division of Medical Services Reimbursement, Room 1-G-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-7107.	This regulation would impose a less stringent warranty requirement for used durable medical equipment sold by suppliers. It is intended to reduce program costs by encouraging the use of used equipment when appropriate.	No	42 CFR 405.514	Sec. 1833(f) of the Social Security Act.	NPRM 2nd quarter FY 83.
Suspension of Health Care Professionals, for Program-Related, Crimes.	James F. Patton, Director, Division of Validation, Planning and Support, Office of Program Validation, BQC, Room 239, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8000.	This regulation expanded current provisions that suspend physicians and practitioners convicted of crimes from participation in Medicare and Medicaid to include other categories of health providers. Establishes State plan requirements for State agencies to exclude providers who defraud or abuse the Medicaid program from Federal participation. It is intended to clarify HCFA's authorization to bar certain health care professionals from participation in Medicare and Medicaid and authorize States to pursue administrative remedies in cases of fraud and abuse.	No	42 CFR Parts 420, 455, and 489.	Sec. 1128, 1862(e), 1902(a)(39), and 2003(d)(1) of the Social Security Act.	FC 1st quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Conditions of Coverage of Suppliers: ESRD (Self-Dialysis Training).	Margaret Van Amringe, Director, Division of Hospital Services, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9712.	This regulation revises the conditions which ESRD facilities must meet to be approved as suppliers of end-stage renal disease services and self-dialysis training. It is intended to recognize recent developments in medical practice and encourages competition.	No.	42 CFR 405.2102, 405.2123-405.2124, 405.2130, 405.2132, 405.2134, 405.2136, 405.2139-405.2140, and 405.2163.	Sec. 1881(c)(6) of the Social Security Act.	Final 2nd quarter FY 83.
Reduction of Number of Providers Dealing Directly with HCFA.	Norman Fairhurst, Chief, Contractor Implementation Branch, Room 3-F-1, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8496.	This regulation reduces the number of providers dealing with HCFA. It is intended to promote efficiency and reduce program costs.	No.	42 CFR 421.1, and 421.103-421.106.	Sec. 1815 and 1874 of the Social Security Act.	Next action undetermined; pending court decision.
HCFA own Motion Review Procedures.	Stanley Katz, Director, Division of Technical Policy and Litigation, 2nd Floor Dogwood West Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9595.	This regulation provides procedures for Administrator's review; remands to the Board by the Administrator; review of the Board's decisions about its jurisdiction; timing of judicial review after Administrator declines review. It is intended to clarify procedures for HCFA review of PRRB decisions and to finalize Interim Procedures published on 9/6/77.	No.	42 CFR 405.1800.	Sec. 1878(f)(1) of the Social Security Act.	Final 2nd quarter FY 83.
Medicaid Eligibility.	Marinos Svolos, Director, Division of Medicaid Eligibility, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation makes clarifying changes to the regulations published September 30, 1981, concerning Medicaid eligibility for the medically needy. It is intended to make clarifying changes and to respond to comments received to an interim rule.	No.	42 CFR Parts 435 and 436.	Sec. 2171 and 2172 of P.L. 97-35.	Final 2nd quarter FY 83.
Conditions of Participation for Home Health Agencies—Home Health Aides.	Stefan Miller, Chief, Ambulatory Services Branch, 2nd Floor, Dogwood East Bldg., 1694 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9741.	This regulation sets forth requirements for a formal training program for home health aides. It is intended to assure that home health agency services are of appropriate quality.	No.	42 CFR 405.236, 405.1031, 405.1101, 405.1202, 405.1227, 405-1702 and 405.1731.	Sec. 930(1) of P.L. 96-499.	NPRM 2nd quarter FY 83.
Alternatives to Decertification of LTC Facilities.	Samuel Kidder, JD, MAS, Program Analyst, Compliance and Enforcement Branch, 2nd Floor, Dogwood East Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-1815.	This regulation permits intermediate sanctions short of decertification for long term care facilities (Skilled Nursing Facilities and Intermediate Care Facilities) that are out of compliance with the conditions of participation. Authorizes HCFA to "look behind" State agency surveys on compliance where the adequacy of the State's determination is questionable. It is intended to decertify facilities for noncompliance where health and safety are jeopardized.	No.	42 CFR 442.1-442.2, 442.117-442.118, 489.1-489.3, and 489.53.	Sec. 916(a) of 95-499,Sec. 1866(f) and Sec. 1902(i) of the Social Security Act.	NPRM 2nd quarter FY 83.
PSRO Technical Amendments.	Pat Booth, Public Health Analyst, Office of Policy Development and Coordination, 1st Floor, Dogwood East Bldg., 1848 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-1832.	This regulation explains what the State plan amendments must contain for the States to obtain 75% FFP and have utilization control waived. It also clarifies PRSO delegation policy and how it can be withdrawn.	No.	42 CFR Parts 431, 456, 462-463, and 466.	Sec. 1902(d) and 1155(e) of the Social Security Act.	Next action undetermined.
Revisions to Criteria and Standards for Evaluating Intermediaries.	Newton Dikoff, Director, Division of Standards, Room 1-B-4, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-6190.	This regulation improves our system for evaluating the performance of fiscal intermediaries in administering the Medicare program. A minor revision will allow for more detailed analyses and approaches for evaluating variables, beyond the control of the intermediaries. It is intended to increase program efficiency and reduce program costs.	No.	42 CFR 421.100, 421.120, and 421.122.	Sec. 14 of P.L. 95-142; Sec. 1816 (b) and (f) of the Social Security Act.	FC 2nd quarter FY 83.
Medicaid Eligibility Determination and Information Retrieval System (MEDIRS) Requirements.	William Hogsten, Director, Office of Methods and Systems, Room G-C-7, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8545.	This regulation assists States in developing automated eligibility determination systems. It is intended to improve program management efficiency.	No.	NA	Sec. 1903(a)(3) of the Social Security Act.	PN 2nd quarter FY 83.
Permissible Charges to Patients' Funds.	David Chambers, Program Analyst, Division of Long-Term Care, Room 2-F-3, Dogwood East Bl., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-7653.	This regulation describes those items which a facility may charge to patient funds. It is intended to assure that patients are not charged for services reimbursable by Medicare or Medicaid.	No.	42 CFR 405.1121.	Sec. 21(b) of P.L. 95-142, Sec. 8(c) of P.L. 95-292, Sec. 1861, and 1905(c) of the Social Security Act.	NPRM 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Third Party Liability (TPL) and Premium FFP Rates.	William Hickman, Director, Division of Operations, BPO, Room 367, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-9101.	This regulation provides States with flexibility in establishing their programs so as to maximize operational efficiency and promote cost-avoidance procedures. It is intended to promote program management efficiency and reduce program costs by increasing TPL recoveries.	No	42 CFR 432.2, 432.50, 432.60, 433.15, 433.38, 433.136, 433.139, 433.149, and 433.151–433.152.	Sec. 1902(a)(25), Sec. 1903(d)(2) of the Social Security Act.	NPRM 2nd quarter FY 83.
Collection and Compromise of Claims.	Tom Czerwinski, Director, Office of Management Services, Room 217, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-[illegible].	This regulation addresses the collection and compromise of all debts related to HCFA's mission. Tailors the government-wide claims collection standards (at 4 CFR Parts 101–105) to HCFA's operating needs. Allows the Administrator to exercise the full range of authority delegated by the Secretary.	No	42 CFR 401.601–401.640.	Federal Claims Collection Act.	NPRM 2nd quarter FY 83.
Beneficiary Not at Fault.	Jack Wasserman, Chief, Technical Policy Branch, 2nd Floor, Dogwood West Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9300.	This regulation permits payment for inpatient services provided to a beneficiary when payment would be denied solely because he or she is erroneously placed in a part of a participating hospital or SNF that is inappropriate to furnish the qualifying level of care. It is intended to implement a legislative requirement and permit payment for certain services when the beneficiary is not at fault.	No	42 CFR 405.333	Sec. 456 of P.L. 96–499	Final 3rd quarter FY 83.
Penalty for Failure To Make a Satisfactory Showing of an Effective Institutional Utilization Control Program.	Helene Fredeking, Chief, Eligibility Review Branch, Room 2–M–1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-[illegible].	Requires the updating and periodical evaluation of the plans of care for all institutionalized patients, regardless of specific level of care, to be performed once every 90 days. It is intended to establish consistency in the review and updating of plans of care by physicians in a particular facility.	No	42 CFR 456.650–456.657.	Sec. 1903(g) of the Social Security Act.	NPRM 3rd quarter FY 83.
Temporary Delay in Periodic Interim Payments.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation modifies existing periodic interim payment procedures for hospitals by delaying the flow of PIP payments for three weeks in September 1983 and September 1984.	No	N/A	Sec. 120 of Tax Equity and Fiscal Responsibility Act.	FC 4th quarter FY 83.
Medicaid Management Systems Performance Standards.	Newton Dikoff, Director, Division of Standards and Performance, Room 1–B–4, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8190.	This regulation defines standards States would be required to meet to retain 75 percent increased funding of operational systems. It is intended to improve program efficiency.	No	N/A	Sec. 1903(r) of the Social Security Act.	FN 3rd quarter FY 83.
Disputed Medicaid Claims.	Gilda Martin, Program Analyst, Special Claims Branch, Room 350, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-597-1399.	This regulation requires the payment of interest on disputed Medicaid upon a final determination of allowability. It is intended to expedite the processing of State appeals from notices of disallowances, and to provide equity to States which win their appeals.	No	42 CFR 433.38	Sec. 961(a) of P.L. 96–499 and Sec. 2163 of P.L. 97–35.	Final 3rd quarter FY 83.
Coverage of Optometrists' Services.	James Hannon, Chief, Physician and Other Medical Services Branch, Room 463, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9514.	This regulation provides coverage for previously uncovered services furnished by optometrists. It is intended to assure access to care and proper use of program funds.	No	42 CFR 405.232	Sec. 937 of P.L. 96–499	Final 3rd quarter FY 83.
Criteria and Standards for Evaluating Carriers.	Newton Dikoff, Director, Division of Standards, Room 1–B–4, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-8190.	This regulation changes the method by which criteria are promulgated by publication as administrative issuances rather than publication in the *Federal Register*. It is intended to improve program evaluation effectiveness, increase efficiency in program administration and reduce program costs.	No	42 CFR 421.200–421.205.	Sec. 1842 (b)(2) and (b)(4) of the Social Security Act (Sec. 14).	NPRM 4th quarter FY 83.
Adjustment in Cost Limits for FICA Reductions.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation provides for an adjustment on the cost limits for hospitals that withdraw from the OASDHI program after August 15, 1982.	No	N/A	Sec. 101 of Tax Equity and Fiscal Responsibility Act.	FC 2nd quarter FY 83.
MMIS Requirements	Charles Booth, Director, Division of Method and Systems Requirements, Room 2–A–1, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-5415.	This notice is to decide if these requirements be mandated or optional: diagnostic coding; procedure coding for physician services; uniform billing for hospital services; standard electronic media billing formats and conventions for hospital bills; and uniform billing for physician services. It is intended to reduce the administrative burden on providers and promote program efficiency.	No	N/A	Sec. 1903(a)(3) of the Social Security Act.	PN 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Teaching Physicians	Leonard Peshkin, Program Analyst, Division of Medical Services Reimbursement, Room 1-G-1, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-1115.	This regulation specifies conditions that physicians in teaching hospitals must meet to qualify for charge payments. Specifies the type of charge that Medicare carriers will take into account in determining the prevailing charges for physician services in teaching hospitals. It is intended to clarify and refine physician charge reimbursement policy.	No	42 CFR 405.520-405.521 and 405.580-405.575.	Sec. 948 of P.L. 96-499	Next action undetermined.
Transfer of Resources.	Marinos Svolos, Director, Division of Medicaid Eligibility Policy, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation imposes a new eligibility requirement on applicants for Medicaid who dispose of assets for less than fair market value for purposes of qualifying for Medicaid. It is intended to assure that available resources are considered properly in determining Medicaid eligibility.	No	42 CFR 435.605	Sec. 5 of P.L. 96-611	NPRM 3rd quarter FY 83.
Mental Retardation—Definition of "Persons With Related Conditions".	Robert Wren, Director, Division of Provider Services Coverage Policy, Room 405, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9820.	This regulation would amend Medicaid regulations on intermediate care facility services for the mentally retarded persons with related conditions by revising the current definition of "persons with related conditions". This definition is presently tied to the definition of developmental disability in the Developmental Disabilities Assistance and Bill of Rights Act (DDABRA). Thus, Medicaid's definition changes each time the statutory definition of developmental disability is amended. This regulation establishes a Medicaid definition of conditions related to mental retardation that would meet the specific needs of the Medicaid program and would be independent of the definition of developmental disability in the DDABRA.	No	42 CFR 435.1009	Sec. 1102 and 1905 of the Social Security Act.	NPRM 2nd quarter FY 83.
Inpatient Hospital Deductible (1983).	Sol Mussey, Supervisory Actuary Office of Financial and Actuarial Analysis, Room 1-C-11, Oak Meadows Bldg., 6340 Security Blvd., Baltimore, MD 21207, 301-594-1024.	This notice provides for cost sharing amounts payable by the beneficiary. It will inform the public of the revised rates.	No	N/A	Sec. 1813(b)(2) of the Social Security Act.	FN 4th quarter FY 83.
Part A Premium for Uninsured Aged for 12-Month Period Beginning 1/1/83.	Guy King, Director, Office of Financial and Actuaries Analysis, Room 1-C-11, Oak Meadows Bldg., 6340 Security Blvd., Baltimore, MD 21207, 301-594-2862.	This notice provides for participation by persons not otherwise eligible for Part A benefits. It will inform the public of the revised rates.	No	N/A	Sec. 1818(d) of the Social Security Act.	Notice 1st quarter FY 83.
Elimination of Lesser-of-Cost-or-Charges Provision.	Larry Oday, Director, Bureau of Program Policy, Room 100, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9320.	This regulation specifies that the lesser of cost or charges provision would not apply to services provided by certain providers if elimination will not increase Medicare payments made for the services.	No	42 CFR 405.455	Sec. 110 of Tax Equity and Fiscal Responsibility Act.	FC 3rd quarter FY 83.
Ambulance Services	Sheila Ryan, Director, Division of Medical Services Coverage Policy, Room 489, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8561.	This regulation will permit coverage of round trip transportation of hospital and SNF patients to the nearest treatment facility capable of providing the required diagnostic or therapeutic services. It also provides that the determination of whether a hospital has appropriate facilities must include a determination of the availability of a physician or physician specialist capable of providing the needed care or treatment.	No	42 CFR 405.230	Sec. 1861(s)(7) of the Social Security Act.	FC 1st quarter FY 83.
Miscellaneous Amendments.	Stefan Miller, Branch Chief, Ambulatory Services Branch, HSQB, Room 2-K-3, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-597-5132.	This regulation will make it possible for proprietary home health agencies to participate in Medicare; will provide that a doctor of podiatric medicine may be considered a physician for the purposes of home health services; will authorize a speech pathologist to establish a plan of treatment for outpatient services; and will authorize the Secretary to specify which edition of a fire safety code must be met by SNF's that participate in Medicare.	No	42 CFR 405.170, 405.250, 405.1022, 405.1134, 405.1220-405.1221, 405.1223, 405.1633-405.1634, 405.1717, 442.321-442.323, and 442.507-442.509.	Sec. 915, 944(a) 930(n), 951 and 930(e) of P.L. 96-499.	FC 1st quarter FY 83.
Withholding Payments to Practitioners, Providers and Suppliers of Services.	James Patton, Director, Division of Validation, Planning and Support, OPV, BQC, Room 239, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-8000.	This regulation will clarify due process procedures that must be followed when payments to practitioners, providers and suppliers of services under the Medicare program are withheld because of suspected fraud or willful misrepresentation. It will clarify existing procedures by providing timely notice and administrative review.	No	42 CFR 405.371 and 420.300-420.307.	Secs. 1102, 1871 of the Social Security Act.	Final 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION CURRENT AND PROJECTED REGULATIONS—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Prepaid Plans—HCPP's.	Mendel Kaufman, Bureau of Program Policy, Room 469, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-6719.	This regulation will establish reimbursement rules for health care prepayment plans (HCPP's) which furnish services under Part B of Medicare on a reasonable cost basis. It will simplify reimbursement policy and assure similar treatment of prepayment organizations under Medicare.	No	42 CFR 405.241, 405.692, 405.2042, and 405.2093–405.2096.	Sec. 1833(a) of the Social Security Act.	Final 2nd quarter FY 83.
Review and Recomputation of Periodic Interim Payments to Providers of Services.	Bernard Patashnik, Director, Division of Institutional Services Reimbursement, Room 1-A-5, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-597-1335.	This regulation would reduce the frequency (from quarterly to semiannually) of mandatory review and recomputation by fiscal intermediaries of periodic interim payments to providers of health care services. It would reduce costs and reporting burden for both intermediaries and providers.	No	42 CFR 405.454	Sec. 1815(a) of the Social Security Act.	PC 1st quarter FY 83.
Hospital Insurance Entitlement and Benefits.	Luisa Iglesias, Bureau of Program Policy, Room 357G, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-755-1290.	This regulation reorganizes and rewrites Medicare Part A eligibility entitlement and benefit provisions, and incorporates applicable 1980 and 1981 statutory amendments.	No	42 CFR 400, 405.101–405.120, 405.122–405.128, 405.130–405.133, 405.151, 405.161, 405.180–405.181, 408 and 409.	Sec. 1871 of the Social Security Act; Secs. 930, 941, 950 of P.L. 96–499; Secs. 103 and 104 of P.L. 96–265; Sec. 2 of P.L. 96–473; and Secs. 2122, 2131, 2132 and 2151 of P.L. 97–35.	Final 2nd quarter FY 83.

HEALTH CARE FINANCING ADMINISTRATION EXISTING REGULATIONS UNDER REVIEW

Priority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Spenddown	Marinos Svolos, Director, Division of Medicaid Eligibility, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation provides greater flexibility to States in deducting incurred medical expenses from income in determining Medicaid eligibility. It is intended to provide greater flexibility to States..	No	42 CFR 435.732, 435.831, 436.732, and 436.831.	Sec. 1902(a)(17) and 1902(f) of the Social Security Act.	NPRM 2nd quarter FY 83; This regulation is a review item of Presidential Task Force on Regulatory Relief.

Nonpriority

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
ESRD Conditions of Participation.	Margaret VanAmringe, Director, Division of Hospital Services, 2nd Floor, Dogwood East Bldg., 1849 Gwynn Oak Ave., Baltimore, MD 21207, 301-594-9712.	This regulation simplifies requirements which suppliers of ESRD services must meet to participate in the Medicare and Medicaid programs. It is intended to reduce Federal requirements, and provide maximum flexibility while assuring patient access to quality care.	No	42 CFR 405.2100–2171.	Sec. 1881(b)(9) of the Social Security Act.	NPRM undetermined.
Medicaid Contracting	Leonard Monfred, Deputy Director, Office of Procurement, BPO, Room 334, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-9420.	This regulation improves Medicaid contract administration without the authority to prior-approve contracts or expenditure contracts. It improves Federal requirements for Medicaid contracting. It is intended to reduce administrative burden on State contracting operations and promote management efficiency.	No	42 CFR 431.593 and 42 CFR 431, Subpart L, Secs. 501-512.	Sec. 1902(a)(4) and Sec. 1904 of the Social Security Act.	NPRM 3rd quarter, FY 83.
Relations With Other Agencies (Medicaid).	William Hickman, Director, Division of Operations, Room 367, Meadows East Bldg., 6300 Security Blvd., Baltimore, MD 21207, 301-594-9101.	This regulation allows a State the option to pay the cost-sharing on non-Medicaid covered services provided to persons dually eligible under Titles XVIII and XIX. It is intended to allow a State the option to reduce its costs burden in paying for services (for dually entitled persons not covered in its plan).	No	42 CFR 431.625	Sec. 1843(a), 1902(a)-(10)(c) of the Social Security Act.	NPRM, 2nd quarter, FY 83.
FFP for Public Institutions.	Marinos Svolos, Director, Division of Medicaid Eligibility, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation would preclude the availability of Federal matching funds in expenditures for all services to an individual aged 22 to 64 who is a patient in an institution for mental diseases or tuberculosis, from the date of admission to the date of discharge.	No	42 CFR 435.1008, and 436.1004.	Sec. 1905(a) of the Social Security Act.	NPRM, 2nd quarter, FY 83.
Miscellaneous Medicaid Definitions.	Thomas Hoyer, Chief, Institutional Services Branch, Room 411, East High Rise Bldg., 6325 Security Blvd. Baltimore, MD 21207, 301-594-9446.	This regulation This regulation revises several definitions and clarifies ambiguities in existing Medicaid regulations. It is intended that these changes are a part of the Department's regulatory reform effort to clarify those regulations that are ambiguous or that have been identified as problematic.	No	42 CFR 435.1009, 440.2, 440.10, 440.20, 440.80, 440.160, 441.151, and 447.40.	Sec. 1905(a) and 1905(h) of the Social Security Act.	NPRM, 2nd quarter, FY 83.

HEALTH CARE FINANCING ADMINISTRATION EXISTING REGULATIONS UNDER REVIEW—Continued

Nonpriority—Continued

Title	Agency contact	Abstract	Effects on small businesses or other entities	CFR citation	Legal authority	Timetable proposed/final
Institutionalization Provisions.	Marinos Svolos, Director, Division of Medicaid, Eligibility, Room 416, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-9050.	This regulation alleviates problems encountered by States in calculating patient income to be applied to the cost of care in institutions. Extends Medicaid eligibility to certain individuals in medical institutions. It is intended to permit States greater flexibility in administering their programs (Regulatory Reform).	No	42 CFR 435.722, 435.725, 435.733, 435.832, and 436.832.	Sec. 1902(a) and 1903(f) of the Social Security Act.	NPRM, 2nd quarter, FY 83.
Personal Care Services.	Albert Post, Chief, Non-institutional Services Branch, Room 429, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-[illegible].	This regulation eliminates personal care services as an optional benefit under Medicaid. The availability of section 2176 home and community based services waiver to individual States replaces the necessity for the broad-based personal care option under the regular Medicaid program.	No	42 CFR 440.170	Sec. 1905(a)(13) of the Social Security Act.	Next action undetermined.
Rehabilitation Services.	Robert Streimer, Director, Office of Coverage Policy, Room 401, East High Rise Bldg., 6325 Security Blvd., Baltimore, MD 21207, 301-594-[illegible].	This regulation would amend the Medicaid regulations on rehabilitative services to clarify the definition of rehabilitative services, specify the conditions under which Federal matching funds would be available for these services and stipulate minimum requirements for the professional who provide these services. This would clarify Federal policy, assure more uniform coverage of rehabilitative services, improve the quality of medical care and services provided to Medicaid recipients, and ensure that Federal and State funds are expanded in an effective and economical manner.	No	42 CFR 440.130	Sec. 1905(a)(13) of the Social Security Act.	Next action undetermined.
Lowest Charge Level for Medical Services Supplies, Equipment.	Paul Riesel, Chief, Physician and Practitioner Reimbursement Branch, Room 1-A-4, East Low Rise Bldg., 6325 Security Blvd., Baltimore, MD. 21207, 301-594-9690.	This notice would revise and update the list of laboratory services and items of durable medical equipment subject to the lowest charge level criteria. These are items and services that are widely and consistently available and that do not generally vary significantly in quality from one supplier to another.	No	N/A	Sec. 1842(b)(3) of the Security Act.	Next action undetermined.

COMPLETED ACTIONS

Title	Contact	Citation	Reason for completion
PRRB, Expedited Judicial Review	Stanley Katz, (301) 594-9595.	42 CFR Part 405	Final Rule published 07/22/82.
Ambulatory Surgical Centers	Bernard Truffer, (301) 597-1369.	42 CFR Parts 405 and 416	Final Rule published 08/05/82.
Requirements Applicable to Sterilization	Raymond Johnson, (301) 594-9370.	42 CFR Parts 50 and 44, 95 CFR Part 96.	Final Rule published 08/04/82.
State Residency for Institutionalized Individuals	Marinos Svolos, (301) 594-9050.	42 CFR Parts 435 and 436	Final Rule with Comment Period published 06/23/82.
Swing Beds	William Goeller, (301) 597-1802.	42 CFR Parts 405, 435, 440, 442 and 447.	Final Rule with Comment Period published 07/20/82.
Nurse-Midwives	Shelia Ryan, (301) 594-8561	42 CFR Parts 405, 435, 436, 440, 441 and 447.	Final Rule with Comment Period published 05/17/82.
Adoption Assistance	Marinos Svolos, (301) 594-9052.	42 CFR Parts 431, 435 and 436	Final Rule published 07/01/82.
Certification of Medicare Supplemental Health Insurance Policies	Thomas Hoyer, (301) 594-9440.	42 CFR Parts 400, 401, 402, 403 and 404.	Final Rule with Comment Period published 07/26/82.
PSRO Hospital Review	Patricia Booth, (301) 594-5033.	42 CFR Part 466	Final Rule published 06/26/82.
Assignment and Reassignment of HHAs to Designated Regional Intermediaries.	Norman Fairhurst, (301) 594-9406.	42 CFR Part 421	Final Rule published 09/01/82.
Compliance Deadlines for the Mentally Retarded	Wayne Smith, (301) 594-7651.	42 CFR Part 442	Final Rule published 06/26/82.
Special Solicitation for Cost Sharing Demonstrations	John Meitl, (301) 594-1719	NA	General Notice published 05/28/82.
Certification of Long Term Care Facilities With Repeat Deficiencies	Terence Skelly, (301) 594-3539.	NA	Withdrawn.
Provider Agreements	James Conrad, (301) 597-3421.	NA	Withdrawn.
Conditions of Coverage of ESRD Services	Margaret VanAmringe; (301) 594-9713.	NA	Withdrawn.
Conditions of Participation for Skilled Nursing Facilities	Richard Lanahan, (301) 594-7651.	NA	Withdrawn.
Deeming of Parental Income to Institutionalized Child	Stephen Leede, (301) 594-8564.	NA	Withdrawn.
Limitation of Costs and Charges for Outpatient Services	Carl Slutter (301) 594-9344	NA	Withdrawn and incorporated with another regulation.
Interest Assessment on Overpayments to Providers and Suppliers of Services.	Guy Harriman (301) 594-8193.	NA	Withdrawn and incorporated with another regulation.
Regulatory Reform of Miscellaneous Provisions	William Long (301) 594-8080	NA	Withdrawn.

COMPLETED ACTIONS—Continued

Title	Contact	Citation	Reason for completion
Offset Based on Third Party Liability Recoveries Against Reductions in Medicaid Payments.	Charles Schreibeis (301) 597-1702.	NA	Withdrawn.
Continued Use of Demonstration Reimbursement Systems	Liz Flynn (202) 245-6024	NA	Withdrawn.

[FR Doc. 82-28065 Filed 10-27-82; 8:45 am]

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Thursday
October 28, 1982

Part IX

Department of Housing and Urban Development

Semiannual Agenda of Regulations

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Subtitles A and B

[Docket No. N-82-1169]

Semiannual Agenda of Regulations

AGENCY: Housing and Urban Development Department.

ACTION: Semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, of regulations expected to be issued and under review.

SUMMARY: Pursuant to Section 5 of Executive Order 12291, "Federal Regulation", the Department is publishing its Agenda of proposed regulations already issued or expected to be issued and of currently effective rules that are under review. Also, under Section 602 of the Regulatory Flexibility Act, the Department has prepared a regulatory flexibility agenda of regulations expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of small entities. As permitted by Executive Order 12291 and the Regulatory Flexibility Act, the two agendas are combined for publication. The Agenda appearing hereinafter is also the agenda of rules under development or review prepared for transmittal to Congressional committees pursuant to Section 7(o) of the Department of HUD Act.

FOR FURTHER INFORMATION CONTACT: Grady J. Norris, Assistant General Counsel for Regulations, Department of Housing and Urban Development, Room 10276, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-7055. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulation", issued on February 17, 1981 (46 FR 13193), requires each agency to publish semiannually an agenda of proposed regulations that the agency has issued or expects to issue and currently effective regulations that are under agency review.

The Regulatory Flexibility Act, 5 U.S.C. 601 et seq., requires each agency to publish semiannually a regulatory flexibility agenda of rules expected to be proposed or promulgated which are likely to have a significant economic impact on a substantial number of "small entities", meaning small businesses, small organizations, or small governmental jurisdictions.

Executive Order 12291 and Section 605 of the Regulatory Flexibility Act each permit incorporation of the agenda it requires with any other prescribed agenda. Accordingly, the agenda set out below combines the information required by the Executive Order and by the Regulatory Flexibility Act. In addition, the Agenda contains certain information not required by either the Executive Order or by the Act which the Department considers useful, both to better inform the public and to enhance the Department's own inventory control over its body of regulations.

For purposes of Executive Order 12291, "regulation" or "rule" is defined as "an agency statement of general applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the procedure or practice requirements of an agency", subject to certain exceptions. The Agenda published below concentrates upon regulatory material contained, or expected to be contained, in the Code of Federal Regulations (or incorporated therein by reference) following publication in the **Federal Register**. As appropriate, however, issuances in the nature of general statements of policy may be published in the **Federal Register** but not for codification in the Code of Federal Regulations. In order to assure greater continued availability of such statements to the public, statements of such nature may be printed, as nonregulatory material, in Appendices to related parts of the Code.

The Department also is subject to certain requirements involving Congressional review of rulemaking actions which include publication of an agenda. Section 7(o) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(o)) requires that the Secretary transmit to the Congressional committees having jurisdictional oversight (the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs) a semiannual agenda of all rules or regulations which are under development or review by the Department. A rule appearing on the agenda cannot be published for comment prior to or during the first 15 calendar days of continuous session of Congress after transmittal of the agenda. If within such period either Committee notifies the Secretary that it intends to review any rule or regulation or portion thereof which appears on the agenda, the Secretary must submit to both Committees a copy of the rule or regulation, in the form it is intended to be proposed, at least 15 calendar days of continuous session prior to its being published for comment. The Semiannual Agenda appearing hereinafter is the agenda transmitted to the Committees in compliance with the foregoing requirement.

The agenda items are divided into three groups: (i) Current and projected rulemakings, (ii) reviews of existing regulations, and (iii) completed or withdrawn regulations and completed reviews. Within each grouping, priority regulations are listed together first and other regulations listed together second. Priority regulations include all regulations designated for priority development or review by the Department, all regulations that are "major rules" under section 1(b) of Executive Order 12291, and all regulations designated for review by the Presidental Task Force on Regulatory Relief.

Under Executive Order 12291, a "major rule" means "any regulation that is likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets."

Items listed in this Agenda are from the following Offices within the Department: Office of the Secretary; Office of Housing (including the former Office of Neighborhoods, Voluntary Associations Consumer Protection); Office of Community Planning and Development; Government National Mortgage Association; Office of Fair Housing and Equal Opportunity; Office of Administration; Office of the Inspector General; and New Communities Development Corporation.

Dated: September 21, 1982.

John J. Knapp,

General Counsel.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Semiannual Agenda of Regulations

The following agenda of regulations reflects the status of the rules listed as of September 21, 1982.

Current and Projected Rulemakings/Priority

A. Title: H-28-82. Restriction on Use of Assisted Housing

B. *Contact:* Robert Kott, Office of General Counsel, 202-755-7084.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 200, 215, 235, 236 and 812.

E. *Legal Authority:* Section 214, Housing and Community Development Act of 1980, as amended by Section 329, Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would prohibit the Secretary of HUD from making financial assistance, under the United States Housing Act of 1937, Section 235 or 236 of the National Housing Act, or Section 101 of the Housing and Urban Development Act of 1965, available for the benefit of any alien, unless that alien is a lawful resident of the United States, pursuant to the provisions of the Immigration and Nationality Act.

G. *Timetable:* Proposed rule published May 3, 1982 (47 FR 18914). Final rule expected to be published September, 1982.

H. *Classification:* Nonmajor.

A. Title: H–46–82. Federal Manufactured Home Construction and Safety Standards

B. *Contact:* Richard Mendlen, Office of Housing, 202–755–6584.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3280.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 U.S.C. 5401, et seq.

F. *Abstract:* As a result of conducting numerous research projects, collecting fire and other related program data, the introduction of new technology, changes in energy prices, the need to clarify portions of the standards, etc., it is necessary for the Department to revise the existing construction and safety standards. In addition, the Presidential Task Force on Regulatory Relief included the Standards among a list of 30 federal regulations to be reconsidered under Executive Order 12291.

As a result of the standards revisions, the safety and durability of manufactured homes will be improved. As part of this revision, changes have been made in the regulations with a deregulatory purpose.

G. *Timetable:* Advance Notice of Proposed Rulemaking (ANPR), Revision of Manufactured Home Construction and Safety Standards published June 7, 1979 (44 FR 32711). ANPR, Manufactured Home Construction and Safety Standards expected to be published November 1982. (Was listed on previous agenda as NVACP–3–81.) Includes: H–71–82. Advance Notice of Proposed Rulemaking published August 28, 1981 (46 FR 43466).

H. *Classification:* Major.

A. Title: H–72–82. Manufactured Home Construction and Safety Standards (Voluntary Concensus Standards)

B. *Contact:* James McCollom, Director, Manufactured Housing Standards Division, 202–766–5210.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* Undesignated.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards, 42 U.S.C. 401 *et seq.*

F. *Abstract:* This is a request for responses to develop and maintain voluntary concensus standards for residential manufactured homes. In an effort to adhere to OMB Circular A–119, "Federal Participation in the Development and Use of Voluntary Standards", the Department is interested in working with voluntary standards bodies in developing and adopting voluntary standards for use as the Federal Manufactured Home Construction and Safety Standards. The request for response would identify those private organizations qualified and interested in developing and maintaining standards which can meet the intent of the Act.

G. *Timetable:* Advance Notice of Proposed Rulemaking published July 7, 1982 (47 FR 29605). Responses are now being considered.

H. *Classification:* Major.

A. Title: H–74–82. Elimination of Minimum Property Standards (MPS) for One- and Two-Family Dwellings

B. *Contact:* Donald R. Fairman, Office of Housing, 202–755–6590.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart S.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.C.S. 3535(d).

F. *Abstract:* Would revise eligibility criteria for single family housing by accepting applications for properties which comply with local codes rather than MPS 4900.1.

G. *Timetable:* Proposed rule expected to be published no later than February 1983.

H. *Classification:* Nonmajor.

A. Title: H–76–82. Public Housing Program

B. *Contact:* Wayne Hunter, Office of Housing, 202–755–6460.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 800.

E. *Legal Authority:* United States Housing Act of 1937, 42 U.S.C. 1437.

F. *Abstract:* Would set forth revised requirements for the development, operation and modernization of public housing under the United States Housing Act of 1937.

G. *Timetable:* Proposed rule in preparation. Includes: H–37–81. Separate proposed rule no longer in preparation.

H. *Classification:* Major.

A. Title: H–79–82. Definition of Income, Income Limits, Rent and Reexamination of Family Income for Public Housing and Section 8

B. *Contact:* Kathy Beckwith, Office of Public Housing, 202–426–7044; James J. Tahash, Program Planning Division, Office of Multifamily Management, 202–755–5654. Monica Sussman, Office of State Agency and Bond Financed Programs, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 804, 805, 813, 860, 861, 865, 880, 881, 882, 883, 884, 886 and 889.

E. *Legal Authority:* Sections 3, 6, 8 and 16, U.S. Housing Act of 1937, 42 U.S.C. 1437; Sections 322 and 323, Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would establish a definition of "income" in the public housing and Section 8 programs and implement other changes in income limits and frequency of reexamination of income, as well as include changes in rents which were implemented by interim rent increase rules published on May 4, 1982.

G. *Timetable:* Proposed rule expected to be published October 1982. Includes: H–64–81: Interim rule published May 4, 1982 (47 FR 19120), effective August 1, 1982. H–68–81: Interim rule published May 4, 1982 (47 FR 19128), effective August 1, 1982. H–54–82: Interim rule published April 7, 1975 (40 FR 15541), effective April 7, 1975. H–56–82: Interim rule published September 26, 1975 (40 FR 323), effective September 26, 1975. H–68–79. Interim rule published September 9, 1980 (45 FR 59309), effective October 1, 1980.

H. *Classification:* Nonmajor.

A. Title: H–81–82. Lead Based Paint Poisoning Prevention

B. *Contact:* Jack R. VanNess, Director, Technical Support Division, 202–755–4956.

C. *Small Entity Impact:* Likely.

D. *CFR Citation:* 24 CFR Part 35.

E. *Legal Authority:* Lead-Based Paint Poisoning Prevention Act, Title 3–302, 42 U.S.C. 4801 *et. seq.*

F. *Abstract:* Would develop regulations consistent with the Lead-Based Paint Poisoning Prevention Act. Alternate to address the problem are being developed at this time. The potential cost is estimated to exceed $100 million per year. This action would benefit children susceptible to lead-based paint poisoning and would avoid cost of medical treatment and reduce the occurence of mental retardation traced to lead-base paint.

G. *Timetable:* Advance Notice of Proposed Rulemaking expected to be published November, 1982.

H. *Classification:* Major.

A. Title: H-83-82. Delegated Underwriting

B. *Contact:* Robert Englestad, Mortgage Program Specialist, 202-426-0070.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 200, 203, 234.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C., 1715(b); Section 7(d), Dept. of HUD Act, 42 U.S.C., 3535(d).

F. *Abstract:* Would implement a program which delegates mortgage loan underwriting responsibility to the mortgage lender, thereby reducing HUD Involvement in the mortgage origination process. Would delete the requirement that HUD issue commitments prior to mortgage insurance endorsement. Under the revised procedure, HUD will neither review the acceptability of the property and buyer, nor issue commitments, prior to the closing of the mortgage.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-88-82. Multifamily Housing, Urban Renewal, and Low Cost and Moderate Income Mortgage Insurance

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202-426-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 207, 220, 221, and 236

E. *Legal Authority:* Sec. 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Sec. 221, National Housing Act, as amended 12 U.S.C. 1715b.

F. *Abstract:* Provides an alternative method of determining maximum permissible rentals for unsubsidized insured and HUD-held multifamily projects, using the current appraised market value of the property, and provides for an increase in mortgage insurance premiums for projects using this alternative method. In addition, it would end control of rents by HUD for mortgages insured under Section 220 or Section 221(d) of the National Housing Act.

G. *Timetable:* Proposed rule published June 22, 1982 (47 FR 26852). Final rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H-97-82. Fair Market Rent (FMR) Schedules for New construction and Substantial Rehabilitation under Section 8 and Section 23 Housing Assistance Payments Program

B. *Contact:* Linda D. Cheatham, Office of Housing, 202-755-8686

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 803 and 888.

E. *Legal Authority:* Section 8(c)1, Housing and Community Development Act of 1974, Pub. L. 92-383, as amended, 42 U.S.C. 1437.

F. *Abstract:* Annual revisions of the FMRs.

G. *Timetable:* Interim rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H-100-82. Housing for the Elderly or Handicapped—Amendment to Implement Cost Savings Procedures

B. *Contact:* Robert W. Wilden, Office of Housing, 202-755-6528.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 885.

E. *Legal Authority:* Housing Act of 1959, Pub. L. 86-372, 12 U.S.C. 1701q.

F. *Abstract:* Would implement cost savings requirements.

G. *Timetable:* Interim rule published May 11, 1982 (47 FR 20113), to be treated as a proposed rule. (Appropriate notice will be published in the **Federal Register** September 1982.) Final rule expected to be published January, 1983. Includes: H-41-81. Separate interim rule no longer in preparation.

H. *Classification:* Nonmajor.

A. Title: H-114-82. Subpart A—Tax Exemption of Obligations of Public Housing Agencies and Related Amendments

B. *Contact:* Steven Silvert, Office of Housing, 202-755-8135.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 811, Subpart A.

E. *Legal Authority:* Section 11(b) United States Housing Act of 1937, 42 U.S.C. 1437, *et seq.*

F. *Abstract:* Would be changed to reflect technical changes and current policy in the Part 811 tax-exempt area. Publication will eliminate necessity to grant Headquarters waivers where policy has been established.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-126-82. Section 8—Litigation by PHAs to Recover Wrongfully Used Sectin 8 Funds

B. *Contact:* Madeline Hastings, Director, Section 8—Existing and Modera Rehabilitation, 202-755-5656.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 892.

E. *Legal Authority:* Section 326(d), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would permit PHAs to retain, out of judgments obtained by them in recovering amounts wrongfully paid as a result of fraud and abuse in the Section 8 program, an amount equal to the greater of 1) legal expenses incurred in obtaining the judgment or 2) 50 percent of the amount actually collected on the judgments.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-127-82. Government Officials, Conflicts of Interest

B. *Contact:* John J. Knapp, Office of General Counsel, 202-755-7244.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 880, 881, 882, 883, 884, 886, 888 and 889.

E. *Legal Authority:* Section 326(d), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would prevent possible conflicts of interest on the part of Federal, State and local government officials with regard to participation in projects assisted under Section 8.

G. *Timetable:* Proposed rule expected to be published November, 1982

H. *Classification:* Nonmajor.

A. Title: H-128-82. Flexible Subsidy Program, Upgrading to Cost-effective Energy Efficiency Standards

B. *Contact:* James J. Tahash, Program Planning Division, Office of Multifamily Management, 202-755-5654.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 219.120.

E. *Legal Authority:* Section 329C(1), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would authorize the inclusion, in troubled project flexible subsidy, of an amount necessary to carry out an upgrading of a project to meet cost-effective energy efficiency standards prescribed by the Department.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-129-82. Flexible Subsidy Program—Control of Owner Energy Costs

B. *Contact:* James J. Tahash, Program Planning Division, Office of Multifamily Management, 202-755-5654.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 219.

E. *Legal Authority:* Section 329C(2), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would authorize the adjustment of the amount of rent increases in multifamily projects where the Department finds the owner could control increases in utility costs by securing more favorable utility rates, undertaking financially feasible and cost-effective energy conservation measures, or taking other financially feasible and cost-effective actions to increase energy efficiency or reduce energy consumption.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-130-82. Section 8—Extension of Program Eligibility to Substantially Rehabilitated Manufactured Home Parks

B. *Contact:*

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 880.

E. *Legal Authority:* Section 329H, Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would extend Section 8 eligibility to include substantially rehabilitated manufactured home parks and to permit provision of Section 8 assistance to owners of manufactured home parks where only the space in the park is rented.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-131-82. Section 8—Requirement for Modest Design

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 880.204(e).

E. *Legal Authority:* Section 324(1), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would require that Section 8 housing be modest in design.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-132-82. Section 8—Limit on Contract Rent Increases

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 880 and 881.

E. *Legal Authority:* Section 324(2), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would limit Section 8 contract rent increases for new construction and substantial rehabilitation projects to operating increases incurred for comparable units in the market area.

G. *Timetable:* Proposed rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H-133-82. Section 8—Limit on Cost and Rent Increases, Preference for Certain Projects, Assistance for Units Without Bathrooms or Kitchen Facilities

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 880.

E. *Legal Authority:* Section 324(3), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would (1) limit cost and rent increases after selection of proposal to unforseen factors beyond owner's control, design changes required by the Department or local government, or changes in financing approved by the Department (2) require preference for projects located on land provided by State or local governments, provided that land is suitable for such housing and that it will be cost effective, and (3) permit assistance in substantial rehabilitation and moderate rehabilitation programs for rental of units which contain no bathroom or kitchen facilities.

G. *Timetable:* Interim rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H-134-82. Section 8—Prohibition of Preference to Certain Partially Assisted Projects

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 880.

E. *Legal Authority:* Section 325(2), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would prohibit granting of preference to partially assisted Section 8 projects where mortgage is to be purchased under GNMA Tandem plan.

G. *Timetable:* Final rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-135-82. Section 8—Rent Increase Notification

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 880 and 881.

E. *Legal Authority:* Section 326(a), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would provide that Section 8 contracts must require the owner to notify tenants at least 90 days prior to expiration of contract of any rent increase which may occur as a result of the contract expiration.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-136-82. Limitation on Sections of Assisted Multifamily Project Owners

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202-755-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 215, 221 and 236.

E. *Legal Authority:* Section 329F, Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would require tenant comment on requests by owners of assisted multifamily projects for rent increase, conversion of rental units to any other use, partial release of security, or major physical alterations.

G. *Timetable:* Proposed rule expected to be published November, 1982. Includes: H-34-81. Separate proposed rule no longer in preparation. H-75-78. Separate proposed rule no longer in preparation.

H. *Classification:* Nonmajor.

A. Title: H-137-82. Income Certification

B. *Contact:* Kathy Beckwith, Office of Public Housing, 202-426-7044; James J. Tahash, Program Planning Division, Office of Multifamily Management, 202-755-5654; Monica Sussman, Office of State Agency and Bond Financed Programs, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 860, 880, 881, 882, 883, 884 and 886.

E. *Legal Authority:* Section 322(d) and (e), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would require income recertifications for public housing and Section 8 not less frequently than annually.

G. *Timetable:* Final rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-138-82. Section 8 New Construction and Substantial Rehabilitation, Availability of Units Under Contract at Initial Occupancy

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7272.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 880 and 881.

E. *Legal Authority:* Section 325(1), Housing and Community Development Amendments of 1981, Pub. L. 97-35.

F. *Abstract:* Would require that contracts for Section 8 newly constructed and substantially rehabilitated units provide that the owner make available to eligible families at initial occupancy the number of units for which assistance is committed under the contract.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–139–82. Advance Mortgage Insurance Premiums

B. *Contact:* Arnold H. Diamond, Director, Office of Financial Management, 202–426–4325.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 220, 221, 222, 226, 227, 234, 235, 237 and 240.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C. 1708; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would institute a one-time mortgage insurance premium in lieu of the monthly installment premiums being collected in the FHA single-family mortgage insurance programs. The collection of a single advance mortgage insurance premium would achieve greater efficiency and economy in the administration of FHA insurance of loans.

G. *Timetable:* Proposed rule expected to be published not later than January, 1983.

H. *Classification:* Major.

A. Title: H–140–82. Section 236 Program—Definition of Income

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 236.2.

E. *Legal Authority:* Section 322(f)(8), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would revise the definitions of "income" and "adjusted income" to make them consistent with the Part 813 definitions (see H–79–82).

G. *Timetable:* Proposed rule expected to be published January, 1983. Includes: H–16–80. Interim rule published September 8, 1980 (45 FR 59147), effective October 1, 1980. H–49–82. Interim rule published July 29, 1975 (40 FR 31873), effective July 29, 1975. H–63–82. Interim rule published December 9, 1977 (42 FR 62131), effective December 9, 1977.

H. *Classification:* Nonmajor.

A. Title: H–141–82. Rent Supplement Program—Definition of Income

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 215.20 and 215.21.

E. *Legal Authority:* Section 322(g)(1), Housing and Community Development Amendments of 1981, Pub. L. 97–35.

F. *Abstract:* Would revise the definition of "income" for the Rent Supplement program to make it consistent with the Part 813 definition (see H–79–82).

G. *Timetable:* Proposed rule expected to be published January, 1983. Includes: H–13–80. Interim rule published September 8, 1980 (45 FR 59145), effective October 1, 1980. H–55–82. Interim rule published May 20, 1975 (40 FR 21935), effective May 20, 1975.

H. *Classification:* Nonmajor.

A. Title: H–39–81. Section 8 New Construction and Substantial Rehabilitation—Consolidation of Parts

B. *Contact:* Joseph E. Malloy, Office of Housing, 202–755–7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 880 and 881.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437f; as amended by Section 304(a), Housing and Community Development Act of 1980, Pub. L. 96–399.

F. *Abstract:* Would consolidate and simplify current regulation governing Sections 8 New Construction and Substantial Rehabilitation programs.

G. *Timetable:* Proposed rule in preparation. Includes: H–42–78. Interim rule published January 31, 1980 (45 FR 7082), effective February 20, 1980. H–61–79. Interim rule published January 31, 1980 (45 FR 7072), effective February 20, 1980. H–65–81. Review completed. H–66–81. Review completed.

H. *Classification:* Nonmajor.

A. Title: H–40–81. Eligibility of Existing Structures and Moderate Rehabilitation To Meet Needs of Non-elderly Handicapped

B. *Contact:* Robert W. Wilden, Office of Housing.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 885.

E. *Legal Authority:* Section 202, Housing Act of 1959, Pub. L. 86–372, 12 U.S.C. 1701g, as amended by Section 319 of Housing and Community Development Pub. L. 96–399.

F. *Abstract:* Would make eligible for financing under section 202 loan program the acquisition, with or without moderate rehabilitation, of housing and related facilities for the non-elderly handicapped.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–45–81. Mortgage Insurance Program Under National Housing Act (Use of Inferior Liens)

B. *Contact:* Linda D. Cheatham, Office of Housing, 202–755–8686.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 205, 207, 220, 221, 231, 232.

E. *Legal Authority:* Sections 205, 207, 220, 221, 231, 232 and 244, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715K, 1715L, 1715V and 1715W.

F. *Abstract:* Would amend Parts 205, 207, 220, 221, 231, 232 and 244 to permit second mortgages to be used to secure Urban Development Action Grant and Community Development Block Grant Loans when made in connection with multifamily mortgage insurance.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H–69–81.—Minimum Property Standards for Multifamily Housing—MPS 4910.1

B. *Contact:* Richard A. Atwell, 202–755–5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart S.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would amend the present minimum Property Standards (MPS) by adopting a new MPS for Multifamily Housing. This new MPS would replace the present MPS for Multifamily Housing, 4910.1. It would delete marketability and livability items from the present Multifamily MPS 4910.1, to the same extent that they were deleted from the MPS One- and Two-Family Dwellings, and would adopt by reference nationally recognized model building codes, or other state and local codes, to provide health and safety protection.

G. *Timetable:* Proposed rule expected to be published November, 1982.

H. *Classification:* Major.

A. Title: H–13–80. Rent Supplement Payments

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 215.

E. *Legal Authority:* Section 101, HUD Act of 1965, Pub. L. 89–117, 12 U.S.C. 1701s; as amended by Sections 203(a)(1) and (2), Housing and Community Development Amendments of 1979, Pub. L. 96–153.

F. *Abstract:* Simplified processing under various programs by making uniform the definitions of eligibility and adjusted income.

G. *Timetable:* Interim rule published September 8, 1980 (45 FR 59145), effective October 1, 1980. Includes: H–55–82. Interim rule published May 20, 1975 (40 FR 21935), effective May 20, 1975.

H. *Classification:* Nonmajor.

A. Title: H–16–80. Section 236 Program—Definition of Eligible Tenant

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 236.2.

E. *Legal Authority:* Section 236, National Housing Act, Pub. L. 73–479; as added by Section 201, Housing and Urban Development Act of 1968, Pub. L. 90–448, 12 U.S.C. 1715z–10, as amended by Section 203(b) and (c), HCD Amendments of 1979, Pub. L. 96–153, 12 U.S.C. 1715z–10.

F. *Abstract:* Changes the definitions of "qualified tenant" and "adjusted income" in the Section 236 program to make them consistent with those used in the Section 8 program.

G. *Timetable:* Interim rule published September 8, 1980 (45 FR 59147), effective October 1, 1980. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H–22–80. Preferences for Persons Displaced and Living in Substandard Housing

B. *Contact:* Joanne Manning Anderson, Program Analyst, 202–755–5727

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 215, 880, 881, 882, 883, 884, 885 and 886.

E. *Legal Authority:* Sections 203(a) and 206, Housing and Community Development Amendments of 1979, Pub. L. 96–153; 12 U.S.C. 1701s.

F. *Abstract:* Would establish preferences in the Section 8 and Rent Supplement programs for those "living in substandard housing", and for those who are "involuntarily displaced." Would also establish an administratively-determined preference for those paying more than 50 percent of their income for rent.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–24–79. Mortgagor and Tenant Relationship; Mortgagor Relationship to Tenant Activities

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 430.

E. *Legal Authority:* Section 202(b)(2) and (4), Housing and Community Development Amendments of 1978, Pub. L. 95–557, as amended, 12 U.S.C. 1715z–1b.

F. *Abstract:* Would prohibit project owners from interfering with attempts by tenants to organize or to obtain rental subsidies.

G. *Timetable:* Proposed rule published September 29, 1980 (45 FR 64211). Final rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H–60–79. Public Housing Program-Continued Operation of Projects as Lower-Income Housing After Completion of Debt Service

B. *Contact:* Richard L. Rivard, Housing Management Officer, 202–755–5595.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 869.

E. *Legal Authority:* U.S. Housing Act of 1937, 42 U.S.C 1437 *et seq.*; Section 7(d) Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Adds a new Part 869 to provide for an extension of Annual Contributions Contract (ACC) to (1) permit continued payment of operating subsidy after completion of debt service; (2) provide a contractual basis for continued operation as low-income housing. Permits operation of project as lower-income housing after completion of debt service in accordance with a plan approved by HUD.

G. *Timetable:* Interim rule published August 7, 1980 (45 FR 52371), effective September 15, 1980. Proposed rule reflecting significant changes in interim rule in preparation.

H. *Classification:* Major.

A. Title: H–62–78. Mortgage Insurance—Existing Projects

B. *Contact:* Michael C. Well, Special Projects Officer, 202–755–6454.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 207.32a.

E. *Legal Authority:* Section 223(f), National Housing Act. Pub. L. 73–479, 12 U.S.C. 1715n, as amended by Section 311(a), Housing and Community Development Act of 1974, Pub. L. 93–383.

F. *Abstract:* Designed to assist projects in older declining urban areas; implements the Target Area Preservation (TAP) Program.

G. *Timetable:* Interim rule published October 3, 1979 (44 FR 56927), effective October 29, 1979. Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H–66–78. Coinsurance for Multifamily Rental Housing

B. *Contact:* James B. Mitchell, Office of Housing, 202–426–4325.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 251.

E. *Legal Authority:* Section 244, National Housing Act. Pub. L. 73–479, 12 U.S.C. 1701, *et. seq.* as amended by Section 307 of the Housing and Community Development Act of 1974, Pub. L. 93–383.

F. *Abstract:* Would provide for a coinsurance program for rental housing mortgage loans insured under Sections 221(d)(3) and 221(d)(4) of the National Housing Act.

G. *Timetable:* Proposed rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H–69–78. HUD-owned Multifamily Projects—Management and Disposition

B. *Contact:* Marvin T. Hilman, Director, Multifamily Sales Division.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 290.

E. *Legal Authority:* Section 203, Housing and Community Development Amendments of 1978, Pub. L. 95–557, 12 U.S.C. 1701–11.

F. *Abstract:* Establishes the policies the Department follows in managing and disposing of HUD-owned multifamily projects.

G. *Timetable:* Interim rule published October 1, 1979 (44 FR 56608), effective October 30, 1979. Proposed rule expected to be published February, 1983. Includes: H–61–81. Review completed.

H. *Classification:* Nonmajor.

A. Title: H–70–78. Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities

B. *Contact:* John E. Bonkoski, Environmental Clearance Officer for Housing, 202–755–6740.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 8.

E. *Legal Authority:* Section 504, Rehabilitation Act of 1973, 29 U.S.C. 794; Section 111(a), Rehabilitation Act Amendments of 1974, 29 U.S.C. 706.

F. *Abstract:* Would add a new 24 CFR Part 8 to set forth procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance.

G. *Timetable:* Proposed rule published April 19, 1978 (43 FR 16652). Final rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H–89–78. Additional Assistance Program for Projects with HUD-Insured or HUD-Held Mortgages

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202–426–8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 886.

E. *Legal Authority:* Section 8, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437.

F. *Abstract:* Amended 24 CFR Part 886, Subpart A to remove the requirement that HUD annually inspect 100% of the units under HUD-insured or HUD-held mortgages and to call for inspections based on a reasonable sample. This brings this requirement in line with other programs which permit inspections on a sample basis.

G. *Timetable:* Interim rule published December 26, 1978 (43 FR 60157), effective December 26, 1978. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-95-78. Tenant Allowances for Utilities

B. *Contact:* Charles R. Ashmore, Utilities Specialist; Office of Public Housing, 202–755–5843.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 865, Subpart E.

E. *Legal Authority:* Sections 2, 3, 6 and 9, United States Housing Act of 1937, 42 U.S.C. 1437, 1437a, 1437d, 1437g; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* HUD published regulations regarding the determination of Utility Allowances as an interm rule in September 1980. The Presidential Task Force on Regulatory Relief in August 1981 targeted these regulations for review. The proposed regulations will allow PHAs greater flexibility in determining utility allowances and states in general terms the definition of "reasonable amounts for utilities."

G. *Timetable:* Interim rule published September 9, 1980 (45 FR 59502), effective October 1, 1980. Proposed rule published August 13, 1982 (47 FR 35249). Final rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: CPD-4-82. Community Development Block Grants

B. *Contact:* James R. Broughman, Director, Entitlement Cities Division, Office of Community Planning and Development, 202–755–6267.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subparts A, C, D, K, M, and O.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 *et seq.*

F. *Abstract:* Interim Rule would amend 24 CFR Part 570 to set forth new requirements governing the administration of Community Development Block Grant Funds under Subparts A (General Provisions), C (Eligibile Activities D (Entitlement Grants) K (Other Applicable Laws) M (Loan Guarantees) and O, 570.901 (Review for Compliance with Primary Objectives).

G. *Timetable:* Interim rule expected to be published October, 1982. Includes: CPD–8–82. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978. CPD–16–81. Separate interim rule no longer in preparation. CPD–17–81. Interim rule published September 14, 1981 (46 FR 45603), effective September 14, 1981. CPD–18–81. Separate interim rule no longer in preparation. CPD–20–81. Separate proposed rule no longer in preparation. CPD–24–81. Review completed. CPD–25–81. Review completed. CPD–26–81. Review completed. CPD–40–81. Review completed. CPD–4–80. Separate interim rule no longer in preparation. CPD–10–79. Interim rule published September 9, 1980 (45 FR 59306), effective October 1, 1980. CPD–8–78. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978.

H. *Classification:* Major.

A. Title: CPD-5-82. Special Projects Program

B. *Contact:* Liza Bowles, Office of Community Planning and Development, 202–755–8909.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.410.

E. *Legal Authority:* Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301, *et seq.*

F. *Abstract:* This interim rule established a new Community Development Special Projects Program for states and units of general local government. This rule describes policy and procedures for HUD to award Special Projects Assistance.

G. *Timetable:* Interim rule published July 12, 1982 (47 FR 30053), effective August 11, 1982. Final rule expected to be published April 1983.

H. *Classification:* Major.

A. Title: CPD-16-82. UDAG—Housing Eligibility

B. *Contact:* Virginia S. Healy, Office of Urban Development Action Grants, 202–755–6193.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.

E. *Legal Authority:* Section 119, Title I, Housing and Community Development Act of 1974 as amended, 42 U.S.C. 5301 *et seq.;* Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would establish that new construction and rehabilitation of housing, except for mixed-use projects, is not an eligible activity under UDAG.

G. *Timetable:* Proposed rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: CPD-17-82. Rental Rehabilitation Grant Program

B. *Contact:* Michael Ehrmann, Director, Rehabilitation Policy and Assistance Division, Office of Urban Rehabilitation, 202–755–5324.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* Yet to be determined.

E. *Legal Authority:* Proposed Legislation.

F. *Abstract:* The Administration has proposed a new program to replace current Section 312 loans and Section 8 Mod- and Sub-Rehabilitation.

G. *Timetable:* Dependent upon legislative enactment.

H. *Classification:* Major.

A. Title: CPD-36-81. Community Development Block Grants; Urban Development Action Grants

B. *Contact:* Virginia Healy, Program Advisor, UDAG, 202–755–7362.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570.

E. *Legal Authority:* Section 119, Title I, Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 *et seq.*; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* The proposed changes are technical with no effect on program policy or procedures. Definition of Indian Tribe has been added and several citations corrected.

G. *Timetable:* Final rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: CPD-21-81. Environmental Review Procedures for the CDBG Program

B. *Contact:* Charles E. Thomsen, 202–755–7355.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 58.

E. *Legal Authority:* Section 104(f), Housing and Community Development Act of 1974, Public Law 93–383; 42 U.S.C. 530 *et seq.,* as amended by Section 104(g), Housing and Community Development Amendments of 1979, Public Law 96–153.

F. *Abstract:* The final rule provides policies and procedures by which assisted communities discharge Federal environmental review responsibilities. The final rule also streamlines and reduces the environmental requirements. Such actions include: (1) an expanded listing of block grant activities and projects exempt or categorically excluded from the NEPA requirements; (2) the definitive list of related statutes and authorities that must be observed by grant recipients for the release of block grant funds as required by the HUD legislation; and (3) the further provisions needed to conform with an implement innovative measures of the HUD Amendments of 1981 such as the new state-administered block grant program for small cities and the assumption of the environmental oversight responsibilities by such states.

G. *Timetable:* Review completed. Interim rule published April 12, 1982 (47 FR 15750), effective May 19, 1982. Final rule expected to be published March, 1983. Includes: CPD–23–81. Review completed. CPD–27–78. Interim rule published August 2, 1979 (44 FR 45568), effective October 1, 1979.

H. *Classification:* Nonmajor.

A. Title: CPD–35–81. Small Cities CDBG Program

B. *Contact:* Helen Duncan/Byrant Monroe, 202–755–6322.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subpart F

E. *Legal Authority:* Title I, Housing & Community Development Act of 1974 as amended (42 U.S.C. 5301 et seq.); and Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).

F. *Abstract:* This rule amends the HUD administered Small Cities CDBG Program for nonentitled areas by establishing new policy and procedures, and simplifying the application process.

G. *Timetable:* Interim Rule published August 16, 1982 (47 FR 35674), effective August 16, 1982. Final rule expected to be published June, 1983. Includes CPD–3–80. Interim rule published February 23, 1981 (46 FR 13676), effective March 27, 1981. CPD–12–82. Interim rule published June 26, 1979 (44 FR 37478), effective July 26, 1979.

H. *Classification:* Nonmajor.

A. Title: CPD–38–81. Community Development Block Grants, Grant Administration

B. *Contact:* James R. Broughman, Director, Entitlement Cities Division, Office of Community Planning and Development, 202–755–9267.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subpart J.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301 et. seq.

F. *Abstract:* Revision of existing Subpart J is necessary in order to: (1) Eliminate any unnecessary requirements that exceed statutory intent; (2) Strengthen the Department's ability to minimize any waste and mismanagement in CDBG programs governed by Subpart J; (3) Consolidate in Subpart J record keeping and reporting requirements now described partly in Subpart J and partly in Subpart O; and (4) Reflect changes in OMB grant management circulars.

G. *Timetable:* Review completed. Interim rule expected to be published December 1982. Includes: CPD–3–81. Proposed rule published July 31, 1979 (44 FR 45110). CPD–16–78. Interim rule published February 13, 1980 (45 FR 9730), effective March 14, 1980.

H. *Classification:* Nonmajor.

A. Title: CPD–44–81. Community Development Block Grants, Performance Review

B. *Contact:* James R. Broughman, Director, Entitlement Cities Division, Office of Community Planning and Development, 202–755–9267.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subpart O.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 5301, et seq.

F. *Abstract:* Revision of existing Subpart O is necessary in order to: (1) Implement the 1981 legislative amendment to section 104(d)(1) of the Housing and Community Development Act of 1974, which describes the Secretary's review responsibilities with respect to the CDBG entitlement grants and HUD-administered Small Cities grants; (2) Clarify performance standards against which each grant recipient's performance will be judged; (3) Eliminate any unnecessary requirements that exceed statutory intent; and (4) Transfer material on record keeping and reporting to Subpart J, Grant Administration, in order to consolidate such information with related information currently in Subpart J.

G. *Timetable:* Review completed. Interim rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: CPD–18–79. Indian CDBG Program

B. *Contact:* Marcia A. B. Brown, Office of Community Planning and Development, 202–755–6092.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 571.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974 as amended, Pub. L. 93–383, 42 U.S.C. 5301 et seq.

F. *Abstract:* This rule revises the regulations governing the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. The revision incorporates new policies and procedures and simplifies the regulations' text and the application process. Substantial changes were made to the application requirements, the number of criteria for rating projects, the Indian preference requirements, and by eliminating comprehensive grants.

G. *Timetable:* Review completed. Interim Rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: CPD–29–78. Departmental Policies, Responsibilities, and Procedures for Protection and Enhancement of Environmental Quality

B. *Contact:* Fred D. Regetz, 202–755–7355.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 50.

E. *Legal Authority:* The National Environmental Policy Act of 1969, Public Law 91–190, 42 U.S.C. *et seq.;* Section 905, Housing and Community Development Act of 1979, Public Law 95–557.

F. *Abstract:* This interim rule will replace an interim rule published on November 27, 1979 (44 FR 67906). The rule provides policies and procedures for HUD consideration of environmental factors in decisionmaking under HUD programs (except the Community Development Block Grant Program). The rule implements the National Environmental Policy Act (NEPA) and several specific environmental laws and authorities. The rule changes a number of elements of the November 1979 interim rule to reduce the regulatory burden of procedural details. It revises thresholds for environmental impact statements (EIS) to single threshold of 2,500 dwelling units; increase reliance on environmental assessments for determining when an EIS is required; provides a basis for HUD acceptance of environmental reviews prepared by the Veterans Administration; clarifies activities that are "categorically excluded" from NEPA; and contains other elements in compliance with regulations of the Council on Environmental Quality.

G. *Timetable:* Review completed. Interim rule expected to be published September 1982. Final rule expected to be published May 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–32–78. Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive Nature

B. *Contact:* James L. Christopulos, Senior Environmental Engineer, Office of Environment and Energy, 202–755–6580.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 51, Subpart C.

E. *Legal Authority:* National Environmental Policy Act of 1969, Pub. L. 91–190, 42 U.S.C. 4321 *et seq.;* Section 7(d) Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* The regulation establishes explosion and thermal radiation (fire) safety standards, which can be used to determined an acceptable separation distance (ASD) for HUD projects from chemicals or petrochemicals of an explosion and/or fire prone nature.

Alternatives: (1) Maintain status quo of having no regulation; (2) Apprise local public housing authorities, planning agencies, CDBG recipients, and others of the dangers involved and identify methods for reducing or negating potential hazards to proposed HUD-assisted projects; (3) Publish the regulation, which will establish safety standards and guidance for applying the safety standards.

Costs: Any additional land costs or costs resulting from incorporation of mitigation design measures into the project, such as an earthen berm, would be borne by the project developer, or in the case of a public housing project by the sponsor and HUD, through its housing assistance activities.

Benefits: The basic benefit of the regulation will be to assure that people and property are not exposed to potential explosion and thermal radiation hazards represented by chemicals or petrochemicals. A secondary benefit is to protect the investments of HUD by assuring that projects located in the proximity of such hazards are located at acceptable separation distances or that mitigating measures are incorporated into the project to protect against potential explosion or high-intensity fire.

G. *Timetable:* ANPR published September 10, 1979 (44 FR 52695). Proposed rule published August 19, 1980 (45 FR 55223). Final rule in preparation.

H. *Classification:* Major.

A. Title: FH&EO–5–81. Recognition of Substantially Equivalent Laws

B. *Contact:* Steven J. Sacks, Office of Fair Housing Enforcement and Section 3 Compliance, 202–426–3500.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 115.

E. *Legal Authority:* Sec. 816, Civil Rights Act of 1968, Pub. L. 90–284, 42 U.S.C. 3601 et seq.

F. *Abstract:* This proposed rule will make two substantive changes in the procedures for recognition of State and local fair housing laws as substantially equivalent to Title VIII of the Civil Rights Act 1968. First, it will require substantially equivalent coverage based on sex discrimination. Secondly, it will provide for publication of proposed and final recognition of substantially equivalent jurisdictions as a notice in the **Federal Register** rather than as an amendment to 24 CFR Section 115.11.

The requirement of substantially equivalent coverage based on sex discrimination will eliminate jurisdictional questions in complaint referrals. The change to a notice procedure will expedite the recognition process by eliminating the time consuming procedure of rulemaking for the ongoing process of recognizing additional jurisdictions as they meet the recognition criteria.

G. *Timetable:* Proposed rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO–1–79. Implementation of Age Discrimination Act of 1975

B. *Contact:* Myra B. Kennedy, Equal Opportunity Specialist, Program Compliance Division, 202–755–5904.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 146.

E. *Legal Authority:* Age Discrimination Act of 1975, Public Law 94–135, 42 U.S.C. 610 et seq.

F. *Abstract:* This part set forth policies and procedures to assure nondiscrimination on the basis of age in programs receiving financial assistance from the Department.

G. *Timetable:* Proposed rule published November 4, 1980 (45 FR 73454). Final rule expected to be published March, 1983.

H. *Classification:* Major.

A. Title: FH&EO–13–78. Implementation of Section 109 of the Housing and Community Development Act of 1974

B. *Contact:* Barry Anderson, Director, Program Compliance Division, 202–755–5404.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 144.

E. *Legal Authority:* Title I, Housing and Community Act of 1974, Public Law 93–383, 42 U.S.C. 5301 et seq.

F. *Abstract:* This regulation would assure nondiscrimination on the grounds of race, color, national origin or sex in any program funded in whole or part with Community Development Block Grant funds.

G. *Timetable:* Proposed rule published November 25, 1980. (45 FR 78508). Final rule expected to be published March, 1983.

H. *Classification:* Major.

A. Title: H–26–79. Low-Income Public Housing-Lease Requirements, Evictions and Hearings

B. *Contact:* Edward Whipple, Office of Public Housing, 202–426–0744.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 866.

E. *Legal Authority:* U.S. Housing Act of 1937, as amended, 42 U.S.C. 1437.

F. *Abstract:* Would amend the regulations for the Public Housing Program under the United States Housing Act of 1937 to: (1) simplify the requirements for provisions included in the lease between a Public Housing Agency (PHA) and its tenants; (2) limit the requirement for the PHA to provide an opportunity for an informal hearing to cases involving a denial of admission or PHA determinations of income or rent of an assisted tenant; and (3) to provide that all evictions of a tenant must be carried out through State or local judicial process, and that termination of tenancy must be based on violation of the lease or of Federal, State or local law, or other good cause.

G. *Timetable:* Proposed rule published August 4, 1980 (45 FR 51615). Revised proposed rule expected to be published November 1982. Includes: H–72–81. Review completed. H–30–81. Separate proposed rule no longer in preparation.

H. *Classification:* Nonmajor.

Current and Projected Rulemakings

A. Title: S–3–82. Implementation of the Equal Access to Justice Act in Administrative Proceedings

B. *Contact:* Harold A. Levy, Office of General Counsel, 202–755–6550.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 14.

E. *Legal Authority:* Section 203(a)(1), Equal Access to Justice Act, Pub. L. 96–481, 5 U.S.C. 504.

F. *Abstract:* The Equal Access to Justice Act provides that in certain Federal agency adversary adjudications pending between October 1, 1981 and September 30, 1984, the agency that conducts the proceeding shall award attorney fees and other expenses to qualified parties who prevail against the agency, unless (1) the position of the agency as a party to the proceeding was substantially justified; (2) special circumstances make an award unjust; or (3) the prevailing party engaged in conduct which unduly and unreasonably protracted the final resolution of the matter in controversy. The rule will establish procedures for the submission and consideration of applications for award. In light of the limited number of proceedings to which the rule will be applicable, the potential costs of the rule are expected to be minimal.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S-4-82. Nonjudicial Foreclosure of Multifamily Mortgages

B. *Contact:* Geoffrey L. Patton, Office of General Counsel, 202-755-5351.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 27.

E. *Legal Authority:* Sections 369C(5) and 369*l*, Multifamily Mortgage Foreclosure Act of 1981, 12 U.S.C. 3711(5) and 3717.

F. *Abstract:* Would implement the Multifamily Mortgage Foreclosure Act of 1981. That Act authorizes the Secretary to exercise a statutory non judicial power of sale with regard to defaulted multifamily mortgages held by the Secretary under Title II of the National Housing Act or under Section 312 of the Housing Act of 1964.

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: S-5-82. Solar Energy and Energy Conservation

B. *Contact:* Dr. Richard H. Francis, Comptroller, Solar Energy and Energy Conservation Bank, 202-755-7166.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 1800.

E. *Legal Authority:* Subtitle A, Title V, Energy Security Act, Pub. L. 96-294, 12 U.S.C. 3601 *et. seq.*

F. *Abstract:* The Solar Energy and Energy Conservation Bank has issued a Solicitation of Proposals to States for their participation in the Bank's program (47 FR 37960 (August 27, 1982)). Assistance will coordinate financial assistance made available by the Bank with energy auditing and assistance programs at the State level or the Residential Conservation Service (RSC) program under the Department of Energy. The Solicitation includes for planning and pre-implementation purposes, an Appendix of terms and conditions for financial assistance. Following the receipt of proposals from States, and prior to the authorization of expenditure of funds for financial assistance, the Bank will issue an interim rule based upon the Solicitation of Proposals and the responses received.

The Bank has determined that distributing funds through this procedure will achieve the most rapid, effective, and innovative use of the limited amount of funding now available for the program.

G. *Timetable:* Interim rule expected to be published February, 1983.

H. *Classification:* Nonmajor.

A. Title: S-6-82. Rulemaking: Policy and Procedures; Deletion of Final Report on Improving Government Regulations

B. *Contact:* Grady J. Norris, Assistant General Counsel for Regulations, 202-755-7055.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 10.1.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would make technical amendment to delete references to the Final Report on Improving Government Regulations. The report was written pursuant to Executive Order 12044 which has been revoked.

G. *Timetable:* Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S-1-79. Board of Contract Appeals Regulations

B. *Contact:* Jean S. Cooper, Board of Contract Appeals, 202-673-6130.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 20.

E. *Legal Authority:* Contract Disputes Act of 1978, Pub. L. 95-563, 41 U.S.C. 601 *et seq.*

F. *Abstract:* Would revise the rules of procedure of HUD Board of Contract Appeals to implement statutory changes made by the Contract Disputes Act of 1978 and uniform rules issued by the office of Federal Procurement Policy.

G. *Timetable:* Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S-2-79. Suspension and Debarment

B. *Contact:* Philip Schulman, Assistant General Counsel for Inspector General and Administrative Proceedings, 202-755-5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 24.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would amend 24 CFR Part 24 to conform with Policy Letter 82-1, "Policy Guidance Concerning Government-wide Debarment, Suspension, and Ineligibility" issued by the Office of General Procurement Policy, dated June 24, 1982. Additionally, it would clarify the criteria for imposing administrative sanctions on grantees and program participants other than procurement contractors, as well as to clarify the procedural safeguards afforded participants in suspension and debarment proceedings.

G. *Timetable:* Proposed rule published July 8, 1980 (45 FR 46012). Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S-3-79 Mortgagee Review Booard

B. *Contact:* Phillip L. Schulman, Assistant General Counsel for Inspector General and Administrative Proceedings, 202-755-5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 25.

E. *Legal Authority:* Section 211, National Housing Act Pub. L. 73-479 as amended, 12 U.S.C. 1715(b).

F. *Abstract:* Would provide better notice to the public regarding the grounds for administrative actions against HUD-FHA approved mortgagees; specify a range of administrative actions available to the Mortgagee Review Board; and, clarify procedural rights available to mortgagees. No identified costs would be associated with the actions. The alternative of retaining the existing regulation has been considered.

G. *Timetable:* Proposed rule published August 28, 1980 (45 FR 57437). Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: S-4-79. Proceedings Before a Hearing Officer

B. *Contact:* Phillip L. Schulman, Assistant General Counsel, Inspector General and Administrative Proceedings Division, 202-755-5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 26.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would set forth uniform procedures governing debarment and suspension proceedings and administrative actions taken by the Mortgagee Review Board. It would also apply in any other HUD proceedings where a hearing is conducted, except where Part 26 rules are inconsistent with governing statute or regulations. No additional costs arise from these requirements. No alternative approach was considered.

G. *Timetable:* Proposed rule published August 28, 1980 (45 FR 57440). Final rule is in preparation.

H. *Classification:* Nonmajor.

A. Title: H-5-82. Condominium Projects—Mutual Mortgage Insurance and Insured Loans

B. *Contact:* John Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 234.26.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C. 1709, 1715.

F. *Abstract:* Provides for HUD/FHA mortgage insurance of condominium units in projects that have been approved for loan quaranty by the Administrator of Veterans Affairs. The rule also eliminates the requirement that a conventionally financed project be committed to a plan of condominium ownership at least twelve months prior to the time individual units are eligible for HUD/FHA mortgage insurance, although it is still required that at least 90 percent of the units be sold and the title conveyed with respect to conventionally financed projects. These changes are needed to facilitate homeowner purchases of condominium properties.

G. *Timetable:* Interim rule published September 18, 1981, (46 FR 46317), effective September 18, 1981. Final rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-12-82. Schedule A. Low Income Housing; Fair Market Rents for New Construction and Substantial Rehabilitation

B. *Contact:* Steven Silbert, Office of Housing, 202, 426-0283.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888, Schedule A.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Established a Financing Adjustment Factor for use in amending applicable Fair Market Rents to reflect the extent to which costs for certain categories of a project are affected by increased financing costs.

G. *Timetable:* Interim rule published October 23, 1981 (46 FR 51903), effective November 9, 1981. Revised interim rule published May 25, 1982 (47 FR 22520), effective July 16, 1982.

H. *Classification:* Nonmajor.

A. Title: H-13-82. Cooperative/Condominium Existing Multifamily Structures Demonstration Program

B. *Contact:* Robert W. Wilden, Office of Housing, 202-755-6528.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 221, 234 and 235.

E. *Legal Authority:* Sections 221, 234 and 235 National Housing Act, 12 U.S.C. 1701 *et seq.*

F. *Abstract:* Deleted those portions of 24 CFR Parts 221, 234 and 235 pertaining to the Demonstration Program for existing cooperatives and condominiums.

G. *Timetable:* Interim rule published September 11, 1980 (45 FR 60390), effective October 14, 1980. Final rule expected to be published February 1983.

H. *Classification:* Nonmajor.

A. Title: H-15-82. Annual Contributions for Operating Subsidy, Performance Funding System (CPFS)

B. *Contact:* Beverly Hardy, Office of Housing, 202-755-7970.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 890.105.

E. *Legal Authority:* Section 7(d), Department of HUD Act. 42 U.S.C. 3535(d).

F. *Abstract:* Updated the PFS Weights and formula for determining the operating subsidy.

G. *Timetable:* Interim rule published September 6, 1977 (42 FR 44548), effective September 6, 1977. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-25-82. Multifamily Mortgage Insurance

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 207.33.

E. *Legal Authority:* Section 308, Housing and Community Development Act of 1980, 12 U.S.C. 1701; as amended by Section 338, Housing and Community Development Amendments of 1981.

F. *Abstract:* Would amend 24 CFR 207.33 to replace the term "mobile home" with the term "manufactured home" and increases the maximum mortgage limit for manufactured home parks insured under Section 207 from $8000 to $9000.

G. *Timetable:* Final rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H-29-82. Supplementary Financing for Insured Project Mortgages

B. *Contact:* Joseph E. Malloy, Office of Multifamily Housing Development, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 241.

E. *Legal Authority:* Section 241, National Housing Act, 12 U.S.C. 1701.

F. *Abstract:* Would amend Part 241 to require payment of insurance benefits under a defaulted supplementary loan in cash when insurance benefits under the insured mortgage are payable in cash.

G. *Timetable:* Proposed rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-31-82. Indian Housing

B. *Contact:* Patricia Arnaudo, Deputy Director, Office of Indian Housing, 202, 755-6522.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 805.

E. *Legal Authority:* U.S. Housing Act of 1937, Public Law 93-383, 42 U.S.C. 1437(d).

F. *Abstract:* Would delete excessive Federal requirements and assure that Indian housing activities are undertaken in the most cost-effective manner.

G. *Timetable:* Interim rule expected to be published Spring 1983.

H. *Classification:* Nonmajor.

A. Title: H-33-82. Public Housing Development, Revision of Requirements

B. *Contact:* Raymond W. Hamilton, Director, Public Housing Development Division, 202-426-0938.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 841.

E. *Legal Authority:* U.S. Housing Act of 1937, 42 U.S.C. 1437.

F. *Abstract:* Would prohibit the transfer of existing Public Housing Agency (PHA)-owned city, county or state assisted projects to the public housing program under the U.S. Housing Act of 1937, except with the prior written approval of the Assistant Secretary for Housing. The Department has determined that the transfer of such projects does not contribute to the goals of the Administration in providing additional low-income housing but only provides additional subsidy for projects developed and funded under state law. No additional costs are anticipated since the proposed rule will not result in a change to the existing status of locally assisted projects.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-36-82. Section 8 Housing Assistance Payments Program, Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202-755-5543.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 882.120.

E. *Legal Authority:* Section 8(c)(1), HCD Act of 1974, as amended, 42 U.S.C. 1937.

F. *Abstract:* Would delete Section 882.120 of the Section 8 Existing Housing Program regulation to eliminate the authority to use higher FMRs for recently completed housing.

G. *Timetable:* Proposed Rule published June 28, 1982, (47 FR 27869). Final rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H-43-82. Property Improvement Loans—Maximum Mortgage Amounts

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202-755-6880.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 201, Subpart A.

E. *Legal Authority:* Section 338, Housing and Community Development Amendments of 1981, 42 U.S.C. 5301.

F. *Abstract:* Would implement the maximum loan amounts authorized for property improvement loans.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: H-48-82. Flexible Subsidy Program

B. *Contact:* James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, 202-426-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 219.

E. *Legal Authority:* Sec. 219, National Housing Act, Pub. L. 73-479, 12 U.S.C. 1715j; as amended by Section 201(g), Housing and Community Development Amendments of 1978, Pub. L. 95-551.

F. *Abstract:* Would establish a flexible subsidy loan program for certain limited dividend projects for the correction of physical and cash flow deficiencies.

G. *Timetable:* Interim rule in preparation. (Was listed incorrectly on previous agenda as H-14-80.) Includes: H-64-82. Interim rule published May 21, 1979 (44 FR 29632), effective June 19, 1979.

H. *Classification:* Nonmajor.

A. Title: H-66-82. Mortgage Insurance and Home Improvement Loans; Changes in Maximum Mortgage Amounts

B. *Contact:* John Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203 and 234.

E. *Legal Authority:* Sections 203(b)(2), 211, and 234(c), National Housing Act, 12 U.S.C. 1603(b)(2), 1709, and 1715(c).

F. *Abstract:* Revised single-family mortgage limits for areas where moderate- and middle-income persons have limited housing opportunities due to high prevailing housing sales prices.

G. *Timetable:* Interim rule published January 7, 1982 (47 FR 916), effective January 7, 1982. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-77-82. PHA-Owned Projects—Personnel Policies and Compensation, Certification of Housing Managers

B. *Contact:* Odessa Burroughs, Office of Housing, 202-755-5595.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 867.

E. *Legal Authority:* Section 7(d) of HUD Act, 42 U.S.C. 3535(d); Section 6(c)(4) U.S. Housing Act of 1937, as amended 42 U.S.C. 1437(d); Section 201(b) Housing and Community Development Act of 1974 42 U.S.C. 1437 note.

F. *Abstract:* Would amend regulation with regard to costs of certification under the public Housing Manager Certification Program. The primary effect would be to afford PHAs greater discretion about payment of such costs on behalf of their employees.

G. *Timetable:* Proposed rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-80-82. Introduction, Land Registration, and Application of Regulations to Existing and Future Filings

B. *Contact:* Fred W. Pfaender, Office of Interstate Land Sales Registration, 202-755-8182.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 1700, 1710 and 1730.

E. *Legal Authority:* Interstate Land Sales Full Disclosure Act of 1968, as amended, Pub. L. 90-448, 15 U.S.C. 1701 *et seq.*

F. *Abstract:* Would amend current regulations to reduce verbiage and a number of exemption and registration requirements for developers in the land sales industry. These proposed changes are part of an overall plan to eliminate unnecessary documentation and duplication and to relieve the industry of the regulatory requirements to the extent practical without any significant detriment to the industry or consumer.

G. *Timetable:* Proposed rule expected to be published January 1983. (Was listed on previous agenda as NVACP-1-80.)

H. *Classification:* Nonmajor.

A. Title: H-84-82. Second Mortgages or Liens on FHA-Insured Mortgages—Escrow Accounts Associated with Interest Buy-Downs

B. *Contact:* John Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.32, 213.520, and 234.55.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C. 1709, 1715.

F. *Abstract:* Would reverse current prohibition against the use of insured mortgages on properties with secondary mortgages or liens. These amendments also provide for the recapture of funds placed into escrow accounts to reduce the mortgagor's monthly payments to principal and interest in the early years of the mortgage. No alternatives are being considered. No potential costs have been identified. Potential benefits include greater homeownership opportunities for homebuyers, allowing sellers to recapture funds used to buy down interest rates and increased use of buy down which would allow more families to qualify for mortgages.

G. *Timetable:* Interim rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H-85-82. Growing Equity Mortgages

B. *Contact:* John Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 203.47.

E. *Legal Authority:* Section 245, National Housing Act; Section 308, Housing and Community Development Act of 1974, Pub. L. 93-383, 12 U.S.C. 1715z-10.

F. *Abstract:* Would increase the availability of homeownership financing, by insuring growing equity mortgages. The principal advantage of this type of financing is that its shorter term and more rapid principal reduction should encourage increased investment in residential mortgages. Policy choices included the manner of establishing the annual increase (index of fixed amount) and the size of such an increase if a fixed amount. No potential costs have been identified.

G. *Timetable:* Interim rule expected to be published February 1983.

H. *Classification:* Nonmajor.

A. Title: H-87-82. Assurance of Completion Bonds

B. *Contact:* Linda D. Cheatham, Office of Housing, 202-755-6868.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 205, 207, 213, 221, 232, 241, 242, 244.

E. *Legal Authority:* Section 211, National Housing Act, as amended, 12 U.S.C. 1715b.

F. *Abstract:* Would amend 24 CFR Parts 205, 207, 213, 221, 232, 241, 242 and 244 governing assurance of completion in land developments, proposed construction or rehabilitation of multifamily projects to provide that where assurance shall be by corporate surety bonds for payment and performance, each bond shall be in the amount of 100% of the cost of construction, as estimated by the Commissioner.

G. *Timetable:* Proposed rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H-90-82. Property Improvement and Mobile Home Programs—Approval of Lending Institutions

B. *Contact:* Constance Harbaugh, Mortgagee Approval Officer, Office of Lender Certification, 202-426-3976.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201.

E. *Legal Authority:* Section 2, National Housing Act, as amended, 12 U.S.C. 1703.

F. *Abstract:* Would set out the requirements for the granting of contracts of credit insurance pursuant to the provisions of Section 2 of the National Housing Act.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-93-82. Eligibility of Mortgages Involving a Dwelling Unit in a Cooperative Housing Development

B. *Contact:* John C. Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.43c.

E. *Legal Authority:* Section 203(n), National Housing Act, Pub. L. 73-479, 12 U.S.C. 1709.

F. *Abstract:* Would relax some restrictions which have unnecessarily inhibited activity under the program. The rule would delete the requirement that corporation waiver the right of first refusal and it would eliminate the limitation of the mortgage term on an individual share to the term remaining on the blanket mortgage. No alternatives are being considered and no potential costs have been identified.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-94-82. Revision to Graduated Mortgage Program

B. *Contact:* John J. Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.46, 234.76.

E. *Legal Authority:* Section 7(d), Department of Housing and Urban Development Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would remove existing restrictions on maximum mortgage amounts and eligible properties for the Section 245(b) Graduated Payment Mortgage Program. This would permit increased use of this program. No alternatives are being considered. Although there may be a slightly higher expected claim rate for this program than the 203(b), the benefit of increasing the supply of affordable housing for middle-income families outweighs its potential costs.

G. *Timetable:* Interim rule expected to be published November 15, 1982.

H. *Classification:* Nonmajor.

A. Title: H-96-82. Multifamily Mortgage Insurance

B. *Contact:* Joseph E. Malloy, Office of Housing, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 207, 213, 220, 221, 232, 241, 242 and 244.

E. *Legal Authority:* National Housing Act, as amended 12 U.S.C. 1713, 1715d, 1715k, 1715l, 1715z-6, 1715z-7, and 1752-9.

F. *Abstract:* Would amend mortgage insurance regulations to require payment of fees for rehabilitation feasibility processing and for reprocessing of outstanding commitments after appropriate extensions.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-98-82. Section 8 Housing Assistance Payments Program, State Housing Agencies

B. *Contact:* Cherie Charles, Office of Housing, 202-426-0730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 883.207(c).

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would prohibit State Agencies from transferring Fiscal Year 1982 and subsequent year State Agency funding authority after initial assignment of such authority to a certain project. This will establish greater Federal Control over the spending of State Agency funds.

G. *Timetable:* Interim rule published August 2, 1982 (47 FR 33263), effective September 20, 1982. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-102-82. Section 8 Housing Assistance Payments Program, Fair Market Rent Schedules, Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202-755-5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888.

E. *Legal Authority:* Section 8(c)(1), Housing and Community Development Act of 1974, P.L. 93-383, as amended 42 U.S.C. 1437.

F. *Abstract:* Would change the method of establishing the Fair Market Rents and would amend the FMR schedules at 24 CFR Part 888 to issue the 1983 annual revision of the FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Program.

G. *Timetable:* Proposed rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H-104-82. Use of Materials Bulletin No. 381—HUD Building Product Standards and Certification Program for the Grademarking of Lumber

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 48i (UM 38i). UM 38i accepts recently listed agencies for the grademarking of lumber and finger jointed lumber.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-105-82. Use of Materials Bulletin No. 85—HUD Building Product Standards and Certification Program for Poly (Vinyl Chloride) Plastic Windows

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 85 85). (UM 85 accepts recently published product standards for poly (vinyl chloride) plastic windows. In addition, it would provide for a certification program for these products.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-106-82. Use of Materials Bulletin No. 86—HUD Building Product Standards and Certification Program for EPDM Roofing Members

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929

C. *Small Entity Impact:* Likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 86 (UM 86). UM 86 accepts recently published product standards for EPDM roofing membrane. In addition, it would provide for a certification program for these products.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-114-82. Section 8 Housing Assistance Payments Program-Financing Adjustment for Fair Market Rents

B. *Contact:* Steven Silvert, Office of Housing, 202-426-7113

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Amends the financing adjustment rules for calculating Fair Market Rents.

G. *Timetable:* Interim rule published May 25, 1982. (47 FR 22520), effective July 16, 1982.

H. *Classification:* Nonmajor.

A. Title: H-117-82. Prohibited Lease Terms

B. *Contact:* James J. Tahash, Office of Housing, 202-426-8730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 215, 221 and 236.

E. *Legal Authority:* Section 202(b)(g), Housing and Community Developments

Amendments of 1978, 12 U.S.C. 1715z–1b(b)(3); Section 7(d) Department of Housing and Urban Development Act 42 U.S.C. 3535(d).

F. *Abstract:* Defines certain lease provisions which are prohibited from use in certain HUD subsidized multifamily housing programs.

G. *Timeable:* Interim Rule published July 23, 1982 (47 FR 31868), effective September 10, 1982. Final Rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-124-82. Intergovernmental Review of Federal Programs

B. *Contact:* Dr. June Koch, Deputy Under Secretary for Intergovernmental Relations, 202–755–6480.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 52.

E. *Legal Authority:* E.O. 12372 (47 FR 30959) July 16, 1982.

F. *Abstract:* Would revise Part 52 to revoke regulations implementing OMB Circular A–95. Would implement a new federal policy of consultation and cooperation with State and local governments in so far as that policy relates to the Department's financial assistance programs.

G. *Timetable:* Proposed rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-125-82. Section 8—Housing Assistance Payments Program-Existing Housing

B. *Contact:* Gerald J. Benoit, Existing Housing Division, 202–755–5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 882.124.

E. *Legal Authority:* Section 8, U.S. Housing Act of 1937, 42 U.S.C. 1437f.

F. *Abstract:* Would amend Part 882 to permit targeting of Section 8—Existing Housing Certificates of Participation to eligible tenants in properties being rehabilitated under the Department's Rental Rehabilitation Program Demonstration.

G. *Timeable:* Proposed rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H-4-81. Review of Applications for Housing Assistance and Allocation of Housing Assistance Funds

B. *Contact:* Robert J. Coyle, Program Analyst, 202–755–6454.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 891.

E. *Legal Authority:* Section 213, Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1439; Section 5(c), U.S. Housing Act of 1937, as amended by Section 321(c), Housing and Community Development Act of 1981, Pub. L. 97–35.

F. *Abstract:* Revises 24 CFR 891 to include a more explicit description of the process to be followed by HUD field offices in allocating and reallocating funds, including procedures for consultation with local governments; elimination of the areawide housing opportunity plan as a formal part of the allocation process; and changes in the criteria for local government and HUD review of applications for assisted housing.

G. *Timeable:* Proposed rule published December 15, 1980 (45 FR 82273). Interim rule published June 3, 1982 (47 FR 24120), effective July 26, 1982. Final rule expected to be published October 1982. Includes: CPD–42–81 and CPD–43–81 Rulemaking for the Areawide Housing Opportunity Program has been assumed by the Office of Housing.

H. *Classification:* Nonmajor.

A. Title: H-5-81. Implementation of Section 235 to Require Recapture Provisions

B. *Contact:* Richard Buchheit, Director, Single Family Servicing Division, 202–755–6672.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 235.

E. *Legal Authority:* Section 206, Housing and Community Development Amendments of 1980, Pub. L. 96–399, 12 U.S.C. 1715z.

F. *Abstract:* Amends 24 CFR Part 235 to require that the Department be reimbursed for either the amount of actual assistance provided on behalf of eligible mortgagors or an amount based upon 50 percent of the net appreciation of the property, whichever is less.

G. *Timetable:* Interim rule publish May 27, 1981 (46 FR 28401), effective May 27, 1981. Final rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H-7-81. Increase in Section 235 Maximum Mortgage Amounts

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 235.25.

E. *Legal Authority:* Section 211, National Housing Act, 12 U.S.C. 1709, 1715; Sections 206 and 207, Housing & Community Development Act of 1980.

F. *Abstract:* Amends 24 CFR Part 235 to provide Section 235 mortgage insurance and assistance payments for families whose incomes are higher than those authorized under the original Section 235 program but who are still priced out of the housing market.

G. *Timetable:* Interim rule published June 1, 1981 (46 FR 29259), effective July 13, 1981. Final rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-9-81. Change in Provisions and Characteristics of Debentures

B. *Contact:* Linda F. Milner, Systems Accountant, 202–755–5747.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 2, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1701 *et seq.*

F. *Abstract:*

Problem: To eliminate the denominational HUD debenture.

Alternative: Replace the denominations HUD debenture with a "book-entry" automated system.

Savings: This change will permit faster, less expensive processing with no adverse impact on the transferability of the debenture and to eliminate many of the security measures now required for handling and storage of debentures.

G. *Timetable:* Proposed rule published March 3, 1980 (45 FR 13779). Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-13-81. Disposition of General Contractor's Holdback

B. Contact: Linda D. Cheatham, Office of Housing, 202–755–8686.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 207.26a.

E. *Legal Authority:* Section 207, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1713.

F. *Abstract:* Would delete 24 CFR 207.26a providing for the holdback of certain general contractor's funds.

G. *Timetable:* Final rule, expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-15-81. Disposition of General Contractor's Holdback

B. *Contact:* Linda D. Cheatham, Office of Housing, 202–755–8686.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 548a.

E. *Legal Authority:* Sections 207, 213, 220, 221, 231, 232, 234, 236, 241, and 242, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713, 1715d, 171K, 1715L, 1715V, 1715w, 1715y, 1715z—1, 6, & 7.

F. *Abstract:* Would delete 24 CFR 221.548a providing for the holdback of certain general contractor's funds.

G. *Timetable:* Final rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-16-81. Yield Insurance

B. *Contact:* Joseph E. Malloy, Office of Housing, 202–755–7172

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 238.

E. *Legal Authority:* Sections 712, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1747K.

F. *Abstract:* Would delete 238 concerning insurance in connection with investments made under Title VII of the National Housing Act.

Objective: To remove regulations for programs which have never been utilized.

G. *Timetable:* Final rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: H-20-81. Emergency Homeowners' Relief Program, Appendices

B. *Contact:* Nancy S. Chisholm, Office of Housing, 202-426-0751

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 2700.

E. *Legal Authority:* Sections 7(d), Department of HUD Act, Pub. L. 89-174, 12 U.S.C. 3535(d).

F. *Abstract:* Would delete Appendices I, II, III, IV, V, VII and VIII of 24 CFR Part 2700, Subpart F to remove unnecessary forms.

G. *Timetable:* Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-22-81 Use of Material Bulletin No. 73a—HUD Building Product Standards and Certification Program for Plastic Plumbing Fixtures

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Appendix.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 73a (UM 73a). UM 73a accepts recently published standards for plastic plumbing fixtures. In addition, would provide for a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-23-81. Use of Materials Bulletin No. 84—HUD Building Product Standards and Certification Program for Solid Fuel Type Room Heaters and Fireplace Stoves

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Appendix.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 84 (UM 84). UM 84 accepts recently published product standards for solid fuel type room heaters and fireplace stoves. In addition, would provide a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-24-81. Issue Date of Debentures

B. *Contact:* Linda F. Milner, Systems Accountant, 202-755-5747.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 204, 207, 213, 220, 221 and 232.

E. *Legal Authority:* Sections 203 and 211, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1701, 1709, 1710, 1713 and 1715.

F. *Abstract:*

Problem: Reduce the number of issue and maturity dates for debentures from 365 to 12 annually.

Alternative: It has been suggested originally that HUD change the debenture issues dates to twice a year to correspond with the semiannual payments of debenture interest. This, however, was thought to be too restrictive on the mortgagees.

Benefit: This change, if approved, will enable the Treasury Department to include the HUD debentures in an automated book-entry system. This will not only save money for the Department but Treasury as well.

G. *Timetable:* Proposed rule published May 12, 1982 (47 FR 20318). Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-26-81. Interest Charge on Late Premium Payments

B. *Contact:* Richard Braun, Systems Accountant, 202-755-5747.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 201, 207, 220 and 232.

E. *Legal Authority:* Claims Collection Act, Pub. L. 89-508, 31 U.S.C. 952; Sections 201, 207, 220 and 232, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1707, 1709, 1710, 1713, 1715k and 1715w.

F. *Abstract:*

Problem: Mortgagees do not pay mortgage insurance premium on a timely basis and 4% late charge currently being levied has not proved to be an adequate incentive.

Alternatives: Mortgage Insurance Premium Collection Specialists Present 4% late charge.

Benefit: The primary purpose of this change is to increase the premium collections due the Department.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-36-81. Section 8—Housing Assistance Payments Program, Fair Market Rent Schedules, Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202-755-5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888.

E. *Legal Authority:* Section 8(c)(1), Housing and Community Development of 1974, Pub. L. 93-383, as amended, 42 U.S.C. 1437.

F. *Abstract:* Would amend the Fair Market Rent (FMRs) schedules at 24 CFR Part 888 to issue the 1982 annual revision of the FMRs for the Section 8 Existing Housing and Moderate Rehabilitation Programs.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-38-81. Section 8 Housing Assistance Payments Program—Moderate Rehabilitation

B. *Contact:* Louise Kleffner, Director, Moderate Rehabilitation Division, 202-755-5597.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 882.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 95-557.

F. *Abstract:* Simplifies and reduces program requirements for local PHAs and participating owners, provides greater local flexibility and implements provision of the HCD Amendments of 1981.

G. *Timetable:* Interim rule published August 9, 1982 (47 FR 34376), effective September 28, 1982. Final rule expected to be published June 1983. Includes: Interim rule published November 9, 1979 (44 FR 65061), effective October 10, 1979.

H. *Classification:* Nonmajor.

A. Title: H-43-81. Method of Computing Interest on Defaulted Notes

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202-755-5680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart R.

E. *Legal Authority:* Federal Claims Collection Act of 1966, as amended, 31 U.S.C. 95 *et. seq.*

F. *Abstract:* This rule will amend the procedures under which payments received on defaulted notes will be applied. The proposed procedures will require the use of the "US Rule" which will result in applying payments first to interest and then to principal. The present rule permits the application of payments to principal and then to interest which reduces the return on investment to the Department.

G. *Timetable:* Proposed rule published February 17, 1982 (47 FR 6893). Final rule expected to be published February, 1983.

H. *Classification:* Major.

A. Title: H-44-81. Mutual Mortgage Insurance and Insured Home Improvement Loans

B. *Contact:* John J. Coonts, Office of Housing, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 213, 220, 221, 234, 235 and 240.

E. Legal Authority: Housing and Community development amendments of 1980, Pub. L. 96-399, 12 U.S.C. 1703, 1709 and 1715.

F. *Abstract:* Would make miscellaneous changes to 1) allow a mortgage limit increase of up to 10 percent in the Section 235 program to make dwellings accessible to the physically handicapped, 2) allow title insurance relief for communities meeting conditions involving claims filed by American Indian tribes, 3) remove all references to "remaining economic life", 4) change the definition of "mortgage" and 5) expand the Section 220 program.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-47-81. Urban Renewal Mortgage Insurance and Insured Improvement Loans

B. *Contact:* Joseph E. Malloy, Office of Housing, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 220.

E. *Legal Authority:* Sec. 311, Housing & Community Development Act of 1980, Pub. L. 96-399, 12 U.S.C. 1715k.

F. *Abstract:* Would amend Part 220 to make eligible for mortgage insurance properties located, or to be located, in areas designated by the Secretary where concentrated housing, physical development and public service activities are being carried out in a coordinated manner, pursuant to a locally developed strategy for neighborhood improvements.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-48-81. Mortgage Insurance Programs Under National Housing Act—Energy Conservation

B. *Contact:* Joseph E. Malloy, Office of Housing, 202-755-7172.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244.

E. *Legal Authority:* Section 310, Housing and Community Development Act of 1980, Pub. L. 96-399, 12 U.S.C. 1713, 1715.

F. *Abstract:* Would amend Parts 207, 213, 220, 221, 231, 232, 234, 242 and 244 to allow up to a 20% increase in maximum project mortgage amounts to cover increased costs due to the installation of a solar energy system or residential energy conservation measures.

G. *Timetable:* Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H-51-81. Issue Date of Debentures

B. *Contact:* Richard B. Buchheit, Director, Single Family Servicing Division, 202-755-6672.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.410.

E. *Legal Authority:* Section 204(d) and 211, National Housing Act, Pub. L. 72-479, as amended, 12 U.S.C. 1701 *et seq.*

F. *Abstract:* Would change the methods by which debenture interest is computed when a property is conveyed to the Secretary in exchange for insurance benefits.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-53-81. Amendments to Section 223(f) Coinsurance for Private Mortgage Lenders

B. *Contact:* Arnold H. Diamond, Director, Office of Financial Management, 202-426-4325.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 255.

E. *Legal Authority:* Section 244, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1715z(9).

F. *Abstract:* Would broaden lender eligibility to include mortgage bankers, provide for a GNMA guaranteed securities program, change the premium sharing formula, permit lenders to reinsure their risk exposure, and make miscellaneous technical corrections.

G. *Timetable:* Interim rule published March 31, 1982 (47 FR 13517), effective May 17, 1982. Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H-57-81. Property Improvement and Mobile Home Loans

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202-755-6680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201.

E. *Legal Authority:* Section 2 National Housing Act, 12 U.S.C. 1701.

F. *Abstract:* Would amend and revised Part 201 in accordance with the Department's deregulation efforts. Would reduce the regulations by approximately twenty-five percent and clarify the remaining.

G. *Timetable:* Review completed. Proposed rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H-58-81. Mutual Mortgage Insurance and Insured Home Improvement Loans

B. *Contact:* John J. Coonts, Office of Housing, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 200, 201, 202 and 203.

E. *Legal Authority:* Section 211 National Housing Act, 12 U.S.C. 1715; Section 7(d), Department of Housing and Urban Development Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would increase the effectiveness and efficiency of the Department's basic Single Family Housing programs through the elimination of unnecessary regulations, the streamlining of processing procedures and the simplification of the remaining requirements. Potential benefits include increased efficiency and effectiveness of program requirements.

G. *Timetable:* Review completed. Proposed rule expected to be published February 1983.

H. *Classification:* Nonmajor.

A. Title: H-67-81. Section 8 Housing Assistance Payments Program State Housing Agencies

B. *Contact:* Cherie Charles, Office of Housing, 202-426-0730.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 883.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* This part contains the policies and procedures applicable to those statewide or special purpose housing agencies established by the various states to administer the Section 8 New Construction, Substantial Rehabilitation, Existing Housing and Moderate Rehabilitation programs. The comprehensive final Rule revising this regulation implements 1981 Housing and Community Development Act provisions, federal deregulation goals, and recent changes in Departmental administrative policies.

G. *Timetable:* Review completed. Proposed rule expected to be published January 1983. Includes: H-37-82. Interim rule published January 30, 1982. (45 FR 6886), effective February 29, 1980. Partial final rule published August 22, 1980 (45 FR 56324), effective September 29, 1980.

H. *Classification:* Nonmajor.

A. Title: H-74-81. Low-Rent Housing Homeownership Opportunities (Turnkey III); Indian Housing; and Public Housing Development Phase; Maximum Limit on Total Development Cost

B. *Contact:* J. R. VanNess, Office of Housing, 202-755-4956.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 804, 805 and 841.

E. *Legal Authority:* U.S. Housing Act of 1937, 42 U.S.C. 1437; Section 7(c), Department of HUD Act, 42 U.S.C. 3523(b).

F. *Abstract:* Would establish a maximum limit on the Total Development Cost (TDC) of low-income public housing and Indian housing projects developed under the United States Housing Act of 1937 exclusive of Section 8.

G. *Timetable:* Proposed rule published September 18, 1980 (45 FR 6249). Final rule published September 8, 1982.

H. *Classification:* Nonmajor.

A. Title: H-1-80. Use of Materials Bulletin No. 39a—HUD Building Product Standards and Certification Program for Aluminum Windows

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 98-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 39a (UM 39a). UM 39a accepts recently published product standards for aluminum windows. In addition, would provide for a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-4-80. Use of Materials Bulletin No. 82—HUD Building Product Standards and Certification Program for Sealed Insulated Glass Units

B. *Contact:* Leslie Breden, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 5353(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 72 (UM 82). UM 82 accepts recently published standards for sealed insulated glass units. In addition, would provide for a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-6-80. Supplement to Minimum Property Standards for Solar Heating and Domestic Hot Water Systems

B. *Contact:* Constantine Spyropoulos, Office of Housing, 202-755-6590.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart S.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Updates obsolete references in MPS 4930.2 and reflects current changes in solar heating.

G. *Timetable:* Interim rule published August 17, 1982 (47 FR 35760), effective October 5, 1982. Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-8-80. Modification of the Graduated Payment Mortgage Program

B. *Contact:* John C. Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203 and 234.

E. *Legal Authority:* Section 311, Housing and Community Development Amendments of 1979, Pub. L. 96-153, as amended, 12 U.S.C. 1715z-10(b).

F. *Abstract:* Provides for an alternative graduated payment mortgage with a lower cash down payment than under the existing program. This provision should make homeownership available to a broader segment of the population.

G. *Timetable:* Interim rule published May 30, 1980 (45 FR 36840), effective June 30, 1980. Final rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-28-80. Coinsurance Program

B. *Contact:* John C. Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 204.

E. *Legal Authority:* Sections 211 and 244, National Housing Act, 12 U.S.C. 1701 et. seq.

F. *Abstract:* Would revise the single family coinsurance requirements to adopt a recently proposed rule and to incorporate certain public comments received in response to that proposal. This revision: (1) extends coverage to include mortgages on condomiums and non-occupant owner transactions; (2) replaces the stop-loss provision with a hold-harmless provision intended to protect the secondary market against failure of lenders to pass through insurance benefits paid by HUD; (3) clarifies and simplifies various requirements in light of several year's experience with the program; and (4) permits coinsuring mortgagees to obtain mortgage insurance to cover the risk of their 10 percent exposure.

G. *Timetable:* Proposed rule published November 25, 1980 (46 FR 78164). Final rule expected to be published January 1983. Includes: H-59-81. Review completed.

H. *Classification:* Nonmajor.

A. Title: H-9-79. Mortgage Insurance for One-to-Four-Family Residences—Prepayment Privileges

B. *Contact:* Richard Buchheit, Director, Single Family Servicing Division, 202-755-6672.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 203.

E. *Legal Authority:* Section 211, National Housing Act, Pub. L. 73-479, 12 U.S.C. 1715b; Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would provide that insured single family mortgages will no longer require 30 days advance notice of prepayment or payment on interest date.

G. *Timetable:* Interim rule expected to be published January, 1983.

H. *Classification:* Nonmajor.

A. Title: H-19-79. Mortgage Insurance for One-to-Four Family Residences—Adjustment for Fire Damage

B. *Contact:* Richard Bucheit, Director, Single Family Servicing Division, 202-755-6672.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 203.

E. *Legal Authority:* Section 211, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1715b; Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Allows conveyance or assignment of fire damaged property when the fire insurance policy has been terminated (or renewal refused) and the mortgagee has been unable to obtain adequate insurance to protect its investment.

G. *Timetable:* Interim rule published August 26, 1980 (45 FR 56800), effective September 22, 1980. Final rule expected April 1983.

H. *Classification:* Nonmajor.

A. Title: H-33-79. Use of Material Bulletin No. 78a, Polyethylene (PE), Acrylonitrile-Butadiene-Styrene (ABS), Poly Vinyl Chloride (PVC), and Polybutylene (PB) Piping for Domestic Cold Water Service.

B. *Contact:* Richard H. Kolodin, Office of Housing, 202-755-5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200, Subpart S.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89-174 42 U.S.C. 3535(d).

F. *Abstract:* UM 79 originally outlined the requirements and conditions for HUD field office acceptance of a number of plastic piping materials for use in domestic water service, (from water main to house) and included references covering polybutylene piping. UM 79 identified national standard references for plastic piping which are normally used in residential construction for domestic cold water service. This revision will add two PB references that were inadvertently omitted from UM 78.

G. *Timetable:* Proposed rule published September 3, 1980 (45 FR 58374). Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-34-79. Use of Material Bulletin No. 59a—HUD Building Product Standards Certification Program for Wood Windows

B. *Contact:* Leslie Breden, Office of Housing, 202–755–5929.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.

E. *Legal Authority:* Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would promulgate HUD Use of Materials Bulletin No. 59b (UM 59b). UM 59b accepts recently published product standards for wood windows. In addition, would provide for a certification program for these products.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H-38-79. Flexible Amortization Periods on Single Family Mortgages

B. *Contact:* John Coonts, Director, Single Family Development Division, 202–755–6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 213, 221, 227, 234 and 235.

E. *Legal Authority:* Section 203, National Housing Act, Pub. L. 73–479, 12 U.S.C. 1709.

F. *Abstract:* Accommodates bonding and other types of financing which do not fit into current amortization periods. No alternatives are being considered. No potential costs have been identified. Potential benefits include increased homeownership opportunities for homebuyers and increased flexibility for mortgage lenders and investors.

G. *Timetable:* Interim rule published May 2, 1980 (45 FR 29277), effective June 2, 1980. Final rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H-55-79. Low-Income Public Housing—Homeownership Opportunities Turnkey III Program 24 CFR Part 804, Subpart B

B. *Contact:* Joyce M. Roberson, Housing Management Officer, Project Manager Division, 202–472–4703.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 804.

E. *Legal Authority:* U.S. Housing Act of 1937, Public Law 75–412, as amended, 42 U.S.C. 1437 *et seq.*

F. *Abstract:* Would amend 24 CFR Part 804 relating to management and operations of Turnkey III Programs and add a new section governing the financing of homeowner purchase of Turnkey III units. Amendments should increase sale of homeownership units to homebuyers and would clarify certain technical program procedures which have been obstacles to program implementation.

G. *Timetable:* Proposed rule was published December 28, 1978 (43 FR 60830). Interim rule in preparation.

H. *Classification:* Nonmajor. Included: H–17–81. Separate final rule no longer in preparation. H–18–71. Separate final rule no longer in preparation. H–19–81. Separate final rule no longer in preparation. H–71–81. Review completed.

A. Title: H-67-79. Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors

B. *Contact:* Geral J. Benoit, Director, Existing Housing Division, 202–755–5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 888.

E. *Legal Authority:* Section 8(2)(A), U.S. Housing Act of 1937, Pub. L. 74–412, 42 U.S.C. 1437, as amended by Housing and Community Development Act of 1974, Pub. L. 93–313.

F. *Abstract:* Amended Part 888 to permit publication of revised annual adjustment factors used in Section 8 Housing Assistance, by Notice in the **Federal Register**.

G. *Timetable:* Interim rule published December 20, 1979 (44 FR 75383), effective February 11, 1980. Final rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: H-1-78. Mortgage Insurance—Occupancy of Property

B. *Contact:* Freemen Grote, Director, Single Family Property Disposition Division, 202–755–5740.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.670 through 203.683.

E. *Legal Authority:* Section 207, National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1713.

F. *Abstract:* Prescribes revised criteria for determining when HUD will accept conveyance of one-to-four-family properties by mortgagees with tenants or former mortgagors in occupancy. This revision attempts to take into account the public comments on, and HUD's own experience under, the existing rule in achieving the objective of limiting occupied conveyance to where it is in HUD's interest while at the same time ensuring due process to occupants.

G. *Timetable:* Proposed rule published April 20, 1979 (44 FR 23800). Interim rule published September 10, 1980 (45 FR 59561), effective November 10, 1980. Final expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-60-78. Definition of Family and Other Related Terms, Occupancy by Single Persons

B. *Contact:* Priscilla S. Banks, Office of Housing, 202–426–0744.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 812.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383; 42 U.S.C. 1437; as amended by Section 206(c), Housing and Community Amendments of 1978, Pub. L. 95–557.

F. *Abstract:* Would amend 24 CFR Part 812 to increase the limitation on the percentage of public housing and Section 8 units under the jurisdiction of a public housing agency, that may be occupied by single, non-elderly persons, from 10 to 15 percent.

G. *Timetable:* Proposed rule published March 3, 1980 (45 FR 13780). Final rule published August 31, 1982 (47 FR 38282), effective October 7, 1982.

H. *Classification:* Nonmajor.

A. Title: H-64-78. Mortgagee Approval—Eligibility Requirements

B. *Contact:* Andrew Zirneklis, Mortgagee Review Board Officer, 202–426–3976.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 203, 207 and 211.

E. *Legal Authority:* National Housing Act, Pub. L. 73–479, as amended, 12 U.S.C. 1709, 1713 and 1715.

F. *Abstract:* Amended Part 203 to simplify and reorganize mortgagee approval requirements for the establishment of branch offices by mortgagees, amend financial requirements for mortgagees having branch offices, and move Section 203.7, relating to the withdrawal of mortgagee approval to Part 25.

G. *Timetable:* Interim rule published July 30, 1980 (45 FR 50560), effective September 10, 1980. Final rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-71-78. Standards for Design, Construction and Alteration of Publicly-Owned Residential Structures

B. *Contact:* John E. Bonkoski, Environmental Clearance Officer for Housing, 202–755–6740.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 40.

E. *Legal Authority:* Architectural Barriers Act of 1968, Pub. L. 90–480, 42 U.S.C. 4151 *et seq.*

F. *Abstract:* Prescribes standards for the design, construction, and alteration of publicly-owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures

G. *Timetable:* Proposed rule published February 21, 1979 (44 FR 10586). Revised proposed rule in preparation. Includes: H–56–81. Review completed.

H. *Classification:* Nonmajor.

A. Title: CPD–2–82. Comprehensive Planning Assistance

B. *Contact:* Richard J. Alexander, Office of Planning, 202–755–6186.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 600.

E. *Legal Authority:* Section 701, Housing Act of 1954, as amended, 42 U.S.C. 5301 *et seq.*

F. *Abstract:* Amends 24 CFR Part 600 to remove Subparts A through D and F. These subparts are obsolete since grants can no longer be made. Section 313(b) of the Housing and Community Development Amendments of 1981 terminates the program as of October 1, 1981.

G. *Timetable:* Final rule in preparation.

H. *Classification:* Nonmajor.

A. Title: CPD–15–82. The Small Cities Program Performance Reporting Requirements

B. *Contact:* Elaine Braverman, Program Officer, Office of Community Planning and Development, 202–755–6322.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.906.

E. *Legal Authority:* Housing and Community Development Act of 1974, as amended, Pub. L. 93–383.

F. *Abstract:* The 1981 Amendments give States the option of administering the CDBG Program for nonentitlement areas. Where States choose not to administer, HUD will administer the Small Cities Program.

The amendments alter requirements for performance reporting and timing of submission of reports for recipients. This rule will explain those requirements for recipients under the HUD-administered program from FY 1982 funds, as well as for grantees funded prior to FY '82 whose programs are continuing.

G. *Timetable:* Interim rule expected to be published May 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–4–81. Provision of Replacement Housing Under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Appendices I and II

B. *Contact:* Harold J. Huecker, Office of Urban Rehabilitation and Community Reinvestment, 202–744–6336.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 43.

E. *Legal Authority:* Section 206(a), Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91–646, 42 U.S.C. 4627.

F. *Abstract:* Would revise HUD's policies and procedures in Part 43 for simplification and deregulation.

G. *Timetable:* Proposed rule in preparation.

H. *Classification:* Nonmajor.

A. Title: CPD–5–81. Renewal Assistance

B. *Contact:* Thomas H. Terrell, Office of Urban Rehabilitation and Community Reinvestment, 202–755–6330.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 500.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would amend policies and procedures for management and close-out of the remaining Urban Renewal projects.

G. *Timetable:* Final rule expected to be published March, 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–14–81. Siting of HUD Assisted Projects in Locations with Normally Unacceptable or Unacceptable Air Quality

B. *Contact:* Antoinette G. Sebastian, Office of Environment and Energy, 202–755–6580.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 51, Subpart E.

E. *Legal Authority:* Section 2 Housing Act of 1949, 42 U.S.C. 1441; Section 2, Housing and Urban Development Act of 1969, 42 U.S.C. 1441(a); Section 7(d), HUD Act of 1965, 42 U.S.C. 3535(d); Clean Air Act Amendments, 42 U.S.C. 1857.

F. *Abstract:* Rule would establish criteria and standards for site selection of HUD assisted projects with regard to air quality to assure occupants of such projects, particularly the more vulnerable, e.g., the elderly and children, are not constantly exposed to unacceptable concentrations of air pollution. Alternatives: have no regulation, or prepare and issue informal guidance. Costs: principal cost would involve mitigation measures which may include project redesign or building alterations. Benefits: assure that people in HUD-supported projects are not exposed to health risks due to unacceptable air quality.

G. *Timetable:* Proposed rule in preparation. ANPR published October 2, 1980 (45 FR 65258).

H. *Classification:* Nonmajor.

A. Title: CPD–22–81. CDBG Secretary's Fund: Urgent Needs and inequities

B. *Contact:* Leroy Gonnella, Director Secretary's Fund Division, Community Planning and Development, 202–755–6090.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.401 and 570.408.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, as amended, 42 U.S.C. 5301 et. seq.; Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Would eliminate these regulations because they are obsolete. Provision was made for an orderly transition from the former categorical programs to the CDBG program. The units of general local government participating in the CDBG program no longer need the transition provision.

G. *Timetable:* Final rule in preparation. Includes review completed of CPD–34–81.

H. *Classification:* Nonmajor.

A. Title: CPD–37–81. Categorical Program Settlement Fund

B. *Contact:* Thomas H. Terrell, Office of Urban Rehabilitation and Community Reinvestment, 202–755–6330.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.480.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 et. seq.

F. *Abstract:* Funding authorization has rescinded. (Supplemental Appropriations and Rescission Act of 1980).

G. *Timetable:* Review completed. Final rule of withdrawal expected to be published June 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–39–81. Grant Administration Requirements for Lump Sum Drawdown of CDGB Funds for Property Rehabilitation Financing

B. *Contact:* Leonard J. Czarniecki, Rehabilitation Program Specialist, 202–755–5887.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.513.

E. *Legal Authority:* Section 104(g), Housing and Community Development Act of 1974, as amended, Pub. L. 93–383, 42 U.S.C. 5301c.

F. *Abstract:* Rule will preclude new lump sum drawdown agreements that only provide minimal interest earnings (e.g. lump sum deposits where the sole benefit gained from the private sector lender is interest earned at passbook savings rate). Also, advance HUD review of agreements will be eliminated in accordance with the 1981 Act. The proposed policy to prescribe payment of higher interest rates plus an additional benefit (e.g. provision of administrative services) will: (a) improve quality of new agreements and benefits received by recipients; and (b) reduce the number of agreements in jurisdictions where private lenders are unwilling to provide adequate benefits.

G. *Timetable:* Review completed. Interim rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: CPD–41–81. Urban Homesteading

B. *Contact:* Craig Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 590.

E. *Legal Authority:* Section 810, Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 et. seq.

F. *Abstract:* Rule would reduce to the extent consistent with statutory objective, requirements applicable to localities participating in the Urban Homesteading Program. The changes reflect the Department's deregulation goals under Executive Order 12291. Changes include: the elimination of references to Section 312 Loan Program due to that program's uncertain future; elimination of references to energy requirements since they are now locally imposed; simplification of the application process; deletion of references to A–95 review in accordance with the elimination of the statutory requirements for A–95 review in connection with the related CDGB program.

G. *Timetable:* Review completed. Proposed rule expected to be published October 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–2–79. Community Development Block Grants; Grant Closeouts

B. *Contact:* Thomas H. Terrell, Deputy Director, Program Completion Division, Office of Urban Rehabilitation and Community Reinvestment, 202–755–6330.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.512.

E. *Legal Authority:* Section 113 Housing and Community Development Act of 1974, as amended, 42 U.S.C. 5301 et. seq.

F. *Abstract:* The regulation provides the closeout requirements for CPD Programs and reflects the latest changes in Attachment P of OMB Circular A–102. These procedures will provide a consistent system for certification that the program has been completed in accordance with applicable Federal laws and regulations.

G. *Timetable:* Interim Rule published October 26, 1979 (44 FR 61591), effective November 16, 1979.

Final rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: CPD–16–79, Urban Renewal Provisions

B. *Contact:* Thomas H. Terrell, Office of Urban Rehabilitation and Community Reinvestment, 202–755–6330.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570, Subpart N.

E. *Legal Authority:* Housing & Community Development Act of 1974, as amended Pub. L. 93–383; and Sec. 7(d), Department of HUD Act 42 U.S.C. 3535(d).

F. *Abstract:* Provisions for 1) the use of funds for the completion of urban renewal projects and neighborhood development programs, 2) deductions authorized to be made from such funds for repayment of temporary loans outstanding, and 3) procedures for financial settlement of projects.

G. *Timetable:* Review completed. Final rule expected to be published June, 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–20–79. Siting of HUD Assisted Projects in Designated Clear Zones and Accident Potential Zones At Civil Airports and Military Airfields

B. *Contact:* Gretchen Van Hyning, Office of Community Planning and Development, 202–755–6580.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 51, Subpart D.

E. *Legal Authority:* Section 2, Housing Act of 1949, 42 U.S.C. 1441; Section 2, Housing and Urban Development Act of 1969, 42 U.S.C. 1441(a); Section 7(d), HUD Act of 1965, 42 U.S.C. 3535(d); General Services Administration, Federal Management Circular 75–2: Compatible Land Uses at Federal Airfields.

F. *Abstract:* The rule adds a new Subpart D to 24 CFR Part 51. It will clarify and expand current HUD policy governing properties exposed to unusual hazards; promote compatible land use around airports and airfields; and strengthen HUD policy that is supportive of existing Department of Defense and Federal Aviation Administration policies and programs. This rule has been developed because it was determined that our existing policies related to noise and hazards did not provide sufficient guidance to ensure that HUD funds were not used to support projects in these areas. The intended effect of the regulation is to discourage incompatible development in these areas. Alternatives: have no regulation and rely on existing guidance. Costs: some lands would be unsuitable for development, however, this is small. Benefits: assure that people in HUD-supported projects are not located in a hazardous area and protection of the Federal and local financial investments in airports and airfields.

G. *Timetable:* Proposed rule published December 18, 1980 (45 FR 83261). Final rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: CPD–25–79. Urban Homesteading

B. *Contact:* Craig S. Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 590.

E. *Legal Authority:* Section 810, Housing and Community Development Act of 1974, Pub. L. 93–383, 12 U.S.C. 1706e.

F. *Abstract:* Permits reimbursement to the Secretary of Agriculture and the Administrator of Veterans Affairs for properties whose value is in excess of previous limits if (1) the additional cost to the Government is warranted by the expected benefit to the community and (2) the anticipated reductions in difficulties and delays in the disposition of the property can be assumed to be equal to the difficulties and delays that the Secretary of HUD would typically expect to encounter with respect to a similar HUD-owned property in the same location.

G. *Timetable:* Interim rule published August 7, 1980 (45 FR 52762), effective September 15, 1980. Revised interim rule published August 2, 1982 (47 FR 33258), effective September 20, 1982. Final rule to be prepared following consideration of public comments.

H. *Classification:* Nonmajor.

A. Title: CPD–39–78. CDBG, Discretionary Grants from Secretary's Fund in Behalf of New Communities

B. *Contact:* Liza Bowles, Office of Housing, 202–755–8909

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 570.403.

E. *Legal Authority:* Title I, Housing and Community Development Act of 1974, 42 U.S.C. 5301, et seq.; Title I, Housing and Community Development Act of 1977.

F. *Abstract:* Revises 24 CFR 510.403, which governs grants in behalf of new communities from the Secretary's Discretionary Fund, to provide new selection criteria, new citizen participation requirements, a new application submission cycle and a new compliance requirement.

G. *Timetable:* Interim rule published December 28, 1978 (43 FR 60744), effective December 28, 1978. As a result of review completed on CPD-29-81, no further action is to be taken until all active projects are closed out.

H. *Classification:* Nonmajor.

A. Title: ADM-1-82. Administrative Claims; Collection of Claims by the Government under the Federal Claims Collection Act of 1966; Standards for Collection of Claims.

B. *Contact:* Barrie S. Minor, Office of Finance and Accounting, 202-724-1535.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 17.32(e).

E. *Legal Authority:* Sec. 3, Federal Claims Collection Act of 1966, 31 U.S.C. 952.

F. *Abstract:* Currently, 24 CFR 17.32(e) states that interest shall be assessed at 7 percent. However, HUD rates are supposed to correspond to the quarterly rate established by the Treasury Department. the alternatives being considered are to keep the rate at 7 percent or to change the language to reference the Treasury rate. The first choice is not a viable one, in that it costs the Government money. The second choice will generate more income on the claims collected and should increase the number of claims collected. The only costs are to those owing money to the Government.

G. *Timetable:* Interim rule expected to be published November, 1982.

H. *Classification:* Nonmajor.

A. Title: ADM-2-82. Organization, Function, and Delegations of Authority Subpart C—Secretary's Delegations of Authority to Heads of Offices

B. *Contact:* Linda F. Milner, Office of Finance and Accounting, 202-755-5256.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3, Subpart C.

E. *Legal Authority:* Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* Subpart C delegates authority from the Secretary to the Comptroller and then to certain Divisions. This subpart is almost entirely obsolete. The alternatives being considered are to eliminate Subpart C entirely or to update all the obsolete references. Neither one will have any significant costs; each will require a minimal amount of staff time and **Federal Register** publication costs. The benefits of both alternatives are to eliminate a potentially confusing delegation of authority.

G. *Timetable:* Final rule expected to be published February 1983.

H. *Classification:* Nonmajor.

A. Title: ADM-3-82. HUD Procurement Regulations re: The Office of Small and Disadvantaged Business Utilization

B. *Contact:* Craig E. Durkin, Office of Procurement and Contracts, 202-755-5294.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 41 CFR, Chapter 24.

E. *Legal Authority:* Amendments to Small business Act of 1958, Public Law 95-507, 15 U.S.C. 687.

F. *Abstract:* This rule proposes to amend the HUD Procurement Regulations to incorporate the role of the Office of Small and Disadvantaged Business Utilization (OSDBU) and its role with other HUD elements as it relates to the procurement process.

This is a strictly technical rule without any major policy alternatives. The choices are to make the technical change or to not make the change. The second choice is not feasible.

The benefit of the rule will be to incorporate (and therefore clarify) OSDBU's role in the procurement process.

G. *Timetable:* Proposed rule expected to be published January, 1983.

H. *Classification:* Nonmajor.

A. Title: ADM-4-82. Implementation of the Privacy Act of 1974

B. *Contact:* Robert English. Privacy Act Officer, 202-755-5320.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 16.

E. *Legal Authority:* Privacy Act of 1974, 5 U.S.C. 552a(j)(2); Sec. 7(d) Dept. of HUD Act, 42 U.S.C. 3535(d)

F. *Abstract:* This rule exempts HUD's "Investigation Files," a system of records maintained by the Department's Office of Inspector General, form compliance with the applicable provisions of the Privacy Act. Because the "Investigation Files" pertain principally to the enforcement of criminal laws, this system of records may be exempted from certain provisions of the Privacy Act under the general exemption authority of the Privacy Act.

G. *Timetable:* Interim rule in preparation.

H. *Classification:* Nonmajor.

Title: IG-1-82 A. Availability of Information to the Public, Establishment of Office of Inspector General

B. *Contact:* Phillip L. Schulman, Assistant General Counsel, Office of General Counsel.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 2002.

E. *Legal Authority:* Freedom of Information Act, 5 U.S.C. 552; sec. 7(d), Dept of HUD Act as amended, 42 U.S.C. 3535(d); Delegation of Authority published at 46 FR 2389 on Jan. 9, 1981.

F. *Abstract:* The rule concerns the procedures for requesting information from the filed of the Office of Inspector General pursuant to the Freedom of Information Act.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: IG-2-82. Production in Response to Subpoenas or Demands of Courts or other Authorities, Establishment of Office of Inspector General

B. *Contact:* Phillip L. Schulman, Assistant General Counsel, Office of General Counsel, 202-755-5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 2004.

E. *Legal Authority:* Inspector General Act of 1978 (5 U.S.C. app.); sec. 7(d), Dept. of Housing and Urban Development Act as amended (42 U.S.C. 3535(D)); Delegation of Authority published at 46 FR 2389 on Jan 9. 1981.

F. *Abstract:* The rule concerns the practices and procedures pertaining to the production of documents or the disclosure of testimony in response to demands of courts or other authorities.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: IG-1-81. Organization, Functions and Delegations of Authority Establishment of Office of Inspector General

B. *Contact:* Phillip L. Schulman, Assistant General Counsel, Office of General Counsel, 202-755-5557.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 2000.

E. *Legal Authority:* Inspector General Act of 1978 (5 U.S.C. app.; sec. 7(d)), Dept. of Housing and Urban Development Act as amended (42 U.S.C. 3535(d)); Delegation of Authority published as 46 FR 2389 on Jan. 9, 1981.

F. *Abstract:* The rule concerns the organization, functions and authority of the Office of Inspector General of HUD.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO-1-82. Procedures for Enforcement of Complaints Against Discriminatory Housing Practices

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement and Section 3 Compliance, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 105.

E. *Legal Authority:* Section 810, Title VIII, Civil Rights Act of 1968, as amended, 42 USC 3601-3619.

F. *Abstract:* This regulation sets forth procedures carrying out the Department's responsibilities with respect to complaints file under Section

810 Title VIII of the Civil Rights Act of 1968, as amended.

G. *Timetable:* Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-4-82. Fair Housing Assistance Program—Eligibility Criteria and Funding Standards

B. *Contact:* Steven J. Sacks, Director, Federal, State and Local Programs Division, 202-426-3500.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 111.

E. *Legal Authority:* Sec. 816, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 et seq.

F. *Abstract:* This regulation was finalized on March 3, 1982. We have reviewed this existing regulation and anticipate making revisions based on program experience. The proposed amendment will continue to set forth the eligibility criteria for participants in the Fair Housing Assistance Program and the minimum standards which specific project proposals must meet in order to qualify for consideration under the various components of the program.

G. *Timetable:* Review completed. Proposed rule expected to be published February, 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-5-82. Recognition of Substantially Equivalent Laws

B. *Contact:* Steven J. Sacks, Director, Federal, State and Local Programs Division, 202-426-3500

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 115.

E. *Legal Authority:* Sec. 816, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 et seq.

F. *Abstract:* This proposed rule will publish additional jurisdictions that meet the criteria for substantial equivalency recognition.

G. *Timetable:* Proposed rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO-2-81. Community Housing Resource Board Grant Program

B. *Contact:* Nathaniel Smith, Director, Housing and Community Development Division, 202-755-5992.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 120.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 et seq.

F. *Abstract:* This part sets forth the rules governing the disbursement of funds to Community Housing Resources Boards to carry out activities that enhance the effectiveness of goals of the Voluntary Affirmative Marketing Agreement Program. The final rule is in preparation. There are no problems anticipated and no additional costs contemplated.

G. *Timetable:* Interim rule published March 25, 1982 (47 FR 12926), effective May 12, 1982. Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO-2-78. Fair Housing Against Discrimination-Financing Activities

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 114, Subpart G.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.*

F. *Abstract:* Would add a new Subpart G detailing HUD's standards and policies in assessing unlawful conduct relating to the financing of dwellings.

G. *Timetable:* ANPR published February 25, 1980 (45 FR 12265). Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-5-78. Fair Housing—Prohibitions Against Discrimination

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 114, Subparts A-F.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.*

F. *Abstract:* Would add subparts A-F detailing HUD's general standards to be utilized by HUD in its investigation and conciliation of complaints filed pursuant to the Federal Fair Housing Statute.

G. *Timetable:* Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-8-78. Fair Housing—Prohibited Appraisal Practices

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 114, Subpart I.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.*

F. *Abstract:* Would add subpart I detailing HUD's general standards and policies regarding complaints against appraisal practices.

G. *Timetable:* ANPR published February 25, 1980 (45 FR 12265). Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-10-78. Fair Housing—Property Insurance Activities

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 114, Subparts H.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.*

F. *Abstract:* Would add a new subpart H detailing HUD's general standards to be utilized by HUD concerning property insurance practices which could constitute discriminatory activities.

G. *Timetable:* ANPR published February 25, 1980 (45 FR 12265). Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO-11-78. Affirmative Administration of Federal Programs and Activities Relating to Housing and Urban Development

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement, 202-755-5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 125.

E. *Legal Authority:* Title VIII, Civil Rights Act of 1968, Pub. L. 90-284, 42 U.S.C. 3601 *et seq.;* Executive Order 12259.

F. *Abstract:* Would add a new Part 125 detailing HUD's standards and policies to assure that HUD's programs and activities are administered in a manner affirmatively to further fair housing.

G. *Timetable:* ANPR published February 25, 1980 (45 FR 12265). Proposed rule expected to be published March 1983.

H. *Classification:* Nonmajor.

Rules Under Review

A. Title: S-1-82. Rulemaking: Policy and Procedures

B. *Contact:* Grady J. Norris, Assistant General Counsel for Regulations, 202-755-7055.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 10.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* General rulemaking procedures for the issuance, amendment, or repeal of rules.

G. *Timetable:* Under review.

H. *Classification:* Nonmajor.

A. Title: S-2-79. Standards of Conduct

B. *Contact:* David D. White, Assistant General Counsel for Administrations Law, 202-755-7137.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part O.
E. *Legal Authority:* E.O. 11222, May 8, 1965; 5 U.S.C. 301.
F. *Abstract:* Prescribes standards of conduct for HUD employees.
G. *Timetable:* Under review.
H. *Classification:* Nonmajor.

A. Title: S–3–81. Federal National Mortgage Association (FNMA)

B. *Contact:* John A. Maxim, Associate General Counsel for Insured Housing and Finance, Office of General Counsel, 202–755–6274.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 81.
E. *Legal Authority:* Federal National Mortgage Association Charter Act, Pub. L. 73–479, 12 U.S.C. 1723a.
F. *Abstract:* Provisions governing (1) the definition of terms related to the functions of the Federal National Mortgage Association (FNMA), (2) the operations of FNMA, (3) applicable reporting requirements, (4) examination and audits of FNMA, and (5) book-entry procedures for FNMA securities.
G. *Timetable:* Under review.
H. *Classification:* Nonmajor.

A. Title: H–3–82.

B. *Contact:* John Opitz, Office of General Counsel, 202–755–7184.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 3282, Subpart I.
E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93–383, 42 USC 5401 *et seq.*
F. *Abstract:* Would permit manufactured home manufacturers to file requests for alternative construction methods with the Secretary in limited circumstances. The rule would also allow manufacturers to build homes which, though not in technical compliance with the standards contained in 24 CFR 3280, meet the same level of quality, durability, and safety as required by the standards. This measure facilitates the use of innovative construction methods or technology and allows the Department to refrain from taking enforcement action based on failures to conform with the standards created during the employment of these innovative approaches.
G. *Timetable:* Proposed Rule published August 7, 1981 (46 FR 40496). A determination whether to issue a final rule is still under review. (Was listed on previous agenda as NVACP–2–81.)
H. *Classification:* Nonmajor.

A. Title: H–4–82. Manufactured Home Procedural and Enforcement Regulations, Formal Investigations and Adjudicative Hearings

B. *Contact:* Jeffrey Hammond, Office of General Counsel, 202–755–7184.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 3282, Subpart D.
E. *Legal Authority:* Manufactured Home Construction and Safety Standards Act of 1974, as amended, Pub. L. 93–383, 42 USC 5401 *et seq.* Department of HUD Act, 42 U.S.C. 3501 *et seq.*
F. *Abstract:* Would provide for uniform and fair proceedings with sufficient detail so that the parties involved are adequately informed of the procedures to be followed.
G. *Timetable:* Proposed rule published December 21, 1979 (44 FR 76176). Final rule published December 16, 1980 (45 FR–82854) and withdrawn. Revised final rule in preparation. (Was listed on previous agenda as NVACP–3–79.)
H. *Classification:* Nonmajor.

A. Title: H–8–82. Low Cost and Moderate Insurance, Existing Multifamily Housing Demonstration

B. *Contact:* Michael A. Stegman, Office of Housing, 202–755–5561.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR 221.5460b.
E. *Legal Authority:* Title V, Housing and Urban Development Act of 1970, 12 U.S.C. 1701z–1; Section 223(f), National Housing Act, 12 U.S.C. 1701.
F. *Abstract:* Allowed the conducting of a demonstration to develop and test new and improved mechanisms for the purchase and/or refinancing of existing multifamily housing projects.
G. *Timetable:* Interim rule published May 14, 1980 (45 FR 31896), effective June 13, 1980. Final rule development suspended pending policy decision regarding continuation of demonstration.
H. *Classification:* Nonmajor.

A. Title: H–11–82. Project Management: Modernization of Oil-Fired Heating Plants

B. *Contact:* Charles Ashmore, Office of Housing, 202–755–6640.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 865, Subpart E.
E. *Legal Authority:* Section 6, S.S. Housing Act of 1937, 42 U.S.C. 1437d; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).
F. *Abstract:* Added a new Subpart E to implement a set-aside of $25,000,000 in loan authority from the FY 1980 Modernization Program to modernize oil-fired heating plants in Public Housing Agency-owned project.
G. *Timetable:* Interim rule published June 23, 1980 (45 FR 41936), effective July 31, 1980. Final rule development suspended pending termination of funding allocation.
H. *Classification:* Nonmajor.

A. Title: H–19–82. Property Improvement and Mobile Home Loans—High Cost Area Limits

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202–655–0080.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 201, Subpart D.
E. *Legal Authority:* Section 338, Housing and Community Development Amendments of 1981, 42 U.S.C. 5301.
F. *Abstract:* Would permit higher maximum loan amounts in certain geographical areas that have designated high cost areas. The basis for determining these areas was predicated on land costs extracted from 203(b) data.
G. *Timetable:* Proposed rule published June 28, 1982 (47 FR 27867). A Final Rule may not be published based on proposed legislation that will alleviate the controversy surrounding the designation of high cost areas.
H. *Classification:* Nonmajor.

A. Title: H–38–82. Annual Contributions for Operating Subsidy Performance Funding System.

B. *Contact:* J. Milton Slifkin, Fiscal Management Division, Office of Public Housing, 202–426–1872.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR 890.103 and 890.105.
E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89–174, as amended, 42 U.S.C. 1437 et seq.: Section 7(d), Department of HUD Act, 42 U.S.C. Pub. L. 89–174, 42 U.S.C. 3535(d).
F. *Abstract:* Changes the method by which the inflation factor used each fiscal year to update the Allowable Expense Level is developed to reflect inflationary increases in PHA non-utility, non-wage expenses. In addition, the rule enables a PHA to apply a one-time retrospective adjustment to compensate for the inadequacy of the inflation factor used in the PFS since Federal Fiscal Year 1977.
G. *Timetable:* Interim rule published August 26, 1982 (47 FR 37378), effective August 26, 1983. Final rule expected to be published April, 1983.
H. *Classification:* Nonmajor.

A. Title: H–47–82. Manufactured Home Procedural and Enforcement Regulations

B. *Contact:* Tobias A. Gottesman, Office of Housing, 202–755–6584.
C. *Small Entity Impact:* Not likely.
D. *CFR Citation:* 24 CFR Part 3282.
E. *Legal Authority:* Manufactured Home Construction and Safety Standards Act of 1974 as amended Pub. L. 96–383, 42 U.S.C. 5401 et seq.
F. *Abstract:* Provided for every state to have a period of five years within

which to obtain full approval of its State Plan for participation as a State Administrative Agency (SAA) in the Federal Manufactured Housing Construction and Safety Standards Program.

G. *Timetable:* Interim Rule published February 9, 1982 (47 FR 5887), effective February 9, 1982. Final rule in preparation. (Was listed on previous agenda as NVACP-8-78.)

H. *Classification:* Nonmajor.

A. Title: H-53-82 Amendments to the Procedural and Enforcement Regulations

B. *Contact:* Tobias A. Gottesman, Chief, State and Consumer Liaison Branch, 202-755-6584.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3282.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, Pub. L. 93-383.

F. *Abstract:* Portions of the procedural and enforcement regulations, based on six years experience in administering the program, need to be clarified. In addition, several issues have arisen which the existing regulations do not adequately address.

Thus, it is projected that a redrafting of Subparts A, F, G and I of the Procedural and Enforcement Regulations to clarify issues or to more precisely present or interpret HUD policy on various issues be accomplished. No significant cost impacts are anticipated.

G. *Timetable:* Proposed rule expected to be published August, 1983.

H. *Classification:* Nonmajor.

A. Title: H-73-82. Update of standards incorporated by Reference into the Manufactured Home Construction and Safety Standards

B. *Contact:* Richard Mendlen, Office of Housing, 202-755-5798.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* Undesignated.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401 *et seq.*

F. *Abstract:* Would update the editions of material incorporated by reference into the Federal Manufactured Home Construction and Safety Standards (Standards). Would also make the reference material consistent with the latest publications of Standards setting organizations, and thus meet the availability requirement for approval set by the Director of the Federal Register.

G. *Timetable:* Interim rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-75-82. Section 8 Housing Assistance Payments Program—Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202-755-5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 882.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93-383, 42 U.S.C. 1437.

F. *Abstract:* Would clarify procedures for selecting applicants and for determining the appropriate unit size for a family; would also give an applicant who is denied housing assistance, or certificate holder whose assistance is reduced or terminated, a reasonable opportunity to request an informal hearing.

G. *Timetable:* Proposed rule published July 26, 1982 (47 FR 36169). Final rule expected to be published February, 1983.

H. *Classification:* Nonmajor.

A. Title: H-82-82. Applicability of Minimum Property Standards Manufactured Homes under Title II of the National Housing Act

B. *Contact:* John Coonts, Director, Single Family Development Division, 202-755-6720.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 200.925 and 200.926.

E. *Legal Authority:* National Housing Act, as amended, 12 U.S.C. 1701 *et seq.*

F. *Abstract:* Would insure financing of properties with manufactured homes under Title 11 of the National Housing Act, as a means to broaden affordable home ownership opportunities. To qualify for such financing, the manufactured homes, foundations and sites must meet prescribed standards to insure adequate security for HUD-insured mortgages. By such action homeowners can expect reduced housing cost without sacrificing housing quality or durability

G. *Timetable:* Proposed rule expected to be published October, 1982.

H. *Classification:* Nonmajor.

A. Title: H-91-82. Manufactured Home Loan Program

B. *Contact:* John L. Brady, Director, Office of Title 1 Insured Loans, 202-755-6680.

C. *Small Entity Impact:* Likely.

D. *CFR Citation:* CFR Part 201, Subpart B.

E. *Legal Authority:* Section 2 National Housing Act.

F. *Abstract:* Based on the findings of the Inspector General's report on the Department's Manufactured Housing Loan Program several revisions to the program are under consideration. The specific revisions are directed to a general strengthening of the program to alleviate or reduce the possibility of fraud.

G. *Timetable:* Under review. Proposed rule expected to be published January, 1983.

H. *Classification:* Nonmajor.

A. Title: H-92-82. Mobile Home Loan Secondary Market—Manufactured Home Loan Program—Maximum Interest Rate—Points and Discounts

B. *Contact:* John L. Brady, Director, Office of Title D, 202-755-6680

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201, Subparts B and D.

E. *Legal Authority:* Section 2, National Housing Act, 12 U.S.C. 1701 et seq.

F. *Abstract:* Would permit the sale of Title I Manufactured (Mobile) Home Loans to secondary markets other than GNMA. Presently the prohibition against collecting discount points precludes the selling of loans if the market for those loans is less than par. The removal of this prohibition will open other financial markets which will provide competition and reduce financing costs.

G. *Timetable:* Proposed rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H-95-82. Deficiency Judgements-Single Family HUD/FHA-Insured Mortgages

B. *Contact:* Richard Buchheit, Director, Single Family Servicing Division, 202-755-6672

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 203.351(a)(4) and 203.360.

E. *Legal Authority:* Section 204(a), National Housing Act, 12 U.S.C. 1701 et seq.

F. *Abstract:* Would require HUD approved mortgagees to obtain deficiency judgements applicable to state law and HUD procedures on any single family HUD/FHA Insurance Mortgage.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: H-99-82. Housing for the Elderly or Handicapped

B. *Contact:* Robert W. Wilden, Office of Housing, 202-755-6538

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 885.

E. *Legal Authority:* Housing Act of 1959, Public Law 86-372, 12 U.S.C. 1701q.

F. *Abstract:* Review of 24 CFR Part 885 with a view toward simplification of the program.

G. *Timetable:* Under review. Proposed rule expected to be published June 1983.

H. *Classification:* Nonmajor.

A. Title: H-101-82. Indian Public Housing Program

B. *Contact:* Patricia Arnaudo, Acting Director, Office of Indian Programs, 202-755-6522

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 805.

E. *Legal Authority:* U.S. Housing Act of 1937, 42 U.S.C. 1437 et seq.

F. *Abstract:* Except for statutory requirements, the deregulation of all Indian Housing regulations is under consideration. This will lower the cost and improve the delivery of public housing to Indian people.

G. *Timetable:* Under review.

H. *Classification:* Nonmajor.

A. Title: H-103-82. Public Housing Development, Revision of Requirements

B. *Contact:* Raymond W. Hamilton, Director, Public Housing Development Division, 202-426-0938

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 841.

E. *Legal Authority:* Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d); U.S. Housing Act of 1937, 42 U.S.C. 1437.

F. *Abstract:* Would require Headquarter's approval for all public housing projects proposed to have dwelling construction and equipment costs in excess of 100 percent of the project prototype cost limits. This rule is intended to result in reduced costs to the Government as well as Public Housing Agencies developing such projects.

G. *Timetable:* Proposed rule expected to be published December 1982.

H. *Classification:* Nonmajor.

A. Title: H-108-82. Amendments to Procedural and Enforcement Regulations

B. *Contact:* John Mason, Enforcement Officer, Office of Housing, 202-755-6920.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 3282.

E. *Legal Authority:* National Manufactured Housing Construction and Safety Standards Act of 1974, Pub. L. 93-383, 42 U.S.C. 5424.

F. *Abstract:* Would eliminate requirement for inspection agencies to maintain file of Data Plates. Would allow Design Approval Agencies to approve own designs and thereby eliminate paperwork and reduce cost of design approval, and clarify conditions for removing labels from damaged homes.

G. *Timetable:* Proposed rule expected to be published August 1983.

H. *Classification:* Nonmajor.

A. Title: H-109-82. Annual Contributions for Operating subsidy—Performance Funding System

B. *Contact:* J. Milton Slifkin, Fiscal Management Division, Office of Public Housing, 202-426-1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 890.102, 890.108 and 890.109.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89-174, as amended, 42 U.S.C. 1437 et seq.; Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would require a recalculation of Operating Subsidy for units withheld from occupancy by the PHA for reasons that are not approved by HUD.

G. *Timetable:* Proposed rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: H-110-82. Annual Contributions for Operating Subsidy—Performance Funding System

B. *Contact:* Joanne Millican, Fiscal Management Division, Office of Public Housing, 202-426-1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 890.105 and 890.110.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89-174, as amended, 42 U.S.C. 1437 et seq.; Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would revise the sections on HUD-initiated adjustments to operating subsidy to clarify HUD's original intent to permit upward adjustments where such adjustments are warranted. The rule currently states that HUD may make only downward adjustments based on certain circumstances. One section would be republished to include wording inadvertently omitted in the original text of the regulation.

G. *Timetable:* Final rule expected to be published November 1982.

H. *Classification:* Nonmajor.

A. Title: H-111-82. Annual Contributions for Operating Subsidy—Performance Funding System

B. *Contact:* J. Milton Slifkin, Fiscal Management Division, Office of Public Housing, 202-426-1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 890.102 and 890.107.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89-174, as amended, 42 U.S.C. 1437, et seq.; Section 7(d), Department of HUD Act, Pub. L. 89-174, 42 U.S.C. 3535(d).

F. *Abstract:* Would reinstate the Rolling Base to capture the allowable Utilities Consumption Level utilized in the PFS calculation of the Utilities Expense Level. This system will reflect changes in consumption patterns brought about through conservation measures in the past or future. The Fixed Base System now in use does not reflect these changes.

G. *Timetable:* Interim rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: H-21-81. Property Improvement Loans and Loan Security

B. *Contact:* John L. Brady, Director, Office of Title I Insured Loans, 202-755-6680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 201, Subpart A.

E. *Legal Authority:* Sec. 2, National Housing Act, 12 U.S.C. 1703.

F. *Abstract:* Would reduce the loan amount on which security is required from $7,500 to $2,500. Would also enhance the collectibility of the loans as they will be exempt from bankruptcy and may provide the lender or HUD another collection tool for recovering the debt.

G. *Timetable:* Proposed rule published April 6, 1982 (42 FR 14712). Final rule expected to be published October 1982.

H. *Classification:* Nonmajor.

A. Title: H-33-81. Providing Information, Mortgagee's Responsibility

B. *Contact:* Richard B. Buchheit, Office of Housing, 202-755-8680.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 235.

E. *Legal Authority:* Sections 203, 211 and Section 235, National Housing Act, Pub. L. 73-479, as amended, 12 U.S.C. 1709, 1715b and 1715z.

F. *Abstract:* Amends Part 235 to define the mortgagee's responsibility for furnishing in the statement of interest and taxes paid with respect to each mortgage insured under Section 235 a statement of the total Section 235 assistance payments made on a mortgagor's behalf by HUD during the year. Also amends 24 CFR 203.508(c), 235.336 and adds a new 24 CFR 235.1001 to change the maximum time allowed for a mortgagee to furnish each mortgagor with a statement of interest and taxes paid with respect to the mortgage account from sixty days to thirty.

G. *Timetable:* Interim rule published August 3, 1982 (47 FR 33495), effective September 22, 1982. Final rule in preparation.

Includes: H-50-81. Separate proposed rule no longer in preparation.

H. *Classification:* Nonmajor.

A. Title: H-49-81. Section 8 Housing Assistance Payments Program—Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202-755-5443.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 882.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437(f).

F. *Abstract:* Would clarify procedures for selecting applicants and for determining the appropriate unit size for a family; would also give an applicant who is denied housing assistance, or certificate holder whose assistance is reduced or terminated, a reasonable opportunity to request an informal hearing.

G. *Timetable:* Proposed rule published July 26, 1982 (47 FR 36169). Final rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: H–55–81. Cost-Effective Energy Conservation and Effectiveness Standards

B. *Contact:* Kenneth L. Credle, Office of Architecture and Engineering Standards, 202–755–6590.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 39.

E. *Legal Authority:* Section 209, Housing and Community Development Amendments of 1978, 42 U.S.C. 1425(b).

F. *Abstract:* Sets forth cost-effective energy conservation and efficiency standards applicable to HUD programs.

G. *Timetable:* Under review. Includes: Interim rule published May 10, 1979 (44 FR 27618), effective July 9, 1979.

H. *Classification:* Nonmajor.

A. Title: H–70–81. PHA-Owned Public Housing Projects—Demolition of Buildings, Disposition of Real Property and Conversion of Units

B. *Contact:* Richard L. Rivard, Housing Management Officer, 202–755–5595.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 870.

E. *Legal Authority:* Section 7, Department of HUD Act, 42 U.S.C. 3534(d).

F. *Abstract:* Would set forth modified standards and procedures amending the existing Part 870 concerning requests by Public Housing Agencies (PHAs) for HUD authority to demolish buildings, dispose of real property or convert units of PHA-owned low-income public housing projects. Would reflect changes in Departmental policy and the need to be more responsive to local needs. Limited approval authority would be delegated to HUD Field Offices.

G. *Timetable:* Review in progress. Interim rule in preparation.

H. *Classification:* Nonmajor.

A. Title: H–73–81. Annual Contributions for Operating Subsidy—Performance Funding System

B. *Contact:* J. Milton Slifkin, Office of Housing, 202–426–1872.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 890, Subpart A.

E. *Legal Authority:* U.S. Housing Act of 1937, Pub. L. 89–174, as amended, 42 U.S.C. 1437 et seq.; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d).

F. *Abstract:* Section 239B of the Budget Reconciliation Act of 1981 required the Department to review and report to Congress on the administration of the operating subsidy program under Section 9 of the U.S. Housing Act of 1937. 24 CFR Part 890, Subpart A establishes standards and policies for the distribution of operating subsidy. This examination has been completed and a report with suggestions of alternative methods of subsidy distribution has been submitted to Congress.

G. *Timetable:* Rule under review.

H. *Classification:* Nonmajor.

A. Title: H–23–80. Section 8 Housing Assistance Payments Program, Existing Housing

B. *Contact:* Gerald J. Benoit, Director, Existing Housing Division, 202–755–5433.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 882.

E. *Legal Authority:* Section 326(e), Housing and Community Development Amendments of 1981, Pub. L. 97–35; Section 8(d)(1)(B) of the U.S. Housing Act of 1937, 42 U.S.C. 1437(d)(1)(B).

F. *Abstract:* Implements recent statutory changes regarding the lease term and termination of tenancy under the Section 8 Existing Housing Program.

G. *Timetable:* Interim rule published August 3, 1982 (47 FR 33497), effective September 21, 1982. Final rule expected to be published December, 1982.

H. *Classification:* Nonmajor.

A. Title: H–6–79. Section 8 Housing Assistance Program for Disposition of the HUD-Owned Projects

B. *Contact:* Marvin T. Hilman, Director, Multifamily Sales Division, 202–755–7220.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 886, Subpart C.

E. *Legal Authority:* Housing and Community Development Act of 1974, Pub. L. 93–383, 42 U.S.C. 1437; Section 203 Housing and Community Development Amendments of 1979, Pub. L. 96–153, Housing and Community Development Act of 1980, Pub. L. 96–399.

F. *Abstract:* Provides for the use of Section 8 housing assistance in the disposition of HUD–owned projects.

G. *Timetable:* Interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1979. Final rule preparation awaits decision on the future use of Section 8 relating to Property Disposition.

Includes: H–7–79. Interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1979.

H. *Classification:* Nonmajor.

A. Title: H–65–79. Housing for Elderly or Handicapped—Building Components Stored Off-Site

B. *Contact:* Linda D. Cheatham, Office of Housing, 202–755–8686.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 885.

E. *Legal Authority:* Housing Act of 1959, Pub. L. 86–372 as amended, 12 U.S.C. 1701q.

F. *Abstract:* Amends that portion of 24 CFR Part 885 relating to building components stored off site.

G. *Timetable:* Interim rule published May 15, 1980 (45 FR 31990), effective June 9, 1980. Final rule being held pending policy decision.

H. *Classification:* Nonmajor.

A. Title: H–20–78. Insurance of Advances for Off-Site Components

B. *Contact:* Linda D. Cheatham, Office of Housing, 202–426–7113.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Parts 207, 213, 220, 221, 227, 231, 222, 234, 236, 241, 242, 244.

E. *Legal Authority:* Section 207, National Housing Act, Pub. L. 73–479, as amended, 42 U.S.C. 1713.

F. *Abstract:* Amends portions of 24 CFR Parts 207, 213, 220, 221, 227, 231, 232, 234, 236, 241, 242, and 244 relating to insurance of advances for building components stored off site.

G. *Timetable:* Interim rule published February 8, 1979 (44 FR 8194), effective February 27, 1979. Final rule being held pending policy decision.

H. *Classification:* Nonmajor.

A. Title: CPD–9–82. Section 312 Rehabilitation Loan Program-Legislative Amendments

B. *Contact:* Craig S. Nickerson, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 510.

E. *Legal Authority:* Section 312, U.S. Housing Act of 1964, 42 U.S.C. 1452b.

F. *Abstract:* Implements program changes regarding (1) limitations and conditions on the approval of rehabilitation loans for multifamily properties, (2) priority for low and moderate income applicants, and (3) loan limits on nonresidential properties.

G. *Timetable:* Interim rule published April 11, 1979 (44 FR 21750), effective May 11, 1979. Further rule development contingent on whether program is continued. To be included in CPD–24–78 if developed further.

H. *Classification:* Nonmajor.

A. Title: CPD–14–82. Section 312 Rehabilitation Loan Program

B. *Contact:* Craig S. Nickerson, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 510.

E. *Legal Authority:* Section 312, U.S. Housing Act of 1964, 42 U.S.C. 1452b.

F. *Abstract:* Redefines when personal liability if required in the case of corporate or partnership borrowers in connection with a Section 312 loan.

G. *Timetable:* Interim rule published September 27, 1979 (44 FR 55562), effective October 17, 1979. Further rule development contingent on whether program is continued. To be included in CPD–24–78 if developed further.

H. *Classification:* Nonmajor.

A. Title: CPD–2–81. Section 312 Rehabilitation Loan Program

B. *Contact:* Craig S. Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 510.

E. *Legal Authority:* Section 312, United States Housing Act of 1964, 42 U.S.C. 1452b; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* This rule would make maximum loan amount changes to the Section 312 Rehabilitation Loan Program.

G. *Timetable:* Final rule published January 15, 1981 (46 FR 3503) and withdrawn. Further rule development contingent on whether program is continued.

H. *Classification:* Nonmajor.

A. Title: CPD–5–79 HUD Procedures for the Protection of Floodplains and Wetlands

B. *Contact:* Walter D. Prybyla, 202–755–7355.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 55.

E. *Legal Authority:* Executive Order 11988 (Floodplain Management), 42 FR 26951; Executive Order 11990 (Protection of Wetlands), 42 FR 26961; Section 7(d), Department of HUD Act, Pub. L. 89–174, 42 U.S.C. 3535(d)

F. *Abstract:* Would amend 24 CFR to add Part 55 to provide (1) policy direction; and (2) procedural requirements for Departmental compliance with Executive Orders 11988 and 11990. The rule would apply to all HUD programs including the Community Development Block Grant Program. It would implement Federal Policy and mandatory provisions of the Executive Orders.

G. *Timetable:* Proposed rule published August 9, 1979 (44 FR 4706). Rule under review.

H. *Classification:* Nonmajor.

A. Title: CPD–6–79. Technical Assistance: Discretionary Awards

B. *Contact:* James F. Selvaggi, Director, Office of Policy Planning, 202–755–6876.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR 570.402.

E. *Legal Authority:* Section 107(b)(4), Title I, Housing and Urban Development Act of 1974, as amended, Pub. L. 93–383.

F. *Abstract:* Would amend 24 CFR 570.402 to update and clarify the priorities for Technical Assistance funding and to clarify application and review procedures for unsolicited proposals.

G. *Timetable:* Proposed rule published June 16, 1980 (45 FR 40954). Final Rule in preparation.

H. *Classification:* Nonmajor.

A. Title: CPD–24–78. Section 312 Rehabilitation Loan Program

B. *Contact:* Craig S. Nickerson, Director, Rehabilitation Management Division, Office of Urban Rehabilitation, 202–755–5973.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 510.

E. *Legal Authority:* Section 312, United States Housing Act of 1964, 42 U.S.C. 1452b; Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* This rule would provide comprehensive regulations for the Section 312 Rehabilitation Loan Program.

G. *Timetable:* Proposed rule published April 10, 1980 (45 FR 24808). Final rule published September 10, 1980 (45 FR 59702) and withdrawn. Further rule development contingent on whether program is continued. Will include CPD–9–82 and CPD–14–82 if developed further.

H. *Classification:* Nonmajor.

A. Title: GNMA–9–82. Growing Equity and 10-Year Graduated Payment Mortgage-Backed Securities

B. *Contact:* Warren A. Lasko, Executive Vice President, GNMA, 202–755–5926.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 390.

E. *Legal Authority:* Sections 306(g) and 309(a), National Housing Act, 12 U.S.C. 1721(g), 1723a(a); Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

F. *Abstract:* Would establish a new Mortgage-Backed Securities Program that provides for the guaranty by GNMA of securities based on and backed by pools of Growing Equity Mortgages (GEM's). GEM loans are single-family mortgages which provide for monthly installments to increase annually for a predetermined term extending up to the full amortization of the loan. Only GEM's that are insured under the National Housing Act or guaranteed under Chapter 37 of Title 38, United States Code, are eligible for inclusion in GNMA pools. This rule would also amend the regulations governing the Graduated Payment Mortgage-Backed Securities Program to make eligible mortgages which provide for deferred payments of principal (and interest) and for monthly installments to increase during up to the first ten years of the mortgages.

Analysis of the rule indicates that it would not have an annual effect on the economy of $100 million or more.

G. *Timetable:* Final rule expected to be published September 1982.

H. *Classification:* Nonmajor.

A. Title: FH&EO–2–82. Nondiscrimination and Equal Opportunity Housing Under Executive Order 11063

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement and Section 3 Compliance, 202–755–5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 107.

E. *Legal Authority:* Executive Order 11063, November 20, 1962.

F. *Abstract:* This regulation established compliance and enforcement procedures utilized by the Department in implementing its responsibilities under E.O. 11063. This regulation will be amended to include coverage of sex and religious discrimination in accordance with Executive Order 12259 issued December 31, 1980 and to conform with the Executive Order.

G. *Timetable:* Proposed rule expected to be published January 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO–3–82. Compliance Procedures for Affirmative Fair Housing Marketing

B. *Contact:* Katrina Ross, Office of Fair Housing Enforcement and Section 3 Compliance, 202–755–5673.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 108.

E. *Legal Authority:* Section 7(d), Dept. Housing & Urban Development Act of 1965, 42 U.S.C. 3535(d).

F. *Abstract:* This regulation establishes procedures for determining whether or not an applicant's actions are in compliance with its approved Affirmative Fair Housing Marketing (AFHM) plan, AFHM regulation (24 CFR 200.600) and AFHM requirements in

Departmental programs. A revision to this regulation will be proposed to reflect changes in the AFHM policies.

G. *Timetable:* Proposed rule expected to be published April 1983.

H. *Classification:* Nonmajor.

A. Title: FH&EO–3–81. Equal Opportunity Policy and Procedures

B. *Contact:* Manuel Crawley, Director, Public Employment Division, 202–755–7110.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 7.

E. *Legal Authority:* Executive Order 11478, August 8, 1969.

F. *Abstract:* A review of this rule, which sets forth the responsibilities of the Director and Deputy Director of Equal Employment Opportunity and other Department officers and employees in carrying out the Equal Employment Opportunity Program, is currently under way to see if it should be rescinded. EEOC regulations at 29 CFR 1613 offer extensive guidance on all aspects of the program.

G. *Timetable:* Under review. A final decision on whether to revise or revoke this rule will be made in FY 83.

H. *Classification:* Nonmajor.

A. Title: FH&EO–4–81. Employment Opportunities for Businesses and Lower Income Persons in Connection with Assisted Projects

B. *Contact:* Turner Russell, Office of Fair Housing Enforcement and Section 3 Compliance, 202–755–5992.

C. *Small Entity Impact:* Not likely.

D. *CFR Citation:* 24 CFR Part 135.

E. *Legal Authority:* Sec. 3, Housing and Urban Development Act of 1968, 12 U.S.C. 1701u; Sec. 7(d), Dept. of HUD Act, 42 U.S.C. 3535(d).

F. *Abstract:* This regulation implements the provisions of Section 3 of the Housing and Urban Development Act of 1968 with respect to opportunities for training and employment for lower income residents arising in connection with HUD assisted projects and for contracting opportunities for business concerns located in or owned in substantial part by persons residing in the area of HUD assisted projects.

G. *Timetable:* Under review.

H. *Classification:* Nonmajor.

Rules Completed or Withdrawn

A. Title: S–2–82. 24 CFR Part 81. Federal National Mortgage Association (FNMA)—Maximum Debt-to-Capital Ratio

B. *Contact:* Eleanor Roberts Lewis, 202–755–6270.

C. *Federal Register Citation and Date of Final Action:* July 23, 1982 (47 FR 31866), effective September 10, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Permits the Department to change FNMA's maximum debt-to-capital ratio from time to time by means of a notice published in the **Federal Register.**

A. Title: S–1–81. 24 CFR Part 15. Production or Disclosure of Material or Information

B. *Contact:* David D. White, 202–755–7137.

C. *Federal Register Citation and Date of Final Action:* April 26, 1982 (47 FR 17810), effective May 26, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amends fee schedule for Freedom of Information Act requests and authorized review by the General Counsel of refusal to waive or reduce a fee.

A. Title: S–4–81. 24 CFR Part 81. Federal National Mortgage Association (FNMA), Definition of "Mortgage Loan"

B. *Contact:* John A. Maxim, 202–755–6274.

C. *Federal Register Citation and Date of Final Action:* February 5, 1982 (47 FR 5410), effective March 18, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Revised the definition of "Mortgage loan" to allow FNMA to submit for the Secretary's approval conventional loan programs involving the purchase of second mortgages.

A. Title: H–1–82. 24 CFR Part 3282. Manufactured Home Procedural and Enforcement Regulations

B. *Contact:* James McCollom, 202–755–5210.

C. *Federal Register Citation and Date of Final Action:* September 17, 1981 (47 FR 46126). Effective October 23, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Reduced temporarily the monitoring inspection fee from $19.00 to $15.00 per unit inspected. The reduction applied only to homes manufactured between April 1, 1981 and December 31, 1981. Further extension of the reduction was published August 2, 1982 (47 FR 33264), effective September 20, 1982, retroactive to January 1, 1982.

A. Title: H–2–82. 24 CFR Parts 3280, 3282 and 3283. Federal Manufactured Home Construction and Safety Standards, Name Change

B. *Contact:* James McCollom, 202–755–5210.

C. *Federal Register Citation and Date of Final Action:* June 29, 1982 (47 FR 28091), effective August 11, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Definition of "manufactured home" and "recreational vehicle" revised.

A. Title: H–6–82. 24 CFR Part 888. Fair Market Rents for New Construction and Substantial Rehabilitation for Arkansas Market Areas

B. *Contact:* Edward M. Winiarski, 202–755–5743.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 30, 1981 (46 FR 47772), effective November 16, 1981.

D. *Reason for Completion:* Included in final rule listed as H–35–81.

E. *Brief Abstract:* Revised the schedules of Section 8 Fair Market Rents applicable to new construction and substantial rehabilitation for the Fayetteville, Fort Smith, Jonesboro, Little Rock and Texarkana, Arkansas Market areas.

A. Title: H–9–82. 24 CFR Part 201. Manufactured (Mobile) Home Loans-Increased Loan Amounts

B. *Contact:* John L. Brady, 202–755–6680.

C. *Federal Register Citation and Date of Final Action:* January 6, 1982 (47 FR 617), effective January 6, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Provided for increases in loan amounts for manufactured (mobile) home loans as authorized by the Housing and Community Development Amendments of 1981.

A. Title: H–10–82. 24 CFR Part 201. Combination and Manufactured (Mobile) Home Lot Loans, Increased Loan Awards

B. *Contact:* John L. Brady, 202–755–6680.

C. *Federal Register Citation and Date of Final Action:* January 6, 1982 (47 FR 616), effective January 6, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Provided for increases in loan amounts for manufactured (mobile) home loans when purchased in combination with land and for land purchase only as authorized.

Included: H–60–82. Interim rule published November 7, 1980 (45 FR 73923), effective November 7, 1980.

A. Title: H–14–82. 24 CFR Part 860, Subpart B. Income Limits With Respect to Admission to, and Occupancy of, Low-Income Housing Owned or Leased by PHAs

B. *Contact:* Edward Whipple, 202–755–5840.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published August 8, 1975 (40 FR 33445), effective August 8, 1975.

D. *Reason for Completion:* Included in interim rule listed as H-64-81.

E. *Brief Abstract:* Sets forth tenant selection requirements.

A. Title: H-17-82. 24 CFR Part 200. Substantial Compliance Committee

B. *Contact:* John L. Brady, 202-755-6680.

C. *Federal Register Citation and Date of Final Action:* August 9, 1982 (47 FR 34375), effective September 28, 1982, retroactive to July 15, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Revised the list of officials who comprise the Substantial Compliance Committee.

A. Title: H-21-82. 24 CFR Part 203. Change in Payment Procedure for Mortgage Insurance Premiums (MIP)

B. *Contact:* Richard B. Buchheit, 202-755-6672.

C. *Federal Register Citation and Date of Final Action:* July 15, 1982 (47 FR 30750), effective September 1, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Requires mortgagees to remit MIP payments promptly upon receipt from the mortgagor.

A. Title: H-28-82. 24 CFR Part 207. Multifamily Mortgage Insurance

B. *Contact:* Joseph E. Malloy, 202-755-7172.

C. *Federal Register Citation and Date of Final Action:* February 1, 1982 (47 FR 4507), effective March 11, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amends 24 CFR 207.32a to permit rent increased in older urban declining neighborhoods for Sec. 223(f) projects to include reasonable profit and to prohibit repayment of the Section 223(f) refinancing for certain stated periods in the absence of owner agreement to maintain property as rental housing during such period except in certain circumstances.

A. Title: H-37-82. 24 CFR Part 83. Section 8 Housing Assistance Payments Program—State Housing Agencies

B. *Contact:* Lynda Murphy, 202-426-7113.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published January 30, 1980 (45 FR 6886), effective February 29, 1980. Partial final rule published August 22, 1980 (45 FR 56234), effective September 29, 1980.

D. *Reason for Completion:* To be included in proposed rule listed as H-67-81.

E. *Brief Abstract:* Clarified the regulations implementing the Section 8 rental assistance program by state housing agencies.

A. Title: H-49-82. 24 CFR Part 426—Rental Assistance Payments

B. *Contact:* Joel Balsham, 202-755-6142.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published July 29, 1975 (40 FR 31873), effective July 29, 1975.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Part 426 was withdrawn by interim rule published August 24, 1982 (47 FR 36814) because it duplicated provisions covered elsewhere in 24 CFR.

A. Title: H-54-82. 24 CFR Part 889. Section 8—Determination of Income for Eligibility and Gross Family Contribution

B. *Contact:* Edward Whipple, 202-426-0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published April 7, 1975 (40 FR 15541), effective April 7, 1975.

D. *Reason for Completion:* To be included in proposed rule listed as H-79-82.

E. *Brief Abstract:* Set forth policies and procedures for determining income for eligibility, including very low-income family determinations, and the gross family contribution for eligible families.

A. Title: H-55-82. 24 CFR Part 215. Rent Supplement Payments

B. *Contact:* James J. Tahash, 202-426-8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 20, 1975 (40 FR 21935), Effective May 20, 1975.

D. *Reason for Completion:* To be included inproposed rule listed as H-141-82.

E. *Brief Abstract:* Established the eligibility criteria for owners who enter into rent supplement contracts.

A. Title: H-56-82. 24 CFR Part 860, Subpart D. Income limits with Respect to Admission to, and Occupancy of, Low-Income Housing Owned or Leased by PHAs

B. *Contact:* Edward Whipple, 202-426-0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 26, 1975 (40 FR 44323), effective September 26, 1975.

D. *Reason for Completion:* To be included in proposed rule listed as H-32-82.

E. *Brief Abstract:* Amended Subpart D which established 1) minimum and maximum rent to income ratios and minimum rents to be charged in low income housing, 2) minimum rent to income ratios necessary to entitle PHAs to operating subsidies, 3) definitions of "income" and "rent", 4) required percentage of very low income families and 5) criteria for scheduling of rent increases.

A. Title: H-57-82. 24 CFR Parts 203. Mutual Mortgage Insurance and Insured Home Improvement Loans, Assignment of Mortgages to HUD

B. *Contact:* Richard B. Buchheit, 202-755-6672.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published January 4, 1979 (44 FR 1336), effective January 4, 1979.

D. *Reason for Completion:* Included in final rule listed as H-29-81.

E. *Brief Abstract:* Established criteria used in determining whether a mortage is eligible for assignment and specifies conditions under which the Secretary may waive certain eligibility criteria.

A. Title: H-58-82. 24 CFR Part 882. Section 8-Existing Housing, Special Procedures for Moderate Rehabilitation; Program Development and Operation

B. *Contact:* Louise Kleffner, 202-755-5597.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 9, 1979 (44 FR 65061), effective December 10, 1979.

D. *Reason for Completion:* To be included in final rule listed as H-38-81.

E. *Brief Abstract:* Revised requirements for (1) sending invitations (2) to delete specific reference to Housing Assistance Plan goals and (3) to state that invitations must be consistent with requirements of Part 891.

A. Title: H-59-82. 24 CFR Part 868. Modernization Program; PHA-Owned Projects; Comprehensive Modernization

B. *Contact:* Janice Rattley, 202-755-1800.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 7, 1980 (45 FR 30349), effective May 27, 1980.

D. *Reason for Completion:* Included in final rule listed as H-21-80.

E. *Brief Abstract:* Set forth special requirements applicable to comprehensive modernization for the substantial rehabilitation of larger, rental public housing projects with severe physical deficiencies.

A. Title: H-60-82. 24 CFR Part 201, Subpart D. Combination and Mobile Home Lot Loan

B. *Contact:* John L. Brady, 202-775-6680.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 7, 1980 (45 FR 73923), effective November 7, 1980.

D. *Reason for Completion:* Included in H-10-82.

E. *Brief Abstract:* Permits increased loan limits pursuant to the Housing and Community Development Amendments of 1979.

A. Title: H–62–82. 24 CFR Part 236. Mortgage Insurance and Interest Reduction Payments for Rental Projects; Implementation of Tax and Utility Subsidy

B. *Contact:* John J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 31, 1978 (43 FR 23566), effective May 31, 1978.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Subpart E (Tax and Utility Subsidy Program) was withdrawn by interim rule published August 24, 1982 (47 FR 36814), effective November 1, 1982. The Housing and Community Development Amendments of 1978 mandated the termination of this program.

A. Title: H–63–82. 24 CFR Parts 221 and 236. Low Cost and Moderate Income Mortgage Insurance and Interest Reduction Payment for Rental Projects

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published December 9, 1977 (42 FR 62131), effective December 9, 1977.

D. *Reason for Completion:* To be included in interim rule listed as H–140–82.

E. *Brief Abstract:* Permits mortgage prepayment to be subject to approval by the mortgagee when the funds for the loan are obtained by the sale of bonds.

A. Title: H–64–82. 24 CFR Part 219. Flexible Subsidy Program

B. *Contact:* James J. Tahash, 202–426–8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 21, 1979 (44 FR 29632), effective June 19, 1979.

D. *Reason for Completion:* To be included in interim rule listed as H–48–82.

E. *Brief Abstract:* Established policies and procedures for implementing the Flexible Subsidy Program for troubled multifamily projects.

A. Title: H–65–82. 24 CFR Parts 203, 207, and 220. Debenture Interest Rates; Increase

B. *Contact:* John Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* September 23, 1981 (46 FR 44157), effective July 1, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Provided an increased debenture interest rate applicable to all home and project mortgages and loans under the National Housing Act, except for debentures issue under Section 221 (g)(4) committed or endorsed on or after July 1, 1981.

A. Title: H–78–82. 24 CFR Parts 805, 806, 861 and 865. Gross Rent-Public Housing Program

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 4, 1982 (47 FR 19120), effective August 1, 1982.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–32–82

E. *Brief Abstract:* Implements recent statutory changes effecting the amount of gross rent payable by families under the Public Housing program.

A. Title: H–86–82. 24 CFR Parts 203, 204, 213, 220, 221, 226, 227, 233, 234, 235 and 240. Single Family Regulatory Waiver Authority

B. *Contact:* John Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* August 18, 1982 (47 FR 35957), effective October 6, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Permits the waiver of requirements governing the eligibility for mortgage insurance and assistance payments in individual cases.

A. Title: H–107–82. 24 CFR Part 3282. Manufactured Home Procedural and Enforcement Regulations: Manufactured Inspection Fee

B. *Contact:* John Mason, 202–755–6920.

C. *Federal Register Citation and Date of Final Action:* August 2, 1982 (47 FR 33264), effective September 20, 1982, retroactive to January 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Extends the reduction of the monitoring inspection fee established in 24 CFR 3282.454 from $19.00 to $15.00 per unit inspected for the six month period of December 31, 1981 to June 30, 1982.

A. Title: H–123–82, 24 CFR Parts 203, 205, 207, 213, 220, 221, 232, 234, 235, 236, 241, 242 and 244. Mortgage Insurance Loans, Changes in Interest Rates

B. *Contact:* John N. Dickie, 202–426–4667.

C. *Federal Register Citation and Date of Final Action:* August 31, 1982 (47 FR 38279), effective August 24, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Decreases the HUD/FHA interest rates on insured loans to bring the maximum interest rates into line with other competitive market rates and help assure an adequate supply of and demand for FHA financing.

A. Title: H–6–81. 24 CFR Part 242. Refinancing of Existing Debts of Hospitals

B. *Contact:* C. Edward Lewis, Jr., 202–426–7191.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule Published November 25, 1980 (45 FR 78166).

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have amended 24 CFR Part 242 to allow refinancing of existing debts of hospitals in order to reduce debt service. Program is not to be renewed.

A. Title: H–8–81. 24 CFR Parts 203, 221, 222 and 235. Increased Loan-to-Value Ratios Dwellings with Warranty Plans

B. *Contact:* John Coonts, 202–755–6675.

C. *Federal Register Citation and Date of Final Action:* August 3, 1982 (47 FR 33494), effective September 22, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* The Housing and Community Development Amendments of 1979 amended Section 203(b)(2) of the National Housing Act to permit a loan with a high loan-to-value ratio if the property is covered by an approved consumer protection or warranty plan. This program provides better financing opportunities to the public.

Includes: H–10–80. Interim rule published July 10, 1980 (45 FR 46377), effective August 25, 1980. H–15–80. Interim rule published September 22, 1980 (45 FR 62795), effective November 20, 1980.

A. Title: H–10–81. 24 CFR Parts 203, 220, 221, 222, 226, 227, 234 and 235. Changes in Single Family Maximum Mortgage Amounts

B. *Contact:* John Coonts, 202–755–6720.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 18, 1980 (45 FR 76376), effective November 18, 1980.

D. *Reason for Completion:* Withdrawn. Method of publication of increases is being changed.

E. *Brief Abstract:* Prior to this change, changes in maximum mortgage amounts were published as regulations in the **Federal Register**. This entailed significant delays and costs each time market developments dictated a change in the maximum amounts. By authorizing the use of Notices to announce amounts changes, the Department can act in a more timely and less costly manner.

A. Title: H–11–81. 24 CFR Part 200. Appendix to Subpart S—Minimum Property Standards and Description and Identification of Minimum Property Standards

B. *Contact:* Richard A. Atwell, 202–755–5929.

C. *Federal Register Citation and Date of Final Action:* Final rule published July 7, 1982 (47 FR 29523), effective August 11, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Deleted the Appendix to Part 200, Subpart S, because the references to the Material Standards Accepted Engineering Practice Standards Use of Materials Bulletins, and Special Tests and Miscellaneous Standards contained in the Appendix are frequently revised and are difficult to keep up-to-date in regulatory form as part of the CFR.

A. Title: H-12-81. 24 CFR Part 203. Eligibility of Mortgages Covering Housing Intended for Seasonal Occupancy

B. *Contact:* John Coonts, 202-755-6720.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would delete 24 CFR 203.43(b) setting forth the eligibility of mortgages of housing intended for seasonal occupancy.

A. Title: H-14-81. 24 CFR Part 210. Multifamily Projects; War Housing Mortgage Insurance

B. *Contact:* Joseph E. Malloy, 202-755-7172.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would have deleted Part 210 concerning war housing multifamily projects insured under Section 608 of National Housing Act. However, development subpart A has already been deleted and remaining Subpart B must be retained as long as insurance remains in force on existing projects.

A. Title: H-17-81. 24 CFR Part 804, Subpart B, Appendices I, II, III and IV. Low-Income Public Housing Homeownership Opportunities

B. *Contact:* Joyce M. Roberson, 202-472-4703.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as H-55-79.

E. *Brief Abstract:* Would delete unnecessary portions of Part 804. (Appendices I, II, III and IV of Subpart B).

A. Title: H-18-81. 24 CFR Part 804, Subpart C. Low-Income Public Housing Homeownership Opportunities Turnkey III Program, Counseling and Training

B. *Contact:* Joyce M. Roberson, 202-472-4703.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as H-55-79.

E. *Brief Abstract:* Would make technical changes to improve management and operations of Turnkey III projects and delete Appendix I of Subpart C.

A. Title: H-19-81. 24 CFR Part 804, Subpart D. Low-Income Public Housing Homeownership Opportunities, Turnkey III

B. *Contact:* Joyce M. Roberson, 202-472-4703.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as H-55-79.

E. *Brief Abstract:* Would make technical changes to improve management and operations of Turnkey III projects and delete Appendices I and II of Subpart D.

A. Title: H-25-81. 24 CFR Parts 201, 203 and 207. Fractional Part of the Mortgage Interest Rate

B. *Contact:* Betty Belin, 202-755-5747.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* Closer analysis of this rule indicates that the objective can be obtained by issuing a handbook change.

A. Title: H-27-81. 24 CFR Part 203. Negotiated Interest Rate Program

B. *Contact:* Arnold H. Diamond, 202-426-4325.

C. *Federal Register Citation and Date of Final Action:* April 20, 1982 (47 FR 16776), effective May 20, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amends the Secretary's authority to prescribe maximum interest rates for FHA programs by permitting a limited number of Section 203 mortgages to be closed at a rate negotiated by borrower and lender higher than the FHA ceiling. The lender must make a binding commitment of at least 30 days duration to close at the agreed upon rate.

A. Title: H-29-81. 24 CFR Part 203. Temporary Mortgage Assistance Payment (TMAP)

B. *Contact:* Richard B. Buchheit, 202-755-6672.

C. *Federal Register Citation and Date of Final Action:* August 2, 1982 (47 FR 33252), to become effective upon publication of further notice in the **Federal Register**.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Defines the conditions under which single-family mortgagors may qualify for temporary mortgage assistance payments and assignments to HUD, and those standards for program administration required of mortgagees and HUD field offices. The rule implements the temporary mortgage assistance payments program authorized by amendments contained in the Housing and Community Development Act of 1980. This program is intended to be a lower cost alternative to the existing mortgage assignment program.

Includes: H-57-82. Interim rule published January 4, 1979 (44 FR-1336), effective January 4, 1981.

A. Title: H-30-81. 24 CFR Part 866. Public Housing—Evictions—Reduction of Notice Period for Non-payment of Rent

B. *Contact:* Edward Whipple, 202-426-0744.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Superseded by proposed rule listed as H-26-79.

E. *Brief Abstract:* Would have amended 24 CFR 866.4 to reduce the amount of time needed to evict public housing tenants in cases of nonpayment of rent.

A. Title: H-32-81. 24 CFR Part 215, 235, 236 and 812. Financial Assistance—Nonimmigrant Student Aliens

B. *Contact:* Martha B. Larkin, 202-755-6454.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 17, 1981 (46 FR 56421), effective November 17, 1981.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H-26-82.

E. *Brief Abstract:* Prohibits financial assistance, under the U.S. Housing Act of 1937, Section 235 or 236 of the National Housing Act, or Section 101 of the Housing and Urban Development Act of 1965, to nonimmigrant student aliens.

A. Title: H-34-81. 24 CFR Part 401. Tenant's Input Into Owner's Request to HUD for Approval of those Proposed Actions Which Significantly Affect Costs and Basic Characteristics

B. *Contact:* James J. Tahash, 202-426-8730.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule no longer in preparation.

D. *Reason for Completion:* To be included in proposed rule listed as H-136-82.

E. *Brief Abstract:* Would provide for tenant's comments on owner's actions which require Secretary's approval and which significantly affect the costs and basic characteristics of the project.

A. Title: H-35-81. 24 CFR Part 888. FMR Schedules for New Construction and Sub Rehab under Sections 8 and 23 Housing Assistance Payments Program

B. *Contact:* Edward M. Winiarski, 202-755-5743.

C. *Federal Register Citation and Date of Final Action:* May 4, 1982 (47 FR 19124), effective June 14, 1982, retroactive to October 1, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amended Schedules to 24 CFR Parts 803 and 888 for Secs. 8 and 23 for FY 1982. Annual publication.

Included: H-6-82, Interim rule published September 30, 1981 (46 FR-47772), effective November 16, 1981.

A. Title: H-37-81. 24 CFR Part 860. Exemption of Elderly from Income Range Requirements

B. *Contact:* Edward Whipple, 202-426-0744.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. To be included in proposed rule listed as H-76-82.

E. *Brief Abstract:* Would amend Part 860 to allow Field Office Managers and Supervisors to waive public housing income range requirements when, without such a waiver, elderly applicants would have to wait longer to be housed than nonelderly applicants.

A. Title: H-41-81. 24 CFR Part 885. Use of Lump Sum Construction Contract in Bid Competition, Use of Modified Form of Cost Certification

B. *Contact:* Robert W. Wilden, 202-755-6528.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Included in interim rule published May 11, 1982 (47 FR 20113), effective June 22, 1982.

E. *Brief Abstract:* Provides for an alternative lump sum contract with simplified cost certification.

A. Title: H-42-81. 24 CFR Part 886. Moderate/Substantial Rehabilitation Program—Special Allocations

B. *Contact:* James J. Tahash, 202-426-8730.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* Would have amended 24 CFR Part 886 to provide for assistance in financing private and public loans obtained by owners in order to provide certain physical improvements and replacements in the portfolio of subsidized housing projects.

A. Title: H-46-81. 24 CFR Part 201, Subpart D. Manufactured (Mobile) Home Loan Increases

B. *Contact:* John L. Brady, 202-6680.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Interim rule no longer in preparation.

E. *Brief Abstract:* Would have increased the maximum insurable loan amounts for combination (manufactured home and lot) and manufactured home lot loans. Limits are now outdated.

A. Title: H-50-81. 24 CFR Parts 203 and 235. Interest Which Mortgagors Can Deduct for Tax Purposes

B. *Contact:* Richard B. Buchheit, 202-755-6672.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Included in interim rule listed as H-33-81.

E. *Brief Abstract:* Would change the maximum time allowed for a mortgagee to furnish each mortgagor with a statement of interest and taxes said with respect to the mortgage account from sixty days to thirty days.

A. Title: H-52-81. 24 CFR Part 203. Acceleration of Mortgage

B. *Contact:* Richard B. Buchheit, 202-755-6672.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* Would permit the inclusion and use of "due on sale" clauses in insured mortgages. Where acceleration of the mortgage results in acquisition of title to the property, no claim for insurance benefits would be permitted.

A. Title H-54-81. 24 CFR Parts 203 and 234. Graduated Payment Mortgages

B. *Contact:* Arnold H. Diamond, 202-426-4325.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Interim rule no longer in preparation.

E. *Brief Abstract:* Would have (1) provided for an alternative graduated payment mortgage with a renegotiable rate, (2) provided for inclusion of a due-on-sale clause, and (3) made the program available for existing properties.

A. Title H-56-81. 24 CFR Part 40—Standards for Design, Construction, and Alteration of Publicly-Owned Residential Structures

B. *Contact:* John E. Bonkoski, 202-755-0740.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in revised proposed rule listed as H-71-78.

E. *Brief Abstract:* Prescribes standards for the design, construction, and alteration of publicly-owned residential structures to insure that physically handicapped persons will have ready access to, and use of, such structures.

A. Title H-59-81. 24 CFR Part 204—Coinsurance

B. *Contact:* John J. Coonts, 202-755-6720.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as H-28-80.

E. *Brief Abstract:* Means by which mortgage lenders may assume a substantial part of the work involved in underwriting HUD/FHA single family mortgage insurance applications for a part of the fee.

A. Title H-60-81. 24 CFR Part 207—Multifamily Housing Mortgage Insurance

B. *Contact:* Joel Balsham, 202-755-6887.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as H-88-82.

E. *Brief Abstract:* Provides for Federal mortgage insurance to facilitate construction financing and provides procedures for management of a broad cross-section of rental housing.

A. Title H-61-81. 24 CFR Part 290—Management and Disposition of HUD Owned Multifamily Housing Projects

B. *Contact:* Marvin T. Hilman, 202-755-7220.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in proposed rule listed as H-69-78.

E. *Brief Abstract:* Policies in managing and disposing of HUD-owned multifamily projects.

A. Title: H–62–81. 24 CFR Part 420. Assistance Payments-Homes for Lower-Income Families

B. *Contact:* Richard B. Buchheit, 202–755–6672.

C. *Federal Register Citation and Date of Final Action:* Final rule published. Final rule published November 19, 1981 (46 FR 56764), effective February 3, 1982.

D. *Reason for Completion:* Technical correction March 18, 1982 (47 FR 11655).

E. *Brief Abstract:* Revoked Part 420 which set forth the requirements for recertification of occupancy, employment, income and family composition by mortgagors or cooperative members receiving assistance payments pursuant to Section 235 of the National Housing Act, and sets forth the procedures for termination, suspension and reinstatement of the assistance payments contract. The provisions are already contained in Part 235, Subpart C.

A. Title: H–63–81. 24 CFR Parts 800, 801, 802, and 803. Section 23 Housing Assistance Payments Program

B. *Contact:* Shirley C. Stone, 202–755–5353.

C. *Federal Register Citation and Date of Final Action:* November 23, 1981 (46 FR 57277), effective February 4, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Removed the obsolete provisions from the regulations governing the Section 23 Housing Assistance Payments Program. Specifically, this rule (1) removed the development procedures for new construction and substantial rehabilitation; (2) combined the project operation procedures for new construction and substantial rehabilitation; (3) removed the existing housing regulation in its entirety; and (4) eliminated the fair market rent schedules for new construction, substantial rehabilitation, and existing housing and the automatic annual adjustment factor as separate schedules for the Section 23 program.

A. Title: H–64–81. 24 CFR Part 860. Income Limits With Respect to Admission to and Occupancy of, Low-Income Housing Owned or Leased by PHAs

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 4, 1982 (47 FR 19120), effective August 1, 1982.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–79–82.

E. *Brief Abstract:* Sets forth the standard governing the maximum income levels, minimum and maximum rent-income ratios and minimum rent requirements, and other tenant selection criteria to be used by public housing agencies in determining admission to low-income housing projects.

A. Title: H–65–81. 24 CFR Part 880—Section 8 Housing Assistance Payments Program for New Construction

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in proposed rule listed as H–39–81.

E. *Brief Abstract:* Policies and procedures applicable to the Section 8 new construction program.

A. Title: H–66–81. 24 CFR Part 881—Section 8 Housing Assistance Payments Program for Substantial Rehabilitation

B. *Contact:* Joseph E. Malloy, 202–755–7172.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in proposed rule listed as H–39–81.

E. *Brief Abstract:* Policies and procedures applicable to the Section 8 substantial rehabilitation program.

A. Title: H–68–81. 24 CFR Part 889. Section 8—Determination of Incomes for Eligibility and Gross Family Contribution.

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 4, 1982 (47 FR 19128), effective August 1, 1982.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H–79–82.

E. *Brief Abstract:* Sets forth policies and procedures for determining the eligible income levels and gross family contribution rated for very low income and lower income families to qualify for Section 8 housing assistance payments.

A. Title: H–71–81. 24 CFR Part 804, Subparts C and D. Low-Income Public Housing-Homeownership Opportunities, Turnkey III Program

B. *Contact:* Joyce M. Roberson, 202–472–4703.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. results to be included in interim rule listed as H–55–79.

E. *Brief Abstract:* The Turnkey III regulation will be amended to include technical changes to the Turnkey III Program to improve the management and operations of Turnkey III projects. In addition, Subpart C–Counseling and Training and appendices and Subpart D—Homebuyers Association and appendices will be deleted.

A. Title: H–72–81. 24 CFR Part 866—Lease and Grievance Procedure

B. *Contact:* Edward Whipple, 202–426–0744.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in proposed rule listed as H–26–79.

E. *Brief Abstract:* Requirements for dwelling leases and grievances procedures in the low-income public housing program.

A. Title: H–74–81. 24 CFR Parts 804, 805 and 841. Low-Rent Housing Homeownership Opportunities (Turnkey III); Indian Housing; and Public Housing Development Phase; Maximum Limit on Total Development Cost

B. *Contact:* J. R. Van Ness, 202–755–4956.

C. *Federal Register Citation and Date of Final Action:* September 8, 1982 (47 FR 39480), effective October 8, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Established a maximum limit on the Total Development Cost (TDC) of low-income public housing and Indian housing projects developed under the U.S. Housing Act of 1937 exclusive of Section 8.

A. Title: H–2–80. 24 CFR Part 200. Use of Materials Bulletin 70a—Particleboard Interior Stair Treads and Certification Program

B. *Contact:* Vincent Tang, 202–755–5929.

C. *Federal Register Citation and Date of Final Action:* April 5, 1982 (47 FR 14487), effective May 19, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* The rule revises Use of Materials Bulletin No. 70 to reference American National Standard ANSI A208.1 Mat-Formed Wood Particleboard and to provide for increasing the allowable distance between the stringers which support the stair tread from 30 inches to 42 inches.

A. Title: H–10–80. 24 CFR Parts 203, 221, 222 and 235. Single Family Mortgage Insurance—High Ratio Loans for Dwellings with Warranty Plans

B. *Contact:* John Coonts, 202–755–6675.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published July 10, 1980 (45 FR 46377), effective August 25, 1980.

D. *Reason for Completion:* Included in final rule listed as H-8-81.

E. *Brief Abstract:* Permits high ratio loans for properties not approved prior to start of construction but which are built under acceptable consumer protection or warranty plans.

A. Title: H-13-80. 24 CFR Part 215. Rent Supplement Payments

B. *Contact:* James J. Tahash, 202-426-8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 8, 1980 (45 FR 59145), effective October 1, 1980.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H-141-82.

E. *Brief Abstract:* Simplified processing under various programs by making uniform the definitions of eligibility and adjusted income.

A. Title: H-14-80. 24 CFR Part 219. Flexible Subsidy Program

B. *Contact:* James J. Tahash, 202-426-8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published May 23, 1980 (45 FR 34877), effective June 22, 1980.

D. *Reason for Completion:* Withdrawn. This rule will not be finalized. Congress prohibited the use of these funds for this purpose in 1981.

E. *Brief Abstract:* Provides for the funding of eligible projects having HUD rent supplement contracts and which are in need of additional funding due to rent increases.

(Was listed incorrectly on previous agenda as H-73-78.)

A. Title: H-15-80. 24 CFR Part 235. Eligibility of Cooperative Housing Limits and Existing Condominium Units, Section 235 Program

B. *Contact:* John Coonts, 202-755-6675.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 22, 1980 (45 FR 62795), effective November 20, 1980.

D. *Reason for Completion:* Included in final rule listed as H-8-81.

E. *Brief Abstract:* Permits Section 235 assistance payments for purchasers of cooperative housing units and existing condominium or single-family units.

A. Title: H-16-80. 24 CFR Part 236. Section 236 Program—Definition of Eligible Tenant

B. *Contact:* James J. Tahash, 202-426-8730.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 8, 1980 (45 FR 59147), effective October 1, 1980.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H-140-82.

E. *Brief Abstract:* Changes the definitions of "qualified tenant" and "adjusted income" in the Section 236 program to make them consistent with those used in the Section 8 program.

A. Title: H-17-80. 24 CFR Part 241. Supplementary Financing for Insured Project Mortgages

B. *Contact:* Joseph E. Malloy, 202-755-7172.

C. *Federal Register Citation and Date of Final Action:* October 20, 1981 (46 FR 51383), effective November 20, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief abstract:* Amended 24 CFR 241.65 to delete the limitation prohibiting the term of a loan insured under Section 241(b)(2) from exceeding the term of the insured mortgage.

A. Title: H-21-80. 24 CFR Part 868. Comprehensive Improvement Assistance Program

B. *Contact:* Janice Rattley, 202-755-1800.

C. *Federal Register Citation and Date of Final Action:* May 21, 1982 (47 FR 22312), effective July 19, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Revises the requirements for the modernization of existing public housing projects by setting forth simplified, more flexible requirements as a result of the Department's consideration of the public comments received on the comprehensive Improvement Assistance Program (CIAP) interim rule, published April 14, 1981, and the Department's own efforts to reduce burdensome requirements.

Includes: H-59-82. Interim rule published May 7, 1980 (45 FR 30349), effective May 27, 1980.

A. Title: H-25-80. 24 CFR Part 886. Section 8 Housing Assistance Payments Program—Special Allocations

B. *Contact:* James J. Tahash, 202-426-8730.

C. *Federal Register Citation and Date of Final Action:* June 8, 1982 (47 FR 24700), effective July 25, 1982, retroactive to October 1, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amended 24 CFR Part 886 to permit owners of projects to submit written requests for rent increases on contract units on the basis of need when Automatic Annual Adjustment Factor is not sufficient. Allows owners to submit requests for rent increases based upon supportable and substantial evidence for such increases, rather than rely solely upon the Automatic Annual Adjustment Factor.

A. Title: H-7-79. 24 CFR Part 886. Section 8 Housing Assistance Payments Program—Disposition of HUD/Owned Projects

B. *Contact:* Marvin T. Hilman, 202-755-7220.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published December 6, 1979 (44 FR 70362), effective December 26, 1989.

D. *Reason for Completion:* To be included in final rule listed as H-6-79.

E. *Brief Abstract:* Provides for repairs to be made by purchasers of HUD-owned projects.

A. Title: H-35-79. 24 CFR Part 200. Use of Materials Bulletin No. 79a, Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) Plastic Drain, Waste and Vent (DWV) Pipe and Fittings

B. *Contact:* Richard H. Koloden, 202-755-5929.

C. *Federal Register Citation and Date of Final Action:* November 17, 1981 (46 FR 56413), effective March 3, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Set forth the requirements and conditions for the acceptance of plastic drainage, waste and vent pipe and fittings manufactured from Acrylonitrile-Butadiene-Styrene (ABS) or poly (Vinyl Chloride) (PCV) plastic. This rule revised UM 79 to include the ABS DWV pipe having a foam core.

A. Title: H-36-79. 24 CFR Part 200. Revision of Minimum Property Standards (MPS) for One- and Two-Family Dwellings

B. *Contact:* Richard A. Atwell, 202-755-5929.

C. *Federal Register Citation and Date of Final Action:* August 6, 1982 (47 FR 34334), effective September 24, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Incorporates appropriate portions of the current model One and Two Family Dwelling Code into the MPS and remove criteria from the MPS that do not bear directly on health, life and safety requirements.

A. Title: H-41-79. 24 CFR Parts 203, 204, 213, 220, 221 and 234. Elimination of Single Family Application And Commitment Fees

B. *Contact:* John Coonts, 202-755-6720.

C. *Federal Register Citation and Date of Final Action:* July 7, 1982 (47 FR 29524), effective August 12, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Eliminates collection of application fees. Reduces unnecessary collection of fees and distribution of payments to private individuals.

A. Title: H-47-79. 24 CFR Part 241. Assurance of Completion Requirements—Multifamily Housing

B. *Contact:* Vaughn L. Sanders, 202-755-9280.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published December 17, 1980 (45 FR 82958).

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would have increased the construction limit on multi-family projects covered by HUD mortgage insurance from $500,000 to $1,000,000 where the mortgagor has provided assurance of completion.

A. Title: H-61-79. 24 CFR Part 881, Subpart G. Section 8—Special Procedures for Neighborhood Strategy Areas

B. *Contact:* Joseph E. Malloy, 202-755-7172.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published January 31, 1980 (45 FR 7072), effective February 20, 1980.

D. *Reason for Completion:* To be included in proposed rule listed as H-39-81.

E. *Brief Abstract:* Provides special policies and procedures to be followed by HUD, State Housing Finance and Development Agencies and local governments in carrying out the Neighborhood Strategy Areas Program.

A. Title: H-68-79. 24 CFR Part 889. Section 8—Computation of Gross Family Contribution

B. *Contact:* Edward Whipple, 202-426-0744.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 9, 1980 (45 FR 59309), effective October 1, 1980.

D. *Reason for Completion:* Superseded by H-68-81. Interim rule published May 4, 1982 (45 FR 19128), effective August 1, 1982. To be included in final rule published pursuant to proposed rule listed as H-79-82.

E. *Brief Abstract:* Revised Maximum rent-to-income ratio for tenants receiving Section 8 housing assistance payments.

A. Title: H-42-78. 24 CFR Part 881. Section 8—Substantial Rehabilitation

B. *Contact:* Joseph E. Malloy, 202-755-7172.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published January 31, 1980 (45 FR 7082), effective February 20, 1980.

D. *Reason for Completion:* To be superseded by final rule published pursuant to proposed rule listed as H-39-81.

E. *Brief Abstract:* Adds rent, cost and amenities limitation and requirements for cost justification of rents in certain cases in order to control and reduce the costs of the program. Also, makes processing changes to assure coordination of Section 8 and HUD mortgage insurance programs and to improve the efficiency and quality of processing.

A. Title: H-43-78. 24 CFR Part 884. Section 8 Housing Assistance Payments Program-State Housing Agencies (Farmers Home Administration Set-Aside)

B. *Contact:* Joseph E. Malloy, 202-755-7172.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Interim rule no longer in preparation.

E. *Brief Abstract:* Would have established a new Part 884 to relocate existing regulations implementing a HUD/USDA agreement on Section 515 rual housing projects. However, revisions to make the Section 8 515 consistent with other Section 8 regulations is no longer necessary. The development portion of this program is no longer being funded.

A. Title: H-47-78. 24 CFR Parts 207, 213, 220, 221, 232, 241, 242 and 244. Multifamily Mortgage Insurance

B. *Contact:* Vaughn L. Sanders, 202-755-9280.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* Would have permitted mortgagee to accept any "alternative equivalent of cash" and permitted the Commissioners to require that this "alternative" be spent on the project as needed.

A. Title: H-58-78. 24 CFR Part 882. Section 8. Existing Housing Program-Contract Administration

B. *Contact:* Gerald Benoit. 202-755-5433.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published April 10, 1979 (44 FR 21556).

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would have permitted a public or private agency, which is not a public housing agency (PHA), to administer the Section 8 Existing Contract for HUD under special circumstances.

A. Title: H-61-78. 24 CFR Part 885. Subpart F. Consolidated Supply Program

B. *Contact:* Clarence F. Meadows, 202-755-5840.

C. *Federal Register Citation and Date of Final Action:* August 2, 1982 (47 FR 33259), effective September 20, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Establishes regulations governing operation of the Consolidated Supply Program (CSP) as provided in the Department of Housing and Urban Development Procurement Regulations in order to assist Public Housing Agencies (PHAs) to assure the low-income charter of projects as required under the United States Housing Act of 1937, as amended. Under the CSP, the Department of Housing and Urban Development furnishes technical assistance to PHAs in purchasing certain supplies, material, equipment, and services necessary in the development, operation and maintenance of low-income housing by entering into and administering contracts for the voluntary use of those agencies.

A. Title: H-75-78. 24 CFR Part 420—Tenant Participation in Multifamily Housing Projects

B. *Contact:* Joel Balsham, 202-755-6142.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published November 16, 1979 (44 FR 65992).

D. *Reason for Completion:* Withdrawn. To be superseded by proposed rule listed as H-136-82.

E. *Brief Abstract:* Would implement Section 202(b)(1) of the Housing and Community Development Amendments of 1978 for tenant participation in multifamily housing projects.

A. Title: H-76-78. 24 CFR Part 206—Partial Payment of Claims

B. *Contact:* Joel Balsham, 202-755-6142.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published November 9, 1979 (44 FR 65081).

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Current interest rates made this rule inoperative.

A. Title: CPD-1-82. 24 CFR Part 570, Subpart I. Community Development Block Grants: State's Program

B. *Contact:* James N. Forsberg, 202-755-6322.

C. *Federal Register Citation and Date of Final Action:* April 8, 1982 (47 FR 15290), effective May 19, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* The regulation establishes the policies and procedures for the State Community Development Block Grant Program. Under the State's Program, each State may elect to administer the CDBG funds for its non-entitlement areas. The statute which authorizes the State's Program and these regulations allow States a great degree of flexibility to design their methods of distributing funds and to establish the policies and procedures for their programs.

A. Title: CPD-8-82. 24 CFR Part 570, CDBG, Allocation and Distribution of Funds

B. *Contact:* James R. Broughman, 202-755-9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978.

D. *Reason for Completion:* To be included in interim rule listed as CPD-4-82.

E. *Brief Abstract:* General program provisions pertaining to the allocation and distribution of funds.

A. Title: CPD-11-82. 24 CFR Part 570. CDBG, Urban Development Action Grants

B. *Contact:* Virginia Healy, 202-755-7362.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published June 8, 1979 (44 FR 33372), effective June 28, 1979.

D. *Reason for Completion:* To be included in final rule listed as CPD-36-81.

E. *Brief Abstract:* Deletes UDAG minimum standards of physical and economic distress established for fiscal year 1978 for small cities and provides a method to revise the minimum standards for small cities when more recent data becomes available.

A. Title: CPD-12-82. 24 CFR Part 570, Subpart F, CDBG, Small Cities Program

B. *Contact:* Helen Duncan/Bryant Monroe, 202-755-6322.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published June 26, 1979 (44 FR 37478), effective July 26, 1979.

D. *Reason for Completion:* To be included in final rule listed as CPD-35-81.

E. *Brief Abstract:* Permits earlier filing by applicants in fiscal year 1980, thereby giving approved applicants greater flexibility in planning their schedules and earlier set-up time for projects.

A. Title: CPD-3-81. 24 CFR Part 510, CDBG, Subrecipients and Disposition of Real Property

B. *Contact:* Neil H. Stern, 202-755-5977.

C. *Federal Register Citation and Date of Final Action:* None. Proposed rule published June 31, 1979 (44 FR 45110).

D. *Reason for Completion:* To be included in interim rule listed as CPD-38-81.

E. *Brief Abstract:* HUD's policies and procedures in regard to CDBG subrecipients and the disposition of real property acquired with CDBG funds.

A. Title: CPD-6-81. 24 CFR Part 511. Neighborhood Facilities Program Project Selection System

B. *Contact:* Thomas H. Terrell, 202-755-6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Regulations obsolete. HUD has not accepted applications since 1974.

A. Title: CPD-7-81. 24 CFR Part 540. Open Space Land Program Project Selection System

B. *Contact:* Thomas H. Terrell, 202-755-6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Regulations obsolete. HUD has not accepted applications since 1974.

A. Title: CPD-8-81. 24 CFR Part 541. Open Space Land Program Project Selection System

B. *Contact:* Thomas H. Terrell, 202-755-6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Simplification and deregulation to minimum extent necessary to manage remaining active projects. No applications funded since 1974.

A. Title: CPD-9-81. 24 CFR Part 551. Neighborhood Development Program Project Selection System

B. *Contact:* Thomas H. Terrell, 202-755-6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Regulation is obsolete. HUD has not accepted application for this program since 1974.

A. Title: CPD-10-81. 24 CFR Part 555. Grants for Basic Public Water and Sewer Facilities

B. *Contact:* Thomas H. Terrell, 202-755-6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Simplification and deregulation to minimum extent necessary to manage remaining active projects. No applications funded since 1974.

A. Title: CPD-11-81. 24 CFR Part 556. Evaluation of Preliminary Applications for Basic Water and Sewer Grants

B. *Contact:* Thomas H. Terrell, 202-755-6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Deleted Part 556 because the regulation is obsolete. HUD has not accepted applications since 1974.

A. Title: CPD-12-81. 24 CFR Part 561. Public Facility Loans Project Selection System

B. *Contact:* Thomas H. Terrell, 202-755-6330.

C. *Federal Register Citation and Date of Final Action:* January 11, 1982 (47 FR 1117), effective March 7, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Deleted Part 561 because the regulation is obsolete. HUD has not accepted applications since 1974.

A. Title: CPD-13-81. 24 CFR Part 580. Model Cities Transition Policies

B. *Contact:* Thomas H. Terrell, 202-755-6330.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. Final rule no longer in preparation.

E. *Brief Abstract:* Would have deleted portions of Part 580 because they are obsolete. However, one Model Cities project remains open.

A. Title: CPD-15-81. 24 CFR Part 570. Section 108 Private Market Financing

B. *Contact:* Paul Webster, 202-755-1871.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have changed the source of financing under Section 108 from the Federal Financing Bank to private investors. However, HUD decided not to convert to private market financing. The continued utilization of the Federal Financing Bank (FFB) as the sole lender under Section 108 was determined to be more advantageous to the borrowers and HUD. The principal advantages of utilizing the FFB are lower interest rates and decreased administrative costs.

A. Title: CPD-16-81. 24 CFR Part 570. CDBG Entitlement Grants—Amendments Conforming to 1980 Legislation: Allocation and Distribution of Funds

B. *Contact:* David J. Pollack, 202-755-6306.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as CPD-4-82.

E. *Brief Abstract:* 1980 Statutory changes in the allocation and distribution of funds.

A. Title: CPD-17-81. 24 CFR Part 570. CDBG Entitlement Grants—Amendments Conforming to 1980 Legislation: Urban Counties

B. *Contact:* Rich Fromm, 202-755-9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 14, 1981 (46 FR 45603), effective September 14, 1981.

D. *Reason for Completion:* To be included in interim rule listed as CPD-4-82.

E. *Brief Abstract:* Implements 1980 statutory entitlement to the qualification requirements for CDBG Entitlement Grants to Urban Counties.

A. Title: CPD-19-81. 24 CFR Part 570. Urban Development Action Grants

B. *Contact:* Virginia S. Healy, 202-755-7362.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Included in final rule published February 23, 1982 (47 FR 7982), effective March 31, 1982. (CPD-36-81).

E. *Brief Abstract:* Implemented the statutory amendment extending UDAG elibibility to Indian Tribes.

A. Title: CPD-2-81. 24 CFR Part 570. CDBG Grant Administration, Conflict of Interest

B. *Contact:* Lorraine H. Drolet, 202-755-5977.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as CPD-4-82.

E. *Brief Abstract:* HUD's policies and procedures toward conflict of interest issues involving CDBG funds.

A. Title: CPD-23-81. 24 CFR Part 58. Environmental Review Procedures for the CDBG Program

B. *Contact:* Charles E. Thomsen, 202-755-7355.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as CPD-21-81.

E. *Brief Abstract:* HUD's policies and procedures regarding CDBG program environmental review.

A. Title: CPD-24-81. 24 CFR Part 570, Subpart A. CDBG General Provisions

B. *Contact:* David Pollack, 202-744-6306.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in interim rule listed as CPD-4-82.

E. *Brief Abstract:* Objectives and definitions for the CDBG program.

A. Title: CPD-25-81. 24 CFR Part 570, Subpart B. Allocation and Distribution of Funds

B. *Contact:* David Pollack, 202-755-6306.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in interim rule listed as CPD-4-82.

E. *Brief Abstract:* HUD's policies and procedures in regard to the allocation and distribution of CDBG funds.

A. Title: CPD-26-81. 24 CFR Part 570, Subpart D-CDBG Entitlement Grants

B. *Contact:* David Pollack, 202-755-6306.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in interim rule listed as CPD-4-82.

E. *Brief Abstract:* HUD's policies and procedures for CDBG Entitlement Grants.

A. Title: CPD-27-81. 24 CFR 570.400. Secretary's Fund (CDBG)

B. *Contact:* James F. Selvaggi, 202-755-6867.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's policies and procedures in regard to the CDBG Secretary's Fund. No action to be taken.

A. Title: CPD-28-81. 24 CFR 570.402. Technical Assistance Grants and Contracts

B. *Contact:* James F. Selvaggi, 202-755-6876.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as CPD-6-79.

E. *Brief Abstract:* HUD's policies and procedures for the CDBG Secretary's Fund: Technical Assistance Grants.

A. Title: CPD-29-81. 24 CFR 570.403. New Communities

B. *Contact:* Liza Bowles, 202-755-8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's policies and procedures in regard to the CDBG Secretary's Fund: New Community Grants. No action to be taken until all active projects are closed out.

A. Title: CPD-30-81. 24 CFR 570.404. Areawide Programs

B. *Contact:* Liza Bowles, 202-755-8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's policies and procedures in regard to the CDBG Secretary's Fund: Areawide Program Grants. No action to be taken pending closeout of active grants.

A. Title: CPD-31-81. 24 CFR 570.405. Consolidation of Grants for Certain Insular Areas

B. *Contact:* Liza Bowles, 202-755-8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's procedures for funding of Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands under the CDBG Secretary's Fund. No action to be taken at this time.

A. Title: CPD-32-81. 24 CFR Part 570. Innovative Grant Program

B. *Contact:* Liza Bowles, 202-755-8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* Program was abolished by the 1981 amendments.

A. Title: CPD-33-81. 24 CFR 570.407. CDBG Disaster Assistance Grants

B. *Contact:* Liza Bowles, 202-755-8909.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* HUD's policies and procedures in regard to CDBG Secretary's Fund: Federally Recognized

Disasters. Proposed rule was published November 13, 1980. Program was abolished by 1981 amendments. Final rule no longer in preparation.

A. Title: CPD–34–81. 24 CFR 570.406. CDBG for Inequities

B. *Contact:* Leroy Gonnella, 202–755–6000.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as CPD–22–81.

E. *Brief Abstract:* Procedures which make funds available to correct in whole or in fact inequities resulting from the allocation provisions.

A. Title: CPD–36–81. 24 CFR Part 570, Subpart G. Urban Development Action Grants

B. *Contact:* Virginia Healy, 202–755–7362.

C. *Federal Register Citation and Date of Final Action:* February 23, 1982 (47 FR 7982), effective March 31, 1982.

D. *Reason for Completion:* Review completed. Final rule published.

E. *Brief Abstract:* This final rule incorporated all policy and program changes required by the Community Development Act of 1980 and the Omnibus Budget Reconciliation Act of 1981.

Includes: CPD–19–81. Separate interim rule no longer in preparation. CPD–11–82. Interim rule published June 8, 1979 (44 FR 33372), effective June 28, 1979.

A. Title: CPD–40–81. 24 CFR Part 510, Subpart M-Entitlement Grants-Loan Guarantees

B. *Contact:* Paul Webster, 202–755–1871.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* HUD's policies and procedures toward private market financing of loans authorized under Section 108 of the HCD Act of 1974.

A. Title: CPA–42–81. 24 CFR Part 891, Subpart E—Areawide Housing Opportunity

B. *Contact:* Robert J. Coyle, Office of Policy and Budget, Housing, 202–755–6454.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as H–4–81.

E. *Brief Abstract:* Subpart E contains the application requirements for the Areawide Housing Opportunity Program. Rulemaking for this program has been assumed by the Office of Housing.

A. Title: CPD–43–81. 24 CFR Part 891, Subpart F—Special Allocation Based Upon Approved Areawide Opportunity Plans

B. *Contact:* Robert J. Coyle, Office of Policy and Budget, Housing, 202–755–6454.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. To be included in final rule listed as H–4–81.

E. *Brief Abstract:* Subpart F describes the policies and procedures governing review and selection by HUD of those approved plans which serve as the basis for special allocations of contract and budget authority for use in the Approved Plan area Rulemaking for this program has been assumed by the Office of Housing.

A. Title: CPD–45–81. 24 CFR Part 51—Environmental Criteria and Standards

B. *Contact:* James Miller, 202–755–6580.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* No review conducted. Listed as a deregulation item on 8/17/81 Agenda in error.

E. *Brief Abstract:* Provides environmental standards, criteria and guidelines for determining project acceptability for activities assisted by the Department.

A. Title: CPD–1–80. 24 CFR Part 42. Relocation of Displaced Mobile Home Occupants

B. *Contact:* Harold J. Huecher, 202–755–6336.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule, published August 13, 1979 (44 FR 45708), effective September 26, 1979.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have added a new 24 CFR 42.507 to govern relocation assistance for mobile home occupants displaced by a HUD-assisted project that is subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

A. Title: CPD–4–80. 24 CFR Part 570. CDBG Entitlement Conforming Amendments, 1980 Legislation: Eligible Activities and Optional Applicant Requirements

B. *Contact:* Charles Kreiman, 202–755–5977.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* To be included in interim rule listed as CPD–4–82.

E. *Brief Abstract:* Conforms CDBG Entitlement Regulations to 1980 statutory amendments for program benefit requirements.

A. Title: CPD–5–80. 24 CFR Parts 510 and 570. Minority Business Enterprise Requirements for CDBG Recipients and Localities Administering Section 312 Rehabilitation Loans

B. *Contact:* James R. Broughman, 202–755–9267.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn pending outcome of legislative change proposal under consideration as part of 1984 Budget.

E. *Brief Abstract:* Would have established requirements for the use of minority business in carrying out CDBG and Section 312 activities.

A. Title: CPD–7–80. 24 CFR Part 600. Comprehensive Planning Assistance Program—Energy Conservation Provisions.

B. *Contact:* Richard J. Alexander, 202–755–6186.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* The regulations require grantees to incorporate energy conservation measures in the comprehensive planning process and provide examples of eligibility energy conservation activities.

Grants are no longer being made under this Program. It was repealed effective October 1, 1981.

A. Title: CPD–8–80. 24 CFR Part 600. Comprehensive Planning Assistance, Statutory Changes

B. *Contact:* Richard J. Alexander, 202–755–6186.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have amended 24 CFR Part 600 to revise Comprehensive Planning Assistance (701) Program regulations to reflect changes in statutory requirements. Program was repealed, effective October 1, 1981.

A. Title: CPD–9–80. 24 CFR Part 570. Modifications to Innovative Grant Program

B. *Contact:* Liza Bowles, 202–755–8909.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 9, 1980 (45 Fr 59496), effective October 1, 1980.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Would have clarified program objectives and provided guidance as to content and format of unsolicited proposals, solicited preapplications and full applications. Program was abolished by 1981 Amendment.

A. Title: CPD-10-79. 24 CFR Part 570. CDBG and UDAG Conforming Amendments

B. *Contact:* Charles Kreiman, 202-755-5977.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published September 9, 1980 (45 FR 59306), effective October 1, 1980.

D. *Reason for Completion:* To be included in interim rule listed as CPD-482.

E. *Brief Abstract:* Sets forth technical changes to implement the Housing and Community Development Amendments of 1979.

A. Title: CPD-12-79. 24 CFR Part 570, Subpart O. CDBG, Technical Amendments

B. *Contact:* James R. Broughman, 202-755-9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published November 15, 1979 (44 FR 65950), effective December 17, 1979.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Amended 570.910, 570.911 and 570.913 to clarify provisions regarding corrective and remedial actions, reduction of annual grant and other remedies for noncompliance.

A. Title: CPD-13-79. 24 CFR Part 570. CDBG, Housing Assistance Plan, Secretarial Review of Recipient's Performance

B. *Contact:* James R. Broughman, 202-755-9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published June 25, 1980 (45 FR 42604), effective August 1, 1980.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Revised 24 CFR 570.909 to clarify the provisions of existing performance standards for Housing Assistance Plans.

A. Title: CPD-23-79. 24 CFR Part 570. Minority Business Enterprise in the UDAG Program

B. *Contact:* Virginia Healy, 202-755-7362.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn.

E. *Brief Abstract:* Suggested change to require recipients to set goals for award of a portion of its construction contracts to minority businesses has been superseded by the President's Minority Business Enterprise policy being implemented by the Office of Community and Development.

A. Title: CPD-8-78. 24 CFR Part 570. CDBG Definition of Low- and Moderate-Income Persons

B. *Contact:* David Pollack, 202-755-6306.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published February 1, 1978 (43 FR 4382), effective February 1, 1978.

D. *Reason for Completion:* To be included in interim rule listed as CPD-4-82.

E. *Brief Abstract:* Revises existing definition to include unrelated individuals with lower incomes.

A. Title: CPD-16-78. 24 CFR Part 570. CDBG Revisions to Rules Governing the Grantee Performance

B. *Contact:* James R. Broughman, 202-755-9267.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published February 13, 1980 (45 FR 9730), effective March 14, 1980.

D. *Reason for Completion:* To be included in interim rule listed as CPD-38-81.

E. *Brief Abstract:* Would reduce the submission frequency and content of the Grantee Performance Report.

A. Title: CPD-20-78. 24 CFR Parts 52. Implementation of OMB Circular A-95

B. *Contact:* Richard J. Alexander, 202-755-6186.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed.

E. *Brief Abstract:* OMB has rescinded OMB Circular A-95 as directed by E.O. 12372. Present rules and regulations in effect will continue in effect until April 1983. At that time, regulations establishing a new Intergovernmental Review system will be promulgated.

A. Title: CPD-27-78. 24 CFR part 58. Environmental Review Procedures for the CDBG Program

B. *Contact:* Charles E. Thomsen, 202-755-7355.

C. *Federal Register Citation and Date of Final Action:* None. Interim rule published August 2, 1979 (44 FR 45568), effective October 1, 1982.

D. *Reason for Completion:* Superseded by interim rule listed as CPD-23-81.

E. *Brief Abstract:* Sets forth regulations governing environmental review procedures to be undertaken by applicants for funds under the Community Development Block Grant Program.

A. Title: CPD-35-78. 24 CFR Part 570. Community Development Block Grants for Indian Tribes and Alaskan Natives Housing Assistance Plan (HAP)

B. *Contact:* Marcia A. Brown, 202-755-6092.

C. *Federal Register Citation and Date of Final Action:* April 16, 1982 (47 FR 16321), effective May 12, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* HUD deleted its regulations which required that an application under the Indian CDBG Program include a HAP which would provide data on housing needs. The deletion was appropriate because of the Department's desire to reduce unnecessarily burdensome administrative requirements not required by statute.

A. Title: GNMA-1-82. 24 CFR Part 300. Addition to List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202-755-7260.

C. *Federal Register Citation and Date of Final Action:* January 29, 1982 (47 FR 4252) effective March 11, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact to add one person for the Chicago regional area.

A. Title: GNMA-2-82. 24 CFR Part 300. Addition to List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202-755-7260.

C. *Federal Register Citation and Date of Final Action:* February 4, 1982 (47 FR 5226), effective March 18, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current lists of attorneys-in-fact to remove two persons and to add two persons for Washington, D.C.

A. Title: GNMA-3-82. 24 CFR Part 390. Graduated Payment Mortgage-Backed Securities

B. *Contact:* Warren Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* March, 29, 1982 (FR 13139), effective May 17, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Amends 24 CFR Part 390 to permit inclusion of graduated payment mortgages (FPMs) guaranteed by the Veterans Administration in mortgage pools under the GNMA Mortgage-Backed Securities Program.

A. Title: GNMA-4-82. 24 CFR Part 300. Addition to List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202-755-7260.

C. *Federal Register Citation and Date of Final Action:* October 2, 1981 (FR 48644), effective November 12, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact to add one person for Region III.

A. Title: GNMA-5-82. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202-755-7260.

C. *Federal Register Citation and Date of Final Action:* April 21, 1982 (47 FR 17055), effective May 22, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact by adding three names from the Atlanta, Philadelphia, and Chicago regional areas.

A. Title: GNMA-6-82. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202-755-7260.

C. *Federal Register Citation and Date of Final Action:* May 20, 1982 (FR 21784), effective date July 17, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact by removing one name from the Philadelphia regional area.

A. Title: GNMA-7-82. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202-755-7260.

C. *Federal Register Citation and Date of Final Action:* August 9, 1982 (47 FR 34376), effective date September 28, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact by adding names from Region III, VI, and IX.

A. Title: GNMA-8-81. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202-755-7260.

C. *Federal Register Citation and Date of Final Action:* August 5, 1981 (46 FR 39810), effective October 13, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* Updates the current list of attorneys-in-fact by removing two names and adding one name from the Atlanta regional area.

A. Title: GNMA-1-81. 24 CFR Part 300. General (Introduction)

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Sets forth the general description of 1) the functions of the Government National Mortgage Association (GNMA), 2) its creation and status, 3) area of operations, and 4) the names of persons authorized to act as attorneys-in-fact for GNMA.

A. Title: GNMA-2-81. 24 CFR Part 310. Bylaws of the Government National Mortgage Association

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Bylaws governing the operation of GNMA.

A. Title: GNMA-3-81. 24 CFR Part 320. Description (Special Assistance Functions)

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Special assistance functions of GNMA, and the financing thereof, which are undertaken to retard a decline in mortgage lending and home building activities which threaten the national economy.

A. Title: GNMA-4-81. 24 CFR Part 330. Eligible Sellers of Mortgages

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Eligibility criteria for sellers of mortgages to be purchased by GNMA.

A. Title: GNMA-5-81. 24 CFR Part 340. Purchase Requirements.

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* General requirements and procedures governing the purchase by GNMA of mortgages under the Special Assistance Functions.

A. Title: GNMA-6-81. 24 CFR Part 350. Servicing and Sales of Mortgages

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Eligibility requirements for sellers to service GNMA Mortgages; and the standards governing the sale of GNMA owned mortgages to qualified investors.

A. Title: GNMA-7-81. 24 CFR Part 360. Description (Management and Liquidating Functions)

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* GNMA's authority to manage and liquidate portfolios of mortgages.

A. Title: GNMA-8-81. 24 CFR Part 370. Mortgage Activities

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Purchasing, servicing, and sales of mortgages undertaken by GNMA pursuant to its management and liquidating functions.

A. Title: GNMA-9-81. 24 CFR Part 390. Fiduciary Activities

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken

E. *Brief Abstract:* Provisions authorizing GNMA to act as a fiduciary in the management and liquidation of portfolios of mortgages.

A. Title: GNMA-10-81. 24 CFR Part 390. Guaranty of Mortgage-Backed Services

B. *Contact:* Warren A. Lasko, 202-755-5926.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. No action to be taken.

E. *Brief Abstract:* Provisions governing the guaranty by GNMA of (1) passthrough type securities (2) bond type securities and (3) graduated payment mortgage-backed securities.

A. Title: GNMA-11-81. 24 CFR Part 300. List of Attorneys-in-Fact

B. *Contact:* William J. Linane, 202-755-7260.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Included in final rule listed as GNMA-7-92.

E. *Brief Abstract:* Would update the current list of attorneys-in-fact in Los Angeles, California. Final rule published January 6, 1981 (46 FR 1261) and withdrawn.

A. Title: GNMA-12-81. 24 CFR Part 300. GNMA Seal

B. *Contact:* Elton Peller, 202-755-5535.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Proposed rule no longer under development.

E. *Brief Abstract:* Would have adopted and described a corporate seal.

A. Title: ADM-1-78. 24 CFR Part 16. Privacy Act Procedures

B. *Contact:* Robert English, 202-755-5320.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. This revision was proposed during the previous Administration.

E. *Brief Abstract:* As part of a pilot project, the Office of General Counsel proposed to recodify in "plain English" HUD's regulations implementing the Privacy Act of 1974. A proposed rule was published in the Federal Register on July 21, 1980. The proposed recodity in "plain english" has been withdrawn.

A. Title: ADM-2-78. 41 CFR, Chapter 24. HUD Procurement

B. *Contact:* Craig E. Durkin, 202-755-5294.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Withdrawn. We do not expect to publish anything in the near future.

E. *Brief Abstract:* The Office of Federal Procurement Policy (OFPP) in the Office of Management and Budget is consolidating the Federal Procurement regulations and the Armed Services Procurement regulations into the Federal Acquisition regulations (FAR). Once that is published, HUD will revise its procurement regulations accordingly. However, the FAR is behind schedule to such an extent that a realistic publication date can no longer be estimated.

A. Title: NCDC-1-81. 24 CFR Part 720. Financing Public and Private New Community Development

B. *Contact:* Diane Esanu, 202-755-7920.

C. *Federal Register Citation and Date of Final Action:* None.

D. *Reason for Completion:* Review completed. Program is being liquidated and all obligations terminated. Therefore no further review of rule needed.

E. *Brief Abstract:* No action to be taken.

A. Title: FH&EO-6-82. 24 CFR Part 115. Recognition of Substantially Equivalent Laws—One State and Twenty Localities

B. *Contact:* Steven J. Sacks, 202-426-3500.

C. *Federal Register Citation and Date of Final Action:* August 4, 1982 (47 FR 33682), effective September 22, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* This regulation recognized one additional State and twenty localities as having substantially equivalent fair housing laws.

A. Title: FH&EO-1-81. 24 CFR Part 115. Recognition of Substantially Equivalent Laws—Two States and Eight Localities

B. *Contact:* Steven J. Sacks, 202-426-3500.

C. *Federal Register Citation and Date of Final Action:* September 18, 1981 (46 FR 46316), effective September 13, 1981.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* This regulation recognized two additional States and eight localities as having substantially equivalent fair housing laws.

A. Title: FH&EO-1-80. CFR Part III. Fair Housing Assistance Program—Eligibility Criteria and Funding Standards

B. *Contact:* Steven J. Sacks, 202-426-3500.

C. *Federal Register Citation and Date of Final Action:* March 3, 1982 (47 FR 8991), effective April 2, 1982.

D. *Reason for Completion:* Final rule published.

E. *Brief Abstract:* This regulation describes the FHAP program and funding criteria for Type I and II non-competitive and competitive funding.

A. Title: FH&EO-7-78. 24 CFR Part 114. Fair Housing—Land Use and Zoning Practices

B. *Contact:* Katrina Ross, 202-755-5673.

C. *Federal Register Citation and Date of Final Action:* ANPR published February 25, 1980 (45 FR 12265).

D. *Reason for Completion:* Withdrawn. Proposed rule no longer in preparation.

E. *Brief Abstract:* This regulation would have added a new subpart regarding applicability of Fair Housing Law to zoning and land use practices and indicate tests to be used by HUD in determining whether a violation has occurred.

[FR Doc. 82-28102 Filed 10-27-82; 8:45 am]

BILLING CODE 4210-01-M

federal register

Thursday
October 28, 1982

Part X

Department of the Interior

Office of the Secretary

Semiannual Agenda of Rules Scheduled for Review or Development

DEPARTMENT OF THE INTERIOR

Office of the Secretary

25 CFR Ch. I

30 CFR Chs. II and VII

36 CFR Chs. I and XII

41 CFR Ch. 14

43 CFR Subtitle A, Chs. I and II

50 CFR Chs. I and IV

Semiannual Agenda of Rules Scheduled for Review or Development

AGENCY: Department of the Interior.

ACTION: Semiannual agenda of rules scheduled for review or development.

SUMMARY: This notice provides the semiannual agenda of rules scheduled for review or development between October 1982 and April 1983. A semiannual agenda is required by the Regulatory Flexibility Act and Executive Order 12291.

ADDRESS: Unless otherwise indicated, all Contacts are located at the Department of the Interior, 18th and C Streets NW, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: All comments and inquiries with regard to these rules should be directed to the appropriate Contact.

SUPPLEMENTARY INFORMATION: With this publication the Department satisfies the requirement of Executive Order 12291 that the Department publish in April and October of each year an agenda of rules that have been issued or are expected to be issued, and currently effective rules that are scheduled for review. Simultaneously the Department meets the requirement of the Regulatory Flexibility Act that an agenda be published in April and October of each year identifying rules which will have significant economic effects on a substantial number of small entities; those rules which will have such effects are specifically identified in the agenda. This incorporation of agendas is expressly allowed by Executive Order 12291.

Dated: September 24, 1982.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

ASSISTANT SECRETARY - POLICY, BUDGET, AND ADMINISTRATION

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **41 CFR 14-1, et seq.** *Title:* **Interior Procurement Regulations**

Abstract: The Interior Procurement Regulations shall be revised to conform to the Federal Acquisition Regulations, which shall replace the Federal Procurement Regulations, and are scheduled for publication in FY 1983.

Originally Scheduled: October 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: By memorandum dated December 15, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William Opdyke 202-343-3433

CFR Citation: **41 CFR 14-1.6** *Title:* **Debarred, Suspended and Ineligible Bidders**

Abstract: Subpart 14-1.6 shall be revised to conform to the changes required by OFPP Policy Letter 82-1, dated June 24, 1982, and the corresponding amendment of the Federal Procurement Regulations.

Originally Scheduled: October 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: By memorandum dated December 15, 1981, the Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Metz 202-343-3345

CFR Citation: **41 CFR 14-1.7** *Title:* **Small Business Concerns**

Abstract: Section 14-1.706-1 will be revised to increase the dollar thresholds established for small business class set-aside procurements.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: By memorandum dated April 8, 1981, The Director, Office of Management and Budget, exempted procurement regulations, with few exceptions, from the provisions of E.O. 12291. The determination as to whether this document is a major rule under E.O. 12291 is therefore not required.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: William Opdyke 202-343-3433

OFFICE OF THE SOLICITOR

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 1** *Title:* **Practice Before the Department**

Abstract: This rule governs practice in administrative proceedings before the Department. It is being revised to update its provisions and assure that they are consistent with the Department's employee conduct regulations (43 CFR Part 20) and the Ethics in Government Act.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1464

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Deborah Ryan 202-343-5216

CFR Citation: **43 CFR Part 9** *Title:* **Intergovernmental Review of Federal Programs**

Abstract: The Department will promulgate rules to implement the intergovernmental cooperation requirements of E.O. 12372.

Originally Scheduled: October 1982

Legal Authority: E.O. 12372, 42 U.S.C. 4231

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities

under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William H. Satterfield 202-343-4722

Timetable: Proposed rule scheduled to be published by January 1983; final rule to be published by April 30, 1983.

COMPLETED ACTIONS

CFR Citation: **43 CFR Part 2** *Title:* **Records and Testimony**

Abstract: This rule is being revised to: (1) reflect recent organization title changes; and (2) include various technical amendments.

Originally Scheduled: January 1981

Legal Authority: 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 483a; 43 U.S.C. 1460

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert E. Walter 202-343-5216

Timetable: Final rule was published August 31, 1982 (47 FR 38325).

CFR Citation: **43 CFR Part 22** *Title:* **Administrative Claims Under Federal Tort Claims Act**

Abstract: This part will be revised to remove subsection 22.1(b) which references an Appendix A that was previously removed from Title 43.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301; 28 U.S.C. 2671-2680

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Deborah Ryan 202-343-5216

Timetable: Final rule was published August 31, 1982 (47 FR 38325).

OFFICE FOR EQUAL OPPORTUNITY

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 17, Subpart C** *Title:* **Nondiscrimination on the Basis of Age**

Abstract: This rule will set forth guidelines for non-discrimination on the basis of age in programs or activities receiving Federal financial assistance from the Department.

Originally Scheduled: January 1979

Legal Authority: 42 U.S.C. 6101; 45 CFR 90

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Alfred J. Poole 202-343-4331

Timetable: Proposed rule was published January 3, 1980 (45 FR 976).

COMPLETED ACTIONS

CFR Citation: **43 CFR Part 17, Subpart B** *Title:* **Nondiscrimination on the Basis of Handicap**

Abstract: This rule will set forth guidelines for nondiscrimination on the basis of handicap in programs or activities receiving Federal financial assistance from the Department.

Originally Scheduled: January 1979

Legal Authority: Sec. 504, Pub.L. 95-602; 29 U.S.C. 794

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Alfred J. Poole 202-343-4331

Timetable: Advance Notice of Proposed rulemaking was published April 13, 1979.

Proposed rule was published April 8, 1980 (45 FR 24074).

Final rule was published July 7, 1982 (47 FR 29542).

OFFICE OF HEARINGS AND APPEALS 4015 Wilson Boulevard, Arlington, Virginia 22203

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 4, Subpart A** *Title:* **General; Office of Hearings and Appeals**

Abstract: This rule is being revised to remove out of date references and to simplify language to comply with E.O. 12291 which mandates the review and revision, where necessary, of existing regulations.

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provsisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: F. Christopher Bockmon 703-235-3750

Timetable: Proposed rule was published May 27, 1980 (45 FR 35351).

A Notice withdrawing the proposed rule is scheduled to be published by October 1982.

CFR Citation: **43 CFR Part 4, Subpart E** *Title:* **Special Rules Applicable to Public Land Hearings and Appeals**

Abstract: Existing rules for public land hearings and appeals are being reviewed to determine the necessity for clarification and improvement. They will be revised to: place limitations on the filing of petitions for reconsideration; provide for intervention in appeals; and clarify procedures utilized when fact finding hearings are necessary.

Originally Scheduled: July 1979

Legal Authority: 43 U.S.C. 1201, 1701

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Julia A. Barrows 703-235-3750

CFR Citation: **43 CFR Part 4, Subpart E** *Title:* **Special Rules Applicable to Public Land Hearings and Appeals**

Abstract: This rule amends regulations governing hearings and appeals to implement Secretarial Order No. 3078, dated April 29, 1982, abolishing the Alaska Native Claims Appeal Board and consolidating the functions of that Board under the jurisdiction of the Interior Board of Land Appeals effective June 30, 1982. The effect of these amendments is to ensure that uniform procedures apply to all appeals governed by this Subpart and to eliminate duplicative regulations.

To implement this internal organization change, the jurisdictional statement for the former Alaska Native Claims Appeal Board in Subpart A (43 CFR 4.1) is being removed and that for the Interior Board of Land Appeals, also in 43 CFR 4.1, is being revised. Regulations in 43 CFR Part 4, Subpart J, formerly applicable to appeals to the Alaska Native Claims Appeal Board, are being revoked and Subpart J will be reserved. References to the Alaska Native Claims Appeal Board and Subpart J in 43 CFR Part 2560 are being changed to Interior Board of Land Appeals and Subpart E.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1601-1628

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Julia A. Barrows 703-235-3750

Timetable: An Interim rule was published June 18, 1982 (47 FR 26390).

A final rule is scheduled to be published by December 31, 1982.

CFR Citation: **43 CFR Part 4, Subpart F**
Title: **Implementation of the Equal Access to Justice Act**

Abstract: These regulations will implement for the Department of the Interior the Equal Access to Justice Act. The Act provides for the award of attorney's fees and other expenses to certain parties who prevail over the Department in administrative adjudications conducted under section 554 of the Administrative Procedure Act.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-481; 5 U.S.C. 504

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Patrick Sheehy 703-235-3750

CFR Citation: **43 CFR Part 4, Subpart H**
Title: **Special Procedural Rules Applicable to Proceedings Conducted Pursuant to Enforcement of Executive Order 11375, and Rules and Regulations and Orders Issued Thereunder**

Abstract: This rule is being revoked to comply with Executive Order 12086 which transferred all functions under Executive Order 11246, as amended by Executive Order 11375, to the Department of Labor.

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: A proposal to revoke this rule was published May 27, 1980 (45 FR 35351).

CFR Citation: **43 CFR Part 4, Subpart K**
Title: **Special Procedural Rules Applicable to Contest Proceedings to Disenroll Alaska Natives**

Abstract: This rule will be revoked, because the deadline for disenrollment contest review (October 1, 1978) has passed. (See 25 CFR 43h.15(h))

Originally Scheduled: January 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: A proposal to revoke this rule was published May 27, 1980 (45 FR 35351).

Final rule will be published when disenrollment cases currently pending in Federal courts are concluded.

CFR Citation: **43 CFR Part 4, Subpart L**
Title: **Special Rules Applicable to Surface Coal Mining Hearings and Appeals**

Abstract: Proposed rule has been developed to govern hearings and appeals provided for in the permanent regulatory program regulations (44 FR 15311, March 13, 1979).

Originally Scheduled: May 1978

Legal Authority: 30 U.S.C. 1211 (Supp. I, 1977)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Alfred Jahns 703-235-3775

Timetable: Proposed rule was published January 14, 1981 (46 FR 3242).

COMPLETED ACTIONS

CFR Citation: **43 CFR Part 4, Subpart B**
Title: **General Rules Relating to Procedures and Practice**

Abstract: The general rules now existing in this Subpart are proposed for inclusion, where needed, in the several Subparts of 43 CFR Part 4 so that each Subpart can stand alone. When this has been done, Subpart B will be deleted.

Originally Scheduled: January 1979

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: Proposed rule was published May 27, 1980 (45 FR 35351).

A Notice withdrawing the proposed rule was published June 24, 1982 (47 FR 27086).

CFR Citation: **43 CFR Part 4, Subpart G** *Title:* **Special Rules Applicable to Other Hearings and Appeals**

Abstract: Existing rules are being clarified, simplified, and up-dated for appeals not within the appellate review jurisdiction of established appeals boards of the Office.

Originally Scheduled: July 1979

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: Proposed rule was published December 9, 1980 (45 FR 81074).

A Notice withdrawing the proposed rule was published June 23, 1982 (47 FR 27086).

CFR Citation: **43 CFR Part 4, Subpart I** *Title:* **Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions and Administrative Review Under Part 17 of This Title**

Abstract: This rule is being revised to remove gender specific pronouns and to simplify language to comply with E.O. 12291 which mandates the review and revision, where necessary, of existing regulations.

Originally Scheduled: July 1980

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: Proposed rule was published May 27, 1980 (45 FR 35351).

A Notice withdrawing the proposed rule was published June 23, 1982 (47 FR 27086).

CFR Citation: **43 CFR Part 4, Subpart J** *Title:* **Special Rules Applicable to the Alaska Native Claims Settlement Act Hearings and Appeals**

Abstract: Existing rules are being amended to clarify procedures and simplify language, and to carry out Secretarial policy decisions on: (1) Alaska Native Claims Appeal Board jurisdiction over appeals by persons claiming rights under Section 14 (c) of the Alaska Native Claims Settlement Act; (2) requirements for standing to appeal; (3) standard of review and burden of proof; and, (4)procedure for hearings on questions of fact.

Originally Scheduled: January 1979

Legal Authority: 43 U.S.C. 1601 et seq.

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathryn Lynn 703-235-3816

Timetable: Proposed rules were published February 8, 1979 (44 FR 7983) and March 2, 1979 (44 FR 11803).

A Notice withdrawing the proposed rules was published June 23, 1982 (47 FR 27086).

U.S. FISH AND WILDLIFE SERVICE

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **50 CFR Part 402** *Title:* **Endangered Species: Interagency Cooperation**

Abstract: The Endangered Species Act Amendments of 1978 and 1979 made some changes in the consultation requirements of Section 7. These proposed rules would amend existing rules governing Section 7 consultation by implementing changes required by the amendments, incorporating other procedural changes designed to improve interagency cooperation, and responding to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Proposed rule will be published after the passage of legislation which is pending before the Congress.

CFR Citation: **50 CFR Parts 1 and 2** *Title:* **Definitions and Field Organization**

Abstract: These parts have been reviewed and will be updated to reflect the Service's closure of area offices.

Originally Scheduled: January 1981

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Arthur J. Ferguson 202-653-8770

CFR Citation: **50 CFR Part 10, Subpart B** *Title:* **General Provisions: Definitions**

Abstract: The list of migratory birds found at 50 CFR 10.13 would be amended by adding formerly unprotected species which are covered by the convention concluded with the Union of Soviet Socialist Republics for conservation of migratory birds and their environment. Also, the laughing gull, which was inadvertently omitted when the list was last revised, would be restored. Several species of birds belonging to groups protected under conventions concluded with Canada and Mexico have recently been found in the United States and would also be added to the list. The Mexican duck, which is no longer found in the United States, would be deleted from the list; Mexican-like ducks which are found in the Southwestern United States would continue to be protected as hybrids of the mallard, a migratory bird.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 704, 712

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Rogers 202-254-3207

CFR Citation: **50 CFR Part 10** *Title:* **General Provisions**

Abstract: This part has been reviewed and will be revised to reflect changes made in the Service's law enforcement district locations and jurisdictions.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 703-711; 16 U.S.C. 742a-l; 16 U.S.C. 1531-43; 18 U.S.C. 42-44

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Parts 11 and 12** *Title:* **Civil Procedures; Seizure and Forfeiture Procedures**

Abstract: As a result of review, the Service has determined that this rule should be revised in order to implement the Lacey Act Amendments of 1981.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1540; 18 U.S.C. 42; 16 U.S.C. 668-668dd, 704-718, 742, 1382, 3371-3378

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published September 15, 1982 (47 FR 40670).

CFR Citation: **50 CFR Part 13** *Title:* **General Permit Procedures**

Abstract: A revision of definitions, procedures and terms relative to issuance criteria found in Parts 10 through 23 of Title 50 in order to clarify, define, consolidate, and lend consistency insofar as practical, and placement of issuance criteria for all affected Parts (10 through 23) in Part 13 for the convenience of affected parties. Affected State, Federal and private parties as well as the Service have noted the need for clearly defined and consistent issuance criteria, consolidated insofar as practical, "in one place."

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 701 et seq., 1531 et seq.; 18 U.S.C. 42-44

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: An advance notice of proposed rulemaking is scheduled to be published by December 31, 1982.

CFR Citation: **50 CFR Part 14** *Title:* **Importation, Exportation, and Transportation of Wildlife**

Abstract: The Service would revise 50 CFR Part 14 to make a number of changes involving: (1) the use of designated, border, or special ports, (2) the filing of import or export declarations, (3) the licensing of persons engaged in business as importers or exporters of fish or wildlife, and (4) marking and labeling containers or packages of fish or wildlife.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 704, 712, 16 U.S.C. 1382; 16 U.S.C. 1538(d)-(f); 16 U.S.C. 3371-3378

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 14** *Title:* **Humane Transport of Wild Animals and Birds**

Abstract: Section 9(d) of the Lacey Act Amendments of 1981 shifts authority for prescribing requirements for the humane and healthful transport of wild animals and birds from the Secretary of the Treasury to the Secretary of the Interior. This authority will be promulgated in Part 14.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 97-79, 95 Stat. 1073

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-2418

Timetable: A Notice announcing a public meeting was published February 26, 1982 (47 FR 8386).

A Notice of Intent to propose rules was published June 30, 1982 (47 FR 28431).

CFR Citation: **50 CFR Part 16** *Title:* **Injurious Wildlife**

Abstract: As a result of review, the Service has proposed adding the 'raccoon dog' (Nyctereutes procyonoides) to the list of injurious wildlife.

Originally Scheduled: January 1981

Legal Authority: 18 U.S.C. 42

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jim F. Gillett 202-632-7463

Timetable: A Notice requesting data on the species was published December 1, 1981 (46 FR 58348).

Proposed rule was published May 20, 1982 (47 FR 21892).

CFR Citation: **50 CFR Part 17, Subparts C and D** *Title:* **Endangered Wildlife; Threatened Wildlife**

Abstract: Self-defense rules found at 50 CFR 17.21 and 17.31 for endangered and threatened wildlife, respectively, would be revised to conform to the Endangered Species Act Amendments of 1978. Under the revision, the taking of endangered or threatened wildlife in good faith for the protection of oneself or others from bodily harm would be a defense to a civil penalty assessment or a criminal prosecution.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 1540(a)-(b)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: Unless otherwise indicated, the Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Pine Barrens treefrog (Delist) - Proposed rule was published September 15, 1982 (47 FR 40673).

Four Yaqui River fishes

Borax Lake chub - Proposed rule was published October 16, 1980 (45 FR 68886).

Chihuahua chub - Proposed rule was published December 15, 1980 (45 FR 82474).

Key Largo woodrat and Key Largo cotton mouse

Agave arizonica

Tree cactus (cereus robbinii)

Ashy dogweed

Johnston frankenia

Heliotrope milk-vetch - Proposed rule was published January 13, 1981 (46 FR 3188).

Osgood Mountains milk-vetch

Malheur wire-lettuce - Proposed rule was published October 31, 1980 (45 FR 72234).

Monito gecko - Proposed rule was published October 22, 1980 (45 FR 70192).

18 foreign reptiles

Madison Cave isopod - Proposed rule was published October 6, 1980 (45 FR 66410).

Utah prairie dog (Downlist)

Florida torreya

San Benito evening-primrose

Eight foreign mammals

12 Pacific islands birds and mammals

Least Bell's vireo

Kusche's fleabane and Blumer's dock

Silverling - Proposed rule was published October 27, 1980 (45 FR 70948).

Rigid white-topped aster

Bradshaw lomatium

Amargosa vole

Maguire fleabane

CFR Citation: **50 CFR Part 17, Subpart A** *Title:* **Endangered and Threatened Wildlife and Plants: Introduction and General Provisions**

Abstract: The Service will amend 50 CFR 17.4 to give pre-Act exempt status to wildlife which otherwise qualifies only if it was not held in the course of a commercial activity on or after December 28, 1973.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: Unless otherwise indicated, the Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Bidens cuneate- Proposed rule was published August 23, 1982 (47 FR 36675).

Diamond Head schiedea - Proposed rule was published August 23, 1982 (47 FR 36675).

Carter's panicgrass - Proposed rule was published January 30, 1981 (46 FR 9976); comment period was reopened July 29, 1982 (47 FR 32754).

Eight foreign birds

17 foreign birds (Reclassify)

Monte Neva Indian paintbrush

Fresno kangaroo rat

American Alligator (Texas)- Proposed rule was published September 13, 1982 (47 FR 40196).

Lakela's mint

Texas snowbells

Cliffrose

Flagstaff pennyroyal

San Francisco Peaks groundsel

Little Colorado River Spinedace

Warner sucker

Hutton Spring tui chub

Foskett Springs speckled dace

Desert pupfish

Desert dace

Ash Meadows speckled dace - Listed as endangered by emergency listing May 10, 1982 (47 FR 19995).

Laramie false sagebrush

Wyoming toad

Bonneville cutthroat

12 U.S. birds (Reclassify)

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: Unless otherwise indicated, the Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks, Jr. 703-235-2771

Timetable: Giant kangaroo rat

Modoc sucker

Railroad Valley springfish

White River spinedace

White River springfish

Bluntnose shiner
Loach minnow
Spikedace
Amargosa pupfish - Listed as endangered by emergency listing May 10, 1982 (47 FR 19995).
Big Springs spinedace
Fish Springs tui chub
Hiko White River springfish
Koki'o
Ko'oloa 'ula
Dwarf naupaka
Cyanea superba
Gardenia brighamii
Gouania hillebrandii
Pedate checker mallow
Slender petaled thelypodium
Uhiuhi
Barneby cat's-eye
Toadflax cress

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would reclassify or delist, as appropriate, certain speicies of fish or wildlife.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: Unless otherwise indicated, the Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: Unless otherwise indicated, the Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks, Jr. 703-235-2771

Timetable: Columbia white-tailed deer
Red-browed parrot
Torquoise night parakeet
Pacific Island birds (5)
Santa Barbara song sparrow - Proposed rule was published August 9, 1982 (47 FR 34436).
Arctic peregrine falcon
Yuma clapper rail
Eastern brown pelican
Pecos gambusia
Longjaw cisco - Proposed rule was published May 25, 1982 (47 FR 22570).
Blue pike - Proposed rule was published May 25, 1982 (47 FR 22570).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Rules will be developed to list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify critical habitat.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether these documents will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Kentucky cave shrimp - Proposed rule was published October 10, 1980 (45 FR 68975).
Wood stork - Notice of status review was published February 16, 1982 (47 FR 6675).
Large-flowered fiddleneck
San Mateo thornmint

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: This rule will be revised to return management of the Gray wolf (Canis lupus) to the State of Minnesota. The special rules that apply to the wolf in 50 CFR 17.40(d) will be modified.

Originally Scheduled: April 1982

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ron Lambertson 202-343-4646

Timetable: Proposed rule was published July 14, 1982 (47 FR 30528).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed that would list certain species of wildlife and plants as Endangered or Threatened species and, where prudent, would identify Critical Habitat.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether these documents will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Santa Cruz cypress
Beautiful goetzia
Paleback darter
Woodland caribou (U.S. population)
Lost River sucker
Shoshone sculpin
Owens tui chub
Alamo Canyon beardtongue
Quemador del pacifico
Clay-loving wild-buckwheat
58 foreign birds
Four foreign mammals

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed that would reclassify or remove from listed status certain species now listed as Endangered or Threatened species.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determinations as to whether these documents are major rules under E.O. 12291 have not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether these documents will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Bahamian swallowtail
Schaus' swallowtail
Merriam's Montezuma quail

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: 50 CFR 17.21(g), Captive-bred Wildlife, provides regulatory relief for activities that enhance the propagation or survival of living, captive-bred, exotic species listed as endangered and born in the U.S. There is also a provision by which certain specifically situated native species may be eligible. The Service recognizes that a number of native species that do not presently qualify for the benefits of this regulation are specifically situated such that their continued survival would be enhanced by being qualified; therefore, the Service will propose to establish criteria by which species are to be so qualified.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Part 18** *Title:* **Marine Mammals**

Abstract: The Service will propose rules that would require the marking, tagging, or otherwise identifying of raw parts of certain lawfully taken marine mammals, including those taken by Alaska Natives for purposes of subsistence or the creation and selling of authentic native articles of handicrafts and clothing. Except for scientific research purposes, the rules would also prohibit exportation of raw parts of these marine mammals from Alaska and the sale of such parts, other than those that are edible, to persons other than resident Alaska Natives. These rules are necessary for management purposes.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 1382(a)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William C. Reffalt 202-632-7463

CFR Citation: **50 CFR Part 18** *Title:* **Marine Mammals**

Abstract: As a result of review and revisions to the Marine Mammal Protection Act, this rule will be revised to: (1) simplify the procedures for transfer of marine mammal management authority to the States; (2) determine if regulations concerning 'incidental taking' are necessary; and (3) detemine if regulations concerning waiver of the moratorium on importing marine mammals are necessary.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1371 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: William C. Reffalt 202-632-7463

Timetable: A Notice requesting data on 'incidental taking' was published March 8, 1982 (47 FR 9869).

Proposed rule was published May 12, 1982 (47 FR 20508).

CFR Citation: **50 CFR Part 18, Subpart D** *Title:* **Marine Mammals: Special Exceptions**

Abstract: This rule is being revised to ease the burden of permit procedures for scientific research and public display.

Originally Scheduled: January 1980

Legal Authority: 16 U.s.C. 1371-1407

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Part 18, Subpart H** *Title:* **Marine Mammals, Waiver of Moratorium on Taking and Importation of Individual Marine Mammal Species**

Abstract: The Service proposes to amend 50 CFR Part 18, Subpart H, by waiving import restrictions on legally taken polar bears (Ursus maritimus) from Canada. The best available information indicates that at least some populations of polar bears in Canada are at an 'optimum sustainable population' level, that the marine ecosystem supporting bears is being maintained, and that Canada manages polar bears in a manner consistent with these elements. Importation of polar bears from Canada has been determined to be consistent with sound principles of resource protection and conservation as provided in the purposes and policies of the Marine Mammal Protection Act.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1361-1407

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: William C. Reffalt 202-632-7463

Timetable: A hearing pursuant to 50 CFR Part 18, Subpart G, will be held on the proposal to waive the import restrictions and the proposed regulations.

CFR Citation: **50 CFR Part 20** *Title:* **Migratory Bird Hunting**

Abstract: The Service will publish a series of documents establishing migratory bird hunting regulations for the 1983-84 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 703-711

Determination Under E.O. 12291: The determination as to whether these documents are major rules under E.O. 12291 have not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether these documents will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John P. Rogers 202-254-3207

Timetable: A Notice of Intent to propose frameworks is scheduled to be published by April 1983.

CFR Citation: **50 CFR Part 20, Subpart C** *Title:* **Taking**

Abstract: The Service will amend the hunting methods for taking migratory game birds to permit the use of crossbows.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 703-712

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published July 19, 1982 (47 FR 31282).

CFR Citation: **50 CFR Part 21, Subpart C** *Title:* **Migratory Bird Permits: Specific Permit Provisions**

Abstract: Adding additonal States to the States listed in 50 CFR 21.29(k) whose falconry laws have been determined by the Director to meet or exceed the Federal minimum standards. In such States falconry is permitted under a system of joint Federal-State permits.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 703-712

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 21** *Title:* **Migratory Bird Permits**

Abstract: Raptors (birds of prey) that were held in captivity or a controlled environment on November 10, 1978, and the offspring of these birds, are exempt from the prohibitions of the Endangered Species Act of 1973. Falconry permits (50 CFR 21.28) and Federal falconry standards (50 CFR 21.29) would be amended to allow exempted raptors to be used in the sport of falconry. A new section authorizing the issuance of raptor propagations permits would be added.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1538(b), 704 and 712

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR Part 22, Subpart C** *Title:* **Eagle Permits**

Abstract: Potential conflicts between the prohibitions of the Eagle Protection Act, 16 U.S.C. 668-668d, and resource development and recovery operations throughout the country, particularly future coal mining activities in the Western States, resulted in Congress amending the Act to allow the Secretary to promulgate regulations which permit the taking of golden eagle nests which interfere with resource development or recovery operations. To implement the amendment, the Service would amend Subpart C to allow and regulate the otherwise prohibited destruction or removal of golden eagle nests which interfere with resource development or recovery operations, if the nests are not under construction or occupied and the taking is compatible with the preservation of the golden eagle.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 668a

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published January 3, 1980 (45 FR 809).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018-0022.

CFR Citation: **50 CFR Part 23** *Title:* **Endangered Species Convention**

Abstract: The regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora will be clarified and revised to incorporate certain recommendations of the Parties.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 1531-1543; TIAS 8249

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Part 23, Subpart C** *Title:* **Endangered Species Convention: Appendices**

Abstract: This rule would amend the list of species contained in 50 CFR 23 by removing from Appendix II the bobcat, which was listed in 1976 without supporting evidence and which is not a currently or potentially threatened species.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-43; TIAS 8249

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard L. Jachowski 202-653-5948

Timetable: Notice of potential United States proposal was published September 14, 1981 (46 FR 45652).

Proposed rule was published January 11, 1982 (47 FR 1242).

CFR Citation: **50 CFR Part 23, Subpart F** *Title:* **Export of Certain Species**

Abstract: This subpart lists States from which certain species listed in Appendix II of the Endangered Species Convention (CITES) may be exported. It is amended yearly.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-43; TIAS 8249

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard L. Jachowski 202-653-5948

Timetable: Proposed rules were published August 20, 1982 (47 FR 36457) and August 31, 1982 (47 FR 38369).

CFR Citation: **50 CFR Part 23, Subpart C** *Title:* **Appendices**

Abstract: This subpart lists species included in Appendices I, II and III of the Endangered Species Convention (CITES). It is amended to reflect any charges in the Appendices that occur through the formal procedures established by the Convention. Most such charges occur biennially at meetings of the party nations.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-1543; TIAS 8249

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard L. Jachowski 202-653-5988

Timetable: Preliminary Notices were published February 16, 1982 (47 FR 6772), February 17, 1982 (47 FR 7190) and April 2, 1982 (47 FR 14472).

CFR Citation: **50 CFR Part 23** *Title:* **Endangered Species Convention**

Abstract: The Convention requires the issuance of an original permit for the export of listed species. These have been issued by the Service's Federal Wildlife Permit Office (WPO) located in Washington, D.C., since U.S. implementation of the Convention in 1977. A large volume of trade occurs in some Appendix II species which requires the quick issuance of permits so that businessmen may react to favorable market conditions. WPO therefore designed a trial system in 1980 whereby permits could be issued to exporters very quickly at the time and place of export under a Letter of Authorization (LOA) issued by WPO, or in other cases, from WPO's office under a 'Dial-a-Permit' (DAP). The Service believes it has gained sufficient experience with the LOA and DAP systems of issuing permits and wishes to continue the systems through a rulemaking.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Part 24** *Title:* **Importation, Exportation and Transportation of Plants**

Abstract: This part will establish designated ports for the importation, exportation and re-exportation of plants.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

CFR Citation: **50 CFR 26, Subpart C** *Title:* **National Wildlife Refuges**

Abstract: The emergency management rules for the twelve areas in Alaska, which were withdrawn and reserved as National Wildlife Refuges, will be rescinded.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 668dd et seq.; Section 204(c), Withdrawal Proclamation of February 11, 1980 (45 FR 9562)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Emergency rule was published March 4, 1980 (45 FR 14192).

CFR Citation: **50 CFR Parts 26, 32 and 33** *Title:* **Public Entry and Use, Hunting and Fishing**

Abstract: Regulations will be proposed which will simplify and reduce administrative costs related to the process in which special regulations, relating to public access and use, hunting and fishing, are issued for units of the National Wildlife Refuge System. Regulations will be issued to amend or relax the public access and use restrictions for individual national wildlife refuges.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 27** *Title:* **Prohibited Acts**

Abstract: Regulations will be proposed to prohibit the possession of any animal or plant on a National Wildlife Refuge except as authorized by 50 CFR Subchapter C.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 29, Subpart A** *Title:* **Land Use Management: General Rules**

Abstract: This subpart will be revised to include new rules which govern non-Federal activities affecting conservation easements.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 29, Subpart C** *Title:* **Mineral Operations**

Abstract: This subpart will be revised to include new rules which govern mining on areas within the National Wildlife Refuge System.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Proposed rule was published December 31, 1980 (45 FR 86512).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **50 CFR Part 29, Subpart B** *Title:* **Rights-of-Way General Regulations**

Abstract: 50 CFR 29.21-8 is being revised to remove (c), (d) and (e) requiring wheeling stipulations for rights-of-way for electric power transmission lines of 66 kv or greater. This will enable the Service to expedite the granting of some rights-of-way and still protect the lands for management purposes. Also, minor corrections will be made to the regulation.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 668dd, as amended

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Walter R. McAllester 202-272-3365

CFR Citation: **50 CFR Part 32, Subpart A** *Title:* **Hunting: General Provisions**

Abstract: This subpart will be revised to rescind a closure of Malheur National Wildlife Refuge, Oregon, which was previously closed to migratory bird hunting.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 704

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4971

CFR Citation: **50 CFR Part 32, Subparts B and C** *Title:* **Migratory Game Bird Hunting; Resident Game Hunting**

Abstract: Regulations will be proposed which would add the following National Wildlife Refuges (NWR) to the list of:

Open areas (migratory game birds) -

Delta NWR, LA; Washita NWR, OK; San Francisco Bay NWR, CA; Lower Suwannee NWR, FL; Minnesota Valley NWR, MN

Open areas (upland game) -

Lower Suwannee NWR, FL; Choctaw NWR, AL; Rachel Carson NWR, ME; Minnesota Valley NWR, MN; Carolina Sandhills NWR, SC

Open areas (big game) -

Lower Suwannee NWR, FL; Hagerman NWR, TX; Choctaw NWR, AL; Minnesota Valley NWR, MN

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 460k; 16 U.S.C. 668dd.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4971

CFR Citation: **50 CFR Part 32, Subpart A** *Title:* **Hunting: General Provisions**

Abstract: Regulations will be preposed which would amend a closure of Delta National Wildlife Refuge (Louisiana), previously closed to migratory bird hunting.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 460k, 668dd et seq., 742a

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4971

CFR Citation: **50 CFR Part 32** *Title:* **Hunting**

Abstract: Rules will be proposed which would add the following national wildlife refuges (NWR) to the list of:

Open areas (migratory game birds) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Thibadeau NWR, MT; War Horse NWR, MT

Open areas (upland game) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Thibadeau NWR, MT; War Horse NWR, MT

Open areas (big game) -

Black Coulee NWR, MT; Creedman Coulee NWR, MT; Hailstone NWR, MT; Halfbreed NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake NWR, MT; Lake Thibadeau NWR, MT; Loxahatchee NWR, FL; War Horse NWR, MT

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 460k, 668dd et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 32, Subpart C** *Title:* **Resident Game Hunting**

Abstract: Regulations will be proposed which add the following National Wildlife Refuge to the list of open areas (upland game): Lake Zahl NWR, ND.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 32, Subpart A** *Title:* **Hunting: General Provisions**

Abstract: These regulations will be revised to rescind the Lake St. Clair NWR, MI, Closed Area and revise the Pee Dee NWR, NC, Closed Areas.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 704

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities

under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 32** *Title:* **Hunting**

Abstract: Regulations will be proposed which would add Trempeleau National Wildlife Refuge to the list of open areas (migratory game birds, upland game and big game).

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 33** *Title:* **Sport Fishing**

Abstract: Rules will be proposed which add the following national wildlife refuges (NWR) to the list of:

Open areas (sport fishing) -

Black Coulee NWR, MT; Bon Secour NWR, AL; Creedman Coulee NWR, MT; Eufaula NWR, AL and GA; Hailstone NWR, MT; Halfbreed Lake NWR, MT; Hewitt Lake NWR, MT; Lake Mason NWR, MT; Lake Mason NWR, MT; Lake Thibadeau NWR, MT; Shelburne NWR, MN; Tinicum National Environmental Center, PA; War Horse NWR, MT; San Bernard NWR, TX; Texas Point NWR, TX

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 460k, 668dd et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4971

CFR Citation: **50 CFR Part 33** *Title:* **Sport Fishing**

Abstract: Regulations will be proposed which add the following National Wildlife Refuges (NWR) to the list of open areas (sport fishing): Prime Hook NWR, DE; Nisqually NWR, WA.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 33** *Title:* **Sport Fishing**

Abstract: Regulations will be issued for sport fishing on individual wildlife refuge areas.

Originally Scheduled:

Legal Authority: 16 U.S.C. 460k, 668dd

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 36** *Title:* **Alaska National Wildlife Refuges**

Abstract: Regulations will be proposed to implement Section 1008 of the Alaska Land Act concerning oil and gas leasing program for non-North Slope Federal lands.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3101

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4971

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **50 CFR Part 36** *Title:* **Alaska National Wildlife Refuges**

Abstract: Regulations will be proposed for public access and use recreation for individual Alaska National Wildlife Refuges.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 460k; Pub.L. 96-487

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

CFR Citation: **50 CFR Part 37** *Title:* **Alaska National Wildlife Refuges**

Abstract: Rules will be proposed to implement section 1002 of the Alaska Lands Act concerning seismic exploration on the Arctic National Wildlife Refuge.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 96-487

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Proposed rule was published September 16, 1982 (47 FR 41060).

CFR Citation: **50 CFR Part 83** *Title:* **Fish and Wildlife Conservation Act of 1980**

Abstract: This rule will provide for financial and technical assistance to the 50 States, 6 Territories and the District of Columbia for the development, revision and implementation of conservation plans for nongame fish and wildlife, as provided for by the Fish and Wildlife Conservation Act of 1980.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 2901

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles K. Phenicie 703-235-1526

Timetable: The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1018-0048.

Proposed rule was published April 6, 1982 (47 FR 14739).

CFR Citation: **50 CFR Parts 96-106** *Title:* **Alaska National Wildlife Monuments**

Abstract: These rules, which would have provided the general land management regulations for Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 432; 16 U.S.C. 742(f); 16 U.S.C. 460k3; Presidential Proclamations of December 1, 1978 (43 FR 57009); 16 U.S.C. 3101

Determination Under E.O. 12291: The Department of the Interior previously determined that these regulations were not significant under the provisions of E.O. 12044. They will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rules that were published on June 28, 1979.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Notice of Intent was published February 28, 1979 (44 FR 11247).

Proposed rules were published June 28, 1979 (44 FR 37754).

CFR Citation: **50 CFR Part 107** *Title:* **Alaska National Wildlife Monuments: Minerals Management**

Abstract: This rule, which would have governed mining in Yukon Flats and Becharof National Wildlife Monuments in Alaska, will be withdrawn.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 432; 16 U.S.C. 742(f); 30 U.S.C. 21 et seq.; Presidential Proclamations of December 1, 1978 (43 FR 57019, 57119); 30 U.S.C. 612; 16 U.S.C. 3101

Determination Under E.O. 12291: The Department of the Interior previously determined that this rule was not significant under the provisions of E.O. 12044. It will not be reconsidered under the provisions of E.O. 12291, since the Service plans to withdraw the proposed rule that was published on January 11, 1980.

Agency Contact: James F. Gillett 202-343-4791

Timetable: Notice of Intent was published February 28, 1979 (44 FR 11247).

Proposed rule was published January 11, 1980 (45 FR 2616).

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **50 CFR Chapters I and IV** *Title:* **Endangered Species Act Rules**

Abstract: On August 12, 1981, Vice President Bush announced that the Departments of the Interior and Commerce would conduct a review of procedures implementing the Endangered Species Act to determine whether they meet the objectives of E.O. 12291. This review will evaluate suggested changes in the statute, existing or proposed rules, management practices, or inter- and intra-agency agreements, and will determine what actions are necessary to attain the objectives of E.O. 12291.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ronald E. Lambertson 202-343-4646

CFR Citation: **50 CFR Part 3** *Title:* **Nondiscrimination: Contracts, Permits and Facilities**

Abstract: This part, which is scheduled for review, prohibits discrimination in contracts, permits and use of facilities of the Service.

Originally Scheduled: January 1981

Legal Authority: 5 U.S.C. 301; 42 U.S.C. 2000d-1; E.O. 10925; E.O. 11114

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Samuel Lyons 202-343-5486

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: The Service is reviewing the status, as required by the Endangered Species Act, of wildlife and plants that were listed as endangered or threatened at least once every five years. Based on the reviews, the species determined to have a change in status will be proposed for more or less restrictive listing, as appropriate.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John L. Spinks 703-235-2771

CFR Citation: **50 CFR Part 17, Subpart D** *Title:* **Threatened Wildlife**

Abstract: At the request of State, Federal and private parties, the special rule on the American alligator, found in 50 CFR 17.42(a), will be reviewed in order to determine whether to revise or revoke certain prohibitions and procedures. Areas to be considered during the review include: present prohibitions on export of meat and parts other than hides; need for serially numbering each tag applied to hides; need for a Federal permit to kill alligators legally held under State Alligator Farmer permits; and use of data collected from reports required of permittees.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1903

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: While listed specimens found dead may be salvaged without permit for scientific purposes by qualified parties, the area of consideration for revision of this Part requires the issuance of permits for the import or export of such specimens or their parts such as blood, tissue, sperm, etc. The Service wishes to review these restrictions to determine whether or not they are in the best interest of the enhancement of the survival of listed species. Affected parties f the scientific community have commented on the seeming counterproductive effect of the restrictions of these regulations. The Service has therefore agreed to review pertinent parts in order to determine the need, if any, to revise the regulations.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Richard M. Parsons 703-235-1937

CFR Citation: **50 CFR Parts 25-31** *Title:* **Administrative Provisions; Public Entry and Use; Prohibited Act; Enforcement, Penalty and Procedural Requirements; Land Use Management**

Abstract: These parts, which are scheduled for review, provide a variety of administrative functions of the National Wildlife Refuge System.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 685, 690d, 725, and 460k

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James F. Gillett 202-343-4791

COMPLETED ACTIONS

CFR Citation: **50 CFR Part 410** *Title:* **Fish and Wildlife Coordination Act**

Abstract: Rules will be promulgated which will establish uniform procedures for Federal agency compliance with the Fish and Wildlife Coordination Act (FWCA). The President's Water Policy Message of June 6, 1978, and the President's Water Policy Memorandum dated July 12, 1978, directed the publication of these rules. These rules would standardize agency procedures and interagency relationships in the analysis of the impacts of Federal or federally-approved, water-related projects upon wildlife resources. They relate closely to the procedures established for compliance with the National Environmental Policy Act (NEPA).

On August 12, 1981, Vice President Bush announced that the Departments of the Interior and Commerce would conduct a review of procedures implementing the Fish and Wildlife Coordination Act to determine whether they meet the objectives of E.O. 12291. This review will evaluate suggested changes in the statute, existing or proposed rules, management practices, or inter- and intra-agency agreements, and will determine what actions are necessary to attain the objectives of E.O. 12291.

Originally Scheduled: January 1979

Legal Authority: 16 U.S.C. 661 et seq; 42 U.S.C. 4332(2)(A)-(B); President's Memorandum on Environmental Quality and Water Resources Management, July 12, 1978

Agency Contact: Rolf Wallenstrom 202-343-4767

Timetable: Notice of Intent was published September 29, 1978 (43 FR 44870).

Proposed rule and notice of availability of a draft EIS were published December 19, 1980 (45 FR 83412).

A Notice re-opening the comment period to March 25, 1981 was published March 4, 1981 (46 FR 15188).

A Notice announcing the review of this rule and related procedures was published September 18, 1981 (46 FR 46411).

A Notice withdrawing the proposed rule was published July 19, 1982 (47 FR 31299).

CFR Citation: **50 CFR Parts 13-18 and 21-23** *Title:* **Permit Procedures**

Abstract: These parts would be revised (1) to provide consolidated permit requirements common to all parts into Part 13; (2) to revise the schedule of fees to accompany permit applications; and (3) to establish an appeals procedure for denials of permit applications.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 703-11; 16 U.S.C. 742a-l; 16 U.S.C. 1531-43; 18 U.S.C. 42-44

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: Proposed rule was published September 18, 1981 (46 FR 46361).

Final rule was published July 15, 1982 (47 FR 30782).

CFR Citation: **50 CFR Part 17, Subpart D** *Title:* **Threatened Wildlife**

Abstract: Revision of threatened wildlife regulations to allow exceptions for certain non-commercial imports; revision of special rule for African elephant to focus regulations on imports.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Agency Contact: Richard M. Parsons 703-235-1937

Timetable: Proposed rule was published July 17, 1981 (46 FR 37059; Correction was published August 25, 1981 (46 FR 42887).

Final rule was published July 20, 1982 (47 FR 31384).

CFR Citation: **50 CFR Part 20** *Title:* **Migratory Bird Hunting**

Abstract: The Service will publish a series of documents establishing migratory bird hunting regulations for the 1982-83 season. The documents consist of proposed frameworks providing outside limits for dates and hours of shooting, as well as bag and possession limits; final frameworks for hunting seasons from which States may select regulations; and final rules approving such State selections.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 703-711

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are major rules under E.O. 12291. These rules are major because of the economic values associated with migratory game bird hunting; however, the need to obtain and consider the latest population data for these migratory birds requires that the regulatory schedule be shortened.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these rules will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Small entities likely to be affected by these rules include some sporting goods stores, hardware stores, motels and hotels, restaurants, clothing stores, boat and marine equipment stores, marinas, gasoline stations, private hunting clubs, land owners leasing hunting rights, and mail order houses selling hunting equipment and supplies.

The regulatory impact analysis, as required by E.O. 12291, and the small entity flexibility analysis, as required by 5 U.S.C. 601 et seq., have been combined into one analysis as provided for by both authorities. Copies of the analysis are available from the Contact.

Agency Contact: John P. Rogers 202-254-3207

Timetable: A Notice of Intent to propose frameworks was published April 19, 1982 (47 FR 16718).

Proposed frameworks were published June 15, 1982 (47 FR 25922), July 12, 1982 (47 FR 30162) and August 20, 1982 (47 FR 36578).

Final frameworks were published July 19, 1982 (47 FR 31282), August 9, 1982 (47 FR 34498) and September 17, 1982 (47 FR 41252).

Final rules were published August 30, 1982 (47 FR 38246) and September 27, 1982.

The summary of the updated, combined final small entity flexibility analysis and final regulatory analysis was contained in the first proposed rulemaking document published April 19, 1982 (47 FR 16718).

CFR Citation: **50 CFR Part 12, Subpart D** *Title:* **Disposal of Forfeited or Transferred Property**

Abstract: Property (including wildlife, equipment, cargo, vessels, or aircraft) forfeited or transferred to the United States under the provisions of 50 CFR Part 12 would be subject to disposal at the discretion of the Director by any of the following means: (1) utilization by the Service for official purposes; (2) transfer to another government agency for official use; (3) conditional loan; (4) sale (except wildlife listed as 'endangered' in 50 CFR 17.11, listed in Appendix I in 50 CFR 23.23, protected under the Migratory Bird Treaty Act, or protected under the Eagle Protection Act); (5) destruction; and, (6) return to the wild in the case of live wildlife.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 742l

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Clark R. Bavin 202-343-9242

Timetable: Proposed rule was published September 21, 1981 (46 FR 46361).

Final rule was published April 23, 1982 (47 FR 17521).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have significant economic effects on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Ocelot (U.S. population) - Proposed rule was published July 25, 1980 (45 FR 49844). Final rule was published July 21, 1982 (47 FR 31670).

'Ewa Plains 'akoko - Proposed rule was published September 2, 1980 (45 FR 58166). Final rule was published August 24, 1982 (47 FR 36846).

Navasota ladies'-tresses - Proposed rule was published June 18, 1980 (45 FR 41326). Final rule was published May 6, 1982 (47 FR 19539).

McKittrick pennyroyal - Proposed rule was published August 15, 1980 (45 FR 54682). Final rule was published July 13, 1982 (47 FR 30440).

Hawksbill sea turtle (Critical Habitat) - Proposed rule was published October 22, 1980 (45 FR 70198). Final rule was published June 24, 1982 (47 FR 27295).

North Park phacelia - Proposed rule was published September 2, 1980 (45 FR 58168). Final rule was published September 1, 1982 (47 FR 38540).

Small-whorled pogonia - Proposed rule was published September 11, 1980 (45 FR 59909). Final rule was published September 10, 1982 (47 FR 39827).

Short-tailed albatross (U.S. population) - Proposed rule was published July 25, 1980 (45 FR 49844). Proposed rule was withdrawn September 17, 1982 (47 FR 41145).

Thick-billed parrot (U.S. population) - Proposed rule was published July 25, 1980 (45 FR 49844). Proposed rule was withdrawn September 17, 1982 (47 FR 41145).

CFR Citation: **50 CFR Part 17** *Title:* **Endangered and Threatened Wildlife and Plants**

Abstract: Regulations will be proposed which would list certain species of wildlife and plants as endangered or threatened species and, where prudent, would identify their critical habitat.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 1531-1543

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John L. Spinks 703-235-2771

Timetable: Tecopa pupfish (Delist) - Proposed rule was published July 3, 1978 (43 FR 28841). Final rule was published January 15, 1982 (47 FR 2317).

CFR Citation: **50 CFR Part 20** *Title:* **Non-Toxic Shot Areas for Waterfowl Hunting**

Abstract: This rule will be revised to describe areas in four States where non-toxic shot is required for waterfowl hunting. The proposed amendment is in response to requests in February 1982 by the wildlife agencies in Maine, Massachusetts, Nebraska, and Indiana (20.108).

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 703-711

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert I. Smith 202-254-3207

Timetable: Proposed rule was published April 12, 1982 (47 FR 15614).

Final rule was published July 28, 1982 (47 FR 32546).

CFR Citation: **50 CFR Part 80** *Title:* **Restoration of Game Birds, Fish and Mammals**

Abstract: Current rules will be revised which are applicable to State fish and wildlife agencies for participation in these grants-in-aid programs. The revised rules are intended to simplify language and to make certain technical changes.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 669 et seq.; 16 U.S.C. 777 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles K. Phenicie 703-235-1526

Timetable: Proposed rule was published August 28, 1980 (45 FR 57471).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance numbers 1018-0007 and 1018-0048.

Final rule was published May 25, 1982 (47 FR 22538).

CFR Citation: **50 CFR Part 91** *Title:* **Migratory Bird Hunting and Conservation Stamp Contest**

Abstract: The Service will revise the annual 'Duck Stamp' Contest rules to include a requirement that entrants submit a $20.00 entry fee. Also included are administrative revisions to improve management of and to clarify the contest.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301; 16 U.S.C. 703-718

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Mattoon 202-343-5634

Timetable: Proposed rule was published April 20, 1982 (47 FR 16810).

Final rule was published June 21, 1982 (47 FR 26635).

NATIONAL PARK SERVICE

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **36 CFR Part 1** *Title:* **Miscellaneous Provisions**

Abstract: This part contains miscellaneous provisions, definitions and penalties that are applicable to Parts 1-7 of Title 36.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

CFR Citation: **36 CFR Part 2** *Title:* **Public Use and Recreation**

Abstract: This part contains the general provisions that are applicable to public use of all units within the National Park System.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

CFR Citation: **36 CFR Part 3** *Title:* **Boating**

Abstract: This rule will align all Service boating regulations concerning equipment with the provisions of the Federal Boat Safety Act and will revise operational rules.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Proposed rule was published March 17, 1982 (47 FR 11598).

CFR Citation: **36 CFR Part 4** *Title:* **Vehicles and Traffic Safety**

Abstract: This Part contains provisions relating to vehicle use and safety related to it within all National Park System units.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

CFR Citation: **36 CFR Part 6** *Title:* **Miscellaneous Fees**

Abstract: This Part contains provisions relating to visitor use, and entrance fees and fees charged for commercial motor vehicles.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1, 3, 9a, 17j-2, 462

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

CFR Citation: **36 CFR Part 7** *Title:* **Special Regulations, Areas of the National Park System**

Abstract: Expected adoption of revised general regulations (47 FR 11598) for areas administered by the National Park Service may eliminate as many as 225 special regulations from 36 CFR Part 7.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

CFR Citation: **36 CFR Part 7** *Title:* **Acadia National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109, 617-223-3765

Timetable: Proposed rule was published March 15, 1982 (47 FR 11040).

CFR Citation: **36 CFR Part 7** *Title:* **Big Cypress National Park: Indian Use and Occupancy**

Abstract: This rule will define the statutory rights of the Miccosukee and Seminole Indians within the reserve (7.86).

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

Timetable: Proposed rule was published November 12, 1981 (46 FR 55709).

CFR Citation: **36 CFR Part 7** *Title:* **Big Cypress National Preserve: Camp Structures**

Abstract: This rule will result in a change to existing regulations which will remove the automatic termination date of the permits and allow the Service to issue new permits to individual owners for 2-5 year periods.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

CFR Citation: **36 CFR Part 7** *Title:* **Big Cypress National Preserve: Off-Road Vehicles**

Abstract: This rule pertains to the use of off-road vehicles within the preserve.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Reed, Southeast Regional Office, Natinal Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

CFR Citation: **36 CFR Part 7** *Title:* **Bighorn Canyon National Recreation Area: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the recreation area.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this docment were previously considered under the provisions of E.O. 12044, which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Proposed rule was published January 6, 1981 (46 FR 1312).

CFR Citation: **36 CFR Part 7** *Title:* **Black Canyon of the Gunnison National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

CFR Citation: **36 CFR Part 7** *Title:* **Cedar Breaks National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Proposed rule was published August 30, 1982 (47 FR 38156).

CFR Citation: **36 CFR Part 7** *Title:* **Everglades National Park: Use of Airboats**

Abstract: This rule will provide for the use of airboats along the stairstep Airboat Trails within the park.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

CFR Citation: **36 CFR Part 7** *Title:* **Fire Island National Seashore: Off-Road Vehicles**

Abstract: This rule will amend existing regulations pertaining to off-road vehicle use by designating routes for their use.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Sites, North Atlantic Regional Office, National Park Service, 15 State St., Boston, MA 02109, 617-223-3765

CFR Citation: **36 CFR Part 7** *Title:* **Glacier Bay National Park and Preserve: Humpback Whale**

Abstract: This rule will protect declining populations of the humpback whale by restricting some fishing activities and prohibiting bottom trawling.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 7, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 W. 5th Avenue, Anchorage, AK 99501, 907-271-4551

Timetable: Proposed rule was published December 29, 1980 (45 FR 85480).

CFR Citation: **36 CFR Part 7** *Title:* **Grand Portage National Monument: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street., Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published May 4, 1982 (47 FR 19171).

CFR Citation: **36 CFR Part 7** *Title:* **Grand Teton National Park: Snowmobiles**

Abstract: This rule will provide for winter snowmobile travel that is consistent with both the Service snowmobile policy and the off-road vehicle policy of the Department (7.22).

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Advance notice of proposed rulemaking was published May 14, 1980.

Proposed rule was published March 1, 1982 (47 FR 8600).

CFR Citation: **36 CFR Part 7** *Title:* **Great Smoky Mountains National Park: Fishing**

Abstract: This rule will be revised to delete reference to activities which will result in a simplification by combining and streamling numerous regulatory provisions, and will loosen some restrictions on fishing in order to allow more utilization of the resource.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

CFR Citation: **36 CFR Part 7** *Title:* **Herbert Hoover National Historic Site: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published March 1, 1982 (47 FR 8602).

CFR Citation: **36 CFR Part 7** *Title:* **John D. Rockefeller Memorial Parkway: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles on the parkway.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, P.O. Box 25287, Denver, CO 80225, 303-234-3068

Timetable: Proposed rule was published March 1, 1982 (47 FR 8603).

CFR Citation: **36 CFR Part 7** *Title:* **North Cascades National Park: Snowmobiles**

Abstract: This rule will provide for snowmobile use within the park.

Originally Scheduled: October 1981.

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206-442-4832

CFR Citation: **36 CFR Part 7** *Title:* **Olympic National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, 2001 6th Avenue, Seattle, WA 98121, 206-442-4832

Timetable: Proposed rule was published April 21, 1982 (47 FR 17077).

CFR Citation: **36 CFR Part 7** *Title:* **Olympic National Park: Fishing**

Abstract: This rule will provide for an adjustment of seasons and limits to respond to fish runs and Indian treaty. The run strength is to be determined by state, Indian and tribal biologists.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Chuck Woodbury, Pacific Northwest Regional Office, National Park Service, Westin Bldg., Room 1920, Seattle, WA 98121, 206-442-4832

Timetable: Proposed rule was published July 21, 1982 (47 FR 31584).

A correction to the proposed rule was published August 19, 1982 (47 FR 36228).

CFR Citation: **36 CFR Part 7** *Title:* **Perry's Victory and International Peace Memorial: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published April 14, (47 FR 16048).

CFR Citation: **36 CFR Part 7** *Title:* **Pictured Rocks National Lakeshore: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published April 14, 1982 (47 FR 16047).

CFR Citation: **36 CFR Part 7** *Title:* **St. Croix National Scenic Riverway: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under e.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published March 1, 1982 (47 FR 8605).

CFR Citation: **36 CFR Part 7** *Title:* **Valley Forge National Historic Park: Alcoholic Beverages**

Abstract: This rule will prohibit the use of alcoholic beverages within the park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jim Brady, Mid-Atlantic Regional Office, National Park Service, 143 South 3rd Street, Philadelphia, PA 19106 218-597-7057

Timetable: Proposed rule was published November 5, 1980 (45 FR 73518).

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Fish Management Waters**

Abstract: This rule is being revised to rescind the regulations relating to experimental fish mangement waters in Yosemite National Park, California (7.16).

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

Timetable: Proposed rule was published August 4, 1980 (45 FR 51618).

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Law Enforcement and Fire Prevention**

Abstract: This rule will promulgate law enforcement and fire prevention regulations for the El Portal area in Yosemite National Park. El Portal is an administrative site used by the National Park Service and is not currently covered under other regulations in Title 36.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

CFR Citation: **36 CFR Part 7** *Title:* **Yosemite National Park: Residential Leases**

Abstract: This rule will allow the National Park Service to lease residences to Service employees at El Portal, an administrative site within Yosemite National Park.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

CFR Citation: **36 CFR Part 7** *Title:* **Zion National Park: Snowmobiles**

Abstract: This rule will provide for the use of snowmobiles within the park.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jim Randall, Rocky Mountain Regional Office, National Park Service, 655 Parfet St., P.O. Box 25287, Denver, CO 80225, 303-234-3068

CFR Citation: **36 CFR Part 12** *Title:* **National Cemetery Regulations**

Abstract: This part contains provisions relating to the management and use of National Cemeteries within the National Park System.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1, 3, 231, 450

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

CFR Citation: **36 CFR Part 13** *Title:* **National Park System Units in Alaska**

Abstract: This rule will provide for the closure of certain areas within Denali National Park and Preserve, Glacier Bay National Park and Preserve and Katmai National Park and Preserve to snowmachines, motorboats and aircraft use.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Bill Tanner, Alaska Regional Office, National Park Service, 540 West 5th Avenue,, Anchorage, AK 99501, 907-271-4551

CFR Citation: **36 CFR Part 14** *Title:* **Rights-of-Way**

Abstract: This part will contain provisions relating to the granting of rights-of-way for roads, electrical facilities and water conduits across National Park Service lands.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 5, 79; 23 U.S.C. 317

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Maureen Finnerty 202-343-4874

Timetable: Interim rule with request for comments was published July 11, 1980 (45 FR 47092).

CFR Citation: **36 CFR Part 16** *Title:* **Identification of Integral Vistas Associated With Federal Class I Areas**

Abstract: This rule will provide guidelines for identification of integral vistas and a list of integral vistas associated with 44 of the 48 National Park Service mandatory class I areas where visibility is an important value.

Originally Scheduled: October 1981

Legal Authority: 42 U.S.C. 7491

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carol McCoy 202-343-4911

Timetable: Proposed guidelines and notice of availability was published January 15, 1981 (46 FR 3646); comment was reopened April 24, 1981 (46 FR 23389).

CFR Citation: **36 CFR Part 18** *Title:* **Leases and Exchanges of Historic Property**

Abstract: This new rule will implement procedures for leases, exchanges, and management contracts of National Park Service historic property to ensure preservation of the historic property.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 96-515

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles C. Haslet 202-523-5172; Sally Blumenthal 202-272-3761

Timetable: Proposed rule was published April 26, 1982 (47 FR 17829).

CFR Citation: **36 CFR Part 25** *Title:* **National Military Parks; Licensed Guide Service Regulations**

Abstract: This rule will be revised to remove obsolete language and improve administration of licensed guide services at National Military Parks where such service has been or will be established. Specifically, the rule concerns the licensing, identification and supervision of guides, as well as setting rates for such services.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Arthur Eck 202-343-5607

CFR Citation: **36 CFR Part 28** *Title:* **Fire Island National Seashore: Zoning**

Abstract: This rule will revise existing zoning standards within the Seashore.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Sites, National Atlantic Regional Office, National Park Service, 15 State Street, Boston, MA 02109, 617-223-3765

CFR Citation: **36 CFR Part 29** *Title:* **Yosemite National Park: Zoning**

Abstract: This rule will permit residential development to occur on privately owned lands in the Wawona area of Yosemite National Park through the implementation of land use controls.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Phil Ward, Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102, 415-556-1866

CFR Citation: **36 CFR Part 50** *Title:* **Sale and Distribution of Printed Matter**

Abstract: This rule will recodify provisions of 36 CFR 50.24(c)(2) concerning the sale or distribution of printed matter within areas administered by the National Capital Region and will also establish a permit system for the sale and distribution of literature in fixed locations in the public areas of the interiors of specified buildings (50.19).

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Interim rule was published October 3, 1979 (44 FR 56934).

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations and Special Events**

Abstract: This rule will permit demonstrations in one-fourth of Lafayette Park while reserving the rest of Lafayette Park and the entire White House sidewalk for the exclusive use of the Inaugural Committee on January 20 of each inaugural year.

Originally Scheduled: July 1980

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Interim rule was published December 24, 1980 (45 FR 84997).

CFR Citation: **36 CFR Part 50** *Title:* **Applicability of Regulations**

Abstract: This rule revises 36 CFR Part 50.1 to permit certain parks within the National Capitol Region to utilize the rules and regulations found in 36 CFR Parts 1-7.

Originally Scheduled: July 1978

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The effects of this document were previously considered under the provision of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lowell Sturgill, National Capitol Region, National Park Service, 1100 Ohio Drive SW, Washington, D.C. 20242, 202-426-6658

Timetable: Proposed rule was published February 28, 1979 (44 FR 11244).

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations and Special Events**

Abstract: This rule will amend the provisions of 36 CFR 50.19(a) to include a definition of the term 'Vietnam Veterans Memorial' and will amend the provisions of 36 CFR 50.19(c)(2) to include a prohibition on demonstrations and special events in the Vietnam Veterans Memorial.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Prposed rule is scheduled to be published by October 1982.

CFR Citation: **36 CFR Part 60** *Title:* **Nominations to the National Register of Historic Places**

Abstract: This rule is being amended to revise: appeals for listing nominations by persons or local governments in States without approved State historic preservation programs; procedures for nominations from State and Federal agencies; and procedures for making changes to listed properties and removals from the National Register, including appeals.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 470, et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carol D. Shull 202-272-3504

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0018.

An Interim rule and a proposed rule were published November 16, 1981 (46 FR 56183; 46 FR 56209).

CFR Citation: **36 CFR Part 61** *Title:* **Criteria for Comprehensive Statewide Historic Surveys and Plans**

Abstract: Extensive revision of this rule is anticipated because the National Historic Preservation Act Amendments of 1980 require the Secretary of the Interior to promulgate or revise regulations for State historic preservation programs. The Secretary is also required to develop a procedure for certifying local governments as eligible to carry out the purposes of the Act. Such certification will allow local governments to receive a portion of their State's annual Historic Preservation Fund grant via transfer from the State. It is expected that the Part will be retitled 'Criteria for State and Local Historic Preservation Programs.' This rule will be redesignated from 36 CFR Part 1201.

Originally Scheduled: May 1978

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lawrence E. Finter 202-272-3709

Timetable: Interim rule (36 CFR Part 1201) with request for comments was published May 9, 1980 (45 FR 30623).

Proposed rule (36 CFR Part 1201) was published September 10, 1980 (45 FR 59590).

CFR Citation: **36 CFR Part 63** *Title:* **Determination of Eligibility for Inclusion in the National Register of Historic Places**

Abstract: This rule incorporates certain revisions responding to the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for determining the eligibility of properties for the National Register. This rule will be redesignated from 36 CFR Part 1204.

Originally Scheduled: July 1979

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carol D. Shull 202-272-3504

Timetable: Proposed rule (36 CFR Part 1204) was published May 23, 1980 (45 FR 34909). Due to Pub.L. 96-515 becoming law on December 12, 1980, rules must be again revised.

CFR Citation: **36 CFR Part 63** *Title:* **Determination of Eligibility for Inclusion in the National Register of Historic Places**

Abstract: Section 63.3 of this rule is being temporarily suspended. Section 63.3 requires that Federal agencies obtain a formal determination of eligibility for properties where both the Federal agency and the State Historic Preservation Officer agree on the eligibility. Suspension of this requirement will reduce unnecessary paperwork by allowing such properties to be considered eligible without formal Federal evaluation.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 470 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carol D. Schull 202-272-3504

Timetable: Suspension is scheduled to be published in October 1982 and will become effective 30 days after publication.

CFR Citation: **36 CFR Part 65** *Title:* **National Historic Landmark Program**

Abstract: This rule incorporates certain revisions required by the National Historic Preservation Act Amendments of 1980. In addition to responding to the new law, these changes update and revise in other minor respects the procedures for designations of National Historic Landmarks by the Department. This rule will be redesignated from 36 CFR Part 1205.

Originally Scheduled: January 1979

Legal Authority: 16 U.S.C. 461 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Benjamin Levy 202-523-0089

Timetable: Interim rule (36 CFR Part 1205) with request for comments was published December 18, 1979 (44 FR 74826). Due to Pub.L. 96-515 becoming law on December 12, 1980, rules must be again revised.

CFR Citation: **36 CFR Part 66** *Title:* **Recovery of Scientific, Prehistoric, Historic and Archaeological Data: Procedures for Notification, Reporting and Data Recovery**

Abstract: This rule is part of the Department's proposed overall rulemaking with respect to the Archeological and Historic Preservation Act of 1974. This guidance will facilitate the Department's coordination of activities authorized under the Act, and its reporting to Congress on the scope and effectiveness of the program, as required by section 5(c) of the Act. It will also help guarantee the uniform high quality of data recovery programs and reports submitted to the Department pursuant to the requirements of section 3(a) of the Act.

Originally Scheduled: January 1979

Legal Authority: Section 5(c) of the Archeological and Historic Preservation Act of 1974

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lawrence Aten 202-272-3706

CFR Citation: **36 CFR Part 67** *Title:* **Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976 and the Revenue Act of 1978**

Abstract: This rule will be revised to incorporate new requirements of Pub.L. 96-541 in order to provide for the creation of historic easements. The introductory material in the regulation will also be revised to explain changes in tax treatments resulting from the Economic Recovery Tax Act of 1981 (Pub.L. 97-34).

Originally Scheduled: April 1981

Legal Authority: Tax Reform Act of 1976, as amended; Revenue Act of 1978; Tax Treatment Extension Act of 1980; Economic Recovery Tax Act of 1981

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ward Jandl 202-272-3721

Timetable: Final rule (36 CFR Part 1208) was published December 19, 1980 (45 FR 83486). Due to Pub.L. 96-541 becoming law in December 1980, rule will again be revised.

CFR Citation: **36 CFR Part 69** *Title:* **Protection and Conservation of Archaeological Resources: Uniform Regulations**

Abstract: This uniform rulemaking, to implement the provisions of the Archaeological Resources Protection Act of October 31, 1979, is in response to Section 10(a) of the Act. It is intended that the uniform rulemaking will serve as the foundation and basic policy standard for additional regulations which Departments and independent agencies may promulgate in order to carry out the responsibilities of the Act. The intended effect of this rulemaking action is to advise the public of its obligations to the Federal government and to further advise of the Federal government's obligations to the public concerning the protection and conservation of archaeological resources located on public and Indian lands within the United States, its territories and possessions.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 470aa et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bennie Keel 202-272-3750

Timetable: Public hearings for early input on proposed rulemaking process were held in Denver, Phoenix, Portland, and Knoxville between March 22, 1980 and April 19, 1980.

Proposed rule was published January 19, 1981 (46 FR 5566).

CFR Citation: **36 CFR Part 71** *Title:* **Federal Recreation Fees**

Abstract: This rule is being amended to: allow certain categories of disabled persons to enter U.S. government operated parks, monuments and recreation areas free of charge and to entitle such persons to a 50% discount on use fees; and revise the definition of 'single-visit' admission period which will allow payment of a single admission fee which shall authorixze exits from and reentries to a single designated area for a period of from one to fifteen days. This rule will be redesignated from 36 CFR Part 1227.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 96-344

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Cook 202-272-3730

CFR Citation: **36 CFR Part 72, Subparts A, C and D** *Title:* **Urban Park and Recreation Recovery Program: Grants Procedures**

Abstract: This rule is being revised to incorporate provisions for energy conservation by recipients of Federal assistance. This rule will be redesignated from 36 CFR Part 1228.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 96-625; 16 U.S.C. 2501; E.O. 12185

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam L. Hall 202-272-3516

Timetable: Proposed rule (36 CFR Part 1228) was published September 3, 1980 (45 FR 66179).

Publication of a final rule is being delayed pending Administration and Departmental decisions to implement E.O. 12185.

CFR Citation: **36 CFR Part 72, Subparts A, C and D** *Title:* **Urban Park and Recreation Recovery Program: Grants Procedures**

Abstract: This rule is being revised to incorporate an amendment that will allow projects to begin to incur costs following a tentative grant offer. The Program Information section will also be revised in response to general requests for clarification. This rule will be redesignated from 36 CFR Part 1228.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-625, 16 U.S.C. 2501

Determination Under E.O. 12291: The effects of this document were previously considered under the provision of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam L. Hall 202-272-3510

Timetable: Interim rule (36 CFR Part 1228) was published September 3, 1980 (45 FR 58339).

CFR Citation: **36 CFR Part 75** *Title:* **Procedures for the Identification and Protection of Archeological, Historic and Scientific Properties**

Abstract: These regulations implement the Department's responsibilities for the identification, protection, preservation, and management of archeological, architectural, historic, scientific, and other cultural resources. These regulations fulfill requirements set forth in the National Historic Preservation Act, E.O. 11593, and other applicable historic preservation laws. They were developed in consultation with the Advisory Council pursuant to section 1(3) of Executive Order 11593, the President's Memorandum on Environmental Quality and Water Resources Management of July 12, 1978, and sections 800.10 and 800.11 of the amended regulations of the Advisory Council, 'Protection of Historic and Cultural Properties' (36 CFR 800).

Originally Scheduled: July 1979

Legal Authority: President's Memorandum on Environmental Quality and Water Resources Management; 36 CFR 800.10; E.O. 11593

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lawrence Aten 202-272-3706

Timetable: Proposed rule was published August 2, 1979 (44 FR 45417).

The Service has decided to issue these Departmental procedures as part of the Departmental Manual (519 DM 1), and therefore a final rule will not be published. This Part 75 will instead contain the implementing regulations that are specific to the Service.

CFR Citation: **36 CFR Part 76** *Title:* **Preservation of American Antiquities: Definition of an Object of Antiquity**

Abstract: This rule will implement the provisions of the American Antiquities Act of June 8, 1906, and is in response to a Federal court ruling on the vagueness of the term 'object of antiquity' and failure of the Federal government to inform the public in lay terms. This rule will be redesignated from 43 CFR Part 3.

Originally Scheduled: January 1980

Legal Authority: 16 U.S.C. 431-433

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles M. McKinney 202-272-3706

Timetable: Proposed rule (43 CFR Part 3) was published April 10, 1978 (43 FR 14975).

A second proposed rule will be published after 36 CFR Part 69 is published as a final rule.

CFR Citation: **36 CFR Part 78** *Title:* **Waiver of Federal Agency Responsibilities under National Historic Preservation ACt**

Abstract: This rule is necessry under the National Historic Preservation Act Amendments of 1980 which require the Secretary of the Interior to establish new procedures forthe waiver of the requirements of Section 110 of the Act.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 470

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carol D. Shull 202-272-3504

Timetable: Proposed rule is scheduled to be published by October 1982.

CFR Citation: **43 CFR Part 36** *Title:* **Transportation and Utility Systems in Alaska**

Abstract: This rule will establish procedures for the review and approval of any application for a transportation or utility system in Alaska, if any portion of the system's route will be within any national conservation system unit, national recreation area or national conservation area in the State.

Originally Scheduled: October 1982

Legal Authority: 16 U.S.C. 3161

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Brian Koula 202-343-7957

Title: **Flood Insurance for Undeveloped Coastal Barriers**

Abstract: This document will provide a notice of the procedure and methodology with which the Department intends to develop and implement its responsibilities under new section 1321 of the National Flood Insurance Act to designate undeveloped coastal barriers and its responsibilities with regard to section 341(d)(2) of the Omnibus Budget and Reconciliation Act to conduct a study of undeveloped coastal barriers. This rule will not be codified.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 97-35; 42 U.S.C. 4026

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Deborah Lanzone 202-272-3566

Timetable: A Notice of Intent was published December 1, 1981 (46 FR 58346).

A Notice announcing the availability of draft maps and definitions was published January 15, 1982 (47 FR 2381).

Proposed rule was published August 16, 1982 (47 FR 35696).

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **36 CFR Part 7** *Title:* **Everglades National Park: Commercial Fishing**

Abstract: This rule, which pertains to prohibiting commercial fishing within the park, will be reviewed.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Reed, Southeast Regional Office, National Park Service, 75 Spring Street, SW, Atlanta, GA 30303, 404-242-4916

COMPLETED ACTIONS

CFR Citation: **36 CFR Part 7** *Title:* **Buffalo National River: Motorboat Regulations**

Abstract: This rule regulates power boat usage on certain segments of the Buffalo River.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Roger Siglin, Southwest Regional Office, National Park Service, P.O. Box 728, Santa Fe, NM 87501, 505-988-6371

Timetable: Proposed rule was published November 21, 1980 (45 FR 77049).

Final rule was published April 26, 1982 (47 FR 17182).

CFR Citation: **36 CFR Part 7** *Title:* **Cuyahoga Valley National Recreation Area: Alcoholic Beverages**

Abstract: This rule will close areas within Cuyahoga Valley National Recreation Area to the consumption of alcoholic beverages.

Originally Scheduled: January 1981

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Walker, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, NE 68102, 402-864-3476

Timetable: Proposed rule was published January 27, 1982 (47 FR 3797).

Final rule was published June 4, 1982 (47 FR 24298).

CFR Citation: **36 CFR Part 50** *Title:* **Demonstrations and Special Events**

Abstract: Section 50.19 of this rule has been revised to clarify the circumstances and conditions under which temporary structures may be used in connections with demonstration activity. The clarification is necessitated by the court decision in Community for Creative Non-Violence v. Watt, No. 81-2381 (D.C. Cir. 1982).

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Proposed rule was published March 18, 1982 (47 FR 11725).

Final rule was published June 4, 1982 (47 FR 24302).

CFR Citation: **36 CFR Part 50** *Title:* **Camping**

Abstract: Section 50.27 of this rule has been revised to clarify the types of activities considered to be camping which must be confined to designated campgrounds. The clarification is necessitated by the court decision in Community for Creative Non-Violence v. Watt, No. 81-2381 (D.C. Cir. 1982).

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 3

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Rick Robbins 202-343-4338

Timetable: Proposed rule was published March 29, 1982 (47 FR 13170).

Final rule was published June 4, 1982 (47 FR 24298).

CFR Citation: **36 CFR Part 73** *Title:* **World Heritage Convention**

Abstract: This rule will set forth the policies and procedures that the Department will use to direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, in accordance with Title IV of the National Historic Preservation Act Amendments of 1980. The rule will serve as the single source of definitive guidance for World Heritage policy and procedure to ensure effective implementation of the Convention and participation by interested agencies, organizations and individuals.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-515; 16 U.S.C. 470a-1, a-2; 94 Stat. 3000

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Orr 202-523-0150

Timetable: A Notice of Intent with request for comments was published January 13, 1981 (46 FR 3073).

Proposed rule was published October 20, 1981 (46 FR 51558).

Final rule was published May 27, 1982 (47 FR 23392).

BUREAU OF INDIAN AFFAIRS

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **25 CFR Part 2** *Title:* **Appeal from Administrative Actions**

Abstract: A review of this part indicated that minor administrative changes are required to clarify the language and to eliminate gender-specific terminology.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ronal Eden 202-343-7684

CFR Citation: **25 CFR Part 11** *Title:* **Law and Order on Indian Reservations**

Abstract: This part is being revised to preclude Courts of Indian Offenses from adjudicating intra-tribal governmental disputes absent consent of an Indian tribe (11.22). Consideration is also being given to revising this part to adopt state substantive law in place of the offenses presently enumerated in this part.

Originally Scheduled: January 1981

Legal Authority: 25 U.S.C. 2, 9 and 13

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Etheridge 202-343-8526

CFR Citation: **25 CFR Part 12** *Title:* **Code of Offenses for Navajo-Hopi Settlement Act Secretarial Responsibilities**

Abstract: This rule will be revised to reflect the Secretary's reduced law enforcement and judicial responsibilities in the area formerly known as the Joint Use Area under the July 8, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d-640d-28. The rule will also be revised to clarify the Secretary's continuing responsibility to protect the rights and property of those individuals subject to relocation or who will be authorized to remain on lands covered by a life estate.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2 and 9 and Pub.L. 93-531 as amended by Pub.L. 96-305; 25 U.S.C. 640d-640d-28

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Pat Hayes 202-343-6857

CFR Citation: **25 CFR Part 17** *Title:* **Action on Wills of Osage Indians**

Abstract: This rule is being revised to permit the Field Solicitor of the Department to: (1) approve/disapprove wills of persons of Osage Indian blood providing for the disposition of restricted property; (2) issue orders and decisions; (3) issue subpoenas and to administer oaths to witnesses testifying hearings; and (4) send appeals from decisions to the Regional Solicitor of the Department.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-496

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Duard Barnes 202-343-9405

CFR Citation: **25 CFR Part 26** *Title:* **Employment Assistance for Adult Indians**

Abstract: This rule will describe eligibility criteria required for participation in the Bureau's program of Employment Assistance for Adult Indians and explain application procedures. This will be a new part added to 25 CFR. This program has been in existence in some form since 1949 but has never before been described in 25 CFR. This Part has been redesignated from 25 CFR Part 33.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 13

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Delaware 202-343-8428

Timetable: Proposed rule was published August 31, 1982 (47 FR 35355).

The information collection requirements contained in section 33.4 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **25 CFR Part 27** *Title:* **Vocational Training for Adult Indians**

Abstract: This rule will describe eligibility criteria required for participation in the Bureau's program of vocational training for adult Indians and explain application procedures. This Part has been redesignated from 25 CFR Part 34.

Originally Scheduled: May 1978

Legal Authority: Pub.L. 84-959; Pub.L. 88-230

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Delaware 202-343-8428

Timetable: Proposed rule was published August 31, 1982 (47 FR 38358).

The information collection requirements contained in section 34.4 of this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **25 CFR Part 34** *Title:* **Procedures and Practices**

Abstract: This rule will provide the Office of Indian Education Programs a set of education policies, procedures and practices for all education-related activities. Coordination of education policies will facilitate the streamlining of education services of the Areas and Agencies, establish limits for Bureau interference in tribal education programs and aid Congress in conducting more thorough oversight. This Part has been redesignated from 25 CFR Part 31c.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-561; 25 U.S.C. 2013

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Judie Zundel 202-343-6676

CFR Citation: **25 CFR Part 35** *Title:* **School Boards**

Abstract: This rule will describe school boards and their powers and duties in relation to the education programs under the Bureau at the local, Agency, and Area levels and with respect to tribally contracted schools. This Part has been redesignated from 25 CFR Part 31d.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-561

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George D. Scott 202-343-6675

CFR Citation: **25 CFR 36** *Title:* **Educational Standards**

Abstract: This rule will prescribe minimum academic standards for the basic education of Indian children in Bureau schools and provide the national criteria for use in the operations of dormitories by the Bureau. This Part has been redesignated from 25 CFR Part 31e.

Originally Scheduled: January 1980

Legal Authority: 25 U.S.C. 2001,2002; Pub.L. 95-561

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George D. Scott 202-343-6675

CFR Citation: **25 CFR Part 39** *Title:* **Indian School Equalization Program**

Abstract: This rule will revise and expand the Indian school equalization formula by incorporating additional weighted factors and setting up administrative procedures for school closures and termination of educaton programs. The rule will also provide staff cost adjustment, establish a permanent formula implementation set-aside fund, authorize new schools, and expand Bureau-funded school programs to serve students not previously served. This Part has been redesignated from 25 CFR Part 31h.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-561; 25 U.S.C. 2008

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Judie Zundel 202-343-6676

CFR Citation: **25 CFR Part 40** *Title:* **Administration of the Higher Education Program**

Abstract: This rule will revise established policies and provide uniform procedures to govern the higher education program administered under the authority of 25 U.S.C. 13. This rule applies only to educational grants; Bureau educational loans are governed by 25 CFR Part 91. This Part has been redesignated from 25 CFR Part 32.

Originally Scheduled: January 1980

Legal Authority: 25 U.S.C. 13; Pub.L. 67-55

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Don Standing Elk 202-343-7387

CFR Citation: **25 CFR Part 41** *Title:* **Grants to Tribally Controlled Community Colleges and Navajo Community College**

Abstract: Revision of 25 CFR Part 32b is needed to provide clarity of language and structure in certain subparts. This Part has been redesignated from 25 CFR Part 32b.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 1815

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Ed Lonefight 202-343-7387

CFR Citation: **25 CFR Part 42** *Title:* **Indian Rights and Responsibilities**

Abstract: This rule will set forth policies, requirements and procedures to ensure the protection of the constitutional and civil rights of students attending Bureau or contract schools and dormitories. This Part has been redesignated from 25 CFR Part 31i.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-561; 25 U.S.C. 2017

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Carmen Taylor 202-343-4493

Timetable: Proposed rule was published May 22, 1979 (44 FR 29855).

CFR Citation: **25 CFR Part 44** *Title:* **Provision of Educational Services by Bureau of Indian Affairs Under Section 1101(d) of Public Law 95-561**

Abstract: This rule will govern the provision of educational services to Indian children by the Burea under section 1101(d) of Pub.L. 95-561. This Part has been redesignated from 25 CFR Part 31j.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-561

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James Martin 202-343-6657

CFR Citation: **25 CFR 45** *Title:* **Special Education**

Abstract: This rule will establish standards for the provision of special education and related services to Indian children in schools operated by or under the authority of the Bureau. This Part has been redesignated from 25 CFR Part 31k.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 94-142

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles Cordova 202-343-4071

Timetable: Proposed rule was published September 29, 1980 (45 FR 64472).

CFR Citation: **25 CFR Part 46** *Title:* **Adult Education**

Abstract: This rule will establish procedures for the conduct of adult education programs operated by or under the authority of the Bureau.

Originally Scheduled: May 1978

Legal Authority: Pub.L. 93-638

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leroy Falling 202-343-7387

CFR Citation: **25 CFR Part 47** *Title:* **Bureau Operated Institutions of Higher and Post Secondary Education**

Abstract: This rule will revise the policies governing the Bureau's three post-secondary schools and reflect the national policies of Indian tribal self-determination. This Part has been redesignated from 25 CFR Part 32c.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-471

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Don McCabe 202-343-7387

CFR Citation: **25 CFR Part 62** *Title:* **Enrollment Appeals**

Abstract: As a result of reviewing this part, it has been determined that revisions are necessary in order to eliminate sex-based criteria and gender-specific terminology. This part provides the procedures governing enrollment appeals. This Part has been redesignated from 25 CFR Part 42.

Originally Scheduled: January 1981

Legal Authority: 25 U.S.C. 2, 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Don McCabe 202-343-7387

CFR Citation: **25 CFR Part 69** *Title:* **Preparation of a Roll of Alaska Natives**

Abstract: This rule is being amended to provide procedures for the redetermination of permanent residence of Alaska Natives enrolled pursuant to Pub.L. 92-203 in accordance with section 1(c) of Pub.L. 94-204. This Part has been redesignated from 25 CFR Part 43h.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 94-204; Pub.L. 92-203

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell L. Bush 703-235-8323

CFR Citation: **25 CFR Part 70** *Title:* **Final Roll of the Menominee Tribe of Wisconsin**

Abstract: As a result of reviewing this part, it has been determined that this rule has served the purpose for which issued and it will be revoked. The membership roll of the Menominee Tribe has been completed, and the Tribe has assumed maintenance of its membership roll (70.14). This Part has been redesignated from 25 CFR Part 43k.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301; 87 Stat. 773

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell L. Bush 703-235-8323

CFR Citation: **25 CFR Part 73** *Title:* **Revision of Final Roll of the Confederation Tribes of Siletz Indians of Oregon**

Abstract: As a result of review, it has been determined that this rule has served the purpose for which issued and will be revoked. The membership roll of the Confederated Tribes of Siletz Indians of Oregon has been completed and the Tribe has assumed maintenance of its membership roll. This Part has been redesignated from 25 CFR Part 43p.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-195

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Agency Contact: Mitchell L. Bush, Jr. 703-235-8323

CFR Citation: **25 CFR Part 75** *Title:* **Revision of the Membership Roll of the Eastern Band of Cherokee Indians, North Carolina**

Abstract: This rule provides procedures to govern the revision of the membership roll of the Eastern Band of Cherokee Indians. As a result of review, it was determined that revision was necessary in order to eliminate sex-based criteria and gender-specific terminology and make certain other minor administrative changes. It was also determined that section 75.19 has served the purpose for which issued and will be revoked. This Part has been redesignated from 25 CFR Part 47.

Originally Scheduled: October 1981

Legal Authority: Section 2, 71 Stat. 374

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell L. Bush, Jr. 703-235-8323

CFR Citation: **25 CFR Part 87** *Title:* **Use and Distribution of Indian Judgment Funds**

Abstract: This rule is being revised to reflect anticipated amendments to the Indian Judgment Funds Act of October 19, 1973. Principal amendments would affect the time period for submittal of Secretarial plans to Congress. This Part has been redesignated from 25 CFR Part 60.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 93-134

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Steve Feraca 202-343-4623

CFR Citation: **25 CFR Part 89** *Title:* **Attorney Contracts with Indian Tribes**

Abstract: This rule will be amended to: (1) clarify the circumstances under which the Bureau may provide funds to an Indian tribe for the payment of a private attorney's legal services; and (2) establish the current policy of tribal self-determination, minimize the Federal government's involvement in tribal self-government and simplify the regulations by making all tribes, regardless of their organizational status, subject to a single set of regulations. This Part has been redesignated from 25 CFR Part 72.

Originally Scheduled: July 1980

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 13, 81, 82a, 450, 476

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Evelyn Pickett 202-343-4045

Timetable: Proposed rules were published July 17, 1980 (45 FR 47869) and December 16, 1980 (45 FR 82667).

CFR Citation: **25 CFR Part 140** *Title:* **Licensed Indian Traders**

Abstract: On April 25, 1980, the Bureau published a proposed rule that would have amended the regulations governing Indian traders on most Indian reservations. That proposal would have restricted application of the regulations to businesses located in isolated communities where there is an absence of competition. Most comments received were strongly opposed to the proposal and supportive of diligent enforcement of the trader regulations on all Indian reservations. In response to those comments, the Bureau has proposed to modernize the trading regulations by adopting as its regulations the consumer protection statutes of the state where the business is located. This Part has been redesignated from 25 CFR Part 251.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 261, 262

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will have a significant economic effect on a substantial number of small entities and requires a small entity flexibility analysis 5 U.S.C. 601 et seq. This rule would have a significant effect on all small businesses operating on Indian reservations (other than the Navajo, Hopi or Zuni reservations) except those businesses operated by the tribe or its members. The affected businesses would be required to comply with state consumer protection laws. Those businesses operating on reservations not listed in 251.28 of the proposed rule would also be required to post bond, be subject to monitoring by the Bureau and keep records of sales to customers.

Agency Contact: Eugene F. Suarez 202-343-5786

Timetable: Proposed rule was published January 6, 1981 (46 FR 1298).

A Notice withdrawing the proposed rule will be published by October 1982.

CFR Citation: **25 CFR Part 152** *Title:* **Issuance of Patents in Fee, Certificate of Competency, Removal of Restrictions and Sale of Certain Indian Lands**

Abstract: This rule will clarify language, provide additional cross-references and add certain new provisions which more fully encompass the authority found in the statutes. This Part has been redesignated from 25 CFR Part 121.

Originally Scheduled: January 1979

Legal Authority: 25 U.S.C. 378, 379, 404, 405, 372, 373, 483, 355

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Wilford Bowker, Portland Area Office, Bureau of Indian Affairs, P.O. Box 3785, Portland, OR 97208, 503-231-6714

CFR Citation: **25 CFR Part 155** *Title:* **Equalization of Allotments: Agua Caliente (Palm Springs) Reservation, California**

Abstract: This rule will be revoked because the purposes of the law has been accomplished. This Part has been redesignated from 25 CFR Part 124.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

CFR Citation: **25 CFR Part 157** *Title:* **Allotment of Lands on the Cabazon and Augustine Indian Reservations, Riverside County, California**

Abstract: This rule will be revoked because the purpose of the law has been accomplished. This Part has been redesignated from 25 CFR Part 126.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

CFR Citation: **25 CFR Part 161** *Title:* **Allotment of Lands on the Torres-Martinez Indian Reservation, California**

Abstract: This rule will be revoked because the purpose of the law has been accomplished. This Part has been redesignated from 25 CFR Part 130.

Originally Scheduled: April 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

CFR Citation: **25 CFR Part 162** *Title:* **Leasing and Permitting**

Abstract: This rule will reorganize Part 162 into three new subheadings: (1) How to Acquire Leases; (2) Special Provisions and Requirements of Leases; and (3) Special Provisions for Specific Reservations. These revisions will facilitate the use of the regulations for easier reference. This Part has been redesignated from 25 CFR Part 131.

Originally Scheduled: July 1979

Legal Authority: 25 U.S.C. 380, 393, 394, 395, 397, 402, 402a, 403, 403a-c, 415, 415a-d, 477, 635

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Robert Jones, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoeniz, AZ 85011, 802-261-2275

Timetable: Proposed rule was published October 27, 1978 (43 FR 50210).

CFR Citation: **25 CFR Part 163** *Title:* **General Forest Regulations**

Abstract: This rule will be updated and revised to reflect economic and technical changes pertinent to timber management and harvesting since the last revision in 1976. The revision will also eliminate gender-specific terminology. This Part has been redesignated from 25 CFR Part 141.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 406, 407 and 4667, 406, 407

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Fred Malroy 202-343-6067

CFR Citation: **25 CFR Part 164** *Title:* **Sale of Lumber and Other Forest Products Produced by Indian Enterprises from the Forests on Indian Reservations**

Abstract: This part will be revised to eliminate gender-specific terminology. This Part has been redesignated from 25 CFR Part 142.

Originally Scheduled: October 1981

Legal Authority: 54 Stat. 504, as amended; 5 U.S.C. 301, 41 U.S.C. 6b

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Fred Malroy 202-343-6067

CFR Citation: **25 CFR Part 165** *Title:* **Sale of Forest Products, Red Lake Indian Reservation, Minnesota**

Abstract: This part will be revised to eliminate gender-specific terminology. This Part has been redesignated from 25 CFR Part 144.

Originally Scheduled: October 1981

Legal Authority: Section 9, 39 Stat. 137, as amended; 5 U.S.C. 301; 41 U.S.C. 6b

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Fred Malroy 202-343-6067

CFR Citation: **25 CFR Part 168** *Title:* **Grazing Regulations for Former Navajo-Hopi Joint Use Area Lands**

Abstract: This rule will be revised to clarify the Secretary's responsibilities over grazing control and range restoration activities in the area formerly known as the Joint Use Area under the July 9, 1980 amendments to the Navajo-Hopi Settlement Act, 25 U.S.C. 640d-640d-28. The rule will also be revised to correct vague and/or ambiguous language contained in certain provisions of the existing rule. This Part has been redesignated from 25 CFR Part 153.

Originally Scheduled: October 1981

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 640d, 640d-28

Determination Under E.O. 12291: The determination whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam Miller 202-343-4004

Timetable: An Interim rule with request for comments was published September 10, 1982 (47 FR 39816).

CFR Citation: **25 CFR Part 169** *Title:* **Rights-of-Way over Indian Lands**

Abstract: This rule, which contains the procedures for rights-of-way over Indian lands, is scheduled for revision in order to eliminate excessive, burdensome and counterproductive provisions. Language changes will be made in order to make the regulation clearer.

Originally Scheduled: October 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Frank Hissong 202-343-4459

CFR Citation: **25 CFR Part 170** *Title:* **Roads of the Bureau of Indian Affairs**

Abstract: This part is being amended to reflect the current Bureau responsibility for the roads systems on

Indian reservations. This Part has been redesignated from 25 CFR Part 162.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 47; 42 U.S.C. 2000e(b); 23 U.S.C. 101(a), 208, 308; 36 Stat. 861; 45 Stat. 750

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James T. Ball 202-343-6041

CFR Citation: **25 CFR Part 174** *Title:* **Operations and Maintenance Charges**

Abstract: The provision which establishes the criteria for determining operation and maintenance charges of the Joint Works will be amended (174.69d). A review of the operating policies of the San Carlos irrigation project indicates that operation and maintenance charges of the Joint Works should include the cost of the electrical energy required for the operation of irrigation pumps. This Part has been redesignated from 25 CFR Part 221.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 385, 387

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Walter Parks, San Carlos Irrigation Project, P.O. Box 456, Coolidge, AZ 85228, 602-723-5439

CFR Citation: **25 CFR Part 179** *Title:* **Use of Water on Indian Reservations**

Abstract: This rule will state the criteria the Secretary will follow in determining whether to approve water codes enacted by Indian tribes which would regulate the use of waters on Indian reservations. This Part has been redesignated from 25 CFR Part 260.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 1a, 2, 9, 381, 415

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Joseph R. Membrino 202-343-6967

Timetable: Proposed rule was published January 5, 1981 (46 FR 944).

CFR Citation: **25 CFR 211** *Title:* **Contracts for Prospecting and Mining on Indian Mineral Lands**

Abstract: The regulations in this part govern contracts for the prospecting and mining of Indian-owned minerals, other than oil, gas and coal. Revisions will be made which would combine rules for the review and approval of mineral development contracts on both tribal and allotted lands into one part. This Part has been redesignated from 25 CFR Part 171.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 396, 396d, 415, 476, 477

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

CFR Citation: **25 CFR Part 212** *Title:* **Leasing of Allotted Lands for Mining**

Abstract: As a result of review, it has been determined that this part is no longer necessary and should be revoked. The rules which currently govern the leasing of oil and gas on Indian allotted lands will be replaced by a new 25 CFR Part 218. This Part has been redesignated from 25 CFR Part 172.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 396; 35 Stat. 396

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

CFR Citation: **25 CFR Part 216** *Title:* **Operation, Reclamation and Conservation on Mineral Lands**

Abstract: This rule will provide for mining and exploration plans, performance plans and other operational aspects of mining on Indian lands, including compliance with the National Environmental Policy Act. This Part has been redesignated from 25 CFR Part 177.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 380, 396, 396d, 415, 476, 477; 42 U.S.C. 4332

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed rule was published August 11, 1980 (45 FR 53164).

CFR Citation: **25 CFR Part 218** *Title:* **Oil and Gas Contracts**

Abstract: This part will govern contracts for the development of Indian owned oil and gas reserves. The regulations would replace existing regulations in 25 CFR Part 218. This Part has been redesignated from 25 CFR Part 182.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 396, 396d 415, 476, 477; 42 U.S.C. 4332

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Riggs 202-343-3722; Ken Core 202-343-3722

Timetable: Proposed Rule was published August 11, 1980 (45 FR 53164).

CFR Citation: **25 CFR Part 228** *Title:* **Review of Tribal Ordinances Imposing Taxes on Mining Activities on Indian Lands**

Abstract: This rule will state the procedure and criteria the Secretary will follow in reviewing tribal ordinances imposing taxes on mining activities on Indian lands. This Part has been redesignated from 25 CFR Part 179.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Anita Vogt 202-343-8526

CFR Citation: **25 CFR Part 243** *Title:* **Reindeer in Alaska**

Abstract: As a result of review, this rule will be revised to provide Alaska Native reindeer owners, government officials and other persons with explicit guidance for administration of the reindeer industry in Alaska and eliminate certain legal ambiguities affecting the industry. This Part has been redesignated from 25 CFR Part 90.

Originally Scheduled: April 1981

Legal Authority: 48 U.S.C. 250b, 250k; 50 Stat. 900; 50 Stat. 902

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John A. Moore, Juneau Area Office, Federal Building, P.O. Box 3-8000, Juneau, AK 99802, 907-586-7404

CFR Citation: **25 CFR Part 261** *Title:* **Preservation of Antiquities**

Abstract: Part 132 is authorized by the Antiquities Act of 1906 (16 U.S.C. 432) which has been largely superseded by the Archeological Resources Protection Act (16 U.S.C. 470aa). This Part has been redesignated from 25 CFR Part 132.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 470aa

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Dean Suagee 202-343-4541

CFR Citation: **25 CFR Part 262** *Title:* **Heritage Preservation**

Abstract: This rule will establish procedures for implementing the requirements of legislation relating to cultural resources. Subpart A will implement the requirements of the National Historic Preservation Act as it pertains to Bureau actions which may affect properties that are listed on the National Register of Historic Places. Subpart B will implement the requirements of the Archaeological Resources Protection Act, particularly the requirement that no archaeological resources may be excavated without a permit. This Part has been redesignated from 25 CFR Part 281.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 469, 470aa, 470f; 42 U.S.C. 1996

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Farris 202-343-4541

Timetable: Subpart A was published as a proposed rule September 15, 1980 (45 FR 60923).

Subpart B will be published following the publication of Departmentwide rules by the National Park Service.

CFR Citation: **25 CFR Part 263** *Title:* **Guidance on the Application of the National Environmental Policy Act to Bureau Decisions**

Abstract: This rule will provide guidance to tribal governments and other persons and entities that propose the Bureau take an action which must be preceded by the preparation of either an environmental impact statement or an environmental assessment. This Part has been redesignated from 25 CFR Part 280.

Originally Scheduled: April 1981

Legal Authority: 42 U.S.C. 4321-4347

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: George Farris 202-343-4541

CFR Citation: **25 CFR Part 271** *Title:* **Contracts under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is: (1) to change the method of award to tribes under the Self-Determination and Education Assistance Act, from contracts to grants, or cooperative agreements, which action is taken pursuant to the Federal Grant and Cooperative Agreement Act; (2) to provide changes in the administrative processes; and (3) to remove unnecessary administrative language.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 450; 41 U.S.C. 501

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Dale Heald 202-343-4796; Jim Burris 202-343-4796

Timetable: Proposed rule was published September 13, 1982 (47 FR 40326).

CFR Citation: **25 CFR Part 272** *Title:* **Grants Under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is to provide for changes in administrative processes and to establish procedures and definitions consistent with other parts of this chapter.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 450h

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number

of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Dale Heald 202-343-4796; Jim Burris 202-343-4796

Timetable: Proposed rule was pubished September 13, 1982 (47 FR 40338).

CFR Citation: **25 CFR Part 273** *Title:* **Education Contracts under Johnson-O'Malley Act**

Abstract: This rule will revise and provide consistency with the requirements for tribes under 25 CFR Part 271, clarify the relationship between tribes and Indian education committees and organize the subparts for easier use.

Originally Scheduled: May 1978

Legal Authority: 25 U.S.C. 455-457

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Noah Allen 202-343-8657

Timetable: Proposed rule was published September 13, 1982 (47 FR 40340).

CFR Citation: **25 CFR Part 274** *Title:* **School Construction Contracts or Services for Tribally Operated Previously Private Schools**

Abstract: This part is being revised to provide for grants or cooperative agreements rather than contracts, to include the Office of Indian Education Programs in the application and approval procedures, and to remove unnecessary administrative language.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 458, 458d; Pub.L. 93-638; Pub.L. 95-561; Pub.L. 96-46

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jay T. Suagee 202-343-2706; Harvey Jacobs 202-343-4493

Timetable: Proposed rule was published September 13, 1982 (47 FR 40348).

CFR Citation: **25 CFR Part 275** *Title:* **Staffing**

Abstract: This part outlines methods available to tribes for utilizing the services of Bureau employees. Revisions will be made to include the Office of Indian Education Programs in the application and approval procedures for the awards under Pub.L. 93-638.

Originally Scheduled: January 1981

Legal Authority: 42 U.S.C. 4762; 25 U.S.C. 450i; 28 U.S.C. 48

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Pat Fulgham 202-343-9306; Harvey Jacobs 202-343-5517

Timetable: Proposed rule was published September 13, 1982 (47 FR 40352).

CFR Citation: **25 CFR Part 276** *Title:* **Uniform Administrative Requirements for Grants**

Abstract: This rule establishes requirements for the uniform administration of grants to Indian Tribal Governments, pursuant to Pub.L. 93-638.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 93-638

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Dale Heald 202-343-4796

Timetable: Proposed rule was published September 13, 1982 (47 FR 40353).

CFR Citation: **25 CFR Part 277** *Title:* **School Construction Contracts for Public Schools under Indian Self-Determination and Education Assistance Act**

Abstract: The purpose of this rule is: (1) to change the method of award to tribes under the Self-Determination and Education Assistance Act from contracts to grants, which action is pursuant to the Federal Grant and Cooperative Agreement Act; (2) to provide changes in the administrative processes; and (3) to remove unnecessary administrative language.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 458c(b); 41 U.S.C. 501

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Frank Latta, P.O. Box 1788, Albuquerque, NM 87103, 505-766-2985

Timetable: Proposed rule was published September 13, 1982 (47 FR 40356).

CFR Citation: **25 CFR Part 278** *Title:* **Special Economic Development and Core Management for Small Tribes**

Abstract: This Part will contain regulations which offer grants to Indian tribes for business development, development of natural resources, and which encourage non-Federal investment and promote sound business principles and offer core management grants to small tribes to permit such tribes to establish and maintain competent and responsible management capabilities.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Geary 202-343-2678

CFR Citation: **25 CFR Part 286** *Title:* **Indian Business Development Program**

Abstract: This rule will be amended to reflect the requirements necessary to implement the special economic development program. This Part has been redesignated from 25 CFR Part 80.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2 and 9

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Geary 202-343-2678

CFR Citation: **41 CFR Chapter 14H** *Title:* **Buy Indian Act Contracting**

Abstract: This rule will add a new Part to 41 CFR Chapter 14H in order to establish policies and procedures concerning the Bureau of Indian Affairs acquisition management system. This issuance pertains to contracts (excluding construction) entered into with Indian economic enterprises for the products of Indian industry pursuant to the Act of June 25, 1910 (25 U.S.C. 47), which Act is usually referred to as the 'Buy Indian Act.'

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 47

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Peter A. Campanelli 202-343-5125

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **25 CFR Part 71** *Title:* **Preparation of a Roll to Serve as the Basis for the Distribution of Judgment Funds Awarded Certain Warm Springs Indians**

Abstract: This rule, which is scheduled for review, governs the compilation of a roll of certain members of the Confederated Tribes of the Warm Springs Reservation living on February 18, 1975. The roll shall be used for distribution of the judgment awarded the Tribes by the Indian Claims Commission in Docket 198. This Part has been redesignated from 25 CFR Part 43l.

Originally Scheduled: April 1981

Legal Authority: 87 Stat. 466

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell L. Bush 703-235-8323

CFR Citation: **25 CFR Part 116** *Title:* **Creation of Trusts for Restricted Property of Indians, Five Civilized Tribes, Oklahoma**

Abstract: This rule, which is scheduled for review, governs the establishment of trust estates for Indians of the Five Civilized Tribes, Oklahoma. This Part has been redesignated from 25 CFR Part 107.

Originally Scheduled: October 1981

Legal Authority: Section 7, 47 Stat. 778

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Dennis Springwater, Muskogee Area Office, Federal Building, Muskogee, OK 74401, 918-687-2314

CFR Citation: **25 CFR Part 118** *Title:* **Judgment Funds, Shoshone Tribe of the Wind River Reservation, Wyoming**

Abstract: This rule, which is scheduled for review, outlines programs required and purposes for which expenditures of judgment funds of the Shoshone Tribe of the Wind River Reservation, Wyoming, may be made. This Part has been redesignated from 25 CFR Part 109.

Originally Scheduled: October 1981

Legal Authority: Section 2, 53 Stat. 1128; 25 U.S.C. 572

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Alonzo T. Spang, Sr., Wind River Agency, Fort Washakie, WY 82514, 307-255-8301

CFR Citation: **25 CFR Part 119** *Title:* **Distribution of Judgment Awarded the Cherokee Nation or Tribe of Indians**

Abstract: This rule, which is scheduled for review, governs the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma. This Part has been redesignated from 25 CFR Part 110.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 998; 76 Stat. 776

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mitchell Bush 703-235-8323

CFR Citation: **25 CFR Part 124** *Title:* **Procedures for Depositing Funds to the Credit of 14x6140: Deposits of Proceeds of Lands Withdrawn for Native Selection**

Abstract: This rule, which is scheduled for review, describes the procedures to be used by all Departments and Agencies of the Federal government and the State of Alaska for the deposit of proceeds derived from contracts, leases, permits, and rights-of-way or easements pertaining to affected lands or resources in affected lands withdrawn for Native selection pursuant to the Alaska National Interest Lands Conservation Act. This Part has been redesignated from 25 CFR Part 114.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-487

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Scott Keep 202-343-5134

CFR Citation: **25 CFR Part 134** *Title:* **Partial Payment Construction Changes on Indian Irrigation Projects**

Abstract: This rule, which is scheduled for review, provides for the partial reimbursement of irrigation construction charges on Indian irrigation projects, with exceptions as noted. This Part has been redesignated from 25 CFR Part 211.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 385

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 135** *Title:* **Construction Assessment, Crow Indian Irrigation Project**

Abstract: This rule, which is scheduled for review, provides for construction assessments on Irrigation District lands and for non-Indian lands not included in an Irrigation District served by the Crow Indian Irrigation Project. This Part has been redesignated from 25 CFR Part 212.

Originally Scheduled: October 1981

Legal Authority: Section 15, 60 Stat. 338

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 136** *Title:* **Fort Hall Indian Irrigation Project, Idaho**

Abstract: This rule, which is scheduled for review, establishes a construction repayment schedule that will be in effect until 1995 for the Fort Hall Unit of the Fort Hall Indian Irrigation Project. This Part has been redesignated from 25 CFR Part 213.

Originally Scheduled: April 1981

Legal Authority: 46 Stat. 1063

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 137** *Title:* **Reimbursement of Construction Costs: San Carlos Indian Irrigation Project, Arizona**

Abstract: This rule, which is scheduled for review, establishes a payment construction schedule for the San Carlos Indian irrigation project. This Part has been redesignated from 25 CFR Part 215.

Originally Scheduled: April 1981

Legal Authority: 43 Stat. 476

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 138** *Title:* **Reimbursement of Construction Costs, Ahtanum Unit, Wapato Indian Irrigation Project, Washington**

Abstract: This rule, which is scheduled for review, provides for repayment of construction costs of the completed Ahtanum Unit of the Wapato Indian Irrigation Project. Annual assessments are due each year till 1997. The entire cost of construction must be repaid to the U.S. Treasury. This Part has been redesignated from 25 CFR Part 216.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 385

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 139** *Title:* **Reimbursement of Construction Costs Wapato-Satus Unit, Wapato Indian Irrigation Project, Washington**

Abstract: This rule, which is scheduled for review, provides for repayment of construction costs to the U.S. Treasury. Annual assessments are charged at rates depending on ownership as to Indian or non-Indian. Final payments are due in the year 2002. This Part has been redesignated from 25 CFR Part 218.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 386

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 142** *Title:* **Operation of U.S.M.S. 'North Star' between Seattle, Washington, and Stations of the Bureau of Indian Affairs and Other Government Agencies, Alaska**

Abstract: This part, which is scheduled for review, outlines passenger and freight services offered by the U.S.M.S. North Star. This Part has been redesignated from 25 CFR Part 254.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Gerald Taylor, Seattle Liaison Office, Bureau of Indian Affairs, 816 United Pacific Building, Seattle, WA 98104, 206-442-5516

CFR Citation: **25 CFR Part 154** *Title:* **Osage Roll, Certificate of Competency**

Abstract: This rule, which is scheduled for review, establishes a determination and preparation of Osage Roll Issuance of Certificates of Competency to less than half blood Osages. This Part has been redesignated from 25 CFR Part 123.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 331; 62 Stat. 18

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lou White 202-343-7738

CFR Citation: **25 CFR Part 166** *Title:* **General Grazing Regulations**

Abstract: This rule, which is scheduled for review, protects grazing land from abuse and also authorizes a permiting system. This Part has been redesignated from 25 CFR Part 151.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301; 25 U.S.C. 2, 9, 68, 179, 397, 402, 403, 466, 394, 393, 413, 476, 477, 68a, 87a, 415, 415a-d

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam Miller 202-343-4004

CFR Citation: **25 CFR Part 167** *Title:* **Navajo Grazing Regulations**

Abstract: This rule, which is scheduled for review, protects Navajo grazing land from abuse and also authorizes a permitting system. This rule will apply to the Navajo Reservation. This Part has been redesignated from 25 CFR Part 152.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 9, 179, 397, 345, 402

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Sam Miller 202-343-4004

CFR Citation: **25 CFR Part 171** *Title:* **Operation and Maintenance**

Abstract: This rule, which is scheduled for review, provides for the expeditious administration of Indian irrigation projects by authorizing changes to O and M assessment rates including such information that is pertinent to the assessment, payment, and collections of the charges by general notice in the Federal Register. This Part has been redesignated from 25 CFR Part 191.

Originally Scheduled: October 1981

Legal Authority: 25 U.S.C. 385

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 176** *Title:* **Flathead Indian Irrigation Project, Montana**

Abstract: This rule, which is scheduled for review, contains regulations to be followed for the operation of the electric power system at the Flathead Project, Montana. This Part has been redesignated from 25 CFR Part 232.

Originally Scheduled: April 1981

Legal Authority: 62 Stat. 273; 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 177** *Title:* **San Carlos Indian Irrigation Project, Arizona**

Abstract: This rule, which is scheduled for review, provides for the administration of the electric power system of the San Carlos Indian Irrigation Project. The project engineer is responsible for the operation of the electric power system and the enforcement of the regulations promulgated to provide power for the project and other client customers. This Part has been redesignated from 25 CFR Part 233.

Originally Scheduled: October 1981

Legal Authority: Section 5, 43 Stat. 476; 45 Stat. 210, 211; 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles P. Corke 202-343-4004

CFR Citation: **25 CFR Part 217** *Title:* **Management of Tribal Assets of the Ute Indian Tribe, Uintah and Ouray Reservation, Utah, by the Tribe and the Ute Distribution Corporation**

Abstract: This rule, which is scheduled for review, establishes the procedures for exercising joint management of Ute Indian Tribe assets by the Tribe and the Ute Distribution Corporation. This Part has been redesignated from 25 CFR Part 178.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 677-677aa

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles Spilman, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, AZ 85011, 602-241-2284

CFR Citation: **25 CFR Part 242** *Title:* **Commercial Fishing on Red Lake Reservation**

Abstract: This rule, which is scheduled for review, grants authority to the Red Lake Fisheries Association and its members to engage in commercial fishing in accordance with stated regulations. This Part has been redesignated from 25 CFR Part 89.

Originally Scheduled: April 1981

Legal Authority: 25 U.S.C. 2, 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Barry Betts 202-343-6574

COMPLETED ACTIONS

CFR Citation: **25 CFR Part 23** *Title:* **Indian Child Welfare Act: Grants**

Abstract: This rule is being revised to elaborate and clarify the Indian Child Welfare Act grant application and appeal process (Subparts A and C through F). These revisions will complement the related procedures in this part which also pertain to implementation of the Indian Child Welfare Act.

Originally Scheduled: January 1981

Legal Authority: 25 U.S.C. 2, 9, 1952; 5 U.S.C. 301

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Raymond Butler 703-235-2756

Timetable: Proposed rule was published December 12, 1980 (45 FR 81781).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0006.

Final rule was published September 10, 1982 (39976).

CFR Citation: **25 CFR Part 77** *Title:* **Preparation of a Membership Roll of the Pribilof Islands Aleut Communities of St. Paul and St. George**

Abstract: This rule adds a new Part to provide procedures to govern the preparation of a membership roll to serve as a basis for the distribution of judgment funds pursuant to a judgment plan. The judgment plan, which became effective June 22, 1980, was prepared in accordance with the Act of October 19, 1973 (87 Stat. 466). The substantive requirements for enrollment are in accordance with the Communities' membership provisions. This Part has been redesignated from 25 CFR Part 43d.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 93-134

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Mitchell L. Bush 703-235-8323

Timetable: Proposed rule was published April 21, 1982 (47 FR 17073).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1076-0019.

Final rule was published July 21, 1982 (47 FR 31547).

CFR Citation: **25 CFR Part 249** *Title:* **Off-Reservation Fishing**

Abstract: This Part is revised annually to take into account changed fishing conditions and to make improvements based upon experience with existing rules. This rulemaking involves close collaboration with the Departments of State and Commerce. This Part has been redesignated from 25 CFR Part 256.

Originally Scheduled: April 1982

Legal Authority: 25 U.S.C. 2, 9; 43 U.S.C. 1457

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robin A. Friedman 202-343-8526

Timetable: Final rule was published July 15, 1982 (47 FR 30756).

CFR Citation: **25 CFR Part 250** *Title:* **Indian Fishing: Hoopa Valley Indian Reservation**

Abstract: As a result of recommendations submitted by a committee of Indians of the Hoopa Valley Indian Reservation, this rule will be revised to include: a confidentiality requirement for court records of juveniles; new enforcement procedures to govern checking of identification cards; clarification of net marking procedures; changes in catch reporting requirements; a ban on gillnet fishing during weekday daylight hours during the fall chinook run; a ban on gillnets from Klamath River during November; permitting of drift netting below the 101 Bridge from December 2 through July 14; permitting one end of a set net to be unanchored; listing tributaries that may not be blocked by nets and increasing the distance that nets must be away from those tributaries; establishing a separate offense for using another person's identification number; revising the system for fishing for the elderly and incapacitated; changing the fish marking system; requiring law enforcement officers to notify net owners directly when they seize a net and know who the net owner is; and, revisions in the penalties imposed for violations. This Part has been redesignated from 25 CFR Part 258.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1457; 25 U.S.C. 2, 9

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Wilson Barber, Northern California Agency, Bureau of Indian Affairs, P.O. Box 367, Hoopa, CA 95546, 916-625-4285

Timetable: Proposed rule was published June 1, 1982 (47 FR 23755).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance 1076-0046.

Final rule was published July 29, 1982 (47 FR 32848).

MINERALS MANAGEMENT SERVICE

National Center, Reston, Virginia 22092

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **30 CFR Part 221** *Title:* **Oil and Gas Operating Regulations**

Abstract: This rule will amend the regulations governing the discovery, development and production from onshore Federal and restricted Indian leases. The intent is to revise and and modernize the regulations which have not been thoroughly reviewed since 1942, and (1) eliminate unnecessary items, (2) reflect advancements made in technology, (3) incorporate provisions for environmental protection, (4) recognize outstanding Departmental opinions and policy directives, and (5) provide more meaningful enforcement actions.

Originally Scheduled: April 1981

Legal Authority: 5 U.S.C. 301; 30 U.S.C. 189

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Gerald R. Daniels 703-860-7535

Timetable: A Notice of Intent to propose rulemaking was published May 22, 1981 (46 FR 27968).

Proposed rule was published November 17, 1981 (46 FR 56564).

A Notice was published December 16, 1981 which extended the comment period to January 18, 1982.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1010-0001.

CFR Citation: **30 CFR Part 226** *Title:* **Unit or Cooperative Agreements**

Abstract: This part will be revised and modernized in order to eliminate unnecessary items and to incorporate necessary modifications that will update the formation and operation of onshore Federal oil and gas unit plans. The model unit agreement for unproven areas also will be revised to incorporate all previously accepted modifications and those resulting from specific comments received in response to the Notice of Intent to propose rulemaking.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 189 and 226(e)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: A Notice of Intent to propose rulemaking was published May 14, 1981 (46 FR 26661).

Proposed rule was published June 10, 1982 (47 FR 25252).

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Environmental Reports/Tiering**

Abstract: These rules are being amended to emphasize the availability of tiering and incorporation by reference in the preparation of environmental reports for submission to the Department with regard to OCS operations. An alternative considered was to leave the regulations as they currently exist. The amendment will emphasize the availability of tiering and incorporation by reference thereby reducing the paperwork burden. Savings per report could range from minimal if little information is preexisting to savings of virtually the entire cost of preparing an environmental report (250.34-3 and 250.34-4).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 5, 1981 (46 FR 48951).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Parts 211, 221, 231, 250, and 270** *Title:* **Royalty Management and Accounting**

Abstract: These parts are being amended to implement: the policy requiring lessees/payors/reporters to maintain all appropriate records available for audit for a period of 6 years, which will allow the Service to change the requirement that all such data be reported and will allow the Service to reduce the overall reporting burden; a procedure which will allow a 2 month payor plan which would allow payors to report and pay the appropriate royalties at the end of the second month following the month of production, which will allow payors using this plan sufficient time to gather the appropriate data to report and pay accurately; and a requirement that each lessee identify the payors for 100 percent of the royalty obligation, which would require that payors complete a payor information form which would detail the payment responsibilities of each party.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 189, 359, 1023; 43 U.S.C. 1334; 25 U.S.C. 396, 396a; Reorganization Plan of 1946

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Raymond A. Hicks 703-860-7311

Timetable: Proposed rule is scheduled to be published by March 1983.

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Parts 211, 221, 231, 250, and 270** *Title:* **Royalty Management and Accounting**

Abstract: These parts are being amended to implement the policy of requiring lessees/payors to submit adjustments to their lease accounts which have converted from the Royalty Accounting System to the Auditing and Financial Systen within the time schedule established during the post conversion period. This will allow for the orderly reconciliation of accounts within the time frame and guidance provided by the General Accounting Office and the Commission on Fiscal Accountability of the Nation's Energy Resources.

Originally Scheduled: October 1982

AUTHORITY: 30 U.S.C. 189, 359, 1023; 43 U.S.C. 1334; 25 U.S.C. 396, 396a; Reorganization Plan of 1946

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Raymond A. Hicks 703-860-7311

Timetable: A Notice announcing a time limitation for adjusting accounts was published July 9, 1982 (47 FR 29845).

A Notice revoking the Notice of July 9, 1982 was published August 2, 1982 (47 FR 33265).

A proposed rule is scheduled to be published by November 1982.

CFR Citation: **30 CFR Parts 211, 221, 231, 250, and 270** *Title:* **Royalty Management and Accounting**

Abstract: Legislation is currently pending before the Congress which, if passed, would require considerable modification of the existing royalty management and accounting provisions contained in these parts. A rule amending these parts will be developed immediately after passage of the legislation.

Originally Scheduled: October 1982

Legal Authority: 5 U.S.C. 301

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities

under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Raymond A. Hicks 703-860-7311

CFR Citation: **30 CFR Part 221** *Title:* **Oil and Gas Operating Regulations: Site Security**

Abstract: This part is being revised to include minimum site security standards at 30 CFR 221.37. The standards are based on the premise that the primary responsibility for site security rests with those who operate the leases; however, a plan will will be required. This rule implements a Linowes Commission recommendation.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 189

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: A Notice of Intent to proposed rulemaking was published April 21, 1982 (47 FR 17076).

An Interim rule with request for comments is scheduled to be published in October 1982.

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Parts 221 and 231** *Title:* **Oil and Gas Operating Regulations; Operating Regulations for Exploration, Development and Production**

Abstract: These Parts will be amended in order to modify existing provisions to facilitate the development of tar sands.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 189; 95 Stat. 1070

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stephen Spector 703-860-7969

Timetable: Proposed rule was published May 12, 1982 (47 FR 20324).

Final rule is scheduled to be published in October 1982.

CFR Citation: **30 CFR Part 225** *Title:* **Disposal of OCS Royalty Oil**

Abstract: This part will be rescinded because the authority for disposal of OCS royalty oil was transferred to the Department of Energy by 42 U.S.C. 7152. The Department of Energy regulations are found in 10 CFR Part 39.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Platte Clark 703-860-7395

CFR Citation: **30 CFR Part 250** *Title:* **Exploration, Development and Production Activities**

Abstract: This rule is being amended to delete the requirement for development and production plans in areas developed prior to 1978 in the Western Gulf of Mexico as set out in Sec. 25 of the OCS Lands Act. The alternatives considered included continuation of the requirement for plans or a plan requiring less information. It is estimated that deleting the requirement will remove 30,000 annual burden hours imposed on the public (250.34-1 and 250.34-2).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 6, 1981 (46 FR 49554).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 250** *Title:* **Remedies**

Abstract: This part is being amended to make clear that section 250.81 does not apply to appeals to the Interior Board of Land Appeals.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published July 21, 1981 (46 FR 37524).

CFR Citation: **30 CFR Part 250** *Title:* **Penalties**

Abstract: This part is being amended to meet the intent of Sec. 24 of the OCS Lands Act. Alternatives considered range from no change in the current regulations to rescission of regulations concerning administrative processing of penalties. The proposed changes are administrative in nature, therefore costs and benefits are estimated to be insignificant (250.80).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David A. Schuenke 703-860-7916

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Petitions for Reconsideration**

Abstract: These parts are being revised to limit the right of petitions for reconsideration to a single request which must be made within a specified time limit of the order to be reconsidered (250.81 and 251.10).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the

Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Eva Datz 703-860-7395

Timetable: Proposed rule was published July 21, 1981 (46 FR 37524).

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Disclosure of Information**

Abstract: The Secretary is reconsidering the current regulations concerning the timing and circumstances allowing disclosure and release of information gathered on the OCS. Alternatives include immediate disclosure and release, lengthening the time for protection of such data, and retaining the current regulations. Increases and decreases in costs and benefits for each alternative shift between those with a proprietary interest in the data and those desiring full and immediate disclosure of the data (250.3 and 251.14).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David A. Schuenke 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 251** *Title:* **Inspection, Selection and Submission of Geological and Geophysical Data and Information**

Abstract: This part will be amended to eliminate the requirement that lessees immediately report the processing, reprocessing or interpretation of geological and geophysical data. Alternatives considered included no change in the current requirement to reporting of the processing, reprocessing or interpretaion at a later date. Abolition of the requirement for immediate notice is estimated to reduce the burden imposed on the public by 2,000 hours per year per lease (251.11(a) and 251.12(a)).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jane Roberts 703-860-7916

Timetable: The information collection requirements contained in in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule was published July 1, 1982 (47 FR 28706).

CFR Citation: **30 CFR Part 251** *Title:* **Progress Report on Activities Conducted Under a Permit**

Abstract: This part is being amended to allow the status report to be filed monthly rather than weekly. Alternatives considered included no change in timing to various lengthening of the time intervals for reporting. It is estimated that changing the reporting period from weekly to monthly will reduce the burden imposed on the public by 75 percent (251.7-2).

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Neil Stoloff 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 253** *Title:* **Nondiscrimination in Employment and Contracting Practices in the Outer Continental Shelf**

Abstract: This part is being added to implement Section 604 of the OCS Lands Act which requires the Secretary to take affirmative action as deemed necessary to assure that no unlawful discrimination occurs in relation to activities in the OCS. This part will replace regulations formerly found in 43 CFR Part 35. Alternatives considered include no regulatory program, use of voluntary programs, piggybacking on existing Federal programs, minimal monitoring regulations, and detailed programmatic regulations. The potential costs could range from negligible for the first three alternatives to significant for the latter. Benefits would vary between alternatives similarly.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1863

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jane Roberts 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 255** *Title:* **Sand and Gravel Operations in the Outer Continental Shelf**

Abstract: This part is being added to provide a regulatory program for sand and gravel operations in the Outer Continental Shelf. Alternatives include no regulations, minimal regulations and very detailed regulations. Potential costs of no regulations and minimal regulations would be negligible. Detailed regulations could have significant costs to industry.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: **30 CFR Part 256** *Title:* **Outer Continental Shelf Minerals and Rights-of-Way Management; General**

Abstract: The regulations currently found in 43 CFR Part 3300 will be transferred to and redesignated as 30 CFR Part 256 in order to implement, in part, Amendment No. 1 to Secretarial Order No. 3071, which consolidated all of the Department's Outer Continental Shelf functions in the Minerals Management Service. The rule will then be reviewed to determine, among other things, the feasibility of providing for deposit into an interest-bearing account the cash deposit of the high bidder in a Federal Outer Continental Shelf lease sale. If the award to the high bidder were then sustained, the Government would receive the accrued interest; if the award were defeated, the bidder would receive accrued interest in addition to a refund of the cash deposit. Alternatives considered include leaving the rules unchanged. The proposal would result in benefits both to the Government and to bidders in the form of increased revenues.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1335

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

CFR Citation: **30 CFR Part 257** *Title:* **Nonenergy Minerals on the Outer Continental Shelf**

Abstract: The Department is considering the establishment of a regulatory program governing the mining of nonenergy minerals on the Outer Continental Shelf. Alternatives considered include making leasing procedures site-specific without the use of general regulations. Potential costs include all of the administrative costs to the Government associated with the establishment and maintenance of a regulatory program, the expense to bidders in submittingh bids, and, for the successful bidder, the expense of complying with the terms of a lease. Potential benefits to the Government include the increased revenues which would result from a new leasing program for nonenergy minerals and enhancement of the national effort to ensure a domestic supply of strategic minerals. Potential benefits to industry include the availability of a new source of nonenergy minerals.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1335

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

CFR Citation: **30 CFR Parts 259, 260, 262, and 263** *Title:* **Mineral Leasing**

Abstract: The Department is transferring and redesignating 10 CFR Parts 375, 376, 378, 390 and 391 to 30 CFR Parts 259, 260, 261, 262, and 263. Pub.L. 97-100 repealed Section 302(b) of the Department of Energy Organization Act, thus revesting in the Department the authority to promulgate regulations on alternative bidding systems. As this is strictly an administrative implementation of the legislative mandate, no alternatives were considered, and there are no relevant costs and benefits.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 97-100; 43 U.S.C. 1335

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

CFR Citation: **30 CFR Parts 260 and 261** *Title:* **Outer Continental Shelf Oil and Gas Leasing; Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases**

Abstract: These rules are being amended to delete the provisions relating to the use of variable net profit share and work commitment bidding systems in award of Federal oil and gas leases on the Outer Continental Shelf. Alternatives considered include retention of the two systems. Although the systems have never been used, projections indicate that the systems are costly, ineffective and counterproductive.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1337

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Neil Stoloff 703-860-7564

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Onshore Oil and Gas Order No. 1 *Title:* **Approval of Operations**

Abstract: This document is being issued under the revised oil and gas regulations as found in 30 CFR Part 221. Unneeded portions of NTL-6 would be removed and application for permit to drill requirements would be clarified. This rule is not codified.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 189

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Gerald D. Daniels 703-860-7535

Timetable: A Notice of Intent to propose rulemaking was published April 16, 1982 (47 FR 16426).

OCS Order No. 1 *Title:* **Marking of Equipment**

Abstract: Alternative methods of marking equipment are being considered to meet the statutory intent to establish responsibility for damage of commercial fishing gear. Potential costs of marking equipment far outweigh potential benefits, while no marking and therefore no costs would have a detrimental effect (Paragraph 5). This rule is not codified.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number

of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

OCS Orders Nos. 2, 3, 5, 7, and 8 *Title:* **Drilling Operations; Plugging and Abandonment of Wells; Production Safety Systems; Pollution Prevention and Control; Platforms and Structures**

Abstract: Consideration will be given to revising these Orders to: reflect editorial changes; eliminate excessive, burdensome or counterproductive regulations; and include recommendations by blowout investigation review boards. It is estimated that the proposed changes would result in a sizeable reduction in the paperwork burden imposed on the public. These rules are not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR Part 250; 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

OCS Order No. 2 *Title:* **Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment**

Abstract: Paragraph 8 of this OCS Order will be revised to incorporate by reference the second edition of the MMSS-OCS-1 Standards. The MMSS-OCS-1 edition will incorporate advances in technology, include the latest edition of documents incorporated by reference, clarify the requirements for drilling operations on the Outer Continental Shelf zones known to contain H2S, clarify the required preventive measures for the detection and control of H2S in zones where the presence of H2S is unknown, incorporate amendments published in several Federal Register notices, and make editorial changes in order to clarify the meaning of some sections. Alternatives considered include no change in the current standard. This was rejected because of the benefits of updating the standard to reflect the state of the art. This rule is not codified.

Originally Scheduled: October 1982

Legal Authority: 30 CFR 250.41; 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: LLoyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

OCS Order No. 6 *Title:* **Well Completion of Oil and Gas Wells**

Abstract: This rule will revise the existing Order (effective on August 28, 1969) which established guidelines that permit the conduct of well completion and workover operations in a safe manner and minimize the risk of pollution on the OCS. This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR 250.41, 250.43; 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

OCS Order No. 9 *Title:* **Pipelines**

Abstract: Consideration will be given to amending this Order to reflect advances in technology and the Memorandum of Understanding with the Department of Transportation. This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR Part 250; 43 U.S.C. 1334

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

OCS Order No. 11 *Title:* **Oil and Gas Production Rates, Prevention of Waste, and Protection of Correlative Rights**

Abstract: This order is being revised to eliminate the Maximum Efficient Rate (MER) concept of production control except for those reservoirs that are determined to be rate sensitive and to reduce the recordkeeping and reporting burden imposed on OCS operators. It is estimated that the proposed change would result in a significant reduction in the burden hours imposed on the public. This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR 250.10 and 250.11

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Richard Ensele 703-860-7564

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Title: **Alaska Region OCS Orders**

Abstract: It is proposed to revise and consolidate the currently effective Gulf of Alaska Area and the Arctic Area OCS Orders into a single set of OCS Orders applicable to all areas of the Alaska Region OCS, including the Bering Sea Area. An alternative considered was to leave the Orders as they currently exist. The proposed consolidation would decrease costs by not having to deal with numerous Orders in one area. These rules are not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR Part 250; 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: Proposed rule was published February 10, 1982 (47 FR 6138).

Final rule is scheduled to be published in October 1982.

COMPLETED ACTIONS

CFR Citation: **30 CFR Part 211** *Title:* **Coal Mining Regulations**

Abstract: This rule will eliminate burdensome, outdated and unneeded provisions of the existing coal mining regulations. It delineates the functions and responsibilities for coal mining operations on Federal lands and governs coal mining operations for production, development, mineral resource recovery and protection, royalties, diligent development, and maximum economic recovery on Federal lands under the Mineral leasing Act of 1920, as amended. The revisions also reflect amendments which resulted from public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior and recodify the regulations relating to the initial Federal lands program under the Surface Mining Control and Reclamation Act of 1977.

Originally Scheduled: May 1978

Legal Authority: 30 U.S.C. 181; 30 U.S.C. 1201

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Harold Moritz 703-860-7136

Timetable: Proposed rule was published May 19, 1980.

A second proposed rule was published December 16, 1981 (46 FR 61424).

A Notice was published January 7, 1982 which announced the scheduling of public meetings and extended the comment period to February 20, 1982.

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0042.

Final rule was published July 30, 1982 (47 FR 33154).

CFR Citation: **30 CFR Parts 250 and 251** *Title:* **Reimbursement to Lessees and Permittees of Reproduction Costs and Costs of Processing Geophysical Data and Information**

Abstract: These parts are being amended to provide for the reimbursement of OCS lessees and permittees for the costs of reproducing geological and geophysical information and data submitted to, and retained by, the Director. A permittee would also be reimbursed at the lowest rate available for the cost of processing geophysical data in the form and manner of processing normally used in the conduct of the permittee's business. A lessee or permittee would also be reimbursed for the reasonable cost of processing geophysical data when the Secretary dictates the form and manner of processing. These amendments are necessitated by an opinion of the Solicitor, dated November 17, 1980, M-36924 (250.12(d), 250.34-1(k), 250.34-2(n), 250.39, 250.58, 251.2; 251.12; 251.13(d); 252.2).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Schuenke 703-860-7916

Timetable: Proposed rule was published October 5, 1981 (46 FR 48952).

The information collection requirements contained in sections 250.58 and 251.13 of this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0039.

Final rule was published June 11, 1982 (47 FR 25330).

CFR Citation: **30 CFR Parts 211, 221, 231, 250, and 270** *Title:* **Royalty Collections**

Abstract: These parts are being amended to implement the policy of imposing a late payment charge on all payments which are not received by the due date established by the terms of mineral leases and permits issued for Federal and Indian lands.

Originally Scheduled: July 1980

Legal Authority: Treasury Circular No. 1084

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Raymond Hicks 703-860-7311

Timetable: Interim rule was published December 23, 1980.

Final rule was published May 25, 1982 (47 FR 22524).

CFR Citation: **30 CFR Part 231** *Title:* **Operating Regulations for Exploration, Development and Production**

Abstract: This part will be amended to revise the definition of mining supervisor in section 231.2(c) and to clarify the responsibilities of operators and the government in section 231.73(b)-(c).

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 189 and 275

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Tom Leshendok 703-860-7506

Timetable: Proposed rule was published November 17, 1981 (46 FR 56433).

Final rule was published June 3, 1982 (47 FR 24128).

CFR Citation: **30 CFR Part 250** *Title:* **Suspension of Operations and Lease Cancellation**

Abstract: This rule is being revised to provide for a suspension of operations when the lessee is delayed by government inaction (250.12(b)(1)).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the

Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Platte Clark 703-860-7395

Timetable: Proposed rule was published August 20, 1981 (46 FR 42286).

The information collection requirements contained in section 250.12 of this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0043.

Final rule was published July 12, 1982 (47 FR 30055).

CFR Citation: 30 CFR Part 250 *Title:* Air Quality

Abstract: This rule would have established an offshore mileage limit on duty to submit data regarding air quality (250.57).

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jane Roberts 703-860-7395

Timetable: Proposed rule was published March 7, 1980 (45 FR 15147).

A Notice withdrawing the proposed rule was published April 16, 1982 (47 FR 16349).

CFR Citation: 30 CFR Part 270 *Title:* Geothermal Resources Operations on Public, Acquired and Withdrawn Lands

Abstract: This part is being amended to prevent misinterpretation and reduce the quantity of required reports. Section 270.34 will be revised to clarify the relationships between environmental data collection and geothermal lease administration. Section 270.77 will be revised to reduce the frequency of a reporting requirement.

Originally Scheduled: October 1981

Legal Authority: 30 U.S.C. 1023

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Gerald R. Daniels 703-860-7535

Timetable: Proposed rule was published September 8, 1981 (46 FR 44778).

The information collection requirements contained in section 250.77 of this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1028-0040.

Final rule was published June 3, 1982 (47 FR 24129).

OCS Order No. 2 *Title:* Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment

Abstract: This OCS Order will be amended to remove requirements that: (a) personnel, who are required to work in an H2S environment, shall undergo an ear drum examination; and (b) personnel with perforated eardrums shall be prohibited from working in an H2S environment. The amendment will also require personnel engaged in activities on the OCS in H2S or SO2 environments to be equipped with a pressure-demand-type respirator which conforms to prescribed standards. (MMSS-OCS-1,Section 5.2) This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 30 CFR 250.41; 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lloyd M. Tracey 703-860-7916

Timetable: Proposed rule was published December 28, 1981 (46 FR 62716).

Final rule was published July 1, 1982 (47 FR 28868).

OCS Order No. 5 *Title:* Failure Inventory and Reporting System

Abstract: The Failure and Inventory Reporting Program will be rescinded by eliminating the requirements contained in OCS Order No. 5, Paragraph 6. This rule is not codified.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1334

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Marshall Courtois 703-860-6831

Timetable: Proposed rule was published September 30, 1981 (46 FR 47874).

Final rule was published April 30, 1982 (47 FR 18682).

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

1951 Constitution Avenue NW,
Washington, D.C. 20240

CURRENT AND PROJECTED RULEMAKINGS

The following rules, which are scheduled for final publication in November 1982, are being revised in response to public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior.

CFR Citation: 30 CFR Parts 770-788 (Subchapter G) *Title:* Surface Coal Mining and Reclamation Operations Permits and Coal Exploration Systems Under Regulatory Programs

Abstract: This rule will revise the permitting requirements of Subchapter G to: (1) suspend the regulations in Subchapter G which are duplicative, unnecessarily detailed or are required by other agencies; and (2) revise the remaining regulations as necessary by emphasizing results to be achieved rather than methods for achievement and by combining subject areas (e.g., hydrology requirements).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Mary Josie Smith 202-343-2186

Timetable: Proposed rule was published June 25, 1982 (47 FR 27694).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 780, 783, 816 and 817** *Title:* **Surface and Underground Permit Application and General Performance Standards: Revegetation**

Abstract: This rule will revise the revegetation standards to broaden the approaches available for determining success and to consider other alternatives in addition to reference areas and published technical guides. Performance requirements for post-mining land uses other than cropland will be modified. Tree and shrub shocking rates may be replaced with accepted local and regional reforestation practices. The requirement for a reference area where the post-mining land use is recreation, wildlife management, and other forest uses, and the special performance standard for permits that are 40 acres or less in size will be deleted. The section on introduced species and the period of responsibility will be revised for clarification purposes.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Arlo Dalrymple 202-343-4320

Timetable: Proposed rule was published March 23, 1982 (47 FR 12591).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 780, 783, 784, 816, and 817** *Title:* **General Performance Standards: Hyrology and Geology Permitting**

Abstract: This rule will provide a major reorganization and clarification of the requirements stipulated in Pub.L. 95-87 for protection of the hydrologic balance. New hydrology regulations will emphasize mining techniques and reclamation practices. Water quality monitoring requirements will be based upon requirements cited in the Surface Mining Act and locally significant needs. They will be geared to streamline data collection and monitoring efforts. The revised regulations will clarify data requirements for determining the probable hydrologic consequences of mining and cumulative impact assessments.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Mosesso 202-343-5261

Timetable: Proposed rule was published June 25, 1982 (47 FR 27712).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 780, 816 and 817** *Title:* **Surface and Underground Permit Applications and General Performance Standards: Fish and Wildlife**

Abstract: This rule will revise sections 779.20 and 780.16 to clarify issues raised in the Flannery litigation. Overburdensome or needless portions of sections 816.57(c) and 816.97 will also be revised or eliminated. The fish and wildlife reclamation plan, 780.16, will be revised to incorporate information on revegetation in 816.97(d)(9)(i).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Parsons 202-343-4954

Timetable: Proposed rule was published March 30, 1982 (47 FR 13466).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 783, 785, and 823** *Title:* **Special Permanent Program Performance Standards: Operations on Prime Farmlands**

Abstract: These rules will be revised to assure that prime farmland soils are returned to their original premining capability by returning the soil horizons in sequence and to a friable rooting medium. In addition, these rules would implement the special planning requirements for prime farmlands required by the permitting sections of the Surface Mining Control and Reclamation Act. The operator would have to demonstrate the technological capability to restore mined prime farmlands to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Don Smith 202-343-5954

Timetable: Proposed rule was published May 3, 1982 (47 FR 19076).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 779, 783, 816, and 817** *Title:* **General Performance Standards: Remining**

Abstract: This rule will include the development of a new section addressing remining of previously mined areas. Previously developed rules dealing with these issues will be consolidated into this section. The new rules will deal with highwall elimination, approximate original contour, backfill stability, upslope drainage control, highwall stability, and treatment of overcast spoil on the downslope remaining from initial mining.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published June 25, 1982 (47 FR 27734).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 784, 785, 816, 817, and 818** *Title:* **General Performance Standards: Subsidence/Concurrent Surface and Underground Mining**

Abstract: This rule will revise subsidence requirements to place greater emphasis on surface owner protection. If underground mining results in subsidence that causes material damage or reduces the value of surface lands, the intent is to give the operators the option to: (1) restore, rehabilitate, replace, or purchase the damaged structure or valuable resource of surface land; or (2) compensate the owner for any damage or loss incurred by subsidence. The regulatory authority will have authority to suspend underground coal mining under urbanized areas and areas adjacent to major impoundments or permanent streams if imminent danger to inhabitants of the urbanized areas and communities is found. This rule will also revise Part 816, relating to concurrent surface and underground mining, and will incorporate its provisions with section 816.79. Because there appears to be no clear authorization for Section 816.79(b), beyond aspects which are redundant to other performance standards, consideration will be given to deleting this paragraph.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: C.Y. Chen 202-343-5261

Timetable: Proposed rule was published April 16, 1982 (47 FR 16604).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Part 785** *Title:* **Requirements for Permits for Special Categories of Mining: Experimental Practices**

Abstract: This rule will revise the permitting regulations to eliminate needless requirements and to reduce the paperwork burden on States and industry for the submission of experimental practice permit requests. The review and approval process will be streamlined to provide quick response to the requestor.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published March 19, 1982 (47 FR 12082).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 785, 816, 817 and 827** *Title:* **Requirements for Permits for Special Categories of Mining, General Performance Standards and Special Performance Standards: Support Facilities and Coal Processing Plants**

Abstract: This rule will provide a new definition of 'Support Facilities.'

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Art Anderson 202-343-5214

Timetable: Proposed rule was published June 25, 1982 (47 FR 27688).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 785, 816, 824, and 826** *Title:* **General Performance Standards: Post-Mining Land Use Variances**

Abstract: This rule will reorganize and revise regulations pertaining to post-mining land uses as follows: (1) Organize all principal parts of the regulations that directly influence the post-mining land use into one post-mining use section; (2) Provide separate and distinct requirements for each alternative post-mining land use condition - (a) return to premining use on AOC; (b) new post-mining use on AOC; (c) steep slope variance; mountaintop remove; experimental practices; (3) Clarify the applicability of specific performance standards under new post-mining land uses; and (4) Clarify the steep slope definition to include the scope of the steep slope post-mining land use variance to the extent permitted by the Act and legislative history.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Myers 202-343-5587

Timetable: Proposed rule was published April 14, 1982 (47 FR 16149).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 785 and 822** *Title:* **Special Permanent Program Performance Standards: Alluvial Valley Floors**

Abstract: This rule will revise the requirements relating to alluvial valley floors. Proposed changes will include: (1) deleting the detailed application information requirements from the rules and placing them in a revised handbook; (2) correcting issues raised in the Flannery Round II litigation, including deleting the requirement for one year of baseline hydrologic data and clarifying the definition of 'significance' and 'material damage;' and (3) revising existing alluvial valley floors to reflect conditions in New Mexico, Utah and North Dakota.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Dean Hunt 202-343-5981

Timetable: Proposed rule was published June 11, 1982 (47 FR 25486).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 815, 816 and 817** *Title:* **General Performance Standards: Roads**

Abstract: This rule will delete all the existing sections dealing with roads. In its place, rules will be developed providing performance standards. Such performance standards may include avoiding diminution and degradation of surface or groundwater quality and quantity, avoiding alternations of normal stream flow, avoiding erosion and siltation, avoiding air pollution, and preventing damage to either private or public property.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jose delRio 202-343-4022

Timetable: Proposed rule published April 16, 1982 (47 FR 16592).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Erosion and Attendant Air Pollution**

Abstract: This rule will revise sections 780.15 and 784.26 to clarify and simplify the permit application requirements concerning air quality. In sections 816.95 and 817.95, suggested procedures for reducing fugitive emissions will be removed and appropriate procedures will be left to the discretion of the regulatory authority.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert Goldberg 202-343-4022

Timetable: Proposed rule was published February 18, 1982 (47 FR 7384).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Impoundments**

Abstract: A new rule will be developed which is oriented toward performance standards and gives the regulatory authority more flexibility in approving design criteria. OSM would require that the impoundments slopes be maintained, the structure be stable, seepage be avoided, the structure be compatible with its intended use, and that the structure be certified by a registered professional engineer.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jose delRio 202-343-4022

Timetable: Proposed rule was published June 21, 1982 (47 FR 26754).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Explosives**

Abstract: The direction of this rulemaking will be to clarify the performance goals found in Section 515(b)(15) of the Act to allow greater State regulatory authority involvement in defining the degree of health, safety and environmental protection necessary to meet the Federal statute. Areas to be considered for specific revisions include ground vibration standards and distance limits.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Russ Price 202-343-5854

Timetable: Proposed rule was published March 24, 1982 (47 FR 12760).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Excess Spoil**

Abstract: This rule will revise the excess spoil regulations to provide primarily performance standards rather than design standards. A technical handbook describing design considerations for disposal of excess spoil material will be developed.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published June 8, 1982 (47 FR 24954).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Coal Processing Waste**

Abstract: This rule will revise regulations applicable to coal processing waste. Specific items to be addressed include: (1) clearly defining what is a coal processing waste bank and what is a coal processing waste dam or embankment, by taking into consideration the current definitions of 'Refuse Pile' and 'Impounding Structure' in MSHA's regulation 30 CFR 77.217, and revise the regulation to be more consistent with MSHA's existing regulation on Refuse Piles and Impounding Structures; (2) placing emphasis for periodic safety inspection equally on both coal waste banks and coal waste dams as required in Section 515(f) of the Act (current regulations place more emphasis on coal waste banks); and (3) reducing burdensome language in the existing regulation for coal waste banks to eliminate overburdensome design criteria.

Originally Scheduled: October 1981
Legal Authority: Pub.L. 95-87
Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: C.Y. Chen 202-343-4022

Timetable: Proposed rule was published June 18, 1982 (47 FR 26598).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817**
Title: **General Performance Standards: Topsoil**

Abstract: This rule will revise the topsoil regulations to clarify requirements applicable to approval of substitute material.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leroy de Moulin 202-343-5954

Timetable: Proposed rule was published March 11, 1982 (47 FR 10742).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 817** *Title:* **Permanent Program Performance Standards: Revegetation**

Abstract: This rule will reduce the level of design standards and provide States with the opportunity to implement revegetation performance standards and measuring techniques that are specific to the climatic, vegetation and soils conditions that occur in their jurisdictions.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-97

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Arlo Dalrymple 202-343-5864

Timetable: Proposed rule was published March 23, 1982 (47 FR 12591).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816, 817 and 826** *Title:* **General Performance Standards: Backfilling and Grading**

Abstract: This rule will revise the backfilling and grading regulations to provide a shorter, more streamlined approach which will increase operator flexibility and allow operators the latitude to consider site-specific conditions in meeting the overall performance standards. Specific design criteria will be replaced with general environmental performance standards (816.100-816.106; 817.100-817.106; 826.12).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published June 21, 1982 (47 FR 26760).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 816 and 819** *Title:* **Special Permanent Program Performance Standards: Auger Mining**

Abstract: This rule will reorganize the regulations to include auger mining as a subpart of 819. Several changes will be proposed to the existing regulations: (1) Deletion of paragraphs (a)(1), (a)(2), and (a)(3); (2) Deletion of paragraphs (c)(1), and (3) Revision of paragraph (e).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published March 19, 1982 (47 FR 12008).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Part 850** *Title:* **Training, Examination and Certification of Blasters**

Abstract: This rule will establish minimum requirements for training and certifying persons involved in blasting surface coal mining operations and will simplify the provisions of the Part in order to leave as much flexibility as possible to State regulatory authorities.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jerry Ennis 202-343-7887

Timetable: Proposed rule was published March 24, 1982 (47 FR 12779).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Parts 701, 715, 786, 816, and 817** *Title:* **Hydrologic Balance**

Abstract: This rule will revise sedimentation pond and effluent limitation criteria to comply with the latest Environmental Protection Agency rule (40 CFR 434) and eliminate uncertain applicable design criteria.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jose delRio 202-343-4022

Timetable: Proposed rule was published July 2, 1981 (46 FR 34784).

CFR Citation: **30 CFR Parts 701, 776 and 815** *Title:* **Coal Exploration**

Abstract: This rule will amend the coal exploration permit requirements contained in Part 776 and would redesignate them as Part 772. The performance standards of Part 815 would also be amended. Most of the changes eliminate counterproductive or burdensome regulations. The remaining changes clarify the rules and include a new definition of coal exploration as defined in section 701.5.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Stan Zeccolo 202-343-4022

Timetable: Proposed rule was published May 18, 1982 (47 FR 21442).

Final rule is scheduled to be published in November 1982.

CFR Citation: **30 CFR Part 706** *Title:* **Restriction on Financial Interests of Federal Employees: Responsibility**

Abstract: 30 CFR 706.5 will be revised to reflect a reassignment of responsibilities outlined under the Surface Mining Control and Reclamation Act. Certain responsibilities would more appropriately rest with the heads of other various agencies and not with the Director of the Office of Surface Mining.

Originally Scheduled: Octoer 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Mark Sucher 202-343-3326

Timetable: Proposed rule is scheduled to be published in October 1982.

CFR Citation: **30 CFR Parts 716 and 785** *Title:* **Prime Farmland: Interim and Permanent Regulatory Program**

Abstract: These rules will establish a date from which all grandfathered prime farmlands must begin to comply with the special prime farmland provisions of the Act. This is intended to: give coal operators the time needed to provide a fair and reasonable transition period to meet the prime farmlands reclamation standards; and, meet the need of placing limits on the amount of grandfathering allowed while granting operators an exemption on a pre-August 3, 1977 permit areas, so they may begin to meet the prime farmland requirements after a reasonable transition period.

Originally Scheduled: July 1979

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Don Smith 202-343-5954

Timetable: Proposed rule was published March 22, 1982 (47 FR 12310).

A Notice was published April 12, 1982 which extended the public comment period to April 28, 1982.

A Notice was published April 28, 1982 which extended the public comment period to May 17, 1982.

An Interim rule was published July 30, 1982 (47 FR 32939).

CFR Citation: **30 CFR Parts 716 and 786** *Title:* **Special Performance Standards: Operations on Steep Slopes**

Abstract: This rule will resolve conflicts in those situations where a new mining operation affects previously mined lands and the new mining operation will not generate sufficient spoil to completely backfill the highwall (716.2 and 826.12).

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-4022

Timetable: Proposed rule was published January 7, 1982 (47 FR 928).

CFR Citation: **30 CFR Parts 740-746 (Subchapter D)** *Title:* **Federal Lands Program**

Abstract: These rules are being revised to: (1) allow a State to more fully assume the primary role for the regulation of surface coal mining and reclamation operations on Federal lands pursuant to section 523(c) of the Act; (2) eliminate portions of the Federal lands regulations which are considered to be excessive, burdensome and counterproductive; (3) bring the regulations into conformity with the reorganization of OSM which was recently approved by the Secretary; (4) include the provisions of an approved State program, in accordance with section 523(a) of the Act, as the minimum requirements for surface coal mining and reclamation operations on Federal lands; and (5) clarify the relationship between the requirements of the Mineral Leasing Act of 1920 and the Surface Mining Control and Reclamation Act of 1977 as they relate to mining plans and permit applications.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Len Richeson 202-343-5361

Timetable: Proposed rule was published June 9, 1982 (47 FR 25092).

CFR Citation: **30 CFR Parts 750-759 (Subchapter E)** *Title:* **Permanent Federal Program for Indian Lands**

Abstract: This rule will apply the permanent surface mining program requirements to Indian lands.

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: H.B. Simpson 202-343-5866

CFR Citation: **30 CFR Parts 760-769 (Subchapter F)** *Title:* **Areas Unsuitable for Mining**

Abstract: This rule will revise 30 CFR Subchapter F to provide greater procedural flexibility to the States in declaring lands unsuitable for mining.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carl Close 202-343-4225

Timetable: Proposed rule was published June 10, 1982 (47 FR 25278).

CFR Citation: **30 CFR Part 795** *Title:* **Small Operator Assistance**

Abstract: This rule will revise 30 CFR Part 795 to increase attractiveness of the Small Operator Assistance Program to small operators and to allow greater State control over decisions.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Doug Growitz 202-343-9104

Timetable: Proposed rule was published June 25, 1982 (47 FR 27744).

CFR Citation: **30 CFR Parts 800-809 (Subchapter J)** *Title:* **Bond and Insurance Requirements for Bonding of Surface Coal Mining and Reclamation Operations**

Abstract: This rule will revise Subchapter J in response to comments received and legal, economic and environmental problems raised. The anticipated approach is to deal with types of bonds, such as surety and collateral, separately from the procedures which apply to bonding. Areas which will be covered include: adjustments, forfeiture and releases.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Russ Price 202-343-4022

Timetable: Proposed rule was published September 9, 1981 (46 FR 45082).

CFR Citation: **30 CFR Part 806** *Title:* **Self-Bonding**

Abstract: This rule will be revised to provide parameters for establishing minimum criteria for financial solvency and continuous operation as required in Section 509(C) of the Surface Mining Control and Reclamation Act. The amendments will affect sections of the rule which were suspended on December 7, 1981. Those portions which were suspended were found to require excessive information and were overly stringent. This rule will also amend and move the requirements of 30 CFR 806.14 to 30 CFR 800.23.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Russ Price 202-343-7887

Timetable: Proposed rule was published August 20, 1982 (47 FR 36570).

CFR Citation: **30 CFR Part 820** *Title:* **Special Permanent Program Performance Standards: Anthracite Mines in Pennsylvania**

Abstract: This rule will revise the permanent program regulations in 30 CFR Part 820 that implement Section 529 of the Surface Mining Control and Reclamation Act of 1977. This revision reflects changes in the anthracite environmental provisions promulgated by the Commonwealth of Pennsylvania since August 3, 1977.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Stone 202-343-5361

Timetable: Proposed rule was published August 5, 1982 (47 FR 33988).

CFR Citation: **30 CFR Part 870** *Title:* **Abandoned Mine Reclamation Fund: Fee Collection and Coal Production Reporting**

Abstract: 30 CFR 870.15(b) will be revised to incorporate new requirements for additional information needed to check production figures against other sources as prescribed in forms OSM-1 and OSM-1(a). The rule also will add a definition of 'operator' to 30 CFR 870.5, which will clarify the responsibility for fee payment and avoid costly and time-consuming investigations and litigation in determining the liable party. In addition, a new 30 CFR 870.13(e) will be proposed, which will contain a method of computing fees where no records have been kept. 30 CFR 870.15 will be revised to add the requirement of a 6-year statute of limitation (already in Federal debt collection law) on overdue fees to give operators fair ans sufficient notice of their extent of liability for interest on overdue fees. A new requirement will be added to 30 CFR 870.17 to give the Office of Surface Mining authority to audit all tipples, including non-producers.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Jean McIntyre 202-343-7944

CFR Citation: **30 CFR Part 870** *Title:* **Abandoned Mine Land Reclamation Fee Payment: Interest Rate/Electronic Fund Transfer**

Abstract: 30 CFR 870.15(c) will be revised to reflect the imposition of a different interest rate on overdue reclamation fees. Additionally, 30 CFR 870.15(d) will be revised to add a requirement that operators, who owe a total of $100,000 or more in reclamation fees per quarter, must use electronic transfer of funds through the Treasury Financial Communications System to transmit such fees to the Office of Surface Mining.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jean McIntyre 202-343-7944

Timetable: Proposed rule is scheduled to be published in October 1982.

CFR Citation: **30 CFR Part 886** *Title:* **State Reclamation Grants**

Abstract: 30 CFR 886.20 will be revised in order to delete the use of forms OSM-62 and OSM-63.

Originally Scheduled: October 1982

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: James Fary 202-343-7921

CFR Citation: **30 CFR Parts 900, 906, 915, 916, 918, 920, 924, 925, 926, 931, 934, 936, 943, 944, 948, and 950** *Title:* **State Programs**

Abstract: This rule will provide an introduction to Subchapter T and make amendments to certain parts to incorporate by reference the approved State regulatory programs.

Originally Scheduled: January 1980

AUTHORITY: Pub.L. 95-87

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time. CONTACT: George Stone 202-343-5361

CFR Citation: **30 CFR Subchapter T** *Title:* **State Program Approvals**

Abstract: This Subchapter will contain approvals of programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Art Abbs 202-343-5361

Timetable: Alaska (902) - State Program: Proposed rule was published August 3, 1982 (47 FR 33520).

Arizona (903) - Federal Program: Proposed rule is scheduled to be published in October 1982.

California (905) - Federal Program: Proposed rule was published July 28, 1982 (47 FR 32886).

Idaho (912) - Federal Program: Proposed rule was published July 12, 1982 (47 FR 30212).

Michigan (922) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26779).

Nebraska (927) - Federal Program: Proposed rule is scheduled to be published in November 1982.

Nevada (928) - Federal Program: Proposed rule is scheduled to be published in October 1982.

North Carolina (933) - Federal Program: Proposed rule is scheduled to be published in November 1982.

Oregon (937) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26786).

South Dakota (941) - Federal Program: Proposed rule was published August 10, 1982 (47 FR 34760).

Washington (947) - Federal Program: Proposed rule was published June 21, 1982 (47 FR 26794).

CFR Citation: **30 CFR Subchapter T** *Title:* **Abandoned Mine Reclamation Plans**

Abstract: This Subchapter will incorporate the abandoned mine reclamation plans for various States and Indian Tribes which have approved permanent regulatory programs. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Fary 202-343-7921

Timetable: Arkansas (904) - Proposed rule was published July 13, 1982 (47 FR 30267).

Wyoming (950) - Proposed rule was published May 10, 1982 (47 FR 20002).

Crow Tribe (951) - Proposed rule was published May 18, 1982 (47 FR 21274).

Hopi Tribe (952) - Proposed rule was published July 22, 1982 (47 FR 31709).

CFR Citation: **30 CFR Subchapter T** *Title:* **State-Federal Cooperative Agreements**

Abstract: This Subchapter will incorporate the State-Federal Cooperative Agreements for the permanent regulatory programs on Federal lands in various States. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Andy DeVito 202-343-5361

Timetable: Colorado (906) - Proposed rule was published February 2, 1982 (47 FR 4694).

New Mexico (931) - Proposed rule was published June 1, 1982 (47 FR 23898).

North Dakota (934) - Proposed rule was published June 21, 1982 (47 FR 26769).

Utah (944) - Proposed rule was published March 31, 1982 (47 FR 13738).

Virginia (946)

West Virginia (948) - Proposed rule is scheduled to be published in September 1982.

COMPLETED ACTIONS

CFR Citation: **30 CFR Part 700** *Title:* **Two Acre Exemption: Extraction of Coal**

Abstract: This part is being revised to address abuses that have been documented regarding the extraction of coal where a surface mining operation affects two acres or less (700; 701; 764; 770; 771; 779; 780; 783; 784; 785; 788; 816; 817; 825; 828).

Originally Scheduled: January 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Danny Ellis 202-343-5361

Timetable: Final rule was published January 23, 1981.

A Notice was published February 4, 1981 which extended the effective date of this rule until March 30, 1981.

A Notice was published March 23, 1981 which suspended the effective date of this rule.

A Notice was published April 3, 1981 which suspended the effective date of this rule until May 4, 1981 and requested comments on the suspension.

A Notice was published April 29, 1981 which suspended the effective date of this rule until June 15, 1981.

A Notice was published June 15, 1981 which suspended the effective date of this rule until August 15, 1981.

A Notice was published August 10, 1981 which withdrew the final rule.

Proposed rule was published January 4, 1982 (47 FR 41).

A Notice was published February 8, 1982 which reopened the comment period to February 16, 1982.

Final rule was published August 2, 1982 (47 FR 33424).

CFR Citation: **30 CFR Parts 715, 816 and 817** *Title:* **General Performance Standards: Variances from AOC Terraces**

Abstract: This rule will amend sections 715.14(b)(2)(i), 816.102(b)(1) and 817.102(b)(1) to provide increased flexibility in developing post-mining land use alterations without reducing erosion control, safety and stability.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Myers 202-343-2184

Timetable: Proposed rule was published August 5, 1981; comment period ended September 4, 1981.

Final rule was published April 29, 1982 (47 FR 18552).

CFR Citation: **30 CFR Parts 725 and 735** *Title:* **Reimbursements to States: Grants for Program Development, Administration and Enforcement**

Abstract: This rule will amend 30 CFR Parts 725 and 735 which set forth the procedures for the submission, review, approval or disapproval, monitoring, and reporting of financial assistance to the States for grants to implement the initial regulatory program, the permanent regulatory program and the Small Operator Assistance Program.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Gene Krueger 202-343-5361

Timetable: Proposed rule was published September 21, 1981 (46 FR 46744).

Final rule was published August 31, 1982 (47 FR 38486).

CFR Citation: **30 CFR Parts 730-736 (Subchapter C)** *Title:* **Permanent Regulatory Programs for Non-Federal and Non-Indian Lands**

Abstract: This rule will revise Subchapter C to reduce burdens on States and increase State's ability to shape local regulatory programs.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Carl C. Close 202-343-4225

Timetable: Proposed rule was published December 4, 1981; comment period closed January 18, 1982.

Final rule was published June 17, 1982 (47 FR 26356).

CFR Citation: **30 CFR Part 825** *Title:* **Special Permanent Program Performance Standards: Special Bituminous Coal Mines in Wyoming**

Abstract: This rule will continue to set forth the provisions which identify those operations in Wyoming that qualify as special bituminous coal mines. The only significant change will be the incorporation by reference of the approved Wyoming statutory and regulatory program.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Lewis McNay 202-343-7881

Timetable: Proposed rule was published January 4, 1982 (47 FR 41).

Final rule was published August 2, 1982 (47 FR 33424).

CFR Citation: **30 CFR Part 826** *Title:* **Special Permanent Program Performance Standards: Excess Spoil on Existing Benches**

Abstract: This rule will revise the steep slope mining requirements and reorganize them so that they can be incorporated with other performance standards for surface coal mining and reclamation operations.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ray Aufmuth 202-343-5261

Timetable: Proposed rule was published July 20, 1981 (46 FR 37283).

Final rule was published April 29, 1982 (47 FR 18553).

CFR Citation: **30 CFR Parts 840-845 (Subchapter L)** *Title:* **Permanent Program Inspection and Enforcement Procedures**

Abstract: This rule will revise 30 CFR Subchapter L to simplify inspection and enforcement procedures.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Timetable: Proposed rule was published December 1, 1981 (46 FR 58464).

Final rule effecting 30 CFR Part 843 was published April 29, 1982 (47 FR 18555).

Final rule was published August 16, 1982 (47 FR 35620).

CFR Citation: **30 CFR Parts 870-889 (Subchapter R)** *Title:* **Abandoned Mine Land Reclamation**

Abstract: This rule will streamline the requirements of 30 CFR Subchapter R relating to abandoned mine land reclamation.

Originally Scheduled: October 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Don Willen 202-343-4012

Timetable: Proposed rule was published December 11, 1981 (46 FR 60778).

Final rule was published June 30, 1982 (47 FR 28574).

CFR Citation: **30 CFR Subchapter T** *Title:* **State Program Approvals**

Abstract: This Subchapter will contain approvals of programs for regulatory authority in States to administer the Surface Mining Control and Reclamation Act. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: January 1980

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Art Abbs 202-343-5361

Timetable: Alabama (901) - State Program: Conditional approval was published May 20, 1982 (47 FR 22030).

Georgia (910) - Federal Program: Revised final program was published August 19, 1982 (47 FR 36396).

Illinois (913) - State Program: Conditional approval was published June 1, 1982 (47 FR 23858).

Indiana (914) - State Program: Conditional approval was published July 26, 1982 (47 FR 32071).

Kentucky (917) - State Program: Conditional approval was published May 18, 1982 (47 FR 21404).

Massachusetts (921) - Federal Program: Final coal exploration program was published April 28, 1982 (47 FR 18232).

Michigan (922) - Federal Program: Final coal exploration program was published April 28, 1982 (47 FR 18232).

Ohio (935) - State Program: Conditional approval was published August 10, 1982 (47 FR 34688).

Oregon (937) - Federal Program: Final coal exploration program was published April 28, 1982 (47 FR 18232).

Pennsylvania (938) - State Program: Conditional approval was published July 30, 1982 (47 FR 33050).

Rhode Island (939) - Federal Program: Final coal exploration program was published April 28, 1982 (47 FR 18232).

Tennessee (942) - State Program: Conditional approval was published August 10, 1982 (47 FR 34754).

CFR Citation: **30 CFR Subchapter T** *Title:* **Abandoned Mine Reclamation Plans**

Abstract: This Subchapter will incorporate the abandoned mine reclamation plans for various States which have approved permanent regulatory programs. The affected Parts in Title 30 are indicated in parentheses after each State.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 95-87

Determination Under E.O. 12291: The Department of the Interior has determined that these documents are not major rules under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that these documents will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: James Fary 202-343-7921

Timetable: Alabama (901) - Proposed rule was published August 6, 1981. Final rule was published May 20, 1982 (47 FR 22060).

Colorado (906) - Proposed rule was published March 26, 1982. Final rule was published June 11, 1982 (47 FR 25332).

Illinois (913) - Proposed rule was published July 28, 1981. Final rule was published June 11, 1982 (47 FR 23858).

Indiana (914) - Proposed rule was published January 21, 1982. Final rule was published July 26, 1982 (47 FR 32108).

Kentucky (917) - Proposed rule was published August 6, 1981. Final rule was published May 18, 1982 (47 FR 21404).

Maryland (920) - Proposed rule was published April 1, 1982. Final rule was published June 16, 1982 (47 FR 25955).

Ohio (935) - Proposed rule was published October 28, 1980. Final rule was published August 10, 1982 (47 FR 34718).

Pennsylvania - Proposed rule was published November 13, 1981. Final rule was published July 30, 1982 (47 FR 33051).

Tennessee (942) - Proposed rule was published April 23, 1982. Final rule was published August 10, 1982 (47 FR 34754).

BUREAU OF RECLAMATION

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Part 426** *Title:* **Acreage Limitation Rules and Regulations**

Abstract: This rule will establish policies and procedures to meet the Secretary's responsibilities in administering the acreage limitation and other provisions of Reclamation law. The rule will be issued in compliance with a U.S. District Court order to promulgate rules and regulations dealing with acreage limitations, with specific reference to procedures to be used to approve sales of excess land.

Originally Scheduled: July 1980

Legal Authority: The Reclamation Act of 1902, as amended and supplemented; 43 U.S.C. 371 et seq.

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Frank E. Ellis 202-343-5671; Vernon S. Cooper, Engineering and Research Center, Bureau of Reclamation, P.O. Box 25007, Denver, CO 80225, 303-234-7195

Timetable: Proposed rule was published August 25, 1977 (42 FR 43044).

A second proposed rule and Notice of Availability of the Draft EIS were published January 14, 1981 (46 FR 3350).

Notices were published February 19, 1981 which suspended the comment periods on the proposed rule and the Draft EIS for an indefinite period of time.

Notices were published July 21, 1981 which reopened the comment periods on the proposed rule and the Draft EIS until December 31, 1981.

A Notice was published December 31, 1981 which announced the scheduling of public hearings and extended the comment periods on the proposed rule and Draft EIS until March 5, 1982.

A Notice was published February 11, 1982 which postponed the previously scheduled public hearings due to impending action by Congress to reform Federal Reclamation laws dealing with acreage limitation.

The House and the Senate have passed bills which are to be considered by a Conference Committee during the second session of the 97th Congress. If reform legislation is enacted, rules and regulations will be issued to implement the law. However, if legislation is not passed, then action will be taken to complete the preparation of rules and regulations based on existing law.

CFR Citation: **43 CFR Part 427** *Title:* **Public Use of Project Lands Administered for Outdoor Recreation**

Abstract: This rule will identify circumstances under which the use of recreation areas may be restricted in order to protect public safety and health, public property and natural resources.

Originally Scheduled: January 1981

Legal Authority: Section 10 of the Reclamation Act of 1902; 32 Stat. 390; 43 U.S.C. 373

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Kathy Brocato 202-343-5204

CFR Citation: **43 CFR Part 429** *Title:* **Recovery of Costs and Procedures for Issuing Rights-of-Way Across Lands of the Bureau of Reclamation**

Abstract: This rule will prescribe what costs for issuing a right-of-way (ROW) are to be collected from the entity receiving the ROW. It will also prescribe certain clauses which are to be included in all ROW documents.

Originally Scheduled: January 1980

Legal Authority: 43 U.S.C. 387, 389; Assistant Attorney General Opinion 34 L.D. 480 (1906)

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Terry G. Cooper 202-343-5204

Timetable: Proposed rule was published September 10, 1979 (44 FR 52699).

The information collection requirements contained in section 429.6 of this rule have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

A second proposed rule is scheduled to be published in October 1982.

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **43 CFR Part 421** *Title:* **Rules of Conduct at Hoover Dam**

Abstract: This rule, which is scheduled for review, relates to the conduct of visitors at Hoover Dam. The rule pertains to: the preservation of property; conformity with signs and emergency directions; disturbances; vehicular and pedestrian traffic; gambling; alcoholic beverages and narcotics; soliciting, vending, advertising, and distribution of handbills; photography and motion pictures; weapons and explosives; audio devices; abandoned and unattended property; closing of areas; and, nondiscrimination.

Originally Scheduled: January 1981

Legal Authority: 40 U.S.C. 318

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Tom Kane 202-343-2143

BUREAU OF LAND MANAGEMENT

CURRENT AND PROJECTED RULEMAKINGS

CFR Citation: **43 CFR Subpart 1601** *Title:* **Planning**

Abstract: This rule will eliminate burdensome, outdated and unneeded provisions in the existing planning regulations. The decision as to which provisions should be eliminated was arrived at after a thorough review of public comments received in response to a request by the Secretary of the Interior and after an extensive review of the existing regulation by Bureau of Land Management personnel.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1712

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David C. Williams 202-653-8824; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published December 16, 1980 (45 FR 82679).

A second proposed rule was published November 23, 1981 (46 FR 57448).

CFR Citation: **43 CFR Groups 3000 and 3100** *Title:* **Onshore Oil and Gas Leasing**

Abstract: These rules are being amended to remove outdated and burdensome provisions and to simplify the entire group of regulations.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 181 et seq., 351-359, 301-306

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Weller 202-343-7753; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule was published June 30, 1982 (47 FR 28550).

CFR Citation: **43 CFR Part 3200** *Title:* **Geothermal Resource Leasing: General**

Abstract: This rule will be revised to provide a modification of the treatment of escalating rentals when excess exploration expenditures are made and to eliminate the requirement for a plan of operations or exploration to be submitted before a lease can be submitted (3250).

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 1001-1025

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number

of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Karl Duscher 202-343-8537; R.O. Miller 202-343-8735

Timetable: Proposed rule was published April 30, 1982 (47 FR 18826).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0063.

CFR Citation: **43 CFR Subpart 3809** *Title:* **Surface Management**

Abstract: This rule will amend subparts 3809.1-3 and 3809.1-4 that relate to the conditions under which a mining claimant/operator is required to file either a Notice or a Plan of Operations covering the proposed locatable mineral activities. Operators disturbing 5 acres or less on any of the special category lands listed in subpart 3809.1-4 would need to submit a notice rather than the operations plan now required for such activities. These amendments would reduce costs for claimants/operators by lessening the filing and bonding requirements and the processing delays associated with their review and approval. Prior to commencing operations under a notice, however, the operator would agree to reclaim disturbed lands and to take appropriate steps to prevent unnecessary degradation of the lands.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 22 et seq., 612; 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Eugene Carlat 202-343-8357; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0104.

Proposed rule was published March 22, 1982 (47 FR 12197).

CFR Citation: **43 CFR Part 3900** *Title:* **Federal Oil Shale Management**

Abstract: This rule will establish procedures for conducting a competitive leasing program, including procedures for issuing competitive oil shale leases, leasing multimineral deposits, issuing exploration licenses, and managing oil shale leases. Oil shale is a resource that has significant potential to increase the domestic energy supply and to reduce the Nation's dependence on foreign sources of energy. The rule is needed to establish procedures that will allow orderly development of this resource.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 181 et seq.; 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

Annual Federal costs of administering the oil shale leasing program described in the rule are estimated to be $3.5 million to $4.0 million. Total production from Federal leases is expected to range from 120,000 barrels per day to 400,000 barrels per day by the year 2000. The annual production costs associated with Federal oil shale leases are estimated to range from $1.2 billion to $3.1 billion. The shift in balance of payments resulting from the Federal program is estimated to be $5.5 billion to $7.0 billion in 1990. The rule, therefore, has been determined to be major because it is anticipated to have greater than a $100 million annual impact on the economy.

Copies of the Preliminary Regulatory Impact Analysis will be available from the Contacts upon publication of the proposed rule. Copies of the Final Regulatory Impact Analysis will be available from the Contacts upon publication of the final rule.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Monte Jordan 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by November 1982.

Final rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Part 1860** *Title:* **Conveyancing Documents**

Abstract: This rule will be amended to provide a procedure under which documents of disclaimer or corrections of conveyance documents can be applied for and obtained.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1745, 1746

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Henry Beauchamp 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published May 3, 1982 (47 FR 19060).

CFR Citation: **43 CFR Part 2050** *Title:* **Alaska Easement Management**

Abstract: This rule will provide the procedure for the management of easements reserved under Section 17(b) of the Alaska Native Claims Settlement Act.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1701 and 1713

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Lee Barkow 202-343-6511; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2200** *Title:* **Exchanges: General Procedures**

Abstract: This rule will be amended to: make conveyance of lands exchanged for one of the Federal systems mandatory at time of finalization and exchange; remove exchanges from coverage of the Uniform Relocation Assistance and Real Property Acquisition Policies Act; and remove the requirement for publication of conveyance of lands under exchange.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1715, 1716, 1732 and 1740

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Hemstreet 202-343-8731; Robert C. Bruce 202-343-0635

CFR Citation: **43 CFR Part 2370** *Title:* **Withdrawal Revocation**

Abstract: This rule, which provides the procedures under which a Federal agency holding withdrawn lands relinquishes those lands, will be revised to remove excessive and burdensome provisions and to make it conform to the Federal Land Policy and Management Act.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1714

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Rumps 202-343-6486; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2400** *Title:* **Land Classification**

Abstract: As a result of review, this rule is being revised to remove provisions repealed by the Federal Land Policy and Management Act of 1976, to institute a new classification procedure and to simplify and clarify outdated provisions.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 315, 682, 869, 1171, 1181, 1412-1418; 48 U.S.C. 364

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Mezes 202-343-8731; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2520** *Title:* **Desert Land Entries**

Abstract: This rule, which provides the procedure for entry and reclamation of lands identified as desert lands, will be revised to remove excessive and burdensome provisions.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 321-323, 325, 327-329

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: John Mezes 202-343-8693; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Subpart 2561** *Title:* **Native Allotments**

Abstract: This rule will be amended to carry out a commitment made by the Secretary to incorporate Bureau of Land Management Manual provisions on Native allotments.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1201, 711-713

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Beaumont McClure 202-343-6511; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published August 6, 1980 (45 FR 30606).

A Notice withdrawing the proposed rule is scheduled to be published in October 1982.

CFR Citation: **43 CFR Subpart 2627** *Title:* **Alaska**

Abstract: This rule will be amended to provide a change in selection procedures for the State of Alaska as provided for in the amendments to the Alaska Statehood Act.

Originally Scheduled: January 1981

Legal Authority: 94 Stat. 2437

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Beaumont McClure 202-343-6511; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2650** *Title:* **Alaska Native Selections**

Abstract: This rule will amend existing regulations, which authorize Alaska Native corporations to select more lands than they are entitled to receive actual conveyance for, to establish a formula for reducing the amount of excess lands selected and to provide the authority to reject excessive overselections if they are not voluntarily reduced by the Native corporations.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1601 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Sue Wolf 202-343-6511; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published July 19, 1982 (47 FR 31368).

CFR Citation: **43 CFR Part 2710** *Title:* **Sales: Federal Land Policy and Management Act**

Abstract: This rule will be amended to delete the requirement for publication in the Federal Register of the document of conveyance after sale.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1701, 1713

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Bill Krech 202-343-8693; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 2720** *Title:* **Conveyance of Federally-Owned Mineral Interests**

Abstract: This rule will be amended to make minor revisions to the existing regulations on conveyancing of Federally-owned mineral interests and to provide segregation of lands covered by an application.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1719(b)

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Hemstreet 202-343-8731; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Parts 2740 and 2910** *Title:* **Recreation and Public Purposes Act: Leases**

Abstract: These rules will be amended to facilitate acquisition of public lands by States, State instrumentalities and subdivisions, including counties and municipalities, for recreational or public purposes. These amendments would not affect procedures as they relate to non-profit associations other than to require a nonrefundable application service fee.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 869 et seq., 1721

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John Mezes 202-343-8731; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

Proposed rule is scheduled to be published by October 1982.

CFR Citation: **43 CFR Part 2800** *Title:* **Rights-of-Way: Principles and Procedures**

Abstract: This rule will be amended to revise the schedule used in the cost reimbursement process for processing and monitoring right-of-way grants.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1746

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Part 2820** *Title:* **Roads and Highways**

Abstract: This rule will be rescinded in order to eliminate the requirement of the State governments to make application for a right-of-way grant for Federal-aid highway purposes directly to the Bureau after applying to the Federal Highway Administration for a determination that the right-of-way is necessary.

Originally Scheduled: January 1981

Legal Authority: 23 U.S.C. 107-317

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leon Kabat 202-653-8842; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published May 10, 1982 (47 FR 20009).

Final rule is scheduled to be published by October 1982.

CFR Citation: **43 CFR Part 3040** *Title:* **Environment and Safety**

Abstract: This part, which contains the rules for geophysical exploration, will be amended to provide a procedure for the issuance and administration of geophysical exploration permits on Department of Defense administered lands.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 181 et seq., 351-359

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Rob Cervantes 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Part 3100** *Title:* **Oil and Gas Leasing: Applications**

Abstract: This rule is being revised to eliminate the requirement that simultaneous oil and gas lease application filing fees be paid by guaranteed remittance and the mandatory use of pre-numbered assignment forms for the transfer of oil and gas leases. It also eliminates the requirement to submit qualification statements prior to lease acquisition (3102, 3103, 3106, 3112, 3132).

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Weller 202-343-7722; Robert C. Bruce 202-343-8735

Timetable: An Interim rule with request for comments was published February 26, 1982 (47 FR 8544).

CFR Citation: **43 CFR Part 3130** *Title:* **Oil and Gas Leasing: Alaska**

Abstract: This rule will provide for the consolidation of leases in the National Petroleum Reserve - Alaska in order to provide more flexibility in the management of the oil and gas leasing program.

Originally Scheduled: April 1981

Legal Authority: Pub.L. 96-514

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Marcia Rohn 202-343-7753; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0108.

Proposed rule was published April 20, 1982 (47 FR 16807).

CFR Citation: **43 CFR Part 3141** *Title:* **Combined Hydrocarbon Leasing: Competitive Leasing in Special Tar Sand Areas**

Abstract: This rule will establish procedures for issuing combined hydrocarbon leases within designated Special Tar Sand Areas.

Originally Scheduled: April 1982

Legal Authority: Pub.L. 97-78

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Monte Jordan 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published June 14, 1982 (47 FR 25720).

The information collection requirements contained in this rule will be submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507.

CFR Citation: 43 CFR Subpart 3211 *Title:* **Bureau Motion, Land Previously Leased for Geothermal Resources**

Abstract: This rule will be amended to expedite leasing of lands with geothermal potential, and correct provisions that have prevented the Bureau from offering lands previously leased noncompetitively for geothermal resources.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 1001-1025

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Karl Duscher 202-3438537; R.O. Miller 202-343-8735

Timetable: Proposed rule was published November 26, 1979 (44 FR 67598).

CFR Citation: 43 CFR Part 3420 *Title:* **Competitive Leasing: Leonardite**

Abstract: This part, which contains the rules for competitive leasing of coal, will be amended to provide a method for leasing of leonardite, a form of oxidized coal not normally used for energy purposes.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 1272

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Monte Jordan 202-343-4636; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published in January 1983.

CFR Citation: 43 CFR Part 3500 and 43 CFR Part 23 *Title:* **Leasing of Minerals Other than Oil and Gas: General; Surface Exploration**

Abstract: As a result of review, 43 CFR Part 3500 is being revised to change definitions of terms, to change rentals, and to alter requirements for preference right lease applicants, as well as to simplify and clarify provisions. 43 CFR Part 23 is removed, because its provisions duplicate the provisions of the National Environmental Policy Act.

Originally Scheduled: January 1981

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Reed Smith 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 30, 1982 (47 FR 13472).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0121.

CFR Citation: 43 CFR Part 3600 *Title:* **Mineral Materials Disposal: General**

Abstract: This rule, which provides the procedures for disposal of mineral materials on the public lands, will be totally revised to: simplify existing provisions; and revise and delete provisions not specified or required by statute which impair program management and limit the availability of mineral materials to the public.

Originally Scheduled: January 1980

Legal Authority: 30 U.S.C. 601, 602; 43 U.S.C. 1732

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Brenda Horton 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0103.

Proposed rule was published May 3, 1982 (47 FR 19066).

CFR Citation: 43 CFR Part 3630 *Title:* **Paleontology**

Abstract: This rule will be revised to provide the procedures for the management of paleontological specimens located on the public lands.

Originally Scheduled: July 1980

Legal Authority: 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Robert Sulenski 202-343-8537; R.O. Miller 202-343-8735

Timetable: Proposed rule was published August 17, 1982 (47 FR 35914).

CFR Citation: 43 CFR Part 3700 *Title:* **Multiple Use: Mining**

Abstract: This part, which contains the rules for multiple use mining, will be revised to eliminate burdensome, cumbersome and unnecessary provisions. This revision will be accomplished with a revision of 43 CFR Part 3800 and parts of the two regulations will be consolidated.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 22, 601 et seq.; 61 Stat. 681; 43 U.S.C. 2, 1732

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Eugene A. Carlat 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: 43 CFR Part 3800 *Title:* **Mining Claims Under the General Mining Laws**

Abstract: This part, which contains the rules for mining claims under the general mining laws, will be revised to eliminate burdensome, cumbersome and unnecessary provisions. This revision will be accomplished with a revision of 43 CFR Part 3700 and parts of the two regulations will be consolidated.

Originally Scheduled: October 1982

Legal Authority: 30 U.S.C. 22; 43 U.S.C. 2, 1740

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Eugene A. Carlat 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule is scheduled to be published by May 1983.

CFR Citation: **43 CFR Subpart 3833** *Title:* **Recordation of Mining Claims and Filing Proof of Annual Assessment Work or Notice of Intention to Hold Mining Claims, Mill or Tunnel Sites**

Abstract: This rule will be revised to incorporate needed changes identified during operation of the recordation program.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1744

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: George Schmidt 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published May 4, 1982 (47 FR 19298).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0114.

CFR Citation: **43 CFR Part 4700** *Title:* **Wild Free-Roaming Horse and Burro Protection: Management and Control**

Abstract: This rule will be amended to eliminate the requirement for a veterinarian's statement of the cause of death when an adopted animal dies and to change the title application requirements for adopted animals by allowing adopters to submit certification of humane care from any qualified official such as a humane society official.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 1331-1340

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Chris Erb 202-343-4773; Ted Hudson 202-343-8735

CFR Citation: **43 CFR Part 4700** *Title:* **Wild Free-Roaming Horse and Burro Protection: Payment for Adoption**

Abstract: This rule will be amended in order to provide for the establishment of a fee for the adoption of a wild free-roaming horse or burro. This fee would be established under the authority of Sec. 304 of the Federal Land Policy and Management Act of 1976 and is designed to recover part of the costs incurred by the United States in connection with adoption program activities.

Originally Scheduled: April 1982

Legal Authority: 16 U.S.C. 1331-1340; 43 U.S.C. 315-315r, 1701 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: John S. Boyles 202-563-9125; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published July 26, 1982 (47 FR 32406).

CFR Citation: **43 CFR Subpart 5401** *Title:* **Advertised Sales: General**

Abstract: This rule will be amended to remove the requirement that the authorized officer will furnish access to the sale area for all competitive sales of forest products.

Originally Scheduled: October 1982

Legal Authority: 43 U.S.C. 1181a; 30 U.S.C. 601 et seq.; 16 U.S.C. 615a

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Charles Frost 202-653-8864; R.O. Miller 202-343-8735

Timetable: Proposed rule is scheduled to be published by March 1983.

CFR Citation: **43 CFR Part 5510** *Title:* **Free Use of Timber**

Abstract: This rule, which provides the procedures for the free use of disposal of timber and other vegetative resources on O and C and public lands, will be revised to clarify and simplify provisions.

Originally Scheduled: April 1981

Legal Authority: 16 U.S.C. 604-607, 612; 30 U.S.C. 189; 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Dave Estola 202-343-4009; R.O. Miller 202-343-8735

CFR Citation: **43 CFR Subpart 8300** *Title:* **Recreation: General**

Abstract: This rule will be amended to revise the policy statement for recreation management of the public lands.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1701 et seq., 869, 1181a, 315, 4321 et seq; 16 U.S.C. 460l-461, 1131, 1271-1287, 1241, 670; 29 U.S.C. 794

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Wesley R. Henry 202-343-9353; Ted Hudson 202-343-8735

CFR Citation: **43 CFR Subpart 8372** *Title:* **Use Authorizations**

Abstract: This rule will provide procedures allowing more timely filing of protests and appeals concerning decisions regarding special recreation permits.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1201 et seq., 1701 et seq., 1181a; 16 U.S.C. 460-6a

Determination Under E.O. 12291: The determination as to whether this document is a major rule under Executive Order 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Robert Conquergood 202-343-9353; Ted Hudson 202-343-8735

CFR Citation: **43 CFR Part 8560** *Title:* **Management of Designated Wilderness Areas**

Abstract: This rule will provide procedures for the use of Congressionally designated wilderness areas in public lands.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1701 et seq.; 16 U.S.C. 1131

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: David Porter 202-343-6064; R.O. Miller 202-343-8735

CFR Citation: **43 CFR Part 9230** *Title:* **Unauthorized Use of Public Lands**

Abstract: This rule will be amended to clarify those activities that are prohibited on the public lands and to provide managers with additional authority to resolve existing violations.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1701 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leroy Allen 202-653-8815; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Subpart 9239** *Title:* **Kinds of Trespass: Mineral**

Abstract: This rule will be amended to clarify the authority of the Secretary of the Interior in instances of mineral trespass.

Originally Scheduled: July 1980

Legal Authority: 30 U.S.C. 181 et seq.

Determination Under E.O. 12291: The effects of this document were previously considered under the provisions of E.O. 12044 which was revoked by E.O. 12291 on February 17, 1981. The document will be reconsidered under the provisions of E.O. 12291 before it is published as a final rule.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: David Carty 202-343-8537; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 11, 1980 (45 FR 15876).

REVIEWS OF EXISTING REGULATIONS

CFR Citation: **43 CFR Subpart 2070** *Title:* **Designation of Areas and Lands**

Abstract: This subpart, which provides the procedures under which specific areas of public lands and other Federal lands under the jurisdiction of the Bureau of Land Management may be designated and identified, is being reviewed to determine if it is still needed.

Originally Scheduled: October 1981

Legal Authority: 43 U.S.C. 1201 et seq., 1701 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Del Price 202-343-9353; Ted Hudson 202-343-8735

CFR Citation: **43 CFR Subpart 2812** *Title:* **Rights-of-Way Across O and C and Coos Bay Revested Lands**

Abstract: This rule, which provides the process for granting rights-of-way across the O and C and Coos Bay Revested Lands, is being reviewed to determine if it is still needed and if it needs revising.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 665, 956, 958

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

CFR Citation: **43 CFR Part 8360** *Title:* **Recreation Programs: Operations**

Abstract: This rule, which provides the procedures for the operation of recreation areas, is being reviewed to determine if it is still needed and if it needs revising.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 1181(a)-(e), 1201, 1701 et seq.

Determination Under E.O. 12291: The determination as to whether this document is a major rule under E.O. 12291 has not been made at this time.

Effects on Small Businesses and Other Entities: The determination as to whether this document will have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq. has not been made at this time.

Agency Contact: Robert Conquergood 202-343-9353; Ted Hudson 202-343-8735

COMPLETED ACTIONS

CFR Citation: **43 CFR Group 3400** *Title:* **Coal Management**

Abstract: This rule will eliminate burdensome, outdated and unneeded provisions of the existing coal management regulations. The specific amendments to the existing regulations resulted from public comments requested by the Presidential Task Force on Regulatory Relief and the Secretary of the Interior, and from an extensive review of the coal management program by the Bureau of Land Management and Department of the Interior personnel.

Originally Scheduled: April 1981

Legal Authority: 30 U.S.C. 181 et seq., 351-359, 1201 et seq., 521-531; 43 U.S.C. 1701 et seq.; 42 U.S.C. 7101 et seq., 4321; 90 Stat. 2073-2075

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Walt Rewinski 202-343-6821; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published December 16, 1981 (46 FR 61390).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0073.

A final rule effecting 43 CFR 3422.2(C)(10), 3427.1, 3427.2, and 3427.4 was published March 3, 1982 (47 FR 9008).

Final rule was published July 30, 1982 (47 FR 33114).

CFR Citation: **43 CFR Subpart 3140** *Title:* **Conversion of Existing Oil and Gas Leases and Valid Mining Claims**

Abstract: This rule will provide the procedures that the Secretary of the Interior will use to convert existing oil and gas leases and valid mining claims in Special Tar Sand Areas to combined hydrocarbon leases.

Originally Scheduled: April 1982

Legal Authority: Combined Hydrocarbon Leasing Act of 1981, Pub.L. 97-78

Determination Under E.O. 12291: The Department of the Interior has determined that this document is a major rule under E.O. 12291.

Copies of the Preliminary Regulatory Impact Analysis were available from the Contacts after March 1, 1982. Copies of the Final Regulatory Impact Analysis were available from the Contacts after May 24, 1982.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Edward E. Coggs 202-343-6821; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 1, 1982 (47 FR 8734).

The information collection requirements contained in this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0118.

Final rule was published May 24, 1982 (47 FR 22474).

CFR Citation: **43 CFR Part 4100** *Title:* **Grazing Administration; Exclusive of Alaska.**

Abstract: This rule will amend the existing regulations for the administration of livestock grazing use on the public rangelands. The intent of this rule is to simplify and and improve the provisions for administration of grazing use, remove cumbersome procedures and eliminate needless, burdensome and counterproductive regulations.

Originally Scheduled: April 1981

Legal Authority: 43 U.S.C. 315, 315a-315r, 1701 et seq., 1181d

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Ron Wenker 202-343-5678; R.O. Miller 202-343-8735

Timetable: Proposed rule was published November 13, 1981 (46 FR 56132).

A Notice was published January 11, 1982 which extended the comment period to February 11, 1982.

Final rule was published September 21, 1982 (47 FR 41702).

CFR Citation: **43 CFR Subpart 1813** *Title:* **Public Land Records**

Abstract: This rule will be revised to remove the requirement for notation to the records at the time of the filing of certain applications.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1201

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Jeff Steele 202-343-8693; Robert C. Bruce 202-343-8735

Timetable: Final rule was published July 28, 1982 (47 FR 32129).

CFR Citation: **43 CFR Part 2800** *Title:* **Rights-of-Way: Principles and Procedures**

Abstract: This rule will be revised to further eliminate needless, burdensome and counterproductive provisions contained in the existing right-of-way procedures for grants made under the provisions of Title V of the Federal Land Policy and Management Act of 1976. This rule is the result of further study of the existing rules made in an effort to reduce the paperwork burden on the using public.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1761-1771

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published April 8, 1982 (47 FR 15284).

Final rule was published September 2, 1982 (47 FR 38804).

CFR Citation: **43 CFR Part 2880** *Title:* **Rights-of-Way Under the Mineral Leasing Act**

Abstract: This rule will be revised to further eliminate needless, burdensome and counterproductive provisions contained in the existing right-of-way procedures for grants issued under the Mineral Leasing Act of 1920, as amended.

Originally Scheduled: April 1982

Legal Authority: 30 U.S.C. 185

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Leon Kabat 202-343-5441; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published April 8, 1982 (47 FR 15286).

Final rule was published September 2, 1982 (47 FR 38806).

CFR Citation: **43 CFR Part 3300** *Title:* **Outer Continental Shelf Minerals and Rights-of-Way Management: General**

Abstract: This rule will be amended to streamline existing provisions and to conform with Department of Energy regulations concerning work commitment and variable profit share bidding systems.

Originally Scheduled: January 1981

Legal Authority: 43 U.S.C. 1331 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Bob Samuels 202-343-5121; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published November 30, 1981 (46 FR 58264).

The information collection requirements contained in this rule were approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1004-0071.

Final rule was published June 16, 1982 (47 FR 25967).

CFR Citation: **43 CFR Parts 5440, 5450 and 5460** *Title:* **Sales of Forestry Products: General**

Abstract: This rule will initiate requirements that timber contract purchasers pay a portion of the contract price earlier in the contract period. These 'up front' payments, and a provision that purchasers who are in default on prior timber contracts are not eligible to bid on new contracts, will encourage all contractors to follow more responsible management practices, encourage purchasers to complete contract responsibilities in a more timely manner, and will take away some of the incentive for speculative bidding based on potential long-term gain.

Originally Scheduled: April 1982

Legal Authority: 43 U.S.C. 1181a; 30 U.S.C. 601 et seq.

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Charles Frost 202-653-8864; Robert C. Bruce 202-343-8735

Timetable: Proposed rule was published March 19, 1982 (47 FR 12078).

Final rule was published September 2, 1982 (47 FR 38695).

CFR Citation: **43 CFR Subpart 8351** *Title:* **Designated National Areas**

Abstract: This rule will be amended to prohibit, with certain exceptions, off-road vehicle use in National Scenic Trail corridor segments administered by the Bureau of Land Management.

Originally Scheduled: October 1981

Legal Authority: 16 U.S.C. 1246

Determination Under E.O. 12291: The Department of the Interior has determined that this document is not a major rule under E.O. 12291.

Effects on Small Businesses and Other Entities: The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities under 5 U.S.C. 601 et seq.

Agency Contact: Del Price 202-343-9353; Ted Hudson 202-343-8735

Timetable: Proposed rule was published October 19, 1981 (46 FR 51258).

Final rule was published May 26, 1982 (47 FR 23102).

[FR Doc. 82-27728 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XI

Department of Justice

Regulatory Agenda

DEPARTMENT OF JUSTICE

8 CFR Ch. I

28 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Legal Policy, Department of Justice.

ACTION: Regulatory Agenda.

SUMMARY: The Department of Justice is publishing its October 1982 regulatory agenda pursuant to Executive Order No. 12291, "Federal Regulation," 3 CFR 127 (1981 Compilation), the Regulatory Flexibility Act, 5 U.S.C.A. 601–612 (West 1982), and Office of Management and Budget Circular No. 82–16, July 22, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Snider, Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, NW., Washington, D.C. 20530 (202–633–3452).

SUPPLEMENTARY INFORMATION: The Department of Justice has not published a regulatory agenda since the effective date of Executive Order No. 12291, February 17, 1981. None of the Department's regulations proposed since then has met the criteria for "major regulations" under the Executive order, and, therefore, publication of an agenda has not been required. However, the Office of Management and Budget has recently exercised its discretion to expand the contents of agencies' agendas to include "nonroutine regulations." The Department has identified 11 projected rulemakings that meet the new criterion. The Department has no plans to review existing regulations within the next 11 months or to develop any "major" regulations or any regulations subject to the Regulatory Flexibility Act.

Department of Justice Regulatory Agenda

Regulations Under Development.

CIVIL RIGHTS DIVISION

Priority Regulations

Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds

Agency Contact: David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 633–3861.

Small Entity: No.

CFR: 28 CFR 42, 29 CFR 1691 (New).

Legal Authority: 42 U.S.C. 2000d et seq. 20 U.S.C. 1681 *et seq.*, EO 12250.

Abstract: The Department of Justice has the responsibility of coordinating enforcement of the statutes listed under "Legal Authority" and other statutes prohibiting discrimination on the basis of race, color, religion, sex or national origin. This regulation will be issued jointly with the Equal Employment Opportunity Commission and was developed in consultation with the major funding agencies against whose recipients the nondiscrimination provisions are directed.

Timetable: NPRM, 04/17/81 46 FR 22395.

Final Action: November 1982.

Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

Agency Contact: Ms. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 724–2222.

Small Entity: No.

CFR: 28 CFR 41, 28 CFR 42.401–.415.

Legal Authority: 42 U.S.C. 2000d et seq. 20 U.S.C. 1681 et seq., 29 U.S.C. 794, EO 12250.

Abstract: The Civil Rights Division is amending its coordination regulations for section 504 of the Rehabilitation Act of 1973 and title VI of the Civil Rights Act of 1964 to reflect the increased coordination responsibility vested in the Attorney General by Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws." This Executive order, which supersedes Executive Orders 11764 and 11914, assigns to the Attorney General the overall responsibility for coordinating the enforcement of the laws listed under "Legal Authority" and any other statutory provision of Federal law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Timetable: NPRM, December 1982.

Coordination of Enforcement of Nondiscrimination on the Basis of Handicap in Federally Conducted Programs

Agency Contact: Ms. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 724–2222

Small Entity: No.

CFR: 28 CFR 39.

Legal Authority: 29 U.S.C. 794, EO 12250.

Abstract: The Civil Rights Division is drafting a coordination regulation for the implementation and enforcement of the 1978 amendment to section 504 of the Rehabilitation Act of 1973. The 1978 amendment expanded the nondiscrimination mandate of section 504, which prohibits discrimination on the basis of handicap, to programs and activities conducted by any Executive agency or the United States Postal Service.

Timetable: NPRM, February 1983.

Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

Agency Contact: David B. Marblestone, Attorney, Appellate Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 633–4492

Small Entity: No.

CFR: 28 CFR Part 42, Subpart H (New).

Legal Authority: 42 U.S.C. 6103.

Abstract: This regulation will implement the Age Discrimination Act of 1975, as amended. The proposed rule was published for comment, modified, approved by the Office of Legal Counsel, Department of Justice and forwarded to the Secretary of the Department of Health and Human Services for approval on November 10, 1980.

Timetable: NPRM, 05/19/80, 45 FR 32710.

Final Action: Unknown.

Education Programs or Activities Receiving or Benefiting From Federal Financial Assistance—Implementation of Title IX of the Education Amendments of 1972, as Amended

Agency Contact: Ms. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, 202 724–2222.

Small Entity: No.

CFR: 28 CFR 42.701-.771 (New).

Legal Authority: 20 USC 1681–83, 1685–86.

Abstract: This regulation will implement title IX of the Education Amendments of 1972, as amended, for nondiscrimination on the basis of sex in education and training programs receiving or benefiting from Federal financial assistance provided by the Department of Justice.

Timetable: NPRM, 06/17/80, 45 FR 41001–41012; Comment period 08/18/80, 45 FR 54770 extended.

Revised NPRM to be published.

IMMIGRATION AND NATURALIZATION SERVICE

Priority Regulations

Detention and Parole of Inadmissible Aliens

Agency Contact: Maurice C. Inman, Jr., General Counsel, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, 202 633–2895.

Small Entity: No.

CFR: 8 CFR 212.5; 8 CFR 235.3.

Legal Authority: 8 U.S.C. 1103, 1223, 1225.

Abstract: This interim rule, published pursuant to an order of the District Court for the Southern District of Florida, sets forth the Service's policy regarding the detention and parole of aliens who seek to enter the United States illegally. The Administration has determined that a large number of Haitian nationals and others are likely to attempt to enter the United States illegally unless there is in place a detention and parole regulation meeting the approval of the District Court. Such a large scale influx would clearly be contrary to the public interest. This rule insures that the parole of illegal aliens will be carefully and narrowly exercised to conform to statutory purposes and legislative intent.

Timetable: Interim Rule, 07/09/82, 47 FR 30044.

Final Action: September 1982.

Nonimmigrant Students and Schools Approved for Their Attendance

Agency Contact: Alice Strickler, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, 202 633–5014.

Small Entity: No.

CFR: 8 CFR 214.2 (f), 214.2(m), 214.3, 8 CFR 248.1, 248.3.

Legal Authority: 8 U.S.C. 1101, 1103, 1184, 1258.

Abstract: This rulemaking will eliminate certain burdensome and time-consuming paperwork and filing requirements for both the students and the Service, while ensuring that the students and the schools they are attending are bona fide. It also implements the provisions of the Immigration and Nationality Act Amendments of 1981 which created a new "M" nonimmigrant visa classification for vocational nonimmigrant students.

Timetable: NPRM, 06/07/82, 47 FR 24596.

Other Regulations:

Suspension of Deportation and Voluntary Departure; Bond Conditions; Voluntary Departure Conditions

Agency Contact: Michael J. Heilman, Assistant General Counsel, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, 202 633–2620.

Small Entity: No.

CFR: 8 CFR 3.1(b)(2), 8 CFR 103.6(a)(2)(ii), (a)(2)(iii), 8 CFR 244.1, 244.2, 244.3, 244.4, 244.5.

Legal Authority: 8 U.S.C. 1103, 1254.

Abstract: This rulemaking will significantly revise the authority of immigration judges and the Board of Immigration Appeals in regard to voluntary departure. Grants of vountary departure by an immigration judge or by the Board would be limited to no more than 30 days. In addition, when requiring a security bond under 8 CFR 103.6, a district director would no longer be required to obtain the prior approval of a regional commissioner in order to impose a condition of bond barring employment.

Timetable: NPRM, November 1982.

Imposition of Minimum Bond As Condition of Release

Agency Contact: Michael J. Heilman, Assistant General Counsel, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, 202 633–2620.

Small Entity: No.

CFR: 8 CFR 3.2(b)(7), 8 CFR 242.2

Legal Authority: 8 U.S.C. 1103, 1252, 1254.

Abstract: The proposed rule would impose a minimum $1,000 bond as a condition of release in bond and custody cases where an alien has been apprehended for immigration law violations. Release without bond would be authorized only for compelling interests of the government, and only by a district director of the Immigration and Naturalization Service. Neither an Immigration Judge nor the Board of Immigration Appeals would have authority to reduce bond to less than $1,000 or to release an alien without bond.

Timetable: NPRM, November 1982.

Uniform Minimum Admission Period for Admissible Visitors

Agency Contact: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, 202–633–3946.

Small Entity: No.

CFR: 8 CFR 214.2(b).

Legal Authority: 8 U.S.C. 1103, 1184.

Abstract: This rulemaking will provide that temporary visitors for pleasure in possession of nonimmigrant visas who are found admissible to the United States are admitted for a uniform minimum period of six months.

Timetable: NPRM, 05/11/82, 47 FR 20147.

Final Action: October 1982.

OFFICE OF LEGAL POLICY

Intergovernmental Review of Federal Programs

Agency Contact: Paul Colborn, Attorney-Advisor, Office of Legal Policy, Department of Justice, Washington, D.C. 20530, 202–633–3239.

Small Entity: No.

CFR: 28 CFR 30, 28 CFR 31.

Legal Authority: Executive Order 12372.

Abstract: Executive Order 12372 (issued July 14, 1982) established a new federal policy on consultation with state and local governments in the administration of federal financial assistance and direct federal development programs, to be implemented by all affected federal departments and agencies by the issuance of rules or regulations by April 30, 1983. The Office of Legal Policy is coordinating the Justice Department's implementation of the Executive Order. The following components of the Justice Department may issue new or amended rules or regulations concerning consultation with state and local governments in connection with direct development or financial assistance programs: Bureau of Prisons; Immigration and Naturalization Service; United States Marshals Service; National Institute of Corrections; Office of Juvenile Justice and Delinquency Prevention; Office of Justice Assistance, Research, and Statistics; Bureau of Justice Statistics; and National Institute of Justice. The alternatives for implementation of the Executive Order and the potential costs and benefits of such alternatives are to be determined.

Timetable: NPRM, January 15, 1983.

Final Action: April 30, 1983.

Dated: September 22, 1982.

Jonathan C. Rose,

Assistant Attorney General, Office of Legal Policy.

[FR Doc. 82-28102 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XII

Department of Labor

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF LABOR

Office of the Secretary

20 CFR Chs. I, IV, V, VI, and VII

29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV

30 CFR Ch. I

41 CFR Chs. 29 and 60

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Semiannual Agenda of Regulations selected for review or development.

SUMMARY: This document sets forth the Department's Semiannual Agenda of Regulations which have been selected for review or development during the coming one year period. The agenda complies with the requirements of both Executive Order 12291 and the Regulatory Flexibility Act.

DATES: The agenda includes all regulations which are expected to be under review or development between October 1982 and October 1983.

FOR FURTHER INFORMATION CONTACT: Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, N.W., Room N2428, Washington, D.C. 20210, 202-523-8201.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations.

Executive Order 12291 became effective February 17, 1981, and in substance requires the Department of Labor to publish an agenda, listing all the regulations it expects to have under active consideration for promulgation, proposal or review during the coming one year period. It also requires the Department to conduct a Regulatory Impact Analysis for all "major" regulations being developed.

The Regulatory Flexibility Act became effective on January 1, 1981. It applies only to regulations for which a notice of proposed rulemaking was issued on or after January 1, 1981, and requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602). For any regulation that will have this impact, the Department must conduct a Regulatory Flexibility Analysis, to gauge the economic consequences of the rule, and to analyze the availability of more flexible approaches for lightening the rule's regulatory burden on "small entities". If a proposed regulation will not have a "significant economic impact on a substantial number of small entities", the Department of Labor must publish a certification to that effect at the time of the general notice of proposed rulemaking or at the time of the publication of the final rule. That certification must be accompanied by a succinct statement explaining the reasons for the agency's determinations.

As permitted by law, the Department of Labor is combining in this publication its agendas under the Regulatory Flexibility Act and Executive Order 12291.

The Labor Department's agenda is divided into two major sections. The first section of the agenda is in the index of priority regulations. A regulation is included in the index if it has been targeted by the President's Task Force on Regulatory Relief, if it is a "major" regulation, or if it is a regulation of special importance to the Labor Department.

Regulations included in the index are also identified by title and Code of Federal Regulations citation, are grouped by agency, and are sub-grouped by their rulemaking category. The rulemaking categories consist of (1) current rulemakings, i.e., regulations which have been published as advanced or proposed rules or which are expected to be so published in the near future; (2) regulations under review, i.e., existing regulations that have been scheduled by the Labor Department for review; (3) completed actions, i.e., regulations for which rulemaking or review has become final since publication of the last agenda, or regulations which the Department has withdrawn from rulemaking or review consideration since publication of the last agenda.

The second section of the agenda is the discusion section. In this section, all of the Department's regulations are listed that are under review, or development, or that are completed actions. Such regulations are listed by agency, and grouped in accordance with the three categories discussed in the precdeding paragraph. Each entry includes a brief discussion of why the regulation is being developed or reviewed, or, if applicable, when action on the regulation was completed. Each entry also indicates if a Regulatory Impact Analysis is required for the regulation under Executive Order 12291, and if a Regulatory Flexibility Analysis is required for the regulation under the Regulatory Flexibility Act. If the need for a Regulatory Impact Analysis or Regulatory Flexibility Analysis is still to be determined by the Department, we have so indicated in the discussion section using the initials "TBD". Priority regulations, listed in the index, are identified in this section with an asterisk (*).

Each entry also provides the name, address and telephone number of a knowledgeable agency official who may be contacted by any person who has an interest in the regulation.

The regulatory reform process, of which the instant agenda is a part, continues to be an extremely valuable aid in the developement of better regulations by the Department. We believe that our regulatory reform program has resulted in improved regulatory management, more clearly written regulations and significantly less burdensome regulations.

Further improvement is certainly needed, and we are constantly seeking new and innovative approaches in pursuit of this goal. All interested members of the public are invited and encouraged to let Departmental Officials know how our regulatory reform process can be further improved and, of course, to participate in and comment on the review or development of the regulations listed on the agenda.

The Department of Labor's next semiannual agenda, under Executive Order 12291 and the Regulatory Flexibility Act, will be published in April 1982.

Priorities

EMPLOYMENT STANDARDS ADMINISTRATION

Current Rulemakings

1. Club Membership, ESA/OFCCP-41 CFR 60-1.11.
2. Government Contractors; Affirmative Action Requirements, ESA/OFCCP-41 CFR Pts. 60-1, 2, 4, 20, 30, 50, 60, 250, 741.
3. Labor Standards Provisions, Davis Bacon and Related Acts, ESA/W-H-29 CFR Pts 1, 3, 5.
4. FLSA: Full-Time Students Employed at Subminimum Wages: Certification Period, ESA/W-H-29 CFR 519.
5. FLSA: Employment of Minors Between 14 and 16 Years of Age, ESA/W-H-29 CFR Pt. 570, Subpt C.
6. Federal Service Contracts: Appeals Board (SCA), ESA/W-H-SCA-29 CFR Pt 8.
7. Federal Service Contracts: Labor Standards (SCA), ESA/W-H-SCA-29 CFR Pt 4.
8. FLSA: Exemptions for Executive and Profesional Employees, ESA/W-H-29 CFR Pt 541.

Reviews of Existing Regulations

9. FLSA: Hazardous Occupations Order No. 11: Occupations involved in the Operation of Bakery Machines, ESA/W-H–29 CFR 570.62.

10. FLSA: Hazardous Occupation Order No. 10: Occupations involving Slaughtering, Meat Packing, or Processing, or Rendering, ESA/W-H–29 CFR 570.61.

11. FLSA: Hazardous Ocupations Order No. 2: Motor Vehicle Driver and Outside Helper, ESA/W-H–29 CFR 570.52.

12. FLSA: Employment of Minors: Certificates of Age, ESA/W-H–29 CFR 570.1–.27.

EMPLOYMENT AND TRAINING ADMINISTRATION

Current Rulemakings

1. Labor Certification: Adverse Effect Wage Rate Methodology, ETA/Immigration—20 CFR 655.207.

2. Airline Deregulation: Employee Benefit Program, ETA/UnemplProg—20 CFR Pt 638.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

Current Rulemakings

1. Airline Deregulation: First Right of Hire, LMSA/Employee Prot—29 CFR Pt 220.

2. Supplemental Pay, LMSA/ERISA—29 CFR Pt 2510.

3. Deferral of the Due Date of the Updated Summary Plan Description, LMSA/ERISA—29 CFR 2520.104 b.2.

4. Alternate Format of the Updated Summary Plan Description, LMSA/ERISA—29 CFR 2520.104 b.2.

5. Definition of Plan Assets and Establishment of Trust (remaining provisions), LMSA/ERISA/DPA-ET—29 CFR Pt 2550.

6. Administration of Labor Protection Provisions Affecting Mass Transit Employees under 13(c) of the Urban Mass Transportation Act, LMSA/—29 CFR 215.

Completed Actions

7. Definition of Plan Assets and Establishment of Trust (housing part), LMSA/ERISA/DPA-ET—29 CFR Pt 2550.

MINE SAFETY AND HEALTH ADMINISTRATION

Current Rulemakings

1. Review of Metal and Nonmetal Standards, MSHA/—30 CFR Pts 55, 56 and 57.

2. Review of Safety and Health Standards Applicable to Coal Mines, MSHA/—30 CFR Pts 70, 71, 75 and 77.

Reviews of Existing Regulations

3. Alternate Program for Equipment Approvals MSHA/—30 CFR Pt 37

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Current Rulemakings

1. Carcinogen Policy, OSHA/Health—29 CFR Pt 1990.

2. Cotton Dust, OSHA/Health—29 CFR 1910.1043.

3. Ethylene Oxide (EtO), OSHA/Health—29 CFR 1910.1000, Table Z–1.

4. Respiratory Protection, OSHA/Health—29 CFR 1910.134, etc.

5. Ethylene Dibromide (EDB), OSHA/Health—29 CFR 1910.1000, Table Z–2.

6. Labeling: Hazard Communication, OSHA/Health—29 CFR 1910.1200.

7. Noise—Hearing Conservation Amendment. OSHA/Health—29 CFR 1910.95(e)–(s).

8. Lead—Reconsideration of Whole Standard, OSHA/Health—29 CFR 1910.1025.

9. Marine Terminals, OSHA/Safety—29 CFR Pt 1918a.

10. Walking/Working Surfaces, OSHA/Safety—29 CFR Pt 1910—Subpt D.

11. Grain Handling Facilities, OSHA/Safety—29 CFR Pt 1910, Subpt H (new section).

12. Commercial Diving Operations: Whole Standard, OSHA/Safety/Com. D—29 CFR Pt 1910—Subpt T.

13. Commercial Diving Operations: Exemptions, OSHA/Safety/Com.D—29 CFR 1910.401(a)(2)(iv)—Subpt T.

Reviews of Existing Regulations

14. Asbestos, OSHA/Health—29 CFR 1910.1001.

15. Engineering Controls vs Respirators; Generic Question, OSHA/Health—29 CFR Part 1910.

16. Noise—Review of the Standard as a Whole (PEL and Methods of Compliance), OSHA/Health—29 CFR 1910.95.

17. Hazardous Materials, OSHA/Safety—29 CFR Pt 1910, Subpt H.

18. Electrical Safety—Related Work Practices, OSHA/Safety—29 CFR Pt 1910—Subpt S (new section).

19. Oil and Gas Well Drilling and Servicing, OSHA/Safety—29 CFR Pt 1910.

20. Electrical Standards—Construction, OSHA/Safety—29 CFR Pt 1926—Subpt K.

Discussion

Office of the Secretary

Current Rulemakings

1. Title: Equal Access to Justice Act, Rules Governing Administration—29 CFR Pt 16—(OSECY/)

Abstract/Description: The Act requires the payment of fees and expenses to eligible parties who prevail in an adversarial proceedings against any Federal agency. The rules describe the parties eligible for awards, the proceedings that are covered, how to apply for awards, and the standards under which awards will be granted.

Legal Authority: 5 U.S.C. 504.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: An interim final rule was published on 12/29/81 (46 FR 63020) with comments due by 03/01/82. An earlier interim final rule was published on 10/09/81 (46 FR 50352) but was withdrawn on 10/13/81 (46 FR 50376) in order to reconsider the coverage provisions. It is expected that a final rule with response to comments on the interim final rule will be published by 01/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Sofia P. Petters; Rm N2428, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8188.

1a. Title: Intergovernmental Review of Federal Programs—29 CFR (new section)—(OSECY/)

Abstract/Description: Executive Order 12372 requires Federal agencies to provide opportunities for consultation by elected officials of those State and local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development. The proposed rules will describe the processes for formulating, evaluating, and reviewing proposed Federal financial assistance and direct Federal development in consultation with State and local elected officials pursuant to the Executive Order.

Legal Authority: E.O. 12372.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the notice of proposed rule-making will be published by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Donald E. Shasteen; Rm S1325 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-6113.

Completed Actions

2. Title: Procedures for Subpoenas Served On DOL Employees—29 CFR 2.20–2.24, Subpt C—(OSECY/)

Abstract/Description: This regulation prescribes a single policy regarding subpoenas served on current and former DOL employees. The purpose of the regulation is to insure that the Department responds in a consistent manner to such subpoenas.

Legal Authority: 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7392) with comments due by 03/24/81. An interim final rule was published on October 6, 1981 (46 FR 49542) with comments due by November 5, 1981. A final rule was published on 08/13/82 (47 FR 35184) and became effective on 08/13/82. This notice announces that no comments were received by 11/05/81 concerning the

Department's revocation of 20 CFR 684.95(d) and 29 CFR 2.4 which set forth procedures for responding to subpoenas by employees of BLS and ETA. Accordingly the revocation is affirmed. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Sofia Petters; Rm N2428, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-6158.

EMPLOYMENT STANDARDS ADMINISTRATION

Current Rulemakings

1. Title: Club Membership*—41 CFR 60-1.11—(ESA/OFCCP)

Abstract/Description: These provisions would have made it a violation for federal contractors to pay membership fees or other expenses for employees to join an organization which limits membership on the basis of race, color, religion, sex or national origin. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: E.O. 11246, as amended.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: This regulation was proposed on 01/22/80 (45 FR 4954) and a final rule published on 01/16/81 (46 FR 3892). In response to the 01/81 Presidential memorandum, the effective date was deferred. On 03/27/81 (46 FR 19004), the Department proposed withdrawal of the regulation, invited public comments on the proposed withdrawal until 04/27/81, and further suspended the effective date of the regulation. Further action on the proposed withdrawal is pending completion of additional study of the issues involved.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James W. Cisco; Rm C3324, FPBldg; 200 Constitution Ave., NW, Washington, DC 20210; (202) 523-9426.

2. Title: Government Contractors; Affirmative Action Requirements *—41 CFR Pts 60-1, 2, 4, 20, 30, 50, 60, 250, 741—(ESA/OFCCP)

Abstract/Description: The CFR citation for this regulation is 41 CFR Pts 60-1, 60-2, 60-4, 60-20, 60-30, 60-50, 60-60, 60-250, 60-741. These provisions contain OFCCP's rules covering non-discrimination and affirmative action obligations of covered contractors under E.O. 11246, the Vietnam Era Veterans Readjustment Act, and the Rehabilitation Act of 1973. The rules would be revised to make them more cost effective, reduce paperwork burdens, and better effectuate the goals of the program.

Legal Authority: E.O. 11246, as amended; 38 U.S.C. 2012, 29 U.S.C. 793.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: Proposed changes to the regulations were published in the Federal Register on 12/28/79 and 02/22/80, and a final rule on these issues was published on 12/30/80 (45 FR 86215). The rule was stayed, and reviewed in accordance with the President's Executive Order 12291 of 01/29/81. An ANPRM was published on 07/14/81 (46 FR 36213) and supplemented on 08/21/81 (46 FR 42490) to elicit comments on several issues pertaining to the regulation. A notice of proposed rulemaking was published on 08/25/81 (46 FR 42968) with comments due by 10/26/81. The proposal suspended the effective date of the 12/30/81 regulation, and proposed revision of that regulation.

Comments relating to the July and August 1981 ANPRM have been evaluated. A separate proposal on the ANPRM issues and several other related issues was published on 04/23/82 (47 FR 17770) with a 30 day comment period. Currently under consideration are various alternative approaches to resolving a number of issues raised or not addressed by the proposals of 08/81 and 04/82. Further action in the form of proposed rulemaking is pending the completion of this review. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9426.

Title: Affirmative Action Obligations for Disabled Veterans, Veterans of Vietnam Era, and Handicapped Workers—41 CFR Pts 60-1, 60-250, 60-741—(ESA/OFCCP)

Abstract/Description: This proposal would make the definition section of these regulations consistent with 1978 amendments to the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act, and conform these rules to changes in DOL's regulations implementing § 504 of the Rehabilitation Act.

Legal Authority: 29 U.S.C. 793; Pub. L. 93-112 Sec 503.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 12/30/80 (45 FR 86205) with comments due by 03/02/81. Those provisions reflecting statutory changes have been incorporated into the 08/25/81 "main" OFCCP proposal (46 FR 42968). The proposal is currently under review, and further action thereon is pending completion of this review.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9426.

4. Title: Black Lung: Obligations of Lessors for Claims for Benefits—20 CFR 725.491(b)(2)—(ESA/OWCP)

Abstract/Description: The intent of this proposal is to make explicit the Department's policy that a lessor of a coal mine, who has never actually operated such a mine, will not be held liable for the payment of benefits for black lung contracted in the course of employment in that mine and, therefore, need not insure against that possibility

Legal Authority: 30 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 8570) with comments due by 03/30/81. It is expected that the final rule will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

5. Title: Black Lung: Processing Discrimination Complaints Under Section 428—20 CFR Pt 730—(ESA/OWCP)

Abstract/Description: The rule would specify the procedures and institutional responsibilities for ESA and the Mine Safety and Health Administration in the filing, investigation and adjudication of complaints based on alleged discrimination against persons believed to have black lung disease. It would also provide for the appeal of such adjudications.

Legal Authority: 30 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 88521) with comments due by 03/30/81. It is expected that the final rule will be published by 03/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

6. Title: Black Lung: Eligibility Criteria—20 CFR Pts 718 and 725—(ESA/OWCP)

Abstract/Description: Regulations are needed to implement Pub. L. 97-119 which eliminates certain presumptions previously applicable to claims for Black Lung benefits, changes certain evidentiary rules applicable to such claims, transfers liability for the payment of certain claims, changes the rate of interest to be charged upon reimbursements to the Trust Fund from mine operators and makes other changes in the prior version of the Black Lung Benefits Act.

Legal Authority: 30 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 05/25/82 (47 FR 22674) with comments due by 06/24/82. It is expected that the final rule will be published by 10/29/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

7. Title: Federal Service Contracts: Appeals Board (SCA)*—29 CFR Pt 8-(ESA/W-H-SCA)

Abstract/Description: The proposed regulation describes procedures relevant to appeals under the Service Contract Act for a new Board of Service Contract Appeals. The existing regulation is related to 29 CFR Pt 4, which has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 41 U.S.C. 353, 354; 5 U.S.C. 301; Reorg. Plan No. 14 of 1950, U.S.C. Appendix; 40 U.S.C. 327-332.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/ Status: A notice of proposed rulemaking was published on 08/14/81 (46 FR 41438) with comments due by 10/13/81. (A proposal had previously been published 04/22/80 (45 FR 27410).) On 01/19/81 a notice withdrawing Part 8 was published (46 FR 4951) Because 29 CFR Part 6, containing a new Subpart F (published 01/16/81; 46 FR 4398), provided for appeals to the Secretary on SCA matters instead of a Board. After reconsideration the Department decided to again propose a new Part 8 providing appeal to a Board of Service Contract Appeals rather than to the Secretary. It is expected that the final rule will be published by 01/15/83.

E.O. #12291: A regulatory Impact Analysis is required: No.

Agency Contact: Gail Coleman; Rm N2716, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7626.

8. Title: Labor Standards Provisions, Davis-Bacon and Related Acts*—29 CFR Pts 1, 3, 5—(ESA/W-H)

Abstract/Description: These provisions contain regulations governing the issuance of prevailing wage determinations and the administration and enforcement of labor standards required to be included in federally-funded or assisted construction contracts under the Davis-Bacon and Related Acts, and other contracts subject to the Contract Work Hours and Safety Standards Act. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 40 U.S.C. 276a-276a-7; 40 U.S.C. 276c; 40 U.S.C. 327-332; 29 U.S.C. 259; Reorg. Plan No. 14 of 1950, 5 U.S.C. Appendix; 5 U.S.C. 301

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 08/14/81 (46 FR 41444) with comments due by 10/13/81. This action was as a result of the Administration's reexamination of the rules previously published on 01/16/81 (46 FR 4306, 4380) and stayed pending final publication of this rule. A final rule was published on 05/28/82 (47 FR 23644-79) and on 06/04/82 (47 FR 24296-7), two correction documents were published making minor changes to the 05/28/82, 29 CFR Part 5, final rule. On 07/26/82 (47 FR 32070), however, a notice was published deferring the effective date of these regulations until further notice in order to comply with a preliminary injunction issued by the U.S. District Court for the District of Columbia on 07/22/82. No further action is contemplated pending final court action.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dorothy P. Come; Rm S3502, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8333.

9. Title: FLSA: Full-Time Students Employed at Subminimum Wages: Certification Period*—29 CFR Pt 519-(ESA/W-H)

Abstract/Description: This regulation governs the issuance of certificates authorizing the employment of full time students at subminimum wages. Under this proposal the regulation would be revised to permit the issuance of certificates authorizing employment of full time students at subminimum wages for periods longer than the current one year duration. By eliminating unnecessary annual certifications, this change would free significant staff capacity within Wage/Hour for more important work, including workplace inspection and reduce a paperwork burden upon employers. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 214.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 07/16/82 (47 FR 31010) with comments due by 08/16/82. On 08/06/82 (47 FR 34166) the comment period was extended to 01/13/83. At the end of the comment period, the Wage and Hour Division plans to publish a new proposed revision which will supercede the 07/16/82 proposal. It is expected that the new proposal will be published by 03/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: James L. Valin; Rm S3502, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523-8353.

10. Title: FLSA: Employment of Minors Between 14 and 16 Years of Age*—29 CFR Pt. 570, Subpt C—(ESA/W-H)

Abstract/Description: This regulation sets forth the occupations and periods and consitions for the employment of minors 14 and 15 years of age. A number of changes are being considered which would update the provisions of this regulation which have not been changed since 1938. As proposed, the regulation would (1) expand permissible hours of work, (2) tighten employment restrictions in certain occupations such as those involving work near open flames, and (3) remove employment restrictions where no hazard is deemed to exist. In general the proposals would provide a balanced approach to nationalizing the regulations in light of current employment conditions. The regulation has been targets for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 203.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 07/16/82 (47 FR 31254) with comments due by 08/16/82. On 08/06/82 (47 FR 34166) the comment period was extended to 01/13/83. At the end of the comment period, the Wage and Hour Division plans to publish a new proposed revision which will supersede the 07/16/82 proposal.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523–7478.

11. Title: Federal Service Contracts: Labor Standards (SCA)*—29 CFR Pt 4—(ESA/W-H-SCA)

Abstract/Description: These provisions contain regulations and interpretations governing the administration of the Service Contract Act. The new revision would codify the Department's policies for administering the Act and improve the cost-effectiveness of the regulations, while ensuring consistency with statutory objectives. The existing regulation has been targeted for review by the President's Task force on Regualtory Relief.

Legal Authority: 41 U.S.C. 351, et seq.; 41 U.S.C 38 & 39; 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: As a result of DOL's reexamination of the rule previously published on 01/16/81 and 01/19/81 (46 FR 4320 and 46 FR 4886) which had been stayed pending final rulemaking, a notice of proposed rulemaking was published on 08/14/81 (46 FR 41380) with comments due by 10/13/81. By notice published on 10/13/81 (46 FR 50397), the time to submit comments was extended to 12/01/81. On 10/20/81 (46 FR 51405), a notice of hearing, scheduled for 11/19–20/81 at Merritt Island, Florida, was published in order to allow interested parties an opportunity to present their views with regard to the proposed regulations. It is expected that the final rule will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dorothy P. Come; Rm S3502, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523–5333.

12. Title: Rules of Practice for administrative Proceedings: Davis-Bacon, Service Contract Acts—29 CFR Pt 6—(ESA/W-H)

Abstract/Description: The revisions to this part are intended to provide administrative hearings in enforcement cases and substantial interest proceedings involving the Davis-Bacon Act, the Service Contract Act and the Contract Work Hours and Safety Standards Act, and substantial variance and arms-length hearings under the Service Contract Act. These revisions are designed to make such proceedings as uniform as possible.

Legal Authority: 40 U.S.C. 276a–276a–7; 40 U.S.C. 327–332; 41 U.S.C. 353 & 354; 40 U.S.C. 276c; Reorg. Plan 14 of 1,950, 5 U.S.C. Appendix

Effects on Small Business: A Regulatory Flexibilitiy Analysis is required: No.

Timetable/Status: A proposal was published on 04/22/80. Final regulations were published on 01/16/81 (46 FR 4398), to take effect on 02/17/81. However, in response to the 01/81 Presidential memorandum, the Department deferred the effective date of these regulations until 08/14/81. On 08/14/81 (46 FR 41428), a proposed regulation was published with comments due by 10/13/81. In the same publication, the effective date of 01/16/81 rule was deferred until action was taken on the proposal of 08/14/81. It is expected that the final rule will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Gail Coleman; Rm N2716, FPBldg; 200 Constitution Ave., NW., Washington, DC 20210; (202) 523–7620.

13. Title: Longshoreman's Act: Regional Offices—20 CFR 702.101—(ESA/OWCP)

Abstract/Description: The low volume of cases arising under the Longshore Act and its extensions do not justify maintaining separate offices for the disposition of those cases in the Denver and Kansas City regions. This rule would therefore eliminate those offices and provide a technical amendment to 20 CFR 702.101 redefining the jurisdcition of the four affected district offices.

Legal Authority: 33 U.S.C. 939(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that a final rule will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Neil Montone; Rm C4315, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8572.

14. Title: FECA Medical Fee Regulation—20 CFR Pt 10.400 et seq.—(ESA/OWCP)

Abstract/Description: 5 U.S.C. 8103(a) of the Federal Employees' Compensation Act provides that the United States shall furnish a broad range of medical services and supplies to employees of the United States injured in the performance of duty. ESA proposes to exercise its statutory authority to define the "reasonableness" of medical service costs and thereby monitor, and possibly reduce, these costs by imposing a schedule of allowable fees to be paid for services under this law.

Legal Authority: 5 U.S.C. 8101, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the notice of proposed rule-making will be published by 10/15/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Thomas M. Markey; Rm S3229, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7552.

15. Title: FLSA: Exemptions for Executive and Professional Employees*—29 CFR Pt 541—(ESA/W-H)

Abstract/Description: These regulations set forth the criteria used in the determination of the application of the FLSA exemption for "executive", "administrative", "professional" and "outside sales employees" from the minimum wage and overtime requirements of the Act. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 213(a)(1).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A final rule increasing the salary test criteria was published on 01/13/81 (46 FR 12206) and was scheduled to become effective on 02/13/81. On 02/12/81 (46 FR 11972) an indefinite stay of the final rule was published. On 03/27/81 (46 FR 18998) a proposal to suspend the final rule indefinitely was published with comments due by 04/28/81. It is expected that a new proposal will be published by 01/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: James L. Valin; Rm S3502, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8353.

16. Title: FLSA: Employment of Minors: Certificates of Age*—29 CFR 570.1–.27—(ESA/W-H)

Abstract/Description: This regulation now provides for acceptance of State age or employment certificates as evidence of age for minor employees for purposes of the FLSA. A number of States no longer issue such certificates. As an alternative to having the Wage and Hour Division take on the function of issuing such certificates, with the resultant expenditure of substantial clerical resources, this proposal would designate documents that would be accepted as proof of age in those States.

Legal Authority: 29 U.S.C. 203, 211, 212.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 03/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Gordon Clauchherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7478.

Review of Existing Regulations

17. Title: Black Lung Benefits. Requirements for Coal Mine Operators Insurance—20 CFR Pt 726—(ESA/OWCP)

Abstract/Description: These rules would govern the manner by which a coal mine operator fulfills its insurance obligations under the Black Lung Benefits Act, either by qualification as a self-insurer or by contracting with a commercial insurance company. Revision of Part 726 is necessary as a result of enactment of amendments to the Act in 1978 and 1981.

Legal Authority: 30 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

18. Title: Criteria: State Workers' Compensation Laws: Pneumoconiosis—20 CFR Pt 722—(ESA/OWCP)

Abstract/Description: These rules would establish procedures and standards to be applied in determining whether a State workers' compensation law provides adequate coverage for death or disability due to pneumoconiosis.

Legal Authority: 30 U.S.C. 931

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the review will be completed by 03/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James DeMarce; Rm S3524, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7503.

19. Title: Longshoremen's Act: second injury relief; annual assessments—20 CFR Pt 702—(ESA/OWCP)

Abstract/Description: Revisions and additions are being considered to reflect and codify the Department's policies and procedures for handling second injury relief cases and to modify the procedures pertaining to the annual assessment of insurance carriers and self-insurers.

Legal Authority: 33 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 8890) with comments due by 03/30/81. Action is now being deferred pending possible Congressional action on proposed amendments to the Act. It is expected that the review will be completed by 12/30/82.

E.O. #12291: A regulatory Imapct Analysis is rquired: No.

Agency Contact: Neil Montone; Rm C4315, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8572.

20. Title: Longshoremen's Act: Self Insurers; Rehabilitation Services—20 CFR Pts 702, 703—(ESA/OWCP)

Abstract/Description: Rules are being considered that would establish standards to permit employer groups to qualify as self-insurers under 20 CFR Part 703, clarify procedures related to the provision of rehabilitation services, and make other necessary changes.

Legal Authority: 33 U.S.C. 901, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: Action is being deferred on a proposal pending possible Congressional action on proposed amendments to the Act. It is expected that the review will be completed by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Neil Montone; Rm C4315, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8572.

21. Title: FLSA: Hazardous Occupations Order No. 11: Occupations involved in the Operation of Bakery Machines*—29 CFR 570.62—(ESA/W-H)

Abstract/Description: ESA is conducting an in-depth review of Hazardous Occupations Order No. 11 which prohibits the employment of minors 16 and 17 years of age in certain occupations involved in the operation of power-driven bakery machines. This review is being conducted to determine the changes necessary to reflect technological advancement and to clarify the application of existing prohibitions.

Legal Authority: 29 U.S.C. 203.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 07/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Gordon Clauchherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7478.

22. Title: FLSA: Hazardous Occupations Order No. 10: Occupations involving Slaughtering, Meat Packing, or Processing, or Rendering*—29 CFR 570.61—(ESA/W-H)

Abstract/Description: This Order prohibits the employment of minors 16 and 17 years of age in occupations involving slaughtering, meat packing or processing, or rendering. A review of this order is needed to calrify its scope and to update it in light of various technological changes which have occurred in the affected occupations since it was adopted. The existing regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 203.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 07/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Gordon Clauchherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7478.

23. Title: FLSA: record-keeping requirements—29 CFR Pt 516—(ESA/W-H)

Abstract/Description: Revision of this regulation is being considered to reflect the repeal or modification of certain FLSA exemptions by the 1974 and 1977 amendments to the Act.

Legal Authority: 29 U.S.C. 211(c).

Effects on Small business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 03/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James L. Valin; Rm S3502, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8353.

24. Title: FLSA: Hazardous Occupations Order No. 2: Motor Vehicle Driver and Outside Helper*—29 CFR 570.52—(ESA/W-H)

Abstract/Description: Hazardous Occupations Order No. 2 prohibits the employment of minors 16 and 17 years of age in certain occupations involving motor vehicle driving and helpers outside the cab of a vehicle transporting goods. The Order is being reviewed for possible revision.

Legal Authority: 29 U.S.C. 203.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 07/15/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Gordon Claucherty; Rm S3030, FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7478.

Completed Actions

25. Title: Affirmative Action Obligations; Veterans Quarterly Reporting Requirements; Suspension—Stay—41 CFR 60-250.4(d)—(ESA/OFCCP)

Abstract/Description: The rule suspends the effectiveness of 41 CFR 60-250.4(d) requiring government contractors to file quarterly reports of hiring actions, including veterans hired, under Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended. The Department has proposed to delete this requirement in its proposed amendment to 41 CFR Part 60-250, published December 30, 1980. (See 45 FR 86205)

Legal Authority: 38 U.S.C. 2012; Pub. L. 92-540.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A final rule suspending 41 CFR 60-250.4(d) was published on 01/29/82 (47 FR 4256) and became effective on 01/29/82. This item is therefore removed from the agenda as a separate item.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: James W. Cisco; Rm C3324 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-9426.

26. Title: Labor Standards for Pilots Under Federally Financed Contracts—29 CFR 5.15—(ESA/W-H)

Abstract/Description: This rule would allow a variation from the Contract Work Hours and Safety Standards Act overtime pay requirements with respect to certain pilots of aircraft employed by a contractor on government contracts for fire fighting and related services.

Legal Authority: 40 U.S.C. 327-332; Reorg. Plan No. 14 of 1950; 5 U.S.C. Appendix; 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/08/82 (47 FR 966) with comments due by 02/08/82. A final rule was published on 07/02/82 (47 FR 28916) and became effective on 08/02/82. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Dorothy P. Come; Rm S3502 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8333.

27. Title: FLSA: Labor Standards on Projects Assisted by Grants From the National Endowments for the Arts and Humanities—29 CFR Pt 505—(ESA/W-H)

Abstract/Description: These regulations would set forth procedures to carry out the provisions of the 1976 amendments to the National Foundation on the Arts and Humanities Act of 1965 relating to labor standards requirements on projects or productions assisted by grants from the National Endowment for the Arts, and the National Endowment for the Humanities.

Legal Authority: 20 U.S.C. 954(i), 956(g).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 12/18/80 (45 FR 83914) with comments due by 05/22/81. The Agency has decided not to go forward with this proposal.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: James L. Valin; Rm S3508 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-7043.

EMPLOYMENT AND TRAINING ADMINISTRATION

Current Rulemakings

1. Title: Governor's Grants and Youth Programs—20 CFR Pts 675, 676, 677, 680—(ETA/CETA)

Abstract/Description: These regulations implement technical amendments to CETA that resulted from passage of the Omnibus Budget Reconciliation Act of 1981. The amendments reduce the percentage of funds allocated to the Governor's Grants for a 20 percent transferability of funds between the Title IV A youth program and Title IV C Summer youth program.

Legal Authority: Pub. L. 97-35; 29 U.S.C. 801, et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 09/04/81 (46 FR 44730) with comments due by 11/01/81. It is expected that the final rule will be published by 12/03/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St, NW., Washington, D.C. 20213; (202) 376-6093.

2. Title: Labor Certification: Canadian Railroad Workers—20 CFR 656.10—(ETA/Immigration)

Abstract/Description: This rule would add to the DOL list of precertified occupations, Canadian citizens who work for international railroads and who qualify for employment in the U.S. because of seniority rights under a collective bargaining agreement between the employer and an international labor union.

Legal Authority: 8 U.S.C. 1182 (a)(14).

Effects on Small Business: A Regulatory Flexibility Analyses is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/16/81 (46 FR 3910) with comments due by 07/14/81. Comments were originally due by 03/17/81. On 05/15/81 (46 FR 26789), the comment period was extended. It is expected that the final rule will be published by 06/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm, 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6289.

3. Title: Labor Certification: Construction Workers on Guam—20 CFR 655.107(c)—(ETA/Immigration)

Abstract/Description: The Department is considering either revising its methodology for determining adverse effect wage rates or deleting the requirement for such rates. The Department is reevaluating the whole formula for modification or possible elimination.

Legal Authority: 8 U.S.C. 1184(c).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: An advance notice of proposed rulemaking was published on 10/16/81 (46 FR 50981) with comments due by 12/15/81. It is expected that the proposal will be published by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St., NW., Washington, D.C. 20213; (202) 376–6289.

4. Title: Labor Certification: Apprentice Construction Workers on Guam—20 CFR 655.107(b)— (ETA/Immigration)

Abstract/Description: Existing regulations would be revised to modify the apprentice/journeyman wage progressions for construction workers on Guam to bring them into line with wages on the mainland.

Legal Authority: 8 U.S.C. 1184(c).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 10/16/81 (46 FR 50982) with comments due by 12/16/81. It is expected that the final rule will be published by 03/31/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

5. Title: Effective Date: Annual Listing of Eligible Labor Surplus Areas—20 CFR Pt 654—(ETA/Job Service)

Abstract/Description: This rule would change the effective date of the "Annual Listing of Eligible Labor Surplus Areas" from June 1 to October 1 of each year to correspond with the fiscal year.

Legal Authority: 41 U.S.C. 10a et seq.; 29 U.S.C. 49 et seq.; E.O. 10582, as amended by E.O. 11051 and E.O. 12148.

Effects on Small Business: A Regulatory Flexibility Analysis is required; No.

Timetable/Status: A notice of proposed rulemaking was published on 06/01/82 (47 FR 23754) with comments due by 07/01/82. It is expected that the final rule will be published by 12/31/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

6. Title: Unemployment Compensation for Federal Civilian Employees—20 CFR Pt 609—(ETA/Unempl Prog)

Abstract/Description: These regulations implement 5 U.S.C. 8501–8508 which establishes a permanent program of unemployment compensation for Federal Civilian employees administered under agreements with State Employment Security Agencies. A revision of the regulations is required because of amendments made to the law by Pub. L. 94–566, enacted in October 1976 and Pub. L. 96–215, enacted in March 1980.

Legal Authority: 26 U.S.C. 3304 et seq.; 33 U.S.C. 857; 29 U.S.C. 1001 et seq. and 5 U.S.C. 8501–8508.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7786) with comments due by 03/24/81. It is expected that the final rule will be published by 12/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Ed Kerley; Rm 7100, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–7104.

7. Title: Unemployment Compensation for Ex-Servicemembers—20 CFR Pt 614—(ETA/Unempl Prog)

Abstract/Description: The UCX Program is financed by Federal funds to furnish unemployment benefits to individuals who are separated from military service and are unable to obtain work. The program is administered under agreement with State Employment Security Agencies. A revision of the regulation would be made to reflect the amendments to the law made by Pub. L 94–566 (enacted in October 1976), Pub. L. 96–215 and Pub. L. 96–364 (enacted in March and September 1980).

Legal Authority: 26 U.S.C. 3304 et seq.; 5 U.S.C. 8521–8525.

Effects on Small Business: A regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7796) with comments due by 03/24/81. It is expected that the final rule will be published by 12/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Ed Kerley; Rm 7100, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–7104.

8. Title: Airline Deregulation: Employee Benefit Program*—20 CFR Pt 638—(ETA/Unempl Prog)

Abstract/Description: These regulations are being developed to implement the benefit provisions contained in Section 43 of the Airline Deregulation Act. The Act requires the Secretary of Labor to specify the percentage of prior salary which an "eligible protected employee" would receive as a benefit payment under the Act if an appropriation is ever signed into law. An eligible protected employee is a person who had at least 4 years of employment with a certificated air carrier as of October 24, 1978 and who loses his or her job during the ten years following such date in a bankruptcy or major employment contraction if and only if the Civil Aeronautics Board determines that the principal cause of such job loss was deregulation.

Legal Authority: 49 U.S.C. 1552; Pub. L. 95–504.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/30/79 (44 FR 19146) with comments due by 04/30/79. A new notice of proposed rulemaking on the first right of hire provision was published on 09/17/82 (47 FR 41304), with comments due by 10/18/82. It is expected that the benefit provisions proposal will be published by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Robert S. Kenyon; Rm 7004, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–7545.

9. Title: WIN Prog; General Provisions—29 CFR Pt 56—(ETA/WIN)

Abstract/Description: This rule would implement statutory changes contained in the Social Security Disability Amendment of 1980, affecting the WIN program, and makes certain other changes. The amendments (1) authorize job search activities and child care necessary for job search in addition to present activities; (2) Provide authority for fixed sanction periods for WIN registrants who fail to participate or accept employment; (3) provide that individuals working full-time are exempt from WIN; (4) delete the 60-day counseling period from adjudication process; and (5) authorize in-kind match for State share of social services.

Legal Authority: 42 U.S.C. 1305 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: An interim final regulation was published on 10/01/81 (46 FR 48606) with comments due by 11/30/81. The interim final rule was republished in full on 10/02/81 (46 FR 48644), with a 60-day comment period. It is expected that a final rule will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

10. Title: WIN Program; Exemptions—29 CFR 56.20,22,51 (Subpart C only)—ETA/WIN)

Abstract/Description: This rule would reflect statuory changes contained in the Omnibus Budget Reconciliation Act of 1981. The statutory amendments affect the exemption criteria of the WIN program and incorporate provisions of previous court decisions relating to unemployed parents.

Legal Authority: Pub. L. 97-35.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 09/21/81 (46 FR 46776) with comments due by 11/20/81. The interim final regulation was published on 09/22/81 (46 FR 46803). It is expected that the final rule will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6289.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Grover Sanders; Rm 8408 PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6889.

11. Title: Labor Certification: Adverse Effect Wage Rate Methodolgy*—20 CFR 655.207—(ETA/Immigration)

Abstract/Description: Adverse effect wage rates are wage rates which must be paid to U.S. and alien workers by employers seeking to temporarily employ nonimmigrant alien agricultural workers, so that the employment of these aliens will not adversely affect the wages of similarly employed U.S. workers. A revised regulation would establish a new methodolgy for computing and applying a wage rate offered by employers who request utilization of temporary alien workers in agriculture, but not sheepherding or logging.

Legal Authority: 8 U.S.C. 1101.

Effects on Small Business: A regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A final rule was published 01/16/81 (46 FR 4568), and would have been effective 02/17/81. On 02/06/81 the Department published notice deferring the effective date until 03/30/81 (46 FR 11253). On 03/27/81 (46 FR 18951), the Department published a further notice that deferred the effective date of the rule until action had been taken on the proposal to withdraw the rule (46 FR 18991). The Department withdrew the final rule on 06/23/81 (46 FR 32437) and the previous methodology was retained. It is expected that a new proposed rule will be published by 11/15/82. In the interim a notice has been published making the 1981 AEWR effective for the 1982 crop year (47 FR 37980).

12. Title: Temporary Employment of Alien Agricultural and Logging Workers in the U.S.—20 CFR Pt 655.202(b)(1)—(ETA/Immigration)

Abstract/Description: Current regulations require employers who use temporary alien labor to provide employment, including housing, to any qualified U.S. worker who applies to the employer until 50 percent of the period of the work contract has elapsed. This provision is being reconsidered because employers may already have enough workers (foreign & domestic) to perform the work required, and an employer's housing may be completely occupied. This proposal under review would amend the regulations to require the employer to hire U.S. workers only until such time as foreign workers have departed for the employer's place of employment.

Legal Authority: 8 U.S.C. 1101.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 01/01/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000 PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6289.

13. Title: Waiver of requirement to publish Veterans Indicators of Compliance—20 CFR 653.230(j)—(ETA/Job Service)

Abstract/Description: Currently 20 CFR 653.230(j) requires annual publication of the numerical values for each of the veterans preference compliance indicators in the **Federal Register**. ETA believes that this is an unnecessary and burdensome requirement and that compliance indicators can be issued in other ways. ETA proposes to waive the annual requirement for publication in the **Federal Register**. The waiver would only apply to the publication requirement. The preference indicators for Fiscal Year 1982 and Fiscal Year 1983 have already been issued in the Program and Budget Planning (PBP) guidelines.

Legal Authority: 38 U.S.C. 2007.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 12/31/82.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6289.

14. Title: Senior Community Service Employment Program—29 CFR Pt 89—(ETA/Older Amer.)

Abstract/Description: These regulations govern the Senior Community Service Employment Program under Title V of the Older Americans Act. The program is designed to provide, foster, and promote part-time employment for low income persons 55 years old and older. The proposal is necessary to effectively carry out the provisions of the law as amended since 1978.

Legal Authority: 42 U.S.C. 3056.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A proposal was published March 25, 1980 (45 FR 19530). Public comments were due May 12, 1980. It is expected that the final rule will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Paul Mayrand; Rm 7122 PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6704.

15. Title: Limitations on Tax Credit Reductions and Interest on Advances to States—20 CFR 606—(ETA/Unempl Prog)

Abstract/Description: The Omnibus Budget Reconciliation Act of 1981 amended the tax credit provisions of FUTA to authorize the placing of a "cap" on reductions in tax credits on a State-by-State basis in certain prescribed circumstances. The amendment requires these determinations to be made in accordance with regulations prescribed by the Secretary of Labor. The same Act also amended Title XII of the Social Security Act to assess interest on advances to States, the payment of which is prohibited from State unemployment funds. The proposal would implement these statutory changes.

Legal Authority: Pub. L. 97-35 Sections 2406, 2407, 2408.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: James VanErden; Rm 7414, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-7066.

16. Title: Extended Benefits Under Federal Unemployment Compensation Act—20 CFR Part 615—(ETA/Unempl Prog)

Abstract/Description: These regulations would be amended to implement various statutory amendments of 1981 to the Federal-State Extended Unemployment Compensation Act of 1970. The regulations would (1) provide for the denial of extended benefits to certain interstate claimants and to individuals who fail to actively engage in seeking work, (2) provide for the purging of certain disqualifications in order to establish eligibility for extended benefits, and (3) establish the method of determining the rate of insured unemployment for extended benefit claims, the State trigger rates and removal of the National trigger.

Legal Authority: Pub. L. 91–573 Title II.

Effects On Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Edwin Kerley; Rm 7100, PHBldg; 601 D St. NW., Washington, D.C. 20213; (202) 376–7104.

17. Title: Unemployment Compensation Program—Disclosure of Information—20 CFR 620—(ETA/Unempl Prog)

Abstract/Description: These regulations are being proposed to implement sections of Pub. L. 96–249 which amended the Food Stamp Act of 1977 and Pub. L. 96–265, which amended the Social Security Act of 1977. The sections relate to disclosure of information maintained by States Employment Security Agencies to food stamp and child support enforcement authorities. The regulations protect the confidentiality of State unemployment compensation records from unauthorized or illegal access or disclosure.

Legal Authority: 42 U.S.C. 503.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Edwin Kerley; Rm 7100 PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376–7104.

18. Title: Trade Adjustment Assistance: Benefit Payments—20 CFR Pt 635—(ETA/Unempl-TAA)

Abstract/Description: These regulations would implement the 1981 amendments to the Trade Act of 1974. The Trade Adjustment Assistance program provides adjustment assistance in the form of reemployment services, training, job search, relocation allowances, and cash benefits (adjustment assistance) to workers whose unemployment is linked to increased imports of foreign-made products. The amendments represent a fundamental shift in program emphasis from income maintenance to placement and employment services and benefits such as training, job search and relocation. The 1981 amendments are designed to assure that adjustment assistance and reemployment services are more appropriately targeted to trade impacted workers with emphasis placed on their return to work. These changes would be published under 20 CFR 635 and such publication would substantially revise and supersede 29 CFR Part 91.

Legal Authority: 19 U.S.C. 2320.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposed rule-making will be published by 10/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Sam Bryant; Rm 7026, PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376–6120.

19. Title: Trade Adjustment Assistance Certification—29 CFR Pt 90—(ETA/Unempl-TAA)

Abstract/Description: This regulatory proposal would change regulations governing the investigation and certification process in accordance with the provisions of the Omnibus Budget Reconciliation Act of 1981. The new amendments eliminate the present "contributed importantly" standard for import impact certifications and require that increased competitive imports be the "substantial cause" of the adverse impact on employment and production. The substantial cause test would be the same as that used by the International Trade Commission (ITC) under Section 201 of the Trade Act. These changes will be published under 20 CFR 635 and such publication would substantially revise and supersede 29 CFR 90.

Legal Authority: 19 U.S.C. 2320.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Glenn Zech; Rm 10400 PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376–6799.

Review of Existing Regulations

20. Title: Temporary Employment of Alien Agricultural and Logging Workers in the U.S. (charges for meals)—20 CFR 655.202(b)(4)—(ETA/Immigration)

Abstract/Description: Current regulations state that when employers provide meals they may charge the worker no more than $4.00 per day. There are exceptions in cases where employers document costs exceeding $4.00 in support of higher meal charges. In such instances, a ceiling of $5.00 per day may be charged if approved by the RA. Consideration is being given to the need for increasing the allowable meal charges.

Legal Authority: 8 U.S.C. 1101.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 01/01/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376–6289.

Completed Actions

21. Title: WIN Prog; State claims for Fed reimbursement—29 CFR Pt 56—(ETA/WIN)

Abstract/Description: This rule was reviewed in order to determine whether changes would be needed to implement § 306 of the "Adoption Assistance and Child Welfare Act of 1980". That section amended the Social Security Act to provide that State claims for the Federal portion of expenditures must be filed within the 2-year period beginning on the first day of the calendar quarter following the quarter in which the expenditures are made.

Legal Authority: 42 U.S.C. 602(a), 630–644, 1302.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The rule has been reviewed, and it was determined that no regulatory changes are needed.

E.O. #12291: A regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376–6289.

22. Title Labor standards for the Registration of Apprenticeship Programs—29 CFR Pt 29—(ETA/BAT)

Abstract/Description: The purpose of this proposed amendment to the existing regulations is to set forth a list of occupations considered apprenticeable by the Bureau of Apprenticeship and Training or one or more of the State and territorial apprenticeship agencies.

Legal Authority: 29 U.S.C. 50; 40 U.S.C. 276c.

Effects On Small Business: A regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/11/80 (45 FR 15571) with comments due by 06/30/81. Review has been completed and this proposal is withdrawn as it has been determined that the content of this proposal was not appropriate for formal rulemaking.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Paul H. Vandiver; Rm 5414, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6217.

23. Title: Secretaty's Performance Standards for CETA Prime Sponsors—20 CFR 676.46—(ETA/CETA)

Abstract/Description: This rule is being considered to determine the need for a standardized methodology which must be used by the prime sponsors to establish local performance standards for CETA Titles II B/C and VII and for Services to Youth in FY '83.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: This proposal is withdrawn in view of pending enactment of new job training legislation.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Hugh Davies; Rm 10200, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-7840.

24. Title: Rewards and Sanctions for CETA Recipients—20 CFR 676.81—676.93—(ETA/CETA)

Abstract/Description: Consideration is being given to a rule which would outline under what conditions a prime sponsor may be reqarded or be subject to sanctions, provide examples of possible rewards or sanctions, and specify the appeals process, where applicable, prior to the imposition of sanctions.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: Review has been completed and this proposal is withdrawn pending enactment of new job training legislation.

E.O. #12291; A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Colombo; Rm 3402, PHBldg; 601 D St. NW., Washington, D.C. 20213; (202) 376-7647.

25. Title: Complaints, Investigations and Sanctions—20 CFR Pts 675 and 676—(ETA/CETA)

Abstract-Description: The proposal would make a number of technical changes to existing rules necessary for proper operation of the CETA complaint and hearing procedures. It would also add a provision which would enable the Grant Officer to make a final determination that no CETA violation is alleged, thereby eliminating the need for a full hearing before an Administrative Law Judge where there are not disputed factual issues.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 9008) with comments due by 03/30/81. After full consideration of comments and in view of pending enactment of new job training legislation, it has been determined to withdraw this item from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6093.

26. Title: CETA: Allowability of Legal Expenses—20 CFR 676.40-2—(ETA/CETA)

Abstract/Description: This regulation would specify the conditions under which CETA funds may be used by recipients (and their subrecipients and contractors) for legal fees associated with administration of grants. The Regulations would provide CETA recipients with more explicit and comprehensive guidance as to the allowability of legal costs than presently exists.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7395) with comments due by 03/23/81. This proposal has been withdrawn due to predominantly unfavorable reaction from the public during the comment period, and in recognition of pending enactment of new job training legislation. *E.O. #12291:* A Regulatory Impact Analysis is required: No

Agency Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-7647.

27. Title: Regulations Concerning Eligibility of Prisoners—20 CFR 675.5-1(e)—(ETA/CETA)

Abstract/Description: This proposal would have made CETA services be available to all eligible prisoners, with a proviso limiting payment of wages and allowances to one year from presumptive release.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/23/81 (46 FR 7395) with comments due by 02/23/81. This proposal has been withdrawn due to minimum impact that the rule is likely to have given the expiration of CETA at the end of FY 1982.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Robert Colombo; Rm 6402, PHBldg.; 601 D St. NW.; Washington, D.C. 20213; (202) 376-7047.

28. Title: Migrant and Other Seasonally Employed Farmworkers Program Under CETA—20 CFR Pt 689—(ETA/CETA)

Abstract/Description: Existing rules were reviewed to determine whether or not to modify the competitive process by which CETA Sec. 303 migrant and seasonal farmworkers grantees are selected, by incorporating improvements recommended by the GAO and the National Academy of Public Administration.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The review has been completed. The agency has decided not to proceed with a proposal in view of pending enactment of new job training legislation.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Ludwin Branch; Rm 7122, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-7300.

29. Title: Waiver of Allowances Under CETA—20 CFR 676.28-2(j)—(ETA/CETA)

Abstract/Description: ETA reviewed its regulations to determine whether or not amendments were needed to simplify the procedures that CETA prime sponsors must follow in waiving allowance payments to CETA participants.

Legal Authority: 29 U.S.C. 801 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The agency has completed its review and has determined that no modifications are needed at this time.

E.O. #12291: A Regulatory Impact Analyis is required: No.

Agency Contact: Robert Colombo; Rm 6402. PHBldg.; 601 D Street NW., Washington, D.C. 20213; (202) 376-6093.

30. Title: Services for Veterans—20 CFR Pt 653, Subpt C—(ETA/Job Service)

Abstract/Description: The existing rules are being reviewed in order to determine whether or not changes are necessary pursuant to Pub. L. 96-466, which made changes affecting employment services for veterans provided by the U.S. Employment Service.

Legal Authority: 38 U.S.C. 2001-2008.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: Review has been completed and rulemaking has been determined to be unnecessary.

E.O. #12291: A Regulatory Impact Analysis is required: No

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6289.

31. Title: Employment Service System: Secretary's Performance Standards—20 CFR Pt 653, Subpt F—(ETA/Job Service)

Abstract/Description: A review of these regulations would determine whether or not a standardized methodology to be used to establish performance standards for the Employment Service agencies in order to permit DOL to determine whether the agencies are efficiently using their resources.

Legal Authority: 29 U.S.C. 49.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: Review has been completed. The Agency has decided not to proceed with a proposal in view of pending enactment of new job training legislation.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6289.

32. Title: Targeted Jobs Tax Credit—20 CFR Pt 654, Subpart C—(ETA/Job Service)

Abstract/Description: Proposed rules were considered in order to provide the state employment agencies with rules for carrying out their functions and responsibilities under the Targeted Jobs Tax Credit legislation.

Legal Authority: 26 U.S.C. 1 et seq.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: Review has been completed and it has been determined that it is not necessary to proceed with rulemaking. Accordingly, this proposal is withdrawn from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland; Rm 8000, PHBldg; 601 D St. NW., Washington, D.C. 20213; (202) 376-6289.

33. Title: Deletion of Sections of Employment Service Regulations—20 CFR 653 and 658 (certain sections)—(ETA/Job Service)

Abstract/ Description: ETA reviewed its Employment Service regional office reporting requirements and its procedural requirements relating to state job counseling and job information activities.

Legal Authority: 29 U.S.C. 49.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The agency has completed its review and has determined that no modifications are needed at this time.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Richard Gilliland: Rm 8000, PHBldg., 601 D Street NW., Washington, D.C.; (202) 376-6289.

34. Title: Certification of Grantee Procurement—41 CFR Pt 29-50—(ETA/Procurement)

Abstract/Description: These regulations would implement OMB Circular A-102, attachment O, which requires that a grantor agency be certified. These regulations would set forth acquisition procedures and provide guidelines for ETA grantees related to Automatic Data Processing Equipment.

Legal Authority: E.O. 1128.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The agency has decided not to go forward with these rules at this time.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Harvey Horn; Rm 5322, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6544.

35. Title: Acquisition and Use of Automatic Data Processing Equipment (ADPE)—41 CFR Pt 29-70—(ETA/Procurement)

Abstract/Description: These rules would set forth the certification process for the acquisition of ADPE when a grantee has not been certified or is decertified. The purpose of these regulations is to assure uniform application of these procedures.

Legal Authority: E.O. 1128.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: The agency has decided not to go forward with these rules at this time.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Harvey Horn; Rm 5322, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-6544.

36. Title: Special Unemployment Assistance; Revocation—20 CFR Pt 619—(ETA/Unempl Prog)

Abstract/Description: This rule revokes 20 CFR Part 619, originally established under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (P.L. 93-567, approved 12/31/74). The Special Unemployment Assistance (SUA) Program was a temporary program of unemployment assistance for workers not covered by permanent unemployment compensation programs.

Legal Authority: P.L. 93-567.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A final rule was published on 07/13/82 (47 FR 30238) and became effective on 07/13/82. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Bert Lewis; Rm 10430, PHBldg.; 601 D St. NW., Washington, D.C. 20213; (202) 376-2022.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

Current Rulemakings

1. Title: Airline Deregulation: First Right of Hire*—29 CFR Pt 220—(LMSA/Employee Prot)

Abstract/Description: These regulations would implement the first right of hire provisions of the Airline Dergulation Act of 1978. Under the language of the Act relating to this duty to hire, each protected employee who is "furloughed or otherwise terminated" (except for cause) from his or her employment by a certificated air carrier between the date the Act was passed and October 24, 1988 "*shall have first right of hire, regardless of age, in his occupational specialty*" by any covered carrier hiring "additional employees," with the sole exception that covered carriers are entitled to recall furloughed employees before hiring a protected individual.

Legal Authority: 49 U.S.C. 1552; P.L. 95-504.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/30/79 (44 FR 19146) with comments due by 04/30/79. A new notice of proposed rule-making on the first right of hire provisions was published on 09/17/82 (47 FR 41304) with comments due by 10/18/82. It is expected that an additional NPRM on the employee benefit provisions will be issued within the next 6 months.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Hugh Reilly; Rm S2207, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-9674.

2. Title: Supplemental Pay*—29 CFR Pt 2510—(LMSA/ERISA)

Abstract/Description: This regulation would amend the existing regulation under section 3(2) of ERISA by describing the circumstances under which supplemental payments by employers to retirees to help offset the effect of inflation on pension benefits will be deemed to be made under an employee welfare benefit plan rather than under an employee pension benefit plan. The regulation has been targeted by the President's Task force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1135 & 29 U.S.C. 1002.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/27/81 (46 FR 8571) with comments due by 03/30/81. On 02/06/81 (46 FR 11292) the proposal was republished in order to correct typographical errors. On 02/13/81 (46 FR 12214) a notice was published correcting typographical errors to the 02/06/81 republication. It is expected that the final rule will be published by 11/01/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dave Rood; Rm N4456, FPBldg.; 200 Constitution Ave. N.W., Washington, D.C. 20210; (202) 523-8368.

3. Title: Individual Benefit Reporting—Recordkeeping—Multiple Employer Plans—29 CFR Pts 2520 and 2530—(LMSA/ERISA)

Abstract/Description: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in multiple employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports.

Legal Authority: 29 U.S.C. 1025, 1059 and 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 08/08/80 (45 FR 52824) with comments due by 10/06/80. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the single employer plan benefit reporting regulation. A notice of public hearing was published on 11/12/80 (45 FR 74727) and the hearing was held on 11/25/80. It has not been determined when a final rule will be published.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8515.

4. Title: Individual Benefit Reporting and Recordkeeping for Single Employer Plans—29 CFR Pts 2520 and 2530—(LMSA/ERISA)

Abstract/Description: The rule would govern: (1) reports that must be furnished to participants and beneficiaries in single employer pension plans, regarding the benefits to which they are entitled, or may become entitled, at retirement; and (2) records that must be maintained to provide the information necessary to prepare these reports.

Legal Authority: 29 U.S.C. 1025, 1059 and 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 08/01/80 (45 FR 51231) with comments due by 10/01/81. This rule was first proposed on 02/09/79 (44 FR 8294) jointly with the multiple employer plan benefit reporting regulation. A notice of public hearing was published on 11/12/80 (45 FR 74728) and the hearing was held on 11/25/80. It has not been determined when a final rule will be published.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8515.

5. Title: Deferral of the Due Date of the Updated Summary Plan Description *—29 CFR 2520.104 b.2—(LMSA/ERISA)

Abstract/Description: Every plan administrator is required to provide plan participants and beneficiaries and the Department of Labor with a summary of plan provisions, known as the summary plan description (SPD), at 5 or 10 year intervals. The proposed rule would establish the beginning point for the five- (or ten-) year periods for updating or replacing the SPD as the date the initial SPD was filed and distributed (generally 11/77), rather than the date the plan became subject to ERISA (generally 1975). The proposed regulation also provides that, in any event, distribution of an updated SPD would not be required before 11/16/82. The regulation has been targeted by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1024, 1030 and 1135

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/26/82 (47 FR 13007) with comments due by 05/25/82. It is expected that the final rule will be published by 11/01/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8515.

6. Title: Alternate Format of the Updated Summary Plan Description *—29 CFR 2520.104 b.2—(LMSA/ERISA)

Abstract/Description: The Employee Retirement Income Security Act of 1974 (ERISA) requires that every plan administrator provide plan participants and beneficiaries and the Department of Labor with a summary of plan provisions, known as the summary plan description (SPD). This regulation would provide an alternative with respect to the form the updated SPD may take and how it may be distributed.

Legal Authority: 29 U.S.C. 1024, 1030 and 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 11/01/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Robert Doyle; Rm N4700, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8515.

7. Title: Definition of Plan Assets and Establishment of Trust (remaining provisions) *—29 CFR Pt 2550—(LMSA/ERISA/DPA-ET)

Abstract/Description: The remaining part of this regulation would clarify what investments constitute assets of an employee benefit plan under ERISA. It also would provide certain exemptions from the requirements that plan assets be held in trust not dealt with in the earlier part. The regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 06/06/80 (45 FR 38084) with comments due by 08/05/80. (An earlier proposal had been published on 08/28/79 (44 FR 50363). A final rule dealing with the housing portion of the regulation was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82. The publication date of the final regulation dealing with the remaining issues is under consideration.

E.O. #12291: A Regulatory Impact Analysis is required: TBD

Agency Contact: William A. Schmidt; Rm C4508 FPBldg., 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9592.

8. Title: Administration of Labor Protection Provisions Affecting Mass Transit Employees under 13(c) of the Urban Mass Transportation Act*—29 CFR 215—(LMSA/Employee Prot)

Abstract/Description: This proposal would revise the Department's current guidelines concerning administrative procedures in processing applications for mass transit assistance under the Urban Mass Transportation Act of 1964, as amended, and the criteria followed by the Secretary of Labor when certifying "fair and equitable" employee arrangements under section 13(c) of the Act.

Legal Authority: 49 U.S.C. 1609.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 02/01/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Hugh Reilly; Rm S2207 FPBldg., 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9674.

9. Title: Participant Directed Individual Account Plans—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: The regulation would describe the kinds of plans referred in section 404(c) as participant directed individual account plans, the circumstances under which a participant or beneficiary will be considered to have exercised control over his individual account, and the consequences under section 404(c) of such an exercise of control.

Legal Authority: 29 U.S.C. 1104(c) & 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 12/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Charmaine B. Gordon; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–9593.

10. Title: Loans to Participants—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This rule describes the circumstances under which the exemption in section 408(b)(1) from the prohibited transaction provisions for loans by a plan to plan participants will be available.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 12/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: William Flanagan; Rm C4508, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8610.

11. Title: Distribution of Summary Annual Reports—29 CFR 2520—(LMSA/ERISA)

Abstract/Description: In regulations published in the **Federal Register** on July 23, 1982, plans were allowed to meet the distribution requirement for current employees by posting a copy of Form 5500–R (annual report) or a notice of its availability in years when the Form 5500–R was used as the annual report. This project would look at whether distribution to current employees by posting of the SAR or a notice of its availability should be allowed in all years and for all plans (not just small plans in years when the Form 5500–R is filed).

Legal Authority: 29 U.S.C. 1024, 1029, 1030 & 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the proposal will be published by 12/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Joseph L. Roberts III; Rm N4700, FPBldg., 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8685.

12. Title: Labor Organization Annual Reports—29 CFR 403.3, 403.4—(LMSA/LMSE)

Abstract/Description: 29 U.S.C. 431 requires labor organizations to file annual financial reports with DOL. Format and content changes to these reporting forms (LM–2 and LM–3) are being considered to simplify the reporting requirements of labor organizations, facilitate more efficient processing of reports by DOL, and assist DOL in the administration and enforcement of the Labor-Management Reporting and Disclosure Act.

Legal Authority: 29 U.S.C. 431, 438, 461.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that a notice of proposed rulemaking will be published by 12/30/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Denise Boucher; Rm N5109, FPBldg., 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–7373.

Review of Existing Regulations

13. Title: Election Enforcement Provisions of the LMRDA—29 CFR Pt 452, Subpt J—(LMSA/LMSE)

Abstract/Description: This rule, if promulgated, would revise and up-date the existing enforcement provisions of the interpretative bulletin on elections of union officers subject to the LMRDA.

Legal Authority: 29 U.S.C. 481, 482.

Effects on Small Business: A regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 10/03/80 (45 FR 65925) with comments due by 12/17/80. No further action was taken in 1981 or in early 1982. The proposed rulemaking may be reconsidered in early 1983. It is expected that the review will be completed by 09/30/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Kay Oshel; Rm N5109, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523–7373.

Completed Action

14. Title: Eligible Individual Account Plan—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This rule would clarify the term "Eligible Individual Account Plan" as used in section 407(d)(3). Such plans may invest all their assets in securities and real property related to the employer, provided certain conditions are met.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: William Schmidt; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-9592.

15. Title: Definition of Term "Qualifying Employer Real Property"—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This rule would define various terms used in the statutory definition of "qualifying employer real property". Such property generally is real estate owned by a plan and leased to the employer sponsoring the plan.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibiity Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Charmaine Gordon; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-9593.

16. Title: Prohibited Extension of Credit—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This rule would interpret aspects of the statutory prohibition in section 404(a)(1)(B) of ERISA against the lending of money and other extensions of credit between a plan and a party in interest.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Mary O. Lin; Rm C4508, FPBldg.; 200 Constitution Ave, NW.; Washington, DC 20210; (202) 523-9595.

17. Title: Prohibited Sales, Exchanges and Leases—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: Section 406(a)(1)(A) of ERISA provides that a fiduciary of a plan should not cause the plan to engage in a transaction if he knows or should know that such transaction consititutes a direct or indirect sale, exchange or lease of property between the plan and party-in-interest. The rule would provide guidance to DOL's view of the scope of the above prohibitions.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Flexibility Impact Analysis is required: TBD.

Agency Contact: Jay A. Neuman; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-8658.

18. Title: Certain Plans for Management and Highly Compensated Employees—29 CFR Pt 2510—(LMSA/ERISA)

Abstract/Description: This rule would provide guidance regarding the circumstances under which a plan will be deemed unfunded and maintained by an employer primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees. Plans which have these characteristice are exempted from the participation, vesting and funding requirements of ERISA.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Jay S. Neuman; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-8658.

19. Title: Transitional Relief for Certain Dispositions of Property—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This regulation would clarify the scope of transitional relief provided in section 414(c)(5) of ERISA. The regulation would clarify the circumstances under which the prohibited transaction provisions contained in sections 406 and 407(a) of ERISA are inapplicable to certain sales, exchanges or other dispositions of property to a party-in-interest.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Douglas Wham; Rm C4508, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-7923.

20. Title: Revision of Summary Annual Report for Small Plans—29 CFR 2520.104b-10—(LMSA/ERISA)

Abstract/Description: This regulation amends the summary annual report requirement to harmonize it with the triennial reporting system for small plans recently put into effect. The exisiting regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1024, 1029, 1030 & 1135

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 01/06/81 (46 FR 1304) with comments due by 03/09/81. A final rule was published on 07/23/82 (47 FR 31871) and became effective on 07/21/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Joseph L. Roberts III; Rm N4700, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8685.

21. Title: Conversions Splits and Other Transactions not Deemed "Acquisitions"—29 CFR Pt 2550—(LMSA/ERISA)

Abstract/Description: This Regulation would specify the extent to which conversions, splits, the exercise of rights and similar transactions will not be treated as "acquisitions" for purposes of 407(d)(8), which limits the extent to which an employee benefit plan may acquire securities issued by the employer sponsoring the plan.

Legal Authority: 29 U.S.C. 1135.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: This item is withdrawn from the agenda as no further work will be done on this regulation at this time.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Charmaine Gorden; Rm C4508, FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-9593.

22. Title: Definition of Plan Assets and Establishment of Trust (housing part) *—29 CFR Pt 2550—(LMSA/ERISA/DPA-ET)

Abstract/Description: This part of the regulation clarified that the underlying mortgages of certain mortgage backed securities guaranteed by FNMA, GNMA, and FHLMC are not plan assets. It is also provided certain exemptions from the requirement that plan assets be held in trust. The regulation was targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 1135

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 06/06/80 (45 FR 38084) with comments due by 08/05/80. This regulation was originally proposed on 08/28/79 (44 FR 50363). This part of the final rule was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82. A final rule was published on 05/18/82 (47 FR 21241) and became effective on 06/17/82. The final rule deals with some issues raised in the 06/06/80 proposal relating to certain governmental mortgage pools and the trust requirement. The publication date of a final regulation dealing with the remaining issues is under consideration. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: William A. Schmidt; Rm C4508, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–9592.

MINE SAFETY AND HEALTH ADMINISTRATION

Current Rulemakings

1. Title: Review of Metal and Nonmetal Standards *—30 CFR Pts 55, 56 and 57—(MSHA/)

Abstract/Description: These standards would be revised to: (1) Eliminate unnecessary standards; (2) clarify and update existing standards; (3) incorporate technological advances; and (4) reduce recordkeeping burdens on the industry.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 03/25/80 (45 FR 19267) with comments due by 08/05/80. Originally the comment period ended 05/27/80, but on 06/06/80 (45 FR 38087), comments were extended to 08/05/80. A notice was published on 11/20/81 (46 FR 57253), announcing MSHA's initial priorities for its comprehensive standards review and it's intent to hold informal public conferences. A subsequent notice was published on 03/09/82 (47 FR 10190), which announced a series of public conferences to be held in March, April, May 1982, and invited post-conference comments by 06/04/82. On 05/28/82 (47 FR 23484), the post-conference comment period was extended to 06/30/82. It is expected that preproposal drafts of high priority standards sections will be made available during late 1982 and early 1983.

E.O. #12291: A Regulatory Impact Analysis is required: TBD

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

2. Title: Review of Safety and Health Standards Applicable to Coal Mines *—30 CFR Pts 70, 71, 75 and 77—(MSHA)

Abstract/Description: MSHA plans to review these standards to: (1) clarify and update existing standards; (2) eliminate unnecessary standards; (3) reduce recordkeeping burdens on the industry; and (4) incorporate technological advances. MSHA has initiated a review of all safety standards for underground coal mines. As part of this review, MSHA is specifically soliciting suggestions for regulatory changes to roof support, explosives and the ventilation requirements in § 75.316.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 07/09/82 (47 FR 30025) with comments due by 09/07/82. The comment period was extended to 11/15/82 on 08/27/82 (47 FR 38097). It is expected that a list of the priority sections to be reviewed and a discussion of the issues surrounding them will be published during March 1983.

E.O. #12291: A Regulatory Impact Analysis is required: TBD

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

3. Title: Miner Participation in the Respirable Dust Sampling Procedures—30 CFR Pts 70, 71 & 90—(MSHA/)

Abstract/Description: This proposal would amend MSHA's coal mine respirable dust regulations to permit miners' representatives to participate in the dust sampling process for underground and surface miners and for miners who have evidence of pneumoconiosis.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 04/08/80 (45 FR 24008) with comments due by 06/02/80. Since the proposal, MSHA has revised all of its coal mine respirable dust sampling procedures to simplify and improve the dust sampling process. MSHA will evaluate all of the comments and testimony on the proposal within the context of the new dust program to determine appropriate regulatory action. It is expected that further rulemaking action will be taken during 1983.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patricia W. Silvey; Rm 627, Bt #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

4. Title: Wire Ropes Standards—30 CFR 75.1401–1; 77.1402–1; 77.1903(b)—(MSHA/)

Abstract/Description: This rule would revise, clarify and update MSHA's current wire rope standards with regard to requirements for the selection, installation, use, inspection, maintenance, and removal of wire ropes used in coal and metal and nonmetal mines.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the notice of proposed rule-making will be published by 10/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

Review of Existing Regulations

5. Title: Pattern of Violations—30 CFR Pt 104—(MSHA/)

Abstract/Description: The Mine Act provides for closure under certain conditions, of mines having a pattern of serious violations until the mine is completely free of such violations. The proposed regulation would set forth criteria for determining if a "pattern of violations" exists.

Legal Authority: 30 U.S.C. 814(e) & 957.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 08/15/80 (45 FR 54656) with comments due by 10/14/80. Since the proposal was published, the statutory concept of "significant and substantial violations" (S&S) has been redefined by the Federal Mine Safety and Health Review Commission. Because the definition of these violations is a critical element in this rulemaking, MSHA is re-evaluating its current policy on S&S violations for comments to determine an appropriate course of regulatory action.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

6. Title: Construction Work at Surface Areas of Mines: Safety, Health Standards—30 CFR Pt 110—(MSHA/)

Abstract/Description: This rule would set forth minimum safety and health requirements for construction workers at surface areas of mines.

Legal Authority: 30 U.S.C. 811(a)(8).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 09/07/79 (44 FR 52258) with comments due by 10/22/79. This rulemaking has subsequently been affected by legislative actions which limit MSHA's jurisdiction over certain construction activities at surface mines. In addition, several legislative proposal have been introduced which would permanently affect MSHA's jurisdiction over these activities. MSHA has decided to defer further rulemaking until a more definitive position has been reached with respect to MSHA's jurisdiction over surface construction.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

7. Title: Alternate Program for Equipment Approvals*—30 CFR Pt 37—(MSHA/)

Abstract/Description: This would be a new Part. The proposal would provide an alternate program for the approval of certain equipment used in underground mines. Under the proposal, applicants would certify to MSHA that the equipment meets the required design and test criteria, has been successfully tested, and will be produced in accord with an accepted quality control plan. This program would reduce the time needed to introduce new and safe technology into mines.

Legal Authority: 30 U.S.C. 811.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by the end of 1982.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patricia W. Silvey; Rm 627, BT #3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

Completed Actions

8. Title: Civil Penalties—30 CFR Pt 100—(MSHA/)

Abstract/Description: This rule modifies the present system for assessing penalties to permit MSHA and the mining community to refocus their efforts toward more serious mine safety and health hazards. These changes include a single minimum penalty of $20 for violations where there is no reasonable likelihood of a serious injury or illness, and provide greater credit to operators for their good faith efforts to abate violations.

Legal Authority: 30 U.S.C. 815, 820, & 957.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 11/07/80 (45 FR 74444) with comments due by 02/05/81. Public hearings were held 02/23–26/82 (see 47 FR 2335, 01/15/82). A final rule was published on 05/21/82 (47 FR 22286) and became effective on 05/21/82. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Patricia W. Silvey; Rm 627 BT#3; 4015 Wilson Blvd.; Arlington, VA 22203; (703) 235–1910.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION AND MANAGEMENT

Current Rulemakings

1. Title: Cost of Principles for State Employment Security Agency (SESA) Grants—41 CFR Pt 29–15—(OASAM/)

Abstract/Description: These regulations would establish general principles and procedures governing grants that the DOL issues to state employment agencies for unemployment insurance and the operation of the job service offices. They would describe costs which are allowable, costs which are allowable only with prior DOL approval, and costs which are unallowable as charges to grants for employment security and unemployment insurance administration.

Legal Authority: 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 12/19/80 (45 FR 83998) with comments due by 01/19/81. It is expected that a revised proposal will be published by 12/31/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Theodore Goldberg; Rm S4015, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9174.

Review of Existing Regulations

2. Title: Debarment and Suspension of Contractors—41 CFR Subpt. 29–1.6—(OASAM/)

Abstract/Description: The Office of Management and Budget requires all federal agencies to implement its Policy Letter 82–1 on Debarment and Suspension through implementing regulations. These rules govern standards, policies, and procedures which will apply if an individual or concern is to be debarred or suspended from eligibility to receive DOL contracts.

Legal Authority: 41 U.S.C. 252; 5 USC 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that a notice of proposed rulemaking will be published by 12/31/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Theodore Goldberg; Rm S4015, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–9174.

3. Title: Nondiscrimination in Federally Assisted Programs—29 CFR Pt 31—(OASAM/OCR)

Abstract/Description: The existing Title VI regulation is being reviewed with a view toward establishing a single comprehensive civil rights regulation covering all DOL statutory authority relating to nondiscrimination in Federally assisted programs. The need for uniform administrative and enforcement procedures is also being reviewed.

Legal Authority: 29 U.S.C. 794, 881–992; 42 U.S.C. 6102, 2000d–1; 20 U.S.C. 168, 1686.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the review will be completed by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: David Morman; Rm N4603, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523–8905.

Completed Actions

4. Title: Suspension & termination of grants & agreements; debarment—41 CFR 29–70.213—(OASAM/)

Abstract/Description: This new rule would set forth the Federal standards which apply if a grant is to be suspended or terminated, or if a grantee is debarred from eligibility to receive a DOL grant.

Legal Authority: 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A review of this rule has been completed. It was determined that its issuance is unnecessary at this time. This item is therefore removed from the agenda.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Theodore Goldberg; Rm S4015, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-9174.

OFFICE OF THE INSPECTOR GENERAL

Current Rulemakings

1. Title: Federal & non-federal audit requirements—41 CFR 29-70.207—(OIG)

Abstract/Description: This rule would provide for independent audits of financial operations of Federal grantees that are State or local governments or Indian tribal governments that receive Federal assistance.

Legal Authority: 5 U.S.C. 301.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 08/17/82 (47 FR 35784) with comments due by 09/16/82. It is expected that the final rule will be published by 11/16/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Jerome Subkow; Rm S5030, FPBldg.; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-8424.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Current Rulemakings

1. Title: Health Hazards of Chemicals in Laboratories—29 CFR Pt 1910—(OSHA/Health)

Abstract/Description: Existing OSHA standards are designed to protect employees who are engaged in work involving exposure to only a few toxic chemicals during relatively standardized, continuous or repetitive processes. In contrast, laboratory workers are exposed to a multitude of toxic substances under frequently changing or unpredictable conditions. OSHA will examine whether prudent work practices and protective equipment, chosen for the specific facility and task, are more effective, feasible and economical for laboratory work than adhering to OSHA's current substance-specific exposure standards.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: An advance notice of proposed rulemaking was published on 04/14/81 (46 FR 21785) with comments due by 07/15/81. It is expected that the proposal will be published by 07/83.

E.O.#12291: Regulatory Impact Analysis is required: TBD.

Agency Contact: Dr. Leonard Vance; Rm N3719, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-7075.

2. Title: Carcinogen Policy*—29 CFR Pt 1990—(OSHA/Health)

Abstract/Description; The Carcinogen Policy describes the criteria and procedures OSHA will use to identify, classify, and then regulate carcinogens. The Policy also establishes a process for screening chemicals and for setting priortiies for potential rulemaking activities. The validity of the scientific criteria set forth in the policy and the cost-effectiveness of the rule are being examined.

Legal Authority: 29 U.S.C. 653, 655, 657.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: The original standard was issued in 1980 before the Supreme Court "Benzene" decision on significant risk. Thereafter, a final rule deleting provisions of the Carcinogen Policy that were inconsistent with the benezene decision was published on 01/19/81 (46 FR 4889). A proposal was published on 01/23/81 (46 FR 7402) to permit alternatives to the risk analysis section of the carcinogen policy to be addressed. The proposal was withdrawn on 03/27/81 (46 FR 19000). An advance notice of proposed rulemaking was published on 01/05/82 (47 FR 187) with comments due by 04/05/82. That document also proposed to stay the publication of the candidate and priority lists. The end of the comment period on the proposed stay of the candidate and priority lists was 02/19/82. It is expected that the proposal on the underlying rule will be published by 12/82.

E.O #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave, NW; Washington, DC. 20210; (202) 523-7075.

3. Title: Cotton Dust*—29 CFR 1910.1043—(OSHA/Health)

Abstract/Description: The standard, issued in 1978, has been legally challenged and stayed as it applies to certain industries. In addition, where the standard is in effect, there have been problems with the device that is used to measure cotton dust. Further, control methods, specified by the standard may not be cost effective. There is also question about the demonstration of a significant risk of disease in some of the industry sectors covered by the standard. Data are now being collected to determine how and to what extent the rule should be revised.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 02/09/82 (47 FR 5906) with comments due by 03/26/82. That publication modified and expanded the issues set forth in an ANPRM published on 03/31/81 (46 FR 19501). It is expected that the proposal will be published by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance: Rm N3718, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-7075.

4. Title: Ethylene Oxide (EtO)*— 29 CFR 1910.1000, Table Z-1—(OSHA/Health)

Abstract/Description: OSHA has announced its intention to conduct rulemaking on whether to revise the current standard for Ethylene Oxide (EtO) because NIOSH and other sources have provided data indicating that the current permissible exposure limit may not be adequate to protect worker health.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 01/26/82 (47 FR 3566) with comments due by 03/31/82. It is expected that the proposal will be published by 06/83.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 05/14/82 (47 FR 20803) with comments due by 09/13/82. It is expected that the proposal will be published by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance: Rm N3718, FPBldg.; 200 Constitution Ave, NW; Washington, DC 20210; (202) 523-7075.

5. Title: Definition of Coal Tar Pitch Volatiles—29 CFR 1910.1002—(OSHA/Health)

Abstract/Description: OSHA believes the interpretation of coal tar pitch volatiltes needs to be corrected to exclude substances resulting from distillation of petroleum and wood products.

Legal Authority: 29 U.S.C. 655(b) & 657(g).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 05/28/82 (47 FR 23482) with comments due by 08/26/82. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7075.

6. Title: Respiratory Protection*—29 CFR 1910.134, etc.—(OSHA/Health)

Abstract/Description: The present respiratory protection standards have been in place for 10 years and do not take into consideration the current state-of-the-art for respiratory protection. In addition, the general industry standard for respirators contains redundancies and includes several advisory provisions which should be eliminated or changed. Therefore, it is considered appropriate to reexamine the subject of respiratory protection and to modify the existing standards after review of the comments received.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 05/14/82 (47 FR 20803) with comments due by 09/13/82. It is expected that the proposal will be published by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7075.

7. Title: Ethylene Dibromide (EDB)*—29 CFR 1910.1000, Table Z-2—(OSHA/Health)

Abstract/Description: Since 1970 several independent scientific studies have concluded that Ethylene Dibromide (EDB) can cause cancer in laboratory animals. In addition, EDB has been shown to be mutagenic in several test systems. This evidence raises serious concern about the adequacy of the current permissible exposure limits for EDB, which were adopted by OSHA in 1971.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 12/18/81 (46 FR 61671) with comments due by 05/31/82. Originally comments were due on 03/01/82, but on 02/26/82 (47 FR 8380), the comment period was extended to 03/31/82. On 04/02/82 (47 FR 14169), a further extension of the comment period to 05/31/82 was published. It is expected that the proposal will be published by 05/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7075.

8. Title: Inorganic Arsenic—29 CFR 1910.1018—(OSHA/Health)

Abstract/Description: In 1978, OSHA issued a new regulation reducing the permissible limit for employee exposure to arsenic. Because of the Supreme Court's decision in *Industrial Union Department v. American Petroleum Institute,* 448 U.S. 607 (1980), the rule is inadequate since no significant risk assessment was performed. The Ninth Circuit has remanded the standard to the Agency for reconsideration of the issue of significance of risk.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 04/09/82 (47 FR 15358) with comments due by 06/18/82. This notice reopened the record for the Inorganic Arsenic Standard, published on 05/05/78 (43 FR 19584), to receive information relating to assessments of risk from exposure to inorganic arsenic, and the significance of that risk. An informal hearing was held on 07/13/82. The public record closed on 09/03/82. It is expected that the final rule will be published by 01/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7075.

9. Title: Labeling: Hazard Communication*—29 CFR 1910.1200—(OSHA/Health)

Abstract/Description: The proposed standard would require chemical manufacturers to assess the hazards of chemicals which they produce and to provide information to their employees about these hazards by means of hazards communication programs including labels, material safety data sheets and training.

Legal Authority: 29 U.S.C. 655(b), 657.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A proposal was originally published 01/16/81 (46 FR 4412) and was withdrawn on 02/12/81 (46 FR 12020) pending further analysis of the regulatory alternatives. A notice of proposed rulemaking was published on 03/19/82 (47 FR 12092) with comments due by 05/18/82. On 04/16/82 (47 FR 16348), public hearings were scheduled for 06/15/82 in Washington, D.C.; 07/13/82 in Houston, Texas; 07/20/82 in San Diego, California; and 07/27/82 in Detroit, Michigan. On 05/14/82 (47 FR 20324), OSHA gave notice of a change in the 07/20/82 hearing site to take place in Los Angeles instead of San Diego, California. It is expected that the final rule will be published by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave., NW; Washington, DC 20210; (202) 523-7075.

10. Title: Noise—Hearing Conservation Amendment*—29 CFR 1910.95(c)–(s)—(OSHA/Health)

Abstract/Description: The amendment requires employers to provide an effective hearing conservation program for all employees exposed to an 8 hour TWA of 85 dB. The amendment contains requirements for monitoring employee noise exposure, audiometric testing, and education and training of employees. OSHA is now reexaming certain requirements to determine if they are cost-effective and/or feasible. The regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/ Status: A final rule was published on 01/16/81 (46 FR 4078) and would have become effective 04/15/81, but the Department placed an administrative stay on the effective date until 08/22/81 (see 46 FR 21365, 28845, 39137). On 08/22/81 a final rule was published (46 FR 42622) which partially lifted the administrative stay as to many provisions of the amendment; made certain technical corrections; and asked for additional comment on the possible deletion of some provisions. The effective date of the provisions for which the stay was lifted was 08/22/81. Also, a notice of proposed rulemaking regarding the other provisions of the amendment was published on 08/21/81 (46 FR 42639) with comments due by 11/

23/81. A notice of hearing to be held on 03/23/82 was published on 01/29/82 (47 FR 4317). A notice was published on 09/11/81 (46 FR 45333) correcting Appendix A which was published on 08/21/81 at page 42635. On 08/13/82 (47 FR 35189) a notice was published deferring the 08/22/82 deadline for employers to obtain employee audiograms under 29 CFR 1910.95(s)(3). This deferral was effective 08/13/82, and a new deadline will be contained in the revised hearing conservation amendment when it is published as a final rule. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave. NW. Washington, D.C. 20210; (202) 523–7075.

11. Title: Personal Sampling Devices—29 CFR 1903.7—(OSHA/Health)

Abstract/Description: OSHA proposes to amend Section 1903.7 by issuing a legislative rule to expressly authorize its compliance officers to use personal sampling devices and to attach such devices to employees during the conduct of workplace inspections. The proposed rule would remove any questions concerning the agency's authority to use personal sampling devices as an aid in its workplace inspections.

Legal Authority: 29 U.S.C. 657 (a) and (g)(2).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 02/12/82 (47 FR 6530) with comments due by 04/13/82. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave. NW. Washington, D.C. 20210; (202) 523–7075.

12. Title: Lead—Reconsideration of Whole Standard*—29 CFR 1910.1025—(OSHA/Health)

Abstract/Description: The current standard for occupational exposure to lead was promulgated in 1978. It sets a PEL of 50 micrograms of lead per cubic meter (ug/m^3) of air, and requires the use of feasible engineering or workpractice controls. There are serious questions concerning significant risk, feasibility and cost-effectiveness of the standard in certain industries; therefore, OSHA has announced its intention to review and reconsider the regulation.

Legal Authority: 29 U.S.C. 655.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 04/21/81 (46 FR 22764) with comments due by 06/01/81. The ANPRM asked for comment on such issues as economic and technological feasibility, and cost-effectiveness. It is expected that the proposal will be published by 12/82.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

13. Title: Lead—Reconsideration of Whole Standard; Stay of Compliance Plan Provision for the 3 Lead Industries—29 CFR 1910.1025(e)(3)(ii)(B) and (E)—(OSHA/Health)

Abstract/Description: Under the lead standard, employers must establish a written compliance program describing the means by which it intends to reduce employee exposures to the permissable explosure limit (PEL) (or the interim level) by means of engineering and work practice controls within the time specified by the regulation. Because the lead standard is being reconsidered, OSHA proposes to stay the date by which the written compliance plan must be completed and available to the Agency for the primary and secondary lead smelting industries and the battery manufacturing industry.

Legal Authority: 29 U.S.C. 657.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed administrative stay was published on 06/18/82 (47 FR 26560) with comments due by 07/19/82. A notice of deferral of the effective date until 08/30/82, was also published on 06/18/82 (47 FR 26557). On 09/14/82 (47 FR 40410), OSHA published a notice of a 60-day temporary stay of the effective date of the compliance plans provisions for the three major lead using and producing industries. Final decisions on this matter will be published by November 1982.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

14. Title: Lead—Remanded Industries; coverage of the stevedoring industry—29 CFR 1910.1025—(OSHA/Health)

Abstract/Description: Circumstances unique to the stevedoring industry may make the application of the OSHA Lead Standard, in its present form, inappropriate. Therefore, OSHA has proposed to exempt this industry or to administratively stay application of the entire standard to this industry while the Agency examines (1) whether the stevedoring industry should be subject to this, or any lead standard and (2) if the industry should be subject to a different lead standard, what form that standard should take.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice was published on 02/26/82 (47 FR 8381) with comments due by 03/29/82. It is expected that final decisions in this matter will be published by 11/82.

E.O. #12291: A Regulatory impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg.; 200 Consititution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

15. Title: Lead—Quantitative Fit Testing (QNFT) (Interim Rule)—29 CFR 1910.1025(f)(3)(ii)—(OSHA/Health)

Abstract/Description: The present OSHA Lead Standard requires the use of QNFT, a method for numerically measuring facepiece seal leakage, on all users of negative pressure respirators. New information indicates that certain types of qualitative fit testing (QLFT), a method that relies on the wearer's subjective response to pressure, an irritant fume or a substance with a characteristic odor or taste, may be adequate to determine the fit of negative pressure respirators. OSHA has proposed an interim rule to permit the use of QLFT pending its reconsideration of the general respirator standard (1910.134) and the QNFT requirements of the Lead Standard (1910.1025(f)(3)(ii)).

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 05/19/81 (46 FR 27356) with comments due by 11/13/81. On 01/10/81, the comment period was extended to 08/4/81 (46 FR 35683). Thereafter it was extended to 11/13/81. Public hearings were held in Washington, D.C., on 09/23/81. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg.; 200 Constitution Ave.

NW., Washington, D.C. 20210; (202) 523–7075.

16. Title: Access to Employee Exposure and Medical Records (Reconsideration of Whole Rule)—29 CFR 1910.20—(OSHA/Health)

Abstract/Description: The regulation, promulgated in May, 1980 (45 FR 35212), requires employers to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances, and to assure access to these records by employees, designated employee representatives, and OSHA. OSHA has reviewed the regulation and has proposed certain modifications including revision of the definitions of "toxic substance" and "exposure records", changes in the scope and application of the regulation and additional trade secret protection provisions.

Legal Authority: 29 U.S.C. 655(b) and 657.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 07/13/82 (47 FR 30420) with comments due by 09/21/82. The notice of proposed rulemaking also scheduled a hearing for 10/05/82 in Washington, D.C., with notices of intention to appear to be received before 09/14/82. Statements and documentary evidence to be presented at the hearing were to be submitted before 09/21/82. It is expected that the final rule will be published by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

17. Title: Recordkeeping—29 CFR 1904 .12, 1904.16—(OSHA/Health/Safe)

Abstract/Description: The rule would exempt certain groups of employers from OSHA recordkeeping requirements. The proposal would exempt employers in industrial classifications with injury rates that are significantly lower than the average lost workday case rate.

Legal Authority: 29 U.S.C. 657.

Effects on Small Business: A regulatory Flexibility Analysis is required: Yes.

Timetable/Status: A notice of proposed rulemaking was published on 06/04/82 (47 FR 24346) with comments due by 07/06/82. It is expected that the final rule will be published by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

18. Title: Marine Terminals *—29 CFR Pt 1918a—(OSHA/Safety)

Abstract/Description: This new standard would facilitate compliance for employers in the marine cargo handling industry. These employers are currently required to comply with standards in two sets of regulations, General Industry and Maritime Employment.

Legal Authority: 29 U.S.C. 655(b); 33 U.S.C. 941.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 01/16/81 (46 FR 4182). The comment period ended on 08/15/81. A notice was published on 04/06/82 (47 FR 14716), further extending the comment period to 05/03/82, and announcing a series of public hearings which were held on 05/25/82, 06/08/82, and 06/22/82, to address issues raised by the proposal and the alternative provisions. It is expected that the final rule will be published by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

19. Title: Walking/Working Surfaces *—29 CFR Pt 1910—Subpt D—(OSHA/Safety)

Abstract/Description: The present Subpart D needs to be revised because it is out of date and restricts technological innovation. The proposed revision will be performance oriented.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 04/23/76 (41 FR 17102) with comments due by 06/22/76. It is expected that the proposal will be published by 07/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605 FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

20. Title: Revocation of Advisory and Repetitive Standards—29 CFR Pt 1910—(OSHA/Safety)

Abstract/Description: There are a number of subject areas now presently covered by a "should" provision. Because of numerous court decisions holding that these rules are only advisory, OSHA has been precluded from enforcing abatement of associated hazards. The revocation of these provisions as well as some duplicative standards will aid in clarifying the General Industry Standards.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 05/28/82 (47 FR 23477) with comments due by 07/27/82. On 06/08/82 (47 FR 24751) and 06/15/82 (47 FR 25743), notices were published correcting the 05/28 proposal. On 08/10/82 (47 FR 34577) the comment period was extended to 09/10/82. It is expected that the final rule will be published by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

21. Title: Concrete, Concrete Forms and Shoring—29 CFR Pt 1926—Subpt Q—(OSHA/Safety)

Abstract/Description: One of the greatest hazards associated with concrete and masonry structures in the construction industry is the collapse or failure of the entire structure or its forms and shoring. The catastrophic failures that have occurred in recent years compel review of the existing standard applicable to such construction operations.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 02/09/82 (47 FR 5910) with comments due by 04/10/82. It is expected that the proposal will be published by 09/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

22. Title: Multi- and Single-Piece Rim Wheels—29 CFR 1910.177—(OSHA/Safety)

Abstract/Description: OSHA is proposing to amend section 1910.177, Servicing Multi-Piece Rim Wheels, to include the servicing of single-piece rim wheels. A review of injuries incurred by employees servicing single piece rim wheels indicates risks comparable to those associated with servicing multi-piece rim wheels prior to the issuance of section 1910.177. The proposed amendment, if adopted, would require employee training, both initial and periodic refresher, the use of clip-on chucks and observance of prohibited areas while inflating single piece rim wheels, correct matching of tires and wheels, and adherence to safe servicing procedures. It is expected that the cost of the regulation would be minimal.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: It is expected that the proposal will be published in 10/82.

E.O. #12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

23. Title: Grain Handling Facilities*—29 CFR Pt 1910, Subpt H (new section)—OSHA/Safety)

Abstract/Description: Employees in grain handling facilities (grain elevators, processing plants, and mills) are exposed to safety hazards associated with fires and explosions. Enforcement personnel have met with difficulties in the application of existing OSHA general industry standards to control these major hazards. OSHA is now developing a proposed standard for grain handling facilities.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 02/15/80 (45 FR 10732) with comments due by 03/24/80. It is expected that the proposal will be published by 03/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

24. Title: Commercial Diving Operations: Whole Standard*—29 CFR Pt 1910—Subpt T—(OSHA/Safety/Com. D)

Abstract/Description: The standard regulates commercial diving operations. It needs to be revised to provide more flexibility to small diving operations with regard to equipment use, medical fitness, and recordkeeping. In addition, other issues need to be resolved, including the issue of dual jurisdiction over diving operations which now exists between OSHA and the U.S. Coast Guard. The standard has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 02/26/82 (47 FR 8379) with comments due by 06/14/82. Originally the comment period ended on 04/12/82, but on 04/16/82 the comment period was extended to 06/14/82. It is expected that the proposal will be published by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

25. Title: Commercial Diving Operations: Exemptions*—29 CFR 1910.401(a)(2)(iv)—Subpt T—(OSHA/Safety/Com.D)

Abstract/Description: The OSHA standard for commercial diving operations does not exempt diving operations performed solely for marine scientific research and development purposes by educational institutions. However, the U.S. Coast Guard standard, which is similar in content to the OSHA standard, does exempt educational/scientific diving. Therefore, OSHA is in this notice proposing an exemption for educational/scientific diving which is identical to that which is presently contained in the U.S. Coast Guard's standard for commercial diving operations (46 CFR Part 197). The commercial diving operations standard has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: An advance notice of proposed rulemaking was published on 08/17/79 (44 FR 48274) with comments due by 10/15/79. A notice of proposed rulemaking was published on 03/26/82 (47 FR 13005) with comments due by 05/10/82. Additionally, interested parties were given until 04/26/82 to file objections to the proposal and request an informal hearing. On 05/28/82 (47 FR 22972), the comment period was extended to 06/18/82. Hearings were held in June and July 1982. It is expected that the final rule will be published by 10/82.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

25a. Title: State Plan Benchmarks—29 CFR 1902—(OSHA/Safety)

Abstract/Description: The proposed rule will allow OSHA to grant final approval under Section 18(e) of the Act to eligible States when their compliance staffing is equivalent to Federal staffing. This action has been precluded for the past four years because of "benchmark" staffing requirements established in response to a 1978 Court decision and order. Through FY 1982 Supplemental Appropriations action (P.L. 97-257), Congress has required the modification of these previously established benchmarks and established the principle that State staffing need only be equivalent to current comparable Federal staffing. The preamble to the proposed rule will also give public notice of the actual required benchmark modifications for each State operating an approved State plan.

Legal Authority: Pub.L. 91-596, § 8(g), and 18.

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the notice of proposed rule-making will be published by 10/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Patrick R. Tyson; Rm S4004 FP Bldg.; 200 Constitution Ave. NW, Washington, D.C. 20210; (202) 523-8021.

Review of Existing Regulations

26. Title: Asbestos*—29 CFR 1910.1001—(OSHA/Health)

Abstract/Description: OSHA contemplates revising this rule because NIOSH and other sources have provided data to OSHA indicating that the present OSHA permissible exposure limit (PEL) may not adequately protect workers from asbestos-related diseases. The revision may include a reevaluation of the current PEL and control requirements representing the most cost-effective way for industries to achieve the PEL.

Legal Authority: 29 U.S.C. 655(b), 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 02/83.

E.O #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718, FP Bldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-7075.

27. Title: Nonionizing Radiation—29 CFR 1910.97—(OSHA/Health)

Abstract/description: The current rules needs revision because it states that it is a guide and uses the advisory words "should" and "recommended" in its provisions. Hence it has been construed to be advisory and unenforceable. It is necessary to implement an enforceable standard because the hazards of exposure above the currently recommended level are widely accepted. Also, the ever increasing use of radio frequency radiation emitting devices has produced strong public and congressional concern.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 08/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Dr. Leonard Vance; Rm N3718, FP Bldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

28. Title: Engineering Controls vs Respirators; Generic Question*—29 CFR Part 1910—(OSHA/Health)

Abstract/Description: Current OSHA standards, both general and specific, now require that feasible engineering controls, rather than respirators, are to be used as the primary means to control employee exposure to airborne toxic materials. It has been requested that OSHA reexamine this policy on cost-effectiveness grounds and consider modification of present standards. This regulation has been targeted for review by the President's Task Force on Regulatory Relief.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the proposal will be published by 6/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

29. Title: Noise—Review of the Standard as a Whole (PEL and Methods of Compliance)*—29 CFR 1910.95—(OSHA/Health)

Abstract/Description: OSHA's existing standard specifies a maximum permissible exposure limit (PEL) of 90 dB and requires reduction of noise levels through the use of engineering or administrative means, whenever feasible. The noise standard has been targeted for review by the President's Task Force on Regulatory Relief. OSHA proposes to review the standard in order to assess the cost-effectiveness of various regulatory alternatives that the Agency has not previously studied. The Agency intends to examine the PEL in view of current research data.

Legal Authority: 29 U.S.C. 655(b)

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the proposal will be published by 8/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Dr. Leonard Vance; Rm N3718, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

30. Title: Ionizing Radiation—29 CFR 1910.96—(OSHA/Health)

Abstract/Description: A number of different federal agencies have responsibility for regulating occupational exposure to ionizing radiation. OSHA is reviewing its regulations to insure that they remain consistent with other federal agencies' regulations.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: OSHA is participating in a number of interagency activities with regard to ionizing radiation. Although the review is continuing, OSHA does not anticipate publication of any rulemaking documents within the next six months.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Dr. Leonard Vance; Rm N3718, FP Bldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–7075.

31. Title: Hazardous Materials*—29 CFR Pt 1910, Subpt H—(OSHA/Safety)

Abstract/Description: The present Subpart H standard is out of date and in some respects is oriented towards public safety and property protection. OSHA has been petitioned to cover many other hazardous materials operations where presently it has no standards.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: An advance notice of proposed rulemaking was published on 01/23/81 (46 FR 7692) with comments due by 02/01/82 (46 FR 38108). It is expected that the review of the entire subpart will take more than a year.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605, FPBldg.; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

32. Title: Electrical Safety—Related Work Practices*—29 CFR Pt 1910—Subpt S (new section)—(OSHA/Safety)

Abstract/Description: Standards are currently under review for the second part (Subpart S of Part 1910) of OSHA's electrical standard, which relates to Electrical Safety Related Work Practices.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

33. Title: Powered Platforms for Exterior Building Maintenance—29 CFR 1910.66—Subpt F—(OSHA/Safety)

Abstract/Description: The present standard, which requires positive engagement of a powered platform with a building face to provide stabilization, may need to be revised because many variance designs have been submitted which do not provide positive engagement of the platform, yet claim equal stability. The agency believes there may be merit to this claim.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 11/82.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523–8061.

34. Title: Oil and Gas Well Drilling and Servicing*—29 CFR Pt 1910—(OSHA/Safety)

Abstract/Description: Employees in oil and gas well drilling and servicing are exposed to a variety of safety hazards which are not specifically covered by present OSHA safety standards. It has proved difficult to apply the existing general industry standards to control the unique nature of this industry. OSHA is considering a standard which will address the unique problems of oil and gas well drilling and servicing.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 02/83.

E.O. #12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

35. Title: Mechanical Power Transmission Apparatus—29 CFR Pt 1910—Subpt O—(OSHA/Safety)

Abstract/Description: The current standard may need to be revised because it emphasizes line shafting, belt and pulley systems that are alleged to be obsolete. The current standard also overlaps with other rules. In addition, the standard could be made more "performance" oriented than it is now.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: It is expected that the review will be completed by 12/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

36. Title: Excavations, Trenching and Shoring—29 CFR Pt 1926—Subpt P—(OSHA/Safety)

Abstract/Description: This rule prescribes and recommends the minimum measures to be taken to protect employees from injury during excavation work. A revision of the existing rule is being considered because trench and excavation sidewall failures that have resulted in death and injury to workers continue in significant numbers. Claims that the standards are ambiguous and too restrictive, especially with respect to the type of soil involved, have also been made.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 04/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

37. Title: Floor and Wall Openings, and Stairways—29 CFR Pt 1926—Subpt M—(OSHA/Safety)

Abstract/Description: The existing standard is being reviewed because it is poorly formatted, ambiguous, omits coverage of several areas needing fall protection and is misnamed. The standard has resulted in industry and trade confusion as well as compliance officer misapplication because of its present format and language.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 06/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

38. Title: Underground Construction (Tunnels and Shafts)—29 CFR Pt 1926 Subpt S (§§ 1926.800-802)—(OSHA/Safety)

Abstract/Description: The existing standards may be revised to update the treatment of hazards of construction in underground locations such as tunnels, shafts, chambers, passageways and covered excavations. In some cases, the existing standard may be too restrictive. Additionally, some of the language is ambiguous.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 02/83.

E.O. #12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

39. Title: Electrical Standards—Construction*—29 CFR Pt 1926—Subpt K—(OSHA/Safety)

Abstract/Description: The current OSHA standard incorporates the old (1971) National Electrical Code by reference and is in need of updating. The agency is examining the rule in light of repeated criticisms that many details in the present standard either conflict with or limit the implementation of current construction practices.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 02/83.

E.O. No. 12291: A Regulatory Impact Analysis is required: Yes.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

40. Title: Ladders and Scaffolds—29 CFR Pt 1926—Subpt L—(OSHA/Safety)

Abstract/Description: Several significant problem areas in this rule are being reviewed: (1) the maximum distance between the scaffold and the wall; (2) whether cross-bracing may be used in lieu of guardrails; (3) whether cross-bracing may be used as ladders.

Legal Authority: 29 U.S.C. 655(b); 40 U.S.C. 333.

Effects on Small Business: A Regulatory Flexibility Analysis is required: Yes.

Timetable/Status: It is expected that the review will be completed by 05/83.

E.O. No. 12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

41. Title: Conveyors—29 CFR Part 1910—Subpart N—(OSHA/Safety)

Abstract/Description: This rule would specify general work practice requirements, guarding requirements and provisions for safeguarding during repairs, tests and services.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: TBD.

Timetable/Status: A notice of proposed rulemaking was published on 06/03/74 (39 FR 19507) with comments due by 06/30/81. Following a public hearing in 10/74, the project was dormant until 11/14/80 when a notice to reopen the record was published (45 FR 75238). A notice to schedule a public hearing and extend the comment period was published on 01/16/81 (46 FR 3916). On 04/10/81 a notice (46 FR 21368) was published to cancel the public hearings, schedule public meetings, and propose the addition of non-mandatory appendices. Public meetings were held in 05/81 and the public comment period eneded 06/30/81. Industry contended the standard was unnecessarily excessive and not needed. At this time, it has not been determined whether further regulatory action will be undertaken with the next year.

E.O. No. 12291: A Regulatory Impact Analysis is required: TBD.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

Completed Actions

42. Title: Standards for Shipyard Employment—29 CFR Pt 1915—(OSHA/Safety)

Abstract/Description: The purpose of this rule is to consolidate Parts 1915, 1916 and 1917 of the Shipyard Regulations into a single comprehensive Part, entitled "Part 1915—OSHA Standards for Shipyard Employment," to make it easier for both the public and OSHA to use rules and reduce the volume of the standards. This consolidation action does not alter the substantive requirements of the standards themselves nor does it change their present scope and application. Substantive amendments to the shipyard standards are not included here and notice and comment on these changes were therefore not required.

Legal Authority: 29 U.S.C. 655(b) and 657(g).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A final rule was published on 04/20/82 (47 FR 16984) an became effective on 05/20/82.

E.O. No. 12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

43. Title: Gasoline Dispersing: Latch and Attendant requirements—29 CFR Pt 1910.106(g)(2) and (g)(3)(iv)—(OSHA/Safety)

Abstract/Description: The previous OSHA standard for gasoline service stations, open and available to the public, prohibits the use of latch-open devices on gasoline delivery nozzles used by persons other than the service station attendant. This rule would permit the use of such devices. In addition, the rule would remove references to service station attendants be deleting confusing language in the existing standard.

Legal Authority: 29 U.S.C. 655(b).

Effects on Small Business: A Regulatory Flexibility Analysis is required: No.

Timetable/Status: A notice of proposed rulemaking was published on 03/30/82 (47 FR 13386) with comments due by 04/29/82. A final rule was published on 09/07/82 (47 FR 39161) and became effective on 09/07/82. This item is therefore removed from the agenda.

E.O. No. 12291: A Regulatory Impact Analysis is required: No.

Agency Contact: Barry White; Rm N3605 FPBldg; 200 Constitution Ave. NW., Washington, D.C. 20210; (202) 523-8061.

Signed this 24th day of September, 1982, at Washington, D.C.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-28103 Filed 10-27-82; 8:45 am]

BILLING CODE 4510-23-M

federal register

Thursday
October 28, 1982

Part XIII

Department of State

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

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DEPARTMENT OF STATE

22 CFR Ch. I

[Docket No. SD-180]

Semiannual Agenda of Regulations and Regulatory Flexibility Agenda

AGENCY: Department of State.

ACTION: Publication of Regulatory Agenda.

SUMMARY: As required by Executive Order 12291 and OMB Bulletin No. 82-16, the October 1982 agenda of regulations of the Department of State is set forth below. The agenda also contains regulatory flexibility information required by the Regulatory Flexibility Act of 1980 (Pub. L. 96-354).

FOR FURTHER INFORMATION CONTACT: K. E. Malmborg, Assistant Legal Adviser for Management, Department of State, Room 4427A, 2201 C Street, NW, Washington, D. C. 20520, telephone (202) 632-2350.

CURRENT AND PROJECTED RULEMAKINGS

Title: Foreign Missions Act Regulations

Agency Contact: Walter F. Weiss, Deputy Assistant Secretary for Operations, Department of State, 2201 C Street NW., Washington, D.C. 20520 (202) 632-1638.

Effects on Small Business and Other Entities: Significant economic effect on small vendors is not expected.

CFR Citation: 22 CFR Part unassigned.

Legal Authority: Title II of P.L. 97-241 (96 Stat. 282).

Abstract: The Foreign Missions Act creates certain authorities for the Secretary of State relating to the regulation of foreign missions, diplomatic, consular, and international organization. Exercise of those authorities could involve restricting or controlling the access of such missions to American vendors of goods and services. Exercise of other authorities in the Foreign Missions Act could affect the location of premises of foreign missions. The regulations under consideration would provide procedures for exercise of these authorities.

Timetable: These regulations are at the stage of preliminary consideration. No timetable has been established.

Title: Intergovernmental Review of Federal Programs

Agency Contact: Ely Maurer, Assistant Legal Adviser for Educational, Cultural and Public Affairs, Department of State, 2201 C Street NW., Washington, D.C. 20520 (202) 632-2682.

Effects on Small Business and Other Entities: No.

CFR Citation: 22 CFR Part unassigned.

Legal Authority: E.O. 12372 of July 14, 1982 (47 FR 30959).

Abstract: To implement the requirements of E.O. 12372 (47 FR 30959), which is designed to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development.

Timetable: To be determined.

REVIEW OF EXISTING REGULATIONS

Title: International Traffic in Arms

Agency Contact: William B. Robinson, Director, Office of Munition Control, Department of State, 2201 C Street NW., Washington, D.C. 20520, (202) 632-9755.

Effects on Small Business and Other Entities: No.

CFR Citation: 22 Parts 121-128 and 130.

Legal Authority: The Arms Export Control (22 U.S.C. 2757 et seq.).

Abstract: The proposed international Traffic in Arms Regulations (ITAR) referred to in the April Semiannual Agenda (47 FR 21555, May 10, 1982) are still under consideration in light of Executive Order 12291.

Timetable: Proposed regulations are expected to be ready to be brought into force toward the end of 1982 or early 1983.

COMPLETED ACTIONS

Title: Claims of U.S. Nationals against Iran within the jurisdiction of the Iran-U.S. Claims Tribunal

Agency Contact: David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, 2201 C Street NW., Washington, D.C. 20520. (202) 632-7810.

Abstract: It has been determined that issuance of regulations is unnecessary. Information for the claimants and the general public about Tribunal procedures and other relevent matters is disseminated by Public Notice published from time to time in the **Federal Register.**

Title: Hostage Compensation Regulations

Agency Contact: Walter F. Weiss, Deputy Assistant Secretary for Operations, Department of State, 2201 C Street NW., Washington, D.C. 20520. (202) 632-1638.

Effects on Small Business and Other Entities: No.

CFR Citation: 22 CFR Part 191.

Abstract: Proposed legislation to implement recommendations of the President's Commission on Hostage Compensation has been sent to Congress but has not been acted upon. Until legislation is enacted, regulations currently in place to implement the Hostage Relief Act of 1980 need not be modified or expanded.

Dated: September 28, 1982.

Robert H. Miller,

Acting Under Secretary for Management.

[FR Doc. 82-28104 Filed 10-27-82; 8:45 am]

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Thursday
October 28, 1982

Part XIV

Department Of Transportation

Office of the Secretary

Regulatory Agenda Semi-Annual Summary

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Ch. 1

23 CFR Chs. I and II

33 CFR Chs. I and IV

41 CFR Ch. 12

46 CFR Chs. I and III

49 CFR Subtitle A, Chs. I-VI

[OST Docket No. 59; Notice 80-2]

Department Regulations Agenda; Semi-Annual Summary

AGENCY: Department of Transportation.

ACTION: Department Regulations Agenda

SUMMARY: The Regulations Agenda is a semi-annual summary of all current and projected rulemakings, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated, or for which action has been completed since the last Agenda. The Agenda provides the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing address for the initiating offices of the Department which appear in the Agenda and the Review List are 400 Seventh Street, S.W., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue, S.W., Washington, D.C. 20591, and the U.S. Coast Guard, which is located at 2100 Second Street, S.W., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review List, in general, contact: Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, 202-426-4723.

Specific

For further information about any particular item on the Agenda, contact the individual listed in the column headed "Agency Contact" for that item.

SUPPLEMENTARY INFORMATION:

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  Mailing Lists for Regulatory Documents
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Background

Improvement of government regulations is a prime goal of the Reagan Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, and in accordance with Executive Order 12291 ("Federal Regulation"; 46 FR 13193; February 19, 1981) and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), the Department prepares a semi-annual Regulations Agenda for publication in the **Federal Register**. The Agenda summarizes all current and projected rulemaking, reviews of existing regulations and completed actions of the Department. These are matters on which action has begun or is projected during the succeeding 12 months or such longer period as may be anticipated or for which action has been completed since the last Agenda.

The Agendas are based on reports submitted by the initiating offices by the beginning of February and August each year. After these reports are consolidated for, and reviewed by, the Department Regulations Council, the Department's Regulations Agenda is prepared and published in the **Federal Register**. The Department's last Agenda was published in the **Federal Register** on April 1, 1982 (47 FR 14014). The next one is scheduled for publication in the **Federal Register** in April 1983.

Regulatory Flexibility Act

In 1980, Congress passed the Regulatory Flexibility Act (RFA), P.L. 96-354, which requires the designation of those regulations for which a Regulatory Flexibility Analysis will be prepared, i.e., those regulations that would have a significant economic impact on a substantial number of small entities. The symbol "†" appears at the left margin, prior to the title, for each significant and nonsignificant regulation in this Agenda for which a Regulatory Flexibility Analysis will be, or has been, prescribed. In addition, where the RFA applies to a significant regulation in this Agenda, that fact is noted in the regulation's summary under subheading E, "Analysis," by the addition of a slash (/) after the words "Regulatory Evaluation" or "Regulatory Impact Analysis," followed by the words "Regulatory Flexiblity Analysis." In addition, subheading D. "Effects on Small Entities" will indicate whether a Regulatory Flexibility Analysis is required by a "yes" or a "no."

The RFA also requires that each year the Department publish a list of those regulations that have a significant economic impact on a substantial number of small entities and are to be reviewed under the Act during the succeeding twelve months. The agenda includes those regulations to be reviewed under the RFA or those for which review has been concluded since the last Agenda. The symbol "†" also will appear in the left margin, prior to the title, and a "yes" or "no" will be found under subheading D, for each such regulation. It should be noted, however, that after a preliminary assessment of the regulations listed for RFA review, it may be found that the regulations, in fact, do not have a significant economic impact on a substantial number of small entities and a full RFA review will be unnecessary.

Definitions

The Agenda covers all rules and regulations of the Department, including those that establish conditions for financial assistance. The following definitions are provided for ease in understanding the information in this document.

(1) *Initiating office* means an operating administration or other

organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) *Significant regulation* means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the Secretary, or the Deputy Secretary -

(a) Is a major regulation;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or other Federal Agency;

(d) Has a substantial effect on State and local governments;

(e) Has a substantial impact on a major transporation safety problem;

(f) Initiates a substantial regulatory program or change in policy;

(g) Is substantially different from international requirements or standards; or

(h) Otherwise involves important Department policy.

(3) *Major regulation* means a significant regulation for which a Regulatory Impact Analysis is required to be prepared.

(4) *Emergency regulation* means (a) a regulation that, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the **Federal Register**; or (b) is governed by short-term statutory or judicial deadlines.

(5) *Nonsignificant regulation* means a regulation that, in the judgment of the head of the initiating office, is neither a significant nor an emergency regulation.

A preliminary and final Regulatory Impact Analysis is required for each proposed and final regulation, respectively that

(1) is likely to result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major effect on the general economy in terms of costs, consumer prices, or production;

(c) A major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions;

(d) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets; or

(2) The Secretary or head of the initiating office determines deserves such an analysis.

Explanation of Information on the Agenda

In accordance with Office of Management and Budget Bulletin No. 82-16 (July 22, 1982), it has been necessary for use to revise the headings under which the information on our Agenda is presented. The following describes our new system.

The Regulations Agenda is divided by initiating offices. For each initiating office the Agenda is divided into three categories: (1) current and projected rulemakings, (2) reviews of existing regulations, and (3) completed actions. These categories are further subdivided into priority rulemakings (or regulations) and other rulemakings. Priority rulemakings are divided into major and non-major, with non-major including all significant rulemakings that do not require a regulatory impact analysis. The "other rulemakings" include all those defined by the Department as nonsignificant, including the routine and frequent rulemakings. For each entry, the Agenda provides the following information: (1) a short descriptive title; (2) a summary; and (3) a timetable, including the earliest expected date for a decision on whether to issue the proposed or final regulation, or complete the review and determine the corrective action to be taken. (The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12291 and the Department's Regulatory Policies and Procedures.)

The summary includes: (A) an abstract of the review or the proposed or final regulation; (B) the related regulatory citation in the Code of Federal Regulations; (C) the legal basis for the action being taken or the regulation being reviewed; and (D) a statement as to whether the Regulatory Flexibility Act applies because of the rulemaking's effect on small entities. It may also include (E) a listing of any analyses an initiating office will prepare or has prepared for the rulemaking document; e.g., a Regulatory Impact Analysis or Evaluation, an Environmental Impact Statement (EIS), a Regulatory Flexibility Analysis, or an Urban Impact Analysis. It should be noted that, even though a Regulatory Impact Analysis is not required for some items on the Agenda, the Department requires an economic analysis for all of its regulations. This economic analysis is contained in the Regulatory Evaluation. (F) If there is information that does not fit in the above categories, it will be included under a separate heading, entitled "Additional Information". For each entry, the summary will also include (G), an agency contact office or official who can provide further information, including advice on how to obtain documents referenced in the Agenda.

For nonsignificant regulations issued routinely and frequently as a part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the rulemaking. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHPM number at this point for easier reference by those who use the Federal-aid Highway Program Manual (FHPM). The numbers following the FHPM represent, respectively, the volume, chapter, section and subsection at which the material is located in the FHPM.

In the "Timetable" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, SNPRM for Supplemental Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a future date in this column is not an indication that a proposal or a final rule will be issued on that date; it is the earliest date on which a decision is expected to be made on whether to issue the document listed. Submittal of any proposed or final rule to the Office of Management and Budget for review, under Executive Order 12291, must follow such a decision. For major rules, this review could take 60 days or more. If any document is issued, publication in the **Federal Register** would follow within a few days. In addition, these dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs that were established to review existing regulations and revoke or revise those regulations that the initiating office determined were not achieving their intended purpose. Projects under regulatory development that resulted from a review of existing regulations to determine whether they should be revoked or revised are preceded by the word "Review" in the "Title" column. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of projects in the regulatory development stage may limit the number of reviews that can be added.

General

To allow for easier use of the Agenda and for quick comparison with earlier Agendas, the Department has instituted the following additional procedures in the Agenda: (1) Items listed on the Agenda retain the same order in each semi-annual publication. If subheadings are used within an initiating office's listing, then the same order is retained within each subheading. (2) New items generally are added at the end of the appropriate portion of the Agenda and are identified by an asterisk ("*") on the left side of the "Title" when first added. (3) New substantive information added to items that were on an earlier Agenda is printed in italics.

Mailing Lists for Regulatory Documents

To assist the public in obtaining regulatory documents issued within the Department of Transportation, an Appendix A has been included in this document. The appendix contains instructions on how to be placed on mailing lists for copies of regulatory documents, including the Department's Semi-Annual Regulations Agenda, issued by the operating administrations of the Department and the Office of the Secretary. There is no charge for this service; however, because of the costs involved, the number of copies of a document forwarded to an individual requestor may be limited. Persons already on mailing lists for particular documents within the Department will remain on those lists and should not reapply.

By following the instructions specified in the appendix, a person can be placed on a mailing list for future copies of the Department's Regulations Agenda, which will be updated and published in the **Federal Register** every year during April and October. By using the Agenda, individuals can determine which Notice or Advance Notice of Proposed Rulemaking, to be issued by elements of the Department, is of interest to them. Then, using the instructions in the appendix, such persons also can be placed on a mailing list to ensure that, after the document of interest is issued, a copy will be mailed to them for their review and comment. In this way, individuals will be relieved of the burden of having to review the **Federal Register**, perhaps on a daily basis. The Department expects that this process will ensure that those people placed on mailing lists will receive early notice so that their views on the document can be adequately prepared and presented within the established comment period.

General Rulemaking Contact Persons

To assist persons desiring to obtain general information concerning the rulemaking process within the Department's operating administrations, an Appendix B has been added to the Agenda. This appendix sets forth the addresses and the telephone numbers of the persons who can respond quickly to requests for general rulemaking information. Please note, however, that questions related to particular rulemaking actions should still be referred to the contact person listed with the particular rulemaking on the Agenda.

Public Rulemaking Dockets

To facilitate the inspection of docket files and the submission of comments by the public, an Appendix C sets forth the addresses and working hours for the Rules Docket for each operating administration.

Request for Comments

Agenda

Our Agenda is intended primarily for the use of the public. In each of the Agendas that we have issued, we have made modifications and refinements that we believe provide the public with more helpful information as well as make the Agenda easier to use. We would now like to ask you, the public, to make suggestions or comments on how the Agenda could be further improved. For example, do you find the information presented in an easily understandable manner? Do you find it easy to follow a regulation's development from Agenda to Agenda? Do you find that the format for setting out the information enables you to use the Agenda easily? Do you find that the explanation of the information in the Agenda is clearly explained in the preamble to the Agenda? Your responses to these questions or any other comments or suggestions you may have should be sent to Neil R. Eisner, whose address appears above.

Reviews

In an effort to comply further with the spirit of Executive Order 12291 and the Regulatory Flexibility Act, we are also seeking suggestions on existing regulations that should be included in our review of existing regulations list; that is, which existing regulations issued by an operating administration of the Department or the Office of the Secretary do you believe need to be reviewed to determine whether they should be revised or revoked? The Department is particularly interested in obtaining information on requirements that have a "significant economic impact on small entities" and therefore, must be reviewed under the Regulatory Flexibility Act. If you have any suggested regulations, please send them, along with your explanation of why they should be reviewed, to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Addresses" paragraph above.

In accordance with the Regulatory Flexibility Act, comments are specifically invited on regulations that are targeted for review under the RFA. Those comments should be addressed to the "contact" person of the operating administration involved, at the appropriate address noted in the "Addresses' paragraph above.

It should be noted that in February 1981, the Department initiated a systematic review of over 40 of its most costly and controversial existing regulations for possible revision/rescission. Most of these reviews are now completed and a second group of Department of Transportation regulations have been selected for priority review treatment. Regulations selected for either the first or second round of this priority review process are listed under the subheading "Priority

Regulations" in the review portion of the Agenda.

Innovative Regulatory Techniques

The Department of Transportation is reviewing its regulations for areas where the application of innovative regulatory techniques would be appropriate. The Department invites the assistance of the public in this search.

Particular techniques that have shown promise throughout the federal government are (1) the creation of marketable rights; (2) the use of economic incentives; (3) the use of performance standards; (4) the use of market-oriented compliance measures; (5) the enhancement of competition; (6) the use of information disclosure; (7) the use of voluntary standards; and (8) the tailoring of standards to distinguish among categories of regulated entities ("tiering"). More complete descriptions of these innovative techniques are set forth in Appendix D. The Department of Transportation is already using these techniques in many regulatory programs. However, the views of the public are solicited with respect to other regulatory programs where these techniques can be applied effectively to reduce the burdens on regulated entities or to reduce governmental costs. If you have any suggestions, please send them to the concerned operating administration or the Office of the Secretary, at the appropriate address noted in the "Address" paragraph above. Additional information on the innovative techniques program can be obtained by contacting Neil R. Eisner, whose address appears above.

Purpose

The Department is publishing this Regulations Agenda in the **Federal Register** to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals and reviews being considered, should result in more effective public participation in the Department's regulatory activity. For example, awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected date for a decision on whether to issue a final rule, the Department expects that more appropriate planning by those concerned with the regulation will also be possible. This publication in the **Federal Register** does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda or the Review List. Regulatory action in addition to the items listed is not precluded. If further information is desired on any of the items listed in the Agenda or the Review List, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda, in general, or the Department's Regulatory Policies and Procedures may be obtained from Neil R. Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on September 15, 1982.

Andrew L. Lewis,

Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

OST

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Allocation of "Slots" at Washington National Airport.	**A. Abstract:** Proposed amendment to establish procedures for allocating the hourly number of instrument flight operations (takeoffs and landings) or "slots" that may be reserved at Washington National Airport (WNA) in accordance with the FAA's High Density Rule. This proposal is considered a significant rulemaking project due to substantial public interest and potential costs to airlines. The Civil Aeronautics Board and the Department of Justice have expressed concerns about continuing the antitrust immunity under which the airline scheduling committees currently allocate slots at WNA. A new method of allocation may become necessary. **B. CFR Citation:** 14 CFR pt. 93 **C. Legal Authority:** 49 U.S.C. 1303, 1347, 1348 (a), (b), and (c), and 1354(a); (Sections 103, 306, 307 (a), (b), and (c), and 313(a), Federal Aviation Act of 1958, as amended); 49 U.S.C. 1655(c), (Sec. 6(c) DOT Act); Sec. 2, Act for the Administration of Washington National Airport, 54 Stat. 688. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** The CAB in conjunction with the FAA commissioned the Polinomics Research Laboratories, Inc., to research the allocation problem A report of its findings has been prepared. Another report by Econ, Inc. analyzing a slot allocation auction procedure has been prepared under an FAA contract. On August 15, 1980, the Secretary of Transportation issued a Policy for the Operation of Washington National Airport (WNA). The policy and implementing regulations were published in the Federal Register on September 18, 1980 (45 FR 62406). On October 29, 1980, DOT issued an emergency regulation for the temporary allocation of slots at WNA for the period December 1, 1980 until April 26, 1981, because of the failure of the scheduling committee to come to an agreement for that period. The emergency regulation was published in the Federal Register on November 3, 1980 (45 FR 72637). The NPRM for a long term solution to the slot allocation problem was issued on October 27, 1980 (45 FR 71236). A public hearing was held on February 13, 1981, and the comment period was extended until February 26, 1981 (46 FR 932, January 5, 1981). **G. Agency Contact:** Harvey Safeer, (202) 426-3331	NPRM	10/27/80	45 FR 71236
		Comment Period Extended	1/5/81	46 FR 932
		Public hearing	2/13/81	
		Further action to be determined.		
Nondiscrimination on the Basis of Handicap.	**A. Abstract:** The Department's section 504 rule is one of those selected for priority review. In addition, a May 1981 Federal Court of Appeals decision said that section 504 of the Rehabilitation Act of 1973 did not authorize the Department's rule as it affects mass transit. The Department published an interim final rule changing the transit portion of the rule on July 20, 1981 (48 FR 37488) to conform to the Court's decision. Other parts of the rule will be revised in light of the decision and as part of the priority review of the regulation, with an NPRM to be issued proposing any appropriate changes. The section 504 rule is a controversial regulation affecting all parts of DOT as well as many providers and users of DOT-funded or operated programs. The mass transit section of the rule is controversial and changes to the rule will be of considerable interest to the public. These regulatory actions are necessary in order to make the rule consistent with the Court's decision and the Administration's regulatory policy. **B. CFR Citation:** 49 CFR pt. 27 **C. Legal Authority:** 29 U.S.C. 794, (Section 504 of the Rehabilitation Act of 1973, as amended); 49 U.S.C. 1612(a), (Section 16(a) of the Urban Mass Transportation Act of 1964, as amended); 23 U.S.C. 142 nt, (Section 165(b) of the Federal-aid Highway Act of 1973, as amended). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation. (Interim amendment); Regulatory Impact Analysis (NPRM for comprehensive revision).	NPRM	11/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

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Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The Final Rule establishing the Department's section 504 regulations was published May 31, 1979 (44 FR 31442). Interim final rule published July 20, 1981 (46 FR 37488). After Department completes work on NPRM, it must be coordinated with the Department of Justice and the Office of Management and Budget before publication. **G. Agency Contact:** Robert C. Ashby, (202) 426-4723			

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
Title VI Civil Rights Regulation	**A. Abstract:** The proposed regulations would assemble in one package all DOT procedures and requirements concerning all recipients of financial assistance under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4). This rulemaking is significant because substantial public interest is anticipated and it will affect all of the DOT elements and the administration of all grant programs. The Department has an existing Title VI regulation dating from 1970, and a Title VI order promulgated by Secretary Coleman on Jan. 19, 1977, and reaffirmed by Secretary Adams in March of that year. This rule is undergoing a priority regulatory review within the Department, and changes may be proposed based on the results of this review. **B. CFR Citation:** 49 CFR pt. 21 **C. Legal Authority:** 42 U.S.C. 2000d-4 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** NPRM published in the Federal Register January 19, 1981, (46 FR 5588). No further action will be taken on this NPRM pending the outcome of the priority regulatory review. Comment period closed April 20, 1981. **G. Agency Contact:** *Shirley Lloyd (202) 426-4754*	NPRM Further action to be determined.	1/19/81	46 FR 5588
Minority Business Enterprise Program (Direct Contracting).	**A. Abstract:** This regulation would implement the requirements of DOT Order 4000.7A for DOT operating elements to take affirmative action to assure that minority business enterprises participate in Departmental procurement programs. This rulemaking is significant because substantial public interest is anticipated given the proposed action's potential impact on DOT's procurement programs. It is needed to implement the provisions of the DOT Order 4000.7A by providing detailed instructions for carrying out the affirmative action requirements of the order and to supplement the 1978 amendments to the Small Business Act. **B. CFR Citation:** 49 CFR pt. 23 **C. Legal Authority:** Executive Order 11625; Executive Order 12138; 45 U.S.C. 803; P.L. 95-507. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** NPRM was published on May 17, 1979 (44 FR 28928). The comment period closed on July 16, 1979. The Department published a final rule concerning its financial assistance programs on March 31, 1980 (45 FR 21172). The Department has concluded that further rulemaking in the direct contracting field is unnecessary at this time, and intends to withdraw this proposed rule. **G. Agency Contact:** Robert C. Ashby, (202) 426-4723	NPRM To be withdrawn.	5/17/79	44 FR 28928

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: Minority Business Enterprise Program (Financial Assistance Programs).	**A. Abstract:** The Department is reviewing its regulation establishing a minority business enterprise (MBE) program in its financial assistance programs (49 CFR Part 23). This regulation has been very controversial, is of interest to most DOT grant recipients and contractors, and affects the operations of all DOT financial assistance programs. As part of the Administration's program of reviewing regulations that are costly or controversial, the Department has decided that it is necessary to consider substantial revisions of the existing rule. The aim of the revisions would be to reduce regulatory burdens associated with the present rule. **B. CFR Citation:** 49 CFR pt. 23 **C. Legal Authority:** 42 U.S.C. 2000d; (Title VI of the Civil Rights Act of 1964); Title 49 U.S.C. 1730; 45 U.S.C. 906; 49 U.S.C. 1615. **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis (for NPRM). **F. Additional Information:** Final Rule published March 31, 1980 (45 FR 21172). NPRM to make interim amendment to this final rule, proposing to delete two controversial provisions, pending revision of the entire rule, published March 12, 1981 (46 FR 16282). Comment period closed March 26, 1981. Final rule for interim amendment published April 27, 1981 (46 FR 16202). *Further action to revise existing rule under consideration* . **G. Agency Contact:** Robert Ashby, (202) 426-4723	Further Action to be determined.		
Public Availability of Information.	**A. Abstract:** This involves a revision of DOT's Freedom of Information Act regulations. Specific areas to be revised may include the fee schedule and the policy on waivers of fees for public interest groups and the press. This rulemaking is significant because of substantial public interest. It is needed because the Freedom of Information Regulations need periodic revision to keep current with changes in case law, policy, and implementation costs. **B. CFR Citation:** 49 CFR pt. 7 **C. Legal Authority:** 5 U.S.C. 552 (Freedom of Information Act) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** The regulations were last revised in 1975. (40 FR 7915). A new revision is currently under internal development. **G. Agency Contact:** *Greg Wolfe (202) 426-4710*	Further action to be determined.		
Nondiscrimination in Federally-Assisted Programs of the Department of Transportation--State Transportation Agencies' EEO Affirmative Action Programs.	**A. Abstract:** The proposed regulation would set forth requirements and procedures for all State Departments of Transportation (DOTs) equal employment opportunity compliance programs. It would also consolidate FHWA, FRA, and UMTA responsibilities in this area. This proposed regulation is significant because it would affect the equal opportunity employment programs of all State transportation agencies. It is needed because OST, FHWA, FRA, and UMTA each have responsibility for implementing the equal employment opportunity programs of State DOTs. This proposed rule would assure full coordination among these departmental elements, reduce the burden on the recipients, simplify reporting requirements, and eliminate duplication of effort. **B. CFR Citation:** 49 CFR 1.48(c), 2.49(u), 1.51(a) **C. Legal Authority:** Section 22(a) of the Federal-Aid Highway Act of 1968, as amended; Section 905 of the Railroad Revitalization and Regulatory Reform Act of 1976; (49 U.S.C. 1615) (Section 19 of the Urban Mass Transportation Act of 1964, as amended); (29 U.S.C. 794). (Section 504 of the Rehabilitation Act of 1973). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The proposed regulation was forwarded to EEOC for review and coordination. The primary issue addressed by this proposal was raised in the course of reviewing a related regulation. Further action will be delayed pending the outcome of that review. **G. Agency Contact:** Shirley Lloyd, (202) 426-6070			
*Intergovernmental Review of Federal Programs.	**A. Abstract:** The proposed rule would implement Executive Order 12372, which replaces OMB Circular A-95 with a new system to ensure effective Federal-state-local consulation with respect to DOT programs. The rule is significant because it implements government-wide policy and will make important changes in DOT relationships with state and local governments. It is needed because the Executive Order requires all Executive agencies to issue implementing regulations. **B. CFR Citation:** 49 CFR Part 31 **C. Legal Authority:** Executive order 12372; 42 U.S.C. 4231(a), 3 U.S.C. 301, (Section 401(a) of the Intergovernmental Cooperation Act). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** The President signed Executive Order 12372 on July 14, 1982. Executive agencies, including DOT, will work with each other and OMB to draft substantively consistent implementing rules which are expected to be published in January 1983. **G. Agency Contact:** Robert C. Ashby, (202 426-4723)	NPRM	1/83	

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Consolidation of Transportation Grants to U.S. Territories.	**A. Abstract:** The regulation would comply with Title V of Pub. L. 95-134, which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive local matching fund requirements. **B. CFR Citation:** 49 CFR pt. 29 **C. Legal Authority:** P.L. 95-134, Title V **D. Effects on Small Entities:** No **G. Agency Contact:** *Irving Glasser (202) 426-4455*	NPRM Further action to be determined.	1/8/79	44 FR 1765
Nondiscrimination on the Basis of Age in DOT Financial Assistance Programs.	**A. Abstract:** This regulation would prohibit age discrimination by recipients of DOT financial assistance programs. **B. CFR Citation:** None **C. Legal Authority:** P.L. 94-135, Title III **D. Effects on Small Entities:** No **G. Agency Contact:** *Ira Laster, (202) 426-4380*	NPRM Further action to be determined.	10/22/79	44 FR 60946
Real Property Appraisal and Appraisal Review Regulation.	**A. Abstract:** This regulation would prescribe requirements for the appraisal of property to be acquired pursuant to Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. **B. CFR Citation:** 49 CFR pt. 25; 23 CFR pt. 720 **C. Legal Authority:** P.L. 91-646 **D. Effects on Small Entities:** No **G. Agency Contact:** Lynne Adams-Whitaker, (202) 426-4723	NPRM	*Fall 1982*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Award of Fees and Expenses to Successful Litigants.	**A. Abstract:** This regulation would provide for the award of attorney fees and other expenses to parties who prevail over the Federal Government in certain administrative and court proceedings pursuant to the Equal Access to Justice Act. **B. CFR Citation:** 49 CFR pt. 6 **C. Legal Authority:** P.L. 96-481, 5 U.S.C. 504(c)(1) **D. Effects on Small Entities:** No **G. Agency Contact:** Lynne Adams-Whitaker, (202) 426-4723	Interim FR FR	10/81 *Fall 1982*	46 FR 49878
Suspension and Department of Contractors.	**A. Abstract:** This regulation would establish procedures for imposition of debarment and other sanctions against contractors when it is demonstrated that DOT funds are improperly used. **B. CFR Citation:** 49 CFR Pt. 29 **C. Legal Authority:** 49 U.S.C. 1651 et seq **D. Effects on Small Entities:** No **G. Agency Contact:** Lynn Adams-Whitaker, (202) 426-4723	NPRM	*Fall 1982*	

Reviews of Existing Regulations

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Title VI Regulation	**A. Abstract:** This regulation prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving DOT financial assistance, provides examples of prohibited practices, and establishes enforcement procedures. Because the regulation affects all DOT financial assistance programs, creates administratives burdens for DOT and its recipients, and is an old regulation that has not been extensively revised since the early 1970s, it is an appropriate subject for a priority regulatory review, which will be led by the Departmental Office of Civil Rights with the participation of other affected DOT offices. The purpose of the review will be to make recommendations for how to carry out Title VI of the Civil Rights Act of 1964 and prevent discrimination in DOT-assisted programs more efficiently and with fewer administrative burdens. **B. CFR Citation:** 49 CFR pt. 21 **C. Legal Authority:** 42 U.S.C. 2000(d) (Title VI of the Civil Rights Act of 1964). **D. Effects on Small Entities:** No **G. Agency Contact:** *Shirley Lloyd, (202) 426-4754*	Further Action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Office of the Secretary

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Completed Actions

Priority Rulemakings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Financial Assistance to Participants in Rulemaking Proceedings (Docket No. 48).	**A. Abstract:** This proposal would permit, but not require, each agency of the Department to fund eligible members of the public for the reasonable and actual costs of preparing and presenting their views at selected agency rulemaking proceedings. This issue is significant because it concerns a matter on which there is substantial public interest and controversy and would have a significant impact on the operating administrations and the Office of the Secretary. This rule would *have* substantially increased the number of active, informed, and independent participants at many rulemaking proceedings within the Department, thereby increasing the diversity and balance of views presented to the Department, and enhancing the Department's knowledge of the interests likely to be affected by its proposed rules. **B. CFR Citation:** 49 CFR pt. 5 **C. Legal Authority:** The Department's rulemaking authority under the Department of Transportation Act, 49 U.S.C. 1651 et seq., and related statutes. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** On Jan. 13, 1977, the Department published regulations for a one-year demonstration program to provide financial assistance to certain participants in rulemaking proceedings of NHTSA. (42 FR 2863). At the same time, the Department issued an ANPRM, inviting public comments on the feasibility, wisdom, and scope of a permanent Department-wide program of financial assistance. Upon conclusion of the demonstration program, NHTSA evaluated the program and recommended that the Department establish an amended version of the program throughout the Department. On March 16, 1978, the demonstration program in NHTSA was extended until the Secretary decided whether to issue final, permanent Departmental regulations (43 FR 10918). On January 23, 1979, the regulation governing the NHTSA financial assistance demonstration program was revised to improve its administration. The Department is not in a position at this time to proceed with the issuance of an NPRM in view of the action taken by Congress, on the Department's Fiscal Year 1981 appropriations. The Department's FY 1981 Appropriations Act prohibited the funding of public participation in the Departmental rulemaking proceedings. *The Department published a final rule to rescind this regulation on July 8, 1982 (47 FR 29678). This Document also terminates a rulemaking proceeding that would have established a permanent Department-wide program of financial assistance for participants in DOT rulemaking .* **G. Agency Contact:** Sam Podberesky, (202) 426-4723	ANPRM	1/13/77	42 FR 2863
		Withdrawal	7/8/82	47 FR 29678

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

U.S. Coast Guard

USCG

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: Construction and Equipment; Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (Docket No. 77-069).	**A. Abstract:** Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements for the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by the Intergovernmental Maritime Consultative Organization (IMCO). These amended regulations would also increase safety levels of existing ships carrying gas. This is significant because it involves a large number of existing U.S. and foreign flag ships which carry liquefied gas and because it is the subject of substantial public interest. Increased use of liquefied gases has intensified the problems associated with this product. Since this product has unique properties and dangers, a dedicated set of regulations is needed to address them. **B. CFR Citation:** 46 CFR pts. 31, 34, 38, 40, 54, 98, 154 **C. Legal Authority:** R.S. 4417(a) as amended by section 5, P.L. 95-474 (46 U.S.C. 391a); See 6(d)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)). This rulemaking also implements the Port and Tanker Safety Act of 1978. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** An Advance Notice of Proposed Rulemaking was published June 30, 1977 (42 FR 33353). This action was taken pursuant to the Port and Tanker Safety Act of 1978. **G. Agency Contact:** LCDR McGowan, (202) 426-2160	ANPRM NPRM	6/30/77 8/82	42 FR 33353
Damage Stability and Flooding Protection Standards for Great Lakes Bulk Dry Cargo Vessels (Docket No. CGD 80-159).	**A. Abstract:** Would require a level of subdivision for new ships which is at least equivalent to that required for Maritime Administration construction loan guarantees. Would reduce the risk of catastrophic sinking and increase the time available to utilize recently improved survival gear. This project is significant because it would initiate a significant change in policy which differs substantially from international standards. Additionally, it could result in a major price increase for an individual industry. **B. CFR Citation:** 46 CFR pts. 45 and 93 **C. Legal Authority:** 46 U.S.C. 375, (RS 4405); 46 U.S.C. 391, (R.S. 4417); 46 U.S.C. 416, (R.S. 4462). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** January 7, 1981, work plan approved. **G. Agency Contact:** Mr. *Cleary* (202) 426-2187	ANPRM	8/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

U.S. Coast Guard

USCG

Current and Projected Rulemakings

Priority Rulemakings: Non-Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Review: To implement the outstanding provisions of the International Convention for the Prevention of Pollution from Ships, 1973, and the 1978 Protocol relating thereto (MARPOL 73/78). (Docket No. CGD 75-124a).	**A. Abstract:** *This proposal would require a complete rewrite of 33 CFR and a revision of 33 CFR 155. To include the oil water separating equipment requirements for vessels, the standard discharge connections for discharge of oily residues to reception facilities and requirements for vessels other than tank vessels carrying oil in bulk. This regulation includes the significant part of docket number CGD 75–124. Substantive changes are proposed so that a NPRM is needed. It is considered significant due to past opposition to the oil-water separator requirements of 33 CFR 155.330 from the owners/operators of off shore marine service vessels, towing vessels and inland waterways vessels. The Coast Guard is considering substituting an approach that would parallel the requirements of the MARPOL 73/78 Convention and would exclude off shore marine service vessels, towing service vessels and fishing vessels of less than 400 gross tons from the proposed equipment requirements. Other than those sections, the remainder of CGD 75–124 was non-significant and was published as a final rule on January 31, 1980 (45 FR 7156). The Coast Guard is presently attempting to determine whether a significant number of small entities would be affected by this rulemaking; a Regulatory Flexibility Analysis may be required. This regulation is needed (1) to implement the 1973 international Convention for the Prevention of Pollution from Ships to 1978 Protocol relating thereto, to be effective at the time this Convention enters into force (2) to reduce the number and quantity of operational discharges of oil, and (3) to clarify existing rules.* **B. CFR Citation:** *33 CFR pt. 151; 33 CFR pt. 155* **C. Legal Authority:** *Section 311(i)(1)(C) and (D) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1321(i)(1)(C) and (D). The Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq) October 21, 1980.* **D. Effects on Small Entities:** *No* **E. Analysis:** *Regulatory Evaluation* **F. Additional Information:** *NPRM published June 27, 1977 (42 FR 32670). Supplemental NPRM published October 27, 1977 (42 FR 56625). Public hearings held: New Orleans, LA. 11/22/77, St. Louis, MO. 11/30/77, Wash., D.C. 11/28/77 .* **G. Agency Contact:** *LCDR Josiah, (202) 426-9573*	*NPRM*	*3/83*	
†Review: Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman, Requirements (Docket No. CGD 79-116 and 79-116a).	**A. Abstract:** Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk. This is considered significant because this is the result of a Presidential initiative. This rulemaking is necessary because most pollution incidents are the result of personnel error; consequently, the minimum qualifications of persons involved in handling polluting substances should be specified. **B. CFR Citation:** 33 CFR pt. 155; 46 CFR pts. 12, 13, 30, 31, 35, 70, 90, 98, 105, 151, 153, and 157. **C. Legal Authority:** 46 U.S.C. 391a, (86 Stat. 427, as amended); 49 U.S.C. 1655(b)(1), Sec. 6(b)(1), 80 Stat. 937; 49 CFR 1.46(n)(4). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation, Environmental Impact Statement, Inflationary Impact Statement/Regulatory Flexibility Analysis. **F. Additional Information:** Environmental Analysis and Inflationary Impact Statement completed February, 1977. NPRM published April 25, 1977 (42 FR 21190). Public hearing June, 1977. Extensive comments were received on this NPRM and it was withdrawn on April 30, 1979. NPRM published December 1980 (45 FR 83268 and 45 FR 83290). Public hearings held in January and February 1981. **G. Agency Contact:** LCDR *Vollbrecht,* (202) 426-2251	NPRM Public Hearings FR	12/80 1-2/81 12/83	45 FR 83268 45 FR 83290

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Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Review: Licensing of Pilots (Docket No. CGD 77-084).	**A. Abstract:** This proposal would require: recency of service for each route upon which a pilot is authorized to serve; licenses to be issued with tonnage limitations commensurate with pilot experience; and consideration of shiphandling simulator training for pilots of very large vessels including Very Large Crude Carriers (VLCC). It is considered significant because there is substantial interest among marine personnel about this matter and because opposition is expected from Federal pilots. It is needed because increased ship size has led to unusual handling characteristics with which some pilots may not be familiar. This rule would allow use of simulator training for these kinds of vessels. **B. CFR Citation:** 46 CFR pt. 10 **C. Legal Authority:** 46 U.S.C. 214, 224, 230, 233, 237; 49 U.S.C. 1655(b)(1). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **F. Additional Information:** A Regulatory Analysis and Work Plan were completed in October 1978. NPRM published November 28, 1980 (45 FR 79258). Public hearings were held in January and February 1981. Revisions to the NPRM are planned as a result of the hearings. **G. Agency Contact:** Mr. J. Hartke, (202) 755-8683	NPRM Public Hearings SNPRM	11/28/82 1-2/81 11/82	45 FR 79258
*Segregated Ballast, Dedicated Clean Ballast, and Crude Oil Washing on Tank Vessels of 20,000 to 40,000 Deadweight Tons. (Docket No. CGD 82-028).	**A. Abstract:** This project would amend 33 CFR for the purpose of implementing the tanker construction and equipment standards in Sections (7)(E) and (H) of R.S. 4417a, as amended by the Port and Tanker Safety Act of 1978. These statutes require tank vessels of 20,000 to 40,000 DWT that are 15 years old or older to have segregated ballast tanks, dedicated clean ballast tanks or a crude oil washing system by January 1, 1986 or the date they reach 15 years of age. This rulemaking is considered significant because of economic impact on industry, Congressional and Administration interest. It is needed because implementing standards mandated by the Port and Tanker Safety Act, will reduce operational pollution from ballasting, tank cleaning and sludge removal on existing tank vessels that are 15 years old or older. **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** 46 U.S.C. 391a as amended by the Port and Tanker Safety Act of 1978 (92 Stat. 1486), R.S. 4417a. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis, Environmental Impact Statement. **F. Additional Information:** The Port and Tanker Safety Act was enacted on October 17, 1978. Final Regulations implementing this legislation for new tank vessels were published on June 30, 1980. A Notice of Intent to develop regulations under this Docket was published in the Federal Register on March 18, 1982. (47 FR 11724). Comment period on notice of intent closed May 3, 1982. Work Plan was approved at April 1982 Marine Safety Council Meeting. Regulatory Impact Analysis has been drafted and is in clearance. **G. Agency Contact:** LCDR Spackman, (202) 426-4431	Notice of intent NPRM	3/18/82 11/82	47 FR 11724

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Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Vessel Traffic Service (VTS), Berwick Bay, La. (Docket 73-186).	**A. Abstract:** Would codify certain operating procedures now being done under local order. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 USC 1231 **D. Effects on Small Entities:** No **G. Agency Contact:** *Mr. E. LaRue,* (202) 426-5116	NPRM FR	8/16/82 10/82	47 FR 35523
VTS Houston-Galveston, Texas (Docket No. CGD 74-029).	**A. Abstract:** Would make mandatory a now voluntary vessel traffic service. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** *Mr. E. LaRue,* (202) 426-5116	NPRM FR	9/18/80 8/83	45 FR 62158
Review: Fixed Fire Extinguishing Systems on Uninspected Vessels (Docket No. CGD 74-284).	**A. Abstract:** Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems as optional systems for compliance with existing regulations. **B. CFR Citation:** 46 CFR 162.029 **C. Legal Authority:** 46 U.S.C. 526, 46 U.S.C. 1454, 49 U.S.C. 1655(b). **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. K. Wahle, (202) 426-1444	NPRM Further action to be determined.	4/19/82	47 FR 16648
†Review: Stability Standards for Towing and Offsore Vessel Hull Forms (Docket No. CGD 76-018).	**A. Abstract:** Would establish intact stability standards for both towing and free-route modes of subject vessels. **B. CFR Citation:** 46 CFR pt. 42 **C. Legal Authority:** 46 U.S.C. 86, 88, 375, 416 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Mr. F. Perrini, (202) 426-2187	ANPRM To be withdrawn.	4/12/76	41 FR 15349
Review: Subdivision and Stability of Passenger Vessels (Docket No. CGD 76-053).	**A. Abstract:** Proposes more flexible regulations by allowing alternate compliance with Intergovernmental Maritime Consultative Organization as an alternative to existing requirements. **B. CFR Citation:** 46 CFR pts. 73, 74 **C. Legal Authority:** 46 U.S.C. 391, 392, 404, 481, 482, 483, 395, 363, 88a, 369, 367, 1333, 3906, 44 USC 88a. **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Howell, (202) 426-2187	NPRM FR	8/20/81 *9/82*	46 FR 42300
Review: Stability Standards for Hopper Dredges (Docket No. CGD 76-080).	**A. Abstract:** Would improve capability of a dredge to withstand flooding caused by damage to hull or interior piping. **B. CFR Citation:** 46 CFR pt. 93 **C. Legal Authority:** 46 USC 88, 46 USC 362, 46 USC 367 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Cleary, (202) 426-2187	NPRM FR	12/10/79	44 FR 70791 FR
Cargo Monitors on Tank Vessels (Docket No. CGD 76-088b).	**A. Abstract:** Proposed requirements for installation and use of cargo monitors. **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** 33 USC 1903, 46 USC 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Cool, (202) 426-4431	NPRM SNPRM	6/27/77 *8/82*	42 FR 32684
Review: Casualty Reporting (Docket No. CGD 76-170).	**A. Abstract:** Would update the regulation by changing the monetary and other damage criteria. As a result of numerous comments, a revised NPRM was published. **B. CFR Citation:** 46 CFR pt 4.05 **C. Legal Authority:** 46 U.S.C. 239 **D. Effects on Small Entities:** No	NPRM Corrected NPRM. NPRM Interim FR Extension of Comment period to 1/1/82. FR	10/19/78 10/23/78 12/3/79 11/24/80 10/8/81 10/82	43 FR 48982 43 FR 49316 44 FR 69308 45 FR 77439 46 FR 49877
Review: Radar Observer Endorsement for Personnel (Docket No. CGD 76-193a).	**A. Abstract:** Would require specialized training in use of radar equipment. **B. CFR Citation:** 48 CFR pt. 10 **C. Legal Authority:** 46 U.S.C. 416, 214, 224, 224a, 225a, 226, 228, 229, 230, 375, 231, 233, 237, 367. **D. Effects on Small Entities:** No	NPRM FR	11/6/80 *9/82*	45 FR 73716

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	G. Agency Contact: CDR Arnet, (202) 426-2251			
Review: Shipboard Fumigation Standards (Docket No. CGD 76-206).	**A. Abstract:** Proposed operational requirements for fumigation procedures on vessels. **B. CFR Citation:** 46 CFR pt. 147a **C. Legal Authority:** 49 U.S.C. 170 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. McAnulty, (202) 426-1577	NPRM	2/83	
Requirement for First Purchaser List Kept by Boat Dealers (Docket No. CGD 77-115).	**A. Abstract:** Would require boat dealers to assist in creating a list of retail purchasers so manufacturers could send notice to alert of safety defects. **B. CFR Citation:** 33 CFR pt. 179 **C. Legal Authority:** 46 U.S.C. 1464 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Ellison, (202) 426-1065	NPRM Further action to be determined.	12/29/80	45 FR 85475
Review: Miscellaneous Changes to 46 CFR 56 (Docket No. CGD 77-140).	**A. Abstract:** Would update Title 46, Subchapter F - Marine Engineering. **B. CFR Citation:** 46 CFR pt. 56 **C. Legal Authority:** 46 U.S.C. 375, 416, 633, 391, 391(a), 392, 404-409, 411, 412, 481, 489, 366, 395, 363, 367, 526p, 1295f, 390b; 49 U.S.C. 1655(b); E.O. 11239, 11382; 49 C.F.R. 146(b). **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) Jackson, (202) 426-2160	NPRM	8/82	
Revision of Navigation Safety Regulations (Docket No. CGD 77-196).	**A. Abstract:** Would list those areas where the special operating rules in 33 CFR 164.15 would apply. **B. CFR Citation:** 33 CFR pt. 164 **C. Legal Authority:** 46 U.S.C. 375, 391a, 404, 411, 416 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. T. Falvey, (202) 426-5116	NPRM Further action to be determined.	4/16/79	44 FR 22686
Lifesaving Systems for Great Lakes Vessels (Docket No. CGD 77-202).	**A. Abstract:** Would amend regulations for lifeboats and other equipment to improve chances of personnel survival following abandonment of vessel. **B. CFR Citation:** 46 CFR Subchapters D, H, I, T, and Q **C. Legal Authority:** 46 U.S.C. 375, 391a, 416, 481 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Markle, (202) 426-1445	NPRM	2/83	
Review: Second Class Operator for Towing Vessels (Docket No. CGD 77-204).	**A. Abstract:** Would allow able seaman service on ocean going vessels to be credited toward second class towboat license. **B. CFR Citation:** 46 CFR pt. 10 **C. Legal Authority:** 46 U.S.C. 405b, 49 U.S.C. 1655b **D. Effects on Small Entities:** No **G. Agency Contact:** CDR Struck, (202) 426-2240	NPRM To be withdrawn.	5/25/78	43 FR 22653
*Reception Facilities (Docket No. CGD 78-035).	**A. Abstract:** Would require certain oil transfer facilities to ensure reception facilities are provided to receive vessel waste. **B. CFR Citation:** 33 CFR pt. 154 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gregory, (202) 755-1354	NPRM	1/83	
†Liquefied Natural Gas Waterfront Facility (Docket No. CGD 78-038).	**A. Abstract:** Would establish LNG Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Materials Transportation Bureau, RSPA. **B. CFR Citation:** 33 CFR pt. 126 **C. Legal Authority:** 50 U.S.C. 191, 33 U.S.C. 1224 **D. Effects on Small Entities:** Yes **G. Agency Contact:** LCDR Gregory, (202) 755-1354	ANPRM SANPRM NPRM	8/3/78 3/8/79 1/83	43 FR 34362 44 FR 12693
Review: St. Mary's River, Vessel Traffic Service (Docket No. CGD 78-079).	**A. Abstract:** Would revise and restate existing anchorage and navigation regulations for St. Mary's River, re-promulgating them under the authority of the Ports and Waterways Safety Act.	NPRM Extension of comment period to 5/15/81.	15/81 2/19/81	46 FR 946 46 FR 12987
	B. CFR Citation: 33 CFR pt. 161. **C. Legal Authority:** 33 U.S.C. 1231 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. E. LaRue, (202) 426-5116	FR	10/82	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Aluminum Hatch Covers Aboard Tank Ships (Docket No. CGD 78-121).	**A. Abstract:** Would prohibit aluminum hatch covers on tank ships, because they can melt down in shipboard fires. **B. CFR Citation:** 46 CFR 32.60-1 **C. Legal Authority:** 46 U.S.C. 391a, 49 U.S.C. 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Eberly, (202) 426-2197	NPRM *To be withdrawn.*	10/27/80	45 FR 70918
Inland Waters Navigation Regulations - Waters Connecting Lake Huron and Lake Erie (Docket No. CGD 78-151).	**A. Abstract:** Would modernize existing regulations **B. CFR Citation:** 33 CFR pt. 162 **C. Legal Authority:** 33 U.S.C. 1221-32 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. LaRue, (202) 426-5116	NPRM FR	4/82 10/82	
Review: Mandatory Marking of Obstructions (Docket No. CGD 78-156).	**A. Abstract:** Would clarify and consolidate the requirements for marking of obstructions. **B. CFR Citation:** 33 CFR pt. 64 **C. Legal Authority:** 14 U.S.C. 2, 81, 85, 86, 92, 633; 33 U.S.C. 403, 409; 42 U.S.C. 9118; 43 U.S.C. 1333. **D. Effects on Small Entities:** No **G. Agency Contact:** LT Johnson, (202) 426-1974	NPRM FR	11/19/81 11/82	46 FR 56829
Review: Private Aids to Navigation and State Aids to Navigation (Docket No. CGD 78-157).	**A. Abstract:** Would codify and clarify the aids to navigation regulations concerning State and private aids to navigation. **B. CFR Citation:** 33 CFR pt. 66 **C. Legal Authority:** 14 U.S.C. 2, 83, 85; 5 U.S.C. 610 **D. Effects on Small Entities:** No **G. Agency Contact:** ENS Bittner, (202) 426-1974	Further action to be determined.		
Review: Aids to Navigation - General Interference with, Damages to and Charges for Aids to Navigation (Docket No. CGD 78-159).	**A. Abstract:** Would codify, revise and clarify the existing regulations. **B. CFR Citation:** 33 CFR pts. 60, 62, 66, 70, 74, and 76 **C. Legal Authority:** 14 U.S.C. 81, 87, 92 **D. Effects on Small Entities:** No **G. Agency Contact:** ENS Bittner, (202) 426-1973	Further action to be determined.		
Approval of Inflatable Personal Flotation Devices (PFDs) (Docket No. CGD 78-174).	**A. Abstract:** Would establish performance standards for inflatable PFDs and procedures for granting product approval to these devices. **B. CFR Citation:** 46 CFR pt. 160 **C. Legal Authority:** 46 U.S.C. 481, 526e, 1454, 1455; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)(n)(1). **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. S. Wehr, (202) 426-1444	ANPRM NPRM	3/15/79 4/83	
Offshore Oil Lightering (Docket No. CGD 78-180).	**A. Abstract:** Would establish requirements for vessel to vessel transfers of oil or hazardous materials if the cargo is bound for a U.S. port. **B. CFR Citation:** 33 CFR pt. 156 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Hendrickson, (202) 426-9578	NPRM SNPRM	5/31/79 10/82	44 FR 31486
Review: Amendment to Hull Identification Requirements (Docket No. CGD 79-013).	**A. Abstract:** Would further delineate responsibility for marking boats with a hull identification number. Would require a second number inside the boat to aid in identification of stolen boats. **B. CFR Citation:** 33 CFR pt. 181 **C. Legal Authority:** 46 U.S.C. 1454, 1456, 1464, 1488 **D. Effects on Small Entities:** No **G. Agency Contact:** *LCDR Perkins*, (202) 426-1065	NPRM SNPRM	12/29/80 10/82	45 FR 85476
Review: Stability Subchapter (Docket No. CGD 79-023).	**A. Abstract:** Would bring together all the existing stability regulations and identifiable past practices into a single subchapter including a part pertaining to the carriage of passengers and separate parts pertaining to cargoes, vessel use, and special types. **B. CFR Citation:** 46 CFR pts. 170-174 **C. Legal Authority:** 46 U.S.C. 86, 78a, 369, 375, 390b, 391a, 404, 416, 1295(f); 43 U.S.C. 1333,; 50 U.S.C. 198; 49 U.S.C. 1655. **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Feeney, (202) 426-2167	NPRM	10/82	

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Port and Tanker Safety Act Delegations Under Section 9. Ports and Waterways Safety Act (Docket No. CGD 79-026).	**A. Abstract:** Would delegate to Captains of the Port authority and responsibility to prohibit vessel operations and cargo transfers which may be unsafe. **B. CFR Citation:** 33 CFR pt. 160 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** *ENS Strobridge, (202) 426-5111*	NPRM SNPRM FR	12/3/79 6/11/81 10/82	44 FR 69306 46 FR 30835
Crane Operator Qualifications and Standards for Offshore Crane Design Inspection, Testing and Operation (Docket No. CGD 79-059).	**A. Abstract:** Would develop required qualifications for crane operators employed on the Outer Continental Shelf and standards for crane design, inspection, and testing. **B. CFR Citation:** 33 CFR pt. 146 and 46 CFR pt. 92. **C. Legal Authority:** 43 U.S.C. 1333, 1348, 1356; 33 U.S.C. 1509; 46 U.S.C. 375, 395, 400, 407, 408, 411, 412, 416, 481; 49 U.S.C. 1655. **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Barr, (202) 472-5160	ANPRM NPRM	1/10/80 10/82	45 FR 2052
†Personnel Job Safety Requirements for Fixed Installations on the Outer Continental Shelf (Docket No. CGD 79-077).	**A. Abstract:** This regulation would develop personnel safety and health requirements for artificial island, fixed installations and other devices on the Outer Continental Shelf. **B. CFR Citation:** 33 CFR Subchapter No. 46 CFR Subchapter 1A and V. **C. Legal Authority:** 43 U.S.C. 1333 **D. Effects on Small Entities:** Yes **G. Agency Contact:** LT Cashman, (202) 471-5150	Notice of Meeting. Correction NPRM	3/5/81 3/19/81 10/82	46 FR 15402 46 FR 17702
Vessel Personnel Licensing and Certification Standards of Foreign Countries (Docket No. CGD 79-081(a)).	**A. Abstract:** Establishes procedures for verification of training, qualification and watchkeeping standards of personnel serving on foreign tank vessels. **B. CFR Citation:** 46 CFR pt. 30 **C. Legal Authority:** 46 U.S.C. 391a, 49 USC 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** CDR D. Struck, (202) 426-2240	Interim final rule	4/7/80	45 FR 23425
Foreign Tank Vessel Manning Levels (Docket No. CGD 79-081(b)).	**A. Abstract:** Would establish minimum manning levels for foreign tank vessels while operating on U.S. navigable waters. **B. CFR Citation:** (46 CFR 30) **C. Legal Authority:** 46 U.S.C. 391a, 49 U.S.C. 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** CDR D. Struck, (202) 426-2240	NPRM SNPRM	11/17/80 12/82	45 FR 75712
U.S. Coast Guard Reserve (Docket No. CGD 79-105).	**A. Abstract:** Would update the administrative regulations pertaining to the Coast Guard Reserve. **B. CFR Citation:** 33 CFR pts. 8, 53 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Cotter, (202) 426-2348	Further action to be determined.		
Joint U.S. Canada Vessel Traffic Management regulations for the Pacific region (Docket No. CGD 79-131).	**A. Abstract:** Would implement the provisions of an Agreement for a Cooperative Vessel Traffic Management System for the Pacific Region. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 USC 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. A. Whittom, (202) 426-1940	NPRM FR	 1/83	
Review: Load Line Equivalent Regulations (Docket No. CGD 79-153).	**A. Abstract:** Would rearrange existing regulations in 46 CFR pt. 42, Load Line, to comply with International Maritime Consultative Organization Resolution A.320(IX). **B. CFR Citation:** 46 CFR pt. 42 **C. Legal Authority:** 46 U.S.C. 86, 88; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b). **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Cleary, (202) 426-2187	NPRM SNPRM	2/4/82 10/82	47 FR 5266
Deepwater Port Liability Fund Requirements. (Docket No. CGD 79-158).	**A. Abstract:** Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deep water port sites.	NPRM Interim FR FR	10/2/80 6/24/82 10/82	45 FR 67708 47 FR 27478

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 33 CFR pts. 137.150 **C. Legal Authority:** 33 U.S.C. 1509. 33 U.S.C. 1517 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Martin, (202) 472-5052			
Modification to Line Throwing Device Requirements (Docket No. CGD 79-160).	**A. Abstract:** Would modify the regulation requiring a linethrowing device only in cargo vessels over 500 gross tons and passenger vessels on international voyages. **B. CFR Citation:** 46 CFR pts. 33, 75, 78, 94, 97, 108, 160, 167, 192, 196. **C. Legal Authority:** 46 U.S.C. 481 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Gold, (202) 426-2183	NPRM FR	12/11/80 10/82	45 FR 81616
Use of Dangerous Articles as Ship's Stores (Docket No. CGD 79-166).	**A. Abstract:** Would establish acceptance, handling, and use of dangerous articles as products approved for use onboard vessels. **B. CFR Citation:** 46 CFR pt. 147 **C. Legal Authority:** 46 U.S.C. 170 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. McAnulty, (202) 426-1577	ANPRM	12/82	
Review: Painters for Life Floats and Buoyant Apparatus (Docket No. CGD 79-167).	**A. Abstract:** Would require life floats and buoyant apparatus to have painters that are secured to the vessel. **B. CFR Citation:** 46 CFR pts. 33, 75, 94, 160, 180, 192 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Markle, (202) 426-1444	NPRM FR	10/8/81 10/82	45 FR 49914
Launching Devices for Liferafts (Docket No. CGD 79-168).	**A. Abstract:** Proposed specification for approval of devices used for launching inflatable liferafts. **B. CFR Citation:** 46 CFR pts. 160 and 163 **C. Legal Authority:** 46 U.S.C. 375, 390, 416, 481, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) Girton, (202) 426-1445	NPRM	2/83	
Disclosure of Safert Standards and Country of Registry (Docket No. CGD 79-180).	**A. Abstract:** Would update 46 CFR 80.10 in compliance with 46 U.S.C. 362(b). **B. CFR Citation:** 46 CFR 80.10 **C. Legal Authority:** 46 USC 362, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** CDR Deleonardis, (202) 426-2183	NPRM FR	8/2/82 1/82	47 FR 33284
Tank Vessels, Corrections and Clarifications to Title 33 CFR (Docket No. CGD 80-09).	**A. Abstract:** Would eliminate conflicting requirements in Titles 46 and 33 CFR for minimum bolts per flange on transfer connections, fixed piping. In addition it would eliminate confusion in tank barge security and smoking regulations. **B. CFR Citation:** 46 CFR **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LT Murray, (202) 426-2183	NPRM	9/82	
Emergency Position Indicating Radiobeacons (EPIRB) (Docket No. 80-24).	**A. Abstract:** Would require use of EPIRB's on vessels operating on the Great Lakes. **B. CFR Citation:** 46 CFR pt.; 33, 35, 75, 78, 94, 97, 160, 161, 167, 180, 185, 192. **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Markle, (202) 426-1444	NPRM	9/82	
Valve Inspection for Thermal Fluid Heaters (Docket No. 80-64).	**A. Abstract:** Would clarify the inspection standards for valves on thermal heaters. **B. CFR Citation:** 46 CFR pt. 61 **C. Legal Authority:** 46 U.S.C. 375, 391a, 416, 526a, 1333; 49 U.S.C. 1655(b), E.O. 11239; 14 U.S.C. 633. **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Strasser, (202) 426-2183	NPRM	10/82	
Inflatable Liferaft Stability (Docket No. CGD 80-113).	**A. Abstract:** Would provide specific rules for function, size, and placement of stability appendages. **B. CFR Citation:** 46 CFR pt. 160 **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. M. Daniels, (202) 426-1445	ANPRM NPRM	6/29/81 11/82	46 FR 33341

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Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Proposed Changes to Puget Sound VTS Rules (Docket No. CGD 80-119).	**A. Abstract:** Would solicit public comment on determining appropriate means to reduce conflicts between various areas of Puget Sound and adjacent waterways. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. A. Whittum, (202) 426-1940	ANPRM NPRM	4/14/81 1/83	46 FR 22207
Vessel Navigational Visibility (Docket No. CGD 80-134).	**A. Abstract:** Would identify constraints on operation and recommend effective procedures to eliminate or reduce inadequate bridge visibility. **B. CFR Citation:** 46 CFR Ch. 1 **C. Legal Authority:** 46 U.S.C. 369, 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Henry, (202) 426-2197	ANPRM *To be withdrawn.*	5/11/81	46 FR 26086
Maneuvering Performance Regulations (Docket No. CGD 80-136).	**A. Abstract:** Would establish performance standards for new tank vessels; and possibly all vessels in response to mandates in Port and Tanker Safety Act. **B. CFR Citation:** 46 CFR Ch. 1 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. P. Cojeen, (202) 426-2197	ANPRM NPRM	9/14/81 10/82	46 FR 45631
Colregs Demarcation Lines - Savannah River, GA. Amelia Island, FLA (Docket 80-142).	**A. Abstract:** Would move the Colregs lines along the coast of Georgia to coincide with the Georgia Dept. of Natural Resources fishing lines. **B. CFR Citation:** 33 CFR pt. 80 **C. Legal Authority:** 33 U.S.C. 151 **D. Effects on Small Entities:** No **G. Agency Contact:** *LCDR Kirpatrick,* (202) 426-5116	NPRM FR	7/27/81 12/82	46 FR 38378
Material Standards for Fixed Structures (CGD 80-160).	**A. Abstract:** Description: Would revise and update 33 CFR, Subchapter N, including lifesaving and firefighting equipment. **B. CFR Citation:** 33 CFR Subch. N **C. Legal Authority:** 43 U.S.C. 1331 **D. Effects on Small Entities:** No **G. Agency Contact:** Lt. Cashman, (202) 426–5160 472-5160	Further action to be determined.		
Ocean Thermal Energy Conversion (OTEC) Facility and Plantship Requirement (Docket 80-161).	**A. Abstract:** Would establish minimal rules mandated under the OTEC Act for marine environmental protection and safety of life and property at sea. **B. CFR Citation:** 33 and 46 CFR **C. Legal Authority:** 42 U.S.C. 9118, 9119(c), 9127, 9153(a)(b) **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Martin, (202) 472-5052	NPRM FR	10/5/81 8/82	46 FR 49078
Servicing Inflatable Liferafts (Docket 81-010).	**A. Abstract:** Would allow liferaft servicing in U.S. and foreign ports without Coast Guard Marine inspectors. **B. CFR Citation:** 46 CFR pt. 160 **C. Legal Authority:** 46 U.S.C. 367, 375, 3906, 391a, 416, 489, 1333; 50 U.S.C. 198. **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) Delikat, (202) 426-1445	NPRM	10/82	
*Personal Flotation Devices (Docket No. CGD 81-023).	**A. Abstract:** Revokes an obsolete provision & makes several editorial changes . **B. CFR Citation:** 33 CFR pt. 175 and 181 **C. Legal Authority:** 46 U.S.C. 1454, 1488; 49 CFR 1.46(n)(1) **D. Effects on Small Entities:** No **G. Agency Contact:** *Mr. W. Sobeck, (202) 426-4176*	NPRM *FR*	4/12/82 10/82	47 FR 15606
Automated Main and Auxiliary Machinery (Docket 81-030).	**A. Abstract:** Would implement the provisions for periodically unattended machinery spaces in the "Recommendation Concerning Regulations for Machinery and Electrical Installations on Cargo and Passenger Vessels" adopted by IMCO and the guidance on system design in Coast Guard Navigation and Inspection Circular on Automated Main and Auxiliary Machinery. **B. CFR Citation:** 46 CFR pt. 160 **C. Legal Authority:** 46 U.S.C. 375, 391, 391(a), 392 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Miante, (202) 426-2160	NPRM	6/83	

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Charge for Coast Guard's aid to navigation work (Docket 81-051).	**A. Abstract:** Would delete the buoy and vessel costs currently listed in 33 CFR 74 and direct the owner to contact the Coast Guard for a list of reimbursable service charges. **B. CFR Citation:** 33 CFR pt. 74 **C. Legal Authority:** 14 U.S.C. 81, 85, 86, 92, 93, 141, 633, 642, 647. **D. Effects on Small Entities:** No **G. Agency Contact:** LTJG Gan, (202) 426-1974	NPRM FR	10/82 12/82	
General Bridge Permit Regulations (Docket 81-057).	**A. Abstract:** Would establish rules for issuing general bridge permits. **B. CFR Citation:** 33 CFR pt. 115 **C. Legal Authority:** 33 U.S.C. 401 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Schwartz, (202) 755-7620	NPRM	8/82	
Safety Rules for self-propelled vessels carrying hazardous liquids and bulk liquefied gases (CGD 81-052).	**A. Abstract:** Would revise application and examination procedures for new foreign vessels carrying chemicals and liquefied gases in bulk. Eliminates requirement for these vessels to obtain a Letter of Compliance (LOC). **B. CFR Citation:** 46 CFR **C. Legal Authority:** 46 USC 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR W. S. Jones, 426-1217	NPRM FR	5/10/82 2/83	47 FR 20084
Relocation of Boundary Lines (CGD 81-058)..	**A. Abstract:** Would relocate boundary lines in Part 46 CFR Part 7 in Accordance with PL-324. **B. CFR Citation:** 46 CFR pt. 7 **C. Legal Authority:** 33 U.S.C. 151 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR B. Turlo, (202) 426-1464	NPRM FR	6/7/82 12/82	47 FR 24604
Licensing of Officers and Motorboat Operators and Registration of Staff Officers (Docket CGD 81-059).	**A. Abstract:** Would amend the licensing regulations to simplify administration and improve readability to public. Also to provide a license structure for all mariners with which to advance in an orderly career pattern. Will also delete many unnecessary and outdated licenses. **B. CFR Citation:** 46 CFR pt. 10 **C. Legal Authority:** 46 U.S.C. 170, 214, 215, 222, 224, 224a, 226, 228, 229, 230, 231, 233, 244. **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Naccara, 426-6259	NPRM	9/82	
Regulated Navigation Area Ice Season, COTP Baltimore Zone (Docket No. CGD 81-067).	**A. Abstract:** Would establish a Regulated Navigation Area in the Baltimore MD COTP Zone during the ice season. **B. CFR Citation:** 33 CFR pt. 128 **C. Legal Authority:** 33 U.S.C. 1231 **D. Effects on Small Entities:** No **G. Agency Contact:** *Ens. Stobridge,* (202) 426-4958	FR	12/82	
Update of 46 CFR part 153 (CGD No. 81-078).	**A. Abstract:** Would revise and update 46 CFR part 153 through the ninth set of amendments to the IMCO Chemical Code. **B. CFR Citation:** 46 CFR pt. 153 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR J.W. Gormanson, 426-1217	NPRM	8/82	
Acceptance of ASME Boilers with ASME S,E,A, and H stamps (Docket No CGD 81-079).	**A. Abstract:** Would delete requirement that Coast Guard review plans and inspect power and heating boilers when stamped with ASME S,E,A, or H symbol stamps. **B. CFR Citation:** 46 CFR pts. 52 and 53 **C. Legal Authority:** 46 U.S.C. 375, 416, 391, 391(a), 392 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. D. Lemon, 426-2160	NPRM	7/83	
Fairways, Fairway Anchorages and Traffic Separation Scheme at harbor entrances in the Gulf of Mexico (Docket No. CGD 81-080).	**A. Abstract:** Would establish fairways, fairway anchorages and a Traffic Separation Scheme in the Gulf of Mexico implementing the result of a Port Access Route Study. **B. CFR Citation:** 33 CFR pt. 162 **C. Legal Authority:** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Young, (202) 245-0108	NPRM FR	6/17/82 12/82	47 FR 26167

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Electronic Position Fixing Devices (Docket No. CGD 81-081).	**A. Abstract:** Would allow the use of satellite navigation receivers without a continually tracking complementary system to meet the requirements for carriage of an electronic position fixing device on vessels 1600 gross tons and more entering U.S. waters. **B. CFR Citation:** 33 CFR pt. 164 **C. Legal Authority:** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. T. Falvey, (202) 426-4958	FR (Pt. I) FR (Pt. II)	2/11/82 11/82	47 FR 6289
General revision of 46 CFR 151, Barges carrying certain bulk dangerous cargoes. (CGD No. 81-082).	**A. Abstract:** Would revise the rules for barges carrying bulk cargoes *by clarifying the language, eliminating unnecessary requirements and upgrading some existing requirements.* **B. CFR Citation:** 46 CFR pt. 151 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** R. M. Query, 426-1217	NPRM	12/83	
Change references in various Subchapters from Solas 74 and Update Lifesaving and Fire Fighting Requirements (CGD 81-090).	**A. Abstract:** Would incorporate changes required by Solas 74 **B. CFR Citation:** 46 CFR Ch. 1 **C. Legal Authority:** E.O. 12234 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Gold, 426-2183	NPRM	12/82	
Miscellaneous Amendments to Electrical and Fuel System Regulations for Recreational Boats. (CGD No. 81-092).	**A. Abstract:** Would revoke unnecessary electrical and fuel system regulations. **B. CFR Citation:** 33 CFR pt. 1830 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. A. Colihan, (202) 426-4027	NPRM	8/82	
Implementation of Annex II of the International Convention for the Prevention of Pollution from Ships, 1973 (CGD No. 81-101).	**A. Abstract:** Would limit and restrict the discharge of noxious liquid substances made by chemical tankers. **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** P.L. 96-478 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Wybenga, 426-1217	ANPRM	12/82	
Fairways on the Southern Coast of Alaska (Docket No. CGD 81-103).	**A. Abstract:** Would establish fairways on the southern coast of Alaska implementing the result of a Port Access Route Study. **B. CFR Citation:** 33 CFR pt. 162 **C. Legal Authority:** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Young, (202) 426-5116	NPRM	6/82	
*Fees for Numbering of Undocumented Vessels (Docket No. CGD 82-001).	**A. Abstract:** Would raise fees for the numbering of undocumented vessels in areas where Coast Guard is the issuing authority. **B. CFR Citation:** 33 CFR pt. 173 **C. Legal Authority:** 46 U.S.C. 1472 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Sobeck, (202) 426-4176	NPRM	11/82	
*Suspension and Revocation Proceedings (CGD 82-002).	**A. Abstract:** Revise and Amend 46 CFR Part 5 to (1) incorporate changes due to recent legislative actions (2) improve clarity and conciseness (3) make substantive procedural changes. **B. CFR Citation:** 46 CFR pt. 5 **C. Legal Authority:** 46 U.S.C. 239 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Feeney, (202) 426-2187	NPRM	10/82	
*OSV Subchapter (Docket No. CGD 82-004).	**A. Abstract:** Create new 46 CFR subchapter governing Offshore Supply Vessels. **B. CFR Citation:** 46 CFR **C. Legal Authority:** Pub. L. 96-378 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR T. E. Hart, (202) 426-6251	ANPRM	8/82	
*Subchapter "D" & "O" Barges - Internal Inspections (CGD 82-005).	**A. Abstract:** Change Subchapter "O" Regulation on Internal Inspection to coincide with d/d. **B. CFR Citation:** 46 CFR pt. 151 **C. Legal Authority:** 46 USC 170	NPRM	10/82	

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	D. Effects on Small Entities: No **G. Agency Contact:** LCDR Strasser, (202) 426-2183			
*Issuance of Bridge Permits (Docket No. 82-006).	**A. Abstract:** Would revise the rules for issuing bridge permits to simplify procedures. **B. CFR Citation:** 33 CFR 114, 115 **C. Legal Authority:** 33 U.S.C. 401, 491, 499, 521, 525, 535 **G. Agency Contact:** Mr. A Meschter, (202) 426-1380	NRPM	10/82	
Subchapter "D" & "O" Barges-Internal Inspections (CGD 82-007).	**A. Abstract:** Would change subchapter "O" Regulation on Internal Inspection to coincide with Drydocking. **B. CFR Citation:** 46 CFR pt. 151 **C. Legal Authority** 33 U.S.C. 1223 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Strasser, 426-2183	NPRM	10/82	
*Change of Address and Mail Routing Symbols (Docket No. CGD 82-007).	**A. Abstract:** Would amend numerous addresses contained within CFR to reflect reorganization of the Office of Boating, Public, and Consumer Affairs. **B. CFR Citation:** 33 CFR pts. 173-183 **C. Legal Authority:** 46 U.S.C. 1451 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Franseen (202) 426-1080	FR	10/82	
*Casualty Reporting Requirements for Recreational Boats (Docket No. CGD 82-015).	**A. Abstract:** Amend casualty and accident reporting requirements for operators of recreational boats involved in boating accidents. **B. CFR Citation:** 33 CFR pt. 173 and 174 **C. Legal Authority:** 46 U.S.C. 1486 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Sobeck, (202) 426-4176	NPRM	10/82	
*Closing Documentation Offices (Docket No. 82-018).	**A. Abstract:** Would close various documentation offices **B. CFR Citation:** 46 CFR Pt. 66 **C. Legal Authority:** None **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR DeWitt, (202) 426-1483	FR	12/82	
*Barge Fleeting (Docket No. 82-020).	**A. Abstract:** Would require towboats to guard channel 67 in lieu of channel 13. **B. CFR Citation:** 33 CFR pt. 128 **C. Legal Authority:** 33 U.S.C. 1225 **D. Effects on Small Entities:** No **G. Agency Contact:** ENS Strobridge, (202) 426-4958	FR	10/82	
*Casualty Reporting Requirements (CGD 82-023).	**A. Abstract:** Amends 46 CFR Parts 4, 26, 35, 78, 97, 109, 167, 185, 196, 197 to reflect new reporting requirements for marine casualties. Implements new reporting form which replaces two separate forms. Will be published as an interim final rule. **B. CFR Citation:** 46 CFR pts. 4, 26, 35, 78, 97, 109, 167, 185, 196, 197. **C. Legal Authority:** 33 U.S.C. 361, 46 U.S.C. 239 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR T.E. Hart, (202) 426-6251	Interim FR	8/16/82	47 FR 158
*Casualty Reporting Requirements (CGD 82-023a).	**A.** Amends 33 CFR 146 to reflect new reporting requirements for marine casualties. Implements new reporting form which replaces two separate forms. **B. CFR Citation:** 33 CFR pt. 146 **C. Legal Authority:** 33 U.S.C. 361, 46 U.S.C. 239, 46 U.S.C. 375. **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR T.E. Hart, (202) 426-6251	Interim FR	8/16/82	47 FR 158
*General Bridge Operation Regulations (Docket No. 82-025).	**A. Abstract:** Would consolidate bridge operation regulations into one part. **B. CFR Citation:** 33 CFR pt. 117 **C. Legal Authority:** 49 U.S.C. 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Teuton, (202) 426-1380	NPRM FR	7/12/82 1/83	47 FR 30176
*Rewrite of 33 CFR Part 157 (Docket No. CGD 82-030).	**A. Abstract:** Amend pollution regulations to clarify, correct minor errors, and incorporate policy decisions and international interpretations.	NPRM	3/83	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 33 CFR pt. 157 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Angelo, (202) 426-4431			
*Marine Casualty Investigation (Docket No. 82-034).	**A. Abstract:** Would publish joint NTSB-USCG regulations concerning investigation procedures for casualties involving Coast Guard property. **B. CFR Citation:** 46 CFR pt. 4 **C. Legal Authority:** 49 U.S.C. 1903 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Hart, (202) 426-6251	FR	10/82	
*Remove "Rules of The Road" from Title 46. (Docket No. CGD 82-036).	**A. Abstract:** Would delete references to Title 33 navigation rules and navigation equipment requirements from merchant vessel inspection subchapters of Title 46. **B. CFR Citation:** 46 CFR 2.20-5, 24.10-25, 30.10-62, 70.10-37 **C. Legal Authority:** 33 U.S.C. 1607, 2071 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Thompson, (202) 426-2174	FR	10/82	
*Hand Held Flashlights. Independent Inspection Agencies (Docket No. CGD 82-042).	**A. Abstract:** Would remove two-cell flashlight requirements from flashlight approval specification, change "independent laboratory" to "independent inspection agency", throughout Subchapter J and revise other regulations accordingly. **B. CFR Citation:** 46 CFR pt. 161 **C. Legal Authority:** 46 U.S.C. pts. 391a, 481 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Thompson, (202) 426-2174	NPRM	10/82	
*Aids to Navigation on Outer Continental Shelf (Docket No. 82-054).	**A. Abstract:** Would allow manufacturer certification of lights for marking artificial islands and fixed structures. **B. CFR Citation:** 33 CFR pt. 67 **C. Legal Authority:** 14 U.S.C. 2, 83, 85, 92; 633 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Johnson, (202) 426-1973	NPRM	10/82	
*Navigation Safety Regulations (Docket No. 82-055).	**A. Abstract:** Would generally revise and update the navigation safety regulations to include provisions of latest laws and international agreements. **B. CFR Citation:** 33 CFR pt. 164 **C. Legal Authority:** 33 U.S.C. 1231, 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. T. Falvey, (202) 426-1380	NPRM	12/82	
*Natural Ventilation Regulations for Small Boats (Docket No. 82-056).	**A. Abstract:** Would replace existing regulations with voluntary industry standard. **B. CFR Citation:** 33 CFR pt. 183 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. H. Rieksts, (202) 426-4027	ANPRM	10/82	
*Update Bulk Liquefied Gas Tanker Requirements (Docket No. 82-058).	**A. Abstract:** Would update and revise standards for self-propelled vessels carrying bulk liquefied gases. **B. CFR Citation:** 46 CFR pts. 154 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** Dr. A.L. Rowek, (202) 426-1217	NPRM	4/83	
*Visual Distress Signal Equipment Requirements (Docket No. CGD 82-073).	**A. Abstract:** Amend to clarify definition of "Coastal waters' **B. CFR Citation:** 33 CFR pt. 175 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Sobeck, (202) 426-4176	NPRM	10/82	

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Current and Projected Rulemakings

Other Rulemakings: Routine and Frequent

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Title	Summary	Timetable		
		Action	Date	Cite
	TOTAL ACTIONS EXPECTED			
Safety/Security Zone Regulations.	15 **G. Agency Contact:** Mr. Ziegfeld, (202) 426-5116		10/82 - 10/83	
Anchorage Area Regulations	12 **G. Agency Contact:** Mr. Ziegfeld, (202) 426-5116		10/82 - 10/83	
Drawbridge Regulations	50 **G. Agency Contact:** Mr. F. Teuton, (202) 426-1380		10/82 - 10/83	

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Reviews of Existing Regulations

Priority Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
• Marine Sanitation Devices on Vessels.	**A. Abstract:** These regulations govern the design and construction of marine sanitation devices in accordance with the regulations and performance standards promulgated by the Environmental Protection Agency (EPA) under section 312 of the Federal Water Pollution Control Act. They also contain the procedures by which Coast Guard enforces its own and EPA standards pertaining to these devices. The purpose of the regulations is to eliminate the discharge of untreated sewage from vessels into the waters of the United States. This is one of the Coast Guard's most controversial regulations. The Coast Guard estimates the annual cost of the rule to be $100,000,000. The Coast Guard estimates the cost of retrofitting boats with these devices to be $100,000,000. The regulation is appropriate for review because of its cost and because of its unpopularity with boat owners. Any revision of the regulation, however, will require coordination with the EPA. **B. CFR Citation:** 33 CFR pt. 159 **C. Legal Authority:** 33 U.S.C. 1322 **D. Effects on Small Entities:** No **G. Agency Contact:** ENS. Arner, (202) 755-7917	Notice of Program Review. Completion of Review.	12/24/81 11/82	46 FR 62479
	Other Reviews			
†Regulatory Flexibility Act Reviews.	**A. Abstract:** in accordance with the Regulatory Flexibility Act (RFA) review plan published In the *Federal Register* of June 29, 1981 (46 FR 33404) the Coast Guard has deferred selecting any specific regulations for RFA review at this time. Instead, the Coast Guard is dividing its regulatory material into manageable units and determining which will require review under the RFA. Once the extent of the required RFA review is known, the Coast Guard will publish a specific review schedule. **B. CFR Citation:** 33 CFR **C. Legal Authority:** None **D. Effects on Small Entities:** Yes **G. Agency Contact:** Mr. Bruce Novak, (202) 426-1477	Review Plan Review in Process.	6/29/81	46 FR 33404
*Requirements for uninspected (commercial) motor boats.	**A. Abstract:** Regulations provide for Rules of the Road equipment (COLREG 72), lifesaving, equipment, fire extinguishing equipment backfire flame control, ventilation of internal spaces, liquified petroleum gas prohibition, (passenger carrying). **B. CFR Citation:** 46 CFR pt. 25 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	
*Inspection of Cargo Gear	**A. Abstract:** Requirements apply to all tank vessels and tank barges providing for specific tests and inspections at particular intervals of cargo gear and board. **B. CFR Citation:** 46 CFR 31.36 **C. Legal Authority:** 46 U.S.C. 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	
*Reinspection	**A. Abstract:** Requirements apply to certificated small passenger vessels--provide for reinspections between three year inspections for certification.	Completion of Review.	10/83	

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Reviews of Existing Regulations

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 46 CFR Subpart 176.10 **C. Legal Authority:** 46 U.S.C. 390 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299			
*Drydocking or Hauling Out	**A. Abstract:** Requirements apply to certificated small passenger vessels--provide for periodic drydock or haul-out inspections of each vessel. **B. CFR Citation:** (46 CFR Subpart B) **C. Legal Authority:** 46 U.S.C. 390 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	
*Commercial Diving Operations.	**A. Abstract:** Requirements apply to all commercial underwater diving from inspected vessels and also when performed on the U. S. Outer Continental shelf--provide for design, construction use of equipment, inspection, operation, safety and health regulations. **B. CFR Citation:** 46 CFR pt. 167 Subpart B **C. Legal Authority:** 43 U.S.C. 1331 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	
*Equipment for lifeboats, liferafts, lifefloats, and buoyant apparatus.	**A. Abstract:** Regulations require certain specified items of emergency equipment for use in lifeboats, liferafts, etc. **B. CFR Citation:** 46 CFR 94.20 **C. Legal Authority:** 46 U.S.C. 481 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gallion, (202) 426-2299	Completion of Review.	10/83	

Completed Actions

Priority Rulemakings: Major

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Review:Proposed Design Standards for Tank Barges (Docket No. CGD 75-083). Upgrade Existing Tank Barge Construction (Docket No. CGD 75-083a).	**A. Abstract:** This action would encompass two regulatory projects centered on tank barge construction standards which resulted from Presidential initiatives of March 17, 1977, directing study of the tank barge pollution problem. One project will address new barge construction while the other will pertain to existing barges. Considered significant due to substantial Congressional and public interest. Increased public awareness of the oil pollution problem, as well as international and domestic interest in this area, have made improved design standards important as a means of reducing the possibility of pollution. **B. CFR Citation:** 46 CFR pts. 32-40 **C. Legal Authority:** Sec. 201, 86 Stat. 427, as amended (46 U.S.C. 391a). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Impact Analysis, Environmental Impact Statement/Regulatory Flexibility Analysis.	NPRM ANPRM NPRM Public Hearings SNPRM Withdrawal	12/24/71 6/14/79 6/14/79 8/2/79 - 9/7/79 3/13/80 3/25/82	36 FR 24960 44 FR 34440 44 FR 34440 45 FR 16438 46 FR 12829

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The upgrade of tank barge construction standards was published as an NPRM in the Federal Register of December 24, 1971 (36 FR 24960). As a result of the 63 written comments received, it was decided that the standards needed to be studied further, especially as they would apply to existing barges. In 1974, the Coast Guard and the Maritime Administration performed a joint study of the tank barge pollution problem which found that certain construction techniques might provide a significant advantage for eliminating oil pollution from tank barges. However, the study had several weaknesses and regulatory action was not taken. In July 1977, the Coast Guard began a reexamination of the tank barge construction standards. It was determined that new barge construction should be treated separately from existing barges. An ANPRM concerning impacts related to existing barges was published on June 14, 1979 (44 FR 34440). An NPRM on the standards for new construction was published on June 14, 1979 (44 FR 34440). Public hearings were held on August 2, 1979 (Washington, D.C.); August 15, 1979 (Seattle); August 23, 1979 (New Orleans); September 5, 1979 (Washington, D.C.); and September 7, 1979 (St. Louis). The comment period ended September 30, 1979. The comment period was extended to December 1, 1979. Supplemental Notice published March 13, 1980 (45 FR 16438) announced a National Academy of Sciences (NAS) study which was conducted from February 15, 1980 through July 1981. Rulemaking deferred until review of the NAS study completed. *Withdrawal notice published March 25, 1982. (47 FR 12829)*. **G. Agency Contact:** LCDR Spackman, (202) 426-4431; LCDR Rock, (202) 426-2183.			
Tank Vessel Operations Regulations, Puget Sound (Docket No. CGD 78-041).	**A. Abstract:** This regulation would govern the operation of tank vessels in the Puget Sound area to protect against environmental harm resulting from vessel or structure damage, destruction, or loss. This is considered a significant rulemaking due to Congressional and public interest. In addition, it may generate controversy among the public; environmentalists, and the oil industry. Its purpose is to reduce the possibility of environmental harm resulting from oil spills in Puget Sound by governing the operation of tankers so as to reduce the risk of collision or grounding. **B. CFR Citation:** 33 CFR pts. 160, 161 **C. Legal Authority:** Port and Waterways Safety Act (33 U.S.C. 1221). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation, Environmental Impact Statement.	ANPRM Public Hearing NPRM Public Hearings SNPRM FR	3/27/78 4/20-21/78 4/12/79 6/11-14/79 7/21/80 4/26/82	43 FR 12840 44 FR 21974 45 FR 28827 47 FR 17968

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Priority Rulemakings: Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: Secretary Adams signed a 180-day Interim Rule on March 14, 1978, prohibiting entry of oil tankers in excess of 125,000 Deadweight Tons in Puget Sound March 23, 1978 (43 FR 12257). ANPRM published March 27, 1978 (43 FR 12840) with public hearing held April 20-21, 1978. NPRM published April 12, 1979 (44 FR 21974). Public hearings were held in Washington State on June 11-14, 1979. The interim navigation rule will remain in effect until cancelled (44 FR 36174). The Puget Sound rulemaking has been broken into three parts; 78-041 Tank Vessel Operations, 78-041a Puget Sound VTS Service Area, and 78-041b, Puget Sound VTS General Rules. 78-041b, the General Rules, were published as a final rule on July 21, 1980 (45 FR 48822). On August 11, 1980, the effective date was deferred until October 1, 1980, and a correction to the interim final rule was published August 11, 1980, (45 FR 53135). An editorial correction to the August 11, 1980, publication was published November 10, 1980 (45 FR 74471). The Puget Sound VTS Service Area portion (78-041a) was reclassified as nonsignificant and future issues of the agenda will list it in the "Other Rulemakings" section. A supplemental notice on the new nonsignificant portion was published on July 21, 1980 (45 FR 48826). The Tank Vessel Operations (78-041) portion remains significant. A supplemental NPRM announcing tanker/tug risk analysis tests was published on July 21, 1980 (45 FR 48827). Notice of the availability of studies and tanker/tug tests was published on October 22, 1981 (46 FR 51779). *F.R. published April 26, 1982 (47 FR 17968)* . **G. Agency Contact:** Mr. Ziegfeld, (202) 755-5116			

Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Revision of Electrical Regulations (Docket No. CGD 74-125).	**A. Abstract:** Would generally revise and update the electrical regulations to conform to latest technology and to include steering requirements for vessels other than tank vessels. This project was downgraded from significant. **B. CFR Citation:** 46 CFR pts. 110 to 139 **C. Legal Authority:** 46 U.S.C. 170, 392 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Mowery, (202) 426-2206	SNPRM FR	3/3/80 4/8/82	45 FR 13982 47 FR 15210
Elevators and Dumbwaiters (Docket No. CGD 75-001).	**A. Abstract:** Would adopt the 1978 American National Standards Institute (ANSI) Code with certain modifications for vessel construction. **B. CFR Citation:** 46 CFR pt. 58 **C. Legal Authority:** 49 U.S.C. 375, 391(a), 416 **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) Cairns, (202) 426-2206	NPRM Withdrawal	4/5/76 6/10/82	41 FR 14386 47 FR 25166
†Pilotage Requirements (Docket No. CGD 76-060).	**A. Abstract:** Would clearly delineate when and in what areas pilots are required. **B. CFR Citation:** 46 CFR 157.20-40 **C. Legal Authority:** 46 U.S.C. 86 **D. Effects on Small Entities:** Yes **G. Agency Contact:** CDR McCowen, (202) 426-2240	Withdrawn		
Review: Marine Safety Investigations (Docket No. CGD 77-018).	**A. Abstract:** Would implement investigation authority under Ports and Waterways Safety Act. **B. CFR Citation:** (33 CFR pt. 168)	NPRM Notice of Withdrawal.	1/25/79 4/22/82	44 FR 5368 47 FR 17307

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 33 U.S.C. 127 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Gregory, (202) 755-1354			
Damage Stability, Subchapter "O" Barges (Docket No. CGD 77-027).	**A. Abstract:** Would apply damage stability requirements for chemical vessels to ocean chemical barges. **B. CFR Citation:** 46 CFR 151.10-10 **C. Legal Authority:** 33 U.S.C. 1223. **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Perrini, (202) 426-2187	Withdrawn		
Vessel Traffic Service (VTS) New York, N.Y. (Docket No. CGD 77-087).	**A. Abstract:** Establishes regulations for vessel traffic service in New York Harbor. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1231 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Burnette, (202) 426-5716	NPRM FR Notice of Withdrawal.	2/16/78 8/2/79 8/5/82	43 FR 6906 44 FR 45381 47 FR 33958
†Review: Waterfront Facilities (Docket No. CGD 77-128).	**A. Abstract:** Would revise waterfront facility regulations by consolidating and updating general regulations. **B. CFR Citation:** 33 CFR 126-32 **C. Legal Authority:** 33 U.S.C. 1224 **D. Effects on Small Entities:** Yes **G. Agency Contact:** LCDR Gregory, (202) 755-1354	ANPRM Notice of Withdrawal.	4/10/78 6/17/82	43 FR 15108 47 FR 28166
Review: Amendments to Alternative Compliance (Docket No. CGD 77-136).	**A. Abstract:** Would provide editorial improvement and clarification of existing regulations. **B. CFR Citation:** 33 CFR pt. 81 **C. Legal Authority:** 33 U.S.C. 1607 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Llana, (202) 426-5116	NPRM FR	1/26/81 4/1/82	46 FR 8030 47 FR 13798
Review: Acceptance of American Society of Mechanical Engineers (ASME) "U" or "UM" Pressure Vessels (Docket 77-147).	**A. Abstract:** Would accept pressure vessels bearing the ASME "U" or "UM" stamp without U.S. Coast Guard inspection. **B. CFR Citation:** 46 CFR pt. 54 **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. H. Hime, (202) 426-2160	NPRM FR	12/29/80 5/20/82	45 FR 85488 47 FR 21807
Review: Halon 1301 Fire Extinguishing Systems for Merchant Vessels (Docket No. CGD 77-232).	**A. Abstract:** Would allow Halon 1301 for specific types of installations. **B. CFR Citation:** 46 CFR 164.035 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Eberly, (202) 426-2197	Withdrawn		
Review: Bulk Chemical Tanker Update (Docket No. CGD 78-128).	**A. Abstract:** Would update and revise standards for self-propelled vessels carrying hazardous liquid. **B. CFR Citation:** 46 CFR pt. 153 **C. Legal Authority:** 46 U.S.C. 170 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Gormanson, (202) 426-1217	NPRM FR	7/17/80 5/17/82	45 FR 48058 47 FR 21198
Review: Mandatory Markings for Artificial Islands, Installations, and other Devices (Docket.	**A. Abstract:** Would revise the marking regulations to bring them into agreement with the latest procedures. Project withdrawn and assigned new docket number. Now listed in this Agenda under CGO 82-054. **B. CFR Citation:** 33 CFR pt. 67 **C. Legal Authority:** 14 U.S.C. 181 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Johnson, (202) 426-1974	Withdrawn		
Review: General Revision to Subchapter N (Docket No. CGD 78-160).	**A. Abstract:** Proposed general revisions to Subchapter N, Artificial Islands and Fixed Structures on the Outer Continental Shelf. Revisions to include changes made necessary by new legislation and the Coast Guard Commercial Diving Rules. **B. CFR Citation:** 33 CFR pt. 140 **C. Legal Authority:** 43 USC 1333 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Cashman, (202) 472-5160	NPRM FR	5/1/80 3/4/82	45 FR 29072 47 FR 9366

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Title	Summary	Timetable		
		Action	Date	Cite
Installation, Maintenance and Inspection of Pilot Accommodation and Chain Ladders, and Powered Pilot Hoists (Docket No. CGD 79-032).	**A. Abstract:** Would establish inspection procedures and timetables for embarkation apparatus *2183* . **B. CFR Citation:** 46 CFR **C. Legal Authority:** 46 USC 375 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Murray, (202) 426	Withdrawn		
Limited Access Areas (Docket No. CGD 79-034).	**A. Abstract:** Would realign limited access area regulations in 33 CFR. **B. CFR Citation:** 33 CFR pts. 125, 127, 128, and 165 **C. Legal Authority:** PL 95-374 **D. Effects on Small Entities:** No **G. Agency Contact:** LT(jg) *Powers,* (202) *755-1354*	FR	7/8/82	47 FR 29659
Steering Gear, Drills and Tests (Docket No. CGD 79-038).	**A. Abstract:** Would require all inspected vessels over 100 gross tons and foreign vessels over 1600 gross tons to have written procedures for loss of steering control, and to conduct log emergency steering drills. **B. CFR Citation:** 46 CFR **C. Legal Authority:** 33 USC 1224 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Falvey, (202) 426- *4958*	Withdrawn		
†Marine Personnel Safety Standards (Docket No. CGD 79-065).	**A. Abstract:** Would develop a new Subchapter prescribing general personnel safety standards for inspection vessels and offshore facilities. (Subchapter V). **B. CFR Citation:** 46 CFR **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Gold, (202) 426-2183; LT F. Whipple, (202) 426-5160.	Withdrawn		
Amendment to Application of Vessel Numbers (Docket No. 79-087).	**A. Abstract:** Would delete date of birth and citzenship data from application for vessel number. (45 FR 55768). **B. CFR Citation:** 33 CFR pt. 174 **C. Legal Authority:** 46 U.S.C. 1467 **D. Effects on Small Entities:** No **G. Agency Contact:** *LCDR Schmeedt, (202) 426-4176*	NPRM FR	8/21/80 2/25/82	45 FR 55768 47 FR 8175
Shipment of Bulk Hazardous Waste by Water (Docket No. CGD 79-095).	**A. Abstract:** Would establish requirements for transportation of bulk hazardous wastes. **B. CFR Citation:** 46 CFR pt. 156 **C. Legal Authority:** 46 U.S.C. 391(a) **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. M. Query, (202) 426-1217	NPRM Withdrawal	10/14/80 5/27/82	45 FR 67708 47 FR 23188
Shipboard Noise Abatement (Docket No. CGD 79-134).	**A. Abstract:** Would develop noise abatement standards (noise levels, hearing conservation program, etc.) for inspected vessels over 100 gross tons. (Will be included in subchapter V). **B. CFR Citation:** 46 CFR Subchapter V **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Murray, (202) 426-2183	Withdrawn		
Start-in-Gear Protection (Docket No. CGD 79-137).	**A. Abstract:** Would establish a requirement for manufacturers of outboard engines producing more than 115 pounds of thrust to have a feature that would prevent the engine from being started while the transmission was in gear. **B. CFR Citation:** 33 CFR pts. 181 and 183 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. R. Franceen, (202) 426-1080	NPRM FR	3/24/80 1/15/81	45 FR 18987 46 FR 3514
Review: Tank Stop Valves (Docket No. CGD 79-159).	**A. Abstract:** Would amend the regulations for tank stop valves to make them applicable to sluice gates and sluice valves as well as piping systems. **B. CFR Citation:** 46 CFR pts. 56, 58 **C. Legal Authority:** 46 USC 391a **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Mowery, (202) 426-2160	ANPRM Withdrawal	4/16/81 4/1/82	46 FR 220 47 FR 13838

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Title	Summary	Timetable		
		Action	Date	Cite
Review: License in Temporary Grades (Docket No. CGD 79-173).	**A. Abstract:** Would provide for licenses in temporary grades or special endorsements or licenses to permit temporary service. **B. CFR Citation:** 46 CFR pt. 11 **C. Legal Authority:** 49 U.S.C. 375, 416, 391a, 404 **D. Effects on Small Entities:** No **G. Agency Contact:** CDR D. Struck, (202) 426-2240	NPRM Withdrawal	8/18/80 2/11/82	45 FR 54776 47 FR 6300
†Shipboard Asbestos Standards (Docket No. CGD 79-181).	**A. Abstract:** Would develop safety standards threshold values, etc., for use of asbestos on inspected vessels. (Will be included in Subchapter V). **B. CFR Citation:** 33 CFR Subchapter V **C. Legal Authority:** 46 U.S.C. 375 **D. Effects on Small Entities:** No **G. Agency Contact:** LT Fust, (202) 426-2183	Withdrawn		
Loran C Position Transmitting System (Docket No. CGD 80-093).	**A. Abstract:** Would require an automatic position transmitting capability of deep draft ships approaching Hinchen Brook Entrance and in the lower portion of Prince William Sound, Alaska. **B. CFR Citation:** 33 CFR pt. 161 **C. Legal Authority:** 33 U.S.C. 1221 **D. Effects on Small Entities:** No **G. Agency Contact:** *Mr. A. Whittum,* (202) 426-4958	Withdrawal Notice.	6/82	47 FR 26166
Mooring and Fleeting of Tows on Snake Island, Texas (Docket No. 80-094).	**A. Abstract:** Would prohibit the mooring and fleeting of tows on Snake Island, Texas. **B. CFR Citation:** 33 CFR pt. 128 **C. Legal Authority:** PL 95-474 **D. Effects on Small Entities:** No **G. Agency Contact:** *LCDR Edwards,* (202) 426-5116	NPRM FR	7/13/82 4/1/82	46 FR 35941 47 FR 13802
Documentation of Vessels (Docket No. CGD 80-107).	**A. Abstract:** Would revise 46 CFR parts 66 and 67 to implement the provisions of Public Law 96-594. Project number CGD 80-108 has been incorporated into this project. **B. CFR Citation:** 46 CFR pts. 66, 67 **C. Legal Authority:** PL 96-594 **D. Effects on Small Entities:** No **G. Agency Contact:** Ms. P. Camille, (202) 426-1492	NPRM FR	11/16/81 6/24/82	46 FR 56318 47 FR 27490
Fire test for carpets (Docket No. 80-135).	**A. Abstract:** Would clarify "equivalent fire resistive" carpet and specify limitations on use of carpet aboard commercial vessels other than passenger vessels. **B. CFR Citation:** 46 CFR pt. 72 **C. Legal Authority:** 46 USC 481 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. W. Boyce, (202) 426-2197	Withdrawn		
Load Line Survey Fees (Docket No. CGD 80-143).	**A. Abstract:** Would permit American Bureau of Shipping (ABS) to set fees without Coast Guard regulatory action. **B. CFR Citation:** 46 CFR pt. 42 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Granholm, (202) 426-2188	NPRM FR	11/9/81 6/10/82	46 FR 55278 47 FR 25148
Review: Revocation of Obsolete Specifications (Docket No. 80-155).	**A. Abstract:** Would revoke approval specifications for cork and balsa ring life buoys and material specifications for cord and balsa. **B. CFR Citation:** 46 CFR pts. 25, 33 **C. Legal Authority:** 46 U.S.C. 369, 375, 390b, 416 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Thompson, (202) 426-2174	NPRM FR	7/20/81 3/11/82	46 FR 37290 47 FR 37286
Amendments to Regulations allowing cork and balsa wood ring buoys (Docket 80-155a).	**A. Abstract:** Would amend regulations in 33 CFR parts 144, 149 and 175 that allow cork and balsa wood ring buoys on artificial islands, fixed offshore structures and recreational boats. **B. CFR Citation:** 33 CFR pts. 144, 145 **C. Legal Authority:** 46 U.S.C. 369, 375, 390b, 416 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. F. Thompson, (202) 426- 2174	NPRM FR	7/20/81 3/11/82	46 FR 37386 47 FR 10558

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Title	Summary	Timetable		
		Action	Date	Cite
Inland Navigation Rules Certificates of Alternative Compliance (Docket 80-157).	**A. Abstract:** Would set out procedures by which a vessel can receive a certificate of alternative compliance which recognizes the inability of a vessel of particular construction to comply with a particular provision of the Inland Rules. **B. CFR Citation:** 33 CFR pt. 96 **C. Legal Authority:** PL 96-591 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Llana, (202) 426-5116	NPRM FR	5/14/81 4/1/82	46 FR 26661 47 FR 13800
Annex V to Inland Navigation Rules Pilot Rules (Docket 80-158).	**A. Abstract:** Would set out pilot rules of special applicability to supplement the new Inland Navigation Rules. **B. CFR Citation:** 46 FR 37012 **C. Legal Authority:** PL 96-591 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Llana, (202) 426-5116	NPRM FR	7/16/82 4/15/82	46 FR 37012 47 FR 16174
Annex IV to Inland Navigation Rules - Distress Signals (Docket 81-007).	**A. Abstract:** Would provide the marine community with standardized signals for vessels to be used exclusively for indicating distress and the need for assistance. **B. CFR Citation:** 33 CFR pt. 87 **C. Legal Authority:** PL 96-591 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Llana, (202) 426-5116	NPRM FR	7/16/81 4/15/82	46 FR 37002 47 FR 16173
Optional Simplified Admeasurement of Commercial Vessels (Docket 81-032).	**A. Abstract:** Would implement Public Law 96-594, a bill to simplify admeasurement of commercial vessels of less than 24 meters (79 feet), and non-self propelled vessels of any size which are not engaged or intending to engage in international voyages by sea. **B. CFR Citation:** 46 CFR pt. 69 **C. Legal Authority:** 46 U.S.C. 2, 3, 71, 74, 83 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Higgins, (202) 426-2192	NPRM FR	1/14/82 4/29/82	47 FR 2131 47 FR 18334
Delete Fifth District Merchant Marine Technical Office Address from Regs (Docket 81-039).	**A. Abstract:** Would remove Fifth District Merchant Marine Technical Office from Regulations. **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** 46 U.S.C. 391(a), 49 U.S.C. 1055(b) **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Anderson	FR	6/7/82	47 FR 24547
Transfer of Corps of Engineers Gulf of Mexico Shipping Fairway Regulations (Docket 81-040).	**A. Abstract:** Would transfer the Army Corps of Engineers regulations designating Shipping Fairways in the Gulf of Mexico to the Coast Guard. **B. CFR Citation:** 33 CFR pt. 74 **C. Legal Authority:** PL 95-474 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. C. Young, (202) 426-5116	FR	5/13/82	47 FR 20580
Licensing of Officers of Inspected Vessels of less than 100 gross tons (Docket 81-043).	**A. Abstract:** Would amend 46 CFR parts 157, 175, 185, 186 and 187 to reflect statutory intent of P.L. 96-378 concerning the licensing of officers, and manning of inspected vessels of less than 100 gross tons. **B. CFR Citation:** 46 CFR pt. 157 **C. Legal Authority:** 46 U.s.c. 224, 390, 390(b) **D. Effects on Small Entities:** No **G. Agency Contact:** CDR McCowen, (202) 426-2240	Withdrawn		
Great Lakes Pilotage Rates (Docket No. CGD 81-088).	**A. Abstract:** Would increase the basic pilotage rates by nine percent in the U.S. Great Lakes pilotage system, eliminate the smallest category in the "range of pilotage units" table, and permit temporarily registered pilots to hold financial interests in pilot organizations. **B. CFR Citation:** 46 CFR pt. 401 **C. Legal Authority:** 46 U.S.C. 216c **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Hartke, 755-8683	NPRM FR	2/11/82 4/1/82	47 FR 6300 47 FR 13808

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Other Rulemakings—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Visual Distress Signal Equipment Requirements (Docket No. CGD 81-038-A).	**A. Abstract:** Would amend to clarify language, provide definition of "Coastal Waters", allow continued use of existing flare launchers, & lessen requirement for carriage by some boats. **B. CFR Citation:** 33 CFR pt. 175 **C. Legal Authority:** 46 U.S.C. 1454 **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Schmecht, (202) 426-4176	FR	6/7/82	47 FR 24548
Establishment of Regional Examination Centers (Docket No. 82-033).	**A. Abstract:** Would establish consolidated centers for the purpose of testing merchant marine personnel. **B. CFR Citation:** 46 CFR pts. 1, 10, 12, 187 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** CDR McGowman, (202) 426-2240	NPRM FR	5/3/82 7/1/82	47 FR 18929 47 FR 28677

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
•Pollution Prevention Regulations.	**A. Abstract:** These regulations were promulgated pursuant to 46 U.S.C. 391a(7). (Port and Tanker Safety Act) (PTSA). The regulations require segregated ballast tanks, clean ballast tanks, and crude oil washing systems in various combinations for oil tankers. The purpose of the regulations is to prevent pollution. The PTSA also requires a regulation to be promulgated by January 1, 1986, that would require retrofitting of United States flag vessels of between 20,000-40,000 tons that are 15 years old or older with these pollution prevention systems. The Coast Guard initially calculates the cost will be $5-$6 billion over a period of 20-30 years. These regulations should be reviewed because of their cost. Also there has been, in the past, some opposition from tank vessel owners. However, the PTSA is fairly specific in requiring certain pollution prevention systems and legislation may be needed. After review, the Coast Guard has decided to go ahead with a regulatory proposal. It is now listed in the agenda as a priority rulemaking under docket number (GD 82-028). **B. CFR Citation:** 33 CFR pt. 157 **C. Legal Authority:** 46 U.S.C. 391(a), 92 Stat. 1486 **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. J. Angelo, (202) 426-4432	Review Complete.		
Navigation Safety Regulations.	**A. Abstract:** These regulations were promulgated pursuant to the PTSA (46 U.S.C. 391a). The implementing regulations require that commercial tank vessels carry dual radar systems, redundant (back-up) steering systems and certain other navigating equipment. A review is warranted because of controversiality with vessel owners and costs of installation *426-4958* . **B. CFR Citation:** 33 CFR Pt. 164 **C. Legal Authority:** 46 U.S.C. 391(a) **D. Effects on Small Entities:** No **G. Agency Contact:** Mr. Tom Falvey, (202)	Review Complete.		

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U.S. Coast Guard

Completed Actions

Priority Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
•Stability Subchapter (Docket No. CGD 79-033).	**A. Abstract:** Presently Coast Guard vessel stability regulations are located in numerous parts of Title 46 of the Code of Federal Regulations. This makes them confusing and difficult to apply. This review is aimed at consolidating existing stability regulations into a single subchapter. Consolidation should result in more efficient administration and easier access to the regulations by users. **B. CFR Citation:** 46 CFR **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** LCDR Feeney, (202) 426-6127	Review Complete.		
Vessel Reporting Requirements.	**A. Abstract:** These regulations were also developed and promugated pursuant to the PTSA. They require vessel owners to report their locations, arrivals and departures when carrying certain hazardous cargoes. The barge industry and certain boat owners in the past, have opposed these regulations. This regulation should be reviewed because of its controversy and impact on the barge and towing industry. **B. CFR Citation:** 33 CFR Pt. 161 **C. Legal Authority:** 46 U.S.C. 391(a) **D. Effects on Small Entities:** No **G. Agency Contact:** LTJG Powers, (202) *755-1354*	Review Complete.		
Licensing of Officers and Motorboat Operators and Registration of Staff Officers (Docket No. CGD 81-059).	**A. Abstract:** The present regulations applicable to the licensing of officers and motor boat operators and the registration of staff officers do not have a logical or structured arrangement. They also do not clearly indicate what is required before an officer is permitted to expand the scope of his license in terms of vessel type, size and area of operation. The goal of this review is a comprehensive restructuring of the regulations so that overlaps and inconsistencies can be eliminated. Specific objectives of the review are to reduce the number of specialized deck licenses issued by the Coast Guard, simplify the administration of the regulations, improve the clarity of the regulations to aid public understanding and define, in clear terms, paths of career progression which will simplify the use of the regulations by those subject to their requirements. **B. CFR Citation:** 46 CFR pt. 101 **C. Legal Authority:** **D. Effects on Small Entities:** No. **G. Agency Contact:** LCDR George Naccara, (202) 426-6259	Review Complete.		

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Federal Aviation Administration

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major

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Title	Summary	Timetable		
		Action	Date	Cite
†Parts Manufacturer Approvals (Docket No. 17147)..	**A. Abstract:** Would (1) simplify the procedure for approving a PMA applicant's design on the basis of identicality to an already approved design; (2) reduce PMA application and reporting requirements; and (3) add a marking requirement which will facilitate field installation of replacement parts manufactured under a PMA and help avoid use of incorrect parts. The proposed revision is considered to be significant because it is controversial. Differences of opinion exist with respect to the methods available for showing identicalness of parts. Also the Parts Manufacturer Approval application and reporting requirements may be unnecessarily burdensome. **B. CFR Citation:** 14 CFR pt. 21 **C. Legal Authority:** Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis.. **F. Additional Information:** This project was initiated December 23, 1975. NPRM No. 77-19 was published in the Federal Register (42 FR 43985). Comment period later reopened until January 4, 1978 (NPRM No. 77-19A, 42 FR 61048) and again reopened until May 15, 1978 (NPRM No. 77-19B, 43 FR 15432). Portions of NPRM 77-19 dealing with other subjects were handled separately. Supplemental Notice of Proposed Rulemaking (SNPRM) was published January 15, 1981 (46 FR 3775). Initial comment period closed April 15, 1981; reply comment period closed May 15, 1981. NPRM 77-19D reopening the comment period until August 24, 1981, and the reply comment period until September 21, 1981, was published July 23, 1981 (46 FR 38062). *In view of the Congressional, Federal Agency, and public comments on this rulemaking, a Regulatory Flexibility Analysis will be prepared, whether or not required by the Regulatory Flexibility Act.* . **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM SNPRM FR	12/23/75 1/15/81 11/82	42 FR 43985 46 FR 3775
Wind Shear (Docket No. 19110).	**A. Abstract:** Would revise existing regulation to require all large passenger-carrying aicraft be equipped with a device that will display wind shear information to the pilots. This action is considered a significant project because it will generate substantial public interest and will be controversial. As a result of several accidents involving wind shear, it in necessary to identify equipment that will enable pilots to identify low level wind shear conditions. **B. CFR Citation:** 14 CFR pt. 121 **C. Legal Authority:** Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** In 1975, the FAA began a two year effort to develop a wind shear program. As part of the program, FAA began work to develop a wind shear warning and pilot aiding device which has achieved encouraging results. Following the initial announcement of this proposal it was determined that a regulatory analysis would not be required; however, an evaluation will be made and docketed. ANPRM No. 79-11 was published on May 3, 1979 (44 FR 25807) and comment period closed August 3, 1979. *This project is being considered in connection with the review of the air carrier certification, operating and maintenance rules (14 CFR Parts 121 & 135).* . **G. Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM Further action to be determined.	5/3/79	44 FR 25807

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Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Flight Crewmembers: Limitations on Use of Services.	**A. Abstract:** The FAA has established a project to determine the need to revise that provision of Part 121 which prohibits certificate holders from using the services of any person as a pilot flight crewmember if that person has reached his or her 60th birthday and to extend the rule to cover all flight crewmembers in air carrier operations. The "Age 60" rule is significant because it has been objected to by pilots flying in Part 121 operations since its adoption. Any action that the FAA proposes can be expected to generate significant concern over the economic and career consequences to flight crewmembers and to air carriers. This project is needed in light of a recent government study on the "Age 60" rule and air carrier experience involving down-bidding of age 60 pilots to flight engineer positions. **B. CFR Citation:** 14 CFR pt. 121 **C. Legal Authority:** Section 313(a), 601, 602, and 604, Federal Aviation Act of 1958 (49 U.S.C. Sections 1354(a), 1421, 1422, 1423): Section 6(c) Department of Transportation Act (49 U.S.C. Section 1655(c)). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Public Law 96-171 (7/18/79) directed the National Institutes of Health (NIH) to conduct a study to determine if the "age 60 rule" is warranted. The report, issued August 1982, recommends retaining the rule, extending it to cover Part 135 operations, and implementing a study to collect data to possibly relax the *current rule. The ANPRM 82-10 was published July 8, 1982. (47 FR 29782). The comment period closes November 5, 1983.* . **G. Agency Contact:** *William J. Sullivan, (202) 755-8716*	ANPRM *Further action to be determined.*	7/8/82	47 FR 29782
*Airport Noise Compatibility Planning.	**A. Abstract:** Would revise and replace with a final rule the interim rule (FAR Part 150) on this subject, (1) prescribing requirements for airport operators choosing to sumbit an airport noise exposure map or an airport noise compatibility program, (2) establishing a single system of measuring aircraft noise and a single system for determining the exposure of individuals to noise in the vicinity of airports, and (3) identifying land uses that are normally compatible (or noncompatible) with various levels of noise around airports. The proposed regulation is significant because it is of substantial interest to the public, potentially affecting State and local governments and the aviation community. The Aviation Safety and Noise Abatement Act of 1979 requires the Secretary of Transportation (and through delegation, the Administrator of the FAA) to establish items (1), (2), and (3). The aviation noise problem in the vicinity of airports has become recognized as one of the greatest and potentially most damaging problems in social as well as environmental and economic terms, in aviation today. Pressures for curfews and other constraints upon aviation to solve noise problems are increasing. Costs of land purchases, soundproofing, and land use changes for compatibility purposes are increasing at even faster rates. There is an urgent need for positive actions and constructive cooperative efforts by all involved in the aviation noise problem. This final rule will serve as the primary vehicle for these actions and efforts. **B. CFR Citation:** CFR pt. 150 **C. Legal Authority:** Title I of the Aviation Safety and Noise Abatement Act of 1979 (P.L. 96-193), Sections 307(a), 312, 611, and 612 of the Federal Aviation Act of 1958 (as amended), and Section 20(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1720(b)). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	NPRM	10/82	

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Priority Rulemakings: Non-Major—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The Aviation Noise Abatement Policy, issued November 18, 1976, established a pilot noise abatement planning program, the Airport Noise Control and Land Use Compatibility (ANCLUC) Program. The Aviation Safety and Noise Abatement Act of 1979 established the basis and legal requirement for this and the interim rule FAR Part 150. FAR Part 150, the interim rule, was adopted January 19, 1981, and became effective February 28, 1981. Comments were received on the interim rule through December 1, 1981. **G. Agency Contact:** Richard Tedrick, (202) 755-9027			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Review: Aircraft Engine Regulations Notice (Docket No. 16919).	**A. Abstract:** Proposed amendment to resolve a number of regulatory issues raised by engine manufacturers and to update those standards. **B. CFR Citation:** 14 CFR pts. 23, 25, 27, 29, and 33) **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603, 608; (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *George F. Muleahy, FAA NE Region, 12 Executive Park, Burlington, MA 01803, (617) 273-7330.*	NPRM FR	11/20/80 *9/82*	45 FR 76872
Review: Operations Review Notice No. 12 (Docket No. 21071).	**A. Abstract:** Proposed extensive revisions to update and improve regulations applicable to aircraft maintenance, preventive maintenance, rebuilding and alteration of aircraft. **B. CFR Citation:** 14 CFR pts. 43 and 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-605, 902, 1110, 1202; (49 U.S.C. 1348(a)(c), 1354(a), 1421-1425, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	11/20/80 *8/82*	45 FR 76894
Review: Operations Review Program Close-out Notice No. 13.	**A. Abstract:** Notice announcing the disposition of all proposals not addressed in previous Operations Review Notices and the availability of an index of the disposition of all Operations Review proposals. **B. CFR Citation:** None **C. Legal Authority:** None **D. Effects on Small Entities:** Not applicable. **G. Agency Contact:** William J. Sullivan, (202) 755-8716	*FR*	9/82	
Review: Part 91 Notice (Docke No. 16431).	**A. Abstract:** The agency conducted a Regulatory Review Conference of 14 CFR Part 91, Subpart B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202; (49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	Further action to be determined		
Review: Part 91 Review Lost Communications (Docket No. 16431).	**A. Abstract:** Proposed amendment to simplify lost communications procedures. **B. CFR Citation:** 14 CFR pt. 91	NPRM	9/82	

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c) (FAAct 307, 313(a), 402, 601-603, 902, 1110, 1202). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656			
Review: Objects Affecting Navigable Airspace (Docket No. 16920).	**A. Abstract:** Would revise and reorganize 14 CFR Part 77 in a more logical sequence and presentation of regulatory requirements relating to proposed construction or alteration and their impact on navigable airspace. It is also intended to clarify and strengthen agency actions in determining whether a particular object would be a hazard to air navigation. **B. CFR Citation:** 14 CFR pt. 77 **C. Legal Authority:** F.A.Act, Secs. 104, 307, 313, 1001, 1101 (49 U.S.C. 1304, 1348, 1354, 1431, 1501). **D. Effects on Small Entities:** No **G. Agency Contact:** Keith Potts, (202) 426-3731	Notice of Review. Review Conference. NPRM	6/19/78 12/4-8/80 12/82	43 FR 26322
Review: Update of Part 139	**A. Abstract:** Revision of 14 CFR Part 139 to update and clarify the part including fire-fighting and rescue requirements. **B. CFR Citation:** 14 CFR pt. 139 **C. Legal Authority:** F.A.Act, Secs. 313, 609, 610 (49 U.S.C. 1354, 1429, 1430, 1432). **D. Effects on Small Entities:** No **G. Agency Contact:** Jose Roman, (202) 426-3087	Further action to be determined.		
Pilot Oxygen Mask Use Requirements (Formerly "Supplemental Oxygen").	**A. Abstract:** Proposed rule to permit certain widebody turbojet airplanes to operate up to flight level of 45,000 feet above sea level without requirements for the pilot to use supplemental oxygen. **B. CFR Citation:** 14 CFR pts. 25, 29, 37, 91, and 121 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 501, 601, 610, 902, 1110, 1202, 1102; 49 U.S.C. 1348(a)(c), 1354(a), 1421-1430, 1502, 1655(c). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM Further action to be determined.	8/12/82	47 FR 35146
Review: Metropolitan Washington Airports Regulations.	**A. Abstract:** Proposed revision to reflect changed operational conditions and policies and to simplify, clarify and consolidate the regulations pertaining to the National Capital Airports. **B. CFR Citation:** 14 CFR pt. 159 **C. Legal Authority:** D.C. Code, Title 2-1602; Sec. 2, 54 **D. Effects on Small Entities:** No **G. Agency Contact:** Edward S. Faggen, Wash. Nat'l Airpt., Hang 9, Wash, DC 20001, (703) 557-8123.	Further action to be determined.		
Review: Revision of Part 91 (Docket No. 18334).	**A. Abstract:** This review deals with the air traffic and general operating rules in Part 91 - the most fundamental aviation regulations. This action would reorganize and rearrange the rules without substantive change, to make them easier to use and understand. (Phase I). A later action will review and revise them to eliminate unnecessary burdens in keeping with E.O. 12291. (Phase II). AOPA withdrew its petition on November 20, 1980, so the FAA could proceed with this two-step review. ANPRM 79-2 published the original AOPA petition for comment on Janary 22, 1979 (44 FR 4571). NPRM 79-2A proposing reorganization of Part 91 was published on September 10, 1981 (46 FR 45256). NPRM 79-2B extended the comment period to April 9, 1982 (December 10, 1981; 46 FR 60461). Comments received on NPRM 79-2A will form a basis for proceeding with Phase II. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348, 1354, 1354(a) 1355, 1401, 1402, 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM NPRM NPRM	1/22/79 9/10/81 1/83	44 FR 4571 46 FR 45256

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Recording of Aircraft Titles and Security Documents - Notice of Lien (Docket No. 14236).	**A. Abstract:** Proposed amendment to prescribe specific procedures for filing Notice of Lien with the Aircraft Registry. This proposal would also require release of the Notice filed upon satisfaction of the lien. **B. CFR Citation:** 14 CFR pt. 49 **C. Legal Authority:** F.A.Act, Secs. 313, 501, 503, 505, 1102 (49 U.S.C. 1354, 1401, 1403, 1405, 1502). **D. Effects on Small Entities:** No **G. Agency Contact:** *Elizabeth Flinta,* PO Box 25724, Okla City, OK 73125, (405) 686-2284.	NPRM Further action to be determined.	1/13/75	40 FR 2445
Cessna Finance Petition (Docket No. 17311).	**A. Abstract:** Petition for rulemaking to amend Part 47 to provide all persons who hold a security interest in aircraft the same protection now afforded the seller of an aircraft under a conditional sales contract. **B. CFR Citation:** 14 CFR pt. 47 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 501, 503, 505, 506, 1102; 49 U.S.C. 1348, 1354, 1401, 1403, 1405, 1406, 1502. **D. Effects on Small Entities:** No **G. Agency Contact:** *Elizabeth Flinta PO Box 25724 Okla City, OK 73125,* (405) 686-2284.	ANPRM NPRM FR	10/20/77 5/22/80 10/82	42 FR 55891 45 FR 34826
Use of Alcohol or Drugs (Docket No. 21956).	**A. Abstract:** Proposed rule which will subject Certificated Flight Crewmembers suspected of being under the influence of alcohol to blood-alcohol tests and establish a specific blood-alcohol content level at which a pilot is considered to be intoxicated. **B. CFR Citation:** 14 CFR pts. 61 and 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 314, 402, 601-603, 902, 72, 1110, 1202; 49 U.S.C. 1348(a)(c), 1354(a), 1355, 1421(a), 1422, 1655(c). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM Further action to be determined.	7/27/81	46 FR 38480
Revision of Applicability of Part 139.	**A. Abstract:** Proposed amendment to require the certification of airports serving commuter air carriers, as well as air carriers holding certificates of public convenience and necessity from the CAB. This revision would respond to the Airline Deregulation Act of 1978 and ensures that passengers traveling aboard commuter air carriers enjoy the same level of safety as passengers traveling aboard CAB certificated air carriers. **B. CFR Citation:** 14 CFR pt. 139 **C. Legal Authority:** F.A.Act, Secs. 313, 609, 610 (49 U.S.C. 1354, 1429, 1430, 1432). **D. Effects on Small Entities:** No **G. Agency Contact:** Jose Roman, Jr., (202) 426-3087	NPRM Further action to be determined.	6/12/80	45 FR 39857
Review: Rotorcraft Review Notice No. 1 Certification, IFR, and Deicing (Docket No. 21180).	**A. Abstract:** This notice proposes to add new airworthiness standards and update existing criteria in the areas of instrument flight rules (IFR) certification and ice protection certification. It also proposes revisions to the applicability of sections of Part 27 and 29 which allow for increased productivity for rotorcraft engaged primarily in utility or cargo operations and provides additional protection for rotorcraft carrying 10 or more passengers. **B. CFR Citation:** 14 CFR pts. 1, 27, 29, 33, 43, 45, 61, 91, 121, 127, 133, and 135. **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314, 314(a), 402, 501, 502, 601-610, 902, 1110, 1202, 1102 (49 U.S.C. 1348, 1348(a)(c), 1351, 1354, 1354(a), 1355, 1355(a), 1401, 1402, 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** *Tommie S. Plummer,* PO Box 1689, Ft. Worth, TX 76101, (817) 624-4911.	NPRM Public Meeting FR	12/18/80 8/80 8/82	45 FR 83424

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Inoperative Instruments or Equipment, (Docket No. 22320).	**A. Abstract:** This notice proposes to revise Part 91 to include provisions that will allow the operation of powered aircraft with certain installed instruments and equipment inoperative. The proposal would consolidate minimum equipment list requirements presently contained in various parts of the Federal Aviation Regulations into one regulation. **B. CFR Citation:** 14 CFR pts. 43, 91, 121, 125, and 135 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314(a), 402, 501, 601-610, 902, 1102, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, 1354(a), 1355, 1355(a), 1421(a)-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM Further action to be determined.	10/26/81	46 FR 52278
Hang Gliding (Docket No. 21631).	**A. Abstract:** Proposed addition to FAR Part 101 to designate general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. This entry has been reclassified as Priority Rulemakings: Non-Major. **B. CFR Citation:** 14 CFR pt. 101 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1302 (49 U.S.C. 1348, 1354, 1372, 1421, 1442, 1443, 1472, 1510, 1522). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	NPRM FR	7/27/81 8/82	46 FR 38472
Parachute Jumping, Notice and Authorization Requirements.	**A. Abstract:** Proposed amendments would require notice of parachute jumps in terms of above mean sea level and would require ATC authorization for jumps in/into a terminal control area. **B. CFR Citation:** 14 CFR pt. 105 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 601 (49 U.S.C. 1348, 1354(a), 1421). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	NPRM	9/82	
Terminal Control Areas (TCA's): Phoenix.	**A. Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **B. CFR Citation:** 14 CFR pt. 71 **C. Legal Authority:** F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wugalter, (202) 426-8783	Further action to be determined.		
Terminal Control Areas (TCA's): Fort Lauderdale/ Miami, (Docket No. 186905/80-R30-4).	**A. Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **B. CFR Citation:** 14 CFR pt. 71 **C. Legal Authority:** 49 U.S.C. 1348(a), 1354(a), 1510, 1655(c) **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wugalter, (202) 426-8783	Further action to be determined.		
Terminal Control Area (TCA) New York (Modification).	**A. Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **B. CFR Citation:** 14 CFR pt. 71 **C. Legal Authority:** F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wugalter, (202) 426-8783	NPRM Further action to be determined.	1/8/81	46 FR 2088
Terminal Control Area (TCA) Las Vegas (Modification).	**A. Abstract:** Terminal Control Areas (TCA's) are proposed to reduce the midair collision potential by eliminating the mix of controlled and uncontrolled aircraft in a higher density terminal environment. **B. CFR Citation:** 14 CFR pt. 71	Further action to be determined.		

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: F.A.Act, Secs. 307(a), 313(a), 1110 (49 U.S.C. 1348(a), 1354(a), 1510, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wugalter, (202) 426-8783			
Flight Operations Control Systems (Docket No. 18591).	**A. Abstract:** Based upon a Transamerican Airlines (TIAS) and World Airways (WRLS) joint petition for rule making, the FAA is considering amending Part 121 to allow among other things all operations to be conducted under a flight operations control system. Advance Notice 80-16 (14 FR 67103) issued Oct. 2, 1980, published the entire petition and requested comments to assist the FAA in determining what if any regulatory proposals should be developed. **B. CFR Citation:** 14 CFR pt. 121 **C. Legal Authority:** F.A.Act, Secs. 313(a), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM Further action to be determined.	10/2/80	45 FR 67103
Review: Rotorcraft Review Notice No. 2-Systems.	**A. Abstract:** This notice is the second of a series of notices that propose to add new airworthiness, operation, and maintenance standards for rotorcraft. This particular notice proposes changes to Parts 27, 29, and 91 and deals only with the flight controls and associated systems on rotorcraft. **B. CFR Citation:** 14 CFR pts. 27, 29, and 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, 1354(a), 1421, 1421(a), 1423, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** *Jim Honaker, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911 Ext. 504.*	NPRM Further action to be determined.	8/26/82	
Review: Rotorcraft Review Notice No. 3 - Powerplants.	**A. Abstract:** This notice is the third of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the engine and related equipment certification requirements in Parts 27 and 29 of the Federal Aviation Regulations. **B. CFR Citation:** 14 CFR pts. 27 and 29 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603; 49 U.S.C. 1354, 1421, 1423. **D. Effects on Small Entities:** No **G. Agency Contact:** *Wilbur Wells, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911, Ext. 504.*	NPRM	11/82	
Review: Rotorcraft Review Notice No. 4 - Airframe.	**A. Abstract:** This is the fourth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the airframe and related equipment requirements in Parts 27 and 29 of the Federal Aviation Regulations. **B. CFR Citation:** 14 CFR pts. 27 and 29 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *James Major, PO Box 1689, Ft Worth, TX 76101, (817) 624-4911, Ext. 504.*	NPRM	8/82	
Review: Rotorcraft Review Notice No. 5- Operations and Maintenance.	**A. Abstract:** This is the fifth of a series of notices to be issued as part of the FAA's comprehensive Rotorcraft Regulatory Review Program. This notice contains proposals which would amend and update the operations and maintenance requirements pertaining to rotorcraft and covered in Parts 43, 45, 61, 91, 121, 127, 133, and 135 of the Federal Aviation Regulations. Part 1 would also be amended to add a definition of a Class D rotorcraft-load combination. **B. CFR Citation:** 14 CFR pts. 43, 45, 61, 91, 121, 127, 133, and 135.	*Further action to be determined.*		

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: F.A.Act, Secs. 307, 313, 313(a), 314, 314(a), 501, 502, 601-610, 902, 1102, 1110, 1202 (49 U.S.C. 1341, 1348(a)(c), 1354(a) 1355, 1421(a), 1430, 1502, 1401, 1402, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716			
Transport Category Airplanes Cabin Ozone Concentration.	**A. Abstract:** This proposed amendment would exempt operators of "cargo-only" aircraft and narrow-body two- and three-engine aircraft from installing ozone equipment or establishing ozone avoidance procedures. **B. CFR Citation:** 14 CFR pts. 25 and 121 **C. Legal Authority:** F.A.Act, Secs. 313, 313(a), 501, 601-610, 1102 (49 U.S.C. 1354, 1354(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	11/23/81 10/82	46 FR 57442
Flight Crewmember Flight Time Limitations and Rest Requirements.	**A. Abstract:** Proposed amendment to revise the flight time limitations and rest requirements for flight crewmembers utilized by domestic, flag, and supplemental air carriers, commercial operators, air taxi operators, and scheduled air carriers with helicopters. The complexity of the current rule has required numerous interpretations and has been a burdensome requirement. A proposal is to be developed which is both less complex and less burdensome in compliance with Executive Order 12291. **B. CFR Citation:** 14 CFR pts. 121 and 135 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314(a), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1355(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	3/11/82 4/83	47 FR 10748
Fuel Venting and Exhaust Emission Requirements for Turbine Engine Powered Airplanes.	**A. Abstract:** Would revise the aircraft/aircraft engine emissions standards to ensure compliance with revisions being made to the EPA standards. **B. CFR Citation:** 14 CFR pt. 21; SFAR 27 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601(a) & 603 (49 U.S.C. 1354(a), 1421(a) & 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** E. Ballenzweig, (202) 755-8933	NPRM	3/83	
Temporary Flight Restrictions (Docket No. 22951).	**A. Abstract:** This proposal features provisions that would allow the Administrator to restrict all flight operations within a designated area under specified situations. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307 & 313(a) (49 U.S.C. 1348, 1354(a)). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	NPRM FR	4/29/82 10/82	47 FR 18560
Southlake Aviation Cross-Country Requirements (Docket No. 21371).	**A. Abstract:** Petition to amend Part 61 to require one cross-country flight with landings at three points, each of which is 75 nautical miles from each of the other two points. The three legs must be more than 100 nautical miles in total length. **B. CFR Citation:** 14 CFR pt. 61 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602 (49 U.S.C. 1354(a), 1355, 1421, 1422, 1655(a)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	12/12/81 10/82	46 FR 62638
Air Transport Association - Number of Attendants at Intermediate Stops (Docket No. 20843).	**A. Abstract:** This action would reduce by one-half the number of flight attendants required to remain on board the aircraft during intermediate stops when passengers remain on board. Current regulations are interpreted as providing that the required number of flight attendants must remain on board during these stops. **B. CFR Citation:** 14 CFR pt. 121 **C. Legal Authority:** F.A.Act, Secs. 313(c), 501, 601-610, 1102 (49 U.S.C. 1354(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No	NPRM FR	1/21/82 11/82	47 FR 3068

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Title	Summary	Timetable		
		Action	Date	Cite
	G. Agency Contact: William J. Sullivan, (202) 755-8716			
General Aviation Manufacturers Association - Defer compliance date of §21.50(b).	**A. Abstract:** Petition to defer the compliance date of January 28, 1981, due to the inability of the general aviation manufacturers to produce maintenance manuals that would conform in all respects to the detailed provisions of the new FAR sections requiring instructions for Continued Airworthiness in time for the introduction of the 1982-1984 model airplanes, and until such time as the objectives and intent of the FAA in accord with the original amendment are clarified and made known. **B. CFR Citation:** 14 CFR pt. 21 **C. Legal Authority:** F.A.Act, Secs. 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427, 1428, 1429, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Further action to be determined.		
Designated Airworthiness Representatives.	**A. Abstract:** This project proposes to establish a designated airworthiness representative (DAR) to represent functions in the airworthiness disciplines of manufacturing, maintenance, and engineering. **B. CFR Citation:** 14 CFR pt. 183 **C. Legal Authority:** F.A.Act, Secs. 301(c), 305, 307(b), 313(a), 314 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), 1355). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	6/24/82 1/83	47 FR 27472
Robinson Helicopter Co. - Registration Marks for Helicopters (Docket No. 17528).	**A. Abstract:** Petition to permit the display of identification marks, N-numbers at least 12 inches high on rotorcraft fuselage sides, the same as for fixed-wing aircraft. It would also eliminate the 20-inch-high N-numbers on the bottom of rotorcraft and the 2-inch-high marks near the cabin now required by the Federal Aviation Regulations. **B. CFR Citation:** 14 CFR pt. 45 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 501, 502, 601, 603 (49 U.S.C. 1348, 1354, 1401, 1402, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	4/1/82 1/83	47 FR 14128
Deregulation of Parachuting	**A. Abstract:** This notice proposes to remove from the regulations those sections or references to sections pertaining to the airworthiness requirements of parachuting. It does not propose to remove those sections which deal with jumping within controlled airspace, over congested areas, or over open-air assemblies. The regulations governing parachuting were issued at a time when the unreliability of aircraft caused passengers to be dependent on parachutes. The reliability of today's aircraft makes dependence on parachutes unnecessary and, consequently, the regulations which govern them . **B. CFR Citation:** 14 CFR pts. 65, 91, 105, 149, and 183 **C. Legal Authority:** F.A.Act, Secs. 301(c), 305, 307, 307(b), 313(a), 314, 402, 601-603, 607, 902, 1110, 1202; 49 U.S.C. 1341(c), 1346, 1348, 1348(a)(b)(c), 1354(a), 1355, 1421, 1421(a), 1427, 1655(c). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	10/82	
Aircraft Owners and Pilot Association - Extend Validity of Airman Medical Certificates (Docket No. 19176).	**A. Abstract:** Petition to extend the validity period of third-class medical certificates from 24 months to 36 months. **B. CFR Citation:** 14 CFR pt. 61 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602; 49 U.S.C. 1354(d), 1355, 1421, 1422, 1655(2). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	10/82	
Operation of U.S.-Registered Airplanes by Foreign Air Carriers.	**A. Abstract:** This project would amend the regulations to govern the operation by foreign air carriers and other operators of U.S.-registered civil airplanes which have a seating capacity of 20 or more passengers or a maximum payload capacity of 6,000 pounds or more.	NPRM	11/82	

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 14 CFR pts. 125 and 129) **C. Legal Authority:** F.A.Act, Secs. 313, 313(a), 601-610, 1102 (49 U.S.C. 1354, 1354(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716			
Airworthiness Certification Facility (Formerly "Representatives of the Administrator-Aircraft Certification")	**A. Abstract:** This notice would consolidate delegation of authority, DOA, DAS, and SFAR 36 into Part 183 in an "Approved Design Organization" concept and expand the concept to include the full range of organizations from manufacturing of transport-category aircraft to repair facilities. In addition, it would propose transfer of the respective regulatory requirements from Part 21 and SFAR 36 into Part 183. **B. CFR Citation:** 14 CFR SFAR 36, Parts 21 and 183 **C. Legal Authority:** F.A.Act, Secs. 301(c), 305, 307(b), 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), 1355). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	1/83	
White-Diamond Corporation-Use of Nasal Oxygen Cannulas (Docket No. 21571).	**A. Abstract:** Petition to add a paragraph (a)(5) to §23.1447 stating that a nasal oxygen cannula may be used for pilots at or below 20,000 feet and for passengers at or below 22,000 feet instead of an oxygen mask covering the nose and mouth. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *Earsa L. Tankesly,* 601 E. 12th St, Kansas City, MO 64106, (816) 374-6930.	NPRM	9/83	
Airworthiness Certification, Location of Aircraft.	**A. Abstract:** This action would amend the regulations to preclude issuance of airworthiness certificates for aircraft located outside the United States unless the Administrator finds no undue burden on the FAA. **B. CFR Citation:** 14 CFR pt. 21 **C. Legal Authority:** F.A.Act. Secs. 311, 313(a), 314, 601, 603, 607-609, 1102 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427-1429, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	11/82	
Revise Part 25 to Include Special Conditions.	**A. Abstract:** This action would review those special conditions issued for Part 25 airplanes and incorporate in Part 25 those that have not been previously incorporated. **B. CFR Citation:** 14 CFR pt. 25 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *James M. Walker,* NorthWest Mountain Region, 17900 Pacific Hwy South, C-68966, Seattle, WA 96168, (206) 764-7051.	NPRM	1/83	
Part 25 Certification Review	**A. Abstract:** This action would amend Part 25 to: (1) Ensure that airworthiness standards are stated as objectively as possible; (2) Relieve the regulatory burden where possible; and (3) Ensure the airworthiness standards are practicable for the smaller transport airplanes common to commuter operations. **B. CFR Citation:** 14 CFR pt. 25 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *Gary Killion,* NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 96168, (206) 764-7053.	NPRM	5/83	

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Title	Summary	Timetable		
		Action	Date	Cite
"Fly After Failure" Requirement.	**A. Abstract:** This ANPRM would request information necessary to conduct safety benefit, cost, environmental, and energy impact analyses for a proposed Part 25 requirement for continued safe flight and landing after failure of any single structural element. **B. CFR Citation:** 14 CFR pt. 25 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *Ivan Connelly,* NorthWest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, WA 86188, (206) 764-7053.	ANPRM	1/83	
Implementation of SAFER Propulsion System Recommendations.	**A. Abstract:** This action would amend §25.975 to require fuel tank vent protection during ground fires and §25.1189 to require design practices which maximize the probability of engine fuel supply shut-off in potential fire situation. **B. CFR Citation:** 14 CFR pt. 25 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** *James M. Walker, NorthWest Mountain Region, 17900 Pacific Hwy South, C-68966, Seattle, WA 96168 (206) 764-7051* .	NPRM	11/82	
*FY-1982 Miscellaneous Amendments.	**A. Abstract:** This action would amend various sections of the regulations. The proposed amendments are clarifying, editorial, or corrective in nature. **B. CFR Citation:** 14 CFR pts. 21, 65, 107, 121, 135, and 145 **C. Legal Authority:** F.A.Act, Secs. 311, 313-316, 501, 601-610, 1102 (49 U.S.C. 1352, 1354, 1354(a), 1355(a)-1357, 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	10/82	
*Airworthiness Regulation of Equipment Used for Airborne Recreational and Personal Purposes.	**A. Abstract:** This action is to determine what role the Federal Government should take in protecting the safety of individuals who have decided freely to participate in airborne recreational and personal activities by regulating the airworthiness of the equipment to be used. **B. CFR Citation:** 14 CFR pts. 21, 31, 43, 91 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 602, 603, 609, 610 (49 U.S.C. 1352, 1354, 1355, 1421, 1423, 1427, 1428, 1429, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	ANPRM	10/82	
*Reduction in 200-Hour Experience Requirements for an Instrument Rating Under Part 61.	**A. Abstract:** This action would amend § 61.65(a)(1) to delete the words "or commercial" and would amend § 61.65(e)(1) to decrease the required hours of pilot flight time. **B. CFR Citation:** 14 CFR pt. 61 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 607, (49 U.S.C. 1354(a), 1355, 1421, 1427). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	1/83	
*Amend § 45.13 to provide for Reaffixing TSO Article Labels.	**A. Abstract:** This amendment proposes provisions to reaffix labels on TSO articles processed in accordance with § 45.13. **B. CFR Citation:** 14 CFR pt. 45.13 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 501, 502, 601, 603, (49 U.S.C. 1348, 1354, 1401, 1402, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	3/83	

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Title	Summary	Timetable		
		Action	Date	Cite
*National Association of Flight Instructors - Student Recreational, Recreational, Students Other Than Recreational, and Private Pilot Certificates.	**A. Abstract:** This petition proposes to establish a new concept in the certification of pilots to permit the issuance of a student recreational, a recreational, a student other than recreational, and a private pilot certificate. **B. CFR Citation:** 14 CFR pt. 61 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 602 (49 U.S.C. 1354(a), 1355, 1421, 1422, 1655(2)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM	3/83	
*Revise Part 23 to Include Special Conditions.	**A. Abstract:** This action would review those special conditions issued for Part 23 airplanes and incorporate in Part 23 those that have not been previously incorporated. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** Earsa L. Tankesley, 601 E. 12st St., Kansas City, MO 64106, (816) 374-6930.	NPRM	10/82	
*Amend Part 23 to Include Marking Requirements for External Openable Exits.	**A. Abstract:** This action would require opening instructions to be installed on the outside of the airplane for each exit that is operable from the exterior of the airplane. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City, MO 64106, (816) 374-6930.	NPRM	11/82	
*Amend Part 23 to Include Requirements for Crash-Resistant Fuel Systems.	**A. Abstract:** This action would amend Part 23 to include requirements for crash-resistant fuel tanks, lines and fittings. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City. MO 64106, (816) 374-6930.	NPRM	12/82	
*Amend Part 23 to Include Empennage Fatigue Requirements.	**A. Abstract:** This action would provide for fatigue integrity of small airplane empennage structure where present Part 23 fatigue requirements apply ony to the wing. **B. CFR Citation:** 14 CFR pt. 23 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** Earsa L. Tankesley, 601 E. 12th St., Kansas City, MO 64106, (816) 374-6930.	NPRM	2/83	
*Nontransponder Operations	**A. Abstract:** This notice proposes authority be given ATC to permit nontransponder operations in transponder-required airspace with as little as 1 hour notice. The proposal is seen as allowing both ATC and the pilot/operator to react to near term weather and traffic conditions. **B. CFR Citation:** 14 CFR 91.24 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601, 602, 603, 702, 1110, and 1202 (49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, & 1522). **D. Effects on Small Entities:** No **G. Agency Contact:** Hal Becker, (202) 426-3656	FR	10/82	
*Part 71, Subpart A, Compulsory Reporting Points.	**A. Abstract:** Proposed removal of description of compulsory reporting points from the Federal Aviation Regulations. **B. CFR Citation:** 14 CFR pt. 71 **C. Legal Authority:** F.A.Act, Secs. 313(a), 307(a), and 1110 (49 U.S.C. 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** Sid Wugalter, (202) 426-8783	NPRM	9/82	

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Title	Summary	Timetable		
		Action	Date	Cite
*Part 75, Jet Routes and Area High Routes.	**A. Abstract:** Proposed removal of Part 75 and all of its subparts from the Federal Aviation Regulations. This proposal would eliminate the processing of jet routes and area high routes from the rulemaking process. **B. CFR Citation:** 14 CFR pt. 75 **C. Legal Authority:** F.A.Act, Secs. 307(a), 313(a) & 1110 (49 U.S.C. 1348(a), 1354(a), 1510). **D. Effects on Small Entities:** No **G. Agency Contact:** Sid Wugalter, (202) 426-8783	NPRM	1/83	
†*Regulation of Motor Vehicles Carrying Passengers for Hire on Washington National Airport.	**A. Abstract:** Amendment to require taxicab drivers and other drivers of ground vehicles carrying passengers for hire to and from Washington National Airport to obtain a permit from the FAA Metropolitan Washington Airports. Regulation would prescribe procedures for issuance and revocation of permit. **B. CFR Citation:** 14 CFR pt. 159 **C. Legal Authority:** F.A.Act Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94. **D. Effects on Small Entities:** Yes **G. Agency Contact:** Edward S. Faggen, Wash Nat'l Airport, Hangar 9, Wash., DC 20001, (703) 557-8123.	Further action to be determined.		
	Routine and Frequent Rulemakings			
	TOTAL ACTIONS EXPECTED			
Part 95 Instrument Flight Rules.	2500 **Agency Contact:** Don Tuna, (202) 426-8277		10/82-9/83	
Airworthiness Directives	300 **Agency Contact:** Jack McGrath, (202) 426-8192		10/82-9/83	
Standard Instrument Approach Procedures.	2800 **Agency Contact:** Don Tuna, (202) 426-8277		10/82-9/83	
Airspace Actions	525 **Agency Contact:** S. Wugaller, (202) 426-8783		10/82-9/83	

Review of Existing Regulations

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
• *Airport Layout Plan Approvals.	**A. Abstract:** This review will concentrate on Airport Layout Plan (ALP) approvals as required by Federal Aviation Regulation Part 152 in an effort to reduce the regulatory and paperwork burden on state and local governments. The ALP approval review was selected by the Presidential Task Force on Regulatory Relief. **B. CFR Citation:** 14 FR pt. 152 **C. Legal Authority:** 49 U.S.C. 1701 **D. Effects on Small Entities:** No **G. Agency Contact:** Paul Galis, (202) 426-3050	Completion of Review.	2/83	

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Title	Summary	Timetable		
		Action	Date	Cite
Rotorcraft Certification and Operating Rules.	**A. Abstract:** This will include a review of new flight control and associated system airworthiness for rotorcraft. Previous notices covered the applicability of rotorcraft certification, instrument flight rules (IFR) certification, and the certification of anti-icing and deicing equipment. This review is based on a number of proposals discussed at the Rotorcraft Regulatory Review held December 10-14, 1979, in New Orleans, La.; and the Rotorcraft Regulatory Review Meeting held August 18-20, 1980, in Washington, DC. **B. CFR Citation:** 14 CFR pts. 27, 29, 91, and 127 **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 402, 601-605, 902, 72, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354, 1354(a), 1421, 1421(a), 1423-1425, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Completion of review.	3/82	
Air Carrier Certification, Operating and Maintenance Rules. Elements of the review: Aircraft Requirements Manual Requirements Performance Limitations Airworthiness Requirements Instrument and Equipment Requirements Maintenance Requirements Airmen and Crewmember Requirements Training Programs Crewmember Qualifications Airplane Performance Operations Limitation Flight Time Limitations Flight Operations Dispatching and Flight Release Rules, Records, and Reports	**A. Abstract:** To evolve a single air transportation regulation from Parts 121 (Air Carrier, Supplemental Air Carrier, and Commerical Operators of Large Aircraft) and 135 (Air Taxi Operators and Commercial Operators) which would embody aviation safety policy procedures rather than using several different regulations for this purpose. This would eliminate inconsistencies within each rule which lends credence to the public complaint that the regulations too often are unduly complex, confusing, and difficult to understand. It would allow individual operators to conduct operations in the most efficient manner possible to meet established safety objectives and would reduce costs while retaining the highest level of safety. **B. CFR Citation:** 14 CFR pts. 121 and 135 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314(a), 601-610 (49 U.S.C. 1354a, 1355, 1421-1430). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Completion of Review.	8/82	
Airmen Medical Standards	**A. Abstract:** These regulations specify the medical standards which must be met before a medical certificate is issued to an airman. For example, a medical certificate is required before a person can obtain a pilot license. During a recent rulemaking involving these regulations, a considerable number of commenters expressed the belief that the current standards should and could be revised to state, in generally applicable objective terms, all those circumstances in which the FAA will issue medical certificates. In the past, some certificates have been issued on a case-by-case basis, with appropriate limitations, under exemption and waiver provisions where strict compliance with the existing standards was not essential in the interest of safety. A comprehensive review of these regulations is necessary to determine if the commenters' arguments are correct. If they are and the requested regulatory changes are possible, it could greatly reduce burdens, both on the FAA and airmen, associated with the processing of medical certificates. **B. CFR Citation:** 14 CFR pt. 67 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314, 601, 607 (49 U.S.C. 1354(a), 1355, 1421, 1427). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan (202) 755-8716	Completion of Review.	6/84	

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FAA

Review of Existing Regulations

Other Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†*Noise Standards: Aircraft Type and Airworthiness Certification.	**A. Abstract:** Part 36 is needed in order to prescribe noise type certification of subsonic transport category airplanes and for the type certification of subsonic turbojet powered airplanes regardless of category. The legal basis for Part 36 is 49 U.S.C. 1431 (P.L. 85-726, Title IV § 611, as amended, P.L. 90-411, § 1, July 21, 1968, 82 Stat. 395). This review will examine the need to reorganize and realign the noise standards to make them more understandable and easier to use. This review would reorganize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other immprovements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Additionally, Part 36 will be reviewed in accordance with Executive Order 12291 to reduce regulatory burdens on the public, including the preparation of both a Regulatory Evaluation and a Regulatory Flexibility Analysis. **B. CFR Citation:** 14 CFR pt. 36 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601, 603, 611 (49 U.S.C. 1354, 1421, 1423, 1431, 1655(c)). **D. Effects on Small Entities:** Yes **G. Agency Contact:** Richard Tedrick, (202) 755-9027	Completion of Review.	7/83	

Completed Actions

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
Hang Gliding (Docket No. 21631).	**A. Abstract:** This addition to the Federal Aviation Regulations designates general safety rules for hang gliding in order to accommodate increasing hang gliding activity in the National Airspace System. The addition is significant because it regulates a new user segment and is of substantial public interest. As a result of increased hang glider operations, reported near miss incidents with certified aircraft, and airspace/airport intrusions, regulation of hang glider and ultralight activities is necessary. **B. CFR Citation:** 14 CFR pt. 101 **C. Legal Authority:** Secs. 307, 313(a), 601(a), 602, and 603, Federal Aviation Act of 1958 (49 U.S.C. § § 1348, 1354(a), 1421(a), 1422, and 1423; Sec 6(c), Department of Transportation Act (49 U.S.C. § 1655(c); and 14 CFR 11.45). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** In 1974, the FAA issued an advisory circular recommending safety parameters for the operation of hang gliders. The FAA then began to monitor more closely the operation of hang gliders, with particular emphasis on their compatibility with other airspace users. Compromises in airspace safety were identified and, in response, an NPRM was issued on July 27, 1981 (46 FR 3847). The comment period closed November 25, 1981. **G. Agency Contact:** Hal Becker, (202) 426-3656	NPRM FR	7/27/81 9/2/82	46 FR 3847 47 FR 38770

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Completed Actions

Priority Rulemakings: Non-Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Review: Operations Review Notice No. 14.	**A. Abstract:** Would have established regulations for flight and duty time limitations and rest requirements for flight attendants used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft and air travel clubs. This proposal is considered a significant regulation because there is substantial public interest in it. Because flight attendants perform important duties relating to the safety of flight, flight and duty time limitations and rest requirements are necessary to prevent excessive fatigue from adversely affecting the performance of those duties. **B. CFR Citation:** 14 CFR pts. 121 and 123 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601 and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1424) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** The proposals contained in this notice are based on related proposals discussed at the December 1975, Operations Review Conference. These proposals are undergoing review in accordance with E.O. 12291 to determine whether rulemaking should be initiated. *The Operations Review is being closed with issuance of Operations Review Amendments 11 and 12. Consequently, this project is cancelled, and the question of flight time limitations will be considered following completion of the separate NPRM on Flight Crewmember Flight Time Limitations and Rest Requirements (Notice No. 82-4; 47 FR 18748)* . **G. Agency Contact:** William J. Sullivan, (202) 755-8716	*Project Canceled.*		
Special Issuance of Airman Medical Certificates and Revision of Cardiovascular and Alcoholism Standards (Formerly "Medical Standards and Certification; Issuance of Airman Medical Certificates for Certain Conditions") .	**A. Abstract:** The FAA has proposed exemption procedures for the issuance of airman medical certificates to persons with certain medical conditions who do not initially qualify for certification under the medical standards in the Federal Aviation Regulations. It has also proposed to revise the medical standard for applicants who have a history or clinical diagnosis of heart disease. Comments on the proposed amendments indicate that they should be considered controverisal. The proposed amendments are needed to clearly set forth the criteria for obtaining an exemption, as they apply to particular kinds of diseases. Revision of the standard applicable to heart disease is needed to ensure that all individuals who may be subject to the adverse health effects of heart disease are screened during the initial application process for a medical certificate and that aviation safety is not compromised by the certification of any individual whose cardiovascular status represents an unacceptable risk. **B. CFR Citation:** 14 CFR pt. 67 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601, and 602 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1422); Sec 6(c) of the Depratment of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.45). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** On December 1, 1980, the FAA issued Notice 80-24 (45 FR 80296; December 4, 1980), proposing these amendments. A public hearing on the proposals was held February 3 and 4, 1981. *The amendment was published April 15, 1982 (47 FR 16298).* **G. Agency Contact:** *William J. Sullivan, (202) 755-8716*	NPRM Public hearing FR	12/4/80 2/3-4/81 4/15/82	45 FR 80296 47 FR 16298

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FAA

Completed Actions

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review

Title	Summary	Timetable		
		Action	Date	Cite
Review: Operations Review Notice No. 11 (Docket No. 21269).	**A. Abstract:** This proposal features provisions providing for the use of "mini-evacuation" tests, requirements for the elimination of the three-pointer altimeter in turbojet-powered airplanes, and allows for the use of "blocked seats" under certain conditions. The rules allowing "mini-evacuation" tests were adopted, and the proposal to allow use of "blocked seats" was withdrawn on November 10, 1981 (46 FR 61450). **B. CFR Citation:** 14 CFR pts. 121, 145, and 183 **C. Legal Authority:** F.A.Act, Secs. 301(c), 305, 307(b), 313, 313(a), 314, 501, 601-610, 1102; 49 U.S.C. 1341(c), 1346, 1348(b), 1354(a), 1355, 1421-1430, 1502, 1655(c). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	1/19/81 8/2/82	46 FR 5484 47 FR 33384
Miscellaneous Minor Amendments (Docket No. 21129).	**A. Abstract:** Proposed nonsubstantive amendments that are routine, editorial and clarifying in nature. **B. CFR Citation:** 14 CFR pts. 23, 25, 37, 45, 61, 63, 65, 91, and 121. **C. Legal Authority:** F.A.Act, Secs. 307, 313, 313(a), 314, 402, 601-610, 501, 502, 902, 1102, 1110, 1202. **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	12/4/80 3/29/82	45 FR 80450 47 FR 33312
Major Repairs (Docket No. 21988).	**A. Abstract:** This notice proposes certain actions which will improve understanding of the term "major repair" and corollary terms used in relation to maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances. **B. CFR Citation:** 14 CFR pt. 43 **C. Legal Authority:** F.A.Act, Secs. 313, 601-605 (49 U.S.C. 1354, 1421-1425). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM Withdrawal	7/23/81 8/2/82	46 FR 38054 47 FR 33277
Airman and Repair Station Certification for Foreign Nationals. (Docket No. 22052).	**A. Abstract:** This proposed rule would establish a regulatory needs requirement and schedule of fees for issuance of airmen and repair station certificates to foreign nationals at overseas locations. **B. CFR Citation:** 14 CFR pts. 61, 63, 65, 67, 145 and 187 **C. Legal Authority:** F.A.Act, Secs. 65, 313, 313(a), 314, 601, 602, 607, 501 (49 U.S.C. 1341, 1343, 1344, 1346, 1348, 1354(a), 1355, 1421, 1422, 1427, 1655(2)). **D. Effects on Small Entities:** No **G. Agency Contact:** Kathleen W. Gorman, (202) 426-3230	NPRM FR	8/10/81 8/16/82	46 FR 40529 47 FR 35690
One-Engine Inoperative Ferry Flight Authorization (Docket No. 22530).	**A. Abstract:** This notice would allow Part 125 certifiate holders to conduct ferry flights with one engine inoperative without a special flight authorization. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a)(c), 1354(a), 1421(a), 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	1/7/82 6/10/82	47 FR 818 47 FR 25116
†General Aviation Manufacturers Association-Flightcrew Requirements (Docket No. 21727).	**A. Abstract:** Petition to allow certain operations of large airplanes certificated under SFAR 41 with one pilot instead of two if the airplane is found safe for operation with one pilot. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 307, 313(a), 402, 601-603, 902, 1110, 1202 (49 U.S.C. 1348(a), 1354(a), 1421(a), 1655(c)). **D. Effects on Small Entities:** Yes **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM FR	1/28/82 7/15/82	47 FR 4092 47 FR 30946

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Completed Actions

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review

Title	Summary	Timetable		
		Action	Date	Cite
Israel Aircraft and Swearingen Petitions-SFAR 41 Zero Fuel Weight Limitation (Docket No. 21716).	**A. Abstract:** This notice proposes to reissue and amend Special Federal Aviation Regulation (SFAR) 41 (expired October 17, 1981) to eliminate the 12,500 pound maximum zero fuel weight restriction, to limit the number of passengers to 19 for those small multiengine airplanes that operate at a certificated takeoff gross weight of 12,500 pounds, and to reduce the landing distance requirement. **B. CFR Citation:** 14 CFR SFAR 41 **C. Legal Authority:** F.A.Act, Secs. 313(a), 601, 603 & 604 (49 U.S.C. 1354(a), 1421, 1423 & 1424). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	NPRM SFAR	3/4/82 8/12/82	47 FR 8360 47 FR 35150
Part 135 Management Personnel Qualifications.	**A. Abstract:** This action would eliminate the requirements for management personnel for corporations with one pilot and transfer deviation authority from the Directors of Flight Operations and Airworthiness to Regional Flight Standards Division Chiefs. **B. CFR Citation:** 14 CFR pt. 135 **C. Legal Authority:** F.A.Act, Secs. 313(a), 314(a), 601-610, 1102 (49 U.S.C. 1354(a), 1355(a), 1421-1430, 1502, 1655(c)). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	FR	8/2/82	47 FR 33394
Ensuring Tachometer Accuracy.	**A. Abstract:** This action would ensure that mechanical tachometers are sufficiently accurate to permit engines and aircraft to be operated within required limitations. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** F.A.Act, Secs. 313, 601, 603 (49 U.S.C. 1354, 1421, 1423). **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Project Canceled.		

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Completed Actions

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
14 CFR Part 91	**A. Abstract:** Part 91 is needed in order to prescribe the minimum safety standards for all classes of operators who operate within the aviation system. The legal basis for Part 91 is sections 313(a) and 601-610 of the Federal Aviation Act of 1958 (49 U.S.C. 1364(a) and 1421-1430) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)). This review is examining the need to reorganize and realign the air traffic and general operating rules to make them more understandable and easier to use. The present regulations reflect the many changes that have occurred in aviation since the first set of aviation regulations were promulgated almost 50 years ago. This review would reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to provide for the easier inclusion of future changes. Other improvements would be made by deleting redundancies, obsolete compliance dates, and making other minor changes. Phase I would recodify the regulation into 10 subparts to make it easier to use. This effort has basically been completed. In Phase II substantive changes would be made to each subpart to clarify the existing rules, simplify the language, delete obsolete rules, and consider proposals not included in other review programs. Additionally, Part 91 will be reviewed in acordance with Executive Order 12291 to reduce regulatory burdens on the public. The review plan will focus on Phase II and, to a large extent will be dependent upon the results of the Phase I effort. This review has been completed and rulemaking initiated. See the "Current and Projected Rulemakings – Other Rulemakings" section of the Agenda. **B. CFR Citation:** 14 CFR pt. 91 **C. Legal Authority:** 49 U.S.C. 1354 **D. Effects on Small Entities:** No **G. Agency Contact:** William J. Sullivan, (202) 755-8716	Review Completed.		

Federal Highway Administration

FHWA

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Minimum Cab Space Dimensions (Docket No. MC-79).	**A. Abstract:** This regulation would specify minimum sizes for the cab portion of the regulated commercial vehicles manufactured after a certain date. The rulemaking is significant because it has the potential of being costly if extensive changes to cab configuration become necessary. It is necessary because changes in truck technology and maximum limitation on size by States have led to the development of reduced cab space in favor of increased cargo space to remain within State length limitations. The impact on safe operations and driver workplace may be negatively affected. **B. CFR Citation:** 49 CFR pt. 393 **C. Legal Authority:** 49 U.S.C. 304 and 1655 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis	ANPRM Further action to be determined.	2/14/78	43 FR 6273

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FHWA

Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: An ANPRM was issued on February 14, 1978 (43 FR 6273). Comment period closed on July 14, 1978. A review of present cab sizes was conducted and a report issued on February 27, 1980. No further action anticipated until additional research is completed; earliest possible action will not occur within the next *6* months. **G. Agency Contact:** *Neill Thomas,* (202) 426-9767			
Review: Hours of Service of Drivers; Drivers' Logs.	**A. Abstract:** The Federal Highway Administration is proposing possible alternatives to the recordkeeping drivers' log requirement used to enforce the hours of service rules *in order to reduce burdens imposed on the trucking industry.* The drivers' log rulemaking was significant because it is a major paperwork burden item, and is presently the key means of enforcing a major safety rule. This action was needed as part of the Administration's efforts to reduce administrative burdens. **B. CFR Citation:** 49 CFR pt. 395 **C. Legal Authority:** 49 U.S.C. 304 **D. Effects on Small Entities:** Yes **E. Analysis:** *Regulatory Impact Analysis/Regulatory Flexibility Analysis.* . **F. Additional Information:** NPRM published on February 22, 1982 (47 FR 7702). **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM FR	2/22/82 Fall 1982	47 FR 7702

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
	PLANNING			
*Review: Urban Transportation Planning.	**A. Abstract:** These regulations govern urban transportation planning under FHWA and UMTA grant programs. The changes are intended to (1) increase flexibility at the State and local level, (2) reduce red tape and simplify the planning process especially for areas under 200,000 population, and (3) shift certain responsibilities from the Federal to the State and local level while maintaining an appropriate Federal oversight role. The rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the urban transportation planning process. **B. CFR Citation:** 23 CFR pt. 450; 49 CFR pt. 613 **C. Legal Authority:** 23 U.S.C. 134 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Notice and request for comments on comprehensive review of urban transportation planning process published on December 17, 1981 (46 FR 61531). An NPRM was published on August 26, 1982 (47 FR 37758) and the closing date for comments was October 25, 1982. **G. Agency Contact:** FHWA: Sam Rea (202) 426-2961; UMTA: Bob Kirkland (202) 426-4991.	Notice and request for comments on review. NPRM FR	12/17/81 8/26/82 1983	46 FR 61531 47 FR 37756

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FHWA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATIONS			
Review: Buy America Requirements (Docket No. 78-35).	**A. Abstract:** This amendment to an existing regulation would establish provisions for the protection of domestic structural steel on construction projects with an estimated cost of $450,000 or more. This regulation is significant because it involves a matter which may become controversial or arouse significant public interest. This regulation is required to implement the provisions of Section 401 of the Surface Transportation Assistance Act of 1978. **B. CFR Citation:** 23 CFR *635.410.* **C. Legal Authority:** Section 401 of the Surface Transportation Assistance Act of 1978; P.L. 95-599. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** A final regulation was issued under emergency procedures on November 17, 1978 (43 FR 53717). FHWA asked for comments, and the comment period closed on Janaury 17, 1979. An emergency amendment to the existing final rule was published on November 17, 1980 (45 FR 75643) in order to implement a recent court order. An NPRM was published on November 24, 1980 (45 FR 77456). The comment period closed on January 23, 1981. In accordance with E.O. 12291, FHWA has conducted a priority review of this controversial regulation. The regulation has been reclassified as a non-major significant regulation because the major economic impact ($100 million annual) earlier expected was not verifiable, and FHWA is unable to support the claim that the regulation is inflationary or to determine the amount of trade diverted. Also, the Federal-aid highway program uses less than one-half of one percent of total U.S. consumption of steel. **G. Agency Contact:** *Kenneth L. Ziems.* (202) 426-4847	Emergency FR and request for comments.	11/17/78	43 FR 53717
		NPRM	11/24/80	45 FR 77456
		FR	12/82	
	RIGHT-OF-WAY AND ENVIRONMENT			
Review: Outdoor Advertising Control and Acquisition.	**A. Abstract:** This regulation would provide a definition of "effective control" of outdoor advertising as required by 23 U.S.C. 131. It would also set further requirements for signs exempt from control under the statute and establish the basic framework for State development of police power regulations and procedures. The regulation would also outline the requirements for Federal participation in the acquisition of compensable nonconforming outdoor advertising devices. This proposal is significant because it may involve substantial public interest, is controversial and involves important departmental policy. This regulation is necessary for the maintenance of national uniformity in the outdoor advertising control program. Since 23 U.S.C. 131 is regulatory in nature, it is necessary to establish and maintain minimum Federal program requirements. **B. CFR Citation:** 23 CFR pt. 750, subpt. C. (FHPM 7-6-2) **C. Legal Authority:** 23 U.S.C. 131, 148, and 315; 49 CFR 1.48 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	To be withdrawn		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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FHWA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The proposal involves the consolidation of two existing regulations, 23 CFR pt. 750, subpts. D and G, and one interim regulation 23 CFR pt. 750, subpt E. The regulations have been in effect since September 16, 1975 and July 29, 1974, respectively. The interim regulations have been in effect since October 18, 1976. The proposed consolidation will be issued as an NPRM. An ANPRM, published April 30, 1979, (44 FR 25387) and a Notice, published, May 17, 1979, (44 FR 28946) announced public hearings as part of an overall review of the Highway Beautification Program. These currently proposed regulations may be modified as a result of this review. A Notice published June 15, 1979 (44 FR 34516) announced a hearing site change and a change in hearing procedures. On June 25, 1979 (44 FR 37100), a Notice announced amendments to the Highway Beautification Act by the Surface Transportation Assistance Act of 1978. A Notice published on July 12, 1979 (44 FR 40781) announced the establishment of a National Advisory Committee on Outdoor Advertising and Motorist Information. On July 23, 1979 (44 FR 43236), a Notice announced the availability of a report on Directional and Informational Sign Standards and Systems. This report is to be considered as part of the reassessment of the Highway Beautification Program. *Earliest* possible action will not occur within the next year. This proposal is being withdrawn at this time because no action can be taken until the recommendations of the Advisory Committee have been fully considered. **G. Agency Contact:** Myron Laible, (202) 245-0021			
*Review: Environmental Impact and Related Procedures.	**A. Abstract:** This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under FHWA and UMTA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. The amendments are significant because they involve important departmental policy. They are needed to reduce burdens associated with the environmental review process. **B. CFR Citation:** 23 CFR pt. 771, 49 CFR pt. 622 **C. Legal Authority:** 42 U.S.C. 4321 et seq., 23 U.S.C. 101 et seq., 49 U.S.C. 1601 et seq., 49 U.S.C. 1653(f). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). **G. Agency Contact:** FHWA: R. E. Gatz, (202) 426-0106 UMTA: A. Marner, (202) 426-2360	Notice and request for comments on priority review. NPRM FR	4/13/81 10/82 1983	46 FR 21620
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Employee Safety and Health Standards (Docket No. MC-64).	**A. Abstract:** This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of the Occupational Safety and Health Administration (OSHA). This proposal is significant because it may have a significant impact on OSHA. These standards are needed because they are designed to eliminate uncertainty with regard to the jurisdictional authority of the OSHA and to improve safety and health standards for employees of motor carriers. **B. CFR Citation:** 49 CFR pt. 399 **C. Legal Authority:** 49 U.S.C. 304 and 1653 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	NPRM Further action to be determined.	3/2/78	43 FR 8566

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FHWA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: An NPRM was issued March 2, 1978 (43 FR 8566) and the closing date for the comment period was May 31, 1978. A notice on June 9, 1978 (43 FR 25145) extended the comment period to June 30, 1978. As a result of the analysis of the comments, another NPRM is being considered. No further action is anticipated within the next 12 months. **G. Agency Contact:** *Neill Thomas,* (202) 426-9767			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
	GENERAL MANAGEMENT AND ADMINISTRATION			
Administrative Hearings	**A. Abstract:** This rule is proposed to provide a general procedure for administrative hearings. This proposed rule would allow the Administrator to initiate administrative proceedings on discretion, or on complaint, and would govern procedure under such proceedings. **B. CFR Citation:** 23 CFR pt. 20 **C. Legal Authority:** 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Hugh T. O'Reilly, (202) 426-0780	NPRM	1982	
	CIVIL RIGHTS			
*Review. Civil Rights Requirements.	**A. Abstract:** These regulations contain the policies, procedures and guides for implementing equal employment opportunity requirements under the Federal and Federal-aid highway programs. The changes are intended to eliminate unnecessary requirements, streamline procedures and reduce recordkeeping and reporting requirements. **B. CFR Citation:** 23 CFR pt. 230; FHPM 6-4-1-2, 2-2-2, and 2-2-3. **C. Legal Authority:** 23 U.S.C. 140 and 315; EO 11246 **D. Effects on Small Entities:** No **G. Agency Contact:** Edward W. Morris, Jr., (202) 426-0471	Notice and request for comments on priority review.	4/13/81	46 FR 21620
		NPRM	Spring 83	
	PLANNING			
Review: Carpool and Van Pool Projects.	**A. Abstract:** This regulation revision reflects the required changes brought about by the Surface Transportation Assistance Act of 1978 plus related program modifications. **B. CFR Citation:** 23 CFR pt. 656; FHPM 4-8-3 **C. Legal Authority:** 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Barbara Reichart, (202) 426-0210	NPRM	12/10/79	44 FR 70753
		FR	1/8/81	46 FR 2298
		Effective date delayed.		46 FR 10706 46 FR 19232
		FR Withdrawn pending further review under EO 12291.		
		FR	Early 1983	

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Highway Planning Program Administration (Docket No. 78-24).	**A. Abstract:** This revision to an existing regulation would reflect policy changes in management of the highway planning and research program, e.g., allowing separate projects for components of the program (urbanized area planning, statewide planning, research and development), and applying matching rates to time periods rather than a fiscal year fund, etc. NPRM was published January 11, 1979 (44 FR 2400). As a result of comments received to the Docket, as well as internal coordination, FHWA is considering combining this regulation with 23 CFR Part 450, Subpart B, Metropolitan Planning Funds, since both deal with program administration. **B. CFR Citation:** 23 CFR pt. 420, Subpart A and pt. 450, Subpart B, FHPM 4-1-2-1. **C. Legal Authority:** 23 U.S.C. 104, 307, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** R.B. Puckett, (202) 426-0175	NPRM Further action to be determined.	1/11/79	44 FR 2400
Review: Payback Regulation Amendments.	**A. Abstract:** Federal Highway Administration regulations in 23 CFR Part 480 prescribe the circumstances under which states must repay the Federal Government for the Federal contribution to the purchase of property for Interstate highway projects that are later withdrawn. Congress, in Public Law 96-106, amended 23 U.S.C. 103(e) to change the circumstances under which repayment must be made. This revision to an existing regulation would incorporate the legislative changes in 23 CFR Part 480. **B. CFR Citation:** 23 CFR pt. 480 **C. Legal Authority:** 23 U.S.C. 103(e)(5)(6); Sec 2(c) of P.L. 96-106. **D. Effects on Small Entities:** No **G. Agency Contact:** C.L. Shufflebarger, (202) 426-0404	NPRM Further action to be determined.	11/20/80	45 FR 76705
*Review: Coordination of Federal and Federally Assisted Programs and Projects. .	**A. Abstract:** This revision would implement Executive Order 12372 and related OMB implementing instructions regarding intergovernmental review of Federal programs. **B. CFR Citation:** 23 CFR pt. 420 C **C. Legal Authority:** E.O. 12312 **D. Effects on Small Entities:** No Engineering and Traffic Operations. **G. Agency Contact:** Sam Rea, (202) 426-2961	NPRM	82	
	ENGINEERING AND TRAFFIC OPERATIONS			
Selection of Pavement Type	**A. Abstract:** This regulation would set forth policy for the selection of pavement type on Federal-aid projects. **B. CFR Citation:** 23 CFR pt. 626; FHPM 6-2-4-4 **C. Legal Authority:** 23 U.S.C. 109(a), (b) and (c) **D. Effects on Small Entities:** No **G. Agency Contact:** Leon M. Noel, (202) 426-0327	ANPRM *Further action to be determined.*	8/21/80	45 FR 55763
Review: Design and Construction Criteria for Bikeway Construction (Docket No. 79-3).	**A. Abstract:** This regulation establishes design and construction guidelines for bikeways. **B. CFR Citation:** 23 CFR pts. 652 and 663 **C. Legal Authority:** Sec 141, P.L. 95-599; 23 USC 217, 315 and 402(b)(1)(F). **D. Effects on Small Entities:** No **G. Agency Contact:** Jack Wasley, (202) 426-0306	ANPRM NPRM FR	2/8/79 8/4/80 1983	44 FR 7979 45 FR 51720

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Design Standards for Highways (Docket No. 80-2).	**A. Abstract:** This regulation would amend the existing geometric design standards for highways for the new construction and major reconstruction of Federal-aid highways by replacing several publications incorporated by reference in 23 CFR Part 625 with a single new publication. Public comments were requested on the geometric design criteria as presented in a draft of the new *publication,* "A Policy on Geometric Design of Highways and Streets" prepared by the American Association of State Highway and Transportation *Officials (AASHTO). Comments* received as a result of NPRM published February 14, 1980 (45 FR 10236) have been evaluated and recommended changes submitted to AASHTO for consideration. Notice regarding status of proposed rule published November 17, 1980 (45 FR 75690); it indicated further rulemaking action is not anticipated before Fall 1982. *Based on the current AASHTO development schedule, submission of a final document to FHWA is not anticipated until late 1983 or early 1984* . **B. CFR Citation:** 23 CFR pt. 625, FHPM 6-2-1-1 **C. Legal Authority:** 23 U.S.C. 109, 315, and 402 **D. Effects on Small Entities:** No **G. Agency Contact:** Wilson B. *Harkins* (202) 426-0313	NPRM Status Notice FR	2/14/80 11/17/80 1984	45 FR 10236 45 FR 75690
Design and Construction Requirements for Highway Pedestrian Overpasses and Underpasses.	**A. Abstract:** This regulation would develop standards for the design and construction of pedestrian overpasses and underpasses for accessibility and usability by physically handicapped persons (per March 7, 1979, Agreements with Architectural and Transportation Barriers Compliance Board). This regulation would follow the completion of the research in progress titled "Design Guidelines to Make Crossing Structures Accessible to the Physically Handicapped". **B. CFR Citation** **C. Legal Authority:** 29 U.S.C. 794 (Sec. 504 of the Rehabilitation Act of 1973, as amended); 23 U.S.C. 142 (Sec. 165(b) of the Federal-Aid Highway Act of 1973, as amended). **D. Effects on Small Entities:** No. **G. Agency Contact:** Larry King, (202) 426-0306 or Lee Burstyn, (202) 426-0761.	Further action to be determined.		
Review: Traffic Control Devices on Federal-Aid and Other Streets and Highways.	**A. Abstract:** This revision to an existing regulation prescribed the policies and procedures of FHWA relative to obtaining basic uniformity in the visible features and functioning of traffic control devices on all highways open to public travel in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways. **B. CFR Citation:** 23 CFR pt. 655: FHPM 6-8-3-1 **C. Legal Authority:** 23 U.S.C. 109(b)(d), 402(a) **D. Effects on Small Entities:** No **G. Agency Contact:** Donald P. Ryan, (202) 426-0411	NPRM FR Effective date delayed. FR withdrawn pending further review under E.O. 12291. Further action to be determined.	9/27 1/8/81 3/30/81	44 FR 55598 46 FR 2038 46 FR 10706 46 FR 19292
Review: Contract Procedures (Docket No. 78-16).	**A. Abstract:** This revision to an existing regulation would simplify Federal-aid contract procedures. **B. CFR Citation:** 23 CFR pt. FHPM 6-4-1-6 **C. Legal Authority:** 23 U.S.C. 112, 113, 114, 117, 128 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	NPRM Further action to be determined.	8/16/78	43 FR 36685
Review: General Materials Requirements.	**A. Abstract:** This regulation would simplify procedures relating to general material requirements for Federal-aid construction work. **B. CFR Citation:** 23 CFR pt. 635D FHPM 6-4-1-16 **C. Legal Authority:** 23 U.S.C. 112, 113, 114, 117, 128 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	NPRM Further action to be determined.	1/29/81	46 FR 9642

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Accommodation of Utilities.	**A. Abstract:** This revision to an existing regulation would update and simplify policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects. An NPRM was published April 17, 1980 (45 FR 26280). Review of comments received indicates that a new NPRM should be published. **B. CFR Citation:** 23 CFR pt. 645; FHPM 6-6-3-2 **C. Legal Authority:** 23 U.S.C. 123, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** J. A. Carney, (202) 426-0450	NPRM New NPRM	4/17/80 Fall 1982	45 FR 26280
Review: Utility Relocation, Adjustments and Reimbursement.	**A. Abstract:** This revision to an existing regulation would update and simplify the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration. **B. CFR Citation:** 23 CFR pt. 645: FHPM 1-4-4 **C. Legal Authority:** 23 U.S.C. 123, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** J. A. Carney, (202) 426- *0450*	ANPRM NPRM FR	3/8/79 11/20/80 11/82	44 FR 12209 44 FR 76924
*Review: Traffic Surveillance and Control (Docket No. 82-9).	**A. Abstract:** This regulation prescribes procedures and requirements for the expenditure of Federal-aid highway funds for traffic surveillance and control measures. The proposed revisions would significantly reduce the existing regulation in length and detail with certain unnecessary requirements deleted. **B. CFR Citation:** 23 CFR pt. 655; FHPM 6-8-3-4 **C. Legal Authority:** 23 U.S.C. 101(a), 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Harp, (202) 426-0411	NPRM FR	6/14/82 Fall 82	47 FR 25541
	RIGHT-OF-WAY AND ENVIRONMENT			
Review: Relocation Assistance.	**A. Abstract:** This revision would reduce Federal requirements related to the relocation assistance program. *Priority review underway.* See "Review of Existing Regulations" portion of this Agenda. **B. CFR Citation:** 23 CFR pt. 740 **C. Legal Authority:** 42 U.S.C. 4601 et seq; 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** *Flynn M. Wells* (202) 426-0116	NPRM	12/82	
Review: The Acquisition Function.	**A. Abstract:** This revision would reduce regulatory burdens and associated costs to State highway agencies in the area of acquisition of real property for rights-of-way on Federal-aid highway projects. **B. CFR Citation:** 23 CFR pt. 712 **C. Legal Authority:** 42 U.S.C. 2000d-1, 4633, 4651-4655; 23 U.S.C. 315, 323. **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	NPRM	12/82	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Radioactive Materials Routing..	**A. Abstract:** This regulation exempts radioactive materials from the routing provisions contained in the Federal Motor Carrier Safety Regulations at 49 CFR 397.9. This action is necessary in order to prevent duplication of rules with RSPA's regulation on the same subject. Final Rule published January 8, 1981 (46 FR 2126); originally scheduled to go into effect on February 2, 1982. The RSPA rule has undergone priority review within the Department. See RSPA entry. **B. CFR Citation:** 49 CFR 397.9 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Joseph J. Fulnecky, (202) 426-0033	Further action to be determined.		

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Toxic Gases in Truck Cabs (Docket No. MC-80).	**A. Abstract:** This regulation would set maximum toxic gas levels in truck cabs. No further action is anticipated within the next *6* months. **B. CFR Citation:** 49 CFR pt. 392 **C. Legal Authority:** 49 U.S.C. 304 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	ANPRM NPRM Further action to be determined.	1/78 6/18/79	43 FR 120 44 FR 34992
Ambient Temperature in Heavy Duty Truck Cabs (Docket No. MC-81).	**A. Abstract:** This regulation would set maximum permissible ambient temperatures in truck cabs. No further action is anticipated within the next *6* months. **B. CFR Citation:** 49 CFR pt. 399 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	ANPRM Further action to be determined.	2/8/79	43 FR 5397
Review: Compliance with Motor Carrier Noise Standards.	**A. Abstract:** The FHWA is considering amending the noise emission standards to add a new minimum distance of 31 feet from which to measure highway noise. FHWA is also considering eliminating the correction factor which allowed a variance for noise tests taken at hard sites, e.g., asphalt, compared to those taken at soft sites, e.g. grassy areas. **B. CFR Citation:** 49 CFR **C. Legal Authority:** 49 USC 304 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	4/3/80	45 FR 22120
Review: Qualification of Drivers.	**A. Abstract:** The FHWA is considering revising the regulation which provides that no waiver for handicapped drivers will be granted to drivers of buses or trucks transporting hazardous materials. **B. CFR Citation:** 49 CFR 391.49 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	Request for comments. NPRM	6/12/80 10/82	45 FR 39672
Rear Vision Mirrors (Docket MC-82-1).	**A. Abstract:** This amendment would serve to clarify the rule change published May 1, 1979, and was developed in response to a rulemaking petition. No further action is anticipated within the next *6* months. **B. CFR Citation:** 49 CFR pt. 393 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	10/9/80	45 FR 87101
Review: Inspection, Repair, and Maintenance.	**A. Abstract:** The FHWA is proposing to amend Part 396 of the Federal Motor Carrier Safety Regulations (FMCSR) to exempt lightweight vehicles from the paperwork requirements of this part, to eliminate the special inspection required for vehicles leased less than 30 days, and to eliminate the requirement for drivers to sign a vehicle inspection report which, when reviewed, shows no defects. The primary effect of these proposed rule changes would be to reduce the paperwork burden imposed upon the motor carrier industry . **B. CFR Citation:** 49 CFR pt. 396 **C. Legal Authority:** 49 U.S.C. 304. 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	6/17/82	47 FR 26172
Review: Disqualifying Offenses Drugs.	**A. Abstract:** The FHWA is considering amending the Disqualification of Drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs whose use by drivers operating commercial motor vehicles, is forbidden and is considered a disqualifying offense. **B. CFR Citation:** 49 CFR pt. 391 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	11/24/80	45 FR 77466

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Title	Summary	Timetable		
		Action	Date	Cite
Review: The Use of 4-Way Flashers on Slow Moving Vehicles.	**A. Abstract:** This action will consider changing existing regulations to allow the use of 4-way flashers to warn of potential hazards, and was developed in response to a rulemaking petition. No action is anticipated on this change within the next *6* months. **B. CFR Citation:** 49 CFR 392.15 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	12/11/80	45 FR 81621
Written Examination	**A. Abstract:** The FHWA is considering a revision of the written examination requirement for commercial vehicle drivers. The options being considered are (1) rescission of the requirement, (2) leaving the requirement as it is and updating the questions, or changing the requirement to a pass/fail situation. **B. CFR Citation:** 49 C.F.R. 391.35 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	NPRM Further action to be determined.	3/4/82	47 FR 4256
Retail Fertilizer Distribution Exemption.	**A. Abstract:** The FHWA proposes to exempt drivers and vehicles transporting fertilizer, dry and liquid, in specific fertilizer distribution and application equipment from the Federal Motor Carrier Safety Regulations with few exceptions. **B. CFR Citation:** 49 CFR pt. 390 **C. Legal Authority:** 49 U.S.C. 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Jos. J. Fulnecky, (202) 426-0033	ANPRM Further action to be determined.	2/82	47 FR 5273
*Review: Notification, Reporting and Recording of Accidents.	**A. Abstract:** The proposed revision deals primarily with revising the truck and bus accident report forms. Being considered are (1) the consolidation of both forms into one, (2) reducing the number of copies to be filed and (3) raising the reporting threshold from the present $2,000 to a higher figure. **B. CFR Citation:** 49 CFR pt. 394 **C. Legal Authority:** 49 U.S.C. 304, 320, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** James K. O'Steen, (202) 426-1700	NPRM	Fall 1982	
*Railroad Grade Crossings	**A. Abstract:** The FHWA is considering a revision that would make this Federal regulation more consistent with the Uniform Vehicle Code with respect to stopping requirements. **B. CFR Citation:** 49 CFR 392.10 **C. Legal Authority:** 49 U.S.C. 304 **D. Effects on Small Entities** No **G. Agency Contact:** Neill L. Thomas, (202) 426-9767	ANPRM	Fall 1982	

Other Rulemakings: Routine and Frequent

Title	Summary	Timetable		
		Action	Date	Cite
Manual on Uniform Traffic Control Devices. 23 USC 109(b), (d), 402(a).	TOTAL ACTIONS EXPECTED—ENGINEERING AND TRAFFIC OPERATIONS 6 **Agency Contact:** J. C. Partlow, (202) 426-0411, *Donald P. Ryan* (202) 426-0411.	*6/83*		

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Title	Summary	Timetable		
		Action	Date	Cite
	RIGHT-OF-WAY AND ENVIRONMENT			
Relocation Assistance-Moving Payments-Moving Expense Schedules. (42 U.S.C. 4601 et seq; 23 U.S.C. 315, 23 CFR 740).	2 **Agency Contact:** *Gerald Starkweather (202) 426-0117*		1/83 10/82	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Miscellaneous Amendments - Federal Motor Carrier Safety Regulations. (49 U.S.C. 304, 1655).	1 **Agency Contact:** Neill Thomas, (202) 426-9767		*10/82*	

Reviews of Existing Regulations

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATIONS			
Buy America (23 CFR 635, 410).	**A. Abstract:** This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that requires that preference be given to items produced in the United States in FHWA funded projects. The regulation has been the subject of considerable criticism and controversy. The controversy centers on the extent that the domestic steel industry deserves the protection afforded it under the statute, whether sufficient domestic supplies exist and the increased costs resulting from using more expensive domestic products. **B. CFR Citation:** 23 CFR 635 **C. Legal Authority:** Surface Transportation Assistance Act of 1978. **D. Effects on Small Entities:** No **G. Agency Contact:** Ken Ziems, (202) 426-4847	Completion of Review.		
	RIGHT-OF-WAY AND ENVIRONMENT			
Relocation Assistance	**A. Abstract:** These regulations prescribe procedures for the fair and equitable treatment of persons displaced as a result of Federal and federally assisted highway programs, and include provisions for relocation services, moving payments, replacement housing payments, mobile homes and last resort housing. The current procedures have been in effect for 5 years or more and are being reviewed to determine whether burdens imposed on grant recipients can be reduced. A notice of proposed rulemaking will be issued in *December* 1982 as part of the review effort. **B. CFR Citation:** 23 CFR pt. 740 **C. Legal Authority:** 42 U.S.C. 4601, et seq.; 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Flynn M. Wells, (202) 426-0116	Completion of review.	10/82	

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Other Reviews

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Title	Summary	Timetable		
		Action	Date	Cite
	GENERAL MANAGEMENT AND ADMINISTRATION			
Statement of Policy as to Administrative Action to be Taken in Instances of Irregularities.	**A. Abstract:** The debarment policies of the FHWA are being reviewed to determine if revisions to their coverage and the specific administrative procedures employed are appropriate. **B. CFR Citation:** 23 CFR pt. 16 **C. Legal Authority:** 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Hugh T. O'Reilly, (202) 426-0780	Completion of review.	4/83	
	PAYMENT PROCEDURES			
Bond Issue Projects	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 140 **C. Legal Authority:** 23 USC 122, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Harvey Wood, (202) 426-0562	Completion of review.	10/82	
	ENGINEERING AND TRAFFIC OPERATIONS			
Required Contract Provisions - Federal-Aid Contracts.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 633 **C. Legal Authority:** 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	Completion of review.	12/82	
Highway Construction Work to be Performed by Methods Other than Contract Awarded by Competitive Bidding.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 635 **C. Legal Authority:** 23 USC 112 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	Completion of review.	12/82	
Authorization to Proceed to Physical Construction.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 635 **C. Legal Authority:** 23 USC 112, 114 **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	Completion of review.	12/82	
Advance Construction of Federal-Aid Projects.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 630 **C. Legal Authority:** 23 USC 115 **D. Effects on Small Entities:** No **G. Agency Contact:** K. C. Kippley, (202) 426-0673	Completion of review.	12/82	
Motorist Aid Systems	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 655 **C. Legal Authority:** 23 USC 104, 105, 307, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Harp, (202) 426-0411	Completion of review.	1983	
Project Agreements	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 630, subpart C **C. Legal Authority:** 23 USC 110 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Besselieure, (202) 426-0450	Completion of review.	12/82	
	RIGHT-OF WAY AND ENVIRONMENT			
*Emergency Relief	**A. Abstract:** This regulation has been selected for review because of FHWA's policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 668 **C. Legal Authority:** 23 USC 101, 1201(f), 125, 315; 42 USC 5155.	Completion of Review.	12/82	

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Title	Summary	Timetable		
		Action	Date	Cite
	D. Effects on Small Entities: No **G. Agency Contact:** J. A. Carney, (202) 426-0450			
*Federal-Aid Program Approval and Authorization.	**A. Abstract:** This regulation has been selected for review because of FHWA's policy on minimization of redtape. **B. CFR Citation:** 23 CFR 630A **C. Legal Authority:** 23 USC 105, 106, 118, 134, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** J. A. Carney, (202) 426-0450	Completion of Review.	12/82	
*Contract Procedures - Claims and Claim Awards.	**A. Abstract:** This regulation has been selected for review because of the need to clarify existing requirements and promote consistency in participation determinations. **B. CFR Citation:** 23 CFR 635.120 **C. Legal Authority:** 23 USC 112 **D. Effects on Small Entities:** No **G. Agency Contact:** Tom Meyers, (202) 426-0420, or Jim Dann, (202) 426-0786.	Completion of Review.	4/83	
Landscape and Roadside Development.	**A. Abstract:** Consolidation and simplification of policies and procedures relating to highway landscaping and plant establishment, safety rest areas and information centers and systems, scenic strips in connection with Federal-aid highway projects, joint use and joint development, and access for the handicapped at Interstate rest area facilities. Response to comments on interim final regulations published May 5, 1978 (43 FR 19390). **B. CFR Citation:** 23 CFR pt. 752 **C. Legal Authority:** 23 USC 131, 319; 42 USC 4321, et seq **D. Effects on Small Entities:** No **G. Agency Contact:** Ken Rickerson, (202) 426-0314	Completion of Review.	12/82	
Right-of-Way - General	**A. Abstract:** This regulation was selected for review because FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 710 **C. Legal Authority:** 42 USC 4601 et seq. 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	Completion of Review.	10/82	
The Acquisition Function-General Provisions and Project Procedures-Functional Replacement of Real Property in Public Ownership.	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 712 **C. Legal Authority:** 42 USC 4633; 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Richard Moeller, (202) 426-0142	Completion of Review.	Fall 1982	
	FEDERAL MOTOR CARRIER SAFETY REGULATIONS			
Disqualification of Drivers (traffic records).	**A. Abstract:** Consideration is being given to a proposal that would require the disqualification of Interstate truck and bus drivers based on the driver's traffic or accident record. **B. CFR Citation:** 49 CFR pt. 391, subpart B **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	Completion of Review.	*10/82*	
The General Part of the Federal Motor Carrier Safety Regulations (FMCSR).	**A. Abstract:** This regulation has been selected for review because of FHWA policy on minimization of redtape; to improve and simplify the regulations. **B. CFR Citation:** 49 CFR pt. 380 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767	Completion of review.	4/83	
Rear End Underride Protection.	**A. Abstract:** This regulation has been selected for review to improve rear end protection on heavy motor vehicles in conjunction with action taken by the National Highway Traffic Safety Administration on January 18, 1981.	Completion of review.	*4/83*	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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FHWA

Review of Existing Regulations

Other Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR pt. 393 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill Thomas, (202) 426-9767			
Selection of Motor Carriers for Survey.	**A. Abstract:** Publish criteria for selection of carriers for safety and hazardous materials surveys in response to a rulemaking petition. **B. CFR Citation:** 49 CFR pt. 385 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** James Jeglum, (202) 426-1724	Completion of review.	10/82	
†Transportation of Migrant Workers.	**A. Abstract:** Improve procedures for ensuring safe transportation of migrant workers in interstate commerce. *The review will also analyze the impact on small entities in accordance with the Regulatory Flexibility Act*. **B. CFR Citation:** 49 CFR pt. 398 **C. Legal Authority:** 49 USC 303, 304 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Neill Thomas, (202) 426-9767	Completion of review.	*10/83*	

Completed Actions

Priority Rulemaking: Major

Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATIONS			
Geometric Design Criteria for Resurfacing, Restoration, and Rehabilitation (RRR) of Streets and Highways Other Than Freeways (Docket No. 80-3).	**A. Abstract:** This regulation *contains* criteria intended to provide additional flexibility in some of the basic geometric features of design, primarily those in which modification would result in appreciable savings in costs and other impacts while improving safety. This regulation is considered significant because the adoption of new design criteria specifically for RRR projects has proven to be controversial. This rulemaking was necessary to implement the 1976 amendment to 23 U.S.C. 101 redefining "construction" to include resurfacing, restoration, and rehabilitation. Geometric design criteria are needed to effectively administer a RRR program for preservation work on the Federal-aid highway systems. **B. CFR Citation:** 23 CFR pt. 625 **C. Legal Authority:** U.S.C. 101, 109, 315, and 402: 49 CFR 1.48(b). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis	ANPRM Withdrawal NPRM Correction NPRM Public meeting FR	8/25/77 1/9/78 8/23/78 9/12/78 1/5/81 2/3/81 6/10/82	42 FR 42876 43 FR 2374 43 FR37556 43 FR 40539 46 FR 1228 47 FR 25270

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Completed Actions

Priority Rulemaking: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: An ANPRM published August 25, 1977, (42 FR 42876) offered three alternatives. A Notice published October 28, 1977 (42 FR 56751) extended the comment period for the ANPRM to November 22, 1977. A notice of withdrawal of the ANPRM was published January 9, 1978 (43 FR 2734). Because of the adverse comments, all alternatives were rejected and FHWA decided to develop a new set of criteria for Resurfacing, Restoration, and Rehabilitation (RRR) projects. An NPRM was published on August 23, 1978 (43 FR 37556). A correction to the NPRM was published September 12, 1978 (43 FR 40539). A Notice published on October 19, 1978 (43 FR 48658). extended the comment period for the NPRM to January 4, 1979. On May 23, 1979 (44 FR 29921) FHWA published as a Notice a status report on the creation of an internal task force appointed to evaluate comments received on the NPRM and make recommendations to the Administrator. Another NPRM proposing a more flexible approach was published on January 5, 1981 (46 FR 1228). A public meeting was held on February 3, 1981. The public comment period closed on May 5, 1981. It should also be noted that the Presidential Task Force on Regulatory Relief has identified the existing design criteria regulation for regulatory review. *Final rule published on June 10, 1982 (47 FR 25270).* **G. Agency Contact:** Alvin R. Cowan or Kenneth Davis, (202) 426-0312.			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATION			
Rulemaking Procedures	**A. Abstract:** The proposed rule would incorporate the Federal Highway Administration's redtape reduction policy and provide procedures for processing petitions for rulemaking and related matters. Rulemaking action will be considered on the basis of anticipated legislation in this area. **B. CFR Citation:** 23 CFR **C. Legal Authority:** E.O. 12291, 5 U.S.C. 553 **D. Effects on Small Entities:** No **G. Agency Contact:** Stan Abramson, (202) 426-0761	*Action Terminated.*		
Review: Reimbursement for Railroad Work.	**A. Abstract:** This revision to an existing regulation would update and simplify certain selected policies, procedures and requirements on reimbursement to the States for railroad work done on projects undertaken pursuant to the provisions of 23 CFR pt. 646 B. **B. CFR Citation:** 23 CFR pt. 140; FHPM 1-4-8) **C. Legal Authority:** 23 USC 315; 23 CFR 646B **D. Effects on Small Entities:** No **G. Agency Contact:** J. A. Carney, (202) 426-0540	NPRM FR	9/14/81 8/5/82	46 FR 45744 47 FR 33952
Review: Traffic Safety in Highway and Street Work Zones.	**A. Abstract:** This revision modifies existing requirements to assure a reduction in the incidence of accidents occurring where two-way traffic is maintained on one roadway of a normally divided highway. **B. CFR Citation:** 23 CFR 630J; FHPM 6-4-2-12	NPRM FR	10/16/80 5/20/82	45 FR 68663 47 FR 2177

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Completed Actions

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 23 USC 109(b)(d), 315, 402(a) **D. Effects on Small Entities:** No **G. Agency Contact:** Kenneth L. Ziems, (202) 426-0450			
Pavement Structural Design Policy.	**A. Abstract:** This revision to existing regulation updated procedures design with rigid pavement structural design and participation. **B. CFR Citation:** 23 CFR pts. 625, 626; FHPM 6-2-1-1 and FHPM 6-2-4-1. **C. Legal Authority:** 23 USC 109(a)(b) and (c) **D. Effects on Small Entities:** No **G. Agency Contact:** Leon M. Noel, (202) 426-0327	FR	4/1/82	47 FR 13794
*Review: Contract Procedures; Subcontracting Requirements (Docket No. 78-16, Notice 2).	**A. Abstract:** This revision permits States to accept bids for Federal-aid highway construction work from contractors who perform as little as 30 percent of the contract with their own organizations as opposed to 50 percent under the existing regulation. Only the subcontracting procedures in Part 635, Subpart A of 23 CFR are affected. **B. CFR Citation:** 23 CFR 635.113; FHPM 6-4-1-6) **C. Legal Authority:** 23 USC 112, 113, 114, 117, 128; 42 USC 3334, 4231, 4231-4233, 4601 et seq.. **D. Effects on Small Entities:** No **G. Agency Contact:** K. L. Ziems, (202) 426-4847	NPRM FR	1/11/82 8/23/82	47 FR 1146 47 FR 36632
	RIGHT-OF-WAY AND ENVIRONMENT			
Review: Procedures for Abatement of Highway Traffic Noise and Construction Noise (Docket No. 78-33).	**A. Abstract:** This revision would make substantial reductions in the detailed procedures and interpretive information in the existing regulation. This is being done pursuant to the FHWA Regulation Task Force recommendations. **B. CFR Citation:** 23 CFR pt. 772; FHPM 7-7-3 **C. Legal Authority:** 23 U.S.C. 109(h)(i); 42 U.S.C. 4331, 4332 **D. Effects on Small Entities:** No **G. Agency Contact:** Jerry A. Reagan, (202) 426-4836	ANPRM ANPRM FR	12/6/78 12/7/81 7/8/82	43 FR 57161 46 FR 59550 47 FR 29653
Review: Guidelines for the Development of Environmental Action Plans.	**A. Abstract:** This revision proposes to rescind procedures for environmental action plans in order to eliminate duplication with environmental procedures issued under the National Environmental Policy Act. **B. CFR Citation:** 23 CFR pt. 795 **C. Legal Authority:** 23 USC 109(h), 128; 49 USC 1657(c)(1), 1651. **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Bee, (202) 426-1033	NPRM FR	2/11/82 5/20/82	47 FR 6287 47 FR 21788
	FEDERAL MOTOR CARRIER REGULATIONS			
Highway Safety Programs: Determination of Effectiveness.	**A. Abstract:** NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The rulemaking is summarized in the NHTSA portion of the Agenda. **B. CFR Citation:** 23 CFR pt. 1205 **C. Legal Authority:** 23 USC 315, 401, 402 **D. Effects on Small Entities:** No **G. Agency Contact:** Howard Hanna, (202) 426-2131	NPRM FR	2/4/82 4/1/82	47 FR 5254 47 FR 15116
Assignment of Motor Carrier Safety Ratings (Docket No. MC-88).	**A. Abstract:** The Federal Highway Administration is responsible for determining and reporting to the ICC a safety rating for each carrier applicant seeking operating authority from the ICC. This regulation formalizes current procedures. **B. CFR Citation:** 49 CFR pt. 385 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** James Jeglum, (202) 426-1724	NPRM FR	11/23/79 6/17/82	44 FR 67193 47 FR 2613
First Aid Kits on Buses (Docket No. MC-95).	**A. Abstract:** The FHWA has rescinded the requirement for first-aid kits on buses operated in Interstate or foreign commerce. This action is in keeping with the FHWA's goal of reducing and simplifying regulations which may be unnecessarily costly or burdensome.	ANPRM FR	9/25/80 4/26/82	45 FR 63535 47 FR 1782

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR 393.96 **C. Legal Authority:** 49 USC 304, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Neill L. Thomas, (202) 426-9767			

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
	CIVIL RIGHTS			
Civil Rights Requirements	**A. Abstract:** These regulations carry out program and employment nondiscrimination requirements under Title VI of the Civil Rights Act of 1964, Executive Order 11246, and other authorities. These regulations have requirements that may overlap or duplicate other civil rights rules, and also contain a number of recordkeeping and reporting requirements that need scrutiny. An effort to consolidate some of the employment requirements of these rules with similar UMTA and FRA requirements has been underway for several months. Review of the portion of Part 230 dealing with contract compliance should be coordinated with the review of programs of the Office of Federal Contract Compliance (OFCCP) in the Department of Labor, since FHWA's requirements implement OFCCP requirements. *A decision has been made to initiate rulemaking. See nonsignificant portion of agenda* . **B. CFR Citation:** 23 CFR pts. 200, 230 **C. Legal Authority:** Title VI of the Civil Rights Act of 1969, E.O. 11246. **D. Effects on Small Entities:** No **G. Agency Contact:** Edward W. Morris, Jr., (202) 426-0471	*Review Completed* .		
	PLANNING			
Urban Transportation Planning.	**A. Abstract:** These regulations govern the urban transportation planning process under the grant programs administered by FHWA and UMTA. The planning process is mandated by law and provides for a continuing, comprehensive and cooperative process in all urban areas of more than fifty thousand population. This review of the regulations is being conducted as part of a comprehensive review of the entire issue of urban transportation planning. A notice and request for comments on this comprehensive review was published by FHWA and UMTA on December 17, 1981. *A decision has been made to initiate rulemaking. See "Current and Projected Rulemakings—Priority Rulemakings: Non-Major" portion of the Agenda.* **B. CFR Citation:** 23 CFR pt. 450; 49 CFR pt. 613 **C. Legal Authority:** 23 U.S.C. 134 **D. Effects on Small Entities:** No **G. Agency Contact:** FHWA: Sam Rea, (202) 426-2961; UMTA: Bob Kirkland, (202) 426-4991.	*Review Completed.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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Completed Actions

Priority Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	FEDERAL MOTOR CARRIER SAFETY REGULATION			
†Hours of Service	**A. Abstract:** This regulation, little changed from its original version published 40 years ago by the ICC, limits the number of hours interstate truck drivers can drive and be on duty in a given day or week. Its rationale is that long hours mean tired drivers, and that tired drivers are more likely to be in accidents. The principal monitoring and enforcement device for this rule is the "driver's log," in which drivers record their activities. FHWA has been gathering data on the relationship between driver fatigue and accidents, and on the economic impact of changing the rule, pursuant to a 7 1/2-year-old rulemaking petition from a driver's group to further restrict hours of service. Litigation involving this regulation is also pending. A review is needed to focus on the safety justification for the present limitation, economic effects of relaxing present requirements, and most importantly, finding a less burdensome, more cost-effective enforcement mechanism than the driver's log. This review also analyzed the impacts on small entities in accordance with the Regulatory Flexibiltiy Act. Results of this review have been reflected in the Hours of Service docket closing notice published on September 3, 1981 (46 FR 44198). *See also "Current and Projected Rulemakings—Priority Rulemakings: Major" portion of Agenda for action regarding alternatives to the driver's log.* **B. CFR Citation:** 49 CFR pt. 385 **C. Legal Authority:** The legal basis for this regulation is 49 U.S.C. 304 and 1655. **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Neill Thomas,* (202) 426-9767	*Review Completed.*		
†Notification, Reporting, and Recording of Accidents.	**A. Abstract:** This regulation establishes duties of motor carriers to make reports and keep records of accidents which occur during their operations. This regulation is needed to implement section 204(a) of the Interstate Commerce Act as amended (49 U.S.C. 304), relating to motor carrier safety concerned with accident reduction. This review is needed to determine whether burdens imposed on carriers can be reduced. It will also analyze the impacts on small entities in accordance with the Regulatory Flexibility Act. A decision has been made to initiate rulemaking. *See "Current and Projected Rulemakings: Other Rulemakings" portion of the Agenda.* **B. CFR Citation:** 49 CFR pt. 394 **C. Legal Authority:** 49 U.S.C. 304, 320, 1655 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Neill Thomas,* (202) 426-9767	*Review Completed*		

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
	PLANNING			
Appalachian Highway Procedures.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape; legislative change; policy decisions by the Appalachian Regional Commission. *Further action deferred until future of program is determined* . **B. CFR Citation:** 23 CFR pt. 633, subpart B **C. Legal Authority:** 40 USC App. 201, 402 **D. Effects on Small Entities:** No **G. Agency Contact:** *Sheldon G. Strickland, (202) 426-0153*	*Review Completed*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA

Completed Actions

Other Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	ENGINEERING AND TRAFFIC OPERATIONS			
Traffic Surveillance and Control.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. *A decision has been made to initiate rulemaking. See "Current and Projected Rulemakings: Other Rulemakings" portion of Agenda* . **B. CFR Citation:** 23 CFR pt. 655 **C. Legal Authority:** 23 USC 101(a), 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Harp, (202) 426-0411	*Review Completed.*		
Water Supply and Sewage Treatment at Safety Rest Areas.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 650, subpart E **C. Legal Authority:** 23 USC 109(a), 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Stanley R. Davis, (202) 472-7690	*Review terminated.*		
Maximum Weight of Trucks on Interstate System Highway; Variable Load Suspension Axles; Dummy Axles; Interpretation and Application of the Bridge Formula.	**A. Abstract:** This regulation would provide guidance on the use of Variable Load Suspension Axles and Dummy Axles in the Bridge Formula, which is used to determine the maximum weight of motor vehicles permitted to use the Interstate System highway in accordance with 23 U.S.C. 127. **B. CFR Citation:** 23 CFR pt. 657 **C. Legal Authority:** 23 USC 127 **D. Effects on Small Entities:** No **G. Agency Contact:** David Oliver, (202) 426-0825	*Review terminated.*		
	RIGHT-OF-WAY AND ENVIRONMENT			
State Highway Department Responsibilities.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape *Review of 23 CFR 710 is reflected in consolidated entry for "Right of Way General" in the "Reviews of Existing Regulations: Other Reviews" section of the Agenda.* . **B. CFR Citation:** 23 CFR pt. 710 **C. Legal Authority:** 42 USC 4601 et. seq. 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	*Withdrawn*		
Reimbursement Provisions.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. *Review of 23 CFR 710 is reflected in consolidated entry for "Right of Way General" in the "Reviews of Existing Regulations: Other Reviews" section of the Agenda* . **B. CFR Citation:** 23 CFR pt. 710 **C. Legal Authority:** 42 USC 4601 et. seq. 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	*Withdrawn*		
Civil Rights	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape *Review of 23 CFR 710 is reflected in consoldated entry for "Right of Way General" in the "Reviews of Existing Regulations: Other Reviews" section of the Agenda* . **B. CFR Citation:** 23 CFR pt. 710 **C. Legal Authority:** 42 USC 4601 et. seq. 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas A. Wubbels, (202) 426-0142	*Withdrawn*		
Appraisal and Appraisal Review Policy.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. **B. CFR Citation:** 23 CFR pt. 720 **C. Legal Authority:** 42 USC 4632, 23 USC 315 **D. Effects on Small Entities:** No **G. Agency Contact:** *Douglas Wubbels,* (202) 426-0142	*Review terminated.*		
Junkyard Control and Abatement.	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. *No action considered necessary at this time.*	*Review terminated.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Highway Administration

FHWA

Completed Actions

Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 23 CFR pt. 751 **C. Legal Authority:** 23 USC 136, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Myron Laible, (202) 246-0021			
Land Service Facilities	**A. Abstract:** This regulaton was selected for review because of FHWA policy on minimization of redtape. The directive is no longer needed. **B. CFR Citation:** 23 CFR pt. 712 **C. Legal Authority:** 23 USC 108(a), 114, 315 **D. Effects on Small Entities:** No **G. Agency Contact:** Richard Moeller, (202) 426-0142	Review Completed.		
Mitigation of Environmental Impacts to Privately Owned Wetlands.	**A. Abstract:** This regulation was selected for review because of response to comments received on interim final rule published July 31, 1980 (45 FR 50728). **B. CFR Citation:** 23 CFR pt. 777 **C. Legal Authority:** 42 USC 4321, et seq.; 23 USC 109(h), 138 **D. Effects on Small Entities:** No **G. Agency Contact:** Charles DesJardins, (202) 426-9173	Review Terminated.		
On-Premise Signs	**A. Abstract:** This regulation was selected for review because of FHWA policy on minimization of redtape. *No action considered necessary at this time.* **B. CFR Citation:** 23 CFR pt. 750 **C. Legal Authority:** 23 USC 131 **D. Effects on Small Entities:** No **G. Agency Contact:** Myron Laible, (202) 245-0021	Review terminated.		
	PUBLIC TRANSPORTATION			
Non-Urbanized Area Public Transportation.	**A. Abstract:** This regulation was selected for review to update and simplify current procedures; respond to comments received on regulations published on December 13, 1978 (43 FR 58308). *A State Management Plan Option Notice was published on February 8, 1982, in the Federal Register (47 FR 5835).* **B. CFR Citation:** 23 CFR pt. 25 **C. Legal Authority:** Sec. 18 of Urban Mass Transportation Act of 1964 as amended; 49 USC 1601 et seq. **D. Effects on Small Entities:** No **G. Agency Contact:** FHWA: Sheldon G. Strickland, (202) 426-0153 UMTA: *Douglas Kerr* (202) 472-7037.	*Review Completed.*		

National Highway Traffic Safety Administration

INFORMATION NOTICE

The National Highway Traffic Safety Administration (NHTSA) has ordered the items that appear in the Agenda as follows. Proposals and regulations in this Agenda are subdivided into three subject areas. Within each of the subject areas, the entries are listed, where possible, in order of CFR section being amended or established. Entries for which a CFR section has not been identified are listed at the end of each subject area in the order in which they have been added to the Agenda.

The first subject area is "Federal Motor Vehicle Safety Standards." The largest number of entries are in this area. These entries are listed by order of the safety standard being amended or established, since those numbers correspond to CFR section numbers. The second subject area is "Fuel Economy Standards and Exemptions." The third subject area is "Regulations Other Than Safety Standards and Fuel Economy Standards/Exemptions".

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda. •Presidential Task Force priority review.]

Title	Summary	Timetable		
		Action	Date	Cite
	FEDERAL MOTOR VEHICLE SAFETY STANDARDS			
†Heavy Duty Vehicle Brake Systems (Formerly Truck and Trailer Brake Systems) (Docket No. 79-03).	**A. Abstract:** Would establish a new brake standard for all trucks, buses and trailers with a Gross Vehicle Weight Rating (GVWR) over 10,000 pounds. This standard would replace Standard No. 121, Air Brake Systems, and that portion of Standard No. 105, Hydraulic Brake Systems, that applies to vehicles with a GVWR over 10,000 pounds. It would also establish new requirements for heavy trailers having other than air-actuated brakes. In developing the standard, the agency will consider compatibility with international regulations. Research programs in support of this new standard and possible future upgradings of the standard will investigate such long-term advanced braking system concepts as automatic brake adjustors, load-sensing proportioning valves, air driers, and retarders for heavy trucks, buses and trailers. This rule is considered significant because of the level of public and Congressional interest. It is necessary to prevent and reduce the severity of accidents involving heavy vehicles by providing increased accident avoidance capability. **B. CFR Citation:** 49 CFR 571.121, 49 CFR 571.105 **C. Legal Authority:** 15 U.S.C. 1392, 1407, National Traffic and Motor Vehicle Safety Act of 1966, as amended. **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **F. Additional Information:** Two ANPRM's have been issued related to this rulemaking. The first was published February 15, 1979 (44 FR 9783; *Notice 1).* The second was published February 28, 1980 (45 FR 13155); *Notice 3* . **G. Agency Contact:** *R. Hitchcock* (202) 426-0842	ANPRM ANPRM Research underway.	2/15/79 2/28/80	44 FR 9783 45 FR 13155
Occupant Crash Protection (Docket No. 74-14).	**A. Abstract:** Rescinds the automatic restraint requirements of Standard No. 208. The rule is considered significant because of the impact on the automobile industry, and the significant level of public and congressional interest. It is necessary to take into account changed circumstances since the Standard was adopted in 1977. **B. CFR Citation:** 49 CFR 571.208 **C. Legal Authority:** National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 U.S.C. 1392, 1407). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis. **F. Additional Information:** NPRM published April 9, 1981 (46 FR 21205; *Notice 22).* Comment period closed May 26, 1982. Public meetings held August 5 and 6, 1981. *FR published October 29, 1981 (46 FR 53419; Notice 25). This action is under court review. An opinion by the U.S. Court of Appeals (D.C. Cir.), dated June 1, 1982) reversed NHTSA's rescission. The agency was directed to submit a schedule for resolving issues raised in the court's opinion. NHTSA filed its response on July 1, 1982. On August 4, 1982, the court issued an order which established an effective date of September 1, 1983, for the standard. The agency was given until October 1, 1982, to advise the court whether such a compliance date is achievable. The agency is considering an appeal to the United States Supreme Court and/or further rulemaking proceedings.* . **G. Agency Contact:** Courtney Price, (202) 426-1810	NPRM Public Meetings FR *Under court review.*	4/9/81 8/5-6/81 10/29/81	46 FR 21205 46 FR 53419

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

NHTSA

Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda. •Presidential Task Force priority review.]

Title	Summary	Timetable		
		Action	Date	Cite
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Bumper Standard (Docket No. 73-19).	**A. Abstract:** NHTSA has performed an evaluation of the bumper standard in terms of costs and benefits. In 1979 NHTSA issued a report that concluded that the 5 mph standard was justified. Based on the new evaluation of the bumper standard published in April 1981, *the Preliminary Regulatory Impact Analysis dated July 1981, and the Final Regulatory Impact Analysis dated May 1982,* NHSTA amended the bumper standard to reduce the impact speed requirements while retaining the bumper height requirements. This rulemaking is considered significant because of the level of interest shown by Congress and bumper manufacturers, and because of the cost impact to consumers. It is necessary to reassess various regulatory options to achieve the most cost-effective requirements. **B. CFR Citation:** 49 CFR pt. 581 **C. Legal Authority:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, (15 U.S.C. 1392, 1407) and Motor Vehicle Information and Cost Savings Act, as amended (15 U.S.C. 1912). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** ANPRM published 3/1/79. (44 FR 11569). *Notice 25.* Report published June 1979. New evaluation published April 1981. Preliminary Regulatory *Impact* Analysis dated July 1981. NPRM published October 1, 1981 (46 FR 48262; *Notice 27*). Public meetings held October 22 and November 12. Comment period closed November 30, 1981. *Final Regulatory Impact Analysis dated May 1982. FR published May 20, 1982 (47 FR 21820; Notice 29). This action is under court review .* **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM FR *Under court review.*	10/1/81 5/20/82	46 FR 48262 47 FR 21820
†Crashworthiness Ratings (Docket No. 79-17).	**A. Abstract:** Ratings: Would require manufacturers to disseminate crashworthiness performance information concerning their cars to the public, to provide consumers with comparative information on the crashworthiness performance of new car models. This rulemaking is considered significant because of the impact on manufacturers, the interest shown by consumers, and the potential significant effects on the automotive marketplace. **B. CFR Citation:** 49 CFR Ch.5 **C. Legal Authority:** National Traffic and Motor Vehicle Safety Act of 1966, as amended, and Motor Vehicle Information and Cost Savings Act, as amended, (15 U.S.C. 1401, Section 112(d); 15 U.S.C. 1941, Section 201(d)). **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis. **F. Additional Information:** NPRM published January 22, 1981 (46 FR 7025; Notice 1). Comment due date extended to October 22, 1981 by notice published April 2, 1981 (46 FR 19947; *Notice 2*). **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM Further action to be determined.	1/22/81	46 FR 7025
*Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Would suspend the treadwear test portion of the Uniform Tire Quality Grading Standards until tests can be conducted to determine the causes of, and possible solutions for, variation in treadwear grades which does not reflect true variation in tire performance. This rule is considered significant because of the level of public interest. It is needed to avoid dissemination of potentially misleading tire grading information to consumers and to minimize the imposition of unwarranted compliance costs on industry and consumers. **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** Section 203 of the National Traffic and Motor Vehicle Safety Act, (15 U.S.C. 1423). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation	NPRM Public Hearing FR	7/12/82 8/12/82 Fall 1982	47 FR 30084

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Priority Rulemakings: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda. •Presidential Task Force priority review.]

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: Public **G. Agency Contact:** George Parker, (202) 426-1740			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Controls & Displays (Docket No. 1-18).	**A. Abstract:** Would amend the standard to include several symbols adopted by the International Standards Organization (ISO). **B. CFR Citation:** 49 CFR 571.101 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	1982	
Controls and Displays (Docket No. 1-18).	**A. Abstract:** Would amend the light intensity requirements of Standard No. 101-80 to permit informational readout displays to be used for telltales. **B. CFR Citation:** 49 CFR 571.101-80. **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	2/1/82 Fall 1982	47 FR 4541
Hydraulic Brake Systems	**A. Abstract:** Would change the parking brake gradient requirement for school buses with a GVWR of 10,000 pounds or less from 30 percent to 20 percent, while maintaining the recently adopted more stringent effort limits. This change would make the parking brake requirements for school buses with a GVWR of 10,000 pounds or less the same as for other buses, trucks and multipurpose passenger vehicles within that weight class. **B. CFR Citation:** 49 CFR 571.105 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	Fall 1982	
Brake Hoses (Docket No. 81-18).	**A. Abstract:** Would amend test procedure to allow removal of certain items from brake assemblies when preparing assemblies for whip test. **B. CFR Citation:** 49 CFR 571.106 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	3/29/82 Fall 1982	47 FR 13176
Brake Hoses (Docket No. 82-02).	**A. Abstract:** Would consider amending portions of the standard that relate to adhesion properties of hose layers on air and vacuum brake hoses to allow an average value rather than an absolute minimum for meeting the adhesion specification. This action results from a petition for rulemaking. **B. CFR Citation:** 49 CFR 571.106 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Notice granting petition for rulemaking. Further action to be determined.	2/16/82	47 FR 7293
Brake Hoses (Docket No. 82-09).	**A. Abstract:** Would permit labelling of metric-size brake hoses in metric units rather than inches. *This action results from a petition for rulemaking*. **B. CFR Citation:** 49 CFR 571.106 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 425-0842	NPRM FR	4/12/82 Fall 1982	47 FR 15612

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Rear Lighting and Signalling (Docket No. 81-02).	**A. Abstract:** Would establish requirement for a high mounted brake light. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	1/8/81	46 FR 2132
†Commercial Vehicle Conspicuity (Docket No. 80-9).	**A. Abstract:** Would improve the conspicuity of commercial vehicles by establishing in FMVSS 108 performance requirements for the total lighting and marking system of commerical vehicles (excluding headlights). **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	ANPRM Further action to be determined.	5/27/80	45 FR 35405
*Brake Systems (Docket No. 79-18).	**A. Abstract:** Would propose a new brake standard compatible with the harmonized brake standard now being developed by the United Nations Economic Commission for Europe (ECE). Initial efforts are directed toward requirements for passenger cars. **B. CFR Citation:** 49 CFR Part 571 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	1983	
Lamps, Reflective Devices, and Associated Equipment *(Docket No. 81-16)*.	**A. Abstract:** This proposal for a technical modification to FMVSS 108 would require that rear lamp reflex reflector tests be changed to require a 10 instead of a 7 inch test diameter size. The action results from a granted rulemaking petition. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM *FR*	10/13/81 Fall 1982	46 FR 50396
Lamps, Reflective Devices, and Associated Equipment.	**A. Abstract:** This notice for comments *relates to* a possible amendment to FMVSS No. 108 to modify headlamp configurations and for a possible addition of tests for plastic headlamps. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	1982	
Lamps, Reflective Devices, and Associated Equipment.	**A. Abstract:** Would delete the requirement for use of a "Test Bulb" with stringent filament location specifications in testing lamp assemblies. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	1982	
Lamps, Reflective Devices, and Associated Equipment.	**A. Abstract:** In response to a petition for rulemaking, would amend the standard to reduce from 12 to 8 square inches the minimum effective projected luminous lens area of rear stop and turn signal lamps for large vehicles 80 inches or more in overall width. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	1982	
Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-04).	**A. Abstract:** In response to a petition for rulemaking, would provide an alternative location for front identification lamps on vehicles whose overall width exceeds 80 inches, allowing them to be mounted on the top of the vehicle. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	2/22/82 Fall 1982	47 FR 7911

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Title	Summary	Timetable		
		Action	Date	Cite
Lamps, Reflective Devices, and Associated Equipment (Docket No. 82-03).	**A. Abstract:** In response to a petition for rulemaking, would consider whether the cab of a vehicle is an acceptable alternative location for the mounting of clearance lamps. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Further action to be determined.		
Rear View Mirrors (Docket No. 71-3a).	**A. Abstract:** This proposal would amend FMVSS 111 by establishing requirement for passenger cars to: a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, c) set specifications for day-night reflectance requirements to reduce headlight glare, d) set specifications for convex mirror quality and use, and e) minimize obstruction of the forward view by establishing mirror location specifications. *FR to permit use of passenger side convex mirrors published. Remaining issues to be considered further by agency* . **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	11/6/78 Fall 1982	43 FR 51657
Rearview Mirror Systems (Docket No. 71-3a).	**A. Abstract:** Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less. **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	11/6/78	43 FR 51657
Rearview Mirror (Docket No. 81-21).	**A. Abstract:** In response to a petition for rulemaking, would permit the optional use of crossview mirrors of variable, short radius of curvature on school buses. **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	12/10/81 Fall 1982	46 FR 60481
†Rearview Mirror Systems (Docket No. 71-3a).	**A. Abstract:** Would amend FMVSS No. 111 to improve mirror systems for trucks, buses and multipurpose passenger vehicles with a GVWR over 10,000 pounds. **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	11/6/78	43 FR 51657
Federal Vehicle Identification Number.	**A. Abstract:** Would change Federal Vehicle Identification Number requirement from a Federal Motor Vehicle Safety Standard to an administrative regulation. **B. CFR Citation:** 49 CFR 571.115 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	*1982*	
Power-Operated Window Systems (Docket No. 82-07).	**A. Abstract:** In response to a petition for rulemaking, would permit operation of power windows after the ignition has been turned off but only until a door has been opened. **B. CFR Citation:** 49 CFR 571.118 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	4/1/82 Fall 1982	47 FR 13845
Tire Selection and Rims, Non-Passenger Cars. (Docket No. 80-16).	**A. Abstract:** These technical amendments would clarify existing requirements or resolve minor specific technical problems. **B. CFR Citation:** 49 CFR 571.120 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Final rule	10/30/80 Fall 1982	45 FR 71834

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Title	Summary	Timetable		
		Action	Date	Cite
Air Brake Systems (Docket No. 79-03).	**A. Abstract:** Would delete the requirement in Standard No. 121 for a separate reservoir capable of releasing parking brakes. **B. CFR Citation:** 49 CFR 571.121 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	7/23/81	46 FR 37952
Motorcycle Controls	**A. Abstract:** Would permit the manual fuel cutoff control on a motorcycle to operate in a transverse vertical plane as an alternative to the current requirement for operation in a longitudinal vertical plane. **B. CFR Citation:** 49 CFR 571.123 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	1982	
*Motorcycle controls and displays.	**A. Abstract:** Would be amended to permit the use of words or symbols. **B. CFR Citation:** 49 CFR 571.123 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM	1983	
*Occupant Protection in Interior Impact (Docket No. 82-12).	**A. Abstract:** Would exempt school buses from the seat back requirements of Standard No. 201 since those vehicles are covered by the seat back requirements of Standard No. 222. **B. CFR Citation:** 49 CFR 571.201 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Hitchcock, (202) 426-0842	NPRM FR	6/10/82 Fall 1982	47 FR 25169
Impact Protection for the Driver from the Steering Control system. *(Docket No. 81-10))* .	**A. Abstract:** This technical amendment would revise the test requirements of FMVSS 203 to permit force loads in excess of 2,500 pounds for a cumulative period not to exceed 3 milliseconds. **B. CFR Citation:** 49 CFR 571.203 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM *FR*	10/1/81 Fall 1982	46 FR 48260
†Steering Control Rearward Displacement.	**A. Abstract:** Would extend the applicability of the Standard from vehicles with an unloaded weight of 4,000 pounds to vehicles with an unloaded weight of 5,500 pounds. **B. CFR Citation:** 49 CFR 571.204 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Further action to be determined.		
Glazing Materials *(Docket No. 81-04)* .	**A. Abstract:** Would update FMVSS 205 by referring to latest edition ofcompanion commercial standard (ANS Z-26), thereby permitting use of modern materials. **B. CFR Citation:** 49 CFR 571.205 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	7/29/82	47 FR 32749
†Glazing Materials (Docket No. 81-04).	**A. Abstract:** Would amend FMVSS No. 205 to adopt less stringent requirements for glass-plastic glazing materials. **B. CFR Citation:** 49 CFR 571.205 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchchock, (202) 426-0842*	ANPRM NPRM	1/26/82 Fall 1982	46 FR 8067
Seat Belt Assemblies (Docket No. 74-14).	**A. Abstract:** To improve seat belt comfort, convenience, reliability and effectiveness by prescribing parameters for performance of seat belt assemblies. Subject to review under Executive Order 12291. Final Rule in partial response to petitions for reconsideration deferring effective date from September 1, 1982, to September 1, 1983, published February 18, 1982 (47 FR 7254). NHTSA plans to respond *to the substantive portions of* petitions for reconsideration at a later date.	NPRM FR FR deferring effective date to 9/1/83. Further action to be determined.	12/20/79 1/8/81 2/18/82	44 FR 77210 46 FR 2064 47 FR 7254

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR 571.208 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842			
Occupant Crash Protection (Docket 74-14).	**A. Abstract:** Would amend the standard to make fuel loading capacity requirements during compliance tests compatible with those of FMVSS No. 301 and thus reduce compliance test costs. **B. CFR Citation:** 49 CFR 571.208 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	1/28/82 Fall 1982	47 FR 4098
Seat Belt Assemblies (Docket No. 80-06).	**A. Abstract:** Would amend FMVSS 209 to modify resistance to light test procedures. *This action is in response to a petition for rulemaking. Subsequent to 1980 NPRM, new test procedures were developed, necessitating a new NPRM* . **B. CFR Citation:** 49 CFR 571.209 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM NPRM	6/1/80 Fall 1982	45 FR 29102
Seat Belt Assemblies (Docket No. 82-15).	**A. Abstract:** Would amend Standard 209 by *updating reference to a number of recommended practices and test procedures, incorporating by reference the latest versions of these documents, instead of earlier versions. Also seeks comments on possible revisions to the standard that would reduce the regulatory burden imposed by the standard without diminishing vehicle safety* . **B. CFR Citation:** CFR 571.209 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	7/22/82	47 FR 31712
Child Restraint Tether Anchorages. (Docket No. 80-18).	**A. Abstract:** Would require *lap belt and tether* anchorages for use with child restraint systems. **B. CFR Citation:** 49 CFR 571.210 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	12/11/80	45 FR 81625
†Motorcycle Helmets	**A. Abstract:** The proposal would *add new headform sizes to* FMVSS 218. **B. CFR Citation:** 49 CFR 571.218 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Further action to be determined.		
School Bus Body Joint Strength (Docket No. 73-34).	**A. Abstract:** Would amend FMVSS 221 to modify the exempt status of maintenance access panels. **B. CFR Citation:** 49 CFR 572.221 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	11/27/81	46 FR 57939
School Bus Seat Spacing (Docket No. 73-03).	**A. Abstract:** Would amend 49 CFR 571.222 to permit increased school bus seat spacing. **B. CFR Citation:** 49 CFR 571.222 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM FR	2/25/82 Fall 1982	47 FR 2831
Truck Rear Underride Protection (Docket No. 1-11).	**A. Abstract:** Would require protective devices to reduce vehicle penetration under the rear-ends of heavy trucks and trailers (without resulting in overly severe forces being transmitted to restrained and unrestrained occupants in vehicles that crash into the devices). **B. CFR Citation:** 49 CFR; pt. 571 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	1/8/81	46 FR 2136

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
†Flammability of School Bus Interior Materials.	**A. Abstract:** Would utilize guidelines prescribed by UMTA to define flammability characteristics of School Bus Interior Materials. **B. CFR Citation:** 49 CFR Pt. 391 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** R. Hitchcock, (202) 426-0842	Further action to be determined.		
†Pedestrian Protection (Docket No. 78-19).	**A. Abstract:** Would reduce adult pedestrian leg injuries and child injuries through modification of the bumper area. **B. CFR Citation:** 49 CFR pt. 571 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Further action to be determined.	1/22/81	46 FR 7015
Seating Reference Point/Motor Vehicle Driver's Eye Range (Docket No. 82-05).	**A. Abstract:** Would update the definition of Seating Reference Point to incorporate latest industry practices and amend Standards 103, 104, 107 and 111 to reference SAE Recommended Practice J941e, Motor Vehicle Driver's Eye Range, instead of an earlier version of that recommended practice. **B. CFR Citation:** 49 CFR pt. 571 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	ANPRM Further action to be determined.	3/8/82	47 FR 9865
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
†Fuel Economy Exemptions: Exemption from and Establishment of Fuel Economy Standards. (Docket No. LVM 82-01).	**A. Abstract:** Would establish alternate average fuel economy standards for low volume manufacturers for model years 1981 through 1985. **B. CFR Citation:** 49 CFR pt. 531 **C. Legal Authority:** 49 U.S.C. 1657; 15 U.S.C. 2002 **D. Effects on Small Entities:** Yes **G. Agency Contact:** R. Strombotne, (202) 426-0846	NPRM FR	5/13/82 Fall 1982	47 FR 20639
Anthropomorphic Test Dummies.	**A. Abstract:** Would provide performance criteria for the adult surrogate dummies which would be required in dynamic testing of vehicles if Standard 214. Side Door Strength, is upgraded. **B. CFR Citation:** 49 CFR Part 572 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	Further action to be determined.		
Tire Identification and Recordkeeping. (Docket No. 80-20).	**A. Abstract:** Would require ID on outward facing sidewall of motor vehicle tires. **B. CFR Citation:** 49 CFR pt. 574 **C. Legal Authority:** 15 U.S.C. 1392, 1401, 1407, 1418, 1421 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM Action to be terminated.	12/15/80	45 FR 82293
*Consumer Information--Stopping Distance.	**A. Abstract:** Would modify requirements for stopping distance consumer information. **B. CFR Citation:** 49 CFR 575.101 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** George Parker, (202) 426-1740	NPRM	12/82	
Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Would amend the Uniform Tire Quality Grading Standards to prescribe a into tire grades. Also would expand the numerical increments used to denote treadwear grades. **B. CFR Citation:** 49 CFR Part 5755 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM Further action to be determined.	2/2/81	46 FR 10429
Uniform Tire Quality Grading	**A. Abstract:** Would include rolling resistance for tires as a substitute for top temperature resistance grade in the Uniform Tire Quality Grading Standards. **B. CFR Citation:** 49 CFR Part 575	Further action to be determined.		

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 15 USC 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740			
Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Would suspend the treadwear test portion of the Uniform Tire Quality Grading Standards until the agency can determine the causes of, and possible solutions for, variation in treadwear grades which does not reflect true variation in tire performance. This entry has been reclassified as a significant regulation. See new entry entitled "Uniform Tire Quality Grading" in the "Current and Projected Rulemakings: Priority Rulemakings – Non-Major" portion of the Agenda . **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 USC 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM FR	7/12/82 Fall 1982	47 FR 30084
*Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Provides methods for determining rim size and tire loading for UTQG test procedures. This action was necessary because UTQG test procedures previously relied upon a portion of Table 1, Appendix A of Safety Standard No. 109, which was deleted in a previous agency rulemaking. **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** George Parker, (202) 426-1740	Interim FR and request for comments. Further action to be determined.	6/15/82	47 FR 25930
*Uniform Tire Quality Grading (Docket No. 25).	**A. Abstract:** Makes a technical correction to the UTQG test procedures concerning factors to be used in determining the load under which tires are to be tested for traction. Also provides that, for a two-year period, tires whose test loads would change significantly as a result of the use of the treadwear, temperature resistance and traction load factors shall continue to be tested at the loads used in UTQG testing prior to June 14, 1982. **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** George Parker, (202) 426-1740	Interim FR and request for comments. Further action to be determined.	8/6/82	47 FR 34990
*Uniform Tire Quality Grading (Dockets No. 25 and 80-14).	**A. Abstract:** Invites comments on using information either in privately published tire tables or in manufacturer submissions to the agency for determining loads for testing under both Federal Motor Vehicle Safety Standard No. 109 and the Uniform Tire Qulality Grading Standards. **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** No **G. Agency Contact:** George Parker, (202) 426-1740	NPRM FR	8/19/82 Fall 1982	47 FR 36260
Consumer Information - Wet Stopping Distance.	**A. Abstract:** Would develop a new rule for consumer information if tests indicate that there are significant differences in wet stopping distances among different models of cars on asphalt or concrete road surfaces. **B. CFR Citation:** 49 CFR 575.105 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740	Further action to be determined.		
†Vehicle Classification - Compact Vans/Station Wagons.	**A. Abstract:** Would invite comment on possible amendments to the safety and fuel economy regulations, with respect to the manner in which compact vans/station wagons and certain other vehicles are classified. **B. CFR Citation:** 49 CFR Pts. 571 and 523 **C. Legal Authority:** 15 U.S.C. 1392, 1407; 15 U.S.C. 2001 **D. Effects on Small Entities:** Yes **G. Agency Contact:** S. Wood, (202) 426-2992	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

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Reviews of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Head Restraints	**A. Abstract:** This regulation which was promulgated in 1969, is designed to reduce the frequency and severity of neck injuries in passenger car accidents. It is estimated that the rule requires a recurring investment of $130 million (an additional cost of $19 per vehicle). **B. CFR Citation:** 49 CFR 571.202 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	*Evaluation report published.* *Comments requested..* *Subsequent action to be determined.*	2/82	47 FR 7291
Side Impact Protection	**A. Abstract:** This regulation provides minimum standards for side door crash resistance for passenger cars under static test conditions. NHTSA estimates that the standard saves 2,800 lives and averts 7,000 injuries a year. A recurring cost of $300 million (an additional cost of $38 per vehicle) is associated with the requirement. An initial review of this regulation, originally promulgated in 1974, was completed in 1979. **B. CFR Citation:** 49 CFR 571.214 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	Fall 1982	
Lamps, Reflective Devices, and Associated Equipment.	**A. Abstract:** This standard, which is applicable to both motor vehicles and equipment, specifies requirements for original and replacement lamps, reflective devices, and associated equipment necessary for signaling and for the safe operation of motor vehicles during darkness and other conditions of reduced visibility. The standard is being reviewed because of its relatively high costs and to refine previous agency estimates of its effectiveness. *At the present time, the review is limited to the standards requirements for side marker lamps.* An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item . **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Completion of Review.	1983	
Fuel System Integrity	**A. Abstract:** This standard, which is applicable to passenger cars, school buses, and light trucks, specifies requirements for the integrity of motor vehicle fuel systems. The purpose of the standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes. The standard is being reviewed to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item* . **B. CFR Citation:** 49 CFR 571.301 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Completion of Review.	Fall 1982	

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Reviews of Existing Regulations

Priority Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Hydraulic Brake Systems	**A. Abstract:** This standard, which currently applies to passenger cars and school buses, specifies requirements for hydraulic service brake and associated parking brake systems. (The standard will become applicable, in modified form, to hydraulic braked trucks, all types of buses, and multipurpose passenger vehicles, in 1983. A priority review of this extension of the standard has already been completed). The purpose of the standard is to insure safe braking performance under normal and emergency conditions. The standard is being reviewed because of its relatively high costs, and the controversial nature of some of its requirements, as well as to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. It should also be noted that the agency is actively involved with the Economic Commission for Europe (ECE) in international harmonization efforts in this area. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item*. **B. CFR Citation:** 49 CFR 571.105 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Completion of Review.	12/82	

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Side Door Strength	**A. Abstract:** This regulation was selected for review because of public interest. **B. CFR Citation:** 49 CFR 571.214 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Evaluation Report. Revised Report Completion of review.	8/30/79 1982 1983	44 FR 50878
Fuel System Integrity	**A. Abstract:** This regulation was selected for review because of cost, safety benefits and public interest. **B. CFR Citation:** 49 CFR 571.301 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1982	
School Bus Seating System	**A. Abstract:** This regulation was selected for review because of public interest. **B. CFR Citation:** 49 CFR 571.222 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	
Hydraulic Brakes	**A. Abstract:** This regulation was selected for review because of cost and safety benefits. **B. CFR Citation:** 49 CFR 571.105 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1982	
Lamps, Reflective Devices and Associated Equipment.	**A. Abstract:** This regulation was selected for review because of cost, and safety benefits.	Completion of Review.	1983	

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Reviews of Existing Regulations

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR 571.108 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574			
Head Restraints	**A. Abstract:** This regulation was selected for review because of costs. **B. CFR Citation:** 49 CFR 571.202 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	*Evaluation report* . Completion of Review.	2/82 1982	
Seating Systems	**A. Abstract:** This regulation was selected for review because of costs. **B. CFR Citation:** 49 CFR 571.207 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	
Child Seating Systems	**A. Abstract:** This regulation was selected for review because of public interest. **B. CFR Citation:** 49 CFR 571.213 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1984	
Occupant Protection	**A. Abstract:** This regulation was selected for review because of cost, safety benefits and public interest. **B. CFR Citation:** 49 CFR 571.208 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	To be determined	
Impact Protection for the Driver from the Steering Control System and Steering Control Rearward Displacement.	**A. Abstract:** This regulation was selected for review because of safety benefits. **B. CFR Citation:** 49 CFR 571.203, 49 CFR 571.204 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Evaluation Report, published.. Completion of Review.	1/26/81 To be determined	46 FR 8066
Windshield Glazing Materials	**A. Abstract:** This regulation was selected for review because of costs, and safety benefits. **B. CFR Citation:** 49 CFR 571.20 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1983	
Windshield Mounting	**A. Abstract:** This regulation was selected for review because of costs, and safety benefits. **B. CFR Citation:** 49 CFR 571.212 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** Frank Ephraim, (202) 426-1574	Completion of Review.	1983	

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Priority Rulemakings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Confidential Business Information (Docket No. 78-10).	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS **A. Abstract:** Codifies existing method of processing confidential information from manufacturers. *A review pursuant to Executive Order 12291 and the Department's Regulatory Policies and Procedures determined that this rule is not significant. Since this action is now complete, a separate entry has not been added to the "Other Rulemakings" portion of the Agenda.* The rulemaking was necessary to assure the manufacturers a more predictable process of information gathering and to streamline and speed up NHTSA use of data. **B. CFR Citation:** 49 CFR pt. 512 **C. Legal Authority:** 15 U.S.C. 2002, National Traffic and Motor Vehicle Safety Act of 1966, as amended, and the Motor Vehicle Information and Cost Savings Act, as amended, 15 U.S.C. 1381. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation *Due to the minimal impacts of this rule, the agency determined that a full regulatory evaluation was not required* . **F. Additional Information:** NPRM issued 5/25/78, (43 FR 22412; *Notice 1).* FR published January 8, 1981 (46 FR 2049; *Notice 3).* originally scheduled to go into effect on April 9, 1981, subject to review under Executive Order 12291. Notice deferring effective date to August 7, 1981, in order to allow NHTSA sufficient time to review and consider a petition for reconsideration published April 13, 1981 (46 FR 21617; *Notice 5).* Notice further deferring effective date to November 6, 1981, published August 10, 1981 (46 FR 40513; *Notice 6).* Notice further deferring effective date to June 1, 1982, published November 9, 1981 (46 FR 55266; *Notice 7). FR and response to petition for reconsideration published June 7, 1982 (47 FR 24587; Notice 8).* . **G. Agency Contact:** Frank Berndt, (202) 426-9511	NPRM	5/25/78	43 FR 22412
		FR	1/8/81	46 FR 2049
		Notice deferring effective date.	4/13/81	46 FR 21617
		Notice deferring effective date.	8/10/81	46 FR 40513
		Notice deferring effective date.	11/9/81	46 FR 55266
		FR and response to petition.	6/7/82	47 FR 24587

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Lamps, Reflective Devices, and Associated Equipment. *(Docket No. 81-17)* .	**A. Abstract:** This proposal would remove the dimensional specifications for headlamp retaining rings. This action results from a granted rulemaking petition. **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	NPRM	10/13/81	46 FR 50394
		FR	6/10/82	47 FR 25150
Fields of Direct View (Docket No. 70-7).	**A. Abstract:** Would have established requirements (for passenger cars) for the maximum allowable size of obstructions in the field of view of drivers, and the luminous transmittance of glazing. Rule was scheduled to go into effect on September 1, 1984. Notice revoking standard in response to petitions for reconsideration published June 22, 1981 (46 FR 32254). In response to a petition for reconsideration of the revocation, an action entitled Reconsideration of Agency Action; Notice of Petitions for Reconsideration and opportunity to comment thereon was published September 21, 1982 (46 FR 46604). **B. CFR Citation:** 49 CFR 571.128 **C. Legal Authority:** 15 USC 1392, 1407	NPRM	11/6/78	43 FR 51677
		FR	1/2/81	46 FR 40
		Revocation in response to petitions.	6/22/81	46 FR 32254
		Reconsideration of revocation in response to petitions and opportunity to comment.	9/21/81	46 FR 46604
		FR	6/17/82	47 FR 26138

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Title	Summary	Timetable		
		Action	Date	Cite
	D. Effects on Small Entities: No **G. Agency Contact:** Notice 1). R. Hitchcock, (202) 426-0842			
†Side Door Strength (Docket No. 79-04).	**A. Abstract:** Would have upgraded FMVSS 214 requirements for passenger cars and extended the upgraded standard to light trucks, vans and MPVs. FMVSS 214 is undergoing priority review under Executive Order 12291. See entry in "Reviews of Existing Regulations" entitled "Side Impact Protection". Notice 1). **B. CFR Citation:** 49 CFR 571.214 **C. Legal Authority:** 15 USC 1392. 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** *R. Hitchcock,* (202) 426-0842	ANPRM Public Meeting Termination	12/6/79 1/31-2/1/80 7/12/82	44 FR 70204 47 FR 30084
Petitions under the Automobile Fuel Efficiency Act of 1980; Procedures Relating to Light Truck Fuel Economy Standards (Docket No. FE 82-01).	**A. Abstract:** Establishes requirements for the contents of petitions filed under the Automobile Fuel Efficiency Act of 1980 and for expanding the flexibility of manufacturers in determining how to group their vehicles for the purposes of compliance with the model year 1982 light truck fuel economy standards. **B. CFR Citation:** 49 CFR Parts 526 and 533 **C. Legal Authority:** 15 USC 2002, 2003 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Strombotne, (202) 426-0846	Interim FR and request for comments. FR	2/18/82 7/29/82	47 FR 7245 47 FR 32721
	REGULATIONS OTHER THAN SAFETY STANDARDS AND FUEL ECONOMY STANDARDS/EXEMPTIONS			
Fuel Economy Reporting Requirements (Docket No. FE 77-03).	**A. Abstract:** Would reduce the fuel economy reporting requirements manufacturers must comply with since some of those requirements are either duplicative or unnecessary for NHTSA's monitoring responsibilities. **B. CFR Citation:** 49 CFR Part 537 **C. Legal Authority:** 15 USC 2005 **D. Effects on Small Entities:** No **G. Agency Contact:** S. Wood, (202) 426-2992	NPRM FR	2/22/82 8/12/82	47 FR 7706 47 FR 34985
Consumer Information - Tire Reserve Load.	**A. Abstract:** Deletes tire reserve load information from consumer information requirements. **B. CFR Citation:** 49 CFR 575.102 **C. Legal Authority:** 15 USC 1392, 1401, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *George Parker,* (202) 426-1740	NPRM FR	9/17/81 6/7/82	46 FR 47100 47 FR 24593
Highway Safety Plan	**A. Abstract:** Deletes Volume 102, Highway Safety Plan from the CFR. **B. CFR Citation:** 23 CFR Pt. 1204 **C. Legal Authority:** 23 U.S.C. 402 **D. Effects on Small Entities:** No **G. Agency Contact:** Chuck Livingston, (202) 426-0837	Action complete		
Highway Safety Programs: Determination of Effectiveness (Docket No. 81-12).	**A. Abstract:** NHTSA and FHWA are involved in a joint rulemaking to determine those highway safety programs that are the most effective in reducing accidents, injuries and deaths. The objective *was* to establish new criteria for funding eligibility in the Department's Highway Safety Program. This action *was* required by section 1107(d) of the Budget Reconciliation Act of 1981. **B. CFR Citation:** 23 CFR Parts 1205, 1252 **C. Legal Authority:** P.L. 97-35; 23 U.S.C. 402 **D. Effects on Small Entities:** No **G. Agency Contact:** Chuck Livingston, (202) 426-0837	ANPRM NPRM Public Hearings FR	8/31/81 2/4/82 2/12/82 2/16/82 2/18/82 4/8/82	46 FR 43692 47 FR 5254 47 FR 15116

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Other Reviews

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Title	Summary	Timetable		
		Action	Date	Cite
†Uniform Tire Quality Grading System.	**A. Abstract:** Requires motor vehicle and tire manufacturers and tire brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and temperature resistance. Its purpose is to aid the consumer in making an informed choice in the purchase of passenger car tires, pursuant to section 203 of the National Traffic and Motor Vehicle Safety Act (15 USC 1423). **B. CFR Citation:** 49 CFR 575.104 **C. Legal Authority:** 15 U.S.C. 1423 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	*Review complete;* RFA not required.		
†Child Restraint Systems	**A. Abstract:** Specifies requirements for child restraint systems used in motor vehicles. Its purpose is to reduce the number of children killed or injured in motor vehicle crashes, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required* . **B. CFR Citation:** 49 CFR 571.213 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review Complete; RFA not required.		
†Lamps, Reflective Devices and Associated Equipment.	**A. Abstract:** A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item. See "Reviews of Existing Regulations: Priority Reviews" portion of Agenda for further information on this entry . **B. CFR Citation:** 49 CFR 571.108 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Review complete with respect to RFA. RFA not required.		
†Fuel System Integrity	**A. Abstract:** *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item. See "Reviews of Existing Regulations: Priority Reviews" portion of Agenda for further information on this entry* . **B. CFR Citation:** 49 CFR 571.301 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim, (202) 426-1574*	Review completed with respect to RFA. RFA not required.		
†School Bus Passenger Seating and Crash Protection.	**A. Abstract:** Establishes occupant protection requirements for school bus passenger seating and restraining barriers. Its purpose is to reduce the number of deaths and the severity of injuries that result from the impact of school bus occupants against structures within the vehicle during crashes and sudden driving maneuvers, pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required* . **B. CFR Citation:** 49 CFR 571.222 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	*Review complete. RFA not required.*		

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Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Hydraulic Brake Systems	**A. Abstract:** This standard, which currently applies to passenger cars and school buses, specifies requirements for hydraulic service brake and associated parking brake systems. (The standard will become applicable, in modified form, to hydraulic braked trucks, all types of buses, and multipurpose passenger vehicles, in 1983. A priority review of this extension of the standard has already been completed). The purpose of the standard is to insure safe braking performance under normal and emergency conditions. The standard is being reviewed because of its relatively high costs, and the controverisal nature of some of its requirements, as well as to refine previous agency estimates of its effectiveness. An evaluation report will be prepared and made available for public comment before completion of the review. At that time, the agency will consider whether changes should be made in the standard's requirements. It should also be noted that the agency is actively involved with the Economic Commission for Europe (ECE) in international harmonization efforts in this area. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. The rule will still be reviewed as a priority review item. See "Reviews of Existing Resolutions: Priority Reviews" portion of Agenda for further information on this entry . **B. CFR Citation:** 49 CFR 571.105 **C. Legal Authority:** 15 USC 1392, 1407 **D. Effects on Small Entities:** No **G. Agency Contact:** *Frank Ephraim,* (202) 426-1574	Review Complete with respect to RFA. RFA not required.		
†Head Restraints	**A. Abstract:** Specifies requirements pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act for passenger car head restraints to reduce the frequency and severity of neck injuries in rearend and other collisions. A review has determined that this rule has minimal effects on small entities and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.202 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review complete. RFA not required.		
†Glazing Materials	**A. Abstract:** Specifies requirments for glazing materials for use in motor vehicles and motor vehicle equipment. Its purpose is to reduce injuries resulting from impact to glazing surfaces, to ensure a necessary degree of transparency in motor vehicle windows for driver visibility, and to minimize the possibility of occupants being thrown through vehicle windows in collisions. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required* . **B. CFR Citation:** 49 CFR 571.205 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	*Review completed* RFA not required.		
†Windshield Mounting	**A. Abstract:** Establishes windshield retention requirements for motor vehicles during crashes. Its purpose is to reduce crash injuries and fatalities by providing for retention of the vehicle windshield during a crash, thereby fully utilizing the penetration-resistance and injury-avoidance properties of the windshield glazing material and preventing the ejection of occupants from the vehicle. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required* . **B. CFR Citation:** 49 CFR 571.212 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		

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Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
†Seating Systems	**A. Abstract:** Establishes requirement for seats, their attachment assemblies, and their installation to minimize the possibility of their failure by forces acting on them as a result of vehicle impact. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR 571.207 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes. **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		
†Passenger Automobile Fuel Economy Standards.	**A. Abstract:** Establishes average fuel economy standards pursuant to sections 502(a) and (c) of the Motor Vehicle Information and Cost Savings Act, as amended, for passenger automobiles. Its purpose is to increase the fuel economy of passenger automobiles by establishing minimum levels of average fuel economy for those vehicles. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR Part 531 **C. Legal Authority:** 15 U.S.C. 2002 **D. Effects on Small Entities:** Yes. **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		
†Light Truck Fuel Economy Standards.	**A. Abstract:** Establish average fuel economy standards pursuant to section 502(b) of the Motor Vehicle Information and Cost Savings Act, as amended, for light trucks. Its purpose is to increase the fuel economy of light trucks by establishing minimum levels of average fuel economy for those vehicles. *A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required .* **B. CFR Citation:** 49 CFR Part 533 **C. Legal Authority:** 15 U.S.C. 2002 **D. Effects on Small Entities:** Yes. **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		
†Controls and Displays	**A. Abstract:** Specified requirements for the location, identification, and illumination of motor vehicle controls and displays. Its purpose is to ensure the accessibility and visibility of motor vehicle controls and displays and to facilitate their selection under daylight and nighttime conditions, to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.101-80 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes. **G. Agency Contact:** Ellen A. Kranidas, (202) 426-1600	*Review completed. RFA not required.*		
†*Air Brake Systems	**A. Abstract:** Establishes performance and equipment requirements on vehicles equipped with air brake systems, for service, emergency, and parking brake capability. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.121 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes. **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

National Highway Traffic Safety Administration

Completed Actions

Other Reviews—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†*Seat Belt Assembly Anchorages.	**A. Abstract:** Specifies the requirements for seat belt assembly anchorages to ensure effective occupant restraint and to reduce the likelihood of failure in collisions. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.210 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		
†*Rearview Mirrors	**A. Abstract:** Specifies requirements for rearview mirrors to provide the driver with a clear and reasonably unobstructed view to the rear. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.111 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		
†*Headlamp Concealment Devices.	**A. Abstract:** Specifies that any fully opened headlamp device shall remain fully opened whether either or both of the following occur: (a) any loss of power to or within the device or (b) any malfunction of wiring or electrical supply for controlling the concealment device. Issued pursuant to sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act. A review has determined that this rule has minimal effects on small entities, and therefore a Regulatory Flexibility Analysis (RFA) is not required. **B. CFR Citation:** 49 CFR 571.112 **C. Legal Authority:** 15 U.S.C. 1392, 1407 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Ellen Kranidas, (202) 426-1600	Review completed. RFA not required.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

FRA

Current and Projected Rulemakings

Priority Makings: Non-Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Strobe Lights on Locomotives (Docket No. RSGC-2).	*This rulemaking has been reclassified as "non-significant". See entry for "Alerting Lights on Locomotives" under "Other Rulemakings".*			

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Railroad Noise Emission Compliance Regulations (Docket No. RNE-1).	**A. Abstract:** The proposed rule would amend FRA railroad noise emission compliance regulations to reflect EPA Standards for fixed railroad facilities that were published on January 4, 1980, and becomes effective on January 1, 1984. **B. CFR Citation:** 49 CFR pt. 210 **C. Legal Authority:** 42 USC 4916 **D. Effects on Small Entities:** No **G. Agency Contact:** Steve Urman, (292) 426-9178	NPRM	12/82	
Safety Standards for Cabooses (Docket No. RSC-76-6).	**A. Abstract:** The proposed rule would seek to establish comprehensive safety standards for cabooses. **B. CFR Citation:** 49 CFR 237 **C. Legal Authority:** 45 USC 431, 438 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert E. Abbott, (202) 426-9186	Further action to be determined.		
Review: Safety Appliance Standards.	**A. Abstract:** Outgrowth of regulatory review in general safety inquiry. Revised standards for new and existing equipment. **B. CFR Citation:** 49 CFR pt. 231 **C. Legal Authority:** 45 USC 2, 4, 6, 8, 10, 11-16 **D. Effects on Small Entities:** No **G. Agency Contact:** Ralph R. Smith, (202) 426-9187	Further action to be determined.		
Review: Signal and Train Control Regulations.	**A. Abstract:** Outgrowth of regulatory review in general safety inquiry. Revision and updating of current requirements of Parts 235 and 236. **B. CFR Citation:** 49 CFR pts. 235, 236 **C. Legal Authority:** 49 USC 1226, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** S. H. Stotts, (202) 426-0912	NPRM	12/82	
Amendments to Regulations Implementing Section 905 of the 4R Act.	**A. Abstract:** This action would amend 49 CFR Part 265 to make changes necessitated by the promulgation of the Department of Transportation's comprehensive Minority Business Enterprise regulation (49 CFR Part 23). Part 265 will be revised to omit those provisions now covered in Part 23. **B. CFR Citation:** 49 CFR pt. 265 **C. Legal Authority:** Pub. L. 94-210 **D. Effects on Small Entities:** No **G. Agency Contact:** Mark H. Tessier, (202) 426-7737	NPRM	10/82	
Railroad Passenger Equipment Safety Standards (Docket No. RSSI-82-1).	**A. Abstract:** Development of initial passenger equipment safety standards mandated by Section 202 of the Federal Railroad Safety Act of 1970, as amended by P.L. 96-423. **B. CFR Citation:** 49 CFR 214 **C. Legal Authority:** 45 USC 431, 438 **D. Effects on Small Entities:** No **G. Agency Contact:** Leavitt A. Peterson, (202) 426-0895	Notice of Hearings. Public Hearings NPRM	4/22/82 5/24,26,28 6/1, 3/82 9/82	47 FR 17302

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
†Special Safety Inquiry	**A. Abstract:** FRA has initiated a Railroad Safety Inquiry to obtain information from the public to assist in evaluating and improving its safety regulatory program as it applies to "small railroads" The inquiry will also assist in meeting the goals of the Regulatory Flexibility Act by obtaining data that will assist in defining the economic impact of existing rules on small railroads (202) 426-0895. **B. CFR Citation:** Not Applicable **C. Legal Authority:** Pub. L. 96-354 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Leavitt A. Peterson, (202) 426-0895	Notice of Hearings. Public Hearings Further action to be determined.	8/3/81 9,10,11/81	46 FR 39461
Rules of Practice	**A. Abstract:** This proposed rule would amend 49 CFR Part 211 to respond to the provisions of the Regulatory Flexibility Act of 1980 by defining the criteria used by FRA in determining whether any regulatory proposal or final rule will have a significant economic impact on a substantial number of small entities. **B. CFR Citation:** 49 CFR pt. 211 **C. Legal Authority:** Pub. L. 96-354 **D. Effects on Small Entities:** No **G. Agency Contact:** Lawrence I. Wagner, (202) 426-8836	NPRM	10/82	
*Alerting Lights on Locomotives (Docket No. RSGC-2).	**A. Abstract:** The proposed rule would require locomotives to display a lighted warning device at public rail-highway crossings at grade. **B. CFR Citation:** 49 CFR 229 **C. Legal Authority:** 45 USC 22, 23, 28, 34; 49 USC 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Steve Urman, (202) 426-9178	ANPRM NPRM Withdrawal of NPRM. NPRM	3/7/78 6/18/79 4/15/82 10/82	43 FR 9328 44 FR 34982 47 FR 16189

Reviews of Existing Regulations

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Reducing Reporting and Recordkeeping Burdens.	**A. Abstract:** FRA has selected the following regulations to be reviewed to determine whether the substantial reporting and recordkeeping burdens they impose on the public, including small businesses, can be decreased or eliminated. **B. CFR Citation:** 49 CFR pts. 218, 228 **C. Legal Authority:** 45 USC 61-64(b); 49 USC 12, 20, 1655 **D. Effects on Small Entities:** No **G. Agency Contact:** Lawrence I. Wagner, (202) 426-8836	Completion of Review.	10/82	
†Regulatory Flexibility Act Reviews.	**A. Abstract:** In accordance with the Regulatory Flexibility Act (RFA) review plan published in the *Federal Register* on June 30, 1981 (46 FR 33693), FRA has not selected any specific regulations for RFA review at this time. Instead, FRA has established a plan to develop regulatory definitions of the criteria used in the RFA for the selection of regulations to be reviewed. A notice was published in the *Federal Register* on August 3, 1981 (46 FR 39461) initiating a safety inquiry to evaluate the effectiveness of the safety regulatory program as it applies to small railroads. **B. CFR Citation:** None **C. Legal Authority:** Pub. L. 96-354 **D. Effects on Small Entities:** Yes **G. Agency Contact:** Lawrence I. Wagner, (202) 426-8836			

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

FRA

Completed Actions

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Review: Power Brake Rules. (Docket No. PB-6).	**A. Abstract:** Outgrowth of regulatory review in general safety inquiry, the Department's priority review of costly and controversial regulations, and a joint rulemaking recommendation by the Association of American Railroads (AAR) and Railroad Labor Executives Association (RLEA). Revision and updating of current requirements. The rulemaking is significant because of an annual effect on the economy of $100 million or more. Because of changes in railroad operations and technological advances, the rules (49 CFR Part 232) need to be revised to make them consonant with the present railroad operating environment and to provide more flexibility in achieving safety and operating efficiency. **B. CFR Citation:** 49 CFR Part 232 **C. Legal Authority:** The Safety Appliance Acts (45 U.S.C. 9) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Impact Analysis **F. Additional Information:** General Safety Inquiry announced May 8, 1978 (43 FR 19696). Public hearings were held September 13 and 14, 1978. On November 6, 1981, the AAR and the RLEA submitted rulemaking recommendations. Based on those recommendations, the NPRM was published on February 18, 1982 (47 FR 7283). **G. Agency Contact:** Michael E. Chase, (202) 426-8836	General Safety Inquiry Notice. Public Hearings ... . NPRM FR	5/8/78 9/13/78 9/14/78 2/18/82 8/23/82	43 FR 19696 47 FR 7283 47 FR 36792

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
Rail Services Assistance to States Under Section 5 of the DOT Act (FRA Economic Docket No. 4).	**A. Abstract:** This action would have amended to take into account changes to the Local Rail Service Assistance Act of 1978 made by the Staggers Rail Act of 1980 and the Omnibus Budget Reconciliation Act of 1981. FRA has determined that no regulatory action is necessary. **B. CFR Citation:** 49 CFR pt. 266 **C. Legal Authority:** 49 USC 1654 **D. Effects on Small Entities:** No **G. Agency Contact:** Jo Anne McGowan, (202) 426-1677	Withdrawn		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Federal Railroad Administration

FRA

Completed Actions

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Track Safety Standards (Docket No. RST-3).	**A. Abstract:** The revision is responsive to the joint recommendations of the Association of American Railroads and the Railway Labor Executives Association for updating the track safety standards. **B. CFR Citation:** 49 CFR pt. 213 **C. Legal Authority:** 45 USC 431, 438 **D. Effects on Small Entities:** No **G. Agency Contact:** Edward R. English, (202) 426-9252	NPRM FR	2/18/82 9/7/82	47 FR 7275 47 FR 39398
Transfer of Conrail Commuter Service Operations.	**A. Abstract:** The purpose of these regulations is to prescribe standards for the obligation of funds authorized under Section 1139(b) of the Northeast Rail Service Act of 1981, (Pub. L. 97-35) for the transfer of commuter service from Conrail to other operators as required by the Northeast Rail Service Act. These regulations also provide for the equitable distribution of the funds. An identical entry appears in the Urban Mass Transportation portion of this Agenda. **B. CFR Citation:** 49 CFR part 670 **C. Legal Authority:** Pub. L. 93-35 **D. Effects on Small Entities:** No **G. Agency Contact:** UMTA: Anthony A. Anderson, (202) 426-4011: FRA: William R. Fashouer, (202) 426-7710.	Emergency Interim FR and Request for Comments. FR	2/4/82 8/5/82	47 FR 5227 47 FR 33965
Amendments to State Participation Regulations. (Docket No. RSSP-3).	**A. Abstract:** Revises State Participation Regulations to reflect the broader scope of participation authorized by Section 206 of the Federal Railroad Safety Act of 1980, as amended by P.L. 96-423.. **B. CFR Citation:** 49 CFR 212 **C. Legal Authority:** 45 USC 431, 435 **D. Effects on Small Entities:** No **G. Agency Contact:** Dan Inabinett, (202) 426-9252	NPRM Public Hearing FR	6/25/81 7/30/81 9/16/82	46 FR 32888 47 FR 41048

Urban Mass Transportation Administration

UMTA

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†"Buy America" Requirements of Surface Transportation Assistance Act of 1978.	**A. Abstract:** This rulemaking proposes amendments to the existing Buy America Requirements. The amendments would permit subcomponents manufactured in the United States that receive Customs Bureau tariff exemptions to retain their domestic identity for purposes of determination of origin under the Buy America Requirements. A definition of "final assembly" is also proposed. This rulemaking is significant because there is substantial public interest concerning these regulations because of their impact in urban mass transportation projects. These regulations are needed to implement section 401 of the Surface Transportation Assistance Act of 1978. **B. CFR Citation:** 49 CFR pt. 660 **C. Legal Authority:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401. **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Impact Analysis/Regulatory Flexibility Analysis.	NPRM Further action to be determined pending review of the existing 'Buy America" regulation.	1/18/81	46 FR 6815

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Current and Projected Rulemakings

Priority Rulemakings: Major—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	F. Additional Information: The NPRM was published on January 19, 1981 (46 F.R. 6815). Comments on alternative approaches were invited until April 20, 1981. UMTA extended the comment period until May 20, 1981 (46 FR 23501). This NPRM is under Departmental review along with the existing "Buy America" regulation. Further action on this NPRM will depend on the results of that review. **G. Agency Contact:** Edward J. Gill, (202) 426-4011			

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
Regulation Implementing the Nondiscrimination Section of the Urban Mass Transportation Act.	**A. Abstract:** The proposed regulations would unify the civil rights regulations that recipients of funds under the Urban Mass Transportation Act must meet. This rulemaking is significant because substantial public interest is anticipated. Regulations are needed to implement a new statutory provision which consolidates UMTA's authority to assure effective and uniform compliance with civil rights and equal employment opportunity requirements in a manner comparable to other agencies within the Department of Transportation. **B. CFR Citation:** 49 CFR pt. 626 **C. Legal Authority:** Section 19 of the UMT Act (49 U.S.C. 1615) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Section 19 was added to the UMT Act in November 1978 by the Surface Transportation Assistance Act of 1978. UMTA plans to issue an NPRM in *March 1983.* **G. Agency Contact:** *Irvin H. Bromall,* (202) 426-6371	NPRM	3/83	
Exemption Procedures	**A.** *This entry was reclassified on March 19, 1982. See the "Current and Projected Rulemakings: Other Rulemakings" portion of the agenda for the new entry.*			
*Urban Transportation Planning.	**A. Abstract:** These regulations govern urban transportation planning under FHWA and UMTA grant programs. The changes are intended to (1) increase flexibility at the State and local level, (2) reduce red tape and simplify the planning process, especially for areas under 200,000 population, and (3) shift certain responsibilities from the Federal to the State and local level while maintaining an appropriate Federal oversight role. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the urban transportation planning process. **B. CFR Citation:** 23 CFR pt. 450; 49 CFR pt. 613 **C. Legal Authority:** 23 U.S.C. 104(f)(3), 134, and 315; Sections 3, 4(a) and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a) and 1604); and 49 CFR 1.48(b) and 1.51(f). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Notice and request for comments on comprehensive review of urban transportation planning process published on December 17, 1981 (46 FR 61531). An NPRM was published on August 26, 1982 (47 FR 37758), and the closing date for comments was October 25, 1982. **G. Agency Contact:** UMTA: Bob Kirkland, (202) 426-4991 FHWA: Sam Rea, (202) 426-2961.	Notice and request for comments on review. NPRM FR	12/17/81 8/26/82 1983	46 FR 61531 47 FR 37758

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
*Environmental Impact and Related Procedures.	**A. Abstract:** This regulation covers the preparation of environmental impact statements and related documents and compliance with other Federal environmental requirements under UMTA and FHWA grant programs. The changes are intended to streamline the project development process and provide increased decisionmaking authority to agency field offices. This rulemaking is significant because it involves important departmental policy. It is needed to reduce burdens associated with the environmental review process. **B. CFR Citation:** 23 CFR pt. 771, 49 CFR pt. 622 **C. Legal Authority:** 42 U.S.C. 4321 et seq., 23 U.S.C. 101 et seq., 49 U.S.C. 1601 et seq.; and 49 U.S.C. 1653(f). **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Notice and request for comments on priority review of environmental process published on April 13, 1981 (46 FR 21620). An NPRM will be published in September 1982. **G. Agency Contact:** UMTA: Abbe Marner, (202) 426-2360; FHWA: Robert Gatz, (202) 426-0106.	Notice and request for comments on priority review. NPRM	4/13/81 12/82	46 FR 21620

Other Rulemakings

Title	Summary	Timetable		
		Action	Date	Cite
†Charter Bus Regulations	**A. Abstract:** *These regulations provide information regarding the restrictions imposed by section 3(f) of the UMT Act (49 U.S.C. 1602(f)) on charter bus operations by UMTA recipients. UMTA originally published these regulations on April 1, 1976. (41 FR 14123). UMTA published an ANRPM on Janaury 19, 1981, that proposed extensive changes to the regulations. (46 FR 5394). The comment period closed on March 5, 1981. UMTA has reviewed the comments received and recognizes that there are many fundamental issues that need exploration and further development. Consequently, UMTA had decided to issue a new ANPRM rather than to continue to develop the previously issued ANPRM into an NPRM. This new ANPRM will provide a thorough reexamination of the Charter Bus Regulations and will propose various and wide-ranging alternatives for implementing section 3(f) of the UMT Act. Public comment on the various alternatives will be sought. After an analysis of the comments received, UMTA will issue an NPRM.* **B. CFR Citation:** 49 CFR pt. 604 **C. Legal Authority:** 49 U.S.C. 1602(f) and 1608(c); and 49 CFR 1.51. **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Douglas G. Gold,* (202) 426-4011	*ANPRM* NPRM	10/12/82 2/83	47 FR 44795
Innovative Techniques and Methods Set-Aside.	**A. Abstract:** These regulations would prescribe policies and procedures for administering the grant programs for projects using innovative techniques and methods in the management and operation of public transportation services under Section 4(i) of the UMT Act as amended. *UMTA will withdraw the NPRM and simultaneously publish program application instructions in the Federal Register.* Until then, however, the NPRM should be used as guidance. **B. CFR Citation:** 49 CFR pt. 644	NPRM To be withdrawn.	12/1/80	45 FR 79669

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 49 U.S.C. 1603(i) **D. Effects on Small Entities:** No **G. Agency Contact:** Norm Ensrud, (202) 426-4684			
Miscellaneous Amendments - Organization, Functions, and Procedures.	**A. Abstract:** These amendments will reflect modifications in the organization and distribution of functions as well as changes in the delegations of authority within the Urban Mass Transportation Administration. **B. CFR Citation:** 49 CFR pt. 601 **C. Legal Authority:** 49 USC 1657 and 1659 **D. Effects on Small Entities:** No **G. Agency Contact:** Mary Pat Stephenson, (202) 426-4022	FR	11/82	
†Technology Introduction	**A. Abstract:** These regulations would implement Section 3(a)(1)(C) of the UMT Act of 1964, as amended, by prescribing policies and procedures for administering the grant program for projects that would introduce new technology into public transportation. UMTA has decided to withdraw this rulemaking activity and to issue it as non-regulatory policy guidance that will be published in the Notice section of the Federal Register. Until then, the January 19, 1981, NPRM should be used as guidance. **B. CFR Citation:** 49 CFR 641 **C. Legal Authority:** 49 U.S.C. 1602(a)(1)(c) **D. Effects on Small Entities:** Yes **G. Agency Contact:** Stephen Teel, (202) 426-9545	NPRM To be withdrawn.	1/19/81	46 FR 5832
Transfer of Conrail Commuter Service Operations.	**A. Abstract:** The purpose of these regulations is to prescribe standards for the obligation of funds authorized under Section 1139(b) of the Northeast Rail Service Act of 1981, (Pub. L. 97-35) for the transfer of commuter service from Conrail to other operators as required by the Northeast Rail Service Act. These regulations also provide for the equitable distribution of the funds. (An identical entry appears in the Federal Railroad Administration portion of the Agenda.). **B. CFR Citation:** 49 CFR pt. 670 **C. Legal Authority:** Pub. L. 97-35 **D. Effects on Small Entities:** No **G. Agency Contact:** UMTA: Anthony A. Anderson, (202) 426-4011: FRA: *William R. Fashouer,* (202) 426-7710.	Emergency interim FR. FR	2/4/82 8/5/82	47 FR 6227 47 FR 39965
†School Bus Operations	**A. Abstract:** *This regulation provides information regarding the restrictions imposed by section 3(g) of the UMT Act (49 U.S.C. 1602(g)) on the school bus operations by UMTA recipients. UMTA originally issued this regulation on April 1, 1976 (41 FR 14128). UMTA is reviewing this regulation and at the conclusion of the review plans to issue an ANPRM that will propose several alternatives for implementing section 3(g) of the UMT Act. Although UMTA had planned to issue an NPRM, it has been determined, based on a preliminary review, that an ANPRM will be a more useful document since it will solicit comments on fundamental issues. Based on a review of the comments received on the ANPRM, UMTA will issue an NPRM..* **B. CFR Citation:** 49 CFR pt. 605 **C. Legal Authority:** 49 USC 1602(g), 1608(c)(6); 23 USC 103(e)(4), and 142(a), (c). **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Douglas G. Gold,* (202) 426-4011	ANPRM NPRM	10/12/82 2/83	47 FR 44795
*Exemption Procedures	**A. Abstract:** This regulation would establish procedures to allow persons subject to existing UMTA regulations to petition for exemptions from those regulations. **B. CFR Citation:** 49 CFR pt. 602 **C. Legal Authority:** Section 12(a) of the UMT Act of 1964, as amended, 49 U.S.C. 1608(a). **D. Effects on Small Entities:** No **G. Agency Contact:** Jocelyn Karp, (202) 426-4011	NPRM	11/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Urban Mass Transportation Administration

UMTA

Reviews of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
†•Charter Bus Regulations	**A. Abstract:** These regulations provide more detailed information regarding the restrictions placed on charter bus operators under Section 3(f) of the Urban Mass Transportation Act (49 U.S.C. 1602). These regulations have been the subject of some controversy. In the past, UMTA received a considerable number of comments from the public on an advance notice of proposed rulemaking concerning these regulations. Because of the controversy and the impact of these regulations upon small business, their review is needed. **B. CFR Citation:** 49 CFR Part 604 **C. Legal Authority:** 49 U.S.C. 1602(f) and 1608(c)(6); 23 U.S.C. 103(e)(4),and 142(a) and (c). **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Douglas G. Gold,* (202) 426-4011	*Completion of Review and ANPRM.*	10/82	
†Buy America Regulations	**A. Abstract:** This regulation implements the requirements of the Surface Transportation Assistance Act of 1978 that require that preference be given to items produced in the United States in UMTA funded projects. The regulation has been subject to considerable controversy centering on the extent that domestic industry should be protected and the increased costs resulting from using more expensive domestic products. **B. CFR Citation:** 49 CFR Part 660 **C. Legal Authority:** 49 U.S.C. 1602 note; P.L. 95-599, Section 401. **D. Effects on Small Entities:** Yes **G. Agency Contact:** Edward J. Gill, (202) 426-4011	Completion of Review.	10/82	

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
†School Bus Operations	**A. Abstract:** UMTA is reviewing this regulation as part of its overall effort to examine and evaluate the role of private enterprise in the UMTA program. The regulation is needed to provide guidelines under which recipients of UMTA funds can conduct school bus operations. This requirement is to implement Section 3(g) of the Urban Mass Transportation Act of 1964, as amended. **B. CFR Citation:** 49 CFR pt. 605 **C. Legal Authority:** 49 USC 1602 and 1608(c)(6); 23 USC 103(e)(4) and 142(a) and (c). **D. Effects on Small Entities:** Yes **G. Agency Contact:** *Douglas G. Gold* (202) 426-4011	Completion of Review and ANPRM.	10/82	
Uniform System of Accounts and Records and Reporting System.	**A. Abstract:** *The purpose of this regulation is to implement Section 15 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1611). This provision requires UMTA to develop, test, and prescribe: 1) a reporting system to accumulate financial and operating information about public mass transportation by uniform categories; and 2) a uniform system of accounts and records. UMTA published the existing regulation on January 19, 1977 (42 FR 3772). UMTA is reviewing this regulation in an effort to reduce the red tape imposed on grantees, and to improve the effectiveness and increase the timeliness of information gathering and dissemination. (49 CFR Part 630).* **B. CFR Citation:** 49 CFR pt. 630	Completion of Review.	8/83	

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Reviews of Existing Regulations

Other Reviews—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 49 USC 1611 **D. Effects on Small Entities:** No **G. Agency Contact:** Diane Pisano, (202) 426-9157			

Completed Actions

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
†Maintenance Requirements	**A. Abstract:** UMTA is considering a policy *statement* that would *encourage* each mass transit operator to maintain facilities and equipment purchased with UMTA funds consistent with practices necessary to adequately provide for safety, comfort, and preservation and expansion of transit service. *UMTA has reviewed the need for a regulation to follow the policy statement and has determined that it is unnecessary. Therefore, UMTA withdrew further action on this item on August 5, 1982. (47 FR 33965).* This rulemaking is significant because it concerns a matter on which there may be substantial controversy and it initiates a substantial change in policy. It is needed because there is a substantial Federal interest in assuring the maximum use of Federal money. The contemplated policy and regulation would: (a) increase performance and useful life of equipment and facilities; (b) minimize replacement costs; and (c) result in cost savings. **B. CFR Citation:** 49 CFR pt. 638 **C. Legal Authority:** Sections 3 and 5 of the UMT Act, as amended. **D. Effects on Small Entities:** Yes **E. Analysis:** Regulatory Evaluation/Regulatory Flexibility Analysis. **F. Additional Information:** ANPRM issued on January 21, 1981 (46 FR 6334). The comment period closed on May 22, 1981. *Based upon its review of comments received in response to the ANPRM, UMTA has determined that a regulation to follow the policy statement is unnecessary. Therefore, UMTA withdrew further action on this entry on August 5, 1982 (47 FR 33965).* **G. Agency Contact:** *Ronald J. Fisher,* (202) 426-4060	ANPRM Withdrawn	1/21/81 8/5/82	46 FR 6334 47 FR 33965

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Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Standards and Procedures for Third Party Contracts.	**A. Abstract:** These standards and procedures would provide guidance on third party contracting by recipients of Federal assistance from UMTA. They would implement OMB Circular A-102, Attachment B and Attachment O. *UMTA decided to withdraw further rulemaking action on this item and withdrew the previously published NPRM on August 19, 1982. (47 FR 36262). UMTA issued material on third party contracting in UMTA Circular 4220.1A, "Third Party Contracting Guidelines" on June 10, 1982. (47 FR 25239). This circular provides guidance to UMTA grantees in a flexible, non-regulatory format, while still ensuring compliance with applicable Federal procurement requirements. (49 CFR pt. 666).* **B. CFR Citation:** 49 CFR pt. 666 **C. Legal Authority:** 49 USC 1608 **D. Effects on Small Entities:** No **G. Agency Contact:** Arlen Eadle, (202) 426-2710	NPRM Withdrawn	9/29/79 8/19/82	44 FR 54513 47 FR 36262

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Claims Under the Federal Claims Collection Act.	**A. Abstract:** *UMTA has completed its review and determined that no immediate action is necessary to revise this regulation since it imposes no significant requirement not otherwise mandated by statute.* **B. CFR Citation:** 49 CFR pt. 603 **C. Legal Authority:** 31 U.S.C. 951-953 **D. Effects on Small Entities:** No **G. Agency Contact:** Colleen Weule, (202) 426-1936	Review completed.		
Transportation for Elderly and Handicapped.	**A. Abstract:** *UMTA has reviewed this regulation in conjunction with the Department's review of DOT's 504 regulation on Nondiscrimination on the Basis of Handicap (49 CFR pt. 27). DOT plans to publish an NPRM that will propose revisions to the entire 504 regulation. As part of that NPRM, DOT will propose to withdraw part 609 in its entirety. The reason for this proposed withdrawal is that, since UMTA recipients would meet all necessary requirements concerning mass transportation service for handicapped persons by complying with the Department's 504 regulation, retaining previously promulgated, superseded requirements which could be misinterpreted to impose additional requirements would be unnecessary and confusing. The material concerning the DOT rulemaking on 504 is summarized elsewhere in this Agenda by the Office of the Secretary.* **B. CFR Citation:** 49 CFR pt. 609 **C. Legal Authority:** 49 U.S.C. 1604 and 1612; 23 u.S.C. 142 nt.; 29 U.S.C. 794. **D. Effects on Small Entities:** No **G. Agency Contact:** Douglas G. Gold, (202) 426-4011	Review Completed.		
Air Quality Guidelines/Environmental Impact Procedures.	**A. Abstract:** *UMTA and FHWA have completed their review of the environmental impact procedures and are preparing a Notice of Proposed Rulemaking for the Federal Register. The Air Quality Guidelines review within FHWA and UMTA has been completed but final action with DOT and EPA will not be completed until Congress completes its current review of the Clean Air Act.*	Review completed.		

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Completed Actions

Other Reviews—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR parts 622, 623 **C. Legal Authority:** EIS: 42 U.S.C. 4321 et seq.; 23 U.S.C. 138 and 315; 49 U.S.C. 1653(f), 49 U.S.C. 1601 et seq.; and 49 CFR 1.48(b) and 1.51. Air Quality: 42 U.S.C. 4332, 7401 and 7506; 49 U.S.C. 1601 et seq.; 23 U.S.C. 109(h) and (j), and 315; and 49 CFR 1.48(b) and 1.51.. **D. Effects on Small Entities:** No **G. Agency Contact:** UMTA: Jocelyn Kemp; (202) 426-4011 or Jim Getzewich, (202) 426-2380. (Air Quality Guidelines); Abbe Marner, (202) 426-2360 (Environmental Impact Procedures). FHWA: Jerry Reagon, (202) 426-4836 Air Quality Guidelines); Leon Larson, (202) 426-0351, (Environmental Impact Procedures).			
Public Transportation to Non-Urbanized Areas.	**A. Abstract:** *A review was completed and a State Management Plan Option was issued February 8, 1982 in the Federal Register (47 FR 5835). It simplified procedures and responded to comments on the regulation.* **B. CFR Citation:** 23 CFR pt. 825 **C. Legal Authority:** 49 U.S.C. 1614; 23 U.S.C. 315 **D. Effects on Small Entities:** No **G. Agency Contact:** UMTA: Doug Kerr, (202) 472-7037. FHWA: Sheldom G. Strickland, (202) 426-0153.	Review Completed.		

Saint Lawrence Seaway Development Corporation

SLSDC

Current and Projected Rulemakings

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Operational Regulations	**A. Abstract:** *Periodic update of 33 CFR Part 401 operational regulations developed, for the most part, jointly with the Seaway Authority of Canada. No alternatives can be considered. Cost will be borne primarily by foreign vessels, since these regulations relate to commercial users of the Seaway. The economic benefits to be derived from a safe and efficiently operated Saint Lawrence Seaway are considerable.* **B. CFR Citation:** 33 CFR pt. 401 **C. Legal Authority:** 33 USC 981-990; 68 Stat. 93-96; Pub. L. 95-474, Secs. 4, 5 , 6, 7, 8, 12, 13 of Sec. 2. **D. Effects on Small Entities:** No **G. Agency Contact:** Frederick A. Bush, (315) 764-3245	NPRM FR	4/29/82 9/82	47 FR 18375
Tariff of Tolls Amendment	**A. Abstract:** Revision of 33 CFR Part 402 in accordance with statutory procedures in 33 USC 988. **B. CFR Citation:** 33 CFR pt. 402 **C. Legal Authority:** 33 USC 988; 68 Stat. 93-96 **D. Effects on Small Entities:** No **G. Agency Contact:** Robert D. Kraft, (202) 426-3574	FR	4/1/82	47 FR 13803

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Current and Projected Rulemakings

Priority Rulemakings: Non-Major

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Title	Summary	Timetable		
		Action	Date	Cite
Tank Car Safety Improvements: Specifications and Retrofit (Docket No. HM-175).	**A. Abstract:** This project would extend the puncture and thermal protection systems now required for DOT 112 and 114 tank cars to existing DOT 105 tank cars and to other newly constructed tank cars. (New construction of DOT 105 tank cars is addressed in Docket No. HM-174, Safety Improvement Program for DOT 105 Tank Cars). The rulemaking is significant because there is substantial public interest in tank car safety and in retrofit issues. It is needed to determine the extent to which current thermal and puncture standards should be applied to the existing DOT 105 tank car fleet, and to other similarly used tank cars. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 U.S.C. 1803, 1804, 1806 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** ANPRM published July 21, 1980 (45 FR 48668); public comment period closed October 16, 1980. **G. Agency Contact:** L. A. Peterson, (202) 426-0697	ANPRM *Further action to be determined.*	7/21/81	45 FR 48668
Review: Performance-Oriented Packaging Standards (Docket No. HM-181).	**A. Abstract:** To develop performance-oriented packaging standards for small packagings based on the Recommendation of the United Nations Committee of Experts on the Transport of Dangerous Goods. *Also includes former nonsignificant rulemaking on listing and packaging requirements for organic peroxides.* The rulemaking is significant because a large nubmer of specifications for packagings in the Hazardous Materials Regulations would be affected by this project. To a large extent the complexity and mass of the present Hazardous Materials Regulations are due to the detailed specification type packaging standards contained in these regulations. To replace these with standards based on the U.N. system would both simplify the present regulations and facilitate international trade. **B. CFR Citation:** 49 CFR Parts 172, 173, 178 **C. Legal Authority:** 49 U.S.C. 1803, 1804, 1808. **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** ANPRM published April 15, 1982 (47 FR 16268). Further action to be based on evaluation of comments. Comment period ended October 1, 1982 . **G. Agency Contact:** T. Charlton, (202) 426-2075	ANPRM Further action to be determined.	4/15/82	47 FR 16268
Hazardous Waste Manifest: Shipping Papers (Docket No. HM-148D).	**A. Abstract:** Would establish a uniform hazarouds waste manifest for use by both interstate and intrastate carriers of hazardous waste. The rulemaking is significant because there is substantial carrier and shipper industry, and State and local government interest in and controversy concerning the implementation of a manifest system. It is needed to simplify the manifesting of hazardous waste so interstate and intrastate commerce is not adversely affected by a number of differing requirements imposed by State and local government. **B. CFR Citation:** 49 CFR Parts 171 and 172 **C. Legal Authority:** 49 U.S.C. 1803, 1804 and 1808 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** Regulation of the transportation of hazardous waste was established by Docket No. HM-145A (45 FR 74640, Nov. 10, 1980) *NPRM on uniform hazardous waste manifest published Mar. 4, 1982 (47 FR 9346). Comment period extended to July 20, 1982 by joint rulemaking with EPA June 30, 1982 (FR 28428)* . **G. Agency Contact:** L. E. Metcalfe, (202) 426-2075	NPRM FR	3/4/82 3/83	47 FR 9346

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Current and Projected Rulemakings

Other Rulemakings

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Title	Summary	Timetable		
		Action	Date	Cite
Review: Recodification of Radioactive Requirements (Docket No. HM-169).	**A. Abstract:** Proposed consolidation, simplification and recodification of the existing requirements applicable to the transportation of radioactive materials to make them compatible with latest revised international standards as promulgated by the International Atomic Energy Agency. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 USC 1803, 1806 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	NPRM FR	1/8/79 11/82	44 FR 1952
Cryogenic Liquids (Docket No. HM-115).	**A. Abstract:** Proposed standards and procedures for the transportation of cryogenic liquids. **B. CFR Citation:** 49 CFR 172.101, 173.316 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** P. Seay, (202) 755-4906	NPRM Public Hearings FR	3/8/79 4/17/79 11/82	44 FR 12826
Definition of a Flammable Solid (Docket No. HM-178).	**A. Abstract:** Consideration of new standards for classifying a material as a flammable solid. Previously part of Docket HM-118 which was terminated May 22, 1980 (45 FR 34560) to permit publication of ANPRM. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** *C Kay, (202) 426-2311*	ANPRM	5/7/81	46 FR 25492
Radiation Exposure for Transportation Workers (Project 263-78).	**A. Abstract:** Consideration of methods which will reduce radiation exposure levels to transportation workers (New Sections). Proposal converted to ANPRM to permit development of basic data. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 USC 1803, 1823 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	*ANPRM*	10/83	
Review: Reclassification of Operating Procedures For Motor Vehicles (Project 261-78).	**A. Abstract:** Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in Part 177. Development of driver training requirements (formerly Project 270-78). **B. CFR Citation:** 49 CFR Part 177 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** J. Fulnecky, (202) 426-1700	Further action to be determined.		
Use of Interested Inspectors for Cylinder Inpsections (Docket No. HM-74A).	**A. Abstract:** Proposal would result in ending of "Interested" inspectors to perform inspections and testing of domestically manufactured low pressure gas cylinders. **B. CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** H. Mitchell, (202) 426-2075	NPRM To be withdrawn.	3/17/76	44 FR 11179
Specification for 55-gallon Plastic Drum (Project 278-78).	**A. Abstract:** Proposal to authorize use of 55-gallon capacity plastic drums with certain hazardous materials. **B CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** M. Gigliotti, (202) 755-4906	NPRM	11/82	
Consolidation and Revision of Requirements for the Carriage of Explosives by Vessel (Project 279-78).	**A. Abstract:** Proposed consolidation and revision of requirements for the carriage of military and commercial explosives by vessel and adoption of United Nations scheme for classification and compatibility of explosives for the water mode. **B. CFR Citation:** 49 CFR Part 176 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** A. Weltz, (202) 426-1577	NPRM	12/82	

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Current and Projected Rulemakings

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
Oxidizing Materials Definition, Criteria and Proposed Regulations (Docket No. HM-179).	**A. Abstract:** Development of new standards for classifying a material as an oxidizing material. **B. CFR Citation:** 49 CFR Part 173 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No. **G. Agency Contact:** C. Schultz, (202) 426-2311	ANPRM *NPRM*	6/15/81 7/83	46 FR 31294
Consolidation of Specifications and Establishment of Performance Standards for Specification Bags (Docket No. HM-153).	**A. Abstract:** Consolidation of specifications and development of performance standards for specification bags. Present data insufficient for rulemaking. **B. CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** M. Gigliotti, (202) 755-4906	ANPRM To be withdrawn.	9/12/77	42 FR 45695
Organic Peroxide Requirements (Project 186-72).	**A. Abstract:** Proposed listing of and packaging requirements for organic peroxides. *Combined with "Performance-Oriented Packaging Standards" in "Current and Projected Rulemakings: Priority Rulemakings-Non-Major" Section of Agenda* . **B. CFR Citation:** 49 CFR Parts 172, 173 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** C. Schultz, (202) 426-2311			
Matches (Project 281-78)	**A. Abstract:** Proposed revision and simplification of requirements concerning matches. **B. CFR Citation:** 49 CFR Parts 172, 173 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** H. Mitchell, (202) 426-2075	NPRM	11/82	
Multi-Unit Tank Car Tanks (Project 252-77).	**A. Abstract:** Consideration of revision to standards for Specifications 106/110 portable tanks, including authorization of fusion welding. **B. CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** *C. Hochman, (202) 755-4906*	ANPRM	11/82	
Requirements for Reporting Gas Incidents (Docket No. OPS-49).	**A. Abstract:** The proposed reporting forms provide additional and more appropriate information about gas safety problems and require reports from certain systems not now covered. **B. CFR Citation:** 49 CFR Part 191 **C. Legal Authority:** 49 U.S.C. 1671 et seq **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Langley, (202) 426-2392*	NPRM SNPRM Amended NPRM.	6/5/78 3/5/79 11/82	43 FR 24478 44 FR 12070
Retention of Radiographic Film.	**A. Abstract:** Recordkeeping requirement for radiographic film would be revoked for hazardous liquid pipelines. **B. CFR Citation:** 49 CFR Part 195 **C. Legal Authority:** 49 U.S.C. 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson, (202) 426-2392	NPRM	11/82	
Heat Treatment of Hard Spots in Steel Pipe. (PS-58).	**A. Abstract:** Allowable temperature for heat treating hard spots in steel pipe would be increased. **B. CFR Citation:** 49 CFR Part 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Gloe, (202) 426-2082	NPRM FR	9/13/79 11/82	44 FR 53185
Qualifying Components for Use in Gas Pipeline. (PS-64).	**A. Abstract:** General criteria would be proposed for qualifying the use of pipeline components other than the pipe itself (202) 426-2392. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson,	NPRM FR	3/3/80 3/83	45 FR 13783
Transportation of Natural and Other Gas by Pipeline (PS-57).	**A. Abstract:** Requirements for procedures and instrumentation for use in monitoring gas for odorants would be proposed. Further action pending additional study of safety problem.	NPRM To be withdrawn.	2/22/79	44 FR 10604

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Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Dennis, (202) 426-2392			
Leak Survey (PS-62)	**A. Abstract:** Present leak survey requirements would be amended in accordance with practices necessary for safety. Further action pending additional study of safety problems. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Dennis, (202) 426-2392	NPRM To Be withdrawn.	12/13/79	44 FR 72201
Interior Piping (PS-67)	**A. Abstract:** The adequacy of existing standards with regard to safety problems concerning interior piping would be examined and new standards may be proposed. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Langley, (202) 426-2392	ANPRM NPRM	4/3/80 1/83	45 FR 22118
Location, Size, and Operating Pressure of Pipelines (PS-61).	**A. Abstract:** Operators would be required to maintain maps and records to identify the location, size, and operating pressure of all pipelines. Study showed benefits do not exceed costs. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Langley, (202) 426-2392	ANPRM To be withdrawn.	11/29/79	44 FR 68493
Review: Line Markers on Navigable Waterways for Pipelines (PS-69).	**A. Abstract:** The required number, size, and location of line markers along navigable waterways, including definition of "navigable waters', would be made more appropriate. **B. CFR Citation:** 49 CFR pts. 192, 195 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	ANPRM NPRM	6/22/81 10/82	46 FR 32287
Cargo Tank Corrosion (Project 285-79).	**A. Abstract:** Consideration of the effects of corrosion to the structural integrity of cargo tanks. Would establish a prescribed test for the degree of corrosion of cargo tanks. **B. CFR Citation:** 49 CFR pt. 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** A. Mallen, (202) 755-4906	Further action to be determined.		
Miscellaneous Hazardous Materials Communications Regulations (Project 289-79).	**A. Abstract:** Development of miscellaneous proposals dealing with the communications regulations such as odorization of gas and availability of shipping papers to emergency response personnel. **B. CFR Citation:** 49 CFR pt. 172 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** L. Metcalfe, (202) 426-0656	NPRM	10/82	
Radioactive Materials: Shipping Papers for Limited Quantities. (Docket No. HM- 166F).	**A. Abstract:** Proposed deletion of limited quantity radioactive materials detailed shipping paper requirements and associated marking modification. **B. CFR Citation:** 49 CFR pts. 172, 173, 175 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	ANPRM NPRM FR	12/8/80 12/21/81 *10/82*	45 FR 80843 46 FR 61908
Radiation Level Specifications Docket No. HM-166.	**A. Abstract:** Proposed rewrite of 49 CFR 173.393(i) and (l) for clarity and enforceability. **B. CFR Citation:** 49 CFR 173.393(i) and (l) **C. Legal Authority:** 49 U.S.C. 1803-1806, 1808 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Carriker, (202) 426-2311	NPRM	10/82	
Private Carriers Licensed to use Radioactive Materials.	**A. Abstract:** Proposed exceptions for private carriers who also are licensed to use radioactive materials in the course of their businesses.	NPRM	3/83	

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Title	Summary	Timetable		
		Action	Date	Cite
	B. CFR Citation: 49 CFR pts. 173 and 177 **C. Legal Authority:** 49 USC 1803-1806, 1808 **D. Effects on Small Eneities:** No **G. Agency Contact:** W. Carriker, (202) 426-2311			
Specification Packages of Type B and Fissile Radioactive Materials.	**A. Abstract:** Advance notice to address feasibility of continued use and needed modifications of certain radioactive materials package designs. **B. CFR Citation:** 49 CFR pt. 173 **C. Legal Authority:** 49 USC 1803-1806, 1808 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	NPRM	1/83	
Quality Assurance for Radioactive Materials Shippers.	**A. Abstract:** Advance notice to solicit comments on the desirability of establishing quality assurance program requirements for all shippers of radioactive materials. **B. CFR Citation:** 49 CFR Pt. 173 **C. Legal Authority:** 49 USC 1803-1806, 1808 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Rawl, (202) 426-2311	ANPRM	2/83	
Enforcement Procedures and Related Miscellaneous Proposals (Docket No. HM-138A).	**A. Abstract:** This rule change would make selective changes to 49 CFR Parts 107, 171 and 173 concerning primarily the procedural requirements of the MTB's exemption, approval, preemption and enforcement programs. **B. CFR Citation:** 49 CFR pts. 107, 171, 173 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** George W. Tenley, Jr., (202) 755-4973	NPRM FR	9/24/81 12/82	46 FR 47901
Matter Incorporated by Reference (Hazardous Materials). (Docket No. HM-22A).	**A. Abstract:** Documents incorporated by reference would be updated, deleted where obsolete, and consolidated in §171.7 on a one time basis, to be followed by periodic review under Docket No. HM-22. **B. CFR Citation:** 49 CFR Part 171 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** E. Mazzullo, (202) 426-2075	NPRM	10/82	
Regulation of Paint (Docket No. HM-166).	**A. Abstract:** Regulations applicable to small quantity paint containers may impose a greater burden on paint shippers than is necessary to promote safety. In 1980, reporting requirements for incidents involving carriers of paint were reduced. The next step is to address the more basic question of the best regulatory framework for transportation of this flammable liquid. Savings to the paint industry could exceed $1 million annually. **B. CFR Citation:** 49 CFR 173.128 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** A. I. Roberts, (202) 426-0656	NPRM *FR*	2/1/82 *11/82*	47 FR 4538
Carriage of Tear Gas Devices Aboard Aircraft (Docket No. HM-166J).	**A. Abstract:** Would permit passengers and crew members to carry on aircraft small personal protection devices (containing tear gases or pepper extracts) in their checked baggage only. *Based upon an analysis of the comments received, it was determined that there is not adequate information concerning the need for and consequences of regulation* . **B. CFR Citation:** 49 CFR 175.10 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** E. Mazzullo, (202) 426-2075	NPRM *To be withdrawn.*	8/10/81	46 FR 40540
Placarding of Empty Tank Cars (Docket No. HM-180).	**A. Abstract:** An advance notice requesting comments on the International Association of Fire Chiefs' petition for removal of the requirement for displaying the EMPTY placard on tank cars. **B. CFR Citation:** 49 CFR 172.510 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** L. E. Metcalfe, (202) 426-2075	ANPRM NPRM	7/23/81 2/83	46 FR 37953

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
DOT Specification 51 Portable Tanks.	**A. Abstract:** Consideration of revisions of DOT Specification 51 Portable Tanks, including waiver of requirements for post-weld heat treatment for certain steels and use of bottom outlets. **B. CFR Citation:** 49 CFR pt. 178 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** C. Hochman, (202) 755-4906	ANPRM	11/82	
Weld Filler Metal for Hazardous Liquid Pipelines.	**A. Abstract:** The requirement for minimum strength of weld filler metal would be deleted as unnecessary. **B. CFR Citation:** 49 CFR Pt. 195 **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson *(202) 426-2392*	NPRM	10/82	
*Review: Monitoring External Corrosion Control.	**A. Abstract:** The requirement to annually check the performance of cathodic protection on pipeline under paving would be made more appropriate. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** P. Cory, (202) 426-2082	ANPRM	11/82	
*Inspection Intervals	**A. Abstract:** Requirements for inspecting pipelines at specific intervals would be amended to provide flexibilty in scheduling inspections. **B. CFR Citation:** 49 CFR pt. 192 and 195 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	ANPRM	11/82	
*Steel Pipe	**A. Abstract:** Development of performance standards for qualifying steel pipe for use in gas pipelines. **B. CFR Citation:** 49 CFR Part 192 **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	ANPRM	12/82	
*Specifications for and Use of Specification 17E Steel Drums (Docket No. HM-182).	**A. Abstract:** Consideration of and request for comments on allowing certain reductions in head and body thickness of 17E drums made with triple-seamed chimes. Further action to be determined from evaluation of comments received on ANPRM. **B. CFR Citation:** 49 CFR Part 178 **C. Legal Authority:** 49 U.S.C. 1803, 1804, 1805 **D. Effects on Small Entities:** No **G. Agency Contact:** T. G. Allan, (202) 426-2075	ANPRM Further action to be determined.	6/10/82	47 FR 25167
*Design, Maintenance and Testing of MC-306 Cargo Tanks (Docket No. HM-183).	**A. Abstract:** Consideration of and request for comments on reducing risk of unintentional release of liquid hazardous materials from MC-306 cargo tanks. Further action to be determined from evaluation of comments received. **B. CFR Citation:** 49 CFR Parts 173 and 177 **C. Legal Authority:** 49 U.S.C. 1803, 1804, 1805 **D. Effects on Small Entities:** No **G. Agency Contact:** J. J. Fulnecky, (202) 426-0033	ANPRM Further action to be determined.	6/28/82	47 FR 27876

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Current and Projected Rulemakings

Other Rulemakings: Routine and Frequent

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Conversion of Individual Exemptions to Regulations of General Applicability (Docket No. HM-139).	**A. Abstract:** NPRM approximately every four months; with FR targeted approximately two months thereafter.. **B. CFR Citation:** 49 CFR Parts 171,173, 174, 175 and 178 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** D. Raines, (202) 472-2726		*10/82-9/83*	
Minor Regulatory Adjustments to Regulations of General Applicability (Docket No. HM-166).	**A. Abstract:** NPRM approximately every four months, with FR targeted approximately two months thereafter. **B. CFR Citation:** 49 CFR Parts 171, 172 and 173 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** D. Raines, (202) 472-2726		*10/82-9/83*	
Matter Incorporated by Reference (hazardous materials). (Docket No. HM-22).	**A. Abstract:** NPRM approximately every six months, with FR targeted two months thereafter. **B. CFR Citation:** 49 CFR Part 171 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** E. Mazzullo, (202) 426-2075		10/82-9/83	
Matter Incorporated by Reference (pipelines).	**A. Abstract:** Documents incorporated by reference would be updated to later published editions. NPRM every year, with FR six months later. Most recent FR published February 2, 1981 (46 FR 10157). Originally scheduled to go into effect March 4, 1981. Became effective March 31, 1981 **B. CFR Citation:** 49 CFR Parts 192, 193 and 195 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** R. Simmons, (202) 426-2392		*10/82-9/83*	
Hazardous Materials: Miscellaneous Amendments (Docket No. HM-56).	**A. Abstract:** This docket is designed to change or delete certain incorrect references, to correct certain spelling and editorial errors, and to make minor regulatory changes which establish no new requirements. Final rule issued annually without notice of proposed rulemaking. **B. CFR Citation:** 49 CFR Parts 106-179 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** T. G. Allan, (202) 426-2075	FR	*10/82*	
*Implementation of the ICAO Technical Instructions.	**A. Abstract:** Proposed amendments would permit the offering, acceptance and transportation by aircraft, and by motor vehicle incident to transportation by aircraft, of hazardous materials shipments conforming to the provisions of the International Civil Aviation Organization's (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air, in order to facilitate continued shipment of hazardous materials in international commerce by air when the ICAO technical instructions become effective on Janaury 1, 1983. **B. CFR Citation:** 49 CFR Parts 171 through 175 **C. Legal Authority:** 49 U.S.C. 1803-1806, 1808 **D. Effects on Small Entities:** To be determined **G. Agency Contact:** Edward A. Altemos, (202) 426-0656	NPRM	7/82	47 FR 33295

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Reviews of Existing Regulations

Priority Reviews

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Repair and Removal of Defects.	**A. Abstract:** These rules, which specify what repairs are permitted on defective pipe welds, may be more restrictive than required for safety. Less stringent repair methods have been shown to be safe under most conditions. Changing the rules to allow some repairs of defective welds, rather than total removal, could save industry about $20 million per year. **B. CFR Citation:** 49 CFR 192.245 and 195.232 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** W. Gloe, (202) 426-2062	Completion of Review.	Summer 1982	
Data Collection and Reporting: Gas Pipeline Reporting.	**A. Abstract:** The pipeline industry questions the usefulness to government and industry of the reports of leaks required by these regulations. While any safety enforcement program requires recordkeeping in order to operate, it is possible to be more specific, and therefore less burdensome, in identifyng problems for which reporting and recordkeeping are useful. Annual costs of the current regulation are more than $6 million. Data Collection and Reporting: Liquid Pipeline Nondestructive Weld Tests (49 CFR 195.234(g)) appears as a separate Review List entry. **B. CFR Citation:** 49 CFR Part 191 **C. Legal Authority:** 49 U.S.C. 1671 et seq **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Langley, (202) 426-2132*	Completion of Review.	Summer 1982	
Data Collection and Reporting: Hazardous Materials Incident Reports.	**A. Abstract:** The current regulations require reports of hazardous material incidents. The objective of this review is to determine if the current data requirements can be modified to reduce the burden on industry and for most result in the collection of the information needed for the hazardous materials safety program. Although safety programs, such as the one covered by these regulations, require data in order to function properly, it is possible that the data collection can be made less burdensome. **B. CFR Citation:** 49 CFR Part 171 **C. Legal Authority:** 49 USC 1803, 1804, 1809 **D. Effects on Small Entities:** No **G. Agency Contact:** *R. Abis, (202) 426-2075*	Completion of Review.	10/82	

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Toxic Materials; Definitions, Criteria, and Proposed Regulations.	**A. Abstract:** This regulation was selected for review because of the need for quantitative criteria. **B. CFR Citation:** 49 CFR 173.326, 173.343 **C. Legal Authority:** 49 U.S.C. 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** G. Cushmac, (202) 426-2311	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Completed Actions

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Marking and Record Retention for Cylinders (Docket No. HM-172).	**A. Abstract:** Proposed revision and clarification of cylinder marking requirements; deletion of approval for changes to owner markings, user markings, and serial numbers; deletion of submission requirements for cylinder test reports and substitute record retention requirement. **B. CFR Citation:** 49 CFR pts. 173, 178 **C. Legal Authority:** 49 USC 1803-06 **D. Effects on Small Entities:** No **G. Agency Contact:** D. Henry, (202) 426-2075	NPRM FR Effective	2/14/80 4/15/82 7/8/82	45 FR 9960 47 FR 16583 47FR29678
Placing Longitudinal Weld Seams in Upper Pipe Half (PS-66).	**A. Abstract:** Proposal would require location of longitudinal weld seams in the upper half of pipe during construction of hazardous liquid pipelines. Safety problem too narrow for general rulemaking. **B. CFR Citation:** 49 CFR pt. 195 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson, (202) 426-2392	ANPRM Withdrawn	3/27/80 2/16/72	45 FR 20142 47 FR 6675
Hot Taps in Gas Pipelines (PS-60).	**A. Abstract:** Operators would be required to identify a pipeline by pressure monitoring or other means before performing a hot tap on it. Present data insufficient for rulemaking. **B. CFR Citation:** 49 CFR pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Langley, (202) 426-2392	NPRM Withdrawn	11/29/79 6/14/82	44 FR 68491 47 FR 13815
Excavation Damage (PS-59)	**A. Abstract:** Operators would be required to participate in a program to prevent excavation damage to underground pipelines. **B. CFR Citation:** 49 CFR Pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	NPRM FR	11/15/79 4/12/82	47 FR 65792 47 FR 13815
Transportation of Wet Electric Storage Batteries (Docket No. HM-173).	**A. Abstract:** Proposed standards for transportation of wet electric storage batteries, particularly relative to wheelchairs equipped with such batteries. **B. CFR Citation:** 49 CFR Pt. 173 **C. Legal Authority:** 49 USC 1803, 1806 **D. Effects on Small Entities:** No **G. Agency Contact:** E. Mazzullo, (202) 426-2075	NPRM FR	6/4/81 6/7/82	46 FR 29966 47 FR 24582
Transportation of Hazardous Materials on Trailer-On-Flatcar (Docket No. HM-177).	**A. Abstract:** Would establish standards for TOFC operations. Docket HM-177 was established to resolve the TOFC problem area that arose from HM-167. It has been determined that no further action is justified. **B. CFR Citation:** 49 CFR Pt. 174 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Barlow, (202) 755-4906	Hearing notice and request for comment. Withdrawn	1/26/81 7/15/82	46 FR 8055 47 FR 30800
Withdrawal of Certain Delegations of Authority to the Bureau of Explosives.	**A. Abstract:** Approvals issued for new explosives prior to March 26, 1979. Clarification of the applicability of §171.19. **B. CFR Citation:** 49 CFR Pt. 173 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** J. E. Jones, (202) 472-5982	Action Terminated.		
Metal Alloy Fittings in Plastic Pipelines (Docket No. OPSO-37).	**A. Abstract:** The requirement for knowing the location of corrosion resistant metal fittings in plastic pipelines would be deleted. Regulatory amendment contemplated in FR July 11, 1977 (42 FR 2654). **B. CFR Citation:** 49 CFR Pt. 192 **C. Legal Authority:** 49 USC 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** L. Furrow, (202) 426-2392	FR	3/8/82	47 FR 9842
Telephone Number for Reporting Pipeline Leaks.	**A. Abstract:** The telephone number for reporting serious leaks of gas or hazardous liquids from pipelines would be changed. **B. CFR Citation:** 49 CFR Pts. 191 and 195	FR	7/26/82	47 FR 32719

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Completed Actions

Other Rulemakings—Continued

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Title	Summary	Timetable		
		Action	Date	Cite
	C. Legal Authority: 49 USC 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392			

Priority Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Monitoring of External Corrosion Control.	**A. Abstract:** Gas pipeline operators currently are required annually to check the performance of cathodic protection systems which serve to control metal corrosion and extend the useful life of pipelines. This is costly for gas mains under city streets in close proximity to other underground utilities. It is also controversial because some in the industry contend that it is not possible to get valid performance data under conditions which exist in cities; hence there is no return on the expense of complying with the regulation. The Department is conducting a study to verify this regulation's testing techniques. Annual compliance costs for this regulation are approximately $80 million *Review found normal testing techniques unreliable for pipelines under paving. ANPRM to further examine alternatives scheduled under "Current and Projected Rulemakings: Other Rulemakings" portion of this Agenda* . **B. CFR Citation:** 49 CFR 192.485(a) **C. Legal Authority:** 49 U.S.C. 1672 **D. Effects on Small Entities:** No **G. Agency Contact:** P. Cory, (202) 426-2082	*Review completed.*		
Line Markers for Mains and Transmission Lines.	**A. Abstract:** These regulations require markers to be placed at each crossing of a navigable waterway by a pipeline. However, benefits from the regulation may be questionable because some navigable waterways do not carry commercial traffic. Costs associated with the rule are high (installation cost of $100 million for all navigable waterways) because the signs, to be effecitve, must be large. *Review found regulations only marginally effective at heavily travelled waterways. NPRM to revoke requirements scheduled under "Current and Projected Rulemakings: Other Rulemakings" portion of the Agenda* . **B. CFR Citation:** 49 CFR 192.707(a) and 195.410 **C. Legal Authority:** 49 U.S.C. 1672, 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** R. Simmons, (202) 426-2392	*Review completed.*		
Data Collection and Reporting: Liquid Pipeline Nondestructive. Weld Tests.	**A. Abstract:** This rule requires that radiographic film of weld tests be kept three years. Retention may not be needed for accident investigation or test verification; there are large administrative costs. Annual costs are about $1 million. *Review found current rule unnecessary. NPRM to revoke rule scheduled under "Current and Projected Rulemakings: "Other Rulemakings" portion of this Agenda* ." **B. CFR Citation:** 49 CFR 195.234(g) **C. Legal Authority:** 49 USC 2002 **D. Effects on Small Entities:** No **G. Agency Contact:** F. Robinson, (202) 426-2392	*Review completed.*		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Research and Special Programs Administration

RSPA

Completed Actions

Other Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Flammable Solid; Definitions Criteria.	**A. Abstract:** This regulation was selected for review because of inquiries; lack of objective regulatory standard. See Definition of a Flammable Solid (Project 118-71). *This project is to be combined with the Flammable Solid project under Docket No. HM-178; see "Current and Projected Rulemakings: Other Rulemakings" portion of this Agenda .* **B. CFR Citation:** 49 CFR 173.150 **C. Legal Authority:** 49 USC 1803-1806 **D. Effects on Small Entities:** No **G. Agency Contact:** M. Morris, (202) 426-2075	*Review Terminated* .		

Maritime Administration

MARAD

Current and Projected Rulemakings

Priority Rulemakings: Major

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedures.	This rulemaking would establish the policy of the Maritime Subsidy Board (MSB) of (MARAD) in considering applications for the total repayment of CDS with respect only to tankers of at least 100,000 deadweight tons. *This regulation has been reclassified as "non-major". It is located in that portion of this section.*			

Priority Rulemakings: Non-Major

Title	Summary	Timetable		
		Action	Date	Cite
Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedures.	**A. Abstract:** This rulemaking would establish the policy of the Maritime Subsidy Board (MSB) of (MARAD) in considering applications for the total repayment of CDS with respect only to tankers of at least 100,000 deadweight tons. This rulemaking is significant because it concerns a matter of substantial controversy. Regulation is needed to state policy for the exercise of authority by Secretary of Transportation to accept total CDS repayment—the subject of litigation involving the respective interests of operators in the domestic trade and operators of large tankers built with CDS. **B. CFR Citation:** 46 CFR Pt. 276 **C. Legal Authority:** 46 U.S.C. 1114(b), 1117, 1156 and 1204 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation **F. Additional Information:** First NPRM-Nov. 2, 1970 (45 FR 51045); Second NPRM-May 5, 1980 (45 FR 29610); Interim Rulemaking-October 15, 1980 (45 FR 68393); Amendment to Interim Rule-Nov. 24, 1980 (45 FR 7745). **G. Agency Contact:** William B. Ebersold, (202) 392-0374	NPRM NPRM Interim FR Amdt. to Interim FR. FR	11/2/70 5/5/80 10/15/80 11/24/80 12/82	45 FR 51045 45 FR 29610 45 FR 68393 45 FR 7745

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Construction-Differential Subsidy (CDS)-Requirements for Aid.	**A. Abstract:** By provision of the Merchant Marine Act, 1936, the Maritime Administration administers the CDS program, providing subsidy for the construction, reconstruction or reconditioning of vessels in U.S. shipyards. This rulemaking is significant because it involves important Department policy on a matter of substantial interest and controversy. It is needed to establish comprehensive formal regulations governing administration of CDS program. **B. CFR Citation:** 46 CFR Pt. 251 **C. Legal Authority:** 46 U.S.C. 1114(b), 1151-1157 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** Draft NPRM has been prepared **G. Agency Contact:** James Saari, (202) 426-5888	NPRM Pending review of CDS Program.		
Cargo Preference-U.S. Flag Vessels-Determination of Fair and Reasonable Rates.	**A. Abstract:** Regulation would set forth criteria for determining "fair and reasonable rates" (statutory term) required for the carriage of at least the 50 percent of U.S. government procured or impelled cargoes reserved by law for U.S. owned, constructed and documented vessels. This rulemaking is significant because it concerns a matter on which there is substantial public interest. It is needed to clarify the meaning of a statutory term. **B. CFR Citation:** 46 CFR new Pt. 382 **C. Legal Authority:** 46 U.S.C. 1241(b), 1114(b) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** Regulation was last revised in 1977 **G. Agency Contact:** Frederick R. Larson, (202) 382–6036	NPRM	10/82	
Merchant Marine Training	**A. Abstract:** The Maritime Administration is responsible for operating the U.S. Merchant Marine Academy and for providing financial assistance to State Maritime academies and the U.S. Maritime Service, a voluntary Maritime training organization. This rulemaking is significant because it concerns a matter of substantial public interest. It is needed because the Maritime Education and Training Act of 1980 (P.L. 96-453) requires changes in regulations to reflect new requirements as conditions for financial aid for merchant marine training, as well as disposition of excess or surplus government property. **B. CFR Citation:** 46 CFR Pt. 310 **C. Legal Authority:** 46 U.S.C. 1114(b), 1295 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory Evaluation. **F. Additional Information:** Subpart A (State Maritime Academies NPRM June 9, 1981 (46 FR 30507). FR July 22, 1981 (46 FR 37694). **G. Agency Contact:** Edwin Hackett, (202) 426-5759	Action completed Subparts A, C, and D. NPRM Subpart B (U.S. Maritime Service) and New Subpart E (Supp. Training).	 10/82	
Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels.	**A. Abstract:** Regulation states conditions for award of ODS for dry bulk cargo vessels engaged in worldwide trade. This rulemaking is significant because it reflects a change in policy on a matter of substantial public interest. It is needed because it would recognize unique economic aspects of dry bulk carriers and is intended to afford sufficient flexibility to allow them to compete in worldwide trade. **B. CFR Citation:** Consolidation with other ODS Regulations. 46 CFR Ch. II. **C. Legal Authority:** 46 U.S.C. 1114(b), 1171-1176 **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** NPRM September 6, 1979 (44 FR 52002). *Separate rulemaking action suspended pending completion of review of all ODS Regulations for purposes of consolidation and simplification (See "Reviews of Existing Regulations" portion of Agenda.* **G. Agency Contact:** Frederick R. Larson, (202) 382-6036	Further action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Priority Rulemakings: Non-Major—Continued

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Requirements for Establishing United States Citizenship.	Regulation describes how individuals, corporations and other entities can establish U.S. citizenship to qualify for participation in MARAD financial assistance programs. *This regulation has been reclassified as nonsignificant. It is now located in the "Other Rulemakings" portion of this section of the Agenda* .			
Federal Income Tax Aspects of the Capital Construction Fund.	**A. Abstract:** Joint rulemaking with Treasury Department would finalize technical regulations governing the utilization of Capital Construction Fund (CCF) - comprised of deposits of the deferred income from shipping operations, related income, and CCF investment income. The rulemaking is significant because it involves a matter of substantial public interest and has major impact on another Federal Agency (Treasury Department). It is needed to implement a statutory provision. **B. CFR Citation:** 46 CFR Pt. 391 **C. Legal Authority:** 46 U.S.C. 1177, 1114(b) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** NPRM published jointly with Treasury Department on June 15, 1972 (37 FR 11887). FR with respect to non-tax areas and second NPRM on technical tax provisions published January 29, 1976 (41 FR 4257, 4280). **G. Agency Contact:** Lawrence B. Pripeton, (202) 382-0409	NPRM FR awaiting action by Treasury Department.	6/15/72	37 FR 11887
Rules of Practice and Procedures; Procedure for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid.	Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard techniques for forecasting the adequacy/ inadequacy of U.S. flag liner service in hearings required under the Merchant Marine Act 1936(Act) on application for ODS. *This regulation has been reclassified as nonsignificant. It is now located in the "Other Rulemakings" portion of this section of the Agenda.*			
Uniform System of Financial Reporting.	**A. Abstract:** Revision of bookkeeping and reporting requirements, now applicable only to operators receiving Operating-Differential Subsidy, to reduce burden and expand their application to contractors receiving financial assistance under all Maritime Administration programs. This rulemaking is significant because it initiates a change in policy. It is needed to reduce and simplify bookkeeping and reporting requirements and expand application to participants in all of agency's financial assistance programs. **B. CFR Citation:** 46 CFR Pt. 282, to be revoked and replaced by new 46 CFR Pt. 232. **C. Legal Authority:** 46 U.S.C. 1114(b) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** Regulation was issued in 1974 **G. Agency Contact:** James. J. Zok, (202) 426-5852	NPRM FR	6/19/82 10/82	47 FR 36228
Review: Operating-Differential Subsidy (ODS) Rates for Liner Vessels.	**A. Abstract:** New regulation would estabilsh subsidy rates for liner vessels under ODS areements. This rulemaking is significant because it involves a program concerning which of these is substantial public interest. It is needed to formalize in a regulation policy of Maritime Subsidy Board concerning subsidy rates now published in Manual Form. **B. CFR Citation:** New Subpart in 46 CFR Pt. 280 (See "Reviews of Existing Regulations" portion of Agenda). **C. Legal Authority:** 46 U.S.C. 1171-1176, 1114(b) **D. Effects on Small Entities:** No **E. Analysis:** Regulatory evaluation **F. Additional Information:** New regulation under development. *Separate rulemaking action suspended pending completion of review of all ODS Regulations for purposes of Consolidation and Simplification (See Review List Entry)* . **G. Agency Contact:** Frederick R. Larson, (202) 382-6036	Further Action to be determined.		

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Other Rulemakings

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy.	**A. Abstract:** Regulation clarifies and liberalizes MARAD policy and procedure for administering that part of the Operating-Differential Subsidy (ODS) program relating to requirement for conducting condition surveys of vessels under ODS agreements which provide maintenance and repair (M&R) subsidy. **B. CFR Citation:** 46 CFR Pt. 272 **C. Legal Authority:** 46 USC 1114(b), 1171(a) **D. Effects on Small Entities:** No **G. Agency Contact:** John J. Davis, (202) 426-5743	NPRM	10/82	
Documentation, Transfer or Charter of Vessels.	**A. Abstract:** Amendments would be made to regulations governing MARAD approval of the transfer of U.S. owned or documented vessels to non-citizens, as well as approval of vessel charters to non-citizens, pursuant to authority in the Shipping Act, 1916. *Partial final rule issued on consolidation of citizenship declaration forms* . **B. CFR Citation:** 46 CFR Pt. 221 **C. Legal Authority:** 46 U.S.C. 808, 835, 838, 839, 841a **D. Effects on Small Entities:** No **G. Agency Contact:** Jessie Fernanders, (202) 426-5821	Partial FR NPRM	8/30/82 11/82	47 FR 38131
Construction-Differential Subsidy (CDS) Standard Contracts.	**A. Abstract:** This regulation would incorporate standardized language for contracts used in admnistration of CDS program. **B. CFR Citation:** 46 CFR Pt. 251 **C. Legal Authority:** 46 USC 1151-1156, 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** Melvin Eck, (202) 426-5888	FR pending administration review of CDS Program.		
National Shipping Authority	**A. Abstract:** Eleven regulations relating to shipping operations that govern the activities of the NSA, within MARAD during times of war and national emergency. These regulations are exempt from the notice provisions of 5 U.S.C. 553 because they involve a military function. **B. CFR Citation:** 46 CFR Pts. 316, 320, 321, 326, 329, 332, 335-339; new pt. 340. **C. Legal Authority:** 50 USC App. 2061, et seq.; EO 10480, 11490. **D. Effects on Small Entities:** No **G. Agency Contact:** *Robert Bryan,* (202) 426-5739	NPRM FR	8/30/82 11/82	47 FR 38137
Review: Capital Construction Fund.	**A. Abstract:** Amendments to regulations would clarify existing provisions and remove restrictions on fundholders, to be made as needed in one or more rulemaking actions. **B. CFR Citation:** 46 CFR Pt. 390 **C. Legal Authority:** 46 USC 1177; 1114 (b) **D. Effects on Small Entities:** No **G. Agency Contact:** Lawrence Pripeton, (202) 382-0409	FR	10/82	
Implementation Procedures for the National Defense Program.	**A. Abstract:** Amendment to CDS regulations would implement Pub. Law 96-387. It would authorize, when funds become available, paying ship operators for the cost of purchasing and installing communication equipment on existing U.S. flag vessels that are suitable for government use in time of war or national emergency. **B. CFR Citation:** 46 CFR Pt. 251 **C. Legal Authority:** 46 USC 1151-1156, 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** James C. McCoy, Jr., (202) 426-5727	NPRM Further action delayed indefinitely.	9/10/81	46 FR 45164
Policy for changes under CDS Program.	**A. Abstract:** Amendments would state policy of paying subsidy for only "essential" changes, as defined, reflecting very limited CDS funding. **B. CFR Citation:** 46 CFR 251.1 Appendix **C. Legal Authority:** 46 USC 1151-1156, 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** Robert J. Patton, Jr., (202) 426-5746	FR	10/82	

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Current and Projected Rulemakings

Other Rulemakings—Continued

[Key to Symbols: *New Item †Analysis or review being considered under Regulatory Flexibility Act. *Italics:* New or changed information since last Agenda.] •Presidential Task Force priority review.

Title	Summary	Timetable		
		Action	Date	Cite
*Requirements for Establishing United States Citizenship.	**A. Abstract:** Proof of U.S. citizenship is required under MARAD financial assistance and vessel transfer programs. These amendments would amend citizenship regulations to simplify proof of corporate citizenship and to insure corporate control by U.S. citizens under existing corporate organizational structures. **B. CFR Citation:** 46 CFR Pt. 355 **C. Legal Authority:** 46 USC 802, 803, 808, 835, 838, 839, 841, 1151, 1171, 1276. **D. Effects on Small Entities:** No **G. Agency Contact:** Doris Lansberry, (202) 426-5711	NPRM FR	10/12/79 11/82	44 FR 58928
*Statistical Data for Use In Operating Differential Subsidy (ODS) Application Hearings.	**A. Abstract:** Amendments include references to preparation of standard forecasts of liner cargo, adopted in new 46 CFR Part 208 (Procedure for Hearing in ODS Application) and elimination of two reports. **B. CFR Citation:** 46 CFR Pt. 207 **C. Legal Authority:** 46 USC 1175 **D. Effects on Small Entities:** No **G. Agency Contact:** William B. Ebersold, (202) 382-0374	FR	Fall 1982	
*Suspension of ODS Agreements for All or Portion of the Vessels Included Therein.	**A. Abstract:** These regulations are necessary to implement §1603 of the Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35), which adds a new §614 to the Merchant Marine Act, 1936. **B. CFR Citation:** New 46 CFR Pt. 295 **C. Legal Authority:** 46 USC 1184, 1141(b) P.L. 97-35 **D. Effects on Small Entities:** No **G. Agency Contact:** Gregory Sparkman, (202) 382-0402 Raymond Barberesi, (202) 382-0382.	NPRM	11/82	
*Treatment of Subsidy During Voyage Deviations.	**A. Abstract:** This regulation clarifies existing MARAD policy of generally not paying ODS to an operator for any period of operation attributable solely to a deviation from the contractually authorized subsidized service. **B. CFR Citation:** (46 CFR 281.6) **C. Legal Authority:** 46 USC 1173(a) 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** William B. Ebersold, (202) 382-0374	Interim FR	11/82	
*Participation by Vessels Built with CDS in the Carriage of Oil from Alaska in the Domestic Trade.	**A. Abstract:** Amendments would codify in regulation form policies that were decisions issued as administrative orders.. **B. CFR Citation:** 46 CFR Pt. 290 **C. Legal Authority:** 46 U.S.C. 1156, 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** William B. Ebersold, (202) 382-0374	FR	10/82	
*Rules of Practice and Procedures; for Hearing in Operating-Differential Subsidy (ODS) Application; Applications for Subsidies and Other Direct Financial Aid.	**A. Abstract:** Amendments to existing agency rules of practice and procedure and regulations governing applications for financial assistance, as well as new Part 208 that would establish a standard discovery order and standard techniques for forecasting the adequacy/inadequacy of U.S. flag liner service in hearings required under the Merchant Marine Act, 1936. **B. CFR Citation:** 46 CFR Pts. 201, 208, 251 **C. Legal Authority:** 46 USC 1114(b) **D. Effects on Small Entities:** No **G. Agency Contact:** Robert J. Patton, Jr., (202) 426-5711	NPRM	6/25/79	44 FR 37003

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS AGENDA

Maritime Administration

MARAD

Reviews of Existing Regulations

Priority Reviews

[Key to symbols: *New Item. †Analysis or review being considered under Regulatory Flexibility Act. • Presidential Task Force Priority Review. *Italics:* New or changed information since last Agenda]

Title	Summary	Timetable		
		Action	Date	Cite
Limitations on the Award and Payment of Operating Differential Subsidy (ODS) for Liner Operator.	**A. Abstract:** The principal purpose of this part is to set standards for the payment of ODS to operators of liner vessels, and it includes a reduction formula applicable where less than 50 percent of gross freight revenues are earned from the carriage of "competitive cargo". This review is intended to restructure and clarify this part and consolidate it with *other ODS regulations in Chapter II of 46 CFR. Rulemaking will not proceed until Review of all ODS regulations. No anticipated further action until review completed of all ODS regulations* . **B. CFR Citation:** 46 CFR Pt. 280 **C. Legal Authority:** 46 U.S.C. 1173 **D. Effects on Small Entities:** No **G. Agency Contact:** E. A. Uttridge, (202) 382-0400	Completion of Review.	Fall 1982	
Merchant Ship Sales Act of 1946 - Rules and Regulations, Forms and Citizenship Requirements.	**A. Abstract:** This regulation principally concerns the sale, charter or transfer of vessels built during World War II which are owned by the Government. The review is for the purpose of determining whether the entire part or most of its provisions are obsolete and should be revoked. **B. CFR Citation:** (Chapter II, Subchapter F) **C. Legal Authority:** 15 U.S.C. 1735 **D. Effects on Small Entities:** No **G. Agency Contact:** Jessie Fernanders, (202) 426-5821	Completion of Review.	11/82	
Procedures - Records Retention Schedule for Subsidized Operators.	**A. Abstract:** The purpose of this subpart is to prescribe the procedures to be followed by subsidized operators for the retention and disposal of books, records and accounts required under ODS agreements. The review will be for the purpose of determining whether existing record retention requirements impose a reasonable burden on subsidized operators relative to the benefits conferred and the legitimate needs of Marad in administering the ODS programs. **B. CFR Citation:** 46 CFR Pt. 380, Subpart C **C. Legal Authority:** 46 U.S.C. 1114 **D. Effects on Small Entities:** No **G. Agency Contact:** Mary Jane Harvey, (202) 426-5184	Completion of Review.	11/82	

Other Reviews

Title	Summary	Timetable		
		Action	Date	Cite
Application for Subsidies and Other Direct Financial Aid.	**A. Abstract:** This Part prescribes the MARAD application forms for Construction and Operating Differential Subsidies (CDS and ODS), as well as the form for the MARAD approvals that subsidized operators must obtain in order to engage in otherwise prohibited activities. The part also contains certain substantive provisions. The development of comprehensive CDS regulations, including uniform contract provisions, has been curtailed pending an Administration review of CDS. **B. CFR Citation:** 46 CFR Pt. 251 **C. Legal Authority:** **D. Effects on Small Entities:** No **G. Agency Contact:** Robert Patton, Jr., (202) 426-5746	Completion of Review.	10/82	

APPENDIX A - INSTRUCTIONS FOR OBTAINING COPIES OF REGULATORY DOCUMENTS

United States Coast Guard (USCG)

Persons who desire to obtain a copy of any regulatory document to be issued by the USCG that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person) United States Coast Guard, 2100 Second Street, SW., Washington, D.C. 20593.

Federal Aviation Administration (FAA)

The FAA has a mailing list system for Notices and Advance Notices of Proposed Rulemaking (NPRMs and ANPRMs). Persons interested in obtaining future copies of all of those documents to be issued by the FAA or only of those concerning certain parts of the Federal Aviation Regulations should request a copy of Advisory Circular No. 11-2, which describes the application procedure, by calling 202-426-8058 or by writing to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591.

Federal Highway Administration (FHWA)

The FHWA maintains a consumer mailing list for individuals and agencies wishing to routinely receive Federal-aid highway related rulemaking actions. Persons may selectively choose to receive rulemaking materials in a number of separately identified program categories from the Code of Federal Regulations, Title 23. Those wishing to take advantage of the FHWA consumer mailing list may obtain additional information by writing to: Consumer Affairs Representative, Office of Public Affairs, Room 4206, Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Persons who desire to obtain a copy of any regulatory document to be issued by the FHWA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Highway Administration, 400 7th Street, SW., Washington, D.C. 20590.

Federal Railroad Administration (FRA)

Persons who desire to obtain a copy of any regulatory document to be issued by the FRA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Federal Railroad Administration, 400 7th Street, SW., Washington, D.C. 20590.

National Highway Traffic Safety Administration (NHTSA)

Persons who desire to obtain a copy of any other regulatory document to be issued by the NHTSA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-0079.

Urban Mass Transportation Administration (UMTA)

Persons who desire to obtain a copy of any regulatory document to be issued by UMTA that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the following address: (Name of contact person), Urban Mass Transit Administration, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1909.

Saint Lawrence Seaway Development Corporation (SLSDC)

Persons who desire to obtain a copy of any regulatory document to be issued by SLSDC that is listed in this Agenda should communicate with the contact person listed with the regulation either by telephone or by letter to the contact person at the appropriate address specified below. For contact persons with (202), telepone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, SW., Washington, D.C. 20591. For contact persons with (315) telephone area code: (name of contact person), Saint Lawrence Seaway Development Corporation, P.O. Box 520, Massena, New York 13662.

Research and Special Programs Administration (RSPA)

Persons wishing to be placed on mailing lists for regulatory documents to be issued by RSPA should contact: Mrs. Sandra Cureton, Information Services Division, DMT-43, 400 7th Street, SW., Washington, D.C. 20590.

Maritime Administration (MARAD)

Any one desiring a copy of a MARAD regulatory document referred to in the Agenda may request a copy of that document by contacting Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 Seventh Street, S.W. (Room 7300 B), Washington, D.C. 20590 (202) 426-5746. T1

Office of the Secretary (OST)

Persons desiring to receive future copies of the Regulations Agenda should submit their request to: Assistant General Counsel for Regulation and Enforcement, C-50, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590, (202) 426-4723.

Persons who have an interest in specific regulatory documents to be issued by the office of the Secretary should forward requests for copies of those documents to the same address. These requests should fully identify the document desired.

APPENDIX B - GENERAL RULEMAKING CONTACT PERSONS

The following is a list of persons who can be contacted within the Department for general information concerning the rulemaking process within the various operating administrations.

USCG - Bruce Novak, Marine Safety Council, USCG Headquarters Building, Room 4402, 2100 Second Street, S.W., Washington, D.C. 20593. Telephone: 202/426-1477.

FAA - Edward Faberman, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Telephone: 202/426-3644.

FHWA - Thomas P. Holian, Office of the Chief Counsel, 400 7th Street, S.W., Room 4223, Washington, D.C. 20590. Telephone: 202/426-0761.

FRA - Mike Haley, Office of Chief Counsel, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Telephone: 202/426-0767.

NHTSA - Roger Tilton, Office of Chief Counsel, 400 7th Street, S.W., Room 5219, Washington, D.C. 20590. Telepohone: 202/426-9511.

UMTA - Doug Gold, Office of Chief Counsel, 400 7th Street, S.W., Room 9225, Washington, D.C. 20590. Telephone: 202/426-4011.

SLSDC - Bob Kraft, Office of Chief Counsel, 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Telepohone: 202/426-3574.

RSPA - Elaine Economides, Office of Chief Counsel, 400 7th Street, S.W. Room 8420, Washington, D.C. 20590. Telephone: 202/755-4972.

MARAD - Mr. Robert J. Patton, Jr., Secretary, Maritime Administration, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590, Telephone: 202/426-5747.

OST - Neil Eisner, Office of Regulation and Enforcement, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Telephone: 202/426-4723.

APPENDIX C - PUBLIC RULEMAKING DOCKETS

The following is a list of Rule Docket locations for the various operating administrations where the public may review regulatory dockets and hand deliver comments on advance notices and notices of proposed rulemaking:

USCG - Marine Safety Council, 2100 2nd Street, S.W., Room 4402, Washington, D.C. 20593. Working Hours: 7:30-4:00.

FAA - Rules Docket, Office of Chief Counsel, Regulations and Enforcement Division, 800 Independence Ave., S.W., Room 915G, Washington, D.C. 20591. Working Hours: 8:30-5:00.

FHWA - Docket Room, 400 7th Street, S.W., Room 4205, (Federal Motor Carrier Safety Regulations in Room 3404) Washington, D.C. 20590. Working Hours: 7:45-4:15.

FRA - Docket Clerk, 400 7th Street, S.W., Room 8211, Washington, D.C. 20590. Working Hours: 8:30-5:00.

NHTSA - Docket Room, 400 7th Street, S.W., Room 5108, Washington, D.C. 20590. Working Hours: 7:45-4:15.

UMTA - Docket Clerk, 400 7th Street, S.W., Room 9228, Washington, D.C. 20590. Working Hours: 8:30-5:00.

SLSDC - 800 Independence Ave., S.W., Room 814, Washington, D.C. 20591. Working Hours: 8:30-5:00.

RSPA - Docket Branch, 400 7th Street, S.W., Room 8426, Washington, D.C. 20590. Working Hours: 8:30-5:00.

MARAD - Docket Clerk, 400 7th Street, S.W., Room 7300B, Washington, D.C. 20590. Working Hours: 9:00-5:30.

OST - Docket Clerk, 400 7th Street, S.W., Room 10421, Washington, D.C. 20590. Working Hours: 9:00-5:30.

APPENDIX D

Innovative Regulatory Techniques

As explained in the preamble, the public's views are solicited with respect to the Department's regulatory programs where innovative regulatory techniques can be applied effectively to reduce the burden on regulated entities or to reduce governmental costs. The following are descriptions of particular techniques that have shown promise throughout the federal government.

Enhance Competition

An agency seeks to achieve a valid regulatory goal through generally increasing its sensitivity to market structure by, for example, removing barriers to and constraints on competition.

Marketable Rights

In place of detailed government controls, an agency limits private-sector rights to engage in a specific activity or to use scarce resources, but allows private parties to exchange, trade, or sell these rights. The agency maintains overall control while letting the affected parties arrange the detailed allocation of rights in the free market.

Economic Incentives

An agency provides economic incentives that are supplements or alternatives to government standards and regulations by structuring fees or subsidies to encourage the private sector to achieve regulatory goals. Incentives replace rigidly enforced regulatory standards.

Performance Standards

An agency replaces design standards which specify strict means of compliance with more general standards based on overall performance levels. Firms or businesses are free to find the most efficient way of complying with the standards.

Information Disclosure

An agency requires that users or consumers be provided with information choices among competing goods and services and be free to choose on the basis of that information. The agency may provide information directly to the public (e.g., uniform tire quality grading standards.)

Voluntary Standard Setting

An agency supplements or substitutes direct Federal regulation with voluntary standards developed and enforced by the regulated sectors.

Compliance Reform

An agency replaces or supplements government compliance monitoring and enforcement with other mechanisms, such as third-party monitoring, supervised self-certification, and economically-based penalties (e.g., third party inspection of emergency equipment aboard ships).

Tiering

An agency takes into account the size and nature of regulated organizations when it develops or revises its regulations (e.g., certain FAA, RSPA, and NHTSA exemptions).

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federal register

Book 3 of 3 Books
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Unified Agenda of Federal Regulations

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48719 Part XVII—Advisory Council on Historic Preservation
48721 Part XVIII—Architectural and Transportation Barriers Compliance Board
48726 Part XIX—Environmental Protection Agency
48778 Part XX—Equal Employment Opportunity Commission
48782 Part XXI—Federal Emergency Management Agency
48789 Part XXII—Federal Mediation and Conciliation Service
48792 Part XXIII—General Services Administration
48807 Part XXIV—Agency for International Development, IDCA
48810 Part XXV—National Aeronautics and Space Administration
48815 Part XXVI—National Foundation on the Arts and the Humanities
48819 Part XXVII—National Science Foundation
48822 Part XXVIII—Office of Management and Budget
48826 Part XXIX—Office of Personnel Management
48837 Part XXX—Pennsylvania Avenue Development Corporation
48840 Part XXXI—Pension Benefit Guaranty Corporation
48848 Part XXXII—Railroad Retirement Board
48853 Part XXXIII—Selective Service System
48856 Part XXXIV—Small Business Administration
48860 Part XXXV—Veterans Administration
48868 Part XXXVI—Civil Aeronautics Board
48878 Part XXXVII—Commodity Futures Trading Commission
48884 Part XXXVIII—Consumer Product Safety Commission
48890 Part XXXIX—Federal Communications Commission
48902 Part XL—Federal Energy Regulatory Commission, DOE
48907 Part XLI—Federal Home Loan Bank Board
48910 Part XLII—Federal Maritime Commission

(Continued on inside cover)

48916 **Part XLIII—Federal Reserve System**
48924 **Part XLIV—Federal Trade Commission**
48942 **Part XLV—Interstate Commerce Commission**
48954 **Part XLVI—National Credit Union Administration**
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federal register

Thursday
October 28, 1982

Part XV

Department of the Treasury

Office of the Secretary
Secret Service
Bureau of Alcohol, Tobacco and Firearms
Comptroller of the Currency
Customs Service
Internal Revenue Service

Semiannual Agenda

DEPARTMENT OF THE TREASURY

Office of the Secretary

31 CFR Subtitle A, Ch. I and Ch. II

Semiannual Agenda

AGENCY: Office of the Secretary, Treasury.

ACTION: Semiannual Agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96-354, September 19, 1980) and Executive Order 12291 ("Federal Regulation", February 17, 1981), which require the publication of a semiannual agenda of regulations under development or review and regulatory actions which have been completed. Within the Office of the Secretary the following offices have regulations under development or review or have completed regulatory actions: Office of the General Counsel, Office of Revenue Sharing, and the Fiscal Service (Bureau of Government Financial Operations).

FOR FURTHER INFORMATION CONTACT: For additional information about a specific Office of the Secretary regulation contained in this agenda, contact the "agency contact" listed in the specific regulatory action. For general information concerning this agenda contact Richard S. Carro, Special Assistant for Regulatory Affairs, Office of the General Counsel, Department of the Treasury, Room 1409, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220, (202) 566-2327.

OFFICE OF THE SECRETARY

Current and Projected Rulemakings

1. (a) Intergovernmental Review of Federal Progress

(b) Agency Contact: Robert W. Refuse, J.C., Deputy Assistant Secretary for State and Local Finance, Department of Treasury, Room 3026, 1500 Pennsylvania Avenue, NW., Washington, D.C. 20220, (202) 566-8661.

(c) Effects on Small Business: This regulation is not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: Not applicable.

(e) Legal Authority: E.O. 12372; 5 U.S.C. 301.

(f) Abstract: This regulation would implement E.O. 12372 to facilitate the intergovernmental review of Federal programs of financial assistance or direct development. Consistent with the Executive Order the regulation provides for increased participation by States in the decisionmaking process for Federal assistance programs.

(g) Timetable: This regulation is expected in early 1983.

Review of Existing Regulations

None.

Completed Actions

None.

OFFICE OF THE GENERAL COUNSEL

Current and Projected Rulemakings

1. (a) Title: Amendment or Removal of Obsolete Regulations

(b) Agency Contact: Stephanie Dick, Attorney-Advisor, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 2000, Washington, D.C. 20220, (202) 566-9947.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citations: 31 CFR Parts 53, 55, 81, 90, 92, 93, 120, 121, 122 and 127.

(e) Legal Authority: 5 U.S.C. 301.

(f) Abstract: This regulatory project addresses the amendment or removal of certain Treasury regulations which are now obsolete because of changed statutory requirements or because of changed conditions. The regulations proposed to be removed pertain to gold and silver and emergency banking regulations. These regulations are out of date and their revocation will reflect current practice. No costs are anticipated.

(g) Timetable: The final rule is expected to be published in the **Federal Register** in October, 1982.

Reviews of Existing Regulations

None.

Completed Actions

1. (a) Title: Regulations Implementing the Equal Access to Justice Act

1. (a) Title: Regulations Implementing the Equal Access to Justice Act

(b) Agency Contact: Stephanie Dick, Attorney-Advisor, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 2000, Washington, D.C. 20220, (202) 566-9947.

(c) CFR Citation: 31 CFR Part 6.

(d) Federal Register Citation: 47 FR 20763 (May 14, 1982).

(e) Reason for Completion: Final rulemaking.

OFFICE OF REVENUE SHARING

Current and Projected Rulemakings

1. (a) Title: Regulations to Implement Legislation Renewing the General Revenue Sharing Program

(b) Agency Contact: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney-Advisor, Office of Chief Counsel, Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226, (202) 634-5182.

(c) Effects on Small Businesses: The projected regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 51.

(e) Legal Authority: Not applicable (see abstract).

(f) Abstract: The funding authorization for the General Revenue Sharing Program expires on September 30, 1983. If renewal legislation is enacted prior to the end of the fiscal year, the Office of Revenue Sharing will begin to develop regulations to implement that legislation.

(g) Timetable: No timetable can be projected at this time.

2. (a) Title: Revision of Handicapped Discrimination Regulations

(b) Agency Contact: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney-Advisor, Office of Chief Counsel, Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226, (202) 634-5182.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 51.

(e) Legal Authority: 31 U.S.C. 1221 *et seq.* See also section 504 of the Rehabilitation Act of 1973, as amended.

(f) Abstract: The revenue sharing regulations implementing section 504 of the Rehabilitation Act of 1973, as amended, currently in interim form, may be revised and reissued during the next year. The HHS guidelines on which these regulations are patterned (45 CFR Part 85) are currently being revised by the Department of Justice (46 FR 40687). New guidelines are expected to be issued. The Office of Revenue Sharing will begin development of new regulations, based upon the Department of Justice guidelines, by issuance of regulations first in proposed and then in final form.

(g) Timetable: No timetable can be projected at this time.

3. (a) Title: Age Discrimination Regulations

(b) Agency Contact: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney-Advisor, Office of Chief Counsel, Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226, (202) 634–5182

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 51.

(e) Legal Authority: 31 U.S.C. 1221 *et seq.*

(f) Abstract: The Office of Revenue Sharing is required, pursuant to the Age Discrimination Act of 1975, to issue regulations implementing that Act. A proposed rule containing these regulations was issued on December 31, 1979 (44 FR 77456), as part of the overall revision of the revenue sharing regulations. Final regulations were drafted and submitted in 1979 for approval to HHS. The regulations will be issued shortly after HHS provides final approval.

(g) Timetable: No timetable can be projected at this time.

Reviews of Existing Regulations

None.

Completed Actions

1. (a) Title: Definition of Indian Population

(b) Agency Contact: Richard S. Isen, Chief Counsel, or Jacqueline L. Jackson, Attorney-Advisor, Office of Chief Counsel, Office of Revenue Sharing, Department of the Treasury, Washington, D.C. 20226, (202) 634–5182.

(c) CFR Citation: 31 CFR Part 51.32(d).

(d) Federal Register Citation: 47 FR 25029 (August 18, 1982).

(e) Reason for Completion: Final rulemaking.

FISCAL SERVICE

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

Current and Projected Rulemakings

1. (a) Title: Revision of Treasury Department Circular (TDC) No. 1075, Regulations Governing Withdrawal of Cash from the Treasury for Advances Under Federal Grant and Other Programs

(b) Agency Contact: Paul J. Gist, Assistant Director, Cash Management Planning and Development Staff, 704–F, Premier Bldg., 1725 I Street, N.W., Washington, D.C. 20226, (202) 634–5772.

(c) Effects on Small Businesses: This regulation is not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 205.

(e) Legal Authority: 5 U.S.C. 301; Sec. 203, 82 Stat. 1101 (42 U.S.C. 4213).

(f) Abstract: Revision of TDC No. 1075 will formally establish the Letter of Credit-Treasury Financial Communications System (LOC–TFCS). The two established letter of credit systems, the Letter of Credit-Federal Reserve Bank System and the Letter of Credit-Treasury Regional Disbursing Office System, do not provide the combination of Federal agency preaudit of payment requests and guaranteed payment time. The LOC–TFCS provides both of these features, thus enabling improved Federal control of advances made through letter of credit. In addition, other financing issues, such as developing more definitive guidelines for the immediate cash requirements of recipient organizations receiving advances of Federal funds, may be addressed at this time.

(g) Timetable: October 1982—publication of notice of proposed rulemaking; March 1983—publication of final rule.

2. (a) Title: Regulations Governing Payments Made by Electronic Funds Transfer (EFT)

(b) Agency Contact: Dan Gordon, Project Analyst, Banking & Cash Management Regulations and Compliance Staff, Cash Management, 1100 Premier Bldg., 1725 I Street, N.W., Washington, D.C. 20226, (202) 634–5705.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on an substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 210.

(e) Legal Authority: 5 U.S.C. 301; 12 U.S.C. 391; Title 31, U.S.C.

(f) Abstract: Because of the current work on the EFT Interagency Task Force, it is anticipated that in FY 1983 the above regulations governing the issuance of payments by EFT will be reviewed and possible revised.

Federal agencies involved in the Direct Deposit/EFT program report that some financial organizations have delayed the return of recurring benefits placed in the account of a deceased account holder after they have become aware of the death of a recipient. These same agencies have reported instances where the existing regulations have inhibited their ability to collect other funds after the death or legal incapacity of the recipient.

Regulations may be amended to increase the Government's recovery rate and improve the responsiveness of financial organizations.

(g) Timetable: No timetable can be projected at this time.

3. (a) Title: Regulations Governing Cash Management Practices within the Federal Government

(b) Agency Contact: Paul Wohlleben, Project Manager, Cash Management Planning and Development Staff, 704 Premier Bldg., 1725 I Street NW., Washington, D.C. 20226, (202) 634–5785.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: This regulation is not published in the CFR. However, should the anticipated modifications be adopted, it may be elevated to CFR status. These regulations are found in Treasury Department Circular No. 1084.

(e) Legal Authority: 5 U.S.C. 301; 31 U.S.C. 484, 492(s), 492c and 1002.

(f) Abstract: Methods for improving the information being provided to the Treasury's Cash Forecasting Team are being evaluated. One feasible alternative entails modifying agency reporting to provide needed cash flow projections.

(g) Timetable: This regulatory project is currently in the research stage. No timetable can be projected at this time.

4. (a) Title: Regulations Governing the Utilization of the U.S. Treasury Financial Communications System

(b) Agency Contact: Paul Wohlleben, Project Manager, Cash Management Planning and Development Staff, 704 Premier Bldg., 1725 I Street NW., Washington, D.C. 20226, (202) 634–5785.

(c) Effects on Small Businesses: The regulations are not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: This regulation is not published in the CFR. However, should the anticipated modifications be adopted, it may be elevated to CRF status. This regulation may be found in Treasury Department Circular No. 1083.

(e) Legal Authority: 5 U.S.C. 301; 31 U.S.C. 484, 492(a), 492c, and 1002.

(f) Abstract: To further enhance the deposit and collection operations of the Government, increased use of the most efficient delivery system, the Treasury Financial Communications System (TFCS), must be accomplished. Some of the increase can be gained via voluntary actions by Federal agencies; however, mandatory use of TFCS for very large dollar deposits is considered a must to increase the efficiency of a significant number of large dollar deposits.

(g) Timetable: This regulation is currently in the research stage. No timetable can be projected at this time.

5. (a) Extension of Treasury Reclamation Authority

(b) Agency Contact: Michael D. Serlin, Assistant Commissioner, Room 416, Annex Building, Pennsylvania Avenue and Madison Place NW., Washington, D.C. 20226, (202) 566–5594.

(c) Effects on Small Businesses: This regulation is not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

(d) CFR Citation: 31 CFR Part 240.

(e) Legal Authority: 5 U.S.C. 301; 31 U.S.C. 528; 31 U.S.C. 561 *et seq.;* 31 U.S.C. 952.

(f) Abstract: The Treasury Department has experienced increasing reluctance and/or refusal on the part of banks receiving payment on Treasury checks bearing forged or unauthorized endorsements to honor Treasury's right to refund of the amounts paid. Treasury plans to set off the amount due, plus accrued interest against other federal agency payables due to the financial institution for items at least 120 days old. If unsuccessful in collecting from agency payables, setoff will be instituted against redeemed mature securities for items at least 150 days old. As a last resort, Treasury will instruct a federal reserve bank to debit the reserve account of the bank for the amount due Treasury for all outstanding items at least 180 days old. This rule is intended to improve Treasury debt collection efforts.

(g) Time table: Notice of proposed rulemaking was published on November 4, 1981 (46 FR 54763). The final rule is expected to be published in November 1982, effective December 1982.

Reviews of Existing Regulations

None.

Completed Actions

1. (a) Treasury Tax and Loan Accounts

(b) Agency Contact: John A. Kilcoyne, Assistant Fiscal Assistant Secretary (Banking), Department of the Treasury, 1500 Pennsylvania Avenue, NW., Room 2064, Washington, D.C. 20220, (202) 566–2553.

(c) CFR Citation: 31 CFR Part 203.

(d) Federal Register Citation: 47 FR 37081 (August 25, 1982).

(e) Reason for Completion: Final rulemaking.

2. (a) Title: Exchange of Paper Currency and Coin

(b) Agency Contact: Rudy Villarreal, Director, Currency Operations Division, Room 333, Bureau of Engraving and Printing Annex, Washington, D.C. 20226, (202) 447–0278.

(c) CFR Citation: 31 CFR Part 100.

(d) Federal Register Citation: 47 FR 32044 (July 23, 1982).

(e) Reason for Completion: Final rulemaking.

Dated: September 29, 1982.

By direction of the Secretary.

David E. Pickford,

Executive Secretary.

[FR Doc. 82–28106 Filed 10–27–82; 8:45 am]

BILLING CODE 4810–25–M

Secret Service

31 CFR Ch. I

Semiannual Agenda

AGENCY: Secret Service, Treasury.

ACTION: Semiannual Agenda.

SUMMARY: This notice is given pursuant to the requirements of the "Regulatory Flexibility Act" (Pub. L. 96–354, September 18, 1980) and Executive Order 12291 ("Federal Regulation", February 17, 1981), which require the publication of a semiannual agenda of regulations under development or review and regulatory actions which have been completed.

FOR FURTHER INFORMATION CONTACT: John M. Meenan, Acting Legal Counsel, U.S. Secret Service, Room 842, 1800 G Street, N.W., Washington, D.C. 20223, (202) 535–5771.

Current and Projected Rulemakings

None.

Reviews of Existing Regulations

None.

Completed Actions

1. (a) Title: Designation of Temporary Residence of the President.

(b) Agency Contact: John M. Meenan, Acting Legal Counsel, U.S. Secret Service, Room 842, 1800 G Street, N.W., Washington, D.C. 20223, (202) 535–5771.

(c) CFR Citation: 31 CFR Part 408.

(d) Federal Register Citation: 47 FR 27552 (June 25, 1982).

(e) Reason for Completion: Final rulemaking.

Dated: September 29, 1982.

By direction of the Secretary.

John R. Simpson,

Director.

[40 Doc. 82–28106 Filed 10–27–82; 8:45 am]

BILLING CODE 4810–42–M

Bureau of Alcohol, Tobacco and Firearms

27 CFR Ch. I

[Notice 425]

Unified Agenda of Federal Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF); Treasury.

ACTION: General Notice; Unified Agenda of Federal Regulations of regulatory projects under development, consideration, and review.

SUMMARY: Pursuant to section five of Executive Order 12291, entitled "Federal Regulation," ATF is publishing an agenda of proposed regulations that are expected to be issued and of proposed regulations that have been issued and an agenda of existing regulations that are being reviewed under the terms of the Executive Order, within the next six months. The latter agenda also lists regulatory projects identified for review pursuant to the ATF Regulatory Reform Program. Pursuant to section 610 of the Regulatory Flexibility Act (Pub. L. 96–354; 5 U.S.C. 610), ATF is also indicating whether a regulatory project is likely to have a significant economic impact upon a substantial number of small entities.

This general notice is designed to give the public adequate notice of the regulatory activities being contemplated by ATF.

The agenda is based on information available at the present time. The next Unified Agenda of Federal Regulations will be published in the **Federal Register** of Friday, April 15, 1983.

FOR FURTHER INFORMATION CONTACT: For information about any particular regulatory project, contact the person listed in the subheading "Agency Contact," for that regulatory project.

For general information about this general notice, contact Lori Weins.

Unless otherwise noted, the address and telephone number for all agency contacts is: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC, 20226; 202–566–7626 (not a toll-free number).

Following Part III is a table of abbreviations used throughout the agenda.

Issuance

By direction of the Secretary of the Treasury, this general notice reads as set forth below.

Signed: September 10, 1982.

Stephen E. Higgins,
Acting Director.

Part I—Current and Projected Rulemakings

ALCOHOL

Title: 100 and 375 ml Containers for Distilled Spirits

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 5.47a

Legal Authority: 26 U.S.C. 5301, 27 U.S.C. 205.

Abstract: To provide for the bottling of distilled spirits in the proposed size; if adopted, will raise the total of authorized standards of fill to eight.

Timetable: NPRM published in the FR 8/16/82 (47 FR 35521); Comment period closes November 15, 1982; final action scheduled for the fall of 1983.

Title: Multi-vintage Dates and Percentages

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR 4.28, 4.39, 4.64

Legal Authority: 27 U.S.C. 205.

Abstract: To provide for the labeling and advertising of the vintage dates and the percentages of each vintage which have been used to make a blended wine.

Timetable: ANPRM (Notice No. 357) published in FR, November 13, 1980 (45 FR 74942); NPRM published in FR, August 5, 1981 (46 FR 39849); final action scheduled for Winter of 1983/1984.

Title: Certificate of Bottling Date for Imports

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4

Legal Authority: 27 U.S.C. 205.

Abstract: Provides that wines imported on or after January 1, 1983, need not comply with the new labeling requirements and percentages if accompanied by a certificate certifying that the wine was bottled prior to January 1, 1983. These new labeling regulations affect varietal percentages, appellation of origin percentages, use, and type size, name and address requirements, and estate bottling requirements.

Timetable: TD w/notice scheduled for publication in FR Winter 1982/83.

Title: Geographic Brand Names

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4.34, 4.39, and 4.35

Legal Authority: 27 U.S.C. 205.

Abstract: To extend the mandatory compliance date of January 1, 1983, to January 1, 1985, for the use of brand names that have geographical significance in relation to wines. (e.g., viticultural areas)

Timetable: NPRM scheduled for publication in the FR Winter of 1982/83.

Title: Vintage Wine (cider)

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4

Legal Authority: 27 U.S.C. 205.

Abstract: To extend the eligibility for vintage labeling to Class 5, fruit wines.

Timetable: NPRM published in the FR November 5, 1981 (46 FR 54963) final action scheduled for Spring 1983.

Title: Wawszkiewicz v. Department of the Treasury et al., 670 F. 2d 296 (D.C. CIR 1979)

Agency Contact: Roger Bowling, ATF Specialist/Coordinator

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4

Legal Authority: 27 U.S.C. 205.

Abstract: Defers mandatory compliance dates of name and address requirements and appellation-of-origin type size. Due to the Court of Appeals decision, the regulations have been remanded to ATF for review and reconsideration.

Timetable: NPRM scheduled for publication in FR Winter of 1982/1983.

Title: Implementation of the "Wine Impact Bill" (Pub. L. 96–598)

Agency Contact: John Linthicum, ATF Specialist

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR 19.11, 37–40, 42, 346, 372, 402, 505, 566, 681, 748, 763, 764, 778–780 and Subpart Z; 197.105, 109, 115, 130, and 130b; 250.11, Subpart Ea, and Subpart Ja; 251.11, 40, Subpart Da; 252.195b and 304.

Legal Authority: 26 U.S.C. 5010.

Abstract: Restores the tax system which existed for distilled spirits products containing wine or alcoholic flavoring materials prior to the enactment of the Distilled Spirits Tax Revision Act of 1979; also permits spirits bottled for industrial purposes to be transferred in bond between distilled spirits plants.

Timetable: TD with Notice scheduled for publication Summer of 1983.

Title: Proposed Viticultural Areas by Petition

Agency Contact: Refer to the names in parentheses in the list below.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 9

Legal Authority: 27 U.S.C. 205.

Abstract: Establishes American viticultural areas for purposes of labeling and advertising of wine.

Timetable: Refer to the following list of petitioned American viticultural areas:

Under Consideration

Title and Timetable

Alexander Valley, CA (Jim Whitley): NPRM published in the FR on August 19, 1982 (47 FR 35521); comment period closes October 18, 1982; final action scheduled for the Fall of 1983.

Carmel Valley, CA (John Linthicum): NPRM published in the FR on August 26, 1982 (47 FR 37588); comment period closes September 24, 1982; final action scheduled for the Spring of 1983.

Central Delaware Valley, PA and NJ (Steve Simon): NPRM published in the FR on December 4, 1981 (46 FR 59276); comment period closed March 4, 1982; final action scheduled for the Spring of 1983.

Chalk Hill, CA (Jim Whitley): NPRM published in the FR on May 12, 1982 (47 FR 20321); comment period closed July 12, 1982; final action scheduled for Spring of 1983.

Cole Ranch, CA (Steve Simon): NPRM published in the FR on December 4, 1981 (46 FR 59273); comment period closed March 4, 1982; final action scheduled for Winter of 1982/1983.

Green Valley of Solano, CA (Robert White): NPRM published in the FR on January 11, 1981 (47 FR 1149); comment period closed March 12, 1982; final action scheduled for Spring of 1983.

Loramie Creek, OH (Lori Weins): NPRM published in the FR September 1, 1982 (47 FR 38553); comment period closed October 1, 1982; final action scheduled for Winter 1982.

Los Carneros, CA (Steve Simon): Amended NPRM published in the FR on June 4, 1982 (47 FR 24344); comment period closed August 3, 1982; final action scheduled for the Fall of 1983.

Madera, CA (Norman Blake): NPRM published in the FR on January 26, 1982 (46 FR 3564); comment period ended March 12, 1982. Request for public hearing submitted by Portuguese government to further explain their objection, based on recognition of "Madera" by ATF as a semi-generic appellation. Request is currently being considered; final action scheduled for the Fall of 1983.

North Coast, CA (Charles Bacon): Amended NPRM published in the FR on January 11, 1982 (47 FR 1151); comment period ended February 25, 1982; final action scheduled for the Spring of 1983.

North Fork of the Roanoke, VA (James Hunt): NPRM published in the FR on July 27, 1982 (47 FR 32448); comment period ended August 26, 1982; final action scheduled for Winter 1982/83.

Rocky Knob, VA (James Hunt): NPRM published in the FR on November 19, 1981 (46 FR 56828); comment period ended February 27, 1982; final action scheduled for the Spring of 1983.

Shenandoah Valley, VA and WVA (James Hunt): NPRM published in the FR on August 20, 1982 (47 FR 36445); comment period ended October 4, 1982; final action scheduled for the Fall 1982.

Shenandoah Valley, VA (James Hunt): Notice of hearings published in the FR on October 30, 1981 (46 FR 53691); hearings held on December 7 and 8, 1981; and on January 12 and 13, 1982; final action scheduled for the Fall of 1982.

Suisun Valley, CA (Robert White): NPRM published in the FR on January 11, 1982 (47 FR 1153); comment period ended March 12, 1982; final action scheduled for the Spring of 1983.

Temecula, Murrieta and Rancho California, CA (John Linthicum): NPRM published in the FR on July 27, 1982 (47 FR 32450); comment period ends September 10, 1982; final action scheduled for Spring of 1983.

Under Development (Petitions Received and Being Processed)

Title/Agency Contact and Timetable

Anderson Valley (Robert White): NPRM scheduled for publication in the FR Spring of 1983.

Arkansas Mountain, AR (Steve Simon): NPRM scheduled for publication in the FR Fall of 1983.

Altus, AR (Steve Simon): NPRM scheduled for publication in the FR Spring of 1983.

Arroyo Seco, CA (Charles Bacon): NPRM scheduled for publication in the FR Winter of 1982/83.

Catoctin, MD (Jim Whitley): NPRM scheduled for publication in the FR Winter of 1982/83.

Central Coast, CA (John Linthicum): NPRM scheduled for publication in the FR Summer of 1983.

Clarksburg, CA (Jim Whitley): NPRM scheduled for publication in the FR Summer of 1983.

Clear Lake, CA (Jim Whitley): NPRM scheduled for publication in the FR Fall of 1983.

Columbia Valley, WA (Charles Bacon): NPRM scheduled for publication in the FR Spring of 1983.

Dry Creek Valley, CA (Jim Whitley): NPRM scheduled for publication in the FR Spring of 1983.

El Dorado, CA (James Hunt): NPRM scheduled for publication in the FR Winter of 1982/83.

Fiddletown, CA (James Hunt): NPRM scheduled for publication in the FR Spring of 1983.

Grand River Valley, OH (John Linthicum): NPRM scheduled for publication in the FR Summer of 1983.

Green Valley of Sonoma, CA (Robert White): NPRM scheduled for publication in the FR Winter of 1982/83.

Hermann, MO (Norman Blake): NPRM scheduled for publication in the FR Spring of 1983.

King City, CA (Charles Bacon): NPRM scheduled for publication in the FR Fall of 1983.

Knights Valley, CA (Jim Whitley): NPRM scheduled for publication in the FR Spring of 1983.

Lake Michigan Shore, MI (Norman Blake): NPRM scheduled for publication in the FR Summer of 1983.

Lake Erie, NY, PA, and OH (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Linganore, MD (Jim Whitley): NPRM scheduled for publication in the FR Winter of 1982/83.

Lodi, CA (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Martha's Vineyard, MA (Charles Bacon): NPRM scheduled for publication in the FR Spring of 1983.

Mendocino, CA (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Merritt Island, CA (Norman Blake): NPRM scheduled for publication in the FR Winter of 1982/83.

Mississippi Delta, MS (Steve Simon): NPRM scheduled for publication in the FR Spring of 1983.

Monterey, CA (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Monticello, VA (Norman Blake): NPRM scheduled for publication in the FR Winter of 1982/83.

New England South Coast, RI, MA, CT (Charles Bacon): NPRM scheduled for publication in the FR Summer of 1983.

Northern Sonoma, CA (John Linthicum): NPRM scheduled for publication in the FR Fall of 1983.

Ohio River Valley, IN, OH, WVA, KY (John Linthicum): NPRM scheduled for publication in the FR Spring of 1983.

Ozark Mountains, AR (Steve Simon): NPRM scheduled for publication in the FR Spring of 1983.

Pacheco Valley, CA (Steve Simon): NPRM scheduled for publication in the FR Summer of 1983.

Paso Robles, CA (Roger Bowling): NPRM scheduled for publication in the FR Spring of 1983.

Potter Valley, CA (James Hunt): NPRM scheduled for publication in the FR Spring of 1983.

Russian River Valley, CA (James Hunt): NPRM scheduled for publication in the FR Spring of 1983.

San Lucas, CA (Charles Bacon): NPRM scheduled for publication in the FR Fall of 1983.

Santa Ynez Valley, CA (Charles Bacon): NPRM scheduled for publication in the FR Winter of 1982/83.

Sobre Vista Vineyards, CA (John Linthicum): NPRM scheduled for publication in the FR Spring of 1983.

Sonoma Mountain, CA (John Linthicum): NPRM scheduled for publication in the FR Spring of 1983.

Umpqua Valley, OR (Robert White): NPRM scheduled for publication in the FR Summer of 1983.

Walla Walla Valley, WA (Norman Blake): NPRM scheduled for publication in the FR Summer of 1983.

Williamette Valley, OR (Norman Blake): NPRM scheduled for publication in the FR Summer of 1983.

Willow Creek, CA (Roger Bowling): NPRM scheduled for publication in the FR Spring of 1983.

Yakima Valley, WA (Charles Bacon): NPRM scheduled for publication in the FR Spring of 1983.

York Mountain, CA (James Hunt): NPRM scheduled for publication in the FR Spring of 1983.

Title: Implementation of the Distilled Spirits Tax Revision Act of 1979 and Vinegar Regulations

Agency Contact: Robert Daugherty.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 5, 13, 19, 170, 173, 194, 195, 196, 197, 200, 211, 212, 213, 231, 240, 250, 251 and 252.

Legal Authority: 26 U.S.C. Chapter 51, as amended.

Abstract: Eliminates the wine gallon method of imposing the distilled spirits tax and the rectification tax; converts DSP from the former distilled spirits tax system to an all-in-bond tax system; incorporates other amendments from prior projects.

Timetable: NPRM published in the FR July 18, 1979. Temporary Regulations published in the FR December 11, 1979; final action scheduled for Spring 1983.

Title: Reporting Taxes Due to the Governments of Puerto Rico and the Virgin Islands

Agency Contact: John Linthicum.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 19.377.

Legal Authority: 26 U.S.C. 5555, 26 U.S.C. 5207.

Abstract: Changes the reporting requirements for most Puerto Rican and Virgin Islands spirits bottled at domestic distilled spirits plants from the point these spirits enter the processing account to the point of tax determination.

Timetable: NPRM published in the FR April 13, 1981 (46 FR 2164); final action scheduled for Spring of 1983.

Title: Standard of Identity for Vodka

Agency Contact: Charles Bacon.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 5.22.

Legal Authority: 27 U.S.C. 205.

Abstract: Considers clarifying the standard of identity for vodka or adding another type of vodka which would provide for the addition of sugar and citric acid.

Timetable: ANPRM published in the FR on Janaury 11, 1982 (47 FR 1148); Extended comment period closed July 11, 1982; final action scheduled for Spring of 1984.

Title: Restoration of Water Lost in Heat Evaporation of Standard Wine Under a Vacuum

Agency Contact: Mike Breen, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4, 27 CFR 240.

Legal Authority: 26 U.S.C. 5382.

Abstract: Clarifies regulations relating to the addition of water to wine and to reflect technological advances in the wine industry since the regulations were last revised.

Timetable: NPRM published in the FR July 27, 1982 (47 FR 32447); comment period closed September 27, 1982; final action scheduled for Spring 1983.

Title: Materials and Processes for the Production and Treatment of Wine

Agency Contact: Mike Breen, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 240.

Legal Authority: 27 U.S.C. 5382.

Abstract: Updates, clarifies, and simplifies the regulations relating to the production and treatment of wine.

Timetable: NPRM published in the FR June 18, 1982 (47 FR 26399); comment period closed August 17, 1982; final action scheduled for Fall 1983.

PROCEDURES AND PRACTICES

Title: Electronic Fund Transfer of Alcohol and Tobacco Products Excise Taxpayments

Agency Contact: James Hunt, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 19, 70, 170, 240, 245, 270 and 275.

Legal Authority: 26 U.S.C. 5061(a), 5703(b), and 7805.

Abstract: Requires that certain taxpayers make their taxpayments by electronic fund transfer directly to financial institutions.

Timetable: NPRM published in FR June 6, 1980; TD implementing EFT published in FR January 13, 1981; TD to delay effective date published in FR 6–1–81.

TOBACCO PRODUCTS

Title: Tobacco Products Excise Tax Acceleration Project

Agency Contact: James Hunt, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 270 and 275.

Legal Authority: 26 U.S.C. 5061(a), 5703(b), and 7805.

Abstract: Changes the deferral and return periods for excise taxpayments made by the large tobacco products taxpayers.

Timetable: Project being held in abeyance.

Part II—Reviews of Existing Regulations

Title: Health Hazards Related to Alcohol Consumption

Agency Contact: Candace Moberly.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 4, 5, and 7 (entire part).

Legal Authority: Federal Alcohol Administration Act.

Abstract: To monitor the efforts of the beverage alcohol industry in their public awareness campaign on health hazard issues related to alcohol consumption in lieu of a regulatory requirement to provide health warning statements on beverage alcohol products.

Timetable: Final action undetermined.

Title: Advertising of Wine, Distilled Spirits, and Malt Beverages

Agency Contact: Roger Bowling, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 4, 5, 7.

Legal Authority: 27 U.S.C. 205.

Abstract: To modernize the advertising regulations under section 5(f) of the Federal Alcohol Administration Act.

Timetable: ANPRM (Notice No. 313) published in FR, November 21, 1978; comment period ended March 23, 1979; NPRM published in FR, December 19, 1980; comment period ended March 19, 1981; notice of hearings published in FR July 20, 1981; Hearings held September 9–10 and December 10–11; Notice reopening comment period published in FR March 19, 1982; comment period ended April 19, 1982; final action scheduled for Fall of 1983.

Title: Recodification of 27 CFR Part 4

Agency Contact: Roger Bowling, ATF Specialist/Coordinator; Norman Blake, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 4.

Legal Authority: 27 U.S.C. 205.

Abstract: To revise the wine labeling and advertising regulations; where applicable, to incorporate production regulations; and due to statutory amendments requested, may result in a legislative submission.

Timetable: NPRM scheduled for publication in the FR Spring of 1985.

Title: Distilled Spirits Liquor Bottles

Agency Contact: Robert White, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 19, 173, 194, 250, 251.

Legal Authority: 26 U.S.C. 5301 and 7805.

Abstract: To eliminate registration of liquor bottle manufacturers with ATF; to amend the Liquor Bottle indicia requirements and to simplify procedures for approval of distinctive liquor bottles by ATF.

Timetable: NPRM (Notice No. 382) published in FR September 2, 1981; comment period ended December 1, 1981; final action scheduled for Winter of 1982/83.

Title: Wholesale and Retail Liquor Dealers; Elimination of Public Use Forms

Agency Contact: Norman Blake, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 194.110 and Subpart 0; 250.165, 274, 275; 251.135 and 136.

Legal Authority: 26 U.S.C. 5114.

Abstract: To eliminate two public use forms and other recordkeeping requirements currently required of wholesale and retail liquor dealers and importers; to incorporate adjusted interest rates charged on special (occupational) tax.

Timetable: NPRM (Notice No. 383) published in **Federal Register** September 18, 1981; comment period closed December 17, 1981; final action scheduled for Winter 1982/83.

Title: Nonbeverage Drawback

Agency Contact: Steve Simon, ATF Specialist.

Effects on Small Businesses and Other Entities: This regulation affects approximately 500 entities.

CFR Citation: 27 CFR Part 197.

Legal Authority: 26 U.S.C. 5131 *et seq.*

Abstract: To update, clarify, simplify, and recodify the regulations relating to drawback of tax on distilled spirits used in the manufacture of non-beverage products.

Timetable: NPRM scheduled for publication in the **Federal Register** Summer of 1983.

Title: Recodification of 27 CFR Parts 211 and 213 as 27 CFR Parts 20 and 22

Agency Contact: Norman Blake, ATF, Specialist/Coordinator or John Linthicum, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 211 and 213.

Legal Authority: 26 U.S.C. 5272.

Abstract: To liberalize the qualification, bonding, operational, recordkeeping, and reporting requirements imposed on users and dealers of specially denatured spirits and users of tax-free alcohol.

Timetable: NPRM (Notice No. 369) published in **Federal Register** October 23, 1981; comment period closed January 21, 1982; final action scheduled for Fall 1983.

Title: Formulas for Denatured Alcohol and Rum

Agency Contact: Steve Simon, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 212.

Legal Authority: 26 U.S.C. 5241.

Abstract: To update, clarify, simplify, and recodify the regulations relating to formulas for denatured alcohol and rum.

Timetable: NPRM (Notice No. 364) published in **Federal Register** January 29, 1981; comment period closed March 30, 1981; final action scheduled for Spring 1983.

Title: Recodification of Wine Regulations (Subpart XX)

Agency Contact: James Hunt, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 170 (Subpart Z), 231 and 240 as 27 CFR Part 24.

Legal Authority: 26 U.S.C. 7805.

Abstract: To update, simplify, and clarify regulations relating to wine; and to incorporate ATF Rulings.

Timetable: NPRM scheduled for publication Spring of 1983.

Title: Recodification of Beer Regulations

Agency Contact: Charles Bacon, ATF Specialist/Coordinator.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 245.

Legal Authority: 26 U.S.C. 5051 *et seq.* and 26 U.S.C. 5401 *et seq.*

Abstract: To simplify and clarify regulations relating to the production and taxpayment of beer; to simplify and reduce paperwork and recordkeeping requirements imposed on industry; and to reflect technological advances in the beer industry since the regulations were last revised.

Timetable: NPRM scheduled for publication in the winter of 1982/83.

Title: U.S. Customs Service Certification on Distilled Spirits from Puerto Rico

Agency Contact: Robert White, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 250.

Legal Authority: 26 U.S.C. 7805.

Abstract: To change the U.S. Customs Service Certification on distilled spirits entering the United States from Puerto Rico.

Timetable: NPRM scheduled for publication in the **Federal Register** Fall of 1983.

PROCEDURES AND PRACTICES

Title: Losses Resulting from Disaster, Vandalism, or Malicious Mischief

Agency Contact: Jim Whitley, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Part 170 (Subpart O redesignated as 27 CFR Part 29 (Subpart A).

Legal Authority: 26 U.S.C. 5064 and 26 U.S.C. 7805.

Abstract: To streamline the processing of claims for customs duties and other miscellaneous amendments.

Timetable: NPRM publication in the **Federal Register** for the Spring of 1983.

TOBACCO PRODUCTS

Title: Shipment of Tobacco Articles from Puerto Rico to the United States and Related Amendments

Agency Contact: John Linthicum, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 270.187, 202; 275.11, 85, 101–114a, 117, 118, 121, 124, 135–142, 181, 183.

Legal Authority: 26 U.S.C. 7651.

Abstract: To eliminate U.S. Customs Service involvement in the shipment of Puerto Rican tobacco products to the United States and to eliminate direct ATF Supervision of Tobacco product shipments from Puerto Rico.

Timetable: NPRM scheduled for publication in the **Federal Register** Fall of 1983.

Title: Manufacturer's Identification on Tobacco Products Packages

Agency Contact: Steve Simon, ATF Specialist.

Effects on Small Businesses and Other Entities: None anticipated.

CFR Citation: 27 CFR Parts 270.11, 212; 275.163, 170, 172, 174; 290.11, 181, 185 and Subpart L; 295.42.

Legal Authority: 26 U.S.C. 5723.

Abstract: To liberalize requirements relating to manufacturer identification on tobacco products packages and to make other miscellaneous changes.

Timetable: NPRM scheduled for publication in the **Federal Register** Winter of 1982/83.

Part III—Completed Actions

Title: Transfer of Wine, Without Payment of Tax to Customs Bonded Warehouses

Agency Contact: Steve Simon, ATF Specialist.

FR Citation: 47 FR 20302.

Date of Final Action: May 12, 1982.

Type of Final Action: Treasury Decision (final rule); T.D. ATF–100.

Title: Edna Valley, CA—Viticultural Area

Agency Contact: Robert White, ATF Specialist.
FR Citation: 47 FR 20298.
Date of Final Action: May 12, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–101.

Title: Lancaster Valley, PA—Viticultural Area

Agency Contact: Charles Bacon, ATF Specialist/Coordinator.
FR Citation: 47 FR 20300.
Date of Final Action: May 12, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–102.

Title: Distribution and Use of Denatured Alcohol and Rum and Distribution and Use of Tax-Free Alcohol

Agency Contact: Norman Blake, ATF Specialist/Coordinator; John Linthicum, ATF Specialist.
FR Citation: 47 FR 22522.
Date of Final Action: May 25, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–103.

Title: Reduction of the Regulatory Requirements on Producers of Volatile Fruit Flavor Concentrate Plants

Agency Contact: Jim Whitley, ATF Specialist.
FR Citation : 47 FR 23920.
Date of Final Action: June 2, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–104.

Title: Hudson River Region, NY—Viticultural Area

Agency Contact: John Linthicum, ATF Specialist.
FR Citation: 47 FR 24293.
Date of Final Action: June 4, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–105

Title: Lime Kiln Valley, CA–Viticultural Area

Agency Contact: Roger Bowling, ATF Specialist/Coordinator.
FR Citation: 47 FR 24295.
Date of Final Action: June 4, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–106.

Title: Chalone, CA–Viticultural Area

Agency Contact: Norman Blake, ATF Specialist/Coordinator.
FR Citation: 47 FR 25517.
Date of Final Action: June 14, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–107.

Title: Paicines, CA—Viticultural Area

Agency Contact: Robert White, ATF Specialist.
FR Citation: 47 FR 35480.
Date of Final Action: August 16, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–108.

Title: Cienega Valley, CA—Viticultural Area

Agency Contact: Robert White, ATF Specialist.
FR Citation: 47 FR 36125.
Date of Final Action: August 19, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–109.

Title: Isle St. George, OH—Viticultural Area

Agency Contact: Charles Bacon, ATF Specialist/Coordinator.
FR Citation: 47 FR 36419.
Date of Final Action: August 20, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–110.

Title: Tax Returns for the Payment of Alcohol and Tobacco Products Excise Tax

Agency Contact: John Linthicum, ATF Specialist.
FR Citation: 47 FR 38521.
Date of Final Action: September 1, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–111.

Title: Livermore Valley, CA—Viticultural Area

Agency Contact: Robert White, ATF Specialist.
FR Citation: 47 FR 38519.
Date of Final Action: September 1, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–112.

Title: Finger Lake, NY—Viticultural Area

Agency Contact: Norman Blake, ATF Specialist/Coordinator.
FR Citation: 47 FR 38516.
Date of Final Action: September 1, 1982.
Type of Final Action: Treasury Decision (final rule); T.D. ATF–113.

Title: Grape Brandy

Agency Contact: James Hunt, ATF Specialist/Coordinator.
FR Citation: 47 FR 38553.
Date of Final Action: September 1, 1982.
Type of Final Action: Notice of Withdrawal; Notice No. 421.

TABLE OF ABBREVIATIONS

Abbreviation	Meaning
ANPRM	Advance notice of proposed rulemaking.
ATF	Bureau of Alcohol, Tobacco and Firearms.
CFR	Code of Federal Regulations.
DSP	Distilled Spirits Plants.
E.O.	Executive Order.
FR	Federal Register.
FAA Act	Federal Alcohol Administration Act.
New	New regulation is proposed.
NPRM	Notice of proposed rulemaking.
OFR	Office of the Federal Register.
OMB	Office of Management and Budget.
Pub. L.	Public Law.
Res.	Rescission of an existing regulation.
Rev.	Revision or amendment of an existing regulation.
T.D.	Treasury decision.
T.D. with N.	[Temporary] Treasury decision with notice.
T.D. w/o N.	Treasury decision without notice.
Treasury	Department of the Treasury.

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Comptroller of the Currency

12 CFR Ch. 1

Semiannual Agenda of Regulatory Actions

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Semiannual Agenda of Regulations.

SUMMARY: As required by the Regulatory Flexibility Act and Executive Order 12291, the Office of the Comptroller of the Currency (Office) has prepared this semiannual agenda of its rules and regulations currently under review and scheduled for review. Also included is a list of regulatory actions taken since the publication of the Office's previous semiannual agenda on April 29, 1982 (47 FR 18476). It is expected that this semiannual agenda will enable the public to be more aware of, and allow it to more effectively participate in, the Office's regulatory activity.

FOR FURTHER INFORMATION CONTACT: For general information about this semiannual agenda contact John Ference, Financial Analyst, Regulations Analysis Division, (202) 447–1177.

For additional information about a particular item on this semiannual agenda contact the individual identified as the contact person.

ADDRESS: The mailing address for all contact persons is: Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, S.W., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: This agenda is organized as follows: Section

A concerns current and projected rulemakings; Section B concerns reviews of existing regulations; Section C concerns recently completed regulatory actions. "PRIORITY" regulations, which are those regulations designated for priority development or review by the Comptroller or designated for review by the Presidential Task Force on Regulatory Relief, are identified as such and are listed first in each applicable section of this semiannual agenda. The Office has determined that none of the rulemakings discussed in this semiannual agenda requires a regulatory flexibility analysis; all entries either have been determined not to have a "significant impact on a substantial number of small entities," are interpretive rulings, or were the subject of a notice of proposed rulemaking prior to December 31, 1980. Such items are not subject to the provisions of the Act. Additionally, none of the rules is a "major" rule as defined by Executive Order 12291. Executive Order 12291 defines a "major" rule as one likely to result in:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: September 13, 1982.

C. T. Conover,

Comptroller of the Currency.

Section A: Current and Projected Rulemakings

RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES

Agency Contact Person: Patrick M. Frawley, Deputy Director, Bank Organization and Structure Division, Telephone (202) 447-1184.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 5.

Legal Authority: 12 U.S.C. 1 *et seq.*

Abstract: THIS IS A "PRIORITY" REGULATION.

The Office is currently engaged in a comprehensive review of its rules, policies, and procedures governing corporate activities. Several revisions of the requirements of Part 5 have already been issued. However, several other amendments and policy revisions are being considered. These include the Office's policies and procedures concerning:

—Mergers.
—Trust bank charters.
—Rights of shareholders to OCC appraisal of their bank stock.
—Applications for changes in bank capital.
—Operating subsidiaries.
—Bank employee benefit plans.

On July 9, 1982 (47 FR 29823), the Office issued a final rule that included its policy statements and rules concerning applications to establish domestic branches, seasonal agencies, and customer-bank communication terminals (CBCT's), as well as applications to change the location of head offices, domestic branches, and CBCT's.

Significant streamlining was achieved in all of these areas. Consistent with the policy already enunciated in other revisions, these changes reflect a reduced Office concern with economic and competitive information and an increased willingness to let the applicants judge the marketplace and business opportunities.

The Office has begun developing a revision to the application and decision process for title-change requests by national banks. After conducting a study of this subject, the Office will propose to define the application and decision process by formal regulation rather than policy statement, as is currently done. This change is intended to minimize regulatory interference with bank management's judgment in choosing a title and to clarify the standards which the Office uses in evaluating corporate title change applications.

Timetable: NPRM Docket No. 81-13 (46 FR 38925) concerning CBCT's, Head Offices and Branches published July 30, 1981. NPRM Docket No. 81-15 (46 FR 42228) concerning National Trust Company Applications published August 19, 1981. Correction notices published December 4, 1981 (46 FR 59232) and January 5, 1982 (47 FR 132). Final rule Docket No. 82-13 (47 FR 29823) concerning CBCT's, head offices, and branches published July 9, 1982.

DEFINITION OF CAPITAL

Agency Contact Person: Robert B. Norris, National Bank Examiner, Telephone (202) 447-1165.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.1100.

Legal Authority: 12 U.S.C. 84.

Abstract: The amount of capital held by a bank affects the maximum it may lend to a single entity or group of related entities, the amount of investment securities of a single issuer it may hold, other investment limits, borrowings, and branching capabilities. The Office is reviewing its interpretive ruling defining the components of capital to make it more accurately reflect current banking practices. A notice of proposed rulemaking was issued on July 24, 1980 (45 FR 49276), on which almost 800 comment letters were received. After lengthy analysis, the Office issued a revised notice of proposed rulemaking on August 10, 1981 (46 FR 40520), that would redefine capital to include 100 percent of the reserve for loan losses. Mandatory convertible instruments would be included for the first time, and an amortization schedule would be applied to determine when limited life preferred stock and subordinated notes and debentures are not to be included. In addition, a policy statement setting out an analytical framework by which the Office would evaluate a bank's capital for purposes of capital adequacy was included. Comments received have been reviewed and drafting of a final rule is underway.

Timetable: NPRM Docket No. 80-6 (45 FR 49276) published July 24, 1980. NPRM Docket No. 81-14 (46 FR 40520) published August 10, 1981. Final rule expected to be published in early 1983.

INDEMNIFICATION OF BANK DIRECTORS AND PERSONNEL

Agency Contact Person: Andrew Levinson, Senior Attorney, Securities and Corporate Practices Division, Telephone (202) 447-1954.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.5217.

Legal Authority: 12 U.S.C. 24.

Abstract: The Office is reviewing this interpreative ruling which sets forth the conditions under which a national bank may indemnify bank directors and personnel.

Alternative approaches are being considered, together with revisions of other rules affecting the corporate governance of national banks with a view toward developing uniform federal standards.

Timetable: ANPRM (45 FR 8025) published April 7, 1980. NPRM expected to be published in late 1983.

DATA PROCESSING SERVICES

Agency Contact Person: Alan Priest, Attorney, Legal Advisory Services Division, Telephone (202) 447-1880.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.3500.

Legal Authority: 12 U.S.C. 24(7).

Abstract: This interpretive ruling concerns national bank data processing activity. Revision is currently under consideration in light of recent major technological advances.

Timetable: ANPRM Docket No. 80–1 (45 40613) published June 16, 1980. NPRM expected to be published in late 1982.

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Agency Contact Person: Richard Galin, Attorney, Securities and Corporate Practices Division, Telephone (202) 447–1954.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 9.

Legal Authority: 12 U.S.C. 1 *et seq.*

Abstract: Comments in response to a prior rulemaking included recommendations that additional amendments should be made to 12 CFR Part 9. The Office believes that the issues raised by the commenters can best be addressed through a comprehensive review of its regulations concerning national bank fiduciary powers and collective investment funds. The Office requested comments from the public as to the desirability and feasibility of a comprehensive review of its trust regulations, including specific matters which should be addressed.

Timetable: Prior rulemaking—Final rule Docket No. 80–16 (46 FR 71571) published October 29, 1980. ANPRM Docket No. 82–12 (47 FR 27833) published June 25, 1982. NPRM expected to be published in early 1983.

REGISTRATION OF NATIONAL BANK TRANSFER AGENTS

Agency Contact Person: Tyler Tullos, National Trust Examinations Officer, Trust Examinations Division, Telephone (202) 447–1731.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 9.

Legal Authority: Securities Exchange Act of 1934 (15 U.S.C. 78).

Abstract: The Office, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission agreed to adopt a uniform format for transfer agent reporting. Through rulemaking, the Office intends to adopt a simplified and standardized Form TA–1 (registration or amendment to registration) to standardize the reporting format, and proposes extension of the time, from 21 days to 60 days, for filing amendments to registration. The standardizing and liberalizing changes proposed will reduce the recordkeeping and reporting burdens on registered transfer agents.

Timetable: NPRM Docket No. 82–8 (47 FR 23473) published May 28, 1982. Final rule expected to be published in late 1982.

SECURITIES EXCHANGE ACT DISCLOSURE RULES

Agency Contact Person: Eric Thompson, Assistant Director, Securities and Corporate Practices Division, Telephone (202) 447–1954.

Effects on Small Businesses and Other Entities: See "Summary" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 11.

Legal Authority: 15 U.S.C. 78

Abstract: On January 29, 1981, the Office published a notice of proposed rulemaking (46 FR 9618) suggesting a series of amendments to its securities disclosure regulation. The proposed amendments govern such matters as the form and content of financial statements of national banks, prescribed formats for financial statements and schedules, and requirements prohibiting the falsification of accounting records and misrepresentations by officers and directors of national banks.

The Office is working with the Securities and Exchange Commission (SEC) to minimize the regulatory burden of the Securities Exchange Act disclosure requirements. The Office and the SEC are also working together to redraft this regulation to make it more understandable. The Office is particularly interested in meeting these goals in order to facilitate the development of conforming regulations concerning Securities Exchange Act disclosure requirements.

Timetable: NPRM Docket No. 81–3 (46 FR 9618) published January 29, 1981. Another NPRM expected to be published in late 1982.

REQUIRED NOTIFICATION TO NOMINATE BANK DIRECTORS

Agency Contact Person: Jerome Edelstein, Attorney, Legal Advisory Services Division, Telephone (202) 4471–880.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 17.

Legal Authority: 12 U.S.C. 1 *et seq.*

Abstract: This regulation states that national banks may adopt bylaws or articles of association that require any shareholder proposing to nominate a director, other than a management nominee, to file certain information in advance with the Office and the bank. A proposal to rescind this regulation was published in the **Federal Register** on April 14, 1980 (45 FR 25078). Because of the comments received on that proposal, the Office is now considering retaining the regulation in revised form. Alternative approaches are being considered together with revisions of other rules affecting the corporate governance of national banks with a view toward developing uniform federal standards.

Timetable: NPRM (45 FR 25078) published April 14, 1980. Another NPRM expected to be published in late 1982.

ADJUSTABLE-RATE MORTGAGES (ARM's)

Agency Contact Person: Francis S. Rath, Attorney, Legal Advisory Services Division, Telephone (202) 447–1880, or David Nebhut, Financial Economist, Banking Research and Economic Analysis Division, Telephone (202) 447–1825.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 29.

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a, 371(g).

Abstract: This rulemaking proposes revisions to 12 CFR Part 29, published March 27, 1981 (46 FR 18932) and amended April 1, 1982 (47 FR 13775). The movement from standard fixed-rate mortgages to a variety of alternative mortgage instruments including ARM's occurred more rapidly than expected; mortgage lenders other than national banks have received increased flexibility in mortgage products offered; and a secondary market in ARM's has developed. These factors require that the Office consider further revision to 12 CFR Part 29. The proposed revisions will benefit national banks by increasing their ability to design ARM instruments that meet the diverse needs of their customers.

Timetable: NPRM Docket No. 82–9 (47 FR 23944) published June 2, 1982. Final rule expected to be published in late 1982.

REAL ESTATE LOANS: DUE-ON-SALE CLAUSES

Agency Contact Person: Jonathan Fiechter, Director, Banking Research and Economic Analysis Division, Telephone (202) 447–1914, Andrew Levinson, Senior Attorney, Securities and Corporate Practices Division, Telephone (202) 447–1954, or Francis S.

Rath, Attorney, Legal Advisory Services Division, Telephone (202) 447-1880.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12.CFR Part 30.

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a, 371(g).

Abstract: On September 23, 1981, the Office issued notice of proposed rulemaking Docket No. 81-18 (46 FR 46964) which would validate the inclusion of due-on-sale clauses in real estate loans made by national banks, and make such clauses fully enforceable.

Approximately 20 states have laws limiting the enforceability of due-on-sale clauses. These laws, in the form of judicial decisions or statutes, generally provide that enforcement of the clauses will be allowed only where the lender can demonstrate that its security is impaired by the transfer of the property. The proposed regulation is intended to make fixed-rate mortgage loans more viable financing vehicles for national banks by according them the opportunity to invest, at market rates of interest, funds they reasonably expected would be available, given the average turnover rate for real property. The comment period ending November 23, 1981. Over 1,100 comments concerning the notice of proposed rulemaking were received. Those comments are being considered in the drafting of the final rule.

Timetable: NPRM Docket No. 81-18 (46 FR 46964) published September 23, 1981. Final rule expected to be published in late 1982.

ACCRUAL ACCOUNTING

Agency Contact Person: Rhoger Pugh, National Bank Examiner, Commercial Examinations Division, Telephone (202) 447-1164.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 31 (proposed).

Legal Authority: 12 U.S.C. 1 *et seq.*, 93a.

Abstract: The Office is developing a new regulation to require the adoption of accrual accounting by all national banks, as recommended by the Federal Financial Institutions Examination Council. The proposed regulation would make uniform the method by which all national banks maintain their financial records. Currently, all banks with assets in excess of $25 million and many banks with assets of less than $25 million routinely maintain internal accounts on the accrual basis. The proposed regulation is intended to assist bank management, in those banks that now use the cash basis, in making more informed operating and policy decisions, and to assure that the financial data national banks provide to federal regulators and make available to bank shareholders, customers, and the general public are timely, consistent, and fairly presented. The Office is very concerned about the cost of conversion to accrual accounting and the annual cost of maintaining the system. Cost factors will be carefully considered in the development of a final rule.

Timetable: NPRM Docket No. 82-4 (47 FR 17069) published April 21, 1982. Final rule expected to be published in late 1982.

Section B—Reviews of Existing Regulations

CHARITABLE FOUNDATIONS AND CONTRIBUTIONS

Agency Contact Person: Coreen Arnold, Financial Analyst, Regulations Analysis Division, Telephone (202) 447-1177.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.7445 and 7.749.

Legal Authority: 12 U.S.C. 24(8).

Abstract: These interpretive rulings permit national banks to establish and contribute to charitable foundations as well as limit the amount which a national bank may contribute to charity. Both rulings are being reviewed to determine whether any modifications are necessary. Subjects under review include defining the term charitable, defining contributions to include grants of the right to receive income from assets (commonly securities) owned by the bank, changing the contribution limitation to be consistent with higher tax limitations in the Economic Recovery Tax Act of 1981, and aggregating contributions to charitable trusts and other charities.

Timetable: NPRM expected to be published in early 1983.

REPORTING OF BANK-RELATED CRIMES AND MYSTERIOUS DISAPPEARANCES OF FUNDS

Agency Contact Person: Peggy Shriner, National Bank Examiner, Commercial Examinations Division, Telephone (202) 447-1165.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR 7.5225.

Legal Authority: 12 U.S.C. 1 et seq., 93a, 1818, 1881 *et seq.*

Abstract: This ruling governs the reporting of crimes involving bank personnel or bank funds. The Office is considering changing the ruling into a regulation and making revisions to decrease the reporting requirements of banks. Topics under review include the number of offices with which reports must be filed, the $1,000 threshold for reporting mysterious disappearances of funds, and the range of crimes intended to be covered by the reporting requirements.

Timetable: NPRM is expected to be published in late 1982.

MANAGEMENT INTERLOCKS

Agency Contact Person: Jerome Edelstein, Attorney, Legal Advisory Services Division, Telephone (202) 447-1880.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 26.

Legal Authority: 12 U.S.C. 3201 *et seq.*

Abstract: The Office is developing amendments to this regulation to clarify, simplify, and relax current restrictions on management interlocks. The changes are intended to limit the extent to which the prohibitions apply to depository holding companies and certain management officials, and to reduce the need for institutions to seek exceptions under the regulations. The proposed amendments are being coordinated with substantially similar proposals by the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, and the National Credit Union Administration. The changes are also intended to implement recent amendments to the Depository Institutions Management Interlocks Act.

Timetable: NPRM pertaining to reinstatement of previously grandfathered officials expected to be published in late 1982. NPRM addressing other changes expected to be published in late 1982. Final rule implementing statutory revisions expected to be published in late 1982.

FAIR HOUSING HOME LOAN DATA SYSTEM

Agency Contact Person: Patrick J. Marr, Senior Fair Lending Specialist, Consumer Examinations Division, Telephone (202) 447-1600.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 27.

Legal Authority: 15 U.S.C. 1 *et seq.*, 481, 1818; 15 U.S.C. 1691 *et seq.*; 42 U.S.C. 3601 *et seq.*

Abstract: This regulation requires national banks to record and retain information on the age, race, sex, and marital status of applicants for loans for the purchase or construction of residential real property. Its purpose is to gather data necessary to detect possible credit discrimination. The Office is reviewing this regulation to determine whether it is achieving its intended result in view of the reporting and recordkeeping burdens it imposes. Further, the Congress has mandated that a study be conducted by the Federal Financial Institutions Examination Council (FFIEC) to evaluate the functioning of the systems and procedures being used by each of the five constituent agencies (Federal Reserve Board, Federal Deposit Insurance Commission, Federal Home Loan Bank Board, National Credit Union Administration, and the Office) in their efforts to enforce the fair housing lending statutes, the Community Reinvestment Act, and the Home Mortgage Disclosure Act. That study has been completed and the FFIEC is expected to submit it to the Congress by September 30, 1982.

The Office's rulemaking actions concerning the Fair Housing Home Loan Data System will be predicated on the results of the Office review to determine the efficiency of this regulation and Congress's actions pursuant to the mandated FFIEC study.

Timetable: A decision regarding rulemaking action is expected to be made after Congressional review of the mandated study and Office review of the regulation. The latter review is scheduled for completion in March 1983.

Section C—Completed Actions

RULES, POLICIES, AND PROCEDURES FOR CORPORATE ACTIVITIES: ESTABLISHMENT OF A DOMESTIC BRANCH, SEASONAL AGENCY, CBCT (CUSTOMER-BANK COMMUNICATION TERMINAL) BRANCHES, AND CHANGE IN LOCATION OF A HEAD OFFICE, DOMESTIC BRANCH, OR CBCT

Agency Contact Person: James E. Brennan, Manager, Policy and Procedures, Bank Organization and Structure Division, Telephone (202) 447-1184.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of the Semiannual Agenda.

CFR Citation: 12 CFR Part 5.

Legal Authority: 12 U.S.C. 1 *et seq.*

Abstract: THIS IS A PRIORITY REGULATION.

As discussed in SECTION A of this Semiannual Agenda, the Office, on July 9, 1982, issued final rule Docket No. 82-13 (47 FR 29823), that included its policy statements and rules concerning applications to establish domestic branches, seasonal agencies, and customer-bank communication terminals (CBCT's), as well as applications to change the location of head offices, domestic branches, and CBCT's. Significant streamlining was achieved in all of these areas. Consistent with the policies already enunciated in other revisions, these policies reflect a reduced Office concern with economic and competitive information and an increased willingness to let the applicants judge the marketplace and business opportunities.

Timetable: NPRM Docket No. 81-13 (46 FR 38925) published July 30, 1981. Final rule Docket No. 82-13 (47 FR 29823) published July 9, 1982.

DISPOSITION OF CREDIT LIFE INSURANCE INCOME

Agency Contact Person: Ford Barrett, Assistant Chief Counsel, Telephone (202) 447-1896.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 2.

Legal Authority: 12 U.S.C. 1 *et seq.*, 24(7), 60, 73, 92, 93a and 1818(n).

Abstract: On July 20, 1982, the Office issued a final rule that amended 12 CFR Part 2. The final rule clarifies the permissibility of bonuses and incentives to bank employees for credit life insurance sales and describes the circumstances under which credit life insurance income may be allocated to bank holding company affiliates other than the bank. The final rule also deletes unnecessary provisions.

Timetable: NPRM Docket No. 82-1 (47 FR 3555) published January 26, 1982. Final Docket No. 82-14 (47 FR 31376) published July 20, 1982.

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Agency Contact Person: Dean E. Miller, Deputy Comptroller for Specialized Examinations, Telephone (202) 447-1731.

Effects on Small Businesses and Other Entities: See "SUMMARY" portion of this Semiannual Agenda.

CFR Citation: 12 CFR Part 9.

Legal Authority: 12 U.S.C. 92a.

Abstract: On June 25, 1982, the Office issued final rule Docket No. 82-10 (47 FR 27828) that included amendments which: (i) delete the definition of the term "equity security" from Part 9; (ii) require a national bank which exercises investment discretion with respect to customer accounts to adopt and follow written policies and procedures intended to ensure that its brokerage placement practices, including the use of brokerage commissions to purchase research and other services, comply with applicable law; (iii) specify a three-year retention period for required trust department records, unless applicable law prescribes a different period; (iv) require a national bank to adopt and follow written policies and procedures generally intended to ensure that the maximum return available for "trust-quality," short-term investments be obtained on trust funds awaiting investment or distribution; and (v) describe the conditions under which trust powers can be revoked. In addition, the Office adopted four proposals that affect collective investment funds. These amendments: (i) require valuation of fund assets at either market value or at fair value determined in good faith by funds trustees in certain circumstances; (ii) permit a one-year prior notice requirement for withdrawals from an employee benefit collective investment fund, if such fund invests in real estate or other illiquid assets; (iii) permit a fund's liquidity level to be determined on the basis of anticipated needs of the fund, rather than a specified percentage of fund assets; and (iv) permit the valuation on a cost basis of short-term investment funds, if certain conditions are satisfied.

Timetable: Final rule Docket No. 82-10 (47 FR 27828) issued June 25, 1982. In a related rulemaking (ANPRM Docket No. 82-12 (47 FR 27833) discussed in SECTION A of this semiannual agenda), the Office announced that it is giving consideration to further amendments to 12 CFR Part 9 and requested the views of the public regarding such possible action.

[FR Doc. 82-28108 Filed 10-27-82; 8:45 am]

BILLING CODE 4810-33-M

Customs Service

19 CFR Ch. I

Semiannual Agenda

AGENCY: Customs Service, Treasury.

ACTION: Semiannual agenda.

SUMMARY: In response to Pub. L. 96-354, the "Regulatory Flexibility Act," and Executive Order 12291, "Federal Regulation," Customs has prepared and is publishing for public information a list of regulations either under development or under review.

FOR FURTHER INFORMATION CONTACT: For additional information regarding the substance of any particular regulatory project described in the agenda, please communicate with the person identified as the "Agency Contact." All agency contact persons are located at U.S. Customs Service Headquarters, the address of which is noted below. Comments or inquiries of a general nature about the agenda itself should be directed to Todd J. Schneider, Regulations Control Branch, Office of Regulations and Rulings, Headquarters, U.S. Customs Service, Room 2426, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-8237).

SUPPLEMENTARY INFORMATION:

Background

Public Law 96-354, the "Regulatory Flexibility Act" (RFA), and Executive Order (E.O.) 12291 of February 17, 1981, "Federal Regulations," require semiannual publication, in April and October of each year, of an agenda of regulations which are "likely to have a significant economic impact on a substantial number of small entities" and "major" regulations, respectively. The RFA and E.O. 12291 also require agencies to include in their agendas currently effective rules which are, or in the case of the RFA after July 1, 1981, will be under agency review. Customs combined agenda includes a brief abstract of each regulatory project ("project") being considered, an indication of whether the project will have an RFA impact, the section(s) of the Code of Federal Regulations affected, the legal authority for the action being taken, the name, title, and telephone number of an agency contact and, where applicable, an approximate timetable of completing action on any project for which Customs has published a notice of proposed rulemaking. In addition, subsequent agendas will show the status of projects referred to in the previously published agenda.

Executive Order 12291 revoked E.O. 12044, "Improving Government Regulations." However, to maintain continuity with projects previously listed on Customs semiannual agenda of "significant" regulations published on August 1, 1980, pursuant to E.O. 12044 (45 FR 51496), those projects are listed in this combined agenda.

The following is the fourth semiannual agenda to be published by Customs under the RFA and E.O. 12291. It has been determined that none of the projects listed as being under development meets the standards required of a "major" regulation provided in E.O. 12291.

General statutory authority for the development or review of regulations relating to Customs matters is found in section 301, title 5, United States Code (5 U.S.C. 301), and in sections 66 and 1624, title 19, United States Code (19 U.S.C. 66, 1624). If a project is initiated under the foregoing general authority, it is so noted after the heading "Legal Authority" in the body of the agenda item for that project. When appropriate, specific statutory authority is indicated as the legal authority for the project.

In accordance with Department of the Treasury policy, no action, other than preliminary studies may be taken on any project for which a notice of proposed rulemaking has not been published without Secretarial approval of a "work plan", or waiver of the plan. For a project which is in an early stage of preparation, no work plan is available to the public. However, projects which either have had work plans approved or are the subject of documents published in the **Federal Register** (FR) as an advance notice of proposed rulemaking (ANPRM), a notice of proposed rulemaking (NPRM) or a final rule-Treasury Decision (T.D.), are identified by work plan number or Federal Register citation. Approved work plans are available to the public under the provisions of the Freedom of Information Act, as amended (5 U.S.C. 552), and Part 103, Customs Regulations (19 CFR Part 103). Requests should be addressed to the Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2426, Washington, D.C. 20229.

By direction of the Secretary of the Treasury.

Dated: September 14, 1982.

Alfred R. DeAngelus,

Acting Commissioner of Customs.

Current and Projected Rulemakings

Title: Air Commerce

Agency Contact: John Mathis, Attorney (202-566-5706).

Effects on Small Businesses and Other Entities: Regulatory Flexibility Act (RFA) not applicable.

CFR Citation: 19 CFR Parts 6 and 10.

Legal Authority: General.

Abstract: Establish new rules for (1) duty-free trade in civil aircraft, and (2) dutiability of foreign repairs to, and foreign purchases of parts and materials for, U.S. registered civil aircraft. Implement Title VI, Civil Aircraft Agreement, of Pub. L. 96-39, "Trade Agreements Act of 1979." Cost/benefit analysis contained in *Trade Agreements Act of 1979 Statements of Administrative Action,* House Document No. 96-153, Part II, pp. 507-510.

Timetable: Work Plan 79-30 approved; NPRM published January 8, 1980 (45 FR 1633); draft T.D. in Customs review; expected publication Winter 1982.

Title: Customs Bonded Warehouses

Agency Contact: Joseph Palmer, Auditor (202-566-2812).

Effects on Small Businesses and Other Entities: An initial regulatory flexibility analysis was attached to the NPRM as Appendix A. A final regulatory flexibility analysis in attached to the T.D. now in review as Appendix E.

CFR Citation: 19 CFR Parts 10, 18, 19, 24, 113, 125, 132, 142 and 144.

Legal Authority: 19 U.S.C. 1311, 1312, 1555, 1556, 1557, 1623, 1646a.

Abstract: The project would revise extensively the Customs Regulations relating to the control of merchandise in Customs bonded warehouses to modernize procedures, reduce costs to the public, and reduce Customs staffing at bonded warehouses.

Timetable: Work Plan 81-9 approved; NPRM published on March 4, 1982 (47 FR 9225); T.D. in review at Treasury Department; expected publication Fall 1982.

Title: Entry of American Goods Exported and Returned

Agency Contact: Herbert Geller, Operations Officer (202-566-5307).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR Parts 10 and 143.

Legal Authority: 19 U.S.C. 1481, 1484, 1498.

Abstract: Establish informal entry procedures for certain American goods returned, not advanced in value or improved in condition while abroad. Implement provisions of section 202 of Pub. L. 96-609 that require amendment. Would benefit importers who would be able to use informal entry procedures which are less costly, complex, and time consuming than formal entry procedures.

Timetable: Work Plan 81-14 approved; NPRM published March 18, 1982 (47 FR 11706); T.D. under development pending paperwork reduction impact study; expected publication Winter 1982.

Title: Drawback

Agency Contact: George Steuart, Chief, Drawback and Bonds Branch (202-566-5856).

Effects on Small Businesses and Other Entities: Determination as to RFA impact will be made after close of comment period and analysis of comments received. Any required RFA analysis will be published with T.D., if it is decided to proceed with project.

CFR Citation: 19 CFR Part 22.

Legal Authority: General.

Abstract: Revision of drawback regulations to modernize procedures relating to claims for drawback made by exporters. Project undertaken under mandate for review of currently effective rules set forth in E.O. 12291. Later enactment of section 201 of Pub. L. 96–609 required substantive amendments.

Timetable: NPRM published August 26, 1982 (47 FR 37563); comment period closes November 24, 1982.

Title: Customhouse brokers.

Agency Contact: Scott Shreve, Chief, Entry Examination Liquidation Branch (202–566–8121).

Effects on Small Businesses and Other Entities: Determination of RFA impact to be made concurrent with publication of NPRM.

CFR Citation: 19 CFR Part 111.

Legal Authority: 19 U.S.C. 1641.

Abstract: Amend Customs. Regulations to clarify responsibilities of customhouse brokers and to ensure uniform compliance with applicable regulations. Customs has under consideration as part of project issue of extent to which brokers should be regulated.

Timetable: Work Plan 79–5 approved; NPRM pending Commissioner's approval of revised Brokers Task Force Report; expected publication Winter 1982.

Title: Customs Bonds

Agency Contact: Joseph Goody, Operations Officer (202–566–5994).

Effects on Small Businesses and Other Entities: Determination on RFA impact to be made after receipt of comments received in response to expected NPRM.

CFR Citation: 19 CFR Part 113.

Legal Authority: 19 U.S.C. 1623.

Abstract: Consolidation of Customs bonds and related forms to simplify bond structure and language preparatory to automated program. Project would simplify transactions between Customs and importing public by clarifying bond language and reducing number of bonds.

Timetable: ANPRM published May 26, 1981 (46 FR 28172); NPRM pending further study; expected publication Winter 1982.

Title: Contiguous Countries; Railroad Equipment

Agency Contact: John Mathis, Attorney (202–566–5706).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR 123.12, 123.14.

Legal Authority: General.

Abstract: Admission of empty foreign railroad equipment without entry and payment of duty in certain instances. Clarify permitted use of foreign railroad equipment in U.S. The project would benefit importers by removing a hindrance to strictly international traffic, while retaining the prohibition against diversions of foreign locomotives and railroad equipment to unpermitted point-to-point local traffic.

Timetable: Work Plan 81–7 approved; NPRM published August 27, 1982 (47 FR 37924); comment period closes October 26, 1982.

Title: Copyright

Agency Contact: Samuel Orandle, Attorney (202–566–5765).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR Part 133.

Legal Authority: 17 U.S.C. 1603.

Abstract: Amendments to Customs Regulations relating to recordation of copyrights with Customs, to implement provisions of Pub. L. 94–533, "Copyright Act of 1976." The project would reduce administrative costs to Customs and copyright applicants.

Timetable: Work Plan 82–17 approved; NPRM under development; expected publication Winter 1982.

Title: Entry of Merchandise; Special Permits for Immediate Delivery

Agency Contact: William Wagner, Operations Officer (202–566–5307).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR Parts 141 and 142.

Legal Authority: 19 U.S.C. 1484.

Abstract: Revise Consumption Entry (Customs Form 7501) to accommodate new entry procedures set forth in Pub. L. 95–410, "Customs Procedural Reform and Simplification Act of 1978." The project would improve the procedures used by Customs for the entry of imported merchandise and the collection of statistics, and reduce the paperwork burden on the importing community by eliminating forms and assuring that only necessary information will be collected.

Timetable: Work Plan 80–18 approved; NPRM, revised CF 7501 and instructions, in review at Treasury Department; expected publication Fall 1982.

Title: Entry of Merchandise; Bonds

Agency Contact: Herbert Geller, Operations Officer (202–566–5307).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR Part 142.

Legal Authority: 19 U.S.C. 1623.

Abstract: Acceptance of formal entries with unsecured bonds for certain importations. The project would decrease costs to an importer of merchandise valued less than $1000.

Timetable: Work Plan 81–15 approved; NPRM under development; expected publication Winter 1982.

Title: Foreign-Trade Zones

Agency Contact: Russell Berger, Attorney (202–566–5856).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR 146.25.

Legal Authority: 19 U.S.C. 1557(a).

Abstract: Remove zone-restricted status from merchandise admitted to a foreign-trade zone from Customs bonded warehouse, to permit use of that merchandise in zone manufacturing operations. The project would remove a restriction on commerce and allow greater utilization of zones by increasing manufacturing therein.

Timetable: Work Plan 81–27 approved; NPRM published May 13, 1982 (47 FR 20627); comments being analyzed.

Title: Trade Fairs

Agency Contact: William Rosoff, Attorney (202–566–5856).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR 147.45.

Legal Authority: 19 U.S.C. 81h.

Abstract: Removal of trade fair merchandise from foreign-trade zones for consumption only with permission of Foreign-Trade Zones Board. The project is necessary to comply with provisions of Pub. L. 91–692, and avoid possible misinterpretation of existing regulation.

Timetable: Work Plan 82–1 approved; NPRM under development; expected publication Winter 1982.

Title: Personal Declaration and Exemption

Agency Contact: Kevin Cummings, Operations Officer (202–566–5706).

Effects on Small Businesses and Other Entities: No RFA impact.

CFR Citation: 19 CFR 148.73.

Legal Authority: General.

Abstract: Amend Customs Regulations to require that all persons entering the U.S. on military carriers execute a written baggage declaration, thus eliminating inconsistency with DOD regulations. The project would discourage the introduction into U.S. of contraband and encourage payment of duty on imported merchandise.

Timetable: Work Plan 81–16 approved; NPRM pending paperwork reduction impact study; expected publication Winter 1982.

Completed Actions

Title, Agency Contact, and Federal Register Citation

Air Commerce: John Mathis (202–566–5706), T.D. 82–92 published May 14, 1982 (47 FR 20750).
Endangered Species—Antiques: Harrison Feese (202–566–8651), T.D. 82–148 published August 23, 1982 (47 FR 36630).
Carnets (E.C.S./A.T.A.): Jerrold Worley (202–566–8551), T.D. 82–116 published June 24, 1982 (47 FR 27260)
Transportation In Bond—Short Shipments: William Marchi (202–566–2957), T.D. 82–158 published August 27, 1982 (47 FR 37880).
Entry of Merchandise: James Bartley (202–566–5765), T.D. 82–134 published July 27, 1982 (47 FR 32416).
Registration of Merchandise: Joseph O'Gorman (202–566–8157), T.D. 82–102 published June 3, 1982 (47 FR 24117).

[FR Doc. 82–28109 Filed 10–27–82; 8:45 am]

BILLING CODE 4820–02–M

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of August 1, 1982, that the Internal Revenue Service will be developing from August 1, 1982, through March 31, 1983. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: Robert A. Bley, Executive Assistant to the Director, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR. 202–566–3331, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Treasury Directive 50–04.F, "Criteria and Procedures for the Preparation, Review, and Approval of Regulations," and section 602 of the Regulatory Flexibility Act and the Treasury Directive implementing that Act all require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** of Friday, April 15, 1983.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of July 31, 1982, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into four parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive 50–04.F. Part IV lists the various regulation projects closed since February 28, 1982, which was the closing date with respect to which the last semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the last semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. 1954 Code Section, File Number, and RFA

The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained. If the project is subject to the Regulatory Flexibility Act, the note "RFA" appears in this column.

2. Subject, Drafter, and Reviewer

The second column names the part of Title 26 of the Code of Federal Regulations to be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. Office in which Pending and Status

The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. Regulatory Analyses

If the regulation project is subject to the Regulatory Flexibility Act and a notice of proposed rulemaking has been published with respect to the project, a target date for publication of final regulations appears in this column. If a regulatory analysis or a regulatory flexibility analysis is required for a project, a note to this effect and whether the regulatory analysis or regulatory flexibility analysis has been prepared appears in this column.

By direction of the Secretary of the Treasury

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 3, 4, 144—LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (Rev. Act 1971. §§ 206, 301 (b), (c); TRA 1976, § 501) (Haglund/Saverude—TLC-Lerman/Levinson).	LR—In LR for prep of notice.
§§ 11, 21—LR-33-76	Inc. Tax—Part 1—Corporate tax rates & surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901 (a), (c)(2)) (Saverude—TLC).	LR—In LR for prep of notice.
§ 44A—LR-214-81	Inc. Tax—Part 1—Increase in child care credit (ERTA 1981, § 124) (Kroening/Woo).	LR—In LR for prep of notice.
§ 44C (b)(2), (c) (2), (5)—LR-73-80	Inc. Tax—Part 1—Joint ownership of energy items & renewable energy source expenditures for purposes of the residential energy credit to conform to §§ 201(a) & 202 of the Crude Oil Windfall Profit Tax Act 1980 (Woo/Bromell).	LR—In LR for prep of notice.
§§ 44C, 6050D—LR-74-80	Inc. Tax—Part 1—Secretarial authority under residential energy credit (Crude Oil Windfall Profit Tax Act 1980, § 201(b)) (Woo/Bromell—TLC-Schuldinger).	Treasury—10/15/80 Notice Pub. 4/30/81 Hrg. held 1/26/82 T.D. to Treasury for formal approval.
§ 44D—LR-75-80	Inc. Tax—Part 1—To add provisions under Code sec. 44D (re. credit for producing fuel from a non-conventional source) to conform to sec. 231, Crude Oil Windfall Profit Tax Act of 1980.	TCL—11/20/81 Draft of notice to TLC & T:C; 12/14/81 Comments from T:C.
§ 44F—LR-6-82	Inc. Tax—Part 5c—Temp. Regs.—Credit for increasing research activities (ERTA 1981, § 221) (Bouma/Francis—TLC-Furer).	TLC—6/30/82 Draft of T.D. to TLC.
§ 44F—LR-236-81	Inc. Tax—Part 1—Credit for increasing research activities (ERTA 1981, § 221) (Bouma/Francis—TLC-Furer/Levinson).	LR—In LR for prep of notice.
§ 46—LR-169-79	Inc. Tax—Part 1—Investment credit for commuter highway vehicles (Energy Tax Act 1978, § 241(a)) (Weinstein/Duffy—TLC-Schuldinger).	TLC & CC:T—5/28/82 Final draft of notice to TLC & CC:T.
§§ 46, 47—LR-4-78	Inc. Tax—Part 1—Investment credit for cooperatives (TRA 1978, § 316) (Kissel/Blumkin—TLC-Pike).	LR—10/13/81—Notice ret'd. to LR for revision.
§§ 46, 47—LR-92-73	Inc. Tax—Part 1—Tax treatment of mass assets for investment credit purposes (Weinstein/Blumkin—TLC-Yecies).	Treasury—11/15/79 Notice to Treasury for formal approval.
§§ 46, 48—LR-239-81	Inc. Tax—Part 1—Changes in applicable percentage of cases or cost; provision of progress expenditure rules (ERTA 1981, §§ 211 (a)-(d) (e) (2)-(3), (h), 213, 214) (Stanley/Blumkin—TLC-Yecies/Levinson).	LR—In LR for prep of notice.
§§ 46, 48, 191—LR-238-81	Inc. Tax—Part 1—Increase in investment tax credit for qualified rehabilitation expenditures (ERTA 1981, § 212) (Schmatz/Woo—TLC-Jewett/Levinson).	TCL—3/30/82 Draft of notice to TLC & CC:C; 4/20/82 Comments from CC:C.
§§ 46, 47, 48—LR-73-75	Inc. Tax—Part 1—Change in investment credit (§§ 301, 302, 604, TRA 1975, Pub. Law 94-12) (Pellervo/Blumkin—TLC-Yecies).	LR—1/30/79 Notice Pub.; 6/27/79 Hrg. held; 1/19/82 Draft of T.D. ret'd. to LR for revision.
§ 46(a)—LR-150-80	Inc. Tax—Part 1—Changes made by § 222(a) and 223(b) of the Crude Oil Windfall Profit Tax Act of 1980 (Pearson/Whedbee—TLB-Schuldinger).	LR—In LR for prep of notice.
§§ 46 (c) (8), (9) 47 (d)—LR-240-81	Inc. Tax—Part 1—At risk limitations on investment credit (ERTA 1981, § 211 (f)) (Stanley/Blumkin).	LR—In LR for prep of notice.
§§ 46 (f), 167 (l)—LR-342-81	Inc. Tax—Part 5c—Temp. Regs.—Transitional rules for public utility property (ERTA 1981, § 209) (Rosenthal/Parcell).	LR—In LR for prep of T.D.
§ 46 (g)—LR-248-76	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1976, § 805) (Duffy/Blumkin—TLC-Yecies.	LR—In LR for prep of notice.
§ 47—LR-315-81	Inc. Tax—Part 1—Amendment of recapture rules (ERTA 1981, § 211 (g)) (Stanley/Blumkin)	LR—In LR for prep of notice.
§ 48 (l)—LR-127-82	Inc. Tax—Part 1—To clarify the definition of an alternate substance (Pearson/Blumkin)	LR—In LR for prep of notice.
§ 48—LR-88-79	Inc. Tax—Part 1—Single purpose agriculture structure (RA 1978, § 314) (Pellervo/Blumkin—TLC—Keyser).	CC:C, CC:I—1/23/81 Notice pub.; 6/25/81 Hrg. held; 6/3/82 Draft of T.D. to CC:C & CC:I.
§ 48—LR-191-78	Inc. Tax—Part 1—Investment credit for rehabilitated structures (RA 1978, § 315) (Schmatz/Woo—TLC—Jewett).	TLC & CC:C—10/28/80 Notice pub.; 3/31/81 Hrg. Held; 5/28/82 Rev. draft of T.D. to TLC & CC:C.
§ 48 (k)—LR-143-80	Inc. Tax—Part 1—Definition of films that are "topical or otherwise essentially transitory in nature" (Pearson-Blumkin—TLC-Yecies/Levinson).	LR—6/3/82 Notice pub.
§ 48 (j), (k)—LR-223-78	Inc. Tax—Part 1—Investment credit in case of property used by tax exempt organizations & governmental units (Weinstein/Blumkin—TLC-McCarty).	LR—In LR for prep of notice.
§ 48 (l)—LR-79-80	Inc. Tax—Part 1—Definition of energy property, to reflect addition by sec. 222 (h) of the Crude Oil Windfall Profit Tax Act of 1980 of qualified intercity buses as category of property for business energy credit (Weinstein/Blumkin—TLC-Schuldinger).	Treasury—6/10/82 Notice to Treasury for formal approval.
§ 48(c)—LR-80-80	Inc. Tax—Part 1—Definition of energy property qualifying for business energy credit (Crude Oil Windfall Profit Tax Act 1980 § 222 (a)) (Pearson/Whedbee).	LR—In LR for prep of notice.
§ 48(l)—LR-176-80	Inc. Tax—Part 1—Special rules added by sec. 223 (c) of Crude Oil Windfall Profit Tax Act 1980, relating to reduction of credit where property is financed by subsidized energy financing or industrial development bonds (Pearson/Blumkin—TLC-Schuldinger).	LR—1/26/82 Notice pub.; 6/3/82 Hrg. held.
§ 48(l)—LR-81-80	Inc. Tax—Part 1—Definition of energy property; Items qualifying under alternative energy property (Crude Oil Windfall Profit Tax Act 1980, § 222 (b), (g), and (d)) (Pearson/Whedbee—TLC-Schuldinger).	LR—In LR for prep of notice.
§ 48(l)(5)—LR-78-80	Inc. Tax—Part 1—Definition of energy property; Criteria to be used by the Secretary in adding items to the list of specially defined energy property (Crude Oil Windfall Profit Tax Act 1980, § 222 (d)) (Pearson/Blumkin—TLC-Schuldinger).	Treasury—1/7/81 Notice pub.; 4/30/81 Hrg. held; 1/26/82 T.D. to Treasury for formal approval.
§ 50A, 50B—LR-200-78	Inc. Tax—Part 1—Relating to WIN Credit (RA 1978, § 322) (Schmalz/Bromell—TLC-Levinson).	TLC & CC:IND—4/30/80 Notice pub.; 8/8/80 Draft of T.D. to TLC & Tech.
§ 51—LR-199-78	Inc. Tax—Part 1—Amount of jobs credit (Schmalz/Woo—TLC-Reinhold/Levinson)	LR—12/28/79 Notice pub.; 4/24/80 Hrg. held; 4/22/82 T.D ret'd. to LR for revision.
§ 51—LR-218-81	Inc. Tax—Part 1—Adjustments to new jobs credit (ERTA 1981, § 261) (Schmalz/Woo—TLC-Reinhold/Levinson).	LR—3/3/82 Final notice to JRF for formal approval.
§§ 55, 3(b), 5(a), 57 (a), (b), 58(g)(2), 441(b), 443(d), 453(c), 511(d), 666 (b), (c), 871(b), 877(b), 904(h), 6915(c), 6363(b), 6654(f)—LR-210-78.	Inc. Tax—Part 1—Alternative minimum tax (RA 1978, §§ 401(b)(1), 421, 423; Technical Corrections Act 1979, §§ 104(a)(4), 107(a)(1)(A); P.L. 96-603, § 4) (Clark/Smith—TLC-Hevener/Levinson).	TLC—4/29/81 Draft of notice to TLC & T:I; 11/6/81 Comments from T:I
§§ 56, 57, 58—LR-151-76	Inc. Tax—Part 1—Minimum tax (TRA 1976, § 301; TR§SA 1977, § 308; RA 1978, § 421 (b), (c), 423, 701; Technical Corrections Act 1979, §§ 107(a)(1)(A), 104(a)(4) (E) & (F); ERTA 1981, § 205) (Coplan/Smith—TLC-Hevener).	TLC & ACC(T)—6/8/82 Rev. draft of notice to TLC & ACC(T).
§ 57—LR-209-78	Inc. Tax—Part 1—Minimum Tax (TRA 1976, § 301; TR§SA 1977, § 308; Energy Tax Act 1978, §§ 402, 403; RA 1978, § 422) (Coplan/Smith—TLC-Hevener).	LR—In LR for prep of notice.
§ 61—LR-194-77	Inc. Tax—Part 1—Nonqualified salary reduction agreements (Tolleris/Coulter—TLC-Hevener/Levinson).	CC:IND & TLC—2/3/78 Notice pub.; 5/4/78 Hrg. held; 6/11/79 News Release issued soliciting further comment; 11/27/79 Hrg. held; 3/11/82 Draft of T.D. to CC:IND & TLC.
§§ 61, 162, 174, 263, 471—LR-253-76	Inc. Tax—Part 1—Prepublication expenditures of publishers (Roth/Parcell—TLC-)	CC:I—6/11/82 Rev. draft of notice to CC:C & CC:I; 6/28/82 Comments from CC:C.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 66—LR-41-81	Inc. Tax—Part 1—Treatment of income of certain innocent spouses in community property States (Misc. Rev. Act of 1980, § 1) (Keesler/Parcell).	LR—In LR for prep of notice.
§ 72—LR-19-80	Inc. Tax—Part 1—Unisex annuity tables (Mix/Parcell).	LR—In LR for prep of notice.
§ 79—LR-42-78	Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Mix/Parcell—TLC-Pike/Levinson).	Treasury—7/8/82 Notice to Treasury for formal approval.
§ 83—LR-95-77	Inc. Tax—Part 1—Reporting requirements for nonqualified stock options (TRA 1969, § 321) (Bosco/Parcell—TLC-Hevener).	LR—9/20/77 Notice pub.; 3/20/78 Hrg. held; Withdrawal notice pending Treasury review.
§ 83—LR-16-80	Inc. Tax—Part 1—To make certain amendatory changes to rules relating to property transferred in connection with performance of services (ERTA, § 252) (Bosco/Parcell).	LR—In LR for prep of notice.
§ 103—LR-17-82	Inc. Tax—Part 1—Deep discount industrial development bonds (Kroupa/MacMaster—TLC-Woodward).	LR—6/9/82 Notice pub.
§ 103(b)—LR-192-81	Inc. Tax—Part 1—IDB's for vehicles used for mass commuting (ERTA 1981, § 811) (Thompson/Coulter—TLC-McCarty).	LR—12/31/81 Notice pub.
§ 103—LR-82-82	Inc. Tax—Part 1—To amend the regs. Under §§ 1.103-13 and 1.103-14 with respect to calculation to "overissuance" and "cumulative cash flow deficit" (Flanagan/MacMaster—TLC-Pike).	Treasury—6/17/82 Notice to Treasury for formal approval.
§ 103(i)—LR-193-81	Inc. Tax—Part 1—Obligations of certain volunteer file departments (ERTA 1981, § 812) (Thompson/Coulter—TLC-Pike/Levinson).	LR—6/21/82 Notice pub.
§ 103—LR-99-82	Inc. Tax—Part 1—To amend the regs. relating to the treatment of replacement funds (Flanagan/Fischer).	LR—In LR for prep of notice.
§§ 103, 61, 162, 163, 165, 171, 249, 1232—LR-70-77.	Inc. Tax—Part 1—To provide for the tax consequences to refunding industrial develpment bonds to the issuer, bondholder & industrial user (Thompson/Coulter—TLC-Woodward).	LR—12/6/77 Notice pub. 3/15/78 Hrg. held; 2/6/79 2d Notice pub.; Revised notice pending Treasury review.
§ 103(a)—LR-8-73	Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Coulter—TLC-Woodward).	LR—2/2/76 Notice pub.; 4/26/76 Hrg. held; T.D. pending Treasury review.
§ 103(b)(4)—LR-190-78	Inc. Tax—Part 1—Exemption for industrial development bonds for water facilities (RA 1978, §§ 332, 333) (Tolleris/Coulter—TLC-Reinhold).	LR—Notice pending Treasury review.
§ 103-8—LR-182-79	Inc. Tax—Part 1—To clarify the "substantially all" test (MacMaster/Coulter—TLC-Reinhold).	LR—Notice pending Treasury review.
§ 103-8—LR-51-79	Inc. Tax—Part 1—to clarify the "public use" and "functionally related" requirements (Wold/Coulter—TLC-Reinhold).	LR—Notice pending Treasury review.
§ 103-10—LR-245-79	Inc. Tax—Part 1—To provide "timing" requirements for exempt small issues (Kroupa/Coulter—TLC-Woodward).	LR—Notice pending Treasury review.
§ 103(b)(8)—LR-67-80	Inc. Tax—Part 1—Exemption for industrial development bonds for qualified hydroelectric generation facilities (Crude Oil Windfall Profit Tax Act 1980, § 242) (Tolleris/Coulter—TLC-Reinhold).	LR—In LR for prep of notice.
§ 103(b)(6)—LR-264-81	Inc. Tax—Part 1—To clarify the definition of the term "issue" (Flanagan/MacMaster)	LR—10/8/81 Notice pub; 11/12/81 Hrg. held; T.D. pending Treasury review.
§ 103(b)(4)(A)—LR-161-81	Inc. Tax—Part 1—Industrial development bonds for multi-family residential rental housing (Omnibus Reconciliation Act 1980, §§ 1103, 1104 (k)) (Flanagan/MacMaster—TLC-McCarty).	LR—5/26/82 Notice pub.; 7/27/82 Hrg. held.
§ 103(b)—LR-59-74	Inc. Tax—Part 1—To define the term "principal user of a facility" (Tolleris/Coulter—TLC-Furer).	Commander—2/11/82 Notice to Commander for formal approval.
§ 103(b)(6)(D)—LR-117-79	Inc. Tax—Part 1—Increase in limit on small issues of industrial development bonds (RA 1978, § 331) (Tolleris/Coulter—TLC-Woodward).	LR—Notice pending Treasury review.
§ 103(b)—LR-9-75	Inc. Tax—Part 1—To clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-.	LR—8/20/75 Notice pub.; 11/21/75 Hrg. held; T.D. Pending Treasury review.
§ 103-10(b)(2)—LR-50-80	Inc. Tax—Part 1—Manner of electing $10 million limitation on exempt small issues (Tolleris/Coulter—TLC-Woodward).	LR—6/22/82 Notice Pub.
§ 103(b)(6)—LR-227-80	Inc. Tax—Part 1—To define the term "facility" (Wold/Coulter).	LR—In LR for prep of notice.
§ 103(c)—LR-101-79	Inc. Tax—Part 1—To make changes to rules relating to arbitrage bonds (Flanagan/Coulter—TLC-Pike).	LR—In LR for prep of notice.
§ 103(b)(4)—LR-6-81	Inc. Tax—Part 1—Effective date of provisions relating to hotels adjacent to airports (Thompson/Coulter—TLC-Furer).	TLC—2/24/82 Notice pub.; 7/9/82 Draft of T.D. to TLC.
§ 103A—LR-10-81	Inc. Tax—Part 1—Mortgage subsidy bonds (Omnibus Reconciliation Act of 1980, §§ 1100-1103) (Flanagan/Coulter—TLC-McCarty).	LR—7/1/81 Notice pub.; 11/5/81 Hrg. held; 11/10/81 Rev. notice pub.
§ 103-8(f)—LR-100-75	Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility & to conform to statutory exemption for industrial development bonds for qualified steam-generating or alcohol-producing facilities (Crude Oil Windfall Profit Tax Act 1980, § 241) (MacMaster/Coulter—TLC-.	LR—Notice pending Treasury review.
§ 103(h)—LR-86-80	Inc. Tax—Part 1—Industrial development bonds that must be in registered form and not guaranteed or subsidized under an energy program (Crude Oil Windfall Profit Tax Act 1980, § 244) (Kroupa/Coulter—TLC-.	LR—Notice pending Treasury review.
§§ 104(a), (b) 105(d)—LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay & certain military, etc. disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Roth/Parcell).	LR—7/9/80 Notice pub.; T.D. Pending Treasury review.
§§ 108, 1017—LR-91-81	Inc. Tax—Part 1—Discharge of indebtedness (Bankruptcy Tax Act 1980, § 2 (P.L. 96-589) (Kissel/Whedbee—TLC-McCarty/Levinson).	LR—In LR for prep of notice.
§ 111—LR-136-81	Inc. Tax—Part 1—To clarify the proper recovery exclusion for State income tax refunds (Coplan/Smith).	LR—In LR for prep of notice.
§ 116—LR-83-80	Inc. Tax—Part 1—Partial exclusion of dividends and interest received by individuals (Mix/Francis—TLC-Cunningham/Levinson).	LR—2/9/81 Notice pub.; 6/22/82 Hrg. held.
§ 117(c)—LR-72-81	Inc. Tax—Part 1—Relating to Federal grant not includable in gross income in certain cases (P.L. 96-541, § 5(a)) (Alexander/Smith).	LR—In LR for prep of notice.
§ 118(b)—LR-136-76	Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, § 2120; TRA 1978, § 364) (Pearson/Blumkin-TLC).	LR—5/30/78 Notice pub.; 9/27/78 Hrg. held; 9/22/81 Rev. notice ret'd. to LR for further rev.
§ 124—LR-193-78	Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, § 242) (Roth/Parcell-TLC-Yecies/Levinson).	LR—Notice pending Treasury review.
§§ 126, 1255—LR-222-78	Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under Government programs (RA 1978, § 543) (Mix/Parcell-TLC-Reinhold/Levinson).	LR—5/21/81 Notice pub.; 12/1/81 Hrg. held.
§ 128—LR-232-81	Inc. Tax—Part 1—Exclusion of interest on certain savings certificates (ERTA 1981, § 301) (Clark/Smith-TLC-Woodward/Levinson).	LR—10/20/81 Notice pub.; 11/23/81 Hrg. held.
§ 128—LR-234-81	Inc. Tax—Part 1—Partial exclusion of interest (ERTA, § 302) (Clark/Smith-Woodward/Levinson).	LR—In LR for prep of notice.
§§ 162, 62, 262, 3121, 3306, 3401—R-173-77.	Inc. Tax—Part 1—Empl. Tax—Part 31—Deductibility of certain transportation expenses (Baughman/Scott—TLC-Furer/Levinson).	TLC—4/30/82 Draft of notice to TLC.
§§ 162, 263, 404—R-79-79	Inc. Tax—Part 1—Pension, profit-sharing etc., plans and employee welfare benefits—Current deduction or capitalization of contributions allocable to self-constructed capital assets (Rosenthal/Fischer).	LR—In LR for prep of notice.
§ 162—R-5-82	Inc. Tax—Part 1—To add provisions relating to State legislators travel expenses (ERTA 1981, § 127) (Kroening/Francis).	CC: I, CC: Ind—6/25/82 Draft of notice to CC: I, CC: Ind, & ACC(Lit).
§§ 162, 4945—R-190-77	Inc. Tax—Part 1—To provide better definitions in the area of political advertising & grassroots lobbying (Haglund/Francis-TLC-Keyser/Levinson).	LR—11/25/80 Notice pub.

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1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 163(d), 703(b)—LR-1639	Inc. Tax—Part 1—Limitation on interest deduction (TRA 1969; Rev. Act 1971, § 304; TRA 1976, §§ 209, 901 (b) (21)) (Keesler/Parcell-TLC-Pike/Levinson).	LR—11/28/77 Notice ret'd. to LR for revision.
§ 166(f)—LR-1173	Inc. Tax—Part 1—Deductions for addition to a reserve for certain guaranteed debt obligations (P.L. 89-722) (Mix/Parcell-TLC).	TLC & CC:T—7/11/80 Notice pub.; 5/28/82 Final draft of T.D. to TLC & CC: T.
§ 167—LR-261-79	Inc. Tax—Part 1—To require a contribution to property from a CLADR account to be treated as an extraordinary retirement (Flanagan/Coulter-TLC-Hutton).	Treasury—12/30/81 Notice pub.; 3/10/82 T.D. to Treasury for formal approval.
§ 167(a)-11(c)(2)(iv)—LR-86-81	Inc. Tax—Part 1—Application of CLADR conventions (Kissel/Blumkin-TLC Yecies/Brown)	Treasury—3/10/82 T.D. to Treasury for formal approval.
§ 167(k)—LR-195-81	Inc. Tax—Part 1—Amortization of low-income housing (ERTA 1981, § 264) (Flanagan/MacMaster-TLC-Jewett).	LR—7/15/82 Notice pub.
§ 167(l)—LR-172-79	Inc. Tax—Part 1—Ratemaking treatment of public utility property (Rosenthal/Parcell-TLC-Pike/Brown).	LR—In LR for prep of notice.
§ 167(q)—LR-189-78	Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil & gas boilers (Energy Tax Act, § 301(e)) (Magnatta/Coulter-TLC-Schuldinger).	LR—Notice pending Treasury review.
§§ 168, 179, 1245, 453, 167, 1250, 57(a)(12), 312(k), 172(b), 812(b), 46(b), 53(c), 381(c)—LR-185-81.	Inc. Tax—Part 1—Accelerated cost recovery system (ERTA 1981, §§ 201(a), 202-209) (Magnatta/Flanagan/Tolleris/Coulter-TLC-Yecies).	TLC 6/14/82 Draft of notice to TLC & CC: C—7/27/82 Comments from CC: C.
§ 168(e)(3)—LR-244-81	Inc. Tax—Part 1—Normalization requirement for public utility property (ERTA 1981, § 201) (Rosenthal/Parcell-TLC-Pike).	LR—In LR for prep of notice.
§ 169(d)(1)(4)—LR-193-76	Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1976, § 2112(b)(c)) (Wold/Coulter-TLC-Levinson).	Interp.—In Interp. for prep of notice.
§ 170—LR-219-81	Inc. Tax—Part 1—Charitable contributions of scientific property used for research (ERTA 1981, § 222) (Kroening/Bromell).	LR—In LR for prep of notice.
§§ 170(f)(3), 2055(e)(2), 2522(c)(2)—LR-[illegible].	Inc. Tax—Part 1—Est & Gift Taxes—Parts 20 and 25—Transfers of partial interests in property for conservation purposes (TRA 1976, § 2124(e); TR&SA 1977, § 309)—To extend certain temporary tax provisions (Harman/Smith—TLC-Hutton/Levinson).	Commr.—4/14/82 Notice to Commr. for formal approval.
§§ 170(i), 63(b)—LR-255-81	Inc. Tax—Part 1—Charitable contributions deduction for nonitemizers (ERTA 1981, § 121) (Kroening/Bromell).	CC:Ind, CP, T:FP—6/25/82 Draft of notice to CC:Ind, CP, T:FP
§§ 172, 537(b)—LR-218-78	Inc. Tax—Part 1—Net operating losses attributable to product liability losses (RA 1978, § 371) (Magnatta/Coulter—TLC-Furer).	TLC—7/9/82 Draft of notice to TLC.
§ 172(b)(1)(E)—LR-26-81	Inc. Tax—Part 1—Net operating loss carryover for certain REITS (Act of 12/24/80, P.L. 96-595) (Magnatta/Coulter—TLC).	LR—In LR for prep of notice.
§ 179—LR-233-81	Inc. Tax—Part 1—Election to expense certain depreciable assets (ERTA 1981, § 202) (Zyskind/Smith—TLC-Yecies).	TLC and 2/1/82 Draft of notice to TLC and CC:I—4/2/82 Comments from CC:I
§ 183(e)—LR-61-74	Inc. Tax—Part 1—Election to postpone application of sec. 183(d) presumption (RA 1971, § 311; TRA 1976, § 214) (Roth/Parcell—TLC-Baneman/Levinson).	TLC and CC:IND—3/6/81 Final draft of notice to TLC and T:I.
§§ 189—LR-145-76	Inc. Tax—Part 1—Amortization of real property construction period interest and taxes (TRA 1976, § 201; RA 1978, §§ 701(m)(1) & 701(e)) (Keesler/Parcell—TLC-Yecies.	TLC, CC:IND, CC:I 5/11/82 Rev. draft of notice to TLC, CC:C, CC:IND, CC:I—6/1/82 Comments from CC:C
§ 192—LR-62-78	Inc. Tax—Part 1—Contributions to Black Lung Benefit (Black Lung Benefit Trust Rev. Act 1977, § 4(b)) (Stevenson/Woo—TLC-Hevener/Levinson).	EO—3/27/80 Draft of notice to TLC, T:C, E:O; 4/23/80 Comments from T:C; 7/17/80 Comments from TLC.
§ 193—LR-77-80	Inc. Tax—Part 1—To add provisions relating to tertiary injectants to conform to § 251, Crude Oil Windfall Profit Tax Act 1980 (Haglund/Francis—Schuldinger/Levinson).	TLC, CC:C, CC: Ind—7/1/82 Draft of notice to TLC, CC:C, CC: Ind.
§ 194—LR-224-80	Inc. Tax—Part 15b—Temp. Regs.—Amortization of certain reforestation expenditures (Title III, RBS & FI Act of 1980 (P.L. 96-451) (Coplan/Smith—TLC-Oppenheimer/Levinson).	LR—7/6/82 T.D. approved by Commr.
§§ 194, 48, 62, 1245—LR-189-80	Inc. Tax—Part 1—Amortization of certain reforestation expenditures (Title III of the Recreational Boating Safety & Facilities Improvement Act of 1980) (Coplan/Smith—TLC-Oppenheimer).	LR—7/6/82 Notice approved by Commr.
§ 195—LR-36-81	Inc. Tax—Part 1—To add provisions relating to start-up expenditures (Miscellaneous Revenue Act of 1980, § 102—P.L. 96-605) (Haglund/Francis).	LR—In LR for prep of notice.
§ 266—LR-22-82	Inc. Tax—Part 1—To clarify treatment of taxes measured by compensation paid employees (Pellervo/Whedbee).	LR—In LR for prep of notice.
§ 274(h)—LR-114-81	Inc. Tax—Part 1—To add provisions relating to foreign conventions (as amended by sec. 4 of P.L. 96-608) (Thompson/Francis).	CC:Int, CC:I—7/1/82 Draft of notice to CC:Int, CC:I.
§ 274(a)—LR-203-78	Inc. Tax—Part 1—Disallowance of certain entertainment expenses—To conform to sec. 361, RA 1978 (P.L. 95-600) (Stevenson/Scott—TLC-Reinhold/Levinson).	TLC—12/18/80 Draft of notice to TLC & CC:Ind; 1/19/81 Comments from CC:Ind.
§ 274(b)—LR-252-81	Inc. Tax—Part 1—Deductibility of gifts by employers (ERTA 1981, § 265) (Gihsburgh/Bromell).	TLC, CC:I, ACC(T)—7/7/82 Draft of notice to TLC, CC:Ind, CC:I, ACC(T); 7/19/82 Comments from CC:Ind.
§ 277—LR-1721	Inc. Tax—Part 1—Taxation of nonexempt membership organizations (TRA 1976, § 121(b)(3)) (Keesler/Parcell—TLC-Hevener/Levinson).	LR—5/6/72 Notice pub.; 8/8/72 Hrg. held; 11/8/79 Draft of rev. notice ret'd. to LR.
§ 280—LR-220-76	Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records, and other similar property (TRA 1976, § 210(a), (b)) (Roth/Parcell—TLC-Levinson).	CC:I—6/11/82 Draft of notice to CC:C, CC:I; 7/21/82 Comments from CC:C.
§ 280A—LR-261-76	Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental of vacation homes (TRA 1976, § 601)(Stevenson/Francis—TLC/Baneman/McKee).	CC:I, CC:Ind.—8/7/80 Notice pub.; 7/2/82 Draft of rev. notice to CC:I, CC:Ind.
§ 280A—LR-4-82	Inc. Tax—Part 1—Travel expenses of Members of Congress as amended by sec. 116 of the Black Lung Benefits Rev. Act (Pub. L. 97-119) (Kroening).	LR—1/21/82 Notice pub.; 5/11/82 Hrg. held.
§ 280B—LR-35-80	Inc. Tax—Part 1—Depreciation of certain rehabilitation expenditures for, and disallowance of deductions for amounts expended in demolishing certain historic structures (TRA 1976, § 2124)(Saverude—TLC-Baneman/Levinson).	Interp.—In Interp for prep of notice.
§§ 302, 337, 1371, 351, 312—LR-71-81	Inc. Tax—Part 1—Misc. corporate amendments (Bankruptcy Tax Act, § 5, Pub. L. 96-589)(Pellervo/Whedbee).	LR—In LR for prep of notice.
§ 303—LR-124-76	Inc. Tax—Part 1—Distribution in redemption of stock to pay death taxes (TRA 1976, § 2004 (e)) (Pellervo/Blumkin—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 305—LR-241-81	Inc. Tax—Part 1—Relating to reimbursement of dividends in the stock of public utilities (ERTA 1981, § 321) (Pearson/Blumkin—TLC-Keyser/Levinson).	Treas.—1/12/92 Notice to Treas. for formal approval; 3/1/82 Changed pages fwd.
§ 305—LR-91-74	Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kissel/Blumkin—TLC-Yecies/Levinson).	LR—Notice pending Treas. review.
§ 305(e)—LR-277-81	Inc. Tax—Part 5c—Temp. Regs.—Dividend reinvestment in stock of public utilities (ERTA 1981, § 321)(Pearson/Blumkin—TLC/Levinson).	Treas.—1/12/82 T.D. to Treas. for formal approv-[illegible]
§ 334(b)(2)—LR-114-80	Inc. Tax—Part 1—To establish rules with respect to recapture items (Weinstein/Blumkin—TLC-Yecies/Levinson).	LR—In LR for prep of notice.
§ 337—LR-130-76	Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, § 2118; RA 1978, § 207(i))(Swift/Whedbee—TLC-Yecies/Levinson).	TLC—2/26/82 Draft of notice to TLC.
§ 351—LR-754	Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by a transferee (Swift/Whedbee—TLC-Yecies/Levinson).	TLC—3/31/81 Rev. draft of notice to TLC and CC:C, 4/81 Comments from CC:C.
§ 355—LR-936	Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (Duffy/Blumkin—TLC-Yecies/Mckee).	LR—1/13/77 Notice pub.; 1/21/77 Notice repub.; T.D. pending Treas. review.
§ 358—LR-1993	Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Swift/Blumkin—TLC-Yecies/Mckee).	LR—1/2/81 Notice pub.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 362(c)—LR-98-82	Inc. Tax—Part 1—To deal with assistance payments made in connection with a reorganization under sec. 368(a)(3)(D)(ii) of the Code (Weinstein/Blumkin).	LR—In LR for prep of notice.
§ 362(c)—LR-97-82	Inc. Tax—Part 5c—Temp. Regs.—To deal with assistance payments made in connection with a reorganization under sec. 368(a)(3)(D)(ii) of the Code (Weinstein/Blumkin).	LR—In LR for prep of T.D.
§ 367(a)(1)—LR-24-81	Inc. Tax—Part 1—Relating to ruling requests (TRA 1976, § 1042(a))(Kadue/Saverude—ITC-Wold/Granwell).	ITC & CC:C—12/30/77 Notice pub. under LR-230-76; 10/5/79 Temp. Regs. pub.—T.D. 7646 10/5/79 Temp. Regs. pub.—T.D. 7646; 10/5/79 Notice pub.; 2/27/80 Hrg. held; 6/17/82 Rev. draft of notice to ITC and CC:C.
§ 367(a)(2)—LR-231-76	Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, § 1042(a))(Dean/Saverude—ITC-Wold/Granwell).	ACC(T)—5/28/82 Discussion draft to ACC(T); 6/7/82 Comments from CC:C.
§ 367(b)—LR-2-78	Inc. Tax—Part 1—Changes in ruling requirements for sec. 367(b) transactions (TRA 1976, § 1042(a))(Schreiner/Saverude—ITC-Wold/Granwell).	LR—12/30/77 Notice pub. under LR-230-76; 10/5/79 Temp. Regs. pub.—T.D. 7646; 2/27/80 Hrg. held; In LR for prep of T.D.
§ 367(b)—LR-130-82	Inc. Tax—Part 7—Temp. Regs.—Transfers involving foreign corps. (Schreiner/Saverude)	LR—In LR for prep of T.D.
§§ 368, 382—LR-230-81	Inc. Tax—Part 5c—Temp. Regs.—Reorganizations involving financially troubled thrift institutions (ERTA 1981, §§ 241, 242)(Weinstein/Blumkin—TLC-Yecies/Brown).	TLC—7/9/82 Rev. draft of T.D. to TLC.
§ 368—LR-63-81	Inc. Tax—Part 1—Corporate reorganization amendments (Bankruptcy Tax Act 1980, § 4, P.L. 96-589) (Weinstein/Whedbee—TLC-Yecies/Levinson).	TLC & CC:C—3/1/82 Rev. draft of notice to TLC & CC:C.
§ 368(a)(2)(E)(b)(2)—LR-1994	Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (P.L. 91-693) (Swift/Blumkin—TLC-Yecies/McKee).	LR—1/2/81 Notice pub.
§ 368(a)(2)(F)—LR-135-76	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Swift/Blumkin)	LR—1/7/81 Notice pub.
§ 382—LR-63-82	Inc. Tax—Part 1—To clarify § 1.382-6 with regard to inventory pools (Keesler/Parcell)	TLC— 7/9/82 Draft of Notice to TLC.
§ 385—LR-75-81 RFA	Inc. Tax—Part 1—Treatment of certain corporate interests as stock or indebtedness (TRA 1969, § 415) (Swift/Blumkin—TLC-Furer).	LR—1/5/82 Notice pub.; 3/10/82 Hrg. held.
§ 385—LR-92-82	Inc. Tax—Part 1—Characterization in international transactions of interests in corps. as stock or indebtedness (TRA 1969, § 415 (Duffy/Blumkin—ITC-Shay).	ITC—5/11/82 Draft of notice to ITC, CC:C, etc., 6/4/82 Comments from CC:C. (Final reg. target date Dec., 1982; draft regulatory flexibility analysis prepared.)
§ 414 (b), (c)—LR-209-74	Inc. Tax—Part 1—Definitions and special rules (P.L. 93-406, § 1015) (Pearson/Whedbee—TLC-Oppenheimer/Levinson).	CC:C and EP—11/5/75 Notice pub.; 9/23/80 Draft of T.D. to CC:C & EP.
§ 422A—LR-279-81	Inc. Tax—Part 1—Creation & treatment of incentive stock options (ERTA 1981, § 251) (Bosco/Parcell—TLC-Hevener).	LR—In LR for prep of notice.
§ 446(e)—LR-188-79	Inc. Tax—Part 1—Requests for change of method of accounting from an erroneous method of accounting (Bennett/Parcell—TLC-Hutton).	LR—3/31/82 Notice ret'd to LR for revision.
§ 446(e), 481—LR-47-80	Inc. Tax—Part 1—Clarification of relationship between secs. 446(e) and 481 (Rosenthal-Parcell—TLC-Hutton).	LR—Notice pending Treas. review.
§ 447—LR-143-76	Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, § 207(c)) (Keesler/Parcell—TLC-Hutton).	TLC & CC:C—2/26/82 Rev. draft of notice to TLC & CC:C.
§ 451—LR-274-81	Inc. Tax—Part 1—To clarify treatment of certain costs incurred with respect to long term contracts (Rosenthal/Fischer—TLC-Hutton).	CC:C, CC:Int.—6/22/82 Rev. draft of notice to CC:C & CC:Int.
§§ 453, 453B, 1001, 72—LR-103-81	Inc. Tax—Part 15A—Temp. Regs.—Treatment of gain realized on the exchange of appreciated property for a private annuity (Mix/Parcell—TLC-McCarty/Levinson).	LR—T.D. pending Treas. review.
§ 453—LR-173-80 RFA	Inc. Tax—Part 1—General rules and contingent sales (Mix/Parcell—TLC-McCarty/Levinson)	TLC, CC:C, CC:Ind, CC:I; 2/4/81/ Notice pub.; 10/1/81 Hrg. held; 7/19/82 Final draft of T.D. to TLC, CC:C, CC:Ind, etc. (Final reg. target date Dec., 1982; draft regulatory flexibility analysis prepared.)
§ 453—LR-184-80 RFA	Inc. Tax—Part 1—Installment obligations received from a liquidating obligation (P.L. 96-471) (Mix/Parcell—TLC-McCarty/Levinson).	CC:C, CC:IND, CC:Interp.; TLC; 5/6/82 Draft of notice to CC:C, CC:IND, CC:Interp., 7/19/82 Draft of notice to TLC. (Draft regulatory analysis required; not yet prepared.)
§ 453—LR-186-80 RFA	Inc. Tax—Part 1—Installment obligations received in transactions in which gain or loss is generally not recognized (P.L. 96-471) (Mix/Parcell—TLC-McCarty/Levinson).	Commr.—6/23/82 Notice to Commr. for formal approval. (Draft regulatory analysis required; not yet prepared.)
§ 453—LR-2-81 RFA	Inc. Tax—Part 1—Related party resales (P.L. 96-471) (Mix/Parcell—TLC-McCarty/Levinson)	CC:C, CC:IND, CC:Interp, TLC; 5/7/82 Rev. draft notice to CC:C, CC:IND, CC:Interp; 7/19/82 Draft of notice to TLC. (Draft regulatory analysis required; not yet prepared.)
§ 453—LR-147-82 RFA	Inc. Tax—Part 1—Installment Sales Revision Act of 1980 (P.L. 96-471) Regs. relating to wrap-around mortgages (Mix/Parcell).	LR—In LR for prep of notice. (Draft regulatory analysis required; not yet prepared.)
§ 453a—LR-146-81	Inc. Tax—Part 15A—Temp. Regs.—Installment method reporting by dealers in personal property (Mix/Parcell—TLC-McCarty).	LR—T.D. Pending Treas. review.
§ 458—LR-195-78	Inc. Tax—Part 1—Exclusion from gross income with respect to magazines, paperbacks, and record returns after close of taxable year (RA 1978, § 372) (Bennett/Parcell—TLC-Hutton/Levinson).	Treas.—10/6/81 Notice to Treas. for formal approval.
§ 461—LR-190-76	Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, §§ 208, 1901(a)(69)) (Bennett/Parcell—TLC-Hutton).	LR—Notice pending Treas. review.
§§ 463, 81—LR-6-75	Inc. Tax—Part 1—Accrual of vacation pay (Pub. L. 93-625) (Bennett/Parcell—TLC-Hutton)	LR—Notice pending Treas. review.
§§ 464, 278(b)—LR-144-76	Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, § 207 (a), (b)) (Keesler/Parcell—TLC-Hutton).	TLC & Tech—8/31/81 Final draft of notice to TLC & Tech.
§ 465—LR-168-76	Inc. Tax—Part 1—Determination of amounts at risk with respeact to certain activities (TRA 1976, § 204) (Bennett/Parcell—TLC-McCarty/Levinson).	LR—6/5/79 Notice Pub.; 9/27/79 Hrg. held; 5/14/82 T.D. ret'd. to LR for revision.
§ 466—LR-217-78	Inc. Tax—Part 1—Qualified discount coupons returned after close of taxable year (Bennett/Parcell—TLC-Hutton).	TLC 4/20/82 Final draft of notice to TLC.
§ 471—LR-2158	Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Roth/Parcell—TLC-Hutton).	TLC 6/1/77 Final draft of notice to TLC.
§§ 472(d), 474—LR-254-81	Inc. Tax—Part 1—Three-year averaging for increases in inventory value when electing LIFO method of accounting; Use of one inventory pool by small businesses electing LIFO method of accounting (ERTA 1981, §§ 236, 237) (Roth/Parcell—TLC-Hutton).	Commr.—7/22/82 Notice to Commr. for formal approval.
§ 473—LR-82-80	Inc. Tax—Part 1—Qualified liquidations of LIFO inventories (Crude Oil Windfall Profit Tax Act 1980, § 403) (Rosenthal/Parcell—TLC-Hutton).	LR—Notice pending Treas. review.
§ 482—LR-307-76	Inc. Tax—Part 1—Allocation of income & deductions among taxpayers to revise percentage applied in determining rental change for use of tangible property to reflect amdmt. of regs. to provide for a "safe haven" imputed interest rate of 6-8 percent (Schreiner/Saverude—TLC-Baneman/Levinson—ITC-Shay/Lainoff).	ITC—7/9/82 Rev. draft of notice to ITC.
§ 483(g)—LR-246-81	Inc. Tax—Part 1—Maximum rate of imputed interest for sale of land between related persons (ERTA 1981, § 126) (Rosenthal/Parcell).	LR—In LR for prep of notice.
§ 512(a)(3)—LR-1744	Inc. Tax—Part 1—Social clubs Unrelated business income (TRA 1969, § 121 (b)(1)) (Mix/Parcell—TLC-Hevener/Levinson).	LR—5/13/71 Notice pub.; 8/31/71 Hrg. held.
§ 527—LR-243-81	Inc. Tax—Part 1—Rates of tax for principal campaign committees (ERTA 1981, § 128) (Thompson/Coulter—TLC-Reinhold/Levinson).	LR—1/16/82 Notice to CC:LR for formal approval.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 532—LR-125-78	Inc. Tax—Part 1—To apply accumulated earnings tax to corps. accumulating E&P to avoid income tax on certain foreign corp. shareholders (Doran/Saverude—ITC-Shay/Lainoff).	LR—12/22/80 Notice Pub.; 5/6/82 Hrg. held; In LR for prep of T.D.
§ 535(c)—LR-198-81	Inc. Tax—Part 1—Increase in accumulated earnings credit (ERTA 1981, § 232) (Thompson/Coulter).	INTERP—In Interp for prep of notice.
§§ 541-45, 551-55—LR-680	Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (§ 225) in part), (RA 1964, also P.L.'s 89-809, §§104 (n), 206; 91-172, § 101 (j) (16); TRA 1976, §§ 211, 2106) (Thompson/Saverude-TLC-Levinson).	LR—9/5/68 Notice pub.; Revised notice pending Treasury review.
§ 565—LR-29-80	Inc. Tax—Part 1—Accumulated earnings tax (Thompson/Coulter-TLC/Levinson)	Tech—12/12/80 Notice fwd. for formal approval.
§§ 584 (a) (1), (c) (1) (A) & (B), (c) (2), (e), 6032—LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L. 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402 (b), 1901 (b), 2131 (d)) (Schreiner/Coulter-TLC-Jewett/Levinson).	CC:C, CC:I—9/22/80 Notice pub.; 2/19/81 Hrg. held; 4/30/82 Draft of T.D. to TLC; 5/4/82 Draft of T.D. to CC:C, CC:I; 5/28/82 Comments from CC:TL; 7/22/82 Comments from TLC.
§ 585—LR-190-81	Inc. Tax—Part 1—Limitation on additions to bank loss reserves (ERTA 1981, § 267) (Thompson/Coulter-TLC-Pike).	Treasury—6/17/82 T.D. to Treasury for formal approval.
§ 591—LR-191-81	Inc. Tax—Part 1—Mutual savings banks with capital stock (ERTA 1981, § 245) (Magnatta-Coulter).	TLC & T:I—12/10/81 Draft of notice to TLC & T:I; 2/1/82 Comments from T:C.
§ 593 (b) (3), (4), (5)—LR-152-73	Inc. Tax—Part 1—Reserves for losses on loans of mutual savings banks, etc. (TRA 1969, § 432 (a)) (ERTA 1981, § 243) (Thompson/Coulter-TLC-.	LR—Notice pending Treasury review.
§§ 612,613—LR-1148	Inc. Tax—Part 1—Restoration of depletion deductions on bonus and advanced royalties in certain cases (Woo/Bromell-TLC-Schuldinger/Levinson).	CC:C & A/C(EX)—5/26/82 Rev. draft of notice to CC:C & A/C(EX).
§ 613—LR-2073	Inc. Tax—Part 1—Percentage depletion deduction—To clarify rules relating to determination of gross income from the property in the case of oil & gas wells (Woo-Bromell-TLC-Schuldinger/Levinson).	LR—Notice pending Treasury review.
§ 593—LR-152-79	Inc. Tax—Part 1—Additions to reserves for losses on loans of mutual savings banks, etc. (ERTA 1981, § 243) (Thompson/Coulter).	TLC—12/15/81 Draft of notice to TLC & T:C 2/19/82 Comments from T:C.
§ 613(b) LR-2072	Inc. Tax—Part 1—Percentage depletion rates (TRA 1960, § 501); also (P.L. 89-809, §§ 207, 208, 209) (Woo/Bromell-TLC-Schuldinger/Levinson).	LR—Notice pending Treasury review.
§§ 613A, 703(a), 705(a)—LR-105-75	Inc. Tax—Part 1—Supplementary rules on limitations on percentage depletion for oil & gas (TRA 1975, § 501; TRA 1976, §§ 1901 (a) (86), 2115) (Woo/Bromell-TLC-Schuldinger/Levinson).	TLC, CC:C CC: INTERP.—5/13/77 Notice pub.; 8/31/78 Hrg. held; 4/26/82 Draft of T.D. to TLC, CC:C, CC:INTERP.
§ 613A(c)—LR-35-81	Inc. Tax—Part 1—To conform to § 3 of the Act of 12/28/80 (P.L. 96-603) (Haglund/Woo-TLC Schuldinger/Levinson).	LR—In LR for prep of notice.
§ 642 (g)—LR-183-76	Inc. Tax—Part 1—Certain expenses of estates (TRA 1976, § 2009(d)) (Zyskind/Smith—TLC-Woodward/Levinson).	LR—2/14/82 Notice awaiting Treasury approval.
§§ 644, 641(b) LR-188-76	Inc. Tax—Part 1—Special rule for property transferred at less than fair market value (TRA 1976, § 701(e)) (RA 1978, § 701(p)) (Clark/Smith—TLC-Woodward-Levinson).	CC:I, CC:Ind. ACC(T)—6/28/82 Draft of notice to CC:I, CC:Ind, ACC(T).
§§ 664, 170A, 25.2522—LR-42-73	Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (Haglund/Woo—TLC-Baneman-Levinson).	LR—Notice pending Treasury review.
§§ 667, 666(e), 668, 665 (b), (e)-(g), 669, 1302 (a) (2) (B), (b) (2) (B), 6401 (b) LR-184-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Accumulation trusts (TRA 1976, §§ 701 (a)-(d), (f), 1014); (Harmen/Smith—TLC-Woodward/Levinson—ITC-Silver/Lainoff).	TLC—4/30/82 Draft of notice TLC.
§§ 679, 678(b), 643 (a), (c) (c), (D), (d), 6048, 6677—LR-187-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, §1013) (Harmen-Smith—ITC-Silver /Lainoff.	ITC—6/8/82 Draft of notice to ITC.
§ 704(b)—LR-262-76	Inc. Tax—Part 1—Determination of partner's distributive share (TRA 1976, § 213(d)) (Schmalz/Bromell—TLC-Levinson).	CC:IND, CC:I, TLC—7/13/82 Rev. draft of notice to CC:IND, CC:I, TLC.
§§ 706(c)(2)(B), 704—LR-265-76	Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, § 213(c)) (Ginsburgh/Francis—TLC-Levinson).	CC-Ind., CC:I, ACC(Lit)—6/21/82 Rev. draft of notice to CC:Ind., CC:I, ACC(Lit).
§ 707D(c)—LR-2127	Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213(b)(3) of TRA 1976 and to the *Miller* and *Carey* decisions (Charnas/Francis—TLC-Levinson).	LR—2/13/81 Draft of notice ret'd to LR for revi[illegible].
§ 709—LR-266-76	Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, § 203(b)) (Haglund/Bromell—TLC-Kuller/Levinson).	LR—1/11/80 Notice pub.; 5/21/80 Hrg. held; 4/7/82 T.D. to CC:LR for formal approval.
§ 731—LR-39-82	Inc. Tax—Part 1—Amendment of § 1.731-1(c) to clarify the tax treatment of a distribution of property by a partnership to a partner who had recently contributed other property to the partnership (Stevenson/Bromell).	LR—in LR for prep of notice.
§§ 761, 6031—LR-36-80	Inc. Tax—Part 1—Certain compliance problems where elections out of Subch. K are made (Schmalz/Francis—TLC-Levinson).	LR—6/17/81 Draft of notice ret'd. to LR for revision.
§§ 809, 811—LR-276-81	Inc. Tax—Part 1—To Clarify the treatment of certain amounts refunded in reinsurance transactions (Bennett/Parcell—TLC-Pike).	LR—3/19/82 Notice pub.; 8/19/82 Hrg. to be held.
§ 860—LR-183-78	Inc. Tax—Part 1—Real estate investment trusts & regulated investment companies (RA 1978, § 362) (Pellervo/Whedbee—TLC-Baneman/Levinson).	Trees.—3/31/80 Notice pub.; 5/26/82 T.D. to Trees. for formal approval.
§ 861(a)—LR-215-78	Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverude—ITC-SHAY/Lainoff).	Trees.—6/10/81 Notice to Trees. for formal approval (Draft regulatory analysis required; not yet prepared.)
§ 861(a)(7)—LR-71-77	Inc. Tax—Part 1—Source of income of underwriting income (TRA 1976, § 1036) (Bennett/Parcell—ITC-Shay/Lainoff).	LR—In LR for prep of notice.
§ 861D(e)—LR-57-81	Inc. Tax—Part 1—Income from certain leased aircraft, vessels, and spacecraft treated as income from sources within the U.S. (Pub. L. 96-605, § 104) (Kadue/Saverude).	LR—In LR for prep of notice.
§ 861(f)—LR-184-79	Inc. Tax—Part 1—To provide rules for the treatment of income from certain railroad rolling stock as income from sources within the U.S. (Bouma/Saverude—ITC-Wold/Lainoff).	ITC—12/12/80 Draft of notice to ITC and T:C; 1/22/81 Comments from T:C.
§ 864—LR-34-80	Inc. Tax—Part 1—To prevent a foreign bank with branch office in U.S. from avoiding U.S. taxation by booking a loan in its foreign home office (Kadue/Renfroe—ITC-Silver/Lainoff).	Commr.—7/27/82 Notice to Commr. for formal approval.
§§ 871, 881, 1441, 1442—LR-2043	Inc. Tax—Part 1—Original issue discount (RA 1971, § 313) (Schreiner/Saverude—ITC-Shay/Lainoff).	ITC—7/12/76 Notice pub.; 11/18/76 Hrg. held; 1/28/81 Draft of T.D. to ITC and T:C; 4/17/81 Comments from T:C.
§ 892—LR-110-80	Inc. Tax—Part 1—Rules for determining whether loans or net leases are commercial activities (Kadue/Saverude—ITC-Wold/Lainoff).	JR—7/22/80 Notice pub.; 3/20/81 Draft of T.D. ret'd to LR for reconsideration.
§§ 897, 6039C, 6652—LR-30-81	Inc. Tax—Part 6a—Temp. Regs.—Taxation of foreign investment in U.S. real property and information returns concerning foreign ownership of U.S. real property (Subtitle C of Title XI of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499); ERTA 1981, § 831) Renfroe/Saverude—ITC-Wold/Schreyer).	Commr.—7/29/82 T.D. to Commr. for formal approval.
§ 897—LR-130-81	Inc. Tax—Part 6a—Temp. Regs.—Non-recognition, reorganization, partnership, trusts, estate and REIT rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (ERTA 1981, § 831) (Schreiner/Saverude—ITC-Wold/Schreyer).	ITC & T:C—2/12/82 Draft of T.D. to ITC and T:C.
§ 897(e)(2)—LR-36-82	Inc. Tax—Part 6a—Temp. Regs.—Partnership, trust and estate rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (Feldmen-Saverude).	LR—In LR for prep of T.D.
§ 897(e)(2)(g)—LR-37-82	Inc. Tax—Part 1—Partnership, trust, and estate rules re. taxation of foreign investment in U.S. real property—Subtitle C of Title XI, Omnibus Reconciliation Act of 1980 (Feldmen/Saverude).	LR—In LR for prep of notice.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 897, 6039C, 6652—LR-154-82	Inc. Tax—Part 1—Taxation of foreign investment in U.S. real property and information returns concerning foreign ownership of U.S. real property (Subtitle C of Title XI of the Omnibus Reconciliation Act of 1980 (Pub. L. 96-499); ERTA 1981, § 831) (Renfroe/Saverude).	Commr.—7/29/82 Notice to Commr. for formal approval.
§ 901(f)—LR-65-75	Inc. Tax—Part 1—Certain payments for oil or gas not to be considered as taxes (TRA 1975, Pub. L. 94-12, §§ 275(a), 901, 601(b)) (Duffy/Blumkin—ITC-Schreyer/Granwell).	LR—11/17/80 Notice pub.; 5/29/81 Hrg. held; In LR for prep of T.D.
§§ 901, 903—LR-100-78	Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Bouma/Saverude—ITC-Lainoff/Schreyer.	ITC—6/20/79 Notice pub.; 10/11/97 Hrg. held; 11/17/80 Temp. Regs. T.D. 7739 pub.; 11/17/80 Notice pub.; 5/28/81 Hrg. held; 7/19/82 Draft of T.D. to ITC.
§ 902—LR-196-75	Inc. Tax—Part 1—To clarify rules for determining earnings & profits of a foreign corp. and amount of creditable foreign taxes (Schreiner/Saverude—ITC-Lainoff/Schreyer).	CC:C, CC:I, ACC(Lit), ITC—6/8/82 Draft of notice to CC:C, CC:I, ACC(Lit); 7/9/82 Draft to ITC.
§ 904(b) (2) and (3)—LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(c)(2) and (3)) (Feldman/Saverude—ITC-Lainoff/Schrever).	ITC, CC:C, CC:I—7/9/82 Draft to ITC, CC:C, CC:I.
§ 904(e)—LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Saverude—ITC-Lainoff/Schreyer).	Treasury—1/6/82 Notice to Treasury for formal approval.
§ 904(f)—LR-3-77	Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, § 1032) (Dean/Renfroe—ITC-Lainoff/Schreyer).	ITC—9/29/80 Draft of notice to ITC and T:C; 4/22/81 Comments from T:C.
§§ 905(c), 6689—LR-34-81	Inc. Tax—Part 1—Proc. and Admin.—Part 301—Amendment of regs. as required by Pub. L. 96-603, § (2)(c) (1) and (2)— Interest and penalties for failure to notify following receipt of refunds of foreign tax (Doran/Schreiner—ITC-Lainoff/Schreyer).	LR—In LR for prep of notice.
§ 907—LR-70-75	Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil and gas income (TRA 1975, § 601; TRA 1976, § 1035) (Duffy/Blumkin—ITC-Schreyer/Granwell).	LR—11/17/80 Notice pub.; 5/29/81 Hrg. held; In LR for prep of T.D.
§§ 911, 119, 913, 3401(a)(8)—LR-208-81	Inc. Tax—Part 1—Income of U.S. citizens and residents working abroad; Exemption from withholding (Subtitle B of Title I of ERTA 1981, §§ 111, 112, 113) (Doran/Renfroe—ITC-Lainoff/Schreyer).	LR—In LR for prep of notice.
§§ 905(c), 6689—LR-118-82	Inc. Tax—Part 4—Temp. Regs.—Creditability of foreign taxes with respect to taxpayer's obligation to file a notice of redetermination of foreign tax liability and civil penalties for failure to file (Pub. L. 96-603, § 2(c)) (Doran/Schreiner).	LR—In LR for prep of T.D.
§ 936(d)(2)—LR-106-77	Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rico & possession tax credit (TRA 1969, § 1051) (Feldman/Saverude—ITC-Lainoff/Schreyer).	Treasury 5/5/81 Notice to Treasury for formal approval.
§§ 951, 954, 955—LR-68-75	Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (TRA 1975, § 602(d); TRA 1976, § 1024) (Feldman/Saverude—ITC-Schreyer).	Commr.—8/9/76 Notice pub.; 8/22/77 Temp. Regs. T.D. 7503 Pub.; 7/1/81 T.D. to Commr. for formal approval.
§§ 951(a), 954(b)(1)(f), 955—LR-67-75	Inc. Tax—Part 1—Conforming regs. to certain amendments to subpart F (TRA 1975, Pub. L. 94-12, § 602(a)(3) (B) and (C) (other than (c)(6)) (Feldman/Saverude—ITC-Schreyer).	Commr.—2/9/78 Notice pub.; 7/1/81 T.D. to Commr. for formal approval.
§§ 952, 995, 964—LR-234-76	Inc. Tax—Part 1—Denial of certain tax benefits in connection with payment of certain bribes (TRA 1976, §§ 1065, 1066(b)) (Schreiner/Saverude—ITC-Wold/Lainoff).	ITC Commr.—2/3/81 Notice pub.; 8/10/81 Draft of T.D. to ITC and T:C; 9/24/81 Comments from T:C.
§ 960 (a)(1)—LR-237-76	Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1976, § 1037) (Renfroe/Saverude—ITC-Shay/Lainoff).	Treas.—11/19/80 Notice pub.; 6/17/81 T.D. to Treas. for formal approval.
§§ 993(d), 995(c), 751(c), 996(a)(2)—LR-245-76.	Inc. Tax—Part 1—Misc. DISC amdmts. (TRA 1976, § 1101 (c), (d), (e) and (g)(1)-(4)) Bouma/Saverude—ITC-Shay/Lainoff.	Commr.—1/2/81 Notice pub.; 7/26/82 T.D. to Commr. for formal approval.
§ 993—LR-92-77	Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, § 501) (Feldman/Saverude—ITC-Shay/Lainoff).	LR—4/10/80 Notice to DED for formal approval.
§ 995—LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) and (5)) (Feldman/Saverude—ITC-Shay/Lainoff).	Treas.—7/22/81 Notice to Treas. for formal approval.
§ 1014(e)—LR-235-81	Inc. Tax—Part 1—Basis of certain appreciated property transferred to decedent, etc. (ERTA 1981, § 425) (Alexander/Smith).	LR—In LR for prep of notice.
§§ 1056, 1245—LR-222-76	Inc. Tax—Part 1—Basis limitation and recapture of depreciation on player contracts (TRA 1976, §§ 212 (a), (b), 1901(b)(11)(D), 1951(c)(2)(C), 2122(b)(3), 2124(a)(2)) (Keesler/Parcell—TLC-McCarty/Levinson).	TLC—5/28/82 Draft of notice to TLC.
§ 1058—LR-182-78	Inc. Tax—Part 1—Transfers of securities under certain agreements (Pub. L. 95-345, § 2) (Keesler/Parcell—TLC-Kuller/Levinson).	CC: IND—8/19/81 Final draft of notice to TLC and CC: IND; 6/28/82 Comments from TLC.
§§ 1092, 6653, 263(g), 1256, 1212, 1236, 1234A—LR-187-81.	Inc. Tax—Part 1—Tax straddles (ERTA 1981, §§ 501-509) (Wold/Fischer)	LR—In LR for prep of notice.
§§ 1092, 1256, 6653, 263(g), 1212, 1221, 1236, 1234A—LR-186-81.	Inc. Tax—Part 5c—Temp. Regs.—Tax straddles (ERTA 1981, § 501-509) (Wold/Fischer)	TLC—7/19/82 Draft of T.D. to TLC.
§§ 1092, 1256—LR-280-81	Inc. Tax—Part 5c—Temp. Regs.—Transitional rules relating to tax straddles (ERTA, §§ 508-509) (Wold/Fischer—TLC-Reinhold).	Treas.—4/12/82 T.D. to Treas. for formal approval; 6/4/82 Changed pages to Treas.
§§ 1092 (a), (c), 1256—LR-281-81	Inc. Tax—Part 5c—Temp. Regs.—Tax straddle identification rules (ERTA 1981, §§ 501(a), 503(a)) (Wold/Fischer)—TLC-Reinhold).	LR—In LR for prep. of final draft of T.D.
§§ 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601—LR-266-76.	Inc. Tax—Part 1—Divestures of assets by bank holding companies (Pub. L. 94-453) (Swift/Blumkin).	LR—Notice pending Treas. review.
§§ 1201, 1202—LR-187-78	Inc. Tax—Part 1—Alternative tax on capital gains (RA 1978, §§ 401, 402, 403) (Flanagan/Francis—TLC-Hevener).	LR—In LR for prep of notice.
§ 1231(b)—LR-129-80	Inc. Tax—Part 1—Inclusion of timber within the definition of "property used in the trade or business" (Tolleris/Coulter—TLC-Kuller/Levinson).	Treas.—6/17/82 T.D. to Treas. for formal approval.
§ 1236, 1244, 1372—LR-180-78	Inc. Tax—Part 1—To include put and call options within the definitions of stock or securities (Magnatta/Francis—TLC-Levinson).	LR—Notice pending Treas. review.
§ 1239—LR-104-81	Inc. Tax—Part 1—Applicability of sec. 1239 to a sale or exchange where seller acquires 80 percent control over a corporation (Magnatta/Coulter).	TLC—5/28/82 Draft of notice to TLC.
§ 1244(c)-2—LR-163-81	Inc. Tax—Part 1—Manner of computing capital receipts ceiling amount in transitional year (Thompson/Coulter—TLC-McCarty/Levinson).	Treas.—5/19/82 T.D. to Treas. for formal approval.
§§ 1248, 751—LR-232-76	Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign corps. (TRA 1976, §§ 1022, 1042 (b), (c)) (Bouma/Saverude—ITC-Shay/Lainoff).	ITC—4/30/82 Draft of notice to ITC.
§ 1250—LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)), (Thompson/Francis—TLC-Yecies).	LR—In LR for prep of notice.
§ 1253—LR-1644	Inc. Tax—Part 1—Transfer of franchises; trademarks and trade names (TRA 1969, § 516(c)) (Tolleris/Coulter—TLC-Cunningham/Levinson).	LR—7/15/71 Notice pub.; 3/23/82 Rev. notice ret'd. to LR for further rev.
§ 1253—LR-183-81	Inc. Tax—Part 1—To clarify treatment of basis in transfers of franchises, trademarks, and trade names (Tolleris/Coulter).	LR—In LR for prep of notice.
§§ 1254, 751(c)—LR-276-76	Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1976, §§ 205, 1901(a)(93)) (Kroupa/Scott—TLC-Schuldinger).	ACC(T)—6/11/80 Notice pub.; 9/9/80 Hrg. held; 5/17/82 T.D. to ACC(T) for formal approval.
§ 1371—LR-215-81	Inc. Tax—Part 1—Shareholders of Subchapter S corps (ERTA 1981, §§ 233, 234) (Ginsburgh/Woo).	LR—In LR for prep of notice.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 1371—LR-4-73	Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Ginsburgh/Woo—TLC-Baneman/Levinson).	LR—Notice pending Treas. review.
§§ 1371, 1372—LR-277-76	Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corps. (TRA 1976, §§ 902 (a) and (c); 1901(a)(149)) (Ginsburgh/Saverude—TLC-Baneman/Levinson).	LR—4/17/80 Notice pub.; 10/8/80 Hrg. held; In LR for prep. of final draft of T.D.
§§ 1382-3, 1388-1—LR-268-79	Inc. Tax—Part 1—Distributions qualifying as patronage dividends (Keesler/Parcell—TLC-Pike).	LR—Notice pending Treas. review.
§§ 1385, 1388—LR-1175	Inc. Tax—Part 1—Relating to tax treatment of per unit retain allocations (Pub. L. 89-809, § 211) (Keesler/Parcell—TLC-Pike).	LR—Notice pending Treas. review.
§§ 1398, 1399—LR-48-81	Inc. Tax—Part 1—Rules relating to title 11 cases for individuals (Bankruptcy Tax Act of 1980, § 3, (Pub. L. 96-589)) (Swift/Whedbee—TLC-Cunningham/Levinson).	LR—In LR for prep of notice.
§ 1441—LR-40-79	Inc. Tax—Part 1—To provide for a certification method of withholding on dividends paid to nonresident aliens (Doran/Renfroe—ITC-Granwell).	ITC—4/30/82 Draft of notice to ITC.
§ 1441—LR-165-78	Inc. Tax—Part 1—Personal services income of nonresident individuals (Kadue/Saverude—ITC-Wold/Lainoff).	ITC—5/28/82 Rev. draft of notice to ITC.
§§ 1491, 1057—LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Kadue/Saverude—ITC-Wold/Lainoff).	ITC & T:C—5/29/81 Draft of notice to ITC and T:C.
§ 1502—LR-1086	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re. personal holding companies (Kissel/Blumkin—TLC-McCarty).	LR—7/5/79 Notice ret'd to LR for revision.
§ 1502—LR-140-73	Inc. Tax—Part 1—Misc. and tech. amendments to consolidated return regs. (Weinstein/Blumkin—TLC-Pike).	LR—3/21/78 Notice ret'd to LR for revision.
§ 1502—LR-222-81	Inc. Tax—Part 1—Accelerated depreciation in investment adjustments (Weinstein/Blumkin—TLC-McCarty/Levinson).	CC:C and TLC—3/23/82 Draft of notice to CC:C & TLC.
§ 1502—LR-97-79	Inc. Tax—Part 1—Credit & deductions etc., for consolidated returns (Kissel/Blumkin—TLC-Pike).	CC: Interp. ACC(Lit)—5/13/82 Draft of notice to CC: Interp. and ACC(Lit).
§ 1502—LR-94-74	Inc. Tax—Part 1—To provide consolidated return rules relating to life insurance companies subject to tax under Subch. L (Dufy/Blumkin—TLC-Pike).	LR—1/15/82 Draft of notice ret'd. to LR for revision.
§ 1502—LR-1386	Inc. Tax—Part 1—Consolidated return regs.—Revision of regs. re. accumulated earnings tax (Whedbee/Blumkin—TLC-McCarty).	CC: IND—7/9/68 Notice pub.; 9/12/68 Hrg. held; 8/25/71 Notice withdrawn; 5/14/79 Rev. notice pub.; 10/3/79 Hrg. held; 5/12/82 Draft of T.D. to CC: IND.
§ 1502—LR-256-79	Inc. Tax—Part 1—Consolidated return/Accumulated earnings tax—Earnings and profits when personal holding company is a member (Whedbee/Blumkin—TLC-McCarty).	CC: IND—5/12/82 Draft of notice to CC: IND.
§ 1502—LR-29-76	Inc. Tax—Part 1—To reflect amdmts. of consoldated return regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine and Fisheries Capital Construction Funds (Duffy/Blumkin—TLC-Pike).	LR—Notice pending Treas. review.
§ 1502-32—LR-113-77 RFA	Inc. Tax—Part 1—Consolidated return regs.—Investment adjustments (Weinstein/Blumkin—TLC-McCarty).	LR In LR for prep of notice (Draft regulatory analysis required; not yet prepared.)
§ 1502-42—LR-108-80	Inc. Tax—Part 1—To modify the percentage bad debt deduction for thrift institutions that file consolidated returns (Kissel/Blumkin—TLC-Pike).	TLC and T:C—1/30/81 Notice pub.; 9/19/81 Hrg. held; 2/3/82 Draft of T.D. to TLC & T:C.
§ 1502-45—LR-75-79	Inc. Tax—Part 1—At risk limitations of sec. 465 (Weinstein/Blumkin—TLC-McCartly/Levinson].	TLC—12/27/79 Rev. draft of notice to TLC.
§ 1504(c)(2)—LR-18-82	Inc. Tax—Part 1—Consolidated returns under § 1502 to be filed by life-nonlife groups (TRA 1976, § 1507) (Duffy/Blumkin—TLC-Pike).	LR—6/8/82 Notice pub.
§ 1502-76, etc.—LR-216-79	Inc. Tax—Part 1—Filing of separate returns for period not included in a consolidated return (Kissel/Blumkin—TLC-McCarty).	LR—Notice pending Treas. review.
§ 1504—LR-189-77	Inc. Tax—Part 1—Includibility in an afiliated group of subsidianes formed to comply with foreign laws (Swift/Whedbee—TLC-Wold/Lainoff).	LR—Notice pending Treas. review.
§§ 1563(a)(2), 50B, 52, 414(c)—LR-35-82	Inc. Tax—Part 1—To reflect the U.S. Supreme Court in *U.S. v. Vogel Fertilizer Co.*, holding that each member of stockholder group must own stock in each brother-sister corp. for purposes of 80 percent test (Pearson/Whedbee—TLC-Pike).	TLC and EP: EO—3/23/82 Draft of notice to CC:C, EP:EO and TLC; 4/22/82 Comments from CC:C.
§§ 2001, 2010, 2011, 2012(a), (e), 2013(b), (e)(1), 2014(b)(2), 2035, 2038(a), 2044, 2052, 2101, 2102, 2104, 2106, 2206-2207, 2502, 2504, 2505, 2521, 6018—LR-212-76.	Est. and Gift Taxes—Parts 20 and 25—Unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions (TRA 1976, § 2001; Technical Corrections Act 1979, § 107(a)(1)(F); ERTA 1981, §§ 401, 402, 424) (Grundeman/Smith—TLC-Woodward/Levinson).	LR—10/7/81 Draft of notice ret'd to LR for revi-[illegible]
§§ 2031, 2512—LR-85-80	Est. and Gift Taxes—Part 20 and 25—Revision of interest rate assumptions for actuarial purposes (Zyskind/Smith).	LR—In LR for prep of notice.
§§ 2032A, 2013(f), 1016(c), 1040—LR-209-[illegible].	Est. Tax—Part 1—Valuation of certain farm, etc. real property (TRA 1976, § 2003 (a), (c); RA 1978, § 702; ERTA 1981, § 421) (Grundeman/Smith).	LR—In LR for prep of notice.
§§ 2036(a)—LR-181-76	Est. & Gift Taxes—Parts 20 & 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1976; RA 1978, § 702 (i)) (Harman/Smith-TLC-Woodward/Levinson).	LR—Notice pending Treasury review.
§ 2040(b)—LR-180-76	Est. Tax—Part 1—Property held jointly by husband & wife (TRA 1976, § 2002(c), (d) (3); ERTA 1981, § 403 (c)) (Zyskind/Waltuch-TLC-Woodward/Levinson).	LR—10/8/81 Draft of notice ret'd. to LR for revi-[illegible].
§§ 2055(e), 2522, 170—LR-259-74	Est. & Gift Taxes—Parts 20 & 25—Disallowance of Charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust or pooled income fund (P.L. 93-483, § 3; P.L. 94-455, § 13.04(a); RA 1978, § 514 (a), (b); Technical Corrections Act 1978, § 105(a) (4)) (Grundeman/Smith-TLC-Baneman/Levinson).	LR—12/19/75 Notice pub.; 3/30/76 Hrg. held; T.D. Pending Treasury review.
§ 2055—LR-210-81	Est. Tax—Part 20—Treatment of certain contributions of works of art, etc. (ERTA 1981, § 423) (Coplan/Smith).	LR—In LR for prep of notice.
§§ 2056, 2044, 2207A, 2519, 2523—LR-211-76.	Est. & Gift Taxes—Parts 20 & 25—Increase in limitations on marital deductions (TRA 1976, § 2001 (a), (b), (d), 2006(a); RA 1978, § 702(g); ERTA 1981, § 403 (a), (b), (d)) (Harman/Waltuck—TLC-Woodward/Levinson).	TLC—2/26/82 Rev. draft of notice to TLC.
§ 2056(b)(7)—LR-108-82	Est. Tax—Part 22—Temp. Regs.—Qualified terminable interest treatment (ERTA 1981, § 403(d)) (Harman/Waltuck—TLC-Woodward).	LR—In LR for prep of T.D.
§ 2503—LR-211-81	Gift Tax—Part 25—Increase in annual gift tax exclusion and the unlimited exclusion for certain transfers (ERTA 1981, § 441) (Alexander/Smith).	TLC & CC:IND—2/25/82 Draft of notice to TLC & [illegible].
§ 2518(c)—LR-212-81	Gift Tax—Part 25—Certain transfers treated as a qualified disclaimer (ERTA 1981, § 426) (Zyskind/Waltuck).	LR—In LR for prep of T.D.
§§ 2518, 2045, 2041, (a)(2), 2055(a), 2056, 2504—LR-213-76.	Est. & Gift Taxes—Parts 20 & 25 Disclaimers (TRA 1976, § 2009(b); RA 1978, § 702(m))(Waltuck/Smith—TLC-Jewett).	Treasury—7/22/80 Notice pub.; 11/18/80 Hrg. held; 6/8/82 T.D. to Treasury for formal approv-[illegible]
§§ 2601-2603—LR-178-76	Tax on certain generation-skipping transfers—Part 26—Imposition & amount of, and liability for, tax (TRA 1976, § 2006(a)) (Waltuck/Smith—TLC-Woodward/Levinson).	LR—In LR for prep of notice.
§§ 2611-2614—LR-205-76	Est. & Gift Tax—Part 26—Tax on certain generation-skipping transfers—Definitions and special rules (TRA 1976, § 2006(a); Technical Corrections Act 1979, § 107(a)(2)(B)) (Waltuck/Smith—TLC-Woodward/Levinson).	LR—1/2/81 Notice pub.; 5/20/81 Hrg. held; 4/15/82 Draft of T.D. to CC:IND; 5/20/82 Comments from CC:IND.
§ 2621—LR-234-79	Est. & Gift Tax—Part 26—Generation-skipping transfers tax return requirement, etc. (TRA 1976, § 2006(a)) (Waltuck/Smith—TLC-Woodward/Levinson).	LR—8/5/80 Notice pub.; 11/5/80 Hrg. held; T.D. Pending Treasury review.
§§ 2622, 2013(g), 691(c), 303(d)—LR-202-76.	Inc. Tax—Est. Tax—Parts 1, 20, 26—Tax on certain generation-skipping transfers—Misc. provisions relating to generation-skipping transfers (TRA 1976, § 2006(a)) (Waltuck/Smith—TLC-Woodward/Levinson).	LR—In LR for prep of notice.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsmen and reviewer	Office in which pending and status
§ 3121(t)—LR-35-78	Empl. Tax—Part 31—Soc. sec. tax on employers of individuals who receive income from tips (Soc. Sec. Amdmts. of 1977, § 315) (Baughman/Bromell—TLC-Hevener/Levinson).	LR—Notice pending Treasury review.
§§ 3121, 3231—LR-23-82	Empl. Tax—Part 31-To require withholding of FICA & RRTA from certain payments of sick pay (Act of 12/29/81, § 3) (P.L. 97-123)) (Olson/Coulter—TLC-Hevener/Levinson).	LR—7/6/82 Notice pub.
§§ 3201, 3231—LR-196-81	Empl. Tax—Part 31—Increase in railroad retirement tax and clarification of definition of compensation (ERTA 1981, §§ 741, 743) (Kroupa/Coulter).	LR—In LR for prep of notice.
§ 3231(a)—LR-38-80	Empl. Tax—Part 31—To clarify the definition of "employer" for purposes of RRTA (Tolleris/Coulter—TLC-Pike/Levinson).	INTERP—In Interp for prep. of notice.
§ 3401(a)-1, (b)—LR-74-77	Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976, § 505) (Wold/Coulter—TLC-Hevener).	CC:EE, CC:Ind, TLC—2/12/82 Notice pub.; 5/17/82 Draft of T.D. to CC:IND, CC:EE, CC:Interp; 5/25/82 Comments from CC:I; 7/9/82 Draft of T.D. to TLC.
§ 3402—LR-197-81	Empl. Tax—Part 31—Withholding (ERTA 1981, § 101(e)) (Wold/Coulter—TLC-Lerman)	TLC—10/27/81 Notice pub.; 3/16/82 Draft of T.D. to TLC and CC:IND; 3/19/82 Comments from CC:IND.
§§ 3402(q), 6011—LR-188-80	Empl. Tax—Part 31—To require recipient of certain gambling winnings to furnish information regarding aggregation of other winnings (MacMaster/Coulter—TLC-Keyser).	TLC, ACC (Lit) CC:I, CC:Ind9/23/81 Notice pub.; 1/20/82 Hrg. held 7/13/82 Draft of T.D. to TLC, ACC (Lit) CC:I, CC:Ind.
§§ 4041(b), 4063, 4081, 4093, 4221, 6416—LR-173-78.	Exec. Tax—Various amdmts. under the Energy Tax Act of 1978; §§ 221, 222, 231, 232, 233, 404; Rev. Act of 1978, § 701(ff); Technical Corrections Act 1979, § 108(c)(5)) (Alexander/Waltuch—TLC-McCArty/Schuldinger).	TLC—1/2/81 Notice pub.; 5/18/82 Rev. draft of T.D. to TLC.
§§ 4041(k), 4081(c), 6427(f)—LR-84-80	Mfgrs. & Rtlrs. Exc. Tax—Part 48—Exemption from motor fuels excise tax for certain alcohol fuels (Crude Oil Windfall Profit Tax Act 1980, § 232) (Clark/Smith—TLC-Schuldinger/Levinson).	Cmmr.—9/28/81 Notice to Cmmr. for formal approval.
§§ 4041, 4042, 4054, 4058—LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Alexander/Saverude—TLC-Schuldinger/Levinson).	LR—10/22/870 Notice pub.; 4/8/81 Hrg. held FT.D. pending Treas. review.
§§ 4061, 4063—LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Zysking/Waltuch—TLC-Pike/Levinson).	Treas.—10/13/81 Notice to Treas. formal approv-[illegible]
§ 4064—LR-205-78	Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act 1978, § 201) (Ginsburgh/Woo—TLC-Schuldinger/Levinson).	LR 2/8/80 Notice pub.; 6/19/80 Hrg. held T.D. pending Treas. review.
§§ 4071(a) (1), (2), (d)(1), (f), 6416(b) (1), (2), (G), (d)(3), 6511(i)—LR-28-81.	Mfgrs. & Rtlrs. Exc. Tax—Part 48—Excise tax refund in cases of certain uses of tread rubber and adjustments pursuant to warrantly (P.L. 96-598; (P.L. 96-596; § 4 (Alexander/Smith—Pike/Levinson).	LR—In LR for prep of notice.
§ 4071—LR-180-81	Mfgrs. & Rtlrs. Exc. Tax—Part 48—Relating to recapped or retreaded tires (Wilson/Sheldon)	Interp.—In Interp for prep of notice.
§§ 4081-4084, 4091-4092, 4101, 4102—LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Clark/Saverude—TLC-Levinson).	Treas.—1/6/81 Notice to Treas. for formal approval.
§§ 4611, 4612, 4661, 4662—LR-16-81	Exc. Tax—Part 52—Environmental taxes—Imposition of taxes on petroleum and certain chemicals (P.L. 96-510, § 211) (Clark/Smith—TLC-Yecies/Levinson).	TLC—6/8/82 Rev. draft of notice to TLC.
§§ 4681, 4682—LR-341-81	Exc. Tax—Part 52—Environmental taxes—Imposition of tax on hazardous wastes (P.L. 96-510, § 231) (Clark/Smith).	LR—In LR for prep of notice.
§§ 4986-4997—LR-48-80	Exc. Tax—Part 51—Implementing the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger/Levinson).	Cmmr.—4/4/80 Notice pub.; 7/16/80 Hrg. held; 11/5/80 Rev. notice pub.; 12/11/80 2d Rev. notice pub.; 1/19/81 3d Rev. notice pub.; 2/3/81 4th Rev. notice pub.; 6/18/81 Hrg. held; 7/26/82 T.D. to Cmmr. for formal approval.
§§ 4986-4998—LR-225-81	Exc. Tax—Part 51—Issues arising where multiple parties share in production, including unitizations, partnerships, trusts and estates (Charnas/Bromell).	LR—In LR for prep of notice.
§ 4987—LR-227-81	Exc. Tax—Part 51—Definition of oil removed from the premises (Baughman/Bromell—TLC-Schuldinger).	TLC—7/14/82 Draft of notice to TLC.
§§ 4987, 4991—LR-224-81	Exc. Tax—Part 51—Definition of newly discovered oil (Ginsburgh/Bromell—TLC-Schuldinger/Levinson).	Commr.—7/26/82 Notice to Commr. for formal approval.
§ 4989-1(c)—LR-152-80	Exc. Tax—Part 51—To provide rules relating to base prices of tier 2 & tier 3 oil removed after 9/30/80 (Crude Oil Windfall Profit Tax Act 1980) (Stevenson/Bromell—TLC-Schuldinger/Levinson).	TLC—9/30/80 Notice pub.; 11/14/80 Rev. notice pub. 3/3/81 Hrg. held; 3/31/82 Draft of T.D. to TLC. Draft regulatory analysis prepared.
§ 4989-1(c)(2)—LR-142-80	Exc. Tax—Part 51—To clarify the interim rule for determining base prices for tier 2 and tier 3 oil (Crude Oil Windfall Profit Tax Act 1980) (Charnas/Bromell—TLC-Schuldinger/Levinson).	LR—9/24/80 Notice pub. In LR for prep of T.D.
§§ 4991, 4994, 4995—LR-313-81	Exc. Tax—Part 51—Exempt royalty oil (ERTA 1981, § 601 (b)) (Haglund/Woo—TLC-Schuldinger/Levinson).	LR—3/3/82 Notice pub.; 7/13/82 Hrg. held.
§ 4991—LR-226-81	Exc. Tax—Part 51—With respect to the definition of taxable crude oil (Charnas/Bromell—TLC-Schuldinger).	LR—5/26/82 Notice ret'd. to LR for revision.
§§ 4991, 4992, 4994—LR-217-81	Exc. Tax—Part 51—Exempt stripper well oil (ERTA 1981, § 603) (Schmalz/Woo—TLC-Schuldinger).	TLC, CC:C, CC:I—6/18/82 Rev. draft of notice to TLC, CC:C, CC:I.
§ 4991(e)—LR-228-81	Exc. Tax—Part 51—Tax consequence of mixing heavy oil with other oil (Kroening/Bromell)	LR—In LR for prep of notice.
§ 4992(e)—LR-66-80	Exc. Tax—Part 51—Independent producer oil allocations within a related group under the Crude Oil Windfall Profit Tax Act 1980 (Baughman/Woo—TLC-Schuldinger/Levinson).	LR—Notice pending Treas. review.
§ 4993—LR-67-80	Exc. Tax—Part 51—Incremental tertiary oil (Crude Oil Windfall Profit Tax Act 1980) (Stevenson/Bromell—TLC-Schuldinger).	LR—5/21/82 Notice ret'd. to LR by TLC for revision.
§ 4994—LR-69-80	Exc. Tax—Part 51—Exemptions for qualified governmental interests, qualified charitable interests (including residential child care agencies), Indian oil, Alaskan oil, and exempt royalty oil (COWPTA 1980, § 101(a); ERTA 1981, §§ 601(b), 604) (Schmalz/Bromell—TLC-Schuldinger).	LR—In LR for prep of notice.
§ 4994(c)—LR-68-80	Exc. Tax—Part 51—Exempt front-end oil under the (Crude Oil Windfall Profit Tax Act 1980) (Charnas/Bromell——TLC-Schuldinger/Levinson).	LR—12/5/80 Notice pub.; 2/24/81 Hrg. held; T.D. pending Treas. review.
§ 4995—LR-71-80	Exc. Tax—Part 51—Withholding and depositing of windfall profit tax (Charnas/Bromell—TLC-Schuldinger/Levinson).	Commr.—4/25/80 Notice pub.; 7/16/80 Hrg. held; 7/26/82 T.D. to Commr.; for formal approval.
§ 4996—LR-34-82	Exc. Tax—Part 51—Definition of property under the Crude Oil Windfall Profit Tax Act 1980 (Charnas/Bromell—TLC-Schuldinger).	TLC—3/31/82 Draft of notice to TLC.
§ 4996—LR-38-82	Exc. Tax—Part 51—Amendment of § 51.4996-1(b) with respect to the treatment of net profits interests for windfall profits tax purposes (Windfall Profit Tax Act 1980) (Charnas/Bromell).	LR—In LR for prep of notice.
§ 4997(b)—LR-72-80	Exc. Tax—Part 51—Changes in the application of Department of Energy regulations for purposes of the (Windfall Profit Tax Act 1980) (Charnas/Bromell).	LR—In LR for prep of notice.
§ 6001—LR-133-78	Inc. Tax—Part 1—Conditions under which books and records of controlled foreign corps. and orgs. will be required to be maintained in the U.S. (Bouma/Saverude—ITC-Shay/Lainoff).	LR—1/23/81 Notice pub.; 10/6/81 Hrg. held.
§§ 6001-6427, 4161, 4181—LR-2115	Exc. Tax—Part 52—Sporting goods and firearms & admin. provs. of special application to Mfgrs. and Rtlrs. Exc. Tax (Exc. Tax reduction Act of 1965 and other subsequent legislation through Rev. Act 1971) (Alexander/Harman/Clark/Waltuch—TLC-Hutton/Levinson).	LR—Notice pending Treas. review.
§ 6013 (g), (h)—LR-71-79	Inc. Tax—Part 1—To clarify the relationship of the joint return election and tax treaties (/Saverude—ITC-Lainoff/Schreyer).	LR—9/12/80 Notice pub.—3/23/82 T.D. ret'd. to LR for revision.
§ 6015—LR-199-81	Inc. Tax—Part 1—Declaration of estimated tax exception (ERTA, § 725) (Magnatta/Coulter)	TLC—12/1/81 Draft of notice to TLC & T:I; 1/6/82 Comments from T:I.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 6039—LR-49-80	Inc. Tax—Part 1—To conform the regs. to amdmts. made by sec. 7 of P.L. 96-167 (Discontinuance of option reports) (Bosco/Parcell—TLC-Hevener).	LR—T.D. Pending Treasury review.
§ 6045—LR-148-80	Inc. Tax—Part 1—Information returns on barter transactions (Roth/Parcell—TLC-Hutton/Levinson).	LR—Notice pending Treas. review.
§§ 6075, 2501-2502, 2512, 2513, 2522, 1015, 6019, 6212(c)—LR-213-81.	Gift tax—Part 25—Time for payment of gift taxes (ERTA 1981, § 442) (Zyskind/Waltuch)	ACC(T), ACC(Lit), CC:I, etc.—7/28/82 Draft of notice to ACC(T), ACC(Lit), CC:I.
§ 6081—LR-232-79	Inc. Tax—Part 1—Extension of time for filing returns (Bosco/Parcell)	CC:I, ACC(Lit)—6/8/82 Draft of T.D. to CC:I, ACC(Lit), CC:Ind.; 7/2/82 Comments from CC:Ind.
§ 6103(l)(2)—LR-3-81	Proc. & Admin.—Part 301—To authorize additional disclosures of returns and return information (Dickinson—TLC-Reinhold).	LR—7/19/82 Notice approved by Commr.
§ 6103(c)—LR-46-82	Proc. & Admin.—Part 301—Disclosure of returns and return information to designees of taxpayers (Dickinson).	LR—4/16/82 Notice ret'd. to LR.
§ 6103—LR-111-81	Proc. & Admin.—Part 301—Disclosure of return information to Bureau of the Census (Dickinson).	LR—7/27/82 T.D. 7824 approved by Treas.
§§ 6154, 6655—LR-140-78	Inc. Tax—Part 1—Payment of estimated tax by corporations (/Coulter—TLC-Hutton)	INTERP—In Interp for prep of notice.
§§ 6166, 6166A—LR-210-76	Exc. Tax—Part 20—Proc. & Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, § 2004(a); ERTA 1981, § 422) (Zyskind/Smith—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 6302—LR-2-82	Inc. Tax—Part 1—To require deposit of estimated tax by individuals (Tolleris/Coulter)	LR—7/23/82 Notice pub.
§§ 6324A, 2204(c)—LR-209-76	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for estate tax deferred under secs. 6166 & 6166A (TRA 1976, § 2004(d)) (Zyskind/Smith—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 6324—LR-201-76	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for additional estate tax attributable to farm, etc. valuation (TRA 1976, § 2003(b)) (Grundeman/Smith—TLC-Woodward/Levinson).	LR—5/24/82 Notice pub.
§ 6325-1(b)(1)(i)—LR-90-80	Est. Tax—Part 20—Transfer certificates in nonresident estates (Alexander/Smith—TLC-Lainoff).	Treas.—6/24/81 Notice Pub.; 6/15/82 T.D. to Treas. for formal approval.
§ 6331-1—LR-160-81	Proc. & Admin.—Part 301—To provide for service of notice of levy by mail (Alexander/Smith—TLC-Hutton/Levinson).	CC:Ind—2/26/82 Notice pub.; 6/22/82 Draft of T.D. to CC:I, CC:Ind.; 7/19/82 Comments from CC:I.
§ 6402(c)—LR-189-81	Proc. & Admin.—Part—301—To provide regs. relating to offset of past-due support against overpayments (Omnibus Reconciliation Act 1981, § 2331(b)) (Thompson/Saverude—TLC-Hutton).	LR—2/8/82 Notice pub.
§ 6411—LR-45-79	Inc. Tax—Part 1—Tentative refund of tax under claim of right adjustment (Rev. Act 1978, § 504) (Weinstein/Whedbee—TLC-Hutton/Levinson).	INTERP—In Interp for prep of notice.
§ 6501—LR-204-78	Inc. Tax—Part 1—Limitations on assessments and collection; To conform to sec. 212, RA 1978 (P.L. 95-600) (Stevenson/Francis—TLC-Hutton/Levinson).	LR—Notice pending Treas review.
§ 6511—LR-94-80	Proc. & Admin.—Part 301—To conform changes made by P.L. 95-628, § 8(a), relating to period of limitations for credit or refund with respect to net operating loss or capital loss carryback (Roth/Parcell—TLC-Yecies/Levinson).	LR—T.D. pending Treas. review.
§§ 6601(j), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011(c)(2), 2204(a), (b)—LR-[illegible]-76.	Est. Tax—Proc. & Admin.—Parts 20 and 301—Misc. procedural amendments relating to estate tax (TRA 1976, § 2004 (b), (c), (f); RA 1978, § 702(p)) (Stevenson/Bromell—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 6621—LR-245-81	Inc. Tax—Part 1—Change in rate of interest on underpayments and underpayments of tax to reflect 100 percent of prime rate adjusted annually (ERTA 1981, § 711) (Rosenthal/Parcell—TLC-McCarty).	Treas.—7/1/82 T.D. to Treas. for formal approval.
§ 6652—LR-153-81	Inc. Tax—Part 1—Penalties for failure to make returns or furnish statements (as amended by sec. 1123 of Subtitle C of Title II—Omnibus Reconciliation Act of 1980 (Dean/Renfroe—ITC-Lainoff/Schreyer).	CC:C—5/18/82 Draft of notice to CC:C & CC:I; 6/16/82 Comments from CC:I.
§ 6652(g)—LR-115-82	Inc. Tax—Part 6A—Temp. Regs.—Penalties for failure to make returns or furnish statements required under sec. 6039C (FIRPTA 1980, § 1123) (Dean/Renfroe).	CC:C, CC:IND, TLC—5/18/82 Draft of T.D. to to CC:C & CC:IND; 7/9/82 Draft of T.D. to TLC.
§ 6655(h)—LR-9-81	Inc. Tax—Part 1—Payment by large corps. of 60 percent of current year tax (Omnibus Reconciliation Act of 1980, § 1111; ERTA 1981, § 731) (Magnatta/Coulter—TLC-Hutton/Levinson).	TLC—5/17/82 Rev. draft of notice to TLC and CC:IND; 6/16/82 Comments from CC:I.
§ 6656(b)—LR-311-81	Proc. & Admin.—Part 301—Penalties for overstatement of deposits (ERTA 1981, § 724) (Kadue/Saverude—TLC-McCarty).	LR—5/26/82 Notice pub.
§§ 6659, 6653—LR-272-81	Proc. & Admin.—Part 301—Addition to tax in the case of valuation overstatements, and increase in the negligence penalty (ERTA 1981, § 722) (Bennett/Parcell—TLC-McCarty/Levinson).	LR—Notice ret'd. to LR for revision.
§§ 6682, 7205—LR-194-81	Empl. Tax—Part 31—Penalties for false information with respect to withholding (ERTA 1981, § 721) (Wold/Coulter—TLC-McCarty/Levinson).	Treas.—2/18/82 Notice to Treas. for formal approval.
§ 6682—LR-343-81	Inc. Tax—Part 30—Temp. Regs.—False information with respect to withholding (ERTA 1981, § 721) (Wold/Coulter—TLC-McCarty).	Treas.—2/18/82 T.D. to Treas. for formal approval.
§ 7502—LR-1406	Proc. & Admin.—Part 301—Amendment of regs. relating to the timely mailing to deposits (P.L. 90-364, § 106) (Roth/Parcell—TLC-Yecies/Levinson.	LR—12/11/70 Notice pub.; T.D. pending Treas. review.
§§ 7609, 7610—LR-164-76	Proc. & Admin.—Part 301—Administrative summons (TRA 1976, § 1205) (Kessler/Parcell—TLC-Hutton/Levinson).	Treas.—8/21/80 Notice pub.; 5/18/82 T.D. to Treas. for formal approval.
§ 7701—LR-232-78	Proc. & Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, as revised in 1976 (Haglund/Francis—TLC-Gallagher/Levinson—ITC-Shay/Lainoff).	CC:IND, CC:Interp.—10/27/80 Notice pub.; 5/18/82 Draft of rev. notice to CC:IND, CC:Interp.
§ 7701—LR-57-80	Proc. & Admin.—Part 301—To modify the application of the classification rules to limited liability companies (Baughman/Francis—TLC-Gallagher/Koppelman—ITC-Shay/Lainoff).	LR—11/17/80 Notice pub.
LR-149-75	Inc. Tax—Part 3—Maritime Capital Construction Fund (P.L. 91-469, § 601, Merchant Marine Act, 1936) (Duffy/Blumkin).	LR—1/29/76 Notice pub; 7/7/76 Hrg. held; In LR for prep of T.D.
LR-202-81	Inc. Tax—Part 5c—Temp. Regs.—Amortization deduction for motor carrier operating authority (ERTA 1981, § 266) (Coplan/Smith—TLC-Woodward/Levinson).	TLC—7/12/82 Final draft of T.D. to TLC.
LR-203-81	Inc. Tax—Part 1—Amortization deduction for motor carrier operating authority (ERTA 1981, § 266) (Coplan/Smith—TLC-Woodward).	TLC—7/12/82 Draft of notice to TLC.
LR-91-82	Statement of Procedural Rules—Amendments to 1981-2 (Pellervo/Whedbee)	CC:C, CC:I, CC:D, etc.—6/11/82 Discussion draft to CC:C, CC:I, CC:D, etc.; 7/2 Comments from OP:EX; 7/6/82 Comments from CC:Ind.
LR-248-79	Statement of Procedural Rules—1979-2 Periodic Amendments (Weinstein/Whedbee—TLC)	EP:EO, OP:EX, CC:C, CC:I—6/30/82 Rev. draft to EP:EO, OP:EX, CC:C, CC:I.
LR-25-81	Statement of Procedural Rules—Part 601—To provide for consolidated appeals hearings with respect to certain adjusments to windfall profit tax liability (Stevenson/Francis—TLC-Schuldinger/Levinson).	LR—5/18/82 Ret'd. to LR for prep. of final draft of regs.
LR-13-81	Statement of Procedural Rules—Part 600—Conferences in criminal tax cases (Weinstein/Whedbee).	CC—2/23/82 To CC for formal approval.
LR-120-81	Statement of Procedural Rules—Part 601—To provide for the Centralized Authorization File (CAF) (Swift/Whedbee—TLC-Hevener).	LR—3/31/82 SPR published; 7/21/82 Final draft [illegible].
LR-20-81	Statement of Procedural Rules—Part 601—Periodic revisions for 1982 parts 1 and 2 (Pearson/Whedbee—TLC).	CC:D, OP:CI—6/17/82 Final draft to CC:D, OP:CI, FO, etc.; 6/30/82 Comments from FO.

PART I—REGULATIONS UNDER DEVELOPMENT IN THE LEGISLATION AND REGULATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
LR-154-81	Statement of Procedural Rules—Part 601—Amendments to Statement of Procedural Rules—1981-1 (Stanley/Whedbee).	ACC(T)—7/20/82 Fwd to ACC(T).

PART II—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 44G, 404(i), 409A, 46(a)(2)—EE-151-81	Inc. Tax—Part 1—Employee stock ownership plans (ERTA 1981, §§ 331, 332) (Khil/Horowitz).	EE—In EE for prep of notice.
§ 46—EE-1-78	Inc. Tax—Part 1—Employee stock ownership plan requirements of Obtaining up to additional ½ percent investment credit (TRA 1976, § 803(d)) (Horowitz/Thrasher—TLC-Oppenheimner.	Treas.—6/17/79 Notice pub. 3/24/82 T.D. to Treas. for formal approval.
§§ 46, 401(a)—EE-4-78	Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, § 803(b)(2), (3), (c) and (d) (Horowitz/Thrasher—TLC-Oppenheimer).	Treas.—1/19/79 Notice pub. 6/28/79 Hearing Held 3/24/82 T.D. to Treas. for formal approval.
§§ 62, 219, 220, 404(h), 408, 409, 2503, 3121, 3306, 4973, 4974, 6693—EE-7-78.	Inc. Tax—Part 1—Gift Tax—Part 25, Employment Taxes—Part 31, Retirement Income Plan Excise Taxes—Part 54, Procedure and Administration—Part 301—Spousal Individual Retirement Accounts Simplified Employee Pensions, and Individual Retirement Account Technical Changes Act § 2002(a), (ERISA of '74 (P.L. 93–406), §§ 15.01 and 1503, TRA of '76 (P.L. 94–455) §§ 152, 156(c), 156(d), and 157, Rev. Act of '78 (P.L. 95-600), §§ 101(a)(10), 101(a)(14)(A), 101(a)(14)(B), and 101(a)(14)(E)(ii), Tech. Corr. Act of '79 (P.L. 96-222) (Gibbs/Wickersham—TLC-Oppenheimer/Levinson).	EE—7/14/81 Notice pub. In EE for prep. of T.D.
§ 72—EE-44-80	Inc. Tax—Part 1—Clarification of the Income Tax Regulations with respect to the taxation of distribution from qualified plans providing life insurance protection (Watkins/Wickersham—TLC-Oppenheimer).	EE—12/4/81 Prelim. draft of notice to E:A 5/14/82 Comments fm E:A.
§§ 72(o), (m), 405(d)(3), 401(d)(5)—EE-149-81.	Inc. Tax—Part 1—Certain distributions, contributions, etc. (ERTA '81, §§ 311(b), 312(e), 313, 314(a)) (Watkins/Wickersham).	EE—In EE for prep of notice.
§§ 120, 501(c)(20)—EE-5-78	Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, § 2134) (Kerby/McGovern—TLC-Hevener.	EE—4/29/80 Notice pub. 9/4/80 Hrg. held. 1/6/81 Prelim. draft of T.D. to TLC & E 1/30/81 Comments fm E 9/10/81 Comments fm TLC.
§ 125—EE-16-79	Inc. Tax—Part 1—Tax Treatment of Cafeteria Plans (Rev. Act of '78, § 134) (Beker/Thrasher—TLC-Oppenheimer/Hevener).	TLC & E:A—4/15/80 Rev'd prelim. draft of notice to TLC and E:A—12/17/81 Comments fm. E:A 2/24/82 2nd Rev'd prelim. draft of notice to TLC and E:A.
§§ 127, 3121(a)(18), 3401(a)(18), 3306(b)(13)—EE-178-78.	Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of '78, § 164) (Kerby/McGovern—TLC-Hevener).	EE—11/23/81 Notice pub. 3//24/82 Hrg. held in EE for prep of T.D.
§ 129—EE-147-81	Inc. Tax—Part 1—Dependent Care Assistance Programs (ERTA 1981, § 124(e)) (Rosenbaum/Kerby—TLC-Reinhold/Levinson).	EE—4/30/82 Revised prelim. draft of notice to CC:IND 5/13/82 Comments from CC:IND.
§§ 219, 402, 408, 409, 415, 2039(c), 2517(b), 6652—EE-148-81.	Inc. Tax—Part 1—Estate Tax—Part 20, Gift Tax—Part 25, Procedure and Administration—Part 301, Retirement savings (ERTA 1981, § 311(a), (c), (d), (f)–(h), 314(b)) (Gibbs/Wickersham—TRC-Oppenheimer).	TLC and E—4/30/82 Prelim. draft of notice to TLC and E.
§§ 401(a), 501(a)—EE-39-78	Inc. Tax—Part 1—Treatment of Puerto Rican retirement plans (P.L. 93–406, § 1022(i)) (Raps/Thrasher—ITC-Lainoff/Levinson—TLC-Hevener).	EE—6/30/82 T.D. to E for formal approval 7/12/82 TD approved by E.
§ 401(a)(2)—EE-133-80	Inc. Tax—Part 1—Refund of Mistaken Contributions (Multiemployer Pension Plan Amendments Act 1980, § 210(b)) (P.L. 96-364) (Johnson/Thrasher—TLC Hevener/Oppenheimer).	EP—7/27/82 Revised prelim draft of notice to EP.
§ 401(a)(5)—EE-6-78	Inc. Tax—Part 1—Comparability of plans for vesting (ERISA, § 1012(b)) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	E:A—2/7/80 Rev. prelim. draft of notice to E:A.
§ 401(a)(11)—EE-52-78	Inc. Tax—Part 1—Amdmt. of Qualified Joint and Survivor Annuity Regs. (Gibbs/Wickersham/Oppenheimer).	TLC—6/3/82 Prelim draft of notice to TLC and E 7/19/82 Comments from E.
§ 401-4(c)—EE-11-78	Inc. Tax—Part 1—To conform the "High 25 employee rule" to sec. 4022 of ERISA, "guaranteed benefits" (Hoffman/Wickersham—TLC-Hevener/Levinson).	EE—1/26/82 Notice pub. 5/25/82 Prelim. draft of T.D. to E 7/6/82 Comments from E.
§§ 401(k), 402(a)(8)—EE-169-78	Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of 1978, § 135) (Watkins/Wickersham—TLC-Hevener/Levinson).	EE—11/10/81 Notice pub. 4/20/82 Hearing held in EE for prep of T.D.
§§ 402(a)(2), 402(e), 403(a)(2)(A)(iii), 411(d)(1)—EE-14-78.	Inc. Tax—Part 1—Treatment of certain lump sum distributions (P.L. 93–406, § 2005), (TRA 1976, § 1512) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	Commr.—4/30/75 Notice pub. 8/12/75 Heading held 8/21/81 T.D. to Commr. for signature.
§§ 402(a)(5), (6), (7), 401(a)(20), 403(a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 691(c)(5), 805(d)(1)(c)—EE-15-78.	Inc. Tax—Part 1—Tax-free rollovers of lump sum distributions and plan termination payments. Lump sum distributions made with respect to a decedent (P.L. 94–267; P.L. 95–458, § 4; Rev. Act 1978, §§ 156(a), (b), 157(f), (g), (h)(1); Tech. Corr. Act 1979, § 101(a)(8)(A)) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	TLC and E—4/1/82 Revised prelim. draft of notice to TLC and E.
§ 403(b)(7)—EE-17-78	Inc. Tax—Part 1—Taxability of beneficiary under annuity purchased by sec. 501(c) organization or public school (P.L. 93–406, § 1022(e); TRA 1976, § 1504) (Becker/Thrasher—TLC-Havener-Levinson).	TLC and E—2/10/78 Notice pub. 12/30/80 Partial rev. notice pub. 6/4/81 Hrg. held 6/23/81 Prelim. draft of T.D. to TLC and E.
§§ 404(a)(1), (a)(6), (a)(7), (a)(3)(A), and (g); 412(c)(2)(A); 413(b)(7) and (c)(6)—EE-141-79.	Inc. Tax—Part 1—Deduction limitations and funding rules for valuing certain agreements (P.L. 93–406, §§ 1013, 1014, 4081(b); P.L. 94–12, § 402) (Beker/Marget—TLC-Oppenheimer/Levinson).	EE—In EE for prep of notice.
§§ 404(a)(10), 415(c)(6)—EE-152-81	Inc. Tax—Part 1—Employee stock ownership plan loan payments (ERTA 1981) (Johnson/Horowitz).	E—6/21/82 Prelim. draft of notice to E.
§ 404(d), (b)—EE-44-79	Inc. Tax—Part 1—Deferred Compensation payments to independent contractors (Rev. Act of 1978, § 133) (Khil/Thrasher—TLC-Hevener/Levinson).	TLC and E—10/19/81 3rd prelim. draft of notice to TLC and E.
§§ 404(e), 401(a)(17), 408(k)(3)—EE-150-81.	Inc. Tax—Part 1—"H.R.10" plan contribution limits, etc. (ERTA 1981, § 312 (Hoffman/Wickersham).	EE—In EE for prep of notice.
§§ 404 (g), 418A—EE-130-80	Inc. Tax—Part 1—Deduction of Employer Liability Payments, Notice of Reorganization and Funding Requirements (Multiemployer Pension Plan Amendments Act 1980, §§ 205, 202) (P.L. 96–364) (Hoffman/Wickersham—TLC-Hevener/Levinson).	E—6/25/82 Revised prelim. draft of notice to E.
§ 404A—EE-14-81	Inc. Tax—Part 1—Deduction for certain foreign deferred compensation plans (Act of Dec. 28, 1980, § 2 (a), (3)) (P.L. 96–603) (Raps/Thrasher—TLC-Hutton/Levinson).	E, CC:C—6/4/82 Prelim, draft of notice to E and CC:C.
§§ 409A, 48, 401, 6699—EE-49-80	Inc. Tax—Part 1—With respect to requirements for ESOPS, Investment Credit ESOPs, and certain other plans holding employer securities (Horowitz/Thrasher-TLC-Oppenheimer/Levinson).	EE—2/24/82 Prelim. draft of Notice (Part II) to TLC and E:A—4/28/82 Comments on Part II rec'd from TLC and E:A.
§ 411(d), (1)—EE-164-78	Inc. Tax—Part 1—Coordination of vesting and nondiscrimination requirements for qualified plans (ERISA, § 1012(a)) (Hoffman/Wickersham—TLC-Oppenheimer/Levinson).	EE—4/9/80 Notice pub. 6/12/80 Partial rev. notice pub. 7/10/80 Hearing held 8/12/80 Prelim. draft of T.D. to TLC and E—10/7/80 Comments fm TLC and E.
§§ 412, 413 (b), (5), (6) (c) (4), (5), 4971 (c) (4)—EE-99-78.	Inc. Tax—Part 1—Excise Tax Regulations—Funding for qualified plans (ERISA, §§ 1013 (a), (1014) (Raps/Marget—TLC-Oppenheimer/Levinson).	EE—2/19/82 Notice Signed by Commr.
§§ 412 (b), (j), (k), 4971 (d), 414 (l), 412 (a), 413 (b) (6)—EE-129-80.	Inc. Tax—Part 1—Pension Excise Taxes Part 54—Miscellaneous Funding Provisions (Multiemployer Pension Plan Amendments Act 1980, §§ 203, 204, 108 (a), (c), (d)) (P.L. 96-364) (Raps/Marget—TLC-Hevener/Levinson).	TLC and E—10/16/81 Prelim. draft of notice to TLC and E.
§ 412 (c) (3)—EE-151-80	Inc. Tax—Part 1—Term, etc. funding for ancillary benefits (ERISA, § 1013 (a), 3 (31)) (Raps/Marget—TLC-Oppenheimer/Levinson).	EE—In EE for prep of notice.
§ 414 (a)—EE-22-78	Inc. Tax—Part 1—Definitions and special rules; Service for predecessor (P.L. 93–406, § 1015) (Levontin/Wickersham—TLC-Oppenheimer/Levinson).	EE—In EE for prep of notice.

PART II—REGULATIONS UNDER DEVELOPMENT BY THE EMPLOYEE PLANS AND EXEMPT ORGANIZATIONS DIVISION—Continued

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§ 414 (e)—EE-123-80	Inc. Tax—Part 1—Church Plans (Multiemployer Pension Plan Amendments Act 1980, § 407 (b), (c)) (P.L. 96-364) (Painter/Marget—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§ 414 (f)—EE-131-80	Inc. Tax—Part 1—Definition of multiemployer plan (Multiemployer Pension Plan Amendments Act 1980, § 207) (P.L. 96-364) (Raps/Thrasher—TLC-Hevener/Levinson).	EE—2/18/82/Prelim. draft of notice to E:A 3/23/82 Comments from E:A.
§ 414 (m)—EE-3-81	Inc. Tax—Part 1—Employees of an Affiliated Service Group (Miscellaneous Revenue Act 1980, § 201 (P.L. 96-605); § 5 (P.L. 96-613)) (Levontin/Wickersham—TLC-Oppenheimer-Hevener/Levinson).	Treas.—7/12/82 Notice fwd to Trees for formal approval.
§ 418—EE-124-80	Inc. Tax—Part 1—Reorganization Status (Multiemployer Pension Plan Amendments Act 1980, § 202) (P.L. 96-364) (Kerby-Accettura/Wickersham—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§ 418B—EE-125-80	Inc. Tax—Part 1—Minimum Contribution Requirement, In General (Multiemployer Pension Plan Amendments Act 1980, § 202 (exc. sec. 418B (b) (3)) (P.L. 96-364) Levontin-Gibbs/Wickersham—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§ 418B (b) (3)—EE-126-80	Inc. Tax—Part 1—Minimum Contribution Requirement—Special Rule where Cash-Flow Amount Exceeds Vested Benefits Charge (Multiemployer Pension Plan Amendments Act 1980, § 202) (P.L. 96-364) Levontin/Wickersham—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§ 418C—EE-127-80	Inc. Tax—Part 1—Overburden Credit Against Minimum Contribution Requirement (Multiemployer Pension Plan Amendments Act 1980, § 202) (P.L. 96-364) (Beker/Thrasher—TLC-Oppenheimer).	EE—In EE for prep of notice.
§§ 418D, 418E, 411(a)(3), (4), (d)(6)—EE-[redacted].	Inc. Tax—Part 1—Adjustments in Accured Benefits; Insolvent Plans; Related Vesting Provisions (Multiemployer Pension Plan Amendments Act '80, §§ 202, 206) (P.L. 96-364) (Baker/McGovern).	EE—In EE for prep of notice.
§ 457—EE-176-78	Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. 1978, § 131) (Kerby/McGovern—TLC-Hevener/Levinson).	Treas.—12/24/80 Notice pub. 5/5/81 Hearing held 4/12/82 T.D. to Treas. for formal approval.
§§ 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a)—EE-53-79.	Inc. Tax—Part 1—Estate Tax—Part 20—Gift Tax—Part 25—Exemption of certain amateur athletic organizations from tax (Tax Reform Act of 1976, § 1313 (K. Johnson/Thrasher—TLC-Yecies/Levinson).	EE—5/10/79 Notice pub. under LR-172-76 10/9/79 Hearing held in EE for prep of T.D.
§ 501(c)(7) and (i)—EE-43-78	Inc. Tax—Part 1—Tax treatment of certain social clubs and prohibition of discrimintation by certain social clubs (P.L. 94-568) (Khil/Thrasher—TLC-Hevener-Levinson).	EE—8/19/81 Notice fwd to Commr. for signature 6/3/82 Notice returned from Commr to EE for rescheduling.
§ 501(c)(12)—EE-17-81	Inc. Tax—Part 1—Rules clarifying the regs. with respect to the computation of "gross income" of an electric cooperative (Levontin/Wickersham—TLC-Hevener/Levinson).	EE—In EE for prep of notice.
§§ 501(c)(12), 514(c)—EE-27-81	Inc. Tax—Part 1—Unrelated trade or business income (Miscellaneous Revenue Act 1980, §§ 106, 110) (P.L. 96-605) (Roberston/McGovern).	EE—In EE for prep of notice.
§501(e)—EE-44-78	Inc. Tax—Part 1—Amdmt. of regs. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (P.L. 90-364, § 109) (Beker/Thrasher—TLC-Hevener/Levinson).	TLC—4/30/82 Revised prelim, draft of notice to TLC and E—5/21/82 Comments fm E.
§ 501(h), 504, 4911, 170(f)—EE-154-78	Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, § 1307 (a), (b)) (G. Baker/McGovern—TLC-Hevener/Levinson).	TLC—1/29/82 Revised prelim. draft of notice to TLC.
§§ 512, 514, 851, 4940—EE-146-78	Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (P.L. 95-345, §2) (Kerby-McGovern—TLC-Gallagher/Levinson).	EE—2/18/82 Notice approved by E.
§ 513(d)—EE-155-78	Inc. Tax—Part 1—Activites of trade shows and state fairs (TRA 1976, § 1305) (Painter/Thrasher—TLC-Hevener/Levinson).	Treas.—12/9/80 Notice pub. 4/22/81 Hrg held 6/11/82 T.D. to Treas. for formal approval.
§ 513(e)—EE-46-78	Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, § 1311) (Kerby/McGovern—TLC-Hevener/Levinson).	E—5/28/82 Notice to E for formal approval.
§ 527—EE-6-81	Inc. Tax—Part 1—Relationship between section 527 and the Federal Election Campaign Act (Act of Jan. 3, 1975, § 10 (a)) (P.L. 93-625) (Accettura/McGovern).	EE—In EE for prep of notice.
§ 1379—EE-35-78	Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (§ 531, TRA 1969) (Snyder/Kerby—TLC-Oppenheimer/Levinson).	TLC and E—5/6/72 Notice pub. 7/24/72 Conference held. 8/13/80 2nd rev. prelim draft of T.D. to TLC and E.
§ 2039—EE-86-82	Inc. Tax—Part 1—Regs to change election procedures of income tax treatment (Wickersham).	EE—In EE for prep of notice.
§§ 4941, 4942, 4943, 4944, 4945, 4951, 4952, 4971, 4975, 4961, 4962—EE-16-[redacted].	Foundation Excise Tax—Part 53—Procedure and Administration—Part 301—Revision of second tier excise tax provisions, etc. under Chapters 42 and 43 (P.L. 96-596, § 1) (Snyder/McGovern—TLC-Baneman/Levinson).	EE—In EE for prep of notice.
§ 4942—EE-69-80	Foundation Excise Tax—Part 53—Exclusion of future interest from the minimum investment return computation (G. Baker/McGovern—TLC-Baneman/Levinson).	Commr.—1/26/82 Notice pub. 7/16/82 T.D. fwd to Commr. for signature.
§ 4942(d)(1)(j)(3)—EE-153-81	Foundation Excise Tax—Part 53—Definition of "distributable amount" and "qualifying distribution" (ERTA 1981, § 823) (Rosenbaum/Kerby—TLC-Baneman/Levinson).	EE—5/13/82 Notice pub.
§ 4942(g)(2)—EE-156-78	Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976, § 1302) (Kerby/McGovern—TLC-Baneman/Levinson).	TLC—8/26/80 Notice pub. 7/8/82 Prelim draft of TD to TLC.
§ 4943—EE-162-78	Foundation Excise Tax—Part 53, Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Watkins/Wickersham—TLC-Baneman/Levinson).	TLC—5/22/79 Notice pub. 8/16/79 Partial rev. notice pub. 9/6/79 Hrg. held. 7/8/82 Prelim draft of TD to TLC.
§§ 6033, 6034, 6104, 6652, 6685, 7207—[redacted].	Inc. Tax—Part 1—Procedure & Admin.—Part 301—Return and reporting requirements (Act of Dec. 28, 1980, § 1) (P.L. 96-603) (Snyder/McGovern—TLC-Oppenheimer/Levinson).	EE—In EE for prep of notice.
§ 6104(a)—EE-28-78	Proc. and Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, and stock bonus plans (P.L. 93-406, § 1022(g)) (Accettura/McGovern—TLC-Oppenheimer/Levinson).	Treas.—12/30/80 Notice pub. 7/12/82 TD fwd to Treas. for formal approval.
§ 6104(b)—EE-111-80	Proc. and Admin.—Part 301—Public inspection of certain foreign exempt organization returns (Levontin/Wickersham—TLC-Yecies/Levinson).	EE—4/19/82 Prelim. draft of notice to EO and TX:D.
§ 6211—EE-159-78	Proc. and Admin.—Part 301—Deficiency procedures, etc. relating to excise taxes imposed by Chapters 42 and 43 (Watkins/Wickersham—TLC-Jewett/Levinson).	Treas.—8/25/80 Notice pub. 7/8/82 TD fwd to Treas for formal approval.

PART III—REGULATION PROJECTS UNDER WHICH EXISTING REGULATIONS ARE TO BE REVIEWED PURSUANT TO PARAGRAPH 12 OF TREASURY DIRECTIVE 50-04.F

1954 Code section and file number	Subject and draftsman and reviewer	Office in which pending and status
§§ 3, 4, 144—LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (Rev. Act 1971, §§ 206, 301 (b), (c); TRA 1976, § 501) (Haglund/Saverude—TLC-Lerman/Levinson).	LR—In LR for prep of notice.
§§ 11, 21—LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Adj. Act 1975, § 4; TRA 1976, § 901 (a), (c)(2)) Saverude—TLC.	LR—In LR for prep of notice.
§§ 104(a), (b) 105(d)—LR-159-76	Inc. Tax—Part 1—Changes in exclusion for sick pay and certain military, etc., disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Roth/Parcell).	LR—7/9/80 Notice pub. T.D. Pending Treas. review.
§ 303—LR-124-76	Inc. Tax—Part 1—Distribution in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Pellervo/Blumkin—TLC-Woodward/Levinson).	LR—Notice pending Treas. review.
§ 368(a)(2)(F)—LR-135-76	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Swift/Blumkin)	LR—1/7/81 Notice pub.
§ 512(a)(3)—LR-1744	Inc. Tax—Part 1—Social clubs. Unrelated business income (TRA 1969, § 121(b)(1)) (Mix/Parcell—TLC-Hevener/Levinson).	LR—5/13/71 Notice pub. 8/31/71 Hrg. held.

PART III—REGULATION PROJECTS UNDER WHICH EXISTING REGULATIONS ARE TO BE REVIEWED PURSUANT TO PARAGRAPH 12 OF TREASURY DIRECTIVE 50-04.F—Continued

1954 Code section and file number	Subject and draftsmen and reviewer	Office in which pending and status
§§ 584(a)(1), (c)(1) (A) and (B), (c)(2), (e), 6032—LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L. 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Jewett/Levinson).	CC:C, CC:I—9/22/80 Notice pub. 2/19/81 Hrg. held 4/30/82 Draft of T.D. to TLC—5/4/82 Draft of T.D. to CC:C, CC:I—5/28/82 Comments from CC: TLC—7/22/82 Comments from TLC.
§ 904(b) (2) and (3)—LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(c) (2) & (3)) (Feldman/Saverude—ITC-Lainoff/Schreyer).	ITC, CC:C, CC:I—7/9/82 Draft to ITC, CC:C, CC:I.
§ 904(e)—LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks and carryovers of foreign taxes as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Bouma/Saverude—ITC-Lainoff/Schreyer).	Treas.—1/6/82 Notice to Treas. for formal approv[illegible]
§ 995—LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101(a), (g) (1) and (5)) (Feldman/Saverude—ITC-Shay/Lainoff).	Treas.—7/22/81 Notice to Treas. for formal approval.
§ 1250—LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2121(b), 2124(a)) (Thompson/Francis—TLC-Yecies).	LR—In LR for prep of notice.
§§ 1491, 1057—LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Kadue/Saverude—ITC-Wold/Lainoff).	ITC & T:C—5/29/81 Draft of notice to ITC and T:C.
§§ 4041, 4042, 4054, 4058—LR-2118	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Alexander/Saverude—TLC-Schuldinger/Levinson).	LR—10/22/80 Notice pub. 4/8/81 Hrg. held T.D. pending Treas. review.
§§ 4061, 4063—LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Zyskind/Waltuch—TLC-Pike/Levinson).	Treas.—10/13/81 Notice to Treas. formal approv[illegible].
§§ 4081-4084, 4091-4092, 4101, 4102—LR-2117.	Exc. Tax—Applicable to gasoline and lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Clark/Saverude—TLC-Levinson).	Treas.—1/6/81 Notice to Treas. for formal approval.
§ 7502—LR-1406	Proc. & Admin—Part 301—Amendment of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Roth/Parcell—TLC-Yecies/Levinson).	LR—12/11/79 Notice pub. T.D. pending Treas. review.

PART IV—REGULATIONS PROJECTS CLOSED BETWEEN MARCH 1, 1982, AND JULY 31, 1982

1954 code section and file number	Subject and drafter and reviewer	Disposition
§ 44E—LR-76-80	Inc. Tax—Part 1—Alcohol used as fuel (Crude Oil Windfall Profit Tax Act of 1980, § 232) (Kroening/Saverude—TLC-Roche/Schuldinger).	Project closed without regulations 3/8/82.
§ 48—LR-228-78	Inc. Tax—Part 1—Definition of new and used sec. 38 property (Swift/Whedbee—TLC-Yecies/Brown).	T.D. published in FR on 6/10/82.
§ 103(c)—LR-102-79	Inc. Tax—Part 1—To simplify the rules relating to arbitrage bonds (Flanagan/Coulter)	Project closed without regulations 3/30/82.
§ 103A—LR-105-82	Inc. Tax—Part 6a—Temp. Regs.—Title 11 of the Omnibus Reconciliation Act of 1980—To modify the regs. relating to mortgage subsidy bonds (Flanagan/Coulter).	T.D. published in FR on 5/24/82.
§ 103A—LR-116-82	Inc. Tax—Part 6a—Temp. Regs.—Title 11 of the Omnibus Reconciliation Act of 1980—To modify the regs. relating to mortgage subsidy bonds of constitutional home rule cities (Flanagan/Coulter).	T.D. published in FR on 6/8/82.
§ 103A—LR-131-82	Inc. Tax—Part 6a—Temp. Regs.—Title 11 of the Omnibus Reconciliation Act 1980—Modification of temp. regs. under § 6a.103A-2(i) to provide that prepayments of principal are deemed to be received semi-annually (Flanagan/Coulter).	T.D. published in FR on 6/29/82.
§§ 263, 404, etc.—EE-56-78	Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (*Comm.* v. *Idaho Power Co.*, 418 U.S. 1 (1974)) (Horowitz/Marget).	Project closed without regulations 6/28/82.
§ 385—LR-126-82	Inc. Tax—Part 1—Relating to change in the effective date (TRA 1969, § 415) (Swift/Blumkin)	T.D. published in FR on 7/2/82.
§ 442—LR-25-82	Inc. Tax—Part 5c—Temp. Regs.—Change of annual accounting period from fiscal year to calendar year (Roth/Parcell—TLC-Hutton).	T.D. published in FR on 4/9/82.
§ 451—LR-273-81	Inc. Tax—Part 5d—Temp. Regs.—Revision of § 1.451-4 relating to long term contracts (Rosenthal/Fischer).	Project closed without regulations 3/16/82.
§ 453—LR-185-80	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received from a liquidating corp. (Mix/Fischer—TLC-McCarty/Levinson).	Project closed without regulations 6/4/82.
§ 453—LR-187-80	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received in transactions in which gain or loss is not recognized (Mix/Fischer—TLC-McCarty/Levinson).	Project closed without regulations 6/4/82.
§ 453—LR-1-81	Inc. Tax—Part 15A—Temp. Regs.—Installment obligations received in transactions between related parties (Mix/Fischer—TLC-McCarty/Levinson).	Project closed without regulations 6/4/82.
§ 472-8(e)—LR-267-79	Inc. Tax—Part 1—Proposed revision to dollar-value LIFO regs. to allow small business to use Consumer Price Index (Bosco/Fischer—TLC-Hutton/Brown).	T.D. published in FR on 3/16/82.
§§ 501(c)(22), 194—EE-132-80	Inc. Tax—Part 1—Withdrawal Liability Payment Funds (Multiemployer Pension Plan Amendments Act 1980, § 209) (P.L. 96-364) (Robertson/McGovern).	Project closed without regulations 7/14/82.
§§ 809, 811, 820—LR-275-81	Inc. Tax—Part 13a—Temp. Regs.—Certain amounts refunded in reinsurance transactions (Bennett/Fischer).	Project closed without regulations 3/31/82.
§ 861(a)(1)(F)—LR-185-79	Inc. Tax—Part 1—Gross income from sources within the U.S. (RA 1978, § 540(a)) (Kadue/Saverude).	Project closed without regulations 6/4/82.
§ 871—LR-9-80	Inc. Tax—Part 1—Clarification of the computation of taxable income of dual status taxpayer (Feldman/Saverude—ITC-Shay/Lainoff).	Project closed without regulations 3/18/82.
§ 1202—LR-242-81	Inc. Tax—Part 5c—Temp. Regs.—Application of increased capital gains deduction for individuals to gains of pass-thru entities (ERTA 1981, § 102(d)) (Flanagan/Francis—TLC-Baneman/Brown).	Project closed without regulations 3/30/82.
§ 1502—LR-46-82	Inc. Tax—Part 1—Amendment of effective date of § 1.1502-42(d), relating to bad debt deduction for thrift institutions that join in filing consolidated returns (Kissel/Blumkin).	T.D. published in FR on 3/17/82.
§ 1502—LR-70-81	Inc. Tax—Part 1—To reflect the addition of sec. 473 to the Code dealing with qualified liquidations of LIFO inventories (Crude Oil Windfall Profit Tax Act 1980, § 403) (Weinstein/Blumkin).	Project closed without regulations 5/26/82.
§ 1502-80—LR-249-79	Inc. Tax—Part 1—Guidance for methods of consolidation for taxable years before regs. became effective (Swift/Whedbee—TLC-McCarty/Brown).	Project closed without regulations 4/29/82.
§ 1504(c)(2)—LR-47-82	Inc. Tax—Part 1—Consolidated returns under §§ 1501 and 1502 to be filed by life-nonlife groups (Duffy/Blumkin).	Project closed without regulations 3/24/82.
§ 2601—LR-338-81	Generation-skipping transfer tax—Part 26—Effective date provisions (ERTA 1981, § 428) (Grundeman/Smith).	T.D. published in FR on 3/3/82.
§ 2621—LR-20-82	Temp. Generation-skipping transfer tax regs.—Part 26a—Generation-skipping transfer tax return requirements (TRA 1976, § 2206(a)) (Waltuch/Smith).	T.D. published in FR on 6/3/82.
§§ 3121, 3231—LR-24-82	Empl. Tax—Part 31—Temp. Regs.—To require withholding of FICA & RRTA from certain payments of sick pay (Act of 12/29/81, § 3) (P.L. 97-123) (Olson/Coulter—Hevener/Levinson).	T.D. published in FR on 7/6/82.
§ 3402(o)—LR-8-81	Empl. Tax—Part 31—Extension of withholding to payments of sick pay made by third parties (P.L. 96-601, § 4) (Wold/Coulter—TLC-Gallagher/Koppelman).	T.D. published in FR on 3/16/82.

PART IV—REGULATIONS PROJECTS CLOSED BETWEEN MARCH 1, 1982, AND JULY 31, 1982—Continued

1954 code section and file number	Subject and drafter and reviewer	Disposition
§ 4482—LR-225-79	Exc. Tax—Part 41—Definition of highway vehicle for purposes of the highway use tax (Weinstein/Whedbee—TLC-Pike/Levinson).	Project closed without regulations 7/7/82.
§§ 4991, 4994, 4995—LR-204-81	Exc. Tax—Part 150—Temp. Regs.—Exempt royalty oil (ERTA 1981, § 601(b)) (Haglund/Woo—TLC-Schuldinger/Levinson).	T.D. published in FR on 3/3/82.
§§ 6109, 6049—LR-139-80	Inc. Tax—Part 1—Proc. and Admin.—Part 301—To require a resident having an interest in a nonresident alien's bank account to supply his SSAN (Tolleris/Coulter—ITC-Lainoff/Schreyer).	Project closed without regulations 6/24/82.
§ 6652—LR-33-82	Proc. and Admin.—Part 301—To conform to changes made by ERTA 1981 relating to requirements to file certain information returns and penalties for failure to file (Doran/Renfroe—ITC-Lainoff/Schreyer).	Project closed without regulations 7/26/82.
§§ 6654, 6655—LR-216-81	Inc. Tax—Part 1—Effect of royalty credit for 1981 on penalties for failure to pay estimated income tax (ERTA 1981, § 601(e)) (Charnas/Francis—TLC-Reinhold/Levinson).	Project closed without regulations 3/29/82.
§ 6655(h)—LR-29-81	Inc. Tax—Part 6A—Temp. Regs.—Title XI of the Omnibus Reconciliation Act of 1980, § 111—Relating to payment by large corps. of at least 60% of current tax year (ERTA 1981, § 725) (Magnatta/Coulter—TLC-Hutton/Levinson).	Project closed without regulations 4/7/82.

TABLE OF ABBREVIATIONS

Abbreviation	Meaning
ACC(Lit)	Associate Chief Counsel (Litigation).
ACC(T)	Associate Chief Counsel (Technical).
A/C (EX)	Office of Assistant Commissioner (Examination).
adj	adjustment.
admin	administration.
amdmt	amendment.
appvd	approved.
C or Comm'r. or Comm	Office of Commissioner.
CC	Office of Chief Counsel.
CC:C	Office of Chief Counsel, (Corporation Tax Division).
CC:D	Office of Chief Counsel, (Disclosure Litigation Division).
CC:I or CC:Interp or CC:Int.	Office of Chief Counsel (Interpretative Division).
CC:IND	Office of Chief Counsel (Individual Tax Division.
CC:T	Associate Chief Counsel (Technical).
CC:TL	Office of Chief Counsel (Tax Litigation Division).
co	company.
CP	Compliance.
corp	corporation.
COWPTA	Crude Oil Windfall Profit Tax Act.
E or EPEO	Office of Assistant Commissioner (Employee Plans and Exempt Organizations).
E:A	Actuarial Division.
EE	Office of Chief Counsel (Employee Plans and Exempt Organizations Division).
EO	Exempt Organizations Division.
EP	Employee Plans Division.
ERTA 1981	Economic Recovery Tax Act of 1981.
ERISA	Employee Retirement Income Security Act of 1954.
est.	estate.
exc.	excise (or except) (depending on context).
FO	Foreign Operations.
F.R.	Federal Register.
fwd.	forward.
govt.	government.
hrg	hearing.
inc.	income.
Interp	Office of Chief Counsel (Interpretative Division).
ITC	Office of International Tax Counsel (Treasury).
LR	Office of Chief Counsel (Legislation and Regulations Division).
mfgr	manufacturer.
misc	miscellaneous.
OP:CI	Office of Assistant Commissioner (Criminal Investigation).
OP:EX	Office of Assistant Commissioner (Examination).
org	organization.
perm	permanent.
P.L. or Pub. L.	Public Law.

TABLE OF ABBREVIATIONS—Continued

Abbreviation	Meaning
P & R	Office of Assistant Commissioner (Planning and Research).
prelim	preliminary.
prep	preparation.
proc	procedure.
prop	proposed.
prov	provision.
pub	published.
RA or Rev. Act	Revenue Act.
rec'd	received.
reg	regulation.
repub	republished.
ret'd	returned.
rtlr	retailer.
rev	revenue, revised or review (depending on context).
sec. or §	section.
soc. sec	social security.
subch	subchapter.
T or Tech	Office of Assistant Commissioner (Technical).
Tech. Corr	Technical Corrections.
T:C	Corporation Tax Division.
T.D.	Treasury decision.
temp	temporary.
T:I	Individual Tax Division.
TX:D	Disclosure Operations Division.
T:FP	Tax Forms and Publications Division.
TLC	Office of Tax Legislative Counsel (Treasury).
T/P	taxpayer.
TRA	Tax Reform Act.
Treas	Department of the Treasury.
TR & SA	Tax Reduction and Simplification Act.

TABLE OF ATTORNEYS

Name	Telephone (Area Code 202)
Legislation and Regulations Division	
Alexander, Annie R	566-3287
Baughman, Beverly	566-3297
Bennett, Alice	566-3238
Blumkin, Marcus B	566-3403
Bosco, Philip	566-3295
Bouma, Herman	566-3287
Bromell, John B	566-3326
Charnas, Doublas W	566-3297
Clark, Cynthia L	566-4336
Coplan, Robert B	566-3287
Coulter, John M., Jr	566-4473
Dean, Mary E	566-3288
Dickinson, David E	566-3373-3374
Doran, Carol	566-3288
Duffy, Donald K	566-4336
Feldman, Jacob	566-3289
Fischer, John M	566-3294
Flanagan, Harold	566-3294
Francis, Paul A	566-3930

TABLE OF ATTORNEYS—Continued

Name	Telephone (Area Code 202)
Ginsburgh, Robert	566-3297
Grundeman, Fredric E	566-3287
Haglund, David	566-3459
Harman, John	566-4336
Kadue, Martha E	566-3238
Keesler, Patricia K	566-3288
Kissel, Benedetta	566-3238
Kroening, Linda	566-3459
Kroupa, Diane	566-3459
MacMaster, John P	566-3294
Magnatta, George	566-3459
Mix, Phoebe A	566-3297
Olson, Pamela	566-3459
Parcell, John H	566-3288
Pearson, Mary Frances	566-3458
Pellervo, Duane H	566-3458
Renfroe, Diane L	566-3289
Rosenthal, Joseph	566-3288
Roth, Gregory	566-3288
Saverude, Charles C	566-3323
Schmalz, John	566-3288
Schreiner, Kent J	566-3289
Sheldon, Neal E	566-3935
Smith, Larry E	566-3287
Stanley, Keith E	566-3458
Stevenson, Donald W	566-3297
Swift, Carolyn	566-3455
Thompson, Susan K	566-3294
Tolleris, John A	566-3294
Waltuch, Robert H	566-3287
Weinstein, Yerachmiel	566-3458
Whedbee, Charles M	566-3458
Wilson, Jane	566-4069
Wold, Barry L	566-3288
Woo, Walter H	566-3297
Zyskind, Neil	566-3289
Employee Plans and Exempt Organizations Division	
Accettura, Paul G	566-3544
Baker, George B	566-3422
Beker, Harry	566-3544
Gibbs, William D	566-3430
Hoffman, Marjorie	566-3430
Horowitz, Joel E	566-6212
Johnson, Kimley R	566-6212
Kerby, Charles K., III	566-3422
Khil, John C	566-3544
Levontin, Mary M	566-3430
Malloy, James F	566-4551
Margel, Jonathan P	566-3651
McGovern, James J	566-4173
Painter, Janet S	566-3544
Raps, Eric A	566-6212
Robertson, Calder L., Jr	566-3422
Rosenbaum, Monice L	566-3422
Snyder, Timothy J	566-3422
Thrasher, Michael A	566-3961
Watkins, Charles M	566-3430
Wickersham, Richard J	566-3250

[FR Doc. 82-28110 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XVI

ACTION

Semi-Annual Agenda of Regulations

ACTION

45 CFR Ch. XII

Executive Order 12291, Federal Regulation; Semi-Annual Agenda of Regulations

AGENCY: ACTION.

ACTION: Publication of semi-annual agenda.

SUMMARY: This agenda announces the regulations that ACTION will have under development, revision and review during the 6 month period from October 1, 1982 through March 31, 1983. The purpose for publishing this agenda is to give notice of these upcoming regulations to allow the public the opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Ronald C. Owens, Associate General Counsel, ACTION, Room M-607, 806 Connecticut Avenue, NW., Washington, D.C. 20525, (202) 254-7963.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register,** in April and October of each year, a semi-annual agenda of regulations under development or review.

None of the regulations listed have been determined to be major and requiring a Regulatory Impact Analysis under E.O. 12291. None of the regulations listed have been determined to impose compliance costs or reporting burdens on the public and they have been found not to affect small business or state and local governments thereby requiring a Regulatory Analysis to be performed under 5 U.S.C. 602.

At this time, ACTION does not have a major regulation published and none is anticipated in the coming six month period.

Dated: September 24, 1982.

Thomas W. Pauken,

Director, ACTION.

CURRENT AND PROJECTED RULEMAKINGS

1. Title: Foster Grandparent Program (FGP) Regulations.

Agency Contact: Betty Brake, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525, Telephone (202) 254-7310, toll free (800) 424-8580, extension 239.

Effects on Small Business and Other Entities: None.

CFR Citation: 45 CFR Part 1208.

Legal Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93-113, 42 U.S.C. 5060.

Abstract: Proposed revisions to clarify and update existing FGP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable: Proposed regulations will be published in the **Federal Register** for comment, upon completion of OMB review in accordance with E.O. 12291, in late September or early October. Citations will remain the same.

2. Title: Senior Companion Program (SCP) Regulations.

Agency Contact: Betty Brake, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525, Telephone (202) 254-7310, toll free (800) 424-8580, extension 239.

Effects on Small Business and Other Entities: None.

CFR Citation: 45 CFR Part 1207.

Legal Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 93-113, 42 U.S.C. 5060.

Abstract: Proposed revisions to clarify and update existing SCP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable: Proposed regulations will be published in the **Federal Register** for comment, upon completion of OMB review in accordance with E.O. 12291, in late September or early October. Citation will remain the same.

3. Title: Retired Senior Volunteer Program (RSVP) Regulations.

Agency Contact: Betty Brake, Director, Older American Volunteer Programs, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525, Telephone (202) 254-7310, toll free (800) 424-8580, extension 239.

Effects on Small Businesses and Other Entities: None.

CFR Citation: 45 CFR Part 1209.

Legal Authority: Section 420 of the Domestic Volunteer Service Act of 1973, as amended, Pub. L. 95-113, 42 U.S.C. 5060.

Abstract: Proposed revisions to clarify and update existing RSVP regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations.

Timetable: Proposed regulations will be published in the **Federal Register** for comment, upon completion of OMB review in accordance with E.O. 12291, in late September or early October. Citations will remain the same.

4. Title: Fixed Income Counseling Program (FICC) Guidelines.

Agency Contact: John Herbert, FICC, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525, Telephone (202) 254-5250, toll free (800) 424-8580, extension 234.

Effects on Small Businesses and Other Entities: None.

Legal Authority: Title I, Part C, Section 122(a) of the Domestic Volunteer Service Act of 1973, as amended, Pub. L 93-113, 42 U.S.C. 4992.

Abstract: Proposed guidelines for FICC project grants, describing program authorization, history and purpose; applicant eligibility, criteria for sponsor responsibilities, application procedured and deadlines, and required reports and recordkeeping.

Timetable: Proposed guidelines published May 18, 1982, at 47 FR 21286. Final guidelines will be published in the near future.

5. Completed Actions: *Young Volunteer in ACTION (YVA) Guidelines,* final August 12, 1982. 47 FR 35018

Agency contact: Barbara Wyatt, (202) 254-8458, toll free (800) 424- 8580, Extention 288 or 289.

Mini-Grants Guidelines, final August 20, 1982, 47 FR 36461.

Agency Contact: Joe Bass, (202) 254-72-62, toll free (800) 424-8867.

[FR Doc. 82-27913 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XVII

Advisory Council on Historic Preservation

Regulatory Agenda

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ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 800

Regulatory Agenda

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Regulatory Agenda.

SUMMARY: The Regulatory Agenda is a semiannual summary of each proposed and each final regulation that the Advisory Council on Historic Preservation expects to publish in the **Federal Register** during the next twelve (12) months.

ADDRESS: Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Executive Director, Advisory Council on Historic Preservation, 202-254-3967.

Dated: August 26, 1982.

Robert R. Garvey, Jr.,

Executive Director.

CURRENT AND PROJECTED RULEMAKING—PRIORITY

Title: Protection of Historic and Cultural Properties

Agency Contact: John M. Fowler, General Counsel.

Effects on Small Businesses and Other Entities: None.

CFR Citation: 36 CFR Part 800.

Legal Authority: 16 U.S.C. 470, *et seq.*

Abstract: In order to streamline and increase the effectiveness of the Council's regulations at 36 CFR Part 800, the Council is in the process of preparing revisions to its regulations. The reason for the revisions is to implement new regulatory authorities set forth in Pub. L. 96-515, and to improve the efficiency of the historic preservation review process. The alternative to revision of the regulations is to leave them as they are, which would not achieve the goals the Council seeks. The revisions are expected to reduce the cost of complying with the regulations.

Timetable: Unknown at this time.

[FR Doc. 82-27914 Filed 10-27-82; 8:45 am]

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Thursday
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Part XVIII

Architectural and Transportation Barriers Compliance Board

Unified Agenda

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1190

Unified Agenda

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Submission of unified agenda.

SUMMARY: The Architectural and Transportation Barriers Compliance Board submits the following agenda for regulatory activities which may be conducted by the agency during the next twelve months. This regulatory agenda may be revised and/or refined by the agency during the coming months as a result of action taken by the Board.

ADDRESS: U.S. Architectural and Transportation Barriers Compliance Board, 330 C Street, SW., Room 1010, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: For information concerning the regulation and any proposed actions, contact Ms. Sally Free, Office of Technical Services (202) 472–2700 (voice or TDD) or (202) 245–1591 (messages—voice or TDD).

Dated: September 29, 1982.

Wm. Bradford Reynolds,

Chairperson, Architectural and Transportation Barriers Compliance Board and Assistant Attorney General for Civil Rights, Department of Justice.

Regulatory Agenda; Fiscal Year 1983

Minimum Guidelines and Requirements for Accessible Design

Agency contact: For information concerning the regulation and any proposed actions, contact Ms. Sally Free, Office of Technical Services, (202) 472–2700 (voice or TDD) or (202) 245–1591 (messages—voice or TDD).

Effects on small businesses and other entities: The Architectural and Transportation Barriers Compliance Board (ATBCB) has concluded that the Board's regulation, Minimum Guidelines and Requirements for Accessible Design, does not have a significant economic impact on a substantial number of small entities and that the requirements of the Regulatory Flexibility Act, Pub. L. 96–354, for a regulatory flexibility analysis, is not applicable. The Architectural and Transportation Barriers Compliance Board's regulation directly impacts four agencies—the General Services Administration, Department of Housing and Urban Development, Department of Defense and United States Postal Service—who are to issue standards in accordance with the Architectural Barriers Act of 1968, as amended. Final determination of possible effect, if any, on recipients of Federal construction funds and on small businesses will be made as these standards based on the guidelines and requirements are issued by these four agencies.

CFR Citation: 36 CFR Part 1190.

Legal Authority: Section 502(b)(7) of the Rehabilitation Act of 1973 (29 USC 792(b)(7)), as amended by the Rehabilitation Comprehensive Service, and Development Disabilities Amendments of 1978 (Pub. L. 95–602), 92 Stat. 2979.

Abstract: Specific provisions of the ATBCB guidelines and requirements have been reserved until such time as sufficient research, information, and/or field experience is obtained. It is anticipated that such information will become available during 1983 and that the Board will be able to take rulemaking action concerning these reserved provisions. In addition to the reserved provisions, the Board has indicated that additional information would be useful on other provisions in the regulation. As this information becomes available, the Board may also take rulemaking action concerning these provisions. The Board will provide information in rulemaking actions on alternatives being considered for addressing the problem, and the potential costs and benefits of the action proposed.

Timetable:

1983: Advanced notices of proposed rulemaking (ANPRM) and notice(s) of proposed rulemaking (NPRM) to be published on specific provisions of the ATBCB guidelines and requirements that have been reserved previously or that are in need of additional information.

1983: Final rulemaking to be published pending outcome of NPRMs.

Rulemaking History:

August 4, 1982: Revised final rule published, 36 CFR Part 1190, 47 FR 33862.

January 27, 1982: Amendments proposed to 36 CFR Part 1190, 47 FR 3939.

January 27, 1982: Amendments published to 36 CFR Part 1190.31(q), 1190.40, 1190.210 addressing scoping and technical requirements for public telephones and related equipment, 47 FR 3934.

September 29, 1981: Notice published extending comment period for proposed rulemaking of August 4, 1981, on 36 CFR Part 1190, 46 FR 47444.

August 4, 1981: Notice of proposed rulemaking published addressing recision of 36 CFR Part 1190, 46 FR 39764.

August 4, 1981: Notice of proposed rulemaking published on 36 CFR Part 1190.31(q), 1190.40, 1190.210 addressing scoping and technical requirements for public telephones and related equipment, 47 FR 3934.

January 16, 1981, final regulation published, 36 CFR Part 1190, 46 FR 4270.

August 18, 1980, notice of proposed rulemaking published, 36 CFR part 1190, 45 FR 55010.

February 22, 1980, notice of intent published, 36 CFR Part 1190, 45 FR 12167.

[FR Doc. 82–28069 Filed 10–27–82 8:45 am]

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Thursday
October 28, 1982

Part XIX

Environmental Protection Agency

Regulatory Agenda

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Ch. I

[FRL #2219-4]

Regulatory Agenda

AGENCY: Environmental Protection Agency.

ACTION: Regulatory Agenda.

SUMMARY: The Agency publishes a semi-annual Regulatory Agenda which summarizes the status of regulations under development, revision, and review. The purpose is to keep interested parties informed of the progress of these regulations.

FOR FURTHER INFORMATION CONTACT: For information on a regulation in the Agenda, please contact the person whose name is listed next to the regulation.

If you have suggestions for improving this publication, or need general information about the Agenda, please call or write to Daniel Fiorino, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C., 20460, (202) 382-5480.

If you want to be on the mailing list for the Regulatory Agenda, please call or write to Penelope Parker, Regulation Management Staff, Environmental Protection Agency, PM-223, Washington, D.C., 20460, (202) 382-5475.

SUPPLEMENTARY INFORMATION:

Background

Both Executive Order 12291 and the Regulatory Flexibility Act require that EPA publish a Regulatory Agenda in October and April every year. Executive Order 12291 on "Federal Regulation" appeared in the **Federal Register** on February 19, 1981, 46 FR 13193. The Order requires that Agencies publish a Regulatory Agenda identifying regulations under development or review. Under section 602 of the Regulatory Flexibility Act, the Agenda must identify regulations that are likely to have a significant impact on a substantial number of small entities. EPA published its most recent Regulatory Agenda on April 12, 1982, 47 FR 15702. The next Regulatory Agenda will appear in April 1983.

Organization of the Agenda

The Agenda appears in three parts: (1) A set of entries identifying regulations under development or revision; (2) a list of regulations EPA is deleting from the first part because they have been completed or cancelled; and (3) a list of regulations under review.

The Agenda entries in the first and second parts are organized by statutory area—generally by the titles of the major legislation authorizing EPA's pollution control programs. In a few cases, the Agenda combines different statutory programs. In a few cases, the Agenda combines different statutory authorities that have closely-related subject matter. For example, the Fuel Economy Data regulation—authorized by the Energy Policy and Conservation Act—appears at the end of the section on the Clean Air Act, along with other mobile source regulations.

The statutory areas appear in the following order:

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetics Act (FFDCA)
The Toxic Substances Control Act (TSCA)
The Clean Water Act (CWA) and the Marine Protection, Research, and Sanctuaries Act (MPRSA)
The Atomic Energy Act (AEA) and the Uranium Mill Tailings Radiation Control Act (UMTRCA)
The Safe Drinking Water Act (SDWA)
The Noise Control Act (NCA)
The Resource Conservation and Recovery Act (RCRA)
The Clean Air Act (CAA) and the Energy Policy and Conservation Act (EPCA)
The Comprehensive Environmental Response, Compensation, and Liability Act—"Superfund" (CERCLA)
General—Other Acts (including general grant and procurement regulations and regulations that cut across several programs)

Within each statutory area, we have divided the regulations into two basic groups: (a) "New Regulations", i.e., actions that will result in new CFR parts, subparts, or subsections; and (b) "Revised Reglations", i.e., actions that revise or amend already existing CFR parts, subparts, or subsections. Within each of these two groups, the regulations are ordered numerically by section number of the authorizing legislation. For example, all air regulations under Section 109 of the Clean Air Act will appear before those under Section 111. Within each statutory section, the Agenda orders regulations by CFR part number.

Regulations Covered in the First Part of the Agenda

The first part of the Agenda includes most of the regulations under development that are:

- Subject to Executive Order 12291;
- Have been identified by the President's Task Force on Regulatory Relief; or
- Have been designated by the Agency for priority development of revision.

The only rules excluded are: (a) Specialized categories of actions (such as EPA approvals of state plans and other actions that do not apply nationally); and (b) routine actions (such as pesticide tolerances and minor amendments to existing regulations).

The first part of the Agenda generally includes regulations scheduled for publication as a proposed or final rule within the coming calendar year. Occasionally, it also includes regulations with scheduled actions that are more than a year away. In some cases, regulations do not appear in the Agenda until they reach the stage of notice of proposed rulemaking.

Explanation of Information in the First Part of the Agenda

Two hundred & fifty six regulation entries are in the first part of today's Agenda. Of these, 120 are revisions to existing regulations. Sixteen of the regulations are classified as "major" under Executive Order 12291, and 28 are being revised at the request of the President's Task Force on Regulatory Relief.

There are four columns of information for each entry in the first part of the Agneda.

The *first* column contains the title, the Start Action Request (SAR) number and the docket number of the regulation. If the title is underlined, this indicates that the regulation entry is appearing in the Agenda for the first time. The Agency assigns the SAR number to a new regulation when the program office prepares the SAR for it.

The docket numbers—for those regulations that have them—are useful for identifying the official files on the regulation that are open to the public.

The *second* column contains most of the descriptive information on the regulation. It includes information under the following categories:

Description: The problem addressed by the regulation and the need for the regulation. The description also indicates whether the regulation is being revised at the request of the President's Task Force on Regulatory Relief.

Statutory Authority:

(a) The sections of the statutes that authorize the regulation; and

(b) the sections from the United States Code where the statutes are codified. (See the section above, entitled "Organization of the Agenda", for abbreviations of the titles of the statutes.)

CFR: (a) The part or subpart where the final regulation will appear in volume 40 of the Code of Federal Regulations (CFR); and

(b) whether EPA has classified the regulation as "major" under Executive Order 12291. Major regulations are so identified; non-major regulations are those that are not labeled "major". Regulations ultimately classified as major require a Regulatory Impact Analysis under Executive Order 12291. Executive Order 12291 defines "major" as:

(1) An annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Analysis: Whether the Agency plans to perform any of the following special analyses, i.e., a Regulatory Impact Analysis (RIA), a Regulatory Flexibility Analysis (RFA), an Environmental Impact Statement (EIS), or an Information Impact Analysis (IIA). EPA prepares an economic analysis for all regulations that have significant economic impacts on public or private sectors. If this will be the only analysis performed, then we do not include an "Analysis" category for the regulation.

Small Entity: Whether a regulation is likely to have a significant impact on a substantial number of small businesses, small governmental jurisdictions, or small organizations. Identification as "likely" is only tentative and does not mean that EPA will prepare a Regulatory Flexibility Analysis. For some regulations that are still a long way from proposal, we have indicated that this likelihood is "not yet determined."

The *third* column lists the person to contact for additional information on the regulation.

The *fourth* column lists documents published in the **Federal Register** in connection with the regulation, and provides the timetable for future actions. Published documents may include:

(a) The Advance Notice of Proposed Rulemaking (ANPRM), which describes the purpose of the proposed action and the issues and alternatives which the Agency will consider;

(b) The Notice of Proposed Rulemaking (NPRM), which is the regulation that the Agency proposes for public comment;

(c) The Notice of the Proposed Rulemaking (RPRM), which reproposes a regulation EPA has already proposed at least once;

(d) The Interim Final Rule (IFR), which is a regulation that becomes effective immediately, but on which the agency is accepting public comment; and

(e) The Final Rule (FR).

In many cases, the timetable for future actions is only tentative. Readers should call the contact person for the latest scheduling information

Regulations Covered in the Second Part of the Agenda

In the second part of the Agenda, EPA lists regulations appearing in the last Agenda that are now no longer under consideration. EPA will delete these from future Agendas. The information given on these regulations is less detailed than for those still under consideration. Generally, it includes (1) the date and **Federal Register** citation, if any, of the last action on the regulation, and (2) an explanation of why the Agency is deleting the regulation from the Agenda. If EPA has completed work on the regulation, the effective date of the regulation appears after the designation "completed."

Third Part of the Agenda—Regulations Under Review

The third part of the Agenda identifies existing EPA regulations (1) that are now under review, or (2) whose review will begin before the next Agenda is published. The purpose of such reviews is to determine whether the regulation should be revised, rescinded, or left unchanged. If EPA decides to revise or rescind the regulation, the action will then appear as an entry in the first part of the Agenda, and this will state the timetable for completing the revision or rescission.

For each regulation under review, the Agenda gives the title, a short description, statutory authority, CFR reference, any analysis EPA is preparing, contact person, and the schedule for completing the review. It also indicates the "review authority," which in many cases will be different from the regulation's statutory authority. Regulations are reviewed under the following mandates:

- Executive Order 12291
- Regulatory Flexibility Act
- Paperwork Reduction Act
- Environmental Statutes

Some of EPA's reviews satisfy more than one of these mandates. In the paragraphs below we summarize the different goals of these authorities.

Executive Order 12291 establishes the general policy that EPA should review all of its existing regulations to ensure that the costs of these regulations are justified by their benefits. This policy covers any regulations that EPA is reviewing at the request of the President's Task Force on Regulatory Relief.

The Regulatory Flexibility Act (5 U.S.C. 610) requires that EPA review at least once every ten years existing regulations that have a significant economic impact on a substantial number of small entities, including small businesses, small organizations, and small governments. EPA issued its plan for conducting these reviews on July 16, 1981 at 46 FR 36930 and has used those comments in identifying candidates for review.

The Paperwork Reduction Act requires that Federal agencies reduce unnecessary paperwork burdens on the public. EPA reviews information collection activities for duplication, practical utility, and burden on the public.

Many of EPA's authorizing *environmental statutes* also set review dates for specific regulations.

Joseph A. Cannon,

Associate Administrator for Policy and Resource Management.

BILLING CODE 6560-50-M

EPA REGULATIONS UNDER CONSIDERATION

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), with the cooperation of the States for certain activities, regulates the use of pesticide products in the United States. Under Section 3 of the Act all manufacturers of pesticides must register their products with EPA. At the request of the President's Task Force on Regulatory Relief, EPA is reviewing and revising its Section 3 regulations (SAR No. 1524).

NEW REGULATIONS

Title	Summary	Contact	Timetable
Restricted Use Classification for Certain Active Ingredients Used in Fumigants SAR No. 1828	Description: FIFRA requires that pesticides be classified for either restricted or general use. This rule would classify certain active ingredients in fumigants for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restriction, may have unreasonable adverse effects on the environment. Statutory Authority: FIFRA 3, 25 / 7 USC 136(a) CFR:40 CFR 162.31 Small Entity:Not yet determined	Walter Waldrop EPA (TS-767-C) Washington, DC 20460 FTS:8-557-0592 COMM:703-557-0592	NPRM: 10/00/82 FR: Undetermined
Restricted Use Classification For Certain Active Ingredients Used in Granular Insecticides SAR No. 1829	Description: FIFRA requires that pesticides be classified for either restricted or general use. This rule would classify certain active ingredients in granular insecticides for restricted use based on an evaluation of the incremental risks and benefits of unrestricted use. Classification for restricted use permits the continued use of certain pesticides which, if used without restriction, may have unreasonable adverse effects on the environment. Statutory Authority: FIFRA 3, 25 / 7 USC 136(a) CFR:40 CFR 162.31 Small Entity:Unlikely	Walter Waldrop EPA (TS-767-C) Washington, DC 20460 FTS:8-557-0592 COMM:703-557-0592	NPRM: 44FR45218 (08/01/79) FR: 11/00/82
Good Laboratory Practice – Toxicology Testing SAR No. 1703 Docket No. OPP-30023B	Description: This rule states requirements for the retention and handling of laboratory records and includes quality assurance procedures, records and similar information related to Good Laboratory Practice. Statutory Authority: FIFRA 3 / 7 USC 136(a) CFR:40 CFR 163Q Small Entity:Unlikely	Bruce Jaeger EPA (TS-769C) Washington, DC 20460 FTS:8-557-3713 COMM:703-557-3713	NPRM: 45FR26373 (04/18/80) FR: 12/00/82
Reporting Requirements for Certain Dealers of Restricted Use Pesticides SAR No. 1746	Description: This rule would establish certain recordkeeping and reporting requirements for pesticides that are classified for restricted use. This rule will only apply to States and Indian Reservations where the Administrator is conducting a Federal program to certify pesticide applicators. The rule would require persons who make restricted use pesticides available to users to submit a report to the Agency and maintain records of sales. Statutory Authority: FIFRA 3(d), 4(2)(1), 25(2)(1) / 7 USC 136a, 136b, 136w CFR:40 CFR 171 Small Entity:Unlikely	David Hanneman EPA (EN-342) Washington, DC 20460 FTS:8-382-5645 COMM:202-382-5645	NPRM: 47FR32551 (07/28/82) FR: 05/00/83
Registration of Pesticide Producing Establishments SAR No. 1747	Description: This regulation amends the existing regulations on registering establishments that produce pesticides. The regulation implements the Congressional mandate to register establishments that produce active ingredients used in pesticides. Statutory Authority: FIFRA 7 / 7 USC 136e, 136f, 136w CFR:40 CFR 167 Small Entity:Unlikely	Richard Kuntz EPA (EN-342) Washington, DC 20460 FTS:8-382-5650 COMM:202-382-5650	NPRM: 45FR46100 (07/09/80) FR: Undetermined
Exemption for Certain Products Containing Pheromone Attractants SAR No. 1870 Docket No. OPP-250031	Description: This rule would exempt from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act all pheromones, identical synthetic chemicals intended for use in pheromone traps, and the pheromone traps in which those chemicals are the sole active pesticide ingredient. This revision is being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: FIFRA 25(b)(2) CFR:40 CFR 162 Small Entity:Unlikely	David Alexander EPA (TS-767) Washington, DC 20460 FTS:8-557-0592 COMM:703-557-0592	NPRM: 47FR33716 (08/04/82) FR: 04/00/83

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT			
Proposed Interpretive Rule Governing State Primary Enforcement Responsibility for Pesticide Use Violations SAR No. 1563	Description: This rule will give the Agency interpretation of Sections 26 and 27 of FIFRA which, provide for State enforcement of pesticide violations. Statutory Authority: FIFRA 26, 27 / 7 USC 136-W-1, W-2 CFR:40 CFR 173 Small Entity:Unlikely	Laura Campbell EPA (EN-342) Washington, DC 20460 FTS:8-382-5651 COMM:202-382-5651	NPRM: 47FR16799 (04/20/82) FR: 04/00/83
REVISED REGULATIONS			
Data Requirements for Registration SAR No. 1837	Description: This regulation will specify the kinds of data that will normally be required to support the registration of a pesticide based on its product type and use pattern. It will state whether the requirements apply to manufacturing-use products or to end-use products. These requirements will provide two principal benefits: 1) generation of data needed to evaluate pesticides' effects, and 2) more efficient and faster pesticide development and registration. EPA is revising this regulation at the request of the President's Task Force on Regulatory Relief. Statutory Authority: FIFRA 3 / 7 USC 136(a) CFR:40 CFR 158 Analysis:RIA Small Entity:Unlikely	Frederick S. Betz EPA (TS-769) Washington DC 20460 FTS:8-557-7351 COMM:703-557-7351	NPRM: 10/00/82 FR: 11/00/82
Modification of Regulations for Pesticide Reregistration, Classification and Incorporation of Registration Standards SAR No. 1524 Docket No. OPP-30034	Description: These regulations will revise procedures and requirements for the registration of new pesticide chemicals and products, the registration and reregistration of old pesticide chemicals and products, the classification of pesticides for general or restricted use, and child-resistant packaging. EPA is revising this regulation at the request of the President's Task Force on Regulatory Relief. Statutory Authority: FIFRA 3(c)(2)(C) / 7 USC 136(d) CFR:40 CFR 162 Small Entity:Unlikely	Suzanne Harker EPA (TS-767C) Washington DC 20460 FTS:8-557-0592 COMM:703-557-0592	ANPRM: 44FR76311 (12/26/79) NPRM:47FR40659 (09/15/82) FR: Undetermined
Conditional Registration and Data Compensation SAR No. 1885	Description: The United States Court of Appeals for the Third Circuit stated on June 22, 1982 that EPA must promulgate appropriate regulations in accordance with the Administrative Procedure Act. Unless reproposed, the current regulations will become invalidated by January, 1983. Statutory Authority: FIFRA 3 CFR:40 CFR 162 Small Entity:Unlikely	Jean Frane EPA (TS-767C) Washington, DC 20460 FTS:8-557-0592 COMM:703-557-0592	NPRM: 11/00/82 FR: 01/00/83
Certification of Pesticide Applicators — Expansion of Time Period SAR No. 1899 Docket No. OPP-40004C	Description: The Agency is proposing to extend the certification of commercial pesticide applicators from two years to three years and the certification of private applicators from three to four years. Statutory Authority: FIFRA 4 CFR:40 CFR 171.11 Small Entity:Unlikely	John Seitz EPA (EN-342) Washington, DC 20460 FTS:8-382-5623 COMM:202-382-5623	NPRM: 10/00/82 FR: Undetermined
Amendments to Criteria for the Rebuttable Presumption Against Registration Process SAR No. 1745	Description: EPA is proposing amendments to the criteria for initiating the Rebuttable Presumption Against Registration (RPAR) process. These amendments will make the process consistent with recent changes in the statute and the program. These amendments are being proposed at the request of the President's Task Force on Regulatory Relief. Statutory Authority: FIFRA 6(b) / 7 USC 136 CFR:40 CFR 162 Small Entity:Unlikely	Art Donner EPA (TS-791) Washington, DC 20460 FTS:8-557-8193 COMM:703-557-8193	NPRM: 11/00/82 FR: 06/00/83
Proposed Revisions to Crop Group Tolerances SAR No. 1823 Docket No. OPP-260043	Description: At the request of the President's Task Force on Regulatory Relief, EPA is revising the Crop Group Regulations to allow for more extensive use of group tolerances for related crops. It will minimize the burden of establishing tolerances for pesticide residues in or on minor crops. It defines crop groups and the procedures for establishing group tolerances. Statutory Authority: / 21 USC 346a(e) CFR:40 CFR 180.34(f) Small Entity:Unlikely	Charles L. Trichilo EPA (TS-769) Washington, DC 20460 FTS:8-557-7324 COMM:703-557-7324	NPRM: 47FR20635 (05/13/82) FR: 04/00/83

EPA REGULATIONS UNDER CONSIDERATION

TOXIC SUBSTANCES CONTROL ACT

EPA is writing regulations under four sections of the Toxic Substances Control Act (TSCA): under Section 4, rules that require the testing of specific chemical substances and mixtures; under section 5, premanufacture notification rules; a series of specific control actions under Section 6, for chemicals presenting unreasonable risks; and under Section 8, reporting and recordkeeping requirements necessary for implementing other TSCA provisions.

NEW REGULATIONS

Title	Summary	Contact	Timetable
Good Laboratory Practice Standards SAR No. 1886	Description: This regulation sets forth the standards for Good Laboratory Practices (GLP) which apply to all health effects, ecological effects, physical, chemical and persistence testing conducted under TSCA. Good laboratory practices are recognized, established practices which laboratory professionals use to ensure accurate and replicable tests. EPA will invoke these GLP standards when it publishes chemical-specific test rules. Statutory Authority: TSCA 4(b) / 15 USC 2603 CFR:40 CFR 163Q Small Entity:Not yet determined	Dr. Irwin Baumel EPA (TS-796) Washington, DC 20460 FTS:8-382-4241 COMM:202-382-4241	FR: 01/00/83
General Reimbursement Policy for TSCA Test Rules SAR No. 1726 Docket No. OPTS-48001C	Description: TSCA requires that those who manufacture and process a chemical must pay for tests to develop necessary information on its risks. Industry has initial responsibility for deciding how to share testing costs, but Section 4 requires EPA to issue reimbursement orders when private negotiations fail. This rule establishes procedures and criteria for EPA to make decisions on fair and equitable reimbursement. It is designed to encourage private arrangements by reducing the advantage of transferring a dispute to EPA. Statutory Authority: TSCA 4(c) / 15 USC 2603 CFR:40 CFR 790 F Small Entity:Unlikely	Ellen Selonick EPA (TS-779) Washington, DC 20460 FTS:8-382-3700 COMM:202-382-3700	ANPRM: 44FR54284 (09/18/79) NPRM: 47FR24348 (06/04/82) FR: 03/00/83
General Exemption Policy for Test Rules SAR No. 1669 Docket No. OPTS-47001	Description: This is a final notice of the policies and procedures EPA will use to grant exemptions from testing under Section 4(c) of TSCA. Section 4(c) requires EPA to exempt applicants from testing if the chemical they manufacture or process is equivalent to one which is already being tested or if testing by applicants for exemptions would duplicate data already submitted to EPA. Statutory Authority: TSCA 4(c) / 15 USC 2603 CFR:40 CFR 790 (proposed as 773) Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 45FR48512 (07/18/80) FR: 12/00/82
Decision on Test Rules for Chloromethane and Chlorinated Benzenes and Decision Not to Test Acrylamide (Health) SAR No. 1131 Docket No. OPTS 47002	Description: This is one of a series of decisions on rules issued under TSCA, Section 4. EPA will either require testing of specific chemicals or provide adequate reasons for not requiring testing. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 (proposed as 771) Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 45FR48524 (07/18/80) FR: 11/00/82 FR: 11/00/82 FR: 01/00/83
Decision on Test Rules for Nitrobenzene, Dichloromethane and 1, 1, 1-Trichloroethane SAR No. 1668 Docket No. OPTS-47004	Description: This regulation would require chemical manufacturers and processors to test nitrobenzene, dichloromethane and 1,1,1-trichloroethane for specified health and environmental effects or provide adequate reasons for not requiring testing. This is one of a series of rules issued under Section 4 to require testing of specific chemicals. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 (proposed as 771) Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, D.C. 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 46FR30301 (06/05/81) FR: 02/00/83
Decision on Test Rule for Phenylenediamines SAR No. 1789 Docket No. OPTS-42008	Description: This action initiates rulemaking on the Sixth Interagency Testing Committee (ITC) list of chemicals recommended for testing. EPA must initiate action or decide not to require testing within twelve months of the ITC recommendation. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	ANPRM: 47FR973 (01/08/82) NPRM: 02/00/83

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
	TOXIC SUBSTANCES CONTROL ACT		
Decision on Test Rule for Fluoroalkenes SAR No. 1748	Description: This action initiates rulemaking on the seventh Interagency Testing Committee (ITC) list of chemicals recommended for testing. EPA must initiate action or decide not to require testing within twelve months of the ITC recommendation. Statutory Authority: TSCA 4(a) / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	ANPRM: 46FR53704 (10/30/81) NPRM: 02/00/83
Test Rule for Diethylenetriamine SAR No. 1832 Docket No. OPP-42012	Description: This action initiates rulemaking on the Eighth ITC list of chemicals. It would require manufacturers of diethylenetriamine (DETA) to test the chemical for subchronic toxicity, mutagenicity, and biodegradation. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven D. Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 47FR18386 (04/29/82) FR: 04/00/83
Decision on Test Rules for Tris(2-chloroethyl) Phosphite, Chlorendic Acid, and 4-Chlorobenzotrifluoride SAR No. 1833	Description: This action initiates rulemaking on the Ninth ITC list of chemicals. EPA will either require testing of specific chemicals or provide adequate reasons for not requiring testing. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven D. Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 04/00/83
Decision on Test Rules for Tenth ITC Priority List SAR No. 1892	Description: This action initiates rulemaking on the tenth ITC list of chemicals. EPA will either require testing of specific chemicals, negotiate testing with industry, or provide adequate reasons for not requiring testing. The chemicals on this list are biphenyl, ethyltoluene, formamide, and 1,2,4-trimethylbenzene. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, D.C. 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 10/00/83
Decision on Test Rules for Eleventh ITC Priority List SAR No. 1898	Description: This action initiates rulemaking on the eleventh ITC list of chemicals. EPA will either require testing of specific chemicals, negotiate testing with industry, or provide adequate reasons for not requiring testing. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven D. Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:703-557-5781	NPRM: 10/00/82 FR. 10/00/83
1982 Decision on Test Rules for ITC Priority Chemicals, Lists 1–6 SAR No. 1890	Description: A series of decisions will be issued in 1982 under section 4 of TSCA concerning disposition of certain ITC chemicals. EPA will either require testing, negotiate testing agreements, or provide adequate reasons for not requiring testing of these specific chemicals. Decisions on thirteen chemicals will be issued by December 31, 1982 in compliance with a court-ordered schedule. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven D. Newburg-Rinn EPA (TS-778) Washington, DC 20460 FTS:8-557-5781 COMM:202-557-5781	NPRM: 12/00/82
1983 Decision on Test Rules for ITC Priority Chemicals, Lists 1–6 SAR No. 1891	Description: A series of decisions will be issued in 1983 under section 4 of TSCA concerning disposition of certain ITC chemicals. EPA will either require testing, negotiate testing agreements, or provide adequate reasons for not requiring testing of these specific chemicals. Decisions on thirteen chemicals will be issued by December 31, 1983 in compliance with a court-ordered schedule. Statutory Authority: TSCA 4 / 15 USC 2603 CFR:40 CFR 799 Small Entity:Unlikely	Steven Newburg-Rinn EPA (TS-778) Washington, D.C. 20460 FTS:8-557-5781 COMM:202-557-5781	NPRM: 12/00/83
Follow-up Rules on New and Existing Chemicals SAR No. 1888	Description: EPA has instituted a program to follow up the commercial development of existing chemicals of concern and selected new chemicals that have completed premanufacture notice review. EPA will issue rules on new and existing chemicals of concern as they are identified to require follow-up reporting by the manufacturers and processors of the chemicals. Individual rules will be proposed at different times throughout the period of November 1982 to November 1983. Statutory Authority: TSCA 5(a)(2), 8(a) CFR:40 CFR 704, 721 Small Entity:Not yet determined	Joseph A. DeSantis EPA (TS-794) Washington, DC 20460 FTS:8-382-3849 COMM:202-382-3849	NPRM: 11/00/83

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES CONTROL ACT			
Premanufacture Notification Requirements and Review Procedures SAR No. 1134 Docket No. OPTS-50019 OTS-50002	Description: This regulation establishes procedures for chemical manufacturers to submit notices to EPA before manufacturing new chemical substances for commercial purposes. EPA will use these notices to screen potentially harmful chemicals before they enter production and use. The Agency may, if necessary, take any of several different actions to prohibit, monitor, or control commercial development of a chemical. Statutory Authority: TSCA 5 / 15 USC 2604 CFR:40 CFR 720 – MAJOR Analysis: RIA, RFA Small Entity:Likely	Joe DeSantis EPA (TS-794) Washington, DC 20460 FTS:8-382-3849 COMM:202-382-3849	NPRM: 44FR2242 (01/10/79) IFR: 44FR28564 (05/15/79) RPRM: 44FR59764 (10/16/79) INTERIM POLICY: 45FR74378 (11/07/80) FR: 04/00/83
Labeling Rule for Treated Wood SAR No. 1680	Description: Pentachlorophenol, creosote and inorganic arsenicals are used as wood preservatives. They pose risks of teratogenicity, fetotoxicity, oncogenicity, and mutagenicity for persons improperly handling treated wood. This regulation would require the distribution of labels containing safe handling directions for products treated with these preservatives. In a related action, EPA is conducting a Rebuttable Presumption Against Registration (RPAR) review of these preservatives under FIFRA, because they may pose unreasonable risks to health. Statutory Authority: TSCA 6 / 15 USC 2605 CFR:Not yet assigned Small Entity:Not yet determined	Paul Lapsley EPA (TS-791) Washington, D.C. 20460 FTS:8-557-7420 COMM:703-557-7420	ANPRM: 12/00/82 NPRM: 10/00/83
Rules Restricting the Commercial and Industrial Use of Asbestos Fibers SAR No. 1627	Description: The Agency is evaluating the need for further information or control regulation of the commercial and industrial use of asbestos. A variety of alternatives are being considered, including: (1) requiring the labeling of asbestos and asbestos-containing products, and (2) prohibiting or otherwise restricting certain uses of asbestos that present unreasonable risks. EPA will coordinate its asbestos activities with those of the Federal Asbestos Task Force. Statutory Authority: TSCA 6 / 15 USC 2605 CFR:40 CFR 763 – MAJOR Analysis: RIA Small Entity:Not yet determined	Edward Klein EPA (TS-794) Washington, DC 20460 FTS:8-382-3938 COMM:202-382-3938	ANPRM: 44FR60056 (10/17/79) NPRM:Undetermined
Investigation of Chlorofluorocarbons SAR No. 1644 Docket No. OPTS-62009	Description: Chlorofluorocarbons (CFCs) are a family of chemicals suspected of depleting stratospheric ozone and posing several health and environmental risks. EPA is continuing its investigation of the need for further information on CFCs. Statutory Authority: TSCA / 5 USC 2601 CFR:Not yet assigned Small Entity:Not yet determined	Ed Klein EPA (TS-794) Washington, DC 20460 FTS:8-382-3939 COMM:202-382-3939	**ANPRM: 45FR66726 (10/07/80)** **NPRM:Undetermined**
Standards for Excluding Small Manufacturers from TSCA 8(a) SAR No. 1529 Docket No. OPTS-8011	Description: Under Section 8(a) of TSCA, EPA can minimize burdens on small businesses by exempting small manufacturers and processors from reporting requirements, unless the chemical manufactured or processed is subject to certain Agency actions. This rule will establish a generic standard to determine which manufacturers may qualify as "small" for the purpose of these exemptions. Statutory Authority: TSCA 8(a) / 15 USC 2607(a) CFR:40 CFR 712 Analysis: RFA Small Entity:Likely	Jeanette Wiltse EPA (TS-778) Washington, DC 20460 FTS:8-382-3832 COMM:202-382-3832	ANPRM: 45FR66180 (09/06/80) NPRM: 47FR27206 (06/23/82) FR: 05/00/83
TSCA Chemical Substances Inventory; Intent to Remove Certain Incorrectly Reported Substances SAR No. 1871	Description: This action would remove twenty-seven incorrectly listed substances from the Toxic Substances Control Act Chemical Substances Inventory. Statutory Authority: TSCA 8(b) / USC CFR:40 CFR 710 Small Entity:Unlikely	Douglas G. Bannerman EPA (TS-799) Washington, DC 20460 FTS:8-554-1404 COMM:202-554-1404	NPRM: 47FR20663 (05/13/82) FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
TOXIC SUBSTANCES CONTROL ACT			
Records and Reports of Allegations of Significant Adverse Reactions to Health or the Environment SAR No. 1138 Docket No. OPTS-083001	Description: This regulation implements Section 8(c) of TSCA, which requires that any person who manufacture, process, or distribute a chemical substance or mixture keep records of significant adverse reactions to health or the environment alleged to have been caused by the substance or mixture. Companies must keep employee allegations for thirty years, and all others for five years. This will enable EPA to find patterns of adverse effects and identify previously unknown chemical hazards. Statutory Authority: TSCA 8(c) / 15 USC 2607(c) CFR:40 CFR 717 Analysis: IIA Small Entity:Likely	Jeanette Wiltse EPA (TS-778) Washington, DC 20460 FTS:8-382-3832 COMM:202-382-3832	ANPRM: 42FR56686 (03/11/77) NPRM: 45FR47008 (07/11/80) FR: 01/00/83
Chemical Information Rules; Preliminary Assessment Information; Opportunity for Additional Comment SAR No. 1889 Docket No. OPTS-82004G	Description: This proposed rule has three components: 1) we are proposing that manufacturers report preliminary assessment information for 50 additional chemicals designated by ITC reports five through nine; 2) we are proposing that when customer use information is inadequate, processors provide supplemental information on the 300 chemicals subject to manufactuers report requirements; and 3) we are proposing that manufacturers report automatically on test candidates designated by ITC in the future. Statutory Authority: 15 USC 2607(a) CFR:40 CFR 712 Analysis:IIA Small Entity:Unlikely	Jeanette Wiltse EPA (TS-778) Washington, DC 20460 FTS:8-382-3838 COMM:202-382-3838	NPRM: 47FR27009 (06/22/82) FR: 06/00/83
REVISED REGULATIONS			
Health and Safety Data Reporting—Amendment SAR No. 1887 Docket No. OPTS-84003B	Description: This amendment proposes to add the chemicals recommended by the Interagency Testing Committee (ITC) in their sixth through tenth reports to the final regulations under section 8(d) of TSCA. Statutory Authority: 15 USC 2607(d) CFR:40 CFR 716 Analysis:IIA Small Entity:Unlikely	Jeanette Wiltse EPA (TS-778) Washington, DC 20460 FTS:8-382-3844 COMM:202-382-3844	NPRM 47FR3880 (09/02/82) FR: 47FR38780 (09/02/82) FR: 04/00/83
PMN Exemption for Site Limited Intermediates and Low Volume Chemicals SAR No. 1820 Docket No. OPTS-50032	Description: Section 5(a) of TSCA requires manufacturers of new chemical substances to submit a premanufacture notice (PMN) to EPA before manufacture or import begins. Section 5(h)(4) authorizes the Administrator to exempt any person from the provisions of section 5 if the Agency determines that the substance will not present an unreasonable risk. This rule would exempt manufacturers of certain chemicals produced at 10,000 kg or less and certain site-limited intermediates from PMN requirements. This revision is being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: TSCA 5(h)(4) / 15 USC 2604 CFR:40 CFR 723 Analysis:EIS Small Entity:Unlikely	Joseph A. DeSantis EPA (TS-794) Washington, DC 20460 FTS:8-382-3849 COMM:202-382-3849	Notice:46FR54688 (11/03/81) NPRM: 47FR33896 (08/04/82) FR: 04/00/83
PMN Exemption for Polymers SAR No. 1881 Docket No. OPTS-50033	Description: Section 5(a) of TSCA requires manufacturers of new chemical substances to submit a premanufacture notice (PMN) to EPA before manufacture or import begins. Section 5(h)(4) of TSCA authorizes the Administrator to exempt any person from the provisions of section 5 if the Agency determines that the chemical substance will not present an unreasonable risk. This rule would exempt certain polymers from PMN requirements. This revision is being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: TSCA 5(h)(4) / 15 USC 2604 CFR:40 CFR 723 Analysis:EIS Small Entity:Unlikely	Joseph A. DeSantis EPA (TS-794) Washington, DC 20460 FTS:8-382-3849 COMM:202-382-3849	Notice:46FR54688 (11/03/81) NPRM: 47FR83924 (08/04/82) FR: 04/00/83

EPA REGULATIONS UNDER CONSIDERATION

TOXIC SUBSTANCES CONTROL ACT

Title	Summary	Contact	Timetable
Amendment to the Use Authorization for PCB Railroad Transformers SAR No. 1749 Docket No. OPTS 62020	Description: 40 CFR 761 authorizes the use of polychlorinated biphenyls (PCBs) in railroad transformers until July 1, 1984. Two of the restrictions on this use of PCBs are that these transformers must contain dielectric fluids with a PCB concentration not exceeding 60,000 parts per million (ppm) (6 percent) after January 1, 1982, and not exceeding 1000 ppm (0.1 percent) after January 1, 1984. EPA is proposing to extend the time for compliance with the 6 percent requirement until October 1, 1983, and requesting comment on whether the deadline for achieving the 1000 ppm requirement should be changed. Statutory Authority: TSCA 6(e) / 15 USC 2605(e) CFR: 40 CFR 761 Small Entity:Unlikely	Bill Gunter EPA (TS-794) Washington, DC 20460 FTS:8-382-3973 COMM:202-382-3973	NPRM: 46FR56626 (11/18/81) FR: 11/00/82
Exclusion for Closed System Manufacture of PCBs SAR No. 1796 Docket No. 62017A	Description: In response to a decision by the D.C. Circuit, this action would exclude from the PCB regulation: (1) closed systems and (2) PCB wastes disposed in a manner specified by EPA. "Closed systems" are those in which PCBs are generated and destroyed in a closed process. Statutory Authority: TSCA 6(e) / 15 USC 2605(e) CFR:40 CFR 761 Small Entity:Unlikely	Bill Gunter EPA (TS-794) Washington, DC 20460 FTS:8-382-3933 COMM:202-382-3933	ANPRM: 46FR27617 (05/20/81) NPRM: 47FR24976 (06/08/82) FR: 10/00/82
Incidental Uses of PCBs SAR No. 1913	Description: In response to a decision by the D.C. Circuit, EPA will be evaluating initiatives for addressing the incidental uses of PCBs. This rule covers waste stream products, and air and water releases with measurable quantities of PCBs. Statutory Authority: TSCA 6(e) / 15 USC 2605(e) CFR:40 CFR 761 Small Entity:Not yet determined	Bill Gunter EPA (TS-794) Washington, DC 20460 FTS:8-382-3933 COMM:202-382-3933	NPRM: 10/00/83 FR: Undetermined

CLEAN WATER ACT

The Clean Water Act (CWA) seeks to maintain and improve water quality through a combination of federal and state regulatory actions and federal support of state and local activities. Title III of the Act provides for EPA to establish technology-based limitations and standards for industrial dischargers, and for States to establish water quality standards applicable to their waters. Enforceable control over dischargers is established principally through permits awarded by EPA or by delegated States under the National Polluant Discharge Elimination System (NPDES). Permit limits for individual dischargers are set to meet both technology requirements and water quality standards. At the request of the President's Task Force on Regulatory Relief, EPA is revising its NPDES requirements as part of the Consolidated Permits revision (see SAR No. 1753 in the "General" section).

Publicly owned treatment works are required to meet at least secondary treatment levels in most cases. A major element of current EPA regulatory activity is to issue industry specific regulations establishing direct discharge limitations for named pollutants at levels specified by the CWA as best practical technology (BPT), best available technology (BAT) and best conventional technology (BCT) — the "effluent guidelines." EPA is also developing standards for new industrial sources and for pretreaters (industrial sources that discharge to municipal waste treatment systems). A substantial portion of this effort is governed by the decree in NRDC v. Gorsuch, as amended 12 ERC 1133 (D.D.C. 1979). EPA also provides financial support under Title II of CWA to construct publicly owned sewage treatment works capable of meeting CWA requirements, and provides grant support to States to plan for and carry into effect the requirements of CWA.

NEW REGULATIONS

Title	Summary	Contact	Timetable
NPDES New Source Application Form SAR No. 1725	Description: The purpose of this action is to develop an NPDES application form for new manufacturing, commercial, mining, and silvicultural operations. Besides obtaining information necessary for setting effluent discharge limitations, it will also help permit writers determine whether the facility is a new source. Statutory Authority: CWA 301 / 33 USC 1311 CFR:40 CFR 122 Analysis: IIA Small Entity:Unlikely	Robert April EPA (EN-336) Washington, DC 20460 FTS:8-426-2970 COMM:202-426-2970	NPRM: 01/00/83 FR: 12/00/83
Requirements for Application for 301(c) Variances SAR No. 1404	Description: Section 301(c) of the Clean Water Act provides for variances on economic grounds of the strict requirements of BAT controls for non-toxic, non-conventional pollutants. This regulation will establish application ground rules and national criteria for granting variances from BAT requirements. Statutory Authority: CWA 301(c) / 33 USC 1311(c) CFR:40 CFR 125 Small Entity:Unlikely	Keith Hinman EPA (PM-220) Washington, DC 20460 FTS:8-382-2769 COMM:202-382-2769	NPRM: 12/00/82 FR: 12/00/83

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Waivers from BAT for Nonconventional Pollutants under 301(g) SAR No. 1634	Description: Section 301(g) allows NPDES permit applicants to request a waiver from BAT effluent limitations for nonconventional pollutants when the applicant can show that a less stringent permit limit will not interfere with the attainment or maintenance of water quality and will not endanger human health or the environment. This regulation will establish guidelines for evaluating waiver applications. Statutory Authority: CWA 301(g) / 33 USC 1311(g) CFR:40 CFR 125 F Small Entity:Unlikely	Robert Cantilli EPA (EN-336) Washington, DC 20460 FTS:8-426-7010 COMM:202-426-7010	NPRM: 10/00/83 FR: 10/00/84
Compliance Extension for Innovative Technology for Industrial Discharge SAR No. 1608	Description: Section 301(k) allows industrial dischargers to request an extension of the compliance date for BAT until July 1, 1987 if they will install an innovative technology. This technology must be either (1) superior to BAT or (2) equivalent to BAT and allow significant cost savings. It must also have the potential for industry-wide application. Statutory Authority: CWA 301(k) / 33 USC 1311(k) CFR:40 CFR 125 Small Entity:Unlikely	Marilyn Goode EPA (EN-336) Washington, DC 20460 FTS:8-426-7010 COMM:202-426-7010	ANPRM: 45FR62509 (09/19/80) NPRM: 46FR46597 (09/21/81) FR: 03/00/83
Effluent Guidelines for Metal Finishing SAR No. 1428	Description: Metal finishing concerns 45 different industrial processes, including electroplating, machining, anodizing and painting. The Agency is proposing BPT, BAT, NSPS, and pretreatment standards to regulate the discharge of copper, nickel, zinc, chromium, lead, cadmium, silver, cyanide, total toxic organics, oil and grease, and TSS. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 433 Small Entity:Unlikely	Richard Kinch EPA (WH-552) Washington DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 47FR38462 (08/31/82) FR: 06/00/83
Effluent Guidelines for Organic Chemicals and Plastics and Synthetics SAR No. 1415	Description: The Agency is proposing BPT, BAT, NSPS, and pretreatment standards for the organic chemicals industry (SIC 2865, 2869). Pollutants include aromatic chlorinated hydrocarbons, phenolic compounds, and metals. EPA is also developing proposed BCT, BAT, BPT, NSPS, and pretreatment standards for the plastics and synthetics industry (SIC 2821, 2823, 2824). Pollutants of concern include phenols, benzene, acrolein, acrylimide, ethylbenzene, toluene, and vinyl chloride. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 414, 416 - MAJOR Analysis: RIA, RFA Small Entity:Likely	E.H. Forsht EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 02/00/83 FR: 03/00/84
Effluent Guidelines for Petroleum Refining SAR No. 1406	Description: The Agency is developing final BAT and BCT for 182 direct dischargers and pretreatment standards for 48 indirect dischargers. Pollutants are chromium, zinc, phenol, and polynuclear aromatic hydrocarbons. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 419 Small Entity:Unlikely	Dennis Ruddy EPA (WH-552) Washington DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 44FR75926 (12/21/79) FR: 09/00/82
Effluent Guidelines for Nonferrous Metal Manufacturing (Phase I) SAR No. 1410	Description: The Agency is developing BPT, BCT, BAT, NSPS, and PSES for 13 subcategories in the nonferrous metals manufacturing industry. These 13 subcategories include the production of aluminum, copper, lead, silver and zinc and represent a significant fraction of the total wastewater discharged by this industry. The pollutants of concern include cadmium, copper, lead and zinc. Statutory Authority: CWA 301, 304, 308, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 421 Analysis: RFA Small Entity:Likely	James Berlow EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 01/00/83 FR: 01/00/84

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Effluent Guidelines for Steam Electric Power Plants SAR No. 1408	Description: The steam electric power industry consists of 1000 plants which produce about 80% of the United States energy supply. The average plant discharges 315 million gallons of wastewater per day. The Agency has proposed BAT limitations on total residual chlorine, chromium, copper and zinc. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 423 Small Entity:Unlikely	William Telliard EPA (WH-522) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 45FR68328 (10/14/80) FR: 11/00/82
Effluent Guidelines for Leather Tanning and Finishing SAR No. 1409	Description: The leather tanning industry consists of 161 indirect and 20 direct dischargers. The Agency is promulgating BPT, BAT, NSPS, and pretreatment standards for eight subcategories. Pollutants of concern are chromium and sulfide. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 425 Small Entity:Likely	Donald F. Anderson EPA (WH-552) Washington, DC 20460 FTS:8-426-2707 COMM:202-426-2707	NPRM: 44FR38746 (07/02/79) FR: 11/00/82
Effluent Guidelines for Pulp, Paper, and Paperboard SAR No. 1419	Description: The Agency is developing final BAT, NSPS and pretreatment standards for this industry. Final BCT effluent limitations will also be established, but on a different schedule. Pulp, paper, and paperboard mills discharge approximately 4.2 billion gallons of wastewater per day. Pollutants of concern are BOD, TSS, chloroform, zinc, and chlorinated phenols. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 430, 431 Small Entity:Unlikely	Robert Dellinger EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 46FR1430 (01/06/81) FR: 10/00/82 FR:(BCT)04/00/83
Effluent Guidelines for Coal Mining SAR No. 1414	Description: The Agency is revising effluent limitations for BPT and NSPS and promulgating BAT and BCT for runoff and wastewater discharge from coal mines. Pollutants of concern are manganese and iron. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 434 Small Entity:Unlikely	Allison Phillips EPA (WH-552) Washington, DC 20460 FTS:8-426-4617 COMM:202-426-4617	NPRM: 46FR3136 (01/13/81) NPRM: 46FR28873 (05/29/81) FR: 09/00/82
Effluent Guidelines for Offshore Oil and Gas Industry SAR No. 1649	Description: In 1975 the Agency proposed regulations for the offshore oil and gas industry. EPA published a final rule for BPT in 1979 but deferred action on the NSPS and BAT standards. Under a settlement agreement with NRDC, the Agency withdrew the 1975 NSPS proposal and is reproposing NSPS standards. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 435 Small Entity:Not yet determined	Ron Kirby EPA (WH-552) Washington, DC 20460 FTS:8-472-9075 COMM:202-472-9075	NPRM: 05/00/83 FR: 08/00/84
Effluent Guidelines for Pharmaceuticals SAR No. 1427	Description: EPA is proposing effluent limitations for BPT, BCT, BAT, and NSPS standards for this industry. Pollutants discharged by the pharmaceuticals industry include benzene, chloroform, toluene, methylene chloride, cyanide, and heavy metals. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 439 Small Entity:Unlikely	Frank Hund EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 11/00/82 FR: 09/00/83
Effluent Guidelines for Ore Mining and Dressing Point Source Category SAR No. 1413	Description: The Agency is developing final BAT, BCT, and NSPS effluent limitations for the mining of iron, copper, lead, zinc, gold, silver, molybdenum, aluminum, tungsten, nickel, vanadium, uranium, antimony, and titanium ore. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 441 Small Entity:Unlikely	B. Matthew Jarrett EPA (WH-552) Washington, DC 20460 FTS:8-426-4618 COMM:202-426-4618	NPRM: 47FR25682 (06/14/82) FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN WATER ACT

Title	Summary	Contact	Timetable
Effluent Guidelines for Paint Formulation SAR No. 1411	Description: Under the authority of paragraph 8 of the Settlement Agreement the Agency is withdrawing the proposed BAT, NSPS, and pretreatment standards for the caustic and/or water wash subcategory and the pretreatment standards for the solvent wash subcategory. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 446 Small Entity:Unlikely	Robert Dellinger EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 45FR912 (01/03/80) Notice:10/00/82
Effluent Guidelines for Ink Formulation SAR No. 1411A	Description: Under the authority of paragraph 8 of the Settlement Agreement the Agency is withdrawing the proposed BAT, NSPS, and pretreatment standards for the for the caustic and/or water wash subcategory and the pretreatment standards solvent wash subcategory. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 447 Small Entity:Unlikely	Joseph Vitalis EPA (WH 552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 45FR928 (01/03/80) Notice:12/00/82
Effluent Guidelines for Gum and Wood SAR No. 1425	Description: The Agency will promulgate BPT limitations for one industrial subcategory, sulfate turpentine, and BCT limitations for four subcategories: sulfate turpentine, wood rosin, tall oil, and rosin derivatives. EPA will withdraw proposed BAT and pretreatment standards. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 454 Small Entity:Unlikely	Robert Dellinger EPA (WH-552) Washington, DC 20460 FTS:8-426-2554 COMM:202-426-2554	NPRM: 44FR68710 (11/29/80) FR: 02/00/83
Effluent Guidelines for Pesticides SAR No. 1426	Description: EPA is proposing BAT, BPT, BCT, NSPS, and pretreatment controls for manufacturers of pesticides and related products. Pollutants of concern are active ingredient pesticides, organic solvents, and metals. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 455 Analysis: RFA Small Entity:Likely	George Jett EPA (WH-552) Washington DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 11/00/82 FR: 12/00/83
Effluent Guidelines for Battery Manufacturing SAR No. 1434	Description: The Agency is proposing BAT and other standards for seven subcategories of the battery manufacturing industry. Toxic pollutants of concern are mercury, lead, cadmium, nickel, and zinc. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 461 Small Entity:Unlikely	Mary Belefski EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 10/00/82 FR: 06/00/83
Effluent Guidelines for Metal Moulding and Casting (Foundries) SAR No. 1432	Description: The Agency is proposing BPT, BAT and other standards for the aluminum casting, copper casting, iron and steel casting, magnesium casting, lead casting, and zinc casting subcategories. The industry discharges approximately 1,200 lb/day of toxic pollutants. Pollutants of concern include zinc, copper, lead, and phenolic compounds. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 464 Analysis: RFA Small Entity:Likely	Edward L. Dulaney EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 10/00/82 FR: 08/00/83
Effluent Guidelines for Coil Coating SAR No. 1435	Description: The Agency is promulgating BPT, BAT, NSPS and pretreatment standards for steel, galvanized and aluminum coil coating subcategories. Toxic pollutants of concern are chromium, cyanide, copper, lead, nickel, and zinc. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 465 Small Entity:Unlikely	Mary L. Belefski EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 46FR2934 (01/12/81) FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN WATER ACT			
Effluent Guidelines for Porcelain Enameling SAR No. 1437	Description: The Agency is promulgating BAT, BPT, NSPS and pretreatment standards for the steel, cast iron, aluminum and copper subcategories. Pollutants of concern are cadmium, chromium, copper, lead, nickel, selenium, and zinc. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 466 Analysis: RFA Small Entity:Likely	Ben Honaker EPA (WH-552) Washington, DC 20460 FTS:8-426-2536 COMM:202-426-2586	NPRM: 46FR8860 (01/27/81) FR: 11/00/82
Effluent Guidelines for Aluminum Forming SAR No. 1438	Description: EPA is proposing BPT, BAT, and other standards for the aluminum forming industry. Pollutants of concern include chromium, zinc, lead, and cyanide. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 467 Small Entity:Unlikely	Janet Goodwin EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 11/00/82 FR: 07/00/83
Effluent Guidelines for Copper Forming SAR No. 1433	Description: The Agency is proposing BPT, BAT, NSPS and pretreatment standards for several subcategories of the copper forming industry. Pollutants of concern include copper, lead, zinc, nickel, and chromium. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 468 Small Entity:Unlikely	David J. Pepson EPA (WH-552) Washington DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 10/00/82 FR: 07/00/83
Effluent Guidelines for Electrical and Electronic Products (Phase I) SAR No. 1431	Description: The Agency is proposing BAT, NSPS, and pretreatment standards for two subcategories of the electronics industry, semi-conductors and electronic crystals. Pollutants of concern are organic solvents, arsenic, and fluoride. Statutory Authority: CWA 301, 304, 306, 307 / 33 USC 1311, 1314, 1316, 1317 CFR:40 CFR 469 Small Entity:Unlikely	David Pepson EPA (WH-552) Washington DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 47FR37048 (08/24/82) FR: 03/00/83
Effluent Guidelines for Electric and Electronic Components (Phase II) SAR No. 1907	Description: The Agency is developing regulations for BPT, BCT, BAT, NSPS, PSES, and PSNS for the electronic tube and phosphorescent coating subcategories in the electric and electronics industry. These regulations are in addition to those proposed on August 24, 1982. Principal pollutants include toxic heavy metals. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 469 Small Entity:Unlikely	John Newbrough EPa (WH-552) Washington, DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 02/00/83 FR: 11/00/83
Effluent Guidelines for Nonferrous Metals (Phase II) SAR No. 1911	Description: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the production and refining of metals from ore for several metals not covered by the Phase I nonferrous regulation. Such metals as beryllium, zinconium, hafnium, platinum, and titanium will be regulated. Principal pollutants considered are primarily toxic metals. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 413 Small Entity:Not yet determined	James Berlow EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 09/00/83 FR: 06/00/84
Effluent Guidelines for Inorganic Chemicals (Phase II) SAR No. 1906	Description: BPT, BCT, BAT, PSES, NSPS, and PSNS limitations will be proposed for 10 product-process subcategories of the inorganic chemicals industry. The largest of the ten subcategories is sodium chlorate. This and other subcategories are in addition to those for which final regulations were issued on June 29, 1982. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1251, 1314, 1316, 1317, 1361 CFR:40 CFR 415 Small Entity:Unlikely	Tom Fielding EPA (WH-552) Washington, DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 09/00/83 FR: 06/00/84

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN WATER ACT			
Effluent Guidelines for Plastics Molding and Forming SAR No. 1909	Description: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the plastics molding and forming industry. These limitations will consider the molding and forming of plastics from all plastic materials. This regulation is distinct from the primary manufacture of plastic materials and compounds to be covered by regulations in the plastics molding and forming category. The pollutants of concern include cadmium, chromium, lead, nickel, zinc, phenols and several other organics. Statutory Authority: CWA 301, 304, 307, 308, 501 / 33 USC CFR:40 CFR 463 Small Entity:Not yet determined	Robert Southworth EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 10/00/83 FR: 06/00/84
Effluent Guidelines for Adhesives and Sealants SAR No. 1910	Description: The Agency is investigating the ability to prepare national effluent limitations and standards. EPA expects to propose either specific standards for existing and new sources, or exclude the industry from regulation under the NRDC Consent Decree. There are unique analytical and technical problems in this industry, which is characterized by highly variable low volume organic waste streams. Statutory Authority: CWA 301, 304, 307, 308, 501 CFR:40 CFR 463 Small Entity:Not yet determined	Elwood Forsht EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 02/00/83 FR: 11/00/83
Effluent Guidelines for Coil Coating (Can Making) SAR No. 1912	Description: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the 2 piece can making industry. These limitations will consider the manufacture of 2 piece cans (such as those used for beverage containers) and will be promulgated as subcategories under the coil coating regulation. Pollutants of concern include chromium, oil and grease, and toxic organics. Statutory Authority: CWA 301, 304, 307, 308, 501 CFR:40 CFR 465 Small Entity:Unlikely	Mary Belefski EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 01/00/83 FR: 10/00/83
Effluent Guidelines for Nonferrous Metals Forming SAR No. 1908	Description: The Agency is developing BPT, BAT, BCT, NSPS, PSES, and PSNS for the forming (rolling, drawing, etc.) of nonferrous metals other than copper and aluminum. These limitations will apply to wastewater generated by these operations. Pollutants of concern include cadmium, chromium, lead, nickel, zinc, and toxic organics. Statutory Authority: CWA 301, 304, 307, 308, 501 CFR:40 CFR 471 Small Entity:Not yet determined	Janet Goodwin EPA (WH-552) Washington, DC 20460 FTS:8-426-2586 COMM:202-426-2586	NPRM: 09/00/83 FR: 06/00/84
Removal of Oil and Hazardous Substance Discharges SAR No. 1544	Description: This regulation sets forth the methods and procedures for the removal of oil and hazardous substances from inland waters of the United States, excluding the Great Lakes. Key elements of the regulation are voluntary removal guidelines for the proper removal and disposal of oil and hazardous substance discharges and mandatory provisions governing the use of chemical agents applied to discharges. Statutory Authority: CWA 311 / 33 USC 1321 CFR:40 CFR 111 Small Entity:Unlikely	Jack Kooyoomjian EPA (WH-548) Washington, DC 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	NPRM: 45FR84942 (12/23/80) FR: Undetermined
Hazardous Substances Pollution Prevention for Facilities Subject to Permitting Requirements of Section 402 SAR No. 1451	Description: This regulation's purpose is to prevent spills of hazardous substances into navigable waters. It sets forth requirements for the Spills Prevention Control and Countermeasure Plans for facilities which (a) are not related to transportation, (b) which store, manufacture or otherwise handle hazardous substances at their facilities, and (c) are subject to NPDES permits. The Agency will likely exempt any small facilities which store less than ten times the reportable quantities of spilled, hazardous substances. Statutory Authority: CWA 311(j)(1)(C) / 33 USC 1321(j)(1)(C) CFR:40 CFR 151 Small Entity:Likely	Steve Heare EPA (WH-548) Washington DC 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	NPRM: 43FR39276 (09/01/78) RPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN WATER ACT			
Consolidated Permits: NPDES Issues SAR No. 1901	Description: This action would implement the NPDES issues in the settlement agreement signed on June 7, 1982 in NRDC v. EPA. The NPDES issues involve requirements for water discharge permits under the NPDES program. Statutory Authority: CWA 402 CFR:40 CFR 122–124 Small Entity:Unlikely	George Young EPA (EN-336) Washington, DC 20460 FTS:8–426–4793 COMM:202–426–4793	NPRM: 10/00/82 FR: 03/00/83
Sewage Sludge Disposal Guidelines SAR No. 1914	Description: Regulations and/or nonregulatory guidance will provide guidelines for the disposal and use of wastewater treatment plant sludge. Statutory Authority: CWA 405(d) / 33 USC 1345 CFR:Not yet determined Small Entity:Not yet determined	David Davis EPA (WH-556) Washington DC 20460 FTS:8–382–5683 COMM:202–382–5683	NPRM:Undetermined
REVISED REGULATIONS			
Revisions to Water Quality Management Regulations SAR No. 1802	Description: The Clean Water Act authorizes EPA to provide grants and other assistance to States and other governmental jurisdictions to develop water quality management programs. EPA is revising the existing regulations to simplify the requirements and to remove any aspects of the regulations that are unduly detailed or inflexible. Statutory Authority: CWA 106, 208, 303 / 33 USC 1256, 1288,1313 CFR:40 CFR 35 G Small Entity:Unlikely	Carl Myers EPA (WH-554) Washington, DC 20460 FTS:8–755–7003 COMM:202–755–7003	NPRM: 10/00/82 FR: 01/00/83
Simplifying Construction Grants Regulations SAR No. 1722 Docket No. G-81–5	Description: An interim final regulation simplifying the requirements of the existing construction grants regulations and providing more flexibility in meeting revised requirements was published May 12, 1982. Rather than mandating how grantees must meet the goals of the regulations, this revision allows grantees to choose the most cost-effective ways to achieve these goals. Statutory Authority: CWA 201, 501 / 33 USC 1361 CFR:40 CFR 35 Small Entity:Unlikely	Roger Rihm EPA (WH-546) Washington, DC 20460 FTS:8–426–8973 COMM:202–426–8973	NPRM: 46FR55220 (11/06/81) IFR: 47FR20450 (05/12/82) NPRM: 47FR20470 (05/12/82) FR: 10/00/82
Construction Grants Program Delegation to States SAR No. 1846	Description: These proposed revisions to the existing regulation governing construction grant program delegation to States under Section 205(g) of the Clean Water Act (40 CFR 35, subpart F) are needed to simplify delegation agreement requirements, establish a more systematic EPA oversight approach, and to fit into the proposed regulation for State Financial Assistance for Continuing Environmental Programs (40 CFR 35, Subpart A), 47FR25912 (June 15, 1982). The proposed regulation (40 CFR 35, Subpart J) includes only delegation agreement and oversight requirements. It will provide greater flexibility to States and EPA Regions to manage delegation while maintaining continuity in the 205(g) grant process. Statutory Authority: CWA 205(g) / 33 USC 1251 CFR:40 CFR 35 F Small Entity:Unlikely	Carl Reeverts EPA (WH-546) Washington, DC 20460 FTS:8–426–8990 COMM:202–426–8990	NPRM: 47FR42591 (09/28/82) FR: 12/00/82
Modification of Secondary Treatment Requirements for Discharge into Marine Waters SAR No. 1743	Description: Section 301(h) provides municipal dischargers to marine waters an opportunity to obtain a variance from secondary treatment requirements if statutory criteria are met. EPA is amending the 301(h) regulations to extend the deadline for new applications to provide for a one-time opportunity to revise 301(h) applications, to simplify application data requirements, and to reduce the cost burden for small applicants. Statutory Authority: CWA 301(h) / 33 USC 1311 CFR:40 CFR 124, 125 G Small Entity:Unlikely	Robert Zeller EPA (WH-546) Washington, DC 20460 FTS:8–755–9231 COMM:202–755–9231	NPRM: 47FR24921 (06/08/82) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN WATER ACT			
Revision to BAT for Inorganic Chemicals SAR No. 1751	Description: In response to industry request, EPA is reconsidering the necessity for zero discharge in BAT regulations for the following three subcategories: sodium chloride, calcium chloride, and sodium sulfide. Since toxic pollutants are not present in these subcategories, the costs to achieve the zero discharge required by BAT may not be reasonable. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 415 Small Entity:Unlikely	Thomas Fielding EPA (WH-552) Washington, DC 20460 FTS:8-426-2582 COMM:202-426-2582	NPRM: 01/00/83 FR: 07/00/83
Effluent Guidelines for Rubber Processing SAR No. 1420	Description: EPA has proposed to withdraw BAT and substitute limits for COD and metals equivalent to BPT for nine subcategories. Lead limits for three subcategories were studied and revisions to these limits are being made. Rubber reclaimers covered by subparts H and I are being re-examined for BCT, BAT, and NSPS regulations. Statutory Authority: CWA 301, 304, 306, 307, 501 / 33 USC 1311, 1314, 1316, 1317, 1361 CFR:40 CFR 415 Small Entity:Unlikely	J.S. Vitalis EPA (WH-552) Washington, DC 20460 FTS:8-426-2497 COMM:202-426-2497	NPRM: 44FR75016 (12/18/79) FR: 12/00/82
Water Quality Standards Regulations SAR No. 1441	Description: EPA is revising its water quality standards regulations to improve the management of the program. The revision will ensure that the process for setting water quality standards takes into account appropriate data and analysis, scientific peer review and participation of the affected public. The revision will allow EPA and the States to more effectively meet the requirements of the Clean Water Act. Statutory Authority: CWA 303 / 33 USC 1313 CFR:40 CFR 35.1550 Small Entity:Unlikely	David Sabock EPA (WH-585) Washington DC 20460 FTS:8-245-3042 COMM:202-245-3042	ANPRM: 43FR29588 (07/10/78) NPRM: 10/00/82 FR: Undetermined
Amendment to Secondary Treatment Regulations SAR No. 1657 Docket No. G-81-3	Description: We are considering redefining the level of effluent quality attainable by publicly owned treatment works (POTWs) through the application of secondary treatment technology. These possible revisions, which in large part implement 1981 amendments of the Clean Water Act, may include specific numerical levels or criteria for adjusting POTW effluent limits to levels that can be attained through certain kinds of treatment technologies. Statutory Authority: CWA 304(d)(1) / 33 USC 1314(d)(1) CFR:40 CFR 133 Small Entity:Unlikely	Charles Mooar EPA (WH-595) Washington, D.C. 20460 FTS:8-426-8973 COMM:202-426-8973	NPRM: 01/00/83 FR: Undetermined
Revision of the Best Conventional Technology (BCT) Cost Test and BCT Effluent Guidelines SAR No. 1752	Description: EPA is revising the cost reasonableness test for BCT effluent limitations for primary and secondary industries, primarily food processors and light manufacturers. EPA will also propose new BCT limitations for the affected industries, including seafood processing and meat packing, pulp and paper, timber, metal finishing, inorganic chemicals, ore mining, and leather tanning. EPA issued a notice withdrawing the existing BCT limitations on February 17, 1982 (47 FR 6835). EPA is making these revisions in response to a court decision. This revision also fulfills the request for review of the program by the President's Task Force on Regulatory Relief. Statutory Authority: CWA 304 / 33 USC 1314 CFR:40 CFR 405, 406, 407, 408, 409, 411,412, 415, 422, 424, 425, 426, 429, 430, 431, 432, 433, 440 Analysis: RFA Small Entity:Likely	Renee Rico EPA (WH-586) Washington, DC 20460 FTS:8-382-5386 COMM:202-382-5386	NPRM: 10/00/82 FR: 07/00/83

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN WATER ACT			
Revision to General Pretreatment Regulations: Reforms SAR No. 1900	Description: The Agency is preparing revisions to the Pretreatment Regulations which will include revisions to decrease paperwork requirements. These revisions fulfill the request for review of the program by the President's Task Force on Regulatory Relief. Statutory Authority: CWA 307 / 33 USC 1317 CFR:40 CFR 403 Small Entity:Unlikely	William R. Diamond EPA (EN-336) Washington, DC 20460 FTS:8–426–4793 COMM:202–426–4793	NPRM: 01/00/83 FR: 10/00/83
Revisions to General Pretreatment Regulations: Removal Credits SAR No. 1866	Description: Based on the Agency review of the Pretreatment Program, at the request of the President's Task Force on Regulatory Relief, EPA is proposing revisions in the removal credits section and technical amendments to the combined wastestream formula. These proposals clarify the provisions, give added flexibility to cities and reduce the burden of utilizing these mechanisms. Statutory Authority: CWA 307 /33 USC 1317 CFR:40 CFR 403.7 Small Entity:Unlikely	Bill Diamond EPA (EN-336) Washington, DC 20460 FTS:8–426–4793 COMM:202–426–4793	NPRM: 47FR42698 (09/28/82) FR: 05/00/83
Discharge of Oil SAR No. 1579	Description: This revision will extend reporting requirements for oil to 200 miles offshore. It will also provide for exemptions from reporting requirements. Statutory Authority: CWA 311(b) / 33 USC 1321(b) CFR:40 CFR 110 Small Entity:Not yet determined	Jack Kooyoomjian EPA (WH-548) Washington, DC 20460 RCRA/Superfund Hotline 800–424–9346 FTS:8–382–3000	NPRM:Undetermined
Oil Pollution Prevention Regulation SAR No. 1584	Description: This revision to 40 CFR 112 will include exemptions from reporting requirements and will extend EPA's oil pollution authority from three miles to two hundred miles offshore. This revision does not affect the existing exemption for facilities that store 1,320 gallons or less. Statutory Authority: CWA 311(j)(1)(C) / 33 USC 1321(j)(1)(C) CFR:40 CFR 112 Small Entity:Unlikely	Steve Heare EPA (WH-548) Washington DC 20460 RCRA/Superfund Hotline 800–424–9346 FTS:8–382–3000	NPRM: 45FR33814 (05/20/80) FR: Undetermined
Revisions to NPDES Regulations: Regulatory Reform SAR No. 1868	Description: These revisions are being proposed to streamline permit program requirements and ease burdens upon the public by eliminating regulations not mandated by law or essential to good program implementation; by expediting procedures where appropriate; by reducing unnecessary reporting requirements; and by promoting assumption of NPDES authority by States. These revisions are being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: CWA 402 / 33 USC 1251 CFR:40 CFR 122, 123, 125 Small Entity:Unlikely	Georgia Callahan EPA (EN-336) Washington, DC 20460 FTS:8–426–4793 COMM:202–426–4793	NPRM: 10/00/82 FR: 04/00/83
Revisions to 404 Regulations SAR No. 1585	Description: These regulations revise section 404(b)(1) environmental guidelines to implement reforms recommended by the President's Task Force on Regulatory Relief. These revisions will also update testing and evaluation procedures. An ANPRM was published to request information to identify appropriate areas for reform. Statutory Authority: CWA 404(b)(1) / 33 USC 1344(b)(1) CFR:40 CFR 230 Small Entity:Not yet determined	Suzanne Schwartz EPA (WH-585) Washington, DC 20460 FTS:8–472–3400 COMM:202–472–3400	ANPRM: 47FR36798 (08/23/82) NPRM: 12/00/82 FR: 06/00/83
Revision of Ocean Dumping Criteria SAR No. 1604	Description: A proposed regulation will be issued to address changes in the regulations required by court action, i.e., NYC vs. EPA. An ANPRM will be developed to solicit public comments on other changes to the current Ocean Dumping regulation including dredged material, low level radioactive waste and incineration at sea requirements. Complete reorganization and a rewrite of the current regualtions will follow based on comments received. Statutory Authority: MPRSA / 33 USC 1401 et seq. CFR:40 CFR 220–29 Small Entity:Not yet determined	T. A. Wastler EPA (WH-585) Washington DC 20460 FTS:8–755–0356 COMM:202–755–0356	ANPRM: 01/00/83 NPRM: 01/00/83 FR: 08/00/83 NPRM: 10/00/83

EPA REGULATIONS UNDER CONSIDERATION

ATOMIC ENERGY ACT

Reorganization Plan No. 3 of 1970 transferred to EPA the authorities of the Federal Radiation Council. This included authority to develop guidance for other federal agencies to follow in limiting radiation exposures. This guidance is issued by the President. Additionally, EPA was given authority, under the Atomic Energy Act, to establish generally applicable environmental standards to protect public health from exposure to radiation. The NRC, the Department of Energy, and other federal agencies are responsible for implementing and enforcing these standards.

EPA is also developing regulations for clean up and disposal of uranium mill tailingΘΘ piles under the Uranium Mill Tailings Radiation Control Act of 1978.

NEW REGULATIONS

Title	Summary	Contact	Timetable
Guidance for Occupational Radiation Exposure SAR No. 1161 Docket No. A-79-46	Description: This guidance would update existing (1960) radiation occupational exposure limits for all workers except radiation exposure to uranium miners. It would lower allowable exposure per year and cumulative lifetime exposure. It also would provide a graded (tier) system of radiation protection for each of three ranges of exposure. Statutory Authority: AEA 274(h);Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:Not applicable Small Entity:Unlikely	Allan Richardson EPA (ANR 460) Washington, DC 20460 FTS:8-557-8927 COMM:703-557-8927	ANPRM: 44FR53785 (09/17/79) NPRM: 46FR7836 (01/23/81) FR: 09/00/83
Transuranic Elements SAR No. 1162	Description: This guidance to Federal Agencies will establish dose rate limits for people exposed to transuranic elements in the general environment. The guidance considers both human inhalation and ingestion of transuranium elements and establishes a maximum dose rate to lungs and bones for members of the general population. This dose rate limit can be associated with an estimated maximum risk of one additional death per million persons continuously exposed at this rate per year. Guidance is undergoing interagency review. Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:Not applicable Small Entity:Unlikely	Gordon Burley EPA (ANR-460) Washington, DC 20460 FTS:8-557-0740 COMM:703-557-0740	NPRM: 42FR60956 (11/30/77) FR: 12/00/82.
Radiofrequency Radiation Guidance SAR No. 1525	Description: This guidance will serve to limit exposure of the general public to radiofrequency radiation, which poses a potential health risk. Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:Not applicable Analysis: EIS Small Entity:Not yet determined	Norbert Hankin EPA (ANR-461) Washington DC 20460 FTS:8-557-7390 COMM:703-557-7390	ANPRM: 10/00/82 NPRM: 09/00/83
Environmental Protection Standards for High-level Radioactive Waste SAR No. 1163	Description: EPA is developing environmental standards which state the public health and environmental requirements to be met for disposal of high-level radioactive waste. These consist of general design and site selection principles as well as numeric performance requirements for high-level waste repositories. DOE and NRC will use EPA's regulation to set their standards to govern the licensing, design and operation of permanent high-level radioactive waste disposal facilities. Statutory Authority: AEA 274(h); Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:40 CFR 191 - MAJOR Analysis: EIS Small Entity:Unlikely	Dan Egan EPA (ANR-460) Washington, DC 20460 FTS:8-557-8610 COMM:703-557-8610	ANPRM: 41FR53363 (12/06/76) NPRM: 10/00/82 FR: 10/00/83
Environmental Protection Standards for Low-Level Radioactive Waste SAR No. 1727	Description: The National Radioactive Waste Management Program requires the development of a standard for disposal of other-than-high-level radioactive wastes. These include all radioactive wastes except high-level radioactive wastes, high-activity transuranic-contaminated wastes, uranium mill tailings, and wastes regulated under the Resource Conservation and Recovery Act of 1976. Statutory Authority: AEA 274(h), Reorganization Plan No. 3 of 1970 / 42 USC 2021(h) CFR:40 CFR 193 Small Entity:Unlikely	Floyd Galpin EPA (ANR-460) Washington, DC 20460 FTS:8-557-8977 COMM:703-557-8977	ANPRM: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

ATOMIC ENERGY ACT

Title	Summary	Contact	Timetable
Remedial Action Standards for Inactive Uranium Processing Sites SAR No. 1166 Docket No. A-79-25	Description: This regulation defines standards for the clean-up and disposal of uranium mill tailings from inactive sites. Based on the EPA standards, the Department of Energy will take remedial action. Statutory Authority: UMTRCA 206, AEA 275 / 42 USC 2022 CFR:40 CFR 192 Analysis: EIS Small Entity:Unlikely	Stan Lichtman EPA (ANR-460) Washington, DC 20460 FTS:8-557-8927 COMM:703-557-8927	NPRM: 45FR27370 (04/22/80) NPRM: 46FR2556 (01/19/81) IFR: 45FR27366 (04/22/80) FR: 10/00/82
Environmental Standards for Active Uranium Mill Processing Sites SAR No. 1166A	Description: The Administrator is required to issue generally applicable standards for protecting the public health and safety, and the environment, from certain radiological and nonradiological hazards of uranium. These are the hazards associated with processing, keeping, transferring and disposing of uranium byproduct material at sites which either (a) process the uranium ore primarily for its source material content or (b) dispose of the uranium byproduct material. Statutory Authority: UMTRCA 206, AEA 275(b) / 42 USC 2022(b) CFR:40 CFR 192 Analysis: RIA, EIS Small Entity:Unlikely	John Russell EPA (ANR-460) Washington, DC 20460 FTS:8-557-8610 COMM:703-557-8610	NPRM: 10/00/82 FR: 10/00/83

SAFE DRINKING WATER ACT

The Safe Drinking Water Act of 1974 requires EPA to establish primary and secondary drinking water requlations for public drinking water supplies. Primary regulations are aimed at protecting public health. They establish maximum allowable contaminent levels in drinking water, provide for water treatment technologies, and set general criteria for water treatment technologies, and water supply system operation. Secondary regulations deal with the taste, odor, and appearance of drinking water. The Act also provides for protection of groundwater through controls over injection wells under the Underground Injection Control (UIC) program. EPA delegates primary responsibility for both public water supply and UIC programs to the States under specified conditions, and supports State programs through grants.

NEW REGULATIONS

Title	Summary	Contact	Timetable
Maximum Contaminant Levels for Volatile Organic Chemicals Found in Drinking Water SAR No. 1567	Description: EPA is considering several possible approaches for reducing exposure to certain volatile synthetic organic compounds (VOCs). These VOCs have been most commonly found in drinking water drawn from groundwater sources. These chemicals include such compounds as trichloroethylene, tetrachloroethylene, and vinyl chloride. Aeration and granular activated carbon (GAC) systems are treatment technologies that can reduce these contaminants to a low level. Preliminary estimates show that average residential monthly bills for affected systems could rise from \$1-\$14 depending on the size of the drinking water system and the type of technology selected. The Agency will promulgate recommended Maximum Contaminant Levels (RMCLs) before it promulgates the Maximum Contaminant Levels (MCLs). Statutory Authority: SDWA 1412 / 42 USC 300g-1 CFR:40 CFR 141 Analysis: RFA, IIA Small Entity:Not yet determined	Joseph Cotruvo EPA (WH-550) Washington, DC 20460 FTS:8-472-5030 COMM:202-472-5030	ANPRM: 41FR23991 (07/14/76) ANPRM: 47FR9350 (03/04/82) NPRM: 03/00/83
Underground Injection Control Program: Indian Lands SAR No. 1865	Description: This revision will amend the Consolidated Permit Regulations to allow more flexibility to the Agency in prescribing Class II Underground Injection programs for Indian lands. The revision will: (1) take into account amendments to the SDWA which allows a State to make an alternative demonstration in order to gain EPA's approval for its Class II program and (2) give special consideration to the expressed interests and desires of the affected tribal government when prescribing a Federal program for the reservation. Statutory Authority: SDWA 1412 / 42 USC 300(f) CFR:40 CFR 122 Small Entity:Unlikely	Thomas Belk EPA (WH-550) Washington, DC 20460 FTS:8-426-3934 COMM:202-426-3934	NPRM: 47FR17578 (04/23/82) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

SAFE DRINKING WATER ACT

REVISED REGULATIONS

Title	Summary	Contact	Timetable
Revised Primary Drinking Water Regulations SAR No. 1755	Description: The monitoring requirements and MCLs in the National Interim Primary Drinking Water Regulations will be comprehensively reviewed for inorganic and organic compounds, microbiological contaminants and turbidity and radionuclides. EPA will conduct an assessment of exposure, analytical methods, potential health effects, and the performance and costs of treatment technologies. The Agency will promulgate Recommended Maximum Contaminant Levels (RMCLs) before it promulgates the Maximum Contaminant Levels (MCLs). Statutory Authority: SDWA 1412 / 42 USC 300g-1 CFR:40 CFR 141 Analysis: RFA, IIA Small Entity:Likely	Joseph Cotruvo EPA (WH-550) Washington, DC 20460 FTS:8-472-5016 COMM:202-472-5016	ANPRM: 01/00/83 NPRM: 10/00/83
Revised Primary Drinking Water Regulations: Fluoride SAR No. 1756	Description: The Agency will assess the maximum contaminant level (MCL) for fluoride in the National Interim Primary Drinking Water Regulations to determine if it reflects potential health effects and the performance and cost of available treatment technologies. Based on statutory requirements and recent technical information, the Agency is considering numerous options. Statutory Authority: SDWA 1412 / 42 USC 300g-1 CFR:40 CFR 141 Analysis: RFA, IIA Small Entity:Likely	Joseph Cotruvo EPA (WH-550) Washington, DC 20460 FTS:8-472-5016 COMM:202-472-5016	NPRM: 02/00/83
Amendment to National Interim Primary Drinking Water Implementation Regulations: Trihalomethanes (TTHM) SAR No. 1757	Description: EPA will amend the TTHM implementation regulations under section 1415 (a)(1)(A) to include available treatment technology (taking costs into consideration) for controlling TTHMs. Statutory Authority: SDWA 1415 / 42 USC 300g-4 CFR:40 CFR 142 Small Entity:Unlikely	Joseph Cotruvo EPA (WH-550) Washington, DC 20460 FTS:8-472-5016 COMM:202-472-5016	NPRM 47FR9796 (03/05/82) FR: 01/00/83

NOISE CONTROL ACT

REVISED REGULATIONS

Title	Summary	Contact	Timetable
Rescission of Noise Emission Standards for Truck-Mounted Solid Waste Compactors SAR No. 1848	Description: This action would rescind the noise emission regulation for truck-mounted solid waste compactors. It would also withdraw these compactors from EPA's list of major sources of noise. Statutory Authority: NCA 5, 6 / 42 USC 4904, 4905 CFR:40 CFR 205 F Small Entity:Unlikely	OANR EPA (ANR-443) Washington, DC 20460 FTS:8-755-2640 COMM:202-755-2640	NPRM: 09/00/82 FR: 01/00/83
Revocation of Recordkeeping and Reporting Requirements SAR No. 1759	Description: This action will revoke the recordkeeping and reporting requirements for EPA's noise regulations. It will reduce unnecessary regulatory burdens on industry. Statutory Authority: NCA 5, 6, 8 / 42 USC 4904, 4905, 4907 CFR:40 CFR 203, 204, 205 Small Entity:Unlikely	OANR EPA (ANR-443) Washington, DC 20460 FTS:8-755-2640 COMM:703-755-2640	NPRM: 46FR44476 (08/14/81) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

The primary goals of the Resource Conservation and Recovery Act are: 1) to improve the management of solid wastes in order to protect human health and the environment, and 2) to conserve valuable material and energy resources. The Act also calls for State programs authorized by EPA to regulate hazardous waste management from generation through disposal, and for the States to regulate the disposal on land of all other solid wastes in accordance with minimum Federal criteria. EPA's regulations in large part exempt businesses that generate less than 1000 kg. of hazardous waste per month. EPA issued final regulations implementing most of Subtitle C on hazardous waste management in May 1980. Most of the regulatory actions identified below consist of revisions and amendments to those regulations.

For further information on EPA's implementation of RCRA, please contact the toll free RCRA Hotline at (800) 424-9346.

NEW REGULATIONS

Title	Summary	Contact	Timetable
Standards for the Management of Specific Hazardous Wastes: Waste Oil SAR No. 1713 Docket No. 3012	Description: In 1978, EPA proposed the listing of certain waste oils as hazardous wastes and proposed a set of standards applicable to the transportation, storage, treatment, recycling, and disposal of these and other waste oils. EPA is reproposing this listing and the corresponding regulations because of the many new and revised provisions which have not undergone public review. Statutory Authority: RCRA 3001, 3012 / 42 USC 6921, 6932 CFR:40 CFR 266 – MAJOR Analysis: IIA, RFA, RIA Small Entity:Likely	Michael Petruska EPA (WH-565) Washington, DC 20460 FTS:8-382-4788 COMM:202-382-4788	NPRM: 43FR58946 (12/18/78) RFRM: 10/00/83
Guideline for Federal Procurement of Cement and Concrete Containing Fly Ash SAR No. 1200 Docket No. 6002(e)	Description: Section 6002 requires procurement agencies using Federal funds to purchase items composed of the highest percentage of recovered materials practicable. This guideline would recommend that procuring agencies include provisions in construction contracts which allow use of fly ash as a partial cement replacement. Fly ash is a residue from coal combustion. This guideline will stimulate greater recovery and reuse of fly ash, while reducing energy and material costs for cement and concrete. Statutory Authority: RCRA 6002(e) / 42 USC 6962(e) CFR:40 CFR 249 Small Entity:Unlikely	John Heffelfinger EPA (WH-565) Washington DC 20460 FTS:8-382-4793 COMM:202-382-4793	NPRM: 45FR76906 (11/20/80) FR: 10/00/82

REVISED REGULATIONS

Title	Summary	Contact	Timetable
Identification and Listing of Hazardous Waste: Delisting Procedures SAR No. 1838 Docket No. 3001	Description: This action makes some minor changes to streamline the existing procedures for delisting wastes that were listed solely because they exhibit a hazardous waste characteristic. The regulation also streamlines the procedure for changing the status of wastes listed because they are acutely hazardous. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 260 Small Entity:Unlikely	Matthew Straus EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 46FR33066 (05/19/80) FR: 10/00/82
Identification and Listing of Hazardous Waste: Definition of Solid Waste SAR No. 1191 Docket No. 3001	Description: This action would modify the definition of solid waste and the applicability of RCRA standards to recycled solid wastes. It would regulate those recycling activities which have posed an environmental threat. It will substantially reduce the regulatory burden for recycling. Some materials presently defined as wastes may be excluded from the RCRA system and others, presently excluded, may be subject to some level of control. EPA has already issued interim final amendments exempting spent pickle liquors when reused (46 FR 44970, 9/8/81). Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.2, 261.6 Small Entity:Unlikely	Matthew Straus EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 12/00/82 FR: Undetermined
Identification and Listing of Hazardous Waste: Mixtures Rule SAR No. 1760 Docket No. 3001	Description: The "mixture rule" establishes the presumption that certain mixtures of hazardous and solid wastes are hazardous. EPA has issued an interim final rule which excludes from this presumption of hazardousness certain dilute mixtures from facilities regulated under sections 402 or 307(b) of the Clean Water Act. In addition, mixtures of solid and hazardous wastes listed in subpart D solely because they exhibit a characteristic of hazardous waste (e.g., ignitability, corrosivity, reactivity) are no longer considered hazardous if they do not meet the hazardous waste characteristics. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.3 Small Entity:Unlikely	Judith Bellin EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	IFR: 46FR56582 (11/17/81) FR: Undetermined

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

Title	Summary	Contact	Timetable
Identification and Listing of Hazardous Waste: Exemption for Waste Samples SAR No. 1765 Docket No. 3001/ Samples Exemption	Description: EPA issued an interim final rule that conditionally exempts from regulation waste and other samples collected for the purpose of monitoring or testing. Facilities that test materials to determine if they are "hazardous" are not required to obtain a RCRA permit in certain circumstances, provided that they meet certain minimum requirements. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.4 Small Entity:Unlikely	Claire Welty EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:919-755-9187	IFR: 46FR47426 (09/25/81) FR: Undetermined
Identification and Listing of Hazardous Waste: Hexavalant Chromium Modification SAR No. 1761 Docket No. 3001	Description: This action modifies the hazardous waste characteristics of extraction procedure (EP) toxicity. It amends the existing regulation (which regulates on the basis of total chromium) to a standard based on hexavalent chromium (CR (+6)). This is the valence state of chromium which is of environmental concern. The regulation also includes a test method for determining CR(+6). This amendment will reduce the regulatory burden for many wastes. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.24 Small Entity:Unlikely	David Friedman EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 45FR72029 (10/30/80) FR: 12/00/82
Identification and Listing of Hazardous Waste: Laboratory Wastes SAR No. 1841 Docket No. 3001	Description: EPA is considering modifying the list of hazardous wastes in Part 261 to ease administrative compliance burdens on laboratories. Laboratories generate small quantities of a large variety of wastes and seem to have some unique hazardous waste management problems. Part 264 regulations affecting labs may be amended as well. Statutory Authority: RCRA 3001, 3002, 3004 / 42 USC 6921, 6922, 6924 CFR:40 CFR 261, 264 Small Entity:Unlikely	Claire Welty EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM:Undetermined
Identification and Listing of Hazardous Waste: Product Storage Requirements SAR No. 1764 Docket No. 3001	Description: The interim final regulation provides that, in general, hazardous waste which is generated in a product or raw material storage tank is not subject to regulation until: (1) it leaves the unit where it was generated, or (2) a 90 day period is completed. EPA is considering lengthening the exemption period under specific conditions. Statutory Authority: RCRA 3001 / 42 USC 6921 CFR:40 CFR 261.4(c) Small Entity:Unlikely	Claire Welty EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	IFR: 45FR72024 (10/30/80) FR: Undetermined
Identification and Listing of Hazardous Waste: Revise and Expand Solvent Listings SAR No. 1858 Docket No. 3001	Description: These listings will expand the present F001-F005 hazardous waste listings. EPA will also resolve the issue of which solvent mixtures should be regulated. Statutory Authority: RCRA 3001 CFR:40 CFR 261.31, 261.32 Analysis:RIA, EIA Small Entity:Likely	Jacqueline Sales EPA (WH-565B) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 08/00/83 FR: 04/00/84
Identification and Listing of Hazardous Waste: Chlorinated dioxins and Chlorinated dibenzofurans SAR No. 1863 Docket No. 3001	Description: Existing regulations include a list of hazardous wastes. This action modifies this list to add particular wastes containing certain chlorinated dibenzo-p-dioxins and dibenzofurans, chlorophenyls, phenoxy acids, amines, and esters derived from these chlorophenols. These contaminants are among the most toxic known, and consequently these wastes are of particular environmental concern. Statutory Authority: RCRA 3001 CFR:40 CFR 261.31, 261.32 Small Entity:Unlikely	Judith Bellin EPA (WH-565B) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	NPRM: 12/00/82 FR: Undetermined

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

Title	Summary	Contact	Timetable
Identification and Listing of Hazardous Waste: Residuals from Production of C1-C6 Chlorinated Aliphatic Compounds SAR No. 1854 Docket No. 3001	Description: This action will add to the list of hazardous wastes, the organic residuals from the production of chlorinated aliphatic hydrocarbons having chain lengths of one to five. Statutory Authority: RCRA 3001 CFR:40 CFR 261.32 Small Entity:Unlikely	David Friedman EPA (WH-565B) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	IFR: 03/00/83
Identification and Listing of Hazardous Waste: Warfarin and Zinc Phosphide SAR No. 1880 Docket No. 3001	Description: EPA is modifying the list of hazardous wastes in section 261.33 to change the hazardous class under which chemical products containing warfarin at concentrations of 0.30 or less and zinc phosphide in concentrations of 10% or less are listed. This is based on scientific data showing that warfarin and zinc phosphide in these concentrations are not acute hazardous wastes. Those chemical products containing warfarin and zinc phosphise at higher concentrations will remain on 261.33(e). The Agency is also considering establishing concentration limits for all substances listed in 261.33. Statutory Authority: RCRA 3001, 3002 / 42 USC 6905, 6912(a), 6921, 6922 CFR:40 CFR 261.33 Small Entity:Unlikely	Wanda Le Bleu-Biswas EPA (WH-565B) Washington, DC 20460 FTS:8-382-4798 COMM:202-382-4798	IFR: 11/00/82 FR: Undetermined
Standards for Hazardous Waste Generators: "Satellite" Accumulation of Hazardous Waste SAR No. 1767 Docket No. 3002	Description: Current regulations allow generators of hazardous waste to accumulate waste on-site for 90 days without a permit, provided the accumulation is in accordance with certain standards. This action will add an initial period for "satellite" accumulation, defined as waste accumulated in small quantities at or near a point of generation before the standards for 90 day accumulation apply. The 90 day period would begin only after the initial period is completed. This change will be more appropriate and less burdensome for short term satellite storage activities than are the existing requirements. This action would also waive the contingency plan requirement for satellite storage. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262.34 Small Entity:Unlikely	Amy Mills EPA (WH-563) Washington, DC 20460 FTS:8-382-4755 COMM:202-382-4755	NPRM: 11/00/82 FR: Undetermined
Standards for Hazardous Waste Generators and Treatment Storage Disposal Facilities: Annual Report/Survey SAR No. 1824 Docket No. 3002	Description: EPA is proposing to replace the annual reporting requirement for generators of hazardous waste and owners or operators of TSD facilities with a periodic survey of a representative sample of the regulated community. The survey approach will provide EPA with data on which to base regulatory decisions while substantially reducing the paperwork on the regulated community. These revisions are being made as part of an overall revision of the RCRA program at the request of the President's Task Force on Regulatory Relief. Statutory Authority: RCRA 3002, 3004, 3007 / 42 USC 6922, 6924 CFR: 40 CFR 262.41, 264, 265 Small Entity:Unlikely	Robert Axelrad EPA (WH-562) Washington, DC 20460 FTS:8-382-5218 COMM:202-382-5218	NPRM: 12/00/82 FR: Undetermined
Standards for Hazardous Waste Generators: Uniform Hazardous Waste Manifest SAR No. 1768 Docket No. 3002	Description: In conjunction with the Department of Transportation, EPA has proposed a uniform national manifest to eliminate problems caused by differing state manifest requirements. This action would require all generators and transporters of hazardous waste to use the Federal form. These revisions are being made as part of an overall revision of the RCRA program at the request of the President's Task Force on Regulatory Relief. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262 Small Entity:Unlikely	Rolf Hill EPA (WH-563) Washington, DC 20460 FTS:8-382-4753 COMM:202-382-4753	NPRM: 47FR9336 (03/04/82) FR: 12/00/82

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

Title	Summary	Contact	Timetable
Standards for Hazardous Waste Generators: Alternate Manifest SAR No. 1842 Docket No. 3002	Description: This action would allow generators to reuse a manifest form if they repeatedly ship identical wastes to facilities which they own or operate. This will reduce the paperwork burdens for generators. These revisions are being made as part of an overall revision of the RCRA program at the request of the President's Task Force on Regulatory Relief. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262 Small Entity:Not yet determined	John Thompson EPA (WH-563C) Washington, DC 20460 FTS:8-382-4697 COMM:202-382-4697	NPRM:Undetermined
Standards for Hazardous Waste Generators: International Shipments SAR No. 1839 Docket No. 3002	Description: EPA is developing amendments to clarify the current regulations on exports of hazardous waste and on international shipments. EPA is also making minor changes needed to improve the processing of export notices. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262.50 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	FR: 11/00/82
Standards for Hazardous Waste Generators: Shipments of Hazardous Waste from Permitted Facilities SAR No. 1770 Docket No. 3002	Description: EPA issued an interim final rule to clarify the responsibilities of owners and operators of permitted facilities with respect to generator standards (40 CFR 262) when they initiate a shipment of hazardous waste from their facilities. Statutory Authority: RCRA 3002 / 42 USC 6922 CFR:40 CFR 262 Small Entity:Unlikely	Rolf Hill EPA (WH-563) Washington, DC 20460 FTS:8-382-4753 COMM:202-382-4753	IFR: 45FR86968 (12/31/80) FR: 04/00/83
Standards for Hazardous Waste Generators: Transporting Hazardous Waste by Rail SAR No. 1769 Docket No. 3002	Description: EPA has issued an interim final rule which allows generators to transport hazardous waste by rail without a manifest, provided that certain minimum information accompanies the load. EPA concluded that the existing tracking system used by railroads was sufficient to protect human health and the environment. Statutory Authority: RCRA 3002, 3003 / 42 USC 6922, 6923 CFR:40 CFR 262, 263 Small Entity:Unlikely	Carolyn Barley EPA (WH-563) Washington, DC 20460 FTS:8-382-4505 COMM:202-382-4505	IFR: 45FR86970 (12/31/80) FR: 03/00/83
Standards for Hazardous Waste Transporters: In-Transit Storage Requirements SAR No. 1771 Docket No. 3003	Description: EPA has issued an interim final rule to allow a transfer facility to hold a shipment of hazardous waste with a manifest for up to ten days without obtaining a RCRA permit or complying with storage facility standards. This rule is intended to allow transporters to store waste temporarily at a transfer facility for such purposes as consolidation of shipments for further transport. Statutory Authority: RCRA 3003 / 42 USC 6923 CFR:40 CFR 263 Small Entity:Unlikely	Rolf Hill EPA (WH-563) Washington, DC 20460 FTS:8-382-4753 COMM:202-382-4753	IFR: 45FR86966 (12/31/80) FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Land Disposal SAR No. 1194 Docket No. 3004	Description: The Agency established requirements for use in permitting existing land disposal facilities (surface impoundments, waste piles, land treatment landfills) and the corresponding procedures for permit applications. The Agency is preparing a Regulatory Impact Analysis and will publish the results of it in the Federal Register. A Regulatory Flexibility Analysis is being prepared and will be published in early 1983. Statutory Authority: RCRA 3004, 3005 / 42 USC 6905, 6912(a), 6924, 6925 CFR:40 CFR 122, 260, 264, 265, – MAJOR Analysis: EIS, RIA, RFA Small Entity:Likely	RCRA Hotline FTS:8-382-3000 COMM:800-424-9346	NPRM: 43FR58946 (12/18/78) NPRM: 45FR66816 (10/08/80) RPRM: 46FR11126 (02/05/81) RPRM: 46FR28314 (05/26/81) IFR: 47FR32274 (07/26/82) NPRM: 47FR32385 (07/26/82) IFR: 47FR32274 (06/26/82) FR: 06/00/84

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
RESOURCE CONSERVATION AND RECOVERY ACT			
Standards for the Management of Specific Hazardous Wastes: Wastewater Treatment/Elementary Neutralization SAR No. 1772 Docket No. 3004	Description: In November 1980, EPA suspended the applicability of the RCRA regulations to wastewater treatment and elementary neutralization tanks (facilities that treat corrosive wastes). At the same time, EPA proposed to substantially relax the substantive requirements and the permitting procedures for these facilities. The proposal establishes a tailored set of management standards and a permit-by-rule scheme for these facilities. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 266 B Small Entity:Unlikely	William Kline EPA (WH-565) Washington, DC 20460 FTS:8-382-4781 COMM:202-382-4781	NPRM: 45FR76076 (11/17/80) FR: Undetermined
Standards for Management of Specific Hazardous Waste: Experimental Facilities SAR No. 1817 Docket No. 3004	Description: This action would amend existing requirements for facilities engaging in hazardous waste research activities. EPA's object is to encourage research and development of hazardous waste management technology while assuring environmental protection. Statutory Authority: RCRA 3004, 3005, 8001 / 42 USC 6924, 6925 CFR:40 CFR 261-64, 266 Small Entity:Not yet determined	Michael Petruska EPA (WH-565) Washington, DC 20460 FTS:8-382-4788 COMM:202-382-4788	NPRM: 02/00/83 FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Incinerators SAR No. 1784 Docket No. 3004/ Incinerator Docket	Description: In response to public comments on the interim final rule published on January 23, 1981 (46 FR 7666), EPA amended its regulations applicable to hazardous waste incineration facilities. The interim final amendments reflect, among other things, (1) performance standards for hydrogen chloride and particulate emissions, (2) permit application procedures, and (3) partial exemption of some corrosive and reactive wastes. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 122, 264, 265 Small Entity:Unlikely	Edward Martin EPA (WH-565) Washington, DC 20460 FTS:8-382-4761 COMM:202-382-4761	IFR: 47FR27520 (06/24/82) FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Discharge Response Exemption SAR No. 1773 Docket No. 3004	Description: EPA issued an interim final rule which relieves persons who treat or store hazardous waste in immediate response to a spill from complying with the facility standards and permitting requirements of 40 CFR 122, 264, and 265. This amendment clarifies that immediate response actions are exempt from permit requirements. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 122, 260, 264, 265 Small Entity:Unlikely	Amy Mills EPA (WH-563) Washington, DC 20460 FTS:8-382-4755 COMM:202-382-4755	FR: 45FR76626 (11/19/80) FR: 12/00/82
Standards for Owners/Operators of Waste Facilities: Financial Responsibility SAR No. 1194A Docket No. 3004	Description: Owners or operators of hazardous waste facilities must provide financial assurance that closure and post-closure care requirements can be met. They must also have liability coverage for bodily injury and property damage to third parties caused by facility operations. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 264 H, 265 Analysis: RIA, RFA, IIA Small Entity:Likely	Emily Sano EPA (WH-565) Washington, DC 20460 FTS:8-382-4503 COMM:202-382-4503	NPRM: 45FR33260 (05/19/80) IFR: 47FR15032 (04/07/82) IFR: 47FR16544 (04/16/82) FR: Undetermined
States with Final Authorization SAR No. 1874 Docket No. 3004	Description: EPA plans to add permitting standards for several processes which are not currently covered by the standards for owners and operators of hazardous waste management facilities. Under EPA's May 19, 1980 regulations, until a State with final authorization makes revisions based on new Federal standards, neither EPA nor the State can issue RCRA permits to new or existing faciities covered by the new standards. To remedy this problem, EPA amended its hazardous waste management regulations to enable certain facilities in authorized States to obtain Federally-issued RCRA permits while the States revise their RCRA permit requirements. The Agency also clarified the applicability of new permit standards in States with Phase II interim authorization. Statutory Authority: RCRA 3004 / 42 USC 6905, 6912(a), 6924 CFR:40 CFR 264 Small Entity:Unlikely	Terrace Grogan EPA (WH-563) Washington, DC 20460 FTS:8-382-2224 COMM:202-382-2224	IFR: 47FR32382 (07/26/82) FR: Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
RESOURCE CONSERVATION AND RECOVERY ACT			
Standards for Owners/Operators of Waste Facilities: Surface Impoundments Used For Neutralization of Corrosive Waste SAR No. 1875 Docket No. 3004	Description: Neutralization surface impoundments are surface impoundments that: (1) are used to neutralize wastes that are hazardous solely because they exhibit the characteristic of corrosivity (261.22) or have been listed in Part 261 subpart O only for this reason; (2) contain no other hazardous waste; and (3) sufficiently neutralize the corrosive waste rapidly so that there is no potential for migration of hazardous waste from the impoundment. Neutralization surface impoundments present such minimal risk of groundwater and surface water contamination that it may be unnecessary to require such facilities to comply with the full set of technical standards necessary for other facilities. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 264 Small Entity:Unlikely	Chris Rhyne EPA (WH-564) Washington, DC 20460 FTS:8-382-4683 COMM:202-382-4683	NPRM: 05/00/83 FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Boilers SAR No. 1877	Description: Burning of hazardous waste in boilers for the purpose of heat recovery is currently exempt from regulation under RCRA. However, the Agency is currently studying the environmental effects of burning by conducting tests of stack emissions and doing other research. The Agency expects to complete this research during 1983 and propose appropriate regulations in 1984. In addition, the Agency is considering proposal of more near term administrative controls on this practice, including notification by facilities that blend, distribute, or burn hazardous waste as a fuel. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 264 Small Entity:Unlikely	Steve Lingle EPA (WH-565) Washington, DC 20460 FTS:8-382-4761 COMM:202-382-4761	NPRM:Undetermined
Identification and Listing of Hazardous Waste: Restriction of Land Disposal of Certain Hazardous Waste SAR No. 1878 Docket No. 3001	Description: This action would place restrictions on the land disposal of certain types of hazardous wastes. EPA is considering establishing criteria for identifying wastes and promulgating a list of wastes which should be prohibited from land disposal based on extreme persistence, mobility or toxicity in the environment. EPA may also identify alternative treatment technologies for the restricted wastes that would render them less hazardous or nonhazardous, and thus suitable for land disposal. Statutory Authority: RCRA 3001 CFR:40 CFR 261 Small Entity:Not yet determined	Claire Welty EPA (WH-565) Washington, DC 20460 FTS:8-755-9187 COMM:202-755-9187	ANPRM: 02/00/83 NPRM: 02/00/84 FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Monofills SAR No. 1879	Description: Monofills are land disposal facilities which manage one or more of a small group of EP toxic hazardous wastes and no other hazardous waste. Under specific management conditions, these facilities pose significantly less risk of groundwater contamination than do other types of land disposal facilities. EPA intends to propose a special set of standards for these facilities because of this reduced risk. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 264 Small Entity:Unlikely	Al Geswein EPA (WH-564) Washington, DC 20460 FTS:8-382-4681 COMM:202-382-4681	NPRM: 05/00/83 FR: Undetermined
Standards for Owners/Operators of Waste Facilities: Storage of Ignitable and Reactive Waste; Buffer Zone Requirements SAR No. 1775 Docket No. 3004	Description: The amendment would modify the requirements for storage of ignitable and reactive waste in containers and tanks at hazardous waste management facilities. It would incorporate the buffer zone requirements contained in portions of three National Fire Protection Association Codes. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 260, 264, 265 Small Entity:Unlikely	Penelope Hansen EPA (WH-565) Washington, DC 20460 FTS:8-382-4761 COMM:202-382-4761	NPRM:Undetermined
Interim Status: Open Burning SAR No. 1849 Docket No. 3004	Description: Existing regulations allow open burning of explosives under certain conditions, (e.g. beyond a specified distance from buildings and other objects). In response to a petition by industry, this action would modify EPA's existing restrictions. It will allow open burning of small quantities of waste explosives under specific conditions at selected facilities. This amendment will provide relief for a small number of highly specialized disposal facilities. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR: 40 CFR 264, 265.382 Small Entity:Unlikely	Marc Turgeon EPA (WH-565) Washington, DC 20460 FTS:8-382-4791 COMM:202-382-4791	IFR:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

Title	Summary	Contact	Timetable
Interim Status: Liquids in Landfills SAR No. 1843 Docket No. 3004	Description: This rule controls the landfill disposal of containers holding free liquids. The Agency intends to leave the interim final rule of March 22, 1982 in effect until a thorough analysis of this issue can be done through the Regulatory Impact Analysis (RIA) process. An RIA is scheduled to be completed in the summer of 1983. Development and promulgation of a final rule will follow. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR:40 CFR 265 Small Entity:Unlikely	Rodney Jenkins EPA (WH-564) Washington, DC 20460 FTS:8-382-4658 COMM:202-382-4658	NPRM: 47FR8307 (02/25/82) IFR: 47FR8304 (02/25/82) IFR: 47FR12316 (03/22/82) FR: Undetermined
Interim Status: Expansion and Modification of Facilities SAR No. 1807 Docket No. 3005	Description; Under the settlement agreement in NRDC v EPA, EPA is proposing to allow existing hazardous waste management facilities greater flexibility to expand and modify their operation during interim status. Among other things, these amendments would: (1) allow the addition of tanks and containers to treat or store waste; (2) allow increases in design capacity. Statutory Authority: RCRA 3004, 3005 / 42 USC 6924, 6925 CFR:40 CFR 122, 265, 267 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined
Consolidated Permits: Class Permits SAR No. 1844 Docket No. 3005	Description: EPA will propose to allow precisely defined classes of facilities to obtain permits by demonstrating compliance with specific permit conditions established by regulation. This will simplify and expedite the process for individual members of the classes to receive permits. These and several other revisions listed below implement revisions to the Consolidated Permit Program at the request of the President's Task Force on Regulatory Relief. Statutory Authority: RCRA 3004, 3005 / 42 USC 6924, 6925 CFR:40 CFR 122, 124, 264, 266 Small Entity:Not yet determined	David Sussman EPA (WH-563) Washington, DC 20460 FTS:8-382-4692 COMM:202-382-4692	NPRM: 02/00/83 FR: 11/00/83
Consolidated Permits: Minor Modifications to Existing RCRA Permits SAR No. 1805 Docket No. 3005	Description: Existing regulations allow EPA to make specified minor modifications to existing RCRA permits without going through the draft permit and public participation procedures required to make more substantial changes to permits. Under the settlement agreement in NRDC v EPA, EPA is proposing an amendment which would expand the kinds of permit modifications that qualify as minor modifications and thus are exempt from most procedural requirements. Statutory Authority: RCRA 3005 / 42 USC 6925 CFR:40 CFR 122.17 Small Entity:Unlikely	Amy Mills EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined
Consolidated Permits: Duration of Permits for Hazardous Waste Facilities SAR No. 1806 Docket No. 3005	Description: Existing EPA regulations provide that EPA-issued permits for hazardous waste treatment, storage and disposal facilities are effective for a fixed term not to exceed ten years. Under the settlement agreement in NRDC v EPA, EPA proposes to revise this regulation by making permits effective for the designed operating life of the facility. Permit terms for land disposal facilities would include the post-closure care period as well. EPA would also increase opportunities for the Agency to modify permits during their term. EPA will also propose to amend State program requirements to allow authorized States to adopt similar standards to vary the duration of permits. Statutory Authority: RCRA 3005, 3006 / 42 USC 6925, 6926 CFR:40 CFR 122.9, 123, 264 Small Entity:Unlikely	Amy Mills EPA (WH-563) Washington, DC 20460 FTS:8-382-4755 COMM:202-382-4755	NPRM: 10/00/82 FR: 04/00/83
Consolidated Permits: Construction Ban SAR No. 1814 Docket No. 3005	Description: Existing EPA regulations require that an owner or operator of a hazardous waste management facility receive a RCRA permit before beginning construction of the facility. Under the settlement agreement in NRDC v EPA, EPA will propose an amendment that will allow certain facilities to commence construction but not operation, before a RCRA permit is issued. Statutory Authority: RCRA 3005 / 42 USC 6925 CFR: 40 CFR 122, 123, 124 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

RESOURCE CONSERVATION AND RECOVERY ACT

Title	Summary	Contact	Timetable
Enforcement of State Permits SAR No. 1809 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA is proposing amendments to state program requirements. In particular, the proposal would require that the EPA Regional Administrator explain the basis for any contention that a State failed to include a necessary provision in its permit. Statutory Authority: RCRA 3004, 3005, 3006 / 42 USC 6924, 6925, 6926 CFR:40 CFR 123 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined
Consolidated Permits: Owner/Operator Signature SAR No. 1813 Docket No. 3005	Description: Existing EPA regulations require that both the owner and operator of a hazardous waste facility sign the facility's permit application. Under the settlement agreement in NRDC v EPA, EPA will propose allowing permit applcations to be filed in certain circumstances solely under the signature of the facility operator. Statutory Authority: RCRA 3004 / 42 USC 6924 CFR: 40 CFR 122 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM: 47FR32038 (07/23/82) FR: 03/00/83
Consolidated Permits: Retention of Groundwater Monitoring Data SAR No. 1810 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA will propose to reduce the period of time during which a facility must retain groundwater monitoring data. Statutory Authority: RCRA 3004, 3005 / 42 USC 6924, 6925 CFR: 40 CFR 122, 123, 124 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM:Undetermined
Consolidated Permits: Hearings on Interim Status SAR No. 1812 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA will propose to notify owners and operators of existing hazardous waste facilities of any deficiencies in their Part A applications and to give them 30 days to respond. EPA will also propose to provide the opportunity for a panel hearing on initial RCRA permits in certain circumstances. Statutory Authority: RCRA 3005 / 42 USC 6925 CFR: 40 CFR 122, 124 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM: 11/00/82 FR: Undetermined
Consolidated Permits: Transfer of Permits SAR No. 1811 Docket No. 3005	Description: Under the settlement agreement in NRDC v EPA, EPA will propose to amend its regulations to ease restrictions on certain transfers of RCRA permits when ownership of a hazardous waste facility changes. Statutory Authority: RCRA 3005 / 42 USC 6925 CFR:40 CFR 122 Small Entity:Unlikely	Deborah Wolpe EPA (WH-563) Washington, DC 20460 FTS:8-382-4754 COMM:202-382-4754	NPRM: 11/00/82 FR: Undetermined

CLEAN AIR ACT

The goal of the Clean Air Act is to protect the public health and welfare from the harmful effects of air pollution. To achieve the goal, EPA develops National Ambient Air Quality Standards (NAAQS) and the States adopt State Implementation Plans (SIP)to meet these standards. A NAAQS defines the maximum amount of an air pollutant which in the judgment of the Administrator provides an adequate margin of safety to protect the public health. States are also required, pursuant to EPA regulations, to develop plans to prevent significant deterioration of air quality in areas where the ambient standards have been attained and to enhance visibility.

EPA also develops New Source Performance Standards (NSPS) under CAA 111. The NSPS are based on the best systems demonstrated to reduce emissions continually, taking into account costs and energy requirements. The standards will apply to both new sources and existing sources which are modified after approval of the regulation.

EPA is also developing National Emission Standards for Hazardous Air Pollutants (NESHAPS) under section 112 of the CAA. This section requires that the Administrator develop NESHAPS for emissions that cause or contribute to air pollution which results in an increase in mortality or in serious or incapacitating illness. The standards apply to both new sources and existing sources.

Under Title II of the Clean Air Act EPA controls emissions from moving sources of air pollution. To relieve burdens on industry, EPA is revising several mobile source regulations.

NEW REGULATIONS

Quality Assurance Procedures, Appendix F, Procedure 1 SAR No. 1741 Docket No. A-80-29	Description: This rule would add quality assurance requirements on gas continuous emission monitoring systems (CEMs) used for compliance. The purpose is to improve data quality and strengthen the basis for decisions made with regard to quality assurance. Statutory Authority: CAA 111, 114, 301(a) / 42 USC 7411, 7414, 7601 CFR:40 CFR 60 Appendix F Small Entity:Unlikely	Darryl von Lehmden EPA (MD-77) Research Triangle Park NC 27711 FTS:8-629-2415 COMM:919-541-2415	NPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
NSPS: Industrial Surface Coating: Metal Furniture SAR No. 1115 Docket No. A-79-47	Description: This regulation will establish emission standards for volatile organic compounds from surface coating of metal furniture. The "affected facility" includes applications, flash-off, and oven areas of coating line. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 EE Analysis: EIS Small Entity:Likely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-514-5624	NPRM: 45FR79390 (11/28/80) FR: 10/00/82
NSPS: Stationary Internal Combustion Engines SAR No. 1008 Docket No. OAQPS-79-5	Description: These regulations will require the application of best available demonstrated technology to control nitrogen oxide emissions from stationary diesel and dual-fuel internal combustion engines. EPA will issue separate standards for gas and gasoline-fueled stationary I.C. engines later. The Agency is considering exempting engines with a displacement of less than 560 cubic inches per cylinder. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 FF Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 44FR43173 (07/23/79) FR: 12/00/82
NSPS: Organic Solvent Cleaners SAR No. 1010 Docket No. OAQPS 78-12	Description: This rule will control evaporative emissions from metal cleaning and degreasing operations. A related rule (SAR 1695) will also require States to act under Section III(d) to control some specific solvent emissions from existing sources. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 JJ Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR39766 (06/11/80) FR: Undetermined
NSPS: Metallic Minerals SAR No. 1700 Docket No. A-81-03	Description: This standard would limit stack and fugitive particulate emissions at new, modified, or reconstructed plants in the processing of minerals prior to metal reduction. These areas are: aluminum, copper, gold, iron, lead, molybdenum, silver, titanium, otungsten, uranium, zinc, and zirconium. The affected facilities are individual points and equipment in the processing plant. Facilities located underground are not affected. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 LL Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 47FR36859 (08/24/82) FR: 08/00/83
NSPS: Perchloroethylene Dry Cleaning SAR No. 1119 Docket No. A-79-30	Description: This regulation will control hydrocarbon emissions, including perchloroethylene, from professional and coin-operated dry cleaning establishments. It will also reduce the ambient ozone problem. The rule will limit process wastes and leaks and will require the use of a carbon adsorber, or refrigeration equipment, to control emissions from exhausts and vents. EPA is considering an exemption for coin operated facilities. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 OO Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR78174 (11/25/80) FR: 12/00/82
NSPS: Publication Rotogravure Printing SAR No. 1120 Docket No. A-79-50	Description: This regulation will control emissions of volatile organic compounds from large-scale publication rotogravure printing presses. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 QQ Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR71538 (10/28/80) FR: 10/00/82
NSPS: Industrial Surface Coating: Pressure Sensitive Tapes and Labels SAR No. 1114 Docket No. A-79-38	Description: This regulation will establish emission standards for volatile organic compound emissions from pressure sensitive tapes and labels coating operations. It will apply to new, modified or reconstructed coating lines. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 RR Analysis: EIS Small Entity:Unlikely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR86278 (12/30/80) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
NSPS: Industrial Surface Coating: Large Appliances SAR No. 1599 Docket No. A-80-6	Description: This regulation will control volatile organic compound emissions from industrial surface coating operations for large appliances. It applies to each prime coat or top coat operation. The "affected facility" is defined as application station(s), flashoff area and curing oven. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 SS Analysis: EIS Small Entity:Likely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR85085 (12/24/80) FR: 10/00/82
NSPS: Industrial Surface Coating: Metal Coils SAR No. 1598 Docket No. A-80-5	Description: This rule will control emissions of volatile organic compounds from metal coils industrial surface coating operations. It will affect each prime coating and each finish coating operation. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 TT Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 46FR1102 (01/05/81) FR: 10/00/82
NSPS: Synthetic Organic Chemical Manufacturing-Fugitive Emissions SAR No. 1112 Docket No. A-79-32	Description: This rule will control fugitive emissions from the manufacture of volatile organic chemicals from new process units within the synthetic organic chemical manufacture industry. It requires a leak detection and repair program and the use of certain equipment to reduce emissions. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 VV Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 46FR1136 (01/05/81) FR: 12/00/82
NSPS: Industrial Surface Coating: Cans SAR No. 1113 Docket No. A-80-4	Description: These standards will limit VOC emissions from new, modified, and reconstructed two piece beverage can surface coating facilities. The standards will cover base coat, over varnish, coating and inside coat. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 WW Analysis: EIS Small Entity:Unlikely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 45FR78980 (11/26/80) FR: 10/00/82
NSPS: Bulk Gasoline Terminals SAR No. 1589 Docket No. OAQPS-78-2	Description: This rule will control volatile organic compound (VOC) emissions from new, modified, and reconstructed gasoline tank truck loading racks at bulk gasoline terminals. It will require installation of VOC vapor collection equipment, set VOC emission limits, and restrict loadings only to gasoline tank trucks that pass an annual vapor-tight test. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 XX Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 45FR68616 (12/17/80) FR: 12/00/82
NSPS: Industrial Boilers SAR No. 1586 Docket No. A-79-02	Description: Industrial boilers are a major stationary source of sulfur dioxide, particulates, and nitrogen oxide emissions. EPA is developing performance standards for industrial boilers to achieve continuous emission reduction. The Agency will base emission limits upon the best available system of control, taking costs, environmental impacts and energy requirements into account. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 ZZ - MAJOR Analysis: EIS, RIA, RFA Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	ANPRM: 44FR37632 (06/28/79) NPRM: 02/00/83
NSPS: Volatile Organic Liquids Storage SAR No. 1612 Docket No. A-80-51	Description: This standard will control volatile organic compound emissions from the storage of organic liquids. It will affect new, modified or reconstructed VOL storage vessels with capacities of 40,000 gallons or more. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 AAA Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
NSPS: Rubber Products Industry-Tire Manufacturing SAR No. 1615 Docket No. A-80-9	Description: This standard will control VOC (volatile organic compound) emissions from solvent application during undertread/sidewall cementing, tread end cementing, bead cementing and green tire coating in rubber tire manufacturing plants. It will require use of less solvent or installation of a 75% efficient emission reduction system. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 BBB Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 10/00/82
NSPS: Non-Fossil Fuel Fired Boilers SAR No. 1614 Docket No. A-79-22	Description: This rule will control particulate emissions from combustion of wood, municipal solid waste, refuse derived fuels, and bagasse. It will also control particulate emissions of the above when combined with fossil fuels. The rule will set an individual control level for each non-fossil fuel addressed. EPA is considering the highest volume fuels first, but will consider others later. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 CCC Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 02/00/83
NSPS:Gypsum SAR No. 1673 Docket No. A-80-15	Description: This regulation will control particulate emissions from eight separate sources of gypsum manufacturing facilities. It will require improved operation and maintenance of particulate control equipment already used by the industry under state regulations. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 DDD Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
NSPS: Industrial Surface Coating: Vinyl Coating and Printing SAR No. 1672 Docket No. A-80-8	Description: This regulation will control volatile organic compound emissions from the manufacture of polyvinylchloride films. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 FFF Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 10/00/82 FR: 09/00/83
NSPS: Refinery Fugitive Emissions SAR No. 1696;	Description: This regulation will control fugitive emissions of volatile organic compounds from new, reconstructed, or modified processing units in petroleum refineries. It will allow no detectable emissions from pressure relief devices during normal operations; require a leak detection and repair program for valves and pumps; and the use of certain equipment for compressors, sampling connections, and open-ended lines to reduce emissions. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 GGG Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM 12/00/82 FR: 12/00/83
NSPS: Synthetic Fibers SAR No. 1692	Description: This action will control VOC emissions from synthetic fiber manufacturing plants that use "solvent spinning" processes by monitoring the amount of solvent used and the amount recovered. A size cutoff for facilities producing less than 500 megagrams of fiber per year will exempt facilities with an insiginificant level of emissions. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 HHH Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 12/00/82 FR: 12/00/83
NSPS: Synthetic Organic Chemical Industry: Air Oxidation Process SAR No. 1618	Description: This regulation will control emissions of volatile organic compounds from the manufacture of synthetic organic chemicals via air oxidation processes. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 III Analysis: EIS, RFA Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 12/00/82 FR: 12/00/83

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
NSPS: Coke Ovens Quenching SAR No. 1687	Description: This regulation will control emissions of particulate matter generated by new facilities for the quenching of coke with water at coke production facilities. Two possible systems of control are :(1) quenching water that is low in total solids content, and/or (2) impingement baffles installed in the quenching tower. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
NSPS: Petroleum Solvent Dry Cleaning SAR No. 1690	Description: This regulation will control emissions of volatile organic compounds from dry cleaning equipment in which petroleum solvent is used. EPA is considering exempting facilities that clean less than an as yet undetermined amount of material a year. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS, RFA Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 12/00/82 FR: 12/00/83
Solvent Degreasing SAR No. 1695	Description: This action will require States to control organic solvent cleaners to reduce emissions of specific organic solvents designated under a separate NSPS action (SAR 1010). Statutory Authority: CAA 111(d) / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Likely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
NSPS: On-Shore Production SAR No. 1697	Description: This regulation will control volatile organic compounds and sulfur dioxide from new, modified and reconstructed facilities at natural gas/gasoline processing plants. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Not yet determined	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 10/00/82 FR: 10/00/83
NSPS: Distillation Operations SAR No. 1733	Description: This regulation will control emissions of volatile organic compounds from modified and reconstructed facilities at pertroleum refineries and synthetic organic chemical plants. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Not yet determined	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 02/00/83 FR: 02/00/84
NSPS: Petroleum Refinery, FCC Regenerators SAR No. 1736	Description: This standard will require control of sulfur dioxide from fluidized catalytic cracking units. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 10/00/82 FR: 09/00/83
NSPS for Polymer and Resin Manufacture SAR No. 1691 Docket No. A-82-19	Description: This rule will control volatile organic compound (VOC) emissions in exhaust streams from polymerization processes in the manufacture of organic polymers and resins. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Analysis:EIS Small Entity:Not yet determined	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 09/00/83 FR: 09/00/84
Decision on Listing Cadmium SAR No. 1869	Description: EPA is currently reviewing relevant available information on emissions of cadmium into the ambient air that may be either by itself or in combination with cadmium intake from food and drinking water reasonably anticipated to endanger public health. EPA will issue a decision on the necessary regulatory action for public comment before it becomes final. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Small Entity:Unlikely	David Patrick EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5645 COMM:919-541-5645	Decision on Listing:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
	CLEAN AIR ACT		
NESHAPS: Listing of Coke Oven Emissions as Hazardous Air Pollutant SAR No. 1594	Description: EPA is conducting a health risk assessment of coke oven emissions. If we determine that these emissons are hazardous, we will list them as hazardous air pollutants under Section 112 and will propose emission standards. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Small Entity:Unlikely	Kent Berry EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5504 COMM:919-541-5504	Decision on Listing:Undetermined
NESHAPS:Listing of Acrylonitrile SAR No. 1677	Description: EPA is conducting a health risk assessment of acrylonitrile emissions . If the Agency determines that these emissions are hazardous, it will list them under Section 112 and will propose emission standards. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Small Entity:Unlikely	David Patrick EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5645 COMM:919-541-5645	Decision on Listing:Undetermined
NESHAPS: Arsenic from Smelters SAR No. 1684	Description: This regulation will control inorganic arsenic emissions from the one remaining non-ferrous smelter in the U.S. which processes high-arsenic concentrates. High efficiency particulate controls operated at optimum temperature for arsenic condensation will be required for process gas streams. The standard requires effective capture systems and high efficiency particulate controls for several sources of fugitive emissions. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Analysis: EIS Small Entity:Unlikely	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
NESHAPS: Benzene in Coke Ovens/By Products Plants SAR No. 1685	Description: This regulation will control benzene emissions generated by the storage of benzene and the processing of gaseous and liquid streams at by-product plants. Inspection and maintenance procedures, operating practices, floating roof tanks, and exhaust gas treatment may be required. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 Analysis: EIS Small Entity:Not yet determined	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 01/00/83 FR: 02/00/84
NESHAPS: Maleic Anhydride Manufacture SAR No. 1127 Docket No OAQPS 79-3	Description: This regulation will control the emission of benzene from process vents in the manufacture of maleic anhydride. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 H Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 42FR26660 (04/18/80) FR: 01/00/83
NESHAPS: Ethylbenzene/Styrene Manufacture SAR No. 1128 Docket No. A-79-49	Description: This regulation will control the emission of benzene from process vents in the manufacture of ethylbenzene and styrene at new and existing plants through the use of boilers or process heaters. Process vents account for almost 90 percent of total uncontrolled plant emissions. Excess emissions during startup/shutdown or malfunction must be controlled by smokeless flares. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 I Analysis: EIS Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 45FR83448 (12/18/80) FR: 01/00/83
NESHAPS: Benzene Fugitive Emissions SAR No. 1126 Docket No. A-79-27	Description: This regulation would limit benzene emissions from fugitive emission sources in new and existing petroleum refineries and organic chemical manufacturing plants. The standards would allow no detectable emissions due to leaks from safety/relief-valves and product accumulator vessels. The standards would also require a leak detection and repair program for pipeline valves and pumps, and would require certain equipment for compressors, sampling connections, and open-ended valves. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 J Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 46FR1165 (01/05/81) FR: 01/00/83

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN AIR ACT			
NESHAPS: Benzene Storage SAR No. 1593 Docket No. A-80-14	Description: This regulation will limit benzene emissions resulting from the storage of pure benzene. EPA will require new and existing storage tanks to meet certain structural standards (a combination of roofs and seals) and require industry to inspect the equipment periodically to ensure that it functions properly. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 K Analysis: EIS Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 45FR83952 (12/19/80) FR: 01/00/83
NESHAPS: Airborne Radionuclides SAR No. 1595 Docket No. A-79-11	Description: Radionuclides are a hazardous air pollutant. EPA is determining from which source categories radionuclide emissions create a significant health risk. The Agency will issue separate standards for each source named. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 – MAJOR Small Entity:Not yet determined	Terry McLaughlin EPA (ANR-460) Washington, DC 20460 FTS:8-557-8977 COMM:703-557-8977	NPRM:Undetermined
NESHAPS: Coke Oven Emissions from By-Product Coke Oven Charging, Door Leaks, and Topside Leaks on Wet-Coal Charged Batteries SAR No. 1686 Docket No. A-79-15	Description: This regulation will control emissions of organic pollutants designated as hazardous under section 112. It will require improved maintenance and operation to limit visible emissions from wet-coal-charged coke oven batteries. The standards apply to charging, and leaks from doors, lids or offtakes for all existing or new sources. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 G Analysis: EIS Small Entity:Not yet determined	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 03/00/83 FR: 03/00/84
Dispersion Techniques Implemented Before Enactment of the Clean Air Act Amendments of 1970 SAR No. 1893 Docket No. A-79-12	Description: These regulations set the requirements for an implemented intermittent control system (ICS). If an operator can show that despersion techniques implemented before December 31, 1970 meet the ICS requirements then the system can be used to reduce emissions in a State Implementation Plan to meet Federal ambient standards. These regulations are optional for States. Statutory Authority: CAA 123 CFR: Small Entity:Unlikely	Bruce Polkowsky EPA (MD-15) Research Triangle Park NC 27711 FTS:8-629-5540 COMM:202-541-5540	NPRM: 12/00/82 FR: 06/00/83
Heavy-Duty Evaporative Emissions SAR No. 1312 Docket No. OMSAPC-79-1	Description: EPA Air Quality Analysis shows that many Air Quality Control Regions will not meet the Ozone NAAQS even if current and planned regulations for Nonmethane Hydrocarbon (NMHC) control are implemented. This regulation would reduce NMHC emissions from all mobile sources by 3.5 to 3.6 percent in the year 1995. Implementing this regulation would reduce the number of Ambient Ozone Violations by 2.4 to 14.0 percent. Beginning in the 1985 model year heavy duty vehicles would have to meet a 3 grams/test standard. Statutory Authority: CAA 202(a) / 42 USC 7521(a) CFR:40 CFR 86 Analysis: EIS Small Entity:Unlikely	Tim Mott EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8462 COMM:313-668-4462	NPRM 45FR28922 (04/30/80) FR 11/00/82
Heavy-Duty Diesel Particulate Standards SAR No. 1310 Docket No. OMSAPC-78-3 A-80-18	Description: Diesel engines emit 40–100 times the particulate matter emitted by catalyst-equipped vehicles operated on unleaded gasoline. EPA has proposed an emission limit of .25 grams per brake horsepower-hour and intends to promulgate a standard for particulate matter concurrent with the heavy-duty NOx standard. Statutory Authority: CAA 202(a)(3) / 42 USC 7521(a)(3) CFR:40 CFR 86 – MAJOR Analysis: EIS Small Entity:Unlikely	Richard Rykowski EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 46FR1910 (01/07/81) NPRM: 07/00/83 FR: 09/00/84

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
	CLEAN AIR ACT		
NOx regulations for Light-Duty Trucks and Heavy-Duty Engines SAR No. 1315 Docket No. A-80-31	Description: EPA has identified several Air Quality Control Regions which currently are exceeding acceptable Nitrogen Dioxide levels. Heavy duty vehicles and light duty trucks produce 15 percent of total NOx emissions. The Clean Air Act requires EPA to establish emission standards for heavy-duty vehicles which represent a 75% reduction in nitrogen oxides. EPA has developed a new test procedure for measuring exhaust emissions which will be used to measure baseline emissions. At the request of the President's Task Force on Regulatory Relief, EPA will consider relaxing the statutory limit for 3 years to a level which can be achieved by diesel engines, and allowing emissions averaging to give flexibility to manufacturers. Statutory Authority: CAA 202, 206, 207, 301 / 42 USC 7521, 7525, 7526, 7541 CFR:40 CFR 86 – MAJOR Analysis: EIS Small Entity:Unlikely	Peter Kohnken EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8–374–8303 COMM:313–668–8303	ANPRM: 45FR79382 (11/28/80) ANPRM: 46FR5836 (01/19/81) NPRM: 07/00/83 FR: 09/00/84
High Altitude Emission Standards for 1984 and later Model Year Light-Duty Trucks (LDTs) SAR No. 1895 Docket No. A-80-32	Description: The current high-altitude standards for LDTs are based on a certain proportion of the low-altitude LDT standards. Since the low-altitude LDT standards are changing in 1987, the high-altitude standards must be revised to retain their proportional relationship. No significant impacts are expected since the stringency of the highaltitude LDT program will not change. Statutory Authority: CAA 202(a), 301(a) / 42 USC 7521, 7601 CFR:40 CFR 86 Small Entity:Unlikely	Richard Rykowski EPA (ANR-455) 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8–374–8339 COMM:313–668–4339	NPRM: 40FR5512 (01/23/80) FR: 10/00/82
Importation of Motor Vehicles and Motor Vehicle Engines SAR No. 1317 Docket No. EN-79-9	Description: These revised regulations allow only certified vehicles and engines to be imported, except that an individual may import an uncertified version for one time only. The purpose is to improve the effectiveness and administration of EPA's present regulation. Statutory Authority: CAA 203 / 42 USC 7522 CFR:40 CFR 85 Small Entity:Likely	Gerard C. Kraus EPA-(EN-340) Washington, D.C. 20460 FTS:8–382–2504 COMM:202–382–2504	NPRM 45FR48812 (07/21/80) FR: 08/00/83
Tampering Enforcement Regulations SAR No. 1601 Docket No. EN-80-2	Description: These regulations will clarify EPA's enforcement policy against tampering with the emission control systems of motor vehicles. They will identify what kinds of "modifications" or "repairs" are tampering and will clarify the liability of manufacturers, suppliers, and repairers for tampering. Statutory Authority: CAA 203(a)(3), 301 / 42 USC 7522(a)(3), 7601 CFR:40 CFR 85 Small Entity:Unlikely	Bob Wright EPA (EN-340) Washington, DC 20460 FTS:8–382–2944 COMM:202–382–2944	ANPRM: 46FR8982 (01/27/81) NPRM: 01/00/83 FR: 07/00/83
Nonconformance Penalties for 1984 Model Year Heavy-Duty Engines (HDEs) SAR No. 1571	Description: This regulation will allow manufacturers of 1984 HDEs to sell their engines even though they fail to meet 1984 regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each HDE sold. The penalty will remove any competitive advantage of noncompliance and still provide manufacturers with an incentive to meet the standard. Statutory Authority: CAA 206(g), 301(a) / 42 USC 7525(g), 7601(a) CFR:40 CFR 86 Analysis: EIS, IIA Small Entity:Unlikely	Timothy Fields EPA (EN-340) Washington, D.C. 20460 FTS:8–382–2503 COMM:202–382–2503	NPRM 44FR9485 (02/13/79) NPRM: 02/00/83 FR: 10/00/83
High-Altitude Emission Standards for 1984 and Later Model Year Light-Duty Vehicles SAR No. 1897	Description: The Clean Air Act requires that cars meet emission standards at all altitudes. This rulemaking implements that provision of the Act. Statutory Authority: CAA 206(s)(1) CFR:40 CFR 86 Small Entity:Unlikely	Richard Rykowski EPA (ANR-455) 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8–374–8339 COMM:202–668–4339	FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
	CLEAN AIR ACT		
Nonconformance Penalties for Light-Duty Trucks SAR No. 1632	Description: This regulation will allow manufacturers of 1984 light duty trucks over 6,000 pounds gross vehicle weight to sell their vehicles even though they fail to meet 1984 regulatory requirements for specific pollutants, provided that emissions do not exceed a specified maximum level and that the manufacturer pays a nonconformance penalty for each truck sold. The penalty will remove any competitive advantage of noncompliance. Statutory Authority: CAA 206(g), 301(a) / 42 USC 7525(g), 301(a) CFR:40 CFR 86 Analysis: IIA, EIS Small Entity:Unlikely	Timothy Fields EPA (EN-340) Washington DC 20460 FTS:8-382-2503 COMM:202-382-2503	NPRM: 44FR40791 (07/12/79) NPRM: 02/00/83 FR: 10/00/83
Fuels and Fuel Additives SAR No. 1328	Description: These protocols will help determine effects of fuel and fuel additives on public health and emission control devices. They will ensure that motor vehicle fuels and additives will not harm the public health. They will also ensure that they do not damage emission control devices in motor vehicles. Statutory Authority: CAA 211 / 42 USC 7545 CFR:40 CFR 79 - MAJOR Analysis: IIA, EIS Small Entity:Not yet determined	Richard A. Rykowski EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM 10/00/83
	REVISED REGULATIONS		
Attainment Designations by County for the Purpose of Establishing Baseline Air Quality Data SAR No. 1826	Description: In applying for a permit under the Prevention of Significant Deterioration (PSD) requirements of CAA 169, major new sources must demonstrate that the facility will not cause air pollution in excess of specified air quality increments above the baseline. This action proposes to set the air quality baseline on a county-by-county basis in areas classified as "attainment" or "unclassifiable." Statutory Authority: CAA 107 / 42 USC 7407 CFR:40 CFR 81 Small Entity:Unlikely	Bill Beal EPA (MD-15) Research Triangle Park NC 27711 FTS:8-629-5665 COMM:919-541-5665	NPRM 47FR3011 (01/21/82) FR: Undetermined
NAAQS for Sulfur Oxides SAR No. 1002 Docket No. OAQPS-79-7	Description: EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for sulfur dioxide. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50.4 - MAJOR Analysis: EIS, RIA Small Entity:Not yet determined	Bruce Jordan EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5655 COMM:919-541-5655	ANPRM: 44FR56730 (10/02/79) NPRM: 08/00/83 FR: 08/00/84
NAAQS for Particulate Matter (TSP) SAR No. 1003 Docket No. A-79-29	Description: Particulate matter is one of the major pollutants in the ambient air. EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for particulate matter. The Agency will revise the criteria document and the standards themselves when appropriate to protect public health and welfare. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50.6 - MAJOR Analysis: EIS, RIA Small Entity:Unlikely	Bruce Jordan EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5655 COMM:919-541-5655	ANPRM: 44FR56730 (10/02/79) NPRM: 05/00/83 FR: 05/00/84
NAAQS for Carbon Monoxide SAR No. 1001 Docket No. OAQPS-79-7	Description: Carbon monoxide is a major source of air pollution which endangers people with heart and central nervous system diseases, pregnant women and other people (5-12% of U.S. population in all). EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for CO. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Statutory Authority: CAA 108, 109 / 42 USC 7408, 7409 CFR:40 CFR 50.8 - MAJOR Analysis: EIS, RIA Small Entity:Unlikely	Bruce Jordan EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5655 COMM:919-541-5655	ANPRM: 43FR56250 (12/01/78) NPRM: 45FR55066 (08/18/80) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
NAAQS for Nitrogen Dioxide SAR No. 1004 Docket No. OAQPS 78-9	Description: EPA is reviewing the scientific criteria used as a basis for establishing ambient air quality standards for nitrogen dioxide. The Agency will revise the criteria document and the standards where appropriate to protect public health and welfare. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50.11 – MAJOR Analysis: EIS, RIA Small Entity:Unlikely	Bruce Jordan EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5655 COMM:919-541-5655	NPRM: 05/00/83 FR: 10/00/83
Revocation of the National Ambient Air Quality Standards for Hydrocarbons SAR No. 1683 Docket No. A-80-60	Description: This action is a result of the review of the criteria upon which the Agency based the existing primary and secondary hydrocarbon standards. These standards were not based upon health effects, as the Clean Air Act requires, but upon the fact that hydrocarbons are precursors to ozone. Recent scientific evidence shows, however, that there is no quantitative relationship between hydrocarbons and ozone concentrations in the ambient air. Thus, hydrocarbon standards do not guarantee attainment of oxidant control. Statutory Authority: CAA 108, 109 / 42 USC 7408, 7409 CFR:40 CFR 50.10 Small Entity:Unlikely	Michael H. Jones EPA (MD-12) Research Triangle Park NC 27711 FTS:8-629-5531 COMM:919-541-5531	NPRM: 46FR25655 (05/08/81) FR: 10/00/82
NAAQS:Certified Reference Materials Amendment SAR No. 1819 Docket No. A-81-35	Description: EPA regulations require that pollution concentration standards used to calibrate and audit air monitoring instruments be traceable to Standard Reference Materials (SRM). To alleviate the demand caused by insufficient availability of SRMs, EPA has proposed to allow gas manufacturers to produce and sell high quality gas standards called Certified Reference Materials (CRM) that are equivalent to SRMs. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50, 58 Small Entity:Unlikely	Darryl von Lehmden EPA (MD-77) Research Triangle Park NC 27711 FTS:8-629-2415 COMM:919-541-2415	NPRM: 47FR2127 (01/14/82) FR: 12/00/82
NAAQS:Revisions to Appendices A, B, and C SAR No. 1818 Docket No. A-81-34	Description: Appendices A, B, and C set forth reference methods for measuring sulfur dioxide, totally suspended particulates and carbon monoxide. The proposed revisions would clarify certain provisions and incorporate technical improvements. Statutory Authority: CAA 108 / 42 USC 7408 CFR:40 CFR 50 Small Entity:Unlikely	Larry J. Purdue EPA (CM-77) Research Triangle Park NC 27711 FTS:8-629-2665 COMM:919-541-2665	NPRM: 47FR2341 (01/15/82) FR: 12/00/82
New Source Review SAR No. 1845	Description: This action would revise EPA's new source requirements for new major stationary sources in PSD and Nonattainment areas. EPA is taking this action to implement a settlement agreement with Chemical Manufacturer's Association and other parties who challenged the regulation amendments promulgated on August 7, 1980. Statutory Authority: CAA 110 / 42 USC 6910 CFR:40 CFR 51, 52 Small Entity:Unlikely	Kirt Cox EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5591 COMM:919-541-5591	NPRM: 12/00/82 FR: 09/00/83
Continuous Monitoring SAR No. 1613 Docket No. OAQPS-79-4 A-80-57	Description: This regulation revises performance specifications for continuous monitors applied to air pollution sources; including monitors for opacity, sulfur dioxide, and nitrogen oxide. The revised performance specifications will reduce costs for industry and will be easier to administer. Statutory Authority: CAA 110(a) / 42 USC 7410(a) CFR:40 CFR 60 Small Entity:Likely	Roger Shigehara EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-2237 COMM:919-541-2237	NPRM: 44FR58602 (10/10/79) NPRM: 46FR37287 (07/20/81) FR: 12/00/82

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
Restructure CFR Parts 51, 52 SAR No. 1503 Docket No. A-80-11	Description: This rule will update Part 51 in phases. Phase I will delete obsolete provisions, reduce reporting requirements, and revise portions to improve their clarity. Existing references to Part 51 within Part 52 will be revised. Later Phases will restructure the PSD regulations and incorporate other changes enacted by Congress. Statutory Authority: CAA 110 / 42 USC 7410 CFR:40 CFR 51, 52 Small Entity:Unlikely	Joe Sableski EPA (MD-15) Research Triangle Park NC 27711 FTS:8-629-5697 COMM:919-541-5697	NPRM: 11/00/82 FR: 10/00/83
Emissions Trading Policy SAR No. 1605 Docket No. G-81-2	Description: EPA is developing emissions trading policy guidance governing the use of the bubble, emission offsets netting, and emission reduction banking. This policy guidance and accompanying Technical Issues Document will provide states with a framework for incorporating emissions trading activities into their state implementation plans. Through the use of emissions trading industy can substitute more controls where costs are low for less control where costs are high. This policy statement contains simplified administrative procedures and significantly expands opportunities for state and industry to use emissions trading. It takes the place of the previously announced banking regulation and incorporates EPA's recently proposed changes to its Bubble Policy. Statutory Authority: CAA 110, 173 / 42 USC 7503 CFR:Not applicable Small Entity:Unlikely	Ivan Tether EPA (PM-223) Washington, DC 20460 FTS:8-382-2765 COMM:202-382-2765	Proposed Policy: 47FR15076 (04/07/82) Final Policy: 12/00/82
NSPS: Basic Oxygen Furnace SAR No. 1671 Docket No. A-79-06	Description: This action revises the existing NSPS which controls particulate emissions during air blowing in basic oxygen process furnaces in steel mills. The revision will extend coverage to charging and tapping cycles. This revision will ensure better control of particulate emissions from secondary sources and will remove some ambiguities in the existing standards for primary sources. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 N Analysis: EIS Small Entity:Unlikely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 10/00/82 FR: 09/00/83
NSPS:Glass Manufacturing Plants SAR No. 1007	Description: EPA is revising the NSPS for glass manufacturing following a petition by manufacturers. Statutory Authority: CAA 111 / 42 US 7411 CFR:40 CFR 60 CC Small Entity:Unlikely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 12/00/82 FR: 12/00/83
NSPS:Lime Manufacturing Plants SAR No. 1836 Docket No. A-80-53	Description: This action would revise the numerical emssion limits in the existing regulation. The new limits would apply to all affected facilities constructed, reconstructed, or modified after the date of publication of the proposed revision. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 HH Small Entity:Unlikely	Bob Ajax EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 47FR38832 (09/02/82) FR: 08/00/83
Revision to NSPS for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarbonization Vessels SAR No. 1904 Docket No. A-79-33	Description: This proposed change would revise existing standards for electric arc furnaces (EAF) in the steel industry. It would also add argon-oxygen decarbonization (AOD) vessels to the source category. The revised standard would limit particulate emissions, including opacity limits, from new, modified, or reconstructed EAF's and AOD vessels, and their associated dust-handling equipment. Statutory Authority: CAA 111, 114, 301(a) CFR:40 CFR 60 AA Small Entity:Unlikely	Fred Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 11/00/82 FR: 11/00/83

EPA REGULATIONS UNDER CONSIDERATION

CLEAN AIR ACT

Title	Summary	Contact	Timetable
Revision to NSPS for Automotive Paint Shops SAR No. 1831	Description: EPA is revising the NSPS for auto body painting which was promulgated in December 1980, to consider the economic effects of increased use of clear coat. The Agency is granting waivers to manufacturers for innovative technology in order to allow them time to develop new coating systems to meet the standard. These revisions are being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 Small Entity:Not yet determined	Fred L. Porter EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM: 47FR32743 (07/29/82) FR: 07/00/83
Revision of NSPS for Primary Copper Smelters SAR No. 1735	Description: Revisions will be considered for: (a) the applicability of the standards to modified and reconstructed facilities at existing smelters, and (b) the existing exemption from the standards for reverberatory smelting furnaces when the total smelter charge contains a high level of volatile impurities. Emission limits for fugitive sources of particulate matter will also be considered. Statutory Authority: CAA 111 / 42 USC 7411 CFR:40 CFR 60 P Small Entity:Unlikely	James U. Crowder EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5601 COMM:919-541-5601	NPRM: 05/00/83 FR: 04/00/84
Revised Standards of Performance for Four Categories of Sources in the Phosphate Fertilizer Industry SAR No. 1804	Description: These four actions will amend existing regulations for flouride emissions in wet-process phosphoric acid plants, superphosphoric acid plants, diamnonium phosphate plants, and triple superphosphate plants which can process more than 15 tons of equivalent P2O5 feed per day. Statutory Authority: CAA 111, 114, 301(a) / 42 USC 7411 CFR:40 CFR 60 Small Entity:Unlikely	Bob Ajax EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 47FR26750 (06/21/82) FR: 06/00/83
Amendments to NESHAPS General Provisions SAR No. 1681 Docket No. A-130	Description: This action proposes to amend the emission testing, monitoring, and recordkeeping provisions of the National Emission Standards for Hazardous Air Pollutants. The proposed amendments will eliminate repetition in the subparts and add procedures and criteria to determine if: (1) proposed source changes constitute modification or reconstruction; and (2) equipment and/or procedures meet the relevant standards. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 A Small Entity:Likely	Susan Wyatt EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5578 COMM:919-541-5578	NPRM: 01/00/83
NESHAPS: Asbestos SAR No. 1714	Description: This rulemaking will reinstate the asbestos design, equipment, work practice, and operational standards which EPA promulgated on April 6, 1973 at 38FR8826 and subsequently amended. Section 112(e)(1) of the 1977 amendments to the Clean Air Act grants EPA the authority to develop design or equipment standards. This regulation will apply to asbestos emissions from asbestos mills, surfacing of roadways with asbestos tailings, manufacturing operations, fabricating operations, the use of molded insulating materials, waste disposal operations, and waste disposal sites. Statutory Authority: CAA 112 / 42 USC 7412 CFR:40 CFR 61 B Analysis: RFA Small Entity:Likely	Gene Smith EPA (MD-13) Research Triangle Park NC 27711 FTS:8-629-5624 COMM:919-541-5624	NPRM:Undetermined
Second Round Nonferrous Smelter Order Regulations SAR No. 1799	Description: These rules establish the minimum required contents of primary nonferrous smelter orders (NSOs) and the criteria and procedures EPA will use in issuing NSOs and in evaluating NSOs issued by the states. NSOs allow eligible smelters until January 1, 1988 to come into compliance with their State Implementation Plans for sulfur dioxide. These rules could affect approximately six out of the twenty-six copper, lead and smelters in the United States. Statutory Authority: CAA 119 / 42 USC 7419 CFR:40 CFR 57 Small Entity:Unlikely	Roy Rathbun EPA (EN-341) Washington, DC 20460 FTS:8-382-2887 COMM:202-382-2887	NPRM:Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
	CLEAN AIR ACT		
Redesignation of High-Altitude Counties SAR No. 1896 Docket No. A-82-33	Description: The Agency is proposing revised high-altitude designation criteria that would require only those areas that have an air quality problem or contribute to problems in other areas to be included in EPA's high altitude program. This revision would eliminate Arizona counties from the high altitude program as well as counties in other states. Statutory Authority: CAA 202(a) / 42 USC 7521(a) CFR:40 CFR 86 Small Entity:Not yet determined	Richard Rykowski EPA (ANR-455) 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 10/00/82 FR: 04/00/83
Delay of the 1985 Model Year Light-Duty Diesel Particulate Standard SAR No. 1894 Docket No. A-82-32	Description: At the request of the President's Task Force on Regulatory Relief, EPA has reviewed the feasibility of the 1985 diesel particulate standard and determined that the technology required to meet the standard will not be available in time for the 1985 model year. EPA is proposing a two year delay which should be adequate time to make available the necessary technology. Statutory Authority: CAA 202(a) / 42 USC 7521(a) CFR:40 CFR 86 Small Entity:Unlikely	Richard Rykowski EPA (ANR-455) 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8339 COMM:313-668-4339	NPRM: 10/00/82 FR: 03/00/83
Averaging of Particulate Emissions for 1985 and Later Model Year Light-Duty Diesels SAR No. 1717 Docket No. A-81-31	Description: EPA has proposed a diesel particulate averaging scheme to replace the individual-vehicle standards currently in place for 1985, 0.20 grams per mile for light-duty vehicles and 0.26 grams per mile for light-duty trucks. Averaging should allow manufacturers to employ the most cost-effective control technology strategies for their diesel models, while assuming that total particulate levels will not significantly increase beyond those allowable under the current regulations. There would be an upper limit of 0.40 grams per mile, which no light-duty truck or vehicle could exceed, regardless of compensating low emission engines. These revisions are being made at the request of the President's Task Force on Regulatory Relief. Statutory Authority: CAA 202(a)(3)(A) / 42 USC 7521(a)(3)(A) CFR:40 CFR 86 Small Entity:Unlikely	Peter Hutchins EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8340 COMM:313-668-4340	NPRM: 46FR62608 (12/24/81) FR: 10/00/82
Revised Gaseous Emission Regulations for 1984 and Later Model Year Heavy-Duty Engines and Light-Duty Trucks SAR No. 1719 Docket No. A-81-11	Description: At the request of the President's Task Force on Regulatory Relief, EPA is reviewing the hydrocarbon and carbon monoxide emission standards for heavy-duty engines which were promulgated in January 1980 at 45FR4136. The Clean Air Act permits EPA to revise emission standards if it finds that compliance with the standards cannot be achieved without unreasonable cost burden. This rulemaking will reevaluate certain aspects of the 1984 final rule with the aim of reducing short term compliance costs without significant losses in environmental benefits. The major objective will be to determine if hydrocarbon and carbon monoxide standards may be set at a level which will not require the use of catalytic converters. Statutory Authority: CAA 202(a)(3)(A), (B), and (C) / 42 USC 7521(a) CFR:40 CFR 86 A, K, N Small Entity:Unlikely	Glenn Passavant EPA Ann Arbor, MI 48105 FTS:8-374-8408 COMM:313-668-4408	NPRM: 47FR1642 (01/13/82) FR: 10/00/82 FR: 12/00/82
Non-Methane Hydrocarbon Standards SAR No. 1728 Docket No. A-81-24	Description: At the request of the President's Task Force on Regulatory Relief, EPA has proposed to adopt a non-methane hydrocarbon (NMHC) standard for compliance requirements for hydrocarbon exhaust emissions for 1983 and later model year vehicles. The existing regulation uses total hydrocarbon (THC), including methane, a non-reactive hydrocarbon, to determine the emission standards necessary to comply with the Clean Air Act's requirement that EPA control photochemical smog. Statutory Authority: CAA 202(b) / 42 USC 7521(b) CFR:40 CFR 86 Small Entity:Unlikely	Peter Hutchins EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8340 COMM:313-668-4340	NPRM: 46FR62366 (12/23/81) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
CLEAN AIR ACT			
Revised Short Term Motor Vehicle Emissions Control Program SAR No. 1715A Docket No. A-81-27	Description: At the request of the President's Task Force on Regulatory Relief, EPA is proposing to replace less cost-effective requirements in the current motor vehicle emissions compliance programs with measures that can be quickly implemented and thus are based on the current structure of manufacturer and Agency efforts and resources. These changes could save the industry between 5 and 30 million dollars per year, with a reduction of the reporting burden by as much as 35,000 person hours per year. No adverse environmental impacts are anticipated. Statutory Authority: CAA 206 / 42 USC 7525 CFR:40 CFR 86 Small Entity:Unlikely	Tom Ball EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8280 COMM:313-688-4280	IFR: 46FR50464 (10/13/81) FR: 10/00/82
Revised Long Term Motor Vehicle Emissions Control Program SAR No. 1715B Docket No. A-81-17	Description: This rulemaking will consider long term alternatives to the certification selective enforcement auditing and recall programs. These alternatives would focus on in-use vehicle performance, give manufacturers greater flexibility and incentives for meeting emission standards in the most economical ways, reduce overall compliance costs, and ensure that air quality is fully and appropriately protected. This action is being taken at the request of the President's Task Force on Regulatory Relief. Statutory Authority: CAA 206 / 42 USC 7525 CFR:40 CFR 86 Small Entity:Unlikely	Robert Larson EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8277 COMM:313-688-4277	ANPRM: 08/00/83
Amendments to Selective Enforcement Auditing Procedures for Light-Duty Vehicles (LDVs), Light-Duty Trucks (LDTs) and Heavy-Duty Engines (HDEs) SAR No. 1570	Description: At the request of the President's Task Force on Regulatory Relief, EPA is revising the Selective Enforcement Auditing procedures for LDVs, LDTs, and HDEs to make the programs more efficient (with cost savings to EPA and the affected industries), clarifying various provisions of the regulations, and amending the existing entry and access inspection provisions. The first rulemaking will deal with trucks and engines; the second will deal with light-duty vehicles. Statutory Authority: CAA 206(b), 208(b), 301(a) / 42 USC 7525(b), 7542(b), 7601(a) CFR:40 CFR 86 G, K Analysis: IIA Small Entity:Unlikely	Timothy Fields, Jr. EPA (EN-340) Washington, DC 20460 FTS:8-382-2503 COMM:202-382-2503	NPRM: 47FR1642 (01/13/82) FR: 12/00/82 NPRM: 02/00/83 FR: 10/00/83
Amendment to the Emission Control Warranty Short Tests SAR No. 1731 Docket No. A-81-40	Description: This action would approve an alternative short test procedure for warranting emissions performance. It also proposes to approve the 2500 rpm/Idle Test, which is a variation of an existing short test. Statutory Authority: CAA 207(b) / 42 USC 7541(b) CFR:40 CFR 85 Small Entity:Unlikely	Philip Lorang EPA 2565 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8419 COMM:313-688-4419	NPRM: 10/00/82 FR: 03/00/83
Fuel and Fuel Additives: Lead Phasedown Revision SAR No. 1830 Docket No. A-81-36	Description: EPA is considering replacing the current 0.5 gpg pooled average lead in gasoline standards with a 1.10 gpg leaded only standard for large refineries and a 2.50 gpg leaded only standard for certain small refineries. The Agency is also considering (1) allowing inter-refinery averaging and (2) regulating imported gasoline to the same extent that domestic gasoline is regulated. These revisions fulfill the request for review of the regulations by the President's Task Force on Regulatory Relief. Statutory Authority: CAA 211 / 42 USC 7545 CFR:40 CFR 80 Small Entity:Unlikely	Richard Kozlowski EPA (EN-397) Washington, DC 20460 FTS:8-382-2633 COMM:202-382-2633	NPRM: 47FR7812 (02/22/82) NPRM: 47FR38078 (08/27/82) FR: 11/00/82
Changing Octane Designation SAR No. 1724	Description: This amendment will make the octane designation portion of EPA's unleaded gasoline regulations consistent with the Petroleum Marketing Practices Act. Gasoline distributors and dealers will not have to obtain separate, and different octane values in order to comply with FTC and EPA regulations. Statutory Authority: CAA 211(c) / 42 USC 7545 CFR:40 CFR 80 Small Entity:Unlikely	Robert Gelman EPA Washington, DC 20460 FTS:8-382-2635 COMM:202-382-2635	NPRM: 46FR44477 (09/04/81) FR: 10/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
	CLEAN AIR ACT		
Turbine Aircraft Gaseous Emissions Retrofit and Modification of 1973 Standards SAR No. 1330 Docket No. OMSAPC-78-1	Description: This regulation revises emission standards for commercial aircraft to reduce hydrocarbons, carbon monoxide and nitrogen oxide. It will eliminate some unnecessary standards and relax others to reduce unnecesary costs. A May 11, 1982 proposal would eliminate the requirement for retrofitting the remaining unmodified JT3D aircraft engines in service with low smoke combustors. Statutory Authority: CAA 231 / 42 USC 7571 CFR:40 CFR 87 Small Entity:Unlikely	George Kittredge EPA (ANR-455) Washington, DC 20460 FTS:8-382-4981 COMM:202-382-4981	NPRM: 43FR12615 (03/24/78) NPRM: 47FR20153 (06/11/82) FR: Undetermined
Fuel Economy Labeling and Data Base Revisions SAR No. 1629 Docket No. A-80-32	Description: This action amends Part 600 to require labels to: (1) distinguish among designs that affect fuel economy; (2) change during the model year if design changes reduce fuel economy by one mile per gallon or more; (3) reflect fuel economy performance for highway driving; and (4) relfect fuel economy values as adjusted for the average differences between laboratory and in-use performance measures. EPA is also amending Part 600 to allow better use of test data in accounting for untested vehicle designs and improve the representative data used to calculate fuel economy values. Statutory Authority: EPCA 503 / 15 USC 2003 CFR:40 CFR 600 Small Entity:Unlikely	Kevin Tuckey EPA 2625 Plymouth Road Ann Arbor, MI 48105 FTS:8-374-8292 COMM:313-668-4292	ANPRM: 45FR64540 (09/29/80) NPRM: 01/00/83 FR: 11/00/83

SUPERFUND

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, more popularly known as "Superfund," authorizes the federal government to respond to multi-media (e.g. air, water) releases of hazardous materials and other pollutants from hazardous waste sites and other facilities. It sets up a Hazardous Waste Response Fund to pay for clean up of releases and to respond to claims for natural resource damages. It also provides for liability of persons responsible for releases of hazardous substances. By Executive Order, EPA has been assigned responsibility to develop the following regulations. For information on EPA's implementation of CERCLA, call the toll free Superfund Hotline at (800) 424-9346.

NEW REGULATIONS

Designation of Hazardous Substances SAR No. 1642A	Description: Section 102 of the Act requires EPA to designate hazardous substances which may present substantial danger to the public health or welfare or the environment if released into the environment. EPA is developing this regulation to supplement the lists of hazardous substances already developed under CWA 307, 311, RCRA 3001, CAA 112, and TSCA 7 Statutory Authority: CERCLA 102 / 42 USC 9602 CFR:40 CFR 302 Small Entity:Unlikely	Jack Kooyoomjian EPA (WH-548) Washington, D.C. 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	ANPRM: 10/00/82 NPRM: 05/00/83 FR: 10/00/83
Notification of Release of Hazardous Substances and Determination of Reportable Quantities SAR No. 1642B	Description: Section 103(a) requires that persons notify the National Response Center of releases of hazardous substances. EPA is developing reportable quantities for hazardous substances under Section 102 that will trigger the requirements in Section 103. Statutory Authority: CERCLA 102 / 42 USC 9602 CFR:40 CFR 303 Small Entity:Unlikely	Jack Kooyoomjian EPA (WH-548) Washington, D.C. 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	NPRM: 10/00/82 FR: 10/00/83
Notification of Continuous Release of Hazardous Substances SAR No. 1642C	Description: Section 103(a) requires that persons notify the National Response Center of releases of hazardous substances. Section 103(f) provides an exemption to these reporting requirements. EPA is developing regulations that will clarify Agency policy regarding notification of continuous releases of designated hazardous substances. Statutory Authority: CERCLA 102, 103 / 42 USC 9602, 9603 CFR:40 CFR 304 Small Entity:Unlikely	Jack Kooyoomjian EPA (WH-548) Washington, DC 20460 RCRA/Superfund Hotline 800-424-9346 FTS:8-382-3000	ANPRM: 05/00/83 NPRM: 10/00/83 FR: 04/00/84

EPA REGULATIONS UNDER CONSIDERATION

SUPERFUND

Title	Summary	Contact	Timetable
Claims Procedures SAR No. 1642D	Description: This action prescribes the procedures and circumstances under which claims may be presented to the fund to recover costs of cleanup. Allowable claims are necessary response costs incurred by a party other than the government in carrying out the National Contingency Plan and for injury to or destruction or loss of natural resources. Statutory Authority: CERCLA 111, 112 / 42 USC 9611 CFR:40 CFR 306 Small Entity:Unlikely	William Ross EPA (WH-548D) Washington, D.C. 20460 FTS:8-382-2184 COMM:202-382-2184	NPRM: 01/00/83 FR: 06/00/83

GENERAL

NEW REGULATIONS

Title	Summary	Contact	Timetable
Historic Preservation Regulations SAR No. 1566	Description: On January 30, 1979, the Advisory Council on Historic Preservation promulgated regulations that direct Federal agencies to establish procedures for implementing historic preservation requirements. EPA will comply by adding a new subpart to the NEPA regulations. Statutory Authority: NHPA 6 CFR:40 CFR 6 K Small Entity:Unlikely	Judith Troast EPA (A-104) Washington, DC 20460 FTS:8-382-5067 COMM:202-382-5067	ANPRM: 45FR67396 (10/10/80) NPRM:Undetermined
Regulations for the Federal Claims Collection Act SAR No. 1825	Description: These regulations will set standards for EPA's debt collection actions under the Federal Claims Collection Act. Statutory Authority: 31 USC 951-953 CFR:40 CFR 13 Small Entity:Unlikely	Ray Spears EPA (A-134) Washington, DC 20460 FTS:8-382-5313 COMM:202-382-5313	FR: 11/00/82
Implementing the Equal Access to Justice Act SAR No. 1737	Description: The Equal Access to Justice Act provides for award of attorney fees and other expenses to parties who prevail over the Federal government in certain administrative and court proceedings. This regulation will implement the Act for EPA. Statutory Authority: / 5 USC 504 CFR:40 CFR 17 Small Entity:Unlikely	James Clark EPA (A-133) Washington, DC 20460 FTS:8-755-9301 COMM:202-755-9301	IFR: 47FR7194 (04/20/82) FR: 12/00/82

REVISED REGULATIONS

Title	Summary	Contact	Timetable
Simplifying Implementation of the National Environmental Policy Act (NEPA) SAR No. 1729	Description: This action will exclude certain recipients of EPA construction grants from EPA's NEPA implementation requirements when the funded activities have no significant environmental effects. It will also revise CEQ procedures in approving segmentation requests under 40 CFR 6.503. Statutory Authority: NEPA 102, 103 / 42 USC 4321 CFR:40 CFR 6 Small Entity:Unlikely	John Gerba EPA (A-104) Washington, DC 20460 FTS:8-382-5905 COMM:202-382-5905	IFR: 47FR9827 (03/08/82) IFR: 10/00/82 FR: 03/00/83
Amending NEPA Procedures Relating to Wastewater Construction Grants SAR No. 1835	Description: This action will update NEPA implementation procedures relating to wastewater treatment construction grants. It will make them consistent with the amendments for simplifying the construction grants regulations (see SAR No. 1722) and the 1981 Municipal Wastewater Treatment Construction Grant Amendments (P.L. No. 97-117). Statutory Authority: NEPA 102, 103 / 42 USC 4321 CFR:40 CFR 6 E Small Entity:Unlikely	John Gerba EPA (A-104) Washington, DC 20460 FTS:8-382-5905 COMM:202-382-5905	NPRM: 10/00/82 FR: 03/00/83
Regulations for Real Property Acquisition and Relocation Assistance SAR No. 1641 Docket No. G-80-2	Description: EPA is rewriting 40 CFR Part 4 regulations to: (1) incorporate legally necessary changes; (2) make them clearer; (3) clarify areas needing improvement; e.g., definitions, payment computation methods; and (5) reduce regulatory burdens per Executive Order 12291. Statutory Authority: / 42 USC 4601 CFR:40 CFR 4 Small Entity:Unlikely	Marshall Schy EPA (PM-216) Washington, DC 20460 FTS:8-382-5298 COMM:202-382-5298	ANPRM: 45FR60929 (09/15/80) NPRM: 47FR22010 (05/20/82) FR: 11/00/82

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
	GENERAL		
Public Information and Confidentiality Regulations SAR No. 1791	Description: This action would make changes in EPA's procedures for handling requests under the Freedom of Information Act. It also adds a new section on procedures for treating confidential information under CERCLA. EPA will also modify its existing procedures for handling confidential information under FIFRA and RCRA. Statutory Authority: / 5 USC 552, 7 USC 136, 42 USC 9604 CFR:40 CFR 2 Small Entity:Unlikely	Charles Breece EPA (A-134) Washington, DC 20460 FTS:8-382-5460 COMM:202-382-5460	NPRM 05/00/82 FR: 10/00/82
Financial Assistance to State and Local Governments for Environmental Programs SAR No. 1785	Description: This action replaces Subparts B, F, and G of 40 CFR Part 35. It supplements 40 CFR Part 30 by establishing uniform administrative requirements unique to program support assistance for State and local environmental agencies. We are eliminating unnecessary or duplicative requirements, standardizing as many other requirements as possible, identifying requirements unique to specific programs and rewriting all requirements in clear language. Statutory Authority: / 42 USC 7405, 7601(a), 300j-2, 300j-9, 6912(a), 6931, 6947 6948, 6949, 33 USC 1256, 1285(g), 1285(j), 1288, 1361(a), 7 USC 136b, 136u, 136w(a)y CFR:40 CFR 35 A Small Entity:Unlikely	George Alapas EPA (PM-216) Washington, DC 20460 FTS:8-382-5239 COMM:202-382-5239	NPRM: 47FR25912 (06/15/82) FR: 10/00/82
Procurement under Assistance Agreements SAR No. 1610 Docket No. G-80-3	Description: The proposed revision will reduce EPA's review of proposed contracts by shifting this function to recipients whenever possible. This revision implements OMB Circulars A-102 and A-110, Attachment O. Statutory Authority: CWA, CAA, FIFRA, SDWA, RCRA, PHSA, TSCA / 7 USC 135, 15 USC 2601, 33 USC 1251, 42 USC 241, 300j, 1857, 1891, 6901 CFR:40 CFR 33, 35.936-939 Small Entity:Unlikely	Richard Johnson EPA (PM-216) Washington, DC 20460 FTS:8-382-5296 COMM:202-382-5296	ANPRM: 46FR20567 (04/06/81) 46FR45963 (09/16/81) NPRM: 47FR8960 (03/02/82) IFR: 47FR20474 (05/12/82) FR: 11/00/82
General Regulations for Assistance Programs SAR No. 1547 Docket No. G-80-1	Description: EPA is revising the general grant (assistance) regulations and implementing the Federal Grant and Cooperative Agreement Act. At the same time, we will make other changes necessary to implement E.O. 12291. The revision will eliminate duplicative and unnecessarily burdensome requirements of the existing General Grant Regulations and Procedures. This regulation will affect all recipients of EPA assistance by establishing uniform administrative requirements. Statutory Authority: 41 USC 501, 33 USC 1251, 42 USC 7401, 6901, 300f, 9601, 7 USC 136, 15 USC 2601 CFR:40 CFR 30 Small Entity:Unlikely	John Davey EPA (PM-216) Washington, DC 20460 FTS:8-382-5292 COMM:202-382-5292	ANPRM: 45FR23706 (04/08/80) NPRM: 47FR26564 (06/18/82) FR: 11/00/82
Consolidated Permits: "Common Issues" SAR No. 1840	Description: This action would implement the "Common Issues" in the settlement agreement signed on November 16, 1981 in NRDC v. EPA. The "common issues" involve requirements for permits issued under all programs, i.e. RCRA, CWA, SDWA, and CAA. It also deals with the NPDES definition of "new discharger" and its relation to mobile drilling. EPA is also revising the NPDES Permit Program at the request of the President's Task Force on Regulatory Relief (see SAR 1753). Statutory Authority: CWA 402, 404, RCRA 3005, CAA 165, SDWA 1421 CFR:40 CFR 122, 123, 124 Small Entity:Unlikely	George Young EPA (EN-336) Washington, DC 20460 FTS:8-426-4793 COMM:202-426-4793	NPRM: 47FR25546 (06/14/82) FR: Undetermined

EPA REGULATIONS UNDER CONSIDERATION

Title	Summary	Contact	Timetable
GENERAL			
Intergovernmental Review of Federal Programs SAR No. 1884	Description: The current regulation, 40 CFR 30:305, establishes procedures for State and areawide clearinghouse review of Federally-assisted programs and projects under OMB Circular A-95. By E.O. 12372 (7/14/82), the President directed the revocation of A-95, the establishment of new intergovernmental coordination procedures for Federal assistance or direct Federal development actions, and the development of new Agency regulations to be simple and flexible and to rely on the State's own procedures as much as possible. Statutory Authority: 42 USC 3301 CFR:40 CFR 29 Small Entity:Unlikely	John A. Gwynn EPA (PM-216) Washington, DC 20460 FTS:8-382-5268 COMM:202-382-5268	NPRM: 11/00/82 FR: 03/00/83
Environmental Permit Regulations SAR No. 1905	Description: At the request of the President's Task Force on Regulatory Relief, EPA is deconsolidating the permit programs for NPDES, RCRA, UIC, and 404. This action will streamline permitting procedures, reduce paperwork, and eliminate unnecessary reporting requirements. Statutory Authority: CWA 402, 404, SDWA 1421, RCRA 3005 / 33 USC 1342, 1344, 42 USC 6925, 7475, 41 USC 300(h) CFR:40 CFR 122-124 Small Entity:Unlikely	John Chamberlin EPA (PM-220) Washington, DC 20460 FTS:8-382-2782 COMM:202-382-2782	FR: 10/00/82

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAR(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
Revised Worker Protection Standards for Agricultural Pesticides SAR No. 1640	FIFRA 3, 7, 25/40 CFR 170	Postponed Indefinitely	
Closed System Packaging SAR No. 1523	FIFRA 25(c)(3)/40 CFR 162	Cancelled	
Decision on Test Rules for Xylenes, Toluene, 4, 4-Methylenediamiline Acrylamide (Environmental), Hexachlorobutadiene, Acetonitrile, and Alkyl Epoxides SAR No. 1667	TSCA 4/40 CFR 799	Revised under SAR No. 1890	
Decision on Test Rules for Antimony, Antimony Trioxide, Antimony Sulfide, Arylphosphates, Cresols and Pyridine SAR No. 1668A	TSCA 4(a)/40 CFR 799	Revised under SAR No. 1891	
Health Effects Testing: Good Laboratory Practice Standards SAR No. 1739	TSCA 4(b)/40 CFR 792	Revised under SAR No. 1886	
Environmental Testing: Good Laboratory Practice Standards SAR No. 1740	TSCA 4(b), FIFRA 3/40 CFR 793	Revised under SAR No. 1886	
Proposed Exemption for Chemicals Used in or for Instant Photographic Film Articles SAR No. 1821	TSCA 5(h)(4)/40 CFR 723	Completed	47FR24308 (06/04/82)
Asbestos-Containing Materials in School Buildings – Identification and Notification SAR No. 1519A	TSCA 6(a)(3)/40 CFR 763	Completed	47FR23360 (05/27/82)
PCB Use in Electrical Equipment SAR No. 1709	TSCA 6(e)/40 CFR 761	Completed	47FR37342 (08/25/82)
Preliminary Assessment Information Reporting SAR No. 1137	TSCA 8(a)/40 CFR 712	Completed	47FR26992 (06/22/82)
Asbestos Use and Substitutes Reporting SAR No. 1552	TSCA 8(a)/40 CFR 763	Completed	47FR33198 (07/30/82)

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAR(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
Health and Safety Study Reporting SAR No. 1139	TSCA 8(d)/40 CFR 716	Completed	47FR38780 (09/02/82)
Criteria for Best Management Practices SAR No. 1710	CWA 301(e), 304(e), 402(a)/40 CFR 125K	Cancelled	
Modified pH Standard for Effluent Guideline Limitations SAR No. 1655	CWA 301, 304/40 CFR 401	Completed	47FR24534 (06/04/82)
Effluent Guidelines for Textile Mills SAR No. 1417	CWA 301, 304, 306, 307, 501/40 CFR 410	Completed	47FR38810 (09/02/82)
Effluent Guidelines for Inorganic Chemicals SAR No. 1416	CWA 301, 304, 306, 307, 501/40 CFR 415	Completed	47FR28260 (06/29/82)
Effluent Guideline for Iron and Steel Manufacturing SAR No. 1405	CWA 301, 304, 306, 307, 501/40 CFR 420	Completed	47FR23528 (05/27/82)
Effluent Guideline for the Crushed Stone Industry SAR No. 1712	CWA 301, 304, 306, 307, 501/40 CFR 436	Postponed Indefinitely	
Definition of Small Water Supply Entities in Support of Regulatory Flexibility Analysis SAR No. 1742	SDWA, RFA 601	Cancelled	
Identification and Listing of Hazardous Waste: Definition of Household Waste SAR No. 1763	RCRA 3001/40 CFR 261.4(b)(1)	Postponed Indefinitely	
Identification and Listing of Hazardous Waste: Definition of Empty Container SAR No. 1762	RCRA 3001/40 CFR 261.7	Completed	47FR36092 (08/18/82)
Standards for Hazardous Waste Generators: Special Generators SAR No. 1827	RCRA 3002/40 CFR 262	Cancelled	
Consolidated Permits: Minor Technical Amendments SAR No. 1850	RCRA 3005, 3006/40 CFR 122, 123, 124	Completed	47FR15304 (04/08/82)
State Interim Authorization SAR No. 1837	RCRA 3006/40 CFR 123	Completed	47FR32373 (07/26/82)

REGULATIONS DELETED FROM THE PREVIOUS AGENDA

Title and SAR(#)	Statutory Authority/CFR	Reason Deleted	Date & Cite of Last Action
Resource Recovery: Reporting Requirements for Federal Agencies SAR No. 1815	RCRA 6004, SDWA 209/40 CFR 244, 245, 246	Completed	47FR36602 (08/20/82)
Guidelines for Federal Procurement of Spent Pickle Liquor Used in Wastewater Treatment: Phosphorus Removal Operations SAR No. 1779	RCRA 6002/40 CFR 249	Postponed Indefinitely	
NSPS: Coke Ovens Bat Stacks SAR No. 1688	CAA 111/40 CFR 60 EEE	Postponed Indefinitely	
NSPS: Lead-Acid Battery Manufacture SAR No. 1116	CAA 111/40 CFR 60 KK	Completed	47FR16564 (04/16/82)
NSPS: Phosphate Rock Operations SAR No. 1118	CAA 111/40 CFR 60 NN	Completed	47FR16582 (04/16/82)
NSPS: Asphalt Roofing Manufacture SAR No. 1591	CAA 111/40 CFR 60 UU	Completed	47FR34137 (08/06/82)
Requirements for Preparation, Adoption, and Submittal of Implementation Plans SAR No. 1783	CAA 307(b)/40 CFR 51.24, 52.21, 52.18(j), 52.24	Completed	47FR27554 (06/25/82)
Revisions to National Contingency Plan SAR No. 1642F	CERCLA 105/40 CFR 300	Completed	47FR31180 (07/16/82)
Debarments and Suspensions Under EPA Assistance Programs SAR No. 1716	40 CFR 32	Completed	47FR35940 (08/17/82)
Revisions to EPA's Policy and Regulation for Public Participation SAR No. 1794	RCRA 7004(b), SDWA 1450(a), CWA 101(e)/40 CFR 25	Postponed Indefinitely	

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EXISTING REGULATIONS UNDER REVIEW

Title, CFR No. and statutory authority	Description	Review authority	Contact	Timetable
NAAQS: Lead. 40 CFR 50, CAA 108, 109/42 U.S.C. 7408, 7409.	EPA is reassessing the health and welfare information that has become available since the last revision of the standard.	CAA 109	Bruce Jordan, EPA (MD-12), Research Triangle Park, North Carolina 27711, FTS 629-5655, COMM 919-541-5655.	
NAAQS: Ozone. 40 CFR 50, CAA 108, 109/42 U.S.C. 7408, 7409.	EPA is reassessing the health and welfare information that has become available since the last revision of the standard.	CAA 109	Bruce Jordan, EPA (MD-12), Research Triangle Park, North Carolina 27711, FTS 629-5655, COMM 919-541-5655.	
NSPS: Kraft Pulp Mills. 40 CFR 60, Subpart BB, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of pulping systems and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111, 12291, PRA	Ken Durkee, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5525, COMM 919-541-5525.	December 1982.
NSPS: Claus Sulfur Recovery Plants. 40 CFR 60, Subpart J, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of control systems and economic and technological developments in the industry. The existing rule exempts plants that produce 20 long tons or less of sulfur a day. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111, 12291 PRA	Ken Durkee, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5525, COMM 919-541-5525.	December 1982.
NSPS: Grain Elevators. 40 CFR 60, Subpart DD, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of control systems as well as economic and technological developments in the industry. The existing regulation exempts grain terminals that have a storage capacity of 2.5 million tons or less and grain storage facilities that store 1.0 million tons or less. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111, 12291, PRA, RFA	Gilbert Wood, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595, COMM 919-541-5595.	November 1982.
NSPS: Primary Zinc and Lead Smelters, 40 CFR 60, CAA 111/42 U.S.C. 7411.	EPA is completing a review of the standards of performance for primary zinc and lead smelters. EPA will publish a notice in the Federal Register announcing its decision on whether or not to revise these regulations.	CAA 111	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	October 1982.
NSPS: Copper Smelters, 40 CFR 60, CAA 111/42 U.S.C. 7411.	EPA has completed an initial review of the standards of performance for primary copper smelters and will issue a Federal Register notice announcing possible revisions under consideration.	CAA 111	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	Completed.
NSPS: Nitric Acid Manufacture, 40 CFR 60, Subpart G, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of nitric acid and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	Kenneth Durkee, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595, COMM 919-541-5595.	September 1983.
NSPS: Sulfuric Acid Manufacture, 40 CFR 60, Subpart H, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sulfuric acid and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	September 1983
NSPS: Asphalt Concerte Plants, 40 CFR 60, Subpart I, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of asphalt concrete plants and control systems as well as economic and technologial development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	Gilbert Wood, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595, COMM 919-541-5595.	September 1983.
NSPS: Secondary Brass and Bronze Production, 40 CFR 60, Subpart M, CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of secondary brass and bronze plants and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	Gilbert Wood, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595 ,COMM 919-541-5595.	September 1983.
NSPS: Sewage Treatment Plants, 40 CFR 60, Subpart O CAA 111/42 U.S.C. 7411.	EPA is reviewing this standard to determine whether revisions are warranted. The review will assess performance and costs of sewage treatment plants and control systems as well as economic and technological development in the industry. EPA will issue a notice in the Federal Register announcing the results of its review.	CAA 111	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	
NESHAPS: Vinyl Chloride. 40 CFR 61, CAA 112/42 U.S.C. 7412.	EPA is reviewing the technological basis and the administrative aspects of the national emission standard for vinyl chloride. EPA is in the process of developing a schedule for revising the regulation.	12291	Robert Rosensteel, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5564, COMM 919-541-5595.	
NESHAPS: Beryllium. 40 CFR 61, CAA 112/42 U.S.C. 7412.	EPA is reviewing the technological basis and administrative aspects of the national emission standard for beryllium. EPA will issue a notice in the Federal Register announcing possible revisions under consideration.	12291	Gilbert Wood, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5595, COMM 919-541-5595.	December 1982.
NESHAPS: Mercury. 40 CFR 61, CAA 112/42 U.S.C. 7412.	EPA is reviewing the techonological basis and administrative aspects of the national emission standard for mercury. EPA will issue a notice in the Federal Register announcing possible revisions under consideration.	12291	James Crowder, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5601, COMM 919-541-5601.	December 1982.
Visibility Protection for Federal Class I Areas, 40 CFR, 51, CAA 169/42 U.S.C. 7479.	In response to a petition, EPA is reviewing the visibility protection regulations promulgated on December 2, 1980 (45 FR 80084). EPA will issue an ANPRM that will request comments on many points raised by petitioners. These include the concept of "intergral vistas," the role of the Federal Land Managers, and new source review requirements.	12291	Johnnie Pearson, EPA (MD-15), Research Triangle Park, North Carolina 27711, FTS 629-5540, COMM 919-541-5540.	
Review of the 1985 Light-Duty Diesel Particulate Standard. 40 CFR 86, CAA 202(a)/42 U.S.C. 7521(a).	EPA has completed its review of the 1985 light-duty diesel particulate standards and has begun to revise it. See SAR #1894 in the "Clean Air Act" Section in the first part of the Agenda.	12291	John Anderson, EPA, 2565 Plymouth Rd., Ann Arbor, MI 48105, FTS 374-8496, COMM 313-668-4496.	Completed.

Title, CFR No. and statutory authority	Description	Review authority	Contact	Timetable
Study of the 1984 Heavy-Duty Engine Testing Requirements. 40 CFR 86, CAA 202(a)/42 U.S.C. 7521(a).	EPA has completed its review of the 1984 heavy-duty engine testing requirements as part of the President's program to provide regulatory relief to the automotive industry. See SAR #1719 in the "Clean Air Act" Section in the first part of the Agenda.	12291	John Anderson, EPA 2565 Plymouth Rd., Ann Arbor, MI 48105, FTS 374-8496, COMM 313-668-4496.	Completed.
Study of the Full Useful Life Provision for Heavy-Duty Engines and Light-Duty Trucks. 40 CFR 86, CAA 202(a)/42 U.S.C. 7521(a).	EPA has completed its study of the full useful life provision for heavy-duty engines and light-duty trucks. See SAR #1719 in the "Clean Air Act" Section in the first part of the Agenda.	12291	John Anderson, EPA, 2565 Plymouth Rd., Ann Arbor. MI 48105, FTS 374-8496, COMM 313-668-4496.	Completed.
General Pretreatment Regulations. 40 CFR 125, 403, CWA 307/33 U.S.C. 1317.	EPA has prepared a proposal on removal credits (see SAR #1866 in the section entitled "Clean Water Act") and is preparing revisions to decrease paperwork requirements (SAR #1900).	12291 RFA	William Diamond, EPA (EN-336), 401 M St., SW, Washington, D.C. 20460, FTS 426-4793, COMM 202-426-4793.	Completed.
Discharge Monitoring Reports in the NPDES Program, 40 CFR 122, CWA 401/33 U.S.C. 1342.	Under existing NPDES permits, industrial and municipal waste-water discharges are responsible for self-monitoring of conventional pollutants and, in some cases, heavy metals. Dischargers report these data to EPA or delegated States in the form of Discharge Monitoring Reports (DMRs). EPA is evaluating the burden on the public generated by the DMRs and studying ways to increase the utility and cost-effectiveness of the program.	PRA	Harvey Karch, EPA (PM-223), Washington, D.C. 20460, FTS 382-2738, COMM 202-382-2738.	October 1982.
Marine Sanitation Devices, 40 CFR 140 CWA 312/33 U.S.C. 1322.	EPA and the Coast Guard have initiated a review of the Marine Sanitation Device program. Both agencies issued a Federal Register notice announcing this review and requesting comments on December 24, 1981 (46 FR 62479). EPA prepared a report analyzing the existing program and evaluating alternatives. The review will be completed after any legislative changes are made. At price of $4.30, the report may be obtained from the following address: Marine Safety Council (G-CMC), Room 4402, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, D.C. 20593.	12291 RFA	Jonathan Amson, EPA (WH-585), Washington, D.C. 20460, FTS 245-3036, COMM 202-245-3036.	December 1982.
Review of Implementation of the Safe Drinking Water Act 42 U.S.C. 300.	EPA has begun to revise several regulations in the drinking water area.They are identified in the first part of the Agenda under "Safe Drinking Water Act".	12291	Marian Mlay, EPA (WH-550), Washington,D.C. 20460, FTS 382-5508, Comm 202-382-5508.	Completed.
Groundwater Monitoring, 40 CFR 265, RCRA Subtitle C, 42 U.S.C. 6921 et seq.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing the interim status groundwater monitoring requirements for hazardous waste facilities that manage wastes in surface impoundments, in landfills or through land treatment. One purpose of this review is to determine whether the groundwater monitoring procedures succeed in identifying which facilities are adversely affecting groundwater. Another purpose is to review how useful the data is for EPA and other agencies. EPA will determine whether the resource burdens imposed on these facilities are justified by the expected benefits of the monitoring program.	PRA, 12291	Kathleen Kohl, EPA (WH-562), Washington, D.C. 20460, FTS 382-4606, COMM 202-382-4606. Harvey Karch, EPA (PM -223), Washington, D.C. 20460, FTS 382-2738, COMM 202-382-2738.	July 1983
Standards for Owners/Operators of Waste, Facilities: Land Treatment, 40 CFR 264, RCRA 3004/42 U.S.C. [illegible]24.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all land treatment requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete its RIA on alternatives, environmental benefits, costs, and impact before promulgating final regulations.	12291 RFA	Cliff Rothenstein, EPA (WH-565), Washington, D.C. 20460 FTS 382-4647, COMM 202-382-4646.	July 1983.
Standards for Owners/Operators of Waste Facilities: Landfills. 40 CFR 264, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all land treatement requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA of alternatives, environmental benefits, costs and impact before promulgating final land disposal regulations.	12291 RFA	Margaret Podoolok, EPA (WH-565), Washington, D.C. 20460, FTS 382-4646, COMM 202-382-4646.	July 1983.
Standards for Owners/Operators of Waste Facilities: Storage. 40 CFR 264, Subparts I,J,L, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all regulatory requirements for storage of hazardous wastes in containers, tanks, and waste piles. EPA is preparing a RIA to consider alternatives, environmental benefits, costs, and impacts.	12291, RFA	John Heffelfinger, EPA (WH-565), Washington, D.C. 20460, FTS 382-4793, COMM 202-382-4793.	June 1983.
Standards for Owners/Operators of Waste Facilities: Surface Impoundments. 40 CFR 264, RCRA 3004/42 U.S.C. [illegible]4.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all storage and disposal surface impoundments requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete its RIA on alternatives, environmental benefits, costs, and impacts before promulgating final storage and disposal surface impoundments regulations.	12291, RFA	Arthur Koines, EPA (WH-565) Washington, D.C. 20460, (FTS 322-4646, COMM 202 382-4646.	July, 1983
Standards for Owners/Operators of Waste Facilities: Incinerators. 40 CFR 264, Subparts O, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all incineration requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA on alternatives, environmental benefits, costs and impacts before promulgating final regulations.	12291, RFA	Frank Smith, EPA (WH-563), Washington, D.C. 20460, FTS 382-4646, COMM 202 382-4646.	July 1983.
Standards for Owners/Operators of Waste Facilities: Financial Responsibility. 40 CFR 264, Subpart H, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all financial requirements for hazardous waste storage, treatment and disposal facilities. EPA will complete a RIA on alternatives, environmental benefits, costs and impacts before promulgating final regulations.	12291, RFA	Lawrence Buc, EPA (WH-565), Washington, D.C. 20460, FTS 382-4646, COMM 202-382-4645.	June, 1983.

Title, CFR No. and statutory authority	Description	Review authority	Contact	Timetable
Standards for Owners/Operators of Waste Facilities: Location. 40 CFR 122, 264–265, RCRA 3004/42 U.S.C. 6924.	At the request of the President's Task Force on Regulatory Relief, EPA is reviewing all location standards for hazardous waste storage, treatment, and disposal facilities found in 100-year flood plains or seismically-active areas. EPA will complete its RIA on alternatives, environmental benefits costs and impacts before promulgating final regulations for general facility location.	12291, RFA	Peter Guerrero, EPA (WH-562) Washington, D.C. 20460, FTS 382-4604, COMM 202-382-4604.	July 1983
Exemption for Federal and State Agencies to Use Pesticides Under Emergency Considerations. 40 CFR 166, FIFRA 25/7 U.S.C. 136(w).	EPA will review the procedures used by Federal and State agencies to request emergency use of unregistered pesticides.	12291	Ferial Bishop, EPA (TS-767), Washington, D.C. 20460, FTS 557-7700, COMM 703-557-7700.	October 1982
Rules of Practice Governing Hearings. 40 CFR 164, FIFRA 25/7 U.S.C. 136(w).	Whenever it appears that the risks of using a pesticide outweigh the benefits of its use, FIFRA allows the Agency to refuse to register the pesticide or to remove it from the market through formal adjudicatory hearings. Such hearings examine the risks and the benefits of a pesticide's use, and the outcome can have significant effects on pesticide producers, users, and the public health. EPA will review the rule describing the procedures by which such hearings are conducted.	12291	Ed Gray, EPA (A-122), Washington, D.C. 20460, FTS 755-0638, COMM 202-755-0638.	October 1982
Tetrachlorodibenzo-P-Dioxin—Prohibition of Disposal, 40 CFR 775, TSCA 6(a)/15 U.S.C. 2605(a), Docket No: OPTS 62007A.	EPA has issued an ANPRM announcing its intent to review the regulation prohibiting Vertac Chemical Company from disposing dioxin-containing wastes in Jacksonville, Arizona. The notice was published on January 5, 1982 (47 FR 193).	12291	Suzanne Rudzinski, EPA (TS-794), Washington, D.C. 20460, FTS 382-3945, COMM 202-382-3945.	June 1983
Policy Statement on Polynuclear Aromatic Compounds, 40 CFR 180.	EPA will review its current policy concerning polynuclear aromatic compounds under the Pesticides Registration Program.	12291	Ken Bailey, EPA (TS-769C), Washington, D.C. 20460, FTS 557-7351, COMM 703-557-7351.	April 1983
Disposal and Storage Guidelines, 40 CFR 165, FIFRA 19(a).	EPA will review guidelines and regulations for the disposal and storage of packages and containers of pesticides by Federal agencies.	12291	Ray Krueger, EPA (TS-769C), Washington, D.C. 20460, FTS 557-7347, COMM 703-557-7347.	November 1982
Experimental Use Permits, 40 CFR 172, FIFRA 5.	EPA will review the procrdures followed by registrants who request Experimental Use Permits (EUPs) from the Agency.	12291, RFA	Donald Stubbs, EPA (TS-767C), Washington, D.C. 20460, FTS 557-1192, COMM 703-557-1192.	February 1983
Equivalency in New Source Review, 40 CFR 51.18, CAA 110.	At the request of the President's Task Force on Regulatory Relief, the Agency is reviewing its New Source Review (NSR) Program to determine whether and how it can give states greater flexibility in meeting Clean Air Act requirements.	12291	Michael Trutna, EPA (MD-13), Research Triangle Park, North Carolina 27711, FTS 629-5591, COMM 919-541-5591.	Undetermined.

[FR Doc. 82-27918 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XX

Equal Employment Opportunity Commission

Semi-Annual Regulatory Agenda

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semi-Annual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semi-Annual Regulatory Agenda.

SUMMARY: This semiannual regulatory agenda is published in accordance with the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981) and the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*). The agenda lists those guidelines which have been designated for review by the Presidential Task Force on Regulatory Relief under Section 3(i) of the Executive Order; proposed guidelines and regulations, or their amendments and revisions, that have been noticed in the **Federal Register** for public comment; the need and legal basis for the actions being considered; the name and telephone number of a knowledgeable official, and the status of items previously reported; and a list of proposed guidelines and regulations, or their amendments and revisions, currently being developed or under consideration for development. An assessment of EEOC's regulations under review and development shows that only one of the proposed regulations, so identified in this agenda, is likely to fall within the Executive Order's definition of a major rule. In addition, two proposed regulatory actions, so identified in this agenda, are likely to be subject to the Regulatory Flexibility Act requirements. These two items are published here to particularly allow interested small entities a meaningful and early opportunity to comment and participate in all stages of Commission regulatory development.

EFFECTIVE DATE: October 1982.

FOR FURTHER INFORMATION CONTACT: Chris Roggerson, Director, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506; telephone (202) 634-6334.

SUPPLEMENTARY INFORMATION: Executive Order 12291 and the Regulatory Flexibility Act require that a regulatory agenda of regulations under development and review be published in the **Federal Register** in April and October of each year. Signed at Washington, D.C. this 21st day of September 1982.

For the Commission.

Clarence Thomas,

Chairman, Equal Employment Opportunity Commission.

Title	Description	Authority	Status	Contact
	A. Guidelines To Be Reviewed Pursuant to Executive Order 12291			
Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607.	The guidelines, issued pursuant to Title VII of the Civil Rights Act of 1964, provide a uniform set of principles for all employers to assure that their selection procedures do not discriminate on the basis of race, color, religion, sex or national origin.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*; Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *seq.*	Final Guidelines were published in 43 FR 38290 on Aug. 25, 1978, and became effective on September 25, 1978. A survey designed to assess the practical utility of the guidelines' recordkeeping requirements was sent to the Office of Management and Budget for clearance on February 26, 1982. In May, 1982, the OMB disapproved the survey as being unnecessary, and recommended the holding of a public hearing in order to obtain views on practical utility and reasonableness of the recordkeeping requirements. Accordingly, the Commission will determine appropriate action.	Raj K. Gupta, Office of Policy Implementation, Equal Employment Opportunity Commission (EEOC), 2401 E Street NW., Washington, D.C. 20506, (202) 634-6334.
Guidelines on Discrimination Because of Sexual Harassment, 29 CFR 1604.	The guidelines reaffirm the Commission's view that sexual harassment in the workplace is an unlawful employment practice. The guidelines outline employers' responsibility for sexual harassment experienced by their employees.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	The guidelines on sexual harassment became final on Nov. 10, 1980, upon publication in 45 FR 74676. EEOC is considering appropriate action for review.	Raj K. Gupta, Office of Policy Implementation, EEOC, (202) 634-[illegible].
	B. Proposed Regulations or Guidelines			
Employment Discrimination; Procedures for Handling Complaints. 29 CFR 1691.	These regulations, proposed by EEOC and Department of Justice, contemplate that most individual complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other Federal laws will be referred to EEOC for processing.	Executive Order 12067, 43 FR 28967 (June 30, 1978), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et* [illegible].	Notice of proposed rule was published in 46 FR 22395 on April 17, 1981. The comment period ended on June 16, 1981. The proposed final rule was coordinated with affected agencies for comment under Executive Orders 12067 and 12250. Publication of the final regulations is anticipated in 1982.	Douglas Bielan, Office of Interagency Coordination, EEOC, (202) 634-6915. David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Tenth Street and Pennsylvania Avenue, Washington, D.C. 20503, (202) 633-3831.
Recordkeeping Regulations.[1] 29 CFR 1602.	The Commission proposes to revise its recordkeeping regulations to require certain employers and labor unions to maintain lists of applicants for employment and to retain employment records for two years or until termination of a Commission or court proceeding.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	Notice of proposed revisions was published in 43 FR 32280 on July 25, 1978. The comment period ended Sept. 21, 1978. A public hearing was held on September 21, 1978, and the record was held open until October 1, 1978. The Commission is considering further revisions to the proposed amendments pending completion of a study on the feasibility of a uniform government-wide equal employment opportunity recordkeeping regulation. Publication of the final regulations is anticipated by July 1984.	Anthony Demarco, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.

Title	Description	Authority	Status	Contact
Non-Discrimination on the Basis of Handicap in Federally assisted programs. 29 CFR 1615.	Proposed regulations setting forth procedures and policies to assure non-discrimination on the basis of handicap in employment and operations of programs receiving assistance from the Equal Employment Opportunity Commission.	Rehabilitation Act of 1973, as amended, 29 U.S.C. 794.	Proposed regulation published in 44 FR 68482 on November 29, 1979. Comment period ended on January 28, 1980. Approved by Commission and now in formal interagency coordination pursuant to Executive Order 12067.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
Collection of Applicant Data for Affirmative Action purposes. 29 CFR 1613.706.	This amendment permits federal agencies to collect handicap information from applicants for employment in order to implement and evaluate special recruitment programs undertaken for affirmative action purposes.	Rehabilitation Act of 1973, as amended, 29 U.S.C. 791.	Interim guidelines published in 46 FR 11285 became effective on Feb. 6, 1981. The period for written comments expired April 7, 1981. Implementation of the final regulation is dependent on the development of an interagency report form which is in the process of being developed by OPM with the approval of OMB.	Clayton J. Boyd, Division of Programs for Handicapped Individuals, Office of Government Employment, EEOC, (703) 756-[illegible].
Equal Employment Opportunity in the Federal Government; Remedial Relief under Section 717. 29 CFR 1613.	Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant.	Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*e*-16.	Interim regulations, effective April 11, 1980, were published in 45 FR 24130 on April 9, 1980. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634-6595.
The Equal Pay Act Interpretations. 29 CFR 1620.1-1620.18.	The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issues by the Department of Labor which appear at 29 CFR Part 800.	Equal Pay Act of 1963, 29 U.S.C. 206(d) *et seq.*; Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*, and Portal-to-Portal Act of 1947, 29 U.S.C. 255.	Proposed regulations were published in 46 FR 43848 on Sept. 1, 1981. Comment period ended on Nov. 2, 1981. Redrafting in progress.	Anthony J. DeMarco, (202) 634-6595 or Clement Hyland, (202) 653-5490, Legal Counsel Division, Office of the General Counsel, or Raj K. Gupta, Office of Policy Implementation, EEOC, (202) 634-6334.
Procedures: Age Discrimination in Employment Act. 29 CFR 1626.	Proposed regulations advising the public as to the procedures which are to be followed in processing charges and issuing interpretations and options under the ADEA.	Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*	Proposed regulations were published on Jan. 30, 1981, 46 FR 9970. Comment period ended on March 31, 1981. Commission vote on final regulation is anticipated in 1982.	John J. Pagano, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634-6595.
	C. Final Regulations			
Privacy Act of 1974; proposed Privacy Act System of Records.	The EEOC has issued regulations that will establish a system of records which will contain information on individuals who file charges or complaints under the ADEA or EPA and exempting this system of records from certain provisions of the Privacy Act.	Privacy Act of 1974, 5 U.S.C. 301 and 552a; Equal Pay Act, 29 U.S.C. 206(d) *et seq.;* Age Discrimination in Employment Act, 29 U.S.C. 621 *et. seq.;* Public Printing and Documents, 44 U.S.C. 3101.	Final regulation became effective April 30, 1982, upon publication in 47 FR [illegible].	Anthony J. DeMarco or Clement Hyland, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634-6595.
Privacy Act Regulations. 29 CFR 1614.	The proposed rule exempts system EEOC-1, Age and Equal Pay Act Discrimination Case Files from certain provisions of the Privacy Act.	Equal Pay Act, 29 U.S.C. 206(d) *et seq.;* Age Discrimination in Employment Act, 29 U.S.C. 621 *et* [illegible]	Final regulation became effective April 30, 1982, upon publication in 47 FR [illegible].	
	D. Regulations Currently Under Development or Being Considered for Development			
Title VI regulations. 29 CFR 1616	These regulations will establish procedures for organizations receiving Federal funds from EEOC and for persons who believe they have been discriminated against by organizations receiving Federal funds from EEOC.	Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000*d et seq.*	Under Development	Gary L. Janus, Legal Counsel Division, Office General Counsel, EEOC, (202) 653-5490.
Coordination of Federal Equal Employment Opportunity Programs. 29 CFR 1690.	These amendments to 29 CFR 1690 will implement an agreement reached by EEOC and the Department of Justice with the Office of Management and Budget which clarified the sequence to be followed when agencies are required to seek prepublication clearance of equal employment opportunity rules from EEOC under E.O. 12067, DOJ under E.O. 12250,[3] and from OMB under E.O. 12291 and the Paperwork Reduction Act.	Executive Order 12067, 43 FR 28967, (June 30, 1978), sections 1-303 and 1-304).	Technical amendments have been coordinated with affected Federal agencies and are awaiting OMB approval.	Douglas J. Bielan, Office of Interagency Coordination, EEOC, (202) 634-6915.
Equal Employment Opportunity in the Federal Government. 29 CFR 1613.	Comprehensive revision of regulations for processing individual and class EEO complaints in the Federal sector.	Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 20003-16. Rehabilitation Act of 1973, as amended, 29 U.S.C. 701, and Age Discrimination in Employment Act 29 U.S.C. 621 *et seq.*	Under Development	Thomas Saltonstall, Office of Field Services, EEOC, (202) 634-6855.
	Comprehensive revision of regulations on affirmative action in the Federal sector.	do	do	Do.
	Development of interim procedural regulations for the Federal sector requiring that all allegations of reprisal discrimination be processed as regular complaints.	do	Staff draft transmitted to Federal agencies for comments, Sept. 1982.	Do.

Title	Description	Authority	Status	Contact
	Development of interim procedural regulations for processing complaints of discrimination about personnel actions which are appealable to the Merit Systems Protection Board (mixed case complaints).	......do	......do	Do.
	Development of interim procedural regulations for administratively appealing decisions on grievances where an allegation of discrimination has been raised.	......do	......do	Do.
	Development of procedural regulations for processing Federal sector complaints filed under the Equal Pay Act.	Equal Pay Act of 1963, 29 U.S.C. 206(d) *et seq.* and Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 204(f) and 206(d).	Under Development	Do.
	Selective revision of procedural regulations for preappellate and appellate processing of individual EEO complaints in the Federal sector to, inter alia: eliminate duplicative processing where EEO complaints and grievances are filed on the same matter; provide a time limit for issuing an agency decision where a Complaints Examiner has issued a recommended decision; provide for consolidation of processing of certain complaints; provide for timely submission of evidence in connection with an appeal; allow for drawing adverse inference when submission not timely; to impose a time limit within which complainant may request the Commission to reopen and reconsider a previous decision; and clarify completion of administrative process for purposes of filing suit.	Section 717 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16, Rehabilitation Act of 1973, as amended, 29 U.S.C. 701, and Age Discrimination in Employment Act, 29 U.S.C 621 *et seq.* Civil Service Reform Act of 1978, 6 U.S.C. 7121.	......do	Do.
Interpretative Bulletin on Employee Benefit Plans.[1] [3] CFR 1625.10.	Comprehensive review of regulations dealing with costs and benefits under employee benefit plans; development of comprehensive rules implementing newly added Section 4(g) of the ADEA.	The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 628.	Proposed regulation expected to be presented to Commission for approval in early 1983.	John J. Pageno or Christopher Mackaronis, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634–6595.

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[1] This proposed regulatory action is also published pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) which requires that the Commission publish a semiannual agenda of regulatory actions which are likely to have a significant economic impact on a substantial number of small entities.

[2] In addition to clearance by the EEOC under E.O. 12067, equal employment opportunity rules issued under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, as amended, or any other provision of Federal statutory law which prohibits discrimination under any program or activity receiving Federal financial assistance, require clearance from DOJ under E.O. 12250.

[3] It is anticipated that a regulation to implement new Section 4(g) of the ADEA will be a major rule under E.O. 12291.

[FR Doc. 82–27916 Filed 10–27–82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXI

Federal Emergency Management Agency

Semi-Annual Agenda

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semi-Annual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semi-Annual Agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing its semi-annual agenda for FEMA. The agenda lists regulations that will be under development or review during the period October 1, 1982 to April 1, 1983.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Assistant General Counsel, Legislation and Regulations, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472 (202) 287–0377.

ADDRESS: Docket Clerk, Office of General Counsel, Room 835, 500 C Street, SW, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations," (46 FR 13193) directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semi-annually in order to give the public adequate notice of agency rulemaking activities; also, publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 602 and 605.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 601, *et seq.*, this agenda describes current and projected regulations, and regulations which will be under review during the period October 1, 1982 to April 1, 1983. This agenda also contains information on regulations on which action was completed since the last FEMA semi-annual agenda published April 29, 1982 at 47 FR 18391.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

The agenda is not limited to major or significant rules and contains as much information as possible concerning all FEMA regulations to be published in the next 6 months except for routine flood elevation determinations, listing of eligible communities under the National Flood Insurance Program, listing of suspended communities, and similar designations.

FEMA REGULATIONS: TITLE 44, CHAPTER I

Current and Projected Rulemakings—No Priority

Title: Nondiscrimination in Federally-Assisted Programs

Agency Contact: John J. Brosnahan, Director, Office of Equal Opportunity, 500 C Street, SW., Washington, DC 20472, (202) 287–0700.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 7.

Legal Authorities: 42 U.S.C. 2000 d-1; 20 U.S.C 1978; 29 U.S.C. 6101; Reorganization Plan No 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Abstract: This rule effectuates for FEMA the nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1975, Title IX of the Education Amendments of 1972, and section 311 of the Disaster Relief Act of 1974.

Timetable: Notice of Proposed Rulemaking: To be published about December 17, 1982.

Title: Financial Assistance, Grants and Cooperative Agreements

Agency Contact: Arthur E. Curry, Director, Policy Division, Office of Comptroller, 500 C Street, SW., Washington, D.C. (202) 287–0630.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 13.

Legal Authorities: Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Abstract: These proposed rules apply to grants and cooperative agreements entered into by FEMA. It defines terms, and sets forth certain general policies applicable to discretionary grants, including standard clauses. Payment procedures and closeouts are covered.

Timetable: Final rule to be published about March 31, 1983.

Title: Flood Insurance: Reduction of Publications

Agency Contact: Richard Sanderson, Chief, Natural Hazards Division, Office of Natural and Technological Hazards, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0270.

Effect on Small Business and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Parts 59, 64, 65, 67, 70.

Legal Authorities: National Flood Insurance Act of 1968 Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.)*

Abstract: This would reduce the page volume or eliminate publication in the **Federal Register** as rules of a number of lists of communities eligible for sale of insurance, lists of areas designated with special or no-flood hazard areas, final flood elevation determinations, and notices of map amendment.

Timetable: Advance Notice of Intent published August 4, 1982, 47 FR 33721. Comments due by October 4, 1982. Notice of Proposed Rulemaking to be published November, 1982.

Title: National Flood Insurance Program Flood Plain Management Criteria for Flood-Prone Areas (44 CFR Part 60)

Agency Contact: Melinda Hulsey, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, (202) 287–0213

Effect on Small Businesses and Other Entities: None—No regulatory flexibility analyses.

CFR Citations: 44 CFR Parts 59 and 60.

Legal Authority: Section 1361, National Flood Insurance Act of 1968, *as amended* (42 U.S.C., 4102).

Abstract: The Federal Emergency Management agency (FEMA) proposes to revise the minimum flood plain management standards for community participation in the National Flood Insurance Program (NFIP). To be eligible for the sale of flood insurance, communities are required to adopt local flood plain management measures which meet these minimum standards. FEMA requests comments from interested persons on how to improve the efficiency of the NFIP while maintaining the effectiveness of these minimum standards in reducing flood losses. Comments are sought especially on the treatment of mobile homes, clarification of terms used in the NFIP regulations, how alluvial fan flooding should be addressed, and on ways in which to increase State involvement in flood plain management efforts.

Timetable: Advance Notice of Proposed Rulemaking to be published in October 1982.

Title: National Flood Insurance Program, Scheduled Policy

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, (202) 287–0740.

Effect on Small Businesses and Other Entities: None perceived at this time. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 61 Subpart B.

Legal Authorities: The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 USC 4001 *et seq.*, Reorganization Plan No. 3 of 1973 (3 CFR Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Abstract: Establishment of a rating system and application/policy issuance procedure to allow more than one building at a location to be insured under one policy.

Timetable: Proposed rulemaking to be published in **Federal Register**, on January 31, 1983. Comment period to be closed on April 1, 1983. Final rule to be published in **Federal Register**, on August 1, 1983.

Title: National Flood Insurance Program, New Rating System

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, (202) 287–0740.

Effect on Small Businesses and Other Entities: None perceived at this time. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 61 Subpart B.

Legal Authorities: The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 USC 4001 *et seq.*, Reorganization Plan No. 3 of 1973 (3 CFR Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Abstract: Establishment of a new insurance rating system for the Emergency Program more reflective of the peril insured against (tailored to the present Zone A rating process).

Timetable: Proposed rulemaking to be published in **Federal Register**, on January 31, 1983. Comment period to be closed on April 1, 1983. Final rule to be published in **Federal Register**, on August 1, 1983.

Title: National Flood Insurance Program, Exclusion to Standard Flood Insurance Policy

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0740.

Effect on Small Businesses and Other Entities: None perceived at this time. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 61 Subpart B.

Legal Authorities: The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1973 (3 CFR Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Abstract: This exclusion relates to new construction and substantial improvements in coastal barriers. After October 1, 1983, new construction and substantial improvements in Department of Interior designated undeveloped coastal barriers will not be insurable.

Timetable: Proposed rulemaking to be published in **Federal Register** on January 31, 1983. Comment period to be closed on April 1, 1983. Final rule to be published in **Federal Register** on August 1, 1983.

Title: National Flood Insurance Program, Waiting Period Rule Change

Agency Contact: Donald L. Collins, Assistant Administrator, Federal Insurance Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0740.

Effect on Small Businesses and Other Entities: None perceived. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 61 Subpart B.

Legal Authorities: The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1973 (3 CFR Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Abstract: This regulation would amend the waiting period rule so as to lengthen the waiting period for increased coverage in mid-policy term from one day to five days.

Timetable: Proposed rulemaking to be published in **Federal Register** on January 31, 1983. Comment period to be closed on April 1, 1983. Final rule to be published in **Federal Register** on August 1, 1983.

Title: Disaster Assistance, Declaration Processing

Agency Contact: Sewall H.E. Johnson, Office of Disaster Assistance Programs, Directorate of State and a Local Programs and Support, 500 C Street, SW., Washington, D.C. 20472 (202) 287–0501).

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 205 Subpart C.

Legal Authorities: Disaster Relief Act of 1974 (42 U.S.C. 2151 *et seq.*)

Abstract: This regulation pertains to Governor's requests for declaration of major disasters or emergencies processing of their requests, declaration by the President, activities of Federal Coordinating Officers, designation of areas eligible for assistance, and types of assistance to be provided.

Timetable: Comments from the Proposed Rule are being reviewed. The Final Rule will be published in October, 1982.

Title: Disaster Assistance—Individual Assistance; (Subpart D) Temporary Housing

Agency Contact: Agnes Mravcak, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 287–0550.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR 205.52.

Legal Authority: Section 404, Disaster Relief Act of 1974, as amended (42 U.S.C. 5174).

Abstract: This rule implements the temporary housing provisions of the Disaster Relief Act of 1974 by specifying general eligibility guidelines, forms of assistance, and other procedural requirements and limitations. Temporary Housing Assistance is intended to assist individuals and families when there is a demonstrated need which cannot be met by other resources such as property insurance benefits.

Timetable: Interim regulations will be published in early October, 1982. Comments will be accepted for a six month period.

Title: Disaster Assistance—Individual Assistance; (Subpart D) Cora Brown

Agency Contact: Agnes Mravcak, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 287–0550.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR 205.60.

Legal Authority: Section 601 of the Disaster Relief Act of 1974, as amended by PL 96–446 (94 Stat. 1893; October 13, 1980).

Abstract: This interim rule specifies the conditions under which assistance to individual disaster victims will be provided under the terms of the will of Mrs. Cora Brown, who left the bulk of her estate to the Federal government to aid disaster victims in situations not caused by war. It specifies the administrative procedures and purposes of the fund.

Timetable: An interim rule will be published in late October, 1982. Comments will be accepted for 60 days.

Title: Disaster Assistance—Individual Assistance; Crisis Counseling

Agency Contact: Agnes Mravcak, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, (202) 287-0555.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR 205.59.

Legal Authority: Section 413, Disaster Relief Act of 1974, as amended (42 U.S.C. 5183).

Abstract: This proposed rule will implement the Crisis Counseling Assistance and Training provisions of the Disaster Relief Act. It will include eligibility criteria, application and appeal procedures, and requirements for State planning. The Crisis Counseling Assistance and Training program provides mental health services to those who may have disaster-related needs.

Timetable: Rule to be published as a proposed rule in January, 1983. Comments will be accepted for 60 days.

Title: Disaster Assistance—Public Assistance (Subparts E and H)

AGENCY CONTACT: John Lundberg, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472, (202) 287-0572.

Effect on Small Businesses and Other Entities: None.

CFR Citations: 44 CFR 205 Subparts E and H.

Legal Authority: Section 601, Disaster Relief Act of 1974, as amended (42 U.S.C. 5201).

Abstract: Purpose is to modify FEMA's policy concerning the disposition of interest earned on advance of funds.

Timetable: To be completed during first half of FY 1983.

Title: Part 205— Federal Disaster Assistance (Pub. L. 93-288; Subpart M—Hazard Mitigation)

Agency Contact: John D. Seyffert, Chief, Mitigation Assistance Division Disaster Assistance Programs, Federal Emergency Management Agency, Room 713, 500 C Street, SW, Washington, D.C. 20472 (202) 287-0520.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR 64809.

Legal Authority: Section 406, Public Law 93-288, Disaster Relief Act of 1974.

Abstract: The proposed rule revision clarifies the hazard mitigation provisions of the Disaster Relief Act of 1974 by specifying general plan requirements and guidelines as well as other procedural requirements. The Hazard Mitigation Requirement is intended to serve as an aid to State and local governments in developing an overall mitigation program to minimize the costs of natural disasters.

Timetable: Proposed reulemaking will be published in March, 1983.

Title: Civil Defense, State and Local Emergency Management Assistance (EMA)

Agency Contact: Donald J. Carbone, Chief, Management Development Branch, Office of Emergency Management Programs, Directorate of State and Local Programs and Support, 500 C Street; SW. Washington, D.C. 20472 (202) 287-3850.

CFR Citations: 44 CFR Part 302.

Legal Authorities: Section 205, Federal Civil Defense Act of 1950, as amended, 50 U.S.C. App. 2286.

Abstract: The proposed rule will elicit comments on the entire 44 CFR 302 and specifically on a revised allocation formula promulgated by an amendment to the Federal Civil Defense Act requiring that in allocating EMA funds, due regard be given to areas prone to natural disasters.

Timetable: Advance NPRM published April 6, 1982, 47 FR 14500. Comment due May 5, 1982. NPRM—1 qtr. 1983. Final Rule—2nd qtr. 1983.

Title: Review and Approval of State and Local Radiological Emergency Plans and Preparedness

Agency Contact: Marshall E. Sanders, Chief, Program Development Branch, Technical Hazards Division, Directorate of State and Local Programs and Support, 500 C Street, SW., Washington, D.C. 20472 (202) 287-0179.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: 44 CFR Part 350.

Legal Authorities: Section 109, NRC Appropriation Authorization Act 1980; Title V, Federal Civil Defense Act of 1950, as amended; section 201, Disaster Relief Act of 1974.

Abstract: Rule establishes procedures by which FEMA reviews and approves State and local plans and preparedness for coping with the offsite effects of radiological emergencies which may occur at nuclear power facilities. Plans voluntarily submitted for review. The FEMA findings can be used by NRC in its licensing proceedings. Rule sets out criteria telling how and when a State submits plans and describes FEMA process for reviewing and approving plans.

Timetable: Published initially as a proposed rule, June 24, 1980, 45 FR 42341. Revised NPRM published August 19, 1982, 47 FR 36386. Comment on proposed rule due October 18, 1982. Final rule to be published by April 1983.

Title: Coordination of Civil Emergency Assistance Functions of Executive Agencies

Agency Contact: Deborah Kenny, Office of Emergency Coordination, State and Local Programs and Support, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analyses.

CFR Citations: To be determined.

Legal Authorities: E.O. 12148, Section 2-101 and 2-203.

Abstract: These regulations would implement FEMA's civil emergency assistance coordination functions in non-declared situations.

Timetable: Proposed rule published for comment in 3rd quarter of FY 83.

Title: State and Local Consultation: Executive Order 12372 Implementation

Agency Contact: William L. Harding, Office of General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, D.C. 20472, (202) 287-0377.

Effect on Small Businesses and Other Entities: None. No regulatory flexibility analysis.

CFR Citations: 44 CFR Chapter 1, Subchapter A.

Legal Authorities: Executive Order 12372.

Abstract: This regulation will set out FEMA procedures implementing the requirements of Executive Order 12372 which relates to intergovernmental review of Federal programs and consultation with State and local governments.

Timetable: January 15, 1983—Notice of proposed rulemaking published (after prior consultation with OMB). April 30, 1983—final regulations published.

Title: Executive Order 11988, Floodplain Management—Regulatory Review

Agency Contact: Lee M. Thomas, Associate Director, Office of State and Local Programs, Federal Emergency Management Agency, 500 C Street, SW., Washington, D.C. 20472 (202) 287-0486.

Effect on Small Businesses and Other Entities: None perceived at this time. No regulatory flexibility analysis.

CFR Citations: 44 CFR Chapter 1, Subchapters A and B.

Legal Authorities: National Flood Insurance Act of 1968, *as amended,* the Flood Disaster Protection Act of 1973, *as amended,* 42 U.S.C 4001 *et seq.,* and the National Environmental Policy Act of 1969, *as amended,* (42 U.S.C. 4321 *et seq.).*

Abstract: Review of Federal agency compliance with Executive Order 11988. Determination on impact on level of unwise Federal support in designated floodplain areas. Review appropriateness of 100 year flood standard.

Timetable: Preliminary report, January, 1983. Final report, May, 1983.

Regulations Under Review

As of the date of preparation of this Agenda, there were no specific studies to determine whether to propose modification through rulemaking although at all times FEMA has its regulations under scrutiny.

Completed Actions

Action on the following regulations was completed during the period from the date of FEMA's last semi-annual agenda (April 30, 1982) to October 1, 1982.

44 CFR Part 61—National Flood Insurance Program Coverage, Sales and Loss Prevention Provisions; Agency contact: Donald L. Collins, (202) 287–0740; Final rule issued effective June 1, 1982, 47 FR 19138.

44 CFR Part 68—Base Flood Elevation Determinations. Administrative Hearing Procedures. Agency contact: Gregg Chappell (202) 287–0230. Final rule issued effective June 28, 1982, 47 FR 23448.

44 CFR Parts 80, 81, 82, 83, and 84—Federal Crime Insurance Program. Agency contact: Robert J. DeHenzel, (202) 287–0800. Final Rule issued effective June 1, 1982, 47 FR 19348.

44 CFR Parts 312—Use of Civil Defense Personnel, Materials and Facilities. Agency contact: John E. Bokel (202) 287–3843. Final Rule signed. To be published on or about October 1, 1982.

Dated: October 1, 1982.

George Jett,

General Counsel.

[FR Doc. 82–27917 Filed 10–27–82; 8:45 am]

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Part XXII

Federal Mediation and Conciliation Service

Unified Agenda of Federal Regulations

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FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Ch. XII

Unified Agenda of Federal Regulations

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: The Federal Mediation-and Conciliation Service is considering the issuance of one regulation subject to the Regulatory Flexibility Act during the one year period from October 1982 to October 1983. That regulation is the Service's Fee For Arbitration Service. In addition, the Service is reviewing one regulation—Arbitration Policy and Practice—to determine whether to propose modifications.

FOR FURTHER INFORMATION CONTACT: Daniel P. Dozier, Associate General Counsel 2100 K Street, N.W., Washington, D.C. 20427, 202/653-5305.

Fees for Arbitration Services

The Federal Mediation and Conciliation Service is proposing to amend 29 CFR 1404 by (1) Deleting the first sentence of § 1404.16(a) which states "No administrative or filing fee is charged by the Service", and (2) adding a new Subpart D—Fees for Arbitration Services. The purpose of the deletion and the new Subpart is to establish a system of fees which will equal the cost of the services provided by this agency's Division of Arbitration Services. The appropriation provisions for FMCS currently before the Congress provide that no part if the appropriation shall be available for arbitration services except to the extent that fees are collected from the users of such services, and that the Director of FMCS shall prescribe fees to recover the total expense of the service furnished. If these provisions are enacted, compliance by FMCS will be initiated by the issuance of final fee regulations within one month, of enactment. The impact on small business would be analyzed after Congressional authorization.

Review of Existing Arbitration Regulations

The Federal Mediation and Conciliation Service is considering whether to rewrite its existing Arbitration Services regulations at 29 CFR Part 1404. The Service will decide whether to rewrite these rules in April-June 1983. If the Service does rewrite the regulations, a Notice of Proposed Rulemaking would be published and public comments solicited. There will be no impact on small business. The authorizations to promulgate Part 1404 are pursuant to Section 202, 61 Stat. 153 as amended; 29 U.S.C. 172, and interpret or apply sec. 3, 80 Stat. 250, sec. 203, 61 Stat. 153; 5 U.S.C. 552, 29 U.S.C. 173.

Kay McMurray,

Director.

[FR Doc. 82-27918 Filed 10-27-82; 8:45 am]

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Thursday
October 28, 1982

Part XXIII

General Services Administration

Unified Agenda of Federal Regulations

GENERAL SERVICES ADMINISTRATION

41 CFR Chs. 1 and 101

Unified Agenda of Federal Regulations

AGENCY: General Services Administration.

ACTION: Semiannual agenda.

SUMMARY: This agenda annouces the proposed regulatory actions that GSA plans for the next 12 months and those actions that were completed since April 1982. This agenda was developed under the guidelines in OMB Bulletin No. 82–16, dated July 22, 1982.

FOR FURTHER INFORMATION CONTACT: Anthony Artigliere, Chief, Directives and Reports Management Branch (202–535–7658).

SUPPLEMENTARY INFORMATION: The agenda lists, by GSA service and staff office, current and projected rulemakings, reviews of existing regulations, and completed actions.

GSA has two priority regulations designated by the Presidential Task Force on Regulatory Relief. These regulations are listed under the category of current and projected rulemakings for the Public Buildings Service.

Dated: September 24, 1982.

Gerald P. Carmen,

Administrator.

OFFICE OF ACQUISITION POLICY

OFFICE OF FEDERAL PROCUREMENT REGULATIONS

Completed Actions

1a. Title: Licensing of Federally Owned Inventions

b. *Agency Contact:* Philip G. Read, Director, Office of Federal Procurement Regulations (VR), General Services Administration, Washington, DC 20405 ((202) 523–4755).

c. *Effects on Small Businesses and Other Entities:* Negligible.

d. *CFR Citation:* 41 CFR 101–4.1.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This amendment of the Federal Property Management Regulations (FPMR) implements Public Law 96–511, December 12, 1980. The statute provides an explicit legal basis for the issuance of a patent licensing regulation which is applicable to federally owned inventions. Issuance of the regulation by GSA is expressly required by the statute. It replaces FPMR Temporary Regulation A–20 (46 FR 39593, August 4, 1981). The regulation provides uniform, Government-wide procedures for the licensing of federally owned inventions.

g. *Timetable:* Final rule—August 6, 1982 (47 FR 34148).

h. *Priority Regulation:* No.

Current and Projected Rulemakings: None.

Reviews of Existing Regulations: None.

OFFICE OF ORGANIZATION AND PERSONNEL

Current and Projected Rule Makings

1a. Title: Nondiscrimination in Federally Assisted Programs

b. *Agency contact:* Thomas E. Henderson, EEO Specialist, Office of Civil Rights, General Services Administration, Washington, D.C. 20405; (202) 566–1368.

c. *Effects on Small Business and other entities:* None.

d. *CFR Citation:* 41 CFR Part 101–8.

e. *Legal Authority:* Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973, as amended; Title IX of the Education Amendments of 1972, as amended; and Section 606 of the Federal Property and Administration Service Act of 1949, as amended.

f. *Abstract:* The General Services Administration proposes this regulation to implement all of the above cited Federal laws. These statutes prohibit discrimination, in whole or in part, so that no person in the United States shall on the grounds of race, color, national origin, handicap, sex, or age be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal Assistance from the General Services Administration. In addition, the objectives of the regulation are to streamline certain administrative procedural requirements by consolidating prohibitions of discrimination into one regulation and to make requirements clear and convenient for applicants and recipients to comply with, as well as making the regulation manageable for GSA to administer.

This approach permits us to retain the substance of the prohibitions against discrimination, while reducing the cost of implementing and enforcing separate regulations for each of the four distinct laws for preventing discrimination.

g. *Timetable:* NPRM—September 1982. Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

Reviews of Existing Regulations. None.

Completed Actions

1a. Title: Nondiscrimination in Federally Assisted Programs

b. *Agency contact:* Thomas E. Henderson, EEO Specialist, Office of Civil Rights, General Services Administration, Washington, D.C. 20405; (202) 566–1368.

c. *Effects on Small Business and other entities:* None.

d. *CFR Citation:* 41 CFR Part 101–8.

e. *Legal Authority:* Section 504 of the Rehabilitation Act of 1973, as amended.

f. *Abstract:* The GSA was in the process of developing a proposed consolidated regulation prohibiting discrimination on the basis of race, color, national origin, sex, age and handicap. However, on June 16, 1981, the United States District Court of the Central District of California issued an Order and supporting Findings of Fact and Conclusions of Law in the Case of *Paralyzed Veterans of America et al.* v. *William French Smith, et al.* The Order requires, in part, GSA to publish a final regulation implementing Section 504 of the Rehabilitation Act of 1973, as amended, on an expedited basis. The Order was complied with and a proposed consolidated regulation will be published soon that will include the 504 Regulation.

g. *Timetable:* 47 FR 25337, June 11, 1982 (Final rule).

h. *Priority Regulation:* No.

OFFICE OF OVERSIGHT

Reviews of Existing Regulations

1a. Title: Review of Federal Property Management Regulations

b. *Agency Contact:* Anthony Artigliere, Chief, Directives and Reports Management Branch, General Services Administration (ORAI), Washington, DC 20405 (202–535–7658).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* GSA proposes to undertake a comprehensive review of its Federal Property Management Regulations (FPMR), which cover Parts 101–1 through 101–49 of Title 41. FPMR generally provide policies and procedures for agencies to manage their real and personal property. Internal GSA reorganizations, shifts of policy emphasis, and the development of new technologies have caused us to question whether the FPMR, as presently written, are effective in meeting the needs of agencies and the public. We will solicit comments from agencies and the public concerning areas that we should review.

g. *Timetable:*

Issue ANPRM—November 1982.
Issue NPRM—February 1983.

h. *Priority Regulation:* No.

Current and Projected Rulemakings: None.

Completed Actions: None.

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

Current and Projected Rulemakings

1a. Title: Unused Transportation Refund Procedures

b. *Agency Contact:* John W. Sandfort, Chief, Regulations, Procedures, and Claims Branch (BWCP), General Services Administration, Washington, DC 20405 (202-275-0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101-41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation revises and improves the current procedures regarding refunds from carriers for exchanged tickets and the redemption of unused tickets. Compliance with these revised procedures by Government agencies and the carrier industry will expedite the recovery of outstanding refunds due the U.S. Government. No additional resources are required for GSA to accomplish the provisions of this directive. The rule changes do not impose any additional burdens on the Government or the public.

g. *Timetable:*

NPRM—February 2, 1982 (47 FR 4707).
Expected issue date of final rule:
September 1982.

h. *Priority Regulation:* No.

2a. Title: U.S. Government Bill of Lading Correction Notice, SF 1200

b. *Agency Contact:* Louis Rosengarten, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202-275-0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101-41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation amends Part 101-41 by introducing a new Standard Form 1200, that will be used to correct or amend U.S. Government Bill of Lading (GBL), SF 1103; transit GBL, SF 1131; and GBL-Privately Owned Personal Property, SF 1203. The new form establishes a uniform correction document to replace the individual agency-oriented correction forms currently used. With respect to the manner in which GSA will accomplish the provisions of this directive, there will be an outlay of funds for producing this form but the outlay will be offset by income from its sale. The proposed amendment will not impose any new burden on agencies and GSA when correcting or amending GBL's. It will eliminate unnecessary duplication of forms, simplify and standardize documentation procedures, and permit dollar savings to the Government by reducing the number of forms that must be stocked and processed by Federal agencies.

g. *Timetable:*

NPRM—April 27, 1982 (47 FR 18007).
Expected issue date for final rule:
October 1982.

h. *Priority Regulation:* No.

3a. Title: Revision of U.S. Government Bill of Lading Standard Forms

b. *Agency Contact:* Louis Rosengarten, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202-275-0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101-41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This amendment prescribes the use of revised SF 1103, U.S. Government Bill of Lading (GBL); SF 1109, U.S. GBL Continuation Sheet, and SF 1131, U.S. Government Transit Bill of Lading. These revisions will make these transportation documents more efficient and more responsive to data information systems. To accomplish the provisions of this directive, there will be an outlay of resources by GSA to print the forms but this expenditure will be offset by income derived from purchases of these forms by other Federal agencies. The amendment will have no impact on the public.

g. *Timetable:*

NPRM—April 24, 1982 (46 FR 42686).
Expected issue date for final rule:
December 1982.

h. *Priority Regulation:* No.

4a. Title: Department of Defense Reservist/Retiree Military Emergency Travel Warrant

b. *Agency Contact:* Douglas MacEwen, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202-275-0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101-41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation provides for the procurement of passenger transportation services and billing and payment for such services in connection with the DOD Reservist/Retiree Military Emergency Travel Warrant system. During periods of national emergency, the DOD will use travel warrants as an exception to U.S. Government Transportation Requests (GTR) to obtain transportation for selected military reservists and retirees who are ordered to active duty with the armed forces of the United States. The travel warrant will be included in a DOD Mobilization Order which will be sent to the member's home by Western Union Mailgram. Use of this system will simplify and expedite the procurement of transportation for the military member. No additional resources are required for GSA to accomplish the provisions of this directive. The rule changes do not impose any additional burdens on the Government or the public since the travel warrant will be used instead of the GTR.

g. *Timetable: Expected issue date for final rule: November 1982.*

h. *Priority Regulation:* No.

5a. Title: Use of Cash to Procure Passenger Transportation Services Costing More Than $100

b. *Agency Contact:* Betty Brown, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202-275-0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101-41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation amends the Federal Property Management Regulations to grant agency heads or their designated representatives the authority to approve all cash purchases of passenger transportation services costing more than $100 instead of using Standard Form 1169, U.S. Government Transportation Request. This amendment will eliminate the requirement for agencies to obtain a written exemption from GSA and will reduce the administrative burden on Federal agency heads and GSA. No additional resources are required for GSA to accomplish the provisions of this directive. It will not impose any additional burdens on the Government or the public.

g. *Timetable:*

NPRM—March 30, 1982 (47 FR 13387).
Expected issue date for temporary
regulation: November 1982.

h. *Priority Regulation:* No.

6a. Title: Facsimile Signature on SF 1113

b. *Agency Contact:* Louis Rosengarten, Regulations and Procedures Section

(BWCPR), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The proposed regulation would permit the use of a facsimile signature of the carrier's certifying official on the "Payee's Certificate" of the Public Voucher for Transportation Charges, SF 1113, without the requirement that such signatures be initialed by duly authorized persons. The intent of this proposal is to reduce the time and cost to the carriers and to facilitate carrier preparation of the SF 1113. No additional resources are required for GSA to accomplish the provisions of this directive. The proposed amendment will impose little or no additional burden on agencies and the GSA. Eliminating the need to initial the facsimile signature will benefit the public.

g. *Timetable:* Expected issue date for NPRM: September 1982.

h. *Priority Regulation:* No.

7a. Title: Commercial Forms and Procedures

b. *Agency Contact:* John W. Sandfort, Chief, Regulations, Procedures and Claims Branch (BWCP), General Services Administration, Washington, D.C. 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation proposes to amend the CFR to increase the monetary limitation on the use of commercial forms and procedures for small shipments not to exceed $250 per shipment. Single-parcel shipments via express, courier, small package, or similar carrier will be permitted under these procedures without regard to shipping cost, if the parcel shipped weighs 70 pounds or less and does not exceed 108 inches in length and girth combined. The $250 limitation will apply to multi-parcel shipments via express, courier, small package, or similar carrier. Such use of commercial forms and procedures will reduce administrative costs and paperwork for Government agencies. No additional resources are required for GSA to accomplish the provisions of this directive. The proposed amendment will impose no additional burden on the Government or the public.

g. *Timetable:* Expected issue date for NPRM: October 1982.

h. *Priority Regulation:* No.

Reviews of Existing Regulations: None.

OFFICE OF PLANS, PROGRAMS, AND FINANCIAL MANAGEMENT

Completed Actions

1a. Title: Issuing Office Records: Eliminate Notification to Paying Office; Payment of Transportation Claims

b. *Agency Contact:* Louis Rosengarten, Regulations and Procedures Section (BWCPR), General Services Administration, Washington, DC 20405 (202–275–0664).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–41.

e. *Legal Authority:* 31 U.S.C. 244 and Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation amends Part 101–41 by eliminating the requirement that the issuing office notify the paying office when it records a certified substitute transportation document. The change will reduce paperwork burden and the staff hours needed to perform the required tasks at both the issuing and paying offices. This regulation also removes restrictions that preclude Government agencies from paying certain supplemental bills (claims). The change will simplify and reduce the workload at the Federal agencies' finance offices. No additional resources are required for GSA to accomplish the provisions of this directive. These changes will reduce the administrative burden on Government agencies and will have no impact on the public.

g. *Timetable:* Final rule—August 5, 1982 (47 FR 33959).

h. *Priority Regulation:* No.

OFFICE OF INFORMATION RESOURCES MANAGEMENT

Current and Projected Rulemakings

1a. Title: Contracting for Automatic Data Processing (ADP) and Related Equipment

b. *Agency Contact:* David R. Mullins, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4.11

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This Federal Procurement Regulations (FPR) amendment changes the ADP acquisition process regarding the definition of Automatic Data Processing Equipment (ADPE); the responsibility of agency designated senior officials; agency submission of procurement requests, solicitations, and contracts; use of schedule contracts; and evaluation factors. The intent is to reduce paperwork, recognize central agency policy direction of information resources management, and make the acquisition process fairer.

g. *Timetable:* Proposal distributed for agency and public sector comments: July 29, 1982.

Expected issue date for final rule: November 1982.

h. *Priority Regulation:* No.

2a. Title: Implementation of Federal Information Processing Standards (FIPS) for Hardware and Joint Federal Information Processing and Federal Telecommunications Standards (FED-STDS)

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–36.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This Federal Property Management Regulations (FPMR) amendments provides standard terminology for use in requirements documents, including solicitations, regarding the application of Federal Information Processing Standards Publications (FIPS PUBS) 32, 93, and Joint Federal Information Processing Standards Publication 71/Federal Standard 1003A (FIPS PUB/FED-STD). FIPS PUB 32 provides the description, scope, and identification for different character sets to be used in the application of Optical Character Recognition (OCR) SYSTEMS. FIPS PUB 93 specifies the recorded characteristics for 6.30 mm inch wide magnetic tape cartridges to provide for data interchange between information processing systems. FIPS PUB 71/FED-STD 1003A establishes data list control procedures for systems, equipment, and services using synchronous, bit-oriented data communication.

g. *Timetable:* A Proposal distributed; comments due October 1982.

Expected issue date for final rule: December 1982

h. *Priority Regulation:* No.

3a. Title: Telecommunications Acquisition

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This Supplement No. 2 extends the expiration date of FPR Temporary Regulation 51, revises the definition of comparative cost analysis in § 1–4.1201–5, and redesignates the provisions as Subpart 1–4.13.

g. *Timetable:* Expected issue date for final rule:

h. *Priority Regulation:* No.

4a. Title: Implementation of Federal Information Processing Standard Languages and Procedures

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washigton, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–36.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPMR amendment regulation combines into a single section the three high-level programming languages that have been adopted as Federal Information Processing Standards. FIPS PUB 21–1 COBOL is currently in effect and implemented; FIPS PUB 68 Minimal BASIC and FIPS PUB 69 FORTRAN became effective on March 4, 1982. This regulation provides standard terminology for use in requirements documents, including solicitations, to ensure that compilers acquired by the Government and those used by Government contractors performing ADP services have been validated and comply with the applicable standard language elements. The intent is to increase portability of application programs and thereby increase economy and efficiency.

g. *Timetable:* Expected issue date for final rule: September 1982.

h. *Priority Regulation:* No.

5a. Title: Contracts With the Small Business Administration (SBA) for ADP Requirements

b. *Agency Contact:* William R. Loy, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entitites:* Section 8(a) contracts for furnishing ADP services could be limited to annual awards not exceeding 50 percent of the SBA size standards.

d. *CFR Citation:* 41 CFR 1–4.11.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This proposed FPR amendment changes sections 1–4.1103–5 and 1–4.1206–8 regarding contracts with the SBA for ADP requirements in accordance with Section 8(a) of the Small Business Act (15 U.S.C. 637(a)). This change responds to GAO report AFMD 82–9, October 16, 1981.

g. *Timetable:* Expected issue date for proposal or final rule: December 1982.

h. *Priority Regulation:* No.

6a. Title: Procurement and Contracting for Telecommunications

b. *Agency Contact:* John F. Stewart, Supervisory Communications Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPR amendment adds telecommunications procurement and contracting policies and procedures to the FPR. The directive will replace FPR Temporary Regulation 51 and Federal Property Management Regulation (FPMR) Subpart 101–37.4.

g. *Timetable:* Expected issue date for proposal or final rule: April 1983.

h. *Priority Regulation:* No.

7a. Title: Consolidate ADP and Telecommunications Regulations into a Single Regulation

b. *Agency Contact:* Roger W. Walker, Chief, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 48 CFR 1 and 39, 41 CFR 1, 39, and 101.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will merge FPR and FPMR (41 CFR 1 and 101) provisions relating to ADP and telecommunications into a single Information Resources Regulation. The new regulation will have a dual (but unduplicated) distribution; as a part of the proposed Federal Acquisition Regulation (FAR) and as a consolidated chapter in Title 41 of the CFR.

g. *Timetable:* Consistent with FAR publication schedules.

h. *Priority Regulation:* No.

8a. Title: Exemption of ADP Procurement Authority Based on the Defense Authorization Act of 1982

b. *Agency Contact:* Roger W. Walker, Chief, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4.11 and 1–4.12.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This directive will address Department of Defense exemptions to GSA Government-wide ADP regulations.

g. *Timetable:* Undetermined.

h. *Priority Regulation:* No.

9a. Title: Forms Management Responsibilities

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405. Program contact: John Simcox, GSA (KLSF), (202–535–7474).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–11.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This proposed FPMR amendment requires actions that will contribute to an effective forms management program. Effective forms management programs can substantially reduce costs, minimize public burden, improve procedures, and streamline necessary agency systems.

g. *Timetable:* Expected issue date of proposal for Agency comment: September 1982.

h. *Priority Regulation:* No.

10a. Title: Stationery Standards

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, D.C. 20405. Program contact: Richard P. Stephenson, GSA (KLSM), (202–535–7462).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–11.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPMR amendment (1) provides size and paper specifications for the use of 8.5> by 11> paper; (2) delegates to heads of agencies the responsibility for authorizing the use of envelope markings and designs; (3) revises design standards for letterheads; (4) requires all agencies to use yellow tissue for record copies; and (5) promotes management policies and procedures to economically and efficiently select, store, and use stationery.

g. *Timetable:* Expected issue date for final rule: October 1982.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: ADP Resources Utilization and Reutilization of ADP Equipment

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 1–4, 101.35, and 101.36.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will update and revise ADP sharing and reutilization management procedures. The intent is to reduce obsolescent ADP equipment in the Government inventory and reduce paperwork through interagency sharing and reutilization. FPR 1–4.11 would contain related contracting provisions.

g. *Timetable:* Proposal distributed for agency comments on March 22, 1982.

Expected issue date of final rule regarding reutilization of ADP equipment: December 1982.

h. *Priority Regulation:* No.

2a. Title: Update the Content and Procedures for the Government-wide ADP Management Information System (ADP/MIS)

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–36.5.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will provide a revised ADP/MIS, suitable for individual agencies, for common use by central management.

g. *Timetable:* Concept paper distributed for agency comments on May 10, 1982.

h. *Priority Regulation:* No.

3a. Title: Representation Involving Telecommunications Services

b. *Agency Contact:* John F. Stewart, Supervisory Communications Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–37.4.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will review the content of 101–37.4. regarding the transfer of relevant information into a new FPR Subpart 1–4.13 if applicable and its updating of representation coverage.

g. *Timetable:* Expected issue date of final rule: April 1983.

h. *Priority Regulation:* No.

4a. Title: Record Management

b. *Agency Contact:* David R. Mullins, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *Citation:* 41 CFR 101–11.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This project will review FPMR Part 101–11 to determine the extent to which existing provisions should be integrated into the consolidated information resource management regulations. Initial efforts will be related to requirements analyses in the office automation area. Other areas will include management of current Federal records, standard and optional forms, interagency reports, and copying equipment management.

g. *Timetable:* Initial review March 1983.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: Procurement and Contracting Government-Wide for ADP Services and ADP Support Services by Federal Agencies

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 1–4.12.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPR Amendment 220 adds a new FPR Subpart 1–4.12 that sets forth policies and procedures governing procurement of ADP services and ADP support services by Federal agencies.

g. *Timetable:* Published in **Federal Register:** May 12, 1982 (47 FR 20532).

h. *Priority Regulation:* No.

2a. Title: ADP Resource Utilization and Reporting; Temporary Regulation.

b. *Agency Contact:* Betty van Gelderen, Computer Specialist, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–35 and 101–36.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPMR Temporary Regulation F–499 modifies ADP sharing policies and procedures applicable to Federal agencies.

g. *Timetable:* Published in **Federal Register:** August 5, 1982 (47 FR 33960)

h. *Priority Regulation:* No.

3a. Title: Implementation of Federal Information Processing Standards for Hardware

b. *Agency Contact:* Phillip R. Patton, Procurement Analyst, Regulations Branch, Office of Information Resources Management, General Services Administration (KMPP), Washington, DC 20405 (202–566–0194).

c. *Effects on Small Businesses and Other Entities: None.*

d. *CFR Citation:* 41 CFR 101–36.13.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This FPMR Amendment F–54 provides standard terminology to be used in requirements documents, including solicitations, to ensure that OCR printers, readers, and printed forms provided to or developed by the Government conform to FIPS PUB 89 and that certain digital magnetic tape cassette equipment conforms to FIPS PUB 91.

g. *Timetble:* Published in **Federal Register:** August 25, 1982 (47 FR 37173).

h. *Priority Regulation:* No.

FEDERAL PROPERTY RESOURCES SERVICE

Current and Projected Rulemakings

1a. Title: Donation of Personal Property

b. *Agency Contact:* George W. Kinney, Director, Donation Division, General Services Administration (DPD), Washington, DC 20405 (202–7015).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–44.000, 101–44.001, 101–44.005, 101–44.006, 101–44.008, 101–44.112, 101–44.118, 101–44.120, 101–44.200, 101–44.204, 101–44.205, 101–44.207, 101–44.208, 101–44.4701, 101–44.4901–123, 101–44.4901–123–1, 101–44.4902–3040.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This rule updates GSA's policies and procedures concerning the Federal surplus personal property donation program. It would: (1) prescribe new and revised definitions; (2) implement Title IX of the Education Amendments of 1972; (3) change procedures for donating aircraft, drugs, biologicals, and reagents; (4) clarify cannibalization procedures; (5) add additional terms to the State agency distribution document; (6) clarify that conditional title, not unrestricted title, passes to a donee at the time it takes possession of the property; (7) prohibit reimbursement to State agencies for certain sales expenses; (8) change reporting requirements; (9) establish an informal appeals procedure; and (10) revise eligibility criteria for educational activities. This amendment is necessary to comply with the provisions of Title IX of the Education Amendments of 1972, section 502(a) of Public Law 94–241, and the Congressional Reports Elimination Act of 1980 (Public Law 96–470). Its intent is to increase the efficiency and effectiveness of the donation program. There should be no significant costs to the public as a result of this regulatory action. It has been determined that potential benefits to society from this rule will outweigh the potential costs.

g. *Timetable: Expected issue date for final rule: November 1982.*

h. *Priority regulation:* No.

2a. Title: Donation of abandoned and forfeited personal property

b. *Agency Contact:* George W. Kinney, Director, Donation Division, General Services Administration (DPD), Washington, DC 20405 (202–535–7015).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–48.2.

e. *Legal Authority:* 26 U.S.C. 5688(a).

f. *Abstract:* This rule would emphasize that all forfeited distilled spirits, wine, or malt beverages donated to eleemosynary institutions are to be used only by their inpatients for medicinal purposes. Allegations of misuse of these donated spirits have created a need for this regulation. There should be no significant costs to the public as a result of this rule. It has been determined that potential benefits to society from this rule will outweigh potential costs.

g. *Timetable:* Expected issue date for final rule: November 1982.

h. *Priority regulation:* No.

3a. Title: Expiration of FPMR Temporary Regulation H–22

b. *Agency Contact:* George W. Kinney, Director, Donation Division, General Services Administration (DPD), Washington, DC 20405 (202–535–7015).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* FPMR Temporary Regulation H–22 expired December 15, 1980, with the termination of House Joint Resolution 610 and the passage of the Department of Defense Appropriations Act of 1981 (Public Law 96–527). H–22 will be deleted from the appendix following Subchapter H in 41 CFR Chapter 101. This rule involves no significant costs to the public.

g. *Timetable:* Expected issue date for final rule: November 1982.

h. *Priority regulation:* No.

4a. Title: Silver Recovery Program

b. *Agency Contact:* Frank Roche, Assistant Commissioner, Office of Personal Property, General Services Administration (DP), Washington, DC 20405 (202–535–7012).

c. *Effects on Small Businesses and other entities:* None.

d. *CFR Citation:* 41 CFR Part 101–42.

e. *Legal Authority:* Sec. 205(c), 62 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation revises FPMR Part 101–42 to require each agency having activities that generate silver or other precious metals (including used hypo-solution and scrap film) to recover it and submit a semiannual report to GSA. It further provides expanded civil agency participation in the Defense Precious Metals Recovery Program. These changes are made as a result of a General Accounting Office report PLRD–81–48 July 31, 1981, entitled "Civil Agencies Should Save Millions By Recovering Silver From Photographic Waste." The report recommends that precious metals recovery be a mandatory requirement for all civil agencies regardless of the amount generated.

The General Accounting Office cited the Veterans Administration (VA) as an example of the benefits accruing from an effective silver recovery program. In 1980, the VA's return on investment was $74 for every dollar spent on recovery. While we do not expect as great a rate of return as the VA achieved in 1980, we do expect that the benefits of making silver recovery mandatory on Federal agencies will outweigh the costs incurred.

g. *Timetable:*

NPRM—October 2, 1982.
Expected issue date for final rule:
November 1982.

h. *Priority Regulation:* No.

5a. Title: Appearance Reconditioning of Civil Agency Vehicles, Prior to Sale

b. *Agency Contact:* Milton L. Herman, Chief, Sales Management Branch, General Services Administration (DPSM), Washington, DC 20405 (202–535–7000).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–46.4.

e. *Legal Authority:* 40 U.S.C. 484, Section 201(c).

f. *Abstract:* GSA obtains increased proceeds from the sale of selected vehicles from the Interagency Motor Pool by reconditioning their appearance prior to sale. This proposed amendment will require civil agencies to appearance-recondition selected vehicles prior to reporting them to GSA for sales action. Increased proceeds should accrue from the sale of those vehicles receiving this cosmetic reconditioning.

g. *Timetable:* Expected issue date for final rule: March 1983.

h. *Priority Regulation:* No.

6a. Title: Abandonment or Destruction of Surplus Property

b. *Agency Contact:* John Hansley, Property Marketing Specialist, General Services Administration (DPSM), Washington, DC 20405 (202–535–7000).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–45.5.

e. *Legal Authority:* Section 202(h), 40 U.S.C. 483.

f. *Abstract:* This revision clarifies procedures for agencies' use in the abandonment and destruction of property.

g. *Timetable:* Expected issue date for final rule: September 1983.

h. *Priority Regulation:* No.

7a. Title: Guidelines for Selling Small Lots of Surplus Personal Property

b. *Agency Contact:* Dona Gamble, Property Marketing Specialist, General Services Administration (DPSM), Washington, DC 20405 (202–535–7000).

c. *Effects on Small Business and Other Entities: None.*

d. CFR Citation: 41 CFR Part 101–45.304–3.

e. *Legal Authority:* 40 U.S.C. 484, Section 203(b).

f. *Abstract:* Section 101–45.304–3 prescribes selling procedures and will be expanded to cover more detailed instructions since Section 101–45.105–3 now permits holding agencies, after notification to the appropriate GSA regional office, to sell small lots of personal property where the estimated proceeds from a sale will not exceed $1,000. This dollar limitation raise has resulted in holding agencies conducting more small lot sales. This proposed amendment provides holding agencies detailed instructions for conducting these sales.

g. *Timetable:* Expected issue date for final rule: December 1, 1982.

h. *Priority Regulation:* No.

8a. Title: Acquisition and Use of Excess Personal Property

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–43. -

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* A number of miscellaneous changes will be made to clarify procedures for the acquisition and use of excess personal property by Federal agencies and other authorized recipients.

g. *Timetable:* Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

9a. Title: The Utilization, Donation, and Disposal of Foreign Gifts and Decorations

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–49.

e. *Legal Authority:* 5 U.S.C. 7342, Public Law 95–105.

f. *Abstract:* These miscellaneous changes will revise regulations to enhance security, establish physical custody, and refine the formal procedures for the disposition of foreign gifts and decorations.

g. *Timetable:* Expected issue date for final rule: November 1982.

h. *Priority Regulation:* No.

10a. Utilization, Donation, or Disposal of Abandoned and Forfeited Personal Property

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–48.

e. *Legal Basis:* Section 304(f–m), 49 Stat. 879; 40 U.S.C. 304.

f. *Abstract:* This temporary regulation will decentralize the transfer of seized and forfeited vehicles.

g. *Timetable:* Expected issue date on a temporary regulation: October 1982.

h. *Priority Regulation:* No.

11a. Title: Suspension of Direct Transfer Authority for Office Furniture and Equipment

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citations:* 41 CFR 101–43.315.

e. *Legal Authority:* Sec. 202(a), 63 Stat. 390; 40 U.S.C. 483(a).

f. *Abstract:* This proposed rule would rescind the authority of agencies to transfer excess office furniture and office machines without prior approval by GSA.

g. *Timetable:* Expected issue date for proposed rule: October 1982.

h. *Priority Regulation:* No.

12a. Title: Airport Disposal

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.308–2.

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation is being amended in order to clarify the proper statute under which federally owned real-property may be disposed for airport purposes and to avoid confusion experienced in the past regarding such transfers.

g. *Timetable:* NPRM—December 23, 1981 (46 FR 62301). Expected issue date for final rule: October 1982.

h. *Priority Regulation:* No.

13a. Title: Conveyance for Historic Monument Purposes

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.308–3(a)(3) and 101–47.308–2(e).

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulations are being amended to prevent the possibility of windfall profits to the grantee, sublessor, or developer when surplus real property is conveyed for historic monument purposes with revenue producing activities.

g. *Timetable:* Expected issue date for final rule: January 1983.

h. *Priority Regulation:* No.

14a. Title: Reimbursement for Excess Real Property Transfers

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.203–7(f).

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* In support of the Administration's initiative to maximize the monetary return from Federal real property, this regulation is being amended to require that Federal agencies be charged 100 percent of the estimated fair market value for excess property transferred to them.

g. *Timetable:* Expected issue date for final rule: November 1982.

h. *Priority Regulation:* No.

15a. Title: Disposal Authority Delegated to Holding Agencies

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.302–2

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation will avoid confusion that has been experienced in the past by clarifying that GSA and not the holding agency would have authority to dispose of federally owned machinery and equipment being used by a contractor-operator where the machinery and equipment will be sold to the contractor-operator.

g. *Timetable:*
NPRM—August 5, 1982 (47 FR 33993).
Expected issue date for final rule:
December 1982.

h. *Priority Regulation:* No.

16a. Title: Identification of Unneeded Federal Real Property

b. *Agency Contact:* B. Michael O'Hara, Director, Technical Services and Surveys Division, General Services Administration (DRT), Washington, DC 20405 (202–535–7074).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.8.

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulations will be updated to reflect the provisions of Executive Order 12348 of February 25, 1982, which superseded Executive Order 11954 of December 7, 1977, and Executive Order 11724 of June 25, 1973, currently referenced. Executive Order 12348 established the Property Review Board and reemphasizes the optimum use of Federal real property.

g. *Timetable:* Expected issue date for final rule: January 1983.

h. *Priorty Regulation:* No.

17a. Title: Section 414 Transfers

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.203–5(b), (c), and (d); 101–47.204–1(a) and (b); and 101–47.308–6.

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulations concerning procedures for transfers of surplus real property for low and moderate income housing under the authority of section 414 of the Housing and Urban Development Act of 1969 are being revised to implement Public Laws 95–557 and 96–399. Public Law 95–557 expands the scope of eligible housing assistance programs under section 414 dispositions, provides exceptions to the "veto power" of local governing bodies over dispositions to non-public bodies, and reduces the period of use restrictions in the case of dispositions to non-public bodies from 40 to 30 years. Public Law 96–399 amends section 414 to permit transfers of surplus real property to the Secretary of Agriculture in addition to the Secretary of the Department of Housing and Urban Development.

g. *Timetable:* Expected issue date for final rule: September 1982.

h. *Priority Regulation:* No.

18a. Title: National Defense Stockpile Disposal Regulations

b. *Agency Contact:* Kent N. Knowles, Assistant Commissioner, Office of Stockkplie Transactions, General Services Administration (DS), Washington, DC 20405 (202–535–7115).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–14.4.

e. *Legal Authority:* Strategic and Critical Materials Stock Piling Act, 50 U.S.C., Sec. 98, et. seq.; E.O. 12155, 44 FR 53071, September 12, 1979.

f. *Abstract:* These regulations indicate the procedures for disposing of strategic and critical materials that are excess to National Defense Stockpile needs and have been authorized for disposal by Congress, pursuant to the Stock Piling Act of 1979 50 U.S.C., et. seq..

g. *Timetable:* Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

19a. Title: Intergovernmental Review of GSA Programs

b. *Agency Contact:* Robert McKinnon, Director, Special Projects Staff, General Services Administration (DX), Washington, DC 20405 (202–535–7210).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101.

e. *Legal Authority:* EO 12372, July 14, 1982.

f. *Abstract:* This regulation will promote intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed GSA financial assistance and direct Federal development.

g. *Timetable:*

NPRM—January 15, 1983.
Expected issue date for final rule: April 30, 1983.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: Utilization, Donation, Sale, Abandonment or Destruction of Hazardous Materials

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–43, 41 CFR 101–44, 41 CFR 101–45, 41 CFR 101–46, 41 CFR 101–48, 41 CFR 101–49.

e. *Legal Authority:* Sec. 505(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Revisions and additions to existing rules are proposed to establish a separate regulatory section concerning the utilization, donation, sale, abandonment or destruction of hazardous materials.

g. *Timetable:* April 1983.

h. *Priority Regulation:* No.

2a. Title: Utilization and Disposal of Personal Property Pursuant to Exchange/Sale Authority

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–46.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* With the advent that GAO is revising Title 7—Fiscal Procedures of its "Policy and Procedures Manual for Guidance of Federal Agencies," existing regulations may have to be revised to conform with GAO's recommendations.

g. *Timetable:* Awaiting publication of GAO's draft regulations.

h. *Priority Regulation:* No.

3a. Title: Miscellaneous Changes To Reflect the Regional Consolidation for the Utilization and Disposal Programs

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–43, 41 CFR 101–44, 41 CFR 101–45, 41 CFR 101–46, 41 CFR 101–48, 41 CFR 101–49.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 483.

f. *Abstract:* Miscellaneous changes to reflect the regional consolidation.

g. *Timetable:* Draft to be revised pending merger into FSS; April 1983.

h. *Priority Regulation:* No.

4a. Title: Utilization of Nonappropriated Fund Property

b. *Agency Contact:* Mr. Stanley M. Duda, Director, Utilization Division, General Services Administration (DPU), Washington, DC 20405 (202–535–7048).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–43.

e. *Legal Authority:* Sec. 202(a), 63 Stat. 390; 40 U.S.C. 483(a).

f. *Abstract:* Defines nonappropriated fund property as nonreportable and introduces other miscellaneous changes.

g. *Timetable:* Expected date for completion of review—April 1983.

h. *Priority Regulation:* No.

5a. Title: Delegation of Mineral Rights Disposal Authority

b. *Agency Contact:* James Kearns, Environmental Staff Officer, Technical Services and Surveys Division, General Services Administration (DRT), Washington, DC 20405 (202–535–7081).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.603.

e. *Legal Authority:* Section 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulation are being reviewed for a possible delegation of authority to the Department of the Interior (DOI) to dispose of (a) mineral rights associated with Federal real property and (b) mineral rights by the Government on formerly owned Federal real property. By utilizing DOI's expertise and experience in this area, the Government eliminates expensive and time-consuming instances of duplication of effort and financial resources.

g. *Timetable:* Expected date for completion of review—December 1982.

h. *Priority Regulation:* No.

6a. Title: The Department of the Interior Use of Standard Form 118 and Appropriate Schedules To Notify GSA of Reversions of Title

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Services Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–47.308–3 and 101–47.308–7.

e. *Legal Authority:* Section 205(c), 63 Stat. 340; 40 U.S.C. 486(c).

f. *Abstract:* The Federal Property Management Regulations currently provides only for Department of the Interior letter notification of pending reversions of title. Use of Standard Form 118 as the notification medium will result in a significant savings in GSA resources required to screen and dispose of the reverted property.

g. *Timetable:* Expected date for completion of review—February 1983.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: Section 414 Transfers

b. *Agency Contact:* James H. Pitts, Director, Special Programs Division, General Service Administration (DRP), Washington, DC 20405 (202–535–7067).

c. *Effect on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Parts 101–47.203–5(b), (c), and (d); 101–47.204–1(a) and (b); and 101–47.308–6.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* These regulations concerning procedures for transfers of surplus real property for low and moderate incoming housing under the authority of section 414 of the Housing and Urban Development Act of 1969 were revised to implement Public Laws 95–557 and 96–399. Public Law 95–557 expands the scope of eligible housing assistance programs under section 414 dispositions, provides exceptions to the "veto power" of local governing bodies over dispositions to non-public bodies, and reduces the period of use restrictions in the case of dispositions to non-public bodies from 40 to 30 years. Public Law 96–399 amends section 414 to permit transfers of surplus real property to the Secretary of Agriculture in addition to the Secretary of the Department of Housing and Urban Development.

g. *Timetable:* Final Rule—August 25, 1982 (47 FR 37175).

h. *Priority Regulation:* No.

2a. Title: Sale of Personal Property by Holding Agencies Where Estimated Proceeds of Sale Will Not Exceed $1,000

b. *Agency Contact:* Milton L. Herman, Chief, Sales Management Branch, General Services Administration (DPSM), Washington DC 20405)202–535–7000).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–45.1.

e. *Legal Authority:* 40 U.S.C. 484, Section 203(b).

f. *Abstract:* This regulation increases the dollar limitation where holding activities, after notification to the appropriate GSA regional office, may elect to sell small lots of personal property when estimated proceeds sale will not exceed $1,000.

g. *Timetable:* Final Rule—August 25, 1982 (47 FR 37175).

h. *Priority Regulation:* No.

FEDERAL SUPPLY SERVICE

Current and Projected Rulemakings

1a. Title: Management of Personal Property

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101, Subchapter E Appendix.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Significant savings can be achieved by reducing Federal expenditures for items of personal property. An effective means of reducing expenditures for personal property is through effective property management. This regulation is the initial step in establishing a Government-wide personal property management program. The regulation provides general policy on the management of personal property and requires executive agencies to provide GSA with an agency contact for communications concerning management of personal property. This regulation will enable agencies to reduce support costs through effective property management.

g. *Timetable:* Expected date for final rule: November 1982.

h. *Priority Regulation:* No.

2a. Title: Sources of Supply

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* From the inquiries received by GSA, it is apparent that the FPMR need to be clarified concerning the priorities that agencies are to follow in determining the source from which to obtain an item of supply or service. This regulation will ensure that agencies obtain needed items from the appropriate source. This will result in lower overall acquisition costs for the Government.

g. *Timetable:* Expected date for final rule: January 1983.

h. *Priority Regulation:* No.

3a. Title: Unit of Issue

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101, Subchapter E, Appendix.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* At present, there is no policy to guide civilian agencies on the assignment and maintenance of units of issue of supply items. This regulation corrects that deficiency by providing the appropriate policy and criteria. This regulation reflects policy recommendations that were developed by representatives from GSA and DOD. Promulgation will enable agencies to properly and economically assign and maintain units of issue.

g. *Timetable:* Expected date for final rule: March 1983.

h. *Priority Regulation:* No.

4a. Title: GSA Self-Service Stores

b. *Agency Contact:* Donald E. Boldt, Acting Director, Distribution Management Division, General Services Administration (FSM), Washington, DC 20406 (703–557–7580).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101, Subchapter E Appendix.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* To prevent abuses in the use of GSA self-service stores, it is necessary that restrictions be made on purchases from the stores. This regulation will provide the necessary restrictions and as a result will help to ensure that items purchased from self-service stores are for official use only.

g. *Timetable:* Excepted date for final rule: October 1982.

h. *Priority Regulation:* No.

5a. Title: Procurement and Requisitioning of Supplies and Services

b. *Agency Contact:* Walter Eckbreth, Director, Policy and Procedures Division, General Services Administration (FCP), Washington, DC 20406 (703–557–0536).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–29.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The Acquisition and Distribution of Commercial Products (ADCoP) policy prescribed by the Office of Federal Procurement Policy are not presently covered in the FPMR and will help to ensure that agencies conform to the ADCoP policy.

g. *Timetable:* Expected issue date for final rule—January 1983.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: Subpart 101-25.1—General Policies

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–25.1.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–25.1 provides general policies covering supply management by executive agencies. A review of this subpart is appropriate to determine which sections need to be updated. The sections dealing with tires are particularly in need of review because there have been changes in policy on the acquisition of tires that are not reflected in the sections.

g. *Timetable:* Expected date for completion of review: December 1982.

h. *Priority Regulation:* No.

2a. Title: Subpart 101-26.1—General

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.1.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–26.1—General, contains regulations of a general nature relating to sources from which agencies are to obtain items of supply or services. A review of this subpart is necessary to explore all possibilities for making changes that could reduce overall costs for the acquisition by Government agencies of the types of goods and services management by GSA.

g. *Timetable:* Expected date for completion of review: February 1983.

h. *Priority Regulation:* No.

3a. Title: Subpart 101-26.3—Procurement of GSA Stock Items

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.3.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–26.3 prescribes policy and procedures on obtaining items from or through the GSA stock program. A review of this subpart will determine if changes can be made that will improve the GSA stock program. Particular attention will be focused on GSA's substitution policy to ensure that substitution is made to the maximum extent practicable provided the substitute items are acceptable to the ordering activities. This will reduce the costs associated with backordering items that are out of stock.

g. *Timetable:* Expected date for completion of review: April 1983.

h. *Priority Regulation:* No.

4a. Title: Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.4.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–26.4 provides policy and procedures relating to purchases of items through Federal Supply Schedule contracts. A review of this subpart will be made to determine how the use of Federal Supply Schedules can be increased by the requirements in the regulations with a resulting decrease in the dollar value of items purchased from noncontract sources. Changes made in the regulations pursuant to this study could result in savings to agencies by expanding the use of Federal Supply Schedules and thereby reduce acquisition costs.

g. *Timetable:* Expected date for completion of review: June 1983.

h. *Priority Regulation:* No.

5a. Title: Subpart 101-26.5—GSA Procurement Programs

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–26.5.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–26.5 prescribes policies and procedures relating to GSA procurement programs other than the GSA stock program, Federal Supply Schedule program, and procurement of automatic data processing equipment and related services. A review of this subpart will be made to determine how these regulations can be simplified so as to encourage the use of these programs. Expanded use of these programs could result in savings for the Government.

g. *Timetable:* Expected date for completion of review: August 1983.

h. *Priority Regulation:* No.

6a. Title: Subpart 101-27.5—Return of GSA Stock Items

b. *Agency Contact:* Robert A. Renner, Director, Regulations Management Division, General Services Administration (FFY), Washington, DC 20406 (703–557–7990).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–27.5.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Subpart 101–27.5 provides policy and procedures for the return of stock items to GSA for credit. A review of this subpart will be made to determine if the current minimum line item dollar values required for items to be eligible for return to GSA for credit are sufficient to prevent the return of items when it is not economical.

g. *Timetable:* Expected date for completion of review: September 1983.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: Adjustments

b. *Agency Contact:* James W. Jeremiah, Director, Requisition Management Division, General Services Administration (FSR), Washington, DC 20406 (703–557–8570).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Chapter 101, Subchapter E Appendix

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation raised the minimum line item dollar values required for reporting shipping-type discrepancies and for the processing of billing adjustments. The regulation was necessary to eliminate the reporting of discrepancies and processing of billing adjustments when it is not economically feasible.

g. *Timetable:* This regulation was effective on May 13, 1982.

h. *Priority Regulation:* No.

NATIONAL ARCHIVES AND RECORDS SERVICE

Current and Projected Rulemakings

1a. Title: Procedures for Transfer of Records to a Federal Records Center

b. *Agency Contact:* Linda N. Brown, Acting Assistant Archivist for Federal Records Centers, General Services Administration (NC), Washington, DC 20408 (202–724–1592).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.410–2.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Currently, all records with a final disposition approved by the National Archives are accepted for storage at the Federal records centers (FRC's). FRC's have been required to contact agencies repeatedly concerning those records series whose disposal is contingent on an event which occurs at unspecified intervals. In addition, FRC's have accepted records having a retention period of as little as one year, and records eligible for disposal but required to be retained under the provisions of agency-imposed and court-ordered freezes. Because of budget reductions and space problems the accessioning policy requires some changes. This regulation requires authorization from the Office of Federal Records Centers prior to retiring records without an established date of disposition to FRC's, and eliminates the acceptance of records, otherwise eligible for disposal, that must be retained as a result of agency or court-ordered freezes.

g. *Timetable:* Expected issue date for final rule: December 1, 1982.

h. *Priority Regulation:* No.

2a. Title: Methylene Blue Testing

b. *Agency Contact:* Alan Calmes, Director, Preservation Services Division, General Services Administration (NTP), Washington, DC 20408 (202–523–3159).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.506–3.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Regulations concerning microforms of permanent records where the original will be disposed of require that microforms shall be processed so that the residual thiosulfate ion concentration will not exceed 0.7 microgram per square centimeter in a clear area. Agencies must meet this requirement by either performing the methylene blue test or using commercial testing services in accordance with specifications in ANSI PH4.8–1978. The reimbursable methylene blue testing service provided by GSA is no longer self-supporting because the salary costs alone are greater than the income derived from the testing service. Since the service is available from commercial sources, it is not cost-effective for GSA to maintain this service. This regulation deletes the requirement that agencies obtain methylene blue testing service from GSA when the agencies do not have their own facilities for testing.

g. *Timetable:* Expected issue date for final rule: November 30, 1982.

h. *Priority Regulation:* No.

3a. Title: Declassification and Public Access to National Security Information

b. *Agency Contact:* Adrienne C. Thomas, Director, Management Analysis Division, General Services Administration (NAA), Washington, DC 20408 (202–523–3214).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.32.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This rule will revise the procedures for the declassification of and public access to national security information in the legal custody or under the declassification jurisdiction of the National Archives and Records Service (NARS). This revision is required by the signing of Executive Order 12356 of April 2, 1982 (National Security Information) and the issuance of the Information Security Oversight Directive Number 1 of June 22, 1982. This rule will affect the process for the mandatory declassification review of classified records by NARS.

g. *Timetable:* Expected issue date for NPRM: November 15, 1982.

Expected issue date for final rule: February 1, 1983.

h. *Priority Regulation:* No.

4a. Title: Federal Advisory Committee Management

b. *Agency Contact:* Adrienne C. Thomas, Director, Management Analysis Division, General Services Administration (NAA), Washington, DC 20408 (202–523–3214).

c. *Effects on Small Business and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–6.10 and 101–11.12.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Pub. L. 92–463, and 5 U.S.C. App.1.

f. *Abstract:* This regulation will revise and consolidate existing procedures for managing Federal executive branch advisory committees that are contained in 41 CFR 101–11.12 and Office of Management and Budget Circular A–63 and A–63 Transmittal Memoranda 1, 4, and 5. The regulation will meet the need for additional procedures and guidance to Federal agencies in the area of advisory committee management, enabling GSA and the agencies to carry out the requirements of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 1).

g. *Timetable:*

ANPRM: November 22, 1979 (44 FR 66852).

NPRM: August 21, 1980 (45 FR 55769).

Expected issued for second NPRM: March 30, 1983.

Expected issued for final rule: September 30, 1983.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: Disposition of Federal Records

b. *Agency Contact:* Adrienne C. Thomas, Director, Management Analysis Division, General Services Administration (NAA), Washington, DC 20408 (202–523–3214).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.4.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The National Archives and Records Service is undertaking a review of its records appraisal and disposition policies and procedures. As part of this review, existing regulations on records disposition (41 CFR 101–11.4) will be evaluated for possible changes.

g. *Timetable:*

Completion of review: June 1983.

Further rulemaking actions, such as NPRM, are dependent on the result of the review.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: Agency Records Centers

b. *Agency Contact:* Linda N. Brown, Acting Assistant Archivist for Federal Records Centers, General Services Administration (NC), Washington, DC 20408 (202–724–1592).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–11.412.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The rules on agency records centers were revised to update certain firesafety requirements, to change the time frame for submitting reports for agency records centers from 60 to 30 calendar days following each fiscal year, and to clarify coverage of the regulations.

g. *Timetable:* The final rule appeared on August 11, 1982 (47 FR 34787).

h. *Priority Regulation:* No.

PUBLIC BUILDINGS SERVICE

Current and Projected Rulemakings

1a. Title: Federal Space Management

b. *Agency Contact:* Paul H. Herndon III, Director, Space Management Division, General Services Administration (PRM), Washington, DC 20405 (202–566–1875).

c. *Effects on Small Businesses and Other Entities:* None

d. *CFR Citation:* 41 CFR Parts 101–17 and 101–18.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation suspends those portions of Part 101–17, Assignment and Utilization of Space, and 101–18, Acquisition of Real Property, of the Federal Property Management Regulations which require that priority consideration be given to locating Federal agencies in central business areas. The economic and operational impact of the regulations will be reassessed, and if warranted, changes will be proposed as appropriate.

g. *Timetable:* Expected issue date for final rule—September 15, 1982.

h. *Priority Regulation:* Yes. (Presidential Task Force on Regulatory Relief).

2a. Title: Uniform Federal Accessibility Standard

b. *Agency Contact:* John R. Weber, Architect, Design Programs Branch, General Services Administration (PCDP), Washington, DC 20405 (202–566–1673).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–19.

e. *Legal Authority:* Sec 2; 42 U.S.C. 4151 et. seq.

f. *Abstract:* This proposed rule will consolidate four differing handicapped accessibility standards prescribed by GSA, HUD, DOD, and USPS into a single, government-wide standard. In addition, this proposed rule will conform accessibility standards to the recently issued "Minimum Guidelines and Requirements for Accessible Design" published by the Architectural and Transportation Barriers Compliance Board (29 U.S.C. 792).

g. *Timetable:*

NPRM—November 1982.

Expected issue date for final rule: March 1983.

h. *Priority Regulation:* Yes. (Presidential Task force on Regulatory Relief).

3a. Title: Accommodations for the Physically Handicapped

b. *Agency Contact:* Kathleen Fields, Architectural Technician, Design Programs Branch, General Services Administration (PCDP), Washington, DC 20405 (202–566–0038).

c. *Effects on Small Businesses and Other Entitles:* None.

d. *CFR Citation:* 41 CFR Part 101–19.

e. *Legal Authority:* Sec. 6(2); 42 U.S.C. 4151, et. seq.

f. *Abstract:* This proposed rule is intended to resolve confusion caused by the existing regulation. The GSA Form 2974, Status Report for Federally Funded or Leased Buildings—Accommodations of Physically Handicapped, has been modified to incorporate the reporting aspects fo GSA From 2974A, Accessibility to the Physically Handicapped in Leased Buildings. In addition, the frequency of reporting is reduced from semiannually to annually.

g. *Timetable:* Expected issue date for final rule— June 1983.

h. *Priority Regulation:* No.

4a. Title: Improved Use of Federal Space and Facilities

b. *Agency Contact:* Paul H. Herndon III, Director, Space Management Division General Services Administration (PRM), Washington, DC 20405 (202–566–1875).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–17.

e. *Legal Authority:* Sec. 205(c), 63 Stat 390; 40 U.S.C 486(c).

f. *Abstract:* This proposed rule will require agencies to establish programs to improve utilization of space. In addition, it reduces the office space allowance in section 101–17.34 by approximately 20 percent and requires mandatory submission of new Standard Form 81A (formerly GSA Form 1476, Space Requirements Worksheet) with each Standard Form 81, Request for Space. This regulation is intended to reduce the total space utilization rate, which will result in a significant annual cost avoidance.

g. *Timetable:* Expected issued date for final rule: October 1982.

h. *Priority Regulation:* No.

5a. Title: Vehicle Parking Facilities

b. *Agency Contact:* Paul H. Herndon III, Director, Space Management Division, General Services Administration (PRM), Washington, DC 20405 (202–56–1875).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101–20.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* This regulation will codify the priorities contained in FPMR Temporary Regulation D–65 for the assignment of parking spaces at federally controlled facilities.

f. *Timetable:* Expected issue date for final rule—September 30, 1982.

g. *Priority Regulation:* No.

6a. Title: Management of Buildings and Grounds

b. *Agency contact:* James R. Boyd, Planning Specialist, Program Planning and Coordination Staff, General Services Administration (PSP), Washington, DC 20405 (202–566–0244).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101–20.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* GSA proposes to amend its regulations regarding the standard level of protective services provided to building occupants to provide a more definitive description of these services in keeping with current program emphasis.

g. *Timetable:* NPRM—September 1982.

Expected issue date for final rule: December 1982.

h. *Priority Regulation:* No.

7a. Title: Vending Stands Operated by Blind Persons

b. *Agency Contact:* George V. Lampman, Chief, Operational Services Branch, General Services Administration (PBRO), Washington, DC 20405 (202–566–0542).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Subpart 101–20.2.

e. *Legal Authority:* Public Law 93–516.

f. *Abstract:* Update the subpart to reflect the priorities and newly authorized provisions granted licensed blind vendors in GSA-controlled buildings by the Randolph-Sheppard Act Amendments of 1974 (Pub. L. 93–516).

Some specific provisions to be revised are the threshold criteria, site selection, notification procedure, sale of State lottery tickets, change of title from Department of Health, Education, and Welfare to read "Department of

Education," inclusion of agency policy regarding renovation of existing facilities, emphasis on assignment of vending machines to State licensing agencies (SLA), permits, operation of cafeterias by blind vendors, and reports.

The continued implementation of the Randolph-Sheppard Act in GSA-controlled buildings will not be of any significant increase in cost to the agency. The benefits, however, are significant. While the provision of essential services to Government employees are expanded and improved, the primary goal of the act, to provide remunerative employment for blind persons, is enhanced.

g. *Timetable:*

NPRM—FEBRUARY 28, 1983.

Expected issue date for final rule: June 30, 1983.

h. *Priority Regulation:* No.

Reviews of Existing Regulations

1a. Title: Conduct on Federal Property and Occasional Use of Public Areas in Public Buildings

b. *Agency Contact:* Tom Maxwell, Chief, Buildings Services Branch, General Services Administration (PBOB), Washington, DC 20405 (202-566-1563).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR 101-20.

e. *Legal Authority:* Pub. L. 566 and Pub. L. 94-541.

f. *Abstract:* Subpart 101-20.3, Conduct on Federal Property, and 101-20.7, Occasional Use of Public Areas in Public Buildings, govern the actions and activities of the general public while on Federal property. We plan to review these regulations to determine if they continue to be effective and if they present unreasonable costs to the Government and the public.

g. *Timetable:* Expected date for completion of review—October 30, 1982.

h. *Priority Regulation:* No.

Completed Actions

1a. Title: GSA Interim Accessibility Standard

b. *Agency Contact:* Kathleen Fields, Architectural Technician, Design Programs Branch, General Services Administration (PCDP), Washington, DC 20405 (202-566-0038).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101-19.

e. *Legal Authority:* Sec. 2; 42 U.S.C. 4151 et. seq.

f. *Abstract:* This temporary regulation extends the applicability of the GSA Interim Accessibility Standard until July 31, 1983, to permit time for development of the Uniform Federal Accessibility Standard.

g. *Timetable:* Published in **Federal Register** August 25, 1982 (47 FR 37173).

h. *Priority Regulation:* No.

TRANSPORTATION AND PUBLIC UTILITIES SERVICE

Current and Projected Rulemakings

1a. Title: Supplements to Federal Travel Regulations (FTR)

b. *Agency Contact:* Audrey Rish, Chief, Travel Regulations Branch, General Services Administration (TTPV), Washington, DC 20406 (202-275-0651).

c. *Effects on Small Businesses and Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101-7.

e. *Legal Authority:* Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* Supplements 4, 5, and 6 to the FTR are projected for publication. These supplements contain changes to the relocation allowances and entitlements for Federal employees transferred from one official duty station to another in the interest of the Government and changes to the allowances for travel to and from common carrier terminals during temporary duty travel—Supplement 4. Changes to revise the priority order of transportation to be used for official travel, delete the provisions requiring the use of Amtrak, expand the provisions governing handling of refunds due the Government for unused passenger transportation services, incorporate new regulations prescribing alternate methods for reimbursement of subsistence expense for extended training, provide new criteria for authorizing actual expense reimbursement for travel involving unusual circumstances and increase the dollar amounts above which receipts are required to support cash reimbursement claims—Supplement 5.

Incorporates changes to increase or decrease high rate geographical areas (HRGA) and make changes to privately owned vehicle (automobile, motorcycle, and airplane) based on results of cost investigations—Supplement 6.

g. *Timetable:* Expected issue date for final rules: Supplement 4, October 1, 1982; Supplement 5, October 15, 1982; Supplement 6, November 1982.

h. *Priority Regulation:* No.

Review of Existing Regulations

1a. Title: Transportation and Traffic Management

b. *Agency Contact:* John B. Millington, Chief, Transportation Regulations Branch, General Services Administration (TTPR), Washington, DC 20406 (202-275-0651).

c. *Effects on Small Businesses or Other Entities:* None.

d. *CFR Citation:* 41 CFR Part 101-40.

e. *Legal Authority:* Sec. 205(c) 63 Stat. 390; 40 U.S.C. 486(c).

f. *Abstract:* The revision to 41 CFR 101-40 will update policy and procedures that apply to the management of transportation matters affecting the Federal civilian executive agencies.

g. *Timetable:* Expected issue date for final rule: June 1983.

h. *Priority Regulation:* No.

Completed Actions:

None

[FR Doc. 82-27919 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXIV

International Development Cooperation Agency

Agency for International Development

Agency Regulatory Agenda Semiannual Summary

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

22 CFR Ch. II

Federal Regulations; Agency Regulatory Agenda Semiannual Summary

AGENCY: Agency for International Development, IDCA.

ACTION: Agency Regulations Agenda.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this Agenda as required by Section 5(a) of Executive Order 12291, Federal Regulation (46 FR 13193, February 19, 1981) and by the Regulatory Flexibility Act (Pub. L. 96–354, September 30, 1980). This agenda reports the status of those regulations currently under review and gives A.I.D.'s plan for the issuance of proposed regulations during the next six months. The agenda concerns regulations which would have a significant economic impact on a substantial number of small entities and the existing regulations under Agency review pursuant to E.O. 12291 which may be revised, revoked or continued without change. It is expected that the information provided in this agenda will enable the public to be more aware of, and more effectively participate in A.I.D.'s rulemaking process.

FOR FURTHER INFORMATION CONTACT:

General

For further information on the Agenda or the Review list, in general,

Contact: Mr. Joseph R. Ellis, Office of Management Planning, Agency for International Development, Washington, D.C. 20523, Telephone (202) 235–2386.

Specific

For further information about any particular item on the Agenda, contact the individual listed as the contact for that item.

Regulatory Flexibility Act (RFA)

The Agency did not have any rulemaking activity over the last six months that fell within the requirements of RFA and does not anticipate any during the next reporting period.

Executive Order 12291

Status

The following regulations were listed in the April 1982 Agenda as being under review pursuant to Section 5(a) of Executive Order 12291:

1. Title—Registration of Agencies for Voluntary Foreign AID

Agency Contact—Mr. I. Austin Heyman, Deputy Director, Office of Private and Voluntary Cooperation, Bureau for Food for Peace and Voluntary Assistance, Agency for International Development, Washington, D.C. 20523; Telephone (202) 235–1623.

Effect on Small Business and other entities—None.

CFR Citation—22 CFR Part 203.

Legal Authority—Sec. 621, 75 Stat. 424, as amended: 22 U.S.C. 2381.

Abstract—As the Agency noted in its April Agenda, April 27, 1982, in 47 FR 18363, public comments on the effect of the proposed rule of Section 309 of the International Security and Development Cooperation Act of 1981, Pub. L. 97–113 regarding registration of agencies for voluntary foreign aid were being circulated internally after which the Agency expected to issue a revised proposed regulation.

Timetable—The revised Regulation should be issued in October 1982.

2. Title—Non-Discrimination in Federally Assisted Programs of the Agency for International Development,—Effectuation of Title VI of the Civil Rights Act of 1964

Agency Contact—Nancy Frame, Office of the General Counsel, Agency for International Development, Washington, D.C. 20523; Telephone (202) 632–8218.

Effect on Small Businesses and other Entities—None.

CFR Citation—22 CFR Part 209.

Legal Authority—Sec. 602, 78 Stat. 252, and Sec. 621 of the Foreign Assistance Act of 1961, 75 Stat. 445; 22 U.S.C. 2402.

Abstract—AID is consulting with the Department of Justice regarding implementation under AID-financed programs.

3. Title—Public Information

Agency Contact—Mr. Rhea Johnson, Office of Public Affairs, Agency for International Development, Washington D.C. 20523, Telephone (202) 632–9614.

Effect on Small Businesses and other Entities—None.

CFR Citation—22 CFR Part 212.

Legal Authority—Pub. L. 89–487, 80 Stat. 250 as amended by Pub. L. 93–502, 88 Stat. 1561 (5 U.S.C. 552).

Abstract—The regulation is being reviewed within the Agency to determine whether a modification is necessary. Further action will be determined by congressional determination on the future requirements of the Act.

4. Title—Regulation for Implementation of Privacy Act of 1974

Agency Contact—Mr. Rhea Johnson, Office of Public Affairs, Agency for International Development, Washington, D.C. 20523 Telephone (202) 632–9614.

Effects on Small Businesses and Other Entities—None.

CFR Citation—22 CFR Part 215.

Legal Authority—Pub. L. 93–579; U.S.C. 552a; 88 Stat. 1896

Abstract—The regulation has been reviewed within the Agency and will be published for public comment.

Dated: September 16, 1982.

John F. Owens,

Deputy Assistant to the Administrator for Management.

[FR Doc. 82–27920 Filed 10–27–82; 8:45 am]

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Thursday
October 28, 1982

Part XXV

National Aeronautics and Space Administration

Regulatory Agenda

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Ch. V

Regulatory Agenda

AGENCY: National Aeronautics and Space Administration.

ACTION: Regulatory Agenda.

SUMMARY: This regulatory agenda describes the proposed regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

ADDRESS: Director, Logistics Management and Information Programs Division, (Code NIM-12) Office of Management, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202-755-3140.

SUPPLEMENTARY INFORMATION: OMB Bulletin No. 82-16, "Unified Agenda of Federal Regulations," Executive Order 12291, "Federal Regulations," and NASA Management Instruction 1410.10D, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a regulatory agenda of proposed regulations under development and review be published in the **Federal Register** each October and each April.

James M. Beggs,
Administrator.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION REGULATORY AGENDA

Title	Agency contact	Effects on small entities; RFA	CFR Citation	Legal authority	Abstract	Timetable	Reg. analysis required
Current/Projected							
Space Transportation System (STS) Insurance Indemnification Requirements.	Robert J. Wojtal, Office of General Counsel, Code GK, NASA Headquarters, Washington, DC 20546, 202/755-3160.	No	14 CFR, Part 1214, Subpart 13.	Pub. L. 96-48	Describes the policy on when users of the Space Transportation System must obtain financial protection against third-party claims and the conditions under which NASA will provide insurance or indemnification of users.	Proposed rule published in Federal Register, Vol. 45, No. 219, Nov. 10, 1980. Comments were received from several individuals. Expect a final rule to be published in next 3 months.	No
Space Transportation System; Reimbursement for Spacelab Services.	Robert Hallermann, Office of Space Flight, Code M, NASA Headquarters, Washington, DC 20546, 202/755-2344.	No	14 CFR, Part 1214, Subpart 8.	42 U.S.C. 2473	Describes the policy for Spacelab services provided by NASA to user for the next 3 years.	Final rule to be published in 6 months.	No
Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance.	Richard N. Wolf, Office of General Counsel, Code GK, NASA Headquarters, Washington, DC 20546, 202/755-3160.	No	14 CFR, Part 1252, Subpart 1.	Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101 et seq.; (45 CFR Part 90).	Sets forth NASA's policies to implement the procedures under the Age Discrimination Act of 1975.	Final rule to be submitted for publication within 3 months.	No
Tracking and Data Relay Satellite Systems (TDRSS) Use and Reimbursement Policy for non-U.S. Government Users.	Robert O. Aller, Director, TDRSS, Program, Code TX, Office of Space Tracking and Data Systems, NASA Headquarters, Washington, DC 20546, 202/755-2341.	No	14 CFR, Part 1215	Sec. 203, Pub. L. 85-568, 72 Stat. 429, as amended (42 U.S.C. 2473).	This proposed rule establishes an equitable basis for use of and reimbursement for TDRSS and service by non-government users.	Proposed rule published in 47 FR 35228-35232, August 13, 1982. Comments requested by October 12, 1982.	No
Equal Access to Justice Act.	Sara Najjar, Office of General Counsel, Code GS, Washington, DC 20546, 202/755-3520.	No	14 CFR, Part 1262	Pub. L. 96-481 94 Stat. 2325, Oct. 21, 1980 (5 U.S.C. 504).	Implements the Act in Agency proceedings which are adversary adjudications, in accordance with model regulations of the Administrative Conference of the United States.	Interim Rule with request for comment published at 47 FR 3758, Jan. 27, 1982. Interim rule effective Oct. 1, 1981. To remain as interim rule pending further legislative/judicial developments.	No
Completed							
Coordination of NASA Facilities Planning Projects.	Margaret M. Herring, Office of Management, Code NIM, NASA Headquarters, Washington, DC 20546, 202/755-3140.	No	14 CFR, Part 1204, Subpart 15.	National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2451 et seq.). Procedures for implementing the provisions of the NEPA; OMB Circular A-95; Coastal Zone Management Act of 1972; Floodplain and Wetlands Management; Title IV of Intergovernment Coop Act of 1968; and Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.	Establishes policy and procedures for coordinating NASA facilities planning or projects with states, areawide, and local planning authorities and clearinghouses. 14 CFR 1204.15 is amended by revising the Authority paragraph; it updates citations and includes the coordination requirements of 14 CFR 1216.3, 14 CFR 1204.11, and 14 CFR 1216.2.	Final rule published in 47 FR 15767, April 13, 1982.	No

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION REGULATORY AGENDA—Continued

Title	Agency contact	Effects on small entities; RFA	CFR Citation	Legal authority	Abstract	Timetable	Reg. analysis required
Debriefing of Unsuccessful Companies in Competitive Negotiated Procurements.	John E. Horvath, Office of Procurement, NASA Headquarters, Washington, DC 20546, 202/755-2280.	No	14 CFR, Part 1204, Subpart 12.	42 U.S.C. 2473(c)(1)	Sets forth NASA policy and procedures for debriefing unsuccessful offerors in competitive negotiated procurements.	Final rule published in 47 FR 14893-14894, April 7, 1982.	No
Statement of NASA Organization and General Information.	Margaret M. Herring, Office of Management, Code NIM, NASA Headquarters, Washington, DC 20546, 202/755-3140.	No	14 CFR, Part 1201	5 U.S.C. 552, as amended.	This rule was revised to reflect the recent merger and reorganization.	Final rule published in 47 FR 20571-20573, May 13, 1982.	No
Small Business Policy	Eugene Rosen, Office of Small and Disadvantaged Business Utilization, NASA Headquarters, Washington, DC 20546, 202/755-2288.	No	14 CFR, Part 1204, Subpart 4.	Section 221, Pub. L. 95-507, as amended, 28 U.S.C. 2671-2680, 42 U.S.C. 2473.	NASA revised its Small Business Policy to add the establishment of the "Office of Small and Disadvantaged Business Utilization".	Final rule published in 47 FR 18124-18125, April 28, 1982.	No

[FR Doc. 82-27921 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXVI

National Foundation on the Arts and the Humanities

Semiannual Agenda of Regulations

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NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Ch. XI

Semiannual Agenda of Regulations

AGENCY: National Endowment for the Humanities.

ACTION: Publication of the Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, and Executive Order 12291, "Federal Regulation," dated February 17, 1981 the National Endowment for the Humanities is required to publish in April and October of each year an agenda of proposed regulations that the Endowment has issued or expects to issue and current rules that are under agency review.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen J. McCleary, Deputy General Counsel, National Endowment for the Humanities, 806 15th Street, NW., Washington, D.C. 20506, 202–724–0367.

CURRENT AND PROJECTED RULEMAKINGS

(1) Title. Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance From NEH.

(2) *Agency Contact.*

Name: Ms. Carol M. Gordon
Title: Director, Office of Equal Opportunity
Address: National Endowment for the Humanities, Office of Equal Opportunity 806 15th Street, NW., Washington, D.C. 20506 (202) 724–0331

(3) *Effects on Small Businesses and Other Entities.* This regulation is not a "major rule," nor would it have a significant economic impact on a substantial number of small entities.

(4) *CFR Citation.* 45 CFR Part 1172

(5) *Legal Authority.* Age Discrimination Act of 1975, Pub. L. 94–135, 42 U.S.C. 6101 *et seq.*

(6) *Abstract.* This regulation will prohibit discrimination on the basis of age in programs or activities receiving financial assistance from the National Endowment for the Humanities.

(7) *Timetable.* Notice of proposed rulemaking was published October 4, 1979.

(1) Title. Nondiscrimination on the Basis of Sex

(2) *Agency Contact.*

Name: Ms. Carol M. Gordon
Title: Director, Office of Equal Opportunity
Address: National Endowment for the Humanities Office of Equal Opportunity 806 15th Street, NW., Washington, D.C. 20506 (202) 724–0331

(3) *Effects on Small Businesses and Other Entities.* This regulation is not a "major rule," nor would it have a significant economic impact on a substantial number of small entities.

(4) *CFR Citation.* 45 CFR Part 1171

(5) *Legal Authority.* Title IX of the Education Amendments of 1972, Pub. L. 92–318, 20 U.S.C. 1681 *et seq.*

(6) *Abstract.* This regulation will prohibit discrimination on the basis of sex under any education program or activity receiving financial assistance from the National Endowment for the Humanities.

(7) *Timetable.* Notice of proposed rulemaking was published June 20, 1980. The final regulation is being drafted and will need approval by the Department of Justice and the Office of Management and Budget before it can be published.

REVIEW OF EXISTING REGULATIONS

(1) Title. Nondiscrimination on the Basis of Race, Color or National Origin Within NEH Funded Programs

(2) *Agency Contact.*

Name: Ms. Carol M. Gordon
Title: Director, Office of Equal Opportunity
Address: National Endowment for the Humanities, Office of Equal Opportunity, 806 15th Street, NW., Washington, D.C. 20506, (202) 724–0331

(3) *Effects on Small Businesses and Other Entities.* This regulation is not a "major rule," nor would have a significant economic impact on a substantial number of small entities.

(4) *CFR Citation.* Add 45 CFR Part 1175 in place of 45 CFR Part 1110

(5) *Legal Authority.* Title VI of the Civil Rights Act of 1964 Pub. L. 88–352, 42 U.S.C. 2000d *et seq;* Executive Order 12250 dated November 2, 1980; 28 CFR Part 42, Subpart F and § 50.3.

(6) *Abstract.* The regulation will be applicable only to National Endowment for the Humanities grantees. Modifications will be made in procedures and definitions.

(7) *Timetable.* The draft notice of proposed rulemaking is currently under review within the Endowment. It will be published after completion of that review and review by the Department of Justice, and the Office of Management and Budget.

(1) Title. Statement for the Guidance of the Public—Organization, Procedures and Availability of Information

(2) *Agency Contact.*

Name: Mr. Stephen J. McCleary
Title: Deputy General Counsel
Address: National Endowment for the Humanities, Office of the General Counsel, 806 15th Street, NW., Washington, D.C. 20506, (202) 724–0367

(3) *Effects on Small Businesses and Other Entities.* This regulation is not a "major rule," nor would have it a significant economic impact on a substantial number of small entities.

(4) *CFR Citation.* 45 CFR Part 1100

(5) *Legal Authority.* Freedom of Information Act, 5 U,S.C. 552(a)(4)(A)

(6) *Abstract.* The revised regulation will clarify the fees charged for document search and duplication.

(7) *Timetable.* The notice of proposed rulemaking is expected to be published before March 1983.

William J. Bennett,
Chairman.

[FR Doc. 82–27922 Filed 10–27–82; 8:45 am]

BILLING CODE 7536–01–M

federal register

Thursday
October 28, 1982

Part XXVII

National Science Foundation

Semiannual Regulations Agenda

NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Federal Regulation; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of Semiannual Regulations Agenda.

SUMMARY: The National Science Foundation (NSF) publishes its semiannual agenda of regulations under development or review as required by Executive Order 12291, Federal Regulation (46 FR 13193, February 17, 1981). This agenda has been prepared in accordance with OMB Bulletin No. 82–16, Unified Agenda of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Gail McHenry, Division of Personnel and Management, National Science Foundation, Washington, D.C. 20550, (202) 357–9520.

A. CURRENT AND PROJECTED RULEMAKINGS

Title: Age Discrimination Regulations

Agency Contact: Perry W. Hooks, Office of Equal Opportunity, (202) 357–9819.

Effects on Small Business and Other Entities: This rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601 (6)).

CFR Citation: 45 CFR Proposed Part 605.

Legal Authority: Section 11 of the NSF Act; The Age Discrimination Act of 1975 (42 U.S.C. 6101 et. seq.).

Abstract: These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, have been developed in coordination with the Department of Health and Human Services (HHS). HHS regulations were published on June 12, 1979, but NSF regulations have been delayed pending clearance by HHS.

Timetable: The regulations will be published, but the time is uncertain.

Title: Civil Rights—Title VI Regulations

Agency Contact: Perry W. Hooks, Office of Equal Opportunity, (202) 357–9819.

Effects on Small Business and Other Entities: This rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601 (6)).

CFR Citation: 45 CFR Part 611.

Legal Authority: Section 11 of the NSF Act and Title VI of the Civil Rights Act of 1964.

Abstract: These regulations prohibit discrimination on the basis of race, color, or national origin in all NSF-assisted programs. The Foundation is considering minor changes recently suggested by the Department of Justice. If such changes are adopted, they will be published in the **Federal Register.** However, no decision has yet been made with respect to the changes and consequently any publication date.

Timetable: Undetermined.

Title: Regulations Governing Consultation with State and Local Governments

Agency Contact: Ruth L. Greenstein, Associate General Counsel for Policy, (202)–357–9438.

Effects on Small Business and Other Entities: This rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

CFR Citation: 45 CFR Part 660.

Legal Authority: Intergovernmental Cooperation Act of 1968 (42 U.S.C 4231(a) and 3 U.S.C 301); Exec. Order No. 12372 (July 1982); and OMB Bulletin No. 82–15 (July 19, 1982).

Abstract: These regulations, required by OMB Bulletin 82–15, will provide NSF procedures for required consultation with state and local governments on federally assisted programs and projects.

Timetable: Regulations will be issued no later than April 30, 1983.

B. REVIEWS OF EXISTING REGULATIONS

None.

C. Completed Actions.

Title: Handicapped Regulations

Agency Contact: Perry W. Hooks, Office of Equal Opportunity, (202) 357–9819.

CFR Citation: 45 CFR Part 615.

Legal Authority: Section 11 of the NSF Act; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Abstract: These final regulations, which prohibit discrimination on the basis of physical handicap in all Foundation-assisted programs, were published in the **Federal Register.** on March 1, 1982.

Title: Conflict of Interest Regulations

Agency Contact: Martin Lefcowitz Esq., Office of the General Counsel, (202) 357–9580.

CFR Citation: 45 CFR Part 600.

Legal Authority: Section 11 of the NSF Act; Executive Order 11225; 5 CFR Part 735.

Abstract: These regulations govern the conduct of NSF employees and officers and special Government employees. On July 26, 1982, these final regulations were published in the **Federal Register.**

Dated: September 24, 1982.

John B. Slaughter,

Director.

[FR Doc. 82–27923 Filed 10–27–82; 8:45 am]

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Part XXVIII

Office of Management and Budget

OMB Circulars Included in the Semiannual Agenda of Upcoming Activities

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Ch. III

Federal Regulations; OMB Circulars Included in the Semiannual Agenda of Upcoming Activities

AGENCY: Office of Management and Budget.

ACTION: Publication of semiannual agenda.

SUMMARY: The Office of Management and Budget is publishing its semiannual agenda of upcoming activities on OMB Circulars. This action is in accordance with OMB's internal procedures for implementing Executive Order No. 12291. OMB Circulars are issued under authority derived from several sources including: the Budget Accounting Act of 1921, the Budget Accounting and Procedures Act of 1950, Executive Order No. 11541, and other specific authority as cited. The agenda may include actions on OMB Circulars which are not regulations, but which are of public interest.

OMB Circulars are directives that communicate significant government-wide policy of a continuing nature. For purposes of this agenda, we have included Circulars which are designed to implement, interpret, or prescribe law or policy or describe the procedure or practice requirements of an agency. Excluded are directives that outline procedures to be followed in connection with the President's budget and legislative programs, directives that affect only the internal functions, management or personnel of Federal agencies, and directives on procurement.

OMB is currently conducting an internal review of all OMB Circulars presently in effect, as part of the Reform 88 initiative. That review is being conducted in addition to the specific actions listed in this agenda and will be completed by December of 1982.

FOR FURTHER INFORMATION CONTACT: See agency person listed for each entry in the agenda, c/o Office of Management and Budget, 726 Jackson Place, Washington, D.C. 20503. On the overall agenda, contact Candice C. Bryant at the above address.

Candice C. Bryant,

Acting Deputy Assistant to the Director for Administration.

I. Current and Projected Rulemakings—Priority

Title: Federal Participation in the Development and Use of Voluntary Standards (Circular No. A-119)

Agency Contact: David F. Baker, Phone (202) 395-7207, Executive Assistant for Plans and Controls Office of Federal Procurement Policy.

Effect on Small Entities: Yes.

CFR Citation: Not applicable.

Timetable: Draft issued April 13, 1982 (47 FR 16919) Final planned October 1982.

Abstract: This proposed revision to OMB Circular No. A-119 incorporates four major changes from the current Circular: (1) Elimination of the "due process" criteria and the requirement that voluntary standards bodies adhere to those criteria as a prerequisite to Federal participation; (2) Expansion of the scope of the Circular to encourage Federal use of voluntary standards for regulatory and other purposes—not just procurement usage; (3) Elimination of the provisions relating to establishment of a voluntary dispute resolution service; and (4) Elimination of requirements that called upon the Secretary of Commerce to maintain a list of certifying voluntary standards bodies and to issue implementing procedures for agency use.

I. Current and Projected Rulemakings—Other

Title: Controlling Paperwork Burdens on the Public (Circular No. A-40)

Agency Contact: Arnold M. Strasser, Phone (202) 395-6880, Assistant Chief, Reports Management Branch Office of Information and Regulatory Affairs.

Effect on Small Entities: Yes.

CFR Citation: 5 CFR Part 1320.

Legal Authority: 44 U.S.C. 3516 (Paperwork Reduction Act of 1980, Pub. L. 96-511).

Timetable: NPRM published September 8, 1982 (47 FR 39515) Final rule expected December 1982.

Abstract: This proposed rule establishes policies and procedures for controlling paperwork burdens imposed on the public by Federal agencies. Among significant issues dealt with in the rule are: coverage and OMB authorities; public protection from complying with Federal collection of information not approved by OMB; public access and participation; and agency procedures for obtaining OMB approval. The rule will supersede OMB Circular No. A-40, dated May 3, 1973.

Title: Policies for Acquiring Commercial and Industrial Products and Services for Government Use (Circular No. A-76)

Agency Contact: Mary L. Carlson, Phone (202) 395-6810, Procurement Analyst, Office of Federal Procurement Policy.

Effect on Small Entities: Yes.

CFR Citation: Not applicable.

Timetable: Request for suggested changes published February 12, 1982 (47 FR 6511) Draft to be published November 1982.

Abstract: This change is intended to simplify the policy and procedures of the Circular and the associated handbook.

Title: Guidelines for the Use of Consulting Services (Circular No. A-120)

Agency Contact: Jack A. Nadol, Phone (202) 395-6803, Deputy Associate Administrator for Procurement Policy Development, Office of Federal Procurement Policy.

Effect on Small Entities: Yes.

CFR Citation: Not applicable.

Timetable: Draft published for comment January 11, 1982 (47 FR 1196) Final planned by February 1983.

Abstract: The revision is intended to tighten controls to ensure that only those consulting services that are necessary, appropriate and justified are acquired. It will establish additional policy and guidelines to be followed by executive branch agencies in determining and controlling the appropriate acquisition, management and use of consulting services.

II. Reviews of Existing Regulations—Other

Title: Audit of Federal Programs (Circular No. A-73)

Agency Contact: John P. Sheehan, Phone (202) 395-3993, Senior Systems Accountant, Financial Management Division.

Effect on Small Entities: No.

CFR Citation: Not applicable.

Timetable: Review is underway, to be completed by November 1982.

Abstract: The review will provide changes to the Circular that are needed to recognize the establishment of statutory inspector generals, passage of the Federal Managers Financial Integrity Act, and to accomodate changes recently made in OMB Circular No. A-50.

Title: Uniform requirements for grants to universities, hospitals, and nonprofit organizations (Circular No. A-110)

Agency Contact: Palmer Marcantonio, Phone (202) 395-4773, Senior Systems Accountant, Financial Management Division.

Effect on Small Entities: No.

CFR Citation: Not applicable.

Timetable: Review is underway, to be completed in November 1983.

Abstract: The review will develop proposed changes to the Circular needed to call for "single audit" of universities by auditors they choose as an alternative to detailed Federal auditing.

Title: Cost principles for nonprofit organizations (Circular No. A-122)

Agency Contract: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Effect on Small Entities: Yes.

CFR Citation: Not applicable.

Timetable: Review is underway, to be completed by December 1982.

Abstract: The review is to see whether the provisions of the Circular dealing with joint costs are adequate to protect the Federal interest.

Title: Internal Control Systems (Circular No. A-123)

Agency Contact: David J. Gribble, Phone (202) 395-4773, Senior Systems Accountant, Financial Management Division.

Effect on Small Business: No.

CFR Citation: Not applicable.

Legal Authority: Federal Managers Financial Integrity Act (Pub. L. 97-255).

Timetable: Review is underway, to be conpleted by December 1982.

Abstract: The review will develop proposed changes to the Circular needed to implement the reporting requirements of the Federal Managers Financial Integrity Act.

III. Completed Actions—Priority

Title: Evaluation, review, and coordination of Federal and federally assisted programs and projects (Circular No. A-95)

Agency Contact: Bill Cramer, Phone (202) 395-6911, Senior Management Analyst, Intergovernmental Affairs Division.

Action: The Circular was rescinded on July 19, 1982. (47 FR 30959).

Title: Agency Preparation of Urban and Community Impact Analyses (Circular No. A-116)

Agency Contact: Bill Cramer, Phone (202) 395-6911, Senior Management Analyst, Intergovernmental Affairs Division.

Action: The Circular was rescinded on March 9, 1982.

Title: Cost Sharing on Federal Research (FMC 73-3)

Agency Contact: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Action: The Circular was rescinded on June 23, 1981.

Title: Administration of College and University Research Grants (FMC 73-7)

Agency Contact: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Action: The Circular was rescinded on June 23, 1981.

III. Completed Actions—Other

Title: Cost Principles for Educational Institutions (Circular No. A-21)

Agency Contact: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Action: On July 23, 1982, the Circular was revised to modify the procedures for allocating salary costs and the rules dealing with the allowability of interest costs. (47 FR 33658)

Title: Internal Control Systems (Circular No. A-123)

Agency Contact: David J. Gribble, Phone (202) 395-4773, Senior Systems Accountant, Financial Management Division.

Action: The Circular was issued on October 28, 1982, to establish standards for agency systems of internal control, and to call for vulnerability assessments and internal control reviews of agency activities.

Title: Patents—Small Business Firms and Nonprofit Organizations (Circular No. A-124)

Agency Contact: Fred H. Dietrich, Phone (202) 395-6810, Associate Administrator for Procurement Policy Development, Office of Federal Procurement Policy.

Action: The Circular was issued on February 10, 1982, pursuant to Pub. L. 97-177. (47 FR 7556).

Title: Prompt Payment (Circular No. A-125)

Agency Contact: John J. Lordan, Phone (202) 395-6823, Deputy Associate Director for Financial Management.

Action: The Circular was issued on August 19, 1982, pursuant to Pub. L. 97-177. (47 FR 37321).

[FR Doc. 82-27926 Filed 10-27-82; 8:45 am]

BILLING CODE 3110-01-M

federal register

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October 28, 1982

Part XXIX

Office of Personnel Management

Regulatory Agenda

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Ch. I

Regulatory Agenda

AGENCY: Office of Personnel Management.

ACTION: Semiannual agenda of regulations.

SUMMARY: The following Office of Personnel Management regulations are scheduled for review or development from November 1, 1982, through October 31, 1983. This agenda carries out OPM's responsibilities to publish a semiannual agenda under E.O. 12291, Federal Regulation, and the Regulatory Flexibility Act (5 U.S.C. Chapter 6). This publication in the **Federal Register** does not impose a binding obligation on the Office of Personnel Management with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded.

FOR FURTHER INFORMATION CONTACT: Michael R. Sanera, Assistant Director, Office of Planning and Evaluation, (202)254–3134.

Office of Personnel Management.

Donald J. Devine,

Director.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New Item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
*P 1.5 CFR Part 831***.	Retirement	Omnibus Budget Reconciliation Act of 1982. Pub. L. 97–253.	Final regulations to implement changes in various parts of retirement regulations required by Reconciliation Act.	Interim regulations: 9/82. Final regulations: 4/83.	Mary Sugar, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., N.W., Washington, D.C. 20415 (202) 632–4634.	No.
*P 2.5 CFR Part 900, Subpart F.	Intergovernmental Personnel Act Programs.	42 U.S.C. 4728, 4763; E.O. 11589, 3 CFR 557 (1971–1975 compilation).	Modification of the Merit Standards for Personnel Administration. To ease Personnel Administrative burden placed on State and local governments by the merit system standards for personnel administration.	Proposed regulations published 5/11/82 (47 FR 20142); final regulations 11/82.	Michael Sanera, Assistant Director of Planning and Evaluation, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 254–3134.	No.
Non-Priority (Other)						
1.5 CFR Part 213**	Excepted Service	5 U.S.C. 3301, 3302; E.O. 12364, 47 FR 22931.	Technical amendment to the Schedule A appointing authority for the Presidential Management Intern Program to implement changes made by E.O. 12364 and to remove superfluous language from the basic appointing authority.	Final regulation published 7/2/82 (47 FR 28904); Target date for technical amendment 12/82.	William Bohling, Chief, Noncompetitive Staffing Branch, U.S. Office of Personnel Management, Staffing Group, 1900 E St., N.W., Room 6A12, Wash., D.C. 20415 (202) 632–6000.	No.
2.5 CFR Part 274	Corrective Actions	5 U.S.C. 1103	Proposed new regulation to establish procedures for OPM or agency initiated corrective actions, in cases of violations of Civil Service rules and regulations.	Target date for proposed regulation: 10/82.	Terry Evans, Personnel Management Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., N.W., Wash., D.C. 20415 (202) 632–5691.	No.
3.5 CFR Part 294 and 5 CFR Part 293.	Availability of Official Information, and Personnel Records.	Pub. L. 89–554 (Freedom of Information Act of 1966).	Agencies are required to publish regulations describing how to obtain information from them. Recent case law, internal agency reorganizations, and the passage of the Civil Service Reform Act require a number of changes in the OPM regulations to bring them up-to-date. In addition, the regulations on obtaining information from Official Personnel Folders are being moved to Part 293, which covers the maintenance of these folders.	Target date for proposed regulations 8/82 and final regulations: 12/82.	William C. Duffy, Chief, Information Systems Plans and Policies Branch, Room 6410, U.S. Office of Personnel Management, 1900 E St., N.W., Wash., D.C. 20415 (202) 632–7714.	No.
4.5 CFR Part 294**	Availability of Official Information.	Pub. L. 89–554 (Freedom of Information Act of 1966).	Agencies are required to publish fee schedules of charges for information under the Freedom of Information Act. We plan to review our fee schedule and update it to more accurately reflect the current costs of providing the information.	Target dates for proposed regulations: 3/83 and final regulations: 6/83.	do	No.
5.5 CFR 315 and 5 CFR 316**.	Career and Career-conditional Employment; Temporary and Term Employment.	E.O. 12362	Permit non-competitive appointment of certain former overseas employees to competitive civil service positions in the United States.	Interim regulations published 7/2/82 (47 FR 128) Target date for final: 2/83.	Ed McHugh, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632–6817.	No.
6.5 CFR Part 315 Subpart I.	Probationary Period for Managers and Supervisors.	5 U.S.C. 3321	Clarify the return rights of employees who are downgraded to supervisory positions and fail to satisfactorily complete the probationary period.	Target date for proposed regulations: 6/83.	Ellen Russell, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Development, Staffing Group; 1900 E St., NW., Wash., D.C. 20415 (202) 632–6817.	No.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New Item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
7.5 CFR Part 315**	Career and Career-Conditional Employment.	Pub. L. 98-70	Regulations to establish an authority under which persons having at least 1 year of service under the Panama Canal Employment System may be given noncompetitively Career-Conditional or Career appointments in the competitive Civil Service.	Proposed regulations published 9/24/82; Target date for final 2/83.	William Bohling, Chief, Noncompetitive Staffing Branch, U.S. Office of Personnel Management, Staffing Group, 1900 E St., NW., Room 6A12, Wash., D.C 20415 (202) 632-6000.	No.
8.5 CFR Part 317**	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service.	5 U.S.C. 3392, 3393, 3394, and 3397.	Proposed regulations to govern appointment actions in the SES, including establishment of qualification standards, agency recruitment and selection procedures for career appointments, operations of OPM Qualifications Review Boards, and completion of the one-year probationary period for career appointees. Regulations are intended to set forth basic staffing requirements to assure compliance with merit system provisions.	Target date for proposed regulations: 2/83.	Dennis Leber, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-5446.	No.
9.5 CFR Part 317	Appointment, Reassignment, Transfer, and Reinstatement in the Senior Executive Service.	5 U.S.C. 3392 and 3397.	Addition of a new subpart to implement 5 U.S.C. 3392(c) regarding the right of SES career appointees to retain certain SES provisions while serving under a Presidential appointment made by and with the advice and consent of the Senate. Regulations are needed to insure uniformity in the implementation of the law.	Target date for proposed regulations: 12/82.	Loretta Terando, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C., 20415 (202) 632-4695.	No.
10.5 CFR Part 317 Subpart G.	Appointment, Reassignment, and Reinstatement in the Senior Executive Service (SES Career Appointment by Reinstatement).	5 U.S.C. 3593 and 3595.	Final regulations on reinstatement to an SES career appointment following (a) voluntary separation from SES, or (b) separation from a Presidential appointment of a former SES career appointee. These reinstatements are authorized by law. The regulations set the procedures for implementing the law.	Interim regulations published 12/5/80 (45 FR 80468); target date for final: 12/82.	Hugh Strehle, Chief, Executive Personnel Programs, U.S. Officer of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-4625.	No.
11.5 CFR Part 332 Subpart C**.	Recruitment and Selection Through Competitive Examination.	5 U.S.C. 1302	Revise regulations to permit OPM to establish other circumstances under which a person's eligibility on a competitive register may be terminated. The change will allow OPM greater flexibility in removing inactive applications from its registers.	Proposed regulations: 12/82.	E. J. Komorous, Personnel Staffing Specialist, U.S. Office of Personnel Management, Staffing Group, 1900 E St., NW. 20415 (202) 632-6251.	No.
12.5 CFR Part 334**	Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible organizations.	5 U.S.C. 3376; E.O. 11589; 3 CFR 557 (1971-1975).	Addition of new section to provide for departmental-level approval of assignment agreements. The new section is expected to result in better cost control and more effective management of the program.	Target date for proposed regulations 11/82. Target date for final: 3/83.	Ardrey Harris, Chief, Faculty Fellows and Personnel Mobility Programs, U.S. Office of Personnel Management, Personnel Mobility Program, 1900 E St., NW. Room 7H31, Wash., D.C. 20415 (202) 632-5558.	No.
13. 5 CFR Part 339	Medical Qualification Requirements.	5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR.	Proposed regulation governing medical examinations of Federal employees, medical documentation, and agency filed disability retirement applications. The regulations would correct problems which have resulted from misuse of mandatory medical examinations, as well as dealing with problems arising from lack of regulation on medical documentation.	Target date for proposed regulation: 10/82.	Cynthia Field, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., NW. Wash., D.C. 20415 (202) 254-5517.	No.
14. 5 CFR Part 340	Other than Fulltime Career Employment.	5 U.S.C 3301, 3302	Addition of new subpart on seasonal, on-call and intermittent employment.	Proposed regulations published 6/8/82 (47 FR 110); target date for final: 1/83.	Ellen Russell, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy and Analysis and Development, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	No.

Part I.—List of Current and Projected Regulations Scheduled for Development Nov. 1, 1982 through Oct. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
15. 5 CFR Part 351	Reduction In Force: Identification of Employees for Transfer of Function.	5 U.S.C. 1302, 3503	Changes to clarify existing OPM policy pertaining to a transfer of function. The changes are intended to provide a method for identifying employees in transferring functions when there will be no continuing operations, or demotions/separations may be necessary in the area losing the function.	Proposed regulations: 12/82.	Leota Shelkey, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	No.
16. 5 CFR Part 351	Reduction in Force	5 U.S.C. 3501, 3502	Proposed regulations to clarify how veteran perference is used as a reduction-in-force retention factor. The regulations would assist agencies in properly determining employee retention standing.	Target date for proposed regulations: 10/82.	Thomas A. Glennon, Personnel Staffing Specialist, U.S. Office of Personnel Management, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	No.
17. 5 CFR Part 352	Reemployment Rights for SES Personnel.		This regulation would extend reemployment rights under this Part to SES personnel. The regulation is needed to correct an oversight which has resulted in the exclusion of SESers from coverage as originally intended.		Jonh Schultz, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	
18. 5 CFR Part 352	Reemployment Rights After Service with Panama Canal Commission.	Pub. L. 96-70, Section 1203(c).	Addition of new subpart on reemployment rights for Federal employees who accept assignment with Panama Canal Commission. The regulations are to implement section 1203 of Pub. L. 96-70 and will cover conditions under which employees are assigned to the Commission and returned to their former agency.	Proposed regulations published 1/8/82 (47 FR 956); target date for final: 12/82.	Leota Shelkey, Personnel Staffing Specialist, U.S. Office of Personnel Management, Office of Policy Analysis and Development, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-6817.	No.
19. 5 CFR Part 352	Reemployment Rights	2 U.S.C. 67a, E.O. 11788.	Add new subpart covering reemployment following service with the U.S. Senate Committee on Appropriations under provision of 2 U.S.C. 67a, delete Subpart F covering reemployment after service in the Economic Stabilization Program because applicable law has been repealed.	Target date for proposed regulations: 10/82.	William Bohling, Chief, Noncompetitive Staffing Branch, U.S. Office of Personnel Management, Staffing Group, 1900 E St., NW. Room 6A12, Wash., D.C. 20415 (202) 632-6000.	No.
20. 5 CFR Part 359	Removal, Reinstatement and Guaranteed Placement in the Senior Executive Service.	5 U.S.C. 1302, 3596	Final regulations on (1) the removal of SES career appointees during probation or for less than fully successful executive performance, (2) the removal of other than career appointees, (3) placement rights in other personnel systems of certain SES career appointees. These actions are authorized by law. The regulations establish procedures for implementing the law.	Interim regulations published 7/31/79 (44 FR 44815); target date for final: 12/82.	Ann Ugelow, Executive Personnel Representative, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-3782.	No.
21. 5 CFR Part 359 Subpart H.	Removal, Reinstatement, and Guaranteed Placement in the Senior Executive Service (Furloughs in the Senior Executive Service).	5 U.S.C. 3133 and 3136.	Final regulations on furloughs of career members of the Senior Executive Service. The regulations prescribe procedures to ensure that furlough actions are taken fairly and provide an appeal right to the Merit Systems Protection Board. They are needed because title 5 does not specify furlough procedures.	Interim regulations published 1/15/82 (47 FR 2283); target date for final: 12/82.	Neal Harwood, Personnel Management Specialist, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-7676.	No.
22. 5 CFR Part 359**	Removal, Reinstatement and Guaranteed Placement in the Senior Executive Service.	5 U.S.C. 3595 and [illegible].	Proposed regulations to add a new subpart to implement Pub. L. 97-35, August 13, 1981, which added provisions to title 5 to govern SES reduction-in-force actions affecting career executives. Regulations are needed to cover certain areas not in the law, such as notification to employees and retention of records, and to implement the provisions in the law dealing with OPM's responsibility to help place career executives identified for reduction-in-force.	Target date for proposed regulations: [illegible].	Hugh Strehle, Chief, Executive Personnel Programs, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-4625.	No.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
23. 5 CFR Part 410	Training	5 U.S.C. 4108	Final regulations to clarify procedures governing continued service agreements for employees who receive training in nongovernment facilities. Provides due process procedures when an agency recovers expenses from employee who fails to continue in service after training to protect agency heads from personal liability suits. Simplifies administration of continued service agreements making them less costly.	Proposed rules published 3/13/82 (47 FR 10855); target date for final: 11/82.	Constance Gollan, Employee Development Specialist, U.S. Office of Personnel Management, Training Policy Division, Room 200 T.C., P.O. Box 7230, Wash., D.C., 20044 (202) 653-6171.	No.
24. 5 CFR Part 412**	Executive and Management Development.	5 U.S.C. 3396(a); 3393(a).	Final regulation regarding exemption of agencies with 150 or fewer SES positions from the requirement to recruit at least governmentwide for their SES candidate development programs. Proposed rule removed exemption on basis that this would cause no undue burden to smaller agencies. OPM currently reconsidering proposal based on negative comments received from affected agencies.	Proposed rule change published 4/16/82 (47 FR 16341); target date for final: 10/82.	Loretta R. Flanders, Chief, Policy and Programs Development Branch, U.S. Office of Personnel Management, Office of Executive and Management Development, 1900 E St., NW., Wash., D.C. 20415 (202) 254-8800.	No.
25. 5 CFR Part 430**	Performance Appraisal	5 U.S.C. 4312–4315	Proposed regulations to add a new subpart to cover performance appraisals in the Senior Executive Service. Regulations are needed to assure agency compliance with law, to clarify certain provisions of law, and to carry out OPM's responsibility under the law to regulate specific agency activities, such as the establishment of Performance Review Boards.	Target date for proposed regulation: 2/83.	Hugh Strehle, Chief, Executive Personnel Programs, U.S. Office of Personnel Management, Office of Executive Personnel Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-4625.	No.
26.5 CFR Part 432	Reduction in Grade and Removal Based on Unacceptable Performance.	5 U.S.C. 4305	Proposed regulation clarifying agency's obligations when employee raises issue of health. The regulation would define agency and employee obligations to avoid costly reversals of actions based on unacceptable performance.	Target date for proposed regulation: 10/82.	Cynthia Field, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation 1900 E St., NW. Wash., D.C. 20415 (202) 254-5517.	No.
27.5 CFR Part 432 Subpart B**.	Reduction in Grade and Removal Based on Unacceptable Performance.	5 U.S.C. 4305	Revise regulations to permit agency to afford an employee the "opportunity to demonstrate acceptable performance" during the notice period of a Part 432 action, instead of requiring opportunity period to precede notice period. This will permit agencies to take warranted actions in a timely manner while preserving the right of the employee to a reasonable opportunity period.	Target date for proposed regulation: 7/83.	Harold Ashner, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., NW. Wash., D.C. 20415 (202) 254-5517.	No.
28. 5 CFR Part 451	Incentive Awards	5 U.S.C. 4506	Regulation to clarify that members of the Senior Executive Service (SES) are ineligible for lump sum cash awards for sustained superior job performance under 5 U.S.C., Chapter 45, since they are duplicative of performance bonuses for career SES members authorized under 5 U.S.C. 5384. The regulatory change will address concerns about possible misuse of incentive awards to circumvent Congressional and OPM restrictions on performance bonuses to SES members.	Proposed regulation published 7/29/81 (46 FR 38521) Target date for proposed regulation 11/82.	Richard B Grengel, Chief, Agency Services Division, U.S. Office of Personnel Management, WED, Agency Service Division, 1900 E St., NW. Wash., D.C. 20415 (202) 632-4586.	No.
29. 5 CFR Part 470	Personnel Management Research Programs and Demonstration Projects.	5 U.S.C. 4706	Addition of new part to implement programs for conducting research and demonstration projects. The purposes of these programs are to stimulate and conduct personnel management research and to test new and different concepts under controlled conditions.	Proposed regulation published 9/18/81 (46 FR 46330); target date for final: 10/82.	Donald Hill, Program Analyst, U.S. Office of Personnel Management, Special Policies Division, Office of Planning and Evaluation, .1900 E St., NW. Wash., D.C. 20415 (202) 254-6486.	No.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
30. 5 CFR Part 511: 511.605, 511.611, 511.701, 511.702, and 511.703.	Classification Under the General Schedule.	5 U.S.C. 5115	OPM published final rules on classification appeals under the General Schedule on 1/30/81. At that time it was decided that for employees in retained grade there would be no need for retroactive adjustments since their title, series, and grade would not be affected during the retained grade period. However several agencies have raised questions concerning the consequence of a classification action when the employee is eligible for retained grade and suffers a subsequent RIF. Under current regulations the correct title, series, and grade would be used for RIF purposes rather than the retained title, series, and grade.	Target date for proposed regulation: 10/82 Final regulation: 12/82.	Gust Pappas, Chief, Classification Appeals Office, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW. Wash., D.C. 20415 (202) 632-7744.	No.
31. 5 CFR Part 531, Subpart B.	Pay Under the General Schedule.	5 U.S.C. 5305(q), 5334(a), 5338, and E.O. 11721.	Proposed regulations to revise rules for determining an employee's rate of basic pay upon reemployment, transfer, reassignment, promotion, change in type of appointment, and the annual General Schedule pay adjustment. Proposed regulations also may include certain corresponding revisions in 5 CFR Part 210, 351, 532, 536, and 752.	Proposed regulations to be published 12/82.	Donald J. Winstead, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., NW. Wash., D.C. 20415 (202) 632-4634.	No.
32. 5 CFR Part 534	Pay Under Other Systems.	5 U.S.C. 5383 and 5385.	Proposed regulations to define an "annual pay adjustment" in the Senior Executive Service. Regulations are needed to clarify the intent and application of 5 U.S.C. 5383(c) on changes in SES pay rates.	Target date for proposed regulations 12/82.	Tom Meyer, Defense and International Division Chief, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-4695.	No.
33. 5 CFR Part 536, Subpart B.	Grade and Pay Retention.	5 U.S.C. 5361–5366	Revision of existing regulations to deal with unresolved issue of grade retention in movement between agencies and other minor revisions. Changes are expected to effect cost savings associated with tightening of requirements.	Proposed regulations: 12/82.	Jan Karicher, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E. St., NW., Wash., D.C. 20415 (202) 632-4634.	No.
34. 5 CFR Parts 550 and 551.	Pay Administration (General) and Pay Administration Under the FLSA.	5 U.S.C. 5548(a) and 29 U.S.C. 204(f).	Final regulations to allow agencies to "round up" and "round down" to the nearest quarter of an hour for crediting irregular, unscheduled overtime work.	Proposed regulations published 7/2/82 (47 FR 28962); target date for final: 12/82.	Mary Angel, Pay and Benefits Specialist, Dwight Brown, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, 1900 E. St., NW., Wash., D.C. 20415 (202) 632-4684 (202) 632-4634.	No.
35. 5 CFR Part 550	Pay Administration (General).	5 U.S.C. 5514(b) Sec. 8(1) E.O. 11609, 3 CFR, 1971–1975 Comp. 586; E.O. 12107, 3 CFR, 1978 Comp. 264; 4 CFR, sec. 101.1 et seq.	Final regulations on installment collection of indebtedness because of erroneous payment of pay. Regulations would establish guidelines for agency collections from pay; establish procedure for OPM review of agency procedures.	Proposed regulations published 11/06/81 (46 FR 55119); target date for final: 3/83.	Patricia A. Rochester, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E. St., NW., Wash., D.C. 20415 (202) 632-4634.	No.
36. 5 CFR Part 550 Subpart G**.	Severance Pay	5 U.S.C. 5595	Proposed revision of regulations as they apply to separated employees who decline offers of pay or grade retention, who accept positions with contractors, and who receive compensation for on-the-job injuries.	Proposed regulations: 11/83.	Jan Karicher, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., NW., Room 4351 Wash., D.C. 20415 (202) 632-4634.	No.
37. 5 CFR Part 550 Subpart J.	Pay Administration, Adjustment of Work Schedules for Religious Observances.	5 U.S.C. 5550a	Proposed regulations will provide methods for an agency to control the adjustment of work schedules for this purpose and for conditions that constitute a basis for denying an employee's request due to interference with the agency's mission.	Final regulations: 6/83	Dwight W. Brown, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., NW., Room 4351 Wash., D.C. 20415 (202) 632-4634.	No.
38. 5 CFR Part 551 Subpart B.	Pay Administration Under the FLSA: Exemptions.	29 U.S.C. 204(f), 213(a)(1).	Proposed revised regulations to simplify the exemption determination process. These revisions would reduce the costs to agencies of administering the FLSA.	Target date for proposed regulations: 1/83. Final regulations: 4/83.	Mario Caviglia, Personnel Management Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW., Wash., D.C. 20415 (202) 632-5691.	No.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
39. 5 CFR Part 551 Subpart F.	Pay Administration under the FLSA: Compliance.	29 U.S.C. 204 F., 5 U.S.C. 1103a5.	Proposed new regulation to implement the FLSA Compliance Program and simplify the FLSA claims handling process.	Target date for proposed regulation: 1/83.	Mario Caviglia, Personnel Management Specialist, U.S. Office of Personnel Management, Compliance and Investigations Group, Agency Compliance and Evaluation, 1900 E St., NW., Wash., D.C. 20415 (202) 632-5691.	No.
40. 5 CFR Part 581	Processing Garnishment Orders for Child Support and/or Alimony.	42 U.S.C. §§ 659, 661-662; 15 U.S.C. § 1673; E.O. 12105.	Clarification of which VA benefits are subject to garnishment. Also assorted revisions and updates.	Target date for proposed regulations: 11/82; target date for final: 12/82.	Murray Meeker, Attorney, U.S. Office of Personnel Management, Office of General Counsel, 1900 E St., NW., Room 6H31 Wash., D.C. 20415 (202) 254-8565.	No.
41.5 CFR Parts 550 and 610.	Pay Administration and Hours of Work.	5 U.S.C. 5548 and 5 U.S.C. 6105.	Final regulations to clarify the definition of "regularly scheduled workweek" under chapters 55 and 61 of title 5, U.S.C. Regulations clarify the meaning of the phrase and reestablish the proper relationship between an agency's responsibility to schedule work under chapter 61 and an employee's entitlement to premium pay for such work under subchapter V of chapter 55 of title 5, U.S.C. GAO has concurred in OPM's issuance of these regulations, which will greatly simplify this aspect of pay administration.	Proposed rules published: 1/82 Target date for final: 10/82.	Dwight W. Brown, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation, 1900 E St., NW., Wash., D.C. (202) 632-4634.	No.
42.5 CFR Part 610, Subpart D.	Hours of Duty Alternative Work Schedules.	5 U.S.C. 6120-6133; Pub. L. 97-221.	Addition of new subpart D to implement the Federal Employees Flexible and Compressed Work Schedules Act of 1982. Conforming changes in Parts 620 and 630.	Proposed regulations being published fall of 1982; target date for final 1/83.	Raymond J. Kirk, Program Analysis Officer, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4614.	No.
43.5 CFR Part 630	Absence and Leave	5 U.S.C. 6301 et seq.	Revision of sick, annual, home, and court leave regulations for clarification and elimination of discrepancies in application. Changes are expected to effect cost savings in the area of unpaid indebtedness for advance leave and the granting of sick leave for care of family member who has contagious disease.	Proposed regulations: 6/83.	Betty Roth/Margaret Goodell, Pay & Benefits Specialists, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4684.	No.
44.5 CFR Part 715	Actions in the Interest of the Employee.	5 U.S.C. 1302, 3301, 3302, 7301; E.O. 10577, E.O. 11222.	Final regulation covering voluntary personnel actions and other actions in the interest of the employee. This regulation would update obsolete title of present regulation and incorporate into regulation all mandatory requirements now found in FPM Chapter only.	Target date for final regulation: 12/82.	Cynthia Field, Appellate Policies Division, U.S. Office of Personnel Management, Office of Planning and Evaluation, 1900 E St., NW., Wash., D.C. 20415 (202) 254-5517.	No.
45.5 CFR Part 720	Federal Equal Opportunity Recruitment Program (FEORP).	Pub. L. 95-454; 5 U.S.C. 7201.	Proposed regulations to revise Part 720 to simplify data requirements relating to FEORP; thereby reducing paperwork burdens on agencies.	Publish proposed regulations: 10/82; Target date for final: 12/82.	A. Diane Graham, Assistant Director for Affirmative Employment Programs, U.S. Office of Personnel Management, Room 7526 1900 E St., NW., Wash., D.C. 20415 (202) 632-4420.	No.
46.5 CFR Part 733	Political Activity of Federal Employees.	5 U.S.C. §§ 1308, 3301, 3302, 7301, 7324, 7325; 42 U.S.C. § 2729; E.O. 10577, 3 C.F.R., 1954-1958 Comp. p. 218.	Final regulation expanding the definition of "employee" (§ 733.101).	Target date for proposed regulations: 10/82; target date for final: 12/82.	JoAnn Chabot, Attorney, U.S. Office of Personnel Management, Office of General Counsel, 1900 E St., NW., Room 5H22 Wash., D.C. 20415 (202) 632-5421.	No.
47.5 CFR Part 752	Adverse Actions	5 U.S.C. 7504, 7514 5 U.S.C. 1302.	Proposed regulation clarifying agency's obligasion when employee raises issue of health. The regulation would define agency and employee obligations in order to avoid costly reversals of adverse actions.	Target date for proposed regulation: 10/82.	Cynthia Field, Appellate Policies Division, U.S. Office of Personnel Management, Office of Planning and Evaluation, 1900 E St., NW., Wash., D.C. (202) 254-5517.	No.
48. 5 CFR Part 752 Subpart D**.	Adverse Actions	5 U.S.C. 7504, 7514, 5 U.S.C. 1302.	Establish criteria an agency must meet in order to withstand MSPB review of an adverse action. Will attempt to clarify the circumstances in which MSPB may reverse or mitigate adverse actions, with particular emphasis on review of the agency-selected penalty.	Target date for proposed regulation: 7/83.	Harold Ashner, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., NW., Wash., D.C. 20415 (202) 254-5517.	No.

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
49. 5 CFR Part 752 Subpart F.	Adverse Actions (Regulatory Requirements for Taking Adverse Actions Under the Senior Executive Service).	5 U.S.C. 7543	Final regulations on (1) suspensions for more than 14 days and (2) removal from the civil service of SES career appointees. These actions were authorized by Pub. L. 95-454 (Oct. 13, 1978), which was amended by Pub. L. 97-35 (Aug. 13, 1981). The regulations establish procedures for implementing the law.	Interim regulations published 7/31/79 (44 FR 44818); target date for final: 12/82.	Ann Ugelow, Executive Personnel Representative, U.S. Office of Personnel Management, Office of Executive Personnel, Administration Group, 1900 E St., NW., Room 6R48, Wash., D.C. 20415 (202) 632-3782.	No.
50. 5 CFR Part 792	Alcoholism and Drug Abuse.	Pub. L 91-616 and Pub. L. 92-255.	Final regulation to implement and clarify the legislative requirements for alcoholism and drug abuse programs and services for Federal Civilian employees as contained in the FPM. Developing and implementing programs based on the regulatory requirements will result in agency adverse actions involving alcohol and drug abuse being sustained by MSPB.	Proposed regulations: 11/82. Target date for final regulation: 6/83.	Frank T. Cavanaugh, Program Analyst, U.S. Office of Personnel Management, WED, Agency Service Division, Employee Health Service Branch, 1900 E St., NW., Wash., D.C. 20415 (202) 532-7647.	No.
51. 5 CFR Part 831	Retirement; Government Claims for Recovery of Indebtedness.	5 U.S.C. 8347, 4 CFR sec. 101.1 et seq.	Final regulations prescribing procedures for submission of agency claims for recovery of an indebtedness against benefits due from the Civil Service Retirement System. Regulations are required as part of resolution of *Rhinehart v. Seneca*, et al.	Interim regulations published 8/25/81. 46 FR 42835. Final regulations: 12/82.	Patricia Rochester, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E. St., NW. Wash., D.C. 20415 (202) 632-4634.	No.
52. 5 CFR Part 831, Subparts E and L.	Retirement	5 U.S.C. 8347	Final regulations in Subpart E to conform to changes in Part 339. Final regulations in Subpart L to restrict agencies' authority to file disability applications on behalf of employees and reduce number of unwarranted applications.	Final regulations: 6/83	Mary Sugar, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4634; Cynthia Field, U.S. Office of Personnel Management, Appellate Policies Division, Office of Planning and Evaluation, 1900 E St., NW., Wash., D.C., 20415.	No.
53. 5 CFR Part 831 Subpart M.	Retirement, Recovery of Annuity Overpayments.	5 U.S.C. 8331 et seq.	The final court order in Shannon v. U.S.C.S.C. restricts the circumstances in which hearing must be offered when there has been an overpayment from the Civil Service Retirement System. Regulation change will reflect the final decision of the court, and propose other changes concerning hearings in overpayment cases.	Proposed regulation: 11/82.	Kenneth Glass or Harold Siegelman, Paralegal Specialist, Office of Pay and Benefits Policy, Compensation Group, U.S. Office of Personnel Management, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4684.	No.
54. 5 CFR Parts 831, 870, 871, and 890.	Retirement: Retention of Benefits Upon Employment by Indian Tribal Organizations.	Pub. L. 93-638; 5 U.S.C. 8716 et seq.; E.O. 11899.	To provide for retention of CSR, FEHB, and FEGLI coverage by certain Federal employees who transfer to tribal organization employment. Implements Pub. L. 93-638, "The Indian Self-Determination and Educational Assistance Act".	Proposed rules published: 6/79. Target date for final: 10/82.	Jane Lohr, Pay and Benefits Specialist, U.S. office of Personnel Management, Office of Pay and Benefits Policy Compensation, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4634.	No.
55.5 CFR Part 831, Various Parts—Miscellaneous Changes.	Retirement	5 U.S.C. 8331 et seq	Update and revision of proposed existing regulations—needed to conform to law, other changes.	Proposed regulations: 2/83.	Lauretta Hall, Pay and Benefits Specialist, Office of Pay and Benefits Policy, U.S. Office of Personnel Management, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4684.	No.
56.5 CFR Part 890, Various Parts—Miscellaneous Changes.	Health Benefits	5 U.S.C. 8901 et seq	Update revision of existing regulations—needed to conform to law, other changes.	Proposed regulation: 2/83.	Lauretta Hall, Pay and Benefits Specialist, Office of Pay and Benefits Policy, U.S. Office of Personnel Management, 1900 E St., NW., Wash., D.C. 20415.	No.
57.5 CFR Parts 870, 871, 872, 873.	Life Insurance and Optional Insurance.	5 U.S.C. 8716	Final regulations to implement Federal Employees Group Life Insurance Act of 1980. Program currently operating under interim regulations.	Final regulations: 12/82	John Landers, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4634.	No

PART I.—LIST OF CURRENT AND PROJECTED REGULATIONS SCHEDULED FOR DEVELOPMENT NOV. 1, 1982 THROUGH OCT. 31, 1983—Continued

*P indicates a priority regulation. Priority regulations include those designated for priority development or review by the Director, OPM, regulations that are "major rules" under Section 1(b) of Executive Order 12291, and regulations designated for review by the Presidential Task Force on Regulatory Relief. **New item.

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities
58.5 CFR Part 930 Subpart A**.	Programs For Specific Positions and Examinations (Miscellaneous) Subpart A—Motor Vehicle Operators.	40 U.S.C. 471, 5 U.S.C. 1104.	Final regulations to permit Federal agencies to develop and use alternative procedures in the review and authorization of civilian employees to operate Government owned or leased motor vehicles. These changes would allow increased flexibility and ease the administrative burden and cost for Federal agencies without jeopardizing the safety of this program.	Proposed regulations to be published 12/82.	Van K. Yee, Personnel Staffing Specialist U.S. Office of Personnel Management, Staffing Group 1900 E St., NW., Wash., D.C. 20415 (202) 632-6030.	No.
59.5 CFR Part 930 Subpart B.	Appointment, Pay and Removal of Administrative Law Judges.	5 U.S.C. 1305, 3105	Add text to reflect procedures for appeals by ineligible applicants per advice of OGC. Will clarify procedures for applicants who are dissatisfied with their rating obtained from the Office of Administrative Law Judges after completion of examination process.	Proposed regulations published 1/29/82 (47 FR 4277) Target date for final: 9/82.	Marvin H. Morse, Assistant Director for Administrative Law Judges, U.S. Office of Personnel Management, Office of Administrative Law Judges, Staffing Group, 1900 E St., NW., Wash., D.C. 20415 (202) 632-4604.	No.
60.5 CFR Part 930 Subpart B.	Appointment, Pay and Removal of Administrative Law Judges.	5 U.S.C. 1305, 3105	Revision to outdated text in light of opinion of Attorney General dated 12/18/76, concerning title "judge".	Proposed regulations 1/29/82 (47 FR 4277) Revised target date for final: 1/83. Issuance postponed in light of comments received following notice of proposed rulemaking.	Marvin H. Morse, Assistant Director for Administrative Law Judges, U.S. Office of Personnel Management, Office of Administrative Law Judges, Staffing Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-4604.	No.
61.5 CFR Part 1001	Regulations Governing Employees in the Office of Personnel Management: Employees Responsibilities and Conduct.	E.O. 11222, 30 F.R. 6469 3 CFR 1964-65 Comp. p. 306; 5 CFR § 735.101 et seq.	Clarification of the scope of 5 CFR § 1001.735-205 on "Misuse of Information" and elimination of 5 CFR § 1001.735-208 on "Disagreements between Government Officials" in response to an MSPB order questioning whether these provisions inhibit legitimate "whistle blowing." Addition of a new section to highlight procurement restrictions; i.e., contracting with Government employees. Editorial changes to reflect Office of Personnel Management reorganization.	Revised target date for final; 9/82.	Llewellyn M. Fischer, United States Office of Personnel Management, Office of General Counsel, 1900 E Street, NW., Room 5H22, Washington, D.C. 20415.	No.
62.41 CFR Ch 16 Subpart 16-3.8**.	Price Negotiation Policies and Techniques.	40 U.S.C. 486(c) 5 U.S.C. 8913.	Final regulation to modify and refine existing regulations governing service charges for FEHB health benefit contracts. Regulations follow the new FPR requirements that Federal agencies making noncompetitive awards over $100,000 totaling $50 million annually shall prescribe a structured approach for determining the profit or fee objective in those acquisitions which require cost analysis.	Proposed regulations 12/82.	Mary Ann Mercer, Pay and Benefits Specialist, U.S. Office of Personnel Management, Office of Pay and Benefits Policy, Compensation Group, 1900 E St., NW. Wash., D.C. 20415 (202) 632-4634.	No.

PART II.—LIST OF *Existing* REGULATIONS SCHEDULED FOR REVIEW NOV. 1, 1982 THROUGH OCT. 31, 1983

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contract, title of person, mailing address and telephone number	Affects small entities?
			NO SUBMISSIONS			

PART III.—A COMPLETED ACTIONS

CFR citation	Title	Contact	Citation	Reason for completion
1. Part 737	Post Employment Conflict of Interest; Designation of Certain Positions and Agencies.	Gary Davis or Robert Flynn, (202) 632-7642.	47 FR 9694, Mar. 5, 1982	Final regulations published.
2. Part 831	Retirement; Disclosure of Information	Kenneth H. Glass, Jr. (202) 632-9677.	47 FR 12937, Mar. 26, 1982	Final regulations published.
3. Part 890	Federal Employees Health Benefits Program.	Lauretta Hall, (202) 632-4684	47 FR 14868, Apr. 6, 1982	Final regulations published.
4. Part 890	Federal Employees Health Benefits Program; Medically Underserved Areas.	Lauretta Hall, (202) 632-4684	47 FR 17465, Apr. 23, 1982	Final regulations published.

PART III.—A COMPLETED ACTIONS—Continued

CFR citation	Title	Contact	Citation	Reason for completion
5. Parts 307, 316	Veterans Readjustment Appointments, Temporary and Term Employment.	Marvin Kossman or Don Smith, (202) 254-3058.	47 FR 27539, June 25, 1982	Final regulations published.
6. Part 950	Solicitation of Federal Civilian and Uniformed Services Personnel for Contributions to Private Voluntary Organizations.	Joseph S. Patti, (202) 632-5544	47 FR 29496, July 6, 1982	Final regulations published.
7. Part 531	Pay Under the General Schedule	Donald J. Winstead, (202) 632-4634 or Peter G. Rymshaw, (202) 632-5626.	47 FR 30229, July 13, 1982	Final regulations published.
8. Part 890	Federal Employees Health Benefits Program; Employee Contributions.	John Landers, (202) 632-4634	47 FR 30961, July 16, 1982	Final regulations published.
9. Parts 213, 752	Schedule B Appointment Authority for Professional and Administrative Career Positions.	William Bohling, (202) 632-6000	47 FR 38257, Aug. 31, 1982	Final regulations published.

PART III.—B ITEMS TO BE DROPPED FROM OMB LISTING

CFR citation	Title of affected part	Legal authority	Abstract	Time table	Agency contact, title of person, mailing address and telephone number	Affects small entities?
1. 5 CFR Part 530 Subpart C**.	Pay Rates and Systems (General): Effect of Statutory pay increase.	5 U.S.C. 5303; E.O. 11721 as amended.	Eliminates the alignment of special rates with the new regular schedule each October because OPM will make all special rates effective on the date of the general pay adjustment in October of each year.	Final Rule 10/82	Richard J. Carney, Chief, Allowances and Special Rates Division, U.S. Office of Personnel Management, 1900 E St., NW., Wash., D.C. 20415 (202) 632-8742.	No.

**New item.

[FR Doc. 82-27927 Filed 10-27-82; 8:45 am]

BILLING CODE 6325-01-M

federal register

Thursday
October 28, 1982

Part XXX

Pennsylvania Avenue Development Corporation

Unified Agenda of Federal Regulations

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Unified Agenda of Federal Regulations

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: This document lists planned regulations of PADC and summarizes regulatory actions completed during the past six months. It was prepared in response to OMB Bulletin 82-16.

FOR FURTHER INFORMATION CONTACT: Ms. Madeleine B. Schaller, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Washington, D.C. 20004; (202) 566-1078.

Dated: September 24, 1982.

I. CURRENT AND PROJECTED RULEMAKINGS

(a) Policy and Procedures To Facilitate Successful Relocation of Businesses and Residents Within the Pennsylvania Avenue Development Area

(b) Mr. Jerry Smedley, Director of Real Estate, 425 13th Street, NW., Washington, D.C. 20004 (202) 523-3726.

(c) The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

(d) 36 CFR Part 908.

(e) Pennsylvania Avenue Development Corporation Act of 1972, 40 U.S.C. 875.

(f) Supplements existing relocation regulations by providing additional relocation assistance as required by the PADC Plan.

(g) No definite timetable.

II. REVIEWS OF EXISTING REGULATIONS

None.

III. COMPLETED ACTIONS

(a) General Guidelines and Uniform Standards for Urban Planning and Design Development Within the Pennsylvania Avenue Development Area

(b) Ms. Mary Schneider Chyun (202) 566-1078.

(c) 47 FR 36641, Monday, August 23, 1982.

(d) This action revised and published the General Guidelines as a final rule and revoked the interim rules published in 36 CFR Parts 921, 922 and 923.

Thomas J. Regan, Jr.,

Executive Director.

[FR Doc. 82-27928 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXXI

Pension Benefit Guaranty Corporation

Agenda of Regulations Under Development

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's regulatory agenda issued under Executive Order 12291 and the Regulatory Flexibility Act. The agenda lists regulations that are currently under development or that PBGC expects to have under development during the next twelve months. The effect of this agenda is to advise the public of PBGC's current and future regulatory activities.

ADDRESS: Office of the General Counsel (210), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Melanie Franco Nussdorf, Special Counsel, Office of the General Counsel, 202-254-6476. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193, (the "Executive Order"), each agency is required to publish in April and October an agenda of regulations currently or soon to be under development. The Executive Order also requires that the agenda also include those currently effective regulations that are being reviewed by the agency pursuant to the Executive Order. The Regulatory Flexibility Act, 5 U.S.C. 601, Pub. L. 96-354, 94 Stat. 1164, has a similar agenda requirement. Under that law, the agenda must list any regulation subject to the Act that is likely to have a significant economic impact on a substantial number of small entities.

The Office of Management and Budget has issued guidelines (OMB Bulletin No. 82-16) prescribing the form and content of the regulatory agenda. Under those guidelines, the agenda must list all regulatory activities being conducted or reviewed in the next 12 months and provide certain specified information on each regulation. (All the items on this agenda are regulations under development. One regulation, the rule on reportable events (item 5) was reviewed by PBGC pursuant to the Executive Order, and it was determined that that rule should be amended. Accordingly, it is included with the regulations under development.)

The guidelines also require that "priority regulations" be listed first. Priority regulations are those designated as such by the agency head or those that are "major rules" under the Executive Order. PBGC has determined that all the regulations listed in this agenda are necessary to the effective implementation of the insurance program. Accordingly, no distinction is made for "priority regulations."

Finally, as an additional aid to readers, PBGC has separated the regulations under the single-employer insurance program from those under the multiemployer program.

Unless otherwise indicated, all citations in the agenda are to sections of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001 *et seq.* (1976), *as amended by* the Multiemployer Pension Plan Amendments Act of 1980 ("the Multiemployer Act"), Pub. L. No. 96-364, 94 Stat. 1208 ("ERISA").

The guidelines require a description of the potential costs and benefits of each regulation. The regulations listed on this agenda fall into three general categories. Some lessen statutory requirements, thereby lowering costs to the public and minimizing burden on plans and plan sponsors. See, for example, items #1 and 5. Others simply implement statutory requirements, and although costs may be imposed because of these statutory requirements, the public is benefitted by clear and unambiguous rules which lessen the probability of disputes, litigation and public confusion. See, for example items #6 and 7. Others of the regulations in the agenda reallocate costs necessarily imposed by the statute, so that although certain contributing employers may experience greater costs, others will experience an equivalent reduction in costs, resulting in a net effect of zero. See, for example, items #12 and 15. Where applicable, additional costs and benefits are stated separately in the item relating to the particular regulation.

1. a. Title: Rules for Filing a Notice of Intent to Terminate

b. *PBGC Contact.* Mr. William Seals, Deputy Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street N.W., Washington, D.C. 20006, 202-254-4895.

c. *Effect on Small Businesses and Other Entities.* Not subject to the Regulatory Flexibility Act.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2616.

e. *Legal Authority.* ERISA sections 4002, 4041, and 4043, 29 U.S.C. 1302, 1341, and 1343.

f. *Abstract.* This rule involves the issuance of a joint form (Form 5310) by the PBGC and the Internal Revenue Service ("IRS") and amendments to the PBGC's Notice of Intent to Terminate regulation, 29 CFR Part 2616. This regulation applies only to single-employer plans, and will provide plan administrators with simplified procedures, and a basic form for notifying the PBGC of plan terminations. Use of the new procedures will eliminate duplicative filing requirements of the PBGC and IRS. PBGC estimates that use of the joint form will halve the costs of filing associated with plan termination.

g. *Timetable.* PBGC expects to issue a final regulation by November 30, 1982.

2. a. Title: Rules for Valuing Group Insurance Contracts (Amendment to the Valuation of Plan Assets Regulation)

b. *PBGC Contact.* Ms. Joan Segal, Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street N.W., Washington, D.C. 20006, 202-254-3010.

c. *Effects on Small Businesses and Other Entities.* Not subject to the Regulatory Flexibility Act.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2620.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4041, 4044, and 4062(b)(1), 29 U.S.C. 1302(b)(3), 1341, 1344, and 1362(b)(1).

f. *Abstract.* This amendment to the existing PBGC regulation on valuing plan assets, 29 CFR Part 2620, will set forth rules for valuing group insurance contracts as plan assets. This regulation applies to single-employer plans. This rule is necessary to provide uniform standards for plan administrators and employers to use in valuing insurance contracts. The rule will enable plans which are funded through insurance contracts to have clear guidance on how this asset should be treated in the plan termination context, and alleviate time-consuming costly delays due to uncertainty on how this commonly used plan funding vehicle should be valued.

g. *Timetable.* The PBGC expects to issue a final rule by June 30, 1983.

3. a. Title: Rules for Recovery of Benefit Overpayments and Early Benefit Reduction

b. *PBGC Contact.* Mrs. Renae Hubbard, Special Counsel, Office of the General Counsel, Pension Benefit

Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4895.

c. *Effects on Small Businesses and Other Entities.* The PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2623.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4022, 4041, 4042, 4044, and 4061, 29 U.S.C. 1302(b)(3), 1322, 1341, 1342, 1344 and 1361.

f. *Abstract.* The PBGC is developing a proposed regulation to set forth rules designed: (a) To reduce benefit overpayments made to plan participants after the date of plan termination by requiring plan administrators to reduce benefit payments to the estimated level of Title IV benefits payable; (b) to define the circumstances under which the PBGC will recover overpayments from plan participants; and (c) to describe the method(s) by which the PBGC will recover overpayments. The proposed regulation applies only to single-employer plans. This regulation is needed to establish rules and procedures for the prompt reduction of benefits after the date of plan termination in order to minimize overpayments to participants and to establish a formal procedure for PBGC recovery of overpayments to participants. This regulation will provide guidance to plan administrators and participants and minimize costs to the insurance system. No new costs will be added to plan sponsors because PBGC presently requests plan administrators to cut back benefits after termination to estimated guaranteed benefits. The effect of the rule in this respect will be simply to provide clear guidance as to the method and form of the cutback. The rule will greatly minimize losses to the insurance system because it will be far more likely that the overpayments in benefits will be small and will be capable of complete recoupment during the participant's lifetime.

g. *Timetable.* PBGC expects to issue a proposed rule by December 31, 1982.

4. a. Title: Rules Relating to Plan ERISAfication (Proposed Amendments to the Guaranteed Benefits and Limitation on Guaranteed Benefits Regulations

b. *PBGC Contact.* Mrs. Renae Hubbard, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4895.

c. *Effects on Small Businesses and Other Entities.* The PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Parts 2613 and 2621.

e. *Legal Authority.* ERISA sections 4001(a), 4002(b)(3), 4022, and 4022B, 29 U.S.C. 1301(a), 1302(b)(3), 1322 and 1322B.

f. *Abstract.* The Multiemployer Act requires the PBGC to guarantee those benefits that are provided under the terms of a plan or that are required by law. Under the Multiemployer Act, all plans that terminate on or after September 26, 1980, are to be treated as though the essential requirements of Title I of ERISA were added to the plan as of the effective date under Section 211 of ERISA with respect to each plan. Accordingly, the PBGC proposes to amend its Guaranteed Benefits regulation, 29 CFR Part 2613, and its Limitation on Guaranteed Benefits regulation, 29 CFR Part 2621, to set forth the essential provisions that will be read into such plans. These amendments apply only to single-employer plans, althought the agency will shortly begin work on amendments that will apply to multiemployer plans. The single-employer changes will not be delayed since the larger number of terminating single-employer plans necessitates regulatory guidance now. This regulation is needed in order to ensure that participants and beneficiaries in terminating single-employer plans receive the retirement benefit protection mandated by Congress.

g. *Timetable.* The PBGC expects to issue a proposed rule by December 31, 1982.

5. a. Title: Rules Relating to Reporting and Notification Requirements for Reportable Events

b. *PBGC Contact:* Ms. Melanie Nussdorf, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-6476.

c. *Effect on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2615.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4043, and 4065, 29 U.S.C. 1302(b)(3), 1343 and 1365.

f. *Abstract.* Section 4043 of ERISA sets forth several types of events with respect to which plan administrators must notify the PBGC and authorizes the PBGC to waive the thirty-day notification requirements for any of those events. The Multiemployer Act amended section 4065 of ERISA to authorize PBGC to waive the requirement that a list of reportable events be included in the Annual Report filed with the PBGC. In addition, the Multiemployer Act established separate reporting and notification requirements for multiemployer plans. Accordingly, the PBGC is amending its reportable events regulation, 29 CFR Part 2615, which modifies certain of the statutory requirements, to further delete unnecessary reporting requirements for both single-employer and multi-employer plans. The regulation will reduce the reporting and notification requirements to which plan administrators are subject.

g. *Timetable.* The PBGC expects to issue a proposed rule by December 31, 1982.

6. a. Title: Rules Governing the Arbitration of Disputes Concerning Employer Liability

b. *PBGC Contact:* Mrs. Renae Hubbard, Special Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006, 202-254-4895.

c. *Effect on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2641.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4221(a)(2), 29 U.S.C. 1302(b)(3) and 1321(a)(2).

f. *Abstract.* Section 4221 of ERISA provides that any dispute between an employer and the sponsor of a multiemployer plan regarding the determination of the employer's withdrawal liability to the plan shall be resolved through arbitration. Section 4221(a)(2) of ERISA provides that an arbitration proceeding under this section shall be conducted in accordance with fair and equitable procedures prescribed by the PBGC. The regulation will set forth those procedures. This regulation is needed to provide the rules of procedure under which an arbitration proceeding will be conducted. PBGC expects that the rule will minimize costs on plan sponsors and contributing employers because it provides a clear set of rules designed to clarify the Act's provisions and the responsibilities of the respective parties.

g. *Timetable.* The PBGC expects to issue a proposed rule by December 31, 1982.

7. a. Title: Notice and Collection of Withdrawal Liability.

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2644.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4219(c), 29 U.S.C. 1302(b)(3) and 1399(c).

f. *Abstract.* Section 4219(c)(6) of ERISA provides that the interest rate charged by a multiemployer plan in the event of delinquency or default in the payment of withdrawal liability shall be based on prevailing market rates for comparable obligations, in accordance with PBGC regulations. This regulation will implement that section by establishing the interest rate to be used. In addition, PBGC is considering giving plans authority to establish their own rates, consistent with section 4219(c)(6).

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by December 31, 1982.

8. a. Title: Powers and Duties of Plan Sponsors of Plans Terminated by Mass Withdrawal: Notices of Benefit Reductions and Suspensions

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2675.

e. *Legal Authority.* ERISA sections 4002(b)(2) and 4281(c) and (d), 29 U.S.C. 1302(b)(2) and 1441(c) and (d).

f. *Abstract.* Section 4281 of ERISA contains rules relating to the administration and payment of benefits under multiemployer plans that have terminated by mass withdrawal. Under certain circumstances, the plan sponsor is required to amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A. In addition, if the terminated plan becomes insolvent, the sponsor is required to suspend payment of any benefits that are in excess of those guaranteed under Section 4022A. The PBGC is authorized to modify the statutory duties of the plan sponsor, including the duty to provide participants and beneficiaries with notice of benefit reductions, and is required to prescribe rules that ensure that plan participants and beneficiaries receive adequate notice of the benefit suspensions. This regulation will prescribe the requirements for these two notices, and will also modify the statutory rules concerning when a plan sponsor must make determinations of plan solvency.

This regulation will benefit multiemployer plans by reducing the number of notices that would otherwise be required under ERISA, thus reducing plan costs. In addition, the regulation will benefit plan participants and beneficiaries by requiring that they receive timely and informative notices of benefit reductions and suspension. These benefits cannot be quantified. While providing the notices required by the regulation will obviously entail a cost to plans, the aggregate cost will be low: PBGC estimates that fewer than 10 plans per year will terminate by mass withdrawal, and only a very few of those will ever be required to reduce or suspend benefits.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by March 31, 1983.

9. a. Title: Variances for Sales of Assets

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2643.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4204(c), 29 U.S.C. 1302(b)(3) and 1384(c).

f. *Abstract.* Section 4204 of ERISA provides that the sale of assets by an employer who contributes to a multiemployer plan, which would normally constitute a withdrawal from the plan, will not be considered a withdrawal if certain requirements are met. This regulation will provide exemptions or variances from the purchaser's bond/escrow requirement and the sales-contract requirement of section 4204(a)(1)(B) and (C) of ERISA under certain conditions.

This regulation will assist employers who engage in sales of assets to structure those transactions so as to avoid any immediate liability for the seller's withdrawal from a multiemployer plan. Further, by waiving the requirement that the purchaser post a bond or establish an escrow account, the regulation frees up funds that the purchaser may use for other purposes. In 11 cases decided so far in which the PBGC has granted individual exemptions from this requirement, the total amount of the bonds/escrows waived is approximately $7.9 million.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by December 31, 1982.

10. a. Title: Notice of Insolvency

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2674.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4245(e), 29 U.S.C. 1302(b)(3) and 1426(e).

f. *Abstract.* Section 4245(e) of ERISA requires the plan sponsor of a multiemployer, upon determining that the plan may become insolvent, to give notice of that fact to the PBGC, contributing employers, affected employee organizations and plan participants. In addition, the plan sponsor must inform those parties of the plan's resource benefit level for the insolvency year. Section 4245(e)(4) of ERISA requires that the notices be given in accordance with regulations prescribed by the PBGC. This regulation will establish the procedures for issuing and the contents of the insolvency notices.

The early notice of potential plan insolvency to the collective bargaining parties will enable the parties, if they so choose, to negotiate additional contributions in order to avoid insolvency and the consequent benefit suspensions. This is of benefit to plan participants and beneficiaries, although it is not possible to quantify that benefit. If adopted as currently drafted, the regulation would impose some costs above those already imposed by the pertinent statutory provisions, which require insolvency notices only from plans in reorganization, because the regulation would require the insolvency notices to be issued by all plans. However, the aggregate additional cost will be slight: PBGC estimates there will be approximately five insolvent plans in any year, but of this number, perhaps only one will not be in reorganization.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by March 31, 1983.

11. a. Title: Mergers and Transfers Between Multiemployer Plans

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2672.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4231, 29 U.S.C. 1302(b)(3) and 1411.

f. *Abstract.* Section 4231(b)(1) of ERISA requires the plan sponsor of a multiemployer plan to notify PBGC, in accordance with regulations prescribed by PBGC, of a merger or transfer of assets or liabilities to another multiemployer plan. In addition, section 4231(b) contains three other conditions that all mergers or transfers between multiemployer plans must satisfy. This regulation will establish the requirements for the notice to PBGC, as well as provide guidance to plan sponsors in complying with the other three conditions.

The primary benefit of this regulation is that it will protect the multiemployer insurance system and the premium payers by helping to insure that plans do not engage in transactions that would have the effect of weakening any of the plans involved in the transaction. By requiring the notice to include data that will enable PBGC to monitor compliance with section 4231(b), the regulation does impose new costs on the public. PBGC expects these costs to be approximately $12,000 per year, assuming 40 mergers and transfers of assets or liabilities per year.

g. *Timetable.* A notice of proposed rulemaking was published in the **Federal Register** on December 22, 1981 (46 FR 62087). The comment period ended on February 22, 1982. PBGC expects to issue the final regulation by March 31, 1983.

12. a. Title: Extension of Special Withdrawal Liability Rules

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2645.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4203(f) and 4208(e)(3), 29 U.S.C. 1302(b)(3), 1383(f) and 1388(e)(3).

f. *Abstract.* Under section 4203(f) of ERISA, PBGC may permit plans to adopt special withdrawal liability rules, similar to those applicable to the construction and entertainment industries, if PBGC determines that the rules adopted by a plan would apply to an industry that has the characteristics that would make use of the special rules appropriate, and that use of the rules would not pose a significant risk to the PBGC insurance system. PBGC has already issued a regulation establishing the procedures under which plans may seek PBGC approval of special withdrawal rules (47 FR 12622 (March 24, 1982)). The purpose of this rulemaking is to establish general standards under which PBGC could make the determinations described above.

The benefit of this regulation is that it will enable certain employers in qualifying plans to cease participation in those plans without incurring withdrawal liability. This rule will also benefit those plans by helping them attract new employers and by reducing the administrative costs associated with calculating and assessing withdrawal liability.

g. *Timetable.* An advance notice of proposed rulemaking was ublished in the **Federal Register** on May 5, 1982 (47 FR 19376). The comment period ended on July 6, 1982. PBGC expects to issue a notice of proposed rulemaking by March 31, 1983.

13. a. Title: Supplemental Guarantee Program

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Parts 2690–2699.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4022A(g)(2), 29 U.S.C. 1302(b)(3) and 1322a(g)(2).

f. *Abstract.* Section 4022A(g)(2) of ERISA requires PBGC to issue regulations establishing a supplemental program to guarantee benefits under multiemployer plans that would otherwise be guaranteed but for the limitations in section 4022A(c) of ERISA. Participation by plans in this supplemental program is optional. These regulations will address premiums, eligibility requirements, applications for coverage, the amount of coverage provided, and financial assistance from PBGC under the supplemental program.

Since ERISA requires that the supplemental guarantee program be entirely self-supporting, it follows that the costs to the public (the premiums) will have to at least equal the insurance benefits provided plus the PBGC's cost of administering this program. Because participation in this program is voluntary and because PBGC has not yet published a notice of proposed rulemaking, PBGC does not have any reliable data on the number of plans that will participate and the amount of insurance coverage they will purchase. Accordingly, PBGC is unable to quantify the costs and benefits.

g. *Timetable.* PBGC expects to publish a notice of proposed rulemaking by December 31, 1982.

14. a. Title: Rules Defining the "Building and Construction Industry"

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2646.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4203(b), 29 U.S.C. 1302(b)(3) and 1383(b).

f. *Abstract.* Section 4203(b) of ERISA contains special withdrawal rules applicable to the building and construction industry. ERISA does not, however, contain a definition of the term "building and construction industry"; nor does it define two other terms critical to the special rules, "primarily" and "substantially." This regulation would provide those definitions. Because there are conflicting views among the public as to the need for this regulation, and because of the difficulty in developing appropriate definitions of these terms, PBGC plans to issue an advance notice of proposed rulemaking on this matter. After reviewing the comments received in response to the advance notice, PBGC will determine whether to proceed with a regulation.

g. *Timetable.* PBGC expects to publish an advance notice of proposed rulemaking by October 31, 1982.

15. a. Title: Reduction or Waiver of Complete Withdrawal Liability

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive

Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2647.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4207(a), 29 U.S.C. 1302(b)(3) and 1387(a).

f. *Abstract.* Section 4207(a) of ERISA requires the PBGC to establish rules for reducing or waiving the liability of an employer who has completely withdrawn from a multiemployer plan and subsequently resumes covered operations or renews the obligation to contribute under the plan. This regulation will prescribe the circumstances under which an employer's liability will be reduced or waived and the rules for computing the employer's liability for a complete or partial withdrawal after it has reentered the plan.

This regulation will benefit multiemployer plans by encouraging some employers who have withdrawn from these plans to renew their participation in the plans. By the same token these employers will benefit by having some or all of their withdrawal liability waived. While the plans will incur the cost of foregoing collection of some of the withdrawal liability owed them, the assumption underlying this statutory provision is that these costs will be offset by the contributions employers will make to the plans after their reentry. PBGC is unable to quantify these benefits and costs, because it cannot predict the number of employers who will avail themselves of this rule.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by March 31, 1983.

16. Title: Transfers of Liabilities to Single-Employer Plans: Waiver of Multiemployer Plan's Contingent Liability

b. *Agency Contact.* Mr. James M. Graham, Attorney, Office of Excecutive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2679.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4232(c), 29 U.S.C. 1302(b)(3) and 1412(c).

f. *Abstract.* Under section 4232(c), a multiemployer plan that transfers liabilities to a single-employer plan is contingently liable to PBGC, up to the amounts specified in section 4232(c), if the single-employer plan terminates within five years after the transfer. PBGC is authorized, however, to waive the contingent liability if it determines that its interests and the interests of plan participants and beneficiaries are adequately protected. This regulation will provide procedures for applying to PBGC for a waiver and standards under which waivers will be granted.

This regulation will benefit those multiemployer plans that will qualify for a waiver of their contingent liability. To date, PBGC has received three requests for waivers, involving potential maximum liabilities of approximately $1,190,000. PBGC is unable to predict how many more plans may apply for waivers once this regulation is issued. Insofar as the intended purpose of this regulation is achieved, there will be no costs associated with it, because the contingent liability will be waived only in those situations where it is extremely unlikely that the liability would ever become an actual claim of PBGC against the multiemployer plan.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by June 30, 1983.

17. a. Title: Redetermination of Withdrawal Liability Upon Mass Withdrawal

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects of Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2676.

e. *Legal Authority.* ERISA sections 4002(b)(3), 4209 (c) and (d), and 4219(c)(1)(D), 29 U.S.C. 1302(b)(3), 1389 (c) and (d), and 1399(c)(1)(D).

f. *Abstract.* The rules for determining an employer's withdrawal liability do not necessarily allocate a plan's total unfunded vested benefits because of the rules reducing or eliminating withdrawal liability, such as the *de minimis* rule. Therefore, if all or substantially all the employers in a plan withdraw, there may be large unallocated amounts that would constitute a potential claim on the insurance system. In order to avoid this result, section 4219(c)(1)(D) requires the determination or redetermination of withdrawal liability in order to fully allocate a plan's unfunded vested benefits, upon either the termination of the plan through the withdrawal of every employer, or the withdrawal of substantially all the employers pursuant to an agreement or arrangement to withdraw. This regulation will set forth rules implementing this requirement.

This regulation primarily benefits the multiemployer insurance program and the plans that are required to pay premiums under it, by insuring that in the event of a mass withdrawal (or the withdrawal of substantially all the employers pursuant to an agreement to withdraw), the liability for all unfunded vested benefits is allocated to the withdrawing employers. In addition, in the case of the withdrawal of substantially all employers, the rule will benefit the employers remaining in the plan by preventing them from being left with more than their fair share of the plan's unfunded vested benefits.

g. *Timetable.* PGBC expects to issue a notice of proposed rulemaking by June 30, 1983.

18. a. Title: Valuation of Outstanding Claims for Withdrawal Liability

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Part 2677.

e. *Legal Authority.* ERISA sections 4002(b)(3) and 4001(a)(12), 29 U.S.C. 1302(b)(3) and 1301(a)(12).

f. *Abstract.* Three of the four statutory methods for allocating a plan's unfunded vested benefits to a withdrawn employer generally reduce the amount of the unfunded vested benefits by the value of outstanding claims for withdrawal liability. Section 4001(a)(12) of ERISA provides that these claims are to be valued in accordance with PBGC regulations. This regulation will prescribe those valuation rules.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by June 30, 1983.

19. a. Title: Valuation of Other Plan Assets and Plan Benefits

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will be codified in 29 CFR, Parts 2677 and 2678.

e. *Legal Authority* ERISA sections 4002(b)(3) and 4281(b), 29 U.S.C. 1302(b)(3) and 1441(b).

f. *Abstract.* A plan that has terminated by mass withdrawal is required under section 4281(b) of ERISA to perform an annual valuation of the plan's nonforfeitable benefits and assets. This valuation is to be done in accordance with PBGC regulations. This regulation will prescribe those valuation rules.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by August 31, 1983.

20. a. Title: Rules Under Sections 4041A and 428 for Plans Terminated by Mass Withdrawal

b. *Agency Contact.* Mr. J. Ronald Goldstein, Attorney, Office of Executive Director, Policy and Planning, 202–254–4862.

c. *Effects on Small Businesses and Other Entities.* PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

d. *CFR Citation.* This rule will amend 29 CFR, Part 2675.

e. *Legal Authority.* ERISA sections 4002(b) (3), 4041A and 4281(d), 29 U.S.C. 1302(b)(3), 1341a and 1441(d).

f. *Abstract.* Section 4041A of ERISA provides rules with respect to the termination of multiemployer plans and the payment of benefits under those plans. Under section 4041A(f)(2), PBGC is authorized to prescribe rules for the administration of those plans that are appropriate to protect the interests of plan participants and beneficiaries or to prevent unreasonable loss to the insurance system.

Under section 4281(d)(1), the plan sponsor of a plan that has terminated by mass withdrawal is required annually to determine the value of the plan's nonforfeitable benefits and assets. If the value of the benefits exceeds the value of the assets, the sponsor must amend the plan to eliminate benefits not eligible for PBGC's guarantee under section 4022A(b), to the extent necessary to insure that the plan assets are sufficient to pay all nonforfeitable benefits. This determination of sufficiency is to be made in accordance with rules prescribed by PBGC.

This regulation would establish the rules for administering plans that have terminated by mass withdrawal, including the rules for determining sufficiency in the circumstances described above.

The primary purpose and benefit of this regulation will be to establish rules that encourage the efficient administration of these plans. By thus helping to preserve plan assets, these rules will, in the first instance, benefit plan participants and beneficiaries and secondarily, the multiemployer insurance system and premium payers. PBGC lacks adequate data to be able to quantify these benefits.

g. *Timetable.* PBGC expects to issue a notice of proposed rulemaking by August 31, 1983.

Issued at Washington, D.C., this 22nd day of Sept.,1982.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[Doc. 82–27929 Filed 10–27–82; 8:45 am]

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Thursday
October 28, 1982

Part XXXII

Railroad Retirement Board

Semi-Annual Agenda of Regulations
Under Development or Review

RAILROAD RETIREMENT BOARD

20 CFR Ch. II

Semi-Annual Agenda of Regulations Under Development or Review

AGENCY: Railroad Retirement Board.

ACTION: Agenda of regulations under development or review.

SUMMARY: This agenda contains lists of regulations that the Board is developing or proposes to develop in the next twelve months and regulations that are scheduled to be reviewed in that period.

ADDRESS: 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Steven A. Bartholow, Assistant General Counsel, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

SUPPLEMENTARY INFORMATION: Regulations that are routine in nature or pertain solely to internal agency management have not been included in the agenda. Current regulations that are proposed to be modified based on a completed review of the regulations are listed in the agenda as regulations under development.

REGULATIONS UNDER DEVELOPMENT

1. Title: Adjustment of Annuities When Revenues Are Not Sufficient to Pay Full Tier I and Tier II Benefit Components

Agency Contact: Steven A. Bartholow, Assistant General Counsel, 844 Rush Street, Chicago, Illinois 60611, 312–751–4944 (FTS 387–4944).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: Not yet determined.

Legal Authority: 45 U.S.C. 231f(b)(5) and 231u.

Abstract: The Omnibus Budget Reconciliation Act of 1981 added a new section 22 to the Railroad Retirement Act of 1974. This new section imposes certain responsibilities on the Board if the Board in any fiscal year borrows 50 percent or more of the moneys that it is authorized to borrow by section 15(b)(2) of the Railroad Retirement Act. If 50 percent or more is borrowed in a fiscal year, the Board must submit a report to Congress and the President which among other things must identify the first year, if any, in which the amount of moneys available will not be sufficient to pay full benefits. Within 180 days after submission of a report to the President and Congress identifying a year in which benefits will exceed available funds, the Board must publish regulations in the **Federal Register** providing for the reduction of annuities in such fiscal year. The proposed regulation would implement section 22 of the Railroad Retirement Act.

Timetable: Development of the regulation will begin in the first quarter of fiscal year 1983.

2. Title: Part 220 Disability Determinations

Agency Contact: Marilyn Berg, Program Analyst, Bureau of Retirement Claims, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4818 (FTS 387–4818).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 220.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations with respect to disability determinations have not been updated for several years and they are, in certain respects, obsolete. When revised, this regulation should ease the administration of disability determinations.

Timetable: A proposed rule should be published in the third quarter of fiscal year 1983.

3. Title: Primary Insurance Amount Determinations

Agency Contact: Marilyn Berg, Program Analyst, Bureau of Retirement Claims, Railroad Retirement Board, 844 Rush Street, Chicago Illinois 60611, 312–751–4818 (FTS 387–4818).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 225.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The computation of benefits under the Railroad Retirement Act of 1074 is quite complex and is not easily understood by beneficiaries. This proposed regulation would explain primary insurance amount determinations in a manner that will enable claimants and beneficiaries to more easily understand this phase of benefit computations.

Timetable: A proposed rule should be published in the fourth quarter of fiscal year 1983.

4. Title: Computing the Employee and Spouse Annuity

Agency Contact: Marilyn Berg, Program Analyst, Bureau of Retirement Claims, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4818 (FTS 387–4818).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 226.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on the computation of employee and spouse annuities must be updated to conform to the Railroad Retirement Act of 1974 and to amendments to the Act made by the Omnibus Budget Reconciliation Act of 1981.

Timetable: A proposed rule should be published in the first quarter of fiscal year 1984.

5. Title: Definition and Creditability of Service

Agency Contact: Dorothy Swan, Supervisor, Methods and Procedures, Data Processing and Accounts, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4875 (FTS 387–4875).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 220.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on creditability of service have not been revised recently and a review of the regulations revealed that revisions are necessary to conform to amendments to the Act and to clarify the regulations in several respects.

Timetable: A proposed rule should be published in the second quarter of fiscal year 1983.

6. Title: Military Service

Agency Contact: Dorothy Swan, Supervisor, Methods and Procedures, Data Processing and Accounts, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4875 (FTS 387–4875).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 209.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on military service have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable: A proposed rule should be published in the second quarter of fiscal year 1983.

7. Title: Definition and Creditability of Compensation

Agency Contact: Dorothy Swan, Supervisor, Methods and Procedures, Data Processing and Accounts, Railroad

Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4875 (FTS 387–4875).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 222.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on creditability of compensation have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable: A proposed rule should be published in the second quarter of fiscal year 1983.

8. Title: Reports and Information to be Filed by Employers

Agency Contact: Dorothy Swan, Supervisor, Methods and Procedures, Data Processing and Accounts, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4875 (FTS 387–4875).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 250.

Legal Authority: 45 U.S.C. 231f(b)(5).

Abstract: The Board's regulations on reports and information to be filed by employers have not been revised recently and it was determined based on a review of the current regulations that revisions would be advisable to clarify and simplify the regulations.

Timetable: A proposed rule should be published in the second quarter of fiscal year 1983.

9. Title: Statutory Lien Where Sickness Benefits Paid

Agency Contact: Walter Witkovich, Chief of Adjudication, Bureau of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4810 (FTS 387–4810).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 341.

Legal Authority: 45 U.S.C. 362(1) and 362(o).

Abstract: Section 12(o) of the Railroad Unemployment Insurance Act provides that sickness benefits shall be payable to an individual for days of sickness regardless of the liability of any person for the infirmity for which the benefits are paid. However, that section also provides that the Board is to be reimbursed for the sickness benefits actually paid from any sum or damages paid or payable to the individual by reason of the infirmity.

The proposed regulation will explain when a lien is established under section 12(o) of the Railroad Unemployment Insurance Act, how the amount of the lien is determined, what procedures must be followed by the Board in establishing the lien, and how the lien may be satisfied. In addition, the proposed regulation will establish procedures to be followed by the Board in terminating sickness benefits where it has been reported to the Board that the beneficiary has recovered through settlement or judgment any sum or damages for the same injury or sickness for which sickness benefits under the Railroad Unemployment Insurance Act have been paid.

Timetable: A proposed rule was published in the **Federal Register** on November 10, 1980 (45 FR 74510). Comments were received from the public and consideration has been given to those comments. A final rule should be published in the third quarter of fiscal year 1983.

10. Title: Regulations Under the Regional Rail Reorganization Act of 1973

Agency Contact: Walter Witkovich, Chief of Adjudication, Bureau of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4810 (FTS 387–4810).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 399.

Legal Authority: 45 U.S.C. 362(1).

Abstract: Pursuant to the Northeast Rail Service Act of 1981, appropriations statutes authorized by that Act, and the benefit schedules prescribed by the Secretary of Labor, the Board has certain duties, responsibilities, and powers to administer programs under Title VII of the Regional Rail Reorganization Act of 1973. Regulations are necessary to establish procedures to be followed in making claims under these programs and to establish procedures for resolving disputes and appeals.

Timetable: An interim final rule should be published in the second or third quarter of fiscal year 1983.

11. *Title:* Disclosure of Business Information.

Agency Contact: Arthur A. Arfa, General Attorney, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4567 (FTS 387–4567).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR 200.3.

Legal Authority: 5 U.S.C. 552.

Abstract: The Department of Justice recently directed Federal agencies to establish procedures, preferably as regulations, to cover requests under the Freedom of Information Act for business information provided by private business concerns. A regulation is under development to comply with this directive.

Timetable: A proposed rule should be published in the third quarter of fiscal year 1983.

REGULATIONS TO BE REVIEWED

Title: Initial Determinations Under the Railroad Unemployment Insurance Act and Reviews of an Appeals from Such Determinations

Agency Contact: Walter Witkovich, Chief of Adjudication, Bureau of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, 312–751–4810 (FTS 387–4810).

Effects on Small Businesses and Other Entities: This regulation will not have a significant economic impact on small businesses.

CFR Citation: 20 CFR Part 320.

Legal Authority: 45 U.S.C. 355(b) and 362(1).

Abstract: The Board's regulation on initial determinations and appeals under the Railroad Unemployment Insurance Act have not been revised recently and accordingly, a review of this regulation is necessary to determine whether it should be revised.

Timetable: The review should be completed in fiscal year 1983.

Dated: September 23, 1982.

By Authority of the Board.

James T. Brown,

Chief Executive Officer, Railroad Retirement Board.

[FR Doc. 82–27930 Filed 10–27–82; 8:45 am]

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Thursday
October 28, 1982

Part XXXIII

Selective Service System

Regulatory Agenda

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SELECTIVE SERVICE SYSTEM

32 CFR Ch. XVI

Regulatory Agenda

AGENCY: Selective Service System.

ACTION: Regulatory Agenda.

SUMMARY: The purpose of this agenda is to report the proposed rulemaking activities of the Selective Service System that might affect the processing of registrants under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) This information will allow the public to participate in the System's decisionmaking at an early stage.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435. Telephone (202) 724-1167.

SUPPLEMENTARY INFORMATION: This agenda is published in accord with the requirements of E.O. 12291. Selective Service Regulations appear in 32 CFR Chapter XVI.

Subjects of Proposed Rulemaking:

SELECTIVE SERVICE SYSTEM

Selective Service Regulations; Alternative Service

Agency Contact: Henry N. Williams, General Counsel, 1023 31st Street, N.W., Washington, D.C. 20435. Telephone (202) 724-1167.

Effect on Small Business and other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

CFR Citation: 32 CFR Part 1660 will be replaced by 32 CFR Part 1656.

Legal Authority: Military Selective Service Act section 6(j); 50 U.S.C. App. 456(j).

Abstract: A revision of the regulations to implement the program of alternative service under section 6(j) of the Military Selective Service Act (50 U.S.C. App. 456(j) is planned to assure greater fairness and efficiency in its administration.

Timetable: The proposed rule will be published in the **Federal Register** for comment early in October, 1982. This publication will supersede the proposed rule published at 47 FR 24599 (June 7, 1982).

Selective Service Regulations; Deferment or Exemption from Military Service

Agency Contact: Henry N. Williams, General Counsel, 1023 31st Street, N.W., Washington, D.C. 20435. Telephone (202) 724-1167.

Effect on Small Business and other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

CFR Citations: 32 CFR Chapter XVI.

Legal Authority: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.;* E.O. 11623.

Abstract: Various sections in 32 CFR Chapter XVI will be revised to increase clarity of expression and make them consistent with the planned revision of 32 CFR Part 1660 to become 32 CFR Part 1656.

Timetable: The proposed rule will be published in the **Federal Register** for comment in October, 1982. 32 CFR Parts 1662 and 1665 were published as final rules at 47 FR 7223 (February 18, 1982). The remainder of 32 CFR Chapter XVI (except 32 CFR Part 1660 which appears in 32 CFR Part 1660 (July 1, 1981)) was published as final rules at 47 FR 4640 (February 1, 1981).

Thomas K. Turnage,
Director of Selective Service
September 20, 1982.

[FR Doc. 82-27931 Filed 10-27-82; 8:45 am]

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Thursday
October 28, 1982

Part XXXIV

Small Business Administration

Improving Government Regulations;
Seminannual Agenda

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Improving Government Regulations; Semiannual Agenda

AGENCY: Small Business Administration.

ACTION: Publication of the semiannual agenda of regulations under review or development by the Small Business Administration.

SUMMARY: This is SBA's seventh semiannual agenda of regulations. Although not a regulatory Agency, SBA has attempted to draft agendas that met both the criteria and the spirit of the regulatory review process. This agenda is published pursuant to Executive Order 12291 and the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, Pub. L. 96–354 effective January 1, 1981.

FOR FURTHER INFORMATION CONTACT: For further information on agenda items, the public is encouraged to contact the individual Agency official listed for the particular item. For information concerning overall SBA Regulatory Review and Development Program and general semiannual agenda questions, contact Martin D. Teckler, Assistant General Counsel for Legislation, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, 202/653–6662.

SUPPLEMENTARY INFORMATION: The SBA agendas will contain many regulations which are limited in public impact, but they are included to increase public knowledge of all SBA regulatory activities and allow for increased public participation in the review and development process.

Public comments of SBA's previous agendas have been general, and all were positive. None were directed at specific contents, nor were any changes suggested or recommended.

The agenda format is now slightly modified. Part I, Current and Projected Rulemakings, includes rulemakings currently underway and scheduled to be completed shortly. Part II, Reviews of Existing Regulations, includes existing regulations being reviewed within the Agency to determine whether to propose modifications through rulemaking. Part III, Completed Actions, includes regulations completed or withdrawn, and reviews completed since the preceding agenda.

Publication of this agenda does not impose any binding obligation on SBA with regard to any specific item in the agenda. Additional regulatory action not listed on the agenda is not precluded.

Dated: September 30, 1982.

Peter Terpeluck, Jr.,

Acting Administrator.

CURRENT AND PROJECTED RULEMAKINGS

Title	Agency contact	Effects on small business and other entities	CFR cite	Legal authority	Abstract	Timetable
Size Standards Revision..	Andrew A. Canellas, Director, Office of Industry Analysis, 1441 L St. NW., Washington, D.C. 20416; (202) 653–6373.	Will have a significant economic impact on a substantial number of small businesses.	13 CFR, Part 121.	15 U.S.C. 632......	Priority regulation revision of SBA's standards for determining what is a small business for purposes of SBA assistance.	ANPRM, March 10, 1980—45 FR 15442; ANPRM, May 3, 1982—47 FR 18992; proposed rule expected fall 1982.
Small Business Investment Companies.	Robert G. Lineberry, Deputy Associate Administrator for Investment, 1441 L D.C. 20416 (202) 653–6843.	Will have a significant economic impact on a substantial number of small businesses.	13 CFR, Part 107.	15 U.S.C. 687 (c).	Priority regulation revision of regulations governing the Small Business Investment Company program.	NPRM, August, 16, 1982—47 FR 35498; NFRM expected fall 1982.
Definition of Small Business for Preferential Treatment in Timber Sales.	Joseph E. Kernan, Chief, Natural Resources Sales Assistance Branch 1441 L ST. NW., Washington, D.C. 20416 (202) 653–6078.	Will not have significant economic impact on a substantial number of small entities.	13 CFR 121.3–9(c).	15 U.S.C. 632......	Revision of regulations governing eligibility for preferential treatment for purchase of government timber set-asides.	NPRM August 23, 1982—47 FR 36651; NFRM expected fall 1982.
Eligibility Requirements for Certification of Competency Applicants.	Robert J. Moffitt, Director, Office of Industrial Assistance, 1441 L St. Washington, D.C. 20416 (202) 653–7035.	Will not have significant economic impact on a substantial number of small entities.	13 CFR 125.5......	15 U.S.C. 637(b)(7).	Revision of the conditions under which SBA will provide a certificate of competency relative to a small concern's ability to perform a government contract.	Interim rule August 12, 1982—47 FR 34972; NFRM expected fall 1982.
Eligibility Requirements to § 8(a) program.	Robert L. Wright Associate Administrator, 1441 L St. NW., Washington, D.C. 20416 (202) 653–6407.	Will not have significant economic impact on a substantial number of small entities.	13 CFR 124.1......	15 U.S.C. 632(a).	Priority regulation revision of eligibility criteria for SBA's section 8(a) program.	Interim rule August 12, 1982—47 FR 35754.
Certified Development Company Program.	Alan B. Abraham, Financial Analyst, Office of Lender Relations and Certification, 1441 L St. NW., Washington, D.C. 20416 (202) 653–9181.	Will not have significant economic impact on a substantial number of small entities.	13 CFR 108.........	15 U.S.C. 687......	Revision of criteria for eligibility to be a certified lender.	NPRM May 24, 1982—47 FR 22374.
Size Standard for Purposes of P.L. 97–247.	Harvey Bronstein, 1441 L St. NW., Washington, D.C. 20416 (202) 653–6373.	Will not have significant economic impact on a substantial number of small entities.	13 CFR................	Section 3 of P.L. 97–247.	This rule sets forth a size standard for eligibility for preferential treatment under P.L. 97–247.	NPRM August 31, 1982—47 FR 38331.

REVIEWS OF EXISTING REGULATIONS

Title	Agency contact	Effects on small business and other entities	CFR cite	Legal authority	Abstract	Timetable
Business Loan Policy........	Edwin T. Holloway, Associate Administrator for Finance and Investment, 1441 L St., N.W., Wash., D.C. 20416 (202) 653–6632.	Will not have significant economic impact on a substantial number of small entities.	13 CFR Parts 122, et seq.	15 U.S.C. 636(a) and [illegible].	Business Loan Policy, miscellaneous revisions based on changes in authorizing legislation.	NPRM fall 1982.
Disaster Loans	Edwin T. Holloway, Associate Administrator for Finance and Investment, 1441 L St., N.W., Wash., D.C. 20416 (202) 653–6632.	Will not have significant economic impact on a substantial number of small entities.	13 CFR Parts 123, et seq.	15 U.S.C. [illegible] and [illegible].	Disaster loans, miscellaneous revisions based on changes in authorizing legislation.	NPRM summer 1982.

REVIEWS OF EXISTING REGULATIONS—Continued

Title	Agency contact	Effects on small business and other entities	CFR cite	Legal authority	Abstract	Timetable
Eligible Loan Participants.	Edwin T. Holloway, Associate Administrator for Finance and Investment, 1441 L St., N.W., Wash., D.C. 20416 (202) 653-6632.	Will not have significant economic impact on a substantial number of small entities.	13 CFR Part 120.4.	15 U.S.C. 636(a) and 634(b)(6).	Eligible loan participants	NPRM fall 1982.
State and Local Development Companies.	Edwin T. Holloway, Associate Administrator for Finance and Investment, 1441 L St., N.W., Wash., D.C. 20416 (202) 653-6632.	Will not have significant economic impact on a substantial number of small entities.	13 CFR Part 108.	15 U.S.C. 501, 502, 503 & 15 U.S.C. 634(b)(6).	State and local development companies, miscellaneous revisions.	NPRM summer 1982.

COMPLETED ACTIONS

Title	Agency contact	CFR cite	Legal authority	Abstract	Timetable
Equal Access to Justice	Martin D. Teckler, 1441 L St., N.W., Wash., D.C. 20416 (202) 653-6662.	13 CFR Part 132		These final regulations implement the Equal Access to Justice Act..	Final rule May 21, 1982, 47 FR 22062.
Business Loans, Export Revolving Line of Credit.	Edwin T. Holloway, 1441 L St., N.W., Wash. D.C. 20416 (202) 653-6632.	13 CFR Part 122		These final rules describe procedures for utilizing SBA's export line of credit program.	Final rule June 3, 1982, 47 FR 24110

[FR Doc. 82-27935 Filed 10-27-82; 8:45 am]

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federal register

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October 28, 1982

Part XXXV

Veterans Administration

Agenda of Federal Regulations

VETERANS ADMINISTRATION

38 CFR Ch. I

41 CFR Ch. 8

Agenda of Federal Regulations

AGENCY: Veterans Administration.

ACTION: Publication of agenda of regulations.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under development, revision and review during the 6-month period from October 24, 1982 through April 21, 1983. the purpose in publishing this agenda is to give public notice of these upcoming regulations to allow all interested persons the opportunity to participate in the rulemaking process.

ADDRESS: Except as otherwise listed in the agenda, the address of all agency contacts is: Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Celia Fasone, Information and Regulations Staff (004A1), (202–389–2308).

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96–354) require that executive agencies publish in the **Federal Register**, in April and October of each year, an agenda of regulations under development and review.

The Veterans Administration has no regulations considered major under the terms of E.O. 12291, however all of this agency's proposed rules and current rules under review have been listed in accordance with Section 5.(a) of the executive order. This agenda incorporates those categories of information required pursuant to 5 U.S.C. 602(a) and 610(c) (Regulatory Flexibility Act).

Pursuant to 5 U.S.C. 603, a Regulatory Flexibility Analysis is under development for §§ 21.1020 through 21.4507 of title 38, CFR. These Veterans Education Assistance regulations will implement provisions of P. L. 96–466, Veterans Rehabilitation and Education Amendments of 1980. These proposed amendments may have an impact on small entities because included in these regulations will be some which will subject some independently owned small schools and school districts, with a population of less than 50,000 to additional recordkeeping or compliance requirements. Public comments are invited on these proposed amendments, as listed in the agenda.

The Veterans Administration has found that all other rules listed in this agenda, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612.

In accordance with OMB Bulletin 82–16, July 22, 1982, this agenda has three categories. Two categories, Current and Project Rulemakings, and Reviews of Existing Regulations, contain the title of the regulation; the name, address and phone number of an agency contact (contact's department or staff office is substituted for their title); indication of effect on small business; CFR cite; legal authority; abstract; and a timetable. Under Current and Projected Rulemakings, several projected rules have not yet been assigned CFR section numbers. In addition, a third category, Completed Actions, is included listing all final or withdrawn rules from April 21, 1982 through September 24, 1982.

This agency has no priority regulations, therefore the regulations are grouped by department and staff office.

Dated: September 24, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,
Deputy Administrator.

Veterans Administration Unified Agenda of Federal Regulations Current and Projected Rulemakings; October 24, 1982–April 21, 1983

DEPARTMENT OF VETERANS BENEFITS

Outreach Program, Fee Basis/Contract Program

Legal Authority: Pub. L. 96–22.

Small Entity: No.

Agency Contact: Raymond Scurfield, Department of Veterans Benefits, (202) 389–3303.

Timetable: Action: NPRM within 6 months.

Abstract: Provides for fee basis/contract provision of readjustment counseling veterans of the Vietnam Era.

Veterans Education; Educational Assistance Test Program

Legal Authority: Pub. L. 96–342.

Small Entity: No.

Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.

Timetable: Action: NPRM within 6 months.

Abstract: VA and DOD are negotiating an agreement which would require VA to administer payments for the Educational Assistance Test Program. These regulations will implement this program.

Veterans Rehabilitation and Education Amendments of 1980

CFR: 38 CFR Part 21.

Legal Authority: Pub. L. 96–466.

Small Entity: No.

Agency Contact: J. T. Goetz, Department of Veterans Benefits, (202) 389–2886.

Timetable: Action: NPRM within 6 months.

Abstract: Incorporates provisions of Title 1, Rehabilitation Amendments.

Applications

Legal Authority: Pub. L. 97–66.

Small Entity: No.

Agency Contact: Robert W. Carey, Assistant Director for Insurance VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA. 19101, (215) 951–5360.

Timetable: Action: NPRM within 6 months.

Abstract: Provides for a member of the retired reserve of a uniformed service to obtain increased coverage up to a maximum of $35,000 or any lesser amount divisible by $5,000 by properly submitting a written application.

Deductions From Pay

Legal Authority: Pub. L. 97–66.

Small Entity: No.

Agency Contact: Robert W. Carey, Assistant Director for Insurance VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA. 19101, (215) 951–5360.

Timetable: Action: NPRM within 6 months.

Abstract: Defines authority of the Secretary of Defense to prescribe regulations for the Secretaries of Military Departments to ensure the proper collection of premiums.

Veterans Education; Additional Period of Eligibility

CFR: 38 CFR 21.1042, 21.1044.

Legal Authority: Pub. L. 97–72.

Small Entity: No.

Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.

Timetable: Action: NPRM.

Date: April 20, 1982.

FR Cite: (47 FR 16797).

Abstract: Criteria for providing veterans training under the G.I. Bill with an additional period of eligibility which may be up to 2 years long.

Business Loans

CFR: 38 CFR 36.4700 series.

Legal Authority: Pub. L. 97–72.

Small Entity: No.

Agency Contact: George D. Moerman, Department of Veterans Benefits, (202) 389–3042.

Timetable: Action: NPRM within 6 months.

Abstract: Provides guaranteed or direct loans to certain service-connected disabled veterans and to Vietnam veterans for financing small business concerns.

Fee

CFR: 38 CFR 36.4232, 36.4254, 36.4312, 36.4504.

Legal Authority: Pub. L. 97–253.

Small Entity: No.

Agency Contact: George D. Moerman, Department of Veterans Benefits, (202) 389–3042.

Timetable: Action: NPRM within 6 months.

Abstract: Provides for the collection of a loan fee of 1/2 of 1% of the total loan amount on VA housing loans to certain veterans.

DEPARTMENT OF MEDICINE AND SURGERY

Protection of Patient Rights

CFR: 38 CFR 17.34a.

Legal Authority: Pub. L. 94–581.

Small Entity: No.

Agency Contact: Dorothy Rasinski, M.D., J.D., Department of Medicine and Surgery, (202) 389–3303.

Timetable: Action: NPRM within 6 months.

Abstract: Sets forth specific mimimum substantive and procedural rights to be uniformly afforded patients undergoing treatment in VA Medical Centers.

Medical Care in U.S. for CAV's and New Philippine Scouts

CFR: 38 CFR 17.46a.

Legal Authority: Pub. L. 96–22.

Small Entity: No.

Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.

Timetable: Action: NPRM within 6 months.

Abstract: Authorizes hospital and nursing home care and medical services in the U.S. for Commonwealth Army Veterans (CAV's) and New Philippine Scouts for treatment of service-connected disabilities.

Class II Dental Benefits

CFR: 38 CFR 17.123(b).

Legal Authority: Pub. L. 97–35.

Small Entity: No.

Agency Contact: Edwin Irish, D.D.S., Department of Medicine and Surgery, (202) 389–2038.

Timetable: Action: NPRM within 6 months.

Abstract: Restricts Class II dental benefits to veterans who were discharged under conditions other than dishonorable from a period of active duty or not less than 180 days.

Dental Care for Former POW's

CFR: 38 CFR 17.123

Legal Authority: Pub. L. 97–37.

Small Entity: No.

Agency Contact: Jerome Hanes, Department of Medicine and Surgery, (202) 389–2337.

Timetable: Action: NPRM within 6 months.

Abstract: Authorizes outpatient dental care for those additional veterans encompassed by the new definition of "Former Prisoner of War".

Ex-POW's Inability To Defray Costs of Hospital Care

CFR: 38 CFR 17.47 (d) and (e).

Legal Authority: Pub. L. 97–37.

Small Entity: No.

Agency Contact: Jerome Hanes, Department of Medicine and Surgery, (202) 389–2337.

Timetable: Action: NPRM within 6 months.

Abstract: Excludes nonservice-connected ex-POW's from the requirement to sign the oath of inability to pay for medical care.

Outpatient Treatment of Ex-POW's

CFR: 38 CFR 17.60(k).

Legal Authority: Pub. L. 97–37.

Small Entity: No.

Agency Contact: Anthony Ranciato, Department of Medicine and Surgery, (202) 389–2851.

Timetable: Action: NPRM within 6 months.

Abstract: Authorizes the Administrator, within the limits of VA facilities, to furnish medical services for any disability on an outpatient or ambulatory basis for ex-POW's.

Outpatient Priority for Ex-POW's

CFR: 38 CFR 17.60g(d).

Legal Authority: Pub. L. 97–37.

Small Entity: No.

Agency Contact: Anthony Ranciato, Department of Medicine and Surgery, (202) 389–2851.

Timetable: Action: NPRM within 6 months.

Abstract: Ex-POW's are provided special priorities for outpatient services ahead of all other nonservice-connected veterans.

Entitlement to Outpatient Care

CFR: 38 CFR 17.123.

Legal Authority: Pub. L. 97–72.

Small Entity: No.

Agency Contact: Jerome Hanes, Department of Medicine and Surgery, (202) 389–2337.

Timetable: Action: NPRM within 6 months.

Abstract: Provides that discharged entlisted personnel need not apply for Class II dental benefits after each period of enlistment.

Veterans Administration and Department of Defense Health Resources Sharing and Emergency Operations Act of 1982

CFR: 38 CFR 17.190.

Legal Authority: Pub. L. 97–174.

Small Entity: No.

Agency Contact: Richard Citron; Department of Medicine and Surgery, (202) 389–3747.

Timetable: Action: NPRM within 6 months.

Abstract: Assigns priority care to active duty personnel of the U.S. Armed Forces in time of war or national emergency.

Consumer-Patient Radiation Health and Safety

Legal Authority: Pub. L. 97–35.

Small Entity: No.

Agency Contact: James Smith, M.D., Department of Medicine and Surgery, (202) 389–3195.

Timetable: Action: NPRM within 6 months.

Abstract: Makes Federal Radiation Guidelines and Standards promulgated by HHS applicable to the provision of VA radiological procedures.

OFFICE OF PROGRAM PLANNING AND EVALUATION

Vietnam Era Veterans' Readjustment Assistance Act of 1974

CFR: 38 CFR 1.230.

Legal Authority: Pub. L. 93–508.

Small Entity: No.

Agency Contact: Fred Humphreys, Office of Program Planning and Evaluation, (202) 389–3283.

Timetable: Action: NPRM within 6 months.

Abstract: General standards for measuring and evaluating the impact of all programs authorized under title 38, U.S.C.

Intergovernmental Review of Federal Programs

Legal Authority: Executive Order 12372.

Small Entity: No.

Agency Contact: Edwin Arnold, Office of Program Planning and Evaluation, (202) 389–2608.

Timetable: Action: NPRM within 6 months.

Abstract: Federal agencies are required to defer to the states' own procedures for developing such recommendations to inform state and local elected officials of proposed Federal actions as early as possible; and where state and local recommendations cannot be accommodated, to explain in a timely fashion. The E.O. also contains provisions to strengthen the authority of state and local elected officials and encourage simplification of state planning requirements imposed by Federal laws.

OFFICE OF BUDGET AND FINANCE

Administrative Control of Funds

CFR: 38 CFR 1.670–1.674.
Legal Authority: 31 U.S.C. 665.
Small Entity: No.
Agency Contact: Dennis Bowser, Office of Budget and Finance, (202) 389–2311.
Timetable: Action: NPRM within 6 months.
Abstract: These regulations will implement provisions of OMB Circular A–34.

EQUAL OPPORTUNITY STAFF

Age Discrimination

Legal Authority: Pub. L. 94–135.
Small Entity: No.
Timetable: Action: NPRM within 6 months.
Abstract: Establish standards for determining what age discrimination is and procedures for enforcing the Act.

Reviews of Existing Regulations; October 24, 1982–April 21, 1983

DEPARTMENT OF MEDICINE AND SURGERY

Medical Records Disclosure

CFR: 38 CFR 1.514.
Legal Authority: Pub. L. 93–282.
Small Entity: No.
Agency Contact: Harold Ramsey, Department of Medicine and Surgery, (202) 389–3294.
Timetable: Action: NPRM within 6 months.
Abstract: Permits medical records disclosure to treating physicians with verified oral consent from the veteran.

Grants to States for Construction of State Home Facilities

CFR: 38 CFR 17.171, 17.173 and Appendix A.
Legal Authority: Pub. L. 96–330.
Small Entity: No.
Agency Contact: Rita Frampton, Department of Medicine and Surgery, (202) 289–3679.
Timetable: Action: Interim Final Rule.
Date: June 28, 1982.
FR Cite: 47 FR 27859.
Abstract: Changes from 2½ to 4 per thousand veterans in a State, the maximum number of beds, as required by 38 U.S.C. 5034(I), to provide adequate nursing home care to veterans residing in each State.

Definitions

CFR: 38 CFR 17.30(w).
Legal Authority: 38 U.S.C. 601(4); Pub. L. 96–151.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: Final Rule within 6 months.
Abstract. Redefines "Veterans Administration facilities" to provide authority to furnish medical services at private facilities for certain veterans receiving housebound or aid and attendance benefits.

Informed Consent

CFR: 38 CFR 17.34.
Legal Authority: Pub. L. 94–581.
Small Entity: No.
Agency Contact: Monica Wilkins, Department of Medicine and Surgery, (202) 389–2179.
Timetable: Action: NPRM within 6 months.
Abstract: Mandates that all patient care be carried out with full and informed consent and clarifies the definition of a patient's representative.

Domiciliary Income Limitation

CFR: 38 CFR 17.48(b)(1).
Legal Authority: Pub. L. 96–330.
Small Entity: No.
Agency Contact: James L. Fozard, M.D., Department of Medicine and Surgery.
Timetable: Action: NPRM with 6 months.
Abstract: To change the current income level of $415 per month by increasing the income limitation to an appropriate level taking into consideration the present Consumer Price Index.

Evidence of Inability to Defray Necessary Expenses

CFR: 38 CFR 17.48(c)(2).
Legal Authority: Pub. L. 96–330.
Small Entity: No.
Agency Contact: Jerome Hanes, Department of Medicine and Surgery, (202) 389–2337.
Timetable: Action: NPRM within 6 months.
Abstract: Provides authority to deny VA medical care on a case-by-case basis, when a determination is made that the individual is able to afford the needed medical care from other than VA sources.

Admission Priorities

CFR: 38 CFR 17.49.
Legal Authority: Pub. L. 96–22.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: Final Rule within 6 months.
Abstract: Defines the admission priority for hospital care for Commonwealth Army Veterans and New Philippine Scouts.

Alcohol and Drug Dependence or Abuse Treatment Rehabilitation

CFR: 38 CFR 17.53a–17.53e.
Legal Authority: 38 U.S.C. 620A, Pub. L. 96–22.
Small Entity: No.
Agency Contact: Stewart Baker, M.D., Department of Medicine and Surgery, (202) 389–5193.
Timetable: Action: Final rule within 2 months.
Abstract: Provides for alcohol or drug abuse care and treatment and rehabilitative services on a contract basis in halfway houses and other community-based treatment facilities.

Medical Care for Survivors and Dependents of Certain Veterans

CFR: 38 CFR 17.54.
Legal Authority: 38 U.S.C. 613, Pub. L. 96–151.
Small Entity: No.
Agency Contact: Harold Ramsey, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: NPRM within 6 months.
Abstract: Provides CHAMPVA benefits to surviving spouses or children of a person who died in the active military in the line of duty who are not eligible for CHAMPUS or MEDICARE benefits.

Emergency Outpatient Care

CFR: 38 CFR 17.60b.
Legal Authority: 38 U.S.C. 611, Pub. L. 96–22, Pub. L. 96–128.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: Final Rule within 6 months.
Abstract: Defines authority for furnishing emergency outpatient care to individuals attending national conventions of recognized veterans service organizations.

Priorities for Medical Services

CFR: 38 CFR 17.60(g).
Legal Authority: Pub. L. 96–151.
Small Entity: No.
Agency Contact: Anthony Ranciato, Department of Medicine and Surgery, (202) 389–2851.
Timetable: Action: NPRM within 6 months.
Abstract: Defines the outpatient priority category for compensation and pension examinations.

Charges for Emergency Services

CFR: 38 CFR 17.62(h).
Legal Authority: 38 U.S.C. 629, Pub. L. 97–72.
Small Entity: No.
Agency Contact: Ann McPherson, Department of Medicine and Surgery, (202) 389–2337.
Timetable:
Action: NPRM.
Date: August 12, 1982.
FR CITE: 47 FR 35013.
Abstract: Provides for reimbursement for emergency services provided to individuals other than eligible veterans attending national conventions of recognized veterans service organizations.

Amount of Aid Payable

CFR: 38 CFR 17.166c.
Legal Authority: Pub. L. 96–151.
Small Entity: No.
Agency Contact: Gene Lambert, Department of Medicine and Surgery, (202) 389–2143.
Timetable: Action: Final Rule within 6 months.
Abstract: Amends the published per diem rates payable to a recognized state home for domiciliary care, nursing home care, and for hospital care furnished to eligible veterans.

OFFICE OF THE GENERAL COUNSEL

Licensing of Government-Owned Inventions

CFR: 38 CFR 1.666
Legal Authority: 35 U.S.C. 208; E.O. 10096.
Small Entity: No.
Agency Contact: Neal C. Lawson, Office of the General Counsel, (202) 389–3294.
Timetable: Action: NPRM within 6 months.
Abstract: Establishes that the National Technical Information Service (NTIS) of the Dept. of Commerce will, in addition to HHS, be responsible for licensing certain inventions owned by the VA.

Delegation of Authority

CFR: 38 CFR 2.6
Legal Authority: 38 U.S.C. 212(a)
Small Entity: No.
Agency Contact: Audley Hendricks, Office of the General Counsel, (202) 389–5030.
Timetable: Action: NPRM within 6 months.
Abstract: Increased claims authority and shift of responsibility.

Procedure Where Violation of Penal Statutes is Involved

CFR: 38 CFR 14.560
Legal Authority: 38 U.S.C. 210(c)(1)
Small Entity: No.
Agency Contact: Audley Hendricks, Office of the General Counsel, (202) 389–5035.
Timetable: Action: NPRM within 6 months.
Abstract: Changes the VA's process for referring matters involving violations of penal laws to the Department of Justice.

Recognition of Organizations, Representatives, Agents and Attorneys

CFR: 38 CFR 14.627 through 14.634, and 14.664
Legal Authority: 38 U.S.C. 210(c)(1), 3402 and 3404
Small Entity: No.
Agency Contact: Ed Lukey, Office of the General Counsel, (202) 389–2440.
Timetable: Action: NPRM within 6 months.
Abstract: Includes definitions; requirements for recognition of organizations by the VA; withdrawal of recognition; requirements for recognition of representatives, agents and attorneys; powers of attorneys; letters of recognition; termination of recognition; fees and expenses and delegation of claims authority and shift of responsibility.

DEPARTMENT OF MEMORIAL AFFAIRS

Disinterments from National Cemeteries

CFR: 38 CFR 1.621
Legal Authority: 38 U.S.C. 210(c)(1), 1004
Small Entity: No.
Agency Contact: Sonja McCombs, Department of Memorial Affairs, (202) 389–2987.
Timetable:
Action: NPRM
Date: June 2, 1982.
FR Cite: 47 FR 23954
Abstract: Requirements for requests for disinterments from National Cemeteries.

OFFICE OF BUDGET AND FINANCE

Debt Procedures

CFR: 38 CFR 1.911, 1.912, 1.955, 1.966 and 1.967.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: Peter Mulhern, Office of Budget and Finance, (202) 389–3405.
Timetable:
Action: NPRM.
Date: December 23, 1981.
FR Cite: 46 FR 62296.
Abstract: Includes demand for payment of debts, procedure for indebtedness notification, offset, Committees on Waivers and Compromises, and refunds.

BOARD OF VETERANS APPEALS

General Appellate Regulations and Rules of Practice

CFR: 38 CFR 19.1–19.5 and 19.101–19.156.
Legal Authority: 38 U.S.C. 210(c)(1).
Small Entity: No.
Agency Contact: Jan Donsbach, Board of Veterans Appeals, (202) 389–2978.
Timetable:
Action: NPRM.
Date: August 20, 1980.
RF Cite: 45 FR 56093.
Abstract: General appellate jurisdiction, subject matter of appeals, disclosure of information, restrictions on payments. Rules of practice for the Board of Veterans Appeals.

DEPARTMENT OF VETERANS BENEFITS

Payment of Burial Expenses of Deceased Veterans

CFR: 38 CFR 1.600.
Legal Authority: Pub. L. 97–35.
Small Entity: No.
Agency Contact: Robert M. White, Department of Veterans Benefits, (202) 389–3005.
Timetable: Action: NPRM within 6 months.
Abstract: Implements provisions of Pub. L. 97–35, which restricts payment of the burial allowance to veterans in receipt of compensation at time of death.

Definitions

CFR: 38 CFR 3.1(z).
Legal Authority: Pub. L. 97–37.
Small Entity: No.
Agency Contact: Robert M. White, Department of Veterans Benefits, (202) 389–3005.
Timetable: Action: NPRM.
Abstract: Definition of the term "nursing home" added to provide precise standard for benefit determination.

Disease Subject to Presumptive Service Connection

CFR: 38 CFR 3.309.

Legal Authority: 38 U.S.C. 210(c)(1).
Small Entity: No.
Agency Contact: Robert M. White, Department of Veterans Benefits, (202) 389-3005.
Timetable: Action: NPRM within 6 months.
Abstract: Amendment to remove a perceived discretionary tone in the current regulation by directing the grant of service connection for the stated disabilities when all prerequisites are met.

Optional Insurance Settlements

CFR: 38 CFR 8.64, 8.65, 8.68, 8.77, 8.79, 8.80, 8.80c, 8.81.
Legal Authority: Pub. L. 97-66.
Small Entity: No.
Agency Contact: Robert W. Carey, Assistant Director for Insurance, VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA. 19101, (215) 951-5360.
Timetable: Action: NPRM within 6 months.
Abstract: In the case of insurance maturing after Sept. 30, 1981 and for which no option has been elected by the insured, the beneficiary may elect to receive payment in one lump sum.

Insurance Amendments

CFR: 38 CFR 9.2, 9.4, 9.6, 9.8, 9.16, 9.22, 9.24, 9.27 and 9.36.
Legal Authority: Pub. L. 97-66.
Small Entity: No.
Agency Contact: Robert W. Carey, Assistant Director for Insurance, VA Regional Office and Insurance Center, P.O. Box 8079, Philadelphia, PA. 19101, (215) 951-5360.
Timetable: Action: NPRM within 6 months.
Abstract: Reflects changes concerning effective dates, amount of insurance under SGLI and VGLI, waiver of reduction of coverage, restoration of coverage, beneficiaries and options, administrative divisions, termination of coverage, health standards, and Veterans Group Life Insurance.

Vocational Rehabilitation Amendments

CFR: 38 CFR 21.50-21.96.
Legal Authority: Pub. L. 96-466.
Small Entity: No.
Agency Contact: Jeff Goetz, Department of Veterans Benefits, (202) 389-2886.
Timetable:
Action: NPRM.
Date: September 15, 1982.
FR Cite: 47 FR 40650.
Abstract: Implements provision requiring comprehensive evaluation of the veteran's situation as a basis for determining eligibility and entitlement to assistance, preparing an Individualized Written Rehabilitation Plan, limitations on the duration of rehabilitation programs and the role of the Vocational Rehabilitation Panel in assisting seriously disabled veterans.

Vocational Rehabilitation Amendments

CFR: 38 CFR 21.100-21.102, 21.118-21.134, 21.140-21.158, 21.160-21.162, 21.210-21.232, 21.240-21.249, 21.250-21.259, 21.380-21.408.
Legal Authority: Pub. L. 96-466.
Small Entity: No.
Agency Contact: Jeff Goetz, Department of Veterans Benefits, (202) 389-2886.
Timetable: Action: NPRM within 6 months.
Abstract: These sections implement provisions covering counseling, educational and vocational services, special rehabilitation services, independent living services, supplies, medical services and employment services for veterans being provided training and rehabilitation. Implements provision for personnel training and staff development, rehabilitation research and the role of the Veterans Advisory Committee on Rehabilitation.

Vocational Rehabilitation Amendments

CFR: 38 CFR 21.180-21.198, 21.280-21.288, 21.290-21.299, 21.360-21.364, 21.370-21.378, 21.410-21.416.
Legal Authority: Pub. L. 96-466.
Small Entity: No.
Agency Contact: Jeff Goetz, Department of Veterans Benefits, (202) 389-2886.
Timetable: Action: NPRM within 6 months.
Abstract: These sections implement provisions covering case status, entrance into rehabilitation, course and facility approval, satisfactory conduct and cooperation, administrative procedures, and inter- and intra-regional travel of veterans.

Vocational Rehabilitation Amendments

CFR: 38 CFR 21.260-21.276, 21.310-21.314, 21.320-21.334 and 21.340-21.350.
Legal Authority: Pub. L. 96-466.
Small Entity: No.
Agency Contact: Jeff Goetz, Department of Veterans Benefits, (202) 389-2886.
Timetable: Action: NPRM within 6 months.
Abstract: These sections implement provisions covering payment of monthly living allowances to veterans in a rehabilitation program, the rate of pursuit of a rehabilitation program, authorization and award of allowance payments, and leaves of absence.

Veterans Education; Program of Education

CFR: 38 CFR 21.4230.
Legal Authority: 15 U.S.C. 636.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389-2092.
Timetable:
Action: NPRM.
Date: June 7, 1982.
FR Cite: 47 FR 24603.
Abstract: Corrects an incorrect reference to title 42, U.S.C. which is now contained in the regulation.

Veterans Education; Pro-Rata Refund

CFR: 38 CFR 21.3046, 21.4254, 21.4255.
Legal Authority: Pub. L. 97-66.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389-2092.
Timetable:
Action: NPRM.
Date: May 5, 1982.
FR Cite: 47 FR 19380.
Abstract: Implements those sections of Pub. L. 97-66 which affect chapters 34, 35 and 36 of title 38 U.S.C. This includes liberalizing eligibility requirements for surviving spouses, and permitting approval of some courses offered by nonaccredited schools even though they do not have a pro-rata refund policy.

Veterans Education; Implementation of the Budget Reconciliation Act

CFR: 38 CFR 21.4136, 21.4137, 21.4232 and 21.4503.
Legal Authority: Pub. L. 97-253.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389-2092.
Timetable: Action: NPRM within 6 months.
Abstract: Implements those portions of the Budget Reconciliation Act which affect training under chapter 34, title 38, U.S.C.

Veterans Education; 24-month Service Requirement

CFR: 38 CFR 21.1021.
Legal Authority: Pub. L. 97-66.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389-2092.
Timetable: Action: NPRM within 6 months.
Abstract: Implements those portions of Pub. L. 97-66 which require some Vietnam Era veterans to serve 24 months on active duty before they can receive benefits under the G.I. Bill.

Veterans Education; Education Assistance

CFR: 38 CFR 21.1020–21.4507.
Legal Authority: Pub. L. 96–466.
Small Entity: Yes.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: This proposal will amend and augment CFR sections in order to implement provisions of Pub. L. 96–466 which affect these regulations and to make other technical changes.

Veterans Education; DOD Funding

CFR: 38 CFR 21.5054, 21.5132 and 21.5138.
Legal Authority: 38 U.S.C. 1631, Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable:
Action: NPRM.
Date: July 6, 1982.
FR Cite: 47 FR 29269.
Abstract: States that DOD instead of VA will fund training under VEAP that takes place after December 31, 1981.

Veterans Education; SAA Contracts

CFR: 38 CFR 21.4154.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092
Timetable: Action: NPRM within 6 months.
Abstract: Reduces the amount of information required of State Approving Agencies in their reports to the VA, and changes the frequency of the reports from quarterly to monthly.

Veterans Education; Certifications of Enrollment

CFR: 38 CFR 21.4137, 21.4203 and 21.4204.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: Limits certifications of enrollment to one term, quarter or semester at a time.

Veterans Education; Monthly Certifications of Attendance

CFR: 38 CFR 21.4203, 21.4204, 21.4205.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: Requires monthly certifications of attendance in courses not leading to a standard college degree.

Veterans Education; Course Suspensions

CFR: 38 CFR 21.4134.
Legal Authority: Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092
Timetable: Action: NPRM within 6 months.
Abstract: Limits the VA's authority to suspend payments to veterans and eligible persons who are enrolled in approved courses.

Veterans Education; Change in the Number of Dependents

CFR: 38 CFR 21.4131 and 21.4135.
Legal Authority: Pub. L. 97–253.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092.
Timetable: Action: NPRM within 6 months.
Abstract: Implements those provisions of the Omnibus Budget Act of 1982 which affect the effective dates for increases and decreases in awards of educational assistance allowance due to changes in the number of a veteran's dependents.

Veterans Education; Matriculation

CFR: 38 CFR 21.4252.
Legal Authority: 38 U.S.C. 1652, Pub. L. 96–466.
Small Entity: No.
Agency Contact: June Schaeffer, Department of Veterans Benefits, (202) 389–2092
Timetable:
Action: NPRM.
Date: July 6, 1982.
FR Cite: 47 FR 29267.
Abstract: Requires matriculation in some instances before a veteran or eligible person can receive educational assistance allowance.

Refinancing Loan Discount Points and Automatic Closing of Refinancing Loans

CFR: 38 CFR 36.4306, 36.4306a and 36.43112.
Legal Authority: 38 U.S.C. 1803(c)(3).
Small Entity: No.
Agency Contact: George D. Moerman, Department of Veterans Benefits, (202) 389–3042.
Timetable: Action: NPRM within 6 months.
Abstract. Authorizes lenders to set discount points on refinancing loan at time of closing using an approved index and to allow closing of refinancing loans on the automatic basis.

Suspension of Program Participants Based on Criminal Conviction and Suspension of Lender's Employees

CFR: 38 CFR 36.4216, 36.4235, 36.4331, 36.4341 and 36.4361.
Legal Authority: 38 U.S.C. 1804 (b) and (d), 1819(g).
Small Entity: No.
Agency Contact: George D. Moerman, Department of Veterans Benefits, (202) 389–3042.
Timetable: Action: NPRM within 6 months.
Abstract. Provides for suspension of program participants with no right to an administrative hearing if the person is convicted of a housing program crime and to provide for suspension of any lender's employee involved in program fraud.

OFFICE OF PROCUREMENT AND SUPPLY

Consulting and Related Services

CFR: 41 CFR 8–4.8 and 8–75.2
Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).
Small Entity: No.
Agency Contact: Chris Figg, Office of Procurement and Supply, (202) 389–2856.
Timetable: Action: Final Rule within 6 months.
Abstract. Clearly limits the use of letters of agreement, both as to when and how it can be used and by whom.

Special Procurement Controls

CFR: 41 CFR 8–74.1
Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).
Small Entity: No.
Agency Contact: Chris Figg, Office of Procurement and Supply, (202) 389–2856.
Timetable: Action: Final Rule within 6 months.
Abstract. Eliminates the need for instructors to provide an affidavit to the United States.

Unsolicited Proposals

CFR: 41 CFR 8–4.9.
Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).
Small Entity: No.
Agency Contact: David Derr, Office of Procurement and Supply, (202) 389–2334.
Timetable: Action: Final Rule within 6 months.
Abstract. Prescribes policy and procedures for processing unsolicited proposals within the Veterans Administration.

Special Procuremrnt Controls

CFR: 41 CFR 8–74.1.

Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).

Small Entity: No.

Agency Contact: Thomas Hamilton, Office of Procurement and Supply, (202) 389–2334.

Timetable: Action: Final rule within 6 months.

Abstract: Rescinds the VA Special Procurement Controls for air-conditioning equipments.

Procurement Responsibility and Authority

CFR: 41 CFR 8–1.4.

Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).

Small Entity: No.

Agency Contact: Thomas Hamilton, Office of Procurement and Supply, (202) 389–2334.

Timetable: Action: Final rule within 6 months.

Abstract: Raises threshold level from $50,000 to $100,000 for mandatory technical reviews on 8(a) set-aside contracts.

Terms of Payment

CFR: 41 CFR 8–1.50.

Legal Authority: 38 U.S.C. 210(c); 40 U.S.C. 486(c).

Small Entity: No.

Agency Contact: David Derr, Office of Procurement and Supply, (202) 389–2334.

Timetable: Action: Final Rule within 6 months.

Abstract: Prescribes procedures for establishing expeditious payment arrangements for small business concerns requesting such arrangements.

COMPLETED ACTIONS

[Apr. 21, 1982–Sept. 24, 1982]

Title	Contact	Cite	Action
41 CFR 8–3.204: Personal or Professional Services	David Derr, (202) 389–2334	(47 FR 18866) May 3, 1982	Final rule.
38 CFR 3.1612: Allowance in Lieu of Headstone	T.H. Spindle, (202) 389–3005	(47 FR 19131) May 4, 1982	Final rule.
41 CFR 8–3 Procurement by Negotiation	David Derr, (202) 389–2334	(47 FR 33694) Aug. 4, 1982	Final rule.
38 CFR 36.4214, 4311, 4503: Decrease in Interest Rates	George D. Moerman, (202) 389–3042	(47 FR 35190) Aug. 13, 1982	Final rule.
38 CFR 3.7: Veterans Benefits; Active Duty	Robert M. White, (202) 389–3005	(47 FR 29530) July 7, 1982	Final rule.
38 CFR 21.5137: Veterans Education; Flight Training	June C. Schaeffer, (202) 389–2092	(47 FR 30247) July 13, 1982	Final rule.
38 CFR 21.5135: Veterans Education; Advance Payments	June C. Schaeffer, (202) 389–2092	(47 FR 32527) July 28, 1982	Final rule.
38 CFR 3.23–3.26, 3.262: Pension Rates	T.H. Spindle, (202) 389–3005	(47 FR 20767) May 14, 1982	Final rule.
38 CFR 3.12a, 3.350, 3.551, 3.650, 3.653: Veterans Benefits; Adjudication.	T.H. Spindle, (202) 389–3005	(47 FR 24549) June 6, 1982	Final rule.
41 CFR 8–4 and 8–4: Consulting and Related Svcs.; Delegation of Authority.	Tim Ganous, (202) 389–5465	(47 FR 25525) June 14, 1982	Final rule.
41 CFR 8–2.2, 8–2.4 8–2.5: Advertising	Chris Figg, (202) 389–2334	(47 FR 26127) June 17, 1982	Final rule.
38 CFR 3.205, 3.209, 3.210: Veterans Benefits; Marriage and Birth.	T.H. Spindle, Jr., (202) 389–3005	(47 FR 28096) June 29, 1982	Final rule.
38 CFR 8.126, 8.54, 8.59: USGLI and NSLI Payments	Robert W. Carey, (215) 951–5360	(47 FR 28371) June 30, 1982	Final rule.
38 CFR 36.4411: Loan Guaranty	Lyman T. Miller, (202) 389–2691	(47 FR 29230) July 6, 1982	Final rule.
38 CFR 3.1(y): Definition of "Former Prisoner of War"	Robert M. White, (202) 389–3005	(47 FR 38121) Aug. 30, 1982	Final rule.
38 CFR 36.4212, 4311, 4503: Decrease in Interest Rates	George D. Moerman, (202) 389–3042	(47 FR 38122) Aug. 30, 1982	Final rule.
38 CFR 1.526, 1.555, 1.579: Fees	Neal C. Lawson, (202) 389–3294	Sept. 15, 1982	Withdrawn: Material may be substantially affected by legislation currently pending in Congress.

[FR Doc. 82–28086 Filed 10–27–82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXXVI

Civil Aeronautics Board

Unified Agenda of Federal Regulations

CIVIL AERONAUTICS BOARD

14 CFR Ch. II

Unified Agenda of Federal Regulations

AGENCY: Civil Aeronautics Board.

ACTION: Publication of Unified Agenda of Federal Regulations.

SUMMARY: As part of its implementation of the Regulatory Flexibility Act, Pub. L. 96–354, and in accordance with the policy announced in OMB Bulletin 82–16, the CAB publishes its semiannual Unified Agenda of Federal Regulations.

DATE: Adopted: September 14, 1982.

ADDRESSES: Copies of the rulemaking documents listed in this agenda can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428; (202) 673–5432. Each document should be identified by the designation appearing in parentheses after the **Federal Register** citation. Persons wishing to be placed on a mailing list for future editions of this agenda should send a postcard request to the Distribution Section at the above address.

FOR FURTHER INFORMATION CONTACT: About a specific rulemaking action listed in this agenda—the contact person listed below. About this agenda—Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: The Board is publishing this Unified Agenda of Federal Regulations in accordance with the Regulatory Flexibility Act, Pub. L. 96–345, and the policy announced in OMB Bulletin 82–16, issued on July 22, 1982. The next agenda will be published in April 1983, as provided in the Regulatory Flexibility Act. The Board's previous agenda appears at 47 FR 21069, May 17, 1982.

This agenda is divided into two main categories, *Rules Under Development* and *Existing Rules under Review*, and an Appendix. An action to amend an existing part of the Code of Federal Regulations is not necessarily listed as an existing rule under review. If it does not involve a reexamination of the basic policy and purpose of that part, it is listed as a rule under development. Entries in *Rules Under Development* are listed with a letter prefix indicating the subject areas: A—Small Community Air Service Program; B—Fares, Rates, and Tariffs; C—Charters; and D—Miscellaneous. Each rulemaking included in *Existing Rules Under Review* is listed according to the CFR part it would primarily affect, with a numerical suffix to distinguish it from other rulemakings that are listed under the same part. The Appendix lists any rulemaking that appeared in the previous agenda and has since been completed or terminated. Item [C12.] in the appendix, however, did not appear in the last Agenda because the proceeding was not begun until August, 1982.

For each rulemaking action listed in this agenda, the following information is set out: title; the name, office abbreviation, and telephone number of a knowledgeable Board official to contact for further information; action schedule; description and authority. For each proceeding in which a notice of proposed rulemaking has been issued, a scheduled completion date is listed. Addresses for all contact persons are Civil Aeronautics Board, Washington, D.C. 20428. Unless otherwise noted, the legal authority for a rulemaking action is the Federal Aviation Act of 1958, as amended by the Airline Deregulation Act of 1978 and the International Air Transportation Competition Act.

The only rules that the Regulatory Flexibility Act requires agencies to include in their agendas are those that are "likely to have a significant economic impact on a substantial number of small entities." This agenda is more inclusive, listing all significant Board rulemaking activity. The following items appear to meet the statutory criterion: A2, A4, A5, A6, B1, B2, B4, B5, B13, C10, D26, D32, 211–1, 217–1, 221–2, 241–5, 241–6, 241–8, 291–1, 293–1, 298–3, 298–8 and 389–1. We have not made this determination in cases where a notice of proposed rulemaking was issued before January 1, 1981, because the regulatory flexibility analysis requirements do not apply to those proceedings.

None of the rulemaking included in this agenda is "major" within the meaning of E.O. 12291, and the Board does not plan to perform any formal Regulatory Impact Analyses. Each rulemaking, however, undergoes an analysis of benefits, costs, and alternatives, in a degree of detail and formality that is commensurate with the importance of the rule. The Board also retains the discretion to prepare a formal Regulatory Impact Analysis on any rulemaking.

Statements in the action schedule column that a notice or advance notice of proposed rulemaking is in preparation indicate that the staff is preparing a draft for Board action. They do not imply that the proposal will necessarily be issued, that the Board has endorsed the substance of the proposal, or that the petition (if any) prompting the rulemaking activity will necessarily be granted. Scheduled completion dates are estimates only, and so do not bind the Board or indicate that a final rule will necessarily be adopted.

Although this agenda is intended to list all significant Board regulations that are under development or review, it is not a complete guide to all significant rulemaking activity for the 6 months until publication of the next agenda. First, new rulemaking actions may arise and be completed between now and then. Second, we may have inadvertently omitted one or more items. Any such omission shall not preclude the Board from taking action on the item, and shall not be a ground for judicial review of the rule.

Abbreviations Used in This Agenda

"Act" means the Federal Aviation Act of 1958, as amended, 49 U.S.C. 1301 *et seq.*, including amendments made by the Deregulation Act and the International Air Transportation Competition Act, Pub. L. 96–192, 94 Stat. 35.

"Deregulation Act" means the Airline Deregulation Act of 1978, Pub. L. 95–504, 92 Stat. 1705.

"CFR" means Code of Federal Regulations.

"FR" means Federal Register.

"ANPRM" means advance notice of proposed rulemaking.

"NPRM" means notice of proposed rulemaking.

Office abbreviations:

BCAA—Bureau of Carrier Accounts and Audits
OCCCA—Office of Congressional, Community and Consumer Affairs
BDA—Bureau of Domestic Aviation
BIA—Bureau of International Aviation
OC—Office of Comptroller
OEA—Office of Economic Analysis
OGC—Office of the General Counsel

ER–, EDR–, SPR–, SPDR–, and similar designations appearing in parentheses after a **Federal Register** citation are the Board's internal designations for final rules and proposed rules. Using these designations, interested persons can obtain copies of documents from the Distribution Section at the address listed above. The Distribution Section will also establish and maintain a list of persons wishing to receive copies of future agendas.

Accordingly, the Civil Aeronautics Board publishes the attached Agenda of Significant Regulations under Development or Review.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

RULES UNDER DEVELOPMENT

Contact person	Action schedule	Description
	A. Small Community Air Service Program	
	A1. ESSENTIAL AIR SERVICE SUBSIDY GUIDELINES (PROPOSED 14 CFR PART 271)	
John R. Hokanson, BDA, 202-673-5368, or David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 83254, December 18, 1980 (EDR-415, Docket 39041). Comment period closed February 17, 1981. Scheduled for completion: June 1983.	The Board provides subsidy to airlines to ensure that small communities receive essential air service at a level determined in accordance with 14 CFR Part 398. This rule would implement section 419(d) of the Act, which directs the Board to establish guidelines for computing the fair and reasonable amount of compensation necessary to guarantee that level of service. 49 U.S.C. 1389.
	A2. ESSENTIAL AIR SERVICE SUBSIDY PROCEDURES (PROPOSED 14 CFR PART 326)	
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	The Board pays a subsidy to airlines for providing essential air service to small communities. This rule would establish when the rate conference with the airline is held, what happens at the end of the airline's rate term, and other procedural matters involved in setting subsidy rates. 49 U.S.C. 1389.
	A3. OBLIGATION OF CARRIERS TO PROVIDE ADEQUATE SERVICE AT ELIGIBLE POINTS (14 CFR PART 398)	
David Schaffer, OGC, 202-673-5442.	NPRM 45 FR 67357, October 10, 1980 (PSDR-68, Docket 38807). Comment period closed December 9, 1980. Scheduled for completion: August 1983.	The Board has set essential air service levels under section 419 of the Act for eligible points (small communities). Some of these points are being served by air carriers that are not providing the required level of service. This rule would establish a new policy under which the Board would rely on the "adequate service" provision of section 404(a) of the Act as authority to order these carriers to provide adequate (*i.e.*, essential) service at points they now serve. 49 U.S.C. 1374, 1389.
	A4. BUMPING OF SUBSIDIZED CARRIERS AT SMALL COMMUNITIES (14 CFR PART 326)	
David Schaffer, OGC, 202-673-5442.	NPRM 47 FR 37914, August 27, 1982 (PDR-81, Docket 40916). Comment period closes: October 12, 1982. Scheduled for completion: December 1982.	Section 419 of the Act permits any carrier, after January 1, 1983, to file an application with the Board seeking to have the subsidy that is paid to another carrier paid to it instead. This rule would establish procedures to be followed by the applicant, the incumbent carrier, and the Board 49 U.S.C. 1389.
	A5. POLICY ON OVERFLIGHTS AT ESSENTIAL AIR SERVICE POINTS (14 CFR PART 398)	
David Schaffer, OGC, 202-673-5442.	NPRM 47 FR 21271, May 18, 1982 (PSDR-77, Docket 40620) Comment period closed July 16, 1982. Scheduled for completion: January 1983.	This rule would prohibit an air carrier from refusing to land at an eligible point for which the Board has issued an essential air service determination, except in specified circumstances. 49 U.S.C. 1389.
	A6. TERMINATION NOTICES FOR CERTIFICATED CARRIERS (14 CFR PART 323)	
David Schaffer, OGC, 202-673-5442, or Peter Bloch, BDA 202-673-5345.	NPRM 47 FR 27081, June 23, 1982 (PDR-78, Docket 40757). Comment period closed August 23, 1982. Scheduled for completion: March 1983	By PR-244, the Board changed its notice requirements for certificated carriers that wanted to terminate service to eligible points. The Board eliminated some notices but continued to require notice before a certificated carrier terminated or reduced service so as to leave an eligible point (1) without essential service, (2) without any other certificated carrier, (3) with only one certificated carrier, or (4) with a 33 percent reduction in available capacity. A recent decision by the U.S. Court of Appeals for the District of Columbia has cast doubt on the Board's authority to require some of these notices, particularly the fourth one. This rulemaking proceeding examines whether and how the fourth notice should be modified or eliminated. 49 U.S.C. 1371, 1389.
	B. Fares, Rates, and Tariffs	
	B1. CONDITIONS OF CARRIAGE (14 CFR 221, 250, 296; PROPOSED 14 CFR PART 255)	
Joanne Petrie, OGC 202-673-5442.	NPRM 45 FR 25817, April 16, 1980 (EDR-396 Docket 38021). Comment period, closed August 15, 1980. Reply comment period closed September 3, 1980. NPRM, 45 FR 42629, June 25, 1980 (EDR-404, Docket 38348). Comment period closed September 3, 1980. Reply comment period closed September 23, 1980. Supplemental NPRM, 46 FR 35936, July 13, 1981 (EDR-404B,, Docket 38348). Comment period closed September 9, 1981. Reply comment period closed September 28, 1981. Supplemental NPRM, 46 FR 43057, August 6, 1981. (EDR-404E, Docket 38348). Comment period closed September 28, 1981. Scheduled for completion: December 1982.	Contracts between airlines and their passengers are governed by tariffs, which are filed with the Board and available for inspection at airline ticket offices. Although tariffs are complicated and relatively inaccessible documents, passengers are presumed to have read them and consented to their terms and conditions. The proposed rule, which consolidates a number of different rulemakings, presents two alternatives. The first would prohibit airlines from enforcing tariff provisions against passengers unless the airlies make available to passengers a "plain English" notice of the terms and conditions of the contract. In addition it would simplify the requirements that airlines disclose certain information to consumers on assengers' tickets and counter signs. The second option would eliminate domestic rules tariffs as well as most Board-prescribed notices. Without the protection of tariffs, carriers would have to give passengers actual notice of the conditions of carriage. In order to give maximum flexibility, and because the conditions of carriage will vary among carriers, the Board under this option would eliminate the requirement that carriers post most Board-prescribed notices. 49 U.S.C. 1324, 1372, 1373, 1374, 1381, 1386, 1481, 1482.
	B2. ELIMINATION OF MANDATORY JOINT FARES (14 CFR PART 399)	
Joanne Petrie, OGC, 202-673-5442, or Julien Schrenk, BDA, 202-673-5298.	NPRM, 46 FR 29719, June 3, 1981 (PSDR-70, Docket 38385). Comment period closed July 31, 1981. Reply comment period closed September 3, 1981. Scheduled for completion: December 1982.	The mandatory joint fare requirements established in the *Domestic Passenger Fare Investigation* will end by January 1, 1983, with the end of the Board's jurisdiction over domestic passenger fares. The Board issued a proposal on its own initiative and in response to a petition filed by American Airlines to change the joint fare requirements in 1 of 3 ways. The Board is considering eliminating the system in some or all markets, or making interlining mandatory upon request. 49 U.S.C. 1374, 1484, 1601.

RULES UNDER DEVELOPMENT—Continued

Contact person	Action schedule	Description
B4. Extension of fare flexibility to Micronesia (14 CFR Part 399)		
Joanne Petrie, OGC; 202-673-5442.	NPRM, 46 FR 29727, June 3, 1981 (PSDR-71, Docket 38975). Comment period closed July 30, 1981. Scheduled for completion: December 1982.	In response to a petition filed by Air Micronesia and Continental Air Lines, the Board proposed to extend upward flexibility of 30 percent above the standard industry fare level (SIFL), and unlimited downward flexibility for passenger fares in and to Micronesia and American Samoa. 49 U.S.C. 1302, 1386, 1482.
B5. International cargo rate flexibility (14 CFR Part 399)		
Joseph A. Brooks, OGC, 202-673-5442.	NPRM, 45 FR 3594, January 19, 1980 (PSDR-65, Docket 37444). Comment period closed April 9, 1980. Oral argument held July 15, 1980. Comment period reopened, 46 FR 34347, July 1, 1981 (PSDR-65C). Comment period closed July 23, 1981. Scheduled for completion: November 1982.	This rule would establish a policy of not reviewing international cargo rate changes for economic justification if the changes were below a prescribed ceiling, except in extraordinary circumstances. The ceiling would be set initially at the October 1, 1979, rate levels for general commodity rates, and would be periodically adjusted for operating cost increases. P.L. 96-192, 49 U.S.C. 1302, 1386.
B7. Standard foreign fare level methodology (14 CFR Part 399)		
Julien Schrenk, BDA, 202-[redacted].	ANPRM, 46 FR 29285, June 1, 1981 (PSDR-72, Docket 39635). Comment period closed July 10, 1981. Reply comment period closed July 30, 1981. Scheduled for completion: December 1982.	This notice solicited comments on the Board's current methodology employed in adjusting the standard foreign fare level (SFFL) for airlines' cost changes, and, additionally, which SFFL adjustments should be utilized for transborder operations. 49 U.S.C. 1302, 1372, 1373, 1376, 1377, 1386, 1482.
B9. Changes to domestic tariff rules after January 1, 1983 (14 CFR Part 221)		
Joseph A. Brooks, OGC, 202-673-5442.	NPRM in preparation	Airlines may not file tariffs concerning interstate and overseas air transportation to be provided on or after January 1, 1983. The Board is examining its rules to determine what conforming changes need to be made. P.L. 95-504; 49 U.S.C. 1601.
B10. Hawaiian joint fares (14 CFR Part 399)		
Joanne Petrie, OGC, 202-673-5442, or Lawrence Myers, OGC, 202-673-5205.	Supplemental NPRM, 47 FR 18913, May 3, 1982 (PSDR-75A, Docket 38585). Comment period closed: June 24, 1982. Scheduled for completion: December 1982.	The Board is proposing to require certain airlines to provide interline service in Hawaii until the end of 1982, to aid in the transition to domestic fare deregulation. This notice supplements the issues addressed in item B2 of this agenda. 49 U.S.C. 1374, 1482.
B11. Incorporation by reference in contracts of carriage after the sunset of domestic tariffs		
Joseph A. Brooks, OGC, 202-673-5442.	NPRM, 47 FR 28681, July 1, 1982 (EDR-444, Docket 40772). Comment period closed: August 2, 1982. Reply comment period closed: August 16, 1982. SNPRM, 47 FR 33713, August 4, 1982 (EDR-444A). Comment period closed: August 16, 1982. SNPRM, 47 FR 34795, August 11, 1982 (EDR-444B). Comment period closed: September 7, 1982.	The Board is considering a rulemaking to establish uniform procedures for notice about terms that are incorporated by reference in air passenger contracts of carriage. Many terms and conditions are now incorporated in the contract of carriage by means of tariff filings with the Board, but tariffs will not be filed for domestic air transportation provided on or after January 1, 1983. 49 U.S.C. 1374, 1381.
B12. Payments to indirect cargo carriers (14 CFR 296, 297)		
Joanne Yancey Hitchcock, OGC, 202-673-5442.	NPRM, 47 FR 633, January 6, 1982 (EDR-437, Docket 40320). Comment period closed: March 8, 1982. Scheduled for completion: December 1982.	This rule would motify the Board's rules on indirect cargo air carriers, foreign air freight forwarders, and foreign cooperative shippers associations, to allow direct air carriers to pay fees to the indirect carriers on shipments by the latter. The proposal would eliminate the express prohibition on payment of commissions to the indirect cargo carriers and would exempt them from the prohibition on soliciting rebates in section 403(b) of the Act. The rule was proposed in response to a request by a direct carrier in order to reduce regulatory intervention in the relationship between direct and indirect air carriers. 49 U.S.C. 1386.
B13. Intra-Alaska cargo tariff elimination (14 CFR Part 221)		
Joseph A. Brooks, OGC, 202-673-5442.	NPRM in preparation	This rule would exempt carriers from the tariff filing requirement for cargo service in intra-Alaska markets. Under the Airline Deregulation Act, as of January 1, 1983, carriers will no longer be required to file passenger tariffs for those markets. The rule would implement the statutory mandate and establish parity between passenger and cargo service. 49 U.S.C. 1373, 1386.
B14. Time and mileage guides (14 CFR 221)		
Joanne Yancey Hitchcock, OGC, 202-673-5442.	NPRM in preparation	The Board currently prohibits fares or rates based upon units of time. This rule would remove these restrictions. 49 U.S.C. 1324.
B15. Elimination of credit term tariffs (14 CFR 221)		
Joanne Yancey Hitchcock, OGC, 202-673-5442.	NPRM in preparation	The Board requires carriers to file tariffs that set forth credit terms for the purchase of air transportation. The Board is considering eliminating this tariff requirement because regulation of credit practices may be outside its area of regulatory expertise. 49 U.S.C. 1324, 1373.
C. Charters		
C7. Direct carrier responsibility for returning stranded charter passengers (14 CFR Parts 207, 208)		
David Schaffer, OGC, 202-673-5442.	NPRM, 45 FR 46812, July 11, 1980 (EDR-405, Docket 37169). Comment period closed: September 25, 1980. Reply comment period closed: October 10, 1980. Scheduled for completion: January 1983.	This rule would make direct air carriers responsible for returning charter passengers stranded by strikes or other interruptions of their services be eliminating the *force majeure* clause from charter contracts. More recently, however, the Board has issued a comprehensive proposal (item C10 in this agenda) to revise and simplify the charter rules. Prohibition of *force majeure* clauses would be inconsistent with some provisions of the newly proposed scheme. The Board's final action in this proceeding will be consistent with that in item C10. 49 U.S.C. 1324, 1371.

RULES UNDER DEVELOPMENT—Continued

Contact person	Action schedule	Description
C10. LIBERALIZATION OF CHARTER RULES (14 CFR PARTS 207, 208, 212, 298, 380)		
Patricia T. Szrom, BDA, 202-673-5088 or David Schaffer, OGC, 202-673-5442	NPRM, 47 FR 7443, February 19, 1982 (EDR-439/SPDR-86, Docket 40336). Comment period closed: April 20, 1982. Reply comment period closed: May 10, 1982. Scheduled for completion: January 1983.	The Board has proposed substantial liberalizations of its charter rules, with a view toward the agency's sunset. The proposal seeks comments on replacing the current rules governing public charters with a new registration and bonding requirement for indirect air carriers or, alternatively, keeping some combination of a bonding and escrow requirement and some or all of the requirements designed to protect participants' expectations while eliminating all filing requirements on indirect air carriers. The proposal would also eliminate restrictions on eligible groups and dealings between charter operators and air carriers. The Board seeks to reduce the rules concerning charters to the minimum necessary for public protection. This proposal supersedes several other charter rulemaking proceedings. 49 U.S.C. 1324, 1371.
C12. PROCEDURES FOR AWARDING JAPANESE CHARTER AUTHORIZATIONS (PROPOSED 14 CFR PART 320)		
Richard M. Loughlin, BIA, 202-673-5878	NPRM, 47 FR 33981, August 18, 1982 (PDR-79, Docket 40891) Comment period closed: August 12, 1982	This rule would set procedures for awarding a limited number of charters between the U.S and Japan pursuant to a recent agreement of the two countries The charter authorizations (300 for each of 3 years) would be divided between those awarded to certain "grandfathered" carriers and those winning in a lottery open to all carriers. Provisions in the rule such as penalties for non-use and such as an after-market are included 49 U.S.C. 1324, 1371, 1377, 1502
D. Miscellaneous		
D1. NONDISCRIMINATION ON THE BASIS OF HANDICAP (PROPOSED 14 CFR PART 382)		
David Schaffer, OGC, 202-673-5442	NPRM, 44 FR 32401, June 6, 1979 (SPDR-70, Docket 34030) Comment period closed September 4, 1979. Reply comment period closed September 24, 1979. Final rule, 47 FR 25936, June 16, 1982 (SPR-189). NPRM in preparation.	The final rule prohibits unlawful discrimination against handicapped air travelers and implements section 504 of the Rehabilitation Act of 1973. The Board is now considering whether to include provisions regulating carrier employment practices. 29 U.S.C. 794
D2 CONSUMER PROTECTIONS FOR MEMBERS OF SCHEDULED-SERVICE TOUR GROUPS		
Joanne Petrie, OGC, 202-673-5442.	ANPRM, 44 FR 43481, July 25, 1979 (SPDR-71, Docket 34997). Comment period closed October 23, 1979. Reply comment period closed November 22, 1979. Termination of rulemaking in preparation.	The Board is considering whether consumer protection rules are needed for scheduled-service tours. 49 U.S.C. 1324, 1371, 1372, 1374, 1381, 1386
D3. AIR CARRIER FITNESS (CONTINUING FITNESS) (14 CFR PART 204)		
Gerard N. Boller, BDA, 202-673-5352.	NPRM under consideration	The Board is considering the development of a system to monitor the continuing fitness of air carriers as required by section 401(r) of the Act. 49 U.S.C. 1324, 1371, 1377, 1389
D5. ZONES FOR MAIL RATES (PROPOSED 14 CFR PART 233)		
Barry Molar, OGC 202-673-5205, or Lawrence Myers, OGC 202-673-5205	NPRM, 44 FR 52246, September 7, 1979 (EDR-387/PDR-68, Docket 36497). Supplemental NPRM, 45 FR 83510, December 18, 1980 (EDR-387C/PDR-68C, Docket 36497). Comment period closed February 17, 1981. Scheduled for completion: September 1983.	This rule would end the Board's current practice of prescribing fixed rates for the transportation of mail by air, and in its place establish zones for each category of mail Each zone would be defined by maximum and minimum rates prescribed by the Board, and airlines would be free to contract with the Postal Service for the carriage of mail at any price within the zone. 49 U.S.C. 1302, 1324, 1376
D8 AGE DISCRIMINATION (PROPOSED 14 CFR PART 378)		
David Schaffer OGC, 202-673-5442	NPRM, 44 FR 55383, September 26, 1979 (SPDR-74, Docket 36639). Comment period closed November 26, 1979. A final rule was adopted by the Board on April 10, 1980, and was forwarded to the Secretary of HHS for approval, as required by the Age Discrimination Act. Scheduled for completion: July 1983.	This rule will prohibit discrimination against air travelers on the basis of age and implement the Age Discrimination Act of 1975. 42 U.S.C. 6102
D9. POLICY STATEMENT ON PREEMPTION (14 CFR PART 399)		
Patricia Snyder, OGC, 202-673-5205	Interim rule, 44 FR 9948, February 15, 1979 (PS-83) Request for comments on interim rule, 44 FR 9953, February 15, 1979 (PSDR-56, Docket 34684). Comment period closed April 16, 1979 Scheduled for completion: December 1982	This rule will set out final Board policies for regulation of the rates, routes and services of airlines that have interstate authority. The Board has concluded that under section 105 of the Act it, not the States, is responsible for economic regulation (or deregulation, as the case may be) of all the routes, rates, or services of any airline holding either (i) a certificate of public convenience and necessity to provide interstate air transportation, or (ii) an exemption under section 416 of the Act from the requirement for such a certificate. 49 U.S.C. 1305.
D16. UPDATE OF AGREEMENT-FILING RULES (14 CFR PARTS 261, 262, 263, 289, 302)		
Joseph A. Brooks, OGC, 202-673-5442.	NPRM in preparation	This rule would update the agreement-filing rules to conform to statutory changes that make agreement filing voluntary, and would remove the now unnecessary Part 289 agreement-filing exemption. P.L. 95-504, P.L. 96-163, 49 U.S.C. 1324, 1382
D18. SUSPENSION OF ABANDONED FOREIGN AIR CARRIER PERMITS (14 CFR PART 213)		
Allan F. Brown, BIA, 202-673-5878.	NPRM in preparation	This rule would provide for the automatic suspension of operating authority of a foreign air carrier permit holder if the carrier ceased all operations for an extended period of time 49 U.S.C. 1372

RULES UNDER DEVELOPMENT—Continued

Contact person	Action schedule	Description
D20. Simplified notice requirements for 401 certificate proceedings under Subpart Q (14 CFR Part 302)		
Rhonda Starck, BIA, 202-673-8039.	NPRM, 46 FR 29718, June 3, 1981 (PDR-75, Docket 39638). Comment period closed August 3, 1981. Scheduled for completion: October 1982.	This rule would provide that applicants for certificates of public convenience and necessity, or for modifications of such certificates, may serve a simplified notice of the application on specified persons, instead of the present requirement that applicants serve complete copies of their applications. 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1376, 1386, 1481, 1482.
D21. Subpart Q refinements (14 CFR Part 302)		
Jeffrey Gaynes, BIA, 202-673-5035.	NPRM in preparation	This rule would correct omissions and inconsistencies in the existing procedures for granting certificates and foreign air carrier permits. 49 U.S.C. 1324, 1371, 1372, 1481.
D26. Insurance for on-demand air taxi operators and Canadian air taxis (14 CFR Parts 205, 298)		
Patricia Szrom, BDA, 202-673-5088, or Joseph Brooks, OGC, 202-673-5442.	NPRM, 46 FR 52585, October 27, 1981 (EDR-395B, Docket 37531). Comment period closed: December 28, 1981. Reply comment period closed: January 18, 1982. Scheduled for completion: November 1982.	This rule would set the minimum per-person aircraft accident liability insurance limits for U.S. and Canadian on-demand air taxi operators at $150,000, instead of at $300,000 as it is for other air carriers. The NPRM further includes alternative proposals to set the per-person limit at $75,000 or to eliminate all minimum amounts, requiring a public notice instead. Other rules for insurance coverage for these carriers would be as in 14 CFR Part 205, including the prohibition on safety-related exclusions. P.L. 95-504, 49 U.S.C. 1371, 1374, 1386.
D27. Adherence to Montreal Agreement for passenger liability limit (14 CFR Part 205)		
Peter Schwarzkopf, OGC, 202-673-5928, or Joseph Brooks, OGC, 202-673-5442.	NPRM, 47 FR 25019, June 9, 1982 (EDR-443, Docket 40734). Scheduled for completion: November 1982.	This rule would require all U.S. and foreign air carriers to sign a counterpart to the Montreal Agreement, which waives the $10,000 liability limit and certain carrier defenses under the Warsaw Convention. Participating carriers in the Agreement could not limit their liability to less than $75,000 for passenger injury for travel in foreign air transportation. 49 U.S.C. 1324, 1371, 1372, 1373.
D30. Regulatory Flexibility Act; definition of small business (14 CFR Part 399)		
Joanne Petrie, OGC, 202-673-5442.	NPRM, 47 FR 23474, May 28, 1982 (PSDR-76, Docket 40673). Comment period closed: July 27, 1982. Scheduled for completion: October 1982.	The Regulatory Flexibility Act directs agencies to consider the effects of their rules on small businesses and other small entities. It allows an agency to establish its own definition of "small business" when that would be more appropriate to the agency's activities than the one already established in 13 CFR Part 121 by the Small Business Administration. This notice requested comment on a Civil Aeronautics Board definition of "small business" for airlines. P.L. 96-354.
D31. Group contractor exemptions		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would codify the Board's treatment of group contractors. A group contractor, like a charter operator, is an indirect air carrier that purchases air transportation from a direct air carrier and sells it to passengers as a principal rather than as an agent. Unlike charter operators, however, a group contractor is backed up financially by the direct carrier so that a passenger may look to the direct carrier for transportation or refund if the group contractor defaults. Group contractors are currently governed by Board Order 81-7-109, July 21, 1981, as modified by Order 82-3-132, March 24, 1982. They are sometimes referred to as "contract bulk fare operators." 49 U.S.C. 1371, 1386.
D32. Expansion of antitrust exemptions (14 CFR Parts 251, 287, 291)		
Gwyneth Jones, OGC, 202-673-6011.	Petition filed in Docket 40543. NPRM in preparation	Sections 408 and 409 of the Act require prior Board approval of certain interlocking and control relationships among air carriers, other common carriers, persons substantially engaged in the business of aeronautics, and others. The Board's rules already contain some exemptions from these requirements. On its own initiative and in response to a petition from Delta Airlines, the Board is considering whether and how to broaden the exemptions. 49 U.S.C. 1378, 1379.
D33. Expansion of aircraft acquisition exemption (14 CFR Parts 290, 299)		
Joseph A. Brooks, OGC, 202-673-5442 or David Fuss, BDA 202-673-5088.	NPRM in preparation	The rule would expand the present relief from the statutory requirement for air carriers to obtain Board approval for aircraft acquisitions. It would include all aircraft acquisitions by any person. 49 U.S.C. 1378, 1386.
D34. Exemption for domestic cargo carriers from unjust discrimination prohibition (14 CFR Part 291)		
Joanne Petrie, OGC, 202-673-5442.	NPRM in preparation	This rule would exempt domestic cargo carriers from section 404(b) of the Act. That section prohibits carriers from engaging in unjust discrimination in their service. Under the Airline Deregulation Act, as of January 1, 1983, domestic passenger carriers will be exempt from this requirement by statute. The rule would complement this statutory mandate for cargo service. 49 U.S.C. 1374, 1386.
D35. International certificate duration (14 CFR Part 399)		
Donald H. Horn, 202-673-5205 or Joseph A. Brooks, 202-673-5442.	ANPRM, 47 FR 32442, July 27, 1982 (PSDR-78, Docket 40823). Comment period closes: September 27, 1982. Reply comment period closes: October 12, 1982. Scheduled for completion: April 1983.	This rule would set Board policy to award temporary experimental certificates for foreign air transportation for U.S. air carriers. The Board is considering options such as term certificates of 5 years with or without a presumption of renewal, or indefinite certificates with a mechanism to "bump" the incumbent. 49 U.S.C. 1371.
D36. Pre-certification ticket sales (14 CFR Part 201)		
David Schaffer, OGC, 202-673-5442.	NPRM, 47 FR 41759, September 22, 1982 (EDR-447, Docket 40964). Comment period closes: November —, 1982. Scheduled for completion: March 1983.	Some applicants for air carrier certificates have begun selling tickets for flights before they have received authority to operate. The Board is considering several options to deal with this. These include: total prohibition, partial prohibition, escrow requirements, and a notice requirement. 49 U.S.C. 1371, 1381.

RULES UNDER DEVELOPMENT—Continued

Contact person	Action schedule	Description
211-1. REDUCTION OF EVIDENCE REQUIREMENTS FOR FOREIGN AIR CARRIER PERMIT RENEWALS (14 CFR PART 211)		
Regis P. Milan, Jr., BIA, 202-673-5878.	NPRM in preparation	Under this rule, foreign air carriers applying for routine renewals or amendments of their permits would, if previous unopposed licensing proceedings had met certain evidentiary standards, be excused from resubmitting certain evidence whose continuing validity could be attested to. 49 U.S.C. 1372.
217-1. REPORTING OF CIVIL AIRCRAFT CHARTERS (14 CFR PARTS 217, 241)		
Jack Calloway, OC, 202-673-6042.	NPRM, 47 FR 15350, April 9, 1982 (EDR-441, Docket 40551). Comment period closed: June 8, 1982 Reply comment period closed: June 23, 1982 Scheduled for completion: December 1982	This rule would significantly reduce the Board's charter data reporting requirements by eliminating the reporting of domestic charters and limiting the reporting of international charters to those performed with aircraft of more than 60 seats or 24,000 pounds of payload. 49 U.S.C. 1324, 1371, 1372.

RULES UNDER REVIEW

Contact person	Action schedule	Description
223-1. MODIFICATION OR WITHDRAWAL OF EXEMPTION TO FOREIGN AIR CARRIERS TO CARRY TRAVEL AGENTS OR OTHER TRAVEL PROMOTERS FREE OR AT REDUCED RATES (14 CFR PART 223)		
Jeffrey Gaynes, BIA, 202-673-5035	NPRM, 46 FR 36714, July 15, 1981 (EDR-428, Docket 39794). Supplemental NPRM, 46 FR 40896, August 13, 1981 (EDR-428A). Comment period closed August 21, 1981. Scheduled for completion: January 1983.	This rule would allow the Board to modify or terminate exemptions granted to foreign air carriers to carry travel agents or other travel promoters free or at reduced rates at any time without hearing, as the public interest may require. 49 U.S.C. 1324, 1373, 1374, 1386
223-2. FREE AND REDUCED-RATE TRANSPORTATION (14 CFR PART 223)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would update the provisions governing free and reduced-rate transportation which for domestic transportation have been largely superseded by the tariff flexibility rules. 49 U.S.C. 1373, 1386
234-1. ON-TIME ARRIVAL STANDARDS (14 CFR PART 234)		
Joanne Petrie, OGC, 202-673-5442	Petition filed in Docket 27891. NPRM in preparation	The Board is considering amending its rules to include a policy statement that unrealistic scheduling will be considered an unfair or deceptive practice or an unfair method of competition under section 411 of the act. The requirement that certificated air carriers report their scheduled arrival performance, which has been waived temporarily, would also be eliminated because it is unnecessary. 49 U.S.C. 1324, 1374, 1375, 1381
241-2. AMENDMENT OF FUEL COST AND CONSUMPTION REPORTING (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042	NPRM, 46 FR 21185, April 9, 1981 (EDR-422, Docket 39489). Comment period closed: June 8, 1981. Reply comment period closed: June 29, 1981. Awaiting designation as central repository agency by OMB for airline fuel data.	This rule would reduce the amount of fuel information reported by air carriers each month, and delay the release of carrier-specific information until after the end of each quarter 49 U.S.C. 1324, 1371, 1377
241-3. ALIGNMENT OF UNIFORM SYSTEM OF ACCOUNTS AND REPORTS WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (14 CFR PART 241)		
Richard G. Minick, BCAA, 202-673-6041	NPRM in preparation	As part of the continuing effort to align the Board's accounting rules with generally accepted accounting principles, certain sections of the Uniform System of Accounts and Reports need to be deleted or amended These changes would provide relief from the present requirements for most carriers 49 U.S.C. 1324, 1371, 1377
241-4. REVISE DEFINITION OF REVENUE AND NONREVENUE PASSENGERS (14 CFR PART 241)		
David Schaffer, OGC, 202-673-5442	NPRM in preparation.	The present definition of revenue and nonrevenue passengers for reporting purposes is stated in terms of the exemptions for free and reduced-rate transportation in sections 403(b) of the Act. These definitions have become outmoded in the process of fare deregulation. The Board is considering several options for revising these definitions. 49 U.S.C. 1324, 1373.
241-5. REDUCE REPORTING REQUIREMENTS OF THE UNIFORM SYSTEM OF ACCOUNTS AND REPORTS (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042	NPRM in preparation.	This rule would eliminate from the Uniform System of Accounts and Reports (USAR) 12 financial schedules and 6 accounting policy statements. It would also make the USAR applicable only to certificated air carriers operating large aircraft (more than 60 seats or more than 18,000 pounds of payload). 49 U.S.C. 1324, 1371, 1377, 1387
241-6. CHANGE THE APPLICABILITY OF FORM 41, SCHEDULE T-9 AND PASSENGER ORIGIN-DESTINATION SURVEY. (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042	NPRM in preparation.	This rule would require only those carriers operating large aircraft (more than 60 seats or more than 18,000 pounds of payload) to file service segment data and passenger origin-destination survey data. Carriers operating small aircraft would be exempted from filing 49 U.S.C. 1324, 1371, 1377, 1387.
241-7. REDUCE SERVICE SEGMENT DATA REPORTS (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042	NPRM in preparation	The Board has a two-tiered reporting system for service segment reporting The larger carriers file very detailed service segment data in ADP format while smaller carriers file a condensed version. This rule would standardize service segment at the less detailed level 49 U.S.C. 1324, 1371, 1377, 1387.

RULES UNDER REVIEW—Continued

Contact person	Action schedule	Description
241-8. SIMPLIFY PASSENGER ORIGIN-DESTINATION SURVEY DATA REPORTING (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6042.	NPRM in preparation	This rule would eliminate the dollar amount of fare, fare-basis codes and other unnecessary data elements from the Passenger Origin-Destination Survey data. 49 U.S.C. 1324, 1371, 1377, 1387.
245-1. EXEMPTIONS FROM REPORTING STOCK OWNERSHIP (14 CFR PART 245)		
Joseph A. Brooks, OGC, 202-673-5442, or David Fuss, BDA, 202-673-5088.	NPRM in preparation	The Board is considering whether to change its rules to exempt owners of more than five percent of any class of capital stock or capital of an airline from the filing of reports required by section 407(c) of the Act. The filing of these reports has been waived under delegated authority pending the outcome of this rulemaking. 49 U.S.C. 1377, 1386.
246-1. REVISION OF STOCK OWNERSHIP REPORTS BY AFFILIATES OF AIR CARRIERS (14 CFR PART 246)		
David Fuss, BDA, 202-673-5088 or Joseph A. Brooks, OGC, 202-673-5442, or.	NPRM in preparation	The Board is considering changing a reporting requirement that affiliates of an airline disclose information on their major stockholders in order to improve the ability to monitor foreign citizen ownership of U.S. air carriers. 49 U.S.C. 1377, 1386.
248-1. ELIMINATION OF SPECIAL RECONCILIATION REPORT (14 CFR PART 248)		
David Schaffer, OGC, 202-673-5442	NPRM in preparation	This rule would eliminate the special report reconciling a carrier's audited balance sheet and income statement with similar statements in the Form 41 Report. The report would be removed in order to relieve the industry from unnecessary reporting requirements. 49 U.S.C. 1324, 1371, 1377.
250-1. DENIED BOARDING COMPENSATION—EXTRA SECTIONS (14 CFR PART 250)		
Joanne Petrie, OGC, 202-673-5442.	NPRM, 45 FR 30086, May 7, 1980 (EDR-400, Docket 36294). Comment period closed July 7, 1980. Scheduled for completion: October 1982,	Airlines are required to pay denied boarding compensation to passengers who are bumped from their flights. This rule would clarify the applicability of that requirement to extra sections of flights. The rule would also eliminate a minor exception to the requirement. The Board is considering related issues in its general review of oversales (item 250-4 in this agenda). 49 U.S.C. 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.
250-4. GENERAL REVIEW OF DENIED BOARDING COMPENSATION (14 CFR PART 250)		
Joanne Petrie, OGC, 202-673-5442, or Dayton Lehman, OCCCA, 202-673-5191.	NPRM, 46 FR 62285, December 31, 1981 (EDR-436, Docket 39932). Comment period closed: March 8, 1982. Reply comment period closed: March 23, 1982. Scheduled for completion: October 1982.	The Board is considering whether to eliminate the present denied boarding compensation rule or to amend it to remove some inequities. This proposal is part of the Board's general review of its consumer protection rules. 49 U.S.C. 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1386, 1482.
262-1. AGREEMENTS CONCERNING OPERATING RIGHTS IN FOREIGN COUNTRIES (14 CFR PART 262)		
Joanne Petrie, OGC, 202-673-5442, or Patricia DePuy, BIA, 202-673-5878.	NPRM, 47 FR 28683, July 1, 1982 (EDR-445, Docket 40773). Comment period closed: August 30, 1982. Scheduled for completion: October 1982.	The Board is considering whether to revoke the requirement that every U.S. air carrier file with the Board evidence of each agreement relating to operating rights between that air carrier and any foreign country. 49 U.S.C. 1324, 1482.
291-1. ELIMINATION OF REPORT BY ALL-CARGO DOMESTIC CARRIERS (14 CFR PART 291)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would eliminate the Schedule 291-A, B and C reports by air-cargo carriers that are currently required by 14 CFR Part 291 because they are no longer needed by the Board in its regulatory functions. 49 U.S.C. 1324, 1377, 1386, 1388.
293-1. ALASKAN SUBCONTRACT AGREEMENTS (14 CFR PART 293)		
David Schaffer, OGC, 202-673-5442.	NPRM, 46 FR 46592, September 21, 1981 (EDR-431/PDR-76, Docket 39990). Comment period closed: November 20, 1981. Scheduled for completion: August 1983.	Part 293 applies to subcontract agreements involving the operation of scheduled air services by air taxi operators over Alaskan bush routes of a certificated air carrier. The Board is considering whether to revoke this rule and replace it with different filing requirements. 49 U.S.C. 1386, 1389.
297-1. ELIMINATION OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS (14 CFR PART 297)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would eliminate the Form 296-R report filed by foreign air freight forwarders. A similar report was eliminated for domestic air freight forwarders after the deregulation of domestic cargo. This rule would equalize the treatment of all air freight forwarders. 49 U.S.C. 1324, 1386.
298-3. REVISING THE DEFINITION OF COMMUTER AIR CARRIER (14 CFR PART 298)		
David Schaffer, OGC, 202-673-5442.	NPRM in preparation	This rule would clarify the status and obligations of air taxis that enter into subcontracts with commuters to operate some of that commuter's scheduled routes. 49 U.S.C. 1324, 1386.
298-8. AMEND APPLICABILITY OF PARTY 298 AND REVISE REPORTING ON CAB FORM 298-C (14 CFR PART 298)		
Jack Calloway, OC, 202-673-6042.	NPRM in preparation	This rule would extend the applicability of Form 298-C reporting to certificated air carriers operating small aircraft (60 or fewer seats or 18,000 pounds or less payload). It would also eliminate the mail and cargo data from the reporting requirements for all carriers except for intra-Alaskan carriers. 49 U.S.C. 1324, 1371, 1374, 1386.
302-1. REQUESTS FOR CONFIDENTIAL TREATMENT OF MATERIALS FILED WITH THE BOARD (14 CFR PART 302)		
Joseph A. Brooks, OGC, 202-673-5442.	NPRM in preparation	This rule would revise the procedures governing requests for confidential treatment of material filed with the Board, to clarify the relation between those procedures and the Freedom of Information Act. 49 U.S.C. 1324, 1482.

Rules Under Review—Continued

Contact person	Action schedule	Description
321-1. Procedures to examine the fitness of dormant authority carriers (14 CFR Part 321)		
David Schaffer, OGC, 202-673-5442	NPRM, 47 FR 40812, September 16, 1982, (PDR-82, Docket 40959). Comment period closes: November 15, 1982. Schedules for completion: March 1983.	Part 321 sets forth procedures for applications for dormant route authority. Presently, a carrier may receive this authority without an examination of its fitness to operate. This conflicts with the statutory requirement to monitor the continuing fitness of carriers. The Board is proposing to require these carries to include fitness material in their applications and to revoke the dormant authority of carriers that are found unfit. 49 U.S.C. 1371
323-1. Service terminations in foreign markets (14 CFR Part 323)		
David Schaffer, OGC, 202-673-5442	NPRM, 47 FR 36433, August 20, 1982, (PDR-80, Docket 40903) Comment period closes: October 19, 1982. Scheduled for completion: April 1983	The Board recently eliminated all advance notice requirements for terminations of service in foreign air transportation (PR-244). This has created problems in some limited designation markets where the incumbent carrier has terminated service without informing the Board. The Board is proposing to require carriers to report to the Board if they are terminating foreign air service so that the Board would have time to find a replacement, if necessary. 49 U.S.C. 1324, 1377
370-1. Employee responsibilities and conduct (14 CFR Parts 370, 300)		
Kenneth G. Caplan, OGC, 202-673-5790	NPRM in preparation	The Board is preparing revisions of its ethics rules to reflect experience since the last revision and to conform to the Ethics in Government Act. Pub. L. 95-521
375-1. Navigation of foreign civil aircraft (14 CFR Part 375)		
George Wellington, BIA, 202-673-5878.	NPRM in preparation	The Board is reviewing its regulations governing the navigation of foreign civil aircraft within the United States. The review will focus on simplifying and clarifying the procedures to be followed in obtaining operating authority, and on ensuring that conditions imposed on such operations satisfactory serve the public interest. 49 U.S.C. 1324, 1372, 1508
379-1. Nondiscrimination in Federally-assisted programs of the Board (14 CFR Part 379)		
David Schaffer, OGC, 202-673-5442	An NPRM was approved by the Board on June 15, 1982 and was forwarded to the Justice Department for review in accordance with Executive Order 12250.	The Board is reviewing its rules that implement Title VI of the Civil Rights Act of 1964, in response to suggestions from the Department of Justice. 42 U.S.C. 2000d-1.
389-1. Change in license and filing fee schedules (14 CFR Part 389)		
Joseph Brooks, OGC, 202-673-5442.	Order 77-4-42, dated April 8, 1977. NPRM, 47 FR 7846, February 23, 1982 (ODR-25, Docket 30586). Comment period closed: April 20, 1982. Reply comment period closes: May 10, 1982 Scheduled for completion: December 1982.	Because of decisions in the Supreme Court and the U.S. Court of Appeals, the Board suspended its license fees in 1977. Its filing fees have also become outdated in relation to costs. The Board has begun a rulemaking to change its method for calculating filing fees and to bring them into line with current costs. It is also considering deleting the suspended license fees. 31 U.S.C. 483a, 49 U.S.C. 1324
399-2. Domestic passenger fare flexibility (14 CFR Part 399)		
Julien Schrenk, BDA, 202-673-5298.	NPRM, 47 FR 16792, April 20, 1982 (PSDR-74, Docket 40584). Comment period closes: May 20, 1982 Reply comment period closes: June 4, 1982. Scheduled for completion: September 1982	The Board has asked for comment on three possible ways of changing its domestic passenger fare flexibility rules. The three options are: 1) granting an additional 20 percentage points of upward flexibility above the present ceiling, which in Mainland markets is the Standard Industry Fare Level plus $16 plus 30 percent, 2) granting a percentage upward flexibility without the current fixed dollar amount, and 3) removing all upward pricing constraints in interstate and overseas air transportation except within Alaska. The notice is the result of a review of domestic air fares and is intended to prepare for the end of the CAB's domestic pricing authority on January 1, 1983 49 U.S.C. 1302, 1386, 1482

Appendix.—Rulemaking Completed or Terminated Since Previous Agenda

[Numbers in brackets are entry numbers from previous agenda.]

Contact person	Status	Description
[B6.] International cargo rate policy—further changes (14 CFR part 399)		
Joanne Petrie, OGC, 202-673-5442	Proposed rulemaking terminated	This notice would have invited comments on the broad question of what the Board's cargo rate policy should be, to advise the Board on future rulemaking or legislative proposals The proceeding was terminated because information is available from other sources
[B8.] Reregulation of discount fares (14 CFR parts 221, 399).		
David Schaffer, OGC, 202-673-5442.	Petition denied, Order 82-5-110, May 20, 1982	World Airways petitioned the Board to amend the rules governing discount fares. It asked the Board to exercise greater oversight over such fares and to require airlines to justify any fare that is more than 50 percent below the standard industry fare level for the market involved. The petition was denied because such reregulation of fares is contrary to the phased deregulation of the airline industry.
[C11.] Overseas Military Personnel Charters (14 CFR part 372)		
Richard B. Dyson, OGC, 202-673-5442.	Petition denied, Order 82-6-19, June 3, 1982	The Davis Agency petitioned the Board for rulemaking to amend its rules governing Overseas Military Personnel Charters (OMPC's) to permit official travel by OMPC-eligible persons and to enlarge the group of OMPC-eligible persons to include all Federal employees. The petition was denied because it would be discriminatory, it would invite disadvantageous changes in foreign counterpart rules, and it would provide little public benefit.

APPENDIX.—RULEMAKING COMPLETED OR TERMINATED SINCE PREVIOUS AGENDA—Continued

[Numbers in brackets are entry numbers from previous agenda.]

Contact person	Status	Description
[D4.] FITNESS DETERMINATIONS FOR DORMANT CARRIERS (14 CFR PART 204)		
Joseph Brooks, OGC 202-673-5442, or Curtis B. Maloy, BDA 202-673-5088.	Final rule adopted June 3, 1982. (ER- ——) Awaiting OMB review.	This rule imposes a 2-year limit for starting service or continuing service after a fitness determination. Carriers that do not begin service or operate within that time period will be required to resubmit fitness data and obtain reauthorization before beginning service. 49 U.S.C. 1371, 1377.
[D11.] FOREIGN INDIRECT AIR CARRIER OPERATIONS IN DOMESTIC MARKETS (14 CFR PARTS 296, 380)		
David Schaffer, OGC, 202-673-5442.	Final rule, 47 FR 19683, May 7, 1982 (ER-1294, SPR-188)	This rule authorizes foreign indirect air carriers to organize tours and forward freight in domestic markets.
[D19.] AIR CARRIER REPORTING REQUIREMENTS (14 CFR PARTS 217, 231, 234, 241, 246, 248, 249, 250, 291, 298, 374a)		
Jack Calloway, OC, 202-673-6043.	Staff report, "CAB Information Systems and Early Sunset (Analysis of Comments and Staff Recommendation)" approved by the Board on June 8, 1982, Docket 40024.	This comprehensive report recommended various changes to 17 information programs including record retention requirements. These recommendations are being incorporated in NPRM's and are shown on the Action Schedule.
[D28.] INSURANCE FOR ALL-CARGO AND FOREIGN SMALL AIRCRAFT OPERATORS (14 CFR PART 205, 291)		
Joseph Brooks, OGC, 202-673-5442.	Proposed rulemaking terminated	This rule would have equalized the insurance requirements for certificated air carriers and air taxi operators that utilize small aircraft for cargo service. Certificated carriers would have had to maintain the same insurance as on-demand air-taxi operators. The insurance requirements for U.S. and foreign on-demand small aircraft operators would have been equalized. The proposed rulemaking was terminated because any inequities can more effectively be handled individually by exemptions.
[221-2.] LIABILITY FOR LOST, DELAYED, AND DAMAGED BAGGAGE (14 CFR PART 221; proposed 14 CFR PART 254)		
Joanne Petrie, OGC, 202-673-5442, or Dayton Lehman, OCCCA, 202-673-5191.	Final rule adopted September 14, 1982 (ER- ——)	The Board is simplifying and codifying its baggage liability rules as part of its review of consumer protection regulations prior to sunset. Airlines may not limit their liability to less than $1,000 per passenger for loss, damage, or delay in the carriage of passenger baggage in domestic air travel. Airlines must also provide notice to passengers concerning limitations to their liability.
[241-1.] AIR CARRIER FINANCIAL AND STATISTICAL REPORTING (14 CFR PART 241)		
Jack Calloway, OC, 202-673-6043.	Final rule, 47 FR 32915, July 28, 1982 (ER-1297)	This rule reduces the financial and statistical reporting requirements for certificated air carriers contained in the CAB Form 41 Report by eliminating several reporting schedules, revising the groupings of air carriers for reporting purposes and limiting the applicability of certain CAB Form 41 schedules.
[313-1.] FUEL INFORMATION IN CERTIFICATE APPLICATIONS (14 CFR PARTS 313, 201)		
William J. Wagner, BIA, 202-673-5415.	Proposed rulemaking terminated	To implement the goals of the Energy Policy and Conservation Act, the Board requires applicants for new operating authority to submit fuel information. This rule would have eliminated that requirement in instances where it is unnecessary because the United States and a foreign country have agreed that new service is required by the public interest. The proposed rulemaking was terminated because the current requirements are not burdensome.

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federal register

Thursday
October 28, 1982

Part XXXVII

Commodity Futures Trading Commission

Regulatory Flexibility Agenda

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Regulatory Flexibility Agenda

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of Regulatory Flexibility Agenda.

SUMMARY: The Commodity Futures Trading Commission, in accordance with the requirements of the Regulatory Flexibility Act, is publishing a semiannual agenda of significant rules which the Commission expects to propose or promulgate over the next year.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy E. Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202)–254–5716.

SUPPLEMENTARY INFORMATION: the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601, *et seq.* ("RFA"), sets forth a number of requirements for agency rulemaking. Among other things, the RFA requires that:

> (a) During the months of October and April of each year, each agency shall publish in the **Federal Register** a regulatory flexibility agenda which shall contain—
>
> (1) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;
>
> (2) a summary of the nature of such rule under consideration for each subject area listed in the agenda pursuant to paragraph (1), the objectives and legal basis for the issuance of the rule, and an approximate schedule for completing action on any rule for which the agency has issued a general notice of proposed rulemaking, and
>
> (3) the name and telephone number of an agency official knowledgeable concerning the items listed in paragraph (1).

5 U.S.C. § 602(a). Accordingly, the Commission has prepared an agenda of significant rules which it presently expects may be considered during the course of the next year.[1] The agenda lists all significant rules which may be considered by the Commission within the next year, irrespective of their potential impact on small entities.[2]

These matters include the following:

1. Bankruptcy and Related Regulations

The Bankruptcy Code permits the Commission to adopt regulations implementing Subchapter IV of Chapter 7 of the Bankruptcy Code which pertains specifically to bankruptcies of commodity firms. In this connection, the Commission has proposed regulations which will address each of the matters with respect to which it is authorized to promulgate regulations, including the scope of "customer property," the requirements for characterizing property as specifically identifiable, the method of calculating net equity, the criteria for the transfer of customer property free of the avoidance powers of the bankruptcy trustee, and guidelines for the operation of a debtor's estate pending its liquidation. The proposed bankruptcy rules will affect certain businesses for which the Commission has not yet developed financial regulations, such as leverage transaction merchants and foreign futures commission merchants, since the commodity broker subchapter of the Bankruptcy Code pertains to such businesses, as well as other commodity firms.

The proposed rules were published for comment on November 24, 1981. The comment period expired on May 15, 1982. Technical amendments to Subchapter IV were adopted by Congress on July 27, 1982. Pub. L. 97–222, 96 Stat. 235–241. The Commission expects to review the public comments and take appropriate action in late 1982.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 24 (1976 and Supp. IV 1980).

Agency Contact: Andrea M. Corcoran, Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Bankruptcy Proposed Rules, 46 FR 57535 (Nov. 24, 1981); Extension of Comment Period, 47 FR 8789 (Mar. 2, 1982) and 47 FR 16187 (Apr. 15, 1982).

2. Proficiency Examinations For Applicants for Registration as Associated Person ("AP")

The Commission has proposed to adopt a rule which, in essence, would require new applicants for registration as an AP to pass a written proficiency examination as a condition of registration. The proposed rule would require each AP applicant to have passed at the minimum competency level a specified written proficiency examination within two years preceding the date of his filing an application to be registered as such. Under the proposal, however, a currently registered AP would not be subject to the examination requirement unless his registration lapsed for a period of two years or more prior to his reapplication.

The examination program would be developed and administered by a person or persons selected by the Commission, subject to Commission supervision. If adopted, however, the program would be one of the functions that a futures association registered under Section 17 of the Commodity Exchange Act could assume, under Commission oversight.[3]

The Commission intends that an independent testing organization would be utilized to develop and administer the examination. Such organization would establish and collect a reasonable examination fee, approved by the Commission or, if the Commission so directs, by a registered futures association.

The comment period on the proposed rules expired on June 8, 1981. Action has been deferred temporarily pending the expected assumption by the National Futures Association (see note 3, *supra*) of regulatory responsibilities in this area.

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[1] The Commission's agenda represents its best estimate at this time of significant rules which will be considered sometime over the next twelve months. In this regard, Section 602(d) of the RFA, 5 U.S.C. § 602(d), provides: Nothing in [Section 602] precludes an agency from considering or acting on any matter not included in a regulatory flexibility agenda or requires an agency to consider or act on any matter listed in such agenda.

In addition to publishing the regulatory flexibility agenda required by Section 602 of the RFA, the Commission also makes available to the public, on a monthly basis, a calendar listing rules that will be considered by the Commission during that month.

[2] The Commission has published its definitions of small entity to be used by the Commission in connection with rulemaking proceedings. 47 FR 18618 (Apr. 30, 1982). Pursuant to those definitions, the Commission is not required to list many of the agenda items contained in this regulatory flexibility agenda. See 5 U.S.C. § 602(a)(1). For example, since the Commission has defined small entity not to include contract markets, proposed rulemaking concerning economic and public interest tests for contract market designation (agenda item 6) and large trader reporting to exchanges (agenda item 10) need not be included in the agenda. Moreover, the Commission has previously certified, pursuant to Section 605 of the RFA, 5 U.S.C. § 605, that certain items contained in this agenda will not have a significant economic impact on a substantial number of small entities. See 46 FR 20684 (Apr. 7, 1982) (Agenda Item 2), 46 FR 23477 (Apr. 27, 1981) (Agenda Item 4) and 46 FR 60637 (Dec. 14, 1981) (Agenda Item 9). Accordingly, listing of an item in this regulatory flexibility agenda should not, in any event, be taken as a determination that a rule, when proposed or promulgated, will in fact require a regulatory flexibility analysis. However, the Commission hopes that the publication of an agenda which includes significant rules, regardless of their potential impact on small entities, may serve the public generally by providing early and meaningful opportunity to participate in and comment on the formulation of new or revised regulations.

[3] On September 22, 1981, the Commission registered the National Futures Association under Section 17 of the Act.

Legislative Authority: Sections 4k, 4p and 8a of the Commodity Exchange Act, 7 U.S.C. 6k, 6p and 12a (1976 and Supp. IV 1980).

Agency Contact: David S. Mitchell, Esq., or Robert P. Shiner, Assistant Director for Registration, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Proficiency Examinations for Associated Persons; Delegation of Authority; Proposed Rules, 46 FR 20679 (Apr. 7, 1981).

3. Registration of Non-Clerical Employees and Agents of Commodity Pool Operators ("CPOs") and Commodity Trading Advisors ("CTAs")

The Commission has issued a **Federal Register** release reproposing to adopt rules that would implement and facilitate the registration of non-clerical employees and agents of CPOs and CTAs. The comment period expired March 16, 1982. The Commission has also made a similar proposal in the form of an amendment to the Commodity Exchange Act in connection with reauthorization. The Commission has deferred action pending Congressional Consideration of its statutory proposal.

Legislative Authority: Sections 2(a)(1), 4b, 4c, 4*l*, 4m, 4n, 4*o*, 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 2, 6b, 6c, 6*l*, 6m, 6n, 6*o*, 12a and 23 (1976 and Supp. IV 1980).

Agency Contact: Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Revisions of Commodity Pool Operator and Commodity Trading Advisor Regulations; Proposed Rules, 45 FR 51600 (Aug. 4, 1980); Revisions of Commodity Pool Operators and Commodity Trading Advisor Regulations, Delegation of Authority, 46 FR 26004 (May 8, 1981); Registration of Employees of Commodity Trading Advisors and Commodity Pool Operators, 47 FR 2325 (Jan. 15, 1982).

4. Dealer Options

Congress has directed the Commission to issue regulations permitting grantors and futures commission merchants to grant, offer and sell so-called "dealer options" on certain physical commodities subject to certain conditions specified by statute and such other uniform and reasonable requirements as the Commission may prescribe. At present, the only persons who may lawfully grant dealer options are United States domiciles who, on May 1, 1978, were in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise using that commodity.

The Commission has reproposed rules, principally concerning registration of dealer option grantors, requirements for the segregation of customer funds, disclosure to customers and prospective customers, and minimum financial requirements. The Commission expects to decide whether to adopt these rules in the latter part of 1982.

Legislative Authority: Sections 4c(b), 4c(d) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6c(b), 6c(d) and 12a(5) (1976 and Supp. IV 1980).

Agency Contact: Lawrence B. Patent, Special Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202-254-8955).

Outstanding Federal Register Notices: Proposed Reissuance and Amendments to Commodity Option Regulations, 43 FR 59396 (Dec. 20, 1978); Proposed Reissuance of and Amendments to Regulations Permitting the Grant, Offer and Sale of Options on Physical Commodities, 46 FR 23469 (Apr. 27, 1981).

5. Regulation of Leverage Transactions

The Commission has directed its staff to develop a program for regulating gold and silver leverage transactions. The Commission considered certain staff proposals on various policy issues relating to leverage transactions in April 1981. These policy issues included the registration of leverage transaction merchants, minimum financial requirements, requirements for the segregation of funds, issuance of disclosure statements, and recordkeeping and reporting.

A moratorium on the entry of new firms into the gold and silver leverage business which were not in that business on June 1, 1978, has been in effect since January 4, 1979. The Commission has previously announced its intention to regulate gold and silver leverage transactions as contracts for future delivery under the Commodity Exchange Act, but has delayed implementation of this approach until October 1982.

The Commission, in connection with reauthorization, has submitted a proposal to Congress regarding the appropriate regulatory scheme for leverage transactions. The Commission's regulatory efforts with regard to leverage transactions have been deferred pending Congressional consideration of the Commission's proposal.

Legislative Authority: Sections 8a and 19 of the Commodity Exchange Act, 7 U.S.C. 12a and 23 (1976 and Supp. IV 1980).

Agency Contact: David R. Merrill, Office of the General Counsel, 2033 K Street NW., Washington, D.C. 20581 (202-254-9880).

Outstanding Federal Register Notices: Regulation of Leverage Transactions as Contracts for Future Delivery, 44 FR 44177 (July 27, 1979); Regulation of Leverage Transactions as Contracts for Future Delivery, Postponement of Effective Date, 44 FR 69304 (Dec. 3, 1979).

6. Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract Market Designation

The Commodity Exchange Act requires a board of trade seeking to become a contract market for a particular commodity to show that futures trading in the commodity would not be contrary to the public interest. Guideline No. 1 sets forth the general criteria to be met by a contract market in making such a showing. They include an economic purpose test, a demonstration of the commercial viability of the contract and a showing that transactions for future delivery in the commodity will not be contrary to the public interest. The Commission has proposed a rule which would clarify the requirements with which boards of trade must comply for initial and continuing designation as contract markets. Proposed rules in this regard were published for comment in November 1980, and the Commission expects to decide whether to adopt these rules in final form in the fall of 1982.

Legislative Authority: Sections 2(a), 5, 5a, 6 and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 7, 7a, 8 and 12a (1976 and Supp. IV 1980).

Agency Contact: Paul M. Architzel, Chief Counsel, Division of Economics and Education, 2033 K Street NW., Washington, D.C. 20581 (202-254-6990).

Outstanding Federal Register Notices: Economic and Public Interest Requirements for Contract Market Designation, 45 FR 73504 (Nov. 5, 1980); Extension of Comment Period, 46 FR 9958 (Jan. 30, 1981).

7. Regulations to Govern Trading in Options on Physical Commodities

The Commission recently has adopted regulations to govern a pilot program for trading of commodity options on domestic commodity exchanges. Those regulations permit the trading of options on futures contracts under specified conditions. On November 3, 1981, the Commission issued a **Federal Register** release requesting comment as to the manner in which to amend or supplement the regulations establishing the pilot program which will permit exchange trading on options on physical commodities. On June 30, 1982, the Commission proposed rules which would expand the pilot program to permit and govern the trading of options on physicals on domestic exchanges. The comment period expired on July 30, 1982. The Commission expects to decide whether to adopt the proposed rules in late 1982.

Legislative Authority: Sections 2(a)(1), 4c, 4d, 4f, 4g, 4k, 4m, 4n, 8a, 15 and 17 of the Commodity Exchange Act, 7 U.S.C. 2, 4, 6c, 6d, 6f, 6g, 6k, 6m, 6n, 12a, 19 and 21.

Agency Contacts: Lawrence B. Patent, Special Counsel, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955); Lamont Reese, Division of Economics and Education, 2033 K Street NW., Washington, D.C. 20581 (202–254–3310).

Outstanding Federal Register Notices: Domestic Exchange-Traded Commodity Options, Notice of Proposed Rulemaking, 46 FR 54570 (Nov. 3, 1981); Domestic Exchange-Traded Commodity Options; Expansion of Pilot Program Provisions, Proposed Rules, 47 FR 28401 (June 30, 1982); Correction, 47 FR 30498 (July 14, 1982).

8. Definition of "Rule" of Contract Markets

The Commission has proposed to amend the definition of the term "rule" of a contract market in Commission regulation 1.41(a)(1), 17 CFR 1.41(a)(1), to state explicitly that the definition includes actions by a contract market, its governing board, or any of its committees or officials which are adopted or taken pursuant to enabling authority set forth in any existing rule of the contract market. The Commission expects to review its procedures for reviewing rule submissions under Section 5a(12) of the Act in late 1982. In addition, there is now pending in Congress legislation that would impact upon the present rule submission process. Once its internal review is complete and the substance of the final Congressional action is known, the Commission will determine whether to adopt the proposed rule amendment.

Legislative Authority: Sections 5, 5a and 8a of the Commodity Exchange Act, 7 U.S.C. 7, 7a and 12a (1976 and Supp. IV 1980).

Agency Contact: Linda Kurjan, Assistant Director, or Kenneth M. Rosenzweig, Assistant Chief Counsel, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notice: Contract Market Rules, 45 FR 84082 (Dec. 22, 1980).

9. Arbitration and Reparations Proceedings

The Commission has proposed amendments to its rules governing arbitration and reparations proceedings which would (1) authorize the use of binding pre-dispute arbitration agreements, thereby effectively eliminating the right of a customer who voluntarily enters into such an agreement to seek reparations with respect to a dispute arising under the agreement; (2) provide the customer with a choice of arbitration forums; and (3) require contract markets to provide that their members will bear the costs of the proceedings. The proposed rules are intended to promote the use of arbitration as a dispute-resolution alternative to reparations proceedings. The Commission expects to decide whether to adopt this proposal in early 1983.

Legislative Authority: Sections 2a(11), 5a(11), 8a(5) and 14 of the Commodity Exchange Act, 7 U.S.C. 4a(j), 7a(11), 12a(5) and 18 (1976 and Supp. IV 1980).

Agency Contact: Wendy E. Robinson, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202) 254–8955.

Outstanding Federal Register Notice: Regulations Pertaining to Reparations and Arbitration, Proposed Rules, 46 FR 60834 (Dec. 14, 1981).

10. Large Trader Reporting to Exchanges

The Commission has proposed a rule which would require exchanges to collect, process and forward to the Commission, in machine readable form, information which the Commission currently collects from futures commission merchants and foreign brokers on series '01 reports and form 102. The rule is intended to enhance effective market surveillance programs by the exchanges and to alleviate, to some extent, the duplicative reporting burden currently imposed on some exchange member firms. The comment period expired November 25, 1981. The Commission expects to determine whether to adopt the proposal in mid-1983.

Legislative Authority: Sections 4g, 4i, 5(d) and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g, 6i, 7(d) and 12a(5) (1976 and Supp. IV 1980).

Agency Contact: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 (202) 254–3310.

Outstanding Federal Register Notices: Large Trader Reporting to Exchanges and Reporting Open Positions, 45 FR 57141 (Aug. 27, 1980).

11. Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

The Commission has proposed amendments to certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"), as well as the basic financial reporting form for FCMs, Form 1–FR. One proposed amendment would alter the minimum dollar amount of adjusted net capital which must be maintained by FCMs. The Commission has also proposed a further amendment to the minimum financial regulations regarding the treatment of undermargined accounts. In addition, the Commission has proposed one specific capital charge relating to concentration of positions, and has invited further comment to assist it in the development of further appropriate minimum financial regulations concerning concentration of positions. The Commission expects to determine whether to adopt the proposals during the early part of 1983.

Legislative Authority: Sections 4d, 4f and 8a of the Commodity Exchange Act, 7 U.S.C. 6d, 6f and 12a (1976 and Supp. IV 1980).

Agency Contact: Chief Accountant, Division of Trading and Markets, 2033 K Street NW., Washington, D.C. 20581 (202–254–8955).

Outstanding Federal Register Notices: Minimum Financial and Related Reporting Requirements: Proposed Rule Amendments, 45 FR 42633 (June 25, 1980); 45 FR 79498 (Dec. 1, 1980); Extension of Comment Period, 46 FR 16691 (Mar. 13, 1981).

Reauthorization Legislation

Legislation now pending in Congress may, if enacted, require regulatory revision in a number of the areas listed above. (See Items (2) Proficiency Examinations; (3) Registration of Non-Clerical Employees; (5) Regulation of Leverage Transactions and (6) Criteria for Determining Whether a Board of Trade Meets the Economic Purpose and Public Interest Tests for Contract

Market Designation.) In addition, that legislation, if enacted, may generate rulemaking proposals in a number of additional areas, including revision of registration procedures; registration of introducing brokers; regulation of sales of foreign futures; reform of reparations procedures; and conforming revisions of Freedom of Information Act Rules (Part 145) and rules governing registered futures associations (Part 170).

Issued in Washington, D.C., on September 30, 1982, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 82-27933 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXXVIII

Consumer Product Safety Commission

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Regulatory Flexibility Act; Semiannual Regulatory Flexibility and Unified Agendas

AGENCY: Consumer Product Safety Commission.

ACTION: Publication of regulatory flexibility and unified agendas.

SUMMARY: The Regulatory Flexibility Act (RFA) requires each Federal agency to publish twice each year a regulatory flexibility agenda listing for a 12-month period rules expected to be proposed or promulgated which may have a significant economic impact on a substantial number of small entities. In this document the Commission publishes its fourth semiannual regulatory flexibility agenda.

Additionally, although not required to do so, the Commission has elected to comply voluntarily with provisions of Executive Order 12291 which requires executive agencies to publish an agenda of regulatory actions under development or review during the succeeding 12 months by the agency, and which further states that such an agenda may be incorporated with an agency's regulatory flexibility agenda published in accordance with the RFA.

DATE: The Commission welcomes comments from small entities, including small businesses, small organizations, and small governmental units, upon each subject area of the agenda. Written comments concerning the agenda should be received in the Office of the Secretary by December 27, 1982.

ADDRESS: Comments on the regulatory flexibility agenda should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6800, and should be titled "Regulatory Flexibility Agenda."

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact: Iris R. Hoffman, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6554. All inquiries from the press and broadcast media should be directed to Lou Brott, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207 (202) 634-7780. For further information regarding a particular item on the agenda, consult the individual listed in the column headed "Contact" for that particular item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), contains several provisions intended to reduce unnecessary and disproportionate regulatory requirements on small businesses, small governmental organizations, and other small entities. Section 602 of the Act (5 U.S.C. 602) requires each agency to publish twice each year a regulatory flexibility agenda containing a brief description of any rule expected to be proposed or promulgated which may have a "significant economic impact" on a "substantial number" of small entities. The agency must also provide a summary of the objectives and legal basis for each agenda item and a schedule for acting on each item as well as the name and address of the agency official knowledgeable about the items listed. Further, agencies are required to provide notice of their agendas to small entities and solicit their comments by direct notification or by inclusion in publications likely to be obtained by such entities.

In addition, President Reagan's Executive Order 12291 requires executive agencies to publish, twice each year, a regulatory agenda of proposed regulations under development or review and further states that such an agenda may be incorporated with an agenda published under the RFA. While the Commission, as an independent regulatory agency, is not required to follow E.O. 12291, the Commission is complying voluntarily with those provisions concerning publication of a regulatory agenda.

In the **Federal Register** of June 2, 1982 (47 FR 24034), the Commission published its third agenda under the RFA. In this notice, the Commission publishes its fourth semiannual agenda and also hereby complies voluntarily with E.O. 12291.

The fourth semi-annual regulatory flexibility agenda, published below, lists for a 12-month period anticipated regulatory activities under development or review. (These include all such activities, not only those which may have a significant economic impact on a substantial number of small entities. The regulations which may so impact are marked with an asterisk (*); those which may not so impact are marked with an ampersand (&); if marked with a number sign (#), the regulation is not applicable to small entities and if marked with a "u" its application is undetermined). The agenda also contains a brief description and summary of each regulatory activity (including the objectives and legal basis for each); an approximate schedule of target dates (subject to revision) for the development or completion of each activity; and the name and telephone number of a knowledgeable agency official concerning particular items on the agenda. (All agency contacts have the same address: Consumer Product Safety Commission, Washington, D.C. 20207.)

Dated: September 30, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES

Title	Legal authority/CFR citation	Abstract	Timetable	Agency contact
Current and Projected Rulemakings				
Priority:				
Consumer product safety standard for chain saws and their component and replacement parts*.	15 U.S.C. 2058(a), Consumer Product Safety Act (CPSA), 16 CFR Chapter II.	Efforts in 1979 and 1980 to develop a voluntary chain saw standard were deemed unsuccessful. Subsequently, the Commission decided that a mandatory standard was needed to reduce kickback injuries and that it should be developed by the staff. On May 11, 1981, the Commission published a notice of proceeding to develop a safety standard. Under amended statutory authority, the Commission issued an advance notice of proposed rulemaking in May, 1982, with a 60-day comment period. Commission staff has continued working with industry to develop a voluntary standard which addresses chain saw kickback injuries. The staff has also performed a preliminary evaluation of a draft industry standard which addresses chain saw kickback injuries. During FY 1983, the Commission plans to decide to either support a voluntary standard or develop a consumer product safety standard.	ANPRM 5/5/82 47 FR 19369; public comment period 5/5/82–7/6/82 47 FR 19369; time of next action is undetermined.	Carl Blechschmidt, Office of Program Management (OPM), (301) 492–6554.
Upholstered furniture cigarette flammability standard*.	15 U.S.C. 1193, 15 U.S.C. 1194, (Flammable Fabrics Act (FFA)).	In October, 1981, the Commission voted to defer mandatory regulatory action on upholstered furniture in order to work with manufacturers participating in the Voluntary Action Program of the Upholstered Furniture Action Council. This program may eliminate the need for a mandatory standard. Several promising new materials and techniques for improving the cigarette ignition resistance of upholstered furniture are under evaluation. Successful candidates are expected to be incorporated in commercial furniture in 1983. An evaluation of the industry's voluntary program will be carried out by Commission staff late in 1983.	ANPRM 11/29/72 37 FR 25239; time of next action undetermined.	James Hoebel, OPM, (301) 492–6554.
Coal and woodburning stoves labeling requirements—wood heating equipment*.	15 U.S.C. 2076(e) (CPSA)	On June 8, 1979 the Commission granted a petition that requested that manufacturers be required to label and provide instructions on the minimum clearance to combustibles and the chimney type required for these stoves, as well as on other information for operating and maintaining these stoves. Hazard data shows injuries and deaths associated with these stoves, some of which are caused by improper installation, operation, and maintenance of the types addressed by this rule. On Nov. 17, 1980 labeling requirements were proposed. In July, 1981 the Commission decided to defer a decision on a final rule pending staff review of current changes in voluntary standards and industry conformance to those standards.	NPRM 11/17/80 45 FR 76018; public comment period 11/17/80–1/2/81 45 FR 76018; time of next action is undetermined.	Do.
Petition CP 82–6. Petition to initiate a mandatory standard for pressed wood products emitting urea-formaldehyde.	5 U.S.C. 553(a) (Administrative Procedure Act).	In correspondence received August 19, 1982, the Consumer Federation of America (CFA) petitioned the Commission to institute a mandatory product safety standard for pressed wood products emitting urea-formaldehyde.	Time of next action is undetermined.	John Liskey, OPM, (301) 492–6554.
Other:				
Amendments to clothing textile standard. Apparel Revision*.	15 U.S.C. 1194 (FFA), 16 CFR 1610.	On August 12, 1982, a notice was published soliciting comments on proposed amendments to regulations implementing the Standard for the Flammability of Clothing Textiles (16 CFR 1610). The notice proposes that persons or firms subject to the standard, a) be permitted to devise and implement reasonable and representative tests to support guaranties, b) be exempt from further testing requirements to support guaranties for fabrics made entirely, from acrylic, modacrylic, nylon, olefin and polyester fibers, and c) the record retention period of tests supporting guaranties be reduced from three years to one year. These amendments would reduce industry's testing and recordkeeping costs while maintaining the level of protection the standard affords consumers.	NPRM 8/12/82 47 FR 3006; public comment period 8/12/82–10/12/82 47 FR 3006; estimated time of final action is 4/2/83.	James Hoebel, OPM, (301) 492–6554.
Flammability classification regulations*.	15 U.S.C. 1261(1), 15 U.S.C. 1269(a) (Federal Hazardous Substances Act (FHSA)), 16 CFR 1500.3(b)(10), 16 CFR 1500.3(c)(6), 16 CFR 1500.43.	The Federal Hazardous Substances Act, as amended, authorizes the Commission to issue regulations to define the terms "extremely flammable," "flammable," and "combustible" for purposes of labeling household substances which may present a flammability hazard. The Commission is developing proposed regulations to change from an open-cup to a closed-cup apparatus, and to specify an appropriate procedure for classifying flammability characteristics of household substances. If issued on a final basis, the proposed regulations would make the apparatus and procedures used by the Commission compatible with flammability tests used by other Federal agencies.	Time of next action is undetermined.	Do.
Clothing textiles and vinyl plastic film flammability standards amendment*.	15 U.S.C. 1193, 15 U.S.C. 1194 (FFA), 16 CFR 1610, 16 CFR 1611.	Clarifying amendments were proposed in 1981 to resolve questions which have arisen about interpretation of the standards and their applicability to various products, including multilayer fabrics with an outer layer of film or coated fabric, such as those used for disposable diapers. On Feb. 24, 1982, the Commission published a final amendment to the regulation to exempt plastic film used as the outer layer of a disposable diaper from any requirement for separate testing if a full thickness of the assembled article passes the test in the applicable standard. A notice to extend the period for receipt of written comments on all remaining issues was published at the same time.	NPRM 2/24/82 47 FR 01836 and 01839; public comment period 2/24/82–5/25/82 47 FR 01836 and 01839; time of next action is undetermined.	Do.
Alternate apparel test method—enforcement and administrative rule*.	15 U.S.C. 1194 (FFA), 16 CFR 1610, 16 CFR 1615, 16 CFR 1616.	In May 1982, three FEDERAL REGISTER Notices were published concerning a proposed enforcement and administrative rule for 16 CFR 1610—Standard for the Flammability of Clothing Textiles, 16 CFR Part 1615—Flammability Standard for Children's Sleepwear, Sizes 0 through 6X, and 16 CFR Part 1616—Flammability Standard for Children's Sleepwear, Sizes 7 through 14. This rule will permit the use of alternate apparel flammability test methods with these standards. This rule would permit a reduction in industry's testing costs while maintaining the levels of protection the standards now afford consumers.	NPRM 5/17/82 47 FR 21081, 21085 and 21089; public comment period 5/17/82–7/16/82, 47 FR 21081, 21085, 21089; time of next action is undetermined.	Do.
Requirements to address strangulation risk presented by toy chests.	15 U.S.C. 1261, 15 U.S.C. 1262 (FHSA), 15 U.S.C. 2058 (CPSA), 16 CFR 1500.	Hazard information shows injuries and deaths associated with toy chests. On April 7, 1982, the Commission approved initiation of a rulemaking proceeding to address the strangulation risk caused by falling toy chest lids. Advanced Notice of Proposed Rulemaking (ANPR) was issued on April 14, 1982.	ANPRM 4/14/82 47 FR 16041; public comment period 4/14/82–6/14/82 47 FR 16041; time of next action is undetermined.	Terri Rogers, OPM (301) 492–6554.

SEMIANNUAL REGULATORY FLEXIBILITY AGENDA ENTRIES—Continued

Title	Legal authority/CFR citation	Abstract	Timetable	Agency contact
Proposed amendments to requirements for full-size and non-full size baby cribs *.	15 U.S.C. 1261, 15 U.S.C. 1262 (FHSA), 16 CFR 1508, 16 CFR 1509.	In December 1978 the Commission directed staff to prepare amendments to the full-size and non-full-size crib regulations after identifying neck and head entrapment hazards associated with certain cutout designs on cribs. The amendments would prohibit hazardous configurations by adding to the crib requirements a performance test to simulate the entrapment hazard pattern. On September 8, 1982 the Commission voted to finalize the amendments and to make them effective six months after publication in the FEDERAL REGISTER.	NPRM 12/16/80 45 FR 82659; public comment period 12/16/80–2/17/81 45 FR 82659; extension of comment period 8/28/81 46 FR 43452; publication of final FR notice undetermined.	Do.
Proposed replacement enforcement policy statements on applicability of the children's sleepwear standards *.	15 U.S.C. 1194 (FFA), 16 CFR 1615.64, 16 CFR 1616.65.	Dec. 11, 1981 a decision of U.S. Court of Appeals for the Fourth Circuit in *National Knitwear Manufacturers Association* v. *CPSC*, 666 F. 2d 81, set aside the Commission statements of policy on the applicability of the children's sleepwear standards for procedural reasons. Since these enforcement policy statements serve a useful purpose both for industry and the agency, the Commission is considering proposal of replacement enforcement policy statements.	NPRM estimated 12/15/82..	Elizabeth Gomilla, Directorate for Compliance and Administrative Litigation, (301) 492–6400.
Asbestos in selected consumer product *.	15 U.S.C. 1261 *et seq.* (FHSA), 15 U.S.C. 2058, 15 U.S.C. 2080(b) (CPSA).	Hazard information shows that asbestos presents a risk of cancer and respiratory disease. On October 17, 1979 the Commission issued an Advanced Notice of Proposed Rulemaking on asbestos in consumer products. On March 4, 1982 the Commission decided to convene a Chronic Hazards Advisory Panel (CHAP) on Asbestos in Consumer Products. The CHAP is expected to meet in October, 1982 and deliver its report by February, 1983. Based on the findings of the Panel, the Commission will decide what additional regulatory action, including an ANPRM, may be appropriate.	ANPRM, 10/17/79 44 FR 60057; Invitation for suggestions for members of CHAP 4/22/82 47 FR 17323; time of next action is undetermined.	Sandra Eberle, Directorate for Health Sciences, (301) 492–6957.
Applications SH 82-1 through 37 requesting an exemption of State/local regulations from preemption by 16 CFR Part 1212*.	15 U.S.C. 2075(c) (CPSA)	Thirty-seven applications have been received from state and local government officials since February 22, 1982. These applications all request exemption from preemption by the CPSC standard for unvented gas space heaters (16 CFR Part 1212).	Time of next action is undetermined.	Douglas Noble, OPM, (301) 492–6554.
Petition CP 82–4. Petition to exempt gasoline fueled air-cushion mowers from 16 CFR Part 1205 (Safety Standard for Walk-Behind Power Lawn Mowers).	15 U.S.C. 2056, 15 U.S.C. 2058 (CPSA).	In correspondence dated April 14, 1982 representatives of Flymo Incorporated petitioned the Commission to exempt gasoline-fueled, air-cushion lawn mowers from the CPSC Saftey Standard for Walk-Behind Power Lawn Mowers (16 CFR Part 1205).	Commission decision—Estimated Fall 1982.	Do.
Petison AP 80–2. Petition to require labeling of electrical wiring devices*.	15 U.S.C. 2076(e) (CPSA)	In correspondence dated May 20, 1980, Dr. Jesse Aronstein petitioned the Commission to issue a regulation that would require manufacturers of electrical wiring devices to furnish consumers with information addressing the hazard of overheating that may occur when incompatible receptacles and switches are used with aluminum wiring.	Time of next action is undetermined.	Do.
Hazardous substances labeling requirements*.	15 U.S.C. 1269(a) (FHSA), 16 CFR 1500. (2).	This rule, if issued on a final basis, would revise the Commission's regulations for the prominence, placement, and conspicuousness of cautionary statements required by the Federal Hazardous Substances Act to be placed on labels of hazardous substances intended or packaged in a form suitable for household use. This proposal has been under consideration for several years; no estimate is available at this time for the date for issuance of a final rule or withdrawal of the proposal.	NPRM 12/13/78 43 FR 58195; public comment period 12/13/78 2/2/79 43 FR 58195. Time of next action is undetermined.	Charles Jacobson, Directorate for Compliance and Administrative Litigation, (301) 492–6400.
Mattress flammability standard*.	15 U.S.C. 1193, 15 U.S.C. 1194 (FFA), 16 CFR 1632.	An ANPR has been published soliciting comments on possible amendments to the Mattress Flammability Standard to modify and reduce the testing requirements and to clarify other provisions. These amendments will reduce industry's testing and recordkeeping costs while maintaining the level of protection the standard affords consumers.	ANPRM 6/10/82 . 47 FR 25159; public comment period of 6/10/82–8/9/82 47 FR 25159; NPRM Estimated 3/5/83.	James Hoebel, OPM, (301) 492–6554.
Ban of benzidine congener dyes in consumer products *.	15 U.S.C. 2051 *et seq.* (CPSA), 15 U.S.C. 1261 *et seq.* (FHSA).	Hazards information shows that benzidine congener dyes may present a carcinogenic hazard. Consumer exposure to the dyes occurs usually from dye products for home dyeing application or those sold as arts and crafts materials. The Commission has granted a petition to propose a ban on consumer dye products containing benzidine congener dyes, but the industry is taking voluntary action to remove some of the dyes from the market.	Time of next action undetermined.	Abbie Gerber, Directorate for Health Sciences, (301) 492–6994.
Physician drugs samples policy statement*.	15 U.S.C. 1472, 15 U.S.C. 1473 (Poison Prevention Packaging Act).	On March 23, 1978 the Commission proposed a policy to require manufacturers of drugs to be dispensed by physician to place the drug in a child resistant package when the package is intended to be dispensed to consumers. A Commission decision on the final policy statement is expected during calendar 1982.	Proposed policy statement 3/23/78 43 FR 12029; final policy statement 12/30/82.	Virginia White, Health Sciences, (301) 492–6957.
Reviews of Existing Regulations.				
Other: Rule review*	5 U.S.C. 610 (Regulatory Flexibility Act), 15 U.S.C. 2051 *et seq.* (CPSA) 16 CFR Chapter II, Subchapter A, 16 CFR Chapter II, Subchapter B.	The Commission plans to publish a FEDERAL REGISTER notice listing seventeen (17) rules and standards (issued under the Consumer Product Safety Act), soliciting comments on these rules which it will review pursuant to the requirements of the Regulatory Flexibility Act. Subsequently, the Commission will publish notice and solicit comments on rules and standards under the other Acts administered by the Commission.	Estimated publication of notice to solicit comments 10/30/82.	Douglas Noble, OPM, (301) 492–6554.
Completed Actions				
Priority				
Ban of ureaformaldehyde foam insulation.	....	On April 2, 1982, the Commission issued a ban of the installation of ureaformaldehyde foam insulation in residences and schools, effective 8/10/82. 47 FR 14366. This action was taken because of adverse acute and chronic health effects that can be caused by inhalation of formaldehyde gas emitted from the product.	Commission promulgated final rule 4/2/82 47 FR 14366; final action effective 8/10/82 47 FR 14366.	Ron Medford, OPM, (301) 492–6554.
Consumer Product Safety Standard for omnidirectional citizens band (CB) base station antennas.	....	....	Commission promulgated final rule 8/19/82 47 FR 36186; final action effective 2/25/83 47 FR 36186.	Carl Blechschmidt, OPM, (301) 492–6554.

Semiannual Regulatory Flexibility Agenda Entries—Continued

Title	Legal authority/CFR citation	Abstract	Timetable	Agency contact
Other:				
Infant Strangulations		Based on Commission guidance of May 20, 1982 this regulatory activity is being withdrawn. The Commission has decided to gather additional information and to work with industry to solve identified problems..		Terri Rogers, OPM, (301) 492-6554.
Safety standard for architectural glazing materials; partial revocation of standard concerning modulus of elasticity test, hardness test, and indoor aging test for plastic glazing materials.			Commission promulgated final rule 6/28/82 47 FR 27853; final rule effective 7/28/82; 47 FR 27853.	Wade Anderson; Directorate for Compliance and Administrative Litigation, (301) 492-6400.
Prednisone tablets exemption.			Commission promulgated final exemption 9/14/82; 47 FR 40407.	Virginia White, Directorate for Health Sciences, (301) 492-6957.

[FR Doc. 82-27934 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XXXIX

Federal Communications Commission

Unified Agenda of Federal Regulations

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

Unified Agenda of Federal Regulations

AGENCY: Federal Communications Commission.

ACTION: Publication of the Unified Agenda.

SUMMARY: The Commission publishes the Unified Agenda (formerly entitled the Semi-Annual Agenda) to provide the public with adequate notice of all major and other significant proceedings under development or review. The agenda also provides the CFR Citations and Legal Authorities which govern these proceedings. This is in accordance with Executive Order 12291 and OMB Bulletin No. 82–16. In addition, the agenda, in compliance with the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) includes notations on the applicability of the Regulatory Flexibility Act to each item. The Unified Agenda will be published in the Federal Register in April and October of each year.

DATE: The information is as of October 1982.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Claudette Pride, Office of the Managing Director, (202) 632–7513.

SUPPLEMENTARY INFORMATION:

Unified Agenda of All Major and Other Significant Proceedings

The Commission encourages public participation in the FCC rule making process. To help keep the public informed of significant rule making proceedings, the Commission has prepared an agenda of important proceedings now in progress. OMB will publish the Unified Agenda in the **Federal Register** in April and October of each year.

The following terms may be helpful in understanding the status of the proceedings included in this report:

A Docket Number is assigned to a proceeding if the Commission has issued either a Notice of Proposed Rule Making or a Notice of Inquiry in regard to the matter under consideration. Since January 1, 1978, the Commission has used docket numbers which consist of the last two digits of the calendar year in which the docket was established plus a sequential number which begins at 1 with the first docket initiated during a calendar year (e.g. Docket 78–1 or Docket 79–1). The abbreviation for the responsible Bureau usually precedes the docket number, as in "BC Docket 79–164." When a docket number consists of only five digits (e.g. Docket 29622), this indicates that the docket was established before January 1, 1978.

Notice of Inquiry (NOI)—issued by the Commission when it is seeking information on a broad subject or trying to generate ideas on given topic. A Comment period is specified during which all interested parties may submit comments.

Notice of Proposed Rule Making (NPRM)—issued by the Commission when it is proposing a specific change to the FCC Rules and Regulations. Before any changes are actually made, interested parties may submit written comments on the proposals.

Memorandum Opinion and Order (MO&O)—issued by the Commission to deny a petition for rule making, conclude an inquiry, modify a decision, or deny a petition for reconsideration of a decision.

Report and Order (R&O)—issued by the Commission to state a new or amended rule or state that the FCC Rules will not be changed.

Rule Making (RM) Number—assigned to a proceeding after the appropriate Bureau/Office has reviewed a petition for rule making, but before the Commission has taken action on the petition.

William J. Tricarico,

Secretary, Federal Communications Commission.

BUREAU/OFFICE: FIELD OPERATIONS BUREAU

Title of Proceeding, Rulemaking or Docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Requirements for Licensed Operators in Various Radio Services (RM–2643, General Docket 82——).	No	47 CFR, Parts 13, 21, 23, 73, 74, 78, 81, 83, 87, 90 and 95.	Sections 303(r) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 303(r) and 154(i).	Notice of Proposed Rulemaking will propose removing rules which require that certain operating, maintenance and installation duties be performed only by licensed commercial radio operators. Also, will propose longer license term and elimination of some unnecessary restrictions. Action proposed would be deregulatory and involves no costs. Benefit will be reduction of burden on radio station licensees..	Notice of Proposed Rulemaking—October 1982. Report and Order—May 1983. Contact Persons: *Part 13*—B. C. Jackson, Jr., Chief, Radio Operator Branch, Regional Services Div.; Field Operations Bur., Federal Communications Commission Washington, D.C. 20554, phone 202/632-7240. *Part 21*—James R. Keegan, Chief, Domestic Facilities Div., Common Carrier Bureau, Federal Communications Commission, Washington, D.C. phone 202/634-1860. *Part 23*—Theodone R. Waddell, Chief, Domestic Radio Branch, Domestic Facilities Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 phone 202/634-1706. *Parts 73 and 74*—William H. Hassinger Engineering Assistant to Chief, Broadcast Bureau, Federal Communications Commission; Washington, D.C. 20554 phone 202/632-6460. *Part 78*—Clifford H. Paul, Chief, Microwave Br., Special Relief and Microwave Division, Federal Communications Commission, Cable TV, Washington, D.C. 20554, phone 202/254-3420. *Parts 81, 83 and 87*—Charles D. Fisher, Chief, Aviation and Marine Branch, Special Services Div., Private Radio Bureau, Washington, D.C. 20554 phone 202/632-7175.

BUREAU/OFFICE: FIELD OPERATIONS BUREAU—Continued

Title of Proceeding, Rulemaking or Docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
					Part 90—John B. Richards, Deputy Chief, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, phone 202/634-2443. *Part 95*—John B. Johnston, Chief, Personal Radio Branch, Special Services Div., Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, phone 202/632-[illegible].
Age and Experience Requirements for Radiotelegraph First Class Operator License (RM-2687/RM-3785).	No	47 CFR 13.12	Sections 303(r) and 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 303(r) and 154(i).	Requests elimination of age and experience requirements for Radiotelegraph First Class Operator License. Adoption would result in increased costs to agency of approximately $10,000 to process additional applications..	Action by December 1982, B.C. Jackson, Jr., Chief, Radio Operator Brahch, Regional Services Div., Field Operations Bur., Room 728, 1919 M Street NW., Washington, D.C. phone, 202-632-7240.

BUREAU/OFFICE: PRIVATE RADIO

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
RM-4039: Temporary Licensing of Community Repeaters in the Special Industrial Radio Service.	Yes	47 CFR 1,2,90	47 U.S.C. 154(i), 303(r)	Petitioner requests amendment of Parts 1, 2, and 90 to implement a system of temporary licensing for add-on users of multiple-licensed mobile relay systems operating in the Special Industrial Radio Service.	2nd Qtr. FY 1983 for NPRM: Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 18921: Multiple Licensing in the Private Land Mobile Radio Services below 800 MHz.	No	47 CFR 90	47 U.S.C. 154(i), 303(r)	Various petitions for reconsideration and clarification of the Commission's March 1982 Report and Order in this proceeding have been received.	2nd Qtr. FY 1983 for Memorandum Opinion and Order: Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 19309: Shared arrangements with third-party involvement in the Private Microwave Services.	Yes	47 CFR 94	47 U.S.C. 154(i), 303(r)	Proceeding addresses the methods by which licensees may avail themselves of microwave transmission facilities.	3rd Qtr. FY 1983 for FNPRM: Fred Day, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 19671: Transmission of Entertainment Programs using Business Radio Service Frequencies.	No	47 CFR 94	47 U.S.C. 154(i), 303(r)	Proceeding regards the content of microwave transmission in the Private Radio Services. Petitions for reconsideration have been received of the Commission's May 1981 Report and Order in this proceeding.	2nd Qtr. FY 1983 for Memorandum Opinion and Order: Fred Day, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
Docket 20813:	No	47 CFR 81	47 U.S.C. 154(i), 303(r)	Disposes of several petitions and reconsiders R&O implementing changes in frequencies, procedures and standards relating to radio-telegraphy	1st Qtr. FY 1983 for Order. Walt Weaver, Aeronautical & Marine Specialist, Special Services Division FCC, Washington, DC 20554, (202) 632-7175
Docket 20846: Telephone Interconnection in the Private Land Mobile Radio Services..	No	47 CFR 90	47 U.S.C. 154(i), 303(r)	Various petitions for reconsideration and clarification of the Commission's March 1982 Report and Order in this proceeding have been received.	2nd Qtr. FY 1983 for Memorandum Opinion and Order: Jack Richards, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443
Docket 78-67:	No	47 CFR 81	47 U.S.C. 154(i), 303(r)	Addresses interconnection and upgrading of public coast facilities.	2nd Qtr. FY 1983 for Report and Order Walt Weaver, Aeronautical & Marine Specialist Special Services Division, FCC, Washington, DC 20554, (202) 632-7175.
Docket 79-140: New Personal Radio Services at 900 MHz.	Yes	47 CFR 95	47 U.S.C. 154(i), 303(r)	Looks toward establishment of a new Personal Radio Service at 900 MHz.	1st Qtr. FY 1983 for Order terminating NOI: Steven Lett, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554, (202) 632-[illegible].
PR Docket 81-416: Amendment of Rules concerning medical services operations in the 450-460 MHz band in the Special Emergency Radio Service.	No	47 CFR 90	47 U.S.C. 154(i) 303(r)	Inquiry into the problems, as well as the regulatory and deregulatory requirements for systems operating in the Special Emergency Radio Service.	2nd Qtr. FY 1983 for NPRM: Art King, Land Mobile Specialist, FCC, Washington, DC 20554, (202) 634-2443.
Docket 82-36: INMARSAT Requirements.	No	47 CFR 83	47 U.S.C. 154(i), 303(r)	Amends the Commission's rules to conform with the maritime mobile-satellite requirements of the International Maritime Satellite (INMARSAT) Organization.	1st Qtr. FY 1983 for Report and Order: William Berges, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554, (202) 632-7175.
PR Docket 82-84: Recodification of GMRS Rules.	No	47 CFR 97	47 U.S.C. 154(i), 303(r)	Reviews and codified General Mobile Radio Service Rules.	2nd Qtr. FY 1983 for Report and Order: Maurice J. DePont, Attorney-Advisor, Special Services Division, Washington, DC 20554, (202) 632-4964.
PR Docket 82-121: Allocation of frequencies in the 72-76 MHz band for use by Operatinal-Fixed stations in the Automobile Emergency, Manufactures, Telephone Maintenance and Taxicab Radio Services.	Yes	47 CFR 94	47 U.S.C. 154(i), 303(r)	Proposal to allow the use of operational-fixed radio links in the 72-76 MHz band to control multiple base stations.	2nd Qtr. FY 1983 for Report and Order. Reply comment period closed May 4, 1982. Eugene Thomson, Electronics Engineer, FCC, Washington, DC 20554, (202) 634-2443.

BUREAU/OFFICE: PRIVATE RADIO—Continued

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Docket 82-182: Aeronautical stations log requirements and airport ground frequencies.	Yes	47 CFR 87	47 U.S.C. 154(i), 303(r)	Deletes logging requirements in aviation services; makes frequency 122.050 MHz available to air carriers as well as private aircraft; provides frequencies for communications between aircraft on the airport ramp and service organizations.	1st Qtr. FY 1983 for Report and Order: Robert McNamara, Deputy Chief, A&M Branch, Special Servivces Division, FCC, Washington, DC 20554, (202) 632-7175.
PR Docket 82-183: Amendment of Part 90 to eliminate the need for a separate authorization to operate speed detection devices in the Police and Local Government Radio Services.	Yes	47 CFR 90	47 U.S.C. 154(i), 303(r)	Proposal tro allow Police and Local Government police licensees of stations, as part of their authorization, to operate any number of radar units without prior specific Commission approval	2nd Qtr. FY 1983 for Report and Order: Reply comment period closed May 25, 1982. Art King, Land Mobile Specialist, FCC, Washington, DC 20554, (202) 634-2443.
PR Docket 82-226: Frequency Coordination in the Business Radio Services.	No	47 CFR 90	47 U.S.C. 154(i), 303(r), Pub. L. 97-259, Commun. Act, Ammendments of 1982.	Inquiry regarding frequency coordinating committees and the need for new rules to govern the Commission's frequency coordination and field study procedures in the Private Land Mobile Radio Services.	3rd Qtr. FY 1983 for NPRM. Reply comment period closed August 5, 1982 Eugene Thomson, (202) 632-6497
PR Docket 82-373: Part 94 Technical Standards.	Yes	47 CFR 94	47 U.S.C. 154(i), 303(r)	Amendment of the rules to extend "grandfathering" and antenna standards for private microwave radio systems, in cases where no inter-system interference will result.	2nd Qtr. FY 1983 for Report and Order. Reply comment period closed August 31, 1982. Fred Day, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
PR Docket 82-470: Digital Data Transmission below 800 MHz.	Yes	47 CFR 90	47 U.S.C. 154(i), 303(r)	To accommodate the expansion of digital/data operations in the private land mobile radio services, it was proposed to eliminate limitations on non-voice transmissions.	3rd Qtr. FY 1983 for Report and Order Reply comment period closed September 29, 1982. Keith Plourd, Electronics Engineer, FCC, Washington, DC 20554, (202) 634-2443.
PR Docket 82-624: Amateur Power Measurement Changes.	No	47 CFR 97	47 U.S.C. 154(i), 303(r)	Changes method of Power measurements required for Amateur Radio Service licensees from input power to output power	4th Qtr. FY 1982 for NPRM: Steve Lett, Electronics Engineer, Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
GEN Docket 82-625: Amendment of rules to provide HF spectrum for use by eligibles in the Special Industrial, Petroleum, Telephone Maintenance and Power Radio Services.	No	47 CFR 2,90	47 U.S.C. 154(i), 303(r)	Proposal to provide HF radio links for the long distance communications requirements of eligibles for operations in the national interest	3rd Qtr. FY 1983 for Report and Order Comments close Oct. 14, 1982; reply comments close Oct. 29, 1982. Keith Plourd, Electronics Engineer, FCC, Washington, DC 20554, (202) 634-2443.
Amateur No-Code:	No	47 CFR 97	47 U.S.C. 1540(i), 303(r)	Deletes slow speed requirement for amateur technician class permit and adds new digital class operator permit in the ARS	1st Qtr. FY 1983 for NPRM. Steve Lett, Electronic Engineer, Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
Delicense CB and R/C Radio Service.	No	47 CFR 95	Pub. L. 97-259	Authorizes Commission to cease individual licensing in the CB and Remote Control (R/C) Radio Services.	1st Qtr. FY 1983 for NPRM: John Borkowski, Attorney-Advisor Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
Volunteer Examiners for Amateur Radio Service.	No	47 CFR 97	H.R. 3239	Authorize Commission to use volunteers to prepare and administer written examinations required in the Amateur Radio Service.	1st Qtr. FY 1983 for NPRM. John Borkowski, Attorney-Advisor, Special Services Division, FCC, Washington, DC 20554, (202) 632-4964.
Digital Selective Calling (DSC)	No	47 CFR 83	47 U.S.C. 154(i), 303(r)	Provides initial guidelines for use of DSC in the Marine Services. The new global distress system and USCG will utilize DSC in the future. This action provides a means for voluntary utilization of DCS Techniques prior to any future required safety system.	2nd Qtr. FY 1983 for NPRM: Robert Mickley, Communications Specialist, Special Services Division, FCC, Washington, DC 20554, (202) 632-7175
Ship Inspections	No	47 CFR 83	47 U.S.C. 154(i), 303(r)	Analyzes entire compulsory ship inspection program for inspection frequency and issuance of certificates. Proposes to change cycles of inspection for Title III, Part III (small passenger) vessels delegate authority to field engineers to extend Title III, Part III certificates up to 90 days and identifies needed legislative change to Section 362(b) of the C.A., and defines "passengers for hire" and persons on board for business of the boat.	2nd Qtr. FY 1983 for Report and Order. Req. for legislative change. Nicholas Bagnato, Aeronautical and Marine Specialist, Sepecial Services Division, FCC, Washington, DC 20554, (202) 632-7175.

BUREAU/OFFICE: PRIVATE RADIO; COMPLETED ACTIONS

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
PR Docket 79-191: Release, Allocation and Criteria for Use of the 250 Remaining Channels in the 800 MHz Band.	Yes	47 CFR 90	47 U.S.C. 154(i), 303(r)	All remaining 250 channels in the 800 MHz band were released for use by private land mobile radio systems under a deregulatory framework.	Report and Order adopted by Commission July 22, 1982. Stephanie Spernak, Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.
GEN Docket 80-183: Allocation of spectrum for one-way paging stations in the 900 MHz band.	Yes	47 CFR 90	47 U.S.C. 154(i), 303(r)	Forty channels were released in the 900 MHz band for private user and private carrier paging systems.	Second Report and Order adopted by Commission July 22, 1982. Stephanie Spernak, -Attorney-Advisor, FCC, Washington, DC 20554, (202) 634-2443.

BUREAU/OFFICE: OFFICE OF PLANS AND POLICY

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
UHF Television Receiver Noise Figures, Docket 21010.	Yes	47 CFR 15.66	Sections 4(i), 303(g), 303(r), 303(s) and 403 of the Communications Act of 1934, as amended.	The Commission will be considering whether to reduce the maximum allowable UHF television receiver noise figure. "Noise Figure" is a technical measure for one of the factors that influences how well a television receiver displays a weak signal.	NPRM first quarter of FY 1983. Contact: Phil Gieseler, 632-[illegible]

Bureau/Office: United Agenda of Federal Regulations, Broadcast Bureau—Federal Communications Fiscal Year 1983

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
R&O/D. 81-741	No	47 CFR	47 U.S.C., Pt. 73	Authorize use of teletext by TV stations	1st Qtr: Allen Stillwell, 632-6302.
Policy statement	No	47 CFR	47 U.S.C., Pt. 73	Issue Policy Statement as a result of the recommendations of the Advisory Committee on Financing for Minorities.	1st Qtr: Holly Berland, 632-7792.
R&O/D. 81-793	No	47 CFR	47 U.S.C., Pt. 74	Amend and relax Broadcast Auxiliary Service Rules in Part 74.	1st Qtr: James McNalley, 632-9660
MO&O/D. 80-190	No	47 CFR	47 U.S.C., Pt. 73	Reconsideration of the Report and Order eliminating the Financial Report Form 324.	1st Qtr: Brian Fontes, 632-6302.
NPRM/D. 79-145	No	47 CFR	47 U.S.C., Pt. 73	TV waveform standards concerning horizontal and vertical blanking intervals.	1st Qtr: Herb Zeiler, 632-9660.
R&O/D. 21502	No	47 CFR	47 U.S.C., Pt. 73	Amend rules concerning technical operation of STV stations.	1st Qtr: Freda Thyden, 632-7792
MO&O/D. 78-253	No	47 CFR	47 U.S.C., Pt. 73	Reconsideration of the Report and Order regarding Low Power TV.	1st Qtr: Edyth Wise, 632-6302.
R&O/D. 82-1	No	47 CFR	47 U.S.C., Pt. 73	Eliminate restriction on noncommercial educational stations using their subcarrier frequencies for revenue generating purposes.	1st Qtr: Jonathon David, 632-7792.
NPRM	No	47 CFR	47 U.S.C., Pt. 73	Amend the rules which limit station ownership to 7 AM, 7 FM and 7 TV stations for a single ownership entity.	2nd Qtr: Steve Booksheste, 632-7792
R&O/D. 82-20	No	47 CFR	47 U.S.C., Pt. 74	Amend Part 74 rules to provide for operation of microwave boosters.	2nd Qtr: Ralph Smith, 632-9660.
NPRM	No	47 CFR	47 U.S.C., Pt. 73	Amend rules to permit a variety of video services in the ITFS Band (2500–2690 MHz).	2nd Qtr: Terri Freundlich, 632-6302.
R&O/D. 82-374	No	47 CFR	47 U.S.C., Pt. 73	Amend rules pertaining to dual city identification of AM, FM and TV stations.	2nd Qtr: Roger Holberg, 632-7792
R&O/D. 20735	No	47 CFR	47 U.S.C., Pt. 73	Establish Table of Assignments for noncommercial educational FM stations.	2nd Qtr: Jim McNally, 632-6990.
R&O/D. 81-698	No	47 CFR	47 U.S.C., Pt. 73	Delete rules requiring use of type-approved modulation monitors at AM, FM and TV stations.	2nd Qtr: Kate Hosford, 632-9660.

BUREAU/OFFICE: CABLE TELEVISION BUREAU

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Franchise Fees: Docket 21002	Yes	47 CFR § 76.31	47 U.S.C. 2–4, 301, 303, 307–308, 309.	Amend 76.31 to eliminate rule limiting local cable television franchise fees to 3% of a system's gross revenues.	*FNPRM in Docket 21002*, 71 FCC 2d 569 (1979), Robert Ratcliffe, 632-6468, 2nd Quarter.
Aeronautical Interference: Docket 21006.	Yes	47 CFR § 76.605	47 U.S.C. 2–4, 301, 303, 307–308, 309.	Amend 76.605 relating to rules to protect aeronautical communications and navigation radio services from cable radiation interference.	*FNPRM in Docket 21006*, 76 FCC 2d 311 (1980), Stephen Bailey, 632-6468, 1st Quarter.
Saturated Cable TV Systems: Docket 21472.	Yes	47 CFR § 76, Subpart D	47 U.S.C. 2–4, 301, 303, 307–308, 309.	Amend Part 76 relating to situations where cable TV's required to carry more broadcast signals than there is available channel capacity.	*NPRM in Docket 21472*, 66 FCC 2d 710 (1977), Stephen Bailey, 632-6468, 4th Quarter.
Cable TV Financial Report Form: Docket 82-528.	Yes	47 CFR § 76.403	47 U.S.C. 2–4, 301, 303, 307–308, 309.	Proposes elimination of cable television financial reporting form (Form 326).	*NPRM in Docket 82-528*, Robert Ratcliffe, 632-6468, 2nd Quarter.
Network-Cable TV Cross-ownership: Docket 82-434.	Nil	47 CFR § 76.501	47 U.S.C. 2–4, 301, 303, 307–308, 309.	Proposes elimination of restrictions on television network-cable system cross-ownership found in 76.501.	*NPRM in Docket 82-434*, FCC 82-364, Robert Ratcliffe, 632-6468, 4th Quarter.
TV-Cable Ownership Divestiture; Docket 20423.	Yes	47 CFR § 76.501	47 U.S.C. 2–4, 301, 303, 307–308, 309.	Proposed amendment to 76.501 requiring that there be a required divestiture of common ownership between co-located TV stations and cable television system.	*FNPRM in Docket 20423*, 81 FCC 2d 150 (1980), Robert Ratcliffe, 632-6468, 2nd Quarter.

BUREAU/OFFICE: OFFICE OF SCIENCE AND TECHNOLOGY

Title of proceeding, rulemaking, or docket number	RFA	CFR citation	Legal authority	Abstract	Timetable/contact person
Offshore Telephone Co., RM-[illegible].	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM will propose use of UHF-TV 15 and 16 in the Gulf of Mexico for additional telecommunications service.	NPRM, 1st quarter, FY 83. Contact: Harding Chism, 653-8166.
Meteor Burst Communication Service RM-3685.	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes use of 4 frequencies in the 40-50 MHz band for common carrier use in Alaska.	NPRM, 1st quarter, FY 83. Contact: Sam Tropea, 653-8167.
Air-ground radiotelephone service RM-3524 (Airfone, Inc.).	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes 4 MHz in the 900 MHz range for air-to-ground telephone service aboard commercial airlines.	NPRM, 1st quarter, FY 83. Contact: Mel Murray, 653-8168.
Air-ground radiotelephone service RM-3885 (ARINC).	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes 4 MHz in the 900 MHz range for air-to-ground telephone service aboard commercial airlines.	NPRM, 1st quarter, FY 83. Contact: Mel Murray, 653-8168.
NPRM—Amendment of Part 5 of the Commission's Rules to Diminish Restrictions on the licensing and use of stations in the Experimental Radio Service (other than Broadcast) General Docket No. [illegible]	Yes	47 CFR 5	47 U.S.C. 303	Rewrite of Part 5 to delete rules which are no longer useful and eliminate or reduce regulatory restrictions.	R&O 2nd quarter, FY 83. Contact: H. F. Wright, 653-8137, John Williams, 632-9073.
18GHz reallocation, Gen. Docket 79-188.	No	47 CFR 2.106	47 U.S.C. 303	Second R&O will provide narrow band channels for point-to-point fixed use as well as spectrum for DTS usage.	Second R&O, 2nd quarter, FY 83. Contact: Mel Murray, 653-8168.
Implementation of Final Acts, WARC-79 (80-739).	Yes	47 CFR 2.106	47 U.S.C. 303	Proceeding will amend Part 2 of the Rules (Definition and Frequency Allocations) to make them consistent with international Radio Regulations developed by the 1979 WARC.	Notice of Proposed Rulemaking in 1st quarter, FY 83. Contact: Fred Thomas.
Reaccommodation of 12 GHz Terrestrials (Docket to be assigned).	Yes	47 CFR 2.106	47 U.S.C. 303	Proceeding will provide frequency allocations/technical standards to accommodate 12 GHz fixed service licensees who may be displaced by broadcasting-satellite systems.	Notice of Proposed Rulemaking in 1st quarter, FY 83. Contact: Donald D. Campbell.
Allocation for 900 MHz Personal Radio Service (79-140).	Yes	47 CFR 2.106	47 U.S.C. 303	Proceeding intended to provide a frequency allocation/technical standards for a new personal radio service of much superior quality in comparison to the CB service.	Notice of Proposed Rulemaking in 1st quarter, FY 83. Contact: Rodney Small.
UTC Power Line Carrier petition Gen. Docket 82-9.	Yes	47 CFR 2.106	47 U.S.C. 303	Request to provide regulatory recognition and protection for power line carrier operations of electric utilities in the 10-490 kHz bands.	Report and Order, 1st quarter, FY 83 Contact: Sam Tropea, 653-8167.
L.A. Sheriff's Petition, RM-3975.	No	47 CFR 2.106	47 U.S.C. 303	Petition requests reallocation of UHF-TV channels 14-20 to public safety services.	Issues paper to Chief Scientist—1st quarter, FY 83. Contact: Maureen Cesaris, 653-8164.
Petitions for reconsideration of 38.6-40 GHz allocation, Gen. Docket 81-415.	No	47 CFR 74.661	47 U.S.C. 303	Petition requests relaxation of adopted 0.005% frequency stability.	Memorandum Order and Opinion, 2nd quarter, FY 83. Contact: Harding Chism, 653-8166.
U.S.C.G. request to use 161.7 and 161.75 MHz.	Yes	47 CFR 2.106	47 U.S.C. 303	USCG requests use of 161.7 MHz and 161.75 MHz to transmit printed navigational information to vessels, communicate by voice to foreign vessels, and use for search and rescue operations..	NPRM, 2nd quarter, FY 83. Contact: Sam Tropea, 653-8167.
Utilization Policy for Fixed Service at 17-40 GHz (82-334).	No	N/A	47 U.S.C. 303	Proceeding will develop a plan for use of five frequency bands between 17 and 40 GHz by the fixed service. Appropriate rulemaking may ensue.	FCC Report in 3rd quarter, FY 83. Contact: Donald Campbell.
Petition for allocation of cordless phones (EIA), RM-4075.	Yes	47 CFR 2.106	47 U.S.C. 303	EIA requests allocation of 74.6-74.8 MHz and 75.2-75.4 MHz for cordless phones.	NPRM, 3rd quarter, FY 83. Contact: Mel Murray, 653-8168.
Petition for allocation of cordless phones (Mura Corporation), RM-4062.	Yes	47 CFR 2.106	47 U.S.C. 303	Mura requests allocation of frequencies in the bands: 46.6-47.0 MHz & 49.6-50 MHz for cordless phones on a secondary basis.	NPRM, 3rd quarter, FY 83. Contact: Mel Murray, 653-8168.
6 MHz allocation for gov't/non-gov't fixed, Gen. Docket 82-243.	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes two 3 MHz bands for low capacity fixed usage. Bands would be shared between gov't and non-gov't on a co-primary basis.	Report & Order, 3rd quarter, FY 83. Contact: Maureen Cesaris, 653-8164.
80-784, Test Procedures for Computing Devices.	Yes	47 CFR 15	47 U.S.C. 302	Petition for minor revisions of testing procedures for computing systems	1st Quarter 1983, Julius Knapp, 653-[illegible]
79-244, TV Interface Devices, Proposed.	No	47 CFR 15.401	47 U.S.C. 302	Relaxation of rules for authorizing devices which interfere with TV receivers.	1st Quarter 1983, Art Wall, 653-8247
81-743, Microwave Transmitters, Bandwidth.	Yes	47 CFR 21.710	47 U.S.C. 301	Expansion of the numbers of channels permitted for use by microwave transmitters.	3rd Quarter 1983, Al Paul, 653-6288.
RM-2881—Swept frequency security devices.	Yes	47 CFR 15.301	47 U.S.C. 411	Permit sweep frequency devices for Part 15 devices.	3rd Quarter 1983, John Williams, 632-7073
RM-4178, Wireless TV Systems.	Yes	N/A	47 U.S.C. 302	Permit use of low power TV transmitter to transmit back to a regular TV for security purposes.	3rd Quarter 1983 Herman Garlan 653-8247
Docket 20780, Part 15 Revision.	Yes	47 CFR 15.834	47 USC 302	Relaxation of the Certification Requirement for certain electronic games and computers.	4th Quarter 1983, Art Wall, 653-8247
Docket 20718, Part 18 Revision.	Yes	47 CFR 18	47 U.S.C. 302	Combining of Rules and elimination of the equipment authorization requirement or certain equipment regulated under Part 18 of the Rules.	4th Quarter 1983, Art Wall, 653-8247."

Bureau/Office: Office of Science and Technology—Continued

Title of proceeding, rulemaking, or docket number	RFA	CFR citation	Legal authority	Abstract	Timetable/contact person
Allocation for Aural Broadcast STL's, General Docket 82-335.	Yes	47 CFR 2.106	47 U.S.C. 303	NPRM proposes sharing of 2130-2150 MHz and 2180-2200 MHz bands on a co-primary basis for aural broadcasts STL's and private operational fixed links.	Report & Order, 3rd quarter, FY 83, Contact: Sam Tropea, 653-8167
Docket 20990, Low Power Devices.	Yes	47 CFR 15.205	47 U.S.C. 302	Increase permitting power and eliminate time restrictions for operation for cetain security devices.	2nd Quarter 1983, Herman Garlan, 653-8247
Docket 20746, Extension of Receiver Certification.	No	N/A	47 U.S.C. 41i	Issuance of Order denying petition to extend certification of receivers to more frequencies than are currently applicable.	2nd Quarter 1983, Art Wall, 653-8247
79-190, Flight Entertainment System.	No	N/A	47 U.S.C. 4i	Order dismissing request for authority to operate in-flight cordless earphone system.	2nd Quarter 1983, Art Wall, 653-8247
RM-4120, Perimeter Protection System.	Yes	47 CFR 15.301	47 U.S.C. 302	Relaxation of Part 15 rules to permit certification of a perimeter security system.	3rd Quarter 1983, Art Wall, 653-8247
Waiver, Cordless Phones	No	47 CFR 15.7	47 U.S.C. 302	Setting of interim standards for cordless phone pending procedures for reallocation of spectrum.	1st Quarter 1983, Art Wall, 653-8247
Report on Verification, Categories.	Yes	N/A	47 U.S.C. 302	Determination of categories of equipment to be placed in Verification category, instead of certification requirement.	Ongoing, John Reed, 653-8288.
82-162, HF Broadcasting WARC (1984).	No	N/A	47 U.S.C. 41i	Develop a worldwide high frequency (shortwave) broadcasting plan.	2nd Quarter 1983, Steve Selwyn, 653-8102.
80-741, Space Services WARC (1985).	No	N/A	47 U.S.C. 41i	This proceeding is in preparation for the ITU World Administrative Radio Conference on the Geostationary-Satellite Orbit and the Planning of the Space Services Utilizing It.	3rd Quarter 1983, Thomas Tycz, 653-8102.
80-398, 1983 BSS WARC	No	N/A	47 U.S.C. 41i	The Region 2 Broadcasting-Satellite Service (BSS) Conference involves the development of position papers. The drafting of FCC recommended proposals and participation on the delegation to the Conference.	1st Quarter 1983, Edward Jacobs, 653-8102.
Digital Protocol NOI				The NOI will elaborate on the need for the prohibition on protocol conversion in "basic services" put forth in the Commission's Computer II Decision.	1st Quarter 1983, Jim Vorhies, 653-9097
Inband Technical Standards (NOI).				The NOI will be a broad review of FCC Technical Standards with a view towards eliminating unnecessary regulations.	1st Quarter 1983, John Williams, 632-7073.

Bureau/Office: Common Carrier Bureau—Accounting and Audits Division

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Amendment to USOA, Part 31, for Telephone Carriers (RM 4084).	No	47 CFR 31	47 U.S.C. 154, 219, 220	Proposed amendment of USOA to change accounting treatment for certain telephone plant per carrier Petition for Rulemaking.	Petition for rulemaking filed 3/15/82. Public Notice was issued on 4/5/82 (Report #1344). Comments were received and a NPRM is due before the Commission by 10/82 with a final order due by 12/82. Gerald P. Vaughen, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861.
Amendment to the USOA, Part 31, for telephoine carriers CC 82-185.	No	47 CFR 31	47 U.S.C. 154, 219, 220	An NPRM was issued which proposed amendments to the USOA to raise the dollar criteria prescribed in certain USOA sections wherein, depending upon the amount of annual revenues, companies must submit, for approval, journal entries recording the acquisition of telephone plant. Comments were received and an MO&O is being developed. Raising the revenue amounts would eliminate reporting requirements and reduce the burdens on some smaller companies.	This NPRM was issued on April 1, 1982. Comments were filed on or before 6/3/82. The MO&O should reach the Commission in Oct. 1982. Gerald P Vaughen, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861.
CC 82-475, (RM 3926), Amendment of Annual Reports Form O and R.	No	47 CFR 34, 47 CFR 35	47 U.S.C. 154(i), 47 U.S.C. 219, 47 U.S.C. 220.	A Notice of Proposed Rulemaking was issued proposing the revision and/or elimination of certain Annual Form O and R schedules for the purpose of eliminating unnecessary reporting requirements and reducing carrier reporting burdens. Comments were received and a final Memorandum Opinion and Order is being prepared.	NPRM was issued on August 4, 1982 (FCC 82-362). Comments were received by Sept. 22, 1982 and reply comments are due by Oct. 7, 1982. Final Order should be to the Commission in Dec. 1982/Jan. 1983. Gerald P. Vaughen, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861.

Bureau/Office: Common Carrier Bureau—Accounting and Audits Division—Continued

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Deregulation of Inside Wiring CC 79-105.	Yes	47 CFR 31	47 U.S.C. 154, 219, 220	Question was raised in a Notice of Inquiry in CC 79-105 as to the proper accounting and regulatory affect and status of inside wiring. Proper treatment for "complex" inside wiring is being handled in a separate NPRM. "Simple" inside wiring is being closed into CC 81-216.	The FNOI was issued on May 26, 1981. The NPRM re complex wiring should be to the Commission in Sept./Oct., 1982. Simple becomes a part of CC 81-216. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861.
Equal Life Group Method of Calculating Depreciation Rates.	No	47 CFR 31	47 U.S.C. 220	Approval of ELG depreciation rates subject to implementation in 1982.	Before the Commission by 1/31/82. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861. Next action by 1/83.
Represcription of Depreciation Rates for 1982.	No	47 CFR 31	47 U.S.C. 220	Annual represcription of depreciation rates.	Before the Commission by 1/31/82. Gerald P. Vaughan, Chief, Accounting and Audits Div., 2000 L Street NW., Suite 812, Washington, D.C., (202) 634-1861. Next Action by 1/83.
Amendment of Annual Form M for telephone companies CC 82-513.	No	47 CFR 31	47 U.S.C. 154, 219, 220	This NPRM proposed to modify and/or eliminate certain Form M schedules to accommodate the new depreciation practices dictated by CC 20188. These changes have limited impact upon reporting requirements and burden.	The NPRM was issued on August 16, 1982 (FCC 82-363). Comments are due by 9/22/82. Reply comments are due by 10/7/82. The final MO&O should be to the Commission in 12/82. Gerald P. Vaughan, (202) 634-1861.

Bureau/Office: Common Carrier Bureau—Tariff Division

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 81-412, AT&T 1981 General Rate Increase.	No	NA	47 U.S.C. Section 151 et seq., 201-205, 214, 403, 4i, 4j.	AT&T 1981 General Rate Increase. Tariff filing (Trans. 13703-13708) for a general rate increase suspended and set for investigation.	First quarter FY 1983 Staff is reviewing support data. Kent Nakamura, 632-6917.
CC 79-246, AT&T Private Line Rate Structure Proceeding.	No	NA	47 U.S.C. Section 151 et seq., 201-205, 214, 403, 4i, 4j.	Inquiry into AT&T private line tariff rate structures and volume discount policies.	First quarter FY 1983 staff is reviewing comments and replies, Leonard Kennedy, 632-6917.
CC 79-252, Competitive Carrier Rulemaking.	Yes	47 CFR Parts 61, 63	47 U.S.C. Section 151 et seq. 201-205, 214, 403, 4i, 4j.	The Commission is considering whether to designate additional classes of carriers as non-dominant thereby affording them the benefit of streamlined regulatory treatment.	N.O.I. 77 FCC 2d, 308 (1979), 1st R&O: 85 FCC 2d, (1980), Further NOI: 84 FCC 445 (1981), 2nd R&O: CC 79-252, FCC-82 350, released August 20, 1982. Next stage: Second quarter FY 1983 Anne Coffey, 632-6917.

Bureau/Office: Common Carrier Bureau—International Facilities Authorization Division

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Overseas Communications Services. Docket No. 80-632.	No	None	NPRM issued pursuant to Sections 4(i), 4(j), 201, 202, 204, 205, 214 and 403 of the '34 Act and Section 553(b) of APA.	The Commission has tentatively concluded that voice/record dichotomy in international services no longer serves the public interest. This NPRM proposes to permit the IRCs to provide international voice services and AT&T to provide international record services.	All pleadings have filed. Report and Order in preparation. Item projected to go to Commission by year-end 1982; Stuart Chiron, 632-7265.
Comsat Structure Docket No. 80-634.	Yes	None	Final Order issued pursuant to 4(i), 201-205, 214, 215, 218, 220, 303, 309, and 403 of the 1934 Act. Sections 102(c), 201(c) & 401 of the Satellite Act; and Section 553(b) of the APA..	Comsat required to modify accounting system for reporting R&D and for allocating common costs; to make certain Intelsat and Inmarsat information available to the public; and to provide 90 day notice for any structural separation or any ventures which will require additional financing. Comsat also required to report to FCC within 9 months on extent these changes instituted. Comsat Labs permitted to remain within jurisdictional entity.	Item, which was released on August 13, 1982, established 90 day and 9 month filing requirements. James Ball, 632-7265.

Bureau/Office: Common Carrier Bureau—International Facilities Planning Division

Title of Proceeding, Rulemaking or Docket No.	RFA	CFR Citation	Legal authority	Abstract	Timetable contact person
Earth Station Ownership Policy—CC 82-540.	No	None	Communications Act of 1934, as ammended, Sections 4(i) and 4(j) and 403.	An inquiry into the ownership of INTELSAT earth stations. Notice of Inquiry adopted 8-5-82; released 8-17-82.	2nd quarter 1983, J. Pearlman, 632-4047.
Direct Access to INTELSAT Space Segment CC—82-548.	No	None	Same	An inqiry into direct access to INTELSAT's space segment for U.S.I.S.C.'s Notice of Inquiry adopted 8-5-82; released 8-20-82.	2nd quarter 1983 G. Dechabert 632-4047.

BUREAU/OFFICE: COMMON CARRIER BUREAU—POLICY AND PROGRAM PLANNING DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 79-187—AT&T Earnings on Interstate and Foreign Services in 1978.	No	None	Sections 201-205 of the Communications Act, As Amended.	Inquiry to determine if AT&T's rate of return during 1978 exceeded the limits specified by the Commission in Docket 20278.	November 1982, Claudia Pabo, 632-9342.
CC 78-72 MTS-WATS Market Structure Inquiry.	No	No existing sections	Sections 201-205, and 218-221 of the Communications Act, As Amended.	Inquiry to determine whether the public interest requires interstate Message Telecommunications Service and/or WATS or their functional equivalents, to be provided on a sole source basis.	December 1982, Carl Lawson, 632-9342.
Jurisdictional Separations: Federal-State Joint Board to Amend Part 67 of FCC Rules.	No	Part 67	Sections 205(a), 221(c), and 410(c) of the Communications Act, As Amended.	Joint Board established to recommend changes where appropriate, to Separations Manual regarding exchange plant allocations, access and deregulation of customer premises equipment (CPE).	March 1983, James McConnaughey, 632-9042.

BUREAU/OFFICE: COMMON CARRIER BUREAU—MOBILE SERVICES DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 80-57—Revision of Rules Part 22.	Yes	47 CFR Part 22	Communications Act of 1934 as amended, Sections 1, 4(i), 4(j), 303 (g) and (r).	Comprehensive rewrite of Part 22 which governs licensing of common carrier mobile services.	NPRM released 9-8-82. Report and Order expected March 1983; Michael Menius, 632-6450.

BUREAU/OFFICE: COMMON CARRIER BUREAU—DOMESTIC FACILITIES DIVISION

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 80-584—Alaska Bush Satellite Service.	Yes	47 C.F.R. Section 25.391	47 C.F.R. Section 303(r).	Inquiry into ownership questions related to Alaska Bush Earth Stations.	October 1982, Cecily Holiday, 634-1682.
CC 81-704—Licensing of Space Stations in Domestic Fixed Satellite Svc.	Yes	47 C.F.R. Sections 25.201-25.209.	47 C.F.R. Section 303(r).	Inquiry into adopting a revised orbital deployment plan employing reduced spacing.	Comments and reply comments have been received. December, 1982, Ron Lepkowski, 634-1624.
CC 82-45—Satellite Transponder Sales.	Yes	None	47 C.F.R. Sections 154(i) & 154(j).	Inquiry into whether domestic satellite licensees may engage in the sale of transponders.	Final Decision adopted July 29, 1982, Domestic Facilities Div., Robert Mazer, 634-1627.
CC 81-216—Part 68 Omnibus Rulemaking.	No	47 CFR Part 68	47 USC Sections 201-05, Section 151, 154, Section 403.	1. Rule amendments to accommodate one and two-line business and residential wiring under Part 68, and decision regarding inclusion of party line service under Part 68 2. Technical amendments to current Part 68 rules. 3. Revision to qualification standards for multi-line wiring. Section 68.215(c). 4. Decision regarding registration of CSU in DDS.	Second NPRM likely to be adopted Oct., 1982, Subsequent orders in 1983-84 NOI-NPRM, Apr., 1981. Jim Talens, 634-1832.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ECONOMICS DIVISION

Title of proceeding, rulemaking or Docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
CC 81-893—Procedures for Implementing the Detariffing of CPE and Enhanced Services.	No	47 CFR 64.702, 47 CFR 31.	47 U.S.C. 4(i), 4(j) 201-205, 403, 404, 410.	In its Second Computer Inquiry (CC Docket 20828 the Commission ordered the detariffing of customer premises equipment and enhanced services. This proceeding addresses the procedures to be followed in fully implementing this decision.. An NPRM is being prepared to institute the accounting necessary for non-dominant carriers once CPE II goes into effect.	NOI: Adopted 12/17/81; 89 FCC 2d 694 (1981). NPRM: 1st quarter 1983. Contact: William Reece, Chief Economics Division, Room 530, 1919 M St. NW, Washington, D.C. (202) 632-4715. This NPRM will be before the Commission in October, 1982. A final order should be before the Commission in Dec. 1982 or Jan. 1983. On accounting matters contact Gerald P. Vaughan, Chief, Accounting and Audits Division, 2000 L St., NW, Suite 812, Washington, D.C. (202) 634-1861.

BUREAU/OFFICE: COMMON CARRIER BUREAU—ENFORCEMENT DIVISION

Title of proceeding rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
Computer II Implementation Actions.	No	47 CFR, Section 64.702	Communications Act of 1934, as amended, 47 U.S.C. Sections 4(i) and 4(j).	Commission considers whether to approve AT&T's plan to further capitalize its subsidiary, American Bell, Inc., for the provision of customer premise equipment (CPE) after January 1, 1983, and for the provision of installation and maintenance services for Bell System business CPE (including that portion provided under tariff no later than July 1, 1984.	MO&O's in October and November 1982. James Mullins, 632-4887.

BUREAU/OFFICE: OFFICE OF GENERAL COUNSEL

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
NPRM—In the Matter of Revision of the Federal Communications Commission's Ethics in Government Rules.	No	47 C.F.R., Parts 1 & 19	Pub. L. No. 97-521; 18 U.S.C. § 207(j).	The Ethics in Government Act of 1978 contains financial reporting regulations which require certain high-level or policy-making employees to disclose their personal financial interests. The Act also contains restrictions on the post-employment activities of certain employees. Revisions in the Commission's rules may be made to reflect the provisions of the Act.	NPRM or memorandum, 1st quarter, FY 1983. Mark Hayes, Attorney, OGC, 1919 M St. NW., Washington, D.C., phone: 632-6405
NPRM—In the Matter of Revision of the Federal Communications Commission's Ex Parte Rules.	Yes	47 C.F.R., Part 1, Sub Part H.	5 U.S.C. § 553(b), 47 U.S.C. § 155(d)(5).	Several parties have petitioned the Commission to reconsider its Report and Order, 78 FCC 2d 1384 (1980) adopting less restrictive ex parte rules for informal rulemaking proceedings. The Commission is reviewing the petitions for reconsideration of the R&O *supra*. The Commission may deny or grant the petitions. A denial of the petitions would leave the less restrictive ex parte rules in force which would provide for better communications between participants and agency decisionmaking personnel. A grant of the petitions would result in more restrictive ex parte rules and hence reduced communications. Neither a denial or grant of the petitions should impose costs on petitioners, regulatees or the Commission that are substantially different from the costs incurred prior to the adoption of the original R&O *supra*.	A NPRM proposing revisions to the Ex Parte Rules, 1st Qtr, FY 1983 to be followed by Memorandum Opinion and Order disposing of the petitions for Reconsideration, 1st Qtr, FY 1983. Gayle Nelson, Attorney, OGC, 1919 M St., NW., Washington, D.C., phone: 632-6890.
Policy Regarding Character Qualifications in Broadcast Licensing. Gen. Docket No. 81-500.	None	None	Communications Act of 1934, as amended, §§ 4(i), 308(b), 309, 47 U.S.C. § 154(i), 308(b), 309.	Formulation of a comprehensive policy statement establishing a detailed and systematic treatment of the character qualifications of broadcast applicants will provide guidance to broadcast licensees and the public and enhance the fairness and efficiency of the licensing process. This action should not impose any additional costs on broadcast applicants or the Commission. Conversely, broadcast applicants, the public interest and the Commission should benefit from the formulation and adoption of a clear policy position consistent with the Communications Act of 1934, as amended on the issue of character.	NOI August 6, 1981, Policy Statement, 1st Qtr., FY 1983. David Senzel, Attorney, Office of General Counsel, Rm. 404, 1919 M Street, 632-7293.
NPRM—In the Matter of Formulation of Policies Relating to the Broadcast Renewal Applicant, Stemming from the Comparative Hearing Process.	None	47 C.F.R. Part I	47 U.S.C. §§ 154(i), 308(b), 319(a), and 403.	The *Notice* seeks comment on a number of issues, including whether it is feasible to adopt more specific standards for determining when a renewal applicant's programming record is meritorious, so as to outweigh disadvantages an incumbent may face under diversification and other traditional comparative criteria. Amended comparative renewal criteria and standards will have the net effect of saving applicant's and the Commission's time and resources in the renewal process.	NPRM, 2nd Qtr., FY 1983. David Silberman, Attorney, OGC, 1919 M Street NW., Washington, D.C., 632-6444.

BUREAU/OFFICE: OFFICE OF GENERAL COUNSEL—Continued

Title of proceeding, rulemaking or docket No.	RFA	CFR citation	Legal authority	Abstract	Timetable contact person
In the Matter of Amendment to Parts 0 and 1 of the Commission's Rules to Revise Delegation of Authority to the Review Board.	None	47 CFR, Part 1 and Part 0.	47 U.S.C. § 155(d)(5)	The Commission's Order,[1] FCC 81-516. released Nov. 20, 1981 revised rules containing delegations of authority to the Review Board so as to make those changes necessary to insure that the public receives service in the most efficient and expeditious manner possible. Gilmore Broadcasting Corporation and the Federal Communications Bar Association (FCBA) files petitions for reconsideration of the Order, *supra*. The Commission is now reviewing the petitions, *supra*. The Commission may deny or grant the petition. Neither a denial or a grant of the petitions should impose costs on petitioners, regulatees, or the Commission which are substantially different from the costs incurred prior to the adoption of the original Order, *supra*. The benefits likely to result from a denial of the petitions are more efficient and expeditious service by the Review Board	Memorandum Opinion and Order, 1st Qtr., FY 83. James Johnson, Attorney, OGC, 1919 M St. NW., Washington, D.C., 632-7112.
NPRM—In the Matter of Revision of the Federal Communications Commission's Discovery Rules.	Yes	47 CFR § 1	5 U.S.C. § 610	(a) The Commission's Discovery Rules in some instances are overly complex, response times are inadequate and said rules impose inordinate compliance costs. The purpose of the revision of the Discovery Rules is to simplify said rules, where possible, to provide for more realistic response times, less complex rules, and reduced compliance costs. (b) The major alternative to a Notice of Proposed Rulemaking (NPRM) is an internal review and modification/revision of the Discovery Rules Due to the overall impact of said rules, an NPRM is the preferred approach (c) Revision of the Discovery Rules will result in more timely and efficient processing of petitions before the Commission while reducing the cost of compliance with said rules	NPRM, 1st Qtr., FY 1983 David Silberman, Attorney, OGC, 1919 M St. NW., Washington, D.C., 632-6444.
NPRM—In the Matter of Formulation of Federal Communications Commission's Lottery Rules for the Selection of Licensees for Media of Mass Communications	Yes	None	47 U.S.C § 309(i), as amended	House of Representatives Report on the Communications Amendment Act of 1982 provides: "[I]t is the firm intent of the conferees that traditional Commission objectives designed to promote the diversification of control of the media of mass communications be incorporated in the administration of a lottery under Section 309(i), as amended by this legislation." Communications Amendments Act of 1982 H.R. Rep No. 97-765, 97 Cong., 2d Sess., p. 40 (1982) The Commission by its action proposes rules to implement the requirements of 47 U.S.C. § 309(i), as amended	NPRM, 1st Qtr., FY 1983. Randy Thomas, Attorney, OGC, 1919 M St NW., Washington, D.C., 632-6990
NPRM—In the Matter of Formulation of Federal Communications Commission's Employee Financial Interest Rules.	No	47 C.F.R., Part 19, Sub Parts B & D	47 U.S.C § 154(b), as amended	The House of Representatives Conference Report on H.R. 3239 would allow Commissioners and employees to own interests in those entities which do not have "a significant interest in communications, manufacturing, or sales activities which are subject to regulation by the Commission." (Communications Amendments Act of 1982, H.R. Rep. No. 97-765, 97 Cong., 2d Sess. p. 2 (1982). The Commission by its action proposes rules to implement the requirements of 47 U.S.C. § 154(b) as amended.	NPRM, 1st Qtr., FY 1983. Edwin Schafer, Attorney, OGC, 1919 M St NW., Washington, D C 632-6990

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[1] *ORDER*, 88 FCC 2d 377 (1981).

[FR Doc. 82-28475 Filed 10-27-82, 8:45 am]

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Thursday
October 28, 1982

Part XL

Department of Energy

Federal Energy Regulatory Commission

Semiannual Regulatory Agenda

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Semi-Annual Regulatory Agenda.

SUMMARY: In response to Office of management and Budget Bulletin No. 82–16, the Federal Energy Regulatory Commission voluntarily submits information about rulemakings under development. Of the eleven rulemakings listed, the first nine are priority items.

DATE: See various dates listed for each specific rulemaking.

ADDRESS: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Person listed for each specific rulemaking.

Kenneth F. Plumb,

Secretary.

Current and Projected Rulemakings—Priority

A. Title: Collection of Cost of Service Information from Electric Utilities under Section 133 of PURPA

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation: 18 CFR Part 290.

E. Legal Authority: PURPA Section 133.

F. Abstract: Section 133 of PURPA requires the Commission to collect certain cost of service data from electric utilities. Regulations implementing Section 133 were issued in 1979. A notice of inquiry requested public comment on use of the data and on ways in which the burden of compliance on the industry could be reduced. The Commission may issue an NOPR to propose implementation of those suggestions.

G. Timetable: NOI Issued: 1/29/82. NOPR Issued: 12/31/82.

A. Title: Generic Determination of Rate of Return on Common Equity for Electric Utilities

B. Agency Contact: Name—Arnold Meltz, Phone—(202) 357–8153, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Federal Power Act, Sections 201, 205, and 206.

F. Abstract: The proposed rule would establish procedures for determining rates of return on common equity for all electric utilities subject to the Commission's jurisdiction and for applying those rates of return in individual rate proceedings.

G. Timetable: NOPR Issued: 8/26/82. Final Rule Issued: 6/30/83.

A. Title: Fees Rulemaking—Producer Certificates

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5. U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Rulemaking would establish a fee structure for services performed by the Commission under the NGA for producer certificates for which the Commission is authorized to collect fees.

G. Timetable: NOPR Issued: 5/6/82. Final Rule Issued: 6/30/83.

A. Title: Fees Applicable to Natural Gas Pipelines

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5. U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Establish fees for services and benefits provided for natural gas pipelines under the Natural Gas Act and related authorities.

G. Timetable: NOPR Issued: 9/10/82. Final Rule Issued: 9/30/83.

A. Title: Fees Rulemakings—Electric Utilities, Cogenerators, and Small Power Producers

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5. U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Establishes fees for services and benefits provided under the Federal Power Act and the Public Utility Regulatory Policies Act of 1978.

G. Timetable: NOPR Issued: 9/1/82. Final Rule Issued: 9/30/82.

A. Title: Fees Applicable to the Natural Gas Policy Act

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Rulemaking would establish a fee structure for services performed by the Commission under the NGPA for which the Commission is authorized to collect fees. Fees to cover adjustments, well category determinations, Title III initial transaction and extension reports, OGC interpretations of NGPA.

G. Timetable: NOPR Issued: 6/2/82. Final Rule Issued: 6/30/82.

A. Title: Fees Rulemaking—General Activities

B. Agency Contact: Name—Joseph Long, Phone—(202) 357–8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation:

E. Legal Authority: Independent Offices Appropriations Act.

F. Abstract: Rulemaking would establish a fee structure for general services performed by the Commission for which the Commission is authorized to collect fees.

G. Timetable:

NOPR Issued: 6/15/82.

Final Rule Issued: 6/30/83.

A. Title: Construction Work in Progress for Public Utilities

B. Agency Contact: Name—Michael Postar, Phone—(202) 357-8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 U.S.C. 601(6)).

D. CFR Citation: 18 CFR 2.16, 35.60-.63.

E. Legal Authority: FPA Section 205.

F. Abstract: The Commission proposed to revise its regulatory policy concerning the treatment of the costs of construction work in progress in the rate base of electric utilities.

G. Timetable: NOPR Issued: 7/27/81. Final Rule Issued: 12/31/82.

A. Title: Sales and Transportation by Interstate Pipelines and Distributors

B. Agency Contact: Name—Thomas P. Gross, Phone—(202) 357-8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 USC 601(6)).

D. CFR Citation: 18 CFR Parts 157, 284, and 375.

E. Legal Authority: NGA, Section 7; NGPA, Section 311.

F. Abstract: Rulemaking would expand the blanket certificate program to include the sale and transportation of natural gas by Interstate Pipelines and Distributors currently authorized on a case-by-case basis.

G. Timetable: NOPR issued: 4/27/81. Final rule issued: 6/30/83.

Current and Projected Rulemakings—Low Priority

A. Title: Revision to Power System Statement: Form No. 12

B. Agency Contact: Name—Cathy Ciaglo, Phone—(202) 357-8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: The rule is not expected to have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act (5 USC 601(6)).

D. CFR Citation: 18 CFR 141.51.

E. Legal Authority: Sections 304 and 309, FPA, Section 402, DOE Act, DOE Delegation Order 0204-1.

F. Abstract: Form collects from electric utilities under FERC jurisdiction annual information on generation, exchanges, and sales of electric energy. Would revise Form 12 to eliminate information that the Commission does not need for regulatory purposes.

G. Timetable: NOPR issued: 1/11/82. Final Rule Issued: 12/31/82.

A. Title: Revision of Report on Service Interruptions on Pipeline Systems: Filing Requirement No. FPC R0016

B. Agency Contact: Name—Cathy Ciaglo, Phone—(202) 357-8033, Address—Federal Energy Regulatory Commission, Washington, D.C. 20426.

C. Effects on Small Businesses and Other Entities: Of the 128 natural gas companies currently subject to the requirement, 30 are considered "small utilities", as defined by the Regulatory Flexibility Act (5 USC 601(6)). Impacts of the changes to the requirements are insignificant with respect to the time and costs needed to meet the requirements.

D. CFR Citation: 18 CFR 260.9.

E. Legal Authority: NGA Section 10, DOE Act Section 402, DOE Delegation Order 0204-1.

F. Abstract: Report collecting information on emergencies affecting the service or facilities of natural gas pipeline companies under FERC jurisdiction. Would eliminate information from the requirement that is not necessary for Commission regulatory purposes and would clarify existing requirements.

G. Timetable: NOPR issued: 4/06/82. Final rule issued: 12/31/82.

[FR Doc. 82-27963 Filed 10-27-82; 8:45 am]

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Part XLI

Federal Home Loan Bank Board

Agenda of Federal Regulations

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FEDERAL HOME LOAN BANK BOARD

12 CFR Ch. V

[No. 82-656]

Agenda of Federal Regulations

September 24, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Publication of agenda items.

SUMMARY: The Federal Home Loan Bank Board is hereby publishing items for the October Regulatory Agenda.

ADDRESS: Public Information Services, Office of Communications, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: See persons listed below for specific agenda items.

1. Title: Processing of Applications (Current Rulemaking)

Agency Contact: Gayle L. Radley, (202) 377–6961, Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

Effects on Small Businesses and Other Entities: The proposed amendments would, if promulgated, not have a significant impact on a substantial number of small entities. They would provide for application processing in the least burdensome and most efficient manner and generally give subject institutions greater flexibility in corporate reorganization. The Board believes that the proposal will benefit small institutions by reducing paperwork and delay.

CFR Citations: 12 CFR Parts 545, 546, 552, and 563.

Legal Authority: Section 5 of the Home Owners' Loan Act, 48 Stat. 132 (12 U.S.C. 1464); secs. 402, 403, and 407 of the National Housing Act, 12 U.S.C. 1725, 1726, 1730; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1071 (1943–48 Comp.).

Abstract: The Federal Home Loan Bank Board ("Board") is reproposing a streamlined approach for processing all applications subject to public notice and protest procedures. Under the proposed application processing system, all applications which are not substantially protested may be approved within 30 calendar days. In addition, the Board is proposing a new three-tiered system of review for merger applications which makes use of revised antitrust criteria and an automatic-approval procedure for substantially unprotested applications for new branches, change of office location and redesignation of offices ("branch applications").

Under the proposed application processing system, the majority of merger and branch applications will be deemed to be approved 30 calendar days after the applicant is notified in writing that the application is complete. Those merger and branch applications which do not meet the automatic-approval criteria will require either the specific approval of the Board's Principal Supervisory Agent or will be referred to the Board for its consideration. These procedures are intended to reduce unnecessary delay in application processing and corporate organizations which require agency approval.

Timetable: Comments must be received by September 30, 1982.

2. Title: Monitoring Fair Lending Practices (Current Rulemaking)

Agency Contact: Cynthia N. Graae, (202) 377–6947, Assistant Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

Effects on Small Businesses and other Entities: The proposal would benefit small associations by reducing paperwork and eliminating certain reporting requirements for those receiving a small number of loan applications, but would not have a significant economic impact on such entities.

CFR Citation: 12 CFR 528.6.

Legal Authority: (Title VIII, Pub. L. 95–128, 91 Stat. 1147 (12 U.S.C. 2901); Title VII, Pub. L. 93–495 (15 U.S.C. 1691); Title VIII, Pub. L. 90–284, 82 Stat. 81 (42 U.S.C. 3601–3619), 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981); EO 11063, 27 FR 11527; sec. 17, 47 Stat. 736, as amended (14 U.S.C. 1437); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943.48 Comp. 1071).

Abstract: The Board is proposing to amend its Loan Application Register and Data Submission Report currently required to be maintained by all institutions that are members of the Federal Home Loan Bank System, for the purposes of monitoring fair lending practices. The proposed amendments would provide for efficient monitoring pursuant to Title VIII of the Civil Rights Act of 1968, the Equal Credit Opportunity Act, and the Community Reinvestment Act, while reducing paperwork of regulated institutions.

Timetable: The public comment period ended on June 8, 1982. The Board is working with the Federal Financial Institutions Examination Council in further studying this area before scheduling consideration of final rulemaking for a Board agenda.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-27964 Filed 10–27–82, 8:45 am]

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federal register

Thursday
October 28, 1982

Part XLII

Federal Maritime Commission

Unified Regulatory Agenda

FEDERAL MARITIME COMMISSION

46 CFR Ch. IV

Unified Regulatory Agenda

AGENCY: Federal Maritime Commission.

ACTION: Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to section 5 of E.O. 12291 and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) the Commission anticipates having under consideration during the period from October 1, 1982 to September 30, 1983 actions in the areas listed below.

DATES: None.

FOR FURTHER INFORMATION CONTACT: For further information concerning Commission rulemaking procedures or the status of any matter listed below, contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: Section 602 of the Regulatory Flexibility Act (5 U.S.C. 602) requires the publication of an agenda of items for which regulatory agencies may propose or promulgate a rule which is likely to have a significant economic impact on a substantial number of small entities. Section 5 of Executive Order 12291 also requires executive agencies to publish a regulatory agenda; the Commission voluntarily complies with this section. The agendas include information on regulatory activities being conducted or reviewed during the succeeding 12 months by the Commission. The following is the Commission's Unified Regulatory Agenda. The agenda does not necessarily include petitions for rulemaking which are under staff review.

In addition, the Commission is publishing a compilation of the status of pending rulemaking proceedings and a listing of rules that have become final since the publication of the most recent regulatory agenda (April 1982). This list will be made available to the press and interested groups.

Joseph C. Polking,

Assistant Secretary.

Current and Projected Rulemakings—Priority

Title: Temporary Tariff Filings in U.S. Foreign Commerce (Docket No. 80-56)

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5827.

Small Business Impact: No significant impact on a substantial number of small entities.

Legal Authority: 46 U.S.C. 817(b) and 841(a).

Abstract: This rule will discontinue the agency practice of accepting temporary tariff filings and establish provisions for the receipt of permanent filings 24 hours a day. The potential benefits of this change are the elimination of the unreasonable paperwork burden.

Timetable: Proposed rule—F.R., Vol. 45, No. 172, pp. 58385–58387 (September 3, 1980); Final rule—F.R., Vol. 46, No. 129, pp. 35092–35094 (July 7, 1981). Stay of final rule—F.R., Vol. 46, No. 171, p. 44190 (September 3, 1981). Reconsideration of final rule—F.R., Vol. 46, No. 248, pp. 62669–62670 (December 28, 1981), Decision in abeyance pending legislative changes; decision projected for 2nd quarter, FY 1983.

Title: Filing of Agreements (Docket No. 78-63)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 522.

Legal Authority: 46 U.S.C. 824 and 841(a).

Abstract: Amended rules governing the filing of agreements pursuant to section 15 of the Shipping Act will provide for their orderly and expeditious filing and processing.

Timetable: Notice of proposed rule—F.R., Vol. 41, No. 227, p. 51622 (November 23, 1970); Proposed rule—F.R., Vol. 44, No. 120, pp. 36077–36080 (June 20, 1979). Final rule projected for 1st quarter, FY 1983.

Title: Filing and Service Fees (Docket Nos. 82-32 and 82-33)

Agency Contact: Samuel L. Simonovich, Budget Analyst, Office of Budget and Financial Management, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5770.

Small Business Impact: No significant impact on a substantial number of small entities.

CFR Citation: 46 CFR 502, 503, 522, 531, 536, 540, 543 and 544.

Legal Authority: 31 U.S.C. 483(a) and 46 U.S.C. 841(a).

Abstract: Amended rules revising or establishing filing and service fees will enable the Commission to recoup costs for services of value to the public.

Timetable: Proposed rule—F.R., Vol. 47, No. 129, pp. 29278–29281 (July 6, 1982). Final rule projected for 1st quarter, FY 1983.

Current and Projected Rulemakings—Other

Title: Currency Adjustment Factor Rule for Foreign Tariffs (Docket No. 82-36)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown—exempt under 5 U.S.C. 601(2).

CFR Citation: 46 CFR 536.

Legal Authority: 5 U.S.C. 552 and 553, and 46 U.S.C. 813(a), 814, 817(b) and 841(a).

Abstract: Currency adjustment factors (CAFs) are a major concern to the shipping public and an effective system which is fair and reasonable to carriers, conferences, and shippers is required. This would establish a simplified and uniform procedure for the publishing and filing of currency adjustment factors in foreign rate tariffs. These provisions would require the filing of CAF schedules for each trade currency by common carriers and conferences to govern the imposition of surcharges and discounts applied on freight rates. If finalized this rule would replace the current procedures and requirements for currency adjustment factors found in 46 CFR 538.4.

Timetable: Proposed rule—F.R., Vol 47, No. 139, pp. 31407–31410 (July 30, 1982). Final rule projected for 4th quarter, FY 1983.

Title: Per Container Rate Rules For Foreign Tariffs (Docket No. 81-50)

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5827.

Small Business Impact: Unknown—exempt under 5 U.S.C. 601(2).

CFR Citation: 46 CFR 536

Legal Authority: 5 U.S.C. 533, and 46 U.S.C. 817(b), 821 and 941(a)

Abstract: This rule will prescribe the form and manner governing the establishment of per container/trailer rates in tariffs for common carriers and conferences in the U.S. foreign commerce to ensure the proper application of such rates.

Timetable: Proposed rule—F.R., Vol. 46, No. 167, p. 43474 (August 28, 1981). Final rule—F.R., Vol. 47, No. 114, pp. 25532–25534 (June 14, 1982). Pending disposal of petitions for reconsideration; decision projected for 1st quarter, FY 1983.

Title: Exemption of Bulk Cargo Moving in Foreign Commerce (Docket No. 82-13)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime

Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: None—reduction in present requirements.

CFR Citation: 46 CFR 536

Legal Authority: 46 U.S.C. 817 and 833(a), and 5 U.S.C. 553.

Abstract: Consideration is being given to the adoption of a rule to exempt bulk unprocessed commodities including those that are loaded and carried in containers, trailers, rail cars or similar intermodal equipment from the tariff filing requirements of § 18(b)(1) of the Shipping Act, 1916.

Timetable: Notice of Proposed rule—F.R., Vol. 47, No. 49, pp. 10862–10863 (March 12, 1982). Final rule projected for 3rd quarter, FY 1983.

Title: Green Salted Hides Weighing Practices Rule For Foreign Tariffs (Docket No. 82–42)

Agency Contact: Daniel J. Connors, Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5796.

Small Business Impact: No significant impact—reduction of present requirements.

CFR Citation: 46 CFR 534 and 536.5(c)(17).

Legal Authority: 5 U.S.C. 553 and 46 U.S.C. 841(a).

Abstract: Eliminate unnecessary provisions designed to cover a uniform method of declaring shipping weights on green salted hides for export in the U.S. foreign commerce and delete references thereto.

Timetable: Notice of proposed rule—F.R., Vol. 47, No. 179, pp. 40667–40668 (September 15, 1982). Final rule projected for 3rd quarter, FY 1983.

Title: Time Limit For Filing Overcharge Claims (Docket No. 81–51)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unkown—Exempt under 5 U.S.C. 601(2).

CFR Citation: 46 CFR 531 and 536.

Legal Authority: 46 U.S.C. 812, 814, 816 and 817(b).

Abstract: This rule would abolish conference and common carrier tariff rules prohibiting freight rate settlements more than six months after shipment.

Timetable: Proposed rule—F.R., Vol. 46, No. 167, p. 43472 (August 28, 1981) Final rule—F.R., Vol., 47 No. 154, pp. 34556–34561 (August 10, 1982). Final rule—F.R., Vol. 47, No. 175, p. 36985 (September 9, 1982); Rule has been petitioned for reconsideration during 1st quarter, FY 1983.

Title: Dual Rate Contract Systems (Docket No. 81–54)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant economic impact on a substantial number of small entities.

CFR Citation: 46 CFR 538

Legal Authority: 46 U.S.C. 813(a) and 841(a).

Abstract: This rulemaking will provide a rebuttable presumption that merchants paying freight charges have a legal right to select the common carrier.

Timetable: Proposed rule—F.R., Vol. 46, No. 174, pp. 44998–44999 (September 9, 1981). Final rule projected for 1st quarter, FY 1983.

Reviews of Existing Regulations—Priority

Title: Rule Revisions For Shipping Act of 1982

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 510, 520–524, 527–530 and 537–538.

Legal Authority: S. 1593 and H.R. 4374, 9th Congress, 2d Session.

Abstract: The "Shipping Act of 1982," as proposed in pending legislation in the 97th Congress, 2d Session, would necessitate substantial revision of the Commission's regulations implementing the shipping statutes which it administers. This regulatory action would result in final rules, where necessary, to properly implement this legislation.

Timetable: The Shipping Act of 1982, and essential agency regulations implementing it would become effective 180 days after enactment of the legislation.

Title: Equal Access to Justice

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 503.

Legal Authority: Pub. L. 96–481, 5 U.S.C. 504 et seq., and 46 U.S.C. 841(a).

Abstract: The Equal Access to Justice Act provides for reimbursement to persons who have been subjected to investigatory processes and who subsequently prevail on the merits.

Timetable: Proposed rule projected for 1st quarter, fiscal year 1983.

Title: Financial Responsibility of Passenger Vessels

Agency Contact: Frank L. Bartak, Chief, Office of Vessel Certification, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5820.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 540.

Legal Authority: 46 U.S.C. 817(e) and 369.

Abstract: This regulation, which is concerned with the financial responsibility requirements for owners, operators and charterers of certain passenger vessels, is scheduled for review pursuant to section 610 of the Regulatory Flexibility Act.

Timetable: Projected for 3rd quarter, fiscal year 1983.

Title: Freedom of Information Act

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 503.

Legal Authority: 5 U.S.C. 552(b)(4) and 46 U.S.C. 841(a).

Abstract: Amendments to current rules governing treatment of FOIA requests will provide for notification to filers of "business confidential" information to permit responses before a decision to release or not to release information requested under the Act.

Timetable: Proposed rule projected for 1st quarter, fiscal year 1983.

Reviews of Existing Regulations—Other

Title: Financial Responsibility for Water Pollution

Agency Contact: Robert M. Skall, Deputy Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5840.

Small Business Impact: No significant impact.

CFR Citation: 46 CFR 542.

Legal Authority: 33 U.S.C. 1321 (l) and (p), and § 3 of E.O. 11735.

Abstract: The Commission's rules implementing the vessel financial responsibility requirements of section 311 of the Clean Water Act (the Act) defines the "United States" as including the Panama Canal Zone. However, the Panama Canal Treaties of 1977 may have removed the applicability of the Act to the Canal. Consideration is therefore being given to a proposed rulemaking to delete references to the Canal Zone in 46 CFR 542. No alternatives to a rulemaking are evident. It is not known whether any costs to the public will result.

Timetable: Projected for 2nd quarter, fiscal year 1983.

Title: Small Claims

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime

Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 502.

Legal Authority: 46 U.S.C. 821 and 841(a).

Abstract: Amendments to current rules governing small claims will provide for a raise in the limit for small claims; revised procedures for petitions for reconsideration; and tariff notice of decisions.

Timetable: Proposed rule projected for 1st quarter, fiscal year 1983.

Title: Privacy Act

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant impact.

CFR Citation: 46 CFR 503.

Legal Authority: 5 U.S.C. 552(a) and 46 U.S.C. 841(a).

Abstract: Amendments to current rules implementing the Privacy Act are updated to reflect current organization and procedures.

Timetable: Proposed rule projected for 1st quarter, fiscal year 1983.

Title: Technical Revisions to Commission General Order 13 (46 CFR 536)

Agency Contact: James A Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5827.

Small Business Impact: No significant impact.

CFR Citation: 46 CFR 536.

Legal Authority: 5 U.S.C. 533, and 46 U.S.C. 817(b), 821 and 941(a).

Abstract: Proposed technical rulemaking to correct erroneous cross references in 46 CFR 436 and to clarify misleading technical language.

Timetable: Proposed rule projected for 3rd quarter, FY 1983.

Title: Filing of Tariffs by Terminal Operators

Agency Contact: Daniel J. Connors, Director, Bureau of Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5796.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 533.

Legal Authority: 46 U.S.C. 816, 820 and 841(a).

Abstract: The regulations governing the filing of terminal tariffs are scheduled for review pursuant to section 610 of the Regulatory Flexibility Act.

Timetable: Projected for 3rd quarter, FY 1983.

Title: Exemption of Nonexclusive Transshipment Agreements

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 524.

Legal Authority: 46 U.S.C. 814, 833(a) and 841(a).

Abstract: The proposed rule would eliminate the need for the filing of nonexclusive transshipment agreements with the Commission. Exemption will benefit the shipping industry and Commission staff.

Timetable: Proposed rule projected for 1st quarter, FY 1983.

Title: Exemption of Certain Marine Terminal Agreements

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 524.

Legal Authority: 46 U.S.C. 814, 833(a) and 841(a).

Abstract: The proposed rule would exempt from the filing and approval requirements of section 15 of the Shipping Act, 1916, (a) certain agreements relating to the lease, license, assignment or other similar use of marine terminal real property; (b) agreements relating solely to the performance of traditional stevedoring services; (c) certain marine terminal agreements relating to the use of dock, berth, apron or pier space; other terminal facilities at other than tariff rates; and marine terminal services at other than tariff rates. The exemption will benefit the terminal industry.

Timetable: Proposed rule projected for 2nd quarter, FY 1983.

Title: Amendments to G.O. 13, 24 and 38 To Define Intermodal Authority

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 522, 531 and 536.

Legal Authority: 46 U.S.C. 814, 817 and 841(a).

Abstract: The proposed rule would define the term "intermodal authority" as it is used in various agreements and tariffs to aid in a determination as to precisely where such authority begins and ends. The exemption will help clarify an ambiguous term.

Timetable: Proposed rule projected for 2nd quarter, FY 1983.

Title: Exemption of Certain Vessel Charter Arrangements

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 524.

Legal Authority: 46 U.S.C. 814, 833(a) and 841(a).

Abstract: The proposed rule would exempt from the filing and approval requirements of section 15 of the Shippng Act, 1916, vessel charter arrangements between competitors which are entered into for a short term or for a small portion of the fleets of two or more parties; and vessel charter arrangements between non-competitors for use in non-competitive trades. The exemption will benefit the shipping industry.

Timetable: Proposed rule projected for 1st quarter, FY 1983.

Title: Review of Self-Policing Regulations

Agency Contact: Robert G. Drew, Director, Bureau of Agreements, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5787.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 528.

Legal Authority: 46 U.S.C. 814, 833(a) and 841(a).

Abstract: The proposed rulemaking would amend existing regulations covered by General Order 7, Self-Policing Requirements For Section 15 Agreements. The amendments are designed to improve self-policing reporting and various procedures utilized under the regulations.

Timetable: Proposed rule projected for 1st quarter, FY 1983.

Completed Actions—Priority

Title: Prehearing and Discovery (Docket No. 82–21)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant impact on a substantial number of small entities.

CFR Citation: 46 CFR 502.

Legal Authority: 46 U.S.C. 821, 826 and 841(a).

Abstract: Amended rules provide for more prompt commencement and completion of discovery in formal proceedings.

Timetable: Proposed rule—F.R., Vol. 47, No. 66, pp. 14734–14739 (April 6, 1982). Final rule—F.R., Vol. 47, No. 179, pp. 40624–40631 (September 15, 1982).

Title: Licensing of Independent Ocean Freight Forwarder (Docket No. 80–13)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: Unknown.

CFR Citation: 46 CFR 510.33(q).

Legal Authority: 46 U.S.C. 841 (a) and (b).

Abstract: This rulemaking concerns the payment of freight forwarder compensation to water common carriers or agents.

Timetable: Proposed rule—F.R., Vol. 45, No. 53, pp. 17029–17042 (March 17, 1980). Final rule—F.R., Vol. 46, No. 84, pp. 24565–24575 (May 1, 1981). Further notice of proposed rule—F.R., Vol. 46, No. 134, pp. 36216–36217 (July 14, 1981); Stay of final rule—F.R., Vol. 46, No. 177, p. 45612 (September 14, 1981). Stay of final rule (clarification)—F.R., Vol. 46, No. 190, p. 48199 (October 1, 1981). Further notice of proposed rule—F.R., Vol. 47, No. 2, pp. 215–216 (January 5, 1982). Final rule—F.R., Vol. 47, No. 72, pp. 16030–16031 (April 14, 1982). Final rule—F.R., Vol. 47, No. 114, pp. 25530–25532 (June 14, 1982).

Title: Exemption Of Exclusive Equipment Interchange Agreements (Docket No. 81-40)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant economic impact on a substantial number of small entities.

CFR Citation: 46 CFR 524.

Legal Authority: 46 U.S.C. 814 and 841(a).

Abstract: This rulemaking concerns the exemption of routine equipment interchange agreements from an unnecessary regulatory burden to provide better and more flexible service.

Timetable: Proposed rule—F.R., Vol. 46, No. 120, pp. 32459–32460 (June 23, 1981). Final rule—F.R., Vol. 47, No. 95, p. 21051 (May 17, 1982).

Title: Licensing of Independent Ocean Freight Forwarders (Docket No. 81-76)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant economic impact on a substantial number of small entities.

CFR Citation: 46 CFR 510.

Legal Authority: PL 97–35 and 46 U.S.C. 841(a) and (b).

Abstract: This rulemaking revises freight forwarder rules to comport with P.L. 97–35 permitting shipper affiliation.

Timetable: Proposed rule—F.R., Vol. 46, No. 248, pp. 62667–62669 (December 28, 1981). Final rule—F.R., Vol. 47 No. 109, pp. 24555–24556 (June 7, 1982).

Completed Actions—Other

Title: Time/Volume Contract Rate Rules For Foreign Tariffs (Docket No. 80-54)

Agency Contact: James A. Warner, Chief, Office of Foreign Tariffs, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5827.

Small Business Impact: Unknown—exempt under 5 U.S.C. 601(2)

CFR Citation: 46 CFR 536.

Legal Authority: 5 U.S.C. 553, and 46 USC 817(b) and 841(a).

Abstract: This rule prescribes uniform regulations governing the filing of time/volume rates in rate tariffs filed by common carriers and conferences in the U.S. foreign commerce. It will eliminate the present confusion and imprecision surrounding existing time/volume rates and enable the Commission to monitor their use to ensure compliance with the terms of their contracts and the Shipping Act, 1916.

Timetable: Notice of proposed rule—F.R., Vol. 45, No. 168, p. 57152 (August 27, 1980). Notice of proposed rule—F.R., Vol. 46, No. 211, pp. 54390–54391 (November 2, 1981). Final rule—F.R., Vol. 47, No. 131, pp. 29670–29673 (July 8, 1982). Denial of petition—F.R., Vol. 47, No. 162, p. 36425 (August 20, 1982).

Title: Removal of Regulations on Rates For Military Cargo (Docket No. 82-16)

Agency Contact: Francis C. Hurney, Secretary, Federal Maritime Commission, Washington, D.C. 20573, (202) 523–5725.

Small Business Impact: No significant impact on significant number of small entities.

CFR Citation: 46 CFR 549.

Legal Authority: 46 U.S.C. 817 and 841(a).

Abstract: The regulations governing the level of military rates were suspended for an indefinite period to lessen the burden on American flag operators.

Timetable: Proposed rule—F.R., Vol. 47, No. 54, p. 12367 (March 23, 1982). Final rule—F.R., Vol. 47, No. 169, pp. 38329–38330 (August 31, 1982).

[FR Doc. 82–27965 Filed 10–27–82; 8:45 am]

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Thursday
October 28, 1982

Part XLIII

Federal Reserve System

Semiannual Regulatory Flexibility Agenda

[Reprinted from the Federal Register of Friday, October 1, 1982]

FEDERAL RESERVE SYSTEM

12 CFR Ch. II

Semiannual Regulatory Flexibility Agenda

Note.—This document originally appeared on Friday, October 1, 1982 (47 FR 43528). It is being republished today at the request of the Regulatory Information Service Center.

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Semiannual agenda.

SUMMARY: Pursuant to the Regulatory Flexibility Act, and the Board's Statement of Policy Regarding Expanded Rulemaking Procedures, the Board anticipates having under consideration regulatory matters as indicated below during the period from October 1, 1982 through April 1, 1983. The Board's next Semiannual Agenda will be published in April 1983.

DATE: Comments may be received any time during the next six months.

ADDRESS: Comments should be addressed to William W. Wiles, Secretary of the Board, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT: (A staff contact for each item is indicated with the regulatory description below.)

SUPPLEMENTARY INFORMATION: The Board's Semiannual Agenda is divided into three sections: Section A reports on regulatory matters that have been proposed and that are under Board consideration; Section B reports on major regulatory reviews in progress under the Board's Regulatory Improvement Project and other regulatory matters the Board may consider for public comment during the next six months; and Section C reports those regulatory matters from the Board's last Semiannual Agenda (April 1, 1982 through October 1, 1982) on which final action has been taken.

A double asterisk (**) in Sections A and B indicates those matters listed on the Board's previous Semiannual Agenda; a dagger (†) indicates a proposal that is likely to have a significant economic impact on a substantial number of small entities. The latter designation applies to only those matters proposed for public comment *after* the january 1, 1982 effective date of the Regulatory Flexibility act.

A. Regulatory Matters That Have Been Proposed and Will Involve Further Board Consideration

**1. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)

Action taken: In April 1979, the Board, in response to requests for clarification, solicited public comment on how the specific rules of Regulation B should apply to various credit scoring practices (44 FR 23365, April 23, 1979).

In August 1980, the Board published a revised proposal in the form of two interpretations, the first dealing with consideration of income and the second with the selection and disclosure of reasons for adverse action (45 FR 56818, August 26, 1980). In May, 1982, the Board substantially revised the two interpretations and again published them for comment (47 FR 23738, June 1, 1982) the proposals would primarily affect larger creditors that use credit scoring systems. (Very few small businesses use credit scoring systems.) The economic impact of either interpretation is unlikely to be significant. The Board is expected to take further action during the next six months.

Authority: Section 703(a) of the Equal Credit Opportunity Act, 15 U.S.C. 1691b(a).

Docket number: R–0203.

Staff contact: Lucy H. Griffin, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

**2. Regulation: B—Equal Credit Opportunity (12 CFR Part 202)

Action taken: In October 1978, the Board proposed for comment several amendments to the regulation. In April 1979, one of the proposals was adopted (44 FR 23813, April 23, 1979). The three remaining proposals would affect creditors that extend credit to small businesses by extending recordkeeping and adverse action notification requirements to business loans of under $100,000. Inquiries as to marital status of applicants would be prohibited in all business credit applications.

In May 1982, the Board proposed to withdraw these remaining amendments and sought comments to learn whether any recent changes in industry practices might affect the Board's consideration (47 FR 23741, June 1, 1982).

The Board is expected to consider these matters during the next six months in conjunction with action on the proposed credit-scoring interpretations that are also outstanding. (See entry A.1.)

The proposed amendments, if adopted by the Board, would impose on commercial lending institutions additional notice and record-keeping requirements for business loans of less than $100,000. These requirements would adversely affect the large number of small lenders that make business loans of such limited size. The benefits of the proposed amendments appear to be limited.

Authority: Equal Credit Opportunity Act, 15 U.S.C. 1691b.

Docket number: R–0185.

Staff contact: Dolores S. Smith, Assistant Director, Division of Consumer and Community Affairs, (202–452–2412).

**3. Regulation: C—Home Mortgage disclosure (12 CFR Part 203)

Action taken: The Home Mortgage Disclosure Act (HMDA) and Regulation C provide that the Board may exempt state-chartered depository institutions within a state if two conditions are met: (1) state requirements are substantially similar to federal requirements, and (2) there is adequate provision for enforcement.

Five states (California, Connecticut, Massachusetts, New Jersey and New York) applied for exemptions from the Home Mortgage disclosure Act as recently revised. (California subsequently withdrew its application.) In May 1982, the Board published notice of the four applications for comment (47 FR 22370, May 24, 1982).

State exemptions from federal law that are granted by the Board would result in fewer burdens on depository institutions subject to HMDA and located in those states (without significant loss of consumer protection) because duplicative requirements would be eliminated.

The HMDA and Regulation C apply to all depository institutions over $10 million in assets that have offices in SMSAs (Standard Metropolitan Statistical Areas) and that make federally related mortgage loans.

The Board will review the public comments and is expected to take final action in the next six months.

Authority: The Home Mortgage Disclosure Act, 12 U.S.C. 2801 *et seq.*

Docket number: R–0406.

Staff contact: John C. Wood, Senior Attorney, Division of Consumer and Community Affairs, (202–452–2412).

**4. Regulation: D—Reserve Requirements of Depository Institutions (12 CFR Part 204)

Action taken: The Board will consider further during the next six months a proposal to adopt contemporaneous reserve accounting. In August 1980, the Board stated that it is disposed toward returning to contemporaneous reserve accounting if investigation indicates that such a system is practical. In November

1981, the Board solicited additional public comments on a proposal to adopt contemporaneous reserve accounting (46 FR 58184, November 30, 1981). The proposal would change the reserve maintenance schedule of depository institutions to coincide with reserve computation periods as a means of improving the System's ability to meet its monetary policy objectives. Such a proposal would affect the reserve management practices of all depository institutions with $15 million or more in total deposits.

Authority: 12 U.S.C. 461 *et seq.*

Docket number: R–0371.

Staff contacts: David Lindsey, Assistant Director, Division of Research and Statistics, (202–452–2601); and Gilbert T. Schwartz, Associate General Counsel, Legal Division, (202–452–3625).

5. Regulation: D—Reserve Requirements of Depository Institutions and Regulation Q—Interest on Deposits (12 CFR Parts 204 and 217)

Action taken: In August 1982, the Board requested public comment on a proposal to amend Regulations D and Q to reduce the minimum maturity of all time deposits to seven days (47 FR 38138, August 30, 1982). At present, time deposits are defined as deposits or accounts with a minimum maturity or required notice period of 14 days. Small banks would likely benefit from this proposal because it will provide an additional tool for them to use in competing with larger institutions for short-term, large-denomination deposits.

The Board will review the public comments and is expected to take further action during the next six months.

Authority: Section 19(a) of the Federal Reserve Act, 12 U.S.C. 461(a).

Docket number: R–0417.

Staff contacts: Gilbert T. Schwartz, Associate General Counsel, (202–452–3625); Paul S. Pilecki, Senior Attorney, (202–452–3281); and Beverly A. Belcamino, Legal Assistant, Legal Division, (202–452–3623).

**6. Regulation: E—Electronic Fund Transfers (12 CFR Part 205)

Action taken: In March 1982, the Board approved issuing for public comment amendments to the regulation that would provide (1) an exemption for small institutions limited to their participation in the federal government's direct deposit program; (2) a partial exemption from the periodic statement requirements for certain telephone transfers between a consumer's accounts held at the same institution; (3) modification of certain requirements for institutions that offer electronic services internationally; and (4) an exception to the required disclosure on the terminal receipt of type of account affected, for certain transfers in a regional or nationwide interchange system (47 FR 12997, March 26, 1982).

The proposed amendments, if adopted by the Board would relax existing regulatory burdens for a number of small institutions (under the first two items listed above) and for institutions that are members of debit-credit card networks (under the third and fourth item). It is believed that these proposed changes would not result in the loss of significant protections for consumers. The Board will review the comments and is expected to take final action within the next six months.

Authority: Electronic Fund Transfer Act, 15 U.S.C. 1693b.

Docket number: R–0388

Staff contacts: John C. Wood, Senior Attorney; and Jessie Filkins, Senior Attorney, Division of Consumer and Community Affairs (202–452–2412).

**7. Regulation G—Securities Credit by Persons Other Than Banks, Brokers, or Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)

Action taken: In February 1982, the Board issued for public comment a regulatory framework that could be used to establish margin requirements on futures contracts based on stock indexes (47 FR 8788, March 2, 1982). This action was taken in connection with the Board's review of an application by the Kansas City Board of Trade (KCBOT) to trade in stock market index futures contracts.

The Board noted actions taken by the KCBOT to increase its own initial margin requirements on these futures contracts and to narrow the definition of hedging for margin purposes. In view of this, the Board decided not to take immediate action of its own.

However, the Board indicated that formal margin requirements on stock index futures contracts may be appropriate later. The Board plans to monitor the development and operation of this market closely.

The Board therefore asked for comment both on specific issues related to establishment of margin requirements on stock index futures contract and related instruments and on a proposed framework for such regulation. It is not expected that the proposals would have a significant impact on a substantial number of small firms.

The Board will review the comments on the proposals and may take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78c, g and w.

Docket number: R–0385.

Staff contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781).

† **8. Regulation: J—Collection of Checks and Other Items and Wire Tranfer of Funds (12 CFR Part 210)

Action taken: In April 1982, the Board requested public comment on a proposal that would allow Federal Reserve Banks to charge depository institutions for cash letters that are made available to them on a weekday that is a banking day for the Reserve Bank but not for the paying bank (47 FR 15349, April 9, 1982). The purpose of the admendment is to eliminate the float generated when depository institutions regularly close on weekdays, and to promote equity with other depository institutions that remain open on such days. The proposal will not impose any additional reporting, recordkeeping, or other compliance requirements on any institutuon, or duplicate, overlap, or conflict with any other federal rule. Board staff does expect, however, that affected institutions (approximately 450 of them with deposits of less than $20 million) could experience some reduction of earnings.

The Board will review the public comments and is expected to take further action within the next six months.

Authority: Sections 13, 16 and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

Docket number: R–0392.

Staff contact: Joseph R. Alexander, Attorney, Legal Division (202–452–2489).

**9. Regulation: J—Collection of Checks and Other Items and Wire Transfer of Funds (12 CFR Part 210)

Action taken: In May 1981, the Board issued for public comment proposals to amend Subpart A of Regulation J by (1) redefining the terms "sender" and "bank" to include a depository institution as defined in 12 U.S.C. 461 (b), namely, banks and thrift institutions, (2) imposing on a paying bank that returns an item an indemnity for loss or expense resulting form return of the item beyond the deadlines provided in the regulation, (3) incorporating provisions for collecting coupons and other securities similar to provisions regarding the payment and return of cash items, and (4) imposing a warranty and related indemnity regarding wire advice of nonpayent on a paying bank which returns a cash item (46 FR 24576, May 1, 1981). After considering the comments received, the Board adopted the first proposal in substantially the form proposed (46 FR 42059, August 19, 1981). Final action on the other three items is expected during the next six months. In its consideration of these proposals, the Board has taken account of the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601–612, and has concluded that none are expected to have a significant economic impact on a substantial number of small entities.

Authority: Sections 13, 16 and 11(i) of the Federal Reserve Act, 12 U.S.C. 342, 248(o), 360, and 248(i).

Docket number: R–0357.

Staff contact: Joseph R. Alexander, Attorney, Legal Division (202–452–2489).

**10. Regulation: L—Management Official Interlocks (12 CFR Part 212)

Action taken: On September 15, 1982, the Board approved issuing for public comment proposed amendments to Regulation L, which generally prohibits certain management official interlocks between depository institutions, depository holding companies, and their affiliates. The proposals would update, clarify and make technical changes in light of the Board's experience with the regulation and recent amendments to the Interlocks Act (12 U.S.C. 3201 *et seq.). It is anticipated that the Board will review the public comments and take further action on these proposals within the next six months.*

At the same time, the Board adopted an amendment to Regulation L to conform its provisions to recent statutory amendments.

The final amendment, as well as the proposed amendments, if adopted, will not have a significant economic impact on a substantial number of small entities. Since the amendments would ease the application of the regulation on depository institutions, their effect is expected to be beneficial rather than adverse and small instutitions would share the benefits with larger organizations.

Authority: Depository Institutions Management Interlocks Act, 12 U.S.C. 3207.

Staff contacts: Melanie L. Fein, Attorney, (202–452–3594); and Browen Mason, Senior Counsel, Legal Division, (202–452–3564).

11. Regulation: Q—Interest on Deposits and Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 217 and 204)

Action taken: In August 1982, the Board requested public comment on a proposal to amend Regulations Q and D to increase the maximum size limitation on business savings accounts at member banks to $250,000 (47 FR 38137, August 30, 1982). Currently, member banks are not permitted to accept savings deposits in excess of $150,000 per depositor from organizations operated for profit. The Board is also inviting comment on the possibility of eliminating this limitation completely. Small banks would benefit from either a liberalization or elimination of this limit because the change would allow these institutions to compete more effectively with thrift institutions, which currently are subject to no such limitation. Further, small businesses should be aided by the opportunity to place larger cash blance in interest-bearing accounts.

The Board will review the public comments and is expected to take further action during the next six months.

Authority: Section 19(a) of the Federal Reserve Act, 12 U.S.C. 461(a).

Docket number: R–0420.

Staff contacts: Gilbert T. Schwartz, Associate General Counsel, (202–452–3625); Paul S. Pilecki, Senior Attorney, (202–452–3281); and Beverly A. Belcamino, Legal Assistant, Legal Division, (202–452–3623).

**12. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

Action taken: In March 1982, the Board proposed for public comment a complete revision of Regulation T (47 FR 13376, March 30, 1982). The proposal is part of the Board's Regulatory Improvement Project in which the Board is reviewing and revising all of its regulations to simplify their language and ease the burden of compliance. In its last semiannual agenda the Board indicated that it would consider issuing for public comment an amendment to Regulation T to facilitate the covered writing of options by insitutions and other entities which are prevented by law from using margin accounts. Such a proposed amendment has been included as part of the Board's complete revision of Regulation T (proposed section 220.7, Cash Account).

The **Federal Register** documents published in June and July of 1981 (46 FR 32592 and 46 FR 37516) by the Board contained an Initial Regulatory Flexibility Analysis for the complete revision of Regulation T. Comments received on the proposals appear to agree with the Board's analysis. The two new items in this proposal concerning options clearing firms and option writing in the cash account should not have any substantial impact on small businesses.

The Board will review the comments on the proposals and is expected to take further action during the next six months.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78 g and w.

Docket number: R–0389.

Staff contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202–452–2781); Robert Rewald, Division of Research and Statistics, (202–452–3637), Board of Governors of the Federal Reserve System, Washington, D.C.; or Mindy R. Silverman, (212–791–5032), and James M. McNeil, (212–791–5914), Federal Reserve Bank of New York.

**13. Regulation: Z—Truth in Lending (12 CFR Part 226)

Action taken: The Truth in Lending Act and Regulation Z provide that state law requirements determined to be inconsistent with certain federal Truth in Lending requirements are preempted by the federal law and regulation. Upon request by any interested person or on its own motion, the Board is authorized to make determinations regarding inconsistent state law provisions for preemption purposes.

The Board has received four requests for preemption determinations concerning state laws in Arizona, Florida, Missouri, and South Carolina. In April 1982, the Board published for comment a notice concerning its determination as to whether any or all of these laws are preempted (47 FR 16201, April 15, 1982).

Board determinations that state laws are inconsistent and thus preempted, and state exemptions from federal laws that are granted by the Board, would result in fewer burdens on creditors in those states (without significant loss of consumer protection) because in each case duplicative requirements would be eliminated.

The Truth in Lending Act and Regulation Z apply to all sectors of the economy that grant consumer credit including banks, credit agencies, and retail establishments.

The Board will review the comments and is expected to take further action within the next six months.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Docket number: R–0395.

Staff contacts: Clarence B. Cain, Attorney, (202–452–2412); Lynn C. Goldfaden, Attorney, (202–452–3867); and Rugenia Silver, Attorney, (202–452–2412), Division of Consumer and Community Affairs.

14. Regulation: Z—Truth in Lending (12 CFR Part 226)

Action taken: In July 1982, the Board proposed for public comment two alternative methods for the treatment of seller's points and reduced rate financing under revised Regulation Z (47 FR 32433, July 27, 1982). One alternative would remove the current exclusion for seller's points from the finance charge disclosed under Truth in Lending. The other alternative would require that a disclosure be given to advise the consumer that the seller has paid money to obtain the financing and that, if passed on in the form of a higher sales price or other charge, the annual percentage rate and the other disclosures understate the cost of credit. The action was taken in response to the increasing number of below-market rate financing arrangements that have been developed since adoption of the revised Regulation Z and the concerns raised by some that the regulation's exclusion of seller's points from the finance charge may permit an understatement of the annual percentage rate. Adoption of either of the proposed alternatives would affect lenders who both offer below-market rate financing and impose seller's points. It is not expected that either alternative would have a significant economic impact on a substantial number of small creditors or small sellers of new homes. It is unlikely that a substantial number of small creditors are involved in such buy-down transactions, and the incremental cost incurred by any particular small seller in changing its advertising to comply with the new requirements is not likely to be significant.

The original 30-day comment period was extended from August 27, 1982, to September 27, 1982 (47 FR 38548, September 1, 1982).

The Truth in Lending Act and Regulation Z apply to all sectors of the economy that grant consumer credit including banks, credit agencies, and retail establishments.

Authority: Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Docket number: R-0413.

Staff contacts: Clarence B. Cain, Staff Attorney, and Gerald P. Hurst, Staff Attorney, Division of Consumer and Community Affairs, (202-452-2414).

B. Regulatory Matters the Board May Consider During the Next Six Months

**1. Regulatory Improvement Project

Anticipated action: The Board's Regulatory Improvement Project involves, among other things, a substantive, zero-based review of all Federal Reserve regulations that affect the public to determine (1) the fundamental objectives of the regulation and the extent to which it is meeting current policy goals, (2) nonregulatory alternatives that would accomplish the objectives, (3) costs and benefits of the regulation, (4) unnecessary burdens imposed by the regulation, and (5) the clarity of the regulation.

During the next six months, the staff should complete its review of Regulation Y (Banking Holding Companies and Change in Bank Control), and public comment on proposed changes is expected to be sought during this period. These proposals are being designed to reduce regulatory burdens, and none is expected to have a significant adverse economic impact on any bank holding company. In addition, the Project will be continuing to develop simplified revisions of the "margin credit" regulations: Regulation G (Securities Credit by Persons Other Than Banks, Brokers, or Dealers), Regulation T (Credit by Brokers and Dealers), Regulation U (Credit by Banks for the Purposes of Purchasing or Carrying Margin Stocks), and Regulation X (Rules Governing Borrowers Who Obtain Securities Credit). Substantive amendments of these regulations were made in January 1982, and a revision of Regulation T was proposed for public comment in March 1982. (See Entry A-12.) During the next six months, revisions of Regulation G, U, and X are expected to be proposed for comment. The Project will also participate in other regulatory actions listed in this agenda to ensure that the objectives of the Project are met.

Authority: Financial Regulation Simplification Act of 1980, 12 U.S.C. 3501.

Staff contact: Barbara R. Lowrey, Associate Secretary, Office of the Secretary, (202-452-3742).

**2. Regulation: K—International Banking Operations (12 CFR Part 211)

Anticipated action: The Board will consider publishing for comment a revised proposal that would permit Edge Corporations to provide a broader range of banking services than is now permissible to a limited class of customers. While Edge Corporations are in most instances owned by major banks, the proposal would also afford scope for smaller banks to compete more effectively in development and supply of services to support U.S. trade. Pursuant to the International Banking Act, a similar proposal was published for comment in February 1979 to improve the competitive position of Edge Corporations (44 FR 10509, February 21, 1979).

Action on this matter would represent a relaxation of regulatory burden on Edge Corporations and would permit a shift to a more cost-effective method of supervision of Edge Corporations.

Authority: International Banking Act of 1978, 12 U.S.C. 3101; Federal Reserve Act, 12 U.S.C. 601 and 605.

Staff contacts: Nancy P. Jacklin, Assistant General Counsel, Legal Division, (202-452-3582); and Henry S. Terrell, Chief, International Banking Section, Division of International Finance, (202-452-3768).

3. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

Anticipated action: The Board will consider issuing for public comment an amendment to the definition of "OTC margin bond" in Regulation T expressly to permit private mortgage pass-through securities to be used as collateral for margin credit at brokerage firms. At present, any "OTC margin bond" is eligible for credit on a "good faith" basis. It is expected that such a proposal would contribute to greater competitive equality between brokers/dealers and commercial banks.

Staff believes there would be no significant economic impact on a substantial number of small entities if this proposed rule change is adopted.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Staff contacts: Laura Homer, Securities Credit Officer; Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202-452-2781); or David Seiders, Senior Economist, Division of Research and Statistics, (202-452-2694).

**4. Regulation: Y—Banking Holding Companies and Change in Bank Control (12 CFR Part 225)

Anticipated action: The Board will consider issuing for public comment a proposal to amend Regulation Y to authorize bank holding companies to act as agents for the sale of renewal insurance.

In rulemaking proceedings to conform to the Board's insurance agency regulation (Section 225.4(a)(9) of Regulation Y) to a court decision, the Board in July 1981, removed the authority for bank holding companies to sell renewal insurance. In connection with that rulemaking proceeding, the Board had received comments from several organizations requesting that the authority for bank holding companies to sell renewal insurance be re-added to Regulation Y. In addition the Board received a request opposing the inclusion of renewal insurance within the final regulation. The proposal was deferred pending final board action on the rulemaking proceedings referred to above that were completed on July 15, 1981. On October 2, 1981, the Board considered the proposal to amend

Regulation Y to authorize bank holding companies to act as agent for the sale of renewal insurance and decided to suspend further consideration in an effort to avoid the expense and delay associated with proceedings that in part might be duplicated by Congress in its examination of related matters.

Accordingly, if the Board Determines to pursue this proposal, it would seek comment from the public on whether the activity is "so closely related to banking * * * as to be a proper incident thereto," including comment on whether performance of the activity by an affiliate of a bank holding company can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. The proposal would impose no additional burden on any bank holding company.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket number: R-0150

Staff contact: Richard Whiting, Senior Attorney, Legal Division, (202-452-3779).

**5. Regulation: AA—Unfair or Deceptive Acts and Practices (12 CFR Part 227)

Anticipated action: The Board is required by the Federal Trade Commission Act to adopt a rule applicable to banks that is substantially similar to a trade regulation rule adopted by the FTC prohibiting certain acts or practices of other creditors as unfair or deceptive, unless the Board finds that such acts or practices of banks are not unfair or deceptive or that implementation of a similar rule with respect to banks would seriously conflict with essential monetary and payments systems policies of the Board.

In response to a proposed FTC rule (governing the preservation of consumers' claims and defenses), in 1976 the Board published a comparable proposal for comment (41 FR 7110). The proposal would require the insertion in certain credit contracts of a notice preserving a consumer's claim and defenses against a seller of goods or services so that they can be raised against any holder of the contract. The FTC published a revised version of its creditor rule for comment in November 1979. When a final FTC rule is adopted, the Board will consider appropriate regulatory action.

Authority: Section 18(f) of the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

Docket number: R-0006.

Staff contact: Lucy H. Griffin, Senior Attorney, Division of Consumer and Community Affairs, (202-452-2412).

C. Regulatory Matters From the April 1 Through October 1, 1982 Semiannual Agenda on Which Final Action Has Been Taken

1. Regulation: G—Securities Credit by Persons Other Than Banks, Brokers, and Dealers (12 CFR Part 207); T—Credit by Brokers and Dealers (12 CFR Part 220); U—Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks (12 CFR Part 221)

Action taken: In May 1982, following review of public comments, the Board adopted proposed amendments to its criteria for inclusion on the List of OTC Margin Stocks (47 FR 21756, May 20, 1982). These amendments (1) permit inclusion of securities of certain foreign issuers, (2) eliminate the alternative market value criterion and make the price and capital criteria mandatory, (3) reduce the initial listing capital and publicly-held share criteria, and (4) reduce the continued listing price and capital criteria.

The initial regulatory flexibility analysis indicated that because the proposals to amend the criteria involved a mixture of relaxing and tightening changes, it was not easy to judge the overall impact on small domestic entities—primarily those small-sized corporations whose stocks are traded in the over-the-counter market. However, no comments were received which would lead the Board to conclude that the adoption of these amendments would have a significant economic impact on a substantial number of small entities.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78 g and w.

Docket number: R-0372.

Staff contacts: Jamie Lenoci, Financial Analyst; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202-452-2781).

2. Regulation: M—Consumer Leasing (12 CFR Part 213)

Action taken: The Truth in Lending Act and Regulation M provide that classes of lease transactions within a state may be exempt from some of the federal requirements if certain conditions are met. These conditions require an existing state law to be substantially similar to the federal law or to afford greater consumer protection and benefit, and to contain adequate provisions for enforcement. Upon application by a state, the Board is directed to determine whether the conditions for exemption are met, and either grant or deny the application.

The State of Maine applied for an exemption from Regulation M for certain lease transactions under the revised Truth in Lending Act. The application was published for comment in April 1982 (47 FR 16201, April 15, 1982). Following review of public comments, the Board granted the exemption (47 FR 36961, August 24, 1982).

A state exemption from federal law that is granted by the Board would result in fewer burdens on lessors in that state (without significant loss of consumer protection) because duplicative requirements would be eliminated.

The Truth in Lending Act and Regulation M apply to all sectors of the economy that engage in lease transactions including bank and retail establishments.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Docket number: R-0394.

Staff contact: Rugenia Silver, Attorney, Division of Consumer and Community Affairs, (202-452-2412).

3. Regulation: T—Credit by Brokers and Dealers (12 CFR Part 220)

Action taken: In May 1982, following review of public comments, the Board adopted proposed amendments to Regulation T to permit, in addition to cash, the use of securities issued or guaranteed by the United States government or its agencies, certain letters of credit, bank CD's and bankers acceptances, as permissible collateral in stock lending and borrowing transactions (47 FR 21238, May 18, 1982). The amendment also permits foreign banks to issue letters of credit in such transactions if they have filed with the Board agreements to comply with the same rules and regulations applicable to member banks in securities credit transactions. These amendments are not expected to have an adverse economic impact on any small institutions.

Authority: Securities Exchange Act of 1934, 15 U.S.C. 78g and w.

Docket number: R-0370.

Staff contacts: Laura Homer, Securities Credit Officer; and Robert Lord, Attorney, Division of Banking Supervision and Regulation, (202-452-2781).

4. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In October 1980, the Board issued for public comment a proposed amendment to Regulation Y to modify the scope of permissible data processing activities for bank holding companies (45 FR 75221, November 5, 1980). In July 1981, the Board clarified this proposal by issuing a more detailed description of the proposed rule (46 FR 37905, July 23, 1981). Following review of the public comments, the Board in

August 1982, adopted a modified version of the proposed amendment (47 FR 37368, August 26, 1982).

The amendment imposed no additional burden on any bank holding company; indeed it should facilitate the application process for any company wishing to engage in the activity because the company would merely have to refer to the regulation without offering specific evidence on the "closely related" test.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket number: R-0363.

Staff contacts: Jennifer Johnson, Senior Attorney, (202-452-3584); and Richard Ashton, Assistant General Counsel, Legal Division, (202-452-3289).

5. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In December 1981, the Board issued for public comment notice of an application by J.P. Morgan & Co., Inc. to act as a futures commission merchant with respect to futures contracts in bullion, foreign exchange, U.S. Government securities, and money market instruments. At the same time, the Board requested comment on the question whether these activities should be added to the list of activities permissible for bank holding companies generally (46 FR 60503, December 10, 1981). The Board approved the application by Order. However, effective July 8, 1982, the Board withdrew the rulemaking proposal (47 FR 30872, July 15, 1982). Applications for this activity in the future will continue to be considered on a case-by-case basis.

Authority: Bank Holding Company Act, 12 U.S.C.1843 (c)(8).

Docket number: R-0375.

Staff contacts: Carl Howard, Senior Attorney, Legal Division, (202-452-3786)

6. Regulation: Y—Bank Holding Companies and Change in Bank Control (12 CFR Part 225)

Action taken: In September 1982, the Board approved by Order a proposal to authorize BankAmerica Corporation to engage, through a mortgage banking subsidiary, in financing commercial real estate development by the placing of equity interests, subject to certain conditions and commitments.

In taking this action, the Board considered public comments received on the proposal, which was published for comment in December 1981 (46 FR 61297, December 16, 1981). In that notice, the Board stated that it was also considering whether to amend Regulation Y to add the activity to the list of those generally permissible for bank holding companies. In approving BankAmerica's application by Order, the Board determined not to add the activity to the list at this time, and will consider future applications to engage in the activity on a case-by-base basis.

Authority: Bank Holding Company Act, 12 U.S.C. 1843(c)(8).

Docket Number: R-0376.

Staff contacts: Browen Mason, Senior Counsel (202-452-3564); and Mary Ann Gadziala, Attorney, Legal Division (202-452-3786).

7. Regulation: Z—Truth in Lending (12 CFR Part 226)

Action taken: The Truth in Lending Act and Regulation Z provide that some classes of transactions within a state may be exempt from some of the federal requirements if certain conditions are met. These conditions require an existing state law to be substantially similar to the federal law (or in certain instances to afford greater protection to consumers) and to contain adequate provisions for enforcement. Upon application by a state, the Board is directed to determine whether the conditions are met, and then either grant or deny the application.

The Board in April 1982, published for comment its proposed determinations on exemption applications from the states of Maine and Connecticut (47 FR 16201, April 15, 1982). Following review of the public comments, the Board granted those exemptions (47 FR 36961, August 24, 1982).

Board exemptions from the Truth in Lending Act and Regulation Z result in fewer burdens on creditors in those states (without significant loss of consumer protection) because duplicate requirements in the federal and state laws are eliminated.

The Truth in Lending Act and Regulation Z apply to all sectors of the economy that grant consumer credit including banks, credit agencies, and retail establishments.

Authority: The Truth in Lending Act, 15 U.S.C. 1601 *et seq.*

Docket Number: R-0394.

Staff contacts: Lynn C. Goldfaden, Attorney (202-452-3867); and Rugenia Silver, Attorney, Division of Consumer and Community Affairs (202-452-2412).

Board of Governors of the Federal Reserve System, September 24, 1982.

Barbara R. Lowrey,

Associate Secretary of the Board.

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Thursday
October 28, 1982

Part XLIV

Federal Trade Commission

Semiannual Regulatory Agenda

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: Federal Trade Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: The following agenda of Commission proceedings is published in accordance with the Federal Trade Commission Improvements Act of 1980, Pub. L. 96-252 and the Regulatory Flexibility Act, Pub. L. 96-354. Each item reflects the FTC staff's assessment of events that it expects will occur in the listed proceedings during the coming year. No Commission determination on the need for or the substance of a trade regulation rule or any other procedural option should be inferred from inclusion in this agenda.

Several of the items concern proceedings that potentially may affect a substantial number of small businesses as that term is used in the Regulatory Flexibility Act. Whether any such proceeding will result in a rule which is likely to have a significant economic impact on such entities depends upon final Commission determinations on the need for or on the substance of a trade regulation rule.

The views expressed in these entries are those of the FTC staff, based upon information now available. These views should not be regarded as a final staff position, nor should they be attributed to the Commission itself. The Commission will address the issues presented when it considers each staff proposal.

Each agenda item is based on projected timing of future Commission action. Discovery of new information, changes in circumstances or in the law may alter the projected dates.

FOR FURTHER INFORMATION CONTACT: FTC/GS Christian S. White, Washington, D.C. 20580, 202-523-3906.

Title: Antacid Advertising

Agency Contact: Joel Brewer, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1530.

Effects on Small Businesses and Other Entities: Although no specific rule has yet been proposed, it is not expected that any rule will have a significant economic impact on a substantial number of small entities. With the exception of small retailers who advertise price and availability in newspapers and magazines, virtually all of the antacid advertisers are large entities. Moreover, the impact on small retailers will essentially be eliminated by a provision exempting print advertising that states only the product's name and price.

CFR Citation: Proposed 16 CFR Part 451.

Legal Authority: Federal Trade Commission Act, 5, 12, 15 and 18, 15 U.S.C. 45, 52, 55 and 57(a).

Abstract: The Commission did not propose a rule at the outset of this proceeding. Rather than making a specific proposal, the Commission focused the proceeding on whether, and in what form, warnings required by the Food and Drug Administration ("FDA") in the labeling of non-prescription antacids should also appear in the advertising for such products. The proceeding has explored and considered various alternatives, including no warnings whatsoever, a general warning (which refers generally to the existence of risk and directs consumers to the label), various specific warnings (which specifically disclose the existence of particular risks), and various combinations of general and specific warnings. A decision by the staff on the final form of a recommended rule has not yet been made.

The potential benefits from adoption of any rule are threefold: First, the prevalence of contra-indicated use of antacids may be lowered; second, manufacturers may have an incentive to include additional safety information in their advertising, and third, manufacturers may also have an incentive to produce safer antacids. The potential costs from adoption of any rule are the following: First, the effectiveness of antacid advertising may be lowered; second, consumers may mistakenly conclude from the warning information that all antacids are unsafe, and third, any required advertising disclosure may impose direct dollar costs.

Objectives: Any rule in this area would be designed to prevent deceptive advertising claims for over-the-counter antacid products. In particular, a rule would be aimed at preventing the deceptive implication that antacid products are always safe and can be taken by anyone without any adverse effects.

Timetable:

Final Notice of Proposed Rulemaking [43 FR 38851]—August 31, 1978:

Presiding Officer's Report—November 1979

Publication of Staff Report—Fourth Quarter FY 1983

Public Comment on Presiding Officer and Staff Reports—No less than 60 days following publication of staff report.

Title: Amendment to Care Labeling of Textile Wearing Apparel Rule

Agency Contact: Earl Johnson, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376-2891.

Effects on Small Businesses and Other Entities: As approved by the Commission the amendments will not have a significant economic impact on a substantial number of small entities. The amendments will clarify existing obligations and facilitate compliance with the rule. Amendments that would have extended the rule to manufacturers of additional products were not adopted by the Commission.

CFR Citation: 16 CFR Part 423.

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: An existing rule, effective since July 1972, requires that all consumers' wearing apparel and piece goods used to make wearing apparel contain a "care label" which informs consumers about proper procedures for such things as cleaning, drying, and ironing.

The amendments that were proposed would have extended the rule to cover all textile products including carpets and rugs, upholstered furniture, yarns and linens. The amendments would also require a more complete statement of the care procedure, the use of standardized care terminology and the establishment of a basis for the accuracy of each care procedure prescribed in a label.

On June 24, 1982, the Commission approved, with certain modifications, those amendments which would clarify the rule's existing requirements but rejected amendments which would have extended the rule to additional products. The Commission also determined that further inquiry into certain problems relating to the labeling of upholstered furniture, carpets, rugs, leather and suede might be appropriate and directed the staff to develop a plan for limited inquiry into those areas. Among the subjects the staff will monitor will be the industry's voluntary labeling efforts. While these efforts suggest that a mandatory labeling scheme may be unnecessary, future developments could justify reevaluating the need for a rule in the area.

The amendments approved by the Commission merely clarify existing obligations. They will therefore impose little or no incremental cost on industry members. Rather, these amendments should assure consumers of clear, accurate care instructions. With clarification of the rule's requirements, manufacturers should be able to minimize inadvertent violations and to avoid unnecessary compliance costs.

Pursuant to the Commission's decisions, the staff is preparing a revised statement of basis and purpose and rule amendments for promulgation by the Commission.

Objectives: The rule and its amendment seek to inform consumers of proper care procedures to safeguard the utility and appearance of purchased textile products. The information thus made available would permit an informed choice among competing products.

Timetable:

Notice of proposed rulemaking [41 FR 3747]—January 26, 1976.

Amendments approved in substance by Commission—December 17, 1980.

Request for technical comments [46 FR 935]—January 5, 1981.

Final Commission decision on proposed amendments—June 24, 1982.

Promulgation of Rule amendments and Statement of Basis and Purpose—October 1982.

Title: Proposed Trade Regulation Rule Concerning Credit Practices

Agenda Contact: David H. Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580. (202) 724-1100.

Effects on Small Business and Other Entities: The proposed rule would probably affect large and small creditors similarly. This proposal would affect finance companies more than other creditors because finance companies make greater use of the remedies coverd by the rule.

The main costs of creditors' compliance with any rule should be one-time expenses of revising contract forms and instructional materials that they give their employees. Since creditors can spread these costs over all subsequent transactions covered by the rule, costs per transaction should therefore be low.

CFR Citation: Proposed 16 CFR Part 444.

Legal Authority: Federal Trade Commission Act 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The rule addresses the use in consumer credit transactions of a variety of contractual and other collection remedies. Remedies addressed by the rule include:

1. Confession of judgment—The debtor signs a form which authorizes the creditor to obtain a court judgment against him or her without notice to the debtor of an opportunity to be heard. The rule would prohibit the use of confessions of judgment.

2. Waivers of state property exemption—The debtor waives the right, granted by state law, to keep certain minimal property if a court judgment is obtained against him or her. The rule would prohibit the use of such waivers.

3. Wage assignments—The debtor authorizes the creditor to seize a portion of his or her wages without first obtaining a court judgment. The rule would prohibit the use of wage assignments unless they are revocable.

4. Blanket security interests in household goods—These security interests give the creditor the right to take all of the debtor's household goods in the event of default. The rule would prohibit the use of security interests in household goods except to secure credit used to finance the purchase of such goods.

5. Cross-collateral security interests—These security interests allow a merchant to take all goods that a consumer has purchased from the merchant over an extended period of time, in the event of the consumer's failure to pay for a single purchase. The rule would prohibit cross-collateral security interests unless collateral is released from the security agreement as the consumer pays for it, in the order it was purchased.

6. Deficiencies—Following the repossession and sale of collateral, the creditor can sue the debtor for a deficiency, i.e., the difference between the price obtained by the creditor for the product and the amount the consumer owes. The rule would prohibit collection of deficiencies unless the debtor is credited with the fair market retail value of the collateral.

7. Attorney's fee clauses—These clauses require the debtor to pay the creditor's attorney's fees in the event that legal action to collect a debt becomes necessary. The rule would prohibit such clauses in consumer credit contracts.

8. Late charges—Sometimes late charges are "pyramided", i.e., a creditor allocates payments in such a way that single late or missed payment may result in the debtor being assessed a late fee on all subsequent installments. The rule would prohibit pyramiding of late charges.

9. Third party contracts—The record indicates that some creditors make contacts for debt collection purposes with third parties, such as relatives, neighbors, or the debtor's employer. The rule would require creditors to agree in credit contracts not to engage in third party contracts except to locate debtors or to verify debtor assets.

10. Cosigners—Creditors sometimes have the debtor obtain one or more cosigners who agree to pay the debt if the principal debtor defaults. The rule would require creditors to give cosigners a notice informing them of their obligation, along with copies of documents relating to the debt, and to notify cosigners of serious delinquency on the part of the principal debtor before collecting from a cosigner. When a person is solicited to be a cosigner after an account is in default, the potential cosigner would have to be given a 3-day cooling off period to evaluate his or her obligation.

A variety of alternatives to the staff's recommended rule are under consideration. These include: Substituting a "loser pays" approach to attorney's fees clauses in place of the proposed ban on such clauses; limiting the proposed prohibition against third party contracts to contracts with employers; eliminating proposed protections for cosigners which go beyond disclosure of the obligations they are undertaking; elimination of the proposed prohibition on blanket security interests in household goods; deletion of the proposed cross-collateralization provision from the rule; and modification of the deficiency balances section of the rule to permit creditors to calculate deficiencies based on either the wholesale or retail value of the collateral, as determined by an actual sale.

The Commission will consider all of these alternatives, as well as others sugested by participants in the proceeding, and will decide what form of rule, if any, it should ultimately promulgate.

Although at the present time the Commission does not know what form of rule, if any, it will adopt, it is possible to identify the type of benefits that would result if it promulgates certain provisions of the proposed rule. Millions of consumers may be affected by remedies that the rule would regulate. Several provisions may produce dollar benefits for consumers by reducing excessively large deficiencies, late fees, and attorney's fees. If the final rule eliminates collection methods that result in invasions of privacy or injury to the employment relationship, it may benefit consumers by protecting their privacy or employment security. Eliminating practices by which creditors evade procedural requirements may increase the fairness with which creditors treat consumers and may improve consumers' ability to defend themselves legally when creditors demand payment even though the consumer has legitimate defenses. Eliminating some security interests may reduce the emotional and economic harm caused by seizure of and threats to seize household necessities. The cosigner provision may reduce the possibility of cosigners unexpectedly finding themselves responsible for debts. These benefits cannot be quantified with precision because the precise impact of each remedy addressed in the rule varies in each individual case.

An important qualitative benefit of any final rule may be fairer treatment of people suffering from financial difficulties. The proposed rule attempts to rectify practices that may result in some creditors unfairly threatening such individuals with the loss of their possessions and jobs and harassment of their friends and relatives.

The cost to consumers of any rule may potentially take two forms: Increases in the price of consumer credit (i.e., interest rate) and reductions in availability of credit to certain consumers.

Based on data in states whose credit laws contain provisions similar to one or more provisions of the proposed rule, economic studies and other information on the record provide an imprecise estimate of the effect a rule would have on the cost of credit. The econometric studies in the record estimate possible increases in the mean annual percentage rete for consumer credit extended by finance companies ranging from 0.19 (taking demand and supply changes into account) to 1.6 percent (taking into account only supply changes), compared to an environment of no regulation whatsoever. Staff believes this is the best estimate of cost impact. However, most states regulate some of the practices addressed in the rule. This fact renders the likely impact of the rule smaller than that predicted by empirical studies, which only measured the difference between a non-regulated environment and the effects of a rule.

Although the rule would restrain certain creditor remedies, the staff believes that such restraints would not prevent creditors from collecting debts. For example, the remedies rated as most valuable by creditors in surveys—self-help repossession [taking of collateral without first going to court] and garnishment [creditor taking a proportion of a debtor's wages directly from the employer pursuant to a court order]—would not be affected by the rule. Moreover, the fact that most serious delinquency is unintentional may limit the economic importance of any collection remedy, particularly of pressure devices such as household goods security and third-party contacts. Any effect on ability to collect debts should already be included in the estimates of interest rate changes.

The incidence of personal bankruptcy is one possible indicator of the benefits from this rule. Staff believes that the available data indicate that states that impose restrictions on harsh creditor remedies (for example, Texas, Iowa, Wisconsin, Connecticut, and Massachusetts) have a significantly lower incidence of personal bankruptcy than the nation as a whole. If the rule reduces the incidence of bankruptcy, the result may be beneficial to creditors as well as to consumers who otherwise would be subject to the costs associated with bankruptcy. Benefit to creditors may occur because, of use of a remedy by one creditor induces bankruptcy, all of the bankrupts' creditors may suffer losses. A relationship between remedies and bankruptcy therefor implies a possible external effect on other creditors from the use of remedies by any one creditor.

Objectives: When debtors default, they become subject to a variety of legal remedies that creditors use to collect money. Many creditor remedies are appropriate collection devices. Certain others, however, may inflict injury on debtors which is disproportionate to the economic value of the remedy. The proposed rule would restrict some of these remedies in cases where their use causes serious harm to debtors which is substantially greater than the resulting economic benefit to creditors from the availability of the collection remedy.

Timetable:

Notice of Proposed Rulemaking [40 FR 16347]—April 11, 1975.

Final Notice Concerning Proposed Trade Regulation Rule [42 FR 32259]—June 24, 1977.

Presiding Officer's Report—August 1978.

Staff Report—August 1980.

Final staff recommendation to Commission—October 1982.

Oral presentation before Commission—December 1982.

Commission consideration—February 1983.

Title: Eyeglasses II

Agency Contact: Gary Hailey, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3452.

Effects on Small Businesses and Other Entities: An Eyeglasses II rule may have an economic impact—both positive and negative—on small entities. The primary impact on small entities could stem from the increased competition in the vision care industry which can be anticipated as a result of the deregulatory effect on the rule. The affirmative requirements of the proposed rule which relate to the release of eyeglass prescriptions and contact lens specifications could stimulate competition by affording consumers the opportunity to comparison shop for prescription eyewear. Similarly, rule provisions removing certain restraints on commercial opthalmic practice could enhance competition in the vision care industry by permitting small entities (i.e., optometrists and opticians) to engage in alternate modes of practice, or to expand, should they desire to do so. On the other hand, the affirmative requirements of a rule could impose some compliance costs. For example, in complying with their obligations to release patients' prescriptions, small entities subject to the rule would be required to incur some record-keeping, postage, and photocopying costs.

CFR Citation: 16 CFR Part 456 (amended).

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The staff of the FTC's Bureau of Consumer Protection has identified a number of state and private restrictions on the delivery of eye care goods and services which may decrease consumer access to vision care services, increase the cost of those services, and impede the growth of alternative methods of organizing eye-care practices. The principal question the Commission is exploring is the impact of the restrictions discussed below on the price, quality, and availability of vision care. The Commission's investigation has sought, through the development of empirical market research, to determine whether higher prices result from these restrictions and, if so, whether offsetting consumer benefits also result from these restrictions. The Commission staff is aware of little evidence to support the assertion by proponents of these restrictions that they are necessary to protect the public health and safety. Any such effect would be the primary cost of the proposed rule.

Restraints that limit or ban "commercial" practice by vision care providers are one type of restriction the Commission has studied. These restraints prevent a practitioner from working for a non-professional corporation, from locating a practice in a high-traffic location (such as department store) and from operating branch offices. These restrictions may inhibit opticians, optical chains and department stores from competing directly with optometrists because legally they cannot hire optometrists to conduct eye examinations. The restraints also prevent individual practitioners from locating in areas such as shopping centers where the potential for developing high-volume operations is greater than in professional office buildings. The growth of optical chains and other high-volume businesses, which may be able to charge lower prices than small independent practitioners because of economies of scale, appears to be inhibited by these restrictions. Proponents of commercial practice restrictions, however, argue that the restraints are necessary to maintain professionalism and to assure high-quality vision care.

State-imposed limitations on the services that opticians may provide directly to consumers are the second type of restriction under investigation by the Commission. These restrictions prevent opticians from fitting contact lenses and from duplicating a pair of eyeglasses without a prescription. The primary justification advanced in support of these restrictions is that opticians are not technically competent to perform these tasks. However, these restrictions may have a significant economic impact on consumers. For example, if a consumer without a valid prescription cannot have a broken or scratched lens replaced, or have a duplicate pair of eyeglasses prepared from an existing pair of eyeglasses, then he or she must first undergo an eye examination and obtain a prescription. This may add $25 or more to the price of obtaining a duplicate lens or pair of eyeglasses.

The alternatives to an FTC trade regulation rule include a formal complaint against an ophthalmic board or association or practitioner alleged to have engaged in unfair acts or practices, a voluntary guide defining unfair acts or practices, legislative recommendations to Congress or to the States (including development of model state laws), or the release of a public report setting forth the findings of the Staff. These alternatives, however, would not have the same force and effect as a trade regulation rule, and therefore may not be the most efficient method for eliminating existing consumer injury.

Objectives: The objective of the investigation is to prevent consumer injury arising from public and private restraints which increase consumer prices but which do not appear necessary to protect the public health and safety.

Timetable

Advanced Notice of Proposed Rulemaking [45 FR 79823]—December 22, 1980.

Staff recommendation to Commission—December 1982.

Preliminary Regulatory Analysis and Initial Regulatory Flexibility Analysis—If a Notice of Proposed Rulemaking is issued.

Title: Food Advertising

Agency Contact: Melvin H. Orlans, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724–1529.

Effects on Small Businesses and Other Entities: The proposed rule is not expected to have a significant economic impact on a substantial number of small entities. Small businesses account for a relatively small percentage of food advertising. Moreover, most small businesses engaged in such advertising are retail food businesses that are largely exempted from the rule. These exemptions thus further reduce the minimal impact of the rule on small businesses.

CFR Citation: Proposed 16 CFR Part 437.

Legal Authority: Federal Trade Commission Act, 5, 12, 15, and 18, 15 U.S.C. 45, 52, 55 and 57(a).

Abstract: The proposed rule would standardize certain terms when used in food advertising and require disclosure of additional information in the following areas: Natural food claims; energy and weight control claims; and fat, fatty acid, and cholesterol claims. Foods could be advertised as natural if they contain no artificial or synthetic ingredients and are not more than minimally processed. If a food has been more than minimally processed, it could still be advertised as natural if either the processed ingredients or the processes themselves are disclosed. Additionally, natural foods could not be advertised as superior simply because they are natural. Alternatives under consideration include a simple prohibition against making a natural claim where a food contains artificial or synthetic ingredients, and the possibility of taking no action.

Advertisements making energy claims would have to disclose that the claims mean that the food provides calories. Weight control claims would have to disclose the number of calories in a serving of the advertised food (unless the food meets FDA standards for a "low calorie" food). Consideration will also be given to taking no rulemaking action in this area and to the possibility of incorporating a "sunset" provision.

Finally, the rule would deal with two types of fatty-acid and cholesterol claims: Content claims, which simply state the content (e.g., no cholesterol), and health-related claims which refer to heart or artery disease. Concerning content claims about cholesterol or fatty acids, the rule would require disclosure of either the amounts of the other dietary constituent thought to be related to heart and artery disease or, in broadcast media, a disclosure that the advertised food contains these other components and the label may be consulted for precise information. For health related claims, the rule would prohibit certain claims that are unsubstantiated or false. Other advertisements must disclose the existence of a scientific controversy concerning the relationship between fat and cholesterol in the diet and the risk of heart of artery disease.

A variety of other possible disclosures are being considered in lieu of the recommended disclosures for both content claims and health claims. In addition, case-by-case enforcement as an alternative to rulemaking action will be considered.

With respect to natural food claims, the rule may provide benefits by enabling consumers to determine which foods meet their expectations in this area. The section of the rule dealing with energy and calorie claims also may aid consumers who would be deceived into purchasing products they might not otherwise desire. The fat, fatty acid, and cholesterol portion of the rule may enable consumers to avoid being deceived about the cholesterol-fatty acid content of food or about a food's possible use in minimizing the risk of heart disease. Consumers may be benefited, therefore, by receiving better information that may influence their purchase decisions, possibly to the benefit of their health.

However, there may also be costs imposed by this rule. Thus, the "natural" section might impose costs on consumers who have a different understanding of the term "natural" than the standard promulgated by the rule. Such consumers may find it difficult to locate products they desire. The section of the rule dealing with energy and calorie claims may impose costs on advertisers resulting from the disclosure requirements. The cholesterol-fatty acid provisions may also impose such costs, and might cause certain advertisers to abandon useful claims to avoid the required disclosures.

The staff is in the process of presenting for Commission consideration a statement of basis and purpose and related documents.

Objectives: The rule is intended to ensure that consumers have accurate and reliable information by prohibiting certain claims in food advertising, and by requiring additional information in some advertisements.

Timetable:

Initial Notice of Proposed Rulemaking [40 FR 23086]—May 28, 1975.

Final Notice of Proposed Rulemaking [41FR 8980]—March 2, 1976.

Final Commission consideration of rule as tentatively approved in May and September 1980—October 1982.

Title: Funeral Industry Practices

Agenda Contact: Pamela J. Coveney, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3432.

Effects on Small Businesses and Other Entities: The rule will require funeral providers to formulate and distribute itemized price lists and to incorporate certain affirmative disclosures into these lists. It will also require funeral providers to retain copies of the price lists and the statements of funeral goods and services for one year. Because most funeral providers are small businesses, the rule will effect a substantial number of small entities.

CFR Citation: 16 CFR Part 441.

Legal Authority: Federal Trade Commission Act 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: On July 28, 1982, the Commission voted to approve a trade regulation rule for funeral industry practices. The rule has the following major provisions:

(1) Price disclosures. The rule would require that consumers be provided with itemized price information in the funeral home upon beginning discussions about particular services or merchandise. It would further require that itemized price information be available to consumers over the telephone upon request and that they be given a written statement listing charges for the services and merchandise they select at completion of their arrangements conference.

(2) Misrepresentations. The rule prohibits certain specific misrepresentations. Funeral providers may not state that embalming is required by law in all cases, that a casket is required by law for direct cremations, or that the law requires an outer burial container to surround the casket in the grave when such is not the case. Another provision prohibits misrepresentations about the preservative value of funeral goods or services.

(3) Other Unfair or Deceptive Practices. The rule would prohibit funeral providers from requiring caskets for direct cremations and would require that unfinished wood boxes or alternative containers be made available to customers desiring to arrange direct cremations. It would further prohibit funeral providers from conditioning the sale of goods or services upon the purchase of other goods or services.

The Commission has considered several alternatives to the proposed trade regulation rule. They include: (1) Taking no action; (2) issuing a non-binding industry guide; and (3) issuing a model state law for consideration by the states. The Commission rejected the first alternative because it believes that current industry practices result in injury to consumers which the rule can eliminate, thereby producing benefits that exceed costs to the industry. It rejected the second alternative, i.e., reliance on industry guides, because there is no assurance that voluntary guides would substantially alter business practices in this market. Since there is no consensus among funeral providers that certain practices, such as unit pricing, are harmful to consumers, the Commission concluded that substantial numbers of funeral directors would not comply with voluntary guides. The Commission rejected the third alternative, reliance on state action, because its review of state legislation pertaining to funerals indicated that most states have not enacted measures which protect consumers to the same degree as the rule.

Many of the rule's provisions, such as the prohibitions on misrepresentation, involve no additional costs to funeral providers. Other provisions, however, entail some compliance costs. Funeral providers who use unit pricing will have to revise their pricing system and to incur the costs of preparing new price lists, notebooks or charts to comply with the rule. They may have to spend additional time in disclosing prices over the telephone. The disclosure provisions of the proposed rule also will result in compliance costs associated with the time it takes funeral providers to prepare these disclosures and incorporate them into these price lists. Another rule provision would require that funeral providers make alternative containers or unfinished wood boxes available to persons wanting cremation. This would impose some compliance costs on funeral providers in the time needed to order and purchase the items, and the space required to store such containers. It is the Commission's judgment, however, that such compliance costs will not exceed the benefits of this provision. The cost of these alternative containers is low, and they can be easily stored.

The Commission judges that the benefits to consumers of the itemization requirements and the required disclosure of information will be significant. Most funeral providers use a system of unit pricing which involves the disclosure of one price for a package of funeral goods and services that the funeral provider pre-selects. With the rule, it will be easier for consumers to shop comparatively, thereby maximizing the opportunity to find the lower-priced merchandise. Consumers also will have access to enough select information at the beginning of the funeral transaction to select only those items that they wish to purchase when arranging a funeral. The rule will also reduce the incidence of other practices that frequently occur, such as embalming without prior permission, failing to disclose accurate information about legal and cemetery requirements and requiring consumers to purchase caskets for cremation.

Objectives: The purpose of the proposed rule is to make detailed, accurate information about prices and legal requirements available to consumers at the beginning of the funeral transaction so that they can make informed choices about the combination of goods and services.

Timetable:

Commission approval of the rule—July 28, 1982.

Issuance of the rule and submission to Congress—September 1982.

Effective date of the rule—The rule will become effective 90 days after the conclusion of the legislative review process if it is not vetoed.

Title: Health Spas

Agenda Contact: John Crowley, New York Regional Office, Federal Trade Commission, 26 Federal Plaza, New York, New York 10278, (212) 264–1213.

Effects on Small Businesses and Other Entities: The proposed rule would have a significant economic impact on a substantial number of small entities by varying required contract terms and imposing monetary refund requirements where none presently exist.

CFR Citation: Proposed 16 CFR Part 443.

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The proposed rule would require that health spa membership contracts include provisions which would grant consumers the right to cancel and receive a full refund without penalty during a three-day cooling-off period. If a seller's facilities are not yet fully operational, the proposed rule would provide that the consumer's right of cancellation may be exercised within ten days after receipt of notice that the spa facilities are fully operational and available. Following the expiration of the cooling-off period, the proposed rule would require that the health spa contract afford the consumer an additional right to cancel at any time prior to the contract's expiration. In this instance, however, the seller would be allowed to retain a cancellation fee not in excess of 5 percent plus a pro rata portion of the contract price. The balance of the contract price would have to be refunded to the consumer within ten business days after cancellation of the contract.

Other provisions of the proposed rule prescribe the manner and form of giving the consumer notice of his cancellation right, prohibit the use of long-term contracts, and prohibit the receipt of more than 5 percent of the contract price from consumers if a spa is not fully operational and available for use.

All industry members would incur costs for printing new contracts in order to comply with the proposed rule. Membership cancellations attributable to the requirement of the proposed rule would adversely affect the cash flow of health spas. Consumers would benefit from the proposed rule's unlimited cancellation rights to the extent thay are not currently granted by the industry.

Alternatives under consideration include a rule that would prohibit certain business practices by industry members and would require full disclosures of all ramifications of a health spa membership purchase. The costs of this alternative proposal to industry would be minimal, since the major expense would be in printing modifications to existing contracts and possibly supplying consumers with some additional written material. Consumers would benefit by possessing all information necessary to making an informed decision prior to actual purchase of the membership.

Other alternatives under consideration include changes in the nature of the refund requirement, or changes in other provisions of the rule. In addition, the Commission will consider case-by-case enforcement as an alternative to rulemaking.

Objectives: The Rule is intended to create economic incentives for health spas to avoid unfair or deceptive sales practices and to provide consumers with contractual remedies which they can use to protect themselves when necessary.

Timetable:

Initial Proposal (40 FR 34615)—August 18, 1975.

Presiding Officer's Report—April 1979.

Staff Report—Third Quarter FY 1983.

Public Comment on Presiding Officer and Staff Reports—No less than 60 days following publication of staff report.

Title: Hearing Aids

Agency Contact: Marc Winerman, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3553.

Effect on Small Businesses and Other Entities: The proposed rule would give hearing aid buyers the right to cancel purchases within thirty days after sale. Since most hearing aids are sold by small businesses, the rule is expected to affect a large number of small businesses. Should some costs of implementing the rule be passed back from dispensers to manufacturers of hearing aids (e.g., return of aids rejected by customer), there will be some impact on small manufacturers of aids as well.

CFR Citation: Proposed 16 CFR Part 440.

Legal Authority: Federal Trade Commission Act, 5, 12, 15, and 18, 15 U.S.C. 45, 52, 55, and 57(a).

Abstract: The proposed regulation currently under consideration would afford hearing aid purchasers a right to cancel the transaction within 30 days of purchase subject only to specified cancellation charges.

Staff has explored an alternative rule proposal that would require hearing aid dispensers to disclose whether they offer a trial period. An informational remedy may also include specific advertising prohibitions. In addition, staff will consider the possibility of FTC intervention before other Federal agencies regulating the dispensing of hearing aids, as well as case by case enforcement, as alternatives to a Commission rule.

If a trial period is required, the costs of the rule will be the dispenser's loss on the returned aid and the administrative expense of complying with the rule. This loss will be mitigated, among other things, by a cancellation fee and by the opportunity to re-sell the used aid. The greatest impact will be felt by dealers who do no currently offer customers trial periods with the sale of a hearing aid, particularly dealers with a high percentage of dissatisfied customers. Many dealers now offer trials. For these dealers the rule is expected to have little or no impact beyond the administrative cost of complying with the rule, or any change in current practices which may be directed by the Commission with respect to cancellation fees or other charges associated with trials. The benefit will be to protect consumers from deceptive and unfair sales practices, and from the risk that a hearing aid will not significantly enhance hearing.

Objectives: the purpose of this proposal is to prevent deceptive and unfair sales practices in the sale of hearing aids and to give consumers contractual remedies against the risk that a hearing aid device will provide on significant benefit to the user.

Timetable:

Rule Proposed (40 FR 26646)—June 1975.

Presiding Officer's Report—August 1977.

Original Staff Report—November 1978.

Initial Commission Consideration—October 1979.

Revised Staff Recommendation Forwarded to Bureau—October 1982.

Title: Amendment to Trade Regulation Rule Concerning Preservation of Consumers Claims and Defenses ("Holder-in-Due Course Rule")

Agency Contact: David Williams, Division of Credit Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 724-1100.

Effects on Small Business and Other Entities: The proposed amendment would extend to creditors the leval responsibility for compliance with the existing rule (16 CFR Part 433). Because transactions in question are already covered by the rule, any effects on small creditors should be minor and will occur only as a result of increased compliance, not from new substantive responsibility. Because the existing rule already applies to retail sellers, the amendment should have no appreciable effect on other small businesses.

The amendment will shift some compliance responsibility from small businesses to creditors which control the contract form. Technical changes clarifying the amendment should reduce certain costs now expended in complying with the rule when a seller is uncertain of its coverage.

CFR Citation: 16 CFR Part 433.

Legal Authority: Federal Trade Commission Act 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The original rule, effective in May 1976, requires sellers to ensure that credit contracts used in consumer installment sales and purchase money loans (loans made to finance a purchase from a seller with whom the lender has a working relationship directed at consumer sales or financing) contain a provision which makes any holder of the contract subject to all legal claims and defenses related to the sale transaction which the buyer may have against the seller. The amendment would extend to creditors who make purchase money loans or who purchase retail installment contracts the obligation to ensure that credit contracts contain the required provision. The amendment also would make six technical revisions in the rule to facilitate compliance, clarify sellers' and creditors' liability for failure to comply and make the required contract clause more comprehensible to consumers.

During the course of the proceeding the Commission has considered four major alternative courses of action. These were:

1. Rejection of the amendment. This would have left the rule in its original form with compliance obligations imposed only on sellers.

2. Postponement of decision on the amendment, pending acquisition of more information on the level of compliance with the original rule.

3. Adoption of the amendment in the form originally proposed. This alternative would have extended the rule to creditors in the same manner as the amendment that was adopted. In addition, compliance obligations with respect to purchase money loans would have been removed from sellers. No other revisions or clarifications would have been made in the rule.

4. Adoption of an amendment extending the rule to creditors and also making additional technical improvements in the rule to respond to concerns raised during the proceeding.

The most fundamental choice before the Commission is whether to adopt some form of amendment extending compliance obligations to creditors. The staff believes creditors should be covered, based largely on evidence that creditors play a major, and often dominant, role in determining whether credit contracts covered by the rule contain the required language preserving consumer rights. Creditors frequently draft the installment sales contracts used by associated sellers and virtually always are responsible for the purchase money loan contracts they use themselves. Moreover, when creditors use (or purchase from sellers) contracts that violate the original rule, the resulting cutoff of consumer rights is the specific legal result of creditor participation in the transaction.

The proposal would amend an existing rule, so the ultimate benefits are those achieved by the rule itself: An overall improvement in the retail marketplace due to increased scrutiny by creditors of the sellers with whom they do business; availability to consumers of certain legal claims and defenses against creditors which would otherwise be foreclosed in the event of dispute between the consumer and the third-party creditor. Specifically, the amendment may enhance compliance with the rule by making creditors directly responsible for inclusion of the required contract provision.

Staff believes cost of compliance with the amendment should be minimal. Evidence of record in this proceeding indicates that many creditors already undertake many or all the steps which are required, directly or indirectly, by the amendment. This is because creditors are often the originators and suppliers of the contracts used in the transactions covered by the existing rule. Some creditors may have slightly increased costs associated with screening contracts and maintaining current awareness of the business reputations of the retailers with whom they deal. Staff believes costs are not likely to be substantial.

Objectives: The underlying objective of the amendment is the same as that of the original rule—to ensure that a purchaser's duty to pay is not separated from sellers' duty to perform as promised when consumer sales are financed by third party creditors or purchase money lenders.

The extension of compliance obligations to creditors is intended to encompass within the rule all parties to the practices covered by the rule. It should also enhance enforcement of the rule because in many transactions covered by the rule creditors play an important role in determining the content of contracts. The technical changes made in the rule by the amendment are intended to make the rule easier for consumers and business to work with and understand.

Timetable:

Promulgation of Trade Regulation Rule and Statement of Basis and Purpose [40 FR 53506]—November 18, 1975.

Notice of Proposed Amendment to Trade Regulation Rule [40 FR 53530]—November 18, 1975.

Final Notice of Proposed Amendment [41 FR 5305]—February 5, 1976.

Guidelines on TRR Concerning Preservation of Consumers' Claims and Defenses [41 FR 20022]—May 14, 1976.

Statement of Enforcement Policy [41 FR 34594]—August 16, 1976.

Two-Party Open End Consumer Credit Contracts [42 FR 46509]—September 16, 1977.

Presiding Officer's Report Regarding Proposed Amendment [43 FR 6810]—February 16, 1978.

Staff Report on Proposed TRR Amendment [43 FR 54950]—November 24, 1978.

Commission approval of substance of amendment and invitation to comment on text changes [49 FR 65771]—November 15, 1979.

Final Commission Action—November 1982.

Title: Amendment To Labeling and Advertising of Home Insulation Rule

Agency Contact: Kent Howerton, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington D.C. 20580, (202) 376-2891.

Effects on Small Businesses and Other Entities: The rule revision under consideration is not expected to have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). The Commission has, however, requested public comment on the extent to which small businesses would be affected by the rule's television advertising disclosure requirements or possible alternatives in its Advance Notice of Proposed Rulemaking, 46 FR 47236, September 25, 1981. Similarly, the Commission's decision to lift the stay of the representative thickness testing requirement is not expected to have a significant impact on small businesses.

CFR Citation: 16 CFR Part 460.

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 57(a).

Abstract: The Commission's home insulation trade regulation rule became effective on September 29, 1980. The rule requires manufacturers of insulation products sold for residential use to test their products to determine insulating ability ("R-Value"), and to disclose R-Value and related information on product labels and on fact sheets to be made available to consumers by retailers and professional installers. It requires disclosure of R-Value and related information by insulation retailers and installers and by new home sellers. It requires advertisers to have a reasonable basis for energy savings claims they make about specific insulation products, and to disclose specific additional information in advertisements or other promotional materials when they make energy savings claims about an insulation product or refer to the products thickness, R-Value or price.

The Commission has announced its intention to reopen the rulemaking proceeding to consider whether it should amend the rule's disclosure requirements insofar as they apply to television advertising. (See ANPR, 46 FR 47237 (September 25, 1981)). The Commission has temporarily delayed the effective date of those disclosure requirements pending completion of these amendment proceedings.

The TV advertising disclosure requirements currently in the rule may benefit consumers by ensuring that consumers have an opportunity to understand and evaluate claims that may otherwise lead to misguided purchasing decisions. In many cases, R-Value competition should redound to the benefit of smaller manufacturers whose products often compare well on an R-Value basis with those manufactured by the dominant members of the industry. The disclosure requirements should allow the smaller industry members to compete more effectively with the largest members of the industry.

The Commission fashioned the original disclosure requirements, wherever possible, to contain the least restrictive alternative for providing essential information to the consumer purchasing insulation. From evidence in the rulemaking proceeding, the Commission found that the disclosure requirements would not impose substantial costs on industry members. The Commission reduced recommended advertising disclosures, particularly in the area of savings claims, in an attempt to minimize intrusion on advertising space and time. It also designed the R-Value explanatory disclosure for advertisements in summary fashion, referring the consumer to fact sheets at the point of sale for more detailed information, in an attempt to minimize the economic burden on advertisers.

The major element of cost attributable to the rule's TV advertising disclosure requirements is the time necessary to make either of the two alternative audio disclosures required only when specific claims are made in the advertisement. The audio disclosure will consume approximately five (5) to ten (10) seconds of the TV advertisement.

Notwithstanding the Commission's findings based on the previous rulemaking record, the Commission now is interested in examining further the impact of the rule's disclosure requirements for television advertising, and the impact on benefits and costs of possible alternatives to those requirements. The Commission invited submission of evidence and the views of interested parties concerning whether or not the Commission should amend the TV advertising disclosure requirements. Possible alternatives to the disclosure requirements of the rule originally promulgated include: amended disclosures or disclosure language; shortened disclosures; no disclosures; and different requirements as to the manner in which required disclosures must be made. The staff is presently reviewing the comments received in response to the ANPR and is preparing its recommendations for Commission consideration.

In addition, the Commission has determined to lift the temporary stay of the requirement (16 CFR 460.6) to test insulation of its representative thickness. The basis for this decision is the availability of thick calibration testing samples from the National Bureau of Standards, so that such testing is commercially feasible. The costs imposed on the insulation industry involve the changeover to new testing methods and any necessary changes in production, packaging or labeling. It should be noted, however, that—but for the stay of § 460.6—these costs would have been imposed by the original rule. Lifting of the stay will benefit consumers by eliminating the misleading overstatement of R-Value resulting from thin sample testing; it will also permit a more accurate comparison of the R-Values of competing insulation products.

Objectives: The objective of the reopening with respect to television advertisements is to explore less burdensome alternatives to the disclosure requirements promulgated in August 1979. The objective of the representative thickness requirement is to ensure that the R-Values disclosed are as accurate as possible.

Timetable: Proposal to stay representative thickness testing requirement and television advertising disclosure requirement of rule [45 FR 37674]—June 1, 1980

Temporary stay of representative thickness testing requirement and television advertising disclosure requirements issued [45 FR 54702]—August 15, 1980

Rule (except provisions temporarily stayed) effective—September 29, 1980

ANPR concerning reopening of proceeding to consider television advertising disclosure requirements [46 FR 47236]—September 15, 1981

Notice of intention to lift stay of representative thickness testing requirement [47 FR 6026]—February 10, 1982

Lifting of stay of representative thickness testing requirement [47 FR 36806]—August 24, 1982

Commission consideration of television advertising disclosure requirements—February 1983

Title: Mobile Home Sales and Service

Agency Contact: Eloise Gore or Allen Hile, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3500.

Effects on Small Businesses and Other Entities: Most of the approximately 200 mobile home manufacturers and 12,000 mobile home dealers in the U.S. are small businesses. The proposed rule will have an impact on these businesses. The rule is not expected to have an impact on other small entities.

CFR Citation: Proposed 16 CFR Part 441.

Legal Authority: Federal Trade Commission Act, 5 and 18, 15 U.S.C. 45 and 47(a).

Abstract: The staff has recommended a trade regulation rule concerning warranty practices in the mobile home industry. The recommended rule would set 30-day time limits within which a warrantor must complete warranty repairs and would require warrantors or their service agents to make a pre-occupancy inspection of a home. It would also require that manufacturers who offer written warranties on mobile homes maintain recordkeeping systems and disseminate a consumer questionnaire to monitor the adequacy of factory and dealer repairs. The recommended rule also would require that manufacturers enter into written service agreements with dealers and others who perform warranty repairs which specify who is responsible for making repairs. Under the recommended rule, written warranties would have to include specific time deadlines for service; set up and transportation damage could not be excluded from coverage; and repairs could not be contingent on return of the home to the factory or return of a registration card.

The recommended rule would affect most heavily those firms that do not currently meet their warranty obligations in an adequate or timely manner. For such companies, the rulemaking staff estimates that the total compliance costs of the recommended rule in 1981 dollars would be no greater than $139 per mobile home for large firms, $145 per mobile home for medium-sized firms, and $163 per mobile home for small firms. Since about 80 percent of all mobile homes are sold by companies that manufacture 1,000 units or more annually, unit cost increases for most homes should not exceed the $145 per home estimate applicable to medium-sized firms. This figure represents roughly 1 percent of the average wholesale price of a new home.

The recommended rule would tend to spread the risk of defect-related repair costs among all mobile home purchasers. Staff estimates that slightly over 20 percent of buyers of new mobile homes would save about $242 on repairs that manufacturers or dealers previously would have refused or otherwise failed to service under warranty. Owners would also be spared unquantifiable but nonetheless real transaction costs. An additional 15 percent of buyers would have service expedited by an aveage of about 4 months. While it is again difficult to assign a dollar value to this improved service, staff believes that benefits would be substantial, since consumers are presumably anxious to have problems corrected promptly.

It is possible that the risk-sharing benefits discussed above could largely offset total compliance costs. By assigning ultimate responsibility for set-up defects to manufacturers, the recommended rule is designed to motivate companies to monitor dealer performance more closely and help ensure that the useful life of homes will not be shortened by structural deterioration from improper installation and leveling. Thus, the rule could lower manufacturing and set up defect rates. Consumers may also benefit from stricter quality control at the factory. (Although such quality control and dealer monitoring functions would impose costs not included explicitly in the $145 compliance cost estimate, these efforts would be undertaken only if they at least paid for themselves in reduced warranty outlays. Thus, $145 if a valid upper-limit estimate of combined warranty, quality control, and monitoring costs.) Improvements in product quality or warranty service could also encourage lending institutions to offer more attractive credit terms to mobile home purchasers, if improvements reduce the risk that defects will reduce the resale value of the home. Finally, industry compliance with the recommended rule's performance standards may allow consumers to comparison shop more easily for mobile homes, if consumers use written warranties as an indication of quality.

The appropriate degree of flexibility for each rule provision remains to be resolved. An alternative to specific time deadlines for warranty repairs would be to allow individual manufacturers and dealers to set their own deadlines, as long as they were disclosed in their warranties. The recommended rule sets out eight issues that must be addressed in the written service agreement between the manufacturer and dealer. If specific service deadlines and related requirements are retained in any final rule, they may obviate the need for the rule to require written agreement to include some of the terms that essentially track obligations the recommended rule would impose on manufacturers.

Consideration will also be given to the need for a pre-occupancy inspection and whether responsibility for set-up and transportation damage should rest on the manufacturer.

Finally, the recommended rule requires manufacturers to monitor the effectiveness of factory and dealer warranty repairs by maintaining service records and disseminating consumer questionnaires. An alternative may be to have manufacturers select their own monitoring devides, rather than require the use of a questionnaire.

Since the provisions to be included in a final rule are stil being evaluated, the costs and benefits of the final rule, if one is adopted, may differ from those of the recommended rule. The Commission will also consider case-by-case enforcement as an alternative to rulemaking.

Objectives: Most mobile home manufacturers offer a one year written warranty to cover defects in the materials and workmanship of the home. The purpose of the recommended rule is to create additional incentives for warrantors to fulfill their warranty obligations.

Timetable:

NPRM—40 FR 23334, May 29, 1975.

Final NPRM—42 FR 26398, May 23, 1977.

Presiding Officer's Report—August, 1979.

Staff Report—August, 1980.

Final Staff Recommendations to Commission—January, 1983.

Oral Presentation before Commission—March, 19083.

Commission consideration—Third Quarter FY 1983.

Title: Proprietary Vocational and Home Study Schools

Agency Contact: Walter Gross, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202)523-3860.

Effects on Small Business or Other Entities: Most of the 6,000 schools that would be affected by the rule are small businesses. Therefore the rule is likely to affect a substantial number of small entities.

CFR Citation: Proposed 16 CFR Part 438

Legal Authority: Federal Trade Commission Act, and 18, 15 U.S.C. 45 and 57(a).

Abstract: The rule as originally issued by the Commission in 1978 required proprietery vocational and home study schools to provide pro rata refunds to students who withdraw from their courses; to provide information to prospective students concerning the school's graduation and placement records, and to provide an initial, fourteen day cooling-off period in which students could cancel their enrollment contracts and receive full refunds. In 1979, the Second Circuit Court of Appeals remanded the rule for further consideration of the breadth of the pro rata refunds requirement and the manner in which the rule required disclosure of placement and earnings information. The Court also found the rule to be procedurally deficient for not specifying the unfair or deceptive trade practiuces the rule sought to prevent.

On July 10, 1982, the Commission published the staff's recommended revised draft of the rule for sixty days of discussion and comment by interested parties. After these discussions, the staff prepared new recommendations for Commission consideration.

Alternatives under consideration include a rule that would give schools the option of providing either a strict pro rata refund remedy or a track record disclosure, a rule that would require both, a rule requiring some refunds but not on a strict pro rata basis, and a rule with no refund requirement at all. Other modifications may also be considered. Alternatives to rulemaking include case-by-case enforcement, and FTC intervention before other state and federal agencies having jurisdiction over vocational schools to prevent deceptive practices.

The rule may benefit consumers by enabling them to avoid expenditures on inappropriate courses and increasing the effectiveness of the vocational school industry in training and placing people in productive jobs.

The cooling-off track record disclosures and refund components of the rule variations under consideration would impose real social costs on schools covered. These would include administrative costs associated with processing cancellations and collecting and disseminating information. Price increases may result from these costs as well as the possibility of paying out increased refunds. Schools will face these added costs to varying degrees. Many already screen prospective students, and several schools voluntarily provide track record information. The rule should be most costly to schools that use unfair or deceptive practices to induce students to enroll in their courses. Schools that do not use these practices may not incur significant cost increases.

Objectives: The rule seeks to avoid deceptive sales practices by requiring schools to provide material information to prospective students, and to provide students with contractual remedies which they can use to protect themselves when necessary.

Time Schedule:

Proposed rule published August 15, 1974 [39 FR 29385].

Final rule published, December 18, 1978 [43 FR 60796].

Rule set aside and remanded by Second Circuit.

Court of Appeals December 13, 1979 [*Katherine Giggs Inc. v. FTC,* 612 F.2d 6548 (2nd Cir. 1979).

New staff recommendation published, July 10, 1981 [46 FR 35668].

Commission consideration of matter, February 1983.

Title: Protein Supplements

Agenda Contact: Harrison Sheppard, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Avenue, San Francisco, California 94102 (415) 556–1270.

Effects on Small Businesses and Other Entities: Large firms make most sales of protein supplements. However, a sizeable number of small firms also produce such products, and would be subject to the rule.

CFR Citation: Proposed 16 CFR Part 454.

Legal Authority: Federal Trade Commission Act 5, 12, 15 U.S.C. 45, 52.

Abstract: The proposed rule addresses the advertising and labeling of protein supplements in three ways. First, there are provisions designed to inform consumers of certain health hazards. Thus, for example, a labeling disclosure would be required warning against use for infants. Second, the rule would prohibit certain false or deceptive claims, such as the claim that use of a protein supplement can counteract or delay the signs of aging. Third, the rule would require a general disclosure in the advertising and lableing of these products that most Americans receive all the protein they need from the food they eat. Public comments on the staff and presiding officer's reports have been analyzed by the rulemaking staff and are now being considered by the Bureau of Consumer Protection. Alternatives under consideration include a rule omitting any of the three major kinds of requirements of the proposed rule, as well as a case-by-case approach to enforcement.

Adoption of the proposed rule may benefit the public by reducing and deterring the incidence of hazardous, false or misleading representations concerning the composition, use and effects of protein supplements. The costs to the public of adoption of the Rule would include cost of changing labels and costs attributable to advertising disclosures. Apart from the loss of business obtained through misleading representations, the staff believes the costs to business of adoption of the rule are likely to be small.

Objectives: The proposed rule was developed to limit misrepresentations in advertising and labeling and to provide information that some of these products may be inappropriate or hazardous for certain uses (e.g., for infants). The rule was also proposed to remedy misrepresentations about the need for dietary protein supplements to the typical consumer diet.

Timetable:

NPRM—40 FR 41144, September 5, 1971.

Final Notice of Proposed Rulemaking—41 FR 10232, March 10, 1976.

Additions and Modifications to Final Notice—41 FR 22593, June 4, 1976.

Presiding Officer's Report, June 15, 1978.

Staff Report, July 24, 1979.

Final Staff recommendations to the Commission—Third Quarter FY 1983.

Oral Presentation before Commission—Third Quarter FY 1983.

Commission consideration—Fourth Quarter FY 1983.

Title: Standards and Certification

Agency Contact: Robert J. Schroeder, Division of Service Industry Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3150.

Effects on Small Businesses and Other Entities: The rule may have a significant economic effect—both positive and negative—on small entities. Many complaints about injurious standards and certification actions were filed by small businesses who believed they were being disadvantaged in the marketplace. The rule is aimed at alleviating these injuries. On the other hand, most of the standards and certification organizations that would be subject to the rule (and therefore to any compliance costs) are small entities.

CFR Citation: Proposed 15 CFR Part 457.

Legal Authority: Federal Trade Commission Act, sections 5 and 6(g), 15 U.S.C. 45 and 46(g).

Abstract: More than 20,000 private standards exist, setting requirements for products ranging from nuts and bolts to computers. These product standards are set by trade associations, technical and professional societies, product testing laboratories, and other private-sector groups. They are relied on by consumers, building code officials, Federal and State agencies, and others for regulatory and procurement purposes. Generally, these standards provide significant benefits, such as lowering the cost of communications between buyers and sellers; improving the transfer of technology; encouraging efficiencies in design, production, and inventory; and assuring the safety, fitness, energy efficiency, or other aspects of product performance. However, substantial injury to competitors and consumers can occur when standards development or certification blocks the use of superior or lower cost technology, prevents businesses from competing in profitable industries, establishes inadequate or excessive product safety levels, inflates product prices or deceives consumers about the quality of a product.

More than 15 complaints filed with the Federal Trade Commission during the rulemaking proceeding allege injuries to competition and consumers. These injuries may occur for a number of reasons. The procedures that some private standards setting and certifying organizations use may be inadequate to prevent the process from being dominated by large producers, who have the resources to participate actively and hold positions of authority in the organizations, at the expense of small businesses and consumers. Economic injury may also occur if private standards development and certification organizations fail to examine potential adverse market effects of their actions. In addition, competitive and consumer injury may occur if such organizations fail to respond to challenges to their standards in a fair and timely manner—for example, if they do not update standards in response to technological change.

The rule that was proposed in 1978 would require standards developers to provide notice of their standards setting proceedings to representatives of all interests that are likely to be affected and to assure all interested persons fair opportunity to participate in the proceedings. Further, it would require the establishment of challenge and appeal mechanisms to resolve complaints about deceptive or unduly restrictive standards. Certifiers covered by the rule would be responsible for the truthfulness of their certifications, and would be obligated to take action to stop misuse of their seals of approval by producers.

This rulemaking is affected by the Federal Trade Commission Improvements Act of 1980, Pub. L. 96–252. More specifically, the Commission's authority to issue the Standards and Certification rule with respect to "unfair or deceptive acts or practices" under section 18 of the FTC Act has been removed. The 1980 Act leaves unaffected whatever authority the FTC might have under any other provision of the FTC Act to issue a rule with respect to "unfair methods of competition." The Commission has determined that the most efficient way to decide what Commission action, if any, is necessary in this area is to complete the analysis of the rulemaking record gathered to date (46 FR 10747).

In addition to an FTC rule addressed to unfair methods of competition, there are a variety of possible Commission actions under consideration. Industry guides or statements of enforcement policy could be issued and these could be enforced on a case-by-case basis, or cases alone could be used to enforce the law. While a rule would create definite costs of compliance, it may also ensure more rapid, across-the-board compliance than guides and/or cases, and therefore may be a more efficient way of eliminating existing consumer and competitive injuries. Also under review are other government activities that affect the area to determine whether their impact on competitive and consumer problems would reduce the need for FTC action. One such activity is implementation of OMB Circular A-119, Federal Participation in the Development and Use of Voluntary Standards. If the Circular, or some other action, alleviates consumer and competitive injuries, a Commission case-by-case enforcement approach may be sufficient, eliminating any costs associated with a rule.

Objectives: Activity in this area is intended to reduce the incidence and severity of injuries to competition and consumers that may result from private standards development and product certification activities.

Timetable:

Notice of Proposed Rulemaking—December 7, 1978; 43 FR 57269.

Final Staff Report—December 1982.

Presiding Officer's Report—60 days after Staff Report.

Post-Record Comments—60 days after Presiding Officer's Report.

Title: Used Motor Vehicles

Agency Contact: Susan M. Liss, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–1670.

Effects on Small Businesses or Other Entities: If adopted, the rule would have affected all dealers of used cars (defined as those who sell five or more used cars a year). Therefore, the rule would likely have affected a substantial number of small entities.

CFR Citation: Proposed 16 CFR Part 455.

Legal Authority: 15 U.S.C. 45 and 57(a); 15 U.S.C. 2309(b).

Abstract: The rule would have required dealers to post a window form on used cars sold to consumers which disclosed, in plain language, information concerning warranty coverage offered (if any), the meaning of an "As Is" sale (in which neither express warranties nor implied warranties are offered), and other important information. The form would have also informed consumers that oral promises are difficult to enforce and would have required the dealer to disclose certain specific mechanical condition defects known to him.

The rule would not have required dealers to offer any warranties on used cars sold, but it would have required that dealers who choose to offer written warranties disclose the basic scope and terms of the warranty coverage provided. Dealers would not hve been required to inspect vehicles under the rule, but dealers who are aware of certain specific defects in the car at the time of sale would have been required to disclose their existence. Consumers would benefit by choosing cars based on better information about the vehicle's condition and warranty coverage.

The Commission believed that the information benefits provided by the promulgated rule exceeded the costs of the regulation. Costs to individual dealers would have been limited to the cost of the form itself (projected to be 18 cents) and the administrative costs associated with filling in the required information. Projected costs of acquiring the information were considered to be zero because only information already known needed to be disclosed.

The rule and accompanying Statement of Basis and Purpose and Regulatory Analysis were published in the **Federal Register** on August 14, 1981. All of the alternatives that were considered, along with an analysis of their costs and benefits, are set forth in the Regulatory Analysis and Statement of Basis and Purpose at 46 FR 41375 to 41377. The alternatives considered included a rule mandating inspections, a rule providing for optional inspections, a mandatory third-party inspection opportunity, a cooling-off period, and various mandatory disclosures. The promulgation date for the rule was August 18, 1981. The Commission submitted the rule to Congress for review under the provisions of the FTC Improvements Act of 1980 on September 9, 1981. Because the required 90 legislative day review period did not expire before Congress adjourned in 1981, the Commission resubmitted the rule on January 28, 1982 for another 90-day review period. The rule was considered by Congress and was vetoed on May 26, 1982. The Commission has taken the rule under consideration in accordance with Section 21(c) of the FTC Improvements Act of 1980. 15 U.S.C. 57a–1(c) (Supp. IV 1980). Consumers Union has filed a lawsuit challenging the constitutionality of the legislative veto of this rule and is seeking a court order that the Rule become effective. *Consumers Union of U.S., Inc. and Public Citizen, Inc. v. FTC et al.*, No. 82–1512 (D.D.C.).

The Commission will consider how best to proceed under these circumstances. Alternatives include a new rule which would require dealers to post a window sticker indicating the extent of any warranties offered with the car or whether the car is being sold "As Is," or awaiting the outcome of the legal challenge to the Congressional veto of the rule.

Objectives: The rule was designed to define and prevent deceptive practices in the sale of used cars by dealers that may result in substantial consumer injury. These deceptive practices include oral misrepresentations by dealers about warranty coverage (e.g., misrepresentation that a warranty is offered or of the terms of a warranty, failures to disclose the meaning of warranties and warranty disclaimers prior to sale) and oral misrepresentations about the mechanical condition of used cars (e.g., false claims about condition, failures to disclose known defects, claims about condition made without a reasonable basis).

Timetable:

Notice of Proposed Rulemaking—41 FR 1089, January 6, 1976.

Final Rule Promulgated by Commission—August 18, 1981.

Resolution of disapproval adopted by Senate—May 19, 1982.

Resolution of disapproval adopted by House—May 26, 1982.

Commission consideration of alternatives—October, 1982.

Title: Pre-Sale Availability of Written Warranty Terms (Existing regulation; modifications under consideration)

Agency Contact: Eloise Gore, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3500.

Effects on Small Businesses and Other Entities: The rule applies to all manufacturers and retailers of consumer products that are warranted and cost more than $15.00. Therefore, both small and large businesses are affected. The limited available data do not provide a precise measurement of the magnitude or significance of the impact on small businesses. However, FTC staff is about to undertake a survey under the Regulatory Flexibility Act to measure the effect of the rule on "small" manufacturers and retailers.

CFR Citation: 16 CFR Part 702.

Legal Authority: Magnuson-Moss Warranty—Federal Trade Commission Improvements Act, 15 U.S.C. 2302(b)(1)(A) and 2309(a).

Abstract: The current Pre-Sale Availability Rule requires that retailers of consumer products costing more than $15 make warranty texts available to consumers prior to purchase by placing the warranty text in one or a combination of four specified locations: (1) On the product, (2) in a binder, (3) on the package, or (4) on a sign. Manufactuerers are required to provide materials sufficient for retailers to meet their obligations.

The Rule modifications currently under consideration would reduce retailers' obligations. One modification would provide two options for making warranties available: (1) Displaying the warranty text(s), and/or (2) displaying a sign indicating the availability of warranty text(s) upon customer request. In addition, staff is considering raising the dollar threshold for coverage of the Rule, and automatic adjustment of this threshold amount to reflect the inflation rate. Modification to manufacturers' compliance options are also under consideration, including a requirement that manufacturers affix the warranty text to all warranted consumer products or supply retailers with tags or labels containing the warranty text for them to affix to all displayed products.

Changes in the rule could produce benefits by reducing total costs of compliance with the present rule for retailers and manufacturers, or by more efficiently allocating compliance obligations between retailers and manufacturers. Costs may arise from reductions in the benefits of the present rule in making warranty information available to consumers.

The Commission is examining the costs, benefits, and overall effects of the Rule to ascertain which modifications would be most efficient and effective. Two large-scale surveys are being conducted to examine consumer experience with warranties and to measure the effect of the current Rule on manufacturers and retailers. The Commission believes the results of these surveys will provide valuable additional information to assist it in formulating amendments to the Rule. The Commission will formally consider this after staff has completed its analysis of the survey data.

Objectives: The Magnuson-Moss Warranty Act (15 U.S.C. 2302(b)(1)(A)) requires that the Federal Trade Commission promulgate a rule to require that the terms of written warranties for consumer products be made available to consumers prior to purchase. The Rule modifications currently being considered are intended to achieve the Congressional objective more effectively by making the Rule requirements more flexible and thus lessening the costs and burdens of compliance while still ensuring consumers access to warranties prior to purchase.

Timetable

Promulgation of the Orginal Rule—December 31, 1975 [45 FR 60168]

Commission consideration of proposed rulemaking to modify the Pre-Sale Availability Rule—March, 1983.

Title: Amendments to Octane Posting and Certification Rule

Agency Contact: James Mills, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses and Other Entities: The rule may have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). The rule's octane posting requirements apply to all 180,000 retail gasoline dealers, and its certification requirements apply to approximately 20,000 wholesalers and distributors.

CFR Citation: 16 CFR Part 306.

Legal Authority: Petroleum Marketing Practices Act, 15 U.S.C. 2801 *et seq.*

Abstract: Title II of the Petroleum Marketing Practices Act (Pub. L. 95–297, June 19, 1978) required the Commission to promulgate a rule which establishes standard procedures for determining, certifying and posting by means of a label on a the fuel dispenser, the octane rating of automotive gasoline intended for sale to consumers. The Commission's rule was promulgated on March 30, 1979 and became effective on June 1, 1979. The rule is intended to enable consumers to buy a gasoline with an octane rating that is high enough to prevent inefficient and harmful "engine knock." It is also intended to help consumers avoid buying gasoline with an octane rating that is too high for their needs. The decline of this practice, known as "octane overbuying", could result in gasoline price savings to consumers, more efficient use of energy resources and lower levels of air pollution from automotive exhaust emissions. Although compliance with the rule's testing, certification and posting requirements imposes costs on affected industry members, the rule's requirements parallel those which have been statutorily imposed in the first instance by the Petroleum Marketing Practices Act. In standardizing procedures for complying with these requirements, therefore, the rule adds little, if any, additional cost.

In addition to its major provisions, the rule also contains recordkeeping requirements which require gasoline refiners and importers to retain test records and gasoline distributors and retailers to retain octane certification records for one year. The purpose of this provision is to determine compliance with the rule by enabling appropriate law enforcement officials to trace the source of inaccurate octane representations. While the Commission, in promulgating these requirements, has attempted to minimize the burden on small businesses, the staff now believes that the rule's recordkeeping requirements may be unnecessary and that sufficient incentives may exist to retain the records without mandatory requirements. Accordingly, the staff will consider a proposed rule amendment which, through appropriate rulemaking procedures, would delete the rule's recordkeeping requirements.

Objectives: By providing consumers with accurate information concerning octane rating the rule is intended to enable them to buy gasoline with a sufficiently high octane rating to prevent "engine knock" and to avoid buying gasoline with an octane rating that is too high for their needs. The rule's recordkeeping requirements are intended to ensure the accuracy of the octane representations made. The proposed amendment proceeding will consider whether these requirements are necessary for enforcement of the rule.

Timetable:

Rule promulgated [44 FR 19160]—March 30, 1979.

Rule effective—June 1, 1979.

Staff recomendation to Commission—December 1982.

Title: Retail Food Store Advertising and Marketing Practices

Agency Contact: Lewis Franke, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses and Other Entities: Since the rule applies to all retail food stores, it may have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). Accordingly, the Commission will commence a periodic review of the rule pursuant to section 610 of the Act to assess the magnitude of such impact and the extent to which it may be reduced.

CFR Citation: 16 CFR Part 424.

Legal Authority: Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

Abstract: The Commission's Rule on Retail Food Store Advertising and Marketing Practices was promulgated on May 13, 1971, 36 FR 8781. The rule states that it is an unfair method of competition and an unfair or deceptive act or practice to offer for sale at a stated price by means of an advertisement, grocery products or other merchandise unless such products are in stock and conspicuously and readily available for sale to customers during the effective period of the advertisement at or below the advertised prices. The rule was designed to remedy problems of the unavailability of advertised products (*e.g.*, insufficient stock to meet reasonably anticipated demands) and the mispricing of advertised products (*e.g.*, shelf prices marked higher than advertised sale prices). The rule is intended to benefit consumers by ensuring that advertised items are available, that advertising-induced purchasing trips are not fruitless, and that store prices accurately reflect the prices appearing in the ads. In addition, price competition may be aided by the elimination of deceptive price claims, since consumers attracted to a particular store by an advertisement now have the right to receive the benefit of any offered price savings. Costs that may be attributable to the rule include the cost of maintaining sufficient inventory to meet anticipated demand and costs associated with the monitoring of price changes, prices, and labeling.

In accordance with section 610 of the Regulatory Flexibility Act, the Commission will shortly commence a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize any such impact.

Objectives: The objectives of the rule are to ensure that consumers receive at the grocery store the prices and goods offered to them in the store's advertisements and to enable retail food stores to compete fairly on the basis of price. The objective of the Commission's review under the Regulatory Flexibility Act is to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule can be revised to minimize this impact consistent with the rule's objectives.

Timetable:

Rule promulgated [36 FR 8781]—May 13, 1971.

Rule effective—July 12, 1971.

Request for public comment on Regulatory Flexibility Act review of rule—Fourth Quarter fiscal year 1983.

Title: Cooling-Off Period for Door-to-Door Sales

Agency Contact: Lewis Franke, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses and Other Entities: Since the rule affects all door-to-door sellers, it may have a significant economic effect on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). To assess the possible impact of the rule on such small entities, the Commission is commencing a review of the rule in accordance with section 610 of the Regulatory Flexibility Act.

CFR Citation: 16 CFR Part 429.

Legal Authority: Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*

Abstract: The Commission's rule on a cooling-off period for door-to-door sales was promulgated on October 26, 1972. The rule states that it is an unfair or deceptive act or practice for sellers of consumer goods or services with a purchase price of $25.00 or more who sell away from their place of business to fail to furnish to the buyer certain information regarding the buyer's right to cancel sales within three business days from the date of the transaction and to give the buyer a full refund of any down payment upon the buyer's cancellation. The rule requires a seller to furnish the buyer with a complete receipt or copy of a contract pertaining to the sale, along with a summary notice informing the buyer of the right to cancel the transaction. The rule also requires the seller to furnish the buyer with a completed Notice of Cancellation in duplicate, attached to the contract or receipt.

The Commission issued the cooling-off rule to remedy many problems alleged to exist in the door-to-door sales field. These included deceptive practices by salespersons to gain entry into the house, high pressure sales tactics, and misrepresentations concerning the price and quality of the merchandise sold. The rule is intended to benefit consumers by permitting them to reflect on their purchase and the terms of any contract, to compare the purchase with offerings of other sellers, and to ascertain the accuracy of any representations made. The resulting costs to sellers include the costs associated with cancellation (processing cancelled orders, returning downpayments, retrieving delivered goods, and returning traded-in merchandise) and the additional cost of printing the required cancellation notices.

In accordance with its Plan for Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to section 610 of the Regulatory Flexibility Act, the Commission is commencing a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize such impact. To determine the need for possible changes, the Commission is seeking comment on, among other matters, whether the notice of the right to cancel and the cancellation form required by the rule could be combined on one form, whether "money back guarantees" should be exempted from the rule and whether other state or federal rules overlap, duplicate or conflict with the rule.

Objectives: The objectives of the rule are to permit consumers to evaluate purchase decisions in an unhurried atmosphere, to curb high pressure and deceptive sales practices by door-to-door salespersons, and to permit comparison shopping by consumers. The objective of the periodic review is to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the rule's objectives.

Timetable:

Rule promulgated [37 FR 22934]—October 26, 1972.

Rule effective—June 7, 1974.

Request for comment on Regulatory Flexibility Act review—November 1982.

Title: Mail Order Merchandise

Agency Contact: Raymond L. Rhine, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580, (202) 376–2891.

Effects on Small Businesses or Other Entities: The rule applies to all members of the mail order industry, including small firms. To determine whether the rule has a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6), the Commission will undertake a periodic review of the rule in accordance with section 610 of the Act to assess the magnitude of any such impact and the extent to which it may be reduced.

CFR Citation: 16 CFR Part 435.

Legal Authority: Federal Trade Commission Act, 15 U.S.C. 41, *et seq.*

Abstract: The Commission's rule concerning mail order merchandise was promulgated on October 22, 1975. The rule requires mail order sellers to possess a reasonable basis for any claims made concerning shipping date or, in the absence of any specifically stated date, to ship the ordered merchandise within thirty (30) days of receipt of an order. In the event of delays in shipment, the rule establishes notification procedures whereby buyers have the option either to agree to the delay or to cancel the order and receive a prompt refund.

The Commission's rule is designed to address a number of significant consumer problems described on the record of the rulemaking proceeding, including failure to deliver ordered merchandise, unexplained delays in delivery, failure to make prompt (or any) refunds upon cancellation of an order, and inability to obtain responses to inquiries about pending orders. The rule enables consumers to obtain ordered merchandise within a reasonable time period or, if delays occur, to cancel the order and obtain a prompt refund, so that losses due to undelivered merchandise, delays, and inadequate or nonexistent refunds can be avoided. By subjecting sellers who solicit orders they cannot fill within a reasonable time to the risk of cancellation, the rule may provide competitive benefits, since buyers may shift their business to more efficient merchants. Costs relating to the rule may include the cost of establishing a system for monitoring and recording orders, deliveries, delays, cancellations, consents to delays, and refunds; the costs of complying with the rule's notification requirements regarding delays (printing, postage, etc.); the cost of processing refunds; and additional inventory costs.

In accordance with the Commission's Plan for the Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to section 610 of the Regulatory Flexibility Act, the Commission will undertake a review of this rule to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether the rule should be amended to minimize any such impact.

Objectives: The objectives of the rule are to ensure that consumers receive merchandise ordered by mail within a reasonably anticipated time period, to provide consumers with information concerning any delay and with the option of consenting to the delay or cancelling the order, and to assist consumers in obtaining prompt refunds for cancelled orders. The objective of the Commission's review under the Regulatory Flexibility Act is to determine whether the rule has had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the rule's objectives:

Timetable:

Rule promulgated [40 FR 49492]—October 22, 1975.

Rule effective—June 2, 1976.

Initiation of Regulatory Flexibility Act review—January 1983.

Title: Rules and Regulations Under the Wool Products Labeling Act of 1939

Agency Contact: Charles G. McGourty, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, Los Angeles, California 90024, (213) 824–7975.

Effects on Small Businesses and Other Entities: The rules apply to wool manufacturers and wool marketers, some of which are small businesses as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6). To assess the possible impact of the rules on such small entities, the Commission has scheduled a review of the rules during the upcoming fiscal year in accordance with § 610 of the Regulatory Flexibility Act.

CFR Citation: 16 CFR Part 300.

Legal Authority: Wool Products Labeling Act of 1939, 4(d) and 6, 15 U.S.C. 68b(d) and 68d

Abstract: The Wool Products Labeling Act of 1939 was enacted on October 14, 1940; the Act and the Commission's accompanying regulations became effective on July 15, 1941. The Act requires all wool products to bear a label showing the percentage of wool, recycled wool, and non-wool fibers contained in the product and the name of the manufacturer or other distributor. The Act prohibits the misbranding of wool products and is administered by the Commission, whose regulations establish the manner and format in which the information required by the Act is to be disclosed.

The Act and accompanying rules are designed to protect producers, manufacturers, distributors and consumers from the unrevealed presence of substitutes and mixtures of fibers in manufactured wool products. Consumers are able to make more informed decisions and to avoid unwanted or unnecessary items. Since each manufacturer must accurately label its product, competition based on content is enhanced.

Since the Commission's rules primarily implement statutory directives, most of the costs imposed on affected industry members are not attributable to the rules. However, in accordance with its Plan for Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to § 610 of the Regulatory Flexibility Act, the Commission will conduct a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and if so, whether the rules should be amended. An area for possible review is the simplification of the forms or requirements associated with the registered identification number and continuing guaranty filing provisions of the rules.

Objectives: The objective of the Act and the rules is to prevent consumers and producers from being deceived or unfairly disadvantaged by misbranding of the content of wool products. The objetive of the periodic review is to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the objectives of the Act and rules.

Timetable:

Act approved—Pub. L. No. 76–850, October 14, 1980 54 Stat. 1128.

Rules promulgated (Act and rules effective) [6 FR 3426]—July 15, 1941.

Initiation of Regulatory Flexibility Act review—Fourth Quarter FY 1983.

Title: Rules and Regulations Under Fur Products Labeling Act

Agency Contact: Charles G. McGourty, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, Los Angeles, California 90024, (213)824–7975.

Effects on Small Business and Other Entities: The rules apply to fur product manufacturers, importers, wholesalers, and retailers, some of which are small businesses. To determine whether the rules have had a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility act, 5 U.S.C. 601(6), the Commission has scheduled a review of the rules during the upcoming fiscal year in accordance with section 610 of the Regulatory Flexibility Act.

CFR Citation: 16 CFR Part 301.

Legal Authority: Fur Products Labeling Act, 7 and 8, U.S.C. 69e and 69f

Abstract: The Fur Products Labeling Act was enacted on August 8, 1951; the Act and the Commission's accompanying rules became effective on August 9, 1952. The Act and rules contain requirements for the labeling, invoicing, and advertising of fur products. The Act requires fur products to be labeled with the name of the animal which produced the fur; the country of origin; whether the furs are natural, dyed or otherwise artificially colored; and certain other characteristics of the fur product used. To ascertain compliance with the Act, fur products marketers must maintain records for each product sold. The Act prohibits the misbranding, false and deceptive invoicing, and false and deceptive advertising of fur products. It requires that animal names used conform to the Fur Products Name Guide established by the Commission, which is charged with administering the Act.

The Act and accompanying rules are designed to protect producers and consumers against misbranding, false advertising, and false invoicing of furs and fur products. Consumers are able to make more informed purchasing decisions and to avoid unwanted or unnecessary items. Since each manufacturer must accurately label its product, competition based on content is enhanced.

Since the Commission's rules primarily implement statutory directives, most of the costs imposed on affected industry members are not attributable to the rules. However, in accordance with its Plan for Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to section 610 of the Regulatory Flexibility Act, the Commission will conduct a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether the rules should be amended. Areas for possible review include simplification of the forms or requirements used in connection with the registered identification number and continuing guaranty filing provisions, modifications of recordkeeping requirements, and adjustment of exemption standards.

Objectives: The objective of the Act and the rules is to prevent consumers and producers from being deceived or unfairly disadvantaged by misbranding, false invoicing, and false advertising of furs and fur products. The objective of the periodic review is to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the objectives of the Act and the rules.

Timetable:

Act approved—Pub. L. 82–110, August 8, 1951, 65 Stat. 175.

Rules promulgated [17 FR 1205]—February 3, 1952.

Act and rules effective—August 9, 1952.

Initiation of Regulatory Flexibility act review—fourth Quarter FY 1983.

Title: Rules and Regulations Under the Textile Fiber Products Identification Act

Agency Contact: Charles G. McGourty, Los Angeles Regional Office, Federal Trade Commission, 11000 Wilshire Boulevard, Los Angeles, California 90024, (213) 824–7975.

Effects on Small Businesses and Other Entities: The rules apply to textile fiber products manufacturers and certain other textile fiber products marketers some of which may be small businesses. To determine whether the rules have had a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6), the Commission has scheduled a review of the rules during the upcoming fiscal year in accordance with section 610 of the Regulatory Flexibility Act.

CFR Citation: 16 CFR Part 303.

Legal Authority: Textile Fiber Products Identification Act 7 and 12, 15 U.S.C. 70e and 70j.

Abstract: The Textile Fiber Products Identification Act was enacted on September 1, 1958; the Act and the Commission's accompanying regulations became effective on March 3, 1960. The Act requires each household textile product to bear a label containing the percentage of each fiber contained in the product, the name of the manufacturer or distributor, and the country or orgin if the product was manufactured principally in a foreign country. The Act prohibits misbranding and false advertising of the fiber content of textile products and requires that the appropriate generic name be used for all fibers. Generic names and definitions for manufactured fibers are established by the Commission, which is charged with administering the Act.

The Act and accompanying rules are designed to protect producers and consumers against misbranding and false advertising of the fiber content of textile products. Consumers are able to make more informed decisions and to avoid unwanted or unnecessary items. Since each manufacturer must accurately label its product, competition based on content is enhanced.

Since the Commission's rules implement statutory directives, most of the costs imposed on affected industry members are not attributable to the Rules. However, in accordance with its Plan for the Periodic Review of Commission Rules, 46 FR 35118, July 7, 1981, published pursuant to section 610 of the Regulatory Flexibility Act, the Commission will conduct a review of these rules during FY 1983 to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether the rules should be amended. Among the areas which may be reviewed is possible simplification of the forms or requirements associated with the rule's voluntary filing provisions.

Objectives: The objective of the Act and the rules is to prevent consumers and producers from being deceived or unfairly disadvantaged by misbranding or false advertising of the textile fiber content of textile products. The objective of the periodic review is to determine whether the rules have had a significant economic impact on a substantial number of small entities and, if so, whether any such impact can be reduced consistent with the objectives of the Act and rules.

Timetable:

Act approved—Pub. L. No. 85–897, September 2, 1958, 72 Stat. 1717.

Rule promulgated [24 FR 4480]—June 2, 1959.

Act and rules effective—March 3, 1960.

Initiation of Regulatory Flexibility Act review—Fourth Quarter FY 1983.

Title: Review of the Premerger Notification Rules and Report Form (16 CFR Parts 801–803 and Appendix)[1]

Agency Contact: Roberta S. Baruch, Deputy Assistant Director for Evaluation, Premerger Notification Office, Bureau of Competition, Federal Trade Commission, Washington D.C. 20580, Telephone: (202) 523–3894.

Effects on Small Businesses and Other Entities: The Premerger Notification Rules do not affect nonbusiness entities or small businesses. A firm must have sales or assets of at least $10 million to be subject to any reporting obligation. Moreover, any transaction is exempt under the rules if it is valued at less than $15 million and will not result in the acquiring person's holding 50% of the voting securities of a corporation with sales or assets of $25 million or more.

CFR Citation: 16 CFR Parts 801–803 and Appendix (1981).

Legal Authority: Clayton Act 7A, 15 U.S.C. 18a.

Abstract: Section 7A of the Clayton Act (15 U.S.C. 18a, the Act) requires that persons of a certain size contemplating mergers or acquisitions of a specified size file notification with the Federal Trade Commission (FTC) and the Department of Justice (DOJ) and wait a designated period before consummating the proposed transaction. The Act also requires the FTC, with the concurrence of the Assistant Attorney General for Antitrust (the AAG), to promulgate rules requiring that the notification be in a form and contain the information about a proposed acquisition necessary to enable the FTC and DOJ to determine whether the acquisition may, if consummated, violate the antitrust laws. Accordingly, the FTC, with the concurrence of the AAG, promulgated the premerger notification rules (the Rules) (16 CFR Parts 801–803) and the Antitrust Improvements Act Notification and Report Form for Certain Mergers and Acquisitions (the Form) (16 CFR Part 803-Appendix).

The FTC's review of the premerger notification program focuses on two questions about reducing the paperwork burden imposed on the business community. First, can the number of transactions affected by the program be reduced while maintaining the program's efficiency as an enforcement tool? Second, can the quantity of information which parties to a transaction are required to submit be reduced?

On July 2, 1982, the FTC published the results of a statistical study of Premerger Notification filings received in 1981 as well as a request for comments on four possible approaches to reducing the paperwork burden. The four approaches suggested were: raising the dollar reporting thresholds, establishing higher dollar reporting thresholds for specific industries, eliminating subsequent notification requirements for certain transactions and permitting incorporation by reference in related transactions (47 FR 29182).

The Premerger Notification Office is now reviewing the comments received in response to the Notice of Request for Comments and will attempt to develop rules changes to reduce the number of persons required to file notification and to reduce the burden of filing a notification. The preliminary analysis of the comments should be completed by mid-September and a recommendation for proposed rules should be submitted to the Commission in October.

Timetable:

July 2, 1982—Notice of Request for Comments—Premerger Notification Program Paperwork Burden (47 FR 29182).

October, 1982—Recommendation to the Commission for Rules Changes to reduce the burden of filing imposed by the Hart-Scott-Rodino Premerger Notification Program.

November, 1982—Notice of Proposed Rulemaking.

By Direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 82–27966 Filed 10–27–82; 8:45 am]

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[1] The Premerger Notification Rules were adopted pursuant to 15 U.S.C. 18a rather than section 6 or section 18 of the FTC Act and therefore are not subject to section 22 of the FTC Act. (15 U.S.C. 46, 57a–1, 57b). However, the Commission believes that the review of the Premerger Notification Rules is an important regulatory initiative and for that reason should be included in the Regulatory Calendar. The Premerger Notification Rules appear on the August 12, 1981 list of regulations to be reviewed by the Presidential Task Force on Regulatory Relief.

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Thursday
October 28, 1982

Part XLV

Interstate Commerce Commission

Semi-annual Regulatory Agenda

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 420 (Sub-No. 3)]

Semi-annual Regulatory Agenda

AGENCY: Interstate Commerce Commission.

ACTION: Notice of semi-annual Regulatory Agenda to be part of a Unified Agenda of Federal Regulations.

SUMMARY: Pursuant to OMB Bulletin No. 82–16, issued under Section 6(b) of E.O. 12291 to implement the provisions of Section 5 of the Executive Order concerning Regulatory Agendas, the Commission is publishing an agenda of (1) current and projected rulemakings, and (2) existing regulations being reviewed to determine whether to propose modifications through rulemaking. Listed below are the regulatory actions to be developed or reviewed during the next 12 months. Following each rule identified is a brief description of the rule including its purpose and legal basis.

FOR FURTHER INFORMATION CONTACT: A contact person is identified for each of the rules listed below.

SUPPLEMENTARY INFORMATION: Two lists of proceedings appear below. The first contains information about subject areas in which the Commission is currently conducting rulemaking proceedings or may institute such proceedings in the near future. The second contains information about existing regulations being reviewed to determine whether to propose modifications through rulemaking. Within each list priority regulations are followed by non-priority rules.

The agenda identifies regulations likely to have a significant economic impact on a substantial number of "small entities." Accordingly, this information will satisfy the requirements of section 602 of the Regulatory Flexibility Act, 5 U.S.C. 602.

Finally, this agenda will comprise part of a Unified Agenda of Federal Regulations compiled by the Office of Management and Budget which is to be published in a single issue of the **Federal Register** in October 1982. The purpose of the Unified Agenda is to provide the public with more comprehensive documentation of the federal government's current regulatory plans, and to provide a systematic means of monitoring regulatory activity in each agency.

This notice is issued pursuant to 49 U.S.C. 10321 and 5 U.S.C. 553

Decided:

By the Commission.

Agatha L. Mergenovich,

Secretary.

A. Current and Projected Rulemakings

Priority

Title: 1. Alternative Methods of Accounting for Railroad Track Structures, Docket No. 36986.

CFR Citation: 49 CFR 1201.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 10321.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action, Date and FR Cite:

ANPRM, October 26, 1978.
NPRM, June 19, 1981, 46 FR 32289.
Supplemental Notice, March 16, 1982.
Final Action, September 30, 1982.

Abstract: This rulemaking would change the method of accounting for track structure from retirement-replacement-betterment (RRB) to ratable depreciation accounting. The Commission believes RRB accounting misstates railroad investment and earnings. Ratable depreciation accounting would (1) more accurately match the asset costs consumed in each accounting period with related revenues, (2) more accurately measure railroad investment in track assets, (3) improve the Commission's ability to assess revenue adequacy, and (4) make financial statements more comparable with other industries. RRB accounting misstates both railroad investment and earnings.

Title: 2. Railroad Classification Index, Docket No. 38559.

CFR Citation: 49 CFR 1201, 49 CFR 1241.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 10321.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action, Date and FR Cite:

NPRM, August 30, 1981, 46 FR 40060.

Abstract: The adoption of a new railroad classification methodology using the Price Index for Railroad Freight will deflate gross operating revenues for comparison with established revenue thresholds. This will prevent unwarranted upward reclassification of railroads based soley on inflation.

Title: 3. Review of Preservation of Records Rules, Docket No. 38849.

CFR Citation: 49 CFR 1220.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 11144.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action and Date:

NPRM, September 30, 1982.

Abstract: The purpose of the preservation of record rules is to assure that carrier's records are secure, readily accessible, and adequately maintained for a prescribed period of time. The regulations instruct carriers to maintain their corporate, treasury, property, personnel, insurance and claims inventory, transportation, tariffs, statistical, and miscellaneous records in hard paper copy, microfiche, or machine-readable form for certain periods. The objective of this review is to determine the relevance of each record, the appropriateness of the prescribed retention periods, and the purpose for which each record is needed for the Commission's regulatory mission. This will allow each company's management more autonomy in establishing a recordkeeping program, while reducing costs and burden.

Title: 4. Passenger Broker Surety Bonds or Insurance.

CFR Citation: 49 CFR 1043.4(b).

Legal Authority: 49 U.S.C. 10924(f)—not yet codified—part of Bus Regulatory Reform Act of 1982.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Patricia M. Schulze, (202) 275–7841.

Timetable:

Action and Date:

ANPRM, September 1982.
Public Comment Period, September 1982–October 1982.

Abstract: The Commission intends to clarify the extent of its discretionary authority to require passenger brokers to maintain bonds or insurance or both; to determine whether a need for passenger and motor carrier protection exists; and to determine whether, if such a need exists, it can be met by an exercise of the discretionary bonding/insurance authority.

Title: 5. Motor Common Carriers of Passengers—Employee Protection.

CFR Citation: 49 CFR 1130B (tentative).

Legal Authority: Section 27 of the Bus Regulatory Reform Act of 1982.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Patricia M. Schulze, (202) 275–7841; James Brown, (202) 279–7896.

Timetable:

Action and Date:

ANPRM, September 1982.

Public Comment Period, September 1982–October 1982.

Abstract: The Commission intends to determine the extent of its authority to adopt rules to assure that the protections intended by the Act are afforded to eligible employees and to explore the process by which employees may apply for eligibility determinations. Comments are also sought on the mandatory job-publishing aspect of the Act.

Title: 6. Preemption of State Regulation of Regular-Route Exit—Motor Passenger Carriers, Ex Parte No. MC–161.

CFR Citation: 49 CFR 1130.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10925, 49 U.S.C. 10935, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: James Brown, (202) 275–7898.

Timetable:

Action and Date:

NPRM, September 1982.

Abstract: This proceeding will propose rules for passenger carriers to follow in seeking permission to discontinue or reduce intrastate service, and for interested parties to object to discontinuation, in response to the Bus Regulatory Reform Act of 1982.

Title: 7. Applications for Operating Authority—Motor Passenger Carriers, Ex Parte No. MC–55 (Sub-No. 56).

CFR Citation: 49 CFR 1045B, 49 CFR 1046, 49 CFR 1100, 49 CFR 1130a.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10922, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Marc Lerner, (202) 275–7150; Barbara Reideler, (202) 275–7982.

Timetable:

Action and Date:

NPRM, September 1982.

Abstract: This proceeding will propose rules for passenger carriers to follow in applying for, and opposing applications for, interstate and intrastate operating authority, in response to Bus Regulatory Reform Act of 1982.

Title: 8. Revision of Abandonment Regulations, Ex Parte No. 274 (Sub-No. 5).

CFR Citation: 49 CFR 1121.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10362, 49 U.S.C. 10903–10906.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, November 18, 1982.

Abstract: The abandonment regulations will be modified to take account of certain recent regulatory decisions and will update and clarify them.

Title: 9. Exemption of Out of Service Rail Lines, Ex Parte No. 274 (Sub-No. 8).

CFR Citation: None.

Legal Authority: 49 U.S.C. 10505.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action, Date and FR Cite:

NPRM, March 31, 1982, 47 FR 13538.

Public Comment Period, March 31, 1982–April 30, 1982.

Final Action, October 1, 1982.

Abstract: The rulemaking will propose to exempt from the Commission's prior approval under 49 U.S.C. 10903 the abandonment of rail lines that have been out of service for two years or longer.

Title: 10. Railroad Consolidation Procedures—Trackage Rights Exemption, Ex Parte No. 282 (Sub-No. 9).

CFR Citation: 49 CFR 1111.

Legal Authority: 49 U.S.C. 10505, 49 U.S.C. 11343–11346, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, September 1, 1982.

Public Comment Period, September 1, 1982–October 1, 1982.

Final Action, December 1, 1982.

Final Action Effective, December 1, 1982.

Abstract: A class exemption will be proposed to enable railroads who seek to acquire trackable rights to do so without filing an application under 49 U.S.C. 11343.

Title: 11. Exemption of Railroads from Securities Regulation under 49 U.S.C. 11301, Ex Parte No. 397.

CFR Citation: 49 CFR 1115.

Legal Authority: 49 U.S.C. 11301.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, October 1, 1982.

Public Comment Period, October 1, 1982–November 1, 1982.

Final Action, January 1, 1983.

Final Action Effective, January 1, 1983.

Abstract: Securities of railroads will be exempt from regulation under this proposal.

Title: 12. Procedures for Handling Exemptions filed by Motor Carriers of Property Under 49 U.S.C. 11343, Ex Parte No. 400 (Sub-No. 1).

CFR Citation: 49 CFR 1100.240.

Legal Authority: 49 U.S.C. 11343.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

ANPRM, September 1982.

Public Comment Period, September 1982–October 1982.

Final Action, November 1982.

Abstract: In light of the Bus Regulatory Reform Act of 1982, the Commission is proposing procedures to handle exemption requests of motor property carriers under 49 USC 11343.

Title: 13. Removal of Restrictions From Authorities of Motor Carriers of Passengers-Intermediate Points, Ex Parte No. MC–142 (Sub-No. 3).

CFR Citation: 49 CFR 1137.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10922, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Elaine Dobbins, (202) 275–6272.

Timetable:

Action and Date:

NPRM, September 1982.

Abstract: This proceeding will propose rules for passenger carriers to follow in seeking to remove intermediate point restrictions from their existing authorities, in response to the Bus Regulatory Reform Act of 1982.

Title: 14. Zone of Reasonableness for Car Hire Charges, Ex Parte No. 334 (Sub-No. 5).

CFR Citation: 49 CFR 1033, 49 CFR 1036.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C.10706, 49 U.S.C. 10734, 49 U.S.C. 11122, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, October 22, 1980.

Public Comment Period, November 3, 1980–December 22, 1980, 45 FR 73524.

Abstract: The Commission is considering whether to increase carrier flexibility in establishing car hire charges.

Title: 15. Railroad Exemption Export Coal, Ex Parte No. 346 (Sub-No. 7).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, August 18, 1981.

Public Comment Period, September 4, 1981–December 21, 1981, 46 FR 44529.

Abstract: The Commission is considering whether to exempt either fully or partially export coal traffic from I.C.C. regulation.

Title: 16. Rail General Exemption Authority—Long and Short Haul Transportation, Ex Parte No. 346 (Sub No. 3).

CFR Citation: Proposed to eliminate—49 CFR 1300.28, 49 CFR 1300.56, 49 CFR 1300.65, 49 CFR 1300.200, 49 CFR 1301. Proposed to establish—49 CFR 1039.12.

Legal Authority: 49 U.S.C. 10505.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Martin E. Foley, (202) 275–7189.

Timetable:

Action, Date and FR Cite:

NPRM, October 29, 1979, 44 FR 61981.

Public Comment Period, December 16, 1980, 45 FR 83380.

Public Comment Period, October 29, 1979–March 5, 1981, 44 FR 61981, 45 FR 56, 46 FR 9607, 46 FR 14364.

Abstract: The Commission is considering changes in its procedures for the handling of applications for relief from the statutory restrictions in 49 USC 10726 (long and short haul restrictions). Relief is routinely granted in certain circumstances and the Commission has sought comments (on two separate occasions) on the proposal to eliminate the application procedures in those particular cases, or alternatively to exempt rail carriers from the provision of 10726 altogether. The matter is pending.

Additional Information: Adoption of proposed rules would relieve rail carriers from the current requirement that they seek prior approval for certain types of rate actions. Thus, the public (notably, the rail carriers) would realize a savings through adoption of the proposal.

Title: 17. Revenue Need Standards for Motor Carriers of Passengers.

CFR Citation: None Yet.

Legal Authority: Bus Regulatory Reform Act of 1982.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Ward L. Ginn, Jr., (202) 275–7488.

Timetable:

Action and Date:

NPRM, November 1, 1982.

Abstract: To assist the Commission in evaluating general rate increases or other proposals concerning changes in interstate bus transportation as may be required under pending legislation.

Title: 18. Revenue Need Standards in Motor Carrier General Increase Proceedings, Ex Parte No. 128.

CFR Citation: None.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Ward L. Ginn, Jr., (202) 275–7488.

Timetable:

Action and Date:

NPRM, June 25, 1979.

Abstract: To assist the Commission in determining whether proposed motor carrier general rate increases should be granted as prescribed by the IC Act.

Non-Priority

Title: 1. Rules Governing Temporary Authority and Emergency Temporary Authority, Ex Parte No. MC–67 (Sub-No. 8).

CFR Citation: 49 CFR 1131.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Paul Grossman, (202) 275–7976.

Timetable:

Action, Date and FR Cite:

NPRM, February 24, 1981, 46 FR 13741.

Public Comment Period, February 24, 1981–April 10, 1981.

Final Action, October 31, 1982.

Abstract: Proposal to simplify all regulations dealing with TA's and ETA's, to implement a requirement of the Motor Carrier Act of 1980.

Title: 2. Special Temporary Authority Procedures, Ex Parte No. MC–64 (Sub-No. 2A).

CFR Citation: 49 CFR 1131.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Jane Ewing, (202) 275–1873.

Timetable:

Action, Date and FR Cite:

NPRM, June 5, 1980, 45 FR 37912.

Public Comment Period, June 5, 1980–August 11, 1980, 45 FR 46459.

Final Action, October 31, 1982.

Abstract: Proposal to add categories of emergency situations in which special temporary operating authority for motor carriers may be granted.

Title: 3. Leasing Rules Modifications, Ex Parte No. MC–43 (Sub-No. 12).

CFR Citation: 49 CFR 1057.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10922(h), 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Robert G. Rothstein, (202) 275–7912.

Timetable:

Action, Date and FR Cite:

NPRM, March 5, 1981, 46 FR 15300.

Public Comment Period, March 5, 1981–April 20, 1981.

Final Action, October 31, 1982.

Abstract: Proposes to change existing vehicle leasing rules to permit private carriers to trip-lease their equipment and drivers to regulated carriers. Perceived as necessary to assure continued participation by owner-operators in the surface transportation industry.

Title: 4. Elimination of Certificates as a Measure of Holding Out, Ex Parte No. MC–77 (Sub-No. 3).

CFR Citation: 49 CFR 1310.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 10762, 49 U.S.C. 10922, 49 U.S.C. 11101, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Suzanne Higgins, (202) 275–1871.

Timetable:

Action, Date and FR Cite:

NPRM, January 27, 1981, 46 FR 8604.

Public Comment Period, January 27, 1981–March 9, 1981, 46 FR 13751.

Final Action, October 31, 1982.

Abstract: Proposal to Re-examine the nature of motor carrier's common carrier obligation to determine whether, in view of the much broader type of authority permitted by the Motor Carrier Act of 1980, carriers must provide service exactly coextensive with all points and services contained in their certificates.

Title: 5. Elimination of Notification of ETA Application, Ex Parte No. MC–67 (Sub-No. 6).

CFR Citation: 49 CFR 1131.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10928, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Paul Schach, (202) 275–7885.

Timetable:

Action, Date and FR Cite:

NPRM, February 24, 1981, 46 FR 13741.

Public Comment Period, February 24, 1981–March 26, 1981.

Final Action, December 31, 1982.

Abstract: Proposal to cease notifying other parties before granting emergency temporary authority applications, as the delays involved in the notice procedure vitiated the emergency nature of the grant.

Title: 6. Branch Line Accounting System-Railroads

CFR Citation: 49 CFR 1201.

Legal Authority: 49 U.S.C. 10362(b)7.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Winston Warner, (202) 275–0841.

Timetable:

Action, Date and FR Cite:

NPRM, (Restatement of Regulations), January 11, 1978, 43 FR 1732.

Abstract: These rules establish a standardized system of accounting which will permit the collection and publication by railroads of information necessary to determine accurately the revenues attributable, avoidable costs, and service units of light density lines scheduled for abandonment under 49 CFR 1121 or 1125.

Title: 7. Petition to Revise Passenger Motor Carrier Superhighway and Deviation Rules, Ex Parte No. MC–65 (Sub-No. 6).

CFR Citation: 49 CFR 1042.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: S. David Berger, (202) 275–7980.

Timetable:

Action, Date and FR Cite:

NPRM, February 1, 1979, 44 FR 6580.

Final Action, December 31, 1982.

Abstract: Proposal to expand the amount by which a motor carrier of passengers may deviate from its certificated route in order to perform authorized service in an efficient and timely way.

Title: 8. Motor Carrier Classification Index, Docket No. 38377.

CFR Citation: 49 CFR 1207.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 10321.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action, Date and FR Cite:

NPRM, December 4, 1981, 46 FR 60035.

Abstract: This rulemaking would adopt a methodology for indexing the annual operating revenues of motor carriers of property in order to eliminate the effects of inflation from the motor classification process. Carriers are placed in Class I, Class II or Class III categories based upon annual operating revenues. Indexing would provide assurances that carriers are moved to a higher accounting and reporting class because of real business expansion and not from inflationary consequences. The indexing medium will be the All Commodities Producers Price Index (PPI), and the base year will be 1980. A carrier should not be reclassified upward until it exceeds the upper revenue threshold for three consecutive years instead of one year as presently prescribed. Adopting a three year revenue qualification rule would make upward and downward reclassification rules uniform.

Title: 9. Elimination of USOA and Reports for Rate Bureaus, Docket No. 38847.

CFR Citation: 49 CFR 1211, 49 CFR 1253.

Legal Authority: 5 U.S.C. 553, 49 U.S.C. 10706, 49 U.S.C. 11145.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action and Date:

NPRM, August 12, 1982.

Abstract: This Commission's decreased use of the accounting and reporting requirements for rate bureaus does not justify continuing their existence.

Title: 10. Dormancy, Division of Operating Rights, and New Competitive Service in Motor Carrier Acquisition Cases, Ex Parte No. MC–155.

CFR Citation: 49 CFR 1132, 49 CFR 1134.

Legal Authority: 49 U.S.C. 10926, 49 U.S.C. 11343, 49 U.S.C. 11344.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, January 20, 1983.

Abstract: New rules would propose to deal with the handling of sales of motor carrier operating rights involving dormant rights or rights which create additional competition by sale.

Title: 11. Discontinuance or Change of Passenger Train or Ferry Service, Ex Parte No. 428.

CFR Citation: 49 CFR 1122.

Legal Authority: 49 U.S.C. 10908, 49 U.S.C. 10909.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

ANPRM, September 1, 1982.

Public Comment Period, September 15, 1982–October 15, 1982.

NPRM, November 1, 1982.

Final Action, December 1, 1982.

Abstract: The Commission will propose to update and streamline the regulations for railroads who propose to change or discontinue passenger train or ferry service.

Title: 12. Conrail Petition to Exempt Iron Chloride from Edge Moor, DE to Baltimore, MD, Ex Parte No. 346 (Sub-No. 9).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:

NPRM, March 5, 1982.

Public Comment Period, March 5, 1982–April 5, 1982, 47 FR 9585.

Abstract: The Commission is considering whether to exempt from I.C.C. regulation movements by Consolidated Rail Corp. of iron chloride from Edge Moor, DE to Baltimore, MD.

Title: 13. Petition to Exempt Storage Leases of Norfolk and Western 1982, Ex Parte No. 346 (Sub-No. 12).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C., 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action: Next Action Undetermined.

Abstract: The Commission is considering whether to exempt leases of NW equipment to shippers for storage.

Title: 14. Costing Methodologies for the Northeast Corridor; Commuter Service.

CFR Citation: 49 CFR Chapter X.

Legal Authority: Sec. 1163(a). Northeast Rail Service Act of 1981.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Elaine Kaiser, (202) 275–0907.

Timetable:

Action, Date and FR Cite:

ANPRM, September 4, 1981, 46 FR 44999.

NPRM, January 25, 1982, 47 FR 3418.

Public Comment Period, January 25, 1982–March 1, 1982, 47 FR 3418.

Abstract: These rules establish an appropriate costing methodology for compensating Amtrak for the use of its trackage in the Northeast Corridor and other areas by commuter rail passenger and freight services. It is based on an avoidable costing methodology concept. Amtrak is treated as the dominant user and the other users of its properties as the minority users; this is for purposes of assigning joint costs.

Title: 15. Reasonably Expected Cost.

CFR Citation: 49 CFR 1129.

Legal Authority: 49 U.S.C. 10705a(b)(2), Sec. 217 Staggers Rail Act of 1980.

Effects on Small Businesses and Other Entities: No.

Agency Contact: James Wells, (202) 275–0840.

Timetable:

Action and Date:

Final Action, August 4, 1982.

Final Action Effective, September 3, 1982.

Abstract: A railroad may impose a surcharge on traffic originating or terminating on certain light density lines. These surcharges may be applied without Commission interference unless the surcharge increases the carrier's share of joint-line revenues above 110 percent of variable cost plus 100 percent of the carrier's reasonably expected costs of continuing to operate the line itself; i.e., its on-branch costs. These rules establish the methodology for determining "reasonably expected costs." It will benefit the public by permitting shippers a mechanism to monitor and determine the appropriateness of a light density line surcharge.

Title: 16. Standards for Determining Rail Service Continuation Subsidies.

CFR Citation: 49 CFR 1125.

Legal Authority: Section 205(d)(6) of the Regional Rail Reorganization Act of 1973—45 U.S.C. 715(d)(6); PL 93–236, 87 Stat. 985, 994. Amended by Sec. 309 of Railroad Revitalization and Regulatory Reform Act of 1976, PL 94–210, 90 Stat. 31, 57. 49 U.S.C. 10362(b)(6).

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: James Wells, (202) 275–0840.

Timetable:

Action and Date:

Final Action, June 16, 1982.

Final Action Effective, July 16, 1982.

Abstract: The standards define the terms "revenue attributable to the rail properties," the "avoidable costs of providing service," a "reasonable return on the value," and a "reasonable management fee." When a railroad receives Commission approval to abandon a portion of rail property because it is a burden on interstate commerce, a financially responsible person may offer an operating subsidy (i.e., a rail service continuation payment) to keep the rail line in operation. The standards establish a formula for calculating the estimated first year subsidy payment; the formula utilizes the terms defined above. This standard benefits the public by facilitating the continuation of essential freight service that would otherwise cease; it further provides a mechanism adequately compensating a carrier for the service provided.

Title: 17. Standards for Determining Commuter Rail Service Continuation Subsidies and Emergency Operating Payments.

CFR Citation: 49 CFR 1127.

Legal Authority: Sec. 304 of the Regional Rail Reorganization Act of 1973, 45 U.S.C. 715, Pub. L. 93–236, 87 Stat. 985, 994, 49 U.S.C. 10362(b)(5). Amended by Sec. 804 of the Railroad Revitalization & Regulatory Reform Act of 1976, Pub. L. 94–210, 90 Stat. 31, 57.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Thomas McClelland, (202) 275–0804.

Timetable:

Action and Date:

ANPRM, June 5, 1981.

Abstract: These standards establish a methodology by which a subsidy amount may be calculated. This subsidy would be offered by a financially responsible party (usually a state agency or commuter authority) to a railroad to fund the deficits incurred in providing rail passenger commuter service in the Northeast. These standards benefit the public by facilitating the continuation of essential rail passenger service and providing a mechanism for adequately compensating a carrier for the service provided.

Title: 18. Exemption—Transportation of Ordinary Livestock by Rail.

CFR Citation: 49 CFR 1039.11.

Legal Authority: 49 U.S.C. 10505.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Paul E. Graham, (202) 275–7520.

Timetable:

Action and Date:

NPRM, October 1982.

Abstract: This proceeding will determine whether ordinary livestock transported by rail should be made exempt from Commission regulation.

Title: 19. Interchange Policies at International Boundary lines, Ex Parte No. MC–73 (Sub-No. 1).

CFR Citation: 49 CFR 1004, 49 CFR 1057.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 11107, 5 U.S.C. 552, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Nan Heald, (202) 275–7004.

Timetable:

Action, Date and FR Cite:

NPRM, June 23, 1981, 46 FR 32460.

Public Comment Period, June 23, 1981–August 7, 1981.

Final Action, February 28, 1983.

Abstract: Proposal to permit licensed motor carriers to interchange equipment at international boundary lines with licensed Mexican and Canadian carriers.

Title: 20. Lease and Interchange of Vehicles (Rules Modifications), Ex Parte No. MC–43 (Sub-No. 13).

CFR Citation: 49 CFR 1057.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 11107, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Wayne Miller, (202) 275–1763.

Timetable:

Action, Date and FR Cite:

NPRM, September 2, 1981, 46 FR 44013.

Public Comment Period, September 2, 1981–November 9, 1981, 46 FR 49151.

Final Action, October 31, 1982.

Abstract: A "truth-in-leasing" proposal designed to insure that authorized motor carriers comply with ICC leasing regulations, to reduce the opportunity for abuses, to insure a smoothly functioning transportation system, and to encourage fair wages and working conditions.

Title: 21. Practices of Motor Common Carriers of Household Goods (Performance Standards).

CFR Citation: 49 CFR 1056.18.

Legal Authority: 49 U.S.C. 11109, 49 U.S.C. 11110.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: W. F. Sibbald, Jr., (202) 275–7148.

Timetable:

Action, Date and FR Cite:

NPRM, March 11, 1981, 46 FR 16225.

Public Comment Period, March 11, 1981–April 10, 1981, 46 FR 16225.

Final Action, October 1982.

Abstract: This proceeding would adopt performance standards for household goods carriers in the areas of: accuracy of estimates; transporting shipments with reasonable dispatch; and claims handling.

Title: 22. Revocation Procedures for Failure to File and Maintain Insurance (Motor Carriers), or Surety Bonds (Motor Carriers, Brokers and Freight Forwarders).

CFR Citation: 49 CFR 1043.7(f), 49 CFR 1084.8(g).

Legal Authority: 49 U.S.C. 10925, 49 U.S.C. 10927.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Patricia M. Schulze, (202) 275-7841.

Timetable:

Action and Date:

NPRM, October 1982.

Public Comment Period, October 1982–November 1982.

Abstract: Motor carriers, brokers and forwarders are required to file evidence of security for public protection in prescribed amounts. This proceeding involves improvement of the procedures by which revocation of certificates, licenses and permits is accomplished for failure to file or maintain the required security.

Title: 23. Regulations Governing the Adequacy of Intercity Motor Common Carrier Passenger Service, Ex Parte No. MC-95 (Sub-No. 3).

CFR Citation: 49 CFR 1063.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: James Brown, (202) 275-7898.

Timetable:

Action, Date and FR Cite:

NPRM, September 6, 1979, 44 FR 53092.

Public Comment Period, September 6, 1979–October 6, 1979.

Final Action, December 31, 1982.

Abstract: Proposal to develop rules governing adequacy of service, equipment, and facilities on buses.

B. Reviews of Existing Regulations

Priority

Title: 1. Payment of Rates and Charges of Motor Carriers, Ex Parte No. MC-1.

CFR Citation: 49 CFR 1056, 49 CFR 1320–1324.

Legal Authority: 5 U.S.C. 553, 5 U.S.C. 559, 49 U.S.C. 10521–10525, 49 U.S.C. 10743, 49 U.S.C. 10744, 49 U.S.C. 10922, 49 U.S.C. 10923, 49 U.S.C. 11101, 49 U.S.C. 11102, 49 U.S.C. 11506, 49 U.S.C. 11706.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275-7278.

Timetable:

Action, Date and FR Cite:

NPRM, May 8, 1980, 45 FR 31766.

Public Comment Period, May 8, 1980–July 15, 1980.

Abstract: This is a consolidated proceeding embracing the following titles: Ex Parte No. 73, Regulations for Payment of Rates and Charges, Ex Parte No. 143, Rules and Regulations Governing the Settlement of Rates and Charges of Common Carriers of Property by Water; Ex Parte No. 170, Rules and Regulations Governing the Settlement of Rates and Charges of Common Carriers of Property by Express. The Commission is considering whether to repeal existing credit regulations for railroads, motor carriers, water carriers, and freight forwarders and whether to authorize individual carriers to establish through tariff publication their own non-discriminatory credit terms.

Title: 2. Handling of C.O.D. Shipments, Ex Parte No. MC-42.

CFR Citation: 49 CFR 1052.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 10762, 49 U.S.C. 11101, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275-7278.

Timetable:

Action, Date and FR Cite:

NPRM, March 19, 1981, 46 FR 17814.

Public Comment Period, March 20, 1981–May 4, 1981.

Abstract: The Commission is considering whether to revise its existing regulations to authorize individual carriers to establish their own nondiscriminatory C.O.D. collection and remittance rules and to eliminate the requirement in existing recordingkeeping.

Title: 3. Detention of Motor Vehicles-Nationwide, Ex Parte No. MC-88, (includes Detention of Motor Vehicles—Alaska, Ex Parte No. MC-88 (Sub-No. 1).

CFR Citation: 49 CFR 1307, 49 CFR 1310.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 10741, 49 U.S.C. 10762, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275-7278.

Timetable:

Action, Date and FR Cite:

NPRM, March 11, 1982, 46 FR 17234.

Public Comment Period, March 11, 1981–May 4, 1981.

Abstract: The Commission is considering whether to abolish existing detention rules or to modify them to conform with requested changes. These rules are applicable only to motor common carriers.

Title: 4. Investigation into Motor Carrier Classification, Ex Parte No. MC-98 (Sub-No. 1).

CFR Citation: 49 CFR 1307.

Legal Authority: 49 U.S.C. 10701, 49 U.S.C. 10730, 49 U.S.C. 10762, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275-7278.

Timetable:

Action, Date and FR Cite:

NPRM, April 3, 1978, 43 FR 14978.

Public Comment Period, April 3, 1978–October 16, 1978.

Interim Final Rule, May 13, 1980, 46 FR 27732.

Additional Comments, Requested, July 2, 1981, 46 FR 34819.

Abstract: The Commission has tentatively found that the National Motor Carrier Classification needs to be revised; that it is unreasonable for the classifier to publish different ratings for an article dependent on whether it is truckload, less-than-truckload, or any quantity; that certain characteristics which are used in classification are not relevant; and that reduction of the classification to a single rating number appears less useful than alternatives considered.

Title: 5. Contracts for Protective Services, Ex Parte No. 137.

CFR Citation: 49 CFR 1032.

Legal Authority: 49 U.S.C. 10101a(2), 49 U.S.C. 10505, 49 U.S.C. 11105, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275-7278.

Timetable:

Action, Date and FR Cite:

NPRM, June 18, 1982, 47 FR 26409, 47 FR 26463.

Public Comment Period, June 18, 1982–August 2, 1982, 47 FR 31410.

Extension of Time for Comments, July 20, 1982, 47 FR 31463.

Abstract: The Commission is considering whether to exempt contracts for protective services against heat or cold, provided to or on behalf of rail carriers and express companies, from the requirements of 49 U.S.C. 11105.

Title: 6. Rates for a Named Shipper or Receiver, Ex Parte No. 158.

CFR Citation: 49 CFR 1310.

Legal Authority: 49 U.S.C. 10762, 49 U.S.C. 10741, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275-7278.

Timetable:

Action, Date and FR Cite:

NPRM, June 30, 1982, 47 FR 28430.

Extension of Time for Comments, August 4, 1982, 47 FR 33722.

Public Comment Period, June 30, 1982–August 23, 1982.

Abstract: The Commission is considering whether to eliminate the general prohibition now contained at 49 CFR 1310.7(a)(5) against publishing rates restricted to named shippers, receivers, and locations.

• *Title:* 7. Improvement of TOFC/COFC Regulation (Railroad Affiliated Motor Carriers and Other Motor Carriers), Ex Parte No. 230 (Sub-No. 6).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10321(a), 49 U.S.C. 10505, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
Public Comment Period, February 27, 1981–March 30, 1981, 46 FR 14365.

Abstract: The Commission is considering whether to include truck service provided by railroad affiliated motor carriers and other motor carriers in the exemption from 49, Subchapter IV of the U.S. Code for rail and truck service provided by rail carriers as part of a continuous intermodal movement.

Title: 8. Electronic Transmission of Loss and Damage Claims, Ex Parte No. 263 (Sub-No. 3), (includes Electronic Transmission of Freight Bills, Ex Parte No. 406).

CFR Citation: 49 CFR 1005, 49 CFR 1008, 49 CFR 1051.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10321, 49 U.S.C. 10324, 49 U.S.C. 10521, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, June 30, 1981.
Public Comment Period, July 8, 1981–August 6, 1981, 46 FR 35134.
Final Action, March 18, 1982.
Pending Petition To Reopen, March 25, 1982, 47 FR 12803, 47 FR 14710.

Abstract: Rules have been adopted to permit electronic transmission and disposition of: (1) freight bills; and (2) loss and damage claims (as well as overcharge, duplicate payment, or overcollection claims), as an alternative to paper bills and claims, when agreed to by the parties.

Title: 9. Railroad Cost Recovery Procedures, Ex Parte No. 290 (Sub-No. 2).

CFR Citation: 49 CFR 1102.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10701a, 49 U.S.C. 10707, 49 U.S.C. 10707a, 49 U.S.C. 10712, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
ANPRM, April 22, 1980, 45 FR 29103.
Public Comment Period, May 1, 1980–June 2, 1980, 45 FR 36460.
Extension of Time for Replies, July 23, 1980, 45 FR 49118.
NPRM, August 5, 1980–December 10, 1980, 45 FR 51858.
Public Comment Period, November 21, 1980–January 9, 1981.
Interim Final Rule, April 20, 1981, 46 FR 22594.
Proceeding Reopened, June 9, 1982, 47 FR 28035.

Abstract: The Commission is considering modifications to its cost recovery index adopted to meet the requirements of section 203 of the Staggers Rail Act of 1980.

Title: 10. Revised Procedures for Divisions of Revenue Cases, Ex Parte No. 322 (Sub-No. 1).

CFR Citation: 49 CFR 1109.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10705, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, October 7, 1981.
Public Comment Period, October 16, 1981–December 3, 1981, 46 FR 51261.
Final Action, December 31, 1982.

Abstract: The Commission is modifying its regulations governing the processing of division of revenue proceedings. Modifications are necessary to implement revised deadlines and other changes established in the Staggers Rail Act of 1980.

Title: 11. Exemption from Regulation Box Car Traffic, Ex Parte No. 346 (Sub-No. 8).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, January 26, 1982, 47 FR 4100.
Public Comment Period, January 28, 1982–March 31, 1982, 47 FR 13388.
Extension of Time for Comments, March 30, 1982.
Modification of Proposal, June 25, 1982, 47 FR 27573.
Public Comment Period, August 9, 1982 (end).

Abstract: The Commission is considering whether to exempt from I.C.C. regulation all movements in boxcars having AAR equipment type designation A, B, R, or S, either partially or totally and either for Conrail or for all carriers.

Title: 12. Coal Rate Guidelines—Nationwide, Ex Parte No. 347 (Sub-No. 1).

CFR Citation: None.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10701a, 49 U.S.C. 10704, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, November 18, 1980, 45 FR 80370.
Public Comment Period, November 18, 1980–April 17, 1981, 46 FR 2204.
Comment Due Date Extended to May 11, 1981, April 17, 1981, 46 FR 22497.
Interim Final Rule, December 16, 1981, 46 FR 62958.
Additional Comments Requested, February 10, 1982, 47 FR 6109.
Decision Reopening December 16, 1981.
Decision, August 5, 1982.

Abstract: The Commission is considering rate standards, including standards for maximum rate reasonableness on rail market dominant traffic.

Title: 13. Freight Forwarder Contract Rates-Implementation of PLL. 96–296, Ex Parte No. 364 (Sub-No. 1).

CFR Citation: 49 CFR 1080.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10703 49 U.S.C. 10749, 49 U.S.C. 10766, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275–7278.

Timetable:

Action, Date and FR Cite:
NPRM, August 7, 1980, 45 FR 53190.
Public Comment Period, August 11, 1980–October 10, 1980, 45 FR 59909.
Interim Final Rule, December 19, 1980, 45 FR 86740.

Abstract: The Commission has modified rules to allow the filing of contract rates between freight forwarders and rail and water carriers. Obsolete provisions removed.

Title: 14. Railroad Cost Recovery Procedures—Productivity Adjustment, Ex Parte No. 290 (Sub-No. 4).

CFR Citation: 49 CFR 1102.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10707a, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:
ANPRM, July 26, 1982, 47 FR 32176.

Public Comment Period. August 26, 1982 (beg.), 47 FR 32176.

Abstract: The Commission is requesting comments on the use of a productivity adjustment in determining the quarterly rail cost adjustment factor under 49 U.S.C. 10707a.

Title: 15. Notice to Shippers of Freight Refused or Unclaimed at Destination, Ex Parte No. 372.

CFR Citation: 49 CFR 1060, 49 CFR 1082.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, December 12, 1979, 44 FR 71849.

Public Comment Period, December 12, 1979–April 30, 1980, 44 FR 71849, 45 FR 6127.

Abstract: The Commission is proposing to adopt rules requiring motor common carriers of property and freight forwarders to notify shippers by wire when freight is refused or unclaimed at destination. The purpose of the proposal is to prevent the accrual of unnecessary storage charges, to expedite the release of carrier equipment, and to conserve carrier terminal and warehouse space.

Title: 16. Railroad Transportation Contracts, Ex Parte No. 387.

CFR Citation: 49 CFR 1039, 49 CFR 1300.

Legal Authority: 49 U.S.C. 10713.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, November 5, 1980, 45 FR 73481.

Public Comment Period, October 24, 1980–January 9, 1981, 45 FR 73481, 45 FR 85641.

Interim Rules Stayed, December 29, 1980, 45 FR 85641.

Interim Rules Removed and Maintained as Proposed Rules, October 1, 1981, 45 FR 48215.

Abstract: The Commission has proposed rules which implement regulations for filing contract rates under 49 U.S.C. 10713 and for filing complaints related to these contracts.

Title: 17. Procedures for Requesting Rail Variable Cost and Revenues Determination for Joint Rates Subject to Surcharge or Cancellation, Ex Parte No. 389.

CFR Citation: 49 CFR 1031A (new).

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10705a, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, November 3, 1980, March 30, 1981, 45 FR 72665, 46 FR 19238.

Public Comment Period, March 30, 1981–April 29, 1981, 46 FR 19238.

Abstract: The Commission has proposed procedures for obtaining relevant revenue and variable cost data under 49 U.S.C. 10705a.

Title: 18. Cost Recovery Percentage, Ex Parte No. 399

CFR Citation: None.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10709(d), 5 U.S.C. 553

Effects on Small Businesses and Other Entities: No.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, January 29, 1981, June 8, 1981, March 30, 1982, 46 FR 9794, 46 FR 20794, 47 FR 13430.

Abstract: The Commission is proposing to use the new Uniform Rail Costing System for calculating the cost recovery percentage in 49 U.S.C. 10709(d).

Title: 19. Rules Governing Publication of Exceptions Ratings Higher than Classification Ratings, No. 36135.

CFR Citation: 49 CFR 1310.7(r).

Legal Authority: 49 U.S.C. 10701, 49 U.S.C. 10762.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Tom Smerdon, (202) 275–7277.

Timetable:

Action, Date and FR Cite:

NPRM, November 18, 1981, 46 FR 56629.

Public Comment Period, November 18, 1981–May 6, 1982, 47 FR 7294, 47 FR 8801.

Abstract: The Commission is proposing to modify 49 CFR 1310.7(r), which requires motor common carriers to submit justification statements with any tariff that results in rates and charges higher than what would be applicable under classification ratings.

Title: 20. New Procedures in Motor Carrier Revenue Proceedings, Ex Parte No. MC–82.

CFR Citation: 49 CFR 1104.

Legal Authority: 49 U.S.C. 10701

Effects on Small Businesses and Other Entities: Not Applicable.

Agency Contact: Ward L. Ginn, Jr., (202) 275–7488.

Timetable:

Action and Date:

Final Action, August 31, 1971.

Review of Existing Regulation, July 24, 1979 (beg.).

Abstract: To assist the Commission in evaluating general rate increase proposals by motor carriers as prescribed by the IC Act.

Title: 21. Standards for Railroad Revenue Adequacy, Ex Parte No. 393.

CFR Citation: None.

Legal Authority: 49 U.S.C. 10704(a)(2)

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Ward L. Ginn, Jr., (202) 275–7488.

Timetable:

Action and Date:

NPRM, November 28, 1980.

Final Action, March 30, 1981.

Abstract: To assist the Commission in determining whether railroads are revenue adequate as prescribed by the IC Act.

Title: 22. Provisions for Foreseeable Future Costs, Ex Parte No. MC–82 (Sub-No. 1).

CFR Citation: 49 CFR 1104.20, 49 CFR 1104.21, 49 CFR 1104.22, 49 CFR 1104.23, 49 CFR 1104.24, 49 CFR 1104.25, 49 CFR 1104.26, 49 CFR Schedules A through C.

Legal Authority: 49 U.S.C. 10701(e)

Effects on Small Businesses and Other Entities: No.

Agency Contact: William T. Bono, (202) 275–7354.

Timetable:

Action and Date:

NPRM, September 1982.

Abstract: The notice of proposed procedures is to be implemented to permit the intercity bus industry to recover foreseeable future costs in their general increase filings. These procedures are authorized by Section 9, Rule of Ratemaking of the Bus Regulatory Reform Act of 1982.

Title: 23. Adoption of Uniform Rail Costing System for Determining Variable Cost For Jurisdictional Threshold and Surcharge Purposes (URCS), Ex Parte No. 431.

CFR Citation: None yet.

Legal Authority: Staggers Rail Act of 1980 (Section 307) 4–R Act of 1976, 49 U.S.C. 10705(a), 49 U.S.C. 10709.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: William T. Bono, (202) 275–7354.

Timetable:

Action and Date:

NPRM, October 1, 1982.

Abstract: Develops new cost methodology applicable to the rail industry as mandated in the 1976 4–R Act and the Staggers Rail Act.

Title: 24. Identification of Rates Filed Under Zone of Rates Freedom By Motor Carriers of Passengers.

CFR Citation: 49 CFR 1306.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10762.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Martin E. Foley, (202) 275–7189.

Timetable:

Action and Date:

Final Action, October 27, 1982.

Final Action Effective, October 27, 1982.

Abstract: The recently enacted "Bus Bill" provides for carriers to adjust rates within a zone of rate freedom without regulatory interference. These final rules cover the procedures for identifying rates filed under the Zone of Rate Freedom.

Title: 25. Modify Rules Governing Traffic Amendments, Ex Parte No. 435.

CFR Citation: 49 CFR 1300, 49 CFR 1306, 49 CFR 1307, 49 CFR 1309, 49 CFR 1310.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10762.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Martin E. Foley, (202) 275–7189.

Timetable:

Action and Date:

NPRM, October 1, 1982.

Abstract: The Commission will seek public comment on proposed revisions to its present traffic regulations which limit the size and number of amendments and supplements to effective tariffs.

Title: 26. Consolidation of Tariff Publishing Rules, Docket No. 37321.

CFR Citation: 49 CFR 1300–1310.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10762.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Martin E. Foley, (202) 275–7189.

Timetable:

Action and Date:

NPRM, November 1, 1982.

Abstract: A complete review and revisions of all the ICC tariff publishing regulations codified at 49 CFR 1300–1310 inclusive to simplify language, eliminate duplications, streamline procedures and generally improve the overall quality of the regulations and tariffs filed pursuant to them. Obsolete or unnecessary regulations will be deleted. Upon approval by the Commission, the proposed revisions will be put out for public comment via APA rulemaking procedures.

Title: 27. Feeder Railroad Development Program, Ex Parte No. 395 (Sub-No. 1).

CFR Citation: 49 CFR 1128.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10910, 49 U.S.C. 533.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, August 3, 1982.

Public Comment Period, August 3, 1982–September 7, 1982.

Interim Final Rule, November 31, 1982.

Final Action, November 31, 1982.

Final Action Effective, November 31, 1982.

Abstract: The proposed regulations simplify the procedures whereby shippers and communities can acquire rail lines prior to their abandonment or downgrading.

Title: 28. Removal of Extraordinary (Financial) Conditions Imposed Upon Carriers and Non-Carrier Holding Companies & Their Motor Carrier Subsidiaries, & Removal of Jurisdiction Imposed Under 49 U.S.C. 11348, Ex Parte No. 422.

CFR Citation: 49 CFR 1113–1115.

Legal Authority: 49 U.S.C. 11302, 49 U.S.C. 11362.

Effects on Small Businesses and Other Entitites: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, October 1, 1982.

Public Comment Period, October 1, 1982–November 1, 1982.

Final Action, January 1, 1983.

Final Action Effective, January 1, 1983.

Abstract: A number of securities regulations will be examined for their continuing relevance.

Title: 29. Reorganizations of Rail and Motor Carriers, Ex Parte No. 432.

CFR Citation: 49 CFR 1117, 49 CFR 1118, 49 CFR 1135.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, (202) 275–7245.

Timetable:

Action and Date:

NPRM, December 1, 1982.

Abstract: It will be proposed to modify existing regulations to streamline bankruptcy regulations or eliminate them where possible.

Title: 30. Joint Rates Study—A Report to Congress (Review of Section 217 of the Staggers Rail Act of 1980), Ex Parte No. 427.

CFR Citation: None.

Legal Authority: Section 217 of the Staggers Rail Act of 1980.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Kenneth R. Tyree, (202) 275–0785.

Timetable:

Action, Date and FR Cite:

Review of Existing Regulation, March 18, 1982–September 30, 1982, 47 FR 11787.

Abstract: Section 217 of the Staggers Rail Act of 1980 was enacted to provide railroads with expeditious relief from noncompensatory freight rates. The alternatives being considered are greater and lesser freedom for railroads to unilaterally cancel or surcharge joint rates. Greater reliance on competition in ratemaking has the potential for achieving a more efficient allocation of resources and a resulting increase in benefits.

Title: 31. Revision and Redesignation of the Commission's Rules of Practice.

CFR Citation: 49 CFR Chapter X, Subchapter B, 49 CFR 1031A.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Kathleen King, (202) 275–0956.

Timetable:

Action, Date and FR Cite:

NPRM, June 29, 1982, 47 FR 28115.

Public Comment Period, June 29, 1982–August 19, 1982, 47 FR 28115.

Abstract: In this proceeding the ICC is proposing to revise and redesignate all of its procedural regulations governing the conduct of formal and informal cases which come before it for decision. Included in the redesignation project are all the regulations now appearing in 49 U.S.C. Parts 1100 to 1151. The purpose of the proposal is to bring the arrangement of the procedural regulations into conformity with the recodified Interstate Commerce Act, 49 U.S.C. 10101 et seq to simplify them, and to make them easier to locate and use by persons practicing before the Commission.

Non-Priority

Title: 1. Revision of 49 CFR 1041, Ex Parte No. 55 (Sub-No. 51).

CFR Citation: 49 CFR 1041.

Legal Authority: 49 U.S.C. 10321, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Andrew L. Lyon, (202) 275–7805.

Timetable:

Action, Date and FR Cite:

Review of Existing Regulation, September 17, 1981–March 31, 1983, 46 FR 13741.

Abstract: Revision to update, correct, and simplify the regulations governing interpretation of certificates and permits of motor carriers.

Title: 2. Clarification of Certificate of Registration Rules, Ex Parte No. 55 (Sub-No. 50).

CFR Citation: 49 CFR 1100.245.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 10931, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Marie Simpson, (202) 275-7108.

Timetable:

Action and Date:

Review of Existing Regulation, September 17, 1981–March 31, 1983.

Abstract: Revision of rules governing the filing of applications for certificates of registration to clarify and simplify the rules without affecting their substance.

Title: 3. Agricultural Cooperative Exemption.

CFR Citation: 49 CFR 1047.21–1047.23.

Legal Authority: 49 U.S.C. 10529.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Phyllis L. Gunn, (202) 275-7476.

Timetable:

Action, Date and FR Cite:

NPRM, June 10, 1981, 49 FR 30668.
Public Comment Period, June 10, 1981–July 27, 1981, 49 FR 30668.
Final Action, November 1982.

Abstract: The draft final rules would modify existing regulations to enhance the Commission's enforcement powers over cooperatives. Cooperatives would be required to compile simple reports and maintain certain records in one location. Non-resident cooperatives would have to make such reports and records available in the United States and the Notice Form OCP 102 required to be filed with the Commission would expire one year from the filing date.

Title: 4. Motor Carriers and Freight Forwarders Insurance Procedures and Minimum Amounts of Liability.

CFR Citation: 49 CFR 1043.1, 49 CFR 1043.2, 49 CFR 1043.4–1043.8, 49 CFR 1043.1–1084.8.

Legal Authority: 49 U.S.C. 10927.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Phyllis L. Gunn, (202) 275-7476.

Timetable:

Action and Date:

NPRM, October 1982

Abstract: This rulemaking proposes to permit insurance coverage through multiple policies, known as "aggregation", for all motor carriers and freight forwarders. It would eliminate the financial standard for qualifying insurance and surety companies. The proposal would raise bodily injury and property damage liability limits for freight forwarders to the same limits as motor carriers and change to a combined single limit of $300,000 for motor operating vehicles under 10,000 pounds GVWR.

Title: 5. Motor Carriers of Property Minimum Amounts of Bodily Injury and Property Damage Liability Insuance.

CFR Citation: 49 CFR 1003.1(b), 49 CFR 1043.1, 49 CFR 1043.2, 49 CFR 1043.6–1043.11.

Legal Authority: 49 U.S.C. 10927.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Phyllis L. Gunn, (202) 275-7476.

Timetable:

Action, Date and FR Cite:

NPRM, July 27, 1981, 46 FR 38486.
Public Comment Period, July 27, 1981–August 26, 1981, 46 FR 38486.
Interim Final Rule, July 27, 1981, 46 FR 38486.
Final Action, October 1981.

Abstract: The draft final rules would adopt the minimum amounts of insurance prescribed by the U.S. Department of Transportation as required by Section 29 of the Motor Carrier Act of 1980. DOT's forms MCS-90 and MCS-82 would be adopted and aggregation (multiple policies) of coverage would be permitted for property motor carriers.

Title: 6. Rules Governing Temporary Authority and Emergency Temporary Authority of Motor Common Carriers of Passengers.

CFR Citation: 49 CFR 1101.1–1101.3, 49 CFR 1131, 49 CFR 1131.1, 49 CFR 1131.2, 49 CFR 1131.4.

Legal Authority: 49 U.S.C. 10928.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Phyllis L. Gunn, (202) 275-7476.

Timetable:

Action and Date:

Final Action, September 1982.

Abstract: This Notice of Final Rules would change the time frames on other than permanent authority grants to motor passenger carriers in accordance with the Bus Regulatory Reform Act of 1982.

Title: 7. Soo Line Railroad Company Petition for Exemption from the Provisions of 49 U.S.C. 10726—Long and Short Haul Transportation, Ex Parte No. 346 (Sub-No. 13).

CFR Citation: 49 CFR 1039.

Legal Authority: 49 U.S.C. 10505, 5 U.S.C. 553.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Douglas Galloway, (202) 275-7278.

Timetable:

Action:

Next Action Undetermined.

Abstract: The Commission is considering whether to exempt from I.C.C. regulation rates and charges filed by the Soo Line from the provisions of 49 U.S.C. 10726.

Title: 8. Antitrust and Competition Factors in Motor Carrier Finance Cases, Ex Parte No. 55 (Sub-No. 38).

CFR Citation: 49 CFR 1134, 49 CFR 1141.

Legal Authority: 49 U.S.C. 11343, 49 U.S.C. 11344.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275-7245.

Timetable:

Action, Date and FR Cite:

ANPRM, April 18, 1980, 45 FR 26395.
Public Comment Period, April 18, 1980–May 17, 1980.
NPRM, January 1, 1983.
Period, January 1, 1983–January 31, 1983.
Interim Final Rule, March 31, 1983.
Final Action, March 31, 1983.
Final Action Effective, March 31, 1983.

Abstract: The proceeding is considering the issue of competition in motor carrier acquisition cases.

Title: 9. Motor Carrier Consolidation Procedures—General Policy Statement, Ex Parte No. 55 (Sub-No. 53).

CFR Citation: None.

Legal Authority: 49 U.S.C. 10321, 49 U.S.C. 11343, 49 U.S.C. 11344, 49 U.S.C. 11345(a), 5 U.S.C. 533, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Louis E. Gitomer, (202) 275-7245.

Timetable:

Action and Date:

NPRM, October 20, 1981.
Public Comment Period, October 20, 1981–November 19, 1981.
Interim Final Rule, November 31, 1982.
Final Action, November 31, 1982.
Final Action Effective, November 31, 1982.

Abstract: The policy statement will discuss the criteria to be considered in applications by motor carriers who seek to acquire other carrier properties.

Title: 10. Transfers of Operating Rights, Ex Parte No. MC-111 (Sub-No. 1).

CFR Citation: 49 CFR 1045.11, 49 CFR 1132, 49 CFR 1133, 49 CFR 1141, 49 CFR 1151.

Legal Authority: 49 U.S.C. 10101, 49 U.S.C. 10926, 5 U.S.C. 553, 5 U.S.C. 559.

Effects on Small Businesses and Other Entities: Yes.

Agency Contact: Louis E. Gitomer, (202) 275-7245.

Timetable:

Action and Date:

NPRM, October 1, 1982.

Public Comment Period, October 1, 1982–October 31, 1982.

Abstract: When motor carriers, water carriers, brokers, and freight forwarders seek to transfer their operating rights, they must follow Commission procedures. Proposed regulations will seek to consolidate the various regulations, streamline them, and simplify the entire procedure.

Title: 11. Special Intermodal Authority, Ex Parte No. 282 (Sub-No. 7).

CFR Citation: 49 CFR 1111.11.

Legal Authority: 49 U.S.C. 11344(e).

Effects on Small Businesses and Other Entities: No.

Agency Contact: Louis E. Gitomer, 275–7245.

Timetable:

Action and Date:

NPRM, October 18, 1980.

Public Comment Period, October 18, 1980–November 18, 1980.

Interim Final Rule, October 18, 1980.

Final Action, September 19, 1982.

Final Action Effective, October 19, 1982.

Abstract: The rules will implement a provision allowing special applications to provide the motor portion of a motor-rail movement as a substitute for impaired rail service.

Title: 12. Consolidated Reporting by Railroads.

CFR Citation: 49 CFR 1201.

Legal Authority: 49 U.S.C. 11166.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action and Date:

Review of Existing Regulation, August 1, 1982–December 31, 1982.

Abstract: This review looks at consolidated reporting requirements for railroads for costing applications and revenue adequacy determination.

Title: 13. Revision to Accounting and Reporting of Other Than General Freight Motor Carrriers.

CFR Citation: 49 CFR 1207.

Legal Authority: 49 U.S.C. 11142.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action and Date:

Review of Existing Regulation, July 1, 1982–November 30, 1982.

Abstract: This rulemaking would eliminate accounting and reporting systems for all motor carriers except general commodity carriers.

Title: 14. Revision to the Uniform System of Accounts for Motor Carriers.

CFR Citation: 49 CFR 1207.

Legal Authority: 49 U.S.C. 11142.

Effects on Small Businesses and Other Entities: Undetermined.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action and Date:

Review of Existing Regulation, June 1, 1982–October 31, 1982.

Abstract: This rulemaking addresses accounting and reporting requirements of general commodity carriers.

Title: 15. Revision to the Uniform System of Accounts for Railroads.

CFR Citation: 49 CFR 1201.

Legal Authority: 49 U.S.C. 11166.

Effects on Small Businesses and Other Entities: No.

Agency Contact: Bryan Brown, Jr., (202) 275–7448.

Timetable:

Action and Date:

Review of Existing Regulation, August 1, 1982–December 31, 1982.

Abstract: This review focuses on improvements to the Uniform System of Accounts for Railroads.

[FR Doc. 82–27967 Filed 10–27–82; 8:45 am]

BILLING CODE 7035–01–M

federal register

Thursday
October 28, 1982

Part XLVI

National Credit Union Administration

Semiannual Agenda of Regulations

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Ch VII

Semiannual Agenda of Regulations

AGENCY: National Credit Union Administration (NCUA).

ACTION: Publication of Semiannual Agenda of Regulations.

SUMMARY: Pursuant to the Regulatory Flexibility Act and agency policy, NCUA is publishing a list of current and projected rulemaking, reviews of existing regulations, and completed actions as of September 17, 1982. NCUA is voluntarily including this Agenda in the "Unified Agenda of Federal Regulations."

DATE: Effective September 17, 1982.

ADDRESS: National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: On a particular regulation, contact the person named in the listing for that regulation at the above address.

SUPPLEMENTARY INFORMATION: On January 1, 1981, the Regulatory Flexibility Act (5 U.S.C. Sections 601 et. seq.) became effective. This law requires, among other things, that each agency publish a Regulatory Flexibility Agenda listing regulations that the agency expects to propose that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. Section 602). NCUA has defined "small entities" to include credit unions with less than $1,000,000 in assets. NCUA believes, at this time, that none of the regulations listed in the Agenda set forth below will have a significant economic impact on a substantial number of these small credit unions.

On June 1, 1981, NCUA published a statement of policy (IRPS 81–4, 46 FR 29248) setting forth the procedures for the development of new regulations and the review of existing regulations. NCUA has decided to continue to publish its Agenda in a manner that is broader than that required by the Regulatory Flexibility Act. NCUA believes that the Agenda is a useful tool to enable the credit union community and the public to track regulatory development and to effectively participate in that process.

NCUA has decided to voluntarily participate in the publication of the "Unified Agenda of Federal Regulations" with the issuance of this Agenda. While NCUA is an independent Agency exempt from coverage by Executive Order 12291, we believe that participating in this joint publication will further the public interest by including NCUA in a single source of information concerning current and projected rulemaking and reviews of existing regulations. The format of this Agenda has been changed from previous publications in order to conform to the standardized format of the "Unified Agenda".

Approved by the NCUA Board this 23 day of September 1982.

Rosemary Brady,

Secretary.

AGENDA

I. Current and Projected Rulemaking

1. a. Title: Federal Credit Union Insurance and Group Purchasing Activity

b. *Contact:* Linda M. Cohen, Director, Department of Chartering and Education, telephone: (202) 357–1080.

c. *Effects on Small Entities:* None

d. *CFR Citation:* 12 CFR Part 721.

e. *Legal Authority:* 12 U.S.C. 1757(15), 1766, 1789.

f. *Abstract:* The current rulemaking simplifies existing rules and permits Federal credit unions to inform their members of, or to endorse, group purchasing and insurance plans. Investigation reports and requirements to notify members of the sale of mailing lists would be eliminated. Alternatives for calculating reimbursement to Federal Credit unions for administrative costs are presented.

g. *Timetable:* Proposed rule issued February 24, 1982 (47 FR 8027). Final rule to be presented to the NCUA Board September 23, 1982.

2. a. Title: Insurance

b. *Contact:* John L. Culhane, Jr., Senior Attorney, Department of Legal Services, telephone: (202) 357–1030; or Ben R. Henson, Department of Chartering and Education, telephone: (202) 357–1080.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 760.

e. *Legal Authority:* 12 U.S.C. 1757, 1789; 42 U.S.C. 4102a. 4106.

f. *Abstract:* The proposed rule provides a plan English revision of regulations governing Federal credit union lending secured by improved realty or mobile home, when either is located in a flood plain. The rule is intended to require only that which is required under Federal statutes concerning flood insurance.

g. *Timetable:* Proposed rule issued October 15, 1980 (45 FR 68393). Final action anticipated by year-end 1982.

3. a. Title: Organization a Federal Credit Union

b. *Contact:* John W. Lander, Department of Chartering and Education, telephone: (202) 357–1060.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.1.

e. *Legal Authority:* 12 U.S.C. 1766, 1789.

f. *Abstract:* The proposal would eliminate repititious statements, procedures, and other provisions already contained in the Federal Credit Union Act, the Federal Credit Union Bylaws, or which represent guidelines covered in other publication or on forms. The proposal emphasizes the NCUA Board's commitment to encourage groups to obtain new Federal credit union charters and to encourage boards of directors to submit charter changes to serve as many qualifying people as possible within the authority of the Federal Credit Union Act.

g. *Timetable:* Proposed rule issued June 1, 1982 (47 FR 23750). Final rule scheduled for presentation to the NCUA Board September 23, 1982.

4. a. Title: Investments and Deposits

b. *Contact:* Robert M. Fenner, Deputy General Counsel, or Steven R. Bisker, Senior Attorney, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities: None.*

d. *CFR Citation:* 12 CFR Part 703.

e. *Legal Authority: 12 U.S.C. 1757(7)(C), 1757(7)(D), 1757(8).*

f. *Abstract:* Public comment is specifically requested on whether the NCUA Board should remove or modify any or all of the procedural restrictions presently in place governing the manner in which a Federal credit union may deposit or invest its funds. It should be noted that those provisions of the regulation that govern the types of investments and deposits that may be made, both of which are imposed by statute, will necessarily remain unchanged. Comment is specifically sought on whether the restriction on the use of third party brokerage services in connection with the making of deposits should be continued. The current regulation also contains prohibition and restrictions representing the Agency's view that the various specified transactions are either unsafe or unsound, or should otherwise be prohibited. The NCUA Board specifically solicits views and comments on whether any of these restrictions should be modified, strengthened, or eliminated.

g. *Timetable:* ANPRM issued July 14, 1982 (47 FR 30497). Proposed rule anticipated to be presented to the

NCUA Board during the winter of 1982–83.

5. a. Title: Surety Bond Coverage for Federal Credit Unions

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.20.

e. *Legal Authority:* 12 U.S.C. 1761a, 1761b and 1766.

f. *Abstract:* The proposed rule is intended to revise, update and simplify the existing requirements for surety bond coverage for Federal credit unions. The proposed regulations implement mandated sections of the Federal Credit Union Act and establishes minimum standards for surety bonds and insurance coverage. The proposed rule would delete the present requirement that the board of directors conduct a semiannual review of all insurance coverages. The proposed rule would clarify the requirement that faithful performance coverage is a requirement for all employees including members of the credit committee and supervisory committee. The proposed rule also simplifies the schedule of minimum surety bond coverage. In addition, provisions that are redundant of requirements specified in the Federal Credit Union Act are proposed to be deleted.

g. *Timetable:* Proposed rule issued June 2, 1981 (46 FR 29482). Final rule anticipated to be presented to the NCUA Board by year-end 1982.

II. REVIEWS OF EXISTING REGULATIONS

1. a. Title: Employee Responsibility and Conduct

b. *Contact:* James J. Engel, Assistant General Counsel, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 735.

e. *Legal Authority:* E.O. 11222; 3 CFR 1964–65, 5 CFR 735.104.

f. *Abstract:* These regulations pertain to the conduct of NCUA employees and are being reviewed in light of the implementation of the Ethics in Government Act.

g. *Timetable:* A memorandum concerning the need to revise this regulation in light of the Ethics in Government Act has been submitted to the NCUA Board.

2. a. Title: Credit Union Ownership of Fixed Assets

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.36.

e. *Legal Authority:* 12 U.S.C. 1757(4), 1766.

f. *Abstract:* This regulation requires credit unions to do certain financial planning and reporting prior to investing more than 5 percent of its assets in fixed assets.

g. *Timetable:* Preliminary review under study by staff to be presented to the NCUA Board during 1983.

3. a. Title: Conversion from Federal to State Credit Union and Conversion from State to Federal Credit Union

b. *Contact:* Jon Lander, Department of Chartering and Education, telephone: (202) 357–1060.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Parts 706 and 707.

e. *Legal Authority:* 12 U.S.C. 1766, 1771, 1775, and 1789.

f. *Abstract:* These regulations set forth precedural requirements for credit unions to convert from either Federal to State or from State to Federal charter. The regulation will be reviewed to determine whether mandatory requirements on the subject are necessary or whether procedural requirements may be covered in a manual.

g. *Timetable:* Preliminary review under study by staff.

4. a. Title: Mergers of Credit Unions, Division of Assets, Liabilities of Assets and Capital

b. *Contact:* Jon Lander, Department of Chartering and Education, telephone: (202) 357–1060.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Parts 708 and 709.

e. *Legal Authority:* 12 U.S.C. 1766–1789.

f. *Abstract:* These regulations set forth procedural requirements for a credit union to merge with another credit union. The regulations also prescribe procedures to enable members of a Federal credit union who are in a separately identifiable group to undertake an equitable division of their assets, liabilities and capital and to charter a new Federal credit union. The regulations will be reviewed to determine whether mandatory requirements are necessary or whether the subject may be covered in a manual.

g. *Timetable:* Under review by staff in light of recent policy decisions by the NCUA Board.

5. a. Title: Requirements for Insurance

b. *Contact:* Chester Slevinski, Department of Insurance Fund, telephone: (202) 357–1010.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 741.

e. *Legal Authority:* 12 U.S.C. 1781–1790.

f. *Abstract:* These regulations set forth criteria for determining the insurability of a credit union which makes application for insurance of its accounts pursuant to Title II of the Federal Credit Union Act. The review of this regulation will determine the need to update, revise and simplify these requirements.

g. *Timetable:* Preliminary review under consideration by staff.

6. a. Title: Advertisement of Insured Status

b. *Contact:* Chester Slevinski, Department of Insurance Fund, telephone: (202) 357–1010.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 740.

e. *Legal Authority:* 12 U.S.C. 1785 and 1789.

f. *Abstract:* These regulations prescribe requirements with regard to the official sign which insured credit unions must display and also pertain to requirements for advertising. The regulations will be reviewed to determine whether mandatory requirements are necessary and to update, simplify and revise, if necessary.

g. *Timetable:* Preliminary review under consideration by staff.

7. a. Title: Definitions

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examiniation, telephone: (202) 357–1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 700.1.

e. *Legal Authority:* 12 U.S.C. 1766.

f. *Abstract:* This regulation sets forth standard definitions used throughout 12 CFR Part 700 et seq. The review of this regulation will pay particular attention to the list of assets that are considered to be risk assets for the purpose of establishing reserves required by the Federal Credit Union Act.

g. *Timetable:* Proposed rule delayed pending review of reserve regulations.

8. a. Title: Reserves

b. *Contact:* Charles W. Filson, Director, Office of Programs, telephone: (202) 357–1132; or Robert M. Fenner, Deputy General Counsel, Department of Legal Services, telephone: (202) 357–1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 702.1 and 702.2.

e. *Legal Authority:* 12 U.S.C. 1762, 1766 and 1789.

f. *Abstract:* These regulations set forth the requirements for the establishment and maintenance of a regular reserve (as provided by the Federal Credit Union Act) and set forth procedures for applications for approval to decrease reserves.

g. *Timetable:* Preliminary review under consideration by staff.

9. a. Title: Supervisory Committee Audit

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357-1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.12.

e. *Legal Authority:* 12 U.S.C. 1761d, 1766, 1789.

f. *Abstract:* This regulation sets forth the responsibilities of the Supervisory Committees of Federal credit unions to make, or cause to be made, an annual audit. The review will cover issues related to the use of audits in conjunction with NCUA's examination responsibilities.

g. *Timetable:* Anticipated completion during 1983.

10. a. Title: Retirement Benefits for Employees of Federal Credit Unions

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357-1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.19.

e. *Legal Authority:* 12 U.S.C. 1766, 1789.

f. *Abstract:* The regulations set forth the authority of the Federal credit union to make provision for reasonable retirement benefits for its employees and officers who are compensated in conformance with the Federal Credit Union Act. The regulations also prohibits Federal credit unions from occupying the position of a fiduciary, as defined in the Employee Retirement Income Security Act of 1974. The regulation will be reviewed to revise, update and simplify, if necessary.

g. *Timetable:* Preliminary review drafted and under consideration by staff.

11. a. Title: Tort Claims Against the Government

b. *Contact:* Jay C. Keithley, Senior Attorney, Department of Legal Services, telephone: (202) 357-1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 750.

e. *Legal Authority:* 12 U.S.C. 1766; 28 U.S.C. 2671-2680.

f. *Abstract:* These regulations set forth the requirements for asserting claims against the National Credit Union Administration under the Federal Tort Claims Act. The regulations will be reviewed to update, simplify and revise them, if necessary.

g. *Timetable:* Preliminary review to be completed by December 31, 1982.

12. a. Title: Treasury Tax and Loan Accounts

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357-1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.37-1.

e. *Legal Authority:* 12 U.S.C. 1757, 1766, 1767, 1787(c)(2) and 1789.

f. *Abstract:* In conjunction with the regulations of the Department of Treasury, this regulation sets forth the requirements for Federal credit unions to be designated as a Treasury tax and loan depository and to establish a remittance account for the receipt of payment of Federal taxes and certain U.S. obligations. The regulation will be reviewed to simplify and revise, where necessary.

g. *Timetable:* Review to be conducted during 1983.

13. a. Title: Nondiscrimination Requirements

b. *Contact:* Harry J. Blasidell, Department of Chartering and Education, telephone: (202) 357-1080; or John L Culhane, Jr., Senior Attorney, Department of Legal Services, telephone: (202) 357-1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR 701.31.

e. *Legal Authority:* 12 U.S.C. 1757, 1759, 1766, 1786, 1789; 24 U.S.C. 3601-3610, 1981; 15 U.S.C. 1601 et. seq.

f. *Abstract:* This regulation sets forth prohibitions against discrimination by Federal credit unions in making real estate related loans and appraisals. The regulations also sets forth guidelines for compliance with the Fair Housing Act and court decisions rendered thereunder. The regulation will be reviewed to simplify and revise as necessary.

g. *Timetable:* Preliminary review to be completed by March 31, 1983.

14. a. Title: Corporate Central Federal Credit Unions

b. *Contact:* Layne L. Bumgardner, Director, Department of Supervision and Examination, telephone: (202) 357-1065.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 704.

e. *Legal Authority:* 12 U.S.C. 1761, 1766 and 1789.

f. *Abstract:* These regulations set forth operational requirements particular to corporate central Federal credit unions, including special reserve requirements, management requirements, and annual audit requirements. The regulation also sets forth authority to permit corporate central credit unions to offer daily balance share accounts. There are issues being reviewed independently of formal regulatory review, including corporate chartering guidelines proposed in June of 1982.

g. *Timetable:* Regulatory review anticipated during 1983.

15. a. Title: Management Interlocks

b. *Contact:* Steven R. Bisker, Senior Attorney, Department of Legal Services, telephone: (202) 357-1030.

c. *Effects on Small Entities:* None.

d. *CFR Citation:* 12 CFR Part 711.

e. *Legal Authority:* 12 U.S.C. 3201 et seq.

f. *Abstract:* The regulation will be reviewed to conform the existing regulations to recent statutory amendments.

g. *Timetable:* Recommendations to be presented to the NCUA Board during October 1982.

III. COMPLETED ACTIONS

1. a. Title: Equal Access to Justice Act Regulations

b. *Contqct:* Robert S. Monheit, Senior Attorney, Department of Legal Services, telephone: (202) 357-1030.

c. *Citation:* 47 FR 38267 (August 31, 1982).

d. *Reason for Completion:* Final rule implementing the Equal Access to Justice Act issued effective September 30, 1982.

2. a. Title: Credit Union Service Contracts

b. *Contact:* Joe Visconti, Department of Supervision and Examination, telephone (202) 357-1065.

c. *Citation:* 47 FR 30460 (July 14, 1982).

d. *Reason for Completion:* Final rule issued effective July 7, 1982. The final rule consolidates previously existing rules on joint operations and services, including credit union service centers and purchase and sale of accounting services.

3. a. Title: Credit Union Service Organization

b. *Contact:* Todd A. Okun, Assistant General Counsel, Department of Legal Services, telephone: (202) 357-1030.

c. *Citation:* 47 FR 30462 (July 14, 1982).

d. Reason for Completion: Final rule issued expanding investment opportunities in credit union service organizations, permitting such organizations to charge fees and earn profits, and providing a list of approved activities.

4. a. Title: Deferred Compensations Plans

b. *Contact:* Steven R. Bisker, Senior Attorney, Department of Legal Services, telephone: (202)357-1030.

c. *Citation:* 47 FR 30464 (July 14, 1982).

d. Reason for Completion: Final rule issued to provide $100,000 insurance coverage for the interest of each participant in a deferred compensation plan.

5. a. Title: Incorporation by Reference of the "Accounting Manual for Federal Credit Unions"

b. *Contact:* Harry E. Moore or Joe Visconti, Department of Supervision and Examination, telephone: (202) 357–1065.

c. *Citation:* 47 FR 23685 (June 1, 1982).

d. Reason for Completion: Final rule issued deregulating the status of the Accounting Manual to that of a guideline for safe and sound practices and for full and fair disclosure.

6. a. Title: Liquidity Reserves

b. *Contact:* Robert M. Fenner, Deputy General Counsel, Department of Legal Services, telephone: (202) 357–1030.

c. *Citation:* 47 FR 41100 (September 17, 1982).

d. Reason for Completion: Final rule issued deregulating the minimum liquidity reserve requirement.

7. a. Title: Rules of Practice and Procedure Applicable to the Suspension or Revocation of Charters, and to Involuntary Liquidation

b. *Contact:* Robert S. Monheit, Senior Attorney, Department of Legal Services, telephone: (202) 357–1030.

c. *Citation:* 47 FR 22939 (May 26, 1982).

d. *Reason for Completion:* Final rule issued eliminating the requirement of a hearing on the record prior to the revocation of the charter of a Federal credit union and placement of such credit union into involuntary liquidation.

[FR Doc. 82–27932 Filed 10–27–82; 8:45 am]

BILLING CODE 7535–01–M

federal register

Thursday
October 28, 1982

Part XLVII

Nuclear Regulatory Commission

Regulatory Agenda

NUCLEAR REGULATORY COMMISSION

10 CFR Ch. I

Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Semi-annual publication of regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission is publishing its semi-annual Regulatory Agenda, pursuant to Pub. L. 96-354, "the Regulatory Flexibility Act", and Executive Order 12291, "Federal Regulations". The Agenda is a compilation of all rules on which the NRC has proposed or is considering action.

ADDRESSES: Comments on any rule in the Agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand-delivered to Room 1131, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:15 p.m. Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the comment closing date.

The Agenda and any comments received on any rule listed on the Agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Single copies of the Agenda may be received upon request to the contact person listed below.

FOR FURTHER INFORMATION CONTACT: For further information concerning NRC rulemaking procedures or the status of any rule listed in this Agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-7086, persons outside the Washington, D.C. metropolitan area may call toll-free: 800-368-5642. For further information on the substantive content of any rule or petition listed in the agenda, contact the individual listed under the heading "contact" for that rule.

Regulatory Agenda—October 1982

The Nuclear Regulatory Commission (NRC) is issuing its semi-annual Regulatory Agenda, pursuant to the Regulatory Flexibility Act, and Executive Order 12291, Federal Regulations. Although publication of the agenda is only required semi-annually in April and October, the NRC has chosen to update its agenda each quarter. This issuance updates any action which has occurred on rules since publication of the last NRC agenda in July 1982.

The agenda is a compilation of all rules on which the NRC has proposed or is considering action. The agenda is grouped into four sections. Section I contains eight rules and includes all rules on which final action has been taken since June 30, the cut-off date of the last NRC agenda. Section II contains thirty-nine rules and includes all rules which have been published in the **Federal Register** as proposed rules. Section III contains fourteen rules and includes all rules which have been published in the **Federal Register** as advance notices of proposed rulemaking. Section IV contains fifty-two rules and includes unpublished rules on which the NRC expects to take action. There are six rules which may have a significant economic impact on small entities, pursuant to the Regulatory Flexibility Act and no "major" rules as defined in Section 1(b) of Executive Order 12291.

Within each of these sections, the rules are ordered from lowest to highest 10 CFR part, and, when more than one rule appears under the same part, the rules are arranged within the part by timetable date of most recent publication. If a rule contains changes to more than one 10 CFR part, the rule is listed under the lowest affected part.

The status and information included in this agenda have been updated through September 17, 1982. The date, included under the heading "timetable," for scheduled action by the Commission or the Executive Director for Operations (EDO) on particular rules are considered tentative and are not binding on the Commission or its staff and are included for planning purposes only. This Regulatory Agenda is intended to provide increased notice and public participation in the rulemaking proceedings included on the Agenda. The NRC may, however, consider or act on any rulemaking proceeding even if it is not included in this Regulatory Agenda.

Those rules in the agenda which may have a significant economic impact upon a substantial number of small entities, pursuant to the Regulatory Flexibility Act (Pub. L. 96-354), are indicated under the heading "Effects on Small Businesses and Other Entities". The Regulatory Flexibility Act was enacted to encourage Federal agencies to consider, consistent with their enabling legislation, regulatory and informational requirements appropriate to the sizes of the businesses, organizations, and governmental jurisdictions subject to regulations. In the case of the NRC, for example, the Act required the NRC to consider modifying or tiering those rules which have a significant economic impact upon a substantial number of small entities in a way which considers the particular needs of small businesses or other small entities, while at the same time assuring that the public health and safety and the common defense and security are adequately protected. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981 (or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact upon a substantial number of small entities. If the rule will not have this impact, the head of the agency must certify in the rule that the analysis need not be prepared.

As a result of a Commission decision, the following rules on pages 101 and 102 in the July agenda are not included in this agenda. These two rules entitled "List of Required Emergency Preparedness Response Facilities and Associated Implementation Dates" and "License Applications; clarification of and Supplement to Notice of Proposed Rulemaking" are being incorporated into a Commission Policy Statement. Also in the July agenda, a rule appearing on page 76 entitled "Radiation Protection Instrument Test and Calibration" has been incorporated in a rule in this agenda entitled "Standards for Protection Against Radiation".

Comments on any rule in the agenda may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Comments may also be hand delivered to Room 1131, 1717 H Street, NW., Washington, D.C. between 8:15 a.m. and 5:15 p.m.

Comments received on rules for which the comment period has closed will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closure dates specified in the agenda.

The agenda and any comments received on any rule listed on the agenda are available for public inspection, and copying at a cost of five cents per page, at the Nuclear Regulatory Commisssion's Public Document Room, 1717 H Street, NW., Washington, D.C.

For further information concerning NRC rulemaking procedures or the status of any rule listed in this agenda, contact John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492–7086, persons outside the Washington, D.C. metropolitan area may call toll-tree: 800–368–5642. For further information on the substantive content of any rule listed in the agenda, contact the individual listed under the heading "contact" for that rule.

Dated at Bethesda, MD this 24th day of September, 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Acting Executive Director for Operations.

Section I—Final Rules

TITLE: COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS AND OPERATING LICENSES; IMMEDIATE EFFECTIVENESS RULE

Agency Contact: Richard A. Parrish, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (202) 634–3224.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201.

Abstract: This final rule clarifies the weight of authority to be given a Commission decision on "immediate effectiveness" by Licensing and Appeal Boards when they conduct a review after a Commission review of a decision that authorizes the issuance of a construction permit or an operating license. The final rule directs that, without express instructions to the contrary, no statement made in the course of the Commission's effectiveness determinations is to be given any weight by the Licensing or Appeal Boards in their reviews of stay requests or the merits of the license or permit applications.

Timetable: Final Rule Published: September 15, 1982 (47 FR 40535).

TITLE: CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO RESTRICTED DATA OR NATIONAL SECURITY INFORMATION

Agency Contact: Raymond J. Brady, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4472.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 10, 10 CFR Part 11, 10 CFR Part 25, 10 CFR Part 95.

Legal Authority: 42 U.S.C. 2165, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The final rule revises criteria and procedures for determining eligibility for access to restricted data for NRC employees and licensee personnel who possess formula quantities of special nuclear material. The revisions are needed to (1) modify certain types of derogatory information that would raise a question of eligibility for access authorization and/or security clearance, (2) provide for hearings to be conducted by a Hearing Examiner rather than a Personnel Security Board, and (3) clarify and make more concise several of the procedures relating to resolving questions of eligibility. The final rule also refines the categories and relevancy of information considered to enhance the application of due process procedures.

Timetable: Proposed Rule Published: May 7, 1982 (47 FR 19703). Final Rule Published: September 2, 1982 (47 FR 38675).

TITLE: PROTECTION OF EMPLOYEES WHO PROVIDE INFORMATION

Agency Contact: Anthony DiPalo, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 19, 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 60, 10 CFR Part 70, 10 CFR Part 72, 10 CFR Part 150.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2236, 42 U.S.C. 2282, 42 U.S.C. 5851.

Abstract: The final rule provides greater protection for employees of licensees, permittees, applicants, and their contractors and subcontractors who provide information to the NRC. This rule is in response to section 10 of Pub. L. 95–601 (42 U.S.C. 5851), which amended the Energy Reorganization Act of 1974 by adding a new section 210, "Employee Protection." This new section identified specific acts of employees as protected activities and prohibits employers from discriminating against employees who engage in these activities, provides the Department of Labor with new authority (29 CFR Part 24) to investigate an alleged act of discrimination, and provides a remedy to the discrimination by means of an administrative proceeding in the Department of Labor. The final rule (1) changes the types of information to include not only information on radiological working conditions but also information on antitrust, safeguards, safety, and security matters, (2) makes the employee protection provisions applicable not only to licensees but also to permittees, applicants, and their contractors and subcontractors, (3) makes employers aware that discrimination against employees who provide this information to the NRC is prohibited, (4) makes employees aware that if this discrimination is believed to have occurred, a recourse for remedy is available through the Department of Labor, and (5) requires posting on premises of licensees, permittees, and applicants of explanatory material relating to the prohibition and remedy. The new authority of the Department of Labor does not in any way abridge the Commission's preexisting authority under section 161 of the Atomic Energy Act to investigate any alleged discrimination and take appropriate action, for example, withholding of a license, suspension of a license, or imposing a civil penalty.

Timetable: Proposed Rule Published: March 10, 1980 (45 FR 15184). Final Rule Published: July 14, 1982 (47 FR 30452).

TITLE: INSTITUTIONAL RADIATION SAFETY COMMITTEE

Agency Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4580.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The final rule replaces the existing requirements for medical institutional licensees to appoint a Medical Isotopes Committee with a new requirement that medical institution licensees appoint a Radiation Safety Committee. The final rule simplifies committee membership requirements and focuses committee activity on coordinating the use of byproduct material throughout the institution and monitoring the institution's radiation safety program. The membership of the Radiation Safety Committee would include an authorized user for each type of use permitted by the license, a representative of the nursing staff, a representative of hospital management and the Radiation Safety Officer. The new membership requirements should make it easier for smaller hospitals to recruit a committee.

Timetable: Proposed Rule Published: April 9, 1979 (44 FR 21023). Final Rule Published: September 13, 1982 (47 FR 40149).

TITLE: EMERGENCY PLANNING AND PREPAREDNESS

Agency Contact: Michael T. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: (1) 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846; (2) 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239.

Abstract: The final rule clarifies (1) that emergency preparedness exercises are part of the preoperational inspection and thus required prior to operation above 5% of rated power, but not for a Licensing Board, Appeal Board, or Commission licensing decision; and (2) that for issuance of operating licensing authorizing only fuel loading and low power operation (up to 5% of rated power), no NRC or Federal emergency Management Agency (FEMA) review, findings, and determinations concerning the state or adequacy of offsite emergency preparedness shall be necessary. The final rule is a composite of two proposed rules, on which the Commission received numerous comments. The Commission evaluated all public comments, and also fully considered the risks of operating a nuclear power reactor at low power. The risks of operating a power reactor at low power are significantly lower than the risks of operating at full power, because (1) the fission product inventory is much less, (2) there is a significant reduction in the required capacity of systems designed to mitigate the consequences of accidents, and (3) the time available for taking actions to identify accident causes and mitigate accident consequences is much longer than at full power. On balance, the Commission has concluded that the rule changes are technically justifiable and will enhance the efficiency of the licensing process, without adversely affecting the public health and safety.

Timetable: Proposed Rule Published: (1) December 15, 1981 (46 FR 61134). (2) December 15, 1981 (46 FR 61132). Final Rule Published: July 13, 1982 (47 FR 30232).

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (SUMMER 1981)

Agency Contact: Edward Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5894.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The final rule incorporates by reference the Summer 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nulear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. The final rule includes the most recent changes made to the ASME Boiler and Pressure Vessel Code and permits the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable: Proposed Rule Published: February 3, 1982 (47 FR 5011). Final Rule Published: July 14, 1982 (47 FR 30459).

TITLE: COMMUNICATIONS PROCEDURES, CLARIFYING AMENDMENT

Agency Contact: Steve Scott, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8585.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule requires applicants and licensees to obtain specifications and copy requirements from the NRC, prior to submitting any communications in microform. The final rule is the result of a recommenation to clarify the requirements for submission of documents by licensees to allow and encourage use of microform. The use of microform would result in the reducing of the volume of paper copies submitted to the NRC as well as relieving the burden of the licensees having to submit large numbers of paper copies.

Timetable: Final Rule Published: July 22, 1982 (47 FR 31674).

TITLE: GENERAL LICENSE FOR SHIPMENT IN PACKAGES APPROVED FOR USE BY ANOTHER PERSON

Agency Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 71.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The final rule modifies the recordkeeping requirements for general licenses issued under § 71.12. This general license authorizes use of a package that the Commission has previously evaluated and specifically authorized another licensee to use. Currently § 71.12 requires the general licensee to possess copies of all documents referred to in the Commission's specific authorization. The final rule requires the general licensee to possess only those drawings and other documents relating to the use and maintenance of the packaging and the actions to be taken prior to shipment. The proposed rule would reduce the recordkeeping burden on licensees by approximately 50 percent.

Timetable: Proposed Rule Published: May 18, 1982 (47 FR 21269). Final Rule Published: August 12, 1982 (47 FR 34970).

Section II—Proposed Rules

TITLE: EX PARTE COMMUNICATIONS AND SEPARATION OF ADJUDICATORY AND NON-ADJUDICATORY FUNCTIONS

Agency Contact: Paul Bollwerk, Office of the General Counsel, U.S. Nuclear Regulatory Commission, (202) 634–3224.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 0, 10 CFR Part 2.

Legal Authority: 5 U.S.C. 555, 557.

Abstract: The proposed rule would (1) codify the practices regarding ex parte communications the Commission now employs in its adjudicatory proceedings and (2) adapt the Commission's rules of the terminology of the Government in the Sunshine Act (Pub. L. 94–409). An ex parte communication is one in which one party to a contested hearing communicates with the presiding officer(s) regarding the issue under contention, and this communication is made in the absence of, and without notice to, the other party and the communication is not made part of the proceeding's record. The proposed rule applies to all "Commission adjudicatory employees," which is a new term introduced in this rule. The designation of certain employees as "adjudicatory employees" represents a principle embodied in currently effective regulations. The term includes all of those employees who participate in the making of the Commission's (or the subordinate adjudicatory panel's) decisions in adjudicatory proceedings. The term does not include those persons whose participation in the decision-making process is limited to appearance as witnesses or counsel. The proposed rule is designed to prevent Commission adjudicatory employees from being subordinate to non-adjudicatory employees so that no situations can arise in which the independence of the Commission's adjudications may be suspect. The proposed rule would prevent Commission staff personnel who have appeared as parties in adjudications from participation in making decisions in those or factually related adjudications. The proposed rule also includes operative provisions of the ex parte rule, and an explanation of how proceedings to impose sanctions for violation of the ex parte rule should be commenced. The proposed rule also defines the term "interested person" as that term is defined in the legislative history of the Sunshine Act, H.R. Rep. 94–880, Part I, 94th Cong., 2nd Sess., at 19–20, 1976. A draft final rule was sent to the Commission in October 1979, but Commission action has been suspended pending a broad review of the Commission's ex parte and separation of function rules. The Commission is presently reviewing proposals for a new rulemaking proceeding and the relationship between rule changes and its Task Force on Licensing Reform.

Timetable: Proposed Rule Published: March 7, 1979 (44 FR 12428). Next Scheduled Action: Final rule, Unscheduled.

TITLE: PROCEDURES INVOLVING THE EQUAL ACCESS TO JUSTICE ACT: IMPLEMENTATION

Agency Contact: Paul Bollwerk, Officer of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (202) 634–3224.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 1, 10 CFR Part 2.

Legal Authority: 42 U.S.C. 504.

Abstract: The proposed rule would add new provisions designed to implement the Equal Access to Justice Act (EAJA) which provides for the award of fees and expenses to certain eligible individuals and businesses that prevail in agency adjudications in which the agency's position is determined not to have been substantially justified. The basis for these proposed regulations is a set of model rules issued by the Administrative Conference of the United States (ACUS) which have been modified to conform to NRC's established rules of practice. The proposed rule would further the EAJA's intent by ensuring the development of "uniform" agency regulations government wide, and by providing NRC procedures and requirements for the filing and disposition of EAJA applications. A final draft rule was sent to the Commission in June 1982, but Commission action has been suspended pending a decision by the Comptroller General on the availability of funds to pay awards to intervenor parties.

Timetable: Proposed Rule Published: October 28, 1981 (46 FR 53189). Next Scheduled Action: Final rule, Unscheduled.

TITLE: ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

Agency Contact: Jane R. Mapes, Office of The Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (301) 492–8695.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 51, 10 CFR Part 70, 10 CFR Part 110.

Legal Authority: 42 U.S.C. 2021, 42 U.S.C. 2201, 42 U.S.C. 4332, 42 U.S.C. 4334, 42 U.S.C. 4335.

Abstract: The proposed rule would revise the Commission's environmental protection regulations in a manner consistent with NRC's domestic licensing and regulatory authority. The proposed rule would reflect Commission policy to take account of the Environmental Quality Counil's (CEQ) Regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) subject to certain conditions. The proposed rule would implement each section 102(2) NEPA provision, thereby making all Commission actions that are not totally excluded from environmental review or do not fall under a categorical exclusion contained in the regulation, subject to the NRC-NEPA review process. The proposed rule would bring, to the extent possible, NRC's environmental review requirements into conformance with the CEQ procedural requlations, ensure that environmental aspects are considered as part of the NRC decision-making process, and make environmental information available to the public.

Timetable: Proposed Rule Published: March 3, 1980 (45 FR 13739). Next Scheduled Action: Unscheduled.

TITLE: LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION; ALTERNATIVE SITE REVIEWS

Agency Contact: William Ott, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4078.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50, 10 CFR Part 51.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 4332, 42 U.S.C. 5841.

Abstract: The proposed rule would provide procedures and performance criteria for reviewing alternative sites for nuclear power plants uner the National Environmental Policy Act of 1969 (NEPA). The proposal is intended to stabilize alternative site reviews of a license application by codification of the lessons learned in past and recent reviews of nuclear power plant sites into an environmentally sensitive rule. The proposed rule would focus on six major issues associated with alternative site selection: (1) Information requirements, (2) timing, (3) region of interest, (4) selection of candidate sites, (5) comparison of the proposed site with alternative sites, and (6) reopening of the alternative site decision. The proposed rule would develop understandable written NRC review and decision-making criteria that provide necessary protection of important environmental qualities while reasonably restricting the consideration of alternatives to permit a rational and timely decision concerning the sufficiency of the alternative site analysis analysis. After considering the comments on the proposed rule, the Commission published a final rule on May 28, 1981 (46 FR 28630), addressing the sixth issue, reopening the alternative site question after a favorable decision at construction permit or early site review stages insofar as it relates to operating license proceedings. The Staff is addressing the other issues in the development of this rule.

Timetable: Proposed Rule Published: April 9, 1980 (45 FR 24168). Next Scheduled Action: Final rule, December 1982.

TITLE: POSSIBLE AMENDMENTS TO "IMMEDIATE EFFECTIVENESS" RULES

Agency Contact: Richard A. Parrish, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (202) 634–3224.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a subtantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule indicates that the Commission is considering five alternative amendments to the "immediate effectiveness" rule for construction permit proceedings. Under the "immediate effectiveness" rule, construction of a nuclear power plant could begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review by the Commission. The Commission is concerned that the rule often prevented it from reviewing a case until construction was well underway and that this might have (1) allowed commitment of large sums of money to altering sites before a final decision was made on site-related issues and (2) promoted piecemeal review rather than promoting early resolution of all licensing issues to be considered. This proposed rule would help to determine whether NRC should permit construction on a nuclear power plant to begin on the basis of an initial decision by the Atomic Safety and Licensing Board (ASLB) even though that decision is subject to further review within the Commission.

Timetable: Proposed Rule Published: May 22, 1980 (45 FR 34279). Next Scheduled Action: Unscheduled.

TITLE: MODIFICATIONS TO THE NRC HEARING PROCESS (LIMITED INTERROGATORIES AND FACTUAL BASIS FOR CONTENTIONS)

Agency Contact: Trip Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 634–1465.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2239.

Abstract: The proposed rule would expedite conduct of NRC adjudicatory proceedings by requiring intervenors in formal NRC hearings to set forth the facts on which contentions are based and the sources or documents used to establish those facts and limit the number of interrogatories that a party may file in an NRC proceeding. The proposed rule would expedite the hearing process by, among other things, requiring intervenors to set forth at the outset the facts upon which their contention is based and the supporting documentation to give other parties early notice of inervenor's case so as to affor opportunity for early dismissal of contentions where there is no factual dispute.

Timetable: Proposed Rule Published: June 8, 1981 (46 FR 30349). Next Scheduled Action: Final rule, early 1983.

TITLE: AGE DISCRIMINATION

Agency Contact: Hudson B. Ragan, Office of Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–8252.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 4.

Legal Authority: The Age Discrimination Act of 1975, as amended, Pub. L. 94–135, Pub. L. 478.

Abstract: The proposed rule would implement the provisions of the Age Discrimination Act of 1975, as amended. The proposed amendment makes it unlawful for any recipient of Federal financial assistance to discriminate on the basis of age in programs or activities receiving Federal financial assistance from the NRC. The Act also contains certain exceptions that permit, under limited circumstances, continued use of age distinctions or factors other than age that may have a disproportionate effect on the basis of age. The Act applies to persons of all ages. The proposed rule is necessary to comply with the Age Discrimination Act of 1975, which directs that all Federal agencies empowered to provide Federal financial assistance issue rules, regulations, and directives consistent with standards and procedures established by the Secretary of Health and Human Services (HHS). NRC's proposed and final regulations have been modeled after those HHS guidelines as published in 45 CFR Part 90. On November 23, 1981, a copy of the proposed final regulations was transmitted to the Office of General Counsel of the Civil Rights Division, HHS, for review to comply with the requirement that final agency regulations not be published until the Secretary of HHS approves them.

Timetable: Proposed Rule Published: September 21, 1981 (46 FR 46582). Next Scheduled Action: Final rule, action cannot be schedule until the regulation is approved by the Secretary of HHS, as required by law.

TITLE: LOWER RADIATION EXPOSURE LEVELS FOR FERTILE WOMEN

Agency Contact: Walter Cool, Office of Nuclear Regulatory Reseach, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4579.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 19, 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201.

Abstract: The proposed rule would incorporate the intent of the recommendation of the National Council on Radiation Protection and Measurements (NCRP) in Report No. 39 that the radiation exposure to an embryo or fetus be minimized. It would help provide assurance that radiation exposures of fertile women and fetuses will be kept well within the numerical dose limits recommended by the NCRP without undue restriction on activities involing radiation and radioactive material. The proposed rule would amend NRC regulations to require licensees to instruct workers regarding health protection problems associated with exposure to radiation and radioactive materials by providing information about biological risks to embryos and fetuses. The proposed rule would also contain a Commission statement that licensees should make particular efforts to keep the radiation exposure of an embryo or fetus to the very lowest practicable level during the entire gestation period as recommended by the NCRP.

Timetable: Proposed Rule Published: January 3, 1975 (40 FR 799). Next Scheduled Action: Incorporation into the comprehensive revision of Part 20 to be issued as a proposed rule in December 1982.

TITLE: CHANGES IN RADIATION DOSE-LIMITING STANDARDS

Agency Contact: Walter S. Cool, Office of Nuclear Regulatory Reseach, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4579.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 19, 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201.

Abstract: The proposed rule was published becaue of the desire of the Commission to reduce the risks of occupational radiation doses in Commission-licensed activities, the Commission's continuing systematic assessment of exposure patterns, and new recommendations of the International Commission on Radiological Protection for controlling radiation dose. In preparing the proposed rule, the Commission has also taken into account recently published interpretations of epidemiological data and associated recommendations for lower dose standards as well as petitions for rulemaking to lower dose standards PRM–20–6 and PRM–20–6A. The proposed rule would eliminate the accumulated dose averaging formula and the associated Form NRC–4, Exposure History, and impose annual dose-limiting standards. In addition to the imposition of annual dose-limiting standards, the proposed rule contains provisions that would express, in terms of new annual standards, the standard for dose to minors, the requirement for control of total dose to all workers including transient and moonlighting workers. The changes contained in the proposed rule are intended to benefit workers by increasing radiation protection for them and to encourage some NRC licensees to take further action to reduce occupational radiation doses.

Timetable: Proposed Rule Published: February 20, 1979 (40 FR 10388). Next Scheduled Action: Incorporation into the comprehensive revision of Part 20 to be issued as a proposed rule in December 1982.

TITLE: TRANSURANIC WASTE DISPOSAL

Agency Contact: Paul H. Lohaus, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4500.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20, 10 CFR Part 150.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2273, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would prohibit the disposal by burial in soil of transuranic elements above a certain concentration. A companion amendment to Part 150 would reassert exclusive Commission authority over disposal of transuranic contaminated wastes (TRU) exceeding this concentration in Agreement States. The proposed rule has been incorporated into a new proposed rule, that would establish a new 10 CFR Part 61. A notice withdrawing the earlier proposed rule on TRU and an amendment to the Commission's Part 150 Agreement States rule will be issued following publication of the final rule 10 CFR Part 61 which is currently before the Commission.

Timetable: Proposed Rule Published: September 12, 1974 (39 FR 32921). Next Scheduled Action: Withdrawal of proposed rule.

TITLE: EXEMPTION OF TECHNETIUM-99 AND LOW-ENRICHED URANIUM AS RESIDUAL CONTAMINATION IN SMELTED ALLOYS

Agency Contact: H. J. Bicehouse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 32, 10 CFR Part 70, 10 CFR Part 150.

Legal Authority: 42 U.S.C. 2021, 42 U.S.C. 2073, 42 U.S.C. 2077, 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would exempt from licensing and regulatory requirements technetium-99 and low-enriched uranium as residual contamination in any smelted alloy. The proposed rule would remove the Commission's present specific licensing requirement that has the effect of inhibiting trade in and recycling of metal scrap contaminated with small amounts of these radioactive materials. This requirement also prevents recycling by the secondary metals industry of smelted alloys containing these two radioactive materials. The NRC issued the proposed rule in response to a Department of Energy request.

Timetable: Proposed Rule Published: October 27, 1980 (45 FR 70874). Next Scheduled Action: Final Rule, Fall 1983.

TITLE: IRRETRIEVABLE WELL-LOGGING SOURCES

Agency Contact: Henry J. Bicehouse, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would establish requirements a licensee must follow in the event a well-logging source (a measurement/detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. The proposed rule would codify the requirements that were previously imposed on individual licensees as a license condition. The proposed rule would give reasonable assurance that there is no damage to the source through subsequent drilling operations which might result in dispersal of the radioactive material to the biosphere.

Timetable: Proposed Rule Published: September 28, 1978 (43 FR 44547). Next Scheduled Action: Final rule, December 1982.

TITLE: PATIENT DOSAGE MEASUREMENT

Agency Contact: Elizabeth G. Rodenbeck, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4580.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require specific category medical licensees to (1) measure the total activity of each radiopharmaceutical dosage, except those containing a pure beta-emitting radionuclide, before it is administered to a patient; (2) measure doses with activity less than ten microcuries to verify that activity did not exceed ten microcuries; and (3) keep a record of each measurement. Currently, each of NRC's approximately 2000 specific medical licensees are individually required by a license condition to measure the activity of radiopharmaceutical dosages before administering them to patients. The proposed rule would simplify licensing by replacing a condition that appears in all specific medical licenses with one regulation and enhance patient radiation safety by minimizing potential misadministrations caused by not measuring the patient dosage.

Timetable: Proposed Rule Published: September 1, 1981 (46 FR 43840). Next Scheduled Action: Final rule, January 1983.

TITLE: PHYSICIAN'S USE OF RADIOACTIVE DRUGS

Agency Contact: Deborah Bozik, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427-4566.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5841.

Abstract: The proposed rule would establish the first exception to the NRC's requirement that a physician follow FDA approved labeling for (1) chemical and physical form, (2) route of administration, and (3) dosage range when the physician uses an approved drug for an unapproved use. The proposed rule would allow a physician to use Tc-99m pentetate sodium aerosol for lung function studies without regard to restrictions concerning FDA labeling. The proposed rule would also establish the process by which other radiopharmaceuticals and uses could be exempted from the requirement to follow FDA labeling after the NRC makes a determination of radiation safety.

Timetable: Proposed Rule Published: April 13, 1982 (47 FR 15798). Next Scheduled Action: Final Rule, November 1982.

TITLE: TELETHERAPY ROOM RADIATION MONITORS

Agency Contact: Alan K. Roecklein, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5841.

Abstract: The proposed rule would codify existing licensing orders and conditions that require installation of radiation monitors in licensed teletherapy rooms, the use of portable survey meters when monitors are inoperable, and the performance of inspection and servicing of safety related teletherapy components. The proposed rule would provide warning of potential teletherapy unit malfunctions and resultant patient/operator overexposures. Further, the proposed rule would replace repetitive individual license conditions with a single regulation. Finally, inspection and servicing requirements would be required of teletherapy licenses. The NRC became aware of several teletherapy unit malfunctions that had the potential of causing serious overexposures through reports from the Bureau of Radiological Health and voluntary reports from licensees. In May 1980, the NRC issued an order amending all teletherapy licenses to require the installation of radiation monitors.

Timetable: Proposed Rule Published: April 28, 1982 (47 FR 18131). Next Scheduled Action: Final Rule, September 1982.

TITLE: GENERAL DESIGN CRITERIA FOR FUEL REPROCESSING PLANTS

Agency Contact: Charles W. Nilsen, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5910.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The proposed rule would establish general criteria for designing fuel reprocessing plants in order to provide reasonable assurance that fuel reprocessing plants can be operated without undue risk to the health and safety of the public. The general criteria contains the minimum requirements that an applicant must use in the selection of principal design criteria for a fuel reprocessing plant. The principal criteria would establish design, fabrication, construction, testing, and performance requirements for structures, systems, and components important to the safety of the facility. This proposed rule was indefinitely deferred based on the Carter administration's policy that commercial reactor fuel will not be reprocessed.

Timetable: Proposed Rule Published: July 18, 1974 (39 FR 26293). Next Scheduled Action: Unscheduled.

TITLE: FRACTURE TOUGHNESS REQUIREMENTS FOR NUCLEAR POWER REACTORS

Agency Contact: Neil Randall, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5904.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would update existing fracture toughness requirements for the reactor coolant pressure boundary of light-water nuclear power reactors. The proposed rule is needed to (1) clarify the applicability of the fracture toughness requirements to old and new plants, (2) modify certain requirements of Appendices G and H to 10 CFR Part 50, and (3) simplify these regulations by replacing technical detail with references to appropriate ASME Boiler and Pressure Vessel Code provisions.

Timetable: Proposed Rule Published: November 14, 1980 (45 FR 75536). Next Scheduled Action: Final rule is pending before the Commission.

TITLE: TMI-RELATED LICENSING REQUIREMENTS FOR PENDING OPERATING LICENSE APPLICATIONS

Agency Contact: David M. Verrelli, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-8434.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would add new requirements to power reactor safety regulations applicable only to operating license applications. The proposed rule, as part of NRC's efforts to apply the lessons learned from the accident at Three Mile Island to power plant licensing, would codify into the Commission's regulations the basic requirements contained in NUREG-0737, which address the problems of design deficiencies, equipment failure, and human error. The proposed rule advised the public that the Commission was considering the issuance of a similar rule that would incorporate NUREG–0737 requirements into its regulations applicable to operating reactors. However, at a meeting held August 12, 1981, the Commission determined that a proposed rule for operating reactors should not be issued, and requested instead an approach with a substantially reduced scope that would increase flexibility and permit more detailed consideration. The staff is preparing a Commission Paper recommending that the rule for operating license applicants should also not be issued. Recent litigation experience shows that there is no need for the rule, and the rule would limit flexibility.

Timetable: Proposed Rule Published: May 13, 1981 (46 FR 26491). Next Scheduled Action: Commission Paper, October 1982.

TITLE: REPORTING OF CHANGES TO THE QUALITY ASSURANCE PROGRAM

Agency Contact: William Belke, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require holders of nuclear power plant construction permits and operating licenses to implement their approved quality assurance programs. The proposal would also require the permit holders and licensees to inform the Commission in writing within 30 days of certain program changes which affect the description of the quality assurance program included in their Safety Analysis Report and accepted by the Commission. Because existing regulations do not require that changes to the accepted quality assurance program be reported to the Commission, some licensees have changed their quality assurance programs without informing the Commission. The proposed rule would ensure that quality assurance programs approved by the Commission do not have their effectiveness reduced by subsequent changes thereby increasing the risk to public health and safety.

Timetable: Proposed Rule Published: July 2, 1981 (46 FR 34595). Next Scheduled Action: Final rule, November 1982.

TITLE: ANTICIPATED TRANSIENTS WITHOUT SCRAM (ATWS)

Agency Contact: David Pyatt, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5960.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule presents two of three alternative regulatory programs designed to reduce the risk posed by accidents involving anticipated transients without scram (ATWS) events under consideration by the Commission. The third alternative is set out in a petition for rulemaking filed by twenty utilities (Electric Utilities Petition, PRM–50–29, published November 4, 1980; 45 FR 73080, and a supplement to the petition published February 3, 1981; 46 FR 10501). An ATWS event occurs when a nuclear reactor's shut down ("scram") system fails to function following a fault (transient event) in the reactor's normal heat dissipation function. A possible outcome of some ATWS accident sequences is the development of a mismatch between the power generated in the reactor and the controlled dissipation of that power. This power mismatch can threaten the integrity of the barriers that confine the fission products. A core meltdown accident, in some cases accompanied by a failure of containment and a very large release of radioactivity, is a possible outcome of some ATWS accident scenarios. Thus, the Commission has determined that the consequences of some postulated ATWS accidents are unacceptable and has developed this proposed rule to address this important safety issue through rulemaking. The Commission believes that the likelihood of severe consequences arising from a ATWS event during the two to four year period required to implement a rule is acceptably small. The implementation schedule contained in the proposed rule balances the need for careful analysis and plant modifications with the desire to carry out the objectives of the rule as soon as possible.

Timetable: Proposed Rule Published: November 24, 1981 (46 FR 57521). Next Scheduled Action: Final rule, Fall 1983.

TITLE: IMMEDIATE NOTIFICATION REQUIREMENT FOR OPERATING NUCLEAR REACTORS

Agency Contact: William R. Mills, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–4791; Michael J. Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would require that every operating license for a nuclear power reactor contain a condition that would require the licensee to notify the Commission as soon as possible, and in all cases within one hour, of any significant event; that is, an event that could pose a threat to public health and safety. The current regulations require licensees to notify NRC of certain "significant events." The proposed rule would clarify the list of reportable significant events contained in the regulations. The proposed rule also responds to the intent of Congress, expressed in Section 201 of the Nuclear Regulatory Commission Authorization Act for Fiscal Year 1980 (Pub. L. 96–295), that the Commission establish specific guidelines for identifying accidents which could result in an unplanned release of radioactivity in excess of allowable limits and require immediate notification of these incidents. On August 19, 1980 (45 FR 55402), NRC published a final rule on emergency planning that required, among other things, procedures for immediate notification of NRC, state, and local emergency response personnel in certain situations. These situations were discussed in Revision 1 to NUREG–0654/FEMA–REP–1 issued November 1980. NRC experience and 15 comments on the rule establishing the events that must be reported (issued February 29, 1980; 45 FR 13435) indicate that the notification rule requires clarification. The proposed rule provides the needed clarification. The proposed requirements would provide increased confidence that the public health and safety would be protected in a radiological emergency.

Timetable: Proposed Rule Published: December 21, 1981 (46 FR 61894). Next Scheduled Action: Final rule, December 1982.

TITLE: INTERIM REQUIREMENTS RELATED TO HYDROGEN CONTROL

Agency Contact: Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5981.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2152, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2234, 42 U.S.C. 2236, 42 U.S.C. 2239, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would require improved Hydrogen control systems for boiling water reactors (BWRs) with Mark III type containments and for pressurized water reactors (PWRs) with ice condenser type containments. All light-water nuclear power reactors not relying on an inerted atmosphere for hydrogen control would be required to show that certain important safety systems must be able to function during and following hydrogen burning.

Timetable: Proposed Rule Published: December 23, 1981 (46 FR 62281). Next Scheduled Action: Final rule, October 1982.

TITLE: TECHNICAL SPECIFICATIONS FOR NUCLEAR POWER REACTORS

Agency Contact: Donald J. Skovholt, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-4446.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule would amend current regulations pertaining to technical specifications for nuclear power reactors. Specifically, the proposed would (1) establish a standard for deciding which items derived from the safety analysis report must be incorporated into technical specifications, (2) modify the definitions of categories of technical specifications to focus more directly on reactor operations, (3) define a new category of requirements that would be of lesser immediate significance to safety than technical specifications, and (4) establish appropriate conditions that must be met by licensees to make changes to the requirements in the new category without prior NRC approval. The changes are needed because of disagreements among parties to proceedings as to what items should be included in technical specifications, and concern that the substantial growth in the volume of technical specifications may be diverting the attention of licensees from matters most important to the safe operation of the plant. The proposed rule would improve the safety of nuclear power plant operations by reducing the volume of technical specifications, place more empasis on those specifications of high safety significance, and provide more efficient use of NRC and licensee resources. The NRC staff has estimated that each of the affected 21 licensees should utilize the proposed method for changing supplemental specifications approximately twice a year. The total additional yearly burden to resubmit a revoked change for all 21 affected licensees would be approximately 101 manhours.

Timetable: ANPRM Published: July 8, 1980 (45 FR 45916). Proposed Rule Published: March 30, 1982 (47 FR 13369). Next Scheduled Action: Final rule, March 1983.

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS

Agency Contact: Alfred Taboada, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5903.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would reference additional provisions of the ASME Boiler and Pressure Vessel Code, including sections that provide rules for the construction of certain safety systems, and it would clarify existing regulations by removing obsolete provisions. The ASME Code sections proposed for incorporation by reference include the requirements for Class 2 Components, which are found in Subsection NC and NCA of the Code, and the requirements for Class 3 Components, which are found in Subsections ND and NCA of the Code. Experience has shown that these additional parts of Section III of the ASME Boiler and Pressure Vessel Code are adequate for use on a general basis. The proposed rule would establish enforceable requirements to replace previous guidance criteria and ensure the proper application of referenced ASME Codes to eliminate any possible misunderstandings concerning NRC requirements to be addressed in an application for a license for a nuclear power plant.

Timetable: Proposed Rule Published: April 13, 1982 (47 FR 15801). Next Scheduled Action: Unscheduled.

TITLE: LICENSEE EVENTS REPORT SYSTEM

Agency Contact: Frederick Hebdon, Office of Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-4489.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule requests public comment on a proposal to revise and codify the existing Licensee Event Report (LER) system. The LER system is an NRC-operated, voluntary reporting system in which nuclear power plant licensees provide data concerning reactor component failure events experienced by licensees. In the proposed rule, the Commission endorsed the Institute for Nuclear Power Operations (INPO) plan to assume responsibility for management of the existing equivalent industry program, the Nuclear Plant Reliability Data System (NPRDS). The proposed rule would provide the NRC with the most efficient system to gather data on the operation of nuclear power reactors in order to evaluate the safety of selected systems of these reactors.

Timetable: ANPRM Published: January 30, 1980 (44 FR 6793). ANPRM Published: January 15, 1981 (45 FR 3541). ANPRM Published: October 6, 1981 (46 FR 49134). Proposed Rule Published: May 6, 1982 (47 FR 19543). Next Scheduled Action: Final rule, December 1982.

TITLE: ENVIRONMENTAL QUALIFICATION OF ELECTRIC EQUIPMENT FOR NUCLEAR POWER PLANTS

Agency Contact: Satish K. Aggarwal, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5946.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The proposed rule would clarify and strengthen the criteria for environmental qualification of electric equipment used in nuclear power plants. The applicable qualification methods currently contained in national standards, NRC regulatory guides, and certain NRC publications for equipment qualification are subject to different interpretations and have not had the legal force of an agency regulation. The proposed rule would codify the current NRC practice and apply the same uniform performance criteria with respect to environmental qualification to all operating nuclear power plants and plants for which application has been made for a construction permit or an operating license. Included are specific technical requirements pertaining to (a) qualification parameters, (b) qualification methods, and (c) documentation. The scope of the proposed rule does not include all electric equipment important to safety. It includes that portion of electric equipment important to safety commonly referred to as safety-related electric equipment, and nonsafety-related electric equipment whose failure could prevent the satisfactory accomplishment of required safety functional by safety-related equipment. Also requirements for certain post accident monitoring equipment are included in this rule.

Timetable: Proposed Rule Published: January 20, 1982 (47 FR 2876). Interim Final Rule Published: June 30, 1982 (47 FR 28363). Next Scheduled Action: Final rule, October 1982.

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (WINTER 1981)

Agency Contact: Edward Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5894.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would incorporate by reference the Winter 1981 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and section XI for operating plants. The proposed rule would permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable: Proposed Rule Published: July 29, 1982 (47 FR 32725). Next Scheduled Action: Final rule, December 1982.

TITLE: FITNESS FOR DUTY OF PERSONNEL WITH UNESCORTED ACCESS TO VITAL OR PROTECTED AREAS OF NUCLEAR POWER PLANTS

Agency Contact: Thomas Ryan, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5942.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2236, 42 U.S.C. 2237.

Abstract: The proposed rule would require licensees to establish and implement controls to assure that personnel with unescorted access to vital or protected areas are fit for duty. The Commission initiated the proposed rule in response to concern by members of the public that nuclear power plant operators, like airline pilots, should not be permitted to perform activities that could impair the public health and safety while unfit for duty as a result of actions such as the consumption of alcoholic beverages. The result of the proposed rule would be the further protection of the public health and safety by requiring personnel with unescorted access to vital or protected areas be fit for duty.

Timetable: Proposed Rule Published: August 5, 1982 (47 FR 33980). Next Scheduled Action: Final rule, April 1983.

TITLE: APPLICABILITY OF TECHNICAL FACILITY LICENSE CONDITIONS AND SPECIFICATIONS IN AN EMERGENCY

Agency Contact: Charles M. Trammell, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-7389.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would add a specific provision to the Commission's regulations to clarify that licensee technical specifications are not intended to restrict or prohibit the licensee from undertaking any action necessary to protect public health and safety during the course of unanticipated emergency conditions. Technical specifications contain a wide range of operating limitations and specifications concerning actions required to respond to certain systems failures and to other specified operating events. Technical specifications also require the employment of a wide range of operating procedures to be taken in the course of operation to maintain facility safety. The rule would clarify the responsibility of licensees to take actions necessary to protect public health and safety during emergencies even though the action necessary may not be in full accord with certain provisions of the technical specifications. The staff believes that in emergency situations it is very important to assure that licensees have the ability to respond promptly using their best engineering judgment. The impact of this reporting requirement on licensees would be negligible.

Timetable: Proposed Rule Published: August 18, 1982 (47 FR 35996). Next Scheduled Action: Final Rule, December 1982.

TITLE: SHIFT STAFFING AT NUCLEAR POWER PLANTS

Agency Contact: Clare Goodman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-8901; Ellis W. Merschoff, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5943.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entitites.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5846.

Abstract: The proposed rule would provide minimum shift staffing requirements for licensed operators at nuclear power plants. Shift staffing requirements would be based upon a power plant's configuration (e.g., power plant may have two units and one control room, or three units and two control rooms) and the status of each unit (i.e. operating or cold shutdown). The proposed rule, in accordance with the requirement in Task I.A.1.4. of the TMI Action Plan would upgrade shift staffing requirements at nuclear power plants to ensure that a sufficient number of licensed personnel are on duty at any given time. The comment period closes September 27, 1982. The impact on the industry would be the cost of training and maintaining the required number of licensed operators on shift. Preliminary assessment of the licensees indicates that over half will meet these proposed staffing levels for licensed operators by July 1, 1982. There may be a need to grant extensions of the implementation date to some licensees based on the time required to train individuals to become senior reactor operators. The impact of training additional senior reactor operators may be particularly acute for those licensees who have had a higher than anticipated attrition rate. For those licensees who have already implemented Item I.A.1.3 of NUREG–0737, "Clarification of TMI Action Plan Requirements," the impact would be negligible.

Timetable: Proposed Rule Published: August 30, 1982 (47 FR 38135). Next Scheduled Action: Final rule, November 1982.

TITLE: SAFEGUARDS REQUIREMENTS FOR NONPOWER REACTOR FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Agency Contact: Carl J. Whithee, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4040.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 70, 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2071, 42 U.S.C. 2073, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2152, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2236, 42 U.S.C. 2239, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would establish permanent physical security requirements for nonpower reactor licensees who possess five formula kilograms or more of strategic special nuclear material (SSNM), primarily uranium-235 contained in high-enriched uranium (HEU). These physical security requirements would provide protection for nonpower reactor licensees authorized to possess formula quantities of SSNM against an insider threat and would require the licensee to arrange for a response by local law enforcement or other agencies in time to prevent a theft of a formula quantity of SSNM. The staff is considering a performance oriented regulatory approach which would give affected licensees flexibility in designing cost-effective measures for implementing the requirements of the final rule by allowing licensees to take advantage of existing facility design features. The proposed amendments would replace the currently effective interim requirements in § 73.60 which were published in the **Federal Register** on November 28, 1979 (44 FR 68199).

Timetable: Proposed Rule Published: September 18, 1981 (46 FR 46333). Next Scheduled Action: Revised Proposed rule, December 1982.

TITLE: EXPLANATION TO TABLE S–3 URANIUM FUEL CYCLE ENVIRONMENTAL DATA

Agency Contact: Glenn A. Terry, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4211.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 51.

Legal Authority: 42 U.S.C. 2011, 42 U.S.C. 4321.

Abstract: The proposed rule provides a narrative explanation of the numerical values established in Table S–3, "Table of Uranium Fuel Cycle Environmental Data," that appears in the Commission's environmental protection regulations. The proposed rule describes the basis for the values contained in Table S–3 and the conditions governing the use of the table. The narrative explanation also addresses important fuel cycle impacts such as environmental dose commitments, health effects, socioeconomic impacts, and cumulative impacts where these factors are eligible for generic treatment. The proposed rule would clarify the significance of the uranium fuel cycle environmental data contained in Table S–3 and address important environmental fuel cycle impacts that may be handled generically thereby removing those impacts from consideration in individual licensing proceedings. A U.S. Court of Appeals (D.C. Circuit) decision on April 27, 1982, invalidated the entire Table S–3 rule. While this decision is being appealed to the Supreme Court, the proposed rule to provide a narrative explanation for Table S–3 is being held in abeyance.

Timetable: Proposed Rule Published: March 4, 1981 (46 FR 15154). D.C. Circuit Court decision invalidating Table S–3 Rule: April 27, 1982. Petition for Rehearing in D.C. Circuit Court Denied: June 30, 1982. Appeal to Supreme Court to be filed: September 1982. Next Scheduled Action on Proposed Rule: Late 1983.

TITLE: DISPOSAL OF HIGH-LEVEL RADIOACTIVE WASTES IN GEOLOGIC REPOSITORIES

Agency Contact: Edward O'Donnell, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4639.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 60.

Legal Authority: 42 U.S.C. 2021, 42 U.S.C. 2071, 42 U.S.C. 2073, 42 U.S.C. 2092, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 4332, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would specify the technical criteria for the disposal of high-level radioactive waste (HLW) in geologic repositories. These proposed criteria address siting, design, and performance of a geologic repository, and the design and performance of the package which contains the waste within the geologic repository. The proposed rule also includes criteria for monitoring and testing programs, performance confirmation, quality assurance, and personnel training and certification. The proposed criteria are necessary for the NRC to fulfill its statutory obligations concerning the licensing and regulating of facilities used for the receipt and storage of high-level radioactive waste and to provide guidance to the Department of Energy and to the public as to the NRC's technical requirements for the disposal of high-level radioactive wastes in a geologic repository.

Timetable: ANPRM Published: May 13, 1980 (45 FR 31393). Proposed Rule Published: July 8, 1981 (46 FR 35280). Next Scheduled Action: Final rule, October 1982.

TITLE: LICENSING REQUIREMENTS FOR LAND DISPOSAL OF RADIOACTIVE WASTE

Agency Contact: Paul Lohaus, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4500.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR PART 61.

Legal Authority: 42 U.S.C. 2021a, 42 U.S.C. 2073, 42 U.S.C. 2077, 42 U.S.C. 2092, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C.

2232, 42 U.S.C. 2233, 42 U.S.C. 2273, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would specify (1) performance objectives and general requirements for land disposal of radioactive waste, (2) technical requirements for disposal of radioactive waste to near-surface disposal facilities, (3) requirements for submitting applications for licenses authorizing these activities and procedures which the Commission will follow in the issuance of these licenses, (4) provisions for consultation and participation in license reviews by state governments and Indian tribes, and (5) procedures governing the transfer of licensed material for disposal. Specific requirements for licensing facilities for the disposal of radioactive wastes by alternative land disposal methods will be proposed for Part 61 in subsequent rulemaking. The proposed rule does not deal with the disposal by individual licensees of their own wastes by burial. Disposal of radioactive wastes by an individual licensee will continue to be governed by requirements in Part 20 of 10 CFR.

Timetable: Proposed Rule Published: July 24, 1981 (46 FR 38081). Next Scheduled Action: Final rule is pending before the Commission.

TITLE: TRANSPORTATION OF RADIOACTIVE MATERIAL—COMPATIBILITY WITH IAEA REGULATIONS

Agency Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR PART 71.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2111, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2273, 42 U.S.C. 5842.

Abstract: The proposed rule would revise the NRC's regulations for the transportation of radioactive material to make them more compatible with those of the International Atomic Energy Agency (IAEA) and thus with those of most major nuclear nations of the world. Although several substantive changes are proposed in order to provide a more uniform degree of safety for various types of shipments, the Commission's basic standards for radioactive material packaging would remain unchanged. The Department of Transportation (DOT) is also proposing a corresponding rule change to its Hazardous Materials Transport Regulations.

Timetable: Proposed Rule Published: August 17, 1979 (44 FR 48234). Next Scheduled Action: Final rule, January 1983.

TITLE: PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIAL UNDER CERTAIN CONDITIONS

Agency Contact: Donald R. Hopkins, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 71.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require that shipments of plutonium by air be contained in a package specifically certified as air crash-resistant. The rule would permit the air shipment of plutonium in other packages if the plutonium is in a medical device for individual human use or if the plutonium is shipped in quantities or concentrations small enough to prevent significant hazard to the public health and safety, even if the plutonium were released in an air crash. This rule was developed in response to an amendment to the NRC Authorization Act for Fiscal Year 1976, Pub. L. 94–79, which was passed on August 9, 1975. This amendment, known as the "Scheuer Amendment," prohibited the air transport of plutonium, except in medical devices, until the NRC certified to the Congress that an air crash-resistant package has been developed. On August 4, 1978, the Commission certified to the Congress that a package certification program has been completed. The NRC has issued this proposed rule which would implement the mandate of Congress. All NRC licensees authorized to transfer plutonium are subject to the provisons of this proposed rule.

Timetable: Proposed Rule Published: November 13, 1981 (46 FR 55992). Next Scheduled Action: Final rule, January 1983.

TITLE: MISCELLANEOUS AMENDMENTS CONCERNING PHYSICAL PROTECTION OF NUCLEAR POWER PLANTS (PART OF INSIDER RULE PACKAGE)

Agency Contact: Tom R. Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4010.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2101, 42 U.S.C. 5841.

Abstract: The proposed rule would require in Nuclear Power Plants (1) the designation of vital areas (to allow vital islands), (2) access controls to vital islands, (3) the protection of certain physical security equipment, and (4) revised requirements for key and lock controls and revised searches of handcarried items at protected area entry points. The requirements will clarify policy in these areas and reduce unnecessary burden on the industry while maintaining plant protection. This rule is a revision of the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas." Initial development on the final rule produced significant changes, particularly the criteria for personnel access controls to vital areas, resulting in the need to publish a revised proposed rule. This revised proposed rule will provide a balanced safeguards approach providing for a level of protection equivalent to that of the present requirements.

Timetable: Proposed Rule Published: March 12, 1980 (45 FR 15937). Next Scheduled Action: Revised proposed rule, November 1982.

TITLE: SEARCHES OF INDIVIDUALS AT POWER REACTOR FACILITIES (PART OF INSIDER RULE PACKAGE)

Agency Contact: Tom R. Allen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4010.

Effects on Small Business and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2201, 43 U.S.C. 5841.

Abstract: The proposed rule would require nuclear power plant licensees to conduct searches of individuals at the entry portals to protected areas of power reactor facilities. The currently effective regulations require, in part, that physical ("pat-down") searches be conducted by licensees of their employees and other persons before their entry into a protected area of a power reactor facility. However, the NRC has extended relief to licensees from the requirement to conduct the physical search of regular employees of power reactor facilities while this rulemaking is proceeding. The most recent notice granting a continuation of this relief was published on December 1, 1980 (45 FR 79410). This proposed rule would require searches similar to those used on an interim basis at power reactors prior to November 1, 1980. The searches would include the mandatory use of search equipment for all persons and the use of pat-down searches of visitors. Pat-down searches of employees would be required in certain situations. The staff is considering changes to the proposed rule which would require utility employees and contractors who have been successfully screened in accordance with the requirements included in the proposed rule entitled "Access Controls to Nuclear Power Plant Vital Areas," published on March 12, 1980 (45 FR 15937), to be subject only to random searches using search equipment. All unscreened individuals will be required to be searched using search equipment. Physical ("pat-down") searches would be required only when search equipment is not working properly or when the licensee suspects that an individual is attempting to carry into the plant prohibited devices or material.

Timetable: Proposed Rule Published: December 1, 1980 (45 FR 79492). Next Scheduled Action: Revised proposed rule, November 1982.

TITLE: FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEEMENTS

Agency Contact: Eric E. Jakel, Office of Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–8691.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 140.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2210.

Abstract: The proposed rule would remove from the current regulations a stipulation which requires the Commission to allow interested persons 15 days to file petitions for leave to intervene when it enters into an indemnity agreement with provisions different than those in a standard form indemnity agreement. The Commission is proposing this action because it believes that a public hearing on the limited subject of the precise wording of an amendment to an indemnity agreement serves no useful purpose and is unnecessary.

Timetable: Proposed Rule Published: July 23, 1982 (47 FR 31887). Next Scheduled Action: Final rule, October 1982.

Section III—Advance Notices of Proposed Rulemaking

TITLE: STANDARDS FOR PROTECTION AGAINST RADIATION

Agency Contact: Robert E. Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4387.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The advance notice of proposed rulemaking seeks comments on a proposal to completely revise NRC's standards for protection against radiation (Part 20). This regulation applies to all NRC licensees and establishes standards for protection against radiation hazards under licenses issued by the NRC. The proposed revision reflects a comprehensive and systematic review of Part 20 and incorporates current standards for radiation protection into the revised regulation.

Timetable: ANPRM Rule Published: March 20, 1980 (45 FR 18023). Next Scheduled Action: Proposed rule, December 1982.

TITLE: PERFORMANCE TESTING OF PERSONNEL DOSIMETRY

Agency Contact: Nancy A. Dennis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The advance notice of rulemaking sought comment on a proposal to add amendments to 10 CFR Part 20 that would improve the accuracy and consistency of reported occupational radiation dose measurement by requiring proficiency tests of dosimetry processors who perform dosimetry for NRC licensees. The proposed amendments would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service that is certified by an NRC approved or specified testing laboratory. The ANPRM summarized the results of the pilot study of dosimetry processors against a draft HPSSC/ANSI standard on performance testing of dosimetry processors, and outlined alternatives for the operation of a testing laboratory. As described in the ANPRM, this program would involve amendments to 10 CFR Part 20 that would establish a program of this type. The performance standard to be used in this testing program would be the final HPSSC/ANSI standard. The competency of any proficiency testing laboratory (PTL) would be monitored by the National Bureau of Standards (NBS). During the comment period, a method for PTL operation was identified under procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) of NBS, which is part of the Department of Commerce (DOC). This method would allow NBS through NVLAP to contract the services of a PTL to administer proficiency testing for processors at the contractor's facility in accordance with the HPSSC/ANSI standard. The NRC staff, in a letter dated December 23, 1980, requested a joint project between DOC and NRC to establish a Laboratory Accreditation Program (LAP) for personnel dosimetry processors. The DOC, in accordane with NVLAP procedures and authority, published NRC's request for the development of such a LAP in the **Federal Register** (46 FR 9698) and requested public comment. NRC sent a copy of DOC's FRN and a description of the NVLAP method to all known dosimetry processors, licensees, and known interested persons. On July 17, 1981, the NRC and NBS signed an Interagency Agreement (revised on June 18, 1982) for the establishment of a LAP for Personnel Dosimetry Processors.

Timetable: ANPRM Published: March 28, 1980 (45 FR 20493). Next Scheduled Action: Proposed rule, October 1982.

TITLE: DECOMMISSIONING CRITERIA FOR NUCLEAR FACILITIES

Agency Contact: Keith G. Steyer, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5910.

Effects on Small Businesses and other entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 70, 10 CFR Part 72.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking seeks comment on a proposal to devleop a more explicit policy for decommissioning nuclear facilities. The proposal would provide more specific guidance on decommissioning criteria for production and utilization facility licensees and byproduct, source, and special nuclear material licensees. This action is intended to protect public health and safety and to provide the applicant or licensee with appropriate regulatory guidance for implementing and accomplishing nuclear facility decommissioning.

Timetable: ANPRM Published: March 13, 1978 (43 FR 10370). Next Scheduled Action: Proposed rule, February 1983.

TITLE: UPGRADED EMERGENCY PREPAREDNESS PROCEDURES FOR CERTAIN FUEL CYCLE AND MATERIALS LICENSEES

Agency Contact: Michael Jamgochian, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The advance notice of proposed rulemaking seeks comments on a proposal that would strengthen emergency preparedness requirements for fuel cycle and materials licensees with the potential for accidents involving radioactive materials harmful to public health and safety. This is necessary to ensure that emergency preparedness planning and coordination is sufficient to minimize the danger to public health and safety following an accident involving radioactive materials held by certain fuel cycle and materials licensees. One of the lessons learned from the accident at Three Mile Island was that improvements in emergency preparedness planning and coordination for some NRC licensed activities was necessary.

Timetable: ANPRM Published: June 3, 1981 (46 FR 29712). Next Scheduled Action: Proposed rule, February 1983.

TITLE: DESIGN OF INDUSTRIAL RADIOGRAPHIC EXPOSURE DEVICES

Agency Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 34.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking seeks comment on NRC's undertaking the development of safety design requirements for industrial radiation exposure devices. The proposed amendments would establish safety requirements for radiographic equipment. The proposed amendments are intended to reduce routine radiation exposures to radiographers and to reduce the number of overexposures to radiography operators and others caused by equipment failure. This action will be reassessed in light of parallel efforts aimed at radiographer training and certification and the issuance of an industry standard (ANSI N432).

Timetable: ANPRM Published: March 27, 1978 (43 FR 12718). Next Scheduled Action: Proposed rule, March 1983.

TITLE: CERTIFICATION OF INDUSTRIAL RADIOGRAPHERS

Agency Contact: James A. Jones, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 34.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The advance notice of proposed rulemaking would require all individuals who use byproduct material in the conduct of industrial radiography to be certified by a third party. Radiography licensees account for over 60 percent of the reported overexposures greater than five rems to the whole body. NRC regulations permit industrial radiographers to perform radiography independently. The NRC grants radiography licensees the authority to train and designate individuals competent to act as radiographers. The advance notice of proposed rulemaking seeks comment on a proposal that would enable NRC to verify the effectiveness of this training, thereby assuring that all radiographers possess adequate training and experience to operate radiographic equipment safely.

Timetable: ANPRM Published: May 4, 1982 (47 FR 19152). Next Scheduled Action: Proposed rule, December 1982.

TITLE: ACCEPTANCE CRITERIA FOR EMERGENCY CORE COOLING SYSTEMS FOR LIGHT-WATER-COOLED NUCLEAR POWER PLANTS

Agency Contact: Morton Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The advance notice of proposed rulemaking seeks comment on several questions concerning the acceptance criteria for Emergency Core Cooling Systems (ECCS) in light-water-cooled nuclear power plants. Specifically, some of the questions to be commented on are (1) under what circumstances should corrections to ECCS models be used during licensing reviews without necessitating complete reanalysis of a given plant or an entire group of plants; (2) what would be the impact of the proposed procedure-oriented and certain specific technical rule changes; and (3) how should safety margins be quantified and how can acceptable safety margins be specified. The Commission is considering changing certain technical and nontechnical requirements within the existing ECCS rule. The technical changes would include consideration of new research information. The nontechnical changes would be procedure-oriented and would, among other things, allow for corrections to be made to vendor ECCS analysis codes during the construction review and during construction of the plant. The changes would provide improvements to the ECCS rule which would eliminate previous difficulties encountered in applying the rule and improve licensing evaluation in the light of present knowledge, while preserving a level of conservatism consistent with that knowledge.

Timetable: ANPRM Published: December 6, 1978 (43 FR 57157). Next Scheduled Action: Proposed rule, November 1982.

TITLE: SEVERE ACCIDENT DESIGN CRITERIA

Agency Contact: Morton R. Fleishman, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5981.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking was published to provide the nuclear industry and the public an opportunity to submit advice and recommendations to the

Commission on what shoud be the content of a regulation requiring improvements to cope with degraded core cooling and with accidents not covered adequately by traditional design envelopes. The rulemaking proceeding will address the objectives of such a regulation, the design and operational improvements being considered, the effect on other safety considerations, and the cost of the design improvements compared to expected benefits. It is the Commission's intent to determine what changes, if any, in reactor plant designs and safety analysis are needed to take into account reactor accidents beyond those considered in the current design basis accident approach. Accidents under consideration include a range of loss-of-core-cooling, core damage, and core-melt events, both inside and outside historical design envelopes. In addition, the Commission will consider whether to require more coherent consideration of this range of core damage events in the design of both normal operating systems and engineered safety features.

Timetable: ANPRM Published: October 2, 1980 (45 FR 65474). Next Scheduled Action: Policy Statement 1982.

TITLE: DESIGN AND OTHER CHANGES IN NUCLEAR POWER PLANT FACILITIES AFTER ISSUANCE OF CONSTRUCTION PERMIT

Agency Contact: Tony DiPalo, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443–5981.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking was published to seek comments on a proposal that would make the proecdure for facility licensing more predictable by (1) defining more clearly the limitations on what changes a construction permit holder may make to a facility during construction and (2) controlling the ways a construction permit holder implements NRC criteria. The proposal is intended to improve the present licensing process and to develop specific descriptions of essential facility features to which a construction permit holder is bound.

Timetable: ANPRM Published: December 11, 1980 (45 FR 81602). Next Scheduled Action: Proposed rule. December 1982.

TITLE: MANDATORY PROPERTY INSURANCE FOR DECONTAMINATION OF NUCLEAR FACILITIES

Agency Contact: Robert S. Wood, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–9885.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice is proposed rulemaking requests comments on the Long Report (NUREG-0891) entitled "Nuclear Property Insurance: Status and Outlook," in order to determine the adequacy of the NRC's property insurance requirements. This report, prepared by Dr. John D. Long, Professor of Insurance at Indiana Unviersity, was written as an outgrowth of the Three Mile Island-2 accident after it became apparent that nuclear utilities may need property insurance than has previously been required. The NRC staff asked Dr. Long to write the report, in part, to answer six pertinent questions regarding nuclear property insurance. The Commission seeks comments on the issues raised by the Long Report and other issues relating to property insurance for nuclear facilities, including the feasibility of NRC participation in the regulation of replacement power insurance programs. Since this is an ANPRM, alternatives have not been evaluated.

Timetable: ANPRM Published: June 24, 1982 (47 FR 27371). Next Scheduled Action: Proposed rule, February 1983.

TITLE: STORAGE AND DISPOSAL OF NUCLEAR WASTE

Agency Contact: Leo Slaggie, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 634–3224; Sheldon Trubatch, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (202) 634–3224.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 51.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The advance notice of proposed rulemaking seeks public participation in a proceeding to be conducted by NRC on the storage and disposal of nuclear wastes. The purpose of the proceeding is (1) to assess generally the degree of assurance that radioactive wastes can be safely disposed of and (2) to determine whether disposal or off-site storage will be available prior to the expiration of a facility license and if not, whether radioactive wastes can be stored on-site past the expiration date of an existing facility license. This advance notice of proposed rulemaking was initiated in response to the decision of the U.S. Court of Appeals for the District of Columbia Circuit in *State of Minnesota v. NRC,* Nos. 78–1269 and 78–2032 (May 23, 1979), but also is a continuation of previous proceedings conducted by the Commission on this subject (see **Federal Register** notice published July 5, 1977; 42 FR 34391).

Timetable: ANPRM Published: October 25, 1979 (44 FR 61372). Next Scheduled Action: Proposed rule, October 1982.

TITLE: MODIFICATION OF THE POLICY AND REGULATORY PRACTICE GOVERNING THE SITING OF NUCLEAR POWER REACTORS

Agency Contact: William R. Ott, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4078.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 51, 10 CFR Part 100.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 5842.

Abstract: The advance notice of proposed rulemaking was published to seek comment on a proposal that would replace the existing reactor site criteria applicable to the licensing of nuclear power reactors with demographic and other siting criteria. The proposed rule would establish siting requirements that are independent of design differences between nuclear power plants. The proposed rule is intended to reflect the experience gained by the Commission since the original regulations on siting were published on April 12, 1962 (27 FR 3509). The proposed rule would ensure that Commission practices on nuclear power reactor siting afford sufficient protection to the public health and safety. The ANPRM also sought public comment on seven of the nine recommendations contained in NUREG–0625, "Report of the Siting Policy Task Force."

Timetable: ANPRM Published: July 29, 1980 (45 FR 50350). Next Scheduled Action: Proposed rule, December 1983.

TITLE: MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR FACILITIES POSSESSING FORMULA QUANTITIES OF STRATEGIC SPECIAL NUCLEAR MATERIAL

Agency Contact: Robert J. Dube, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4040.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The advance notice of proposed rulemaking would revise the material control and accounting (MC&A) regulations that apply to both existing and new fuel processing and fabrication facilities possessing formula quantities of strategic special nuclear material (SSNM). The amendments would permit (1) timely detection of the possible loss of strategic quantities of weapons grade nuclear material, (2) rapid determination of whether an actual loss of strategic quantities occurred, (3) facilitated recovery of the lost material by providing evidence regarding the source of the loss, if an actual loss occurred, and (4) long-term assurance that no significant loss has occured. These proposed regulations are currently being considered for application to future spent fuel reprocessing plants, but would not apply to waste disposal operations, nuclear reactors, or to users of nuclear material as sealed sources. Five basic options are presented in the advance notice of proposed rulemaking. These include two that emphasize existing inventory control requirements, and three that require material controls with a more timely frequency for detection and resolution of possible material losses. The latter three options also reduce a number of the existing requirements which the staff believes may not be cost-effective.

Timetable: ANPRM Published: September 10, 1981 (46 FR 45144). Next Scheduled Action: Proposed rule, April 1983.

TITLE: SEISMIC AND GEOLOGIC SITING CRITERIA FOR NUCLEAR POWER PLANTS

Agency Contact: Leon L. Beratan, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4370.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 100.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 5842.

Abstract: The advance notice of proposed rulemaking was published to solicit public comment on the need for a reassessment of the Commission's criteria for the siting of nuclear power plants. The Commission determined that this action was necessary as a result of experience gained with application of current criteria and the rapid advancement in the state of the art of earth sciences. The NRC staff was particularly interested in finding out about problems that have arisen in the application of existing siting criteria. The public was invited to state the nature of the problems encountered and describe them in detail. The public was also asked to submit proposed corrective actions. Two petitions for rulemaking filed with the Commission, PRM–50–20 and PRM–100–2 will be addressed as part of this rulemaking.

Timetable: ANPRM Published: January 19, 1978 (43 FR 2729). Next Scheduled Action: Proposed rule, 1986.

Section IV—Unpublished Rules

TITLE: MINOR CLARIFYING AMENDMENTS

Agency Contact: John Philips, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7086.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 1.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule would codify nomenclature changes required by reorganization of NRC staff activities; indicate the reassignment of the responsibility for the implementation of the Paperwork Reduction Act and the preparation of the monthly *Nuclear Regulatory Commission Issuances;* indicate the change in the commercial telephone number for the NRC's Region IV Office; and announce that the NRC Region IV Uranium Recovery Field Office, located in Denver, Colorado, will become operational on October 4, 1982.

Timetable: Next Scheduled Action: Final rule, September 1982.

TITLE: JURISDICTION OF ADJUDICATORY BOARDS

Agency Contact: William M. Shields, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8693.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 1, 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2241.

Abstract: The final rule would amend the Statement of Organization and Rules of Practice to make explicit the jurisdiction of NRC's adjudicatory boards in certain ancillary licensing matters which may arise in the course of an operating license proceeding for a nuclear power reactor. The amendments clarify the board's authority to decide issues related to a license application for the receipt of cold fuel at a reactor site prior to issuance of an operating license.

Timetable: Next Scheduled Action: Final rule is pending before the Commission.

TITLE: MANAGEMENT OF DISCOVERY

Agency Contact: Trip Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7814.

Effects and Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2231, 42 U.S.C. 2241, 42 U.S.C. 5841.

Abstract: The final rule would expand the authority for the presiding officer in an NRC adjudicatory proceeding to act on his or her own initiative to control discovery by setting guidelines for its use and imposing sanctions for its abuse. The rule would be intended to reduce unnecessary discovery and eliminate undue burdens on limited NRC staff resources. This rule is a part of the Commission's continuing efforts to expedite the NRC hearing process with due regard for the rights of the parties and is currently being reviewed by the Regulatory Reform Task Force.

Timetable: Next Scheduled Action: Final rule, Unscheduled.

TITLE: COMMISSION REVIEW PROCEDURES FOR POWER REACTOR CONSTRUCTION PERMITS; IMMEDIATE EFFECTIVENESS RULE

Agency Contact: Richard A. Parrish, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (202) 634–3224.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 581.

Abstract: The proposed rule (1) would retain the requirement that the Commission conduct a limited review of an Atomic Safety and Licensing Board's decision to grant a construction permit pending completion of administrative appeals and (2) would delete the requirement that an Atomic and Safety Licensing Appeal Board conduct a similar review. The proposed rule would not affect the separate Appeal Board and Commission appellate reviews of the merits of Licensing Board decisions. The proposed rule would amend the immediate effectiveness rule with regard to rules of practice for granting a power reactor construction permit to conform to those for granting an operating license. It would reduce somewhat the time required for administrative review of construction permit decisions while retaining direct Commission oversight prior to permit issuance. This proposed rule does not preclude further action on five alternatives for amending the "Immediate Effectiveness" rule presented in an earlier notice on May 22, 1980 (45 FR 34279).

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: AUTHORITY TO ISSUE NOTICES OF VIOLATION TO NON-LICENSEES AND DELEGATION OF AUTHORITY TO REGIONAL ADMINISTRATORS

Agency Contact: Tom Brockett, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–4923.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2077, 42 U.S.C. 2021, 42 U.S.C. 2201, 42 U.S.C. 4332, 42 U.S.C. 4334, 42 U.S.C. 4335, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The proposed rule would specifically authorize the issuance of a notice of violation to any person subject to the jurisdiction of the Commission, including non-licensees. The proposed rule would require non-licensees as well as licensees to comply with the Commission's regulations in §§ 2.200 and 2.201. In addition, the amendment would clarify the authority of Regional Administrators or their designees to issue notices of violation under §§ 2.200 and 2.201.

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: APPEALS OF PREHEARING AND SPECIAL PREHEARING CONFERENCE ORDERS GRANTING OR DENYING INTERVENTION

Agency Contact: Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7678.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: Since publication of the July 1982 NRC Regulatory Agenda the scope of the proposed rule has been expanded to clarify the appropriate procedure for appealing both a special prehearing §2.751a(d) and a prehearing § 2.714(a) conference order granting or denying a petition for leave to intervene in a nuclear power reactor licensing proceeding. For questions falling within the ambit of § 2.742(a), the proposed rule would retain the right of a person to take an immediate appeal to the Atomic Safety and Licensing Appeal Board of a conference order that wholly denies an intervention petition or that grants a petition that another person believes should have been wholly denied. The proposed rule would eliminate the opportunity for a person to file objections to intervention rulings in a conference order with the presiding officer conducting the hearing.

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: EXECUTIVE ORDER 12356, "NATIONAL SECURITY INFORMATION", IMPLEMENTATION

Agency Contact: Raymond J. Brady, Office of Administration, U.S. Nuclear Regualtory Commission, Washington, DC 20555, (301) 427–4472.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 9.

Legal Authority: 42 U.S.C. 2165, 42 U.S.C. 2201, 42 U.S.C. 5841, E.O. 12365.

Abstract: The final rule would amend NRC regulations to incorporate the new Executive Order, 12356, "National Security Information," and Implementing Directive. E.O. 12356 replaces E.O. 12065 and modifies the procedures to be followed wherever a Freedom of Information Act request is made for a classified document. In addition, the rule makes minor changes to some definitions contained in these parts. This final rule would bring NRC regulations into compliance with the latest Executive Order, E.O. 12356, that prescribes a uniform system for classifying/declassifying, and safeguarding National Security Information.

Timetable: Next Scheduled Action: Final rule, November 1982.

TITLE: BACKFITTING

Agency Contact: James Tourtellotte, Regulatory Reform Task Force, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (202) 634–3300.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2021, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 4332, 42 U.S.C. 4334, 42 U.S.C. 4335, 42 U.S.C. 5841, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would modify current NRC regulations governing the "backfitting" of production and utilization facilities. "Backfitting" is the term used to describe modifications made to the design of a facility under operating license review or to an operating facility to meet upgraded requirements imposed in response to advances in knowledge concerning reactor design and reactor safety. The proposed changes would revise the Commission's standard for determining whether backfitting is required and are being considered as part of a larger effort to review the NRC's internal processes and procedures associated with the licensing of nuclear power reactors. The specific purposes for development of the proposed rule are as follows: (1) To improve the quality of the backfitting decision-making process; (2) To address the concern that the pace and nature of regulatory actions have created a potential safety problem which deserves further attention by the agency; and (3) To reduce the level of regulatory uncertainty and ensure better understanding and improve analysis of the costs and safety benefits likely to result from NRC-imposed changes before they are placed in effect.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: STANDARDS FOR DETERMINING WHETHER LICENSE AMENDMENTS INVOLVE NO SIGNIFICANT HAZARDS CONSIDERATION

Agency Contact: Thomas F. Dorian, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8690.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, Pub. L. 97–xxx.

Abstract: The final rule would implement pending legislation specifying standards for determining whether amendments to operating licenses for certain facilities involve no significant hazards consideration. The Commission has incorporated provisions into the final rule which are substantially identical to those in the proposed rule published in **Federal Register** March 28, 1980 (45 FR 20491).

Timetable: Next Scheduled Action: Final rule to follow Congressional action on conference committee report on NRC FY–82/83 Authorization Bills (S. 1207 and H.R. 4255) October 1982.

TITLE: CRITERIA FOR NOTICE AND PUBLIC COMMENT AND PROCEDURES FOR STATE CONSULTATION ON LICENSE AMENDMENTS INVOLVING NO SIGNIFICANT HAZARDS CONSIDERATION

Agency Contact: Thomas F. Dorian, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8690.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, Pub. L. 97–xxx.

Abstract: The proposed rule would implement pending legislation by specifying criteria and procedures for providing or dispensing with prior notice and public comment on determinations about whether amendments to operating licenses for certain facilities involve no significant hazards consideration. In addition, the proposed rule would specify procedures for consultation on these determinations with the State in which the facility of the license requesting the amendment is located. The proposed rule would permit the Commission to act expeditiously, if circumstances surrounding a request for amendment require a prompt response and to issue an amendment before holding any required hearing, unless a significant hazards consideration is involved.

Timetable: Next Scheduled Action: Proposed rule to follow Congressional action on Conference Committee report on NRC FY–82/83 Authorization Bills (S. 1207 and H.R. 4255) October 1982.

TITLE: TEMPORARY OPERATING LICENSES

Agency Contact: Thomas F. Dorian, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–8690.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 2, 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, Pub. L. 97–xxx.

Abstract: The proposed rule would implement pending legislation by permiting the Commission to issue a temporary operating license for a nuclear power plant authorizing fuel loading, low-power operation, and testing. This temporary operating license would be issued in advance of the conduct or completion of an on-the-record evidentiary hearing on contested issues relating to the final operating license. This rule would speed the licensing process by authorizing utilities that have built and applied for licenses to operate nuclear power plants to load fuel and conduct low-power operation and testing on the basis of previously submitted and approved safety and environmental evaluations. Before enactment of pending Pub. L. 97–xxx, the Commission lacked the authority to authorize fuel loading and low power operation and testing on the basis of safety and environmental evaluations; instead, this authorization was possible only after the hearing process was complete. Estimates of the cost to utilities and their customers for this type of licensing delay, even if limited to the cost of replacement power, range to tens of millions of dollars per month for each completed plant.

Timetable: Next Scheduled Action: Proposed rule to follow Congressional action on Conference Committee report on NRC FY–82/83 Authorization Bills (S. 1207 and H.R. 2330).

TITLE: CLARIFICATION OF INSPECTION PROCEDURES

Agency Contact: Jerry D. Ennis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5976.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 19, 10 CFR Part 21, 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 50, 10 CFR Part 70, 10 CFR Part 71, 10 CFR Part 73, 10 CFR Part 110.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2207.

Abstract: The proposed rule would specify more clearly the authority of NRC inspectors to (1) perform tests on safeguards-related equipment and procedures at licensee facilities, (2) copy and take away copies of licensee records, and (3) specify the retention period for licensee physical security records. The proposed rule would clarify the authority of NRC inspectors to inspect and evaluate a licensee's safeguards program.

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: REPORTS OF THEFT OR LOSS OF LICENSED MATERIAL

Agency Contact: Donald Nellis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2073.

Abstract: The proposed rule would remove a discretionary clause that requires each NRC licensee to report a loss or theft of licensed material only when it appears to the licensee that the loss or theft would pose a substantial hazard to persons in an unrestricted area. The proposed rule would provide increased radiological safety to the public by requiring all losses or thefts of licensed material be reported to the NRC if the loss exceeds the minimum quantity specified in the regulations.

Timetable: Next Scheduled Action: Proposed rule, November 1982.

TITLE: PERFORMANCE TESTING FOR HEALTH PHYSICS SURVEY INSTRUMENTS

Agency Contact: James A. Jones, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2093, 42 U.S.C. 2095, 42 U.S.C. 2111, 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2273, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The advance notice of proposed rulemaking would require that NRC licensees use health physics survey instruments that have been certified as meeting certain performance specifications. The proposed rule would permit the NRC to determine whether health physics survey instruments used by almost all NRC licensees meet acceptable performance standards. The proposed rule would improve the radiation safety of workers using health physics instruments by ensuring that the instruments meet acceptable performance standards.

Timetable: Next Scheduled Action: Advance notice of proposed rulemaking, December 1982.

TITLE: MONITORING OF PACKAGES CONTAINING RADIOACTIVE MATERIALS UPON RECEIPT BY LICENSEES

Agency Contact: Steven Bernstein, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5842.

Abstract: The proposed rule would (1) extend current requirements for the receipt and external radiation monitoring by licensees of packages containing an excess of Type A quantities of nuclear material to include additionally those packages (not transported by exclusive use vehicles) containing more than one-third of a Type A quantity of nuclear material (a quantity of nuclear material, the total radioactivity of which does not exceed the values specified in § 71.14(q)), which, if damaged, could pose a direct radiation hazard; (2) remove the existing requirement to report excessive external radiation levels at the package surface to avoid increased occupational radiation exposure to the worker; and (3) add a general package monitoring under existing NRC regulations in § 20.205. The proposed rule is in response to a May 1979 General Accounting Office (GAO) report entitled "Federal Actions Are Needed To Improve Safety and Security of Nuclear Material Transportation" (EMD–79–18), which recommended that the NRC modify § 20.205 to broaden its requirements for the monitoring of external radiation levels of packages not covered by the existing regulations. The effect of the proposed rule would be to provide increased radiological protection for transportation workers and the general public by broadening the requirements for monitoring packages used to transport radioactive material.

Timetable: Next Scheduled Action: Proposed rule, February 1983.

TITLE: PERFORMANCE TESTING FOR BIOASSAY LABS

Agency Contact: Allen Brodsky, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 20.

Legal Authority: 42 U.S.C. 5841.

Abstract: The proposed rule would require licensees who provide bioassay services for individuals to assess internal radiation exposure to use accredited laboratories after the NRC establishes an accreditation program. The proposed rule would reduce unacceptable errors in measurements that have been revealed by programs designed to check the accuracy of laboratories analyzing materials for radioactivity, thus improving the accuracy and reliability of determinations of internal radiation exposure or intakes of radioactive material. An expert committee of the Health Physics Society has written a draft standard. The draft standard will be revised within the next two months to take into account early comments from industry solicited by the NRC. The NRC in cooperation with the DOE has established a performance testing study to test the standard and provide the information necessary to complete the standard and to design and set up an accreditation program.

Timetable: Next Scheduled Action: Proposed rule, April 1984.

TITLE: REPORTING OF DEFECTS AND NONCOMPLIANCE

Agency Contact: Francis X. Cameron, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and Other Entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 21.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5846.

Abstract: The proposed rule would revise a substantial portion of Part 21 of the commission's regulations to permit more effective reporting of defects and noncompliance and to improve NRC's inspection and enforcement actions. Part 21 requires any individual, director, or responsible officer of a firm, that constructs, owns, operates, or supplies the components of any facility or activity that is licensed or otherwise regulated by the NRC to notify the NRC immediately of the failure, or the potential for failure, of any facility, activity, or basic component supplied to a facility. This rule is in response to Task II.2.4. of the TMI Action Plan, which identified the need for improved identification of safety-related problems at licensed facilities. The proposed rule would require more uniform reporting and earlier identification and correction of safety problems at NRC-licensed facilities and in NRC-licensed activities.

Timetable: Next Scheduled Action: Proposed, March 1983.

TITLE: ACCESS TO AND PROTECTION OF NATIONAL SECURITY INFORMATION AND RESTRICTED DATA

Agency Contact: Raymond J. Brady, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4472.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 25, 10 CFR Part 95.

Legal Authority: 42 U.S.C. 2165, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would (1) modify the requirements for requesting access authorizations for individuals who possessed authorizations on the effective date of Part 25, (2) establish a requirement to maintain records concerning visits to and from affected licensed facilities involving classified information, (3) provide additional guidance to affected licensees for handling classified drafts of documents and working papers as well as guidance for obtaining approvals for the security of telecommunications and ADP systems where classified information is involved, and (4) address the requirements for classifying, declassifying and safeguarding National Security Information as set forth in the new E.O. 12356 and Implementing Directive. These proposed amendments are necessary to incorporate experience gained under the current regulations, comply with the requirements of the new Executive Order 12356, and prohibit the unauthorized disclosure of National Security Information and Restricted Data.

Timetable: Next Scheduled Action: Proposed rule, September 1982.

TITLE: PERIODIC AND SYSTEMATIC REEVALUATION OF PARTS 30 AND 32

Agency Contact: James J. Henry, Office of the Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 30, 10 CFR Part 32.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2234, 42 U.S.C. 5846.

Abstract: The proposed rule would be an editorial revision of the regulations governing the domestic licensing of byproduct material and the exemptions from domestic licensing requirements. The proposed rule would reflect the application of good regulatory drafting practices. The proposed rule would simplify and clarify the format of the present regulations so that persons subject to byproduct material regulations can conveniently use and understand them.

Timetable: Next Scheduled Action: Proposed rule, January 1983.

TITLE: CLARIFIED REQUIREMENTS FOR TERMINATING A LICENSE

Agency Contact: William R. Pearson, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5910.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR 30, 10 CFR 40, 10 CFR 70.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2092, 42 U.S.C. 2093, 42 U.S.C. 2111, 42 U.S.C. 2112, 42 U.S.C. 2113, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2236, 42 U.S.C. 2282, 42 U.S.C. 5842.

Abstract: The proposed regulation would clarify a licensee's authority and responsibility for nuclear materials and specify procedures that would allow for orderly license termination. Current regulations are not specific concerning licensee responsibility for nuclear materials. A licensee could dispose of nuclear materials, notify the Commission of its intent to discontinue operations, and vacate the premises before the NRC staff could verify residual radioactive contamination levels. This situation has the potential for adverse public health and safety effects. The proposed rule is necessary to protect public health and safety by establishing clear procedures for the termination of a license. These procedures would ensure that licensed materials are properly disposed of and facilities and sites are properly decontaminated before a licensee's responsibility is terminated. Each licensee who decides to discontinue operations permanently would be required to submit form NRC–314. This form contains information describing the disposal of nuclear materials. Except for licensees with only sealed sources, each licensee would submit a final radiation survey report. If there is no residual radioactive contamination above background, the Commission may terminate the license. If there is residual radioactive contamination, the licensee would be required to decontaminate the nuclear facility before the Commmission would terminate the licensee's responsibility under its license.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: CONSUMER PRODUCTS CONTAINING SMALL QUANTITIES OF RADIOACTIVE MATERIAL; MODIFIED APPROVAL TRANSFER REPORTING REQUIREMENTS

Agency Contact: Donovan A. Smith, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5825.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 32.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5841.

Abstract: The proposed rule would modify the annual reporting requirements imposed on persons specifically licensed to distribute products containing small quantities of byproduct material. The regulations require licensees distributing products containing exempt quantities of radioactive material to submit annual reports on the type and number of products distributed. A negative report was required if nothing was distributed during a reporting period. NRC uses these reports to estimate exposure of the general public to widely used consumer radioactive products. A licensee's questions concerning the significance of the reports has led to a review of the reporting requirement. The proposed rule is intended to rduce the administrative and paperwork burden for the licensee and the NRC without significantly changing the value of the reports to the regulatory program monitoring the use of radioactive materials in consumer products.

Timetable: Next Scheduled Action: Proposed rule, November 1982.

TITLE: MEDICAL LICENSES FOR HUMAN USE OF BYPRODUCT MATERIAL

Agency Contact: Willam J. Walker, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4232.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233.

Abstract: The proposed rule would completely revise Part 35. This part contains the requirements and procedures applicable to a physician or medical institution that seeks to obtain a license authorizing the human use of byproduct material. The proposed rule would simplify the medical licensing process by adopting a "performance standard" approach to medical licensing. The proposed rule would simplify the medical licensing process and reduce the administrative burden on the licensee and the NRC by (1) including in the regulations all the requirements a medical licensee must meet; (2) eliminating or modifying administrative requirements not essential to safety; (3) simplifying the application form which, together with an automated licensing system, will create a more efficient licensing process; and (4) reducing the paperwork burden for the licensee and the NRC. The proposed rule would be consistent with regulatory reform objectives while maintaining the current level of protection to the health and safety of the medical worker and the general public. An earlier rule on which the NRC was considering action that would clarify the responsibilities of various echelons of nuclear medicine personnel has been incorporated into this proposed revision of Part 35. The economic impact of this rule on small business is difficult to quantify, however, the public will be invited to specifically comment on the impact when this rule is published in the **Federal Register.**

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: MISADMINISTRATION OF RADIOACTIVE MATERIAL; PROPOSED REMOVAL OF REPORTING REQUIREMENTS

Agency Contact: Lidia A. Roche, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4211.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 35.

Legal Authority: 42 U.S.C. 2111, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5841.

Abstract: The proposed rule would remove the requirement that NRC's medical licensees report certain misadministrations of radioactive material to the NRC, to the patient's referring physician, and with certain safeguards, to the patient. On May 14, 1980 (45 FR 31701) the Commission published the final rule requiring NRC's medical licensees to report misadministrations of radioactive material. The rule was intended to detect common conditions that lead to misadministrations. The Commission would then correct these conditions through regulations and license conditions. At the time the rule was issued, the Commission indicated that it would reevaluate the merits of continuing the regulation after three years. In a memorandum dated June 30, 1981, the Commission directed the staff to conduct an analysis of the first year's reports. The NRC is considering the removal of the misadministration reporting requirements because an analysis of the first year's reports has not revealed errors that can be corrected through regulations and because of the continued controversy raised by the requirements in the medical community. This action would reduce the regulatory burden on medical licensees and the administrative burden on NRC staff by removing a reporting requirement that, in the opinion of the staff, has largely achieved its primary purpose. The recordkeeping requirement will be maintained as a source of information subject to inspection or data collection.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: REGIONAL LICENSING PROGRAM; FORT ST. VRAIN NUCLEAR GENERATING STATION

Agency Contact: Darrell G. Eisenhut, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7672.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule furthers the implementation of NRC's regional licensing program by specifying the categories of nuclear reactor licensing actions for which full responsibility has been delegated to the Regional Administration of Region IV. These licensing actions pertain only to the Fort St. Vrain Nuclear Generating Station, which is the first nuclear reactor for which selected licensing activities are transferred to a region.

Timetable: Next Scheduled Action: Final rule, September 1982.

TITLE: LABORATORY ACCREDITATION PROGRAM

Agency Contact: Frederick Forscher, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5952.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule requires that certain equipment qualification testing be performed in laboratories that have been accredited in accordance with procedures administered by the Institute of Electrical and Electronics Engineers (IEEE). The proposed rule would uniformly and equitably improve the reliability and accuracy of qualification testing performed by accredited laboratories and provide greater assurance of protecting the public health and safety.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: FILING OF CONTROLLED COPIES OF EMERGENCY PLANS

Agency Contact: Kenneth E. Perkins, Jr., Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7361.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would require certain licensees to submit a specified number of controlled copies of emergency plans and implementing procedures along with changes to these plans and procedures to the appropriate NRC regional office and to NRC headquarters. Each of the controlled copies delivered to NRC would have a receipt attached that would be signed and returned to the licensee by the NRC employee who is responsible for receiving and maintaining the controlled copies. The NRC employee would certify that the plan was received and filed or that the changes were received and incorporated into the appropriate emergency plan. Adoption of the proposed rule would ensure that the NRC has the latest updated plan to use in the event of a radiological incident or accident. The proposed rule would also reduce the number of copies that a licensee must submit to the NRC from 13 to 3 thus lessening the regulatory burden on affected licensees.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (SUMMER 1982)

Agency Contact: Edward Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5894.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would incorporate by reference the Summer 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders. The proposed rule would include the most recent changes made to the ASME Boiler and Pressure Vessel Code and permit the use of improved methods for construction of nuclear power plants.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: APPLICABILITY OF APPENDIX B TO APPENDIX A

Agency Contact: William L. Belke, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–7741.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134 42 U.S.C. 2201, 42 U.S.C. 2233.

Abstract: The proposed rule would clarify the quality assurance program requirements for those structures, systems and components of nuclear power plants that are important to safety. The proposed rule would also eliminate any possible confusion over the definition of the terms "important to safety" and "safety-related" and provide a clear statement in the Commission's regulations concerning the applicability of the quality assurance criteria in 10 CFR Part 50 of Appendix B to the structures, systems, and components covered in Appendix A. In the aftermath of the Three Mile Island-2 accident, a number of studies concluded that the scope of the items to which the quality assurance criteria of Appendix B to 10 CFR Part 50 apply needs to be broadened to include the full range of safety matters as was originally intended. Typical examples of structures, systems, and components for which the Appendix B quality assurance program criteria may not have been fully implemented are in-core instrumentation, reactor coolant pump motors, reactor coolant pump power cables, and radioactive waste system pumps, valves, and storage tanks. The proposed rule is intended to clarify the Commission's original intent by revising Criterion 1 of Appendix A to state specifically that the criteria to be used for the quality assurance program required in Appendix A are those criteria contained in Appendix B. Additionally, in order to eliminate confusion over definition of the terms "important to safety" as used in Appendix A and "safety-related" as used in Appendix B, the proposed rule would, in Appendix B, delete the term "safety-related". The proposed rule could expand the extent of the review applied to nuclear power plant structures, systems, and components, and thus, it could help ensure the appropriate application of quality assurance program requirements during the construction of nuclear power plants.

Timetable: Next Scheduled Action: Proposed rule, November 1982.

TITLE: EXTENSION OF CRIMINAL PENALTIES

Agency Contact: Frank Swanberg, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4364.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule, in accordance with the provisions of the NRC Authorization Act for Fiscal Year 1980, would extend the application of the criminal penalties provision of the Atomic Energy Act (AEA) of 1954, as amended, to any individual director, officer, or employee of a firm constructing or supplying the components of a nuclear power plant who knowingly and willfully violates any NRC regulation, order, or license condition during construction of a nuclear power plant. Section 223(b) of the AEA essentially directs the Commission to establish a limit for potential unplanned off-site releases of radioactive material which would trigger consideration of possible criminal penalties. As directed in Section 223(b)(3), the proposed rule establishes, in its definition of a "basic component," the limits for potential unplanned releases of radioactive material that could trigger application of criminal penalties.

Timetable: Next Scheduled Action: Proposed rule, December 1982.

TITLE: OCCUPATIONAL ALARA RULE

Agency Contact: Jack M. Bell, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5970.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require NRC commercial nuclear power plant operating licensees to develop and use means, that are subject to NRC inspection and enforcement, to achieve and control occupational radiation dosages that are as low as reasonably achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring, perform bioassays, or to measure concentrations of radioactivity in the air. The proposed rule was developed in order to promulgate a regulation which would express the Commission's belief that radiation doses received by workers in licensed activities can and should be reduced and to strengthen efforts to maintain occupational doses of ionizing radiation ALARA. The Commission believes that a reduction in the occupational collective (man-rem) dose received in connection with NRC licensed activities at nuclear power plants can be effected without unreasonable costs to licensees. Further, the Commission believes that this reduction can be achieved through the implementation of amendments to NRC regulations that would place greater emphasis on the ALARA concept as applied to workers in restricted areas, with the objective of elevating the radiation protection performance of less safety conscious licensees and applicants to the level currently achieved by the better performers. With this objective, it is feasible to adopt as performance criteria radiation protection techniques which have been shown by experience to be both effective and practical.

Timetable: Next Scheduled Action: Proposed rule, December 1982.

TITLE: REPORTING OF SIGNIFICANT DESIGN AND CONSTRUCTION DEFICIENCIES

Agency Contact: Francix X. Cameron, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5981.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201.

Abstract: The proposed rule, initiated in response to TMI Action Plan Task II.J.4, would clarify the description of a significant design or construction deficiency in a nuclear power plant. The proposed rule would require the holder of a construction permit to provide the Commission with more timely information regarding potential construction or design deficiencies.

Timetable: Next Scheduled Action: Proposed rule, March 1983.

TITLE: CODES AND STANDARDS FOR NUCLEAR POWER PLANTS (WINTER 1982)

Agency Contact: Edward Baker, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5894.

Effects on Small Businesses and Other Entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would incorporate by reference the Winter 1982 addenda of the ASME Boiler and Pressure Vessel Code. The ASME (American Society of Mechanical Engineers) code sets standards for the construction of nuclear power plant components and specifies requirements for inservice inspection of those components. The ASME code requirements for nuclear power plants are set forth in Section III for construction permit holders and Section XI for operating plants. The proposed rule would include the most recent changes made to the ASME Boiler and Pressure Vessel Code and permit the use of improved methods for construction and inservice inspection of nuclear power plants.

Timetable: Net Scheduled Action: Proposed rule, April 1983.

TITLE: EMERGENCY PREPAREDNESS REPORTING REQUIREMENTS

Agency Contact: Kenneth E. Perkins, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 492–7361.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 2239, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would add a specific provision to the Commission's regulations which would require nuclear power plant licensees to report to the Commission if the level of emergency preparedness is adversely affected. The proposed reporting requirements would focus on the more important aspects of emergency preparedness such as communications capabilities and accident assessment capabilities, while placing less emphasis on items such as recovery operations and updating and distribution of copies of the emergency preparedness plan. The purpose of the proposed rule is to ensure that an adequate level of emergency preparedness is maintained by nuclear power plant licensees. The proposed rule would provide an enforceable basis for requiring that the affected licensees report to the NRC concerning deficiencies in the status of their emergency preparedness capabilities.

Timetable: Net Scheduled Action: Proposed rule, June 1983.

TITLE: FIRE PROTECTION FOR FUTURE PLANTS

Agency Contact: David P. Notley, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5946.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would provide more comprehensive fire protection requirements for future nuclear power plants by consolidating the NRC fire protection guidelines and requirements for nuclear power plants into one enforceable document. The present requirements for fire protection at nuclear power plants are limited in that these requirements apply only to plants licensed prior to January 1, 1979. At the time when these effective regulations were approved, the Commission directed the staff to proceed with development of a comprehensive rule for plants licensed in the future.

The Commission has approved a staff recommendation that preparation of the proposed comprehensive fire protection rule for new nuclear power plants be postponed until June 1984. This postponement will allow the staff to concentrate on processing the many Appendix R exemption requests. The results of relevant research and the exemption request resolution decisions will then be available to assure proper technical bases for the rule.

In addition, the Commission requested a report from the staff by June 30, 1983, which will describe the types of exemptions requested and the safety significance of those requests. The report is also to provide a summary of research results obtained and a discussion of the impact those results have on the staff's review of fire protection requirements, including the need for revision to present fire protection requirements. The Commission may reevaluate the issue of whether or not to proceed with a comprehensive fire protection rule for future plants following receipt of the report.

Timetable: Next Scheduled Action: Report to the Commission, June 30, 1983.

TITLE: PRIMARY REACTOR CONTAINMENT LEAKAGE TESTING FOR WATER-COOLED POWER REACTORS

Agency Contact: Gunter Arndt, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5860.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50.

Legal Authority: 42 U.S.C. 2133, 42 U.S.C. 2134, 42 U.S.C. 5841.

Abstract: The proposed rule would revise the criteria for preoperational and periodic pressure testing for leakage of primary and secondary containment boundaries of water-cooled power reactors. The curent regulation specifies the criteria that leakage testing must meet and how the testing must be performed. The proposed rule would implicity recognize national standard (ANSI/ANS 56.8) that specifies approved procedures for conducting the test and thus permit the NRC staff to focus its attention on the performance standard and design criteria aspects of the regulation. The proposed rule would eliminate ambiquities, increase the flexibility of the regulation, and emphasize the testing criteria aspects of the regulation while reducing the mechanistic aspects of the testing procedure. It would also reduce the paperwork burden on NRC and the compliance burden on licensees by reducing the number of exemption requests licensees are required to submit.

Timetable: Net Scheduled Action: Proposed rule, September 1983.

TITLE: RADON EMISSIONS ESTIMATE FOR TABLE S–3

Agency Contact: William E. Thompson, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4211.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 51.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: In a Federal Register notice published on April 14, 1979 (43 FR 15613) the Commission deleted the radon-222 value from Table S–3 because it was recognized to be underestimated; the Commission stated that upon issuance of the Generic Environmental Impact Statement (GEIS) on uranium milling and the evaluation of data from several ongoing research programs, it would determine whether to initiate rulemaking to provide a new estimate for radon-222 in Table S–3. Meanwhile, the environmental effects of radon-222 would be subject to litigation in individual nuclear power plant licensing proceedings. The purpose of the proposed rule would be to deal with this question generically for all nuclear power plants, thus saving the time and cost of repetitive consideration of the effects of radon-222 in individual nuclear power plant licensing proceedings. The GEIS on uranium milling and the reports of research on radon releases in uranium mining were published in 1979 and 1980. Based on these documents, the staff developed new estimates of radon emissions from the entire fuel cycle. These new estimates were introduced into the public record at the February 1980 hearing on radon before the Atomic Safety and Licensing Appeal Board in Harrisburg, PA. The Appeal Board decision of May 13, 1981 (ALAB–640), upheld the staff's new estimates of radon releases and deferred for later consideration the questions of health effects. Rulemaking to add the new value for radon-222 in Table S–3 is being held in abeyance until the Appeal Board completes its decision, which is expected in September 1982.

In a separate action, the D.C. Circuit Court of Appeals decision of April 27, 1982, invalidated the entire Table S–3 rule. The Nuclear Regulatory Commission is appealing this decision to the Supreme Court. Pending the outcome of this appeal, the rulemaking to add a new estimate for radon-222 to Table S–3 is being held in abeyance.

Timetable: NRC Atomic Safety and Licensing Appeal Board Decision on Health Effects of Radon-222: September 1982 (estimated). Supreme Court Decision on Entire S–3 rule: Spring-Summer 1983. Next Scheduled Action on Rulemaking: After the Supreme Court Decision, probably late in 1983 or early in 1984.

TITLE: OPERATOR QUALIFICATION AND LICENSING

Agency Contact: Ellis Merschoff, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5942.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 55.

Legal Authority: 42 U.S.C. 2137, 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would strengthen the criteria for issuing licenses to operators of nuclear power plants. The rule will focus on improvements in requirements for operator education, operator simulator training, operator understanding of the theory behind the operation of a facility, maintaining operator proficiency, and requalification examinations. The proposed rule would improve operator performance, help minimize the possibility of accidents, and enhance the ability of operators to deal with a potential accident.

Timetable: Next Scheduled Action: Proposed rule, March 1984.

TITLE: REGIONAL LICENSING REVIEWS

Agency Contact: Martin Levy, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 497–4024.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201.

Abstract: The NRC is amending its regulations to require licensees to submit reports of planned changes which do not decrease safeguards effectiveness. This action is being taken as part of the implementation of the NRC regional licensing program under which full responsibility for certain categories of actions is being delegated to Regional Administrators. The amendments are to inform current or prospective licensees of current NRC practice and organization.

Timetable: Next Scheduled Action: Final rule, October 1982.

TITLE: PERSONNEL ACCESS AUTHORIZATION REQUIREMENTS FOR NUCLEAR POWER PLANTS (PART OF INSIDER PACKAGE)

Agency Contact: James A. Prell, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5976.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would require nuclear power plant licensees and applicants to establish an access authorization program for individuals requiring unescorted access to the protected and vital areas of nuclear power plants. On March 17, 1977, the NRC published in the **Federal Register** (42 FR 14880) a proposed rule that would establish an unescorted access authorization program for individuals who have access to or control over special nuclear material (SNM). Written comments were invited and received. On December 28, 1977, the NRC published in the **Federal Register** (42 FR 64703) a notice of public hearing on the proposed rulemaking. The NRC subsequently established a Hearing Board to gather additional testimony. A final rule establishing an access authorization program for fuel cycle facilities and transportation licensees was published in the **Federal Register** on November 21, 1980. As a result of information gathered at the public hearing and its own examination of the proposed access authorization program, the Hearing Board recommended that a new access authorization program be established for and administered by nuclear power plant licensees. On June 24, 1980, the Commission directed the staff to prepare a proposed rule to establish an access authorization program for nuclear power plant licensees. This program will include personnel screening to determine the suitability of an employee to be permitted unescorted access to either protected or vital areas of nuclear power plants.

Timetable: Next Scheduled Action: Proposed rule, November 1982.

TITLE: QUALIFICATION OF EQUIPMENT

Agency Contact: Harold I. Gregg, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5860.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 50, 10 CFR Part 100.

Legal Authority: 42 U.S.C. 2201.

Abstract: The advance notice of proposed rulemaking seeks comment on a proposal to clarify requirements for nuclear power plant licensees and applicants to demonstrate the ability of equipment that is important to safety to perform its function in accordance with design and functional specifications under normal and postulated accident conditions. The establishment of qualification criteria for selected components of nuclear power plants will help create a more uniform program to assess the performance of equipment under certain conditions. The proposed rule would assure conformity in individual equipment qualification reviews and provide a sufficient technical basis for judgments of acceptability by each reviewer.

Timetable: Next Scheduled Action: Advance notice of proposed rulemaking delayed pending adoption and implementation of Equipment Qualification Program Plan.

TITLE: TRANSIENT SHIPMENTS OF SPECIAL NUCLEAR MATERIAL OF MODERATE AND LOW STRATEGIC SIGNIFICANCE AND IRRADIATED REACTOR FUEL

Agency Contact: C. K. Nulsen, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4186.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The NRC is amending its regulations to license and require physical protection for transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel. Transient shipments are those that originate and terminate in foreign countries, but stop in the United States en route. The purpose of the amendments is to implement fully the provision of the Convention on the Physical Protection of Nuclear Material, which the United States signed on March 3, 1980. This Convention is the result of a U.S. proposal originally made by the Secretary of State in 1974. The NRC reviewed its regulations and procedures in order to determine whether the U.S. is in compliance with the provisions of the Convention. The review disclosed that U.S. regulations meet all requirements of the Convention except for regulations regarding the physical protection of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel. Under the proposed rule, carriers of transient shipments of special nuclear material of moderate and low strategic significance and irradiated reactor fuel would be issued a general license and be required to protect these materials in a manner that is consistent with U.S. domestic material of the same types and quantities.

Benefit of the rule: Places the U.S. in full compliance with the Convention.

Alternatives Considered: None.

Potential Costs: Increased costs are likely to be insignificant because of the infrequent occurrence of these shipments and the slight increase in safeguard requirements.

Timetable: Submission to the Commission for approval, October 1982.

TITLE: MATERIAL CONTROL AND ACCOUNTING REQUIREMENTS FOR LOW ENRICHED URANIUM FUEL CYCLE FACILITIES

Agency Contact: Robert J. Dube, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4040.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841.

Abstract: The proposed rule would establish more cost-effective material control and accounting (MC&A) requirements for low enriched uranium (LEU). Under current regulations almost all substantive requirements apply uniformly to all licensees authorized to possess greater than one effective kilogram of special nuclear material, whether they have high enriched uranium (HEU), plutonium, or LEU. However, both NRC-sponsored and independent studies have concluded that safeguard risks associated with LEU are far less significant than risks associated with HEU. The proposed rule reduces the LEU MC&A requirements to a level commensurate with the material's low safeguards significance, while maintaining safeguards standards which meet those of the IAEA.

Timetable: Next Scheduled Action: Proposed rule, December 1982.

TITLE: SAFEGUARDS REQUIREMENTS FOR LICENSES AUTHORIZED TO POSSESS SNM OF MODERATE OR LOW STRATEGIC SIGNIFICANCE

Agency Contact: Andrea Kuffner, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443–5876.

Effects on Small Business and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entites.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2071, 42 U.S.C. 2073, 42 U.S.C. 2201, 42 U.S.C. 2232, 42 U.S.C. 2233, 42 U.S.C. 5842, 42 U.S.C. 5846.

Abstract: The proposed rule would require a licensee to obtain approval from the NRC prior to making any changes in the licensee's security plan which would reduce the security plans effectiveness. This proposed requirement would apply to any licensee who submits a physical security plan in accordance with § 70.22(k). These licensees include those which possess or use special nuclear material (SNM) of moderate strategic significance or 10kg. or more SNM of low strategic significance, except those licensees who possess this material in the operation of a nuclear power plant. This requirement currently applies to any licensee, other than nuclear power reactor licensees, who possess formula quantities of SNM and who submit physical security plans in accordance with §§70.22(h) or 73.20(c).

Timetable: Next Scheduled Action: Proposed rule, March 1983.

TITLE: CHANGES IN PHYSICAL SECURITY PLANS; LICENSEES POSSESSING OR USING SPECIAL NUCLEAR MATERIAL OF MODERATE AND LOW STRATEGIC SIGNIFICANCE

Agency Contact: Andrea R. Kuffner, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washingtion, DC 20555, (301) 443–5976.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 70.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule would amend the regulations for domestic licensing of special nuclear material to allow licensees possessing or using special nuclear material of moderate and low strategic significance to change their physical security plans without prior approval of the Commission, provided the changes do not decrease the effectiveness of the plan. These licensees were inadvertently omitted from the regulation published on July 24, 1979 (44 FR 43280). The final rule would correct the oversight.

Timetable: Next Scheduled Action: Final rule, March 1983.

TITLE: PHYSICAL PROTECTION OF IRRADIATED REACTOR FUEL IN TRANSIT

Agency Contact: Carl B. Sawyer, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 427–4886.

Effects on Small Businesses and Other Entities—This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5842.

Abstract: The proposed rule would moderate the present interim requirements for the protection of shipments of irradiated reactor fuel cooled for 150 days or more. Recent research shows that the quantity of radioactive material that would be released as a result of successful sabotage is much smaller than was supposed at the time that the interim rule was issued. The moderated requirements would provide for (1) shipments to be accompanied by an unarmed escort, who may be a driver or carrier employee and may have other duties, (2) on-board communications, and (3) immobilization capability for trucked shipments. Present interim requirements will continue to be effective for shipments of irradiated reactor fuel cooled less than 150 days.

Benefits of the rule: Eliminate unnecessarily strict requirements which presently apply ot spend fuel shipments.

Alternatives considered: Various levels of protection requirements.

Potential costs: A saving to licensees of about $25,000 to $30,000 annually, assuming 135 shipments annually.

Timetable: Next scheduled action: Proposed rule, November 1982.

TITLE: MEDICAL STANDARDS FOR EMPLOYMENT OF SECURITY PERSONNEL

Agency Contact: Kristina Z. Markulis, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 443-5976.

Effects on Small Businesses and Other Entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 73.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5842.

Abstract: The proposed rule would amend the medical standards for the employment of security personnel by licensees which operate nulcear power plants, fuel cycle facilities, or possess or ship certain quantities of special nuclear material. Specifically, the rule would revise paragraph I. B.(3) of Appendix B to Part 73 to provide the conditions under which persons with an estabished medical history or medical diagnosis of a chronic or nervous disorder may be employed as security personnel. Currently, these criteria provide that an individual have no established medical history or diagnosis of epilepsy of diabetes or, where either of these medical conditions exist, the individual provides medical evidence that the condition may be controlled with proper meidication. The revised paragraph would calrify the types of diseases which are required to be controlled in order for individuals to be employed as security personnel and would require that an individual who has any chronic disease or nervous disorder must provide evidence that it can be controlled through medication.

Timetable: Next Scheduled Action: Revision of Part 73, September 1984.

TITLE: PATENTS

Agency Contact: Neal E. Abrams, Office of Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492-8662.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 81.

Legal Authority: 42 U.S.C. 3182.

Abstract: The proposed rule would establish the policies, general rules, and procedures regarding the handling of patent matters, for which the NRC presently has no regulations, in a manner that would be substantially like those being used by other government agencies. The proposed rule would revise completely Part 81, which currently is directed only to patent licensees, into a regulation that sets forth NRC patent policies, regulations, and rules for contract clauses, waiver of rights provisions, and other applicable areas.

Timetable: Next Scheduled Action: Proposed rule, January 1983.

TITLE: EXPORT OF AUSTRALIAN-ORIGIN NUCLEAR MATERIAL AND EQUIPMENT

Agency Contact: Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492-4599.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 110.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule requires export licensees to notify the Commission in advance before shipping nuclear equipment or material of Australian origin to a third country. The US/Australian Agreement for Cooperation concerning the Peaceful Uses of Nuclear Energy (the Agreement) became effective January 16, 1981. Article 5, paragraph 2 of the Agreement requires the United States to obtain the consent of Australian authorities before exporting nuclear material or equipment of Australian origin. The advance notification requirement contained in this final rule allows the US Government to assure proper compliance with this requirement.

Timetable: Next Scheduled Action: Final rule, September 1982.

TITLE: EXPORT/IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

Agency Contact: Marvin R. Peterson, Office of International Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492-4599.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 110.

Legal Authority: 42 U.S.C. 2073, 42 U.S.C. 2074, 42 U.S.C. 2077, 42 U.S.C. 2092, 42 U.S.C. 2094, 42 U.S.C. 2111, 42 U.S.C. 2112, 42 U.S.C. 2139, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The proposed rule would simplify licensing requirements for the export of nuclear equipment and material that does not have significance from a nuclear proliferation perspective. The proposed rule would expand or establish general licenses for nuclear reactor components, gram quantities of special nuclear material, and certain kinds of source or byproduct material. The general licenses set out in the proposed regulations would ease current licensing restrictions by removing the requirement to obtain a specific export or import license for certain material and equipment. In addition, the proposed general licenses include a policy of facilitating nuclear cooperation with countries sharing U.S. non-proliferation goals. This would increase U.S. international commerce while maintaining adequate non-proliferation controls and would reduce the regulatory burden on the public and the NRC without increasing the risk to public health and safety or the common defense and security. The proposed amendment would reduce NRC's licensing workload for minor cases by about 75% thereby allowing the staff to process license applications for major exports of nuclear equipment and material quickly and expeditiously.

Timetable: Next Scheduled Action: Proposed rule, pending before the Commission.

TITLE: CRITERIA FOR AN EXTRAORDINARY NUCLEAR OCCURRENCE

Agency Contact: Enrico Conti, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 427–4320.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 140.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 2210, 42 U.S.C. 5841, 42 U.S.C. 5842.

Abstract: The proposed rule would revise the criteria the Commission currently follows in determining an extraordinary nuclear occurrence (ENO), in order to overcome the problems that were encountered following the Three Mile Island (TMI) accident when the present criteria were applied. The proposed criteria would focus on things that can be readily counted or estimated within a relatively short time following an accident (i.e., substantial release of radioactive material or radiation offsite and substantial exposure levels). The revised criteria will provide for speedy satisfaction of legitimate claims in the event of an ENO.

Timetable: Next Scheduled Action: Proposed rule, October 1982.

TITLE: CHANGES IN NUCLEAR ENERGY LIABILITY INSURANCE POLICIES

Agency Contact: Ira Dinitz, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–9884.

Effects on Small Businesses and other entities: This action is not expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 140.

Legal Authority: 42 U.S.C. 2201.

Abstract: The final rule would amend 10 CFR Part 140 by removing Appendix A, "Form of Nuclear Energy Liability for Facilities," and by making the information contained in the Apendix available in the form of a Regulatory Guide. The final rule would ease the amendatory process and afford the licensee a greater degree of flexibility in meeting the financial protection requirements of the Price-Anderson Act.

Timetable: Next Scheduled Action: Final rule, December 1982.

TITLE: REVISION OF LICENSE FEE SCHEDULES

Agency Contact: William O. Miller, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 492–7225.

Effects on Small Businesses and other entities: This action is expected to have a significant economic impact on a substantial number of small entities.

CFR Citation: 10 CFR Part 170.

Legal Authority: 42 U.S.C. 2201, 42 U.S.C. 5841, 42 U.S.C. 483.

Abstract: The proposed rule would adjust the NRC fee schedule to permit the NRC to charge fees for the actual cost incurred by the NRC to review license applications, renewals, amendments, etc. The new fee schedule would affect the licensing and inspection of nuclear power plants, other production or utilization facilities, vendors of nuclear power steam supply systems and materials, facilities engaged in uranium and plutonium fuel fabrication, uranium milling, leaching and refining operations, source material ore-buying and ion exchange activities, burial of radioactive waste, spent fuel cask and packaging approvals, and other users of critical quantities of special nuclear materials. The proposed rule would permit the NRC to charge fees for the actual costs incurred by the NRC to review license applications, renewals, amendments, etc. It incorporates the proposed new Category 11.F schedule of fees for materials licenses published in the **Federal Register** as a proposed rule on March 31, 1980 (45 FR 20899).

Timetable: Next Scheduled Action: Proposed rule pending Commission review.

[FR Doc. 82–27937 Filed 10–27–82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XLVIII

Securities and Exchange Commission

Regulatory Flexibility Agenda and Rules Scheduled for Review

SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33–6427, 34–19076, 35–22646, 39–751, IC–12688 and IA–826; File No. S7–945]

Regulatory Flexibility Agenda and Rules Scheduled for Review

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Regulatory Flexibility Agenda and Rules Scheduled for Review.

SUMMARY: The Securities and Exchange Commission is today publishing, pursuant to Chapter Six of the Administrative Procedure Act and Office of Management and Budget Bulletin 82–16, an agenda of its regulations. The agenda is intended to provide advance notice of rulemaking actions which may have a significant economic impact on a substantial number of small entities. The Commission is also publishing a list of rule reviews anticipated to be completed during the next twelve months. The Commission is seeking public comment on the various subject areas, on particular items of the agenda and on the identified rules scheduled for review.

DATE: Comments are due by December 31, 1982.

ADDRESSES: Persons wishing to submit written views should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, NW., Room 6184, Washington, D.C. 20549. All submissions should refer to File No. S7–945 and will be available for public inspection at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: Joseph A. Meiburger, Jr., Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 450 5th Street, Room 7169, Stop 7–6, Washington, D.C. 20549 (202–272–7110). Additional names of persons to contact are identified with each entry.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act ("RFA") (Pub. L. No. 96–354, 94 Stat. 1164 [September 19, 1980]) requires each federal agency during April and October of each year to publish in the **Federal Register** a regulatory flexibility agenda identifying any rules which the agency expects to propose or adopt which are likely to have a significant economic impact on a substantial number of small entities (the "significant impact criterion").[1] Part I of this agenda contains entries for all open and anticipated (within the next twelve months) rulemaking actions which may meet this criterion.

Pursuant to a separate requirement of the RFA,[2] the Commission published in June 1981 a plan for the periodic review of all rules issued by the agency which may have a significant economic impact upon a substantial number of small entities.[3] The plan provides for the review of all such rules in effect on January 1, 1981 within ten years of that date and for the review of such rules adopted thereafter within ten years of the publication of their adoption as final rules. The RFA further requires publication each year of a list of those rules which are to be reviewed during the succeeding twelve months.[4] The second part of the agenda contains these entries. Since the scope of the Commission's review of its rules extends beyond the requirements of the RFA, some rules listed in this part of the agenda may not be required to be reviewed, but the Commission is identifying them on the agenda in order to fully inform the public of its intention to review them. Part III of the agenda identifies actions and rule reviews which have been completed since the last RFA release was approved by the Commission on April 20, 1982 (Release No. 33–6397 (47 FR 18342)).

As provided by the RFA, the publication of this regulatory flexibility agenda does not preclude the Commission from considering or acting on any matter not included therein, nor is the Commission required to consider or act on any matter which is included therein.[5] Furthermore, the inclusion of a rule in the Commission's regulatory flexibility agenda reflects only the staff's preliminary judgment that the rule, if promulgated, may have a significant economic impact on a substantial number of small entities. This preliminary judgment may be changed upon further development and analysis.

The agenda which follows relies on the definitions of the term "small entity" for purposes of the RFA which were adopted by the Commission for the various categories of regulated entities.[6]

I. Open and Anticipated Rulemaking Actions

A. Disclosure Rules

1. Title: Proposed amendments to Item 402 of Regulation S–K, Management Remuneration and Transactions

Agency Contact: Susan Davis, Special Counsel or Arthur Miller, Attorney, Division of Corporation Finance (202) 272–2589.

Effects on Small Businesses: Undetermined.

CFR Citation: 17 CFR 229.402.

Legal Authority: Sections 6, 7, 8 and 19(a) of the Securities Act of 1933 ("Securities Act"), 15 U.S.C. 77f, 77g, 77h and 77s(a) and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Exchange Act of 1934, ("Exchange Act"), 15 U.S.C. 78*l*, 78m, 78n, 78*o*(d) and 78w(a).

Abstract: The Commission intends to propose revisions to the provisions of Item 402 of Regulation S–K regarding disclosure of management remuneration. Currently, Item 402 requires detailed disclosure of the remuneration paid to each of a registrant's five most highly compensated executive officers and all officers and directors as a group. The revisions will simplify the disclosure provisions in order to enhance the utility to shareholders of remuneration disclosure and to reduce burdens on registrants. Among the alternatives being explored are the establishment of de minimis thresholds for certain forms of remuneration and streamlining the Remuneration Table, which requires complex tracking and valuation of numerous forms of compensation. It is expected that simplification of management remuneration disclosure provisions will reduce registrants' costs of preparing such disclosure. The percentage by which such costs are likely to be reduced will be better approximated after the proposals are formulated.

Timetable: NPRM[7] expected by December 31, 1982.

2. Title: Proposed Revision of Form S–14 and Other Forms and Rules Relating to Disclosure in Connection with Business Combination Transactions

Agency Contact: Robert Pincus, Attorney, Division of Corporation Finance, (202) 272–2589.

Effects on Small Businesses: Undetermined.

CFR Citation: 17 CFR 239.23.

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[1] 5 U.S.C. 602(a).

[2] 5 U.S.C. 610(a).

[3] See Securities Act Release No. 6362 (June 24, 1981) [46 Fr 33287].

[4] 5 U.S.C. 610(c).

[5] 5 U.S.C. 602(d).

[6] See Securities Act Release No. 6380 (January 28, 1982) [47 FR 5215].

[7] Notices of Proposed Rulemaking ("NPRM") contain new rule or rule amendment proposals and solicit public comment. Final Actions contain rules or amendments to be adopted as final rules.

Legal Authority: Sections 6, 7, 10 and 19(a) of the Securities Act, 15 U.S.C. 77f, 77g, 77j and 77s(a) and Sections 12, 13, 14, and 23(a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78n and 78w(a).

Abstract: As part of its review of proxy rules, regulations, and schedules, the Commission intends to revise the disclosure requirements under the federal securities laws relating to mergers, acquisitions, and other business combinations, focusing primarily on Form S–14 (17 CFR 239.23). Form S–14 is used for the registration of securities in business combination transactions under Rule 145 (17 CFR 230.145). The Commission has found that in many cases the sheer volume of disclosure in connection with mergers, acquisitions and other business combinations tends to be confusing to security holders and burdensome for registrants to prepare. The Commission intends to revise the existing disclosure requirements of Form S–14 to provide streamlined, comprehensible disclosure to shareholders and to reduce compliance burdens on issuers consistent with the protection of investors. In developing proposals in this area and considering alternative approaches to the problem of reducing burdens while ensuring that sufficient information is available to security holders, the Commission will attempt to apply the techniques used in its integrated disclosure system, such as incorporation by reference and multiple document delivery. The proposed revisions are expected to benefit both issuers and investors and are not expected to result in significant additional burdens. A review of the rules and forms will be included in any rulemaking action.

Timetable: NPRM expected by March 31, 1983.

3. Title: Rule 12g3–2 Revision

Agency Contact: Ronald Adee, Special Counsel, Division of Corporation Finance, (202) 272–3250.

Effects on Small Businesses: Undetermined.

CFR Citation: 17 CFR 240.12g3–2.

Legal Authority: Section 12(g)(3) of the Exchange Act, 15 U.S.C. 78*l*.

Abstract: This rule, adopted under Section 12(g)(3) of the Exchange Act, exempts certain foreign private issuers from the Commission's periodic reporting requirements if they furnish the Commission with copies of material made public in the country of domicile. The rule was initially designed to apply to foreign private issuers that had not voluntarily entered the U.S. capital markets. Changes in the structure of the over-the-counter markets, namely the advent of the NASDAQ quotation system, compel reconsideration of the rule because more foreign private issuers are now entering the U.S. capital markets by voluntarily listing their stocks on NASDAQ. One alternative being considered is making the exemptive provisions unavailable to issuers with securities quoted in NASDAQ. If it is retained or revised, the costs involved in compliance with the rule should be minimal because the rule relies solely on reports and documents required by foreign law or regulation.

Timetable: NPRM expected by October 31, 1982.

4. Title: Regulation 14A—Rules Relating to Proxy Contests

Agency Contact: William L. Larsen, Special Counsel; Division of Corporation Finance, (202) 272–2589.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.14a–1 through 14a–12, 14a–101 and 14a–102.

Legal Authority: Section 14(a) of the Exchange Act, 15 U.S.C. 78n(a).

Abstract: As part of its proxy review program, the Commission intends to review the rules governing proxy contests, which are contained in Regulation 14A, promulgated under Section 14(a) of the Exchange Act. Regulation 14A regulates the solicitation of proxies in regard to securities registered under Section 12 of the Exchange Act. In general, Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. This review focuses only on regulations concerning proxy contests. Rules 14a–3 through 14a–10 prescribe certain filing, dissemination and disclosure requirements with respect to all proxy solicitations, including proxy contests. Rule 14a–11 prescribes special requirements relating only to contested elections of directors. The number of proxy contests has risen in recent years and the rules relating to them have not been reexamined in some time. The Commission's goal in this review is to make sure that the rules pertaining to proxy contests still operate effectively in addressing this dynamic area, thus benefitting shareholders and issuers.

Timetable: NPRM expected by December 31, 1982.

5. Title: Recommendations of the Advisory Committee on Shareholder Communications

Agency Contact: Catherine C. McCoy, Assistant Chief, Division of Corporation Finance, (202) 272–2589.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.14a–3(d), 14a–3(b) and 14b–1.

Legal Authority: Section 14 of the Exchange Act, 15 U.S.C. 78n.

Abstract: The Commission established the Advisory Committee on Shareholder Communications in April 1981 for the purpose of exploring the possibilities for improving the process by which issuers communicate with the beneficial owner of securities registered in the name of a broker-dealer, bank or other nominee. The Committee met nine times between May 1981 and May 1982 and presented the Division of Corporation Finance with a Report in June 1982. The Committee's Report, "Improving Communications Between Issuers and Beneficial Owners of Nominee Held Securities", includes a number of recommendations for improving the existing proxy distribution process, improving the existing proxy voting process, improving dissemination of interim reports and other shareholder communications, and providing a means for issuers to identify beneficial owners. Pursuant to Section 14 of the Exchange Act, the Commission may propose certain of the Committee's recommendations for public comment to obtain the views of the public on the potential efficacy of the recommendations and their costs and benefits.

Timetable: NPRM expected by December 31, 1982.

B. Securities Markets and Securities Industry Rules

1. Title: Rule 10b–10—Confirmation of Transactions

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.10b–10.

Legal Authority: Sections 3, 10, 11, 15, 17 and 23 of the Exchange Act, 15 U.S.C. 78c, 78j, 78k, 78*o*, 78q, and 78w.

Abstract: The Commission proposed an amendment to the confirmation rule, Rule 10b–10, that would permit broker-dealers to send one monthly statement for certain transactions in "account management plans", instead of individual confirmations. Accordingly, customers would continue to have the benefit of essential account information, but at a significantly reduced cost to the broker-dealer. In addition, the Commission proposed an amendment to Rule 10b–10 to require yield and call disclosure that is intended to assure that investors receive important information in connection with debt securities transactions. Alternative forms of disclosure suggested by the securities industry were considered. Yield disclosure may require some new compliance procedures for preparing confirmations, but that impact will be substantially reduced by current compliance with similar Municipal Securities Rulemaking Board rules. The Commission will consider public comment on the proposed amendments, including comments on the impact on small entities, in connection with consideration of whether to adopt the amendments.

Timetable:

NPRM Release No. 34–18988 (August 20, 1982); 47 FR 37920 (August 27, 1982).

Comments August 20, 1982–November 1, 1982.

Final Action expected by June 30, 1982.

2. Title: Proposed Rules 11A–1[A] and [B]

Agency Contact: William W. Uchimoto, Staff Attorney, Division of Market Regulation, (202) 272–2409.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 240.11A–1 [A] and [B].

Legal Authority: Sections 3, 6, 9, 10, 11, 11A, 15A, 17 and 23 of the Exchange Act, 15 U.S.C. 78b, 78c, 78f, 78i, 78k, 78k–1, 78*o*, 78*o*–3, 78q and 78w.

Abstract: In connection with the partial removal of exchange off-board trading restrictions through Rule 19c–3, the Commission has proposed three alternatives to address order exposure problems or "internalization." The first alternative would defer action until internalization caused demonstrable harm. The second alternative, proposed Rule 11A–1[A], would require over-the-counter market makers in Rule 19c–3 securities, prior to executing an order as principal, to hold the order out for a period of time, thereby allowing other market makers to compete for that order. Alternatively, this proposed rule would permit the market maker to compete for order by maintaining competitive quotations in the Computer Assisted Execution System ("CAES"), and routing orders to CAES. The third alternative, proposed Rule 11A–1[B] would extend the requirements to all market makers in Rule 19c–3 securities. The Commission will consider public comment on the impact of the proposed rules on small broker-dealers in connection with its final rulemaking.

Timetable:

NPRM Release No. 34–18738 (May 13, 1982).

47 FR 22376 (May 24, 1982).

Comments May 13, 1982–July 23, 1982.

Final Action expected by June 30, 1983.

3. Title: Proposed Rule 15b7–1—Minimum Qualification Standards for Non-Member Broker-Dealers and Associated Persons

Agency Contact: Kathleen McGann, Senior Special Counsel, Division of Market Regulation, (202) 272–2403.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 240.15b7–1.

Legal Authority: Sections 15(b)(7), 17(a) and 23, of the Exchange Act, 15 U.S.C. 78*o*(b)(7), 78q, and 78w.

Abstract: Associated persons of SECO broker-dealers are currently subject to examination and filing requirements under Rule 15b8–1. Under the proposal, Rule 15b7–1 would replace Rule 15b8–1 and upgrade the qualification standards applicable to SECO broker-dealers to parallel those of the NASD. The Commission considered exempting small broker-dealers from the rule, but instead modified the proposal to lessen the requirements applicable to small entities. The proposed examination fee would be approximately $40 and the filing fee would be $50. There are also costs involved in preparing for the examination and filling out the form. The benefits to the public are difficult to quantify. Qualification examinations help ensure that new entrants to the securities business understand the securities laws and are aware of their obligations to their customers. The benefits of the filing requirement include better surveillance of the activities of SECO broker-dealers.

Timetable:

NPRM Release No. 34–18710 May 4, 1982; 47 FR 20783 May 14, 1982.

Comments May 4, 1982–July 1, 1982.

Final Action expected by January 1, 1983.

C. Investment Management Rules

1. Title: Amendment to Rule 180—Exemption from Registration of Certain Interests and Participations in Certain H.R. 10 Plans

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Division of Investment Management, (202) 272–2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 230.180.

Legal Authority: 15 U.S.C. 77a–77aa.

Abstract: Rule 180 provides an exemption from the registration requirements of the Securities Act for interests and participations issued in connection with certain qualified H.R. 10 plans. In order for interests in funding media issued to plans established by financially inexperienced employers to qualify for the rule's exemption, the rule, as adopted, requires those employers to obtain financial advice from an independent expert prior to adopting the H.R. 10 plan. Among other things, the Commission is considering proposing an amendment to Rule 180 that would codify a present "no-action" position regarding the situation where a financially unsophisticated employer has already established a plan for its employees without obtaining advice from an independent expert, and intends either to change the funding medium or add another funding medium to the choices already available to employees. The issuer of the funding medium in such a case would be in compliance with the rule if the issuer has reasonable grounds to believe and, after having made reasonable inquiry, does believe, that an independent financial expert reviewed the funding medium prior to the investment of the plan's assets in that funding medium.

The type of amendment being considered would impose no additional compliance cost, and would increase the flexibility of existing plans and the number of investment choices available to participating employees.

Timetable: NPRM expected by May 13, 1983.

2. Title: Regulation E Exemption for Securities of Small Business

Agency Contact: Aviva L. Grossman, Division of Investment Management, (202) 272–7321.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 230.601 through 17 CFR 230.610(a).

Legal Authority: Section 3(c) and Section 19(a) of the Securities Act, 15 U.S.C. 77c(c) and 77s(a).

Abstract: Regulation E exempts from registration, subject to certain terms and conditions, securities issued by any small business investment company which is licensed as such (or has a license application pending) under the Small Business Investment Act of 1958 and registered under the Investment Company Act of 1940 ("Investment Company Act"). The Commission is considering amending Regulation E to further reduce the regulatory burden on small business investment company issuers. Any such amendments would generally have the effect of paralleling amendments made to Regulation A in September 1978 (*See*, Securities Act Release No. 5977, September 11, 1978, [43 FR 41383, September 18, 1978]).

No method currently exists to quantify the costs to the small business investment company industry of complying with an amended Regulation E. However, to the entent that any such amendments make Regulation E available to more issuers, the staff is of the opinon that the benefits of complying with amended Regulation E would far outweigh the costs to such issuers of registration under the Secrities Act.

With respect to the costs imposed on the Commission by virtue of Regulation E. amendments, the staff believes that the costs associated with proposed Regulation E amendments would be negligible.

Timetable: NPRM expected by December 31, 1982.

3. Title: Prospectus Simplification Amendments to Form N-1

Agency Contact: Jane Kanter, Division of Investment Management, (202) 272-2115.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 239.15 and 17 CFR 274.11.

Legal Authority: Section 8 of the Investment Company Act, 15 U.S.C. 80a-8, and Sections 7 and 10 of the Securites Act, 15 U.S.C. 77g and 77j.

Abstract: Form N-1 is the registration statement form under the Investment Company Act and the Securities Act for open-end management investment companies. Included within the registration statement are the companies' prospectuses used in offering their securities to the public. The Commission believes a simplified prospectus is necessary because current prospectuses have become too cumbersome for the average investor to understand and because current requirements results in the disclosure of much information that is not necessarily material to an investment decision. Simplification will, therefore, make disclosure easier for investors to understand and reduce the costs and burdens of preparing and distributing prospectuses.

There does not currently exist a basis upon which to quantify the reduced costs and burdens of such action on those registrants affected. The contemplated amendments are still in the developmental stage and have not yet been formally proposed by the Commission. Thus, the extent of the simplification of investment companies' prospectuses actually proposed and the attendant reductions in costs and burdens are as yet largely unknown, but are anticipated to be significant.

Timetable: NPRM expected by December 31, 1982.

4. Title Amendment of Rule 2a-5—Certain Persons Not Deemed Interested Persons

Agency Contact: Brian M. Kaplowitz, Division of Investment Management, (202) 272-3027.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.2a-5.

Legal Authority: Investment Company Act Sections 6(c) and 38(a), 15 U.S.C. 80a-6(c) and 80a-37(a).

Abstract: The Commission is considering whether to propose an amendment to Rule 2a-5 under the Investment Company Act. Rule 2a-5 presently affords a narrow exemption from that part of Section 2(a)(19) of the Act which defines as an interested person of another person any broker or dealer registered under the Exchange Act or any affiliated person of such a broker or dealer. The Commission will consider rulemaking that would broaden that exemption while still providing protection to investors. This would benefit regulated investment companies by increasing the pool from which directors may be chosen without contravention of, *inter alia*, Section 10d(a) of the Act, which governs the composition of investment companies boards of directors. The conditions set forth in the proposed rule will be those that the Commission believes necessary to protect investors and implement the policies of the Act. A potential cost of the amendment under consideration would be a requirement that the board of directors of any affected investment company determine that such company would not be adversely affected by compliance with the amended rules's conditions; the time involved is such a determination may be viewed as a cost. It is believed, however, that these costs would be far outweighed by the benefits of the suggested amendment including alleviating the need for investment companies to formally apply for Commission exemptive orders in situations addressed by the rule. As is presently the case, investment companies would still be able to seek exemptive orders, notwithstanding the existence of a generic rule.

Timetable: NPRM expected by December 31, 1982.

5. Title: Proposed Rule 3a-4—Individualized Investment Management Services

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Division of Investment Management, (202) 272-2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.3a-4.

Legal Authority: 15 U.S.C. 80a-6(c) and 15 U.S.C. 80a-37(a) Sections 6(c) and 38(a) of the Investment Company Act.

Abstract: In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479) the Commission proposed for public comment Rule 3a-4, which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Act. The rule provides a "safe harbor" for any investment manager providing its clients with treatment based on the needs and goals of each client. Under such circumstances, regulation of investment management services under the Act appears unnecessary.

The proposed rule was intended to clarify the Commission's position on the question of "miniaccounts" by providing a safe harbor for certain investment management services and thereby provide some certainty to the public. The Commission does not expect any final action taken on the proposal to significantly affect the cost of providing investment management services. The public comment letters on the proposal have been reviewed and alternatives for final action are being formulated.

Timetable:

NPRM Release No. IC-11391, October 10, 1980; 45 FR 69479 (October 21, 1980).

Comments October 10, 1980-January 31, 1981.

Final Action expected by January 31, 1983.

6. Title: Amendment to Rule 6c-1—Exemption for Subsidiaries Organized to Finance the Operations of Domestic or Foreign Companies

Agency Contact: Bruce S. Mendelsohn, Division of Investment Management, (202) 272-2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.6c.1.

Legal Authority: 15 U.S.C. 80a-6(c) and 15 U.S.C. 80a-37(a) Sections 6(c) and 38(a) of the Investment Company Act.

Abstract: In Investment Company Act Release No. IC-12679 (September 22, 1982) the Commission proposed for public comment a comprehensive revision of Rule 6c-1 under the Act. The recommended amendments would greatly expand Rule 6c-1 to exempt from all provisions of the Act certain finance subsidiaries of United States and foreign private issuers. An exemptive rule is the least burdensome method available to accomplish the proposed amendment's objectives. An unconditional exemption, however, would be inconsistent with the public interest standard set forth in Section 6(c) of the Act and therefore the Commission has proposed certain conditions it believes are necessary and appropriate to fulfill the statutory requirements. The proposed rule would reduce the compliance burden faced by covered finance subsidiaries by obviating the need for them to file exemptive applications. The application procedure, of course, would still be available notwithstanding the rule's existence.

Timetable:

NPRM Release No. IC–12679 (September 22, 1982).

Comments September 22, 1982–November 5, 1982.

Final Action expected by February 28, 1983.

7. Title: Proposed Rules 11a–3 and 11a–4 Under the Investment Company Act

Agency Contact: Elizabeth K. Norsworthy, Special Counsel, Division of Investment Management, (202) 272–2048.

Effect on Small Business: Undetermined.

CFR Citation: 17 CFR 270.11a–3 and 17 CFR 270.11a–4.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–11(a); and 15 U.S.C. 80a–37(a).

Abstract: The Commission is considering whether to propose a Rule 11a–3 and a Rule 11a–4 which would exempt certain persons from the requirements of Section 11(a) of the Investment Company Act. That section generally prohibits any registered open-end investment company and the principal underwriter of its shares from making an offer to a shareholder to exchange his security for another security on any basis other than the net asset values of the securities to be exchanged without approval of the Commission. Section 11(c) extends the prohibitions of Section 11(a) to offers of the securities of unit investment trusts. The Commission has issued numerous orders permitting open-end management companies and the principal underwriter(s) of their shares to make exchange offers on the basis of the relative net asset value of the securities being exchanged *plus* a sales load equal to the difference between the sales load which would otherwise be charged on the securities to be acquired and on the securities to be exchanged. The Commission has also issued orders permitting unit investment trusts and their sponsors to make offers of exchange based on the relative net asset value of the respective securities *plus* a fixed fee to cover expenses. The proposed rules would codify such orders (Rule 11a–3 for management companies; rule 11a–4 for unit investment trusts) thereby eliminating the cost for small companies of preparing applications seeking the orders. Thus, the proposed rules would have a beneficial economic impact on such companies.

The proposed rules would contain several conditions to assure the protection of investors. Any such conditions would be included in the rule in order to adequately protect investors against the abuses addressed by Section 11.

Timetable:

NPRM expected by May 31, 1983.

8. Title: Proposed Rule 17a–9 Under the Investment Company Act

Agency Contact: Bruce S. Mendelsohn, Division of Investment Management, (202) 272–2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.17a–9.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–17(b); and 15 U.S.C. 80a–37(a).

Abstract: The Commission is considering whether to propose a Rule 17a–9 which would exempt certain persons from the requirements of Section 17(a) of the Investment Company Act. That section, in pertinent part, prohibits any affiliate of an investment company, or any affiliate of such a person, from selling a security to such company unless the sale has been approved by the Commission. Section 2(a)(3) of the Act defines an affiliate of an investment company to include any person that owns directly or indirectly 5% or more of the company's securities and any person acting as the company's investment adviser. In some situations, a bank, as trustee, may own 5% or more of the securities of a mutual fund or money market fund. In other cases, a bank may act as investment adviser for or have some other association with one or several of, but not all, the funds in a complex. In either of these situations, Section 17(a) would prohibit the affiliated bank from selling certificates of deposit or other investments issued by it to the fund or to a sister fund unless the Commission has issued an order under Section 17(b) of the Act permitting the transaction. It has been suggested that these situations may occur more frequently and that it is possible to devise a rule to permit the sale of such securities under conditions designed to assure that the statutory standards of Section 17(b) of the Act are met. The Commission is considering the suggestion but has not yet determined whether it is necessary and appropriate for it to propose a rule. If it were to propose such an exemptive rule, the rule would eliminate the cost of seeking exemptive relief through the preparation and filing of applications. It is not known at this time what, if any, compliance requirements would be contained in the rule, or what cost might be incurred as a result of complying with such requirements. Any compliance requirements ultimately proposed would be those the Commission believes necessary to protect investors and implement the policies of the Act.

Timetable: NPRM expected by May 31, 1983.

9. Title: Proposed Amendment to Rule 17g–1 Under the Investment Company Act

Agency Contact: Arthur E. Dinerman, Division of Investment Management, (202) 272–2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.17g–1.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–17(g); and 15 U.S.C. 80a–37(a).

Abstract: The Commission is considering whether to adopt an amendment to Rule 17g–1 under the Investment Company Act. The amendment was proposed for public comment in Investment Company Act Release No. 11193 (June 2, 1980) [45 FR 38407]. Rule 17g–1 requires every registered investment company to provide and maintain a bond against larceny and embezzlement covering officers and employees of the company. In some circumstances, the officers and employees of a company's depositor, trustee, investment adviser or other manager and various affiliates of such persons, because they have access to the company's assets, function as officers and employees of the investment company. The proposed amendment to the rule would clarify the scope of the rule by explicitly requiring the bonding of such persons.

The principal cost associated with this rule would be the cost of a bond. That cost would vary according to the persons required to be bonded by the rule. In this regard, before adopting any amendment to the rule, the Commission will carefully consider what persons should be bonded to protect investors adequately, weighing the benefits of the protection against the cost of a bond.

Timetable: Final Action expected August 31, 1983.

10. Title: Proposed Rule 22d–6 Under the Investment Company Act

Agency Contact: Jeffrey Puretz, Esq., Division of Investment Management, (202) 272–2048.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 270.22d–6.

Legal Authority: 15 U.S.C. 80a–6(c); 15 U.S.C. 80a–37(a).

Abstract: The Commission is considering whether to propose a Rule 22d–6, which would exempt certain persons from the provisions of Section 22(d) of the Investment Company Act. That section generally requires that redeemable securities issued by investment companies to be sold to the public only at a current public offering price described in the prospectus. In recent years, investment companies have requested an increasingly greater number of orders of exemption from the section. The costs to companies filing such requests and to the Commission processing them have been substantial. The proposed rule, which would permit an investment company and its underwriters to decide to vary the price of securities being offered (including allowing dealers to negotiate the sales loads) without first obtaining Commission approval, would benefit companies by eliminating this cost. This benefit would probably be greater for small companies than for large companies for whom such an expense is less in proportion to assets.

The proposed rule would permit greater competition in the pricing of investment company shares. That competition may have a significant impact on small companies and broker-dealers, although the nature and degree of that impact are impossible to determine at this time. Any assessment of benefit or cost to small entities from price competition would be complicated by the complexities of the market in which investment company shares are sold. That market is constantly influenced by changes in the economy, interest rates and investor attitudes.

While alternatives to the proposed rule might contain fewer provisions, conditions included in the proposed rule will be those that the Commission believes necessary to satisfy the statutory test forth in Section 6(c) of the Act that "such exemption (be) necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act".

The proposed rule could have codified past orders of exemption from Section 22(d) and not have permitted negotiated sales loads, but that alternative would have limited the flexibility and freedom of investment companies to compete in today's market against issuers of other investment products, such as stocks and variable annuities, that are sold at negotiated fees.

Timetable: NPRM expected by December 31, 1982.

11. Title: Rule 204–2 Under Investment Advisers Act of 1940 ("Adviser's Act")—Books and Records to be Maintained by Investment Advisers

Agency Contact: Arthur E. Dinerman of Mary S. Champagne, Division of Investment Management, (202) 272–2079.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 275.204–2.

Legal Authority: Sections 204 and 211 of the Advisers Act, 15 U.S.C. 80b–4 and 80b–11.

Abstract: The rule requires a registered investment adviser to make and keep true, accurate, and current certain books and records relating to its investment advisory business. Such records enable the Commission's examination personnel to review the investment adviser's activities to determine whether they are fulfilling their responsibilities to their clients and complying with the relevant provisions of the Federal securities laws and the rules thereunder. Inasmuch as most investment advisers, as a matter of sound business practice, are likely to maintain books and records substantially similar to those required by the rule, the incremental costs of compliance are minimal. However, the rule is being reviewed to determine whether there are any unnecessary provisions which can be deleted or unduly complex provisions which can be simplified. These revisions, which are the product of the first comprehensive review the rule has received since it was adopted in 1962, would also reflect changes in the nature of the investment advisory business since adoption of the rule and the experience of the Commission's staff in conducting its inspection program. The revisions are intended to reduce the already minimal incremental costs an investment adviser incurs in complying with the rule. The revisions are intended to result in recordkeeping rules which are easier to comply with and which permit the Commission's staff to conduct inspections of investment advisers more quickly and efficiently. Those recordkeeping requirements remaining in the rule will be those the Commission believes necessary for the protection of investors.

Timetable: NPRM expected by March 31, 1983.

II. Rules Scheduled For Review

A. Accounting Rules

1. Title: Financial Statement Requirements for Insurance Companies

Agency Contact: M. Elizabeth Rader, Professional Accounting Fellow, Office of the Chief Accountant, (202) 272–2130.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 210.7–01 to 210.7–05; 210.11–15; 210.12–16 and 210.12–17.

Legal Authority: Sections 7, 8 and 19(a) of the Securities Act 15 U.S.C. 77g, 77h and 77s(a) and Sections 12, 13, 15d and 239a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78*o*(d) and 78(w).

Abstract: Uniform accounting and financial statement rules are needed to facilitate the financial analysis of alternative investments. Regulation S–X contains these rules of the Commission. Article 7 of Regulation S–X is intended to assure a degree of uniformity in the presentation of financial statements and schedules to those financial statements by insurance companies that file with the Commission.

Timetable: Rule Review expected by February 28, 1983.

2. Title: Financial Statement Requirements for Registered Investment Companies

Agency Contact: Clarence Staubs, Assistant Chief Accountant; Office of the Chief Accountant, (202) 272–2130.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 210.6–01 to 210.6–34; 219.12–13; 210.12–19; and 210.12–20.

Legal Authority: Sections 7, 8 and 19(a) of the Securities Act, 15 U.S.C. 77g, 77h and 77s(a); Sections 12, 13, 15d and 23(a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78*o*(d); 78w; and Sections 8, 30(d), 31(c), and 38(a) of the Investment Company Act, 15 U.S.C. 80a–8, 80a–29(d), 80a–30(c), and 80a–37(a).

Abstract: Article 6 of Regulation S–X is intended to assure a degree of uniformity in the presentation of financial statements and schedules to those financial statements by registered investment companies. Article 6 is being reviewed as a part of the evaluation of amendments to Article 6 announced in Securities Act Release No. 6374 (January 11, 1982) [47 FR 2776] that were proposed to revise that article to (1) eliminate rules which are duplicative of generally accepted accounting principles, (2) effect changes which recognize current industry practices, and (3) integrate and simplify the rules to improve financial reporting.

Timetable:

NPRM Release No. 33-6374 (January 11, 1982); 47 FR 2776 (January 19, 1982).

Comments January 11, 1982–April 30, 1982.

Final Action October 31, 1982.

Rule Review January 31, 1983.

3. Title: Supplemental Disclosures of Oil and Gas Producing Activities

Agency Contact: M. Elizabeth Rader, Professional Accounting Fellow; Office of the Chief Accountant; (202) 272-2130.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 210.4-10(k).

Legal Authority: Sections 7, 8, and 19(a) of the Securities Act, 15 U.S.C. 77g, 77h, and 77s(a); Sections 12, 13, 15d and 23(a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78*o*(d), 78(u); and Section 503 of the Energy Policy and Conservation Act of 1975, 42 U.S.C. 6383.

Abstract: Rule 4-10(k) of Regulation S-X requires supplemental disclosures about the value of oil and gas reserves. In Securities Act Release No. 6412 (June 24, 1982) [47 FR 28684] the Commission proposed amendments to this rule to require compliance with the provisions of a statement of financial accounting standards which the Commission expects will be issued by the Financial Accounting Standards Board during the fall, 1982.

Timetable:

NPRM Release No. 33-6412 January 24, 1982; 47 FR 28684 July 1, 1982.

Comments June 24, 1982–August 31, 1982.

Final Action December 31, 1982.

Rule Review February 28, 1983.

4. Title: Financial Statement Requirements for Bank Holding Companies

Agency Contact: Marc D. Oken or Edmund Coulson, Office of the Chief Accountant, (202) 272-2130.

Effects on Small Business: Undetermined.

CFR Citation 17 CFR 210.9-01 to 210.9-05.

Legal Authority: Section 7, 8 and 19(a) of the Securities Act, 15 U.S.C. 77g, 77h, and 77s(a); and Sections 12, 13, 15d and 23(a) of the Exchange Act, 15 U.S.C. 78*l*, 78m, 78*o*(d), 78w.

Abstract: Article 9 of Regulation S-X is intended to assure a degree of uniformity in the presentation of financial statements by bank holding companies that file with the Commission. In Securities Act Release No. 6417 (July 9, 1982) (47 FR 22158), the Commission proposed to revise Article 9 in connection with its efforts to integrate and update its rules and eliminate rules which are duplicative of generally accepted accounting principles.

Timetable:

NPRM Release No. 33-6417 (July 9, 1982); 47 FR 32158 (July 26, 1982).

Comments July 9, 1982–September 30, 1982.

Final Action December 31, 1982.

Rule Review December 31, 1982.

B. Disclosure Rules

1. Title: Regulation 14A—Solicitation of Proxies

Agency Contact: William L. Larsen, Division of Corporation Finance, (202) 272-2589.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.14a-1 through 240.14a-12, 240.14a-101 and 240.14a-102.

Legal Authority: Sections 14(a) and 23(a) of the Exchange Act, 15 U.S.C. 78n(a) and 78w(a).

Abstract: Regulation 14A specifies the information required to be disclosed to security holders to enable them to make informed decisions concerning authorization of proxies. Regulation 14A consists of twelve rules and Schedules 14A and 14B. These provisions contain requirements regarding disclosures in, and dissemination and filing of, proxy solicitations with respect to a security registered pursuant to Section 12 of the Exchange Act, opposition solicitations with respect to the election of directors and annual reports to security holders accompanying or preceding a proxy solicitation with respect to a security registered pursuant to Section 12 of the Exchange Act. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules and will encompass any provisions not specifically covered in other related proxy review projects. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on registrants.

Timetable: Rule Review March 31, 1983.

2. Title: Regulation 14C—Distribution of Information Pursuant to Section 14(c)

Agency Contact: William L. Larsen, Special Counsel, Division of Corporation Finance, (202) 272-2589.

Effects on Small Business: Undetermined.

CFR Citation: 17 CFR 240.14c-1 through 240.14c-7 and 240.14c-101.

Legal Authority: Sections 14(c) and 23(a) of the Exchange Act, 15 U.S.C. 78n(a) and 78w(a).

Abstract: Regulation 14C consists of seven rules and schedule 14C, which contain requirements as to the dissemination, content and filing of information statements in connection with annual or other meetings of holders of securities registered pursuant to Section 12 of the Exchange Act and annual reports to security holders accompanying or preceding such information statements. The Rules are intended to enable security holders to make informed voting decisions in any matters to be acted upon at annual or other meetings in those situations where proxies are not being solicited. This regulation is being reviewed in conjunction with the Commission's examination of its proxy rules. The review will attempt to identify ineffective or outmoded rules and, as appropriate, rescind or replace such rules with alternatives designed to maximize shareholder protection while minimizing burdens on issuers. The review also will update rules where necessary to accord with changes in state law.

Timetable: Rule Review March 31, 1983.

C. Securities Markets and Securities Industry Rules

1. Title: Rule 15b1-1—Application for Registration of Broker or Dealer

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b1-1; 17 CFR 249.501; 17 CFR 249.510.

Legal Authority: Sections 15(b), 17(a) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b), 78q(a), 78w(a).

Abstract: Rule 15b1-1 provides that an application for registration as a broker or dealer must be filed on Form BD. The information required to be disclosed on Form BD is necessary for the Commission to determine whether registration as a broker or dealer should be granted and to furnish information to public investors. The Commission is at the initial stages of its review of this rule and has not arrived at its final conclusions or recommendations with respect to this rule. Accordingly, it remains to be considered what the potential costs and benefits of any recommended changes will be, as well as possible alternatives.

Timetable: Rule Review December 31, 1982.

2. Title: Rule 15b1-3—Registration of Successor to Registered Broker or Dealer

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b1-3.

Legal Authority: Sections 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b) and 78q(a), 78w(a).

Abstract: Rule 15b1-3 permits an unregistered broker-dealer who succeeds to the business of an existing registered broker-dealer to continue the business of its predecessor for 75 days if an application for registration is filed within 30 days of the date of succession. Without the rule, the successor could not continue the business of its predecessor until the successor's registration as a broker-dealer had been approved by the Commission. The Commission is at the initial stages of its review of this rule. Consequently, any alternatives, as well as their potential costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

3. Title: Rule 15b1-4—Registration of Fiduciaries

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b1-4.

Legal Authority: Sections 15(b)(2)(A) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b)(2)(A) and 78w(a).

Abstract: Rule 15b1-4 permits a court appointed or qualified fiduciary who succeeds to the business of a registered broker-dealer to assume responsibility immediately for the operation of the broker-dealer's business if the fiduciary files a statement with the Commission within 30 days of the date he assumes his duties. Without the rule, the fiduciary could not assume operational responsibility for the broker-dealer until his registration with the Commission has become effective. The Commission is at the initial stages of its review of this rule. Accordingly, possible alternatives to the rule, as well as potential costs and benefits of any recommended changes, have yet to be considered.

Timetable: Rule Review December 31, 1982.

4. Title: Rule 15b1-5—Consent to Service of Process to be Furnished by Non-resident Brokers or Dealers and by Non-resident Partners or Managing Agents of Brokers or Dealers

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b1-5.

Legal Authority: Sections 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b) and 78w(a).

Abstract: The rule requires non-resident broker-dealers to submit forms stating that they consent to service of process with respect to causes of action arising under the federal securities laws and irrevocably give a power of attorney designating the Commission as the non-resident's agent for service of process. This consent is necessary to assure that the Commission, the investing public, and members of the securities industry are able to obtain service on such non-residents. The Commission is at the initial stages of its review of this rule. Consequently, any potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

5. Title: Rule 15b2-1—Adoption of Application Filed by Predecessor

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b2-1.

Legal Authority: Sections 15(b)(2)(a) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b)(2)(A), 78w(a).

Abstract: Rule 15b2-1 permits an application for registration as a broker-dealer to be filed on behalf of a corporation or partnership (the "successor") by a predecessor and permits the successor to adopt that application as its own, thereby facilitating registration and reducing the paperwork associated with registering successor brokerage firms. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives to the rule, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

6. Title: Rule 15b3-1—Amendments to Application

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b3-1.

Legal Authority: Sections 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b) and 78w(a).

Abstract: Amendments to Form BD are needed in order to maintain the accuracy of the broker-dealer application. Form BD provides general information about the broker-dealer which is useful for the Commission and public investors. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

7. Title: Rule 15b6-1—Withdrawal from Registration

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b6-1.

Legal Authority: Sections 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b) and 78w(a).

Abstract: This rule addresses the situation in which a broker or dealer wishes to withdraw its registration under the Exchange Act. Form BDW is needed to determine whether it is in the public interest to permit a broker or dealer to withdraw its registration and thus no longer be subject to regulation by the Commission, and to provide certain information to the public. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

8. Title: Rule 15b5-1—Extension of Registration for Purposes of the Securities Investor Protection Act of 1970 after Cancellation or Revocation

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272-2844.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.15b5-1.

Legal Authority: Section 15(b) and 23(a) of the Exchange Act, 15 U.S.C. 78*o*(b), 78w(a).

Abstract: This rule extends the effective date of the cancellation or revocation of a broker's or dealer's registration for six months for purposes of applying certain sections of the SIPA to customer claims arising prior to the date of revocation or cancellation. The rule is necessary to allow SIPC to protect customers for six months beyond the effective date of cancellation or revocation. The Commission is at the initial stages of its review of this rule. Consequently, potential alternatives, as well as their costs and benefits, have yet to be considered.

Timetable: Rule Review December 31, 1982.

9. Title: Securities Exchange Act Rule 10b–8—Distributions Through Rights

Agency Contact: John B. Manning, Jr., Division of Market Regulation, (202) 272–2874.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.10b–8.

Legal Authority: Sections 3(b), 9(a)(6), 10(b) and 12(a) of the Exchange Act, 15 U.S.C. 78c, 78i(a)(6), 78j(b) and 78*l*(a).

Abstract: Rule 10b–8 applies to any person participating in a distribution of securities being offered through rights issued on a pro-rata basis to holders of a security. In order to prevent manipulative or deceptive acts and practices, its provisions regulate the price at which a participant in the distribution may sell the underlying security, and the conditions under which and the prices at which bids for and purchases of rights may be made. The staff is currently reviewing comprehensive proposed amendments to another rule within its jurisdiction, Rule 10b–6. In view of the extensive amount of staff time and resources devoted to the proposed revisions to Rule 10b–6 and in view of he potential impact such revisions may have on Rule 10b–8, comprehensive review of Rule 10b–8 must be temporarily postponed. Accordingly, alternatives to the rule, as well as their costs and benefits, will be considered at a later date.

Timetable: Rule Review during 1983.

10. Title: Rule 17f–2—Fingerprinting of Securities Industry Personnel

Agency Contact: Ester Saverson, Jr., Division of Market Regulation, (202) 272–2374.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.17f–2.

Legal Authority: Sections 17(a), 17(f), and 23(a) of the Exchange Act, 15 U.S.C. 78q(a), 78q(b) and 78w(a).

Abstract: Rule 17f–2 requires that securities professionals be fingerprinted. This requirement serves (1) to identify security risk personnel; (2) to allow all employers to make fully informed employment decisions; and (3) to deter possible wrongdoers from seeking employment in the securities industry. The Commission has proposed for comment amendments to Rule 17f–2 designed to simplify (1) the procedure to claim certain exemptions from the fingerprinting requirement; and (2) the maintenance and storage of records required to be kept under Rule 17f–2. Securities Exchange Act Release No. 18645 (April 14, 1982). These amendments, if adopted, will save the securities industry approximately $100,000 annually.

Timetable: Rule Review December 31, 1982.

11. Title: Rule 15b8–1—Qualification and Fees Relating to Brokers and Dealers Who Are Not Members of a National Securities Association

Agency Contact: Dean Shahinian, Division of Market Regulation, (202) 272–2388.

Effects on Small Business: Yes.

CFR Citation: 17 CFR 240.15b8–1.

Legal Authority: Sections 15(b)(7), 17(a) and 23 of the Exchange Act, 15 U.S.C. 78*o*(b)(7), 78q, and 78w.

Abstract: Rule 15b8–1 requires all persons associated with SECO broker-dealers to pass qualification examinations before engaging in securities activities and requires all SECO broker-dealers to file a Form U–4 for each associated person before that person engages in securities activities and to file a list on or before July 31 of each year of persons who have ceased to be associated with the firm. The rule was adopted in response to a Congressional directive to establish standards of competence for SECO broker-dealers. The Commission is considering rescinding Rule 15b8–1 and replacing it with Rule 15b7–1, which was proposed in May 1982. Securities Exchange Act Release No. 18710, 47 FR 20783 (May 14 1982). Proposed Rule 15b7–1, would still, however, maintain the examination and filing requirements contained in Rule 15b8–1. Alternatives to qualification examinations include the establishment of standards of training or experience. The Commission believes, however, that those standards would invlove more regulation and be more anticompetitive than the establishment of examination standards.

Timetable: Rule Review December 31, 1982.

12. Title: Rules 6a–1 and 6a–2—Form of Application and Amendments and Annual Amendments to Registration or Exemption Statements of Exchanges

Agency Contact: Judith W. Axe, Division of Market Regulation, (202) 272–2415.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.6a–1 and 17 CFR 240.6a–2.

Legal Authority: Sections 5, 6, 17 and 23 of the Exchange Act, 15 U.S.C. 78e, 78f, 78q and 78w.

Abstract: Rule 6a–1 requires an applicant for registration as a national securities exchange, or for exemption from registration, to file Form 1 with the Commission. Rule 6a–1 also requires an exchange to correct any inaccurate statements on Form 1 by filing Form 1–A. Rule 6a–2 requires each registered or exempted exchange to update its statement by filing an annual amendment. The Commission has proposed amending Rule 6a–2 and Forms 1 and 1–A to reflect changes in the regulatory scheme and technological advances. The proposed amendments would eliminate unnecessary and duplicative reporting requirements. The amendments also would require audited financial statements regarding the exchange and its affiliates and subsidiaries. The Commission is presently reviewing public comments on the proposed amendments. The Commission will weigh the potential financial burden on the exchanges imposed by the audited financial reports requirement against the potential benefit to the Commission's oversight program before taking final action on the proposed amendments.

Timetable: NPRM Release No. 34–18843 (June 25, 1982). Comments June 25, 1982–September 4, 1982.

Final Action January 3, 1983.

13. Title: Rule 6a–3—Supplemental Material

Agency Contact: Judith W. Axe, Division of Market Regulation, (202) 272–2415.

Effects on Small Business: No.

CFR Citation: 17 CFR 240.6a–3.

Legal Authority: Section 5, 6, 17 and 23 of the Exchange Act, 15 U.S.C. 78e, 78f, 78q and 78w.

Abstract: Rule 6a–3 requires each registered or exempted exchange to supplement its application and annual amendment by filing the following three Types of information with the Commission: (a) notification of any action taken by the exchange which renders its application or annual statements inaccurate; (b) copies of any material which the exchange issues or makes generally available to members of the exchange; and (c) monthly reports concerning the securities activity on the exchange for that month.

The information filed pursuant to Rule 6a–3 is designed to enable the Commission to carry out its statutorily mandated oversight functions and to assure that exchange continue to be in compliance with the Act. The Commission is in the initial stages of its review of this rule. Accordingly, alternatives to the rule, as well as their costs and benefits, have not yet been considered.

Timetable: Rule Review December 31, 1982.

D. Investment Management Rules

1. Title: Rule 206(4)–2 Under the Investment Advisers Act of 1940 ("Advisers Act")

Agency Contact: Arthur E. Dinerman, Division of Investment Management, (202) 272–2079.

Effects on Small Business: No.

CFR Citation: 17 CFR 275.206(4)–2.

Legal Authority: Section 206 and 211 of the Advisers Act, 15 U.S.C. 80b–6 and 806–6 and 806–11.

Abstract: The rule requires investment advisers who have custody or possession of the funds or securities of any client to follow certain practices and procedures as to those funds or securities. The purpose of the rule is to assure the safety of clients' assest which are in the possession of their investment adviser. One alternative to the rule might be to require those investment advisers who have custody or possession of clients' funds or securities to purchase a suitable bond. The staff has not yet determined the costs related to this alternative approach.

Timetable: Final Action April 2, 1962; 27 FR 2149. Rule Review October 31, 1982.

III. Completed Actions

A. Disclosure Rules

1. Title: Revisions to Guide 5 and Related Amendments

Agency Contact: William L. Larsen, Special Counsel, Division of Corporation Finance, (202) 272–2589.

Action: Final Rule Release No. 33–6405 (June 3, 1982) 47 FR 25120. (June 16, 1982).

Abstract: In June 1982, the Commission approved the publication of revisions to Guide 5, "Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerhships," of the Securities Act Industry Guides and the adoption of related amendments. The publication of the Guide revisions and related rulemaking culminated a major cooperative effort with the Subcommittee on Financial Statement and Track Record Disclosure of the North American Securities Administrators Association. The changes in Guide 5 comprehensively revised disclosure requirements concerning the prior experience and performance of sponsors of public real estate programs by standardizing and simplifying required disclosure. In a related rule change, Rule 3–14 of Regulation S–X, "Special Instructions for Real Estate Operations to be Acquired," was amended to allow, under certain circumstances, presentation of one year of audited financial statements for individual properites acquired by the partnerships, instead of three years, as was formerly required.

2. Title: Expanded Availability of Form S–18 Registration Statement

Agency Contact: Suzanne S. Brannan, Attorney, Division of Corporation Finance, (202) 272–2644.

Action: Final Rule Release No. 33–6406 (June 4, 1982). 47 FR 25126 (June 10, 1982).

Abstract: The adoption of the amendments to Form S–18 followed the notice and comment period begun in March 1982. Pursuant to the Securities Act, Form S–18 is a simplified registration form available for offerings of $5 million or less and is intended to provide an effective means for small issuersto raise limited amounts of capital through a registered public offering. The availability of the form was expanded to limited partnerships and other non-corporate issuers and to issuers that engage, or intend to engage, in oil and gas related operations. In addition, the amendments to Form S–18 revised the disclosure requirements of the form by cross-reference to the appropriate disclosure provisions in Regulation S–K.

3. Title: Regulation S–K—Standard Instructions for Filing Forms Under the Securities Act and the Exchange Act

Agency Contact: Robert Pincus, Attorney, Division of Corporation Finance, (202) 272–2589.

Action: Rule Review Release No. 33–6383 (March 3, 1982). 47 FR 11380 (March 16, 1982.)

Abstract: Review of Regulation S–K was undertaken in conjunction with the adoption of the Commission's intergrated disclosure system. Regulation S–K is the repository of standard disclosure requirements for registration statements and reports under the Securities Act and the Exchange Act. Regulation S–K serves to simplify registrants' preparation of documents by consolidating all substantive disclosure requirements into a single Regulation. As the compendium of substantive disclosure requirements, Regulation S–K is a major component of the Commission's integrated disclosure program. In addition to centralization and standardization of disclosure requirements, the review of Regulation S–K facilitated elimination or updating of outmoded disclosure requirements.

4. Title: Regulation C—Registration, Regulation 12B—Registration and Reporting

Agency Contact: Robert Pincus, Attorney, Division of Corporation Finance, (202) 272–2589.

Action: Rule Review Release No. 6383, March 3, 1982. 47 FR 11380, March 16, 1982.

Abstract: Review of Regulation C under the Securities Act and Regulation 12B under the Exchange Act was undertaken in conjunction with the adoption of the Commission's integrated disclosure system. The rules comprising Regulation C and Regulation 12B were adopted to standardize procedures of securities registration and reporting under the Securities Act and Exchange Act, to implement the statutes and to provide more specific instructions for registrants than are contained in the statutes themselves. In its development of an integrated disclosure system, the Commission consolidated requirements relating to substantive disclosure and document content in Regulation S–K and all procedural requirements relating to such disclosure in Regulations C and 12B. For example, a number of rules relating to incorporation by reference were consolidated in Rule 411 under the Securities Act and Rule 12b–24 under the Exchange Act. In addition to implementing integration, the review of these regulations was designed to eliminate inconsistencies between rules, to delete unnecessary, outmoded or duplicative rules and to update and revise the remaining provisions.

B. Securities Markets and Securities Industry Rules

1. Title: Rule 3a40–1—Designation of Financial Responsibility Rules

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Action: Rule Review 17 CFR 240.3a40–1.

Abstract: Review completed on July 6, 1982, in accordance with the Commission's schedule for periodic review of rules.

2. Title: Rules 10b–10 and 15c2–12—Confirmation of Transactions

Agency Contact: Ardith Eymann, Chief Counsel, Division of Market Regulation, (202) 272–2844.

Action: Proposed Rule Withdrawn Release No. 34–18987, August 19, 1982; 47 FR 37919, August 27, 1982.

Abstract: The proposals to require confirmation disclosure of the amount of any mark-up or mark-down in a "riskless" principal transaction in debt securities were withdrawn because the Commission concluded that the proposals would not achieve their purposes at an acceptable cost.

3. Title: Rule 15b10–10—Execution of Investment Company Portfolio Transactions

Agency Contact: Kathleen McGann, Senior Special Counsel, Division of Market Regulation, (202) 272–2403.

Action: Rule Review 17 CFR 240.15b10–10.

Abstract: Review completed on August 12, 1982, in accordance with the Commission's schedule, for periodic review of rules.

4. Title: Rule 15c2–11—Initiation or Resumption of Quotations Without Specified Information

Agency Contact: Kenneth Orenbach, Division of Market Regulation, (202) 272–7391.

Action: Rule Review 17 CFR 240.15c2–11.

Abstract: Review completed on July 15, 1982, in accordance with the Commission's schedule for periodic review of rules.

5. Title: Rule 15c3–1—Net Capital Requirements for Brokers and Dealers

Agency Contact: Michael Macchiarolí, Branch Chief, Division of Market Regulation, (202) 272–2372.

Action: Final Rule Release No. 34–18737 (May 13, 1982.) 47 FR 21579 (May 20, 1982.)

Abstract: The amendments to Rule 15c3–1 were adopted in connection with the Commission's overall review of the financial responsibility requirements of broker-dealers.

6. Title: Rule 17Ac2–1, Form TA–1—Application for Registration of Transfer Agents, Transfer Agent Registration Form

Agency Contact: Jonathan Kallman, Division of Market Regulation, (202) 272–2775.

Action: Rule Review 17 CFR 240.17Ac2–1, 17 CFR 249b.100.

Abstract: Review completed on June 11, 1982, in accordance with the Commission's schedule for periodic review of rules.

7. Title: Rule 17Ac3–1, Form TA–W—Withdrawal from Registration as a Transfer Agent Notice of Withdrawal from Registration as a Transfer Agent

Agency Contact: Jonathan Kallman, Division of Market Regulation, (202) 272–2775.

Action: Rule Review 17 CFR 240.17Ac3–1, 17 CFR 249b.101.

Abstract: Review completed on June 11, 1982, in accordance with the Commission's schedule for periodic review of rules.

8. Title: Rule 19h–1—Notice by a Self-Regulatory Organization of Proposed Admission to or Continuance in Membership or Participation or Association with a Member of any Person Subject to a Statutory Disqualification and Applications to the Commission for Relief Therefrom

Agency Contact: Larry Bardfeld, Division of Market Regulation, (202) 272–7471.

Action: Rule Review 17 CFR 240.19h–1.

Abstract: Review completed on July 13, 1982, in accordance with the Commission's schedule for periodic review of rules.

C. Public Utility Holding Company Act Rule

1. Title: Rule 7(a)—Companies Deemed Not To Be Electric or Gas Utility Companies

Agency Contact: James E. Lurie, Division of Market Regulation, (202) 272–7648.

Action: Rule Review 17 CFR 250.7(a).

Abstract: Upon completion of rule review it was concluded the rule would not have a significant economic impact upon a substantial number of small entities.

D. Investment Management Rules

1. Title: Adoption of Automatic Effectiveness Rule for Post-Effective Amendments Filed by Insurance Company Separate Accounts

Agency Contact: Aviva Grossman, Division of Investment Management, (202) 272–7321.

Action: Final Rule Release No. 33–6402 (May 14, 1982.) 47 FR 22356 (May 24, 1982.)

Abstract: In Securities Act Release No. 6402 (May 14, 1982) [47 FR 22356 (May 24, 1982)], the Commission adopted Rule 486 under the Securities Act (17 CFR 230.486) providing for automatic effectiveness of post-effective amendments to registration statements filed by insurance company separate accounts. Rule 486 is based on current Rule 485 under the Securities Act (formerly 465) permitting automatic effectiveness of amendments filed by registrants other than insurance companies. The rationale for the rule is that certain routine filings do not need staff review before effectiveness and that registrants should take greater responsibility for compliance of these filings with the federal securities laws.

2. Title: Adoption of Automatic Effectiveness Rule for Certain Unit Investment Trust Registration Statements

Agency Contact: Kathleen A. Jackson, Division of Investment Management, (202) 272–2751.

Action: Final Rule Release No. 33–6401 (May 7, 1982). 47 FR 20290 (May 12, 1982).

Abstract: In Securities Act Release No 6401 (May 7, 1982) [47 FR 20290 (May 12, 1982)], the Commission adopted Rule 487 under the Securities Act (17 CFR 230.487) pursuant to which registration statements filed by certain unit investment trusts would be permitted to become effective automatically, without staff review, on a date and at a time designated by the registrant, provided the registrant complied with certain conditions and made certain representations. Unlike management companies, unit investment trusts sell units in a portfolio of securities that is fixed at inception. Certain unit investment trusts issue units in series, and often there is no difference between a newly registered series and preceding series other than the specific composition of the portfolio. Automatic effectiveness pursuant to the rule is available only in this circumstance.

3. Title: Rule 2a–5—Under the Investment Company Act; Certain Persons Not Deemed Interested Persons

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272–2048.

Action: Rule Review 17 CFR 270.2a–5.

4. Title: Rule 5b–1—Under the Investment Company Act; Definition of "Total Assets"

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272–2048.

Action: Rule Review 17 CFR 270.5b–1.

5. Title: Rule 5b–2—Under the Investment Company Act; Exclusion of Certain Guaranties as Securities of the Guarantor

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272–2048.

Action: Rule Review 17 CFR 270.5b–2.

6. Title: Rule 6b–1—Under the Investment Company Act; Exemption of Employees' Securities Company Pending Determination of Application

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272–2048.

Action: Rule Review 17 CFR 270.6b–1.

7. Title: Rule 17g-1—Under the Investment Company Act; Bonding of Officers and Employees of Registered Management Investment Companies

Agency Contact: Elizabeth K. Norsworthy, Division of Investment Management, (202) 272-2048.

Action: Rule Review 17 CFR 270.17g-1.

8. Title: Form N-1—Under the Investment Company Act; Registration Statement of Open-End Management Investment Companies

Agency Contact: Eric H. Pookrum, Division of Investment Management, (202) 272-2118.

Action: Rule Review 17 CFR 274.11.

9. Title: Form N-2—Under the Investment Company Act; Registration Statement of Closed-End Management Investment Companies

Agency Contact: Eric H. Pookrum, Division of Investment Management, (202) 272-2118.

Action: Rule Review 17 CFR 274.11a-1.

10. Title: Rules 203-1, 204-1, 204-3; Form ADV, ADV-S—Under the Investment Advisers Act; Investment Adviser Registration and Annual Reports

Agency Contact: Arthur Dinerman, Division of Investment Management, (202) 272-2079.

Action: Rule Review 17 CFR 275.203-1; 17 CFR 275.204-1; 17 CFR 275.204-3; 17 CFR 279.1; 17 CFR 279.6.

11. Title: Rule 204-2—Under the Advisers Act; Books and Records to be Maintained by Investment Advisers

Agency Contact: Arthur Dinerman, Division of Investment Management, (202) 272-2079.

Action: Rule Review 17 CFR 275.204-2.

12. Title: Rule 206(4)-3—Under the Advisers Act; Cash Payments for Client Solicitations

Agency Contact: Arthur Dinerman, Division of Investment Management, (202) 272-2079.

Action: Rule Review 17 CFR 275.206(4)-3.

IV. Public Comment

The Commission invites public comment on its agenda and on the rules scheduled for review.

Dated: September 24, 1982.

By the Commission.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 82-27938 Filed 10-27-82; 8:45 am]

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federal register

Thursday
October 28, 1982

Part XLIX

Tennessee Valley Authority

October 1982 Regulatory Agenda

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TENNESSEE VALLEY AUTHORITY

18 CFR Ch. XIII

October 1982 Regulatory Agenda

AGENCY: Tennessee Valley Authority.

ACTION: October 1982 Regulatory Agenda.

SUMMARY: As a nonregulatory agency, TVA originates very few regulations and thus does not ordinarily have agenda items to announce. However, TVA currently has one regulation under development on the recovery of administrative costs associated with certain real property in TVA custody and control, and with certain actions under Section 26a of the TVA Act.

ADDRESS: Tennessee Valley Authority, Office of the General Counsel, 400 West Summit Hill Drive, Knoxville, Tennessee 37902.

FOR FURTHER INFORMATION CONTACT: For further information about the rule being developed, contact John R. Paulk, Director of Land and Forest Resources, Tennessee Valley Authority, 101 Natural Resources Building, Norris, Tennessee 37828, (615) 632–6450; or Henry M. Crine, Jr., Chief, Management Services Staff, 535 Chestnut Street Tower II, Chattanooga, Tennessee 37401, (615) 751–2831.

Agenda

TVA is developing a proposed regulation for recovery of fair and equitable administrative costs associated with the disposition and use of real property in TVA custody and control and the resolution of violations of Section 26a of the TVA Act which requires that TVA approve plans for the construction, operation, or maintenance of dams, appurtenant works, or other obstructions affecting navigation, flood control, or public lands or reservations in the Tennessee River system, prior to the construction, commencement of construction, operation, or maintenance of such structures. TVA has determined that this rule, which is authorized by the TVA Act of 1933, *as amended*, 16 U.S.C. 831–831dd (1976; Supp. IV, 1980) and the Independent Offices Appropriations Act of 1952, Pub. L. No. 82–137, will not be a "major" rule under E.O. No. 12291 and will not have a significant economic impact on a substantial number of "small entities" as defined by the Regulatory Flexibility Act, 5 U.S.C. 601(6) (Supp. 1980). If made final, the rule will appear in 18 CFR chapter XIII.

W. F. Willis,

General Manager.

[FR Doc. 82–28236 Filed 10–27–82; 8:45 am]

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  Federal Emergency Management Agency

Food Ingredients
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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 4991 of October 27, 1982

Suspension of the Application of Column 1 Rates of Duty of the Tariff Schedules of the United States to the Products of Poland

By the President of the United States of America

A Proclamation

WHEREAS, (1) The Government of the Polish People's Republic has undertaken certain import commitments under its Protocol of Accession to the General Agreement on Tariffs and Trade (19 UST 4331);

WHEREAS, (2) Pursuant to the authority vested in him by the Constitution and the statutes including, but not limited to, the Trade Expansion Act of 1962 (hereinafter referred to as "the TEA") and the Trade Act of 1974, as amended (hereinafter referred to as "the Trade Act"), the President entered into, and proclaimed tariff rates under, trade agreements with the Polish People's Republic;

WHEREAS, (3) I have determined that since 1978, the Government of the Polish People's Republic has failed to meet its import commitments;

WHEREAS, (4) The President may, pursuant to his rights under a trade agreement, take action to suspend obligations of the United States under such agreement and to increase duties, or other restrictions, as are appropriate in the exercise of such rights;

WHEREAS, (5) The Polish martial law government has taken steps further to increase its repression of the Polish people by outlawing the independent trade union Solidarity, leaving the United States without any reason to continue withholding action on its trade complaints against Poland; and

WHEREAS, (6) I have determined in this case that the national interest requires expeditious action;

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States including, but not limited to, the TEA and the Trade Act do proclaim that:

(1) The obligations of the United States pursuant to the General Agreement on Tariffs and Trade to extend the rates of duty provided in column 1 of the Tariff Schedules of the United States (TSUS) to products of Poland, whether imported directly or indirectly, are suspended until this Proclamation has been modified or terminated.

(2) General Headnote 3(f) of the TSUS is modified

(i) by deleting the colon at the end of the first paragraph and inserting "or pursuant to Presidential Proclamation ————————, dated ————————:" in lieu thereof; and

(ii) by inserting "Polish People's Republic" in alphabetical order in the list of countries therein.

(3) This Proclamation shall take effect with respect to articles exported on and after the third day following the date of publication of this Proclamation in the **Federal Register.**

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord nineteen hundred and eighty-two and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-30013
Filed 10-27-82; 4:44 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4992 of October 27, 1982

Theodore Roosevelt Day

By the President of the United States of America

A Proclamation

Today marks the beginning of a year-long celebration commemorating the one hundred twenty-fifth anniversary of the birth of Theodore Roosevelt, one of America's heroes and larger-than-life personalities.

Born with considerable physical handicaps, Theodore Roosevelt overcame his afflictions and drew strength from his triumph over personal adversity, a strength he would later devote to the public good. Through sheer willpower, he became a rugged outdoorsman and active conservationist, the organizer of the Rough Riders, a fearless crusader against corruption and for law and order, an explorer, a social reformer and author, our youngest President, and the first of our citizens to receive the Nobel Peace Prize. He was truly an American Renaissance man. His life was a voyage of discovery guided by deep principle and private morality.

He was also our first modern chief executive, rejecting isolationism and leading America into active participation in world decisions for which we shared responsibility. Never again would the leaders of the Old World act without regard to this new world power called the United States. He understood our people and our spirit. He identified the national character with the words, "Americanism means the virtues of courage, honor, justice, truth, sincerity, and hardihood—the virtues that made America." And I might add, the virtues that made Theodore Roosevelt.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 27, 1982, as a Day of National Celebration of the one hundred twenty-fifth anniversary of the birth of Theodore Roosevelt. I ask all Americans to join me in commemorating the birth of this fearless American hero. Let us redouble our efforts to confront adversity and promote the virtues and ideals of Americanism.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of October, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-30014
Filed 10-27-82; 4:45 pm]
Billing code 3195-01-M

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and General Officers of the Department to delegate to the Assistant Secretary for Marketing and Inspection Services and the Administrator, Animal and Plant Health Inspection Service, the authority to administer the Foreign Service personnel system for employees in the Animal and Plant Health Inspection Service, and to remove the delegation relating to administration of the Mexican Pink Bollworm Act.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Spencer G. Blackburn or John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782, (301) 436–6466.

SUPPLEMENTARY INFORMATION: Section 202(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3922(a)(2)) provides that the Secretary of Agriculture may utilize the Foreign Service personnel system in accordance with the Act with respect to (a) the personnel of the Foreign Agricultural Service, and (b) other personnel of the Department of Agriculture, to the extent the President determines to be necessary in order to enable the Department to carry out functions which require service abroad.

Pursuant to Executive Order 12363 of May 21, 1982, the President determined that it is necessary, in order to enable the Department of Agriculture to carry out functions which require service abroad, for the Secretary of Agriculture to be able to utilize the Foreign Service personnel system with respect to personnel of the Animal and Plant Health Inspection Service. Accordingly, the delegations of authority to the Under Secretary for International Affairs and Commodity Programs, the Assistant Secretary for Marketing and Inspection Services, the Administrator, Foreign Agricultural Service, and the Administrator, Animal and Plant Health Inspection Service, are amended to accurately reflect the authority to administer the Foreign Service personnel system in the Department of Agriculture. In addition, the delegations of authority to the Assistant Secretary for Marketing and Inspection Services and the Administrator, Animal and Plant Health Inspection Service to administer the Mexican Pink Bollworm Act, 7 U.S.C. 145, are removed due to the repeal of the Act by the Congress, March 15, 1976.

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 533, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register**. Further, since this rule relates to internal agency management it is exempt from the provisions of Executive Order 1229. Finally, this action is not a rule as defined by Public Law 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

List of Subjects in 7 CFR Part 2

Authority delegations (Government agencies).

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

1. The authority citation for Part 2 reads as follows:

Authority: 5 U.S.C. 301 and Reorganization Plan No. 2 of 1953, unless otherwise noted.

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

2. Section 2.17 is amended by revising paragraph (b)(1) to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Inspection Services.

* * * * *

(b) * * *

(1) Administer the Foreign Service personnel system for employees of the Animal and Plant Health Inspection Service in accordance with 22 U.S.C. 3922, except that this delegation does not include the authority to represent the Department of Agriculture in interagency consultations and negotiations with other foreign affairs agencies regarding joint regulations, nor the authority to approve joint regulations issued by the Department of State relating to administration of the Foreign Service.

3. Section 2.21 is amended by revising paragraph (d)(30) to read as follows:

§ 2.21 Delegations of authority to the Under Secretary for International Affairs and Commodity Programs.

* * * * *

(d) * * *

(30) Administer the Foreign Service personnel system for the Department in accordance with 22 U.S.C. 3922, except as otherwise delegated in § 2.17 (b)(1); but including authority to approve joint regulations issued by the Department of State and authority to represent the Department of Agriculture in all interagency consultations and negotiations with the other foreign affairs agencies with respect to joint regulations.

* * * * *

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Inspection Services

4. Section 2.51 is amended by revising paragraph (a)(1) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) *Delegations.* * * *

(1) Administer the Foreign Service personnel system for employees of the Animal and Plant Health Inspection Service in accordance with 22 U.S.C. 3922, except that this delegation does not include the authority to approve joint regulations issued by the Department of State relating to administration of the Foreign Service, nor an authority to represent the Department of Agriculture in interagency consultations and negotiations with the other foreign affairs agencies with respect to joint regulations.

* * * * *

Subpart H—Delegations of Authority by the Under Secretary for International Affairs and Commodity Programs

5. Section 2.68 is amended by revising paragraph (a)(33) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) *Delegations.* * * *

(33) Administer the Foreign Service personnel system for the Department in accordance with 22 U.S.C. 3922, except as otherwise delegated in § 2.51(a)(1); but including authority to represent the Department of Agriculture in all interagency consultations and negotiations with the other foreign agencies with respect to joint regulations and authority to approve regulations issued by the Department of State relating to the administration of the Foreign Service.

* * * * *

Dated: October 25, 1982.

For Subpart C:

John R. Block,

Secretary of Agriculture.

For Subpart F:

C. W. McMillan,

Assistant Secretary for Marketing and Inspection Services.

For Subpart H:

Seeley G. Lodwick,

Under Secretary for International Affairs and Commodity Programs.

[FR Doc. 82-29860 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-34-M

Food and Nutrition Service

7 CFR Parts 272, 274, and 276

[Amdt. No. 227]

Food Stamp Program; Issuance Loss Liability

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rulemaking.

SUMMARY: This interim rulemaking will modify the Food Stamp Program in the following ways. It will make State agencies strictly liable to FNS, and in turn hold issuance agents strictly liable for the value of food stamps incorrectly issued due to the agent's failure to document the fact that the issuer has complied with the photographic identification (photo ID) card requirements. In addition, this rulemaking will require the State agency to include provisions establishing this liability in all agreements and contracts with issuance agents. This program modification is based on the Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97-98), and is designed to control program losses and thus to conserve program funding.

DATES: This rule will be effective on October 29, 1982 and must be implemented January 1, 1983. Comments must be received on or before January 27, 1983 to be assured of consideration.

States must begin implementation of the issuing agent liability provisions of the rule immediately and complete implementation by October 27, 1983. The State liability provisions of the rule will be effective January 1, 1983.

ADDRESS: Comments should be submitted to Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302.

All written comments will be available for public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302, Room 708.

FOR FURTHER INFORMATION CONTACT: Mr. O'Connor at the above address. Phone (703) 756-3429.

SUPPLEMENTARY INFORMATION: This action has been reviewed in relation to the requirements of Executive Order 12291 and Secretary's Memorandum 1512-1, and it has been determined that the action is a non-major rule as defined by that Order. It will not result in an annual effect on the economy of $100 million or more because this rule does not mandate any State activities that will significantly increase expenditures. The rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Because the rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354, 94 Stat. 1164, September 19, 1980). Samuel J. Cornelius, Administrator, Food and Nutrition Service, has certified that this action would not have a significant economic impact on a substantial number of small entities. Requirements are not placed on small businesses or small organizations. Some requirements are placed on State agencies. However, the requirements do not have significant economic impact on local governments.

This action does not contain reporting and recordkeeping requirements subject to OMB approval under the Paperwork Reduction Act.

This rulemaking is being published as an interim rule, in part effective immediately. Sections 1312 and 1321 of Pub. L. 97-98, dealing with issuance liability, were among provisions which, under section 1338 of that law, were originally scheduled to become effective on dates prescribed by the Secretary, taking into account the need for orderly implementation (Pub. L. 97-98, Title XII, section 1338, 95 Stat. 1285, December 22, 1981). However, the effective date provisions of Pub. L. 97-98 were modified by the Food Stamp Act Amendments of 1982 notwithstanding section 1338, made all of the food stamp provisions of Pub. L. 97-98 not already effective, effective upon enactment of the 1982 legislation (Pub. L. 97-253, Title I, Subtitle F, section 192(b), September 8, 1982). The 1982 provisions were signed into law September 8, 1982. The Department is therefore implementing the issuance liability provisions of Pub. L. 97-98 as rapidly as possible. For these reasons, Samuel J. Cornelius, Administrator, Food and Nutrition Service has determined, pursuant to 5 U.S.C. 553, that prior public comment on this rulemaking is impracticable and contrary to public interest and that good cause exists for making portions of this rule effective less than 30 days after publication. Public comment is solicited on this rule for 90 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

Background

Issuing Agent Liability

On October 9, 1981 the Department published and implemented a final rule on photographic identification (photo ID) card systems (46 F.R. 50270). The rule specified those areas in which photo ID card systems were required to be used and provided that FNS would consider waivers of the requirements in certain circumstances.

The Food Stamp and Commodity Distribution Amendments of 1981, at section 1312, provide that State agencies be held strictly liable to FNS for the value of food stamps improperly issued in photo ID card areas where the issuing agent has not documented compliance with the photo ID regulations mentioned above. In addition, section 1321 of that law requires that State agencies, in turn, must hold the issuer liable for incorrect issuances, and must include in any contract or agreement a provision establishing this liability. The contract provision with issuing agents (in photo ID areas) must stipulate that the issuer shall comply with the photo ID regulations by (1) requiring a person transacting an ATP to present a valid photo ID card and, (2) annotating the ATP with the number appearing on the ID card. If the issuer does not fulfill these two requirements, and if the State agency through reconciliation later determines that the ATP was stolen or otherwise not transacted by the household certified as eligible to receive it, then the issuing agent shall be liable to the State agency for the full amount of food stamp coupons issued in the transaction. The State agency would be liable to FNS for losses in these circumstances.

The 1980 Amendments to the Food Stamp Act of 1977 (Pub. L. 96-249) required FNS to designate those areas in which photo ID card systems would have to be used. In the course of making these designations, FNS permitted State and local agencies to take alternatives approaches on some specific components of the photo ID systems as long that the modified system would be as secure as the system set forth in regulations. In no case was an area relieved of the responsibility to employ an ID card system deemed necessary under regulations; rather, FNS allowed specific modifications to specific requirements of the regulations. Therefore, in those areas designated by FNS as required to use a photo ID card system where FNS has waived specific components of the system or allowed alternative approaches to components, State agencies will be held strictly liable to FNS for losses due to improper issuances by issuing agents. Contracts with issuers in such areas must contain the contractual language conveying liability to the issuers for improper issuances as provided for in this rule.

Some State or local agencies have elected to improve the security of their issuance systems by using a photo or non-photo ID card system of their own volition. Since these areas have not been designated by FNS as required to use a photo ID card system, no liability for losses is conveyed on these areas by the legislation. However, this does not preclude State agencies from voluntarily including provisions holding issuance agents liable for losses in their contracts with the issuance agents.

During the usual monthly ATP reconciliation State agencies identify all duplicate issuance ATP's and check for the household's ID card number which the issuer is required to annotate on the card. Assuming two (or more) ATP cards were issued to a given household and redeemed by an issuing agent or agents, liability would be determined as follows:

1. If none of the ATP's issued to a household has the household's correct ID card number (i.e., if they are blank or have an incorrect number) the State agency would be liable under this rule to FNS for all of the ATP's transacted and the issuer would be liable to the State agency, because of the issuer's failure to comply with contractual obligations required under this rule.
2. If one transacted ATP has the household's correct ID card number, and others are either blank or have an incorrect number, the State agency would be liable to FNS, and the issuer liable to the State agency, for those ATP cards that do not have the household's correct ID card number.
3. If all of the transacted ATP's have the household's correct ID card number, and in other ways appear to have been transacted by the household, the household would be liable to the State agency for the overissuances in accordance with established claim determination procedures.

In situations one or two, neither the State agency nor the issuance agent would be liable for any ATP cards on which the ID number was omitted or incorrectly annotated if they could show that the ATP cards were rightfully transacted by households. In such cases, the household would be liable for any duplicate issuances as they would be in situation number three.

State agencies currently submit monthly ATP Reconciliation Reports, FNS-46 forms, on which they report duplicate issuances that have been discovered during the reconciliation process. Duplicate issuances in which both the original and replacement ATP cards were transacted by a household and for which State agencies are not liable are reported on line 16 of the form. Duplicate issuances which were caused by the State agency and for which the State agency is liable are reported on line 14 of Section II. Since this rule would hold State agencies liable for duplicate issuances for which they have not been held liable heretofore, a change in reporting must be made. Therefore, beginning with the ATP Reconciliation Report (FNS-46) submitted for the first month these new liability provisions are in effect, State agencies are to report this type of duplicate issuance for which they will be held liable on line 14 of the report. Information reported on the FNS-46 will continue to be reviewed by FNS and State agencies for its accuracy.

Implementation

State agency liability to FNS for losses traced to issuance agents where reconciliation shows noncompliance with photo ID requirements will be assessed beginning with the fiscal quarter that begins on January 1, 1983.

Contract provisions establishing the liability of an issuing agent for these issuance losses must be included in the next contract or agreement between the State agency and the issuing agent that is entered into or renewed after publication of this rule. Not later than one year following such publication, all contracts or agreements must contain the required provision(s) establishing liability. However, FNS will hold State agencies liable for these losses beginning January 1, 1983 whether or not the State agencies have secured contractual recourse to issuing agents.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Records, Reporting requirements.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs—social programs, Reporting requirements.

7 CFR Part 276

Administrative practice and procedure, Food stamps, Fraud, Grant programs—social programs, Penalties.

Therefore, 7 CFR Parts 272, 274 and 276 are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (g)(47) is being added to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(47) *Amendment 227.*

(i) In accordance with § 276.2(b)(3)(iii), FNS will hold State agencies strictly liable for losses by issuance agents where reconciliation shows noncompliance with photographic identification (photo ID) card requirements beginning with the fiscal quarter that begins January 1, 1983.

(ii) State agencies shall include provisions establishing the liability to the State agency of an issuing agent for the issuance losses covered in § 274.1(b)(6) in the next contract or agreement between the State agency and the issuing agent that is entered into or renewed after publication of this rule. Not later than one year following such publication, all contracts or agreements shall contain the required provision establishing the liability. However, failure of State agencies to include this language in contracts will not absolve the State agencies of the liability referred to in paragraph (g)(47)(i) of this section.

PART 274—ISSUANCE AND USE OF FOOD COUPONS

2. In § 274.1 new paragraph (b)(6) is added after paragraph (b)(5) to read as follows:

§ 274.1 State agency issuance responsibilities.

* * * * *

(b) *Contracting or delegating issuance responsibilities.* * * *

(6) In project areas or parts of project areas where FNS has required a photograph identification (photo ID) card system to be used, the State agency shall include in any contract or agreement with an issuing agent a provision establishing the agent's liability to the State agency for the face value of coupons issued in any ATP transaction where the ATP is found to have been stolen or otherwise not received by the household certified as eligible, when the issuing agent's cashier has not fulfilled the requirements contained in § 274.2(e)(8). In project areas or parts of project areas where FNS has granted a waiver or waivers of any provision(s) of the photo ID requirements based on determinations that State agency alternatives will not compromise the security of the ID system, a provision must be included conveying the same liability to issuing agents referred to in the preceding sentence.

* * * * *

PART 276—STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS

4. In § 276.2 paragraph (b)(3), paragraphs (iii) and (iv) are redesignated (iv) and (v) respectively and a new paragraph (iii) is added. The addition reads as follows:

§ 276.2 State agency liabilities.

* * * * *

(b) *Coupon shortages, losses, unauthorized issuance and overissuances.* * * *

(3) * * *

(iii) Duplicate issuances in areas in which photographic identification (photo ID) cards are required to be used, where reconciliation shows that (1) and ATP was improperly transacted and, (2) that the issuing agent has not complied with the photo ID verification and documentation requirements specified in §§ 274.2(e) and 274.2(f). Where provisions of the photo ID requirements have been waived by FNS the State agency would be liable for duplicate issuances when reconciliation shows that an ATP was improperly transacted and that the issuance agent has not complied with the verification and documentation requirements substituted by the waiver.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029)

(Catalog of Federal Domestic Assistance Program No. 10551, Food Stamps)

Dated: October 21, 1982.

Robert E. Leard,

Associate Administrator.

[FR Doc. 82-29981 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 383; Lemon Reg. 382, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period October 31–November 6, 1982, and increases the quantity of lemons that may be shipped during the period October 24–30, 1982. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: The regulation becomes effective October 31, 1982, and the amendment is effective for the period October 24–30, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291, and has been designated a "non-major" rule. The Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on October 26, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is moderate.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.683 is added as follows:

§ 910.683 Lemon Regulation 383.

The quantity of lemons grown in California and Arizona which may be handled during the period October 31, 1982, through November 6, 1982, is established at 210,000 cartons.

2. Section 910.682 Lemon Regulation 382 (47 FR 47000) is revised to read as follows:

§ 910.682 Lemon Regulation 382.

The quantity of lemons grown in California and Arizona which may be handled during the period October 24, 1982, through October 30, 1982, is established at 225,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1982.

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82-30023 Filed 10-28-82; 11:24 am]

BILLING CODE 3410-02-M

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7 CFR Part 989

Raisins Produced From Grapes Grown in California; Increase in Payment Rates for Services With Respect to Reserve Tonnage Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation increases the rates of payment to raising handlers for receiving, storing, fumigating, and handling reserve tonnage raisins during and beyond the crop year of acquisition. This action is based on a recommendation of the Raisin Administrative Committee, which works with the Department in administering the marketing agreement and order program for California raisins.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 20 handlers.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) Costs involved in providing these services such as labor, employee benefits, plant and administrative overhead and equipment have increased significantly, and handlers should be paid at the increased rates as soon as possible; and (2) postponing the effective date of this action would serve no useful purpose.

Notice of this action was published in the **Federal Register** on September 24, 1982 (47 FR 42111). In that notice interested persons were given the opportunity to submit comments until October 6, 1982. None was received.

To initiate the rate increases, it is necessary to amend § 989/401(a)(1) and (b) of Subpart—Schedule of Payments (7 CFR 989.401). This action will be taken under § 989.66(f) of the marketing agreement and Order No. 989 (7 CFR 989), both as amended, regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This action increases handler payment rates for: (1) Receiving, storing, fumigating, and handling reserve tonnage raisins during the crop year of acquisition from $32.50 to $36 per ton; and (2) holding reserve tonnage raisins beyond the crop year of acquisition from $1.62 to $1.80 per ton for each month of the three-month period ending November 30, and from 84 cents to 93 cents per ton for each month of the next nine months.

Funds to pay these costs are deducted from proceeds from the sale of reserve tonnage raisins held by handlers for the account of the Committee. Net proceeds from such sales are remitted to equity holders in the reserve pool.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other information, the amendment of § 989.401(a)(1) and (b) of Subpart—Schedule of Payments (7 CFR 989.401; 46 FR 37054), as hereinafter set forth, to make these rate increases is approved.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, California.

PART 989—[AMENDED]

Therefore, § 989.401 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition*—(1) *Receiving, storing, fumigating, and handling.* Each handler shall, beginning August 15, 1982, be compensated at the rate of $36 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentage, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year: *Provided,* That reserve tonnage acquired during the 1981–82 crop year and held as of August 15, 1982, shall be compensated at the rate of $36 per ton (natural condition weight at the time of acquisition).

(2) * * *

(b) *Additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Additional payment for reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler holding such raisins for the account of the Committee on August 15 and the following September 1 shall be compensated for storing, handling, and fumigating such raisins at the rate of $1.80 per ton per month, or any part thereof, for each month of the three-month period ending November 30, and 93 cents per ton per month, or any part thereof, for each month of the next nine months. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

* * * * *

(Secs. 1–19, 48 Stat. 31, as Amended; 7 U.S.C. 601–674)

Dated: October 22, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-29731 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket No. RM 79-14]

Order of the Director, OPPR, of Publication of Incremental Pricing Acquisition Cost Thresholds Under Title II of the NGPA

Issued: October 22, 1982.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Order prescribing incremental pricing thresholds.

SUMMARY: The Director of the Office of Pipeline and Producer Regulation is issuing the incremental pricing acquisition cost thresholds prescribed by Title II of the Natural Gas Policy Act and 18 CFR 282.304. The Act requires the Commission to compute and publish the threshold prices before the beginning of each month for which the figures apply. Any cost of natural gas above the applicable threshold is considered to be an incremental gas cost subject to incremental pricing surcharging.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Williams, Federal Energy Regulatory Commission, 825 N. Capitol Street, N.E., Washington, D.C. 20426 (202) 357-8500.

SUPPLEMENTARY INFORMATION: Section 203 of the NGPA requires that the Commission compute and make available incremental pricing acquisition cost threshold prices prescribed in Title II before the beginning of any month for which such figures apply.

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of November 1982 is issued by the publication of a price table for the applicable month.

List of Subjects in 18 CFR Part 282

Natural gas.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

CALENDAR YEAR 1980

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.899	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580

CALENDAR YEAR 1981

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Incremental Pricing Threshold	$1.891	$1.906	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	2.696	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1,993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.660	8.700	8.930	8.890

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES (CONTINUED)

CALENDAR YEAR 1982

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.
Incremental Pricing Threshold	$2.057	$2.071	$2.085	$2.099	$2.106	$2.113	$2.120	$2.129	$2.139	$2.149	$2.159
NGPA Section 102 Threshold	3.003	3.003	3.063	3.093	3.112	3.132	3.152	3.176	3.200	3.224	3.249
NGPA Section 109 Threshold	2.128	2.143	2.158	2.173	2.180	2.187	2.194	2.204	2.214	2.224	2.234
130% of No. 2 Fuel Oil in New York City Threshold	9.150	9.340	9.470	9.340	9.280	9.000	9.170	8.670	8.950	8.950	8.640

[FR Doc. 82-29722 Filed 10-28-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 310

[Docket No. 81N-0219]

Inhalation Anesthetic Drug Products; Revocation of Requirements for Studies of Carcinogenic and Teratogenic Potential

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revoking a stayed regulation that requires manufacturers of inhalation anesthetic drug products to establish and conduct studies in animals to determine the potential of these drug products to cause cancer and birth defects. The stayed regulation is being revoked because recent studies together with all other available information have led FDA to conclude that additional studies are not necessary at this time.

EFFECTIVE DATE: November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Howard P. Muller, National Center for Drugs and Biologics (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 28, 1981 (46 FR 43465), FDA proposed to revoke § 310.511 (21 CFR 310,511) which established certain requirements for inhalation anesthetic drug products. The regulation requires the holders of new drug applications (NDA's) and abbreviated new drug applications

(ANDA's) for halogenated inhalation anesthetic drug products to conduct animal studies on the potential of these drug products to cause cancer and to affect reproduction, including any potential for causing birth defects. The NDA and ANDA holders are required to submit reports on these studies to FDA to be used to determine whether the labeling of the products should be revised to provide for safer use of the drug products or whether approval of the applications for the products should be withdrawn. Section 310.511 became effective on August 22, 1977, but was stayed on March 2, 1979 (44 FR 11753), pending a further examination of the value of the animal studies.

The regulation was based on a review of 27 literature references and a recommendation by FDA's Anesthesiology Advisory Committee (formerly the Respiratory and Anesthetic Drugs Advisory Committee). The Committee concluded that sufficient evidence existed in the literature to cause concern about the carcinogenic and mutagenic potential of halogenated inhalation anesthetic drug products, as well as their effects on reproduction, including teratogenic potential. FDA agreed that animal studies on these products should be conducted to dispel that concern. In recommending that a regulation be adopted, the FDA Anesthesiology Advisory Committee relied to a large extent on a study conducted by Dr. Thomas A. Corbett entitled "Cancer and Congenital Anomalies Associated with Anesthetics".

As noted in the proposal to revoke the regulation, a subsequent study by Dr. Edmund E. Eger II, et al., found several deficiencies in the Corbett study and, in FDA's view, has refuted its conclusions. In addition, several other studies, listed in the proposal to revoke the regulation, have become available since the regulation was issued. These studies, together with the Eger study, led FDA to conclude tentatively that there was insufficient evidence upon which to base a requirement that NDA and ANDA holders conduct animal studies on the potential of these drug products to cause cancer or to affect reproduction.

The agency received five comments on the proposal. Four comments supported the proposal to revoke the regulation and one comment opposed it.

The comment that disagreed with the proposal contended that FDA should require the testing of inhalation anesthetic drug products because of their teratogenic potential. The comment claimed that two of the studies cited in the proposal, Corbett et al. and Ferstandig, fail to address teratogenic potential adequately, and that many pertinent studies were omitted from the proposal. In addition, the comment said that studies have shown that several inhalants have antimitotic effects (interference with cell proliferation), which should be sufficient cause for FDA to require testing for developmental effects. The comment also cited several studies which demonstrated teratogenic effects with several inhalants when delivered during organogenesis. Furthermore, the comment noted several reports which confirm that inhalants have long-lasting effects on the behavior of adult animals exposed in utero, and said that behavioral effects in human neonates exposed to inhalants during parturition have been reported by many investigators. The comment cited the results of her own study of the exposure of mice to nitrous oxide and halothane, which resulted in permanent behavioral differences. Finally, the comment said that research should give particular attention to personnel in medical professions who are accidentally exposed to clinical doses delivered to patients and to fetuses and neonates who are incidentally exposed during parturition.

The agency agrees that studies such as those cited by the Comment have demonstrated the teratogenic potential of these drug products. Teratogenic effects are a potential result of the use of many drugs. FDA does not, however, routinely require postapproval studies simply because of that potential, but it does require the information to be included in that product's labeling. Section 201.57(f)(6) (21 CFR 201.57(f)(6)) requires detailed information in a drug product's labeling concerning known or potential teratogenic effects of that drug product. For example, where animal reproduction studies have shown an adverse effect on the fetus and there are no adequate and well-controlled studies in humans, yet the benefits from the use of the drug in pregnant women may be acceptable despite its potential risks, the regulations would require the labeling to include this information and to state that the drug should be used during pregnancy only if the potential benefit justifies the potential risk to the fetus.

It is a generally accepted fact that the anesthetic use of inhalation products should be avoided where possible by women in early pregnancy. The existing labeling of these drug products includes statements that the drugs should not be used in women of childbearing potential, particularly during early pregnancy, unless in the judgment of the physician the potential benefits outweigh the possible adverse effects upon fetal development. The administration of inhalation anesthetics, nonetheless, is not generally an elective matter. Because suitable alternatives are lacking, these drugs cannot be contraindicated in women of childbearing potential. Decisions regarding the use of these drugs, therefore, must be made on an individual benefit-versus-risk basis by the physician and the patient.

FDA acknowledges that additional teratogenicity studies might yield some new information, but given the lack of alternative therapy it is extremely unlikely that the information would alter the use of these drugs or would result in labeling changes because warnings are already present in the labeling.

Studies of this type are extremely expensive and should be required only if they may produce additional benefits. Because such benefits are unlikely to be achieved here, the agency has decided that the public will be better served if the health care industry's research capabilities are put to use in areas that are more likely to benefit the public health.

Thus, in the agency's view, the current labeling, based on the results of all available studies, is adequate for the safe use of these drugs. The agency does not believe that additional studies would serve any useful purpose at this time.

The agency has carefully considered the potential environmental impact of this final rule and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The agency's finding of no significant impact and the evidence supporting this finding contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

The agency has examined the economic impact of this rule and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Specifically, the agency has determined that because the effect of this final rule is to revoke a stayed regulation, no economic impact will result. Therefore, the agency concludes that the final rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 310

Administrative practice and procedure, Drugs, Medical devices, Reporting and recordkeeping requirements.

PART 310—NEW DRUGS

§ 310.511 [Removed]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-1053 as amended, 1055 (21 U.S.C. 355, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 310 is amended by removing § 310.511 *Inhalation anesthetic drugs.*

Effective date. November 29, 1982.

(Secs. 505, 701(a), 52 Stat. 1052-1053 as amended, 1055 (21 U.S.C. 355, 371(a)))

Dated: October 6, 1982.

Mark Novitch,
Acting Commissioner of Food and Drugs.

[FR Doc. 82-29728 Filed 10-28-82; 8:45 am]
BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs For Use in Animal Feeds; Monensin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Elanco Products Co., providing for additional labeling statements for use of monensin in cattle feeds, feed supplements, and premixes.

DATES: Effective October 29, 1982; revised labeling must be submitted by December 28, 1982.

FOR FURTHER INFORMATION CONTACT: David N. Scarr, Bureau of Veterinary Medicine (HFV-214), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Elanco Products Co., a Division of Eli Lilly & Co., 740 South Alabama St., Indianapolis, IN 46206, submitted a supplemental NADA (95-735) revising the labeling for monensin cattle feeds, feed supplements, and premixes to add warning statements or clarify existing warning statements as follows: (1) Monensin cattle feeds are safe for use in cattle only; (2) premixes must not be fed undiluted; (3) feeds must be thoroughly mixed before use; (4) high concentrations of monensin could be fatal to cattle; (5) excess levels of monensin may result in reduced weight gains; (6) do not allow horses or other equines access to feeds containing monensin. Ingestion of monensin by horses has been fatal. These revisions are consistent with the changes provided for the Federal Register of May 4, 1982 (47 FR 19119) relating to use of monensin liquid feed supplements in the production of finished cattle feed.

On or before December 28, 1982, current holders who wish to maintain their approved medicated feed applications (MFA's) providing for the use of monensin in dry feeds must submit revised labeling to their application conforming to the new revised regulation. MFA holders who no longer wish to manufacture monensin dry feeds or supplements should request withdrawal of approval of their application(s) and waive the opportunity for a hearing. The agency will proceed to withdraw approval of any medicated feed application if it is not appropriately amended on or before December 28, 1982. Labeling bearing the statements required by this revised regulation and otherwise consistent with labeling provided for by Elanco's supplemental NADA may be placed into effect in advance of approval of the supplemental MFA because the changes provide for safer use of monensin medicated feed. Revised labeling submitted, consistent with the provisions of 21 CFR 558.355 as amended, will be filed with the original application.

Approval of this supplement does not change the previously approved use of the drug, but provides added warnings for safer use. It results in no increased human risk from exposure to residues of the animal drug because the number of food-producing animals receiving the drug will not significantly increase. The drug will not be used at a higher dosage, for longer duration, or for different indications.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category I supplemental approval, which does not require reevaluation of the effectiveness or human safety data supporting the parent NADA.

The supplement is approved, and the regulations are amended accordingly.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.355 by adding new paragraph (d) (6), (7), (8), and (9), by removing the last five sentences in paragraph (f)(3)(i)(*b*)(*1*), by removing the last sentences in paragraph (f)(3)(ii)(*b*), and by removing the last two sentences in paragraph (f)(3)(iii)(*b*), as follows:

§ 558.355 Monensin.

* * * * *

(d) * * *

(6) The labeling of all formulations containing monensin shall bear the following caution statememt: Do not allow horses or other equines access to formulations containing monensin. Ingestion of monensin by equines has been fatal.

(7) The labeling of all premixes and feed supplements (liquid and dry) containing monensin intended for use in cattle shall bear, in addition to the caution statement in paragraph (d)(6) of this section, the following caution statements:

(i) Monensin medicated cattle feed is safe for use in cattle only. Consumption by unapproved species may result in toxic reactions;

(ii) Feeding undiluted or mixing errors resulting in high concentrations of monensin could be fatal to cattle;

(iii) Must be thoroughly mixed in feeds before use;

(iv) Do not feed undiluted;

(v) Do not exceed the levels of monensin recommended in the feeding directions, as reduced average daily gains may result.

(8) The labeling of complete feeds containing monensin intended for use in cattle shall bear the caution statements specified in paragraph (d)(6) and (7) (i) and (v) of this section.

(9) The labeling of premixes containing monensin intended for use in chickens shall bear the caution statements specified in paragraph (d)(6) and (7) (iii) and (iv) of this section.

* * * * *

Effective date. October 29, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i)))

Dated: October 21, 1982.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 82–29491 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Parts 600, 610, and 640

[Docket No. 79N–0405]

Platelet Concentrate (Human); Additional Standards

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations by: (1) eliminating the volume limits required for the shipping, processing, and storage of Platelet Concentrate (Human); (2) requiring that the Rh and ABO blood group be designated on the label of Platelet Concentrate (Human); and (3) reducing the dating period for Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich stored at 1° to 6° C from 72 hours to 48 hours from the time of collection of the source blood. These updated regulations, based on recently published scientific studies and experience, reflect an improvement in the safety, purity, potency, and efficacy of Platelet Concentrate (Human).

DATES: Effective November 29, 1982; labeling requirements shall become effective April 29, 1983.

FOR FURTHER INFORMATION CONTACT: T. Rada Proehl, National Center for Drugs and Biologics (HFB–620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: FDA issued additional standards for Platelet Concentrate (Human) on January 29, 1975 (40 FR 4300) under §§ 640.20 through 640.26 (21 CFR 640.20 through 640.26). As a result of significant changes in platelet production since the publication of the additional standards for Platelet Concentrate (Human), FDA published a notice of proposed rulemaking in the **Federal Register** on January 15, 1980 (45 FR 2852) to amend the biologics regulations specifically by (1) eliminating the volume limits for Platelet Concentrate (Human), (2) requiring that Rh and ABO blood groups be designated on the label for Platelet Concentrate (Human), and (3) reducing the dating period for Platelet Concentrate (Human) and Single Donor Plasma (Human). These changes are discussed below.

A. Elimination of Volume Limits for Platelet Concentrate (Human)

Section 640.24(d) (21 CFR 640.24(d)) previously required that a specified volume of original plasma be used for the resuspension of platelets and that the plasma be stored at a specified temperature in order to maintain a pH of not less than 6.0 during the storage period. The required storage temperature and corresponding volume of resuspension plasma to be used continuously was: 20° to 24° C resuspended in 30 to 50 milliliters of plasma or 1° to 6° C resuspended in 20 to 30 milliliters of plasma. The pH was required to be measured on a sample of platelet concentrate at the selected storage temperature. As stated in the proposal, current manufacturing techniques produce a higher concentration of platelets in each unit of Platelet Concentrate (Human). This change in platelet concentration is significant because the current upper limit of 50 milliliters for the volume of resuspension plasma for Platelet Concentrate (Human) no longer ensures the maintenance of the required pH of not less than 6.0 during the storage period. Platelet viability is known to be compromised at a pH of less than 6.0. Consequently, the present limits for the volume of resuspension plasma for Platelet Concentrate (Human) do not ensure the quality of the product or encourage the development of techniques that improve the yield of platelets from a unit of source blood. FDA therefore proposed to eliminate the volume limits and to require that the volume of resuspension plasma be determined solely by the maintenance of a pH of not less than 6.0 during the storage period. The proposal did not recommend change of the storage temperatures which continue to be 20° to 24° C or 1° to 6° C with pH measured on a sample of platelet concentrates stored for the maximum dating period at the selected storage temperature. Consistent with the elimination of the volume limits of resuspension plasma in § 640.24(d), FDA also proposed to amend § 640.20(a) (21 CFR 640.20(a)) to revise the wording concerning the volume of resuspension plasma in the definition of Platelet Concentrate (Human). Correspondingly, FDA proposed to eliminate references to the volume limits of the resuspension plasma for Platelet Concentrate (Human) in § 600.15(a) (21 CFR 600.15(a)) and § 640.25(a) (21 CFR 640.25(a)).

B. Requiring Label Designation of ABO and Rh Blood Group

Section 640.26(e) (21 CFR 640.26(e)) previously required the container label for Platelet Concentrate (Human) to bear the blood group designations. Although tests used to identify both the ABO and Rh blood groups are required for the blood from which plasma is separated for the preparation of Platelet Concentrate (Human), the existing labeling requirements were interpreted by many people to apply only to the ABO blood group designation because of its clinical use. The proposal explained that designation of the Rh blood group is important because platelet products are contaminated with significant number of red blood cells which can cause immunization to the Rh antigen. Therefore, FDA proposed to amend § 640.26(e) to specify that the container label for Platelet Concentrate (Human) bear the ABO and Rh blood group designation of the source blood.

C. Reduction of Dating Period

The previous dating period in § 610.53(a) (21 CFR 610.53(a)) for Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich stored at 20° to 24° C or 1° to 6° C was 72 hours from the time of collection of the source blood. Because published studies demonstrate that platelets stored at 1° to 6° C for 72 hours are substantially and significantly inferior to platelets stored at 20° to 24° C for the same period, FDA proposed to reduce the dating period for Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich stored at 1° to 6° C from 72 hours to 48 hours from the time of collection of the source blood. Consistent with the reduction in dating period in § 610.53(a), FDA proposed to amend § 640.25(b) (21 CFR 640.25(b)) to specify that quality control testing be performed at the end of the storage period.

Interested persons were given until March 17, 1980 to file written comments regarding the proposal with the agency. Ten comments were received on the proposal. Three comments completely supported the proposed changes. One comment proposed an amendment to 21 CFR 640.24(b) to extend the time from 4 hours to 6 hours for separating platelet concentrate after the collection of the unit of whole blood or plasma. Although this comment is outside the scope of the subject proposed, the agency advises that it is currently considering data and, if appropriate, will propose to amend the regulations using separate rulemaking procedures.

The remainder of the comments received and the agency's responses appear below:

1. One comment stated that proposed § 600.15(a) was confusing because it specified two shipping temperature ranges but did not specify what storage temperatures the shipping temperatures corresponded to. The comment recommended that the two shipping temperature requirements be related to the storage temperature requirements prescribed in § 610.53(a).

The agency agrees with this comment. For clarification, the agency is amending proposed § 600.15(a) to require that the temperature during shipping be between 1° and 10° C, if the label indicates storage between 1° and 6° C, or if the label indicates storage between 20° and 24° C, all reasonable methods to maintain the shipping temperature as close as possible to a range between 20° and 24° C.

2. One comment suggested clarifying proposed § 610.53(a), which prescribes the dating period for Platelet Concentrate (Human) stored at 20° to 24° C or 1° to 6° C. Proposed § 610.53(a) required that the dating period be "48 hours from the time of collection of source blood, provided labeling recommends storage at 1° to 6° C." The comment recommended that the phrase "if shipped and stored" be substituted for the phrase "provided labeling recommends storage." However, the comment did not explain why the suggested clarification was needed.

The agency disagrees with the comment because the shipping and storage temperatures for Platelet Concentrate (Human) are different. According to § 600.15(a), a shipping temperature of 1° to 10° C is permitted for Platelet Concentrate (Human) that is labeled for storage at 1° to 6° C. Under the proposed comment, the shipping temperature for Platelet Concentrate (Human) stored at 1° to 6° C would be limited to 1° to 6° C. This would be inconsistent with § 600.15(a). Accordingly, the comment is rejected.

3. Two comments on proposed § 610.53(a) objected to the proposed reduction in the dating period (expiration date) from 72 hours to 48 hours for Platelet Concentrate (Human) stored at 1° to 6° C. The comments acknowledged published data demonstrating a shortened survival in the long-term stored refrigerated (1° to 6° C) platelets. The comments further stated, however, that the reduction will result in burdens being imposed upon the attending physician, the hemorrhaging patient, and the night blood bank technician in emergency situations because platelets may be unavailable as a result of the reduced dating. The comments stated that the reduced risk of bacterial contamination of the product is an additional factor which should be considered for retaining the current 72-hour dating period for platelets stored at 1° to 6° C. One of the comments proposed a label statement to indicate that platelets stored for 72 hours between 1° and 6° C be permitted for use if the platelets stored at 48 hours are not available.

The agency emphasizes that the dating period established for Platelet Concentrate (Human) or for any biological product as prescribed in § 610.53(a) is "based on data relating to usage, clinical experience or laboratory tests that establish the period beyond which the product cannot be expected beyond reasonable doubt to yield its specific results and retain its safety, purity, and potency provided the product is maintained at the recommended temperatures." According to section 351(d) of the Public Health Service (PHS) Act, licenses are issued to establishments for the manufacture of products in interstate commerce only if the product meets standards designed to ensure the continued safety, purity, and potency of such products.

As stated in the preamble of the proposal, data available to the agency demonstrate that platelets stored at 1° to 6° C for 72 hours result in a product having inferior clinical efficacy when compared with platelets stored for 72 hours at 20° to 24° C. The approval by the agency of a flexible label statement that permits the use of platelets stored for a period beyond the stated dating period would violate § 610.53(a) of the biologics regulations and section 351(d) of the PHS Act that specifically provides for the continued potency of the product. The agency believes that, as with the dating periods of other drugs, procedures will be developed by hospitals to ensure the availability of sufficient quantities of platelets for emergencies and the efficient use of the product before the expiration date.

Published studies further demonstrate that bacterial contamination is not a limiting factor for platelets stored at 20° to 24° C, if venipuncture technique and donor selection are satisfactory. In fact, Platelet Concentrate (Human) units have been found by some laboratories to contain inherent bactericidal properties which reduce the risk of bacterial growth. The agency advises that the benefit to the patient of a superior platelet product stored at 1° to 6° C for 48 hours compared with storage at 1° to 6° C for 72 hours outweighs the cost, if any, to the manufacturer. For these reasons, therefore, the agency finds no basis for retaining the 72-hour dating period for platelets stored at 1° to 6° C or for permitting the use of a flexible label statement, and the comments are rejected.

4. One comment on proposed § 640.20(a) questioned how Platelet Concentrate (Human) is to be distinguished from Single Donor Plasma (Human), Platelet Rich if the volume limits of resuspension plasma are deleted for Platelet Concentrate (Human), as proposed in § 640.24(d).

The agency advises that with the elimination of the volume limits of resuspension plasma for Platelet Concentrate (Human), the method of preparing Platelet Concentrate (Human) and Single Donor Plasma (Human), Platelet Rich by centrifugal spin continues to be a distinguishing feature between these plasma-derived products. Single Donor Plasma (Human), Platelet Rich is manufactured from the first centrifugal spin of a unit of whole blood. Single Donor Plasma (Human), Platelet Rich is then spun at a different time and speed to produce Platelet Concentrate (Human). In the process of two centrifugal spins, plasma volume is decreased. Consequently, a significantly smaller volume of plasma should be used to resuspend the platelets in Platelet Concentrate (Human). This volume difference would be reflected on the label of the final product which would indicate the product name Platelet Concentrate (Human) or Single Donor Plasma (Human), Platelet Rich and the actual volume of original plasma that is suspending the platelets for the respective final product. Thus, Single Donor Plasma (Human), Platelet Rich can be distinguished from Platelet Concentrate (Human).

5. One comment suggested replacing the word "suspended" with the word "resuspended" in proposed § 640.20(a) to more accurately describe the processing of Platelet Concentrate (Human) in the original plasma of a single donor.

The agency agrees with this comment because the preparation of Platelet Concentrate (Human) involves the resuspension of platelets in original plasma. The term "resuspension" therefore more accurately describes the preparation of Platelet Concentrate (Human).

The agency is also making one other revision to the definition of Platelet Concentrate (Human). The proposed definition stated that the "* * * platelets [should be] collected from a single donor * * *." The agency has substituted the phrase "one unit of blood" for the proposed phrase "a single donor" to more precisely identify the method of collecting the platelets intended for the preparation of Platelet Concentrate (Human). The phrase "one unit of blood" makes clear that the preparation of Platelet Concentrate (Human) does not involve the pooling of more than one platelet unit collected by plateletpheresis from the single donor. The word and phrase substitutions provide no change in the intent of the proposed definition. Accordingly, the agency has revised § 640.20(a) to define the product as platelets collected from one unit of blood and resuspended in an appropriate volume of original plasma as prescribed in proposed § 640.24(d).

6. One comment recommended that the existing volume requirements of resuspension plasma for Platelet Concentrate (Human) in § 640.24(d) be retained. The comment criticized the FDA internal study identified in the proposal which demonstrated that 21 percent of the Platelet Concentrate (Human) units submitted as prelicensing samples had a pH of less than 6.0. The comment stated that the samples tested in this study were not representative of the routine preparation of platelet concentrate units because they were prelicensing samples and consequently probably had a greater yield of platelets. The comment further questioned the clinical significance of 21 percent of platelet concentrate units with a pH of less than 6.0 and suboptimal activity. In addition, the comment stated that the original volume of 20 to 30 milliliters for 1° to 6° C storage and 30 to 50 milliliters for 20° to 24° C storage was determined to be adequate for an average yield of platelet concentrate. Therefore, the comment states the belief that the result of eliminating the volume limits of resuspension plasma for Platelet Concentrate (Human) could be the production of a greater yield of platelets that may produce more metabolic end products to drive the pH lower at the end of the dating period.

The agency disagrees with this comment. The agency has no basis for believing the comment's suggestion that platelet yield in the routine preparation of platelet concentrate units by blood establishments is significantly less than the platelet yield in the preparation of units submitted as prelicensing samples. The agency maintains that platelets with a pH of less than 6.0 demonstrate inferior clinical behavior and, therefore, the 21 percent of platelet concentrate units with a pH of less than 6.0 may be clinically significant.

Moreover, the agency does not believe that eliminating the volume units will result in a greater yield of platelets. Each laboratory is required by § 606.100(b) to maintain a Standard Operating Procedure (SOP) in which a volume limit of resuspension plasma, required to maintain the platelet concentrate pH of not less than 6.0, is defined. The resuspension plasma volume established by each laboratory and stated in the SOP should apply to all platelet concentrate units processed by that laboratory and result in a similar yield of platelets for each unit of platelet concentrate prepared by each respective laboratory. Accordingly, the comment is rejected.

7. As a result of staff reviews, the agency discovered that § 640.24(d) did not specify the time when pH shall be measured on a sample of platelet concentrate stored at the selected storage temperature. The agency is therefore amending § 640.24(d) to require that pH be measured on a sample of platelet concentrate which has been stored "for the maximum dating period."

8. One comment on proposed § 640.24(d) expressed concern over an increase in cost of Platelet Concentrate (Human), if the volume limits were removed. The comment believed that the increase could result because the technologist would not know how much plasma to leave on the platelet units.

The agency advises that the cost of Platelet Concentrate (Human) should not be increased by eliminating the volume requirements. Section 606.100(b) requires each laboratory to have a Standard Operating Procedure (SOP) which includes a description of all steps to be followed in the manufacture and distribution of blood and blood components. The SOP would, therefore, define a procedure to obtain a volume limit of resuspension plasma required to maintain the platelet concentrate pH of not less than 6.0. The SOP would apply to all platelet concentrate units processed by that laboratory and result in no cost increase for the recipient of a platelet unit. Accordingly, the comment is rejected.

9. One comment on proposed § 640.24(d) suggested that due to the availability of several methods to measure pH, a specific pH method for platelet concentrate should be required to promote uniformity.

The agency acknowledges that other methods, in addition to the pH meter, are available to measure pH. However, the agency does not believe it is necessary to recommend a standard pH measuring method for all laboratories as long as the method selected to measure pH of the Platelet Concentrate (Human) after storage accurately measures a pH of not less than 6.0 with a sensitivity to a tenth of a unit. Any method that does not measure pH with a sensitivity to a tenth of a unit is not acceptable. Accordingly, the comment is rejected.

10. As a result of staff reviews, the agency advises that it is necessary to change a proposed word in the first sentence of § 640.25(a) to ensure the performance of an essential step in the procedure for preparing Platelet Concentrate (Human). Two centrifugal spins are required to prepare Platelet Concentrate (Human) from a unit of whole blood. A product known as Single Donor Plasma (Human), Platelet Rich is produced from the first centrifugal spin. Single Donor Plasma (Human), Platelet Rich is then spun at a different time and speed to produce Platelet Concentrate (Human). It is essential to permit the platelet button produced by the second spin to stand undisturbed for a period of time in order to facilitate resuspension. This period of time, determined by each laboratory and stated in each laboratory's Standard Operating Procedure (SOP), is appropriately considered to be a part of processing a

unit of Platelet Concentrate (Human). The proposed first sentence stated that "Immediately after processing, Platelet Concentrate (Human) shall be placed in storage at the selected temperature range". The agency believes that the phrase "Immediately after processing * * *" could be misinterpreted by manufacturers of Platelet Concentrate (Human) to mean that the product should be placed in storage at the selected storage temperature immediately after the second centrifugal spin. In order to ensure that the platelet button is permitted to stand undisturbed for a period of time to facilitate resuspension, the agency is substituting the word "resuspension" for the proposed word "processing".

11. Two comments suggested modifying proposed § 640.25(b) to require that a minimum percentage of platelet concentrate units meet the pH 6.0 limitation in determining the storage volume. One comment suggested that the regulation require that more than 90 percent of units tested at the expiration date, over any 3-month period, have a pH greater than 6.0. In addition, one of the comments further stated that the quality control issue could be avoided by requiring that the pH be above 6.0, as stated in proposed § 640.24(d), on at least "x" percent of samples tested before storage.

The agency rejects these comments. As stated in the preamble of the proposal, units of Platelet Concentrate (Human) with high platelet concentrations are likely to demonstrate a decrease in pH due to inadequate plasma volumes and consequently become clinically ineffective. As a result, the agency proposed to eliminate the plasma volume limits to facilitate use of plasma volumes that will maintain units of Platelet Concentrate (Human) at a pH of not less than 6.0 during the storage period. Accordingly, the agency believes that all units for the quality control testing should reflect a pH of 6.0 or greater. The agency emphasizes that the 4 units required for quality control testing each month from different donors must be tested at the end, rather than at the beginning, of the storage period because it is the pH changes occurring during storage which present the problem. Section 640.25(b)(2) has been amended accordingly. In addition, the agency advises that it is currently reviewing the benefits of quality control testing for Platelet Concentrate (Human) and other biological products as part of the retrospective review of biologics regulations to identify and eliminate regulations that are burdensome and unnecessary.

12. One comment on proposed § 640.25(b)(2) recommended specifying the temperature at which the pH is measured. The comment stated that if the pH of the same blood sample is measured at 4° C, the pH meter will read approximately 0.4 unit higher than if the sample is measured at 37° C.

The agency recognizes that pH varies with temperature. Through built-in electronic controls, the pH meter can compensate for any variation in temperature reading that occurs when measuring a solution not at room temperature. Accordingly, § 640.25(b)(2) is amended in the final regulation to require that the pH determination be measured at the storage temperature of Platelet Concentrate (Human).

13. One comment on proposed § 640.26(e) objected to the addition of the Rh designation on the label and questioned whether there was any evidence that the absence of the Rh designation on the label has caused a significant clinical problem. The comment further questioned how the pool would be labeled since a number of units of Platelet Concentrate (Human) are pooled before almost all transfusions, resulting in pooling both Rh positive and negative units together.

The agency advises that there have been reports of Rh sensitization in patients receiving Platelet Concentrate (Human) because of significant numbers of red blood cells contaminating the platelet products. The published data, which have been placed on file with the Dockets Management Branch, also support the contention that a recipient may be immunized to an Rh determinant with a total dose of 1 milliliter, or less, of red blood cells. In addition, one commentator who supports the proposal cited personal experience with three patients who became sensitized to the Rh factor by platelet transfusions. As stated in the preamble of the proposal, FDA believes that labeling is an important factor in safely administering blood products and that information regarding the Rh factor in platelet concentrate should be available for the physician. Any difficulty, as suggested by the comment, with labeling the Rh blood group should not occur since the label would specify the Rh blood group in the unit, or in the case of pooling Rh positive and negative units, the number of each Rh blood group used in the pooling process to make the platelet unit. Accordingly, the comment is rejected.

The economic impact of this rule has been reassessed in accordance with Executive Order 12291. This rule is not a major rule as defined by that order. Specifically, this rule which eliminates the volume limits, reduces the dating period, and specifies that the ABO and Rh blood group be designated on the label for Platelet Concentrate (Human) ensures the production of a safer and more effective product without creating major increases in costs for manufacturers, physicians, or consumers. The assessment for making the determination that this is not a major rule has been placed on file with the Dockets Management Branch.

The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because the proposed rule was issued prior to January 1, 1981, and is therefore exempt.

List of Subjects

21 CFR Part 600

Biologics.

21 CFR Part 610

Biologics, Labeling.

21 CFR Part 640

Blood.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 701, 52 Stat. 1041–1042 as amended 1050–1051 as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drug (21 CFR 5.10), Chapter I of Title 21 of the Code of Federal Regulations is amended in Subchapter F as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

1. In Part 600, § 600.15(a) is amended by revising the entry for "Platelet Concentrate (Human)," as follows:

§ 600.15 Temperatures during shipment.

* * * * *

(a) * * *

Platelet Concentrate (Human). Between 1° and 10° C if the label indicates storage between 1° and 6° C, or all reasonable methods to maintain the temperature as close as possible to a range between 20° and 24° C, if the label indicates storage between 20° and 24° C.

* * * * *

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

2. In Part 610, § 610.53(a) is amended by revising the entries for "Platelet

Concentrate (Human)" and "Single Donor Plasma (Human), Platelet Rich" as follows:

§ 610.53 Dating periods for specific products.

(a) * * *

Platelet Concentrate (Human). (a) 72 hours from time of collection of source blood, provided labeling recommends storage at 20° to 24° C or, (b) 48 hours from time of collection of source blood, provided labeling recommends storage at 1° to 6° C. Section 610.51 does not apply.

* * * * *

Single Donor Plasma (Human), Platelet Rich. (a) 72 hours from time of collection of source blood, provided labeling recommends storage at 20° to 24° C or, (b) 48 hours from time of collection of source blood, provided labeling recommends storage at 1° to 6° C. Section 610.51 does not apply.

* * * * *

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

3. In Part 640:

a. Section 640.20(a) is amended by revising the last sentence to read as follows:

§ 640.20 Platelet concentrate (Human).

(a) * * * The product is defined as platelets collected from one unit of blood and resuspended in an appropriate volume of original plasma, as prescribed in § 640.24(d).

* * * * *

b. Section 640.24 is amended by revising paragraph (d), to read as follows:

§ 640.24 Processing.

* * * * *

(d) The volume of original plasma used for resuspension of the platelets shall be determined by the maintenance of a pH of not less than 6.0 during the storage period. The pH shall be measured on a sample of platelet concentrate which has been stored for the maximum dating period at the selected storage temperature. One of the following storage temperatures shall be used continuously:

(1) 20° to 24° C.

(2) 1° to 6° C.

* * * * *

c. Section 640.25 is amended by revising paragraphs (a) and (b), to read as follows:

§ 640.25 General requirements.

(a) *Storage.* Immediately after resuspension, Platelet Concentrate (Human) shall be placed in storage at the selected temperature range. If stored at 20° to 24° C, a continuous gentle agitation of the platelet concentrate shall be maintained throughout the storage period. Agitation is optional if stored at a temperature between 1° and 6° C.

(b) *Quality control testing.* Each month four units prepared from different donors shall be tested at the end of the storage period as follows:

(1) Platelet count.

(2) pH of not less than 6.0 measured at the storage temperature of the unit.

(3) Measurement of actual plasma volume.

(4) If the results of the quality control testing indicate that the product does not meet the prescribed requirements, immediate corrective action shall be taken and a record maintained of such action.

* * * * *

d. Section 640.26 is amended by revising paragraph (e), to read as follows:

§ 640.26 Labeling.

* * * * *

(e) The ABO and Rh blood group designations of the source blood.

* * * * *

Effective dates. This regulation becomes effective November 29, 1982. Labeling requirements shall become effective April 29, 1983. On or after April 29, 1983, no person may initially introduce or initially deliver for introduction into interstate commerce any licensed biological product to which the regulations apply, unless the product's labeling complies with the requirements set forth in the regulations.

(Secs. 201, 502, 701, 52 Stat. 1041–1042 as amended, 1050–1051 as amended, 1055–1056 as amended (21 U.S.C. 321, 352, 371); sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262))

Dated: October 7, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29729 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 884

[Docket No. 81P-0306]

Schmid Laboratories, Inc.; Reclassification of Condom With Spermicidal Lubricant

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing a final regulation that codifies the reclassification of the condom with spermicidal lubricant (nonoxynol-9) from class III (premarket approval) into class II (performance standards). FDA also is announcing that it issued an order in the form of a letter to a petitioner reclassifying the device. The effect of reclassifying a device into class II is to require that the device meet the general controls applicable to all devices and comply with the requirements of any performance standard applicable to the device. FDA reclassified this device in response to a petition from Schmid Laboratories, Inc., Little Falls, NJ 07424.

EFFECTIVE DATES: The reclassification was effective on August 9, 1982. This rule becomes effective November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Lillian Yin, Bureau of Medical Devices (HFK-470), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7555.

SUPPLEMENTARY INFORMATION: On August 28, 1981, Schmid Laboratories, Inc., Little Falls, NJ 07424, submitted to FDA under section 513(f)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360c(f)(2)), a petition requesting that a new device with the brand name "Condom with Spermicidal Lubricant (nonoxynol-9)" be reclassified from class III into class II. The device was classified by statute into class III because it was not in commercial distribution before enactment of the Medical Device Amendments of 1976 (Pub. L. 94-295) (see 21 U.S.C. 360c(f)(1)), nor is it substantially equivalent to another device that was in commercial distribution before the date of enactment or to another device that was classified by statute into class III and subsequently reclassified.

FDA referred the petition to the Obstetrics-Gynecology Device Section of the Obstetrics-Gynecology and Radiology Devices Panel (the Section) for a recommendation. On September 28, 1981, the Section reviewed the petition and recommended that FDA reclassify the device into class II, provided the labeling bear the following specific contraceptive effectiveness cautionary provision:

> The condom with spermicidal lubricant is a contraceptive which combines a latex condom and a lubricant containing nonoxynol-9, a spermicide. Evidence of added contraceptive effectiveness has not been established with the addition of a spermicidal preparation to the condom.

The recommendation was based on the Section's belief that although general controls alone are insufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance.

In a notice published in the **Federal Register** of April 30, 1982 (47 FR 18670), FDA announced the Section's recommendation that the condom with spermicidal lubricant be reclassified from class III into class II, provided the labeling bear the contraceptive effectiveness cautionary statement. FDA tentatively concluded that the statement could not provide a basis for reclassification because, under section 513(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(a)(3)) and § 860.134 (21 CFR 860.134), a device may not be reclassified absent a showing, by valid scientific evidence, that the reclassification requested will provide reasonable assurance of the effectiveness, as well as the safety, of the device. FDA suggested, however, that the following modification of the Section's proposed labeling would be both lawful and appropriate:

> The presence of a spermicide in this product may be helpful in decreasing the risk of pregnancy should the condom fail or be misused.

The notice provided a period of 30 days for interested persons to submit to FDA written comments on FDA's tentative conclusions and the Section's recommendation that the condom with spermicidal lubricant be reclassified from class III into class II.

FDA received three comments on the notice. After reviewing the petition, the Section's recommendation, and the comments, FDA, in accordance with section 513(f)(2)(C)(i) of the act and § 860.134(b)(6) of the regulations, approved the petition and, by order dated August 9, 1982, and sent to the petitioner, reclassified the device from class III into class II, provided the device labeling bears the specific contraceptive effectiveness cautionary provision set forth below:

> This product combines a latex condom and a spermicidal lubricant. The spermicide, nonoxynol-9, reduces the number of active sperm, thereby decreasing the risk of pregnancy if you lose your erection before withdrawal and some semen spill outside the condom. However, the extent of decreased risk has not been established. This condom should not be used as a substitute for the combined use of a vaginal spermicide and a condom.

The order requires the provision to appear prominently and conspicuously on the principal display panel, as defined in 21 CFR 801.60, of any package of the product and on any insert included in the package of the product. The order also requires the provision to appear prominently and conspicuously on any condom with spermicidal lubricant that is individually labeled with representations that it bears or contains a spermicidal lubricant. In addition, the order requires labeling for the condom with spermicidal lubricant to bear the expiration date of the spermicidal agent, along with this statement, "The expiration date on this product applies only to the spermicidal agent in it." The data submitted by Schmid establish that the stability of the spermicidal agent in the condom with spermicidal lubricant is 44 months.

The reasons and basis for the reclassification of the device from class III into class II, as well as the reasons and the basis for the conditions of that reclassification, are set forth in the order. The order also contains FDA's responses to the comments received on the April 30, 1982 notice. The order and all the references cited in it are on public file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, where they may be seen by interested persons, between 9 a.m. and 4 p.m., Monday through Friday.

As required by § 860.134(b)(7) of the regulations, FDA is announcing the reclassification of a generic type of device FDA calls a condom with spermicidal lubricant from class III into class II. In addition, FDA is issuing a final regulation that codifies in § 884.5310 (21 CFR 884.5310) the reclassification of the device. FDA advises that any device it determines to be substantially equivalent to the condom with spermicidal lubricant also will be reclassified from class III into class II. FDA further advises that the condom with spermicidal lubricant that has been reclassified into class II has been reclassified only insofar as its labeling bears the contraceptive effectiveness cautionary provision and expiration date statement set out above.

After considering the economic consequences of approving this reclassification, FDA certifies that this final rule requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis, as defined in the Regulatory Flexibility Act (Pub. L. 96-354). Approval of this petition will not have a significant economic impact on a substantial number of small entities. The petitioner, and future manufacturers of devices that are determined to be substantially equivalent to the condom with spermicidal lubricant, will be relieved of the costs of complying with the premarket approval requirements in section 515 of the act; whereas if the device had remained classified in class III, each manufacturer of the device would have been required to submit to FDA for its approval an application for premarket approval. There are no offsetting costs that the petitioner or other manufacturers would incur from reclassification into class II. The magnitude of the economic savings from approval of this petition depends on the extent of premarket approval studies that the petitioner would have conducted and the number of future competitors satisfying the same requirements. Neither of these parameters can be reliably calculated to permit quantification of the economic savings.

List of Subjects in 21 CFR Part 884

Medical devices, Obstetrical and gynecological devices.

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 884 is amended in Subpart F by adding new § 884.5310, to read as follows:

§ 884.5310 Condom with spermicidal lubricant.

(a) *Identification.* A condom with spermicidal lubricant is a sheath which completely covers the penis with a closely fitting membrane with a lubricant that contains a spermicidal agent, nonoxynol-9. This condom is used for contraceptive and prophylactic purposes (preventing transmission of venereal disease).

(b) *Classification.* Class II (performance standards).

Effective dates. This reclassification was effective August 9, 1982. This rule becomes effective November 29, 1982.

(Secs. 513, 701(a), 52 Stat. 1055, 90 Stat. 540-546 (21 U.S.C. 360c, 371(a)))

Dated: October 7, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-[illegible] Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 256

[SW-9-FRL 2235-6]

Approval of the Guam Solid Waste Management Plan

AGENCY: Environmental Protection Agency, Region 9.

ACTION: Final rule.

SUMMARY: As provided by the Resource Conservation and Recovery Act (RCRA), the Territory of Guam has received Federal financial assistance for development of a Territorial Solid Waste Management Plan. On July 13, 1982, the Territory of Guam submitted to the U.S. Environmental Protection Agency (EPA) its adopted Solid Waste Management Plan. Today, EPA is announcing its approval of the Guam Solid Waste Management Plan. Approval of the Guam plan indicates that the plan meets the requirements set forth in RCRA, which provides for the identification of responsibilities for solid waste management; the encouragement of resource conservation and recovery; and the development and application of State controls to provide for environmentally sound solid waste disposal practices.

The purpose of this notice is to inform the public that EPA is approving the Guam Solid Waste Management Plan. This approval should be of special interest because of two provisions of RCRA. First, RCRA requires that effective with the date of approval, plans prohibit the establishment of open dumps in the State. Second, only States with approved plans can establish compliance schedules, for purposes of RCRA, for entities engaged in open dumping. These compliance schedules lead to the upgrading of facilities classified as open dumps by September 13, 1984. Open dumping is prohibited by RCRA except where the practice is on a compliance schedule established under an EPA approved State plan.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Karen Schwinn, Toxics and Waste Programs Branch, U.S. EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-8158.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 1979, (44 *FR* 45066) EPA published Guidelines for the Development and Implementation of State Solid Waste Management Plans. These guidelines were required by Section 4002(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA). The guidelines reflected the statutory requirements for State plans and recommended methods and procedures to meet those requirements. Under Section 4007 of RCRA, the Administrator approves State plans which meet the requirements of paragraphs (1), (2), (3), and (5) of Section 4003 of RCRA and which contain provisions for revisions. Briefly, these requirements are:

1. The plan shall identify the responsibilities of State, local and regional authorities in the implementation of the State plan; the distribution of Federal funds to the authorities responsible for development and implementation of the State plan; and the means for coordinating regional planning and implementation under the State plan;
2. The plan shall prohibit the establishment of new open dumps within the State and contain requirements that all solid waste shall be utilized for resource recovery or disposed of in sanitary landfills, as defined by Section 4004(a) of RCRA, or otherwise disposed of in an environmentally sound manner. The State prohibition must be effective as of the date on which EPA approves the plan;
3. The plan shall provide for the closing or upgrading of all existing open dumps within the State;
4. The plan shall provide that no local government within the State shall be prohibited under State or local law from entering into long-term contracts for the supply of solid waste to resource recovery facilities; and
5. The plan must contain specific provisions for revision.

The guidelines also addressed Section 4005 of RCRA which requires a mechanism in the State plan for establishment of compliance schedules for entities engaged in the prohibited act of open dumping. The plan must provide that, in attempting to obtain such compliance schedules, entities must demonstrate their inability to utilize other public or private alternatives to comply with the prohibition.

Response to Public Comments

On August 20, 1982, (47 FR 36451) a notice was published in the Federal Register inviting the public to submit written comments on the Guam Solid Waste Management Plan by September 20, 1982. No comments were received during this period.

Finding

Section 4007 of RCRA contains the statutory policy for approval of State plans. The authority to approve State plans under Section 4007 of RCRA has been delegated to the Regional Administrator. EPA has reviewed the Solid Waste Management Plan submitted by the Territory of Guam and has found that the Guam plan meets the requirements of RCRA for approval. Under authority of Section 4007 of RCRA, EPA hereby approves the Guam Solid Waste Mangement Plan. The plan prohibits the establishment of open dumps. The plan also provides for compliance schedules for entities engaged in open dumping where those entities can demonstrate that they are unable to utilize other public or private alternatives for solid waste management to comply with the RCRA prohibition of open dumping. As of this date, entities engaged in open dumping may, pursuant to the plan, approach the Territory for further information on compliance schedules and necessary demonstrations. The RCRA prohibition of open dumping does not extend to open dumping under such compliance schedules.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

I certify under 5 U.S.C. 605(b) that the approval of the Guam Solid Waste Management Plan will not have a significant economic impact on a substantial number of small entities. This approval will reduce burdens on small entities by establishing a mechanism to insulate them from citizen suits to enforce the open dumping prohibition. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 256

Grant programs, Environmental protection, Waste treatment and disposal.

(90 Stat. 2817, 42 U.S.C. 6947)

Dated: October 15, 1982.

Sonia F. Crow,
Regional Administrator.

[FR Doc. 82–29884 Filed 10–28–82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 67

Letters Regarding Interpretations of the Separations Manual

AGENCY: Federal Communications Commission.

ACTION: Final rule; letter(s) regarding interpretation of the Separation Manual.

SUMMARY: In response to written requests, the Commission is issuing interpretation of its February 1982 Orders in Docket No. 80-286 and amendments to its Jurisdictional Separations Manual that was published at 47 FR 9170, March 3, 1982, and corrected at 47 FR 15142, April 8, 1982. These interpretations are clarification of the Commission's Orders that will resolve problems and permit carriers to proceed with the implementation of the revisions to FCC-NARUC Separation Manual.

ADDRESS: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Michael E. Wilson, Accounting and Audits Division, Common Carrier Bureau, (202) 634-1965.

Gary M. Epstein,

Chief, Common Carrier Bureau.

July 21, 1982.

Mr. Lyle C. Roberts,

Director—Separations and Settlements, Centel Corporation, O'Hare Plaza, 5725 East River Road, Chicago, IL 60631.

Dear Mr. Roberts: This letter is in response to your letters of April 14 and 22, 1982 which requests a clarification of the Commission's February 24, 1982 Decision and Order in Docket 80-286 that modified the existing Jurisdictional Separations Manual. In your correspondence you indicate that your particular concern relates to the treatment afforded to customer premises equipment (CPE) and the calculation of the related interstate balance. You state that Centel believes that the process for determining certain account totals is subject to two interpretations, each of which will produce different totals and different interstate and intrastate allocation percentages. You observe that not only are Accounts 100.1, 100.2, and net plant affected by the specific interpretation used, but also at least a dozen other investment or expense accounts which are allocated on the basis of assigned 100.1, 100.2, and net plant. The impact of the method selected is perceived to be even more significant because "cost basis" independent companies use the Separations Manual for determining intrastate toll settlements. Finally, you present illustrative examples of your two basic approaches. In your Example A, the frozen balances in Accounts 231 and 234 are reduced each period to reflect the sale of CPE. In Example B, the frozen balances in these accounts remain frozen during the phase-out period.

The Bureau believes that neither of these approaches achieves the fundamental objectives adopted by both the Joint Board and the Commission in this proceeding. The method shown in Example A fails to meet one of the primary objectives enunciated by the Commission in its February 24, 1982 Order, that is, to "protect customers of those carriers who experience swift reductions in CPE cost, through either transfer, retirement or sale of equipment" (para. 31). The Commission adopted this language because of the potential burden the sale of CPE could place on some ratepayers. Although the "Gravelle Amendment" subsequently adopted by the Commission on May 24, 1982 permits greater flexibility by individual states seeking to initiate CPE sales prior to January 1, 1983, the above goal remains valid. The approach presented in Exhibit B conflicts with the Commission's recently adopted Addendum to the Separations Manual which states:

> The plant balances attributable to customer premises equipment on the books as of December 31, 1982 shall constitute a base amount for allocation between state and interstate operations during a phase out period of 60 months. Starting with January 1983 the base amount shall be reduced by one sixtieth each month, . . . (General Section)

The appropriate method of implementing the Separations Manual revisions for which you seek clarification can best be described by using the second example in your letter and modifying it to comply with the Commission's objectives. The modification, illustrated in an attachment to this letter, involves taking the frozen base for Accounts 231 and 234, established as of December 31, 1982, and reducing it by one sixtieth per month over the phase-out period. This approach will accomplish a measured and orderly reduction of the CPE from the interstate rate base and elimination of a sudden impact on customers of carriers that choose to sell CPE. As stated in the Commission's February 24, 1982 order, this plan appears to be "the most reasonable way of achieving two seemingly conflicting objectives regarding the public interest, the maintenance of reasonable rates and the relatively swift implementation of new public policies regarding terminal equipment" (para. 31).

If you have any questions concerning this interpretation, please contact Michael Wilson in our Accounting and Audits Division (202) 634-1861.

Sincerely yours,

Gary M. Epstein,

Chief, Common Carrier Bureau.

ATTACHMENT I.—HYPOTHETICAL EXAMPLE OF PHASE OUT OF CPE

	Actual, total book account balances (except CPE)	Interstate toll
December 31, 1982:		
Account 231, 234	$1,000,000	(a) $250,000
Other account 2XX	$5,000,000	$1,000,000
Total 100.1 percent	$6,000,000	$1,250,000
Distribution (percent)	100	20.83
January 31, 1984:		
Account 231, 234	$783,333	(b) $195,833
Other account 2XX	$5,500,000	$1,100,000
Total 100.1 percent	$6,283,333	$1,295,833
Distribution (percent)	100	20.62
January 31, 1985:		
Account 231, 234	$383,333	(c) $95,833
Other account 2XX	$6,565,000	$1,313,000
Total 100.1 percent	$6,946,333	$1,408,833
Distribution (percent)	100	20.27

	1		2		3=1×2		4	5=3×4
	Frozen CPE	×	Phase down		Adjusted base	×	Inter-state SPF	Inter-state toll
(a)	$1,000,000	×	60/60	=	$1,000,000	×	.25	$250,000
(b)	1,000,000	×	47/60	=	783,333	×	.25	195,833
(c)	1,000,000	×	23/60	=	383,333	×	.25	95,833

NOTE.—The basic data in this illustration was adopted from data provided in Centel's request of April 14 and 22, 1982. The figures for Accounts 231 and 234 that were presented in Centel's Exhibit B have been modified as shown in column 2 above to reflect the Commission's objective of achieving a measured and orderly reduction of CPE from the separations process. The adjustment resulted in a modification of the total investment in Account 100.1 that is assigned to interstate toll.

August 26, 1982.

Mr. William Stump,
Assistant Vice President, American Telephone and Telegraph Company, 195 Broadway, Room 01–930, New York, New York 10007.

Mr. Martin McCue,
Director of Government Relations, Centel Corporation, 1140 Connecticut Avenue, NW., Suite 603, Washington, D.C. 20036.

Mr. Donald Hirt,
Executive Director of Settlements, United States Independent Telephone Association, 1801 K Street, NW., Suite 1201, Washington, D.C. 20006.

Dear Sirs: In a letter dated August 6, 1982, Mr. William Stump requests further clarification of the Commission's February 24, 1982 *Decision and Order* in Docket 80–286, 89 FCC 2d 1 (1982), with respect to the correct treatment of taxes and indirect expenses associated with customer premises equipment (CPE). The letter states that, unlike the Order's treatment of maintenance and depreciation expense, no explicit provision has been made for these taxes and other expenses. The letter also notes AT&T's belief that the Commission intended that a base amount be established for each of the tax and indirect expense accounts related to CPE, and that such amounts would be decreased and apportioned over the sixty-month period consistent with the corresponding plant and maintenance phaseout. On August 12, 1982 we received a latter from Mr. McCue stating that Mr. Stump's aforementioned letter raises an issue that has already been fully addressed in a July 21, 1982 letter to Centel in which the appropriate method of phasing out CPE from the separations process was clarified, *viz.*, reduce by one-sixtieth per month the base amounts for Accounts 231 and 234 frozen as of December 31, 1982. Finally, Mr. Hirt's August 16, 1982 letter notes USITA's strong disagreement with AT&T and claims that the base amount treatment proposed by AT&T for tax and indirect expense accounts is neither necessary nor proper. The letter indicates that the reduction in Accounts 100.1, 100.2, net plant and wage related expenses caused by the CPE plant phasout automatically produces the appropriate reductions in the tax and indirect expense account.

The Commission's intent in this regard has already been promulgated. In the April 1, 1982 *Errata* to its February 24, 1982 CPE phaseout Order, the Commission states (as noted by Centel in its August 12 letter):

> A consistent treatment is required for the expense, taxes, and reserves associated with customer premises equipment. (General Section, Appendix B)

In essence, CPE-related expenses (direct *and* indirect), taxes and reserves are to be frozen at their December 31, 1982 level and then phased out by one-sixtieth each month for the five-year period beginning January 1, 1983, consistent with the February 24 Order. Maintenance and depreciation expense amounts would be allocated as specified in that order. The base expense, tax and reserve amounts specifically associated with CPE would be determined using the existing allocation methods. This treatment is consonant with the Commission's objectives of a measured and orderly reduction of CPE from the interstate rate base and the maintenance of reasonable rates. In contrast, there is no assurance that the "automatic" phaseout described by USITA would by itself meet these goals during the five-year interval.

If you have any further questions concerning this matter, please contact Michael Wilson in the Bureau's Accounting and Audits Division at (202) 634–1965.

Sincerely yours,

Gary M. Epstein,
Chief, Common Carrier Bureau.

October 8, 1982.

Mr. Timothy J. Devlin,
State of Florida Public Service Commission, Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32301.

Dear Mr. Devlin: This letter is in response to your letter of September 13, 1982, in which you requested an interpretation of the Commission's Order in Docket No. 80–286 adopted May 24, 1982, as it relates to the timing of a state commission order advancing the CPE freeze date. The particular issue about which your commission requested clarification is whether the effective date for freezing the CPE base for separations purposes prior to January 1, 1983 can be established *after* actual date on CPE balances becomes available.

The Commission in its May 24, 1982 Order described the objectives against which it was evaluating the Joint Board's CPE early freeze proposal. A primary goal was the removal of disincentives to the timely initiation of CPE sale programs which would further the development of a fully competitive market for CPE. The Commission determined that the Joint Board's plan would achieve this objective. This benefit was weighed against the potential detriments of the plan, *viz.*, added administrative costs, inequities among customers of various carriers in different states, or threats to the essential uniformity of the separations process. As you know, the Commission decided that, on balance, the benefits outweighed the costs, and the proposed Manual amendment was adopted with the modification that the concurrence of the affected company would be necessary to implement the early CPE freeze. As noted in the Order, the Commission "intend[s] to make the amendment effective prospectively only" (para. 7).

We believe that your proposal would be inconsistent with the intentions of this Commission and with its May 24, 1982 Order. The substantial increase in regulatory discretion granted to state PSCs under such an approach would introduce a degree of autonomy not specified in the May 24, 1982 Order. The plan would theoretically permit any state and its regulated telephone companies to institute an "early" freeze as late as December 31, 1982 since CPE balances would be frozen retrospectively. The predictable result of the proposal would be to encourage all states (and concurring carriers) to invoke the amendment and choose the most suitable freeze date during the period May 24–December 31, 1982. This action would hardly further the Commission's "removal of disincentives" goal in any significant way. We would also expect that there would be added administrative costs in aggregate as states which otherwise might not order an early CPE freeze would now be strongly encouraged to do so. Finally, this retroactive approach would represent a departure from the uniformity of the current jurisdictional separations process beyond that apparently contemplated by the Commission.

In essence, the Commission expressly intended that any early CPE freeze date be implemented on a prospective basis, to be established in a given state by its commission and concurring telephone companies. The word "prospective" should be defined for these purposes as a forward-looking process in which a CPE freeze date is set to occur during the period May 24, 1982–December 31, 1982. For this specific case, given the perceived ambiguity, the earliest date for the freeze should be viewed as the date of your request for clarification, *viz.*, September 13, 1982.

If you have any further questions, contact Michael Wilson of our Accounting and Audits Division on (202) 634–1965.

Sincerely yours,

Gary M. Epstein,
Chief, Common Carrier Bureau.

October 8, 1982.

Mr. William Dunkel and Associates,
Rural Route Two, Pleasant Plains, IL 62677.

Dear Mr. Dunkel: This letter is in response to your letters of August 19 and August 30, 1982, in which you requested a clarification of the Commission's February 24, 1982, Decision and Order in Docket 80–286 that modified the existing Jurisdictional Separations Manual and froze the Subscriber Plant Factor (SPF). Specifically, you asked whether the Commission's freeze of SPF included a freeze on the allocation to ENFIA and whether ENFIA is to be included in the frozen SPF. Finally, you requested a copy of any written Order or agreement that specifies that ENFIA is to be included in the frozen SPF.

The Commission's freeze of SPF included a freeze on the total interstate minutes of use included in the SPF calculation. Although there is no Commission Order that specifies that ENFIA minutes of use are to be included in the frozen SPF, this is provided for in Paragraph 23.444 of the Separations Manual which describes the calculation of SPF, in part, as follows:

> Interstate subscriber line use (SLU) representing the interstate use of subscriber plant as measured by the ratio of interstate holding time minutes of use to total holding time minutes of use * * *.

Because ENFIA minutes of use are considered interstate minutes, the Commission Order adopted February 24, 1982 essentially requires a freeze on all interstate minutes of use including ENFIA minutes. On the other hand, the freeze on interstate minutes does not mean that there is a freeze on the assignment of interstate costs to ENFIA. The subscriber plant factor is used to assign certain of the carriers' costs to the interstate jurisdiction. After total interstate costs have been calculated pursuant to the principles described in the Separations Manual, the Commission's Interim Cost Allocation Manual (Docket No. 79–245) is used to assign these costs to ENFIA and the other interstate services. Finally, while the

Commission's Order of February 24 placed a cap on SPF and some CPE-related costs, it did not place a ceiling on the overall level of costs to be assigned to the interstate jurisdiction. Therefore, costs assigned to the interstate jurisdiction which includes ENFIA costs will continue to change because of growth in various plant accounts and other usage factors.

In your letter of August 30, 1982, you submitted three items that you felt supported your position that the frozen SPF excluded ENFIA minutes. The first item was your reference to paragraph 7 of the order where the growth in SPF between 1970 and 1981 was discussed. You are correct when you note that the 1981 SPF of approximately 26.09 referred to in the order excludes ENFIA minutes. However, ENFIA minutes were excluded from this figure because the 26.09 was being compared with the 1970 average SPF figure of 16.71 which also excluded ENFIA minutes. The Commission's sole purpose in using the SPF of 26.09 was to compare it with a comparable figure of an earlier period and not to indicate that the frozen SPF should exclude ENFIA minutes.

Your second item of support was based on information supplied by AT&T to NARUC. Again you are correct in your observation that the SPF figures supplied by AT&T does exclude ENFIA usage. However, as noted in the letter that accompanied this material (a copy of which is attached), this information is supplied to NARUC on an ongoing basis and has traditionally excluded ENFIA usage. It is apparently excluded because NARUC requested SPF data for only the interstate MTS and WATS usage. Again, to include ENFIA minutes in this data would make it noncomparable with past data. Further, AT&T points out in the last paragraph of its letter that the SPF data excludes ENFIA usage and that this is different from the frozen SPF adopted by the Commission which includes ENFIA minutes.

Your final item of support was a copy of a supplement to the Division of Interstate Revenues Agreement between General Telephone Company of the Midwest and Southwestern Bell Telephone Company wherein the treatment of ENFIA minutes is discussed. Basically this supplement notes that ENFIA usage is excluded from the settlements process and each company will retain all of its costs and revenues associated with ENFIA. However, this does not mean that ENFIA usage is excluded from the separations process where total interstate costs are calculated. In fact, the first paragraph of this supplement refers to ENFIA as an interstate service. Therefore, it appears reasonable that ENFIA minutes should be included in the frozen interstate SPF.

If you have any questions concerning this interpretation, please contact Michael Wilson in our Accounting & Audits Division on (202) 634-1965.

Sincerely yours,

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc. 82-29746 Filed 10-28-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[FRA Docket No. RSFC-6, Notice 5]

Railroad Freight Car Safety Standards

AGENCY: Federal Railroad Administration (FRA), Transportation (DOT).

ACTION: Amendment of final rule.

SUMMARY: This document amends the final rule published on June 24, 1982 (47 FR 27293). That final rule extended the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent, from July 1, 1982 until November 1, 1982. This amendment further extends the compliance date until December 1, 1982. This action is being taken in response to a petition of the Association of American Railroads (AAR) for extension of the compliance date.

EFFECTIVE DATE: This amendment will become effective November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Leavitt A. Peterson, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, telephone (202) 426-0897.

SUPPLEMENTARY INFORMATION: On June 24, 1982, FRA published a notice of public hearing and an amendment of final rule which extended the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent until November 1, 1982. The purpose of this four month extension was to enable FRA to hold public hearings and receive written comments from interested persons on the AAR's request to extend that compliance date until December 31, 1985.

A public hearing was held on August 3, 1982 at which testimony was offered by representatives of railroad labor and railroad management. Written comments were also received from interested persons.

To provide additional time to consider the AAR request before making a final decision, FRA is extending from November 1, 1982 to December 1, 1982, the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent.

To avoid the disruption of rail service and public inconvenience that would result if all plug door box cars not equipped with safety hangers were to be removed from service on the current compliance date of November 1, 1982, this amendment shall become effective in less than 30 days on November 1, 1982.

Regulatory Impact

FRA has reviewed this amendment under the standards established by Executive Order 12291 and DOT's order on regulatory policies and procedures. FRA has concluded that the amendment is not a major rule under the terms of Executive Order 12291 or a significant rule under DOT criteria.

The amendment has been reviewed according to the requirements of the Regulatory Flexibility Act (Pub. L. 95-354, 94 Stat. 1184, September 19, 1980). FRA has not identified any significant economic impact from the rule change that will affect small entities. Based on this fact, it is certified that the amendment will not have a significant impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

The amendment does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required.

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety.

The Amendment

PART 215—[AMENDED]

In consideration of the foregoing, § 215.121(d) of Part 215 of Title 49, Code of Federal Regulations, is amended, effective November 1, 1982, to read as follows:

§ 215.121 Defective car body.

* * * * *

(d) After December 1, 1982, the car is a box car and its side doors are not equipped with operative hangers, or the equivalent, to prevent the doors from becoming disengaged.

* * * * *

(Secs. 202 and 209, 84 Stat. 971 and 975, 45 U.S.C. 431 and 438; and § 1.49(m) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(m))

Issued in Washington, D.C. on October 27, 1982.

Robert W. Blanchette,

Administrator.

[FR Doc. 82-30010 Filed 10-28-82; 8:58 am]

BILLING CODE 4910-06-M

Proposed Rules

Federal Register
Vol. 47, No. 210
Friday, October 29, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 278

Food Stamp Program: Bonding of Retail Food Stores and Wholesale Food Concerns Under Penalty Sanctions

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of intent to publish rulemaking.

SUMMARY: This action announces that the Deparment of Agriculture is considering an amendment to the Food Stamp Program Regulations implementing Section 176 of the Ominibus Budget Reconciliation Act of 1982. The rule would provide that a retail food store or wholesale food concern which has been disqualified or subjected to a civil money penalty will be required to furnish a bond to continue to participate or be reauthorized to participate in the Food Stamp Program.

DATE: Comments must be received on or before November 30, 1982, to be assured of consideration.

ADDRESS: Comments should be submitted to Herbert A. Scurlock, Director, Federal Operations Division, Food and Nutrition Service, United States Department of Agriculture, Alexandria, Virginia 22302. All written comments will be open to public inspection at the office of the Food and Nutrition Service during regular business hours (8:30 am to 5:00 pm. Monday through Friday) at Park Office Center, 3101 Park Center Drive, Alexandria, Virginia 22302, Room 704.

FOR FURTHER INFORMATION CONTACT: Herbert A. Scurlock, Director, Federal Operations Division, Family Nutrition Programs, Food and Nutrition Service, Alexandria, Virginia 22302, telephone (703) 756–3485.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order No. 12291. This action has been reviewed under Executive Order No. 12291 and Secretary's Memorandum No. 1512–1. This action would not result in an annual effect on the economy of $100 million or more or a major increase in cost or price for consumers, individuals, Federal, State or local governments, or geographical regions. Additionally this action would not have significant effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this action has been classified "not major."

Background

Under the provisions of Section 176 of the Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97–253), the Secretary has authority to require that a retail food store or wholesale food concern which has been previously disqualified or subjected to a civil money penalty furnish a bond to continue to participate or to be reauthorized to participate in the Food Stamp Program. The amount of the bond is to be based on an amount necessary to cover the value of food stamps which a store or concern may accept or redeem in violation of the Food Stamp Act. The Secretary is authorized to prescribe the terms, amounts, and conditions of the bond. If a store or concern accepts and redeems food stamps in violation of the Act, an amount which is equal to the value of the food stamps found to have been accepted and redeemed illegally will be forfeited under the bond.

The Department has not made any decision as to the terms, amounts or conditions of the required bond. Information received in response to this notice will be useful to the Department in its decision making. We encourage surety and bonding companies and any other interested parties to submit any comments they may have. The Department especially requests comments from those surety companies authorized under Sections 6 through 13 of Title 6 of the United States Code as accepted sureties to issued Federal bonds and listed in Treasury Department Circular No. 570. All comments and suggestions will be given full consideration during the preparation of the rule.

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: October 21, 1982.

Robert E. Leard,
Acting Administrator.

[FR Doc. 82–29989 Filed 10–28–82; 8:45 am]

BILLING CODE 3410–30–M

Agricultural Marketing Service

7 CFR Part 1250

[Docket No. ERPA–2]

Egg Research and Promotion Order: Proposed Amendments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum results: termination of rulemaking proceeding.

SUMMARY: This document announces that the requisite number of egg producers voting in a referendum failed to approve amendments to the Egg Research and Promotion Order. Therefore, the amendments published in the **Federal Register** on August 11, 1982, will not become effective and this proceeding is terminated.

DATE: The rulemaking proceeding is terminated effective October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Janice L. Lockard, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202) 382–8132.

SUPPLEMENTARY INFORMATION: On August 11, 1982, a decision on proposed amendments to the Egg Research and Promotion Order and Notice of Referendum were published in the **Federal Register** (47 FR 34984). The amendments provided for an increase in the rate of assessment paid by egg producers from 5 cents per 30-dozen case of commercial eggs up to 10 cents to conduct research and promotion programs for their products. The initial increase would have set the assessment at 7½ cents the first 12 months following issuance of implementing regulations. Annual increases of no more than three-quarters of 1 cent were authorized upon recommendation of the American Egg Board up to the 10-cent maximum, subject to the approval of the Secretary of Agriculture. The amendments also provided for the addition of two consumer members to the 18-producer-member American Egg Board. The amendments were authorized by the June 1980 amendments to the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.) as amended.

As provided in Section 9 of the Egg Research and Consumer Information Act (7 U.S.C. 2701 et seq.), the amendments could become effective only if approved by egg producers voting in a referendum. Under the procedure for the conduct of referenda (7 CFR 1250.200 et seq.) egg producers who, during the months of April, May, and June 1982, were engaged in commercial egg production and who were engaged in the production of eggs at the time of voting were eligible to vote. Producers with 3,000 or fewer hens and any flock of breeding hens whose production of eggs was primarily utilized for hatching of baby chicks were exempted. The referendum was conducted by mailed ballot September 3–27, 1982.

Results of the referendum show that of the 1,225 votes accepted, 499 producers voted in favor and 726 producers voted against the amendments. To go into effect, the changes had to be approved by at least two-thirds of the producers voting or by a majority of producers voting if they produced at least two-thirds of the commercial eggs of those voting. Since neither of these requirements was met, the amendments shall not become effective and the proceeding is terminated.

The failure of egg producers to approve the amendments, however, does not invalidate the current Order, as provided by 7 U.S.C. 2708.

Signed at Washington, D.C., on October 25, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-29803 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 182, 184, and 186

[Docket No. 81N-0382]

Magnesium Gluconate, Potassium Gluconate, Sodium Gluconate, Zinc Gluconate, and Gluconic Acid; Proposed GRAS Status as Direct and Indirect Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to affirm that sodium gluconate is generally recognized as safe (GRAS) as a direct human food ingredient, and that gluconic acid is GRAS as an indirect human food ingredient. FDA is proposing not to affirm zinc gluconate as GRAS as a direct human food ingredient and to remove it from the list of substances that are GRAS. In addition, the agency is proposing not to affirm the GRAS status of direct food uses of magnesium gluconate or potassium gluconate. The agency previously had stated in opinion letters that it considered these substances to be GRAS. The safety of these ingredients has been evaluated under the comprehensive safety review conducted by the agency.

DATE: Comments by December 28, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: FDA is conducting a comprehensive review of human food ingredients classified as GRAS or subject to a prior sanction. The agency has issued several notices and proposals (see the **Federal Register** of July 26, 1973 (38 FR 20040)) initiating this review, under which the safety of magnesium gluconate, potassium gluconate, sodium gluconate, zinc gluconate, and gluconic acid has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the agency proposes to affirm the GRAS status of sodium gluconate and gluconic acid. The agency also proposes to remove zinc gluconate from the list of nutrients in Part 182 (21 CFR Part 182) because of the absence of any information that the substance is used for this purpose. FDA also proposes not to affirm the GRAS status of magnesium gluconate or potassium gluconate because of the absence of adequate food use information for these substances. The gluconate salts of iron, calcium, copper, and manganese are not covered by this proposal but will be covered in other proposals on the respective cations. Delta-gluconolactone also will be covered in a separate proposal.

Gluconic acid $[CH_2OH(CHOH)_4COOH]$ is readily produced from glucose by mild oxidation. The oxidation may be accomplished chemically, electrolytically, or enzymatically. Commercially, glucose is enzymatically oxidized by various microorganisms: *Aspergillus niger, Aspergillus fumaricus, Aerobacter aceti, Penicillium chrysogenum*, other *Penicillia*, or *Acetobacter suboxydans*. The inoculum for this fermentative oxidation is developed through successive transfers of the culture to growth vessels of increasing volume. The gluconic acid solution thus formed is purified by filtration. Sodium gluconate is formed by continuous addition of sodium hydroxide to the growing culture, yielding a gluconate salt solution of approximately 28 percent. The solution is charcoal decolorized, filtered, and evaporatively concentrated. The final product is recovered by spray drying the concentrated solution. Other gluconate salts are prepared by neutralizing a purified gluconic acid solution with a basic salt of the desired metal ion. The reaction mixtures are charcoal decolorized and filtered. The crystallized products are centrifuged out of the cooled filtrate, are washed free of impurities with water, and are dried.

A regulation published in the **Federal Register** of November 20, 1959 (24 FR 9368) listed sodium gluconate as GRAS for use as a sequestrant. Sodium gluconate is now listed for this use in § 182.6757 (21 CFR 182.6757). In addition, FDA stated in an opinion letter in 1961 that it considered sodium gluconate to be GRAS for use as a sequestrant in boiler water additives.

The U.S. Department of Agriculture (USDA) permits the use of sodium gluconate for denuding the mucous membrane from tripe and for preventing the staining of the exteriors of canned goods by cooling and retort water (9 CFR 318.7(c)(4)). USDA also permits the use of sodium gluconate in cooling and retort water for the preparation of poultry products (9 CFR 381.147(f)(3)). A Meat and Poultry Inspection proposal published in the **Federal Register** of July 15, 1977 (42 FR 36474) would permit sodium gluconate to be used in hog scalds. Sodium gluconate and gluconic acid are listed as GRAS in § 182.99 (21 CFR 182.99) as pesticide adjuvants. In several opinion letters, FDA has stated that the use of gluconic acid as a sequestrant in food and in bottle rinsing aid formulations is safe. FDA has also issued an opinion letter indicating that the use of gluconic acid as a food ingredient in dietary supplementary is GRAS.

A regulation published in the **Federal Register** of January 31, 1961 (26 FR 938) listed zinc gluconate as a GRAS nutrient/dietary supplement. However, in a regulation published in the **Federal Register** of September 5, 1980, 1980 (45 FR 58837), FDA divided the nutrient/dietary supplement category into separate listings for GRAS dietary supplements and for GRAS nutrients. Therefore, zinc gluconate is now listed as GRAS in § 182.5988 (21 CFR 182.5988) for use in dietary supplements and in § 182.8988 (21 CFR 182.8988) for use in food as a nutrient. FDA has also issued opinion letters for potassium gluconate and magnesium gluconate that state that the agency considers their use as nutrients or dietary supplements to be GRAS.

In 1971, the National Academy of Sciences/National Research Council (NAS/NRC) surveyed a representative cross-section of food manufacturers to determine the specific foods in which magnesium gluconate, potassium gluconate, sodium gluconate, and zinc gluconate were used in the levels of usage. NAS/NRC combined this manufacturing information with information on consumer consumption of foods to obain an estimate of consumer exposure to these ingredients. FDA estimates from the NAS/NRC survey that the total amount of sodium gluconate used by the U.S. food industry in 1970 was approximately 81,500 pounds. The NAS/NRC survey found that sodium gluconate is used as a sequestrant in nonalcoholic beverages and in processed fruit and fruit juices. However, NAS/NRC did not report any data on the amount of the other gluconates used in food. The survey indicated that gluconic acid was being used by the food industry, but no data on that use were submitted by industry.

Supplementary information provided by one firm indicated that gluconic acid currently is being used in a bottle rinse formulation. Another firm supplied used level information on potassium gluconate in special dietary foods in response to a request that FDA published in the **Federal Register** of May 31, 1977 (42 FR 27676) for additional information on gluconates. However, a subsequent followup on that information by the agency indicated that potassium gluconate is no longer used in special dietary foods.

In 1977, NAS/NRC conducted a second survey of food manufacturers and found that the U.S. food industry used 23,000 pounds of zinc gluconate in dietary supplements in 1976. No other exposure information is available for zinc gluconate. According to information supplied directly to FDA by one firm, magnesium gluconate is also being used in dietary supplements.

Gluconate salts have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 90 abstracts was reviewed, and 28 particularly pertinent reports from the literature survey have been summarized in two scientific literature reviews.

Information from the scientific literature reviews and other sources has been summarized in a report to FDA by the Select Committee on GRAS Substances (the Select Committee), which is composed of qualified scientists chosen by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (FASEB). The members of the Select Committee have evaluated all available safety information on gluconic acid and its salts.[1] In the Select Committee's opinion:

> Gluconates are useful as nutritional supplements since their high solubility allows relatively rapid absorption of the cations. Evidence suggests that any possible toxicity is a function of the cation rather than of the gluconate portion of these substances. Thus, the acute toxic responses to the various gluconate salts are comparable with other salts of the same metals and long-term toxicities seem related to the tissue deposition of these metals. These observations could have been anticipated because gluconic acid is a normal metabolic product of glucose. The amount of gluconic acid produced endogenously is many times greater than the largest amounts likely to be consumed from food. Because the toxicological activities of these gluconates appear to be a function of their cationic components, safe and acceptable levels in foods are limited only by the nature of the specific cations.[1]

The Select Committee concludes that no evidence in the available information on potassium gluconate, magnesium gluconate, sodium gluconate, and zinc gluconate demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when they are used at levels that are now current or that might reasonably be expected in the future.[1]

FDA has undertaken its own evaluation of the available information on these ingredients and concurs with this conclusion regarding sodium gluconate. Therefore, the agency concludes that no change in the current GRAS status of sodium gluconate is justified, and it proposes that this ingredient be affirmed as GRAS as a direct human food ingredient. The agency has also concluded that sufficient safety data exist to affirm that the use of sodium gluconate as a boiler water additive is GRAS.

However, FDA is proposing not to affirm the GRAS status of magnesium gluconate, potassium gluconate, or zinc gluconate as direct food ingredients. In previous GRAS affirmation proposals, FDA has emphasized that use information (i.e., foods to which the ingredient is added, the intended technical effect, and the levels of addition) is very important in assessing the safety of GRAS food ingredients. Because the agency does not have any evidence of conventional food[2] uses for zinc gluconate, magnesium gluconate, or potassium gluconate, FDA cannot evaluate the GRAS status of these food ingredients. Consequently, the agency is proposing not to affirm potassium gluconate and magnesium gluconate as GRAS for use as a nutrient or for dietary supplement use and is proposing to remove zinc gluconate from § 182.8988. FDA will reconsider the regulatory status of these ingredients if adequate use information of the type cited above is submitted as comments on this proposal. FDA is especially interested in comments on potassium gluconate because this ingredient is a possible substitute for sodium gluconate. The agency considers such a substitution desirable because of FDA's interest in reducing the level of total sodium consumption in the United States. Comments on the uses of potassium gluconate, magnesium gluconate, and zinc gluconate should provide specific information on use levels, food categories, and technical effects.

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[1] "Evaluation of the Health Aspects of Sodium Potassium, Magnesium, and Zinc Gluconates as Food Ingredients," Life Sciences Research Office, Federation of American Societies for Experimental Biology, 1978, pp. 5–9. In the past, the agency presented verbatim the Select Committee's discussion of the biological data it reviewed. However, because the Select Committee's report is available at the Dockets Management Branch and from the National Technical Information Service, and because it will represent a significant savings to the agency in publication costs, FDA has decided to discontinue presenting the discussion in the preambles to proposals that affirm GRAS status in accordance with current good manufacturing practice.

[1] *Ibid.*,p. 9.

[1] *Ibid.*

[2] FDA is using the term "conventional food" to refer to food that would fall within any of the 43 categories listed in § 170.3(n) (21 CFR 170.3(n)).

The only known current use of zinc gluconate and magnesium gluconate is a dietary supplements (i.e., over-the-counter vitamin preparations in forms such as capsules, tablets, liquids, wafers, etc.). The GRAS status of this use is not affected by this proposal. The agency did not request data on the amounts of these ingredients used in dietary supplements when it initiated this review. Without these data, the agency cannot evaluate the safety of using these ingredients in dietary supplements. Therefore, as indicated in the **Federal Register** of September 5, 1980 (45 FR 58837), FDA is taking no action on the listing of zinc gluconate in § 182.5988 for use as a dietary supplement and is not listing magnesium gluconate in Part 182 or 184 for dietary supplement use.

The only reported use for potassium gluconate is as a nutrient in special dietary foods. Because the agency has no evidence of current use for this ingredient, FDA is proposing not to affirm potassium gluconate as GRAS.

The Select Committee did not specifically address the issue of the safety of the use of gluconic acid in food. It did note, however, that gluconic acid is a normal metabolic product of glucose, and that the amount of the acid produced endogenously is many times greater than the largest amounts likely to be consumed from food. Based upon an agency review of available safety data for gluconic acid, FDA proposes to affirm the GRAS status of gluconic acid for indirect use of a component of bottle rinse formulations. However, FDA has no information that suggests that gluconic acid currently is being used as a direct food ingredient. The agency, therefore, is not proposing to affirm gluconic acid as GRAS for direct human food use.

FDA has determined that it is not necessary that gluconic acid be of food-grade purity for its indirect use in bottle wash formulations. The agency believes that the general requirements that indirect GRAS ingredients be of a purity suitable for their intended use in accorance with § 170.30(h)(1) (21 CFR 170.30(h)(1)) and used in accordance with current good manufacturing practice are sufficient to ensure the safe use of this ingredient. Therefore, the agency has not proposed any specific purity specifications for the indirect use of gluconic acid.

Additionally, FDA is proposing not to include in the GRAS affirmation regulation for sodium gluconate the levels of use reported in the NAS/NRC food survey for this ingredient. Both FASEB and the agency have concluded that a large margin of safety exists for the use of this substance, and that a reasonably foreseeable increase in the level of consumption of sodium gluconate will not adversely affect human health. Therefore, the agency is proposing to affirm the GRAS status of sodium gluconate when it is used under current good manufacturing practice conditions of use in accordance with § 184.1(b)(1) (21 CFR 184.1(b)(1)). To make clear, however, that the affirmation of the GRAS status of sodium gluconate is based on the evaluation of limited uses, the proposed regulation sets forth the technical effects and food categories that FDA evaluated.

In the **Federal Register** of September 7, 1982 (47 FR 39199), FDA proposed to adopt a general policy restricting the circumstances in which it will specifically describe conditions of use in regulations affirming substances as GRAS under 21 CFR 184.1(b)(1) or 186.1(b)(1). The agency proposed to amend its regulations to indicate clearly that it will specify one or more of the current good manufacturing practice conditions of use in regulations for substances affirmed as GRAS with no limitations other than current good manufacturing practice only when the agency determines that it is appropriate to do so.

Copies of the scientific literature reviews on gluconate salts and potassium gluconate, reports of mutagenic screening tests for sodium gluconate and zinc gluconate, and the report of the Select Committee are available for review at the Dockets Management Branch (address above), and may be purchased from the National Technical Information Service, 5285 Port Royal Rd., Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price[1]
Gluconate salts (scientific literature review).	PB228-537/AS	A03	$6.00
Potassium gluconate (scientific literature review).	PB289-415/AS	A02	5.00
Sodium gluconate (mutagenic evaluation).	PB254-516/AS	A03	6.00
Zinc gluconate (mutagenic evaluation).	PB265-899/AS	A04	7.00
Sodium, potassium, magnesium, and zinc gluconates (Select Committee report).	PB298-575/AS	A02	5.00

[1] Price subject to change.

This proposed action does not affect the current use of magnesium gluconate, potassium gluconate, sodium gluconate, zinc gluconate, and gluconic acid for pet food or animal feed.

The format of the proposed regulations is different from that in previous GRAS affirmation regulations. FDA has modified paragraph (c) of § 184.1757 and paragraph (b) § 186.1319 to make clear the agency's determination that GRAS affirmation is based upon current good manufacturing practice conditions of use, including both the technical effect and the food categories listed. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA, in accordance with the Regulatory Flexibility Act, has considered the effect that this proposal would have on small entities including small businesses and has determined that the effect of this proposal is to maintain current known uses of the substances covered by this proposal by both large and small businesses. Therefore, FDA certifis in accordance with section 605(b) of the Regulatory Flexibility Act that no significant economic impact on a substantial number of small entities will derive from this action.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this proposal, and the agency has determined that the final rule, if promulgated, will not be a major rule as defined by the Order.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

21 CFR Part 186

Food ingredients, Generally recognized as safe (GRAS) food ingredients, Indirect food ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§§ 182.6757 and 182.8988 [Removed]

1. Part 182 is amended by removing § 182.6757 *Sodium gluconate* and § 182.8988 *Zinc gluconate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. Part 184 is amended by adding new § 184.1757, to read as follows:

§ 184.1757 Sodium gluconate.

(a) Sodium gluconate ($C_6H_{11}NaO_7$, CAS Reg. No. 527-07-1) is an air-stable white powder with a slight caramel odor and a saline taste. It is prepared by the continuous sodium hydroxide neutralization of gluconic acid as it is formed during the fermentative oxidation of flucose.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 3d Ed. (1981), p. 286, which is incorporated by reference. Copies are available from the National Academy Press, 2101 Constitution Ave. NW., Washington, DC 20418, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(c) In accordance with § 184.1(b)(1), the ingredient is used in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as a direct human food ingredient is based upon the following current good manufactuirng practice conditions of use:

(1) The ingredient is used as a sequestrant as defined in § 170.3(o)(26) of this chapter.

(2) The ingredient is used in the following foods at levels not to exceed current good manufacturing practice: nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter and processed fruit and fruit juices as defined in § 170.3(n)(35) of this chapter. The ingredient may also be used as a component of boiler water additives.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. Part 186 is amended by adding new § 186.1319, to read as follows:

§ 186.1319 Gluconic acid.

(a) Gluconic acid ($C_6H_{12}O_7$, CAS Reg. No. 133-42-6) is an acid sugar composed of white crystals with a mild acidic taste. In aqueous solution gluconic acid is in equilibrium with gamma- and delta-gluconolactones. Gluconic acid is prepared by enzymatic oxidation of glucose. The strains of the microorganism used to supply the enzyme action are nonpathogenic and nontoxicogenic to man or other animals.

(b) In accordance with § 186.1(b)(1), the ingredient is used as an indirect ingredient in food with no limitation other than current good manufacturing practice. The affirmation of this ingredient as generally recognized as safe (GRAS) as an indirect human food ingredient is based upon the following current good manufacturing practice conditions of use:

(1) The ingredient is used or intended for use as a component of bottle rinsing formulations.

(2) The ingredient is used at levels not to exceed current good manufacturing practice.

The agency is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those identified in this document. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The action proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342), and the failure of any person to come forward with proof of an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on it later. Should any person submit proof of the existence of a prior sanction, the agency hereby proposed to recognize such use by issuing an appropriate final rule under Part 181 (21 CFR Part 181) or affirming it as GRAS under Part 184 or 186 (21 CFR Part 184 or 186), as appropriate.

Interested persons may, on or before December 28, 1982, submit to the Dockets Management Branch (address above), written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 4, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29730 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Receipt of Proposed Amendment From Indiana and Procedures for Public Comment Period and Hearing

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of a program amendment submitted by Indiana to satisfy one of the conditions imposed by the Secretary of the Interior on the approval of the Indiana State Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA)

This notice sets forth the times and locations that the Indiana program and proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment and information pertinent to the public hearing.

DATES: Written comments relating to Indiana's proposed modification of its program not received on or before 4:00 p.m. on November 29, 1982 will not necessarily be considered in the Secretary's decision on whether the proposed program amendment satisfies the condition.

If requested, a public hearing will be held on November 19, 1982 beginning at 10:00 a.m. at the location shown below under "Addresses."

ADDRESSES: Written comments should be mailed or hand delivered to: Mr. Richard D. McNabb, Director, Indiana Field Office, Office of Surface Mining Reclamation and Enforcement, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone: (317) 269-2600.

If a public hearing is held, its location will be at: OSM Indiana Field Office, Conference Room, Federal Building and U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. McNabb, Director, Indiana Field Office, Federal Building & U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204, Telephone: (317) 269-2600.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Indiana program, the proposed modification to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Offices of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240
Office of Surface Mining Reclamation and Enforcement, Federal Building & U.S. Courthouse, Room 522, 46 East Ohio Street, Indianapolis, Indiana 46204
Indiana Department of Natural Resources, Division of Reclamation, 309 West Washington Street, Room 202, Indianapolis, Indiana 46204
Indiana Department of Natural Resources, Division of Reclamation, 101 West Main Street, Jasonville, Indiana 47438.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commentor's recommendations. Comments received after the time indicated under "Dates" or at locations other than Indianapolis, Indiana, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "For Further Information Contact" by the close of business three working days before the date of the hearing. If no one requests to comment at the public hearing, the hearing will not be held. If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment, and persons present in the audience who wish to comment, have been heard.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed in "Addresses" by contacting the person listed under "For Further Information Contact."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

Information pertinent to the general background to the Indiana State program including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982 **Federal Register** (47 FR 32071–32108).

III. Discussion of Proposed Amendment

One of the conditions of the Secretary's approval, 30 CFR 914.11(b)(2), states that Indiana must amend its permit application forms to require the applicant to certify that all reclamation fees due under 30 CFR 870.12 have been paid.

On September 1, 1982, indiana submitted its revised permit application forms to satisfy the condition set forth in 30 CFR 914.11(b)(2). See IN–0290.

The Secretary requests comments on the adequacy of the permit application forms to satisfy the condition listed above. No other provisions of the Indiana program are being addressed in this rulemaking.

Procedural Matters

Paperwork Reduction Act

There are no information collection requirements in 30 CFR 914.11 requiring approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act

The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs, actions or amendments. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, P.L. 96–354, I have certified that this proposed rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 30 CFR Part 914

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 25, 1982.

J. Steven Griles,
Acting Director, Office of Surface Mining.

[FR Doc. 82–29862 Filed 10–28–82; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6442]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287–0230, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, flood plains.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Town of Lincoln, Talladega County	Blue Eye Creek	Just upstream of McClain	*488
			Avenue Just upstream of State Highway 77	*501
		Tributary 1	Approximately 200 feet upstream State Highway 77	*507
		Tributary 2	Just upstream of Magnolia Avenue	[illegible]
Maps available for inspection at Town Hall, Clerk's Office, Highway 78, Lincoln, Alabama 35096.				
Send comments to Mayor Carroll Watson or Ms. Kathleen Reaves, Town Creek, Town Hall, P.O. Box 172, Lincoln, Alabama 35096.				
Alaska	Kotzebue (City), Kotzebue Division	Kotzebue Sound	Center of intersection of Shore Avenue and Rurik Way	*10
			Center of intersection of Tundra Street and Eighth Avenue.	*7
Maps available for inspection at City Hall, 3rd Avenue, Kotzebue, Alaska.				
Send comments to the Honorable Royal Harris, Box 46, Kotzebue, Alaska 99752.				
California	Farmersville (City), Tulare County	Deep Creek	Center of intersection of Shasta Avenue and Cottonwood Street.	*358
Maps available for inspection at City Hall, 147 E. Front Street, Farmersville, California				
Send comments to the Honorable Larry Miller, 147 E. Front Street, Farmersville, California.				
California	Porterville (City), Tulare County	Tule River	50 feet upstream from center of Jaye Street	*441
		Shallow Flooding	Center of intersection of Olive Avenue and Plano Street.	#1
		Shallow Flooding	Center of intersection of Doris Avenue and Sunnyside Avenue.	*447
Maps available for inspection at City Planning Department, 291 North Main Street, Porterville, California.				
Send comments to the Honorable Mary Dougherty, P.O. Box 432, Porterville, California 93258.				
California	Visalia (City), Tulare County	Shallow Flooding	Center of intersection of Airport Drive and Plaza Drive	#1
			Center of intersection of Main Street and Cain Street	#2
Maps available for inspection at City Department of Public Works, 707 W. Acequia Street, Visalia, California.				
Send comments to the Honorable Berkley Johnson, 707 W. Acequia Street, Visalia, California 93291.				
Florida	Dania, City, Broward County	Atlantic Ocean	50 feet inland from shoreline along Dania Beach	*11
			100 feet inland from shoreline along Dania Beach	[illegible]
		Atlantic Ocean/Inland Waterways	Intersection of 7th Avenue S.E. and Pershing Street	[illegible]
Maps available for inspection at the Office of the City Clerk, City Hall, 100 West Beach Boulevard, Dania, Florida.				
Send comments to Honorable John Bertino, Mayor, City of Dania, 100 West Beach Boulevard, Dania, Florida 33004.				
Florida	New Port Richey (City), Pasco County	Gulf of Mexico	Intersection of State Highway 55/U.S. Highway 19 and Avery Road.	*12
		Pithlachascotee River	Intersection of Calhoun Street and Wyoming Avenue	*11
Maps available for inspection at Building Department, 320 E. Main Street, New Port Richey, Florida.				
Send comments to Honorable George Henry, 320 E. Main Street, New Port Richey, Florida 33552.				
Florida	New Port Richey (City), Pasco County	Gulf of Mexico	Intersection of U.S. Highway 19/State Highway 55 and River Gulf Road.	*13
			Intersection of Old Post Road and Beach Drive	*15
Maps available for inspection at City Hall, 100 U.S. 19, Port Richey, Florida.				
Send comments to Honorable Harold Loser, 100 U.S. 19, Port Richey, Florida 33568.				
Georgia	Unincorporated Areas of Fayette County	Line Creek	Just upstream of Castlewood Road	*857

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Palmetto Road	*870
		Whitewater Creek	Just upstream of Starrs Mill Pond Lake Dam	*752
			Just upstream of Bernhard Road	*770
			Just upstream of Willow Pond Road	*785
		South Camp Creek	Just upstream of Redwine Road	*773
			Just downstream of E.A. Brown Dam	*789
			Just upstream of E.A. Brown Dam	*787
		Ginger Cake Creek	Just upstream of State Highway 54	*812
			Just upstream of Hood Road	*822
		Sandy Creek	Just downstream of Sandy Creek Road	*818
			Just upstream of Sandy Creek Road	*820
		Sandy Creek Tributary	Approximately 2,080 feet upstream of confluence with Sandy Creek.	*825
		Whitewater Creek Tributary	Just downstream of Coleman Dam	*905
			Just upstream of Coleman Dam	*912
		Flint River	Just upstream of Indian Road	*774
			Just upstream of McDonough Road	*784
			Just upstream of State Highway 54	*793
			Just upstream of State Highway 85 (southbound)	*806
			Just upstream of Westbridge Road	*835
		Camp Creek	Just downstream of Helmer Road	*816
			Just upstream of Helmer Road	*819
			Just downstream of State Highway 138	*831

Maps available for inspection at Zoning Administrator's Office, Fayette County Courthouse, 692 North Glynn Street, Fayetteville, Georgia 30214.

Send comments to Mr. Jerry Berrenton, Chairman, Fayette County Commission, or Ms. Betty Chafin, Zoning Administrator, Fayette County Courthouse, 692 North Glynn Street, Fayetteville, Georgia 30214.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	City of Gainesville, Hall County	Flat Creek	Approximately 150 feet downstream of McEver Road	*1,095
			Approximately 500 feet upstream of Old Flowery Branch Road.	*1,130
			Approximately 125 feet downstream of Jones and Dale Road.	*1,140

Maps available for inspection at Planning and Zoning Department, City-County Administration Building, 300 Green Street, Gainesville, Georgia 30503.

Send comments to Mayor Robert Hamrick or Mr. Harry Hayes, Planning Director, City-County Administration Building, P.O. Box 2496, Gainesville, Georgia 30503.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	Unincorporated areas of Newton County	South River	Just upstream of Butler Bridge Road	*592
			State Highway 20	*614
		Yellow River	Just downstream of Rocky Plains Road	*580
			Just upstream of the Georgia Railroad	*644
		Dried Indian Creek	Just upstream of Flat Shoals Road	*584
		Turkey Creek	Approximately 5,300 feet upstream of the confluence with Yellow River.	*638
		Big Haynes Creek	At Bald Rock Road	*652
		Little Haynes Creek	Just upstream of Dials Mill Pond Dam	*677
			Just upstream of State Highway 138	*687

Maps available for inspection at Building Inspection Department, Newton County Courthouse, Covington, Georgia 30209.

Send comments to Mr. Roy Varner, Chariman, Newton County Commission, or Mr. A. T. Stubbs, County Courthouse, Covington, Georgia 30209.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Idaho	Firth (city), Bingham County	Snake River	Intersection of Pine Avenue and Wilson Street	*4,562
			Intersection of Park Avenue and Lincoln Street	*4,563
			Intersection of U.S. Highway 91 and Goshen Junction Road.	*4,565

Maps available for inspection at City Hall, Firth, Idaho.

Send comments to the Honorable Lonnie R. Bowne, 109 Roosevelt Avenue, Firth, Idaho 83236.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(C) Bloomington, McLean County	Sugar Creek	Just downstream of Interstate 55 at western corporate limit.	*736
			Just upstream of White Oak Road	*749
			Just upstream of Linden Avenue	*773
			Just downstream of Airport Road	*808
		Goose Creek	Just upstream of Sewage Plant Drive	*738
			About 150 feet upstream of Springfield road	*786
			Just downstream of Main Street	*810
		Skunk Creek	About 200 feet upstream of Market Street	*745
			About 2,600 feet upstream of Market Street	*750
		High School Branch Sugar Creek	About 100 feet upstream of Emerson Street	*773
			Just downstream of Empire Street and Colton Avenue	*780
			Just upstream of Empire Street and Colton Avenue	*786
			Just upstream of Country Club Weir	*816
		Little Kickapoo Creek	Just upstream of Ireland Grove Road	*820
			Just upstream of Lincoln Street	*824
			Just downstream of Oakland Avenue	*825
		Brookridge Branch Little Kickapoo Creek.	About 600 feet downstream of Hershey Road	*821
			About 1,800 feet upstream of Hershey Road	*825

Maps available for inspection at the Department of Engineering, City Hall, 109 East Olive Street, Bloomington, Illinois.

Send comments to Honorable Richard Buchanan, Mayor, City of Bloomington, City Hall, 109 East Olive Street, Bloomington, Illinois 61701.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Illinois	(C) Danville, Vermilion County	Vermilion River	About 4,000 feet downstream of Interstate 74	*533
			Western corporate limits (about 4,500 feet upstream of Conrail).	*542
		North Fork, Vermilion River	About 800 feet upstream of Conrail	*539
			About 11,200 feet upstream of Water Treatment Plant Dam.	*559

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Storiey Creek	Just upstream of Griffin Street	*551
			About 250 feet downstream of Winter Avenue	*610
			Just upstream of Winter Avenue	*613
			Just downstream of Liberty Lane Road	*625
		Koehn Creek	Just upstream of Conrail (about 700 feet downstream of Fairchild Street).	*634
			About 100 feet upstream of Fairchild Street	*639
			Just downstream of Voorhees Street	*643
			Upstream corporate limit	*655
		West Branch Koehn Creek	At mouth	*643
			Just upstream of Bohn Aluminum Driveway-West	*644
			At upstream corporate limit	*654
		East Branch Lick Creek	Just downstream of East Main Street	*604
			About 1,800 feet upstream of East Main Street	*625
			Just upstream of Conrail	*637
			About 200 feet upstream of Old Lynch Road	*644

Maps available for inspection at City Clerk's Office, City Hall, 400 North Hazel Street, Danville, Illinois.

Send comments to Honorable David S. Palmer, Mayor, City of Danville, City Hall, 400 North Hazel Street, Danville, Illinois 61832.

Illinois	(Uninc.), McLean County	Little Kickapoo Creek	Just upstream of County Road 34	*750
			Just downstream of Norfolk and Western Railroad	*809
			Just upstream of Norfolk and Western Railroad	*820
			Just downstream of Lincoln Street	*824
		Sugar Creek	Just upstream of Six Points Road	*731
			Just downstream of Interstate 55	*736
			Just upstream of Washington Street	*744
			Just downstream of Norfolk and Western Railroad	*747
			Just upstream of Illinois Central Gulf Railroad near Vernon Avenue.	*786
			Just downstream of Airport Road	*808
		Goose Creek	Just upstream of West Oakland County Road	*743
			Just downstream of Illinois Central Gulf Railroad	*756
			Just upstream of Illinois Central Gulf Railroad	*767
			Just downstream of Morris Avenue	*774
		Skunk Creek	At mouth Confluence of East and West Tributary of Skunk Creek.	*757
		West Branch Sugar Creek	About 900 feet upstream of mouth	*756
			About 2,300 feet uptream of mouth	*760

Maps available for inspection at the County Building and Zoning Department, McLean County Courthouse, 202 West Main Street, Room 201, Bloomington, Illinois.

Send comments to Honorable Roscoe McPherren, Chairman of the McLean County, Board, McLean County, McLean County Courthouse, 202 West Main Street, Bloomington, Illinois 61701.

Illinois	(T) Normal, McLean County	Sugar Creek	Just upstream of Cottage Avenue	*754
			Just downstream of Illinois Central Gulf Railroad	*760
			Just upstream of Illinois Central Gulf Railroad	*764
			Just upstream of Veteran Parkway	*791
		West Branch Sugar Creek	Southern Corporate Limit	*755
			Just downstream of Raab Road	*817
		North Branch Sugar Creek	Mouth at Sugar Creek	*764
			Just downstream of Fort Jesse Road	*786
		East Tributary Skunk Creek	Just downstream of Route 150 (White oak Road)	*762
			Just downstream of Parkside Drive	*766
		West Tributary Skunk Creek	About 700 feet downstream of Interstates 55 and 74	*776
			Just downstream of Gregory Street	*785

Maps available for inspection at the Housing Inspections Department, City Hall, 100 East Phoenix, Normal, Illinois.

Send comments to Honorable Richard Godfrey, Mayor, Town of Normal, City Hall, 100 East Phoenix, Normal, Illinois 61761.

Indiana	(T) Alton, Crawford County	Ohio River	About 0.68 mile downstream of confluence with Little Blue River.	*423
			At confluence of Little Blue River	*424

Maps available for inspection at Town Hall, Rural Route 1, Leavenworth, Indiana.

Send comments to Honorable John Haney, Town Board President, Town of Alton, Town Hall, Rural Route 1, Leavenworth, Indiana 47137.

Indiana	(C) Auburn, De Kalb County	Cedar Creek	About 950 feet downstream of Chessie System	*852
			About 0.38 mile upstream of First Street	*861

Maps available for inspection at City Hall, Auburn, Indiana.

Send comments to Honorable J. A. Sanders, Mayor, City of Auburn, City Hall, P.O. Box 506, Auburn, Indiana 46706.

Indiana	(C) Bluffton, Wells County	Wabash River	About 3,000 feet downstream of Norfolk and Western Railway.	*807
			About 400 feet upstream of Main Street	*811
			At eastern corporate limits about 5,600 feet upstream of Main Street.	*812

Maps available for inspection at the County-City Area Plan Office, Wells County Courthouse, Bluffton, Indiana.
Send comments to Honorable John Flaningam, Mayor, City of Bluffton, City Hall, 128 East Market Street, Bluffton, Indiana 46714.

Indiana	(C) Cannelton, Perry County	Ohio River	About 1.2 miles downstream of Lincoln Trails Highway	*401
			About 2.3 miles upstream of Lincoln Trails Highway	*402

Maps available for inspection at the City Hall, Cannelton, Indiana.

Send comments to Honorable Melvin McBrayer, Mayor, City of Cannelton, City Hall, Box 94, Cannelton, Indiana 47520.

Indiana	(T) Corydon, Harrison County	Indian Creek	About 1.8 miles downstream of confluence with Little Indian Creek.	*537

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 0.5 mile upstream of Low Flow Dam No. 3	*578
		Little Indian Creek	At mouth	*540
			About 0.4 mile upstream of Golf Course Drive	*585

Maps available for inspection at Town Hall, 113 North Oak, Corydon, Indiana.

Send comments to Honorable Fred K. Commack, Town Board President, Town of Corydon, Town Hall, 113 North Oak, Corydon, Indiana 47112.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C) Gas City, Grant County	Mississinewa River	About 0.7 mile downstream of State Route 22	*819
			About 0.9 mile upstream of State Route 22	*823

Maps available for inspection at City Hall, 211 East Main, Gas City, Indiana.

Send comments to Honorable Eugene Linn, Mayor City of Gas City, City Hall, 211 East Main, Gas City, Indiana 46933.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(T) Grandview, Spencer County	Ohio River	Within the community	*394

Maps available for inspection at Town Hall, Grandview, Indiana.

Send comments to Honorable Janet Sue Rudisil, Town President, Town of Grandview, Town Hall, P.O. Box 638, Grandview, Indiana 47615.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C) Huntington, Huntington County	Wabash River	At downstream corporate limits	*705
			Just downstream of State Highway 221	*714
		Little River	About 300 feet upstream of confluence with Wabash River.	*709
			About 300 feet upstream of Jefferson Street	*722
			About 600 feet upstream of Jefferson Street (Just upstream of dam).	*726
			Just downstream of North Broadway	*730

Maps available for inspection at City Building, 300 Cherry Street, Huntington, Indiana.

Send comments to Honorable Maurice Robbins, Mayor, City of Huntington, City Building, 300 Cherry Street, Huntington, Indiana 46750.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(Uninc.), Huntington County	Wabash River	Just upstream of State Route 105	*693
			About 300 feet downstream of State Route 5	*727
		Little River	About 200 feet upstream of North Broadway	*730
			About 1,500 feet upstream of Norfolk and Western Railway.	*755
		Calf Creek	At mouth	*753
			Just upstream of U.S. Route 24 and State Route 37	*754
			About 150 feet upstream of 1100 North Road	*763
		Loon Creek	About 450 feet downstream of Norfolk and Western Railway.	*701
			Just upstream of 800 West Road	*720
			About 1,800 feet upstream of 800 West Road	*727

Maps available for inspection at the County Courthouse, Huntington, Indiana.

Send comments to Honorable Alan Updike, Chairman of the County Commissioners, Huntington County, County Courthouse, Huntington, Indiana 46750.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(T) Jonesboro, Grant County	Mississinewa River	About 1,000 feet downstream of State Route 22	*819
			About 1.37 miles upstream of State Route 22	*825

Maps available for inspection at the Town Hall, 210 North Water, Jonesboro, Indiana.

Send comments to Honorable Lester E. Lewis, Town Board President, Town of Jonesboro, Town Hall, 210 North Water, Jonesboro, Indiana 46930.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(T) Mauckport, Harrison County	Ohio River	Within the community	*436

Maps available for inspection at Town Hall, Mauckport, Indiana.

Send comments to Honorable David Wiodell, Town Board President, Town of Mauckport, Town Hall, Box 247, Mauckport, Indiana 47142.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C) Mount Vernon, Posey County	Ohio River	Within the corporate limits	*372

Maps available for inspection at City Hall, 526 Main Street, Mount Vernon, Indiana.

Send comments to Honorable Jackson Higgins, Mayor, City of Mount Vernon, City Hall, 526 Main Street, Mount Vernon, Indiana 47620.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(T) New Amsterdam, Harrison County	Ohio River	Within the community	*434

Maps available for inspection at Town Hall, Central, Indiana.

Send comments to Honorable Maynard Koffman, Town Board President, Town of New Amsterdam, Town Hall, Central, Indiana 47110.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C) New Haven, Allen County	Maumee River	About 2.7 miles downstream of Norfolk and Western Railway.	*747
			About 1.25 miles upstream of Landin Road	*751
		Martin Ditch	At mouth	*749
			Just downstream of Norfolk and Western Railway	*753
			About 250 feet upstream of Norfolk and Western Railway.	*759
			Just downstream of Doyle Road	*766
		Trier Ditch	At mouth	*750
			Just upstream of Hartzell Road	*756
			Just downstream of Moeller Road	*762
		Bender Ditch	At mouth	*761
			Just upstream of Moeller Road	*767
			Just downstream of Seiler Road	*771
		Dannenfelser-Cocholt Ditch	At mouth	*757
			Just upstream of Walnut Road	*764
			Just upstream of Werling Road	*780
			Just downstream of Seiler Road	*782

Maps available for inspection at City Hall, 1235 Lincoln Highway East, New Haven, Indiana.

Send comments to Honorable Terry Werling, Mayor, City of New Haven, City Hall, 1235 Lincoln Highway East, New Haven Indiana 46774.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(C) Rockport, Spencer County	Ohio River	Within the community	[illegible]

Maps available for inspection at City Hall, Box 151, Rockport, Indiana.

Send comments to Honorable Ferman Yearby, Mayor, City of Rockport, City Hall, Box 151, Rockport, Indiana 47635.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Indiana	(T) Troy, Perry County	Ohio River	Within the community	*388

Maps available for inspection at Town Hall, Troy, Indiana.

Send comments to Honorable Wayne Hubert, Town Board President, Town of Troy, Town Hall, P.O. Box 57, Troy, Indiana 47588.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kansas	(C) Ellis, Ellis County	Big Creek Tributary No. 2	About 950 upstream of Dorrance Street	*2,123
		Big Creek Tributary No.3	Just within community	*2,112
		Big Creek	About 1,750 feet downstream of Ellis Dam	*2,111
			About 700 feet upstream of West 11th Street (Near Baughman Street).	*2,129

Maps available for inspection at City Hall, P.O. Box 27, Ellis, Kansas.

Send comments to Honorable Marvin Honas, Mayor, City of Ellis, City Hall, P.O. Box 27, Ellis Kansas 67637.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Massachusetts	Adams, town, Berkshire County	Dry Brook	Confluence with South Branch Hoosic River	*847
			Leonard Street (upstream side)	[illegible]
			Approximately 900 feet upstream of Leonard Street	[illegible]
		Fisk Brook	Confluence with South Branch Hoosic River	*818
			Upstream of dam	*860
			Confluence of Pecks Brook	*930
			West Road (downstream side)	*979
		Hoxie Brook	Forest Park Avenue (upstream side)	[illegible]
			Gilead Street (upstream side)	*870
			Approximately 200 feet upstream of West Road	*906
		Miller Brook	Confluence with Tophet Brook	*778
			Richmond Lane (upstream side)	*820
			Hoosac Street (upstream side)	*932
			East Road (downstream side)	*974
		Pecks Brook	Confluence with Fisk Brook	*930
			Fisk Street (downstream side)	*969
		South Branch Hoosic River	Downstream corporate limits	*721
			Confluence of Cheesbro Brook	*724
			Lime Street (upstream side)	*742
			Cook Street (upstream side)	*767
			Hoosac Street (upstream side)	*780
			Park Street (upstream side)	*795
			Downstream crossing of Commercial Street (upstream side).	*818
			Upstream crossing of Commercial Street (upstream side).	[illegible]
			Grove Street (upstream side)	*873
			Upstream corporate limits	[illegible]
		Southwick Brook	Confluence with South Branch Hoosic River	*743
			Judson Street (upstream side)	*797
			Approximately 150 feet upstream of East Road	*855
		Tophet Brook	Confluence with South Branch Hoosic River	*769
			North Summer Street (upstream side)	*790
			East Street (downstream side)	*1,008
		Tributary No. 4	Confluence with South Branch Hoosic River	*736
			Columbia Street (upstream side)	*754
			Burt Street (upstream side)	*760
			Approximately 200 feet upstream of Friend Street	*784
		Tributary No. 5	Confluence with South Branch Hoosic River	*743
			Downstream crossing of Powers Street (upstream side).	*775
			Upstream crossing of Powers Street (upstream side)	[illegible]
			East Road (downstream side)	[illegible]
		Tributary No. 6	Confluence with South Branch Hoosic River	*892
			Approximately 300 feet upstream of Grove Street	*965
			West Road (downstream side)	*1,093

Maps available for inspection at the Office of the Planning Board, Town Hall, 65 Park Street, Adams, Massachusetts.

Send comments to Honorable Joseph A. Dean, Chairman of the Adams Board of Selectmen, Town Hall, 65 Park Street, Adams, Massachusetts 01220.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Michigan	(C) Kalamazoo, Kalamazoo County	Kalamazoo River	Just upstream of Mosel Avenue	[illegible]
			About 0.3 mile upstream of King Highway	*765
		Portage Creek	At mouth at Kalamazoo River	*762
			Just upstream of Alcott Street	*773
			Just upstream of the Bryant Mill Pond Dam	[illegible]
			About 1,000 feet upstream of Cork Street	[illegible]
			Just upstream of the Monarch Paper Mill Dam	*812
			Just downstream of Kilgore Road	[illegible]
			About 0.44 mile upstream of Kilgore Road	[illegible]
		Arcadia Creek	About 250 feet downstream of Harrison Street	*767
			About 100 feet upstream of Burdick Street	*779
			Just downstream of Lovell Street	[illegible]
			Just downstream of Conrail (upstream of Oliver Street)	*816
			Just upstream of Conrail (upstream of Oliver Street)	*825
			Just downstream of Howard Street	[illegible]
			Just upstream of Howard Street	*841
			Just downstream of Stadium Drive (upstream of Howard Street).	*845
			Just upstream of Stadium Drive (upstream of Howard Street).	[illegible]
			About 1.4 miles upstream of Howard Street	*869

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Campus Drive Diversion	At confluence with Arcadia Creek	*827
			At divergence with Arcadia Creek	*831
		Axtell Creek	At mouth of Portage Creek	*765
			Just upstream of Westnedge Avenue	*768
			About 1,450 feet upstream of Howard Street	*769
		West Fork Portage Creek	About 0.32 mile upstream of Kilgore Road	*853
			About 0.89 mile upstream of Kilgore Road	*854
		Pitcher Street Diversion	At confluence with Portage Creek	*762
			At divergence with Portage Creek	*764
		Howard Street Diversion	At confluence with Arcadia Creek	*845
			At divergence with Arcadia Creek	*855

Maps available for inspection at City Hall, 241 West South Street, Kalamazoo, Michigan.

Send comments to Honorable Carolyn Ham, Mayor, City of Kalamazoo, City Hall, 241 West South Street, Kalamazoo, Michigan 49007.

Minnesota	(C) Georgetown, Clay County	Buffalo River	At downstream corporate limits	*882
			At upstream corporate limits	*884

Maps available for inspection at the Mayor's Office, City Hall, Main Street, Georgetown, Minnesota.

Send comments to Honorable Charles L. Asplin, Mayor, City of Georgetown, City Hall, Main Street, Georgetown, Minnesota 56546.

Minnesota	(Uninc.), Marshall County	Red River of the North	Just upstream of State Highway 317	*801
			Upstream couty boundary	*813
		Tamarac River	About 1.2 miles downstream of County Highway 5	*822
			Just upstream of Burlington Northern Railroad	*830
			Just downstream of County Highway 109	*836
		Middle River	Just upstream of unnamed county road (about 3.7 miles downstream of Burlington Northern Railroad).	*836
			About 3.1 miles upstream of Dam at City of Argyle	*857
			Just upstream of unnamed road (about 6.0 miles downstream of County Highway 28 in Newfolden).	*1,066
			Just upstream of Township Road (about 3.8 miles downstream of County Highway 28 in Newfolden).	*1,075
			Just downstream of County Highway 28 east of Newfolden.	*1,097
			About 3.2 miles upstream of County Highway 28 east of Newfolden.	*1,100
			Just upstream of unnamed road about 1.8 miles downstream of County Highway 47 (West of the City of Middle River).	*1,129
			Just downstream of County Highway 47 (West of the City of Middle River).	*1,132
			Just upstream of County Highway 47 (West of City of Middle River).	*1,135
			City of Middle River (western corporate limit)	*1,136
			City of Middle River (eastern corporate limit)	*1,141
			Just downstream of County Highway 47 near County Highway 12.	*1,143
			Just upstream of County Highway 47 near County Highway 12.	*1,145
		Snake River	Just upstream of unnamed road (about 3.3 miles downstream of Soo Line Railroad).	*806
			Just upstream of State Highway 220 (about 2.0 miles upstream of the Soo Line Railroad).	*814
			Just upstream of County Highway 104	*835
			Just upstream of County Highway 15	*850
			About 3.0 miles upstream of County Highway 15 at City of Warren corporate limits.	*860
			About 7.4 miles upstream of County Highway 15	*874
		Mud River	Just upstream of unnamed road (about 1.2 miles downstream of County Highway 54).	1,173
			About 1.2 miles upstream of County Highway 54 (at county boundary).	*1,179
		Shallow Flooding (Overflow from Middle River).	South of County Highway 110 near U.S. Highway 75	#3
		Shallow Flooding (Overflow from Tamarac River).	South of County Highway 5 and west of City of Stephen.	#3
		Shallow Flooding (Overflow from Snake River).	East of County Highway 15 and North of State Highway 1.	#3
			West of County Highway 105 (at county boundary)	*820
			West of County Highway 104 (at county boundary)	*829

Maps available for inspection at the County Auditor's Office, Marshall County Courthouse, Warren, Minnesota.

Send comments to Honorable Kenneth Price, Chairman of the County Board, Marshall County, Marshall County Courthouse, Warren, Minnesota 56762.

Missouri	(C) Joplin, Jasper and Newton Counties	Baker's Branch	Mouth at Turkey Creek	*961
			About 200 feet downstream of Rangeline Avenue	*976
			About 800 feet upstream of Rangeline Avenue	*982
		Center Creek	About 1.3 miles downstream of County Road	*881
			About 400 feet upstream of County Road	*884
		County Line Creek	Mouth at Tin Cup Creek	*945
			About 160 feet upstream of Thirty-Second Street	*951
			Just upstream of Old Thirty-Second Street	*968
			About 0.3 mile upstream of Old Thirty-Second Street	*997
		Iowa Avenue Branch	Mouth at Jopline Creek	*966
			Just downstream of 7th Street	*975
			Just upstream of 7th Street	*980
			About 400 feet downstream of 15th Street	*993
			Just upstream of 15th Street	*999

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just downstream of 26th Street	*1,038
		Joplin Creek	Mouth at Turkey Creek	*921
			Just downstream of Missouri Pacific Railroad	*984
			Just upstream of Missouri Pacific Railroad	*989
			Just downstream of Connecticut Avenue	*996
			Just upstream of Connecticut Avenue	*1,001
			About 1,000 feet downstream of Kansas City Southern Railroad.	*1,041
			About 600 feet downstream of Kansas City Southern Railroad.	*1,049
			Just downstream of Davis Boulevard	*1,069
		Shoal Creek	About 400 feet downstream of Joplin Water Work Company Dam.	*884
			Just upstream of Joplin Water Work Company Dam	*891
			About 0.6 mile upstream of State Highway 86	*912
		Silver Creek	Mouth at Shoal Creek	*906
			Just downstream of State Highway 86	*907
			Just upstream of State Highway 86	*925
			Just downstream of U.S. Highway 71 and interstate 44 interchange.	*1,003
			Just upstream of U.S. highway 71 and interstate 44 interchange.	*1,017
			Just downstream of Duquesne Road	*1,054
		Tin Cup Creek	Mouth at Shoal Creek	[illegible]
			About 100 feet downstream of McIntoch Circle Drive	*947
			Just upstream of McIntosh Circle Drive	[illegible]
			About 850 feet downstream of 32nd Avenue (just downstream of unnamed drive).	*956
			About 750 feet downstream of 32nd Avenue (just upstream of unnamed drive).	[illegible]
			About 100 feet upstream of 32nd Avenue	*972
			About 750 feet upstream of Jackson Avenue	*987
		Turkey Creek	About 800 feet downstream of St. Louis-San Francisco Railroad.	*905
			Just downstream of Lone Elm Road	*916
			About 100 feet upstream of Lone Elm Road	*920
			Just upstream of Florida Avenue	*960
			About 1,300 feet upstream of Duquesne Road	*994

Maps available for inspection at the City Hall, 303 East Third Street, Joplin, Missouri.

Send comments to Honorable Don Goetz, Mayor, City of Joplin, City Hall, 303 East Third Street, Joplin, Missoun 64801.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Montana	Choteau (city), Teton County	Teton River	Insersection of 3rd Street, SW and 5th Avenue, SW	*3,807
		Spring Creek	Intersection of 4th Avenue, NE and 2nd Street, NE	*3,819

Maps available for inspection at City Hall, Choteau, Montana.

Send comments to the Honorable James A. Hamilton, City Hall, Choteau, Montana 59442.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Montana	Teton County (unincorporated areas)	Sun River	At upstream limit of detailed study	*3,576
		Teton River	50 feet upstream from center of Bellview Road	*3,803
		Spring Creek	50 feet upstream from center of road leading to airport	*3,833

Maps available for inspection at County Clerk, County Courthouse, Choteau, Montana.

Send comments to the Honorable Myron Wheeler, County Courthouse, Choteau, Montana 59422.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Dover, township, Ocean County	Atlantic Ocean	East Colony Road extended 900 feet seaward from its intersection with State Route 35N.	*12
			Plainfield Avenue extended 800 feet seaward with State Route 35N.	*12
			Holiday Road extended 1,100 feet seaward from its intersection with State Route 35N.	*12
		Barnegat Bay	Intersection of Second Avenue and State Route 35S	*7
			Intersection of Amber Jack Way and State Route 35N	*7
			Intersection of Joseph Street and State Route 35S	*7
			Intersection of Shuster and Washington Avenues	*7
			Intersection of Harding Avenue and Bay Boulevard	*7
			Intersection of Collidge Avenue and State Route 35N	*7
			Intersection of Tamiami Drive and Strickland Boulevard.	*7
			Little Sedge Island	[illegible]
			Intersection of Catalina Avenue and St. Lawrence Avenue (on Pelican Island).	*8
			Intersection of Bahama Avenue and Nassau Drive	*7
			Intersection of Beachview Drive and Foster Road	*7
			Intersection of Harding and McKinley Avenues	*7
			Intersection of Fischer Boulevard and Matso Drive	*7
			Intersection of Lookout Drive and Windward Court	*7
			Intersection of Aldo Drive and Longman Street	*7
			Intersection of River, Bend and Point O'Woods Drives	*6
			Intersection of West Water and Irons Streets	*6

Maps available for inspection at the Office of the Township Clerk, Municipal Building, 33 Washington Street, Toms River, New Jersey.

Send comments to Honorable W. Thomas Renkin, Mayor, Township of Dover, P.O. Box 728, Toms River, New Jersey 08753.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Portville, town, Cattaraugus County	Oswayo Creek	Confluence with Allegheny River	*1,437
			At upstream corporate limits	*1,437

Maps available for inspection at the Town Office Building, Route 417, Portville, New York.

Send comments to Honorable Conrad Linn, Jr., Supervisor of Portville, R.D. 2, Linn Road, Olean, New York 14760.

New York	Rochester, town, Ulster County	Rondout Creek	Confluence of Rochester Creek	*239
			Main Street (upstream)	*242
			Upstream corporate limits	*253

Maps available for inspection at the Town Hall, Accord, New York.

Send comments to Honorable Wayne G. Lawrence, Supervisor of Rochester, P.O. Box 65, Rochester, New York 12404.

New York	Wawarsing, town, Ulster County	Rondout Creek	42nd Street (upstream)	*255
			U.S. Route 44, State Route 55 (upstream)	*258
			Foord Moore Road (upstream)	*262
			Port Ben Road (upstream)	*271
			Institution Road (upstream)	*284
			U.S. Route 209 (upstream)	*300
		Sandburg Creek	Confluence with Rondout Creek	*285
			Confluence of Fantine Kill	*300
			Upstream corporate limits crossing	*326
		Vernooy Kill	Confluence with Rondout Creek	*268
			U.S. Route 209, State Route 55 (upstream side)	*284

Maps available for inspection at the Wawarsing Town Hall, 108 Canal Street, Ellenville, New York.

Send comments to Honorable Frank Spada, Supervisor of Wawarsing, 108 Canal Street, Ellenville, New York 12428.

North Carolina	Unincorporated areas of Union County	Bearskin Creek	Approximately 200 feet downstream of Secondary Road 1007.	*618
			Approximately 140 feet downstream of Secondary Road 1351.	*633
		Crooked Creek	Approximately 400 feet upstream of U.S. Highway 601	*562
			At the confluence with North and South Forks Crooked Creek.	*568
		Davis Mine Creek	Just upstream of confluence with Price Mill Creek	*591
		East Fork Twelve Mile Creek	Approximately 190 feet upstream of Secondary Road 1008.	*525
			Approximately 380 feet downstream of Secondary Road 1328.	*529
			Just downstream of Secondary Road 1329	*539
			Just downstream of Secondary Road 1315	*545
		Goose Creek	Just upstream of State Highway 218	*499
			Just upstream of Secondary Road 1533	*525
			Approximately 100 feet upstream of Secondary Road 1004.	*537
			Just upstream of Secondary Road 1525	*560
		Little Twelve Mile Creek	Just upstream of Secondary Road 1328	*527
			Just upstream of Secondary Road 1329	*542
		Meadow Branch	Approximately 500 feet downstream of Secondary Road 1002.	*528
		Meadow Branch West	Just upstream of confluence with Meadow Branch	*525
		North Fork Crooked Creek	Just upstream of Secondary Road 1504	*581
			Approximately 100 feet upstream of Secondary Road 1514.	*589
			Just downstream of Secondary Road 1520	*607
			Just downstream of Secondary Road 1582	*623
		North Fork Crooked Creek Tributary.	Approximately 100 feet downstream of Secondary Road 1524.	*643
		Price Mill Creek	Just upstream of Secondary Road 1338	*550
			Just upstream of State Highway 84	*564
			Just upstream of Secondary Road 1346	*577
		South Fork Crooked Creek	Just upstream of Secondary Road 1004	*573
			Approximately 350 feet downstream of Secondary Road 1504.	*585
			Just downstream of Secondary Road 1506	*592
		Twelve Mile Creek	Just upstream of Secondary Road 1301	*496
			Just upstream of State Highway 16	*510
		West Fork Twelve Mile Creek	Just downstream of Secondary Road 1315	*539
			Just downstream of State Highway 84	*564
			Just upstream of Secondary Road 1338	*571
			Just upstream of Secondary Road 1346	*582
			Approximately 100 feet downstream of Secondary Road 1356.	*607

Maps available for inspection at Planning Department, Union County Courthouse, Monroe, North Carolina 28110.

Send comments to Mr. Joe R. Hudson, Chairman, Union County Commission, or Mr. Luther McPherson, County Planner, Union County Courthouse, P.O. Box 218, Monroe, North Carolina 28110.

Ohio	(C) East Liverpool, Columbiana County	Ohio River	About 0.7 mile downstream of Newell Bridge	*686
			About 2.7 miles upstream of U.S. Route 30	*690

Maps available for inspection at the Mayor's Office, 126 West Sixth Street, East Liverpool, Ohio.

Send comments to Honorable John Payne, Mayor, City of East Liverpool, 126 West Sixth Street, East Liverpool, Ohio 43920.

Ohio	(C) Gahanna, Franklin County	Big Walnut Creek	About 0.7 mile downstream of Hamilton Road	*783
			Just downstream of Morse Road	*809
		McKenna Creek	About 0.13 mile upstream of mouth	*799
			Just downstream of Cherry Bottom Road	*808
			Just downstream of Hamilton Road	*807
		Sycamore Creek	At mouth	*793

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Granville Street	[illegible]
			Just downstream of Larry Lane	*810
		Rocky Fork Creek	At mouth	*793
			Just upstream of Granville Street	*799
			About 0.65 mile upstream of Hamilton Road	[illegible]

Maps available for inspection at the Department of Public Service, 200 South Hamilton Road, Gahanna, Ohio.

Send comments to Honorable John Breen, Mayor, City of Gahanna, 200 South Hamilton Road, Gahanna, Ohio 43230.

Ohio	(C) Ironton, Lawrence County	Ohio River	About 2.2 miles downstream of Ironton-Russell Highway.	*545
			About 0.2 mile upstream of confluence with Ice Creek	*547

Maps available for inspection at the Public Works Office, City Hall, Fourth and Railroad Streets, Ironton, Ohio.

Send comments to Honorable William Sheridan, Mayor, City of Ironton, City Hall, Fourth and Railroad Streets, Ironton, Ohio 45638.

Ohio	(Uninc.), Medina County	West Branch Rocky River	At northern county boundary	*784
			About 250 feet upstream of Columbia Road	[illegible]
			About 1.4 miles upstream of Fenn Road	[illegible]
			Just upstream of State Route 18	*918
			Just downstream of Interstate 71	*941
		Mallet Creek	At mouth	*831
			Just downstream of New Lester Dam	[illegible]
			Just upstream of New Lester Dam	[illegible]
			Just downstream of State Route 18	[illegible]
		East Branch Black River	Just upstream of Smith Road	*834
			About 3.4 miles upstream of Smith Road	*842
			About 1,600 feet upstream of State Route 162	*851
			Just upstream of dam about 1,200 feet upstream of Old Mill Road.	[illegible]
			At confluence of West Fork and East Fork	*877
		West Fork	About 200 feet upstream of Norfolk and Western Railway.	[illegible]
			At confluence of Clear Creek	*904
		East Fork	About 300 feet upstream of U.S. Route 42 and 224 west of State Route 83.	*886
			About 0.5 mile downstream of U.S. Route 42 and 224 east of State Route 83.	[illegible]
			About 150 feet upstream of Kennard Road	*969
			Just downstream of Coon Club Road	*1,035
		Wolf Creek	Just upstream of Medina Line Road	*1,013
			Just upstream of Ridge Road	*1,033
			About 100 feet downstream of Sharon-Copley Road	*1,042
		River Styx	Just upstream of Eastern Road	*961
			just upstream of Greenwich Road	*972
			About 100 feet upstream of Wadsworth Road	[illegible]
		Tommy Run	At southern county boundary	*1,031
			Just downstream of dam	*1,047
			Just upstream of dam	*1,054
			Just downstream of Seville Road	*1,145
		Chippewa Creek	At southern county boundary	*974
			Just upstream of Mill Road	[illegible]
			Just upstream of Interstate 76	[illegible]
			About 0.6 mile upstream of Kennard Road	[illegible]
		The Inlet	Just upstream of Chippewa Road	*995
			Just downstream of Wedgewood Road	*998
		Hubbard Creek	About 1.03 miles downstream of Greenwich Road	[illegible]
			About 100 feet downstream of Interstate 76	*1,032
		Killbuch Creek	About 400 feet downstream of Conrail	[illegible]
			About 1,100 feet upstream of confluence with Camel Creek.	[illegible]
		Camel Creek	At mouth	[illegible]
			Just upstream of Norfolk and Western Railway	*957
			About 200 feet upstream of Chessie System	*961
			Just downstream of Interstate 71	*972

Maps available for inspection at the County Engineer's Center, Medina County Administration Building, 144 North Boardway, Medina, Ohio.

Send comments to Honorable Sterling Seacrest, President of the County Commissioners, Medina County, Medinal County Administration Building, 144 North Broadway, Medina, Ohio 44256.

ohio	(V) Ripley, Brown County	Ohio River	At downstream corporate limits	*513
			At upstream corporate limits	*514

Maps abailable for inspection at Town Hall, 14 North Third Street, Ripley, Ohio.

Send comments to Honorable Donald Thacker Mayor, Village of Ripley, Town Hall, 14 North Third Street, Ripley, Ohio 45167.

Ohio	(Uninc.) Stark County	Tuscarawas River	About 700 feet downstream of Blough Avenue	*919
			About 1,500 feet upstream of Wooster Street	[illegible]
			Just downstream of Highmill Avenue	[illegible]
			About 1,300 feet upstream of confluence of Nimisila Creek.	*947
			Just upstream of Pontius Street	*1,115
			About 0.8 mile upstream of Mogadore Avenue	*1,126
		Nimishillen Creek	About 300 feet downstream of Chessie System	*982
			About 200 feet downstream of Mill Street	*1,003
		East Branch Nimishillen Creek	Just upstream of Conrail (about 1.1 miles downstream of Trump Avenue).	*1,050
			Just upstream of Conrail (about 0.9 mile downstream of Trump Avenue).	*1,054

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Beck Avenue	*1,083
			About 1,600 feet upstream of State Route 44	*1,107
			Just downstream of Meese Road	*1,120
		East Branch Nimishillen Creek Diversion	At confluence with East Branch Nimishillen Creek	*1,050
			At divergence with East Branch Nimishillen Creek	*1,083
		Plum Creek	About 0.7 mile upstream of Leaver Road	*947
			About 0.8 mile upstream of Strausser Street	*975
			Just downstream of State Route 236	*1,015
		Beech Creek	Just upstream of Vine Street	*1,052
			Just downstream of Beeson Street	*1,065
		West Branch Nimishillen Creek	About 800 feet downstream of Interstate 77	*1,043
			About 400 feet downstream of Interstate 77	*1,044
			About 150 feet upstream of 38th Street Northeast	*1,052
			Just upstream of Schneider Street	*1,086
			Just upstream of Mt. Pleasant Street	*1,099
			Just downstream of Midway Street	*1,127
		Chatham Ditch	About 1,050 feet downstream of Marquardt Avenue	*1,090
			About 400 feet upstream of 7th Street Northeast	*1,100
		Tributary No. 1	Within community	*1,054
		Hayden Ditch	At mouth at Sherrick Run	*1,050
			About 150 feet downstream of Waynesburg Drive Southeast	*1,051
			Just upstream of Waynesburg Drive Southeast	*1,056
			About 2,000 feet upstream of Waynesburg Drive Southeast	*1,057
		Black Run	About 1,100 feet downstream of Lincoln Street	*1,063
			About 400 feet upstream of Robertsville Avenue	*1,083
		Reemsynder Ditch	At mouth at McDowell Ditch	*1,048
			Just upstream of Hiram Road	*1,051
			About 1,500 feet downstream of Whipple Avenue	*1,051
			Just downstream of Whipple Avenue	*1,059
		Sandy Creek	Just downstream of Dam	*960
			About 3,500 feet upstream of Waynesburg Drive	*967
			About 2,400 feet downstream of State Highway 183	*1,058
		Indian Run	At mouth at Sandy Creek	*963
			Just upstream of Goodland Road	*969
		Little Sandy Creek	At mouth at Sandy Creek	*965
			Just downstream of Minerva Road	*966
		Sherrick Run	Just upstream of Allen Ford Avenue	*1,005
			Just downstream of Cherry Avenue Southeast	*1,023
			About 150 feet upstream of Cherry Avenue Southeast	*1,030
			About 1,600 feet upstream of confluence of Hayden Ditch	*1,054
		McDowell Ditch	At mouth at West Branch Nimishillen Creek	*1,043
			Just upstream of Everhard Road	*1,059
			At confluence of Zimber Ditch	*1,062
		McDowell Ditch Diversion Channel	At confluence with McDowell Ditch	*1,048
			Just downstream of Interstate 77	*1,050
			Just upstream of Interstate 77	*1,055
			At divergence with McDowell Ditch	*1,055
		Middle Branch Nimishillen Creek	About 1,800 feet downstream of Spangler Street Northeast	*1,048
			Just upstream of Middlebranch Avenue Northeast	*1,060
			Just downstream of Diamond Street	*1,103
		Zimber Ditch	Just upstream of Chessie System	*1,064
			Just downstream of Mount Pleasant Street	*1,086
		Firestone Ditch	At mouth at Middle Branch Nimishillen Creek	*1,078
			Aboout 150 feet downstream of Amsel Avenue	*1,081
			Just upstream of Middlebranch Avenue	*1,087
			Just downstream of Applegrove Street	*1,099
		Sippo Creek	Just upstream of Hankins Street	*1,016
			At confluence of Johney Ditch	*1,031
		Johney Ditch	Just upstream of Briardale Drive	*1,035
			Just upstream of Roanoke Street	*1,039
			Just downstream of Perry Drive	*1,043
		Fairhope Ditch	At mouth at East Branch Nimishillen Creek	*1,072
			Just upstream of Conrail (upstream crossing)	*1,078
			About 300 feet downstream of Atlantic Boulevard	*1,096
			Just upstream of Atlantic Boulevard	*1,101
			About 2,100 feet upstream of Broadview Avenue	*1,109

Maps available for inspection at the Subdivision Engineers' Office, Stark County Office Building, Canton, Ohio.

Send comments to Honorable Jerry Patrick, President of the County Commissioners, Stark County, Stark County Office Building, Canton, Ohio 44702.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Ohio	(V) Syracuse, Meigs County	Ohio River	About 700 feet upstream of confluence with Rose Creek.	*560
			About 3.2 miles upstream of confluence with Rose Creek.	*561

Maps available for inspection at the Village Hall, State Route 124, Syracuse, Ohio.

Send comments to Honorable Eber Pickens, Mayor, Village of Syracuse, Village Hall, State Route 124, Syracuse, Ohio 45779.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Albany Greene County	Sugar River	About 0.7 mile downstream of Main Street (downstream corporate limits).	*801
			About 0.6 mile upstream of Main Street (upstream corporate limits).	*808

Maps available for inspection at Village Hall, Albany, Wisconsin.

Send comments to Honorable Duane E. Dixon, Village President, Village of Albany, Village Hall, P.O. Box 342, Albany, Wisconsin 53502.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) Delafield, Waukesha County	Bark River	About 150 feet downstream of Delafield Pond Dam	*877
			About 300 feet upstream of Delafield Pond Dam	*885
			Just upstream of Genessee Street	*890
			About 200 feet downstream of Nagawicka Road	*895
			About 200 feet upstream of Nagawicka Road	*899
			At upstream corporate limits	*902
		Nagawicka Lake	Shoreline	*891
Maps available for inspection at the City Clerk's Office, City Hall, 500 Genessee Street, Delafield, Wisconsin.				
Send comments to Honorable Ted Chentis, Mayor, City of Delafield, City Hall, 500 Genessee Street, Delafied, Wisconsin [illegible]				
Wisconsin	(V) Monticello, Green County	Brayton Creek	Just downstream of Coates Avenue	*837
			About 150 feet upstream of Coates Avenue	*839
			About 2,500 feet upstream of Coates Avenue	*841
		West Branch Little Sugar River	About 2,500 feet downstream of Wisconsin Avenue	*828
			Just downstream of North Main Street	*833
			Just upstream of North Main Street	*836
			At confluence with Brayton Creek	*837
Maps available for inspection at the Village Hall, Monticello, Wisconsin.				
Send comments to Honorable John Stenbroton, Village President, Village of Monticello, Village Hall, P.O. Box 147, Monticello, Wisconsin 53570.				
Wisconsin	(C) Oconomowoc, Waukesha County	Oconomowoc River	About 100 feet downstream of County Trunk Highway [illegible].	*850
			Just upstream of dam near Wisconsin Avenue	*853
			Just downstream of dam near Lake Road	*853
			Just upstream of dam near Lake Road	*861
			Just downstream of Grove Street	*861
			Just downstream of Lapham Steet	*862
Maps available for inspection at the City Engineer's Office, City Hall, Oconomowoc, Wisconsin.				
Send comments to Honorable Florence Whalen, Mayor, City of Oconomowoc, City Hall, P.O. Box 27, Oconomowoc, Wisconsin 53066.				
Wisconsin	(C) Plymouth, Sheboygan County	Mullet River	About 660 feet downstream of County Highway PP	*799
			Just upstream of Brickbauer Dam	*814
			Just downstream of State Highway 67 (at downstream crossing).	*815
			About 200 feet upstream of State Highway 67 (at downstream crossing).	*820
			Just upstream of Frederick Street	*825
			Just downstream of Plymouth Dam	*833
			Just upstream of Plymouth Dam	*837
			About 4,000 feet upstream of Plymouth Dam	*837
Maps available for inspection at the Building Inspector's Office, City Hall, Plymouth, Wisconsin.				
Send comments to Honorable William Kiley, Mayor, City of Plymouth, City Hall, Plymouth, Wisconsin 53073.				
Wisconsin	(Uninc.) Waukesha County	Bark River	About 0.5 mile downstream of U.S. Highway 18	*862
			About 500 feet downstream of Mill Road	*873
			Just upstream of Mill Road	*878
			About 350 feet upstream of County Highway E	*903
			About 700 feet downstream of County Highway K	*923
			Just downstream of Dorn Road	*939
		Brandy Brook	At mouth	[illegible]
			About 150 feet downstream of County Highway DT	*818
			About 200 feet upstream of County Highway DT	*823
			About 0.64 mile upstream of County Highway DT	*823
		Deer Creek	At mouth	*828
			Just upstream of Brookfield Avenue	*830
		Fox River	About 0.5 mile upstream of southern county boundary	*777
			About 0.47 mile upstream of Sunset Drive	*795
			About 0.61 mile downstream of Bluemound Road	*816
			About 1.7 miles upstream of State Highway 190	[illegible]
		Genessee Creek	At mouth	*787
			About 300 feet upstream of County Highway X (just downstream of dam).	*794
			About 400 feet upstream of County Highway X (just upstream of dam).	*801
			About 100 feet downstream of Old Vill Road	*839
			Just upstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	*897
		Jericho Creek	At mouth	*816
			Just upstream of County Highway X	*925
		Mason Creek	At mouth	*900
			About 200 feet upstream of the Chicago and North Western Railroad.	*902
			About 100 feet upstream of Mapleton Road	*942
		Mukwonago River	At mouth	*783
			About 400 feet downstream of County Highway I	*792
			About 150 feet downstream of Eagle Spring Lake Dam	*817
		Oconomowoc River	Just upstream of Morgan Road	*848
			About 600 feet upstream of Lapham Street	*862
			Just upstream of U.S. Highway 16 (just downstream of dam).	[illegible]
			About 1,200 feet downstream of County Highway K	*875

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*913
			About 300 feet upstream of Funk Road (just downstream of dike).	*919
			About 100 feet downstream of County Highway F	*924
			Just upstream of County Highway F	*932
		Pebble Brook	At mouth	*784
			About 200 feet upstream of County Highway XX	*797
			Just upstream of Big Bend Road	*820
			Just downstream of County Highway X	*848
		Pebble Creek	At mouth	*793
			Just upstream of State Highway 59	*796
			Just upstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	[illegible]
			About 0.74 mile upstream of County Highway TT	[illegible]
		Pewaukee Lake Tributary	At mouth	*855
			About 100 feet upstream of the Chicago, Milwaukee, St. Paul and Pacific Railroad.	[illegible]
			About 1,900 feet upstream of U.S. Highway 16	[illegible]
		West Branch Pewaukee Lake Tributary.	At mouth	[illegible]
			About 1,600 feet upstream of Yench Road	*861
		Pewaukee River	At mouth	*821
			Just upstream of Busse Road	*839
			Just downstream of County Highway SS	*847
			Just upstream of Lisbon Road	*882
		Poplar Creek	About 950 feet downstream of County Highway Y	*824
			Just downstream of County Highway SS	*830
		Sussex Creek	At mouth	*828
			Just upstream of Soo Line Railroad	*837
			Just upstream of County Highway JF	*855
			About 1.1 miles upstream of County Highway K (at Village of Sussex corporate limits).	*893
		Lac LaBelle	Shoreline	*854
		Upper Nemahbin Lake	Shoreline	*872
		Lower Nemahbin Lake	Shoreine	*872
		North Lake	Shoreline	*900
		Okauchee Lake	Shoreline	*875
		Pewaukee Lake	Shoreline	*855
		Upper Phantom Lake	Shoreline	*792
		Lower Phantom Lake	Shoreline	*792

Maps available for inspection at the Waukesha County Park and Planning Commission, 500 Riverview Avenue, Waukesha, Wisconsin.

Send comments to Honorable Lloyd G. Owens, County Board Chairman, Waukesha County, County Courthouse, 515 West Moreland Boulevard, Waukesha, Wisconsin 53186.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: October 12, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29171 Filed 10-28-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-700; RM—3919]

FM Broadcast Station in Lufkin, Texas, Termination of Proceeding

AGENCY: Federal Communications Commission.

ACTION: Dismissal of proposed rule.

SUMMARY: This action dismisses a proposal to assign FM Channel 297 to Lufkin, Texas, in response to a petition filed by Jalene Manske.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: March 29, 1982.

Released: April 1, 1982.

By the Chief, Policy and Rules Division.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Lufkin, Texas), BC Docket No. 81-700 RM-3919. *Memorandum opinion and order* (Proceeding Terminated).

1. Before the Commission is the *Notice of Proposed Rule Making*, 46 FR 50570, published October 14, 1981, proposing the assignment of Channel 297 to Lufkin, Texas, in response to a petition filed by Jalene Manske. No comments were filed in the proceeding.

2. On December 1, 1981, petitioner advised the Commission that she is no

longer interested in pursuing the petition and requested that it be withdrawn. No other interest in the channel has been expressed and such an interest is normally required for a channel assignment.

3. In view of the foregoing, it is ordered, That the petition of Jalene Manske, proposing the assignment of FM Channel 297 to Lufkin, Texas, is hereby dismissed.

4. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

Note:—Due to an oversight, notice of this action was not previously published in the **Federal Register.**

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29857 Filed 10-28-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 210
Friday, October 29, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Burley Tobacco; 1983 National Marketing Quota for Burley Tobacco

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice of Proposed Determination of 1983–84 Marketing Quota.

SUMMARY: The Secretary of Agriculture proposes to determine and announce by February 1, 1983, the amount of the national marketing quota for burley tobacco for the 1983–84 marketing year, as required by the Agricultural Adjustment Act of 1938, as amended. The public is invited to comment on the amount of the national marketing quota, the reserve supply level, the amount of the national reserve, and the conduct of the referendum on marketing quotas as set forth in this notice.

DATE: Comments must be received on or before December 28, 1982, to be assured of consideration.

ADDRESS: Send comments to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447–3391.

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, Economist, Analysis Division, ASCS, USDA, Room 3736-South Building, P.O. Box 2415, Washington, D.C. 20013, (202) 447–5187. The Preliminary Regulatory Impact Analysis describing the options considered in developing this notice and the impact of implementing each option is available on request from Robert Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in conformity with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "not major." This action has been classified "not major" since implementation of these determinations will not result in: (1) An annual effect on the economy of $100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State or local governments, or geographical region, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases; Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "Act"), requires the Secretary to proclaim by February 1, 1983, marketing quotas for the 1983–84, 1984–85, and 1985–86 marketing years and determine and announce the amount of the national marketing quota for the 1983–84 marketing year. Since the 1982–83 marketing year is the last year of the three consecutive years for which marketing quotas previously proclaimed will be in effect for burley tobacco, a referendum of farmers engaged in the 1982 production of burley tobacco will be conducted within 30 days after proclamation of such national marketing quota, to determine whether they favor or oppose marketing quotas for the 1983–84, 1984–85, and 1985–86 marketing years.

Section 301(b)(14)(B) of the Act defines "reserve supply level" as the normal supply, plus 5 percent thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty. The phrase "normal supply" is defined in section 301(b)(10)(B) of the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal carryover. A "normal year's domestic consumption" is defined in section 301(b)(11)(B) of the Act as the yearly average quantity of burley tobacco produced and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined (1982–83), adjusted for current trends in such consumption. A "normal year's exports" is defined in section 301(b)(12) of the Act as the yearly average quantity of burley tobacco produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined (1982–83), adjusted for current trends in such exports.

The reserve supply level for the 1982–83 marketing year was determined to be 1,678 million pounds. This was based on a normal year's domestic consumption of 500 million pounds and a normal year's export of 135 million pounds (47 FR 5914). The proposed reserve supply level for the 1983–84 marketing year is 1,672 million pounds. This is based on a normal year's domestic consumption of 495 million pounds and a normal year's exports of 140 million pounds.

Section 301(b)(16)(B) of the Act defines "total supply" as the carryover at the beginning of the marketing year (October 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1982–83 marketing year is 1,836 million pounds based on carryover of 1,106 million pounds and estimated marketings of 730 million pounds.

Section 319(c) of the Act defines "national marketing quota" for burley tobacco for a marketing year as the amount of that kind of tobacco produced in the United States which the Secretary estimates will be used domestically and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. The maximum downward adjustment is 5 percent of estimated domestic use and exports.

The amount of burley tobacco produced and utilized domestically during the 1981–82 marketing year is estimated to be 475 million pounds, and the amount exported is estimated to be 145 million pounds, farm sales weight basis. The amount of the national marketing quota for the 1982–83 marketing year is 681 million pounds, based upon estimated domestic utilization of 500 million pounds and exports of 163 million pounds with an upward adjustment of 18 million pounds to maintain adequate supplies (47 FR 5914). For the 1983–84 marketing year, utilization in the United States is estimated to be about 478 million pounds and exports are estimated to be about 162 million pounds. The total supply for the 1982–83 marketing year is 164 million pounds more than the proposed reserve supply level, but the amount of the adjustment desirable for maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level is still being considered. However, the national marketing quota is proposed to be within the range of 646 to 680 million pounds for the 1983–84 marketing year.

For each marketing year for which marketing quotas are in effect under this section, the Secretary in his discretion may establish a reserve (hereinafter referred to as the "national reserve") from the national marketing quota in an amount not in excess of 1 percent of the national marketing quota to be available for making corrections and adjusting inequities in farm marketing quotas, and for establishing marketing quotas for new farms (i.e., farms for which farm marketing quotas have not been otherwise established). A reserve of 1,000,000 pounds was established for the 1983–83 marketing year (47 FR 5914). It is proposed that a national reserve be established for the 1983–84 marketing year.

Section 319(e) of the Act provides, in part, that each farm marketing quota shall be determined by multiplying the previous year's farm marketing quota by a national factor obtained by dividing the national marketing quota determined under section 319(c) (less the national reserve) by the sum of the farm marketing quotas for the immediately preceding year for all farms for which burley tobacco marketing quotas will be determined for such succeeding marketing year. However, such national factor shall not be less than 95 percent. The national factor for the 1982–83 marketing year was 1.03 (47 FR 5914). Section 319(h) of the Act provides that effective with the marketing year beginning October 1, 1976, no marketing quota, other than a new farm marketing quota, shall be established for a farm on which no burley tobacco was planted or considered planted in any of the five years immediately preceding the year for which farm marketing quotas are being established.

Proposed Determinations

Accordingly, comments are requested regarding the following determinations with respect to burley tobacco for the 1983–84 marketing year:

1. A national marketing quota within the range of 646 to 680 million pounds.
2. A reserve supply level in the amount of 1,672 million pounds.
3. A national reserve within the range of 500,000 to 1,000,000 pounds.

Comments are not requested with respect to the national factor for the 1983–84 marketing year since the national factor is determined as the result of a mathematical computation in accordance with the formula prescribed in section 319(e) of the Act and does not involve administrative decisionmaking.

Comments are requested regarding the date or period of the Referendum on Quotas for the 1983–84, 1984–85 and 1985–86 marketing years for burley tobacco and whether the referendum should be conducted at polling places rather than by mail ballot as prescribed in 7 CFR Part 717.

All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741, South Building, 14th and Independence Avenue, SW., Washington, D.C.

Signed at Washington, D.C., on October 28, 1982.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 82–29847 Filed 10–28–82; 8:45 am]

BILLING CODE 3410–05–M

DEPARTMENT OF ENERGY

Rural Electrification Administration

Plains Electric Generation and Transmission Cooperative, Inc., Adoption of Part of a Final Environmental Statement

AGENCY: Rural Electrification Administration, USDA.

ACTION: Adoption of part of a Final Environmental Statement.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) is adopting a portion of the "Final Environmental Statement Star Lake-Bisti Regional Coal" (FES) prepared by the Bureau of Land Management (BLM) in order to fulfill REA's requirements under the National Environmental Policy Act (NEPA) of 1969, in connection with providing financing assistance to Plains Electric Generation and Transmission Cooperative, Inc., (Plains), 2401 Aztec Road, NE., Albuquerque, New Mexico 87107, for possible ownership participation in the proposed Fruitland Coal Load 230 kV transmission line to be constructed by Plains and Public Service Company of New Mexico. The FES was prepared by BLM in 1978 for the proposed development of coal mines in the Star Lake-Bisti Region, northwestern New Mexico, related railroad lines and related transmission lines, known as the Fruitland Coal Load Transmission Line. The total length of the proposed transmission route is approximately 174 km (108 mi).

The FES was issued on February 26, 1979, by BLM. That portion of the FES REA is adopting discusses alternatives to the proposed line. REA has independently evaluated the alternatives to the proposed line. The alternatives include: (1) No action; (2) alternate corridors—one going along the south side of the coal fields, the other along the north side; and (3) the proposed action—constructing a 230 kV line from the Bisti Substation, to the Star Lake Substation to the Ambrosia Substation.

The selected alternative was the "proposed action" described above. REA has reviewed the portion of the FES concerning transmission and finds it adequate for REA purposes. Pursuant to 40 CFR 1506.3 of the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA, REA is adopting this portion of the statement as a Final Environmental Impact Statement. REA was not a cooperating agency when the FES was written, and REA has determined that the FES is not generally available. Thus, REA is circulating that portion of the FES it will adopt, and the sections REA prepared.

FOR INFORMATION CONTACT: The portion of the FES prepared by BLM that REA will adopt and other pertinent data may be examined during regular business hours at REA in the office of Mr. Frank W. Bennett, Room 0230, South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C. 20250, telephone (202) 382–0235, or at Plains' headquarters, Albuquerque, New Mexico, telephone (505) 884–1881.

Copies of the adopted portion of the FEIS are available upon request to Mr. Frank Bennett at the address above.

This Program is listed in the catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: October 22, 1982.

Jack Van Mark,

Acting Administrator.

[FR Doc. 82-29821 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Jere Whitson Park Critical Area Treatment RC&D Measure, Tennessee; Finding of No Significant Impact

AGENCY: Soil Conservation, Service USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prrepared for the Jere Whitson Park Critical Area Treatent RC&D Measure, Putnam County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Donald C. Bivens, State Conservationist, Soil Conservation Service, 675 U.S. Courthouse, Nashville, Tennessee 37203, Telephone: 615/251-5471.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Donald C. Bivens, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The measure concerns plan for treating of eroding areas and run-off water outlets on the grounds of Jere Whitson Park Putnam County, Tennessee. The planned works of improvement include sloping, fertilizing, liming, seeding of perennial grasses and legumes, and the installation of outlets with vegetative and masonry-type installations.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental evaluation are on file and may be reviewed by contacting the Soil Conservation Service Field Office, 900 Bunker Hill Road, Cookeville, Tennessee 38501. An environmental assessment haas been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental assessment are available to fill signle copy rerquests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 21, 1982.

Donald C. Bivens,

State Conservationist.

[FR Doc.82-29657 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-16-M

Upper Mud River Watershed, West Virginia

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of a record of decision.

SUMMARY: Rollin N. Swank, responsible Federal official for projects administered under the provisions of Public Law 83-566, 16 U.S.C. 1001-1008, in the State of West Virginia, is hereby providing notification that a record of decision to proceed with the installation of the Upper Mud River Watershed project is available. Single copies of this record of decision may be obtained from Rollin N. Swank at the address shown below.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone 304-291-4151.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A-95 regarding State and Local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Rollin N. Swank,

State Conservationist.

October 22, 1982.

[FR Doc. 82-29569 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-16-M

Valliant Critical Area Treatment Number One RC&D Measure, Oklahoma; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma, 74074, telephone 405-624-4360.

Notice

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Valliant Critical Area Treatment Number One RC&D Measure, McCurtain County, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for controlling serious roadside erosion. The planned works of improvement include filling, grading and shaping, and bermuda grass sod mulching.

Valliant Critical Area Treatment Number One RC&D Measure, Oklahoma Notice of a Finding of No Significant Impact

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Roland R. Willis. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Billy R. Littlefield,

Assistant State Conservationist for Programs.

October 21, 1982.

[FR Doc. 82-29570 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-16-M

Belmont County Road 16 RC&D Measure, Ohio; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the County Road 16, RC&D Measure, Belmont County, Ohio.

FOR FURTHER INFORMATION CONTACT: Robert R. Shaw, State Conservationist, Soil Conservation Service, Room 522, 200 North High Street, Columbus, Ohio 43215, telephone: (614)-469-6980.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns critical area treatment along a two-mile section of County Road 16. The planned works of improvement include riprap, reinforced concrete walls and critical area seeding to protect streambank along the road.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Robert R. Shaw.

No Administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 15, 1982.

Robert R. Shaw,

State Conservationist.

[FR Doc. 82-29769 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-16-M

Office of the Secretary

1983 Crop Extra Long Staple (ELS) Cotton; National Marketing Quota, National Acreage Allotment, and Loan Rate

ACTION: Notice of determinations of a national marketing quota, national acreage allotment and loan rate for the 1983 crop of extra long staple (ELS) cotton.

SUMMARY: The purpose of this notice is to affirm that it has been determined that a national marketing quota of 102,000 bales, a national acreage allotment of 80,131 acres, a loan rate of 96.25 cents a pound, and a seed cotton loan program shall be in effect for the 1983 crop of extra long staple (referred to as "ELS") cotton. This notice also apportions the national acreage allotment to States and counties and establishes the period for conducting a national marketing quota referendum in order to determine whether ELS producers favor or oppose the marketing quota. This notice is needed to satisfy statutory requirements of the Agricultural Adjustment Act of 1938, as amended (hereinafter referred to as the "1938 Act") and the Agricultural Act of 1949, as amended (hereinafter referred to as the "1949 Act").

EFFECTIVE DATE: October 6, 1982.

FOR FURTHER INFORMATION CONTACT: Charles V. Cunningham, Deputy Director, Analysis Division, USDA-ASCS, P.O. Box 2415, Washington, D.C. 20013, (202) 447-7954. The Final Regulatory Impact Analysis describing the options considered in developing this notice of determinations is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This notice of determinations has been reviewed in accordance with the provisions of Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major" because it will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse impacts on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and numbers of the federal assistance program that this notice applies to are: Title—Cotton Production Stabilization, number—10.052, and Title Commodity Loans and Purchases, number—10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since there is no requirement that a notice of proposed rulemaking be published in accordance with 5 U.S.C. 553 or any other provisions of law with respect to the subject matter of these determinations.

A notice that the Secretary was preparing to make the determinations which are set forth herein was published in the **Federal Register** on August 13, 1982 (47 FR 35260). One comment was received recommending a national marketing quota of 108,198 bales, a national acreage allotment of 85,000 acres, and that the procedure followed in the past be used to apportion the national allotment to States and counties. This recommendation was considered in the determination of the quota and allotment levels.

Section 347(b)(1) of the 1938 Act provides that the Secretary shall proclaim the amount of the national marketing quota for the 1983 crop of ELS cotton by October 15, 1982. Such marketing quota shall be the number of standard bales of ELS cotton equal to the sum of the estimated domestic consumption and estimated exports, less estimated imports, for the 1983-84 marketing year beginning August 1, 1983, plus such additional number of bales, if any, as the Secretary determines necessary to assure adequate working stocks in trade channels until ELS cotton from the 1984 crop becomes readily available without resort to Commodity Credit Corporation (CCC) stocks. At present, CCC stocks are insignificant.

Section 344(a) of the 1938 Act provides that the national acreage allotment for a crop of ELS cotton shall be that acreage, based upon the national average yield per acre of cotton for the four years immediately preceding the calendar year in which the national marketing quota is proclaimed, required to make available from such crop an amount of cotton equal to the national marketing quota. Accordingly, the national acreage allotment for the 1983 crop of EKS cotton is determined by multiplying the national marketing quota in bales by 480 pounds (net weight of a standard bale) and dividing the result by the national average yield per acre of ELS cotton for the four calendar years 1978, 1979, 1980, and 1981. The national average yield per planted acre during this four-year period was 611 pounds.

Sections 344 (b) and (e) of the 1938 Act provide that the national acreage allotment for the 1983 crop of ELS cotton shall be apportioned to States and counties on the basis of the acreage planted to ELS cotton, (including acreage regarded as having been planted) during the five calendar years 1977, 1978, 1979, 1980, and 1981, adjusted for abnormal weather conditions during such period.

Section 343 of the 1938 Act requires the Secretary to conduct a referendum by secret ballot of the farmers engaged in the production of ELS cotton during 1982 by December 15, 1982, to determine whether such farmers are in favor of or opposed to the quota. If more than one-third of the farmers voting in the referendum oppose the national marketing quota, such quota shall become ineffective upon proclamation of the results of the referendum.

Section 101(f) of the 1949 Act provides that if producers have not disapproved marketing quotas for any crop of ELS cotton, price support loans shall be made available to cooperators for such crop at a level which is not less than 75 per centum or more than 125 per centum in excess of the loan level established for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States.

Section 401 of the 1949 Act provides that in determining the level of support in excess of the minimum level prescribed for any commodity, including ELS cotton, consideration shall be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through a price support operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand.

The purpose of this notice is to affirm determinations that were announced by the Associate Administrator, Agricultural Stabilization and Conservation Service (ASCS), in a press release issued October 6, 1982. The following determinations were made on that date:

DETERMINATIONS

1. *National Marketing Quota.* In accordance with Section 347(b)(1) of the 1938 Act, the national marketing quota for the 1983 crop of ELS cotton is hereby determined to be 102,000 bales. This determination is based on the following:

	Bales
Estimated domestic consumption, 1983–84	65,000
Estimated exports, 1983–84	20,000
Less estimated imports, 1983–84	2,000
Plus stock adjustment	19,000
Total	102,000

2. *National Acreage Allotment.* In accordance with Section 344(a) of the 1938 Act, the national acreage allotment for the 1983 crop of ELS cotton is hereby determined to be 80,131 acres. This is determined by multipying the national marketing quota of 102,000 bales by 480 pounds per bale and dividing the result by the four-year average yield per planted acre of 611 pounds.

3. *Apportionment of the national allotment to States.* The national acreage allotment has been apportioned to States in accordance with Sections 344(b) and (e) of the 1938 Act as follows:

State	Allotment (acres)
Arizona	35,165
California	165
Florida	101
Georgia	106
New Mexico	16,156
Texas	28,427
U.S. total	80,131

4. *State Reserves.* In accordance with Section 344(e) of the 1938 Act and the regulations at 7 CFR 722.508, it is hereby determined that State reserves for the 1983 crop of extra long staple cotton may be held to make adjustments in county allotments for trends in acreage, for counties adversely affected by abnormal conditions affecting plantings, for small or new farms, or to correct inequities in farm allotments and to prevent hardship. State reserves must be approved by the Administrator, ASCS, and will be available for inspection at the respective State ASCS offices.

5. *County Allotments.* County allotments for the 1983 crop of extra long staple cotton shall be established in accordance with the regulations at 7 CFR 722.509. The amount of the State allotment apportioned to counties is available for inspection at the respective State and county ASCS offices.

6. *Dates for conducting a national marketing quota referendum of producers.* In accordance with Section 343 of the 1938 Act, a national marketing quota referendum shall be held December 6 through 10, 1982, inclusive, by mail ballot.

7. *Loan Rate for ELS Cotton.* The loan rate for Strict Low Middling one-and-one-sixteenth-inch upland cotton (micronaire 3.5 through 4.9) has been determined to be 55.00 cents per pound. The possible range of the loan rate for ELS cotton is 96.25 to 123.75 cents per pound (75 percent to 125 percent in excess of the loan level in effect for upland cotton). Supplies of ELS cotton are considered to be adequate since stocks carried over into the 1983–84 marketing year are projected at 78,000 bales. Therefore, there is no need to increase the support rate above the statutory minimum to encourage production. Accordingly, it is determined that the loan rate for the 1983-crop ELS cotton is 96.25 cents per pound.

8. *Seed Cotton Loan Program.* It is hereby determined that a recourse loan program for 1983 ELS seed cotton shall be available under authority provided by the Commodity Credit Corporation Charter Act. Seed cotton shall be converted to a lint basis for loan-making purposes and loan levels with respect to such cotton will be the same as those applicable to lint cotton.

(Sec. 301, 343, 344, 347, 375; 52 Stat. 38, as amended; 63 Stat. 670, as amended; 63 Stat. 675, as amended; 52 Stat. 66, as amended; Sec. 101(f), 66 Stat. 758, as amended (7 U.S.C. 1301, 1343, 1344, 1347, 1375, 1441).)

Signed at Washington, D.C. on October 26, 1982.

John R. Block,

Secretary.

[FR Doc. 82-29799 Filed 10-28-82; 8:45 am]

BILLING CODE 3410-05-M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Closed Meeting

In accordance with the Federal Advisory Committee Act, as amended, the U.S. Arms Control and Disarmament

Agency announces the following meeting:

Name: General Advisory Committee on Arms Control and Disarmament.

Date: November 15 and 16, 1982.

Time: 9:00 a.m. each day

Place: Old Executive Office Building, Washington, D.C.

Type of Meeting: Closed.

Contact Person: Dr. Charles M. Kupperman, Executive Director of the General Advisory Committee, Room 5927, U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, telephone (202) 632-5176.

Purpose of Advisory Committee: To advise the Director of the U.S. Arms Control and Disarmament Agency on arms control and disarmament policy and activities, and from time to time to advise the President and the Secretary of State respecting matters affecting arms control, disarmament, and world peace.

Agenda: Will include the following discussions and presentations:

November 15

A.M.—U.S. START and INF Negotiating Positions

P.M.—Arms Control and Strategic Force Modernization

November 16

A.M.—Executive Session to discuss the foregoing and possibly other similar matters

Reason for Closing: The GAC members will be reviewing and discussing matters specifically required by Executive Order to be kept secret in the interest of national defense and foreign policy.

Authority to Close Meeting: The closing of this meeting is in accordance with a determination by the Acting Director of the U.S. Arms Control and Disarmament Agency dated October 20, 1982, made pursuant to the provisions of Section 10(d) of the Federal Advisory Committee Act, as amended.

John E. Grassle,

Committee Management Officer.

[FR Doc. 82-29707 Filed 10-28-82; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

Application for an All-Cargo Air Service Certificate

In accordance with Part 291 (14 CFR Part 291) of the Board's Economic Regulations (effective November 8, 1978), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 40961, from Trans Caribbean Airlines, Inc., P.O. Box 522760, 3100 N.W. 57th Avenue, Miami, Florida 33152, for an all-cargo air service certificate to provide domestic cargo transportation.

Under the provisions of section 291.12(c) of Part 291, interested persons may file an answer in opposition to this application within twenty-one (21) days after publication of this notice in the **Federal Register**. An executed original and six copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and must relate to the fitness, willingness, or ability of the applicant to provide all-cargo air service or to comply with the Act or the Board's orders and regulations. The answer shall be served upon the applicant and state the date of such service.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-29822 Filed 10-28-82; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permits filed under Subpart Q of the Board's Procedural Regulations; (See, 14 CFR 302.1701 et seq.) week ended October 22, 1982.

Subpart Q Applications. The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Oct. 18, 1982	41056	Aero-Chago, S. A., c/o Andrew T.A. Macdonald, Wilmer, Cutler & Pickering, 1666 K Street, N.W., Washington, D.C. 20006. Application of Aero-Chago, S. A., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests a foreign air carrier permit authorizing it to engage in non-scheduled (irregular) foreign air transportation of property and mail as follows: A. Between a point or points in the Dominican Republic, and the terminal point Miami, Florida; and B. Between a point or points in the Dominican Republic, the intermediate points Bonnquen, Ponce and San Juan, Puerto Rico; St. Croix, Virgin Islands; and the terminal point St. Thomas, Virgin Islands.

Date filed	Docket No.	Description
		Answers may be filed by November 15, 1982.
Oct. 19, 1982	41058	Capitol Air, Inc., Smyrna Airport, Smyrna, Tennessee 37167. Application of Capitol Air, Inc., pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests an amendment of its existing certificate of public convenience and necessity over Route 191-F, or for a new certificate, sufficient to authorize air transportation of persons, property, and mail as follows: Between a point or points in the United States and Tel Aviv, Israel. Conforming Applications, Motions to Modify Scope, And Answers may be filed by November 16, 1982.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 82-29823 Filed 10-28-82; 8:45 am]
BILLING CODE 6320-01-M

[Docket No. 40580]

Samoa, Inc., d.b.a. Samoa Airlines, Inc. Fitness Investigation; Notice of Hearing

Notice is hereby given that a hearing in the above-entitled matter is assigned to be held on November 12, 1982, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C. October 22, 1982.

John M. Vittone,
Administrative Law Judge.
[FR Doc. 82-29824 Filed 10-28-82; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Annual Surveys in Manufacturing Area; Determination

In conformity with Title 13, United States Code (sections 131, 182, 224, and 225), and with due notice having been published on September 1, 1982 (47 FR 38567), I have determined that annual data to be derived from the surveys listed below are needed to aid the efficient performance of essential governmental functions and have significant application to the needs of the public and industry. The data derived from these surveys, most of which have been conducted for many years, are not publicly available from nongovernmental or other government sources.

Most of the following commodity or product surveys provide data on shipments and/or production; some provide data on stocks, unfilled orders, orders booked, consumption, and so forth. Reports will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys. These surveys are listed under major group headings based on the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for use of Federal Government statistical agencies.

- Major Group 20—Food and Kindred Products

Confectionery

- Major Group 22—Textile Mill Products

Broadwoven fabrics finished
Narrow fabrics
Yarn production
Knit fabric production

- Major Group 23—Apparel and Other Finished Products Made From Fabrics and Similar Materials

Men's and boys' outerwear
Women's and children's outerwear
Underwear and nightwear
Brassieres, girdles, and allied garments
Gloves and mittens

- Major Group 24—Lumber and Wood Products, Except Furniture

Hardwood plywood
Softwood plywood
Lumber production and mill stocks

- Major Group 25—Furniture and Fixtures

Office furniture

- Major Group 26—Paper and Allied Products

Selected office supplies and accessories
Pulp, paper, and board

- Major Group 27—Printing, Publishing and Allied Industries

Business forms, binders, carbon paper, and inked ribbon

- Major Group 28—Chemicals and allied products

Industrial gases
Inorganic chemicals
Pharmaceutical preparations, except biologicals
Sulfuric aicd
Paints, varnish, and lacquer

- Major Group 29—Petroleum Refining and Related Industries

Asphalt and tar roofing and siding products

- Major Group 30—Rubber and Miscellaneous Plastics Products

Rubber
Plastics products
Rubber and plastics hose and belting

- Major Group 31—Leather and Leather Products

Footwear (by method of construction)

- Major Group 32—Stone, Clay, and Glass

Consumer, scientific, technical, and industrial glassware
Fibrous glass

- Major Group 33—Primary Metal Industries

Steel mill products
Insulated wire and cable
Magnesium mill products
Nonferrous castings

- Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Selected heating equipment

- Major Group 35—Machinery, Except Electrical

Internal combustion engines
Tractors, except garden tractors
Farm machinery and lawn and garden equipment
Mining machinery and mineral processing equipment
Air-conditioning and refrigeration equipment, including warm air furnaces
Computers and office and accounting machines
Pumps and compressors
Selected industrial air pollution control equipment
Construction machinery
Anti-friction bearings
Fluid power products (including aerospace)
Coin-operated vending machines

- Major Group 36—Electrical Machinery, Equipment, and Supplies

Radios, televisions, and phonographs
Motors and generators
Wiring devices and supplies
Switchgear, switchboard apparatus, relays, and industrial controls
Selected electronic and associated products, including telephone and telegraph apparatus
Electric housewares and fans
Electric lighting fixtures
Major household appliances
Transformers

- Major Group 37—Transportation Equipment

Aircraft propellers

- Major Group 38—Professional, Scientific, and Controlling Instruments; Photographic and Optical Goods; Watches and Clocks

Selected instruments and related products
Atomic energy products and services

- Major Group 39—Miscellaneous Manufacturing Industries

Pens, pencils, and marking devices.

The following survey represents an annual supplement of a monthly survey and will cover the same establishments canvassed monthly. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected monthly.

- Major Group 32—Stone, Clay, and Glass

Glass containers.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent surveys. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the montly and quarterly reports.

- Major Group 20—Food and Kindred Products

Flour milling products

- Major Group 22—Textile Mill Products

Broadwoven fabric (gray)
Consumption of wool and other fibers, and production of tops and noils
Carpet and rugs

- Major Group 23—Apparel and Other Finished Products Made From Farbrics and Similar Materials

Sheets, pillowcases, and towels

- Major Group 26—Paper and Allied Products

Converted flexible packaging products

- Major Group 30—Rubber and Miscellaneous Products

Plastics bottles

- Major Group 32—Stone, Clay, and Glass

Glass containers
Refractories
Clay construction products
Flat glass

- Major Group 33—Primary Metal Industries

Iron and steel castings
Inventories of steel mill shapes
Inventories of brass and copper wire mill shapes

- Major Group 34—Fabricated Metal Products, Except Machinery and Transportation Equipment

Plumbing fixtures
Steel shipping drums and pails
Closures for containers

- Major Group 35—Machinery, Except Electrical

Construction machinery

- Major Group 36—Electrical Machinery, Equipment, and Supplies

Fluorescent lamp ballasts
Electric lamps

- Major Group 37—Transportation Equipment

New complete aircraft and aircraft engines, except military
Aerospace industry (orders and sales)
Truck trailers

The annual survey of manufactures, which is merged with the quinquennial census of manufactures for 1982, will collect industry statistics such as total value of shipments, employment, payroll, work hours, capital expenditures, cost of materials consumed, gross book value of assets, retirements, and depreciation of fixed assets, rental payments, supplemental labor costs, and so forth. This survey, while conducted on a sample basis, will cover all manufacturing industries, including data on plants under construction but not yet in operation.

A survey of research and development (R&D) activities will be conducted. The major data to be obtained in this survey will include total R&D expenditures by source of funds, the number of scientists and engineers employed, the amounts spent for pollution abatement and energy R&D, and, for comparative purposes, the total net sales and receipts and the total employment of the company.

A survey of shipments to the Federal Government will be conducted to provide information on the effect of procurement by federal agencies on selected industries and geographic areas.

The annual survey of oil and gas will canvass the industry which provides most of the fuel produced in the United States as well as a substantial portion of the hydrocarbon raw material requirements of many industries. The survey will collect information on exploration, development, and production costs; sales volumes and values; drilling activity; and assets in the crude petroleum and natural gas industry.

The annual survey of pollution abatement expenditures is designed to collect from manufacturers the total expenditures by industry and geographic area to abate pollutant emissions. The survey covers current operating costs and capital expenditures to abate air and water pollution and solid waste. This survey will also obtain the costs recovered from abatement activities and quantities of pollutants abated.

The annual survey of plant capacity will obtain information such as the amount of time a plant is in operation; operating rates as related to preferred levels and practical capacity; the value of production and other statistics for actual, preferred, and practical capacity operating levels; and the reasons for operating at less than capacity. The survey will be done on a sample basis and will cover all manufacturing industries.

The report forms will be furnished to firms included in these surveys. Copies of survey forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed the annual surveys be conducted for the purpose of collecting the data as described.

Dated: October 26, 1982.

Bruce Chapman,
Director, Bureau of the Census.

[FR Doc. 82-29620 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Advisory Committee on East-West Trade; Notice of Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Advisory Committee on East-West Trade was initially established on February 11, 1974, and rechartered on December 5, 1980 in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. (1976). The Committee advises the Department of Commerce on ways to promote and encourage the orderly expansion of commercial and economic relations between the United States and the communist countries.

TIME AND PLACE: November 10, 1982, 9:30 A.M.–3:30 P.M., U.S. Department of Commerce, Washington, D.C.

AGENDA: (Entire Meeting in Executive Session)

(1) U.S. Financial Policy toward Eastern Europe.

(2) Review of current export control policy issues.

(3) Developments in Chinese oil industry.

(4) Work on the OECD on East-West Issues.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409, that the matters to be discussed in the November 10, 1982 meeting should be exempt from the provisions of the Federal Advisory participation therein, because the agenda items to be discussed will be concerned with matters in 5 U.S.C. 552b(c)(1) and (9)(B); i.e., material specifically authorized and criteria established by Executive Order 12356 to be kept secret in the interest of national defense or foreign policy and properly classified pursuant to such Executive Order; and whose premature public disclosure would be likely to significantly frustrate implementation of a proposed agency action. A copy of the Notice of Determination to close the aforementioned portion of the November 10, 1982 meeting is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, D.C. 20230. Telephone: (202) 377–4217.

FOR FURTHER INFORMATION CONTACT: H. JeNelle Matheson, Committee Control Officer, Office of the PRC and Hong Kong International Trade Administration, Room 20317, U.S. Department of Commerce, Washington, D.C. 202–377–3583.

Date: October 26, 1982.

Eugene K. Lawson,

Deputy Assistant Secretary for East Asia and the Pacific.

[FR Doc. 82–29838 Filed 10–28–82; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Instruments

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States.

Comments must be filed in accordance with Subsections 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 2097, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00296R. Applicant: University of Idaho, Moscow, ID 83843. Instrument: NMR Spectrometer, Model JNM/FX–90Q with Accessories. Application is a resubmission, notice of which was published in the **Federal Register** of August 19, 1981.

Docket No. 82–00112R. Applicant: University of Maryland, College Park, Maryland 20742. Instrument: Excimer Laser, Model EM 200 (Instrument previously published as EMG 102 but should have been EMG 200). Application is a resubmission, notice of which was published in the **Federal Register** of March 30, 1982.

Docket No. 82–00309. Applicant: Illinois Masonic Medical Center, 836 West Wellington Avenue, Chicago, Illinois 60657. Instrument: Electron Microscope, EM 109 Complete with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be used for research activities that include (a) publication of case reports of tumors of rare occurrence or unusual interest, and muscle diseases as seen in the neuromuscular consultation service in the Department of Pathology, and (b) study of viral associated cellular abnormalities in cervico-vaginal Papanicolaou smears and the relation to malignant cellular changes. The current study is in conjunction with the virology laboratory in the department, but viral or chlamydial cultures are not feasible to unselectively screen patients, so that the light microscopic impressions of the Papanicolaou smears frequently remain unconfirmed as to the presence of viral or chlamydial microorganisms. Application received by Commissioner of Customs: September 16, 1982.

Docket No. 82–00343. Applicant: Institute of Surgical Research, Ft. Sam Houston, TX 78234. Instrument: Electron Microscope, Model EM 400 and Accessories. Manufacturer: Philips Electronic Instruments, The Netherlands. Intended use of instrument: The instrument is to be used in research projects and clinical diagnosis pertaining to any and all phases of the treatment and care of thermally injured patients. The types of material to be examined will include burned tissue, scar tissue, and tissue from any and all internal organ systems. Tissue may be from experimental animals as well as from thermally injured patients. Autopsy specimens are also examined. Research protocols investigated pertain to all phases of the care and management of thermally injured patients. This involves such investigations as hormonal changes, inhalation injury, scar formation, nutritional studies, vascularization of newly formed tissue, modes of invasion of the burn wound various microbes, the promotion of graft healing by the use of chemical agents and electrical stimulation, and the effects of a variety of agents on the internal organ systems of the body. Application received by Commissioner of Customs: August 20, 1982.

Docket No. 82–00347. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 5012, Livermore CA 94550. Instrument: Scanning Electron Microscope Model JSM–35CF with Accessories. Manufacturer: JEOL, Japan. Intended use of instrument: The instrument is intended to be used for studies of great varieties of both metallic and non-metallic alloys, coatings, particles, stains, etc. which are used either directly in nuclear devices or in support of weapons testing programs at LLNL. The phenomena to be studied are the morphological and microchemical characteristics which occur in these materials as they relate to bulk chemical compositions, history of the materials, and physical and chemical processing influences. These experiments to be conducted are examinations or autopsies of materials subjected to various physical tests or subjected to physical and/or chemical processes designed to alter the material's properties. These autopsies are performed to explain either an adverse behavior or to explain some unique behavior that the material may exhibit during testing. Application received by Commissioner of Customs: September 9, 1982.

Docket No. 82–00349. Applicant: North Carolina State University, Purchasing Department, P.O. Box 5935, Raleigh, NC 27650. Instrument: Ion Probe Microanalyzer System, IMS–3F. Manufacturer: CAMECA, France. Intended use of instrument: The instrument is intended to be used for research on ion-implanted semiconductors (Si and 3–5 compounds), silicon and baron carbides and nitrodes, other ceramic and metal alloys, analysis of minerals (isotoperations) and biological materials. Application received by Commissioner of Customs: September 16, 1982.

Docket No. 82–00351. Applicant: Texas A & M University, Department of Civil Engineering, Ocean Engineering Program, College Station, TX 77843. Instrument: 2 Wavemakers, Wave Height Gauge. Manufacturer: Seasim Controls Limited, United Kingdom. Intended use of instrument: The instrument is intended to be used in connection with the following courses:

CE 336 Fluid Dynamics Laboratory—to familiarize students with laboratory techniques, fluid measurements and fluid properties
OE 410 Measurements in the Ocean Laboratory—emphasis on laboratory and field techniques for measuring parameters in wave environment

In addition, the instrument will be used for occasional demonstrations to illustrate lecture materials in various courses including:

OE 301 Dynamics of Waves and Structures
OE 400 Basic Coastal Engineering
OE 675 Coastal Engineering I
OE 679 Theory of Fluid Mechanic Models

To achieve the educational objectives, students will operate the wave generators and use the wave height gauge to study properties of waves under various conditions and also to learn about the instrumentation required for these measurements. Applications received by Commissioner of Customers: September 20, 1982.

Docket No. 82–00352. Applicant: University of Missouri—Columbia, School of Medicine, 807 Stadium Rd. Health Sciences Center, Columbia, Missouri 65212. Instrument: Electron Microsope, EM 10CR. Manufacturer: Carl Zeiss, West Germany. Intended use of instruments: The instrument is intended to be uses for studies of materials and/or phenomena related directly to the analysis of the mammalian central nervous system and specifically to the ultrastructural correlates of neuroendocrine mechanisms and the fine strutural localization of brain hormones and neuropeptides. The properties to be investigated for the phenomena relate to the capbility of localizing radiolabeled neurohormones, neuropeptides and neurotransmitters with transmission electron microscopy in the mammalian central nervous system, that has been embedded in plastic and thin sectioned. Relevant regions of the primate brain including the hypothalamus, brain stem and other circumventricular organs will be analyzed as to their capacity to sequester various radioactive bioactive peptide molecules. The objectives of this broad interdisciplinary program of neuroendocrine morphology are simply to analyze and define the ultrastructural correlates of brain-endocrine interaction. In addition, the instrument will be used in the courses Research 450 and Research 490 to train students in the basic fundamental ultrastructural techniques to determine the fine anatomy of the central nervous system. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82–00354. Applicant: U.S. Environmental Protection Agency, Environmental Research Laboratory, Sabine Island, Gulf Breeze, Florida 32561. Instrument: Electron Microscope, EM 10CA. Manufacturer: Carl Zeiss, West Germany, Intended use of instrument: The instrument is intended to be used for studies of the ultrastructure of cells and tissues of marine organisms. Morphological and histo-chemical properties of exposed animal tissues and cells will be compared to normal parameters at the ultrastructural level. Various marine organisms will be exposed to biorationals (e.g. virus, bacteria, etc.) to determine effects on non-target species. Effects will be determined by morphometric comparison with non-exposed specimens, observation for presence of biorational organisms in test animals, and pathological examination. Marine organisms will also be exposed to pesticides, carcinogens, and other toxic compounds to determine the pathologic effects. Examination on tissue, cellular, and subcellular level will be performed. Comparisons will be made with normal or control specimens. The objectives of this research are to: (1) determine acute and chronic effects of toxic compounds on marine organisms, (2) study the tumor producing properties of carcinogens on marine organisms, (3) determine effects of biorationals on non-target species, (4) improve basic understanding of ultrastructural changes resulting from toxicant exposures, and (5) expand data base, at ultrastructural level, on marine species. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82–00355. Applicant: USDA, Agriculture Research Service, Arthropod-borne Animal Disease Research, Bldg. 45–S3, Denver Federal Center, Denver, Colorado 80225. Instrument: Electron Microscope, EM 410 and Accessories. Manufacturer: N.V. Phillips, The Netherlands. Intended use of instrument: The instrument is intended to be used for the study and identification of interrelationships of pathogen, vectors and animal hosts, for the study of the pathogenesis of viruses in ruminant tissue, insects and tissue culture cells, and for monitoring isolation and purification procedures. The objectives of this research are directed to: (a) Latent, venereal and congenital bluetongue virus infections in cattle, (b) development of inactivated and attenuated bluetongue virus vaccines for sheep and cattle, (c) effects of bluetongue virus on C. *variipennis* and interrelationships to the epizootiology of bluetongue disease, (d) characterization of bluetongue virus, epizootic hemorrhagic disease virus and equine encephalomyelitis virus antigens and circulating antibodies in sheep, cattle and horses, (e) isolation and serotyping of bluetongue virus and other orbiviruses from sheep and cattle, (f) alterations of Venezuelan equine encephalomyelitis vaccine virus by passage through mosquitoes and horses, (g) pathogenesis and immunologic relationship of equine encephalomyelitis viruses, and (h) pathogenesis and epizootiologic cycle of Rift Valley fever virus in animal host and vector species. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82–00359. Applicant: Department of Health and Human Services, National Institutes of Health, National Cancer Institute, Building 37, Room 3B27, Bethesda Maryland 20205. Instrument: High Resolution Mass Spectrometer and Dual Processor Data

System, Model MM7070—F/2350. Manufacturer: V.G. Instruments Inc., United Kingdom. Intended use of instrument: The instrument will be used for analysis of pure organic compounds of high molecular weight of mixtures of gases, liquids or solids using rapid scanning techniques and high resolution. The types of substances to be analyzed are liquids, polypeptides, pharmaceuticals, carcinogens, synthetic experimental substances, and other bioactive substances. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 00360. Applicant: The University of Texas at Austin, Engineering Science Building, Room 403, Austin, Texas 78712. Instrument: JEM—1200 EX Analytical Electron Microscope and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used for studies of metals, alloys, ceramics, polymers and other solid materials. The crystallographic, surface, defect structure, impurities, precipitates, grain boundaries, etc. will be investigated. A course in theory and use of electron microscopy (both TEM and SEM) for graduate students from Materials Science and other disciplines will also use this instument. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82–00361. Applicant: University of Vermont, Department of Anatomy and Neurobiology, College of Medicine, Given Building, Burlington, VT 05405. Instrument: Electron Microscope, Model JEM 100–CX and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is intended to be used to study biological cells, tissue and macromolecular structures of biological origin employing a system offering TEM, SEM, STEM and analytical capabilities. In addition, the instrument will be used for educational purposes in Anatomy and Neurobiology 352, a course to introduce students to modern electron microscopial techniques in order that they may apply their methods to their research projects. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82–00362. Applicant: Duke University, Durham, North Carolina 27706. Instrument: First InSb Detector. Manufacturer: QMC Instruments, Ltd., United Kingdom. Intended use of instrument: The instrument will be used in experiments in millimeter and sub-millimeter spectroscopy and quantum electronics. The experiments are directed towards an understanding of basic physical principles as well as toward improvements in sub-millimeter technology. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82–00364. Applicant: Cornell University Medical College, 1300 York Avenue, New York, NY 10021. Instrument: High Resolution Scanning Attachment, Model ASID–4D. Manufacturer: JEOL Ltd., Japan. Intended use of instrument: The instrument is an accessary to an existing electron microscope being use for studies of the following:

Ultrastructural localization of monoclonal antibody binding sites on isolated myosin molecules.
Ultrastructural analysis of spermatogonial morphogenesis in culture.
Structure of cytofilament insertions at plasma membranes of developing skeletal and cardiac muscle, platelets, and leukocytes.
Structure of the nucleoskeleton in spermatogonia.

The objectives of these studies are to correlate biochemical and ultrastructural data to elucidate structural basis of physiological processes such as: transcriptation, gene-splicing, contraction, motility, secretion, and protein synthesis. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82–00365. Applicant: University of California, Berkeley, Purchasing Department, 2405 Bowditch St., Berkeley, CA 94720. Instrument: Mass Spectrometer, MS–50 and Accessories. Manufacturer: Kratos Analytical Instruments, Inc., United Kingdom. Intended use of Instrument: The instrument is intended to be used for a wide range of research projects including but not limited to:

1. Studies of toxic substances from algae, psoralen-nucleic acid photo-adducts, and mutagens and carcinogens in diesel exhaust.
2. Research program directed toward the synthesis of phosphorus-containing compounds as enzyme inhibitors.
3. Research involving the utilization of soluble organotransition metal complexes to develop new synthetic reactions for forming carbon-nitrogen (as well as carbon-sulfur and carbon-oxygen) bonds in organic molecules, and to determine ways of understanding the mechanisms of these reactions.
4. A study concerned with the isolation and identification of the major monoaddition products formed in the photoreaction between RNA and a substututed psoralen, 4'-hydroxymethyl-4,5', 8-trimethylpsoralen (HMT).
5. Use of the aldol condensation to control relative stereochemistry in the synthesis of natural products which are biosynthesized from proprionate and butyrate units; i.e., macrolide antibiotics and polyether ionophore antibiotics.
6. Research concerned with the development of new methods for carbon-carbon bond formation and the application of these methods to the total synthesis of complex natural products.
7. Transition Metal Catalysts and Reagents in organic synthesis.

The instrument will also be used in the education of approximately 110 graduate students who work on the scheduled research projects, as well as some undergraduate students in various chemistry courses. Application received by Commissioner of Customs: September 20, 1982.

Docket No. 82–00366. Applicant: University of Delaware, Department of Chemical Engineering, Newark, DE 19711. Instrument: Potentiostat, CTD 400. Manufacturer: Santron, Sweden. Intended use of Instrument: The instrument is intended to be used to determine automatically critical pitting and crevice corosion temperatures while the metal specimens are polarized to a constant pre-set potential. The instrument automatically raises the temperature of the corrosive solution in pre-set increments and records the results. The objective of these tests is to investigate the resistance to pitting and crevice corrosion of a large number of costly alloys which either are or might be used for exposures involving marine environments. A test method is being sought to predict long-time service performance of metal exposed to the ocean by means of a rapid laboratory test. The results are to be used to reduce the cost of corrosion of structures exposed to the ocean. In addition, the instrument will be used to train graduate students in corrosion research. Application received by Commissioner of Customs: September 23, 1982.

Docket No: 82–00367. Applicant: Texas A & M University, Department of Civil Engineering, Ocean Engineering Program, College Station, Texas 77843. Instrument: Bi-directional micro-propeller, current meter. Manufacturer: Hydrei Aps., Denmark. Intended use of Instrument: The instrument is intended to be used for studies of wave breaking turbulence and mean velocity profiles in the surf zone. Experiments will be conducted with the aim of understanding the physics of momentum drain and water wave energy decay in the surf zone. The instrument will also be used in the graduate research courses CE 691 and OE 691 to train engineering-scientists in ocean and coastal engineering. Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82–00368. Applicant: University of Southern California, Department of Electrical Engineering, University Park, Los Angeles, California

90089. Instrument: Excimer Laser, Model 861S. Manufacturer: Lumonics, Ltd., Canada. Intended use of instrument: The instrument is intended to be used in the study of spectroscopy as well as the study of unimolecular and biomolecular processes of gas phase radicals which are produced by the excimer laser. The experiments will use the very intense (focused) output from the excimer laser to dissociate, via multiphoton absorption, polyatomic molecules to produce the radical of choice. The objectives of this research are to develop optical diagnostic techniques for radicals and to investigate their reactions, which are important in the study of combustion processes and air pollution. In addition, the instrument will be used in the course EE, Physics, or Chemistry 790, Thesis Research by graduate students working toward the M.S. or Ph.D. degree. Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82-00369. Applicant: University of Colorado, Joint Institute for Laboratory Astrophysics, Boulder, CO 80309. Instrument: Pulsed Dye Laser, FL 2002. Manufacturer: Lambda Physik GmbH, West Germany. Intended use of instrument: The instrument will be used as an intergral part of an investigation of translation-to-vibration, rotation (T-V,R) energy transfer between open shell atoms and diatomic molecules. The characterization of such energy transfer pathways is important for predicting the behavior of complex energetic reactions systems such as plasmas and chemical and molecular lasers. In the first of these studies, translationally "hot" H and D atoms have been prepared by photodissociation of H_2s, HBr or HI with a high energy laser pulse. These fast atoms produce highly exicited vibrational states in diatomic collision partners such as HCl, HBr, CO or NO. The excited states have been detected by infrared emission. Future experiments will be conducted using other atoms such as O and Cl. the scheme for characterizing the excited vibrational and rotational states is being changed from infrared emission to laser-induced fluorescence. One postdoctoral student and one graduate will use the instrument for their research during which they will learn fundamental techniques of laser applications in chemical and physical research. Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82-00370. Applicant: University of Connecticut, Department of Chemistry, U-60, Storrs, CT 06268. Instrument: Pulsed Fluorometer System, Model 3000 with a Model 1740 Pulse Light Analysis/Multichannel Scaling Conversion Module for Phosphorescene Decay. Manufacturer: Photochemcial Research Associates Inc., Canada. Intended use of instrument: The instrument is intended to be used for measuring the luminescence lifetimes of solid and liquid samples such as phototoxic compounds, chlorophyll, polyenes, ruthenium complexes, plasmas, alkaloids, polymers and zeolites. The objectives pursued in these areas of research are to understand the nature of processes involved in the measurement of luminescent lifetime decays. These particular materials are important in the areas of phototoxicity, pharmacology, energy transfer, electron transfer, photosynethesis and catalysis. In addition the instrument will be used for educational purposes in the courses Chemistry 211 and 213. Application received by Commissioner of Customs: September 23, 1982.

Docket No. 82-00371. Applicant: Cornell University, Applied and Engineering Physics, 212 Clark Hall, Ithaca, NY 14853. Instrument: FL 2002 High Performance Tunable Dye Laser. Manufacturer: Lambda Physik, West Germany. Intended use of instrument: The instrument will be used in the development of a laser-based combustion diagnostic probe for measurement of the concentrates of combustion radicals by multiple photon ionization. The instrument will also be used in thesis research. Application received by Commissioner of Customs: September 23, 1982.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29644 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Certain Carbon Steel Pipe and Tube Products From South Africa

AGENCY: International Trade Administration Commerce

ACTION: Initiation of countervailing duty Investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in South Africa of certain carbon steel pipe and tube products receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If the investigation proceeds normally, we will make our preliminary determination on or before December 30, 1982.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230 (202) 377-5497.

SUPPLEMENTARY INFORMATION:

Petition

On October 6, 1982, we received a petition from counsel for the Committee on Pipe and Tube Imports. The petitioner alleges that manufacturers, producers, or exporters in South Africa of certain carbon steel pipe and tube products (certain pipes and tubes) receive benefits that constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act).

Since South Africa is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and that certain pipes and tubes subject to this investigation are dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry.

Initiation of Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting the allegations. We have examined the petition on certain pipes and tubes and have found that it meets these requirements

Therefore, in accordance with section 702(c) of the Act, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in South Africa of certain pipes and tubes, as defined in the "Scope of the Investigation" section of this notice, receive benefits that constitute counties of grants within the meaning of section 303 of the Act. If the investigation proceeds normally, we will make our preliminary determination by December 30, 1982.

Scope of the Investigation

For purposes of this investigation, the term "certain carbon steel pipe and tube products" includes electric resistance welded (ERW) carbon pipes and tubes with walls not thinner than 0.065 inch, of circular cross section, and not over 4.5 inches in outside diameter including cold-rolled pipes and tubes with a wall thickness not exceeding 0.1 inch and ERW carbon pipes and tubes, of square and rectangular cross section, with a wall thichness not less than 0.156 inch, of any diameter, as currently provided for in items 610.3227, 610.3241, 610.3244 and 610.3955 of the *Tariff Schedules of the United States Annotated (TSUSA);* and ERW carbon pipes and tubes not suitable for use in the manufacture of ball or roller bearings of square and rectangular cross section as currently provided for in TSUSA item 610.4975.

Excluded from this investigation are ERW carbon steel pipes and tubes, suitable for use in boilers, superheaters, heat exchangers, condensers, feedwater heaters, and ball or roller bearings; conforming to A.P.I. specifications for oil well tubing and casing, cold-drawn pipes and tubes, or ERWA carbon steel pipes and tubes imported with couplings.

Allegations of Bounties or Grants

The petition alleges that manufacturers, producers, or exporters of certain pipes and tubes in South Africa benefit from the following bounties or grants: The Iron and Steel Export Promotion Scheme; preferential prices from a government-owned primary steel producer; the South African Department of Industries, Commerce and Tourism's export incentive program, categories A, B, and D; preferential pre- and post-shipment financing for exports; preferential harbor rates, ocean freight rates, and railroad rates; beneficiation investment allowances; and tax incentives for exporters located in certain development areas.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

October 26, 1982.

[FR Doc. 82-29643 Filed 10-28-82; 8:45]

BILLING CODE 3510-25-M

Washington University; Decision on Application for Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 82-00243. Applicant: Washington University, Purchasing Dept., Lindell and Skinker Blvd., St. Louis, MO 63130. Instrument: Two Analyser Sections, One GS 61 and One GS 98 Ion Sources with Spare Filaments and Holder. Manufacturer: Institut fur Kristallographie und Petrographie, Switzerland. Intended use of instrument: See Notice on page 30538 in the Federal Register of July 14, 1982.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, is being manufactured in the United States. Reasons: This application is a resubmission of Docket Number 81-00258 which was denied without prejudice to resubmission on March 26, 1982 for informational deficiencies. The foreign instrument with its symetry feature of the source which provides focusing to a point at the exit slit when operated at an emission of 250 microamperes provides a source sensitivity of about four milliamperes per torr. The National Bureau of Standards advises in its memorandum dated September 20, 1982 that (1) the capability of the foreign instrument described above is pertinent to the applicant's intended purpose and (2) it known of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-29642 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-25-M

Certain Steel Products From Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands and the United Kingdom; Termination of Countervailing Duty and Antidumping Investigations

AGENCY: International Trade Administration, Commerce.

ACTION: Termination of countervailing duty and antidumping investigations.

SUMMARY: The petitioners the in investigations listed in Appendix I which follows this notice have withdrawn their petitions concerning the certain steel products listed and described in Appendix II to this notice. Therefore, we are terminating these countervailing duty and antidumping investigations.

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: David Binder, Office of Investigations, Import Administration, International Trade Administration, United States Department of Commerce, 14th Street & Constitution Avenue, NW., Washington D.C. 20230; telephone: (202) 377-1779.

Case Histories

Countervailing Duty Investigations of Certain Steel Products—Petitions Filed January 11, 1982

On January 11, 1982, we received petitions from the United States Steel Corporation; Behtlehem Steel Corporation; Republic Steel Corporation; Inland Steel Company; Jones & Laughlin Steel, Inc.; National Steel Corporation and Cyclops Corporation filed on behalf of the U.S. industry producing certain carbon steel products. The petitions alleged certain benefits constituting subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act), were being provided, directly or indirectly, to the manufacturers producers or exporters in certain member states of the European Economic Community (EEC) of the carbon steel products listed and described in Appendices I and II to this notice. We found these petitions contained sufficient grounds upon which to initiate countervailing duty investigations and initiated such investigations on February 1, 1982 (47 FR 5748). On June 10, 1982 we issued our preliminary determinations in these investigations (47 FR 26300). We issued our final determintions on August 24, 1982 (47 FR 39304). These final determinations stated our conclusions that the governments of certain member states of the EEC were providing certain of their manufacturers, producers or exporters of certain carbon steel products with benefits constituting subsidies within the meaning of the countervailing duty law.

Antidumping Investigations of Certain Steel Products—Petitions Filed January 11, 1982

On January 11, 1982 we received petitions from the United States Steel Corporation and Bethlehem Steel Corporation filed on behalf of the U.S. industry producing certain carbon steel products. The petitions alleged certain carbon steel products from certain member states of the EEC were being, or were likely to be, sold in the United States at less than fair value. After reviewing the petitions, we determined they contained sufficient grounds to initiate antidumping investigations and initiated such investigations on February 1, 1982 (45 FR 5745). On August 9, 1982 we issued our preliminary determinations in these investigations (47 FR 35646). These stated our preliminary conclusions that certain carbon steel products from certain member states of the EEC were being sold, or were likely to be sold, in the United States at less than fair value. Had these investigations continued, we were to have issued our final determinations no later then December 29, 1982.

Countervailing Duty Investigations of Carbon Steel Welded Pipe & Tube—Petitions Filed May 7, 1982

On May 7, 1982 we received a petition from the United States Steel Corporation filed on behalf of the U.S. industry producing carbon steel welded pipe and tube. The petition alleged certain benefits constituting subsidies within the meaning of the Act were being provided, directly or indirectly, to the manufacturers, producers or exporters in certain member states of the EEC of carbon steel welded pipe. We found these petitions contained sufficient grounds upon which to initiate countervailing duty investigations and initiated such investigations on May 27, 1982 (47 FR 24169). On October 4, 1982 we issued our preliminary determinations in these investigations (47 FR 44816). These stated our preliminary conclusions that the benefits provided by the governments of certain EEC member states to certain of their manufacturers, producerss or exporters of carbon steel welded pipe and tube were de minimis. Therefore, we issued negative preliminary determinations. Had these investigations continued, we were to have issued our final determinations no later than December 20, 1982.

Countervailing Duty and Antidumping Investigations of Steel Rails—Petitions Filed September 3, 1982

On September 3, 1982 we received a petition from the CF&I Steel Corporation alleging certain benefits constituting subsidies within the meaning of the Act were being provided, directly or indirectly, to manufacturers, producers or exporters in the EEC of steel rails. The petition also alleged steel rails from certain member states of the EEC were being, or were likely to be, sold in the United States at less than fair value. After reviewing the petition, we determined it contained sufficient grounds to initiate countervailing duty and antidumping investigations and initiated such investigations on September 23, 1982 (47 FR 42744). Had these investigations continued, we were to have issued our preliminary determinations with respect to countervailing duties no later than November 29, 1982 and with respect to antidumping duties no later than February 10, 1982.

On October 21, 1982 representatives of the United States Government and the EEC concluded agreements with respect to imports into the United States of certain steel products from the EEC. The text of these agreements and the annexes thereto are set forth in Appendix III to this notice.

SUPPLEMENTARY INFORMATION:

On October 21, 1982 the petitioners in these investigations notified us they were withdrawing their petitions and requested that the investigations be terminated. Under sections 704(a) (countervailing duties) and 734(a) (antidumping) of the Act, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. All parties to these investigations have been notified of petitioners' withdrawals. We have determined termination of these cases is in the public interest.

Customs Officers have been instructed to refund any estimated countervailing or antidumping duties collected and to release any bonds or deposits posted with respect to the certain steel products affected by these terminations.

By virtue of the withdrawal of the petitions and termination of these investigations, all the preliminary determinations and conclusions reached in all those investigations in which we had not yet issued a final determination as to whether the products under investigation benefit from subsidies or are sold at less than fair value are henceforth without legal force or effect.

Gary N. Horlick,

Deputy Assistant Secretary For Import Administration.

October 21, 1982.

Appendix I.—Countervailing Duty (CVD) and Anditumping (AD) Petitions Withdrawn

- —CVD petitions, filed on January 11, 1982, by (1) United States Steel Corporation, (2) Bethlehem Steel Corporation (3) Republic Steel Corporation; Inland Steel Company; Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, the United Kingdom, and the European Communities.
- —AD petitions, filed on January 11, 1982, by (1) United States Steel Corporation, and (2) Bethlehem Steel Corporation concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, and the United Kingdom.
- —CVD petitions, filed on May 7, 1982, by United States Steel Corporation concerning carbon steel welded pipe and tube from France, the Federal Republic of Germany and Italy.
- —CVD petition, filed on September 3, 1982, by CF&I Steel Corporation concerning steel rails from the European Communities.
- —AD petitions, filed on September 3, 1982, by CF&I Steel Corporation concerning steel rails from France, the Federal Republic of Germany and the United Kingdom.

The individual cases subject to this termination of investigations are:

Product	Country
Steel Rails (AD)	UK, France, FRG.
Steel Rails (CVD)	EEC (France, FRG, Luxembourg, UK).
Hot-Rolled Sheet (AD)	France, Belgium, Italy.
Hot-Rolled Sheet & Strip (AD)	Belgium, FRG, Netherlands.
Cold-Rolled Sheet (AD)	France Netherlands
Cold-Rolled Sheet & Strip (AD)	FRG
Carbon Steel Plate (AD)	Belgium FRG UK
Structurals (AD)	France FRG Luxembourg UK
Carbon Steel Welded Pipe & Tube (CVD).	France, FRG.
Carbon Steel Plate (CVD)	Belgium, France, UK.
Hot-Rolled Carbon Plate (CVD)	FRG
Structurals (CVD)	Belgium, France, FRG, Luxembourg, UK.
Hot-Rolled Sheet (CVD)	France
Cold-Rolled Sheet (CVD)	France
Hot-Rolled Sheet & Strip (CVD)	Belgium, FRG, Italy.
Cold-Rolled Sheet & Strip (CVD)	FRG, Italy.
Hot-Rolled Carbon Bar (CVD)	UK
Cold-Rolled Carbon Bar (CVD)	UK.

Appendix II

The following product definitions are taken from the last published **Federal Register** notice of a determination in the cases subject to this notice of termination.

1. The term *"carbon steel structural shapes"* covers hot-rolled, forged, extruded, or drawn, or cold-formed or cold-finished carbon steel angles, shapes, or sections, not drilled, not punched, and not otherwise advanced, and not conforming completely to the specifications given in the headnotes to Schedule 6, Part 2 of the *Tariff Schedules of the United States Annotated ("TSUSA"),* for blooms, billets, slabs, sheet bars, bars, wire rods, plates, sheets, strip, wire, rails, joint bars, tie plates, or any tubular products set forth in the *TSUSA,* having a maximum cross-sectional dimension of 3 inches or more, as currently provided for in items 609.8005, 609.8015, 609.8035, 609.8041, or 609.8045 of the *TSUSA.* Such products are generally referred to as structural shapes.

2. The term *"hot-rolled carbon steel plate"* covers hot-rolled carbon steel products, whether or not corrugated or crimped; not pickled; not cold-rolled; not in coils; not cut, not pressed, and not stamped to non-rectangular shape; 0.1875 inch or more in thickness and over 8 inches in width; as currently provided for in items 607.6615, or 607.94, of the *Tariff Schedules of the United States Annotated ("TSUSA");* and hot- or cold-rolled carbon steel plate which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710 or 608.11 of the *TSUSA.* Semifinished products of solid rectangular cross section with a width at least four times the thickness in the as cast condition or processed only through primary mill hot rolling are not included.

3. The term *"hot-rolled carbon steel sheet and strip"* covers the following hot-rolled carbon steel products. Hot-rolled carbon steel sheet is a hot-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 8 inches in width and in coils or if not in coils under 0.1875 inch in thickness and over 12 inches in width; as currently provided for in items 607.6610, 607.6700, 607.8320, 607.8342, or 607.9400 of the *Tariff Schedules of the United States Annotated ("TSUSA"). Please note that the definition of hot-rolled carbon steel sheet includes some products classified as "PLATE" in the TSUSA (Items 607.6610 and 607.8320).* Hot-rolled carbon steel strip is a flat-rolled steel product, whether or not corrugated or crimped and whether or not pickled; not cold-rolled, not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and not over 12 inches in width; as currently provided for in items 608.1920, 608.2120, or 608.2320 of the *TSUSA.* Hot-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

4. The term *"cold-rolled carbon steel sheet and strip"* covers the following cold-rolled carbon steel products. Cold-rolled carbon steel sheet is a cold-rolled carbon steel product, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; over 12 inches in width and in coils or if not in coils under 0.1875 inch in thickness; as currently provided for in items 607.8320 or 607.8344 of the *Tariff Schedules of the United States Annotated ("TSUSA"). Please note that the definition of cold-rolled carbon steel sheet includes some products classified as "Plate" in the TSUSA (Item 607.8320).* Cold-rolled carbon steel strip is a flat-rolled carbon steel product; cold-rolled, whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width; as currently provided for in items 608.1940, 608.2140, or 608.2340 of the *TSUSA.* Cold-rolled carbon steel strip originally rolled less than 12 inches in width and containing over 0.25 percent carbon is not included.

5. The term *"galvanized carbon steel sheet"* covers hot- or cold-rolled carbon steel sheet which has been coated or plated with zinc including any material which has been painted or otherwise covered after having been coated or plated with zinc, as currently provided for in items 608.0710, 608.0730, 608.11 or 608.13 of the *Tariff Schedules of the United States Annotated ("TSUSA"). Note that the definition of galvanized carbon steel sheet includes some products classified as "Plate" in the TSUSA (Items 608.0710 and 608.11).* Hot- or cold-rolled carbon steel sheet which has been coated or plated with metal other than zinc is not included.

6. The term *"hot-rolled carbon steel bars"* covers hot-rolled carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, not cold-formed, and not coated or plated with metal, as currently provided for in items 606.8310, 606.8330, or 606.8350 of the *Tariff Schedules of the United States Annotated.*

7. The term *"hot-rolled alloy steel bars"* covers hot-rolled alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, not cold-formed, as currently provided for in item 606.97 of the *Tariff Schedules of the United States.*

8. The term *"cold-formed carbon steel bars"* covers cold-formed carbon steel products of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, as currently provided for in items 606.8805 or 606.8815 of the *Tariff Schedules of the United States Annotated.*

9. The term *"cold-formed alloy steel bars"* covers cold-formed alloy steel products, other than those of stainless or tool steel, of solid section which have cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons, or octagons, as currently provided for in item 606.99 of the *Tariff Schedules of the United States.*

10. The term *"large diameter welded carbon steel pipes and tubes"* covers welded carbon steel pipes and tubes with walls not thinner than 0.065 of an inch of circular cross section and over 16 inches in outside diameter, as currently provided for in items 610.3211 and 610.3251 of the *Tariff Schedules of the United States Annotated (TSUSA).* Pipes and tubes suitable for use in boilers, superheaters, heat exchangers, condensers, and feedwater heaters, or conforming to A.P.I. specifications for oil well tubing, with or without couplings, cold-drawn pipes and tubes and cold-rolled pipes and tubes with wall thickness not exceeding 0.1 of an inch are *not included.*

11. The term "Steel Rails" covers hot-rolled carbon steel rails and hot-rolled alloy steel rails, whether or not punched, weighing not less than 8 pounds per yard, with cross-sectional shapes intended for carrying wheel loads in railroad, railway and crane runway applications, as currently provided for in items 610.2010, 610.2020 and 610.2100 of the *Tariff Schedules of the United States Annotated* ("TSUSA").

Appendix III—Arrangement

Concerning trade in certain steel products between the European Coal and Steel Community (hereinafter called "the ECSC") and the United States (hereinafter called "the U.S.").

1. *Basis of the Arrangement.* Recognizing the policy of the ECSC of restructuring its steel industry including the progressive elimination of state aids pursuant to the ECSC State Aids Code; recognizing also the process of modernization and structural change in the United States of America (hereinafter called the "USA"); recognizing the importance as concluded by the OECD of restoring the competitiveness of OECD steel industries; and recognizing, therefore, the importance of stability in trade in certain steel products between the European Community (hereinafter called "the Community") and the USA;

The objective of this Arrangement is to give time to permit restructuring and therefore to create a period of trade stability. To this effect the ECSC [1] shall restrain exports to or destined for consumption in the USA of products described in Article 3 (a) originating in the Community (such exports hereinafter called "the Arrangement products") for the period 1st November 1982 to 31st December 1985.

The ECSC shall ensure that in regard to exports effected between 1st August and 31st Octoer 1982, aberrations from seasonal trade patterns of Arrangement products will be accommodated in the ensuing licensing period.

2. *Condition—Withdrawal of petitions; new petitions.* (a) The entry into effect of this Arrangement is conditional upon:

(1) The withdrawal of the petitions and termination of all investigations concerning all countervailing duty and antidumping duty petitions listed in Appendix A at the latest by 21st October 1982; and

(2) Receipt by the U.S. at the same time of an undertaking from all such petitioners not to file any petitions seeking import relief under U.S. law, including countervailing duty, antidumping duty, Section 301 of the Trade Act of 1974 (other than Section 301 petitions relating to third country sales by U.S. exporters) or Section 337 of the Tariff Act of 1930, on the Arrangement products during the period in which this Arrangement is in effect.

(b) If during the period in which the Arrangement is in effect, any such investigations [2] or investigations under Section 201 of the Trade Act of 1974, Section 232 of the Trade Expansion Act of 1962, or Section 301 of the Trade Act of 1974 (other than Section 301 petitions relating to third country sales by U.S. exporters) are initiated or petitions filed or litigation (including antitrust litigation) instituted with respect to the Arrangement products, and the petitioner of litigant is one of those referred to in article 2a), the ECSC shall be entitled to terminate the Arrangement with respect to some or all of the Arrangement products after consultations with the U.S., at the earliest 15 days after such consultations.

If such petitions are filed or litigation commenced by petitioners or litigants other than those referred to in the previous paragraph, or investigations initiated, on any of the Arrangement products, the ECSC shall be entitled to terminate the Arrangement with respect to the Arrangement product which is the subject of the petition, litigation or investigation after consultations with the U.S., at the earliest 15 days after such consultations. In addition, if during the consultations it is determined that the petition, litigation or investigation threatens to impair the attainment of the objectives of the Arrangement, then the ECSC shall be entitled to terminate the Arrangement with respect to some or all Arrangement products, at the earliest 15 days after such consultations.

These consultations will take into account the nature of the petitions or litigation, the identity of the petitioner or litigant, the amount of trade involved, the scope of relief sought, and other relevant factors.

(c) If, during the term of this Arrangement, any of the above mentioned proceedings of litigation is instituted in the USA against certain steel products as defined in Article 3 (b) imported from the Community which are not Arrangement products and which substantially threaten its objective, then the ECSC and the U.S., before taking any other measure, shall consult to consider appropriate remedial measures.

3. *Product description.* (a) The products are:

Hot-rolled sheet and strip
Cold-rolled sheet
Plate
Structurals
Wire rods
Hot-rolled bars
Coated sheet
Tin plate
Rails
Sheet piling

as described and classified in Appendix B by reference to corresponding Tariff Schedules of the United States Annotated (TSUSA) item numbers and EC NIMEXE classification numbers.

(b) For purposes of this Arrangement, the term "certain steel products" refers to the products described in Appendix E.

4. *Export Limits.* (a) For the period 1st November 1982 to 31 December 1983 (hereinafter called "the Initial Period") and thereafter for each of the years 1984 and 1985 export licenses shall be required for the Arrangement products. Such licenses shall be issued to Community exporters for each product in quantities no greater than the following percentages of the projected U.S. Apparent Consumption (hereinafter called "export ceilings") for the relevant period:

Product	Percentage
Hot-rolled sheet and strip	6.81
Cold-rolled sheet	5.11
Plate	5.36
Structurals	9.91
Wire rods	4.29
Hot-rolled bars	2.38
Coated sheet	3.27
Tin plate	2.20
Rails	8.90
Sheet piling	21.85

For the purposes of this Arrangement, "U.S. Apparent Consumption" shall mean shipments (deliveries) minus exports plus imports, as described in Appendix D.

(b) Where Arrangement products imported into the USA are subsequently re-exported therefrom, without having been subject to substantial transformation, the export ceiling for such products for the period corresponding to the time of such re-export shall be increased by the same amount.

(c) For the purposes of this Arrangement the USA shall comprise both the U.S. Customs Territory and U.S. Foreign Trade Zones. In consequence the entry into the U.S. Customs Territory of Arrangement products which have already entered into a Foreign Trade Zone shall not then be again taken into account as imports of Arrangement products.

5. *Calculation and revision of U.S. Apparent Consumption forecast and of export limits.* The U.S., in agreement with the ECSC, will select an independent forecaster which will provide the estimate of U.S. Apparent Consumption for the purposes of this Arrangement.

For the Initial Period, a first projection of the U.S. Apparent Consumption by product will be established as early as possible and in any event before 20th October 1982. A provisional export ceiling for each product will then be calculated for that period by multiplying the U.S. Apparent Consumption of each product by the percentage indicated in Article 4 for that product. These figures for projected Apparent Consumption will be revised in December 1982, February, May, August and October of 1983, by the said independent forecaster, and appropriate adjustments will be made to the export ceilings for each product taking into account licenses already issued under Article 4.

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[1] To the extent that the Arrangement products are subject to the Treaty establishing the European Economic Community (the EEC), the term "ECSC" should be substituted by "EEC".

[2] With respect to any Section 337 investigation, the parties shall consult to determine the basis for the investigation.

The same procedure will be followed to calculate and revise the U.S. Apparent Consumption and export ceilings for 1984 and for 1985, the first projection being established by the independnet forecaster by 1st October of 1983 and 1984, respectively.

In February of each year as from 1984, adjustments to that year's export ceiling for each product will be made for differences between the forecasted U.S. Apparent Consumption and actual U.S. Apparent Consumption of that product in the previous year or (in February 1984) in the Initial Period.

6. *Export Licences and Certificates.* (a) By Decisions and Regulations to be published in the Official Journal of the European Communities the ECSC will require an export licence for all Arrangement products. Such export licences will be issued in a manner that will avoid abnormal concentrations in exports of Arrangement products to the USA taking into account seasonal trade patterns. The ECSC shall take such action, including the imposition of penalties, as may be necessary to make effective the obligations resulting from the export licences. The ECSC will inform the U.S. of any violations concerning the export licences which come to its attention and the action taken with respect thereto.

Export licences will provide that shipment must be made within a period of three months.

Export licences will be issued against the export ceiling for the Initial Period or a specific calendar year as the case may be. Export licences may be used as early as 1st December of the previous year within a limit of eight (8) percent of the ceiling for the given year. Export licences may not be used after 31st December of the year for which they are issued except that licences not so used may be used during the first two months of the following year with a limit of (8) percent of the export ceiling of the previous year or eight (8) percent of eighty-six (86) percent of the export ceiling of the Initial Period, as the case may be.

(b) The ECSC will require that Arrangement products shall be accompanied by a certificate substantially in the form set out in Appendix C, endorsed in relation to such a licence. The U.S. shall require presentation of such certificate as a condition for entry into the USA of the Arrangement products. The U.S. shall prohibit entry of such products not accompanied by such a certificate.

7. *Technical adjustment.* (a) The specific product export ceilings provided for in Article 4 may be adjusted by the ECSC with notice to the U.S. Adjustments to increase the volume of one product must be offset by an equivalent volume reduction for another product for the same period. Notwithstanding the preceding sentences, no adjustment may be made under this paragraph which results in an increase or a decrease in a specific product limitation under Article 4 by more than five (5) percent by volume for the relevant period.

The ECSC and the U.S. may agree to increase the above percentage limit.

(b) Normally, only one change in a specific product export ceiling in a given year or the Initial Period may be made by an adjustment under the preceding paragraph or use of licences in December or January/February under Article 6(a). Accordingly, changes in a given year or the Initial Period by use of more than one of those three provisions may be made only upon agreement between the ECSC and the U.S.

8. *Short supply.* On the occasion of each quarterly consultation provided for in Article 10 the U.S. and the ECSC will examine the supply and demand situation in the USA for each of the products listed in Appendix B. If the U.S. in consultation with the ECSC determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevent factors) an additional tonnage shall be allowed for such product or products by a special issue of licences limited to 10 percent of the ECSC's unadjusted export ceiling for that product or products. In extraordinary circumstances as determined by the allowable level of special licences.

Each authorized special issue export licence and certificate derived therefrom shall be so marked. Each such licence must be used within 180 days after the start of the quarter when that special issue began.

9. *Monitoring.* The ECSC will within one month of each quarter and for the first time by 31st January 1983 supply the U.S. with such non-confidential information on all export licences issued for Arrangement products as is required for the proper functioning of this Arrangement.

The U.S. will collect and transmit quarterly to the ECSC all non-confidential information relating to certificates received during the preceding quarter in respect of the Arrangement products, and relating to actions taken in respect of Arrangement products for violations of customs laws.

10. *General.* Quarterly consultations shall take place between the ECSC and the U.S. on any matter arising out of the operation of the Arrangement. Consultations shall be held at any other time at the request of either the ECSC or the U.S. to discuss any matters including trends in the importation of certain steel products which impair or threaten to impair the attainment of the objectives of this Arrangement.

In particular, if imports from the ECSC of certain steel products other than Arrangement products of of alloy Arrangement products show a significant increase indicating the possibility of diversion of trade from Arrangement products to certain steel products other than Arrangement products or from carbon to alloy within the same Arrangement product, consultations will be held between the U.S. and the ECSC with the objective of preventing such diversion, taking account of the ECSC 1981 U.S. market share levels.

Should these consultations demonstrate that there has indeed been a diversion of trade which is such as to impair the attainment of the objectives of the Arrangement, then within 60 days of the request for consultations both sides will take the necessary measures for the products concerned in order to prevent such a diversion. For alloy Arrangement products, such measures will include the creation of separate products for purposes of Articles 3 and 4 at the 1981 U.S. market share levels. For certain steel products other than Arrangement products, suh measures may include the creation of products for purposes of Articles 3 and 4.

Consultations will also be held if there are indications that imports from third countries are replacing imports from the ECSC.

11. *Scope of the Arrangement.* This Arrangement shall apply to the U.S. Customs Territory (except as otherwise provided in Article 4(c)) and to the territories to which the Treaty establishing the ECSC as presently constituted applies on the conditions laid down in that Treaty.

12. *Notices.* For all purposes hereunder the U.S. and the ECSC shall be represented by and all communications and notices shall be given and addressed to:

For the ECSC

The Commission of the European Communities (Directorates General for External Relations (I) and Internal Market and Industrial Affairs (III)).

Rue de la Loi, 200, 1049 Brussels, Belgium, Tel: 235.11.11, Telex: 21877 COMEU B.

For the U.S.

U.S. Department of Commerce, Deputy Assistant Secretary for Import Administration, International Trade Administration, Washington, D.C. 20230, Tel: 202/377-1780, Telex: 892536 USDOC WSH DAS/IA/ITA.

Appendix A.—List of Countervailing Duty (CVD) and Antidumping Duty (AD) Petitions [1] to be Withdrawn

CVD petitions, filed on January 11, 1982, by (1) United States Steel Corporation, (2) Bethlehem Steel Corporation, and (3) Republic Steel Corporation, Inland Steel Company, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Corporation concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, the United Kingdom, and the European Communities.

AD petitions, filed on January 11, 1982, by (1) United States Steel Corporation, and (2) Bethlehem Steel Corporation concerning certain steel products from Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, and the United Kingdom.

CVD petitions, filed on February 8, 1982, by Atlantic Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, Keystone Consolidated, Inc., Korf Industries, Inc., Penn Dixie Steel Corporation and Raritan River Steel Company concerning carbon steel wire rod from Belgium and France.

CVD petitions, filed on May 7, 1982, by United States Steel Corporation concerning carbon steel welded pipe from France, the Federal Republic of Germany and Italy.

CVD petition, filed on September 3, 1982, by CF & I Steel Corporation concerning steel rails from the European Communities.

AD petitions, filed on September 3, 1982, by CF & I Steel Corporation concerning steel rails from France, the Federal Repbulic of Germany and the United Kingdom.

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[1] For purposes of this Arrangement, the term "petitions" covers all matters included in the petitions filed on the dates listed, whether or not the DOC initiated investigations on the products or countries concerned.

APPENDIX B—PRODUCT COVERAGE

Description	NIMEXE No.[1]	TSUSA Nos.
Hot Rolled Carbon Steel Sheet and Strip.	73.08-03, 73.08-05, 73.08-07, 73.08-21, 73.08-25, 73.08-29, 73.08-41, 73.08-45, 73.08-49, 73.12-19, 73.13-21, 73.13-23, 73.13-26, 73.13-32, 73.13-34, 73.13-36, 73.62-10, 73.64-20, 73.65-23, 73.65-25.	607.6610, 607.6700, 607.8342, 608.1920, 608.2120, [illegible]
Hot Rolled Alloy Steel Sheet and Strip.	73.72-19, 73.74-29, 73.75-34, 73.75-39, 73.75-44, 73.75-49.	607.8100, [2]608.3820, [2]608.5520, [2]608.6720.
Cold Rolled Carbon Steel Sheet.	[3]73.12-29, 73.13-41, 73.13-43, 73.13-45, 73.13-47, 73.13-49, 73.13-50, [3]73.64-50, 73.65-53, 73.65-55.	607.8320, 607.8344.
Cold Rolled Alloy Steel Sheet.	[3]73.74-54, [3]73.74-59, 73.75-54, 73.75-59, 73.75-64, 73.75-69.	[illegible]
Carbon Steel Plate.	73.09-00, 73.13-17, 73.13-19, 73.13-78, 73.13-79, 73.62-30, 73.64-72, 73.64-75, 73.65-21.	[4]607.6615, 607.9400, 608.0710, 608.1100.
Alloy Steel Plate.	73.72-39, 73.75-24, 73.75-29.	[4]607.7800, 607.9100, 608.1420.

APPENDIX B—PRODUCT COVERAGE—Continued

Description	NIMEXE No.[1]	TSUSA Nos.
Carbon Coated Sheet (Galvanized Carbon Steel Sheet and Other Carbon Coated Sheet).	[3]73.12-40, [3]73.12-61, [3]73.12-63, [3]73.12-71, [3]73.12-75, [3]73.12-88, 73.13-67, 73.13-68, 73.13-72, 73.13-88, [3]73.64-79, 73.65-70.	[illegible], 608.1300.
Alloy Coated Sheet and Terne, Plate and Sheet.	[3]73.12-65, 73.13-74, [3]73.74-72, [3]73.74-74, [3]73.74-89, 73.75-79.	608.0100, 608.1440.
Tinplate (not including blackplate).	[3]73.12-51, 73.12-59, 73.13-64, 73.13-65.	607.9600, 607.9700, 607.9800.
Carbon Steel Structural Shapes.	73.11-12, 73.11-14, 73.11-16, 73.11-19, 73.11-20, 73.11-31, 73.11-39, 73.63-10, [5]73.63-29, 73.63-50.	609.8005, 609.8015, 609.8035, 609.8041, 609.8045.
Alloy Steel Structural Shapes.	[5]73.73-14, [5]73.73-19, [5]73.73-34, [5]73.73-35, [5]73.73-36, [5]73.73-39, 73.73-49, 73.73-54, [5]73.73-55, 73.73-59.	609.8200.
Carbon Wire Rod.	73.10-11, [6]73.10-16, 73.63-21, [6]73.63-29, [7]73.73-25, [6]73.73-35.	607.1400, 607.1700, 607.2200, 607.2300.
Hot Rolled Carbon Steel Bar.	[8]73.10-16, [9]73.10-42, [10]73.10-49, [11]73.63-29, [9]73.63-72, [10]73.63-79, [7][8]73.73-35.	606.8310, 606.8330, 606.8350.
Hot Rolled Alloy Bar.	[12]73.73-34, [13]73.73-35, [12]73.73-36, [12]73.73-39, [9]73.73-72, [10]73.73-89.	[illegible]
Carbon and Alloy Rails.	73.16-11, 73.16-14, 73.16-16, 73.16-17, 73.16-20.	610.2010, 610.2020, 610.2100.
Carbon and Alloy Sheet Piling.	73.11-50	[illegible], [illegible]

[1] Subject to further verifications and amendments to be agreed upon by experts of both parties before 1st November 1982.

[2] Covered if hot rolled.

[3] Covered if over 12" in width.

[4] Excluding semifinished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill.

[5] Covered if structural shapes.

[6] Covered if coiled bar from 13 to 18.8 mm diameter.

[7] Covered if contains up to 0.35 percent lead or sulfur.

[8] Excluding coiled bar from 13 to 18.8 mm diameter.

[9] Not covered if coated, plated or clad.

[10] Excluded if cold finished.

[11] Covered if hot rolled bar, excluding coiled bar from 13 to 18.8 mm diameter.

[12] Covered if hot rolled bar.

[13] Covered if hot rolled bar, and 0.35 percent or more lead or sulfur.

BILLING CODE 3510-25-M

Appendix C: Prototype Export Certificate

EUROPEAN COMMUNITY

Exporter (full name and address)	CERTIFICATE FOR THE EXPORT OF STEEL PRODUCTS TO THE UNITED STATES OF AMERICA No 000000
Consignee (full name and address)	3 Export licence No / Issued in
	4 Extract No / Issued in of export licence No / Issued in

NOTES

- This certificate must be completed on typewriter.
- This certificate and the export licence or the extract thereof to which it refers must be produced at the Customs office at which Customs formalities for export to the United States of America are completed.
- This certificate duly endorsed by the Customs office shown in box no. 7, must be produced to the competent authorities in the United States of America at the time of importation.

Marks and numbers - Number and kind of packages - Category and Description of steel products	6 Quantity

ENDORSEMENT BY THE COMPETENT CUSTOMS OFFICE IN THE EUROPEAN COMMUNITY

The net mass (weight) of steel products shown in box no 6 has been attributed ☐ to the export licence shown in box no 3 ☐ to the extract shown in box no (1)

Customs export document: Signature: Stamp:

type:

number:

BILLING CODE 3510-25-C

APPENDIX D.—CONCORDANCE BETWEEN SHIPMENT, IMPORT AND EXPORT CATEGORIES FOR SELECTED GROUPS OF STEEL MILL PRODUCTS

Product	1965–81 shipments (AISI–10)	1979–81 exports (schedule B's)	1981 imports (TSUSA's)
1. HR carbon sheet and strip	Cat. 31, 36 (carbon only)	608.8610, 609.0910	607.6610, 607.6700, 607.8342, 608.1920, 608.2120, 608.2320.
HR alloy sheet and strip	Cat. 31, 36 (alloy only)	608.8620, 609.0920	607.8100, 608.3820, (HR only), 608.5520, (HR only), 608.6720, (HR only).
2. CR Carbon sheet	Cat. 32 (carbon only)	608.9120	607.8344, 607.8320.
CR alloy sheet	Cat. 32 (alloy only)	608.9135	607.9020.
3. Carbon plate	Cat. 6 (carbon only)	608.8112	607.6615 [1], 607.9400, 608.0710, 608.1100.
Alloy plate	Cat. 6 (alloy only)	608.8121	607.7800 [1], 607.9100, 608.1420.
4. Carbon structural shapes	Cat. 4 (carbon only)	609.8110, 609.8120	609.8005, 609.8015, 609.8035, 609.8041, 609.8045.
Alloy structural shapes	Cat. 4 (alloy only)	609.8130	609.8200.
5. Carbon wire rods	Cat. 3 (carbon only)	608.7400	607.1400, 607.1700, 607.2200, 607.2300.
6. HR carbon bar	Cat. 14 (carbon only)	608.4310	606.8310, 606.8330, 606.8350.
HR alloy bar	Cat. 14 (alloy only)	608.4340	606.8700.
7. Carbon and alloy coated sheet and terne plate and sheet.	Cat. 33A, 33B, 34	609.1605, 609.1620, 609.1625, 609.1615	608.0100, 608.0730, 608.1300, 608.1440.
8. Tin plate	Cat. 29	609.1613, 609.1610	607.9600, 607.9700, 607.9900.
9. Carbon and alloy rails	Cat. 7, 8	610.2205, 610.2215	610.2010, 610.2020, 610.2100.
10. Carbon and alloy sheet piling	Cat. 5	609.9700	[illegible], [illegible].

[1] Excluding semifinished products over 6 inches in thickness produced by rolling on a primary (slabbing) mill.

Appendix E

"Certain Steel Products" Definition

"Certain steel products" means all products included in the 1982 AISI import categories 1 through 36 excluding categories 14 through 19 (inclusive) and also excluding the following TSUSA item numbers:

606.0020	609.3020	
607.2600	699.3320	
607.2800	607.7205	
607.3200	607.6900	
607.3405	607.7220	
607.3420	607.7010	
607.4300	607.9010	
607.4600	607.8805	
607.4800	607.8800	
607.5405	607.8820	
607.5420	607.9020	
607.7605	607.9115	
607.9005	608.2600	
606.9005	608.2900	
606.9505	608.3100	
606.9105	608.3400	
606.9300	608.3420	
606.9520	608.3810	
606.9535	608.4300	
606.9010	608.4700	
606.9510	608.4905	
606.9110	608.4920	
606.9400	608.5510	98.5510
606.9525	608.5700	
606.9540	608.5900	
609.4510	608.6405	
609.4520	608.6420	
609.4540	608.6710	
609.4550		

[FR Doc. 82–29511 Filed 10–28–82; 8:45 am]

BILLING CODE 3510–25–M

Gulf of Mexico Fishery Management Council's Scientific and Statistical Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Scientific and Statistial Committee which will meet to review an amendment to the Shrimp Fishery Management Plan (FMP) and review a draft Calico Scallop FMP.

DATES: The public meeting will convene on Tuesday, November 30, 1982, at approximately 8 a.m. and will adjourn at approximately 4 p.m.

ADDRESS: The public meeting will take place at the Barclay Airport Inn-Best Western, Tampa Room, 5303 West Kennedy Boulevard, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609; Telephone (813) 228–2815.

Dated: October 26, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82–29841 Filed 10–28–82; 8:45 am]

BILLING CODE 3510–22–M

National Oceanic and Atmospheric Administration

Taking of Marine Mammals; Issuance of Permit

On September 8, 1982, Notice was published in the **Federal Register** (47 FR 39559), that an application had been filed with the National Marine Fisheries Service by Marineland Amusements Corporation, P.O. Box 937, 6610 Palos Verdes Drive South, Rancho Palos Verdes, California 90274 for a permit to take six (6) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on October 22, 1982, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Marineland Amusements Corporation, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W. Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: October 22, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangred Species, National Marine Fisheries Service.

[FR Doc. 82–29839 Filed 10–28–82; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meeting With a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Notice of public meeting with a partially closed session.

SUMMARY: As required by the Federal Advisory Committee Act, this notice sets forth the schedule and proposed agendas of the forthcoming public meeting with a partially closed session of the Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery

Conservation and Management Act (Pub. L. 94-265).

DATES: December 2-3, 1982 (A notice of determination signed by the Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, previously authorized the scheduling of this public meeting with a partially closed session for October 14-15, 1982.)

ADDRESS: The meetings will take place at the Makaha Resort, Makua Room, Makaha, Oahu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813; telephone (808) 523-1368.

SUPPLEMENTARY INFORMATION:

Agendas

Council (open meetings)—December 2-3, 1982 (10 a.m. to 5 p.m., on December 2; 9 a.m., to approximately 2 p.m., on December 3, 1982)—discuss 1983 programmatic priorities; discuss the status of the Billfish Fishery Management Plan (FMP); discuss the status of the framework for the Bottomfish FMP; review and adopt draft amendments to the Spiny Lobster FMP and discuss the status of the Taiwan coral industry.

Council (closed session)—December 2, 1982 (9 a.m. to 10 a.m.)—discuss personnel matters regarding the selection of an Executive Director to the Council and discuss the selection of individuals to fill vacancies on the Advisory Panel and the Scientific and Statistical Committee of the Council.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on July 28, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agency items covered in the closed session are exempt from the provisions of the Act relating to open meetings and public participation therein, because the session will be concerned with matters that are within purview of 5 U.S.C. 552b(c)(6). These portions of the closed session are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 6622, Department of Commerce.) All other portions of the meetings are open to the public.

Dated: October, 26, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-29840 Filed 10-28-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1982; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1982 services to be provided by workshops for the blind and other severely handicapped.

Comments must be received on or before: December 1, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1982, November 12, 1981 (46 FR 55740):

SIC 0782

Grounds Maintenance, Social Security Administration Complex, 6401 Security Boulevard, Baltimore, Maryland

SIC 7349

Janitorial Services, Annex Building, Bureau of Engraving and Printing, 14th and C Streets, S.W., Washington, D.C.

Janitorial Service, Federal Building and U.S. Courthouse, 205 North 4th Street, Coeur d'Alene, Idaho

Custodial Service, Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, Minnesota

Janitorial Service, Pioneer Courthouse, 520 SW Morrison, Portland, Oregon

Janitorial Service, U.S. Courthouse, 1010 Fifth Avenue, Seattle, Washington

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 82-29604 Filed 10-28-82; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1982; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1982 commodities to be produced by and services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: October 29, 1982.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: C. W. Fletecher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On June 25, 1982, July 9, 1982, and August 20, 1982, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (47 FR 27596, 47 FR 29870, and 47 FR 36467) of proposed additions to Procurement List 1982, November 12, 1981 (46 FR 55740).

After consideration of the revelant matter presented, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1982:

Class 7510

Pocket Planning Set, 7510-01-119-6368

Refill, Pocket Planning Set, 7510-01-113-2079

Class 7520

Pencil, Mechanical 7520-01-132-4996

Class 8105

Bag, Evidence 8105-00-NIB-0001 (18 x 20")

Bag, Evidence 8105-00-NIB-0002 (12 x 20")

Bag, Evidence 8105-00-NIB-0003 (8 x 14")

Bag, Evidence 8105-00-NIB-0004 (6 x 12")

Bag, Evidence 8105-00-NIB-0005 (5 x 8")

SIC 7349

Custodial Service (Grounds Maintenance), U.S. Army Reserve

Center, Memorial Parkway, Huntsville, Alabama
Janitorial/Custodial, Springfield Federal Building, Main and Bridge Streets, Springfield, Massachusetts
Janitorial/Custodial, J. Marvin Jones Federal Building and U.S. Courthouse, 205 E. 5th Street, Amarillo, Texas
Janitorial/Mechanical Maintenance, Federal Building, U.S. Post Office, 403 West Lewis Street, Pasco, Washington.

E. R. Alley, Jr.,
Acting Executive Director.

[FR Doc. 82–29805 Filed 10–28–82; 8:45 am]

BILLING CODE 6820–33–M

DEPARTMENT OF DEFENSE

Department of the Navy

Public Information Collection Requirement Submitted to OMB for Review

The Department of the Navy has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal my be obtained.

Extension

Enlistee Financial Statement (NAVCRUIT 1130/13).

Used to collect data by which to make a determination as to the applicants ability to meet his/her financial obligations on Navy pay.

Applicants for naval service with persons either wholly or partially dependent upon them: 75,000 responses, 25,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), IRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, Telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from Mr. Larry Nichols, Navy Recruiting Command, 4015 Wilson Blvd., Arlington, VA 22203 (ATTN: Code 216), telephone (202) 696–4860.

October 26, 1982.

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82–29835 Filed 10–28–82; 8:45 am]

BILLING CODE 3810–01–M

Privacy Act of 1974; Correction to a System Notice

AGENCY: Department of the Navy, DOD.

ACTION: Correction to a system notice.

SUMMARY: The Department of the Navy proposes to make a correction to the notice for a system of records previously published. The corrected system notice is set forth below.

DATES: The proposed correction will be effective October 29, 1982.

ADDRESS: Send any comments to the System Manager as identified in the notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OPNAV 09B1P) Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: 202/694–2004.

SUPPLEMENTARY INFORMATION: On May 10, 1982 in FR Doc. 82–12593 (47 FR 20018) the Navy published the notice for a new system of records identified as N01131–2, entitled: "U.S. Navy Academy Admission Records." This notice contained several typesetting errors. The system notice as it should appear is set forth below.

M. S. HEALY,
OSD Federal Register Liaison Officer, Department of Defense.

October 26, 1982.

N01131–2

SYSTEM NAME:

U.S. Naval Academy Admissions Records.

SYSTEM LOCATION:

U.S. Naval Academy, Leahy Hall, Annapolis, Maryland 21402.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All candidates for admission to the Naval Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Admissions records, including information on nominations and appointments, and candidate guidance files. Admission files contain personal data, personal statements, transcripts from previous academic institutions, admission tests results, physical aptitude exam results, recommendation letters from school officials and others, interest inventory, extracurricular activities report, and report of officer interview. Nominations and appointments records consist of card files of all Congressional Offices and who each congressman appointed; files of candidates nominated for the following academic year; status cards, indexed by nominating source, of all candidates appointed, admitted, and graduated or resigned prior to graduation. Similar files are separately kept on foreign candidates. Candidate guidance files consist of precandidate questionnaires concerning educational background, personal data, physical data, extracurricular activities and employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 10 U.S.C. 6956, 6957, and 6958, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Nominations and admissions records, including pre-candidate questionnaires, are the starting point of records for all future midshipment. They are used to keep track of all candidates nominated by Congress and other sources. All nominating sources have access to records. The Academy admissions department uses the records to determine qualification status for candidates. The records may also be used by various faculty department heads, and the Naval Academy Prep School.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are filed in folders or index boxes, and stored in file cabinets in the appropriate offices.

RETRIEVABILITY:

Basic admissions records are retrieved by use of a six digit candidate number. Nominations and Appointment records are indexed either by candidate names or by nomination source. Candidate guidance questionnaires are stored by candidates names alphabetically.

SAFEGUARDS:

Visitor control and all files are kept in locked file cabinets and locked offices.

RETENTION AND DISPOSAL:

Admissions records of admitted candidates are kept by the Registrar's office after a candidate reports. Unsuccessful candidate files are kept for one year in locked file, then destroyed. Nomination and Appointment files vary in retention. All Congressional Office card files are kept for 10 years on the premises. Status cards of admittees are kept until graduation or resignation, and then transferred to the Academy archives and microfilmed. Nominations files are disposed of yearly through normal refuse removal methods. Candidate guidance files are destroyed after one year.

SYSTEM MANAGER(S) AND ADDRESS:

Admissions Officer, Office of the Dean of Admissions, U.S. Naval Academy, Annapolis, Maryland 21402.

NOTIFICATION PROCEDURES:

Written request may be made to the system manager.

RECORD ACCESS PROCEDURES:

Rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

Rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Educational institutions, nominating sources, individual candidates, school officials, personal statements, Blue and Gold officer interviews, and letters of recommendation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82–29834 Filed 10–28–82; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Privacy Act of 1974

AGENCY: National Security Agency, DOD.

ACTION: Amendment of a system notice.

SUMMARY: The National Security Agency proposes to amend the notice for a system of records.

DATES: This change shall be effective November 29, 1982.

ADDRESSES: Send any comments to Lt. R. N. Fielding, JAGC, USN, Office of the General Counsel, Room 9A–116, National Security Agency, Fort George C. Meade, MD 20755.

FOR FURTHER INFORMATION CONTACT: Lt. R. N. Fielding, JAGC, USN, Office of General Counsel; telephone: 301/688–6054.

SUPPLEMENTARY INFORMATION: The National Security Ageancy proposes to change the retention and disposal procedures for a system of record. The change is necessitated by the need to maintain information from applicant files sufficiently to respond to a law suit recently filed against the agency.

The national Security Agency systems notice for systems of records subject to the Privacy Act of 1974, Title 5, United States Code Section 552a (Pub. Law 93–579, 88 Stat 1896, *et seq.*) were last published in the **Federal Register** at FR Doc. 82–674 (47 FR 2617) January 18, 1982.

This change does not require an altered system report as prescribed by 5 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 26, 1982.

GNSA 02

SYSTEM NAME: NSA/CSS Applicants

* * * * *

RETENTION AND DISPOSAL:

For applicants who are subsequently hired, records are transfered to Personnel File or destroyed as appropriate. For applicants not hired, records are retained for a period not to exceed one year or until completion of legal proceedings involving issues pertaining to these records, which ever is later, unless employment requirements necessitates retention for a longer period.

* * * * *

[FR Doc. 82–29812 Filed 10–28–82; 8:45 am]

BILLING CODE 3810–01–M

Defense Intelligence School Panel of the National Defense University and the Defense Intelligence School; Meeting

Pursuant to the provisions of Sub-Section (d) Section 10 of Public Law 92–463, as amended by Section 5 of Pub. L. 94–409, notice is hereby given that a partially closed meeting of the Defense Intelligence School Panel of the Board of Visitors of the National Defense University and the Defense Intelligence School will be held on-site at the School in Washington, D.C. on 15, 16, and 17 November 1982.

Morning sessions on 15, 16 and 17 November will be devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and will therefore be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

October 25, 182.

[FR Doc. 82–29803 Filed 10–28–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. PP–76]

Substitution of Applicant in Presidential Permit Application

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Substitution of Applicant in Presidential.

PERMIT APPLICATION DOCKET NO. PP–76.

SUMMARY: The Vermont Electric Transmission Company, Inc. (VETCO) has been substituted for the Vermont Electric Power company, Inc. (VELCO) as the applicant for the Presidential Permit in DOE Docket No. PP–76.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Office of Energy Emergency Operations (EP–42), Department of Energy, Forrestal Building, Mail Stop GB–270, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–1714

Lise Courtney M. Howe, Office of General Counsel (GC–11) Department of Energy, Forrestal Building, Mail Stop 6F–094, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2900

SUPPLEMENTARY INFORMATION: On December 11, 1981, VELCO and the New England Electric Transmission Corporation (NEET) filed with DOE separate and competing applications to construct, operate and maintain electric power facilities at the border between the United States and Canada for the transmission of electric energy between Hydro-Quebec (HQ) and the New England Power Pool. Each application proposes the construction of a line running from an HQ substation located near Sherbrooke, Quebec, to a terminal facility at the Comerford Station located in Grafton County, New Hampshire. The U.S. portion of the VELCO line would be situated in part in Vermont, while the U.S. portion of the NEET line (DOE Docket No. PP–77) would be located exclusively in New Hampshire. DOE currently is reviewing both applications.

On September 15, 1982, VELCO notified DOE that VETCO had been substituted as the applicant for a Presidential Permit in DOE Docket No. PP-76 and that both VELCO and VETCO concur in this substitution.

VETCO is a wholly owned subsidiary of VELCO, duly organized in 1982 under the laws of the State of Vermont for the purpose of constructing and operating the proposed intertie with Hydro-Quebec, should the Vermont route described in the application by VELCO be selected.

Issued in Washington, D.C., October 20, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82-29766 Filed 10-28-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER83-41-000]

Detroit Edison Co., Filing

October 25, 1982.

Take notice that on October 18, 1982, the Detroit Edison Company (Detroit) tendered for filing FERC Electric Tariff Original Volume No. 1, Seventh Revised Sheet No. 4.

Detroit requests that the Commission approve the Seventh Revised Tariff Sheet No. 4 effectively January 1, 1983 which extends availability of Service under the Company's Experimental Interruptible Service Option (Sheet No. 16a, Paragraph 3.5) to the City of Croswell.

Detroit requests that the Commission grant such waivers and authorizations as are required to enable the implementation of this change.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 8, 1982. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29764 Filed 10-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-743-000]

Carolina Power & Light Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motion to Reject, and Establishing Hearing and Price Squeeze Procedures

Issued: October 22, 1982.

On August 23, 1982, Carolina Power & Light Company (CP&L) tendered for filing a proposed two-step increase in rates to eighteen cooperatives, three municipals, one private utility, and one partial requirements customer.[1] The proposed step-one rates would increase revenues by approximately $15 million (8.0%) for the calendar 1983 test period. The step-two rates would increase revenues by an additional $20 million (10%). CP&L requests that the step-one rates become effective on October 23, 1982, sixty days after filing, and that the step-two rates become effective on October 24, 1982.

Notice of the filing was published in the **Federal Register** with comments due on or before September 15, 1982. On September 9, 1982, South River Electric Corporation (South River) filed a motion to intervene, requesting rejection of CP&L's filing or, in the alternative, a five month suspension. In its pleading, South River raises issues concerning (1) CP&L's purported mismanagement in the operation of nuclear units; (2) nuclear safety; (3) the reasonableness of CP&L's fuel costs; and (4) the absence of more recent Period I test year data.

On September 14, 1982, the North Carolina Membership Corporation,[2] the Brunswick Electric Membership Corporation, and the Four County Electric Membership Corporation (Cooperatives) jointly filed a protest, motion to intervene, and request for a hearing and a five month suspension. The Cooperatives question the necessity of a two-step rate increase, stating that CP&L has not correlated the step-two rate increase to any event (such as the commercial operation of a major generating plant) that will cause costs to increase. As a result, the Cooperatives view CP&L's phased rate increase as an attempt to circumvent the Commission's *West Texas*[3] suspension policy. In addition, the Cooperatives raise a variety of cost of service issues[4] and allege price squeeze. The Cooperatives request an expedited hearing on the price squeeze issue prior to the cost of service phase of the proceeding.[5]

On September 15, 1982, the Cities of Bennettsville and Camden, South Carolina (Cities) filed a protest, motion to intervene, motion to reject the filing or, in the alternative, to suspend for five months. Also on that date, a motion to intervene was filed by French Broad Electric Membership Corporation (Broad Electric), seeking the same relief as that requested by the Cities. In support of their motions to reject, Broad Electric and the Cities allege that the proposed two-step rate increase violates § 35.13(a) of the regulations inasmuch as CP&L has not provided separate cost of service studies for each phase of the two-step rate increase. In support of their request for a five month suspension, Broad Electric and the Cities raise cost of service issues similar to those propounded by the Cooperatives.[6] They also state that a one day suspension would permit CP&L (in violation of the intent of the future test year regulations) to collect a rate increase prior to the commencement of the test year.

On October 15, 1982, Broad Electric filed a supplement to its September 15, 1982 pleading, providing additional reasons[7] in support of its motion for a five month suspension and requesting, for the first time, the initiation of price squeeze procedures. Regarding its request for the initiation of price squeeze procedures, Broad Electric alleges that CP&L's proposed wholesale rate increase will produce a severe price squeeze, because of the substantial reduction in the retail rate increase recently ordered by the NCUC (*see* note 5). In addition, Broad Electric argues that the Commission must not ignore its price squeeze allegations in determining the length of the suspension period. Broad Electric acknowledges that the Commission generally will not consider unproved price squeeze allegations as a separate factor in its suspension analysis. However, Broad Electric urges that its price squeeze allegations are supported by data and an analysis which demonstrate concrete and immediate harm to Broad Electric and to competition between CP&L and its other wholesale customers. Moreover, Broad Electric asserts that the Commission's failure to consider price squeeze allegations in its suspension analysis would be contrary to the policies relied upon in *Conway*.[8]

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[1] *See* Attachment A for customers and rate schedule designations.

[2] The North Carolina Membership Corporation represents 17 distribution electric membership cooperatives served by CP&L, including the Brunswick Electric Membership Corporation and the Four County Electric Membership corporation.

[3] *West Texas Utilities Company,* Docket No. ER82-23-000, 18 FERC ¶ 61,189 (February 26, 1982).

[4] Those issues include: (1) The failure to properly credit CP&L's wholesale customers a portion of the profits realized from the sale of interests in major generating units to municipal wholesale customers; (2) excessive purchased power expenses due to poor maintenance of nuclear generating units; (3) unreasonable capital structure and rate of return on common equity; (4) the amortization period for nuclear plant cancellation costs; (5) excessive spent nuclear fuel disposal costs; (6) unreasonable cash working capital allowance; and (7) improper inclusion of EEI and other industry dues in the cost of service.

[5] On September 29, 1982, the Cooperatives filed an addendum to their September 15, 1982 pleading which included a recent order of the North Carolina Utilities Commission (NCUC) as further support for a maximum suspension. (*See, In the Matter of Application of Carolina Power & Light Company for an Adjustment in its Rates and Charges Applicable to Electric Service in North Carolina,* Docket E-2, sub 444, Order Assessing Rate of Return Penalty and Granting Partial Increase In Rates, issued September 24, 1982.)

[6] The Cities also challenge CP&L's stated levels of depreciation and administrative and general expenses, fuel stocks, and wages and salaries. In addition, they object to CP&L's cost of service inclusion of prior rate case expenses, the company's demand and energy forecasts, and the method of functionalizing accumulated deferred income taxes.

The Public Works Commission of the City of Fayetteville, North Carolina (Fayetteville) also filed a timely protest, motion to intervene, motion for a five month suspension, and request for a hearing. Fayetteville also raises several challenges to CP&L's cost of service, objects to the proposed billing demands, opposes the demand ratchet included in the partial requirements rate schedule, and alleges price squeeze. The North Carolina Eastern Municipal Power Agency (Power Agency) filed a timely protest and motion to intervene which raises only one cost of service issue, the reasonableness of CP&L's projected depreciation expenses. In addition, numerous individual retail customers filed letters of protest requesting either rejection or a five month suspension of CP&L's proposed rates.

On September 28, and September 30, 1982, CP&L filed separate answers to five of the intervenors' pleadings. In its answers, CP&L opposes the intervenors' protests, requests for a five month suspension, and motions for summary rejection of the August 23, 1982 submittal.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), South River's, the Cooperatives', the Cities', Broad Electric's Fayetteville's, and the Power Agency's unopposed motions to intervene serve to make them parties to this proceeding.

As noted, Broad Electric and the Cities have challenged CP&L's efforts to phase the instant rate increase and Broad Electric objects to the absence of the separate cost of service study for the step-one rates. However, we find that CP&L's submittal substantially complies with the Commission's regulations[9] and that the phased filing does not contravene our filing requirements or the provisions of the Federal Power Act. Therefore, consistent with prior orders permitting such phasing,[10] we shall deny the motions to reject.

Our preliminary review of CP&L's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly descriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

In *West Texas Utilities Company, supra*, we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*. Because our preliminary review indicates that CP&L's proposed step-one increase may not yield excessive revenues, we shall suspend the step-one rates for one day to become effective, subject to refund, on October 24, 1982.[11] With respect to CP&L's step-two rates, however, preliminary review suggests that the proposed increase may yield substantially excessive revenues. Accordingly, we shall suspend CP&L's proposed step-two rates for five months, to become effective, subject to refund, on March 24, 1982.[12]

In light of the intervenors' price squeeze allegations we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979).

As a final matter, the Commission observes that CP&L has utilized full tax normalization with respect to Accelerated Cost Recovery System (ACRS) property. According to our review, it appears that the instant filing reflects a normalization method of accounting for all post-1980 property additions, that CP&L's cost of service correctly reflects the effects of normalization, and that CP&L's submittal satisfies the requirements of the Economic Recovery Tax Act of 1981.

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[7] Broad Electric points to certain aspects of the recent NCUC order (see, footnote 5, *supra*), which it believes are relevant to this Commission's determination of the length of the suspension period. According to Broad Electric, those aspects relate to (1) the state commission's reduction of CP&L's requested 18.5% return on equity to 14.5%, (2) the finding of serious and recurring deficiences regarding CP&L's operation and maintenance of its nuclear generating units, (3) the reduction of the allowance for executive salaries in the retail cost of service, (4) and the reduction of CP&L's requested retail rate increase from $173,706,000 to $8,784,000.

[8] Citing *Conway Corp. v. FPC*, 510 F.2d 1264, 1266, 1269 (D.C. Cir. 1975), *aff'd* 426 U.S. 271 (1976). Broad Electric refers to language which indicates that price squeeze "* * * has a substantial and immediate impact that cannot be remedied by *subsequent* action," and that "the discriminatory charges may last for years before the wholesale rate is reduced."

[9] *See Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

[10] *See, e.g., Kentucky Utilities Company*, 20 FERC ¶ 61,339 (1982); *Indiana & Michigan Electric Company*, 20, FERC ¶ 61,079 (1982); and *Jersey Central Power and Light Company*, 19 FERC ¶ 61,208 (1982).

[11] We do not share Broad Electric's and the Cities' view that collection of a rate increase by CP&L (as a result of a one day suspension) prior to the beginning of its Period II test year violates the future test year regulations. Section 35.13 of the Commission's regulations permits the filing of a Period II test year which begins no later than three months after the proposed effective date. Consequently, CP&L's proposed October 23, 1982, and October 24, 1982 effective dates, together with the selected calendar 1983 test period, comport with the requirements of § 35.13.

[12] As noted above, Broad Electric has suggested that we consider the price squeeze claims in our suspension determination. We do not read *Conway* as requiring that the Commission consider unproved allegations of price squeeze in its detemination of the length of the suspension period. Further, based on the information available (including reference to the recent NCUC order which substantially reduced CP&L's proposed retail rate increase), we are not persuaded that extraordinary circumstances exist which would warrant consideration of Broad Electric's price squeeze claims as a separate factor in the suspension analysis. A mere difference in rates does not establish price discrimination or price squeeze. (*See generally, Commonwealth Edison Company*, Opinion No. 63 (September 14, 1979) *Southern California Edison*, Opinion No. 62 (August 22, 1979)). An examination of costs underlying those differences in rates is necessary, and is more appropriately addressed in a hearing. Moreover, Broad Electric has not even demonstrated that there is a difference in rates, but has provided us with little more than a percentage reduction in the proposed rate increase at the retail level, with no indication as to the basis of the retail rate increase, the underlying costs, or the relationship between the originally proposed retail rate and the wholesale rate before us. Neither are we convinced, based on the information available, that we should at this time order a departure from the phasing practice established in *Arkansas Power & Light Company*. We note, however, that the price squeeze procedures provide the presiding judge with discretion to modify the hearing schedule if good cause is shown to do so.

The Commission orders

(A) The motions to reject CP&L's filing are hereby denied.

(B) CP&L's proposed step-one and step-two rates are hereby accepted for filing; the step-one rates are suspended for one day from sixty days after filing, to become effective, subject to refund, on October 24, 1982, and the step-two rates are suspended for five months to become effective, subject to refund, on March 24, 1983.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of CP&L's rates.

(D) The Commission staff shall serve top sheets in this proceeding on or before November 3, 1982.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to in the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A.—Carolina Power & Light Company Docket No. ER82-743-000 Rate Schedule Designations Filed: August 23, 1982

(Step One Rates)

Description: (1) Resale Service Schedule RS82-1; (2) Resale Service Schedule RS82-2; (3) Resale Service Schedule RS82-3; (4) Rider 82A; (5) Table of Contents; and (6) Index of Purchasers.

Designation: FPC Electric Tariff, First Revised Volume No. 1.

Sheet no.	Supersedes	Description
5th Revised Sheet Nos. 5, 6, 7	4th Revised Sheet Nos. 5, 6, 7	(1)
3rd Revised Sheet Nos. 7A, 7B, 7C	2nd Revised Sheet Nos. 7A, 7B, 7C	(2)
2nd Revised Sheet Nos. 7D, 7E, 7F, 7G	1st Revised Sheet Nos. 7D, 7E, 7F, 7G	(3)
4th Revised Sheet No. 8	3rd Revised Sheet No. 8	(4)
2nd Revised Sheet No. 8A	1st Revised Sheet No. 8A	(4)
1st Revised Sheet No. 2	Original Sheet No. 2	(5)
2nd Revised Sheet Nos. 21-23	1st Revised Sheet No. 21-23	(6)

Electric Tariff Customers—Electric Membership Cooperatives: Brunswick EMC, Carteret-Craven EMC, Central EMC, Four County EMC, French Broad River EMC, Jones-Onslow EMC, Lumbee River EMC, Pee Dee EMC, Piedmont EMC, Pitt & Greene EMC, Randolph EMC, South River EMC, Tideland EMC, Tri-County EMC, Wake EMC.

Other Party	Rate schedule No.	Supplement No.	Supersedes supplement No.	Description
Town of Bennettsville	49	24, 25	22, 23	(2), (4)
Town of Camden	50	23, 24	21, 22	(2), (4)
City of Fayettville	102	18, 19	16, 17	(3), (4)
Town of Waynesville	[illegible]	23, 24	21, 22	(2), (4)
Laurel Hill Electric Company	51	23, 24	21, 22	(2), (4)

(Step Two Rates)

Description: (7) Resale Rate Schedule RS82-1A; (8) Resale Rate Schedule RS82-2A; (9) Resale Rate Schedule RS82-3A.

Designation: FPC Electric Tariff, First Revised Volume No. 1.

Sheet No.	Supersedes	Description
6th Revised Sheet Nos. 5, 6, 7.	5th Revised Sheet Nos. 5, 6, 7.	(7)
4th Revised Sheet Nos. 7A, 7B, 7C.	3rd Revised Sheet Nos. 7A, 7B, 7C.	(8)
3rd Revised Sheet Nos. 7D, 7E, 7F, 7G.	2nd Revised Sheet Nos. 7D, 7E, 7F, 7G.	(9)

Other Party	Rate Schedule No.	Supplement No.	Supersedes Supplement No.	Description
Town of Bennettsville	49	26	24	(8)
Town of Camden	50	25	23	(8)
City of Fayetteville	102	20	18	(9)
Town of Waynesville	89	25	23	(8)
Laurel Hill Electric Company	51	25	23	(8)

[FR Doc. 82-29616 Filed 10-28-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of September 27 Through October 1, 1982

During the week of September 27 through October 1, 1982, the decisions and orders summarized below were issued with respect to appeals and applications for or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

California Energy Resources Conservation and Development Commission, 9/27/82; HFA-0080

The California Energy Resources Conservation and Development Commission filed an Appeal from a partial denial by the Director, Office of Policy and Management, Office of Conservation and Renewable Energy of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). Specifically, the DOE found that drafts of proposed rulemakings, memoranda discussing those drafts, as well as documents containing preliminary results of analyses necessary for the issuance of the proposed rulemakings, were part of the deliberative process and, therefore, were properly withheld under Exemption 5. The DOE further found, however, that a portion of one document initially withheld under Exemption 5, as well as portions of one document, which were originally intended for release by the Director, should be released to the public. Accordingly, the Appeal was granted in part.

Stanton T. Friedman, 9/29/82; HFA-0081

Mr. Stanton T. Friedman filed an Appeal from a denial by the Disclosure Officer, Oak Ridge Operations Office, of a Request for Information that Mr. Friedman had submitted under the Freedom of Information Act (the FOIA). In his Appeal, Mr. Friedman contested the Disclosure Officer's determination that no documents responsive to his request exist at the Oak Ridge Operations Office. In considering the Appeal, the DOE found that the search for responsive documents conducted by the Disclosure Officer was adequate and that the Disclosure Officer had fulfilled his obligation to inform Mr. Friedman of the possible routine destruction of files that may have been responsive. Accordingly, the Appeal was denied.

Remedial Order

Tom O'Neal, 9/29/82; BRO–1469

Tom O'Neal d/b/a O'Neal Service Center objected to a Proposed Remedial Order which the Western District Office of Enforcement of the ERA issued to the firm on February 24, 1981. In the Proposed Remedial Order, the ERA found that Mr. O'Neal made sales of motor gasoline at prices in excess of those permitted by 10 CFR 212.93. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final order. The important issues discussed in the Decision and Order include (i) whether a consent order which has been materially altered and signed only by the party is a valid consent order, (ii) whether a claim of voluntary restitution should be given effect, and (iii) whether § 205.1991(a) of the DOE procedural regulations, which details the remedies which the DOE may require in a remedial order proceeding, is applicable to motor gasoline retailers.

Motion for Modification and/or Recission

Atlantic Richfield Company, 9/29/82; HRR–0032

In *Office of Special Counsel (Arco)*, 9 DOE ¶ 82,595 (1982), the DOE considered a motion filed by the Office of Special Counsel (OSC) to compel the production of 13 documents responsive to the discovery order in *Atlantic Richfield Co.*, 8 DOE ¶ 82,585 (1981) for which the Atlantic Richfield Company (Arco) had asserted privilege claims. In that decision, the DOE sustained none of the Arco privilege claims challenged by OSC. Arco was ordered to release three of the documents to OSC and to submit revised privilege claims for the remaining ten documents. Arco submitted these revised claims, and additionally requested that OHA reconsider its decision to require Arco to release three documents.

In reviewing Arco's revised privilege claims for the ten documents for which Arco had been instructed to submit new claims, the DOE concluded that the revised claims did establish that each of the ten documents was subject to the attorney work product doctrine. The DOE additionally rejected OSC's argument that Arco had waived its right to assert attorney work product claims because the firm had asserted a good faith reliance defense in the enforcement proceeding to which the OSC discovery requests related. The DOE determined that because Arco's good faith reliance claim was cursory in nature, a finding that Arco had waived its right to make attorney work product claims would be inappropriate. Accordingly, Arco was not ordered to release these documents to OSC.

In its Motion for Reconsideration, Arco argued neither that the decision which it sought reconsidered was incorrect nor that it was unaware of the standards applied to that decision to evaluate its privilege claims. Therefore, the DOE concluded that Arco had not presented compelling reasons that reconsideration was warranted. Accordingly, the Motion for Reconsideration was denied.

Interlocutory Order

Economic Regulatory Administration, in re Crown Central Petroleum Corp., 9/3/82; HRZ–0063

The Economic Regulatory Administration (ERA) filed a Motion for Document Preservation Order requesting that we order Crown Central Petroleum Corp. (Crown) to preserve all documents relevant to the enforcement proceeding (Case No. HRO–0072) as required by 10 CFR 210.92(a). The ERA stated that it believed Crown was destroying documents; however, the ERA did not state the basis for its belief. The DOE found that an order from the Office of Hearings and Appeals would merely reiterate the requirements of 10 CFR 210.92 and would do nothing to advance the proceeding. The motion was therefore denied. The DOE also dismissed the related Motion for Early and Limited Discovery of Crown's Record Retention Programs in which the ERA sought to examine Crown's records to determine if any documents had in fact been destroyed.

Dismissals

The following submissions were dismissed without prejudice:

Name and case No.
Christian's 66 Service, BRO–1538
Crystal U.S.A. Oil Co., HRO–0046
Leonard E. Belcher, Inc., HEG–0012
Roy's Civic Center Mobil, HRO–0057

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: October 22, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 82–29765 Filed 10–28–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS–51437; TSH–FRL 2237–1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 (a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5 (a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of seventeen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83–45, 83–47, 83–48 & 83–49—Jan. 12, 1983.

PMN 83–50, 83–51 & 83–52—Jan. 15, 1983.

PMN 83–53, 83–54 & 83–55—Jan. 16, 1983.

PMN 83–56, 83–57, 83–58, 83–59 & 83–60—Jan. 17, 1983.

PMN 83–61 & 83–62—Jan. 18, 1983.

Written comments by:

PMN 83–45, 83–47, 83–48 & 83–49—Dec. 13, 1982.

PMN 83–50, 83–51 & 83–52—Dec. 16, 1982.

PMN 83–53, 83–54 & 83–55—Dec. 17, 1982.

PMN 83–56, 83–57, 83–58, 83–59 & 83–60—Dec. 18, 1982.

PMN 83–61 & 83–62—Dec. 19, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–51437]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St. SW., Washington, DC 20460, (202–382–3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St. SW., Washington, DC 20460, (202–382–3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

PMN 83–45

Importer. Magnesium Elektron, Inc.

Chemical. (S) Propionic acid, zirconium salt.

Use/Import. (S) Adhesion promoter for organic solvent based printing inks. Import range: 5–40 tons/yr.

Toxicity Data. No data submitted.

Exposure. Import: a total of 1 worker, up to 3 hrs/da, up to 35 da/yr.

Environmental Release/Disposal. Release to air. Disposal by incineration and approved landfill.

PMN 83-47

Manufacturer. Ashland Chemical Company.

Chemical. (G) Polymer of acrylic acid and acrylic esters.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: a total of 2–3 workers, up to 4–5 hrs/da, up to 15 da/yr.

Environmental Release/Disposal. No data submitted.

PMN 83-48

Manufacturer. Ashland Chemical Company.

Chemical. (G) Polymer of aliphatic and aromatic diacids, ester and an aliphatic diol.

Use/Production. (S) Cured, cross-linked coating for commerical articles. Prod. range: 30,000–335,000 lbs/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: an unknown number of workers.

Environmental Release/Disposal. Diposal by incineration and landfill.

PMN 83-49

Manufacturer. Confidential.

Chemical. (G) Substituted pyridine.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. Acute oral, crude: 2,000 mg/kg: Acute dermal, crude: > 5,000 mg/kg; Irritation: Skin—none; Eye—slight; Inhalation, LC_{50} 4 hrs: 19 mg/l; Sub actue inhalation: 36 parts per million (ppm); Skin sensitization: Non-sensitizer.

Exposure. A total of 2 workers per 8 hr/shift.

Environmental Release/Disposal. Diposal by all applicable regulations.

PMN 83-50

Manufacturer. Confidential.

Chemical. (S) Polymer of: isophorone diisocyanate, 2-hydroxy ethyl acrylate, silicone fluid.

Use/Production. (G) Open use. Prod. range: 150–25,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and disposal: dermal and inhalation, a total of 11 workers, up to 8 hrs/da, up to 30 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, 12 hrs/da, 30 da/yr. Disposal by approved landfill.

PMN 83-51

Importer. Sandoz Color & Chemicals.

Chemical. (G) Alkoxylated alkyl amine.

Use/Import. (S) Dye leveling agent. Import range: Confidential.

Toxicity Data. Acute oral: 2,300 mg/kg; Irritation: Skin—slight, Eye—strong.

Exposure. Use: dermal.

Environmental Release/Disposal. Disposal by biological treatment system.

PMN 83-52

Manufacturer. Confidential.

Chem,ical. (S) Reaction product of N, N' 2-tris (6-Isocyanatohexyl) imidodicarbonic diamide with 3-(trimethoxysilyl)-1-propanethiol.

Use/Production. (G) Manufacture of curing sealant compositions. Prod. range: Confidential.

Toxicity Data. Irriatation: Skin—Mild, Eye—Mild.

Exposure. Manufacture, a total of 9 workers, up to 80 hrs cycle time.

Environmental Release/Disposal. Disposal by incineration and landfill.

PMN 83-53

Importer. Confidential.

Chemical. (G) Cobalt complex of substituted phenolazophenylacetacetamide.

Use/Import. (S) Industrial dye for leather and paper. Import range: Confidential.

Toxicity Data. Irritation: Skin—Non, Eye—Moderate.

Exposure. Processing use and disposal dermal a total of 6 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10–180 kg/max released to water with 10–100 kg/yr released to land. Disposal by publicly owned treatment works (POTW), approved landfill and processor treatment works.

PMN 83-54

Importer. Confidential.

Chemical. (G) Iron complex of substituted phenolazoresorcinol.

Use/Import. (S) Dye for leather and paper. Import range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Irritation: Skin—Non irritant, Eye—Non-irritant.

Exposure. Processing, use and disposal: dermal, a total of 6 workers, up to 2 hrs/da, up to 100 da/yr.

Environmental Release/Disposal. Less than 10–150 kg/max released to water with 10–100 kg/yr to land. Disposal by (POTW), incineration and approved landfill.

PMN 83-55

Manufacturer. Confidential.

Chemical. (G) Substituted alkanediol.

Use/Production. (G) Minor component of a formulation used by specialized commercial customers. Prod. range: 2,000–20,000 kg/yr.

Toxicity Data. Acute oral: 2200 mg/kg; Acute dermal: 10–20 ml/kg; Irritation: Skin—Strong.

Exposure. Manufacture and processing: dermal and inhalation, a total of 40 workers, up to 2 hrs/da, up to 40 da/yr.

Environmental Release/Disposal. Minimal release to air and water. Disposal by biological treatment system and incineration.

PMN 83-56

Importer. Confidential.

Chemical. (G) Substituted acetoxyhexahydroindene.

Use/Import. Confidential. Import range: 5–1,000 kg/yr.

Toxicity Data. Acute oral: >5.0 g/kg; Acute dermal: >2.0 g/kg; Irritation: Skin—Non-irritant, Eye—Non-irritant; Skin sensitization: Repeated insult patch test/photosensitization study in human subjects: Non-sensitizer.

Exposure. Processing: workplace air, a total of 2 workers, less than 2 hrs/da, less than 20 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, less than 1 hr/da, less than 20 da/yr.

PMN 83-57

Importer. Confidential.

Chemical. (G) Polymer of isophorone diisocyanate, polyhydroxyalkane, and an alkyl alkanoate.

Use/Import. (S) Crosslinker for industrial coatings. Import range: Confidential.

Toxicity Data. Acute oral: >5 gm/kg; Irritation: Skin—None, Eye—None; LC_{50} 4 hr. (aerosol exposure): >2,898 mg/m^3 air.

Exposure. Processing, use and disposal: dermal and inhalation, a total of 7 workers, up to 4 hrs/da, up to 50 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by POTW and incineration.

PMN 83-58

Importer. Confidential.

Chemical. (G) Bis (((substituted pyrazoly) azo) substituted phenol) metallate and bis (((substituted pyrazol)azo) substituted phenol) metallate, inorganic salts.

Use/Import. (S) Industrial leather colorant. Import range: Confidential.

Toxicity Data. Acute oral: >5.0 m/kg; fish toxicity (static test) 48 hr: Not toxic at a concentration of 20 mg/1; Irritation: Skin—Non-irritant, Eye—Slight; LC_{50} (waste water bacteria): >100 mg/1.

Exposure. Negligible.

Environmental Release/Disposal. Disposal by POTW or waste water treatment facility.

PMN 83-59

Importer. Confidential.

Chemical. (G) Acrylic acid, polymer with vinyl acetate, acrylate esters and substituted ethylene.

Use/Import. (S) Leather auxiliary. Import range: Confidential.

Toxicity Data. No data submitted.

Exposure. Confidential.

Environmental Release/Disposal. Confidential. Disposal by POTW.

PMN 83-60

Importer. Confidential.

Chemical. (G) Metal complex of methyl-substituted-((substituted-hydroxyphenyl)azo)-oxo-dihydro-1H-pyrazole and substituted-((naphthyl)azo)-2-naphthol, and metal complex of methyl-substituted-((substituted-hydroxyphenyl)azo)-oxo-dihydro-1H-pyrazole and substituted-((naphthyl)azo)-2-naphthol, inorganic salts.

Use/Import. (S) Leather colorant. Import range: Confidential.

Toxicity Data. Acute oral: > 5.0 ml/kg; Irritation: Skin - Non-irritant, Eye - Slight; LC_{50}: > 100 mg/l.

Exposure. Processing: negligible.

Environmental Release/Disposal. No release. Disposal by POTW.

PMN 83-61

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzothiazole.

Use/Production. (G) Low-volume site-limited intermediate. Prod. range: 2-10 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, use and disposal: minimal dermal and inhalation.

Environmental Release/Disposal. No release. Disposal by incineration.

PMN 83-62

Manufacturer. Confidential.

Chemical. (G) Disubstituted benzothiazole salt.

Use/Production. (G) Low-volume site-limited intermediate. Prod. range: 5-15 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture, use and disposal: minimal dermal and inhalation.

Environmental Release/Disposal. No release. Disposal by incineration.

Dated: October 22, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-29636 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-5 91 06; TSH-FRL 2236-8]

Polymer of Tall Oil Rosin, Gum Rosin, Paraformaldehyde, Calcium Hydroxide and Phenol; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of one application for an exemption, provides a summary, and requests comments on the appropriateness of granting the exemption.

DATE: Written Comments by: November 15, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-5 91 06]" and the specific TME number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street SW., Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

TME 83-5

Close of Review Period. November 28, 1982.

Manufacturer. American Hoechst.

Chemical. (S) Polymer of tall oil rosin, gum rosin, paraformaldehyde, calcium hydroxide and phenol.

Use/Production. Confidential. Prod. range: 6 mos.-400,000 kg (max).

Toxicity Data. No data submitted.

Exposure. Manufacture-dermal, a total of 2 workers, up to 80 hrs/each, total; processing-dermal, 160 man hrs., total; use-insignificant dermal contact.

Environmental Release/Disposal. No data submitted. Disposal by landfill.

Dated: October 22, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-29637 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-2236-6]

Availability of Environmental Impact Statements Filed October 18 Through October 22, 1982, Pursuant to 40 CFR Part 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information 382-5075 or 382-5076

Corps of Engineers:
  EIS No. 820687, Draft, COE, NY, Moriches Inlet Navigational Improvements, Suffolk County, Due: December 13, 1982
  EIS No. 820686, Draft, COE, FL, Eastpoint Breakwater Harbor Construction, Franklin County, Due: December 13, 1982
  EIS No. 820691, Report, COE, NC, Report—Fort Fisher Historic Site Flood Control, New Hanover County, Due: / /
Department of Interior:
  EIS No. 820689, Draft, BLM, UT, Henry Mountain Livestock Grazing Mgmt. Plan, Kane/Wayne/Garfield County, Due: December 30, 1982
  EIS No. 820685, Draft, BLM, WY, Newcastle Resource Area Grazing Mgmt Plan, Crook/Miobrara/Weston County, Due: December 31, 1982
  EIS No. 820690, Final, BLM, WY, Green Mountain Livestock Grazing Management Program, Due: November 29, 1982
  EIS No. 820693, Draft, MMS, SEY, ATL, NC, SC, GA, FL, 1983 OSC Oil and Gas Lease Sale #78, South Atlantic, Due: December 13, 1982
Department of Transportation:
  EIS No. 820692, Draft, FHW, CA, Ventura Freeway/US 101 Improvement, Los Angeles and Ventura Counties, Due: December 13, 1982
  EIS No. 820695, Draft, UMT, CA, Muni J Line Railway Connection, Construction, San Francisco County, Due: December 17, 1982
Environmental Protection Agency:
  EIS No. 820697, Draft, EPA, Sey, MXG, FL, Tampa Harbor Ocean Dredged Material Disposal Site Designation, Due: December 13, 1982
Department of Housing and Urban Development:
  EIS No. 820689, Draft, HUD, OH, Beckett Ridge Development, Mortgage Insurance, Butler County, Due: December 13, 1982
  EIS No. 820696, Final, HUD, CA, Canyon Lake Hills, Mortgage Insurance,

Riverside County, Due: November 29, 1982
Department of Agriculture
EIS No. 820684, Final, AFS, CO, Mount Emmons Molybdenum Mine, Gunnison NF, Permit, Gunnison County, Due: November 29, 1982
Veterans Administration:
EIS No. 820694, FSuppl, YAD, AL, Fort Mitchell National Veterans Cemetery, Russell County, Due: November 29, 1982

Dated: October 26, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-29816 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency (EPA), Region VII.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and, therefore, issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Thomas F. Lorenz, Environmental Review Branch, Environmental Protection Agency, Region VII, 324 E. 11th Street, Kansas City, Missouri 64106; telephone (Commercial) (816) 374-5593 (FTS) 758-5593.

SUMMARY: As lead agencies, the Duckett Creek Sewer District, Saint Charles County and cities of Saint Charles and Saint Peters, Missouri, have been awarded a Step 1 grant under Section 201 of the Clean Water Act (Pub. L. 95-217) for the preparation of a facility plan to update their area's wastewater treatment facilities. The planning area will include the cities of Saint Charles, Saint Peters, Portage des Sioux, Orchard Farm, Peruque, Kampville, and Weldon Spring, Missouri.

The EPA action to be evaluated in the EIS would be the approval of the facility plan (or plans) and issuance of grant funds pursuant to Section 201 of the Clean Water Act for construction of the proposed wastewater treatment facility (or facilities). The study area will include the municipalities mentioned above and certain adjacent unincorporated land.

Scoping

A scoping meeting will be conducted by EPA Region VII, to identify significant environmental issues and determine the scope of the draft EIS. The public scoping meeting is scheduled for November 17, 1982, at 7:30 p.m., in Saint Charles City Council Chambers, 200 N. Second Street, Saint Charles, Missouri.

Timing

EPA estimates that the draft EIS will be available for public review and comment about May 1984. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the list to receive the draft EIS and related public notices.

Public Participation

The Duckett Creek Sewer District has been awarded a grant for full-scale public participation. The Sewer District has appointed an Advisory Committee.

Dated: October 26, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82-29817 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. CC 81-351; Transmittal No. 13663]

American Telephone and Telegraph Co.; Terrestrial Television Transmission Services

Adopted: October 19, 1982.

Released: October 22, 1982.

In the matter of American Telephone and Telegraph Company revisions to tariff F.C.C. Nos. 258 and 260, and the establishment of tariff F.C.C. No. 269, for series 7000 terrestrial television transmission services.

1. Before the Bureau is a letter of October 14, 1982, from counsel to American Broadcasting Companies, Inc., CBS, Inc., and National Broadcasting Company, Inc. (Networks) requesting deferral of the date for comments in this proceeding from October 21, 1982 to December 6, 1982. In support, the Networks state that negotiations among principal customers are continuing, looking toward a settlement acceptable to the parties, American Telephone and Telegraph Company (AT&T), and the Commission. The Networks are requesting clarification from AT&T of particular informational items, such as user needs and revenue requirements, which the parties believe will facilitate these negotiations. The Networks state that AT&T and Cable News Network pose no objection to this deferral.

2. We agree that efforts to negotiate a settlement may ultimately be conducive to resolving the issues in this proceeding in an expeditious manner and freeing Commissions resources for other tasks. Consequently, we will grant the request. However, we note that this is the second deferral we have granted to further these negotiations, and we expect any possible settlement to be negotiated within the additional time we are granting today.

3. Accordingly, it is ordered that the date for filing comments by interested parties in this proceeding on the answers to questions, illustrative tariff, and customer impact statement submitted by the American Telephone and Telegraph Company on July 19, 1982, is deferred to not later than December 6, 1982.

4. It is further ordered, that the Secretary will cause this Order to be published in the **Federal Register**.

5. It is further ordered, that this Order is effective upon adoption.

Federal Communications Commission.

Leon M. Kestenbaum,

Deputy Bureau Chief, Policy Common Carrier Bureau.

[FR Doc. 82-29773 Filed 10-28-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-6435]

National Flood Insurance Program; Communities With Flood-Prone Areas Subject to Section 202(A); Prohibition of Federal and Federally Related Assistance

AGENCY: Federal Emergency Management Agency, (FEMA).

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide a list of communities that contain areas of special flood hazard potentially subject to the provisions of Section 202(A) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) on July 1, 1975, or an appropriate later date, and to provide a convenient reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the **Federal Register** at 46 FR 51015, and all prior lists.

DATES: Section 202(A) applies to the community as of one year after the initial date appearing in the last column on each page of this list.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C

Street Southwest, Donohoe Building—Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Section 202(A) provides that effective July 1, 1975, Federal agencies are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Director of Federal Emergency Management Agency as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program 42 U.S.C. 4001–4128). Special Flood Hazard Areas are designated on FEMA's Flood Hazard Boundary Maps (FHBM's) or Flood Insurance Rate Maps (FIRM's) and as Zone A, AO, AH, A1–89, V, VO, V1–30, M or E.

Each of the communities listed below received notice of its designation as flood-prone prior to October 1, 1981, and legal notice was furnished of such designation by publication under Part 65 of Title 44 of the Code of Federal Regulations in the **Federal Register**. These communities have failed to provide the Director with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202(A) apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue Federal financial assistance or lending for acquisition of construction purposes for insurable structures in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 44 CFR (Parts 59 to 75). Communities on this list may be eligible to participate in the program after the date of publication of this list. Such eligibility will be published periodically in the **Federal Register** under 44 CFR 64.6 List of eligible communities. At that time the sanctions of Section 202(A) will no longer apply to the communities listed below.

Identification No. and community name	County	Original hazard date
Alabama		
010096 Akron, town of	Hale	750718
010229 Allgood, town of	Blount	750124
010331 Andalusia, city of	Covington	780602
010407 Anderson, town of	Lauderdale	781124
010242 Babbie, town of	Covington	750110
010352 Bear Creek, town of	Marion	760618
010083 Belk, town of	Fayette	740913
010257 Black, town of	Geneva	750207
010230 Blount County*	Blount	790224
010371 Blountsville, town of	Blount	780929
010092 Boligee, city of	Greene	741213
010296 Bon Air, town of	Talladega	770304
010372 Branchville, town of	St. Clair	780915
010055 Brantley, town of	Crenshaw	740626
010342 Brilliant, town of	Marion	770715
010347 Brundidge, city of	Pike	761022
010017 Butler County*	Butler	780421
010373 Calera, town of	Shelby	791102
010374 Camp Hill, town of	Tallapoosa	780929
010119 Cardiff, town of	Jefferson	740920
010240 Carolina, town of	Covington	750110
010375 Carrville, town of	Tallapoosa	781215
010376 Chatom, town of	Washington	781020
010234 Cherokee County*	Cherokee	790216
010030 Chilton County*	Chilton	780726
010316 Clarke County*	Clarke	780609
010377 Clayton, town of	Barbour	780929
010228 Cleveland, town of	Blount	760305
010239 Coffee County*	Coffee	750117
010319 Conecuh County	Conecuh	780707
010244 Covington County*	Covington	741213
010367 Crossville, town of	Pike	761029
010379 Cuba, town of	Sumter	790316
010247 Cullman County*	Cullman	780728
010380 Daviston, town of	Tallapoosa	781006
010320 De Kalb County*	De Kalb	780428
010381 Dora, town of	Walker	800404
010350 Double Springs, town of	Winston	770128
010056 Dozier, town of	Crenshaw	740920
010383 Epes, town of	Sumter	781020
010251 Escambia County*	Escambia	781027
010077 Etowah County*	Etowah	780217
010027 Five Points, town of	Chambers	741115
010354 Flint City, town of	Morgan	781126
010384 Fort Deposit, town of	Lowndes	780929
010322 Franklin County	Franklin	780120
010038 Fulton, town of	Clarke	750718
010295 Gainesville, town of	Sumter	761015
010053 Gantt, town of	Covington	740607
010386 Geiger, town of	Sumter	791130
010258 Geneva County*	Geneva	760220
010356 Geraldine, town of	De Kalb	780113
010057 Glenwood, town of	Crenshaw	740920
010387 Goodwater, town of	Coosa	781103
010152 Gurley, town of	Madison	760416
010388 Hammondville, town of	De Kalb	781103
010293 Harpersville, town of	Shelby	750411
010357 Henagar, town of	De Kalb	760312
010390 Kansas, town of	Walker	790316
010391 Lakeview, town of	De Kalb	790907
010324 Lawrence County*	Lawrence	770513
010250 Lee County*	Lee	780331
010235 Leesburg, city of	Cherokee	761015
010358 Lexington, town of	Lauderdale	781015
010393 Margaret, town of	St. Clair	781006
010275 Marshall County*	Marshall	780120
010359 Mentone, town of	De Kalb	760702
010207 Millry, town of	Washington	761112
010175 Morgan County*	Morgan	770311
010394 Nauvoo, town of	Walker	791228
010395 New Site, town of	Tallapoosa	781027
010232 Ohatchee,town of	Calhoun	750131
010245 Petrey, town of	Crenshaw	770225
010333 Phil Campbell, town of	Franklin	761029
010397 Pine Hill, town of	Wilcox	781117
010360 Pisgah, town of	Jackson	760312
010075 Pollard, town of	Escambia	750131
010398 Powell, town of	De Kalb	791026
010159 Providence, town of	Marengo	741101
010182 Randolph County*	Randolph	740913
010334 Red Bay, city of	Franklin	761210
010243 Red Level, town of	Covington	750110
010253 Reece City, city of	Etowah	750221
010348 Roanoke, city of	Randolph	770610
010339 Rogersville, town of	Jackson	760625
010362 Section, town of	Jackson	780625
010191 Shelby County*	Shelby	780224
010399 Shiloh, town of	De Kalb	790914
010227 Snead, town of	Blount	750627
010363 Somerville, town of	Morgan	760604
010400 Sumiton, town of	Jefferson	790119
010326 Summerdale, town of	Baldwin	780113
010160 Sweetwater, town of	Marengo	750718
010364 Sylvania, town of	De Kalb	761029
010328 Tallapoosa County	Tallapoosa	780331
010037 Toxey, town of	Choctaw	770215
010201 Tuscaloosa County*	Tuscaloosa	760505
010335 Vina, town of	Franklin	771216
010292 Vincent, town of	Shelby	750411
010365 Vinemont, town of	Cullman	761001
010349 Waterloo, town of	Lauderdale	781217
010401 Wedowee, town of	Randolph	781006
010402 West Jefferson, town of	Jefferson	800222
010346 Wilmer, town of	Mobile	781006
010404 Wilsonville, town of	Shelby	790907
010405 Wilton, town of	Shelby	791102
010304 Winston County*	Winston	780217
Total of 107 communities.		
Alaska		
020024 North Slope Borough	Barrow-North Slope D.	800923
Total of 1 community.		
Arkansas		
050378 Alicia, town of	Lawrence	750711
050380 Almyra, town of	Arkansas	750815
050017 Alpena, town of	Boone	740830
050381 Altus, city of	Franklin	750725
050303 Amity, city of	Clark	750221
050418 Arkansas County	Arkansas	770610
050382 Ash Flat, town of	Sharp	750627
050003 Ashley County	Ashley	771115
050123 Aubrey, town of	Lee	741206
050305 Barling, city of	Sebastian	750214
050010 Baxter County	Baxter	770517
050419 Benton County	Benton	771018
050386 Bethel Heights, town of	Benton	750425
050415 Biscoe, town of	Prairie	761126
050474 Bodcaw, town of	Nevada	761119
050392 Bonanza, town of	Sebastian	750815
050016 Boone County	Boone	770617
050131 Bradford, city of	White	750221
050393 Branch, city of	Franklin	750502
050094 Bull Shoals, city of	Marion	750425
050567 Caddo Valley, town of	Clark	790320
050024 Carroll County	Carroll	770614
050397 Caulksville, town of	Logan	750627
050313 Cave City, city of	Sharp	750718
050398 Cave Springs, city of	Benton	761029
050400 Chidester, city of	Ouachita	750725
050425 Columbia County	Columbia	770802
050426 Conway County	Conway	770610
050568 Corinth, town of	Yell	790424
050402 Coy, town of	Lonoke	760625
050427 Craighead County	Craighead	771115
050428 Crawford County*	Crawford	770617
050429 Crittenden County	Crittenden	771206
050061 Dallas County	Dallas	770617
050404 Damascus, town of	Faulkner	750418
050320 Dierks, city of	Howard	750214
050430 Drew County	Drew	771025
050406 Dyer, town of	Crawford	750711
050214 Elkins, town of	Washington	741220
050019 Everton, town of	Boone	740830
050431 Faulkner County	Faulkner	770607
050433 Garland County*	Garland	770602
050224 Garner, town of	White	740830
050434 Grant County	Grant	770510
050435 Greene County	Greene	771213
050246 Greers Ferry, city	Cleburne	780423
050247 Griffithville, town of	White	750925
050248 Guion, town of	Izard	750411
050249 Gum Springs, town of	Clark	750627
050251 Hartman, town of	Johnson	761029
050436 Hempstead County	Hempstead	770603
050225 Higginson, town of	White	740816
050437 Hot Spring County	Hot Spring	771101
050438 Howard County*	Howard	770807
050120 Imboden, town of	Lawrence	740503
050439 Izard County	Izard	770712
050441 Johnson County	Johnson	770802
050337 Kibler, city of	Crawford	780825
050260 Knoxville, town of	Johnson	750221
050569 Lafe, town of	Greene	790710
050444 Lee County	Lee	771101
050479 Little Flock, town of	Benton	770821
050446 Lonoke County	Lonoke	770816
050341 Lonoke, city of	Lonoke	760326
050262 Louann, town of	Ouachita	761105
050449 Madison County	Madison	770614
050450 Marion County	Marion	770906
050347 Marshall, city of	Searcy	750425
050170 Marvell, city of	Phillips	760312
050343 McNeil, city of	Columbia	750502
050348 Melbourne, city of	Izard	750411
050266 Menifee, town of	Conway	750425
050451 Miller County	Miller	780110
050069 Mitchellville, town of	Desha	741106

Identification No. and community name		County	Original hazard date
050154	Monroe County	Monroe	770621
050095	Mount Pleasant, town of.	Izard	741122
050570	Mount Vernon, town of	Faulkner	800108
050454	Nevada County	Nevada	770809
050270	Ogden, County	Little River	750919
050161	Ouachita County	Ouachita	770913
050271	O'Keen, town of	Randolph	750418
050007	Parkdale, town of	Hot Spring	740329
050275	Perla, town of	Hot Spring	760625
050363	Plainview, city of	Yell	750416
050364	Plumerville, city of	Conway	750627
050172	Poinsett County	Poinsett	770607
050473	Polk County*	Polk	771018
050458	Pope County*	Pope	771220
050459	Prairie County*	Prairie	770603
050279	Prattsville, town of	Grant	750425
050280	Quitman, town of	Cleburne	760409
050480	Randolph County*	Randolph	770809
050281	Revenden Spgs, town of.	Randolph	760723
050470	Ravenden, town of	Lawrence	760402
050476	Reader, town of	Ouachita	770503
050040	Rison, city of	Cleveland	740306
050475	Rosston, town of	Nevada	770218
050286	Scranton, town of	Logan	750418
050462	Sebastian County*	Sebastian	770531
050463	Sevier County*	Sevier	771213
050464	Sharp County*	Sharp	770621
050287	Shirley, town of	Van Buren	760813
050290	Sulphur Rock, town of	Independence	750425
050292	Thornton, city	Calhoun	750725
050205	Union County	Union	771213
050021	Valley Springs, town of	Boone	760716
050296	Viola, town of	Fulton	760409
050212	Washington County	Washington	770510
050374	Wheatley, city	St. Francis	750919
050467	White County*	White	770607
050298	Wickes, town of	Polk	750627
050571	Willisville, town of	Nevada	790313
050299	Wilton, town of	Little River	750411
050077	Winchester, town of	Drew	740830
050459	Yell County*	Yell	771115

Total of 115 communities.

California

Identification No. and community name		County	Original hazard date
060017	Butte County*	Butte	740906
060633	Calaveras County*	Calaveras	771129
060040	El Dorado County*	El Dorado	740802
060445	Ferndale, city of	Humboldt	741220
060092	Lassen County	Lassen	780228
060361	Loyalton, city of	Sierra	760604
060634	Mariposa County*	Mariposa	771129
060451	Montague, town of	Siskiyou	760326
060228	Orange, city of	Orange	780328
060239	Placer County*	Placer	770712
060455	Plymouth, city of	Amador	761119
060267	San Benito County*	San Benito	770802
060435	Sand City, city of	Monterey	781208
060056	Selma, city of	Fresno	740524
060411	Tuolumne County*	Tuolumne	760416

Total of 15 communities.

Colorado

Identification No. and community name		County	Original hazard date
080229	Aguilar, town of	Las Animas	750711
080148	Boone, town of	Pueblo	740906
080210	Coal Creek Town	Fremont	750815
080040	Custer County	Custer	780124
080120	Dinosaur, town of	Moffat	740830
080056	Elizabeth, town of	Elbert	740906
080212	Empire, town of	Clear Creek	750502
080073	Fraser, town of	Grand	740906
080215	Grand Valley Town	Garfield	760813
080074	Hot Sulphur Springs, town of.	Grand	741122
080207	Iliff, town of	Logan	741227
080057	Kiowa, town of	Elbert	740906
080023	Kit Carson, town of	Cheyenne	741213
080282	Lake County*	Lake	771018
080256	New Castle Town	Garfield	750725
080127	Nucla, town of	Montrose	740524
080258	Orchard City	Delta	770527
080170	Ovid, town of	Sedgwick	741115
080293	Pitkin, town of	Gunnison	760820
080260	Redcliff Town	Eagle	750919
080150	Rye, town of	Pueblo	750718
080164	Saguache, town of	Saguache	760528
080223	Silt Town	Garfield	750725
080200	Silver Plume, town of	Clear Creek	741213
080106	Starkville, town of	Las Animas	740906

Total of 25 communities.

Florida

Identification No. and community name		County	Original hazard date
120580	Alford, town of	Jackson	790209
120581	Astatula, town of	Lake	790824
120016	Brooker, town of	Suwannee	740830
120126	Campbellton, city of	Jackson	740906
120583	Cottondale, town of	Jackson	781124
120319	Freeport, city of	Walton	761029
120573	Hilliard, town of	Nassau	771223
120586	Inglis, town of	Levy	781229
120390	Lake Wales, city of	Polk	751017
120570	Marineland, town of	Flagler	770708
120591	Mascotte, city of	Lake	790921
120575	McIntosh, town of	Marion	770527
120344	Micanopy, town of	Alachua	760416
120592	Otter Creek, city of	Levy	790817
120612	Palm Shores, town of	Brevard	790831
120593	Raiford, town of	Union	780925
120413	Weeki Wachee, town of	Hernando	760723

Total of 17 communities.

Georgia

Identification No. and community name		County	Original hazard date
130195	Abbeville, municipality of.	Wilcox	780217
130360	Alley, town of	Montgomery	750404
130394	Andersonville, village of	Sumter	770429
130001	Appling County	Appling	780312
130390	Avalon, town of	Stephens	760416
130270	Baker County*	Baker	750328
130115	Bartow, city of	Jefferson	750822
130309	Bellville, city of	Evans	750718
130179	Blairsville, town of	Union	760611
130362	Bostwick, town of	Morgan	750404
130343	Braselton, city of	Jackson	750418
130268	Brinson, town of	Colquitt	750718
130364	Buckhead, town of	Morgan	750711
130323	Buford, city of	Gwinnett	750404
130476	Carlton, town of	Madison	781013
130464	Carroll County*	Carroll	780611
130257	Centralhatchee, town of	Heard	770708
130292	Charlton County	Charlton	760514
130036	Chattooga County	Chatooga	760326
130418	Cleveland, city of	White	750411
130465	Coffee County*	Coffee	780421
130058	Colquitt County	Colquitt	780519
130135	Colquitt, city of	Miller	760723
130169	Coolidge, city of	Thomas	760402
130341	Corinth, town of	Heard	770708
130479	Danielsville, city of	Madison	780915
130304	Dawson County	Dawson	760618
130330	Demorest, town of	Habersham	750404
130446	Dillard, town of	Rabun	760604
130365	Eton, town of	Murray	771125
130359	Forsyth, city of	Monroe	750411
130428	Fort Oglethorpe, city of	Macon	750404
130379	Georgetown, town of	Quitman	760210
130023	Girard, town of	Burke	740906
130419	Glenwood, city of	Wheeler	750404
130096	Grady County	Grady	770617
130325	Grayson, town of	Gwinnett	750711
130456	Guyton, town of	Effingham	770701
130311	Hagen, city of	Evans	750418
130466	Hall County*	Hall	780620
130338	Harris County	Harris	760416
130105	Heard County	Heard	760409
130385	Hiltonia, town of	Screven	750411
130221	Hiram, city of	Paulding	741018
130447	Hiwassee, town of	Towns	760611
130291	Homeland, town of	Charlton	750411
130271	Homer, town of	Banks	750418
130481	Ila, city of	Madison	780915
130345	Jackson County	Jackson	780423
130375	Jasper, city of	Pickens	750411
130412	Jersey, town of	Walton	780723
130434	Jones County	Jones	770527
130277	Kingston, city of	Bartow	750416
130462	Laurens County*	Laurens	780217
130409	Linwood, town of	Walker	750404
130441	Louisville, city of	Jefferson	750815
130469	Lowndes County*	Lowndes	780505
130354	Lumpkin County	Lumpkin	780402
130470	Madison County*	Madison	780317
130224	Madison, city of	Morgan	750221
130392	Martin, town of	Stephens	750404
130342	McDonough, city of	Henry	750411
130357	McDuffie County*	McDuffie	780328
130421	McIntyre, town of	Wilkinson	750411
130473	Meriwether County*	Meriwether	780714
130134	Miller County	Miller	770610
130436	Mitchell County*	Mitchell	780716
130376	Molena, city of	Pike	750411
130136	Monroe County	Monroe	770401
130139	Montgomery County	Montgomery	780319
130482	Montrose, town of	Laurens	780915
130286	Mount Zion, town of	Carroll	770701
130315	Mountain Park, city of	Fulton	780113
130366	Murray County	Murray	780514
130353	Naylor, town of	Lowndes	750425
130161	Newington, town of	Screven	740906
130483	Nicholls, city of	Coffee	780929
130368	North High Shoals, town of.	Oconee	770819
130269	Oak Park, town of	Emanuel	750718
130189	Odum, city of	Wayne	750103
130370	Oglethorpe County	Oglethorpe	760528
130367	Oxford, town of	Newton	750411
130457	Patterson, town of	Pierce	770610
130149	Pickens County	Pickens	761231
130151	Pierce County*	Pierce	760813
130378	Pulaski County	Pulaski	770617
130284	Pulaski, town of	Candler	750404
130327	Rest Haven, city of	Gwinnett	[illegible]
130267	Riverside, town of	Colquitt	760718
130162	Rocky Ford, town of	Screven	740906
130274	Russell, municipality of	Barrow	760721
130363	Rutledge, town of	Morgan	750808
130439	Sale City, town of	Mitchell	750404
130168	Scotland, city of	Telfair	740830
130301	Senoia, city of	Coweta	750404
130382	Shellman, city of	Randolph	760611
130339	Shiloh, city of	Harris	750404
130349	Smithville, city of	Lee	770527
130388	Spalding County*	Spalding	770325
130393	StewartCounty	Stewart	760514
130306	Stillmore, town of	Emanuel	750411
130260	Stone Mountain, city of	De Kalb	740512
130486	Summer, town of	Worth	780922
130389	Sunny Side, village of	Spalding	750411
130150	Talking Rock, town of	Pickens	770617
130471	Tattnall County*	Tattnall	780616
130487	Taylorsville, city of	Bartow	780929
130288	Temple, town of	Carroll	750411
130400	Terrell County*	Terrell	780718
130381	Tiger, town of	Rabun	750711
130173	Toombs County	Toombs	780219
130422	Toomsboro, town of	Wilkinson	760404
130488	Tri County Industrial City, city of.	Gordon	800104
130489	Tunnell Hill, city of	Whitfield	781006
130413	Walnut Grove, town of	Walton	760813
130190	Wheeler County	Wheeler	760430
130191	White County	White	760611
130297	Winterville, city of	Clarke	750411
130196	Worth County	Worth	780602

Total of 119 communities.

Idaho

Identification No. and community name		County	Original hazard date
160207	Boundary County*	Boundary	770603
160015	Chatcolet, city of	Benewah	740913
160005	Council, city of	Adams	740503
160183	Craigmont, city of	Lewis	760625
160165	Downey, city of	Bannock	790105
160137	Franklin, city of	Franklin	750905
160061	Fremont County	Fremont	771206
160241	Grand View, city of	Owyhee	790403
160141	Hauser, city of	Kootenai	761008
160228	Jerome County*	Jerome	771025
160224	Leadore, city of	Lemhi	770603
160197	Malta, town of	Cassia	741213
160179	Menan City	Jefferson	760430
160045	Oakley, town of	Cassia	741018
160149	Plummer City	Benewah	761029
160186	Preston City	Franklin	750829
160153	St. Charles, city of	Bear Lake	760219
160230	Teton County*	Teton	770913
160231	Twin Falls County*	Twin Falls	790131

Total of 19 communities.

Illinois

Identification No. and community name		County	Original hazard date
170835	Adeline, village of	Ogle	750711
170941	Altona, village of	Knox	780929
170844	Alvin, village of	Vermilion	750221
170489	Anchor, village of	McLean	741206

Identification No. and community name		County	Original hazard date
170857	Anna, city of	Union	740329
170942	Argenta, village of	Macon	790112
170923	Aviston, village of	Clinton	770520
170742	Avon, village of	Fulton	741018
170845	Belgium, village of	Vermilion	750328
170945	Biggsville, village of	Henderson	780929
170608	Bluffs, village of	Scott	740607
170920	Bulford, village of	Jefferson	770722
170848	Braidwood, city of	Will	750411
171008	Bridgeport, city of	Lawrence	810710
170488	Brookport, city of	Massac	740607
170226	Browns, village of	Edwards	741115
170746	Bryant, village of	Fulton	741206
170977	Bull Valley, village of	McHenry	800125
170850	Bureau Junction, village of.	Bureau	750328
170471	Bushnell, city of	McDonough	740607
170785	Camargo, village of	Douglas	740405
170491	Carlock, village of	McLean	781203
170250	Carrollton, city of	Greene	740607
170842	Ceedarville, village of	Stephenson	750411
170928	Christian County*	Christian	780407
170940	Clark County*	Clark	810116
170896	Clay County	Clay	810520
170986	Colesl County*	Coles	790717
170939	Crawford County*	Crawford	790105
170987	Cumberland County*	Cumberland	790323
170751	De Soto, village of	Jackson	740405
170647	Deer Creek, village of	Tazewell	740628
170948	Deer Grove, village of	Whiteside	781006
170946	Divernon, village of	Sangamon	780908
170658	Dongola, village of	Union	740308
170194	Douglas County	Douglas	810213
170950	Earlville, city of	La Salle	781013
170985	Edgar County*	Edgar	790302
170937	Edwards County*	Edwards	781027
170441	Edwardsville, city of	Madison	740405
170227	Effingham County*	Effingham	771223
170949	Elwood, village of	Will	750221
170618	Farmer City, city of	De Witt	750321
170952	Farmington, city of	Fulton	781020
170232	Fayette County	Fayette	750106
170664	Fithian, village of	Vermilion	750801
170991	Ford County*	Ford	790223
170827	Forest City, village of	Mason	750328
170999	Franklin County*	Franklin	780113
170953	Freemanspur, village of	Franklin	781020
170283	Galva, city of	Henry	740614
170261	Gardner, village of	Grundy	800912
170049	Germantown, village of	Clinton	740329
170234	Gibson City, city of	Ford	740329
170685	Golden Gate, village of	Wayne	750627
170954	Gorham, village of	Jackson	790126
171005	Hainesville, village of	Lake	801107
170561	Hamletsburg, village of	Pope	790730
171002	Hardin County		801219
170366	Hawthorn Woods, village of.	Lake	750730
170570	Hennepin, village of	Putnam	781119
170497	Heyworth, village of	McLean	740514
170956	Hill Crest, village of	Ogle	780915
170253	Hillview, village of	Greene	741206
170184	Hinckley, village of	De Kalb	740301
170957	Indianola, village of	Vermilion	790105
170927	Jackson County*	Jackson	780714
170990	Jasper County*	Jasper	790727
170905	Jefferson County*	Jefferson	770304
170825	Junction City, village of	Marion	750321
170837	Kinderhook, village of	Pike	750321
170457	Lacon, city of	Marshall	731130
170458	Larose, village of	Marshall	741025
170400	La Salle County	La Salle	780526
170409	Lawrence County*	Lawrence	781124
170929	Livingston County	Livingston	780331
170794	Livingston, village of	Madison	740322
170959	Mackinaw, village of	Tazewell	781110
170930	Macoupin County*	Macoupin	780106
170765	Mayestown, village of	Monroe	780402
170549	Mansfield, village of	Piatt	750103
170828	Mapleton, village of	Peoria	750328
170784	Marietta, village of	Fulton	750131
170932	Marion County*	Marion	780224
170650	Marquette Heights, city of.	Tazewell	740308
170994	Marshall County*	Marshall	790302
170041	Martinsville, city of	Clark	731123
170584	Maunie, village of	White	740109
170996	McDonough County*	McDonough	810102
170960	Mechanicsburg, village of.	Sangamon	790126
170961	Menominee, village of	Jo Daviess	790112
170685	Mill Shoals, village of	White	740719
170992	Montgomery County*	Montgomery	810109
170998	Moultrie County*	Moultrie	801219
170611	Moweaqua, village of	Shelby	780817
170963	Muncie, village of	Vermilion	790223
170767	Nauvoo, city of	Hancock	751010
170853	New Bedford, village of	Bureau	750627
170555	New Canton, town of	Pike	740816
170769	Newman, city of	Douglas	741129
170832	Oakford, village of	Menard	750321
170831	Oakwood Hills, village of.	McHenry	780418
170352	Oneida, city of	Knox	740607
170641	Orangeville, village of	Stephenson	740816
170964	Palmer, village of	Christian	781013
170538	Perry County*	Perry	741213
170272	Pontoosuc, village of	Hancock	740116
170975	Prairie Grove, village of	McHenry	790907
170883	Reynolds, village of	Rock Island	750418
170995	Richland County*	Richland	790608
170966	Rossville, village of	Vermilion	780908
170800	Russellville, village of	Lawrence	761112
170988	Saline County*	Saline	790601
170933	Shelby County*	Shelby	780224
170969	Sherman, village of	Sangamon	790112
170580	Steeleville, village of	Randolph	760730
170775	St. David, village of	Fulton	741206
170801	St. Francisville, village of.	Lawrence	740829
170778	Thomson, village of	Carroll	751017
170670	Tilton, village of	Vermilion	770114
170826	Topeka, town of	Mason	750321
170972	Troy Grove, village of	La Salle	790129
170973	Vergennes, village of	Jackson	790210
170935	Vermilion County	Vermilion	780421
170938	Wabash County*	Wabash	781103
170455	Wamac, city of	Washington	740626
170997	Washington County*	Washington	801226
170974	Watson, village of	Effingham	790202
171003	Wayne County	Wayne	810109
170665	Wayne, village of	Du Page	750815
170355	Williamsfield, village of	Knox	761203
170934	Williamson County*	Williamson	780331
170615	Wyoming, city of	Stark	780510
170240	Zeigler, city of	Franklin	770225

Total of 134 communities.

Indiana

Identification No. and community name		County	Original hazard date
180031	Alton, town of	Crawford	740123
180303	Amboy, town of	Miami	741129
180477	Benton County	Benton	810102
180478	Blackford County	Blackford	810102
180258	Cayuga, town of	Vermillion	740531
180406	Clay County*	Clay	771125
180451	Country Club Heights, town of.	Madison	790518
180433	Daviess County*	Daviess	780505
180054	Dubois County*	Dubois	741213
180106	Dupont, town of	Jefferson	741129
180366	Francisco, town of	Gibson	750321
180434	Gebson County*	Gibson	780426
180435	Grant County*	Grant	780519
180436	Greene County*	Greene	780721
180080	Hamilton County*	Hamilton	741213
180327	Hazleton, town of	Gibson	731123
180437	Henry County*	Henry	780127
180440	Jay County*	Jay	780106
180108	Jennings County*	Jennings	741213
180193	Judson, town of	Parke	731217
180090	Knightstown, town of	Henry	731130
180172	Ladoga, town of	Montgomery	740524
180125	Lagrange County	Lagrange	770701
180441	Lawrence County*	Lawrence	780929
180035	Leavenworth, town of	Crawford	731130
180456	Linton, city of	Greene	790525
180398	Little York, town of	Washington	750321
180442	Madison County*	Madison	780623
180458	Markleville, town of	Madison	790105
180479	Martin County	Martin	810904
180459	Mentone, town of	Kosciusko	790717
180413	Merom, town of	Sullivan	770610
180460	Middlebury town of	Elkhart	790907
180382	Milford, town of	Kosciusko	750321
180444	Monroe County*	Monroe	810306
180445	Montgomery County*	Montgomery	781013
180462	Napoleon, town of	Ripley	790921
180463	New Pekin, town of	Washington	790309
180337	Newberry, town of	Green	740201
180480	Orange County		810529
180250	Orland, town of	Steuben	740531
180481	Owen County	Owen	810518
180192	Parke County*	Parke	741220
180340	Patoka, town of	Gibson	731123
180467	Pennville, town of	Jay	780420
180473	Pike County*	Pike	790615
180388	Pines, town of	Porter	750321
180464	Providence, town of	Clark	800415
180482	Pulaski County	Pulaski	810109
180213	Putnam County	Putnam	780103
180345	Salamonia, town of	Jay	761022
180474	Scott County*	Scott	810206
180346	Spring Lake Park, town of.	Hancock	740201
180240	Starke County	Starke	770902
180410	Sullivan County	Sullivan	780320
180349	Sulphur Springs, town of.	Henry	740201
180350	Tennyson, town of	Warrick	740201
180411	Union County	Union	770304
180449	Vermilion County*	Vermillion County.	781124
180448	Warren County*	Warren	781110
180446	Washington County*	Washington	780421
180175	Waynetown, town of	Montgomery	740531
180471	Woodlawn, town of	Madison	790129

Total of 63 communities.

Iowa

Identification No. and community name		County	Original hazard date
190388	Ackley, city of	Franklin	760716
190525	Ainsworth, city of	Washington	750919
190542	Albion, city of	Marshall	760423
190138	Alden, city of	Hardin	740621
190005	Allamakee County	Allamakee	770603
190335	Aplington, city of	Butler	760625
190092	Arion, city of	Crawford	740906
190217	Ashton, city of	Osceola	750711
190700	Bagley, city of	Guthrie	760813
190528	Barnum, city of	Webster	761105
190423	Battle Creek, city of	Ida	750926
190452	Beacon, city of	Mahaska	750919
190322	Beaver, city of	Boone	761029
190303	Belmond, city of	Wright	740503
190845	Benton County*	Benton	770524
190436	Bertram, city of	Linn	760702
190320	Blairstown, city of	Benton	750919
190517	Blockton, city of	Taylor	750926
190846	Boone County*	Boone	780509
190420	Bradgate, city of	Humboldt	760625
190326	Brandon, city of	Buchanan	761029
190476	Brunsville, city of	Plymouth	760702
190848	Buchannan County*	Buchanan	770607
190093	Buck Grove, city of	Crawford	741129
190849	Buena Vista County*	Buena Vista	771115
190850	Butler County*	Butler	770906
190001	Carbon, city of	Adams	790625
190462	Castana, city of	Monona	750829
190853	Cerro Gordo County*	Cerro Gordo	770607
190509	Chatsworth, city of	Sioux	760813
190854	Cherokee County*	Cherokee	770506
190855	Chickasaw County*	Chickasaw	770524
190269	Chillicothe, city of	Wapello	741108
190395	Churdan, city of	Greene	750829
190336	Clarksville, city of	Butler	800610
190857	Clay County*	Clay	770607
190201	Clemons, city of	Marshall	761105
190374	Clermont, city of	Fayette	761105
190401	Conrad, city of	Grundy	760416
190518	Conway, city of	Taylor	760702
190407	Corwith, city of	Hancock	761022
190386	Coulter, city of	Franklin	760813
190519	Cromwell, city of	Union	760625
190345	Cumberland, city of	Cass	761029
190421	Dakota City, city of	Humboldt	741108
190860	Dallas County*	Dallas	771025
190109	Davis City, city of	Decatur	750718
190358	Dawson, city of	Dallas	760813
190565	Dayton, city of	Webster	761105
190532	Decorah, city of	Winneshiek	761210
190863	Delaware County*	Delaware	800722
190566	Delhi, city of	Delaware	760319
190113	Des Moines County	Des Moines	770517
190501	Diagonal, city of	Ringgold	750829
190864	Dickinson County*	Dickinson	770510
190505	Donahue, city of	Scott	760319
190305	Dows, city of	Wright	740621
190572	Early, city of	Sac	761029
190574	Eldridge, city of	Scott	760806
190440	Ely, city of	Linn	760730
190730	Farnhamville, city of	Calhoun	760326
190866	Fayette County*	Fayette	770616
190437	Fenton, city of	Kossuth	750919

Identification No. and community name		County	Original hazard date
190457	Ferguson, city of	Marshall	750926
190127	Floyd County	Floyd	770603
190382	Floyd, city of	Floyd	760319
190483	Fonda, city of	Pocahontas	760730
190867	Franklin County*	Franklin	790522
190324	Fraser, city of	Boone	760730
190027	Frederika, city of	Bremer	741122
190308	Fredonia, city of	Louisa	750214
190321	Garrison, city of	Benton	750808
190924	Gillett Grove, town of	Clay	790410
190584	Goldfield, city of	Wright	760625
190486	Grant, city of	Montgomery	761119
190318	Gray, city of	Audubon	770719
190159	Green Island, city of	Jackson	741025
190869	Greene County*	Greene	770614
190228	Grimes, city of	Polk	760305
190403	Grundy Center, city of	Grundy	760702
190497	Guernsey, city of	Poweshiek	760430
190871	Guthrie County*	Guthrie	770823
190873	Hancock County*	Hancock	770906
190236	Hancock, city of	Pottawattamie	740830
190833	Hanlontown, city of	Worth	760604
190316	Harpers Ferry, city of	Allamakee	761029
190589	Hartford, city of	Warren	760319
190455	Harvey, city of	Marion	760319
190204	Hastings, city of	Mills	750919
190484	Havelock, city of	Pocahontas	760319
190330	Hazelton, city of	Buchanan	760526
190411	Hubbard, city of	Hardin	760702
190391	Imogene, city of	Fremont	761029
190878	Iowa County*	Iowa	770816
190533	Jackson Jct., city of	Winneshiek	760625
190744	Jamaica, city of	Guthrie	760813
190880	Jasper County*	Jasper	770603
190600	Jewell, city of	Hamilton	760813
190408	Kanawha, city *	Hancock	761029
190883	Keokuk county *	Keokuk	770823
190436	Kinross, city of	Keokuk	760813
190884	Kossuth county *	Kossuth	770621
190425	Lagora, city of	Iowa	750919
190331	Lamont, city of	Buchanan	750912
190006	Lansing, city of	Allamakee	771122
190389	Latimer, city of	Franklin	760326
190311	Letts, city of	Louisa	741227
190023	Linn Grove, city of	Buena Vista	740816
190608	Livermore, city of	Humboldt	761029
190768	Luverne, city of	Kossuth	750919
190886	Lyon county *	Lyon	770531
190772	Macedonia, city of	Pottawattamie	761210
190887	Madison county *	Madison	780117
190888	Mahaska county *	Mahaska	770607
190498	Malcom, city of	Poweshiek	750919
190834	Manly, city of	Worth	760709
190383	Marble Rock, city of	Floyd	760730
190889	Marion County *	Marion	771018
190348	Marne, city of	Cass	761029
190890	Marshall county *	Marshall	770603
190524	Martensdale, city of	Warren	760416
190456	Marysville, city of	Marion	760702
190365	Masonville, city of	Delaware	760813
190349	Massena, city of	Cass	760521
190512	Maurice, city of	Sioux	760319
190458	Mc Intire, city of	Mitchell	750926
190478	Merrill, city of	Plymouth	760702
190779	Miles, city of	Jackson	761119
190891	Mills county *	Mills	771018
190781	Minden, city of	Pottawattamie	761029
190166	Mingo, city of	Jasper	750905
190892	Mitchell county *	Mitchell	770607
190459	Mitchell, city of	Mitchell	761105
190161	Monmouth. city of	Jackson	750117
190782	Montour, city of	Tama	750905
190784	Moorland.city of	Webster	761029
190523	Mt. Sterling, city of	Van Buren	760813
190493	Neola. city of	Pottawattamie	750919
190082	North Buenavista, city of	Clayton	741018
190632	Norway, city of	Benton	750926
190294	Oto, city of	Woodbury	740913
190172	Oxford, city of	Johnson	740510
190479	Oyens, city of	Plymouth	760716
190898	Palo Alto county *	Palo Alto	770517
190506	Panorama Park, city of	Scott	761210
190405	Panora, city of	Guthrie	760806
190337	Parkersburg, city of	Butler	760702
190397	Paton, city of	Greene	750919
190326	Pilot Mound, city of	Boone	761105
190151	Pisgah, city of	Harrison	741206
190489	Pleasant Hill, city of	Polk	770204
190836	Pleasantville, city of	Marion	760326
190061	Plymouth, city of	Cerro Gordo	741108
190486	Pocahontas, City of	Pocahontas	760730
190341	Pomeroy, city of	Calhoun	761217
190232	Pottawattamie county	Pottawattamie	771206
190004	Prescott, city of	Adams	761105
190431	Preston, city of	Jackson	750919
190392	Randolph, city of	Fremont	760319
190167	Reasnor, city of	Jasper	741101
190646	Reinbeck, city of	Grundy	761210
190480	Remsen, city of	Plymouth	760319
190418	Riceville, city of	Howard	760319
190100	Ricketts, city of	Crawford	741122
190342	Rinard, city of	Calhoun	761029
190393	Riverton, city of	Fremont	760813
190351	Rock Falls. city of	Cerro Gordo	770114
190352	Rckwell, city of	Cerro Gordo	760326
190414	Rome, city of	Henry	760709
190799	Royal, city of	Clay	761029
190385	Rudd, city of	Floyd	760423
190800	Runnells, city of	Polk	750919
190422	Rutland, city of	Humboldt	761105
190801	Ryan, city of	Delaware	760326
190531	Scarville, city of	Winnebago	760702
190652	Schaller, city of	Sac	761105
190499	Searsboro. city of	Poweshiek	761029
190521	Shannon city, city of	Ringgold	760813
190132	Sheffield, city of	Franklin	740628
190338	Shell Rock, city of	Butler	761217
190319	Shellsburg, city of	Benton	761029
190906	Sioux county*	Sioux	771025
190805	Soldier, city of	Monona	760813
190432	Solon, city of	Johnson	760813
190344	Somers, city of	Calhoun	761029
190285	Spellville, city of	Winneshiek	761029
190444	Springville, city of	Linn	770401
190461	Stacyville, city of	Mitchell	760326
190333	Stanley, city of	Buchanan	760625
190141	Steamboat Rock, city of	Hadin	750103
190469	Stockton, City of	Muscatine	761119
190810	Swisher, city of	Johnson	760813
190666	Thompson, city of	Winnebago	750919
190813	Thor, town of	Humboldt	770913
190667	Toledo, city of	Tama	750912
190816	Treynor, city of	Pottawattamie	760326
190671	University Park, town of	Mahaska	760319
190464	Ute, city of	Monona	760319
190362	Van Meter, city of	Dallas	750926
190674	Ventura, city of	Cerro Gordo	761105
190468	Villisica, city of	Montgomery	760813
190380	Wadena, city of	Fayette	760813
190675	Walcott, city of	Muscatine	760709
190820	Walford, city of	Benton	760813
190445	Walker, city of	Linn	761029
190911	Wapello County *	Wapello	771025
190912	Warren County *	Warren	780207
190317	Waterville, city of	Allamakee	760416
190361	Waucoma, city of	Fayette	760730
190276	Wellman, city of	Washington	760430
190680	Wellsburg, city of	Grundy	761008
190482	Westfield, city of	Plymouth	760813
190823	Westgate, city of	Fayette	761029
190090	Wheatland, city of	Clinton	740628
190684	Whiting, city of	Monona	760702
190686	Wilton, city of	Muscatine	761022
190915	Winnebago County *	Winnebago	770726
190350	Wiota, city of	Cass	760625
190410	Woden, city of	Hancock	760430
190070	Woodburn, city of	Clarke	741220
190827	Woolstock, city of	Wright	760625
190474	Yorktown, city of	Page	761008
190371	Zwingle, city of	Dubuque	761105

Total of 223 communities.

Kansas

Identification No. and community name		County	Original hazard date
200380	Alta Vista, city of	Wabaunsee	760319
200381	Alton, city of	Osborne	760319
200382	Altoona, city of	Wilson	760730
200569	Anderson County *	Anderson	771213
200384	Arcadia, city of	Crawford	760815
200484	Arlington, city of	Reno	750926
200009	Atchison County	Atchison	770531
200387	Axtell, city of	Marshall	760326
200388	Barnes, city of	Washington	750822
200389	Beattie, city of	Marshall	750829
200467	Bennington, city of	Ottawa	760326
200469	Bird City, city of	Cheyenne	760730
200391	Bison, city of	Rush	750829
200470	Blue Rapids, city of	Marshall	760326
200022	Bourbon County	Bourbon	771025
200392	Brewster, city of	Thomas	760716
200393	Bronson, city of	Bourbon	750718
200026	Brown County	Brown	770517
200396	Burdett, city of	Pawnee	760326
200249	Burlingame, city of	Osage	761224
200397	Burns, city of	Marion	760326
200474	Caldwell, city of	Summer	750919
200478	Cheney, city of	Sedgwick	760326
200044	Cherokee County	Cherokee	770510
200479	Cherokee, city of	Crawford	760326
200246	Clayton, city of	Decatur	800102
200058	Cloud County	Cloud	770823
200062	Coffey County	Coffey	770823
200004	Colony, city of	Anderson	741220
200486	Cottonwood Falls, city of.	Chase	760326
200399	Courtland, city of	Republic	760521
200403	Dearing, city of	Montgomery	750725
200574	Decatur County *	Decatur	800212
200405	Dorrance, city of	Russell	760813
200490	Downs, city of	Osborne	761126
200235	Dunlap, city of	Morris	750103
200406	Dwight, city of	Morris	750919
200491	Eastborough, city of	Sedgwick	750919
200408	Elk city, city of	Montgomery	761029
200236	Elkhart, city of	Morton	740524
200271	Emmett, city of	Pottawatomie	741220
200050	Englewood, city of	Clark	760716
200409	Ensign, city of	Gray	760326
200410	Esbon, city of	Jewell	750829
200493	Eskridge, city of	Wabaunsee	750822
200099	Finney County	Finney	760228
200411	Ford, city of	Ford	760326
200495	Fowler, city of	Meade	760730
200024	Fulton, city of	Bourbon	750110
200412	Garfield, city of	Pawnee	760604
200342	Gaylord, city of	Smith	741227
200413	Geneseo, city of	Rice	760423
200414	Geuda Springs, city of	Cowley	750912
200227	Glen Elder, city of	Mitchell	741227
200206	Goessel, city of	Marion	741122
200239	Goff, city of	Nemaha	741108
200006	Greeley, city of	Anderson	741122
200418	Grenola, city of	Elk	750926
200064	Gridley, city of	Coffey	741122
200355	Haddam, city of	Washington	741227
200029	Hamlin, city of	Brown	750919
200421	Hardtner, city of	Barber	750815
200125	Harper County	Harper	800701
200504	Haviland, city of	Kiowa	750822
200081	Highland, city of	Doniphan	760423
200506	Hoxie, city of	Sheridan	760618
200118	Ingalls, city of	Gray	741220
200426	Jamestown, city of	Cloud	760430
200147	Jefferson County	Jefferson	770816
200512	Kensington, city of	Smith	750822
200007	Kincaid, city of	Anderson	741122
200229	Kismet, city of	Seward	741122
200198	La Cygne, city of	Linn	740315
200103	Lane, city of	Franklin	741227
200065	Lebo, city of	Coffey	760423
200247	Lenora, city of	Norton	761119
200517	Leoti, city of	Wichita	761105
200066	Leroy, city of	Coffey	731228
200518	Lewis, city of	Edwards	760326
200431	Linn, city of	Washington	750905
200510	Lucas, city of	Russell	760702
200433	Luray, city of	Russell	760702
200520	Maize, city of	Sedgwick	761029
200593	Marion County*	Marion	760822
200310	McCracken, city of	Rush	741122
200437	Melvern, city of	Osage	760730
200220	Miami County	Miami	770607
200537	Miltonvale, city of	Cloud	760507
200538	Minneapolis, city of	Ottawa	760806
200595	Montgomery County*	Montgomery	771018
200540	Moran, city of	Allen	[illegible]
200055	Morganville, city of	Clay	741220
200116	Morland, city of	Graham	770311
200032	Morrill, city of	Brown	741122
200356	Morrowville, city of	Washington	741206
200197	Mound City, city of	Linn	740301
200440	Mullinville, city of	Kiowa	750829
200014	Muscotah, city of	Atchison	741122
200596	Neosho County*	Neosho	771101
200360	Neosho Falls, city of	Woodson	750131
200204	Neosho Rapids, city of	Lyon	750103
200543	Oakley, city of	Logan	760702
200444	Olpe, city of	Lyon	750926
200544	Onaga, city of	Pottawatomie	760813
200601	Osage County*	Osage	770809
200545	Oswego, city of	Labette	750919
200547	Oxford, city of	Sumner	750806
200357	Palmer, city of	Washington	741220
200196	Parker, city of	Linn	750207

Identification No. and community name		County	Original hazard date
200446	Partridge, city of	Reno	761217
200447	Peru, city of	Chautauqua	750926
200199	Pleasanton, city of	Linn	760702
200105	Pomona, city of	Franklin	740208
200200	Prescott, city of	Linn	760423
200449	Preston, city of	Pratt	761029
200106	Princeton, city of	Franklin	760528
200550	Protection, city of	Comanche	760702
200522	Quinter, city of	Gove	761224
200450	Ransom, city of	Ness	761112
200279	Rawlins County*	Rawlins	800219
200288	Republic, city of	Republic	741206
200453	Rolla, city of	Morton	760326
200315	Russell, city of	Russell	740208
200455	Scammon, city of	Cherokee	750919
200097	Schoenchen, city of	Ellis	750117
200528	Seden, city of	Chautauqua	750822
200457	Severy, city of	Greenwood	750926
200606	Seward County*	Seward	770913
200458	Sharon, city of	Barber	750822
200459	South Haven, city of	Sumner	750919
200531	Spearville, city of	Ford	750919
200524	St. Francis, city of	Cheyenne	750919
200274	St. George, city of	Pottawatomie	750103
200460	Summerfield, city of	Marshall	760702
200365	Thayer, city of	Neosho	760702
200367	Toronto, city of	Woodson	750919
200368	Treece, city of	Cherokee	760325
200370	Tyro, city of	Montgomery	750725
200551	Ulysses, city of	Grant	761105
200557	Weir, city of	Cherokee	750919
200558	West Plains, city of	Meade	760618
200008	Westphalia, city of	Anderson	741220
200617	Wilson County*	Wilson	770607
200379	Woodston, city of	Rooks	750926

Total of 144 communities.

Kentucky

210353	Adairville, city of	Logan	780905
210267	Allen County	Allen	770624
210006	Ballard County*	Ballard	770406
210334	Barren County*	Barren	770819
210008	Bath County	Bath	770401
210106	Berry, city of	Harrison	740816
210187	Booneville, city of	Owsley	740201
210021	Bracken County	Bracken	770610
210161	Bradfordsville, city of	Marion	740510
210025	Breckinridge County	Breckinridge	771021
210201	Brodhead, city of	Rockcastle	740517
210238	Brownsville, city of	Edmonson	761008
210273	Bullitt County	Bullitt	770520
210354	Cadiz, city of	Trigg	780929
210313	Calloway County*	Calloway	771202
210042	Carlisle County*	Carlisle	741018
210045	Carroll County	Carroll	770225
210063	Casey County*	Casey	741213
210355	Cederville, city of	Pike	780929
210277	Christian County	Christian	770624
210057	Clay County*	Clay	741227
210327	Clinton County	Clinton	770715
210254	Crittenden County*	Crittenden	771223
210060	Cumberland County	Cumberland	750103
210317	Dexter, city of	Calloway	761001
210038	Fort Thomas, city of	Campbell	740125
210272	Foster, city of	Bracken	750801
210336	Fulton County*	Fulton	771223
210281	Gallatin County	Gallatin	760903
210081	Garrard County*	Garrard	741018
210251	Gilbertsville, city of	Marshall	750725
210078	Glencoe, city of	Gallatin	740201
210292	Graves County	Graves	771104
210330	Grayson County*	Grayson	771125
210305	Hardin, city of	Marshall	740614
210329	Harrison County*	Harrison	770826
210257	Hart County*	Hart	770705
210288	Henderson County	Henderson	770624
210335	Hickman County*	Hickman	780303
210112	Hopkins County*	Hopkins	741018
210358	Jeffersonville, city of	Montgomery	780908
210134	Laurel County*	Laurel	741227
210085	Leitchfield, town of	Grayson	740510
210324	Leslie County*	Leslie	770725
210289	Letcher County	Letcher	770902
210341	Logan County*	Logan	770909
210342	Madison County*	Madison	770826
210160	Marion County	Marion	770610
210252	Marshall, County*	Marshall	760317
210259	Mason County*	Mason	781231
210343	McCreary County*	McCreary	771125
210233	McHenry, town of	Ohio	741025
210169	Meade County*	Meade	770513
210326	Montgomery County*	Montgomery	771021
210293	Muhlenberg County	Muhlenberg	770513
210183	Ohio County*	Ohio	771202
210186	Owen County*	Owen	741018
210296	Owsley County	Owsley	770617
210297	Pendleton County*	Pendleton	780730
210197	Pulaski County*	Pulaski	770722
210200	Robertson County*	Robertson	770325
210245	Rockport, town of	Ohio	740201
210205	Russell County*	Russell	770715
210260	Sadieville, city of	Scott	750103
210209	Shelby County*	Shelby	741018
210294	South Carrollton, city of	Muhlenberg	750725
210276	Southgate, city of	Campbell	750801
210320	St. Charles, town of	Hopkins	760813
210212	Taylor County*	Taylor	741018
210315	Trigg County*	Trigg	770826
210300	Trimble County	Trimble	770114
210218	Uniontown, town of	Union	740517
210270	Union, town of	Boone	750801
210231	Versailles, city of	Woodford	770729
210096	Vine Grove, city of	Hardin	740517
210348	Wayne County*	Wayne	780106
210248	Wheat Croft, town of	Webster	740215
210307	Winston Park, town of	Kenyon	740123

Total of 78 communities.

Louisiana

220114	Albany, village of	Livingston Parish.	740412
220231	Angie, village of	Washington Parish.	750103
220354	Athens, village of	Claiborne Parish.	750221
220274	Belcher, village of	Caddo Parish	780627
220316	Bonita, village of	Morehouse Parish.	750822
220318	Chatham Town	Jackson Parish	750919
220320	Clarks, village of	Caldwell Parish	750815
220323	Dubach Town	Lincoln Parish	770401
220324	Elizabeth Town	Allen Parish	750725
220326	Florien, village of	Sabine Parish	750725
220117	French Settlement, village of.	Livingston Parish.	741025
220331	Hodge, village of	Jackson Parish	750711
220332	Hornbeck, village of	Vernon Parish	750815
220334	Jena Town	La Salle Parish	761224
220335	Junction City, village of	Claiborne Parish.	750718
220390	Lillie, village of	Union Parish	790403
220366	Lincoln Parish*	Lincoln Parish	771129
220336	Logansport Town	De Soto Parish	750815
220339	Mooringsport Town	Caddo Parish	760625
220367	Morehouse Parish*	Morehouse Parish.	780805
220340	New Llano, village of	Vernon Parish	780409
220307	Reeves, village of	Allen Parish	750815
220368	Sabine Parish*	Sabine Parish	780124
220309	Saline, village of	Bienville Parish	760625
220259	Slaughter, town of	East Feliciana Parish.	750919
220205	Sun, village of	St. Tammany Parish.	740830
220069	Turkey Creek, village of	Evangeline Parish.	740830
220397	Urania, town of	La Salle Parish	790403
220234	Varnado, village of	Washington Parish.	741025
220228	Vernon Parish	Vernon Parish	770726

Total of 30 communities.

Maine

230063	Alna, town of	Lincoln	790130
230272	Amherst, town of	Hancock	750124
230545	Avon, town of	Franklin	770114
230252	Belmont, town of	Waldo	750314
230144	Berwick, town of	York	740809
230913	Bowdoin, town of	Sagadahoc	761217
230275	Brooklin, town of	Hancock	761224
230374	Burlington, town of	Penobscot	750207
230375	Carmel, town of	Penobscot	750228
230376	Charleston, town of	Penobscot	750221
230437	Charlotte, town of	Washington	761217
230378	Clifton, town of	Penobscot	750207
230307	Columbia, town of	Washington	750214
230380	Corinth, town of	Penobscot	750221
230309	Crawford, town of	Washington	750117
230148	Dayton, town of	York	740625
230279	Dedham, town of	Hancock	750418
230313	East Machias, town of	Washington	770211
230217	Edgecomb, town of	Lincoln	750103
230237	Fayette, town of	Kennebec	741129
230166	Gilead, town of	Oxford	750207
230388	Greenfield, town of	Penobscot	750221
230425	Hersey, town of	Aroostook	741230
230315	Jonesboro, town of	Washington	750214
230393	Lagrange, town of	Penobscot	750220
230912	Le Vante, town of	Penobscot	770429
230193	Lebanon, town of	York	750207
230428	Littleton, town of	Aroostook	750321
230395	Lowell, town of	Penobscot	750221
230429	Ludlow, town of	Aroostook	750221
230286	Mariaville, town of	Hancock	750314
230261	Montville, town of	Waldo	750221
230363	Moose River, town of*	Somerset	750117
230218	Newcastle, town of	Lincoln	750221
230318	Northfield, town of	Washington	750214
230180	Orrington, town of	Penobscot	750207
230289	Otis, town of	Hancock	750418
230412	Parkman, town of	Piscataquis	750214
230143	Pembroke, town of	Washington	741018
230030	Perham, town of	Aroostook	750418
230399	Plymouth, town of	Penobscot	770429
230264	Prospect, town of	Waldo	750214
230415	Shirley, town of	Piscataquis	750124
230400	Springfield, town of	Penobscot	750124
230323	Steuben, town of	Washington	750221
230035	Stockholm, town of	Aroostook	750110
230914	Talmadge, town of	Washington	761217
230324	Topsfield, town of	Washington	750314
230248	Vassalborough, town of	Kennebec	750207
230300	Verona, town of	Hancock	761126
230439	Wales, town of	Androscoggin	750221
230082	Washington, town of	Knox	740906
230039	Weston, town of	Aroostook	750221
230222	Westport, town of	Lincoln	750103
230087	Whitefield, town of	Lincoln	740726
230329	Whitneyville, town of	Washington	770607
230404	Winn, town of	Penobscot	750124
230223	Wiscasset, town of	Lincoln	770524

Total of 58 communities.

Maryland

240102	Deer Park, town of	Garret	741108
240106	Galestown, town of	Dorchester	750711
240118	Poolesville, town of	Montgomery	810821
240124	Smithburg, town of	Washington	770114

Total of 4 communities.

Massachusetts

250176	Ashby, town of	Middlesex	770429
250134	Blandford, town of	Hampden	740726
250135	Brimfield, town of	Hampden	740719
250136	Chester, town of	Hampden	740719
250068	Chilmark, town of	Dukes	741205
250191	Dunstable, town of	Middlesex	741129
250160	Easthampton, town of	Hampshire	740621
250023	Florida, town of	Berkshire	761112
250139	Granville, town of	Hampden	740830
250084	Hamilton, town of	Essex	761126
250311	Hubbardston, town of	Worcester	740906
250121	Leyden, town of	Franklin	750207
250146	Montgomery, town of	Hampden	741122
250032	New Ashford, town of	Berkshire	741122
250324	Oakham, town of	Worcester	740802
250158	Pelham, town of	Hampshire	740626
250036	Peru, town of	Berkshire	741101
250169	Plainfield, town of	Hampshire	741101
250126	Rowe, town of	Franklin	760820
250101	Rowley, town of	Essex	740726
250128	Shutesbury, town of	Franklin	750221
250151	Tolland, town of	Hampden	750404
250043	Tyringham, town of	Berkshire	741129
250130	Warwick, town of	Franklin	750124
250044	Washington, town of	Berkshire	741101
250131	Wendell, town of	Franklin	750117
250047	Windsor, town of	Berkshire	741122

Total of 27 communities.

Michigan

260342	Autrain, township of	Alger	770325
260362	Baraga, township of	Baraga	780526
260027	Blaine, township of	Benzie	740920
260430	Boardman, township of	Kalaska	770805
260371	Boyne Falls, village of	Charlevoix	781023

Identification No. and community name		County	Original hazard date
280390	Brietung, township of	Dickinson	770311
280375	Bruce, township of	Chippewa	770603
280555	Buchanan, township of	Berrien	761006
280601	Byron, village of	Shiawassee	750919
280597	Caro, village of	Tuscola	751024
280659	Cedarville, township of	Menominee	780526
280482	Claybanks, township of	Oceana	761126
280579	Clifford, village of	Lapeer	751024
280434	Deerfield, township of	Lapeer	770513
280553	Elberta, village of	Benzie	750919
280349	Ellsworth, village of	Antrim	750411
280327	Evart, city of	Osceola	750425
280586	Exeter, township of	Monroe	751003
280405	Fife Lake, township of	Grand Traverse.	770114
280406	Fife Lake, village of	Grand Traverse.	750711
280062	Ford River, twp	Delta	781203
280373	Forest, township of	Cheboygan	770004
280450	Forsyth, township of	Marquette	770325
280578	Galesburg, city of	Kalamazoo	751024
280570	Harbor Beach, city of	Huron	760130
280489	Hershey, village of	Osceola	750711
280462	Holland, township of	Missaukee	750801
280457	Holmes, township of	Menominee	770401
280568	Houghton, city of	Houghton	770610
280418	Hubbardston, village of	Ionia	750926
280415	Huron, township of	Huron	761105
280475	Independence, township of.	Oakland	770513
280526	Indianfields, township of	Tuscola	770304
280680	Ingallston, township of	Menominee	780217
280354	Irving, township of	Barry	770415
280133	Ishpeming, city of	Marquette	761112
280486	Lake, township of	Roscommon	761126
280014	Lincoln, township of	Arenac	740614
280398	Linden, village of	Genesee	750926
280149	London, township of	Monroe	760820
280353	L'Anse, township of	Baraga	780224
280675	Mackinaw, Village of	Cheboygan	770812
280348	Manlius, township of	Allegan	761126
280367	Marcellus, township of	Cass	761126
280487	McMillan, township of	Ontonagon	751003
280702	Menominee, township of.	Menominee	780815
280486	Mills, township of	Ogemaw	750725
280443	Moran, township of	Mackinac	770325
280521	New Haven, township of.	Shiawassee	750725
280420	North Plains, township of.	Ionia	770617
280476	Oakland, township of	Oakland	770401
280502	Oakley, village of	Saginaw	750926
280413	Osceola, township of	Houghton	750926
280362	Ovid, township of	Branch	761105
280376	Pickford, township of	Chippewa	770520
280368	Pokagon, township of	Cass	770527
280618	Port Austin, village of	Huron	760130
280672	Port Huron, township of	St. Clair	761029
280460	Powers, village of	Menominee	750711
280410	Reading, township of	Hillsdale	771028
280453	Republic, township of	Marquette	760512
280497	Roscommon, township of.	Roscommon	770316
280377	Rudyard, township of	Chippewa	761015
280537	Scio, township of	Washtenaw	761126
280378	Soo, township of	Chippewa	761126
280557	Stevensville, village of	Berrien	750926
280444	St. Ignace, township of	Mackinac	770729
280379	Sugar Island, township of.	Chippewa	770617
280380	Superior, township of	Chippewa	770617
280540	Superior, township of	Washtenaw	770617
280708	Torch Lake, township of	Houghton	770812
280351	Turner, township of	Arenac	750716
280550	Turner, village of	Arenac	770304
280404	Watersmeet, township of.	Gogebic	770316
280049	Weesaw, township of	Berrien	740626
280388	Wells, township of	Delta	770610
280479	White Lake, township of	Oakland	770527
280547	Wilber, Township of	Iosco	761126
280495	Wright, township of	Ottawa	770527
280541	York, township of	Washtenaw	750718

Total of 80 communities.

Minnesota

Identification No. and community name		County	Original hazard date
270492	Aldrich, city of	Wadena	750207
270691	Aroc, city of	Lincoln	770415
270345	Askov, city of	Pine	741025
270417	Aurora, city of	St. Louis	740405
270552	Avoca, city of	Murray	750110
270554	Baudette, city of	Lake of the Woods.	741227
270710	Becker, city of	Sherburne	790330
270555	Bejou, city of	Mahnomen	750103
270711	Bemidji, city of	Beltrami	781110
270261	Biscay, city of	McLeod	741115
270556	Blackduck, city of	Beltrami	750801
270293	Bowlus, city of	Morrison	741025
270057	Boy River, city of	Cass	770610
270070	Branch, city of	Chisago	740830
270319	Brewster, city of	Nobles	750425
270557	Brook Park, city of	Pine	741025
270366	Brooks, city of	Red lake	740809
270262	Brownton, city of	McLeod	740503
270294	Buckman, city of	Morrison	740809
270712	Caledonia, city of	Houston	781013
270261	Cedar Mills, city of	Meeker	750214
270312	Chandler, city of	Mower	740809
270058	Chickamaw Bch, city of	Cass	781015
270464	Chokio, city of	Stearns	740503
270664	Clear Lake, city of	Sherburne	750103
270363	Climax, city of	Polk	740920
270468	Clontarf, city of	Swift	740719
270561	Cobden, city of	Brown	741101
270562	Cologne, city of	Carver	741101
270035	Comfrey, city of	Brown	740920
270025	Correll, city of	Big Stone	750124
270282	Cosmos, city of	Meeker	740517
270314	Courtland, city of	Nicollet	740719
270313	Currie, city of	Mower	740802
270469	Danvers, city of	Swift	740809
270334	Deer Creek, city of	Otter Tail	740816
270470	Degraff, city of	Swift	740809
270563	Delhi, city of	Red Lake	741025
270346	Denham, city of	Pine	750124
270059	East Gull Lake, city of	Cass	741220
270118	Easton, city of	Faribault	760730
270263	Eden Valley, city of	Stearns	740503
270320	Ellsworth, city of	Nobles	740503
270295	Elmdale, city of	Morrison	740809
270336	Erhard, city of	Otter Tail	740809
270422	Eveleth, city of	St. Louis	740607
270278	Fairmont, city of	Martin	740607
270060	Federal Dam, city of	Cass	761006
270693	Forest Lake, city of	Washington	771216
270570	Frazee, city of	Becker	741115
270446	Freeport, city of	Stearns	740503
270571	Funkley, city of	Beltrami	750711
270296	Genola, city of	Morrison	750207
270439	Gibbon, city of	Sibley	740621
270088	Gonvick, city of	Clearwater	740823
270277	Granada, city of	Martin	740802
270447	Greenwald, city of	Stearns	740823
270061	Hackensack, city of	Cass	740920
270573	Hadley, city of	Murray	750411
270574	Hanley Falls, city of	Yellow Medicine.	750711
270071	Harris, city of	Chisago	740920
270355	Hatfield, city of	Pipestone	750131
270398	Hector, city of	Renville	760827
270701	Heidelberg, city of	Le Sueur	770722
270338	Henning, city of	Otter Tail	740503
270002	Hill, city of	Aitkin	741108
270409	Hills, city of	Rock	740412
270578	Hoffman, city of	Grant	750131
270448	Holdingford, city of	Stearns	740517
270356	Holland, city of	Pipestone	740830
270471	Holloway, city of	Swift	740906
270357	Ihlen, city of	Pipestone	740802
270235	International Falls, city of.	Koochiching	740607
270579	Iona, city of	Murray	741220
270580	Iron Junction, city of	St. Louis	741025
270098	Jenkins, city of	Crow Wing	740823
270655	Kellogg, city of	Wabasha	750131
270523	Kent, city of	Wilkin	750801
270143	Kenyon, city of	Goodhue	740524
270206	LA Prairie, city of	Itasca	740823
270692	Lake Benton, city of	Lincoln	770401
270517	Madelia, city of	Watonwan	740412
270585	Mantorville, city of	Dodge	770603
270667	Maple Lake, city of	Wright	750110
270243	Marietta, city of	Lac Qui Parle	740906
270053	Mayer, city of	Carver	731123
270587	Maynard, city of	Chippewa	741115
270487	Mazeppa, city of	Wabasha	740719
270588	Mcintosh, city of	Polk	741129
270493	Menahga, city of	Wadena	740412
270367	Mentor, city of	Polk	741220
270270	Middle River, city of	Marshall	740719
270589	Milan, city of	Chippewa	770715
270488	Millville, city of	Wabasha	740802
270489	Minneiska, city of	Wabasha	750711
270122	Minnesota Lake, city of	Faribault	740517
270405	Morristown, city of	Rice	740329
270300	Motley, city of	Cass	740802
270454	Mountain Iron, city of	St. Louis	740524
270451	New Munich, city of	Stearns	741025
270497	New Richland, city of	Wadena	740412
270590	Nielsville, city of	Polk	741101
270591	Nimrod, city of	Wadena	750418
270592	Norcross, city of	Grant	741213
270072	North Branch, city of	Chisago	740510
270512	Oak Park Heights, city of.	Washington	740322
270594	Odin, city of	Watonwan	741213
270595	Okabena, city of	Jackson	741227
270648	Orr, city of	St. Louis	741213
270004	Palisade, city of	Aitkin	740802
270063	Pillager, city of	Cass	740719
270704	Pine County*	Pine	771223
270697	Pine Springs, city of	Washington	770722
270596	Plato, city of	Mcleod	741101
270218	Quamba, city of	Kanabec	740809
270223	Regal, city of	Kandiyohi	750131
270065	Remer, city of	Cass	750711
270565	Revere, city of	Red Lake	750411
270567	Rice, city of	Benton	750117
270453	Richmond, city of	Stearns	740329
270341	Richville, city of	Otter Tail	741025
270021	Ronneby, city of	Benton	750711
270455	Roscoe, city of	Stearns	740802
270073	Rush City, city of	Chisago	740510
270131	Rushford Village, city of	Fillmore	800905
270360	Ruthton, city of	Pipestone	740809
270350	Rutledge, city of	Pine	740809
270432	Sacred Heart, city of	Renville	740503
270046	Scanlon, city of	Carlton	731102
270602	Seaforth, city of	Redwood	741213
270494	Sebeka, city of	Wadena	740412
270662	Silver Lake, city of	McLeod	750124
270672	Skyline, city of	Blue Earth	750627
270206	Squaw Lake, city of	Itasca	750801
270717	Staples, city of	Todd	781110
270352	Sturgeon Lake, city of	Pine	741025
270601	St. Anthony, city of	Stearns	750711
270033	St. Clair, city of	Blue Earth	740823
270457	St. Joseph, city of	Stearns	760827
270458	St. Stephen, city of	Stearns	740823
270660	S. International Falls, city of.	Koochiching	750117
270209	Taconite, city of	Itasca	750720
270290	Taunton, city of	Lyon	740719
270047	Thomson, city of	Carlton	740802
270605	Tower, city of	St. Louis	741213
270361	Trosky, city of	Pipestone	740809
270606	Turtle River, city of	Beltrami	750801
270306	Upsala, city of	Morrison	741025
270607	Verndale, city of	Wadena	741025
270608	Vernon Center, city of	Blue Earth	750103
270609	Vesta, city of	Redwood	750110
270718	Walnut Grove, city of	Redwood	760625
270210	Warba, city of	Itasca	740913
270286	Watkins, city of	Meeker	740412
270686	Waverly, city of	Wright	750117
270279	Welcome, city of	Martin	740510
270625	Willernie, city of	Washington	770527
270612	Williams, city of	Lake Of The Woods.	741129
270703	Willmar, city of	Kandiyohi	770728
270719	Wilton, city of	Beltrami	781110
270613	Winger, city of	Polk	750131
270427	Winton, city of	St. Louis	740802
270524	Wolverton, city of	Wilkin	740806
270615	Wood Lake, city of	Yellow Medicine.	750117
270048	Wright, city of	Carlton	740913
270211	Zemple, city of	Itasca	750627

Total of 186 communities.

Mississippi

Identification No. and community name		County	Original hazard date
280309	Abbeville, town of	Lafayette	780929
280267	Alcorn County*	Alcorn	780407
280089	Bassfield, town of	Jefferson Davis.	760730
280287	Belmont, town of	Tishomingo	760709
280156	Braxton, village of	Simpson	740719
280269	Chickasaw County	Chickasaw	770803
280017	Duncan, town of	Bolivar	761105
280186	Eden, village of	Yazoo	740719

Identification No. and community name	County	Original hazard date
280270 Franklin County	Franklin	771104
280117 Gattman, village of	Monroe	740719
280290 Itawamba County*	Itawamba	780512
280302 Jasper County*	Jasper	780224
280303 Jefferson Davis County*	Jefferson Davis	780331
280093 Lafayette County*	Lafayette	741227
280315 Learned, town of	Hinds	781110
280204 Lena, town of	Neshoba	741025
280273 Lincoln County	Lincoln	780217
280316 Louin, town of	Jasper	781027
280274 Marshall County	Marshall	771028
280008 McCool, village of	Attala	750131
280279 Prentiss, County	Prentiss	770916
280147 Puckett, town of	Rankin	740823
280322 Rienzi, town of	Alcorn	781117
280049 Seminary, village of	Covington	750801
280324 Shuqualak, town of	Noxubee	781206
280323 Silver City, town of	Humphreys	790914
280226 Silver Creek, town of	Lawrence	750711
280306 Smith County*	Smith	780421
280325 Smithville, town of	Monroe	790216
280326 Sumrall, town of	Lamar	790831
280282 Tippah County	Tippah	770826
280283 Tishomingo County	Tishomingo	780512
280263 Toccopola, town of	Pontotoc	741213
280237 Union County*	Union	741213
280327 Vardaman, town of	Calhoun	790119
280096 Walnut Grove, town of	Leake	740628
280328 Walnut, town of	Tippah	790112

Total of 37 communities.

Missouri

Identification No. and community name	County	Original hazard date
290761 Airport Drive, village of	Jasper	750214
290005 Amazonia, town of	Andrew	740816
290281 Appleton, city of	St. Clair	750207
290451 Augusta, village of	St. Charles	741206
290767 Bakersfield, village of	Ozark	750425
290770 Bellflower. city of	Montgomery	770517
290756 Bevier, city of	Macon	750214
290006 Bolckow, town of	Andrew	760430
290274 Bragg City, city of	Pemiscot	760207
290616 Brashear.city of	Adair	750214
290759 Braymer, city of	Caldwell	750425
290618 Bronaugh, city of	Vernon	760625
290111 Bunceton, city of	Cooper	750425
290650 Caledonia, village of	Washington	761105
290624 Camden, city of	Ray	760528
290249 Catron, town of	New Madrid	760528
290601 Cobalt city, village of	Madison	760326
290196 Conway, town of	Laclede	740510
290605 Cowgill, town of	Caldwell	750418
290610 Cross Timbers, village of.	Hickory	750221
290345 Crystal Lake Pk, town	St. Louis	770513
290464 Dalton, village of	Chariton	741213
290066 Delta, city of	Cape Girardeau.	741206
290613 Des Arc, village of	Iron	750418
290465 Dewitt, city of	Carroll	740906
290219 Elmer, city of	Macon	741206
290730 Esther, city of	St. Francois	750221
290593 Frankford, city of	Pike	770107
290477 Fremont, village of	Carter	750221
290431 Galena, city of	Stone	740830
290733 Gallatin, city of	Daviess	750214
290734 Gerald, city of	Franklin	760604
290460 Grandin, city of	Carter	741108
290573 Hillsboro, city of	Jefferson	761022
290714 Holden, city of	Johnson	760409
290576 Houston Lake, village of	Platte	770621
290575 Houstonia, city of	Pettis	750919
290715 Humansville, city of	Polk	750711
290577 Hume, city of	Bates	750221
290359 Huntleigh, town of	St. Louis	760625
290580 Iron Gates, village of	Jasper	750214
290445 Irondale, town of	Washington	770513
290724 Knob Noster, city of	Johnson	750627
290696 Lake Ozark, city of	Camden	770726
290558 Lake Winnebago, village of.	McDonald	770225
290559 Lanagan, city of	McDonald	760604
290705 Lawson, city of	Clay	760604
290707 Lexington, city of	Lafayette	750725
290253 Linn Creek, city of	Camden	741025
290115 Lock Springs, town of	Daviess	750711
290565 Marquand, city of	Madison	750418
290444 Marthasville, city of	Warren	740913
290271 Meta, town of	Osage	740913
290569 Middletown, city of	Montgomery	750808
290499 Mill Spring, village of	Wayne	741213
290571 Mineral Point, village of	Washington	750808
290690 Montrose, city of	Henry	750418
290547 Napoleon, city of	Lafayette	800825
290549 New Cambria, city of	Macon	750725
290692 New Florence, city of	Montgomery	761105
290550 New Hampton, city of	Harrison	750808
290059 Norborne, city of	Carroll	740405
290554 Oak Grove, village of	Franklin	770603
290671 Osage Beach, city of	Miller	760730
290672 Osceola, city of	St. Clair	760402
290535 Pineville, city of	McDonald	760416
290537 Pleasant Hope, village of.	Polk	761029
290243 Rhineland, town of	Montgomery	770121
290655 Rich Hill, city of	Bates	750214
290657 Richmond, city of	Ray	761022
290485 Ritchey, town of	Newton	750110
290438 Rockaway Beach, town of.	Taney	750110
290518 Rockville, city of	Bates	750221
290008 Rosendale, city of	Andrew	750214
290665 Shelbina, city of	Shelby	750425
290527 South Gorin, city of	Scotland	761105
290488 Stella, city of	Newton	750221
290667 Stockton, city of	Cedar	760702
290039 Sturgeon, town of	Boone	760423
290076 Sumner, town of	Chariton	750110
290508 Sunnyvale, city of	Newton	761105
290878 Taos, city of	Cole	800304
290509 Taraney Lakes, village of.	Jackson	761022
290228 Tuscumbia, village of	Miller	741025
290514 Urbana, village of	Dallas	750627
290857 Velda Village Hills, village of.	St. Louis	760702
290645 Verona, city of	Lawrence	761015
290646 Viburnum, city of	Iron	750221
290648 Warrenton, city of	Warren	750207
290483 Wentworth, town of	Newton	750110
290635 Westboro, village of	Atchison	750711
290396 Westwood, town of	St. Louis	760528
290653 Willard, city of	Greene	761105
290452 Williamsville, city of	Wayne	741018
290639 Wood Heights, village of.	Ray	761105
290033 Zalma, village of	Bollinger	741025

Total of 96 communities.

Montana

Identification No. and community name	County	Original hazard date
300066 Bainville, town of	Roosevelt	750103
300090 Brockton, town of	Roosevelt	750627
300091 Clyde Park, town of	Park	750103
300016 Deer Lodge County*	Deer Lodge	770607
300092 Dutton, town of	Teton	750425
300111 Ekalaka, town of	Carter	670718
300070 Forsyth, city of	Rosebud	740308
300013 Fort Benton, city of	Chouteau	740510
300150 Garfield County*	Garfield	790320
300151 Glacier County*	Glacier	771227
300095 Hingham, town of	Hill	750711
300116 Jordan, town of	Garfield	750627
300096 Kevin, town of	Toole	750627
300159 Mineral County*	Mineral	780214
300174 Musselshell County*	Musselshell	790529
300119 Polson, city of	Lake	750926
300163 Powder River County*	Powder River	790515
300164 Prairie County*	Prairie	790508
300122 Ronan, city of	Lake	750425
300166 Roosevelt County*	Roosevelt	791204
300069 Rosebud County*	Rosebud	740802
300072 Sanders County*	Sanders	771227
300125 Shelby, city of	Toole	760402
300126 Sheridan, town of	Madison	750919
300076 Silver Bow County*	Silver Bow	770617
300127 Sunburst, town of	Toole	750110
300130 Thompson Falls, town of.	Sanders	750207
300052 Winnett, town of	Petroleum	741227

Total of 28 communities.

Nebraska

Identification No. and community name	County	Original hazard date
310412 Antelope County*	Antelope	771227
310342 Arnold, village of	Custer	750815
310006 Arthur, village of	Arthur	750110
310246 Ashton, village of	Sherman	750711
310343 Atkinson, city of	Holt	761105
310249 Belgrade, village of	Nance	750502
310026 Bellwood, village of	Butler	741122
310250 Benedict, village of	York	750418
310066 Big Springs, village of	Deuel	741220
310252 Bladen, village of	Webster	750711
310351 Bloomfield, city of	Knox	760716
310416 Box Batte County*	Box Butte	770823
310254 Brunswick, village of	Antelope	760402
310419 Buffalo County*	Buffalo	790417
310420 Burt County*	Burt	771122
310354 Burwell, city of	Garfield	760423
310255 Bushnell, village of	Kimball	760326
310256 Campbell, village of	Franklin	750822
310258 Cedar Rapids, village of	Boone	750110
310357 Chadron, city of	Dawes	760924
310260 Chapman, village of	Merrick	760326
310263 Cody, village of	Cherry	760326
310360 Creighton, city of	Knox	761112
310427 Cuming County*	Cuming	770816
310086 Curtis, city of	Frontier	760402
310428 Custer County*	Custer	780314
310058 Dawson County	Dawson	771018
310430 Deuel County*	Deuel	771101
310269 Diller, village of	Jefferson	750829
310270 Dix, village of	Kimball	750926
310272 Duncan, village of	Platte	770216
310276 Eustis, village of	Frontier	750919
310061 Farnam, village of	Dawson	741108
310088 Gage County	Gage	770809
310373 Greeley, village of	Greeley	750711
310234 Guide Rock, village of	Webster	760709
310283 Hardy, village of	Nuckolls	761119
310213 Hay Springs, city of	Sheridan	740322
310286 Hildreth, village of	Franklin	760730
310288 Holstein, village of	Adams	750718
310381 Humphrey, village of	Platte	750711
310447 Jefferson County*	Jefferson	770621
310385 Laurel, village of	Cedar	761105
310452 Lincoln County*	Lincoln	780411
310085 Maywood, village of	Frontier	741220
310083 Naponee, village of	Franklin	760813
310394 Orleans, city of	Harlan	760709
310465 Phelps County*	Phelps	770816
310175 Plainview, city of	Pierce	760702
310467 Platte County*	Platte	770816
310310 Polk, village of	Polk	750827
310138 Raymond, village of	Lancaster	741018
310469 Red Willow County*	Red Willow	771227
310084 Riverton, village of	Franklin	761029
310214 Rushville, city of	Sheridan	740503
310489 Santee, village of	Knox	780814
310316 Scotia, village of	Greeley	750502
310474 Seward County*	Seward	770607
310475 Sheridan County*	Sheridan	771122
310034 South Bend, village of	Cass	790710
310106 Stockham, village of	Hamilton	741206
310172 Table Rock, village of	Pawnee	741101
310326 Thedford, village of	Thomas	750711
310335 Wilsonville, village of	Furnas	761203

Total of 64 communities.

Nevada

Identification No. and community name	County	Original hazard date
320030 Churchill County*	Churchill	771227
320033 Storey County*	Storey	780110.
320012 Winnemucca, city of	Humboldt	760423

Total of 3 communities.

New Hampshire

Identification No. and community name	County	Original hazard date
330152 Acworth, town of	Sullivan	740913
330174 Albany, town of	Carroll	750117
330041 Alexandria, town of	Grafton	750221
330175 Atkinson, town of	Rockingham	750103
330180 Brookline, town of	Hillsborough	750404
330126 Candia, town of	Rockingham	750221
330181 Chatham, town of	Carroll	750103
330183 Chesterfield, town of	Cheshire	771213
330182 Chester, town of	Rockingham	750221
330109 Chichester, town of	Merrimack	740405
330184 Clarksville, town of	Coos	750103
330111 Danbury, town of	Merrimack	770614
330199 Danville, town of	Rockingham	750117
330050 Dorchester, town of	Grafton	750314
330201 Dummer, town of	Coos	750117
330202 Dunbarton, town of	Merrimack	750117
330204 Eaton, town of	Carroll	750117
330012 Effingham, town of	Carroll	750117
330206 Errol, town of	Coos	750117
330207 Fitzwilliam, town of	Cheshire	761126
330013 Freedom, town of	Carroll	740830

Identification No. and community name		County	Original hazard date
330131	Fremont, town of	Rockingham	740809
330208	Gilmanton, town of	Belknap	750117
330054	Grafton, town of	Grafton	750117
330212	Harrisville, town of	Cheshire	750124
330216	Kensington, town of	Rockingham	770906
330217	Kingston, town of	Rockingham	750117
330060	Landaff, town of	Grafton	741206
330159	Langdon, town of	Sullivan	750103
330160	Lempster, town of	Sullivan	750131
330062	Lincoln, town of	Grafton	750221
330117	Loudon, town of	Merrimack	740802
330218	Lyndeborough, town of	Hillsborough	750221
330219	Madbury, town of	Strafford	750117
330220	Madison, town of	Carroll	750117
330221	Mason, town of	Hillsborough	750221
330222	Middleton, town of	Strafford	750131
330035	Milan, town of	Coos	740528
330149	Milton, town of	Strafford	750207
330068	Monroe, town of	Grafton	741129
330224	Mount Vernon, town of	Hillsborough	750117
330015	Moultonborough, town of.	Carroll	770211
330229	Newington, town of	Rockingham	750221
330069	Orange, town of	Grafton	750110
330186	Pittsburg, town of	Coos	750131
330187	Randolph, town of	Coos	750103
330168	Richmond, town of	Cheshire	750103
330073	Rumney, town of	Grafton	740315
330191	Sandown, town of	Rockingham	750103
330193	South Hampton, town of.	Rockingham	750228
330163	Springfield, town of	Sullivan	771108
330195	Stoddard, town of	Cheshire	750117
330170	Surry, town of	Cheshire	750103
330173	Troy, town of	Cheshire	750103
330165	Unity, town of	Sullivan	740531
330168	Warren, town of	Grafton	740913
330166	Washington, town of	Sullivan	741227
330235	Weare, town of	Hillsborough	750214
330124	Wilmot, town of	Merrimack	740816

Total of 59 communities.

New Jersey

Identification No. and community name		County	Original hazard date
340540	Mendham, borough of	Morris	750131
340549	Newfield, borough of	Gloucester	770701
340455	Sandyston, township of	Sussex	771021
340212	South Harrison, township of.	Gloucester	740628
340533	Tabernacle, township of	Burlington	750207
340479	Winfield, township of	Union	740306

Total of 6 communities.

New Mexico

Identification No. and community name		County	Original hazard date
350098	Capitan, village of	Lincoln	750625
350110	Carrizozo, town of	Lincoln	750822
350050	Chama, village of	Rio Arriba	740816
350125	Chaves County*	Chaves	760613
350127	Curry County*	Curry	780207
350112	Dexter, town of	Chaves	750502
350140	Eagle Nest, Village of	Colfax	791216
350121	Grant County	Grant	770606
350122	Lincoln County	Lincoln	780328
350114	Loving, village of	Eddy	750606
350076	Magdalena, village of	Socorro	740802
350106	Maxwell, village of	Colfax	750919
350039	McKinley County	McKinley	780704
350116	Questa, village of	Taos	750117
350141	Reserve, village of	Catron	790814
350108	Roy, village of	Harding	780718
350132	San Miguel County*	San Miguel	770610
350056	Sandoval County*	Sandoval	771125
350133	Torrance County*	Torrance	780411

Total of 19 communities.

New York

Identification No. and community name		County	Original hazard date
361379	Altona, town of	Clinton	780103
361260	Amboy, town of	Oswego	741115
360518	Ava, town of	Oneida	740628
361392	Belmont, town of	Franklin	750117
361415	Boylston, town of	Oswego	750103
360521	Bridgewater, town of	Oneida	740906
361128	Broadalbin, town of	Fulton	740920
361460	Brushton, village of	Franklin	741115
361394	Burke, town of	Franklin	780217
360524	Clayville, village of	Oneida	740524
361380	Clinton, town of	Clinton	750124
360300	Danube, town of	Herkimer	740405
360364	Diana, town of	Lewis	740913
361122	Dickinson, town of	Franklin	741108
361382	Ellenburg, town of	Clinton	750314
361325	Freetown, town of	Cortland	750117
361587	German, town of	Chenango	770729
360651	Hannibal, town of	Oswego	781001
361451	Harrisville, village of	Lewis	741115
361234	Hartford, town of	Washington	741227
361196	Jefferson, town of	Schoharie	770812
361131	Johnstown, town of	Fulton	741025
360309	Litchfield, town of	Herkimer	740315
361408	Long Lake, town of	Hamilton	750725
361125	Moira, town of	Franklin	741115
361488	Mooers, village of	Clinton	750103
361389	Moriah, town of	Essex	741122
361019	Nelsonville, village of	Putnam	771216
361400	Northampton, town of	Fulton	750131
361408	Ohio, town of	Herkimer	750103
361526	Oneida Castle, village of.	Oneida	761125
361134	Oppenheim, town of	Fulton	741108
361263	Palermo, town of	Oswego	750207
360375	Pinckney, town of	Lewis	740906
361190	Providence, town of	Saratoga	741115
361265	Redfield, town of	Oswego	741122
360541	Remsen, village of	Oneida	770304
361121	Russia, town of	Herkimer	741101
361505	Savannah, village of	Wayne	760527
360100	South Valley, town of	Cattaraugus	740906
360555	Steuben, town of	Oneida	740628
361157	St. Armand, town of	Essex	741025
360733	Victory, village of	Saratoga	740405
360563	Waterville, village of	Oneida	740514
361267	Williamstown, town of	Oswego	741101

Total of 45 communities.

North Carolina

Identification No. and community name		County	Original hazard date
370398	Alexander County*	Alexander	780609
370004	Alleghany County	Alexander	770701
370407	Arlington, town of	Yadkin	790119
370266	Bath, town of	Beaufort	770708
370088	Battleboro, town of	Edgecomb	750815
370153	Bayboro, town of	Pamlico	760730
370290	Bertie County	Bertie	780929
370394	Bolivia, town of	Brunswick	770610
370395	Calabash, town of	Brunswick	770610
370408	Casar, town of	Cleveland	781117
370303	Caswell County	Caswell	780203
370299	Chatham County	Chatham	780519
370063	Clay County	Clay	810717
370302	Cleveland County	Cleveland	780616
370409	Cofield, village of	Hertford	800307
373210	Cramerton, town of	Gaston	750711
370322	Dallas, town of	Gaston	750627
370359	East Laurinburg, town of.	Scotland	750711
370352	Faith, town of	Rowan	751017
370377	Franklin County	Caswell	780915
370325	Granville County	Granville	780421
370378	Greene County*	Greene	771202
370431	Hayesville, town of	Clay	810721
370130	Hertford County	Hertford	780602
370405	High Shoals, city of	Gaston	781103
370326	Hookerton, town of	Greene	750926
370363	Jupiter, town of	Buncombe	761029
370319	Kernersville, town of	Forsyth	770527
370384	Laurel Park, town of	Henderson	780611
370303	Lawndale, town of	Cleveland	750711
370317	Leggett, town of	Edgecombe	770701
370323	Lowell, town of	Gaston	750815
370150	Macon County*	Macon	780630
370418	Minnesott Beach, town of.	Pamlico	790302
370309	Mocksville, town of	Davie	750711
370336	Montgomery County	Montgomery	781013
370349	Orrum, town of	Robeson	750425
370346	Person County	Person	780210
370429	Pikeville, town of	Wayne	810313
370420	Pittsboro, town of	Chatham	781020
370266	Polkton, town of	Anson	780210
370324	Ranlo, town of	Gaston	750627
370348	Richmond County	Richmond	780726
370106	Robbinsville, town of	Graham	740614
370350	Rockingham County	Rockingham	780616
370347	Roxboro, city of	Sampson	780113
370355	Ruth, town of	Rutherford	770401
370422	Severn, town of	Northampton	781103
370423	Sims, town of	Wilson	790112
370406	Spencer Mountain, town of.	Gaston	780714
370371	Stantonsburg, town of	Wilson	751003
370366	Vance County	Vance	780804
370360	Wagram, town of	Scotland	750606
370254	Wayne County*	Wayne	741227
370291	Webster, town of	Jackson	780210
370370	Wilson County	Wilson	780310
370345	Wintall, town of	Perquimans	750725
370400	Yadkin County*	Yadkin	780505

Total of 58 communities.

North Dakota

Identification No. and community name		County	Original hazard date
380151	Abercrombie, city of	Richland	761029
380215	Bow Bells, city of	Burke	750207
380121	Courtenay, city of	Stutsman	741227
380039	Dawson, city of	Kidder	741206
380169	Flaxton, city of	Burke	750207
380170	Fordville, city of	Walsh	760604
380171	Fortuna, city of	Divide	750725
380173	Gladstone, city of	Stark	760613
380175	Golden Valley, city of	Mercer	750627
380099	Great Bend, city of	Richland	760730
380178	Hannaford, city of	Griggs	750117
380179	Hoople, city of	Walsh	760813
380037	Manvel, city of	Grand Forks	750110
380008	Maxbass, city of	Bottineau	741122
380189	McClusky, city of	Sheridan	761105
380124	Medina, city of	Stutsman	741220
380125	Montpelier, city of	Stutsman	741115
380242	New England, city of	Hettinger	760716
380221	New Rockford, city of	Eddy	731120
380182	Osnabrock, city of	Cavalier	750221
380195	Plaza, city of	Mountrail	760813
380199	Reynolds, city of	Grand Fork	761029
380248	Richardton, city of	Stark	760806
380098	Richland County	Richland	810203
380647	South Heart, city of	Stark	810428
380318	Stanley, city of	Mountrail	770719
380250	Stanton, city of	Mercer	760402
380210	Tower City, city of	Barnes	750110
380130	Traill County	Traill	801216
380637	Walcott, city of	Richland	800401
380063	Washburn, city of	McLean	740322
380319	Williston, city of	Williams	780516

Total of 32 communities.

Ohio

Identification No. and community name		County	Original hazard date
390684	Arcanum, village of	Darke	780113
390207	Arlington Heights, village of.	Hamilton	740201
390760	Athens County*	Athens	771206
390761	Auglaize County*	Auglaize	780512
390159	Baltimore, village of	Fairfield	740521
390605	Beloit, village of	Mahoning	770526
390650	Berlin Heights, village of	Erie	740405
390674	Bethesda, village of	Belmont	750207
390074	Blanchester, village of	Clinton	740405
390643	Bolivar, village of	Tuscarawas	781029
390728	Buchtel, village of	Athens	750807
390616	Buckland, village of	Auglaize	790202
390753	Burbank, village of	Wayne	750418
390458	Burgoon, village of	Sandusky	740802
390037	Butler County*	Butler	771223
390601	Cairo, village of	Allen	770715
390461	Camden, village of	Preble	740510
390763	Carroll County*	Carroll	771104
390817	Carroll, village of	Fairfield	780922
390685	Castine, village of	Darke	770715
390818	Chatfield, village of	Crawford	781027
390819	Cherry Fork, village of	Adams	780922
390820	Clarksville, village of	Clinton	781110
390821	Clayton, village of	Montgomery	781110
390822	Coolville, village of	Athens	781103
390823	Cortland, town of	Trumbull	781006
390585	Corwin, village of	Warren	760716
390811	Crawford County*	Crawford	780120
390575	Creston, village of	Wayne	740201
390167	Crown City, village of	Gallia	750110
390624	Cumberland, village of	Guernsey	780915
390262	Deshler, village of	Henry	760723
390826	Edgerton, village of	Williams	780929
390827	Edon, village of	Williams	781006
390666	Elida, village of	Allen	740329
390828	Englewood, city of	Montgomery	781103
390314	Fairport Harbor, village of.	Lake	760723
390164	Fayette County*	Fayette	771206

Identification No. and community name	County	Original hazard date
390766 Fayetteville, village of	Brown	770805
390829 Fayette, village of	Fulton	780915
390830 Fort Laramie, village of	Shelby	780922
390426 Frazeysburg, village of	Muskingum	740830
390804 Freeport, village of	Harrison	771028
390264 Hamler, village of	Henry	740412
390767 Hancock County*	Hancock	771230
390250 Hardin County*	Hardin	750103
390769 Highland County*	Highland	771216
390505 Jackson Center, village of.	Shelby	740531
390246 Jenera, village of	Hancock	740802
390834 Junction City, village of	Perry	790105
390306 Knox County*	Knox	750131
390806 La Grange, town of	Lorain	771223
390803 Lafayette, village of	Allen	780120
390835 Laura, village of	Miami	781006
390270 Leesburg, village of	Highland	740405
390050 Leesville, village of	Carroll	740920
390838 Limaville, village of	Stark	780922
390346 Lorain County*	Lorain	770603
390681 Lucas, village of	Richland	740405
390638 Ludlow Falls, village of	Miami	760929
390839 Magnetic Springs, village of.	Union	781006
390756 Marseilles, village of	Wyandot	750418
390718 McArthur, village of	Vinton	761126
390254 McGuffey, village of	Hardin	740510
390799 Mifflin, village of	Ashland	770708
390689 Millersport, village of	Fairfield	750131
390842 Mineral City, village of	Tuscarawas	781006
390398 Montezuma, village of	Mercer	740809
390746 Morral, village of	Marion	750418
390866 Morrow County*	Morrow	780804
390621 Mount Orab, village of	Brown	750725
390844 Mount Sterling, village of.	Madison	780929
390843 Munroe Falls, village of	Summit	781013
390722 Nevada, village of	Wyandot	750214
390847 New Concord, village of	Muskingum	780908
390848 New Knoxville, village of.	Auglaize	781006
390849 New Vienna, village of	Clinton	790112
390850 Ney, village of	Defiance	790105
390285 North Fairfield, village of.	Huron	740315
390851 Philo, village of	Muskingum	790330
390287 Plymouth, village of	Huron	740503
390852 Port William, village of	Clinton	781013
390465 Putnam County*	Putnam	770812
390854 Quincy, village of	Logan	781006
390802 Rendville, village of	Perry	771202
390476 Richland County*	Richland	780224
390645 Rogers, village of	Columbiana	740322
390706 Sarahsville, village of	Noble	750328
390789 Sardinia, village of	Brown	780113
390858 Sencecaville, village of	Guernsey	781006
390859 Sherwood, village of	Defiance	781006
390046 Somerville, village of	Butler	750725
390485 South Salem, village of	Ross	740823
390860 South Zanesville, village of.	Muskingum	781020
390862 Stryker, village of	Williams	790119
390632 Swanton, village of	Fulton	750725
390064 Tremont City, village of	Clark	780519
390716 Unionville Center, village of.	Union	761015
390648 Van Buren, village of	Hancock	740322
390475 Vaughnsville, town of	Putnam	741115
390553 Vinton County*	Vinton	810109
390087 Washingtonville, village of.	Columbiana	731109
390293 Wellston, city of	Jackson	740215
390864 West Farmington, village of.	Trumbull	780929
390636 West Jefferson, village of.	Madison	750725
390865 Wharton, village of	Wyandot	790112
390867 Willshire, village of	Van Wert	781020
390788 Yankee Lake, village of	Trumbull	770727

Total of 108 communities.

Oklahoma

Identification No. and community name	County	Original hazard date
400255 Achille, town of	Bryan	780402
400501 Adair County*	Adair	810102
400256 Adair, town of	Mayes	780402
400074 Addington, town of	Jefferson	741018
400259 Asher, town of	Pottawatomie	780604
400508 Atoka County		810814
400261 Bessie, town of	Washita	750815
400346 Bethel Acres, town of	Pottawatomie	761231
400347 Billings, town of	Noble	760813
400263 Bradley, town of	Grady	760813
400465 Bridgeport, town of	Caddo	770401
400149 Burbank, town of	Osage	750110
400266 Butler, town of	Custer	761105
400479 Caddo County*	Caddo	780103
400270 Camargo, town of	Dewey	750919
400273 Caney, town of	Atoka	760409
400355 Caramen, town of	Alfalfa	750919
400030 Carter County	Carter	770705
400275 Carter, town of	Beckham	760402
400278 Castle, town of	Okfuskee	760507
400187 Chelsea, city of	Rogers	731228
400488 Cherokee County*	Cherokee	780110
400281 Colcord, town of	Delaware	761119
400253 Colony, town of	Washita	760813
400486 Comanche County*	Comanche	780620
400156 Commerce, city of	Ottawa	760604
400225 Corn, town of	Washita	750110
400122 Council Hill, town of	Muskogee	741213
400363 Cowlington, town of	Leflore	770311
400097 Coyle, town of	Logan	760813
400490 Creek County*	Creek	810519
400282 Cromwell, town of	Seminole	760813
400364 Cyril, town of	Caddo	760402
400226 Dacoma, town of	Woods	741108
400502 Delaware County*	Nowata	810303
400367 Delaware, town of	Nowata	760409
400369 Dickson, town of	Carter	760730
400377 Fairland, town of	Ottawa	760409
400379 Forest Park, town of	Oklahoma	760625
400381 Geary, city of	Blaine	761029
400032 Gene Autry, town of	Carter	741108
400013 Greenfield, town of	Blaine	740830
400388 Helena, town of	Alfalfa	760402
400487 Hughes County*	Hughes	770809
400024 Hydro, town of	Caddo	740726
400288 Indianola, town of	Pittsburg	760402
400007 Jet, town of	Alfalfa	741206
400290 Kansas, town of	Delaware	750926
400392 Keyes, town of	Cimarron	760813
400394 Kingston, town of	Marshall	760402
400186 Kiowa, town of	Pittsburg	760625
400294 Lahoma, town of	Garfield	761203
400484 Le Flore County*	Lefore	780110
400299 Lehigh, city of	Coal	761029
400301 Lima, town of	Seminole	761210
400095 Logan county*	Logan	741227
400063 Loyal, town of	Kingfisher	750425
400399 Mannford, town of	Creek	761112
400303 Mannsville, town of	Johnston	750926
400305 Marland, town of	Noble	760813
400306 Marshall, town of	Logan	760813
400458 Mayes County	Mayes	771122
400106 McCurtain County	McCurtain	780711
400308 Milburn, town of	Johnston	750926
400309 Mill Creek, town of	Johnston	760813
400406 Minco, town of	Grady	770128
400408 Mounds, town of	Creek	760625
400491 Muskogee County*	Muskogee	780314
400311 Nash, town of	Grant	760702
400312 New Prue, town of	Osage	760521
400426 North Miami, town of	Ottawa	760409
400314 Oaks, town of	Delaware	750829
400315 Ochelata, town of	Washington	760409
400427 Oilton, city of	Creek	761112
400492 Okmulgee County*	Okmulgee	780207
400316 Orlando, town of	Logan	760813
400146 Osage County*	Osage	801229
400317 Paoli, town of	Garvin	761105
400158 Peoria, town of	Ottawa	741122
400431 Perkins, town of	Payne	760409
400027 Piedmont, town of	Canadian	770719
400433 Pond Creek, city of	Grant	761112
400495 Pototoc County*	Pontotoc	780110
400436 Quapaw, town of	Ottawa	760813
400322 Reydon, town of	Roger Mills	761112
400324 Ripley, town of	Payne	770621
400118 Salina, town of	Mayes	760702
400442 Sentinel, city of	Washita	761112
400503 Sequoyah County*	Sequoyah	810421
400231 Sharon, town of	Woodward	760813
400034 Springer, town of	Carter	761217
400418 Temple, town of	Cotton	760716
400333 Tupelo, city of	Coal	760917
400443 Tuttle, town of	Grady	760625
400334 Union city, town of	Canadian	770114
400447 Velma, city of	Stephens	7780211
400335 Vera, town of	Washington	760716
400448 Vici, town of	Dewey	761105
400105 Washington, town of	McClain	760709
400338 Waukomis, town of	Garfield	770204
400451 Welch, town of	Craig	760716
400452 Wellston, town of	Lincoln	760409
400339 West Siloam Springs, town of.	Delaware	760402
400455 Yale, city of	Payne	750822

Total of 104 communities.

Oregon

Identification No. and community name	County	Original hazard date
410285 Adrian, city of	Malheur	[illegible]
410037 Prescott, city of	Columbia	750110

Total of 2 communities.

Pacific Trust

Identification No. and community name	County	Original hazard date
750001 Marina District		[illegible]

Total of 1 community.

Pennsylvania

Identification No. and community name	County	Original hazard date
422508 Addison, township of	Somerset	750103
422509 Allegheny, township of	Somerset	750103
422297 Atwood, borough of	Armstong	750131
421059 Belfast, township of	Fulton	741220
421332 Bloomfield, township of	Bedford	750131
421515 Boggs, township of	Clearfield	741115
422511 Brothersvalley, township of.	Somerset	750110
421660 Brush Creek, township of.	Fulton	[illegible]
421054 Burlington, township of	Bradford	740913
422545 Cherry Grove, township of.	Warren	741227
421334 Colerain, township of	Bedford	750103
421715 Conemaugh, township of.	Indiana	741206
422404 Cooke, township of	Cumberland	770128
421176 Deerfield, township of	Tioga	740831
422431 Dunkard, township of	Greene	750110
422189 Fairfield, township of	Westmoreland	740926
422049 Fairhope, township of	Somerset	741115
422288 Franklin, township of	Chester	741129
421399 Herrick, township of	Bradford	750404
420502 Jacksonville, borough of	Indiana	741213
422601 Jackson, township of	Lycoming	750328
421342 King, township of	Bedford	750131
421305 Kittanning, township of	Armstrong	761217
422515 Larimer, township of	Somerset	750110
420309 Lumber City, borough	Clearfield	750214
422606 Markleysburg, borough	Fayette	761015
421905 Mcewensville, borough	Northumberland	741227
421881 Menno, township of	Mifflin	741122
422353 Mercer, township of	Bulter	750110
422253 Muster, township of	Cambria	741122
421615 Ohiopyle, borough of	Fayette	750131
421313 Plumcreek, township of	Armstong	740906
421350 South Woodbury, township of.	Beford	760305
421351 Southampton, township of.	Beford	750207
421328 St. Clairsville, borough of.	Beford	750131
421531 Union, township of	Clearfield	750117
420816 Walleceton, borough of	Clearfield	741108
422526 Wellersburg, borough of	Somerset	750131
421723 West Mahoning, township of.	Indiana	750124

Total of 39 communities.

South Carolina

Identification No. and community name	County	Original hazard date
450227 Abbeville County*	Abbeville	780210
450201 Allendale County*	Allendale	741129
450203 Bamberg County*	Bamberg	741129
450204 Barnwell County*	Barnwell	741220
450116 Bethune, town of	Kershaw	750718
450148 Blenheim, town of	Marlboro	770812
450032 Cameron, town of	Calhoun	750103
450236 Chaplin, town of	Lexington	780922
450228 Chesterfield County*	Chesterfield	780609
450237 Chesterfield, town of	Chesterfield	780922
450124 Cross Hill, town of	Laurens	740906
450060 Darlington County*	Darlington	741227
450064 Dillon County*	Dillon	771209

Identification No. and community name		County	Original hazard date
450085	Dillon, town of	Dillon	740517
450229	Edgefield County*	Edgefield	780120
450074	Edgefield, town of	Edgefield	740524
450022	Ehrhardt, town of	Bamberg	740719
450010	Fairfax, town of	Allendale	740531
450132	Gilbert, town of	Lexington	741025
450210	Gray Court, town of	Laurens	741213
450037	Hollywood, town of	Charleston	740906
450063	Lamar, town of	Darlington	750718
450126	Lee County	Lee	780303
450241	Lockhart, town of	Union	780126
450242	Luray, town of	Hampton	780915
450128	Lynchburg, town of	Lee	750718
450141	Marion County	Marion	780106
450146	Marlboro County	Marlboro	780224
450225	Mayesville, town of	Sumter	760319
450244	Ninety Six, town of	Greenwood	780922
450080	Olanta, town of	Florence	740524
450081	Pamplico, town of	Greenwood	740510
450135	Pelion, town of	Lexington	740809
450018	Pelzer, town of	Anderson	760618
450218	Reevesville, town of	Dorchester	741227
450165	Rowesville, town of	Orangeburg	740920
450212	Salem, town of	Oconee	741108
450230	Saluda County*	Saluda	780120
450145	Sellers, town of	Marion	740607
450155	Silverstreet, town of	Newberry	750124
450057	Smoaks, town of	Colleton	740906
450246	Society Hill, town of	Darlington	781013
450072	St. George, town of	Dorchester	760723
450011	Sycamore, town of	Allendale	741025
450185	Union, County*	Union	780526
450248	Ware Shoals, town of	Anderson	780901

Total of 46 communities.

South Dakota

Identification No. and community name		County	Original hazard date
460153	Alexandria, city of	Hanson	750627
460096	Alpena, town of	Jerauld	750926
460098	Aurora, town of	Brookings	750627
460305	Batesland, town of	Shannon	800513
460251	Beadle County*	Beadle	780110
460156	Big Stone City, city of	Grant	761112
460099	Bison, town of	Perkins	761105
460158	Bridgewater, city of	McCook	761119
460247	Buffalo Gap, town of	Custer	761105
460037	Buffalo, town of	Harding	761105
460236	Butte County	Butte	771220
460162	Canistota, city of	McCook	760813
460102	Canova, town of	Miner	770520
460163	Centerville, city of	Turner	760813
460257	Charles Mix County*	Charles Mix	780110
460013	Clark, city of	Clark	760312
460259	Clay County*	Clay	771018
460166	Colton, city of	Minnehaha	760813
460008	Columbia, city of	Brown	741206
460107	Cresbard, town of	Faulk	750718
460020	Davison County	Davison	770520
460169	Dupree, city of	Ziebach	750425
460170	Eagle Butte, town of	Dewey	761112
460173	Eureka, city of	McPherson	760716
460238	Fall River County	Fall River	771101
460112	Gary, town of	Deuel	750627
460270	Hanson County*	Hanson	770816
460180	Hartford, city of	Minnehaha	760716
460115	Hayti, town of	Hamlin	750627
460230	Hermosa, town of	Custer	770121
460181	Herreid, city of	Campbell	750711
460271	Hughes County*	Hughes	760110
460119	Hurley, town of	Turner	760716
460041	Hutchinson County	Hutchinson	770603
460185	Kadoka, city of	Jackson	760716
460186	Kimball, city of	Brule	750808
460192	Lennox, city of	Lincoln	750926
460126	Letcher, town of	Sanborn	761112
460277	Lincoln County*	Lincoln	771025
460197	Marion, city of	Turner	760702
460195	Mcintosh, city of	Corson	750919
460208	Murdo, city of	Jones	750919
460209	Newell, city of	Butte	750718
460245	Nisland, town of	Butte	770204
460128	Oacoma, town of	Lyman	770107
460211	Parker, city of	Turner	750627
460297	Presho, city of	Lyman	770719
460133	Pukwana, town of	Brule	750919
460214	Selby, city of	Walworth	750725
460140	Spencer, town of	McCook	761112
460138	St. Francis, town of	Todd	750919
460139	St. Lawrence, town of	Hand	750718
460142	Tabor, town of	Bon Homme	760625
460218	Timber Lake, city of	Dewey	761112
460082	Turton, town of	Spink	741220
460224	Wagner, city of	Charles Mix	760813
460298	Warner, town of	Brown	800422
460250	Wasta, town of	Pennington	761224
460147	Wessington, town of	Beadle	750822
460014	Willow Lake, town of	Clark	770520
460150	Wosley, town of	Beadle	760813

Total of 61 communities.

Tennessee

Identification No. and community name		County	Original hazard date
470234	Adair, town of	Madison	750207
470159	Adams, town of	Robertson	741115
470245	Alamo, town of	Crockett	770311
470293	Ardmore, town of	Giles	761217
470294	Baileytown, town of	Greene	760903
470006	Bedford County	Bedford	771223
470220	Bells, town of	Crockett	750110
470218	Benton County	Benton	750110
470128	Bethel Springs, town of	McNairy	740628
470295	Big Sandy, town of	Benton	760924
470219	Bledsoe County	Bledsoe	790216
470356	Blount County*	Blount	770826
470296	Bluff City, town of	Sullivan	760702
470081	Bolivar, city of	Hardeman	761112
470357	Bradley County*	Bradley	770706
470244	Bruceton, town of	Carroll	760702
470373	Burlison, town of	Tipton	781013
470368	Cannon County*	Cannon	790105
470222	Carroll County	Carroll	771104
470298	Caryville, town of	Campbell	760903
470374	Centertown, town of	Warren	780922
470120	Cahpel Hill, town of	Marshall	740614
470348	Chester County*	Chester	781117
470382	Clay County*	Clay	790330
470225	Coalmont, town of	Grundy	760924
470355	Coffee County*	Coffee	770805
470324	Collinwood, city of	wayne	760604
470325	Cornersville, town of	Marshall	760917
470383	Crockett County*	Crockett	790112
470375	Cumberland city, town of.	Stewart	781103
470037	Cumberland County	Cumberland	770902
470326	Cumberland Gap, town of.	Claiborne	760528
470041	Decatur County	Decatur	770805
470300	Decaturville, town of	Decatur	760924
470369	DeKalb County*	DeKalb	781206
470335	Dickson, city of	Dickson	760709
470237	Dover, town of	Stewart	771209
470240	Dresden, town of	Weakley	761210
470376	East View, town of	McNairy	781110
470064	Elkton, city of	Giles	760604
470271	Englewood, city of	McMinn	740517
470028	Enville, town of	Chester	761022
470301	Ethridge, city of	Lawrence	760702
470242	Fairview, city of	Williamson	750411
470343	Fentress County*	Fentress	771209
470129	Finger, town of	McNairy	740906
470344	Franklin County*	Franklin	780331
470302	Friendsville, city of	Blount	760611
470221	Gadsden, town of	Crockett	750124
470063	Giles County	Giles	780224
470068	Grainger County	Grainger	760106
470303	Greenback, city of	Loudon	760924
470250	Grundy County*	Grundy	780625
470190	Guilt Edge, city of	Tipton	740913
470346	Hamblen County*	Hamblen	771111
470226	Hancock County	Hancock	770817
470226	Hardeman County*	Hardeman	780120
470085	Hawkins County	Hawkins	771021
470088	Henderson County*	Henderson	741220
470259	Henning, town of	Lauderdale	750103
470228	Henry County	Henry	771230
470091	Hickman County	Hickman	781222
470304	Hohenwald	Lewis	760924
470305	Hollow Rock, city of	Carroll	760625
470288	Hornsby, city of	Hardeman	760305
470347	Houston County*	Houston	770819
470229	Humphreys County	Humphreys	770826
470055	Huntland, town of	Franklin	770126
470101	Iron City, city of	Lawrence	740614
470370	Jackson County*	Jackson	790323
470224	Kenton, town of	Gibson	741227
470289	Kingston Springs, city of	Cheatham	750718
470354	Lawrence County*	Lawrence	771125
470103	Lewis County*	Lewis	790209
470104	Lincoln County	Lincoln	771026
470146	Lobelville, town of	Perry	780113
470306	Loretto, city of	Lawrence	760702
470209	Luttrell, city of	Union	760903
470065	Lynnville, city of	Giles	740614
470371	Macon County*	Macon	781027
470307	Madisonville, town of	Monroe	761210
470123	Maury County	Maury	771202
470308	McEwen, town of	Humphreys	760702
470126	McMinn County	McMinn	770701
470127	McNairy County	McNairy	771021
470133	Meigs County	Meigs	771202
470336	Michie, city of	McNairy	781001
470130	Milledgeville, town of	McNairy	760702
470066	Minor Hill, city of	Giles	760702
470233	Monroe County	Monroe	770708
470260	Moore County*	Moore	781110
470310	Mosheim, town of	Greene	760903
470365	New Market, town of	Jefferson	760922
470312	Niota, city of	McMinn	760528
470313	Normandy, town of	Bedford	760611
470361	Obion County*	Obion	760721
470314	Orme, town of	Marion	760702
470362	Overton County*	Overton	780113
470315	Parrottsville, town of	Cocke	760702
470316	Parsons, town of	Decatur	760611
470317	Paryear, town of	Henry	760611
470291	Pegram, town of	Cheatham	750718
470144	Perry County	Perry	781222
470384	Pickett County*	Pickett	781229
470378	Pittman Center, town of	Sevier	791207
470261	Polk County*	Polk	790119
470149	Putnam County*	Putnam	740913
470131	Ramer, town of	McNairy	741129
470151	Rhea County	Rhea	770722
470277	Richard City, city of	Marion	740201
470235	Rives, city of	Obion	750103
470320	Rockford, town of	Blount	760924
470061	Rutherford, town of	Gibson	740607
470083	Saltillo, town of	Hardin	740614
470379	Samburg, town of	Obion	780915
470321	Sardis, town of	Henderson	760924
470341	Scott County*	Scott	771223
470171	Sequatchie County	Sequatchie	771021
470238	Sevier County	Sevier	771125
470239	Spencer, town of	Van Buren	770325
470328	Stantonville, town of	McNairy	760611
470258	Stanton, town of	Haywood	780310
470180	Stewart County*	Stewart	740913
470327	St. Joseph, city of	Lawrence	760625
470298	Tellico Plains, city of	Monroe	740306
470337	Tennessee Ridge, city of.	Houston	760625
470281	Townsend, city of	Blount	760618
470282	Tracy City, city of	Grundy	740510
470243	Trezevant, town of	Carroll	770225
470329	Tusculum, city of	Greene	760702
470194	Union County*	Union	781124
470342	Van Buren County*	Van Buren	781201
470363	Warren County*	Warren	771125
470009	Wartrace, town of	Bedford	740614
470331	Watauga, city of	Carter	760528
470199	Wayne County*	Wayne	790316
470364	Weakley County*	Weakley	771216
470365	White County*	White	771202
470118	Whitwell, city of	Marion	740215
470381	Woodland Mills, city of	Obion	780929
470254	Yorkville, city of	Gibson	750627

Total of 141 communities.

Texas

Identification No. and community name		County	Original hazard date
481089	Addison, town of	Dallas	781025
480960	Adrian, city of	Oldham	750725
481546	Alma, town of	Ellis	800429
481306	Altoga, city of	Collin	780725
480894	Amherst, city of	Lamb	750711
480001	Anderson County	Anderson	780124
480006	Andrews, city of	Andrews	760827
480007	Angelina County*	Angelina	741227
481547	Angus, town of	Navarro	800506
480982	Annona, town of	Red River	760611
481065	Appleby, city of	Nacogdoches	760806
481093	Aspermont, town of	Stonewall	760813
480776	Aubrey, town of	Denton	760604
481561	Aurora, city of	Wise	800624
480731	Avinger, town of	Cass	760806
480806	Bailey, town of	Fannin	761105
480718	Bangs, town of	Brown	760806
481087	Bardwell, city of	Ellis	760730
480951	Barry, town of	Navarro	760730
480642	Barstow, city of	Ward	760625
481501	Bartonville, town of	Denton	790812
480830	Bells, town of	Grayson	761029
481095	Bellville, city of	Austin	761119

Identification No. and community name	County	Original hazard date
480886 Benjamin, city of	Knox	750827
481541 Berryville, city of	Henderson	790626
481088 Blackwell, town of	Nolan	750815
480732 Bloomburg, town of	Cass	761105
480984 Bogata, town of	Red River	760806
481195 Brazos County*	Brazos	771018
481098 Bremond, city of	Robertson	761119
480398 Briar Oaks, city of	Johnson	740329
481548 Bronson, city of	Sabine	800401
480717 Brown County	Brown	780124
481302 Bruceville-Eddy, city of	McLennan	780502
480877 Bryson, city of	Jack	750711
481549 Buckholts, city of	Milam	800316
481138 Buffalo Gap, town of	Taylor	761119
480904 Buffalo, city of	Leon	760820
481169 Burleson County*	Burleson	770617
480649 Burton, city of	Washington	741220
480490 Cactus, city of	Moore	740614
480364 Caddo Mills, city of	Hunt	740628
481068 Campbellton, town of	Atascosa	760625
481504 Campbell, town of	Hunt	790410
481550 Caney City, city of	Henderson	800617
480730 Cass County	Cass	770705
480737 Castro County	Castro	770603
480365 Celeste, city of	Hunt	740621
480905 Centerville, city of	Leon	760813
480701 Charlotte, city of	Atascosa	760806
480739 Cherokee County	Cherokee	771227
481140 Chester, town of	Tyler	760813
481053 Chico, city of	Wise	760813
481202 Chillicothe, city of	Hardeman	750718
481543 Chireno, city of	Nacogdoches	790703
480702 Christine, city of	Atascosa	750711
480535 Clarksville, town of	Gregg	751107
481096 Claude, city of	Armstrong	760813
481099 Coahoma, town of	Howard	760604
480169 Cockrell Hill, city of	Dallas	731207
481507 Coffee City, city of	Henderson	790703
480408 Combine, city of	Dallas	760702
480870 Como, town of	Hopkins	760806
480911 Collidge, town of	Limestone	760611
481506 Copper Canyon, town of	Denton	790605
481510 Cove, town of	Chambers	790605
481511 Covington, city of	Hill	790417
480409 Crandall, city of	Kaufman	740306
480501 Crane, city of	Crane	760716
481512 Cranfills Gap, city of	Bosque	790417
480723 Cross Plains, town of	Callahan	760806
481513 Cross Roads, town of	Denton	790605
480871 Cumby, city of	Hopkins	760806
481279 Cut'N Shoot, city of	Montgomery	770603
480985 Detroit, town of	Red River	761224
481514 Devers, city of	Liberty	790424
480787 Dickens, city of	Dickens	760806
480789 Dimmit County	Dimmit	780124
481515 Domino, city of	Cass	790710
481309 Dorchester, town of	Grayson	780704
480733 Douglasville, town of	Cass	760813
480976 East Tawakoni, town of	Rains	761105
480793 Eastland County	Eastland	771115
481145 Easton, village of	Rusk	750718
481517 Eastvale, town of	Denton	790612
480809 Ector, town of	Fannin	750711
480763 Eden, village of	Concho	750502
480635 Edgewood, city of	Van Zandt	740614
481146 Edom, city of	Van Zandt	760813
481000 El Dorado, town of	Schleicher	760813
480710 Elmendorf, city of	Bexar	760611
480977 Emory, town of	Rains	750606
480218 Erath County	Erath	771227
480277 Estelline, city of	Hall	741108
480327 Eustace, city of	Henderson	760611
480823 Fairfield, town of	Freestone	760813
480807 Fannin County	Fannin	771108
480544 Fate, city of	Rockwall	761105
480815 Fayette County	Fayette	780131
481147 Fayetteville, Town of	Fayette	760606
480817 Floyd County	Floyd	770517
480226 Floydada, City of	Floyd	740531
480228 Fort Bend County *	Fort Bend	760709
480822 Freestone County	Freestone	780103
480875 Fritch, City of	Hutchinson	760716
480949 Garrison, Town of	Nacogdoches	760716
481148 Gary, Town of	Panola	761119
481521 Gholson, City of	McLennan	790501
480435 Giddings, City of	Lee	740628
480880 Godley, Town of	Johnson	750822
480828 Goliad, City of	Goliad	760716
481310 Golinda, City of	McLennan	780606
480963 Gordon, Town of	Palo Pinto	761022
480873 Grapeland, Town of	Houston	761119
481104 Gruver, City of	Hansford	761105
480328 Gun Barrel City, City of	Henderson	741108
480832 Gunter, Town of	Grayson	750711
481223 Hale County *	Hale	780103
481522 Hallsburg, City of	McLennan	790515
480848 Hallsville, City of	Harrison	760430
481011 Happy, City of	Swisher	750214
480847 Harrison County	Harrison	770906
480738 Hart, City of	Castro	750627
481495 Hebron, City of	Denton	790703
481174 Henderson County	Henderson	771122
481150 Hickory Creek, Town of	Denton	760730
480843 Hico, City of	Hamilton	750822
481106 Hill Country Village, Town of	Bexar	770825
480857 Hill County	Hill	770609
480352 Hockley County	Hockley	771025
480699 Holliday, City of	Archer	750418
481277 Homer, Town of	Angelina	770603
480869 Hopkins County	Hopkins	771227
480872 Houston County	Houston	771101
481535 Howardwick, City of	Donley	800102
480833 Howe, Town of	Grayson	761029
480734 Hughes Springs, City of	Cass	760827
480363 Hunt County	Hunt	760822
481077 Huntington, City of	Angelina	760730
480373 Hutchinson County *	Hutchinson	750207
481294 Impact, Town of	Taylor	770610
481072 Iredell, Town of	Bosque	741101
481080 Jasper County	Jasper	770517
480906 Jewett, Town of	Leon	761224
480879 Johnson County	Johnson	770517
480756 Josephine, City of	Collin	760526
480882 Joshua, City of	Johnson	750627
480776 Justin, City of	Denton	770603
481175 Karnes County	Karnes	770607
481107 Keene, City of	Johnson	760604
481551 Kendleton, Town of	Fort Bend	800429
481230 Kenedy County *	Kenedy	780117
481523 Kenefick, Town of	Liberty	790424
481552 Kennard, Town of	Houston	800314
480674 Kermit, City of	Winkler	740524
480890 Knox City, City of	Knox	750815
480845 Kountze, City of	Hardin	760625
481012 Kress, City of	Swisher	750221
480475 Lacoste, City of	Medina	740109
480605 Lake Worth, City of	Tarrant	761119
481496 Lakeside City, City of	Archer	790703
480278 Lakeview, Town of	Hall	741206
480891 Lamar County	Lamar	771129
481313 Lavon, Town of	Collin	780523
481015 Lawn, Town of	Taylor	760625
480980 Leakey, City of	Real	770513
481142 Leary, City of	Bowie	761126
480907 Leona, Town of	Leon	761119
481078 Lipan, Village of	Hood	751029
481152 Little Elm, Town of	Denton	760813
480518 Lockney, Town of	Floyd	750702
480944 Lone Star, Town of	Morris	760806
481109 Loraine, Town of	Mitchell	750627
480806 Lott, City of	Falls	760709
480874 Lovelady, City of	Houston	761029
480915 Lubbock County	Lubbock	771129
480888 Lueders, City of	Jones	760813
480861 Malone, Town of	Hill	760709
480735 Marietta, Town of	Cass	760625
480945 Matador, Town of	Motely	761105
480470 Maverick County	Maverick	771220
480206 Maypearl, City of	Ellis	741129
480546 Mclendon-Chisholm, City of	Rockwall	750926
481020 Meadow, Town of	Terry	750822
480700 Megargel, Town of	Archer	750822
480924 Melvin, Town of	McCulloch	761029
481016 Merkel, City of	Taylor	750502
480862 Mertens, Town of	Hill	761105
480376 Mertzon, City of	Irion	740726
480592 Miles, City of	Runnels	760813
480679 Mineola, City of	Wood	740503
480516 Mingus, City of	Palo Pinto	750502
481524 Mobeetie, town of	Wheeler	791215
481483 Montgomery, town of	Montgomery	761126
480930 Moody, town of	McLennan	760709
481553 Moore Station, city of	Henderson	800617
481123 Morgan, village of	Bosque	761112
481525 Morgan's Point Resort, town of	Bell	790619
480943 Morris County	Morris	770609
480863 Mount Calm, city of	Hill	761105
481125 Mullin, town of	Mills	760611
481554 Mustang, town of	Navarro	800506
480947 Nacogdouches County	Nacogdouches	771227
480950 Navarro County	Navarro	771227
481315 New Deal, city of	Lubbock	780516
480920 New Home, town of	Lynn	750905
481153 New Summerfield, city of	Cherokee	761119
481043 New Waverly, town of	Walker	750625
481058 Newcastle, city of	Young	761217
480500 Newton, city of	Newton	740607
481297 Nome, city of	Jefferson	770712
481154 Nordheim, city of	De Witt	760604
481083—North Cleveland, city of	Liberty	770506
480752 Notice, city of	Coleman	760702
480852 O'Brien, city of	Haskell	750725
481533 Oak Grove, town of	Kaufman	790717
481534 Oak Ridge, town of	Kaufman	790626
480437 Oakwood, town of	Leon	740524
480769 Oglesby, city of	Coryell	761112
480896 Olton, city of	Lamb	761001
480495 Omaha, city of	Morris	760206
480974 Onalaska, city of	Polk	761126
480994 Overton, city of	Rusk	760813
481062 Ozona, city of	Crockett	731207
480921 O'Donnell, city of	Lynn	760827
480764 Paint Rock, town of	Concho	760813
480200 Palmer, city of	Ellis	750813
481527 Pattison, town of	Waller	790612
480486 Patton Village, village of	Montgomery	760813
481300 Payne Springs, town of	Henderson	800701
480775 Pecan Gap, city of	Delta	760820
480864 Penelope, town of	Hill	760425
480745 Petrolia, town of	Clay	761105
480998 Pineland, town of	Sabine	761022
481526 Pointblank, city of	San Jacinto	790501
480526 Polk County	Polk	771213
481241 Potter County*	Potter	771206
481544 Prairie View, town of	Waller	810331
480724 Putnam, town of	Calihan	760813
480545 Pyote, city of	Ward	740816
481117 Queen City, town of	Cass	760423
480715 Quitaque, city of	Briscoe	761022
480975 Rains County	Rains	771018
480205 Ranger, city of	Eastland	740517
480528 Rankin, city of	Upton	740510
480969 Reno, town of	Parker	761105
481158 Retreat, town of	Navarro	750711
480957 Rice, city of	Navarro	750920
480562 Richland Springs, city of	San Saba	741108
480958 Richland, town of	Navarro	750725
481316 Riesel, town of	McLennan	780523
481044 Riverside, town of	Walker	761119
480785 Roanoke, city of	Denton	750905
480749 Robert Lee, city of	Coke	750627
480988 Robertson County	Robertson	770503
480225 Roby, city of	Fisher	740517
481118 Rocksprings, town of	Edwards	760723
480543 Rockwall County	Rockwall	770531
480577 Roma-Los Saenz, city of	Starr	760604
481061 Rose City, city of	Orange	770712
481119 Rosebud, city of	Falls	761029
481317 Ross, city of	McLennan	780530
480818 Round Top, town of	Fayette	761029
481120 Runge, town of	Karnes	750425
480993 Rusk County	Rusk	771220
481039 Sabinal, city of	Uvalde	750926
481160 Sadler, town of	Grayson	760702
481556 San Patricio, town of	San Patricio	800715
481286 Sanctuary, town of	Parker	770610
480676 Sanford, town of	Hutchinson	760813
480611 Sansom Prk Vil, city of	Tarrant	761210
480751 Santa Anna, town of	Coleman	750627
481134 Schulenburg, city of	Fayette	760625
481280 Scotland, city of	Archer	770614
481161 Scottsville, town of	Harrison	761210
480564 Scurry County	Scurry	770510
480332 Seven Points, city of	Henderson	761105
480656 Shamrock, city of	Wheeler	761022
481004 Shelby County	Shelby	780801
480867 Smyer, town of	Hockley	760813
480090 Snook, city of	Burleson	761105
481284 Somerset, city of	Bexar	770609
481183 Southmayd, town of	Grayson	750912
480488 Splendora, city of	Montgomery	740830
480897 Springlake, town of	Lamb	761022
480788 Spur, city of	Dickens	761112
480965 Strawn, city of	Palo Pinto	760716
480825 Streetman, town of	Freestone	770506
481318 St. Paul, town of	Collin	780606
481531 Sunrise Beach Village, city of	Llano	790619
481010 Swisher County	Swisher	771213
481024 Talco, city of	Titus	761022

Identification No. and community name		County	Original hazard date
480753	Talpa, town of	Coleman	760723
481019	Terry County	Terry	770614
480934	Thorndale, town of	Milam	760813
480646	Thorntonville, city of	Ward	760813
480914	Thornton, town of	Limestone	761105
481021	Throckmorton country *	Throckmorton	800527
481023	Titus County	Titus	770603
480868	Tolar, town of	Hood	750718
481532	Tool, city of	Henderson	790529
481130	Trent, town of	Taylor	760723
481018	Tye, city of	Taylor	750711
481034	Tyler Country	Tyler	771108
481040	Van Zandt County	Van Zandt	780110
481557	Vinton, town of	El Paso	800624
480713	Walnut Springs, city of	Bosque	761001
481249	Ward County *	Ward	771025
481188	Washington County	Washington	770524
480850	Waskom, city of	Harrison	761029
481059	Webb County	Webb	780509
480855	Weinert, city of	Haskell	761112
480741	Wells, town of	Cherokee	750711
480938	Westbrook, city of	Mitchell	761112
480614	Westlake, city of	Tarrant	761210
480758	Westminster, town of	Collin	761105
481324	Weston, town of	Collin	760523
480652	Wharton County *	Wharton	740802
480729	White Deer, town of	Carson	760702
480841	White Oak, town of	Gregg	750822
480942	Willis, city of	Montgomery	760702
480922	Wilson, town of	Lynn	760716
481025	Winfield, town of	Titus	761112
480675	Wink, city of	Winkler	740628
480573	Winona, city of	Smith	741101
481051	Wise County	Wise	770607
481055	Wood County	Wood	770531
481022	Woodson, city of	Throckmorton	761022
480687	Zapata County *	Zapata	740802

Total of 329 communities.

Utah

Identification No. and community name		County	Original hazard date
490066	Antimony, town of	Garfield	760402
490194	Bear River, town of	Box Elder	750905
490002	Beaver, city of	Beaver	740611
490196	Cleveland, town of	Emery	770712
490015	Cornish, town of	Cache	760402
490236	Deweyville, town of	Box Elder	770429
490007	Elwood, town of	Box Elder	750124
490169	Enterprise, city of	Washington	740816
490114	Fountain Green, city of	Sanpete	760402
490199	Francis, town of	Summit	750725
490154	Genola, town of	Utah	750207
490155	Goshen, town of	Utah	750207
490171	Hilldale, town of	Washington	760604
490188	Huntsville, town of	Weber	740621
490085	Kanab, city of	Kane	761029
490097	Kingston, town of	Piute	770204
490210	Lindon, city of	Utah	770621
490185	Loa, town of	Wayne	741220
490117	Mayfield, town of	Sanpete	760528
490089	Meadow, town of	Millard	760702
490021	Milville, town of	Cache	761022
490212	Monticello, city of	San Juan	761224
490025	Paradise, town of	Cache	761105
490100	Randolph, town of	Rich	740816
490215	Rush Valley, town of	Tooele	771025
490179	Springdale, town of	Washington	770510
490180	Toquerville, town of	Washington	760625
490220	Tremonton, city of	Box Elder	760423
490030	Trenton, town of	Cache	750627
490146	Vernon, town of	Tooele	760604
490168	Wallsburg, town of	Wasatch	760702

Total of 31 communities.

Vermont

Identification No. and community name		County	Original hazard date
500279	Athens, town of	Windham	741206
500227	Belvidere, town of	Lamoille	741206
500236	Brookfield, town of	Orange	741213
500245	Brownington, town of	Orleans	741213
500107	Cabot, village of	Washington	740906
500083	Charleston, town of	Orleans	740809
500185	Danville, town of	Caledonia	750117
500249	Derby Center, village of	Orleans	750328
500229	Eden, town of	Lamoille	741206
500318	Elmore, town of	Lamoille	750411
500051	Enosburg, town of	Franklin	740809
500036	Essex Jct., village of	Chittenden	740626
500210	Ferdinand, town of	Essex	741213
500211	Granby, town of	Essex	741213
500003	Granville, town of	Addison	750124
500149	Hartland, town of	Windsor	761224
500313	Hubbardton, town of	Rutland	741213
500252	Irasburg, town of	Orleans	741220
500253	Jay, town of	Orleans	740913
500188	Kirby, town of	Caledonia	741213
500048	Lunenburg, town of	Essex	740626
500213	Maidstone, town of	Essex	741213
500255	Morgan, town of	Orleans	750131
500262	Mt. Tabor, town of	Rutland	750110
500190	Newark,, town of	Caledonia	750110
500238	Newbury, village of	Orange	761126
500284	Newfane, village of	Windham	750103
500180	North Bennington, village of.	Bennington	750221
500214	Norton, town of	Essex	750328
500181	Peru, town of	Bennington	750110
500183	Sandgate, town of	Bennington	750131
500286	Saxtons River, village of	Windham	790227
500184	Searsburg, town of	Bennington	741115
500300	Sharon, town of	Windsor	770204
500287	Somerset, town of	Windham	741122
500321	Stratton, town of	Windham	750131
500269	Sudbury, town of	Rutland	750124
500198	Sutton, town of	Caledonia	741213
500270	Tinmouth, town of	Rutland	741206
500242	Vershire, town of	Orange	750117
500215	Victory, town of	Essex	741213
500077	Washington, town of	Orange	740625
500233	Waterville, town of	Lamoille	741220
500272	West Haven, town of	Rutland	750103
500257	Westfield, town of	Orleans	740906
500203	Westford, town of	Chittenden	750103
500140	Westminster, village of	Windham	741220
500311	Westmore, town of	Orleans	750103
500204	Wheelock, town of	Caledonia	741115
500290	Windham, town of	Windham	770906

Total of 50 communities.

Identification No. and community name		County	Original hazard date
510260	Alberta, town of	Brunswick	770225
510242	Belle Haven, town of	Accomack	741101
510333	Charlotte County *	Charlotte	780707
510045	Clintwood, town of	Dickenson	770304
510264	Crewe, town of	Nottaway	770211
510268	Gordonville, town of	Orange	770225
510218	Hallwood, town of	Accomack	740809
510316	Hillsboro, town of	Loudoun	750404
510277	Keller, town of	Accomack	770401
510259	Lovettsville, town of	Loudoun	770415
510258	Newsoms, town of	Southampton	770204
510326	Nickelsville, town of	Scott	760702
510337	Pocahantas, town of	Tazewell	781103
510332	Port Royal, town of	Caroline	770722
510284	Wakefield, town of	Sussex	770826
510288	Washington, town of	Rappahannock	770204
510295	Windsor, town of	Isle of Wight	770415

Total of 17 communities.

Washington

Identification No. and community name		County	Original hazard date
530007	Asotin County	Asotin	770913
530274	Bonney Lake, town of	Pierce	761029
530106	Creston, town of	Lincoln	741220
530283	Eatonville, town of	Pierce	761022
530246	Elmer City, town of	Okanogan	750822
530150	Friday Harbor, town of	San Juan	741129
530047	Garfield County	Garfield	771115
530049	Grant County	Grant	771122
530110	Harrington, town of	Lincoln	741213
530248	La Center, town of	Clark	761112
530178	Latah, town of	Spokane	741206
530250	Malden, town of	Whitman	750718
530256	N Bonneville, town of	Skamania	761119
530257	Northport, town of	Stevens	760709
530259	Prescott, town of	Walla Walla	750716
530112	Reardan, town of	Lincoln	750110
530042	Republic, town of	Ferry	740607
530300	Rushton, town of	Pierce	761203
530149	San Juan County	San Juan	770607
530264	Springdale, town of	Stevens	750502
530031	Starbuck, City of	Columbia	750103
530266	Vader, town of	Lewis	750906
530306	Woodway, town of	Snohomish	750919
530269	Yacolt, town of	Clark	760702
530310	Yelm, town of	Thurston	761022

Total of 25 communities.

Wisconsin

Identification No. and community name		County	Original hazard date
550068	Bell Center, village of	Crawford	740109
550493	Big Falls, village of	Waupaca	740830
550147	Blue River, village of	Grant	770128
550016	Cable, village of	Bayfield	740830
550011	Cameron, village of	Barron	731228
550358	Cazenovia, village of	Richland	740823
550371	Conrath, village of	Rusk	740830
550597	Crivitz, village of	Marinette	780317
550461	Eagle River, city of	Vilas	731228
550417	Eland, village of	Shawano	740823
550249	Elderon, village of	Marathon	740719
550129	Fairchild, village of	Eau Claire	740531
550250	Fenwood, village of	Marathon	740802
550592	Fontana on Geneva Lake, village of.	Walworth	771223
550603	Forest County*	Forest	810506
550110	Forestville, village of	Door	731130
550367	Fortville, village of	Rock	740531
550238	Francis Creek, village of	Manitowoc	740517
550372	Glen Flora, village of	Rusk	741108
550050	Granton, village of	Clark	740830
550202	Hustler, village of	Juneau	740823
550100	Iron Ridge, village of	Dodge	750723
550393	Ironton, village of	Sauk	740816
550396	Lime Ridge, village of	Sauk	740823
550102	Lowell, village of	Dodge	740517
550434	Lublin, village of	Taylor	740920
550601	Marquette County*	Marquette	810320
550170	Marquette, city of	Green Lake	731218
550419	Mattoon, village of	Shawano	740830
550152	Mount Hope, village of	Grant	740830
550598	Nason, village of	Bayfield	770626
550205	Necedah, village of	Juneau	740108
550046	New Auburn, city of	Chippewa	740719
550350	North Bay, village of	Racine	740906
550500	Ogdensburg, village of	Waupaca	740823
550113	Oliver, village of	Douglas	740830
550427	Oostburg, village of	Sheboygan	740625
550155	Potosi, village of	Grant	731228
550401	Prairie Du Sac, village of.	Sauk	731207
550508	Redgranite, village of	Waushara	740517
550587	Slinger, village of	Washington	771021
550231	South Wayne, village of	Lafayette	731207
550388	Stanton, town of	St. Croix	741115
550387	Star Prairie, village of	St. Croix	731228
550353	Sturtevant, village of	Racine	740524
550573	Sun Prairie, city of	Dane	771104
550599	Taylor County	Taylor	781201
550207	Union Center, village of	Juneau	741115
550257	Unity, city of	Marathon	740920
550519	Vesper, village of	Wood	740802
550605	Vilas County*	Vilas	810417
550606	Washburn County	Washburn	810109
550540	Waushara County*	Waushara	770617
550560	West Salem, village of	La Crosse	810403
550378	Weyerhauser, village of	Rusk	761112
550233	White Lake, village of	Langlade	761001
550584	Williams Bay, village of	Walworth	771021

Total of 57 communities.

Wyoming

Identification No. and community name		County	Original hazard date
560001	Albany County	Albany	770623
560004	Big Horn County	Big Horn	770802
560006	Carbon County	Carbon	780516
560041	Chugwater, town of	Platte	741213
560062	Converse County*	Converse	780221
560059	Cowley, town of	Big Horn	750910
560015	Dubois, town of	Fremont	740123
560025	East Thermopolis, town of.	Hot Springs	741108
560060	Edgerton, town of	Natrona	761001
560062	Glendo, town of	Platte	750815
560022	Goshen County	Goshen	770719
560095	Granger, town of	Sweetwater	800226
560072	Guernsey, town of	Platte	761112
560063	Hanna, town of	Carbon	750822
560016	Hulett, town of	Crook	761210
560064	Lingle, town of	Goshen	750815
560066	Medicine Bow, town of	Carbon	750625
560065	Park County*	Park	780425
560096	Platte County*	Platte	780325
560021	Riverton, city of	Fremont	740329
560003	Rock River, city of	Albany	750207
560078	Shoshoni, town of	Fremont	750815
560048	Sublette County	Sublette	771115
560087	Sweetwater County*	Sweetwater	780801
560079	Upton, town of	Weston	760625
560089	Washakie County*	Washakie	780829
560024	Yoder, town of	Goshen	741206

Identification No. and community name	County	Original hazard date
Total of 27 communities.		
Total of 2,910 sanctioned communities.		

*Unincorporated areas only.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; E.O. 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 4, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29196 Filed 10-28-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Mountain Financial Company,* Maryville, Tennessee; to acquire 100 percent of the voting shares or assets of Jefferson County Bank, Dandridge, Tennessee. Comments on this application must be received not later than November 22, 1982.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Zappco Inc.,* St. Cloud, Minnesota; to acquire 89 percent of the voting shares or assets of First National Bank of Little Falls, Little Falls, Minnesota. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29747 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

BancOhio; Proposed Acquisition of W. Lyman Case & Company

BancOhio, Columbus, Ohio, has applied pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2), for permission to acquire voting shares of W. Lyman Case & Company, Columbus, Ohio.

Applicant states that the proposed subsidiary would engage in the activities of mortgage banking, including arranging equity financing. These activities would be performed from offices of Applicant's subsidiary in Columbus, Ohio and Miami, Florida, and the geographic area to be served is the United States. Mortgage banking activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Although arranging equity financing has not been specified by the Board in Regulation Y as permissible for bank holding companies, the Board has determined by order that this activity is closely related to banking. *BankAmerica Corporation* (press release of Sept. 1, 1982).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 24, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29751 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo),* directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and rquests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation,* Minneapolis, Minnesota (servicing loans and other extensions of credit for others; Oklahoma): To engage through its subsidiary, Dial Finance Company of Oklahoma, Inc., in the activities of servicing loans and other extensions of credit for other persons. These activities would be conducted from an existing office in Oklahoma City, Oklahoma, serving the city Oklahoma, Oklahoma. Comments on this application must be received not later than November 22, 1982.

2. *Northwest Bancorporation,* Minneapolis, Minnesota (financing and insurance activities; Oregon): To engage through its subsidiary Dial Finance Company of Oregon, in the activities of consumer and commercial finance, and the sale of credit-related insurance. These activities would be conducted from an office in Salem, Oregon. This notification is for the relocation of an existing office within the same city. Comments on this application must be received not later than November 15, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29740 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Peoples National Bancorp of America,* Lawrenceburg, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of The Peoples National Bank of Lawrenceburg, Lawrenceburg, Indiana. Comments on this application must be received not later than November 22, 1982.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Bay Area Banking Shares, Inc.,* Ashland, Wisconsin; to become a bank holding company by acquiring 84.8 percent or more or the voting shares of Northern State Bank, Ashland, Wisconsin. Comments on this application must be received not later than November 22, 1982.

2. *Dairyland State Bancorporation, Inc.,* Bruce, Wisconsin; to become a bank holding company by acquiring 93.3 percent of the voting shares of Dairyland State Bank, Bruce, Wisconsin. Comments on this application must be received not later than November 22, 1982.

3. *Gary Holding Company,* Gary, South Dakota; to become a bank holding company by acquiring 83 percent or more of the voting shares of Gary State Bank, Gary, South Dakota. Comments on this application must be received not later than November 22, 1982.

4. *The Merchants Holding Company,* Winona, Minnesota; to become a bank holding company by acquring 80 percent of the voting shares of The Merchants National Bank of Winona, Winona, Minnesota. Comments on this application must be received not later than November 22, 1982.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, dallas, Texas 75222:

1. *Camino Real Bancshares, Inc.,* Carrizo Springs, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Dimmit County, Carrizo Springs, Texas. Comments on this application must be received not later than November 22, 1982.

2. *Franklin Bancshares, Inc.,* Franklin, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Franklin, Franklin, Texas. Comments on this application must be received not later than November 22, 1982.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Bradshaw Bancorp.,* York, Nebraska; to beomc a bank holding company by acquiring 100 percent of the voting shares of First National Bank, Bradshaw, Nebraska. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than November 22, 1982.

2. *Waco Ban Corp.,* York, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of Farmers and Traders Bank, Waco, Nebraska. This application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29748 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically and questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *BNR Bancshares, Inc.,* New Roads, Louisiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of New Roads, New Roads, Louisiana. Comments on this application must be received not later than November 17, 1982.

2. *First National Financial Corporation,* Clarksville, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of

Clarksville, Clarksville, Tennessee. Comments on this application must be received not later than November 24, 1982.

B. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Eau Claire Financial Services, Inc.*, Eau Claire, Wisconsin; to become a bank holding company by acquiring at least 88.3 percent of the voting shares of London Square Bank, Eau Claire, Wisconsin. Comments on this application must be received not later than November 24, 1982.

2. *Emery Security Bancorporation, Inc.*, Emery, South Dakota; to become a bank holding company by acquiring at least 90 percent of the voting shares of The Security State Bank, Emery, South Dakota. Comments on this application musts be received not later than November 17, 1982.

C. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64120:

1. *Guarantee State Bancshares, Inc.*, Mangum, Oklahoma; to become a bank holding company by acquiring at least 80.0 percent of the voting shares of The Guarantee State Bank, Mangum, Oklahoma. Comments on this application must be received not later than November 24, 1982.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First Jacksboro Bancshares, Inc.*, Jacksboro, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of The First National Bank of Jacksboro, Jacksboro, Texas. Comments on this application must be received not later than November 24, 1982.

2. *Western Bancshares of El Paso, Inc.*, El Paso, Texas; to become a bank holding company by acquiring 80 percent or more of the voting shares of Western Bank, El Paso, Texas. Comments on this application must be received not later than November 23, 1982.

E. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *McCool Ban Corp.*, York, Nebraska; to become a bank holding company by acquiring 100 percent of the voting shares of The Blue River Bank, McCool Junction, Nebraska. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than November 24, 1982.

2. *United Midwest Bancshares, Inc.*, Cincinnati, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of Southern Ohio Bank, Cincinnati, Ohio. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Comments on this application must be received not later than November 20, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29750 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

LeClaire Agency, Inc.; Formation of Bank Holding Company

LeClaire Agency, Inc., LeClaire, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of LeClaire State Bank, LeClaire, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

LeClaire Agency, Inc., LeClaire, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue to engage in the sale of general insurance.

Applicant states that these activities would be performed from offices of Applicant's subsidiary in LeClaire, Iowa, and the geographic area to be served is an Iowa community including LeClaire, Iowa with a population of less than 5,000. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than November 24, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-29752 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

Midwest Financial Group, Inc.; Proposed Acquisition of Commercial National Corporation, Commercial National Loan Centers, Inc., Commercial National Management Consulting Co., and Commercial National Life Insurance Co.

Midwest Financial Group, Inc., Peoria, Illinois, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Reglation Y (12 CFR 225.4(b)(c)), for permission to acquire voting shares of Commercial National Corporation, Peoria, Illinois, and thereby indirectly acquire voting shares of Commercial National Loan Centers, Inc., Peoria, Illinois; Commercial National Management Consulting Co., Peoria, Illinois; and Commercial National Life Insurance Co., Scottsdale, Arizona.

Applicant states that the proposed subsidiaries would engage in the activities of consumer financing (Commercial National Loan Centers, Inc.); management consulting (Commercial National Management Consulting Co.,); and credit insurance underwriting (Commercial National Life Insurance). These activities would be performed, respectively, from offices of Applicant's subsidiaries in McClure, Illinois, serving Peoria, Illinois, and Peru, Illinois, serving LaSalle County, Illinois; Peoria, Illinois, serving Illinois; and Scottsdale, Arizona, serving Peoria, Illinois. Such acitivities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than November 12, 1982.

Board of Governors of the Federal Reserve System, October 25, 1982.

James McAfree,

Associate Secretary of the Board.

[FR Doc. 82-29753 Filed 10-28-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Review Committees; Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory bodies scheduled to assemble during the month of November.

Basic Behavioral Processes Research Review Committee: November 5; 9:00 a.m., The Capitol Hill Hotel, 200 C Street SE., Washington, D.C. 20003.

Open—November 5, 9:00–10:00 a.m.
Closed—Otherwise.

Contact: Marcia Hammer, Room 9C26, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–3936.

Purpose: The Basic Behavioral Processes Research Review Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and activities in the fields of experimental and physiological psychology and comparative behavior, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., November 5, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

* * * * *

Psychosocial and Biobehavioral Treatments Subcommittee of the Treatment Development and Assessment Research Review Committee: November 4–5; 9:00 am., The Shoreham Hotel, Calvert Street and Connecticut Avenue NW., Washington, D.C. 20008.

Open—November 4, 9:00–10:00 a.m.
Closed—Otherwise.

Contact: Lu McNay, Room 9C14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4868.

Purpose: The Psychosocial and Biobehavioral Treatments Subcommittee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and training activities in the fields of treatment development and assessment and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00–10:00 a.m., November 4, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applicantions for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

* * * * *

Mental Health Small Grant Review Committee: November 11–13; 1:30 p.m., The Canterbury Hotel, Suites 201, 208 and 209, 1733 N Street NW., Washington, D.C. 20036.

Open—November 11, 1:30–2:30 p.m.
Closed—Otherwise.

Contact: Virginia Harter, Room 9–95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4848.

Purpose: The Mental Health Small Grant Review Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse for support of research in all disciplines pertaining to alcohol, drug abuse, and mental health, including psychiatry, psychological sciences, biological sciences, and epidemiology, and makes recommendations to the National Advisory Councils of the respective Institutes for final review.

Agenda: From 1:30–2:30 p.m., November 11, the meeting will be open for discussion of administrative announcements and program development. Otherwise, the Committee will be performing initial review of applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C. 552b(c)(6), and Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

* * * * *

Board of Scientific Counselors, NIMH, November 18–20; 9:30 a.m., National Institutes of Health, Building 36, Conference Room 1B–07, Bethesda, Maryland 20205.

Open—November 18; 9:30–9:45 a.m.
Closed—Otherwise.

Contact: Dr. Frederick K. Goodwin, Room 1A–05, Building 36, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–3501.

Purpose: The Board of Scientific Counselors provides expert advice to the Director, NIMH, on the mental health intramural research program through periodic visits to the laboratories for assessment of the research in progress and evaluation of productivity and performence of staff scientists.

Agenda: From 9:30–9:45 a.m., November 18, the meeting will be open for administrative announcements and program developments. Otherwise, the board will be performing a review of the intramural research projects of the Clinical Neuroscience Branch, the Clinical Psychobiology Branch, and the evaluation of individual scientific programs, and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), and

Section 10(d) of Public Law 92–463 (5 U.S.C. Appendix I).

* * * * *

Substantive information may be obtained from the contact persons listed above. Summaries of the meetings and rosters of Committee members may be obtained as follows: Ms. Helen W. Garrett, Committee Management Officer, National Institute of Mental Health, Room 17C26, Parklawn Building, Rockville, Maryland 20857, (301) 443–4333.

Dated: October 26, 1982.

Sue Simons,

Committee Management Officer, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 82–29800 Filed 10–28–82; 8:45 am]

BILLING CODE 4160–20–M

Food and Drug Administration

[Docket No. 82F–0315]

Eastman Kodak Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Eastman Kodak Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of terephthalic acid as an alternate diacid moiety for dimethyl terephthalate as a reactant in the manufacture of ethylene-1, 4-cyclohexylene dimethylene terephthalate copolymer intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir Anand, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3667) has been filed by Eastman Kodak Co., Eastman Chemicals Division, Kingsport, TN 37662, proposing that the food additive regulations be amended to provide for the safe use of terephthalic acid as an alternate diacid moiety for dimethyl terephthalate as a reactant in the manufacture of ethylene-1,4-cyclohexylene dimethylene terephthalate copolymer intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: October 20, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82–29771 Filed 10–28–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 80N–0261]

Food Labeling Formats; Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) announce the second in a series of public meetings to discuss FDA's research project on communicating food label information. Alternative nutrition labeling formats and tentative plans for consumer research to evaluate the formats will be presented and discussed.

DATES: The public meeting will be held December 2, 1982. Written comments by January 31, 1983.

ADDRESSES: The public meeting will be held in the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC. Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Although notices of intention to attend the public meeting are not required, it would help those who are planning and conducting the meeting if the persons who are planning to attend would contact Raymond C. Stokes at the address given below.

FOR FURTHER INFORMATION CONTACT: Raymond C. Stokes, Bureau of Foods (HFF–240), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1457.

SUPPLEMENTARY INFORMATION: The **Federal Register** of July 8, 1980 (45 FR 45962) contained an announcement that a series of informal public meetings would be held on how to communicate label information. This reflects an interagency effort to promote public participation in food labeling formats, design, research, and evaluation.

On October 6, 1980, the first meeting was held. At the meeting, participants discussed alternative food labeling formats and work under an FDA contract on this issue. The label-design phase of the contract is now completed. FDA intends to conduct consumer research to evaluate alternative formats for nutrition labeling on the basis of their ability to communicate the desired information.

The December 2, 1982 public meeting will provide an opportunity to review, discuss, and comment upon (1) the alternative nutrition labeling formats developed under the contract and (2) a tentative consumer research plan to evaluate the effectiveness of the formats. At the meeting, an information kit consisting of graphic and written material that will assist those who wish to submit comments will be distributed. The meeting will be held December 2, 1982, beginning at 9 a.m. in the Hubert H. Humphrey Bldg. Auditorium, 200 Independence Ave. SW., Washington, DC. The meeting will be conducted in accordance with § 10.65 *Meetings and correspondence* (21 CFR 10.65).

After the meeting the information kit also may be obtained from Raymond C. Stokes, Bureau of Foods (HFF–240), Food and Drug Administration, 200 C St. SW., Washington, DC 20204. Written comments should be submitted to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, by January 31, 1983.

Dated: October 25, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82–29770 Filed 10–28–82; 8:45 am]

BILLING CODE 4160–01–M

Anti-Infective Drugs Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) is announcing the renewal of the Anti-Infective Drugs Advisory Committee by the Secretary, Department of Health and Human Services.

DATE: Authority for this committee will expire on October 7, 1984, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

Dated: October 21, 1982.

William F. Randolph,

Acting Associate Commisioner for Regulatory Affairs.

[FR Doc. 82-29434 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Dermatologic Drugs Advisory Committee; Notice of Renewal

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) is announcing the renewal of the Dermatologic Drugs Advisory Committee by the Secretary, Department of Health and Human Services.

DATE: Authority for this committee will expire on October 7, 1984, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Richard L. Schmidt, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2765.

Dated: October 22, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29591 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting:

Orlando District Office, chaired by Adam J. Trujillo, District Director.

DATE: Wednesday, November 17, 1982, 9 a.m. to 11:30 a.m.

ADDRESS: Florida Cooperative Extension Service, 3406 Palm Beach Blvd., Terry Park, Ft. Myers, FL.

FOR FURTHER INFORMATION CONTACT: Lynne C. Isaacs, Consumer Affairs Officer, Food and Drug Administration, P.O. Box 118, Orlando, FL 32802, 305-885-0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 22, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29592 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Consumer Participation; Notice of Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting, chaired by Abraham I. Kleks, District Director, Los Angeles, California..

DATE: Tuesday, November 16, 1982, 9:30 a.m.

ADDRESS: Senior NOW Programs Inc., 102 North Plumer, Tucson, AZ 85719..

FOR FURTHER INFORMATION CONTACT: Gordon L. Scott, Consumer Affairs Officer, Food and Drug Administration, 1521 West Pico Blvd., Los Angeles, CA 90015, 213-688-4395.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

October 22, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29594 Filed 10-28-82; 8:45 am]

BILLING CODE 4160-01-M

Office of the Secretary

List of Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on October 22.

Public Health Service

NATIONAL INSTITUTES OF HEALTH

Subject: Health Message Testing Service—Broadcast Component (0925-0046—REINSTATEMENT.

Respondents: Individuals.

OMB Desk Officer: Richard Eisinger.

Health Care Financing Administration

Subject: Medigap Industry Survey (HCFA-337)—NEW.

Respondents: Insurance companies which sell supplemental health insurance to Medicare beneficiaries in Calif., Fla., Miss., N.J., Wash., and Wisc.

Subject: Medicaid State Plan Preprint—Revision for Allowance of Liens and Other Recoveries (HCFA-179)—REVISED.

Respondents: State Medicaid agencies.

Subject: Medacaid State Plan Preprint—Revision for New Cost Sharing Policy (HCFA-179)—REVISED.

Respondents: State Medicaid agencies.

Subject: Medicaid State Plan Preprint—Revision for New Cost Sharing Policy (HCFA-179)—REVISED.

Respondents: State Medicaid agencies.

OMB Desk Officer: Fay S. Iudicello.

Office of the Secretary

Subject: Informal Caregiver Survey—Baseline Instrument (National Long Term Care Channeling Demonstration—NEW.

Respondents: Caregivers of elderly individuals served by the channeling demonstrations.

OMB Desk Officer: Milo Sunderhauf.

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201.

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503.

Attn: (name of OMB Desk Officer)

Dated: October 22, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-29700 Filed 10-28-82; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Northern California Agency; Hoopa Valley Indian Reservation, Management of Resources

October 28, 1982.

On November 20, 1978, the Assistant Secretary, Indian Affairs issued a message to the Hoopa and Yurok people of the Hoopa Valley Indian Reservation. That message set forth the policy of the Department of the Interior for involving both Yuroks and Hoopas in the management of reservation resources in view of interim decisions by the United States Court of Claims in *Jessie Short, et al.* v. *United States* No. 102–63.

Developments since 1978 have taken place, including the failure of the Yurok Tribe to implement the principal feature of the 1978 plan, which was the organization of an interim Yurok tribal governing body. Those developments require the adoption of new management procedures for the Hoopa Valley Reservation. Henceforth, as an interim measure, the Department of the Interior intends to exercise its responsibilities for management of the reservation resources on an issue-by-issue basis. This interim measure will remain in effect until resolution of the issues in *Short* and related cases or other needs for effective resource management warrant its reconsideration, in the judgment of the Department of the Interior.

The absence of a Yurok tribal governing body means that it is impossible for the Department of the Interior to confer with the Yurok Tribe in the same manner as the Department communicates with the Hoopa Valley Tribe through its Business Council. No present alternative is perceived with respect to communication from the Department to the Yurok Tribe except through publication as in the case of this notice.

Therefore, as long as there is no Yurok tribal governing body, communication with the Yurok Tribe regarding the issue-by-issue management of the Hoopa Valley Reservation will be by publication in local newspapers, as well as providing notice by other appropriate means to ensure that concerned parties have an opportunity to comment. To ensure full consideration, Yurok comments on such publications should be in writing and sent to the Superintendent of the Northern California Agency within the time limits stated in the publications. The position of the Hoopa Tribe on issue-by-issue matters will be received from its Business Council.

In performing its management functions for the Hoopa Valley Indian Reservation, it is specifically noted that the Department of the Interior will make its decisions in light of the holdings in *Short* and related pending cases and for interpretation of those holdings will consult with the Department of Justice.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 82-29848 Filed 10/28/82; 8:45am]

BILLING CODE 4310-02-M

Land Management Bureau

[UT-050]

Utah; Grazing Management Program for Henry Mountain Planning Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft environmental impact statement and public hearing.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and a 1975 Federal Court ruling, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement for Henry Mountain rangeland management program in Wayne, Garfield and a small portion of Kane counties.

The Draft EIS discusses the environmental consequences of five alternative management programs. The analysis was completed by the Environmental Project Staff, BLM, Richfield District, and addresses both positive and negative impacts. Following the incorporation of public comments in a Final EIS, BLM will select a balanced management program for livestock and big game (including bison) forage use levels, while protecting the public rangelands.

The Draft EIS considers environmental consequences for the following five alternatives: (A) Proposed Action: No change—permit livestock/big game grazing at current average levels of use; (B) No Action—Maintain existing forage allocation; (C) Manage for optimum big game production; (D) Manage for optimum livestock production; and (E) Preferred alternative—MFP Step 2 Planning Recommendation. The objective of the alternatives is to provide land use management on the basis of multiple use and long-term sustained yield of the natural resources on 1.9 million acres of land.

The alternatives examine proposed levels of grazing use ranging from 26,631 to 59,528 animal unit months (AUMs) for livestock and 4,846 AUMs to 14,923 AUMs for big game. Varying levels of land treatments and management would accompany the proposed levels of forage use.

Copies of the Draft EIS are available from the Richfield District BLM Office at 150 East 900 North, Richfield, Utah 84701. Public reading copies of the Draft EIS will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Street NW., Washington, D.C.

Utah State Office, Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah

Notice is hereby given that oral and/or written comments will be received at a public hearing held at the following location: December 1, 1982, 7 p.m., Community Center in Wayne County, Loa, Utah.

Requests to testify at the public hearing should be submitted to the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701. Others attending the hearing will also be provided an opportunity to testify.

Written and oral comments concerning the adequacy of the Draft EIS will receive consideration in preparation of the Final Grazing Management EIS for the Henry Mountain Planning Area.

Larry R. Oldroyd,

Associate District Manager.

[FR Doc. 82-29817 Filed 10-28-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Sevice, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G

4549, Block 701, Matagorda Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, exectives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 21, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-29768 Filed 10-28-82; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Reclamation

[INT FES 82-46]

Brantley Project, New Mexico; Availability of Final Supplement to Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final supplement to the final environmental statement for the authorized Brantley Project, New Mexico.

This supplement has been prepared to address changes in the recommended plan that were presented in the final environmental statement (FES 72-30). These changes are (1) relocation and redesign of the Brantley dam axis 2,100 feet downstream to an area having a better foundation; (2) conservation, improvement, and development of fish and wildlife; and (3) reduction of the conservation pool from the proposed 4,000 surface acres to 3,100 acres. The water storage capacity would remain the same.

Copies are available for inspection at the following locations:

Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, DC 20240, Telephone (202) 343-4991
Division of Management Support, Library Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3019
Office of the Regional Director, Bureau of Reclamation, Suite 201, 714 South Tyler Street, Amarillo, Texas 79101, Telephone (806) 378-5400
Assistant New Mexico Representative, Box 252, Albuquerque, New Mexico 87103, Telephone (505) 766-2272
Albuquerque Public Library, 423 Central Avenue NE., Albuquerque, New Mexico 87101
Artesia Public Library, Artesia, New Mexico 88210
Carlsbad Public Library, Carlsbad, New Mexico 88220
Denver Public Library, Denver, CO 80203
Fort Sumner Public Library, Fort Sumner, New Mexico 88119
New Mexico State Library, Post Office Box 1629, Santa Fe, New Mexico 87501
Pecos Public Library, Pecos, Texas 79772
Roswell Public Library, Roswell, New Mexico 88201
Santa Rosa Public Library, Santa Rosa, New Mexico 88435
Texas Tech University Library, Lubbock, Texas 79406
University Library, New Mexico State University, Las Cruces, New Mexico 88001
Zimmerman Library, University of New Mexico, University Hill NE., Albuquerque, New Mexico 87106
University Library, University of Texas at El Paso, El Paso, Texas 79902.

Single copies of the final supplement to the final environmental statement may be obtained on request to the Director, Office of Environmental Affairs, or the Regional Director.

Dated: October 26, 1982.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 82-29767 Filed 10-28-82; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-167 (Sub-No. 281N)]

Conrail Abandonment Between West Gravel Place and Mount Pocono, Pa.; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 3 has issued a certificate and decision authorizing the Consolidated Rail Corporation to abandon its rail line between West Gravel Place, milepost 84.6 and Mount Pocono, milepost 100.4 in the County of Monroe, PA, a total distance of 15.8 miles effective on July 7, 1982.

The net liquidation value of this line is $1,691,974. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29757 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Burroughs Corporations Burroughs Place, Detroit, MI 48232.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

A. Memorex Distribution and Services Corporation, San Tomas at Central Expressway, Santa Clara, CA 95052.
B. Systems Development Corporation, 2500 Colorado Avenue, Santa Monica, CA 90406
C. Memorex Corporation, San Tomas at Central Expressway, Santa Clara, CA 95052
D. Burroughs Co., Ltd., 1-7 Kojimachi, Chiyoda-ku, Tokyo 102, Japan
E. Burroughs Inter-America, Limited, Burroughs Place, Detroit, Michigan 48232

F. Burroughs OEM Corporation, Burroughs Place, Detroit, Michigan 48232
G. Burroughs A/S, P.O. Box 40-Bestun, Oslo 2, Norway
H. Burroughs B.V., P.O. Box 48, 1180 AA Astelveen, Netherlands
I. Burroughs Computer Systeme Gesellschaft m.b.H., Frankfurter Allee—14–20, 6237 Eschborn, West Germany
J. Burroughs Data Systemer A/S, Jydeholmen 15, 2720 Vanlose, Copenhagen, Denmark
K. Burroughs Deutschland G.m.b.H., Frankfurter Allee—14–20, 6236 Eschborn, West Germany
L. Burroughs Electronica (Portugal) Lda., Rua Gregorio, Lopes, lote 1514–Restelo, 1499 Lisboa
M. Burroughs Hellas S.A., Ergo Bank Building, 4th Floor, Thessalonikis and Athenas, Moshanton, Athens, 60A
N. Burroughs International S.A., 18, Rue St. Pierre, 1700 Fribourg, Switzerland
O. Burroughs Machines Limited, Heathrow House, Bath Road, Cranford, Hounslow, Middlesex, England TW5 9QL
P. Burroughs Machines, Limited, P.O. Box 3996, Johannesburg 2000, Transvaal, South Africa
Q. Burroughs Overseas Limited, P.O. Box 32649, Detroit, Michigan 48232
R. Burroughs S.A., General Davila 7, Madrid 3, Spain
S. Burroughs (Schweiz), A.G., Giesshubelstrasse 62 (P.O. Box), 8045 Zurich, Switzerland
T. Burroughs Netherlands Business Forms B.V., van Leeuwenhoekstraat 10, Postbus 175, 1700 AD Heerhugowaard (the Netherlands)
U. Burroughs Compania Anonima, Apartado 70116 Los Ruices, Caracas, Venezuela
V. Burroughs Datenverarbeitung, Gesellschaft m.b.H., Moering Gasse 10, 1151 Vienna, Austria
W. Burroughs Europe-Africa Marketing, Limited, Heathrow House, Bath Road, Cranford, Hounslow, Middelsex, England TW5, 9QL
X. Burroughs Italiana S.p.A., Via A. Volta, 16, 20093 Cologno Monzese, Italy
Y. Compagnie Belge Burroughs S.A., 59, rue de Namur, Head Office—5th Floor, B–100—Brussels, Belgium
A1. Industrias Mexicanas Burroughs, S.A. de C.V., Calle 13—1338, Zona Industrial, Guadalajara, Jal. Mexico
B1. Societe Anonyme Burroughs, 95015 Cergy Pontoise Cedex (P.O. Box No.), Immeuble Ordinal (Street Address), Rue des Chauffours, 95002—Cergy Cedex—France
C1. Burroughs Leasing Company Limited, Heathrow House, Bath Road, Cranford, Hounslow, Middlesex, England TW5 9QL
D1. Burroughs de Centro America, S.A., Apartado 2837, San Jose, Costa Rica
E1. Burroughs de Chile, S.A., Casilla de Correo 14285, Santiago, Chile
F1. Burroughs de Colombia, S.A., Apartado Aereo 53433, Calle 643 No. 7–39, Bogota, D.E. Colombia
G1. Burroughs del Peru, S.A., Apartado 5199, Lima, Peru
H1. Burroughs Eletronica Ltda., Caixa Postal 1410–ZC00, 2000 Rio de Janeiro, Brazil
I1. Burroughs, Inc., G.P.O. Box 3308, San Juan, Puerto Rico 00936
J1. Campania Burroughs de Maquinas, Ltda., Cerro Largo 847 St. Esq. Andes, Montevideo, Uruguay
K1. Compania Burroughs de Maquinas, Ltda., Ingeniero Huergo 965, 1107 Buenos Aires, Argentina
L1. Compania Burroughs de Venezuela, Inc., Apartado 70116 Los Ruices, Caracas, Venezuela
M1. Burroughs, S.A. de C.V., Londres 102, Sexto Piso, Colonia Juarez 5, Mexico 06600 D.F., Mexico
N1. Burroughs Asia Limited, 19–F Hopewell Centre, 183 Queen's Road, East, Wanchai, Hong Kong
O1. Burroughs Memorex Inc., (Burroughs Division), 801 York Mills Road, Don Mills, Ontario, Canada M3B 1X8
Burroughs Memorex Inc., (Memorex Division), 230 Lesmill Road, Don Mills, Ontario, Canada M3B 2T5
P1. Burroughs, Limited, 30 Alfred Street, Milson's Point N.S.W. 2061, Australia
Q1. Burroughs Machines (Hong Kong) Limited, 19–F Hopewell Centre, 183 Queen's Road, East, Wanchia, Hong Kong
R1. Burroughs Aktiebolag, Banergatan 10, S–115 22 Stockholm, Sweden
S1. Memorex Finance Company, 1553 Bordeaux Drive, Sunnyvale, CA 94086
T1. Memorex International Limited, Hounslow House, 730 London Road, Hounslow, Middlesex, England TW3 1PD
U1. Memorex Puerto Rico Inc., San Tomas at Central Expressway, Santa Clara, CA 95052
V1. Memorex U.K. Limited, Hoechst House, 50 Salisbury Road, Hounslow West, Middlesex, England
W1. Memorex G.m.b.h. (Germany), Hauptuerwaltung, Hannstrasse 41, D–6000 Frankfurt/M71, Niederrand, West Germany
X1. Memorex S.A. (France), 25 Blvd. de l'Amiral, Bruix 75016, Paris, France
Y1. Memorex Do Brasil (Brazil), Rua Sampaio Viana, 353, CEP: 04004, San Paulo—Capital, Brazil
A2. Memorex Interamerica C.A., Calle Agustin Condazzi, Santa Monica No. 22–15, Caracas 105, Venezuela
B2. Memorex S.A. de C.V. (Mexico), Campos Eliseos No. 67, Col. Polanco., Mexico 5, D.F., Mexico
C2. Memorex A/S (Denmark), Vallenbaekvej 25, DK–2600 Glostrup, Copenhagen, Denmark
D2. Oy Memorex Ab (Finland), Pahj. Hesperiankatu 13A, SF–00260 Helsinki 26, Finland
E2. Memorex A.G. (Switzerland), Sternenstrasse 12, Zurich 8002, Switzerland
F2. Memorex B.V. (Netherlands), P.O. Box 70065, Van Boshuizenstraat, 12, Amsterdam 1011, Netherlands
G2. Memorex Ges.m.b.H. (Austria), Gottfried Kellergasse 2/16, A–1030 Vienna, Austria
H2. Memorex S.p.A. Italia, 14 Via Ciro Menotti, I–20129 Milano, Italy
I2. Memorex A.S. (Norway), Lorenvn. 51, Oslo 5, Norway
J2. Memorex S.A. (Belgium), 178 Chausee de la Hulpe, B–1170, Brussels, Belgium
K2. Memorex A.B. (Sweden), Box 20028, S–161 20 Bromma 20, Sweden
L2. Mem-Mex S.A. de C.V. (Mexico), Nogales, Sonora, Mexico
M2. Memorex Pty. Limited, 61 Barry Street, Neutral Bay, N.S.W. 2089, Australia
N2. Memorex World Trade Corporation, c/o W. S. Walker & Company, Barclays Bank Building, George Town, Grand Cayman, Cayman Island
O2. Memorex Corporation (Ireland) Limited, Kestrel House, Clanwilliam Court, Lower Mount Street, Dublin 2 Ireland
P2. Memorex Magdalena S.A. De C.V., Nogales, Sonora, Mexico

1. Parent Corporation: Commercial Metals Company, 3000 Diamond Park Drive (75247), Post Office Box 1046 (75221), Dallas, Texas. State of incorporation: Delaware.

2. The following 100% wholly-owned subsidiaries will participate in the operation:

CMC Dismantling and Process Equipment Company 3000 Diamond Park Drive, Dallas, Texas 75247. State of incorporation: Texas
CMC Oil Company, 3000 Diamond Park Drive, Dallas, Texas 75247
CMC Steel, Inc., Mill Road, Sequin, Texas 78155. State of incorporation: Texas
Capitol City Steel Company, 6717 Circle S Road, Austin, Texas 78745. State of incorporation: Texas
Cometals, Inc., One Penn Plaza, Room 3401, New York, New York 10001. State of incorporation: New York
Commercial Metals Railroad Salvage Company, 3000 Diamond Park Drive,

Dallas, Texas 75247. State of incorporation: Texas

Commonwealth Metal Corporation, 560 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. State of incorporation: New Jersey

Enterprise Metal Corporation, 175 Great Neck Road, Room 408, Great Neck, New York 10021; State of incorporation: New York

Howell Metal Company, State Route 728, P.O. Box 218, New Market, Virginia 22844

Structural Metals, Inc., Mill Road, Sequin, Texas 78155; State of incorporation: Texas

Texas Cold Finished Steel, Inc., 1300 Baker, Houston, Texas 77002; State of incorporation: Texas

CMC Steel Fabricators, Inc.; State of incorporation: Texas. Doing business under the following names:

Arkansas Steel Rolling Mills, Inc., Kerlin Road, Box 489, Magnolia, Arkansas 71753

Capitol Steel, Inc., 2655 North Foster Drive, Post Office Box 66636, Baton Rouge, Louisiana 70896

CoMet Steel, Inc., 4846 Singleton Blvd., Dallas, Texas 75212

Houston Steel Service Company of Texas, Inc., 5321 Westpark Drive, Houston, Texas 77065

Houston Steel Service Company—Rebar Division, 5321 Westpark Drive, Houston, Texas 77065

Safety Railway Service Company, Aloe Field, P.O. Box 2298, Victoria, Texas 77091

Safety Steel Service, Inc., Rodd Field, P.O. Box 6546, Corpus Christi, Texas 78411

Safety Steel Service, Inc., 201 East Crestwood Drive, Victoria, Texas 77901

Safety Steel Construction, Inc., 201 East Crestwod Drive, P.O. Box 2298, Victoria, Texas 77901

Southern States Steel Company, 9675 Walden Road, Beaumont, Texas 77706

Southern Farm Supply Company, 1318 Buschong Road, Houston, Texas 77093

Southern Fence Post Company, 1318 Buschong Road, Houston, Texas 77093

Southern Post Company, 1318 Buschong, Road, Houston, Texas 77039

Southern Post Company, 1960 Benchmark Drive, Roundrock, Texas 78664

Sterling Steel Company, 5600 Braxton, Suite 12, Houston, Texas 77036

1. *Parent corporation and address of principal office:* Pollard Lumber Company, a Georgia corporation, Route 2, Box 167, Appling, Georgia 30802.

2. *Wholly-owned subsidiaries which will participate in the operations, and State of incorporation:* (i) Columbia Transporation Company, a Georgia Corporation, Route 2, Box 167, Appling, Georgia 30802.

1. Parent corporation and address of principal office: RKO General, Inc. (a Delaware corporation), 1440 Broadway, New York, NY 10018.

2. Wholly-owned subsidiaries that will participate in the operations and their respective States of incorporation:

(a) Pepsi-Cola Bottling Co. of Princeton, Inc., West Virginia

(b) Pepsi-Cola Bottling Co. of Alderson, Inc., West Virginia

(c) RKO Canners of West Virginia, Inc., West Virginia

1. Parent corporation and address of principal office: SOLTEX Polymer Corporation, 3333 Richmond Avenue, Houston, TX 77027.

2. Wholly-owned subsidiaries which will participate in the operation and State(s) of incorporation:

(1) Salsbury Laboratories, Inc., a Delaware corporation.

(2) Shippers Service, Inc., an Iowa corporation.

1. Parent corporation and address of principal office: Trimac Limited, 736 Eighth Avenue Southwest, P.O. Box 3500, Calgary, Alberta, Canada, T2P 2P9

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) (Province(s)) of incorporation:

(a) H. M. Trimble & Sons Ltd., incorporated in the Province of Alberta, Dominion of Canada

(b) Kenting Limited, federally incorporated under the laws of the Dominion of Canada

(c) Kenting Earth Sciences Limited, Federally incorporated under the laws of the Dominion of Canada

(d) Kenting Drilling Co. Ltd., incorporated in the Province of Ontario, Dominion of Canada

(e) Kenting Oilfield Services Ltd., incorporated in the Province of Alberta, Dominion of Canada

(f) Kenting United Construction Ltd., incorporated in the Province of Alberta, Dominion of Canada

(g) Kenting Exploration Services Limited, incorporated in the Province of Ontario, Dominion of Canada

(h) Kenting Petrolia Drilling Ltd., incorported in the Province of British Columbia, Dominion of Canada

Agatha L. Mergenovich,
Secretary

[FR Doc. 82-29759 Filed 10-28-82: 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-227]

Permanent Authority Decision; Decision-Notice

Decided: October 21, 1982.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatiory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14976, SUBURBAN DISTRIBUTION SYSTEM, INC. (Suburban) (1100 King Avenue, P.O. Box 1739, Columbus, OH 43216)—CONTINUANCE IN CONTROL—ADVANCED DISTRIBUTION SYSTEM, INC. (Advanced) (50 Old Village Road, P.O. Box 28478, Columbus, OH 43228). Representative: Robert C. Bamford, 1600 Wilson Boulevard, Suite 1301, Arlington, VA 22209. Suburban seeks authority to continue in control of Advanced upon the institution by Advanced of operations, in interstate and foreign commerce, pursuant to authority sought in MC–164188. The Estate of James R. Riley, the majority stockholder of Suburban, also seeks authority to continue in control of Advanced through this proceeding. Suburban is a noncarrier holding corporation which controls Suburban Motor Freight, Inc., a motor common carrier operating pursuant to a certificate issued in MC–44447 and subs.

Note.—Advanced has filed, as a directly-related application, its initial common carrier application. That application, docketed MC–164188, is published in this same Federal Register issue.

[FR Doc. 82–29760 Filed 10–28–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP-5-228]

Motor Carriers; Permanent Authority Decision; Decision-Notice

Decided: October 21, 1982.

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC 164188, filed October 6, 1982. Applicant: ADVANCED DISTRIBUTION SYSTEM, INC., 50 Old Village Rd., P.O. Box 28478, Columbus, OH 43228. Representative: Robert C. Bamford, 1600 Wilson Boulevard, Suite 1301, Arlington, VA 22209, (703) 522–0900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Note.— This application is directly related to No. MC–F–14976, published in this same **Federal Register** issue.

[FR Doc. 82–29761 Filed 10–28–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulartory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statment in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3 (202) 275-5223.

Volume No. OP3-04

Decided: October 21, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 164174, filed October 12, 1982. Applicant: JOUETT A. BEVERLY, JR., P.O. Box 31324, Amarillo, TX 79120. Representative: Mary K. Schulz, P.O. Drawer 17308, Pensacola, FL 32522, (904) 438-1493. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 4 at 202-275-7669.

Volume No. OP4-011

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 70267 (Sub-27), filed October 8, 1982. Applicant: ECKERT TRUCKING, INC., P.O. Box 1682, York, PA 17405. Representative: David Zimmerman (Same address as applicant), (717) 843-0995. Transporting *general commodities,* between Bartlett, Brown, Cartago, Detour, Lone Pine, and Olancha, CA; Hollister, Interlachen, Largo, Mannville, and Prine, FL; Amsterdam, Bellevue, Gannett, Gimlet, Hailey, Hay, Hollister, and Picabo, ID; Argenta, Armstrong, Baker, Beason, Bradbury, Burtonview, Dillsburg, Falmouth, Gifford, Hallville, Hidalgo, Janesville, Jenkins, New Holland, Oreana, Penfield, Potamac, and Rose Hill, IL; Aredale, Camp Dodge, Carterville, Dougherty, Hanford, Johnston, and Kesley, IA; Emmons, Haddam, Hollis, Morrowville, and Wayne, KS; Davidson and Olaton, KY; Arnaudville, Cecilia, Jefferson Island, and Loreauville, LA; Abington, Dover, Kingston, Plymouth, South Hanson, South Weymouth, and Whitman, MA; Berrien Center, Centerville, Colon, Concord, Eaton Rapids, Eau Claire, Haires, Homer, Kinneyville, North Niles, Onondaga, Sodus, Spring Arbor, Tekonsha, and Union City, MI; Ely, Mahtomedi, McComber, Robinson, Soudan, Stillwater, Tower, and Wahlsten, MN; Aullville, Concordia, and Emma, MO; Boulder, MT; Lanham, NE; Linwood, Northfield, and Wrights, NJ; Wampsville, NY; Lewis, NC; St. John, ND, Denver, Edgefield, Fruitdale, Humboldt, Jenera, Lisman, Lyra, Milledgeville, Mount Blanchard, New Jasper, Octa, Orangeville, Pandora, Rimer, Rushmore, Spargursville, Summit, Superior, Vaughnsville, and Vesuvios, OH; Curryville, Linntown, Martinsburg, Mifflinburg, Petroleum Center, Titusville, Vicksburg, and Youngsville, PA; Robert Lee, TX; Rupert, West Pawlet, and West Rupert, VT; Aniwa, Antigo, Birnamwood, Darien, Deerbrook, Delavan, Edgerton, Elcho, Elkhorn, Kempster, Klevenville, Lyons, Malvern, McFarland, Monico, Nine Springs, Pelican Lake, Porters, Springfield, Stoughton, and Summit Lake, WI; on the one hand, and, on the other, points in the U.S. Conditions: (1) Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, DC 20423, and (2) to the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 134916 (Sub-1), filed October 14, 1982. Applicant: A-1 VAN LINES, 5916 Carmelita Ave., Huntington Park, CA 90255. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods, furniture and fixtures,* (1) between points in OR, WA, CA, AZ, NM, TX, CO, UT, NV, MT, and WY, and (2) between points in OR, WA, CA, AZ, NM, TX, CO, UT, NV, MT, and WY, on the one hand, and, on the other, points in AR, KS, NE, SD, ND, MN, WI, MI, OH, PA, NY, DE, MD, VA, NC, SC, FL, GA, AL, MS, LA, ID, IL, IN, KY, TN, AK, and DC.

MC 154366 (Sub-2), filed October 12, 1982. Applicant: KENNETH BEGHIN, d.b.a. BLUE VALLEY TRUCKING, 9736 Blue Valley Rd., Mt. Horeb, WI 53572. Representative: Michael S. Varda, 121 S. Pinckney St., Madison, WI 53703, (608) 255-8891. Transporting *general commodities,* between Mt. Horeb, Verona, Klevenville, and Riley, WI, on the one hand, and, on the other, points in the U.S. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail service.

MC 154436 (Sub-4), filed October 5, 1982. Applicant: MARILYN THOMAS, d.b.a. MAT TRUCKING, 2804 W. Pleasant Ridge Rd., Arlington, TX 76016. Representative: Hughan R. H. Smith, 28 Kenwood Place, Lawrence, MA 01841, (617) 657-6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164196, filed October 13, 1982. Applicant: SAM CRAIG TRANSPORT, INC., 1462 W 54th St., Los Angeles, CA 90062. Representative: Daniel C. Sullivan, 180 N Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (exept AK and HI).

Volume No. OP4–014

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 139006 (Sub-40), filed October 13, 1982. Applicant: RAPIER SMITH, Rural Route 5, Loretto Rd., Bardstown, KY 40004. Representative: Robert H. Kinker, 314 W. Main St., Frankfort, KY 40602, (502) 223–8244. Transporting *general commodities* between Clarksville, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier service for abandoned rail service. Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at the specified point. The certification should be sent to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423.

MC 164217, filed October 13, 1982. Applicant: CAVALIER WAREHOUSING & TRAFFIC CONSULTANTS, LTD., Box 723, 106 Healey Rd., Bolton, Ontario, Canada LOP 1AO. Representative: Robert D. Gunderman, Can-Am Building, 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. As *Broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5–230

Decided: October 21, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Doweel.

MC 164079, filed October 4, 1982. Applicant: ACE CONSTRUCTION AND TRUCKING INC., P.O. Box 298, Longdale, OK 73755. Representative: Eldon R. Loeser, P.O. Box 171, Longdale, OK 73755, (405) 274–3386. (1) Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29762 Filed 10–28–82; 8:45 am]

BILLING CODE 7035–01–M

[No. 38887]

Motor Carriers; RTC Transportation, Inc.; Decision on Petition for Relief From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: RTC Transportation, Inc., a motor contract carrier, is provisionally granted an exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762.

DATES: Comments are due on November 15, 1982. The sought relief will become effective on November 30, 1982, unless, in response to adverse comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and, if possible, 15 copies of comments to: Room 5340, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275–7277

or

Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: RTC Transportation, Inc., (RTC), is a common and contract carrier transporting general commodities from, to and between points throughout the United States. As pertinent here, it holds authority pursuant to permit No. MC–107515 (Sub-No. 1423) for the transportation of general commodities under contract with General Foods Corporation and its subsidiaries of White Plains, NY.

Section 10702(b) [1] of the Interstate Commerce Act requires contract carriers to file with the Commission actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff on file with the Commission, and section 10762 sets forth general tariff requirements including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant relief to contract carriers when relief is consistent with the public interest and the transportation policy of section 10101. Although petitioner seeks relief only from the requirements of section 10761(a), exemption from all three provisions appears to be more appropriate. We have considered the petition accordingly.

RTC states that General Foods has requested RTC to file the instant petition. RTC argues that the sought waiver would eliminate the necessity for filing with the Commission a document already agreed to by the parties of the contract, and eliminate additional administrative burden upon RTC.

The sought exemption applies only to RTC's operating authority under its permit to serve General Foods.

The carrier has submitted evidence that the requirement that it file schedules is not required by the public interest and that relief will promote the transportation policies of 49 U.S.C. 10101.

We therefore provisionally grant the sought exemption. If we receive timely filed adverse comments, we will issue a further decision addressing them and deciding whether this tentative approval ought to be made final.

This decision would not appear to have a significant effect on either the qulity of the human environment or conservation of energy resources. However, comments may be submitted on these issues.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: October 22, 1982.

By the Commission, Division 1, Commissioners Sterrett, Simmons, and Gradison. Commissioner Sterrett would grant the exemptions for all of RTC's contract operations.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29755 Filed 10–28–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

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[1] Petitioner has requested relief from the tariff filing requirements of section 10761(a). Since sections 10702 and 10762 contain similar requirements, we will assume petitioner's failure to include these sections was an oversight.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–267

Decided: October 21, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 108473 (Sub-61), filed October 15, 1982. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 502—Solar Bldg., 1000 16th St. NW., Washington, DC 20036, (202) 783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Borden, Inc., of North Andover, MA.

MC 108473 (Sub-62), filed October 15, 1982. Applicant: ST. JOHNSBURY TRUCKING COMPANY, INC., 87 Jeffrey Ave., Holliston, MA 01746. Representative: Harry J. Jordan, Suite 502-Solar Bldg., 1000 16th St. NW., Washington, DC 20036, 202–783–8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Rohm and Haas Company, of Philadelphia, PA.

MC 129712 (Sub-78), filed October 18, 1982. Applicant: GEORGE BENNETT MOTOR EXPRESS, INC., P.O. Box 569, McDonough, GA 30253. Representative: Guy H. Postell, Suite 675, 3384 Peachtree Rd., NE., Atlanta, GA 30326, 404–237–6472. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

For the following please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5–229

Decided: October 21, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF–68 (Sub-5), filed October 12, 1982. Applicant: ABC-TRANS NATIONAL TRANSPORT, INC., 201 11th Ave., New York, NY 10001. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, 703–691–0900. As a *freight forwarder* in connection with the transportation of *general commodities*, between points in the U.S.

MC 25399 (Sub-20), filed October 13, 1982. Applicant: A–P–A TRANSPORT, CORP., 2100 88th Street, North Bergen, NJ 07047. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Canon U.S.A., Inc., of Lake Success, NY; Manhattan Brush Company, of New York, NY, Coleco Industries, Inc., of Amsterdam, NY; Travenol Laboratories, Inc., of Morton Grove, IL; Peter F. Mallon Co., of Long Island City, NY; General Binding Corp., of Wayne, NJ; Variety Audio, of Menands, NY; Thermos Division—King Seeley Thermos Co., of Norwich, CT; AEG Power Tool, of Norwich, CT; Magnavox CATV Systems, Inc., of Manlius, NY, Suburbanite Industries, of Saxonville, MA; Chadwick-Miller, Inc., of Canton, MA; Atlantic Sports, Inc., of Framingham, MA; General Houseware Corp., of Plymouth, MA; Colonial Candle of Cape Cod, of Plymouth, MA; Holt-Howard, of Plymouth, MA; Textol, of Plymouth, MA; Alpha Metals, Inc., of Jersey City, NJ; G.M.I. Distribution Center, of Somerset, NJ; Beckley Cardy Co., of Mt. Laurel, NJ; Mastercraft Industries, Inc., of Newburgh, NY; Uniphoto-Levit Corp., of Woodside, NY; J. DE. Beer & Son, of Albany, NY; Transworld Music Corp., of Latham, NY; Philips Dental Systems, of Stamford, CT; Exquisite Form Industries, Inc., of Pelham Manor, NY; Book Sale's Inc., of Secaucus, NJ; Warner Cosmetics, Inc., of Piscataway, NJ; AM International, Inc., of Schaumburg, IL; Universal Match Corporation, of St. Louis, MO; Curtis Industries, of Edison, NJ; W–G Vinyls, Inc., of New York, NY; Ebeling and Reuss Company, of Devon, PA; Velux-America, Inc., of Langhorne, PA; Courier Citizen Co., of Kingston, NY; Duracell, International, Inc., of Bethel, CT; MacLevy Co., of Elmhurst, NY; Sanyo Corp., of Little Ferry, NJ; and ASC STORES, III, INC., trading as MILLER & RHOADS, of Richmond, VA, and Variety Audio, of Farmingdale, NY.

MC 51518 (Sub-9), filed October 13, 1982. Applicant: VESELY BROS. MOVING & STORAGE, INC., P.O. Box 455, Fayette City, PA 15438. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471–1800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Fayette, Allegheny, Washington and Westmoreland Counties, PA, on the one hand, and, on the other, points in PA, WV, OH, NY, NJ, MI, MD, DE, IN, IL, MA, VA, VT, RI, CT, KY, and DC.

MC 82079 (Sub-9), filed October 14, 1982. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Ave. SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121.

Transporting (1) *food and related products*, between points in IN, IL, MI, OH and WI and (2) *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MI.

MC 118808 (Sub-4), filed October 6, 1982. Applicant: MALLORY TRUCK LINES, INC., 1115 Conant, Burley, ID 83318. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701, 208-343-3071. Transporting *coal, chemicals and related products, and minerals*, between points in ID, NV, OR, UT, and WY.

MC 129378 (Sub-6), filed October 15, 1982. Applicant: JENNINGS TRUCK SERVICE, INC., Route No. 1, Gotebo, OK 73041. Representative: William Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424-3301. Transporting *metal products* and *machinery*, between points in OK, on the one hand, and, on the other, points in AR, AZ, CO, IA, ID, KS, LA, MN, MO, MT, ND, NE, NM, SD, TX, UT, and WY.

MC 148858 (Sub-4), filed October 18, 1982. Applicant: DARRELL ANDREWS TRUCKING, INC., P.O. Box 654, Siler City, NC 27344. Representative: Darrell Andrews (same as applicant), 919-663-2142. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NC, SC, VA, and those in TN on and east of Interstate Hwy 65, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 149308 (Sub-26), filed October 18, 1982. Applicant: VICTORY FREIGHTWAY SYSTEMS, INC., P. O. Box P, Sellersburg, IN 47172. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589-5400. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ovaltine Products, Inc., of Villa Park, IL.

MC 164198, filed October 13, 1982. Applicant: RONALD GENE THOMPSON, d.b.a. RON THOMPSON TRUCKING, 521 N. Ben Maddox, Visalia, CA 93291. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. Transporting *such commodities* as are dealt in or used by manufacturers or distributors of water heaters, between points in the U.S., under continuing contract(s) with Hoyt Heater Co., of Reno, NV

MC 164208, filed October 14, 1982. Applicant: CANOGA TRANSPORTATION CO., INC., R.D. No. 2, Box 2453, Seneca Falls, NY 13148. Representative: Roy D. Pinsky, State Tower Bldg., Suite 1020, Syracuse, NY 13202, (315) 422-2384. Transporting *limestone* between points in Litchfield County, CT, on the one hand, and, on the other, points in Erie County, NY.

MC 164209, filed October 13, 1982. Applicant: MASUR TRUCKING INC., 2324 Whitewood Lane, Cincinnati, OH 45239. Representative: Michael Spurlock, 275 East State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164228, filed October 14, 1982. Applicant: A&R TRANSPORT, INC., 4817 Rutledge Pike, Knoxville, TN 37914. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347-8862. Transporting *petroleum, natural gas, and their products*, between points in TN, on and east of U.S. Hwy 27, on the one hand, and, on the other, points in NC, SC, GA, AL, TN, KY, WV, and VA.

MC 164239, filed October 15, 1982. Applicant: CENTRAL PLAINS TRANSPORTATION, INC., P. O. Box 990, Lawrence, KS 66044. Representative: William B. Barker, 641 Harrison Street, P. O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *general commodities* (except household goods, classes A and B explosives and commodities in bulk), between Kansas City, MO, and points in Franklin and Douglas Counties, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-29763 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[I.C.C. Order No. P-45]

The Atchison, Topeka, and Santa Fe Railway Co.; Passenger Train Operation

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Illinois and Oakland, California. The operation of these trains requires the use of the tracks and other facilities of the Burlington Northern Railroad (BN). A portion of the BN tracks between Galesburg and Chicago, Illinois, are temporarily out of service because of a derailment. An alternate route is available via The Atchison, Topeka and Santa Fe Railway Company.

It is the opinion of the Commission that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

(a) Pursuant to the authority vested in me by order of the Commission decided April 29, 1982, and of the authority vested in the Commission by Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 562(c)), The Atchison, Topeka and Santa Fe Railway Company (ATSF) is directed to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with Burlington Northern Railroad, (BN) at Galesburg, Illinois, and Chicago, Illinois.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective 8:45 p.m., October 11, 1982.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 12, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

This order shall be served upon The Atchison, Topeka and Santa Fe Railway Company and upon the National Railroad Passenger Corporation (Amtrak), and a copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 11, 1982.

Interstate Commerce Commission.

John H. O'Brien,

Agent.

[FR Doc. 82-29758 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Rail Carriers; Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register**.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278

or

Tom Smerdon, (202) 275-7277

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract number, and specifics	Review board[1]	Decided date
332	Missouri Pacific Railroad Co., ICC-MP-C-0163, (Cleaned rice)	2	10-25-82
333	Burlington Northern Railroad Co., ICC-BN-C-0156, (Coal)	3	10-25-82
334	Grand Trunk Western Railroad Co., ICC-GTW-C-0063, (Grain)	1	10-25-82

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29756 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29981]

Seaboard Coast Line Railroad Co.; Abandonment Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10903 *et seq.* abandonment by the Seaboard Coast Line Railroad Company of 0.14 miles of line in Bertie County, NC, subject to standard labor protection provisions. Abandonment may not occur until abandonment is effected in NO. AB-55 (Sub-No. 64F), *Seaboard Coast Line Railroad Company—Abandonment—In Bertie County, NC* (not printed), served September 13, 1982.

DATES: This exemption shall be effective on November 29, 1982. Petitions to stay the effectiveness of this decision must be filed by November 8, 1982. Petitions for reconsideration must be filed by November 18, 1982.

ADDRESSES: Send pleading to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423.

(2) Petitioner's representative, John W. Humes, Jr., 500 Water Street, Jacksonville, FL. 32202.

Pleading should refer to Finance Docket No. 29981.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additonal information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Avenue NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: October 21, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29754 Filed 10-28-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-115 (Preliminary)]

Canned Mushrooms From the People's Republic of China

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

EFFECTIVE DATE: October 18, 1982.

SUMMARY: The United States International Trade Commission hereby gives notice of the institution of an investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the People's Republic of China of mushrooms, prepared or perserved, other than frozen, currently provided for in item 144.20 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Furlow (202-724-0068), Chief, Agriculture, Fisheries, and Forest Products Division, Office of Industries, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted in response to a petition filed October 18, 1982, on behalf of the Four "H" Corporation. A copy of the petition is available for public inspection in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. The Commission must make its determination in this investigation within 45 days after the date of the filing of the petition or by December 2, 1982 (19 CFR 207.17). Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided for in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than November 5, 1982. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Written Submissions

Any person may submit to the Commission on or before November 15, 1982, a written statement of information pertinent to the subject matter of this investigation (19 CFR 207.15). A signed original and fourteen (14) copies of such statements must be submitted (19 CFR 201.8).

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of 201.6 of the Commission's rules (19 CFR § 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference

The Director of Operations of the Commission has schedulded a conference in connection with this investigation for 9:30 a.m., on November 10, 1982, at the U.S. International Trade Commission Building, 701 E Steet NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisor for the investigation, Mr. Edward Furlow, telephone 202-724-0068, not later than November 5, 1982, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207, 47 FR 6182, February 10, 1982 and 47 FR 33682, August 4, 1982) and Part 201 subparts A through E (19 CFR Part 201, 47 FR 6182, February 10, 1982; 47 FR 13791, April 1, 1982; and 47 FR 33682, August 4, 1982). Further information concerning the conduct of the conference will be provided by Mr. Furlow.

This notice is published pursuant to § 207.12 of the Commission's Rules (19 CFR 207.12).

Issued: October 26, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29829 Filed 10-28-82; 8:45 am]

BILLING CODE 7020-02-M

Termination of Countervailing Duty Investigations Concerning Certain Carbon Steel Products

AGENCY: International Trade Commission.

ACTION: Termination of countervailing duty investigations under section 704(a) of the Tariff Act of 1930.

EFFECTIVE DATE: October 21, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Eninger (202-523-0312) or Mr. Daniel Leahy (202-523-1369), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION: on June 14, 1982, the Commission instituted final investigations under section 705(b) of the Act to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports of the specified merchandise:

Hot-rolled carbon steel plate, provided for in items 607.6615, 607.9400, 608.0710, and 608.1100 of the Tariff Schedules of the United States Annotated (TSUSA), from—

Belgium (investigation No. 701-TA-86 (Final)),
The United Kingdom (investigation No. 701-TA-92 (final)), and
West Germany (investigation No. 701-TA-93 (Final));

Hot-rolled carbon steel sheet and strip, provided for in TSUSA items 607.6610, 607.6700, 607.8320, 607.8342, and 607.9400 and 608.1920, 608.2120, and 608.2320, respectively, from—

Belgium (investigation No. 701-TA-94 (Final)),
France (investigation No. 701-TA-96 (Final)),
Italy (investigation No. 701-TA-97 (Final)), and
West Germany (investigation No. 701-TA-101 (Final));

Cold-rolled carbon steel sheet and strip, provided for in TSUSA items 607.8320 and 607.8344 and 608.1940, 608.2140, and 608.2340, respectively, from—

France (investigation No. 701-TA-104 (Final)),
Italy (investigation No. 701-TA-105 (Final)),
West Germany (investigation No. 701-TA-109 (Final));

Carbon steel structural shapes, provided for in TSUSA items 609.8005, 609.8015, 609.8035, 609.8041, and 609.8045, from—

Belgium (investigation No. 701-TA-117 (Final)),
France (investigation No. 701-TA-119 (Final)),
Luxembourg (investigation No. 701-TA-121 (Final)),
The United Kingdom (investigation No. 701-TA-123 (Final)),
West Germany (investigation No. 701-TA-124 (Final));

Hot-rolled carbon steel bar, provided for in TSUSA items 606.8310, 606.8330, and 606.8350, from—The United Kingdom (investigation No. 701-TA-128 (Final)).

On October 21, 1982, the Commission was notified by the United States Steel Corporation, Bethlehem Steel Corporation, Republic Steel Corporation, Inland Steel Corporation, Jones & Laughlin Steel, Inc., National Steel Corporation, and Cyclops Steel Corporation, the petitioners in these investigations, that they wished to withdraw their petitions as to all of the above-mentioned investigations pursuant to section 704(a) of the Act. The Commission has granted these requests.

Issued: October 26, 1982.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29825 Filed 10-28-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations No. 701-TA-191-194 (Preliminary) and 731-TA-104-106 Preliminary)]

Steel Rails From the Federal Republic of Germany, France, the United Kingdom, and Luxembourg; Determination

Determinations

On the basis of the record [1] developed in its investigations Nos. 701-TA-191-194 (Preliminary), the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury,[2] by reason of imports of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the Tariff Schedules of the United States Annotated (TSUSA), from the Federal Republic of Germany,

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[1] The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, Feb. 10, 1982).

[2] Chairman Eckes and Commissioner Haggart determine that there is a reasonable indication of material injury and therefore do not reach the issue of threat of material injury.

France, the United Kingdom, and Luxembourg, upon which bounties or grants are alleged to be paid.

On the basis of the record developed in investigations Nos. 731–TA–104–106 (Preliminary) the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails, provided for in items 610.2010, 610.2020, and 610.2100 of the TSUSA, from the Federal Republic of Germany, France, and the United Kingdom, which are alleged to be sold in the United States at less than fair value (LTFV).

Background

On September 3, 1982, a petition was filed by counsel on behalf of CF&I Steel Corporation with the U.S. International Trade Commission and with the Department of Commerce alleging that an industry in the United States is materially injured or is threatened with material injury, by reason of imports of steel rails from the European Community upon which bounties or grants are alleged to be paid and by reason of imports of steel rails from the Federal Republic of Germany, France, and the United Kingdom which are allegedly being sold at less than fair value. Accordingly, the Commission instituted preliminary investigations under sections 701(a) and 733(a), respectively, of the Tariff Act of 1930 to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of the importation of such merchandise into the United States.

On September 28, 1982, the Commission terminated its investigation No. 701–TA–189 (Preliminary), steel rails from the European Community and instituted investigations Nos. 701–TA–191–194 (Preliminary), steel rails from the Federal Republic of Germany, France, the United Kingdom, and Luxembourg. This action was required in order to conform the scope of the Commission's preliminary countervailing duty investigations with those initiated by Commerce on September 29, 1982.

Notices of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing notices in the **Federal Register** on September 15, 1982 (47 FR 40724) and on October 4, 1982 (47 FR 43812). The conference was held in Washington, D.C. on September 29, 1982, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

On the basis of the record developed in these investigations, we determine, pursuant to section 703(a) of the Tariff Act of 1930, that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails from the Federal Republic of Germany, France, the United Kingdom and Luxembourg which are alleged to be subsidized by their respective Governments.[3] Further, we determine, pursuant to section 733(a) of the Act, that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports of steel rails from the Federal Republic of Germany, France and the United Kingdom which are alleged to be sold at less than fair value.[4] [5] [6]

In a preliminary investigation, the Commission is directed by Title VII of the Tariff Act of 1930 to determine, based upon the best available information at that time, whether there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise that is the subject of the investigation.[7]

Section 771(7) of the Act directs the Commission to consider, in making its determination, among other factors, (1) The volume of imports of the merchandise under investigation, (2) their impact on domestic prices and (3) the consequent impact on the domestic industry.[8]

Domestic Industry

Section 771(4)(A) of the Act defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major portion of the total domestic production of that product."[9] Section 771(10) defines "like product" as a "product which is like, or in the absence of like, most similar in characteristics and uses with the article subject to an investigation."[10]

The imported articles which are the subject of these investigations are steel rails. Both imported and domestic steel rails are finished steel products used to form a continuous runway or track for carrying moving wheel loads.[11] Rails are designed with a head for wheel treads and for guiding wheel flanges, a web for girder strength, and a base for fastening the rail to its support.[12]

Certain types of steel rails are distinguishable based on differences according to shape, weight and composition (e.g. carbon, heat-treated carbon or alloy steel), and with regard to uses. Standard tee rails are by far the most common and are used in open track construction. Their shape resembles the letter T and they have a nominal weight of more than 60 pounds per yard.[13] Crane rails are very similar in shape to standard tee rails, though the web and base are thicker.[14] Such rails are designed to carry heavy concentrated loads.[15] Girder rails are not symmetrical in section and are used in track embedded in pavement.[16]

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[3] Chairman Eckes and Commissioner Haggart determined that there is a reasonable indication of material injury, and therefore do not reach the issue of reasonable indication of threat of material injury.

[4] Chairman Eckes and Commissioners Stern and Haggart have made their determination on a case-by-case basis.

[5] Commissioner Stern notes that, should these affirmative preliminary cases return for final determinations, she does not preclude cumulation if the record developed shows it to be appropriate. *See*, Certain Carbon Steel Products from Belgium, the Federal Republic of Germany, France, Italy, Luxembourg, the Netherlands and the United Kingdom, Inv. Nos. 731–TA–18 through 24 (Preliminary), USITC Pub. 1064 (1980), at 64–67; Carbon Steel Wire Rod from Brazil, Belgium, France and Venezuela, Inv. Nos. 701–TA–148 through 150 (Preliminary), and Inv. No. 731–TA–88 (Preliminary), USITC Pub. 1230 (1982).

[6] Commissioner Frank notes that the principal bases for his affirmative determinations are the significant cumulative impact that these alleged unfair imports have had on the operation and financial condition of the domestic producers, including: adverse employment trends, depressed levels of utitization of capacity, and their possible considerable influence on price. For an extensive discussion on how Commissioner Frank believes the legislative intent on the "low threshold" test in these preliminary investigations should be applied, see Certain Steel Products from Belgium . . . Inv. Nos. 701–TA–86–144, 146, 147 and 731–TA–53–86 (Preliminary), USITC Pub. 1221, February 1982, Views of Commissioner Eugene J. Frank at p. 121–124.

[7] 19 U.S.C. 1671b, 1673b. Material retardation is not an issue in this case.

[8] 19 U.S.C. 1677(7)(B).

[9] 19 U.S.C. 1677(4)(A).

[10] Section 771(10) of the Tariff Act of 1950, 19 U.S.C. 1677(10).

[11] Report, at p. A–3.

[12] *Id.*, at p. A–3.

[13] *Id.*, at p. A–3. Within the broad category of standard tee rails there are variations based on hardness and weight. Carbon tee rails are generally considered to be the basic rails of the railroad industry and are commonly used on main and secondary rail lines. Alloy or heat-treated carbon tee rails are considered to be a premium rail and are used in applications requiring additional strength and wear resistance, such as curves. Heat-treated carbon tee rails and alloy tee rails can be used in similar applications and are regarded as comparable in strength, wear resistance, and production costs. Moreover, standard tee rails having a nominal weight of 60 pounds per yard or less are known as light, or lightweight rails. *Id.* at p.

In this preliminary investigation, the variations in the physical characteristics and uses of the various rails do not warrant designation of different like products. Therefore, we determine that the like product in this investigation consists of all steel rails.[17] Thus, the domestic industry consists of all domestic producers of standard tee, light or lightweight, crane and girder rails.[18]

Condition of the Domestic Industry

During the period covered by this investigation, the steel rail industry has experienced declines in several key economic indicators, particularly during the most recent period, January–June 1982. Between 1979 and 1981, domestic production declined 21 percent from 1,160,000 short tons in 1979 to 923,000 short tons in 1981 and declined another 48 percent in January–June 1982 compared with January–June 1981.[19] Capacity utilization dropped from 85 percent in 1979 to 55 percent in 1981, and to 30 percent in January–June 1982 from 72 percent in January–June 1981.[20]

Total shipments and employment followed similar trends. Shipments declined 16 percent from 1979 to 1981, and declined by 47 percent in January–June of 1982 for corresponding 1981 levels.[21] Employment of workers engaged in the production of steel rails declined 27 percent from 1979 to 1981 and 42 percent in January–June 1982 compared with the same period in 1981.[22]

Profit-and-loss data covered substantially all of U.S. production of steel rails in 1981.[23] The responding firms operated profitably on their steel rail operations during 1979–1981, but during January–June 1982 these profits declined significantly and most firms experienced losses.[24] A primary factor for declining profitability during January–June 1982 was a significant drop in sales volume which resulted in rising average unit costs.[25]

Reasonable Indication of Material Injury or Threat of Material Injury by Reason of Imports[26]

Demand for steel rails and price trends for this product depend largely on the level of activity in the railroad industry.[27] Apparent U.S. consumption of steel rails declined 15 percent from 1979 to 1981, and then declined another 28 percent in January–June 1982 relative to the comparable period in 1981.[28] During the period covered by this investigation, while consumption has declined, the import penetration for each of the countries subject to this investigation has increased.

Information regarding the relationship between prices of the domestic products and prices of the imported products from each country has not been completely developed during the course of these preliminary investigations.[29] Available information indicates that most purchases of steel rails are made on a competitive bid basis. During the course of a year, there are relatively few purchases made, necessarily resulting in sizable tonnages for each purchase and adding to the significance of sales lost due to price. Information which was developed during this investigation regarding sales made on a bid basis indicates that domestic producers have lost sales to imports on the basis of price. Given the price sensitivity which characterizes the market for a fungible commodity such as these steel products, the increasing market share held by the imports from each country provides a further indication of their competitive pressure on the pricing policies of the domestic industry. Further examination of bid prices submitted by domestic and foreign producers for comparable products would be required for a more complete assessment of the impact of imports on domestic pricing policies in any final investigation.

Imports From Federal Republic of Germany

Imports of steel rails from the Federal Republic of Germany increased approximately 40 percent from 47,000 tons in 1979 to 66,000 tons in 1981. As domestic industry conditions worsened in January–June 1982, these imports increased 26 percent to 54,000 tons from 43,000 tons in the corresponding period in 1981. In addition, the percentage of domestic consumption represented by imports from the Federal Republic of Germany rose steadily from 3.7 percent in 1979 to 6.0 percent in 1981. From January–June 1981 to January–June 1982 that percentage rose substantially from 6.5 percent to 11.3 percent.[30] Information provided by a purchaser of rails from the Federal Republic of Germany suggests that the imported product was priced below the domestic product.[31]

With regard to threat, Commissioners Stern and Frank base their determination on the above factors as well as the following information. Imports from the Federal Republic of Germany have increased since 1979, and the rate of increase is significant. There are three firms known to produce steel rails in the Federal Republic of Germany. All are fully integrated steel facilities that produce a wide range of steel mill products. Data are available for Krupp Stahl AG which shows that capacity is not being fully utilized. Data on production, capacity, capacity utilization and exports of steel rails are not available now for the other two producers.[32] Such information should be available in the event of a final determination.

Imports From France

Imports from France increased 61 percent from 18,000 tons in 1979 to 29,000 tons in 1981, and then increased to 42,000 tons in January–June 1982 compared to 14,000 tons in the corresponding period of 1981.[33] As a percentage of apparent U.S. consumption, imports from France increased from 1.4 percent in 1979 to 2.6 percent in 1981. Comparing the periods January–June 1981 to January–June 1982,

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A–3. Light rails are principally used for mining purposes, and for other types of industrial uses. Transcript, at p. 66.

[14] Report, at p. A–3.

[15] *Id.*, at p. A–4.

[16] *Id.*, at p. A–4.

[17] According to information provided to the Commission staff by the U.S. Customs Service, "contact rails are not included in the rails provision of the TSUSA, but rather are classified in TSUSA item 685.90 which includes various electrical apparatus." Report, at p. A–3. Therefore, they are not subject of this investigation.

[18] Commissioners Stern and Haggart note that should these cases return for a final determination, the "like product" and "industry" questions may merit further examination. At that time, we would hope to have more information on characteristics and uses of the various types of steel rails and, in addition, separate trade data and price information for each type of rail.

[19] *Id.*, at p. A–19.

[20] *Id.*, at p. A–19.

[21] *Id.*, at p. A–20.

[22] *Id.*, at p. A–22.

[23] *Id.*, at p. A–23.

[24] *Id.*, at p. A–26.

[25] *Id.*, at p. A–26.

[26] *See*, footnote 1 at p. 3.

[27] Also, recently as a result of lack of capital and high interest rates, the demand for rails has fallen leading to increased competition, discounting and softening of prices for steel rails. *Id.*, at p. A–37.

[28] *Id.*, at p. A–21.

[29] Data developed during the preliminary investigation suggests that there may possibly be various markets for steel rails including the railroad industry, the metropolitan transit authorities, and industrial users. The purchasing decision process followed by these consumers remains unclear. There may be differences with regard to the bidding process, terms of purchase, quality concerns, and the types of rails purchased.

[30] *Id.*, at p. A–35.

[31] *Id.*, at pp. A44–45.

[32] *Id.*, at p. A–11.

[33] *Id.*, at p. A–33.

imports from France as a percentage of apparent U.S. consumption increased from 2.1 to 8.8 percent.[34]

Imports of steel rails from France accounted for ten lost sales based on price, all of which were confirmed.[35] These lost sales totaled 44,963 tons.[36]

With regard to threat, Commissioners Stern and Frank base their determination on the above factors as well as the following information. Imports from France have increased since 1979, and the rate of this increase in imports is high. The French producer Sacilor (Acieries et Laminoirs De Lorraine) is presently operating below capacity.

Imports From the United Kingdom

Imports from the United Kingdom declined from 11,000 tons in 1979 to 5,000 tons in 1981. In January–June 1982, when the strongest showing of injury in the U.S. industry occurred, imports increased to 7,000 tons compared to 3,000 tons in the same period in 1981. In addition, comparing the periods January–June 1981 to January–June 1982, the percentage of domestic consumption represented by imports from United Kingdom increased from .5 percent to 1.5 percent.[37] There were 6 confirmed lost sales on the basis of price totaling 21,598 tons.[38]

With regard to threat, Commissioners Stern and Frank based their determination on the above factors and the fact that the industry in the United Kingdom is operating well below capacity.

Imports From Luxembourg

Imports from Luxembourg increased by 50 percent from 8,000 tons in 1979 to 12,000 tons in 1981, and then to 8,000 tons in January–June 1982 as compared to 7,000 tons in the same period in 1981.[39] The percentage of domestic consumption represented by imports from Luxembourg increased from .6 percent in 1979 to 1.1 percent in 1981, and to 1.7 percent in January–June 1982 as compared with 1.1 percent in January–June 1981.[40]

With regard to threat, Commissioners Stern and Frank based their determination on the above factors as well as the following information.[41] The rate of increase in market penetration is significant and there is substantial excess capacity.

Conclusion

Based on the information collected during the course of these investigations, we conclude that there is a reasonable indication that the domestic steel rails industry is materially injured or threatened with material injury[42] by reason of the allegedly subsidized imports of steel rails from the Federal Republic of Germany, France, the United Kingdom and Luxembourg; and by reason of imports of steel rails from the Federal Republic of Germany, France and the United Kingdom which are allegedly sold at less than fair market value.

By Order of the Commission.

Issued: October 18, 1982.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-29538 Filed 10-28-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in an Action Under the Resource Conservation and Recovery Act and Clean Water Act as Amended by the Comprehensive Environmental Response, Compensation and Liability Act of 1980

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on October 26, 1982, a proposed Consent Decree in *United States* v. *Seymour Recycling Corporation, et al.,* Civil Action No. IP 80-457-C was lodged in the United States District Court for the Southern District of Indiana.

This action was originally filed in 1980 under Section 7003 of the Resources Conservation Recovery Act, 42 U.S.C. 6973 against the owners and generators of the Seymour Recycling hazardous waste facility. An Amended Complaint was filed contemporaneously with the lodging of the Consent Decree. The Amended Complaint adds new parties to the action and alleges causes of action under the Comprehensive Environmental Response Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*

The Consent Decree provides that some of the parties to this action who are alleged to be responsible for disposal and release or threatened releases of hazardous wastes and substances arising out of the presence, storage, treatment, handling, transportation, or disposal of solid and hazardous wastes and hazardous substances at Freeman Field Industrial Park near Seymour, Indiana will undertake to fund and insure completion a total of surface cleanup of the site. The United States has retained its right to proceed against all other responsible parties for the remaining cleanup or costs of cleanup and enforcement.

The proposed decree may be examined at the Office of the United States Attorney, 274 U.S. Courthouse, 46 E. Ohio Street, Indianapolis, Indiana 46204, at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $2.20 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of ten (10) days from the date of this notice (28 CFR 50.7(c)). The 30 day period normally prescribed by 28 CFR 50.7 for receipt of public comment has been shortened. The public interest in obtaining an expeditious start of cleanup activity at the Seymour site to abate a serious public health and environmental hazard and to avoid delay which may be caused by the advent of winter justifies this time reduction. Comments should be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, 10th and Pennsylvania Avenue, N.W, Washington, D.C. 20530, and should refer to *United States* v. *Seymour Recycling Corporation, et al.,* DOJ Reference #62-26S-19.

Mary L. Walker,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-29818 Filed 10-28-82; 8:45 am]

BILLING CODE 4410-01-M

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[34] *Id.,* at p. A-35.

[35] *Id.,* at p. A-45.

[36] *Id.,* at p. A-44.

[37] *Id.,* at p. A-35.

[38] *Id.,* at p. A-44.

[39] *Id.,* at p. A-33.

[40] *Id.,* at p. A-35.

[41] Commissioners Stern and Haggart note that imports from Luxembourg consist primarily of light, girder and crane steel rails. Should this case return for a final investigation, we would hope to have import, production, and price data for these categories of steel rails. Such data would allow for a more precise analysis of allegations of injury due to imports from Luxembourg.

[42] *See,* footnote 1 at p. 3.

Antitrust Division

United States v. National Association of Broadcasters; Proposed Final Judgment

Pursuant to 15 U.S.C. 16(d) the Department of Justice publishes below copies of the public comments, and its responses thereto, on the proposed Final Judgment filed in the case of *United States v. National Association of Broadcasters, Civil Action No. 79-1549.*

Joseph H. Widmar,
Director of Operations, Antitrust Division.

September 9, 1982.

Re Civil Action No. 79-1549

Mr. Stanley M. Gorinson,
Special Regulated Industries Section, Antitrust Division (SAFE-504B), U.S. Department of Justice, Washington, D.C.

Dear Mr. Gorinson, 1. The purpose of this letter is to accept the Department's offer to furnish comments to the proceedings noted above, as directed by briefs filed 16 JUL 82 (Please see page six).

2. In the circumstances, we hold credentials from various geographical states, as an advertising sales executive albeit in the Account Services function. As one of our responsibilities to our Clients, along with our Creative, Media and Research associates, we make serious attempts to remain informed on possible legislative matters which might diminish the effectiveness of Client advertising messages in time periods of programs supplied by and carried on various network stations. Also, we are concerned that one of the results of these actions, could dilute the combined achievements of these important broadcast mediae.

3. While presently, we are not responsible for new advertising campaign preparations nor previous endeavors, the proceedings interest me because of the positions taken as well as their implications. The Plaintiff (the United States of America) seems to have adopted the stance that "television" cannot be regulated, while the Defendent claims that "television" has to be regulated. Experience says to me that the latter position is quite correct, as well as requisite.

4. As we digest and think about the possible detrimental business interruptions which sometimes result in the losses of advertising budgets, broadcast media dollars, market share slumps, market sales downturns and lower earnings which sometimes are distributed (i.e. Company, employee shareholders, external shareholders, pension funds, profit-sharing funds, other incentive funds as well as regular contributions to various federal collection departments); we will remain interested in the future courses of these litigations, as well as alert to their effects relative to business performances.

5. We trust that since 16 JUL 82, the Department has received numerous telephone calls as well as reams of correspondence re these matters.

6. Thank you for the opportunities to a) submit constructive comments and b) register our concerns; particularly as the new 1982-1983 network schedules are announced and become available to us as well as me.

Cordially,

D. D. Crane.

U.S. Department of Justice,
Washington, D.C.

Mr. D. D. Crane,
P.O. Box 1001,
Cranford, N.J.

Dear Mr. Crane: This will respond to your letter of September 9, 1982, concerning the proposed final judgment in *United States* v. *National Association of Broadcasters* ("NAB").

The proposed judgment focuses on the NAB's attempt to set overall standards for the quantity, placement, and format of television advertisements. Entry of the judgment will not affect the jurisdiction of the Federal Communications Commission to regulate television.

I hope this is responsive to your expressed concern about the proposed settlement. Thank you for providing us with your views.

Sincerely yours,

Stanley M. Gorinson,
Chief, Special Regulated Industries Section, Antitrust Division.

Taxpayers Unanimous
San Jose, Calif., August 4, 1982.

William French Smith,
Attorney General, 1914 Connecticut Ave., Washington, D.C.

Dear Sir: I have read with amazement, a recent Los Angeles Times article, datelined Washington, D.C. in which it stated that your office had filed a suit in 1979 that sought to lift the restrictions as now imposed by the National Association of Broadcasters on the number of minutes and the number of ads that can be foisted on the viewing audience in this country. It further stated that a consent decree is now before the U.S. District Judge Harold H. Greene.

The current ratio on prime time (KGO, ABC affiliate, San Francisco) is 46 minutes of air time to subject matter and 14 minutes devoted to ads. Assuming seven 2 minute ads per hour that would mean an interruption of the program every 6⅝ minutes, and you want to change that. I can remember the time when there was a break in the program twenty after the hour and 20 minutes before the hour. This country has come since that time and not for the better. What one must assume will occur from your suit and consent decree that TV viewing bill become a moving billboard of advertising interspered every 3¼ minutes with the story line.

Your suit raises some interesting questions and the paramount one is the First Amendment to the United States Constitution. The air and sea lanes that you are attempting to deregulate belong to people and all broadcasting stations have a limited "license to operate", subject to the review and cancellation if operated improperly.

We strongly urge you to drop this suit and its consent decree and instead prepare legislation to be submitted to Congress that advertising limits be mandated to all radio and TV stations, to adopt a two or at most three ad breaks an hour and that ad time be cut back to no more than 10 minutes of advertising per hour.

Sincerely yours,

Hal M. Rogers,
President.

U.S. Department of Justice,
Washington, D.C.

Mr. Hal M. Rogers,
385 Delmas Avenue, San Jose, Calif.

Dear Mr. Rogers: This will reply to your August 4, 1982 letter to the Attorney General concerning the Department's lawsuit against the National Association of Broadcasters ("NAB").

On June 14, 1979, the United States filed a civil antitrust complaint against the NAB alleging that the NAB had violated Section 1 of the Sherman Act, by combining and conspiring to restrain trade. Specifically, the complaint alleged that the NAB had promulgated and enforced a television code, certain provisions of which restricted the quantity, placement, and format of television advertisements.

In response to the parties' cross-motions for summary judgment, the District Court on March 3, 1982, issued an Opinion and Order which denied NAB's motion and which granted in part the Government's motion for summary judgment. The Court found NAB's "multiple product" rule to be illegal under the Sherman Act. This rule restricted the number of products that could be advertised within a single advertisement of less than 60 seconds' duration. The Court accordingly entered an Order requiring the NAB to cease enforcement of that rule immediately. The Court held that the merits of the Government's other allegations could be determined only after trial.

In July 1982, the Government and the NAB agreed to a proposed Final Judgment to settle the lawsuit. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed judgment is conditioned on determination by the Court that the proposed Final Judgment is in the public interest. The proposed Final Judgment orders the NAB to stop disseminating or enforcing the specific Code provisions challenged in our suit, and forbids the NAB to adopt any other rules respecting the quantity, length, or placement of non-program material on television, or any rule respecting the number of products or services to be advertised within a single non-program announcement on television.

Regarding your concern that an excessive amount of advertising could result from this settlement, it is important to bear in mind that the proposed Final Judgment does not prohibit each individual station from setting its own advertising standards. Moreover, as you may know, for many years the Federal Communications Commission has monitored broadcaster advertising practices in the course of license renewals. Thus, mechanisms exist, other than a group of competitors acting through a trade association, to monitor and to prevent overcommercialization.

I hope this answers the concerns you may have had about the settlement of this lawsuit. As you requested, we are enclosing copies of the complaint and the proposed Final Judgment.

Sincerely,

Stanley M. Gorinson,
Chief Special Regulated Industries Section, Antitrust Division.

Bohn & Kaplan,
Boston, Mass., September 24, 1982.
Stanley K. Gorinson,
Chief, Special Regulated Industries Section, Antitrust Division (SAFE 504B), Department of Justice, Washington, D.C.

Dear Mr. Gorinson: I am enclosing herewith, on behalf of Action for Children's Television, their comments and response to the Proposed Final Judgment in *United States v. National Association of Broadcasters,* Civil Action No. 79–1549, pursuant to a request for such comments from the Justice Department published in the **Federal Register** (47 F.R. 32810, July 29, 1982).

Very truly yours,

Honora Kaplan, Esq.

Enclosure.

United States District Court for the District of Columbia

United States Plaintiff v. *National Association of Broadcasters, Defendant*

C.A. No. 79–1549

Action for Children's Television's Comments and Response to Proposed Final Judgment

Introduction

Action for Children's Television (ACT) is a national advocacy organization concerned with children's television experiences, and particularly with the elimination of commercial abuses from children's television. The special problems of television advertising directed to children must be taken into account in considering the Final Judgment proposed by the U.S. District Court for the District of Columbia in *United States* v. *National Association of Broadcasters,* Civil Action No. 79–1549, which would enjoin the operation and enforcement of the National Association of Broadcasters (NAB) Code. See Point I, *infra.* We therefore urge the Court to consider ACT's comments contained herein when issuing its final orders, and to revise the proposed Final Judgment to permit continuation of the Code provisions relating to children's television advertising.

Argument

I. The Court has the authority, and indeed the duty, to consider the public interest in the area of children's television advertising

In light of the recent decision of the Court in *U.S.* v. *AT&T,* — F. Supp. —, Civ. Act. No. 74–1698, filed August 11, 1982, no extensive discussion of this matter is needed here. In Point II, Sl. Op. 25–36, the Court carefully and soundly "set out the standards which will guide the Court's public interest review" under the Tunny Act, 15 U.S.C. Sec. 16(e) (*id.* at 25). Specifically, the Court stated (*id.* at 30–31):

"While the issue of competition and the effects on competition which are at the heart of the antitrust laws should thus be deemed matters of paramount concern, it is clear from the cases that other factors are not irrelevant. [footnote ommitted] As the Supreme Court has put it, antitrust violations should be remedied 'with as little injury as possible to the interest of the general public' and to relevant private interests. *United States* v. *American Tobacco Co.,* 221 U.S. 106, 185 (1911). See also *United States* v. *E.I. duPont de Nemours,* 366 U.S. 316, 327–28 (1961). When choosing between effective remedies, a court should impose the relief which impinges least upon other public policies. *United States* v. *American Tobacco Co., supra; United States* v. *E.I. duPont de Nemours, supra; United States* v. *Terminal Railroad Ass'n.,* 224 U.S. 383, 410 (1912). [footnote omitted] Thus, the Court would be justified in rejecting the proposed decree or requiring its modification [footnote ommitted] if it concluded that the decree unnecessarily conflicts with important public policies other than the policy embodied in the Sherman Act."

And the Court concluded (*id.* at 35–36):

"The Court concludes that, taking into account the various legislative and decisional mandates discussed above, it will apply the following standard to its evaluation of the proposed decree. After giving due weight to the decisions of the parties as expressed in the proposed decree, the court will attempt to harmonize competitive value with other legitimate public interest factors. If the decree meets the requirements for an antitrust remedy—that is, if it effectively opens the relevant markets to competition and prevents the recurrence of anticompetitive activity all without imposing undue and unnecessary burdens upon other aspects of the public interest—it will be approved. [footnote omitted] If the proposed decree does not meet this standard, the Court will follow the practice applied in other Tunney Act cases [footnote omitted] and as a prerequisite to its approval, it will require modifications which would bring the decree within the public interest standard as herein defined." [footnote omitted]

The Court also stated (*id.* at 32) that the *AT&T* case "is not an ordinary antitrust case." As we shall show (Point III, *infra*), the instant case is also not an ordinary antitrust case from the standpoint of limitations on children's television advertising. On the contrary, in that regard, we have the extraordinary spectacle of one branch of the Government—the Antitrust Division—attacking the legality of a practice that was deliberately fostered and relied upon by another branch, the Federal Communications Commission (FCC), with full and indeed "leading" authority to so act. See *ACT* v. *FCC,* 564 F.2d 458, 482, (D.C. Cir. 1977).

II. There is a special and heightened public interest requirement that there be no over-commercialization in the area of children's television.

A. *Impact of Television on Children.* Television plays a major and pervasive role in the lives of children. More than 98% of all American homes have one or more television sets; the average preschooler spends more time watching television than at any other single activity except sleeping. By the time a child graduates from high school, he or she will have spent, on average, 15,000 hours watching television and only 11,000 hours in the classroom.

Moreover, television exercises an enormous influence on children.[1] In a world where 90 percent of American three-year-olds can identify the cartoon character "Fred Flintstone," but only half of the world's adults recognize their national leaders, we must acknowledge the power and impact of television on America's 42 million children.

B. *Television Advertising and Children's Cognitive Development.* While both adult and children's commercial television programming is supported through advertising, children and adults perceive and respond to television messages in significantly different ways. Children are not simply small adults: Their cognitive abilities develop through several stages over time.[2] This is dramatically illustrated by numerous studies of children's reactions to television commercials.[3] There is general agreement that young children place indiscriminate trust in television advertising: they focus on the concrete, the tangible and the immediate as opposed to the abstract; they are often unable to distinguish between fantasy and reality; and they do not understand the persuasive or selling intent in advertising.[4] Accordingly, children are often convinced of the superiority of a product by such factors as the familiarity of the character who touts it. For example, in a recent study, more than half of the 4–7 year-olds studied expressed a desire to eat "Cocoa Pebbles" breakfast cereal because Fred Flintstone liked it.[5]

Of all television audiences, children are the most vulnerable and the least able to understand the exaggerations and ambiguities inherent in persuasive 30-second commercials. The NAB has attempted to address some of the problems related to children's television advertising by limiting the number of commercial minutes for children's television, by regulating multiple products advertised in a single commercial, and by insisting on clear separation between program and non-program material.[6] The repeal of these and other provisions in the NAB Code would adversely affect the nation's 42 million children who watch commercial television.

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[1] See, for example, *Television and Behavior, Vol. I,* National Institute of Mental Health, 1982.

[2] Piaget, J. *The Child's Conception of the World* (London: Routledge & Kegan Paul Ltd., 1967) first published, 1929); Piaget, J. *The Origins of Intelligence in Children* (New York: International Universities Press, 1952).

[3] See attached bibliography.

[4] National Science Foundation, *Research of the Effects of Television Advertising to Children,* 30 (1977).

[5] Atkin, "Effects of Television Advertising on Children," *Children and the Faces of Television,* Palmer and Dorr, ed. (New York, 1980).

[6] This latter provision (i.e., clear separation) is not in issue under the proposed Final Judgment; however, with the entry of the Judgment, the entire Code would then be set aside by the NAB. Therefore, as a practical matter, the Court's treatment of children's television advertising will be determinative of all aspects of the Code. Stated defferently, if the advertising limitations at issue are retained, all aspects of the Code as to children's television advertising will continue. If, on the other hand, the limitations at issue are ended, the entire Code will terminate.

C. *Children and the Television Marketplace.* The operation of free and fair competition in the marketplace is an important public policy objective, articulated by Congress in antitrust and other legislation. However, competition does not take place in a vacuum, and must incorporate the concept of the consumer. Thus, in addition to free and fair competition *among* sellers, there are other prerequisites to a competitive marketplace dynamic: the notion of a willing seller and a willing buyer, the existence of an arm's length transaction, a "meeting of the minds," and a relatively equivalent bargaining position between and among the parties. In order to further a competitive environment, the concept of "informed consumer choice" has, in recent years, tempered the archaic notion of "caveat emptor"—"let the buyer beware". This is in large measure a result of legislative and judicial recognition that modern marketplace transactions are no longer a consequence of two relatively equal individuals bargaining over a tangible product.[7] When the target consumer or buyer is a child who is easily persuaded or confused by television advertising, the notion of "caveat emptor" becomes ludicrous.

A free and competitive marketplace will not be promoted by eliminating or restricting viable mechanisms that protect the child consumer. The portion of the NAB Code that sets guidelines for children's television commercials is one such mechanism. It clearly recognizes the inherent inequality, in this instance, of the consumer's position *vis a vis* the seller or advertiser. This disparity is particularly striking because the consumer group is comprised of children.

D. *Special Status of Children.* Both statutory and common law have recognized the unique and special status of children, and have afforded them protection against the consequences of their immature acts and judgments. For example, there are legal age limits regarding marriage, voting, working in certain occupations, driving, and seeking and holding office. Congress has also addressed the special needs of children, and has enacted legislation in such areas as labor standards, Headstart, and school lunches to protect and promote the interests of children.

In the marketplace, the law permits minors to void their contracts to protect them against their own improvident acts as well as against the designs of unscrupulous persons.[8] Because children differ from adults in their experience as consumers as well as in their level of cognitive development, they have been described as "too young to be capable of exercising an intelligent judgment . . ."[9] in the marketplace. Consequently, the law has imposed additional legal constraints on advertising directed to children,[10] as well as more stringent controls on broadcast communications directed toward them.[11]

The NAB Code has also recognized the special needs and characteristics of children. It takes into account their developmental level and skills, as well as the fact that television advertising is the primary vehicle for reaching and persuading children to "participate" in the marketplace. The mantle of protection resulting from the Code's provisions would be destroyed by enjoining its enforcement and operation, at least insofar as children are concerned.

III. The limitations on overcommercialism in children's television in the NAB Code were fostered by the FCC and expressly found to serve the public interest by that agency and to be lawful by the Court of Appeals

As stated, this case presents a most extraordinary situation with respect to one aspect—limitations on children's television advertising. The leading agency of the Government in the field, the FCC, vigorously fostered the self-regulatory effort (i.e., the NAB Code); it then expressly relied upon the Code and found it markedly to serve the public interest; and, upon appeal, it successfully defended that reliance as permissibly falling within its authority. Under these circumstances, we submit that there is the strongest possible public interest case for continuation of the children's television advertising Code limitations.[12]

In 1970, ACT initiated the Children's Television Proceeding before the Federal Communications Commission (Docket No. 19142). In response to this proceeding and to more than 100,000 letters from citizens across the country, the FCC issued the *Children's Television Report and Policy Statement.*[13] The Report clearly stated that "broadcasters have a special obligation to serve children."[14] However, the Commission eschewed promulgating regulations related to programming or advertising practices, relying instead on industry self-regulation.[15]

In the sections of the *Report* dealing with television advertising, the FCC stated that the Commission's "statutory responsibilities include an obligation to insure that broadcasters do not engage in excessive or abusive advertising practices."[16] Indeed, the Commission noted that "the Federal Government has been concerned about the problem of over-commercialization in general since the beginning of broadcast regulation."[17] It went on to state:

"If our policy against over-commercialization is an important one, and we believe that it is, it is particularly important in programs designed for children. Broadcasters have a special responsibility to children. *Many of the parties testified, and we agree, that particular care should be taken to insure that they are not exposed to an excessive amount of advertising.* It is a matter of common understanding that, because of their youth and inexperience, children are far more trusting of and vulnerable to commercial "pitches" than adults. There is, in addition, evidence that very young children cannot distinguish conceptually between programming and advertising; they do not understand that the purpose of a commercial is to sell a product. Since children watch television long before they can read, television provides advertisers access to a younger and more impressionable age group than can be reached through any other medium. For these reasons, special safeguards may be required to insure that the advertising privilege is not abused. As the Supreme Court stated, '[i]t is the interest of youth itself, and of the whole community that children be . . . safeguarded from abuses.' "[18]

The Commission then made the following judgment:

"Although advertising should be adequate to insure that the station will have sufficient revenues with which to produce programming which will serve the children of its community meaningfully, the public interest does not protect advertising which is substantially in excess of that amount . . ."[19]

The Commission clearly recognized the problems associated with children's television advertising, and thus deliberately fostered the efforts of the television industry, to regulate itself. The then Chairman urged the industry to adopt self-regulating measures, and met with NAB officials to promote such measures.[20]

The Commission made the following findings in the *Report:*

"Since children are less able to understand and withstand advertising appeals than adults, broadcasters should take the special characteristics of the child audience into consideration when determining the appropriate level of advertising in programs designed for them. *Many broadcasters substantially exceed the level of advertising that represents the best standard followed generally in the industry. The Television Code of the National Association of Broadcasters,* for example, permits only nine minutes and thirty seconds of non-program material (including commercials) in 'prime-time' programming (i.e. 7:00–11:00). In contrast, many stations specify as much as sixteen minutes of commercial matter an hour for those time periods in which most children's program are broadcast . . ."

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[7] See, for example, the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act, Pub. L. No. 93–637, 88 Stat. 2183 (1975) (codified in scattered sections of 15 U.S.C. (1976)).

[8] Wood, "Validity of Transactions with Minors and Incompetents," 1951 *U. Ill. L.F.* 212, 217 (1951).

[9] *FTC v. R. F. Keppel and Bro., Inc.,* 291 US 304, 309 (1934).

[10] *Id.*

[11] *FCC vs Pacifica Foundation,* 438 US 726, 755–62 (1978) (Powell, J., concurring); see also *Ginsberg vs New York,* 390 US 629 (1968).

[12] We also point out another unusual aspect of the case: the complete failure of the Competitive Impact Statement (CIS) to deal with the above, even though Justice was well aware of the history in light of pleadings filed by the defendants.

[13] 50 F.C.C. 2d 1, 1974 (hereinafter *Report*).

[14] *Id.* at 5. The Commission recently reaffirmed the viability of the *Report* in a *Memorandum Opinion and Order* denying three petitions to deny television license renewal applications, FCC 82–162, adopted April 1, 1982, released April 8, 1982.

[15] *Id.* at 13.

[16] *Id.* at 8–9.

[17] *Id.* at 10.

[18] *Id.* at 11, (citations omitted, emphasis added).

[19] *Id.* at 12.

[20] See *ACT* v. *FCC, supra,* at 464; *Report, supra,* at 13:

"The issue remains, however, whether the Commission should adopt per se rules limiting the amount of advertising on programs designed for children or await the results of the industry's attempt to regulate itself. The decisions of the NAB and the INTV to restrict advertising voluntarily are recent developments which occurred during the course of this inquiry and after consultation with the Commission's Chairman and staff . . ."

See also *Broadcasting Magazine,* June 17, 1974, n. 4; June 24, 1974, 38–40; July 1, 1974, 20; July 8, 1974, 24; July 29, 1974, 22.

"On the basis of this proceeding, the *Commission believes that in many cases the current levels of advertising in programs designed for children are in excess of what is necessary for the industry to provide programming which serves the public interest* . . .

"The standards adopted by the two associations (NAB and INTV) are comparable to the standards which we would have considered adopting by rule in the absence of industry reform." [21]

The Commission viewed industry self-regulation as an appropriate, and indeed, preferable alternative to governmental intervention:

". . . every opportunity should be accorded to the broadcast industry to reform itself because self-regulation preserves flexibility and an opportunity for adjustment which is not possible with *per se* rules." [22]

Of particular significance to the proposed Final Judgment in *United States* v. *National Association of Broadcasters* was the Commission's finding that industry self-regulation of television advertising directed to children served the public interest.

"The Commission commends the industry for showing a willingness to regulate itself. *Broadcasting which serves the public interest results from actions such as these* which reflect a responsive and responsible attitude on the part of broadcasters toward their public service obligations . . ." [23]

This FCC policy was strongly supported by the U.S. Court of Appeals in the District of Columbia Circuit in *Action for Children's Television* v. *Federal Communications Commission.*[24] The Appeals held, *inter alia,* that the Commission's reliance on industry self-regulation was both traditional and appropriate, and that such industry reforms "improved the quality of children's television." [25] Moreover, the Court saw "*no compelling reason* why the Commission should not be allowed to give the industry's self-regulation efforts a reasonable period of time to demonstrate that they will be successful in rectifying the inadequacies of children's television. . . ." [26]

The Court viewed the NAB Code as a reflection and embodiment of FCC policy and "an encouraging sign that it (industry) would be sufficiently responsive to obviate the need for substantial government intrusion into areas which, for good reasons, licensees traditionally have exercised considerable discretion." [27] It was precisely to preserve this discretion and to promote Commission policies that the Court supported the FCC's action.[28] Moreover, it emphasized that there existed a "public interest obligation of every licensee to respond in good faith to these policies." [29] Since the Court of Appeals indicated that the NAB Code's provisions relating to children's television advertising were an approprate mechanism through which to implement Commission policy, it would be contrary to public policy and the public interest to eliminate these provisions.

It may be argued that there is no need to maintain the Code because the Commission has full power to adopt general rules or to enforce policies in this area on an *ad hoc* basis. However, that very argument was at the heart of the children's television proceeding in the FCC Docket No. 19142. The FCC, the expert agency entrusted by Congress to deal with this issue, rejected that argument, and found that industry self-regulation, with appropriate FCC renewal licensing supervision, markedly served the public interest (including avoiding undue intrusion in areas where license discretion is desirable); furthermore, the Court of Appeals affirmed that judgment.

IV. There are no countervailing considerations that outweigh the clear and compelling public interest in retaining the Code as to children's television advertising

It is thus clear error not to consider the strong public interest considerations set forth above. We further maintain that in any balancing process, such public interest consideration must win out: there are no countervailing factors that outweigh it.

In this regard, we, of course, recognize that the proposed Final Judgment in *United States* v. *National Association of Broadcasters* is directed toward eliminating unfair and illegal restraints on trade, and toward furthering Congressional policy and the public interest embodied in antitrust laws. We acknowledge that the supply of advertising time should not be artificially manipulated, nor its cost artificially raised. However, the advertising time involved here is very small; it is limited largely to weekend mornings.[30] Because of this constricted window, there would be no clear benefit to the advertiser from the elimination of the Code. Indeed, the Commission itself noted that the "economic data indicates that there is an inelasticity of demand" for advertising on children's programs.[31] The "anticompetitive effect" of the Code's provisions relating to children's advertising would therefore be *de minimus,*[32] and hence does not warrant their repeal.

We would further point the Court's attention to the recent *Pacifica* case,[33] wherein the Supreme Court balanced strong First Amendment interests against the needs of children. Even the preservation of "an uninhibited marketplace of ideas" [34] under the First Amendment was restricted to accommodate and protect the interests of children. It is precisely because of "the unique characteristics of the broadcast media, combined with society's right to protect its children . . ." [35] that we urge the Court's consideration of the interests of children in its proposed Final Judgment. The marketplace of mere material objects is surely no more sacrosanct than the marketplace of ideas. In both arenas, the interests of children must be protected.

To inundate children's television with excessive numbers of commercials and confusing numbers of products in an effort to benefit the child consumer is an extraordinary position for the government to take. There will be no benefit to children, no benefit to children's television programming, and no clear benefit to the advertiser. The price of advertising directed to children might decrease slightly, but the real cost to children will increase dramatically.

As shown (Point I), the public interest served by the Sherman Act must therefore be balanced by the Court against the public interest served by the provisions relating to children's television advertising contained in the NAB Code. While the Code represents only a partial response to the problems associated with television advertising directed to children, it is nonetheless an effective mechanism sanctioned by the FCC and the U.S. Court of Appeals.

"The law is not made for experts but to protect the public, the vast multitude which includes the ignorant, the unthinking and the credulous . . ." [36] Children are clearly among the most vulnerable and "credulous" of groups, and therefore need and deserve special consideration, treatment, and protection. In the area of television advertising, the public interest strongly calls for the U.S. District Court to carve out an exception to its Order which would permit the NAB to retain those Code provisions relating to children's television advertising.

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[21] *Id.* at 12–13 (emphasis added).

[22] *Id.* at 18.

[23] *Id.* at 13 (emphasis added).

[24] 564 F.2d 458 (1977).

[25] *Id.* at 464.

[26] *Id.* at 480 (emphasis added).

[27] *Id.* at 481.

[28] Significantly, the Court also stated (*id.* at 482):

". . . The Commission, as the expert agency entrusted by Congress with the administration and regulation of the crucial, dynamic communications field, requires and deserves some latitude in carrying out its substantial responsibilities. It may not be the sole guardian of the public's interest in broadcasting—licensees, the courts and the general public in varying ways share responsibility with it for defining and advancing that interest—but, in the formulation of broadcast policy, the Commission nevertheless must continue to play a leading role."

[29] *Id.* at 481.

[30] F. Earle Barcus, "Weekday Daytime Programming for Children Reported in U.S. Television Station Renewal Applications," September, 1981 (see attached summary).

[31] *Report, supra* at 12.

[32] *U.S.* v. *National Association of Broadcasters,* Civil Action No. 79–1549, Opinion, March 3, 1982 at 29, fn 74.

[33] *FCC* v. *Pacifica Foundation, supra.*

[34] *Red Lion Broadcasting Co.* v. *FCC,* 395 U.S. 367, 390 (1969).

[35] *FCC* v. *Pacifica Foundation, supra* at 762.

[36] *Aronberg* v. *Federal Trade Commission,* 132 F2d 165, 167 (1942).

V. Alternatively, the Court should refer this matter to the FCC before reaching a final determination

We believe that we have set forth a sound case for exempting the Code provisions relating to children's television advertising. If, however, the Court does not decide upon this course, we urge an alternative: that the Court, without delay, enter the proposed Final Judgment except as to that aspect dealing with children's television advertising, and, as to that aspect only, that the Court refer the matter to the Federal Communications Commission for an analysis and reasoned opinion and act after receipt of the Commission's opinion.

Again, the recent holdings of this Court are most pertinent. In *U.S.* v. *AT&T,* 461 F. Supp. 1314, 1329–30, n. 45, this Court, described circumstances where a referral to the FCC would be "appropriate":

"It is clear from *Ricci* v. *Chicago Mercantile Building, supra,* that a referral is appropriate particularly where there is a need to resolve possible conflicts between the objectives of the antitrust laws and the regulatory standards, and where an adjudication of such issues by the regulatory body will be of material aid in the ultimate decision of the antitrust issues."

See also *Ricci* v. *Chicago Mercantile Building,* 409 U.S. 289, 299–300 (1973); *Writers Guild of America* v. *ABC,* 609 F2d 355, 363 (9th Cir. 1979), *cert. denied* 101 S. Ct. 85 (1980); *U.S.* v. *AT&T,* 427 F. Supp. 57, 61–62 (D.C. Cir. 1976) (J. Waddy).

In the instant case, there is a need to resolve not possible but *patent* conflicts between the objectives of the antitrust laws and the regulatory standard of public interest "in the larger and more effective use of radio" (Section 203(g), 47 U.S.C. 303(g); *NBC* v. *U.S., 190, 219, (1943)). There is also a need for the analysis and views of the expert agency on the effect of the elimination of the Code on the public interest objectives it sought to promote in the Children's Television Report and Policy Statement, supra,* and its effect on possible economic benefits, a matter touched on by the FCC in the *Report, supra,* but on which the Court has had no evidence presented.

Finally, there is no question of the authority of the Court so to proceed. As the Court noted in its *AT&T* opinion of August 11, 1982, *supra,* Sl. Op. at 16–19, under the Tunney Act:

"Procedurally the Court may . . .

(2) . . . request and obtain the views, evaluations, or advice of any . . . agency of government with respect to any aspects of the proposed judgment or the effect of such judgment, in such manner as the court deems appropriate; 15 U.S.C. 16(e), (f)"

Failure to obtain the views of the agency would constitute arbitrary action in the unusual circumstances here before the Court (see Point III). Moreover, obtaining such views in no way denigrates the "final authority" of the Court to act. *Ricci v. Chicago Mercantile Building, supra,* 409 U.S. at 305; *U.S. v. AT&T, supra,* 427 F. Supp. at 62.

Conclusion

For the foregoing reasons, we strongly urge the Court to make one narrow exception in its Order entering Final Judgment to permit the NAB to retain the Code provisions relating to children's television advertising. Alternatively, we urge that the Court enter the proposed Final Judgment with but one exception—the area of children's television advertising; and that it refer this one aspect of the matter to the FCC for its analysis, views and advice and act on this aspect only after receipt of the Commission's opinion. Finally, if the Court determines to deny both requests, we seek intervention for the limited purpose of appealing the order on the grounds set forth in Points, III, IV, and V, above. Cf. *U.S. v. AT&T supra,* Sl. Op. at 162–64.

Respectfully submitted, Action for Children's Television, 46 Austin Street, Newtonville, Massachusetts.

By its attorneys, Bohn & Kaplan, 160 Milk Street, Boston, Massachusetts.

Honora Kaplan, Esq.

Robert H. Bohn, Jr., Esq.

Selected Bibliography on Cognitive Development of Children

Adler, R. *Research on the Effects of Television Advertising on Children.* Washington, D.C.: U.S. Government Printing Office, 1977.

Bandura, A. *Social Learning Theory.* Englewood Cliffs, N.J.: Prentice Hall, 1977.

Bandura, A. "Vicarious Processes: A Case of No-Trial Learning," in *Advances in Experimental Social Psychology,* Vol. 2, L. Berkowitz, ed. New York: Academic Press, 1965, pp. 1–55.

Bandura, A., J. E. Grusec, and F. L. Menlove. "Observational Learning as a Function of Symbolization and Incentive Set," *Child Development,* 37, 1966, pp. 499–506.

Bohannon, J. N. and B. Z. Friedlander. "The Effects of Intonation on Syntax Recognition in Elementary School Children," *Child Development,* 44, 1973, pp. 675–677.

Brown, A. "The Development of Memory: Knowing, Knowing About Knowing, and Knowing How to Know," in *Advances in Child Development and Behavior, Vol. X,* Reese, ed. New York: Academic Press, 1975.

Coates, B. and W. W. Hartup. "Age and Verbalization in Observational Learning," *Developmental Psychology,* 1, 1969, pp. 556–562.

Collins, W. A. "Learning of Media Content: A Developmental Study," *Child Development,* 41(4), 1979, pp. 1133–1142.

Comstock, G. A., S. H. Chaffee, N. Katzman, M. McCombs, and D. Roberts. *Television and Human Behavior.* New York: Columbia University Press, 1978.

Cook, T. and D. Campbell. "The Design and Conduct of Experiments and Quasi-Experiments in Field Settings," in *Handbook of Industrial and Organizational Research,* M. Dunnette, ed. Chicago: Rand McNally, 1975.

Federal Trade Commission, *Staff Report on Television Advertising to Children,* Prepared for the Federal Trade Commission, (February), 1978.

Flavell, J. H. *Cognitive Development.* New Jersey: Prentice-Hall, 1977.

Flavell, J. H. "Developmental Studies of Mediated Memory," in *Advances in Child Development and Behavior,* Vol. 5, L. P. Lipsitt and C. C. Spiker, eds. New York: Academic Press, 1970.

Flavell, J., D. Beach, and J. Chinskey. "Spontaneous Verbal Rehearsal in a Memory Task as a Function of Age," *Child Development,* 37, 1966, pp. 283–299.

Friedlander, B. "Automated Evaluation of Selective Listening in Language-Impaired and Normal Infants and Young Children," in *Exceptional Infant, Vol. 3: Assessment and Interventions,* B. Friedlander, G. Sterritt, and G. Kirk, eds. New York: Brunner/Mazel, 1975.

Friedlander, B. Z. and H. Cohen de Lara. "Receptive Language Anomaly and Language/Reading Dysfunction in 'Normal' Primary-Grade School Children," *Psychology in the Schools,* 10, 1973, pp. 12–18.

Galst, J. "Television Food Commercials and Pro-Nutritional Public Service Announcements as Determinants of Young Children's Snack Choices," Comment submitted to Children's Television Advertising Rulemaking, November, 1978.

Gelman, R. "Cognitive Development," *Annual Review of Psychology,* 29, 1978, pp. 297–232.

Goldberg, M. and G. Gorn. "Experimental Assessment of the Effects of TV Food Messages on Children." Paper presented to the annual meeting of the American Psychological Association, New York City, September, 1979.

Goldberg, M., G. Gorn, and W. Gibson. "TV Messages for Snack and Breakfast Foods: Do They Influence Children's Preferences?" *Journal of Consumer Research, 5* (September, 1978), pp. 73–81.

Gorn, G. and M. Goldberg. "Children's Responses to Repetitive Television Commercials," *Journal of Consumer Research, 6,* 1980, pp. 421–424.

Gussow, J. "Mass Media Influences on Behavior and Food Habits: Counter Nutritional Messages of TV Ads Aimed at Children," *Journal of Nutrition Education,* 4, 1972, pp. 48–52.

Lemnitzer, N., D. B. Jeffrey, M. J. Hess, J. S. Hickey, and J. Stroud. "Children's Television Food Advertising: Does It Affect Eating Behavior?" Paper presented to meeting of the Society for Research on Child Development, San Francisco, March, 1979.

Levin, S., T. Petros, and F. Petrellas. "Preschool Children's Comprehension of Television Advertising." Paper presented at the meeting of the Midwestern Psychological Association, Chicago, 1979.

Maccoby, E. E. "Role-taking in Childhood and its Consequences for Social Learning," *Child Development,* 30, 1959, pp. 239–252.

McGuire, W. J. "Persuasion, Resistance, and Attitude Change," in *Handbook of Communication,* I. de Sola Pool and F. W. Frey, eds. Chicago: Rand McNally College Publishing Company, 1973.

Media Access Project, Comment submitted to Children's Television Advertising Rulemaking, November, 1978.

Piaget, J. *The Origins of Intelligence in Children.* New York: International Universities Press, 1952.

Roberts, D. "Children's Information Processing: Perceptions of and Cognitions About Television Commercials and Supplemental Consumer Information." Comment submitted to Children's Television Advertising Rulemaking, November, 1978.

Roberts, D. and C. Bachen. "The Impact of Within-Ad Disclosures vs. Supplemental Nutrition Messages on Children's Understanding of the Concept of a 'Balanced Breakfast' ". Technical Report submitted to the Federal Trade Commission, Division of National Advertising, Bureau of Consumer Protection, November, 1978.

Roberts, D. and W. Gibson, "Children's Comprehension of Animated Health and Safety Public Service Announcements: An Evaluation." Technical Report submitted to ABC Television, Inc., February, 1979.

Roberts, D., W. Gibson, and C. Bachen. "The Impact of Animated Public Service Announcements on Children's Responses to Questions About Health and Safety." Technical Report submitted to ABC Television, Inc., May, 1979.

Shantz, C. V. "The Development of Social Cognition," in *Review of Child Development Research*, E. M. Hetherington, ed. Chicago: University of Chicago Press, 1975.

Wackman, D., E. Wartella, and S. Ward. "Children's Information Processing of Television Advertising," *Final Report*, National Science Foundation, 1979.

Ward, S., D. Wackman, and E. Wartella. *How Children Learn to Buy: The Development of Consumer Information Processing Skills*, Beverely Hills, California: Sage Publication, 1977.

Summary of the Report

This study examined information about program service for children submitted by 588 commercial television stations to the Federal Communications Commission (FCC) as part of their license renewal applications. The purpose of the study was to determine the amount of commercial children's programming aired on weekdays between the hours of 6:00 a.m. and 6:00 p.m.

This study did not attempt to define "children's programs." All programs listed as such in license renewal exhibits were included in this study.

The major findings of the study are:

Regularly Scheduled Weekday Programming for Children

1. A per week total of 2,478 weekday hours of regularly scheduled children's programming was reported. The average was 4.21 hours per week per station—approximately 50 minutes per day.

2. Approximately 30% of all regularly scheduled programming was network-originated, the remainder being recorded, syndicated, or locally originated.

3. 29% of the stations reported no regularly scheduled children's programs between 6:00 a.m. and 6:00 p.m.

4. 45% of the stations reported no regularly scheduled children's programs between 6:00 a.m. and 2:00 p.m.

5. 62% of the stations reported no regularly scheduled children's programs between 2:00 p.m. and 6:00 p.m.

6. Approximately 70% of network-affiliated stations reported no regularly scheduled children's programs between 2:00 p.m. and 6:00 p.m.

7. "Captain Kangaroo" (CBS): [1]

- "Captain Kangaroo" was the only regularly scheduled network program.
- "Captain Kangaroo" represented 29% of all regularly scheduled program hours reported by all stations.
- "Captain Kangaroo" represented 43% of all regularly scheduled program hours reported by network affiliates.
- "Captain Kangaroo" represented 48% of all regularly scheduled program hours between 6:00 a.m. and 2:00 pm. on all stations.
- "Captain Kangaroo" represented 71% of all regularly scheduled program hours reported by CBS-affiliated stations.

8. 90% of CBS-affiliated stations carried one or more hours per day of regularly scheduled children's programming; less than 20% of ABC- and NBC-affiliated stations did so.

9. Independent stations (representing 13% of the total number of stations) provided 32% of all regularly scheduled program hours reported.

"Special" Weekday Programming for Children

1. More than 5,000 "specials" for children were reported. This averages 9 weekday specials per year per station broadcast between 6:00 a.m. and 6:00 p.m.

2. ABC-affiliated stations broadcast an average of 14 specials per year; NBC-affiliated stations, an average of 9; and CBS-affiliated stations, an average of 8.

U.S. Department of Justice,
Washington, D.C.
Honora Kaplan, Esq.,
Bohn & Kaplan,
160 Milk Street,
Boston, Mass.

Dear Ms. Kaplan: We have carefully reviewed the comments you submitted on behalf of Action for Children's Television ("ACT") concerning the proposed final judgment in *United States* v. *National Association of Broadcasters*, Civil Action No. 79–1549 (D.D.C.).

The Complaint in this case alleges that three types of advertising restrictions imposed by the NAB Television Code ("Code") violate Section 1 of the Sherman Act. These provisions, as explained in the Competitive Impact Statement filed with the District Court, regulate the number, placement, and format of all television commercials.[1] In essence, the government alleged that the effect of these provisions was to restrict the overall supply of television advertising available to advertisers and to restrict competition in the format in which television commercials could be presented. One of these provisions, the multiple product rule, was held by the District Court in its March 3, 1982 opinion, to be a violation of the Sherman Act. That opinion held for trial the other issues raised by the Complaint. The proposed settlement would eliminate all three of the restraints objected to in the Complaint.

ACT's comment argues that the proposed final judgment is not in the public interest because it does not retain the provisions of the NAB Television Code which regulate advertising broadcast on programs designed to be watched by children. ACT suggests that the Court modify the proposed final judgment to permit continuation of the Code provisions that regulate the length and number of commercials during broadcasts designed for children. In the alternative, ACT proposes that the Court refer the children's television aspects of the Code to the Federal Communications Commission ("FCC") for its analysis and views before deciding whether to extend the bar on those provisions in the final judgment to children's advertising. ACT also requests that if the Court enters the proposed final judgment in its present form, ACT be permitted to intervene for the purpose of appealing. We address each of these points below.

In the Department's view, ACT's arguments do not warrant changing or rejecting the proposed final judgment. The Antitrust Penalties and Procedures Act ("APPA")—the statute under which the Court must review the proposed final judgment—was enacted to ensure that settlements agreed to by the government in antitrust cases are consistent with the public's interest in vindication of the antitrust laws. A court may approve a settlement agreement only if it finds that the settlement is "in the public interest." To determine this, the Court must examine the decree's adequacy as a remedy for the alleged antitrust violation. In this case, the relief to be obtained under the proposed final judgment is as complete as the government could have won by fully prosecuting its case. The proposed final judgment submitted to the Court appropriately and fully resolves the antitrust issues raised by the Department's Complaint. Further, the proposed final judgment provides the only practical means of remedying the alleged violation—the termination of the anticompetitive Code provisions. Thus, the proposed settlement appears to meet both the letter and spirit of the APPA.

ACT argues in substance that no decree which could lead to more advertising during children's programming could possibly be "in the public interest." However, there is nothing in the proposed final judgment requiring any broadcaster to increase its advertising during children's or any other programming. The proposed final judgment expressly does not limit the right of NAB members—none of whom were named as defendants in the action—individually to establish their own advertising standards. Any such standards could, of course, cover children's advertising. The District Court in its March 3 Opinion granting partial summary judgment to the government disposed of several "public interest" defenses interposed by the defendant NAB, by suggesting that such arguments should be directed to forums other than the Court.[2] The public interest argument advanced by ACT would appear to fall in that same category.

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[1] "Captain Kangaroo" has been cancelled on weekdays, which changes these percentages significantly.

[1] The Complaint did not distinguish children's advertising from other advertising.

We would further note that other practical avenues exist for ACT to deal with its concerns, and those avenues would not require modification of the proposed final judgment. For example, as noted above the proposed final judgment would not prevent any individual broadcaster from limiting children's advertising, and would not prevent ACT from addressing its views to individual stations. Thus, ACT can continue to pursue its goals without any modification of the decree.

As an alternative to modification, ACT proposes that the Court refer the children's advertising issue to the FCC for comment before entering the decree as submitted by the parties. We oppose that suggestion.

First, the FCC lacks any special institutional expertise to analyze the competitive effect of the Code provisions eliminated by the proposed final judgment, and it is this competitive effect which is the paramount concern in the Court's review of the proposed final judgment. Thus, the normal predicate for a referral to an agency—that the agency have important expertise not held by the Court—is missing here.[3] Second, it is unnecessary to refer the decree to the FCC for analysis and comment. The FCC has made its views on the subject of children's television known, and it seems unlikely that a further reference would add significantly to what it has already said.[4] Finally, the FCC, like ACT, had the option of submitting comments in this proceeding, but the FCC did not do so. Thus, referral to the FCC is unwarranted.

Regarding ACT's request that it be allowed to intervene for the purpose of taking an appeal from entry of the proposed final judgment, we note that it is the Department's general policy to oppose intervention in antitrust cases. Thus, we would expect to oppose any such effort by ACT.

Thank you for providing us with your comment.

Sincerely yours,

Stanley M. Gorinson,

Chief, Special Regulated Industries Section, Antitrust Division.

[FR Doc. 82-29819 Filed 10-28-82; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Apprendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 8, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 8, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 18th day of October 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bishop Coal Company, No. 34 Mine (UMWA)	Bishop, W. Va	10/14/82	10/6/82	TA-W-13,846	Coal mining, metallurgical.
Bishop Coal Company, No. 33 Mine (UMWA)	Bishop, W. Va	10/14/82	10/6/82	TA-W-13,847	Coal mining, metallurgical.
Bishop Coal Company, No. 37 Mine (UMWA)	Dry Fork, Va	10/14/82	10/6/82	TA-W-13,848	Coal mining, metallurgical.
Calef & Shankman, Inc. (ILGWU)	New York, NY	10/13/82	10/6/82	TA-W-13,849	Dusters, shifts, robes, dresses.
Conmold, Inc. (IUE)	Latrobe, Pa	10/13/82	10/1/82	TA-W-13,850	Colds, castings, machinery, casting.
International Harvester Company (workers)	Springfield, Ohio	9/28/82	9/28/82	TA-W-13,851	Truck assembly.
Olga Coal Company, Olga Mine (UMWA)	Coalwood, W. Va	10/13/82	10/6/82	TA-W-13,852	Coal mining, metallurgical.
Olga Coal Company, Caretta No.4 Mine (UMWA)	Caretta, W. Va	10/13/82	10/6/82	TA-W-13,853	Coal mining, metallurgical.
Sanyo Manufacturing Corp. (workers)	Forrest City, Ark	10/13/82	10/6/82	TA-W-13,854	Color television receiver.
Silberline Manufacturing Co. (Aluminum Brick & Glass Wkrs).	Lansford, Pa	10/8/82	10/4/82	TA-W-13,855	Aluminum pigment.
Timex Corporation (Waterbury Watch Wkrs.)	Middlebury, Conn	10/4/82	9/30/82	TA-W-13,856	Watch, model 135.
Bethlehem Steel Corp. (USWA)	Lebanon, Pa	10/14/82	10/12/82	TA-W-13,857	Steel industrial fasteners.
Cyclops Corp., Tex Tube Div. (USWA)	Houston, Tex	10/14/82	10/12/82	TA-W-13,858	Steel & plastic tubing.
Picoma Industries, Picoma Products (USWA)	Martins Ferry, Ohio	10/14/82	10/4/82	TA-W-13,859	Elbows, niples, conduit connectors & stock couplings.
Picoma Industries, Pattons Run Plant (USWA)	Martins Ferry, Ohio	10/14/82	10/4/82	TA-W-13,860	Couplings.
U.S. Steel Corp., Clairton Works (USWA)	Clairton, Pa	10/15/82	10/8/82	TA-W-13,861	Structural shaps, flats & plates, coke & coke by-products.
Union Carbide Corp., Carbon Products Div. (IUE)	Fostoria, Ohio	10/14/82	10/12/82	TA-W-13,862	Graphite products.
Union Carbide Corp., Metals Div. (UMWA)	Clendenin, W. Va	9/27/82	9/22/82	TA-W-13,863	Coal mine—steam
Van Waters & Rogers (company)	Pinehurst, Idaho	10/8/82	10/4/82	TA-W-13,864	Liquid copper sulfate.
Whitaker Cable Corp. (IAMAW)	Brookfield, Mo	10/7/82	9/30/82	TA-W-13,865	Wiring harness.

[FR Doc. 82-29369 Filed 10-28-82; 8:45 am]

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[2] United States v. National Association of Broadcasters, 586 F. Supp. 149, 167–68 (D.D.C. 1982). The Court's language in United States v. Western Electric Co., et al., Civil Action No. 74–1698 (D.D.C. August 11, 1982) Sl. Op. at 30–31, 35–36, cited by ACT at 2–3 of its comments, is consistent with this interpretation.

[3] ACT cites four cases as support for its request that this issue be referred to the FCC. However, those cases are inapposite. Each of those cases involved primary jurisdiction of the subject agency. None of those referrals were for the purpose suggested here—having a regulatory agency somehow attempt to weigh the relative costs and benefits of a proposed antitrust settlement.

[4] Indeed, ACT cites in its comments a number of statements made by the FCC concerning children's television.

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 8, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 8, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 25th day of October 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

	Location	Date received	Date of petition	Petition number	Articles produced
Petitioner—Union/workers or former workers of:					
Bethlehem Steel Corp. (USWA).	Los Angeles, Calif	Oct. 20, 1982	Oct. 15, 1982	TA-W-13,866	Bars, carbon and alloy, reinforcing steel—semi-finished.
Bethlehem Steel Corp., General Office (works).	Bethlehem, Pa	Oct. 15, 1982	Sept. 28, 1982	TA-W-13,867	Administrative office workers.
CF & I Steel Corp., Maxwell Mine (UMWA).	Weston, Colo	Oct. 19, 1982	Oct. 13,1982	TA-W-13,868	Coke—mine.
CF & I Steel Corp., Allen Mine (UMWA).	Weston, Colo	Oct. 19, 1982	Oct. 13,1982	TA-W-13,869	Coke—mine.
Federal Mogul Corp., Malden Piston Plant (International Molders & Allied works).	Malden, Mo.	Oct. 19, 1982	Oct. 15, 1982	TA-W-13,870	Pistons—new and replacement parts.
General Motors Corp., A-C Spark Plug Div. (workers).	Oak Creek, Wis	Oct. 15, 1982	Oct. 8, 1982	TA-W-13,871	Plugs—spark.
GTE Products Corp. Precision Materials Group, Electronic Components Div. (IAM).	Muncy, Pa	Oct. 13,1982	Oct. 1, 1982	TA-W-13,872	Boards—circuits, printed.
Great Lakes Carbon Corp. (OCAW).	Casper, Wy	Oct. 15, 1982	Oct. 11, 1982	TA-W-13,873	Calcine—from coke.
TRW, Inc., Putnam Tool Div. (UAW).	Detroit, Mich	Oct. 20, 1982	Oct. 12, 1982	TA-W-13,874	Tools—cutting, mills end.
Wheeling Pittsburgh Steel Corp. (works).	Dayton, Ohio	Sept. 28, 1982	Sept. 23, 1982	TA-W-13,875	Sales and administrative Office.
Wire Rope Corp. of America, Inc. (USWA).	St. Joseph, Mo	Oct. 19, 1982	Oct. 14, 1982	TA-W-13,876	Rope, wire—steel.
Alpha Portland Cement Co. (works.).	Cementon, N.Y	Oct. 13,1982	Oct. 1, 1982	TA-W-13,877	Cement.
Chromcraft Furniture Corp. (company).	Liberty, N.C	Oct. 15, 1982	Oct. 11, 1982	TA-W-13,878	Furniture—dining room.
Cleveland Pneumatic Company (Aerol Aircraft Employees' Assoc.).	Cleveland, Ohio	Oct. 18, 1982	Oct. 7, 1982	TA-W-13,879	Gears—landing, aircraft.
Crouse-Hinds Co., Arrow Hart Div. (workers).	Hartford, Conn	Oct. 18, 1982	Oct. 13,1982	TA-W-13,880	Switches—electrical PC board assembly.
Metals Applied Co. (Aerol Aircraft Employees Assoc.).	Cleveland, Ohio	Oct. 18, 1982	Oct. 7, 1982	TA-W-13,881	Plating chrom gears, landing aircraft.
Miles Fabrics Co. (company).	Pawtucket, R.I	Oct. 18, 1982	Oct. 14, 1982	TA-W-13,882	Webbing, elastic narrow.
National Pipe & Tube Co. (USWA).	Liberty, Tex	Oct. 15, 1982	Oct. 12, 1982	TA-W-13,883	Pipes—field, oil.
Print Fashions, Inc. (company).	Bethlehem, Pa	Oct. 15, 1982	Oct. 5, 1982	TA-W-13,884	Printing, silk, screen.
Taylor-Wharton Co. Harrisburg Plant (USWA).	Harrisburg, Pa	Oct. 7, 1982	Oct. 1, 1982	TA-W-13,885	Cylinders—steel, seamless.
TRW, Inc., Customer Service Dept. (works).	Brookfield, Wis	Oct. 15, 1982	Oct. 5, 1982	TA-W-13,886	Repair electronic cash registers, terminals, computers.

APPENDIX—Continued

	Location	Date received	Date of petition	Petition number	Articles produced
Tube Turns, Div. of Chemetron Corp. (USWA).	Louisville, Ky	Oct. 15, 1982	Oct. 8, 1982	TA-W-13,887	Fittings—welded—for pipes.

[FR Doc. 82-29827 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 18, 1982–October 22, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,197; Fisher Controls International, Inc Coraopolis, PA

TA-W-13,212; Lisa Dress Co., Inc., East Orange, NJ

TA-W-13,204; Wheeling Machine Products, Co., Wheeling, WV

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,186; Union Carbide Corp., Components Dept., Columbus, GA

Aggregate U.S. imports of tantalum capacitors did not increase as required for certification.

TA-W-13,265; Northern Electric Co., Snyder, TX

Aggregate U.S. imports of electric blankets are negligible.

TA-W-13,266; S. F. I. Holding Co., Inc., Newark, NJ

Aggregate U.S. imports of raincoats did not increase as required for certification.

TA-W-13,261; Debra Sportswear, Inc., Newark, NJ

Aggregate U.S. imports of raincoats did not increase as required for certification.

TA-W-13,264; MCA Knits, Inc., Williamsport, PA

Aggregate U.S. imports of finished fabric did not increase as required for certification.

TA-W-13,794; Capital Chrysler Plymouth of Montgomery Inc., Montgomery, WV

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-13,195; Zenith Electronics Corp. of Pennsylvania, Watsonstown, PA

A certification was issued in response to a petition received on January 21, 1982 covering all workers separated on or after October 1, 1981.

TA-W-13,196; Zenith Radio Corp., Audio Div., Glenview, IL

A certification was issued in response to a petition received on January 21, 1982 covering all workers separated on or after October 1, 1981.

I hereby certify that the aforementioned determinations were issued during the period October 18, 1982–October 22, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: October 26, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-29828 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-60-M]

Cold Spring Granite Co.; Petition for Modification of Application of Mandatory Safety Standard

Cold Spring Granite Company, Cold Spring, Minnesota 56320 has filed a petition to modify the application of 30 CFR 55.16-7 (taglines) to the following mines:

a. Russett No. 1 Quarry (I.D. No. 39-00029) and Russett No. 2 Quarry (I.D. No. 39-00030), both located in Grant County, South Dakota;

b. Agate Quarry (I.D. No. 21-00013) located in Big Stone County, Minnesota;

c. Diamond Gray Quarry (I.D. No. 21-00752) located in Mille Lacs County, Minnesota;

d. Hibbings Green Quarry (I.D. No. 21-02626) located in St. Louis County, Minnesota;

e. Rainbow Quarry (I.D. No. 21-00755) located in Renville County, Minnesota;

f. Wausau Quarry (I.D. No. 47-00024) located in Marathon County, Wisconsin;

g. Diamond Pink Quarry (I.D. No. 21-00020), Crystal Gray Quarry (I.D. No. 21-00019), Rockville Quarry No. 1 (I.D. No. 21-00022), Rockville Quarry No. 2 (I.D. No. 21-00029), and Charcoal Quarry (I.D. No. 21-00018), all located in Stearns County, Minnesota;

h. Raymond Quarry No. 1 (Sierra White) (I.D. No. 04-00232) located in Madera County, California;

i. Raymond Quarry No. 2 (Academy) (I.D. No. 04-00231) located in Fresno County, California;

j. Lake Placid Blue-Green Quarry and Mill (I.D. No. 30-00066) located in Essex County, New York; and

k. Sunset Quarry (I.D. No. 41-00070), Pearl Gray Quarry (I.D. No. 41-01217), and Sunset Beige Quarry (I.D. No. 41-01672), all located in Burnet County, Texas.

The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that taglines be attached to loads that may require steadying or guidance while suspended.

2. Granite blocks in the dimensional stone industry can range in size from 25 to 75 tons or more. The blocks must be transferred to a sawing operation at some distant location in the operation, sometimes up to a distance of 1500 feet.

3. Petitioner states that the use of taglines will result in a diminution of safety for the miners affected because taglines, used during a transfer operation, cannot affect the stability of a granite block and the use of taglines would place people involved in this transfer in a dangerous position, trying to keep up with the block as it is moved.

4. As an alternative method, petitioner proposes that the granite blocks be transferred by large derricks carrying the block through the air with directional control being handled by experienced derrick operators under guidance from an experienced signal person. The signal person would be positioned in a safe location to see both the block and the derrick operation at all times, guiding the block between the transfer areas without moving with the block. The block, because of its size and weight, would not be influenced by wind or horizontal motion so it would not need to be stabilized by any outside force. The block would then be brought within inches of a saw truck, and, only at this point would people be allowed to physically contact the block.

5. Petitioner states that the proposed alternative method outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29831 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-76-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its McElroy Mine (I.D. No. 46-01436) located in Marshall County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. Petitioner is presently installing a 48-inch intake shaft at the tail track of the Rotary Dump. Petitioner has installed two permanent-type pumps, an insulated transformer, and a rectifier, which are all located in close proximity to the Rotary Dump.

3. Petitioner states that upon completion of the intake shaft, all entries at this area will become intakes, air pressures will equalize in all entries, and it will be impossible to ventilate these installations with air current coursed directly into the returns.

4. An an alternative method, petitioner proposes to:

(a) Enclose the subject installations in fireproof structures;

(b) Install an automatic fire suppression device activated by heat sensors in each installation;

(c) Install openings for ventilation which will close from the same device that activates the fire suppression device;

(d) Install well-sealed and self-closing doors to the installation; and,

(e) Store no combustible materials in each installation.

5. Petitioner states that the proposed alternative method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 21, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29832 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-30-M]

Morton-Norwich Products, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Morton-Norwich Products, Inc., 110 North Wacker Drive, Chicago, Illinois 60606-1555 has filed a petition, on behalf of its Morton Salt Division, to modify the application of 30 CFR 57.21-10 (smoking materials underground) to its Weeks Island New Mine (I.D. No. 16-00970) located in Iberia Parish, Louisiana. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that miners not smoke or carry smoking materials, matches or lighters underground.

2. The mine is singel-level, served by two 18-foot diameter shafts. Intake air is provided by a fan instalation on the surface, capable of air reversal. The service shaft is downcast and the production shaft upcast. Both shafts are vertical, concrete-lined in overburden and unlined in salt (noncombustible). They are circular, noncompartmented, and have fire-retardant guides and guide support timbers. Shaft stations are unlined, but are entirely in salt and free of combustible materials. Headframe sheathing, if any, is of noncombustible material (transite).

3. Liberation of methane gas takes place only when the *in situ* salt is disturbed by drilling, undercutting or blasting. These liberated amounts are so small as to constitute a negligible concentration in the ventilating air stream because:

a. The gas bubbles are trapped inside individual salt crystals and are only released when the crystals are fractured; and

b. The activities of drilling and undercutting fracture only a small quantity of salt crystals.

4. As an alternative method, petitioner seeks a modification of the standard to permit persons to smoke underground at designated times in a designated area under prescribed conditions.

5. In support of this proposed alternative method, petitioner states that:

a. No smoking will be permitted in the event of any failure in ventilation or if methane concentrations equal or exceed .25 percent;

b. Methane concentrations in the designated smoking area will be measured before any smoking will be permitted therein, with periodic monitoring during designated smoking times;

c. The designated smoking area will be in fresh air and in a location removed from the working faces and proximate to the intake shaft; and

d. No cigarette lighter will be allowed in the mine. A designated person may transport a reasonable quantity of matches to the designated smoking area, where the matches will be stored in a locked container durig no-smoking times. No other person will carry matches into the mine, nor will matches be removed from the designated smoking area at any time.

6. Petitioner states that the alternative method and safeguards outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington Virginia 22203. All comments must be postmarked or received in that office on or before November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29630 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-93-C]

Paramount Mining Corp.; Petition for Modification of Application of Mandatory Safety Standard

Paramount Mining Corporation, P.O. Box 800, Wise, Virginia 24293 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its Deep Mine No. 11 (I.D. No. 44-05883) located in Wise County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges in height from 48 to 54 inches with undulating bottom conditions.

3. Petitioner states that installation of canopies on the mine's shuttle cars would result in a diminution of safety for the miners affected because the canopies would strike the roof and roof support system, exposing miners to the hazards of a potential roof fall.

4. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-29633 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-82-C]

Union Carbide Corp.; Petition for Modification of Application of Mandatory Safety Standard

Union Carbide Corporation, Route 2, Box 224, Clendenin, West Virginia 25045 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No: 7 Mine (I.D. No. 46-01345) located in Kanawha County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. Coal is carried through the No. 1 Tunnel during two shifts. Before each of those shifts a fire boss inspects the entire belt line, making tests for methane accumulation and oxygen deficiency at various designated points throughout the tunnel. One foreman is responsible for maintenance of the belt line on each shift and may be present in any part of the tunnel during the shift. Daily checks for hazardous conditions are made during these visits in the tunnel.

3. Coal is also carried through the No. 2 Tunnel during two shifts. The No. 2 Tunnel is also used for track access to the working sections during all three shifts.

4. Miners are not normally required in the No. 1 Tunnel except those mentioned above, except to do normal maintenance and upkeep. The No. 2 Tunnel has miners in and out intermittently on the track.

5. Ventilation in the No. 1 Tunnel is provided by a blowing fan at the southeastern opening pushing air through the main entries for the entire length of the tunnel, a distance of approximately 8,200 feet. Ventilation in the No. 2 Tunnel is provided by a blowing fan at the northern opening pushing air through the main entries for the entire length of the the tunnel, a distance of approximately 4,700 feet.

6. As an alternative method, petitioner seeks a modification of the standard to allow the location of two (2) transformer stations in specified areas of its No. 1 and 2 Tunnels, without requiring the air currents to be coursed directly into the return, provided the following safeguards are followed:

(a) The fresh air that passes these transformers will not be used to ventilate a working section.

(b) The transformer stations will be housed in fireproof enclosures and will be inspected;

(c) Doors of the enclosures will be fireproof and will be integrally connected with the fire suppression device installed over the transformers, and will close automatically if a fire should occur and the fire suppression device be activated;

(d) No combustible material will be stored within the transformer enclosures and all electrical circuits will comply with the applicable standards.

7. Petitioner states that the proposed alternative method and safeguards outlined above will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before November 29, 1982. Copies of the petition are available for inspection at that address.

Dated: October 19, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82–29829 Filed 10–28–82; 8:45 am]

BILLING CODE 4510-30-M

Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, Nvember 9, 1982 in Room S–4215 C, U.S. Department of Labor Building, Third and Constitution Avenue, N.W. Washington, D.C.

The purpose of the meeting, which will begin at 9:30 a.m., is to consider the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Administrator's Report
2. Advisory Council Work Group Reports:
    - Reporting, Disclosure and Recordkeeping
    - Communications
    - Collective Bargaining
    - Investment and Fiduciary
    - Portability
3. Statements from the Public

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before Monday, November 8, 1982, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S–4522, Third and Constitution Avenue, N.W., Washington, D.C. 20216.

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523–8753.

Signed at Washington, D.C., this 22nd day of October 1982.

[FR Doc. 82–29550 Filed 10–28–82; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Earth Sciences Subcommittees; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Earth Sciences (Stratigraphy and Paleontology, Environmental Geosciences, Crustal Structure and Tectonics, Seismology and Deep Earth Structure, Experimental and Theoretical Geophysics, Petrogenesis and Mineral Resources, Mantle Geochemistry, and Experimental and Theoretical Geochemistry Subcommittees).

Date and time: November 17, 18 and 19, 1982; 8:30 to 5:00 p.m. each day.

Place: The National Science Foundation, Room 643, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. James Fred Hays, Division Director, Earth Sciences, Room 602, National Science Foundation, Washington, D.C. 20550; Telephone: (202) 357–7958.

Purpose of committee: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority: This determination was made by the Committee Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

October 26, 1982.

[FR Doc. 82–29801 Filed 10–28–82; 8:45 am]

BILLING CODE 7555-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted services, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–6000.

SUPPLEMENTARY INFORMATION: The Office of Personnel Managment published a notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR Part 213 on October 15, 1982 (47 FR 46188). Individual authorities established or revoked under Schedules A, B, or C between September 1, 1982 and September 30, 1982 appear in a listing below. Future notices will be published on the fourth Tuesday of each month. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception is established:

In the Department of the Army, U.S. Military Academy, West Point, New York, one position of Associate Director of Intercollegiate Athletics, GS–1102–12. Effective September 29, 1982.

Schedule C

The following exceptions are established:

In the Department of Agriculture, Office of the Secretary, one Private Secretary to the Assistant Secretary for Governmental and Public Affairs. Effective September 7, 1982.

In the Department of Agriculture, Office of Rural Development Policy, one Confidential Assistant to the Director. Effective September 16, 1982.

In the Department of Agriculture, Soil Conservation Service, one Private Secretary to the Chief. Effective September 16, 1982.

In the Department of Agriculture, Office of the Administrator, one Assistant to the Administrator. Effective September 16, 1982.

In the Department of Agriculture, Office of the Administrator, one Confidential Assistant to the Administrator. Effective September 7, 1982.

In the Department of Agriculture, Office of the Administrator, one Confidential Assistant to the Administrator. Effective September 27, 1982.

In the Department of Commerce, Office of Congresssional and Intergovernmental Affairs, one Congressional Liaison Specialist. Effective September 2, 1982.

In the Department of Commerce, Office of the Secretary, one Confidential Aide to the Special Assistant to the Secretary. Effective September 16, 1982.

In the Department of Commerce, International Trade Administration, one Confidential Assistant to the Under Secretary. Effective September 16, 1982.

In the Department of Commerce, Office of Public Affairs, one Confidential Assistant to the Director. Effective September 30, 1982.

In the Department of Commerce, one Congressional Liaison Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective September 2, 1982.

In the Department of Commerce, Office of the Deputy Secretary, one Special Assistant to the Deputy Secretary. Effective September 29, 1982.

In the Department of Commerce, Office of Congressional Affairs, one Confidential Legislative Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective September 29, 1982.

In the Department of Commerce, National Oceanic and Atmospheric Administration, one Deputy Director, Office of Congressional Affairs. Effective September 29, 1982.

In the Consumer Product Safety Commission, one Special Assistant to the Chairman. Effective September 9, 1982.

In the Consumer Product Safety Commission, Office of the Chairman, one Confidential Assistant to the Chairman. Effective September 9, 1982.

In the Department of Defense, Office of the Secretary, one Special Assistant for African Affairs. Effective September 21, 1982.

In the Department of Defense, Office of the Secretary, one Private Secretary to the Deputy Under Secretary of Defense, Research and Engineering. Effective September 2, 1982.

In the Department of Defense, Office of the Secretary, one Special Projects Assistant. Effective September 20, 1982.

In the Department of Energy, Office of Congressional, Intergovernmental, and Public Affairs, one Chief, Secretarial Travel Branch. Effective September 16, 1982.

In the Department of Energy, Office of Congressional, Intergovernmental, and Public Affairs, one Staff Assistant to the Assistant Secretary. Effective September 21, 1982.

In the Department of Energy, one Staff Assistant to the Special Assistant to the Secretary for Programs and Policies. Effective September 21, 1982.

In the Department of Energy, Conservation and Renewable Energy, one Secretary (Confidential Assistant) to the Assistant Secretary. Effective September 20, 1982.

In the Department of Energy, Office of Congressional, Intergovernmental, and Public Affairs, one Staff Assistant to the Deputy Assistant Secretary. Effective September 27, 1982.

In the Department of Transportation, one Special Assistant to the Deputy Secretary of Transportation. Effective September 7, 1982.

In the Department of Transportation, Office of Public Affairs, one Supervisory Public Affairs Specialist. Effective September 22, 1982.

In the Department of Transportation, one Special Assistant to the Assistant Secretary for Policy and International Affairs. Effective September 20, 1982.

In the Department of Transportation, National Highway Traffic Safety Administration, one Advisor to the Associate Administrator, Traffic Safety Programs. Effective September 21, 1982.

In the Department of Education, Office of Bilingual Education and Minority Languages Affairs, one Confidential Assistant to the Director. Effective September 7, 1982.

In the Department of Education, Office of the Under Secretary, one Special Assistant to the Under Secretary. Effective September 7, 1982.

In the Department of Education, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, one Special Assistant to the Deputy Under Secretary. Effective September 9, 1982.

In the Department of Education, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, one Executive Director, Intergovernmental Advisory Council on Education. Effective September 14, 1982.

In the Department of Education, Office of Elementary and Secondary Education, one Special Assistant to the Assistant Secretary. Effective September 29, 1982.

In the Enviromnental Protection Agency, Office of Intergovernmental Liaison Office, one Assistant Director for Local Affairs. Effective September 8, 1982.

In the Department of Protection Agency, Office of the Administrator, one Special Assistant to the Chief of Staff. Effective September 27, 1982.

In the Department of Health and Human Services, Office of Human Development Services, one Special Assistant to the Commissioner. Effective September 16, 1982.

In the Department of Health and Human Services, Office of the Assistant Secretary for Health, one Special Assistant to the Assistant Secretary for Health. Effective September 16, 1982.

In the Department of Health and Human Services, Office of the Administrator, one Executive Assistant to the Administrator. Effective September 14, 1982.

In the Department of Health and Human Services, Office of Community Services, one Confidential Assistant to the Director. Effective September 24, 1982.

In the Department of Housing and Urban Development, Solar Energy and Energy Conservation Bank, one Secretary (Stenography) to the Manager. Effective September 9, 1982.

In the Department of Housing and Urban Development, Office of the Secretary, one Intergovernmental Relations Officer. Effective September 29, 1982.

In the Department of Housing and Urban Development, Office of the Regional Administrator, one Special Assistant to the Regional Administrator for Governmental Relations, in Ft. Worth, Texas. Effective September 10, 1982.

In the U.S. International Communication Agency, Associate Directorate for Management, one Special Assistant to the Deputy Director. Effective September 7, 1982.

In the U.S. International Communication Agency, Office of the Deputy Director, one Staff Assistant to the Deputy Director. Effective September 7, 1982.

In the Department of Interior, one Special Assistant for Minority Business. Effective September 16, 1982.

In the Department of Interior, Office of Surface Mining Reclamation and Enforcement, one Special Assistant to the Director. Effective September 16, 1982.

In the Department of Labor, one Staff Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations. Effective September 9, 1982.

In the Department of Labor, one Special Assistant to the Administrator, Wage and Hour Division. Effective September 9, 1982.

In the Department of Labor, one Special Assistant to the Assistant Secretary for Labor-Management Relations. Effective September 14, 1982.

In the Department of Labor, Office of the Secretary, one Special Assistant to the Secretary. Effective September 21, 1982.

In Executive Office of the President, Office of Management and Budget, one Secretary to the Associate Director, Human Resources. Effective September 14, 1982.

In Executive Office of the President, Office of Management and Budget, one Confidential Secretary to the Deputy Director. Effective September 14, 1982.

In Executive Office of the President, Office of Management and Budget, one Administrative Assistant to the Administrator, Information and Regulatory Affairs. Effective September 14, 1982.

In Executive Office of the President, Office of Management and Budget, one Confidential Assistant to the Associate Director, Economics and Government. Effective September 14, 1982.

In the Overseas Private Investment Corporation, Office of Operations, one Secretary (Stenography) to the Vice President. Effective September 21, 1982.

In the Overseas Private Investment Corporation, one Secretary (Stenography) to the Executive Vice President. Effective September 21, 1982.

In the Overseas Private Investment Corporation, one Administrative Aide (Typing) to the President. Effective September 21, 1982.

In the Office of Personnel Management, Office of the Director, one Staff Assistant to the Supervisory Special Assistant. Effective September 20, 1982.

In the Office of Personnel Management, Office of the Deputy Director, one Confidential Assistant to the Deputy Director. Effective September 27, 1982.

In the Small Business Administration, one Director of Congressional and Legislative Affairs. Effective September 16, 1982.

In the Small Business Administration, Office of the Administrator, one Special Assistant to the Associate Deputy Administrator for Resource Management. Effective September 16, 1982.

In the Small Business Administration, Office of the Administrator, one Special Assistant to the Associate Deputy Administrator for Special Programs. Effective September 27, 1982.

In the Small Business Administration, Office of the Administrator, one Confidential Assistant to the Administrator. Effective September 16, 1982.

In the Securities and Exchange Commission, Division of Enforcement, one Confidential Adviser on Corporate Practices. Effective September 21, 1982.

In the Securities and Exchange Commission, Office of Legislative Affairs, one Legislative Affairs Officer. Effective September 9, 1982.

In the Agency for International Development, Bureau for Latin America and the Caribbean, one Special Assistant to the Assistant Administrator. Effective September 10, 1982.

In the Equal Employment Opportunity Commission, Office of the Chairman, one Attorney-Advisor. Effective September 13, 1982.

In the General Services Administration, Office of Public Affairs, one Confidential Assistant to the Director. Effective September 16, 1982.

In the Interstate Commerce Commission, Office of Commissioner Gradison, one Staff Advisor (Economics) to the Commissioner. Effective September 8, 1982.

In the Department of Justice, one Special Assistant to the Assistant Attorney General. Effective September 7, 1982.

In the Department of State, one Staff Assistant, to the Deputy Secretary of State. Effective September 28, 1982.

In the Veterans Administration, Office of the Administrator, one Confidential Assistant to the Deputy Administrator. Effective September 8, 1982.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 82-29791 Filed 10-28-82; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

White House Science Council (WHSC); Meeting

The White House Science Council, the purpose of which is to advise the Director, Office of Science and Technology Policy (OSTP), will meet on November 18 and 19, 1982, in Room 194, Old Executive Office Building, Washington, D.C. The meeting will begin at 7:00 P.M. on November 18, recess and reconvene at 10:15 A.M. on November 19. Following is the proposed agenda for the meeting:

(1) Briefing of the council, by the Assistant Directors of OSTP, on the current activities of OSTP.

(2) Briefing of the council by OSTP personnel and personnel of other agencies on proposed, ongoing, and completed panel studies.

(3) Discussion of composition of panels to conduct studies.

The November 18 session and a portion of the November 19 session will be closed to the public.

The briefing on some of the current activities of OSTP necessarily will involve discussion of material that is formally classified in the interest of national defense or for foreign policy reasons. This is also true for a portion of the briefing on panel studies. As well, a portion of both of these briefings will require discussion of internal personnel procedures of the Executive Office of the President and information which, if prematurely disclosed, would significantly frustrate implementation of our agency's action. These portions of the meeting will be closed to the public pursuant to 5 U.S.C. § 552 b(c) (1), (2), and 9(B).

A portion of the discussion of panel composition will necessitate the disclosure of information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Accordingly, this portion of the meeting will also be closed to the public, pursuant to 5 U.S.C. 552b(c)(6).

The portion of the meeting open to the public will begin at 10:15 A.M. Because of the security in the Old Executive Office Building, persons wishing to attend the open portion of the meeting should contact Jerry Jennings, Executive Director of the Office of Science and Technology Policy at (202) 456-7740, prior to 4:00 P.M. on November 17. Mr. Jennings is also available to provide further information.

Dated: October 22, 1982.

Jerry D. Jennings,

Executive Director, Office of Science and Technology Policy.

[FR Doc. 82-29772 Filed 10-28-82; 8:45 am]

BILLING CODE 3170-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 22676; 70-6603]

American Electric Power Service Corp. and American Electric Power Company, Inc.; Proposed Issuance of Additional Note to Bank by Service Corporation and Guaranty by Holding Company

October 21, 1982.

American Electric Power Company,

Inc. ("American"), a registered holding company, and its subsidiary service company, American Electric Power Service Corporation ("Service Corporation") 180 East Broad Street, Columbus, Ohio 43215, have filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

By order in this proceeding dated June 26, 1981 (HCAR No. 22104), certain transactions were authorized relating to the financing of the construction of a 31-story office building in Columbus, Ohio, to serve as a new headquarters for American and Service Corporation. Pursuant to said order, the following occurred: On July 20, 1981, Service Corporation entered into a Building Loan Agreement with Irving Trust Company ("Irving") dated such date, and, in accordance therewith, Service Corporation issued a Building Loan Note dated July 20, 1981, maturing December 31, 1987, to evidence advances of up to $100,000,000 from Irving to provide funds for payment of the cost of construction of the new headquarters building and certain related costs. The obligations of Service Corporation under said Note and Building Loan Agreement were secured by an "Open-End Mortgage and Security Agreement" dated July 20, 1981, made by Service Corporation to Irving, covering said building and the land on which it was to be located. In addition, American gave to Irving a 'Guaranty of Completion and Payment" dated July 20, 1981, under which American guaranteed repayment of such loan and interest thereon and performance of certain other obligations of Service Corporation in connection with such loan.

Based on preliminary estimates of building costs, borrowings of up to $100,000,000 were to be provided under the original Building Loan Agreement between Irving and Service Corporation. Such figure was a rough estimate made prior to the formal contract commitments for many of the building costs. As a result of continued and unusually high interest rate levels and unforeseen delays due to strikes, it is now estimated that the cost of construction of said building and certain related costs will be approximately $130,000,000.

Accordingly, it is now proposed that the total building loan advances by Irving be increased from $100,000,000 to $130,000,000. Service Corporation and Irving will enter into a Modification Agreement modifying their Building Loan Agreement dated July 20, 1981, so as to provide that (1) the total building loan advances thereunder may be increased from $100,000,000 up to $130,000,000, (2) Service Corporation will issue to Irving an Additional Building Loan Note in the sum of $30,000,000 or so much thereof as may be advanced, (3) the Open-End Mortgage and Security Agreement dated July 20, 1981, made by Service Corporation to Irving will secure the obligations of Service Corporation under said Note and said Building Loan Agreement as so modified. such Modification Agreement will also provide for a Consent to be executed by American consenting to such increase and agreeing that its Guaranty of Completion and Payment dated July 20, 1981, given to Irving will be extended and will apply to said building loan as so increased.

The principal amount of all advances will bear interest at Irving's published prime rate in effect during the time such advances are outstanding, being the same rate as originally provided. There are no substantial changes in the other terms and conditions of the transaction, all of which will remain in effect and be applicable to said building loan as so increased.

The post-effective amendment and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 16, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–29782 Filed 10–28–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 19153; File No. ODD–82–1]

American Stock Exchange, Inc., et al.; Understanding the Risks and Uses of Listed Options

October 18, 1982.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, NY 10006; Chicago Board Options Exchange, Incorporated, 141 West Jackson Boulevard, Chicago, IL 60604; Pacific Stock Exchange, Incorporated, 301 Pine Street, San Francisco, CA 94104; and Philadelphia Stock Exchange, Inc., 1900 Market street, Philadelphia, PA 19103.

On August 5, 1982, the American Stock Exchange, Inc. ("Amex") the Chicago Board Options Exchange, Incorporated ("CBOE"), the Pacific Stock Exchange, Incorporated ("PSE"), and the Philadelphia Stock Exchange, Inc. ("Phlx"), pursuant to proposed Rule 9b–1 under the Securities Exchange Act of 1934 (the "Act"), supplied to the Commission preliminary copies of an options disclosure document ("Disclosure Document") with respect to standardized options.[1] The Disclosure Document discusses the risks and uses of standardized options, including options on common stock traded on the Amex, CBOE, PSE and Phlx. On September 21, 1982, the four exchanges filed five copies of an amended Disclosure Document with the Commission.

Rule 9b–1 provides that an options market must file five preliminary copies of an options disclosure document with the Commission at least 60 days prior to the date definitive copies are furnished to customers unless the Commision determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors.[2] This provision is intended to permit the Commission either to accelerate or extend the time period before definitive copies of a disclosure document may be distributed to the public.

The Commission staff has reviewed the Disclosure Document, and finds that it is consistent with the protection of investors and in the public interest to allow the distribution of the Disclosure Document as of the date of this order.[2]

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[1] Rule 9b–1, which is part of the Commission's revised disclosure system for the issuance of standardized options, was proposed in Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982) and adopted in Securities Exchange Act Release No. 19055 (September 16, 1982) 47 FR 41950 (September 23, 1982). *See* Securities Exchange Act Release No. 19055.

[2] Although the preliminary copies of the Disclosure Document were supplied to the Commission prior to 60 days before the date definitive copies will be distributed to public customers, the Commission is exercising its authority pursuant to Rule 9b–1 because the Commission had not yet adopted Rule 9b–1 at that time.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20786 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19154; File No. ODD-82-2]

American Stock Exchange, Inc. and Chicago Board Options Exchange, Inc.; Listed Options on Debt Instruments

October 18, 1982.

On August 26, 1982, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, and the Chicago Board Options Exchange, Incorporated ("CBOE"), 141 West Jackson Boulevard, Chicago, IL 60604, pursuant to proposed Rule 9b-1 under the Securities Exchange Act of 1934 (the "Act"), supplied to the Commission preliminary copies of an options disclosure document with respect to standardized options on debt instruments ("Debt Options Disclosure Document"). The Debt Options Disclosure Document is a supplement to the basic options disclosure document which was prepared by the Amex and CBOE together with the Pacific Stock Exchange, Incorporated and the Philadelphia Stock Exchange, Inc., and filed with the Commission.[1]

Rule 9b-1 provides that an options market must file five preliminary copies of an options disclosure document with the Commission at least 60 days prior to the date definitive copies are furnished to customers unless the Commission determines otherwise having due regard to the adequacy of the information disclosed and the protection of investors. This provision is intended to permit the Commission either to accelerate or extend the time period before definitive copies of a disclosure document may be distributed to the public.

The Commission staff has reviewed the Debt Options Disclosure Document, and finds that it is consistent with the protection of investors and in the public interest to allow the distribution of the Debt Disclosure Document as of the date of this order.[2]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-20784 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12753; 812-5300]

Christiania Bank og Kreditkasse; Filing of Application

Notice is hereby given that Christiania Bank og Kreditkasse ("Applicant" or "Bank") c/o Andrew C. Quale, Jr., Esq. Sidley & Austin, 55 East 52nd Street, New York, N.Y. 10055 filed an application on September 1, 1982, and an amendment thereto on October 6, 1982, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is one of the two largest commercial banks in Norway. At the end of 1981, Applicant had assets of $4,221,781,000 [1] and deposits of $3,079,811,000. Applicant states that it was founded in 1848 and presently has 126 offices and branches in Norway, a subsidiary in Luxembourg and representative offices in various other countries. The main office of Applicant is located at Stortovet 7, Oslo 1, Norway. Applicant had 4,850,000 shares of common stock outstanding as of December 31, 1981, representing $110,621,300 in aggregate market value. The shares are quoted on the Oslo Stock Exchange and are held by approximately 34,348 shareholders.

According to the application, the Bank provides all services usually provided by commercial banks to industry, public authorities and individuals. The Bank accepts deposits both in Norwegian Kroner and foreign currency, buys and sells foreign currency, effects transfers domestically and abroad and effects those banking and financial services permitted by law to Norwegian commercial banks. Loans are in part short term operating credits, but a considerable part consists of medium and long term credit for the financing of capital investment. Approximately 38% of the loans are granted to personal borrowers.

Applicant states that, as of December 31, 1981, its total loans represented 54.5% of its assets and that for 1981 its net interest income from loans (including deposits with banks) accounted for 67.2% of its total operating income. According to the application, Applicant's investment securities at the end of 1981 represented 25.2% of Applicant's assets. Applicant represents that on December 31, 1981, Norwegian citizens, Norwegian companies and other Norwegian entities, excluding banks, accounted for 97% of Applicant's deposits.

Applicant represents that it is regulated by the Norwegian government, which includes supervision by the Inspectorate of Banks, the official body supervising Norwegian Banks. Applicant states that it must regularly submit a number of statistical reports to the Inspectorate which also makes local inspections. In addition, Applicant states that Norwegian banking legislation contains certain liquidity and capital requirements and lending limits. Pursuant to Norwegian law, commercial banks must have a common security fund representing 1.4% of the bank's aggregate deposits from other than banks as of December 31, 1981. The contributions to the fund are proportionate to the total assets of the banks and are to be increased until the fund reaches 2% of such deposit base. The purpose of the fund is to support the activities of the member banks if they experience difficulties.

Applicant states that the Bank Act of 1961 provides that insolvency proceedings cannot be commenced in respect of commercial banks. In addition, Applicant represents that in a report to the Norwegian Parliament, the Governor of the Norwegian Central Bank (Norges Bank) stated that under no circumstances would the Norges Bank allow a Norwegian commercial bank to default on its obligations and that Norges Bank would provide sufficient loans to achieve that objective.

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[2] Rule 9b-1 provides that the use of an options disclosure document shall not be permitted unless the options class to which the document relates is the subject of an effective registration statement on Form S-20 under the Securities Act of 1933. In this regard, The Commission, pursuant to delegated authority, today declared effective the Options Clearing Corporation's Form S-20 registration statement with respect to the options described in the Disclosure Document. *See* File No. 2-79558.

[1] *See* Securities Exchange Act Release No. 19153 (October 18, 1982).

[2] Rule 9b-1 provides that the use of an options discloure document shall not be permitted unless the options class to which the document relates is the subject of an effective disclosure document under the Securities Act of 1933. In this regard, the Commission, pursuant to delegated authority, today declared effective the Options Clearing Corporation's registration statement which covers options on Treasury securities and options on GNMA's. *See* File No. 2-79558.

[1] For purposes of the application, data in Norwegian Kroner was converted to United States dollars at a rate of 5.8075 Norwegian Kroner to the United States dollar which was the International Monetary Fund conversion rate as of December 31, 1981.

According to the application, Applicant proposes to issue and sell short-term, prime quality commercial paper notes ("Notes") to a commercial paper dealer in the United States which will then reoffer the Notes in minimum denominations of $100,000 to institutional investors and other entities and individuals who normally purchase commercial paper. Applicant states that its propose for making this offering in the United States is to obtain an additional source of supply of United States dollars to supplement Applicant's existing sources for United States dollars. Applicant represents that the Notes will be its direct liabilities and will rank *pari passu* among themselves and equally with all other unsecured and unsubordinated indebtedness of Applicant, including Applicant's deposit liabilities, and prior to the claims of holders of its common stock. The Notes will be sold without registration under the Securities Act of 1933 ("1933 Act"), in reliance upon an opinion of its United States legal counsel that such offering will qualify for the exemption from the registration requirements of the 1933 Act for certain short-term commercial paper under Section 3(a)(3) thereof. Applicant will not proceed with its proposed offering until it has received such an opinion letter. Applicant does not request Commission review or approval of any such exemption.

Applicant further represents that the presently proposed issue of Notes and all future public issues of securities of Applicant in the United States shall have received, prior to issuance, one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization in the United States. United States counsel for Applicant will certify to Applicant that one of such ratings has been received prior to the issuance and sale of the Notes. Applicant undertakes to ensure that the dealer will provide each offeree who has indicated an interest in Applicant's securities, and prior to any sale of the Notes to such offeree, with a memorandum which (i) describes the business of Applicant, (ii) contains the most recent publicly available fiscal year-end balance sheet and income statement of Applicant which shall have been audited in such manner as is customarily done for Applicant by Norwegian auditors and (iii) describes the material differences between the accounting principles applied by Applicant in the preparation of such financial statements and generally accepted accounting principles applied by United States banks. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in commercial paper offerings in the United States. The memoranda will be updated periodically to reflect material changes in Applicant's financial status.

Applicant may offer other debt securities for sale in the United States. It represent that future offerings of its securities in the United States will be made only pursuant to a registration statement under the Securities Act or pursuant to an applicable exemption from registration under such Act, and such offerings will be made on the basis of disclosure documents appropriate for such registration or exemption, and in any event at least as comprehensive as those use in the presently proposed offering. Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in Applicant's securities then being offered prior to any sale of such securities, except that in the case of an offering made pursuant to a registration statement under the Securities Act the disclosure documents will be provided to such persons as required by the Securities Act and the order granting the relief requested under Section 6(c) of the Act expressly conditioned upon its compliance with its undertaking regarding disclosure documents.

Applicant represents that it will appoint its special United States counsel as its agent to accept service of process in any action based on the Notes and instituted in any State or Federal court by the holder of any Notes. Applicant further represents that Applicant will expressly accept the jurisdiction of any State or Federal court in the City and State of New York in respect of any such action and that both appointment of an authorized agent and consent to jurisdiction will be irrevocable until all amounts due and to become due in respect of the Notes have been paid. Applicant represents that it will similarly consent to jurisdiction and appoint an agent for service of process in suits arising from any other future offerings of securities that it may make in the United States, which offerings Applicant states may include debt securities but not shares of capital stock.

Section 3(a)(3) of the Act defines investment company to mean any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value of exceeding 40% of the value of such issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) of the Act exempting Applicant from all provisions of the Act. In support of its request, Applicant asserts that it is a major commercial bank subject to extensive regulation by Norwegian banking authorities and as such it is significantly different from the type of institution that Congress intended the Act to regulate. It further asserts that it has never held itself out as, nor considered itself to be, an investment company as that term is defined in the Act, and that it has made the application for exemptive relief to resolve any uncertainties in regard to its status under the Act. Applicant believes itself to be primarily engaged in the business of commercial banking and commercial bank lending and that only if its commercial loans are considered to be "securities," could any question be raised concerning Applicant's investment company status within the meaning of the Act. Applicant states that regardless of whether its commercial loans are considered "securities" for the purposes of the Act, it submits that it is primarily engaged in the business of commercial banking. Applicant concludes that granting an exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that if the Commission grants the order requested by Applicant, the order will not give Applicant an advantage over United States banks in the issuance of commercial paper.

Notice is further given that any interested person may, not later than November 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–29774 Filed 10–28–82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19156; File Nos. SR–CBOE–82–14, SR–Amex–82–13, SR–Phlx–82–11]

Chicago Board Options Exchange, Inc., et al.; Filings and Order Granting Accelerated Approval of Proposed Rule Changes

October 19, 1982.

In the matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604; American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; and Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, Pennsylvania 19103.

The self-regulatory organizations ("SROs") listed above each have filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act") and Rule 19b–4 thereunder, copies of proposed rule changes to amend their respective options rules [1] in order to conform to the revised disclosure system for standardized options recently established by the Commission.[2] In general, the rule changes require member firms to deliver an options disclosure document to each customer at or prior to the time the customer's account is approved for trading the class of options covered by that disclosure document. The proposed rule changes would also require member firms to deliver copies of the current Options Clearing Corporation prospectus to a customer upon request by that customer. In addition, the proposed rule changes establish procedures for the furnishing to customers of amendments to the options disclosure documents or the prospectus, and contain technical changes to the SRO rules reflecting the fact that the disclosure documents, rather than the prospectus, will be the primary source of information to investors about standardized options.[3]

Interested persons are invited to submit any written data, views and arguments concerning the proposed rule changes within 21 days from the date of publication of the submission in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Reference should be made to the file numbers listed above.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission and all written communications relating to the proposed rule changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organizations.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and, in particular, the requirements of Section 6 of the Exchange Act and the rules and regulations thereunder. The Commission finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof, in that the rule changes implement the immediate use of the new disclosure system with respect to standardized options.[4] The new disclosure system was the subject of extensive notice prior to its adoption by the Commission.[5] Accordingly, the Commission finds that notice on the proposed rule changes is unnecessary. In addition, for the reasons set forth in the Commission release adopting the new disclosure rules, the Commission finds it to be in the public interest to permit the disclosure system to go into effect as soon as possible. Prompt approval of the subject proposed rule changes is necessary to effectuate that result.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–29790 Filed 10–28–82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–19155; File No. SR–DTC–82–7]

The Depository Trust Co.; Proposed Rule Change; Self-Regulatory Organizations

Relating to its Participant Terminal System Fees. Comments requested within 21 days after the date of this publication.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 1, 1982, The Depository

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[1] The SROs filed their proposed rule changes with the Commission on the following dates: (1) Chicago Board Options Exchange, Incorporated ("CBOE") (SR–CBOE–82–14), filed its proposed rule change on August 9, 1982 and an amendment to its proposed rule change on October 12, 1982; (2) American Stock Exchange, Inc. ("Amex") (SR–Amex–82–13), filed October 6, 1982; and (3) Philadelphia Stock Exchange, Inc. ("Phlx") (SR–Phlx–82–11), filed October 13, 1982.

[2] The revised disclosure system was proposed in Securities Exchange Act Release No. 18636 (June 24, 1982), 47 FR 28688 (July 1, 1982) and approved in Securities Exchange Act Release No. 19055 (September 16, 1982), 47 FR 41950 (September 23, 1982).

[3] CBOE's rule filing also provides for technical amendments to its GNMA options rules.

[4] The New York Stock Exchange, Inc., the Midwest Stock Exchange, Incorporated, the Pacific Stock Exchange, Incorporated, and the National Association of Securities Dealers, Inc., have indicated that they will file similar proposed rule changes. The Commission also expects to give such proposed rule changes expedited treatment.

[5] In that regard, the Commission received 13 comments on the new disclosure system in response to Securities Exchange Act Release No. 18636 (June 24, 1982), 47 FR 28688 (July 1, 1982). While many of the commentators raised questions about technical aspects of the disclosure system, each of the commentators endorsed the concept of replacing the prospectus with an options disclosure document as the principal source of information to investors about standardized options.

Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board of Directors for The Depository Trust Company has approved revised Participant Terminal System (PTS) and associated fees effective October 1, 1982.

The Depository Trust Company periodically determines fees designed to pass through to Participants the charges which DTC incurs in centrally leasing Participant Terminal System (PTS) terminals, printers and related communications lines which DTC in turn provides to its Participants at their requests. Since the last PTS fee revision costs associated with PTS equipment increased 14%. In addition, DTC now will pass through to Participants expenses it incurs in training Participants' personnel at their site in the use of PTS, for installation of modems and of secure (dedicated) and dial back-up telephone lines at Participants' sites, as well as for all actual equipment shipping charges.

Amendments to the fee schedule for PTS equipment and Line Pass-Through charges are indicated below (additions are italicized and deletions are bracketed).

SUMMARY TABLE.—PTS EQUIPMENT AND LINE PASS-THROUGH CHARGES

Service	Description	Present fee	Proposed fee
PTS Terminal	A basic configuration comprised of one CRT screen and a printer at a Participant's site.	[$670] per month, plus telephone line cost and applicable sales tax.	*$765* per month, plus telephone line cost and applicable sales tax.
Additional CRT	Each additional CRT screen added to the basic configuration of 1 CRT and 1 printer (max of 5).	[$110] per month, plus telephone line cost and applicable sales tax.	*$120* per month, plus telephone line cost and applicable sales tax.
Additional Printer	Each additional printer added to the basic configuration of 1 CRT and 1 printer.	[$275] per month, plus applicable sales tax.	*$290* per month, plus applicable sales tax.
Dial Back-up	Equipment and associated telephone lines for use when a Participant's dedicated line is down.	[$125] per month	*$150* per month.
Installation Charges	One-time vendor charges to install telephone lines and equipment, equipment shipping costs, and training:.		
	Dedicated and dial back-up lines in NYC	[No charge]	*$450 total*
	Dedicated and dial back-up lines outside NYC	[No charge]	*$300 total*
	Basic PTS configuration	$165	$165
	Additional CRT	$40	$40
	Additional printer	$75	$75
	Modem	[No charge]	*$175*
	Shipping of equipment	[$125]	*Out-of-pocket expenses.*
	Training by DTC on site	[No charge]	*Out-of-pocket travel expenses.*

The Fee Schedule for Major Services was originally filed on Form 19b–4A, File No. SR–NYSE–75–19. Fees for PTS were originally 19b–4A, File No. SR–DTC–76–8. A revised Fee Schedule for Major Services was filed on Form 19b-4A, File No. SR–DTC–78–6. Amendments to the Fee Schedule for Major Services was filed on Form 19b–4A, File No. SEC/SR–DTC–78–12. A revised Fee Schedule for Major Services was filed on Form 19b–4A, File No. SR–DTC–80–5.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to establish fees for PTS which will reflect DTC's costs more accurately than do the present fees.

The proposed rule change relates to DTC's carrying out the purposes of Section 17A of the Securities Exchange Act of 1934 (the Act) by equitably allocating fees among DTC Participants.

(B) Self-Regulatory Organization's Statement on Burden on Competiton

DTC perceives no burden on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments have not been solicited or received. All Participants have been notified of the proposed rule change by DTC Important Notice attached as Exhibit 2 to DTC's filing on Form 19b–4, File No. SR–DTC–82–7.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication, for the Commission by the Division of Market Regulation pursuant to delegated authority.

Dated: October 19, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29793 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19165]

Filing and Immediate Effectiveness of Proposed Rule Change (File No. SR-MSTC-82-22) and Order Granting the Withdrawal of Proposed Rule Change (File No. SR-MSTC-82-17) by the Midwest Securities Trust Company

October 21, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 27, 1982, the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission the proposed rule change (File No. SR-MSTC-82-22) as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends MSTC Rule 3, Section 4 which clarifies MSTC's rights when MSTC ceases to act for a participant. The rule change clarifies that any entry made to a participant's account does not constitute an entry on the books of MSTC until MSTC has determined for such day that the participant has fully satisfied its settlement obligations with MSTC. MSTC may also, when a participant is unable to pay for securities delivered into the participant's account by book-entry movement, either (a) reverse the transaction in question, returning the securities subject to the transaction ("subject securities") from the receiver's account to the deliverer's account and reverse any credits or debits to the respective participant's money accounts; or (b) sell the securities and credit the proceeds to the receiver's money account; provided the subject securities have not been transferred out of the receiver's account. For purposes of this rule, subject securities are considered transferred out of the receiver's account when the amount of securities in the receiver's account at the time MSTC seeks to reverse the transaction is less than the amount in the receiver's account immediately before the subject securities were delivered to that account.

On August 2, 1982, MSTC submitted a proposed rule change (File No. SR-MSTC-82-17) under Sections 19(b)(3)(A) of the Act. Under that Section, the rule change, interpreting MSTC Rule 3, Section 4, became effective upon filing. Subsequently, MSTC submitted a rule change amending MSTC Rule 3, Section 4 and now wishes to withdraw the rule change submitted on August 2, 1982. Accordingly, the Commission has considered MSTC request for consent to the withdrawal of its August 2, 1982 rule change and, hereby, approves the withdrawal of SR-MSTC-82-17.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-MSTC-82-22.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any persons, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29785 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19166; File No. SR-MSTC-82-21]

Filing and Immediate Effectiveness of Proposed Rule Change by the Midwest Securities Trust Company

October 21, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 27, 1982, the Midwest Securities Trust Company ("MSTC") filed with the securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change revises MSTC's current fees for the storage and safekeeping of participants' municipal securities. Previously, MSTC charged a flat fee based on the total value of each participant's securities stored with MSTC. The proposed rule change, however, reduces the aggregate amount charged each participant per security issue by establishing a scaled fee that declines as the value of the participant's position in the security issue increases MSTC believes that the proposed fee change is consistent with Section 17A of the Securities Exchange Act of 1934, in that it provides for the equitable allocation of fees among MSTC's participants and more accurately reflects the depository's cost in providing safekeeping services.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. Reference should be made to File No. SR-MSTC-82-21.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29786 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12752; 811-1371]

First Multifund of America, Inc.; Filing of Application

October 21, 1982.

Notice is hereby given that First Multifund of America, Inc. ("Applicant") 1108 National Press Building Washington, D.C. 20045, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 8, 1980, and an amendment thereto on September 22, 1982, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a New York corporation, registered under the Act on February 23, 1966, and it filed a registration statement (File No. 2-24604) pursuant to the Securities Act of 1933 ("1933 Act") on March 7, 1966. Applicant states that it first offered its shares to the public on September 13, 1967, and offered its shares continuously to the public from that time until November 21, 1979, when it sold substantially all of its assets and other property to Oppenheimer Special Fund, Inc. ("Oppenheimer"), a registered open-end, diversified, management investment company.

According to the application, on November 16, 1979, the shareholders of Applicant at a special meeting of shareholders adopted a resolution approving a Plan of Reorganization and Liquidation ("Plan") contemplating the exchange of substantially all of the assets of Applicant for shares of Oppenheimer, the dissolution of Applicant in accordance with the laws of New York, distribution of the shares of Oppenheimer to Applicant's shareholders and the termination of Applicant's registration under the Act.

Applicant states that on November 21, 1979, pursuant to the Plan, each shareholder of Applicant received .5216996 shares of Oppenheimer in exchange for each share Applicant owned as of that date, the Oppenheimer shares having a net asset value of $15.42 per share. On that date Applicant had total asets of $7,119,086.99, of which $6,513,964.91 was distributed to shareholders in the form of Oppenheimer shares, and $605,111.08 was retained as a reserve to meet outstanding debts and other contingencies during the winding-up of Applicant's affairs. The assets in the reserve were placed in a liquidating trust which was created on November 21, 1980, under the laws of the State of New York for the benefit of Applicant's shareholders of record as of November 21, 1979. Applicant represents that it has no debts or other liabilities, and no assets, as of August 17, 1982. On that date $575,903.52, the remaining assets, were distributed to shareholders by Bradford Trust Company of Boston. The distribution was made to all shareholders of record as of November 21, 1979, and was made on the basis of $0.711 per share. Applicant also represents that it is not a party to any litigation or administrative proceeding; that it is not engaged in, nor does it propose to engage in, any business activities other than those necessary for winding-up its affairs, and that it intends to file a certificate of dissolution with the State of New York when the winding-up of its affairs has been completed.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29775 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12755; 811-2517]

First Multifund For Daily Income, Inc.; Filing of Application

October 21, 1982.

Notice is hereby given that First Multifund For Daily Income, Inc. ("Applicant"), 1108 National Press Building, Washington, DC 20045, registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application on December 8, 1980, and an amendment thereto on September 22, 1982, for an order of the Commission pursuant to Section 8(f) of the Act declaring that it has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, incorporated under the laws of the State of New York, registered under the Act on August 27, 1974. Applicant states that it first offered its shares to the public on September 16, 1974, pursuant to a registration statement under the Securities Act of 1933 (File No. 2–51835) filed with the Commission on August 27, 1974. Applicant continuously offered its shares to the public from that time until November 21, 1979, when Applicant sold substantially all of its assets and other property to Oppenheimer Monetary Bridge, Inc. ("Oppenheimer"), an open-end, diversified, management investment company registered under the Act.

According to the application, on November 16, 1979, the shareholders of Applicant, at a special meeting of shareholders held on that date, adopted a resolution approving a Plan of Reorganization and Liquidation ("Plan") contemplating the exchange of substantially all of the assets of Applicant for shares of Oppenheimer, the dissolution of Applicant in accordance with the laws of New York, and distribution of the shares of Oppenheimer to Applicant's shareholder and the termination of Applicant's registration under the Act.

Applicant states that on November 21, 1979, pursuant to the Plan, each shareholder of Applicant received .833 shares of Oppenheimer in exchange for each share of Applicant owned by each shareholder as of that date, the Oppenheimer shares having a net asset value of $1.00 per share. Applicant further states that on November 21, 1979, it had total assets of $724,368.74, of which $662,797.40 was distributed to shareholders in the form of Oppenheimer shares, and $61,571.34 was retained as a reserve to meet outstanding debts and other contingencies which might occur during the winding-up of Applicant's affairs. On November 21, 1980, Applicant's Directors entered into a Declaration of Trust by which they agreed to hold, for the benefit of the shareholders, the assets representing the balance of the cash reserve withheld from the sale of assets to Oppenheimer. Applicants represent that, on September 17, 1982, $3727.01, of the remaining assets, were distributed to shareholders by Bradford Trust Company of Boston. The distribution was made to all shareholders of record as of November 21, 1979, and was made on the basis of $0.005 per share. Applicant represents that as of September 17, 1982, it had no assets no debts or liabilities outstanding; that it is not a party to any litigation or administrative proceeding; that is is not engaged in, nor does it propose to engage in, any business activities other than those necessary for winding-up its affairs, and that it intends to file a certificate of dissolution with the State of New York when the winding-up of its affairs has been completed.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the addresss stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82–29780 Filed 10–28–82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22680; 70–6652]

Hawaiian Electric Industries, Inc.; Proposed Acquisition of Public Utility Companies

October 22, 1982.

Hawaiian Electric Industries, Inc. ("Industries") 900 Richards Street, Honolulu, Hawaii 96813, a Hawaii corporation, has filed with this Commission an application and an amendment thereto pursuant to the Public utility Holding Company Act of 1935 ("Act"), designating Sections 9(a)(2) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

Industries is a newly-organized corporation, a wholly-owned subsidiary of Hawaiian Electric Company, Inc. ("HECO"), a Hawaiian corporation, and was created to accomplish a proposed merger and reorganization of HECO. HECO is both an electric utility company and a holding company as defined in Section 2(a)(7) of the Act. It owns all of the outstanding common stock of Hawaii Electric Light Company Inc. ("HELCO") and Maui Electric Company, Ltd. ("MECO"), both Hawaiian corporations and electric utility companies under Section 2(a)(3). The three companies provide electric service on various islands of the State of Hawaii. HECO is a holding company exempt pursuant to filings made under Rule 2.

The proposed merger and reorganization involves the following: (1) a subsidiary of Industries will be merged into HECO, with HECO as the surviving corporation; (2) the common stock of the subsidiary owned by Industries will be converted into common stock of HECO; (3) the outstanding common stock of HECO will be changed, on a share-for-share basis, into common stock of Industries; and (4) HECO will become a wholly-owned subsidiary of Industries. HELCO and MECO will continue to be subsidiaries of HECO. Certain securities of HECO and HELCO which are convertible into common stock of HECO will become convertible into common stock of Industries. The outstanding securities of HECO, HELCO and MECO, other than HECO's common stock and securities involved in the conversion change just mentioned, will not be affected by the restructuring. Following consummation of the merger Industries will have no securities outstanding other than common stock.

Industries' proposal will not result in any substantial change in the operation of, or in any expansion of, the utility properties of HECO's present holding company system. The common and Series L convertible preferred stockholders of HECO approved the merger by vote at a special meeting held October 21, 1981. Requisite consents from holders of all pertinent preferred series except Series H have been obtained. The holder of 40% of HECO's Series H preferred stock has refused to consent; an affirmative vote by the holders of two-thirds of the outstanding stock in the series is required for approval.

It is stated that the objective of the reorganization is to permit greater financial and organizational flexibility through a corporate structure that will facilitate the developement of alternate energy businesses and other business opportunities by Industries. Industries is considering several energy-related projects, including geothermal resource development and underwater cable transmission.

HECO and its two subsidiaries are operating utilities engaged in the transmission, distribution and sale of electricity on the Islands of Hawaii (HELCO), Oahu (HECO) and Maui (MECO), and the transmission, distribution and sale of electricity on the Island of Lanai (MECO). These four islands have an estimated population of 920,000, about 95% of the population of the State of Hawaii. Pertinent data concerning the utility operations of the three companies for the year ended December 31, 1981, is summarized below:

	HECO	HELCO	MECO
Net Utility Plant	$534,437,478	$80,543,643	$81,399,214
Operating Revenues	580,159,642	50,775,386	54,215,219
Net income (after preferred dividends)	25,976,292	2,101,505	417,030
Customers	218,162	36,709	31,083

Industries, as a holding company, states that it will be entitled to an exemption under Section 3(a)(1) of the Act because it and public utility subsidiaries "are predominantly intrastate in character and carry on their business substantially in a single state in which such holding company and every such subsidiary thereof are organized." Industries intends to claim exemption pursuant to Rule 2.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $400,000, including legal expenses of $205,000, printing expenses of $90,000 and proxy solicitation expenses of $44,000. The Hawaii Public Utilities Commission has approved the proposed acquisition, subject to the execution of an agreement containing conditions, which was executed September 23, 1982. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 19, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any notice or order issued in this matter. After said date the application, as amended or as it may be further amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29776 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22677; 70-6769]

Middle South Utilities, Inc.; Proposed Issuance and Sale of Common Stock

October 21, 1982.

Middle South Utilities, Inc. ("Middle South") 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 thereunder.

Middle South proposes to issue and sell, in one or more sales, from time to time not later than September 30, 1983 not more than 10 million authorized but unissued shares of its common stock, $5 par value ("Additional Common Stock"). The net proceeds from the sale will be applied toward the reduction of the then outstanding bank loans made to Middle South pursuant to the Credit Agreement between Middle South and various commercial banks, dated June 27, 1980, the purchase of common stock from its subsidiaries and for other corporate purposes.

Middle South will use alternative competitive bidding procedures in accordance with the Commission's delayed or continuous offering and sale procedures contained in Rule 415, 17 CFR 230.45. Pursuant to Rule 50(a)(5) of the Act, the Commission has issued a statement of policy (HCAR No. 22623, September 2, 1982), authorizing until definitive Commission action on Rule 415, the use of alternative competitive bidding procedures in lieu of the procedures prescribed by Rule 50(b).

Middle South has indicated that it may at some future time amend this application-declaration to seek an exception from the competitive bidding requirements of Rule 50 so that it may offer the Additional Common Stock through a negotiated sale if market conditions at the time of the offering are unfavorable so as to require the assistance of underwriters, dealers or agents.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested persons wishing to comment or request a hearing should submit their views in writing by November 15, 1982, to the Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29783 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22674; 70-6746]

Middle South Utilities, Inc.; Proposal To amend dividend Reinvestment and Stock Purchase Plan and To Issue and Sell Additional Common Stock Pursuant Thereto

October 20, 1982.

Middle South Utilities, Inc. ("Middle South") 225 Baronne Street, New Orleans, Louisiana 70112, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

Middle South proposes to amend its Dividend Reinvestment and Stock Purchase Plan ("Plan") to permit holders of shares of preferred stock of Middle South's principal operating subsidiaries, Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc. ("operating subsidiaries"), to participate in the Plan. Currently, only owners of Middle South common stock, $5 par value, are eligible to have dividends from such stock, as well as cash payments, invested in the purchase of additional shares of common stock. Under the proposal, all shareholders of preferred stock of the operating subsidiaries would be able to participate in the Plan by investing cash and/or dividends on all of less than all of their shares in shares of Middle South common stock.

Through December 31, 1982, 12,500,000 shares of common stock are authorized to be issued and sold pursuant to the Plan. To date 9,649,524 of such shares have been sold, and the balance is expected to be sold in the near future. Middle South requests authorization to issue and sell an additional 12,500,000 shares of common stock ("Additonal Stock"), such Additional Stock being authorized but unissued shares. It is represented that this amount should be sufficient to provide for the requirements of the Plan, if amended, through December 31, 1984.

Middle South proposes to apply the proceeds from the sale of the Additional Stock toward the payment of any short-term notes outstanding from time to time and for other corporate purposes. Middle South requests an exception from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a)(5).

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 15, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by afffidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29787 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12751; 812-5205]

The North Carolina Cash Management Trust (Formerly North Carolina Cash Management Fund); Filing of Application

October 21, 1982.

Notice is hereby given that The North Carolina Cash Management Trust (formerly North Carolina Cash Management Fund) ("Applicant") 82 Devonshire Street, Boston, Massachusetts 02109, an open-end, diversified management investment company, filed an application on June 4, 1982, and amendments thereto on July 19, 1982, and September 16, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to use the amortized cost method to value its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized and is presently legally existing as a business trust under the laws of the Commonwealth of Massachusetts. Applicant states that it has filed a registration statement under the Securities Act of 1933 and the Act on Form N-1. Applicant represents that it is a "series" money market fund offering to local governments and public authorities of the State of North Carolina, exclusively, a means to invest in a professionally managed portfolio (referred to as "portfolio" or "series") of certain money market instruments with the objective of seeking as high a level of current income as is consistent with the preservation of capital and liquidity within the standards prescribed for the Applicant. Applicant further states that its shares will be sold without a sales charge.

Applicant states that its investment adviser, Fidelity Management & Research Co. ("FMR"), will pay all of the expenses of Applicant with the exception of a distribution fee and certain limited expenses. Fidelity Distributors Corporation, a wholly owned subsidiary of FMR, will receive the distribution fee and pursuant to an agreement with Sterling Capital Distributors ("Sterling"), Applicant's distribution agent, will pay over the full amount of the fee to Sterling. Sterling will render services in connection with the distribution of shares of Applicant, will provide cash management advice to local governmental units in North Carolina, and will provide assistance in servicing shareholder accounts.

Applicant states that it will invest in (i) obligations issued or guaranteed as to principal and interest by the U.S. Government or certain of its agencies or instrumentalities, (ii) obligations of North Carolina banks or savings and loan associations where the principal is insured in full by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the North Carolina Savings Guaranty Corporation, (iii) collateralized certificates of deposit of major North Carolina banks (collateral to cover fully any principal amount of such certificate in excess of the amount insured by the U.S. government or any agency thereof) with investment in such to be exercised only upon enactment of clarifying North Carolina legislation, (iv) Bankers' Acceptances, eligible for use as collateral by member banks in borrowing from a Federal Reserve Bank (provided that the accepting bank or its holding company is either (a) incorporated in the State of North Carolina and has capital, surplus, and undivided profits (as of the date of its most recently published financial statements) of $100 million or more at the date of investment, or (b) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations),[1] and (v) prime commercial paper. The Applicant may also enter into repurchase agreements involving any security in which it is permitted to invest, and may purchase new issues of government securities on a "when-issued" basis.

As here pertinent, Section 2(a)(41) of the Act defines "value" with respect to portfolio assets to mean: (i) with respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under Section 22 of the Act provides, in pertinent part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 promulgated under the Act provides that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that Rule. Rule 2a-4 further provides that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of a registered company. Prior to the filing of this application, the Commission stated its view that (1) Rule 2a-4 requires that portfolio instruments of "money market" funds be valued with reference to market factors and (2) it would prospectively consider the use by a money market fund of the amortized cost basis for valuing its portfolio securities (except those having maturities of 60 days or less) to be inconsistent with Rule 2a-4 (Investment Company Act Release No. 9786, May 31, 1977).

In view of the foregoing, Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation—i.e., valuing portfolio securities at cost, adjusted for amortization of premium or accretion of discount.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that it believes that the valuation of its portfolio securities on the amortized cost basis will benefit shareholders by enabling it to maintain a constant $1.00 per share purchase and redemption price, while at the same time providing shareholders with a steady flow of investment income through daily dividends which reflect Applicant's net income as earned. Applicant further states that its Trustees have determined in good faith that in light of the characteristics of the Applicant as described above and absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such securities.

Applicant submits that the issuance of the requested order by the Commission is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

(1) In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share for each portfolio, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

(2) Included with the procedures to be adopted by the Board of Trustees shall be the following:

(a) Review by the Board of Trustees, as it deems appropriate and at such intervls as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share for each portfolio as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share for any portfolio exceeds ½ of 1 percent, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes the extent of any deviation from Applicant's $1.00 amortized cost price per share for any portfolio may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses or to shorten Applicant's average portfolio maturity of the relevant portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

(3) Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share for any portfolio; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in excess of 120 days in each portfolio.[2]

(4) Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily

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[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value. In addition, the quotations or estimates utilized may include, *inter alia,* (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments furnished by reputable sources.

[2] In fulfilling this condition, Applicant states that if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days in each portfolio, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

(5) In ech of the portfolios, Applicant will limit its portfolio investments, including repurchase agreements, to those U.S. dollar-denominated instruments which the Board of Trustees determines present minimal credit risks and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

(6) Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than November 12, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of such person's interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or such person may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 29778 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19157; SR-OCC-82-13]

The Options Clearing Corp.; Filing of Amendment and Order Approving Proposed Rule Change

October 19, 1982

The Options Clearing Corporation, Inc. ("OCC"), 200 South Wacker Drive, Chicago, Illinois 60606, submitted on June 17, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, to amend the Participant Exchange Agreement between it and the four national securities exchanges on which standardized options are currently traded. The proposed rule change would establish a Listed Options Disclosure Committee to coordinate the preparation and amendment of the disclosure documents filed under a revised disclosure system recently established by the Commission in connection with the trading of standardized options.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18935, August 4, 1982) and by publication in the **Federal Register** (47 FR 36347, August 19, 1982). No comments were received with respect to the proposed rule filing. As a result of discussions with the Commission staff, on September 30, 1982, OCC filed a technical amendment to the proposed rule filing amending the provisions pertaining to idemnification and voting rights with regard to the contents of the disclosure documents.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a registered clearing corporation and, in particular, the requirements of Section 17A of the Act, and the rules and regulations thereunder. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after publication of notice of filing of the amendment to the proposed rule change because the amendment is technical in nature and because the new disclosure system was the subject of extensive notice prior to its adoption by the Commission. In addition, for the reasons set forth in the Commission release adopting the new disclosure rules, the Commission finds it to be in the public interest to permit the disclosure system to become effective as soon as possible. Prompt approval of the subject proposed rule change is necessary to effectuate that result.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29789 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12754; 812-5279]

The Pierpont Fund; Application

October 21, 1982.

Notice is hereby given that The Pierpont Fund ("Applicant") 1251 Avenue of the Americas, New York, NY 10020, registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, has filed an application on August 16, 1982, and an amendment thereto on October 13, 1982, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting the Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit the net asset value of Applicant's shares to be calculated pursuant to the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a business trust under the laws of the Commonwealth of Massachusetts on April 22, 1982, and that it registered under the Act on that date. Its shares will be offered at net asset value with no sales charge exclusively to customers of Morgan Guaranty Trust Company of New York ("Morgan Guaranty") and Morgan Stanley and Co. Incorporated ("Morgan Stanley"). Investment objectives of Applicant are to maximize current income and maintain high levels of liquidity. Morgan Stanley is the administrator and distributor of Applicant's shares and Morgan Guaranty is its investment adviser.

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[1] The revised disclosure system was proposed in Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982) and adopted in Securities Exchange Act Release No. 19055 (September 16, 1982), 47 FR 41950 (September 23, 1982).

According to the application, Applicant's portfolio may be invested in a variety of money market instruments, including United States Government securities, bank obligations, commercial paper and corporate obligations maturing in one year or less, variable rate master demand notes, and obligations of the International Bank for Reconstruction and Development. Applicant states that it may enter into repurchase agreements with respect to its portfolio securities, but any repurchase agreements maturing in more than seven days are limited to 10% of its total assets, computed together with any other illiquid asset it may hold. Applicant may also make loans of its portfolio securities.

With respect to lending portfolio securities Applicant will require that the borrower of the securities will at all times maintain cash or equivalent collateral or secure a letter of credit in favor of the Applicant equal in value to at least 100% of the value of securities loaned. In addition, in determining which broker-dealers, banks or other recognized financial institutions to whom securities will be loaned, Applicant will consider all relevant facts and circumstances, including the creditworthiness of the financial institution and/or the creditworthiness of the bank issuing any letter of credit. Applicant will not enter into any portfolio lending agreement of more than one year's duration. Any letter of credit securing a borrower's obligation to return borrowed securities will remain in effect at least as long as the securities remain on loan. Any securities with maturities in excess of one year that Applicant may receive as collateral for a particular loan will not become part of Applicant's portfolio either at the time of the loan or in the event that the borrower defaults on its obligation to return the borrowed securities. Applicant will not lend its securities to any officer, trustee, employee, director or affiliate of Applicant, Morgan Guaranty or Morgan Stanley. Applicant states that its investments in bank obligations will not include obligations for which Morgan Guaranty, or any of its affiliated persons, is the ultimate obligor or accepting bank.

The dollar-weighted average maturity of all such instruments will be maintained at 120 days or less. In connection with its investment techniques Applicant will comply with relevant Commission rules and interpretations including Investment Company Act Release No. 10666 (April 18, 1979). Upon purchase by Applicant of variable rate or floating rate obligations or forward delivery obligations, the maturities of such obligations will be determined in accordance with the procedures set forth in proposed Rule 2a-7 under the Act, (Investment Company Act Release No. 12206), or if the Rule should ultimately be adopted, in accordance with the procedures set forth in the Rule as adopted.

As here pertinent, Section 2(a)(41) of the Act defines "value" to mean: (1) with respect to securities for which market quotations are readily available, the market value for such securities; and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors.

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 adopted under the Act provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that Rule, with estimates used where necessary or appropriate. Rule 2a-4 further provides that portfolio securities for which market quotations are readily available shall be valued at current market value, and other securities shall be valued at fair value as determined in good faith by the board of directors. The Commission has expressed its view that, among other things, it is inconsistent with Rule 2a-4 for money market funds to value their portfolio instruments on an amortized cost basis and that portfolio valuation should be made with reference to market factors (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from the provisions of Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit Applicant to value its portfolio securities by means of the amortized cost method of valuation.

Section 6(c) of the Act provides, in pertinent part, that upon application the Commission may by order conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief requested, Applicant represents that it and its administrator and distributor believe that in order to attract investors and retain shareholders, Applicant should possess the two attributes of stability of principal, and a steady flow of investment income.

Applicant believes that its investment policy of investing only in instruments having a remaining maturity of one year or less with an average portfolio maturity of 120 days combined with a stable price of $1.00 per share will provide both of the attributes of stability of principal and a steady flow of investment income.

Applicant states that its management's experience with respect to securities within Applicant's investment policy indicates that with respect to instruments maturing in 120 days or less there is normally a negligible discrepancy between market value and the amortized cost value of such security. Applicant believes that valuation of its assets on the amortized basis will benefit its shareholders. Applicant's trustees have determined in good faith that, in light of the characteristics of Applicant as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable for Applicant and reflects fair value of such securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemption it has requested:

1. Applicant's trustees in supervising Applicant's operations and delegating special responsibilities involving portfolio management to its investment manager, undertake—as a particular responsibility within the overall duty of care owed to the Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share as computed for the purpose of distribution and redemption at $1.00 per share.

2. Included within the procedures to be adopted by the trustees shall be the following: (a) Periodic review by the trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, of the relationship between the net asset value per share using amortized cost to value portfolio securities and net asset value per share based upon available indications of market value with respect to such portfolio securities, and the maintenance of records of such review;[1] (b) In the event of a difference of more than one-half of one percent between the two methods of valuation, a requirement that the trustees will promptly consider what action, if any, should be initiated; (c) Where the trustees believe the difference between the two methods of valuation may result in any material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or reduce, to the extent reasonably practicable, such dilution or unfair results which may include: selling portfolio instruments prior to maturity to realize capital gains or losses or to shorten the average portfolio maturity of the Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above; and, the Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the trustees determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N-1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Applicant asserts that granting the requested exemptions is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 15, 1982, at 5:30 p.m. submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29779 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. 22682; 70-6547]

Seneca Resources Corp. and National Fuel Gas Co.; Proposed Issuance and Sale of Up to $40,000,000 of Short-Term Notes to Banks

October 22, 1982.

Seneca Resources Corporation ("Seneca"), 10 Lafayette Square Buffalo, New York 14203, a wholly-owned subsidiary of National Fuel Gas Company ("National"), 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, and National have filed with this Commission a further post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

By order in this proceeding dated February 27, 1981 (HCAR No. 21940), Seneca was authorized to borrow up to $15,000,000 pursuant to a line of credit with Houston National Bank (Now, RepublicBank Houston, N.A.) ("Bank"). By order dated February 26, 1982 (HCAR No. 22404), Seneca was authorized to make certain changes in the loan agreement with the Bank and to borrow up to $25,000,000 under a line of credit with the Bank. In addition, National was authorized to guarantee repayment of Seneca's borrowings. As of October 4, 1982, Seneca had $22,850,000 outstanding pursuant to a note issued under the credit agreement. The note bears interest at the prime rate, and there are no compensating balance requirements nor any commitment fee. The borrowings under the line of credit are secured by Seneca's oil and gas properties and a portion of Seneca's hardwood timber acreage in the State of Pennsylvania. Under the Credit Agreement, borrowings of Seneca become due on March 1, 1983.

The declaration states that different alternatives for restructuring all of Seneca's current borrowings are being considered. Meanwhile, in order to fund Seneca's continuing operations, National and Seneca now seek authorization to increase the authorized line of credit and the borrowings thereunder subject to this proceeding to $40,000,000. The other terms of the credit agreement between Seneca and the Bank would remain unchanged.

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[1] To fulfill this obligation, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees in the exercise of their discretion to be appropriate indicators of value, which may include, among other things, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce such maturity to 120 days or less as soon as reasonably practicable.

The post-effective amendment to the declaration and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 22, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29777 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01

Senior Executive Service Performance Review Board; List of Members; Schedule of Bonus Awards

AGENCY: Securities and Exchange Commission.

ACTION: Listing of Personnel Serving as Members of this Agency's Senior Executive Service Performance Review Board and Announcement of Schedule for Awarding Bonuses.

SUMMARY: Pub. L. 95-454 dated October 13, 1978 (Civil Service Reform Act of 1978) requires that Federal agencies publish notification of the appointment of individuals who serve as members of that agency's Performance Review Board (PRB). This notice announces the PRB membership and the schedule for awarding SES bonuses in the Commission. The Securities and Exchange Commission has established a Performance Review Board consisting of:

1. George G. Kundahl, Executive Director, PRB Chairman.
2. Edward F. Greene, General Counsel.
3. Daniel L. Goelzer, Executive Assistant to the Chairman.
4. Donald N. Malawsky, Administrator, New York Regional Office (alternate).
5. Lee B. Spencer, Director, Division of Corporation Finance (alternate).

The Securities and Exchange Commission plans to award bonuses to Senior Executive Service members on or about November 15, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Craig Kellerman, Office of the Executive Director, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549 (202-272-2705).

Dated: October 21, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29761 Filed 10-28-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0441]

ALPHA Financial Corp.; Issuance of a Small Business Investment Company License

On April 23, 1982, a notice was published in the **Federal Register** (46 FR 35402) stating that an application has been filed by ALPHA Financial Corporation, 485 Morris Avenue, Springfield, New Jersey 07081, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)) for a license as a small business investment company.

Interested parties were given until close of business May 8, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 02/02-0441 on October 13, 1982, to ALPHA Financial Corporation to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 21, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-29736 Filed 10-28-82; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 06/06-0263]

Capital Equity Corp.; Notice of Application for License to Operate as a Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), under the name of Capital Equity Corporation, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*) and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholder of the Applicant are as follows:

Name and address	Title and relationship
H. H. Holloway, Jr., 5272 Melrose Boulevard, Baton Rouge, Louisiana 70806.	Chairman of the Board and director.
Jack R. Jones, Route 1, Box 3, Norwood, Louisiana 70761.	Vice chairman of the board and director.
E. K. Easterly, 1371 Ashbourne Drive, Baton Rouge, Louisiana 70815.	Chief executive officer and director.
Richard K. Easterly, 1367 Ashbourne Drive, Baton Rouge, Louisiana 70815.	President and director.
Louis G. Smith, 11581 Sheraton Drive, Baton Rouge, Louisiana 70815.	Senior executive vice president.
Allie R. Pogue, 3421 San Felipe Drive, Baton Rouge, Louisiana 70808.	Executive vice president and director.
Stephen C. Ducote, Jr., 1437 Castlebury Drive, Baton Rouge, Louisiana 70815.	Senior vice president and Secretary-treasurer.
Warren W. Duncan, 8771 Cottage Avenue, Baton Rouge, Louisiana 70806.	Senior vice president.
Arthur J. Mitchell, 1385 Braeburn Drive, Baton Rouge, Louisiana 70815.	Senior vice president and general manager.
R. L. Anderson, Jr., 3333 McCarroll Drive, Baton Rouge, Louisiana 70808.	Director.
Sidney E. Cowe, 11450 Glenhaven Drive, Baton Rouge, Louisiana 70815.	Director.
James M. Field, 8743 W. Fairway Drive, Baton Rouge, Louisiana 70808.	Director.
Edward D. Grant, Jr., 5837 Boone Drive, Baton Rouge, Louisiana 70808.	Director.
J. W. Melencon, 9556 Goodwood Boulevard, Baton Rouge, Louisiana 70815.	Director.
Frank G. Sullivan, Jr., 13686 Triple B Road, Greenwell Springs, Louisiana 70814.	Secretary of the board.
Capital Bank & Trust Company, 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.	100 percent shareholder.
Capital Bancshares, Inc., 1885 Wooddale Boulevard, Baton Rouge, Louisiana 70806.	100 percent shareholder of Capital Bank & Trust Company.

There are no ten (10) percent or more shareholders of Capital Banchares, Inc.

The Applicant will begin operations with $500,000 of private capital derived from the sale of 50,000 shares to Capital Bank & Trust Company.

The Applicant will conduct its operations in the State of Louisiana.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness in accord with the Act and Regulations.

Notice is hereby given that any person may on or before November 15, 1982, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Baton Rouge, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 20, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-29734 Filed 10-28-82; 8:45 am]

BILLING CODE 8025-01-M

[License No. 04/04-5216]

Valley Capital Corp.; Issuance of License To Operate as a Small Business Investment Company

On July 12, 1982, a notice was published in the **Federal Register** (FR 30127), stating that Valley Capital Corporation, located at the 8th Floor Krystal Building, 100 W. Martin Luther King Boulevard, Chattanooga, Tennessee 37402, had filed an application with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982), for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business July 27, 1982, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and all other pertinent information, SBA issued License No. 04/04-5216 to Valley Capital Corporation on October 8, 1982, to operate as a small business investment company, pursuant to Section 301(d) of the Act.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 21, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-29735 Filed 10-28-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 831]

Border Crossing Cards

Notice is hereby given that, effective November 1, 1982, the United States Consulates at Nuevo Laredo and Matamoros, Mexico, will be authorized to issue border-crossing cards to nationals of Mexico as specified in 22 CFR 41.128(b).

These authorizations constitute extensions of the testing of the procedure described in the Supplementary Information of the Department's regulatory publication of November 4, 1981 (46 FR 54729).

Dated: October 22, 1982.

Diego C. Asencio,

Assistant Secretary for Consular Affairs.

[FR Doc. 82-29813 Filed 10-28-82; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Fiscal Service

Treasury Current Value of Funds Rate

AGENCY: Bureau of Government Financial Operations, Treasury.

ACTION: Notice of rate for use in Federal debt collection operations and discount evaluation.

SUMMARY: This notice provides the percentage rate based on the current value of funds to the Treasury to be used in connection with agency cash management systems involving Federal debt collection operations and cash discount evaluation. The rate is provided as public notice to assist agencies in their negotiations with affected contractors, organizations, and individuals. The applicable rate is 13.00%.

DATES: The rate will be in effect for the period beginning on January 1, 1983, and ending on March 31, 1983.

FOR FURTHER INFORMATION CONTACT: Inquiries should be directed to the Cash Management Regulations and Compliance Staff, Bureau of Government Financial Operations, Department of the Treasury, Treasury Annex No. 1, Washington, DC 20226 (Telephone: 202/634-5131).

SUPPLEMENTARY INFORMATION: The Debt Collection Act of 1982, Pub. L. 97-365 which amended Section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 952) mandates that the Secretary of the Treasury publish the annual percentage rate to be used in assessing interest charges for outstanding debts on claims owed the Government. Treasury's Cash Management Regulations (I TFRM 6-8000) also stipulate use of this rate by agencies to evaluate the cost effectiveness of a cash discount. The rate reflects the current value of funds to the Treasury and is based on rates set for purposes of Pub. L. 95-147, 91 Stat. 1227.

Dated: October 27, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-29923 Filed 10-28-82; 8:45 am]

BILLING CODE 4810-35-M

VETERANS ADMINISTRATION

Agency Forms Under OMB Review

AGENCY: Veterans Administration.

ACTION: Notice.

The Veterans Administration has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This document is broken into 2 categories listing revisions and extensions. Each entry contains the following information: (1) The department or staff office issuing the form; (2) The title of the form; (3) The agency form number, if applicable; (4) How often the form must be filled out; (5) Who will be required or asked to report; (6) An estimate of the total number of hours needed to fill out the form; and (8) An indication of whether section 3504(H) of Pub. L. 96-511 applies.

ADDRESSES: Copies of the proposed forms and supporting documents may be obtained from Patricia Viers, Agency Clearance Officer (004A2), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC, 20420 (202) 389-2146. Comments and questions about the items on this list should be directed to the VA's OMB Desk Officer, Karen Sagett, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395-6880.

DATES: Comments on forms should be directed to the OMB Desk Officer within 60 days of this notice.

Dated: October 25, 1982.

By direction of the Administrator.

Dominick Onorato,

Associate Deputy Administrator for Information Resources Management.

Revisions

(1) Department of Veterans Benefits
(2) Application for Educational Assistance (under VEAP)
(3) VA Form 22-8821
(4) On occasion
(5) Veterans applying for Educational Assistances under Chapter 32, Title 38, U.S.C.
(6) 35,00 responses
(7) 26,250 hours
(8) Not applicable under 3504(h)

* * * * *

(1) Department of Veterans Benefits
(2) Application for Survivors' and Dependents' Education Assistance
(3) VA Form 22-5490
(4) On occasion
(5) Dependents and survivors of veterans and servicepersons
(6) 24,000 responses
(7) 12,000 hours
(8) Not applicable under 3504(h)

* * * * *

(1) Department of Veterans Benefits
(2) Credit Statement of Prospective Purchaser and Contract of Sale
(3) VA Form 26-6705
(4) On occasion
(5) Offerors of VA acquired properties
(6) 42,000 responses
(7) 21,000 hours
(8) Not applicable under 3504(h)

* * * * *

(1) Department of Veterans Benefits
(2) Request to Mortgage Company for Amount of Unpaid Mortgage
(3) VA Form Letter 29-712
(4) On occasion
(5) Lending institutions
(6) 1,000 responses
(7) 167 hours
(8) Not applicable under 3504(h)

Extensions

(1) Department of Veterans Benefits
(2) Monthly Record of Training and Wages
(3) VA Form 20-1905c
(4) Monthly
(5) Veterans and training establishments
(6) 12,000 responses
(7) 6,000 hours
(8) Not applicable under 3504(h)

* * * * *

(1) Department of Veterans Benefits
(2) Mobile Home Appraisal Report
(3) VA Form 26-8712
(4) On occasion
(5) Mobile home purchasers or lenders
(6) 1,250 responses
(7) 2,500 hours
(8) Not applicable under 3504(h)

* * * * *

(1) Department of Veterans Benefits
(2) Application for Home Loan Guaranty
(3) VA Form 26-1802a
(4) On occasion
(5) Mortgage lenders and veterans
(6) 100,000 responses
(7) 75,000 hours
(8) Not applicable under 3504(h)

[FR Doc. 82-29802 Filed 10-28-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 210
Friday, October 29, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Securities and Exchange Commission 11
Tennessee Valley Authority 12

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:10 a.m. on Tuesday, October 19, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation with respect to the initiation and conduct of a cease-and-desist proceeding against an insured bank (name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii))).

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: October 19, 1982.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1565-82 Filed 10-27-82; 2:14 pm]
BILLING CODE 6714-01-M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 46961, Thursday, October 21, 1982.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTRACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting scheduled Wednesday, October 27, 1982:

Service Corporation Withdrawal

[No. 73, October 27, 1982]

[S-1557-82 Filed 10-27-82; 9:32 am]
BILLING CODE 6720-01-M

3

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: Approximately 10:30 a.m., Wednesday, November 3, 1982, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 26, 1982.

James McAfee,
Associate Secretary of the Board.

[S-1558-82 Filed 10-28-82; 10:53 am]
BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10:00 a.m., Wednesday, November 3, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed amendment to the Board's Rules Regarding Availability of Information concerning Form F.R. 2068, Confidential Report of Operations.
2. Proposed amendments to Regulation K (International Banking Operations) to eliminate an exception in the reporting requirements for information not available to reporting organizations, and to confrom a regulatory definition to the corresponding statutory definition.
3. Proposed amendments to Regulation K (International Banking Operations) and the Board's Rules Regarding Delegation of Authority to expedite international applications and notifications.

Discussion Agenda

4. Proposed purchases to expand the Board's computer capacity.
5. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 26, 1982.

James McAfee,
Associate Secretary of the Board.

[S-1559-82 Filed 10-27-82; 10:53 am]
BILLING CODE 6210-01-M

5

NATIONAL COMMISSION OF LIBRARIES AND INFORMATION SCIENCE

TIME AND DATE:

9:00 a.m.–10:45 a.m., Monday, November 22, 1982
1:30 p.m.–5:00 p.m., Monday, November 22, 1982
9:00 a.m.–4:00 p.m.–Tuesday, November 23, 1982

PLACE: Library of Congress, Wilson Room, Washington, D.C.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Opening Remarks, Chairman Hashim
Remarks by Immediate Past Chairman Benton
Approval of Agenda
Approval of August 24–25, 1982, Minutes
Executive Director's Report
Legislative/Public Awareness Committee Report
Planning/Futures Committee Report
—Orientation Report
Review of 1983–84 Programs
Community Information and Referral Task Force Report
Cultural Minorities Task Force Report
Reciprocity Briefing
Federal Telecommunications System Presentation
Copyright Update
World Future Society Videotape
Commissioners' Comments
Old Business
—Guidelines for Commissioner Travel, Expenses and Salary
New Business
—Revision of Governance Document
—Other New Business

Toni Carbo Bearman,
Executive Director, National Commission on Libraries and Information Science

October 26, 1982.

[S–1567–82 Filed 10–27–82; 3:42 pm]

BILLING CODE 7527–01–M

6

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

TIME: 10:45 a.m. to 12:00 noon.

DATE: Monday, November 22, 1982.

PLACE: Library of Congress, Wilson Room, Washington, D.C.

STATUS: Closed.

MATTERS TO BE DISCUSSED: Exective Session (closed meeting—Sec. 1703.202 (2) and (6) of the Code of Federal Regulations, 45 CFR, Part 1703.).

CONTACT PERSON FOR MORE INFORMATION: Toni Carbo Bearman, Executive Director, NCLIS.

Toni Carbo Bearman,
Executive Director, National Commission on Libraries and Information Science

October 26, 1982.

[S–1568–82 Filed 10–27–82; 3:42 am]

BILLING CODE 7527–01–M

7

NATIONAL MEDIATION BOARD

TIME AND DATE: 2 p.m., Friday, November 5, 1982.

PLACE: Board Hearing Room, Eighth floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Ratification of Board actions taken by notation voting during the month of October, 1982.

2. Other priority matters which may come before the Board for which notice will be given at earliest practicable time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary: telephone (202) 523–5920.

Date of Notice: October 27, 1982.

[S–1564–82 Filed 10–27–82; 2:01 pm]

BILLING CODE 7550–01–M

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m., November 10, 1982.

PLACE: Suite 316, 1825 K Street, N.W., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: October 27, 1982.

[S–1562–82 Filed 10–27–82; 1:50 pm]

BILLING CODE 7600–01–M

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10 a.m. on November 18, 1982.

PLACE: Suite 316, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION: Mrs. Patricia Bausell (202) 634–4015.

Dated: October 27, 1982.

[S–1563–82–Filed 10–27–82; 1:50 pm]

BILLING CODE 7600–01–M

10

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

TIME AND DATE: November 3–4, 1982, 9 a.m.

PLACE: Forest Hall, Western Forestry Center, Portland, Oregon.

MATTERS TO BE CONSIDERED:

- Staff Presentation on Options
- Staff Presentation on Fuel Switching
- Staff Presentation on Building Codes
- Staff Presentation on Surcharges
- Council Decision on Agricultural Conservation
- Council Decision on Industrial Conservation
- Council Decision on Fish and Wildlife Program Comments
- Council Business
- Public Comment

CONTACT PERSON FOR MORE INFORMATION: Ms. Bess Wong (503) 222–5161.

Edward Sheets,
Executive Director.

[S–1566–82 Filed 10–27–82; 2:56 pm]

BILLING CODE 000–00–M

11

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 1, 1982, at 450 5th Street NW., Washington, D.C.

Closed meetings will be held on Tuesday, November 2, at 10:00 a.m. and on Wednesday, November 3, 1982, at 10:00 a.m. An open meeting will be held on Thursday, November 4, 1982, at 10:00 a.m. in Room 1C30.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10).

Chairman Shad and Commissioners Evans, Longstreth and Treadway voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, November 2, 1982, at 10:00 a.m., will be:

Regulatory matter bearing enforcement implications.
Institution of injuctive actions and administrative proceedings of an enforcement nature.
Report of investigation.

The subject matter of the closed meeting scheduled for Wednesday, November 3, 1982, at 10:00 a.m., will be:

Formal order of investigation.
Regulatory matter regarding financial institution.
Opinion.

The subject matter of the open meeting scheduled for Thursday, November 4, 1982, at 10:00 a.m., will be:

1. Consideration of whether to issue an order authorizing the Louisiana Power & Light Company, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company under the Public Utility Holding Company Act of 1935 to acquire the municipal electric system of the City of Monroe, Louisiana. For further information, please contact Mary Ann Oliver at (202) 272-7647.

2. Consideration of whether to grant the request of Cleary, Gottlieb, Steen & Hamilton for a waiver of imputed disqualification pursuant to 17 CFR 200.735-8(d). For further information, please contact Myrna Siegel at (200) 272-2430.

3. Consideration of whether to adopt final rules which would amend Article 6 of Regulation S-X relative to financial statements filed by registered investment companies. The amendments to Article 6 being considered are intended to (1) eliminate rules which are duplicative of generally accepted accounting principles, (2) effect changes which recognize current industry practices, and (3) integrate and simplify the rules to improve financial reporting. The Commission will also consider whether to adopt similar amendments to financial statement requirements for employee stock purchase, savings and similar plans. For further information, please contact Clarence M. Staubs at (202) 272-2130.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272-2092.

October 26, 1982.

[S-1560-82 Filed 10-27-82; 11:16 am]

BILLING CODE 8010-01-M

12

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1299]

TIME AND DATE: 10:15 a.m. (e.s.t.), Wednesday, November 3, 1982.

PLACE: TVA West Tower Auditorium, 400 West Summit Hill Drive, Knoxville, Tennessee.

STATUS: Open.

B-Purchase Awards

1. Invitation No. B2-192812—Requirement contract for crushed limestone for Paradise Fossil Plant.

C-Power Items

1. Deed and bill of sale to volunteer electric cooperative covering conveyance of TVA's Deenergized Decatur-Structure 40 (Ten Mile) 69-kV transmission line.
2. Letter agreement with Southern Illinois Power Cooperative providing for transmission of up to 150 MW of power and energy across TVA's system for delivery to Mississippi Power & Light Company, Alabama Power Company, Georgia Power Company, and East Kentucky Power Cooperative.
3. Agreement with the Department of the Army for TVA to make transmission line alterations to accommodate construction and operation of a canal section of the Tennessee-Tombigbee Waterway Project near Fulton, Mississippi.

E-Real Property Transactions

1. Sale of permanent easement to Wheeler Grain Company for construction of barge terminal facilities affecting approximately 0.4 acre of Wheeler Reservoir land located in Limestone County, Alabama—Tract No. XWR-615E.
2. Filing of condemnation suits.

F-Unclassified

1. Authority to write off uncollectiable accounts receivable.
2. Revised TVA code relating to acquisition of interests in real property.
3. Revised TVA code relating to use of real property.
4. Proposed arrangements for financing of Chattanooga Office of Power building.
5. Amendment to memorandum of understanding between U.S. Department of Interior, Bureau of Reclamation, covering arrangements for TVA to supply equipment and personnel on a short-term, reimbursable basis.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: October 27, 1982.

[S-1561-82 Filed 10-27-82; 12:37 pm]

BILLING CODE 8120-01-M

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federal register

Friday
October 29, 1982

Part II

Environmental Protection Agency

Best Conventional Pollutant Control Technology; Effluent Limitation Guidelines; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 415, 422, 424, 426, 429, 430, 431, 432, 433, and 440

[WH-FRL-2150-4]

Best Conventional Pollutant Control Technology; Effluent Limitation Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Proposed rules.

SUMMARY: EPA proposes new and revised effluent limitation guidelines for best conventional pollutant control technology (BCT) under the Clean Water Act and a revised BCT methodology. The proposed rules cover the Dairy, Grain Milling, Fruits and Vegetables, Seafood, Sugar, Feedlots, Ferroalloys, Glass, Meat, Phosphate, Timber, Inorganic Chemicals, Ore Mining and Dressing, Metal Finishing, and Pulp, Paper, and Paperboard industries. They are based on a revised approach to the BCT methodology developed in response to judicial and agency review of the BCT methodology promulgated in August, 1979.

DATE: Comments must be submitted on or before December 28, 1982.

ADDRESSES: Send comments in triplicate on the proposal to: Ms. Renee Rico, U.S. Environmental Protection Agency, 401 M Street, S.W. (WH-586), Washington, D.C. 20460.

The Record, including copies of the development documents and economic analyses, will be available for public review in EPA's Public Information Reference Unit, Room 2404 (Rear), EPA library, 401 M St., S.W., Washington, D.C. 20460. The EPA information regulation (40 CFR Part 2) allows the Agency to charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Ms. Renee Rico, U.S. Environmental Protection Agency, Office of Analysis and Evaluation (WH-586), 401 M Street, S.W., Washington, D.C. 20460, (202) 382-5386.

SUPPLEMENTARY INFORMATION:

I. Background

A. Statutory Authority

In 1977, Congress amended the Clean Water Act (CWA) to include section 304(b)(4)(B), 33 U.S.C. 1314(b)(4)(B). This provision requires EPA to establish best conventional pollutant control technology (BCT) effluent limitations to be determined by an analysis of:

> The reasonableness of the relationship between the costs of attaining a reduction in effluents and the effluent reduction benefits derived, and the comparison of the cost and level of reduction of such pollutants from the discharge of publicly owned treatment works to the cost and level of reduction of such pollutants from a class or category of industrial sources.

The Act also specifies that in making BCT determinations consideration be given to the age of equipment, production process, energy requirements, and other appropriate factors.

BCT is not an additional effluent limitation for industrial dischargers, but rather replaces "best available technology economically achievable" (BAT) effluent limitations for the control of conventional pollutants. Effluent limitations representing BCT may not be less stringent than limitations representing "best practicable control technology currently available" (BPT). Conventional pollutants can be controlled to more stringent levels than BCT for dischargers in areas where water quality considerations necessitate additional control.

Section 304(a)(4) of the Act specifies that conventional pollutants include, but are not limited to, biochemical oxygen demanding materials (BOD_5), total suspended solids (TSS), fecal coliform, and pH. The Agency has also designated oil and grease as a conventional pollutant (44 FR 44501, July 30, 1979).

B. Previous Regulations

Under Section 73 of the 1977 CWA, EPA was directed to review all existing BAT effluent guidelines for conventional pollutants in those industries not covered in the Settlement Agreement reached in *National Resources Defense Council* v. *Train*, 8 ERC 2120 (D.D.C. 1976), as modifed 12 ERC 1833 (D.D.C. 1979), and to determine their suitability as BCT limitations. These industries are often referred to as "secondary industries." On August 29, 1979, EPA published its BCT methodology and promulgated BCT limitations for 41 subcategories of the secondary industries (44 FR 50732). However, EPA did not have sufficient information at that time to establish BCT limitations for all the secondary industries and therefore deferred regulation of some of them.

In developing the methodology for the 1979 regulation, EPA was guided both by the statutory language of Section 304(b)(4)(B) and by Congress' underlying objectives in establishing BCT. Congress was concerned that requirements for the control of conventional pollutants beyond BPT were unreasonably expensive in some cases. Accordingly, Congress required that a special "cost reasonableness comparison" be applied before establishing BCT limitations at a level more stringent than BPT. The core of the Agency's BCT methodology was a comparison of the costs of removing additional pounds of conventional pollutants for industry with comparable costs of removal for an average-sized publicly owned treatment works (POTW).

C. BCT Court Suit

The 1979 regulations were challenged in the U.S. Court of Appeals for the Fourth Circuit. On July 28, 1981, the Court issued its decision, upholding the methodology EPA had developed for the POTW cost-comparison test. American Paper Institute v. EPA, 660 F2d 954 (4th Cir. 1981). However, since EPA had recently informed the Court that significant statistical errors had been found in its calculation of the POTW test, the Court directed the Agency to correct the errors.

The Court also held that the CWA requires EPA to consider two "reasonableness" tests as part of the BCT methodology: an industry cost-effectiveness test and a POTW cost comparison test. Because EPA had only developed the latter test, the Court remanded the regulations and ordered EPA to develop and implement an industry cost-effectiveness test that compares the industry's costs of attaining a reduction in effluents with the effluent reduction benefits derived

As a result of the remand, EPA withdrew many of the 1979 regulations, as well as the BCT limitations for the Timber category. (47 FR 6835, February 17, 1982.) Since BPT represents the minimal level of control required by law for conventional pollutants, those BCT limitations which equalled BPT were left in effect. Those BCT regulations which required a higher level of control than BPT were withdrawn.

D. Purpose of This Proposal

This rulemaking serves several purposes. First, in response to the court remand, EPA has developed an industry cost-effectiveness test and corrected the statistical errors in its prior calculation of the POTW test.

Second, EPA has generally reevaluated the BCT methodology in response to a March 15, 1981 directive from the Presidential Task Force on Regulatory Relief and comments by the Council on Wage and Price Stability. Based on this review, EPA has determined that the POTW cost-comparison methodology promulgated in

1979 and upheld by the Court of Appeals is still the preferred approach, with the exception of one change proposed today.

Finally, EPA is required to apply the BCT methodology to establish BCT limitations for both the primary industries (those covered by the NRDC Consent Decree) and the secondary industries. Today's proposal, if promulgated, would replace the BCT limits withdrawn on February 17, 1982, and establish BCT limits for some of the secondary industries that were not included in the 1979 regulations. Second, EPA is reproposing BCT limitations for the Pulp, Paper and Paperboard, Inorganic Chemicals, Metal Finishing, and Timber industries since the original BCT limitations for these industries were proposed or promulgated using the BCT methodology remanded by the Court. Therefore, today's proposal supersedes BCT limitations proposed on January 6, 1981 for Pulp, Paper and Paperboard (46 FR 1430), July 24, 1980 for Inorganic Chemicals (44 FR 49450), and June 14, 1982 for Ore Mining and Dressing (47 FR 25682). It would also replace the BCT limitations that were withdrawn for Timber (46 FR 3260). EPA is also reproposing BCT limitations for the Ore Mining and Dressing category since BCT limitations were erroneously proposed.

These proposed limitations apply to BOD_5, TSS, fecal coliform, pH, and oil and grease. Since all of the BAT pH limitations were set at BPT levels, no BDT assessment was carried out for pH. If at any time pollutants are added or deleted from the conventional pollutant list, the Agency plans to reevaluate all effluent guidelines affected by such revisions.

EPA intends to use today's methodology to evaluate conventional pollutant treatment requirements for the remaining primary industries. These BCT limitations will be proposed and promulgated where possible along with BAT, pretreatment, and new source standards. Calculations for applying the BCT methodology for each industry will be explained when each regulation is proposed. Because the methodology proposed today will be used in all effluent guidelines, this notice is intended to provide the opportunity for all industries to submit comments on the methodology now.

E. Summary of Proposal

EPA proposes to use the methodology contained in this notice to determine the cost-reasonableness of all BCT technology options. The methodology consists of two parts: a POTW test and an industry cost-effectiveness test. The POTW test is passed if the incremental cost per pound of conventional pollutant removed in going from BPT to BCT is less than $.27 per pound in 1976 dollars. The industry test is passed if this same incremental cost per pound is less than 143% of the incremental cost per pound associated with achieving BPT. Both tests must be passed for a BCT limitation more stringent than BPT to be established.

EPA applied this methodology to the categories included in today's proposal. If the BAT limits that were promulgated for a secondary industry pass the BCT reasonableness test, BCT is established equal to BAT. If either test is failed, BCT is established equal to BPT.

In those subcategories for which BAT or BCT limitations were never promulgated, or were being reevaluated on technical grounds, the Agency considered several candidate technologies for BCT. These candidate technologies are those that remove significant amounts of conventional pollutants beyond BPT. In evaluating their reasonableness, EPA used BPT as a starting point and determined the incremental costs and levels of pollutant removal from BPT to each of the candidate technologies. The selection of the final BCT limitations is based on the most stringent technology option which passes the reasonableness tests, as well as the other factors specified in the Act.

The Agency has determined that establishing the BAT level of control of conventional pollutants as BCT for the secondary industries is reasonable for the following 8 of the 96 subcategories reviewed: Pacific Coast Hand-Shucked Oyster (408.257), Atlantic and Gulf Coast Hand-Shucked Oyster (408.267), Non-Alaskan Scallop (408.307), Abalone (408.337), Sodium Phosphates (422.67), Slag Processing (424.37), Small Processor (432.57), and Renderers (432.107).

EPA also determined that BCT limitations more stringent than BPT are reasonable for the following 4 subcategories in the pulp, paper, and paperboard and timber industries: Wet Process Hardboard (429.62), Papergrade Sulfite-Blow Pit Wash (430.103), Groundwood-Thermo Mechanical (430.133), and Papergrade Sulfite Drum Wash (430.213). BCT equals BPT for the remaining subcategories in the pulp and paper and timber industries, as well as for the ore mining, metal finishing and inorganic chemicals industries.

All the subcategories reviewed appear in Table I. This table summarizes the current status of each point source subcategory, the results of the BCT review, and whether BCT is set equal to or more stringent than BPT limitations. The columns and their entries are defined as follows.

1. *Industry/Subcategory:* Each industrial point source subcategory in the primary and secondary industries is listed in the table. The chart and the discussions in Section III include those subcategories for which BCT limitations equal to BPT have already been established. They are included for informational purposes only.

2. *Size:* EPA performed many of the BCT industrial calculation using model plants. Where more than one model plant was used, the size designations are listed for small, medium, and large dischargers.

3. *CFR Part:* The CFR Part and section number are included for additional identification of the subcategory. Where no BCT section exists, the proposed section number for the subcategory is used.

4. *Current Status:* A number of terms that are explained below are used to define the rulemaking status of a particular subcategory prior to today's proposal. For further information, refer to the Application of BCT Methodology (Section III).

a. *Removed:* The BCT limitations for the subcategory were withdrawn in response to the Court Remand of July 1981 (47 FR 6835, February 17, 1982).

b. *pH Limit:* The BCT limitation for the subcategory contains only a limitation for pH that equals the BPT limitations.

c. *BPT=BCT:* EPA has already promulgated BCT limitations that are equal to BPT. EPA did not perform a BCT review of these subcategories in today's proposal.

d. *No section:* No BCT limitations were ever promulgated for this subcategory, and no current section number exists in the CFR.

e. *BCT Reserved:* The CFR section for this subcategory was reserved for future BCT effluent guideline rulemaking.

f. *BCT Proposed:* EPA previously proposed BCT limitations for this subcategory based on the 1979 methodology.

5. *BCT Methodology:* This column describes the results of applying the proposed BCT methodology. It indicates whether any candidate technology passes the BCT tests and whether therefore, BCT is proposed equal to or a more stringent level than BPT.

6. *Other:* EPA reviewed the technology basis and economic impact of candidate BCT technologies if new information became available. Where these factors caused the Agency to reject the technologies, the column entries are marked *Fail.* See the

discussion of each industry in Section III for more information.

7. BCT Limitations: This heading contains two columns. For those subcategories where EPA has determined that the candidate BCT technologies are not reasonable and is setting BCT limitations equal to BPT, an X appears in the column BCT=BPT. Where the Agency has determined that they are reasonable and is setting BCT limitations more stringent than BPT, an X appears in the column BCT>BPT.

. TABLE I

Industry and subcategory	Size	CFR Part	Current status	BCT methodology		Other	BCT limits	
				POTW test	Industry test		Pass (>BPT)	Fail (=BPT)
DAIRY PRODUCTS PROCESSING								
Receiving Stations	S, L	405.17	Removed			Fail		X.
Fluid Products	S, L	405.27	Removed			Fail		X (S, L)
Cultured Products	S, L	405.37	Removed			Fail		X (S, L)
Butter	S, L	405.47	Removed			Fail		X (S, L)
Cottage Cheese Cultured Cream Cheese	S, L	405.57	Removed			Fail		X.
Natural, Processed Cheese	S, L	405.67	Removed			Fail		X.
Fluid Mix for Ice Cream and Other Frozen Desserts	S, L	405.77	Removed			Fail		X.
Ice Cream, Frozen Desserts	S, L	405.87	Removed			Fail		X
Condensed Milk	S, L	405.97	Removed			Fail		X
Dry Milk	S, L	405.107	Removed			Fail		X.
Condensed Whey	S, L	405.117	pH Limit			Fail		X.
Dry Whey	S, L	405.127	Removed			Fail		X
GRAIN MILLS								
Corn Wet Milling	S, M, L	406.17	Removed		Reserved			
Corn Dry Milling	S, L	406.27	Removed					X
Normal Wheat Flour Milling		406.37	BPT-BCT					
Bulgar Wheat Flour Milling		406.47	pH Limits	Fail				X
Normal Rice Milling		406.57	BPT-BCT					
Parboiled Rice Processing		406.67	Removed	Fail				X.
Animal Feed		406.77	BPT-BCT					
Hot Cereal		406.87	BPT-BCT					
Ready-To-Eat-Cereal	S, M, L	406.97	Removed	Fail				X
Wheat Starch and Gluten		406.107	Removed	Fail	Fail			
CANNED AND PRESERVED FRUITS AND VEGETABLES								
Apple Juice	S, L	407.17	Removed	Fail				X (S, L)
Apple Products	S, L	407.27	Removed	Fail				X (S, L)
Citrus Products	S, L	407.37	Removed	Fail(S)				X (S, L)
				Pass(L)	Fail (L)			
Frozen Potato Products	S, L	407.47	pH Limit	Pass (S, L)	Fail (S, L)			X (S, L)
Dehydrated Potatoes Products	S, L	407.57	Removed	Pass (S, L)	Fail (S, L)			X (S, L)
Canned and Preserved Fruits		407.67	No section	Fail				X.
Canned and Preserved Vegetables		407.77	No section	Fail		Fail		X.
Canned and Miscellaneous Specialities		407.87	No section	Fail				X
CANNED AND PRESERVED SEAFOOD PROCESSING								
Farm-Raised Catfish Processing	S, M, L	408.17	No section	Fail				X
Conventional Blue Crab Processing	S, M, L	408.27	No section			Fail		X.
Mechanized Blue Crab Processing	S, M, L	408.37	No Section			Fail		X
Non-Remote Alaskan Crab Meat Processing		408.47	No section			Fail		X
Remote Alaskan Crab Meat		408.57	No section			Fail		X
Non-Remote Alaskan Whole Crab and Crab Section Processing.		408.67	No section			Fail		X
Remote Alaskan Whole Crab and Crab Section Processing	S, M, L	408.77	No section	No section		Fail		X
Dungeness and Tanner Crab Processing in the contiguous States.		408.87				Fail		X
Non-Remote Alaskan Shrimp Processing	S, M, L	408.97	No section					X
Remote Alaskan Shrimp Processing	S, M, L	408.107	No section			Fail		
Northern Shrimp Processing in the Contiguous States	S, M, L	408.117	No section			Fail		X
Southern Non-Breaded Shrimp Processing in the Contiguous States.	S, M, L	408.127	No section			Fail		X
Breaded Shrimp Processing in the Contiguous States	S, M, L	408.137	No section			Fail		X
Tuna Processing	S, M, L	408.147	No section			Fail		X.
Fish Meal Processing		408.157	No section	Fail				X
Alaskan Hand-Butchered Salmon Processing		408.167						
—Remote			No section			Fail		X
—Non-Remote			No section			Reserved		
Alaskan Mechanized Salmon Processing		408.177						
—Remote			No section			Fail		X
—Non-Remote			No section			Fail		X
West Coast Hand-Butchered Salmon Processing	S, L	408.187	No section	Fail				X
West Coast Mechanized Salmon Processing	S, L	408.197	No section			Fail		X
Alaskan Bottom Fish Processing		408.207						
—Remote			No section			Fail		X
—Non-Remote			No section			Reserved		
Non-Alaskan Conventional Bottom Fish Processing	S, M, L	408.217	No section			Fail		X (S, M, L)
Non-Alaskan Mechanical Botton Fish Processing	S, L	408.227	No section	Fail (S) Pass (M, L).		Fail (S, M, L)		X
Hand-Shucked Clam Processing		408.237	No section			Fail		X
Mechanized Clam Processing	S, L	408.247	No section			Fail		X
Pacific Coast Hand-Shucked Oyster Processing		408.257	No section	Pass	NA		X	
Atlantic and Gulf Coast Hand-Shucked Oyster Processing		408.267	No section	Pass	NA		X	
Steamed and Canned Oyster Processing		408.277	No section			Fail		X
Sardine Processing	S, M, L	408.287	No section	Fail				
Alaskan Scallop Processing		408.297						
—Remote			No section			Fail		X
—Non-Remote			No section			Fail		X
Non-Alaskan Scallop Processing		408.307	No section	Pass	NA		X	

TABLE I—Continued

Industry and subcategory	Size	CFR Part	Current status	BCT methodology		Other	BCT limits	
				POTW test	Industry test		Pass (>BPT)	Fail (=BPT)
Alaskan Herring Filet Processing		408.317						
—Remote			No section			Fail		X
—Non-Remote			No section			Reserved		
Non-Alaskan Herring Filet Processing		408.327	No section			Fail		X
Abalone Processing		408.337	No section	Pass	NA	Fail	X	
SUGAR PROCESSING								
Beet Sugar Processing		409.17	pH Limit	Pass	Fail			X
Crystalline Cane Sugar Refining	S, L	409.27	pH limit	Fail				X
Liquid Cane Sugar Refining		409.37	pH limit	Fail				X
Louisiana Raw Cane Sugar Processing		409.47	No section					X
Florida and Texas Raw Cane Sugar Processing		409.57	No section					X
Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing.		409.67	No section					X
Hawaiian Raw Cane Sugar Processing Subcategory		409.77	No section					X
Puerto Rican Raw Cane Sugar Processing		409.87	No section					X
CEMENT MANUFACTURING								
Nonleaching		411.17	BPT=BCT					
Leaching		411.27	pH limit	Fail				X
Material Storage		411.37	BPT=BCT					
FEEDLOTS								
All Subcategories except Ducks		412.17	BPT=BCT					
Ducks		412.27	No section			Reserved		
INORGANIC CHEMICALS MANUFACTURINGR								
Chlor-Alkali—Mercury Cell		415.67(a)	BPT=BCT					
—Diaphragm Cell		415.67(b)	Reserved	Fail				X
Hydrofluoric Acid		415.87	Reserved	Fail				X
Sodium Dichromate and Sodium Sulfate		415.177	BPT=BCT					
Titanium Dioxide		415.227	BPT=BCT					
Aluminum Fluoride		415.237	BPT=BCT					
Chrome Pigments		415.347	BPT=BCT					
Copper Sulfate		415.367	BPT=BCT					
Hyolrogen Cyanide		415.427	BPT=BCT					
Nickel Sulfate		415.477	BPT=BCT					
Sodium Bisulfite		415.547	BPT=BCT					
PHOSPHATES								
Defluorinated Phosphate Rock		422.47	BPT=BCT					
Defluorinated Phosphoric Acid		422.57	BPT=BCT					
Sodium Phosphates	XS, S, M, L	422.67	Removed	Pass	Pass		X	
FERROALLOY MANUFACTURING								
Open Electric Furnaces, Wet		424.17	Removed	Fail				X
Covered Electric Furnaces and Other Smelting Operations		424.27	Removed	Fail				X
Slag Processing		424.37	Removed	Pass	Pass		X	
Covered Calcium Carbide Furnaces, Wet		424.47	pH limit	Fail				X
Other Calcium Carbide Furnaces		424.57	BCT=BPT					
Electrolytic Manganese		424.67	pH limit	Fail				X
Electrolytic Chromium		424.77	pH limit	Fail				X
GLASS MANUFACTURING								
Insulation Fiberglass		426.17	Removed			Fail		X
Sheet Glass		426.27	BPT=BCT					
Rolled Glass		426.37	BPT=BCT					
Plate Glass		426.47	Removed	Fail				X
Float Glass		426.57	pH limit	Fail				X
Automotive Glass Tempering		426.67	pH limit	Fail				X
Automotive Glass Laminating		426.77	pH limit	Fail				X
Glass Container Manufacturing		426.87	pH limit	Fail				X
Glass Tubing (Danner) Manufacturing		426.107	pH limit	Fail				X
Television Picture Tube		426.117	pH limit	Fail				X
Incandescent Lamp		426.127	pH limit	Fail				X
Hand Pressed and Blown Glass		426.137	pH limit	Fail				X
TIMBER PRODUCTS								
Barking		429.22(a)	Reserved			Fail		
		429.22(b)	Reserved			Reserved		
Veneer		429.32	Reserved			Fail		X
Plywood		429.42	Reserved			Fail		X
Dry Process Hardboard		429.52	Reserved			Fail		X
Wet Process Hardboard		429.62	Removed	Pass	Pass		X	
Wood Preserving—Waterborne Nonpressure		429.72	Reserved			Fail		X
Wood Preserving—Steam		429.82	Reserved			Reserved		
Wood Preserving—Boulton		429.92	Reserved			Fail		X
Wet Storage		429.102	Reserved			Fail		X
Log Washing		429.112	Reserved			Reserved		
Sawmills and Planning Mills		429.122	Reserved			Fail		X
Finishing		429.132	Reserved			Fail		X
Particleboard Mftg.		429.142	Reserved			Fail		X
Insulation Board		429.152	Removed	Fail				X
Wood Furniture and Fixture Production w/o Water Wash Spray Booth.		429.162	Reserved			Fail		X
Wood Furniture and Fixture Production w/Water Wash Spray Boom.		429.172	Reserved			Reserved		
PULP, PAPER AND PAPERBOARD								
Unbleached Kraft		430.13	BCT proposed	Fail				X
Sodium Based—Neutral Sulfite Semi-Chemical		430.23	Reserved	NA				

TABLE I—Continued

Industry and subcategory	Size	CFR Part	Current status	BCT methodology		Other	BCT limits	
				POTW test	Industry test		Pass (>BPT)	Fail (=BPT)
Ammonia Base Neutral Sulfite Semi-Chemical		430.33	Reserved	NA				
Unbleached Kraft and Neutral Sulfite Semi-Chemical (Cross Recovery).		430.43	Reserved	NA				
Paperboard from Wastepaper		430.53	BCT proposed	Fail				X.
Dissolving Kraft		430.63	BCT proposed	Fail				X.
Market Bleached Kraft		430.73	BCT proposed	Fail				X.
BCT Bleached Kraft		430.83	BCT proposed	Fail				X.
Fine Bleached Kraft		430.93	BCT proposed	Fail				X.
Papergrade Sulfite (Blow Pit Wash)		430.103	BCT proposed	Pass	Pass		X	
Dissolving Sulfite Pulp		430.113	BCT proposed	Fail				X.
Groundwood—Chemi-Mechanical		430.123	Reserved	NA				
Groundwood—Thermo-Mechanical		430.133	BCT proposed	Pass	Pass		X	
Groundwood—CMN Papers		430.143	BCT proposed	Fail				X.
Groundwood—Fine Papers		430.153	BCT proposed	Fail				X.
Soda		430.163	BCT proposed	Fail				X.
Deink		430.173	BCT proposed	Pass	Fail			X.
NI—Fine Papers		430.183	BCT proposed	Fail				X.
NI—Tissue Papers		430.193	BCT proposed	Fail				X.
Tissue from Wastepaper		430.203	BCT proposed	Fail				X.
Papergrade Sulfite (Drum Wash)		430.213	BCT proposed	Pass	Pass		X	
Unbleached Kraft and Semi-Chemical		430.223	BCT proposed	Fail				X.
Semi-Chemical		430.233	BCT proposed	Fail				X.
Wastepaper—Molded Products		430.243	BCT proposed	Fail				X.
NI—Lightweight Papers		430.253	BCT proposed	Fail				X.
NI—Filter and Nonwoven Papers		430.263	BCT proposed	Fail				X.
NI—Paperboard		430.273	BCT proposed	Fail				X.
BUILDERS' PAPER AND BOARD MILLS CATEGORY								
Builder's Paper and Roofing Felt		430.12	BCT proposed	Fail				X.
MEAT PRODUCTS								
Simple Slaughterhouse		432.17	pH limit			Fail		X.
Complex Slaughterhouse		432.27	pH limit			Fail		X.
Low Proc. Packinghouse		432.37	pH limit			Fail		X.
High Proc. Packinghouse		432.47	pH limit			Fail		X.
Small Processor		432.57	Removed	Pass	Pass		X	
Meat Cutter		432.67	pH limit			Fail		X.
Sausage and Luncheon Meats		432.77	pH limit			Fail		X.
Ham Processor		432.87	pH limit			Fail		X.
Canned Meat		432.97	pH limit			Fail		X.
Renderers		432.107	Removed	Pass	Pass		X	
METAL FINISHING								
Metal Finishing		433.18	Reserved	Fail				X.
ORE MINING AND DRESSING								
Iron Ore		440.15	BCT proposed	Fail				X.
Aluminum Ore		440.35	BCT proposed	Fail				X.
Uranium, Radium and Vanadium		440.55	BCT proposed	Fail				X.
Mercury Ores		440.65	BCT proposed	Fail				X.
Titanium Ore		440.75	BCT proposed	Fail				X.
Tungsten Ore		440.85	BCT proposed	Fail				X.
Nickel Ore		440.95	Reserved				Reserved	
Vanadium Ore		440.105	Reserved				Reserved	
Antimony Ore		440.115	Reserved				Reserved	
Copper, Lead, Zinc, Gold, Silver, Platinum, and Molybdenum Ores.		440.125	BCT proposed	Fail				X.

II. BCT Methodology

A. Part 1: The POTW test

1. *Background.* The POTW test compares the cost for industry to remove a pound of conventional pollutants to the cost incurred by a POTW for removing a pound of conventional pollutants.

In 1979, a single number (the POTW benchmark) was developed based on the costs of an average-size POTW to upgrade its facility from secondary treatment to advanced secondary treatment. The benchmark, as established in 1979, was $1.15 per pound (1976 dollars). This number was then compared to the costs industry would incur in going from BPT to the candidate BCT technologies. If the cost to industry to remove a pound of conventional pollutants was less than $1.15, BCT limitations beyond BPT levels were established.

As explained above, EPA subsequently discovered that the costs used to calculate the $1.15 benchmark were incorrect. Correction of the errors using updated and revised data results in a benchmark in the range of $.50–.60 per pound. The POTW test benchmark proposed today is $.27 per pound (1976 dollars) because EPA has decided to modify the method used to calculate it.

2. *Modification to Promulgated POTW Test Benchmark.* EPA is using the 1979 methodology upheld by the Court as the basis for this proposal with one modification. Instead of basing the POTW benchmark on costs and removals for an average-size 2 million gallon per day (mgd) plant, EPA proposes to base the POTW benchmark on cost and removal data for POTWs with flows ranging from one to fifty mgd. We have computed cost per pound figures for four flow sizes in this range and then weighted them according to each size's contribution to the total U.S. flow of POTWs. Finally, we summed these figures to obtain a single POTW benchmark.

EPA believes that weighting a variety of sizes of POTWs gives a better estimate of the costs to treat conventional pollutants at POTWs for two reasons. First, the use of data for different flow sizes of plants better depicts the costs of removing conventional pollutants at POTWs since the economies of scale inherent in large POTWs can be included in the calculation. Second, the statistical reliability of the benchmark is improved because more data points are used.

The resulting POTW benchmark equals $.27 per pound in 1976 dollars. This figure is indexed to other years to account for inflation. These calculations, as well as a more detailed discussion of computations for the modified POTW benchmark, appear in Appendix A.

3. *Comparison of Municipal and Industrial Treatment Costs.* Under EPA's methodology, industry's costs in going from BPT to the candidate BCT are compared to determine whether the industrial costs are lower than the POTW benchmark of $.27 per pound (1976 dollars) and therefore reasonable. The sections below describe the calculation of the industrial costs.

a. *Calculation of Industrial Teatment Costs.* EPA has calculated the incremental annual costs for pollution control by determining the difference between the annual costs for a model plant or all plants in a subcategory to achieve BPT and the costs to achieve the candidate BCT. Annual costs include operation and maintenance expenses, interest, and depreciation. The data used by EPA in determining industrial costs for this review are drawn from the Agency Development Documents for each of the industries (See Appendix C.)

b. *Calculation of Industrial Pollutant Removal.* EPA calculated the incremental removal of conventional pollutants by determining the difference between the annual pounds of conventional pollutants removed after compliance with BPT and the pounds removed after compliance with the candidate BCT. These removals are based on the regulatory limits established for the 30-day average discharge of each pollutant. The conventional pollutants subject to this review fall into two categories: total suspended solids (TSS), and oxygen-demanding substances (BOD_5 and oil and grease). To avoid "double counting" of the amount of pollutants removed from BPT to the candidate BCT, pollutant removals are calculated using only one pollutant from each group. In those cases where both BOD_5 and oil and grease are subject to limitations, EPA included the pollutant with the greater amount of removal in the calculation.

c. *Calculation of the Industrial Cost Per Pound Figure.* EPA calculated the ratio of incremental annual cost to incremental conventional pollutant removal as follows: (candidate BCT annual costs minus BPT annual costs) divided by (candidate BCT pounds of conventional pollutants removed minus BPT pounds of conventional pollutants removed) This cost figure represents the annual incremental cost to remove a pound of conventional pollutants beyond BPT, and is the figure compared to the POTW benchmark to determine whether a BCT option passes the POTW test. These figures appear in Appendix D.

C. Part II: The Industry Cost Test.

1. *Background.* The Court of Appeals directed EPA to develop a separate, additional cost-effectiveness test which compares the costs to industry and the effluent reduction benefits achieved by industry in going from BPT to more stringent levels of control. Neither the Court nor the legislative history of the 1977 amendments provide specific guidance on how to design this test. EPA believes that three conditions must be met by the methodology for the second test. First, the industry cost test should be performed using an explicit numerical benchmark to determine the reasonableness of the proposed limitations. By comparing industry costs to a uniform benchmark, EPA will reduce the bias in calculating limitations for so many different industries. Second, the test must measure both for increases in pollution control costs and for effluent reductions of conventional pollutants. Third, the information needed to perform the test must be currently available for those industries covered by the secondary industry review, so that promulgation of BCT limitations is not significantly delayed.

The following sections describe the industry cost test and the alternatives considered. The discussion of the selection of the proposed method for calculating the incremental costs of BCT for the industrial subcategories appears first. The discussion of the selection of the proposed benchmark against which the industry incremental costs are measured follows.

2. *Industrial Cost Calculations.* The alternatives considered are discussed first, followed by the explanation of the selection of the method and its computation.

a. *Alternatives Considered.* EPA considered 5 different ways to measure the incremental costs of BCT for the industry cost test.

(1) *Measures of Economic Achievability.* One alternative was to use measures of economic achievability. Examples of such measures are:

After Tax Return on Investment. Return on investment (ROI) is the plant's profit (or net income) divided by the investment in the plant. Investment in water pollution control generally reduces the plant's ROI because there is no monetary "return" to the firm on this investment. Therefore, changes in the ROI measure the changes in plant profitability. Although absolute changes in ROI indicate that the plant is being affected, they do not measure the size of the impact on the plant since the base level of the ROI is extremely important.

Plant Closures. Another alternative is to look at the potential for plant closures. However, this is not always a reliable economic indicator since plants seriously affected by pollution control requirements may still decide to remain open for other financial reasons such as potential for long-term profitabiltiy, ability to absorb short term losses or low fixed costs of production.

Pollution Control Investment to Book Value. This criterion is based on the ratio of pollution control investment costs to the book value of the plant. In a general way, it measures the likelihood that the pollution control equipment can be financed.

Other Measures. Other measures were also considered such as the ratio of annual compliance costs to the total value of shipments and cash flow analyses.

All these economic achievability measures contain three drawbacks. First, they do not consider the effluent reductions benefits of additional controls. Second, the data required to perform these analyses are not generally available. Finally, the economic achievability of the regulations was already taken into account in the initial development of the BAT regulations.

(2) *Relative Pollutant Reduction (Percent).* Pollutant reduction efficiency for a plant is a measure of the relative amount of pollutant removed from the wastewater in percentage terms. One alternative for the test is to compute the percentage of pollutants removed in going from BPT to BCT levels of control as compared to the total amount of pollutants in the untreated wastewater. Because the removals are expressed in percentage terms, the results of such analysis would not depend on the size of the facility, making the test "blind" to size.

There are two major drawbacks to these types of measures. First, the costs of pollutant removal would not be considered. Second, measuring only the relative amounts of pollutants removed can lead to misleading conclusions about effluent reduction benefits. A large facility might remove 10 times the waste as a small facility, yet in percentage terms have a smaller relative efficiency than the small facility, and thus "fail" the BCT industry cost test when in reality substantial additional pounds of conventional pollutants would be removed by further treatment.

(3) *Cost Curve Elasticity.* The elasticity of the pollution control cost curve is measured by the ratio of percent change in pollutant removal divided by the percent change in the total annual compliance cost. This criterion has a number of advantages over the first two alternatives. First, the criterion considers both cost and pollutant reduction. Second, the measure does not assess factors already taken into account in the development of the BAT regulations. Third, the figure generally can be calculated from available data. Finally, a numerical benchmark for costs and removal can be computed for comparison.

(4) *Incremental Costs to Average Cost of Pollutant Removal Ratio.* Under this alternative EPA would calculate the average cost per pound of conventional pollutants removed in going from no treatment to BCT levels, and divide the result into the incremental cost per pound in going from BPT to BCT levels. It has the same advantages as the elasticity approach, and in addition is easier to compute with currently available data.

(5) *Increasing Cost Ratio.* The last ratio EPA considered is the incremental cost per pound in going from BPT to BCT levels divided by the average cost in going to BPT. This alternative has the same advatages as Alternative (4).

b. *Selection of Second Test Methodology.* Alternatives (1) and (2) in the previous section were rejected for the reasons discussed above, while alternatives (3), (4), and (5) generally fulfill all the conditions that EPA has determined the second test must satisfy. EPA's proposed methodology is based on the increasing cost ratio, Alternative (5), because it is the only measure which directly compares the cost-effectiveness of effluent reduction in achieving BCT levels (in dollars per pound removed) with the cost-effectiveness that is achieved at BPT levels.

c. *Calculation of the Industry Cost Figures.* This section describes how the Alternative 5 calculations are actually performed. The increasing cost ratios are a combination of two computations for incremental annual cost per pound. The first increment is the annual cost per pound in going from BPT to candidate BCT control levels. This is identical to the industry calculation used in the POTW test. (See *"Part I: The POTW Test"* in this notice for the detailed explanation.) This increment becomes the *numerator* in the increasing cost ratio.

The second increment is the incremental annual cost per pound in going from a "pre-BPT" level of control to BPT levels of control and becomes the *denominator* in the increasing cost ratio. The "pre-BPT" level is set at one of two levels, depending upon the availability of data for each affected industry. If sufficient data exists for the development of cost and effluent data for treatment levels in-place at the time BPT limitations were being developed, that level of treatment would be used in the calculation. If not enough data is available, the "pre-BPT" control would be assumed to be no treatment of effluent wastewater. This use leads to variation in the way the incremental cost per pound figuers are calculated. The cost per pound under the increment from raw waste load to BPT will in general be smaller than that for the pre-BPT to BPT increment. This means that the assumption of no treatment-in-place may lead to an overestimation of pounds removed by BPT and underestimation of the incremental cost per pound. In the absence of additional data, EPA beleives this result is unavoidable.

The calculation of cost and effluent reduction (in pounds of conventional pollutants removed) for the pre-BPT to BPT increment would follow the method used for the BPT to candidate BCT increment except for one point. The conventional pollutant discharges at pre-BPT would be based on the average effluent discharge per year because no 30-day limitations exist. Monthly or 30-day average discharge levels are used for BPT and candidate BCT levels because they are the regulatory limits with which industry must comply. Using annual average effluent data instead of monthly average data for the pre-BPT levels of control increases the pre-BPT to BPT incremental cost per pound. EPA requests comments on both of these issues on the second increment.

After each increment is calculated, EPA calculates the increasing cost ratio by dividing the first increment by the second:

$$\frac{\text{Total annual cost/pounds removed (BPT to BCT)}}{\text{Total annual cost/pounds removed (pre-BPT to BPT)}}$$

3. *The Industry Cost Benchmark.* As mentioned before, EPA beleives that the industrial cost calculations should be compared against a single numerical benchmark. This section describes the alternatives considered, the selection of the benchmark, and its computation.

a. *Alternatives Considered.* EPA identified two alternative benchmarks for use in the industry cost test.

(1) *Elastiicity of Unity (1.0).* The unit elasticity, 1.0, was considered fr a benchmark value because it identifies the point on a continuous cost curve where, on a percentage basis, the incremental costs begin to exceed the incremental effluent reduction. If the test were to be applied, all industrial calculations which are less than 1.0 would be considered reasonable because the unit cost per pound of going beyond BPT levels would be less than that incurred in attaining BPT levels. This approach establishes the cost per pound of achieving BPT as an upper bound of reasonable cost.

(2) *POTW Data.* Another alternative is using POTW cost-effectiveness data in going from primary to ST and from ST to AST as the basis for comparison with industrial cost-effectiveness data. As discussed in 1979, there are general parallels between industrial and municipal treatment levels at BCT and advanced secondary treatment levels. 45 Fr 50735. In addition, pre-BPT and primary treatment levels correspond since both levels represent the basic technologies used to treat raw wastes. This benchmark alternative is computed by dividing the incremental cost per pound in going from ST to AST by the incremental cost per pound in going from primary to secondary. The benchmark, which is computed in Apendix B to be 1.43, would then serve as a basis for assessing the cost-effectiveness of advanced wastewater treatment of coventional pollutants.

b. *Selection of Benchmark.* EPA chose to use a POTW-based benchmark for several reasons. First, the data on POTW costs and removal are the most sophisticated data available on conventional pollutant removal. In view of the analogies between industrial and municipal treatment levels, EPA decided to utilize this POTW basis. Second, EPA believes the first alternative is contrary to Congressional intent since the cost per pound in achieving BCT could never be higher than the cost per pound in achieving BPT. While Congress directed EPA to evaluate the cost-effectiveness of BCT it did not establish the cost per pound in achieving BPT as a ceiling for BCT costs. Finally, EPA believes reliance on an objective, documented POTW measure is preferable to judging the cost-effectiveness of industrial treatment on an ad-hoc basis. EPA requests comments on either alternative, and other possible alternatives not presented here.

c. *Comparison of Industry Costs and Benchmark.* Under EPA's proposed methodology, the industry subcategory calculations would be compared to the benchmark of 1.42. If the industry figure for a subcategory is lower than 1.43, the subcategory passes this BCT test. If the industry figure is higher than 1.43, the costs for BCT are considered unreasonable, and the limitations are set at the lowest level that passes the test. This may be BPT or alternative candidate BCT limitations above BPT levels.

III. Application of BCT Methodology

EPA applied the proposed BCT methodology above to the following secondary industry and primary industry categories: Dairy Products, Grain Mills, Canned and Preserved Fruits and Vegetables, Canned and Preserved Seafoods, Sugar, Cement Manufacturing, Feedlots, Inorganic Chemicals, Phosphates, Ferroalloys Manufacturing, Glass Manufacturing, Timber Products, Pulp Paper and Paperboard, and Builder's paper and Board Mills, Meat Products, Metal Finishing, and Ore Mining and Dressing. Table 1 summarizes the results of this application. The actual calculations are in the rulemaking record. For secondary industries where BAT limitations equalled BPT, EPA did not perform the BCT costs calculations, since BCT must be at least as stringent as BPT.

In addition to the BCT cost test, Section 304(b)(4)(B) of the Clean Water Act requires EPA to consider other factors such as the age of equipment, production process, and energy requirements in the development of BCT limitations. Based on the rulemaking record for these industrial categories and this proceeding, EPA has determined that the proposed limitations are technically achievable and otherwise satisfy Section 304(b)(4)(B).

A. Secondary Industries.

The BCT test determinations for the scondary industries are based on the cost and effluent data collected at the time of the original proposal and promulgation of the BAT guidelines for those industries. Where new information regarding the availability of pollution control technologies and its economic achievability became available, EPA used the information to determine whether the BAT technology still satisfied all the statutory factors.

1. *Dairy Products.* All twelve subcategories in the Dairy subcategory were reviewed. The technology basis for the former BAT limitations was tertiary treatment by multi-media filtration. Based on information submitted to the Agency since promulgation of the BAT effluent limitations, EPA believes that the aplication of filtration technology would be difficult technically in this industry. The suspended solids in the Dairy Products Industry are extremely difficult to treat, and the excess solids can cause filter blindig and substantial operational difficulty. Thus, EPA is proposing BCT limitations equal to BPT for all twelve subcategories.

2. *Grain Mills.* BCT limitations equal to BPT were already promulgated for the Normal Wheat Flour, Normal Rice, Animal Feed and Hot Cereal subcategories. BCT limitations for the Corn Wet Milling subcategory are being reserved until more recent information on BPT compliance costs received by EPA has been evaluated. The remaining 5 subcategories fail the proposed BCT test. BCT limiations for them are therefore proposed equal to BPT.

3. *Canned and Preserved Fruits and Vegetables.* There are eight subcategories in this category. All eight fail the proposed BCT test and BCT limitaions for them are proposed equal to BPT.

4. *Sugar.* Of the eight subcategories for Sugar Processing, five had the same conventional pollutants limitations for BAT and BPT. None of the three remaining subcategories pass the proposed BCT test. EPA therefore proposes that BCT limitations for all eight subcategories be equal to BPT.

5. *Cement Manufacturing.* Two of the three subcategories already contain BCT limitations equal to BPT. The remaining subcategory, Leaching, fails the proposed BCT test and the BCT limitations are proposed equal to BPT.

6. *Feedlots.* The Feedlots category contains two subcategories. For the first subcategory (All Subcategories Except Ducks), both BPT and BAT are zero discharge limitations. Therefore, zero discharge BCT limitations were promulgated in 1979. For the remaining subcategory, Duck feedlots, conventional pollutant discharges from man-made or natural (e.g., marshes) swimwater areas are difficult to quantify and adapt to traditional end-of-pipe treatment technologies. Because the effluent reduction benefits between existing discharges and the BAT technology, dry lots, are not readily quantifiable, the BCT test cannot be performed. Therefore, EPA is not now proposing BCT effluent limitations for this subcategory.

7. *Ferroalloy Manufacturing.* One of the seven subcategories contains BCT limitations equal to BPT. The remaining six are being reviewed; only the Slag Processing subcategory passes the Proposed BCT test. BCT limitations for Slag Processing subcategory are proposed at the BAT level; the BCT limitations for the other five subcategories are proposed equal to BPT.

8. *Glass Manufacturing.* Three of 13 subcategories contain BCT limitations equal to BPT. EPA is reviewing the remaining ten subcategories; nine fail the proposed BCT test, and BCT limitations for them are proposed equal to BPT. The remaining subcategory, Insulation Fiberglass, had zero discharge limitations set at BPT for wastewater from air emission equipment. BCT limitations are proposed equal to BPT since no further pollutant removal is possible.

9. *Meat Products.* This category contains ten subcategories. The BAT effluent limitations for conventional pollutants for eight of these subcategories were withdrawn, pending a technical review of biological nitrification technology for ammonia and TSS removal in response to a court decision. Based on this review EPA has determined that nitrification, the BAT technology, is unsuitable as a basis for a BCT technology. One significant factor is that nitrification effects removal of ammonia nitrogen from these wastewaters, but affords only insignificant removal of conventional pollutants beyond BPT levels. Further, reduction in water use in meat processing operations, a key part of the former BAT limitations, may not be achievable at many plants. Finally, preliminary results of the nitrification technology review indicate that consistent year round removal of conventional pollutants is technically achievable only with extraordinary operational care. For these reasons EPA has rejected nitrification as a BCT technology and is proposing BCT equal to BPT for those eight subcategories.

The remaining two subcategories, the Small Processor and Renderers subcategories, pass the proposed BCT test. BCT limitations equal to BAT are proposed for these subcategories.

10. *Phosphates.* The Phosphates category contains three subcategories, two of which already have BCT limitations equal to BPT. The third subcategory, Sodium Phosphates, passes the proposed BCT test. The BCT limitations for this subcategory are proposed equal to BAT.

11. *Canned and Preserved Seafood Processing.* EPA conducted a review of all 33 subcategories in the Canned and Preserved Seafoods Category. Because new information has become available, EPA also reevaluated the technical availability and economic achievability of the BAT regulations.

The BAT technology basis for the following 12 subcategories and sections of two other subcategories is dissolved air flotation (DAF): Mechanized Blue Crab, Dungeness and Tanner Crab, Non-Remote Alaskan Shrimp, Northern

Shrimp, Southern Non-Breaded Shrimp, Breaded Shrimp, Alaska Mechanized Salmon (Non-Remote), West Coast Mechanized Salmon, Non-Alaskan Mechanized Bottom Fish, Mechanized Clam, Sardine, Alaskan Herring Fillet (Non-Remote), Non-Alaskan Herring Fillet, and Tuna. This technology has not been widely applied at full scale, except for the tuna subcategory. Experience in the tuna subcategory shows that achievement of effluent limitations on a consistent basis by DAF can be difficult in light of the variability of raw wastewater effluent loads, their typically oily nature, and the operational problems these circumstances present in maintaining the solids flotation process. Space requirements for installation of this technology also can present problems for many plants. Optimized DAF (with chemically assisted coagulation) for the tuna subcategory adds operational complexity, maintenance requirements, and disposal cost for additional sludge volume generated by optimized operation. EPA has therefore determined that this technology is infeasible and propose BCT limitations for these subcategories equal to BPT.

Aerated lagoons were the BAT technology for three subcategories: Conventional Blue Crab, Non-Alaskan Conventional Bottom Fish and Steamed and Canned Oyster. EPA has determined that aerated lagoons are not a feasible technology for these subcategories because lagoons require a substantial amount of land, which is not uniformly available. Moreover, the seasonal and often sporadic processing operations of these plants does not provide the consistent source of wastewater needed for proper functioning of biological treatment systems such as aerated lagoons. Therefore, EPA is proposing BCT limitations equal to BPT for these subcategories.

EPA is proposing BCT equal to BPT for the Remote Alaskan Crab Meat, Remote Alaskan Whole Crab and Crab Section, and Remote Alaskan Shrimp subcategories and remote sections of 5 other subcategories because there are technical problems with the technology that was promulgated for BAT. This technology was screening of the fish wastes, and subsequent disposal of these wastes. Solid waste disposal in nonremote areas can be accomplished by the use of reduction facilities; however, these are not economically viable in remote areas there are no seafood processing waste-water treatment facilities. Land disposal or barging are the only solid waste disposal techniques available to the remote seafood processors; however, they are often not feasible or work during only a portion of the year because of weather. Therefore, the Agency has rejected the BAT technology as being suitable for BCT.

Two subcategories, Hand-Shucked Clam and Fish Meal, would incur substantial adverse economic impacts as a result of the former BAT regulations. For the Hand-Shucked Clam subcategory, nine of the fifteen plants that directly discharge process wastewaters would probably close rather than comply with the BCT regulations. These nine plants consist of all six small plants and all three canned clam plants. Because the economic impacts appear to be so severe, EPA is proposing BCT limitations equal to BPT for this subcategory.

For the Fish Meal subcategory, twelve of the 54 direct discharging plants would probably close as a result of the former BAT regulations. Most of these plants are small facilities. Because the economic impacts as a result of this regulation are so adverse, EPA is proposing BCT limitations equal to BPT for this subcategory.

On February 17, 1977, EPA voluntarily withdrew BAT limitations for the following five Alaskan Seafood Categories because of an inadequate economic analysis: Alaskan Hand-Butchered Salmon, Alaskan Mechanized Salmon, Alaskan Bottom Fish, Alaskan Scallop and Alaskan Herring Fillet. As discussed above, BCT is being proposed equal to BPT for the geographically remote sections of these subcategories because of technical problems with screening, and for the Non-Remote Alaskan Mechanized Salmon and Non-Remote Alaskan Herring Fillet subcategories because the BAT technology was DAF. The economic impact analysis for the non-remote sections of the three remaining subcategories Alaskan Hand-Butchered Salmon (Non-Remote), Alaskan Bottom Fish (Non-Remote), Alaskan Herring Fillet (Non-Remote), has not been completed. EPA is therefore deferring proposing BCT limitations for the 3 remaining subcategories until the analysis is completed.

Four of the remaining 8 subcategories fail the POTW test: Farm-Raised Catfish, Non-Remote Alaskan Crab Meat, Non-Remote Alaskan Whole Crab, and West Coast Hand-Butchered Salmon. BCT limitations for these subcategories are proposed equal to BPT. Four subcategories pass the POTW test: Pacific Coast Hand-Shucked Oyster, Atlantic and Gulf Coast Hand-Shucked Oyster, Non-Alaskan Scallop, and Abalone. The BPT technology for the latter four subcategories is screening of the fish wastes. Because screening removes only gross solids from the wastewater, EPA cannot calculate the incremental removal of pollutants in going from raw waste load to BPT in a quantitatively meaningful way. Therefore, EPA cannot perform the industry cost test according to the formula EPA is proposing. However, EPA has examined the technology basis of BCT, which is simple in-plant controls, and has determined that the technology is cost-effective (less than $.04 per pound of conventional pollutants removed) and economically achievable. EPA is therefore proposing BCT limitations equal to the BAT level, and request comments on this decision. In 1979 a number of seafood processers filed a petition with EPA requesting that the Agency modify BPT limitations for certain seafood processing areas in Alaska. The Agency is currently reviewing the petition and will decide whether to modify the BPT limitations shortly. If any modification is proposed, the corresponding BCT limitations will be revised accordingly.

B. Primary Industries.

1. *Timber Products.* This category contains 16 subcategories. Two subcategories had BCT limitations established in January 1981 (46 FR 3260); they were subsequently withdrawn in February 1982 (47 FR 6835). The Insulation Board subcategory fails the proposed BCT test, while the Wet Process Hardboard subcategory passes the proposed BCT test. This result is identical to the 1981 promulgation.

EPA never established BCT limitations for the remaining 14 subcategories. BPT limitations for the Barking-Mechanical (a portion of the Barking subcategory), Veneer, Plywood, Dry Process Hardboard, Wood Preserving-Waterborne Nonpressure, Wood Preserving-Boulton, Sawmills and Planing Mills, Finishing, Particleboard and one of the Wood Furniture and Fixture Production Subcategories are no discharge of wastewater. Because no incremental removal can be achieved beyond BPT, EPA is proposing BCT limitations equal to BPT for these subcategories. EPA cannot identify treatment technologies beyond BPT for the Wet Storage subcategory that remove significant amounts of conventional pollutants. EPA is therefore proposing BCT limitations equal to BPT. EPA is not proposing BCT limitations for the Barking-Hydraulic (a segment of the Barking subcategory), Wood Preserving-Steam, Log Washing and the other Wood Furniture and Fixture Production subcategories. EPA will reserve BCT limitations for these subcategories until a BCT assessment can be made.

2. *Pulp, Paper, and Paperboard.* In January of 1981, EPA proposed BCT limitations for 24 subcategories in this industry (46 FR 1430). Of these 24, 21 would have required pollution control more stringent than BPT. In performing the proposed BCT test, EPA used BCT Computations based on BPT limitations promulgated in 1977 with the following exceptions. EPA will be shortly promulgating BPT limitations for four new subcategories and 2 new subdivisions. These BPT limitations were used as the basis for reproposing BCT for those subcategories and subdivisions and are included in this rulemaking record solely to facilitate comments on BCT.

The BCT limitations for the two Papergrade Sulfite subcategories and the Groundwood-Thermo-Mechanical subcategory pass the new BCT test. In the January 1981 proposal, EPA selected Option 4 for these subcategories; however, Option 4 did not pass the new BCT test. EPA has therefore selected Option 1, BPT plus in-plant controls, as the technology basis for proposed BCT limitations for these subcategories. No additional end-of-pipe technology beyond BPT is contemplated in this option. The controls primarily achieve reductions in water use and BOD_5 raw waste loadings that translate into lower conventional pollutant discharge after treatment in existing end-of-pipe systems. This option passes the proposed BCT test for all three subcategories and will cost less than the previously proposed option. In addition, no economic impact was projected for Option 4; therefore, no impact is expected for this less costly option.

The remaining twenty-one subcategories fail the proposed BCT test for all options. The BCT limitations proposed in January 1981 are revised to equal BPT for these subcategories.

3. *Inorganic Chemicals.* EPA promulgated BCT limitations equal to BPT for all subcategories except for the Hydrofluoric Acid and the Chlor-Alkali—Diaphragm Cells subcategories. BCT limitations for these two subcategories were reserved because the 1979 BCT methodology had been remanded (47 FR 28260, June 29, 1982). EPA has since performed the proposed BCT test on the two subcategories. Both of them failed the test, and BCT limitations for them are proposed equal to the BPT level.

4. *Ore Mining and Dressing.* EPA proposed BCT equal to BPT limitations for seven subcategories on June 14, 1982 (47 FR 25682). The proposed limitations were published erroneously without applying the proposed BCT cost test. EPA has now applied the new test to all seven subcategories. None pass and EPA is proposing revised BCT limitations for them equal to BPT.

5. *Metal Finishing.* Effluent limitations guidelines for the metal finishing point source category were proposed on August 31, 1982 (47 FR 38462). EPA deferred proposing BCT limitations for this category because the 1979 BCT methodology had been remanded. EPA has since performed the proposed BCT test on the category, which contains one subcategory. The category failed the test, and BCT limitations equal to BPT are proposed.

V. Regulatory Flexibility Analysis and Regulatory Impact Analysis

Public Law 96–354 requires EPA to prepare an Initial Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. This analysis may be done in conjunction with or as part of any other analysis conducted by the Agency. EPA already performed analyses designed to evaluate significant impacts on small facilities in the previous proposal and/or promulagtion of these regulations and these showed no potential for a significant impact. The newer economic analysis for seafoods showed a significant economic impact for certain small plants, as discussed previously. EPA is therefore proposing that BCT equal BPT for these plants. Thus, no new significant impacts on small businesses are expected as a result of this proposal. Therefore, a formal regulatory flexibility analysis is not required. The analyses and small business definitions appear in the documents listed in Appendix C.

Executive Order 12291 requires EPA and other agencies to perform regulatory impact analyses of major regulations. Major rules impose an annual cost to the economy of $100 million or more or meet other economic impact criteria. EPA does not consider the proposed rules for BCT to be a major rule because the annual cost is less than $100 million and none of the other criteria are met.

VI. Comments Invited

The Agency urges interested individuals to submit comments on the proposal set forth in this notice. All comments received within 60 days will be considered in the promulgation of these BCT effluent limitations guidelines. EPA particularly requests comments and/or data on the following issues:

1. New economic information which would affect the Agency's consideration of economic impacts on any of the industries affected by this rulemaking.
2. EPA's plans to recommend that permit writers use the proposed BCT methodology in setting BPJ–BCT permits in the absence of national effluent limitations.

VII. OMB Review

The regulation was submitted to the Office of Management and Budget for review as required by E.O. 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room 2404, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 from 9:00 a.m. to 4:00 p.m. Monday through Friday excluding Federal holidays.

Lists of Subjects

40 CFR Part 405

Dairy products, Water pollution control, Waste treatment and disposal.

40 CFR Part 406

Grain mill products, Water pollution control, Waste treatment and disposal.

40 CFR Part 407

Fruits, Vegetables, Water pollution control, Waste treatment and disposal.

40 CFR Part 408

Seafood, Water pollution control, Waste treatment and disposal.

40 CFR Part 409

Sugar, Water pollution control, Waste treatment and disposal.

40 CFR Part 411

Cement industry, Water pollution control, Waste treatment and disposal.

40 CFR Part 412

Livestock, Water pollution control, Feedlots, Waste treatment and disposal.

40 CFR Part 415

Chemicals, Water pollution control, Waste treatment and disposal.

40 CFR Part 422

Phosphate, Water pollution control, Waste treatment and disposal.

40 CFR Part 424

Iron, Metals, Water pollution control, Waste treatment and disposal.

40 CFR Part 426

Glass and glass products, Water pollution control, Waste treatment and disposal.

40 CFR Part 429

Forests and forest products, Furniture industry, Water pollution control, Waste treatment and disposal.

40 CFR Part 430

Paper and paper products industry, Water pollution control, Waste treatment and disposal.

40 CFR Part 431

Paper and paper products industry, Water pollution control, Waste treatment and disposal.

40 CFR Part 432

Meat and meat products, Water pollution control, Waste treatment and disposal.

40 CFR Part 433

Water pollution control, Waste treatment and disposal.

40 CFR Part 440

Metals, Mines, Water pollution control, Waste treatment and disposal.

(Secs. 301 and 304, Clean Water Act, (Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95-217))

Dated: October 14, 1982.

John W. Hernandez,

Acting Administrator.

For reasons set out in the preamble, the revisions proposed on January 6, 1981 (46 FR 1430) for §§ 430.13, 430.53, 430.63, 430.73, 430.83, 430.93, 430.103, 430.113, 430.133, 430.143, 430.153, 430.163, 430.173, 430.183, 430.193, 430.203, 430.213, 430.223, 430.233, 430.243, 430.253, 430.263, 430.273 and 431.13 are withdrawn. In addition, 40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 415, 422, 424, 426, 429, 430, 431, 432, 433 and 440 are proposed to be amended as follows:

PART 405—EFFLUENT LIMITATIONS GUIDELINES FOR STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE DAIRY PRODUCTS PROCESSING INDUSTRY POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 405 for the Dairy Products Processing Industry Point Source Category is amended as follows:

§§ 405.17, 405.27, 405.37, 405.47, 405.57, 405.67, 405.77, 405.87, 405.97, 405.107, and 405.127 [Added]

§ 405.117 [Revised]

1. Sections 405.17, 405.27, 405.37, 405.47, 405.57, 405.67, 405.77, 405.87, 405.97, 405.107, and 405.127 are added, and 405.117 is revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 405. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Receiving Stations Subcategory	405.17	405.12
Subpart B—Fluid Products Subcategory	405.27	405.22
Subpart C—Cultured Products Subcategory	405.37	405.32
Subpart D—Butter Subcategory	405.47	405.42
Subpart E—Cottage Cheese and Cultured Cream Cheese Subcategory	405.57	405.52
Subpart F—Natural and Processed Cheese Subcategory	405.67	405.62
Subpart G—Fluid Mix for Ice Cream and Other Frozen Desserts Subcategory	405.77	405.72
Subpart H—Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts Subcategory	405.87	405.82
Subpart I—Condensed Milk Subcategory	405.97	405.92
Subpart J—Dry Milk Subcategory	405.107	405.102
Subpart K—Condensed Whey Subcategory	405.117	405.112
Subpart L—Dry Whey Subcategory	405.127	405.122

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§(b)* of this subpart for the best practicable control technology currently available (BPT).

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 406 for the Grain Mills Point Source Category is amended as follows:

§§ 406.27, 406.67, 406.97 and 406.107 [Added]

§§ 406.37, 406.47, 406.57 and 406.77 and 406.87 [Revised]

Sections 406.27, 406.67, 406.97, and 406.107 are added, and §§ 406.37, 406.47, 406.57, 406.77, and 406.87 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 406. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart B—Corn Dry Milling Subcategory	406.27	406.22
Subpart C—Normal Wheat Flour Milling Subcategory	406.37	406.32
Subpart D—Bulgar Wheat Flour Milling Subcategory	406.47	406.42
Subpart E—Normal Rice Milling Subcategory	406.57	406.52
Subpart F—Parboiled Rice Processing Subcategory	406.67	406.62
Subpart G—Animal Feed Subcategory	406.77	406.72
Subpart H—Hot Cereal Subcategory	406.87	406.82
Subpart I—Ready-To-Eat Cereal Subcategory	406.97	406.92
Subpart J—Wheat Starch and Gluten Subcategory	406.107	406.102

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 406.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 407 for the Canned and Preserved Fruits and Vegetables Processing Point Source Category is amended as follows:

§§ 407.37, 407.57, 407.67 and 407.77, 407.87 [Added]

§§ 407.17, 407.27, 407.47 [Revised]

Sections 407.17, 407.27, and 407.47 are revised, and §§ 407.37, 407.57, 407.67, 407.77, and 407.87 are added. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 407. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Apple Juice Subcategory	407.17	407.12
Subpart B—Apple Products Subcategory	407.27	407.22
Subpart C—Citrus Products Subcategory	407.37	407.32
Subpart D—Frozen Potato Products Subcategory	407.47	407.42
Subpart E—Dehydrated Potato Products Subcategory	407.57	407.52
Subpart F—Canned and Preserved Fruits Subcategory	407.67	407.62
Subpart G—Canned and Preserved Vegetables Subcategory	407.77	407.72
Subpart H—Canned and Miscellaneous Specialties Subcategory	407.87	407.82

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

PART 408—CANNED AND PRESERVED SEAFOOD PROCESSING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 408 for the Canned and Preserved Seafood Processing Point Source Category is amended as follows:

§§ 408.17, 408.27, 408.37, 408.47, 408.57, 408.67, 408.77, 408.87, 408.97, 408.107, 408.117, 408.127, 408.137, 408.147, 408.157, 408.177, 408.187, 408.197, 408.217, 408.227, 408.237, 408.247, 408.277, 408.287, 408.317, and 408.327 [Added]

1. Sections 408.17, 408.27, 408.37, 408.47, 408.57, 408.67, 408.77, 408.87, 408.97, 408.107, 408.117, 408.127, 408.137, 408.147, 408.157, 408.177, 408.187, 408.197, 408.217, 408.227, 408.237, 408.247, 408.277, 408.287, 408.317, and 408.327 are added. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 408. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Farm-Raised Catfish Processing Subcategory	408.17	408.12
Subpart B—Conventional Blue Crab Processing Subcategory	408.27	408.22
Subpart C—Mechanized Blue Crab Processing Subcategory	408.37	408.32
Subpart D—Non-Remote Alaskan Crab Meat Processing Subcategory	408.47	408.42
Subpart E—Remote Alaskan Crab Meat Processing Subcategory	408.57	408.52
Subpart F—Non-Remote Alaskan Whole Crab and Crab Section	408.67	408.62
Subpart G—Remote Alaskan Whole Crab and Section Processing Subcategory	408.77	408.72
Subpart H—Dungeness and Tanner Crab Processing in the Contiguous States Subcategory	408.87	408.82
Subpart I—Non-Remote Alaskan Shrimp Processing Subcategory	408.97	408.92
Subpart J—Remote Alaskan Shrimp Processing Subcategory	408.107	408.102
Subpart K—Northern Shrimp Processing in the Contiguous States Subcategory	408.117	408.112
Subpart L—Southern Non-Breaded Shrimp Processing in the Contiguous States Subcategory	408.127	408.122
Subpart M—Breaded Shrimp Processing in the Contiguous States Subcategory	408.137	408.132
Subpart N—Tuna Processing Subcategory	408.147	408.142
Subpart O—Fish Meal Processing Subcategory	408.157	408.152
Subpart Q—Alaskan Mechanized Salmon Processing Subcategory	408.177	408.172
Subpart R—West Coast Hand-Butchered Salmon Processing Subcategory	408.187	408.182
Subpart S—West Coast Mechanized Salmon Processing Subcategory	408.197	408.192
Subpart U—Non-Alaskan Conventional Bottom Fish Processing Subcategory	408.217	408.212
Subpart V—Non-Alaskan Mechanized Bottom Fish Processing Subcategory	408.227	408.222
Subpart W—Hand-Shucked Clam Processing Subcategory	408.237	408.232
Subpart X—Mechanized Clam Processing Subcategory	408.247	408.242
Subpart AA—Steamed and Canned Oyster Processing Subcategory	408.277	408.272
Subpart AB—Sardine Processing Subcategory	408.287	408.282
Subpart AE—Alaskan Herring Fillet Processing Subcategory	408.317	408.312
Subpart AF—Non-Alaskan Herring Fillet Processing Subcategory	408.327	408.322

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

2. Section 408.167 for Subpart P-Alaskan Hand-Butchered Salmon Processing Subcategory is added as set forth below:

§ 408.167 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) [Reserved]

(b) Except as provided in § 125.30–32 any herring fillet processing facility located in population or processing centers including but not limited to Acachorege, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 408.162(b)(2) of this subpart for the best practicable control technology currently available (BPT).

3. Section 408.207 for Subpart T-Alaskan Bottom Fish Processing Subcategory is added as set forth below:

§ 408.207 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) [Reserved]

(b) Except as provided in § 125.30–32 any bottom fish processing facility located in population or processing centers including but not limited to Acachorege, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 408.202(b)(2) of this subpart for the best practicable control technology currently available (BPT).

4. Section 408.297 for Subpart AC-Alaskan Scallop Processing Subcategory is added as set forth below:

§ 408.297 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) [Reserved]

(b) Except as provided in § 125.30–32 any scallop processing facility located in population or processing centers including but not limited to Acachorege, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 408.292(b)(2) of this subpart for the best practicable control technology currently available (BPT).

5. Section 408.257 for Subpart Y-Pacific Coast Hand-Shucked Oyster Processing Subcategory is added as set forth below:

§ 408.257 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	(Metric units) (kilograms per 1,000 kg of product)	
TSS	45	36
Oil and Grease	2.2	1.7
pH	(¹)	
	(English units) (pounds per 1,000 lb of product)	
TSS	45	36
Oil and Grease	2.2	1.7
pH	(¹)	

[1] Within the range 6.0 to 9.0.

6. Section 406.267 for Subpart Z-Atlantic and Gulf Coast Hand-Shucked Oyster Processing Subcategory is added to read as set forth below:

§ 408.267 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day ERR80*2	Average of daily values for 30 consecutive days shall not exceed
	(Metric units) (kilograms per 1,000 kg of product)	
TSS	23	16
Oil and Grease	1.1	0.77
pH	(¹)	
	(English units) (pounds per 1,000 lb of product)	
TSS	23	16
Oil and Grease	1.1	0.77
pH	(¹)	

[1] Within the range 6.0 to 9.0.

7. Section 408.307 for Subpart AD-Non-Alaskan Scallop Processing Subcategory is added as set forth below:

§ 408.307 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	(Metric units) kk/kkg of product	
TSS	5.7	1.4
Oil and Grease	7.3	0.23
pH	(¹)	
	(English units) pounds per 1,000 lb of product	
TSS	5.7	1.4
Oil and Grease	7.3	0.23
pH	(¹)	

[1] Within the range 6.0 to 9.0.

8. Section 408.337 for Subpart AG-Abalone Processing Subcategory is added as set forth below:

§ 408.337 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	(Metric units) kk/kkg of seafood	
TSS	25	14
Oil and Grease	21	1.3
pH	(¹)	

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	(English units) pounds per 1,000 lb of product	
TSS	26	14
Oil and Grease	2.1	1.3
pH	(1)	

[1] Within the range 6.0 to 9.0.

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 409 for the Sugar Processing Point Source Category is amended as follows:

§§ 409.17, 409.27, 409.37 [Revised]

§§ 409.47, 409.57, 409.67, 409.77, and 409.87 [Added]

Section 409.17, 409.27, and 409.37 are revised. Sections 409.47, 409.57, 409.67, 409.77, and 409.87 are added. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 409. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Beet Sugar Processing Subcategory	409.17	409.12
Subpart B—Crystalline Cane Sugar Refining Subcategory	409.27	409.22
Subpart C—Liquid Cane Sugar Refining Subcategory	409.37	409.32
Subpart D—Louisiana Raw Cane Sugar Processing Subcategory	409.47	409.42
Subpart E—Florida and Texas Raw Cane Sugar Processing Subcategory	409.57	409.52
Subpart F—Hilo-Hamakua Coast of the Island of Hawaii Raw Cane Sugar Processing Subcategory	409.67	409.62
Subpart G—Hawaiian Raw Cane Sugar Processing Subcategory	409.77	409.72
Subpart H—Puerto Rican Raw Cane Sugar Processing Subcategory	409.87	409.82

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

PART 411—CEMENT MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 411 for the Cement Manufacturing Point Source Category is amended by revising § 411.27 of the Leaching Subcategory as follows:

§ 411.27 Effluent limitations guidelines representing the degree of effluent reduction attainable by application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 411.22 of this subpart for the best practicable control technology currently available (BPT).

PART 412—FEEDLOTS POINT SOURCE CATEGORY

§ 412.17 [Removed]

40 CFR Subchapter N, Part 412 for the Feedlots Point Source Category is amended by removing § 412.17.

PART 415—INORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 415 for the Inorganic Chemicals Manufacturing Point Source Category is amended as follows:

1. In Subpart F—Chlor-Alkali Subcategory (Chlorine and Sodium or Potassium Hydroxide Production), § 415.67(b) is added to read as follows:

§ 415.67 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

* * * * *

(b) Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart and using the diaphragm cell process must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations are the same for TSS and pH as specified in § 415.62.

2. In Subpart H—Hydrofluoric Acid Production Subcategory, § 415.87 is added to read as follows:

415.87 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–125.32, limitations on the discharge of conventional pollutants (which are defined in § 401.16) by an existing point source subject to this subpart shall, after the application of the best conventional pollutant control technology (BCT), be the same as the limitations specified for conventional pollutants in this subpart under the best practicable control technology currently available (BPT), as stated in § 415.82.

PART 422—PHOSPHATE MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 422 for the Phosphate Point Source Category is amended by adding § 422.67 of the Sodium Phosphates Subcategory as follows:

§ 422.67 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

METRIC UNITS (KG/KKG OF PRODUCT); ENGLISH UNITS (1B/1,000 LB OF PRODUCT)

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Aerage of daily values for 30 consecutive days shall not exceed
TSS	0.35	0.18
pH	(¹)	(¹)

¹Within the range 6.0 to 9.5.

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 424 for the Ferroalloy Manufacturing Point Source Category is amended as follows:

§§ 424.17 and 424.27 [Added]

§§ 424.47, 424.67, and 424.77 [Revised]

1. Sections 424.17, 424.27 are added, and §§ 424.47, 424.67, and 424.77 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 424. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Open Electric Furnaces with Wet Air Pollution Control Devices Subcategory	424.17	424.12
Subpart B—Covered Electric Furnaces and Other Smelting Operations with Wet Air Pollution Control Devices Subcategory	424.27	424.22
Subpart D—Covered Calcium Carbide Furnaces with Wet Air Pollution Control Devices Subcategory	424.47	424.42
Subpart F—Electrolytic Manganese Products Subcategory	424.67	424.62
Subpart G—Electrolytic Chromium Subcategory	424.77	424.72

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

2. Section 424.37 for Subpart C-Slag Processing Subcategory is added to read as set forth below:

§ 424.37 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent Limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kg/Mwh)	
TSS	0.271	0.136
pH	(¹)	(¹)
	English units (lb/Mwh)	
TSS	.542	.271
pH	(¹)	(¹)

¹With the range 6.0 to 9.0.

PART 426—GLASS MANUFACTURING POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 426 for the Glass Manufacturing Point Source Category is amended as follows:

§§ 426.17 and 427.47 [Added]

§§ 426.57, 426.67, 426.77, 426.87, 426.107, 426.117, 426.127, and 426.137 [Revised]

Sections 426.17, 426.47 are added, and §§ 426.57, 426.67, 426.77, 426.87, 426.107, 426.117, 426.127, and 426.137 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 426. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Insulation Fiberglass Subcategory	426.17	426.12
Subpart D—Plate Glass Manufacturing Subcategory	426.47	426.42
Subpart E—Float Glass Manufacturing Subcategory	426.57	426.52
Subpart F—Automative Glass Tempering Subcategory	426.67	426.62
Subpart G—Automative Glass Laminating Subcategory	426.77	426.72
Subpart H—Glass Container Manufacturing Subcategory	426.87	426.82
Subpart J—Glass Tubing (Danner) Manufacturing Subcategory	426.107	426.102
Subpart K—Television Picture Tube Envelope Manufacturing Subcategory	426.117	426.112
Subpart L—Incandescent Lamp Envelope Manufacturing Subcategory	426.127	426.122
Subpart M—Hand Pressed and Blown Glass Manufacturing Subcategory	426.137	426.132

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

40 CFR Subchaper N, Part 429 for the Timber Products Point Source Category is amended as follows:

§§ 429.32, 429.42, 429.52, 429.72, 429.92, 429.102, 429.112, 429.132, 429.142, 429.162 and 429.152 [Added]

The text of §§ 429.32, 429.42, 429.52, 429.72, 429.92, 429.102, 429.112, 429.132, 429.142, and 429.162 is added. Section 429.152 is added. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be add to the section heading for the respective subparts of Part 429. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart B—Veneer Subcategory	429.32	429.31
Subpart C—Plywood Subcategory	429.42	429.41
Subpart D—Dry Process Hardboard Subcategory	429.52	429.51
Subpart F—Wood Preserving-Water Borne or Nonpressure Subcategory	429.72	429.71
Subpart H—Wood Preserving-Boulton Subcategory	429.92	429.91
Subpart I—Wet Storage Subcategory	429.102	429.101
Subpart K—Saw Mills and Planing Mills Subcategory	429.122	429.121
Subpart L—Finishing Subcategory	429.132	429.131
Subpart M—Particleboard Manufacturing Subcategory	429.142	429.141
Subpart N—Insulation Board Subcategory	429.152	429.151
Subpart O—Wood Furniture and Fixture Production Without Wash Spray Booth(s) or Without Laundry Facilities Subcategory	429.162	429.161

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

2. Section 429.62 is added as set forth below:

§ 429.62 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

(a) The following limitations apply to plans which produce smooth-one-side (S1S) hardboard.

SUBPART E (S1S)

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	kg/kkg (pounds per 1,000 lb) of gross production)	
BOD 5	3.83	2.51
TSS	10.0	7.04
pH	(1)	(1)

[1] Within the range 6.0 to 9.0 at all times.

(b) The following limitations apply to plants which produce smooth-two-sides (S2S) hardboard:

SUBPART E (S2S)

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	(kg/kkg (pounds per 1,000 lb) of gross production)	
BOD 5	13.2	8.62
TSS	13.9	9.52
pH	(1)	(1)

[1] Within the range 6.0 to 9.0 at all times.

3. The text of § 429.22 is added as set forth below:

§ 429.22 Effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30–32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) The following limitations apply to all mechanical barking installations: There shall be no discharge of process wastewater pollutants into navigable waters:

(b) [Reserved]

PART 430—PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

On January 6, 1981, at 46 FR 1457, EPA proposed to revise 40 CFR Part 430 for the Pulp, Paper, and Paperboard Point Source Category. EPA proposes to futher amend proposed Part 430 as follows:

§§ 430.63, 430.73, 430.83, 430.93, 430.113, 430.143,430.153, 430.163, 430.173, 430.183, 430.193, 430.203, 430.243, 430.253, 430.263 and 430.273 [Revised]

1. Proposed §§ 430.63, 430.73, 430.83, 430.113, 430.143,430.153, 430.163, 430.173, 430.183, 430.193, 430.203, 430.243, 430.253, 430.263 and 430.273 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 430. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart F—Dissolving Kraft Subcategory	430.63	430.62
Subpart G—Market Bleached Kraft Subcategory	430.73	430.72
Subpart H—BCT Bleached Kraft Subcategory	430.83	430.82
Subpart I—Fine Bleached Kraft Subcategory	430.93	430.92
Subpart K—Dissolving Sulfite Pulp Subcategory	430.113	430.112
Subpart M—Groundwood-CMN Papers Subcategory	430.143	430.142
Subpart O—Groundwood-Fine Papers Subcategory	430.153	430.152
Subpart P—Soda Subcategory	430.163	430.162
Subpart Q—Deink Subcategory	430.173	430.172
Subpart R—Nonintegrated Fine Papers Subcategory	430.183	430.182
Subpart S—Nonintegrated-Tissue Papers Subcategory	430.193	430.192
Subpart T—Tissue from Wastepaper Subcategory	430.203	430.202
Subpart X—Wastepaper-Molded Products Subcategory	430.243	430.242
Subpart Y—Nonintegrated-Lightweight Paper Subcategory	430.253	430.252
Subpart Z—Nonintegrated-Filter and Nonwoven Papers Subcategory	430.263	430.262
Subpart AA—Nonintegrated-Paperboard Subcategory	430.273	430.272

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

2. Proposed § 430.13 is revised for Subpart A—Unbleached Kraft Subcategory and reads as follows:

§ 430.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32, limitations on the discharge of conventional pollutants (which are defined in § 401.16) by an existing point source subject to this subpart shall, after the application of the best conventional pollutant control technology (BCT), be the same as the limitations specified for conventional pollutants in this subpart under the best practicable control technology currently available (BPT), as stated in § 430.12, except that non-continuous dischargers shall not be subject to the maximum day and average effluent limitations determined by dividing the average-of-30-consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD_5 by 1.78 and TSS by 1.82.

3. Proposed § 430.53 is revised for Subpart E—Paperboard from Wastepaper Subcategory and reads as follows:

§ 430.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32, limitations on the discharge of conventional pollutants (which are defined in § 401.16) by an existing point source subject to this subpart shall, after the application of the best conventional pollutant control technology (BCT), be the same as the limitations specified for conventional pollutants in this subpart under the best practicable control technology currently available (BPT), as stated in § 430.52, except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD_5 by 1.78 and TSS by 1.82.

4. Proposed § 430.103 is revised for Subpart J—Papergrade Sulfite (Blow Pit Wash) Subcategory, and reads as follows:

§ 430.103 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive day limitations for BOD_5 by 1.78 and TSS by 1.82:

SUBPART J

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kkg (or pounds per 1,000 lb) of product	
BOD_5	$0.00438X^2-0.234X+14.8$	$0.00260X^2-0.139X+8.76$
TSS	$0.00684X^2-0.363X+23.2$	$0.00415X^2-0.220X+14.1$
pH	(1)	(1)

X=Percent sulfite pulp in final product.

[1] Within the range of 5.0 to 9.0 at all times.

5. Proposed § 430.133 is revised for Subpart M—Groundwood-Thermo-Mechanical Subcategory, and reads as follows:

§ 430.133 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD5 by 1.78 and TSS by 1.82:

SUBPART M

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kkg (or pounds per 1,000 lb) of product	
BOD5	5.7	3.4
TSS	9.6	5.6
pH	(1)	(1)

[1] Within the range of 5.0 to 9.0 at all times.

6. Proposed § 430.213 is revised for Subpart U—Papergrade Sulfite (Drum Wash) Subcategory, and reads as follows:

§ 430.213 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive days limitations for BOD5 by 1.78 and TSS by 1.82:

SUBPART U

Pollutant or pollutant property	BCT effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kkg (or pounds per 1,000 lb) of product	
BOD*5*	$0.00436X^2-0.234X+14.8$	$0.00260X^2-0.139X+8.76$
TSS	$0.00684X^2-0.363X+23.2$	$0.00415X^2-0.220X+14.1$
pH	(¹)	(¹)

X=Percent sulfite pulp in final product.
[1] Within the range of 5.0 to 9.0 at all times.

7. Proposed § 430.223 is revised for Subpart V—Unbleached Kraft and Semi-Chemical Subcategory and reads as follows:

§ 430.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD*5* by 178 and TSS by 1.82:

SUBPART V

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kg (or pounds per 1,000 lb)	
BOD*5*	8.0	4.0
TSS	12.5	6.25
pH	(¹)	(¹)

[1] Within the range of 6.0 to 9.0 at all times.

8. Proposed § 430.233 is revised for Subpart W-Semi-Chemical Subcategory and reads as follows:

§ 430.223 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT), except that non-continuous dischargers shall not be subject to the maximum day and average-of-30-consecutive-days limitations, but shall be subject to annual average effluent limitations determined by dividing the average-of-30-consecutive-days limitations for BOD*5* by 1.78 and TSS by 1.82.

(a) For plants producing pulp and paper by the ammonia base neutral sulfite semi-chemical process:

SUBPART W—AMMONIA BASE

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Kg/kkg (or pounds per 1,000 lb)	
BOD*5*	8.0	4.0
TSS	10.0	5.0
pH	(¹)	(¹)

[1] Within the range of 6.0 to 9.0 at all times.

(b) For plants producing pulp and paper by all other semi-chemical processes:

SUBPART W—OTHER BASES

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	kg/kkg (or pounds per 1,000 lb) of product	
BOD*5*	8.7	4.35
TSS	11.0	5.5
pH	(¹)	(¹)

[1] Within the range of 6.0 to 9.0 at all times.

PART 431—BUILDERS' PAPER AND BOARD MILLS POINT SOURCE CATEGORY

On January 6, 1981, at 46 FR 1457, EPA proposed to revise 40 CFR Part 431 for the Builders' Paper and Board Mills Point Source Category. EPA proposes to further amend proposed Part 431 as follows:

1. Section 431.12 is added to read as follows:

§431.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristics	Effluent limitations	
	Maximum for	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kilograms per 1,000 kg of product)	
BOD5	5.0	3.0
TSS	5.0	3.0
Oil and Grease	(1)	(1)
pH	(2)	(2)
	English units (pounds per ton of product)	
BOD5	10.0	5.0
TSS	10.0	5.0
Oil and Grease	(3)	(3)
pH	(2)	(2)

[1] Not to exceed 0.2 ml/L.
[2] Within the range 6.0 to 9.0.
[3] No comparable English units.

2. Proposed § 431.13 under Subpart A—Builders Paper and Roofing Felt Subcategory is revised as follows:

§ 431.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in § 431.12 of this subpart for the best practicable control technology currently available (BPT).

PART 423-MEAT PRODUCTS POINT SOURCE CATEGORY

40 CFR Subchapter N, Part 432 for the Meat Products Point Source Category is amended as follows:

§§ 432.17, 432.27, 432.37, 432.47, 432.67, 432.77, 432.87, 432.97 [Revised]

1. Sections 432.17, 432.27, 432.37, 432.47, 432.67, 432.77, 432.87, 432.97 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 432. Column (b) indicates the section number to be added to the text of the section indicated in column (a).

Subpart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Simple Slaughterhouse Subcategory	432.17	432.12
Subpart B—Complex Slaughterhouse Subcategory	432.27	432.22
Subpart C—Low-Processing Packinghouse Subcategory	432.37	432.32
Subpart D—High-Processing Packinghouse Subcategory	432.47	432.42
Subpart F—Meat Cutter Subcategory	432.67	432.62
Subpart G—Sausage and Luncheon Meats Processor Subcategory	432.77	432.72
Subpart H—Ham Processor Subcategory	432.87	432.82
Subpart I—Canned Meat Processor Subcategory	432.97	432.92

§ (a) Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30–32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT).

2. Section 432.57 for Subpart E-Small Processor Subcategory is added to read as set forth below:

§ 432.57 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (kg/kkg of finished product)	
BOD5	1.0	0.5
TSS	1.2	0.6
Oil and Grease	0.5	0.25
pH	(1)	(1)
Fecal coliforms	(2)	(2)
	English units (lb/1,000 lb. of finished product)	
BOD5	1.0	0.5
TSS	1.2	0.6
Oil and Grease	0.5	0.25
pH	(1)	(1)
Fecal coliforms	(2)	(2)

[1] Within the range 6.0 to 9.0.
[2] No limitation.

3. Section 432.107 for Subpart J-Renderer Subcategory is added to read as set forth below:

§ 432.107 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology.

(a) Subject to the provisions of paragraph (b) of this section, the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best conventional pollutant control technology:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Metric units (Kg/kkg of finished product)	
BOD5	0.18	0.09
TSS	0.22	0.11
Oil and Grease	0.10	0.05
Fecal coliforms	(1)	(1)
pH	(2)	(2)
	English units (pounds per 1,000 lb. of finished product)	
BOD5	0.18	0.09
TSS	0.22	0.11
Oil and Grease	0.10	0.05
Fecal coliforms	(1)	(1)
pH	(2)	(2)

[1] Maximum at any time: 400 mpn/100 ml.
[2] Within the range 6.0 to 9.0.

(b) The limitations given in paragraph (a) of this section for BOD*5* and TSS are derived for a renderer which does no cattle hide curing as part of the plant activities. If a renderer does conduct hide curing, the following empirical formulas should be used to derive an additive adjustment to the effluent limitations for BOD*5* and TSS.

$$\text{BOD}5\text{ Adjustment (kg/kkg RM} = \frac{3.6 \times \text{(number of hides)}}{\text{kg of raw material}}$$

$$\text{(lb/1,000 lb RM)} = \frac{7.9 \times \text{(number of hides)}}{\text{lbs of raw material}}$$

$$\text{TSS Adjustment (kg/kkg RM} = \frac{6.2 \times \text{(number of hides)}}{\text{kg of raw material}}$$

$$\text{(lb/1,000 lb RM} = \frac{13.6 \times \text{(number of hides)}}{\text{lbs of raw material}}$$

PART 433—METAL FINISHING POINT SOURCE CATEGORY

Part 433 consisting of § 433.18 is added to 40 CFR Subchapter N to read as follows:

§ 433.18 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

(a) Except as provided in 40 CFR 125.30–125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the best conventional pollutant control technology:

Pollutant or pollutant property	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed
	Milligrams per liter (mg/l)	
Oil and Grease	42	17
TSS	61	29
pH	Within 6.0 to 9.0	

(b) No user subject to the provisions of this subpart shall augment the use of process wastewater or otherwise dilute the wastewater as a partial or total substitute for adequate treatment to achieve compliance with this limitation.

(Secs. 301 and 304, Clean Water Act, Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 95–217)

PART 440—ORE MINING AND DRESSING POINT SOURCE CATEGORY

On June 14, 1982 at 47 FR 25682, EPA proposed to revise 40 CFR Part 440 for the Ore Mining and Dressing Point Source Category. EPA proposes to further amend proposed Part 440 as follows:

§§ 440.15, 440.35, 440.55, 440.65, 440.75, and 440.85 [Revised]

1. Proposed §§ 440.15, 440.35, 440.55, 440.65, 440.75 and 440.85 are revised. The text of each section is identical except for the section number in the heading and the section number referenced at the end of the section. The text of the sections is set out only once. Within the text are two blank spaces, one designated (a) and one designated (b). In the table preceding the text, column (a) indicates the section number to be added to the section heading for the respective subparts of Part 440. Column (b) indicates the section number to be added to the text of the section indicated in Column (a).

Supart	(a) Section number to be added to section heading	(b) Section number to be added to text of the section in (a)
Subpart A—Iron Ore Subcategory	440.15	440.12
Subpart C—Aluminum Ore Subcategory	440.35	440.32
Supert E—Uranium, Radium and Vanadium Subcategory	440.55	440.52
Subpart F—Mercury Ores Subcategory	440.65	440.62
Subpart G—Titanium Ore Subcategory	440.75	440.72
Subpart H—Tungsten Ore Subcategory	440.85	440.82

§ (a) Effluent Limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in § 125.30—125.32 any existing point source subject to this subpart shall achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT): The limitations shall be the same as those specified for conventional pollutants (which are defined in § 401.16) in *§ (b)* of this subpart for the best practicable control technology currently available (BPT). 2. Proposed § 440.125 is revised to read as follows:

§ 440.125 Effluent limitations representing the degree of effluent reduction attainabale by the application of the best conventional pollutant control technology (BCT).

Except as provided in Subpart M of this regulation and 40 CFR 125.30—125.32, any existing source subject to this subpart must achieve the following limitations:

(a) The concentration of pollutants discharged in mine drainage from mines that produce copper, lead, zinc, gold, silver, platinum or molybdenum bearing ores or any combination of these ores from open-pit or underground operations, except gold placer mines, shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter	
pH	(1)	(1)
TSS	30.0	30.0

[1] Within the range 6.0 to 9.0.

(b) The concentration of pollutants discharged in mine drainage in mine drainage from mills that use forth-flotation process alone, or in conjunction with other processes, for the benefication of copper, lead, zinc, gold, silver, platinum or molybdenum ores, or any combination of these shall not exceed:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days
	Milligrams per liter	
pH	(1)	(1)
TSS	30.0	20.0

[1] Within the range 6.0 to 9.0.

(c)(1) There shall be no discharge of process wastewater from mines and mills that extract copper from ores or ore waste materials by the dump, heap, in-situ leach or vat-leach processes except as provided in paragraph (c)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment

facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

(d)(1) There shall be no discharged of process wastewater from mills that use the cyanidation process to extract gold or silver except as provided in paragraph (d)(2) of this section.

(2) In the event that the annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment exceeds the annual evaporation, a volume of water equal to the difference between annual precipitation falling on the treatment facility and the drainage area contributing surface runoff to the treatment facility and annual evaporation may be discharged subject to the limitations set forth in paragraph (a) of this section.

Appendices

Note.—Appendices A–D will not appear in the Code of Federal Regulations.

Appendix A—The Cost of Pollutant Removal By Publicly Owned Treatment Works

Part I of the BCT test requires that the cost and level of reduction of conventional pollutants by industrial dischargers be compared with the cost and level of reduction to remove the same pollutants by publicly owned treatment works (POTWs). The POTW comparison figure has been calculated by evaluating the change in costs and removals between secondary treatment (30 mg/1 BOD and 30 mg/1 TSS) and advanced secondary treatment (10 mg/1 BOD and 10 mg/1 TSS). The difference in cost is divided by the difference in pounds of conventional pollutants removed, resulting in an estimate of the "dollars per pound" of pollutant removed.

The following summary describes details of the specific calculation of this POTW cost figure. It involves five basic steps: First, the size distribution of POTWs is determined; second, the total annual costs for secondary and advanced secondary treatment (AST) are estimated; third, the pollutant removal capability of the system is calculated; fourth, the incremental costs in going from secondary to AST are divided by the additional pounds of pollutant removal; fifth, the dollars-per-pound figures calculated in step 4 are flow-weighted using the size distribution to determine a single POTW cost comparison figure. This is the same calculation as for the 1979 metholo**gy** except for the first step.

All the POTW costs have been indexed to third quarter 1976 dollars to make them comparable to the industry costs which are in September 1976 dollars. The specific indices used are presented in the discussion below. The POTW cost figure is also updated to current year dollars by use of these indices.

Size Distribution of POTWs. The POTW cost figure is based on weighting the cost per pound of conventional pollutants removed from POTWs according to the size distribution of POTWs in the United States. The size distribution used in these calculations is based on the 1980 Needs Survey.[1] The size distribution used was calculated based on the number of POTWs which were operating or under construction in 1980 (see Table A1). The weighting factor is calculated by dividing the total flow for each group by the total flow for all POTWs.

TABLE A1.—POTW SIZE DISTRIBUTION

	Size range (mgd)					
From	0	.106	1.06	10.6	50.2	
To	0.105	1.05	10.5	50.2	+	Total
Number of plants	5021	7033	2686	415	96	15251
Total flow	259	2675	8836	[illegible]	13354	34415
Average flow	0.0515	0.3803	3.290	22.39	139.1	2.257
Weighting factor	.0075	.0777	0.2567	0.2700	0.3880	0.9999

Because the cost curves which are used to calculate the POTW cost figure are most reliable in the flow range of one to 50 mgd, the distribution and weights of the POTW distribution are capped by these lower and upper bounds. A one mgd POTW represents the 0–0.105 mgd size group and the 0.106 to 1.05 size group of POTWs and a 50 mgd POTW represents the 50.2 mgd and greater size group of POTWs. A 3.29 mgd POTW represents the 1.06 to 10.5 mgd size group, and a 22.39 mgd POTW represents to 10.6 to 50.2 mgd size group.

Total Annual POTW Costs. The Agency based its estimates of annual POTW costs on information from two EPA documents. These documents, one for construction costs[2] and one for operation and maintenance costs,[3] replace two previous documents found to contain critical errors. These new documents provide the most up-to-date information regarding the costs of constructing and operation POTWs.

The POTW costs used in estimating the cost of pollutant removal are the total annual costs of upgrading a secondary treatment (ST) system to advanced secondary treatment (AST) system. This is calculated by estimating the cost of a new advanced secondary system and deducting the savings that are expected if secondary treatment is already in place. Total annual costs include capital charges, interest, and operation and maintenance expenses.

Table A2 gives the treatment cost curves used in calculating the incremental costs associated in upgrading from second treatment to advanced secondary treatment.

TABLE A2: TREATMENT COST EQUATIONS

Treatment level	Equation[1]	Index factor (to 1976 dollars)
CAPITAL COST		
Advanced Secondary Treatment[2].	$\$2.76 \times 10^6 Q^{0.79}$	0.815
Savings From Secondary Treatment[3].	$\$1.79 \times 10^6 Q^{0.82}$	.821
O&M COST		
Advanced Secondary Treatment[4].	$\$0.952 \times 10^5 Q^{0.616}$.	.652
Secondary Treatment[5]	$\$1.01 \times 10^{0.779}$	.652

[1] Q = flow size in millions of gallons per day.

[2] Construction Cost Document. *Supra* note 2, Fig. 4.1, curve 2.

[3] Construction Cost Document. *Supra*, note 2, Figure 4.1, curve B.

[4] O&M Cost Document. *Supra*, note 3, Figure 3.17.

[5] O&M Cost Document. *Supra*, note 3, Figure 3.3.

All costs are indexed to third quarter 1976 dollars by the use of cost indices for POTWs.[4] Capital costs are amortized for 30 years at a 10% interest rate.[5]

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[1] "The 1980 Needs Survey: Conveyance, Treatment, and Control of Municipal Wastewater, Combined Sewer Overflows, and Stormwater Runoff; Summaries of Technical Data", FRS–23 EPA 430/9–81–008, February 10, 1981, Table 4.

[2] "Construction Costs for Municipal Wastewater Treatment Plants: 1973–1978", EPA 430/5–80–OXX, May, 1980 (hereinafter cited as "Construction Cost Document").

[3] "Technical Report, Operation and Maintenance Costs for Municipal Wastewater Facilities", EPA 430/9–81–004 (hereinafter cited as "O&M Cost Document").

AST Costs. The costs for AST by flow size are:

Flow (MGD)	Dollars in millions				
	Capital cost	Annual, indexed capital cost	O&M cost	Indexed O&M cost	Total cost
1.0	$2.760	$2.307	$0.952	$0.620	$03.01
3.29	6.742	5.83	2.516	1.64	7.47
22.39	28.409	24.57	12.03	7.84	32.41
50.0	51.896	44.89	23.17	15.11	60.00

Savings from ST Costs. The costs savings for in-place ST for upgrading to AST treatment by flow size are:

Flow (MGD)	Dollars in millions				
	Capital cost	Annual, indexed capital cost	O&M cost	Indexed O&M cost	Total cost
1.0	$1.790	$0.156	$0.101	$0.066	$0.222
3.29	4.753	.414	.253	.165	.579
22.39	22.903	1.993	1.108	.721	2.714
50.0	44.260	3.852	2.054	1.339	5.191

Incremental Costs. Incremental costs for each flow size are obtained by substracting the total annual AST costs from the savings from existing ST. The resulting incremental costs are listed in Table A3.

TABLE A3.—INCREMENTAL ANNUAL COSTS ($ MILLIONS)

Flow (MGD)	Total annual costs		Total annual incremental cost
	AST	ST	
1.0	$0.301	$0.222	$0.079
3.29	.747	.579	.168
22.39	3.241	2.714	.527
50.0	6.000	5.191	.809

Pollutant Removal by POTWs. The incremental number of pounds of conventional pollutants removed by advanced secondary treatment beyond secondary treatment must be estimated to obtain the incremental annual costs.

The pounds of pollutants removed equal the flow of the POTW times the change in concentrations of the pollutants as they pass through the system. For the calculations presented here the influent concentration is 210 mg/l for BOD and 230 mg/l for TSS.[6]

Effluent characteristics of 30 mg/l BOD and 30 mg/l for secondary treatment were selected because this is the legal requirement for most secondary treatment plants established by EPA. Effluent characteristics of 10 mg/l BOD and 10 mg/l TSS for advanced secondary treatment are used since they represent the best performance for advanced secondary treatment.

Both the 30 mg/1 and the 10 mg/1 performance levels correspond to the maximum 30-day average performance of the POTW. The difference in the BOD plus TSS effluent levels from ST to AST is 40 mg/1. This change results in an incremental pollutant removal of .122 million pounds per year for each million gallons a day of flow.[7] The incremental anual pollutant removal for each flow size is listed in Table A4.

TABLE A4.—INCREMENTAL POLLUTANT REMOVAL

Flow mgd	Million pounds removed
1.0	0.122
3.29	.401
22.39	2.73
50.0	6.10

Incremental Cost of Removal. To calculate the cost of pollutant removal of upgrading secondary treatment to advanced secondary treatment, the additional costs must be divided by the additional removal of BOD and TSS. Specifically the calculation is:

$$= \frac{\text{incremental total annual costs}}{\text{incremental annual pollutant removal}}$$

This calculation is performed for each flow size, then weighted by the factors that appear in Table A1. Table A5 summerizes these calculations.

TABLE A5.—POTW BENCHMARK CALCULATIONS

Flow (MGD)	Incremental Cost ($ million per year)	Incremental Removal (million lbs. per year)	Per pound	Weighting Factor	Weighted per pound
1	$0.079	0.122	$0.65	0.0852	$0.06
3.29	.168	.401	.42	.2567	.11
22.39	.527	2.73	.19	.2700	.05
50.0	.809	6.10	.13	.3880	.05
Total					.27

This cost is indexed for a number of time periods below:

INDEXED POTW BENCHMARKS

Year/quarter	1st	2nd	3rd	4th
1976			0.27	0.27
1977	0.28	0.29	.30	.30
1978	.30	.30	.31	.33
1979	.34	.35	.35	.36
1980	.37	.40	.42	.42
1981	.42	.45	.45	.46

Appendix B—Calculation of the Benchmark for the Industry Cost Test

Part 2 of the BCT test requires that the cost-effectiveness of controlling the discharge of conventional pollutants by industrial dischargers be evaluated for each industry. In order to develop a benchmark that assesses a reasonable relationship between cost and removal, EPA has developed an industry cost benchmark which compares the cost per pound of conventional pollutant removal in going from primary to secondary treatment levels with that of going from secondary to advanced secondary treatment levels.

The following details the specific calculation of the industry cost benchmark. The computation requires seven steps: First, the size distribution of POTWs is determined; second, the total annual costs for primary, secondary and advanced secondary treatment are estimated; third, the pollutant removals at each treatment level are calculated; fourth, the additional costs upgrading from primary to secondary treatment and from secondary to advanced secondary treatment are calculated; fifth, these incremental costs are divided by the respective incremental pounds of pollutants removed; sixth, the incremental dollar per pound figures for the secondary to advanced secondary increment are divided by those for the primary to secondary increment; seventh, these ratios are weighted by the size distribution factors to obtain a single benchmark.

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[4] "Construction Cost Indexes [SIC]" Office of Water Program Operations, EPA, first quarter 1976 et seq (hereinafter cited as "Construction Cost Index"). Two different indices are used. For AST, EPA used the LCAT index; for ST, the SCCT index.

For Operating costs, the reference is:

"Index of Direct Costs for Operation, Maintenance and Repair Based on Composite 5 MGD Municipal Wastewater Treatment Plants", 1967, *et seq* (hereinafter cited as "O&M Cost Index). EPA used the average escalation index.

[5] *Management Accounting*, Robert Anthony and James Reece, June 1975, Appendix Tables, Table B. EPA used a multiplier of 0.106.

[6] "Areawide Assessment Procedures Mannual, Appendix H, Point Source Control Alternatives," EPA Laboratories, Cincinnati, Ohio, at H–14.

[7] The calculation of this figure is as follows: 40mg/1 x 3.785 1/gal x 2.2 x 10^{-6} 1b/mg x 365 days/yr = .122 million pounds/year per million gallons/day.

The method for calculating the incremental dollar per pound figures in going from secondary to advanced secondary treatment has already been calculated (see Table A1, Appendix A). The calculations for the incremental dollar per pound figure in going from primary to secondary treatment are explained in detail below.

Size Distribution of POTWs. EPA based its size distribution of POTWs on data found in the 1980 Needs Survey for municipal wastewater treatment. (*1*) EPA modified the distribution to exclude plants with flows of less than 1 mgd or more than 50 mgd based on the likely errors in cost estimates outside this flow range. The size distribution used appears in Table B1

TABLE B1.—FLOW-SIZE DISTRIBUTION

Flow size (MDG)	Weighting factor
1.0	0.0852
3.29	0.2567
22.39	0.2700
50.0	0.3880
Total	0.9999

Total Annual POTW Costs. EPA based its estimates of annual POTW costs on information from three EPA documents. The Construction Cost Document (*2*) and the O&M Cost Document (*3*) are used to estimate the costs of advanced secondary and secondary capital and O&M costs and primary treatment capital costs. O&M costs for primary treatment are not included in these documents. In order to develop the primary treatment O&M cost curve, EPA is using a 1978 O&M cost document.(*4*) This document was found to contain critical errors in the development of the cost curves from the underlying data. The regression of total annual cost versus flow size was calculated by expressing flow size as a function of cost. By switching the dependent variable (total annual cost) and the independent variable (flow size) in the regression analysis, the resulting cost curves incorrectly estimated the costs of treatment. EPA has recalculated the O&M cost curve for primary treatment, using the points that appear in the graph of the curve. (*5*)

Table B2 shows the curve used in calculating the incremental cost of upgrading a primary treatment facility.

TABLE B2.—TREATMENT COST CURVES

Treatment level	Curve (Q=flow in mgd)	Indexation factor to obtain 1976 dollars
CAPITAL COST		
Secondary Treatment	$\$2.66 \times 10^6 Q^{0.72}$	$0.821
Savings from Primary Treatment.	$\$3.32 \times 10^5 Q^{1.06}$	.821
O&M COST		
Secondary Treatment	$\$1.01 \times 10^5 Q^{0.77}$	.652
Savings from Primary Treatment.	$\$5.67 \times 10^4 Q^{0.690}$	.928

All costs are indexed to third quarter 1976 dollars by the use of cost index factors developed by EPA for POTWs. (*6*) Capital costs are amortized over 30 years at a 10 percent rate. (*7*) Q represents flow in millions of gallons a day.

Secondary Treatment Costs. The costs for secondary treatment by flow size are:

Flow (mgd)	Dollars in millions				
	Captal cost	Annual, indexed capital cost	O&M cost	Indexed O&M cost	Total cost
1.0	2.66	0.231	0.101	0.0656	0.297
3.29	6.27	.546	.253	.165	.711
22.39	24.94	2.17	1.11	.721	2.89
50.0	44.5	3.87	2.05	1.34	5.21

Savings from Primary Treatment. The costs saved for an existing primary treatment facility when upgrading to secondary treatment by flow size are:

Flow (mgd)	Dollars in millions				
	Capital cost	Annual, indexed capital cost	O&M cost	Indexed O&M cost	Total cost
1.0	0.332	0.0289	0.057	0.0526	0.0815
3.29	1.20	.104	.130	1.21	.225
22.39	9.60	.829	.492	.456	1.28
50.0	22.7	1.98	.860	.796	2.78

Incremental Costs. Incremental costs for each flow size are obtained by subtracting the total annual secondary treatment costs from the savings from primary treatment costs. The resulting incremental costs are listed in Table B3.

TABLE B3.—INCREMENTAL ANNUAL COSTS: PRIMARY UPGRADE TO SECONDARY

[millions of dollars]

Flow (mgd)	Total annual costs		Total annual incremental costs
	Primary	Secondary	
1.0	$ .0615	$ .297	$ .217
3.29	.225	.711	.486
22.39	1.28	2.89	1.61

TABLE B3.—INCREMENTAL ANNUAL COSTS: PRIMARY UPGRADE TO SECONDARY—Continued

[millions of dollars]

Flow (mgd)	Total annual costs		Total annual incremental costs
	Primary	Secondary	
50.0	2.78	5.21	2.43

Pollutant Removal by POTWs. The other half of calculating the cost per pound of pollutant removal requires the determination of the number of pounds of conventional pollutants removed by advanced secondary treatment beyond secondary treatment. The incremental pounds of pollutants removed equal the flow of the POTW times the reduction effluent in concentrations of the pollutants obtained from more advanced treatment.

The primary treatment effluent levels are set at 130 mg/l for BOD and 100 mg/l for TSS which are commonly used in sewage treatment literature. (*8*) Effluent characteristics of 30 mg/l BOD and 30 mg/l TSS for secondary treatment were selected because this is the legal requirement for most POTWs as established by EPA.

The change in concentration of conventional pollutants is 170 mg/l (230 mg/l minus 60 mg/l). In terms of pound removals, this change transfers to a total incremental annual pollutant removal of .517 million pounds a year for each mgd of flow. (*9*) The incremental annual pollutant removal for each flow size is listed in Table B4.

TABLE B4.—INCREMENTAL ANNUAL POLLUTANT REMOVAL: PRIMARY UPGRADED TO SECONDARY

Flow (mgd)	Million pounds removed annually
1.0	.517
3.20	1.70
22.39	11.6
50.0	25.8

Incremental Cost of Removal. To calculate the cost of pollutant removal for upgrading primary treatment to secondary treatment, the additional costs must be divided by the additional removal of BOD and TSS for each flow size. Specifically the calculation is:

$$= \frac{\text{incremental total annual costs}}{\text{incremental annual pollutant removal}}$$

Table B5 summarizes these calculations.

TABLE B5.—INCREMENTAL ANNUAL COST PER POUND OF REMOVAL: PRIMARY TO SECONDARY TREATMENT

(1)	(2)	(3)	(2)÷(3)
Flow (mgd)	Incremental annual cost ($ million)	Incremental annual removal (lbs. million)	Dollar per pound removed
1.0	$ .217	.517	.42
3.29	.486	1.70	.28
22.39	1.61	11.6	.14
50.0	2.43	25.8	.09

Industry Cost Benchmark. The industry cost benchmark is obtained by dividing the dollar per pound increment from secondary to advanced secondary treatment (*10*) by the dollar per pound increment from primary to secondary treatment. Once these ratios have been calculated, each ratio for each flow size is multiplied by its size distribution weight to obtain a single industry cost benchmark. Table B6 summarizes these computations.

TABLE B6—INDUSTRY COST BENCHMARK

Flow (mgd)	Incremental dollar per pound		Cost ratio	Weighting factors	Weighted ratios[1]
	Primary to secondary treatment	Secondary to advanced secondary treatment			
1.0	$0.42	$0.55	1.55	.0852	.13
3.29	.28	.42	1.50	.2587	.39
22.39	.14	.19	1.34	.2700	.36
50.0	.09	.13	1.44	.3860	.56

[1] Industry cost ratio 1.43.

This benchmark is not indexed by time periods because the variations in the result are likely to be small.

Footnotes

(*1*) See note 1, Appendix A. See also Table A1, Appendix A, for data on the raw distribution.

(*2*) See note 2, Appendix A.

(*3*) See note 3, Appendix A.

(*4*) "Analysis of Operations and Maintenance Costs for Municipal Wastewater Treatment Systems, EPA 430/9-77-015, May 1978 (hereinafter cited as the "1978 O&M Cost Document"), Fig. E. 2-1.

(*5*) The equation that appears in the document is $\text{Cost} = \$.453 \times 10^4 Q^{1.01}$. This cost is expressed in 3rd quarter 1977 dollars.

(*6*) See note 9, Appendix A. The primary factor is 206/222 = 0.928.

(*7*) See note 10, Appendix A. The capital recovery factor used is 0.106.

(*8*) "Areawide Assessment Procedures Manual, Appendix H, Point Source Control Alternatives", EPA Laboratories, Cincinnati, Ohio, P. H-16. This effluent level assumes influent concentrations of 210 mg/l for BOD and 230 mg/l for TSS.

(*9*) The calculation of this figure is as follows:

$$170\,\frac{\text{mg}}{1} \times 3.785\,\frac{1}{\text{gal}} \times 2.2 \times 10^{6}\,\frac{\text{lb}}{\text{mg}} \times 365\,\frac{\text{days}}{\text{yr}} \times 10^{6}\,\frac{\text{gal}}{\text{day}} = 5.17 \times 10^{5}\,\frac{\text{lbs}}{\text{yr}} \text{ per mgd}$$

(*10*) See Table A5, Appendix A.

Appendix C—Documents Used in the Analysis

The data for each of the industry categories were taken from the documents listed below:

1. *Dairy Products.*

Dairy Products Processing, EPA 440/1-74-021-a.

2. *Grain Mills.*

Grain Processing, EPA 440/1/74-028-a.

Animal Feed, Breakfast Cereal and Wheat Starch, EPA 440/1-74/039-a.

Corn Wet Milling, EPA 440/1-78/028-b, Supplement.

3. *Fruits and Vegetables.*

Apple, Citrus and Potato Products, EPA 440/1-74-027-a.

Economic Analysis of the Fruits and Vegetables Category (Phase II), EPA 230/1-75-036, Supplement, April 1976.

4. *Seafood.*

Fish Meal, Salmon, Bottom Fish, Clam, Oyster, Sardine, Scallop, Herring, and Abalone, EPA 440/1-75/041-a.

Catfish, Crab, Shrimp and Tuna, EPA 440/1-74-020-a.

Qualitative Economic Analysis of the Seafood Industry, May 1982

5. *Sugar Processing.*

Beet Sugar Processing, EPA 440/1-74-002-b.

Cane Sugar Processing, EPA 440/1-74-002-c.

6. *Cement Manufacturing.*

Cement Maufacturing, EPA 440/1-74-005-a.

7. *Feedlots.*

Feedlots, EPA 440/1-74-004-a.

8. *Phosphate Manufacturing.*

Other Non-Fertilizer Phosphate Chemicals, EPA 440/1-75/043-a.

9. *Ferroalloys.*

Smelting and Slag Processing, EPA 440/1-74/008-a.

Calcium Carbide, EPA 440/1-75/068.

Electrolytic Ferroalloys, EPA 440/1-75/038-a.

10. *Glass Manufacturing.*

Pressed and Blown Glass, EPA 440/1-75-034-a.

Flat Glass, EPA 440/1-74/001-c.

Insulation Fiberglass, EPA 440/1-74-001-b.

11. *Meat Products.*

Red Meat Processing, EPA 440/1-74-102-a.

Processor, EPA 440/1-74/031.

Independent Rendering, EPA 440/1-77/031-e, Supplement.

12. *Timber Products.*

Timber Products, EPA 440/1-81/023.

Economic Impact Analysis of Wet Process Hardboard and Insulation Board, EPA 440/2-80-089.

Economic Impact Analysis of Wood Preserving, EPA 440/2-80-087.

13. *Pulp, Paper and Paperboard Mills.*

Pulp, Paper, and Paperboard Mills, EPA 440/1-80-025-b.

Economic Impact Analysis of Pulp, Paper, and Paperboard Mills, EPA 440/2-80-086, Vols. I and II.

14. *Inorganic Chemicals Manufacturing.*

Inorganic Chemicals Manufacturing Point Source Category, EPA 440/1-82/007.

Economic Impact Analysis of Inorganic Chemicals Manufacturing Industry, EPA 440/2-81/023.

15. *Ore Mining and Dressing.*

Ore mining and Dressing (Proposed), EPA 440/1-82/061-b.

16. *Metal Finishing.*

Metal Finishing (Proposed), EPA 440/1-82/091-b.

Economic Analysis of Proposed Effluent Standards and Limitations for the Metal Finishing Industry, EPA 440/2-82/004.

Appendix D—Summary of Data

Industry subcategory	Incremental (per pound)	Comparable POTW/benchmark	Industry cost ratio
	(1)	(2)	(3)
Grain Mills			
Corn dry milling:			
Small	$0.65	0.27	....
Large	.58	.27	....
Bulgar wheat	22.00	.27	....
Parboiled rice	1.08	.27	....
Ready-to-eat:			
Small	.76	.27	....
Medium	.57	.27	....
Large	.66	.27	....
Wheat starch and gluten	.20	.27	2.5
Canned and Preserved Fruits and Vegetables			
Apple juice:			
Small	1.16	.27	....
Large	.52	.27	....
Apple products:			
Small	3.74	.27	....
Large	.36	.27	....
Citrus products:			
Small	[illegible]	.27	....
Large	.13	.27	2.17
Frozen potato products:			
Small	.15	.27	7.50
Large	.12	.27	12.00
Dehydrated potato products:			
Small	.20	.27	[illegible]
Large	.13	.27	[illegible]
Canned and Preserved Fruits; Canned and Preserved Vegetables			
Mushrooms:			
Small	.72	.27	....
Large	.59	.27	....
Sauerkraut:			
Small	3.50	.27	....

Industry subcategory	Incremental (per pound)	Comparable POTW/benchmark	Industry cost ratio
	(1)	(2)	(3)
Large	2.90	.27	
Tomatoes:			
Small	[illegible]	.27	
Large	[illegible]	27	
Corn, peas:			
Extra Small	1.29	27	
Small	1.29	27	
Medium	[illegible]	27	
Large	.51	27	
Corn, peas: Small	.70	27	
Green beans: Medium	1.22	.27	
Carrots: Large	1.32	.27	
Frozen corn: Extra small	[illegible]	27	
Peas, green: Small	1.57	.27	
Beans: Medium	1.42	27	
Carrots: Large	1.10	27	
Broccoli: Small	1.07	.27	
Spinach: Medium	.99	.27	
Lima bean: Large	.77	.27	
Cauliflower			
Tomato, dry: Extra small	.75	.27	
[illegible]			
Small	1.24	.27	
Medium	[illegible]	.27	
Large	.60	.27	
Cherry, green: Small	1.50	.27	
Bean, pear: Medium	[illegible]	27	
Plum: Large	2.10	27	
Cherry: Small	5.25	.27	
Caneberry: Large	1.20	.27	
Strawberry			
Canned and Miscellaneous Specialties			
Potato chips:			
Extra Small	1.50	27	
Small	.84	.27	
Medium	1.14	.27	
Large	.74	.27	
Canned and preserved seafoods			
Farm-raised catfish:			
Small	1.36	27	
Medium	1.12	27	
Large	.84	.27	
Conv. blue crab		.27	
Mech. blue crab:			
Small	.07	.27	
Medium	.06	27	
Large	.04	.27	
Non-remote Alaskan crabmeat:			
Small	15.17	27	
Medium	12.92	.27	
Large	[illegible]	.27	
Remote Alaskan crabmeat:			
Small	.07	.27	
Medium	.04	.27	
Large	.05	27	
Non-remote Alaskan whole crab:			
Small	19.78	27	
Medium	14.43	.27	
Large	[illegible]	27	
Remote Alaskan whole crab:			
Small	.13	.27	
Medium	.10	27	
Large	.07	.27	
Dungeness and tanner crab:			
Small	3.23	.27	
Medium	2.10	.27	
Large	1.47	.27	
Non-remote shrimp:			
Small	[illegible]	.27	
Medium	25	.27	
Large	[illegible]	.27	
Remote Alaskan shrimp:			
Small	.05	.27	
Medium	.04	.27	
Large	.03	.27	
Northern shrimp:			
Small	.05	.27	
Medium	.04	.27	
Large	.03	.27	
Southern-non-breaded shrimp:			
Small	.07	.27	
Medium	.05	.27	
Large	.04	.27	

Industry subcategory	Incremental (per pound)	Comparable POTW/benchmark	Industry cost ratio
	(1)	(2)	(3)
Breaded shrimp:			
Small	[illegible]	.27	
Medium	17	27	
Large	.11	27	
Tuna			
Small	55	.27	
Medium	[illegible]	27	
Large	.21	27	
Fish meal	1.17	27	
West coast hand butchered salmon:			
Small	1 58	.27	
Large	70	27	
West coast mech. salmon:			
Small	.13	.27	
Large	[illegible]	.27	
Alaskan bottom fish		27	
Non-Alaskan mech.:			
Small	27	.27	
Large	[illegible]	.27	
Non-Alaskan conv. bottom fish:			
Small	.34	.27	
Medium	.24	.27	
Large	.15	.27	
Hand-shucked clam:	(1)	(1)	(1)
Mechanized clam:			
Small	.01	.27	
Medium	.01	.27	
Pacific coast hand-shucked oyster	(1)	(1)	(1)
Atlantic & Gulf Coast hand-shucked oyster	(1)	(1)	(1)
Steamed and canned oyster	[illegible]	.27	
Sardine:			
Small	7.84	.27	
Medium	4.79	27	
Large	3.96	.27	
Non-Alaskan scallop	(1)	(1)	(1)
Non-Alaskan herring filet	.04	.27	
Abalone processing	(1)	(1)	(1)
Sugar Processing			
Beet sugar	.03	27	3.0
Crystalline cane sugar:			
Small	[illegible]	27	
Large	.58	27	
Liquid cane sugar	[illegible]	.27	
Cement Manufacturing			
Leaching	4.40	27	
Feedlots			
Duck	(2)	(2)	(2)
Ferroalloys Manufacturing			
Open electric furnaces, wet	.84	27	
Covered elec. furnace	[illegible]	.27	
Slag	.02	.27	1.0
Covered calcium carbide	1.58	.27	
Electrolytic manganese	1.45	.27	
Electrolytic chromium	1.98	.27	
Glass Manufacturing			
Insulation fiberglass	(3)	(3)	(3)
Plate	.33	.27	
Float	14.42	.27	
Auto. glass tempering	[illegible]	.27	
Auto. glass laminating	5.58	.27	
Glass container mftg.	[illegible]	.27	
Glass tubing	[illegible]	.27	
Television picture tube	[illegible]	.27	
Incandescent lamp	26.29	.27	
Hand pressed and blown glass	(4)	(4)	(4)
Meat products			
Small processor	0	.27	0
Renderers	0	.27	0
Phosphates			
Sodium phosphates	(5)	(5)	(5)
Timber			
Wet process hardboard	.24	[illegible]	15
Pulp, paper, and paperboard [6]			
Dissolving kraft:			
Option:			
1	1.04	.30	11.6
2	.46	.30	5.3

Industry subcategory	Incremental (per pound)	Comparable POTW/benchmark	Industry cost ratio
	(1)	(2)	(3)
3	.53	.30	5.9
4	.31	.30	3 4
Market bleached kraft:			
Option:			
1	.33	.30	1 57
2	.61	.30	2.90
3	.63	.30	3.00
4	[illegible]	.30	2 33
BCT bleached kraft:			
Option:			
1	.31	.30	2.38
2	.46	.30	3.54
3	52	.30	4 00
4	.43	.30	3 31
Alkaline fine: [7]			
Option:			
1	1.05	.30	8.75
2	.74	.30	6.17
3	.82	.30	[illegible]
4	.46	.30	3.83
Unbleached kraft:			
Option:			
1	.40	.30	1 43
2	[illegible]	.30	2 29
3	.62	.30	2.21
4	.67	.30	2 39
Dissolving sulfite pulp:			
Option:			
1	.70	30	4.67
2	[illegible]	.30	[illegible]
3	.53	30	3.53
4	.43	.30	2 67
Papergrade sulfite: [6]			
Option:			
1	.20	[illegible]	91
2	.42	[illegible]	1.91
3	.38	[illegible]	1.73
4	.42	[illegible]	1.91
Groundwood—Thermo-mech.:			
Option:			
1	.08	.30	[illegible]
2	[illegible]	.30	4.00
3	.55	.30	3.44
4	[illegible]	.30	[illegible]
Groundwood—CMN papers:			
Option:			
1	.44	30	2.59
2	1.06	.30	6.24
3	[illegible]	.30	5.41
4	[illegible]	30	3.82
Groundwood—Fine papers:			
Option:			
1	.73	30	4.87
2	1.13	.30	7.53
3	.97	.30	6.47
4	.75	.30	5.00
Deink:			
Option:			
1	.14	.30	1.56
2	.60	.30	[illegible]
3	.52	.30	[illegible]
4	.68	.30	7.56
Tissue from wastepaper:			
Option:			
1	.51	.30	1.50
2	2.00	.30	[illegible]
3	1.80	.30	[illegible]
4	.47	.30	1.38
Paperboard from wastepaper:			
Option:			
1	.79	.30	1.80
2	1.84	.30	4.18
3	1.05	.30	[illegible]
4	.79	.30	1.80
Wastepaper molded products:			
Option:			
1	.64	.30	.51
2	[illegible]	.30	2.28
3	1.66	.30	1.33
4	[illegible]	.30	.44
Builders paper and roofing felt:			
Option:			
1	.44	.30	2.32
2	3.16	.30	16.6
3	1.30	.30	6.84
4	.51	.30	3.68

Industry subcategory	Incremental (per pound)	Comparative POTW/benchmark	Industry cost ratio
	(1)	(2)	(3)
Nonintegrated—Fine papers:			
Option:			
1	.37	.30	1.54
2	.78	.30	3.25
3	.68	.30	2.83
4	.45	.30	1.96
Nonintegrated—Tissue papers:			
Option:			
1	.45	.30	1.45
2	5.62	.30	18.1
3	2.67	.30	8.61
4	1.56	.30	5.03
Nonintegrated—Lightweight:			
Option:			
1	.83	.30	1.98
2	5.23	.30	12.4
3	2.58	.30	6.14
4	1.44	.30	3.43
Semi-Chemical:			
Option:			
1	.65	.30	1.76
2	.54	.30	1.46
3	.65	.30	1.76
4	1.02	.30	2.76
Unbleached Kraft and Semi-Chemical:			
Option:			
1	.42	.30	2.00
2	.48	.30	2.29
3	.49	.30	2.33
4	.98	.30	4.67
Nonintegrated filter and nonwoven papers:			
Option:			
1	.83	.30	.19
2	6.09	.30	1.39
3	3.33	.30	.76
4	1.44	.30	.33
Nonintegrated paperboard:			
Option:			
1	4.51	.30	11.6
2	14.63	.30	37.5
3	9.56	.30	24.5
4	3.45	.30	8.85
Inorganic Chemical Manufacturing			
Chlor-alkali—diaphragm cell	.53	.30	
Hydrofluoric acid	.32	.30	
Ore Mining and Dressing			
Iron ore	.27	.42	
Aluminum ore	.46	.42	
Radium, uranium, vanadium ore	.47	.42	
Titanium ore	.40	.42	
Tungsten ore	.37	.42	
Copper, lead, zinc, gold, silver, platinum, and molybdenum	.34	.42	
Metal Finishing			
Metal finishing	10.66		

[1] No costs (except housekeeping) associated with meeting BAT.

[2] Not amenable to analysis.

[3] BAT technology applies to wastewater of wet-scrubbers only, costs and removals not available.

[4] Costs unknown.

[5] Minimal costs associated with meeting BAT.

[6] Note: EPA reviewed all the cost data for the BCT guidelines. In some cases, the cost per pound figures changed from what appeared in the **Federal Register** on January 6, 1981 (46 FR 1430).

[7] The calculations presented here apply to both the Fine Bleached Kraft and Soda subcategories.

[8] The calculations presented here apply to the Blow Pit Wash, and Drum Wash Papergrade Sulfite subcategories.

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Friday
October 29, 1982

Part III

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Iowa:	
IA82–4030	June 18, 1982.
IA82–4048	Oct. 1, 1982.
IA82–4049	Oct. 8, 1982.
Georgia: GA82–1044	Sept. 10, 1982.
Indiana: IN82–2030	May 14, 1982.
Maryland: MD81–3087	Dec. 4, 1982.
Massachusetts: MA82–3005	April 30, 1982.
Texas:	
TX82–4027	June 18, 1982.
TX82–4029	June 18, 1982.
Wisconsin: WI82–2024	April 9, 1982.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Florida:	
FL81–1213 (FL82–1072)	May 1, 1981.
FL81–1214 (FL82–1073)	May 1, 1981.
FL81–1215 (FL82–1074)	May 1, 1981.
FL81–1136 (FL82–1081)	May 22, 1981.
FL81–1216 (FL82–1075)	May 1, 1981
FL81–1217 (FL82–1076)	May 1, 1981.
FL81–1218 (FL82–1077)	May 1, 1981.
FL81–1219 (FL82–1078)	May 1, 1981.
FL81–1220 (FL82–1079)	May 1, 1981.
FL81–1221 (FL82–1080	May 1, 1981.
Ohio:	
OH80–2049 (OH82–2052)	June 27, 1980.
OH80–2055 (OH82–2053)	Aug. 1, 1980.
OH80–2009 (OH82–2055)	April 3, 1981.
OH81–2010 (OH82–2051	April 3, 1981.
OH81–2013 (OH82–2054)	April 10, 1981.
Texas: TX82–4017 (TX82–4052)	April 9, 1982.
West Virginia: WV80–3018 (WV82–3002)	July 18, 1980.

Signed at Washington, D.C. this 22d day of October 1982.

Dorothy P. Come,

Assistant Administrator Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. IA82-4030 - MOD. #8 (47 FR 26537 - 6/18/82) Black Hawk, Cerro Gordo, Clinton, Des Moines, Dubuque, Johnson, Linn & Polk Cos., Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Electricians - Zone [illegible]	$14.95	1.50+ 3-3/4%
Sheet metal workers:		
Zones 3, 4 & 5	15.65	2.86

DECISION NO. IA82-4048 MOD. #1 (47 FR 43517 - 10/1/82) Woodbury County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Carpenters:		
Carpenters & drywall hangers	14.00	2.02
Millwrights, piledrivermen	14.88	2.02
Lathers	14.00	2.02
Roofers:		
Roofers	11.95	
Kettlemen	10.57	

DECISION NO. IA82-4049 - MOD. # 1 (47 FR 44667 - 10/8/82) Scott County, Iowa	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Sheet metal workers	15.65	2.86

DECISION #GA82-1044 - Mod. #1 (47 FR 39968 - September 10, 1982) Burke, Columbia, Glascock, Hancock, Jefferson, Jenkins, Lincoln, McDuffie, Richmond, Taliaferro, Warren, Washington, & Wilkes Counties, Georgia	Basic Hourly Rates	Fringe Benefits
ADD:		
Painters	$ 6.50	

DECISION NO. IN82-2030 - MOD. #2 (47 FR 20986 - May 14, 1982) Adams, Allen, Bartholomew, Benton, Blackford, Boone, Cass, Clinton, DeKalb, Delaware, Fountain, Fulton, Grant, Hamilton, Hancock, Hendricks, Howard, Huntington, Jay, Johnson, Madison, Marion, Miami, Monroe, Montgomery, Morgan, Noble, Shelby, Steuben, Tippecanoe, Tipton, Wabash, Warren, Wells, White, & Whitley Cos., Indiana	Basic Hourly Rates	Fringe Benefits
Change:		
Sheet Metal Workers: Bartholomew, Boone, Delaware, Hamilton, Hancock, Hendricks, Johnson, Madison, Marion, Monroe, Morgan, Shelby and Tipton Counties	$16.63	3.03

DECISION NO. MD81-3087 - MOD. #1 (46 FR 59441 - December 4, 1981) BALTIMORE AND BALTIMORE CITY	Basic Hourly Rates	Fringe Benefits
CHANGE:		
LABORERS:		
Mason Tenders	5.03	

DECISION NO. MA82-3005 - MOD. #3 (47 FR 18737 - April 30, 1982) BERKSHIRE, FRANKLIN, HAMPDEN, HAMPSHIRE, MASSACHUSETTS	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Heading which reads Mod. #1 and appeared in the Federal Register on October 8, 1982, to read Mod. #2		

Modification Page 2

DECISION NO. TX82-4027 - MOD. #5 (47 FR 26551 - 6/18/82) Bexar County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	$12.55	3.57
Power equipment operators:		
Group 1	13.35	2.50
Group 2	11.80	2.50
Group 3	9.90	2.50
Group 4	9.50	2.50

DECISION NO. TX82-4029 - MOD. #8 (47 FR 26552 - 6/18/82) Bell, Bosque, Coryell, Falls, Hill & McLennan Cos., Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Building Construction:		
Ironworkers	13.60	2.97
Incidental Paving & Utilities		
Air Tool Man	5.40	
Asphalt Raker	5.65	
Carpenter	6.50	
Carpenter Helper	5.50	
Conc. Finisher (Paving)	6.00	
Conc. Finisher (Structures)	5.90	
Conc. Finisher Helper (Struc.)	5.45	
Concrete Rubber	5.25	
Form Builder (Structures)	5.50	
Form Bldr. Helper (Structures)	5.00	
Form Setter (Paving & Curb)	5.25	
Form Setter (Structures)	6.00	
Form Setter Helper (Struc.)	4.85	
Laborer, Common	4.00	
Laborer, Utility Man	4.65	
Mechanic	7.00	
Mechanic Helper	5.50	
Serviceman	4.75	
Pipelayer-Bosque, Falls, Hill & McLennan Cos.	5.00	
Pipelayer Helper-Bosque, Falls, Hill & McLennan Cos.	4.25	
Pipelayer (Conc. & clay) - Bell & Coryell Cos.	5.00	
Pipelayer Helper (Conc. & clay) - Bell & Coryell Cos.	4.25	
Plumbers (Bell & Coryell):		
Zone 1-20 to 45 miles from McLennan Court House including towns of Temple & Belton	13.01	.99
Zone 2-all area not included in Zone 1	14.01	.99

DECISION NO. TX82-4029 - MOD. #8 (CONT'D):	Basic Hourly Rates	Fringe Benefits
Incidental Paving & Utilities (Cont'd)		
Reinf. Steel Str. (Struc)	$ 5.50	
Reinf. Steel Str. Helper	4.65	
Power Equipment Ops.:		
Asphalt Distributor	6.00	
Asphalt Paving Machine	5.65	
Broom or Sweeper Operator	5.40	
Bulldozer 150 HP & Less	5.70	
Bulldozer over 150 HP	6.00	
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	6.15	
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	7.50	
Foundation Drill Op. (Truck Mounted)	8.00	
Foundation Drill Op. Hlpr.	7.50	
Front end loader (2½ CY & Less)	5.50	
Front end loader (Over 2½ CY)	6.50	
Motor Grader operator, Fine Grade	8.00	
Motor Grader Operator	6.10	
Roller, Steel Wheel (Plant-Mix Pavements)	5.00	
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	5.00	
Roller, Pneumatic (Self-Propelled)	4.75	
Scrapers (17 CY & Less)	5.40	
Scrapers (Over 17 CY)	5.60	
Tractor (Crawler Type) over 150 HP	6.00	
Tractor (Pneumatic) over 80 HP	5.05	
Traveling Mixer	4.25	
Truck Drivers:		
Single Axle, Light	5.00	
Single Axle, Heavy	5.35	
Tandem Axle or Semitrailer	5.00	

DECISION NO. WI82-2024 - (47 FR 15513 - April 9, 1982) Racine county, Wisconsin	Basic Hourly Rates	Fringe Benefits
Change:		
Cement Masons	$1[illegible].67	2.66

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTIES: BAY,ESCAMBIA,GULF,OKALOOSA, SANTA ROSA, & WALTON COUNTIES

DECISION NUMBER: FL82-1072
DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1213 dated May 1, 1981 in 46 FR 24814.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels,building structures in rest area projects and railroad construction;bascule, suspension, and spandrel arch bridges;bridges designed for commercial navigation;bridges involving marine construction; & other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 5.89	
CONCRETE FINISHERS	5.48	
FORM SETTERS	5.00	
LABORERS:		
Common	3.35	
Asphalt Raker	3.87	
Pipelayer	5.25	
IRONWORKER, Reinforcing	6.00	
TRAFFIC SIGNALIZATION MECHANIC	6.00	
TRAFFIC SIGNALIZATION INSTALLER	5.50	
TRAFFIC SIGNALIZATION LABORER	4.50	
TRUCK DRIVERS:		
Multi-Rear Axle	3.50	
Single-Rear Axle	6.00	
WELDERS-Rate for Craft		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	$ 4.25	
Asphalt Paving Machine	5.25	
Asphalt Plant	3.87	
Backhoe	5.50	
Bulldozer	4.94	
Crane,Derrick, or Dragline	[illegible]	
Earthmover	5.40	
Front End Loader-over One Cubic Yard	4.40	
Motor Grader	5.40	
Piledriver	6.36	
Roller, Finish	4.93	
Roller,Self-Prop,Rubber Tire	4.11	
Scraper	4.40	
Tractor, Light	3.60	
Tractor,80 hp or less	3.75	
Guardrail Post Driver	4.75	
Guardrail Erector	4.00	
Asphalt Screed	4.65	

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTIES: CALHOUN,FRANKLIN,HOLMES, JACKSON,LIBERTY, & WASHINGTON

DECISION NUMBER: FL[illegible]2-1073
DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1214 dated May 1, 1981 in 46 FR 24814.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels,building structures in rest area projects and railroad construction:bascule,suspension & spandrel arch bridges;bridges designed for commercial navigation;bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTER	$ 5.75	
CONCRETE FINISHER	5.40	
LABORER:		
Common	3.65	
Asphalt Raker	4.12	
IRONWORKER, Reinforcing	4.50	
TRAFFIC SIGNALIZATION INSTALLER	4.75	
TRAFFIC SIGNALIZATION MECHANIC	5.50	
TRUCK DRIVER	3.80	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	4.00	
Asphalt Mixer	5.75	
Asphalt Paving Machine	5.25	
Asphalt Plant	4.34	
Backhoe	5.50	
Bulldozer	4.50	

	Basic Hourly Rates	Fringe Benefits
PEO's cont'd:		
Crane,Derrick,or Dragline	$ 5.94	
Earthmover	4.50	
Front End Loader	4.50	
Motor Grader	5.00	
Roller, Finish	5.50	
Scraper	4.50	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTIES: GADSDEN, JEFFERSON, LEON, & WAKULLA
DECISION NUMBER: FL82-1074
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL81-1215 dated May 1, 1981 in 46 FR 24815.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 6.08	
CONCRETE FINISHER	5.75	
LABORERS:		
Common	3.93	
Asphalt Raker	4.00	
Pipelayer	6.25	
IRONWORKER, Reinforcing	6.00	
TRUCK DRIVER	4.00	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	4.75	
Asphalt Paving Machine	5.40	
Asphalt Plant	5.50	
Backhoe	4.50	
Bulldozer	4.75	
Crane, Derrick, or Dragline	6.50	

	Basic Hourly Rates	Fringe Benefits
PEO's cont'd:		
Earthmover	$ 4.50	
Front End Loader	5.00	
Motor Grader	5.00	
Roller, Finish	5.00	
Roller, Self-Prop. Rubber Tire	5.00	
Pavement Striping Machine	5.50	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTY: DADE
DECISION NUMBER: FL82-1081
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL81-1136 dated May 22, 1981 in 46 FR 28100.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension, & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 8.00	
CONCRETE FINISHER	6.25	
FORM SETTER	7.00	
LABORERS, Common	5.34	
LABORERS, Air Tool Operator	8.77	
IRONWORKER, Reinforcing	8.31	
IRONWORKER, Structural	8.00	
TRAFFIC SIGNALIZATION INSTALLER	9.50	
TRAFFIC SIGNALIZATION MECHANIC	8.00	
TRUCK DRIVERS	5.34	
WELDERS-Rate for Craft		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Backhoe	$ 5.81	
Bulldozer	7.50	
Crane, Derrick, or Dragline	10.32	
Drilling Machine	10.40	
Front End Loader	6.83	
Motor Grader	7.67	
Oiler, Greaseman	9.64	
Piledriver Operator	12.01	
Piledriver Leadsman	11.18	
Roller	5.35	
Scraper	6.50	
Gradall	8.00	
Pavement Striping Machine	6.25	
Sign Erector	5.45	
Boom-Auger	6.00	

SUPERSEDEAS DECISION

STATE: FLORIDA
COUNTIES: ALACHUA, DIXIE, GILCHRIST, HAMILTON, LAFAYETTE, LEVY, MADISON, SUWANNEE, & TAYLOR
DECISION NUMBER: FL82-1075
DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL81-1216 dated May 1, 1981 in 46 FR 24815.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension, & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 6.00	
CONCRETE FINISHER	4.50	
LABORERS:		
Common	3.79	
Asphalt Raker	4.26	
Pipelayer	4.00	
IRONWORKER, Reinforcing	5.00	
TRAFFIC SIGNALIZATION INSTALLER	5.63	
TRAFFIC SIGNALIZATION MECHANIC	7.00	
TRUCK DRIVERS:		
Multi-Rear Axle	3.90	
Single-Rear Axle	4.42	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	4.00	
Asphalt Paving Machine	4.38	
Asphalt Plant	4.75	
Asphalt Screed	4.25	
Backhoe	4.50	
Bulldozer	4.75	
Crane, Derrick, or Dragline	6.17	

	Basic Hourly Rates	Fringe Benefits
PEO's cont'd:		
Earthmover	$ 4.25	
Front End Loader	4.56	
Motor Grader	4.77	
Oiler, Greaseman	4.00	
Piledriver	7.50	
Roller, Finish	4.07	
Roller, Self-Prop. Rubber Tire	4.05	
Tractor Oper., Light	4.00	
Power Subg. Mixer, Self-Prop.	4.75	
Pavement Striping Machine	6.25	
Guardrail Post Driver	4.75	
Guardrail Erector	4.25	
Luteman	5.25	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA

COUNTIES: BAKER,BRADFORD,CLAY,COLUMBIA,
DUVAL,FLAGLER,NASSAU,PUTNAM,
ST. JOHNS, & UNION

DECISION NUMBER: FL82-1076
DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1217 dated May 1, 1981 in 46 FR 24816.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels,building structures in rest area projects & railroad construction;bascule,suspension & spandrel arch bridges; bridges designed for commercial navigation;bridges involving marine construction;& other major bridges.

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 6.00	
CONCRETE FINISHER	5.38	
FORM SETTER	4.55	
LABORERS:		
Common	4.19	
Asphalt Raker	4.81	
Pipelayer	4.91	
IRONWORKER, Reinforcing	5.96	
IRONWORKER, Structural	4.87	
TRAFFIC SIGNALIZATION INSTALLER	6.00	
TRAFFIC SIGNALIZATION MECHANIC	6.95	
TRUCK DRIVERS:		
Lowboy	4.65	
Multi-Rear Axle	4.50	
Single-Rear Axle	5.02	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Air Tool	5.00	
Asphalt Distributor	4.67	
Asphalt Mixer	4.40	
Asphalt Paving Machine	4.93	
Asphalt Plant	5.39	
Asphalt Screed	4.89	
Backhoe	6.24	
Bulldozer	5.55	
Concrete Paving Machine	4.91	
Concrete Paving Subgrader	5.25	
Crane,Derrick, or Dragline	7.14	
Earthmover	5.50	
Front End Loader	5.71	
Motor Grader	5.81	
Oiler, Greaseman	5.21	
Piledriver	6.47	
Piledriver Leadsman	7.75	

PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
Pump	$ 4.74	
Roller, Finish	4.75	
Roller, Self-Prop., Rubber Tire	4.64	
Roller, Operator	4.88	
Scraper	5.49	
Tractors:		
Light	4.60	
Over 80 Hp	4.60	
80 hp or less	4.79	
Self-Prop. Power Subg. Mixer	5.00	
Gradall	6.50	
Pavement Striping Machine	5.97	
Guardrail Post Driver	6.30	
Guardrail Erector	6.56	
Sign Erector	4.50	
Boom-Auger	4.75	
Conc Curb Machine	5.75	
Luteman	5.25	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA

COUNTIES: CITRUS,HERNANDO,LAKE,MARION,PASCO
SUMTER,& VOLUSIA (excluding Cape
Kennedy Space Flight Center &
Cape Canaveral Air Force Station)

DECISION NUMBER: FL82-1077
DATE: DATE OF PUBLICATION

Supersedes Decision No.: F181-1218 dated May 1, 1981 in 46 FR 24817.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels,building structures in rest area projects and railroad construction;bascule,suspension & Spandrel arch bridges;bridges designed for commercial navigation;bridges involving marine construction; & other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 5.34	
CONCRETE FINISHER	5.44	
FORM SETTER	4.50	
LABORERS:		
Common	4.12	
Asphalt Raker	4.53	
Pipelayer	5.50	
IRONWORKERS	6.00	
TRAFFIC SIGNALIZATION INSTALLER	5.83	
TRAFFIC SIGNALIZATION LABORER	4.25	
TRAFFIC SIGNALIZATION MECHANIC	9.44	
TRUCK DRIVERS:		
Multi-Rear Axle	4.28	
Single-Rear Axle	4.36	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Air Compressor	4.50	
Asphalt Distributor	4.66	
Asphalt Paving Machine	5.24	
Asphalt Plant	4.75	
Asphalt Screed	5.00	
Backhoe	6.22	
Bulldozer	5.90	
Crane,Derrick,or Dragline	6.88	
Drilling Machine	5.00	
Earthmover	4.50	
Front End Loader	5.44	
Motor Grader	6.61	
Oiler, Greaseman	4.49	
Piledriver	7.50	
Pump	4.50	
Rollers	4.50	

PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
Scraper	$ 4.35	
Tractors:		
Light	4.50	
Over 80 hp	5.00	
80 hp or less	6.85	
Self-Prop. Power Subg. Mixer	5.00	
Gradall	4.80	
Self-Prop. Aggregate Spreader	4.50	
Pavement Striping Machine	5.50	
Guardrail Post Driver	4.90	
Guardrail Erector	4.12	
Conc. Curb Machine	5.65	
Milling Machine	6.00	
Luteman	4.75	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR,5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA

COUNTIES: BREVARD(excludes Cape Canaveral AF Station, Patrick AFB, Kennedy Space Flight Center, & Melabar Radar Site), HILLSBOROUGH, INDIAN RIVER, MANATEE, MARTIN, ORANGE, OSCEOLA, PINELLAS, POLK, ST. LUCIE SARASOTA, & SEMINOLE.

DECISION NUMBER: FL82-1078

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1219 dated May 1, 1981 in 46 FR 24818.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS(excluding tunnels, building structures in rest area projects & railroad construction: bascule, suspension & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 5.99	
CONCRETE FINISHER	5.67	
FORM SETTER	5.20	
LABORERS:		
Common	4.31	
Asphalt Raker	5.05	
Pipelayer	5.33	
IRONWORKER, Reinforcing	7.25	
IRONWORKER, Structural	7.00	
TRAFFIC SIGNALIZATION INSTALLER	6.45	
TRAFFIC SIGNALIZATION LABORER	5.58	
TRAFFIC SIGNALIZATION MECHANIC	8.17	
TRUCK DRIVERS:		
Lowboy	5.83	
Multi-Rear Axle	4.52	
Single-Rear Axle	5.08	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	5.00	
Asphalt Paving Machine	5.74	
Asphalt Plant	5.10	
Backhoe	6.13	
Bulldozer	5.77	
Conc. Batching Plant Scaleman	6.75	
Concrete Joint Saw	5.00	
Concrete Paving Machine	6.00	
Conc. Paving Subgrader	5.00	
Crane, Derrick, or Dragline	7.16	
Drilling Machine	5.00	
Earthmover	5.38	
Fireman	6.25	
Front End Loader(1 cu yd).	5.50	
Front End Loader(over 1 cu yd)	5.6(	

	Basic Hourly Rates	Fringe Benefits
PEO's cont'd:		
Motor Grader	$ 6.31	
Oiler, Greaseman	5.11	
Piledriver	6.73	
Piledriver Leadsman	6.76	
Rollers:		
Finish	5.02	
Self-Prop., Rubber Tire	4.81	
Operator	4.71	
Scraper	5.02	
Tractors:		
Light	4.35	
Over 80 hp	4.72	
80 hp or less	5.01	
Trenching Machine	6.40	
Tug Boat Operator	7.00	
Self-Prop. Power Subg. Mixer	4.75	
Widening Spreader	6.40	
Gradall	6.39	
Pavement Striping Machine	7.00	
Guardrail Post Driver	5.29	
Guardrail Erector	4.31	
Sign Erector	4.50	
Boom-Auger	4.50	
Conc. Curb Machine	5.95	
Asphalt Screed	5.44	
Milling Machine	6.70	
Luteman	5.14	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA

COUNTIES: CHARLOTTE, COLLIER, DESOTO, GLADES, HARDEE, HENDRY, HIGHLAND, LEE, MONROE, & OKEECHOBEE

DECISION NUMBER: FL82-1079

DATE: DATE OF PUBLICATION

Supersedes Decision No.: FL81-1220 dated May 1, 1981 in 46 FR 24819.

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS(excluding tunnels, building structures in rest area projects and railroad construction; bascule, suspension, & spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 7.95	
CONCRETE FINISHER	6.59	
FORM SETTER	5.68	
LABORERS:		
Common	5.04	
Asphalt Raker	5.57	
Pipelayer	5.75	
Powderman	11.00	
IRONWORKERS	7.50	
TRAFFIC SIGNALIZATION INSTALLER	5.04	
TRAFFIC SIGNALIZATION MECHANIC	7.00	
TRUCK DRIVERS:		
Lowboy	6.00	
Multi-Rear Axle	5.13	
Single-Rear Axle	5.04	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	5.74	
Asphalt Mixer	6.25	
Asphalt Paving Machine	6.11	
Asphalt Plant	6.00	
Asphalt Screed	6.45	
Backhoe	6.51	
Bulldozer	6.02	
Conc. Batching Plant Scaleman	7.50	
Concrete Mixer	5.50	
Concrete Paving Machine	6.50	
Conc. Paving Subgrador	6.00	
Crane, Derrick, or Dragline	9.19	
Drilling Machine	10.40	

	Basic Hourly Rates	Fringe Benefits
PEO's cont'd:		
Earthmover	$ 5.30	
Front End Loader	5.74	
Motor Grader	6.45	
Oiler, Greaseman	8.94	
Piledriver Operator	9.41	
Piledriver Leadsman	6.25	
Rollers:		
Finish	5.50	
Operator	6.00	
Self-Prop. Rubber Tire	5.42	
Scraper	5.54	
Tractor	5.04	
Tug Boat Operator	7.00	
Grademan	5.75	
Gradall	6.25	
Conc. Curb Machine	5.50	
Self-Prop. Power Subg. Mixer	5.10	
Pavement Striping Machine	7.00	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: FLORIDA COUNTIES: BROWARD & PALM BEACH
DECISION NUMBER: FL82-1080 DATE: DATE OF PUBLICATION
Supersedes Decision No.: FL81-1221 dated May 1, 1981 in 46 FR 24820.
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION PROJECTS (excluding tunnels, building structures in rest area projects & railroad construction; bascule, suspension, and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; & other major bridges).

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$ 7.88	
CONCRETE FINISHER	7.99	
FORM SETTER	6.00	
LABORERS:		
Common	5.02	
Asphalt Raker	6.31	
Pipelayer	6.56	
Powderman	5.50	
IRONWORKER, Reinforcing	9.75	
IRONWORKER, Structural	9.50	
TRAFFIC SIGNALIZATION INSTALLER	8.70	
TRAFFIC SIGNALIZATION MECHANIC	8.00	
TRUCK DRIVERS:		
Multi-Rear Axle	5.44	
Single-Rear Axle	5.02	
WELDERS-Rate for Craft		
POWER EQUIPMENT OPERATORS:		
Asphalt Distributor	5.78	
Asphalt Paving Machine	6.50	
Asphalt Screed	5.02	
Backhoe	7.31	
Bulldozer	6.76	
Concrete Paving Machine	6.65	
Crane, Derrick, or Dragline	8.43	
Drilling Machine	7.50	
Earthmover	5.95	

PEO's cont'd:	Basic Hourly Rates	Fringe Benefits
Front End Loader	$ 6.55	
Motor Grader	7.34	
Oiler, Greaseman	5.95	
Piledrivers:		
Leadsman	7.65	
Operator	9.00	
Rollers:		
Finish	5.74	
Self-Prop. Rubber Tire	5.56	
Operator	5.02	
Scraper	6.00	
Tractors	7.50	
Gradall	8.50	
Pavement Striping Machine	7.00	
Conc. Curb Machine	6.50	
Milling Machine	6.65	

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: COSHOCTON, GUERNSEY, & HOLMES
DECISION NO.: OH82-2052 DATE: Date of Publication
Supersedes Decision No. OH80-2049 dated June 27, 1980 in 45 FR 43649
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; Blocklayers	$9.68	
CARPENTERS	[illegible]	
CEMENT MASONS	[illegible]	
DRYWALL HANGERS	7.50	
DRYWALL FINISHERS AND TAPERS	7.50	
ELECTRICIANS	8.6[illegible]	
LABORERS	5.65	
PAINTERS: Brush	7.50	
PLUMBERS & PIPEFITTERS	[illegible]	
ROOFERS	6.90	
SHEET METAL WORKERS	8.41	
SOFT FLOOR LAYERS; Carpet Layers	7.75	
TILE SETTERS	7.75	
TRUCK DRIVERS	[illegible]	
POWER EQUIPMENT OPERATORS: Backhoes	7.50	
Bulldozers	7.81	
Front End Loaders	7.75	

	Basic Hourly Rates	Fringe Benefits

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: DARKE & SHELBY
DECISION NO.: OH82-2053 DATE: Date of Publication
Supersedes Decision No. OH80-2053 dated August 1, 1980 in 45 FR 51415
DESCRIPTION OF WORK: Residential Construction Consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$7.00			
BRICKLAYERS; Blocklayers	8.50			
CARPENTERS	6.76			
CEMENT MASONS	6.96			
DRYWALL HANGERS	7.87			
DRYWALL FINISHERS AND TAPERS	8.07			
ELECTRICIANS	6.96			
INSULATORS	6.15			
LABORERS	5.70			
PAINTERS: Brush	6.24			
PLUMBERS & Pipefitters	7.25			
ROOFERS	6.96			
SHEET METAL WORKERS	7.18			
SOFT FLOOR LAYERS; Carpet Layers	6.38			
TILE SETTERS	6.38			
TRUCK DRIVERS	6.40			
POWER EQUIPMENT OPERATORS: Backhoes	8.12			
Bulldozers	7.75			
Front End Loaders	7.36			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO COUNTIES: JACKSON, PIKE, SCIOTO, & VINTON
DECISION NUMBER: OH82-2055 DATE: Date of Publication
Supersedes Decision No. OH81-2009 dated April 3, 1981 in 46 FR 20447
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; Blocklayers	$7.89			
CARPENTERS	6.62			
CEMENT MASONS	7.23			
DRYWALL HANGERS	8.00			
DRYWALL FINISHERS AND TAPERS	8.00			
ELECTRICIANS	7.29			
LABORERS:				
Common	5.89			
Landscapers	5.63			
PAINTERS: Brush	6.00			
PLUMBERS & PIPEFITTERS	6.72			
ROOFERS	5.93			
SHEET METAL WORKERS	6.36			
SOFT FLOOR LAYERS; Carpet Layers	7.00			
TILE SETTERS	7.00			
POWER EQUIPMENT OPERATORS: Backhoes	7.61			
Bulldozers	6.81			
Front End Loaders	8.67			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
COUNTIES: ADAMS, BROWN, & HIGHLAND
DECISION NUMBER: OH82-2051
DATE: Date of Publication
Supersedes Decision No. OH81-2010 dated April 3, 1981 in 46 FR 20447
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
AIR CONDITIONING MECHANICS	$7.61	
BRICKLAYERS; Blocklayers	8.66	
CARPENTERS	7.01	
CEMENT MASONS	7.86	
DRYWALL HANGERS	7.61	
DRYWALL FINISHERS & TAPERS	9.62	
ELECTRICIANS	6.76	
LABORERS	5.43	
PAINTERS: Brush	6.00	
PLUMBERS & PIPEFITTERS	8.07	
ROOFERS	[illegible]	
SHEET METAL WORKERS	6.66	
SOFT FLOOR LAYERS; Carpet Layers	7.00	
TILE SETTERS	6.71	
TRUCK DRIVERS	6.45	
POWER EQUIPMENT OPERATORS: Backhoes	7.58	
Bulldozers	6.33	
Front End Loaders	6.93	

	Basic Hourly Rates	Fringe Benefits

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: OHIO
COUNTIES: GALLIA & LAWRENCE
DECISION NUMBER: OH82-2054
DATE: Date of Publication
Supersedes Decision No. OH81-2013 dated April 10, 1981 in 46 FR 21588
DESCRIPTION OF WORK: Residential Construction Projects Consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
BRICKLAYERS; Blocklayers	$7.56	
CARPENTERS	6.78	
CEMENT MASONS	6.68	
DRYWALL HANGERS	6.71	
DRYWALL FINISHERS AND TAPERS	6.88	
ELECTRICIANS	7.00	
LABORERS	4.87	
PAINTERS: Brush	6.50	
PLUMBERS & PIPEFITTERS	7.39	
ROOFERS	6.75	
SHEET METAL WORKERS	6.99	
SOFT FLOOR LAYERS; Carpet Layers	7.00	
TILE SETTERS	7.00	
POWER EQUIPMENT OPERATORS: Backhoes	7.55	
Bulldozers	7.48	
Front End Loaders	7.39	

	Basic Hourly Rates	Fringe Benefits

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Statewide
DECISION NO. : TX82-4052 DATE: Date of Publication
Supersedes Decision No. TX82-4017, dated 4/9/82, in 47 FR 15503.
DESCRIPTION OF WORK: See "Area Covered by Various Zones"

	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 6.00	$ -	$ -	$ 5.35	$ -
Asphalt Heaterman	-	5.20	-	4.35	-
Asphalt Raker	6.35	5.05	6.10	4.95	5,75
Asphalt Shoveler	-	4.50	-	3.90	4.30
Batching Plant Scaleman	6.80	6.30	6.00	5.25	5.75
Batterboard Setter	-	5.20	-	6.00	5.60
Carpenter	6.50	6.35	6.05	5.55	6.15
Carpenter Helper	5.00	5.65	4.35	4.50	4.70
Concrete Finisher (Paving)	7.00	6.50	6.75	6.00	5.70
Concrete Finisher Helper (Paving)	5.50	5.00	-	4.50	5.55
Concrete Finisher (Structures)	6.75	6.50	5.90	5.50	5.85
Concrete Finisher Helper(Structures)	6.00	5.30	5.05	4.75	5.05
Concrete Rubber	-	6.50	4.60	-	5.15
Electrician	-	-	10.00	-	11.50
Electrician Helper	-	-	-	-	5.15
Form Builder (Structures)	6.25	6.40	6.90	5.65	6.50
Form Builder Helper (Structures)	-	-	-	4,30	5.00
Form Liner (Paving & Curb)	-	-	-	4.85	4.15
Form Setter (Paving & Curb)	7.00	7.10	-	4.60	5.75
Form Setter Helper(Paving & Curb)	-	5.50	-	4.15	4.45
Form Setter (Structures)	7.00	6.95	[illegible]	4.95	6.10
Form Setter Helper (Structures)	6.25	5.95	5.40	4.40	4.50
Laborer, Common	4.85	4.50	4.00	3.90	4.15
Laborer, Utility Man	5.20	5.00	5.15	4.50	4.65
Manhole Builder, Brick	-	5.00	-	4.80	-
Mechanic	8.50	8.00	6.50	7.55	7.00
Mechanic Helper	5.50	-	5.00	4.75	5.50
Oiler	5.50	5.55	5.00	4.50	5.35
Serviceman	6.00	6.00	6.50	5.10	4.90
Painter (Structures)	-	-	-	6.00	-
Painter Helper (Structures)	-	-	-	5.00	-
Piledriverman	-	-	-	-	-
Pipelayer	-	5.70	5.00	5.00	5.20
Pipelayer Helper	-	4.50	-	4.40	4.75
Pneumatic Mortarman	-	-	-	5.50	-
Powderman	6.65	6.45	-	5.50	5.35
Reinforcing Steel Setter (Paving)	-	-	-	4.40	6.15
Reinforcing Steel Setter(Structures)	5.75	6.00	6.20	5.45	5.80
Reinforcing Steel Setter Helper	5.50	-	5.75	3.90	4.95
Steel Worker (Structural)	-	-	-	5.20	7.00
Steel Worker Helper (Structural)	-	-	-	4.00	5.75
Sign Erector	-	-	7.60	6.05	6.50
Sign Erector Helper	-	-	-	4.25	-

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	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader Box Man	$ 6.00	$ 5.80	$ -	$ 6.75	$5.50
Swamper	-	4.55	-	-	-
Power Equipment Operators:					
Asphalt Distributor	7.50	6.25	5.75	5.15	5.55
Asphalt Paving Machine	7.00	6.00	6.25	5.50	7.00
Broom or Sweeper Operator	-	5.00	5.15	5.45	-
Bulldozer 150 HP & Less	5.75	5.50	5.75	5.05	5.15
Bulldozer over 150 HP	6.50	6.50	6.15	6.05	5.85
Concrete Paving Curing Machine	6.50	-	-	-	-
Concrete Paving Finishing Machine	7.00	-	-	-	-
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	7.00	-	-	-	-
Concrete Paving Joint Sealer	7.00	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	-	-	-	-	-
Concrete Paving Saw	6.75	-	-	4.75	-
Concrete Paving Spreader	-	-	-	-	6.25
Paving Sub Grader	6.50	6.50	-	-	-
Crane,Clamshell,Backhoe,Derrick, Dragline,Shovel (less than 1½ CY)	6.60	6.20	6.20	5.80	6.00
Crane,Clamshell,Backhoe,Derrick, Dragline,Shovel (1½ CY & Over)	8.00	8.00	6.75	6.85	6.70
Crusher Or Screening Plant Operator	6.00	6.10	5.90	-	5.00
Elevating Grader	-	-	-	-	-
Form Loader	7.35	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	10.00	-
Foundation Drill Op.(Truck Mounted)	-	7.00	-	-	7.50
Foundation Drill Operator Helper	-	5.50	-	-	-
Front End Loader (2½ CY & Less)	5.60	5.35	5.40	5.25	5.20
Front End Loader (Over 2½ CY)	6.55	6.60	6.25	5.30	6.05
Hoist (Double Drum & Less)	-	-	-	-	-
Hoist (Over 2 drums)	-	-	-	-	-
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF & Less)	6.65	6.00	-	-	4.50
Motor Grader Operator,Fine Grade	7.90	7.95	7.90	6.90	6.50
Motor Grader Operator	6.70	6.75	7.10	6.40	6.35
Roller,Steel Wheel (Plant-Mix Pavements)	5.70	6.50	5.45	5.05	4.25
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	5.35	5.20	5.10	4.60	4.55
Roller, Pneumatic(self-Propelled)	5.00	4.75	4.90	4.40	4.60

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	ZONE 1	ZONE 2	ZONE 3	ZONE 4	ZONE 5
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Scrapers (17 CY & Less)	$ 5.25	$ 5.00	$ 5.50	$ 5.25	$ 4.75
Scrapers (Over 17 CY)	6.45	6.45	6.50	6.00	5.50
Self-Propelled Hammer	-	6.00	-	-	-
Side Boom	-	5.80	-	-	-
Tractor(Crawler Type) 150 HP & Less	5.00	-	-	5.50	4.60
Tractor(Crawler Type) over 150 HP	6.25	6.00	5.50	6.00	6.20
Tractor (Pneumatic) 80 HP & Less	5.00	4.50	-	-	-
Tractor (Pneumatic) over 80 HP	5.50	6.50	5.50	6.15	6.00
Traveling Mixer	5.25	-	-	-	-
Trenching Machine, Light	-	[illegible]	-	4.90	-
Trenching Machine, Heavy	-	-	-	-	[illegible]
Wagon Drill, Boring Machine or Post Hole Driller Operator	6.00	6.40	-	[illegible]	[illegible]
Truck Drivers:					
Single Axle, Light	5.00	4.90	4.80	4.65	4.50
Single Axle, Heavy	6.00	-	-	4.75	5.00
Tandem Axle or Semitrailer	5.70	6.00	5.30	5.15	4.50
Lowboy-Float	5.25	5.00	5.45	5.35	5.95
Transit-Mix	-	-	-	-	-
Winch	-	5.00	-	-	-
Vibrator Man (Hand Type)	-	-	-	-	-
Welder	8.00	7.30	6.00	5.60	6.10
Welder Helper	-	-	5.25	5.25	5.60

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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	ZONE 6	ZONE 7	ZONE 8	ZONE 9	ZONE 10
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -	$ 4.00	$ 4.25	$ 5.40	$ -
Asphalt Heaterman	-	4.60	4.60	-	-
Asphalt Raker	4.50	6.00	5.35	5.65	6.80
Asphalt Shoveler	4.85	5.05	-	-	5.00
Batching Plant Scaleman	-	6.50	6.50	-	5.90
Batterboard Setter	-	-	-	-	-
Carpenter	5.70	6.55	6.05	6.50	7.00
Carpenter Helper	4.65	5.50	5.00	5.50	5.25
Concrete Finisher (Paving)	5.50	6.00	6.85	6.00	7.75
Concrete Finisher Helper (Paving)	4.00	-	6.50	-	5.50
Concrete Finisher (Structures)	5.50	6.30	6.05	5.90	6.95
Concrete Finisher Helper(Structures)	4.15	4.75	4.50	5.45	5.60
Concrete Rubber	4.25	-	5.25	5.25	6.40
Electrician	-	10.00	-	-	9.50
Electrician Helper	-	7.10	-	-	6.50
Form Builder (Structures)	6.50	6.25	5.50	5.50	6.90
Form Builder Helper (Structures)	-	5.50	5.00	5.00	5.50
Form Liner (Paving & Curb)	-	-	-	-	7.20
Form Setter (Paving & Curb)	-	-	[illegible]	[illegible]	6.55
Form Setter Helper (Paving & Curb)	-	-	-	-	5.50
Form Setter (Structures)	5.25	6.60	5.70	6.00	6.95
Form Setter Helper (Structures)	4.25	5.15	5.05	4.85	5.25
Laborer, Common	4.00	4.00	4.25	4.00	4.65
Laborer, Utility Man	4.55	4.80	4.65	4.65	5.20
Manhole Builder, Brick	-	5.45	-	-	-
Mechanic	5.80	6.50	7.40	7.00	7.25
Mechanic Helper	4.70	4.60	6.50	5.50	5.95
Oiler	5.20	5.85	6.20	-	6.35
Serviceman	5.00	5.70	5.00	4.75	5.60
Painter (Structures)	-	-	-	-	11.25
Painter Helper (Structures)	-	-	-	-	5.15
Piledriverman	-	-	-	-	-
Pipelayer	5.15	5.55	5.15	5.00	6.00
Pipelayer Helper	-	4.75	4.25	4.25	4.75
Pneumatic Mortarman	-	-	-	-	-
Powderman	5.00	7.00	6.00	-	-
Reinforcing Steel Setter (Paving)	-	6.00	5.50	-	5.00
Reinforcing Steel Setter(Structures)	5.65	6.35	6.50	5.50	7.00
Reinforcing Steel Setter Helper	4.75	5.25	5.00	4.65	4.50
Steel Worker (Structural)	-	-	-	-	7.00
Steel Worker Helper (Structural)	-	-	-	-	5.00
Sign Erector	6.75	-	-	-	-
Sign Erector Helper	5.50	-	-	-	-

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	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Spreader Box Man	$ -	$ 5.40	$ 5.20	$ -	$ -
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	5.50	5.80	5.25	6.00	6.00
Asphalt Paving Machine	5.30	6.40	5.80	5.65	7.25
Broom or Sweeper Operator	4.60	4.00	4.25	5.40	-
Bulldozer 150 HP & Less	4.25	6.00	6.00	5.70	6.00
Bulldozer over 150 HP	5.70	6.50	6.00	6.00	7.25
Concrete Paving Curing Machine	-	-	7.50	-	6.75
Concrete Paving Finishing Machine	5.00	-	6.50	-	6.50
Concrete Paving Form Grader	-	-	-	-	-
Concrete Paving Joint Machine	-	-	-	-	5.50
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	-
Concrete Paving Mixer	-	-	-	-	8.00
Concrete Paving Saw	-	-	-	-	6.45
Concrete Paving Spreader	-	-	-	-	7.25
Paving Sub Grader	-	-	-	-	-
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.75	6.05	5.25	6.15	7.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	6.25	7.50	9.25	7.50	7.50
Crusher or Screening Plant Operator	-	-	5.00	-	-
Elevating Grader	-	-	-	-	-
Form Loader	-	-	-	-	6.00
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	7.50
Foundation Drill Op. (Truck Mounted)	-	-	9.00	8.00	7.65
Foundation Drill Operator Helper	-	-	-	7.50	5.55
Front End Loader (2½ CY & Less)	5.25	5.75	5.20	5.50	6.50
Front End Loader (Over 2½ CY)	7.00	6.35	6.00	6.50	7.15
Hoist (Double Drum & Less)	-	-	5.65	-	-
Hoist (Over 2 Drums)	-	-	-	-	-
Mixer (Over 16 CF)	-	-	-	-	-
Mixer (16 CF & Less)	-	-	-	-	-
Motor Grader Operator, Fine Grade	6.85	8.00	7.75	8.00	8.00
Motor Grader Operator	6.50	7.00	6.60	6.10	7.05
Roller, Steel Wheel (Plant-Mix Pavement)	4.60	5.55	4.60	5.00	6.70
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.05	5.25	4.60	5.00	5.95
Roller, Pneumatic (Self-Propelled)	4.65	4.50	4.40	4.75	5.75

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	ZONE 6 Basic Hourly Rates	ZONE 7 Basic Hourly Rates	ZONE 8 Basic Hourly Rates	ZONE 9 Basic Hourly Rates	ZONE 10 Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Scrapers (17 CY & Less)	$ 4.60	$5.50	$ 5.60	$ 5.40	$ 6.60
Scrapers (Over 17 CY)	5.25	6.45	6.00	5.60	6.95
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	-	-	-	-
Tractor (Crawler Type) 150 HP & Less	4.30	5.00	-	-	6.15
Tractor (Crawler Type) over 150 HP	5.00	6.00	5.50	6.00	7.25
Tractor (Pneumatic) 80 HP & Less	-	4.50	4.75	-	-
Tractor (Pneumatic) over 80 HP	4.65	5.55	6.00	5.05	7.25
Traveling Mixer	4.75	4.70	-	4.25	-
Trenching Machine, Light	-	-	-	-	-
Trenching Machine, Heavy	6.25	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	5.25	4.75	-	5.25
Truck Drivers:					
Single Axle, Light	4.00	4.50	4.50	5.00	5.50
Single Axle, Heavy	-	5.00	4.50	5.35	5.50
Tandem Axle or Semitrailer	4.05	4.50	4.50	5.00	5.50
Lowboy-Float	4.75	-	-	-	6.25
Transit-Mix	-	-	6.75	-	5.85
Winch	-	5.20	-	-	6.35
Vibrator Man (Hand Type)	-	5.00	-	-	-
Welder	5.60	6.00	-	-	7.70
Welder Helper	5.00	5.75	-	-	-

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ 6.00	$ -	$ 4.80	$ 6.75	$ 7.50
Asphalt Heaterman	-	5.50	-	-	-
Asphalt Raker	7.25	5.50	4.80	5.35	7.00
Asphalt Shoveler	-	4.50	-	-	5.95
Batching Plant Scaleman	5.00	5.85	5.50	7.00	6.65
Batterboard Setter	-	-	-	-	-
Carpenter	7.00	7.35	7.00	8.00	8.05
Carpenter Helper	5.70	5.25	5.50	-	6.05
Concrete Finisher (Paving)	7.20	6.40	6.95	-	7.60
Concrete Finisher Helper (Paving)	6.15	5.25	5.75	-	6.00
Concrete Finisher (Structures)	6.90	6.55	6.00	7.00	7.00
Concrete Finisher Helper(Structures)	6.00	5.50	5.50		6.05
Concrete Rubber	5.00	5.60	5.50	-	5.00
Electrician	8.50	-	-	9.95	11.30
Electrician Helper	7.25	-	-	-	6.50
Form Builder (Structures)	7.00	6.00	6.00	7.25	6.15
Form Builder Helper (Structures)	5.50	5.75	5.15	-	5.50
Form Liner (Paving & Curb)	6.60	6.00	7.00	-	8.65
Form Setter (Paving & Curb)	6.25	7.50	7.00	5.25	7.20
Form Setter Helper (Paving & Curb)	4.40	5.50	6.25	4.75	5.65
Form Setter (Structures)	6.55	7.75	6.25	8.50	7.15
Form Setter Helper (Structures)	4.95	5.50	4.80	6.00	5.55
Laborer, Common	4.00	4.50	4.80	4.45	5.00
Laborer, Utility Man	4.95	5.15	5.10	5.50	5.75
Manhole Builder, Brick	-	-	-	-	7.20
Mechanic	7.75	7.65	7.00	6.50	8.00
Mechanic Helper	6.00	5.15	-	-	6.55
Oiler	6.00	5.70	5.95	5.25	7.50
Serviceman	5.85	5.50	6.00	5.50	7.25
Painter (Structures)	8.00	-	-	-	-
Painter Helper (Structures)	6.50	-	-	-	-
Piledriverman	-	-	-	-	8.05
Pipelayer	6.20	6.00	-	5.00	6.55
Pipelayer Helper	4.95	5.35	-	4.50	5.00
Pneumatic Mortarman	4.50	-	-	-	-
Powderman	-	-	-	-	-
Reinforcing Steel Setter (Paving)	5.75	-	-	-	6.05
Reinforcing Steel Setter(Structures)	6.35	6.50	-	6.00	6.70
Reinforcing Steel Setter Helper	4.00	4.85	-	-	5.00
Steel Worker (Structural)	-	-	-	-	7.50
Steel Worker Helper (Structural)	-	-	-	-	-
Sign Erector	7.50	-	-	-	-
Sign Erector Helper	-	-	-	-	-

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	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader [illegible] Man	$ -	$ -	$ -	$ -	$ 6.15
Swamper	-	-	-	-	-
Power Equipment Operators:					
Asphalt Distributor	7.20	6.25	5.75	6.00	7.00
Asphalt Paving Machine	7.35	6.80	6.50	5.75	8.00
Broom or Sweeper Operator	-	-	4.80	-	-
Bulldozer 150 HP & Less	6.45	6.00	6.65	5.50	6.70
Bulldozer over 150 HP	7.75	6.50	7.10	7.00	7.80
Concrete Paving Curing Machine	-	-	-	-	7.00
Concrete Paving Finishing Machine	7.65	5.50	-	-	7.50
Concrete Paving Form Grader	-	-	-	-	7.00
Concrete Paving Joint Machine	5.50	-	-	-	7.50
Concrete Paving Joint Sealer	-	-	-	-	-
Concrete Paving Longitudinal Float	-	-	-	-	7.60
Concrete Paving Mixer	7.75	-	-	-	-
Concrete Paving Saw	6.50	-	-	-	7.50
Concrete Paving Spreader	7.00	-	-	-	7.50
Paving Sub Grader	-	-	-	-	7.50
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel(less than 1½ CY)	6.75	6.45	6.25	6.50	7.25
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel(1½ CY & Over)	7.50	7.30	7.25	8.00	8.55
Crusher or Screening Plant Operator	6.00	-	-	5.65	7.55
Elevating Grader	-	-	-	-	7.25
Form Loader	6.00	-	-	-	-
Foundation Drill Operator (Crawler Mounted)	-	-	-	-	-
Foundation Drill Op.(Truck Mounted)	8.40	-	-	6.[illegible]	9.60
Foundation Drill Operator Helper	5.75	-	-	-	-
Front End Loader (2½ CY & Less)	6.40	5.95	6.00	5.50	6.80
Front End Loader (Over 2½ CY)	6.90	6.50	6.75	6.95	7.30
Hoist (Double Drum or Less)	6.75	-	-	-	6.00
Hoist (Over 2 drums)	-	-	-	-	-
Mixer (Over 16 CF)	-	-	-	-	5.75
Mixer (16 CF & Less)	-	-	-	-	5.35
Motor Grader Operator, Fine Grade	7.65	8.00	7.50	8.35	8.00
Motor Grader Operator	6.05	6.50	6.50	7.50	7.50
Roller, Steel Wheel (Plant-Mix Pavements)	6.90	6.00	5.15	5.35	7.00
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	6.20	5.00	6.50	5.40	6.00
Roller, Pneumatic(Self-Propelled)	6.05	5.00	6.50	5.55	5.50

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	ZONE 11	ZONE 12	ZONE 13	ZONE 14	ZONE 15
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Scrapers (17 CY & Less)	$ 6.00	$ 5.25	$ 5.75	$ 6.00	$ 6.75
Scrapers (Over 17 CY)	6.00	6.00	6.75	6.50	7.00
Self-Propelled Hammer	-	-	-	-	-
Side Boom	-	4.70	-	-	-
Tractor (Crawler Type) 150 HP & Less	5.25	5.25	-	-	6.50
Tractor (Crawler Type) over 150 HP	6.45	5.50	6.[illegible]	-	7.00
Tractor (Pneumatic) 80 HP & Less	4.50	5.25	-	4.50	6.00
Tractor (Pneumatic) over 80 HP	4.75	-	-	4.75	-
Traveling Mixer	-	5.75	-	4.75	5.65
Trenching Machine, Light	-	-	-	-	-
Trenching Machine, Heavy	6.25	-	-	-	-
Wagon Drill, Boring Machine or Post Hole Driller Operator	-	-	-	-	-
Truck Drivers:					
Single Axle, Light	6.00	5.20	6.00	6.[illegible]0	5.85
Single Axle, Heavy	6.00	-	6.00	-	6.25
Tandem Axle or Semitrailer	6.00	5.50	6.20	-	6.25
Lowboy-Float	6.10	5.50	6.65	-	6.45
Transit-Mix	6.05	-	-	-	6.00
Winch	6.00	-	-	-	-
Vibrator Man (Hand Type)	-	-	-	-	-
Welder	7.4[illegible]	7.10	6.00	-	7.[illegible]5
Welder Helper	-	-	5.00	-	-

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Air Tool Man	$ -				
Asphalt Heaterman	-				
Asphalt Raker	6.85				
Asphalt Shoveler	-				
Batching Plant Scaleman	7.75				
Batterboard Setter	-				
Carpenter	7.50				
Carpenter Helper	6.15				
Concrete Finisher (Paving)	8.70				
Concrete Finisher Helper (Paving)	7.05				
Concrete Finisher (Structures)	7.00				
Concrete Finisher Helper(Structures)	6.00				
Concrete Rubber	-				
Electrician	-				
Electrician Helper	-				
Form Builder (Structures)	8.00				
Form Builder Helper (Structures)	5.50				
Form Liner (Paving & Curb)	-				
Form Setter (Paving & Curb)	8.00				
Form Setter Helper (Paving & Curb)	-				
Form Setter (Structures)	7.00				
Form Setter Helper (Structures)	-				
Laborer, Common	5.50				
Laborer, Utility Man	6.20				
Manhole Builder, Brick	9.25				
Mechanic	-				
Mechanic Helper	-				
Oiler	-				
Serviceman	-				
Painter (Structures)	-				
Painter Helper (Structures)	-				
Piledrivermen	7.00				
Pipelayer	5.80				
Pipelayer Helper	-				
Pneumatic Mortarman	5.50				
Powderman	-				
Reinforcing Steel Setter (Paving)	6.00				
Reinforcing Steel Setter(Structures)	7.00				
Reinforcing Steel Setter Helper	5.50				
Steel Worker (Structural)	6.65				
Steel Worker Helper (Structural)	-				
Sign Erector	-				
Sign Erector Helper	-				

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	ZONE 1[illegible]				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Spreader Box Man	$ 7.[illegible]				
Swamper	-				
Power Equipment Operators:					
Asphalt Distributor	-				
Asphalt Paving Machine	6.00				
Broom or Sweeper Operator	6.15				
Bulldozer 150 HP & Less	8.05				
Bulldozer over 150 HP	9.00				
Concrete Paving Curing Machine	-				
Concrete Paving Finishing Machine	8.75				
Concrete Paving Form Grader	-				
Concrete Paving Joint Machine	-				
Concrete Paving Joint Sealer	-				
Concrete Paving Longitudinal Float	-				
Concrete Paving Mixer	-				
Concrete Paving Saw	-				
Concrete Paving Spreader	-				
Paving Sub Grader	-				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel(less than 1½ CY)	[illegible].[illegible]0				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	9.50				
Crusher or Screening Plant Operator	-				
Elevating Grader	-				
Form Loader	-				
Foundation Drill Operator(Crawler Mounted)	-				
Foundation Drill Op.(Truck Mounted)	-				
Foundation Drill Operator Helper	-				
Front End Loader (2½ CY & Less)	6.50				
Front End Loader (Over 2½ CY)	7.50				
Hoist (Double Drum or Less)	-				
Hoist (Over 2 drums)	-				
Mixer (Over 16 CF)	-				
Mixer (16 CF & Less)	-				
Motor Grader Operator,Fine Grade	9.50				
Motor Grader Operator	8.50				
Roller, Steel Wheel (Plant-Mix Pavements)	-				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	-				
Roller, Pneumatic(Self-Propelled	6.50				

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	ZONE 16				
	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
Power Equipment Operators (Cont'd):					
Scrapers (17 CY & Less)	$ 6.00				
Scrapers (Over 17 CY)	6.75				
Self-Propelled Hammer	-				
Side Boom	-				
Tractor(Crawler Type) 150 HP & Less	-				
Tractor(Crawler Type) over 150 HP	-				
Tractor (Pneumatic) 80 HP & Less	-				
Tractor (Pneumatic) over 80 HP	-				
Traveling Mixer	-				
Trenching Machine, Light	-				
Trenching Machine, Heavy	-				
Wagon Drill, Boring Machine or Post Hole Driller Operator	-				
Truck Drivers:					
Single Axle, Light	6.55				
Single Axle, Heavy	6.60				
Tandem Axle or Semitrailer	7.00				
Lowboy-Float	9.95				
Transit-Mix	-				
Winch	-				
Vibrator Man (Hand Type)	-				
Welder	-				
Welder Helper	-				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

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AREA COVERED BY VARIOUS ZONES

ZONE 1 - Archer, Armstrong, Baylor, Briscoe, Carson, Castro, Childress, Clay, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hall, Hansford, Hardeman, Hartley, Hemphill, Hutchinson, Lipscomb, Montague, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita & Wilbarger Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 2 - Bailey, Borden, Cochran, Cottle, Crosby, Dawson, Dickens, Fisher, Floyd, Foard, Gaines, Garza, Hale, Haskell, Hockley, Jones, Kent, King, Knox, Lamb, Lubbock, Lynn, Motley, Scurry, Shackelford, Stephens, Stonewall, Terry, Throckmorton, Yoakum & Young Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 3 - Andrews, Brown, Callahan, Coke, Coleman, Comanche, Concho, Crane, Crockett, Eastland, Ector, Erath, Glasscock, Howard, Irion, Kimble, Loving, Martin, McCulloch, Menard, Midland, Mills, Mitchell, Nolan, Reagan, Runnels, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Upton, Ward & Winkler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 4 - Brewster, Culberson, El Paso*, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves & Terrell Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in El Paso County

ZONE 5 - Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Guadalupe, Kendall, Kerr, Kinney, LaSalle, Maverick, McMullen, Medina, Real, Uvalde, Val Verde, Wilson & Zavala Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 6 - Brooks, Cameron, Duval, Hidalgo, Jim Hogg, Kenedy, Starr, Webb, Willacy & Zapata Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

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ZONE 7 - Aransas, Bee, Calhoun, DeWitt, Goliad, Jackson, Jim Wells, Karnes, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio & Victoria Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

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ZONE 8 - Austin, Bastrop, Blanco, Burnet, Caldwell, Colorado, Fayette, Gillespie, Gonzales, Hays, Lee, Llano, Mason, Travis & Williamson Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 9 - Bell, Bosque, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan & Navarro Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 10 - Cooke, Denton, Hood, Jack, Johnson, Palo Pinto, Parker, Sommervell, Tarrant* and Wise Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams), Water & Sewer Lines and Highway Projects (does not include building structures in rest area projects)

*Not to be used for Heavy Projects in Tarrant County

ZONE 11 - Collin, Dallas, Ellis, Grayson & Rockwall Counties

DESCRIPTION OF WORK: Water & sewer lines & Highway Construction Projects Only

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ZONE 12 - Bowie, Camp, Cass, Delta, Fannin, Franklin, Gregg, Harrison, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Rains, Red River, Rusk, Smith, Titus, Upshur, Van Zandt & Wood Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 13 - Anderson, Angelina, Cherokee, Henderson, Houston, Jasper, Nacogdoches, Newton, Panola, Polk, Sabine, San Augustine, San Jacinto, Shelby, Trinity & Tyler Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

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ZONE 14 - Brazos, Burleson, Grimes, Leon, Madison, Milam, Robertson, Walker & Washington Counties

DESCRIPTION OF WORK: Heavy (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects)

ZONE 15 - Brazoria, Fort Bend, Galveston, Harris, Matagorda, Montgomery, Waller & Wharton Counties

DESCRIPTION OF WORK: Highway Construction Projects Only

ZONE 16 - Chambers, Hardin, Jefferson*, Liberty & Orange* Counties

DESCRIPTION OF WORK: Heavy Projects (excluding tunnels & dams) and Highway Projects (does not include building structures in rest area projects) & Incidental Shore Work

*Not to be used for Heavy Projects & Incidental Shore Work in Jefferson & Orange Cos.

SUPERSEDEAS DECISION

STATE: West Virginia
LOCATION: State of West Virginia excluding the Counties of Berkeley, Jefferson, and Morgan
DECISION NO.: WV82-3002 **DATE:** Date of Publication
Supersedes Decision No. WV80-3018 dated July 18, 1980 in 46 FR 48457
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories). (See Heavy and Highway Construction General Wage Determination for all work in connection with the clearing and grading of the site, also all paving incidental to the project, and all incidental water lines and sewers utilities to within 5 feet of the building line.

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS:		
AREA 1	12.99	2.32
AREA 2	13.47	2.10
AREA 3	18.35	2.53
BOILERMAKERS:		
AREA 1	18.45	2.715
AREA 2	9.815	14.5%+ .01
BRICKLAYERS, STONE MASONS, MARBLE MASONS, TERRAZZO WORKERS, & TILE LAYERS:		
AREA 1	12.29	1.80
AREA 2	15.44	1.75
AREA 3	13.20	.50
AREA 4		
Bricklayers & Stone Masons	16.29	1.65
Marble Masons, Terrazzo Workers, & Tile Layers	15.12	1.65
AREA 5		
Bricklayers & Stone Masons	17.21	1.66
Marble Masons, Terrazzo Workers & Tile Layers	15.71	1.66
AREA 6		
Bricklayers & Stone Masons	14.35	.90
Masons Masons, Terrazzo Workers & Tile Layers	13.85	.90
AREA 7		
Bricklayers & Stone Masons	13.99	2.32
Tile Layers	13.84	2.32
AREA 8		
Bricklayers, Stone Masons & Marble Masons	15.23	.68
Tile Setters & Terrazzo Workers	13.18	.68

	Basic Hourly Rates	Fringe Benefits
CARPENTERS & PILEDRIVERMEN:		
AREA 1		
Carpenters		
Contracts under $100,000	12.98	1.63
Contracts $100,000 or more	13.23	1.63
Piledrivermen		
Contracts undmr $100,000	13.48	1.63
Contracts $100,000 or more	13.73	1.63
AREA 2		
Carpenters	12.[illegible]4	1.99
Piledrivermen	13.[illegible]2	1.99
AREA 3		
Carpenters	14.71	3.15
Piledrivermen	15.47	3.15
AREA 4		
Carpenters	15.75	2.43
Piledrivermen	16.00	2.43
AREA 5		
Carpenters	14.36	1.[illegible]7
Piledrivermen	14.61	1.[illegible]7
AREA 6		
Carpenters	13.42	2.05
Piledrivermen	13.74	2.05
CEMENT MASONS & PLASTERERS:		
AREA 1	14.80	.75
AREA 2		
Cement Masons	14.0[illegible]	.[illegible]2
Plasterers	14.10	
AREA 3	8.70	
AREA 4		
Cement Masons	13.8[illegible]	1.33
Plasterers	9.10	.01
AREA 5		
Plasterers	14.68	1.15
AREA 6		
Cement Masons	15.03	1.1[illegible]

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	Basic Hourly Rates	Fringe Benefits
CEMENT MASONS & PLASTERERS (CONT'D):		
AREA 7		
Cement Masons	14.79	.05
Plasterers	11.75	.01
AREA 8		
Cement Masons	7.36	.7[illegible]
AREA 9	15.12	.80
AREA 10		
Cement Masons	6.90	.35
AREA 11	11.53	1.08+a
ELECTRICIANS:		
Barbour, Doddridge, Harrison, Lewis, Randolph & Upshure Cos.:		
Wiremen	14.58	3%+ 4.07
Cable Splicers	16.04	3%+ 4.07
Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties:		
Wiremen	15.50	3%+ 4.[illegible]1
Cable Splicers	15.85	3%+ 4.[illegible]1
Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties:		
Wiremen	15.0[illegible]	3%+ 4.04
Cable Splicers	15.2[illegible]	3%+ 4.04
Brooke (Remainder of Co.) and Hancock (except Grant Twp.) Counties		
Wiremen	17.0[illegible]	2[illegible]½%
Cabell & Wayne Counties:		
Wiremen	17.32	3%+ 2.76
Cable Splicers	18.19	3%+ 2.76
Lincoln County:		
Wiremen	16.22	3%+ 2.76
Cable Splicers	17.03	3%+ 2.76

	Basic Hourly Rates	Fringe Benefits
Logan, Mason & Mingo Counties:		
Wiremen	17.82	3%+ 2.76
Cable Splicers	18.71	3%+ 2.76
Hampshire and Mineral County:		
Wiremen	13.7[illegible]	3/4%+ 1.70
Grant County:		
Wiremen	[illegible]5.[illegible]0	3/4%+ 1.70
Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties:		
Wiremen	10.[illegible]6	3½%+ .50
Cable Splicers	11.2[illegible]	3½%+ .50
Hardy & Pendleton Cos.:		
Contracts under $30,000 (excluding industrial plants):		
Wiremen	6.[illegible]5	3 3/4% +.50
Contracts $30,000 or more (plus all contracts for industrial plants):		
Wiremen	10.[illegible]	3 3/4% +.50
Marion, Monongalia, Taylor, Preston & Tucker Counties:		
Contracts under $50,000		
Wiremen	10.20	3%+ 3.06
Contracts over $50,000		
Wiremen	14.65	3%+ 3.31
Cable Splicers	14.80	3%+ 3.06
Hancock County (Grant Twp. only):		
Wiremen	13.3[illegible]	21½%
Cable Splicers	13.7[illegible]	21½%

DECISION NO. WV82-3002	Basic Hourly Rates	Fringe Benefits
ELECTRICIANS (CONT'D):		
Summers & Wyoming Cos.:		
Contracts $15,00 or less:		
Wiremen	12.82	3%+ 1.50
Cable Splicers	13.12	3%+ 1.50
Contractors over $15,000:		
Wiremen	15.72	3%+ 1.50
Cable Splicers	16.02	3%+ 1.50
Fayette (except Falls & Kanawha Twps.) County:		
Contractors $15,000 or less:		
Wiremen	12.62	3%+ 1.50
Cable Splicers	12.92	3%+ 1.50
Contractors over $15,000:		
Wiremen	15.52	3%+ 1.50
Cable Splicers	15.82	3%+ 1.50
Raleigh (except Clear Fork & Marsha Fork Twps.) County:		
Contracts $15,000 or less:		
Wiremen	12.32	3%+ 1.50
Cable Splicers	12.62	3%+ 1.50
Contracts over $15,000:		
Wiremen	15.22	3%+ 2.00
Cable Splicers	15.52	3%+ 2.00
Kanawha County (Not including Montgomery Township)		
Wiremen	19.34	8%+.79
Cable Splicer	21.17	8%+.79

	Basic Hourly Rates	Fringe Benefits
Putnam County		
Wiremen	19.09	8%+.79
Cable Splicer	21.00	8%+.79
Roane, Clay, Fayette, Raleigh & Boon County (Including Montgomery Township)		
Wiremen	19.34	8%+.79
Cable Splicers	21.27	8%+.79
Calhoun, Gilmer, Braxton, Webster & Nicholas Counties		
Wiremen	20.34	8%+.79
Cable Splicers	22.37	8%+.79
ELEVATOR CONSTRUCTORS:		
Brooke, Hancock, Marshall Ohio Counties:		
Mechanics	13.91	2.465+ b+c
Helpers	9.74	2.465+ b+c
Probationary Helpers	6.955	
Boone, Clay, Fayette, Kanawha, Jackson, Lincoln, Putnam & Roane Counties:		
Mechanics	14.765	2.465+ b+c
Helpers	10.335	2.465+ b+c
Probationary Helpers	7.38	
Cabell, Mason & Wayne Counties:		
Mechanics	15.57	2.33+ b+c
Helpers	10.90	2.33+ b+c
Probationary Helpers	7.785	
GLAZIERS:		
AREA 1	13.28	.70
AREA 2	13.83	1.01
AREA 3	11.52	1.57

DECISION NO. WV82-3002	Basic Hourly Rates	Fringe Benefits
IRONWORKERS - STRUCTURAL, ORNAMENTAL & REINFORCING:		
AREA 1	15.33	3.15
AREA 2	11.96	8%+ 4.47
AREA 3	15.96	3.19
AREA 4	14.12	2.90
AREA 5	12.05	1.68
AREA 6		
Zone 1 - 10 miles from Union Hall	12.07	1.96
Zone 2 - 10-15 miles from Union Hall	12.22	1.96
Zone 3 - 15-20 miles from Union Hall	12.32	1.96
Zone 4 - over 20 miles from Union Hall	12.4[illegible]	1.96
LABORERS:		
AREA 1		
Group 1	11.25	2.15
Group 2	11.75	2.15
Group 3	12.15	2.15
AREA 2		
Group 1	10.40	2.15
Group 2	10.76	2.15
Group 3	11.19	2.15
AREA 3		
Group 1	10.24	2.15
Group 2	10.75	2.15
Group 3	11.16	2.15
AREA 4		
Group 1	12.06	2.15
Group 2	12.46	2.15
Group 3	12.71	2.15
AREA 5		
Group 1	12.06	2.15
Group 2	12.46	2.15
Group 3	12.71	2.15
AREA 6		
Group 1	12.15	2.15
Group 2	12.45	2.15
Group 3	12.80	2.15
AREA 7		
Group 1	12.52	2.15
Group 2	12.82	2.15
Group 3	13.17	2.15
Group 4	13.12	2.15

	Basic Hourly Rates	Fringe Benefits
AREA 8		
Group 1	11.20	1.70
Group 2	11.37	1.70
Group 3	11.40	1.70
Group 4	11.53	1.70
Group 5		
50' to 100'	11.53	1.70
100' to 150'	11.70	1.70
over 150'	12.10	1.70
Group 6	11.88	1.70
Group 7	11.44	1.70
Group 8	11.73	1.70
Group 9	11.53	1.70
Group 10	12.03	1.70
LATHERS:		
AREA 1	11.725	.10
AREA 2	12.25	.21
AREA 3	10.56	.61
AREA 4	8.98	1.56
AREA 5	9.315	.10
AREA 6	10.78	.16
LINE CONSTRUCTION:		
Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties:		
Linemen	8.66	3½%+ .35
Cable Splicers	9.06	3½%+ .35
Equipment Operators	7.45	3½%+ .35
Truck with earth boring auger	6.06	3½%+ .35
Truck with winch & groundmen	4.76	3½%+ .35
Hampshire and Mineral Counties:		
Linemen	14.20	3%+ 2.20
Equipment Operators	13.49	3%+ 2.20
Truck Drivers & groundmen	9.23	3%+ 2.20

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	Basic Hourly Rates	Fringe Benefits
LINE CONSTRUCTION CONT'D:		
Grant County:		
Linemen	15.20	3%+ 2.20
Equipment Operators	14.49	3%+ 2.20
Truck Drivers & groundman	10.23	3%+ 2.20
Hardy & Pendleton Cos.:		
Linemen, Cable Splicers & Equipment Operators	11.11	3½%+ .45
Truck with winch, pole or steel handling	7.43	3½%+ .45
Groundmen	7.17	3½%+ .45
Hancock County - Grant Twp. only:		
Linemen & Equipment Operators	13.30	22½%
Cable Splicers	13.70	22½%
Truck Drivers & Groundmen	11.90	22½%
Raleigh (except Clear Fork and Marsh Fork Twps.):		
Linemen & Equipment Operators	15.22	3%+ 2.00
Cable Splicer	15.27	3%+ 2.00
Groundmen and Truck Drivers	12.20	3%+ 2.00
Summers & Wyoming Cos.:		
Linemen & Equipment Operators	15.72	3%+ 2.00
Cable Splicers	16.03	3%+ 2.00
Groundmen and Truck Drivers	12.60	3%+ 2.00

	Basic Hourly Rates	Fringe Benefits
Fayette County (except Falls and Kanawha Townships):		
Linemen & Equipment Operators	15.52	3%+ 2.00
Cable Splicers	15.82	3%+ 2.00
Groundmen and Truck Drivers	12.44	3%+ 2.00
Marion, Monongalia, Preston, Taylor & Tucker Counties:		
Linemen & Equipment Operators	14.65	3%+ 4.25
Cable Splicers	16.12	3%+ 4.25
Groundmen & Truck Drivers	11.72	3%+ 4.25
Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties:		
Linemen & Equipment Operators	15.30	3½%+ 4.95
Cable Splicers	16.83	3½%+ 4.95
Groundmen	12.24	3½%+ 4.95
Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties:		
Linemen & Equipment Operators	15.03	3%+ 4.00
Cable Splicers	15.28	3%+ 4.00
Groundmen	12.02	3%+ 4.00

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	Basic Hourly Rates	Fringe Benefits
Brooke (except Buffalo Twp.) & Hancock (except Grant Twp.) Counties:		
Linemen & Equipment Operator	17.05	35%
Cable Splicers	17.60	35%
Groundmen	11.09	35%
Barbour, Doddridge, Harrison, Lewis, Randolph, and Upshur Counties:		
Linemen & Equipment Operators	14.58	3½%+ 4.00
Cable Splicers	16.04	3½%+ 4.00
Groundmen & Truck Drivers	11.66	3½%+ 4.00
Boone, Braxton, Cabell, Calhoun, CLay, Fayette (Falls and Kanawha Twps. only), Gilmer, Kanawha, Lincoln, Logan, Mason, Mingo, Nicholas, Putnam, Raleigh (Clear Fork and Marsh Fork Twps. only) Roane, Wayne & Webster Counties:		
Linemen	18.31	3½%+ 2.00
Cable Splicers	20.14	3½%+ 2.00
Groundmen	11.90	3½%+ 2.00
Mechanized Equipment Operators	14.65	3½%+ 2.00
MARBLE, TERRAZZO & TILE FINISHERS:		
Statewide except for the Counties of Berkeley, Brooke, Cabell, Hancock, Jefferson, Lincoln, Mason (that portion		

	Basic Hourly Rates	Fringe Benefits
south of the Kanawha River), Morgan, and Wayne		
Finishers	9.55	.65
Terrazzo floor grinders	9.70	.65
Terrazzo base grinding machine	9.80	.65
Cable, Lincoln, Mason (that portion south of the Kanawha River), & Wayne Counties	9.87	1.15
MILLWRIGHTS:		
AREA 1	13.28	1.99
AREA 2	10.79	.80
AREA 3	13.97	1.63
AREA 4	12.32	6%+.58
AREA 5	14.45	2.43
AREA 6	14.61	1.70
PAINTERS:		
AREA 1		
Brush, rollers, hanging wallcovering & installing seemless type floors	8.95	.50
Spray, sandblasting & use of toxic materials	9.95	.50
Drywall:		
Taping, spackling, sanding & finishing	9.95	.50
AREA 2		
Painters -		
An area within 50 miles of Huntington, W.V.	11.40	.82
An area 50 miles and beyond of Huntington, W.V.	12.95	.82
Vinyl and all other wall covering and drywall taping		
An area within 50 miles of Huntington, W.V.	12.15	.82
An area 50 miles and beyond of Huntington, W.V.	13.70	.82

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	Basic Hourly Rates	Fringe Benefits
PAINTERS CONT'D:		
Repaint work (limited to Public Schools) -		
An area within 50 miles of Huntington, W.V.	9.12	.82
An area 50 miles and beyond of Huntington, W.V.	10.68	.82
AREA 3		
Brush , roller, paper, vinyl hangers & seamless floors	13.10	1.87
Glove	13.35	1.87
Perfa-taping (Hand Tools Only)	13.87	1.87
Brush height over 40'	13.87	1.87
Spray, sandblast, seamless floor epoxy & steam cleaning	14.10	1.87
AREA 4		
Brush & roller	12.27	1.37
Spray	13.27	1.37
Vinyl hanging & taping	12.27	1.37
AREA 5		
Commercial	13.83	.52
Drywall finishers	14.22	.52
Sandblasting	15.33	.52
Extra pay of heights 50' to 100' (+.50 per hour); over 100' (+$1.00 per hour)		
AREA 6		
New Construction:		
Brush	9.36	.31
Roller	9.62	.31
Spray & Blast	10.38	.31
Pot-men	10.38	.31
Commercial Repaint:		
Brush	7.94	.31
Roller	8.22	.31
Paperhanger	9.36	.31
Drywall	9.81	.31
Spray, pot-men	10.38	.31
Paper & vinyl hangers	9.36	.31

	Basic Hourly Rates	Fringe Benefits
Open structural steel	9.71	.31
Drywall pointers & tapers	9.81	.31
Liquid tile brush	10.13	.31
Stacks, vent pipes, flag poles, electrical, radio & T.V. Towers & tanks over 30' high	10.31	.31
Hydroject, steam cleaning & glove work	10.38	.31
Operating mechanical taping machines	10.81	.31
AREA 7 (REPAINT)		
Air compressor operator	11.85	.65
Brush Painting	11.85	.65
Roller, Dry-wall Pointers & Tapers Dipping & Mitten Work & Spray	12.36	.65
Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & boatswain Chair, Window Belt & Window Jack Work	13.41	.65
Brush Painters on Bridges, Neddle Beam, Cable Work, Power Tool Work, Brush & Flame Cleaning	14.01	.65
Operating Mechanical Taping Machines	14.33	.65
Sand Blasters	14.48	.65
All Stacks, Vent Pipe, Flag Poles in excess of 30' high, all Towers, Water Towers, Elevated Tanks, electrical Switch Yards, Transformer Banks & Television Towers	15.82	.65

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	Basic Hourly Rates	Fringe Benefits
PAINTERS CONT'D:		
Vinyl hangers & paper hangers (with tools)	12.34	.65
AREA 7 (NEW)		
Air compressor operator	13.03	.65
Brush Painting	13.03	.65
Roller, Dry-wall Pointers & Tapers Dipping & Mitten Work & Spray	13.55	.65
Water Blasters, Steam Jenny Nozzle Men, Swinging Scaffold & boatswain Chair, Window Belt & Window Jack Work	14.22	.65
Brush Painters on Bridges, Neddle Beam, Cable Work, Power Tool Work, Brush & Flaming Cleaning	14.75	.65
Operating Mechanical Taping Machines	15.26	.65
Sand Blasters	15.20	.65
All Stacks, Vent Pipe, Flag Poles in excess of 30' high, all Towers, Water Towers, Elevated Tanks, Electrical Switch Yards, Transformer Banks & Television Towers	16.54	.65
Vinyl hangers & Paper hangers (with tools)	13.49	.65
AREA 8		
Brush & Roller:		
Commercial	9.68	
Industrial	11.193	
Commercial Spray	10.89	
Structural Steel:		
Industrial	13.30	
Paperhanging & Wall-covering under 48"	8.50	
Paperhanging & Wall-covering over 48"	9.00	

	Basic Hourly Rates	Fringe Benefits
Drywall Finishing	9.50	
Drywall Machine tools	10.10	
Power Cleaning Tools - 50¢ over appropriate scale		
Material emitting toxic vapor - $1.00 over appropriate scale		
Height clause - Additional $1.00 per hour per 100'		
PLUMBERS & PIPEFITTERS		
AREA 1	14.19	4.06
AREA 2	14.44	2.64
AREA 3	14.69	2.64
AREA 4	14.94	2.64
AREA 5	13.39	19%+ .80
AREA 6	15.07	4.92
AREA 7	14.43	1.80
AREA 8		
Zone 1 - within an 8 mile radius of Cabell County Courthouse, Huntington, W.V.	16.01	3.92
Zone 2 - 8 to 15 miles from the courthouse	16.21	3.92
Zone 3 - 15 to 25 miles from the Courthouse	16.41	3.92
Zone 4 - Over 25 miles from the courthouse	16.66	3.92
AREA 9		
Contracts to $75,000	8.20	2.445
Contracts above $75,000	14.005	2.445
PLUMBERS & STEAMFITTERS	16.84	2.05
POWER EQUIPMENT OPERATORS:		
Group 1	14.76	1.82
Group 2	14.26	1.82
Group 3	13.76	1.82
Group 4	13.36	1.82
Group 5	12.96	1.82
Group 6	12.26	1.82

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	Basic Hourly Rates	Fringe Benefits
ROOFERS:		
AREA 1	13.81	1.00
AREA 2	15.93	1.87
AREA 3	15.35	.31
(Roofers engaged in hot waterproofing which is applied vertically or in an enclosed area shall receive an additional $.50 per hour)		
AREA 4		
Composition Roofers	12.35	1.15
Composition Mopmen	12.50	1.15
Slaters	12.60	1.15
SHEETMETAL WORKERS:		
AREA 1	10.20	2.27
AREA 2	12.56	2.12
AREA 3	13.94	2.11
AREA 4	16.57	1.92
AREA 5	12.48	1.33
SOFT FLOOR LAYERS:		
AREA 1	14.71	3.15
AREA 2	13.42	2.05
AREA 3	15.75	2.43
AREA 4	13.96	1.87
SPRINKLER FITTERS	15.10	2.43
TRUCK DRIVERS:		
AREA 1		
Group 1	8.16	f+g
Group 2	8.26	f+g
Group 3	8.41	f+g
Group 4	8.46	f+g
Group 5	8.51	f+g
Group 6	8.61	f+g
Group 7	8.81	f+g
AREA 2		
Group 1	9.20	d+n
Group 2	9.30	d+n
Group 3	9.45	d+n
Group 4	9.60	d+n
Group 5	9.85	d+n
Group 6	9.95	d+n
AREA 3		
Group 1	9.77	1.00+ h+j
Group 2	9.87	1.00+ h+j
Group 3	10.02	1.00+ h+j
Group 4	10.07	1.00+ h+j
Group 5	10.12	1.00+ h+j
Group 6	10.17	1.00+ h+j
Group 7	10.42	1.00+ h+j
AREA 4		
Group 1	6.10	k+i
Group 2	6.20	k+i
Group 3	6.40	k+i
Group 4	6.45	k+i
Group 5	6.50	k+i
Group 6	6.88	k+i
AREA 5		
Group 1	5.85	l+m
Group 2	5.88	l+m
Group 3	5.90	l+m
Group 4	6.00	l+m
Group 5	6.08	l+m
Group 6	6.13	l+m
Group 7	6.43	l+m
Group 8	6.50	l+m
Group 9	6.50	l+m
Group 10	6.53	l+m
AREA 6		
Group 1	8.50	e
Group 2	8.51	e
Group 3	8.55	e
Group 4	8.58	e
Group 5	8.60	e
Group 6	8.83	e
Group 7	9.13	e
Group 8	9.23	e

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	Basic Hourly Rates	Fringe Benefits
TRUCK DRIVERS CONT'D:		
AREA 7		
Group 1	8.83	2.05
Group 2	8.98	2.05
Group 3	9.18	2.05
Group 4	9.37	2.05
Group 5	9.61	2.05

Basic Hourly Rates	Fringe Benefits

AREAS COVERED BY ASBESTOS WORKERS

AREA 1 - Hampshire and Hardy Counties.

AREA 2 - Barbour, Brooke, Grant, Hancock, Harrison, Marion, Marshall, Mineral, Monongalia, Ohio, Taylor, Tucker and Wetzel Counties.

AREA 3 - Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lewis, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Upshure, Wayne, Webster, Wirt, Wood and Wyoming Counties.

AREAS COVERED BY BOILERMAKERS

AREA 1 - Barbour, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Nicholas, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshure, Wayne, Webster, Wetzel, Wirt, Wood and Wyoming Cos.

AREA 2 - Hancock County.

AREAS COVERED BY BRICKLAYERS, STONEMASONS ETC

AREA 1 - Hampshire, Mineral, Morgan, Berkeley & Jefferson Counties.

AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshure and Webster Counties.

AREA 3 - McDowell, Mercer, Monroe & Wyoming Counties.

AREA 4 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Putnam, Putnam, Raleigh, Summers and Logan Counties.

AREA 5 - Cabell, Lincoln, Mason, Mingo and Wayne Counties.

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AREA COVER BY BRICKLAYERS, STONEMASONS ETC CONT'D

AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt and Wood Counties.

AREA 7 - Marshall, Ohio, Tyler and Wetzel Counties.

AREA 8 - Brooke & Hancock Counties.

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN

AREA 1 - Barbour, Braxton, Doddridge, Gilmer, aarrison, Lewis, Marion, Monongalia, Pleasants, Preston, Randloph, Taylor, Tucker, Tyler, Upshur, Webster Counties.

AREA 2 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.

AREA 3 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 4 - Boone, Clay, Fayette, Greenbrier, Jackson (southern portion including the towns of Leon, Ripley, Hereford), Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, and Wyoming Counties.

AREA 5 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.

AREA 6 - Cabell, Mingo & Wayne Counties.

AREAS COVERED BY CEMENT MASONS & PLASTERERS

AREA 1 - Hampshire & Mineral Counties.

AREA 2 - Calhoun, Gilmer, Jackson, Mason (northern portion of the county, south to but not including Point Pleasant), Pleasants, Ritchie, Tyler, Wirt & Wood Counties.

AREA 3 - McDowell, Mercer, Monroe & Wyoming Counties.

AREA 4 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln (eastern half of county), Logan, Putnam, Raleigh & Roane Counties.

AREA 5 - Brooke, Marshall, Ohio, and Wetzel.

AREA 6 - Brooke, Hancock, Marshall, Ohio & Wetzel Counties.

AREA 7 - Barbour, Doddridge, Harrison, Lewis, Taylor, Tucker, Upshure and Webster Counties.

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AREAS COVERED BY CEMENT MASONS & PLASTERERS CONT'D

AREA 8 - Marion, Monongalia Counties.

AREA 9 - Cabell, Lincoln (remainder of county), Mason (remainder of county) & Wayne Counties.

AREA 10 - Greenbrier County.

AREA 11 - Grant, Hardy, Pendleton, Pocohontas & Randolph Counties.

AREAS COVERED BY GLAZIERS

AREA 1 - Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.

AREA 2 - Boone, Cabell, Calhoun, Clay, Fayett, Greenbrier, Kanawha, Lincoln, Logan, MAson, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Putnam, Raleigh, Summers, Wayne & Wyoming Counties.

AREA 3 - Marshall, Ohio & Wetzel Counties.

AREA COVERED BY IRONWORKERS

AREA 1 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshurs, Wirt & Wood Counties.

AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler, Wetzel, Preston & Randolph Counties.

AREA 3 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Nicholas, Putnam, Raleigh, Webster & Wyoming Counties

AREA 4 - Grant, Hampshire, Hardy, Mineral, Pendleton & Tucker Counties.

AREA 5 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.

AREA 6 - Cabell, Mingo & Wayne Counties.

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CLASSIFICATION DEFINITIONS
LABORERS - AREAS 1,2,3,4,5

GROUP 1 - Laborers; carpenter tender; water boy; demolition worker; fire watch; landscape laborer.

GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tenders; stone masons tenders; lathers tenders tile setters tenders; mortar mixers jackhammer operators; vibrator operators; tamper operators; pavement buster operators; chipping & peening hammer operators; air sysphon & air pump operators; riprap finishers; concrete saw operators; concrete technician; power saw operators; chain saw operators; motorized buggy operators; pipelayers helpers; drill operators helpers; sheeters & shorers; post hole digger operators; asphalt rakers; lance and/or water blaster operators; blacksmith helpers; batch house scale operators; workmen working with acid mortar, acid brick, acid or mastic asphalt; workmen working creosote, nozzlemen for gunnite or sandblasting; tool room attendants; ride or walk roller tampers.

GROUP 3 - Blacksmith; powdermen; air track operator; pipe layer (including laser beam set-up); burner.

LABORERS - AREAS 6

GROUP 1 - Laborers; carpenter tender; water boy; demolition worker; fire watch; landscape laborer.

GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tenders; stone masons tenders; lathers tenders; tile setters tenders; mortar mixers jackhammer operators; vibrator operators; tamper operators; pavement buster operators; shipping & peening hammer operators; air sysphon & air pump operators; riprap finishers; concrete saw operators concrete technician; power saw operators; shain saw operators; motorized buggy operators; pipelayers helpers; drill operators helpers; sheeters & shorers; post hole digger operators; asphalt rakers; lance and/or water blaster operators; blacksmith helpers; batch house scale operators; workmen working with acid mortar, acid brick, acid or mastic asphalt workmen working creosote; nozzlemen for gunnite or sandblasting; tool room attendants; ride or walk roller tampers.

GROUP 3 - Blacksmith; air track operator; pipe layer (including laser beam set-up); burner.

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LABORERS - AREÁS 7

GROUP 1 - Laborers; carpenter tender; water boy; fire watch; landscape laborer; tool room attendants

GROUP 2 - Powdermen helper; semi-skilled laborer; scaffold builders; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers tenders; stone masons tender jackhammer operators; vibrator operators; tamper operators; pavement buster operators; shipping & peening hammer operators; air sysphon & air pump operators; riprap finishers; concrete saw operators; concrete technician; power saw operators; chain saw operators; motorized buggy operators; pipelayers helpors; drill operators helpers; sheeters & shorers; post hole digger operators; asphalt rakers; lance and/or water blaster operators; blacksmith helpers; batch house scale operators; workemen working with acid mortar, acid brick, acid or mastic asphalt; workmen working creosote; nozzlemen for gunnite or sandblasting; ride or walk roller tampers; demolition work; leadman on concrete hose; scaffolding work over 50 ft. (inside and outside)

GROUP 3 - Blacksmith; powdermen; air track operator; pipe layer (including laser beam set-up); burner.

GROUP 4 - Deep ditch vertical 6 ft. or more

LÁBORERS - AREA 8

GROUP I - General laborers, carpenter tenders, toolroom man, and drinking water supplier.

GROUP 2 - All Brick Handlers, Tenders for Brick Masons, Plasterers, Stone Masons Tile Setters, Mortormen for Masons and Plasterers and Men Mixing Cement for Cement Finishers, Scaffold Builders, Mortar Mixer Machine Operator.

GROUP 3 - Laborers Operating Concrete Busters, Jack Hammers, Air Spades, Chipping Hammers, Air Tampers, Vibrators, Power Buggy, Concrete Saw, Power Buggy, Concrete Saw, Sandblaster, Acetylene Burners, Scuba Diver, Panel Cleaning Machine Operators, Signalmen, All Power Driven Tools, Air Pump, Air Blow Pipe, Pipelayer and Helper Working in Ditches or Tunnels, Hand Spikers on Railroads, and Laborer Handling Concrete for Test or working with Tar Acid, and Creosote

GROUP 4 - Laborers performing work pertaining to or in connection with and repair of Stoves, Blast Furnaces, Basic Oxygen Process Furnaces, Kilns, Soaking Pits, Coke Batteries on Industrial Work.

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LABORERS - AREA 8 CONT'D

GROUP 5 - Demolition of Stacks

GROUP 6 - Blastermen and Helper, Bellman and Lancer, All Bottom men in Blast Furnaces, Stacks, Stoves and Dust Catchers, Mud Men and Laborers working with Carbon Brick and Handling Bottom Block on Blast Furnaces, Stacks, Stoves, and Dust Catchers.

GROUP 7 - Ditches, Trenches, Caissons and Coffers over 6' deep, open top.

GROUP 8 - Miners including Caissons and Coffers, Horizontal or Underground, Mucking Machine Operators.

GROUP 9 - Tunnel Laborers, Muckers including Caissons and Coffers, Horizontal and Underground.

GROUP 10 - Gunite Nozzleman and Gunite Machine Operator—Grout Nozzleman and Grout Machine Operator.

AREAS COVERED BY LABORERS

AREA 1 - Boone, Clay, Fayette, Kanawha, Nicholas, Putnam & Roane Counties.

AREA 2 - Barbour, Braxton, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Lewis, Marion, Mineral, Monongalia, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.

AREA 3 - Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers & Wyoming Counties.

AREA 4 - Cabell, Lincoln, Mason & Wayne Counties.

AREA 5 - Logan & Mingo Counties.

AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.

AREA 7 - Marshall, Ohio & Wetzel Counties.

AREA 8 - Brooke & Hancock Counties.

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AREAS COVERED BY LATHERS

AREA 1 - Boone, Clay, Fayette, Kanawha, Putnam & Roane Counties.

AREA 2 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Taylor, Tyler, Upshur & Wetzel Counties.

AREA 3 - Brooke, Marshall & Ohio Counties.

AREA 4 - Hancock County.

AREA 5 - Cabell, Mason & Wayne Counties.

AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.

AREAS COVERED BY MILLWRIGHTS

AREA 1 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.

AREA 2 - Cabell & Wayne Counties.

AREA 3 - Barbour, Doddridge, Gilmer, Harrison, Marion, Lewis, Monongalia,. Randolph, Taylor, Tucker, Upshur & Webster Counties.

AREA 4 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 5 - Boone, Clay, Fayette, Greenbrier, Jackson (southern portion including the towns of Leon, Rippley & Hereford), Kanawha, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Braxton, Lincoln, Summers, and Wyoming Counties.

AREA 6 - Calhoun, Jackson (remainder of county), Pleasants, Ritchie, Tyler, Wetzel, Wirt, & Wood Counties.

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AREAS COVERED BY PAINTERS

AREA 1 - Grant, Hampshire, Hardy, Mineral, Pendleton & Morgan Counties.

AREA 2 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.

AREA 3 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.

AREA 4 - Brooke (Remainder of county) & Hancock Counties.

AREA 5 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Upshur & Webster Counties.

AREA 6 - Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.

AREA 7 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers & Wyoming Counties.

AREA 8 - Monongalia and Preston Counties.

AREAS COVERED BY PLUMBERS & PIPEFITTERS

AREA 1 - Harrison, Marion & Monongalia Counties

AREA 2 - Barbour, Doddridge, Lewis, Preston, Taylor & Upshur Counties.

AREA 3 - Braxton, Gilmer, Randolph and Tucker Counties

AREA 4 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.

AREA 5 - Brooke (south of Buffalo Creek), Marshall, Ohio & Wetzel Counties.

AREA 6 - Brooke (remainder of county) & Hancock Counties.

AREA 7 - Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.

AREA 8 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.

AREA 9 - McDowell, Mercer, Monroe, Raleigh, Summers and Wyoming Counties.

AREA COVERED BY PLUMBERS & STEAMFITTERS

Boone, Clay, Fayette, Greenbrier, Kanawha, Nicholas, Pocahontas, Putnam, Roane, and Webster Counties.

DECISION NO. WV82-3002

CLASSIFICATION DEFINITIONS FOR POWER EQUIPMENT OPERATORS

GROUP 1 - All cranes, derricks and tower cranes with 250 feet of boom including mast and gibs or lifting capacity of 150 tons, and hoists 30,000 pound line pull or more, cableways

GROUP 2 - Those operating cranes, derricks, tower cranes and similar equipment with a lifting capacity over 15 tons, all shovels, draglines, clamshells, tow boats or work boats, caisson drilling rigs, backhoes 1½ cubic yard and over, endloaders 3 cubic yards and over, gradealls, all mechanics, side boom cat, and concrete mixing plants 3 cubic yards and over, hoist 18,000 pound line pull.

GROUP 3 - All cranes, derricks, tower cranes and similar equipment with a lifting capacity of 15 tons and under. Concrete mixing plant under 3 cubic yards, endloaders up to 3 cubic yards, backhoes up to 1½ cubic yards, hoist in excess of 5,000 pound line pull, core drills, two drum hoist, concrete pump standard guage locomotive.

GROUP 4 - Material hoist, single drum, fireman, deckhand, well point system, elevators, fork lifts, ross carrier, air compressor (600 CFM or over), high compression equipment, Loed handler.

GROUP 5 - Trencher, air tugger, two bag mixer, concrete batch plant, "A" frame truck, rubber tired scrapper, power grader, dozer, tractor and pan, push cat, all tractors, oilers on standard guage locomotive, locomotive cranes, truck cranes, grease truck operator and greaser, asphalt and concrete paving equipment operator, brakeman on cranes used for moving rail cars (when equipment is moving cars only).

GROUP 6 - Roller and compactor, 1 bag concrete mixer, Barber Green loader, mechanic helper, crawler crane oiler, air compressor, welding machine (gasoline powered), light plant, generator, conveyor, mechanical heater and pump operator.

AREA COVERED BY ROOFERS

AREA 1 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 2 - Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Putnam, Raleigh, Summers, Wayne, Webster & Wyoming Counties.

AREA 3 - Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt & Wood Counties.

AREA 4 - Grant, Hardy & Mineral Counties.

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AREAS COVERED ON SHEETMETAL WORKERS

AREA 1 - Grant, Hampshire, Hardy & Mineral Counties.

AREA 2 - Cabell, Lincoln, Logan, Mingo & Wayne Counties.

AREA 3 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 4 - Boone, Clay, Fatette, Greenbrier, Kanawha, Mason, McDowell, Mercer, Monroe, Nicholas, Putnam, Raleigh, Summers, Webster & Wyoming Counties.

AREA 5 - Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt & Wood Counties.

AREAS COVERED BY SOFT FLOOR LAYERS

AREA 1 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 2 - Cabell, Mingo & Wayne Counties.

AREA 3 - Boone, Clay, Fayette, Greenbrier, Jackson (southern portion including the Leon, Ripley, and Hereford), Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Roane, Summers, & Wyoming Counties.

AREA 4 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - AREA 1

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station-wagons, panel trucks, flatbody material truck (straight job), greasers, washers, tiremen, gas pumps attendants, dump trucks (up to 5 cubic yards)

GROUP 2 - Tank truck (straight)

GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers, (whether flat rack, or pole and hauled or pushed by truck or tractor), agitator or mixer trucks (up to 5 cubic yards), farm type tractor, tank truck (semi).

GROUP 4 - Low-Boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, mono-rail truck.

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - AREA 1 CONT'D

GROUP 5 - Material checker and receiver, mechanics helpers.

GROUP 6 - Agitator or mixer truck (5 cubic yards and over).

GROUP 7 - Mechanics, euclid, dumpster, turnarocker, ross carriers, athey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

TRUCK DRIVERS AREA 2

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station-wagons, panel trucks.

GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), greasers, washers, tiremen, gas pump attendants, mechanic helpers, material checkers & receivers, tank truck (straight).

GROUP 3 - Dump trucks (5 cubic yards & over), semi-dump trucks, semi-trailer (whether flat, rack or pole and hauled or pushed by truck or tractors), agitators or mixed trucks (up to 5 cubic yards), tank trucks (semi), monorais.

GROUP 4 - Low-boy trailers, winch trucks, fork truck, distributor trucks (front and back end), truck crane, agitators or mixer trucks (5 cubic yards & over), hydraulic tail gate, farm type tractors.

GROUP 5 - Euclids, dumpsters, turnarockers, ross carriers, athey wagons or similar equipment, A-frame, hydrolift, dual purpose trucks.

GROUP 6 - Mechanics.

TRUCK DRIVERS - AREA 3

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, station-wagons, panel trucks, flatboat material truck (straight job), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cubic yards)

GROUP 2 - Tank truck (straight)

GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi trailers (whether flat rack or pole and hauled or pushed by truck or tractors), agitator or mixer trucks (Up to 5 cubic yards), tank truck (semi)

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TRUCK DRIVERS - AREA 3 CONT'D

GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, moni-rail truck.

GROUP 5 - Material checker and receiver, mechanics helpers.

GROUP 6 - Agitator or mixer truck (5 cubic yards and over).

GROUP 7 - Mechanics, tri-axle dump trucks, hydraulic lift tailgate truck and farm type tractors, end dumpsters, turnarockers, ross carriers, athey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

TRUCK DRIVERS - AREA 4

GROUP 1 - Warehouse, yardmen, truck helpers, pick-ups, station-wagons, panel trucks, team 2 - up.

GROUP 2 - Flatbody material (straight jobs), dump trucks (up to 5 cubic yards), matertial checkers, material receivers, team 4 - up, greasers, tiremen and mechanic helpers (truck).

GROUP 3 - Semi-dump truck, semi-trailers (flat rack or pole), low-boys trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards) dump trucks and dumpster (5 to 12 yards).

GROUP 4 - Dump truck, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker, rubber-tired tractor (towing or pushing).

GROUP 5 - Dump truck, agitator or mixer trucks and other hauling equipment (20 yards and over)

GROUP 6 - "A" Frame operator, mechanics (truck).

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TRUCK DRIVERS - AREA 5

GROUP 1 - Flat bed material trucks, dump trucks, semi-dump trucks

GROUP 2 - Tank trucks (straight & semi)

GROUP 3 - Semi-trailers, tractor trailers

GROUP 4 - Pole trailer

GROUP 5 - Agitator & mixer trucks (up to 5 cubic yards)

GROUP 6 - Euclids, dumpsters, turnarocker, ross carriers, athey wagons

GROUP 7 - Agitator & mixer trucks (over 5 cubic yards)

GROUP 8 - Low-boy trailers, winch trucks, ford trucks (front and back end) truck crane.

GROUP 9 - A-Frame

GROUP 10 - Mechanics

TRUCK DRIVERS - AREA 6

GROUP 1 - Warehousemen, yardmen, truck helpers

GROUP 2 - Greasers, washers, tiremen, gas pump attendants, mechanics helpers

GROUP 3 - Flatboy material trucks, dump trucks, semi-trucks

GROUP 4 - Tank trucks (straight & semi)

GROUP 5 - Semi-trailers & tractor trailers

GROUP 6 - Euclids, dumpsters, turnarockers, ross carriers, athey wagons

GROUP 7 - Low-boy trailers, winch trucks, A-frame, fork trucks, distributor (front & back end), truck crane

GROUP 8 - Mechanics

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TRUCK DRIVERS - AREA 7

GROUP 1 - Dumpmen & Flagmen

GROUP 2 - Pick-up trucks, Dump trucks under 5 yard capacity, straight trucks

GROUP 3 - Panel trucks, straight truck with multiple axle, dumpsters under 5 yard capacity, transit mix, dump trucks from 5 to 9 yards capacity, flat body material trucks (straight jobs), greasers, tiremen & mechanic helpers, rubber-tired (towing or pushing flatbody vehicles), & form trucks

GROUP 4 - Dump trucks 10-15 yard capacity

GROUP 5 - Dump trucks over 15 yard capacity, bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, athey wagons, A-frames, mechanics, semi-trailer or tractor trailers, low boy trucks, asphalt distributor trucks, agitator mixer, dumpcretes or batch trucks, specialized earth moving equipment, off highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

AREAS COVERED BY TRUCK DRIVERS

AREA 1 - Boone, Braxton, CLay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Nicholas, Pocahontas, Putnam, Raleigh, Summers, Webster & Wyoming Counties.

AREA 2 - Calhoun, Gilmer, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.

AREA 3 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties

AREA 4 - Barbour, Doddridge, Harrison, Lewis, Marion, Monongalia, Randolph, Taylor, Tucker & Upshur Counties

AREA 5 - Marshall, Ohio & Wetzel Counties

AREA 6 - Brooke & Hancock Counties

AREA 7 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties

[FR Doc. 82-29624 Filed 10-28-82; 8:45 am]

BILLING CODE 4510-27-C

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Welders - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holiday: Christmas Day.

b. Paid Holidays: A through F.

c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Employer contributes $93.17 per month per employee employed 30 days or more.

e. Employer contributes $21.50 per week per employee.

f. Employer contributes $41.16 per month per employee employed 30 days or more.

g. Employer contributes $34.67 per month per employee.

h. Employer contributes $93.17 per month per employee employed 30 days or more.

i. Employer contributes $26.00 per month per employee employed 30 days or more.

j. Employer contributes $60.67 per month per employee employed 30 days or more.

k. Employer contributes $28.50 per month per employee employed 30 days or more.

l. Employer contributes $6.30 per week per employee.

m. Employer contributes $6.00 per week per employee.

n. Employer contributes $26.00 per month per employee employed 30 days or more.

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Friday
October 29, 1982

Part IV

Environmental Protection Agency

Proposed Water Quality Standards and Public Meetings

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 35, 120 and 131

[WH-FRL 2113-3]

Water Quality Standards Regulation

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise and consolidate in a new Part 131 the existing regulations now codified in 40 CFR Parts 120 and 35 that govern the development, review, revision and approval of water quality standards under Section 303 of the Clean Water Act.

The proposed changes reflect experiences gained in the program by both EPA and the States. The changes increase the flexibility of the States to:

- Review and revise, as appropriate, water quality standards on priority water bodies or segments as necessary rather than reviewing all standards statewide every three years;
- set site-specific criteria rather than adopt Section 304(a) criteria guidance;
- remove or modify impaired uses based on analyses of the attainability of the uses and on benefit-cost assessments, if appropriate, rather than maintain use designations which cannot be met.

These changes will enable States to use water quality standards as a pragmatic tool in improving water quality where necessary to protect water uses.

DATES: Written public comments should be submitted to the person listed immediately below by January 27, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. David K. Sabock, Chief, Criteria Branch, Office of Water Regulations and Standards, United States Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, (202) 245-3042.

SUPPLEMENTARY INFORMATION: Information in the preamble is presented in the following order.

A. Introduction
B. Proposed Changes and Clarifications
C. State Water Quality Standards Review Process
D. State/Federal Roles
E. Impact on State Resources
F. Regulatory Impact Analysis
G. List of Subjects in 40 CFR 131

Appendix A: Response to Public Comment on the ANPRM (43 FR 29488, July 10, 1978).

A. Introduction

A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. States adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act (the Act). "Serve the purposes of the Act" (as defined in Sections 101(a)(2) and 303(c) of the Act) means that water quality standards should, "wherever attainable," provide water quality for the protection and propagation of fish, shellfish and wildlife and for recreation in and on the water and take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreation, agricultural and industrial purposes and navigation.

Water quality standards are the foundation of a State's water quality management process. The State water quality management process varies from State to State but the phrase is used here to describe the general mechanism States use to integrate the various activities under the Act into a coherent management framework. Section 106, 205(g), 205(j), 208, 303 and 305 of the Act set out the planning and management activities to be undertaken by States and local governments to establish their water quality goals and standards and to develop programs which will meet those goals. This includes: (1) Setting and revising standards for all water bodies; (2) water monitoring activities upon which water quality based decisions are made, progress evaluated in meeting State goals and the effectiveness of water quality planning and management efforts measured; (3) total maximum daily loads and waste load allocations for each water body that cannot meet water quality standards after point sources are controlled by national municipal and industrial technology based controls; (4) the water quality management plan, certified by the Governor and approved by EPA, which lists the standards, prescribes the regulatory and construction activities necessary to meet the standards and guides the implementation of water pollution control programs; (5) the Continuing Planning Process (CPP) document which outlines the process by which the State will undertake each of these planning and management activities; and (6) the 305(b) report which documents the status of water quality and water pollution control programs of the States.

The U.S. Environmental Protection Agency (EPA) is revising the Water Quality Standards Regulation (40 CFR 35.1550) as part of an overall effort to assist States in improving the management of their water quality programs. Several policy initiatives are incorporated into the revised water quality standards regulation which will serve to improve the water quality standards decision-making process by ensuring that the decisions are based on sufficient data and information, appropriate scientific analyses and open debate and involvement with those affected by the decisions.

States are encouraged to obtain the necessary data and information to: (1) Adequately analyze the attainability of the uses; (2) perform benefit-cost assessments on attaining the uses; and (3) set site-specific criteria. Other State agencies, local and regional governmental entities, industry, and environmental and academic groups which have data and information can assist States in their analyses prior to the public hearing process on the revisions of State water quality standards. The State analyses are to be available at the public hearing so that during the public hearing, interested groups can debate, support and/or challenge the analyses the State used as a basis for any possible revisions to their standards. The changes recommended in the proposed regulation will enable States to use standards as a pragmatic tool in the State water quality management process and as the foundation for water quality-based control programs.

The U.S. Environmental Protection Agency's *Guidelines for State and Areawide Water Quality Management Program Development,* Chapter 5, "Water Quality Standards," November 1976, is rescinded. It will be superseded by the *Water Quality Standards Handbook.* The Handbook will contain the guidance to assist States in implementing their water quality standards program. This guidance will be available before the final regulation is published. Copies of the draft guidance documents may be obtained for review and comment from the individual referenced under "**FOR FURTHER INFORMATION CONTACT**". The documents include:

Water Quality Standards Handbook. All the guidance published by EPA to assist States in implementing their water quality standards program will be included in a handbook so that any future policy or program interpretation may be easily added. The handbook includes:

- *Water-body Surveys and Assessments for Analyzing the Attainability of Uses.* Describes the biological, chemical and physical factors that States may evaluate in determining existing uses of a water body and whether designated uses are attainable based on the characteristics of the water body.

- *Benefit-Cost Assessment in the Water Quality Standards Decision-Making Process.* Outlines alternative analyses States may use in deciding whether the benefits of attaining a use bear a reasoanble relationship to the costs.
- *Setting Site-Specific Criteria.* Outlines methods for setting site-specific criteria to reflect instream conditions.

EPA would appreciate public comment on any aspect of the proposed water quality standards regulation and program, but especially on the options described for the antidegradation policy in section C.6 of this Preamble.

B. Proposed Changes and Clarifications

EPA is proposing the revision to the water quality standards regulation to make fundamental changes in the management of the program. These changes would enable the States to:

- Design a water quality standards program based on priority water quality polluant problems;
- Select the uses and set criteria consistent with meeting the requirements of the Act; and
- Revise uses based on an analysis of the attainability of uses and the costs and benefits of attaining the uses.

The major proposed changes in the water quality standards program include:

1. Focusing on priority water bodies
2. Determining the attainability of uses by:
   a. Analyzing environmental and physical factors impacting the attainment of a use
   b. Assessing the benefits and costs of attaining a use
3. Changing designated uses
4. Providing for varying levels of aquatic protection
5. Developing site-specific criteria
6. Clarifying the antidegradation policy
7. Eliminating provisions relating to national resource waters
8. Recognizing general policies applicable to State water quality standards
9. Specifying elements which EPA will review in approving State water quality standards.

1. Focus on Priority Water Bodies

Existing Provision: "The State shall hold public hearings for the purpose of reviewing water quality standards and shall adopt revisions to water quality standards, as appropriate, at least once every three years * * *" (§ 35.1550(a)).

Proposed Change: To ensure that standards are reviewed in detail, based on adequate data and information, the proposed regulation no longer requires States to review all their water quality standards every three years. Rather, EPA is encouraging States to select priority water quality limited[1] segments for review, as necessary. The selection of these segments, and their review in accordance with this regulation satisfies the requirement in Section 303(c)(1) of the Act that standards be reviewed from time to time (but at least once during each three year period).

Priority water quality areas will be identified in accordance with the revised regulation for water quality management planning (40 CFR Part 130) and guidance for State preparation of Section 305(b) reports. Priority water quality areas will be used for scheduling total maximum daily loads and major permits, as well as developing construction grant priority lists and focusing monitoring, enforcement and reporting efforts. Priorities may include areas where advance treatment and combined sewer overflow funding decisions are pending, major water quality-based permits are scheduled for issuance or renewal, or toxics have been identified or are suspected of precluding a use or are posing an unreasonable risk to human health. In selecting priorities, States should also take into account the "Municipal Wastewater Treatment Construction Grant Amendments of 1981" (Pub. L. 97–117, December 29, 1981). Section 24 of the amendment is intended to ensure that water quality standards influencing construction grant decisions have been reviewed in accordance with Section 303(c) of the Act. It prohibits the issuance of a grant after December, 1984, unless the State has completed its review of the water quality standard for any segments affected by the project grant (see Interim Final Rule 40 CFR 35.2111, 47 FR 20450, May 12, 1982).

To comply with Section 24 on effluent limited segments no further water quality standards review will be needed beyond the determination that the segment is effluent limited. A more comprehensive review will be required for water quality limited segments for which an AT project application is anticipated. The level of review is dependent on particular site-specific conditions. Guidance is available which describes analyses that States may find appropriate in reviewing their water quality standards in detail.

By focusing on high priority water quality limited segments where the costs or benefits of installing controls are significant, States will be able to collect and analyze the data and information necessary to improve their decision-making process. State water quality agencies should work with other State, Federal, areawide and local planning agencies and the private sector to assist in assembling the data and in performing the analyses. Since the review of standards will be a continuous process, EPA and the States should cooperatively develop a list of priority water quality limited segments which will be reviewed in the coming year. Such annual plans will enable EPA to assist States more effectively in revising their standards.

2. Use Attainability

Existing Provision: Under § 35.1550(b) and (c) of the existing regulation:

> The water quality standards of the State shall:
>
> (1) Protect the public health or welfare, enhance the quality of water and serve the purposes of the Act;
>
> (2) Specify appropriate water uses to be achieved and protected, taking into consideration the use and value of water for public water supplies, propagation of fish, shellfish, and wildlife, recreation purposes, and agricultural, industrial, and other purposes, and also taking into consideration their use and value for navigation * * *
>
> In reviewing and revising its water quality standards, the State shall adhere to the following principles:
>
> (1) The State shall establish water quality standards which will result in the achievement of the national water quality goal specified in section 101(a)(2) of the Act, wherever attainable. In determining whether such standards are attainable for any particular segment, the State should take into consideration environmental, technological, social, economic, and institutional factors.
>
> (2) The State shall maintain those water uses which are currently being attained. Where existing water quality standards specify designated water uses less than those which are presently being achieved, the State shall upgrade its standards to reflect the uses actually being attained.
>
> (3) At a minimum, the State shall maintain those water uses which are currently designated in water quality standards, effective as of the date of these regulations or as subsequently modified * * *. The State may establish less restrictive uses than those contained in existing water quality standards, however, only where the State can demonstrate that:
>
> (i) The existing designated use is not attainable because of natural background;

---

[1] Water quality limited segment means any segment where it is known that water quality does not meet applicable water quality standards, and/or is not expected to meet applicable water quality standards, even after the application of the technology-based effluent limitations required by sections 301(b)(1) and (2) of the Act.

(ii) The existing designated use is not attainable because of irretrievable man-induced conditions;

(iii) Application of effluent limitations for existing sources more stringent than those required pursuant to section 301(b)(2)(A) and (B) of the Act in order to attain the existing designed use would result in substantial and widespread economic impact.

(4) The State shall take into consideration the water quality standards of downstream waters and shall assure that its water quality standards provide for the attainment of the water quality standards of downstream waters."

Proposed Change: Since passage of the Water Quality Act of 1965 (Pub. L. 89–234) water quality standards were set to provide for the protection and propagation of fish, shellfish and wildlife, and recreation in and on the water, often without adequate analysis as to whether these uses were attainable. Agricultural or industrial purposes or navigation, which may have been more appropriate as the principal use, where usually rejected as not meeting the requirements of the Act. As a result, some standards reflecting unreasonable stream uses were adopted which either forced overly stringent and costly treatment controls or were simply ignored in the implementation of water pollution control programs.

Because legitimate factors may effectively prevent a use from being met, EPA recommends that States justify changes in the use designations by analyzing the attainability of uses (see proposed section 40 CFR 131.11(a) and (b)). These particular analyses are optional. However, some type of adequate analysis must be submitted to support revisions to standards. EPA believes that the information generated by the suggested analyses, and the involvement of the public in providing data for the analyses, will enable States to improve their decision-making process.

Analyzing the attainability of uses is a multi-step, but not necessarily complex, process for determining whether impaired uses are attainable and for determining other appropriate uses of a particular water body. For a discussion of the context in which the analyses would be used, see section C, State Water Quality Standards Review Process.

(a) Use Attainability Analysis (Environmental and Physical Factors)

The term "use attainability analysis" refers to a scientific analysis of factors which determine the suitability of the water body for a particular use. These factors include the physical, chemical, and biological characteristics of the water body, its geographic setting, scenic qualities, and current uses.

With the completion of effluent guidelines and the application of technology-based controls, EPA is now emphasizing the implementation of the water quality based approach to pollution control. The water quality based approach to pollution control. The water quality based approach will allow States to focus on their priority water bodies and, when necessary, to provide adequate water quality protection beyond what will be achieved through technology-based control. In implementing a water quality approach, the use attainability analysis is a key analysis.

The proposed regulation (§ 131.10(d) and (i)(2) and (3)) prohibits States from modifying or reclassifying designated uses if they can be attained by implementing technology-based controls and cost-effective and reasonable best management practices (BMP's) for the control of nonpoint sources.

If adequate data are available to conduct a use attainability analysis, an intensive survey of the water body is not necessary. If adequate data are not available, a water body survey will assist States in pinpointing the water quality problems and in determining present uses, uses impaired and the reasons the uses are impaired. The use attainability analysis should be sufficiently detailed to answer the following questions:

1. *What is the use to be protected?* How is it characterized in physical, chemical and biological terms, and in terms of its social or economic value?

2. *To what extent does pollution contribute to the impairment of the use?* Which pollutants are significant in terms of impairing the use? To what extent does water quality affect the use relative to other non-water quality factors such as flow, and the physical habitat? What level of in-stream water quality must be maintained to provide adequate protection for the use given the characteristics of the use?

3. *What is the level of point source pollution control necessary to restore or enhance the use?* What are the pollutants of significance that are present in the point source discharges? What is the contribution of point map source discharges relative to background levels (pollutants in the stream from upstream sources) and relative to nonpoint sources generated in the water body. What is the allowable pollution load from point sources under specified in stream flow conditions in the water body and how does that translate to permit requirements? What is the plan?

4. *What is the level of nonpoint source pollution control necessary to restore or enhance the use?* What are the nonpoint source pollutants of significance that are present? What is the contribution of nonpoint sources relative to background levels and point sources? Does the occurrence of nonpoint sources contribute to the impairment of the use? Is it significant? What is the "feasible" level of control of nonpoint sources? What is the plan?

Experience indicates that defining the problem is neither an easy process nor, in all cases, a simple scientific exercise. Rather, problem definition requires debate and consensus building among all interested and affected organizations and individuals.

(b) Benefit-Cost Assessment

Although there are no universally accepted methods of quantifying or placing a dollar value on direct and indirect benefits or costs, the water quality standards decision-making process by its very nature includes an assessment of the benefits and costs of meeting the standard. Water quality management plans, peer review of the scientific analyses of the attainability of uses or the appropriateness of criteria, and public debate of the decisions provide the responsible State rulemaking body with the information it needs to weigh and balance the tangible and intangible benefits and costs of its standards decision.

This proposed regulation advocates a structured exercise to identify and evaluate the incremental impact of the standards decision. It is difficult to generalize on the level of precision and detail appropriate for any site-specific, benfit-cost assessment. However, the more costly and controversial the potential impacts of a standards decision, the more comprehensive the analyses of the benefits and costs will need to be. The analysis should be sufficiently detailed to identify and display all significant impacts, the sensitivity of key assumptions, variables, and risk and uncertainty of attaining a designated use, to serve as a basis for the rulemaking body to determine that there is (or is not) a reasonable relationship between the incremental costs and resulting incremental benefits.

Guidance will be available to assist the States in conducting the benefit-cost assessment. A number of methodologies and approaches will be presented for States to consider in identifying and, to the maximum extent practicable, quantifying the benefits and the costs. All significant impacts (benefits or costs) of attaining the standard whether quantifiable or not are identified. Some impacts, even though they cannot be quantified may be crucial to the decision.

If the State conducts a use attainability analysis and benefit-cost assessment, these analyses should be available to the public and EPA. This will stimulate open debate and scrutiny of the findings among scientific peer groups and will ensure an understanding of the changes in uses the State is recommending. Such discussions should enable the State to make more informed decisions on proposed water quality standards revisions and enable EPA to adequately review the appropriateness of the revisions.

3. Types of Changes to Designated Uses

Existing Provision: The terms "downgrading" and "upgrading" and alternatives to removing a use in a State's water quality standard were part of the U.S. Environmental Protection Agency's *Guidelines for State and Areawide Water Quality Management Program Development*, Chapter 5, "Water Quality Standards," November, 1976, rather than the existing regulation.[2]

Proposed Change: The terms "downgrading" and "upgrading" cannoted "higher" and "lower" uses. However, there is no accepted hierarchy of uses. There has also been confusion over what constitutes a downgrading.

The proposed regulation establishes new terminology to describe changes in uses. The proposed regulation replaces "upgrading" and "downgrading" with "adding", "removing", and "modifying" use designations. These terms are used to clarify the types of changes that are allowed. "Adding" or "removing" a use designation refers to identifying different uses for a waterbody or segment consistent with meeting the goals of the Act. "Modifying" a use refers to keeping the same general classification such as aquatic protection but changing the designation, for example, from a cold water fishery to a warm water fishery.

The regulation also encourages States to consider steps short of removing a use entirely. States are encouraged to adopt seasonal uses (see § 131.10(g)), where applicable, for uses that are attainable only during certain times of the year. For example, certain intermittent streams or wetlands may lack adequate water to support aquatic life year round but could serve as spawning grounds during spring runoff.

The proposed regulation allows States to modify or reclassify a use, which is not an existing use as defined in the regulation, (see § 131.2) if attaining the use is not feasible because (see § 131.10(h)):

- naturally occurring pollutant concentrations prevent the attainment of the use;
- natural, ephemeral, intermittent or low flow conditions or water levels prevent the propagation or survival of fish and other aquatic life. These natural conditions may be compensated for by the discharge of sufficient volume of effluent discharges to enable uses to be met;
- human caused conditions or sources of pollution exist which cannot be remedied or would cause more environmental damage to correct than to leave in place;
- dams, diversions or other types of hydrologic modifications interfere with the attainment of the use, and it is not feasible to restore the water body to its original condition or to operate such modification in a way that will maintain the use;
- physical conditions unrelated to water quality preclude attainment of the use; or
- benefits of attaining the use do not bear a reasonable relationship to the costs.

States may *not* modify or reclassify designated uses if (see§ 131.10(i)):

- They are existing uses unless uses requiring more stringent criteria are added;
- uses will be attained by implementing the effluent limits required under Section 301(b)(1) and (2) of the Act (including modifications under Section 301(c) of the Act);
- uses will be attained by implementing cost-effective and reasonable best management practices for nonpoint source controls; or
- the revision is based on anticipated growth;[3] or
- the revision would result directly or indirectly in impairment of downstream uses.

4. Levels of Aquatic Protection

Existing Provision: Beyond the general references to various stream uses referred to in 40 CFR 35.1550(b) and (c), no explicit references exist that define levels of protection within the aquatic protection use category. (Level of protection refers to the impact on propagation, growth, survival, and diversity of species, relative to various water quality criteria levels for a water body). However, subcategories of the aquatic protection use have evolved as both the States and EPA recognized that aquatic protection could range from providing for the survival of pollutant-tolerant fish to providing high quality trout streams. These sub-categories may include warm water and cold water fisheries, fish survival, fish passage, and put-and-take fisheries.

Proposed Change: Section 130.10(b) of the proposed regulation expressly provides States the opportunity to define subcategories of aquatic protection uses which reflect different levels of protection.

Subcategories will reflect the expected effects of various criteria levels on the growth, propagation, and diversity of fish and aquatic life. In describing the various effects on the aquatic community, the State may look at existing data bases, such as the Section 304(a) criteria guidance, to determine if the resident species in the particular waterway might experience adverse growth or reproductive effects. This evaluation can be matched against the various treatment levels and costs. This information may then be considered in public forums to reach decisions that balance costs against levels of protection in setting stream uses and criteria.

The information available from water quality management plans, the use attainability analysis, the benefit-cost assessments and EPA's criteria guidance can be used in identifying specific levels of protection. In future criteria development, EPA will attempt to provide more information as an aid to States in more precisely correlating instream pollutant concentrations with biological characteristics as they relate to fishery classifications.

Presently, a number of States have defined subcategories of aquatic protection or are considering doing so. For example, Pennsylvania has 6 different dissolved oxygen levels which may be applied to any one of 7 aquatic protection uses which are generally based on a cold water, warm water division. Montana has defined criteria for 4 different kinds of trout streams, in addition to other aquatic protection uses. Oklahoma has specific uses designated for protection of smallmouth bass and a put-and-take trout fishery. Criteria for these uses differ from the basic aquatic protection uses.

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[2] This publication has been rescinded.

[3] The provision precluding the modification of a stream use based on anticipated growth is consistent with the proposed antidegradation policy. In Section 6 of the Preamble, "Antidegradation and Maintenance of Existing Uses," the Agency describes alternative antidegradation policies. This provision on economic growth may change depending on the antidegradation policy the Agency finally promulgates. The reader is specifically requested to comment on the alternatives discussed in Section 6.

Wisconsin is currently considering a stream use classification system involving 5 use classes (all related to aquatic protection), which places common fish species by name into the different use classes. The application of seasonal uses, as described in an earlier section, is another way to provide varying levels of protection.

5. Developing Site-Specific Criteria

Existing Provision

Other than indicating that States are to specify criteria necessary to support designated water uses, the existing regulation does not reference acceptable methods for developing site-specific criteria. Under Section 304(a) of the Act, EPA develops and publishes guidance on surface water quality criteria, which are quantitative or qualitative estimates of acceptable concentrations or conditions of water constituents or pollutants in ambient waters. The guidance reflects the latest scientific knowledge of the identifiable effects of each pollutant on public health and welfare, aquatic life, and recreation.

Between July 10, 1978, and November 28, 1980, EPA operated under the policy of presumptive applicability. Presumptive applicability meant that the State had to adopt a criterion for a particular water quality parameter at least as stringent as the Section 304(a) criteria recommendation unless the State was able to justify a less stringent criterion. Little guidance was provided to States to assist them in modifying criteria based on site-specific local conditions and few modifications were in fact accepted.

Proposed Change: The Section 304(a) criteria published by EPA are *not rules and have no direct regulatory impact.* EPA *rescinded* the policy of presumptive applicability on November 28, 1980 (45 FR 79320). The proposed regulation reemphasizes States' flexibility in setting or revising criteria.

The proposed regulation encourages States to develop site-specific criteria to reflect local conditions. The Section 304(a) laboratory-derived criteria may not accurately reflect the toxicity of a pollutant because of the effect of local water quality characteristics or varying sensitivities of local aquatic communities. In other cases, adaptive processes may enable a viable, balanced aquatic community to exist in water with high natural background levels of certain pollutants. Similarly, certain compounds may be more or less toxic in some waters becasue of differences in temperature, hardness, and other parameters. Developing site-specific criteria is a method of taking local conditions into account. This determination ensures that criteria will be adequate to protect the designated use and that they will not be more stringent than needed.

There are water bodies that support the designated uses even though the Section 304(a) numerical criteria included in the State's standard are exceeded. EPA believes that if, after surveying the water body, States determine that the water conditions are acceptable for the use even though the criteria are exceeded, States should be able to modify the criteria. Such changes should be justified based on acceptable scientific procedures that reflect actual instream levels and should be submitted to EPA for review and approval.

6. Antidegradation and Maintenance of Existing Uses

Existing Provision (Section 40 CFR 35.1550(e))

"The State shall develop and adopt a Statewide antidegradation policy and identify the methods for implementing such policy * * * The antidegradation policy and implementation methods shall, at a minimum, be consistent with the following:

(1) Existing instream water uses shall be maintained and protected. No further water quality degradation which would interfere with or become injurious to existing instream water uses is allowable.

(2) Existing high quality waters which exceed those levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water shall be maintained and protected unless the State chooses, after full satisfaction of the intergovernmental coordination and public participation provisions of the State's continuing planning process, to allow lower water quality as a result of necessary and justifiable economic or social development. In no event, however, may degradation of water quality interfere with or become injurious to existing instream water uses * * * Further, the State shall assure that there shall be achieved the highest statutory and regulatory requirements for all new and existing point sources and feasible management or regulatory programs pursuant to section 208 of the Act for nonpoint sources both existing and proposed."

Proposed Change: Ever since the antidegradation policy initiative was first developed in 1968, the question of the impact of that policy on economic growth has been debated. EPA is soliciting comments on the antidegradation policy alternatives described below and is requesting specific information on any instance where the existing antidegradation policy may preclude or constrain economic growth and development. The Agency will carefully consider these responses in formulating its final position.

The selection of a policy is important, not only as it relates to questions of growth, but as it relates to EPA's role in: (a) Satisfying the Clean Water Act's requirement that water quality standards "* * * enhance the quality of water * * *," and (b) meeting the objective of the Act to "* * * restore an maintain the chemical, physical, and biological integrity of the nation's waters."

The proposed regulation is based on limiting the mandatory antidegradation policy to the protection and maintenance of existing uses (see § 131.10(c)). Once a State determines that a use is being attained, that use cannot be changed to a use requiring less stringent criteria. However, States may designate additional uses for the water body or segment. Dischargers must be controlled to the extent necessary to ensure the maintenance of the use requiring the most stringent criteria.

The emphasis in this proposal is on the *use*, not individual water quality parameters which might, in any particular water body, be higher than necessary to protect the existing use. For example, if a stream was meeting a warmwater fishery use which included a criterion of 5.0 mg/l for dissolved oxygen (D.O.), and the in-stream concentration of D.O. was 7.0, the proposed policy would allow additional discharges to the stream until the in-stream D.O. level decreased to 5.0 mg/l—but not less than that. No public participation requirements would be involved in the lowering of the in-stream D.O. level because there would be no change in the water quality standard.

This policy, if finally adopted by the Agency, would mean that once a use has been met, it must continue to be met regardless of any future growth or development (including plant expansion) that might occur.

Option two retains the existing antidegradation policy (40 CFR 35.1550(e)(2)), except for provisions related to outstanding National resource waters.[4] This option restricts changes in the quality of existing high quality waters (e.g. those waters whose quality exceed levels necessary to support fish, shellfish, and wildlife and recreation in and on the water) even if the existing use would still be protected. The quality of these waters would be maintained and protected unless the State chooses, after full satisfaction of the public participation provisions of the State's continuing planning process, this regulation and EPA's public participation requirements (40 CFR Part 25) to allow lower water quality as a result of necessary and justifiable economic or social development. In no event, however, would degradation of water quality be allowed to interfere with or become injurious to existing in-stream water uses.

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[4] See Discussion on Outstanding National Resource Waters, Section 7 of the Preamble.

The difference between this option and the one proposed lies in the requirement for full satisfaction of public participation provisions of State and Federal law before any change in high quality waters may occur. This position is grounded on the concern that there may be risks involved in lowering water quality because the calculations upon which the various pollutant levels and their effects are based may not be sufficiently precise to assure that lowering water quality will, in fact, allow the use to continue to be attained. This option requires States to go through a public decisionmaking process before lowering water quality.

Option three offered for consideration is to allow changes in existing uses if maintaining that use would effectively prevent any future growth in the community or if the benefits of maintaining the use do not bear a reasonable relationship to its costs. Such a modification of the water quality standard would be granted only after full satisfaction of public participation provisions of State's continuing planning process, this regulation and EPA's public participation requirements (40 CFR Part 25) and demonstration that the technology-based requirements of the Act, those included in 301(c) waivers, and cost-effective and reasonable best management practices have been implemented. States, under their own legal and administrative procedures, could adopt an antidegradation policy of their own choosing but this would not be required.

This option would provide States with the flexibility to change or modify an existing stream use to uses requiring either more or less stringent criteria. It enables a State to exchange an existing stream use for economic growth and development. Under this option, the States would still have to meet the general provisions applicable to changing or modifying uses listed in Subpart B of the proposed rule (other than the growth restriction), and industries and municipalities would still have to meet the minimum technology-based treatment requirements listed in the Act.

The following table contrasts the differing provisions of the antidegradation policy alternatives.

TABLE 1.—ANTIDEGRADATION OPTIONS

	Existing policy	Option 1 (proposed policy)	Option 2	Option 3
Existing Use *must* be maintained	Yes	Yes	Yes	No
High Quality waters *must* be maintained	No	No	No	No
Public participation required to lower high quality waters	Yes	No	Yes	No
Public participaton required to change water quality standard	Yes	Yes	Yes	Yes
Provision for Outstanding National Resources Waters	Yes	No	No	No
Treatment requirements set by Act must be met	Yes	Yes	Yes	Yes

7. Protection of Outstanding National Resource Waters

Existing Provision: Section 40 CFR 35.1550(e)(2) of the regulation provided for special designations to protect outstanding national resource waters.

Change: The revised regulation eliminates this provision because the Clean Water Act does not provide for special designations of national resource waters. However, under Section 510 of the Act, States may include special designations in their water quality standards to preserve the characteristics of outstanding or unique resource waters such as swamps, parks or wildlife refuges.

8. General Policies

Existing Provision: The existing regulation does not recognize general policies applicable to State's water quality standards.

Proposed Change: EPA encourages the adoption of statewide policies applicable to a State's water quality standards. Section 40 CFR 131.13 of the proposed regulation identifies some of the policies that are generally applicable to a State's water quality standards program such as policies on mixing zones, variances, and low flow exemptions.

9. Review and Approval

Existing Provision: "The Regional Administrator shall approve or disapprove any proposed revisions of water quality standards in accordance with the provisions of section 303(c)(2) of the Act" (section 40 CFR 35.1550(a)).

Proposed Change: In the past, EPA's regulations and guidance did not always describe the type of analyses that would support changes in uses or criteria. Therefore, the review and approval process frequently involved delay, uncertainty and requests for additional information between individual dischargers, States, EPA Regions, and EPA Headquarters. The proposed regulation attempts to define what information must be submitted, the review of State standards-setting decisions (Sections 40 CFR 131.4, 131.21, and 131.22) and encourages consultation prior to formal review by EPA (Section 131.21(b)).

Conducting the recommended analyses and consulting in advance with EPA should expedite EPA's review and approval of State water quality standards revisions.

The proposed regulation also stresses that EPA is subject to the same requirements in promulgating standards as States are in adopting standards.

C. State Water Quality Standards Review and Revision Process

1. Introduction

This discussion of the State water quality standards review and revision process incorporates the changes embodied in the proposed water quality standards regulation. This process is included in this Preamble to: (1) Clarify how the changes in the standards program would affect the State's review process and (2) provide the context in which the use attainability analyses and benefit-cost assessments would be made. The discussion does not deal with all of the administrative and legal procedures necessary for State adoption and EPA review and approval of State standards.

Section 303(c) of the Clean Water Act requires States to review and revise, if necessary, their standards at least once every three years. EPA is encouraging States to review standards on priority stream segments, rather than conduct a statewide review of all standards every three years. However, under the "Municipal Wastewater Treatment Construction Grant Amendments of 1981" (Pub. L. 97-117) before EPA may make a construction grant after 1984, a State must have reviewed the water quality standards for any segment affected by the project for which the grant is sought. By focusing on priority segments States should be able to apply their resources more efficiently to better analyze their water quality standards.

The process is outlined in Figure 1. Implementation of the water quality standards review and revision process is not a routine, step-by-step procedure. In actual practice, the process is iterative, as adjustments in uses, criteria, wasteload allocation strategies, effluent limits and permits are made and the results predicted or observed. Since the various parts of the process are interrelated, no clean demarcation exists between the end of one task and the beginning of another. For example, data gathered as part of the water body surveys and assessments can be used to set site specific criteria and conduct the use attainability analyses and wasteload allocations. Water quality problems vary as do the data available. Previous standard-setting actions, the resources available to the State to conduct the analyses and the priority the State assigns to a problem also influence the process. The amount of information needed, the sophistication of the analyses, and the timing and sequencing of the steps in the process will depend on the situation. The process relies heavily on common sense and practical application of limited resources. Not every step of this process is necessary for every water quality standard review.

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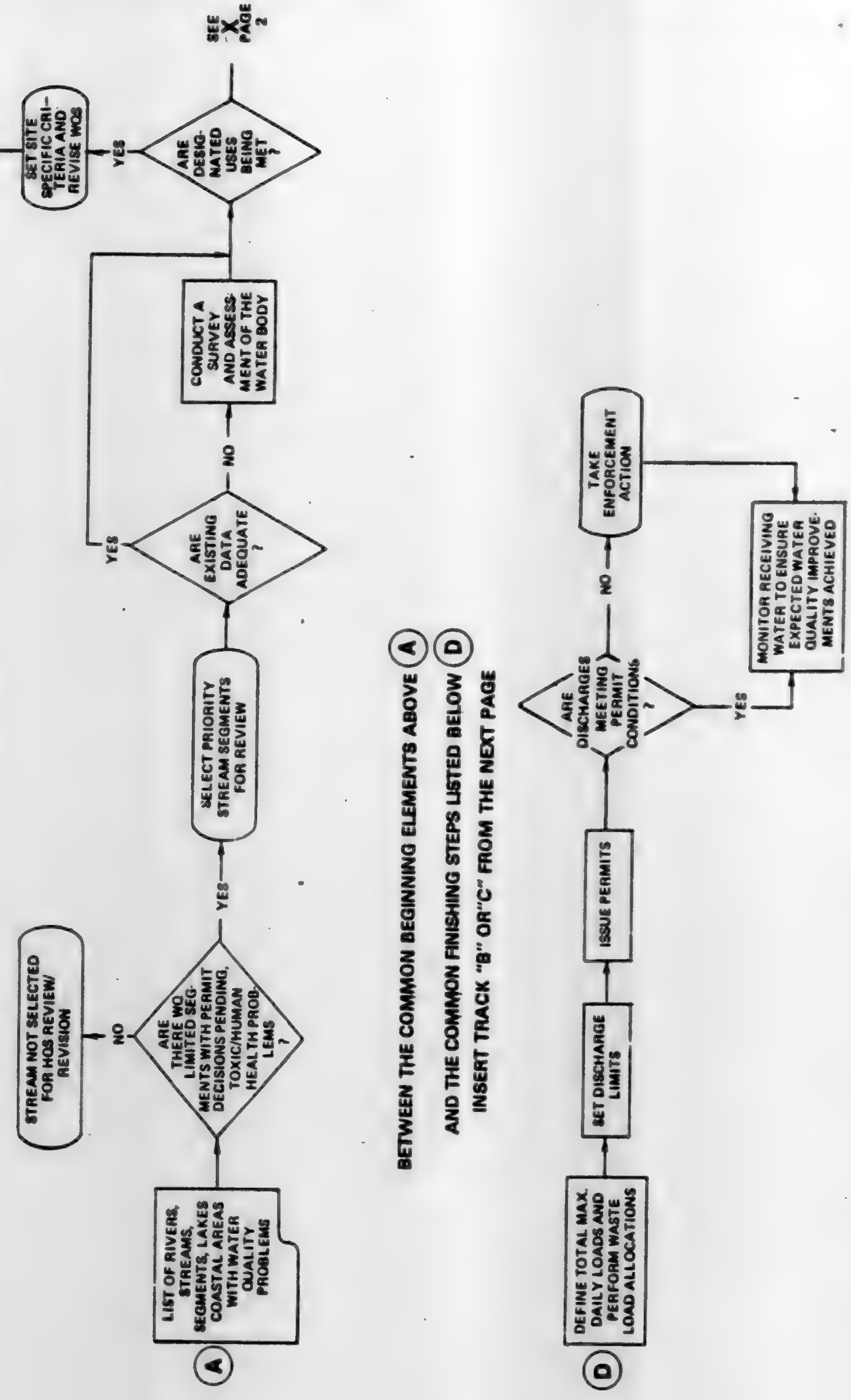
FIGURE 1

WATER QUALITY STANDARDS REVIEW AND REVISION PROCESS


A
LIST OF RIVERS, STREAMS, SEGMENTS, LAKES COASTAL AREAS WITH WATER QUALITY PROBLEMS
ARE THERE WQ LIMITED SEGMENTS WITH PERMIT DECISIONS PENDING, TOXIC/HUMAN HEALTH PROBLEMS ?
NO
STREAM NOT SELECTED FOR HQS REVIEW/ REVISION
YES
SELECT PRIORITY STREAM SEGMENTS FOR REVIEW
ARE EXISTING DATA ADEQUATE ?
YES
NO
CONDUCT A SURVEY AND ASSESSMENT OF THE WATER BODY
ARE DESIGNATED USES BEING MET ?
YES
SET SITE SPECIFIC CRITERIA AND REVISE WQS
B
SEE X PAGE 2
D
DEFINE TOTAL MAX. DAILY LOADS AND PERFORM WASTE LOAD ALLOCATIONS
SET DISCHARGE LIMITS
ISSUE PERMITS
ARE DISCHARGES MEETING PERMIT CONDITIONS ?
NO
TAKE ENFORCEMENT ACTION
YES
MONITOR RECEIVING WATER TO ENSURE EXPECTED WATER QUALITY IMPROVEMENTS ACHIEVED

BETWEEN THE COMMON BEGINNING ELEMENTS ABOVE Ⓐ

AND THE COMMON FINISHING STEPS LISTED BELOW Ⓓ

INSERT TRACK "B" OR "C" FROM THE NEXT PAGE

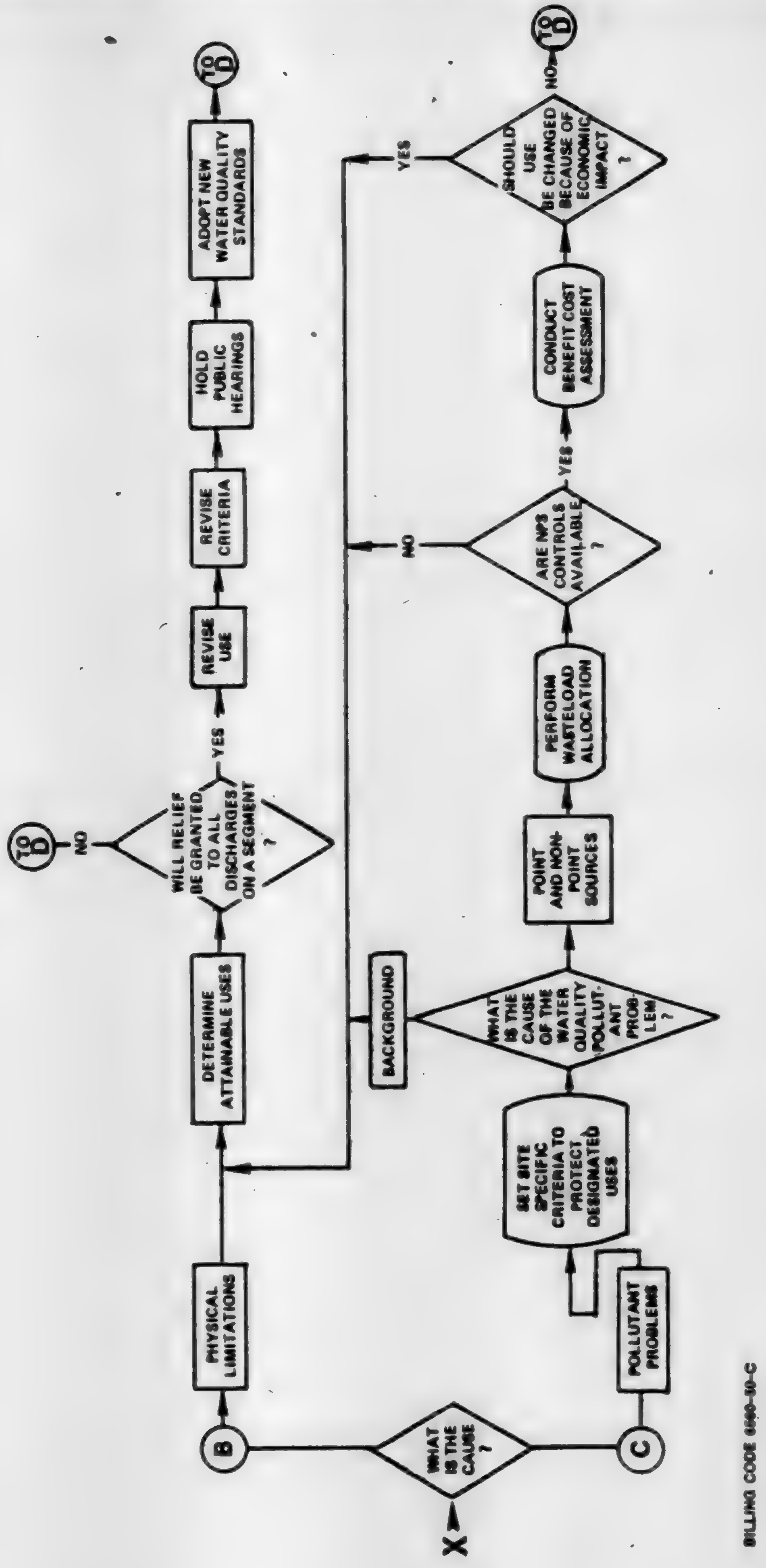

X
WHAT IS THE CAUSE ?
B
C
PHYSICAL LIMITATIONS
POLLUTANT PROBLEMS
DETERMINE ATTAINABLE USES
SET SITE SPECIFIC CRITERIA TO PROTECT DESIGNATED USES
BACKGROUND
WHAT IS THE CAUSE OF THE WATER QUALITY POLLUTANT PROBLEM ?
WILL RELIEF BE GRANTED TO ALL DISCHARGES ON A SEGMENT ?
NO
TO D
YES
POINT AND NON-POINT SOURCES
PERFORM WASTELOAD ALLOCATION
REVISE USE
REVISE CRITERIA
ARE NPS CONTROLS AVAILABLE ?
NO
YES
HOLD PUBLIC HEARINGS
CONDUCT BENEFIT COST ASSESSMENT
ADOPT NEW WATER QUALITY STANDARDS
TO D
SHOULD USE BE CHANGED BECAUSE OF ECONOMIC IMPACT ?
YES
NO
TO D

FIGURE 1 (continued)

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2. Process

This section describes the steps shown in Figure 1.

List Rivers, Streams, Segments, Lakes or Coastal Areas With Water Quality Problems and Pollutants of Concern (Known or Expected)

States know the location of their water pollution problems and frequently list the segments in order of priority in State water quality reports issued biennially under Section 305(b). Water quality problems are most frequently expressed in terms of impacts on the biota of the water body, restricted uses, and the extent and frequency of water quality criteria violations.

Select Priority Water Quality Limited Stream Segments for Water Quality Standards Review

Water quality standards should be revised only where a need exists, given the limited resources available. Section 303(d) of the Act requires States to identify those waters which cannot meet water quality standards with effluent limitations required by Section 301(b)(1) and (2) and to establish a priority ranking for those waters. In addition, States are to set total maximum daily loads (TMDLs) for pollutants in these waters. Under Section 303(e), States are to have a continuing planning process which results in plans to comply with the TMDLs and new or revised water quality standards.

EPA is recommending that States select for standards review those water quality limited segments on which there are advanced treatment (AT) and combined sewer overflow (CSO) funding decisions pending, major permit revisions are scheduled or toxics have been identified or are suspected of precluding a use. States may select other criteria for determining which segments will be reviewed, such as human health problems, court orders, or costs or economic impacts of implementing the existing water quality standards. A public hearing or meeting is a mechanism for obtaining public input to and public comment on the segments selected for review.

Conduct Water Body Surveys and Assessments

An intensive survey of the water body is not necessary if adequate data are available. The purpose of the survey is to pinpoint the problem and to characterize present uses, uses precluded and the reasons for the uses being precluded. The survey includes measurements of the physical, chemical, and biological characteristics of the water body, the identification of present uses, and an assessment of its biological integrity.

The "biological integrity" of the water is evaluated to determine whether a healthy, balanced ecological community exists. A healthy, balanced community exhibits characteristics: (1) Similar to those of nearby, healthy communities existing under comparable but unpolluted environmental conditions, or (2) which might reasonably be expected to become re-established in the polluted water body segment from adjacent waters if sources of pollution were removed or substantially reduced.

The characteristics examined in determining whether a balanced community exists may include: species composition, abundance, dominance, and diversity; spatial/temporal distribution, growth and reproduction of populations; disease frequency; trophic structure and productivity patterns; presence of opportunistic species; and the occurrence of mass mortalities.

If the results of the survey show that the biological conditions are acceptable for the use and that the water is, in fact, being used for the designated purposes, although monitoring data show criteria continue to be exceeded, it is recommended that the State modify the water quality standard by revising the criteria to reflect actual instream concentrations under varying seasonal conditions. This will avoid overly restrictive regulatory requirements on dischargers and the construction of unneeded and costly AT facilities.

Review the Cause of Uses Not Being Met

If the survey indicates that designated uses are impaired, the next step is to determine the cause. In many situations, both physical conditions and the presence of water pollutants prevent the water body from meeting its designed use. However, for simplicity, physical limitations of the water body have been separated from water quality pollutant problems in this discussion. Physical limitations of the water body refer to such factors as depth, flow, turbulence or structures such as dams which may make swimming, boating or certain kinds of fishing unsuitable as a use.

If uses are precluded because of physical limitations of the water body, the State would follow track (B) in Figure 1.

Determine Attainable Uses

Under track B, because the uses are precluded due to physical limitations of the water map body, the next step in the process is to select other appropriate uses for the water map body by evaluating the suitability of the water body for particular uses.

Consideration of the suitability of the water body to attain a use is an integral part of the water quality standards review and revision process. The suitability of the water body to attain a use depends on the physical, chemical, and biological characteristics of the waterbody, its geographic setting and scenic qualities and the socio-economic and cultural characteristics of the surrounding area. Suitability also depends, to a great extend, on the professional judgment of the evaluators. It is primarily the responsibility of the evaluators to determine what types of uses are attainable in the absence of physical impediments or pollution. The question of whether the use is worth attaining is considered later in the process.

In determining appropriate uses for the water body, States should take into consideration (1) the use and value of the water for public water supplies, propagation of fish and wildlife, recreation, agricultural and industrial purposes and navigation and (2) the water quality goal of the Act, which is to provide for the protection and propagation of fish, shellfish and wildlife and recreation in and on the water, wherever attainable. The detail and scope of the analysis should be tailored to the individual situation. A complete analysis does not need to be conducted for every water body.

To determine whether a use is attainable, existing conditions are compared with the criteria or conditions necessary to meet the designated use. Designated uses may be impaired because of physical limitations of the waterbody or irreversible natural or man-induced background pollutant levels. Thus, swimming may be unattainable because the shallowness of the water body prevents the physical act of swimming. A particular type of fishery may be impossible for a body of water because the natural water temperature is too high.

If the designated uses or the potential uses identified can be achieved by installing the required Section 301(b)(1) and (2) effluent controls or cost-effective and reasonable best management practices for nonpoint source control, the use should be considered appropriate and maintained in the water quality standard. However, if treatment more stringent than the required technology-based effluent limitations is necessary to attain the use of best management practices have not been included in a water quality management plan, further analyses should be made to determine the benefits of attaining the use as compared to the costs of attaining the use.

Revise Use, Revise Criteria and Adopt a New Water Quality Standard for the Stream Segment

If a change in the designated use is warranted because of physical limitations of the water body, States may modify the use now assigned. In doing so, the State should designate a use or a level of aquatic protection which can be supported given the physical limitations of the water body. Or, a State may designate the use on a seasonal basis. Seasonal use designations may be appropriate for streams that lack adequate water volume to support aquatic life year-round, but can be used for spawning during higher flow periods.

Every change in use designations must always be accompanied by consideration of the need for a change in criteria. If a use is removed, the criteria to protect that use may be deleted or revised to assure protection of the remaining uses. If a use is added, water quality criteria must be adopted by the State to protect the use.

Prior to revising the standard and submitting the revision to EPA, the State must hold a public hearing. The public hearing provides an opportunity for a debate of the use attainability analysis that the State has performed and its determination that the use is not attainable.

The revised water quality standard is used as the basis for setting enforceable discharge limits in permits. To complete the process, track (D) in Figure 1 briefly outlines the steps which include: (1) Defining total maximum daily loads and performing a waste load allocation to determine the amount of pollutant load reduction among dischargers necessary to meet the revised standard; (2) setting the discharge limits and issuing permits, (3) taking enforcement action, if necessary, to ensure permit conditions are met, and (4) monitoring water quality to ensure water quality improvements are achieved.

Uses Precluded Because of Water Quality Problems

If uses are not being met because of water pollution problems, a more involved process is required. This is outlined in Figure 1 by track (C). The first step in the process is to determine the cause of the violation. As explained above, when background levels of pollutants, whether natural or man-induced, are irreversible and criteria cannot be met, States should evaluate the suitability of the uses to determine other more appropriate uses for the water body. If the cause of the water quality problem is pollution from point or nonpoint sources, States should first review the criteria to determine if the criteria for the designated uses are appropriate for the site or need to be modified.

Develop Site-Specific Criteria

Developing site-specific criteria is an important component of the water quality standards revision process. EPA is developing and testing a scientifically acceptable procedure for setting pollutant concentrations that will protect the designated uses based on local environmental conditions.

There are two methods for developing site-specific criteria. The first is based on the fact that criteria may differ because of the differences in overall sensitivities of different populations of aquatic organisms toward pollutants. The second method recognizes that overall water quality or water chemistry has a large impact on the toxicity or bioavailability of pollutants toward aquatic organisms. (See the discussion in Section B–5 of this Preamble for a more complete description of developing site-specific criteria).

After the criteria are developed, the revised criteria are incorporated into the standard and used in the wasteload allocation process for setting discharge limits and in issuing permits.

Determine Total Maximum Daily Loads and Perform Wasteload Allocations

When the Section 301(b) (1) and (2) technology based limitations and nonpoint source controls are not sufficient to protect the attainable designated use, the Clean Water Act requires the development of more stringent limitations if water quality standards are to be retained. EPA is encouraging States to review in detail those segments where more stringent effluent limitations are necessary to assure that the standards are reasonable.

These more stringent limitations are generally developed as part of the total maximum daily load and wasteload allocation processes required under sections 303(d) and 303(e)(3)(A) of the Act. These sections require States to identify waters requiring more stringent effluent limitations, set priorities for calculating total maximum daily loads and submit them to the Administrator for approval. Total maximum daily loads of pollutants are set to meet water quality standards. The wasteload allocation involves: (1) Identifying the pollutant sources and their loadings, (2) applying mathematical models and other techniques that predict the amount of load reduction necessary to achieve the water quality standards, and (3) allocating the necessary load reduction among the pollution sources.

Determine if Nonpoint Source Controls Are Available

After determining the load reductions necessary to achieve the designated uses, States must determine whether controls are available for the pollutants contributing to the water quality problems. In assessing the availability of controls, States must determine whether an approved water quality management plan addressed and adopted best management practices to control the nonpoint pollutant sources and whether institutional and political factors make implementing the controls feasible. If nonpoint source controls are not available or feasible, a State may decide to evaluate whether nonpoint source control should be developed and incorporated into a water quality management plan. Alternatively, a State may wish to analyze what uses of the stream can be attained with the controls that are available.

Benefit-Cost Assessment

If feasible controls are available, a benefit-cost assessment may be made to determine whether it is worth requiring more stringent effluent limits than those in Section 301(b) (1) and (2) of the Act.

A State may reclassify the water body and designate uses requiring less stringent criteria if the State, in performing a benefit-cost assessment, determines that the tangible and intangible benefits do not bear a reasonable relationship to the cost of attaining the use.

If the State determines that the standard needs to be revised, appropriate uses are selected and criteria developed to protect those uses. If the standard is maintained, discharge limits based on total maximum daily loads and the wasteload allocation necessary to meet the water quality standard are established and permits issued. Alternatively, the State may grant relief with a variance to an individual discharger if the applicant demonstrates that meeting the criterion would cause substantial economic hardship (likely substantial loss of productivity, jobs and/or financial stability), the variance's requirements are as close to the criterion as the applicant's financial situation will allow without substantial economic hardship, the variance will not eliminate existing uses or preclude eventual attainment of the disignated use, the variance does not exceed the time for which an NPDES permit is issued, the variance does not exempt a discharger from compliance with other criteria in the water quality standards which are attainable, and the variance does not result in more stringent pollution control requirements for other parties.

Public Hearing

Prior to adding, removing or modifying any use, the State must hold a public hearing. The analyses and supporting documentation prepared in conjunction with the proposed water quality standards revision should be made available to the interested public prior to the hearing. This will allow for open debate among scientific peer groups of the evidence and analysis supporting the revised water quality standard.

Should the standard be changed?

At this point in the water quality standards review and revision process, States have adequate information to evaluate the impacts of their decision to maintain, revise, or modify the water quality standard for a particular water body. The following questions will have been answered:

1. What is the use to be protected?
2. To what extent does pollution contribute to the impairment of the use?
3. What is the level of point source pollution control necessary to restore or enhance the use?
4. What is the level of nonpoint source pollution control necessary to restore or enhance the use?
5. Does the cost of attaining and protecting the use bear a reasonable relationship to the benefits?

In addition, there will have been debate and discussion of the findings among those affected by the decision. EPA will also have enough information to adequately review a State's water quality standard revision.

D. State/Federal Rules

The roles and responsibilities of the States and EPA in the water quality standards program have been the subject of much debate and court litigation. The Act clearly establishes that the States are responsible for setting, reviewing and revising, if appropriate, water quality standards. The Administrator has the authority to review and approve or disapprove State standards to ensure that they are consistent with the Act, and where necessary, to promulgate new or revised standards.

The proposed revision of the water quality standard regulation outlines a flexible framework in which States may refine and implement an effective standards program. The framework reflects the experience gained in the program by both EPA and the States and provides a more balanced State-Federal partnership than has been true in recent years.

The proposed regulation and accompanying guidance clearly distinguish between discretionary and mandatory requirements. The mandatory requirements are few and are summarized below.

- Water quality standards must include designated beneficial uses, criteria to protect the designated uses and an antidegradation policy statement (see § 131.5));
- Uses attained must be maintained unless a use requiring more stringent criteria is added (see § 131.10(c));
- Any methods used and analyses conducted to support water quality standards revisions or additions must be submitted to EPA. (see § 131.10(e));
- Water quality standards revisions must be accompanied by a certification from the State Attorney General that the standards were duly adopted pursuant to State law (see § 131.5(f));
- In reviewing and revising State water quality standards, a State must hold public hearings and provide for public comment in accordance with State law and EPA's public participation regulations (40 CFR Part 25) (see § 131.20(b));
- States must submit the results of their water quality standards review to EPA within 30 days of adoption of the revised standard or if no revisions are made as a result of the review, within 30 days of the completion of the review (see § 131.20(c));
- The Regional Administrator must review and approve or disapprove any officially adopted revisions to State water quality standards for compliance with requirements of the Act within 60 or 90 days, respectively, of submission (see § 131.21(a));
- In disapproving a State's water quality standards, EPA must provide an affirmative demonstration and explanation of why State standards are not in compliance with the Act (see § 131.21(a)(2)); and
- In promulgating water quality standards, the Administrator must adhere to the same policies and procedures as the States (see § 131.22(c)).

EPA retains the responsibility to review the appropriateness of State adopted criteria to protect the designated uses, to assure the uses designated comply with Sections 101(a) and 303(c) of the Act, and to assure that States adhere to the legal and administrative procedures outlined in the proposed regulation.

If States submit their revisions with the type of analyses recommended in the proposed regulation and in accordance with the proper legal procedures, EPA will have adequate information to review the appropriateness of any revisions. The States are urged to consult early and frequently with EPA as the analyses and assessments are initiated and carried out. If States submit revisions to their water quality standards without the optional analyses, EPA may question the appropriateness of the revisions.

While EPA's authority to review and approve State water quality standards applies to all surface waters, EPA expects to take a more active role in working with States on water segments involving interstate and international boundaries. This will ensure that the uses and/or criteria are consistent throughout the body of water and that downstream uses are protected.

E. State Resource Impacts

The framework for the water quality standards program in the proposed regulation is flexible. Depending on the State's resources and priorities, a State may tailor its water quality standards program to fit existing resources.

The scope and detail of the optional analyses outlined in the regulation will vary depending on the type of water body, the POTWs and the industries impacting the water body, and the pollutants involved. EPA is recommending that States select only their high priority water quality limited segments for intensive review. For many segments, the needed information may be readily available from 208 Water Quality Management Plans, 305(b) Reports, local governments, industry or environmental groups. In other cases, stream surveys, sampling, modeling and cost and economic impact projections will require significant resource expenditures.

The key is for States to use existing information effectively and to mobilize the resources of the State and community-at-large. Even where State water quality agencies have not previously conducted benefit-cost assessments, States have economists, water resource and community development agencies, and fish and game departments with expertise to draw upon. In addition, with the increased flexibility of the States to modify criteria and uses, the municipal and industrial sector has an incentive to support the State with data and information. For these reasons the

Agency believes that the water quality standards program outlined in the proposed regulation can be implemented by the States within their existing resources.

F. Regulatory Impact Analysis and Regulatory Flexibility Analysis and Paper Work Reduction Act Requirements

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposed regulation is not major because it imposes no new obligations on the industrial sector. If adopted, the proposed regulation will increase the ability of the States to change unattained uses to uses requiring less stringent criteria and to modify criteria where uses have been attained. It is anticipated that this will in fact reduce future pollution control costs below those which would be required under the existing regulation.

This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection through contacting the person listed at the beginning of this notice.

Under the Regulatory Flexibility Act, 5 U.S.C. Section 601 et seq., EPA must prepare a Regulatory Flexibility Analysis for all proposed regulations that have a significant impact on a substantial number of small entities. EPA has determined that, for reasons discussed above, this rule does not have significant adverse impact on small entities. The reporting or recordkeeping (information) provisions in this rule have been submitted for approval to the Office of Management and Budget (OMB) under Section 3504(b) of the Paperwork Reduction Act of 1980. U.S.C. 3501 *et. seq.* Any final rule will explain how its reporting or recordkeeping provisions respond to any OMB or public comments.

List of Subjects in 40 CFR Part 131

Water pollution control, Intergovernmental relations, Administrative practices and procedures, Reporting and record keeping.

Dated: October 8, 1982.

Anne M. Gorsuch,

Administrator.

It is proposed to amend 40 CFR Chapter I as follows:

PART 35—STATE AND LOCAL ASSISTANCE

PART 120—WATER QUALITY STANDARDS

§ 35.1550 [Removed]

1. Section 35.1550 is removed.

§§ 120.1–120.3 [Removed]

2. Sections 120.1 through 120.3 are removed.

§§ 120.10, 120.12 and 120.34 [Redesignated as Subpart D, §§ 131.30, 131.31, and 131.32, respectively]

3. Sections 120.10, 120.12, and 120.34 are proposed to be redesignated as Subpart D, Part 131, 131.30, 131.31 and 131.32, respectively.

4. Sections 120.27, 120.37, 120.43 and 120.45 are removed.

5. Part 131 is added as set forth below:

A. The table of contents for Part 131 is added as follows:

PART 131—WATER QUALITY STANDARDS

Subpart A—General Provisions

Sec.
131.1 Scope.
131.2 Definitions.
131.3 State Authority.
131.4 EPA Authority.
131.5 Minimum requirements for water quality standards submission.

Subpart B—Establishment of Water Quality Standards

131.10 Designation of uses.
131.11 Analyses for changing or modifying uses.
131.12 Criteria.
131.13 General policies.

Subpart C—State Review and Revisions of Water Quality Standards

131.20 State review and revision of water quality standards.
131.21 EPS review and approval of water quality standards.
131.22 EPA promulgation of water quality standards.

Subpart D—Federally Promulgated Water Quality Standards

131.30 Alabama.
131.31 Arizona.
131.33 Mississippi.

Authority: Clean Water Act, Pub. L. 92–500, as amended; 33 U.S.C. 1251 et seq.

B. Subparts A through C are added as set forth below:

Subpart A—General Provisions

§ 131.1 Scope.

This part describes the requirements and procedures for developing, reviewing, revising and approving water quality standards by the States as authorized by Section 303(c) of the Clean Water Act.

§ 131.2 Definitions.

(a) "The Act" means the Clean Water Act (Public Law 92–500, as amended, (33 U.S.C. *et seq.*)).

(b) "Criteria" are elements of State water quality standards and represent a constituent concentration or level associated with a degree of environmental effect upon which scientific judgment may be based. When a criterion for a constituent is not exceeded, water quality will generally protect the designated use. A criterion, in some cases, may be a narrative statement instead of a constituent concentration.

(c) "Section 304(a) criteria" are information developed by EPA under authority of Section 304(a) of the Act. This information is issued periodically to the States as guidance for use in developing criteria.

(d) "Uses" are the beneficial uses of a particular body of water.

(1) "Attain" means to achieve a use of a water body.

(2) "Existing uses" are those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in the water quality standards.

(3) "Designated uses" are those uses specified for each segment in water quality standards, whether or not they are being attained.

(e) "Water quality standards" are provisions of State or Federal law which consist of a designated use or use for a water body and criteria to support those uses. Water quality standards are to protect the public health or welfare, enhance the quality of water and serve the purposes of the Act.

(f) "States" include: the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

§ 131.3 State authority.

States are responsible for establishing and revising water quality standards. Under Section 510 of the Act, States may develop water quality standards more stringent that required by this regulation.

§ 131.4 EPA authority.

Under Section 303(c) of the Act, EPA is to review and approve State-adopted water quality standards. This review involves a determination: (a) that the State has adopted water uses which are consistent with the requirements of the Clean Water Act; (b) that the State has adopted criteria to protect the designated water uses; (c) that the State has followed its legal procedures for establishing or revising standards; and (d) that the State standards decision-making process is based upon appropriate technical and scientific data and analyses. EPA must disapprove the standards and promulgate Federal standards under Section 303(c)(4) of the Act, if State adopted water quality standards do not meet the requirements of the Act. EPA may also promulgate a new or revised standard where necessary to meet the requirements of the Act.

§ 131.5 Minimum requirements for water quality standards submission.

The following elements must be included in each State's water quality standards submitted to EPA for review:

(a) Use designations consistent with the provisions of sections 101(a)(2) and 303(c)(2) of the Act.

(b) Methods used and analyses conducted to support water quality standards revisions.

(c) Water quality criteria sufficient to protect the designated uses.

(d) An antidegradation policy statement on maintaining existing uses.

(e) Certification by the State Attorney General that the water quality standards were duly adopted pursuant to State law.

(f) General information which will aid the Agency in determining the adequacy of the scientific basis of the standards as well as information on general policies applicable to State standards which may affect their application and implementation.

Subpart B—Establishment of Water Quality Standards

§ 131.10 Designation of uses.

(a) Each State must specify appropriate water uses to be achieved and protected. The classification of the waters of the State must take into consideration the use and value of water for public water supplies, protection and propagation of fish, shellfish and wildlife, recreation in and on the water, agricultural, industrial, and other purposes including navigation.

(b) States may adopt subcategories of the aquatic protection use to reflect varying needs of different aquatic communities.

(c) States must develop and adopt a statewide antidegradation policy to maintain existing water uses.

(d) At a minimum, uses are deemed attainable if they can be achieved by the imposition of effluent limits required under Section 301(b) (1) and (2) of the Act (including modifications under Section 301(c) of the Act) and cost-effective and reasonable best management practices for nonpoint source control.

(e) States are encouraged to conduct a use attainability analysis and a benefit cost assessment, if appropriate, when revising a designated use of a water body or any portion thereof. These analyses are described in § 131.11. States may also choose other appropriate analyses.

(f) Prior to adding, removing or modifying any use, the State shall provide notice and an opportunity for a public hearing under § 131.20(b) of this regulation.

(g) States are encouraged to adopt seasonal uses as an alternative to reclassifying a water body or segment thereof to uses requiring less stringent water quality criteria. If seasonal uses are adopted, water quality criteria should be adjusted to reflect the seasonal uses.

(h) States may modify or reclassify a designated use which is not an existing use as defined in § 131.2, if the State determines that attaining the use is not feasible because:

(1) Naturally occurring pollutant concentrations prevent the attainment of the use; or

(2) Natural, ephemeral, intermittent or low flow conditions or water levels prevent the propagation or survival of fish and other aquatic life, unless these natural conditions may be compensated for by the discharge of sufficient volume of effluent discharges without violating State water conservation requirements to enable uses to be met; or

(3) Human caused conditions or sources of pollution cannot be remedied or would cause more environmental damage to correct than to leave in place; or

(4) Dams, diversions or other types of hydrologic modifications interfere with the attainment of the use, where it is not feasible to restore the water body to its original condition or to operate such modification in a way that will maintain the use; or

(5) Physical conditions unrelated to water quality preclude attainment of the use; or

(6) Benefits of attaining the use do not bear a reasonable relationship to the costs.

(i) States may not modify or reclassify designated uses if:

(1) They are existing uses as defined in § 131.2 unless uses requiring more stringent criteria are added; or

(2) Uses will be attained by implementing effluent limits required under Sections 301(b) (1) and (2) of the Act (including modifications under Section 301(c) of the Act); or

(3) Uses will be attained by implementing cost-effective and reasonable best management practices for nonpoint source control; or

(4) The revision is based on anticipated growth; or

(5) The revision would result directly or indirectly in impairment of downstream uses.

§ 131.11 Analyses for changing or modifying uses.

(a) *Use Attainability Analysis.* A use attainability analysis should be sufficiently detailed to determine:

(1) The use to be protected.

(2) The extent to which pollution contributes to the impairment of the use versus other factors listed in § 131.10 and the improvement likely to occur in the absence of pollution;

(3) The extent to which control of pollution from point sources will restore or enhance the use, including plans to implement the controls;

(4) The extent to which the control of nonpoint source pollution will restore or enhance the use, including plans to implement feasible nonpoint source controls.

(b) *Benefit-Cost Assessment.* A benefit-cost assessment should:

(1) Identify the incremental benefits and costs of attaining a use, after meeting the technology-based requirements of the Act, to determine whether the benefits bear a reasonable relationship to the costs;

(2) Describe the value of the water body for a use including the social and economic value of the use, the public interest in establishing or maintaining the use, the public benefited, the extent to which another incompatible use is already being made of the water body, the availability of alternatives and the effect on downstream uses;

(3) Describe the significance of the benefits in comparison to the costs and economic impacts of attaining the use.

§ 131.12 Criteria.

(a) *Inclusion of pollutants*

(1) States must adopt water quality criteria that are compatible with protecting a designated use.

(2) Toxic Pollutants-States, with the assistance of EPA, are encouraged to review water quality data and information on discharges to identify specific water bodies where toxic pollutants may be adversely affecting the attainment of the designated water

use, and where appropriate to adopt criteria for such toxic pollutants applicable to the water body so as to protect the designated use.

(b) *Form of criteria:* In establishing criteria, States should:

(1) Establsih numerical values based on:

(i) 304(a) Guidance; or

(ii) 304(a) Guidance modified to reflect site-specific conditions; or

(iii) Other scientifically defensible methods;

(2) Employ bioassay or biological criteria if appropriate; and

(3) Establish narrative descriptions where numerical values cannot be established or to supplement numerical values.

Note.—EPA recommends establishing numerical values wherever practical.

(c) *Determination of levels necessary to protect uses.*

(1) States shall adopt water quality criteria at levels that are adequate to support the designated uses. EPA shall review whether the criteria are appropriate to support the designated use(s). For waters with multiple use designations, the criteria shall support the most sensitive use

(2) States may select what they believe to be an appropriate risk level for pollutants identified as carcinogens and include in their water quality standards the ambient criteria associated with the particular risk level selected.

(3) States shall establish water quality criteria which protect downstream water uses (see § 131.10(i)(5)).

§ 131.13 General policies.

(a) In addition to the mandatory requirements of adopting uses and criteria, States may, at their discretion, adopt policies generally applicable to the State's water quality standards. States are encouraged to adopt the discretionary policies listed below but may also adopt other general policies.

(b) Mixing Zones: A limited mixing zone, serving as a zone of initial dilution in the immediate area of a point or nonpoint source of pollution, is allowed as a matter of State discretion. The mixing zone should be considered a place where wastes and water mix and not as a place effluents are treated. Mixing zones should not interfere with existing or designated uses of the segment. Water quality standards should describe the State's methodology for determining the location, size, shape, outfall design and in-zone quality of mixing zones, with sufficient precision to support such regulatory actions as issuance of permits and determination of best management practices for nonpoint sources.

(c) Variances: States may grant variances to an individual discharger from compliance with a water quality criterion based on economic hardship, if:

(1) The applicant demonstrates that meeting the criterion would cause substantial economic hardship (likely substantial loss of productivity, jobs, and/or financial stability),and

(2) The variance requirements are as close to the criterion as the applicant's financial situation will allow without substantial economic hardship, and

(3) The variance will not eliminate existing uses or preclude eventual attainment of the designated uses not currently being attained, and

(4) The variance does not exceed the time for which the discharger's NPDES permit is issued, and

(5) The variance does not exempt a discharger from compliance with other criteria in the water quality standards which are attainable, and

(6) The variance does not result in more stringent pollution control requirements for other parties.

(d) Low flow exemptions: States may establish exemptions from compliance with water quality standards during critical low flow conditions.

Subpart C—Procedures for Review and Revision of Water Quality Standards

§ 131.20 State review and revision of water quality standards.

(a) *State Review:* States shall review and, as appropriate, revise their water quality standards at least once during each three year period beginning with the enactment of the Federal Water Pollution Control Amendments of 1972. States are not required to review or revise water quality standards for all water bodies in the State in any three year period to comply with the requirements of this regulation and Section 303(c)(1) of the Act. It is recommended that States select priority water bodies or segments for review. In selecting priorities, States should take into account the "Municipal Waste Water Treatment Construction Grant Amendments of 1981" (Pub. L. 97-117, December 29, 1981). Section 24 of the amendments is intended to ensure that water quality standards influencing contruction grant decisions have been reviewed in accordance with Section 303(c) of the Act. It prohibits the award of a grant after December 29, 1984, unless the State has completed its review of the water quality standards for any segments affected by the grant project.

(b) *Public Participation:* The State shall provide for public participation in selecting priority areas and shall hold a public hearing for the purpose of reviewing water quality standards, in accordance with provisions of State law, EPA's water quality management regulation (40 CFR 130.3(b)(6)) and public participation regulation (40 CFR Part 25). The proposed water quality standards revision and supporting analyses shall be made available to the public prior to the hearing.

(c) *Submittal to EPA.* The State shall submit the results of the review, any supporting analysis for the use attainability analysis and benefit-cost assessment, if performed, the methodologies used for site-specific criteria development, any general policies applicable to water quality standards and any revisions of the standards to the Regional Administrator for review and approval, within 30 days of adoption of the revised standard, or if no revisions are made as a result of the review, within 30 days of the completion of the review.

§ 131.21 EPA review and approval of water quality standards.

(a) After the State submits its officially adopted revisions, the Regional Administrator shall either:

(1) Notify the State within 60 days that the revisions are approved, or

(2) Notify the State within 90 days that the revisions are disapproved. Such notification of disapproval shall specify the changes needed to assure compliance with the requirements of the Act and this regulation, and shall explain why the State standard is not in compliance with such requirements. Any new or revised State standard must be accompanied by some type of supporting analysis.

(b) The Regional Administrator's approval or disapproval of a State water quality standard shall be based on the requirements of the Act as described in Section 131.4.

(c) A State water quality standard remains in effect, even though disapproved by EPA, until the State revises it or EPA promulgates a rule that supersedes the State water quality standard.

(d) EPA shall, at least annually, publish in the **Federal Register** a notice of approvals under this section.

§ 131.22 EPA promulgation of water quality standards.

(a) If the State does not adopt the changes specified by the Regional Administrator within 90 days after notification of the Regional

Administrator's disapproval, the Administrator shall promptly publish such changes as a proposed regulation.

(b) The Administrator may also publish a proposed regulation, applicable to one or more States, setting forth a new or revised standard upon determining such a standard is necessary to meet the requirements of the Act.

(c) In promulgating water quality standards, the Administrator is subject to the same policies, procedures and analyses established for States in subpart B of these regulations.

* * * * *

Appendix A—Response to Public Comments [5]

On July 10, 1978, EPA published an Advanced Notice of Proposed Rulemaking (ANPRM) that set forth the Agency's preliminary thoughts on a revised approach for a water quality standards program. EPA invited comments on a number of issues. A total of 110 sets of comments from 100 different agencies, organizations, and interest groups were received in response to the ANPRM. The issues, a summary of the public comments, and EPA's response to these comments are set forth below.

A. Attainability of Uses

1. *Issue raised by EPA:* Should EPA's policy of discouraging downgradings and encouraging upgradings be further refined and/or explained in regulations?

Public Comment: There was disagreement as to whether EPA's policy on upgrading and downgrading should be further refined. Roughly two-thirds of the comments urged EPA to clarify its position through amended regulations. Of the thirteen comments which maintained that no further refinement was necessary, six were based on the premise that the policy was unacceptable and refinement was irrelevant.

Response: The revised regulation requires that uses which are attained are to be maintained. Designated uses which cannot be attained with effluent limits required by Section 301(b) (1) and (2) of the Act, or with cost effective and reasonable best management practices for nonpoint sources, may be changed if the State determines that the use is unattainable based on environmental and/or physical factors or because the benefits do not bear a reasonable relationship to the costs.

Public Comment: Many individuals and organizations wanted States to retain sufficient flexibility to be able to reclassify streams on a case by case basis. Some were concerned that small streams were placed in an inappropriate use classification because of the lack of data. Therefore, States needed the flexibility to reclassify those streams as more data became available. Others were concerned that the decision to change uses could only be made based on socio-economic and natural factors which had never been defined.

Response: EPA agrees. The proposed regulation encourages the review of standards on a site-specific basis, and revision, if appropriate.

Public Comment: Several respondents argued that some water bodies will never be able and should not be required to meet the "fishable/swimmable" use classifications. In addition, these use designations are not required for all water bodies under the Clean Water Act. Effluent dominated stream segments in highly industrial areas, streams in arid regions of the Southwest, or man-made water bodies were cited as examples of water courses which could not reasonably meet the "fishable/swimmable" use classifications.

Response: EPA agrees that some water bodies will not be able to meet aquatic protection and recreation uses. The proposed regulation provides for an analysis of the attainability of these uses on a case-by-case basis. However, EPA does not agree that a determination of whether aquatic protection and recreation uses are attainable can be made on a nationwide basis for any class of water bodies, such as effluent dominated streams, streams in arid regions, or man-made water bodies.

2. *Issue raised by EPA*: The ANPRM suggested a change in the attainability test requiring States to demonstrate that nonpoint sources were being controlled to the maximum extent feasible.

Public Comment: Several respondents stated that in order to demonstrate whether nonpoint sources have been controlled to the maximum extent feasible, one must have knowledge of the extent of the nonpoint source problem as well as the effectiveness of control measures. Many felt that although the knowledge in this area is improving, it is still inadequate.

Response: The regulation requires consideration of nonpoint source impacts to the extent that cost-effective and reasonable best management practices for nonpoint source control can be implemented.

3. *Issue raised by EPA:* Should EPA add the condition that down-gradings would only be allowed if the costs of attaining "fishable/swimmable" waters bear "no reasonable relationship" to the resulting benefits?

Public Comment: Eighteen persons responding to this question favored the addition of the "no reasonable relationship" condition while twenty-four opposed it. Eight persons suggested that these terms be defined before the condition is added to the regulations, and that some clarification be given concerning how the relationships are to be measured. Other comments offered did not favor the provision because the relationship is too difficult to measure and the test is unnecessarily rigid. Several objected to the proposal on the grounds that it would be too expensive for States to justify changes. Several were concerned that this test would be difficult to conduct and that results would not be conclusive since no means of accurately measuring costs and benefits of pollution controls are available. An additional concern was that no definition of "reasonable relationship" is commonly accepted.

Response: States may determine whether the benefits of significant water improvements do (or do not) bear a reasonable relationship to the costs.

4. *Issue raised by EPA*: If costs and benefits are to bear a reasonable relationship should more explicit guidance be provided?

Public Comment: Of the twenty-two respondents who answered this question, all but one said that EPA should provide more explicit guidance on the proposed test.

Response: EPA is providing additional guidance on a benefit-cost assessment. However, EPA will not define for States what is a reasonable relationship between costs and benefits. It is a subjective decision and one in which considerations other than costs may have an overriding influence. EPA believes that the determination of what is a "reasonable relationship" should be made by the State after an opportunity for public comment.

B. Criteria Development

1. *Issue Raised by EPA:* Should EPA's policy of disapproving State standards which contain pollutant concentration limits less stringent than EPA's Section 304(a) criteria (absent adequate technical justification) be further refined and/or explained in regulations?

Public Comment: Thirty-two persons responded affirmatively to the question and of those, ten suggested that guidance was especially needed on the subject of EPA's criteria for accepting or rejecting standards.

Response: EPA rescinded its policy of presumptive applicability of Section

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[5] Appendix A will not appear in Title 40 of the Code of Federal Regulations.

304(a) criteria guidance on November 28, 1980, in 45 FR 79320. The proposed regulation and preamble clarify that and encourage the setting of site-specific criteria.

Public Comment: EPA should specify the technical requirements of obtaining deviations from national critiera.

Response: EPA has developed guidance for setting criteria to reflect site-specific conditions and will continue to develop alternative procedures.

Public Comment: States should have authority to set water quality standards and EPA should limit its role to guidance only.

Response: Section 303(c) of the Act requires EPA to review and approve State standards and to promulgate standards if State standards are not consistent with the applicable requirements of the Act. As part of the review of State water quality standards, EPA will evaluate whether the criteria proposed will protect the uses designated.

Public Comment: Some commenters argued that the burden of proof should fall on EPA, rather than on the States, and that the Agency should have to justify that the national criteria are applicable to particular streams in each State.

Response: The States provide the justification for the criteria included in their standards. The States make the initial determination whether Section 304(a) criteria or some other critieria are appropriate for protecting a use in a particular water body. National criteria are *not* presumed to be applicable.

2. *Issue Raised by EPA:* Should this "presumptive applicability" be continued with respect to the upcoming critiera for the 65 toxic pollutants?

Public Comment: Three-quarters of the letters on this question maintained that EPA should apply the same policy on State standards to toxic substances. Two of the twenty-five letters expressing this opinion qualified their position, maintaining that the policy be extended to toxics only in those cases where sufficient data are available.

Response: EPA abolished rather than extended the policy of presumptive applicability.

3. *Issue raised by EPA:* What fundamentally different factors relating to specific waters of a State might provide rational grounds for justifying a deviation from the criteria in Section 304(a)?

Public Comment: Respondents to the ANPRM suggested many different factors which might provide grounds for justifying a deviation from the national criteria. Several factors noted most frequently by commenters included existing water quality parameters such as pH, dissolved oxygen and chemical composition, natural background data on flow rates, precipitation and climate, and man-made natural flow obstructions.

Response: Site-specific evidence that aquatic species have adapted to different pollutant concentrations, new laboratory data, and differences in a site's water quality, such as pH and hardness, that might affect the toxicity of a pollutant are among the factors that will justify a different criterion. In addition, where the most sensitive species used in the methodology to derive the Section 304(a) guidance are not indigenous local species and other species are substituted in the methodology, the criterion for a particular pollutant may also change. Natural background and flow data are also useful in determining whether a particular use is attainable, as well as for determining the criteria that are necessary to protect the use.

4. *Issue raised by EPA:* How much "proof" should EPA demand before allowing a deviation?

Public Comment: According to the majority of comments to this question in the ANPRM, EPA should avoid imposing excessive requirements concerning the amount of proof which must be provided by States which seek deviations from national water quality criteria. Six individuals argued that the question is improper, since the burden of proof actually lies with EPA to justify its criteria. Three others maintained that no proof whatsoever is needed since State standards should be accepted as submitted to EPA. Six maintained that no specific level should be set since the amount of proof to be supplied will vary on a case-by-case basis. Several individuals suggested that professional judgment rather than set rules be utilized in determining what constitutes adequate proof. Not all commenters agreed. Four suggested that extensive scientific documentation should be required of States.

Response: EPA has not mandated that States submit extensive data in justifying criteria other than Section 304(a) criteria. The amount of effort needed to justify criteria will vary, depending on the methodology selected. EPA is working with several States to test procedures for setting site-specific criteria for particular pollutants. The procedures are neither excessively complicated nor expensive.

C. Toxic Pollutants (Response follows Issue #7 below)

1. *Issue raised by EPA:* If EPA publishes a list of Section 304(a) criteria pollutants for which water quality standards must be developed, should all *Quality Criteria for Water* (Red Book) and 65 toxic pollutants be included?

Public Comment: Responses to this question were overwhelmingly negative. Of the fifty-five respondents who answered this question, only five suggested that all of the Red Book and 65 toxic pollutants be included on a list of criteria pollutants.

2. *Issue raised by EPA:* What factors should EPA consider in determining the pollutants to be included?

Public Comment: The comments suggested a variety of factors which EPA should consider in determining which substances should be listed. The most frequently identified factors were completeness of data, persistence, toxicity, effects on human health and animal life, and natural background pollution.

3. *Issue raised by EPA:* Should completeness of the data base be a factor?

Public Comment: According to the majority of comments to this question, completeness of data should be considered by EPA in selecting substances for inclusion on the pollutant list. Of the fifty-two persons who answered this question, all but six responded affirmatively. Two who differed from the majority argued that incomplete data should not be used as an excuse for allowing discharges of toxics. Another maintained that no data set is perfect.

4. *Issue raised by EPA:* Should the degree of a pollutant's persistence, toxicity, or potential for carcinogenicity be a factor?

Public Comment: The degree of a pollutant's persistence, toxicity, or potential for carcinogenicity should be considered by EPA according to a very large proportion of the comments on this question. All but three of the forty-eight persons who answered this question urged that consideration be given to these factors.

5. *Issue raised by EPA:* Should EPA distinguish between pollutants which harm aquatic life and those which harm humans?

Public Comment: In determining which substances should be included in State water quality standards, EPA should distinguish between pollutants which harm aquatic life and those which harm humans. This was the opinion of all but five of the forty-two persons who answered question A(5) in the ANPRM. Several qualified their position, maintaining that the primary emphasis should be on protecting human health. Others urged that harm to aquatic and human life be distinguished, but that criteria provide for the protection of both.

6. *Issue raised by EPA:* How much time should States be given to develop new water quality standards in response to the new lists?

Public Comment: The forty-four commenters who answered this question proposed a wide range of time limits, ranging from less than one year to more than three years. The most frequent response was three years, with the large majority of suggestions falling between one and three years.

Several disagreed with the notion of any set time period. The time frame, they argued, should be variable depending on the good faith efforts and natural environmental characteristics of the State. One individual suggested that EPA sign agreements with individual States rather than require all States to meet an arbitrary deadline.

7. *Issue raised by EPA:* Should EPA directly propose any or all of the Section 304(a) criteria without waiting for State action?

Public Comment: According to all but four of the forty-five persons who answered this question, EPA should not directly propose any or all of the Section 304(a) criteria pollutants without waiting for State action.

Response: EPA is not requiring that any or all of the Red Book and the 65 toxic pollutants be included in State water quality standards. All States include in their water quality standards the following pollutant and water quality characteristics: dissolved oxygen, temperature, pH, aesthetic qualities and fecal coliform bacteria.

States are encouraged to develop criteria for toxic pollutants to include in State standards if the toxic pollutants preclude the attainment of the designated use and if the State believes that the use remains applicable to the water body.

D. Flow

1. *Issue raised by EPA:* Should EPA encourage State adoption of stream flow and water quantity allocation prohibitions? How can EPA do so within the confines of Section 101(g) of the Act?

Public Comment: The majority of commenters answered that EPA should not encourage State adoption of stream flow and quantity allocation prohibitions. Thirty-one commenters were opposed to the proposed policy. The argument raised most frequently was that the States have the authority in the area of stream flow and water allocation and that Section 101(g) of the Clean Water Act was adopted specifically to protect that authority. Many interpreted EPA's proposed policy as an overt, purposeful step toward usurping States's rights.

Eighteen individuals suggested that EPA should encourage State adoption of stream flow and quantity allocation prohibitions. However, many stated that the Agency should be careful to restrict its activities to encouragement rather than regulation.

Response: EPA is not requiring States to develop prohibitions against stream flow modifications. EPA is encouraging States to consider flow in setting uses, and in developing permit conditions for dischargers.

[FR Doc. 82-29543 Filed 10-28-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 131

Public Meetings on Proposed Rule for the Water Quality Standards Program

[WH-FRL-2235-4]

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meetings.

SUMMARY: EPA is conducting a series of public meetings to discuss the proposed new regulation for the water quality standards program and accompanying draft guidance documents.

DATES: See Supplementary Information, below, for a complete listing of date, time, place, and agenda.

FOR FURTHER INFORMATION CONTACT: Mr. David K. Sabock, Criteria and Standards Division (WH-585), Office of Water Regulations and Standards, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 245-3042.

SUPPLEMENTARY INFORMATION: EPA will hold a series of public meetings on the dates listed below to discuss the proposed rule and supporting guidance documents.

Each meeting will be conducted following this general agenda.

8:00 am—Registration Begins
9:00–9:15 am—Opening Remarks
9:15–10:00 am—Presentation on Standards Regulation
10:00–noon—Discussion on Standards Regulation
Noon–1:00 pm—Lunch
1:00–2:30—Discussion of Guidance and Field Tests on Water Body Survey and Assessments for Analyzing the Attainability of Uses
2:30–2:45—Break
2:45–4:15—Discussion of Guidance and Field Tests on Developing Site-Specific Criteria
4:15–adjournment—Discussion of Benefit-Cost Assessment Guidance

Note 1.—All times listed are approximate.

Note 2.—In San Francisco only, the meeting hours will be one hour later than shown above—opening remarks will begin at 10:00 am.

Copies of the draft guidance documents and the proposed regulation are available from the person listed above. Detailed information on the proposed rule also may be found in the Notice of Proposed Rulemaking, Water Quality Standards Regulation in this issue.

The purpose of these meetings will be to explain the proposed regulation and draft guidance, and to answer questions. Therefore, the format of these meetings will be informal to foster discussion with maximum audience participation. Participants are encouraged to reserve formal statements on the proposed rule for submission in writing during the public comment period. The dates and locations for the meetings are as follows:

Date: November 30, 1982.
Place: 29th Floor, First International Bldg., 1201 Elm Street, Dallas, Texas 75270.

Date: December 2, 1982.
Place: Community Hall, 205 South Main, Council Bluffs, Iowa 51501.

Date: December 7, 1982.
Place: Atlanta Civic Center, 395 Piedmont Ave., N.E., Room 207, Atlanta, Georgia 30308.

Date: December 9, 1982.
Place: Blackstone Hotel, 636 South Michigan Ave., Chicago, Illinois.

Date: December 14, 1982.
Place: Environmental Protection Agency, Park Place Bldg. Room 12-A, 1200 6th Ave., Seattle, Washington.

Date: December 16, 1982.
Place: Environmental Protection Agency, 6th Floor, 215 Freemont St., San Francisco, Calif.

Date: January 6, 1983.
Place: Governors Court Hotel, 1776 Grant Street, Denver, Colorado 80203.

Date: January 11, 1983.
Place: John W. McCormick Post Office & Court House Bldg., Room 208, Boston, Massachusetts 02109.

Date: January 13, 1983.
Place: U.S. Environmental Protection Agency, Jacob Javitz Building, 26 Federal Plaza, Room 305–A, New York City, N.Y.

Date: January 18, 1983.
Place: Holiday Inn, 4th & Arch Streets, Philadelphia, PA 19106.

Date: January 20, 1983.
Place: U.S. Environmental Protection Agency, 401 M St., S.W. (Room 2814), Washington, D.C..

Dated: October 22, 1982.

Henry Longest,
Acting Assistant Administrator for Water.

[FR Doc. 82–29744 Filed 10–28–82; 8:45 am]

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federal register

Friday
October 29, 1982

Part V

Department of the Treasury

Fiscal Service, Bureau of Public Debt

Offering of United States Savings Bonds, Series EE

Department Circular, Public Debt Series No. 1-80, Second Revision

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 351

Offering of United States Savings Bonds, Series EE

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This Second Revision of Department of the Treasury Circular, Public Debt Series No. 1–80, the offering circular for United States Savings Bonds of Series EE, is being issued to set out changes in the terms and conditions of these bonds, including a new market-based variable investment yield. The variable yield will be based on the Secretary of the Treasury's determination of the average yields occurring on marketable Treasury obligations with remaining maturity periods of approximately 5 years. The market-based variable investment yield is being established to provide bondowners with a rate of return comparable to market rates occurring during the period the bond is held.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that Series EE bonds sold on and after November 1, 1982, will provide, if held for 5 years, or longer, an investment yield that is 85 percent of the average yield on outstanding marketable Treasury securities (U.S. Treasury notes and bonds) with remaining maturities of approximately 5 years. This market-based variable investment yield will be the basis for determining the redemption value of a bond, unless its guaranteed minimum yield produces a higher value. The market-based variable investment yield and a guaranteed minimum investment yield will also apply to outstanding Series EE bonds issued prior to November 1, 1982. The details of these changes are as follows:

New Series EE Bonds

Series EE bonds issued on and after November 1, 1982, will have a 10 year maturity period. During the first 5 years after issue, they will have a graduated yield. Table 1 in the Appendix to the Circular shows the investment yields and redemption values for bonds redeemed less than 5 years after issue.

The investment yield provided by a bond from its issue date to each semiannual interest accrual date occurring 5 years after issue and thereafter will be the greater of either a minimum guaranteed yield of 7.5 percent per annum, compounded semiannually, or a variable investment yield determined as follows: For each 6-month period, beginning with the period starting on May 1, 1982, the Department of the Treasury will determine the average market yield during such period on marketable Treasury securities having a remaining term to maturity of approximately 5 years during such period. The market-based variable investment yield from issue date to 5 years thereafter will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages for the ten 6-month periods beginning with the 6-month period (i.e., May 1 to October 31 or November 1 to April 30) that most recently ended before the issue date of the bond. The market-based variable investment yield from issue date to the semiannual interest accrual date occurring 5½ years from issue, and for each interest accrual date thereafter, will be similarly determined from the market yield averages for the appropriate number of 6-month periods.

For example, for bonds bearing issue dates of November 1, 1982, to April 1, 1983, the 6-month period most recently ending before their issue dates is the period from May 1, 1982, through October 31, 1982. Thus, the market-based variable investment yield from the issue date of such bonds to 5 years thereafter will be 85 percent of the average of the market yield averages for the ten 6-month periods from May 1, 1982, through April 30, 1987. The market-based variable investment yield from issue date to 5½ years will be determined from the market yield averages for the eleven 6-month periods from May 1, 1982, to October 31, 1987. In each case, the redemption value of bonds from their issue date to each semiannual interest accrual date occurring on and after 5 years after issue will be the *greater* of the values determined from the applicable market-based variable investment yield or the minimum guaranteed investment yield of 7.5 percent per annum, compounded semiannually.

Outstanding Bonds

Series EE bonds bearing issue dates prior to November 1, 1982, will also receive the benefit of the market-based variable investment yield, provided they are held for at least 5 years after their first semiannual interest accrual period beginning on or after November 1, 1982. The investment yields for bonds redeemed before the end of the 5 year period, as well as the minimum guaranteed investment yields for the periods thereafter when the variable investment yield provision applies, will be the yields heretofore prescribed in this Circular. The market-based variable investment yield from the first semiannual interest accrual period beginning on or after November 1, 1982, to 5 years thereafter will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages for the ten 6-month periods from May 1, 1982, through April 30, 1987. The market-based variable investment yield to 5½ years thereafter will be determined from the market yield averages for the 11 periods from May 1, 1982, through October 31, 1987. For each additional half-yearly retention of a bond, the market-based variable investment yield computation will include the next successive 6-month market yield average.

This revision is effected under authority of Section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 351

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Accordingly, Department of the Treasury Circular, Public Debt Series No. 1–80, First Revision, dated May 1, 1981, (31 CFR, Part 351), is hereby further revised and reissued as Department of the Treasury Circular, Public Debt Series No. 1–80, Second Revision, effective as of November 1, 1982.

PART 351—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES EE

Sec.
351.0 Offering of bonds.
351.1 Governing regulations.
351.2 Description of bonds.
351.3 Registration and issue.
351.4 Limitation on purchases.
351.5 Purchase of bonds.
351.6 Delivery of bonds.
351.7 Payment or redemption.
351.8 Taxation.

Sec.
351.9 Reservation as to issue of bonds.
351.10 Waiver.
351.11 Fiscal agents.
351.12 Reservation as to terms of offer.
Appendix

Authority: Sec. 22, Second Liberty Bond Act, as mended, 49 Stat. 21, as amended (31 U.S.C. 757c); 5 U.S.C. 301.

§ 351.0 Offering of bonds.

The Secretary of the Treasury offers for sale to the people of the United States, United States Savings Bonds of Series EE, hereinafter referred to as "Series EE bonds" or "bonds." This offer, effective November 1, 1982, will continue until terminated by the Secretary of the Treasury.

§ 351.1 Governing regulations.

Series EE bonds are subject to the regulations of the Department of the Treasury, now or hereafter prescribed, governing United States Savings Bonds of Series EE and HH, contained in Department of the Treasury Circular, Public Debt Series No. 3–80 (31 CFR, Part 353), hereinafter referred to as Circular No. 3–80.

§ 351.2 Description of bonds.

(a) *General.* Series EE bonds are issued only in registered form and are nontransferable.

(b) *Denominations and prices.* Series EE bonds are issued on a discount basis. The denominations and purchase prices are:

Denomination	Purchase price
$50	$25.00
75	37.50
100	50.00
200	100.00
500	250.00
1,000	500.00
5,000	2,500.00
10,000	5,000.00

(c) *Term to maturity.* The issue date of a Series EE bond is the first day of the month in which payment of the issue price is received by an authorized issuing agent. Bond's mature as follows:

Issue dates	Maturity dates
Nov. 1, 1982, and thereafter	10 years from issue date.
May 1, 1981–Oct. 1, 1982	8 years from issue date.
Nov. 1, 1980–April 1, 1981	9 years from issue date.
Jan. 1, 1980–October 1, 1980.	11 years from issue date.

(d) *Redemption.* A Series EE bond may be redeemed after 6 months from its issue date at fixed redemption values. See Tables appended to this Circular. The Secretary of the Treasury may not call Series EE bonds for redemption prior to maturity.

(e) *Investment yield (interest)—bonds issued on or after November 1, 1982.* The investment yield of a Series EE bond issued on or after November 1, 1982, from its issue date to each interest accrual date occurring less than 5 years after issue will be graduated, as shown in Table 1 in the Appendix to this Circular. Its yield from issue date to each semiannual interest accrual date occurring on and after 5 years up to maturity will be the greater of the guaranteed minimum investment yield or the market-based variable investment yield as described below:

(1) *Guaranteed minimum investment yield.* The guaranteed minimum investment yield on a bond from its issue date to each semiannual interest accrual date occurring on or after 5 years from issue up to maturity will be 7.5 percent per annum, compounded semiannually.

(2) *Market-based variable investment yield.* If a Series EE bond is not sooner redeemed, its yield 5 years after issue date and on each successive semiannual interest accrual date will be determined as follows:

(i) For each 6-month period, starting with the period beginning on May 1, 1982, the average market yield on outstanding marketable Treasury securities with a remaining term to maturity of approximately 5 years during such period will be determined.

(ii) The market-based variable investment yield from the issue date of a bond to its semiannual interest accrual date 5 years thereafter will be 85 percent, rounded to the nearest one-fourth of 1 percent, of the arithmetic average of the market yield averages for the ten 6-month periods starting with the 6-month period that most recently ended before such issue date.

(iii) In determining the market-based variable investment yield for a bond from its issue date to each successive semiannual interest accrual date occurring after 5 years from issue up to maturity, the average market yield for the next additional 6-month average market yield will be included in the computation.

(iv) The determination by the Secretary of the Treasury, or his delegate, of the average market yields shall be final and conclusive.

Example. For bonds bearing issue dates of November 1, 1982, through April 1,1983, the market-based variable investment yield from issue date to 5 years will be determined from the ten 6-month market yield averages for the period from May 1, 1982, through April 30, 1987. The market-based variable investment yield from issue to 5½ years will be determined for the period from May 1, 1982, through October 31, 1987. For bonds bearing issue dates of May 1, 1983, to October 1, 1983, the 5 year market-based variable investment yield will be determined for the period from November 1, 1982, through October 31, 1987, and the 5½ year market-based variable investment yield will be determined from November 1, 1982, through April 30, 1988. In each case where a bond is held for 5 years or longer its redemption value on the appropriate interest accrual date will be determined from such yield, unless the guaranteed minimum yield of 7.5 percent per annum, compounded semiannually, from issue to that accrual date results in a higher redemption value.

(f) *Investment yields (interest)—bonds issued prior to November 1, 1982.* For bonds bearing issue dates of January 1, 1980, through October 1, 1982, the investment yields shall be as follows:

(1) *Guaranteed minimum yield.* The guaranteed minimum yield on a bond from its first semiannual interest accrual date occurring on or after November 1, 1982, to each succeeding semiannual interest accrual date shall be the investment yield heretofore prescribed in this Circular.

(2) *Market-based variable investment yield.* If a bond is held for a period of 5 years after its first semiannual interest accrual date occurring on or after November 1, 1982, its yield for such period, and to each successive semiannual interest accrual date up to its maturity date, shall be the greater of either the guaranteed minimum yield specified above or the market-based variable investment yield computed as provided in subparagraph (e)(2), using the appropriate number of 6-month periods, the first of which being the period beginning May 1, 1982.

(g) *Accrual and payment of interest.* Interest accrues on a Series EE bond and becomes a part of the redemption value which is paid when the bond is cashed. For bonds with issue dates from January 1, 1980, through October 1, 1980, the redemption value increases on the first day of each month from the third through the thirtieth month after issue, and thereafter on the first day of each successive 6-month period. For bonds with issue dates on and after November 1, 1980, the redemption value increases on the first day of each month from the third through the eighteenth month after issue, and thereafter on the first day of each successive 6-month period. The interest on an outstanding bond ceases to accrue after maturity.

(h) *Tables of redemption values.* For bonds with issue dates of November 1, 1982, and thereafter, Table 1 in the Appendix to this Circular shows the established redemption values and investment yields for the first 4½ years after issue and the guaranteed minimum yields and resulting redemption values from 5 years after issue to maturity. For bonds issued prior to November 1, 1982, tables showing the established redemption values and investment yields for interest accrual dates occurring less than 5 years from the first semiannual interest accrual period starting on or after November 1, 1982, and the guaranteed minimum investment yields and resulting redemption values for interest accrual dates occurring thereafter, will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches. The market-based variable investment yield for the period May 1, 1982, to April 30, 1987, as determined under this section, will be announced prior to November 1, 1987, and approximately every 6 months thereafter for successive, additional periods, by notice in the **Federal Register**, accompanied by tables of the redemption values of bonds for the following 6 months, as determined by the applicable market-based variable investment yield or minimum guaranteed yields.

§ 351.3 Registration and issue.

(a) *Registration.* Bonds may be registered in the names of natural persons in single ownership, coownership, or beneficiary form. Bonds may also be registered in the names of organizations and fiduciaries. Specific rules and examples are contained in Subpart B of Circular No. 3–80.

(b) *Validity of issue.* A bond is validly issued when it (1) is registered as provided in Circular No. 3–80; and (2) bears an issue date and the validation indicia of an authorized issuing agent.

(c) *Taxpayer identifying number.* The inscription of a bond must include the taxpayer identifying number of the owner or first-named coowner. The taxpayer identifying number of the second-named coowner or beneficiary is not required but its inclusion is desirable. If the bond is being purchased as a gift or award and the owner's taxpayer identifying number is not known, the taxpayer identifying number of the purchaser and the word "GIFT" must be included in the inscription on the bond.

(d) *Restrictions on chain letters.* The issuance of bonds in the furtherance of a chain letter or pyramid scheme is considered to be against the public interest and is prohibited. An issuing agent is authorized to refuse to issue a bond if there is reason to believe that a purchase is in connection with a chain letter and its decision is final.

§ 351.4 Limitation on purchases.

The amount of Series EE bonds which may be purchased and held in the name of any one person in any one calendar year is limited to $30,000 (face amount). Subpart C of Circular No. 3–80 contains the rules governing the computation of amounts and the special limitation for employee plans.

§ 351.5 Purchase of bonds.

(a) *Payroll plans.* Bonds may be purchased through deductions from the pay of employees of organizations which maintain payroll savings plans. The bonds must be issued by an authorized issuing agent, which may be the employer organization or a financial institution or Federal Reserve Bank or Branch servicing that organization.

(b) *Over-the-counter/mail.*

(1) *At financial institutions.* Bonds registered in the names of individuals in their own right may be purchased over-the-counter or by mail at any financial institution, i.e., bank, savings and loan association, etc. qualified as an issuing agent.

(2) *At Federal Reserve Banks or Branches and the Bureau of the Public Debt.*

(i) *General.* Bonds registered in any authorized form may be purchased over-the-counter or by mail from a Federal Reserve Bank or Branch, and from the Bureau of the Public Debt, Washington, D.C. 20226.

(ii) *Remittance.* The application for purchase of a bond from a Federal Reserve Bank or Branch or from the Bureau of the Public Debt, Washington, D.C. 20226, must be accompanied by the remittance to cover the issue price. Checks or other forms of exchange, which will be accepted subject to collection, should be drawn to the order of the Federal Reserve Bank or Branch or the Bureau of the Public Debt, as the case may be. Checks payable by endorsement are not acceptable.

(3) *Payment with savings stamps.* Savings stamps will be accepted in payment for Series EE bonds purchased over-the-counter or by mail.

(c) *Bond-a-month plan.* A depositor of a financial institution qualified as an issuing agent may purchase bonds through a system of regular monthly withdrawals from the depositor's account.

(d) *Employee thrift, savings, vacation, and similar plans.* Bonds registered in the names of trustees of employee plans may be purchased either (1) from a Federal Reserve Bank or Branch, or (2) from a financial institution which:

(i) Is a qualified issuing agent;

(ii) Has been designated trustee of an approved employee plan eligible for the special limitation under Sec. 353.13 of Circular No 3–80; and

(iii) Has obtained prior approval to issue the bonds from the Federal Reserve Bank of the agent's district.

§ 351.6 Delivery of bonds.

Issuing agents are authorized to deliver Series EE bonds either over-the-counter or by mail. Mail deliveries are made at the risk and expense of the United States to the address given by the purchaser, if it is within the United States, its territories or possessions, or the Commonwealth of Puerto Rico. No mail deliveries elsewhere will be made, except to residents of Mexico and Canada, who participate in payroll savings plans and to residents of what was formerly the Panama Canal Zone. Bonds purchased by a citizen of the United States residing abroad will be delivered only to such address in the United States as the purchaser directs.

§ 351.7 Payment or redemption.

(a) *Incorporated banks, savings and loan associations, and other financial institutions.* A financial institution qualified as a paying agent under the provisions of Department of the Treasury Circular No. 750 (31 CFR, Part 321) will pay the current redemption value of a Series EE bond presented for payment by an individual whose name is inscribed on the bond as owner or coowner, provided: (1) the bond is in order for payment and (2) the presenter establishes his or her identify to the satisfaction of the agent, in accordance with Treasury instructions and identification guidelines, and signs and completes the request for payment.

(b) *Federal Reserve Banks and Branches and the Bureau of the Public Debt.* A Federal Reserve Bank or Branch of the Bureau of the Public Debt will pay the current redemption value of a Series EE bond presented for payment, provided the bond is on order for payment and the request for payment on the bonds is properly signed and certified in accordance with Circular No. 3–80.

§ 351.8 Taxation.

(a) *General.* The increment in value, represented by the difference between the price paid for a Series EE bond and the redemption value received for it, is interest. This interest is subject to all taxes imposed under the Internal Revenue Code of 1954, as amended. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all other taxation now or hereafter imposed on the principal or interest by any State, any possession of the United States or any local taxing authority.

(b) *Federal income tax on bonds.* An owner of Series EE bonds may use either of the following two methods for reporting the increase in the redemption value of the bond for Federal income tax purposes:

(1) *Cash basis.* Defer reporting the increase to the year of maturity, redemption, or other disposition, whichever is earlier; or

(2) *Accrual basis.* Elect to report the increase each year as it accrues, in which case the election applies to all Series EE bonds then owned by the taxpayer and those subsequently acquired, as well as to any other obligations purchased on a discount basis, such as those of Series E.

(3) If the method in paragraph (b)(1) of this section is used, the taxpayer may change to the method in paragraph (b)(2) of this section without obtaining permission from the Internal Revenue Service. However, once the election to use the method in paragraph (b)(2) of this section is made, the taxpayer may not change the method of reporting unless he or she obtains permission from the Internal Revenue Service. For further information, the District Director of the taxpayer's district, or the Internal Revenue Service, Washington, D.C. 20224, should be consulted.

(c) *Tax-deferred exchanges.* Department of the Treasury Circular, Public Debt Series No. 2–80 (31 CFR, Part 352), authorizes the exchange of Series EE bonds for Series HH bonds with a continuation of the tax-deferral privilege. The rules governing tax-deferred exchanges are contained in that Circular.

(d) *Reissue.* A reissue that affects the rights of any of the persons named on a Series EE bond may have a tax consequence.

§ 351.9 Reservation as to issue of bonds.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, is authorized to reject any application for Series EE bonds, in whole or in part, and to refuse to issue or permit to be issued any bonds in any case or class of cases, if he deems the action to be in the public interest, and his action in any such respect is final.

§ 351.10 Waiver.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, may waive or modify any provision of this circular in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardship (a) if such action would not be inconsistent with law or equity, (b) if it does not impair any existing rights, and (c) if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 351.11 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury, or his delegate, in connection with the issue, servicing and redemption of Series EE bonds.

§ 351.12 Reservation as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds.

BILLING CODE 4810-35-M

EE BONDS BEARING ISSUE DATES BEGINNING NOVEMBER 1, 1982

	ISSUE PRICE MATURITY VALUE		$25.00 52.22	$37.50 78.33	$50.00 104.44	$100.00 208.88	$250.00 522.20	$500.00 1044.40	$2500.00 5222.00	$ 5000.00 10444.00	APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
	PERIOD (YEARS AND MONTHS AFTER ISSUE)		(1) REDEMPTION VALUES DURING EACH PERIOD (VALUES INCREASE ON FIRST DAY OF PERIOD)								(2) FROM ISSUE DATE TO START OF PERIOD	(3) DURING EACH PERIOD	(4) FROM START OF PERIOD TO MATURITY
											PERCENT	PERCENT	PERCENT
A/	0- 0 TO 0- 2	1/(11/1/82)	$25.00	$37.50	$50.00	$100.00	$250.00	$500.00	$2500.00	$ 5000.00	——	4.35	7.50
	0- 2 TO 0- 3	(1/1/83)	25.18	37.77	50.36	100.72	251.80	503.60	2518.00	5036.00	4.35	3.84	7.56
	0- 3 TO 0- 4	(2/1/83)	25.26	37.89	50.52	101.04	252.60	505.20	2526.00	5052.00	4.18	3.83	7.59
	0- 4 TO 0- 5	(3/1/83)	25.34	38.01	50.68	101.36	253.40	506.80	2534.00	5068.00	4.09	3.82	7.62
	0- 5 TO 0- 6	(4/1/83)	25.42	38.13	50.84	101.68	254.20	508.40	2542.00	5084.00	4.04	4.77	7.66
	0- 6 TO 0- 7	(5/1/83)	25.52	38.28	51.04	102.08	255.20	510.40	2552.00	5104.00	4.16	5.71	7.68
	0- 7 TO 0- 8	(6/1/83)	25.64	38.46	51.28	102.56	256.40	512.80	2564.00	5128.00	4.38	6.64	7.70
	0- 8 TO 0- 9	(7/1/83)	25.78	38.67	51.56	103.12	257.80	515.60	2578.00	5156.00	4.66	7.56	7.71
	0- 9 TO 0-10	(8/1/83)	25.94	38.91	51.88	103.76	259.40	518.80	2594.00	5188.00	4.98	6.56	7.71
	0-10 TO 0-11	(9/1/83)	25.08	39.12	52.16	104.32	260.80	521.60	2608.00	5216.00	5.14	7.48	7.72
	0-11 TO 1- 0	(10/1/83)	26.24	39.36	52.48	104.96	262.40	524.80	2624.00	5248.00	5.35	7.43	7.72
	1- 0 TO 1- 1	(11/1/83)	26.40	39.60	52.80	105.60	264.00	528.00	2640.00	5280.00	5.52	6.45	7.72
	1- 1 TO 1- 2	(12/1/83)	26.54	39.81	53.08	106.16	265.40	530.80	2654.00	5308.00	5.59	6.41	7.74
	1- 2 TO 1- 3	(1/1/84)	26.68	40.02	53.36	106.72	266.80	533.60	2668.00	5336.00	5.65	5.46	7.75
	1- 3 TO 1- 4	(2/1/84)	26.80	40.20	53.60	107.20	268.00	536.00	2680.00	5360.00	5.64	6.35	7.77
	1- 4 TO 1- 5	(3/1/84)	26.94	40.41	53.88	107.76	269.40	538.80	2694.00	5388.00	5.68	6.32	7.78
	1- 5 TO 1- 6	(4/1/84)	27.08	40.62	54.16	108.32	270.80	541.60	2708.00	5416.00	5.72	6.28	7.80
	1- 6 TO 2- 0	(5/1/84)	27.22	40.83	54.44	108.88	272.20	544.40	2722.00	5444.00	5.75	6.76	7.81
	2- 0 TO 2- 6	(11/1/84)	28.14	42.21	56.28	112.56	281.40	562.80	2814.00	5628.00	6.00	7.25	7.88
	2- 6 TO 3- 0	(5/1/85)	29.16	43.74	58.32	116.64	291.60	583.20	2916.00	5832.00	6.25	7.82	7.92
	3- 0 TO 3- 6	(11/1/85)	30.30	45.45	60.60	121.20	303.00	606.00	3030.00	6060.00	6.51	8.18	7.93
	3- 6 TO 4- 0	(5/1/86)	31.54	47.31	63.08	126.16	315.40	630.80	3154.00	6308.00	6.75	8.88	7.91
	4- 0 TO 4- 6	(11/1/86)	32.94	49.41	65.88	131.76	329.40	658.80	3294.00	6588.00	7.02	9.23	7.83
	4- 6 TO 5- 0	(5/1/87)	34.46	51.69	68.92	137.84	344.60	689.20	3446.00	6892.00	7.26	9.75	7.70
B/	5- 0 TO 5- 6	(11/1/87)	36.14	54.21	72.28	144.56	361.40	722.80	3614.00	7228.00	7.51	7.53	7.50
	5- 6 TO 6- 0	(5/1/88)	37.50	56.25	75.00	150.00	375.00	750.00	3750.00	7500.00	7.51	7.47	7.50
	6- 0 TO 6- 6	(11/1/88)	38.90	58.35	77.80	155.60	389.00	778.00	3890.00	7780.00	7.51	7.51	7.50
	6- 6 TO 7- 0	(5/1/89)	40.36	60.54	80.72	161.44	403.60	807.20	4036.00	8072.00	7.51	7.43	7.50
	7- 0 TO 7- 6	(11/1/89)	41.86	62.79	83.72	167.44	418.60	837.20	4186.00	8372.00	7.50	7.55	7.51
	7- 6 TO 8- 0	(5/1/90)	43.44	65.16	86.88	173.76	434.40	868.80	4344.00	8688.00	7.50	7.46	7.50
	8- 0 TO 8- 6	(11/1/90)	45.06	67.59	90.12	180.24	450.60	901.20	4506.00	9012.00	7.50	7.55	7.51
	8- 6 TO 9- 0	(5/1/91)	46.76	70.14	93.52	187.04	467.60	935.20	4676.00	9352.00	7.50	7.44	7.50
	9- 0 TO 9- 6	(11/1/91)	48.50	72.75	97.00	194.00	485.00	970.00	4850.00	9700.00	7.50	7.51	7.53
	9- 6 TO 10- 0	(5/1/92)	50.32	75.48	100.64	201.28	503.20	1006.40	5032.00	10064.00	7.50	7.55	7.55
	10- 0 2/	(11/1/92)	52.22	78.33	104.44	208.88	522.20	1044.40	5222.00	10444.00	7.50		

1/ MONTH, DAY, AND YEAR ON WHICH ISSUES OF NOVEMBER 1, 1982 ENTER EACH PERIOD. FOR SUBSEQUENT ISSUE MONTHS ADD THE APPROPRIATE NUMBER OF MONTHS.

2/ MATURITY VALUE IS REACHED 10 YEARS AND 0 MONTHS AFTER ISSUE DATE.

A/ THE REDEMPTION VALUES AND INVESTMENT YIELDS SHOWN FOR INTEREST ACCRUAL DATES BEFORE FIVE YEARS AFTER ISSUE ARE THOSE ESTABLISHED UNDER SECTION 352.2(E) OF THIS CIRCULAR.

B/ THE REDEMPTION VALUES AND INVESTMENT YIELDS SHOWN FOR INTEREST ACCRUAL DATES FIVE YEARS AFTER ISSUE AND THEREAFTER REPRESENT THE MINIMUM GUARANTEED INVESTMENT YIELDS PROVIDED BY SECTION 352.2(E)(1) OF THIS CIRCULAR. THESE REDEMPTION VALUES WILL APPLY UNLESS APPLICATION OF THE VARIABLE RATE PRESCRIBED UNDER SECTION 352.2(E)(2) PRODUCES A HIGHER REDEMPTION VALUE.

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federal register

Friday
October 29, 1982

Part VI

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of United States Savings Bonds; Series HH

Dept. Circular, Public Debt Series No. 2-80, Second Revision

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 352

Offering of United States Savings Bonds, Series HH

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This second revision of Department of the Treasury Circular, Public Debt Series No. 2–80, the offering circular for United States Savings Bonds of Series HH, is being issued to terminate the offering of these bonds for cash purchase and to prescribe an interest rate of 7½ percent per annum, compounded semiannually, for bonds acquired on exchange of Series EE and E savings bonds and savings notes on and after November 1, 1982. The cash offering of Series HH bonds is being terminated due to the low volume of sales. The interest rate being prescribed for Series HH bonds is being set to maintain parity with the minimum guaranteed yield being prescribed for Series EE bonds.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that, as part of the changes being made in the savings bond program, Series HH bonds would not be offered for cash purchase after October 31, 1982, and Series HH bonds acquired through an exchange of Series EE and E savings bonds and savings notes on or after November 1, 1982, would have an interest rate of 7½ percent per annum, compounded semiannually.

The cash offering of Series HH bonds is being terminated due to the low volume of sales. Series HH savings bonds will continue to be available in exchange of Series EE and E savings bonds and savings notes, with or without tax deferral. The proceeds of matured Series H bonds may continue to be reinvested in Series HH bonds, but without continuation of any tax deferral.

The interest rate of 7½ percent per annum, compounded semiannually, for Series HH bonds issued on and after November 1, 1982, maintains parity between that interest rate and the minimum guaranteed yield now being prescribed for Series EE bonds.

This revision is effected under authority of Sec. 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 352

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

Accordingly, Department of the Treasury Circular No. 2–80, First Revision, dated October 6, 1981, (31 CFR Part 352) is hereby revised and reissued as Department of the Treasury Circular, Public Debt Series No. 2–80, Second Revision, effective as of November 1, 1982.

PART 352—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES HH

Sec.
352.0 Offering of bonds.
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352.12 Waiver.
352.13 Fiscal agents.
352.14 Reservation as to terms of offer.

Authority: Sec. 22, Second Liberty Bond Act, as amended, 49 Stat. 21, as amended (31 U.S.C. 757c); (5 U.S.C. 301).

§ 352.0 Offering of bonds.

The Secretary of the Treasury hereby offers to the people of the United States, United States Savings Bonds of Series HH in exchange for outstanding United States Savings Bonds of Series E and EE and United States Savings Notes (Freedom Shares). This offering, effective as of November 1, 1982, will continue until terminated by the Secretary of the Treasury.[1]

§ 352.1 Governing regulations.

Series HH bonds are subject to the regulations of the Department of the Treasury, now or hereafter prescribed, governing United States Savings Bonds of Series EE and HH, contained in Department of the Treasury Circular, Public Debt Series No. 3–80 (31 CFR, Part 353), hereinafter referred to as Circular No. 3–80.

§ 352.2 Description of bonds.

(a) *General.* Series HH bonds are issued only in registered form and are nontransferable. Bonds sold for cash under prior revisions of this Circular and bonds issued on exchange are distinguishable by: (1) the portraits, color and border design; (2) the tax-deferral legend on the bonds issued on exchange; (3) the word "CASH" or "EXCHANGE", as appropriate, on the back of the bond; and (4) text material.

(b) *Denominations and prices.* Series HH bonds are issued at face amount and are in denominations of $500, $1,000, $5,000 and $10,000.

(c) *Term.* Each bond bears an issue date which is the date from which interest is earned. The date is established as provided in Sec. 352.7(f). The bond matures 10 years from the issue date.

(d) *Redemption.* (1) *General.* A Series HH bond may be redeemed after six months from its issue date. The Secretary of the Treasury may not call Series HH bonds for redemption prior to maturity. A bond received for redemption by an agent during the calendar month preceding any interest payment will not ordinarily be paid until that date.

(2) *Bonds purchased for cash.* During the first five years from issue, the redemption value of a bond purchased for cash under previous revisions of this Circular is less than face amount. The difference between the face amount and redemption value represents an adjustment of interest. After five years, the bond will be paid at face amount.

(3) *Bonds issued on exchange.* Bonds issued on exchange, including authorized reinvestment, are not subject to an interest adjustment and will be redeemed at face amount at any time after six months from their issue dates.

(e) *Investment yield (interest).* The level interest payments on Series HH bonds will produce the investment yields specified below on all bonds issued on exchange and on bonds purchased for cash under previous revisions of this Circular that are held for at least 5 years from their issue (see paragraph (d) (2) of this Section concerning bonds purchased for cash that are redeemed earlier than 5 years from their issue).

(1) *Current offering.* Series HH bonds issued on and after November 1, 1982, will yield 7.5 percent per annum,

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[1] Under prior revisions of this offering, Series HH bonds were also offered for cash purchase. This cash offering terminated on October 31, 1982.

compounded semiannually. See Table 1 in the Appendix to this Circular.

(2) *Bonds with issue dates of May 1, 1981 to October 1, 1982.* Series HH bonds with issue dates of May 1, 1981, through October 1, 1982, will yield 8.5 percent per annum, compounded semiannually.

(3) *Bonds with issue dates from November 1, 1980 to April 1, 1981.* Series HH bonds with issue dates of November 1, 1980, through April 1, 1980, were originally offered to yield 7½ percent per annum, compounded semiannually. The yield to maturity was increased by 1 percent, effective with the first full semiannual interest accrual period beginning on or after May 1, 1981.

(4) *Bonds with issue dates from January 1, 1980 to October 1, 1980.* Series HH bonds with issue dates of January 1, 1980, through October 1, 1980, were originally offered to yield 6.5 percent per annum, compounded semiannually. The yield to maturity was increased by 1 percent, effective with the first full semiannual interest accrual period beginning on or after November 1, 1980, and an additional 1 percent, effective with the first full semiannual interest accrual period beginning on or after May 1, 1981.

(f) *Payment of interest.* The interest on a Series HH bond is paid semiannually by check drawn to the order of the registered owner or coowners, beginning six months from the issue date. Interest ceases at final maturity, or, if the bond is redeemed before final maturity, as of the end of the interest period next preceding the date of redemption. However, if the date of redemption falls on an interest payment date, interest ceases on that date.

(g) *Tables of interest payments and redemption values.* Tables showing the interest payments and redemption values of bonds issued under previous revisions of this Circular will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches.

§ 352.3 Registration and issue.

(a) *Registration.* Bonds may be registered in the names of natural persons in single ownership, coownership or beneficiary forms. Bonds may also be registered in the names of organizations and fiduciaries. Specific rules and examples are contained in Subpart B of Circular No. 3–80.

(b) *Validity of issue.* A bond is validly issued when it (1) is registered as provided in Circular No. 3–80 and in this Circular; and (2) bears an issue date and the validation indicia of an authorized issuing agent.

(c) *Taxpayer identifying number.* The inscription of a bond must include the taxpayer identifying number of the owner or first-named coowner. The taxpayer identifying number of the second-named coowner or beneficiary is not required but its inclusion is desirable.

§ 352.4 Limitation on purchases.

The amount of Series HH bonds purchased for cash under previous revisions of this Circular and held in the name of any one person in any one calendar year was limited to $20,000 (face amount). Bonds issued on authorized exchange or reinvestment are not subject to this limitation. Subpart C of Circular No. 3–80 contains the rules governing the computation of amounts and the special limitation for exempt organizations.

§ 352.5 Authorized issuing and paying agents.

Series HH bonds may be issued or redeemed only by (a) a Federal Reserve Bank or Branch, (b) the Bureau of the Public Debt, Washington, D.C. 20226, or (c) the Bureau of the Public Debt, 200 Third Street, Parkersburg, West Virginia 26101.

§ 352.6 [Reserved]

§ 352.7 Issues on exchange.

(a) *Securities eligible for exchange.* Owners may exchange United States Savings Bonds of Series E and EE and United States Savings Notes (Freedom Shares) at their current redemption values for Series HH bonds. Series E bonds are eligible for exchange until one year after their final maturity dates. Series EE bonds become eligible for exchange six months after their issue dates.

(b) *Basis for issue.* Series HH bonds will be issued on exchange by an authorized issuing agent upon receipt of a properly executed exchange subscription with eligible securities and additional cash, if any, and any supporting evidence that may be required under the regulations. If eligible securities are submitted directly to a Federal Reserve Bank or Branch or the Bureau of the Public Debt, each must bear a properly signed and certified request for payment. Checks in payment of any cash difference (see paragraph (d) of this section) must be drawn to the order of the Federal Reserve Bank or Branch or Bureau of the Public Debt.

(c) *Role of financial institutions.* Department of the Treasury Circular No. 750, current revision (31 CFR, Part 321), authorizes financial institutions qualified as paying agents for savings bonds and notes to redeem eligible securities presented for exchange and to forward an exchange subscription and full payment to a Federal Reserve Bank or Branch for the issue of Series HH bonds. The securities redeemed on exchange by such an institution must be securities which it is authorized to redeem for cash.

(d) *Computation of issue price.* The total current redemption value of the eligible securities submitted in exchange in any one transaction must be $500 or more. If the current redemption value is an even multiple of $500, Series HH bonds must be registered in that exact amount. If the total current redemption value exceeds, but is not an even multiple of, $500, the owner has the option either of furnishing the cash necessary to obtain Series HH bonds at the next highest $500 multiple, or of receiving payment of the next highest $500 multiple, or of receiving payment of the next lower $500 multiple. For example, if the eligible securities presented for exchange in one transaction have a total current redemption value of $4,253.33, the owner may elect to:

(1) receive $4,000 in Series HH bonds and the amount of the difference, $253.33; or

(2) pay the difference, $246.67, necessary to obtain $4,500 in Series HH bonds.

(e) *Registration.* A Series HH bond issued on exchange may be registered in any authorized form (see Subpart B of Circular No. 3–80), subject to the following restrictions:

(1) If the securities submitted in exchange are in single ownership form, the owner must be named as owner or first-named coowner on the Series HH bonds. A coowner or beneficiary may be named.

(2) If the securities submitted in exchange are in coownership form, and one coowner is the "principal coowner", the "principal coowner" must be named as owner or first-named coowner. A beneficiary or coowner may be named. The "principal coowner" is a coowner who (i) purchased the securities submitted for exchange with his or her own funds, or (ii) received them as a gift, inheritance or legacy, or as a result of judicial proceedings, and had them reissued in coownership form, provided he or she has received no contribution in money or money's worth for designating the other coowner on the securities.

(3) If the securities submitted in exchange are in coownership form and both coowners shared in the purchase of the securities or received them jointly as

a gift, inheritance or legacy or a result of judicial proceedings, both persons must be named as coowners on the Series HH bonds.

(4) If the securities submitted in exchange are in beneficiary form, the owner must be named on the Series HH bonds as owner or first-named coowner. If the owner is deceased, a surviving beneficiary must be named as owner or first-name coowner. In either case, a coowner or beneficiary may be named.

A reissue that affects any of the persons required to be named on the Series HH bond may have a tax consequence.

(f) *Dating.* Series HH bonds issued on exchange will be dated as of the first day of the month in which the eligible securities persented for exchange are redeemed by a Federal Reserve Bank, the Bureau of the Public Debt, or a qualified paying agent, as evidenced by the payment stamp on the bonds and subscription form.

(g) *Tax-deferred exchanges.* (1) *Continuation of tax-deferral.* Pursuant to the provisions of Section 1037(a) of the Internal Revenue Code of 1954, as amended, and owner who has not been reporting the interest on his or her Series E or EE savings bonds and savings notes on an accrual basis for Federal income tax purposes, and who exchanges those securities of Series HH bonds, may continue to defer reporting the interest on the securities exchanged until the taxable year in which the Series HH bonds received in the exchange reach final maturity, are redeemed, or are otherwise disposed of, whichever is earlier.

(2) *Tax-deferral legend.* Each bond issued on a tax-deferred exhange shall bear a legend showing how much of its issue price represents interest on the securities exchanged. This interest must be treated as income for Federal income tax purposes and reported in accordance with paragraph (g)(1) of this section.

(3) *Reporting of interest for any difference paid on exchange.* The amount of any difference paid to the owner (see paragraph (d)(1) of this section) must be treated as income for Federal income tax reporting purposes for the year in which it is received, up to the amount of the total interest on the securities exchanged.

(h) *Exchanges without tax-deferral.* The rules prescribed for exchanges under paragraphs (a) through (f) of this section also apply to exchanges by owners who (1) report the interest on their bonds of Series E and EE and savings notes annually for Federal income tax purposes; (2) elect to report all such interest in the year of the exchange regardless of whether or not it exceeds the amount of any cash difference received (see paragraph (d)(1) of this section), or (3) are tax-exempt under the provisions of the Internal Revenue Code of 1954, as amended. However, no amount will appear in the tax-deferral legend printed on the bond, and any part of the cash difference received (see paragraph (d)(1) of this section) which represents interest previously reported for Federal income tax purposes need not be treated as income.

§ 352.8 Reinvestment of matured Series H bonds.

(a) *General.* The face amount of Series H bonds purchased for cash that have reached final maturity may be reinvested in Series HH bonds. The Series H bonds, bearing properly signed and certified requests for payment, must be submitted to a Federal Reserve Bank or Branch or the Bureau of the Public Debt with a reinvestment application.

(b) *Rules.* The reinvestment transaction will be subject to the rules governing exchanges, as set forth in § 352.7, and the Series HH bonds issued on reinvestment will be identical in all respects with those issued on a non-tax-deferred exchange.

§ 352.9 Delivery of bonds.

Authorized issuing agents will deliver Series HH bonds either (a) over-the-counter, or (b) by mail. Mail deliveries are made at the risk and expense of the United States, to the address give by the purchaser, if it is within the United States, one of its territories or possessions, or the Commonwealth of Purerto Rico. No mail deliveries elsewhere will be made. Bonds purchased by a citizen of the United States residing abroad will be delivered only to such address in the United States as the purchaser directs.

§ 352.10 Taxation.

The interest paid on Series HH bonds is subject to all taxes imposed under the Internal Revenue Code of 1954, as amended. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest by any State, any of the possessions of the United States, or any local taxing authority.

§ 352.11 Reservation as to issue of bonds.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, reserves the right to reject any application for Series HH bonds, in all or in part, and to refuse to issue or permit to be issued any bonds in any case or classes of cases, if he deems the action to be in the public interest, and his action in such respect is final.

§ 352.12 Waiver.

The Commissioner of the Public Debt, as delegate of the Secretary of the Treasury, may waive or modify any provision of this Circular in any particular case or class of cases for the convenience of the United States or in order to relieve any person or persons of unnecessary hardships (a) if such action would not be inconsistent with law or equity, (b) if it does not impair any existing rights, and (c) if he is satisfied that such action would not subject the United States to any substantial expense or liability.

§ 352.13 Fiscal agents.

Federal Reserve Banks and Branches, as fiscal agents of the United States, are authorized to perform such services as may be requested of them by the Secretary of the Treasury, or his delegate, in connection with the issue, servicing, and redemption of series HH bonds.

§ 352.14 Reservation as to terms of offer.

The Secretary of the Treasury may at any time or from time to time supplement or amend the terms of this offering of bonds.

BILLING CODE 4810-35-M

TABLE 1

BONDS BEARING ISSUE DATES BEGINNING NOV. 1, 1982

					APPROXIMATE INVESTMENT YIELD (ANNUAL PERCENTAGE RATE)		
ISSUE PRICE	$500	$1,000	$5,000	$10,000			
REDEMPTION AND MATURITY VALUE 1/	500	1,000	5,000	10,000			
PERIOD OF TIME BOND IS HELD AFTER ISSUE DATE	(1) AMOUNTS OF INTEREST CHECKS FOR EACH DENOMINATION				(2) FROM ISSUE TO EACH INTEREST PAYMENT DATE	(3) FOR HALF-YEAR PERIOD PRECEDING INTEREST PAYMENT DATE	(4) FROM EACH INTEREST PAYMENT DATE TO MATURITY
					PERCENT	PERCENT	PERCENT
.5 YEARS	$18.75	$37.50	$187.50	$375.00	7.50	7.50	7.50
1.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
1.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
2.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
2.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
3.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
3.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
4.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
4.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
5.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
5.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
6.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
6.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
7.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
7.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
8.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
8.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
9.0 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
9.5 YEARS	18.75	37.50	187.50	375.00	7.50	7.50	7.50
10.0 YEARS 2/	18.75	37.50	187.50	375.00	7.50	7.50	—

1/ AT ALL TIMES, EXCEPT THAT BOND IS NOT REDEEMABLE DURING FIRST 6 MONTHS.
2/ MATURITY REACHED AT 10 YEARS AND 0 MONTHS AFTER ISSUE DATE.

[FR Doc. 82-29807 Filed 10-28-82; 8:45 am]

BILLING CODE 4810-35-C

federal register

Friday
October 29, 1982

Part VII

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Bonds, Series E; Department Circular No. 653, 10th Revision, Second Amendment

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 316

Offering of United States Savings Bonds, Series E

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This second amendment of Department of the Treasury Circular, No. 653, Tenth Revision, the offering circular for United States Savings Bonds of Series E, is being issued to set out changes in the terms and conditions of these bonds, including a new market-based variable investment yield. The variable yield will be based on the Secretary of the Treasury's determination of the average yields occurring on marketable Treasury obligations with remaining maturity periods of approximately 5 years.

The market-based variable investment yield is being established to provide bondowners with a rate of return comparable to market rates occurring during the period the bond is held.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that outstanding Series E bonds not reaching final maturity prior to November 1, 1987, would also receive the benefits of the market-based variable investment yield being prescribed for Series EE bonds. Under this change, Series E bonds that are held for at least 5 years from their first semiannual interest accrual date occurring on or after November 1, 1982, will have an investment yield that is 85 percent of the average yield on outstanding marketable Treasury securities (U.S. Treasury notes and bonds) with remaining maturities of approximately 5 years. This market-based variable investment yield will be the basis for determining the redemption value of a bond, unless its applicable guaranteed minimum investment yield produces a higher value. The details of these changes are as follows:

Series E bonds bearing issue dates prior to November 1, 1947, will reach final maturity exactly 40 years after issue; *i.e.*, less than 5 years after the first interest accrual date beginning on or after November 1, 1982. Thus these bonds will not receive the market-based variable investment yield but they will continue to earn an investment yield of 8.5 percent per annum, compounded semiannually, for their remaining period to maturity.

Series E bonds bearing issue dates of November 1, 1947, through June 1, 1980, will not receive the market-based variable investment yield if they are redeemed less than 5 years after their first interest accrual date occurring on or after November 1, 1982. Their investment yields up to such time will be those heretofore prescribed in this Circular, except that their investment yield during any extended maturity period beginning on or after November 1, 1982, shall be 7.5 percent per annum, compounded semiannually. If a bond is held until the first semiannual interest accrual date occurring on or after November 1, 1987, its investment yield from the first interest accrual period beginning on or after November 1, 1982, until such time will be the greater of either its minimum guaranteed investment yield or the market-based variable investment yield determined as follows:

Guaranteed Minimum Investment Yields

Bonds bearing issue dates of November 1, 1947, through October 1, 1977, will have a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining term of their current extended maturity periods. The guaranteed minimum investment yield for any future extended maturity period beginning on or after November 1, 1982, will be 7.5 percent per annum, compounded semiannually, unless such yield is changed prior to the beginning of such period.

Bonds bearing issue dates of November 1, 1977, through April 1, 1978, will begin their first extended maturity period on or within 6 months of November 1, 1982, and will provide a minimum guaranteed investment yield of 7.5 percent per annum, compounded semiannually, during such period and during any future extended maturity period unless such yield is changed prior to the beginning of a future extended maturity period.

Bonds bearing issue dates of May 1, 1978, through June 1, 1980, will provide a minimum guaranteed investment yield equal to the yields previously prescribed for their remaining period to original maturity and a yield of 7.5 percent per annum, compounded semiannually, during any future extended maturity period unless such yield is changed prior to the beginning of a future extended maturity period.

Additionally, all bonds bearing an issue date of January 1, 1951, or thereafter, if held for the 11-year period from the first semiannual interest accrual date beginning on or after January 1, 1980, will have their guaranteed minimum yields for such period increased by one-half of 1 percent per annum, compounded semiannually.

Market-Based Variable Investment Yield

The market-based variable investment yield on a Series E bond from its first semiannual interest accrual period beginning on or after November 1, 1982, to its semiannual interest accrual date 5 years thereafter and to each succeeding semiannual interest accrual date will be determined by the Secretary of the Treasury as follows:

For each 6-month period, beginning with the period starting on May 1, 1982, the Department of the Treasury will determine the average market yield during such period on marketable Treasury securities having a remaining term to maturity of approximately 5 years during such period. The market-based variable investment yield for a bond from its first semiannual interest accrual date occurring on or after November 1, 1982, to 5 years thereafter will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages for the ten 6-month periods May 1, 1982, through April 30, 1987. The market-based variable investment yield to 5½ years thereafter will be determined from the market yield averages for the 11 periods from May 1, 1982, through October 31, 1987. For each additional half-yearly retention of the bonds, the market-based variable investment yield computation will include the next successive 6-month market yield average.

For example, a bond bearing issue date of August 1, 1963, begins a semiannual interest accrual period on November 1, 1982, and a bond bearing an issue date of October 1, 1963, begins a semiannual interest accrual period on January 1, 1983. The market-based variable investment yield from such dates to November 1, 1987, and January 1, 1988, respectively, will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages occurring in the 6-month periods from May 1, 1982, to April 30, 1987. The market-based variable investment yield from such dates to the semiannual interest accrual dates occurring on May 1, 1988, and July 1, 1988, respectively, will be determined from the market yield averages over the period from May 1, 1982, to October 31,

1987. The market-based variable investment yield determined in this manner will be the basis for establishing the redemption value of a bond on each semiannual interest accrual date occurring on or after November 1, 1987, unless the guaranteed minimum investment yield described above produces a higher redemption value.

This revision is effected under authority of section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 316

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

PART 316—[AMENDED]

Accordingly, Department of the Treasury Circular No. 653, Tenth Revision, dated April 2, 1980, (31 CFR Part 316) is hereby further amended by the removal of § 316.8(b) and Tables 1 through 245 and the addition of new § 316.8(b) as follows:

§ 316.8 Extended terms and improved yields for outstanding bonds.

* * * * *

(b) *Improved yields—Outstanding bonds.* The investment yield on all outstanding bonds, effective from the first semiannual interest accrual period commencing on or after November 1, 1982, will be determined as follows:

(1) *Bonds bearing issue dates prior to November 1, 1947.* Bonds issued prior to November 1, 1947, will continue to provide an investment yield of 8.5 percent per annum, compounded semiannually, to their final maturity which is 40 years after issue.

(2) *Bonds bearing issue dates of November 1, 1947, through June 1, 1980.—(i) Guaranteed minimum investment yield.* Except as provided in subparagraphs (ii) and (iii) the investment yields on Series E bonds bearing issue dates of November 1, 1947, through June 1, 1980, shall be the following guaranteed minimum investment yields:

(A) *Bonds bearing issue dates of November 1, 1947, through October 1, 1977.* A bond bearing an issue date of November 1, 1947, through October 1, 1977, will provide a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining term of its current extended maturity period and 7.5 percent per annum, compounded semiannually, for any future extended maturity periods commencing on or after November 1, 1982, unless such yield is changed prior to the beginning of such future extension period.

(B) *Bonds bearing issue dates of November 1, 1977, through April 1, 1978.* A bond bearing an issue date of November 1, 1977, through April 1, 1978, will begin its first extended maturity period on or within six months of November 1, 1982, and will provide a guaranteed minimum investment yield of 7.5 percent per annum, compounded semiannually, during such period and during any future extended maturity period unless such yield is changed prior to the beginning of a future extended maturity period.

(C) *Bonds bearing issue dates of May 1, 1978, through June 1, 1980.* A bond bearing an issue date of May 1, 1978, through June 1, 1980, will provide a guaranteed minimum investment yield equal to the yields heretofore prescribed for its remaining period to original maturity and a yield of 7.5 percent per annum, compounded semiannually, during any future extended maturity period unless such yield is changed prior to the beginning of such future extended maturity period.

(ii) *11-year bonus.* If a bond bearing an issue date of January 1, 1951, or thereafter, is held for the 11-year period from the first semiannual interest accrual period that began on or after January 1, 1980, its guaranteed minimum yield for such period, as specified in subparagraph (i), will be increased by ½ of 1 percent per annum, compounded semiannually.

(iii) *Market-based variable investment yield.* If a bond is held for the 5-year period commencing with the first semiannual interest accrual period beginning on or after November 1, 1982, its yield to each semiannual interest accrual date occurring on and after November 1, 1987, shall be the greater of either the guaranteed minimum investment yield specified in subparagraphs (i) and (ii) or the market-based variable investment yield to be determined by the Secretary of the Treasury as follows: For each 6-month period, starting with the period beginning May 1, 1982, the average market yield on outstanding marketable Treasury securities with a remaining term to maturity of approximately 5 years during such period will be determined. The market-based variable investment yield for a bond from the first semiannual interest period starting on or after November 1, 1982, to its semiannual interest accrual date 5 years thereafter, and to each succeeding semiannual accrual date, will be 85 percent, rounded to the nearest one-fourth of 1 percent, of the arithmetic average of the so determined market yield averages for the appropriate number of 6-month periods involved, starting with the period beginning May 1, 1982. The determination of the average market yields by the Secretary of the Treasury or his delegate shall be final and conclusive.

(3) *Tables of redemption values.* Tables showing the established redemption values and investment yields for interest accrual dates occurring less than 5 years from the first semiannual interest accrual period starting on or after November 1, 1982, and the guaranteed minimum investment yields and resulting redemption values for interest accrual dates occurring thereafter, will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches. The market-based variable investment yield for the period May 1, 1982, to April 30, 1987, as determined under this section, will be announced prior to November 1, 1987, and approximately every 6 months thereafter for successive, additional periods, by notice in the **Federal Register**, accompanied by tables of the redemption values of bonds for the following 6 months, as determined by the applicable market-based variable investment yield or minimum guaranteed investment yields.

[FR Doc. 82-29806 Filed 10-28-82; 8:45 am]

BILLING CODE 4810-35-M

federal register

Friday
October 29, 1982

Part VIII

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Bonds, Series H Department Circular No. 905, 7th Revision, Second Amendment

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DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 332

Offering of United States Savings Bonds, Series H

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This second amendment of Department of the Treasury Circular No. 906, Seventh Revision, the offering circular for United States Savings Bonds of Series H, is being issued to prescribe an interest rate of 7½ percent per annum, compounded semiannually, for extended maturity periods beginning on or after November 1, 1982. This change is being made to maintain parity with the investment yield now being prescribed for Series HH bonds.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376-0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that, as part of the changes being made in the savings bond program, outstanding Series H bonds will provide an interest rate of 7½ percent per annum, compounded semiannually, during any future extended maturity periods beginning on or after November 1, 1982.

This revision is effected under authority of Sec. 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 332

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

PART 332—[AMENDED]

Accordingly, Department of the Treasury Circular No. 905, Seventh Revision, dated January 21, 1980, (31 CFR Part 332) is hereby further amended by the removal of § 332.8(b)(4) and Tables 1 through 121A and the addition of new § 332.8(b)(4) and (c) as follows:

§ 332.8 Extended terms and improved yields for outstanding bonds.

* * * * *

(b) * * *

(4) *Other extensions.* The investment yield for any authorized extensions beginning on or after November 1, 1982, will be at the rate of 7.5 percent per annum, compounded semiannually, unless such rate is changed prior to the commencement of such period.

(c) *Tables of interest payments and investment yields.* Tables of interest payments and investment yields will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches.

[FR Doc. 82–29809 Filed 10–28–82; 8:45 am]

BILLING CODE 4810–35–M

federal register

Friday
October 29, 1982

Part IX

Department of the Treasury

Fiscal Service, Bureau of the Public Debt

Offering of U.S. Savings Notes, Department Circular, Public Debt Series No. 3-67, Revised 5th Amendment

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 342

Offering of United States Savings Notes

AGENCY: Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: This fifth amendment of Department of the Treasury Circular, No. 3–67, Revised, the offering circular for United States Savings Notes, is being issued to set out changes in the terms and conditions of these notes, including a new market-based variable investment yield based on the Secretary of the Treasury's determination of the average yields occurring on marketable Treasury obligations with remaining maturity periods of approximately 5 years. The market-based variable investment yield is being established to provide note owners with a rate of return comparable to market rates occurring during the period the note is held.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: A. E. Martin, Office of the Chief Counsel, Bureau of the Public Debt, (202) 376–0636.

SUPPLEMENTARY INFORMATION: Under his statutory authority to set the terms and conditions of savings bonds, the Secretary of the Treasury has decided, with the approval of the President, that United States Savings Notes would also receive the benefits of the market-based variable investment yield being prescribed for Series EE bonds. Under this change, savings notes that are held for at least 5 years from their first semiannual interest accrual date occurring on or after November 1, 1982, will have an investment yield that is 85 percent of the average yield on outstanding marketable Treasury securities (U.S. Treasury notes and bonds) with remaining maturities of approximately 5 years. This market-based variable investment yield will be the basis for determining the redemption value of a note, unless its applicable guaranteed minimum investment yield produces a higher value. The details of these changes are as follows:

Savings notes bearing issue dates of May 1, 1967, through October 1, 1970, will not receive the market-based variable investment yield if they are redeemed less than 5 years after the first interest accrual date occurring on or after November 1, 1982. Their investment yields up to such time will be those heretofore prescribed in this Circular, except that their investment yield during any future extended maturity period beginning on or after November 1, 1982, shall be 7.5 percent per annum, compounded semiannually. If a note is held until the first interest accrual date occurring on or after November 1, 1987, its investment yield from the first interest accrual period beginning on or after November 1, 1982, until such time will be the greater of either the minimum guaranteed investment yield or the market-based variable investment yield determined as follows:

Guaranteed Minimum Investment Yields

Notes will have a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining period of their current extended maturity periods. The guaranteed minimum investment yield for any future authorized extended maturity period beginning on or after November 1, 1982, will be 7.5 percent per annum, compounded semiannually unless such yield is changed prior to the beginning of such period. If a savings note is held for the 11-year period from the first semiannual interest accrual period beginning on or after January 1, 1980, its guaranteed minimum yield for such 11–year period will be increased by one-half of 1 percent per annum, compounded semiannually.

Variable Rate Market-Based Investment Yield

The market-based variable investment yield on a savings note from its first semiannual interest accrual period beginning on or after November 1, 1982, to its semiannual interest accrual date 5 years thereafter and to each succeeding semiannual interest accrual date will be determined by the Secretary of the Treasury as follows:

For each 6-month period, beginning with the period starting on May 1, 1982, the Department of the Treasury will determine the average market yield during such period on marketable Treasury securities having a remaining term to maturity of approximately 5 years during such period. The market-based variable investment yield for a note from its first semiannual interest accrual date occurring on or after November 1, 1982, to 5 years thereafter will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages for the ten 6-month periods from May 1, 1982, through April 30, 1987. The market-based variable investment yield to 5½ years thereafter, will be determined from the market yield averages for the 11 periods from May 1, 1982, through October 31, 1987. For each additional half-yearly retention of a note, the market-based variable investment yield computation will include the next successive 6-month market yield average.

For example, a note bearing issue date of May 1, 1969, begins a semiannual interest accrual period on November 1, 1982, and a note bearing an issue date of July 1, 1969, begins a semiannual interest accrual period on January 1, 1983. The market-based variable investment yield from such dates to November 1, 1987, and January 1, 1988, respectively, will be 85 percent (rounded to the nearest one-fourth of 1 percent) of the arithmetic average of the market yield averages occurring in the 6-month periods from May 1, 1982, to April 30, 1987. The market-based variable investment yield from such dates to the semiannual interest accrual dates occurring on May 1, 1988, and July 1, 1988, respectively, will be determined from the market yield averages over the period from May 1, 1982, to October 31, 1987. The market-based variable investment yields determined in this manner will be the basis for establishing the redemption value of a note on each semiannual interest accrual date occurring on or after November 1, 1987, unless the guaranteed minimum investment yield described above produces a higher redemption value.

This revision is effected under authority of Sec. 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. The Bureau of the Public Debt, Department of the Treasury, has determined that (1) this revision does not require a notice of proposed rulemaking since it involves the fiscal policy of the United States, and (2) the revision, given its nature, is not a major rule for purposes of Executive Order 12291.

List of Subjects in 31 CFR Part 342

Bonds, Government securities.

Dated: October 25, 1982.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

PART 342—[AMENDED]

Accordingly, Department of the Treasury Circular No. 3–67, Revised, dated June 19, 1968, (31 CFR Part 342) is hereby further amended by the removal of § 342.2a(b) and Tables 1 through 21 and the addition of new § 342.2a(b) as follows:

§ 342.2a Extended terms and improved yields for outstanding notes.

* * * * *

(b) *Improved yields.* Commencing with the first semiannual interest accrual period that begins on or after November 1, 1982, the investment yield on outstanding savings notes will be the greater of either the guaranteed minimum investment yield or a market-based variable investment yield as follows:

(1) *Guaranteed minimum investment yield.* Savings notes will provide a guaranteed minimum investment yield of 8.5 percent per annum, compounded semiannually, for the remaining period to their next extended maturity date and 7.5 percent per annum, compounded semiannually, during any future authorized extended maturity period beginning on or after November 1, 1982, unless such yield is changed prior to the beginning of such future extended period. If a savings note is held for the 11-year period from the first semiannual interest accrual period that began on or after January 1, 1980, its guaranteed minimum yield for such period will be increased by ½ of 1 percent per annum, compounded semiannually.

(2) *Market-based variable investment yield.* If a savings note is held for the 5-year period commencing with the first semiannual interest accrual period beginning on or after November 1, 1982, its market-based variable investment yield to each semiannual interest accrual date occurring on and after November 1, 1982, will be determined by the Secretary of the Treasury as follows: For each 6-month period, starting with the period beginning May 1, 1982, the average market yield on outstanding marketable Treasury securities with a remaining term to maturity of approximately 5 years during such period will be determined. The market-based variable investment yield for a note from the first semiannual interest period starting on or after November 1, 1982, to its semiannual interest accrual date 5 years thereafter, and to each succeeding semiannual accrual date, will be 85 percent, rounded to the nearest one-fourth of 1 percent, of the arithmetic average of the so determined market yield averages for the appropriate number of 6-month periods involved, starting with the period beginning May 1, 1982. The determination of average market yields by the Secretary of the Treasury or his delegate shall be final and conclusive.

(c) *Tables of redemption values.* Tables showing the established redemption values and investment yields for interest accrual dates occurring less than 5 years from the first semiannual interest accrual period starting on or after November 1, 1982, and the guaranteed minimum investment yields and resulting redemption values for interest accrual dates occurring thereafter, will be available from the Bureau of the Public Debt and Federal Reserve Banks and Branches. The market-based variable investment yield for the period May 1, 1982, to April 30, 1987, as determined under this section, will be announced prior to November 1, 1987, and approximately every 6 months thereafter for successive, additional periods, by notice in the **Federal Register**, accompanied by tables of the redemption values of notes for the following 6 months, as determined by the applicable market-based variable investment yield or minimum guaranteed investment yields.

[FR Doc. 82-29810 Filed 10-28-82; 8:45 am]

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Friday
October 29, 1982

Part X

Environmental Protection Agency

Standards of Performance for New Stationary Sources; Surface Coating of Metal Furniture

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2053-7]

Standards of Performance for New Stationary Sources; Surface Coating of Metal Furniture

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Standards of performance for surface coating of metal furniture were proposed in the Federal Register on November 28, 1980 (45 FR 79390). This action promulgates standards of performance for surface coating of metal furniture. These standards implement Section 111 of the Clean Air Act and are based on the Administrator's determination that metal furniture surface coating facilities cause, or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed metal furniture surface coating facilities to control emissions to the level achievable through use of the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

EFFECTIVE DATE: October 29, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard (NSPS) is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESS: *Background Information Document.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Surface Coating of Metal Furniture—Background Information for Promulgated Standards" (EPA-450/3-80-007b). The BID contains (1) a summary of all the public comments made on the proposed standards and the Administrator's response to the comments, (2) a summary of the changes made to the standards since proposal, and (3) the final environmental impact statement which summarizes the impacts of the standards.

Docket. A docket, number A-79-47, containing information considered by EPA in development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5624.

SUPPLEMENTARY INFORMATION: OMB control number: (2000-0649).

The Standards

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

The promulgated standards apply to new, modified, or reconstructed metal furniture surface coating operations for which construction was commenced after November 28, 1980. Existing facilities are not subject to the regulation unless modified or reconstructed as defined in 40 CFR 60.14 or 60.15. The promulgated standards will limit emissions of volatile organic compounds (VOC) from each metal furniture surface coating operation consisting of application station(s), flash-off area, and curing oven. A metal furniture surface coating operation may be either a prime coat or topcoat operation within a metal furniture plant where metal furniture parts or products are being coated with organic coatings. Powder coatings, however, are excluded from the definition of organic coatings. Emissions of VOC from each affected facility will be limited to a monthly average of 0.90 kilogram of VOC per liter of coating solids applied. The Agency has identified as the best demonstrated technology the use of either high solids coatings, waterborne coatings, or powder coatings (with the appropriate application equipment). The emission limit is based on the use of 62 percent by volume solids coating applied at 60 percent transfer efficiency and an assumed solvent density of 0.88 kilogram per liter. Compliance could also be achieved with add-on control devices, a combination of add-on control devices and a low organic solvent coating, or any combination of coating and transfer efficiency that limits emissions to 0.90 kilogram of VOC per liter of coating solids applied.

Following the initial 1 month performance test, the owner or operator must calculate and record the VOC emissions from each affected facility for each calendar month. Each monthly calculation is considered a performance test. The information necessary to perform the monthly calculation can be obtained from company records and data supplied by the manufacturer of the coating or by an analysis of the coating by Reference Method 24. Equations and transfer efficiencies for calculating the emissions for each affected facility are provided in the standards. Reference Methods 1, 2, 3, 4, and 25 will be used to determine the percentage reduction of VOC emissions achieved through the use of a capture system and control device.

Recordkeeping requirements include those data necessary to substantiate the monthly calculations of emissions. These data must be retained at the source for a period of 2 years. The regulation contains no reporting requirements in addition to those required by the General Provisions to 40 CFR Part 60 relative to the initial performance test.

Summary of Environmental, Energy, And Economic Impacts

The metal furniture industry is composed of approximately 1,400 plants, many of which have multiple surface coating operations. The EPA estimates that the promulgated standards will affect 800 new and 1,200 modified or reconstructed sources within the first 5 years after the standard is effective. The typical "uncontrolled" metal furniture manufacturer applies paint that contains about 35 percent by volume solids. In contrast, a control techniques guideline (CTG) document, entitled "Control of Volatile Organic Emissions from Existing Stationary Sources, Volume III: Surface Coating of Metal Furniture" (EPA-450/2-77-032) which defines reasonably available control technology (RACT), recommends that a 60 percent by volume solids coating be adopted by States into their State implementation plans (SIP's). The same metal furniture manufacturer applying a CTG complying coating would emit about 60 percent less VOC compared to the uncontrolled coating. It is estimated that this CTG recommendation could reduce emissions of VOC from about 49.8 megagrams per year to about 19.4 megagrams per year. The promulgated standards would reduce VOC emissions to about 18.0 megagrams per year for the typical plant (assuming two affected facilities per plant) which is an additional 7 percent emission reduction below the CTG recommendation. This represents an industrywide annual reduction in the fifth year of 1,400 megagrams per year.

Standards of performance have other benefits in addition to achieving reductions in emissions beyond those required by a typical SIP. They establish a degree of national uniformity, which precludes situations in which some States my attract new industries as a result of having relaxed air pollution standards relative to other States. Further, standards of performance provide documentation which reduces uncertainty in case-by-case determinations of best available control technology (BACT) for facilities located in attainment areas, and lowest achievable emission rates (LAER) for facilities located in nonattainment areas. This documentation includes identification and comprehensive analysis of alternative emission control technologies, development of associated costs, an evaluation and verification of applicable emission test methods, and identification of specific emission limits achievable with alternate technologies. The costs are provided in an economic analysis that reveals the affordability of controls in an unbiased study of the economic impact controls on an industry.

The rulemaking process that implements a performance standard assures adequate technical review and promotes participation of representatives of the industry being considered for regulation, government and the public affected by that industry's emission.

The impact of the promulgated standards on water pullution would depend on the control option selected. For example, water use in spray booths would be unnecessary when powder coatings are used. Therefore, there would be a decrease in wastewater discharged when the promulgated standards are met by employing powder coatings. Wastewater discharges could be expected not to increase for plants which utilize higher solids and waterborne coatings. The quality of wastewater discharged is expected to remain the same for plants that apply higher solids coatings when compared to that from plants that employ solvent-borne coatings. However, the quality of wastewater discharged from plants applying waterborne coatings could be reduced because these coatings contain water-miscible solvents. Finally, where incineration is used, the water pollution impact would depend on the type of coating used.

The impact on solid waste generation also depends on the control option selected. Powder coatings are generally recycled so that there is little waste. Higher solids and waterborne coatings produce about the same amount of solid waste as solvent-borne coatings. The use of an incinerator on a bake oven would have no effect on the amount of solid waste generated from the types of coatings applied.

For a typical metal furniture manufacturer complying with the recommended CTG, energy requirements would vary depending upon which control option is employed to meet the promulgated standards. Energy consumption would decrease by about 20 percent (15 gigajoules) if powder coatings were used. Energy consumption would increase, however, with the use of waterborne coatings or with incineration plus a CTG coating by about 3 percent (2.3 gigajoules) and 7 percent (5.2 gigajoules), respectively.

The economic impact summary presented in this section is based on the total anticipated costs of constructing and operating a new coating facility. Many of the control options considered involve a redesigning of the coating facility rather than simply adding equipment to an existing design. Usually powder coatings and waterborne coatings, for example, could not be applied in a facility equipped to use a solvent-based coating. For this reason, the capital and annualized costs represent a comparison of the total cost of each type of controlled facility rather than an incremental difference in the cost of each type of facility.

For a new typical spray coating plant with two coating lines, the initial capital and annualized costs do not vary significantly regardless of which control option would be employed to comply with the promulgated standards. Capital costs for each of the different control options are expected to range from about $960,000 (higher solids coatings) to about $1,200,000 (waterborne coatings). The capital cost for a typical CTG coating facility or a typical uncontrolled coating facility would be about $960,000. The annualized costs for the different control options would range from about $600,000 to $700,000. These annualized costs would be comparable to the annualized costs for a typical CTG coating facility ($620,000) and a typical uncontrolled facility ($630,000).

Total annualized costs (savings) vary depending upon which control option would be employed to comply with the promulgated standards for all new, modified, and reconstructed spray coating plants (e.g., large, medium, and small sizes). For these facilities the fifth year industrywide annualized costs, if all affected facilities used a combination of incineration and waterborne coatings, would be about $17 million. An industrywide savings of $18 million would result in the fifth year if high solids coatings were used by all affected facilities. The total industrywide annualized costs for powder coatings could vary from a savings of $2 million to a cost of $126 million depending upon achieved coating thickness and other factors. In the proposal preamble an industrywide annualized fifth-year cost of $11 million was projected. This projection was based on the assumption that higher solids coatings, powder coatings, and a combination of incineration and waterborne coatings would each be used by one-third of the affected spray coating facilities. It is estimated at this time, however, that 80 percent of the affected spray coating facilities will use higher solids coatings, 10 percent will use powder coatings, and 10 percent will use a combination of incineration and waterborne coatings. Based on this distribution, there is a potential for industrywide annualized savings of $13.9 million in the fifth year after the standard is in effect. These costs (savings) do not include lost opportunity costs (i.e., the profit or return on investment which could be derived by investing in other than air pollution control equipment).

The economic impacts of the promulgated standards were evaluated based upon reduced profitability, inflationary impact, and expected price increases. The highest profit impairment is expected for small metal furniture manufacturers (4,000 liters of coatings consumed annually) regardless of control option. The maximum impact could result in about a 1.3 percent increase in the wholesale price of a metal furniture product from the small manufacturer.

The environmental, energy, and economic impacts are discussed in greater detail in the background information document for the proposed standards, "Surface Coating of Metal Furniture—Background Information for Proposed Standards" (EPA-450/3-80-007a).

Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the **Federal Register** March 17, 1978, and February 11, 1980) of the meetings of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) to discuss the surface coating of metal furniture standard recommended for proposal. The first meeting was held on April 5–6, 1978, and an updated NAPCTAC presentation was given on February 27, 1980. The meeting was open to the public and each attendee was given an opportunity to comment on the standards recommended for proposal. The standards were proposed and published in the **Federal Register** on November 28, 1980 (45 FR 79390). The preamble to the proposed standards discussed the availability of the background information document (BID), "Surface Coating of Metal Furniture—Background Information for Proposed Standards" (EPA–450/3–80–007a), which described in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at the time of proposal and, when requested, copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was held on January 9, 1981, at Research Triangle Park, North Carolina. The hearing was open to the public and each attendee was given an opportunity to comment on the proposed standards. The public comment period was from January 9, 1981 to March 10, 1981.

Ten comment letters were received, and four interested parties testified at the public hearing concerning issues relative to the proposed standards of performance for the surface coating of metal furniture. The comments have been carefully considered and, where determined to be appropriate by the Administrator, changes have been made in the proposed standards.

Significant Comments and Changes to the Proposed Standards

Comments on the proposed standards were received from industry, trade associations, and one State air pollution control agency. A detailed discussion of these comments and responses can be found in the BID for the promulgated standards, which is referred to in the **ADDRESSES** section of this preamble. The summary of comments and responses in the BID serve as the basis for the revisions which have been made to the standards between proposal and promulgation. The major comments and responses are summarized in this preamble. Most of the comment letters contained multiple comments. The comments have been divided into the following areas: General, Emission Control Technology, Modification and Reconstruction, Economic Impact, Environmental Impact, Energy Impact, and Reporting and Recordkeeping.

General

Several commenters requested a change in the definition of the affected facility to include all finishing systems within a manufacturing plant or the finishing system necessary to provide a finished product. This would allow a plant to average its topcoat emissions with the much lower emissions from an electrocoat system. One commenter requested that the NSPS allow the option of a plantwide emission reduction plan, particularly as it relates to application of the bubble concept for new and/or modified sources at a given plant.

The choice of the affected facility for this standard (each surface coating operation which includes the application station(s), flash-off area, and bake oven) is based on EPA's interpretation of Section 111 of the Clean Air Act and judicial construction of its meeting. In choosing the affected facility, EPA must decide which pieces or groups of equipment are the appropriate units for separate emission standards in the particular industrial context involved. EPA must do this by examining the situation in light of the terms and purpose of Section 111. One major consideration in this examination is that the use of a narrower definition results in bringing replacement equipment under NSPS sooner; if, for example, an entire plant were designated as the affected facility, no part of the plant would be covered by the standard unless the plant as a whole is "modified." If, on the other hand, each piece of equipment is designated as the affected facility, then as each piece is replaced, the replacement piece will be a new source subject to the standard. Since the purpose of Section 111 is to minimize emissions by the application of the best demonstrated control technology (considering cost, other health and environmental effects, and energy requirements) at all new and modified sources, there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources within plants will be brought under the coverage of the standards as they are installed. This presumption can be overcome, however, if the Agency concludes that the relevant statutory factors (technical feasibility, cost, energy, and other environmental impacts) point to a broader definition. Since it is technologically feasible to control each surface coating operation and such control would not be exorbitantly costly (as shown in the economic analysis section of the BID accompanying the proposed standards), selecting this narrowest definition of affected facility is most consistent with the purposes of Section 111.

Two other possible definitions of the affected facility for this standard are: all prime coat (or topcoat) operations in a product line and all prime coat (or topcoat) operations within an assembly plant. The product line definition would have reduced the number of affected facilities and would have permitted tradeoffs between different coatings and application technologies. Likewise, defining all prime coating (or topcoating) operations within a plant as the affected facility would have reduced the number of affected facilities and consequently the associated recordkeeping and compliance calculations. However, such a definition would not necessarily result in either the use of the best technology or the minimizing of emissions from new sources.

For these reasons, the Agency has chosen each surface coating operation as the affected facility.

One commenter stated that the metal furniture industry should not be considered as a "significant source of VOC emissions." He pointed out that EPA listed the industry as a minor source of VOC's according to the impact it would have on public health and also that EPA estimates VOC emissions from the industry at 5 percent of the Nation's VOC emissions.

Standards of performance are promulgated under Section 111 of the Clean Air Act. Section 111(b)(1)(A) requires that the Administrator establish standards of performance for categories of new, modified, or reconstructed stationary sources which in her judgment cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. One important purpose of standards of performance is to prevent new air pollution problems from developing by requiring the application of the best technological system of continuous emission reduction which the Administrator determines to be adequately demonstrated. The 1977 Amendments to the Clean Air Act added the words, "in the Administrator's judgment," and the words, "may reasonably be anticipated," to the statutory test. The legislative history for these changes stresses two points: (1) The Act is preventive, and regulatory action should be taken to prevent harm before it occurs; and (2) the Administrator should consider the role of each single class of sources in contributing to the comulative impact of VOC emissions from all sources.

The 1977 Amendments to the Clean Air Act also required that the Administrator promulgate a priority list of source categories for which standards of performance are to be promulgated. A list for new source performance standards was promulgated at 44 FR 49222 (August 21, 1979). Priority ranking was based on consideration of the source's quantity of emission, the extent to which each pollutant endangers public health and welfare, and the mobility and competitive nature of the source category. The statutory test for listing a category of sources was that it "causes or contributes significantly to air pollution which may reasonably be anticipated to endanger public health or welfare."

As stated in the preamble for the proposed standards, the surface coating of metal furniture is listed as a minor source category on this listing. This classification as a minor source is due primarily to the fact that individual metal furniture surface coating plants typically emit less than 100 tons of VOC per year. However, the priority list states that "the metal furniture coating industry is also a significant source of VOC emissions, and there are over 300 existing facilities with the potential to emit more than 100 tons per year."

There are approximately 1,400 metal furniture manufacturing establishments in the United States which paint their products. These metal furniture manufactures are located throughout the country and are generally situated in highly populated urban areas. In fact, 70 percent of the industry is concentrated in nine highly populated States.

The metal furniture industry emits about 95.5 gigagrams (1975 data) of VOC per year. The emissions of VOC result from usage of solvent-based coatings by the industry. These coatings contain organic solvent mixtures of aromatics, saturated and unsaturated aliphatics, alcohols, ketones, esters, and ethers. The emissions of these organic solvents contribute to ozone formation in urban atmospheres. EPA has established a national ambient air quality standard (NAAQS) for ozone of 0.12 microgram per cubic meter which is currently exceeded in those States where metal furniture manufacturing establishments are concentrated. Information concerning health and welfare effects associated with ozone can be found in "Air Quality Criteria for Ozone and Other Photochemical Oxidants" (EPA-600/8-78-004).

The Administrator is called upon in the Clean Air Act to evaluate an industry's contribution to air pollution and make a determination as to the significance of the subject industry's emission contribution. In the case of the metal furniture surface coating industry, the Administrator has determined that even though the total amount of emissions from a single plant (like that from many sources which contribute to the inventory of VOC emissions) is by itself a small portion of the Nation's total VOC emissions, this industry would contribute significantly to the Nation's total VOC emissions.

In addition, the metal furniture industry is projected to have an annual growth rate of 4 percent through 1985 and will include about 2,000 new, modified, or reconstructed affected facilities by 1985. Based on this growth, the industry will contribute increasing amounts of VOC to urban atmospheres.

Therefore, industrial surface coating of metal furniture was listed as a "significant contributor". This selection was based upon the number of affected facilities, coating method, the yearly VOC emission rate, the growth rate of the industry, and the location of this industry in or near highly populated urban areas.

One commenter requested that the effective date of the standard be the promulgation date rather than the proposal date.

Section 111(a)(2) of the Clean Air Act states, "The term 'new source' means any stationary source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source." Therefore, the statute requires that the applicability date for a new or revised standard be the date of the proposal.

One commenter stated that coatings manufacturers and users have the right to demand the same treatment as other citizens who continue to use pounds and gallons instead of metric equivalents.

It is EPA's policy to use metric units, not English units, in regulations and technical documents. This policy is in conformance with Section 3 of Public Law 94-168, the Metric Conversion Act of 1975, which states that the policy of the United States shall be to coordinate and plan the increasing use of the metric system. Therefore, EPA is now in the process of incorporating the International System of Units (SI) into all of its regulations. EPA is currently using as the basic reference a publication entitled "Standard for Metric Practice" (E 380-76) published by the American Society for Testing and Materials (ASTM). This publication explains the SI units and symbols, their application, and rules for conversion and rounding. It may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. This document is useful in explaining the abbreviations of units of measurement cited in EPA regulations.

Emission Control Technology

Two commenters objected to statements in the preamble that 68 percent by volume solids coatings are demonstrated in this industry and are readily available for use. They contend that such coatings are not currently being applied by hand-held electrostatic spray equipment and are not available for use by the industry. According to one commenter, stricter regulations on the industry are not justified by the state of the art of the control technology, the situation with the economy, and the high cost of borrowing money. Another commenter stated that EPA is forcing technological changes too rapidly upon an industry at a time when efforts should be going into making coatings more cost effective and energy efficient. Another commenter stated that the high viscosity of coatings with greater than 60 percent by volume solids creates problems in accomplishing rapid color changes and that atomization problems limit the types of spray equipment which can be used. According to one commenter, there is not enough technical basis given for setting the standards at the 68 percent volume solids level. He stated that the proposed control level was apparently derived by merely reducing the CTG emission limit by 30 percent. Another commenter stated that he viewed the proposed emission limit as "an arbitrary level of suspect origin."

The proposed standard was based on an analysis of four alternative levels of controls as described in the preamble. Information obtained during the analysis led to the determination that 68 percent by volume solids coatings were being produced by some coating manufacturers and had been successfully applied in production tests. Therefore, the use of a 68 percent by volume solids coating was selected as the basis for the proposed standards. As a result of the comments concerning the availability and applicability of coatings with a 68 percent volume solids content, EPA conducted a survey of several coatings manufacturers and users. The results of this survey (see Docket item IV–B–8) indicate that although much laboratory work and some production testing have been done with 68 percent volume solids coatings, there are some problems which must be overcome before these coatings can be considered as the best demonstrated technology. The single most difficult problem appears to be the increase in viscosity of the coating as the solids content approaches 68 percent by volume. Increased viscosity requires more energy for manufacturing, and increases agitation requirements during storing, pumping, and atomization of the coatings. Improper atomization of the coatings by the spray equipment also causes problems with the finish obtained on the metal surface.

Survey results showed that advances are currently being made in the field of higher solids coatings. Several coating manufacturers claim to have coatings, available in a wide range of colors, which can be appied by existing spray equipment and have percent solids contents in the low 60's. Some manufacturers explained that since the States are generally adopting the CTG document recommended emission level based on 60 percent by volume solids, all their efforts have gone toward achieving this level. At this volume solids level, the problems with viscosity can be overcome by increased use of in-line heating and slightly larger recirculation pumps.

Most spray equipment manufacturers contacted during the survey indicated that atomization and application of coatings with a percent solids content above 60 has been demonstrated in production tests. Some of the manufacturers recommended the use of in-line heaters in order to maintain a constant material temperature and indicated that these heaters would not be difficult to install. Several of the equipment manufacturers have stated that much of the problem encountered when applying higher solids coatings is directly related to the operator rather than the equipment. Accordingly to these contacts, the difficulties in obtaining proper film thickness is a result of solids being delivered to the nozzle at a greater rate than operators are accustomed to. This creates a situation in which the operator is using his normal application pattern and is applying more solids to the target than is necessary, resulting in excessive film thickness. The equipment suppliers indicate that this problem can be overcome by proper operator training and more careful control of material flow rates.

Several representatives of the metal furniture industry were contacted during the survey. Most of those contacted have experimented with higher solids coatings in order to achieve the emission limits required by State implementation plans (SIP's). Results of these trials have been mixed, with some plants experiencing viscosity, atomization, and excessive film thickness problems when attempting to apply higher solids coatings with existing coating lines. However, through the use of techniques such as in-line heating, larger diameter piping, reduced material flow rates, and improved operator training, many companies have successfully applied coatings which will comply with the SIP's. Due to the rapid increase in the viscosity of coatings as the solids content increases, these techniques are much less efficient and less cost effective at 68 percent by volume solids level than at 62 percent by volume solids. Three plants are currently using coatings with a least 62 percent by volume solids contents. These three plants are considered typical of the industry; two are manufacturers of office furniture and the other manufactures shelving and store fixtures. This represents a wide range of coating uses and specifications since the appearance of office furniture is very critical and the durability of shelving is important. In-line heating is used to aid in viscosity control at one of the plants, and a wide variety of hand-held and automatic spray equipment is used at these plants. A wide range of colors are applied at these plants and the surface on the product is considered acceptable.

One commenter pointed out that most coatings suppliers are currently offering higher volume solids systems that are basically versions of the old lower volume solids systems. The main limitation of this approach is viscosity, i.e., as the volume solids increases, the viscosity increases. The short-term solution which coating manufacturers are using to solve viscosity problems can cause problems with the quality of the finish on the product. Molecular weight reduction of solvents and coatings also decreases covering.

One of the commenters stated that hand-held electrostatic spray guns are widely used in the metal furniture industry due to the complexity of the metal furniture configuration and the mix of parts. There is some touch-up required for hard-to-reach areas where this type of equipment is necessary. However, hand-held electrostatic spray guns are limited in their ability to atomize 68 percent by volume solids coatings because of their greater viscosity. Therefore, there would be a problem achieving the desired quality of finish.

Another commenter claimed that due to finish specifications for certain types of metal furniture (for example, matching the color and texture of products that were produced during different time periods), automatic electrostatic spray equipment must be used. However, he stated that he has not been able to spray coatings with higher than 60 percent volume solids with this equipment due to the viscosity of these coatings.

One commenter stated that equipment is not available which will spray high solids coatings with their increased viscosity and still maintain the proper film thickness and texture without excessive overspray. Another stated that automatic electrostatic equipment is required to produce a consistent film thickness and that a great deal of manual touch-up is required when the solids content of the coatings is increased.

When the volume solids content of a coating increases, the viscosity also increases. It has been confirmed by several coating manufacturers and users that the higher solids coatings which comply with the proposed standard cause significant problems due to their higher viscosity.

However, the standard is being revised to a level which can be met by available coatings which are acceptable in terms of viscosity and coverage capacity. The emission limit is now based on the use of a coating with 62 percent volume solids content. Hand-held electrostatic spray guns capable of atomizing and applying 62 percent by volume solids coatings are currently being marketed by several well-known manufacturers of spray equipment. Five of the six spray equipment manufacturers recently contacted stated they have equipment available which can satisfactorily apply 62 percent volume solids coatings. Most manufacturers have indicated that automatic electrostatic spray equipment is the most proven method of applying high solids coatings. Three manufacturers contacted recently indicated that they are successfully applying coatings with greater than 60 percent by volume solids contents. The film thickness and touch-up requirement problems are solved, according to the equipment manufacturers, by proper training of operators and more exact process controls. Based on this information, it is EPA's judgment that hand-held and automatic electrostatic spray equipment can satisfactorily apply 62 percent volume solids coatings.

Some coatings with 68 percent by volume solids are available, but their use is limited to certain products and application with specific equipment which may not be feasible in certain situations. Therefore, EPA is revising the emission limit from 0.7 to 0.9 kilogram of VOC per liter of applied solids. This level is based on the use of a coating with 62 percent by volume solids, a solvent density of 0.88 kilogram per liter, and a transfer efficiency of 60 percent.

According to one commenter, the basic problem with alternative coating systems such as waterbased coatings, powder, electrodeposition, dip and flow coatings (which EPA interprets to mean those systems which would meet the standard) is the difficulty in obtaining color/texture matching with products painted by conventional sprays. Another commenter stated that the alternative coating systems are not applicable for a wide range of uses within the industry, thus limiting the choices of control options available to some segments of the industry.

The Agency has identified as the best demonstrated technology the use of either high solids coatings, waterborne coatings, or powder coatings (with appropriate application equipment). The standard is achievable through the use of these methods; and as a result, the industry has a choice among several methods capable of meeting the standard. For example, a coater desiring a thick film with high durability might choose powder coating for a product. Two coats of a high solids coating, however, might also accomplish the desired results. Powder or EDP might be a coater's choice if only one or two colors are required. Furthermore, even though EPA's economic analysis has shown that waterbased coatings are likely to be the most expensive option for controlling VOC emissions, some metal furniture manufacturers have chosen to use them. Clearly, in an industry which produces such a wide variety of products as the metal furniture industry, there are always a few situations where, due to product specifications, the number of alternative control methods will be limited. Electrodeposition cannot be used on non-conductive materials, for example, and waterbased coatings require extra precaution against corrosion. Products requiring a metallic finish could not be coated with powder coatings. Nevertheless, there is always at least one coating method that can meet the standards and the color/texture requirements of the industry. The Agency has determined, based on the analysis of the most costly method of control, that when only one method applies, the cost of using that method is reasonable.

Several commenters made statements concerning the use of the table of assigned transfer efficiencies in the regulation. One commenter suggested that a production line testing program be used to determine the proper efficiencies and that EPA clarify whether the table values were intended for equipment manufacturers or users. Another commenter stated that the assigned values seemed unrealistic to be used as universal standards. He also stated that if transfer efficiencies are to be assigned, however, then all known application methods should be included in order to avoid the time-consuming process of obtaining approval to use alternative equipment. In his comment, he noted that the continuous coater method and the liquid seal process were not mentioned.

One commenter presented a very detailed alternative to the use of the existing table of transfer efficiencies. He stated that the generic classifications of equipment now in the regulation is very poorly defined and explained that actual transfer efficiency is dependent on many factors such as equipment configuration, operating conditions, the part being coated, the coating being applied, and the operator. He recommended that the variables in design and operation of equipment be considered by defining such parameters as voltage, atomizing pressure, flow rates, etc., of each type of spray equipment. He also suggested that a standardized test method be adopted to determine transfer efficiency of equipment. Equipment could then be "certified" by the manufacturers, and a list of equipment ratings and operating conditions could be supplied to EPA for publication.

EPA believes that to reflect the best demonstrated technology for the metal furniture coating industry, emission limits for new sources must incorporate the use of both high solids coatings and relatively efficient application equipment, but must not at the same time deny industry flexibility to use different types of application equipment and different coatings. For this reason, the Agency has included the key transfer efficiency concept in these standards.

The commenters' claim that all the listed parameters affect transfer efficiency is correct. However, a universally acceptable test method for determining precise transfer efficiency under each conceivable set of variables has not yet been developed. This means that the Agency must either delete this crucial component of BDT or instead include in the standards assigned transfer efficiency values that correlate at least generally to the efficiencies of the application equipment used in the industry. EPA has chosen the latter course. The Agency has included values that are correlated to each piece of equipment and are sufficiently high to ensure that, regardless of coating properties and other relevant variables, each facility will be credited with at least the efficiency its equipment attains with the particular coatings it applies. These transfer efficiencies listed are based on data provided by spray equipment manufacturers and results of tests conducted during standard development. EPA contacted and visited several equipment and coatings manufacturers during the standard development process.

Moreover, the standards provide that if the operator can demonstrate to the satisfaction of the Administrator that other transfer efficiencies are appropriate (e.g., due to variables such as those cited in the comment), the Administrator will approve their use on a case-by-case basis. This provision ensures that a facility using equipment that achieves an efficiency greater than that asigned by the standard is fully credited for the efficiency achieved. The certification of spray equipment by manufacturers can be undertaken by the industries and trade associations without EPA involvement.

The preponderance of metal furniture coating application techniques is addressed in the table. In addition, the regulation contains provisions whereby alternative coating equipment may be approved. Transfer efficiency values for coating methods which are not specifically addressed in the table can be determined in a manner similar to the way the table was developed. Data can be obtained from the manufacturer of the equipment; testing procedures can be submitted; and, based on an analysis of the data, EPA will determine the efficiency to be used in the emission calculations. The Agency does not believe this process of obtaining the Administrator's approval to use alternative equipment would be unreasonably time consuming. Also, this approval need only be obtained once for any one application technique. The values in the transfer efficiency table will be reviewed in the future, and techniques in general use at that time may be added to the table.

One commenter suggested that key operating parameters of spray equipment be monitored on a regular basis (monthly) to be sure they are within design specifications. He recommended this be done at the same time that monthly determination of VOC emission compliance occurs.

While EPA considers that the proper operation and maintenance of spray equipment should be a routine procedure, the variations in operating parameters are understood to be great. Subpart A of the General Provisions of 40 CFR Part 60, § 60.11(d) states that: "At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source." EPA believes that this general requirement, coupled with economic incentives such as reduced coating use, is sufficient to ensure that coatings users routinely check key operating parameters and maintain application equipment in good condition.

One commenter submitted information concerning the potential for cost effectiveness and performance of regenerative thermal oxidation systems. A system designed by the commenter is claimed to be capable of providing primary heat exchange efficiencies of 85 percent, 90 percent, and 95 percent in the thermal oxidation process. The high thermal energy recovery of this system allows operation in a self-sustaining mode on hydrocarbon concentrations from 3 to 5 percent of the lower explosive limit (LEL). Little or no additional fuel is required. This system virtually eliminates the following problem areas generally associated with incineration systems: (1) Fouling of heat transfer surfaces, (2) corrosion, (3) catalyst poisoning, (4) secondary emissions, and (5) high operating costs with low LEL gas streams. The commenter requested clarification of the potential of regenerative thermal oxidation systems in the documentation for the promulgated standard.

The analysis of incineration found in Chapter 3 of the proposal BID (EPA-450/3-80-007a) reveals that this option has a significantly greater capital investment and an increase in energy consumption, over other control options. Although the annual operating costs and energy use of a regenerative thermal oxidation system may be lower, the initial capital investment is large compared to that for low solvent coatings technology. The reduction in total organic solvent emissions realized by controlling the topcoat oven is small because only 20 to 30 percent of these emissions are concentrated in the oven. The remaining 70 to 80 percent of the emission are from fugitives from the application and flashoff areas. The small percentage of emissions available for reduction by incineration makes any incinerator difficult to justify on a cost basis when compared to low solvent coatings. Therefore, the Administrator does not believe that further clarification of the potential of regenerative thermal oxidation systems is necessary.

Modification and Reconstruction

Several commenters expressed concern that expenditures made to comply with a State implementation plan (SIP) could bring the facility under the NSPS as a reconstruction. They requested that this situation be avoided by exempting SIP-related expenditures from the reconstruction provisions included under the General Provisions of 40 CFR Part 60.

It is possible that when an existing facility is modified to meet a State requirement the capital costs incurred could be large enough to trigger the reconstruction provisions of the Federal regulations, thereby forcing compliance with the more restrictive Federal requirement. This was a valid issue at the time the standard was proposed with an emission limit that was considerably more restrictive than most State regulations. Since proposal, however, the recommended standard has been revised so that it is now based on the use of a coating only two percent higher in volume solids content than the coating recommended in the CTG document. Because the technologies required to comply with the two emission limits are similar and no additional equipment would be required to apply an NSPS complying coating versus a CTG complying coating, the commenters' situation is no longer considered to be an issue.

Economic Impact

One commenter stated that continued development of inflexible standards will impact the growth of the industry and result in loss of job opportunities. The commenter continued by saying that the cost to comply with the proposed standards will be much higher than projected. These increased costs are due to higher construction, operating, and energy costs. A comparison of cost and energy requirements for a plant built in 1977 versus a plant built in 1980 was submitted by the commenter.

It is definitely true that costs of construction, raw materials, labor, and energy have increased significantly since the economic analysis portion of the proposal BID was completed. Many of these costs, however, will not be any greater for a complying high solids coating system than for a conventional solvent coating system. If line heating, larger diameter recirculation lines, or more powerful agitation equipment is specified, there would be an increase in costs. However, these costs are considered to be reasonable. A recent Society of Manufacturing Engineers (SME) technical paper (FC81-237) reported that both operating and energy costs can actually be reduced by using high solids coatings rather than conventional solvent based coatings. The BID also indicates that a potential for savings in annualized costs exists with the use of higher solids coatings. This savings results from a decrease in the energy required to dry the coatings and lower labor and maintenance costs. Materials costs are also reduced because with higher solids coatings, even though the price per gallon may be higher, fewer gallons of coating are needed.

One commenter stated that the types of application equipment necessary to apply high solids coatings in order to meet the standards is exceedingly costly to the industry. Another commenter claimed that the electrostatic equipment is much more expensive than conventional spray equipment now being used.

The economic impacts discussed in the BID are based on the use of electrostatic equipment to apply higher solids coatings. Although electrostatic spray equipment is more expensive than conventional equipment, EPA believes its advantages outweigh the costs. The projected payback time for an average size plant purchasing electrostatic equipment in lieu of conventional equipment is less than one year. Most of the newer plants contacted during development of the standard were using electrostatic equipment (automatic and hand-held) because of the improved efficiency. Since the standard applies only to new sources and sources undergoing modification of reconstruction, it is anticipated that many affected facilities would use electrostatic equipment even in the absence of the standard.

Energy Impact

A comment was received which stated that installation of incinerators on all spray booth stacks and oven vents to obtain compliance with the standards would be an expensive waste of energy due to the fuel which would be required to sustain combustion of the exhausted solvents.

Even though incineration is expected to have limited use in this industry as a means of controlling emissions, EPA did perform an analysis of the impacts of this alternative. The analysis of incineration as a means of emissions control indicated a substantial impact on energy consumption relative to other control technologies. This was the primary reason that incineration was not considered to be the best demonstrated control technology even though it is a control technology available at reasonable cost. EPA recognizes, however, that incineration of oven vents used in conjunction with coatings having a volume solids content less than 62 percent could be an alternative to using a 62 percent by volume solids coating system. Manufacturers using systems with partial incineration would have more flexibility in their selection of coatings and coating manufacturers and, by returning the available heat from the incinerator back to the process, would not experience a drastic increase in energy costs.

Reporting and Recordkeeping

Several commenters stated that they viewed the reporting and recordkeeping requirements as an unnecessary and expensive burden on both the coating manufacturers and coating users. One commenter stated that monthly recordkeeping to determine compliance would be difficult due to the fact that paint is usually purchased in large volumes and delivered over a long period of time. Another commenter, a coatings supplier, presented a detailed plan for recordkeeping and reporting which is based on data contained in Occupational Safety and Health Administration's (OSHA's) Material Safety Data Sheet (MSDS). The major points of his proposal are as follows:

a. All coatings suppliers submit to users information on their coatings. Every coating, catalyst, reducer, and modifier shipped to the user is described in detail with an MSDS for each coating formulation.

b. Coatings suppliers keep records of all shipments made to each customer, usually by quarterly and annual basis, and many suppliers computerize this information.

c. The recordkeeping counterproposal is to switch from a monthly compliance determination to an annual event, or an "inventory day," somewhere near the end of the year.

d. By using the shipment records and subtracting inventory on hand, a total picture of VOC emissions is determined.

e. High technology industrial coatings are expensive and users will know to the nearest drum or gallon how much was purchased and how much is on hand, perhaps not on a monthly basis but on a quarterly or annual basis.

f. The reporting requirements can be implemented by the following steps:

(1) The coatings and solvent suppliers shall submit a form 20 OSHA approved MSDS with each composition sold to the user.

(2) The individual signing the MSDS for the coating or solvent supplier shall be responsible to the user for the accuracy of the information.

(3) The coatings and solvent suppliers can be asked to supply shipment information upon request of the user on an annual basis for purposes of determining compliance with the regulations.

(4) The user is responsible for the accuracy of the annual usage report of VOC-containing materials.

(5) The EPA may audit the data, but may request no records other than those already required by the IRS, DOT, OSHA, DOE, and the EPA itself under the Major Generator Provisions of the Resource Conservation and Recovery Act (RCRA).

As a result of this comment and others, EPA has been investigating alternative ways of reducing monitoring, recordkeeping, and reporting burdens on owners and operators. The goal is to reduce all recordkeeping and reporting that is not essential to determining compliance or to ensuring proper operation and maintenance. After reviewing the requirements in the proposed standards, EPA determined that monthly compliance tests, monitoring, and the compilation of monitoring data are essential for both the owner or operator and EPA to determine compliance and to ensure proper operation and maintenance. A responsible owner or operator would need monitoring information compiled in a usable form to determine when adjustments in the control system are needed to ensure that it is performing at its intended effectiveness level.

The proposed standard was written with the understanding that much of the data required to complete a compliance determination would be provided to the facility by the coating manufacturers. Some additional information, such as transfer efficiency and dilution solvent added at the plant, would be provided by the facility itself. It would appear that a facility manager would keep records of this type, even in the absence of any requirement to do so, to assure efficient materials utilization. EPA is therefore requiring only the additional step of filing the information in an accessible location. Because EPA judges that monthly compliance tests, monitoring, and recordkeeping are essential for determining compliance and proper operation and maintenance, these requirements have not been changed since proposal. It was judged, however, that reporting is not essential to EPA. In addition, when States are delegated the authority to enforce these standards, they may prefer either not to have reporting or to have reporting on a different schedule than EPA proposed. Therefore, the requirement to report violations of the standard and quarterly incineration reports have been removed since proposal. A State, however, at any time is free to impose its own reporting requirements in conjunction with this regulation.

The data supplied by the coating manufacturers may be in any format which is agreeable to the plant owner or operator. Likewise, the owner or operator may use any format in maintaining records as long as all the pertinent data is clearly identified, complete, and in the appropriate terms and units. As required in the regulation, a facility must maintain the records for a period of 2 years. Reports prepared for other agencies may be used for EPA requirements if the preceding conditions are met. Since this standard applies to the metal furniture industry, the coatings users and not suppliers are responsible to EPA for the completeness and accuracy of all reports and records.

Information Requirements Impacts

The reporting and recordkeeping requirements of the regulation are assessed in Standard Form 83 and supporting statement, which is included in the docket for public review (reference subcategory IV–H of docket number A–79–47). This documentation contains: (1) A description of the reporting and recordkeeping required by the regulation and the General Provisions, (2) the reasons for the requirements, and (3) an evaluation of the major alternatives considered (including the use of existing sources of information). Approximately 2,000 new, modified, or reconstructed affected facilities are expected to be subject to the regulation through the first 5 years.

The regulation will require no reports in addition to those required under the General Provisions of 40 CFR Part 60. The General Provisions contain notification requirements that enable the Agency to keep abreast of facilities subject to the regulation and also contain requirements for the conduct and reporting of initial performance tests. Analysis of these reporting requirements indicates that they are both necessary and reasonable considering the savings in Agency time and resources required for effective enforcement.

The resources needed by the industry to maintain records and to collect, prepare, and use the reports through the first 5 years would be about 178 person-years. The resources required by EPA and State and local agencies to process the reports and to maintain records through the first 5 years would be about 8.5 person-years.

The Paperwork Reduction Act of 1980 (Pub. L. 95–511) requires clearance from the Office of Management and Budget (OMB) of certain public reporting/recordkeeping requirements before this rulemaking can be promulgated as final. The reporting/recordkeeping requirements associated with this standard have been approved by OMB, and have been assigned OMB control #2000–0649.

Regulatory Flexibility Analysis

This standard was proposed before January 1, 1981, and therefore is not subject to the requirements of the Regulatory Flexibility Act. However, during the development of the background information document for this standard, the economic impacts for representative small model plants were examined, and there were no significant impacts on these plants.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket, except for certain inter-Agency review materials, will serve as the record in case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

The effective date of this regulation is October 29, 1982. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal (November 28, 1980).

As prescribed by Section 111, the promulgation of these standards was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standards to insure that cost was carefully considered in determining BDT. The economic impact assessment is included in the background information document for the proposed standards.

In addition to the economic impact analysis, the emission reduction and annualized cost for typical facilities expressed for each alternative in terms of dollars per ton of pollutant removed were compared to both the preceding alternative and to Alternative 1. For example, Alternative 4 was compared to Alternative 3 and Alternative 1.

Compared to the uncontrolled plant (Alternative 1), Alternative 2 (62 percent by volume solids coatings and 60 percent average transfer efficiency) results in an emission reduction of 29 megagrams (32 tons) of VOC per year. The annualized cost of Alternative 2 is $3,500 less than the annualized cost of Alternative 1 because of reduced material costs. This level of control results in a potential savings of $110 per ton of emissions reduced. Costs presented here are updated to July 1980 dollars.

Alternative 3 (70 percent by volume solids coatings and 60 percent average transfer efficiency) results in an emission reduction of 37.3 megagrams (41.1 tons) per year greater than Alternative 1. This level of control has an annualized cost of $28,000 less than Alternative 1 for a potential savings of $680 per ton of emissions reduced. Compared to Alternative 2 the application of Alternative 3 results in emission reductions of 8.26 megagrams (9.1 tons), has an annualized cost of $24,000 less, and a potential savings of $2,600 per ton of additional emission reduction.

Alternative 4 (waterborne coatings) results in an emission reduction of 40 megagrams (44.1 tons) per year greater than Alternative 1. This level of control has an annualized cost of $66,000 higher than Alternative 1 and results in a control cost of $1,500 per ton of emission reduction. Compared to Alternative 3, the application of Alternative 4 results in emission reductions of 2.72 megagrams (3.0 tons) per year, increases the annualized costs by $94,000 and has a control cost of $31,300 per ton of additional emission reductions.

In summary, both Alternatives 2 and 3 result in emission reductions and have a lower annualized cost than the uncontrolled plant. Alternative 2 was selected as the promulgated control level because of technological problems encountered with Alternative 3 control techniques. Alternative 4 was rejected because the cost of precluding the use of the much more cost-effective high solids coatings would be unreasonable in light of the amount of additional emission reduction that would be achieved by selecting the Alternative 4. Also, waterborne coatings are not demonstrated for application in all representative situations. Various other control techniques were quickly ruled out of consideration as BDT due to excessive control costs or technological limitations.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not "major" because: (1) The national annualized compliance costs, including capital charges resulting from the standards total less than $100 million; (2) the standards do not cause a major increase in prices or production costs; and (3) the standards do not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation or competition in foreign markets. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are included in docket number A-79-47. The docket is available for public inspection at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

Dated: October 20, 1982.

Anne M. Gorsuch,
Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended by adding a new Subpart EE as follows:

Subpart EE—Standards of Performance for Surface Coating of Metal Furniture

Sec.
60.310 Applicability and designation of affected facility.
60.311 Definitions and symbols.
60.312 Standard for volatile organic compounds.
60.313 Performance tests and compliance provisions.
60.314 Monitoring of emissions and operations.
60.315 Reporting and recordkeeping requirements.
60.316 Test methods and procedures.

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended, (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart EE—Standards of Performance for Surface Coating of Metal Furniture

§ 60.310 Applicability and designation of affected facility.

(a) The affected facility to which the provisions of this subpart apply is each metal furniture surface coating operation in which organic coatings are applied.

(b) This subpart applies to each affected facility identified in paragraph (a) of this section on which construction, modification, or reconstruction is commenced after November 28, 1980.

§ 60.311 Definitions and symbols.

(a) All terms used in this subpart not defined below are given the meaning in the Act and in Subpart A of this part.

"Bake oven" means a device which uses heat to dry or cure coatings.

"Dip coating" means a method of applying coatings in which the part is submerged in a tank filled with the coatings.

"Electrodeposition (EDP)" means a method of applying coatings in which the part is submerged in a tank filled with the coatings and in which an electrical potential is used to enhance deposition of the coatings on the part.

"Electrostatic spray application" means a spray application method that uses an electrical potential to increase the transfer efficiency of the coatings.

"Flash-off area" means the portion of a surface coating operation between the coating application area and bake oven.

"Flow coating" means a method of applying coatings in which the part is carried through a chamber containing numerous nozzles which direct unatomized streams of coatings from many different angles onto the surface of the part.

"Organic coating" means any coating used in a surface coating operation, including dilution solvents, from which volatile organic compound emissions occur during the application or the curing process. For the purpose of this regulation, powder coatings are not included in this definition.

"Powder coating" means any surface coating which is applied as a dry powder and is fused into a continuous coating film through the use of heat.

"Spray application" means a method of applying coatings by atomizing and directing the atomized spray toward the part to be coated.

"Surface coating operation" means the system on a metal furniture surface coating line used to apply and dry or cure an organic coating on the surface of the metal furniture part or product. The surface coating operation may be a prime coat or a top coat operation and includes the coating application station(s), flash-off area, and curing oven.

"Transfer efficiency" means the ratio of the amount of coating solids deposited onto the surface of a part or product to the total amount of coating solids used.

"VOC content" means the proportion of a coating that is volatile organic compounds (VOC's), expressed as kilograms of VOC's per liter of coating solids.

"VOC emissions" means the mass of volatile organic compounds (VOC's), expressed as kilograms of VOC's per liter of applied coating solids, emitted from a metal furniture surface coating operation.

(b) All symbols used in this subpart not defined below are given the meaning in the Act and in Subpart A of this part.

C_a = the VOC concentration in each gas stream leaving the control device and entering the atmosphere (parts per million by volume, as carbon)
C_b = the VOC concentration in each gas stream entering the control device (parts per million by volume, as carbon)
C_f = the VOC concentration in each gas stream emitted directly to the atmosphere (parts per million by volume, as carbon)
D_c = density of each coating, as received (kilograms per liter)
D_d = density of each diluent VOC-solvent (kilograms per liter)
D_r = density of VOC-solvent recovered by an emission control device (kilograms per liter)
E = VOC destruction efficiency of the control device (fraction)
F = the proportion of total VOC's emitted by an affected facility that enters the control device (fraction)
G = the volume-weighted average mass of VOC's in coatings consumed in a calendar month per unit volume of coating solids applied (kilograms per liter)
L_c = the volume of each coating consumed, as received (liters)
L_d = the volume of each diluent VOC-solvent added to coatings (liters)
L_r = the volume of VOC-solvent recovered by an emission control device (liters)
L_s = the volume of coating solids consumed (liters)
M_d = the mass of diluent VOC-solvent consumed (kilograms)
M_o = the mass of VOC's in coatings consumed, as received (kilograms)
M_r = the mass of VOC's recovered by an emission control device (kilograms)
N = the volume weighted average mass of VOC emissions to the atmosphere per unit volume of coating solids applied (kilograms per liter)
Q_a = the volumetric flow rate of each gas stream leaving the control device and entering the atmosphere (dry standard cubic meters per hour)
Q_b = the volumetric flow rate of each gas stream entering the control device (dry standard cubic meters per hour)
Q_f = the volumetric flow rate of each gas stream emitted directly to the atmosphere (dry standard cubic meters per hour)
R = the overall VOC emission reduction achieved for an affected facility (fraction)
T = the transfer efficiency (fraction)
V_s = the proportion of solids in each coating (or input stream), as received (fraction by volume)
W_o = the proportion of VOC's in each coating (or input stream), as received (fraction by weight)

§ 60.312 Standard for volatile organic compounds (VOC).

(a) On and after the date on which the initial performance test required to be conducted by § 60.8(a) is completed, no owner or operator subject to the provisions of this subpart shall cause the discharge into the atmosphere of VOC emissions from any metal furniture surface coating operation in excess of 0.90 kilogram of VOC per liter of coating solids applied.

§ 60.313 Performance tests and compliance provisions.

(a) Sections 60.8(d) and (f) do not apply to the performance test procedures required by this subpart.

(b) The owner or operator of an affected facility shall conduct an initial performance test as required under § 60.8(a) and thereafter a performance test each calendar month for each affected facility according to the procedures in this section.

(c) The owner or operator shall use the following procedures for determining monthly volume-weighted average emissions of VOC's in kilograms per liter of coating solids applied (G).

(1) An owner or operator shall use the following procedures for any affected facility which does not use a capture system and control device to comply with the emissions limit specified under § 60.312. The owner or operator shall determine the composition of the coatings by formulation data supplied by the manufacturer of the coating or by an analysis of each coating, as received, using Reference Method 24. The Administrator may require the owner or operator who uses formulation data supplied by the manufacturer of the coating to determine the VOC content of coatings using Reference Method 24. The owner or operator shall determine the volume of coating and the mass of VOC-solvent used for thinning purposes from company records on a monthly basis. If a common coating distribution system serves more than one affected facility or serves both affected and existing facilities, the owner or operator shall estimate the volume of coating used at each facility by using the average dry weight of coating and the surface area coated by each affected and existing facility or by other procedures acceptable to the Administrator.

(i) Calculate the volume-weighted average of the total mass of VOC's consumed per unit volume of coating solids applied (G) during each calendar month for each affected facility, except as provided under § 60.313(c)(2) and (c)(3). Each monthly calculation is considered a performance test. Except as provided in paragraph (c)(1)(iv) of this section, the volume-weighted average of the total mass of VOC's consumed per unit volume of coating solids applied (G) each calendar month will be determined by the following procedures.

(A) Calculate the mass of VOC's used (M_o+M_d) during each calendar month for each affected facility by the following equation:

$$M_o+M_d=\sum_{i=1}^{n} L_{ci}\,D_{ci}\,W_{oi}+\sum_{j=1}^{m} L_{dj}\,D_{dj}$$

($\Sigma L_{dj}D_{dj}$ will be 0 if no VOC solvent is added to the coatings, as received.)

Where: n is the number of different coatings used during the calendar month and m is the number of different diluent VOC-solvents used during the calendar month.

(B) Calculate the total volume of coating solids used (L_s) in each calendar month for each affected facility by the following equation:

$$L_s=\sum_{i=1}^{n} L_{ci}\,V_{si}$$

Where: n is the number of different coatings used during the calendar month.

Select the appropriate transfer efficiency from Table 1. If the owner or operator can demonstrate to the satisfaction of the Administrator that other transfer efficiencies other than those shown are appropriate, the Administrator will approve their use on a case-by-case basis. Transfer efficiency values for application methods not listed below shall be determined by the Administrator on a case-by-case basis. An owner or operator must submit sufficient data for the Administrator to judge the accuracy of the transfer efficiency claims.

TABLE 1.—TRANSFER EFFICIENCIES

Application methods	Transfer efficiency (T)
Air atomized spray	0 25
Airless spray	25
Manual electrostatic spray	[redacted]
Nonrotational automatic electrostatic spray	.70
Rotating head electrostatic spray (manual and automatic)	[redacted]
Dip coat and flow coat	90
Electrodeposition	95

Where more than one application method is used within a single surface coating operation, the owner or operator shall determine the composition and volume of each coating applied by each method through a means acceptable to the Administrator and compute the weighted average transfer efficiency by the following equation:

$$T=\frac{\sum_{i=1}^{n}\sum_{k=1}^{p} L_{cik}\,V_{sik}\,T_k}{L_s}$$

Where n is the number of coatings used and p is the number of application methods used.

(C) Calculate the volume-weighted average mass of VOC's consumed per unit volume of coating solids applied (G) during the calendar month for each affected facility by the following equation:

$$G=\frac{M_o+M_d}{L_s T}$$

(ii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during the calendar month for each affected facility by the following equation:

$N=G$

(iii) Where the volume-weighted average mass of VOC discharged to the atmosphere per unit volume of coating solids applied (N) is less than or equal to 0.90 kilogram per liter, the affected facility is in compliance.

(iv) If each individual coating used by an affected facility has a VOC content, as received, which when divided by the lowest transfer efficiency at which the coating is applied, results in a value equal to or less than 0.90 kilogram per liter, the affected facility is in compliance provided no VOC's are added to the coatings during distribution or application.

(2) An owner or operator shall use the following procedures for any affected facility that uses a capture system and a control device that destroys VOC's (e.g., incinerator) to comply with the emission limit specified under § 60.312.

(i) Determine the overall reduction efficiency (R) for the capture system and control device. For the initial performance test the overall reduction efficiency (R) shall be determined as prescribed in (c)(2)(i) (A), (B), and (C) of this section. In subsequent months, the owner or operator may use the most recently determined overall reduction efficiency (R) for the performance test providing control device and capture system operating conditions have not changed. The procedure in (c)(2)(i) (A), (B), and (C), of this section, shall be repeated when directed by the Administrator or when the owner or operator elects to operate the control device or capture system at conditions different from the initial performance test.

(A) Determine the fraction (F) of total VOC's emitted by an affected facility that enters the control device using the following equation:

$$F=\frac{\sum_{i=1}^{n} C_{bi} Q_{bi}}{\sum_{i=1}^{n} C_{bi} Q_{bi}+\sum_{j=1}^{m} C_{fj} Q_{fj}}$$

Where n is the number of gas streams entering the control device and m is the number of gas streams emitted directly to the atmosphere.

(B) Determine the destruction efficiency of the control device (E) using values of the volumetric flow rate of each of the gas streams and the VOC content (as carbon) of each of the gas streams in and out of the device by the following equation:

$$F=\frac{\sum_{i=1}^{n} Q_{bi} C_{bi}-\sum_{j=1}^{m} Q_{aj} C_{aj}}{\sum_{i=1}^{n} Q_{bi} C_{bi}}$$

Where: n is the number of gas streams entering the control device, and m is the number of gas streams leaving the contol device and entering the atmosphere.

(C) Determine overall reduction efficiency (R) using the following equation:

$R=EF$

(ii) Calculate the volume-weighted average of the total mass of VOC's per unit volume of coating solids applied (G) during each calendar month for each affected facility using equations in paragraphs (c)(1)(i) (A), (B), and (C) of this section.

(iii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during each calendar month by the following equation:

$N=G(1-R)$

(iv) If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is less than or equal to 0.90 kilogram per liter of coating solids applied, the affected facility is in compliance. Each monthly calculation is a performance test.

(3) An owner or operator shall use the following procedure for any affected facility which uses a control device that recovers the VOC's (e.g., carbon adsorber) to comply with the applicable emission limit specified under § 60.312.

(i) Calculate the total mass of VOC's consumed (M_o+M_d) and the volume-weighted average of the total mass of VOC's per unit volume of coating solids applied (G) during each calendar month for each affected facility using equations in paragraph (c)(1)(i) (A), (B), and (C) of this section.

(ii) Calculate the total mass of VOC's recovered (M_r) during each calendar month using the following equation:

$M_r=L_r D_r$

(iii) Calculate overall reduction efficiency of the control device (R) for each calendar month for each affected facility using the following equation:

$$R=\frac{M_r}{M_o+M_d}$$

(iv) Calculate the volume-weighted average mass of VOC's emitted to the atmosphere (N) for each calendar month for each affected facility using equation in paragraph (c)(2)(iii) of this section.

(v) If the weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is less than or equal to 0.90 kilogram per liter of coating solids applied, the affected facility is in compliance. Each monthly calculation is a performance test.

§ 60.314 Monitoring of emissions and operations.

(a) The owner or operator of an affected facility which uses a capture system and an incinerator to comply with the emission limits specified under § 60.312 shall install, calibrate, maintain, and operate temperature measurement devices according to the following procedures:

(1) Where thermal incineration is used, a temperature measurement device shall be installed in the firebox. Where catalytic incineration is used, a temperature measurement device shall be installed in the gas stream immediately before and after the catalyst bed.

(2) Each temperature measurement device shall be installed, calibrated, and maintained according to the manufacturer's specifications. The device shall have an accuracy of the greater of 0.75 percent of the temperature being measured expressed in degrees Celsius or ±2.5°C.

(3) Each temperature measurement device shall be equipped with a recording device so that a permanent continuous record is produced.

(b) The owner or operator of an affected facility which uses a capture system and a solvent recovery system to comply with the emission limits specified under § 60.312 shall install the equipment necessary to determine the total volume of VOC-solvent recovered daily.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.315 Reporting and recordkeeping requirements.

(a) The reporting requirements of Section 60.8(a) apply only to the initial performance test. Each owner or operator subject to the provisions of this subpart shall include the following data in the report of the initial performance test required under § 60.8(a):

(1) Except as provided in paragraph (a)(2) of this section, the volume-weighted average mass of VOC's emitted to the atmosphere per volume of applied coating solids (N) for a period of one calendar month from each affected facility.

(2) For each affected facility where compliance is determined under the provisions of § 60.313(c)(1)(iv), a list of the coatings used during a period of one calendar month, the VOC content of each coating calculated from data determined using Reference Method 24 or supplied by the manufacturer of the coating, and the minimum transfer efficiency of any coating application equipment used during the month.

(3) For each affected facility where compliance is achieved through the use of an incineration system, the following additional information will be reported:

(i) The proportion of total VOC's emitted that enters the control device (F),

(ii) The VOC reduction efficiency of the control device (E),

(iii) The average combustion temperature (or the average temperature upstream and downstream of the catalyst bed), and

(iv) A description of the method used to establish the amount of VOC's captured and sent to the incinerator.

(4) For each affected facility where compliance is achieved through the use of a solvent recovery system, the following additional information will be reported:

(i) The volume of VOC-solvent recovered (L_r), and

(ii) The overall VOC emission reduction achieved (R).

(b) Following the initial performance test, the owner or operator of an affected facility shall identify and record:

(1) Each instance in which the volume-weighted average of the total mass of VOC's emitted to the atmosphere per volume of applied

coating solids (N) is greater than the limit specified under § 60.312.

(2) Where compliance with § 60.312 is achieved through the use of thermal incineration, each 3-hour period when metal furniture is being coated during which the average temperature of the device was more than 28°C below the average temperature of the device during the most recent performance test at which destruction efficiency was determined as specified under § 60.313.

(3) Where compliance with § 60.312 is achieved through the use of catalytic incineration, each 3-hour period when metal furniture is being coated during which the average temperature of the device immediately before the catalyst bed is more than 28°C below the average temperature of the device immediately before the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.313. Additionally, when metal furniture is being coated, all 3-hour periods during which the average temperature difference across the catalyst bed is less than 80 percent of the average temperature difference across the catalyst bed during the most recent performance test at which destruction efficiency was determined as specified under § 60.313 will be recorded.

(c) Each owner or operator subject to the provisions of this subpart shall maintain at the source, for a period of at least 2 years, records of all data and calculations used to determine VOC emissions from each affected facility. Where compliance is achieved through the use of thermal incineration, each owner or operator shall maintain, at the source, daily records of the incinerator combustion chamber temperature. If catalytic incineration is used, the owner or operator shall maintain at the source daily records of the gas temperature, both upstream and downstream of the incinerator catalyst bed. Where compliance is achieved through the use of a solvent recovery system, the owner or operator shall maintain at the source daily records of the amount of solvent recovered by the system for each affected facility.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.316 Test methods and procedures.

(a) The reference methods in Appendix A to this part except as provided under § 60.8(b) shall be used to determine compliance with § 60.312 as follows:

(1) Method 24, or coating manufacturer's formulation data, for use in the determination of VOC content of each batch of coating as applied to the surface of the metal parts. In case of an inconsistency between the Method 24 results and the formulation data, the Method 24 results will govern.

(2) Method 25 for the measurement of VOC concentration.

(3) Method 1 for sample and velocity traverses.

(4) Method 2 for velocity and volumetric flow rate.

(5) Method 3 for gas analysis.

(6) Method 4 for stack gas moisture.

(b) For Method 24, the coating sample must be at least a 1 liter sample in a 1 liter container taken at a point where the sample will be representative of the coating material as applied to the surface of the metal part.

(c) For Method 25, the minimum sampling time for each of 3 runs is 60 minutes and the minimum sample volume is 0.003 dry standard cubic meters except that shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(d) The Administrator will approve testing of representative stacks on a case-by-case basis if the owner or operator can demonstrate to the satisfaction of the Administrator that testing of representative stacks yields results comparable to those that would be obtained by testing all stacks.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

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Part XI

Office of Personnel Management

Excepted Service; Consolidated Listing of Schedules A, B, and C Exceptions

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Consolidated Listing of Schedules A, B and C Exceptions

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives a consolidated notice of all positions excepted under Schedules A, B, and C as of June 30, 1982, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

SUPPLEMENTARY INFORMATION: Civil Service Rule VI (5 CFR 6.1) requires the Office of Personnel Management (OPM) to publish notice of all exceptions granted under Schedules A, B, and C. 5 CFR 213.103(c) further requires that a consolidated listing, current as of June 30 of each year, shall be published annually as a notice in the **Federal Register.** That notice follows. OPM maintains continuing information on the status of all Schedule A, B, and C excepted appointing authorities. Interested parties needing information about specific authorities during the year may obtain information by contacting the Noncompetitive Staffing Branch, Room 6A12, Office of Personnel Management, 1900 E Street NW., Washington, D.C. 20415, or by calling (202) 632-6000.

The following exceptions were current on June 30, 1982:

Schedule A

213.3102 Entire executive civil service.

(a) Positions of Chaplain and Chaplain's Assistant.

(b) Cooks, except at fixed locations such as hospitals, quarantine stations, and penal institutions.

(c) Positions to which appointments are made by the President without confirmation by the Senate.

(d) Attorneys.

(e) Law clerk trainee positions. Appointments under this paragraph shall be confined to graduates of recognized law schools or persons having equivalent experience and shall be for periods not to exceed 14 months pending admission to the bar. No person shall be given more than one appointment under this paragraph. However, an appointment which was initially made for less than 14 months may be extended for not to exceed 14 months in total duration.

(f) Chinese, Japanese, and Hindu interpreters.

(g) Any nontemporary position the duties of which are part-time or intermittent in which the appointee will receive compensation during his/her service year that aggregates not more than 40 percent of the annual salary rate for the first step of grade GS-3. This limited compensation includes any premium pay such as for overtime, night, Sunday, or holiday work. It does not, however, include any mandatory within-grade salary increases to which the employee becomes entitled subsequent to appointment under this authority. Appointments under this authority may not be for temporary project employment.

(h) Positions in Federal mental institutions when filled by persons who have been patients of such institutions and have been discharged and are certified by an appropriate medical authority thereof as recovered sufficiently to be regularly employed but it is believed desirable and in the interest of the persons and the institution that they be employed at the institution.

(i) Subject to prior approval of OPM, positions requiring temporary, part-time, or intermittent employment in wage board type occupations (i.e., position excluded from Classification Act coverage by section 202(7) of the Act) on construction or repair work, where the activity is carried on in localities where examination coverage for the positions has not been provided and where because of employment conditions there is a shortage of available candiates for the positions. Appointments under this paragraph shall not extend beyond 1 year and the employment thereunder shall not exceed 180 working days a year. Seasonal employments of a recurring nature are not authorized under this paragraph.

(j) [Reserved]

(k) Positions without compensation provided appointments thereto meet the requirements of applicable laws relating to compensation.

(l) Positions requiring the temporary or intermittent employment of professional, scientific, or technical experts for consultation purposes.

(m) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) in field establishments outside central office and regional office cities of OPM where examination coverage has not been provided for the positions, as follows:

(1) For temporary, intermittent, or seasonal employment (exclusive of positions covered by paragraph (1) of this section) not to exceed 180 working days a year in the Departments of Agriculture, Commerce, Interior, and Energy, in the Federal Aviation Agency, and in the International Boundary and Water Commission; or

(2) When it is specifically held by OPM that this authority is applicable for employment in localities that are isolated with respect to labor supply and where there is a shortage of available candidates for the positions.

(n) Any local physician, surgeon, or dentist employed under contract or on a part-time or fee basis.

(o) Positions of a scientific, professional, or analytical nature when filled by bona fide members of the faculty of an accredited college or university who have special qualifications for the positions to which appointed. Employment under this provision shall not exceed 130 working days a year.

(p) Positions of a scientific, professional or analytical nature when filled by bona fide graduate students at accredited colleges or universities provided that the work performed for the agency is to be used by the student as a basis for completing certain academic requirements toward a graduate degree. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1-year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's completion of requirements for the graduate degree.

(q) Positions at grade GS-7 and below when appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be: (1) bona fide high school science or mathematics teachers or (2) bona fide students at high schools or accredited colleges or universities who are pursuing courses related to the field in which employed. The appointment of any individual under this authority shall terminate upon the individual's ceasing to be enrolled in a qualifying educational program or to be employed as a teacher. No person shall be employed under this provision in (i) positions of a routine clerical type or (ii) positions in excess of 1040 working hours a year; except that the 1040 working-hours-a-year limitation whall not apply to positions at grade GS-4 and below which are established in connection with associate degree cooperative education programs. Students enrolled in bachelor's degree cooperative education programs as defined in 213.3202(a) shall not be employed under this provision. Appointments under this authority may be made only to positions for which qualification standards established under Part 302 of this chapter are consistent with the education and experience standards established for comparable positions in the competitive service. Appointments under this authority may not be used to extend the service limits contained in any other appointing authority.

(r)–(s) [Reserved]

(t) Positions when filled by mentally retarded persons in accordance with written agreements executed between an agency and the OPM. Provisions to be included in such agreements are specified in the Federal Personnel Manual. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by the Office.

(u) Positions when filled by severely physically handicapped persons who: (1) under a temporary appointment have demonstrated their ability to perform the duties satisfactorily; or (2) have been certified by counselors of State vocational rehabilitation agencies or the Veterans Administration as likely to succeed in the performance of the duties. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive status under the provisions of Executive Order 12125 and implementing regulations issued by the Office.

(v) Between May 13 and September 30 only, temporary Summer Aid positions the duties of which involve work of a routine nature not regularly covered under the General Schedule requiring no specific knowledge or skills, when filled by youths, appointed either a) under economic needs standards prescribed by the Office of Personnel Management or b) who are mentally retarded or severely physically handicapped. Youths may not be appointed unless they have reached their 16th birthday and may not be employed for more than 700 hours. This paragraph shall apply only to positions for which pay is fixed at the highest Federal minimum wage rate established by the Fair Labor Standards Act of 1938, as amended.

(w) Part-time or intermittent positions, the duties of which involve routine work up to and including the GS-4 level of difficulty or equivalent under the Federal Wage System, when filled by bona fide students appointed under the Stay-in-School Program. Students may be appointed if they need the earnings from this employment to continue in school or if they are mentally retarded or severely physically handicapped, provided that the following conditions are met: (1) Appointees are enrolled in or accepted for enrollment as a resident student in a secondary school (or other appropriate school for mentally retarded students) or an institution of higher learning not above the baccalaureate level, accredited by a recognized accrediting body;

(2) Employment does not exceed 20 hours in any calendar week except that students may work full time during any period in which their school is officially closed and during any school vacation period.

(3) While employed, appointees continue to maintain an acceptable school standing, although they need not attend school during the summer;

(4) Appointees meet the economic criteria prescribed by the Office of Personnel Management, except that this requirement does not apply to mentally retarded or severely physically handicapped students appointed under the authority; and

(5) Salaries are fixed by the agency head at a level commensurate with the duties assigned and the expected level of performance.

Appointments under this authority may not extend beyond 1 year. However, such appointments may be made for additional periods of not to exceed 1 year, each, if the conditions for initial appointment are still met. Students may not be appointed under this authority unless they have reached their 16th birthday. No new appointments may be made between May 13 and August 31, inclusive.

(x) Positions for which a local recruiting shortage exists when filled by inmates of Federal, District of Columbia and State (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands) penal and correctional institutions under work-release programs authorized by the Prisoner Rehabilitation Act of 1965, the District of Columbia Work Release Act, or under work-release programs authorized by the States. Initial appointments under this authority may not exceed 1-year. An initial appointment may be extended for one or more periods not to exceed 1 additional year each upon a finding that the inmate is still in a work-release status and that a local recruiting shortage still exists. No person may serve under this authority longer than 1-year beyond the date of that person's release from custody.

(y) Positions at grade GS-2 and below for summer employment as defined in 213.3101(d), of assistants to scientific, professional, and technical employees, when filled by finalists in national science contests.

(z) Not to exceed 30 positions of assistants to top-level Federal officials when filled by persons designated by the President as White House Fellows.

(aa) Scientific and professional research associate positions at GS-11 and above when filled on a temporary basis by persons having a doctoral degree in an appropriate field of study for research activities of mutual interest to appointees and their agencies. Appointments are limited to persons referred by the National Research Council under its post-doctoral research associate program and may be made initially for 1 year only. An agency may extend an appointment made under this authority for up to 1 additional year when the program committee at the laboratory concerned determines that extension will benefit both the associate and the laboratory.

(bb) Positions when filled by aliens in the absence of qualified citizens. Appointments under this authority are subject to prior approval of the Office except when the authority is specifically included in a delegated examining agreement with the Office.

(cc) Positions at GS-15 and below when filled by persons identified as Interchange Executives by the President's Commission on Personnel Interchange. Appointments made under this authority may not extend beyond 2 years.

(dd)–(ee) [Reserved]

(ff) Not to exceed 25 positions when filled in accordance with an agreement between OPM and the Department of Justice by persons in programs administered by the Attorney General of the United States under Pub. L. 91–452 and related statutes. A person appointed under this authority may continue to be employed under it after he ceases to be in a qualifying program only as long as he remains in the same agency without a break in service.

(gg) [Reserved]

(hh) Positions as needed not in excess of GS-13, whose incumbents will implement the Young Adult Conservation Corps program and are to be paid out of funds allocated under title VIII of the Comprehensive Employment and Training Act of 1973, as amended, or other appropriated funds receiving direct benefits. Employment under this authority is not to exceed September 30, 1982.

(ii) Positions of Presidential Intern, GS-9 and 11, in the Presidential Management Intern Program. Initial appointments must be made at the GS-9 level. No one may serve under this authority for more than 2 years, unless extended with OPM approval for up to 1 additional year. Upon completion of 2 years of satisfactory service under this authority, the employee may qualify for conversion to competitive appointment under the provisions of Executive Order 12364, in accordance with requirements published in the Federal Personnel Manual.

(jj) Legal intern positions. Appointments under this paragraph shall be confined to bona fide students at recognized law schools who are candidates for J.D. or LL.B. degrees. Appointments under this authority may not exceed 1 year, but may be extended for additional period(s) not to exceed 1 year as long as the conditions for appointment continue to be met. The appointment of any individual under this authority shall terminate upon the individual's graduation from law school.

(kk) [Reserved]

(ll) Positions as needed of readers for blind employees, interpreters for deaf employees and personal assistants for handicapped employees, filled on a full time, part-time or intermitent basis.

213.3103 Executive Office of the President.

(a) *Office of Administration* (1) Not to exceed forty-five positions to provide administrative services and support to the White House office.

(b) [Reserved]

(c) *Council on Environmental Quality.* (1) Professional and technical positions in grades GS–13 through GS–15 on the staff of the Council.

(d)–(f) [Reserved]

(g) *National Security Council.* (1) All positions on the staff of the Council.

(h) *Office of Science and Technology Policy.* (1) Thirty positions of Senior Policy Analyst, GS–15; Policy Analyst, GS–11/14; and Policy Research Assistant, GS–9, for employment of anyone not to exceed 5 years on projects of a high priority nature.

213.3104 Department of State.

(a) *Office of the Secretary.* (1) All positions, GS–15 and below, on the staff of the Family Liaison Office, Office of the Under Secretary for Management.

(2)–(4) [Reserved]

(5) Executive Officer, Executive Secretariat.

(b) *American Embassy, Paris, France.* (1) Chief, Travel and Visitor Unit. No new appointments may be made under this authority after August 10, 1981.

(c) *International Boundary and Water Commission, United States and Mexico.* (1) Gauge readers employed part-time or intermittently at isolated localities when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) *International Boundary Commission, United States and Canada.* (1) Temporary and intermittent field employees such as instrumentmen, foremen, recorders, packers, cooks, and axemen, for not to exceed 180 working days within any 1 calendar year.

(e) *Bureau of Oceans and International Environmental and Scientific Affairs.* (1) Two Physical Science Administration Officer positions at GS–16.

(f) [Reserved]

(g) *Office of Refugee and Migration Affairs.* (1) Not to exceed 10 positions at grade 5 through 11 on the staff of the office.

(h) *Bureau of Administration.* (1) One Presidential Trip Specialist. No new appointments may be made under this authority after June 11, 1981. No one may serve under this authority longer than 5 years.

213.3105 Department of the Treasury.

(a) *Office of the Secretary.* (1) Not to exceed 20 positions at the equivalent of GS–13 through GS–17 to supplement permanent staff in the study of complex problems relating to international financial, economic, trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(2) Not to exceed 20 positions, which will supplement permanent staff involved in the study and analysis of complex problems in the area of domestic economic and financial policy. Employment under this authority may not exceed 4 years.

(b) *U.S. Customs Service.* (1) Positions in foreign countries designated as "interpreter-translator" and "special employees," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

(2) [Reserved]

(3) Positions of part-time, intermittent, or temporary Customs Inspectors, and Port Directors in Alaska paid at a rate not above GS–9 and for not more than 130 working days in a service year.

(4) Positions of day "pickup" laborers whose assignments are to intermittent duties of short duration that must be performed without delay in field establishments where hiring of "pickup" laborers is authorized by the Bureau of Customs headquarters. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Customs for more than 180 working days a year under this authority or under a combination of this authority and any other authority for excepted appointment that may be appropriate. This authority is not appropriate for job employment.

(5) Positions at GS–9 and below of Customs Enforcement Officer, Customs Inspector, Customs Marine Clerk/Officer, Customs Aid (sampling) Customs Warehouse Officer, Port Director, Interpreter, and Laborer, with duties of a continuing nature that require the part-time or intermittent service of an employee for not more than 700 hours in his service year. An individual appointed under this exception may not be employed in the Bureau of Customs under a combination of this and any other exception for more than 700 hours in his service year.

(6) Twenty-five positions of Criminal Investigator for special assignments.

(7)–(8) [Reserved]

(9) Not to exceed 25 positions of Customs Patrol Officers in the Papago Indian Agency in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(c)–(d) [Reserved]

(e) *Internal Revenue Service.* (1) Twenty positions of investigator for special assignments.

(f) [Reserved]

(g) *Bureau of Alcohol, Tobacco, and Firearms.* (1) One hundred positions of criminal investigator for special assignments.

(h) *Office of New York Finance.* (1) Not to exceed 10 positions. Employment under this authority may not exceed September 30, 1983.

(i) Bureau of Government Financial Operations. (1) Clerical positions at grades GS–5 and below established in Emergency Disbursing Offices to process emergency payments to victims of catastrophes or natural disasters requiring emergency disbursing services. Employment under this authority may not exceed 1 year.

213.3106 Department of Defense.

(a) *Office of the Secretary.* (1)–(5) [Reserved]

(6) One Executive Secretary, US–USSR Standing Consultative Commission and Staff Analyst (SALT), Office of the Assistant Secretary of Defense (International Security Affairs).

(7) Fifteen secretarial and staff support positions at GS–12 or below on the White House Support Group.

(b) *Entire Department (including the Office of the Secretary of Defense and the Departments of the Army, Navy, and Air Force.) (1) Professional positions in*

Military Dependent School Systems overseas.

(2) Positions in attache systems overseas, including all professional and scientific positions in the Naval Research Branch Office in London.

(3) Positions of clerk-translator, translator, and interpreter overseas.

(4) Positions of Educational Specialist the incumbents of which will serve as Director of Religious Education on the Staffs of the Chaplains in the military services.

(5) Positions under the program for utilization of alien scientists approved under pertinent directives administered by the Director of Defense Research and Engineering of the Department of Defense when occupied by alien scientists initially employed under the program including those who have acquired United States citizenship during such employment.

(6) Positions in overseas installations of the Department of Defense when filled by dependents of military or civilian employees of the Department residing in the area. Employment under this authority may not extend longer than 2 months following the transfer from the area or the separation of a dependent's sponsor: *Provided*, that (i) a school employee may be permitted to complete the school year; and (ii) an employee other than a school employee may be permitted to serve up to 1 additional year when the military department concerned finds the additional employment is in the interest of management.

(c) [Reserved]

(d) *General.* (1) Positions concerned with advising, administering, supervising or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, and estimation of intelligence information, including scientific and technical positions in the intelligence function; and positions involved in the planning, programming, and management of intelligence resources when, in the opinion of OPM, it is impracticable to examine. This authority does not apply to positions assigned to Cryptologic and Communications Intelligence Activities/Functions.

(2) Positions involved in intelligence-related work of the cryptologic intelligence activities of the military departments. This includes all positions of intelligence research specialist, and similar positions in the intelligence classification series; all scientific and technical positions involving the applications of engineering, physical or technical sciences to intelligence work; and professional as well as intelligence technician positions in which a majority of the incumbent's time is spent in advising, administering, supervising, or performing work in the collection, processing, analysis, production, evaluation, interpretation, dissemination, or estimation of intelligence information or in the planning, programming, and management of intelligence resources.

(e) *Uniformed Services University of the Health Sciences.* (1) Positions of Dean, Associate Dean, Assistant Dean, faculty members, and teaching/research assistants.

(2) Positions established to perform work on projects funded from grants.

(f) *National Defense University.* (1) Not to exceed 16 positions of senior policy analyst, GS–15, at the strategic Concepts Development Center. Initial appointments to these positions may not exceed 3 years, but may be extended thereafter for additional period(s) not to exceed 1 year each.

213.3107 Department of the Army.

(a) *General.* (1) [Reserved]

(2) Unskilled laborers and munitions handlers engaged in handling Ordnance material, including ammunition, where temporary or intermittent employment is necessary.

(3)–(8) [Reserved]

(b) [Reserved]

(c) *Corps of Engineers.* (1) [Reserved]

(2) Nonsupervisory positions of custodial laborer (levels 1, 2, and 3) and general laborer (levels 2 and 3) on survey, construction, short-term maintenance, or floating-plant operations, where because of turnover, lack of housing facilities, mobility of work site, or remoteness of personnel servicing facilities, an adequate labor force can be recruited only by immediate gate hiring on a local basis. This authority can be used only when OPM has determined that it is specifically applicable to a given situation; ordinarily, it will not be used for employment in OPM central office, regional, and branch office cities or in cities where there is a local OPM area office to service the employing establishment.

(d) *U.S. Military Academy, West Point, New York.* (1) Civilian professors, instructors, teachers (except teachers at the Children's School), Cadet Social Activities Coordinator, chapel organist and choir-master, Director of Intercollegiate Athletics, librarian when filled by an officer of the Regular Army retired from active service, and the military secretary to the Superintendent when filled by a Military Academy graduate retired as a regular commissioned officer for disability.

(e)–(f) [Reserved]

(g) **Defense Language Institute.** (1) Positions of instructors whose duties require proficiency in the teaching of a foreign language, supervisory instructors whose duties require a background in language teaching, and foreign language subject-matter specialists whose duties require proficiency in a given foreign language to assist in the development and evaluation of instructional material and methods directly related to the teaching of foreign languages.

(2) Clerical and Education Aid positions (except at the English Language School) whose incumbents are required to have a foreign language knowledge and whose duties require rapid and accurate typing, writing, proofreading or related skills used in the production of foreign language materials.

(3) [Reserved]

(4) Foreign language instructor positions at local Army language training facilities established pursuant to the Defense Language Program.

(h) *Army War College, Carlisle Barracks, Pa.* (1) One position of Educational Specialist for employment of not to exceed 1 year: Provided, that such employment may, with the prior approval of OPM, be extended for not to exceed 1 additional year.

(i) *Defense Systems Management School, Fort Belvoir, Va.* (1) The Deputy Commandant and professors in grades GS–13 through 15.

(j) *U.S. Military Academy Preparatory School, Fort Monmouth, New Jersey.* (1) Positions of Academic Director, Department Head and Instructor.

213.3108 Department of the Navy.

(a) *General.* (1) [Reserved]

(2) Positions of Student Pharmacist for temporary, part-time, or intermittent employment in U.S. Naval Regional Medical Centers, hospitals, clinics and departments when filled by students who are enrolled in an approved pharmacy program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed one year.

(3) [Reserved]

(4) Not to exceed 50 positions of resident-in-training at U.S. naval regional medical centers, hospitals, and dispensaries which have residency training programs, when filled by residents assigned as affiliates for part of their training from non-Federal hospitals. Assignments shall be on a temporary (full-time or part-time) or intermittent basis, shall not amount to more than 6 months for any person, and

shall be applied only to persons whose compensation is fixed under 5 U.S.C. 5351–54.

(5) [Reserved]

(6) Positions of Student Operating Room Technician for temporary, part-time or intermittent employment in U.S. naval regional medical centers and hospitals, when filled by students who are enrolled in an approved operating room technician program in a participating non-Federal institution, whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(7) Positions of student social worker for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by bona fide students enrolled in academic institutions: *Provided,* that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements by such educational institution to qualify for a graduate degree in social work. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(8) Positions of student practical nurse for temporary, part-time, or intermittent employment in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by trainees enrolled in a non-Federal institution in an approved program of educational and clinical training which meets the requirements for licensing as a practical nurse. This authority shall be applied only to trainees whose compensation is fixed under 5 U.S.C. 5351–54.

(9) One Personnel Security Specialist, Naval Personnel Program Support Activity, Bureau of Naval Personnel.

(10) Positions of medical technology intern in U.S. naval regional medical centers, hospitals, and dispensaries, when filled by students enrolled in approved programs of training in non-Federal institutions. Employment under this authority may be filled on a full-time, part-time, or intermittent basis but may not exceed 1 year. This authority shall be applied only to students whose compensation is fixed under 5 U.S.C. 5351–54.

(11) Positions of medical intern at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are serving medical internships at participating non-Federal hospitals and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(12) Positions of student speech pathologist at U.S. naval regional medical centers, hospitals, and dispensaries, when filled by persons who are enrolled in participating non-Federal institutions and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(13) Positions of student dental assistant in U.S. naval dental centers, clinics, and departments, when filled by students who are enrolled in an approved dental assistant program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351–54. Employment under this authority may not exceed 1 year.

(14) [Reserved]

(15) Marine positions assigned to a coastal or seagoing vessel operated by a naval activity for research or training purposes.

(b) *Naval Academy, Naval Postgraduate School, and Naval War College.* (1) Professors, instructors, and teachers; and the librarian, organist-choirmaster, registrar, the dean of admissions, and social counselors at the Naval Academy.

(c) [Reserved]

(d) *Military Sealift Command.* (1) All positions on vessels operated by the Military Sealift Command.

(e)–(f) [Reserved]

(g) *Office of Naval Research.* (1) Not to exceed 5 positions of Liaison Scientists, GS–13/15, in the office of Naval Research Branch Office in Japan, when filled by research scientists who have specialized experience in scientific disciplines of current interest to the Department and who have a demonstrated ability to deal with the Japanese scientific community in their disciplines. An appointment under this authority may be made initially for a period not to exceed 2 years. With the prior approval of OPM, total employment under this authority may be for as long as 3 years.

213.3109 Department of the Air Force.

(a) *Office of the Secretary.* (1) One Special Assistant in the Office of the Secretary of the Air Force. This position has advisory rather than operating duties except as operating or administrative responsibilities may be exercised in connection with the pilot studies.

(b) *General.* (1) Professional, technical, managerial and administrative positions supporting space activities, when approved by the Secretary of the Air Force.

(2) Fifity positions engaged in interdepartmental defense projects involving scientific and technical evaluations.

(c) Not to exceed 14 professional positions, GS–11 through GS–15, in Detachment 6, 2762 Logistics Squadron (Special), Norton Air Force Base, California, which will provide logistic support management to specialized research and development projects. Employment under this authority may not exceed January 31, 1985.

(d) *U.S. Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and Instructors in Music (choirmasters).

(e) [Reserved]

(f) *Air Force Office of Special Investigations.* (1) Fifteen positions of Criminal Investigator and Intelligence Research Specialist, GS–9 through GS–14, for employment not to exceed April 30, 1984, on projects concerned with the security of national defense activities and materials.

(2) Not to exceed 15 positions of Criminal Investigators/Polygraph Examiners, GS–11 through GS–14, in the Air Force Office of Special Investigations, Polygraph Office, duty location nationwide, which will provide high level polygraph security screening for a highly classified, sensitive and compartmented special access program concerned with national defense activities and materials, for employment not to exceed April 30, 1987.

(g) Not to exceed 7 positions, GS–12 through 15, in Headquarters Air Force Logistics Command, DCS Logistics Operation, Wright Patterson Air Force Base, Ohio, which will provide logistic support management staff guidance to classified research and development projects. Employment under this authority is not to exceed January 31, 1985.

213.3110 Department of Justice.

(a) *General.* (1) Deputy U.S. Marshals employed on an hourly basis for intermittent service.

(2) [Reserved]

(3) U.S. Marshal in the Virgin Islands.

(4) [Reserved]

(5) Thirty positions of Field Representative, GS–9 through GS–14, in the Community Relations Service for temporary or intermittent employment for not to exceed 130 working days a year.

(6) Not to exceed 20 positions of Field Representative Trainee, GS–5–7, in the Community Relations Service, for employment on college campuses for not to exceed 130 working days a year. Employment under this authority is limited to 1 year: *Provided,* that an appointment may be extended for one additional year with the prior approval of OPM.

(b) [Reserved]

(c) *Drug Enforcement Administration.* (1) [Reserved]

(2) 150 positions of Intelligence Research Agent and/or Intelligence Operation Specialist in the GS–132 series, grades GS–9 through GS–15.

(d) *U.S. Marshals Service.* (1) Three hundred intermittent positions of guard for employment not to exceed 1,040 hours a year.

213.3112 Department of the Interior.

(a) General. (1) Temporary, intermittent, or seasonal positions in the field service of the Department of the Interior, when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a field activity or district, and as being dependent for livelihood primarily upon employment available within the field activity of the Department.

(2) All positions on Government-owned ships or vessels operated by the Department of the Interior.

(3) Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings, or other structures and prevent damages or theft of Government property. Such appointments shall not extend beyond 130 working days a year without the prior approval of OPM.

(4) Temporary, intermittent, or seasonal field assistants at GS–7, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority may not exceed 180 working days a year.

(5) Temporary positions established in the field service of the Department for emergency forest and range fire prevention or suppression and blister rust control for not to exceed 180 working days a year: *Provided*, that an employee may works as many as 220 working days a year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property.

(6) Persons employed in field positions, the work of which is financed jointly by the Department of the Interior and cooperating persons or organizations outside the Federal service.

(7) All positions in the Bureau of Indian Affairs and other positions in the Department of the Interior directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of the Interior is responsible for defining the term "Indian."

(8) Temporary, intermittent, or seasonal positions at GS–7 or below in Alaska, as follows: Positions in non-professional mining activities, such as those of drillers, miners, caterpillar operators, and samplers. Employment under this authority shall not exceed 180 working days a year and shall be appropriate only when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(9) Temporary, part-time, or intermittent employment of mechanics, skilled laborers, equipment operators and tradesmen on construction, repair, or maintenance work for not to exceed 180 working days a year in Alaska, when the activity is carried on in a remote or isolated area and there is a shortage of available candidates for the positions.

(10) Seasonal airplane pilots and airplane mechanics in Alaska, not to exceed 180 working days a year.

(11) Temporary staff positions in the Youth Conservation Corps Centers operated by the Department of the Interior. Employment under this authority shall not exceed 11 weeks a year except with prior approval of OPM.

(12) Positions in the Youth Conservation Corps for which pay is fixed at the Federal minimum rate. Employment under this authority may not exceed 10 weeks.

(b) *Bureau of Indian Affairs.* (1)–(3) [Reserved]

(c) *Indian Arts and Crafts Board.* (1) The Executive Director.

(d) [Reserved]

(e) *Office of the Assistant Secretary, Territorial and International Affairs.* (1) (Reserved)

(2) Not to exceed 4 positions of Territorial Management Interns, grades GS–5, GS–7, or GS–9, when filled by territorial residents who are U.S. Citizens from the Virgin Islands or Guam; U.S. nationals from American Samoa; or in the case of the Northern Marianas, will become U.S. Citizens upon termination of the U.S. Trusteeship. Employment under this authority may not exceed 6 months.

(3) [Reserved]

(4) Special Assistants to the Governor of American Samoa who perform specialized administrative, professional, technical, and scientific duties as members of his immediate staff.

(f) *National Park Service.* (1) Park Ranger positions (appropriate specializations) at salaries equivalent to GS–5, or GS–4 and those equivalent to grade GS–7 or GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career protective or interpretive personnel of the National Park Service. (The total number of Park Ranger and Park Technician positions at salaries equivalent to GS–7 and GS–6 excepted under this paragraph and paragraph (f)(2 of this section shall not exceed 200.) Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Ranger at a salary equivalent to the next lower grade:

(i) For IGS–7: Two seasons at IGS–6 level.

(ii) For IGS–6: Two seasons at IGS–5 level.

(iii) For IGS–5: One season at IGS–4 level.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(2) Park Aid and Park Technician positions at salaries equivalent to GS–2 through GS–5 to perform technical and practical work supporting the management, conservation, interpretation, development, and use of park areas and resources; and positions at salaries equivalent to GS–7 and GS–6 in which the duties are supervisory or are limited to a highly specialized part of the duties performed by career resources management, interpretive or visitor service personnel of the National Park Service. (The total number of Park Technican and Park Ranger positions at salaries equivalent to GS–7 and GS–6 excepted under this paragraph and paragraph (f)(1) of this section shall not exceed 200.) Employment under this paragraph is limited to persons who meet the qualification standards for each salary level which have been agreed upon by OPM and the Department. These standards include as a minimum the following number of previous seasons' experience in the National Park Service as a Park Aid or Park Technician equivalent to the next lower grade:

(i) For IGS–7: Two seasons at IGS–6 level.

(ii) For IGS–6: Two seasons at IGS–5 level.

(iii) For IGS–5: One season at IGS–4 level.

(iv) For IGS–4: One season at IGS–3 level or its equivalent in experience.

(v) For IGS–3: One season at IGS–2 level or its equivalent in experience.

Employment under this paragraph shall be only for duty that is temporary, intermittent, or seasonal, and no person shall be employed by the same appointing office in the National Park Service under this paragraph or a combination of this and any other excepting authorities in excess of 180 working days a year.

(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, California, which are needed for rehabilitation of the park, as provided by Pub. L. 95–250.

(4) One Special Representative of the Director.

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case: *Provided,* that such employment may, with prior approval of OPM, be extended for not to exceed an additional 50 working days in any single year.

(h) *Office of the Deputy Assistant Secretary for Territorial Affairs.* (1) Positions of Territorial Management Interns, GS–5, when filled by persons selected by the Government of the Trust Territory of the Pacific Islands. No appointment may extend beyond 1 year.

(i) *Office of Hearings and Appeals.* (1) [Reserved]

213.3113 Department of Agriculture.

(a) *General.* (1) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service. Except for positions for which selection is jointly made by the Department and the cooperating organization, this authority is not applicable to positions in the Agricultural Research Service, the Animal and Plant Health Inspection Service, or positions in the Statistical Reporting Service. This authority is not applicable to the following positions in the Agricultural Marketing Service: Agricultural Commodity grader (grain) and (meat), (poultry), and (dairy) agricultural commodity aid (grain), and tobacco inspection positions.

(2)–(4) [Reserved]

(5) Temporary, intermittent, or seasonal employment in the field service of the Department in positions at and below GS–7 and WG–10 in the following types of positions: Field assistants for subprofessional services; caretakers at temporarily closed camps or improved areas; field enumerators and supervisors; forest workers engaged primarily for fire prevention or suppression activities and other forest workers employed at headquarters other than forest supervisor and regional offices; State performance assistants in the Agricultural Stabilization and Conservation Service; collectors of the Farmers Home Administration; agricultural commodity aids (cotton) in the Agricultural Marketing Service; agricultural helpers, helper-leaders, and workers in the Agricultural Research and the Animal and Plant Health Inspection Service; and subject to prior OPM approval granted in the calendar year in which the appointment is to be made, other clerical, trades, crafts, and manual labor positions. Total employment under this subparagraph may not exceed 180 working days in a service year: *Provided,* that an employee may work as many as 220 working days in a service year when employment beyond 180 days is required to cope with extended fire seasons or sudden emergencies such as fire, flood, storm, or other unforeseen situations involving potential loss of life or property. This paragraph does not cover trades, crafts, and manual labor positions covered by paragraphs (i) and (m) of 213.3102.

(6) [Reserved]

(7) Not to exceed 20 Program Assistants, whose experience acquired in positions excepted from the competitive civil service in the administration of agricultural programs at the State level is needed by the Department for the more efficient administration of its programs. No new appointment may be made under this authority after December 31, 1977.

(b) [Reserved]

(c) *Forest Service.* (1) [Reserved]

(2) Positions in Alaska of Laborers, Boat Operators, Mechanics, Equipment Operator, and Carpenters whose duties require the operation of boats in coastal waters and/or the establishment and maintenance of work camps in remote areas.

(d) *Agricultural Stabilization and Conservation Service.* (1) [Reserved]

(2) Members of State Committees: *Provided,* that employment under this authority shall be limited to temporary intermittent (WAE) positions whose principal duties involve administering farm programs within the State consistent with legislative and Departmental requirements and reviewing national procedures and policies for adaptation at State and local levels within established parameters. Individual appointments under this authority are for 1 year and may be extended only by the Secretary of Agriculture or his designee. Members of State Committees serve at the pleasure of the Secretary.

(3) [Reserved]

(e) *Farmers Home Administration.* (1) [Reserved]

(2) County committeemen to consider, recommend, and advise with respect to the Farmers Home Administration program.

(3) Temporary positions whose principal duties involve the making and servicing of natural disaster emergency loans pursuant to current statutes authorizing natural disaster emergency loans. Appointments under this provision shall not exceed 1 year unless extended with the prior approval of OPM for additional periods not to exceed 1 year each.

(4) [Reserved]

(5) Temporary positions in State and county offices of the Farmers Home Administration whose principal duties involve the making and servicing of loans pursuant to the Economic Opportunity Act of 1964. Appointments under this provision shall not exceed 1 year unless extended with prior OPM approval for not to exceed 1 additional year.

(6) Professional and clerical positions in the Trust Territory of the Pacific Islands when occupied by indigenous residents of the Territory to provide financial assistance pursuant to current authorizing statutes.

(7) Positions concerned with an economic emergency loan program authorized by the Agricultural Credit Act of 1978, for seasonal employment not to exceed August 31, 1982.

(f) *Agricultural Marketing Service.* (1) Positions of supervisory cotton classers GS–11, cotton classers GS–9 and below, clerks GS–2, supervisory clerks GS–3 and GS–4, and laborers, employed on a seasonal basis in cotton-classing offices outside the Washington, D.C. Metropolitan Area. Employment under this authority (or under a combination of this authority and any other excepting authority) shall not exceed 1,280 hours a year in the case of supervisory cotton classers, cotton classers and laborers, and 1,040 hours a year in the case of clerks; except that a GS–5 cotton classer may be employed as a trainee during his first appointment for an initial period of 6 months for training purposes without regard to the above time limitation.

(2) [Reserved]

(3) Milk Market Administrators.

(4) All positions on the staffs of Milk Market Administrators.

(5) Positions of Agricultural Commodity Graders (Tobacco), GS–9 and below, and Clerks, GS–4 and below for temporary seasonal employment on a full-time, part-time, or intermittent basis not to exceed 1,280 hours in a service year.

(g)–(i) [Reserved]

(j) *Food and Nutrition Services.* (1) [Reserved]

(2) Three hundred fifty positions of food assistance program specialist, GS–5/7, under the Child Nutrition Summer Feeding Program, for temporary employment not to begin before March 1 and not to exceed September 30 of each year, on a full-time, part-time, or intermittent basis.

(k) *Animal and Plant Health Inspection Service.* (1) [Reserved]

(2) Temporary field positions concerned with the control, suppression, and eradication of emergency livestock and plant diseases and emergency outbreaks of animal and plant pests. Persons appointed under this authority may not be employed in these positions in the Animal and Plant Health Inspection Service for longer than 1 year under this authority, or under a combination of this and any other authorities for excepted appointment that may be appropriate without prior approval of OPM. This authority shall be appropriate only in situations declared by the Secretary of Agriculture to be emergencies threatening the livestock and plant industries of the country.

(l) *Food Safety and Quality Service.* (1) Positions of agricultural commodity graders (processed fruits and vegetables), GS–9 and below, and of graders' aides (processed fruits and vegetables), GS–2–4: for temporary employment on a part-time or intermittent basis for not to exceed 1,280 hours a year.

(2) Temporary and intermittent positions of agricultural commodity graders (dairy) and agricultural commodity graders (poultry) at grade GS–9 and below. Employment under this authority may not exceed 1,280 hours a year.

(3) Positions of meat and poultry inspectors (veterinarians at GS–11 and below and nonveterinarians at appropriate grades below GS–11) for employment on a temporary, intermittent, or seasonal basis, not to exceed 1,280 hours a year.

(m) *Federal Grain Inspection Service.* (1) One hundred fifty positions of Agricultural Commodity Aid (Grain), GS–2/4; 100 positions of Agricultural Commodity Technician (Grain), GS–4/7; and 60 positions of Agricultural Commodity Grader (Grain), GS–5/9, for temporary employment on a part-time, intermittent, or seasonal basis not to exceed 1,280 hours in a service year.

213.3114 Department of Commerce

(a) *General.* (1)–(2) [Reserved]

(3) Not to exceed 50 scientific and technical positions whose duties are performed primarily in the Antarctic. Incumbents of these positions may be stationed in continental United States for periods of orientation, training, analysis of data, and report writing.

(b) *Office of the Secretary.* (1) One position of Administrative Assistant, GS–301–8, in the Office of Economic Affairs. New appointments may not be made after March 30, 1979.

(2)–(3) [Reserved]

(c) [Reserved]

(d) *Bureau of the Census.* (1) Managers, supervisors, technicians, clerks, interviewers, and enumerators in the field service, for temporary, part-time or intermittent employment in connection with major economic and demographic censuses or with surveys of a nonrecurring or noncyclical nature: *Provided*, that temporary, part-time employment will be for periods not to exceed 1 year; and that such appointments may be extended for additional periods of not to exceed 1 year each; but that prior Office approval is required for extension of total service beyond 2 years.

(2) Current Program Interviewers employed on an intermittent or part-time basis in the field service.

(3) [Reserved]

(e)–(h) [Reserved]

(i) *Office of the Under Secretary for International Trade.* (1) Thirty positions at GS–12 and above in specialized fields relating to international trade or commerce in units under the jurisdiction of the Under Secretary for International Trade. Incumbents will be assigned to advisory rather than to operating duties, except as operating and administrative responsibility may be required for the conduct of pilot studies or special projects. Employment under this authority will not exceed 2 years for an individual appointee.

(3) Not to exceed 40 positions of Managers and Deputy Managers of International Trade Fairs and Exhibit Programs in foreign countries when the duties require a considerable portion of the employee's time to be spent in foreign countries.

(3) Not to exceed 30 positions in grades GS–12 through GS–15, to be filled by persons qualified as industrial or marketing specialists; who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices applicable to one or more of the current segments of U.S. industry served by the Under Secretary for International Trade, and the subordinate components of his organization which are involved in Domestic Business matters. Appointments under this authority may be made for a period of not to exceed two years and may, with prior approval of OPM, be extended for an additional period of two years.

(j) *National Oceanic and Atmospheric Administration.* (1) Subject to prior approval of OPM, which shall be contingent upon a showing of inadequate housing facilities, meteorological aid positions at the following stations in Alaska: Barrow, Bethal, Kotzebue, McGrath, Northway, and St. Paul Island.

(2) Positions requiring temporary employment of persons to perform duties which involve work associated with the inspection of fishery products. Appointment under this authority may be made for a period of 1 year (2,080 hours), with one extension not to exceed 2,080 hours. No person shall be employed under this authority in a supervisory position or in a position above grade GS–9, or equivalent. Positions filled under this authority may not exceed 20 percent of authorized fishery products inspection staff.

(3) All civilian positions on vessels operated by the National Ocean Survey.

(4) Temporary positions required in connection with the surveying operations of the field service of the National Ocean Survey. Appointment to such positions shall not exceed 6 months in any 1 calendar year.

(k) [Reserved]

(l) *National Telecommunication and Information Administration.* (1) Seventeen professional positions in grades GS–13 through GS–15.

(m) [Reserved]

213.3115 Department of Labor.

(a) *Office of the Secretary.* (1) Chairman and five members, Employees' Compensation Appeals Board.

(2) Chairman and two members, Benefits Review Board.

(b) *Bureau of Labor Statistics.* (1) Not to exceed 500 positions involving part-time and intermittent employment for field survey and enumeration work in the Bureau of Labor Statistics. This authority is applicable to positions where the salary is equivalent to GS-6 and below. Employment under this authority may not exceed 1,600 work hours in a service year. No new appointment may be made under this authority after December 31, 1983.

(c) [Reserved]

(d) *Employment and Training Administration.* (1) Not to exceed 10 positions of supervisory manpower development specialist and manpower development specialist, GS-7/15, in the Division of Indian and Native American Programs, when filled by the appointment of persons of one-fourth or more Indian blood. These positions require direct contact with Indian tribes and communities for the development and administration of comprehensive employment and training programs.

213.3116 Department of Health and Human Services.

(a) *Saint Elizabeth's Hospital.* (1)-(4) [Reserved]

(5) Fifteen positions of psychodrama trainees, including interns and first-and second year residents. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(6)-(8) [Reserved]

(9) Positions of Chaplain Residents: *Provided,* that employment under this authority shall not exceed 39 months for any individual. This authority shall be applied only to positions whose compensation is fixed in accordance with the provisions of 5 U.S.C. 5351 and 5352.

(10) [Reserved]

(11) Ten positions of group dynamics and group psychotherapy trainees, including interns and residents in the Overholser Training and Research Division. Employment under this authority shall not exceed 2 years, and shall be applied only to positions with compensation fixed under 5 U.S.C. 5351 and 5352.

(12) Ten positions of Interns, Residents and Fellows for work in mental health and deafness. Employment under this authority may not exceed 1 year for any individual.

(13) Fifteen positions of Interns and Residents in Applied and Evaluative Research (Mental Health) Program. Employment under this authority may not exceed two years for any individual.

(b) *Public Health Service* (1) [Reserved]

(2) Positions at Government sanatoria when filled by patients during treatment or convalescence.

(3) All positions in the Public Health Service Hospital, Carville, La.

(4) Positions concerned with problems in preventive medicine financed or participated in by the Department of Health and Human Services and a cooperating State, county, municipality, incorporated organization, or an individual in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

(5) Medical and dental interns, externs, and residents; and student nurses.

(6) Positions of scientific, professional, or technical nature when filled by bona fide students enrolled in academic institutions: *Provided,* that the work performed in the agency is to be used by the student as a basis for completing certain academic requirements required by an educational institution to qualify for a scientific, professional, or technical field: *And provided further,* that appropriate exclusions of the positions under the authority of Pub. L. 80-330 have been approved by the Office of Personnel Management.

(7) [Reserved]

(8) All positions in the Public Health Service and other positions in the Department of Health and Human Services directly and primarily related to providing services to Indians when filled by the appointment of Indians. The Secretary of Health and Human Services is responsible for defining the term "Indian."

(9) Twelve positions of Therapeutic Radiologic Technician Trainee in the Radiation Oncology Branch, National Cancer Institute. Employment under this authority shall not exceed 1 year for any individual. This authority shall be applied only to positions with compensation fixed under 5 U.S.C. 5351-5356.

(10) Health care positions of the National Health Service Corps for employment of any one individual not to exceed 4 years of service in health manpower shortage areas.

(11) Pharmacy Resident positions at GS-7 in the National Institutes of Health's Clinical Center, Pharmacy Department. Employment in these positions is confined to graduates of approved schools of pharmacy and is limited to a period not to exceed 12 months pending licensure.

(12) Hospital Administration Resident positions at GS-9 in the National Institutes of Health's Clinical Center, Bethesda, Maryland. Employment in these positions is confined to graduates of approved hospital or health care administration programs and is limited to a period not to exceed 1 year.

(c) [Reserved]

(d) *Social Security Administration.* (1) Six positions of social insurance representative in the district offices of the Social Security Administration in the State of Arizona when filled by the appointment of persons of one-fourth or more Indian blood.

(2) Seven positions of social insurance representative in the district offices of the Social Security Administration in the State of New Mexico when filled by the appointment of persons of one-fourth or more Indian blood.

(3) Two positions of social insurance representative in the district offices of the Social Security Administration in the State of Alaska when filled by the appointment of persons of one-fourth or more Alaskan Native blood (Eskimos, Indians, or Aleuts).

(4) Not to exceed 64 positions on the Refugee Program Staff.

(5)-(6) [Reserved]

(e) [Reserved]

(f) *The President's Council on Physical Fitness.* (1) Four staff assistants, The President's Council on Physical Fitness.

(g)-(h) [Reserved]

(i) *National Center for Health Statistics.* (1) Not to exceed 20 positions of Health Examination Representative, grades GS-7 and 9, serving on Health and Nutrition Examination Survey teams of the Division of Data Services.

(j) *Health Care Financing Administration.* (1) [Reserved]

(2) Not to exceed 10 professional positions, GS-9 through GS-15, to be filled under the Health Care Financing Administration Professional Exchange Program. Appointments under this authority will not exceed 1 year.

(k) *Office of the Secretary.* (1) Staff positions, GS-15 and below, for an emergency staff to assist in the resettlement of the current wave of Cuban and Haitian entrants. Employment under this authority may not exceed September 30, 1983.

(2) Not to exceed 10 positions at grades GS-9/14 in the Office of the Assistant Secretary for Planning and Evaluation filled under the Policy Research Associate Program. New appointments to these positions may be made only at grades GS-9/12. Employment of any individual under this authority may not exceed 2 years.

(3) [Reserved]

213.3117 Department of Education.

(a) Positions concerned with problems in education financed and participated in by the Department of Education and a cooperating State educational agency, or university or college, in which there is joint responsibility for selection and supervision of employees, and at least one-half of the expense is contributed by the cooperating agency in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

213.3124 Board of Governors, Federal Reserve System.

(a) All positions.

213.3127 Veterans Administration.

(a) *Construction Division.* (1) Temporary construction workers paid from "purchase and hire" funds and appointed for not to exceed the duration of a construction project.

(b) Not to exceed 400 positions of rehabilitation counselors, GS–3 through GS–11, in Alcoholism Treatment Units and Drug Dependence Treatment Centers, when filled by former patients.

(c) [Reserved]

(d) Not to exceed 400 positions at grades GS–3 through GS–11, involved in the Veterans Administration Vietnam Era Veterans Readjustment Counseling Program. No one may serve under this authority after August 31, 1984.

213.3128 International Communication Agency.

(a) *Office of Congressional and Public Liaison.* (1) Two positions of Liaison Officer (Congressional), GS–14.

(b) Five positions of Supervisory International Exchange Officer (Reception Center Director), GS–13 and GS–14, located in ICA's field offices of New Orleans, New York, Miami, San Francisco and Honolulu. Initial appointments will not exceed December 31 of the calendar year in which appointment is made with extensions permitted up to a maximum period of 4 years.

213.3130 Securities and Exchange Commission.

(a)–(b) [Reserved]

(c) Positions of accountant and auditor, GS–13 through 15, when filled by persons selected under the SEC Accounting Fellow Program, as follows: (1) Four positions, for employment of any one individual not to exceed 2 years; and

(2) Two additional identical positions, for employment of any one individual not to exceed 90 days, which may be used to provide a period of transition and orientation between Fellowship appointments. These additional identical positions must be filled by persons who either have completed a 2-year Fellowship or have been selected as replacement Fellows for a 2-year term Appointments of outgoing Fellows under this authority must be made without a break in service of 1 workday following completion of their 2-year terms; incoming Fellows appointed under this provision must be appointed to 2-year Fellowships without a break in service of 1 workday following their 90-day appointments.

(d) Positions of Economist, GS–13 through 15, when filled by persons selected under the SEC Economic Fellow Program. No more than four positions may be filled under this authority at any one time. An employee may not serve under this authority longer than two years unless selected under provisions set forth in the Intergovernmental Personnel Act (IPA), 5 U.S.C. 3372(b)(2).

(e) [Reserved]

213.3131 Department of Energy.

(a) *General.* (1) Temporary, intermittent, or seasonal field assistants at GS–5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 130 working days a year. This authority shall not apply to positions of field assistants engaged in fishery management work in Alaska.

(b) *Bonneville Power Administration.* (1) Five Area Managers.

213.3132 Small Business Administration.

(a) When the President under 42 U.S.C. 1855–1855g, the Secretary of Agriculture under 7 U.S.C. 1961, or the Small Business Administration under 15 U.S.C. 636(b)(1) declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in the area under the Small Business Act, as amended. Service under this authority may not exceed 4 years, and no more than 2 years may be spent on a single disaster. Exception to this time limit may only be made with prior Office approval. Appointments under this authority may not be used to extend the 2-year service limit contained in paragraph (b) below. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(b) When the President under 42 U.S.C. 1855–1855g, or the Secretary of Agriculture under 7 U.S.C. 1961 of the Small Business Administration under 15 U.S.C. 636(b)(1), declares an area to be a disaster area, positions filled by temporary appointment of employees to make and administer disaster loans in that area under the Small Business Act, as amended. No one may serve under this authority for more than an aggregate of 2 years without a break in service of at least 6 months. Persons who have had more than 2 years of service under paragraph (a) of this section must have a break in service of at least 8 months following such service before appointment under this authority. No one may be appointed under this authority to positions engaged in long-term maintenance of loan portfolios.

(c) Positions of Community Economic-Industrial Planner, GS–7 through 12, when filed by local residents who represent the interest of the groups to be served by the Minority Entrepreneurship Teams of which they are members. No new appointments may be made under this authority after May 1, 1977.

213.3133 Federal Deposit Insurance Corporation.

(a) All Liquidation Graded, temporary field positions concerned with the work of liquidating the assets of closed banks, of liquidating loans to banks, or of paying the depositors of closed insured banks.

213.3136 U.S. Soldiers' and Airmen's Home.

(a) All positions.

213.3137 General Services Administration.

(a) *General.* (1) Custodians, guards, watchmen, laborers, and other employees engaged in the custody, care, and preservation of plants, warehouses, shipyards, airfields, an surplus facilities of a similar nature pending disposition of such facilities.

(b) Not to exceed 15 positions at grades GS–14/15, in order to bring into the agency current industry expertise in various program areas. Appointment under this authority may not exceed 2 years.

(c) *Office of the Regional Administrator—Region 9.* (1) One Program Assistant.

(d) [Reserved]

213.3139 U.S. International Trade Commission.

(a) The Secretary of the Commission.

213.3140 Civil Aeronautics Board.

(a) Not to exceed 40% of the Civil Aeronautics Board's authorized GS–15 and below positions. This authority may not be used for new appointments to positions which are identified for transfer to other Federal agencies as authorized under the mandates of the Airline Deregulation Act of 1978.

Employment under this authority may not exceed December 31, 1984.

213.3141 National Labor Relations Board.

(a) Election Examiners for temporary, part-time or intermittent employment in connection with elections under the Labor-Management Relations Act.

213.3142 Export-Import Bank of the United States.

(a) One Special Assistant to the Board of Directors, grade GS-14 and above.

213.3146 Selective Service System.

(a) State Directors.
(b)-(c) [Reserved]
(d) Executive Secretary, National Selective Service Appeal Board.

213.3148 National Aernautics and Space Administration.

(a) One hundred fifty alien scientists having special qualifications in the fields of aeronautical and space research where such employment is deemed by the Administrator or the National Aeronautics and Space Administration to be necessary in the public interest.
(b) Not to exceed 40 positions of fully qualified pilot and mission specialists astronauts.
(c)-(e) [Reserved]
(f) Positions of Program Coordinator/Counselor at grades GS-7/9/11 for part-time and summer employment in connection with the High School Students Summer Research Apprenticeship Program.

213.3152 U.S. Government Printing Office.

(a) Not to exceed three positions of Research Associate at grades GS-15 and below, involved in the study and analysis of complex problems relating to the reduction of the Government's printing costs and to provision of more efficient service to customer agencies and the public. Appointments under this authority may not exceed 1 year, but may be extended for not to exceed 1 additional year.
(b) Positions in the printing trades when filled by students majoring in printing technology employed under a cooperative education agreement with the University of the District of Columbia.

213.3154 Federal Loan Bank Board.

(a) One Secretary, Federal Home Loan Bank Board.
(b) [Reserved]
(c) Positions in the Federal Savings and Loan Insurance Corporation concerned with the work of liquidating the assets of closed insured institutions or the liquidation of loans or the handling of contributions to insured institutions and the purchase of assets therefrom; and positions of the Federal Savings and Loan Insurance Corporation the work of which is concerned with paying the depositors of closed insured institutions. Appointments under this authority may not exceed 3 years.

213.3156 Commission on Civil Rights.

(a) Twenty-five positions at grade GS-11 and above of employees who collect, study, and appraise civil rights information to carry out the national clearinghouse responsibilities of the Commissioin under Pub. L. 88-352, as amended. No new appointments may be made under this authority after March 31, 1976.

213.3174 Smithsonian Institution.

(a) Not to exceed 25 positions at grades GS-11 and below which support planning and production of the Annual American Folklife Festival. Employment under this authority may not exceed 6 months in connection with any one Festival.
(b) All positions located in Panama which are part of or which support the Smithsonian Tropical Research Institute.

213.3182 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* (1) Until September 30, 1985, one position of Assistant Director, Artists-in-Schools Program, Office for Partnership, GS-301-13.
(2) Until September 30, 1985, one position of Director of Federal-State Partnership.
(3) Until September 30, 1985, one position of Director of Literature Programs.
(4) Until September 30, 1985, one position of Assistant Director of Threatre Programs.
(5) Until September 30, 1985, one position of Director of Folk Arts Programs.
(6) Until September 30, 1985, one position of Director, Opera/Musical Theatre Programs.
(7) Until September 30, 1985, one position of Assistant Director of Opera/Musical Theatre Programs.
(8) Until September 30, 1985, one position of Assistant Director of Literature Programs.
(9)-(10) [Reserved]
(11) Until September 30, 1985, four Project Evaluators.
(12) Until September 30, 1985, one position of Director of Museum Programs.
(13) [Reserved]
(14) Until September 30, 1985, two positions of Assistant Director of Music Programs.
(15) Until September 30, 1985, one position of Director of Expansion Arts Programs.
(16) Until September 30, 1985, one position of Director of Media Arts Programs.
(17)-(19) [Reserved]
(20) Until September 30, 1985, one position of Director of Inter Arts Program.
(21) Until September 30, 1985, one position of Assistant Director of Expansion of Arts Programs.
(22) Until September 30, 1985, one position of Assistant Director of Media Arts Programs.
(23) Until September 30, 1985, one position of Assistant Director of Design Arts Program.
(24) Until September 30, 1985, one position of Assistant Director of Dance Programs.
(25) Until September 30, 1985, one position of Assistant Director of Visual Arts Programs.
(26) Until September 30, 1985, one position of Assistant Director of Museum Programs.
(27) Until September 30, 1985, one position of Assistant Director of Special Projects.
(28)-(29) [Reserved]
(30) Until September 30, 1985, one position of Director of Education Programs.
(31) Until September 30, 1985, one position of Director of Music Programs.
(32) Until September 30, 1985, one position of Director of Theater Programs.
(33) Until September 30, 1985, one position of Director of Dance Programs.
(34) Until September 30, 1985, one position of Director of Visual Arts Programs.
(35) Until September 30, 1985, one position of Director of Design Arts Program.
(36) [Reserved]
(37) Until September 30, 1985, one Director for State Programs.
(38) Until September 30, 1985, one Director for Artists-in-Education Programs.
(b) *National Endowment for the Humanities.* (1)-(21) [Reserved]
(22) Until September 30, 1985, one position of Bicentennial Coordinator, Office of the Chairman.
(23)-(27) [Reserved]

213.3184 Department of Housing and Urban Development.

(a) One position of Special Advisor to the Regional Administrator, GS–301–14, in San Francisco. Employment under this authority may not exceed 2 years.

213.3190 Merit Systems Protection Board.

(a) *Office of the Special Counsel.* (1) One paralegal Specialist, GS–9. Service under this authority may not exceed 1 year.

213.3191 Office of Personnel Management.

(a) Not to exceed 500 positions in Federal Job Information Centers, to be filled under the Community Outreach Information Network program. Appointments under this authority may not exceed 90 days, and no one may receive more than one appointment under the authority.

(b) Persons employed on a WAE basis to serve as members of the International Organizations Employees Loyalty Board for the purpose of holding hearings overseas.

(c) Chairman, Federal Prevailing Rate Advisory Committee.

(d) Part-time and intermittent positions of test examiners at grades GS–8 and below.

213.3194 Department of Transportation.

(a) *U.S. Coast Guard.* (1) [Reserved]

(2) Lamplighters.

(3) Professors, Associate Professors, Assistant Professors, Instructors, one Principal Librarian, one Cadet Hostess, and one Psychologist (Counseling) at the Coast Guard Academy, New London, Conn.

(b) (Reserved)

(c) *Federal Highway Administration.* (1) Temporary, intermittent, or seasonal employment in the field service of the Federal Highway Administration at grades not higher than GS–5 for subprofessional engineering aide work on the highway surveys and constructions projects, for not to exceed 180 working days a year, when in the opinion of OPM, appointment through competitive examination is impracticable.

(d) (Reserved)

(e) *Maritime Administration.* (1)–(2) [Reserved]

(3) All positions on Government-owned vessels or those bareboats chartered to the Government and operated by or for the Maritime Administration.

(4)–(5) (Reserved)

(6) U.S. Merchant Marine Academy, positions of: Professors, Instructors, and Teachers: including heads of Departments of Physical Education and Athletics, Humanities, Mathematics and Science, Maritime Law and Economics, Nautical Science, and Engineering; Coordinator of Shipboard Training; the Commandant of Midshipmen, the Assistant Commandant of Midshipmen; Director of Music; three Battalion Officers; three Regimental Affairs Officers; and one Training Administrator.

(7) U.S. Merchant Marine Academy positions of: Associate Dean; Registrar; Director of Admissions; Assistant Director of Admissions; Director, Office of External Affairs; Placement Officer; Administrative Librarian; Shipboard Training Assistant; three Academy Training Representatives; and one Education Program Assistant.

(f) [Reserved]

213.3198 Marine Mammal Commission.

(a) Not to exceed September 30, 1984, all positions on the staff of the Commission.

213.3199 Temporary organizations.

(a) Positions at GS–15 and below on the staffs of temporary boards and commissions which are established by law or Executive order for specified periods not to exceed 4 years to perform specific projects. A temporary board or commission originally established for less than 4 years and subsequently extended may continue to fill its staff positions under this authority as long as its total life, including extension(s) does not exceed 4 years. No board or commission may use this authority for more than 4 years to make appointments and position changes unless prior approval of the Office is obtained.

(b) Positions at GS–15 and below on the staffs of temporary organizations established within continuing agencies when all of the following conditions are met: (1) The temporary organization is established by an authority outside the agency, usually by law or Executive order; (2) the temporary organization is established for an initial period of 4 years or less and, if subsequently extended, its total life including extension(s) will not exceed 4 years; (3) the work to be performed by the temporary organization is outside the agency's continuing responsibilities; and (4) the positions filled under this authority are those for which other staffing resources or authorities are not available within the agency. An agency may use this authority to fill positions in organizations which do not meet all of the above conditions or to make appointments and position changes in a single organization during a period longer than 4 years only with prior approval of the Office.

Schedule B

213.3202 Entire executive civil service.

The provisions established under paragraphs (a) through (i) are authorized under provisions of E.O. 12015 and support career-related work-study programs. OPM's requirements relating to appointment under paragraphs (a) through (i) will be published in the Federal Personnel Manual. Further, appointments under paragraphs (a) through (i) are subject to all the requirements and conditions governing career or career-conditional appointments, including investigation by OPM to establish an appointee's qualifications and suitability. Appointments of participants may be converted to career or career-conditional at any time within a 120-day period after satisfactory completion of a career-related work-study program.

(a) Student positions established in connection with a bachelor's-degree cooperative education program which provide for a formally arranged schedule of attendance at an institution of higher learning combined with at least 26 weeks, or 1040 hours, of study-related work in a Federal agency. The periods of work and study together must satisfy requirements for a bachelor's degree and must provide the experience necessary for a career or career-conditional appointment to administrative, professional or technical positions in the Federal career service upon the student's graduation.

(b) Student positions established in support of cooperative education programs for graduate students which provide for scheduled periods of attendance at a graduate school combined with a least 16 weeks or 640 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements for the graduate degree and provide experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(c) Student positions established in connection with associate degree cooperative education programs which provide for formally arranged schedules of attendance at a recognized 2-year educational institution combined with at least 26 weeks or 1040 hours of study-related work in a Federal agency. The periods of work and study together must satisfy the requirements for graduation and must provide the experience necessary for career or career-conditional appointment in selected occupations in the Federal career service upon the student's graduation.

(d) Student positions established in connection with the Harry S. Truman Foundation Scholarship Program under the provisions of Pub. L. 93–642 to permit scheduled periods of attendance at institutions of higher education combined with at least 26 weeks of 1040 hours of study-related work in a Federal agency. The periods of work and study must satisfy requirements of programs established by agreement between the Harry S. Truman Scholarship Foundation and the employing agency and provide the experience necessary for career or career-conditional appointment in the Federal career service upon the student's graduation.

(e) [Reserved]

(f) Positions under the Federal Junior Fellowship Program, a career-related work-study program covered under the provisions of E.O. 12015.

(g) Positions with the Social Security Administration, Department of Health, and Human Services, in a 2-year pilot, career-related work-study program under the provisions of E.O. 12015 for students employed under the Stay-in-School Program. Under this program, the number of annual conversions to competitive service entry-level clerk-typist, clerk-stenographer, other general clerical positions, and technician positions relate to computer science and the graphic arts are limited to not more than 10 percent of the positions filled in these occupations by the agency annually.

(h)–(i) [Reserved]

(j) Special executive development positions established in connection with Senior Executive Service candidate development programs which have been approved by OPM. A Federal agency may make new appointments under this authority for any period of employment not exceeding three years for one individual.

(k) Positions at grades GS–15 and below when filled by individuals who: (1) are placed at a severe disadvantage in obtaining employment because of a psychiatric disability evidenced by hospitalization or outpatient treatment and have had a significant period of substantially disrupted employment because of the disability; and (2) are certified to a specific position by a State vocational rehabilitation counselor or a Veterans Administration counseling psychologist (or psychiatrist) who indicates that they meet the severe disadvantage criteria stated above, that they are capable of functioning in the positions to which they will be appointed, and that any residual disability is not job related. Employment of any individual under this authority may not exceed 2 years following each significant period of mental illness.

213.3203 *Executive Office of the President.*

(a) [Reserved]

(b) *Office of the Special Representative for Trade Negotiations.* (1) Seventeen positions of economist at grades GS–12 through GS–15.

213.3204 *Department of State.*

(a)–(c) [Reserved]

(d) Eight positions on the household staff of the President's Guest House (Blair and Blair-Lee Houses).

(e) Four Physical Science Administration Officer positions at GS–11 and GS–12 under the Bureau of Oceans and International Environmental and Scientific Affairs' Science, Engineering and Diplomacy Fellowship Program. Employment under this authority is not to exceed 1 year.

(f) Scientific, professional, and technical positions at grades GS–12 to GS–15 when filled by persons having special qualifications in foreign policy matters. Total employment under this authority may not exceed 4 years.

213.3205 *Department of Treasury.*

(a) Positions of Deputy Comptroller of the Currency, Chief National Bank Examiner, Assistant Chief National Bank Examiner, Regional Administrator of National Banks, Deputy Regional Administrator of National Banks, Assistant to the Comptroller of the Currency, National Bank Examiner, Associate National Bank Examiner, and Assistant National Bank Examiner, whose salaries are paid from asessments against national banks and other financial institutions.

(b) [Reserved]

(c) Not to exceed two positions of Accountant (Tax Specialist) at grades GS–13 and above to serve as specialists on the accounting analysis and treatment of corporation taxes. Employments under this paragraph shall not exceed a period of 18 months in any individual case.

(d) Positions concerned with the protection of the life and safety of the President and members of his immediate family, or other persons for whom similar protective services are prescribed by law, when filled in accordance with special appointment procedures approved by OPM. Service under this authority may not exceed (1) a total of 4 years or (2) 120 days following completion of the service required for conversion under Executive Order 11203, whichever occurs first.

213.3206 *Department of Defense.*

(a) *Office of the Secretary.* (1) [Reserved]

(2) Professional positions at GS–11 through GS–15 involving systems, costs, and economic analysis functions in the Office of the Assistant Secretary (Program Analysis and Evaluation); and in the Office of the Deputy Assistant Secretary (Systems Policy and Information) in the Office of the Assistant Secretary (Comptroller).

(3)–(4) [Reserved]

(5) Two Net Assessment Analysts.

(b) *Interdepartmental activities.* (1) Five positions to provide general administration, general art and information, photography, and/or visual information support to the White House Photographic Service.

(c) *National Defense University.* (1) Twenty positions of professor, GS–13/15, for employment of any individual not to exceed 5 years.

(d) *General.* (1) One position of Law Enforcement Liaison Officer (Drugs), GS–301–15, U.S. European Command.

213.3207 *Department of the Army.*

(a) *U.S. Army Command and General Staff College.* (1) Seven positions of professors, instructors, and education specialists. Total employment of any individual under this authority may not exceed 4 years.

213.3207 *Department of the Navy.*

(a) *Naval Underwater Systems Center, New London, Connecticut.* (1) One position of oceanographer, grade GS–14, to function as project director and manager for research in the weapons systems applications of ocean eddies.

(b) All civilian faculty positions of professors, instructors, and teachers on the staff of the Armed Forces Staff College, Norfolk, Virginia.

213.3207 *Department of the Air Force.*

(a) Not to exceed four interdisciplinary positions for the Air Research Institute at the Air University, Maxwell Air Force Base, Alabama, for employment to complete studies proposed by candidates and acceptable to the Air Force. Employment of any one individual is not to exceed 1 year. Such employment may be extended for not to exceed 1 additional year. Total employment of any one individual under this authority may not exceed 2 years.

(b) Civilian Deans and Professors at the Air Force Institute of Technology, Wright-Patterson Air Force Base, Dayton, Ohio.

(c) One Director of Instruction and 14 civilian Instructors at the Defense Institute of Security Assistance Management, Wright-Patterson Air Force Base, Dayton, Ohio. Individual appointments under this authority will be for an initial 3-year period which may be followed by an appointment of indefinite duration.

(d) Seven positions of professor or associate professor at the Air University, Maxwell Air Force Base, Ala., for employment of any one individual not to exceed 2 years. Such employment may be extended once for an additional period of 2 years. Total employment of any one individual under this authority may not exceed 4 years.

213.3210 Department of Justice.

(a) Criminal Investigator (Special Agent) positions in the Drug Enforcement Administration. New appointments may be made under this authority only at grades GS-5 through 11. Service under the authority may not exceed 4 years. Appointments made under this authority may be converted to career or career-conditional appointments under the provisions of Executive Order 12230, subject to conditions agreed between the Department and OPM.

(b) Positions of Port Receptionist and Supervisory Port Receptionist, Immigration and Naturalization Service.

(c) [Reserved]

(d) Until March 31, 1984, positions, other than those providing routine clerical and administrative support, on the staff of the offices of United States Trustees. Terms of service under this authority shall be established in accordance with provisions of the Bankruptcy Reform Act of 1978 and subsequent applicable legislation.

213.3212 Department of the Interior.

(a) Any competitive position at an Indian school when filled by the spouse of a competitive employee of the school, when because of isolation or lack of quarters, the OPM deems appointment through competitive examination impracticable.

213.3213 Department of Agriculture.

(a) *Office of International Cooperation and Development.* (1) Positions of a project nature involved in international technical assistance activities. Service under this authority may not exceed 2 years on a single project for any individual. No more than 20 new appointments may be made under this authority in any 12-month period.

213.3214 Department of Commerce.

(a) *Bureau of the Census.* (1) [Reserved]

(2) Not to exceed 50 Community Services Specialist positions at the equivalent of GS-5 through GS-12.

(b) *Economic Development Administration. (1)-(2) [Reserved]*

(c) *Minority Business Development Agency.* (1) One position of minority business opportunity specialist at grades GS-9 through GS-15. This authority may not be used for new appointments after December 31, 1977.

(d) *Office of Telecommunications.* (1) Not to exceed 10 positions of Telecommunications Policy Analysts, grades GS-11 through 15. Employment under this authority may not exceed 2 years.

213.3215 Department of Labor.

(a) Positions of Chairman and Member, Wage Appeals Board.

213.3216 Department of Health and Human Services.

(a)-(c) [Reserved]

(d) *National Library of Medicine.* (1) Ten positions of Librarians, GS-7, the incumbents of which will be trainees in the Library Associate Training Program in Medical Librarianship and Biomedical Communications. Employment under this authority is not to exceed 1 year.

(e) [Reserved]

213.3217 Department of Education.

(a) Seventy-five positions, not in excess of GS-13, of a professional or analytical nature when filled by persons, other than college faculty members or candidates working toward college degrees, who are participating in midcareer development programs authorized by Federal statute or regulation, or sponsored by private nonprofit organizations, when a period of work experience is a requirement for completion of an organized study program. Employment under this authority shall not exceed 1 year.

(b) Fifty positions, GS-7 through GS-11, concerned with advising on education policies, practices, and procedures under unusual and abnormal conditions. Persons employed under this provision must be bona fide elementary school and high school teachers. Appointments under this authority may be made for a period of not to exceed 1 year, and may, with the prior approval of the Office of Personnel Management, be extended for an additional period of 1 year.

213.3227 Veteran's Administration.

(a) Not to exceed 800 principal investigatory, scientific, professional and technical positions at grades GS-11 and above in the medical research program. Employment under this authority may not exceed 7 years for any individual.

213.3228 International Communication Agency.

(a) [Reserved]

(b) Positions of English Language Radio Broadcast Intern, GS-1001-5/7/9. Employment is not to exceed 2 years for any intern.

213.3231 Department of Energy.

(a) Twelve Exceptions and Appeals Analyst positions at grades GS-7 through 11, when filled by persons selected under DOE's fellowship program in its Office of Hearings and Appeals, Washington, D.C. Appointments under this authority shall not exceed 3 years.

213.3248 National Aeronautics and Space Administration.

(a) Not to exceed 40 positions of Command Pilot, Pilot and Mission Specialist candidates at grades GS-7 through 15 in the Space Shuttle Astronaut program. Employment under this authority may not exceed 3 years.

213.3254 Federal Home Loan Bank.

(a) Positions of Accounting Policy Analyst, GS-13/14/15, in the Office of Examinations and Supervision filled in connection with a fellowship program. Appointments under this authority may not exceed 2 years. No more than two new appointments may be made under this authority during any consecutive 12-month period.

213.3257 National Credit Union Administration.

(a) *Central Liquidity Facility.* (1) All managerial and supervisory positions at pay levels greater than the equivalent of GS-13.

213.3259 ACTION.

(a) *Office of Domestic and Anti-Poverty Operations.* (1) Not to exceed 25 positions of Program Specialist at grades GS-9 through GS-15.

(2) [Reserved]

(b) *Office of Voluntary Liaison.* (1) Three positions of Program Specialist at grades GS-7 through GS-15.

213.3272 Administrative Office of the U.S. Courts.

(a) Not to exceed 15 positions of Federal Probation System Administrator in the Division of Probation, when filled by Federal Probation Officers and/or

Pretrial Services Officers on active service in the U.S. Courts.

(b) (Reserved)

(c) Three positions of Clerks Liaison Officer in the Division of Clerks of Court.

213.3274 Smithsonian Institution.

(a) *National Zoological Park.* (1) Four positions of Veterinary Intern, GS–8/9/11. Employment under this authority is not to exceed 36 months.

(b) *Freer Gallery of Art.* (1) Not to exceed four positions of Oriental Art Restoration Specialist at grades GS–9 through GS–15.

213.3276 Appalachian Regional Commission.

(a) Two Program Coordinators.

213.3282 National Foundation on the Arts and the Humanities.

(a) *National Endowment for the Arts.* (1) Until September 30, 1985, Assistant Director, Office of Program Development and Coordination.

(b) *National Endowment for the Humanities.* (1) Until September 30, 1985, Assistant Director, Research Materials Program, Division of Research Grants.

(2) Until September 30, 1985, Assistant Director, Higher Education Projects Program, Division of Education Programs.

(3) Until September 30, 1985, Deputy Director, Division of Education Programs.

(4) Until September 30, 1955; Director, Division of Research Grants.

(5) Until September 30, 1985, one position of Director, GS–1701–15, one position of Deputy Director, GS–1701–14, and six positions of Humanist Administrator, GS–1701–13, Division of State Programs.

(6) Until September 30, 1985, one Director and one Deputy Director, Division of Fellows and Seminars.

(7) Until September 30, 1985, one Humanist Administrator, Fellowships for College Teachers, Division of Fellowships.

(8) Until September 30, 1985, three positions of Humanist Administrator, Media Program, Division of General Programs.

(9) Until September 30, 1985, one position of Assistant Director for the Institutional Grants Program, Division of Education Programs.

(10) Until September 30, 1985, one position of Assistant Director for the Elementary and Secondary Education Program, Division of Education Programs.

(11) Until September 30, 1985, one position of Assistant Director for the Museums and Historical Organizations Program, Division of General Programs.

(12) Until September 30, 1985, one position of Humanist Administrator, Museums and Historical Organizations Program, Division of General Programs.

(13) Until September 30, 1985, one position of Humanist Administrator, Elementary and Secondary Education Program, Division of Education Programs.

(14) Until September 30, 1985, Director of General Programs.

(15) Until September 30, 1985, one Deputy Director of General Programs.

(16) Until September 30, 1985, one Humanist Administrator, Youth Programs, Division of General Programs.

(17) Until September 30, 1985, one Humanist Administrator, Program Development, Division of General Programs.

(18) Until September 30, 1985, one position of Director, Division of Education Programs.

(19) Until September 30, 1985, one Special Assistant for Comparative Cultures, Office of the Chairman. Appointments under this authority may not exceed 4 years.

(20) [Reserved]

(21) Until September 30, 1985, one Challenge Grants Officer.

(22) Until September 30, 1985, one Assistant Director, Media Program, Division of General programs.

(23) Until September 30, 1985, one position of Humanist Administrator, Publications Program, Division of Research Grants.

(24) Until September 30, 1985, one Deputy Director, Division of Research Grants.

(25) Until September 30, 1985, one Humanist Administrator, Summer Seminars, Division of Fellowships.

(26) Until September 30, 1985, one position of Humanist Administator, Humanities Libraries Projects, Division of General Programs.

(27) Until September 30, 1985, one position of Humanist Administrator, GS–14, Humanities Planning and Assessment Studies Program, Office of Planning and Policy Assessment.

(28) Until September 30, 1985, one position of Humanist Administrator, Program Development, Division of General Programs, GS–14.

(29) Until September 30, 1985, two positions of Humanist Administrator, GS–1701–14, in the Center of Research Programs and in the General Research Program, Division of Research Grants.

(30) Until September 30, 1985, one Assistant Director, Seminars of the Professions, Division of Fellowships and Seminars.

(31) Until September 30, 1985, one Assistant Director for Fellowships, Division of Fellowships and Seminars.

(32) Until September 30, 1985, one Humanist Administrator, Independent Study and Research Program, Division of Fellowships and Seminars.

(33) Until September 30, 1985, one Assistant Director, Special Projects Program, GM–1701–14, Division of General programs.

213.3291 Office of Personnel Management.

(a) Not to exceed eight positions of Associate Director at the Executive Seminar Centers at grades GS–13 and GS–14. Appointments may be made for any period up to 3 years, and may be extended without prior approval for any individual. Not more than half of the authorized faculty positions at any one Executive Seminar Center may be filled under this authority.

(b) Twelve positions of faculty members at grades GS–13 through 15, at the Federal Executive Institute. Individual appointments under this authority may be made for initial period(s) up to 3 years which may be followed by an appointment of indefinite duration.

213.3295 Pennsylvania Avenue Development Corporation.

(a) One position of Civil Engineer (Construction Manager).

Schedule C

213.3303 Executive Office of the President.

Council of Economic Advisors

CEA 2 Private Secretary to the Chairman.
CEA 4 Secretary to a Member of the Council of Economic Advisors.
CEA 5 Secretary to a Member of the Council of Economic Advisors.

Council on Environmental Quality

CEQ 2 Confidential Assistant to a Council Member.

Office of Administration

OA 1 Executive Assistant to the Director.

Office of Management and Budget

OMB 4 Deputy Assistant Director to the Assistant Director for Public Affairs.
OMB 5 Secretary to the Director.
OMB 8 Executiv Assistant to the Director.
OMB 9 Secretary (Stenography) to the Deputy Director.
OMB 10 Secretary to the Associate Director for Public Affairs.
OMB 11 Secretary to the Associate Director for NSIA.
OMB 12 Secretary to the Associate Director for Human and Community Affairs.
OMB 15 Secretary to the Assistant Director for Public Affairs.

OMB 18 Secretary to the Associate Director for Management.
OMB 20 Secretary to the Administrator of the Office of Federal Procurement Policy.
OMB 21 Confidential Assistant to the Director.
OMB 24 Special Assistant to the Deputy Director.
OMB 25 Confidential Secretary to the Assistant Director Office of Legislative Affairs.
OMB 26 Secretary to the Assistant Director for Economic Policy.
OMB 27 Secretary to the Executive Assistant (Associate) Director.
OMB 28 Secretary to the Executive Assistant (Associate) Director for Reorganization and Management.
OMB 30 Legislative Assistant to the Assistant Director, Office of Legislative Affairs.
OMB 32 Secretary to the Executive Assistant to the Director.
OMB 34 Special Assistant to the Executive Associate Director.
OMB 35 Special Assistant to the Director.
OMB 36 Public Affairs Assistant to the Assistant Director for Public Affairs.
OMB 37 Legislative Assistant to the Deputy Assistant Director for Legislative Affairs.
OMB 38 Confidential Secretary to the Council to the Director for Policy Analysis and Law.
OMB 39 Policy Analyst to the Director.

President's Commission on Executive Exchange

PCEE 1 Confidential Assistant to the Executive Director.

Office of the United States Trade Representative

USTR 7 Director for Public Affairs.
USTR 10 Confidential Assistant to the Ambassador.
USTR 12 Special Assistant to the Executive Assistant.
USTR 13 Confidential Assistant to the General Counsel.
USTR 14 Secretary (Steno) to the Trade Representative.
USTR 15 Confidential Secretary to the Deputy Trade Representative.
USTR 17 Public Information Officer to the Speical Assistant for Congressional and Public Affairs.
USTR 18 Secretary (Steno) to the Ambassador.
USTR 19 Director for Congressional Affairs.

213.3304 Department of State.

ST 8 Secretary (Steno) Personal Assistant.
ST 9 Secretary Assistant (Steno).
ST 42 Secretary (Steno) to the Under Secretary to State.
ST 51 Secretary (Steno) to the Legal Advisor
ST 59 Secretary (Steno) to the Under Secretary for Economic Affairs.
ST 67 Secretary (Steno) to the Director, Bureau of Politico-Military Affairs.
ST 68 Secretary (Steno) Office of the Under Secretary.
ST 79 Special Assistant to the Ambassador-at-Large.
ST 80 Special Assistant to the Secretary.
ST 81 Secretary (Steno) to the Assistant Secretary.
ST 87 Special Assistant to the Senior Deputy Assistant Secretary.
ST 90 Foreign Affairs Officer to the Chief of Protocol.
ST 95 Secretary (Steno) Ambassador-at-Large.
ST 97 Member, Policy Planning Staff to the Director.
ST 98 Secretary (Typing) to the Office Assistant Secretary, Congressional Relations.
ST 99 Secretary (Steno) to the Ambassador.
ST 100 Secretary (Steno) to the Under Ambassador.
ST 102 Special Assistant to the Under Secretary.
ST 103 Special Assistant to the Ambassador-at-Large.
ST 104 Special Assistant to the Secretary.
ST 105 Special Assistant to the Assistant Secretary.
ST 106 Assistant to the Manager, President Guest House, Chief of Protocol.
ST 107 Secretary (Steno) to the Assistant Secretary.
ST 109 Secretary (Steno) to the Assistant Secretary/Director, Management Operations.
ST 110 Staff Assistant to the Special Advisor to the Secretary for Soviet Affairs.
ST 112 Members, Policy Planning Staff to the Office Director.
ST 114 Coordinator to the Assistant Secretary.
ST 115 Public Information Specialist to the Ambassador-at-Large.
ST 116 Special Assistant to the Counselor.
ST 117 Confidential Clerk to the Secretary.
ST 118 Confidential Assistant to the Assistant Secretary.
ST 119 Secretary (Steno) to the Assistant Secretary.
ST 120 Special Assistant to the Office of the Spokesman.
ST 122 Staff Assistant to the Under Secretary.
ST 124 Special Assistant to the Assistant Secretary Bureau of International Organization Affairs.
ST 125 Secretary (Steno) Office to the Secretary.
ST 127 Secretary (Steno) to the Assistant Secretary.
ST 128 Legislative Officer to the Assistant Secretary.
ST 129 Staff Assistant to the Secretary.
ST 130 Member, Policy Planning Staff to the Director.
ST 132 Secretary (Steno) to the Assistant Secretary.
ST 134 Secretary (Steno) to the Deputy Secretary.
ST 137 Member, Policy Planning Staff to the Director.
ST 139 Protocol Officer to the Chief of Protocol.
ST 142 Housekeeper, Chief to Protocol to Presidential Guest House
ST 145 Member, Policy Planning Staff to the Director.
ST 147 Staff Assistant to the Secretary.
ST 148 Member, Policy Planning Staff to the Director.
ST 149 Special Assistant to the Secretary.
ST 150 Staff Assistant to the Deputy Secretary.
ST 154 Congressional Relations Specialist to the Assistant Secretary, Bureau of International Organization Affairs.
ST 156 Member, Policy Planning Staff.
ST 157 Member, Policy Planning Staff.
ST 159 Staff Assistant to the Chief of Protocol.
ST 161 Secretary (Steno) to the Under Secretary for Management.
ST 164 Manager, Presidential Guest House, Office of the Chief of Protocol.
ST 165 Special Assistant and Scheduler, Office of the Under Secretary.
ST 166 Deputy Chief of Protocol.
ST 167 Protocol Officer, Office of the Chief of Protocol.
ST 168 Staff Assistant, Office of the Legal Advisor.
ST 170 Staff Assistant to the Deputy Secretary.
ST 171 Executive Assistant to the Deputy Secretary.
ST 172 Special Assistant to the Under Secretary for Management.
ST 173 Special Assistant to the Under Secretary for Management.
ST 174 Public Information Specialist to the Assistant Secretary, Bureau of Public Affairs.
ST 175 Staff Assistant to the Assistant Secretary, Office of Congressional Relations.
ST 176 Staff Assistant to the Under Secretary for Management.
ST 177 Special Assistant to the Chairman, International Joint Commission.
ST 178 Secretary (Steno) to the Assistant Secretary, Bureau of International Narcotics Matters.
ST 179 Congressional Relations Officer to the Assistant Secretary, Office of Congressional Relations.
ST 180 Special Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
ST 181 Director, Office of Intergovernmental and Public Liaison.
ST 182 Special Assistant to the Assistant Secretary, Bureau of Consular Affairs.
ST 183 Public Affairs Advisor to the Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs.
ST 184 Special Assistant to the Assistant Secretary, Office of African Affairs.
ST 185 Secretary (Steno) to the Special Advisor on Autonomy.
ST 186 Alternate Representative to the Ambassador, U.S Permanent Representative to the OAS.
ST 187 Secretary (Steno) to the Chairman, International Joint Commission.
ST 189 Deputy Assistant Secretary for Humanitarian Affairs.

213.3305 Department of the Treasury.

TREA 27 Staff Assistant (Coordination), Office of the Secretary
TREA 28 Confidential Assistant to the Director of the Mint.
TREA 33 Special Assistant to the Assistant Secretary for Public Liaison and Consumer Affairs.

TREA 39 Staff Assistant to the Assistant Secretary for Legislative Affairs.
TREA 41 Staff Assistant to the Assistant Secretary Public Affairs.
TREA 44 Confidential Assistant to the Assistant Secretary for Legislative Affairs.
TREA 47 Special Assistant to the Assistant Secretary for Legislative Affairs.
TREA 48 Public Information Specialist to the Assistant Secretary Public Affairs.
TREA 52 Special Assistant to the Assistant Secretary for Legislative Affairs.
TREA 59 Special Assistant to the Assistant Secretary for Tax Policy.
TREA 60 Confidential Secretary to the Assistant Secretary for Tax Policy.
TREA 75 Public Affairs Specialist to the Assistant Secretary for Public Affairs.
TREA 76 Deputy Treasurer.
TREA 89 Special Assistant to the Assistant Secretary for Legislative Affairs.
TREA 90 Special Assistant to the Assistant Secretary for Public Affairs.
TREA 93 Staff Assistant to the Assistant Secretary for Legislative Affairs.
TREA 94 Executive Assistant to the Commissioner of Customs.
TREA 95 Secretary to the Director, Office of Revenue Sharing.
TREA 96 Secretary (Steno) to the Commissioner of Customs.
TREA 97 Senior Assistant to the Assistant Secretary for Enforcement and Operations.
TREA 98 Assistant to the Director, Office of Revenue Sharing.
TREA 99 Staff Assistant to the Director, Office of Revenue Sharing.
TREA 100 Staff Assistant to the Deputy Assistant Secretary for Administration.
TREA 101 Director, Office of Business Affairs, Public Liaison and Consumer Affairs.
TREA 102 Clerical Assistant to the Commissioner of Customs.
TREA 103 Staff Assistant to the Senior Deputy Comptroller for Operations.
TREA 104 Executive Assistant to the Special Assistant to the Commissioner.
TREA 192 Director to the Assistant Secretary for Public Liaison.

213.3306 Department of Defense.

DOD 3 Private Secretary to the Secretary of Defense.
DOD 5 Private Secretary to the Deputy Secretary.
DOD 6 Private Secretary to the Under Secretary for Research and Engineering.
DOD 8 Private Secretary to the Deputy Under Secretary for Research and Engineering (Tactical Warfare Programs).
DOD 9 Private Secretary to the Deputy Under Secretary for Research and Engineering (Strategic and Space Systems).
DOD 10 Private Secretary to the Deputy Under Secretary for Research and Engineering (Research and Advanced Technology).
DOD 13 Private Secretary to the Assistant Secretary Manpower, Reserve Affairs and Logistics.
DOD 14 Private Secretary to the Assistant Secretary for International Security Affairs.
DOD 15 Private Secretary to the Assistant Secretary for Public Affairs.
DOD 18 Private Secretary to the Comptroller.
DOD 19 Private Secretary to the Director, Program Analysis and Evaluation.
DOD 20 Private Secretary to the General Counsel.
DOD 22 Private Secretary to the Assistant to the Secretary of Defense for Atomic Energy.
DOD 23 Private Secretary to the Military to the Assistant Secretary.
DOD 30 Secretary (Steno) to the Defense Advisor.
DOD 31 Private Secretary to the Assistant Secretary for Legislative Affairs.
DOD 32 Assistant to the Secretary, Legislative Affairs.
DOD 33 Personal Secretary to the Deputy Secretary.
DOD 34 Private Secretary to the Principal Deputy Assistant Secretary of Defense for International Security Affairs.
DOD 35 Confidential Assistant to the Executive Secretary.
DOD 37 Assistant to the Secretary for Personnel Security.
DOD 51 Private Secretary to the Deputy Assistant Secretary for Reserve Affairs.
DOD 55 Private Secretary to the Chief Judge, US Court of Military Appeals.
DOD 56 Private Secretary to Judge, US Court of Military Appeals.
DOD 62 Private Secretary to the Chairman, President's Intelligence Oversight Board.
DOD 66 Personal Physician to the President.
DOD 73 Private Secretary to the Assistant Secretary for Health Affairs.
DOD 75 Chauffeur to the Deputy Secretary.
DOD 84 Private Secretary to the Principal Deputy Assistant Secretary for Manpower, Reserve Affairs and Logistics.
DOD 89 Private Secretary to the Principal Deputy Assistant Secretary of Defense for Public Affairs.
DOD 91 Secretary to the Principal Deputy Assistant Secretary, for Health Affairs.
DOD 100 Private Secretary to the Director of Net Assessment.
DOD 101 Director of Net Assessment.
DOD 104 Special Assistant for Communication and Community Liaison.
DOD 112 Special Assistant to the Assistant Secretary for Foreign Affairs Liaison.
DOD 119 Private Secretary to the Principal Deputy Director, Program Analysis and Evaluation.
DOD 127 Private Secretary to the Secretary.
DOD 133 Assistant to the Assistant Secretary for Public Affairs.
DOD 148 Private Secretary to the Deputy Under Secretary Policy.
DOD156 Private Secretary to the Assistant Deputy Under Secretary (Policy).
DOD 159 Private Secretary to the Deputy Negotiator from DOD for the Panama Canal Treaty Negotiations.
DOD 170 Joint Chiefs of Staff Representative for Comprehensive Test Ban Treaty Negotiations.
DOD 174 Private Secretary to the Under Secretary for Policy.
DOD 175 Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
DOD 178 Special Assistant to the Assistant Secretary for Legislative Affairs.
DOD 181 Special Assistant for Policy Analysis.
DOD 189 Staff Assistant to the Deputy Secretary of Defense.
DOD 194 Private Secretary to the Deputy Under Secretary for Policy Planning.
DOD 196 Private Secretary to the Deputy Under Secretary for Acquisition Policy.
DOD 202 Special Assistant to the Assistant Deputy Under Secretary for Policy Planning.
DOD 205 Personal and Confidential Assistant to the Judge, U.S. Court of Military Appeals.
DOD 207 Private Secretary to the Executive Assistant to the Deputy Secretary.
DOD 208 Private Secretary to the Assistant to the Vice President for National Security Affairs.
DOD 209 White House Director of TV, Motion Picture and Radio Services.
DOD 210 Chauffeur to the Security Adviser to the President.
DOD 212 Private Secretary to the Deputy Under Secretary, Research and Engineering (International Programs and Technology).
DOD 214 Assistant to the Secretary and Deputy Secretary.
DOD 215 Executive Assistant to the Principal, Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics).
DOD 217 Private Secretary to the Deputy Under Secretary for Research and Engineering.
DOD 218 Private Secretary to the Deputy Under Secretary for Development and Support.
DOD 219 Staff Assistant to the Deputy Assistant Secretary (Requirements, Resources and Analysis).
DOD 220 Assistant to Director for Emergency Planning.
DOD 222 Special Assistant to the Assistant Secretary for Research and Technology.
DOD 223 Assistant to the Director for White House TV, Motion Picture and Radio Services.
DOD 225 Special Assistant to the Director, Defense Security Assistance Agency.
DOD 226 Special Assistant to the Principal Deputy Assistant Secretary for Health Affairs.
DOD 227 Private Secretary to the Assistant Secretary for Research and Technology.
DOD 228 Private Secretary to the Director, Defense Testing and Evaluation.
DOD 229 Special Assistant to the Assistant Secretary for International Security Policy.
DOD 230 Special Assistant to the Deputy Under Secretary for Munitions Control.
DOD 231 Principal Assistant to the Deputy Assistant Secretary for Nuclear Policy and Arms Control.
DOD 232 Special Assistant to the Assistant Secretary for Strategic Forces Policy.

DOD 233 Special Assistant to the Deputy Assistant Secretary, Civilian Personnel Policy.
DOD 234 Deputy Assistant to the Secretary and Deputy Secretary.
DOD 235 Special Assistant to the Assistant Secretary, Near Eastern, African and South Asian Affairs.
DOD 236 Special Assistant to the Assistant Secretary for Public Affairs.
DOD 237 Staff Assistant to the Assistant Director for European and NATO Policy.
DOD 238 Special Assistant to the Assistant Secretary, Legislative Affairs.
DOD 239 Staff Assistant to the Assistant to the Secretary and Deputy Secretary.
DOD 240 Special Counsel to the Assistant Secretary for International Security Policy.
DOD 241 Personal and Confidential Assistant to the Assistant Secretary for International Security Policy.
DOD 242 Personal Secretary to the Representative of the Secretary on the U.S. Delegation to Negotiations on Intermediate-Range Nuclear Forces.

213.3307 Department of the Army.

ARMY1 Staff Assistant to the Secretary.
ARMY2 Secretary (Steno) to the Under Secretary.
ARMY3 Secretary (Steno) to the Assistant Secretry for Manpower and Reserve Affairs.
ARMY5 Secretary (Steno) to the Assistant Secretary for Installations and Logistics.
ARMY6 Secretary (Typing) to the Assistant Secretary, Research, Development and Acquisition.
ARMY17 Secretary (Steno) to the Assistant Secretary, Civil Works.
ARMY20 Adjutant General to the Director, Office of the Under Secretary.
ARMY21 Secretary (Steno) to the General Counsel.
ARMY25 Public Affairs Officer to the Chief, Office of the Chief of Public Affairs.
ARMY30 Secretary (Typing) to the Principal Deputy Assistant Secretary.
ARMY34 Confidential Staff Assistant to the Speechwriter.
ARMY35 Confidential Assistant to the Deputy Director, Presidential Personnel.
ARMY38 Plans Coordinator to the Chief of Public Affairs.
ARMY39 Confidential Staff Assistant to the Special Assistant to the President and Director, Advance Office.
ARMY 40 Staff Advisor to the Deputy Assistant to the President.
ARMY 41 Confidential Special Assistant to the Chairman and Executive Director.
ARMY 42 Special Assistant to the Deputy Assistant to the President for Political Affairs.
ARMY 43 Staff Assistant to the Special Assistant to the President for Political Affairs.
ARMY 44 Executive Director to the Deputy Assistant Secretary, Reserve Affairs.
ARMY 45 Associate Director to the Director of Presidential Personnel.

213.3308 Department of the Navy.

NAVY 2 Staff Assistant to the Secretary.
NAVY 5 Confidential Secretary to the Assistant Secretary for Financial Management.
NAVY 7 Private Secretary to the Assistant Secretary of Research and Engineering Systems.
NAVY 20 Special Assistant to the Military Assistant to the President.
NAVY 23 Special Assistant to the Under Secretary.
NAVY 25 Special Assistant to the Military Assistant to the President.
NAVY 27 Special Assistant for Emergency Planning.
NAVY 29 Special Assistant for Environment.
NAVY 31 Staff Assistant to the Under Secretary.
NAVY 32 Private Secretary to the Assistant Secretary for Shipbuilding and Logistics.
NAVY 33 Staff Assistant to the Deputy Under Secretary for Financial Management.

213.3309 Department of the Air Force.

AF 1 Secretary (Steno) to the Secretary.
AF 2 Secretary (Steno) to the Under Secretary.
AF 3 Secretary (Steno) to the Assistant Secretary for Manpower, Reserve Affairs and Installations.
AF 6 Secretary (Steno) to the Assistant Secretary for Financial Management.
AF 8 Secretary (Steno) to the General Counsel.
AF 17 Administrative Officer to the Assistant to the Vice President for National Security Affairs.
AF 18 Secretary (Steno) to the Military Secretary to the Vice President.
AF 20 Secretary to the Military Assistant to the President.
AF 21 Special Assistant to the Deputy Assistant to the President.
AF 22 Secretary (Steno) to the Assistant to the Vice President for National Security Affairs.
AF 26 Special Assistant to the Assistant Secretary for Manpower, Reserve Affairs and Installations.

213.3310 Department of Justice.

JUS 21 Confidential Assistant to the Assistant Attorney General, Antitrust Division.
JUS 23 Private Secretary to the Assistant Attorney General, Civil Division.
JUS 25 Confidential Assistant to the Assistant Attorney General, Criminal Division.
JUS 26 Confidential Secretary to the Assistant Attorney General, Tax Division.
JUS 27 Private Secretary to the Assistant Attorney General, Land and Natural Resources Division.
JUS 35 Secretary and Confidential Assistant to the U.S. Attorney, Office of Legal Counsel.
JUS 36 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 39 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 41 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 42 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 44 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 70 Special Assistant to the Assistant Attorney General, Civil Rights Division.
JUS 83 Confidential Assistant to the Attorney General.
JUS 93 Secretary (Steno) to the Associate Attorney General.
JUS 97 Secretary (Steno) to the Attorney General.
JUS 115 Confidential Assistant to the Assistant Attorney General, Office of Legislative Affairs.
JUS 122 Confidential Secretary to the Director of Public Affairs.
JUS 128 Secretary and Confidential Assistant, U.S. Attorney.
JUS 137 Special Assistant to the Deputy Commissioner, Immigration and Naturalization Service.
JUS 152 Secretary and Confidential Assistant to the U.S Attorney.
JUS 153 Special Assistant to the Director, Office of Public Affairs.
JUS 156 Secretary and Confidential Assistant to the U.S Attorney AD Pay Plan.
JUS 158 Secretary and Confidential Assistant to the U.S Attorney.
JUS 162 Special Assistant to the Attorney General, Civil Division.
JUS 170 Special Assistant to the Attorney General.
JUS 177 Secretary and Confidential Assistant to the U.S Attorney.
JUS 180 Secretary (Steno) to the Assistant Attorney General, Office of Improvements in Administration.
JUS 182 Staff Assistant to the Assistant Attorney General, Office of Legal Policy.
JUS 183 Attorney-Advisor to the Assistant Attorney General, Office of Boards and Divisions.
JUS 186 Special Assistant to the Assistant Attorney General, Criminal Division.
JUS 190 Staff Assistant to the Assistant Attorney General.
JUS 195 Secretary (Steno) to the Commissioner, Immigration and Naturalization Service.
JUS 196 Attorney Advisor to the Assistant Attorney General, Civil Rights Division.
JUS 197 Staff Assistant to the Commissioner, Immigration and Naturalization Service.
JUS 198 Special Counsel to the Assistant Attorney General, Criminal Division.
JUS 199 Special Assistant to the Assistant Attorney General.
JUS 200 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 201 Secretary and Confidential Assistant to the U.S. Attorney.
JUS 203 Special Assistant to the Commissioner, Immigration and Naturalization Service.
JUS 205 Special Assistant (Security) to the Acting Commissioner, Immigration and Naturalization Service.
JUS 206 Staff Assistant to the Assistant Attorney General, Antitrust Division.
JUS 207 Staff Assistant to the Director, Office of Public Affairs.

JUS 208 Special Assistant to the Director, Office of Public Affairs.
JUS 209 Special Assistant to the Assistant Attorney General, Civil Rights Division.

213.3311 Federal Judicial Center.

FJC 1 Secretary (Steno) to the Deputy Director.
FJC 2 Secretary (Steno) to the Director.
FJC 3 Secretary (Steno) to the Director.

213.3312 Department of the Interior.

INT 2 Confidential Assistant to the Secretary.
INT 18 Confidential Assistant to the Assistant Secretary, Energy and Minerals.
INT 20 Confidential Assistant, to the Assistant Secretary, Land and Water Resources.
INT 21 Confidential Assistant to the Assistant Secretary for Fisheries, and Wildlife and Parks.
INT 24 Confidential Assistant to the Under Secretary.
INT 25 Steward to the Secretary.
INT 92 Special Assistant to the Assistant Secretary for Policy, Budget and Administration.
INT 116 Special Assistant to the Deputy Assistant Secretary, Office of Territorial Affairs.
INT 118 Assistant (Congressional Liaison) to the Assistant Secretary, Office of Energy and Minerals.
INT 129 Special Assistant to the Assistant Secretary for Fisheries, Wildlife and Parks.
INT 141 Confidential Assistant to the Commissioner, Bureau of Reclamation.
INT 148 Special Assistant to the Assistant Secretary for Fisheries, Wildlife and Parks.
INT 151 Staff Assistant to the Assistant Secretary for Energy and Minerals.
INT 152 Special Assistant to the Deputy Director of the National Park Service.
INT 153 Assistant to the Director for Congressional and Legislative Affairs.
INT 154 Special Assistant to the Director for Congressional and Legislative Affairs.
INT 155 Confidential Assistant to the Director, Office of Surface Mining.
INT 157 Special Assistant to the Solicitor.
INT 165 Special Assistant to the Director, Bureau of Land Management.
INT 169 Special Assistant to the Assistant Secretary, Land and Water Resources.
INT 171 Public Information Officer for the Bureau of Reclamation.
INT 175 Special Assistant to the Assistant Secretary for Energy and Minerals.
INT 176 Confidential Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 182 Special Assistant to the Under Secretary.
INT 189 Special Assistant to the Assistant Secretary, National Park Service.
INT 193 Special Assistant to the Director, Office of Surface Mining and Reclamation.
INT 194 Confidential Assistant to the Secretary.
INT 199 Special Assistant to the Director, Office of Youth Programs.
INT 200 Special Assistant to the Special Assistant to the Secretary.
INT 202 Special Assistant to the Director, National Park Service.
INT 204 Special Assistant to the Secretary.
INT 205 Special Assistant to the Assistant Secretary, Indian Affairs.
INT 206 Special Assistant to the Director, Office of Water Policy.
INT 207 Special Assistant to the Assistant Secretary, Territorial and International Affairs.
INT 208 Congressional Liaison Officer to the Director, Mineral Management Service.
INT 209 Special Assistant to the Assistant Director for State Liaison, Office of Water Policy.
INT 210 Special Assistant to the Assistant Secretary, Energy and Minerals.
INT 211 Special Assistant to the Assistant Secretary, Indian Affairs.
INT 212 Special Assistant to the Assistant to the Secretary.
INT 213 Assistant Director for Policy Analysis, Office of Water Policy.
INT 214 Confidential Assistant to the Director, U.S. Fish and Wildlife Service.
INT 215 Confidential Assistant to the Secretary.

213.3313 Department of Agricluture.

AGR 1 Administrative Assistant to the Secretary.
AGR 3 Confidential Assistant to the Secretary.
AGR 4 Confidential Assistant to the Secretary.
AGR 5 Confidential Assistant to the Secretary.
AGR 8 Chauffeur to the Secretary.
AGR 12 Private Secretary to the Under Secretary, International Affairs and Commodity Programs.
AGR 13 Private Secretary to the Under Secretary.
AGR 17 Private Secretary to the Administrator, Rural Electrification Administration.
AGR 19 Assistant to the Administrator, Rural Electrification Administration.
AGR 21 Private Secretary to the Deputy Secretary.
AGR 24 Confidential Assistant to the Administrator, Farmers Home Administration.
AGR 25 Staff Assistant to the Administrator, Farmers Home Administration.
AGR 26 Assistant to the Administrator, Farmers Home Administration.
AGR 27 Private Secretary to the Administrator, Farmers Home Administration.
AGR 28 Member, Board of Directors, Federal Crop Insurance Corporation.
AGR 29 Member, Board of Directors, Federal Crop Insurance Corporation.
AGR 32 Confidential Assistant to the Administrator, Stabilization and Conservation Service.
AGR 34 Confidential Assistant to the Administrator, Stabilization and Conservation Service.
AGR 35 Private Secretary to the Administrator, Stabilization and Conservation Service.
AGR 44 Private Secretary to the Assistant Secretary for Economics.
AGR 47 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 48 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 61 Private Secretary to the Assistant Secretary for Natural Resources and Environment.
AGR 62 Private Secretary to the Assistant Secretary for Rural Development.
AGR 64 Confidential Assistant to the Under Secretary for Small Community and Rural Development.
AGR 65 Confidential Assistant to the Deputy Director for Congressional Affairs.
AGR 74 Private Secretary to the Deputy Assistant Secretary for Food and Consumer Services.
AGR 76 Confidential Assistant to the Assistant Secretary for Marketing and Inspection Services.
AGR 77 Confidential Assistant to the Director, Congressional Affairs.
AGR 79 Confidential Assistant to the Deputy Administrator for Rural Development Policy Management and Coordination.
AGR 80 Assistant to the Associate Administrator, Rural Development Policy and Coordination.
AGR 81 Confidential Assistasnt to the Administrator, Farmers Home Administration.
AGR 95 Private Secretary to the Associate Administrator, Farmers Home Administration.
AGR 96 Confidential Assistant to the Assistant Secretary for Natural Resources and Environment.
AGR 98 Confidential Assistant to the Under Secretary for International Affairs and Commodity Programs.
AGR 100 Confidential Assistant to the Administrator, Food and Nutrition Service.
AGR 102 Special Assistant to the Assistant Secretary for Food and Consumer Services.
AGR 105 Confidential Assistant to the Director, Congressional Affairs.
AGR 106 Confidential Assistant to the Director, Congressional Affairs.
AGR 108 Private Secretary to the Deputy Under Secretary for International Affairs and Commodity Programs.
AGR 109 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.
AGR 110 Confidential Assistant to the General Counsel.
AGR 111 Confidential Assistant to the Deputy secretary.
AGR 115 Confidential Assistant to the Director, Congressioanl Affairs.
AGR 117 Confidential Assistant to the Director, Congressional Affairs.
AGR 118 Confidential Assistant to the Assistant Secretary for Governmental and public Affairs.

AGR 120 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.

AGR 121 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.

AGR 128 Private Secretary to the Administrator, Federal Grain Inspection Service.

AGR 129 Private Secretary to the Assistant Secretary for Marketing and Transportation Services.

AGR 130 Private Secretary to the Deputy Assistant Secretary for Marketing and Transportation Services.

AGR 131 Private Secretary to the Deputy Assistant Secretary for Natural Resources and Environment.

AGR 133 Confidential Assistant to the Assistant Secretary for Economics.

AGR 135 Confidential Assistant to the Administrator for Food Safety and Quality Service.

AGR 136 Confidential Assistant to the Administrator for Food Safety and Quality Service.

AGR 138 Confidential Assistant to the Deputy Assistant to the Secretary.

AGR 139 Confidential Assistant to the Executive Assistant to the Secretary.

AGR 141 Confidential Assistant to the Administrator for Food Safety and Quality Service.

AGR 143 Confidential Assistant to the Administrator, Agricultural Marketing Service.

AGR 151 Confidential Assistant to the Administrator, Agricultural Marketing Service.

AGR 154 Confidential Assistant to the Administrator for the Food and Nutrition Service.

AGR 156 Confidential Assistant to the Administrator, Federal Grain Inspection Service.

AGR 157 Confidential Assistant to the Administrator, Foreign Agricultural Service.

AGR 159 Special Representative for the Administrator, Foreign Agricultural Service.

AGR 160 Confidential Assistant to the Administrator, Foreign Agricultural Service.

AGR 161 Confidential Assistant to the Assistant Secretary for Intergovernmental Affairs.

AGR 163 Confidential Assistant to the Secretary.

AGR 177 Confidential Assistant to the Director, Office of Transportation.

AGR 178 Confidential Assistant to the Administrator, Rural Electrification Administration.

AGR 180 Confidential Assistant to the Administrator, Federal Grain Inspection Service.

AGR 184 Secretary (Steno) to the Secretary.

AGR 185 Confidential Assistant to the Administrator, Agricultural Stabilization and Conservation Service.

AGR 186 Confidential Assistant to the Deputy Secretary.

AGR 187 Confidential Assistant to the Assistant Secretary for Food and Consumer Services.

AGR 188 Northeast Area Director, Office of State and County Operations.

AGR 189 Southeast Area Director, Office of State and County Operations.

AGR 191 Northwest Area Director, Office of State and County Operations.

AGR 192 Southwest Area Director, Office of State and County Operations.

AGR 194 Confidential Assistant to the Under Secretary for Small Community and Rural Development.

AGR 195 Staff Assistant to the Secretary.

AGR 196 Confidential Assistant to the Administrator.

AGR 197 Confidential Assistant to the Executive Assistant.

AGR 198 Special Assistant to the Chairman, Federal Crop Insurance Corporation.

AGR 199 Secretary (Typing) to the Secretary.

AGR 200 Confidential Assistant to the Deputy Assistant Secretary for Administrator.

AGR 201 Office Assistant to the Executive Secretary.

AGR 202 Confidential Assistant to the Administrator, Food Safety and Inspection Service.

AGR 203 Private Secretary to the Special Assistant to the Secretary.

AGR 204 Confidential Assistant to the Director, Science and Education.

AGR 206 Director, Office of the Consumer Advisor.

AGR 207 Member, Board of Directors, Federal Crop Insurance Corporation.

AGR 209 Confidential Assistant to the Chief, Soil Conservation Service.

AGR 210 Staff Assistant to the Administrator, Office of International Cooperation and Development.

AGR 211 Deputy Director to the Office of Transportation.

AGR 212 Confidential Assistant to the Executive Assistant.

AGR 213 Confidential Assistant to the Assistant Secretary for Governmental and Public Affairs.

AGR 214 Confidential Assistant to the Executive Assistant to the Secretary.

AGR 217 Confidential Assistant to the Manager, Federal Crop Insurance Corporation.

213.3314 Department of Commerce.

COM 1 Confidential Assistant to the Secretary.

COM 2 Confidential Assistant to the Secretary.

COM 3 Confidential Assistant to the Secretary.

COM 4 Confidential Assistant to the Secretary.

COM 5 Confidential Assistant to the Special Assistant to the Secretary.

COM 10 Executive Assistant to the Deputy Secretary.

COM 12 Private Secretary to the Deputy Secretary.

COM 16 Confidential Assistant to the General Counsel.

COM 18 Private Secretary to the Deputy General Counsel.

COM 19 Chauffeur for the Secretary.

COM 22 Congressional Liaison Officer to the Assistant Secretary for Congressional Affairs.

COM 42 Secretary (Steno) to the Commission. Patent and Trademark Office.

COM 72 Congressional Liaison Officer to the Assistant Secretary of Economic Development.

COM 87 Private Secretary and Confidential Assistant to the Administrator, National Atmospheric and Oceanic Administration.

COM 89 Private Secretary and Confidential Assistant to the Deputy Administrator, National Oceanic and Atmospheric Administration.

COM 100 Confidential Assistant to the Director, Minority Business Development Agency.

COM 114 Secretary (Steno) to the Director, Minority Business Development Agency.

COM 125 Private Secretary to the Assistant Secretary for Congressional Affairs.

COM 127 Private Secretary to the Assistant Secretary for Administration.

COM 136 Confidential Assistant to the Director, Bureau of Export Development.

COM 147 Confidential Assistant to the Associate Deputy Secretary.

COM 148 Private Secretary to the Assistant Secretary for Policy.

COM 151 Private Secretary to the Under Secretary.

COM 152 Congressional Liaison Officer.

COM 153 Private Secretary to the Chief Economist.

COM 157 Confidential Assistant to the Director, Bureau of Domestic Business Development.

COM 161 Confidential Assistant to the Under Secretary, International Trade Administration.

COM 162 Confidential Assistant to the Assistant Secretary for International Economic Policy.

COM 165 Director, Executive Secretariat.

COM 167 Secretary (Steno) to the Deputy Assistant Secretary for Administrative and Legislative Policy.

COM 174 Private Secretary to the Assistant Secretary for Congressional Affairs.

COM 181 Special Assistant to the Assistant Secretary for Communications and Information.

COM 183 Confidential Assistant to the Assistant Secretary for Communications and Information.

COM 184 Confidential Assistant to the Director, National Bureau of Standards.

COM 189 Private Secretary to the Associate Administrator, National Oceanic and Atmospheric Administration.

COM 197 Congressional Liaison Officer Atmospheric Administration.

COM 200 Congressional Liaison Officer.

COM 203 Confidential Legislative Assistant to the Deputy Assistant Secretary.

COM 204 Special Assistant to the Associate Administrator, National Oceanic and Atmospheric Administration.

COM 209 Policy Analyst to the Deputy Assistant Secretary, International Trade Administration.

COM 212 Secretary to the Deputy Assistant Secretary for East-West Trade Development.

COM 217 Special Assistant to the Director, Office of Public Affairs.

COM 219 Special Assistant for Field Activities.

COM 220 Confidential Assistant to the Deputy Assistant Secretary for East-West Trade.

COM 222 Private Secretary to the Inspector General.

COM 224 Confidential Assistant to the Assistant Secretary for International Trade.

COM 232 Special Assistant to the Assistant Secretary for International trade.

COM 236 Special Assistant to the Secretary.

COM 237 Special Assistant to the Under Secretary.

COM 246 Private Secretary (Steno) to the Assistant Secretary for Trade Development.

COM 247 Private Secretary to the Under Secretary for International Trade.

COM 250 Private Secretary to the Deputy Under Secretary, International Trade Administration.

COM 254 Public Information Officer to the Director for Minority Business Development.

COM 258 Confidential Assistant to the Deputy Assistant Secretary for Imports, International Trade Administration.

COM 259 Confidential Assistant to Deputy Under Secretary, International Trade Administration.

COM 261 Confidential Assistant to the Assistant Secretary for Trade Development.

COM 263 Confidential Assistant to the Assistant Secretary, International Trade Administration.

COM 266 Confidential Assistant to the Assistant Secretary, International Trade Administration.

COM 267 Confidential Assistant to the Deputy Assistant Secretary for Export Administration.

COM 270 Secretary (Typing) to Special Assistant to the Secretary.

COM 271 Confidential Assistant to the Deputy Director, Minority Business Development Agency.

COM 272 Confidential Assistant to the Assistant Secretary for Trade Development.

COM 274 Confidential Assistant to the Director, Office of Business Liaison.

COM 278 Confidential Policy Analyst to the Assistant Secretary, International Trade Administration.

COM 279 Special Assistant to the Inspector General.

COM 280 Congressional Staff Assistant to the Deputy Assistant Secretary for Congressional Operations.

COM 281 Secretary to the Deputy Assistant Secretary for Export Administration.

COM 282 Special Assistant to the Deputy Assistant Secretary, Office of Congressional Affairs.

COM 283 Confidential Assistant to the Assistant Secretary, International Trade Administration.

COM 284 Special Assistant to the Director, Office of Intergovernmental Affairs.

COM 286 Private Secretary to the Associate General Counsel for legislation and Regulation.

COM 287 Congressional Affairs Assistant to the Deputy Assistant Secretary for Congressional Affairs.

COM 288 Confidential Assistant to the Director, Office of Business Liaison.

COM 289 Confidential Assistant to the Director, Office of Intergovernmental Affairs.

COM 291 Special Assistant to the Director, Office of Public Affairs.

COM 292 Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs.

COM 293 Special Assistant to the Director, Office of Intergovernmental Affairs.

COM 294 Confidential Assistant to the Special Assistant to the Secretary.

COM 295 Confidential Assistant to the Special Assistant to the Secretary.

COM 296 Confidential Assistant to the Special Assistant to the Secretary.

COM 297 Confidential Assistant to the Special Assistant to the Assistant Secretary for Administration.

COM 298 Special Assistant to the Assistant Secretary for Communications and Information.

COM 301 Special Assistant to the Deputy Assistant Secretary.

COM 302 Special Assistant to the Director, Office of Public Affairs.

COM 303 Confidential Assistant to the Assistant Secretary for Administration.

COM 304 Confidential Assistant to the Under Secretary for Travel and Tourism.

COM 305 Private Secretary to the Under Secretary for Travel and Tourism.

COM 307 Special Assistant to the Administrator, International Trade Administration.

COM 308 Confidential Assistant to the Assistant Secretary for Trade Development.

COM 309 Confidential Assistant to the Director, Minority Business Development Agency.

COM 310 Private Secretary to the Deputy Under Secretary.

COM 311 Confidential Assistant to the Special Assistant to the Secretary.

COM 312 Confidential Assistant to the Director, General of the Foreign Commercial Service.

COM 313 Confidential Assistant to the Special Assistant to the Secretary.

COM 314 Confidential Assistant to the Special Assistant to the Secretary.

COM 315 Confidential Assistant to the Deputy Assistant Secretary, Office of Economic Development.

COM 316 Confidential Assistant to the Deputy Assistant Secretary.

COM 317 Confidential Assistant to the Deputy Assistant Secretary for Trade Information and Analysis.

COM 318 Special Assistant to the Director, Bureau of the Census.

COM 319 Special Assistant to the Deputy Assistant Secretary for Import Administration.

COM 320 Confidential Assistant to the Special Assistant to the Secretary.

COM 321 Director, Office of Public Affairs, International Trade Administration.

COM 322 Confidential Assistant to the Director for Productivity, Technology and Innovation.

COM 324 Confidential Assistant to the Assistant Secretary for International Economic Policy.

COM 326 Confidential Assistant to the Assistant Secretary for Trade Development

COM 330 Confidential Assistant to the Assistant Secretary for trade Development.

COM 332 Confidential Assistant to the Deputy Assistant Secretary for Industry Projects.

213.3315 Department of Labor.

LAB 8 Private Secretary to the Assistant Secretary, Employment and Training Administration.

LAB 25 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 41 Confidential Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 43 Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 44 Assistant to the Deputy Under Secretary, for Legislation and Intergovernmental Relations.

LAB 45 Executive Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 49 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 55 Assistant to Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 62 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 64 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.

LAB 86 Staff Assistant to the Deputy Under Secretary, Employment Standards Administration.

LAB 89 Executive Assistant to the Assistant Secretary, Labor-Management Services Administration.

LAB 91 Private Secretary to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 92 Special Assistant to the Secretary.

LAB 100 Executive Assistant to the Deputy Under Secretary, Bureau of Labor International Affairs.

LAB 104 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 105 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 106 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 109 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 110 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 111 Regional Representative to the Deputy Under Secretary for Legislation and Intergovernmental Relations.

LAB 113 Secretary (Typing) to Regional Representative.
LAB 114 Secretary to the Regional Representative.
LAB 115 Secretary (Typing) to the Regional Representative.
LAB 116 Secretary (Typing) to the Regional Representative.
LAB 119 Secretary (Typing) to the Regional Representative.
LAB 120 Secretary (Steno) to the Regional Representative.
LAB 121 Secretary (Typing) to the Regional Representative.
LAB 126 Special Assistant to the Deputy Under Secretary, Employment Standards Administration.
LAB 127 Special Assistant to the Director, Office of Workers' Compensation Programs.
LAB 128 Special Assistant to the Deputy Assistant Secretary, Employment and Training Administration.
LAB 129 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 131 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 135 Private Secretary to the Commissioner, Bureau of Labor Statistics.
LAB 143 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 145 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 146 Staff Assistant to the Solicitor.
LAB 159 Special Assistant to Deputy Under Secretary, Bureau of International Labor Affairs.
LAB 161 Special Assistant to the Secretary.
LAB 163 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 167 Private Secretary to the Director, Women's Bureau.
LAB 169 Staff Assistant to the Assistant Secretary, for Policy, Evaluation and Research.
LAB 171 Special Assistant to the Secretary.
LAB 172 Staff Assistant to the Secretary.
LAB 177 Secretary to the Secretary.
LAB 178 Executive Assistant to the Director, Federal Contract Compliance Programs.
LAB 179 Executive Assistant to the Deputy Under Secretary, Employment Standards Administration.
LAB 180 Assistant to the Deputy Under Secretary for Legislation and Intergovernmental Relations.
LAB 181 Staff Assistant to the Deputy Under Secretary for International Labor Affairs.
LAB 182 Staff Assistant to the Assistant Secretary for Labor Management Relations.
LAB 183 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 184 Staff Assistant to the Deputy Under Secretary, Employment Standards Administration.
LAB 185 Private Secretary to the Executive Assistant.
LAB 186 Special Assistant to the Director.
LAB 187 Special Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 188 Confidential Staff Assistant to the Wage Hour Administrator.
LAB 189 Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration.
LAB 190 Special Assistant to the Assistant Secretary for Evaluation and Research.
LAB 191 Secretary to the Secretary.
LAB 192 Staff Assistant to the Assistant Secretary for Labor Management Relations.
LAB 193 Confidential Staff Assistant to the Assistant Secretary for Employment and Training.
LAB 195 Special Assistant to the Assistant Secretary for Employment and Training.
LAB 196 Executive Assistant to the Assistant Secretary for Veterans Employment.
LAB 197 Secretary (Typing) to the Director of Intergovernmental Relations.
LAB 198 Secretary (Steno) to the Deputy Solicitor.
LAB 200 Confidential Staff Assistant to the Assistant Secretary, Employment and Training Administration.
LAB 201 Secretary (Steno) to the Assistant Secretary for Mine Safety and Health.
LAB 202 Confidential Staff Assistant to the Assistant Secretary, Employment and Training Administration.

213.3316 Department of Health and Human Services.

HHS 2 Confidential Assistant to the Secretary.
HHS 5 Writer to the Secretary.
HHS 10 Confidential Secretary to the Under Secretary.
HHS 11 Confidential Assistant to the Under Secretary.
HHS 12 Confidential Assistant to the Under Secretary.
HHS 14 Special Assistant to the Executive Secretary.
HHS 17 Staff Assistant to the Secretary.
HHS 22 Assistant to the Secretary for Special Programs.
HHS 23 Assistant to the Secretary for Special Programs.
HHS 26 Special Assistant to the Executive Secretary.
HHS 28 Assistant to the Secretary for Special Programs.
HHS 30 Special Assistant to the Secretary.
HHS 34 Assistant to the Secretary.
HHS 39 Private Secretary to the Secretary.
HHS 52 Special Assistant to the Director, Congressional Liaison.
HHS 53 Special Assistant to the Assistant Secretary for Legislation.
HHS 62 Special Assistant to the Assistant Secretary for Legislation.
HHS 120 Assistant to the General Counsel.
HHS 128 Special Assistant for Special Groups.
HHS 129 Special Assistant for Special Groups.
HHS 172 Director of Consumer Information.
HHS 187 Special Assistant to the Deputy Assistant Secretary for Legislation (Health).
HHS 203 Receptionist (Typing) to the Secretary.
HHS 204 Secretary (Steno) to the Executive Assistant to the Secretary.
HHS 213 Steward to the Secretary.
HHS 216 Confidential Assistant to the Inspector General.
HHS 230 Attorney-Advisor (Special Assistant to the General Counsel).
HHS 233 Confidential Executive Assistant to the Director, Office of Consular Affairs.
HHS 236 Director, Intergovernmental and Congressional Affairs.
HHS 238 Director, Intergovernmental and Congressional Affairs.
HHS 240 Director, Intergovernmental and Congressional Affairs.
HHS 241 Director, Intergovernmental and Congressional Affairs.
HHS 243 Director, Intergovernmental and Congressional Affairs.
HHS 244 Director, Intergovernmental and Congressional Affairs.
HHS 245 Director, Public Affairs.
HHS 246 Director, Public Affairs.
HHS 248 Director, Public Affairs.
HHS 249 Director, Public Affairs.
HHS 250 Director, Public Affairs.
HHS 251 Director, Public Affairs.
HHS 252 Director, Public Affairs.
HHS 253 Director, Public Affairs.
HHS 254 Director, Public Affairs.
HHS 255 Director, Intergovernmental and Congressional Affairs.
HHS 259 Special Assistant to the Assistant Secretary.
HHS 265 Special Assistant to the Secretary.
HHS 268 Special Assistant to the Executive Secretary.
HHS 269 Special Assistant to the Secretary.
HHS 277 Special Assistant (Special Projects) to the Deputy Under Secretary for Intergovernmental Affairs.
HHS 285 Confidential Assistant to the Secretary.
HHS 290 Director, Office of Public Affairs, Office of Human Development Services.
HHS 293 Special Assistant to the Commissioner, Administration for Children, Youth and Families.
HHS 305 Special Assistant to the Deputy Under Secretary for Intergovernmental Affairs.
HHS 307 Deputy Director to the Director, Office of Congressional Liaison.
HHS 310 Confidential Assistant to the Executive Secretary.
HHS 315 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
HHS 316 Associate Commissioner, Office of Developmental Services.
HHS 318 Confidential Assistant to the Executive Assistant.
HHS 320 Special Assistant to the Assistant Secretary, Office of Planning and Evaluation.
HHS 330 Special Assistant to the Director.
HHS 336 Special Assistant to the Deputy Assistant Secretary, Office of Legislation (Welfare).
HHS 339 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation.

HHS 342 Confidential Assistant to the Deputy Assistant Secretary, Office of Legislation (Appropriations).
HHS 343 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.
HHS 345 Congressional Liaison Specialist to the Assistant Secretary, Office of Legislation.
HHS 349 Confidential Assistant to the Deputy Executive Secretary.
HHS 353 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
HHS 354 Associate Commissioner for Office of Services for Children and Youth.
HHS 355 Counsellor to the Director, Office of Consumer Affairs.
HHS 356 Executive Assistant to the Assistant Secretary for Health.
HHS 357 Public Information Officer to the Assistant Secretary for Health.
HHS 358 Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation.
HHS 359 Congressional Liaison Specialist to the Deputy Assistant Secretary, Office of Legislation.
HHS 362 Secretary (Steno) to the Assistant Secretary for Human Development Services.
HHS 364 Special Assistant to the Deputy Assistant Secretary, Office of Legislation (Health).
HHS 365 Special Assistant to the Administrator, Office of External Affairs.
HHS 366 Special Assistant to the Inspector General.
HHS 367 Confidential Assistant to the Associate Commissioner, Office of Governmental Affairs.
HHS 368 Director to the Associate Administrator, Office of Intergovernmental Affairs.
HHS 370 Confidential Assistant to the Executive Assistant, Office of External Affairs.
HHS 372 Special Assistant to the Director, Office of Program Coordination and Review.
HHS 373 Confidential Assistant to the Executive Secretary.
HHS 374 Confidential Assistant to the Executive Secretary.
HHS 376 Confidential Secretary to the Regional Director.
HHS 377 Special Assistant to the Deputy Under Secretary Intergovernmental Affairs.
HHS 378 Special Assistant to the Assistant Secretary, Office of Public Affairs.
HHS 379 Special Assistant to the Director for Refugee Resettlement.
HHS 380 Confidential Assistant to the Executive Assistant.
HHS 381 Confidential Assistant to the Regional Director.
HHS 382 Associate Commissioner, Administration for Children.
HHS 383 Special Assistant to the Assistant Secretary for Public Affairs.
HHS 384 Confidential Assistant to the Director for Legislation and Policy.
HHS 386 Confidential Secretary to the Chief of Staff.
HHS 388 Special Assistant to the Director, Office of Program Coordination and Review.
HHS 389 Special Assistant to the Director, Office of Program Coordination and Review.
HHS 390 Special Assistant to the Associate Commissioner, Office of Families.

213.3317 Department of Education.

EDU 3 Personal Assistant to the Secretary.
EDU 5 Personal Assistant to the Under Secretary.
EDU 6 Confidential Assistant to the Executive Secretary.
EDU 8 Confidential Assistant to the Assistant Secretary, Office of Civil Rights.
EDU 11 Personal Assistant to the Assistant Secretary, Office of Educational Research and Improvement.
EDU 12 Personal Assistant to the Assistant Secretary, Office of Vocational and Adult Education.
EDU 13 Personal Assistant to the Assistant Secretary, Office of Special Education and Rehabilitative Services.
EDU 15 Assistant to the Deputy Under Secretary.
EDU 18 Attorney Advisor to the General Counsel.
EDU 19 Attorney Advisor to the General Counsel.
EDU 20 Steward.
EDU 26 Personal Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
EDU 36 Deputy to the Executive Secretary.
EDU 42 Confidential Assistant to the Assistant Secretary, Postsecondary Education.
EDU 43 Confidential Assistant to the Assistant Secretary, Office of Public Affairs.
EDU 44 Director, Policy, Planning and Executive Operations Unit, Office of Elementary and Secondary Education.
EDU 49 Personal Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
EDU 52 Special Assistant to the Deputy Under Secretary.
EDU 53 Special Assistant to the Deputy Under Secretary.
EDU 54 Special Assistant to the Executive Assistant.
EDU 57 Speechwriter to the Secretary.
EDU 61 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental Affairs.
EDU 66 Special Assistant to the Secretary.
EDU 68 Confidential Assistant to the Deputy Under Secretary for Management.
EDU 69 Confidential Assistant to the Under Secretary.
EDU 73 Special Assistant to the Assistant Secretary, Office of Legislation and Public Affairs.
EDU 74 Executive Assistant to the Assistant Secretary, Office of Public Affairs.
EDU 75 Confidential Assistant to the Assistant Secretary, Office of Public Affairs.
EDU 76 Executive Assistant to the Deputy Under Assistant Secretary for Interagency Affairs.
EDU 79 Special Assistant to the Assistant Secretary, Office of Civil Rights.
EDU 80 Attorney/Advisor to the General Counsel.
EDU 83 Special Assistant to the Assistant Secretary, Office of Planning and Budget.
EDU 88 Special Assistant to the Assistant Secretary for Elementary and Secondary Education.
EDU 90 Special Assistant to the Assistant Secretary for Vocational and Adult Education.
EDU 93 Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education.
EDU 95 Director, Policy Development, Office of Postsecondary Education.
EDU 96 Special Assistant to the Director.
EDU 98 Special Assistant to the Assistant Secretary, Office of Educational Research Improvement.
EDU 100 Confidential Assistant to the Deputy Under Secretary for Management.
EDU 103 Personal Assistant to the Commissioner, Office of Special Education and Rehabilitation Services.
EDU 104 Special Assistant to the Assistant Secretary, Office of Special Education and Rehabilitation Services.
EDU 105 Secretary to the Regional Representative.
EDU 106 Secretary to the Regional Representative.
EDU 107 Secretary to the Regional Representative.
EDU 108 Secretary to the Regional Representative.
EDU 109 Secretary to the Regional Representative.
EDU 110 Secretary to the Regional Representative.
EDU 111 Secretary to the Regional Representative.
EDU 112 Special Assistant to the Assistant Secretary, Office of Education Research and Improvement.
EDU 113 Confidential Assistant to the Assistant Secretary, Office of Education Research and Improvement.
EDU 114 Director, Public Participation Staff, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs.
EDU 116 Confidential Assistant to the Assistant Secretary, Office of Postsecondary Education.
EDU 117 Director of External Affairs for the Assistant Secretary, Office of Postsecondary Education.
EDU 118 Special Assistant to the Executive Secretary.
EDU 120 Director Office of Editorial Services.
EDU 121 Special Assistant to the Commissioner, Office of Special Education and Rehabilitative Services.
EDU 122 Special Assistant to the Assistant Secretary, Office of Civil Rights.
EDU 123 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental and Interagency Affairs.
EDU 124 Secretary to the Regional Representative of the Under Secretary.

EDU 125 Special Assistant to the Deputy Under Secretary, Office of Intergovernmental and Interagency Affairs.

EDU 126 Personal Assistant to the Deputy General Counsel.

EDU 127 Special Assistant to the Secretary.

EDU 128 Confidential Assistant to the Deputy Under Secretary.

EDU 129 Director to the Deputy Assistant secretary, Office of Postsecondary Education.

EDU 130 Personal Assistant to the Deputy Under Secretary, Office of Management.

EDU 131 Secretary to the Regional Representative to the Under Secretary.

EDU 132 Confidential Assistant to the Deputy Under Secretary, Office of Management.

EDU 133 Special Assistant to the Deputy Under Secretary, for Planning, Budget and Evaluation.

EDU 134 Personal Assistant to the Deputy Under Secretary.

EDU 135 Confidential Assistant to the Director, Office of Educational Research and Improvement.

EDU 136 Confidential Assistant to the Director.

EDU 138 Executive Assistant to the Administrator, Office of Management.

EDU 140 Special Assistant to the Assistant Secretary, Office of Civil Rights.

EDU 142 Director, Program Review, to the Office for Civil Rights.

213.3318 Environmental Protection Agency.

EPA 10 Special Assistant to the Director, Office of Standards and Regulations.

EPA 39 Confidential Assistant to the Director, Office of Legislation.

EPA 44 Confidential Assistant to the Director, Office of Congressional Liaison.

EPA 50 Special Assistant to the Administrator.

EPA 61 Confidential Assistant to the Assistant Administrator for Administration.

EPA 65 Special Assistant to the Inspector General.

EPA 69 Deputy Director to the Director, Office of Congressional Liaison.

EPA 71 Intergovernmental Liaison Specialist to the Director, Office of Intergovernmental Liaison.

EPA 72 Congressional Relations Specialist to the Deputy Director, Office of Congressional Liaison.

EPA 75 Congressional Relations Officer to the Deputy Director, Office of Congressional Liaison.

EPA 76 Sepcial Assistant to the Director, Office of Federal Activities

EPA 77 Special Assistant to the Regional Administrator.

EPA 78 Confidential Assistant to the Director, Office of Enforcement Counsel.

EPA 79 Special Assistant to the Regional Administrator.

EPA 80 Confidential Assistant to the Assistant Administrator for Solid Waste and Emergency Response.

EPA 81 Special Assistant to the Assistant Administrator for Solid Waste and Emergency Response.

EPA 82 Special Assistant for Regulatory Affairs, Office of Federal Activities.

EPA 83 Special Assistant to the Regional Administrator.

EPA 84 Special Assistant to the Associate Administrator, Office of Policy and Resources Management.

EPA 86 Special Assistant to the Regional Administrator.

EPA 87 Special Assistant to the Regional Administrator for Congressional and Intergovernmental Liaison.

213.3319 Administrative Conference of the United States.

ACUS 2 Secretary (Steno) to the Chairman.

213.3320 Inter-American Foundation.

IAF 9 Confidential Assistant to the President, (Mexico, Central America, Panama Region).

IAF 10 Confidential Assistant to the President, (Caribbean, Brazil Region).

IAF 11 Confidential Assistant to the President, (Andean Region).

IAF 12 Confidential Assistant to the President, (Southern Cone Region).

IAF 13 Confidential Assistant to the President.

IAF 14 Special Assistant to the President.

213.3322 Interstate Commerce Commission.

ICC 1 Confidential Assistant to the Commissioner.

ICC 2 Confidential Assistant to the Commissioner.

ICC 3 Confidential Assistant to the Commissioner.

ICC 4 Secretary (Typing) to the Chairman.

ICC 5 Confidential Assistant to the Comissioner.

ICC 6 Confidential Assistant to the Comissioner.

ICC 8 Confidential Assistant to the Chairman.

ICC 9 Confidential Assistant to the Commissioner.

ICC 18 Public Information Officer to the Chairman.

ICC 20 Staff Advisor (Management) to the Commissioner.

ICC 40 Staff Advisor (Economics) to the Managing Director.

ICC 41 Staff Advisor (Transportation) to the Director.

213.3323 Overseas Private Investment Corporation.

OPIC 1 Chauffeur to the President.

213.3325 The Tax Court of the United States.

TCOUS 501 Attorney Advisor to the Judge.

TCOUS 503 Attorney Advisor to the Judge.

TCOUS 505 Attorney Advisor to the Judge.

TCOUS 506 Attorney Advisor to the Judge.

TCOUS 507 Attorney Advisor to the Judge.

TCOUS 508 Attorney Advisor to the Judge.

TCOUS 509 Attorney Advisor to the Judge.

TCOUS 510 Attorney Advisor to the Judge.

TCOUS 511 Secretary and Confidential Assistant to the Judge.

TCOUS 512 Attorney Advisor to the Judge.

TCOUS 513 Attorney Advisor to the Judge.

TCOUS 516 Attorney Advisor to the Judge.

TCOUS 517 Attorney Advisor to the Judge.

TCOUS 518 Law Clerk to the Judge.

TCOUS 520 Attorney Advisor to the Judge.

TCOUS 521 Attorney Advisor to the Judge.

TCOUS 522 Law Clerk to the Judge.

TCOUS 523 Law Clerk to the Judge.

TCOUS 525 Law Clerk to the Judge.

TCOUS 526 Attorney Advisor to the Judge.

TCOUS 527 Attorney Advisor to the Judge.

TCOUS 528 Law Clerk to the Judge.

TCOUS 529 Attorney Advisor to the Judge.

TCOUS 530 Secretary for Confidential Affairs to the Judge.

TCOUS 531 Attorney Advisor to the Judge.

TCOUS 532 Attorney Advisor to the Judge.

TCOUS 533 Attorney Advisor to the Judge.

TCOUS 534 Attorney Advisor to the Judge.

TCOUS 535 Attorney Advisor to the Judge.

TCOUS 536 Attorney Advisor to the Judge.

TCOUS 537 Secretary and Confidential Assistant to the Judge.

TCOUS 538 Attorney Advisor to the Judge.

TCOUS 540 Secretary to the Judge.

TCOUS 541 Attorney Advisor to the Judge.

TCOUS AAA Attorney Advisor to the Judge.

TCOUS EE Attorney Advisor to the Judge.

TCOUS FF Attorney Advisor to the Judge.

TCOUS II Secretary and Confidential Assistant to the Judge.

TCOUS III Secretary and Confidential Assistant to the Judge.

TCOUS LL Secretary and Confidential Assistant to the Judge.

TCOUS LLL Attorney Advisor to the Judge.

TCOUS MM Secretary and Confidential Assistant to the Judge.

TCOUS NN Secretary and Confidential Assistant to the Judge.

TCOUS QQ Secretary and Confidential Assistant to the Judge.

TCOUS RR Secretary and Confidential Assistant to the Judge.

TCOUS SS Secretary and Confidential Assistant to the Judge.

TCOUS T Secretary and Confidential Assistant to the Judge.

TCOUS TT Secretary and Confidential Assistant to the Judge.

TCOUS UU Secretary and Confidential Assistant to the Judge.

TCOUS UUU Secretary and Confidential Assistant to the Judge.

TCOUS VV Secretary and Confidential Assistant to the Judge.

TCOUS W Attorney Advisor to the Judge.

TCOUS WW Secretary and Confidential Assistant to the Judge.

TCOUS XX Secretary and Confidential Assistant to the Judge.

TCOUS XXX Attorney Advisor to the Judge.

TCOUS ZZ Secretary and Confidential Assistant to the Judge.

213.3327 Veterans Administration.

VA 6 Confidential Assistant to the Administrator.

VA 14 Confidential Assistant to the Deputy Administrator.

VA 32 Confidential Assistant to the Deputy Associate Deputy Administrator.

213.3328 International Communication Agency.

ICA 1 Director, New York Office of Public Liaison.
ICA 2 Special Assistant to the Director.
ICA 15 Special Assistant to the Director.
ICA 22 Director to the Associate Director.
ICA 24 Special Assistant to the Associate Director.
ICA 44 Special Projects Officer.
ICA 53 Director of Audience Relations.

213.3330 Securities and Exchange Commission.

SEC 3 Confidential Assistant to the Commissioner.
SEC 4 Confidential Assistant to the Commissioner.
SEC 5 Confidential Assistant to the Commissioner.
SEC 8 Secretary (Steno) to the Chief.
SEC 11 Confidential Assistant to the Chairman.
SEC 12 Public Information Officer to the Chairman.
SEC 15 Secretary (Typing) to the Director, Market Regulation Division.
SEC 16 Secretary (Steno) to the Director.
SEC 18 Secretary (Steno) to the Director, Corporate Finance Division.
SEC 19 Secretary (Typing) to the Director, Corporate Finance Division.

213.3331 Department of Energy.

DOE 2 Confidential Assistant (Secretary) to the Secretary.
DOE 8 Confidential Assistant (Secretary) to the Special Assistant.
DOE 11 Private Secretary to a Member, Federal Energy Regulatory Commission.
DOE 12 Private Secretary to a Member, Federal Energy Regulatory Commission.
DOE 15 Confidential Assistant (Secretary) to the Administrator, Energy Information Administration.
DOE 16 Confidential Assistant (Secretary) to the Administrator, Economic Regulatory Administration.
DOE 19 Confidential Assistant (Secretary) to the Director, Energy Research.
DOE 30 Confidential Assistant (Secretary) to the Director, Office of Policy Planning and Evaluation.
DOE 40 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 41 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 42 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 43 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 49 Legal Advisor to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 51 Legal Assistant to the Chairman, Federal Energy Regulatory Commission.
DOE 60 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 68 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 69 Staff Assistant, (Legislative Affairs) to the Secretary.
DOE 72 Confidential Assistant (Secretary) to the Deputy Administrator.
DOE 74 Staff Assistant to the General Counsel.
DOE 75 Legal Adviser to a Member of the Commission.
DOE 95 Staff Assistant to the Deputy Secretary.
DOE 106 Confidential Assistant to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 109 Private Secretary to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 110 Private Secretary to a Member of the Commission, Federal Energy Regulatory Commission.
DOE 111 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
DOE 112 Private Secretary to the Chairman, Federal Energy Regulatory Commission.
DOE 114 Assistant to the Administrator.
DOE 171 Executive Assistant to the Assistant Secretary, Office of Conservation and Renewable Energy.
DOE 174 Staff Assistant to the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.
DOE 178 Congressional Operations Specialist.
DOE 182 Staff Assistant to the Director, Office of Intergovernmental Affairs.
DOE 185 Confidential Assistant (Secretary) to the Director, Office of Congressional and Public Affairs.
DOE 186 Staff Assistant to the Director, Office of Congressional and Public Affairs.
DOE 192 Staff Assistant to the Special Assistant, Office of Programs and Policy.
DOE 197 Director, Division of Congressional Liaison.
DOE 212 Confidential Assistant (Secretary) to the Assistant Secretary for Nuclear Energy.
DOE 218 Consumer Affairs Specialist to the Director, Office of Consumer and Public Affairs.
DOE 221 Staff Assistant to the Assistant to the Secretary for Public Affairs.
DOE 222 Confidential Assistant (Secretary) to the Assistant Secretary, Office of Congressional, Intergovernmental and Public Affairs.
DOE 224 Confidential Assistant (Secretary) to the Special Assistant to the Secretary.
DOE 226 Advisor to Member of the Commission.
DOE 231 Staff Assistant to the Assistant Secretary, Office of Congressional, Intergovernmental and Public Affairs.
DOE 233 Speech Writer to the Director, Office of Public Affairs.
DOE 234 Director, Office of Public Affairs.
DOE 235 Staff Assistant to the Director, Office of Policy Planning and Analysis.
DOE 238 Staff Assistant to the Deputy Assistant Secretary.
DOE 239 Staff Assistant to the Special Assistant to the Secretary.
DOE 240 Staff Assistant to the Assistant Secretary, Office of Congressional, Intergovernmental and Public Affairs.
DOE 241 Staff Assistant to the Director.
DOE 242 Staff Assistant to the Special Assistant to the Secretary for Programs and Policies.
DOE 243 Staff Assistant to the Assistant Secretary.
DOE 244 Director, Office of Consumer Affairs.
DOE 245 Staff Assistant to the Deputy Assistant Secretary.
DOE 246 Staff Assistant to the Assistant Secretary.
DOE 247 Director, Division of Intergovernmental Affairs.
DOE 248 Confidential Assistant to the Chairman, Federal Energy Regulatory Commission.
DOE 249 Staff Assistant to the Administrator, Economic Regulatory Administration.
DOE 251 Intergovernmental Affairs Specialist to the Director of Intergovernmental Affairs.
DOE 256 Confidential Assistant to the General Counsel.
DOE 257 Staff Assistant to the Administrator, Energy Information Administration.
DOE 258 Research Assistant to the Special Assistant to the Secretary.
DOE 259 Private Secretary to the Chairman.

213.3332 Small Business Administration.

SBA 30 Special Assistant to the Associate Administrator for Minority, Small Business and Capital Ownership Development.
SBA 35 Special Assistant to the Associate Administrator for Minority, Small Business and Capital Ownership Development.
SBA 43 Confidential Assistant to the Associate Administrator for Congressional and Legislative Affairs.
SBA 49 Special Assistant to the Administrator.
SBA 56 Confidential Assistant and Secretary to the Inspector General.
SBA 58 Confidential Assistant to the Administrator.
SBA 61 Special Assistant to the Inspector General.
SBA 64 Special Assistant to the Regional Administrator.
SBA 66 Special Assistant to the Regional Administrator.
SBA 68 Confidential Assistant to the Regional Administrator.
SBA 70 Assistant to the Regional Administrator.
SBA 72 Special Assistant to the Regional Administrator.
SBA 90 Confidential Assistant to the Administrator.
SBA 91 Special Assistant to the Assistant Administrator.
SBA 92 Confidential Program Assistant to the Special Assistant.
SBA 94 Special Assistant to the Administrator.
SBA 99 Special Assistant to the Regional Administrator.

213.3333 Federal Deposit Insurance Corporation.

FDIC 2 Secretary to the Members.
FDIC 7 Special Assistant to the Director, Congressional Liaison Staff.

213.3334 Federal Trade Commission.

FTC 1 Staffing Assistant to the Chairman.

213.3335 Office of the Federal Inspector.

OFI 1 Special Assistant to the Federal Inspector.

213.3337 General Services Administration.

GSA 16 Confidential Assistant to the Administrator, Public Buildings Service.
GSA 75 Special Assistant to the Administrator, Public Buildings Service.
GSA 80 Confidential Assistant to the Archivist.
GSA 87 Confidential Assistant to the Regional Administrator.
GSA 88 Confidential Assistant to the Regional Administrator.
GSA 93 Executive Assistant to the Administrator.
GSA 94 Staff Assistant to the Administrator.
GSA 97 Confidential Assistant to the Commissioner, Federal Property Resources Service.
GSA 103 Confidential Assistant to the Commissioner, Federal Property Resources Service.
GSA 104 Director, Office of Communications.

213.3338 Federal Communications Commission.

FCC 5 Director to the Chairman.
FCC 7 Paralegal Specialist to the Attorney-Advisor.
FCC 8 Confidential Staff Assistant to the Chief.
FCC 9 Communications Analyst to the Administrative Assistant to Chairman.
FCC 10 Legislative Affairs Officer to the General Counsel.

213.3339 U.S. International Trade Commission.

ITC 1 Secretary (Steno) to the Chairman.
ITC 5 Secretary (Typing) to the Commissioner.
ITC 7 Staff Assistant to the Chairman.
ITC 9 Confidential Assisstant to a Commissioner.
ITC 13 Staff Assistant (Legal) to a Commissioner.
ITC 14 Confidential Assistant to a Commissioner.
ITC 15 Staff Assistant (Legal) to a Commissioner.
ITC 18 Confidential Assistant to a Commissioner.
ITC 20 Staff Assistant (Legal) to a Commissioner.
ITC 22 Staff Assistant to a Commissioner.
ITC 23 Staff Assistant to the Chairman.
ITC 24 Staff Assistant (Legal) to a Commissioner.
ITC 25 Staff Assistant (Economics) to a Commissioner.
ITC 26 Professional Assistant (Legal) to a Commissioner.
ITC 27 Congressional Liaison for the Chairman.
ITC 29 Staff Assistant to a Commissioner.
ITC 30 Confidential Assistant to a Commissioner.
ITC 31 Staff Assistant (Economics) to a Commissioner.
ITC 32 Staff Assistant to a Commissioner.
ITC 33 Staff Assistant to a Commissioner.

213.3340 Civil Aeronautics Board.

CAB 10 Community Relations Specialist to the Director.
CAB 12 Community Relations Representative to the Director.
CAB 13 Community Relations Representative to the Director.
CAB 14 Community Relations Representative to the Director.
CAB 18 Community Relations Representative to the Director.
CAB 19 Community Relations Representative to the Director.

213.3341 National Labor Relations Board.

NLRB 1 Confidential Staff Assistant to the Chairman.
NLRB 2 Confidential Assistant to the Chairman.
NLRB 3 Confidential Assistant to a Board Member.
NLRB 4 Confidential Assistant to a Board Member.
NLRB 5 Confidential Assistant to a Board Member.
NLRB 6 Confidential Assistant to a Board Member.
NLRB 9 Confidential Staff Assistant to the General Counsel.
NLRB 16 Staff Assistant to the Executive Assistant.

213.3342 Export-Import Bank of the United States.

EXIM 1 Personal and Confidential Assistant to the President and Chairman.
EXIM 2 Private Secretary to the First Vice President and Vice Chairman.
EXIM 4 Private Secetary to the Director.
EXIM 5 Secretary (Steno) to the Director.
EXIM 12 Secretary (Steno) to the Sr. Vice President.
EXIM 15 Secretary (Steno) to the President and Chairman.
EXIM 16 Secretary (Steno) to the General Counsel.
EXIM 24 Secretary (Steno) to the Senior Vice President-Director for Credits and Financial Guarantees.
EXIM 26 Assistant to the President and Chairman.
EXIM 32 Special Assistant to the First Vice President and Vice Chairman.
EXIM 34 Special Assistant to the First Vice President and Vice Chairman.

213.3344 Occupational Safety and Health Review Commission.

OSHRC 2 Special Assistant to the Chairman.
OSHRC 3 Confidential Assistant to a Commissioner.
OSHRC 6 Confidential Assistant to a Commissioner.

213.3346 Selective Service System.

SSS 10 Special Assistant to the Director.
SSS 11 Secretary (Steno) to the Director.

213.3348 National Aeronautics and Space Administration.

NASA 1 Secretary (Steno) to the Administrator.

213.3350 Foreign Claims Settlement Commission of the United States.

FCSC 3 Private Secretary to the Chairman.

213.3351 Federal Mine Safety and Health Review Commission.

FM 3 Confidential Secretary to the Commission.
FM 4 Confidential Secretary to the Commission.
FM 5 Confidential Secretary to the Chairman.
FM 7 Attorney Adviser (General) to a Commissioner.
FM 8 Attorney Adviser (General) to a Commissioner.
FM 10 Attorney Adviser (General) to a Commissioner.
FM 12 Confidential Secretary to the General Counsel.

213.3352 Government Printing Office.

GPO 2 Executive Assistant to the Public Printer.
GPO 3 Congressional Relations Officer.
GPO 6 Confidential Assistant to the Public Printer.
GPO 7 Secretary to the Deputy Public Printer.
GPO 8 Associate General Counsel.
GPO 11 Secretary to the Congressional Relations Officer.
GPO 12 Staff Assistant to the Legislative Liaison Officer.
GPO 13 Policy Affairs Specialist to the Legislative Liaison Officer.

213.3354 Federal Home Loan Bank Board.

FHLB 1 Secretary to the Chairman.
FHLB 3 Secretary to a Board Member.
FHLB 4 Secretary to a Board Member.
FHLB 5 Special Assistant to the Chairman.
FHLB 6 Assistant to a Board Member.
FHLB 8 Secretary to the Executive Assistant to the Chairman.
FHLB 9 Secretary (Steno) to the Assistant to a Board Member.
FHLB 10 Secretary to the Assistant to a Board Member.
FHLB 11 Director, Office of Communications.
FHLB 14 Secretary to the General Counsel.
FHLB 19 Congressional Liaison to the Chairman.
FHLB 21 Secretary (Steno) to the Congressional Liaison.
FHLB 25 Staff Assistant to the Congressional Liaison.
FHLB 26 Secretary (Typing) to the Director.

FHLB 27 Secretary to the Deputy General Counsel.
FHLB 31 Special Assistant to the Director.
FHLB 32 Secretary to the Director.

213.3356 Commission on Civil Rights.

CCR 1 Confidential Secretary to the Staff Director.
CCR 9 Special Assistant to the Staff Director.
CCR 10 Special Assistant to the Staff Director.
CCR 12 Confidential Assistant to the Vice Chairperson.
CCR 13 Special Assistant to the Chairman.

213.3357 National Credit Union Administration.

NCUA 2 Public Information Officer to the Chairman.
NCUA 3 Legislative Liaison Officer to the General Counsel.
NCUA 9 Staff Assistant to the Board Member.

213.3359 ACTION.

ACT 23 Special Assistant to the Director.
ACT 29 Staff Assistant to the Director.
ACT 30 Staff Assistant to the Director.
ACT 31 Special Assistant to the Director.
ACT 32 Staff Assistant to the Associate Director.
ACT 34 Special Assistant to the Director.
ACT 41 Deputy Assistant Director for Planning and Budget.
ACT 42 Legislative Officer to the Assistant Director.
ACT 43 Special Assistant to the Assistant Director.
ACT 44 Special Assistant to the Deputy Associate Director.
ACT 45 Public Information Officer to the Assistant Director.
ACT 48 Special Assistant to the Deputy Director.
ACT 51 Special Assistant to the Assistant Director.
ACT 54 Staff Assistant to the Deputy Director.
ACT 56 Special Assistant to the Associate Director.
ACT 59 Secretary (Typing) to the Director.
ACT 60 Special Assistant to the Deputy Associate Director.
ACT 61 Legislative Officer to the Assistant Director.
ACT 63 Young Volunteers Program Officer to the Deputy Associate Director.
ACT 66 Special Assistant to the Assistant Director.
ACT 67 Special Assistant to the Assistant Director.
ACT 68 Special Assistant to the Director.
ACT 69 Assistant Director to the Director.
ACT 70 Staff Assistant to the Public Information Office.
ACT 71 Special Assistant to the Deputy Assistant Director.

213.3360 Consumer Product Safety Commission.

CPSC 14 Special Assistant to a Commissioner.
CPSC 23 Secretary (Steno) to a Commissioner.
CPSC 26 Secretary to a Commissioner.
CPSC 28 Staff Assistant to a Commissioner.

213.3363 Harry S. Truman Scholarship Foundation.

HT 1 Secretary (Steno) to the Executive Secretary.

213.3364 U.S. Arms Control and Disarmament Agency.

ACDA 1 Private Secretary to the Director.
ACDA 4 Private Secretary to the Assistant Director.
ACDA 5 Private Secretary to the Assistant Director.
ACDA 7 Private Secretary to the General Counsel.
ACDA 10 Special Assistant to the General Counsel.
ACDA 11 Congressional Relations Officer to the General Counsel.
ACDA 15 Secretary to the Executive Director, General Advisory Committee.
ACDA 18 Secretary to the Special Representative for Negotiations.

213.3367 Federal Maritime Commission.

FMC 3 Confidential Assistant to a Commissioner.
FMC 4 Confidential Assistant to a Commissioner.
FMC 5 Confidential Assistant to a Commissioner.
FMC 7 Secretry (Steno) to a Commissioner.
FMC 8 Secretry (Steno) to a Commissioner.
FMC 9 Secretry (Steno) to a Commissioner.
FMC 10 Secretry (Steno) to a Commissioner.
FMC 15 Secretary to the Chairman.
FMC 19 Public Information Specialist to the Chairman.
FMC 21 Counsel to the Chairman.
FMC 22 Executive Assistant to the Chairman.
FMC 23 Secretary (Steno) to the Executive Assistant to the Chairman.
FMC 24 Chauffeur-Messenger to the Chairman.
FMC 1 Special Assistant to the Director.

213.3368 Agency for International Development.

AID 4 Secretary to the Administrator.
AID 20 Special Assistant to the Assistant Administrator (Asia).
AID 31 Special Assistant to the Assistant Administrator.
AID 32 Special Assistant to the Assistant Administrator.
AID 33 Special Assistant to the Director, Office of Legislative Affairs.
AID 34 Special Assistant to the Assistant Administrator.

213.3372 Administrative Office of United States Courts.

AOUSC 4 Attorney/Advisor to the Legislative Affairs Officer.

213.3377 Equal Employment Opportunity Commission.

EEOC 8 Secretary to a Member.
EEOC 9 Special Assistant to a Member.
EEOC 13 Secretry to the Chairman.
EEOC 17 Special Assistant to a Member.
EEOC 35 Secretary (Steno) to the Director.

213.3379 Commodity Futures Trading Commission.

CFTC 1 Administrative Assistant to the Chairman.
CFTC 3 Administrative Assistant to a Commissioner.
CFTC 5 Administrative Assistant to a Commissioner.
CFTC 6 Administrative Assistant to a Commissioner.
CFTC 7 Public Information Officer to a Chairman.
CFTC 8 Congressional Relations Officer to the Chairman.
CFTC 12 Special Assistant to a Commissioner.
CFTC 14 Special Assistant to a Commissioner.
CFTC 20 Governmental Affairs Specialist to the Chairman.
CFTC 21 Governmental Affairs Specialist to the Chairman.

213.3382 National Foundation on the Arts and the Humanities.

NEH 39 Congressional Liaison Specialist to the Congressional Liaison Officer.
NEH 2 Assistant to the Chairman.
NEH 9 Congressional Liaison Officer to the Chairman.
NEH 44 Congressional Liaison Specialist to the Congressional Liaison Officer.
NEH 45 Special Assistant to the Chairman.
NEH 49 Associate Deputy Chairman to the Deputy Chairman.
NEH 31 Staff Assistant to the Deputy Chairman.
NEH 47 Special Assistant to the Chairman.
NEH 48 Congressional Liaison Officer to the Chairman.

213.3383 Metric Board.

MB 4 Staff Assistant to the Executive Director.

213.3384 Department of Housing and Urban Development.

HUD 1 Confidential Assistant to the Secretary.
HUD 6 Confidential Assistant to the General Counsel.
HUD 35 Senior Assistant for Congressional Relations to the Director.
HUD 36 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 37 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 39 Assistant for Congressional Relations to the Director.
HUD 41 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 42 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 45 Assistant for Congressional Relations to the Congressional Relations Officer.

HUD 60 Public Information Specialist to the Assistant Secretary for Public Affairs.
HUD 65 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 68 Executive Assistant to the Assistant Secretary for Community Planning and Development.
HUD 76 Confidential Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 78 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 114 Special Assistant to the Secretary for the Executive Secretariat.
HUD 126 Special Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 137 Special Assistant to Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 153 Executive Assistant to the President, Government National Mortgage Association.
HUD 157 Executive Assistant to the General Manager, New Community Development Corporation.
HUD 160 Special Assistant to the Assistant Secretary.
HUD 164 Intergovernmental Relations Officer to the Deputy Under Secretary for Intergovernmental Relations.
HUD 168 Staff Assistant to the Secretary.
HUD 170 Special Assistant to the Deputy Under Secretary for Economic Affairs.
HUD 174 Assistant for Congressional Relations to the Deputy Assistant Secretary for Congressional Relations.
HUD 175 Assistant for Congressional Relations to Deputy Assistant Secretary.
HUD 181 Executive Assistant to the General Manager, New Communities Development Corporation.
HUD 182 Special Assistant to the General Deputy Assistant Secretary.
HUD 184 Assistant for Congressional Relations to the Director, Office of Legislation and Intergovernmental Relations.
HUD 186 Staff Assistant to the Secretary.
HUD 187 Special Assistant to the Deputy Assistant Secretary.
HUD 192 Special Assistant to the Secretary.
HUD 193 Special Assistant to the General Counsel.
HUD 195 Special Assistant to the Assistant Secretary, for Community Planning and Development.
HUD 197 Special Advisor to the Deputy Under Secretary for Intergovernmental Relations.
HUD 202 Executive Assistant to the Assistant Secretary for Legislation and Congressional Relations.
HUD 203 Legislative Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations.
HUD 204 Assistant to the Assistant Secretary for Legislation and Intergovernmental Relations.
HUD 206 Intergovernmental Relations Officer to the Deputy Under Secretary.
HUD 207 Intergovernmental Relations Officer to the Deputy Under Secretary.
HUD 208 Intergovernmental Relations Officer to the Deputy Under Secretary.
HUD 209 Assistant Intergovernmental Relations Officer to the Deputy Under Secretary.
HUD 211 Assistant for Congressional Relations.
HUD 215 Executive Assistant to the Deputy Assistant Secretary.
HUD 218 Executive Assistant to the Regional Administrator.
HUD 225 Executive Assistant to the Regional Administrator.
HUD 227 Executive Assistant to the Regional Administrator.
HUD 237 Secretary to the Regional Administrator.
HUD 240 Special Assistant to the Assistant to the Secretary.
HUD 245 Intergovernmental Relations Officer to the Deputy Under Secretary.
HUD 247 Special Assistant to the Associate General Deputy Assistant Secretary, Office of Housing.
HUD 255 Executive Assistant to the Assistant Secretary for Policy Development and Review.
HUD 258 Staff Assistant to the Under Secretary.
HUD 260 Executive Assistant to the Assistant Secretary for Housing.
HUD 261 Special Assistant to the Secretary for Indian and Alaska Native Programs.
HUD 272 Urban Policy Specialist to the Assistant Secretary, Office of Community Planning and Development.
HUD 275 Special Assistant to the Under Secretary.
HUD 276 Staff Assistant to the Assistant Secretary for Housing.
HUD 278 Special Assistant to the Deputy Assistant Secretary.
HUD 279 Director, Officer of Non-Governmental Entities.
HUD 280 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 283 Director, Office of Small and Disadvantaged Business Utilization.
HUD 285 Special Assistant to the Deputy Assistant Secretary.
HUD 287 Special Assistant to the Regional Administrator.
HUD 288 Assistant for Congressional Relations to the Deputy Assistant Secretary.
HUD 292 Special Assistant to the Deputy Assistant Secretary.
HUD 293 Staff Assistant to the President, Government National Mortgage Association.
HUD 311 Associate Deputy Assistant Secretary for Multifamily Housing Programs.
HUD 312 Special Assistant to the Regional Administrator.
HUD 315 Special Assistant to the Deputy Assistant Secretary.
HUD 316 Special Assistant to the Regional Administrator.
HUD 317 Special Assistant to the Regional Administrator.
HUD 318 Executive Assistant to the Deputy Assistant Secretary.
HUD 319 Executive to the Regional Administrator.
HUD 320 Special Assistant to the Assistant Secretary for Administration.
HUD 321 Staff Assistant (Typing) to the Under Secretary for Field Coordination.
HUD 322 Special Assistant to the Regional Administrator.
HUD 323 Executive Assistant to the General Deputy Assistant Secretary.
HUD 324 Special Assistant to the Regional Administrator.
HUD 325 Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization.
HUD 326 Staff Assistant to the Secretary.
HUD 328 Deputy Assistant to the Secretary for Public Affairs.
HUD 329 Special Assistant to the Secretary.
HUD 330 Staff Assistant to the Assistant Secretary for Community Planning and Development.
HUD 331 Special Assistant to the Secretary.
HUD 332 Special Assistant to the Regional Administrator.
HUD 334 Special Assistant to the Regional Administrator.
HUD 335 Special Assistant to the Assistant Secretary for Community Planning and Development.
HUD 336 Special Assistant to the Assistant Secretary for Public Affairs.
HUD 338 Special Assistant to the Deputy Assistant Secretary for Policy and Budget.
HUD 339 Special Assistant to the Regional Administrator for Governmental Relations.
HUD 340 Staff Assistant to the Secretary.
HUD 343 Special Assistant to the Regional Administrator.
HUD 345 Staff Assistant to the Deputy Assistant Secretary.
HUD 346 Staff Assistant to the Assistant Secretary for Fair Housing and Equal Opportunity.
HUD 347 Intergovernmental Relations Officer to the Deputy Under Secretary.
HUD 348 Secretary (Steno) to the Under Secretary.
HUD 350 Special Assistant for Regional Council Programs.
HUD 353 Staff Assistant to the President for Solar Energy and the Energy Conservation Bank.
HUD 355 Special Assistant to the Regional Administrator.

213.3389 National Mediation Board.

NMB 52 Confidential Assistant to the Chairman.
NMB 53 Confidential Assistant to a Member.
NMB 54 Confidential Assistant to a Member.

213.3391 Office of Personnel Management.

OPM 1 Special Assistant to the Director.
OPM 2 Staff Assistant (Typing) to the Director.
OMP 3 Supervisory Confidential Assistant to the Director, Office of Public Affairs.
OPM 4 Special Assistant to the Deputy Director.
OPM 5 Supervisory Special Assistant to the Director.
OMP 6 Special Assistant to the Director.

OPM 7 Special Assistant to the General Counsel.
OPM 8 Confidential Assistant to the Director.
OPM 9 Staff Assistant (Typing) to the Confidential Assistant to the Director.
OPM 10 Special Assistant to the Deputy Director.

213.3392 Federal Labor Relations Authority.

FLRA 1 Confidential Secretary to the Chairman.
FLRA 4 Executive Assistant to the Chairman.
FLRA 6 Executive Assistant to a Member.

213.3393 Pension Benefit Guaranty Corporation.

PBGC 1 Secretary (Steno) to the Executive Director.

213.3394 Department of Transportation.

DOT 1 Confidential Secretary to the Secretary.
DOT 3 Personal Assistant to the Secretary.
DOT 14 Chauffeur to the Secretary.
DOT 20 Congressional Liaison Officer to the Director, Congressional Relations.
DOT 38 Special Assistant to the Deputy Administrator.
DOT 40 Special Assistant to the Administrator.
DOT 43 Confidential Secretary to the Administrator.
DOT 54 Congressional Liaison Officer to the Director.
DOT 55 Congressional Liaison Officer to the Director.
DOT 57 Special Assistant to the Assistant Secretary, Office of Governmental Affairs.
DOT 60 Congressional Liaison Officer to the Director.
DOT 61 Special Assistant to the Secretary.
DOT 69 Public Information Officer to the Administrator.
DOT 70 Executive Assistant to the Assistant Secretary for Governmental Affairs.
DOT 77 Special Assistant to the Director of Public Affairs.
DOT 78 Special Assistant to the Assistant Secretary for Governmental Affairs.
DOT 90 Special Assistant to the Federal Railroad Administrator.
DOT 100 Chief, Consumer Participation Division to the Director.
DOT 110 Private Secretary to the Chief Counsel.
DOT 117 Staff Assistant to the Secretary.
DOT 121 Congressional Liaison Officer to the Director.
DOT 123 Intergovernmental Liaison Officer to the Director.
DOT 125 Special Assistant to the General Counsel.
DOT 126 Director, Office of Public Affairs, Federal Highway Administration.
DOT 127 Special Assistant to the Assistant Secretary for Budget and Programs.
DOT 128 Special Assistant to the Federal Highway Administrator.
DOT 129 Special Assistant to the General Counsel.
DOT 130 Staff Assistant to the Secretary.
DOT 131 Special Assistant to the Administrator, Federal Highway Administration.
DOT 139 Secretary (Steno) to the Special Assistant.
DOT 142 Intergovernmental Liaison Specialist to the Director, Office of Intergovernmental Affairs.
DOT 145 Staff Assistant to the Secretary.
DOT 147 Staff Assistant to the Director.
DOT 148 Special Assistant to the Director.
DOT 149 Staff Assistant to the Secretary.
DOT 150 Special Assistant to the Administrator, National Highway Traffic Safety Administration.
DOT 151 Special Assistant to the Deputy Secretary.
DOT 152 Consumer and Public Affairs Officer to the Administrator.
DOT 153 Congressional Liaison Officer to the Assistant Secretary for Governmental Affairs.
DOT 157 Secretary (Steno) to the Associate Administrator for Policy and International Aviation.
DOT 158 Confidential Secretary to the General Counsel.
DOT 159 Special Assistant to the Secretary.
DOT 172 Receptionist to the Secretary.
DOT 181 Special Assistant to the Inspector General.
DOT 183 Staff Assistant to the Regional Representative.
DOT 184 Staff Assistant to the Regional Representative of the Secretary.
DOT 185 Special Assistant to the Assistant Secretary for Policy and International Affairs.
DOT 187 Special Assistant to the Director, Office of Civil Rights.
DOT 189 Staff Assistant to the Director, Office of Public Affairs and Consumer Participation.
DOT 190 Special Assistant to the Chief of Staff for Policy.
DOT 191 Special Assistant to the Assistant Administrator for Public Affairs.
DOT 192 Special Assistant to the Director, Office of Small and Disadvantaged Business Utilization.
DOT 193 Special Assistant to the Director of Civil Rights.
DOT 194 Special Assistant to the Administrator.
DOT 196 Special Assistant to the Regional Representative of the Secretary.
DOT 198 Special Assistant to the Federal Highway Administrator.
DOT 200 Staff Assistant to the Director, Office of Civil Rights.
DOT 201 Director, Executive Staff, President's Commission on Drunk Driving.
DOT 202 Special Assistant to the Federal Highway Administrator.
DOT 203 Staff Assistant to the Assistant Secretary for Governmental Affairs.
DOT 204 Special Assistant to the Administrator, Federal Railroad Administration.
DOT 205 Confidential Secretary (Steno) to the Administrator, Urban Mass Transit Administration.
DOT 206 Staff Assistant to the Assistant Secretary for Budget and Programs.
DOT 207 Staff Assistant to the Inspector General.
DOT 208 Director, Executive Secretariat, Urban Mass Transportation Administration.
DOT 209 Special Assistant to the Administrator, Urban Mass Transportation Administration.
DOT 210 Staff Assistant to the Regional Representative of the Secretary.
DOT 211 Staff Assistant to the Administrator, Office of Administration.
DOT 212 Regional Representative of the Secretary.
DOT 213 Staff Assistant to the Director, Office of Civil Rights.
DOT 215 Speciall Assistant to the Director, Office of Public Affairs and Consumer Participation.
DOT 216 Special Assistant to the Administrator, Federal Aviation Administration.
DOT 218 Congressional Liaison Specialist to the Director, Office of Congressional Affairs.
DOT 219 Executive Officer, Executive Secretariat.

213.3395 Federal Emergency Management Agency.

FEMA 1 Executive Assistant (Steno) to the Director.
FEMA 3 Director, Congressional Relations.
FEMA 15 Special Assistant to the Administrator, Federal Insurance Administration.
FEMA 23 Special Assistant to the Director.
FEMA 24 Assistant to the Director.
FEMA 25 Assistant to the Director for Program Planning.
FEMA 27 Assistant to the Deputy Director.
FEMA 28 Special Assistant to the Director.
FEMA 29 Special Assistant to the Associate Director.
FEMA 30 Assistant to the Director.

213.3396 National Transportation Safety Board.

NTSB 1 Administrative Assistant to the Member.
NTSB 25 Special Assistant to a Board Member.
NTSB 31 Confidential Assistant to a Board Member.
NTSB 32 Special Assistant to the Chairman.
NTSB 34 Confidential Assistant to a Board Member.
NTSB 98 Special Assistant to a Board Member
NTSB 102 Special Assistant and Counsel to the Chairman.

Office of Personnel Management.

Donald J. Devine,

Director.

[FR Doc. 82-29792 Filed 10-28-82; 8:45 am]

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Friday
October 29, 1982

Part XII

Environmental Protection Agency

Regulation of Fuels and Fuel Additives

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[AEN-FRL-2234-2]

Regulation of Fuels and Fuel Additives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to replace the present 0.50 gram per gallon (gpg) standard for the average lead content of all gasoline with a standard for the lead content of leaded gasoline only. Effective November 1, 1982, large refineries are required to meet a standard of 1.10 gpg. Certain smaller refineries are subject to a 1.90 gpg standard until July 1, 1983, at which time they will also be subject to the 1.10 gpg standard. In general, this notice redefines a small refinery as a facility producing less than 10,000 barrels of gasoline per day which was in operation or under construction prior to October 1, 1976, and which is not owned or controlled by a large refiner. This definition will significantly reduce the number of facilities which presently qualify for treatment as small refineries. This notice also provides that imported leaded gasoline is subject to the 1.10 gpg standard. Both domestic refineries and importers will be allowed to average their lead usage so long as the applicable standards are not exceeded and certain other criteria are met.

DATE: The final actions taken in this notice are effective November 1, 1982. Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., the information collection provisions in this rule (SS 80.20 (a)(3), (a)(4), and (b)(3)) will be submitted to the Office of Management and Budget (OMB). These requirements are not effective until approved by that office. A notice of that approval will be published in the **Federal Register.**

ADDRESS: Comments and other information relevant to this rulemaking (Docket No. A-81-36) may be viewed at the Central Docket Section (A-130), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The Central Docket Section is located in the West Tower Lobby of EPA Headquarters and dockets may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays. As provided in 40 CFR Part 2, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Richard G. Kozlowski, Director, Field Operations and Support Division (EN-397), EPA, 401 M Street, S.W., Washington, D.C. 20460. Telephone (202) 382-2633.

SUPPPLEMENTARY INFORMATION:

Background

On February 22, 1982, EPA announced that it would consider whether conditions justify rescission or modification of its regulations (promulgated in 1973) requiring refiners to meet a 0.5 gpg standard for the average lead content of gasoline. 47 FR 4812. This standard was then in effect for all refineries except those classified as small refiners (under 50,000 barrels per day (bpd) capacity and not owned by a refiner with total capacity over 137,500 bpd). Small refineries would have been subject to this standard beginning on October 1, 1982, absent any change in the regulations. EPA's decision to reconsider these regulations was based on the question of whether the standard is still necessary due to the ever-increasing use of unleaded gasoline in this country, as all new cars now require the use of unleaded fuel to protect their emission control systems. EPA's notice listed alternative actions ranging from retention of the 0.5 gpg standard to rescission of the regulations, and requested comments on the various alternatives. On the same date, EPA proposed to suspend indefinitely the October 1, 1982, compliance date for small refineries to comply with the 0.5 gpg standard, pending completion of the review of the regulation. 47 FR 4814.

In response to the two February 22, 1982, notices of proposed rulemaking, more than 700 written comments were submitted. In addition, the Agency received the oral testimony of 81 witnesses at a public hearing held on April 15 and 16, 1982, in Arlington, Virginia.

Based on a review of these comments and testimony, as well as on information developed by the Agency, EPA issued three rulemaking notices on August 27, 1982. 47 FR 38070.[1] In the first notice, EPA announced that it had determined that it would not relax or rescind the overall standard of 0.5 gpg and therefore was withdrawing that portion of the February 22 proposal. EPA determined that rescinding or relaxing the present lead standard would result in an increase in lead emissions to the atmosphere, that environmental lead exposure continues to be a national health concern and that there is no new information that would lead EPA to determine that continuing control of lead in gasoline is not appropriate.

In a second notice, EPA proposed regulations which would replace the present regulatory program governing the lead content of gasoline. 47 FR 38078. In place of the present standard of 0.5 gpg for all gasoline (leaded and unleaded) produced by a refinery, the Agency proposed a two-tiered standard regulating the lead content of leaded gasoline only. Under the proposal, larger refineries would be subject to a standard of 1.10 gpg for leaded gasoline, while small refineries (redefined as discussed below) would be subject to a 2.50 gpg standard for leaded gasoline.

This notice also proposed to amend the definition of a small refinery in a manner that would reduce the number of facilities eligible for the less stringent 2.50 gpg standard compared to the number eligible for small refinery treatment under the rules then in effect. Under this proposal, a small refinery would have been required to meet four criteria for eligibility: (1) It must have been in operation or under construction prior to October 1, 1976; (2) it must have been in operation during at least two quarters in the past year; (3) its most recent quarterly production of gasoline must have been no more than an average of 10,000 barrels per day; and (4) it must not be owned or controlled by a refiner with a total combined production during the most recent quarter of 70,000 barrels per day or more.

Another major element of the proposed regulations was a requirement that the average lead content of imported leaded gasoline sold or offered for sale not exceed 1.10 gpg. The final major element of the proposed regulations was a provision that would permit two or more refineries, whether owned by the same refiner or not, to average their lead usage over a calendar quarter. Importers of leaded gasoline would be treated as refiners for purposes of this averaging provision.

In the third notice of rulemaking, EPA suspended the compliance date of the 0.5 gpg standard for small refineries from October 1, 1982, to October 31, 1982. 47 FR 38090. This suspension was based on the Agency's intention to take final action prior to November 1, 1982, on the proposal to amend the lead phasedown regulations described above. In order to correct a potential enforcement problem, EPA also promulgated a final rule replacing the 0.5 gpg standard with one of 0.50 gpg (significant to two places).

On September 7 and 8, 1982, the Agency held a public hearing in Arlington, Virginia, to receive oral testimony on the notice of proposed rulemaking. Thirty-four witnesses (representing large refineries, small refineries, blenders, petroleum industry trade associations, the lead industry, the medical community, and environmental groups) presented testimony at the hearing. In addition, more than 400 written comments were submitted to the Agency by the close of the comment period on October 8, 1982. All such testimony and written comments have been considered in the development of today's final rulemaking action. Testimony and written comments submitted in response to the February 22, 1982, proposals have also been considered. Summaries of all such testimony and comments have been prepared and placed in the rulemaking docket.

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[1] These notices contain detailed information on the history of the lead phasedown program.

In total, the Agency received over eleven hundred written comments and oral testimony by over one hundred ten witnesses in response to the February 22, 1982, and August 27, 1982, notices of proposed rulemaking. Because of this very large number of comments, only those comments and testimony that resulted in changes from the proposal in this final action are discussed below. Many comments in response to the February 22 proposals have already been addressed in the three **Federal Register** notices published on August 27. EPA's responses to other significant comments appear in a separate document entitled "Supplemental Response to Comments on the February 22, 1982, and August 27, 1982, Proposals to Amend the Gasoline Lead Content Regulations." This separate document has been included in Docket Number A-81-36, and is incorporated by reference in this notice. This supplemental document may be reviewed at the EPA Central Docket Section (see the "ADDRESS" section above), or a copy may be obtained by writing to Richard Kozlowski at the address listed in the "**FOR FURTHER INFORMATION**" section above.

Today's Final Action

A. Leaded Gasoline Standards for Large and Small Refineries

In the August 27, 1982, notice of proposed rulemaking (NPRM), EPA proposed a substitute for the current system that permits a refinery to average its lead usage over all grades of gasoline (including unleaded) produced in a three-month period (pooled standard). This notice proposed to establish ceilings on the lead content of leaded gasoline produced during a calendar quarter. Large refineries would be subject to a standard of 1.10 gpg, while smaller refineries (as redefined) would not be permitted to exceed a standard of 2.50 gpg. Unleaded gasoline would continue to be subject to the requirements that it not contain any lead additives and that it not include more than trace elements of other lead (no more than 0.05 gpg).

The Agency's rationale for the proposed change from a pooled to a leaded standard and for the specific standards for large and small refineries was detailed in the August 27 NPRM (see 47 FR 38079-82). Among the major reasons for proposing standards for leaded gasoline was that such a system would not discriminate against any entity which does not produce unleaded gasoline with which to reduce the average lead content of its total output. In addition, as the production of unleaded gasoline increases in the future, the proposed system would preclude increases in the lead content of leaded gasoline that would have been allowed under the pooled average system. Thus, it was expected that total lead emissions would decrease over time as leaded gasoline usage declined.

The numerical standards for large and small refineries were based on the Agency's intent to impose standards which, in the aggregate, would not permit increased short-term lead usage over that which would be permitted under the standard that would otherwise be in effect (i.e., 0.50 gpg for all refineries), and that would result in a long-term decrease in lead usage. The proposed standards were predicted to result in a reduction of 31% in total lead usage over the period 1983 through 1990, compared with the imposition of a 0.50 gpg standard on all refineries starting October 1, 1982.

In today's final rulemaking action, EPA is adopting lead content standards for leaded gasoline only. A large refinery standard has been established at the level of 1.10 gpg, as proposed. After a review of public comments and testimony, the Agency continues to believe that the rationale for a leaded standard in general and for the specific large refinery standard, as outlined in the NPRM, is correct.[2] EPA is also today establishing a short-term standard of 1.90 gpg for small refineries.[3] This short-term small refinery standard will be in effect from November 1, 1982, to June 30, 1983. The rationale for the numercial level and the duration of the small refinery standard is outlined below.

The proposed standards were designed to provide present levels of lead usage approximately equivalent to those that would have occurred under the 0.50 gpg pooled standard, and to accelerate reductions in future lead usage, resulting in a cumulative additional reduction in lead usage of 31% in the 1983 to 1990 period. Several commenters noted that the data used by EPA to project gasoline sales and leaded/unleaded grade splits, on which the predictions of lead usage were based, tended to predict a faster growth of unleaded gasoline usage than had actually been observed to date. For example, while EPA had used data predicting that 64% of total gasoline would be unleaded in 1983, it was noted that such a split was highly unlikely because the current measured use of unleaded fuel was only 52% in mid-1982.

After reviewing gasoline usage projections, EPA recognized that it had overestimated the percentage of future unleaded gasoline usage and commissioned a study by Sobotka and Company, Inc., (SCI) to revise these predictions. The results are shown in the section entitled "Environmental Impact" below. These new projections were used in the development of this final rule. With these new projections, it is estimated that the standards promulgated today will, in the short-term (1983), slightly surpass the reduction in lead usage that would have been achieved with a 0.50 gpg pooled standard and, in the long-term (1983-1990), will result in an approximately 34% reduction in lead usage compared to such a pooled standard.

In the August 27 notice of proposed rulemaking, EPA specifically solicited comments on the issue of whether the special standard for small refineries should be limited to some definite time period. A number of commenters on both the February and August proposals argued that small refineries should not be subject to a more relaxed lead content standard on a permanent basis. Numerous commenters, including refiners, environmental groups, the U.S. Department of Justice, trade associations, private citizens and others, urged EPA to apply a uniform standard to all refineries immediately or within a relatively short period of time, thus ending the special treatment afforded small refineries. Several commenters maintained that a uniform standard is more consistent with the objectives of the Clean Air Act because lead is harmful regardless of the source and, therefore, all sources should be regulated equally.

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[2] Minor changes have been made to the portion of the regulations which establishes general requirements for refiners (§ 80.20(a)), in order to clarify that lead contained in gasoline blending stocks and components must be reported to the Agency and counted in caluclations of average lead content, as recomended by commenters. A definition of the term "gasoline blending stocks or components" has also been added to the "Definition" section of the regulations.

[3] The small refinery provisions adopted on August 7, 1979 (44 FR 46277) were scheduled to expire on October 1, 1982. This expiration date was extended to November 1, 1982, in the August 27, 1982, suspension notice (47 FR 38094). In today's actions, EPA is promulgating a new small refinery standard (§ 80.20(b)), a new small refinery definition (§ 80.2(p)), and an importer definition (replacing the previous § 80.2(r)). These actions have the effect of removing the expiration date for these sections. The additional provision adopted on August 7, 1979, i.e., the definition of "owned or controlled" in § 80.2(q), has not been changed today, and it is being continued in effect indefinitely.

Many commenters, principally owners of large refineries, stated that the special treatment afforded small refineries was inequitable and was disrupting the market. Those refiners that had spent money to comply with the lead phasedown requirements maintained that they were being treated unfairly and that EPA should not continue to reward those refiners who did not comply. Some commenters pointed out that § 211(g) of the Clean Air Act was designed to allow owners of small refineries time to make expenditures and that, while many did, others who had adequate opportunity had refused to take the necessary steps. Others argued that owners of small refineries had been on notice for over five years that these facilities must eventually meet the same standard as large refineries. Others, including the U.S. Department of Justice, noted that the special treatment afforded small refineries encourages inefficient operations. Finally, one commenter noted that the lead phasedown program would be easier to administer with one standard and that EPA would be in a better position to predict and control overall lead levels in gasoline.

EPA is persuaded by these comments that permanent special treatment for small refineries would be inequitable and inconsistent with the purposes of the Clean Air Act, including section 211(g). The Agency has therefore determined that small refineries will be subject to the same 1.10 gpg standard as large refineries beginning July 1, 1983. The Agency is establishing a less stringent standard for this additional eight month period primarily in view of the uncertainty that prevailed during the period between the initial February proposal and today's action. During that period owners of small refineries had some reason to believe that they might not be subject to the same standard as large refineries. Such owners may therefore have delayed projects designed to meet a more stringent standard. Even if the eight-month period is too short to permit compliance through construction programs in some cases, refineries that are temporarily short of octane producing capability will be able to attain the 1.10 gpg standard after July 1, 1983, through purchases of blending stocks or by use of the averaging provisions of the regulation. For these reasons, the Agency believes that the additional nine-month extension (including the one month granted in the August 27 suspension notice) of a special small refinery standard is both equitable and adequate to permit compliance.

The proposed 2.50 gpg standard for small refineries was based on a weighted average of the current standards for the two smallest classes of small refineries. However, many commenters noted that this was far above the amount of lead that these refineries on the average actually had used in the past, and further that this was far in excess of that amount which was necessary to put them on an equal footing with large refineries. They argued that the use of this amount of lead in leaded gasoline would give small refineries a distinct cost advantage over their competitors who had to meet the more stringent standard. Further, several commenters noted that small refineries could now meet a leaded standard between 1.40 gpg and 2.20 gpg.

The Agency has looked at this issue and has concluded that, with averaging, small refineries could as soon as 1983 meet a standard of 1.40 gpg and produce gasoline at about the same equivalent cost as large refineries at a 1.10 gpg standard. EPA estimates that the current average usage of lead in leaded gas by small refineries is 2.17 gpg. Although a standard of 1.40 gpg may be achievable in 1983, on average, the Agency recognizes that it would be impractical to require small refineries to meet even that standard immediately and that, therefore, some additional flexibility may be needed while averaging agreements and processing arrangements are worked out. Therefore, the Agency has determined that an interim standard of 1.90 gpg for small refineries is appropriate. This standard will require only a slight decrease in average lead usage from that currently used by small refineries, and it should generally be achievable by these refineries through use of the averaging provisions in the regulations.

EPA's decision to phase out the separate standard for small refineries is consistent with the requirements of section 211(g) of the Act. Small refineries were granted special treatment only until October 1, 1982, after which time EPA is to promulgate appropriate regulations "taking into account the experience" under the lead phasedown program. It is evident from the comments received that the experience under the two-tiered approach has been that it fosters inequities, as small refineries are granted a competitive advantage over large refineries. EPA has concluded that this two-tiered approach can no longer be justified, in light of the health effects of lead exposure and the scope and profitability of small refinery operations.

Several commenters made the point that the new leaded gasoline standards would in fact result in lower lead emissions, as compared to the .50 gpg pooled standard, only so long as decreased usage of leaded gasoline continues in the marketplace. These commenters argued that the Agency should include provisions in these regulations that would limit the lead in gasoline should such decreased usage of leaded gasoline no longer continue. The Agency has considered the points raised by these commenters and does not believe it is now necessary to develop a regulatory scheme to handle such a contingency. The Agency firmly intends that gasoline lead usage continue to be reduced and, should leaded gasoline usage not decrease substantially (as expected), EPA will take whatever action is necessary to assure that lead usage in gasoline continues to be reduced. The agency believes that it is likely that leaded gasoline usage will continue to decrease in the future. Further, the Agency believes that it has enough time to develop a specific regulation to deal with whatever problems may arise in the future with respect to a significant increase in the use of leaded gasoline. This would result in a better rule than attempting to now predict and cure problems that are only possibilities at this point.

The effective date for both the large and small refinery standards is November 1, 1982. Both large and small refineries will be subject to an initial five-month compliance period (November 1, 1982, to March 31, 1983), and afterward to quarterly compliance periods. Large refineries are currently in the middle of a compliance period in which they are subject to a 0.50 gpg pooled standard (October 1 to December 31, 1982), and they will also be required to demonstrate compliance with the pooled standard during this period. In order to provide flexibility, however, such compliance may be demonstrated either for the complete quarter or for the month of October 1982 only. Small refineries are presently subject to a four-month compliance period (July 1 to

October 31, 1982) which ends on the day prior to the effective date of this regulation, and therefore compliance with the pooled standard after the end of that period is not required.

B. Small Refinery Definition

The August 27 notice proposed a new definition of small refinery that included four elements:

(1) The refinery was in operation or under construction during the one-year period prior to October 1, 1976;

(2) The refinery was producing gasoline during at least two of the quarters in the one-year period prior to June 30, 1982, as evidenced by submittal of the required quarterly lead content reports to EPA by the date of the proposed rulemaking;

(3) The production rate of gasoline at the refinery during the calendar quarter for which small refinery status is claimed is no more than an average of 10,000 bpd; and

(4) The refinery is not owned or controlled by a refiner with a total production rate during the calendar quarter of greater than 70,000 bpd.

An extensive discussion of the rationale for this definition was included in the proposed notice. In today's action, EPA is essentially retaining this four-part definition, although it has been modified in order to eliminate unintended loopholes contained in the proposal.

Cutoff Date. The portion of the definition establishing an October 1, 1976, cutoff date has been modified to eliminate ambiguities caused by the proposed definition. First, the phrase "in operation" has been clarified to mean that a refinery was producing gasoline prior to the cutoff date, as evidenced by submittal of lead usage report to EPA prior to January 1, 1977. (40 CFR 80.20(a)(3) at the time required all refineries to submit lead usage reports within 15 days after the close of each calendar quarter.) The second ambiguity was created by the lack of a definition of the phrase "under construction." Rather than attempt to define this broad term, the Agency has amended the final definition by adding the additional requirement that any such facility must have been in operation prior to October 1, 1979 (again as evidenced by timely submittal of a lead usage report to EPA). Since any facility actually under construction prior to October 1, 1976, should have been operational within a three-year period, this amendment should clarify which facilities qualify under this portion of the definition.

Current Existence of Refinery. The portion of the definition requiring that a refinery produced gasoline in the July 1981 to June 1982 period, as evidenced by submittal of lead usage reports for at least two quarters during this period to EPA, has been retained unchanged. EPA believes that the rationale for this portion of the definition set forth in the NPRM has continuing validity.

Size Cutoff. The portion of the definition establishing a maximum average daily production of 10,000 barrels for small refinery treatment has been modified to eliminate several loopholes identified by commenters on the proposal. First, the final definition now requires that a refinery have produced no more than an average of 10,000 bpd in each compliance period since July 1, 1981. Production of more than that amount in any compliance period between July 1, 1981, and October 31, 1982, means that the refinery will be subject to the 1.10 gpg standard starting on November 1, 1982. If production has been below that level to date but increases after November 1, 1982, the refinery will be subject to the 1.10 gpg standard for the compliance period in which that production level is exceeded, as well as all subsequent compliance periods.

Such a definition will eliminate what one commenter, who filed extensive comments on the subject, termed the "backsliding" problem. This term refers to the ability of refineries that have historically been above the 10,000 bpd production level, but that otherwise qualify for small refinery treatment, to decrease their production in order to qualify fully. These refineries would have been able to do so under the proposed definition, which looked only to production levels for the quarter in which small refinery status was claimed. Up to 16 additional facilities were estimated to have been able to decrease production and thus become small refineries under the proposed definition, resulting in increased lead usage. Since EPA believes that facilities able to produce more than 10,000 bpd in any compliance period during the past year are able to meet a more stringent standard, the revised definition will preclude them from claiming small refinery status and using more lead than they would otherwise be entitled to do.

Many commenters also noted that the proposed definition would place no restrictions on the leaded gasoline production of qualifying small refineries, no matter how small they currently are, so long as their total production remained below the 10,000 bpd level. Commenters noted that such a lack of restrictions would allow a tripling of lead usage by the small refinery group, compared to their present levels. They also pointed out that the proposed definition, therefore, would have been likely to result in little difference in lead usage compared to requiring all refineries to comply with the present 0.50 gpg pooled standard, and might have resulted in greater lead usage in the 1983–1990 period. Finally, it was urged that the proposal would provide a financial windfall, particularly in conjunction with the proposed averaging mechanism, for a small refinery class already subject to less stringent standards.

Such a loophole was certainly not intended by the Agency. In fact, in the August 27 proposal, EPA stated its intention to limit the small refinery standard to the current leaded gasoline production levels of these facilities, and requested comments on appropriate methods to achieve such a limitation. Therefore, § 80.20(b)(1)(i) of the final regulations has been clarified to provide that the less stringent small refinery standard will only apply to a refinery's historic production level, as measured by its average daily production of *leaded* gasoline in the July 1981 to June 1982 period. Production in excess of this average amount will be subject to the 1.10 gpg standard. For example, assume that a refinery's average daily production of leaded gasoline during the July 1981 to June 1982 period was 5000 barrels. If its production of leaded gasoline in the April to June 1983 quarter were 500,000 barrels, 455,000 barrels (5000 bpd × 91 days) would be subject to the 1.90 gpg small refinery standard, while the additional 45,000 barrels would be subject to a 1.10 gpg standard.

Ownership. The portion of the definition establishing a maximum production rate for the owning/controlling refiner has also been modified to eliminate several potential loopholes in the proposal. Instead of providing a criterion applicable only to the period in which small refinery status is claimed, the final definition now requires that a refiner have an average daily production of no more than 70,000 barrels of gasoline during each quarter beginning on or after July 1, 1981. This modification will serve to eliminate a "backsliding" problem similar to that outlined for individual refineries above.

In addition, the definition specifies that this production level must be met by both the current owning/controlling refiner and any other refiner who owned or controlled the refinery in this time period. This provision will eliminate a problem identified by another commenter concerning the proposed definition. This commenter noted that, in the one-year period prior to June 30, 1982, 19 refineries owned by "large" refiners produced near or below 10,000 bpd and would otherwise meet the proposed definition of a small refinery. Since January 1982, two of these refineries have been sold and the sale of a third announced, according to this commenter. If such refineries can be sold to a "small" refiner and thereby become eligible for small refinery treatment, greatly increased lead usage would result, according to this commenter's calculations, since all of these refineries are presently subject to the large refinery 0.50 gpg pooled standard. Since such refineries have the demonstrated ability to meet a more stringent standard, the mere fact of a change of ownership should not allow leaded gasoline production at a less stringent standard. Thus EPA has revised the definition to close this unintended loophole.

C. Imports

The August 27 notice proposed to require that imported leaded gasoline sold or offered for sale in the United States not exceed the same 1.10 gpg standard that would apply to leaded gasoline produced by all except very small-sized domestic refineries. The importer of leaded gasoline for purposes of resale (i.e., the first entity to offer the gasoline for sale in this country) would be responsible for complying with this requirement. This importer would be permitted to average the lead content of imported leaded gasoline on a quarterly basis in determining compliance with the leaded standard. Averaging over a calendar quarter would allow such importers the same flexibility that domestic refineries would be afforded. In addition, the August 27 notice proposed to amend the regulatory provisions dealing with rights of entry/tests and inspections (§ 80.4) and requests for information (§ 80.7) to include references to importers and imported gasoline (and to make certain other minor modifications).

The notice of proposed rulemaking contained a detailed rationale for the regulation of imported gasoline (which has not previously been subject to EPA's gasoline lead regulations), the legal authority for such regulation, and the basis for development of the proposed regulatory scheme. The vast majority of commenters on both the February 22 and August 27 notices favored the regulation of gasoline imported into the United States, and this provision of the regulations is being adopted without significant change from the proposal. Two relatively minor changes have been made to this provision in order to correct unintended loopholes pointed out by commenters on the proposal. First, the regulation has been amended to make imported gasoline blending stocks and components subject to the testing and reporting requirements of this paragraph. Second, paragraphs (c)(2) (iii) and (iv) of § 80.20 of the regulations have been revised to make clear that the lead already contained in imported leaded gasoline when it enters the United States must be counted in determining compliance with this provision.

D. Inter-Refinery Averaging

In the August 27 notice, EPA proposed to allow all refineries, whether owned by the same refiner or not, to average lead usage over a calendar quarter. Importers of leaded gasoline would also be permitted to take advantage of averaging.

Under the proposal, one or more refiners would be able to demonstrate compliance with the applicable lead content standard for leaded gasoline by "constructively allocating" their actual lead usage in any manner agreed upon by the refiners. Constructive allocation means one refinery reporting the lead actually used by another. In order to assure that total lead usage would be fully reported and that it would not exceed levels permitted for the averaging refineries, three constraints were proposed to be placed on the averaging of lead usage among two or more refineries:

(1) The average constructive lead content of leaded gasoline produced in a calendar quarter by each refinery that is not a small refinery could not exceed 1.10 gpg;

(2) The average constructive lead content of leaded gasoline produced in a calendar quarter by each small refinery could not exceed 2.50 gpg; and

(3) The total amount of constructively allocated lead usage in a calendar quarter by all refineries which have agreed to average lead usage, as reported to EPA, would have to be equal to the actual lead usage in that time period by such refineries.

The response to the August 27 NPRM on this issue was very similar to that received when this concept was first proposed in the February 22 notice. Those opposed to the concept asserted that the following results would occur if the proposal were adopted, compared to a regulatory scheme without inter-refinery averaging:

(1) Greater lead usage would occur outside California, especially in urban areas, due to the difference between Federal standards and the more stringent California lead content standards;

(2) Greater lead usage would result in the East, due to a transfer from more modern refineries in the South and West to old refineries with less octane enhancement capability;

(3) Increased lead usage in general would result, since small refineries are now significantly below current standards;

(4) A complex regulatory system would be created, like the DOE entitlements program, with great administrative, monitoring, and enforcement difficulties;

(5) Loopholes (e.g., "backsliding") would be created as the result of economic incentives generated by averaging;

(6) A financial windfall would be reaped by owners of those small refineries that could produce leaded gasoline with lead levels below the proposed 2.50 gpg standard.

In addition, commenters argued that such a provision would be contrary to the announced EPA goal that a reduction in gasoline lead usage should be required to the extent possible and that it would be inconsistent with EPA's concern expressed in the NPRM in regard to present wide variations in the lead content of gasoline among different areas of the country. Other commenters alleged that averaging would not result in significant cost savings and that the marketplace already provides a workable mechanism to accomplish the goals of averaging.

As a result of an evaluation of these comments, EPA is today including additional restrictions on the use of inter-refinery averaging, which it believes (in conjunction with changes in the small refinery definition) will alleviate the major problems raised by commenters. First, a refinery located in California (or any other state with more stringent gasoline lead content standards than the Federal standards) would be allowed to average with other refineries only to the extent that the constructive (or actual) lead usage of the California-type refinery does not exceed applicable state standards. Second, a small refinery subject to the 1.90 gpg standard would not be allowed to "trade" any unused allowable lead usage to a large refinery (although the reverse transaction would be allowed). In addition, as noted above, the applicable small refinery standard until July 1, 1983, has been decreased to 1.90 gpg, thus further reducing any windfall to owners of small refineries.

EPA continues to believe that the benefits of averaging, as outlined in the August 27 NPRM, outweigh any potential disadvantages. This is especially true in light of the Agency's adoption of the two additional limitations outlined above, which serve to cure major weaknesses of the proposal. Since averaging is voluntary, only those refiners who find it beneficial will make use of this provision. The following examples illustrate how the averaging system would work.

Example 1. Refinery A, a large refinery, uses 120,000 kilograms of lead in 100,000,000 gallons of leaded gasoline during a calendar quarter. Refinery A would be permitted under the regulations to average with Refinery B, another large refinery, whose lead usage during the same period was 100,000 kilograms of lead in 100,000,000 gallons of leaded gasoline. Averaging would be permitted in this example because the constructive average lead content of the leaded gasoline produced by each refinery would be 1.10 gpg, the maximum allowable for large refineries.

		A	B
1A.	Actual lead usage (1,000 kg.)	120	100
1B.	Constructive lead allocation (1,000 kg.)	−10	+10
1C.	Constructive lead usage (1,000 kg.) [1A+1B]	110	110
2.	Leaded gasoline production (1,000,000 gallons)	100	100
3A.	Actual average lead content (gpg) [1A/2]	1.20	1.00
3B.	Constructive average lead content (gpg) [1C/2]	1.10	1.10

Similarly, two small refineries would be permitted to average if the constructive average lead content of the leaded gasoline produced by each refinery did not exceed 1.90 gpg, as calculated in the manner outlined above.

Example 2. Refinery A, a large refinery, uses the same amount of lead in the same amount of leaded gasoline as in Example 1. Refinery C, a small refinery, uses 28,000 kilograms of lead in 20,000,000 gallons of leaded gasoline during the same period. Although Refinery C's actual average lead content of 1.40 gpg would have allowed it to "receive" a constructive lead allocation of 10,000 kilograms from Refinery A under the proposed regulations (1.90 gpg−1.40 gpg=.50 gpg; .50 gpg × 20,000,000 gallons=10,000 kilograms), the final regulations do not allow a small refinery to "trade" its unused allowable lead usage to a large refinery.

Example 3. Refinery B, a large refinery, uses the same amount of lead in the same amount of leaded gasoline as in Example 1. Refinery D, a small refinery, uses 48,000 kilograms of lead in 20,000,000 gallons of leaded gasoline during the same period. Averaging in this example would involve the constructive allocation of 10,000 kilograms of lead usage from Refinery D to Refinery B, resulting in constructive average lead contents of 1.10 gpg for Refinery B and 1.90 gpg for Reinfery D. Such averaging is permitted under the final regulations because it is the large refinery (operating under the tighter standards), not the small refinery, that is "trading" its unused allowable lead usage.

		B	D
1A.	Actual lead usage (1,000 kg.)	100	48
1B.	Constructive lead allocation (1,000 kg.)	+10	−10
1C.	Constructive lead usage (1,000 kg.) [1A+1B]	110	38
2.	Leaded gasoline production (1,000,000 gallons)	100	20
3A.	Actual average lead content (gpg) [1A/2]	1.00	2.40
3B.	Constructive average lead content (gpg) [1C/2]	1.10	1.90

Example 4. Refinery E, a small refinery located in California, uses 12,000 kilograms of lead in 10,000,000 gallons of gasoline, of which 8,000,000 gallons (80%) is leaded, during a calendar quarter. Such lead usage results in an actual average lead content of 1.20 gpg pooled and 1.50 leaded. Under the final regulations, Refinery E would be allowed to average (with another small refinery) only to the extent that it does not constructively exceed California's lead content standard, which is presently a 1.4 gpg pooled standard for small refineries. Thus Refinery E would be allowed constructive lead usage of up to 14,000 kilograms (1.4 gpg × 10,000,000 gallons), which would result in a constructive average lead content of its leaded gasoline production of 1.75 gpg (14,000 kg/8,000,000 gallons of leaded gasoline). If Refinery E were permitted to average up to the level of the Federal standard, its constructive lead usage could be up to 15,200 kilograms (1.90 gpg × 8,000,0000 gallons of leaded), resulting in a constructive pooled average of 1.52 gpg (15,200 kilograms/10,000,000 gallons total production). Since Refinery E is not actually allowed to use this amount of lead under California's regulations, it will not be allowed to do so constructively under Federal regulations.

Environmental Impact

Total Lead Usage. As part of its evaluation of the lead phasedown program and the comments on the proposed rules, the Agency has re-evaluated its estimates for the total amount of lead contributed to the environment by gasoline in the period 1983 through 1990. Projections were made for both the current lead phasedown regulations (in which the 0.50 gpg pooled standard would apply to all refineries beginning November 1, 1982) and the regulations promulgated in this notice. Several commenters noted that the gasoline volume forecasts and the expected leaded gasoline demand projections in the August 27 proposal tended to overestimate the percentage of unleaded gasoline in each of the years in this period. These comments focused on the estimates of 64 percent unleaded gasoline in 1983, noting that actual data compiled by the Department of Energy shows 52 percent unleaded gasoline in July 1982. In response to these comments, the Agency contracted with SCI to provide revised estimates of future gasoline demand and grade splits. The projections in this section (shown in Table 1) are based on the SCI estimates.

Since the regulations differentiate between large and small refineries until July 1, 1983, it is necessary to estimate the total gasoline volume that will be produced by small refineries, as now defined, for the first six months of 1983. Based on information collected by the Agency, the proportion of total gasoline production produced by small refineries was found to be approximately 3.4 percent for the second quarter of 1982, or a total production of 870 million gallons for that quarter. For purposes of the projections made by the Agency, this quarterly volume is assumed to remain constant for the first two quarters of calendar year 1983. Further, of this projected volume, the leaded gasoline portion is assumed to be 78 percent, the same as the leaded gasoline proportion for small refineries in the first quarter of 1982 (the most recent period for which such data are available). Thus small refinery leaded gasoline is assumed to be 678.6 million gallons per quarter, or 1.357 billion gallons for the first two quarters of 1983.

The Agency's projections are shown in Table 1. The first two columns are the SCI projections of total and leaded gasoline demand. The total lead usage under a 0.50 gpg pooled standard for all refineries is presented in column 3. It is derived by multiplying 0.50 gpg by the total gasoline volume for the period January 1, 1983, through the end of 1990. For this period, the amount of lead usage allowed by a 0.50 gpg pooled standard would be less than the economically optimal amount of lead usage.

The total lead usage under the regulations promulgated today is calculated as follows: For 1983, half of the small refineries' annual leaded gasoline production (two calendar quarters) is at 1.90 gpg (1.357×1.90=2.579 billion grams) and the other half is at the uniform standard of 1.10 gpg (1.357×1.10=1.493 billion grams). The sum of these (2.579+1.493=4.072 billion grams) is the small refinery contribution. To this is added the large refinery contribution, which is 38.984 billion leaded gallons subject to the 1.10 gpg standard (or 42.882 billion grams) to get a 1983 total of 46.954 billion grams. Subsequent years are computed by multiplying the total leaded gasoline volume by the 1.10 standard. The total lead usage by both classes of refineries is listed in column 4.

Column 5 shows the difference in total lead usage between a 0.50 gpg pooled standard (column 3) and the regulations published today (column 4). This column shows that the new regulations will result in a lower total lead usage than the pooled standard for all years. For the period 1983–1990, the new regulations will result in the use of 115.7 billion grams (or about 127,400 short tons) of lead less than would have occurred under the former regulations, a reduction of about 34%.

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Table 1

Gasoline volume projections and estimated lead usage for calendar years 1983 through 1990

Calendar Year	Gasoline volume (Billions of gallons) Total	Gasoline volume (Billions of gallons) Leaded	Total lead (billions of grams) 0.50 gpg pooled standard (all refineries)	Total lead (billions of grams) 1.10 gpg leaded standard (1.90 gpg Temp. Std. for small)*	Reduction (difference)
1983	96.1	41.7	48.1	47.0	1.1
1984	92.3	35.4	46.1	39.0	7.1
1985	89.2	29.7	44.6	32.7	11.9
1986	86.1	25.3	43.0	27.8	15.2
1987	83.8	22.1	41.9	24.3	17.6
1988	81.5	19.5	40.7	21.4	19.3
1989	79.2	17.0	39.6	18.7	20.9
1990	77.7	14.7	38.8	16.2	22.6
		Totals	342.8	227.1	115.7

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* The temporary 1.90 gpg leaded standard for small refineries is applicable for the first two quarters of 1983.

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Health Impact. The August 27 notices, particularly the withdrawal notice, contained an extensive discussion of health issues related to the gasoline lead content regulations and the Agency's conclusions on this subject, including its determination that further reductions in total lead usage are appropriate to protect the public health. All comments received in response to the August 27 notice of proposed rulemaking, in addition to those received in response to the February 22 notices, have been reviewed to determine whether EPA's analysis of health issues was correct and its health-related conclusions justified, particularly in regard to the need for accelerated reductions in lead usage.

Based on its review of public comments on this issue, it is EPA's conclusion that the findings contained in the August 27 notices still represent its best judgment on the health implications of the exposure of the national population (particularly pre-school children) to environmental lead. Thus, it is the Agency's finding that there is a continued need for the control of lead in gasoline and that the available evidence indicates that further action by EPA to reduce lead in gasoline is a prudent and reasonable course of action to take in order to protect public health.

Economic Impacts

EPA has examined the economic impacts of limiting gasoline lead usage under leaded gasoline standards, and the distribution of compliance costs among various groups of refineries. EPA believes that today's final rule, which results in an additional reduction in lead usage over the next eight years of approximately 33 percent, will protect the populace in the most cost-effective manner for that level of reduction and will also be the most equitable for all gasoline producers. A detailed discussion of the economic benefits of a leaded gasoline standard is contained in the August 27 NPRM.

Today's final regulations differ from the previous regulations in that they impose limits only on the leaded gasoline produced by a refinery, rather than on the refinery's total gasoline production (i.e., both leaded and unleaded). In addition, the regulations allow refineries to minimize costs by allowing compliance to be demonstrated by averaging with other refineries. At the same level of total lead usage, a leaded gasoline standard will slightly reduce costs for the industry as a whole compared to a pooled standard, if averaging does not occur or if it occurs less than is economically optimal. For small refineries, however, it substantially reduces the costs of compliance. The provision to allow averaging of lead usage should further reduce industry costs of compliance.

The costs of this regulation, compared with the current 0.50 gpg pooled standard, vary with time. In general, the costs are small for large refineries in earlier years (1983 and 1984), and then increase in later years (especially 1987–1990). The basic reason for this cost increase is that, under a pooled standard, the lead content of leaded gasoline would almost certainly have increased in later years from its current average of about 1.1 gpg to about 2.5–3.0 gpg (the economically optimal range of lead usage). Under the new regulations, lead content of leaded gasoline may not exceed 1.10 gpg.

Until June 30, 1983, small refineries will be able to defer capital investments since they have a less stringent standard. The value of these deferred capital investments will be between zero and $8 million (annualized) for the period that the 1.90 gpg standard applies. In addition, even at the 1.10 gpg standard, owners of small refineries will be able to defer 25% of the capital investment they would have had to make to comply with a 0.50 gpg pooled standard. With averaging, they may be able to defer all capital investments. Further, EPA estimates a small refinery operating cost saving in 1983 of $17 million. Refineries previously defined as small but no longer eligible for special treatment are also somewhat better off in 1983 under this regulation than under the 0.50 gpg pooled standard, since they probably make less than the national average share of unleaded gasoline. Thus, these refineries could not benefit as much as large refineries under a pooled standard. Conversely, a leaded standard may assist them. EPA has not quantified this potential saving. EPA estimates that, compared with the current 0.50 gpg pooled standard, the present value of the increased operating costs for all refiners under the new standard over the period 1983–1990 is $859 million. This represents an increased cost of about 0.60 cents per gallon of leaded gasoline or 0.18 cents per gallon of total gasoline sold during this time period. In addition, the energy penalty of this regulation has been estimated to be 27 million barrels of petroleum over the eight-year period.

For small refineries, even after July 1, 1983, when they will be required to meet the same 1.10 gpg standard as large refineries, the new leaded standard is less difficult for them to meet than the 0.50 gpg pooled standard. The reason is the same as was cited previously, namely that small refineries generally make a smaller percentage of their gasoline as unleaded than large refineries. Therefore, a pooled standard restricts the amount of lead they can use in leaded gasoline more than it does the large refineries with a greater unleaded share. In 1985 and later years, EPA's analysis indicates that, on the average, the cost per gallon of gasoline of meeting the 1.10 gpg standard will be the same for large and small refineries if small refineries maintain their current volume and leaded/unleaded mix.

For small refineries the cost of meeting this standard will be lower than the cost of meeting the 0.50 gpg pooled standard, until their proportion of leaded gasoline sales falls off significantly as the percentage of unleaded gasoline sales increases.

A number of commenters submitted cost estimates that were substantially higher than EPA's estimates. Upon examination, most of these studies confirm EPA's methods but differ principally in assumptions. One major difference, accounting for most of the cost differences, is that one industry study explicitly assumed, and others appear to assume, a capital charge for operating already existing surplus refiner equipment. Much of this equipment was built in anticipation of higher gasoline demand, and the interest on the capital used to build them must be paid whether or not EPA's regulation results in their being used. Since these capital costs are already sunk and will not change based on this regulation, EPA does not use a capital charge for this already existing equipment. Another difference is that some industry studies used the EPA projections in the August 27 proposal or other unrealistic projections of future unleaded gasoline usage. As indicated above, EPA's estimates of the unleaded gasoline market in 1983–1990 are now lower than those in the proposal.

A series of memoranda in the docket discusses the methodology in detail and provides greater information on the costs of compliance, including annual breakdowns.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–612, requires that Federal agencies examine the impacts of their regulations on small entities. Under 5 U.S.C. 603(a), whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis, unless the head of the agency certifies that a rule will not have a significant economic impact on a substantial number of small entities, pursuant to 5 U.S.C. 605(b). EPA prepared an initial regulatory flexibility analysis for the regulations proposed in the August 27, 1982, notice, and this initial analysis was placed in the rulemaking docket at that time.

Under 5 U.S.C. 604(a), whenever an agency promulgates a final rule after being required to publish a general notice of proposed rulemaking, it is required to prepare a final regulatory flexibility analysis, which must include: (1) A statement of the need for the final rule and its objectives; (2) a summary of the issues raised in public comments on the initial analysis, a summary of the agency's assessment of such issues, and a statement of any changes made in the proposed rule as a result of such comments; and (3) a description of each of the significant alternatives to the rule considered by the agency and the reasons for rejection of such alternatives. EPA has prepared a final regulatory flexibility analysis for this rule, which has been placed in rulemaking docket A-81-36. Copies of this analysis can also be obtained by writing to Richard G. Kozlowski at the address listed in the "For Further Information" section, above.

National Academy of Sciences Recommendations

Section 307(d)(3) of the Clean Air Act, 42 U.S.C. 7607(d)(3), requires that rulemaking proceedings under § 211 of the Act, 42 U.S.C. 7545, take into account any pertinent findings, comments, and recommendations by the National Academy of Sciences. Pertinent findings by the NAS are contained in the 1980 report, "Lead in the Human Environment," prepared by the Committee on Lead in the Environment of the National Academy of Sciences. The major recommendations in this report pertinent to regulatory controls are the following:

(1) "Efforts to control exposure to lead should proceed with full acknowledgement of the necessary imprecision of estimates of the costs, risks, and benefits."

(2) "Control strategies should be based on coordinated, integrated measures to reduce exposure from all significant sources."

(3) "Improved institutional mechanisms should be developed to permit a more systematic, consistent approach to the management of lead hazards."

(4) "Expanded and more concerted efforts should be made to identify children at risk and remove sources of lead from their environments. A serious effort should also be made to reduce the 'background' level of exposure of the general population to lead. The most important elements in control strategies include population screening, lead paint removal, reduction of lead emissions from gasoline combustion, and reduction of lead levels in foods."

The Agency has taken these recommendations into account in the development of this regulatory action, which it believes will provide for accelerated implementation of these recommendations to the extent that they can be met through the lead phasedown program.

Additional Information

Executive Order 12291 requires the preparation of a regulatory impact analysis for major rules, defined by the Order as those likely to result in:

(1) An annual adverse effect on the economy of $100 million or more;

(2) A major increase in costs of prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Office of Management and Budget (OMB) has determined that the analyses already prepared by EPA and in the record are sufficient to meet the requirements of the Executive Order for regulatory impact analyses. A letter from OMB to that effect has been placed in the docket of this rulemaking.

This action was submitted to OMB for review under Executive Order 12291. Any comments from OMB and any EPA responses are available for public inspection at the Central Docket Section, U.S. Environmental Protection Agency, West Tower Lobby, 401 M Street, S.W., Washington, D.C. 20460 (Docket A-81-36).

Under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, the information collection provisions in this rule will be submitted to the Office of Management and Budget (OMB). These requirements are not effective until approved by that office. A notice of that approval will be published in the **Federal Register**.

The final actions described in this notice are made under the authority of sections 211 and 301 of the Clean Air Act and are nationally applicable. Under section 307(b)(1) of the Clean Air Act, judicial review may be sought only in the United States Court of Appeals for the District of Columbia Circuit. Petitions for judicial review must be filed on or before December 28, 1982.

EPA finds that there is "good cause" under the Administrative Procedure Act, 5 U.S.C. 553(d), to make this rule effective on November 1, 1982 (with the exception of those information collection provisions subject to OMB approval). "Good cause" exists because, under a later effective date, all small refineries (as previously defined) would become subject to a 0.50 gpg pooled standard on November 1. Such a standard would be in effect for only a short period of time, after which some refineries in this group would be subject to a 1.10 gpg leaded standard and others to a 1.90 gpg leaded standard. A later effective date would therefore result in each small refinery being subject to three different standards (including the standard effective through October 31) in a very brief time period, creating an unreasonable burden on these entities and resulting in administrative and enforcement confusion for both regulated parties and the Agency. "Good cause" also exists because, for those refineries that will meet the new small refinery definition, this rule "relieves a restriction" and grants a temporary benefit within the meaning of 5 U.S.C. 553(d). Such a benefit will also result for most previously small refineries subject to a 1.10 gpg leaded standard under these regulations, since this standard will be less restrictive than a 0.50 gpg pooled standard.

List of Subjects in 40 CFR Part 80

Fuel additives, Gasoline, Motor vehicle pollution, Penalties.

(Secs. 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7545 and 7601(a))

Dated: October 27, 1982.

Anne M. Gorsuch,

Administrator.

PART 80—[AMENDED]

For the reasons set forth in the preamble, Part 80 of Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 80.2(q) was added to Part 80 at 44 FR 46277 (August 7, 1979), to expire on October 1, 1982. On August 27, 1982, at 47 FR 38094, this expiration date was extended to November 1, 1982. Section 80.2(q) is hereby continued in effect indefinitely.

2. Section 80.2 is amended by revising paragraphs (p) and (r), and by adding new paragraph (s) to read as follows:

§ 80.2 Definition.

* * * * *

(p) "Small refinery" means a refinery:

(1) The gasoline producing capacity of which was either:

(i) In operation at any time during the one-year period immediately preceding October 1, 1976, as evidenced by submittal to EPA prior to January 1, 1977, of a report for any compliance period during such period, pursuant to § 80.20(a)(3); or

(ii) In operation at any time prior to October 1, 1979 (as evidenced by submittal to EPA by January 1, 1980, of a report for any compliance period ending prior to that date, pursuant to § 80.20(a)(3)) and under construction at any time during the one-year period immediately preceding October 1, 1976;

(2) Which has an average daily production of 10,000 barrels of gasoline or less during each compliance period since July 1, 1981;

(3) Which is not owned or controlled by any refiner that has a total combined average daily production of greater than 70,000 barrels of gasoline during any compliance period since July 1, 1981, and was not owned or controlled by a refiner with such production during any period of ownership or control since July 1, 1981; and

(4) Which has produced gasoline during the period July 1, 1981, to June 30, 1982, as evidenced by submittal to EPA prior to August 27, 1982, of a report for any two compliance periods during this period, pursuant to § 80.20(b)(2).

* * * * *

(r) "Importer" means a person who imports gasoline or gasoline blending stocks or components from a foreign country into the United States (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands).

(s) "Gasoline blending stock or component" means any liquid compound which is blended with other liquid compounds or with lead additives to produce gasoline.

3. Section 80.4 is revised to read as follows:

§ 80.4 Right of entry; tests and inspections.

The Administrator or his authorized representative, upon presentation of appropriate credentials, shall have a right to enter upon or through any refinery (including any small refinery), retail outlet, wholesale purchaser-consumer facility, the premises or property of any distributor, or any place where gasoline is stored, and shall have the right to make inspections, take samples and conduct tests to determine compliance with the requirements of this Part.

4. Section 80.7 is amended by revising paragraph (c) to read as follows:

§ 80.7 Requests for information.

* * * * *

(c) Any refiner, distributor, wholesale purchaser-consumer, retailer, or importer shall provide such other information as the Administrator or his authorized representative may reasonably require to enable him to determine whether such refiner, distributor, wholesale purchaser-consumer, retailer, or importer has acted or is acting in compliance with section 211(c) of the Act and the regulations thereunder and shall, upon the request of the Administrator or his authorized representative, produce and allow reproduction of any relevant records at all reasonable times. Such information may include but is not limited to records of unleaded gasoline inventory at a wholesale purchaser-consumer facility or a retail outlet, unleaded pump meter readings at a wholesale purchaser-consumer facility or a retail outlet, and receipts providing the date of acquisition of signs, labels, and nozzles required by § 80.22. No person shall be required to furnish information requested under this paragraph if he can establish that such information is not maintained in the normal course of his business.

5. Section 80.20 is revised to read as follows:

§ 80.20 Controls applicable to gasoline refiners.

(a) General requirements.

(1) In the production of gasoline at a refinery that is not a small refinery (as defined in § 80.2(p)), a refiner shall not:

(i) Produce leaded gasoline whose average lead content during the period November 1, 1982, to March 31, 1983, or any calendar quarter thereafter, exceeds 1.10 grams of lead per gallon of leaded gasoline.

(ii) Produce gasoline whose average lead content during the calendar quarter October 1, 1982, to December 31, 1982, exceeds .50 grams of lead per gallon of gasoline, except that this provision shall not apply if the average lead content of gasoline produced during the month of October 1982 does not exceed .50 grams of lead per gallon of gasoline or if the refinery was subject during the month of October 1982 to a lead content standard different than .50 grams of lead per gallon of gasoline.

(2)(i) Except as provided in paragraph (d)(1) of this section, compliance with the requirements of paragraph (a)(1)(i) of this section shall be determined by dividing the total grams of lead used in the production of leaded gasoline (including the lead in gasoline blending stocks and components used in such production) at a refinery during a compliance period by the total gallons of leaded gasoline produced at the refinery in the same compliance period).

(ii) Compliance with the requirements of paragraph (a)(1)(ii) shall be determined by dividing the total grams of lead used in the production of gasoline at a refinery during either the month of October 1982 or the calendar quarter October 1, 1982, to December 31, 1982, by the total gallons of gasoline produced at the refinery during the same period.

(3) For the period November 1, 1982, to March 31, 1983, and for each calendar quarter thereafter, each refiner shall submit to the Administrator a report which contains the following information for each refinery:

(i) The total grams of lead in the refinery's inventory (including its lead additive inventory and its inventory of gasoline blending stocks and components) on the first day of the compliance period;

(ii) The total grams of lead (including lead additives and lead in gasoline blending stocks and components) received by the refinery during the compliance period;

(iii) The total grams of lead additives shipped from the refinery during the compliance period;

(iv) The total grams of lead in the refinery's inventory (including its lead additive inventory and its inventory of gasoline blending stocks and components) on the last day of the compliance period;

(v) The total gallons of leaded gasoline produced by the refinery during the compliance period;

(vi) The total gallons of unleaded gasoline produced by the refinery during the compliance period;

(vii) The total grams of lead used in the production of leaded gasoline (including lead additives and the lead in gasoline blending stocks and components used in such production) by the refinery during the compliance period;

(viii) The average lead content of each gallon of leaded gasoline produced by the refinery during the compliance period;

(ix) The total grams of lead used in the production of products other than gasoline by the refinery during the compliance period, by type of product;

(x) The total gallons of products other than gasoline in which lead was used that were produced by the refinery during the compliance period, by type of product; and

(xi) If any of the products listed in paragraph (a)(3)(ix) were sold or otherwise transferred to another refinery during the compliance period, the total gallons of each product so transferred, the name and address of the refinery to which the transfer was made, and the date of such transfer. Reports shall be submitted within 15 days after the close of the compliance period on forms prescribed by the Administrator.

(4) For either the month of October 1982 or the calendar quarter October 1, 1982, to December 31, 1982 (as appropriate to determine compliance with paragraph (a)(1)(ii)), each refiner shall submit to the Administrator a report which contains the following information for each refinery that is not a small refinery:

(i) The total grams of lead additive in the refinery's inventory on the first day of the period;

(ii) The total grams of lead received during the period;

(iii) The total grams of lead in the refinery's lead additive inventory on the last day of the period;

(iv) The total gallons of gasoline produced by such refinery during the period; and

(v) The average lead content of each gallon of gasoline produced during the period.

Reports shall be submitted by January 15, 1983, on forms prescribed by the Administrator.

(b) Requirements for small refineries.

(1) In the production of gasoline of a small refinery (as defined in § 80.2(p)), a refiner shall not:

(i) Produce leaded gasoline whose lead content during the period November 1, 1982, to March 31, 1983, or the calendar quarter April 1, 1983, to June 30, 1983, exceeds 1.90 grams of lead per gallon for that amount of leaded gasoline produced in such period up to the refinery's historic production level. For purposes of this paragraph, "historic production level" means the average number of gallons of leaded gasoline that the refinery produced each day during the period July 1, 1981, to June 30, 1982, multiplied by the number of days in the compliance period (and then rounded to the nearest thousand barrels). The average lead content of that amount of leaded gasoline produced during each compliance period in excess of the historic production level may not exceed 1.10 grams per gallon.

(ii) Produce leaded gasoline whose lead content during any calendar quarter beginning on or after July 1, 1983, exceeds 1.10 grams of lead per gallon of leaded gasoline.

(2) Except as provided in paragraph (d)(1) of this section, compliance with the requirements of paragraph (b)(1) shall be determined by dividing the total grams of lead used in the production of leaded gasoline at a small refinery during a compliance period by the total gallons of leaded gasoline produced at the small refinery in the same compliance period.

(3) A refiner shall submit reports for each small refinery as specified in paragraph (a)(3) of this section.

(c) Requirements for imported leaded gasoline.

(1) No importer shall sell or offer for sale leaded gasoline which has been imported into the United States and whose average lead content during the period November 1, 1982, to March 31, 1983, or any calendar quarter thereafter exceeds 1.10 grams of lead per gallon of such gasoline.

(2) Except as provided in paragraph (d) of this section, compliance with the requirements of paragraph (c)(1) shall be determined by calculating:

(i) The lead content of each shipment of imported leaded gasoline sold by the importer during a compliance period, determined by performance by the importer of the test for lead in gasoline set forth in Appendix B of this Part upon a representative sample of gasoline in the shipment;

(ii) The total gallons of leaded gasoline in each such shipment;

(iii) The total grams of lead in each such shipment, determined by multiplying the lead content of the shipment by the total gallons of leaded gasoline in the shipment;

(iv) The total grams of lead in all such shipments sold during the compliance period;

(v) The total gallons of leaded gasoline in all such shipments sold during the compliance period; and

(vi) The average lead content of all imported leaded gasoline sold during the compliance period, determined by dividing the total in paragraph (c)(2)(iv) by the total in paragraph (c)(2)(v).

(3) For the period November 1, 1982, to March 31, 1983, and each calendar quarter thereafter, each importer who sells imported leaded gasoline or imported gasoline blending stocks or components shall submit to the Administrator a report which contains the following information:

(i) The information described in paragraph (c)(2)(i) through (vi) of this section;

(ii) The lead content of each shipment of imported gasoline blending stocks or components sold by the importer during the compliance period, determined by performance by the importer of the test for lead in gasoline set forth in Appendix B of this Part upon a representative sample of gasoline in the shipment;

(iii) The total gallons of gasoline blending stocks or components in each such shipment;

(iv) The total grams of lead in each such shipment, determined by multiplying the lead content of the shipment by the total gallons of gasoline blending stocks or components in the shipment;

(v) For each shipment of imported leaded gasoline or imported gasoline blending stocks or components sold during the reporting period: name and address of importer; name and address of consignee; date of entry; and vessel or carrier number (where applicable).

(vi) For each shipment of imported gasoline blending stocks or components sold during the compliance period, the name and address of the refinery or the other person to which the sale was made, the total gallons of product sold, the total grams of lead in the product sold and the date of such sale. Reports shall be submitted within 15 days after the close of the compliance period on forms prescribed by the Administrator.

(4) Any importer who adds lead to gasoline or gasoline blending stocks or components during a compliance period shall also submit a report pursuant to paragraph (a)(3) or (b)(3) of this section, whichever is appropriate.

(d) Inter-refinery averaging. (1) As an alternative means of demonstrating compliance with the requirements of paragraph (a)(1)(i), paragraph (b)(1), or paragraph (c)(1) of this section, one or more refiners may demonstrate such compliance by constructively allocating lead usage between or among two or more refineries (including small refineries) in any manner agreed upon by the refiner(s), so long as:

(i) The average constructive lead content of leaded gasoline produced in a compliance period by each refinery that is not a small refinery, and by a small refinery after July 1, 1983, does not exceed 1.10 grams of lead per gallon of leaded gasoline produced; and

(ii) The average constructive lead content of leaded gasoline produced in a compliance period by each small refinery prior to July 1, 1983, does not exceed the level(s) specified in paragraph (b)(1)(i) of this section; and

(iii) The total amount of lead usage in a compliance period by all such refineries, as constructively allocated and reported, is equal to the total amount of lead actually used in the compliance period by all such refineries; and

(iv) The actual or constructive lead content of gasoline produced by each refinery does not exceed any applicable state statutory or regulatory standards; and

(v) Prior to July 1, 1983, lead usage may not be constructively allocated from a refinery that is not a small refinery to a small refinery.

(2) Any refinery who demonstrates compliance with the requirements of this section pursuant to paragraph (d)(1) shall submit to the Administrator, as an additional part of the report required by paragraph (a)(3), paragraph (b)(3), or paragraph (c)(3) of this section, the following information:

(i) The total grams of lead actually used by the reporting refinery during the compliance period and constructively allocated to another refinery, and the name and address of such other refinery (for each such constructive allocation);

(ii) The total grams of lead actually used by another refinery during the compliance period and constructively allocated to the reporting refinery, and the name and address of such other refinery (for each such constructive allocation);

(iii) The total grams of lead constructively used in the production of leaded gasoline by the reporting refinery during the compliance period, as determined by performing the following calculations upon the total grams of lead actually used by the reporting refinery during the compliance period: (A) subtracting the total grams of lead indicated in paragraph (d)(2)(i), and (B) adding the total grams of lead indicated in paragraph (d)(2)(ii); and

(iv) The constructive average lead content of each gallon of leaded gasoline produced by the reporting refinery during the compliance period, as determined by dividing the total grams of lead indicated in paragraph (d)(2)(iii) by the total gallons of leaded gasoline produced by the reporting refinery during the compliance period. When compliance is demonstrated pursuant to paragraph (d)(1) by more than one refiner, each such report shall also include supporting documentation adequate to show the agreement of all such refiners to the constructive allocation of lead usage stated in the report.

(3) For purposes of paragraphs (d)(1) and (d)(2), the total amount of imported leaded gasoline sold during a compliance period by each importer shall be treated as the output of a single refinery, and each importer shall be treated as a refiner.

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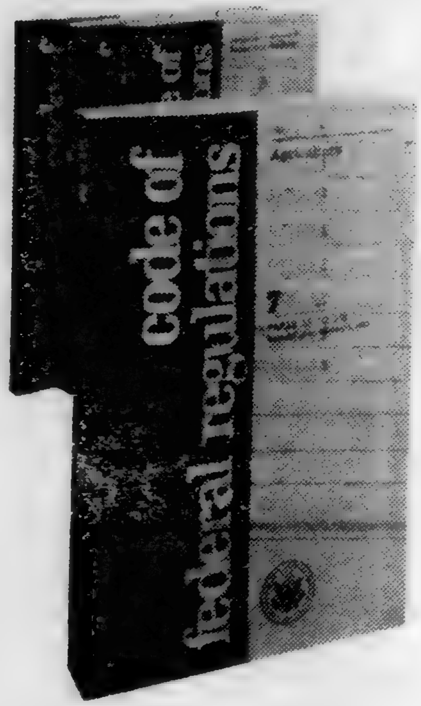

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THE NATIONAL ARCHIVES OF THE UNITED STATES
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An INDEX to the daily Federal Register is published monthly and is cumulated for 12 months. A separate volume, the CFR Index and Finding Aids to the entire Code of Federal Regulations, is revised as of January 1 each year.

INQUIRIES AND SUGGESTIONS

Loren S. Myers was Chief Editor of the LSA. The LSA was prepared under the direction of Martha B. Girard, assisted by Ruth C. Pontius. INQUIRIES, telephone 202-523-5227.

SUGGESTIONS concerning this and other publications of the Office are welcomed. Please send your suggestions to John E. Byrne, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

CHECKLIST OF CFR VOLUMES FOR THIS MONTH

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Title	*Price†*	*Revision Date*
1, 2 (2 Reserved)	$5.50	Jan 1, 1982
3 (1981 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1982
4	7.50	Jan. 1, 1982
5 (Parts 1-1199)	8.00	Jan. 1, 1982
(Parts 1200-End), 6 (6 Reserved)	6.00	Jan. 1, 1982
7 (Parts 0-45)	8.50	Jan. 1, 1982
(Parts 46-51)	7.50	Jan. 1, 1982
(Part 52)	8.50	Jan. 1, 1982
(Parts 53-209)	8.50	Jan. 1, 1982
(Parts 210-299)	8.00	Jan. 1, 1982
(Parts 300-399)	6.50	Jan. 1, 1982
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(Parts 900-999)	9.50	Jan. 1, 1982
(Parts 1000-1059)	7.50	Jan. 1, 1982
(Parts 1060-1119)	7.50	Jan. 1, 1982
(Parts 1120-1199)	6.50	Jan. 1, 1982
(Parts 1200-1499)	7.50	Jan. 1, 1982
(Parts 1500-1899)	6.50	Jan. 1, 1982
(Parts 1900-1944)	8.50	Jan. 1, 1982
(Part 1945-End)	8.00	Jan. 1, 1982
8	6.00	Jan. 1, 1982
9 (Parts 1-199)	7.50	Jan. 1, 1982
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10 (Parts 0-199)	8.50	Jan. 1, 1982
(Parts 200-399)	7.50	Jan. 1, 1982
(Parts 400-499)	8.00	Jan. 1, 1982
(Part 500-End)	8.00	Jan. 1, 1982
11	6.50	*Jan. 1, 1981
12 (Parts 1-199)	6.50	Jan. 1, 1982
(Parts 200-299)	14.00	Jan. 1, 1982
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13	8.00	Jan. 1, 1982
14 (Parts 1-59)	8.00	Jan. 1, 1982
(Parts 60-139)	8.00	Jan. 1, 1982
(Parts 140-199)	6.50	Jan. 1, 1982
(Parts 200-1199)	8.50	Jan. 1, 1982
(Part 1200-End)	6.50	Jan. 1, 1982
15 (Parts 0-299)	6.50	Jan. 1, 1982
(Parts 300-399)	7.50	Jan. 1, 1982
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(Parts 150-999)	7.00	Jan. 1, 1982
(Part 1000-End)	7.50	Jan. 1, 1982
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(Parts 240-End)	8.00	April 1, 1982
18 (Parts 1-149)	8.00	April 1, 1982
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(Parts 800-1299)	7.00	April 1, 1982
(Part 1300-End)	5.50	April 1, 1982
(Part 1300-End—Part 1308 Table)	6.00	**April 1, 1979
22	9.00	April 1, 1982
23	7.50	April 1, 1982
24 (Parts 0-199)	7.00	April 1, 1982
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(Parts 500-799)	7.00	April 1, 1982
(Parts 800-1699)	7.50	April 1, 1982
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25	8.50	April 1, 1982
26 (Part 1 §§ 1.0-1.169)	9.00	April 1, 1982
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(§§ 1.301-1.400)	7.00	April 1, 1982
(§§ 1.401-1.500)	7.50	April 1, 1982
(§§ 1.501-1.640)	7.50	April 1, 1982
(§§ 1.641-1.850)	7.50	April 1, 1982
(§§ 1.851-1.1200)	8.50	April 1, 1982
(§§ 1.1201-End)	9.00	April 1, 1982
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31 (Parts 0-199)	7.00	July 1, 1982
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(Parts 800-999)	8.00	July 1, 1982
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33 (Parts 1-199)	9.50	July 1, 1981
(Part 200-End)	8.50	July 1, 1981

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35	6.00	July 1, 1982
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37	7.00	July 1, 1982
38 (Parts 0-17)	8.00	July 1, 1982
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39	7.00	July 1, 1982
40 (Parts 0-51)	8.50	July 1, 1982
(Part 52)	9.50	July 1, 1981
(Parts 53-80)	8.50	July 1, 1982
(Parts 81-99)	8.50	July 1, 1982
(Parts 100-149)	7.50	July 1, 1982
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41 (Chapter 1—1-1 to 1-10)	8.00	July 1, 1981
(Chapter 1—1-11 to Appendix)	7.50	July 1, 1982
(Chapter 3-6)	8.50	July 1, 1982
(Chapter 7)	5.50	July 1, 1982
(Chapter 8)	5.50	July 1, 1982
(Chapter 9)	8.00	July 1, 1981
(Chapters 10-17)	7.50	July 1, 1981
(Chapter 18, Vol. I, Parts 1-5)	8.00	July 1, 1981
(Chapter 18, Vol. II, Parts 6-19)	9.50	July 1, 1981
(Chapter 18, Vol. III, Parts 20-52)	8.00	July 1, 1981
(Chapters 19-100)	8.00	July 1, 1981
(Chapter 101)	9.00	July 1, 1981
(Chapter 102-End)	7.00	July 1, 1982
42 (Parts 1-60)	7.50	Oct. 1, 1981
(Parts 61-399)	6.50	Oct. 1, 1981
(Part 400-End)	9.00	Oct. 1, 1981
43 (Parts 1-999)	7.00	Oct. 1, 1981
(Part 1000-3999)	8.50	Oct. 1, 1981
(Part 4000-End)	6.50	Oct. 1, 1981
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45 (Parts 1-199)	7.00	Oct. 1, 1981
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(Parts 30-40)	5.50	Oct. 1, 1981
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(Parts 70-89)	6.00	Oct. 1, 1981
(Parts 90-109)	6.50	Oct. 1, 1981
(Parts 110-139)	6.00	****Oct. 1, 1979
(Parts 140-155)	6.50	Oct. 1, 1981
(Parts 156-165)	7.00	Oct. 1, 1981
(Parts 166-199)	6.50	Oct. 1, 1981
(Parts 200-399)	8.00	Oct. 1, 1981
(Part 400-End)	8.00	Oct. 1, 1981
47 (Parts 0-19)	7.50	Oct. 1, 1981

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(Parts 20-69)	9.50	Oct. 1, 1981
(Parts 70-79)	8.00	Oct. 1, 1981
(Part 80-End), 48 (48 Reserved)	8.50	Oct. 1, 1981
49 (Parts 1-99)	6.00	Oct. 1, 1981
(Parts 100-177)	9.00	Oct. 1, 1981
(Parts 178-199)	8.00	Oct. 1, 1981
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(Part 1300-End)	7.00	Oct. 1, 1981
50 (Parts 1-199)	6.50	Oct. 1, 1981
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CFR Index and Findings Aids	9.50	Jan. 1, 1982
Complete 1982 CFR set	615.00	1982
Microfiche CFR edition:		
Complete set (one-time mailing)	155.00	1981
Subscription (mailed as issued)	250.00	1982
Individual copies	2.25	1982

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Other Related Publications

Federal Register Document Drafting Handbook	$1.75	1980
List of Sections Affected, 1949-1963	15.00	1966
List of CFR Sections Affected, 1964-1972		
(Titles 1 through 27) Vol. I	15.00	1980
(Titles 28 through 50) Vol. II	14.00	1980
LSA (List of CFR Sections Affected):		
Yearly subscription	20.00	
Individual copies	1.50	monthly
Federal Register Index:		
Yearly subscription	21.00	
Individual copies	1.50	monthly
Title 3—The President, Code of Federal Regulations		
(1976 Compilation and Parts 100 and 101)	3.50	Jan. 1, 1977
(1977 Compilation and Parts 100 and 101)	4.75	Jan. 1, 1978
(1978 Compilation and Parts 100 and 101)	7.00	Jan. 1, 1979
(1979 Compilation and Parts 100 and 101)	8.50	Jan. 1, 1980
(1980 Compilation and Parts 100 and 101)	7.50	Jan. 1, 1981

†Prices are subject to change.

*No amendments to this volume were promulgated in the FEDERAL REGISTER during the period January 1, 1981 to December 31, 1981. The CFR volume issued as of January 1, 1981, should be retained.

**No amendments to this volume were promulgated in the FEDERAL REGISTER during the April 1, 1979 to March 31, 1982 revision period. The CFR volume issued in 1979 should be retained.

***No amendments to this volume were promulgated during the period April 1, 1980 to March 31, 1982. The CFR volume issued as of April 1, 1980, should be retained.

****No amendments to this volume were promulgated during the period October 1, 1979 to September 30, 1981. The CFR volume issued as of October 1, 1979 should be retained.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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558.630 (b)(9) revised 15773
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(b) (3) and (8) amended 28915
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561.380 (a) table amended 39480
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600.15 (a) table amended 49020
601.25 (e)(3) and (f)(3) amended; (h) and (l) removed; footnote 2 added 44071
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601.26 Added 44071
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606.120 (b)(5) revised 30969
610.53 (a) table amended 24699, 30969, 34533, 49021
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813.20 Footnote removed; (b)(8) and (11) revised 46079
813.43 Footnote removed; (b)(2) revised 46079
813.66 (a)(6) and (f)(3) revised 46080
813.155 Footnote removed; (d)(2) revised 46080
866 Added 50823
868 Added 31142
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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 82-335]

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the list of suppressive areas under the witchweed quarantine and regulations by adding areas in 5 counties in North Carolina and 1 county in South Carolina to the list of suppressive areas; by deleting areas in 18 counties in North Carolina and South Carolina from the list of suppressive areas; and by deleting 1 entire county in South Carolina from the list of suppressive areas. This action is necessary as an emergency measure in order to prevent the artificial spread of witchweed and to delete unnecessary restrictions on the interstate movement of regulated articles.

DATES: Effective date of amendment November 1, 1982. Written comments concerning this rule must be received on or before January 3, 1983.

ADDRESS: Written comments should be submitted to Thomas J. Lanier, Assistant Director, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 641 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lanier, Assistant Director, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an annual effect on the economy of approximately $500; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for Marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512-1.

Certification under the Regulatory Flexibility Act

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small businesses and should not have a significant economic impact on any small organizations or small governmental jurisdictions. This action affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. Based on information compiled by the Department, it has been determined that there are approximately 290,000 small entities that move regulated articles interstate from such States and many hundreds of thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that only approximately 20 entities move regulated articles interstate from the specified areas affected by this action. Further, the overall economic impact from this action is estimated to be only about $500.

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim action. Due to the possibility that witchweed could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, where witchweed no longer occurs, immediate action is needed to delete unnecessary restrictions on the interstate movement of regulated articles.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this interim rule are impracticable and contrary to the public interest and good cause is found for making this action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Background

Witchweed is a parasitic plant which causes the degeneration of corn, sorghum, and other grassy crops. It has been found in the United States only in parts of North Carolina and South Carolina. The Witchweed Quarantine and Regulations (7 CFR 301.80 through 301.80-10) quarantine the States of North Carolina and South Carolina and restrict the interstate movement of certain witchweed hosts from regulated areas in the quarantined States for the purpose of preventing the artificial spread of witchweed.

Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas where eradication of witchweed is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from generally infested areas and suppressive areas in order to prevent the artificial movement of witchweed to noninfested areas to prevent the reinfestation of suppressive areas where the witchweed no longer occurs.

Designation of Areas as Suppressive Areas

As an emergency measure, all of Roebson County in North Carolina, which was previously designated as a witchweed generally infested area is redesignated as a witchweed suppressive area.

As an emergency measure, the following areas in Craven, Duplin, Lenoir, Pender, and Wayne Counties in North Carolina, and Marlboro County in South Carolina which were previously nonregulated areas are designated as witchweed suppressive areas.

North Carolina

Craven County. The Morris, Gerald K., farm located on the north side of State Secondary Road 1444 and 1.4 miles northwest of the junction of State Secondary Road 1447 with said road.

Duplin County. The Garner, C. C., farm located on both sides of Sate Secondary Road 1961 and 0.5 mile west of the intersection of said road and the Northwest Cape Fear River.

The McGowan, Henry, C., Heirs, farm located 0.6 mile south of State Secondary Road 1700 and 0.7 mile east of its junction with State Highway 11.

The Miller, Willie Mae, farm located on the south side of State Secondary Road 1961 and 1.1 miles west of the intersection of said road and State Secondary Road 1962.

The Norris, Norwood, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Outlaw, Oliver, farm located on both sides of State Secondary Road 1300 and the east side of State Secondary Road 1301 where these roads intersect.

The Phillips, Hubert, farm located on the east side of State Secondary Road 1375 and 0.7 mile northwest of its junction with State Highway 24.

Lenoir County. The Dawson, Wayne, farm located on the east side of State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1316.

Pender County. The Newkirk, M and F, farm located on the south side of State Secondary Road 1131 and 0.7 mile west of its junction with State Secondary Road 1121.

Wayne County. The Price, Jessie W., farm located on the east side of State Secondary Road 1948 and 0.7 mile south of the junction of said road and State Secondary Road 1744.

The Smith, W. H., farm located on the east side of State Secondary Road 1932 and 1.5 miles southeast of intersection of said road and State Secondary Road 1744.

South Carolina

Marlboro County. The Bowman, Cecil, farm located on both sides of a dirt road and 0.5 mile northeast of junction of said dirt road and State Secondary Highway 257, said junction being 0.4 mile north of junction of said highway and State Secondary Highway 165.

Surveys conducted by the United States Department of Agriculture and State agencies or North Carolina and South Carolina establish that witchweed has spread or is likely to spread to certain areas beyond the outer perimeter of areas currently designated as suppressive areas. These additional areas are areas where eradication of witchweed is undertaken as an objective. These actions are necessary on an emergency basis in order to prevent the spread of witchweed to these areas and to facilitate its ultimate eradication.

Deletion of Areas From List of Regulated Areas

All previous suppressive regulated areas in Brunswick, Columbus, Craven, Cumberland, Duplin, Harnett, Hoke, Johnston, Lenoir, Onslow, Pender, Richmond, Scotland, and Wayne Counties in North Carolina, and Darlington, Florence, Horry and Marlboro Counties in South Carolina, and all of Chesterfield County in South Carolina are being released, except for those suppressive regulated areas listed in this document in § 301.80–2a, which remain regulated.

It has been determined that the witchweed no longer occurs in certain suppressive regulated areas of the above listed counties in North Carolina and South Carolina and all of Chesterfield County in South Carolina. There is therefore no basis to continue listing such areas as regulated areas for the purpose of preventing the artificial spread of witchweed. Therefore, as an emergency measure, parts or all of such counties are deleted from the list of suppressive areas in order to delete unnecessary restrictions on the movement of witchweed regulated articles.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant pests, Plants (Agriculture), Quarantine, Transportation, Witchweed.

PART 301—DOMESTIC QUARANTINE NOTICES

Under the circumstances referred to above, § 301.80–2a of the witchweed quarantine and regulations (7 CFR 301.80–2a) is amended to read as follows:

§ 301.80–2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as witchweed regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

North Carolina

(1) *Generally infested areas.* None.

(2) *Suppressive areas.*

Beaufort County. The Jefferson, Russell M., farm located on the southwest side of State Secondary Road 1609 and 0.6 mile southeast of the junction of said road and State Highway 32.

The Osborne, H. R., farm located on both sides of State Secondary Road 1609 and 0.5 mile southeast of the junction of said road and State Highway 32.

Bladen County. The entire county.

Brunswick County. The Bryant, Ottice, farm No. 1 located at the end of a farm road 1.0 mile west of State Secondary Road 1342, 2.5 miles northwest of said State Secondary Road and its junction with State Highway 211.

The Bryant, Ottice, farm No. 2 located on both sides of State Secondary Road 1342, 2.3 miles northwest of said road and its junction with State Highway 211.

The Hewett, Patricia J., farm located on the west side of State Secondary Road 1151 and 0.4 mile south of its junction of State Secondary Road 1147.

The Hewett, Jr., R. B., farm located at the end of a farm road on the northeast side of State Secondary Road 1132, 0.4 mile northeast of said road and its intersection with N.C. Highway 130.

Columbus County. That part of the county lying north and west of a line beginning at a point where State Highway 211 intersects the Bladen-Columbus County line, thence south along said Highway 211 to its intersection with State Secondary Road 1740, thence southwest and south along said State Secondary Road 1740 to its junction with U.S. Highways 74 and 76, thence west along said highways to its intersection with White Marsh Swamp, thence south along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

The Brown, Annie, farm located on the west side of State Highway 11 and 0.6 mile south of the junction of said road with State Highway 87.

The Jacobs, Thomas, farm located 0.2 mile north of State Secondary Road 1847 and 1 mile northeast of the junction of said road 1847 with State Secondary Road 1740.

The Owen, J. A., farm located on the southwest side of State Highway 87 and 0.3 mile southeast of the intersection of said Highway 87 with the Bladen-Columbus County line.

The Shaw, Charles H., farm located 0.1 mile north of State Secondary Road 1847 and 0.9 mile northeast of the junction of said Road 1847 with State Secondary Road 1908.

The Spivey, D. M., farm located in the northeast corner of the intersection of U.S. Highway 701 and Gum Swamp.

Craven County. The Chapman, Idel M., farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said road 1459 and 0.3 mile off west side of State Secondary Road 1459.

The Hawkins, Annie A., farm located on both sides of State Secondary Road 1263 and 1 mile east of the junction of said Road 1263 with State Secondary Road 1262.

The Hawkins, Mattie, farm located on the west side of State Secondary Road 1263 and 1.2 miles east and north of its southern junction with State Secondary Road 1262.

The Jones, Vann, farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said road and 0.4 mile off of west side of State Secondary Road 1459.

The Morris, Gerald K., farm located on the north side of State Secondary Road 1444 and 1.4 miles northwest of the junction of State Secondary Road 1447 with said road.

The Nelson Estate, Joseph, located on both sides of State Secondary Road 1450 and located 0.1 mile northeast of intersection of State Secondary Road 1454.

The Nobles, Jr., Jack, farm located on both sides of State Secondary Road 1262 and located 0.7 mile south of the junction of State Secondary Road 1258 and State Secondary Road 1262.

The Register, Keith, farm located 0.3 mile west of the junction of Stafe Secondary Road 1251 with Highway 55 and on the north side of Highway 55.

The West, Gladys W., farm located on both sides of State Secondary Road 1263 and 1.4 miles east of its southern junction with State Secondary Road 1262.

The White, Raymond E., farm located on both sides of State Secondary Road 1263 and 0.2 mile east of its northern junction with State Secondary Road 1262.

Cumberland County. That area bounded by a line beginning at a point where U.S. Highway 401 intersects the Cumberland-Hoke County line, than east along said highway to its intersection with the Fayetteville city limits, then south, east, and northeast along said city limits to its junction with U.S. Highway 301 north, then northeast along said highway to its junction with U.S. Interstate 95, then northeast along said interstate to its junction with U.S. Highway 13, then east and northeast along said highway to its intersection with the Cumberland-Sampson County line, then southerly along said county line to its junction with the Bladen-Cumberland County line, then westerly along said county line to its junction with the Cumberland-Robeson County line, then northwesterly along said county line to its junction with Cumberland-Hoke County line, then northwesterly along said county line to the point of beginning.

The Autry, J. G., farm located on the east side of U.S. Highway 301 and 0.1 mile north of its junction with State Secondary Road 1722.

The Barefoot, William, farm located on the east side of State Secondary Road 1005 and 1.1 miles northeast of its junction with State Secondary Road 1813.

The Bullock, Burline, farm located on the northeast side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The Bunce, Mrs. John, farm located on the north side of State Secondary Road 1814 and 0.3 mile west of its junction with State Secondary Road 1813.

The Contrell, C. T., farm located on the west side of State Secondary Road 1400 at its junction with State Secondary Road 1401.

The Carter, Buck, farm located on the east side of State Highway 210 and 1.7 miles northeast of its junction with State Secondary Road 24.

The Elliott, Larry, farm located on the south side of State Secondary Road 1730 and east of its junction with State Secondary Road 1723.

The Elliott, Lattie, farm located on the north side of State Secondary Road 1722 and 0.4 mile east of its junction with State Secondary Road 1714.

The Elliott, W. H., farm located on the south side of State Secondary Road 1609 and 0.5 mile east of its junction with State Secondary Road 1710.

The Elmore, Charles M., farm located on the west side of State Highway 87/210 and 0.9 mile of its intersection with U.S. Highway 401 bypass.

The Geddie, W. H., farm located on the east side of State Secondary Road 1714 and 0.2 mile north of its junction with State Secondary Road 1722.

The Gerald, Rufus, farm located on the east side of State Secondary Road 1818 and 0.5 mile north of its intersection with U.S. Highway 13.

The Giles, E. M., farm located on the north side of State Secondary Road 1704 and 1.7 miles east of its junction with U.S. Highway 401.

The Godwin, Ada P., farm located on the east side of State Secondary Road 1714 and 0.2 mile south of its junction with State Secondary Road 1722.

The Grimble, A. I., farm located on the east side of State Secondary Road 1608 and 0.5 mile north of its junction with U.S. Highway 401.

The Lambert, Jack, farm located on the west side of State Secondary Road 1716 and 0.2 mile north of its junction with State Secondary Road 1717.

The Langley, D. A., farm located on the east side of State Highway 210 and 0.9 mile north of its junction with State Highway 224.

The Lee, Jack, farm located on the west side of State Secondary Road 1716 and 0.1 mile north of its junction with State Secondary Road 1717.

The Lovick, Eugene, farm located on the north side of State Secondary Road 1732 and 0.9 mile west of its junction with U.S. Highway 301.

The Lovick, Grady, farm located on the west side of State Secondary Road 1716 and 0.2 mile north of its junction with State Secondary Road 1717.

The Matthews, Ada H., farm located on the east side of State Secondary Road 1818 and 0.7 mile north of its intersection with U.S. Highway 13.

The Matthews, E. M., farm located on the east side of State Secondary Road 1005 and at its north intersection with State Secondary Road 1813.

The Matthews, Isiah, farm located on a private road off the east side of U.S. Highway 301 and 0.1 mile north of its junction with State Secondary Road 1722.

The McFayden, F. G., farm located on the west side of State Secondary Road 1400 and 0.2 mile north of its junction with U.S. Highway 401.

The McKeithan, Sarah E., farm located on the west side of U.S. Highway 301 and 0.3 mile north of its junction with State Secondary Road 1815.

The McLaurin, Burnice, farm located on the north side of State Secondary Road 1720 and 0.7 mile east of its intersection with State Secondary Road 1719.

The McLaurin, Elwood, farm located on the west side of U.S. Highway 301 and 0.2 mile north of its junction with State Secondary Road 1828.

The McLaurin, George, farm located on the north side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The McLaurin, Greg, farm located on the south side of State Secondary Road 1722 and 0.3 mile west of its junction with U.S. Highway 301.

The McLaurin, H. A., farm located on the south side of State Secondary Road 1722 and 0.41 mile west of its junction with U.S. Highway 301.

The McLaurin, Henry, farm located on the south side of State Secondary Road 1722 and 0.4 mile west of its junction with U.S. Highway 301.

The McLaurin, McLaurin, farm located on the north side of State Secondary Road 1722 and 0.5 mile west of its junction with U.S. Highway 301.

The McLaurin, M. M., farm located on the south side of State Secondary Road 1722 and 0.42 mile west of its junction with U.S. Highway 301.

The McLaurin, Octavious, farm located on the north side of State Secondary Road 1722 and 0.51 mile west of its junction with U.S. Highway 301.

The McLaurin, W. A., farm located on the south side of State Secondary Road 1722 and 0.43 mile west of its junction with U.S. Highway 301.

The McMillan, Vander, farm located on the west side of U.S. Highway 301 and 0.5 mile north of its junction with State Secondary Road 1722.

The McNeill, Mattie J., farm located on the west side of State Secondary Road 1593 and 0.8 mile north of its junction with U.S. Highway 401.

The Melvin, Edith, farm located on the east side of State Secondary Road 1600 and 1.7 miles north of its intersection with State Secondary Road 1615.

The Odums, Marshal, farm located on the north side of State Secondary Road 1722 and 0.2 mile west of its junction with U.S. Highway 301.

The Powell, William Clinton, farm located on the south side of State Secondary Road 1722 and 0.3 mile east of its junction with State Secondary Road 1714.

The Pruitt, K. D., farm located on the west side of U.S. Highway 13 and 0.6 mile north of its intersection with State Secondary Road 1818.

The Shirman, Harry, farm located on the west side of State Secondary Road 1400 and 0.1 mile south of its junction with State Secondary Road 1401.

The Smith, Agnes, farm located on the south side of State Secondary Road 1720 and 0.7 mile east of its intersection with State Secondary Road 1719.

The Smith, Gilbert, farm located on the west side of State Secondary Road 1714 and 0.2 mile south of its junction with State Secondary Road 1724.

The Smith, Gilbert, farm located on the south side of State Secondary Road 1730 and 0.2 mile east of its junction with State Secondary Road 1723.

The Smith, Gilbert, farm located on both sides of State Secondary Road 1723 at its junction with State Secondary Road 1730.

The Smith, J. B., farm located on the south side of State Secondary Road 1720 and 0.6 mile east of its intersection with State Secondary Road 1719.

The Smith, J. B., farm located on the north side of State Secondary Road 1719 and 1.1 miles east of its intersection with State Secondary Road 1720.

The Smith, J. B., farm located on the south side of State Secondary Road 1722 and 0.6 mile west of its junction with State Secondary Road 1721.

The Smith, Larry Don, farm located on a private road off the west side of U.S. Highway 301 and 0.2 mile south of its junction with State Secondary Road 1722.

The Thompson, Mrs. Paul, farm located on the west side of U.S. Highway 301 and 0.4 mile south of its junction with State Secondary Road 1863.

The Turner, W. E., farm located on a private road off the east side of U.S. Highway 301 and 0.2 mile north of its junction with State Secondary Road 1722.

The Underwood, George, farm located on the south side of State Secondary Road 1730 and 0.5 mile east of its junction with State Secondary Road 1723.

The Underwood, Olive T., farm located on the east side of State Secondary Road 1723 and 0.6 mile south of its junction with State Secondary Road 1722.

The Valentine, Ike, farm located on the west side of State Secondary Road 1402 and 0.9 mile south of its junction with State Secondary Road 1400.

The Vann, J. R., farm located on the north side of State Secondary Road 1813 and 0.5 mile east of its intersection with State Secondary Road 1005.

The Vann, W. E., farm located on both sides of State Secondary Road 1813 at its junction with State Secondary Road 1819.

The Williams, C. D., farm located on the north side of State Secondary Road 1719 and 1.21 miles north of its intersection with State Secondary Road 1720.

The Williams, Maggie, farm located on the north side of State Secondary Road 1719 and 1.2 miles north of its intersection with State Secondary Road 1720.

The Williams, M. C., farm located on the south side of State Secondary Road 1728 and at its east intersection with State Secondary Road 1725.

The Williams, Robert, farm located on the east side of State Secondary Road 1813 and at its intersection with Interstate 95.

The Williams, Robert F., farm located on the west side of State Secondary Road 1728 and 0.6 mile north of its junction with State Secondary Road 1714.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1337 intersects the Duplin-Sampson County line, then northeast along said road to its intersection with State Secondary Road 1301, then southeast along said road to its intersection with State Highway 50, then northwest along said highway to its junction with State Secondary Road 1355, then northeast along said road to its junction with State Secondary Road 1332, then northeast along said road to its junction with State Secondary Road 1304, then southeast along said road to its intersection with Bear Swamp, then east along said swamp to its junction with Goshen Swamp, then southeast along said swamp to its intersection with State Secondary Road 1004, then southeast along said road to its intersection with Nahunga Creek, then southwest along said creek to its intersection with State Secondary Road 1301, then northwest along said road to its junction with State Secondary Road 1346, then southwest along said road to its junction with State Secondary Road 1365, then west along said road to its junction with State Highway 50, then southeast along said highway to its junction with State Secondary Road 1900, then southeast along said road to its junction with State Secondary Road 1003, then east along said road to its junction with State Highway 11, then south along said highway to its junction with State Secondary Road 1922, then southwest along said road to its junction with State Secondary Road 1909, then south along said road to its junction with State Secondary Road 1912, then west along said road to its intersection with the Magnolia city limits, then south, west, and north along said city limits to its intersection with State Secondary Road 1003, then southwest along said road to its junction with State Secondary Road 1101, then southeast along said road to its intersection with State Secondary Road 1102, then southwest along said road to its junction with State Secondary Road 1126, then west along said road to its intersection with State Secondary Road 1100, then southeast along said road to its intersection with State Secondary Road 1102, then south along said road to its junction with State Secondary Road 1129, then southwest along said road to its intersection with State Secondary Road 1128, then northwest along said road to its intersection with Duplin-Sampson County line, then north along said county line to the point of beginning.

The Beard, Mary Lou, farm located on both sides of State Secondary Road 1961 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Bradshaw, Milton J., farm located at the northwest end of State Secondary Road 1980.

The Brock, Jack, farm located on both sides of State Secondary Road 1700 and 0.8 mile west of the intersection of said road and the Northeast Cape Fear River.

The Brown, George, farm located on the west side of State Secondary Road 1004 and 0.8 mile north of its junction with State Secondary Road 1504.

The Chambers, D. F., farm located on the south side of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The English, James Earl, farm located on the north side of State Secondary Road 1980 and 0.3 mile southwest of the junction of said road and State Secondary Road 1979.

The Garner, C. C., farm located on both sides of State Secondary Road 1961 and 0.5 mile west of the intersection of said road and the Northwest Cape Fear River.

The Georgia Pacific Corporation, farm located on the west side of the Seaboard Coast Line Railroad and 0.1 mile north of its intersection with State Secondary Road 1301.

The Goodson, Emma, farm located on the south side of State Secondary Road 1501 and 0.3 mile west of the junction of said road and State Secondary Road 1505.

The Grady, E. C., farm located on both sides of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Hollingsworth, Denver, farm located 0.1 mile east of State Secondary Road 1831 and 1.0 mile south of its junction with State Secondary Road 1827.

The Horne, Harry, farm located on the south side of State Secondary Road 1961 and 0.8 mile west of the intersection of said road and State Secondary Road 1962.

The Howard, Henry, farm located on the north side of State Secondary Road 1700 and 0.8 mile west of the intersection of said road and the Northeast Cape Fear River.

The Ivey, Foy, No. 2, farm located on both sides of State Secondary Road 1004 and 0.1 mile south of its junction with State Secondary Road 1561.

The Jernigan, Cornelia, farm located on the west side of State Secondary Road 1360 and

0.4 mile south of its junction with State Secondary Road 1004.

The Johnson, Eldora, farm located on both sides of State Secondary Road 1123 and 1.2 miles west of the junction of said road and State Secondary Road 1103.

The Jones, H. A. No. 2, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The King, W. R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Secondary Road 1308.

The Kornegay, Byrus, farm located on the east side of State Highway 403 and 0.1 mile north of its junction with State Secondary Road 1369.

The Kornegay, Cecil, farm located on the northwest side of State Secondary Road 1306 and 1 mile southwest of its intersection with State Secondary Road 1500.

The McCullen, Larry, farm located on the northeast side of State Highway 24 and 0.2 mile northwest of the junction of said highway and State Secondary Road 1904.

The McGowan, Henry C., Heirs, farm located 0.6 mile south of State Secondary Road 1700 and 0.7 mile east of its junction with State Highway 11.

The Miller, O'Berry, farm located on the north side of State Secondary Road 1700, and 0.1 mile east of its junction with State Highway 11.

The Miller, Willie Mae, farm located on the south side of State Secondary Road 1961 and 1.1 miles west of the intersection of said road and State Secondary Road 1962.

The Norris, Norwood, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Outlaw, Emma, farm located on the south side of State Secondary Road 1509 and 0.5 mile southwest of the junction of said road and State Secondary Road 1510.

The Outlaw, Oliver, farm located on both sides of State Secondary Road 1300 and the east side of State Secondary Road 1301 where these roads intersect.

The Pate, Robert Lee, farm located on both sides of State Secondary Road 1357 and 0.9 mile southwest of the junction of said road and State Secondary Road 1306.

The Phillips, Hubert, farm located on the east side of State Secondary Road 1357 and 0.7 mile northwest of its junction with State Highway 24.

The Rivenbark, George W., farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road and State Secondary Road 1128.

The Miller, Willie Mae, farm located on the south side of State Secondary Road 1961 and 1.1 miles west of the intersection of said road and State Secondary Road 1962.

The Norris, Norwood, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Outlaw, Emma, farm located on the south side of State Secondary Road 1509 and 0.5 mile southwest of the junction of said road and State Secondary Road 1510.

The Outlaw, Oliver, farm located on both sides of State Secondary Road 1300 and the east side of State Secondary Road 1301 where these roads intersect.

The Pate, Robert Lee, farm located on both sides of State Secondary Road 1357 and 0.9 mile southwest of the junction of said road and State Secondary Road 1306.

The Phillips, Hubert, farm located on the east side of State Secondary Road 1357 and 0.7 mile northwest of its junction with State Highway 24.

The Rivenbark, George W., farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road and State Secondary Road 1128.

The Rouse, Beatrice S., farm located on both sides of State Secondary Road 1980 and at the west end of said road.

The Smith, Sallie P., farm located on the northeast side of State Highway 111 and 0.8 mile southeast of the Duplin-Wayne County line.

The Stokes, Fred, farm located on the south side of State Secondary Road 1980 land 2.4 miles west of the junction of said road and State Secondary Road 1979.

The Stokes, William C., farm located at the southwest end of State Secondary Road 1980.

The Summerlin, Lannie, farm located on both sides of State Secondary Road 1359 and 0.3 mile southwest of its junction with State Secondary Road 1306.

The Turner, Lumas, farm located on the south side of State Secondary Road 1703 and 0.6 mile west of the junction of said road and State Secondary Road 1732.

The Whitman, Herman E., farm located on the north side of State Secondary Road 1300 and 0.8 mile east of the intersection of said road and State Secondary Road 1301.

The Williams, Jasper, farm located on the east side of State Secondary Road 1323 and 0.2 mile south of its junction with State Highway 403.

The Williams, McArthur, farm located on the south side of State Secondary Road 1961 and 1 mile west of the intersection of said road and State Secondary Road 1962.

The Wilson, Mammie, farm located on the east side of State Highway 111 and 1.0 mile south of the intersection of said highway and State Secondary Road 1700.

Green County. That area bounded by a line beginning at a point where State Highway 102 intersects State Highway 123 and extending south along State Highway 123 to its intersection with Contentnea Creek, then northwest along said creek to its junction with Panther Swamp, then northerly along said swamp to its intersection with U.S. Highway 13–258, then easterly along said highway to the point of beginning.

The Carmon, James E., farm located on the east side of State Secondary Road 1004 and 0.4 mile south of its junction with North Carolina Highway 102.

The Dixon, John, farm located on the east side of State Secondary Road 1004 at the junction on State Secondary Road 1405.

The Dixon, Sudie, farm located on the west side of State Secondary Road 1004 and 0.2 mile south of its junction of State Secondary Road 1405.

The Murphrey, Edward, farm located on the east side of State Secondary Road 1004 and 0.3 mile south of its junction with State Highway 102.

The Whitaker, J. H., farm located on the east side of State Secondary Road 1004 and 0.6 mile south of its junction with State Highway 102.

Harnett County. That area bounded by a line beginning at a point on the Harnett-Lee County line due west of the head of Barbecue Swamp and extending east to the head of said swamp, then south and east along Barbecue Swamp to its intersection on State Secondary Road 1201, then south and southeast along said road to its junction with State Highway 27, then southeast along said highway to its junction with State Highway 24, then southeast along said highway to its junction with State Secondary Road 1111, then southwest along said road to its intersection with Harnett-Moore County line, then northwest along the Harnett-Moore County line to its junction with the Moore-Harnett-Lee County line, then northeast along the Harnett-Lee County line to the point of beginning.

That area bounded by a line beginning at a point where the Harnett-Cumberland County line and McLeod Creek intersect and extending northwest along said creek to its intersection with State Secondary Road 1117, then northeast, northwest and north along said road to its intersection with Anderson Creek, then southeast along said creek to its intersection with the State Highway 210, then northeast along said highway to its junction with State Secondary Road 2030, then southeast along said road to its junction with State Secondary Road 2031, then southwest along said road to its intersection with the Harnett-Cumberland County line, then southwest and west along said county line to the point of beginning.

The Cook, A. L., farm located on the east side of State Secondary Road 1201 and 1.5 miles southeast of the junction of said road with State Secondary Road 1203.

The Gilchrist, Leonard W., farm located on the southeast side of State Secondary Road 1111, 0.4 mile north of the junction of said road with State Secondary Road 1110.

The Thomas, Floyd E., farm located on the northeast side of State Secondary Road 1146 and 0.2 mile north of the junction of said road with State Secondary Road 1117.

The Womack, E. H., farm located on the east side of State Highway 27, and 1.0 mile north of the junction of said highway with State Highway 24.

Hoke County. That area bounded by a line beginning at a point where U.S. Highway 401 intersects with Hoke-Scotland County line, then northeasterly along said highway to its junction with the Raeford city limits, then southeast and north along said city limits to its junction with Business Highway 401, then east and northeast along said highway to its junction with U.S. Highway 401, then easterly along said highway to its intersection with the Cumberland-Hoke County line, then southeast along said county line to its junction with the Hoke-Robeson County line, then southwest and west along said county line to its junction with the Hoke-Scotland County line, then northerly along said county line to the point of beginning.

The Beckwith, W. L., farm located on the west side of U.S. Highway 401 Business and

0.8 mile south of the junction of said highway with U.S. Highway 401 bypass.

The Blue, W. A., farm located to the north of State Secondary Road 1302 and 0.7 mile west of the junction of said road with State Secondary Road 1303.

The Bronson, Amos, farm located on the north side of State Secondary Road 1302 and 0.8 mile west of the junction of said road with State Secondary Road 1303.

The Burke, Will, Estate farm located to the southeast of State Secondary Road 1233 and 0.2 mile south of the junction of said road with State Secondary Road 1218.

The Cameron, Hermon, farm located on the east side of State Secondary Road 1212 and 0.1 mile south of the junction of said road with State Secondary Road 1211.

The Cameron, W. W., farm located on both sides of State Secondary Road 1215 and 1 mile southwest of the junction of said road with State Highway 211.

The Chandler, Charlie Henry, farm located on the east side of State Secondary Road 1218 and 1 mile south of the junction of said road with State Secondary Road 1219.

The Ellis, W. H., farm located on both sides of State Secondary Road 1200 and 0.2 mile south of the junction of said road with State Secondary Road 1203.

The Flowers, Effie Lee, farm located on the north side of State Secondary Road 1203 and 0.1 mile northeast of the junction of said road with State Secondary Road 1207.

The Flynn, Charlie, farm located on the east side of State Secondary Road 1218 and 1 mile south of the junction of said road with State Secondary Road 1219.

The Fowler, Arne, farm located on the north side of the State Secondary Road 1203 and 0.2 mile northeast of the junction of said road with State Secondary Road 1207.

The Gainey, Marvin, farm located on the west side of State Secondary Road 1200 and 0.5 mile south of the junction of said road with State Secondary Road 1203.

The Gainey, Marvin, farm located on the east side of State Secondary Road 1200 and 0.5 mile south of the junction of said road with State Secondary Road 1203.

The Graham, William, farm located on the north side of State Secondary Road 1316 and 0.5 mile east of the junction of said road with State Highway 211.

The Johnson, George, farm located on the south side of State Secondary Road 1219 and 0.3 mile east of the junction of said road with State Secondary Road 1218.

The Leslie, Dora N., farm located north of the junction of State Secondary Roads 1200 and 1203.

The Lewis, Emory, farm located on both sides of State Secondary Road 1215 and 1.2 miles north of the junction of said road with State Secondary Road 1214.

The Lewis, Woodrow, farm located on the west side of State Secondary Road 1215 and 1 mile north of the junction of said road with State Secondary Road 1214.

The McDuffie, Cleo, farm located on the south side of State Secondary Road 1203 and 0.1 mile northeast of the junction of said road with State Secondary Road 1202.

The McPhatter, Tom, farm located on the east side of State Secondary Road 1202 and 0.1 mile south of the junction of said road with State Secondary Road 1203.

The McRae, Annie, farm located on the west side of State Secondary Road 1302 and 0.1 mile north of the junction of said road with U.S. Highway 401 bypass.

The McRae, Ervin, farm located on the north side of State Secondary Road 1302 and 1 mile west of the junction of said road with State Secondary Road 1303.

The Moon, Leonard, farm located on the west side of State Highway 211 and 0.3 mile north of the junction of said highway with State Secondary Road 1228.

The Pandure, Ralph, farm located on the north side of State Secondary Road 1211 and 0.5 mile south of the junction of said road with State Secondary Road 1212.

The Ray, Howard, farm located on the north side of State Secondary Road 1203 and 0.1 mile west of the junction of said road with State Secondary Road 1240.

The Ray, Howard, farm located on the north side of State Secondary Road 1203 and 0.2 mile east of the junction of said road with State Secondary Road 1200

The Ray, Neil, farm located on the west side of State Secondary Road 1320 and 0.1 mile west of the junction of said road with State Secondary Road 1304.

The Williams, Alex, farm located in the southeast junction of State Secondary Roads 1202 and 1203.

The Winecroff, Lee, farm located on both sides of State Secondary Road 1215 and 0.4 mile east of the junction of said road with State Secondary Road 1216.

Johnston County. The Holt, Dorothy C., farm located on the west side of State Secondary Road 2542 and 0.1 mile south of its junction with State Secondary Road 1007.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Martin, John L., farm located on the west side of State Secondary Road 1201 and 0.3 mile north of the junction of said road with State Secondary Road 1200.

The Massengill, R. T., farm located on the south side of State Secondary Road 1145 and 0.2 mile west of its junction with State Secondary Road 1144.

Lee County. The McGilvary, Aquilla, farm located north of State Secondary Road 1180 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

Lenoir County. The Barwick, Charles H. and Evelyn Sutton, farm located on the north side of State Secondary Road 1324 and 0.1 mile east of its junction with State Secondary Road 1308.

The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Brown, Nannie H., farm located in the southwest junction of State Secondary Roads 1152 and 1309.

The Carey, Jack, farm located on both sides of State Secondary Road 1906 and 1 mile east of its junction with U.S. Highway 285.

The Dawson, Wayne, farm located on the east side of State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1316.

The Faulkner, Isabelle, farm located on both sides of State Secondary Road 1809 and 0.5 mile east of its junction with State Secondary Road 1720.

The Foss, Reginal D., farm located on the north side of State Secondary Road 1316 and 0.6 mile northwest of its junction with State Secondary Road 1318.

The Hamilton, C. W., farm located on the southeast side of State Secondary Road 1802 and 1.2 miles northeast of its junction with State Highway 11.

The Herring, Ben D., No. 1, farm located on both sides of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Herring, Ben D., No. 2, farm located on the west side of State Secondary Road 1310 and 0.3 mile south of its junction with State Secondary Road 1311.

The Herring, Frances F., farm located on the west side of State Secondary Road 1310 and 0.6 mile south of its junction with State Secondary Road 1311.

The Herring, Jack A., farm located on both sides of State Secondary Road 1310 and 0.4 mile south of its junction with State Secondary Road 1311.

The Jarman, F. R., farm located on the southeast side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

The Jones, Edward S., farm located on the west side of U.S. Highway 258 and 0.3 mile north of its junction with State Secondary Road 1116.

The Joyner Farms, Inc., farm located on both sides of State Secondary Road 1324 and 0.5 mile east of its junction with State Secondary Road 1335.

The Parrott Farms, Inc., farm located on the northwest side of State Secondary Road 1157 and 0.7 mile northwest of its intersection with State Highway 55.

The Rouse, Forrest, farm located on the northeast side of State Secondary Road 1143 and 2.9 miles northwest of its intersection with State Secondary Road 1154.

The Rouse, Jim W., farm located on the northeast side of State Secondary Road 1143 and 2.8 miles northwest of its intersection with State Secondary Road 1154.

The Sutton, Curtis, Estate located on the west side of State Secondary Road 1324 and 0.5 mile north of its junction with State Secondary Road 1309.

The Sutton, Harvey, farm located on the west side of State Secondary Road 1331 and 0.2 mile south of its junction with State Secondary Road 1330.

The Sutton, John W., farm located on the southwest junction of State Secondary Road 1333 and State Secondary Road 1330.

The Sutton, M. L., farm located on the southeast side of State Secondary Road 1311 and 0.8 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Nancy, farm located on the south side of State Secondary Road 1330 and 0.5 mile east of its junction with State Secondary Road 1331.

The Sutton, Nathan, farm located on the southeast side of State Secondary Road 1311 and 0.8 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Prentice, farm located on the south side of State Secondary Road 1503 and

0.3 mile southeast of its intersection with State Secondary Road 1327.

The Sutton, Robert H., farm located on the south side of State Secondary Road 1324 and 0.2 mile east of its junction with State Secondary Road 1327.

The Sutton, Woodrow W., farm located on the north side of State Secondary Road 1331 and 0.5 mile west of its junction with State Secondary Road 1333.

The Walters, H. F., farm located on both sides of State Secondary Road 1335 and 0.4 mile north of its junction with State Secondary Road 1324.

The Waters, Thomas, Estate located on both sides of State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1317.

Moore County. The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest from the junction of said road and State Secondary Road 1853.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

Onslow County. The Cox, Robert B., farm located on the southeast side of State Secondary Road 1224, and 0.7 mile northeast from the junction of said road and State Secondary Road 1222.

The Hancock, Sally, farm located on a dirt road 0.2 mile northeast of the junction of State Secondary Road 1206 and State Secondary Road 1001.

The Henderson, Charlie, farm located on the east side of State Secondary Road 1528, and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Lanier, Larry, farm located on the north side of State Secondary Road 1223 and 0.5 mile east from the junction of said road and State Secondary Road 1222. Said junction being located 1.2 miles north of junction of State Secondary Roads 1222 and 1001.

The Marshburn, James B., farm located on the southeast side of State Secondary Road 1224, and 0.8 mile from the junction of said road and State Secondary Road 1222.

The McAllister, Henry, farm located on both sides of State Secondary Road 1316 and 1 mile southwest of said road and its junction with State Secondary Road 1308.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, then southeast along said river to its intersection with State Highway 210, then southwest along said highway to its junction with State Secondary Road 1103, then southeast along said road to its junction with State Secondary Road 1104, then southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with Walker Swamp, then northeast along said swamp to its junction with Pike Creek, then southeast along said creek to its junction with the Northeast Cape Fear River, then south along said river to its intersection with State Highway 210, then southwest along said highway to its junction with State Secondary Road 1518, then southeast along said road to its junction with State Secondary Road 1517, then westerly along said road to the point of beginning.

The Anderson, Julian W., farm located on both sides of State Secondary Road 1108 and 0.9 mile northwest of the junction of said road and State Secondary Road 1107.

The Batson, Arthur, farm located on the east side of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Corbett, W. M., farm located on both sides of State Secondary Road 1201 at its junction with State Secondary Road 1200.

The Dees, Betty B., farm located 0.6 mile east of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Fensel, F. P., farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Kea, Leo, farm located 0.5 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The Lanier, Admah, farm located on the southeast side of State Secondary Road 1411 and 1.4 miles east of its intersection with U.S. Highway 117.

The Marshall, Crawford, farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Marshall, Milvin, farm located on the north side of State Secondary Road 1103 and 0.6 mile east of the southern junction of said road and State Secondary Road 1104.

The McCallister, Mary K., farm located 0.2 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The Newkirk, M and F, farm located on the south side of State Secondary Road 1131 and 0.7 mile west of its junction with State Secondary Road 1121.

The Stringfield Estate, John, located on the southwest side of State Secondary Road 1517 and 1.4 miles east of the junction of said road and U.S. Highway 117.

The Terrell, Nancy, farm located on a field road 2.8 miles east of U.S. Highway 117 and 0.3 mile south of its intersection with State Secondary Road 1411.

The Ward, Mary Alice, farm located on a field road 0.9 mile east of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

Pitt County. That area bounded by a line beginning at a point where State Secondary Road 1919 intersects the Pitt-Craven County line, then southwest along said county line to its intersection with State Highway 118, then westward along said highway to its intersection with State Secondary Road 1753, then northward along said road to its junction with State Secondary Road 1919, then eastward to the point of the beginning.

The Gardner, Charlie D., farm located on both sides of State Secondary Road 1910 at junction of said road and State Highway 118.

The Garris, Bruce E., farm located in the south junction of State Highway 118 and State Secondary Road 1916.

The Hodges, M. B., farm located on the east side of State Secondary Road 1907 and 1.1 miles north of State Highway 118.

Richmond County. The Dumas, Reba, farm located on the northeast side of State Secondary Road 1083 and 0.3 mile northwest of said intersection of State Highway 38.

The Godfrey, J. R., farm located on the northwest side of State Secondary Road 1318 and 0.2 mile north of its junction with State Secondary Road 1310.

The Ingram, Rome, farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The Poe, William, farm located 0.6 mile on unnumbered road off State Road 1475 and 0.2 mile southeast of its junction with State Road 1486.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and State Highway 38.

The Steele, Thomas, farm located on the northwest side of State Road 1442 and 0.4 mile southwest of its junction with State Road 1489.

The Terry, Ruth, farm located on both sides of State Secondary Road 1442 and 0.2 mile northeast of its junction with State Secondary Road 1477.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Wall, Ben, farm located on the northeast side of the State Secondary Road 1440 and 0.4 mile southeast of its junction with State Secondary Road 1433.

The Waters, Will, farm located on both sides of State Secondary Road 1623 and 0.4 mile southwest of its junction with State Secondary Road 1607.

The Watkins, John Q., farm located on the southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 74 intersects the Robeson-Scotland County line, then west along said highway to its intersection with the Laurinburg city limits, then northerly and westerly along said city limits to its junction with U.S. Highway 15, 401, and 501, then southwest along said highway to its intersection with State Secondary Road 1300, then northwesterly along said road to its junction with State Secondary Road 1105, then northwesterly along said road it its junction with State Secondary Road 1324, then northerly along said road to its intersection with State Secondary Road 1345, then northwesterly along said road to its intersection with State Secondary Road 1341, then northeasterly along said road to its junction with State

Secondary Road 1328, then northerly along said road to its intersection with the Southern boundary of the Sandhills Game Management Area, then easterly along said boundary to its intersection with U.S. Highway 15–501, then north along said highway to its intersection with the Scotland-Hoke County line, then southeasterly along said county line to the Scotland-Robeson County line, then southwest along said county line to the point of beginning.

The Bowen, J. J., farm located on the northeast side of State Secondary Road 1625 and 0.1 mile southeast of the junction of said road with State Secondary Road 1622.

The Bullard, B. W., farm located on the southeast side of State Secondary Road 1612 and 0.7 mile northeast of the junction of said road with State Secondary Road 1619.

The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Harris, Wardell, farm located on the east side of State Secondary Road 1613 and 0.6 mile north of the junction of said road with State Secondary Road 1619.

The James, Marshall P., farm located on the east side of State Secondary Road 1612 at the junction of said road with State Secondary Road 1619.

The Jones, R. D., farm located on the northeast side of State Secondary Road 1601 and 0.2 mile northwest of its junction with State Secondary Road 1609.

The Locklear, Hollis, farm located on both sides of State Secondary Road 1623 and 0.3 mile northwest of the junction of said road with Scotland-Robeson County line.

The McArthur, C. S., farm located on both sides of State Secondary Road 1614 at its intersection of said road with State Secondary Road 1615.

McCoy, R. F., farm located on the east side of State Secondary Road 1346 and 0.4 mile north of its junction with State Secondary Road 1343.

The McNair Investment Company, farm located on the southwest side of State Secondary Road 1615 and 0.1 mile northwest of the junction of said road with State Secondary Road 1624.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Sharpe, Preston, farm located on the south side of U.S. Highway 74 and 0.2 mile west of the junction of said highway with State Secondary Road 1153.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

The Stewart, Claude, farm located on the northwest side of State Secondary Road 1612 and 0.7 mile northeast of the junction of said road with State Secondary Road 1619.

Wayne County. That area bounded by a line beginning at a point where the State Highway 111 and State Secondary Road 1744 intersect, then westerly along said road to its junction with State Secondary Road 1948, then southerly along said road to its intersection with State Secondary Road 1745, then westerly along said road to its junction with State Secondary Road 1915, then northerly along said road to its intersection with State Secondary Road 1744, then westerly along said road to its intersection with State Secondary Road 1937, then northerly on said road to its junction with State Secondary Road 1932, then northerly on said road to its intersection with State Secondary Road 1120, then easterly along said road to its junction with State Secondary Road 1915, then easterly from said junction along an imaginary line to the junction of Sleepy Creek and Neuse River, then easterly along said river to its intersection with State Highway 111, then southerly along said highway to the point of beginning.

The Bowden, B. J., farm located on the west side of State Secondary Road 1931 and 0.2 mile south of intersection of said road and State Secondary Road 1120.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Crawford, William P., farm located on the south side of State Secondary Road 1330 and 0.9 mile west of State Highway 581.

The Dawson, L. A., farm located on west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Grady, Gertrude W., farm located on the south side of State Secondary Road 1741 and 0.7 mile east of its junction with State Secondary Road 1740.

The Grant, Charlie, farm located on the south side of State Secondary Road 1745 and 0.4 mile west of its junction with State Secondary Road 1952.

The Grant, Maggie, Estate located on the west side of State Highway 111 and 1.9 miles south of the junction of State Secondary Road 1730 with said highway.

The Green, Bessey, farm located at the southern end of the State Secondary Road 1741 and 1.3 miles east of its junction with State Secondary Road 1740.

The Haggin, Joe, No. 2, farm located on the east side of State Secondary Road 1931 and 1.1 miles northeast of its intersection with State Secondary Road 1120.

The Herring, Charles F., farm located on the south side of State Secondary Road 1741 and 0.3 mile east of its junction with State Secondary Road 1740.

The Herring, Harmon, farm located on the south side of State Secondary Road 1734 and 0.4 mile east of its junction with State Secondary Road 1731.

The Herring, Thel, farm located on the west side of State Secondary Road 1711 and 0.4 mile north of its juction with U.S. Highway 70A.

The Humphrey, Josephine, farm located on the east side of State Secondary Road 1932 and 0.2 mile north of its intersection with State Secondary Road 1120.

The Ivey, W. H., farm located on the south side of State Secondary Road 1734 and 0.3 mile east of its junction with State Secondary Road 1731.

The Jackson, Major, farm located on the east side of State Secondary Road 1731 and 0.6 mile north of the Neuse River.

The Jones, Mary, farm located on both sides of State Secondary Road 1730 and its junction with State Secondary Road 1731.

The Lane, Alfred, farm located on the south side of State Secondary Road 1730 and 0.4 mile east of its junction with State Highway 111.

The Lofton, Burt & Davis, King, farm located on the east side of State Secondary Road 1739 and 0.3 mile south of its junction with State Highway 55.

The McClenny, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The Parks, Robert, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Price, James, farm located in the southeastern intersection of State Highway 111 and State Secondary Road 1745.

The Price, Jessie W., farm located on the east side of State Secondary Road 1948 and 0.7 mile south of the junction of said road and State Secondary Road 1744.

The Ray, Cora Pate, farm located on both sides of State Secondary Road 1730 and 0.8 mile west of its junction of State Secondary Road 1731.

The Raynor, Early, No. 1, farm located on the south side of U.S. Highway 13 and 0.3 mile east of its junction with State Secondary Road 1207.

The Raynor, Early, No. 2, farm located on the north side of State Secondary Road 1101 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Raynor, Elester, farm located on the east side of State Secondary Road 1105 and 0.8 mile south of its intersection with U.S. Highway 13.

The Sasser, Johnny, farm located on the west side of State Secondary Road 1931 and 0.3 mile south of its junction with State Secondary Road 1930.

The Sasser, Rosa, farm located on both sides of State Highway 111 and 0.1 mile south of its junction with State Secondary Road 1912.

The Smith, Alfred, farm located on the north side of State Secondary Road 1330 and 0.9 mile west of the junction of said road and North Carolina Highway 581.

The Smith, Arnold, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Smith, W. H., farm located on the east-side of State Secondary Road 1932 and 1.5 miles southeast of intersection of said road and State Secondary Road 1744.

The Talton, Lillian D., farm located on the south side of State Secondary Road 1730 and 0.6 mile east of its junction with State Highway 111.

The Thornton, S. E., farm located on the southeast junction of State Secondary Roads 1210 and 1209.

The Whitfield, Herman, farm located at the end of State Secondary Road 1729.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

South Carolina

(1) *Generally infested area.* None.

(2) *Suppressive areas.*

Darlington County. The Atkinson Farms located on both sides of State Secondary Highway 173 and 0.5 mile west of its intersection with State Secondary Highway 35.

The Flowers, William M., farm located on the north side of State Secondary Highway 14 and 1.4 miles east of its intersection with State Secondary Highway 13.

The Goodson, C. C., farm located on the northeast side of the junction of State Secondary Highway 133 with State Secondary Highway 29.

The Goodson, R. E., farm located on the east side of State Secondary Highway 133 and 0.25 mile north of junction of said highway 133 with State Secondary Highway 29.

The Green, M. L., farm located on the east side of State Secondary Highway 133 and 0.75 mile north of junction of said highway 133 with State Secondary Highway 29.

Dillon County. The entire county.

Florence County. That area bounded by a line beginning at a point where State Secondary Highway 925 and State Secondary Highway 24 junction and extending east and southeast along State Secondary Highway 24 to its junction with State Secondary Highway 13, then along a line projected due east from said junction to its intersection with the Great Pee Dee River, then south along said river to its junction with Barfield's Old Mill Creek, then northwest and west along said creek to its intersection with State Secondary Highway 57, then north along said highway to its junction with State Secondary Highway 893, then west and southwest along State Secondary Highway 893 to its junction with State Secondary Highway 70, then northwest along said highway to its junction with State Secondary Highway 897, then southwest and south along said highway to its junction with State Primary Highway 51, then west and northwest along said highway to its intersection with State Primary Highway 327, then northwest and west along said highway to its junction with State Secondary Highway 552, then north along said highway to its junction with State Secondary Highway 551, then northwest along a dirt road to its junction with a second dirt road, said junction being 0.1 mile east of Goodland School, then northeast along said second dirt road to its junction with State Secondary Highway 57, then southeast along said highway to its intersection with the Seaboard Coast Line Railroad, then northwest along said railroad to its intersection with State Secondary Highway 13, then east along said highway to its junction with State Secondary Highway 918, then north and northeast along said highway to its junction with State Primary Highway 327, then north along said highway to its intersection with U.S. Highway 76, then west along said highway to its junction with State Secondary Highway 925, then north along said highway to the point of beginning, excluding the area within the unincorporated limits of the town of Hyman.

That area bounded by a line beginning at a point where State Secondary Highway 794 and State Secondary Highway 72 junction and extending south along State Secondary Highway 72 to its intersection with State Secondary Highway 46, then northeast along said highway to its intersection with State Secondary Highway 34, then southeast along said highway to its junction with State Secondary Highway 360, then northeast along said highway to its junction with a dirt road, said junction being 1.6 miles northeast of the junction of State Secondary Highways 34 and 360, then southeast along said dirt road for a distance of 1.2 miles to its junction with a second dirt road, then southwest along said dirt road to its junction with State Secondary Highway 34, then south along said highway to its junction with U.S. Highway 378, then west along said highway to its junction with State Secondary Highway 47, then northwest and west along said highway to the corporate limits of the town of Scranton, then north and west along the east and north perimeter of said corporate limits to its intersection with the Seaboard Coast Line Railroad, then north along said railroad to the corporate limits of the town of Coward, then north along the east perimeter of the town of Coward to its intersection with State Secondary Highway 794, then northeast along said highway to the point of the beginning.

That area bounded by a line beginning at a point where State Secondary Highway 66 and the Seaboard Coast Line Railroad intersect and extending southeast along said railroad to its intersection with State Secondary Highway 57, then south along said highway to its junction with U.S. Highway 378, then west along said highway to its intersection with Deep Creek, then southwest along said creek to its junctions with Lynches River, then west along said river to its junction with Little Swamp, then north along said swamp to its intersection with State Secondary Highway 66, then east along said highway to the point of the beginning.

The Braddy, Elnoreah, farm located on the west side of State Secondary Highway 633 and 0.15 mile south of its intersection with State Secondary Highway 58.

The Canal Timber Company, farm located at the junction of State Secondary Highway 57 and State Secondary Highway 791. Said farm being on all sides of said junction.

The Carroway, Hayward, farm located on the south side of State Secondary Highway 72 and 1 mile southwest of its intersection with U.S. Highway 52.

The Carroway, Luther, farm located on both sides of State Primary Highway 51 and 0.1 mile northwest of the intersection of said highway and State Secondary Highway 46.

The Georgia Pacific Paper Company, farm located on the south side of the junction of two dirt roads, said junction being 0.8 mile east of its junction with State Secondary Highway 461, said junction being 0.8 mile north of the intersection of said highway and State Secondary Highway 65.

The Hall, James, farm located on both sides of a dirt road and 0.6 mile south of its junction with State Secondary Highway 501, said junction being 1.5 miles southeast of the junction of said highway and U.S. Highway 301.

The Ham, Ralph, farm located on the east side of a dirt road and 1.7 miles northwest of its junction with U.S. Highway 301, said junction being 0.7 mile northeast of the junction of said highway and State Secondary Highway 45.

The Hannah, Bert, farm located on the south side of a dirt road and 1 mile west of its junction with State Secondary Highway 633, said junction being 0.1 mile south of the junction of said highway and State Secondary Highway 58.

The Kelly, Boyd, Estate farm located on the west side of State Secondary Highway 136 and 1.2 miles northwest of its intersection with State Secondary Highway 35.

The Lyde, Mamie, farm located on the east side of State Secondary Highway 72 and 0.5 mile south of its junction with State Secondary Highway 794.

The McAllister, Armstrong, farm located at the end of a dirt road and 0.4 mile northwest of its junction with another dirt road, then south along said dirt road to its junction with another dirt road, then westerly along said dirt road to its junction with State Secondary Highway 34, said junction being 1.1 miles southeast of the junction of State Secondary Highway 149 with State Secondary Highway 34.

The Melton, Jeanette P., farm located on both sides of State Secondary Highway 150 and 1.3 miles southeast of its junction with State Secondary Highway 460.

The Poston, Charlton, farm located on the south side of State Primary Highway 378 and 0.1 mile west of its junction with State Secondary Highway 596.

The Turner, V. A., farm located on the west side of State Secondary Highway 633 and 0.1 mile south of its junction with State Secondary Highway 58.

Horry County. That area bounded by a line beginning at a point where State Secondary Highway 33 intersects the South Carolina-North Carolina State line and extending south along said highway to its intersection with State Secondary Highway 306, then west along said highway to its intersection with State Secondary Highway 142, then south along said highway to its junction with State Primary Highway 9, then northwest along said highway to its intersection with State Secondary Highway 59, then southwest and south along said highway to its junction with State Primary Highway 917, then southwest along said highway to its intersection with State Secondary Highway 19, then south and southeast along said highway 19 to its intersection with U.S. Highway 701 at Allsbrook, then northeast along said highway to its intersection with State Primary Highway 9, then southeast and south along said highway to its intersection with the Waccamaw River, then northeast along said river to its intersection with South Carolina-North Carolina State line, then southeast along said State line to its intersection with U.S. Highway 17, then southwest along said highway to its junction with State Primary Highway 90, then west along said highway to its intersection with a dirt road known as Telephone Road, said intersection being 1.3

miles west of Wampee, then southwest and south along Telephone Road to its end, then northwest along a projected line for 1.9 miles to its junction with Jones Big Swamp, then northwest along said swamp to its junction with the Waccamaw River, then west along said river to its intersection with Stanley Creek, then north along said creek 1.6 miles then northwest along said creek 2.8 miles, then north along a line projected from a point beginning at the end of the main run of said creek, and extending north to the junction of said line with State Primary Highway 905, then southwest along said highway to its junction with State Secondary Highway 19, then north along said highway 2.4 miles to its junction with a dirt road.

Then southwest along said road to its intersection with Maple Swamp, then north along said swamp to its intersection with State Secondary Highway 65, then southwest along said highway to its junction with U.S. Highway 701, then south along said highway to its intersection with U.S. Highway 501, then northwest along said highway to its intersection with State Secondary Highway 548, then west along said highway to its junction with a dirt road, then west along said dirt road to its junction with State Secondary Highway 76, then north along said highway to its junction with State Secondary Highway 391, then northeast along said highway to its junction with U.S. Highway 501, then southeast along said highway to its junction with State Secondary Highway 591, then north along said highway to its intersection with State Secondary Highway 97, then east 0.2 mile to its intersection with a dirt road, then north along said dirt road to its junction with State Primary Highway 319, then northwest along said highway to its junction with State Secondary Highway 131, then east and north along said highway to its intersection with Loosing Swamp, then west and northwest along said swamp to its intersection with State Secondary Highway 45, then southwest along said highway to its junction with State Secondary Highway 129, then northwest along said highway to its junction with U.S. Highway 501, then northwest along the latter highway to its intersection with Little Pee Dee River, then northwest along said river to its junction with the Lumber River, then northeast along said river to its intersection with the South Carolina-North Carolina State line, then southeast along said State line to the point of beginning, excluding the area within the corporate limits of the towns of Conway and Loris.

The Alford, Alex, farm located on the south side of a dirt road and being 2 miles southwest and west of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Barnhill, Edgar, farm located on both sides of a dirt road and 0.4 mile east of its junction with State Primary Highway 90, said junction being 0.1 mile northeast of the junction of said highway and State Secondary Highway 377.

The Edge, Nina L., farm located on the west side of a dirt road and 0.8 mile southeast of its junction with a second dirt road, said junction being 0.5 mile south of the junction of the second dirt road and State Primary Highway 90, said second junction being 0.8 mile southwest of the junction of said highway and State Secondary Highway 31.

The Fowler, O. R., farm located on both sides of a dirt road and 0.1 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Gore, Sumpter, farm located on both sides of a dirt road and 0.75 mile north of the intersection of said dirt road and State Primary Highway 9, said intersection being at Goretown.

The Hucks, Edd, farm located on the north side of a dirt road and 1 mile west of its junction with State Secondary Highway 109, said junction being 1.5 miles northeast of the junction of said highway and State Secondary Highway 79.

The Jordan, Blease, farm located on the north side of a dirt road and 0.6 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Martin, Daniele E., farm located on the east side of State Primary Highway 90 and 0.9 mile northeast of the junction of said highway and State Secondary Highway 377.

The Milligan, O. L., farm located on both sides of a dirt road and 0.1 mile southwest of its junction with the South Carolina-North Carolina State line, said junction being 1.6 miles northeast of a second junction with said dirt road and State Secondary Highway 420.

The Page, Cordie, farm located on the north side of State Secondary Highway 128 and 0.4 mile west of the junction of said highway and U.S. Highway 501, said junction being at Aynor.

The Richardson, Talmage, farm located on the north side of a dirt road and 1 mile southwest of the junction of said dirt road and State Secondary Highway 99, said junction being 1.75 miles north of the junction of said highway and State Secondary Highway 97.

The Williamson, Vide, farm located on both sides of a dirt road and 0.4 mile from the junction of said dirt road and State Primary Highway 410, said junction being 0.7 mile northeast of the intersection of State Primary Highway 410 and State Secondary Highway 19.

Marion County. The entire county.

Marlboro County. That portion of the county lying south and east of U.S. Highway 15, excluding the area within the corporate limits of the towns of Bennettsville, McColl, and Tatum.

The Bowman, Cecil, farm located on both sides of a dirt road and 0.5 mile northeast of junction of said dirt road and State Secondary Highway 257, said junction being 0.4 mile north of junction of said highway and State Secondary Highway 165.

The Quick, B. F., farm located on the south side of a dirt road 1 mile southwest of its junction with State Secondary Highway 257, said junction being 1.75 miles northeast of the intersection of said highway and State Secondary Highway 165.

The Strong, Marvin, farm located on the south side of the South Carolina-North Carolina State line and 1.3 miles east of its intersection with State Primary Highway 177.

(Sec. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 38 FR 19141; 7 CFR 301.80)

Done at Washington, D.C., this 27th day of October 1982.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-30020 Filed 10-29-82; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 82-072]

Importation of Cattle From the Republic of Ireland

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the import requirements for cattle from the Republic of Ireland to require additional herd history, animal isolation and tests for brucellosis, a contagious, infectious, and communicable disease of cattle. This action is necessary to prevent the introduction and dissemination of brucellosis in the United States through cattle imported from the Republic of Ireland. The intended effect of this action is to decrease the probability of the introduction of brucellosis through cattle imported from the Republic of Ireland.

DATE: Effective December 1, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. M. R. Crane, USDA, APHIS, VS, Import/Export Staff, Room 819, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." The rule will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Alternatives

The following alternatives were considered in making this decision:

1. To make no change in the regulation. Alternative 1 would continue to require that all cattle offered for importation from any part of the world, except for immediate slaughter, be accompanied by a certificate showing that the cattle have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation. This alternative was not selected because the Deputy Administrator, Veterinary Services, has determined that, cattle imported from the Republic of Ireland have been associated with the introduction of brucellosis into the United States. Under Alternative 2, the importation requirements relating to brucellosis testing of cattle from the Republic of Ireland will be amended to increase the number of brucellosis tests and increase the length of time it will take to certify cattle as eligible for importation from the Republic of Ireland. This alternative was adopted because it provides greater protection for the livestock of the United States against the introduction of brucellosis through cattle imported from the Republic of Ireland.

Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action will require that an importer of cattle from the Republic of Ireland comply with additional procedures to ensure the brucellosis free status of the cattle before exportation from the Republic of Ireland. Department records for the last three years show there were only two shipments of cattle from Ireland totaling 146 head of cattle imported by two persons. Additionally, it is not anticipated that the number of shipments of cattle from Ireland to the United States will increase in the future.

Background

On Thursday, May 27, 1982, a document was published in the **Federal Register** (47 FR 23172–23174) which proposed to amend the import requirements for cattle from the Republic of Ireland by requiring the cattle to be: (1) Accompanied by an Irish certificate showing that all the cattle are from a herd which has special, i.e., brucellosis qualified for export, herd status; (2) maintained as a herd for a minimum of 2 years prior to importation and the herd would not be permitted to contain cattle born to or nursed by brucellosis reactors or animals raised in a brucella affected herd because of persistent infection characterized by long incubation periods in approximately 5 percent of such animals; (3) tested twice and found negative for brucellosis by the Plate or Tube agglutination test, Brucellosis card test (Rose Bengal test) and the Complement Fixation (CF) test procedures conducted not less than 60 days nor more than 120 days from the date of export; (4) placed in isolation on separate premises a minimum of 500 yards from other livestock not destined for export to the United States and such isolation maintained for at least 60 days prior to export; and (5) conveyed from the isolation facilities directly to the port of export without contact with other cattle not eligible for export to the United States.

A 60 day comment period was provided for receipt of comments which expired on July 26, 1982. Two comments were received. One comment was favorable. The second comment was in favor of the proposal as published; however, was opposed to the added cost for their organization, which would be approximately $300 per head for 20 head equaling $6,000.

The Department, in deciding to amended the regulations as proposed, did consider the added cost to persons importing cattle from the Republic of Ireland. However, this action is necessary to provide greater protection for the livestock of the United States against the introduction of brucellosis through cattle imported from the Republic of Ireland.

Based on the reasons set forth in the proposal and in this document, the provisions set forth in the proposal are being adopted without change.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock & livestock products, Mexico, Poultry & poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

1. The first sentence in § 92.6(a) is amended to read as follows:

§ 92.6 Diagnostic tests.

(a) *Tuberculosis and brucellosis tests of cattle.* Except as provided in §§ 92.20, 92.35 (b) and (c), and 92.43, all cattle offered for importation from any part of the world, except for immediate slaughter, shall be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of the country of origin showing that the animals have been tested for tuberculosis and brucellosis with negative results within 30 days of the date of their exportation: *Provided,* That the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old.

* * * * *

2. Part 92 is amended by adding a new § 92.43 to read as follows:

§ 92.43 Cattle from the Republic of Ireland.

(a) All cattle to be imported from the Republic of Ireland shall be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Republic of Ireland showing that the cattle originated from a herd which is officially certified by the Republic of Ireland as a brucellosis qualified for export herd and that the cattle meet the requirements in § 92.43(c).

(b) A brucellosis qualified for export herd is a herd in which all of the cattle have been maintained as a herd unit for at least two years prior to importation and all of the test eligible cattle in the herd (i.e., cattle over 6 months of age, except steers and spayed heifers) have been tested annually for brucellosis and found negative in accordance with Republic of Ireland requirements for at least two years prior to importation. The most recent negative herd test must have been conducted within 12 months of the date of importation. In addition:

(1) Such herd unit may include cattle which were born and raised within such herd unit during the two year period, or cattle which were moved directly to the herd from another herd unit of like status; or

(2) Such herd unit may include other cattle (except brucellosis reactors, suspects and animals listed in § 92.43(c)(1)) if:

(i) Such other cattle have been tested for brucellosis and found negative within 30 days prior to entry into the herd unit and all eligible cattle in the herd unit have been tested for brucellosis and found negative not less than 90 days following the date when the last of the other cattle had been added to the herd unit; or

(ii) All eligible cattle in the herd unit have been tested negative for brucellosis no less than 180 days nor more than 12 months (365 days) following the date when the last of the other cattle had been added to the herd unit.

(c) The certificate accompanyng cattle offered for importation from the Republic of Ireland shall show that the cattle are from a brucellosis qualified for export herd and that they meet the following requirements:

(1) The cattle to be exported were not born to or nursed by brucellosis reactors and they were not born in a herd at the time the herd was under quarantine due to brucella infection.

(2) The cattle were placed in an isolation facility approved by a full-time, salaried, Government of Ireland veterinary official, on separate premises a minimum of 500 yards from other livestock not destined for export to the United States for at least 60 days prior to export.

(3) The cattle were negative to the following tests conducted not less than 60 nor more than 120 days from the date of export and a second set of tests conducted within 30 days of the date of export:

(i) Plate or Tube agglutination test conducted in dilutions to detect reactions at 30, 60, 120, and 240 International Units per milliliter (IU/ml);

(ii) Brucellosis card test (Rose Bengal test); and

(iii) Complement Fixation (CF) test conducted in dilutions to detect prozone reactions, when present.

(4) Cattle are eligible for entry only if classified as negative at 30 IU to the Plate or Tube agglutination test, negative to the brucellosis card test and negative to the CF test as performed and interpreted by standard methods at the Republic of Ireland Brucellosis Diagnostic Laboratory. Any animal exhibiting a prozone serological reaction is ineligible for export to the United States.

(5) Cattle showing a serological titer more than 60 IU to the Plate or Tube agglutination test, or a reaction to the Brucellosis card test (Rose Bengal) or CF test that would be interpreted to be an infected animal (reactor) under the Republic of Ireland brucellosis control program. Animals form that herd of origin and all other cattle having the opportunity for contact with the reactor animal shall not be eligible for export to the United States. Brucellosis bacteriologically positive animals, if known, regardless of serologic reactions, are not eligible for importation nor are any animals in contact with such animals.

(6) The cattle were moved directly to the port of export from the isolation facility without contact with any other cattle which are not qualified for export to the United States.

(d) The certificate accompanying the cattle offered for importation must also show the dates and places of testing, names of the consignor and consignee, and descriptions of the cattle, including breed, ages, markings, and tattoo and eartag numbers.

(Sec. 2, 32 Stat. 792, as amended, secs. 4 and 11, 76 Stat. 130, 132, as amended; 21 U.S.C. 111, 134c and 134f; 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 26th day of October 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-29859 Filed 10-29-82; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 97

[Docket No. 82-080]

Overtime Work at Laboratories, Border Ports, Ocean Ports, and Airports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulation which establishes charges for overtime work at laboratories, border ports, ocean ports, and airports. Veterinary Services inspectors of the United States Department of Agriculture are charged with performing inspection duties relating to imports and exports at laboratories, border ports, ocean ports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following amendments increase the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Pub. L. 91-656), and Executive Order 12387 dated October 8, 1982.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. E. R. Mackery, USDA, APHIS, VS, Room 870, Federal Building, Hyattsville, MD 20782, 301-436-8695.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Mr. Nicholas E. Bedessem, Special Assistant to the Administrator, made this determination because the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. The Agency has no alternatives to raising the overtime rate. By law, importers/exporters are required to reimburse the Agency for its costs associated with services rendered. Unless the rate is raised, it will not cover the pay raise which commences October 3, 1982.

Accordingly, pursuant to the Administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these amendments are impracticable, unnecessary, and contrary to the public interest and good cause is found for making these amendments effective less than 30 days after publication in the Federal Register.

List of Subjects in 9 CFR Part 97

Exports, Government employees, Imports, Livestock and livestock products, Poultry and poultry products, Transportation.

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), and the Airports and Airways Development Act Amendments of July 12, 1976 (90 Stat. 882; 49 U.S.C. 1741), the first sentence of § 97.1(a) and the last sentence of § 97.1(b) are amended to read:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

(a) Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period, except as provided in paragraph (b) of this section, shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $26.84 per man hour per employee on a Sunday and at a rate of $19.40 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, except as provided in paragraph (b) of this section for inspection or quarantine services requested by an owner or operator of an aircraft at an airport on a Sunday or holiday which are performed within regularly established hours of service, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. * * *

(b) * * * When services are performed outside of the regularly established hours of service on a Sunday or holiday or any other day, the rate to be charged owners or operators of aircraft shall be $22.44 per hour on a Sunday and $15.00 per hour on a holiday or any other day, which charges exclude administrative overhead costs.

(64 Stat. 561 (7 U.S.C. 2260))

Done at Washington, DC, this 26th day of October 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-29858 Filed 10-29-82; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 31

[Docket No. 82-22]

Extensions of Credit to Executive Officers, Directors and Principal Shareholders of National Banks and to Their Related Interests

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Garn-St Germain Depository Institutions Act of 1982 deleted the limits of $10,000 and $25,000 on insider loans which limits were previously contained in the Federal Reserve Act (12 U.S.C. 375a(4) and 375b(2)). Instead, it authorized the appropriate Federal banking agencies to prescribe new limits on insider lending. Pending interagency action to set such limits, this regulation states that national banks must continue to observe the relevant loan limits stated in Regulation O, 12 CFR Part 215. Regulation O currently sets these limits at $10,000 and 25,000, respectively.

DATE: This regulation will be effective November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Raija H. Bettauer, Senior Attorney, Legal Advisory Services Division, (202) 447-1880, Office of the Comptroller of the Currency, Washington, D.C. 20219.

SUPPLEMENTARY INFORMATION: The Garn-St Germain Depository Institutions Act of 1982 ("Act") amended, among other things, paragraph (4) of section 22(g) of the Federal Reserve Act (12 U.S.C. 375a(4)) by striking out the general aggregate limit of $10,000 for extensions of credit by a bank to its executive officers. Pub. L. No. 97-320 section 421(b) (Oct. 15, 1982). It also amended paragraph (2) of section 22(h) of the Federal Reserve Act (12 U.S.C. 375b(2)) by striking out the general aggregate limit of $25,000 (unless approved in advance by a disinterested majority of the board of directors) for extensions of credit by a bank to its executive officers, directors or principal shareholders or their related interests. *Id.* section 422. Instead, the Act authorized the appropriated Federal banking agencies to prescribe by regulation new limits for the purposes of these provisions.

The Office of the Comptroller of the Currency ("Office"), together with the other Federal banking agencies, will issue regulations establishing new loan limits for the purposes of 12 U.S.C. 375a(4) and 357b(2). The Office of the Comptroller of the Currency will issue its regulation by April 15, 1983. In the meantime, the Office has determined that national banks must continue to observe the provisions of Regulation O, 12 CFR Part 215, in this respect. Regulation O currently sets these limits at $10,000 (12 CFR 215.5(c)(3)) and $25,000 (12 CFR 215.4(b)), respectively.

12 CFR Part 31 is being published to comply with the mandate of the Act for the Federal banking agencies to issue by regulation applicable loan limits. In light of the technical nature of the revisions, the lack of the imposition of any substantive new requirements, and the immediate effective date of the Act, the Office for good cause finds that the procedures prescribed by 5 U.S.C. 553 relating to notice, public hearing and comment, and deferred effective date are unnecessary and would serve no useful purpose.

Special Studies

Because the notice and comment procedure under 5 U.S.C. 553 is not used for the reasons discussed above, the Regulatory Flexibility Act does not apply in this instance. This regulation does not constitute a "major rule" under E.O. 12291 and, therefore, a Regulatory Impact Analysis will not be performed. The regulation will not require national banks to expend any funds, will not cause an increase in their prices or costs, and will not adversely affect foreign or domestic competition.

List of Subjects in 12 CFR Part 31

National banks, Lending limits, Credit.

Consequently, the Office is adding to 12 CFR the following new Part 31:

PART 31—EXTENSIONS OF CREDIT TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF NATIONAL BANKS AND THEIR RELATED INTERESTS

Sec.
31.1 Authority.
31.2 Loan limits.

§ 30.1 Authority.

This part is issued by the Comptroller of the Currency pursuant to 12 U.S.C. 375a(4) and 375b(2), as amended by Pub. L. No. 97-320.

§ 31.2 Loan limits.

The Comptroller adopts by reference the loan limits ($10,000 and $25,000, respectively) contained in Regulation O, Part 215, of the Board of Governors of the Federal Reserve System as the loan limits for national banks under 12 U.S.C. 375a(4) and 375b(2), as amended by Pub. L. No. 97-320.

Dated: October 19, 1982.

William E. Martin,

Acting Comptroller of the Currency.

[FR Doc. 82-30015 Filed 10-29-82; 8:45 am]

BILLING CODE 4810-33-M

FEDERAL RESERVE SYSTEM

12 CFR Part 215

[Docket No. R-0428]

Regulation O; Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule with clarification.

SUMMARY: The Board of Governors of the Federal Reserve System is amending

its Regulation O (12 CFR Part 215), which governs loans by a member bank to its executive officers, directors and principal shareholders, to implement certain amendments to sections 22 (g) and (h) of the Federal Reserve Act (12 U.S.C. 375a and 375b), included in the Garn-St Germain Depository Institutions Act of 1982. The amendments to the Regulation relate to the limitations on loans by a member bank to its executive officers. In addition, the rule confirms the dollar amount above which the prior approval of the bank's board of directors is required for loans by a member bank to its executive officers, directors, and principal shareholders and their related interests.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: James V. Mattingly, Jr., Associate General Counsel (202/452-3430), or Jennifer J. Johnson, Senior Attorney (202/452-3584), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Prior to enactment of the Garn-St Germain Depository Institutions Act of 1982 ("DIA"), section 22(g) of the Federal Reserve Act prescribed certain dollar limitations on loans by a member bank to its executive officers. These limits were $60,000 for a home mortgage, $20,000 for the education of the executive officer's children, and $10,000 for all other purposes. Section 421(a) of the DIA eliminated the dollar limitations on home mortgage and education loans. Accordingly, the attached rule amends Regulation O to eliminate the $60,000 and $20,000 limits for such loans that are currently specified in the regulation.

Section 421(b) of the DIA eliminated the $10,000 limitation on "other" loans and substituted therefor "an amount prescribed in a regulation of the member bank's appropriate Federal banking agency." The attached rule specifies that, until the Board adopts a new lending limit for loans by a State member bank to its executive officers under section 22(g) of the Federal Reserve Act, the $10,000 limit currently found in section 215.5(c)(3) of Regulation O continues to be the limit for such loans by a State member bank to any of its executive officers.

Section 22(h)(2) of the Federal Reserve Act provides that no member bank shall make any loan to any executive officer, director or principal shareholder of the bank, or to any related interest of such a person, in an amount that, when aggregated with all other loans or extensions of credit of the bank to that person and person's related interests, exceeds $25,000 unless such loan or extension of credit is approved in advance by a majority of the bank's entire board of directors with the interested party abstaining from the vote. Section 422 of the DIA eliminates the $25,000 amount in section 22(h)(2) and substitutes therefor "an amount prescribed in a regulation of the appropriate Federal banking agency." Accordingly, until the Board adopts a new dollar amount above which the prior board of director's approval for loans to executive officers, directors and principal shareholders and their related interests is required under section 22(h)(2) of the Federal Reserve Act, the current $25,000 amount specified in section 215.4(b) of Regulation O continues in effect.

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354; 5 U.S.C. 601 *et seq*), the Board of Governors of the Federal Reserve System certifies that the amendment will not have a significant economic impact on a substantial number of small entities that would be subject to the regulation. The amendment would liberalize existing regulations and would not have any particular effect on small entities that would be subject thereto.

The provisions of section 553(b) of Title 5, United States Code, with respect to notice, public participation and deferred effective date, have not been followed because these amendments implement statutory changes. Moreover, because of the lack of a deferred effective date in sections 421 and 422 of the DIA, it is necessary for the Board to act immediately to reaffirm the continued effectiveness of the $10,000 lending limit for State member bank loans to their executive officers and the $25,000 prior board of directors' approval requirement currently specified in the Board's Regulation O. Without such action by the Board, every extension of credit by a State member bank to an executive officer, director or principal shareholder would require the prior approval of the board of directors of the bank and no State member bank could extend any credit to its executive officers for other than education or home mortgage purposes.

List of Subjects in 12 CFR Part 215

Banks, banking, Credit, Reporting and recordkeeping requirements, Federal Reserve System.

PART 215—[AMENDED]

Accordingly, pursuant to its authority under sections 22(g) and 22(h) of the Federal Reserve Act (12 U.S.C. 375a and 375b), the Board of Governors amends Regulation O (12 CFR Part 215) by revising § 215.5(c) to read as follows:

§ 215.5 Additional restrictions on loans to executive officers.

* * * * *

(c) A member bank is authorized to extend credit to any executive officer of the bank:

(1) In any amount to finance the education of the executive officer's children;

(2) In any amount to finance the purchase, construction, maintenance, or improvement of a residence of the executive officer, if the extension of credit is secured by a first lien on the residence and the residence is owned (or expected to be owned after the extension of credit) by the executive officer; and

(3) In an aggregate amount not to exceed $10,000 outstanding at any one time for a purpose not otherwise specifically authorized under this paragraph.

* * * * *

Board of Governors of the Federal Reserve System, October 26, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-29925 Filed 10-29-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-CE-30-AD; Amdt. 39-4484]

Beech Models 65-90, 65-A90 and B90; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule, superseding Airworthiness Directive (AD).

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Beech Models 65-90, 65-A90 and B90 airplanes, superseding AD 71-14-04, Amendment 39-1241 (36 FR 12842, July 8, 1971), which required inspection and repair of Beech Model B90 airplanes and those Model 65-A90 airplanes having elevator balance horns installed per Beech Kit No. 90-4029. This AD continues in effect these inspection and repair requirements on Beech Model B90 airplanes and extends them to all Beech Models 65-90 and 65-A90 airplanes. A cracking condition which was believed to have been associated with the elevator overhang balance horn installation on the airplanes to which AD 71-14-04 was applicable has been found on other airplanes which do not have this installation. These cracks, if

not detected and corrected by repair, modification or change of parts, could result in the failure of the elevator spar and loss of support of the elevator at the outboard hinge location. Further deterioration could cause loss of elevator control.

DATES:

Effective November 8, 1982.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Beechcraft Service Instructions Nos. 0423–133 and 0450–133, Revision I, and 0333–131, Revision II, applicable to this AD may be obtained from Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201; Telephone (316) 681–7261. A copy of this information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Don Campbell, Aerospace Engineer, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7005.

SUPPLEMENTARY INFORMATION: The FAA issued AD 71–14–04, Amendment 39–1241, effective July 8, 1971 (36 FR 12842), to detect and correct cracking of elevator spars at the outboard hinge location on Beech Model B90 and Model 65–A90 airplanes incorporating a 9.5-inch overhang elevator balance horn installed at manufacture or per Beech Service Instructions No. 0423–133. On the basis of information available at the time, the manufacturer and the FAA concluded that the cracking problem was limited to spars in elevators having this 9.5 inch overhang balance horn installation. Subsequently, service reports of cracking of elevators without the overhang balance horn have been received. It is now apparent that the overhang balance horn installation is not the only contributor to the cracking problem and that this balance horn installation only accelerated the onset of the cracking problem. Thus, the cracking condition on airplanes to which AD 71–14–04 is applicable may be expected to occur on all Beech Models 65–90, 65–A90 and B90 airplanes as time-in-service accumulates on these airplanes. The manufacturer has issued Service Instructions No. 0450–133, Revision I, containing instructions for inspections to detect cracks on these airplanes. The FAA concludes that since cracks are now being reported on the airplanes without the overhang balance horn, the inspections recommended by the manufacturer should be made mandatory as soon as practical.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued superseding AD 71–14–04 and extending the requirement for the inspections and corrections, if necessary, required by this AD to all Beech Model 65–90, 65–A90 and B90 airplanes. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Beech.—Applies to Models 65–90 and 65–A90 (S/Ns LJ–1 through LJ–317) and B90 (S/Ns LJ–318 through LJ–501), except those airplanes having reinforced elevators per Beech Service Instructions No. 0333–131, Revision II, or P/N 50–610000–349 LH and –350 RH aluminum elevators (reference Kit Nos. 90–4061 S, 90–4062 S, 90–4062–1 S).

Compliance: Required as indicated, unless already accomplished. To prevent elevator spar failures and possible loss of elevator control, accomplish the following:

(a) On all affected Models 65–90 and those 65–A90 airplanes which do not have elevator overhang balance horns installed per Beech Kit No. 90–4029 (9.5-inch outboard end overhang, part of Kit Nos. 90–4031 M, 90–4031–1 M, and 90–4035 M) prior to attaining 2,100 hours time-in-service (TIS) on airplanes having less than 2,000 hours TIS, or within 100 hours TIS after the effective date of this AD on airplanes having 2,000 or more hours TIS and at intervals not exceeding 500 hours TIS thereafter:

(1) Incorporate an inspection port, check the elevator hinge point alignment, and, if necessary, correct it in accordance with Beech Service Instructions No. 0450–133, Revision I (initial inspection only).

(2) Visually inspect the elevator spar at the outboard hinge point for cracks in accordance with Beech Service Instructions No. 0450–133, Revision I (initial and recurring inspection).

(b) On all affected Model B90 and those Model 65–A90 airplanes which have elevator overhang balance horns per Beech Kit No. 90–4029 (see (a) above for description) prior to attaining 600 hours TIS on airplanes having less than 500 hours TIS, or within 100 hours TIS after the effective date of this AD on airplanes having 500 or more hours TIS and at intervals not exceeding 200 hours TIS thereafter:

(1) Incorporate an inspection port, check the elevator hinge point alignment, and, if necessary, correct it in accordance with Beech Service Instructions No. 0423–133 (initial inspection only).

(2) Visually inspect the elevator spar at the outboard hinge point for cracks in accordance with Beech Service Instruction No. 0423–133 (initial and recurring inspection).

(c) Prior to further flight, repair or replace with serviceable parts any components found cracked during the inspections specified in paragraph (a) or (b).

(d) Airplanes may be flown in accordance with FAR 21.197 to a base where the inspections and repair/replacement can be performed.

(e) Intervals between repetitive inspections required by this AD may be increased up to 10 percent to allow them to coincide with other scheduled maintenance on the airplane.

(f) An equivalent method of compliance with this AD may be used if approved by the Manager, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, Telephone (316) 269–7000.

This AD supersedes AD 71–14–04, Amendment 39–1241 (36 FR 12842, July 8, 1971).

This amendment becomes effective on November 8, 1982.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(a)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on October 21, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82–29876 Filed 10–29–82; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 82-ASW-70; Amdt. 39-4480]

Airworthiness Directives; Boeing Vertol Model 234 Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action adopts a new airworthiness directive (AD) that was previously made effective for all known owners and operators of Boeing Vertol Model 234 series helicopters by telegraphic AD. This amendment requires a one-time inspection and repair as necessary of the forward, aft and combiner transmissions. The AD is needed to prevent possible in-flight failure of the transmission which could result in loss of helicopter control.

DATES: Effective November 5, 1982.

Compliance required as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from Boeing Company, Vertol Division, Boeing Center, P.O. Box 16858, Philadelphia, Pennsylvania 19142. A copy of the referenced Service Bulletin may be reviewed at FAA Headquarters, Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591, or Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: Mr. P. Perrotta or Mr. M. Schoenberger, Propulsion Section, ANE-174, New York Aircraft Certification Office, New England Region, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581, telephone No. 516 791-7421.

SUPPLEMENTARY INFORMATION: Telegraphic AD T82-20-52 was issued on September 24, 1982, requiring removal, inspection and repair or replacement as necessary of Boeing Vertol Model 234 series helicopters forward, aft and combiner transmissions assembled prior to September 1, 1982. The AD was issued as a result of a report of a lubrication system failure in the forward transmission drive system of a military CH-47C helicopter. The telegraphic AD exempted transmissions assembled after September 1, 1981, from the inspection requirements. Subsequently it was found that due to vendor manufacturing processes, all transmissions, regardless of assembly date, are suspect.

Since this condition was likely to exist on all helicopters of the same type, immediate corrective action was required. Notice and public procedure thereon were impractical and contrary to the public interest and good cause existed for making the AD effective immediately to all known owners and operators of Boeing Vertol Model 234 helicopters by telegraphic AD dated September 24, 1982. These conditions still exist and in addition all Boeing Vertol Model 234 transmissions regardless of assembly date should be subject to the AD. Therefore, the applicability is being expanded by deleting any reference to transmission assembly or overhaul date, thereby including all transmissions. Transmissions previously inspected in accordance with Boeing Vertol Bulletin 234-65-1027, Revision 2, are in compliance with the AD and are not subject to further inspection. The AD is hereby published in the **Federal Register** as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

Since immediate adoption of the amendment is necessary, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive:

Boeing Vertol: Applies to Boeing Vertol Model 234 series helicopters, Manufacturer's Serial Numbers MJ001 through MJ006, equipped with forward transmission, P/N 234D1200-2; aft transmission, P/N 234D2200-2M and combiner transmission, P/N 234D5200-5, certificated in all categories.

Compliance is required prior to further flight, after the effective date of this AD, unless already accomplished.

To prevent possible hazards in flight associated with transmission drive component failure, due to lubrication system contamination, accomplish the following:

a. Remove the forward transmission, aft transmission and combiner transmission, disassemble, inspect and repair in accordance with the accomplishment instructions of Boeing Vertol Bulletin 234-65-1027, Revision 2 contained in Boeing Vertol TWX Nos. 8-1420-3-4264, 4267, and 4273, respectively dated September 23, 24, and 25, 1982, or FAA approved equivalent.

b. An equivalent method of compliance with this AD must be approved by the New York Aircraft Certification Office, FAA, New England Region, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

This amendment becomes effective November 5, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct unsafe condition on aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT.**"

This rule is final order of the Administrator. Under Section 1006(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1486(a)), it is subject to review by the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas on October 18, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-29654 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-CE-29-AD; Amendment 39-4483]

Airworthiness Directives; Piper Models PA-24, PA-24-250, PA-24-260, PA-30, and PA-39 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Piper Models PA-24, PA-24-250 and PA-24-260 airplanes, modified per Robertson Supplemental Type Certificate (STC) SA 2495WE, and PA-30 and PA-39 airplanes, modified per Robertson STC SA 2312WE. This AD requires installation of a temporary

placard limiting flap extension to 15° and a Flight Manual Supplement containing asymmetrical flap condition emergency procedures for these airplanes. An asymmetrical flap condition which occurred on a Model PA-30 airplane incorporating STC SA 2312WE resulted in an accident which destroyed the airplane. Flight tests have shown that Models PA-24 Series, PA-30 and PA-39 airplanes modified per the above-cited STCs are controllable with a maximum asymmetrical flap extension to 15° when appropriate procedures are used. The AD will reduce the possibility of an accident by limiting the flap extension to 15° and providing Emergency Procedures which will enable the pilot to safely operate the airplane with an asymmetric flap condition up to this limit.

EFFECTIVE DATE: November 8, 1982.

Compliance: As prescribed in the body of the AD.

ADDRESSES: Information pertaining to this rulemaking action is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Owen Schrader, Airframe Branch, ANM-120S, Seattle Area Aircraft Certification Office, FAA, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Telephone: (206) 767-2516.

SUPPLEMENTARY INFORMATION: An asymmetrical retraction of the flaps occurred at low altitude on a Piper Model PA-30 airplane modified per Robertson STC SA 2312WE when the flaps were retracted following takeoff. The flight terminated in an accident which destroyed the airplane. Part of the modification incorporated on the airplane links the flaps and ailerons such that flap extension causes the aileron neutral position to deflect downward as the flaps are extended. The linkage correlates the change in each aileron neutral axis to the position of the adjacent flap, thus causing the aileron to increase the tendency of an asymmetrical flap to roll the airplane. Flight tests conducted by the STC holder and the FAA have established that Piper Models PA-24, PA-24-250, PA-24-260, PA-30 and PA-39 airplanes, modified per the applicable Robertson STCs, can be controlled at the critical condition of one flap retracted and the other extended 15° maximum if appropriate emergency procedures are used.

If asymmetrical flap retraction or extension is experienced at a flap extension greater than 15°, or if proper emergency procedures are not followed at lesser extensions, loss of airplane control may result.

Since the FAA has determined that the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, an AD is being issued applicable to Piper Models PA-24, PA-24-250 and PA-24-260 airplanes, modified per Robertson Supplemental Type Certificate (STC) SA 2495WE and PA-30 and PA-39 airplanes modified per Robertson STC SA 2312WE. It requires installation of a placard on the instrument panel, limiting flap extension to 15° and a Flight Manual Supplement containing Asymmetrical Flap Emergency Procedures be placed in the existing Airplane Flight Manuals. Because an emergency condition exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD.

Piper: Applies to Piper Models PA-24, PA-24-250 and PA-24-260 airplanes, modified per Robertson Supplemental Type Certificate (STC) SA 2495WE, and PA-30 and PA-39 airplanes, modified per Robertson STC SA 2312WE, certificated in any category.

Compliance: Required within 25 hours time-in-service after the effective date of this AD unless already accomplished.

To prevent possible loss of airplane control due to an asymmetrical flap extension or retraction, accomplish the following:

(a) Install a temporary placard on the panel near the flap actuator which reads:

"Do Not Extend Flaps Beyond 15° (Takeoff Position)" and operate the airplane in accordance with this limitation.

(b) Insert a copy of Figure 1 of this AD in the Airplane Flight Manual (AFM).

(c) The installation of the placard and insertion of Figure 1 of this AD in the AFM may be accomplished by the owner/operator of the airplane. This person shall make an appropriate entry in the airplane's maintenance record indicating compliance with this AD.

(d) An equivalent method of compliance with this AD may be used if approved by the Manager, Seattle Area Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

Note.—The FAA anticipates this AD will be amended or superseded in the near future to require airplane design changes which will make the operating restriction imposed unnecessary.

This amendment becomes effective on November 8, 1982.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket under the caption "ADDRESSES" at the location identified.

Issued in Kansas City, Missouri, on October 20, 1982.

John E. Shaw,

Acting Director, Central Region.

Figure 1, AD 82-CE-29-AD

Airplane Flight Manual Supplement

Temporary Flap Restriction and Asymmetrical Flap Emergency Procedures

Limitations

Maximum flap extension is limited to 15° under all conditions.

Emergency Procedures

Flap Operation: If the airplane begins a pronounced roll, in either direction, upon flap *extension* or *retraction*, immediately cease flap operation and reverse the action. That is, if flaps are being retracted, and pronounced roll begins, cease retracting the flaps and initiate extension back to the maximum of 15°. If flaps are being extended, and a pronounced roll begins, cease extending flaps and return flaps to the retracted position. Leave the flaps in the last position found to permit aileron neutral flight and return to a suitable landing field. If flaps are retracted; consider the need for additional landing field length. If flaps are extended, limit airspeed to maximum flaps extended speed (125 m.p.h.—108K).

Landing Performance—Flaps 15°

There is no published landing distance for 15° of flaps. Allow at least 15 percent additional distance over the applicable distance obtained for 27° of flaps.

Description

The restriction of flap extension to a maximum of 15° is necessitated because of the potential for asymmetric flaps under certain conditions. A case has been reported where one flap remained extended when flaps "UP" was selected.

The potential also exists for an extension cable breakage that could cause only one flap to extend when flaps "DOWN" is selected.

With one flap extended to 15°, the airplane is controllable by coordinated use of ailerons and rudder. The EMERGENCY procedures listed above should be followed if pronounced roll is encountered when flaps are moved. This will restore balanced lift to each wing, permitting normal aileron authority for maneuvering the airplane.

These procedures and limitations are considered only temporary measures until a permanent modification can be developed.

[FR Doc. 82-29855 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASW-72]

Alteration of Control Zones; Gage, OK and Ponca City, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of the control zones at Gage and Ponca City, OK. This amendment will return to public use airspace no longer required for the protection of aircraft arriving/departing the foregoing airports. The amendment is necessary due to the possibility of continued part-timing of the Gage and Ponca City Flight Service Stations (FSS's). If the facility operational hours are less than a 24-hour status, there will be no weather reporting and/or communications available when the facilities are nonoperational. Therefore, the airports will not meet the requirements for a control zone during this period.

DATES: Effective December 23, 1982. Comments on the rule must be received before December 10, 1982.

ADDRESSES: Send comments on the action in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region: Docket No. 82-ASW-72, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart F § 71.171 as republished in Advisory Circular AC 70-3 dated January 29, 1982, contains the description of control zones designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the control zone descriptions at Gage and Ponca City, OK, will necessitate an amendment to this subpart. A statement at the end of each current description must be inserted in order to have the capability of part-timing the control zone by use of a Notice to Airmen (NOTAM) when the FSS is not operational.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR 71) amends the descriptions of the Gage and Ponca City, OK, control zones. Because this action reduces a burden on the public by releasing controlled airspace, I find that notice and public procedure and publication 30 days before the effective date are unnecessary; however, comments are invited on the rule. When the comment period ends, the FAA will use the comments and any other available information to review the regulation.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished in Advisory Circular AC 70-3 dated January 29, 1982, is amended, effective 0901 G.m.t., December 23, 1982, by adding the following to each airport:

Gage and Ponca City, OK

The control zone shall be effective during the specific dates and times established in advance by a NOTAM. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11/61(c))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) it is certified that the rule will not have a significant ecomonic impact on a substantial number of small entities as the anticipated impact is minimal.

Issued in Fort Worth, TX, on October 20, 1982.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 82-29875 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 23396; Amdt. No. 1228]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT: Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date of at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending Part 97.23 VOR-VOR/DME SIAPs identified as follows:

* * * *Effective December 23, 1982*

Kremmling, CO—Kremmling, VOR/DME-A, Original
Benton Harbor, MI—Ross Field, VOR Rwy 9, Amdt. 6
Benton Harbor, MI—Ross Field, VOR Rwy 27, Amdt. 15
Wentzville, MO—Wentzville, VOR/DME-A, Original
Hobart, OK—Hobart Muni, VOR Rwy 35, Amdt. 6
Waller, TX—Skylake, VOR/DME Rwy 17, Original

* * * *Effective December 9, 1982*

Delano, CA—Delano Muni, VOR Rwy 32L, Amdt. 3
Upland, CA—Cable, VOR Rwy 6, Amdt. 4
Detroit/Grosse Ile, MI—Grosse Ile Muni, VOR-A, Amdt. 2
International Falls, MN—Falls Intl, VOR Rwy 13, Amdt. 11
International Falls, MN—Falls Intl, VOR Rwy 31, Amdt. 14
International Falls, MN—Falls Intl, VOR/DME or TACAN Rwy 31, Amdt. 3
Belzoni, MS—Belzoni Muni, VOR/DME Rwy 21, Amdt. 4
Odessa, TX—Odessa-Schlemeyer Field, VOR-A, Amdt. 3

* * * *Effective November 25, 1982*

Durango, CO—Durango-LaPlata County, VOR/DME Rwy 2, Amdt. 2
Helena, MT—Helena, VOR-A, Amdt. 13
Helena, MT—Helena, VOR/DME B, Amdt. 5
Lincoln, NE—Lincoln Muni, VOR Rwy 17R, Amdt. 8
Cody, WY—E E Faust Regional, VOR-A, Amdt. 4

* * * *Effective October 8, 1982*

Grand Island, NE—Hall County Regional, VOR Rwy 13, Amdt. 15
Grand Island, NE—Hall County Regional, VOR Rwy 17, Amdt. 19
Grand Island, NE—Hall County Regional, VOR/DME Rwy 31, Amdt. 3
Grand Island, NE—Hall County Regional, VOR/DME Rwy 35, Amdt. 11

* * * *Effective October 7, 1982*

Newton, KS—Newton-City-County, VOR/DME Rwy 35, Amdt. 8

Note.—The FAA published an amendment in Docket No. 23382, amdt. No. 1227 to part 97 of the Federal Aviation Regulations (Vol. 47, FR No. 201, Page 46258; dated October 18, 1982) under section 97.23 effective November 11, 1982, which is hereby amended as follows: Farmerville, LA—Famerville, VOR/DME-A, Amdt. 1, change effective date to November 25, 1982.

2. By amending Part 97.25 SDF-LOC-LDA SIAPs identified as follows:

* * * *Effective December 23, 1982*

Yakutat, AK—Yakutat, LOC/DME BC Rwy 29, Original
Columbus, GA—Columbus Metropolitan, LOC BC Rwy 23, Amdt. 11
Benton Harbor, MI—Ross Field, LOC BC Rwy 9, Amdt. 6
Marshfield, WI—Marshfield Muni, SDF Rwy 34, Original

* * * *Effective December 9, 1982*

International Falls, MN—Falls Intl, LOC BC Rwy 13, Amdt. 7

* * * *Effective November 25, 1982*

Lake Charles, LA—Lake Charles Muni, LOC BC Rwy 33, Amdt. 12
Lawrence, MA—Lawrence Muni, LOC Rwy 5, Amdt. 4, cancelled
Helena, MT—Helena, LOC/DME BC-C, Amdt. 1

* * * *Effective October 8, 1982*

Grand Island, NE—Hall County Regional, LOC/DME BC Rwy 17, Amdt. 5

3. By amending Part 97.27 NDB/ADF SIAPs identified as follows:

* * * *Effective December 23, 1982*

Paragould, AR—Paragould Muni, NDB Rwy 4, Original
Paragould, AR—Paragould Muni, NDB Rwy 4, Amdt. 7, cancelled
Benton Harbor, MI—Ross Field, NDB Rwy 27, Amdt. 7
Grant, NE—Grant Muni, NDB Rwy 14, Original
Medford, OK—Medford Muni, NDB Rwy 17, Original
Littlefield, TX—Littlefield Muni, NDB Rwy 1, Original
Marshfield, WI—Marshfield Muni, NDB Rwy 4, Amdt. 10
Marshfield, WI—Marshfield Muni, NDB Rwy 16, Amdt. 6

* * * *Effective December 9, 1982*

International Falls, MN—Falls Intl, NDB Rwy 31, Amdt. 7
Durant, OK—Eaker Field, NDB Rwy 35, Amdt. 2
Odessa, TX—Odessa-Schlemeyer Field, NDB Rwy 20, Amdt. 1

* * * *Effective November 25, 1982*

Lake Charles, LA—Lake Charles Muni, NDB Rwy 15, Amdt. 15
Lawrence, MA—Lawrence Muni, NDB Rwy 5, Amdt. 3
Helena, MT—Helena, NDB–D, Amdt. 1

* * * *Effective October 7, 1982*

Belleville, KS—Belleville Muni, NDB Rwy 18, Amdt. 2
Belleville, KS—Belleville Muni, NDB Rwy 36, Amdt. 2

4. By amending Part 97.29 ILS–MLS SIAPs identified as follows:

* * * *Effective December 23, 1982*

Benton Harbor, MI—Ross Field, ILS Rwy 27, Amdt. 4
Dallas, TX—Addison, ILS Rwy 15, Amdt. 5

* * * *Effective December 9, 1982*

International Falls, MN—Falls Intl, ILS Rwy 31, Amdt. 7

* * * *Effective November 25, 1982*

Durango, CO—Durango-LaPlata County, ILS/DME Rwy 2, Original
Atlanta, GA—The William B. Hartsfield Atlanta Intl, ILS Rwy 8, Amdt. 54
Lake Charles, LA—Lake Charles Muni, ILS Rwy 15, Amdt. 15
Lawrence, MA—Lawrence Muni, ILS Rwy 5, Original
Helena, MT—Helena, ILS Rwy 26, Amdt. 6
Lincoln, NE—Lincoln Muni, ILS Rwy 17R, Amdt. 2
Spokane, WA—Spokane Intl, ILS Rwy 3, Amdt. 1

5. By amending Part 97.31 RADAR SIAPs identified as follows:

* * * *Effective December 23, 1982*

Beaumont-Port Arthur, TX—Jefferson County, RADAR–1, Amdt. 7

* * * *Effective December 9, 1982*

Madison, WI—Dane County Regional-Truax Field, RADAR–1, Amdt. 9

* * * *Effective November 25, 1982*

Lake Charles, LA—Lake Charles Muni, RADAR–1, Amdt. 1

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. The FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on October 22, 1982.

John M. Howard,
Manager.
Aircraft Programs Division.

[FR Doc. 82-29853 Filed 10-29-82; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8954]

Equifax Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: The FTC, in accordance with a decision rendered by the Court of Appeals for the Eleventh Circuit on June 18, 1982, has modified its Final Order In the Matter of Equifax Inc., issued on December 15, 1980 (46 FR 12479). The modified order, effective October 18, 1982, deletes Paragraphs C and D of Part I of the Order, eliminating references concerning the amount of adverse information the company's employees generate about consumers.

DATES: Final Order issued Dec. 15, 1980. Modified Order issued Oct. 18, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/GC, Bruce G. Freedman, Washington, D.C. 20580. (202) 523–3865.

SUPPLEMENTARY INFORMATION: In the Matter of Equifax Inc., a corporation (formerly Retail Credit Company, a corporation). Codification appearing at 46 FR 12479 remains unchanged.

List of Subjects in 16 CFR Part 13

Consumer credit reports.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 84 Stat. 1128–36; 15 U.S.C. 1681–1681t)

The Modified Order to Cease and Desist is as follows:

Modified Order To Cease and Desist

In the matter of Equifax Inc., a corporation (formerly Retail Credit Company, a corporation), Docket No. 8954.

Respondent having filed in what is now the United States Court of Appeals for the Eleventh Circuit a petition for review of the Commission's cease and desist order issued on December 15, 1980; and the Court having rendered its decision setting aside in part the Commission's order:

Now, therefore, it is hereby ordered that the aforesaid order to cease and desist be, and it hereby is, modified in accordance with the decision and judgment of the Court of Appeals to read:

I

It is ordered that respondent Equifax Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the collection, preparation, assembly, sale, or distribution of consumer reports, investigative consumer reports, and files, as "consumer report," "investigative consumer report," and "file" are defined in Section 603 (d), (e) and (g) of the Fair Credit Reporting Act (Pub. L. No. 91–508, 15 U.S.C. 1681 *et seq.*) ("the Act") and interpreted in the opinion of the Commission which accompanied the cease and desist order issued on December 15, 1980 (except credit reports prepared by Credit Bureau, Inc. of Georgia, Credit Bureau of Montreal, Ltd., and Credit Marketing Services), shall cease and desist from:

A. Representing, directly or by implication, during the preparation of any report, that investigative personnel employed by Equifax are agents or employees of the company to which the consumer who is the subject of the report has applied for a benefit.

B. Submitting consumer report information to any of its customers who has previously received a consumer report regarding the same consumer, unless: in response to the order of a court having jurisdiction to issue such an order; in accordance with the written instructions of the consumer to whom it relates; or respondent has reason to believe the requester intends to use the information for a permissible purpose as set out in Section 604 of the Act.

C. Including in a consumer report concerning employment at an annual salary of less than $20,000 any notice or other statement that indicates directly or indirectly by means of boilerplate language the existence of items of adverse information, the disclosure of which is prohibited by Section 605 of the Act; *Provided, however,* That language notifying the customer of the statutory limitations on the reporting of adverse information may be included in the type of consumer report to which this paragraph applies if it is included in all such reports, regardless of whether a particular consumer's file contains adverse information which the statute prohibits from being reported; and *Provided further,* That it is accompanied by an explanation that the notification is included in all reports of the type to which this paragraph applies and is not intended to imply the existence of obsolete adverse information which may not be reported.

D. Misrepresenting to any consumer who requests information concerning himself or herself in respondent's files, the consumer's rights to obtain disclosure by telephone under Section 610 of the Act.

E. Failing:

1. To make available to any consumer who requests information concerning himself or herself in respondent's files, in person or by mail, at the consumer's option, all forms which he or she must execute in connection with the requirements of Section 610 of the Act to receive disclosure to which the consumer is entitled under the Act and this order; and

2. To inform the consumer: that he or she has the right to disclosure upon proper identification, by telephone if he or she pays any toll charge, or in person, at the consumer's option; and what constitutes proper identification.

F. Failing to give disclosure required by Section 609 of the Act to any consumer who has requested disclosure, has provided proper identification as required by respondent under Section 610 of the Act, and has paid or accepted any charges which may be imposed under Section 612 of the Act.

G Failing, when giving consumers disclosure, to disclose the nature and substance of all information (excluding medical information as defined in Section 603(i) of the Act) in its files on the consumer at the time of the request, as required by Section 609 of the Act.

H. Requiring a consumer, as a prerequisite to disclosing information from the consumer's file pursuant to Section 609 of the Act, to fill out or sign a form which authorizes respondent to conduct a reinvestigation of any item the consumer may dispute, or to transmit the results of such reinvestigation to persons to whom it has previously reported the disputed information or which authorizes any business, organization, professional person or anyone else to give full information and records about said consumer to respondent; or interposing any other similar condition or requirement which exceeds those specified in Section 610 of the Act.

I. Failing within a reasonable period of time to reinvestigate any item of information in a consumer's file, the completeness or accuracy of which is disputed by the consumer, unless it has reasonable grounds to believe the dispute is frivolous or irrelevant, as required by Section 611(a) of the Act.

J. Furnishing, directly or indirectly, other than for reports prepared solely for use in the business of insurance, medical information, as defined in Section 603(i) of the Act, obtained in response to a written authorization signed by a consumer, unless the authorization clearly identifies respondent as a recipient of the medical information.

II

It is further ordered that respondent deliver a copy of this order to all present and future employees who are engaged in the preparation of consumer reports and investigative consumer reports or who are engaged in the disclosure or reinvestigation of information required by the Act.

It is further ordered that respondent distribute a copy of this order to each of its operating divisions and subsidiaries.

III

It is further ordered that respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

IV

It is further ordered that respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: October 18, 1982.

Carol M. Thomas,

Secretary.

[FR Doc. 82-29908 Filed 10-29-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10, 18, 19, 22, 24, 113, 125, 127, 132, 142, and 144

[T.D. 82-204]

Customs Regulations Amendments Relating to Customs Bonded Warehouses

AGENCY: Customs Service, Treasury.

ACTION: Final rule; Notice of fee schedule.

SUMMARY: To reduce costs to the public and reduce Customs staffing at bonded warehouses, this document extensively revises the Customs Regulations relating to the control of merchandise in Customs bonded warehouses by establishing an audit-inspection program. The document (1) authorizes Customs to accept a joint determination by the warehouse proprietor and the carrier, cartman or lighterman, or weigher, gauger or measurer, regarding the quantity of goods entered or withdrawn from a warehouse; (2) provides for release of merchandise directly to the proprietor by Customs officers at the customhouse rather than at the warehouse; and (3) provides district directors with the authority to allow warehouse proprietors to affix and break Customs seals. In addition, the document (1) provides fees to establish, alter, or relocate a bonded warehouse and an annual fee to reimburse the Customs appropriation for services rendered to the warehouse community; (2) provides procedures for the granting of the right to operate a bonded warehouse based on the qualifications, character, and experience of the applicant; and (3) provides procedures for the suspension or revocation of the right to operate a warehouse or to receive or release goods from a warehouse.

EFFECTIVE DATES: This rule is effective on December 1, 1982. The fees to establish, alter, or relocate a bonded warehouse, § 19.5, are effective on November 1, 1982. The annual fee to reimburse the Customs appropriation for services rendered to the warehouse community is effective on December 1, 1982.

FOR FURTHER INFORMATION CONTACT:

Audit aspects: Joseph Palmer, Regulatory Audit Division (202–566–2812)
Operational and fee aspects: John Holl, Office of Inspection (202–566–5354)
Bonding aspects: William Rosoff, Carriers, Drawback and Bonds Division (202–566–5856)
Legal aspects of entry: Benjamin Mahoney, Entry Procedures and Penalties Division (202–566–5765)
Economic aspects: George Deyman, Duty Assessment Division (202–566–8121).
U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Through the years procedures adopted by Customs have changed dramatically in an attempt to keep pace with cargo carrying jets, millions of entering passengers, and a workload of 4.5 million commercial transactions per year. Clearly Customs has adjusted, in many ways, to challenges posed by increases in population, commerce, and the breakthroughs in modern technology relating to the processing of cargo.

Although many changes have taken place, one segment of Customs operations has not changed since the time of sailing ships. This segment is the Customs bonded warehouse operation.

A Customs bonded warehouse is a building or other secured area in which dutiable goods may be stored, manipulated, or undergo manufacturing operations without payment of duty. Authority for establishing bonded warehouses is set forth in sections 311, 312, 555, and 556, Tariff Act of 1930, as amended (19 U.S.C. 1311, 1312, 1555, 1556). Part 19, Customs Regulations (19 CFR Part 19), sets forth the provisions relating to Customs bonded warehouses and the control of merchandise in these warehouses.

Upon the entry of goods into a bonded warehouse, the importer and warehouse proprietor are subject to liability under their Customs bond. This liability is cancelled when the goods are:

1. Exported;
2. Withdrawn as supplies for a vessel or aircraft in international traffic;
3. Destroyed under Customs supervision; or
4. Withdrawn for consumption in the United States after the payment of duty.

The following eight different types or classes of Customs bonded warehouses are authorized under section 19.1, Customs Regulations (19 CFR 19.1).

Class 1. Premises owned or leased by the Government and used for the storage of merchandise undergoing Customs examination, under seizure, or pending final release from Customs custody. Unclaimed merchandise stored in such premises is held under "general order." When these premises are not sufficient or available for the storage of seized or unclaimed goods, they may be stored in a warehouse of class 3, 4, or 5.

Class 2. Importer's private bonded warehouses used exclusively for the storage of merchandise belonging or consigned to the proprietor thereof. A warehouse of Class 4 or 5 may be bonded exclusively for the storage of goods imported by the proprietor thereof, in which case it is also known as a private bonded warehouse.

Class 3. Public bonded warehouses used exclusively for the storage of imported merchandise.

Class 4. Bonded yards or sheds for the storage of heavy and bulky imported merchandise; stables, feeding pens, corrals, or other similar buildings or limited enclosures for the storage of imported animals; and tanks for the storage of imported liquid merchandise in bulk.

Class 5. Bonded bins or parts of buildings or elevators to be used for the storage of grain.

Class 6. Warehouses for the manufacture in bond, solely for exportation, of articles made in whole or in part of imported materials or of materials subject to Internal Revenue tax; and for the manufacture for home consumption or exportation of cigars in whole of tobacco imported from one country.

Class 7. Warehouses bonded for smelting and refining imported metal-bearing materials for exportation or domestic consumption.

Class 8. Bonded warehouses established for the purpose of cleaning, sorting, repacking, or otherwise changing in condition, but not manufacturing, imported merchandise, under Customs supervision, and at the expense of the proprietor.

All imported merchandise may be entered for warehousing except perishables and explosive substances other than fire-crackers.

Full accountability for all merchandise entered into a Customs bonded warehouse must be maintained and merchandise must be inventoried on a regular basis.

Merchandise in a Customs bonded warehouse may, with certain exceptions, be transferred from one bonded warehouse to another in accordance with the provisions on §§ 19.15, 19.20, 19.24 and 144.34, Customs Regulations (19 CFR 19.15, 19.20, 19.24, 144.34).

Basically, merchandise placed in a Customs bonded warehouse, other than Class 6 or 7, may be stored, cleaned, sorted, repacked, or otherwise changed in condition but not manufactured (19 U.S.C. 1562).

Articles manufactured in a Class 6 warehouse must be exported under Customs supervision. Waste or byproducts from a Class 6 warehouse may be withdrawn for consumption upon payment of applicable duties.

Imported merchandise may be stored in a Customs bonded warehouse for a period of 5 years (19 U.S.C. 1557(a)).

Customs present and past operations for controlling bonded warehouses are based on the premise that effective control requires the physical presence of a Customs officer.

According to an October 1980, Customs Headquarters study, this method of operation costs the economy of the United States $10 million in annual recurring costs. The study indicated the annual recurring cost is comprised of the following:

a. Approximately $8.4 million in reimbursable charges assessed against the warehouse owners, operators, and proprietors by Customs;

b. Approximately $1.6 million in non-reimbursable Customs appropriation funding.

Additionally, according to the study, this method of operation was determined to require 509 authorized positions (390 reimbursable, 119 non-reimbursable) which represented 3.5% of the Customs employment ceiling. These 390 reimbursable positions could not be converted to non-reimbursable positions to fulfill Customs responsibilities in other higher priority areas.

The development of an alternative approach for controlling warehouse operations is not new to Customs. In December 1964, a report titled *An Evaluation of: Mission Organization Management*, more commonly known as the "Stover Report," commented on the organization and management of the Bureau of Customs and recommended some actions which affected warehouse operations. These recommendations were extensively reviewed within Customs following the issuance of the Report. However, no action was taken at that time to implement the recommendations.

In a report dated December 16, 1974, issued to the Commissioner of Customs, the General Accounting Office stated:

The U.S. Customs Service employs warehouse officers to maintain physical custody of goods in bonded warehouses. We reviewed the necessity of having warehouse officers in view of the inventory document controls maintained at the customhouse and the periodic physical inventories performed by Customs on goods in bonded warehouses. The existing procedures for centrally controlling bonded goods at the customhouse, together with the bond protection of the Customs duties and the periodic physical inventory checks, are adequate for protecting Government revenues without having a warehouse officer present.

After an extensive review of the control of merchandise in bonded warehouses, and a pilot test conducted in Philadelphia, Pennsylvania, and Baltimore, Maryland, Customs was of the opinion that the system for controlling merchandise should be changed to one adopting a system of annual reporting by the warehouse proprietor with periodic inventory, spot checks, and audits by Customs. Accordingly, by notice published in the **Federal Register** on March 4, 1982 (47 FR 9225), Customs proposed such a system and invited public comments on the proposal.

It is Customs opinion that the audit-inspection program will provide relief to the private warehouse community by alleviating an extensive cost burden and provide increased flexibility of operations for warehouse proprietors since they need not await arrival of Customs officers to conduct supervision. This is a particularly important consideration to the warehouse proprietors if removals must be made on a weekend, holiday, or after normal business hours.

The regulation will apply only to control of merchandise within bonded warehouses. It will not apply to warehouse related transactions outside warehouses, such as supervision of exportations. Those transactions will be supervised under current procedures as they have been in the past. Duty-free stores are an example of an area where Customs procedures for transactions outside the warehouse remain unchanged.

With respect to duty-free shops, merchandise will continue to be examined and inspected as necessary for entry into the warehouse and to close out in-bond movements. After merchandise has been removed from a warehouse for exportation, delivery to the purchaser and exportation will be physically supervised to the extent required under Customs duty-free shop procedures.

These procedures call for Customs to supervise all exportations from duty-free shops located on U.S. borders. Supervision of exportations from airport duty-free shops will be conducted at the discretion of the district director. Export supervision will continue to be reimbursable by the duty-free shops separate from and in addition to the annual renewal fee (through which Customs would accept reimbursement to the Customs appropriation for costs related to audits, spot checks, etc. within warehouses).

There will be no physical supervision, except on a spot check basis, of the deposit, withdrawal, or removal of goods in or from duty-free shop warehouses, or of manipulation that occurs within the warehouse. The proprietor will be responsible under the Customs Regulations and its bond for everything any other Class 2 warehouse proprietor would be responsible for under its bond.

The authority to change from the existing warehouse officer system to the audit-inspection system is contained in section 646a, Tariff Act of 1930, as amended (19 U.S.C. 1646a).

The changes proposed by the notice published in the **Federal Register** on March 4, 1982, set forth numerous amendments to Parts 10, 18, 19, 22, 24, 113, 125, 127, 132, 142, and 144, Customs Regulations (19 CFR Parts 10, 18, 19, 22, 24, 113, 125, 127, 132, 142, 144), to:

1. Authorize Customs to accept a joint determination by the warehouse proprietor and the carrier, cartman or lighterman, or weigher, gauger or measurer, regarding the quantity of goods entered or withdrawn from the warehouse'
2. Provide for release of merchandise directly to the proprietor of the warehouse by Customs officers at the custom-house rather than at the warehouse;
3. Provide district directors with the authority to allow warehouse proprietors to affix and break Customs seals;
4. Provide a fee to establish, alter, or relocate a bonded warehouse and an annual fee thereafter to reimburse the Customs appropriation for services rendered to the warehouse community;
5. Provide procedures for the granting of the right to operate a warehouse based on the qualifications, character, and experience of the applicant; and
6. Provide procedures for suspension or revocation of the right to operate a warehouse or to receive or release goods from a warehouse.

Numerous comments, both in favor of and opposed to the proposed amendments, were received in response to the notice of March, 4, 1982. A detailed discussion of the comments is set forth following the next two sections which provide the fee schedule for establishing, altering, or relocating a bonded warehouse, the annual fee to reimburse the Customs appropriation for services rendered to the warehouse community and the inapplicability of the delayed effective date provisions.

Notice Of Fee Schedule

On July 10, 1980, Customs published a notice in the **Federal Register** (45 FR 46442), relating to the fees for processing applications for bonded warehouses. As a part of the notice published in the **Federal Register** on March 4, 1982 (47 FR 9225), Customs proposed modification to the fee schedule.

The Independent Offices Appropriation Act 1952 (31 U.S.C. 483a), the so-called "User Charges Statute", requires Federal agencies to be as self-sustaining as possible. This statute authorizes the head of each Federal agency to establish fees for services provided to identifiable members of the public. The fees must be fair and equitable, taking into consideration the direct and indirect costs to the Government, the value to the recipient, the public policy or interest served, and other pertinent facts.

Section 19.2, Customs Regulations (19 CFR 19.2), provides, in part, that an owner or lessee desiring to establish a bonded warehouse shall file a written application with the district director which, among other things, describes the premises, gives the location, and states the class of warehouse. A fee of $80 has been required to accompany the application.

Before an application may be approved, Customs must:

(1) Determine that the application is in proper form;

(2) Survey the premises to determime that all physical security requirements are met;

(3) Perform a background investigation of the applicant and the applicant's officers and employees;

(4) Prepare a report of that investigation; and

(5) Review the application, survey, and background investigation report and prepare a response to the applicant.

Section 19.3, Customs Regulations (19 CFR 19.3), relates to alterations and relocations of existing bonded warehouses. Before an application to alter or relocate an existing bonded warehouse is approved, Customs must perform the same functions as are required in connection with an application to establish a bonded warehouse, except that a background investigation of the applicant and the applicant's officers and employee is not required. However, no fee presently is required to accompany an application to alter or relocate an existing bonded warehouse.

A review of the costs involved in performing these functions revealed that the $80 fee is inadequate. The current processing costs to Customs for initial applications is $820 and the cost to Customs of processing an application to alter or relocate an existing bonded warehouse is $356.

In light of the foregoing, the fee schedule for establishing, altering, or relocating a bonded warehouse will be as follows:

1. Establish a Bonded Warehouse, $820.
2. Alter in Existing Bonded Warehouse, $356.
3. Relocate an Existing Bonded Warehouse, $356.

The new fees to establish, alter, or relocate a bonded warehouse are effective immediately.

As a part of the March 4, 1982, notice, Customs proposed an annual fee to reimburse the Customs appropriations for services rendered to the warehouse community. Customs has determined that it is necessary and appropriate for warehouse proprietors to bear the costs of the Customs supervision, including audit, inspection, and related administrative costs. This decision is predicated upon sections 312, 555, and 646, Tariff Act of 1930, as amended (19 U.S.C. 1312, 1555, 1646a). Section 555 provides that compensation for Customs employees appointed to supervise the movement of merchandise into and out of a bonded warehouse shall be reimbursed to the Government by the proprietor of the warehouse. Section 646 provides that when actions are required to be performed under the supervision of Customs officers, the degree of supervision shall be determined by the Secretary of the Treasury by regulation, or in the absence of such regulations, as the principal Customs officer concerned shall direct.

The Secretary of the Treasury has determined that the supervision of warehouse transactions required by the Tariff Act of 1930, as amended, should be performed by Customs on the basis of audits, periodic inventories, and occasional inspections. Therefore, the compensation of the Customs officials performing these functions are properly borne by proprietors of the regulated warehouses.

Customs has determined that the annual cost to each warehouse proprietor to reimburse the Customs appropriation for services rendered to the warehouse community is $650. The annual fee will be due from each warehouse facility on December 1, 1982, and annually thereafter beginning January 1, 1984.

The fee itself is based on an estimated total first year cost for the program of $1.0 million, which is allocated among the 1538 existing warehouses.

The fee structure for subsequent calendar years of the audit-inspection program will be projected on the basis of the actual annual cost to Customs in the preceding fiscal year plus adjustments for any October Federal salary increases.

During the course of Customs review of the comments submitted and the total program, certain additional direct costs of the warehouse program were identified. Customs believes that these additional costs are properly reimbursable. Customs will be publishing a notice of proposed rulemaking and provide the public with an opportunity to comment with respect to these additional costs.

Inapplicability of Delayed Effective Date Provision

Because the fee schedule for establishing, altering, or relocating a bonded warehouse merely reflects the actual cost to Customs for the processing of an application and the services rendered result in conferring a benefit upon an identifiable member of the public, Customs believes it to be in the public interest not to continue to subsidize one segment of the public by charging less than the fair cost for the services rendered. Accordingly, pursuant to 5 U.S.C. 553(d)(3), good cause is found for dispensing with the delayed effective date for the fee schedule for establishing, altering, or relocating a bonded warehouse.

Discussion of Comments

In response to the notice of March 4, 1982, one commenter stated that it believed Customs proposed to revise the bonded warehouse regulations should have been the subject of an advanced notice of proposed rulemaking (ANPRM).

An ANPRM is used at an early stage in the regulatory process when an agency is unsure of the approach to take in a particular area and various alternative approaches are viable. An ANPRM provides an early opportuntiy for public participation in the regulatory process. As was stated in the background portion of this document, the bonded warehouse system has been extensively studied by various groups for several years. The most recent report completed in 1980 contained several alternatives to the current method of operation. A pilot test of the proposed system has been successfully concluded. Based upon the foregoing, it was believed by Customs that an ANPRM was not necessary.

Security Concerns

Several commenters expressed concern that the removal of the Customs warehouse officer would have an adverse effect upon the security of the warehouse facility and merchandise in the warehouse and affect the enforcement of laws other than those relating to revenue collection. These commenters believe the warehouse officer helps prevent the entry into the United States through the bonded warehouse of contraband and narcotics. Indeed, many warehouse proprietors apparently are convinced that the warehouse officer, being a Government official and representing Government presence at the warehouse, serves as a deterrent to crime in general and theft of dutiable merchandise in particular.

While recognizing that some benefit may flow to the warehouse proprietor in the area of security of the warehouse, Customs does not believe the presence of the Customs officer materially adds to the security of the warehouse. The functions of the Customs officer generally relate to recordkeeping and approving of documentation for merchandise entering or being removed from the warehouse. He does not patrol the facility. Further, the presence of the officer inside the warehouse militates against him detecting crime on the outside. A criminal would have to enter the warehouse facility before he would, in fact, be aware of the officer's presence. In addition, while some warehouses have a full-time officer, a great many warehouses only require the presence of an officer for an hour or two each day and in some cases only an hour or two each week. In these cases the impact of the officers presence as deterrent to crime would be negligible. Further, and unarmed officer is in no better position to prevent crime than the warehouse proprietor or his employees.

With respect to crime in the warehouse resulting from illegal activity by Customs and warehouse personnel, this is more likely to occur between persons who know each other such as under the present system with an officer who has a long relationship with a warehouse proprietor and his employees than under the new system where warehouse personnel and a Customs officer will meet only on a random basis in the course of a specific inspection or audit. Moreover, since inspections and audits may be done by a team, the possibility of illegal activity is remote.

With respect to smuggling being conducted in a warehouse, it is unrealistic to believe that an officer can be at all places in a warehouse simultaneously. The movement of an officer in a warehouse is predictable, a factor which necessarily reduces deterrent value. Unannounced spot checks and audits by a team are unpredictable. In Customs view, this unpredictability more than offsets whatever deterrent value exists with an officer present in the warehouse.

Finally, normal investigations into the backgrounds of warehouse proprietors and their employees who have access to bonded merchandise has reduced, and will continue to reduce, the possibility of having persons with criminal involvement in the warehouse.

Because of the warehouse officer's limited presence at the facility and restricted functions while there, many warehouse proprietors do not consider the officer's presence as a deterrent to criminal activity. One commenter stated that "these times necessitate a guard on our facility during nonbusiness hours and a security alarmed building as well as normal security measures." The commenter continued that "actually, security is enhanced by the ability of the warehouse proprietor to have immediate access to all area (sic) of his facility in the event of fire, break-in, or response to security alarms, rather than waiting several hours in the middle of the night for a Customs officer with keys, as has happened to us."

In light of the foregoing, Customs does not believe that the minimal security benefits to a segment of the warehouse community warrant retention of the warehouse officer at the facility.

One commenter stated that the warehouse officer's presence at a bonded warehouse is perceived on an international level as assuring the integrity of the warehouse system.

Other countries employ the same controls embodied in the system adopted by this document and find them to provide satisfactory control and security without the physical presence of a warehouse officer. It is Customs opinion that the conversion from the old system to the new system will not cause alarm to countries conducting business with the United States and will result in no impact on this nation's international commerce.

Recordkeeping Concerns

Several commenters stated that the recordkeeping system maintained by their businesses do not duplicate the records maintained by Customs warehouse officers. They indicated that to assume the task of preparing information previously maintained by the warehouse officer would result in additional costs to the warehouse proprietor. In addition, the commenters contend that to prepare the annual warehouse proprietor submission would be a clerical nightmare. They believe that if the system were computerized, it would require extensive programming costs and if a manual system were used it would be difficult to develop.

Based upon the pilot test of the system which was conducted in Baltimore, Maryland, and Philadelphia, Pennsylvania, Customs found that certain aspects of the warehouse officer functions (e.g., recordkeeping) were easily absorbed by the administrative staff of the warehouse proprietor and resulted in no or minimal additional costs. Further, these additional recordkeeping tasks could be merged with the proprietor's inventory control system to achieve economy in operations that were not available to Customs.

During the pilot test one proprietor employed an individual to assume the duties of a warehouse officer. Customs found the new employee was paid less than half the cost of the warehouse officer and performed the recordkeeping task in a more efficient and effective manner. All warehouse proprietors under the revised system will be able to negotiate directly for the wages of any new employee rather than being required to reimburse 100% of the salary of a Federal employee plus the 37% fringe benefit surcharge. In addition, Customs officers will normally not be needed on weekends, holidays, or after normal business hours. This will eliminate the necessity of warehouse proprietors reimbursing the Government for overtime services. In addition, it should be noted that warehouse proprietors are presently obliged to maintain systems which essentially duplicate the warehouse officer's record to determine their liability for bonding purposes. While it is true that the new regulations require the maintenance of the entry folders, Customs believes that this can be done at a lower cost by the proprietors than they are paying Customs to do it under the present system.

The pilot test also indicated that warehouse proprietors were capable of preparing the annual warehouse proprietor submission from records normally maintained without imposing any significant problems. It is noted that all submissions prepared during the pilot test were prepared manually.

It should be noted that the words "entry folder" used in the NPRM have been changed in the final rule to "permit file folder". This change was made because many Customs field personnel believed that all entry documentation would be maintained by the warehouse proprietor. This is not the case. Customs will retain the original entry documentation (i.e., CF 7502, Warehouse or Rewarehouse Entry). The following documentation will be maintained by the warehouse proprietor in the permit file folder:

Custom Form 7505—Warehouse Withdrawal for Consumption
Custom Form 7506—Warehouse Withdrawal—Conditionally Free of Duty and Permit
Custom Form 7512—Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit
Custom Form 5931—Discrepancy Report and Declaration
Custom Form 3461—Immediate Delivery Application
Custom Form 7521—Entry for Bonded Manufacturing Warehouse and Permit
Custom Form 3499—Application and Permit to Manipulate, Examine, Sample or Transfer Goods in Customs Custody
Custom Form 7519—Combined Rewarehouse and Withdrawal for Consumption.

Certain proprietary information is listed on the above documents. In order to prevent the unauthorized disclosure of this proprietary information, a new paragraph (7) has been added to § 19.12(a). In addition, a new paragraph (8) has been added to § 19.3(e) relating to the grounds for suspension or revocation of the bonded status of a warehouse to allow suspension or revocation for unauthorized disclosure of proprietary information.

One commenter stated that preparation of the warehouse proprietor submission would result in clerical and inventory cost aggregating $3,000 and $3,500, respectively.

Customs agrees that some costs will be incurred. However, the pilot test disclosed that preparation of the submission could be absorbed by the administrative staff without incurring significant additional costs. Also, a majority of businesses make at least one physical inventory count each year. The purpose of tying the warehouse proprietor submission to the proprietor's business year was to avoid the necessity of making a separate inventory for Customs purposes. Customs is of the opinion that any additional costs incurred will be more than offset by savings by virtue of not paying the salary of a Customs warehouse officer.

One commenter stated that it believes that recordkeeping requirements may hinder the movement of merchandise.

Customs disagrees. The methods and procedures of filing warehouse documentation have remained essentially the same with two exceptions. First, the warehouse proprietor, instead of the warehouse officers, will be responsible for recording entry transactions. Second, the proprietor will be responsible for filing an annual submission with Customs. Neither of these changes should result in a hindrance to cargo movement.

Not all commenters viewed the recordkeeping requirements as an onerous burden. One commenter states "we currently perform recordkeeping, duplicating the task of our warehouse officer. However, may we point out that we feel our recordkeeping is superior to that of our warehouse officer because it is performed by trained clerical personnel proficient in this area rather than someone unschooled in accounting/bookkeeping procedures. Furthermore, our receiving and shipping personnel are more experienced and qualified in noting quantity, exceptions, and damage to merchandise received and delivered than our warehouse officer."

One commenter believes that Customs personnel conducting spot checks and inventories will disrupt the warehouse operations and require the presence of warehouse personnel.

Customs personnel who conduct spot checks and audits will, in Customs opinion, quickly gain the experience to enable them to locate merchandise from the proprietor's locator system without requiring a significant amount of assistance from warehouse employees. While Customs officers conducting spot checks will invite warehouse officials to accompany them if they so desire, Customs will not require them to do so except in unusual situations.

Part 10—Comments

Two commenters indicated that § 10.62a relating to blanket withdrawals for certain merchandise should be expanded to allow use of the Customs Form 7512 in addition to Customs Form 7506 in making the blanket withdrawals.

The change in § 10.62a, as proposed, did not contemplate any modification of the regulations with respect to the authorization of blanket withdrawals of vessel supplies for transportation in bond and lading at a port other than the port where withdrawn. Authorizing the use of a Customs Form 7512 would expand the use of the blanket withdrawal to allow transportation to another port. While the change suggested may ultimately prove to be beneficial, it would be necessary for Customs to conduct a study of its implications. In any case, it is outside the scope of this proposal, and would have to be considered in a separate rulemaking action.

To make it clear that merchandise may only be withdrawn and transported for lading at the port of withdrawal, specific language to this effect has been included in §§ 10.62 and 10.62a.

Part 19—Comments

One commenter stated that some warehouses operations are foreign owned and should not be granted permission by Customs to operate bonded warehouses in the United States.

Customs has no statutory authority to implement the request. It is a subject for legislative action.

Several commenters have stated that the removal of the warehouse officer will result in a loss of an arbiter in case of loss, shortage, or damage to goods.

The warehouse officer's use as an arbiter was never authorized by Customs and is not sanctioned. The Customs officer should only be a witness to agreements reached by the warehouse proprietor and the bonded carrier or licensed cartman or lighterman delivering the goods to the warehouse regarding loss, shortage, or damage to goods.

One commenter proposed that the definition of a Class 2 warehouse in § 19.1(a)(2) be changed to authorize merchandise to be entered which belongs to another importer at the same address sharing a common ownership of at least 25% with the proprietor. Apparently, the owners of the Class 2 warehouse have an ownership interest in another corporation.

The second sentence of 19 U.S.C. 1555, in pertinent part, states that private warehouses "may be bonded for the storing of such merchandise only as shall belong or be consigned to the owners or proprietors" of the warehouse. Section 19.1(a)(2) merely paraphrases that statutory provision. In Customs opinion, authorizing a corporate entity different from the one which owns the warehouse to use the warehouse, even though the corporation has common owners, would be violative of the statutory provisions.

One commenter believed that the requirement that merchandise transported within the port limits be transported by a bonded cartman was an unnecessary expense and source of paperwork.

Section 565, Tariff Act of 1930, as amended (19 U.S.C. 1565), provides that "the cartage of merchandise entered for warehouse shall be done by cartmen to be appointed and licensed by the appropriate customs officer and who shall give a bond * * * for the protection of the Government against any loss of, or damage to, such merchandise while being so carted." Customs has no authority to modify the statute. Any change would be the subject of legislative action.

One commenter recommended that all existing bonded warehouses be "grandfathered" under present regulations.

Customs is unable to adopt this recommendation since it would eliminate all of the benefits to be gained through adoption of the proposal. It would increase costs because of the necessity of maintaining two sets of bonds and regulations plus auditor-inspector teams in addition to warehouse officers. The indefinite existence of two sets of regulations with two sets of bonds and procedures causes administrative and legal problems. Further, the indefinite retention of all existing warehouse officers, which is implicit in the request, would eliminate the expected cost-saving benefits of the proposal.

One commenter suggested that the proposal be expanded to permit the storage of unbonded merchandise in the bonded warehouse or in the bonded portion of a warehouse that has both bonded and unbonded areas. Another commenter indicated that warehouse operations which have effective security and contain low risk merchandise, should be allowed to segregate merchandise by computerized records.

Sections 555, 557, 558, and 559, Tariff Act of 1930, as amended (19 U.S.C. 1555, 1557, 1558, 1559), contemplate that only merchandise in bond is to be placed in a bonded warehouse, or in the bonded area of a warehouse that has both bonded and nonbonded areas. Further, since under the audit-inspection system Customs will exercise less physical control over the bonded warehouse, Customs is of the opinion that adoption of the suggestion would be unwise.

One commenter suggested that the port directors, instead of the district directors, be given authority to handle routine matters relative to Customs bonded warehouses. Another suggested that they have joint responsibility.

These suggestions relate to internal Customs operating procedures involving delegations of authority which Customs believes should not be the subject of regulations. However, under existing delegations of authority, a district director is authorized to designate a port director to act on his behalf on routine matters. The amendments adopted by this document have no effect on the exercise of that discretion. With respect to the second comment, numerous operational and administrative problems would be created by vesting joint responsibility in a supervisor (i.e., district director) and his subordinant (i.e. port director).

One commenter requested that warehouse proprietors be authorized to use their premises as Customs bonded warehouses pending completion of a background investigation, provided the premises meets Customs requirements and the application documents are correct and complete. The stated reason for this request is that background investigations require 3 to 4 months to complete.

Customs cannot adopt this requested change. The background investigation is necessary to provide information the district director needs in deciding whether to approve the application. A temporary or interim approval cannot be given since the proprietor would acquire a property right to operate the warehouse which Customs believes could only be removed through a formal hearing to discontinue the temporary approval. Further, information from the background investigation is even more important now than in the past to the district director's decision concerning the application, since the proprietor is given much more responsibility and flexibility under this new concept and Customs physical presence at the warehouse is reduced. However, Customs recognizes that there are delays caused by background investigations and is currently undertaking administrative measures to reduce the delays.

Several commenters requested that all proprietors be educated in the procedures, rules, and responsibilities under the new system.

Customs will make every effort to educate proprietors regarding the new warehouse system. In addition, the warehouse community is invited to call the Customs Office of the Regional Director, Regulatory Audit, or the Office of Inspection, in their area to obtain solutions for any problems that may arise. Assistance can also be obtained from the individuals listed in the "For Further Information Contact" section of this document.

Commenters have expressed concern over the possible proliferation of bonded warehouses resulting in so-called "fly by night" operators competing against existing warehouse proprietors.

Under the new system, as was done in the past, Customs will conduct an investigation into the background of the applicant as well as any employee before approving the application. If an applicant does not possess the qualifications to provide adequate service to the importing community, the application will not be approved.

One commenter indicated that the proposed rule to allow warehouse proprietors to affix and break Customs seals has nothing to do with the warehouse operation, but deals with the movement of merchandise in-bond, a bond in which a warehouse proprietor has no interest. The commenter further states that it is doubtful Customs could support a claim for liquidated damages against a carrier's bond for shortages in manifested quantities if the Customs seal is affixed or broken by other than a Customs employee.

In Customs opinion, the affixing and breaking of seals does have something to do with a warehouse operation. The interface with the warehouse operation occurs in the agreement between the carrier and the proprietor as to the quantity and condition of goods delivered or picked up at a warehouse. Further, Customs does not believe that its ability to support a claim for liquidated damages is affected by authorizing a warehouse proprietor to affix and break seals.

In the opinion of one commenter, allowing total control of general order, abandoned, and seized goods to be in the warehouse proprietor and the cartman could place Customs in a bad position in the event of a loss.

Customs is not allowing total control of general order, abandoned, and seized goods to be in the warehouse proprietor or the cartman. Customs will order goods to and from warehouses, and hold the proprietor responsible for the storage and handling thereof under the conditions of its bond. There will always be certain articles (e.g., narcotics, cash, firearms, seized records) which will never be sent to bonded warehouses for storage, but rather retained on Customs-owned premises. The selection of which goods should be sent to a bonded warehouse or stored on Customs premises will be, as it presently is, at the discretion of Customs.

One commenter indicated it was unnecessary to perpetuate the archaic provisions of proposed §19.1 relating to the construction of bonded yards.

Section 19.1(a), as modified by this document, does not provide very detailed requirements for bonded yards. Most of the detail was deleted in the NPRM. Further, Customs does not agree that the regulation is archaic.

With respect to proposed §19.1(c), it is stated that the warehouse should be constructed in a manner to render it impossible for unauthorized persons to enter. One commenter asks who is an unauthorized person.

An unauthorized person would be any person not authorized by Customs or the proprietor to be in the warehouse, or any person not entitled by law or regulation to be in the warehouse.

One commenter states that it assumes that the procedures for establishing a warehouse set forth in proposed §19.2 relate only to warehouses seeking to operate as Customs bonded warehouses after the effective date of the rule and that existing warehouses need not file new applications.

The commenter is correct. Existing warehouses need not file new applications, however, all warehouses will be required to pay the annual fee and file new bonds.

In the NPRM it was indicated that in approving an application to establish a warehouse facility under proposed §19.2(a), Customs would determine whether the facility meets the following conditions: (i) The entry transaction level or dollar value of merchandise, or both, is of sufficient volume to warrant establishment of the facility; (ii) the warehouse facility is located 35 miles or less from the port of entry; and (iii) Customs has personnel resources available to adequately control all warehouse operations including the operation of the applicant warehouse facility within the district. If the above conditions are not met, it was indicated that the application would not be approved.

Several comments were received which objected to the 35 mile limitation. The 35-mile limit was intended only as a guide in approving applications. It was not a regulation change. Nor should it be construed as a mandatory requirement. It was only cited as one of many factors which could cause an application for a warehouse to be denied. Depending on the resources available for spot checks and audits of warehouses in a given port, it may be necessary from time to time to deny applications for warehouses distant from ports of entry. Some such applications will doubtless be approved. Customs staffing is not infinite, and geography must play a part in Customs decision whether to approve a warehouse application.

The 35-mile figure was not arbitrary. It represents the estimated distance a Customs officer in an average port, travelling through city traffic to the port limits, can travel beyond those limits in 1 hour. Thus, an average round trip to such a warehouse represents 2 hours of time lost from the productive workday of the officer. Customs must take such a loss into consideration in determining whether to approve the application. In approving applications, Customs will look at all the facts and circumstances, including the business considerations which dictate that a warehouse operation be located a substantial distance from the port.

In commenting on the provisions of proposed § 19.2(f) relating to an investigation of the qualifications, character, and experience of the applicant, one commenter stated it knows of no situation in which Customs has been able to deny a person the right to make a living for any of the reasons set forth in the proposed section.

There is a difference between a vested and an unvested right. An applicant for the right to operate a warehouse has an unvested right. There are court cases supporting the denial of a license to individuals or organizations based on qualifications, character, and experience. Customs has in the past been able to deny applications for bonded warehouses based on the qualifications, character, and experience of the applicant. The proposed change merely spells out in the regulations Customs current practice of conducting an inquiry into character, qualifications, and experience before an application is approved.

Section 19.2(a) as proposed did not include a provision prescribing when the annual fee set forth in § 19.5 must be paid. Customs has added a paragraph to 19.2(a) and to each of the bonds in the Appendices to require payment within 14 days of the due date.

A commenter requested that the provision in section 19.3(c), relating to discontinuance of warehouses, which allows the discontinuance of one warehouse without affecting the bonded status of any other warehouse covered by a general bond, be retained. This provision, which was not in the NPRM, would relate only to bonded smelters or refiners who are specifically authorized by statue to have multiple warehouses owned by one proprietor on one general bond. Customs agrees with the commenter as to a bonded smelter or refiner and has retained the provision in § 19.17(c) of the final rule.

One commenter objected to the requirement in proposed § 19.3(d) for a proprietor to provide the district director with an employee list and to keep it updated.

The requirement for an employee list is not new. It is contained in current § 19.3(d). The list must be supplied only when requested by the district director. Customs does not believe that district directors often request such lists, and has no record of any complaint from a proprietor that supplying such a list has been an onerous burden. The list is needed by Customs from time to time to ensure the integrity of the warehouse operation.

One commenter believes that inactivity in a warehouse for 2 years should not be a cause for revoking or suspending its right to operate since business requirements may dictate that the warehouse remain inactive.

The ground for suspension or revocation in proposed § 19.3(e)(7) is that bonded merchandise has not been stored in the warehouse for 2 years, not that there has been inactivity with respect to the warehoused goods for 2 years.

An action to suspend or revoke under the provisions of § 19.3(e)(7) would lead to a "show cause" proceeding wherein the proprietor may state its case against suspension or revocation. The district director would consider arguments by the proprietor that the economic conditions of the trade require continuance of the warehouse. For example, in the case of a bonded smelting and refining warehouse the proprietor could show that metals are theoretically charged against the bond of the warehouse. The purpose of proposed § 19.3(e)(7) is to provide Customs with a means of closing a warehouse that the proprietor does not use and to force the proprietor to make a positive choice as to whether the warehouse is worth continuing.

Also, a suspension of a bond under the provisions of proposed § 19.3(b) for a stated period, whether requested by the proprietor or done by Customs, does not require reapplication for reinstatement of bonded status under proposed § 19.2. There is nothing to preclude a suspension by Customs until a time when the need arises to once again place bonded merchandise in the warehouse, providing the bond is still sufficient to safeguard the revenue.

The NPRM indicated that under revised § 19.6, each warehouse proprietor would be charged a fee to establish or relocate a warehouse facility and an annual fee thereafter which would be determined under the provisions of 19 U.S.C. 1555 and 31 U.S.C. 483a. This proposal envisioned aggregating substantially all costs associated with Customs supervision including audit, inspection, investigative, and administrative costs. These costs would then be equally divided among the total warehouse locations at the beginning of the fiscal year to determine the annual fee. The fees would be revised annually to reflect current costs and the fee would be published in the **Federal Register** for the next calendar year. Another alternative considered was to bill warehouse proprietors individually for the costs of services incurred by Customs at each individual warehouse.

Both the proposal and the alternative approach were the subject of numerous comments. Many commenters felt it would be unfair for them to pay a share of the total cost for an audit type system if they are not, in fact, audited. Several commenters indicated that individual billings to specific warehouse proprietors for services rendered is more equitable than using an annual fee.

Customs recognizes the validity of the commenters argument but does not believe that this method is in the best interests of the warehouse community as a whole. Because of limited Customs resources, only a fraction of the entire warehouse community will be audited each year. However, the entire warehouse community will be benefiting by saving substantial sums because of the elimination of the reimbursable warehouse officer positions.

Under the old system, in 1980 reimbursable warehouse officer costs paid by the warehouse community aggregated $8.4 million. In addition, Customs paid $1.6 million to non-reimbursable warehouse administrative support positions. The total cost of the old program was approximately $10 million. Under that system, the average cost to each warehouse proprietor was approximately $6,000 per year. The new program is estimated to cost approximately $1 million. Since there are approximately 1500 warehouse facilities operating in the United States, its territories and possessions, the annual fee will be $650. The cost of the new system will cover only those costs to conduct audits and spot check inventories. It will not cover the cost to conduct investigations of warehouses in which fraudulent activity has been identified (i.e., if in the course of an audit fraud is discovered, the audit will be terminated and a report forwarded to the Customs Office of Investigations setting forth audit findings and requesting an investigation). The warehouse proprietors will not be charged for investigative costs.

The new warehouse program will require intense audits of warehouse facilities on a random basis. To provide for the least disruption to the warehouse facility operation, audits will be coordinated with the warehouse proprietor. To assure Customs that warehouse operations are in accordance with regulatory requirements, inspectional teams will make unannounced visits to all warehouse premises and perform spot check inventory counts and limited reviews of warehouse proprietor records. Although these reviews will not be as intense as an audit, they will provide Customs an opportunity to view warehouse proprietor compliance with the regulations. Any questionable practices uncovered during an inspectional visit may be used by the Customs Regulatory Audit Division to initiate an audit of the warehouse proprietor.

Based upon the above programs' methodology, it is clear that if Customs were to bill proprietors on an individual basis for service specifically rendered, it would result in some warehouse proprietors reimbursing Customs large sums of money to cover audit costs while other companies which were not audited would pay minimal costs for inspectional visits. Customs believes the method of equally dividing the cost to reimburse the Customs appropriation for services rendered among the entire warehouse community is the most equitable method.

However, since the fees will be revised annually based upon actual costs for the previous fiscal year, and because of the substantial concern of the warehouse community, Customs intends to evaluate the method of calculating the fees as experience is gained with the new system. In light of the foregoing, Customs is adopting the annual fee calculation method proposed in the NPRM (i.e., aggregating the costs associated with the program and dividing the costs equally among the warehouse community) in the amount of $650 for each warehouse.

One commenter stated that the annual renewal fee requirement would place every warehouse proprietor under a cloud since there would be uncertainty as to whether it would be allowed to continue its operations in the next year.

The commenter has misinterpreted the purpose of the annual fee. Customs only purpose in establishing the proprietor annual fee was to provide a means to collect reimbursement for the services rendered by Customs to the warehouse community during the previous year. A proprietor's warehouse operation could not be terminated by Customs at the time the fee is collected. If Customs believes a proprietor's right to operate should be suspended or revoked, it would follow the procedures set forth in § 19.3(f). To eliminate this source of confusion the word "renewal" has been deleted from the regulatory language.

One commenter believes that cost was the sole factor Customs considered in establishing a new system to control warehouse operations. In addition, the commenter indicated a willingness to reimburse Customs for all costs incurred to control its warehouse, including costs not presently reimbursed, so long as the warehouse officer remains on the premises.

While it is true that cost is one of the Government's primary and current concerns, Customs initiated the warehouse study over 3 years ago. The purpose of the study was to develop a new system which was both cost efficient and mission effective, i.e., a system that would provide protection to the revenue which was equal to or greater than the present system at a reduced cost. In addition, the new system would provide Customs with personnel savings which could be reallocated to higher priority areas. A great many warehouse proprietors apparently do not realize that the warehouse officer positions, although fully reimbursable, are counted against Customs overall personnel ceiling. Because large numbers of Customs personnel are performing warehouse functions, it is not possible to assign these personnel to tasks in other areas which have a higher priority and represent a greater threat to the revenue or to the country (e.g., interdiction of narcotics).

One commenter, citing language from the NPRM which indicated that the notice proposed to provide for release of goods directly to the warehouse proprietor by Customs officers at the customhouse, rather than at the warehouse, objected, because it believed it would be necessary to have all withdrawals "signed off" at the customhouse.

Under § 19.6(a) a warehouse officer may release goods to a proprietor only upon a permit signed by the district director. Since no warehouse officer will be present at the warehouse under the revised system, the permit of the district director extends directly to the proprietor. The purpose of the permit is to assure the district director that all duties and taxes are paid and all laws and regulations are complied with before the goods are removed from Customs custody in the warehouse.

Goods which are free of duty may be issued a blanket permit to withdraw for delivery at the same port, and removed in partial releases under § 19.6(d) without further Customs approval. It will not be necessary to travel to the customhouse to present a document each time a partial release occurs. The new system does not substantially change existing procedures on duty-free merchandise or impose any additional burden.

Several commenters believe that the realities in the transportation of cargo very often do not allow a joint determination of quantities to be made at the time of deposit of goods in, or removal of goods from, a bonded warehouse.

It must be stressed that the liability for the quantity of goods deposited in a warehouse is based on the quantity reported in the entry documentation, not on a joint discrepancy report. The joint discrepancy report is significant only as a means of reducing or adjusting the proprietor's liability from the quantity reported in the entry documentation.

However, Customs accepts the legitimacy of the comment concerning the difficulty of jointly resolving discrepancies at the time of entry or removal, and is therefore changing the language of proposed § 19.6 to allow a period of 15 days after deposit of goods in, or removal of goods from, a warehouse for the filing of a joint discrepancy report.

Based upon its own review, Customs has added a new paragraph (c) in proposed § 19.6 which indicates that when a Customs officer supervises the entry or removal of goods, the Customs officer's report of goods deposited in, or removed from, a warehouse shall determine the proprietor's (and therefore the carrier's) liability for the quantity and condition of goods so deposited or removed.

In addition, Customs has added a new subparagraph (2) to § 19.6(a) to specify that the liability of a warehouse proprietor may be modified after the deposit of goods in the warehouse by several actions which result in a change in the duty liability of the importer of the goods, including concealed shortages, casualty loss, destruction, and manipulation. The reason for allowing these modifications is that the liability for duty has been changed through various provisions of law by the decrease (and occasionally an increase in the case of manipulations) in the quantity of goods, and that the proprietor's liability for safeguarding the goods has been correspondingly changed.

Customs has also added a sentence to § 19.6(b)(1) to specify that the proprietor must obtain a signed receipt from the carrier upon removal or withdrawal of merchandise from the warehouse to gain relief from liability. The purpose of the addition is to assure that the carrier has accepted liability for the transportation of the merchandise from the warehouse.

Further, Customs has added a subparagraph (2) to § 19.6(b) to describe more clearly the status of goods for which a permit to withdraw has been issued but are not yet removed from the warehouse. In such cases, the goods must be segregated or marked to show they have already been withdrawn to permit ready identification during Customs spot checks and audits. Such goods which are duty-paid or unconditionally duty-free are deemed to be no longer in Customs custody and released to the warehouse proprietor. Other goods which have been withdrawn are deemed to be at least conditionally dutiable and therefore still in Customs custody. This subparagraph is added to draw a distinction between goods withdrawn in partial releases in proposed § 19.6(d) and goods which have been duty-paid but remain in the warehouse.

In line with this clarification, § 127.14(c)(1) is also amended to conform with § 19.6(b)(2) by deleting the words "beyond the 5-year warehouse period".

One commenter suggests that proposed § 19.6(e), which indicates that the district director may authorize a warehouse proprietor to break Customs in-bond seals, should be directive and not permissive.

Customs does not agree. The district director has the right to have Customs personnel supervise the unlading as a part of his responsibility of protecting the revenue. Accordingly, the regulation must be permissive in nature to protect the district directors authority in this area.

One commenter states that it should be allowed to put into computers the data previously maintained by the warehouse officer.

The warehouse proprietors submission may be computerized if the report generated by the computer duplicates the information contained in the warehouse officers report (CF 5213-Ledger Book) and is set forth in the same manner.

One commenter suggested that proprietors be authorized to unlade goods which arrive in a container with a broken seal before notifying the district director, as set forth in proposed § 19.6(e). The commenter believes this may be necessary to protect the goods from adverse weather conditions.

The proprietor must report the unsatisfactory condition of the seal so the district director has the option of inspection of the seal and container before unlading. In many cases, the district director may choose not to inspect the seal, and will accept a joint report of the carrier and the proprietor in lieu of physical inspection. The district director's decision will depend on many factors, including any financial threat faced by the proprietor or carrier or any damage to the goods. Since the district director can be telephoned, Customs sees no reason to authorize unlading when seals are found to be broken without or before obtaining approval of the district director.

One commenter suggests that reports of extraordinary shortages or damages be submitted to the port director rather than to the district director, as set forth in proposed § 19.6(e). The commenter indicates that allowing the port director to receive this information would be in the interest of an efficient operation.

Primary responsibility for receiving this information will be vested in the district director. However, the district director can, under existing delegations of authority, authorize the port director to receive this information and take appropriate action.

One commenter suggests that the language in proposed § 19.6(d)(4) to the effect that "partial releases may not be removed in a quantity of less than an entire package" be interpreted to allow the removal of single bottles from a full case.

The proposed language is based on current § 144.33, Customs Regulations (19 CFR 144.33), which, in turn, implements the first sentence of section 562, Tariff Act of 1930, as amended (19 U.S.C. 1562). That section indicates that unless the Secretary of the Treasury specially authorizes a lesser amount, no merchandise shall be withdrawn from a bonded warehouse in less quantity than an entire bale, case, box, or other package. Inasmuch as no reasons were given by the commenter why the exception should be made, there is no basis on which to authorize a change in the current procedures.

One commenter indicated that as it reads proposed § 19.6, it would not be able to enter goods for warehouse and repack them into sets which are packaged in individual cartons and then subsequently withdraw the repackaged goods from warehouse.

Customs believes the commenter is misreading the proposed regulations. They do not, in any way, prohibit an importer from entering goods in one packed condition, performing a repacking operation, and withdrawing then in another packed condition. The regulations only require that (1) the repacking be done on an individual or blanket permit to manipulate, and (2) that the records required in proposed § 19.12 reflect the operation.

Several commenters requested that a "first in-first out" inventory accounting system be used in lieu of specific indentification of goods in a warehouse.

Customs believes this recommendation, although beyond the scope of this regulation change, has merit. After further study and consideration, it may be the subject of future action.

One commenter requests that Customs authorize the warehouse proprietors to apply overages of imported goods to shortages of similar goods.

Customs is required by law to collect duty on imported goods and is without authority to authorize a warehouse proprietor to offset overages against shortages.

One commenter requests clarification concerning the procedure for recording transactions and recordkeeping responsibilities.

Section 19.6 sets forth the procedure for a warehouse proprietor to obtain approval from the district director to deposit, withdraw, obtain partial release, and seal goods in a warehouse. Section 19.12 relates to the proper recording of the transaction to provide Customs with a historical record to review in order to be in a position to determine warehouse proprietor compliance with regulations. In the proper sequence of events, the warehouse proprietor would first obtain approval from the district director to deposit, withdraw, etc. goods at a warehouse, as set forth in § 19.6. He would next record the district director's approval and any related action in the company records, as required by § 19.12. Recording approval of entry and withdrawal documentation must take place at the customhouse before the movement of the merchandise.

One commenter points out that under proposed § 19.8 importers must make application for sampling, examination, or repacking of goods which must be approved by the district director. The commenter notes that in proposed § 19.11, the district director may approve a blanket application to manipulate. The commenter indicates that blanket applications should be the rule.

The blanket permit to manipulate, in proposed § 19.11, extends to a manipulation under proposed § 19.8, if it is continuous or repetitive, and the proprietor maintains the required records. Blanket permits can be approved only when the manipulation described is uniform over the period of the permit. If this were otherwise the application would not be descriptive of what the applicant is actually doing, and the applicant would be in violation of its bond. The district director must understand what the applicant will actually be doing before the application can be approved. Once a permit is given, either blanket or specific, the district director may authorize the manipulation to be performed in a warehouse without physical supervision by a Customs officer. Because of less on-site inspection, blanket permits should not be the rule but the exception. On either a blanket or specific permit, the district director has discretion to physically supervise the operation.

One commenter believes that the requirement in § 19.12(b)(2) that permit file folders be maintained in a secure area should define the security standard, and that Customs inspection of those records should be limited to regular office working hours.

The standard for a secure area for permit file folders is the same as that for goods as set forth in specification #5, Customs Standards of Cargo Security, T.D. 72–56. The purpose of the requirement is to assure that access to the folders is limited, even within a facility, to those officers and employees having a need and a right to use the folders, so that opportunities for fraud, misuse of documentation, and negligence are limited. As discussed earlier in this document, a requirement has been set forth in § 19.12(a)(7) which indicates that proprietary information in, or proprietary information contained on, documents to be included in the permit file folders can only be disclosed to authorized persons. Section 19.3(e)(8) has been modified to provide that unauthorized disclosure is a ground for suspension or revocation of the bonded status of the warehouse.

With respect to the second part of the comment, Customs does not expect to conduct spot checks and audits of records outside the normal business day.

One commenter has suggested that flexibility be introduced in proposed § 19.12(d)(6) with respect to the marking of packages. The commenter specifically suggests that the entry number be placed on only one case on each corner of a pallet rather than on every case. Customs is of the opinion that the district director may use his discretion in this area and if he believes the revenue is adequately protected and administrative problems will not be created, he can authorize a warehouse proprietor to mark the cases as requested. However, because each situation is unique, we do not believe it is appropriate to address the question in the regulations.

One commenter stated that manipulation in warehouse should not be included on the warehouse proprietor submission.

Customs did not intend to require a listing of manipulation transactions on the warehouse proprietor submission.

Part 24—Comment

One commenter believes that proposed § 24.17(d) should clearly indicate the services for which Customs officers may receive reimbursement.

The commenter appears to believe that this section relates only to warehouses. This is not the case. This section relates to the determination of the fee for any reimbursable service rendered to the public whether it be clearance of aircraft, vessels, or warehouse operations. The services for which the fees are collected are so numerous and varied it is not possible to include a complete listing.

Part 113—Comment

One commenter recommends that the provision for approval by the Commissioner of Customs of the General Bond for Smelting and Refining Warehouses in present § 113.13(a), Customs Regulations (19 CFR 113.13(a)), be retained. Under the provisions of section 311, Tariff Act of 1930, as amended (19 U.S.C. 1311) more than one warehouse, in more than one customs district, may be covered by one smelting and refining bond. The commenter states that only the Commissioner is in a position to determine whether warehouses in more than one district are adequate.

The present practice requires district directors to report to Customs Headquarters on the suitability of the proposed bonded smelter or refiner for bonded warehouse status. Since there is no provision for Headquarters personnel to conduct an on-site inspection of each of the premises to be bonded, reliance must be placed on the reports of the individual district directors. There is no practical reason why such reports cannot be sent to the district director with whom the bond is to be filed. Essentially similar discretion has already been given to district directors in the case of bonds for bonded carriers and importers that transact business in several districts and use the General Term Bond for Entry of Merchandise, Customs Form 7595. Actual supervision of a warehouse operation would be done by the district director in the district where the warehouse is located and coordinated with the district director who approved the bond.

Part 132

Present § 132.15, Customs Regulations (19 CFR 132.15), relates to withdrawals from warehouse prior to opening of any quota. The section was intended to cover the situation in which merchandise was physically removed from a warehouse at a date subsequent to the presentation of the warehouse withdrawal. In such a situation, the date of presentation, not the date of physical removal, governs any quota status or benefit. Present §§ 132.11, 132.11a, and 141.68(d), Customs Regulations (19 CFR 132.11, 132.11a, 141.68(d)) fully explains the significance of the date of presentation. In light of the foregoing it is Customs opinion that § 132.15 is unnecessary. Accordingly, it is removed.

Part 144—Comments

A commenter indicates that as the proprietor has complete control over goods entering or being withdrawn from warehouse, it is logical to assume that the responsibility for determining the satisfaction of liens and other charges must also be that of the proprietor since Customs would have no control over the time of release.

Determining the satisfaction of liens will be done by Customs at the time of filing the withdrawal from the warehouse, as specified in § 144.32(c). Control will be exercised at the time of filing the withdrawal rather than at the time of removal from the warehouse.

One commenter requested clarification of the language in the NPRM which, while discussing the merits of the proposed system, indicated that the proprietor would not have to wait for a Customs warehouse officer before making a withdrawal. The commenter asked whether Customs was proposing a period of time after withdrawal for the deposit of duties.

Customs was not proposing that duties could be deposited after withdrawal. Under proposed § 144.38(e), it is clearly indicated that "when the duties and other charges have been paid, a permit * * * shall be issued and delivered to the person making the warehouse withdrawal." Once the permit is issued the proprietor would be in a position to release the goods from warehouse without a Customs officer present to supervise the removal.

During the course of reviewing the proposed regulations and comments, it was felt some additional narrative clarification was needed in the area of withdrawal versus removals. In situations where a warehouse proprietor files a blanket withdrawal and subsequently removes the goods piecemeal, the warehouse proprietor must be aware of its responsibilities in this area under the audit-inspection program. Once a blanket withdrawal is filed for all the goods, and the permit file folder is forwarded to Customs, it will still be necessary for the warehouse proprietor to accurately and fully account for all goods covered by the withdrawal but not removed from the warehouse. Further, the warehouse proprietor will be held responsible for the ultimate and proper disposition of the goods until removed from the warehouse in the manner reported to Customs.

Comments on Bond Forms

One commenter believes that paragraph 2(a) of the smelting and refining bond should be modified by eliminating the requirement that records be maintained in accordance with the regulations and substitute a requirement for maintenance of records in a manner ordinarily recorded in the industry.

Customs disagrees. A proprietor's records must be maintained in accordance with the regulations. To permit records to be maintained in a manner ordinarily recorded in the industry could result in an assortment of recordkeeping practices which would require Customs to specifically tailor its compliance check program for each business. The tailoring of the program would result in excessive audit and inspection time which would increase the reimbursable charges to the warehouse community collected each year through the annual fee.

One commenter recommends that paragraph 2(g) of the smelting and refining bond, which relates to filing with Customs a report listing an inventory of all metal in warehouse, should indicate that the report is required monthly. Customs agrees and has modified the bond accordingly.

A bonded smelting and refining warehouse proprietor recommends that paragraph 2(b) of the smelting and refining warehouse bond exempt smelters who operate under Headnote 4(b), Part 1, Schedule 6, Tariff Schedules of the United States (TSUS), from the requirement of furnishing an annual statement or require an annual statement only from smelters which claim deductions under Headnote 4(c), Part 1, Schedule 6, TSUS. The commenter pointed out that T.D. 67-139 eliminated a requirement in § 19.19, for an annual submission.

Headnote 4(b) sets absolute deductions for ores and metal-bearing materials of copper, lead, or zinc content to be determined by chemical analysis. Headnote 4(c) sets deductions for ores and metal-bearing materials to be used instead of the absolute deductions. Headnotes 4 (d), (e), and (f) set procedures for claiming those deductions, procedures for establishing plant losses in excess of the absolute deductions, and requirements for retention of plant records to support such claims. Under T.D. 67-139, § 19.19 was amended to eliminate the annual report since the tariff schedules established absolute allowances. The annual statement was, at that time, used to establish wastage requirements. The present need for an annual submission is not for the wastage factor, but for auditing purposes. In light of the foregoing, Customs believes the annual submission is necessary.

Two commenters questioned whether Customs has the authority to demand bonds which provide for reimbursement of any loss or expense connected with the discontinuance or suspension of the bonded status of a warehouse (see condition 1, Proprietors Warehouse Bond for Storage and Manipulation of Merchandise, Classes 2, 3, 4, 5, and 8, Appendix B, NPRM; and condition 2, Proprietors Manufacturing Warehouse Bond, Class 6, Appendix C, NPRM) or for reimbursement of any cost based on Customs supervision of a bonded smelting and refining warehouse and indemnification for any loss connected with a bonded smelting and refining warehouse (see condition 1, General Bond for Smelting and Refining Warehouses, Appendix D, NPRM).

Customs believes the language proposed was overly broad in scope. Customs intention was to limit liability to any expense caused by the transfer of merchandise on the discontinuance or suspension of the warehouse facility. Accordingly, Customs has now modified all three bonds to include this restrictive language.

One commenter noted that the proposed bond generally provides for liquidated damages of $100 for each infraction. The commenter indicated that the amount was excessive for what could in some cases be minor violations and should be reduced to $25. Two commenters were of the opinion that the bond should clearly state that assessments of liquidated damages are subject to mitigation.

Customs believes that $25 is an insufficient liquidated damage assessment for recordkeeping and other infractions of the regulations since daily on-site supervision over the activities of a warehouse proprietor have been relinquished. With respect to the second comment, by virtue of section 623(c), Tariff Act of 1930, as amended (19 U.S.C. 1623(c)), and Part 172, Customs Regulations (19 CFR Part 172), which clearly provides for mitigation or cancellation of claims assessed against a bond, Customs is of the opinion there is no need to provide in the bonds for the mitigation of assessments of liquidated damages.

On May 26, 1981, Customs published an ANPRM in the Federal Register (46 FR 28172), soliciting comments on a proposal to substantially change the Customs bond structure. One commenter suggested that the warehouse bonds be rewritten in the format proposed in that notice.

The project to modify the Customs bond structure is still in the developmental stage and has not yet been the subject of a NPRM. In addition, the bond format under development in that project is fundamentally different from the current bond format. To try at this point to implement a part of that project without public participation by means of comment on a NPRM would be unwise. However, because some form of revision of the bond structure will inevitably occur in the near future, and to avoid unnecessary printing costs to the public and the Government, Customs will allow the required bond forms which are set forth as appendices A through C of this document to be incorporated by reference in a manner similar to that used for the Air Carrier Blanket Bond (Customs Form 7605). The form to be used is set forth as Appendix F to this document.

Comments on Other Agency Requirements

One commenter expressed concern about the impact the elimination of the warehouse officer would have on the requirements of the Bureau of Alcohol, Tobacco and Firearms (ATF) which indicate that a Customs officer must certify the receipt of certain goods into warehouse.

Regulations contained in 27 CFR Part 252 require the Customs officer in charge of a Customs bonded warehouse or Customs manufacturing bonded warehouse to certify receipt of distilled spirits or wine transferred to such warehouses from a distilled spirits plant or bonded wine cellar. ATF regional offices currently clear a proprietor's (distilled spirits plant or bonded wine cellar) or exporter's bond covering untaxed distilled spirits or wine, or allow drawback of tax on distilled spirits, on the basis of such certification. Customs has been advised that ATF will modify its procedures to conform to the changes in this document.

The proprietor of a Customs bonded warehouse or Customs manufacturing bonded warehouse will be required to certify that distilled spirits or wines have been received at his installation. Until transaction forms can be modified by ATF, the proprietor should use the spaces on the forms which are presently completed by Customs officers.

The transaction forms applicable to this new procedure are as follows:

1. ATF F 5100.11, Withdrawal of Spirits, Specially Denatured Spirits, or Wines for Exportation.

2. ATF F 1582 (5110.30), Drawback on Distilled Spirits Exported.

Beer, whether taxpaid or untaxpaid, may not be transferred to either a Customs bonded warehouse or a Customs manufacturing bonded warehouse, so the proposed change will not alter present exportation procedures relating to beer.

Executive Order 12291

The regulation is not a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required under E.O. 12291.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are applicable to this proposal. An initial regulatory flexibility analysis was prepared and attached to the NPRM. The final regulatory flexibility analysis is attached to this document as Appendix E.

Drafting Information

The principal author of this document was John E. Elkins, Regulations Control Branch, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 10

Customs duties and inspection, Exports, Imports, Petroleum.

19 CFR Part 18

Customs duties and inspection, Common carriers, Freight forwarders, Imports, Motor carriers, Railroads, Surety bonds.

19 CFR Part 19

Customs duties and inspection, Exports, Freight, Surety bonds, Tobacco, Warehouse.

19 CFR Part 22

Customs duties and inspection, Claims, Imports.

19 CFR Part 24

Accounting, Claims, Customs duties and inspection, Imports, Taxes, Wages.

19 CFR Part 113

Customs duties and inspection, Imports, Surety bonds.

19 CFR Part 125

Common carriers, Customs duties and inspection, Imports.

19 CFR Part 127

Customs duties and inspection, Freight, Imports.

19 CFR Part 132

Customs duties and inspection, Imports, Quotas.

19 CFR Part 142

Customs duties and inspection, Imports.

19 CFR Part 144

Customs duties and inspection, Imports, Warehouses.

Amendments to the Regulations

Parts 10, 18, 19, 22, 24, 113, 125, 127, 132, 142, and 144, Customs Regulations (19 CFR Parts 10, 18, 19, 22, 24, 113, 125, 127, 132, 142, 144), are amended as set forth below

William von Raab,
Commissioner of Customs.

Approved: October 22, 1982.

John M. Walker, Jr.,
Assistant Secretary of the Treasury.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.62 is amended by revising paragraph (a) and paragraph (c)(2) to read as follows:

§ 10.62 Bunker fuel oil.

(a) *Withdrawal under section 309, Tariff Act of 1930, as amended.* When all the bunker fuel oil in a Customs bonded tank is intended only for lading duty free as supplies on vessels under section 309 of the Tariff Act of 1930, as amended, at the port where the tank is located, delivery of the oil, by Customs bonded carrier, cartman, or lighterman (including bonded pipelines), under withdrawals on Customs Form 7506, either single or monthly (blanket), may be made without the presence of a Customs officer. When a blanket withdrawal is filed and a partial release takes place, the partial release procedure set forth in § 19.6(d) of this chapter shall be followed for each partial release. However, each abstract copy of Customs Form 7506 shall include the following additional information:

(1) Type of oil withdrawn.

(2) Number or other identification of sales order therefor.

(3) Name of bonded carrier, date it received oil.

(4) Receipt signed by master or other person in charge of delivering conveyance identified by number, or name, and if Customs bonded lighterman or cartman, by the carrier's license number.

(5) Name is location of vessel obtaining oil.

(6) Quantity and identification of each type of oil received with date, and signature and title of receiving officer. If all the oil is laden on the receiving vessel at the port of withdrawal via pipeline from the bonded storage tank, paragraphs (a) (3) and (4) of this section shall be deemed to be inapplicable.

* * * * *

(c) * * *

(2) *Delivering transferer receipt.* The receipt of the delivering carrier on a copy of Customs Form 7506 for fuel oil which has been blended under paragraph (c)(1) of this section with components classifiable at different rates of duty shall show, for each warehouse entry number and withdrawal number involved, the types and quantity of oil received.

* * * * *

2. Section 10.62 is further amended by removing the last sentence of paragraph (e).

3. Section 10.62a is revised to read as follows:

§ 10.62a Blanket withdrawals for certain merchandise.

(a) *Generally.* Under this section, a blanket withdrawal on Customs Form 7506 may be filed for all or part of any merchandise withdrawn from warehouse except fuel oil covered under § 10.62, for use on qualified vessels. Such a withdrawal shall be made only for lading on board vessels at the port where the warehouse is located. The procedure for the blanket withdrawal and partial releases after the initial release are the same as those provided in § 19.6(d) of this chapter, except as noted in paragraph (b).

(b) *Partial release.* A partial release on Customs Form 7506, in duplicate, or in triplicate if an extra copy is required by the district director, shall be presented to the warehouse proprietor and placed in the proprietor's permit file folder under the partial release procedure set forth in § 19.6(d) of this chapter, as merchandise is needed for delivery to a using vessel. The original of the partial release document shall accompany the merchandise for delivery to the Customs officer who will supervise lading, or if a Customs officer does not physically supervise lading, to the master of the vessel. The original shall be returned to the proprietor for record purposes after the Customs officer or master of the vessel, as appropriate, has certified lading of the goods described in the document.

4. The second sentence of paragraph (c)(3) and the first sentence of paragraph (c)(4) of § 10.65 are revised to read as follows:

§ 10.65 Cigars and cigarettes.

* * * * *

(c) * * *

(3) * * * In such event, the withdrawal shall be retained by the warehouse proprietor until delivery receipts are obtained for the entire quantity covered by the withdrawal, provided the total period of time prior to delivery to the using vessel or aircraft does not exceed 5 years. * * *

(4) Merchandise for which blanket withdrawals are filed shall be stored in a separate room or enclosure in a bonded warehouse under separate locks, and the merchandise clearly marked to show that it has been withdrawn.

* * * * *

(R.S. 251, as amended, secs. 309, 317, 555, 556, 557, 624, 646a, 46 Stat. 690, as amended, 696, as amended, 743, as amended, 744, as amended, 759, 67 Stat. 520 (19 U.S.C. 66, 1309, 1317, 1555, 1556, 1557, 1624, 1646a))

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

1. Section 18.2 is amended by revising paragraph (a) to read as follows:

§ 18.2 Receipt by carrier; manifest.

(a)(1) *Merchandise other than from warehouse delivered to bonded carrier.* Except as set forth in subparagraph (2) of this section, when merchandise is delivered to a bonded carrier for transportation in bond, the merchandise shall be laden on the conveyance under the supervision of Customs unless the transporting conveyance is not to be sealed with Customs approved seals or the lading inspector accepts the check of the carrier as to the merchandise laden thereon. The carrier's receipt shall be given immediately to the lading inspector on the Customs in bond document covering the merchandise. In the case of a TIR carnet, the receipt shall be given on the appropriate vouchers in the following form:

Received the cargo listed herein for delivery to Customs at the indicated port of destination or exportation, or for direct exportation. ——— Name of Carrier (or Exporter) ——— Attorney or Agent of Carrier (or Exporter) ——— (Date) ———

(2) *Merchandise delivered from warehouse.* When merchandise is delivered from a warehouse to a bonded carrier for transportation in bond, supervision of lading shall be accomplished in accordance with the procedure set forth in § 19.6(b) of this chapter.

* * * * *

2. Section 18.2(b) is amended by inserting a sentence between the third and fourth sentences to read as follows:

§ 18.2 Receipt by carrier; manifest.

* * * * *

(b) * * * Quantities of goods transported in bond from a Customs bonded warehouse shall be accounted for under the procedures set forth in § 19.6 of this chapter. * * *

3. Section 18.3(e) is amended by substituting "Part 125" for "Part 21".

4. A new paragraph (i) is added to § 18.4 to read as follows:

§ 18.4 Sealing conveyances and compartments; labelling packages; warning cards.

* * * * *

(i) *Removal of seals.* Except as provided in § 18.3(d) and section 19.6(e) of this chapter, seals affixed under this section shall be removed only under Customs supervision.

* * * * *

(R.S. 251, as amended, secs. 551, 551a, 555, 556, 557, 624, 646a, 46 Stat. 742, as amended, 743, as amended, 744, as amended, 759, 49 Stat. 1538, 67 Stat. 520 (19 U.S.C. 66, 1551, 1551a, 1555, 1556, 1557, 1624, 16461a))

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS AND CONTROL OF MERCHANDISE THEREIN

1. Paragraph (a)(4), that portion of paragraph (c) before the colon and paragraph (c)(3) of § 19.1 are amended by revising them to read as follows:

§ 19.1 Classes of Customs warehouses.

(a) * * *

(4) *Class 4.* Bonded yards or sheds for the storage of heavy and bulky imported merchandise; stables, feeding pens, corrals, or other similar buildings or limited enclosures for the storage of imported animals; and tanks for the storage of imported liquid merchandise in bulk. If the district director deems it necessary, the yards shall be enclosed by substantial fences with entrances and exit gates capable of being secured by the proprietor's locks. The inlets and outlets to tanks shall be secured by means of seals or the proprietor's locks.

* * * * *

(c) *Construction:* When parts of buildings are used as Customs bonded warehouses, the bonded and nonbonded portions thereof shall be effectively separated by partitions of substantial materials and construction erected in such a manner as to render it impossible for unauthorized personnel to enter the premises without such violence as to make the entry easy to detect. The partitions may be constructed of raised expanded metal (steel), steel chain-link fence fabric, or wood materials and shall comply with the following specifications:

* * * * *

(3) *Wood.* Wood partitions shall be constructed of not less than 1 inch boards (dressed if desired) of uniform length between supports, nailed with not less than ten penny nails to not less than 2 x 4 inch stud framing and held in place by ⅛ x 2 inch metal cover-strips secured over the nailed ends, with carriage bolts through the boards and partition framing. Plywood of not less than ¾ inch thickness may be substituted for the 1 inch thick wood boards providing it is erected in the same manner prescribed for the boards. Gates may be constructed of any of the materials specified for partitions. Depending on their size and swing, the gates shall be constructed in such a manner, and of materials of sufficient strength, to preclude any possible sagging condition. The specifications set forth in this paragraph shall be applicable to all partitions (including gates) constructed, reconstructed, renovated, or otherwise installed or altered on or after October 28, 1978.

2. Section 19.2 is amended by revising paragraphs (a), (c), and (d) and adding new paragraphs (f) and (g) to read as follows:

§ 19.2 Applications to bond; bond; annual fee.

(a) *Application.* An owner or lessee desiring to establish a bonded warehouse facility shall make written application to the district director wherein the warehouse is located, describing the premises, giving its location, and stating the class of warehouse desired. The application shall be accompanied by the fee required by § 19.5 of this chapter to establish a warehouse. If required by the district director, the applicant shall provide a list of names and addresses of all officers and managing officials of the warehouse and all persons who have a direct or indirect financial interest in the operation of the warehouse facility. Except in the case of a class 2 or class 7 warehouse, the application shall state whether the warehouse facility is to be operated only for the storage or treatment of merchandise belonging to the applicant or whether it is to be operated as a public bonded warehouse. If the warehouse facility is to be operated as a private bonded warehouse, the application also shall state the general character of the merchandise to be stored therein, and provide an estimate of the maximum duties and taxes which will be due on all merchandise in the bonded warehouse at any one time. A warehouse facility will be determined by street address, location, or both. For example, if a proprietor has two warehouses located at one street address and three warehouses located at three different street addresses the two located at one address would be considered as one warehouse facility and the three located at three different addresses would each by considered as separate warehouses facilities. A warehouse facility shall be charged an annual fee as prescribed by section 19.5 of this chapter which will be paid to the Regional Commissioner within 14 days after the due date.

* * * * *

(c) *Bond, generally.* On approval of the application to bond a warehouse of class 2, 3, 4, 5, or 8, a bond shall be executed in the form prescribed by T.D. 82–204.

(d) *Bond for proprietor's manufacturing warehouse, class 6, and bonded smelting and refining warehouse, class 7.* On approval of the application to bond a proprietor's manufacturing warehouse, class 6, a bond shall be executed in the form prescribed by T.D. 82–204. In the case of a bonded smelting and refining warehouse, class 7, the bond shall be executed with the required number of copies and in the form prescribed by T.D. 82–204.

* * * * *

(f) As a condition of approval of the application, the district director may order an inquiry by a Customs officer into the qualification, character, and experience of the applicant (e.g. personal history, financial and business data, credit and personal references), and into the security, suitability, and fitness of the facility.

(g) The district director shall promptly notify the applicant in writing of his decision to approve or deny the application to bond the warehouse. If the application is denied the notification shall state the grounds for denial which need not be limited to those set forth in § 19.3(e). The applicant may seek review of the decision to deny under the provisions of § 19.3(f) of this chapter within 10 days after notification.

3. Section 19.3 is amended by revising it to read as follows:

§19.3 Bonded warehouses; alterations; relocation; suspensions; discontinuance.

(a) *Alterations or relocation.* Alterations to or relocation of a warehouse within the same district may be made with the permission of the district director of the district in which the facility is located. An application to alter or relocate a bonded warehouse shall be accompanied by the fee required by § 19.5 of this chapter.

(b) *Suspensions.* The use of all or part of a bonded warehouse or bonded floor space may be temporarily suspended by the district director for a period not to exceed one year on written application of the proprietor if there are no bonded goods in the area. Upon written application of the proprietor and upon the removal of all nonbonded goods, if any, the premises may again be used for the storage of bonded goods. If the application is approved, the district director shall indicate the approval by endorsement on the application. Rebonding will not be necessary as long as the original bond remains in force.

(c) *Discontinuance.* If a proprietor wishes to discontinue the bonded status of the warehouse, he shall make written application to the district director. The district director shall not approve the application until all goods in the warehouse are transferred to another bonded warehouse without expense to the Government. To reestablish the bonded warehouse, application shall be made and approved under the provision of § 19.2 of this chapter.

(d) *Employee lists.* The district director may make a written demand upon the proprietor to submit, within 30 days after the date of demand, a written list of the names, addresses, social security numbers, and dates and places of birth of all persons employed by the proprietor in the carriage, receiving, storage, or delivery or any bonded merchandise. If a list has been previously furnished the proprietor shall advise the district director in writing of the names, addresses, social security numbers, and dates and places of birth of any new personnel employed by him in the carriage, receiving, storage, or delivery of bonded merchandise within 10 days after such employment. For the purpose of this part a person shall not be deemed to be employed by a warehouse proprietor if he is an officer or employee of an independent contractor engaged by the warehouse proprietor to load, unload, transport, or otherwise handle bonded merchandise.

(e) *Revocation or suspension for cause.* The district director may revoke or suspend for cause the right of a proprietor to continue the bonded status of the warehouse for any ground specified in this paragraph. An action to suspend or revoke the right to operate a bonded warehouse shall be taken in accordance with the procedures set forth in paragraph (f) of this section. If the bonded status is revoked or suspended for cause, the district director shall require all goods in the warehouse to be transferred to a bonded warehouse without expense to the Government. The bonded status of a warehouse may be revoked or suspended for cause if:

(1) The approval of the application to bond the warehouse was obtained through fraud or the misstatement of a material fact;

(2) The warehouse proprietor refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation relative to the operation or administration of a bonded warehouse;

(3) The warehouse proprietor or an officer of a corporation which has been granted the right to operate a bonded warehouse is convicted of or has committed acts which would constitute a felony, or a misdemeanor involving theft, smuggling, or a theft-connected crime;

(4) The warehouse proprietor does not provide secured facilities or properly safeguard merchandise within the bonded warehouse;

(5) The warehouse proprietor fails to furnish a current list of names, addresses, and other information required by § 19.3(d);

(6) The bond required by § 19.2(c) or (d) of this chapter is determined to be insufficient in amount or lacking sufficient sureties, and a satisfactory new bond with goods and sufficient sureties is not furnished within a reasonable time;

(7) Bonded merchandise has not been stored in the warehouse for a period of 2 year; or

(8) The warehouse proprietor or an employee of the warehouse proprietor discloses proprietary information in, or proprietary information contained on, documents to be included in the permit file folder to an unauthorized person.

(f) *Procedure for revocation or suspension for cause.* The district director may at any time serve notice in writing upon any proprietor of a bonded warehouse to show cause why his right to continue the bonded status of his warehouse should not be revoked or suspended for cause. Such notice shall advise the proprietor of the grounds for the proposed action and shall afford the proprietor an opportunity to respond in writing within 30 days. Thereafter, the district director shall consider the allegations and responses made by the proprietor unless the proprietor in his response requests a hearing. If a hearing is requested, it shall be held before a hearing officer designated by the Commissioner of Customs or his designee within 30 days following the proprietor's request. The proprietor may be represented by counsel at such hearing, and all evidence and testimony of witnesses in such proceedings, including substantiation of the allegations and the responses thereto shall be presented, with the right of cross-examination to both parties. A stenographic record of any such proceeding shall be made and a copy thereof shall be delivered to the proprietor of the warehouse. At the conclusion of the hearing, the hearing officer shall promptly transmit all papers and the stenographic record of the hearing to the Regional Commissioner together with his recommendation for final action. The proprietor may submit in writing additional views or arguments to the Regional Commissioner following a hearing on the basis of the stenographic record, within 10 days after delivery to him of a copy of such record. The Regional Commissioner shall thereafter render his decision in writing, stating his reasons therefor. Such decision shall be served on the proprietor of the warehouse, and shall be considered the final administrative action.

4. Section 19.4 is amended by revising it to read as follows:

§ 19.4 Customs supervision over warehouses.

The character and extent of Customs supervision to be exercised in connection with any warehouse facility or tranaction provided for in this part shall be in accordance with § 161.1 of this chapter. Independent of any need to appraise or classify merchandise, the district director may authorize a Customs officer to supervise any transaction or procedure at the bonded warehouse facility. Such supervision may be performed through periodic audits of the warehouse proprietor's records, quantity counts of goods in warehouse inventories, spot checks of selected warehouse transactions or procedures or reviews of conditions of recordkeeping, security, or storage in a warehouse facility. The warehouse proprietor shall permit access to the warehouse by any Customs officer.

5. Section 19.5 is revised to read as follows:

§ 19.5 Fees.

Each warehouse proprietor will be charged a fee to establish, alter, or relocate a warehouse facility which shall be determined under the provisions of 31 U.S.C. 483a. Each warehouse proprietor granted the right to operate a warehouse facility shall be charged an annual fee which shall be determined under the provisions of 19 U.S.C. 1555. The fees will be revised annually and published in the **Federal Register** and Customs Bulletin.

6. Section 19.6 is amended by revising it to read as follows:

§ 19.6 Deposits, withdrawals, partial releases and sealing requirements.

(a) (1) *Deposit in warehouse.* The district director may authorize the deposit of merchandise in designated bonded warehouses, without physical supervision by a Customs officer. Goods for which a warehouse or rewarehouse entry has been accepted, according to the procedures in Part 144, Subpart B, of this chapter, shall be examined or inspected at the place of unlading, bonded warehouse, or other location as ordered by the district director. When merchandise is deposited in a proprietor's warehouse the proprietor will be responsible for the quantity and condition of merchandise reflected on entry documentation adjusted by (i) any allowance made under Part 158, Subparts A and B, of this chapter by the district director, and (ii) any discrepancy report made jointly on the appropriate cartage documents as set forth in § 125.31 of this chapter by the warehouse proprietor and the bonded carrier or licensed cartman or lighterman delivering the goods to the warehouse, or an independent weigher, gauger, measurer, and signed by an authorized representative of the above within 15 calendar days after deposit. A copy of any joint report of discrepancy shall be made within two business days of agreement and provided to the district director on the appropriate cartage documents as set forth in § 125.31 of this chapter.

(2) *Allowance after deposit.* After merchandise has been deposited in the warehouse the proprietor's liability may be further modified by any adjustment for duties allowed by the district director for concealed shortages (i.e., §158.5(a)), casualty loss (i.e., Part 158, Subpart C), destruction (i.e., §158.43), or manipulation (i.e, § 19.11, 19 U.S.C. 1562).

(b) (1) *Withdrawal and removal from warehouse.* The district director may authorize the withdrawal and removal of merchandise, without physical supervision or examination by a Customs officer under permit issued under the procedure set forth in § 144.39 of this chapter. When a withdrawal or removal is not physically supervised by a Customs officer, the warehouse proprietor will be relieved of responsibility only for the merchandise in its warehouse in the condition and quantity as shown on the application for withdrawal or removal. In the case of merchandise to be carted or transported in bond from the warehouse, the proprietor will be relieved of responsibility only if it receives the signed receipt on the withdrawal or removal document of the carrier named in the document. The proprietor's responsibility may be adjusted by any discrepancy report made jointly by the warehouse proprietor, and the licensed cartman or lighterman, bonded carrier, weigher, gauger, or measurer and signed by the authorized representative of the above within 15 calendar days after removal from the warehouse. The adjustments shall be noted on the permit copy of the withdrawal or removal document. A copy of any joint report of discrepancy shall be promptly provided to the district director.

(2) *Retention in warehouse after withdrawal.* Merchandise for which a permit for withdrawal has been issued, whether duty-paid or not, need not be physically removed from the warehouse. However, such merchandise must be segregated or physically marked to maintain its identity as merchandise for which a withdrawal permit has been issued. Duty-paid or unconditionally duty-free merchandise which has been withdrawn, but not removed, from a warehouse is no longer deemed to be in Customs custody. All other goods which have been withdrawn, but not removed, remain in Customs custody until the end of the 5-year warehouse entry bond period.

(c) *Customs determination of liability.* When a Customs officer physically supervises the deposit or removal of merchandise under paragraphs (a)(1) or (b)(1) of this section, the Customs officer's report of merchandise received or removed shall be determinative of the quantity and condition of merchandise received or removed from the warehouse for Customs purposes.

(d) *Partial releases.*—(1) *Generally.* Goods in Customs custody may be withdrawn without payment of duty when permitted by law within the same port by blanket withdrawal and thereafter removed from the warehouse in partial releases by the warehouse proprietor. Blanket withdrawals are not authorized for transportation in bond to another port. When a withdrawer desires to use the partial release procedure for all or part of the merchandise covered by a warehouse entry, he shall submit to the district director a blanket withdrawal on the appropriate withdrawal form. The form shall bear the words "BLANKET WITHDRAWAL" in capital letters conspicuously printed or stamped in the top margin. The summary statement described in § 144.32 of this chapter shall not be included. Merchandise for which a duty-paid withdrawal is required is not eligible for the partial release procedure under this section, except as provided in § 10.62(e) of this chapter.

(2) *Form Distribution.* The blanket withdrawal shall be executed in triplicate, or in quadruplicate if an additional copy is required for control purposes in local administration. Upon approval of the blanket withdrawal by the district director, the original shall be returned to the withdrawer for forwarding to the warehouse proprietor to serve as a permit to withdraw the merchandise covered therein upon the filing of requests for partial release under subparagraph (e) of this section. The original shall be retained in the warehouse proprietor's records, as provided in § 19.12(a)(2). One copy shall be returned to the withdrawer for use in preparing requests for partial release. One copy (statistical) shall be forwarded by Customs to the Bureau of the Census, where applicable. Merchandise for which a blanket withdrawal has been approved may thereafter be released by the warehouse proprietor in the individual partial releases, but the goods are still in Customs custody while physically located in the warehouse.

(3) *Numbering of forms, discrepancy report.* Each partial release shall be documented by the withdrawer through presentation of a copy of the blanket withdrawal document to the warehouse proprietor, or by placing a copy in the proprietor's permit file folder. Each such release shall be consecutively numbered, and the number shall appear immediately after the serial number of the blanket withdrawal. Each copy shall bear the summary statement described in § 144.32 of this chapter. Any joint discrepancy report of the proprietor and the bonded carrier, licensed cartman or lighterman, or weigher, gauger, or measurer for a partial release shall be made on the copy. A copy of any joint report of discrepancy shall be within two businesss days provided to the district director. A copy of the partial release document shall be retained in the records of the warehouse proprietor, as provided in § 19.12(a)(2). The warehouse proprietor shall account for all goods covered by a blanket withdrawal through individual partial release documents before the permit file folder is transmitted to Customs under §19.12(a)(4).

(4) *Quantity of release.* Partial releases may not be removed in a quantity of less than an entire package or, if in bulk, less than one ton in weight.

(e) *Affixing or breaking of seals.* The district director may authorize a warehouse proprietor to: (1) break Customs in bond seals affixed under § 18.4 of this chapter, or under any Customs order or directive, on any vehicle or container of goods entered for warehouse upon arrival of the vehicle or container at the warehouse: or (2) affix Customs in bond seals to any vehicle or container of goods for which a withdrawal document has been approved for movement in bond. The affixing or breaking of seals so authorized, shall be deemed to have been done under Customs supervision. The proprietor shall report to the district director any seal found, upon arrival of the vehicle or container at the warehouse, to be broken, missing, or improperly affixed, and hold the vehicle or container and its contents intact pending instructions from the district director.

7. Section 19.8 is amended by removing the words "and under the supervision of the Custom warehouse office" from the first sentence.

8. Part 19 is amended by adding a new § 19.9 to read as follows:

§ 19.9 General order, abandoned, and seized merchandise.

(a) *Acceptance of merchandise.* A proprietor of a general order warehouse shall accept general order, abandoned, or seized goods and articles into the warehouse only upon order of the district director on Customs Form 6043 (Delivery Ticket), as presented by the cartman or lighterman. A joint determination shall be made by the warehouse proprietor and the cartman or lighterman of the quantity and condition of the goods or articles so delivered to the warehouse. Any discrepancy between the quantity and condition of the goods and that reported on Customs Form 6043 shall be reported to the district director within two business days of agreement.

(b) *Recording and storing.* General order, abandoned, and seized goods and articles shall be recorded and stored in the warehouse as prescribed by § 19.12.

(c) *Release of merchandise.* Merchandise in general order may be released by the warehouse proprietor, after Customs inspection or examination as ordered by the district director, to the person named in a release order under § 141.11 of this chapter. The release may only be made by the proprietor upon presentation of a permit to release or delivery authorization signed by the appropriate Customs officer on Customs Form 3461, 7501, 5119–A, or other Customs form as designated by the district director. General order goods which have been unclaimed under § 127.11 of this chapter, voluntarily abandoned, or seized and forfeited may be released for transfer to the place of sale upon presentation to the warehouse proprietor of an approved copy of Customs Form 5251 (Order to Transfer Merchandise for Public Auction (Sale)), and an approved copy of Customs Form 6043 (Delivery Ticket). The quantity and condition of the goods so transferred shall be determined jointly by the proprietor and the cartman or lighterman picking up the goods for delivery to the place of sale. Any discrepancies shall be noted on the delivery ticket, a copy of which shall be sent to the district director within two business days of agreement. Seized goods that are released for a purpose other than sale may be released from warehouse only upon such written terms and conditions as directed by the district director.

9. Section 19.10 is amended by revising it to read as follows:

§ 19.10 Examination packages.

Merchandise sent from a bonded warehouse to the appraiser's stores for examination shall be returned by the district director to the warehouse for delivery unless the warehouse proprietor endorses the duty-paid permit to authorize delivery to another person.

10. Section 19.11(d) is amended by adding the following new sentences between the second and third sentences:

§ 19.11 Manipulation in bonded warehouses and elsewhere.

* * * * *

(d) * * * The district director may approve a blanket application to manipulate on Customs Form 3499, for a period of up to one year, for a continuous or a repetitive manipulation. The warehouse proprietor must maintain a running record of manipulations performed under a blanket application, indicating the quantities before and after each manipulation. The record must show what took place at each manipulation describing marks and numbers of packages, location within the facility, quantities, and description of goods before and after manipulation. The district director is authorized to revoke a blanket approval to manipulate and require the proprietor to file individual applications if necessary to protect the revenue, administer any law or regulation, or both.* * *

11. Section 19.12 is amended by revising it to read as follows:

§ 19.12 Warehouse recordkeeping, storage and security requirements.

(a) *Recordkeeping.* The warehouse proprietor shall comply with the following recordkeeping requirements:

(1) *Record transactions.* All merchandise entered, manipulated, manufactured or removed from the bonded warehouse shall be recorded in the warehouse proprietor's accounting and inventory records by bond lot number. The records to be maintained are those which a prudent businessman in the same type of business can be expected to maintain. The records are to be kept in sufficient detail to permit effective and efficient determination by Customs of the proprietor's compliance with these regulations and the correctness of his annual submission;

(2) *Maintain permit file folders.* Permit file folders shall be maintained and kept up to date by filing all receipts, damage or shortage reports, manipulation requests, specific removals and blanket removals and the partial release/permit copy for each removal within two business days after the event occurs;

(3) *Extraordinary shortage or damage.* Extraordinary (one percent or more of the value of merchandise in an entry) shortage or damage shall be immediately brought to the attention of the district director; and confirmed in writing within 2 business days after the shortage or damage has been brought to the attention of the district director;

(4) *Review of permit file folder.* When the final withdrawal of merchandise relating to a specific warehouse entry, general order or seizure occurs, the warehouse proprietor shall (i) review the permit file folder to insure that all necessary documentation is in the file folder accounting for the merchandise covered by the entry and (ii) file the permit file folder with Customs within 10 business days after final withdrawal.

(5) *Warehouse proprietor submission.* Except as provided in § 19.19(b), relating to the manufacturer engaged in smelting or refining, or both, the warehouse proprietor shall file with the Regional Director, Regulatory Audit, within 45 days from the end of his business year, a Warehouse Proprietor's Submission in the form prescribed by T.D. 82–204.

(6) *Merchandise not withdrawn.* The permit file folder for merchandise not withdrawn during the general order period shall be submitted to the district director upon receipt from Customs of the Customs Form 6043.

(7) *Disclosure of information only to authorized personnel.* The warehouse proprietor or his employees shall safeguard and shall not disclose proprietary information contained in, or proprietary information contained on, documents to be included in the permit file folder to anyone other than the importer, importer's transferee, or owner of the merchandise to whom the permit file folder or document relates or their authorized agent. Unauthorized disclosure shall be grounds for suspension or revocation under the provisions of § 19.3(e) of the proprietor's status as a bonded warehouse operator.

(b) *Security and storage.* The warehouse proprietor shall comply with the following security and storage requirements:

(1) *Supervision by warehouse proprietor.* The warehouse proprietor shall supervise all receipts, deliveries, sampling, recordkeeping, repacking, or manipulating of merchandise in a bonded warehouse;

(2) *Inspection and security of permit file folders.* The permit file folders maintained by the warehouse proprietor shall be kept in a secure area and shall be made available for inspection by Customs at all reasonable hours;

(3) *Security of warehouse.* The warehouse proprietor shall maintain its warehouse facility and establish procedures adequate to insure the security of merchandise located in the bonded area. This shall be accomplished by meeting the standards and recommended specifications contained in T.D. 72–56 to the extent those standards and recommendations do not conflict with any local, state or Federal standard for the safe and sanitary storage of merchandise. In the event of a conflict the local, state, or Federal standard, shall control;

(4) *Bonded tanks.* All inlets and outlets to bonded tanks shall be secured with locks or in-bond seals.

(5) *Safe and sanitary storage.* Merchandise in the bonded area shall be stored in a safe and sanitary manner to minimize damage to the merchandise, avoid hazards to persons, and meet local, state, and Federal requirements applicable to specific kinds of goods. All trash and waste shall be promptly removed from the bonded area. No fires shall be permitted in the warehouse except where necessary in connection with manipulating or processing in warehouses of the class 6, 7, or 8 type. Aisles shall be established and maintained, and doors and entrances left unblocked for access by Customs officers and warehouse proprietor personnel.

(6) *Manner of storage.* Packages shall be received in the warhouse according to their marks and numbers. Packages containing weighable or gaugable merchandise not bearing shipping marks and numbers shall be received under the weighers or gaugers numbers. Packages with exceptions due to damage or loss of contents, or not identical as to quantity or quality of contents shall be stored separately. The warehouse proprietor shall mark all shipments for identification, showing the general order or warehouse entry number or seizure number and the date of the general order, entry, or delivery ticket in the case of seizures. All containers covered by a given warehouse entry, general order or seizure shall be stored in the same location and not mixed with goods covered by any other entry, general order or seizure unless approval has been given in writing by the district director for an exception from this requirement. The proprietor must provide, upon request by a Customs officer, a record balance of goods covered by any warehouse entry, general order, or seizure so a physical count can be made to verify the accuracy of the record balance.

12. Section 19.13(a) is amended by substituting "the district director" for "Headquarters, U.S. Customs Service."

13. Section 19.13(d) is amended by removing the words "in duplicate", and in the first sentence, substituting a period for the comma after the words "district director" and by removing the remainder of the sentence.

Section 19.13(g) is revised to read as follows:

§ 19.13 Requirements for establishment of warehouse.

* * * * *

(g) *Secure storage.* Each bonded manufacturing warehouse shall have a secured area separated from the remainder of the premises to be used exclusively for the storage of imported merchandise, domestic spirits, and merchandise subject to internal-revenue tax transferred into the warehouse for manufacture. A like area shall be provided to be used exclusively for the storage of products manufactured in the warehouse. The area shall be secured to prevent any unauthorized person from having access thereto and the goods therein shall be arranged in a manner to assist a Customs officer in making the required examination or taking samples for analysis.

15. Section 19.14 (b), (c), and (d) are amended by revising them to read as follows:

§ 19.14 Materials for use in manufacturing warehouse.

* * * * *

(b) *Bond required.* Before the transfer of the merchandise to the manufacturing warehouse is permitted, a bond on Customs Form 7571 in an amount equal to double the estimated duties shall be required unless the appropriate bond in the form prescribed by T.D. 82–204 has been given.

(c) *Domestic merchandise.* When the proprietor of any bonded manufacturing warehouse desires to receive therein any domestic merchandise, except merchandise subject to internal-revenue tax, to be used in connection with the manufacturer of articles permitted to be manufactured in such warehouse, including packages, coverings, vessels, and labels used in putting up such articles, an application in the following form shall be sent to the district director for approval and after approval retained by the warehouse proprietor:

Application To Receive Free Materials

Port of ————————

————, 19——.

To the District Director:

Application is hereby made to receive into the bonded manufacturing warehouse known as ————————, situated at ———————— the following described articles and materials:

Marks	Nos.	Description	Quantity	Value

(Signature) ————————

Port ————————

————, 19——.

To the warehouse proprietor in charge of the bonded manufacturing warehouse specified above:

The above described articles and materials are hereby permitted to be received into the warehouse in your charge, to be used therein in connection with the manufacture of articles as authorized by law.

District Director ————————

(d) *Domestic spirits and wines.* For the transfer of domestic spirits from the bonded premises of a distilled spirits plant to a bonded manufacturing warehouse, or for the transfer of domestic wines from a bonded wine cellar to a bonded manufacturing warehouse, a bond on Customs Form 7571 shall be required unless the warehouse is covered by the appropriate bond in the form prescribed by T.D. 82–204.

* * * * *

16. Section 19.15(a) is amended by substituting the word "Customs" for "a Customs officer" in the last sentence.

17. Section 19.15(j) is amended by substituting the words "certified by the warehouse proprietor" for "verified by the Customs warehouse officer in charge of the warehouse" in the first sentence.

18. The first and last sentences of paragraph (a), paragraphs (b) and (c), the last sentence of paragraph (g)(1), and the "Application and Permit for Transfer of Scraps, Cuttings, and Clippings" in paragraph (h) of § 19.16 are revised to read as follows:

§ 19.16 Cigar-manufacturing warehouses.

(a) *Manufacture of cigars under section 311, Tariff Act of 1930, as amended.* Tobacco to be used in the manufacture of cigars in bond under the provisions of section 311, Tariff Act of 1930, as amended, shall be entered for warehouse but may be transferred directly from the importing vessel or from a bonded warehouse of class 2 or 3 into a bonded manufacturing warehouse of class 6 and stored in separate compartments therein under the warehouse proprietor's locks pending its withdrawal for use in the manufacture of cigars. * * * The cigars so returned shall be verified by the warehouse proprietor against the schedule which shall be certified by him as to the cigars returned, and the original and one copy returned to the taxpayer who returned the cigars.

(b) *Entry of Cigars.* Upon the removal of cigars from the warehouse the proprietor shall make appropriate entry in his records of the quantity and class of the cigars.

(c) *Record.* A record of all tobacco received in a bonded manufacturing warehouse and delivered from storage compartments to the manufacturing department shall be kept by the warehouse proprietor.

* * * * *

(g) * * *

(1) * * * The taxes covered by the return shall be secured by the Proprietor's Manufacturing Warehouse Bond in the form prescribed by T.D. 82–204.

* * * * *

(h) * * *

Application and Permit for Transfer of Scraps, Cuttings and Clippings

Port of ————————

————, 19——.

The District Director.

Sir: Application is hereby made to transfer ———— pounds of scraps, cuttings, and clippings of tobacco upon which duty has been paid from our bonded manufacturing warehouse, class 6, to ————, factory No. ————, district ————, state of————.

————————

Proprietor of Bonded Manufacturing Warehouse, Class 6.

————————

Port of ————————

————, 19——.

The above application is hereby granted.

————————

District Director

————————

Port of ————————

————, 19——.

I hereby certify that ———— pounds of scraps, cuttings, and clipping of tobacco upon which duty has been paid have been delivered from the bonded manufacturing warehouse, class 6, of ———— for transfer to ————.

————————

Warehouse Proprietor

19. Paragraphs(a), (c), (e) and the first sentence of paragraph (g) of § 19.17 are revised to read as follows:

§ 19.17 Application to establish warehouse; bond.

(a) *Application.* Application for the bonding of a plant of a manufacturer engaged in the smelting or refining, or both, of metal-bearing materials as provided for in section 312, Tariff Act of 1930, as amended,[22] to reduce the metal content thereof to an unwrought metal, or metal in the form of oxides or other compounds which are obtained directly from the treatment of the dutiable materials provided for in Schedule 6, Part 1 or 2, Tariff Schedules of the United States (19 U.S.C. 1202), shall be made by the manufacturer, to the district director of the district in which such plant is situated, giving the location of the premises and setting forth the work proposed to be carried on therein, accompanied by the fee to establish a warehouse as prescribed by section 19.5.

* * * * *

(c) *Discontinuance.* At the request of the proprietor the bonded status of the warehouse may be discontinued at any time provided the district director approves such discontinuance and the proprietor complies with directions of the district director with respect to the disposition of merchandise which may remain in the warehouse. The number of warehouses covered by a blanket smelting and refining bond may be reduced by discontinuance without necessitating a new bond unless the proprietor so desires.

* * * * *

(e) *Bond.* Upon the arrival of imported metal-bearing material in any form for the purpose of being smelted or refined, or both, in bond at a port where a bonded smelting or refining warehouse is established, it shall be entered for warehouse. A bond on Customs Form 7555 shall be filed with each warehouse entry unless a blanket smelting and refining bond in the form prescribed by T.D. 82–204 has been filed. The district director shall thereupon issue a permit to the inspector to send such metal bearing materials from the importing vessel or vehicle by designated bonded vessels or vehicles to the smelting and refining warehouse named in the entry.

* * * * *

(g) *Statement of inventory and bond charges.* Where two or more smelting and refining warehouses are included under one blanket smelting and refining bond, an overall statement shall be filed by the principal named in the bond with each Regional Director, Regulatory Audit, involved by the 28th of each month, showing the inventory as of the close of the preceding month, of all metals on hand at each plant covered by the blanket bond and the total of bonded charges for all plants * * *.

20. Section 19.19 is amended by revising the third sentence of paragraph (a) and the first sentence of paragraph (b) to read as follows:

§ 19.19 Manufacturer's records; annual statement.

(a) * * * If losses are to be claimed under paragraph (c) of said headnote, a record shall be kept which will become a part of the annual statement described in paragraph (b) of this section * * *

(b) Every manufacturer engaged in smelting or refining, or both, shall file with the Regional Director, Regulatory Audit for the district in which the plant is located an annual statement for the fiscal year for the plant involved not later than 60 days after the termination of that fiscal year. The annual statement for the smelting or refining warehouse or both, shall be in lieu of the warehouse proprietors submission required by § 19.12. * * *

21. Section 19.21(b) is modified by adding "§ 19.4 and" before the words "the commercial practice".

22. Section 19.29 is amended by revising it to read as follows:

§ 19.29 Sealing of bins or other bonded space.

The outlets to all bins or other space bonded for the storage of imported wheat shall be sealed by affixing locks or in bond seals to the rope or chain which controls the gear mechanism for opening the outlets, or such other method which will effectively prevent the removal of, or access to, the wheat in the bonded space except under such supervision as required by §§ 19.4 and 181.1 of this chapter.

§ 19.34 [Amended]

23. Section 19.34 is amended by substituting "appropriate Customs officer" for "supervising Customs agent" in the third sentence of the section.

* * * * *

(R.S. 251, as amended, secs. 311, 312, 501, 555, 556, 557, 623, 624, 646a, 46 Stat. 691, as amended, 692, as amended, 743, as amended, 744, as amended, 759, as amended, 65 Stat. 290, 67 Stat. 520 (19 U.S.C. 66, 1311, 1312, 1555, 1556, 1557, 1623, 1624, 1646a, 31 U.S.C. 483a))

PART 22—DRAWBACK

Section 22.28(d) is amended by revising it to read as follows:

§ 22.28 Continuous custody.

* * * * *

(d) *Merchandise entered for warehouse.* For purpose of this part, in the case of merchandise entered for warehouse, Customs custody shall be deemed to cease when duty has been paid and the district director has authorized the withdrawal of the merchandise.

* * * * *

(R.S. 251, as amended, secs. 311, 312, 555, 556, 557, 623, 646a, 46 Stat. 691, as amended, 692, as amended, 743, as amended, 744, as amended, 759, 65 Stat. 290 (19 U.S.C. 66, 1311, 1312, 1555, 1556, 1557, 1624, 1646a))

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

1. Section 24.12(a)(1) is amended by removing the paragraph and marking it "Reserved".

2. The first and fourth sentences of paragraph (c) and the first sentence of paragraph (f) of § 24.13 are amended by revising them to read as follows:

§ 24.13 Car, compartment, and package seals; kind, procurement.

* * * * *

(c) *Purchase of seals.* Bonded carriers of merchandise, commerical associations representing the foregoing or comparable organizations approved by the district director under paragraph (f) of this section, and bonded warehouse proprietors may purchase quantity supplies of in-bond and in-transit seals from manufacturers approved under the provisions of § 24.13a. * * * Carriers and bonded warehouse proprietors may purchase small emergency supplies of in-bond and in-transit seals from district directors, who will keep a supply of such seals for this purpose. * * *

(f) *District director approval required.* In-bond seals may be purchased only by a Customs bonded warehouse proprietor, a customs bonded carrier, a nonbonded carrier permitted to transport articles in accordance with section 553, Tariff Act of 1930, as amended (19 U.S.C. 1553) or in the case of red in-bond and high security red in-bond seals, the carrier's commercial association or comparable representative approved by the district director. * * *

3. Section 24.17(d) is amended by revising it to read as follows:

§ 24.17 Other services of officers; reimbursable.

* * * * *

(d) *Computation charge for reimbursable services.* The charge to be made for the services of a Customs officer on a regular workday during his basic 40-hour workweek shall be computed at a rate per hour equal to 137 percent of the hourly rate of regular pay of the particular employee with an addition equal to any night pay differential actually payable under 5 U.S.C. 5545. The rate per hour equal to 137 percent of the hourly rate of regular pay is computed as follows:

	Hours	Hours
Gross number of working hours in 52 40-hour weeks		2,080
Less:		
9 Legal public holidays—New Years Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day	72	
Annual Leave—26 days	208	
Sick Leave—13 days	104	384
Net number of working hours		1,696
Gross number of working hours in 52 40-hour weeks		2,080
Working hour equivalent of Government contributions for employee uniform allowance, retirement, life insurance and health benefits computed at 11½ percent of annual rate of pay of employee		239
Equivalent annual working hour charge to Customs appropriation		2,319

Ratio of annual number of working hours charged to Customs appropriation to net number of annual working hours 2,319/1,696 = 137 percent.

(1) The charge to be made for the reimbursable services of a Customs officer to perform on a holiday or outside the established basic workweek shall be the amount actually payable to the employee for such services under the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 5542(a), 5546), or the Customs overtime laws (19 U.S.C. 267, 1451), or both, as the case may be. When services of a Customs employee temporarily assigned to act as a Customs officer are performed by an intermittent when-actually-employed employee, the charge for such services shall be computed at a rate per hour equal to 108 percent of the hourly rate of the regular pay of such employee to provide for reimbursement of the

Government's contribution under the Federal Insurance Contributions Act, as amended (25 U.S.C. 3101, *et seq.*), and employee uniform allowance. The time charged shall include any time within the regular working hours of the employee required for travel between the duty assignment and the place where the employee is regularly employed excluding lunch periods, charged in multiples of 1 hour, any fractional part of an hour to be charged as 1 hour when the services are performed during the regularly scheduled tour of duty of the officer or between the hours of 8 a.m. and 5 p.m. on weekdays when the officer has no regularly scheduled tour of duty. In no case shall the charge be less than $1.

(2) The necessary transportation expenses and any authorized per diem expenses of a Customs employee assigned to perform reimbursable services at a location at which he is not regularly assigned shall be reimbursed by the responsible party.

(3) When a Customs officer is regularly assigned to duty at more than one location, the charge for his compensation and transportation expenses in going from one location to another shall be equitably apportioned among the parties concerned. However, no charge shall be made for transportation expenses when a Customs employee is reporting to as a first assignment, or leaving from as a last assignment, a place where he is regularly assigned to duty.

(4) Upon a failure to pay such charges when due, or to comply with the applicable laws and regulations, the district director shall report the facts to the Regional Commissioner who shall take appropriate action to collect the charges.

* * * * *

(Sec. 5, 36 Stat. 901, as amended, secs. 451, 555, 556, 46 Stat. 715, as amended, 743, as amended, 68A Stat. 416, as amended (5 U.S.C. 5332, 5504, 5542, 5545, 5546, 6101, 19 U.S.C. 267, 1451, 1555, 1556, 26 U.S.C. 3111); R.S. 251 as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 113—CUSTOMS BONDS

§ 113.13 [Amended]

1. Section 113.13 is amended by removing paragraph (a) and marking it "Reserved" and by substituting *"Public gauger bond."* for the paragraph heading in paragraph (b).

2. Section 113.14(a) is amended by revising it and by adding new paragraphs (hh) and (ii) to § 113.14 to read as follows:

§ 113.14 Bonds approved by the district director. * * *

(a) *Proprietor's Warehouse Bond.* Proprietor's Warehouse Bond, in the form set forth in T.D. 82–204 in the amount of $5,000 on each building or area covered, but not to exceed $50,000 on all buildings or areas, unless the district director believes additional security is necessary. Buildings connected by loading platforms or sheds shall be considered as separate buildings. All reports, documents, and drawings submitted in connection with the bonding of the warehouse shall be filed with the bond.

* * * * *

(hh) *Proprietors Manufacturing Warehouse Bond, Class 6.* Proprietors Manufacturing Warehouse Bond, Class 6, in the form prescribed by T.D. 82–204 in such amounts as the district director deems necessary, but not less than $5,000 on each building or area and not more than $50,000 on all buildings or areas.

Buildings connected by loading platforms or sheds shall be considered as separate buildings.

(ii) *Blanket smelting and refining bond.* Blanket smelting and refining bond in the form prescribed by T.D. 82–204 in such amount as the district director deems necessary.

Sufficient copies of the bond shall be submitted to enable the district director to transmit one to each port at which the principal seeks to conduct business.

§ 113.27 [Reserved]

3. Section 113.27 is amended by removing it and marking the section "Reserved".

4. Section 113.39(b) and the "Power of Attorney and Agreement" which appears after the colon in § 113.39(b) are amended by substituting a reference to "Treasury Department Circular No. 154, Revised, dated July 1, 1978" for the reference to "Treasury Department Circular 154 dated October 31, 1969, as amended" in § 113.39(b) and the reference to "Treasury Circular No. 154, dated October 31, 1969, as amended" in the "Power of Attorney and Agreement".

* * * * *

(R.S. 251, as amended, secs. 311, 312, 555, 556, 557, 623, 624, 646a; 46 Stat. 691, as amended, 692, as amended, 743, as amended, 744, as amended, 759, as amended, 67 Stat. 520 (19 U.S.C. 66, 1311, 1312, 1555, 1556, 1557, 1623, 1624, 1646a))

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

1. Section 125.31 is amended by revising it to read as follows:

§ 125.31 Documents used.

When merchandise is carted or lightered to and received from a bonded store or bonded warehouse, it shall be accompanied by one of the following tickets or documents:

(a) Customs Form 6043—Delivery Ticket.

(b) Customs Form 7502–A—Warehouse or Rewarehouse Entry (Permit).

(c) Customs Form 7505–A—Warehouse Withdrawal for Consumption (Permit).

(d) Customs Form 7506—Warehouse Withdrawal Conditionally Free of Duty and Permit.

(e) Customs Form 7512—Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit.

2. Section 125.33(b) is amended by revising it to read as follows:

§ 125.33 Procedure on receiving merchandise.

* * * * *

(b) *From bonded warehouse.* In case of withdrawals from bonded warehouse, the merchandise shall be released only to the proprietor of the warehouse, who shall acknowledge such release on the appropriate withdrawal or removal document.

* * * * *

(R.S. 251, as amended, secs. 311, 312, 555, 556, 557, 565, 623, 624, 646a, 46 Stat. 691, as amended, 692, as amended, 743, as amended, 744, as amended, 747, as amended, 759, as amended, 67 Stat. 520 (19 U.S.C. 1311, 1312, 1555, 1556, 1557, 1565, 1623, 1624, 1646a))

PART 127—GENERAL ORDER, UNCLAIMED, AND ABANDONED MERCHANDISE

Section 127.14(c)(1) is amended by revising it to read as follows:

§ 127.14 Disposition of merchandise in Customs custody beyond time fixed by law.

* * * * *

(c) * * *

(1) Merchandise upon which all duties and charges have been paid.

* * * * *

(R.S. 251, as amended, secs. 311, 312, 555, 556, 557, 623, 624, 646a, 46 Stat. 691, as amended, 692, as amended, 743, as amended, 744, as amended, 759, as amended, 67 Stat. 520 (19 U.S.C. 66, 1311, 1312, 1555, 1556, 1557, 1623, 1624, 1646a))

PART 132—QUOTAS

§ 132.15 [Removed]

Part 132 is amended by removing § 132.15.

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

PART 142—ENTRY PROCESS

§ 142.5 [Amended]

Bond Rider "R" which is set forth in § 142.5 is amended by removing the comma from between the words "default" and "plus" in the third paragraph of the rider.

(R.S. 251, as amended, sec. 623, 46 Stat. 759, as amended (19 U.S.C. 66, 1623))

PART 144—WAREHOUSE AND REWAREHOUSE ENTRIES AND WITHDRAWALS

§ 144.1 [Amended]

1. Section 144.1 is amended by removing the paragraph (b) and marking it "Reserved".

2. Section 144.22 is amended by revising it to read as follows:

§ 144.22 Endorsement of transfer on withdrawal form.

Transfer of the right to withdraw merchandise entered for warehouse shall be established by an appropriate endorsement on the withdrawal form by the person primarily liable for payment of duties before the transfer is completed, i.e., the person who made the warehouse or rewarehouse entry or a transferee of the withdrawal right of such person. Endorsement shall be made on whichever of the following withdrawal forms is applicable:

(a) Customs Form 7506 for merchandise to be withdrawn as vessel or aircraft supplies and equipment under § 10.60(b) of this chapter, or other conditionally free merchandise;

(b) Customs Form 7512 for merchandise to be withdrawn for transportion, exportation, or transportation and exportation; or

(c) Customs Form 7505 for (i) a duty paid warehouse withdrawal for consumption or (ii) withdrawal with no duty payment (diplomatic use).

3. Section 144.32 is amended by adding a new paragraph (c) and revising the section heading to read as follows:

§ 144.32 Statement of quantity; charges and liens.

* * * * *

(c) *Charges and liens.* Upon receipt of an application to withdraw merchandise the appropriate Customs officer shall determine whether there are any cartage, storage, labor, or any other charges due the Government in connection with the goods remaining unpaid or whether there is on file any notice of lien filed by a carrier. If there are no charges or liens or all charges and liens have been satisfied, and all other requirements of law or regulations have been met, the proprietors have been met, the proprietors application to withdraw shall be approved.

4. Section 144.34(a) is amended by revising it to read as follows:

§ 144.34 Transfer to another warehouse.

(a) *At the same port.* With the concurrence of the proprietors of the delivering and receiving warehouses, merchandise may be transferred from one bonded warehouse to another at the same port under Customs supervision and at the expense of the importer upon his written request to the district director, who shall issue an order for such transfer on Customs Form 6043. However, the district director may require the filing of a rewarehouse entry under § 144.41 if he determines it necessary for proper control of the merchandise. All charges shall be paid before merchandise is transferred from a warehouse of class 1 (see § 19.1 of this chapter for classes of warehouses). The quantities of goods so transferred shall be subject to the joint determination of the warehouse proprietor and the cartman, lighterman, or private bonded carrier, as provided in §19.6 of this chapter.

5. § 144.38(e) is amended by revising it to read as follows:

§ 144.38 Withdrawal for consumption.

* * * * *

(e) *Permit for release of merchandise.* When the duties and other charges have been paid, and all other requirements of law and regulations have been met, a permit on Customs Form 7505–A shall be issued and delivered to the person making the warehouse withdrawal.

6. Part 144 is amended by adding a new § 144.39 to read as follows:

§ 144.39 Permit to transfer and withdraw merchandise.

If all legal and regulatory requirements are met the appropriate Customs officer shall approve the application to tranfer or withdraw merchandise from a bonded warehouse by endorsing the permit copy and returning it to the applicant. The approved permit shall be presented by the withdrawer to the warehouse proprietor as evidence of Customs authorization of the transfer or withdrawal. The approved permit copy shall thereafter be retained in the warehouse entry file of the proprietor. Goods covered by permit may be retained in the bonded warehouse at the option of the proprietor.

7. Section 144.41(g) is amended by revising it to read as follows:

§ 144.41 Entry for rewarehouse.

* * * * *

(g) *Failure to enter.* If the rewarehouse entry is not filed before the expiration of 5 days after its arrival or any authorized extension, it shall be sent to the general order warehouse but shall not be sold or otherwise disposed of as unclaimed until the expiration of the original warehouse entry bond period.

* * * * *

(R. S. 251, as amended, secs, 311, 312, 555, 556, 557, 623, 624, 646a; 46 Stat. 691, as amended, 692, as amended, 743, as amended, 744, as amended, 759, as amended, 67 Stat. 520 (19 U.S.C. 66, 1311, 1312, 1555, 1556, 1557, 1623, 1624, 1646(a)))

Appendix A.—Proprietor's Warehouse Bond for Storage and Manipulation of Merchandise, Classes 2, 3, 4, 5, and 8

No.———

Know all men by these presents that*———

———

of ———, as principal, and *———, of ———, and ———, of ———, as sureties, are held and firmly bound into the United States of America in the sum of ——— dollars ($———), for the payment of which we bind ourselves, our heirs, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this——— day of———, 19——.

Whereas, under the warehouse laws of the United States and the regulations of the U.S. Customs Service made in pursuance thereof, the above-bounden principal has made application to bond the warehouse, or premises located in Customs District———, at the place and for the purposes specified below, namely:

Location (number, street, city, and State	Class (specify whether class 2, 3, 4, 5, or 8)	Purpose

Now, therefore, the condition of this obligation is such that—

1. *Agreement to secure against loss.* If the principal is authorized to operate a bonded warehouse under 19 U.S.C. 1555, obligors agree to reimburse the United States for any loss or expense connected with or arising from the deposit, storage, manipulation, or removal of merchandise in the facility, including an expense caused by discontinuance or suspension of the bonded status of the facility.

2. *Agreement with respect to the deposit of merchandise.* If authorized to operate a bonded warehouse under 19 U.S.C. 1555, principal acknowledges that Customs may conduct unannounced inventory checks of the facility and agrees to:

(a) Receive only merchandise covered by an appropriate Customs permit;

(b) Mark each package with the correct general order number, warehouse entry number, or seizure number and the corresponding date of the order, entry, or seizure delivery ticket;

(c) Store separately any package that has an exception for loss or damage or that has a discrepancy between its contents, its marks and numbers or the marks and numbers on the permit; and

(d) Store together in one place within the facility all merchandise in a general order shipment, in a warehouse entry, or in a seizure unless Customs permits commingled storage, or the merchandise is covered by paragraph (c).

If principal defaults, obligors agree to pay liquidated damages of $100 for each default.

3. *Agreement to keep records.* If authorized to operate a warehouse under 19 U.S.C 1555, principal agrees to:

(a) Record the shipping marks and numbers of all packages, (or the weigher's or gauger's numbers of weighable or gaugeable packages that lack shipping marks and numbers) in accordance with Customs Regulations and file a copy of the record pertaining to a specific warehouse entry, general order shipment, or a seizure in a separate permit file folder;

(b) File in that same file folder, and record in accordance with Customs Regulations, within 2 business days after the event occurs, all receipts, damages/shortage reports, manipulation requests, specific removals, and blanket removals and the partial release permit copy for each removal made under the blanket authority, referred to in 19 CFR 19.6;

(c) Maintain that permit file folder in the facility and allow inspection of it by Customs at all reasonable hours.

If principal defaults, obligors agree to pay liquidated damages of $100 for each item that is incorrectly recorded or filed, or not recorded or filed, or each instance of a refusal to allow Customs inspection of a permit file folder covering a warehouse entry, general order shipment, or seizure.

4. T3Agreement to secure facility. If principal is authorized to operate a bonded warehouse under 19 U.S.C. 1555, principal agrees to:

(a) Secure the facility by meeting each of the general standards and recommended specifications that are listed in T.D. 72–56; so long as they do not conflict with the provisions of paragraph (b);

(b) Meet every applicable Federal, state, and local requirement (such as fire codes) for the safe and sanitary storage of merchandise in the facility and remove all trash and waste from the bonded area;

(c) Place merchandise in the facility so that no door, entrance, or exit is blocked;

(d) Establish and maintain aisles in the facility so that Customs has ready access to all merchandise at all reasonable hours;

(e) Hold the facility open for Customs inspection at all reasonable hours; and

(f) Secure inlets and outlets of bonded tanks with locks or Customs approved inbond seals.

If principal defaults, obligors agree to pay liquidated damages of $100 for each failure to comply.

5. *Agreement to notify and file documents with Customs.* If principal is authorized to operate a bonded warehouse under 19 U.S.C. 1555, principal agrees to:

(a) Before any removal, insure that Customs has given either specific or blanket permission for the removal;

(b) Within 10 business days after a final removal of merchandise covered by a warehouse entry, general order shipment, or seizure, file with Customs the complete permit file folder on that merchandise, together with a complete accounting of all merchandise in the entry, shipment, or seizure;

(c) Before any manipulation, notify Customs of the intended manipulation and obtain Customs specific or blanket approval;

(d) Within 45 days from the end of the principal's business year (fiscal or calendar), file the Warehouse Proprietor Submission in the form prescribed by T.D. 82–204 which includes a complete accounting of the beginning and ending inventories of merchandise in each facility during the year and of all receipts, manipulations, and removals during the year;

(e) Notify Customs if any merchandise in an entry or in a general order shipment is not withdrawn during the applicable 5-year warehousing period or the applicable 1-year general order period, on expiration of that period, and file with Customs the permit file folder on that entry or shipment when requested by Customs;

(f) Notify Customs in writing by close of business of the next business day on discovery of any extraordinary (one percent or more of the value of merchandise in an entry) overage, or shortage of, or damage to any merchandise in the facility; and

(g) Notify Customs in writing by close of business of the next business day on discovery of any discrepancy (i.e. overage, shortage, damage, etc.) in merchandise in a general order shipment or seizure.

If principal defaults, obligors agree to pay liquidated damages of $100 for each failure to comply. In addition, if any merchandise is removed without Customs approval, obligors agree to pay liquidated damages equal to five times the duty and tax due, as calculated by Customs, on any dutiable or taxable merchandise and liquidated damages equal to the value of any nondutiable merchandise.

6. *Agreement on sealing conveyances.* If principal is authorized to operate a bonded warehouse under 19 U.S.C. 1555, principal agrees to:

(1) Affix and break Customs seals in accordance with the Customs Regulations or an order or directive from Customs;

(2) Report to Customs any seal that is found to be broken, missing, or improperly affixed; and

(3) Hold the vehicle, container, and contents intact for Customs.

If principal defaults, obligors agree to pay liquidated damages of $100 for each failure to comply with any of the above requirements.

7. *Agreement to pay annual fee.* If authorized to operate a bonded warehouse under 19 U.S.C. 1555 and the audit-inspection program, principal agrees to pay the annual fee established by regulation within 14 days of the due date.

If principal defaults, obligors agree to pay liquidated damages of $100 for each day the annual fee remains unpaid.

Then this obligation to be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

(Name) ————————————
(Address) ————————————
(Name) ————————————
(Address) ————————————
(Principal) ————————————
[Seal]
(Name) ————————————
(Address) ————————————
(Address) ————————————
(Surety) ————————————
[Seal]
(Name) ————————————
(Address) ————————————
(Name) ————————————
(Address) ————————————
(Surety) ————————————
[Seal]

*If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

Certificate as to Corporate Principal

I, ————, certify that I am the ———— secretary of the corporation named as principal in the within bond; that ————, who signed the said bond on behalf of the principal, was then ———— of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for in behalf of said corporation by authority of its governing body.

———— [corporate seal]

Note.—To be used when no power of attorney has been filed with the district director of Customs.

Appendix B.—Proprietor's Manufacturing Warehouse Bond, Class 6

No. ————

Know all men by these presents that*

————————————————

————————————————

of ————, as principal, and* ————, of ————, and ————, of ————, as sureties, are held and firmly bound into the United States of America in the sum of ———— dollars ($————), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this ——— day of ————, 19——.

Whereas, under the warehouse laws of the United States and the regulations of the U.S. Customs Service made in pursuance thereof, the above-bounden principal has made application to bond the warehouse, or premises located in Customs District No. ————, at the place and for the purpose of manufacturing certain articles specified below, namely:

---

*May be executed by the secretary, assistant secretary, or other officer of the corporation.

Location (number, street, city, and State)	For the manufacture of (specify articles in detail)

Now therefore, the condition of this obligation is such that—

1. *Agreement to comply with statute and regulations.* If principal is authorized to operate a bonded manufacturing warehouse, principal agrees to:

(a) Use the warehouse exclusively for the purpose for which it is bonded;

(b) Properly enter and pay duty on any imported implement, machinery, or apparatus that is for the construction of the warehouse or for the prosecution of its business;

(c) Insure that all operations conform strictly to any manufacturing formula filed with Customs;

(d) Maintain within the warehouse a separate storage area, secured in accordance with the standards and specifications in T.D. 72–56, for storage and all imported merchandise, domestic spirits, and other merchandise subject to an Internal Revenue tax transferred to the warehouse for manufacturing; and

(e) Maintain within the warehouse a separate area, secured in accordance with the standards and specifications in T.D. 72–56, for the storage of products manufactured in the warehouse.

(f) Properly enter and pay duty on any article, waste, or byproduct that is withdrawn for consumption.

If principal defaults, obligors agree to pay liquidated damages of $1,000 for each default under subparagraph (a) and/or (c), and $100 for each default under subparagraphs (b), (d), (e) and/or (f).

2. *Agreement to secure against loss.* If principal is authorized to operate a bonded manufacturing warehouse, obligors agree to reimburse the United States for any loss or expense connected with the deposit, storage, manufacturing or removal of merchandise in the warehouse, including duty and tax due and an expense due to the transfer of merchandise on the discontinuance or suspension of the bonded status of the facility.

3. *Agreement with respect to deposit of merchandise.* If principal is authorized to operate a bonded manufacturing warehouse, principal agrees to:

(a) Receive only merchandise covered by an appropriate Customs permit;

(b) Store merchandise received in the manner required by statute or regulation;

(c) Transfer merchandise from a storage area in the warehouse to a manufacturing area in the warehouse in the manner required by regulation;

(d) Mark each package with the correct warehouse entry number and date until manufacturing takes place; and after manufacture, mark each package of the finished product with the correct warehouse entry and date.

If principal defaults, obligors agree to pay liquidated damages which equals $100 and the amount of duty on any merchandise involved in the default.

4. *Agreement to keep records.* If principal is authorized to operate a bonded manufacturing warehouse, principal agrees to:

(a) Record all deposits of merchandise, for manufacturing or prosecution of warehouse business in accordance with Customs Regulations;

(b) Record all transfers from any storage area to a manufacturing area in the facility in accordance with Customs Regulations;

(c) Record all transfers from any manufacturing area to finished product storage area within the facility in accordance with Customs Regulations;

(d) Record all manufacturing operations performed within the warehouse with sufficient detail to enable a Customs officer to determine whether there has been compliance with any manufacturing formula filed with Customs and to enable a Customs officer to audit use and disposition of the merchandise;

(e) Record all withdrawals and removals from the facility in accordance with Customs Regulations;

(f) File in a separate folder pertaining to each entry into the facility each document (receipt, permit, transfer permit, manufacturing abstract, and removal permit) on that entry within 2 business days after the event covered by the document occurs;

(g) Maintain each permit file folder in the facility and allow inspection of it by Customs at all reasonable hours; and

(h) Take an annual physical inventory as well as file a warehouse proprietor submission.

If principal defaults, obligors agree to pay liquidated damages of $100 for each item that is incorrectly recorded, incorrectly filed, or not recorded or filed, or for each failure to inventory, or each instance of a refusal to allow Customs inspection of a permit file folder covering a warehouse entry.

5. *Agreement on removals.* If principal is authorized to operate a bonded manufacturing warehouse, principal agrees to:

(a) Not remove or suffer the removal of any merchandise except under a Customs permit;

(b) Within 10 business days after final removal of any merchandise in a warehouse entry, file the complete permit file folder on that entry with Customs;

(c) At the end of each month, file a detailed statement of all imported merchandise and merchandise on which Internal Revenue tax has not been paid which was used by the proprietor in the manufacture of articles;

(d) Notify Customs upon expiration of the warehouse period if any imported merchandise in an entry is not withdrawn within 5 years from the date of importation and simultaneously file with Customs the permit file folder on that entry;

(d) If any imported merchandise in an entry is not withdrawn within 5 years from the date of importation notify Customs of that fact on expiration of that period and simultaneously file with Customs the folder on that entry;

(e) Notify Customs in writing by close of business of any extraordinary (one percent or more of the value of merchandise in an entry) overage or shortage of or damage to any merchandise in the facility; and

(f) Properly mark each package of cigars that is to be withdrawn for consumption.

If principal defaults, obligors agree to pay liquidated damages of $100 for each failure to comply. In addition, if any merchandise is removed without Customs approval, or if it consists of improperly marked packages of cigars, obligors agree to pay liquidated damages equal to five times the duty and tax due on any dutiable and/or taxable merchandise involved in the default and liquidated damages equal to the value of any nondutiable merchandise involved in the default.

6. *Agreement to furnish proof of exportation.* If principal is authorized to operate a bonded manufacturing warehouse, principal agrees to furnish any consular invoices, declaration of owners or consignees, certificates of origin, certificates of exportation or other document that may be demanded by Customs to show compliance with the law and regulations within six months from the date of demand.

If principal defaults, obligors agree to pay liquidated damages equal to the duty or tax on any merchandise involved in the default.

7. If principal is authorized to operate a bonded manufacturing warehouse, principal agrees to:

(1) Affix and break Customs seals in accordance with the Customs Regulations or an order or directive from Customs;

(2) Report to Customs any seal that is found to be broken, missing, or improperly affixed; and

(3) Hold the vehicle, container, and contents intact for Customs.

If principal defaults obligors agree to pay liquidated damages of $100 for each failure to comply with any of the above requirements.

8. *Agreement to pay annual fee.* If authorized to operate a bonded warehouse under 19 U.S.C. 1311 and the audit-inspection program, principal agrees to pay the annual fee established by regulation within 14 days of the due date.

If principal defaults, obligors agree to pay liquidated damages of $100 for each day the annual fee remains unpaid.

Then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

(Name) ______________________
(Address) ______________________
(Name) ______________________
(Address) ______________________
(Principal) ______________________
(SEAL)
(Name) ______________________
(Address) ______________________
(Name) ______________________
(Address) ______________________
(Surety) ______________________
(SEAL)
(Name) ______________________
(Address) ______________________
(Name) ______________________
(Address) ______________________
(Surety) ______________________
(SEAL)

*If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

Certificate as to Corporate Principal

I, ———, certify that I am the ——— secretary of the corporation named as principal in the within bond; that ———, who signed the said bond on behalf of the principal, was then ——— of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for in behalf of said corporation by authority of its governing body.

——— [corporate seal]

Note.—To be used when no power of attorney has been filed with the district director of Customs.

Appendix C.—General Bond for Smelting and Refining Warehouses

No. ———

Know all men by these presents, that[*] ———, of ———, as principal, and ——— of ———, and ———, of ——— as sureties, are held and firmly bound unto the United States of America in the sum of ——— dollars ($———), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this ——— day of ———, 19——.

Whereas, the said ——— have (has) been authorized to smelt or refine, or both, imported metal-bearing materials in bond without the payment of duty thereon, as provided in section 312, Tariff Act of 1930, as amended, in the premises situated at ———, and more particularly described by metes and bounds in exhibits ———, attached hereto and made a part hereof, which premises are owned, controlled, and operated by ———; and

Whereas, metal-bearing materials will be entered for warehouse to be smelted or refined, or both; and

Whereas, metal-bearing materials (as well as merchandise generally) will be entered for consumption or for warehouse, and in warehouses of classes 2, 3, or 4 at any of the following ports of entry ———

———

—; and ———

Whereas, certain merchandise, in whole or in part, may be entered under the provisions of section 484, Tariff Act of 1930, as amended, and duties deposited under the provisions of section 505(a), Tariff Act of 1930, as amended; and

Whereas, pursuant to the regulations promulgated under section 448(b), Tariff Act of 1930, the said principal may find that immediate delivery of the merchandise will be necessary and desires the release of such merchandise prior to the making of formal entry therefor and payment of duties thereon; and

Whereas, imported merchandise generally, and dutiable metal-bearing materials (including products partly smelted or refined) will, to the extent permitted by law and regulations and in accordance therewith, be transferred from one warehouse to another, or be withdrawn for consumption, for transportation and rewarehousing, for exportation, for transportation and exportation, or for any other purpose provided for by law and regulations, as shown in the required documents.

Whereas, the above-bounden principal may request that the merchandise be examined elsewhere than at the public store, wharf, or other place in charge of a Customs officer;

Now, therefore, the condition of this obligation is such, that—

1. *Agreement to pay costs and expenses.* If principal is allowed to operate a bonded smelting and refining warehouse and enters any metal-bearing material without payment of duty, obligors agree to pay any costs or expense associated with Customs supervision of the warehouse and indemnify Customs for any loss associated with the entry, deposit, storage, smelting, refining, withdrawal, transfer, or removal of any metal-bearing material or any product of a metal-bearing material in or from the warehouse, including any expense caused by the transfer of merchandise on the discontinuance or suspension of the bonded status of the facility.

2. *Agreement on recordkeeping.* If principal operates a bonded smelting and refining warehouse, principal agrees to:

(a) Maintain complete smelting and refining records in accordance with Customs Regulations showing the receipt and disposition of each shipment of materials (hereinafter includes metal-bearing materials, products of metal-bearing materials, and dutiable metal) received (actual and theoretical), into the warehouse.

(b) File with the Regional Director, Regulatory Audit Division, for the district in which the plant is located, at end of the principal's business year, a complete statement of the annual smelting and refining operations done which shows:

(i) The quantity of metal-bearing materials in the warehouse and their dutiable metal content at the beginning of the year;

(ii) The quantity of metal-bearing materials received during the year and their dutiable metal content;

(iii) The quantity of metal-bearing materials in the warehouse at the end of the year and their dutiable metal content;

(iv) The quantity of metal-bearing materials worked during the year which shall include the quantity of foreign material and the quantity of domestic material put in process;

(v) The quantity and kind of metal and intermediate products produced;

(vi) Disposition of all materials transferred, withdrawn, or removed (actually or theoretically) from the warehouse during the year;

(c) Maintain the report of sampling, weighing, and assaying on each shipment of metal-bearing materials received into the warehouse for five years from the date of liquidation;

(d) Maintain for five years from date of liquidation any report of sampling, weighing, and assaying on any smelting and unrefined product or bullion obtained from the smelting of imported material that is to be transferred to another warehouse in a separate permit file folder and file the completed folder on that entry with Customs within 10 business days after final removal of merchandise on the entry;

(e) Maintain all Customs permits (blanket or specific) to enter, transfer, withdraw, or remove (actual or theoretical) any materials into or from the warehouse;

(f) Complete and file with Customs within 30 days after exportation of metal under the memorandum withdrawal procedure set forth in 19 U.S.C. 1312(b)(1) and the Customs Regulations all records on the exportation;

(g) File with Customs a complete monthly inventory of all metals in the warehouse as required by the Customs Regulations; and

(h) Notify Customs upon expiration of the warehouse period if any imported merchandise on an entry is not withdrawn within 5 years from the date of importation and simultaneously with notification file with Customs the permit file folder on that entry.

If principal defaults, obligors agree to pay liquidated damages of $100 for each default.

3. *Agreement on entry and withdrawals.* If principal operates a bonded smelting and refining warehouse, principal agrees to:

(a) Receive actual or theoretical deposit of any metal-bearing material, a product of a metal-bearing material, or any metal, which may be subject to duty, only after receipt of a Customs permit;

(b) Keep separate any metal-bearing material which may be subject to duty from all other materials until that material has been sampled, weighed, and assayed; and

(c) Obtain Customs permit to transfer, withdraw, or remove (physically or theoretically) any material before transfer, withdrawal, or removal is begun.

If principal defaults, obligors agree to pay liquidated damages equal to the amount of duty on all materials involved in the default.

4. *Agreement to pay duty.* If principal operates a bonded smelting and refining warehouse, obligors agree to pay on demand all duty determined to be due on liquidation or by regulation with respect to any material withdrawn for consumption and any dutiable metal found to be missing from the warehouse without a proper withdrawal or removal.

5. *Agreement to secure facility.* If principal operates a bonded smelting and refining warehouse, principal agrees to:

(a) Secure the warehouse by meeting each of the general standards and recommended specifications that are listed in T.D. 72–56; so long as they do not conflict with those provisions of paragraph 5(b);

(b) Meet every applicable Federal, state and local requirement (such as fire codes) for the safe, sanitary, and secure storage of materials in the warehouse;

(c) Place materials in the warehouse so that no door, entrance, or exit is blocked;

(d) Establish and maintain the warehouse so that Customs has ready access to all materials at all reasonable hours; and

(e) Hold the warehouse and all records open for Customs inspection at all reasonable hours.

If principal defaults, obligors agree to pay liquidated damages of $100 for each failure to comply.

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[*] May be executed by the secretary, assistant secretary, or other officer of the corporation.

6. If principal operates a bonded smelting and refining warehouse, principal agrees to:

(1) Affix and break Customs seals in accordance with the Customs Regulations or an order or directive from Customs;

(2) Report to Customs any seal that is found to be broken, missing, or improperly affixed; and

(3) Hold the vehicle, container, and contents intact for Customs.

If principal defaults, obligors agree to pay liquidated damages of $100 for each failure to comply with any of the above requirements.

7. *Agreement to pay annual fee.* If authorized to operate a bonded warehouse under 19 U.S.C. 1312, and the audit-inspection program, principal agrees to pay the annual fee established by regulation within 14 days of the due date.

If principal defaults, obligors agree to pay liquidated damages of $100 for each day the annual fee remains unpaid.

Then this obligation to be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

(Name) ————
(Address) ————
(Name) ————
(Address) ————
(Principal) ————
[Seal]
(Name) ————
(Address) ————
(Name) ————
(Address) ————
(Surety) ————
[Seal]
(Name) ————
(Address) ————
(Name) ————
(Address) ————
(Surety) ————
[Seal]

* If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

Certificate as to Corporate Principal

I, ————, certify that I am the ———— secretary of the corporation named as principal in the within bond; that ————, who signed the said bond on behalf of the principal, was then ———— of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for in behalf of said corporation by authority of its governing body.*

————[corporate seal]

Note.—To be used when no power of attorney has been filed with the district director of Customs.

Appendix D

U.S. Customs Service, Bonded Warehouse Proprietor, Submission Instructions

The preparation and filing of this submission, with the Regional Director, Regulatory Audit Division, U.S. Customs Service, is to occur within 45 days subsequent to the company's year end. Should you have questions regarding this submission, contact the Regional Director, Regulatory Audit Division.

A warehouse proprietory is required to file a submission for each warehouse facility. The definition of a warehouse facility is as follows: A warehouse facility will be determined by street address, location, or both. For example, if a proprietor has two warehouses located at one street address and three warehouses located at three different street addresses, the two would be considered as one warehouse facility and the three warehouses would each be considered as separate facilities.

The following instructions are to assist you in preparing the "Bonded Warehouse Proprietor Submission."

On the front page of each warehouse submission record the information requested as shown below.

Name of warehouse facility
Address
Telephone number
IRS number
Contact person

The Warehouse Proprietor Submission form is set forth below. The form is divided into eight sections labeled A through H.

In:

Column (A). Record the number and date of all entries which were included in:

1. The beginning inventory of the year just ended.
2. The ending inventory based on the physical inventory just taken.
3. Also, include all entries which were opened and closed during the year which do not appear in either the beginning or ending inventory listings.

Column (B). Provide an adequate description of all merchandise covered by those entries listed in column (A). The description should be specific enough to identify the commodity, e.g. "scotch" rather than "liquor." For entries listing multiple commodities, the term "various" may be used, however this will not be acceptable for all situations.

Column (C). Record in column (C) the quantity stated on the entry for each commodity described in column (B).

Column (D). Record any quantity actually received that is over/short that recorded in column (C).

Column (E) and (F). Record the quantities relating to all breakage occurring upon arrival and/or in the warehouse pertaining to each commodity listed in column (B).

Column (G). Record the quantity of merchandise that is on hand at the end of the business year.

Column (H). Record the date on which the entry was closed and forwarded to Customs.

An authorized representative of the company must sign the document where indicated prior to presenting it to Customs.

WAREHOUSE PROPRIETOR SUBMISSION

Entry and date	Description of merchandise	Quantity		Breakage		Ending inventory quantity	Date entry closed and forwarded to customs
		Per entry	Over/short on receipt	Upon receipt quantity	In warehouse quantity		
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)

Certification: I hereby certify that the information contained in this submission completely and accurately represents all entry transactions as well as beginning and ending inventories of (name) ———— warehouse facility for the year ending ————.

(Signed)
(Title)
(Company)
(Date)

Appendix E

Final Regulatory Flexibility Analysis on Customs Regulations Amendments Relating to Bonded Warehouses

Introduction

The U.S. Customs Service is amending selected portions of the Customs Regulations, relating to the control of merchandise in Customs bonded warehouses. The amendments entail major changes in the method of control of merchandise in such warehouses. The principal changes are the elimination of the physical supervision or warehouse transactions by Customs warehouse officers and the elimination of recordkeeping by Customs warehouse officers that tends to duplicate the recordkeeping of warehouse proprietors. The new warehouse control system will make use of periodic audits and spot checks of warehouse inventories. Warehouse proprietors will incur certain additional responsibilities and will be accountable for the proper management of their operations.

The amendments will have an economic impact on Customs bonded warehouses as well as on the U.S. Treasury. The Regulatory Flexibility Act requires that "regulatory flexibility" analyses be prepared on proposed regulations unless the regulations will not have a "significant economic impact on a substantial number of small entities." Since many Customs bonded warehouses could be considered to be "small entities," and since the proposed warehouse amendments were likely to have a "significant economic impact" on those small entities, an *initial* regulatory analysis was prepared by the Customs Service and was published in the Federal Register on March 4, 1982, along with the Notice of Proposed Rulemaking on Customs bonded warehouses. The initial regulatory flexibility analysis and the Notice generated over 50 public comments on the proposed amendments. These public comments have been taken into consideration during the preparation of the final rule on this project. The *final* regulatory flexibility analysis (as required by the Regulatory Flexibility Act) on the bonded warehouse amendments appears below; this analysis also fulfills any regulatory analysis requirements under Executive Order 12291.

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* May be executed by the secretary, assistant secretary, or other officer of the corporation.

Statement of the Problem and Rationale for Customs Action

The current bonded warehouse control system utilized by the Customs Service often necessitates the physical presence of a Customs warehouse officer. This is deemed by the Customs Service to be an outdated system, and is therefore being changed. Indeed, in 1974 a General Accounting Office report stated that: "We reviewed the necessity of having warehouse officers in view of the inventory document controls maintained at the customhouse and the periodic physical inventories performed by Customs on goods in bonded warehouses. *The existing procedures for centrally controlling bonded goods at the customhouse, together with the bond protection of the Customs duties and the periodic physical inventory checks, are adequate for protecting Government revenues without having a warehouse officer present.*" (emphasis added).

In order to help establish a viable alternative to the current Customs bonded warehouse control system, the Customs Service carried out successful pilot test at two selected bonded warehouses between October 1979 and April 1980. The test utilized a reporting system with post audit application, i.e., recordkeepiing and other functions were carried out by warehouse proprietors without the constant physical presence of a warehouse officer, but with followup audit by the Customs Service. This new control method was deemed by the Customs Service to be both cost-efficient and mission-effective. Accordingly, a Program Development Model was prepared which described the benefits of the new control method and compared it with a number of alternative methods. Customs management decided to pursue the complete modification of the current system into a system that uses spot checks and post audit techniques rather than the physical presence of Customs warehouse officers. Accordingly, subsequent to the receipt and study of public comments on the proposed new control system, the Customs Service is now announcing the final rule which implements the new system.

The Number of Warehouses and "Small Entities" Affected

A Customs bonded warehouse is a building or other secured area in which merchandise may be stored, manipulated, or undergo manufacturing operations without payment of duty. A recent Customs Service survey indicated that there were 1,538 Customs bonded warehouses in the United States as of March 1982. These warehouses are divided into eight "classes," according to the type of storage, manipulation, manufacturing, or smelting that takes place in each warehouse. The two predominate types of bonded warehouses are (1) warehouses used exclusively for the storage of merchandise belonging or consigned to the proprietor thereof, and (2) public bonded warehouses used exclusively for the storage of merchandise not belonging or consigned to the proprietor. Of the 1,538 warehouses, many (i.e., those with relatively few transactions) can be considered to be "small" warehouses. However, not all such warehouses would be "small entities" under the Regulatory Flexibility Act because they may be owned by large corporations or are only a small segment of a larger warehouse (or other) operation. The number of warehouses by Customs region is shown below:

Region I (Boston)	373
Region II (New York)	96
Region III (Miami)	302
Region IV (New Orleans)	79
Region V (Houston)	193
Region VI (Los Angeles)	265
Region VII (Chicago)	234
Total	1,538

In fiscal year 1981, $489.6 million in duties were collected from bonded warehouse withdrawals.

The Current System and Current Costs

The Customs Service is responsible for controlling bonded warehouses. Currently, Customs' control is generally carried out via Customs warehouse officers who supervise the entry or withdrawal of goods from the warehouse and oversee the manipulation, manufacture, or destruction of such goods. Warehouse proprietors are required to reimburse the Customs Service for the salaries and certain other costs of full-time Customs warehouse officers and temporarily detailed officers. In March 1982 there were 265 full-time reimbursable Customs warehouse officers (as late as September 1980, there were 390 authorized positions for Customs warehouse officers, of which 361 were filled).

In many, if not most, warehouses, activity is sporadic and Customs warehouse officers are called upon to perform their tasks on an as-needed basis. The Customs Service must not only provide Customs warehouse officers and other officers to control the warehouses, but must also allocate the time of various Customs personnel (clerks, aids, supervisors, etc.) to maintain, file, and process the entry and withdrawal documentation at the customhouse. In March 1982 there were 111 such full-time (and nonreimbursable) individuals, a slight decrease from the 119 individuals of September 1980.

The annual direct cost of the current Customs warehouse control system is $8.39 million. The current cost would be well above $8.39 million if the number of Customs warehouse officers had not already diminished from 361 in September 1980 to 265 at present (an October 1980 Customs Headquarters study calculated the cost of the program at $10 million per year). The current cost of $8.39 million is divided as follows:

(1) a $4.43 million cost to warehouse proprietors to reimburse Customs for the 265 full-time officers;

(2) an estimated $1.2 million cost to warehouse proprietors to reimburse Customs for part-time officers assigned;

(3) an estimated $1.1 million cost to warehouse proprietors to reimburse Customs for overtime charges; and

(4) a $1.66 million cost to the Customs Service to pay for the 111 nonreimbursable Customs employees who are engaged in warehouse-related tasks.

Accordingly, warehouse proprietors are currently paying $6.73 million (i.e. $4.43 million plus $1.2 million plus $1.1 million, as shown above) in reimbursable fees to the Customs Service. This results in an average cost per warehouse of nearly $4,400. However, the actual reimbursable cost per each given warehouse fluctuates greatly, depending upon whether the warehouse is large (e.g. has a large volume of transactions), or is small (e.g., has a limited number of transactions). Many warehouses are believed to currently pay the Customs Service less than $500 per year in reimbursable expenses, while some (large volume) warehouses incur expenses of thousands or even tens of thousands of dollars.

There is also an *indirect* cost to warehouse proprietors under the current system: the delays, lost sales, and other costs incurred when Customs is unable to provide prompt and around-the-clock supervision of warehouse transactions.

With regard to the general U.S. economy, the current bonded warehouse program is beneficial, and especially beneficial to the importing community. For example, bonded warehouses allow importers to defer the payment of duties on a substantial amount of merchandise. However, Customs Service management believes that equivalent benefits can be realized at a lower cost if the current bonded warehouse control system is comprehensively changed.

The "New" Bonded Warehouse Control System and Estimated Costs

The Customs Service, via the attached "final rule," is hereby instituting a new system of supervising merchandise in bonded warehouses. This new system entails a complete revision in the type and scope of Customs' physical supervision of bonded warehouse operations. Among the changes which will occur are:

(1) the elimination of Customs warehouse officer positions at bonded warehouses;

(2) the elimination of the 111 nonreimbursable warehouse related positions;

(3) the increased accountability of warehouse proprietors for the proper management of their warehouse operations; new responsibilities would include certain recordkeeping requirements, including the preparation of an annual "Proprietor's Submission" at the end of each warehouse's fiscal year;

(4) a higher fee to establish ($820), and new fees to alter ($356) or relocate ($356) a warehouse facility (the fee to *establish* a warehouse would have been raised even under the *current* bonded warehouse control system);

(5) the establishment of an annual fee of $650 in the first year on warehouses to cover the cost of Customs spot checks and regulatory audits; and

(6) perhaps the securing of modified bond coverage for a number of warehouses.

Under the new system, proprietors will be held accountable for recordkeeping functions similar to those currently being carried out by Customs warehouse officers. However, recordkeeping requirements for most warehouses will probably not impose substantial burdens on proprietors since proprietors *already* keep substantive records of transactions (it should be noted that such records are needed for billing purposes and tax purposes).

Nevertheless, a few (generally large) warehouses, especially in Customs Region II (New York), have indicated that the new recordkeeping requirements and Proprietor's Submission will contribute to *increased* costs for their operations. A number of proprietors have claimed that it will be necessary for each of them to hire a new employee to prepare the Proprietor's Submission and carry out related recordkeeping. The annual cost of this employee would range from $15,000 (low estimate) to up to $25,000 (high estimate), according to estimates provided to the Customs Service.

Other alleged costs would be for possible reprogramming and computer expenses, possible increased security costs, and a cost in preparing any physical inventory which may be necessary for warehouses during the conversion period.

Certain large warehouses may indeed incur the "additional" expense of hiring a bookkeeper/clerk to prepare the Proprietor's Submission, especially since the Proprietor's Submission may necessitate a different recordkeeping format from that already kept by the warehouse proprietor. However, it is likely that such personnel will be hired at a cost which is *lower* than the currently reimbursable cost of the Customs warehouse officer who is assigned to the particular warehouse. Accordingly, while some large warehouses will incur certain new costs relating to the Proprietor's Submission, these costs are likely to be less than the savings which such warehouses will reap under the new control system. The cost effect of the Proprietor's Submission on small warehouses is not expected to be substantial, due to the relatively few number of transactions handled in most small warehouses. The Customs Service's original calculation of the total amount of time which will be spent by the warehouse community to prepare the Proprietor's Submission has now been revised substantially downward due to new information and a better understanding of the effect on warehouses. The aggregate cost of the Proprietor's Submission and related recordkeeping will be approximately $1.8 million.

The annual cost of the new system on existing warehouses is estimated to be less than $3.4 million, i.e., significantly less than the cost of the current system. The estimated cost is based upon the following components:

(1) a cost for recordkeeping and the preparation of the annual Proprietor's Submission of $1.8 million (there may also be a "one-time" cost of a complete inventory/reconciliation which would be taken before the new system is implemented). In addition, warehouses will experience the occasional cost of interruptions due to Customs audits and spot checks;

(2) a cost (as estimated by the initiating office) of $1.0 million during the first year for Customs regulatory audit and inspector services; the estimated $1.0 million for these services represents the aggregate "annual fee;" and

(3) possible increased costs of bonding coverage and certain fees for the establishment, alteration, or location of warehouse facilities—these costs are believed to be less significant than the amounts specified in (1) and (2) above.

The aggregate cost of the new warehouse control system on bonded warehouses is expected to be less than under the current system, although there are likely to be absolute increased costs (mainly as a result of the annual fee) on a number of small warehouses. The aggregated cost to warehouse proprietors under the new system is estimated at less than $3.4 million per year, compared to $6.73 million under the current system, for a savings of at least $3.33 million per year.

The economic impact of the new system on the U.S. Treasury (U.S. taxpayer) will also be beneficial. The Customs Service would save up to $1.66 million per year in indirect warehouse control costs which are currently being incurred to support 111 nonreimbursable warehouse-related positions, although there will be a (minimal) new expense involved in collecting, processing, and analyzing information on the Proprietor's Submission. The new system will also result in the elimination of many Customs warehouse officer positions from the Customs employment ceiling. Customs management also believes that the new system will not have any adverse effects on enforcement or on the collection of revenue.

Consideration of Public Comments

The Regulatory Flexibility Act requires that regulatory flexibility analyses contain a summary of the issues raised by public comments, a summary of the agency assessment of such issues, and a statement of any changes made pursuant to the comments.

The **Federal Register** notice on bonded warehouses of March 4, 1982 requested public comments on the Notice of Proposed Rulemaking as well as on the initial regulatory flexibility analysis. Fifty comments were received; 27 of these generally supported the proposed amendments and 19 were opposed.

The remaining commenters did not take a firm position but rather made general comments and observations about the proposed amendments. A few comments delineating alleged adverse economic consequences were received after the comment deadline. Many of the public comments dealt with procedural matters of relevance to only individual warehouses or commenters; the Customs Service's responses to such matters are fully explained in the accompanying Notice of Final Rulemaking. However, a number of major issues, including economic issues, were raised repeatedly throughout the comments. The principal such issues raised were:

(1) concern with the proposed Proprietor's Submission and perceived related reprogramming expenses;

(2) concern with the proposed annual fee on bonded warehouses; and

(3) requests for more study and deliberation prior to the final modification of the current bonded warehouse control system.

The Proprietor's Submission.—Many commenters expressed concern over the proposed Proprietor's Submission and other perceived reporting requirements. Some commenters argued that the preparation of the Proprietor's Submission would entail significant increased costs and considerable reprogramming. It was pointed out that the Customs data requirements (presently kept by the Customs warehouse officers) are different from the proprietors' records and that warehouses would have to hire additional personnel to satisfy Customs' data requirements. One commenter recommended that reporting requirements should be "in a manner ordinarily recorded in the industry."

The Customs Service has decided to retain the requirement for an annual Proprietor's Submission, as proposed in the Notice of Proposed Rulemaking. A standard format such as the Proprietor's Submission will be necessary to effectively compare and control warehouse operations. Moreover, many warehouses are relatively small and will not necessitate significant amounts of time or money to collect appropriate data and prepare the required forms. Some large warehouses may incur the additional expense of hiring inventory clerk, but this expense is not expected to substantially affect the cost structure or operations of such warehouses, and indeed will probably result in a net *savings* to many warehouses which will no longer be required to reimburse the Customs Service for Customs warehouse officers. Accordingly, the proposed Proprietor's Submission has been left intact.

The Annual Fee.—Approximately ten commenters expressed opposition to the proposed annual fee which will be assessed on warehouses. Some of the commenters expressed the view that simply dividing total Customs' audit and inspection costs by the number of warehouses would discriminate against *small* warehouses, i.e. that small warehouses will be required to pay the same annual fee as large warehouses. A few commenters felt that it may be more equitable to bill individual proprietors for the costs of audits and spot checks that occur at their particular warehouses. One commenter argued that the fee-setting should be the subject of a separate Notice of Proposed Rulemaking.

The Customs Service recognizes the concern over the equity of an "averaged" annual fee, and indeed will further evaluate the method of assessing the fees as experience is gained with the new warehouse control system. In the meantime, however, the average fee will be retained. This average fee (which will be $650 in the first year) will be a significant saving for large warehouses that are currently paying $15,000 or more for a Customs warehouse officer. With regard to *small* warehouses, an average fee will entail an increased cost for many of the very small or virtually inoperative warehouses and could result in a few warehouses voluntarily giving up their Customs warehouse status. The Customs Service did attempt to devise a "tiering" system to tailor the fees on small warehouses (to minimize the economic impact), but no effective tiering system was ultimately developed; indeed, no *specific* viable tiering system was provided by the public comments either. However, as previously stated, the Customs Service will continue to evaluate various methods of assessing the fee as experience is gained with the new warehouse control system. Indeed, the entire fee structure will be reviewed for reasonableness and equity immediately after the first 2 full years of operation under the new system, and will be changed if necessary.

Appropriate Study of the New System.—Approximately 13 commenters recommended that more time be taken to study the new bonded warehouse control system before it is implemented. It was felt that the 60-day period for the submission of public comments was not enough to adequately assess the proposed new system, especially with the many unanswered questions and unknowns that existed. Accordingly, a postponement of the final rule on this project was recommended.

Customs Headquarters has studied the bonded warehouse control conversion for several years. A pilot test of the new system was successfully concluded. Substantial data-gathering and expertise have been devoted to this project, although further study of the situation via (for example) the preparation of questionnaires by selected warehouses would indeed significantly assist in measuring the economic impact on individual warehouses. However, to further delay the implementation of the final rule on this project could, in the view of Customs' management, be counterproductive and would result in the continuation of the current Customs warehouse officer costs and other costs for many bonded warehouses.

Alternatives to the Proposed Warehouse Control System

The Regulatory Flexibility Act also requires final regulatory analyses to describe any alternatives which may minimize any significant economic impact on small entities, and which were considered by the agency in the preparation of a new rule. In addition, a statement of the reasons why each of the alternatives was rejected is also required.

The Customs Service investigated various methods of reforming the current warehouse control system. One alternative was a "modified "current system in which various changes to the current system would be implemented in a step-by-step manner; this system was rejected because of Customs management's belief that a relatively *rapid* and *complete* modification of the current system would result in greater cost savings for both the Customs Service and the importing community.

Other alternatives considered were (1) the "roving team" approach, under which the positions and functions of Customs warehouse officers would be eliminated and replaced by the establishment of roving teams which would make unannounced inspections and would carry out inventories, and (2) contracting out to a third party. The roving team approach was not deemed to be a viable cost-effective approach by the Regulatory Audit Division, while the alternative of contracting out to a third party would probably require a change in legislation.

After examination of various alternative warehouse control systems, the Customs Service has now chosen the system discussed in the attached "Final Rule." This "new" system is also deemed to be the most cost-effective by Customs management.

The Customs Service considered implementing the new system gradually (over a 1-year period). However, due to operational considerations, the system will now be implemented immediately, i.e., after appropriate notice is given to warehouse proprietors and the general public via this notice of final rule. In order to ensure an orderly transition to the new system and to help minimize any problems or costs for warehouses that may result from the system's immediate implementation, Customs will provide appropriate assistance or information to warehouses. The overall economic effect of the new system's immediate implementation may be beneficial to large warehouses, since such warehouses will soon no longer be subject to the reimbursable fees for Customs warehouse officers.

Appendix F—Proprietor's Warehouse Bond

By this instrument ———— as principal, of ————, and ———— as surety, of ——— agree to be bound to the UNITED STATES OF AMERICA in the sum of ——— dollars ($———), the payment of which is jointly and severally binding on us, our heirs, executors, administrators, successors, and assigns.

WHEREAS, the principal intends to operate as the proprietor of a Customs bonded warehouse under 19 U.S.C. 1311, 1312, or 1555, and by this instrument, the principal and surety intend to secure the principal's performance under those laws and the Customs Regulations.

WHEREAS, the principal and surety agree to be bound to the same extent as if they executed a bond that contained the conditions set forth in appendixes A, B, or C, to T.D. 82–204, as appropriate.

THEREFORE, the condition of this obligation is such that—

1. *Agreement of a proprietor of a warehouse for storage and manipulation of merchandise, classes 2, 3, 4, 5, and 8.* If principal is authorized to operate a bonded warehouse under 19 U.S.C. 1555, principal and surety agree to comply with all of the conditions and obligations of the bond set forth in appendix A to T.D. 82–204 with respect to any activity of that warehouse.

2. *Agreement of a proprietor of a Customs bonded manufacturing warehouse, class 6.* If principal is authorized to operate a Customs bonded manufacturing warehouse under 19 U.S.C. 1311, principal and surety agree to comply with all conditions set forth in appendix B to T.D. 82–204 with respect to any activity of that warehouse.

3. *Agreement of a proprietor of a Customs bonded smelting and refining warehouse.* If principal is authorized to operate a Customs bonded smelting and refining warehouse under 19 U.S.C. 1312, principal and surety agree to comply with all conditions and obligations of the bond set forth in appendix C to T.D. 82–204 with respect to any activity of that warehouse.

Then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

(Name) ————————
(Address) ————————
(Name) ————————
(Address) ————————
(Principal) ————————
(SEAL)
(Name) ————————
(Address) ————————
(Name) ————————
(Address) ————————
(Surety) ————————
(SEAL)
(Name) ————————
(Address) ————————
(Name) ————————
(Address) ————————
(Surety) ————————
(SEAL)

*If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

Certificate as to Corporation Principal

I, ———— certify that I am the ———— secretary of the corporation named as principal in the within bond; that ————, who signed the said bond on behalf of the principal, was then ———— of said corporation; that I know his signature, and his signature thereto is genuine; and that said bond was duly signed, sealed, and attested for in behalf of said corporation by authority of its governing body.

———— (corporate seal)

Note.—To be used when no power of attorney has been filed with the district director of Customs.

[FR Doc. 82–29742 Filed 10–29–82; 8:45 am]

BILLING CODE 4820–02–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3280

[Docket No. R–82–1017]

Manufactured Home Construction and Safety Standards

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule makes editorial changes to material

incorporated by reference into the Federal Manufactured Home Construction and Safety Standards. The changes will enable the Department to continue in effect the current referenced standards by meeting the requirements for incorporation by reference established by the Director of the Office of the Federal Register. The changes include: (1) Adding language making clear that an incorporation by reference is intended, (2) providing complete citations of all the incorporated material (including dates), and (3) providing a statement indicating where each standard is available.

EFFECTIVE DATE: Upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, but not before further notice of the effective date is published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Richard Mendlen, Standards Officer, Office of Manufactured Housing and Construction Standards, Manufactured Housing Standards Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. (202) 755-5798. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Federal Manufactured Home Construction and Safety Standards (Standards), promulgated pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., became effective on June 15, 1976. At that time, the Department incorporated by reference into the Standards material which had been developed by private standards setting organizations.

These referenced standards have been approved for incorporation by reference by the Director of the Office of the Federal Register (OFR) pursuant to 5 U.S.C. 552(a). However, OFR has notified the Department that certain drafting requirements as set forth at 1 CFR 51.6-8 have not been met and must be complied with for OFR to continue its approval of the referenced standards. Specifically, OFR requirements include (1) adding language making clear that an incorporation by reference is intended; (2) providing complete citations of the incorporated material (including the date of edition); and (3) providing a statement indicating where the incorporated material can be obtained.

The Department is meeting these requirements by amending 24 CFR 3280.4, Incorporation by Reference, to make clear that the referenced standards are approved for incorporation by reference by the Director of OFR and, are available from the Department if they cannot be obtained from the producer organization. The Department will enforce the listed editions of these referenced standards. If later editions are to be enforced, the Department will publish a notice of change in the **Federal Register**. Finally, the Department is making editorial corrections to the citations of referenced standards as they now appear in the text of the Federal Manufactured Home Construction and Safety Standards, 24 CFR Part 3280. These corrections include inserting the date or correcting the title of the referenced publication. Examples of the types of changes made are set forth below.

Example No. 1: 24 CFR 3280.203 Flame spread limitations and fire protective requirements. Under this section the surface flame spread rating of interior finish materials shall not exceed certain ratings when tested by the Standard Method of Test of Surface Burning Characteristics of Building Materials, ASTM E84. The amendment to this section inserts the date of the referenced publication after the citation, i.e., ASTM E84 (1975).

Example No. 2: 24 CFR 3280.703 Minimum standards. The table in this section incorporates the ANSI standard Z21.44-1973. The title of the publication is incorrectly cited as "Gas fired gravity and fan-type sealed combustion system wall furnaces." The amendment to this section corrects the title to read "Gas-fired gravity and fan-type direct vent wall furnaces."

The Department is referencing a different standard for smoke detectors. Underwriters Laboratories (U.L.) No. 167 for ionization detectors and No. 168 for photoelectric detectors are now referenced. However, U.L. no longer lists or labels smoke detectors to those standards because they have been replaced by U.L. Standard No. 217 for Single- and Multiple-Station Smoke Detectors. This rule deletes the references to U.L. Standards Nos. 167 and 168 and replaces them with a reference to Standard No. 217. This codifies the Department's Interpretative Bulletin C-1-77.

Finally, the Department is changing two referenced standards in the table setting forth the minimum standards for heating, cooling, and fuel burning systems, 24 CFR 3280.703. U.L. 307(b)-1965 gas heating appliances for mobile homes and travel trailers has been replaced by the 1971 edition, and NSF-5-1959 hot water generating equipment for food services establishments using spray type dishwashing machines has been replaced by the 1972 edition. At the time these standards had been referenced in 1976, they had already been superseded by later editions. The later editions have been inserted into the table.

The Secretary has determined that the changes made by this rule are editorial rather than substantive in nature. Accordingly, the Secretary has determined that prior notice and public procedure are unnecessary, and that good cause exists for making this rule effective without an opportunity for prior public comment. However, Section 7(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) provides for a delay in effectiveness for a period of 30 calendar days of continuous session of Congress after publication. Accordingly, notice of the effective date of this rule will be announced by means of a subsequent notice published in the **Federal Register**.

A finding of No Significant Impact With Respect to the Environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

The rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulations issued by the President on February 17, 1981. The rule does not: (1) Have an annual effect on the economy of one hundred million dollars or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) have significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because the changes in existing rules are editorial in nature, rather than substantive.

This rule was not listed in the Department's Semi-Annual Agenda of Regulations published on August 17, 1981 (46 FR 41708), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance Program number is 14.804 Manufactured Homes.

List of Subjects in 24 CFR Part 3280

Fire prevention; Housing standards, Mobile homes.

PART 3280—[AMENDED]

Accordingly, 24 CFR Part 3280 is amended as set forth below:

Subpart A—General

1. Section 3280.4 is revised to read as follows:

§ 3280.4 Incorporation by reference.

(a) The specifications, standards and codes of the following organizations are incorporated by reference in this Standard pursuant to 5 U.S.C. 552(a) and 1 CFR Part 51 as though set forth in full. The incorporation by reference of these standards has been approved by the Director of the Federal Register. Wherever reference standards and this Standard are inconsistent, the requirements of this Standard prevail to the extent of the inconsistency.

(b) The abbreviations, and addresses of organizations issuing the referenced standards appear below. Reference standards which are not available from their producer organizations may be obtained from the Office of Manufactured Housing and Construction Standards, Manufactured Housing Standards Division, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

AA—Aluminum Association, 818 Connecticut Avenue, N.W., Washington, D.C. 20006
AGA—American Gas Association, 1515 Wilson Boulevard, Arlington, Virginia 22209
AAMA—Architectural Aluminum Manufacturers Assoc., 35 East Wacker Drive, Chicago, Illinois 60601
AISC—American Institute of Steel Construction, 400 North Michigan Avenue, Chicago, Illinois 60611
AISI—American Iron and Steel Institute, 1000 16th Street, N.W., Washington, D.C. 20036
AITC—American Institute of Timber Construction, 333 W. Hampden Avenue, Englewood, Colorado 80110
ANSI—American National Standards Institute, 1430 Broadway, New York, New York 10018
APA—American Plywood Association, P.O. Box 11700, Tacoma, Washington 98411
ARI—Air Conditioning and Refrigeration Institute, 1815 North Ft. Myer Drive, Arlington, Virginia 22209
ASHRAE—American Society of Heating, Refrigeration and Air-Conditioning Engineers, 1791 Tullie Circle N.E., Atlanta, Georgia 30329
ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, New York 10017
ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103
CISPI—Cast Iron Soil Pipe Institute, 1499 Chain Bridge Road, McLean Virginia 22101
CMI—Cultured Marble Institute, 435 North Michigan Avenue, Chicago, Illinois 60611
CS—U.S. Department of Commerce, Commercial Standards, National Bureau of Standards, Office of Engineering Standards, Room A–166, Tech. Bldg., Washington, D.C. 20234
DOC—Department of Commerce, Washington, D.C. 20230
DOT—U.S. Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590
FS—Federal Specifications, General Services Administration, Specifications Branch, Room 6039, GSA Building, 7th and D Streets SW., Washington, D.C. 20407
GAL—Gas Appliance Laboratory, 3138 East Olympic Boulevard, Los Angeles, California 90023
HPMA—Hardwood Plywood Manufacturers Association, P.O. Box 2789, Reston, Virginia 22090
HUD–FHA—Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410
HVI—Home Ventilating Institute, 4300–L Lincoln Avenue, Rolling Meadows, Illinois 60068
IAPMO—International Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, California 90032
MIL—Military Specifications and Standards, Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120
NFPA—National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269
(N)FPA—National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036
NPA—National Particleboard Association, 2306 Perkins Place, Silver Spring, Maryland 20910
NSF—National Sanitation Foundation, P.O. Box 1468, Ann Arbor, Michigan 48105
NWMA—National Woodwork Manufacturers Association, 205 West Toughy Avenue, Park Ridge, Illinois 60068
PS—Product Standards, U.S. Government Printing Office, Washington, D.C. 20401
SAE—Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096
SJI—Steel Joist Institute, Suite 204, 1703 Parham Road, Richmond, Virginia 23229
TPI—Truss Plate Institute, 100 West Church Street, Frederick, Maryland 21701
UL—Underwriters' Laboratories, Inc., 333 Pfingsten Road, Northbrook, Illinois 60062

(c) The Department will enforce the listed editions of material incorporated by reference into this standard. If a later edition is to be enforced, the Department will publish a notice of change in the Federal Register.

Subpart B—Planning Considerations

2. Section 3280.114(b) is revised to read as follows:

§ 3280.114 Glass and glazed openings.

* * * * *

(b) *Safety glazing.* Glazing in all entrance or exit doors, sliding glass doors, units (fixed or moving sections), unframed glass doors, unbacked mirrored wardrobe doors (i.e. mirrors not secured to a backing capable of being the door itself), shower and bathtub enclosures and surrounds to a height of 6 feet above the bathroom floor level, storm doors or combination doors, and in panels located within 12 inches on either side of exit or entrance doors shall be of a safety glazing material. Safety glazing material is considered to be any glazing material capable of passing the requirements of performance specifications and Methods of Test for Safety Glazing Material used in Buildings, ANSI Z97.1–1972.

Subpart C—Fire Safety

3. Section 3280.203(a), introductory text, is revised to read as follows:

§ 3280.203 Flame spread limitations and fire protective requirements.

(a) Flame spread limitations. The surface flame spread rating of interior finish materials shall not exceed the following when tested by Standard Method of Test for Surface Burning Characteristics of Building Materials, ASTM E84–1975. The surface flame spread rating of interior finish materials required by § 3280.203(a) (4) and (6) may be established using standard Method of Test for Surface Flammability of Materials Using a Radiant Heat Energy Source, ASTM E162–1975. Testing shall be by laboratories acceptable to the Secretary.

* * * * *

4. Section 3280.208(c) is revised to read as follows:

§ 3280.208 Mobile home fire detection equipment.

* * * * *

(c) *Smoke detectors.* Smoke detectors shall be either the ionization chamber or the photoelectric wall mounted type and shall comply with all the requirements of Underwriters' Laboratories Standard for single and multiple station smoke detectors UL 217–1976. Detectors shall bear the label of a testing and approval laboratory that indicates the smoke detectors have been tested and approved under the requirements of UL

217–1976. The testing and approved laboratory shall be one which maintains a periodic follow-up service of the labeled devices to ensure compliance with the original approval.

*   *   *   *   *

Subpart D—Body and Frame Construction Requirements

5. Section 3280.304(b)(1), Table is revised to read as follows:

§ 3280.304 Materials.

*   *   *   *   *

(b)(1) * * *

Aluminum: Aluminum Construction Manual, Sect. 1 specifications for aluminum structures.	AA–1971.
Steel:	
Specification for the design, fabrication, and erection of structural steel for buildings with supplements 1, 2 and 3.	AISC–1973.
Specification for the design of cold-formed steel structural members with Addendum 1.	AISI–1968.
Stainless steel cold-formed structural design manual.	AISI–1974.
Standard specifications for open web steel joists, J- and H-Series.	AISC–1973.
Standard specifications and Load-Tables-open web Steel Joist, J and H Series.	SJI–1973.
Manual for structural applications of steel cables for buildings.	AISI–1973.
Wood and wood products:	
Basic Hardboard	PS 58–1973.
Prefinished Hardboard Paneling	PS 59–1973.
Hardboard Siding	PS 60–1973.
Hardwood and decorative plywood	PS 51–1971.
Structural design guide for hardwood plywood.	HPMA–SG–1971.
Timber, structural glued laminated—inspection.	AITC–200–1973.
Timber, structural glued laminated	PS 56–1973.
Construction and industrial plywood	PS 1–1974.
Plywood residential construction guide.	APA–1974.
Design specifications for plywood—lumber components.	APA–1974.
Fabrication specifications of plywood—lumber components.	APA–1974.
Stress grade lumber and its fastenings—national design specifications for (and supplement).	(N) FPA–1973.
Structural design data—wood	(N) FPA–1970.
Span tables for joists and rafters (PS 20–70).	(N) FPA–1973.
Working stresses for joists and rafters.	(N) FPA–1974.
Timber construction standards	AITC–100–1972.
Design specifications for light metal plate connected wood trusses.	TPI–1974.
Span tables for light metal plate connected wooden trusses.	TPI–1972.
Particleboard for mobile home decking.	NPA 1 1973.
Mat-formed wood particleboard	CS 236–1966.
All plywood beams for mobile homes.	APA 124–1975.
Wood flush doors (interior, exterior)	NWMA I.S. 1–1974.
Wood window units	ANSI A200.1–1974. (NWMA I.S.2–1973)
Water repellent preservative non-pressure treatment for millwork.	NWMA I.S. 4–1970.
Wood sliding patio doors	NWMA I.S. 3–1970.
Other: Gypsum wallboard	ASTM C36–1975.
Fasteners:	
Nails, brads, staples and spikes, wire, cut and wrought.	F.S.FF–N–105b–1971.
Application and fastening schedule. Power driven, mechanically driven, and manually driven fasteners—HUD–FHA Use of Materials Bulletin No. UM.	25d–1973.
Windows and glazing: performance specifications and methods of test for safety glazing material used in buildings.	ANSI Z97.1–1972.
Unclassified: Building code requirements for minimum design loads in buildings and other structures.	ANSI A58.1–1972.

*   *   *   *   *

6. Section 3280.305(g)(4) and (i)(1)(i) are revised to read as follows:

§ 3280.305 Structural design requirements.

*   *   *   *   *

(g) * * *

(4) Botom board material (with or without patches) shall meet or exceed the level of 48 inch-pounds of puncture resistance as tested by the Beach Puncture Test in accordance with puncture and stiffness of paperboard, corrugated and solid fiberboard, ASTM D–781–1968. The material shall be suitable for patches and the patch life shall be equivalent to the material life. Patch installation instruction shall be included in the mobile home manufacturer's instructions.

*   *   *   *   *

(i) * * *

(1) *Welded connections.* (i) All welds shall be made in accordance with the applicable provisions of the specification for the design, fabrication, and erection of structural steel for buildings, with supplements 1, 2 and 3, AISC–1973. The specification for the design of cold-formed steel structural members with addendum 1, AIISI–1968 and the specification for the design of stainless steel cold-formed structural design manual, AISI 1974.

*   *   *   *   *

7. Section 3280.306(g)(2) is revised to read as follows:

§ 3280.306 Windstorm protection.

*   *   *   *   *

(g) * * *

(2) Type 1, Finish B, Grade 1 steel strapping, 1¼ inches wide and 0.035 inch thick, conforming with Federal Specification strapping, steel and seals FS QQ–S–781H–1974 is judged to conform with the provisions of this section and paragraph (f) of this section.

Subpart E—Testing

8. Section 3280.403(b)(1), (3)(i), (ii), (iii), text preceding table on "Glass Dimensional Tolerances" and the table on "Glass Dimensional Tolerances", (c)(2), (3), (4), introductory text, and (c)(4)(ii) (e)(2) and (l)(2)(i) are revised to read as follows:

§ 3280.403 Standard for windows and sliding glass doors used in mobile homes.

*   *   *   *   *

(b) * * *

(1) *Wood and wood based products.* (i) Wood. Wood parts including plywood and particleboard parts of window units shall have a moisture content of 6 to 12 percent at the time of fabrication. Wood parts, except inside stops and trim shall be manufactured utilizing wet-use adhesive requirements as defined in standard specification for adhesive used in non-structural glued lumber products. ASTM § 3110–1972 and preservative treated in accordance with standard for water repellent preservative non-pressure treatment for millwork NWMA IS–4–1970.

(ii) *Plywood.* Plywood parts except for inside stops and trim shall be exterior type plywood and preservative treated in accordance with NWMA IS–4–1970.

(iii) *Particleboard.* Particleboard parts except for inside stops and trim shall be type-2 particleboard and preservative treated in accordance with NWMA IS–4–1970.

*   *   *   *   *

(3) Glass. (i) Safety glazing materials, where used, shall meet Performance Specifications and Methods of Test for Safety Glazing Material used in Buildings. ANSI Z97.1–1972. Tempered glass, where used, shall also meet Glass, Plate (Float), sheet, figured and spandrel (Heat Strengthened and Fully Tempered). FS DD–G–1403B–1972.

(ii) Insulated glass, when used, shall be permanently identified with the name of the insulating glass manufacturer.

(iii) Glass tolerances and areas shall meet or exceed the values shown in the Glass Table below.

GLASS DIMENSIONAL TOLERANCES [a] AND MAXIMUM ALLOWABLE AREAS [b]—SHEET GLASS

Nominal thickness (inches)	Minimum thickness (inches)	Maximum area [b] (square feet) at 15 lb/ft²	Maximum area [b] (square feet) at 25 lb/ft²
16 oz	0.078	11	10
SS	.085	13	11
24 oz	.106	16	14
DS	.115	20	15
3/16	.182	40	30
7/32	.206	56	37
1/4	[illegible]	72	40

[a] For other types of glass see Federal Specification Glass, Plate, sheet, Figured Float flat, for glazing, corrugated mirrors and other uses FS DD–G–451C–1968.

[b] Maximum areas shown are based on minimum glass thicknesses set forth. Maximum are as shown apply for rectangular lites of annealed glass firmly supported on all 4 sides in a vertical position.

*   *   *   *   *

(c) * * *

(2) *Structural performance test*—(i) *Zone I.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an exterior pressure of 15 pounds per square foot. The test method applicable to this requirement shall be standard method of test for structural performance of exterior windows, curtain walls and doors under the influence of wind loads. ASTM E–330–1970.

(ii) *Zone II.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to exterior pressure of 25 pounds per square foot. The test method applicable to this requirement shall be ASTM E–330–1970.

(iii) *Interior pressure.* There shall be no glass breakage, permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an interior pressure equal to ½ the requirements in either paragraphs (c)(2)(i) or (c)(2)(ii) of this section. The test method applicable to this requirement shall be ASTM E–330–1970 except that no artificial means of containing pressure shall be allowed. Should pressure not be obtainable due to lack of air the testing agency will report the pressure achieved, the theoretical air flow supplied to the unit, and certify that no additional flow from the equipment in use was available. Laboratory equipment used for this test must be capable of developing 10 × air flow determined in § 3280.403(c)(3).

(3) *Air infiltration test.* Air infiltration shall not exceed 0.50 CFM per square foot of window area when tested in accordance with standard method of test for rate of air leakage through exterior windows, curtain walls and doors. ASTM E 283–1973 at an exterior pressure differential of 1.567 pounds per square foot (0.30" of water pressure).

(4) *Water resistance test.* No leakage shall pass the interior face of the test specimen at a test pressure of 2.86 psf (0.55" Water pressure) when tested in accordance with standard method of test for water penetration of exterior windows, curtain walls and doors by cyclic static air pressure differential ASTM E–547–1975 with a test cycle consisting of 5 minutes with pressure applied and 1 minute with pressure released, during which the water spray shall be continuously applied.

* * * * *

(ii) For the purpose of compliance with paragraph (c)(4), penetration, as referenced in standard method of test for water penetration of exterior windows, curtain walls and doors by cyclic static air pressure differential. ASTM E–547–1975 paragraph 4.3, shall not include drops passing the interior face by energy developed in the bursting of sill drain system bubbles created by a pressure differential applied to the exterior face of the specimen.

* * * * *

(e) * * *

(2) Inspect screening shall be of a material compatible with aluminum and shall meet insect wire screening CS–138–1955 wire fabric (insect screening) FS RR–W–365–1967 "Screening, Wire, Insect," Vinyl-coated Glass Fiber Insect Screening and Louver Cloth CS 248–1964. Screening, insect, non-metallic FS L–S 125B–1972.

* * * * *

(i) *Certification.* The manufacturer shall show evidence of continued compliance by affixing a quality certification label to the product in accordance with American National Standard Practice for Certification Procedures ANSI 734.1–1947. In determining certifiability under this section, compliance shall consist of preproduction specimen testing in accordance with each and every requirement of this section followed by an inplant inspection and production unit testing system consisting of a minimum of two such inspections per year by an independent quality assurance agency.

9. Section 3280.405(d)(1) and (3), (e)(2)(i), (l)(2)(ii), (l)(2)(iii) and (l)(2)(iv) are revised to read as follows:

§ 3280.405 Standard for swinging exterior passage doors for use in mobile homes.

* * * * *

(d) * * *

(1) *Wood and wood based products*—(i) *Wood.* Wood door parts shall be manufactured of suitable lumber having a moisture content of 6 to 12 percent at time of fabrication. Wood parts except interior trim shall be manufactured utilizing wet-use adhesive requirements as defined in standard specification for adhesives used in non-structural glued lumber products, ASTM D–3110–1972 and Preservative Treated in accordance with water repellent preservative non-pressure treatment for millwork NWMA I.S.–4–1970.

(ii) *Plywood.* Plywood shall be exterior type and preservative treated in accordance with NWMA I.S.–4–1974.

(iii) Hardboard parts shall meet or exceed the requirements for ⅛ inch tempered hardboard in accordance with the latest edition of Basic Hardboard PS 58–1973.

* * * * *

(3) *Glass.* All glazing in doors shall be safety glazing material meeting performance specifications and methods of test for safety glazing material used in buildings ANSI Z97.1–1972. Glass in jalousies shall also be at least $\frac{5}{32}$ in. in thickness and not longer than 36 inches. Exposed edges shall be seamed, ground or polished to prevent injury.

* * * * *

(e) * * *

(2) *Structural performance test*—(i) *Wind pressure resistivity.* There shall be no glass breakage or permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to exterior pressures of 25 pounds per square foot. The test method applicable to this requirement shall be standard method of test for structural performance of exterior windows, curtain walls and doors under the influence of wind loads. ASTM E–330, 1970.

(ii) *Interior pressure.* There shall be no glass breakage or permanent deflection or any other condition which would cause the specimen to be inoperable after being subjected to an interior pressure equal to ½ the requirements in paragraph (e)(2)(i). The test method applicable to this requirement shall be ASTM E–330–1970 except that no artificial means of containing pressure shall be allowed. Should pressure not be obtainable due to lack of air, the testing agency will report the pressure achieved, the theoretical air flow supplied to the unit, and certify that no additional flow from the equipment in use was available. Laboratory equipment used for this test must be capable of developing 10 × air flow determined in paragraph (e)(2)(iii) of this specification.

(iii) *Air infiltration test.* Air infiltration shall not exceed the limits set forth below when tested in accordance with standard method of test for rate of air leakage through exterior windows, curtain walls and doors, ASTM E–283–1973 at an exterior pressure differential of 1.56 pounds per square foot (0.300" water pressure).

1.35 CFM per sq ft. of door	Jan. 1, 1975.
1.2 CFM per sq ft. of door	Jan. 1, 1976.
1.0 CFM per sq ft. of door	Jan. 1, 1977.

(iv) *Water resistance test.* No water shall pass the interior face of the test specimen at a test pressure of 0 psf when tested in accordance with standard method of test for water penetration of exterior windows, curtain walls and doors by uniform static air pressure differences, ASTM E–331–1970.

* * * * *

Subpart F—Thermal Protection

10. Section 3280.508 Introductory text is revised to read as follows:

§ 3280.508 Heat loss, heat gain and cooling load calculations.

Information, values and data necessary for heat loss and heat gain determinations shall be taken from the 1972 ASHRAE Handbook of Fundamentals.

* * * * *

11. Sections 3280.511(a)(1) and (b) are revised to read as follows:

§ 3280.511 Comfort cooling certificate and information.

(a) * * *

(1) *Alternative 1.* If a central air conditioning system is provided by the home manufacturer, the heat gain calculation necessary to properly size the air conditioning equipment shall be in accordance with procedures outlined in Chapter 22 of the 1972 ASHRAE Handbook of Fundamentals, with an assumed location and orientation. The following information shall be supplied in the Comfort Cooling Certificate:

"Air Conditioner Manufacturer ————

Air Conditioner Model ————

Certified Capacity—B.T.U./Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The central air conditioning system provided with this home has been sized, assuming an orientation of the front (hitch) end of the home facing ———— and is designed on the basis of a 75 F indoor temperature and an outdoor temperature of —— F dry bulb and —— F wet bulb."

Example Alternate 1

Comfort Cooling Certificate

Mobile Home Mfg ————

Plant Location ————

Mobile Home Model ————

Air Conditioner Manufacturer ————

Air Conditioner Model ————

Certified Capacity—B.T.U./Hr. in accordance with the appropriate Air Conditioning and Refrigeration Institute Standards.

The central air conditioning system provided with this home has been sized assuming an orientation of the front (hitch end) of the home facing ————. On this basis the system is designed to maintain an indoor temperature of 75 F when outdoor temperatures are —— F dry bulb and —— F wet bulb.

The temperature to which this home can be cooled will change depending upon the amount of exposure of the windows of this home to the sun's radiant heat. Therefore, the home's heat gains will vary dependent upon its orientation to the sun and any permanent shading provided. Information concerning the calculation of cooling loads at various locations, window exposures and shadings are provided in Chapter 22 of the 1972 edition of the ASHRAE Handbook of Fundamentals.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this mobile home.

* * * * *

(b) For each home originated as suitable for central air conditioning the manufacturer shall provide the maximum central mobile home air conditioning capacity certified in accordance with the appropriate standards for Unitary air conditioning equipment ARI 210–1974 standards and in accordance with § 3280.715(a)(3). If the capacity information provided is based on entrances to the air supply duct at other than the furnace plenum, the manufacturer shall indicate the correct supply air entrance and return air exit locations.

* * * * *

Subpart G—Plumbing Systems

12. Section 3280.604(b) is amended by revising the table to read as follows:

§ 3280.604 Materials.

* * * * *

(b) * * *

Materials	ANSI	ASTM	FS	Other standards
Ferrous pipe and fittings:				
Cast iron threaded fittings	B16.4–1971			
Malleable iron threaded fittings	B16.3–1971			
Special cast iron fittings				IAPMO PS 5–1966.
Welded wrought iron pipe	B36.2–1969	A72–1968		
Wrought steel and wrought iron pipe	B36.10–1970			
Black and hot dipped zinc-coated (galvanized) welded and seamless steel pipe.		A120–1972a		
Welded and seamless steel pipe	B125.1–1972	A53–1972a		
Pipe threads (except dry-seal)	B2.1–1968			
Cast iron soil pipe and fittings	A112.5.1–1971	A74–1972	WW–P–401D–1969	
Nonferrous pipe and fittings:				
Seamless copper, pipe, standard sizes	H26.1–1973	B42–1972		
Wrought seamless copper and copper alloy tube	H23.4–1973	B251–1971		
Seamless copper water tube	H23.1–1973	B88–1972		
Copper drainage tube (DWV)	H23.6–1973	B306–1973		
Wrought copper and bronze solder-joint pressure fittings	B16.22–1973			
Wrought copper and wrought copper alloy solder-joint drainage fittings	B16.29–1966			
Cast bronze solder-joint pressure fittings	B16.18–1972			
Cast bronze solder-joint drainage fittings-DWV	B16.23–1969			
Cast bronze fittings for flared copper tubes	B16.26–1967			
Seamless red brass pipe, standard sizes	H27.1–1973	B43–1972		
Cast bronze threaded fittings, 125 and 250 pound	B16.15–1971			
Plastic pipe and fittings:				
ABS plastic drain waste, and vent pipe and fittings		D2661–1973		IAPMO PS 17–71.
Pipe and fittings (ABS, drain waste and vent DW)			L–P–322B–1973	
Thermoplastic materials, pipe fittings, valves, traps and jointing materials				NSF–14–1965.
PVC plastic drain, waste, and vent-pipe and fittings		D2665–1973		IAPMO PS 27–[illegible]
Pipe and fittings, plastic (Pdyvinyl) chloride, PVC, drain, waste and vent DWV			L–P–320B–1973	
Chlorinated poly (vinyl/chloride) (CPVC) plastic hot water distribution systems		D2846–1973		NSF–14–1970.
Polybutylene (PB) plastic pipe (SDR–PR)		D2662–1973		
Polybutylene (PB) plastic hot water distribution systems		D3309–1974		
Miscellaneous:				
Pipe nipples, threaded			WW–N–351B(1)–1967	
Rubber gaskets for cast iron soil pipe and fittings		C564–1970		
Backflow valves	A112.14.1–1975			
Backflow prevention devices				IAPMO PS 31–1971.
Valve, gate bronze (125, 150 and 200 pound) threaded ends, flange ends solder end and bronze and for land use.			WW–V54D–1973	

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[1] The temperature to be specified shall be 20 F or 30% of the design temperature difference, whichever is greater, added to the temperature specified as the heating system capacity certification temperature without storm windows or insulating glass for Zone I and with storm windows or insulating glass for Zones II and III. Design temperature difference is 70 minus the heating system capacity certification temperature in degrees Fahrenheit.

Materials	ANSI	ASTM	FS	Other standards
Valve gate, cast iron, threaded and flanged (for land use)			WW-V58B-1971	
Plumbing—fixture-setting compound			HH-C-536A-1954 or TT-P-1536A.	
Cast brass and tubing P-traps				IAPMO PS 2-[illegible].
Relief valves and automatic gas shutoff devices for hot water supply systems	Z21.22–1971, 22a–1972 and 22b–1974.			
Solvent cement for ABS plastic pipe and fittings		D2235–1973		
Solvent cement for PVC plastic pipe and fittings		D2564a–1973		
Plumbing system components for mobile homes and recreational vehicles				NSF-24-1972.
Diversion tees and twin waste elbow				IAPMO PS 9-[illegible].
Flexible copper water connectors				IAPMO PS 14-1971.
Dishwater drain airgaps				IAPMO PS 23-[illegible].
Gas supply connectors for mobile homes				IAPMO TSC 9-1972.
Plumbing fixtures:				
Plumbing fixtures (land use) (general specifications)			WW-P541D-1971	
Vitreous china plumbing fixtures	A112.19.2-1973			
Enameled cast iron plumbing fixtures	A112.19.1-1973			
Procelain enameled formed steel plumbing fixtures				IAPMO TSC 22-1972. IAPMO PS 5-[illegible].
Plastic bathtub units	Z124.1-1974			
Gel-coated glass-fiber reinforced polyester resin shower receptor and shower [illegible] units	Z124.2-1967			
Stainless steel plumbing fixtures—residential use				CS-243-1962.
Plumbing system components for mobile homes and recreational vehicles				NSF-24-1972
Drains for prefabricated and precast showers				IAPMO PS 4-[illegible].
Cultured marble lavatory				IAPMO PS 18-1973. CMI-LS 1-1975
Performance specifications and methods of test for safety glazing material used in buildings.	Z97.1-1972			

13. Section 3280.607(b)(3)(iii) is revised to read as follows:

§ 3280.607 Plumbing fixtures.

* * * * *

(b) * * *

(3) * * *

(iii) Shower doors and tub and shower enclosures shall be constructed so as to be waterproof and, if glazed, glazing shall comply with the Standard for performance specifications and methods of Test for safety glazing material used in buildings ANSI Z 97.1–1972.

* * * * *

14. Section 3280.611(d)(5) is revised to read as follows:

§ 3280.611 Vents and venting.

* * * * *

(d) * * *

(5) Materials for the anti-siphon trap vent shall be as follows: cap and housing shall be listed acrylonitrilebutadiene styrene, DWV grade; stem shall be DWV grade nylon or acetal; spring shall be stainless steel wire, type 302; sealing disc shall be neoprene, conforming to Rubber Gaskets for Cast Iron Soil Pipe and Fittings, ASTM C564–1970 or, silcone rubber, low and high termperature and tear resitant, conforming to Rubber Silicone FS ZZ–R–765B–1970 Liners, case and sheet, overwrap, water-vapor-proof or water proof. Flexible MIL-L-10547E–1975.

* * * * *

Subpart H—Heating, Cooling, and Fuel Burning Systems

15. Section 3280.703 is amended by revising the Table to read as follows:

§ 3280.703 Minimum standards.

* * * * *

Type	ANSI	UL	Other standards
Appliances:			
Air conditioners, central cooling		465–1975	
Liquid fuel-burning heating appliances for mobile homes and travel trailers	A147.1-1969	307a–169	
Electric Air Heater		1025–1973	
Electric Baseboard Heating Equipment		1042–1973	
Electric Central Air-Heating Equipment		1096–1973	
Gas-heating appliances for mobile homes and travel trailers		307(b)–1971	
Gas clothes dryers	Z21.5.1-1972 Z21.5.1a–1973 Z21.5.1b–1974		
Hot water generating equipment for food services establishments using spray type dishwashing machines.			NSF-5-1972
Gas-fired absorption summer air conditioning appliances	Z21.40.1–1973 Z21.40.1a–1974		
Gas-fired gravity and forced air central furnaces	Z21.47–1973 Z21.47a–1974		
Gas-fired gravity and fan-type direct vent wall furnaces	Z21.44–1973 Z21.44a–1974 Z21.44b–1975		
Gas commercial cooking and warming equipment			NSF-4-1963
Household cooking gas appliances	Z21.1–1972 Z21.1a–1974		
Refrigerators using gas fuel	Z21.19–1971 Z21.19a–1972 Z21.19b–1973		
Gas water heaters vol 1 automatic storage type water heaters with input 75,000 Btu/h or less.	Z21.10.1–1974 Z21.10.1a–1975		

Type	ANSI	UL	Other standards
Electric central air heating equipment		1096–1973	
Heat Pumps		559–1975	
Ferrous pipe and fittings:			
Black and hot dipped zinc-coated (galvanized) welded and seamless steel pipe			ASTM A120–1972a.
Pipe, steel (seamless and welded) (for ordinary use)			FS–WW–P–406D–1973.
Electric-resistance welded coiled steel tubing for gas and fuel oil lines			ASTM A539–1973.
Pipe threads (except dry seal)	B2.1–1968		
Wrought steel and wrought iron pipe	B36.10–1970		
Nonferrous pipe, tubing, and fittings:			
Seamless copper water tube			ASTM B88–1972.
Seamless copper tube for air conditioning and refrigeration field service			ASTM B280–1973.
Metal connectors for gas appliances	Z21.24–1973		
Manually operated gas valves	Z21.15–1974		
Gas supply connectors for mobile homes			IAPMOTSC 9–1972.
Wrought seamless copper and copper alloy tube			ASTM B251–1971.
Seamless copper pipe, standard size			ASTM B42–1972.
Pipe, copper, seamless, standard sizes			FS–WW–P–377D–1962.
Miscellaneous:			
Air ducts		181–1972	
Flame tests of flame-resistant fabrics and films		214–1971	
Tube fittings for flammable and combustible fluids and refrigeration service and marine use		109–1972	
Pigtail, expansion coils, and flexible hose connector for liquified petroleum gas fittings for LP–Gas.		569–1973	
Roof jacks for mobile homes and trailer coaches		311–1971	
Relief valves and automatic gas shutoff devices for hot water supply systems	Z21.22–1971		
	Z21.22a–1972		
	Z21.22b–1974		
Automatic gas ignition systems and components	Z21.20–1971		
	Z21.20a–1972		
	Z21.20b–1974		
Automatic valves for gas appliances	Z21.21–1974		
Gas appliance thermostats	A21.23–1971		
	Z21.23a–1972		
	Z21.23b–1974		
Gas vents	A131.2–1973	441–1973	
Factory-built chimneys	A131.1–1971		
Chimneys, factory built residential type and building heating appliance	UL 103–1971		
Factory-built fireplaces	A131.3–1971	127–1971	
Standard for fireplace stoves for installation in mobile structures	GAL–1973		
Installation of oil burning equipment	Z95.1–1974		NFPA No. 31–1974.
Installation of gas appliances, gas piping in buildings, national fuel gas code	Z223.1–1974		NFPA No. 54–1974.
Installation of warm air heating and air conditioning systems			NFPA No. 90B–1973.
Tests for flammability of plastic materials for parts in devices and appliances		94–1974	
Storage and handling of liquefied petroleum gas	A106.1–1974		NFPA No. 58–1974.

16. Section 3280.704(b)(2) is revised to read as follows:

§ 3280.704 Fuel supply systems.

* * * * *

(b) * * *

(2) *Construction of containers.* Containers shall be constructed and marked in accordance with the specifications for LP-Gas Containers of the U.S. Department of Transportation (DOT) or the Rules for Construction of Pressure Vessels 1974, ASME Boiler and Pressure Vessel Code section VIII, Division 1 ASME Containers shall have a design pressure of at least 312.5 psig. (i) Container supply systems shall be arranged for vapor withdrawal only. (ii) Container openings for vapor withdrawal shall be located in the vapor space when the container is in service or shall be provided with a suitable internal withdrawal tube which communicates with the vapor space on or near the highest point in the container when it is mounted in service position, with the vehicle on a level surface. Containers shall be permanently and legibly marked in a conspicuous manner on the outside to show the correct mounting position and the position of the service outlet connection. The method of mounting in place shall be such as to minimize the possibility of an incorrect positioning of the container.

* * * * *

17. Section 3280.705(b)(1), (b)(3) and (f) are revised to read as follows:

§ 3280.705 Gas piping systems.

* * * * *

(b) * * *

(1) Steel or wrought-iron pipe shall comply with ANSI Standard B36.10–1970 for Wrought-Steel and Wrought-Iron Pipe. Threaded brass pipe in iron pipe sizes may be used. Threaded brass pipe shall comply with Standard Sizes and Specifications for Seamless Red Brass Pipe Standard Sizes (ASTM B43–1972).

* * * * *

(3) Copper tubing shall be annealed type, Grade K or L, conforming to the Specifications for Seamless Copper Water Tube (ASTM B88–1972), or shall comply with the Specifications for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service, ASTM B280–1973. When used on systems designed for natural gas, such tubing shall be internally tinned.

* * * * *

(f) *Joints for tubing.* (1) Tubing joints shall be made with either a single or a double flare of 45 degrees in accordance with Flares For Tubing, SAE–J533b–1972 or with other listed vibration-resistant fittings, or joints may be brazed with material having a melting point exceeding 1,000 F. Metallic ball sleeve compression-type tubing fittings shall not be used.

(2) Steel tubing joints shall be made with a double-flare in accordance with Flares For Tubing, SAE–J533b–1972.

* * * * *

18. Section 3280.706(b)(1) is revised to read as follows:

§ 3280.706 Oil piping systems.

* * * * *

(b) * * *

(1) Steel or wrought-iron pipe shall comply with American National Standard for Wrought-Steel and Wrought-Iron Pipe, B36.10—1970. Threaded copper or brass pipe in iron pipe sizes may be used.

* * * * *

19. Section 3280.707 (d)(1), (d) (2), and (f) is revised to read as follows:

§ 3280.707 Heat producing appliances.

* * * * *

(d) Performance efficiency. (1) Except as provided herein, all automatic electric storage water heaters installed in mobile homes that enter the first stage of production on or after February 15, 1977, shall have a standby loss not exceeding 43 watts/meter^2 (4 watts/ft^2) of tank surface area. The method of test for standby loss shall be as described in section, loss shall be as described in section 4.3.1 of Household Automatic Electric Storage Type Water Heaters ANSI C72.1–1972.

However, a mobile home that enters the first stage of production on or after February 15, 1977, and before April 1, 1977, may contain an automatic electric storage water heater which does not meet the above performance efficiency requirements if a label is affixed to the water heater as follows:

(i) The label shall be located on the front of the water heater so that it is readily visible after the water heater is installed in the mobile home.

(ii) The label shall be made of paper .005 plastic laminate material, or other materials which may be easily affixed to the water heater by use of a gum or adhesive backing.

(iii) The label shall be a minimum of 3″ x 1¾″ in dimension.

(iv) The label shall read as follows:

This electric water heater does not meet energy efficiency criteria established by the Department of Housing and Urban Development for water heaters installed in mobile homes. This does not make the water heater unsafe or hazardous.

(2) All gas and oil-fired automatic storage water heaters shall have a recovery efficiency, E_r, and a standby loss, S, as described below, effective January 1, 1977. The method of test of E_r, and S shall be as described in Section 2.7 of Gas Water Heaters, Vol. I, Automatic Storage Type Water Heaters with input of 75000 Btu/Hr. or less. ANSI 221.10.1–1974, except that for oil-fired units. CF=1.0, Q=total gallons of oil consumed and H=total heating value of oil in Btu/gallon.

Storage capacity in gallons	Recovery efficiency	Standby loss
Less than 25	At least 74 percent.	Not more than 7.5 percent.
25 up to 35	do	Not more than 7 percent.
35 or more	do	Not more than 6 percent.

* * * * *

(f) Oil fired heating equipment. All oil fired heating equipment shall conform to liquid fuel-burning heating appliances for mobile homes and Travel Trailers—UL307a–1969 or ANSI A147.1–1969 and be installed in accordance with installations of oil burning equipment. NFPA 31–1974. Regardless of the requirements of the above referenced standards, or any other reference standards, the following are not required: (1) External switches or remote controls which shut off the burner or the flow of oil to the burner, or (2) An emergency disconnect switch to interrupt electric power to the equipment under conditions of excessive temperature.

Authority: Section 625 of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5424.

Dated: October 27, 1982.

Philip Abrams,

General Deputy Assistant Secretary-Deputy Federal Housing Commissioner.

[FR Doc. 82-29865 Filed 10-29-82; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5c

[T.D. 7841]

Temporary Income Tax Regulations Under the Economic Recovery Tax Act of 1981; Extension of Time To Conform Elections Relating To Tax Straddles

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary income tax regulations that extend the date by which taxpayers must conform returns that made an election regarding tax straddles.

DATES: These regulations extend the date by which taxpayers must conform returns that made an election under § 5c.1256–1 or § 5c.1256–2 from November 1, 1982, until February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Barry L. Wold of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202–566–3828).

SUPPLEMENTARY INFORMATION:

Background and General Explanation

This document amends the temporary income tax regulations published in the **Federal Register** on Thursday, September 2, 1982 (47 FR 38688) relating to two elections under sections 508(c) and 509 of the Economic Recovery Tax Act of 1981. These regulations extend the date by which taxpayers must conform returns that make an election under § 5c.1256–1 (relating to election with respect to property held on June 23, 1981, under section 508(c) of the Economic Recovery Tax Act of 1981) or § 5c.1256–2 (relating to election with respect to taxable years beginning before June 23, 1981, and ending after June 22, 1981, under section 509 of the Economic Recovery Tax Act of 1981) from November 1, 1982, until February 1, 1983. This same extension also applies to the returns of flowthrough entities which must supply information concerning futures contracts transactions to taxpayers.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this temporary regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act does not apply and no Regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of these regulations is Barry L. Wold of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, on matters of both substance and style.

List of Subjects in 26 CFR 5c

Income taxes, Economic Recovery Tax Act of 1981, Commodities straddles, Capital gains and losses, Income averaging.

Adoption of Amendments to the Regulations

PART 5c—[AMENDED]

Accordingly, the following amendments are made to Part 5c of Title 26 of the Code of Federal Regulations:

§ 5c.1256-1 [Amended]

Paragraph 1. Section 5c.1256-1(b) is amended by removing "November 1, 1982", and inserting in lieu thereof "February 1, 1983".

§ 5c.1256-2 [Amended]

Par. 2. Section 5c.1256-2(b) is amended by removing "November 1, 1982", and inserting in lieu thereof "February 1, 1983".

There is a need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917, 26 U.S.C. 7805); sec. 508(c) and 509, Economic Recovery Tax Act of 1981 (95 Stat. 333-335))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: October 27, 1982.

J. Gregg Ballentine,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82-29936 Filed 10-27-82; 4:01 pm]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; State and Local Housing Authorities Title Limitations and the Acceptability of Age Restrictions on VA Guaranteed Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is amending its regulations to enable veterans to participate simultaneously in affordable housing programs sponsored by State and local government agencies and to obtain VA-guaranteed loans. These amendments will aid low- or moderate-income families seeking to obtain housing.

The VA is also amending its regulations to authorize the acceptance of properties securing VA-guaranteed loans when the sale, lease, or occupancy of the dwelling unit is restricted on the basis of age. VA guaranteed loans may now be used to obtain housing in retirement communities or other developments with age restrictions.

EFFECTIVE DATE: October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202) 389-3042.

SUPPLEMENTARY INFORMATION: On July 6, 1982, the VA published in the **Federal Register** (47 FR 29270) proposed amendments to the home and manufactured home regulations (§§ 36.4253(b)(5) 36.4350(b)(5) and 36.4358(c)(5)). These proposed amendments were for the purpose of obtaining public comment on two major policy proposals: the acceptance of homes for security on VA guaranteed loans when the homes are restricted by a State or local housing authority through a recorded legal document which affects title, and the acceptance of homes in communities which limit the sale, lease or occupancy of homes on the basis of age. For a complete discussion of the regulatory proposals, please refer to the July 6, 1982 **Federal Register** (47 FR 29270).

Seven comments were received from the general public. Three comments endorsed the proposed amendments. Concerning the State and local title restrictions two comments were suggested for improvement to the regulations. Both comments were supportive of the amendments but suggested that the acceptable maximum term of State and local housing authorities' restrictions be increased from the proposed 10-year limitation. We agree and the final amendments authorized the acceptance of properties subject to State or local housing authorities' title limitations on the properties for any period of time as established by local law or ordinance. When a State or local authority elects to purchase a home from a home seller, the authority must furnish a notice of its decision to purchase the property from the home owner. The proposed amendments would have required the housing authority to furnish a notice within 30 days of having been informed by the home seller of his/her intentions to offer the home for sale. Two comments indicated that the proposed 30-day time limit was too short for the government authority to reasonably take actions. We concur and the final regulations authorize up to 90 days for the local government to exercise its option to purchase a home. On comment also suggested that the method of computing the maximum sale price which a housing authority would pay for a home was too limited. We also concur with this comment and the final amendments reflect two major methods for computing the maximum sale price and authorize the Administrator to review any nonconforming State and local housing authority proposals for reasonableness and possible acceptable into the Loan Guaranty Program.

Three of the comments did not discuss the age restriction portion of these amendments. One comment was received which strongly endorsed the proposed amendments and applauded our consideration of communities designed to primarily benefit senior citizens. One comment was opposed to the proposed amendments because they might violate the Age Discrimination Act (title III of Pub. L. 94-135, 89 Stat. 728), as implemented at title 45, Code of Federal Regulations, Part 90.

Contracts of guaranty or insurance are exempted under the provisions of the Age Discrimination Act (ADA) (42 U.S.C. 6103). See also 45 CFR 90.4. We also do not believe the regulations violate the spirit of the ADA since the Act is primarily designed to prevent discrimination against the elderly. These regulations reflect the fact that the median age of Americans is increasing, and some veterans would prefer to live in retirement or childless communities. While the VA does not endorse these types of communities, we do feel the VA should not prevent a veteran from using VA loan guaranty eligibility, which was earned through military service, to purchase a home in an age-restricted community.

One comment was opposed to the adoption of the age restriction regulations but encouraged VA to amend the regulations, if eventually adopted. The comment urged that age restrictions be allowed only where the restrictions had been found valid under State law, in projects where a certain number of units had been set aside for persons not meeting the age restriction requirements, or projects physically designed for and otherwise adapted to the specific needs of the elderly. Concerning the validity of age restrictions under State law, the VA regulations allow but do not require acceptance of age-restricted homes as security for VA-guaranteed loans. Any State may outlaw age restrictions or hold them unenforceable through local legislative (or judicial) initiatives. We also do not believe it appropriate to limit eligible communities, subject to age restrictions, to those communities which offer non-age-restricted units or communities with adaptations specifically designed for the elderly. This is because we believe if the restrictions suggested were adopted, the effect would be that most age-restricted communities would be ineligible for VA guaranty. This would defeat the purpose of the amendments which is to make this type of housing available to veterans.

We again believe it is important to allow veterans to freely choose where the veteran wishes to live, either in a community with no age restrictions, some age restrictions or even highly restrictive communities. We expect that market forces will determine whether or not a developer constructs a subdivision or development subject to age restrictions. The amendments, as adopted, require the veteran to be fully informed and consent in writing before acquiring a home with a VA-guaranteed loan in an age-restricted community. In addition, our regulations do offer protection to the veteran to allow him or her a reasonable opportunity to lease or rent the property if the family makeup is changed.

Finally, we received one comment which strongly endorsed the proposed age restriction regulations but suggested the regulations be amended to specify what age restrictions would be considered unacceptable by the VA. We do not feel it is possible to list either all allowable or all non-allowable age restrictions which could be incorporated into legal documents. We have amended the regulations to reflect our belief that veterans who suddenly become guardians or custodians of minor children must have a reasonable opportunity to lease or rent their homes to qualified persons. In addition, a child or other person who inherits property which he/she may not occupy must also have a reasonable opportunity to lease or rent the home to a qualified person. Age restrictions which require a person to sell in lieu of rent or lease a home if the family makeup changes will be considered unacceptable.

We believe these improvements to the regulations will cure the concerns expressed in this public comment.

We expect that the adoption of these regulations will expand housing opportunities for veterans. Veterans eligible to participate in State or local housing programs will be eligible to combine this benefit with the benefits of obtaining a VA-guaranteed loan. Veterans wishing to purchase homes in retirement communities or other age-restricted developments will also be able to use their VA home loan benefits.

Technical amendments have also been made to section 36.4253 to change the term "mobile home" to "manufactured home" as required by Pub. L. 97-306, 96 Stat. 1429, enacted October 14, 1982.

The Administrator hereby certifies that these regulations will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, sections 601-612. Pursuant to 5 U.S.C. section 605(b), these regulations are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The regulations, if adopted, will indirectly aid small government jurisdictions who wish to assist low- and moderate-income families obtain housing and will indirectly aid small businesses who wish to build homes or lend funds to such families. The regulations should have no adverse impact upon small organizations. No compliance costs or reporting burdens will be imposed by these regulations upon small entities.

The amendments have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulations. The regulations will not have a large economic impact or cause a major increase in costs or prices. They simply provide the opportunity for veterans to obtain VA-guaranteed loans and also participate in State and local affordable housing programs.

The amendments are promulgated under authority granted to the Administrator by sections 210(c), 1803(c) and 1819(g) of title 38, United States Code.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

Approved: October 27, 1982.

Robert P. Nimmo,

Administrator.

PART 36—LOAN GUARANTY

The Veterans Administration is amending 38 CFR Part 36 as follows:

1. Section 36.4253 is amended as follows:

§ 36.4253 [Amended]

A. By removing the words "mobile home" and inserting the words "manufactured home" in the introductory portion of paragraph (c) and in paragraph (c)(4)(i).

B. By adding subparagraph (iv) to paragraph (b)(5) as follows:

§ 36.4253 Title and lien requirements.

* * * * *

(b) * * *

(5) * * *

(iv) Notwithstanding the provisions of paragraphs (b)(5)(i), (ii), and (iii) of this section, a property shall not be considered ineligible pursuant to paragraph (a) of this section if:

(A) The veteran obtained the property under a State or local political subdivision program designed to assist low- or moderate-income purchasers, and as a condition the purchaser must agree to one or more of the following restrictions.

(*1*) If the property is resold within a time period as established by local law or ordinance, after the purchaser acquires title, the purchaser must first offer the property to the government housing agency, or a low- or moderate-income purchaser designated by such agency, provided the option to purchase is exercised within 90 days after notice by the purchaser to the agency of intention to sell;

(*2*) If the property is resold within a time period as established by local law or ordinance, after the purchaser acquires title, a governmental agency may specify a maximum price for the property upon resale; or

(*3*) Such other restriction approved by the Administrator designed to insure either that a property acquired under such program again be made available to low- or moderate-income purchasers, or to prevent a private purchaser from obtaining a windfall profit on the resale of such property, while assuring that the purchaser has a reasonable opportunity to dispose of the property without undue difficulty at a reasonable price.

The sale price of a property under any of the restrictions of paragraph (b)(5)(iv)(A) of this section shall not be less than the lowest of the following: The price designated by the owner as the asking price; the appraised value of the property; or the original purchase price of the property, increased by a factor reflecting all or a reasonable portion of the increased costs of housing or the percentage increase in median income in the area between the date of original purchase and resale, plus the reasonable value or actual costs of any capital improvements made by the owner, plus a reasonable real estate commission less the cost of necessary repairs required to place the property in saleable condition; or other reasonable formula approved by the Administrator; or

(B) A recorded restriction on title limits the sale, lease, or occupancy, of a dwelling to persons based on age, including prohibitions against the permanent occupancy of the dwelling by children. The Administrator may refuse to approve a property with such a restriction if its operation would work an undue hardship upon the owner in the case of sudden, unforeseen events or be likely to result in an increased risk of default. Examples of restrictions that could work an undue hardship include, but are not limited to, requirements for sale in lieu of leasing or renting of the property if the owner-occupant becomes the guardian or custodian of a minor child who must reside with the owner-occupant upon the death or incapacity of the child's parents, and restrictions that do not permit persons younger than the specified age who inherit the property either to rent or lease such property to a qualified occupant. The enforcement of an age restriction which would authorize the eviction of owners who adopt or give birth to a child is not considered an undue hardship; and

(C) The veteran is fully informed and consents in writing to the housing restrictions. A copy of the veteran's consent statement must be forwarded with the application for manufactured home loan guaranty or the report of a manufactured home loan processed on the automatic basis; (38 U.S.C. 1819(g))

* * * * *

2a. In § 36.4350, the introductory portion of paragraph (b)(5)(ii) is amended and (b)(5)(ii)(*b*)(*5*) as published in FR Doc. 76-29306 at 41 FR 44040, October 6, 1976 is corrected to read "(iii)". A new subdivision (iv) is added. Such subdivisions to read as follows:

§ 36.4350 Estate of veteran in real property.

* * * * *

(b) * * *

(5) * * *

(ii) A condominium estate established by the filing for record of the Master Deed, or other enabling document before December 1, 1976 will not fail to comply with the requirements of paragraph (a) of this section by reason of:

* * * * *

(iii) Any property subject to a restriction on the owner's right to convey to any party of the owner's choice, which restriction is established by a document recorded on or after December 1, 1976, will not qualify as security for a guaranteed or insured loan. A prohibition or restriction on leasing an individual unit in a condominium will not cause the condominium estate to fail to qualify as security for such loan, provided the restriction is in accordance with § 36.4358(c);

(iv) Notwithstanding the provisions of paragraph (b)(5)(i), (ii), and (iii) of this section, a property shall not be considered ineligible pursuant to paragraph (a) of this section if:

(*a*) The veteran obtained the property under a State or local political subdivision program designed to assist low- or moderate-income purchasers, and as a condition the purchaser must agree to one or more of the following restrictions:

(*1*) If the property is resold within a time period as established by local law or ordinance, after the purchaser acquires title, the purchaser must first offer the property to the government housing agency, or a low- or moderate-income purchaser designated by such agency, provided the option to purchase is exercised within 90 days after notice by the purchaser to the agency of intention to sell;

(*2*) If the property is resold within a time period as established by local law or ordinance after the purchaser acquires title, a governmental agency may specify a maximum price which the veteran may receive for the property upon resale; or

(*3*) Such other restriction approved by the Administrator designed to insure either that a property acquired under such program again be made available to low- or moderate-income purchasers, or to prevent a private purchaser from obtaining a windfall profit on the resale of such property, while assuring that the purchaser has a reasonable opportunity to dispose of the property without undue difficulty at a reasonable price.
The sale price of a property under any of the restrictions of paragraph (b)(5)(iv)(*a*) of this section shall not be less than the lowest of the following: The price designated by the owner as the asking price; the appraised value of the property; or the original purchase price of the property, increased by a factor reflecting all or a reasonable portion of the increased costs of housing or the percentage increase in median income in the area between the date of original purchase and resale, plus the reasonable value or actual costs of any capital improvements made by the owner plus a reasonable real estate commission less the cost of necessary repairs required to place the property in saleable condition; or other reasonable formula approved by the Administrator; or

(*b*) A recorded restriction on title limits the sale, lease, or occupancy, of a dwelling to persons based on age, including prohibitions against the permanent occupancy of the dwelling by children. The Administrator may refuse to approve a property with such a restriction if its operation would work an undue hardship upon the owner in the case of sudden, unforeseen events or be likely to result in an increased risk of default. Examples of restrictions that could work an undue hardship include, but are not limited to, requirements for sale in lieu of leasing or renting of the property if the owner-occupant becomes the guardian or custodian of a minor child who must reside with the owner-occupant upon the death or incapacity of the child's parents, and restrictions that do not permit persons younger than the specified age who inherit the property either to rent or lease such property to a qualified occupant. The enforcement of an age restriction which would authorize the eviction of owners who adopt or give birth to a child is not considered an undue hardship; and

(*c*) The veteran is fully informed and consents in writing to the housing restrictions. A copy of the veteran's consent statement must be forwarded with the application for home loan guaranty or the report of a home loan processed on the automatic basis; (38 U.S.C. 1803(c)).

* * * * *

§ 36.4350 [Amended]

b. In 38 CFR Part 36, § 36.4350(b)(5)(ii)(*b*)(*6*)–(*8*), the codification is changed from figures appearing in italics (*6*)–(*8*) to those appearing in arabic numbers (6)–(8).

3. In § 36.4358, paragraph (c)(5) is revised as follows:

§ 36.4358 Rights and restrictions

* * * * *

(c) * * *

(5) *Right of first refusal.* The right of a unit owner to sell, transfer, or otherwise convey his or her unit in a condominium shall not be subject to any right of first refusal or similar restriction if the declaration or similar document is recorded on or after December 1, 1976. If the declaration was recorded prior to December 1, 1976, the right of first refusal must comply with § 36.4350(b)(5)(ii). Provided, however, restrictions on the basis of age or restrictions established by a State, Territorial, or local government agency as part of a program for providing assistance to low- and moderate-income purchasers shall be governed by § 36.4350(b)(5)(iv), (38 U.S.C. 1803(c)).

[FR Doc. 82-30036 Filed 10-29-82; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 39

State Cemetery Grants; Aid to States for Establishment, Expansion, and Improvement of Veterans' Cemeteries

AGENCY: Veterans Administration.

ACTION: Final Regulations.

SUMMARY: The VA (Veterans Administration) is issuing final regulations for the implementation of legislation which provides for a program of aid to States for the establishment, expansion, and improvement of veterans' cemeteries.

EFFECTIVE DATES: October 1, 1979. The Director of the Federal Register approves the incorporation by reference of certain publications in 38 CFR 39.3(b)(10), 39.8(d)(1)(i), 39.8(d)(3) and 39.8(d)(4) effective on October 28, 1982.

FOR FURTHER INFORMATION CONTACT: H. F. Graber, Director, State Cemetery Grants (40G), Department of Memorial Affairs, Veterans Administration, Washington, D.C. 20420 (202-389-2313).

SUPPLEMENTARY INFORMATION: On pages 55866–55872 of the **Federal Register** of September 28, 1979, there were published interim regulations with comments requested.

Interested persons were given 60 days to submit comments, suggestions, or objections to these interim regulations. Three comments were received.

One respondent stated it was unclear whether or not the VA intends to consider the development costs and current value of existing State veterans' cemeteries in determining a State's allowable share of the matching funds for grants. The views expressed by this respondent are in accord with our intent of allowing improvements to be considered in the appraiser's determination of the property's current value. These views are also in accord with the "Uniform Appraisal Standards for Federal Land Acquisitions" which are required by the regulations. We feel that this interpretation can be derived from the regulations in their present form and that no change is necessary.

Another subject of comment concerns assurances which are prescribed by (OMB) Office of Management and Budget Circular No. A-102, Revised, and cannot be deleted without OMB consent.

One respondent believes there are civil rights implications to the State Cemetery Grants Program which should be evaluated by the VA prior to granting assistance to individual states. The respondent's comments were addressed in the revision of § 39.3(b) (13) and § 39.5(a) for VA compliance with the Civil Rights Act of 1964, as amended.

The reference to Executive Order 11752 relating to the prevention, control, and abatement of environmental pollution has been changed to Executive Order 12088. The former executive order was revoked by Executive Order 12088.

Furthermore, a requirement for States to comply with the National Environmental Policy Act of 1969, the Age Discrimination in Employment Act of 1967 and the Age Discrimination Act of 1975 was added.

The Administrator of the VA hereby certifies that this final regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. Sections 601–612. Pursuant to 5 U.S.C. 605(b), this final rule is therefore exempt from the regulatory analysis requirements of Sections 603 and 604. The reason for this certification is that there will be no direct impact on small entities as the regulations merely provide guidelines to assist States in applying for Federal assistance and the terms and conditions of the grant to which States are to comply if the grant is awarded.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291 since it will not have a $100 million annual effect on the economy, cause major increases in costs or prices, or otherwise have significant adverse economic effects.

Paperwork Reduction Act. Information collection requirements contained in §§ 39.3 and 39.8 (c) and (e) which pertain to the preapplication and application (SF 424, Federal Assistance) with attachments have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511). Information collection requirements contained in § 39.8(b)(2)(xiii)(D) concerning register of burials have also been approved by the Office of Management and Budget. OMB control number 2900–0375 has been assigned.

(The Catalog of Federal Domestic Assistance Programs number is 64.203)

List of Subjects in 38 CFR Part 39

Cemeteries, Grants administration, Grant programs—veterans, Veterans, Incorporation by reference.

Minor editorial changes have been made for clarity.

The final regulations are set forth below.

Approved: October 18, 1982.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

Part 39 of title 38 of the Code of Federal Regulations is revised to read as follows:

PART 39—STATE CEMETERY GRANTS

Sec.
39.1 Definitions.
39.2 Scope of the State cemetery grants program.
39.3 Applications with respect to projects.
39.4 Disallowance of a grant application and notice of a right to hearing.
39.5 Responsibilities following project completion.
39.6 State to retain control of operations.
39.7 Recapture.
39.8 General standards for site selection and construction of State veterans' cemeteries.

Authority: 38 U.S.C. 1008.

Aid to States for Establishment, Expansion, and Improvement of Veterans' Cemeteries

§ 39.1 Definitions.

For the purpose of this part:

(a) The term "establishment" means the process of site selection, land acquisition, development planning, contouring, landscaping, and construction necessary to convert a tract of land to an operational cemetery. (38 U.S.C. 1008(c)(2))

(b) The term "expansion" means an increase in the burial capacity or acreage of a cemetery through the addition of gravesites and/or cemeterial facilities. (38 U.S.C. 1008(c)(2))

(c) The term "improvement" means the enhancement of a cemetery through landscaping, nonrecurring maintenance, or addition of other features appropriate to cemeteries. (38 U.S.C. 1008(c)(2))

(d) The terms "establishment, expansion and improvement" include facilities determined to be necessary for the functioning of the cemetery such as superintendent lodges, chapels, crypts, mausoleums, and columbaria. (38 U.S.C. 1008(c)(1))

(e) The term "time phased development plan" means a detailed, narrative description of the proposed site's characteristics, schedule for development, and estimates of costs by phases of construction. (38 U.S.C. 1008(c)(2))

(f) The "project" means an undertaking to establish, expend, or improve a specific site for use as a

State-owned veterans' cemetery. (38 U.S.C. 1008(c)(2))

(g) The term "State" means each of the several States, Territories and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. (38 U.S.C. 101(20))

(h) The term "veteran" means a person who served in the active military, naval, or air service and who died while in service or was discharged or released therefrom under conditions other than dishonorable. (38 U.S.C. 1002)

§ 39.2 Scope of the State cemetery grants program.

(a) Subject to the availability of an appropriation, the Administrator may approve grants to assist any State in establishing, expanding, or improving veterans' cemeteries which are or will be owned by such State. In order to qualify for assistance under this program, a cemetery must be operated solely for the interment of veterans, their wives, husbands, surviving spouses, minor children, and unmarried adult children who were physically or mentally disabled and incapable of self-support. (38 U.S.C. 1008(c)(2) and 101(4))

(b) The amount of the Federal contribution to a state is limited to 50 percent of the combined value of the land to be acquired or dedicated for cemetery purposes and the dollar value of the improvements to be made. The remaining 50 percent of the project's cost will be contributed by the State. (38 U.S.C. 1008(b)(2))

(c) A State may dedicate for the purposes of the cemetery involved land which it already owns. The value of land of this nature can be included in the computation of the State's portion of the funding for the establishment of a State veterans' cemetery. The value of the land, however, cannot exceed 50 percent of the State's total contribution to the project's cost and may not be used as part of a State's contribution for any subsequent grant. "Uniform Appraisal Standards for Federal Land Acquisitions" (Interagency Land Acquisition Conference—1973) shall be used as guidelines when determining the value of the land. (38 U.S.C. 1008(b)(3))

§ 39.3 Applications with respect to projects.

(a) A State seeking Federal assistance for establishment, expansion, or improvement of a State veterans' cemetery shall submit SF 424, Federal Assistance, with preapplication or application attachments, as applicable, to the Administrator for such assistance in compliance with the uniform requirements for grants-in-aid to State and local governments prescribed by Office of Management and Budget Circular No. A-102, Revised. The applicant shall submit as a part of the application or as an attachment thereto:

(1) The amount of the grant requested with respect to such project which may not exceed 50 per centum of the estimated cost of construction of such project.

(2) A description of the site for such project.

(3) Plans and specifications as required by § 39.8 The preapplication (Part IV) shall include design concept and space outline as required by OMB Circular No. A-102, Revised.

(4) Any comments or recommendations made by State reviewing agencies. (38 U.S.C. 1008(a)(1))

(5) The preapplication submission shall include an environmental assessment to determine if an Envionmental Impact Statement is necessary for compliance with section 102(2)(C) of the National Environmental Policy Act of 1969, as amended. The Environmental Assessment shall briefly describe the possible beneficial and/or harmful effects on the following impact categories because of the proposed project. If an adverse environmental impact is anticipated, the applicant must explain what action will be taken to minimize the impact, (i) Transportation, (ii) Air Quality, (iii) Noise, (iv) Solid Waste, (v) Utilities, (vi) Geology (Soils/Hydrology/Floodplains), (vii) Water Quality, (viii) Land Use, (ix) Vegetation, Wildlife, Aquatic, Ecology/Wetlands, etc., (x) Economic Activities, (xi) Cultural Resources, (xii) Aesthetics, (xiii) Residential Population, (xiv) Community Services and Facilities, (xv) Community Plans and Projects, and (xvi) Other. The assessment shall comply with the requirements of the National Environmental Policy Act of 1969, as amended.

(b) The applicant must furnish written assurance that:

(1) Any cemetery established, expanded, or improved through assistance of this program shall be used exclusively for the interment of eligible persons as set forth in §§ 39.1(h) and 39.2(a).

(2) Title to such site is or will be vested solely in the State.

(3) It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that legislative authority or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(4) The project conforms to the applicable requirements for the implementation, maintenance and enforcement of ambient air quality standards adopted pursuant to section 108 of the Clean Air Act, as amended (42 U.S.C. 7410); that upon completion, the project will conform to the provisions of the conservation rules adopted by the VA pursuant to E.O. 12185, 3 CFR, 1980 Comp., p. 474; that it will comply with Pub. L. 90-480, as amended (42 U.S.C. 4151), which provides that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped; and that, the project will comply with provisions of section 504, Rehabilitation Act of 1973, Pub. L. 93-112, as amended (29 U.S.C. 794) providing for prevention of discrimination against the handicapped in federally assisted programs.

(5) It will comply with the provisions of: Executive Order 11988, 3 CFR 1978 Comp., p. 117 relating to floodplain management and Executive Order 12088, 3 CFR, 1979, Comp., p. 243, relating to the prevention, control and abatement of environmental pollution.

(6) It will have sufficient funds available to meet the non-Federal share of the cost of construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

(7) It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Administrator may require.

(8) It will operate and maintain the facility in accordance with standards as prescribed under § 39.5.

(9) It will give the Administrator and the Comptroller General through any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant.

(10) It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," ANSI A117.1-1961(R1971), which is incorporated by

reference. This incorporation by reference was approved by the Director of the Federal Register on October 28, 1982. This code is incorporated as it was on the date of approval and a notice of any change in this code will be published in the **Federal Register**. Copies are available from the Veterans Administration, Office of Construction, 810 Vermont Avenue, NW., Washington, DC 20420. A copy of this standard is on file at the Office of the Federal Register. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.

(11) It will cause work on the project to be commenced within a reasonable time after receipt of notification from the Administrator that funds have been approved and that the project will be prosecuted with reasonable diligence.

(12) It will not dispose of or encumber its title or other interests in the site and facilities.

(13) It will comply with Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) and all regulations adopted by the VA pursuant to such Title as incorporated in 38 CFR Part 18, Subpart A. In accordance with Title VI of that Act, no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measure necessary to effectuate this agreement. This assurance shall obligate the applicant for the period during which the site is operated as a State veterans' cemetery. (Prior to approval of financial assistance, the VA will make a determination as to whether the applicant is in compliance with Title VI and the requirements of this part. The basis for such a determination shall be the submission of an assurance of compliance (VA Form 27–8206, Statement of Assurance of Compliance under Title VI, Civil Rights Act of 1964) by the applicant, and any relevant compliance review reports on file with the agency. Where a determination cannot be made from this data, the VA will require the submission of necessary additional information and may take additional steps. Such additional steps may include, for example, field reviews and communicating with local government officials and protected class organizations.)

(14) It will comply with the Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 621 et seq.), which prohibits discrimination in employment practices on the basis of age and the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 et seq.) which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

(15) It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(16) It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.

(17) It will comply with all requirements imposed by the Veterans Administration concerning special requirements of law, program requirements, and other administrative requirements in accordance with OMB Circular A–102, Revised.

(18) It will comply with the provisions of the Hatch Act which limit the political activity of employees.

(19) It will comply with the applicable minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act as they apply to employees of State and local governments.

(20) It will insure that the facilities under its ownership which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Veterans Administration of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility to be utilized in the project is under consideration for listing by the EPA.

(21) It will comply with the requirements of the National Environmental Policy Act of 1969, Pub. L. 91–190, as amended (42 U.S.C. 4321) and Executive orders issued pursuant thereto.

(22) It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Pub. L. 93–234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1974, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director of the Federal Emergency Management Agency as an area having special flood hazards.

(23) It will assist the Veterans Administration in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S.C. 470f), Executive Order 11593, 3 CFR, 1971–1975, Comp., p. 559, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a–1 et seq.) by (i) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR 800.8) by the activity, and notifying the Veterans Administration of the existence of any such properties, and by (ii) complying with all requirements established by the Veterans Administration to avoid or mitigate adverse effects upon such properties.

(24) It will obtain approval by the Administrator of the final working drawings and specifications before the project is advertised or placed on the market for bidding; it will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications; it will submit to the Administrator for prior approval changes that alter the costs of the project, use of space, or functional layout; it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

(c) The Administrator will approve any such application if the Administrator finds that there are sufficient funds available to make the grant requested with respect to such project and that:

(1) It has been determined by the Veterans Administration that the application meets the requirements of paragraphs (a) and (b) of this section.

(2) The plans and specifications for such project are in accordance with § 39.8.

(3) The State has established procedures for determining reasonableness, allowability, and allocability of costs in accordance with the provisions of OMB Circular No. A–87.

(4) The State is not receiving more than 20 per centum of the total amount appropriated for such grants for such fiscal year. (38 U.S.C. 1008(b)(1))

(d) The Administrator shall certify approved applications to the Secretary of the Treasury in the amount of the grant requested, but in no event an amount greater than 50 percent of the estimated cost of the project, and shall designate the appropriation from which it shall be paid. Funds paid for the establishment, expansion, or improvement of a State veterans' cemetery will be used solely for carrying out such project as so approved. (38 U.S.C. 1008(c)(2))

(e) Any amendment of any application, whether or not approved under paragraph (c) of this section, will be subject to review and approval pursuant to the regulations governing grants to States for establishment, expansion, and improvement of State veterans' cemeteries in the same manner as an original application. (38 U.S.C. 1008(c)(1))

(f) Sums provided under paragraph (d) of this section shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated. If all funds from a grant have not been utilized by a State for the purpose for which the grant was made within 3 years after the Administrator has certified the approved application for such grant to the Secretary of the Treasury, the United States shall be entitled to recover any such unused grant funds from such State. (38 U.S.C. 1008(d)) (Approved by Office of Management and Budget under control number 2900–0375)

§ 39.4 Disallowance of a grant application and notice of a right to hearing.

(a) No application for the establishment, expansion or improvement of State veterans' cemeteries shall be disapproved until the applicant has been afforded an opportunity for a hearing.

(b) Whenever a hearing is requested under this section, notice of hearing, procedure for the conduct of such hearing, and procedures relating to decisions and notices shall be in accord with the provisions §§ 18.9 and 18.10, Title 39, Code of Federal Regulations. Failure of an applicant to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to be heard and constitutes consent to the making of a decision on the basis of such information as is available. (38 U.S.C. 1008(c)(2))

§ 39.5 Responsibilities following project completion.

(a) States shall monitor use of the facility by various sub-groups and minority groups. To the extent that underutilization by any of these groups is determined to exist, a program shall be established to inform members of these groups about benefits available to them. The information regarding the program shall be available in a language other than English where a significant number or portion of the population eligible to be served or likely to be directly affected by the grant program needs such service or information.

(b) State veterans' cemeteries established, expanded, or improved with assistance under this program shall be operated and maintained as follows:

(1) Buildings, grounds, roads, walks, and other structures shall be kept in reasonable repair to prevent undue deterioration and hazards to safety of users.

(2) The cemetery shall be kept open for public use at reasonable hours and time of the year. (38 U.S.C. 1008(c)(1))

(c) The State, in coordination with the Administrator, shall audit such projects at their completion in accordance with Attachment P, OMB Circular A–102 and audit procedures established by the VA Office of the Inspector General. A copy of the audit shall be forwarded to the Director, State Cemetery Grants Program, giving the date and location where the audit was made and citing any deficiencies and corrective action taken or proposed. (38 U.S.C. 1008(c)(2))

(d) The VA, in coordination with the State, shall inspect the project at completion for compliance with the standards set forth in § 39.8 and at least once in every 3-year period following completion of the project, and throughout the period the facility is operated as a State veterans' cemetery. A copy of the inspection shall be forwarded to the Director, State Cemetery Grants Program, giving the date and location where the inspection was made and citing any deficiencies and corrective action taken or proposed. (38 U.S.C. 1008(c)(2))

(e) Failure of the State to comply with paragraphs (a) through (c) of this section shall be considered cause for the Veterans' Administration to suspend any payments due a State on any or all projects until the situation involved is corrected. (38 U.S.C. 1008(c)(2))

§ 39.6 State to retain control of operations.

Neither the Administrator nor any employee of the Veterans' Administration shall exercise any supervision or control over the administration, personnel, maintenance, or operation of any State verterans' cemetery constructed, expanded, or improved with assistance received under this program except as prescribed in this part. (38 U.S.C. 1008(c)(2))

§ 39.7 Recapture.

If a State which has received a grant to establish, expand, or improve a veterans' cemetery ceases to own such cemetery, ceases to operate such cemetery as veterans' cemetery, or uses any part of the funds provided through such grant for a purpose other than for which the grant was made, the United States shall be entitled to recover from the State the total of all grants made to the State in connection with the establishment, expansion or improvement of such cemetery. (38 U.S.C. 1008(b)(4))

§ 39.8 General standards for site selection and construction of State veterans' cemeteries.

(a) *General.* (1) The various codes, requirements, recommendations of State and local authorities or technical and professional organizations, to the extent and manner in which reference is made in these standards, are applicable to grants for construction of State veterans' cemeteries. Additional information concerning these standards may be obtained from the Veterans Administration, Department of Memorial Affairs (40G), 810 Vermont Avenue, NW., Washington, D.C. 20420.

(2) These standards constitute general design and construction criteria and shall apply to all projects for which Federal assistance is requested under 38 U.S.C. 1008.

(3) In developing these standards, no attempt has been made to comply with all of the various State and local codes and regulations. These standards must be followed where they exceed State or local codes and regulations. Departure will be permitted, however, when alternate standards will provide equivalent or better design criteria. Conversely, compliance is required with State and local codes where such requirements provide a higher standard. The additional cost, if any, in using standards which are higher than those of the VA (Veterans Administration) should be documented and justified in the application.

(4) The space criteria and area requirements referred to in these standards should be used as a guide in planning. Additional area and facilities beyond those specified as basic may be included if found to be required by the program but are subject to approval by VA. Substantial deviation from the space or area standards should be carefully considered and justified, except for occasional variances which would require individual justification. Failing to meet or exceeding the standards by more than 10 percent in

the completed plan would be regarded as evidence of inferior design or as exceeding the boundaries of professional requirements. VA participation may be subject to proportionate reduction in those projects which unjustifiably exceed maximum space or area criteria.

(b) *Site planning standards.*—(1) *Site selection.* (i) *Location.* The land should be located as closely as possible to the densest veteran population in the area under consideration.

(ii) *Size.* Sufficient acreage should be available to provide gravesites for estimated needs for at least 20 years. Acreage could vary depending on the State veteran population and National Cemetery availability.

(iii) *Accessibility.* The site should be readily accessible by highway, bus or railroad.

(iv) *Topography.* The land should range from comparatively level to rolling and moderately hilly terrain. Natural rugged contours are suitable only if development and maintenance costs would not be excessive and burial areas would be accessible to elderly or infirm visitors. The land should not be subject to flooding.

(v) *Water table.* The water table should be lower than the maximum proposed depth of burial.

(vi) *Soil requirement.* The soil should be free from rock, muck, quicksand, and other materials that would hamper the economical excavation of graves by normal methods. In general, the soil should meet the standards of good agricultural land that is capable of supporting lawns, shrubs, and trees, with normal care and without the addition of topsoil.

(vii) *Utilities.* Electricity and/or gas should be available (if required).

(viii) *Water supply.* An adequate supply of water should be available.

(ix) *Sanitary sewer.* An approved means to dispose of storm flow and sewage from the facility should be available.

(2) *Site development requirements.*—(i) *General.* The development plan shall provide for adequate hardsurfaced roads, walks, parking areas, public rest rooms, flag circle, protective enclosure of the area, and a main gate. Pedestrian gates should also be provided at the main gate for activities that may be necessary or appropriate when the main gates are closed.

(ii) *Road widths.* Road widths shall be compatible with proposed traffic flows and volumes.

(iii) *Surface and structure parking.* All parking facilities shall include provisions to accommodate the physically handicapped. A minimum of one space shall be set aside and identified with signage in each parking area with additional spaces provided in the ratio of one handicapped space to every twenty regular spaces. Handicapped spaces shall not be placed between two conventional diagonal or head-on-parking spaces. Each of the handicapped parking spaces shall not be less than 9 feet wide; in addition, a clear space 4 feet wide shall be provided between the adjacent conventional parking spaces and also on the outside of the end spaces.

(iv) *Pavement design.* The pavement section of all roads, service areas and parking areas shall be designed for the maximum anticipated traffic loads and existing soil conditions and in accordance with local and State design criteria.

(v) *Curbs.* Bituminous roads may be provided with integral curbs and gutters constructed of portland cement concrete. Free standing curbs may be substituted when the advantage of using them is clearly indicated. All curbs shall have a "roll-type" cross section for vehicle and equipment access to lawn areas except as may be necessary for traffic control.

(vi) *Curb radii.* The radii of curbs at road intersections shall not be less than 20′–0″

(vii) *Curb ramps (curb cuts).* Curb ramps shall be provided to accommodate the physically handicapped and lawnmowers. Curb ramps shall be provided at all intersections of roads and walks. The curb ramps shall not be less than 4 feet wide; they shall not have a slope greater than 8 percent, and preferably not greater than 5 percent. The vertical angle between the surface of a curb ramp and the surface of a road or gutter shall not be less than 176 degrees; the transition between the two surfaces shall be smooth. Curb ramps shall have nonslip surfaces.

(viii) *Walks.* Walks shall be designed with consideration for the physically handicapped. Walks and ramps designed on an incline shall have periodic level platforms. All walks, ramps and platforms shall have nonslip surfaces. Any walk shall be ramped if the slope exceeds 3 percent. Walks that have gradients of from 2 to 3 percent shall be provided with level platforms at 200-foot intervals and at intersections with other walks. Ramps shall not have a slope greater than 8 percent, and preferably not greater than 5 percent. The ramps shall have handrails on both sides unless other protective devices are provided; every handrail shall have clearance of not less than 1½ inches between the back of the handrail and the wall or any other vertical surface behind it. Ramps shall not be less than 4 feet wide between curbs; curbs shall be provided on both sides. The curbs shall not be less than 4 inches high and 4 inches wide. A level platform in a ramp shall not be less than the full width of the ramp and not less than 5 feet long. Entrance platforms and ramps shall be provided with protective weather barriers to shield them against hazardous conditions resulting from inclement weather.

(ix) *Steps.* Exterior steps may be included in the site development as long as provisions are also provided for use by physically handicapped persons.

(x) *Grading.* Minimum lawn slopes shall be 2 percent; critical spot grade elevations shall be shown on the contract drawings. Insofar as practicable, lawn areas shall be designed without steep slopes.

(xi) *Landscaping.* (A) The landscaping plan should provide for a park-like setting of harmonious open spaces balanced with groves of indigenous and cultivated deciduous and evergreen trees. Shrubbery should be kept to a minimum.

(B) Steep slopes that are unsuitable for interment areas should be kept in their natural state.

(xii) *Surface drainage.* Surface grades shall be determined in coordination with the architectural, structural and mechanical design of buildings and facilities so as to provide proper surface drainage.

(xiii) *Burial areas.* (A) *General.* A site plan of the cemetery shall include a burial layout. If appropriate, the burial layout should reflect the phases of development in the various sections. All applicable dimensions to roadways, fences, utilities or other structures shall be indicated on the layout.

(B) *Area standard.* The VA standard for computing gravesite yield from net burial acreage is 600 gravesites per acre. This figure normally can account for roads, utilities, and other service related structures. Depending on the character of the land and the way in which the cemetery is to be developed, a minimum of 50 percent of the gross acreage available at the site should be designated as burial acreage. A site proposed for development as a veterans' cemetery should be adequate to meet the State's projected interment needs for a minimum of twenty years.

(C) *Gravesites.* Gravesites should be laid out in uniform pattern. There should be a minimum of 10 feet from the edge of roads and drives and a minimum of 20 feet from the boundaries or fence lines. Maximum carrying distance from the edge of a permanent road to any gravesite should not be over 275 feet. Temporary roads may be provided to serve areas in phase developments.

(D) *Monumentation.* Each grave shall be marked with an appropriate marker and there shall be kept in each cemetery a register of burials setting forth the name of each person buried and the number of the grave in which he/she is buried. It is advisable that permanent gravesite control markers be installed based on a grid system throughout the burial area unless otherwise specified. This will facilitate the gravesite layout, placement of utility lines, and alignment of headstones. Markers may be either flat or upright, but should be uniform throughout the cemetery. (Approved by the Office of Management and Budget under control number 2900–0375)

(c) *Space criteria for support facilities:* These criteria are based on a projected annual burial rate of one to six per day, staffing by position, and maintenance and service equipment. For cemeteries with less than one or more than six burials per day, support facilities are considered on an individual basis in accordance with paragraph (a)(4) of this section. In converting NSF (net square feet) to GSF (gross square feet), a conversion factor of 1.5 is the maximum allowed. The applicant shall, in support of the design, include the following as an attachment to the application: a list of all grounds maintenance supplies and equipment and the number of FTE (full-time employees) by job assignment for the next 10 years. (Approved by Office of Management and Budget under control number 2900–0375)

(1) *Administrative building.*
Office, Cemetery Director, 150 NSF
Administrative (Lobby/Office) Area, 165 NSF [1]
Operations (File/Work Area), 160 NSF
Family/Conference Room, 200 NSF
Refreshment Unit, 45 NSF
Housekeeping Aid's Closet, 40 NSF
Toilet Facilities,
  Water Closet (Handicapped), 35 NSF
  Each additional fixture, 22 NSF

(2) *Maintenance/service building* [2]
Office, 150 NSF [3]
Lunch Room:
  Under 5 FTE, Not authorized
  5 or more FTE (Minimum 120—Maximum 300 NSF), 12 NSF/FTE
Kitchen Unit, 45 NSF
Vending Machines, 25 NSF

(i) Toilet and Shower Facilities.[4]
(A) Toilet Facilities:
  Water Closet (Handicapped), 35 NSF
  Each additional Fixture, 22 NSF
(B) Shower:
  Handicapped [5], 80 NSF
  Standard Fixture, 25 NSF
(C) Lockers, 6 NSF/FTE
(D) Boot and Towel Storage, 1.5 NSF/FTE
(E) Housekeeping aids closet, 40 NSF

(ii) Vehicle and Equipment Maintenance/Storage.
(A) Service bay, 450 NSF
(B) Vehicle and Equipment Storage, 288 NSF/Bay [6]
  Backhoe, 288 NSF/each
  Industrial tractors, 96 NSF/each
  Cub tractors, 32 NSF/each
  Hand Mower and trimmers, 12 NSF/each
(C) Ground Maintenance Storage, 288 NSF
(D) Flammable Storage, 100 NSF

(iii) Other Equipment Storage: Based on climatic conditions it may be justified to erect open structures or paved areas to protect the following types of equipment.
Dump Trucks, 240 NSF/each
Pickup Trucks, 240 NSF/each
Cemetery Automobiles, 240 NSF/each
Gang & Circular Mowers, 29 NSF/each
Dumpsters (Trash/Solid Waste) [7], 240 NSF/each
Dump Wagon or utility trailers [7], 240 NSF/each
Plow Blades [7], 120 NSF/each
Headstones/Markers [7], 120 NSF

(3) *Interment/Committal Service Shelter:* One permanent shelter is authorized for every five interments per day.
Covered area (maximum 256 NSF), 16 NSF/person
Total paved area (including covered area), 784 NSF
Enclosed equipment/storage area, 40 NSF

(4) *Interment/Committal Service Chapel:* A chapel may be substituted for the interment/committal service shelters. Only one chapel is allowed per cemetery.
Chapel area (fixed seating and chancel), 512 NSF
Clergy robing room, 100 NSF
General storage, 80 NSF
Housekeeping aid's Closet, 40 NSF
Restroom(s) Men/Women:
  Water Closet (each Handicapped restroom), 35 NSF
  Lavatory (each restroom), 22 NSF
  Urinal (Men's restroom), 22 NSF

(5) *Public Restrooms:* Space determinations for separate structures for public restrooms will be considered on an individual basis.

(6) *Other Interment Structures:* Space determinations for other support facilities such as columbaria, mausolea or garden crypts, etc., will be considered on an individual basis in accordance with paragraph (a)(4) of this section.

(d) *Architectural Design Standards.* (1) *Architectural and Structural Requirements.* (i) *Life Safety Code.* The 1981 edition of the Code for Safety to Life from Fire in Buildings and Structures (NFPA 101) published by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts, 02269, will be the design criteria. The 1981 edition of the Life Safety Code (NFPA 101) is hereby incorporated by reference into this section as though set forth in full herein. This incorporation by reference was approved by the Director of the Federal Register on October 28, 1982. This code is incorporated as it was on the date of approval and a notice of any change in this code will be published in the **Federal Register.** This code is available for inspection at the Office of Federal Register, 1100 L Street NW., Washington, DC. Fire safety construction features not included in NFPA 101 shall be designed in accordance with the standards of the 1976 edition (R1977) of the National Building Code published by the American Insurance Association Engineering and Safety Services, 85 John Street, New York, New York 10038. The 1976 edition (R1977) of the National Building Code is hereby incorporated by reference into this section as though set forth in full herein. This incorporation by reference was approved by the Director of the Federal Register on October 28, 1982. This code is incorporated as it was on the date of approval and a notice of any change in this code will be published in the **Federal Register.** This code is available for inspection at the Office of the Federal Register, 11100 L Street NW., Washington, DC. Where the adopted codes state conflicting requirements, the National Fire Codes shall govern.

(ii) *State and Local Codes.* In addition to compliance with the standards set forth in this document, all applicable local and State building codes and regulations must be observed. In areas not subject to local or State building codes, the recommendations contained in the 1976 edition (R1977) of the National Building Code (See § 39.6(d)(1)(i) shall apply insofar as such recommendations are not in conflict with the standards set forth in this document.

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[1] Add 80 NSF for each additional staff (maximum of 2).

[2] Service Building may be combined with the administrative building.

[3] Add 80 NSF for each additional employee required to be located in the office.

[4] One Water Closet and Shower/30 FTE and One Lavatory/Urinal/20 FTE or fraction thereof (minimum one handicap equipped per toilet and shower room). If FTE exceed 5, provide one Water Closet/Lavatory/Shower for females. Recommend that female facilities be located and designed so as to be included with male facilities when no females are on maintenance staff.

[5] If required by State program requirements.

[6] /Total NSF divided by 288=number of bays.

[7] No allowance for cover or enclosure.

(iii) *Occupational safety and health standards.* Applicable standards as contained in the Occupational Safety and Health Act must be observed.

(2) *Mechanical requirements.* The heating system, boilers, steam system, ventilation system and air-conditioning system shall be furnished and installed to meet all requirements of the local and State codes and regulations.

(3) *Plumbing requirements.* Plumbing systems shall comply with all applicable local and State codes, the requirements of the State Department of Health, and the minimum general standards as set forth in this part. Where no State or local codes are in force, the 1978 edition of the National Standard Plumbing Code, published jointly by the American Society of Plumbing Engineers and the National Association of Plumbing-Heating-Cooling Contractors, 1016 20th Street, NW., Washington, DC 20036, shall apply. The 1978 edition of the National Standard Plumbing Code is hereby incorporated by reference into this section as though set forth in full herein. This incorporation by reference was approved by the Director of the Federal Register on October 28, 1982. This code is incorporated as it was on the date of approval and a notice of any change in this code will be published in the **Federal Register.** This code is available for inspection at the Office of the Federal Register, 1100 L Street NW., Washington, DC.

(4) *Electrical requirements.* The installation of electrical work and equipment shall comply with the 1981 National Electrical Code (NFPA No. 70), all State and local codes and laws applicable to electrical installations, and the minimum general standards as set forth in this part. The regulations of the local utility company shall govern service connections. Aluminum busways should not be used as a conducting medium in the electrical distribution system. The 1981 edition of the National Electrical Code is hereby incorporated by reference into this section as though set forth in full herein. This incorporation by reference was approved by the Director of the **Federal Register** on October 28, 1982. This code is incorporated as it was on the date of approval and a notice of any change in this code will be published in the Federal Register. This code is available for inspection at the Office of the Federal Register, 1100 L Street, NW., Washington, D.C.

(e) *Plan preparation.*—(1) *General.* The requirements contained herein have been established for the guidance of the state agency and the architect to provide a standard for preparation of drawings, specifications and estimates.

(2) *Predesign conferences.* A conference is recommended for all major construction projects primarily to ensure that the State agency becomes oriented to VA procedures and requirements plus any technical comments pertaining to the project.

(3) *Preapplication requirements.* No plans and specifications will be required with the preapplication submission to the VA. The program narrative shall describe the need, objectives, method of accomplishment, projected interment rate, benefits expected to be obtained from the assistance and include design concepts, *space outline,* geographical location (i.e., a location map showing the location of the project and all appropriate demographic boundaries) etc. (Approved by Office of Management and Budget under control number 2900–0375)

(4) *Formal application requirements.*—(i) *Boundary and site survey and soil investigation.* (A) The State agency shall provide for a survey and soil investigation of the site and furnish a legal description of the site. The purpose of this survey and soil investigation is to obtain data necessary for the evaluation of the site as a cemetery, structural design and utility service connections. A boundary and site survey need not be submitted if one was submitted for a previously approved project and there have been no changes. Relevant information may then be shown on the site plan.

(B) If required the survey shall show:

(*1*) The outline and location referenced to boundaries, of all existing buildings, streets, alleys (whether public or private), block boundaries, easements, encroachments, the names of streets, railroads and streams, and other information as hereinafter specified. If there is nothing of this character affecting the property, the Surveyor shall so state on the drawings.

(*2*) The point of beginning, bearing, distances, and interior angles. Closures computations shall be furnished with the survey and error of closure shall not exceed 1 foot each 10,000 feet or lineal traverse. Boundaries of an unusual nature (curvilinear, off-set, or having other change or direction between corners), shall be referenced with curve data (including measurement chord) and other data sufficient for replacement and such information shall be shown on the map. For boundaries of such nature, coordinates shall be given for all angles and other pertinent points.

(*3*) The area of the parcel in acres or in square feet.

(*4*) The location of all monuments.

(*5*) Delineation of 100-year floodplain and source.

(*6*) The signature and certification of the Surveyor.

(C) Soil investigation of the scope necessary to ascertain site characteristics for construction and burial or to determine foundation requirements. A new soil investigation is not required if one was done for a previously approved project on the same site and information contained is adequate and unchanged. Soil investigation, when done, shall be documented in a signed report.

(*1*) Adequate investigation shall be made to determine the subsoil conditions. The investigation shall include a sufficient number of test pits or test borings as will determine, in the judgment of the architect, the true conditions.

(*2*) The following information shall be covered in the report:

(*i*) Thickness, consistency, character, and estimated safe bearing value where needed for structural foundation design of the various strata encountered in each pit or boring.

(*ii*) Amount and elevation of ground water encountered in each pit or boring, its probable variation with the seasons, and effect on the subsoil.

(*iii*) The elevation of rock, if known and the probability of encountering quicksand.

(*3*) The elevations and location of tops of workings relative to the site, if the site is underlaid with mines, or old workings are located in the vicinity.

(ii) *Preliminary site plan.* A site plan showing the proposed layout of all facilities on the selected site shall be included as an exhibit to the formal application. If the project is to be phased into different year programs, the phasing shall be indicated. The preliminary site plan shall be submitted on standard 28 inch by 42 inch plan sheets at a scale sufficiently large to show necessary details or dimensions.

(iii) *Preliminary architectural drawings.* All buildings are to be shown on drawings accompanying the application. The drawings must comply with the following requirements:

(A) A site plan of the immediate area around the building shall be drawn to a convenient scale and shall show the building room plan, utility services, walks, gates, walls or fences, flagpoles, drives, parking areas, indication of handicapped provisions, landscaping, north arrow and any other appropriate items.

(B) Floor plans of all levels at a convenient scale shall be double line drawings and shall show overall dimensions, construction materials, door swings, names and square feet for each space, toilet room fixtures and interior finish schedule.

(C) Elevations of the exteriors of all buildings shall be drawn to the same scale as the plan and shall include all material indications.

(D) Preliminary mechanical and electrical layout plans shall be drawn at a convenient scale and shall have an equipment and plumbing fixture schedule.

(f) *Final working drawings and specifications.* Prior to the release of funds for the construction of any project being sponsored under this program, the VA must approve the final working drawings and specifications. The approval by the VA is notification to the applicant that the project complies with the terms and conditions prescribed by the VA and does not constitute approval of the contract documents. It is the responsibility of the State to ascertain that all State and Federal requirements have been met and that the drawings and specifications are acceptable for bid purposes.

(1) Final working drawings shall be prepared so that clear and distinct prints may be obtained, accurately dimensioned and include all necessary explanatory notes, schedules and legends. Working drawings shall be complete and adequate for complete VA review and comment. Separate drawings shall be prepared for each of the following types of work: architectural, structural, heating and ventilating, plumbing and electrical. They shall include the following:

(i) *Architectural drawings.* Site plan showing all new topography, grades, existing buildings, roadways, walks and areas to be seeded. All structures and other work to be removed; all floor plans and a room plan if any new work is involved; all elevations which are affected by the alterations; building sections; demolition drawings. All details to complete the proposed work and finish schedules.

(ii) *Planting drawings.* (A) All proposed features such as roads, buildings, walks, utility lines, burial layout, etc.

(B) Contours, scale, north arrow, legend showing existing trees.

(C) A graphic or keyed method of showing plant types as well as quantities of each plant.

(D) Plant list with the following: Key, quantity, botanical name, common name, size and remarks (i.e., balled and burlaped, container, 3 stem clump, specimen, etc.)

(E) Typical tree and shrub planting details.

(F) Areas to be seeded or sodded.

(G) Areas to be mulched.

(iii) *Layout drawings.* Submit a layout plan which shows the following:

(A) Roadways, walks, buildings, scale and north arrow, boundary lines and fence lines.

(B) Section layout with permanent section monument markers and lettering system.

(C) Gravesite layout and numbering system.

(D) Gravesites which are obstructed.

(E) Direction the headstone faces.

If the cemetery is existing and the project is expansion or renovation, show available, occupied, obstructed and reserved gravesites.

(iv) *Equipment drawings.* Large scale drawings of typical special rooms indicating all fixed equipment and major items of furniture and moveable equipment.

(v) *Structural drawings.* Complete foundation and framing plans and details. General notes to include: governing code, material strengths, live loads, windloads, foundation design values, and seismic zone.

(vi) *Mechanical drawings.* Heating and ventilation drawings showing complete systems and details of air conditioning, heating, ventilation and exhaust. Plumbing drawings showing sizes and elevations of soil and waste systems; sizes of all hot and cold water piping; drainage and vent systems; plumbing fixtures and riser diagrams.

(vii) *Electrical drawings.* Separate drawings for lighting and power. Service entrance, feeders and all characteristics. All panel, breaker, switchboard and fixture schedule. All lighting outlets, receptacles, switches, power outlets and circuits. Telephone layout, fire alarm systems and emergency lighting.

(2) Final specifications (to be used for bid purposes) shall be in completed format. Specifications shall include the invitations for bids, cover of title sheet, index, general requirements, form of bid bond, form of agreement, performance and payment bond forms, and sections describing materials and workmanship in detail for each class of work.

(3) Show in convenient form and detail the estimated total cost of the work to be performed under the contract including provisions of fixed equipment shown by the plans and specifications, if applicable, to reflect the changes of the approved financial plan. Estimates shall be summarized and totaled under each trade or type of work.

(4) All of the above requirements must be met and approved prior to the State agency advertising for bids.

(g) *Final review and approval—(Bid tabulations and cost estimates).* (1) The State agency shall submit itemized bid tabulations; assurance, if required; and a revised grant application form reflecting project cost(s) based on bids. If there are non-VA participating area(s), these should be itemized separately.

(2) Following VA approval of bid tabulations and cost estimates, the grant will be awarded by a Notification of Award of Federal Grant Funds. (38 U.S.C. 1008).

[FR Doc. 82-29907 Filed 10-29-82; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-143; RM-4018, RM-4108, RM-4109]

FM Broadcast Stations Brunswick and Kingsland, Georgia; Changes Made in Table of Assignments.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 292A to Kingsland, Georgia, in response to proposals submitted by F. Keith O'Quinn and by Kingsland Broadcasters, instead of to Brunswick, Georgia, as requested by Burrows Broadcasting Company or to Fernandina Beach, Florida, as requested by Carole A Mays. The assigned channel could provide a first FM service to Kingsland.

DATE: Effective December 27, 1982.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 18, 1982

Released: October 26, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Brunswick and Kingsland,[1] Georgia), BC Docket No. 82-143 RM-4018 RM-4108 RM-4109.

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[1] This community has been added to the caption.

1. Before the Commission is a *Notice of Proposed Rule Making*, 47 FR 11902, published March 19, 1982, proposing the assignment of Channel 292A to Brunswick, Georgia, in response to a petition filed by Burrows Broadcasting Company ("petitioner").[2] In response to the *Notice*, counterproposals were submitted by Kingsland Broadcasters and F. Keith O'Quinn, each seeking the assignment of Channel 292A to Kingsland, Georgia.[3] Due to minimum separation requirements, Channel 292A cannot be assigned to both communities. Co-channel Class A assignments must be separated by at least 65 miles, the distance between Brunswick and Kingsland is approximately 27 miles. No other channels are available for assignment to either community.

2. Comments were filed by Casey Broadcasting Company, Inc.[4] and by Radio Station WGIG , Inc., licensee of Stations WGIG (AM) and WSBI (FM), Brunswick, Georgia. Carole A. Mays submitted a counterproposal to assign Channel 292A to Fernandina Beach, Florida [5], during the reply comment period. Kingsland Broadcasters filed a "Motion to Dismiss" The Mays' counterproposal. Burrows Broadcasting Company, the original proponent, did not comment in this proceeding.[6] the Mays' counterproposal was submitted on May 28, 1982. However, the time for filing a counterproposal in this proceeding ended April 29, 1982. Mays contends that the Commission's Mimeo No. 4068, released May 17, 1982, extended the comment period to May 28, 1982. However, that action extended only the reply comment period. The deadline for filing conflicting proposals is set forth in § 1.420(d) of the Rules and paragraph 3(a) of the Appendix to the *Notice*. Mays thus failed to file within the appropriate time period. Accordingly, we find the counterproposal unacceptable.

3. In support of their counterproposals, Kingsland Broadcasters and O'Quinn assert that the assignment of Channel 292A to Brunswick would provide a sixth aural service to that community while depriving Kingsland of a first FM service. They also point out that Kingsland's only media outlet is a weekly newspaper, and therefore is more deserving of the assignment than Brunswick. Both petitioners stated their intent to apply for Channel 292A at Kingsland, if assigned.

4. WGIG supports the counterproposal to assign Channel 292A to Kingsland arguing that Kingsland appears to have a greater need for FM service.

5. We have had no continuing expression of interest in the Brunswick proposal in reponse to our *Notice*. It is our general policy to refrain from assigning channels for which we have had no commitment from any interested party that the channel, if assigned, will be put to use. See, *Williams, Arizona*, 47 FR 20827, published May 14, 1982, and paragraph 2 of the Appendix to the *Notice of Proposed Rule Making*. Thus, we have dismissed the request for lack of a continuing interest by any party. With regard to the Kingsland proposal, we are convinced that the public interest would be served by assigning Channel 292A to Kingsland, Georgia, so as to provide that community with a first FM service. The channel can be assigned in compliance with the minimum distance separation requirements.

6. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules, it is ordered, that effective December 27, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

City	Channel No.
Kingsland, Ga	292A

7. It is further ordered, that the request (RM-4018) of the Burrows Broadcasting Company to assign Channel 292A to Brunswick, Georgia, and of Carole A. Mays to assign Channel 292A to Fernandina Beach, Florida, are dismissed.

8. It is further ordered, that this proceeding is terminated.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29922 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

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[2] Burrows Broadcasting is the licensee of AM Station WMOG, Brunswick, Georgia.

[3] Public Notice of the counterproposals (RM-4108 and 4109) was given on May 11, 1982, Report No. 1351.

[4] Casey's comments merely inform the Commission that it will not participate further in the proceeding, although it requested an extension of time to respond to the counterproposals.

[5] This proposal was not given Public Notice because it was filed late.

[6] The *Notice* requested Burrows Broadcasting Company, proponent for the Brunswick assignment, to submit preclusion data to further justify a third FM assignment to Brunswick. However, in view of the action taken in the *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), this information is no longer relevant.

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47 CFR Part 73

[BC Docket No. 82-307; RM-4058]

FM Broadcast Station in Mason City, Iowa; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 228A to Mason City, Iowa, as its third local FM service, as requested by Radio Communications, Inc.

DATE: Effective December 27, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 18, 1982.

Released: October 26, 1982.

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Mason City, Iowa); BC Docket No. 82-307, RM-4058; report and order (Proceeding Terminated).

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 47 FR 26864, published June 22, 1982, in response to a petition filed by Radio Communications, Inc. ("petitioner"), proposing the assignment of FM Channel 228A to Mason City, Iowa, as the community's third FM assignment. Supporting comments were filed by petitioner in which it reaffirmed its intent to file for the channel, if assigned. Harold A. Jahnke filed comments in support of the proposal, stating that he intends to file an application for authority to operate on the channel, if it is so assigned. No oppositions to the proposal were received.

2. We believe that the public interest would be served by the assignment of Channel 228A to Mason City, Iowa. An interest has been shown for its use, and such an assignment could provide the community with a third local FM broadcast service.

3. Authority for the adoption of the amendment herein is contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules.

4. Accordingly, it is ordered, That effective December 27, 1982, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, is amended with regard to the following community:

City	Channel No.
Mason City, Iowa	228A, 252A, and 291.

5. It is further ordered, That this proceeding is terminated.

6. For further information concerning the above, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29920 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-417; RM-4114]

FM Broadcast Station in Osakis, Minnesota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 208A to Osakis, Minnesota, in response to a petition filed by Christian Broadcasters, Inc. The assigned channel could provide a first local FM assignment to Osakis.

DATE: Effective December 27, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 18,1982.

Released: October 26, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Osakis, Minnesota), BC Docket No. 82-417 RM-4114.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 32554, published July 28, 1982, proposing the assignment of FM Channel 208A to Osakis, Minnesota, as that community's first FM channel, in response to a petition filed by Christian Broadcasters, Inc. ("petitioner"). Petitioner filed comments in support of the assignment and reaffirmed its intention to apply for the channel, if assigned. Harold A. Jahanke also filed comments in support of the proposal and stated that he would apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Canadian concurrence has been received.

3. The Commission has determined that the public interest would be served by assigning Channel 208A to Osakis, since it could provide a first FM broadcast service to that community.

4. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered that effective December 27, 1982, § 73.202(b) of the Commission's rules is amended with respect to the following community.

City	Channel
Osakis, Minn	208A

5. It is further ordered, that this proceeding is terminated.

6. For further information contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29918 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

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47 CFR Part 73

[BC Docket No. 82-332; RM 4070]

FM Broadcast Station in Oakes, North Dakota; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes FM Class C Channel 222 for unused Channel 252A at Oakes, North Dakota, in response to a petition filed by Kingsley H. Murphy. The new channel could provide for a wider coverage area station.

DATE: Effective December 27, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcast.

Adopted: October 18, 1982.

Released: October 26, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Oakes, North Dakota), BC Docket No. 82-332, RM-4070.

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 47 FR 29288, published July 6, 1982, in response to a petition filed by Kingsley H. Murphy ("petitioner"), proposing the substitution of Class C Channel 222 for unused Channel 252A at Oakes, North Dakota. Supporting comments were filed by petitioner in which it affirmed its intent to file for the channel, if assigned. No oppositions to the proposal were recieved.

2. In support of his request for a wide-coverage area Class C channel petitioner provided coverage data and other figures to demonstrate the need for a wide coverage area station. However, in view of the action taken in *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982), this information is no longer relevant.

3. Canadian coordination on the proposal has been received.

4. Accordingly, in view of the fact that the assignment of Channel 222 in lieu of Channel 252A at Oakes would provide service to a much larger area, we find the proposal to be in the public interest.

5. Authority for the adoption of the amendment herein is contained in Sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, that effective December 27, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the following community:

City	Channel No.
Oakes, N. Dak.	222

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Philip S. Cross, Broadcast Bureau, (202) 632-5414.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29919 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-356; RM-4106]

Radio Broadcast Services; FM, Broadcast Station in Anson, Texas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 276A to Anson, Texas, in response to a petition filed by Lilly Amador ("petitioner"). The assigned channel could provide a first local aural service to Anson.

DATE: Effective December 27, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 18, 1982.

Released: October 26, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Anson, Texas), BC Docket No. 82-356 RM-4106.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 31018, published July 16, 1982, proposing the assignment of FM Channel 276A to Anson, Texas, as the community's first local FM channel in response to a petition filed by Lilly Amador ("petitioner"). Petitioner filed comments in support of the proposal and restated her intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No opposition to the proposal was received.

2. The Commission has determined that the public interest would be served by assigning FM Channel 276A to Anson, Texas, since it could provide a first local FM broadcast service to that community.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.281 and 0.204(b) of the Commission's rules, it is ordered, that effective December 27, 1982, § 73.202(b) of the Commission's rules is amended with respect to the following community:

City	Channel No.
Anson, Texas	276A

4. It is further ordered that this proceeding is terminated.

5. For further information contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29921 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-462; RM-4101]

FM Broadcast Station in Sutton, West Virginia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns a first FM channel to Sutton, West Virginia, in response to a petition filed by Milliken Investment Corporation.

DATE: Effective December 27, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcast.

Adopted: October 18, 1982.

Released: October 26, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations, (Sutton, West Virginia), BC Docket No. 82-462; RM-4101.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 33286, published August 2, 1982, proposing the assignment of Class B Channel 246 to Sutton, West Virginia, as its first FM assignment. The *Notice* was issued in response to a petition filed by Milliken Investment Corporation ("petitioner"). Supporting comments were filed by the petitioner reaffirming that it will apply for the channel, if assigned.

2. After consideration of the proposal and comments in this proceeding, we have concluded that the proposed assignment would serve the public interest and provide Sutton with its first FM assignment. The transmitter site is restricted to 6.1 miles south of the city to avoid short spacing to Station WKWK, Wheeling, West Virginia.

3. In view of the above and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's rules, it is ordered, that effective December 27, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules is amended with regard to the following community:

City	Channel No.
Sutton, W. Va.	246

4. It is further ordered that this proceeding IS TERMINATED.

5. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-29721 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 80-476; RM-3601, RM-3801]

FM Broadcast Stations in Hudson and Adrian, Michigan and Swanton, Ohio, Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Clarification.

SUMMARY: This item indicates a transmitter site restriction for Channel

249A at Hudson, Michigan, previously amended to the FM Table of Assignments (§ 73.202(b) of the Commission's rules) in response to a request from Defiance Broadcast Company.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 14, 1982.

Released: October 21, 1982.

1. On February 5, 1982, the Commission, by its Broadcast Bureau, released a *Report and Order*, 47 FR 6873 (February 17, 1982), in the above captioned proceeding, assigning Channel 249A to Hudson, Michigan. Defiance Broadcast Company, an applicant for Channel 251 at Defiance, Ohio, is concerned that because the *Report and Order* failed to indicate a site restriction for Channel 249A at Hudson, a short spacing may occur to its proposed Defiance station. As indicated in the Notice for Proposed Rule Making, a 6.4 mile southeast site restriction is required to comply with the mileage spacing rules and applications for Channel 249A at Hudson are expected to meet this condition.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–29908 Filed 10–29–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[Docket No. 21502; RM–2737]

Radio Broadcast Services Subscription Television Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Correction to final rule.

SUMMARY: In the Third Report and Order, FCC 82–281, published in the **Federal Register** on July 12, 1982, at 47 FR 30069, there is an error in the text of Item 2 of Appendix A (§ 73.643, Subscription TV operating requirements). It is changed to read correctly.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

Released: October 26, 1982.

In the above captioned *Third Report and Order*, released June 29, 1982, and published in the **Federal Register** on July 12, 1982, at 47 FR 30069, § 73.643, Subscription TV operating requirements (Item 2 of Appendix A) is stated incorrectly. It is corrected to read:

§ 73.643 Subscription TV operating requirements.

Except as they may be otherwise waived by the Commission in authorizations issued hereunder, the rules and policies applicable to regular television broadcast stations are applicable to subscription television operations.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82–29910 Filed 10–29–82; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[FRA Docket No. RSFC–6, Notice 5]

Railroad Freight Car Safety Standards

Note.—This document originally appeared in the **Federal Register** of October 29, 1982. It is reprinted in this issue to meet requirements for publication on the Monday–Thursday schedule assigned to the Federal Railroad Administration.

AGENCY: Federal Railroad Administration (FRA), Transportation (DOT).

ACTION: Amendment of final rule.

SUMMARY: This document amends the final rule published on June 24, 1982 (47 FR 27293). That final rule extended the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent, from July 1, 1982 until November 1, 1982. This amendment further extends the compliance date until December 1, 1982. This action is being taken in response to a petition of the Association of American Railroads (AAR) for extension of the compliance date.

EFFECTIVE DATE: This amendment will become effective November 1, 1982.

FOR FURTHER INFORMATION CONTACT: Leavitt A. Peterson, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, telephone (202) 426–0897.

SUPPLEMENTARY INFORMATION: On June 24, 1982, FRA published a notice of public hearing and an amendment of final rule which extended the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent until November 1, 1982. The purpose of this four month extension was to enable FRA to hold public hearings and receive written comments from interested persons on the AAR's request to extend that compliance date until December 31, 1985.

A public hearing was held on August 3, 1982 at which testimony was offered by representatives of railroad labor and railroad management. Written comments were also received from interested persons.

To provide additional time to consider the AAR request before making a final decision, FRA is entending from November 1, 1982 to December 1, 1982, the compliance date for equipping the side doors of railroad box cars with safety hangers or the equivalent.

To avoid the disruption of rail service and public inconvenience that would result if all plug door box cars not equipped with safety hangers were to be removed from service on the current compliance date of November 1, 1982, this amendment shall become effective in less than 30 days on November 1, 1982.

Regulatory Impact

FRA has reviewed this amendment under the standards established by Executive Order 12291 and DOT's order on regulatory policies and procedures. FRA has concluded that the amendment is not a major rule under the terms of Executive Order 12291 or a significant rule under DOT criteria.

The amendment has been reviewed according to the requirements of the Regulatory Flexibility Act (Pub. L. 95–354, 94 Stat. 1184, September 19, 1980). FRA has not identified any significant economic impact from the rule change that will affect small entities. Based on this fact, it is certified that the amendment will not have a significant impact on a substantial number of small entities under the provisions of the Regulatory Flexibility Act.

The amendment does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required.

List of Subjects in 49 CFR Part 215

Freight, Penalties, Railroad safety.

The Amendment

PART 215—[AMENDED]

In consideration of the foregoing, § 215.121(d) of Part 215 of Title 49, Code of Federal Regulations, is amended, effective November 1, 1982, to read as follows:

§ 215.121 Defective car body.

* * * * *

(d) After December 1, 1982, the car is a box car and its side doors are not equipped with operative hangers, or the equivalent, to prevent the doors from becoming disengaged.

* * * * *

(Secs. 202 and 209, 84 Stat. 971 and 975, 45 U.S.C. 431 and 438; and § 1.49(m) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(m))

Issued in Washington, D.C. on October 27, 1982.

Robert W. Blanchette,

Administrator.

[FR Doc. 82-30016 Filed 10-29-82; 8:56 am]

BILLING CODE 4910-06-M

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49 CFR Part 575

[Docket Nos. 80-14 and 80-25; Notices 5 and 50]

Consumer Information Regulations; Uniform Tire Quality Grading; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Adminsitration (NHTSA), DOT.

ACTION: Extension of public comment deadline.

SUMMARY: NHTSA has recently issued a series of three related notices involving the effects of deleting the tire tables in Federal Motor Vehcile Safety Standard (FMVSS) 109 on the manner in which tire test loads are to be determined for purposes of compliance testing under FMVSS 109 and for purposes of the Uniform Tire Quality Grading Standards. See 47 FR 25930, June 15, 1982; 47 FR 34990, August 12, 1982,; and 47 FR 36260, August 19, 1982. Test loads under both regulations were previously determined by reference to the FMVSS 109 tables. However, given the deletion of those tables, the three notices invited comments on alternative methods for specifying test loads.

The Rubber Manufacturers Assocaition, on October 7, 1982, requested that the comment deadlines for the three notices be extended from August 16, October 12 and 18, respectively, to December 13, 1982, to permit additional time to prepare comments and recommendations. Under the agency's Rulemaking Procedures, this request was timely filed only with regard to the October 18 comment deadline. See 49 CFR 553.19. However, given the intimate relationship between these notices and the many complex technical issues involved, the agency is reopening the comment period for the June 15 and August 12 notices and in another document which will be published later will grant the request to extend the comment deadline for the August 19 notice.

DATE: Comments on these notices must be received on or before December 13, 1982.

ADDRESS: Comments on these notices should refer to the docket numbers set forth above and be submitted to: Docket Section, Room 5109 Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20509. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Officer of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1740)

(Secs. 103, 119, and 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407 and 1423); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 27, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-30022Filed 10-28-82, 10:47 a.m.]

BILLING CODE 4910-59-M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 840

Rules Pertaining to Notification of Railroad Accidents

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: The National Transportation Safety Board is revising the rules concerning the Board's definition of a railroad accident and the criteria for railroad accidents that must be reported to the Board. The Board is adding rules concerning the priority of Board investigations and the inspection, examination, and testing of physical evidence. Reductions in the Board's staffing and appropriations have required the Board to be more selective in the types of railroad accidents to be investigated. The revision will change the requirements of railroad companies to report accidents to the Board and will explain to railroad companies the Board's authorization to inspect, examine, and test physical evidence. The revision also will explain to other Federal agencies the priority of Board investigations of railroad accidents.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: John M. Stuhldreher, General Counsel, National Transportation Safety Board, Washington, D.C. 20594 (202-382-6540), or Harold E. Storey, Chief, Railroad Accident Division, National Transportation Safety Board, Washington, D.C. 20594 (202-382-6842).

SUPPLEMENTARY INFORMATION: On November 3, 1981, Pub. L. 97-74 amended the Independent Safety Board Act of 1974. The amendment accorded the Board's investigations of railroad accidents precedence over investigations conducted by other Federal agencies in order to promote efficient use of Federal resources. The Board also was granted express authority to examine or test any vehicle, rolling stock, or track component in order to facilitate Board efforts in determining casual factors of accidents.

Reductions in staffing and appropriations have required the Board to curtail its investigation of train-related pedestrian fatalities and to redefine "accident" to exclude these accidents. (For some time the investigation of this type of fatality has not been regarded as productive for accident prevention.) The Board also will have to be more selective in the types of railroad accidents investigated which involve property damage between $150,000 and $500,000. Finally, the Board has had to establish $25,000 as the minimum property damage amount that requires a report of passenger train and rapid rail transit accidents which do not involve fatalities.

Because the revisions herein relate to rules of agency practice or procedure, notice of proposed rulemaking under 5 U.S.C. 553 is not required.

List of Subjects in 49 CFR Part 840

Administrative practice and procedure, Investigations, Hazardous materials transportation, Railroad safety, Reporting requirements.

PART 840—RULES PERTAINING TO NOTIFICATION OF RAILROAD ACCIDENTS

Accordingly, Part 840, Chapter VIII of Title 49, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 840 is revised to read as follows:

Authority: Sec. 304(a)(1)(c) of the Independent Safety Board Act of 1974, as amended (49 U.S.C. 1903).

2. Section 840.1 is revised to read as follows:

§ 840.1 Applicability.

This part contains the Safety Board's accident notification requirements, and its authority for inspection, examination, and testing of physical evidence, and describes the exercise of the Safety Board's priority accorded to its activities when investigating railroad accidents.

3. In § 840.2, paragraph (b) is revised to read as follows:

§ 840.2 Definitions.

* * * * *

(b) Accident means any collision, derailment, or explosion involving railroad trains, locomotives, and cars; or any other loss-causing event involving the operation of such railroad equipment that results in a fatality to a passenger or employee, or the emergency evacuation of persons.

* * * * *

4. Section 840.3 is amended by revising paragraphs (a)(1), (a)(2), (a)(3), and adding (a)(4) and (a)(5) to read as follows:

§ 840.3 Notification of railroad accidents.

(a) * * *

(1) A passenger or employee fatality or serious injury to 2 or more crewmembers or passengers requiring admission to a hospital; or

(2) Damage (based on a preliminary gross estimate) of $150,000 or more for repairs, or the current replacement cost, to railroad and nonrailroad property; or

(3) Damage of $25,000 or more to a passenger train and nonrailroad property or involving evacuation of a passenger train; or

(4) Damage to a tank car or container resulting in release of hazardous materials or involving evacuation of the general public; or

(5) A fatality at a grade crossing.

* * * * *

5. Section 840.5 is added to read as follows:

§ 840.5 Inspection, examination and testing of physical evidence.

(a) Any employee of the Safety Board, upon presenting appropriate credentials is authorized to enter any property wherein a transportation accident has occurred or wreckage from any such accident is located and do all things necessary for proper investigation, including examination or testing of any vehicle, rolling stock, track, or any part of any part of any such item when such examination or testing is determined to be required for purposes of such investigation.

(b) Any examination or testing shall be conducted in such a manner so as not to interfere with or obstruct unnecessarily the transportation services provided by the owner or operator of such vehicle, rolling stock, or track, and shall be conducted in such a manner so as to preserve, to the maximum extent feasible, any evidence relating to the transportation accident, consistent with the needs of the investigation and with the cooperation of such owner or operator. The employee may inspect, at reasonable times, records, files, papers, processes, controls, and facilities relevant to the investigation of such accident. Each inspection shall be commenced and completed promptly and the results of such inspection, examination, or test made available to the parties.

6. Section 840.6 is added to read as follows:

§ 840.6 Priority of Board investigations.

Any investigation of an accident conducted by the Safety Board shall have priority over all other investigations of such accident conducted by other Federal agencies. The Safety Board shall provide for the appropriate participation by other Federal agencies in any such investigation, except that such agencies may not participate in the Safety Board's determination of the probable cause of the accident. Nothing in this section impairs the authority of other Federal agencies to conduct investigations of an accident under applicable provisions of law or to obtain information directly from parties involved in, and witnesses to, the transportation accident. The Safety Board and other Federal agencies shall assure that appropriate information obtained or developed in the course of their investigations is exchanged in a timely manner.

Signed at Washington, D.C., on this 26th day of October, 1982.

Patricia A. Goldman,

Acting Chairman.

[FR Doc. 82-29846 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-58-M

Proposed Rules

Federal Register
Vol. 47, No. 211
Monday, November 1, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 989

Raisins Produced From Grapes Grown in California; Withdrawal of Proposal to Designate 1982–83 Crop Year Marketing Percentages

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed rule.

SUMMARY: This action withdraws a proposal to designate preliminary marketing percentages for Natural [sun-dried] Seedless raisins from the 1982 production. Adverse weather conditions during harvest severely reduced this season's raisin crop. Consequently, marketing percentages for NS raisins will not be needed during the 1982–83 crop year to foster orderly marketing conditions.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 [202] 447–5697.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 20 handlers.

A proposal to designate preliminary marketing percentages for Natural [sun-dried [Seedless [NS] raisins from the 1982 production was published in the September 14, 1982, issue of the **Federal Register** (47 FR 40447). The proposal was made pursuant to § 989.55 of the marketing agreement and Order No. 989, both as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The purpose of the proposal was to tailor the expected supply of NS raisins to domestic and Western Hemisphere market needs to foster orderly marketing conditions. Withdrawal of the proposal is based upon a recommendation of the Raisin Administrative Committee, established under the order as the agency to work with USDA in administering the order's terms and provisions.

Adverse weather and slow drying conditions during harvest severely damaged the 1982 raisin crop. Although the full extent of the damage is still unknown, preliminary estimates indicate that the damage could be as much as 50 to 60 percent of that crop. Under these circumstances, the Committee concluded that marketing percentages for the 1982–83 crop year would be unnecessary.

Therefore, the proposal of designate preliminary marketing percentages for the 1982–83 season is withdrawn and the proceeding is terminated.

List of Subjects in 7 CFR Part 989

Marketing agreements and orders, Grapes, Raisins, and California.

Dated: October 27, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 82-29805 Filed 10-29-82; 8:45 am]

BILLING CODE 3410-02-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR PART 240

[Rel. No. 19162; File No. S7–950]

Exemption for Options on Government Securities Traded Otherwise Than on a National Securities Exchange

AGENCY: Securities and Exchange Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission is proposing for comment a rule under the Securities Exchange Act of 1934 that would designate as "exempted securities" under that Act certain securities derivative from government securities and traded otherwise than on a national securities exchange or an automated quotation system of a registered securities association. If adopted, the proposed rule would enable brokers and dealers that do a business exclusively in these securities and other exempted securities to conduct such a business without registration with the Commission.

DATE: Comments should be submitted on or before December 1, 1982.

ADDRESSES: Interested persons should submit three copies of their written data, views and arguments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, and should refer to File No. S7–950. All submissions will be available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Thomas G. Lovett, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2913.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Securities and Exchange Commission (the "Commission") is publishing for comment Proposed Rule 3a12–7 under the Securities Exchange Act of 1934 (the "Act") (15 U.S.C. 78a et seq.). The proposed rule would designate, pursuant to Section 3(a) (12) of the Act, options on government securities traded otherwise than on a national securities exchange or an automated quotation system of a national securities association ("OTC government options") to be exempted securities under the Act. In the absence of such a rule, broker-dealers that effect transactions in such OTC government options would be required to register with the Commission pursuant to Section 15 of the Act, and to comply with certain other provisions of the Act and Commission rules thereunder. In addition, the securities would be subject to margin regulations promulgated by the Federal Reserve Board.

The Commission is proposing the rule at this time because Congress has recently passed, and the President has signed, legislation which the

Commission recommended jointly with the Commodity Futures Trading Commission that amends the securities laws to clarify the jurisdiction of the Commission.[1] In connection with that legislation, both the Senate Committee on Banking, Housing and Urban Affairs,[2] and the House Committee on Energy and Commerce [3] stated that they anticipated that the Commission would exercise its authority to define as exempted securities options on government securities which are traded in the over-the-counter ("OTC") market. The rule would provide such an exemption.

II. Discussion

A. Status of Exempted Securities Under the Act

Section 3(a)(12) pf the Act defines "exempted securities" to include government securities, specifically,

> direct obligations of, or obligations guaranteed as to principal or interest by, the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors * * *.

Included among these government securities are Treasury bills, notes and bonds, securities issued or guaranteed by the Government National Mortgage Association such as GNMA pass-through certificates ("GNMAs"), and Federal Home Loan Mortgage Corporation Participation Certificates ("PCs"). Because Treasury securities and GNMAs are defined as exempted securities, brokers and dealers that effect transactions only in these securities and other exempted securities are not required to register with the Commission pursuant to Section 15 of the Act (15U.S.C. 78*o*). Similarily, such exempted securities are not subject to the margin requirements established by the Federal Reserve Board pursuant to Section 7 of the Act (15 U.S.C. 78g), the anti-manipulative provisions contained in Section 9 of the Act (15 U.S.C. 78i), or the Commission's summary suspension power in Section 12 (k) of the Act (15 U.S.C. 78*l*).

B. Options on Exempted Government Securities

There are currently a number of government securities dealers that conduct a business in OTC government options as a part of their government securities business. The OTC government options traded by these firms are non-standarized and are used by market professionals and institutions as hedging or income producing vehicles. The Securities Acts Amendments of 1982 amended Section 3a(10) of the Act to provide explicitly that the term security includes "any put, call, straddle, option or privilege relating to any security." [4] Thus, it is clear that all options on government securities, including OTC government options, are securities separate from the government securities to which they relate, consistent with the current Commission staff interpretation.[5] Since not all options on government securities qualify as exempted securities under Section 3(a)(12) of the Act, brokers and dealers that effect transactions in them, in the absence of an exemption, would be required to register with the Commission and comply with all applicable provisions of the Act.

C. Proposed Rule 3a12–7

The Commission is publishing for comment proposed Rule 3a12–7 which would provide an exemption for options on government securities that are traded over-the-counter. The rule would explicitly define as an exempted security any put, call, straddle, option or privilege which relates to a government security, if the derivative security is traded otherwise than on a national securities exchange or an automated quotation system of a registered securities association such as the NASDAQ System. The rule would not apply, however, to standardized options that are traded on a national securities exchange or automated quotation system, including options on government securities. Moreover, the rule would not exempt any options on government securities from those provisions of the Act which by their terms apply to all securities, such as the antifraud provisions.[6]

The Commission is proposing Rule 3a12–7 for several reasons. First, it believes that the purchase and sale of OTC government options is done primarily to facilitate hedging by market participants, including mortgage bankers, that have offsetting positions in the cash market. The terms of these securities are often individually negotiated, and the purchase and sale of these instruments are closely related to transactions in the underlying government securities. This is a strong basis for concluding that transactions in OTC government options should not be treated differently from transactions in the underlying government securities.[7] Second, as noted above, committees of both houses of Congress have indicated that they believe it appropriate for the Commission to adopt such a rule.[8] Finally, since the Commission would retain rulemaking authority in this area, in the future it could narrow any exemption to require registration of any class of persons it deems necessary.[9]

In proposing this rule, the Commission wishes to emphasize that it has not reached any conclusions with respect to the adequacy of regulation of the government securities markets generally. Particularly in light of the recent failures of government securities firms, the Commission has serious concerns about the unregulated portion of the government securities market. Accordingly, the Commission, together with other involved agencies, intends to continue to study concerns raised by activities in this market.

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[1] The President signed the bill on October 13, 1982. The amendments are referred to herein as the "Securities Acts Amendments of 1982."

[2] *See* Report of the Senate Committee on Banking Housing and Urban Affairs to Accompany S. 2260, S. Rep. No. 390, 97th Cong., 2d Sess. 5 n.2. (1982).

[3] *See* Report of the House Committee on Energy and Commerce to Accompany H.R. 6156, H.R. Rep. No. 626 (Part 1), 97th Cong. 2nd Sess. 9 and 12 (1982).

[4] Section 3(a)(10), as amended, reads as follows:

The term "security" means any note, stock, Treasury stock, bond, debenture, certificate of interest or participation in any profit-sharing agreement or in any oil, gas, or other mineral royalty or lease, any collateral-trust certificate, preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit, for a security, *any put, call, straddle, option, or privilege on any security, certificate of deposit or group or index of securities (including any interest therein or based on the value thereof), or any put, call, straddle, option, or privilege entered into on an national securities exchange relating to foreign currency, (but not, with respect to any of the foregoing, an option on a contract for future delivery)*, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase, any of the foregoing; but shall not include currency or any note, draft, bill of exchange, or banker's acceptance which has a maturity at the time of issuance of not exceeding nine months, exclusive of days of grace, or any renewal therof the maturity of which is likewise limited. (new language *italicized*)

[5] Although the Commission staff has generally taken the position that OTC options on government securities are separate securities, *see, e.g.*, July 8, 1977 letter from Eric Thompson to Gerald Marcus (Oppenheimer, Appel, Dixon & Company), as a general administrative matter, the Commission has not required registration of government securities firms that limit their activities to government securities and OTC government options. The Commission intends to continue this position informally until a final rule is adopted.

[6] The rule would not exempt such securities from the Section 5 registration requirements of the Securities Act of 1933, and, accordingly, persons selling such securities would be required either to register such securities or rely upon an applicable exemption.

[7] Although as a participant in the GNMA Study, the Commission recommended enactment of legislation which would regulate certain aspects of the forward market in GNMAs, Congress has not acted upon the recommendation. *See* Report of the Joint Treasury—SEC—Federal Reserve Study of the Government Related Securities Markets, 96th Cong., 2nd Sess., Chapter IV (1980) ("GNMA Study").

[8] See notes 2 and 3, *supra*.

[9] In this regard, the Commission notes that, if an over-the-counter market in standardized government options were to develop other than on the NASDAQ System, it may be appropriate to require registration of and impose margin regulation on participants in this market.

III. Regulatory Flexibility Act Considerations

The Regulatory Flexibility Act, which became effective on January 1, 1981, imposes new procedural steps applicable to agency rulemaking which has a significant economic impact on a substantial number of small entities.[10] The Chairman of the Commission has certified pursuant to the Regulatory Flexibility Act that proposed Rule 3a12–7, if adopted, would not have a significant economic impact on a substantial number of small entities, because the rule would allow all unregistered broker-dealers transacting a business in OTC government options and other exempted securities to conduct business without subjecting any of them to registration and certain other applicable provisions of the securities laws.

IV. Statutory Basis

Proposed Rule 3a12–7 would be adopted under the Act, 15 U.S.C. 78a *et seq.*, and particularly Sections 3(a)(12), 15(a)(2) and 23(a) [15 U.S.C. 78c(a)(12), 78*o* (a)(12) and 78w(a)(23)].

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

V. Text of the Proposed Amendment

PART 240—[AMENDED]

On the basis of the above discussion and analysis, the Commission is proposing to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding Section 240.3a12–7 as follows:

§ 240.3a12–7 Exemption for Certain Derivative Securities Traded Otherwise than on a National Securities Exchange.

Any put, call, straddle, option, or privilege exclusively traded otherwise than on a national securities exchange or an automated quotation system of a registered securities association, which relates to any security which is a direct obligation of, or an obligation guaranteed as to principal or interest by the United States, or a security issued or guaranteed by a corporation in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury pursuant to Section 3(a)(12) of the Act, shall be exempt from all provisions of the Act which by their terms do not apply to any "exempted security" or "exempted securities."

VI. Solicitation of Comments

All interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should submit three copies thereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, not later than December 1, 1982. Reference should be made to File No. S7–950. All submissions will be made available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C.

Dated: October 20, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed rule 3a12–7 to define over-the-counter government options as exempted securities under the Securities Exchange Act of 1934 set forth in Securities Exchange Act Release No. 19162 will not have a significant economic impact on any unregistered broker-dealer and therefore will not have a significant impact on a substantial number of small entities. The reason for this certification is that the rule will enable all unregistered broker-dealers to continue to conduct a business in over-the-counter government options without registering with the Commission, therefore the rule would have no impact on any broker-dealers, including small broker-dealers.

Dated: October 21, 1982.

John S. R. Shad,

Chairman.

[FR Doc. 82–29851 Filed 10–29–82; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

Permanent State Regulatory Program of Alabama; Proposed Extension of Deadline

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is considering modifying the deadline for Alabama to meet certain conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The conditions concerned in this rulemaking are those found at 30 CFR 901.11 (b) through (m), all of which require amendments to Alabama's surface and underground coal mining rules. Based on a request by the State, the Secretary is proposing to extend the deadline for Alabama to resolve these conditions.

DATE: Comments must be received by December 1, 1982.

ADDRESS: Written comments must be mailed or delivered to: Office of Surface Mining, Alabama Field Office, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209.

See "**SUPPLEMENTARY INFORMATION**" for locations where copies of the Alabama program and extension request are available for public review.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Davis, Director, Alabama Field Office, Office of Surface Mining, 228 West Valley Avenue, 3rd Floor, Homewood, Alabama 35209, Telephone: (205) 254–0890.

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures

Availability of Copies

Copies of the Alabama program, the Secretary's notice announcing the conditional approval of the Alabama program (47 FR 22030–22058, May 20, 1982), the State's extension request, and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday,

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[10] Although Section 601(6) of the Regulatory Flexibility Act, 5 U.S.C. § 601(6), defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has adopted definitions of the term small entity for purposes of Commission rulemaking in accordance with the Regulatory Flexibility Act. Those definitions, as relevant to this proposed rulemaking, are set forth in Rule 0–10, 17 CFR 240.0–10. *See* Securities Exchange Act Release No. 18452 (January 28, 1982). A broker or dealer under Rule 0–10 generally is a "small business" or "small organization" if it had total capital of less than $500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to 17 CFR 240.17a–5(d), or if not required to file such a statement, if it had total capital of less than $500,000 on the last business day of the preceding fiscal year [or in the time it has been in business, if shorter]. See Rule 0–10(c).

8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Alabama Field
Office, 228 West Valley Avenue, 3rd
Floor, Homewood, Alabama 35209
Alabama Surface Mining Commission,
Central Bank Building, Second Floor,
811 Second Avenue, Jasper, Alabama
35510
Office of Surface Mining, Administrative
Record Room, Room 5315, 1100 L
Street, NW., Washington, D.C. 20240

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking and include explanations in support of the commentor's recommendations. Comments received after the time indicated under "**DATES**" or at location other than Homewood, Alabama, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

Public Meeting

Persons wishing to meet with OSM representatives to discuss the extension request may request a meeting at the OSM office listed in "**ADDRESS**" by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**"

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made a part of the Administrative Record.

II. Background

Background on the Alabama State Program

Information regarding the general background of the Alabama State program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Alabama program can be found in the May 20, 1982, **Federal Register** (47 FR 22030–22058).

Background on Conditional Approval

Under 30 CFR 732.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The correction of each deficiency is a condition of the approval. If the conditions are not met according to the schedule, OSM takes appropriate steps to implement termination of the approval. The dates are established in consultation with the State based on regulatory and administrative needs of the State's permanent program, the time required for changes to be adopted under State procedures and legislative schedules, and the impact on SMCRA implementation.

III. Discussion of the Extension Request

The Alabama program was conditionally approved on May 20, 1982 (47 FR 22030–22058). In the notice of approval, the Secretary published the schedule for Alabama to resolve each of the 13 conditions on the approval of that State's regulatory program. In a letter to the Director, OSM, dated October 7, 1982, the Alabama Surface Mining Commission requested an extension for meeting those conditions necessitating amendments to Alabama's regulations. The conditions to be affected by Alabama's request are those found at 30 CFR 901.11(b)–(m) and are set forth at 47 FR 22057–22058, May 20, 1982.

The State indicated that it needs additional time to comply with new requirements of the Alabama Administrative Procedures Act (AAPA). One of the new AAPA requirements prescribes a period for legislative review of all changes to the State's rules. The next session of the Alabama Legislature will be in 1983. The Secretary, based on the State's request, proposes to allow the State until September 1, 1983, to meet the specified conditions.

The Secretary believes that under the circumstances, an extension of the current deadlines does not render the deficiencies major. However, the Secretary specifically requests comments on whether an extension of the deadlines would render any deficiency major as that term is used in 30 CFR 732.17(j) (See 47 FR 26356, June 17, 1982).

IV. Procedural Matters

Paperwork Reduction Act

There are no information collection requirements in 30 CFR 901.11 requiring approval by the Office of Management and Budget under 44 U.S.C. 3507.

National Environmental Policy Act

The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no Environmental Impact Statement need be prepared on this rulemaking.

Executive Order 12291

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs, actions or amendments. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I have certified that this proposed rule will not have a significant impact on a substantial number of small entities.

List of Subjects in 30 CFR Part 901

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 26, 1982.

J. R. Harris,

Director, Office of Surface Mining Reclamation and Enforcement.

PART 901—ALABAMA

Accordingly, 30 CFR Part 901 is proposed to be amended as set forth herein.

1. The Authority Citation for Part 901 is:

Authority: Sec. 503, Pub. L. 95–87, 91 Stat. 407 (30 U.S.C. 1253).

§ 901.11 [Nomenclature Change]

2. In Part 901, § 901.11 paragraphs (b) through (m) are proposed to be amended by substituting "September 1, 1983" for "December 1, 1982," each time the latter date appears.

[FR Doc. 82-29965 Filed 10-29-82; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 946

Public Comment and Opportunity for Public Hearing on Modified Portions of the Virginia Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments to Virginia's alternative

reclamation bonding regulations submitted by Virginia.

This notice sets forth the times and locations that the Virginia program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and information pertinent to the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on December 1, 1982, to be considered in the Director's decision on whether to approve the proposed amendments.

A public hearing on the proposed modifications has been scheduled for November 17, 1982, at the address listed under "**ADDRESSES.**"

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address and phone number listed below by November 8, 1982. If no person has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register**.

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

The public hearing will be held at the Lebanon Area Office, Office of Surface Mining Reclamation and Enforcement, Conference Room, Flanagan and Carroll Streets, Lebanon, Virginia 24266.

Copies of the Virginia program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM Offices and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240

Office of Surface Mining Reclamation and Enforcement, Highway 23, South, Big Stone Gap, Virginia 24219

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Drawer U, Big Stone Gap, Virginia 24219

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION: On March 3, 1980, the Secretary of the Interior received a proposed regulatory program from the Commonwealth of Virginia. On October 22, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 69977-70000). Virginia resubmitted its proposed regulatory program on August 13, 1981, and after a subsequent review, the Secretary approved the program subject to the correction of nineteen minor deficiencies. The approval was effective upon publication of the notice of conditional approval in the December 15, 1981 **Federal Register** (46 FR 61088-61115).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981 **Federal Register** (46 FR 61088-61115).

On July 8, 1982, Virginia submitted to OSM proposed program amendment consisting of a General Assembly bill passed on an emergency basis creating the Coal Surface Mining Reclamation Fund (Fund) and promulgated regulations to implement the legislation (Adminstrative Record No. VA 401). The proposed program amendment creates and implements an alternative reclamation bonding system in the Virginia program. On September 21, 1982, the Director of OSM approved the program amendment (47 FR 41556-41558).

On September 30, 1982, Virginia submitted to OSM, proposed program amendments to its alternative bonding regulations (Administrative Record No. VA 431). The proposed amendments to the Virginia regulations appear at V809.6 to add a definition of "cognovit note"; at V809.6 and V809.13 to clarify the type of certification required for a self-bond from an applicant; and at V809.14 to clarify that payment into the fund is due within 30 days after the end of each taxable *calendar* quarter.

The Director now seeks public comment on the adequacy of these program amendments.

Additional Determinations

Pursuant to section 702(d) of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all State program actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, this rule is exempt from a Regulatory Impact Analysis and regulatory review by OMB.

Pursuant to the Regulatory Flexibility Act, Pub. Law. 96-354, I have certified that this proposed rule will not have a signficant economic impact on a substantial number of small entities.

List of Subjects in 30 CFR Part 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 26, 1982.

J. Stephen Griles,

Acting Director, Office of Surface Mining, Reclamation and Enforcement.

[FR Doc. 82-29984 Filed 10-29-82; 8:45 a.m.]

BILLING CODE 4310-05-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-1]

Formal Procedures for Handling Information

October 22, 1982.

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: This rulemaking is a response to Recommendation 82-1 adopted by the Administrative Conference of the United States, on the nature and scope of exemption (b)(4) of the Freedom of Information Act, 5 U.S.C. 552 (FOIA). It is intended to supplement 39 CFR 3001.42(c), the Commission's existing procedures regarding requests under FOIA. This rulemaking proposes to establish formal procedures for handling information which may fall within exemption 5 U.S.C. 552(b)(4) as part of the Commission's internal practices.

DATE: Comments responsive to this Notice should be filed on or before November 25, 1982.

ADDRESS: Comments and other correspondence relating to this Notice should be sent to David F. Harris, Secretary of the Commission, 2000 L Street NW., Washington, D.C. 20268 (telephone: 202/254-3880).

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, Assistant General Counsel, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254-3824).

SUPPLEMENTARY INFORMATION: This rulemaking is a response to Recommendation 82-1 adopted by the Administrative Conference of the United States, on the nature and scope of exemption (b)(4) of the Freedom of Information Act, 5 U.S.C. 552 (FOIA). It is intended to supplement 39 CFR 3001.42(c), the Commission's existing procedures regarding requests under FOIA. This rulemaking proposes to establish formal procedures for handling information which may fall within exemption 5 U.S.C. 552(b)(4) as part of the Commission's internal practices. Specifically, information generated pursuant to proceedings under the Commission's rules of practice or through subpart G requirements for periodic reports, are protected through the Commission's *in camera* rule under 39 CFR 3001.31a. It is only information which falls outside those rules which may be considered for exempt status under 5 U.S.C. 552(b)(4). We believe it appropriate to discuss the specific aspects of the Commission's rule alongside a discussion of the recommendations by the Conference.

The Conference stressed the importance of providing notice of a FOIA request for information to the submitter of that information. It stated that without protections for the submitter, the government's ability to collect information would be hindered. The Conference suggested that this protection should take the form of notice to the submitter that the information may be released. The Conference, noting that agencies can provide such notice even without new legislation, made several specific recommendations in this regard. It stated that notice should be provided prior to a final agency decision to disclose information. Recommendation 82-1, 47 FR 30702, July 15, 1982.

Our proposed rule provides, in the last sentence of the rule, for notice to the submitter "[w]hen a request pursuant to Rule 42(c) is made." It also states that the purpose of the notice is to provide an additional opportunity for the submitter to comment on the applicability of the (b)(4) exemption. Under the Commission's rule, the submitter would submit a brief statement of why the information is exempt when it submits the information. It would then have an opportunity to explain the reason for its claim of exemption in detail, should it receive notice from the Commission that a request for the information has been made.

We believe this procedure meets the recommendations of the Administrative Conference. It provides for immediate notice to the submitter as well as providing an opportunity for the submitter to comment on the exempt status of the materials. It also implements, through rulemaking, the gist of the Conference's suggestion as to how Congress should amend FOIA and provide for written objections in contested cases. In addition, by providing for written submissions along with the filing of materials, the rule also accommodates the Conference's purpose in suggesting that (b)(4) material be pre-marked.

The Commission's proposed rule also takes account of the Conference's recommendation that the agency official responsible for disclosing information be of the same rank as the one authorized to withhold information. The last sentence of the rule states: "When a request pursuant to Rule 42(c) is made for information so designated, the Secretary promptly will notify the submitter * * *." Implied in this statement is a recognition of the Secretary's role in these cases. More to the point is 39 CFR 3001.42(c) and 3001.42(c)(1) which provide that request for materials be submitted to the Secretary, and which authorize the Commission to review any decision of the Secretary. The proposed rule does not disturb these subsections.

The Administrative Conference mentioned several informal recommendations which the Commission did not explicitly adopt. Among those recommendations was a proposal to limit the discretion of agencies to release exempt materials to cases in which "disclosure is necessary to prevent injury to an overriding public interest." Recommendation, 47 FR 30702, July 15, 1982. This is a matter for legislation, not agency rulemaking.

The conference also suggested the type of showing the submitter should make in its claim of exemption. Specifically, it stated: "It should be enough that the submitter have a valuable interest in the information, and that disclosure may reasonably be expected to impair that interest." *Id.* The Conference specifically recommended that the coverage of the exemption be extended to include business and research materials. It also called upon agencies to indicate, by rule, those types of materials that are ordinarily subject to disclosure and those that are usually withheld.

We believe that it would be more appropriate to evaluate submitter's presentations individually, rather than encumbering the rule with specific criteria for determining whether the submitter has sufficiently presented his case.

With regard to business and research interests, we believe the Conference appropriately appealed to Congress to make this change. With respect to the recommendation that agencies adopt rules that would indicate those cases in which information is usually disclosed, we do not believe this is appropriate to the work of the Commission. The Commission does not receive an abundance of FOIA requests. Accordingly, it would most likely not have a "typical" case in which materials are disclosed or withheld. We believe this is in accord with the Administrative Conference's statement that "each agency should give individual consideration to techniques that will best facilitate its own disposition of determinations under the exemption." Recommendation, 47 FR 30702, July 15, 1982.

This proposed rule does not bear any significant relationship to the concerns expressed in The Regulatory Flexibility Act. Any benefits which may accrue to the business sector because of the added protections contained in this rule, would apply with equal force to large and small businesses.

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Freedom of information.

PART 3001—RULES OF PRACTICE AND PROCEDURE

For the reasons set out above, the Commission proposes to amend our rules of practice by adding the following section:

§ 3001.42a Protection of trade secrets and commercial or financial information.

This section describes the procedures for evaluating Freedom of Information Act requests for information provided to the Commission by a submitter who believes it to be exempted from disclosure by 5 U.S.C. 552(b)(4). Protection of information made available pursuant to proceedings subject to these rules, 39 CFR 3001, including information provided pursuant to that subpart requiring the filing of periodic reports, is provided upon request to the Commission as described in rule § 3001.31(a). Other information submitted to the Commission which the submitter believes to be a trade secret or commercial or financial information privileged or confidential and thereby exempt from Freedom of Information Act disclosure under 5 U.S.C. 552(b)(4), should be accompanied by a brief written statement of why that material is exempt. When a request pursuant to rule § 3001.42(c) is made for information so designated, the Secretary promptly will notify the submitter, and provide an opportunity for filing an additional explanation of why the material should not be disclosed prior to decision on that request.

(39 U.S.C. 3603)

David F. Harris,

Secretary.

[FR Doc. 82-29850 Filed 10-29-82; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2237-6]

Standards of Performance for New Stationary Sources; Lime Manufacturing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of public hearing and extension of public comment period.

SUMMARY: A public hearing has been scheduled for the proposed changes to the new source performance standards for lime manufacturing plants. The hearing will allow interested parties an opportunity for oral presentations of data and viewpoints. The close of the public comment period has been extended from November 1, 1982, until December 20, 1982, to ensure that the hearing record is held open for 30 days following the public hearing.

DATES: Written comments to be included in the record on the proposed standards must be postmarked no later than December 20, 1982.

Persons wishing to present oral testimony must contact EPA by November 11, 1982. The public hearing will be held on November 18, 1982, beginning at 10:00 a.m.

ADDRESSES: Comments on the proposed standards should be submitted (in duplicate, if possible) to: Central Docket Section (A-130), Attention: Docket No. A-80-53, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The public hearing will be held at the EPA Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number 919-541-5578.

SUPPLEMENTARY INFORMATION: On September 2, 1981, EPA proposed in the **Federal Register** (47 FR 38832) a response to the Court's remand and a rule change for the new source performance standards for lime manufacturing plants. In that notice, EPA announced the date ending the public comment period and that a public hearing to receive public comment on the proposed changes to the standards would be held if requested. A public hearing has been requested, and this notice specifies the date of a public hearing and extends the end of the public comment period.

Dated: October 22, 1982.

Kathleen N. Bennett,

Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 82-29999 Filed 10-29-82; 8:45 am]

BILLING CODE 6560-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program, Payment for Physician Services Furnished in Institutional Providers of Services; Extension of Comment Period

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of extension of comment period.

SUMMARY: This notice extends the period for public comment on a Notice of Proposed Rulemaking (NPRM) published on October 1, 1982 (47 FR 43578), regarding Medicare coverage and reimbursement for services of physicians who practice in institutional providers (hospitals and skilled nursing facilities). That NPRM proposed rules that would in part, implement section 1887 of the Social Security Act, which was established by section 108 of the Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. 97-248). The proposed regulations would set forth basic criteria for reasonable charge payment for those services, and would clarify how reasonable charges would be determined for physician services furnished by physicians in a provider setting. The regulations also would specify the conditions under which Medicare will pay on a reasonable cost basis for physician services to providers, and would provide improved tests of reasonableness for medicare carriers and intermediaries to follow in determining payment. In addition, the proposed regulations would establish more specific conditions for payment for the services of anesthesiologists, radiologists, and pathologists.

The NPRM provided an opportunity for public comment through November 1, 1982. In response to requests from physicians, providers, and organizations who are requesting additional time to submit comments, we are extending the comment period through November 16, 1982.

DATE: To assure consideration, comments should be received by November 16, 1982.

ADDRESS: Address comments in writing to: Administrator, Health Care Financing Administration, Department of Health and Human Services, P.O. Box 17073, Baltimore, Maryland 21235.

Please refer to file code BPP-192-P.

If you prefer, You may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Comments will be available for public inspection, beginning approximately three weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave., SW., Washington, D.C. 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

FOR FURTHER INFORMATION, CONTACT: Leonard Peshkin, (301) 594-1115.

Dated: October 28, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 82-30090 Filed 10-29-82; 8:45 am]

BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-716; RM-4102, RM-4140]

TV Broadcast Stations in Anchorage and Seward Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes two optional assignment plans regarding VHF television Channel 9 in Anchorage, Alaska, in response to petitions filed by the State of Alaska, and Pioneer Broadcasting Company, Inc. Option I proposes the allocation of Channel 5 on a commercial basis and the reservation of Channel *9 for noncommercial educational use at Anchorage. Option II proposes the allocation of Channel *5 for noncommercial educational use with the assignment of Channel 9 on an unreserved basis. Both options would require the substitution of Channel 8 for Channel 9 at Seward, Alaska. Anchorage could receive a second noncommercial educational channel, as well as a fifth commercial television allocation under these plans.

DATES: Comments may be filed on or before December 13, 1982.

Reply comments may be filed on or before December 28, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Adopted: October 14, 1982.

Released: October 26, 1982.

By the Chief, Policy and Rules Division:

In the matter of amendment of § 73.606(b), table of assignments, TV broadcast stations. (Anchorage and Seward, Alaska), BC Docket No. 82-716 RM-4102 RM-4140.

1. The Commission herein considers two petitions for rule making seeking assignment of additional VHF television channels to Anchorage, Alaska. As initially filed, the first petition, on behalf of the State of Alaska ("State"), requested the reassignment of VHF Television Channel *9 from Seward to Anchorage, Alaska, reserved for noncommercial educational use, and the substitution of VHF Television Channel 8 for unused VHF Television Channel 9 at Seward. The second petition, filed by Pioneer Broadcasting Company, Inc.[1] ("Pioneer"), also seeks to substitute VHF Television Channel 8 for unused Channel 9 in Seward but requests the reassignment of Channel 9 to Anchorage on an unreserved basis.

2. Subsequent to the filing of these petitions, the Commission in a *Report and Order,* General Docket No. 81-911, 90 F.C.C. 2d 507 (1982), reallocated the frequency bands 76-88 MHz (VHF Television Channels 5 and 6) and 88-100 MHz (FM Channels 201-260) for cross-service sharing between the Broadcast Service on a primary basis, and the Common Carrier Fixed Service on a secondary basis, thereby providing greater spectrum utilization by expanding the number of available FM and TV channels in Alaska. As a result, State now seeks the additional assignment of Channel 5 to Anchorage while retaining its preferred reservation on Channel 9 for noncommercial educational use. The respective assignments can be made consistent with the minimum distance separation requirements of § 73.610 of the Commission's rules.

3. Anchorage (population 173,017),[2] located in south central Alaska, is currently served by five VHF television stations, as follows: KTUU-TV (Channel 2); KTBY (CP issued for Channel 4); KAKM (Channel *7); KTVA (Channel 11); and KIMO (Channel 13). Seward (population 1,843), located approximately 128 kilometers (80 miles) south of Anchorage, is presently assigned VHF Television Channels 3 and 9, both unoccupied by full service stations.

4. State asserts that through its efforts to increase educational service over the years, it has established a network of translator stations, using satellite feed, to reach previously underserved areas. More recently, it claims, low-power television service has been utilized to develop a network of educational television stations throughout Alaska, thus allowing instructional material originating in Anchorage to be distributed to each station through a satellite feed. This project, which is part of the "LEARN/ALASKA Network" is a combined effort between State, the University of Alaska, and the Alaska Department of Education, and offers fundamental educational opportunities at all levels. Although the benefits of these services are provided to residents in even the most remote areas of Alaska via means of low-power television, they are not available to Anchorage residents.

5. According to State, the topography of the Anchorage area is characterized by its mountainous terrain with intervening deep canyons containing communities within which many of its residents dwell. For this reason, State claims the feasibility of utilizing low-power television stations or translators as an alternative means of reaching those residents would be impractical as more than eleven such stations would be needed to provide even marginally adequate coverage. For similar reasons, a full service UHF station could not adequately serve Anchorage. Therefore, State concludes that based on the unacceptability of other options, a full service noncommercial educational VHF television station is required to provide Anchorage and the surrounding area with instructional programming.

6. Except for Channel 4, for which a construction permit has been granted for a commercial station, State advises that the remainder of channels assigned to Anchorage are occupied by full service stations. Accordingly, State claimed in its initial filing, that Channel 9 is the only VHF television channel available for operation which would not cause harmful interference to existing or authorized stations.[3] If Channel 9 is removed at Seward, State asserts that VHF Television Channels, 8, 10 and 12 are available for assignment to Seward. Therefore, the proposed substitution would leave Seward with two channels available for full service use.

7. Pioneer supplied a detailed community profile which indicates, *inter alia,* that Anchorage serves as the center of commerce for an area extending approximately 800 miles to the west. Further, it notes that Anchorage prospers as a retail sales market. As such, it experienced an increase in excess of 20% per year between 1978-1980, to beyond one billion dollars. Thus, according to Pioneer, Anchorage's strong economic base should be able to support another commercial television station.

8. Pioneer claims that a new commercial television station in Anchorage would foster increased diversity and competition among existing stations co-extensive with the public's needs. Therefore, Pioneer

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[1] Pioneer is the licensee of Anchorage Station KFQD(AM), as well as the permittee of a new FM station to operate on Channel 293 in Anchorage.

[2] Population figures are derived from the preliminary 1980 U.S. Census Reports.

[3] State remarks that if Channel 9 is reassigned from Seward to Anchorage, television translator Station K09DL, currently licensed to Seward, may be precluded from operation. However, State adds that, if necessary, it will provide technical and financial support to the City of Seward to ensure that an alternate translator station is constructed in order to assure continued service.

requests that Channel 9 be reassigned from Seward to Anchorage on an unreserved basis, and that Channel 8 be substituted at Seward, thereby maintaining the potential for television service to that community.[4]

9. If VHF Television Channel 9 is reassigned to Anchorage as proposed, and if Pioneer should ultimately become the permittee, it declares that it will seek a waiver of § 73.636(a)(1) of the Commission's rules regarding regional concentration of control,[5] to permit its construction and operation of the station.

10. Although Pioneer included preclusion information in its proposal, such study is not required in proceedings to amend the Television Table of Assignments.

11. In view of the competing proposals, we have set forth *infra* as Option I, State's initial proposal to reassign Channel 9 from Seward to Anchorage on a reserved basis, as well as the proposed addition of Channel 5, as noted *supra*, and to substitute Channel 8 for unused Channel 9 in Seward. In response to Pioneer's request, we proposed as Option II to reassign Channel 9 from Seward to Anchorage as an unreserved assignment, with a reservation on Channel 5 instead, and to substitute Channel 8 for Channel 9 in Seward. Comments are invited on the two proposals to determine, in recognition of public interest considerations, which option is preferable.

12. In light of the above, the Commission proposes to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules with respect to Anchorage and Seward, Alaska, as follows:

City	Channel No.	
	Present	Proposed
Option I		
Anchorage, Alaska	2, 4, *7–, 11, 13–	2, 4, 5, *7, *9, 11, 13–
Seward, Alaska	3–, 9–	3–, 8
Option II		
Anchorage, Alaska	2, 4, *7–, 11, 13–	2, 4, *5, *7–, 9, 11, 13–
Seward, Alaska	3–, 9–	3–, 8

13. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

14. Interested parties may file comments on or before December 13, 1982, and reply comments on or before December 28, 1982, and are advised to read the Appendix for the proper procedures.

15. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

16. For further information concerning this proceeding, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an ex parte presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all

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[4] Pioneer stated that the present VHF television channels assigned to Seward, 3– and 9–, have remained dormant for over 30 years. Moreover, it noted that due to the development of UHF television in Alaska, as well as the (then proposed) action in General Docket 81-911 allocating television Channels 5 and 6 to the State of Alaska, its proposal should not hinder the Commission's ability to make additional assignments thereto.

[5] See footnote 1, *supra*.

comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M. Street, NW., Washington, D.C.

[FR Doc. 82-29912 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-719; RM-4190]

FM Broadcast Station in Mary Esther, Fla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes a first FM assignment to Mary Esther, Florida, in response to a petition filed by Richard Allen Humphrey.

DATES: Comments must be filed on or before December 13, 1982, and reply comments on or before December 28, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 18, 1982.

Released: October 26, 1982.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Mary Esther, Florida), BC Docket No. 82-719; RM-4190.

1. Richard Allen Humphrey ("petitioner") on August 19, 1982, submitted a petition for rule making seeking the assignment of Channel 288A to Mary Esther, Florida, as that community's first FM assignment. Petitioner stated his intention to apply for the channel, if assigned.

2. In support of the proposal the petitioner submitted population and economic information. However, in view of the action taken in *Revision of FM Policies and Procedures,* 90 F.C.C. 2d 88 (1982), these issues were eliminated as a requirement to justify a nonconflicting proposal.

3. The assignment of Channel 288A to Mary Esther, Florida, will require a site restriction of approximately 1.2 miles south of the city to avoid short spacing to Station WIGC(FM), Troy, Alabama. Because of this restriction and Mary Esther's close proximity to the Gulf of Mexico, site availability may be a problem which petitioner should address in his comments.

4. In view of the fact that the proposal could provide a first local broadcast service to Mary Esther, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Mary Esther, Florida		288A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before December 13, 1982, and reply comments on or before December 28, 1982, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 82-29915 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-720; RM-4135, RM-4136]

FM Broadcast Stations in Sumrall and Taylorsville, Mississippi; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: Action taken herein proposes the assignment of a Class A channel to either Sumrall or Taylorsville, Mississippi, in response to petitions filed by Rebel Broadcasting of Mississippi and Communications Associates, respectively. The proposal could provide a first FM broadcast service to either community.

DATES: Comments must be filed on or before December 13, 1982, and reply comments on or before December 28, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 18, 1982.

Released: October 26, 1982.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Sumrall and Taylorsville, Mississippi), BC Docket No. 82-720 RM-4135, RM-4136.

1. The Commission herein considers two separate petitions for rule making. The first was filed by Rebel Broadcasting Company of Mississippi ("Rebel") on June 9, 1982, proposing the assignment of Channel 240A to Sumrall, Mississippi. The second petition was submitted by Communication Associates ("Communication") on June 10, 1982, proposing the assignment of Channel 240A to Taylorsville, Mississippi. The proposals would provide a first FM service to either community. Since the distance between Sumrall and Taylorsville is approximately 28 miles and the required separation for co-channel Class A assignments is 65 miles, these proposals are considered mutually exclusive. A staff study indicates that no other channels are available for assignment to either community. Both petitioners have stated their intention to apply for the channel, if assigned to their requested community.

2. Sumrall (population 1,197),[1] in Lamar County (population 23,821) is located approximately 70 miles southeast of Jackson, Mississippi. It is without local broadcast service. Taylorsville (population 1,387) in Smith County (population 15,077) is located 55 miles southeast of Jackson. It is served by daytime only AM Station WSCO.

3. In support of its proposal, Communication asserts that Taylorsville is a growing city in need of a local broadcast facility. According to Communication, the requested assignment would be responsive to the needs of the community, providing local news, sports, weather and public affairs programming to its residents. Communication also claims that the educational programs and services that could be provided by the proposed facility could raise the education level of the residents, thus improving the quality of the work force. In the opinion of the petitioner, this work force could help to attract new industry and result in a favorable impact on Taylorsville's economy. Rebel did not provide any information as to the need for a first FM assignment to Sumrall. In comments on this proposal, Rebel is requested to furnish economic and demographic information to support its request for a first FM assignment to that community.

4. Although Taylorsville is the larger of the two communities, our priorities place greater weight on the provision of a first local service to as many communities as possible. Since there are no other channels available to either community, we shall provide each proponent an opportunity to further demonstrate, in comments to this proposal, why its community should receive the assignment. In this regard, the parties should be guided by our recent action in *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1981). The assignment of Channel 240A to Sumrall would require a site restriction of approximately 3 miles west-northwest of the city (to avoid short spacing to WLRP, Mobile, Alabama) and a Channel 240A assignment to Taylorsville would require a site restriction of 5.3 miles southeast of the city (to avoid short spacing to Station WLIN, Jackson, Mississippi).

5. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, §73.202(b) of the Commission's rules, with regard to the following cities:

City	Channel No	
	Present	Proposed
Sumrall, Mississippi		240A
Taylorsville, Mississippi		240A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before December 13, 1982, and reply comments on or before December 28, 1982, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and*

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[1] Population figures are taken from the 1980 U.S. Census, Advance Report.

604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), (5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All findings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82–29917 Filed 10–29–82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82–718; RM–4182]

FM Broadcast Station in Farmington, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a third FM channel to Farmington, New Mexico, in response to a petition filed by San Juan Broadcasting Corp.

DATES: Comments must be filed on or before December 13, 1982, and reply comments on or before December 28, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 14, 1982.

Released: October 26, 1982.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Farmington, New Mexico), BC Docket No. 82–718 RM–4182.

1. The Commission herein considers a petition for rule making filed August 5, 1982, by San Juan Broadcasting Corp. ("petitioner"),[1] proposing the assignment of Class C Channel 271 to Farmington, New Mexico, as its third FM assignment. Petitioner stated its intention to apply for the channel, if assigned.

2. In support of the proposal, the petitioner submitted population and economic data. However, pursuant to the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d (1982), this information is no longer required to justify an assignment.

3. In view of the foregoing and the fact that the proposed assignment could provide a third FM broadcast service to Farmington, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following city:

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[1] San Juan Broadcasting Corp. is the licensee of Station KKBK(AM), Aztec, New Mexico.

City	Channel No.	
	Present	Proposed
Farmington, New Mexico	225, 245	225, 245, 271

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before December 13, 1982, and reply comments on or before December 28, 1982, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposals(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) the filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be availabe for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 82-29914 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-308; RM-4059, RM-4165]

FM Broadcast Stations Medford and Klamath Falls, Oreg.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute FM Class C Channel 295 for Channel 237A, and add Class C Channel 278, at Medford, Oregon, in response to requests from M-3-X, Inc. and Matthias Enterprises, respectively. As an alternative, we have proposed to substitute Channel 296A for 240A at Klamath Falls, Oregon, in order to assign Channel 239 as a substitute for Channel 237A at Medford, Oregon.

DATES: Comments must be filed on or before December 13, 1982, and reply comments on or before December 28, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Broadcast Bureau, (202) 632-5414.

SUPPLEMENTARY INFORMATION:

List of subjects in 47 CFR Part 73 Radio broadcasting.

Adopted: October 18, 1982.

Released: October 26, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Medford and *Klamath Falls,*[1] Oregon), BC Docket No. 82–306 RM–4059 RM–4165.

1. The Commission has under consideration the *Notice of Proposed Rule Making* in this proceeding, published in the Federal Register on June 22, 1982 (47 FR 26869). The *Notice* proposed to substitute Class C Channel 239 for Channel 237A at Medford, Oregon, in response to a petition by M–3–X, Inc. ("M–3–X"), licensee of FM Station KBOY–FM (Channel 237A), Medford. M–3–X had also requested that its license be modified to specify operation on the Class C channel.

2. In response to the *Notice,* Comments and Reply Comments were filed by both M–3–X and Matthias Enterprises ("Matthias"). Matthias, licensee of AM Station KYJC, Medford, stated its desire to apply for a new FM station there and proposed that Class C Channel 278 also be assigned to Medford. Matthias stated that its proposal would serve the public interest by facilitating the improvement of technical service to the Medford area, and adding another Class C FM channel to meet the demand evidenced by M–3–X. Matthias stated that it would apply for operation on the channel, if so assigned.

3. Matthias also urged that, in the event the Commission determines to add only a single Class C channel to Medford, an opportunity should be accorded Matthias as well as any other interested parties, to apply for authority to operate on the one channel assigned. In its Reply Comments, M–3–X supported the Matthias proposal for an assignment of Channel 278 to Medford.

4. We have no policy objections to the assignment of Channel 239 and Channel 278 at Medford. However, in searching for Class C channels for assignment to Medford (M–3–X had originally requested the assignment of Channel 235, but that channel has been under consideration for assignment to North Bend, Oregon, in BC Docket 81–155), we have since discovered that Channel 239 involves a conflict with the assignment of Channel 240A which was recently made to Klamath Falls, Oregon (BC Docket No. 82–77, 47 FR 29849). We inadvertently overlooked the Klamath Falls assignment at the time that we proposed Channel 239 for Medford. The distance between Klamath Falls and Medford is approximately 54 miles. The required separation is 105 miles. Accordingly, we propose to solve the conflict by substituting Channel 296A for 240A at Klamath Falls.

5. Wynne Broadcasting Company, Inc. ("Wynne") has pending before the Commission an application for operation on Channel 240A at Klamath Falls (File No. BPH-820727). We shall not delay the processing of that application pending the outcome of this proceeding. Rather, Wynne should be on notice that it may have to amend its application at a later date. A copy of this *Notice* will be sent by certified mail to Wynne Broadcasting Company, Inc.

6. As another alternative, we note that there are other Class C channels which could be assigned to Medford and we are proposing as an alternative to assign Channel 295 as a substitute for Channel 237A at Medford in addition to assigning Channel 278 there. We seek comments from M–3–X and Wynne on the two alternative plans set forth herein.

7. In view of the above, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Option I		
Klamath Falls, Oregon	223, 240A, and 258	223, 258, and 296A.
Medford, Oregon	229 and 237A	229, 239, and 278.
Option II		
Medford, Oregon	229 and 237A	229, 278, and 295.

8. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

9. Interested parties may file comments on or before December 13, 1982, and reply comments on or before December 28, 1982, and are advised to read the Appendix for the proper procedures.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Philip Cross, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

12. It is further ordered, that the Secretary shall send a copy of this *Further Notice of Proposed Rule Making* by certified mail, return receipt requested, to Wynne Broadcasting Company, Inc., 1338 Oregon Avenue, Klamath Falls, Oregon 97601.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.024(b) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may led to denial of the request.

3. *Cut-off Procedures.* The following

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[1] This community has been added to the caption.

procedures will govern the consideration of filings on this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attched. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-29916 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-717; RM-4165]

FM Broadcast Station in Winters, Tex.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commssion.

ACTION: Proposed rule.

SUMMARY: This action proposes a first FM assignment to Winters, Texas, in response to a petition filed by Soho Broadcasting.

DATES: Comments must be filed on or before December 13, 1982, and reply comments on or before December 28, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montose H. Tyree, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Adopted: October 14, 1982.
Released: October 26, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Winters, Texas), BC Docket No. 82-717 RM-4185.

1. Soho Broadcasting ("petitioner")[1] on August 16, 1982, submitted a petition for rule making which seeks the assignment of Channel 240A to Winters, Texas, as its first FM channel. Petitioner states that it will submit an application to construct and operate on Channel 240A, if assigned to winters. The channel can be assigned in full compliance with the minimum spacing requirements of § 73.207 of the rules.

2. Since Winters is within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires coordination with the Mexican Government.

3. In view of the fact that the proposed assignment could provide a first FM service to winters, the Commission proposes to amend the FM table of Assignments, §73.202(b) of the rules, as follows:

City	Channel No.	
	Present	Proposed
Winters, Texas		240A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before December 13, 1982, and reply comments on or before December 28, 1982, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

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[1] Petitioner is the licensee of daytime-only AM Station KRWT, Winters, Texas.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-29913 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Parts 2 and 97

[PR Docket No. 82-624; FCC 82-410]

Definition and Measurement of Transmitting Power in the Amateur Radio Service

AGENCY: Federal Communnications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend the Amateur Radio Service Rules to clarify the requirements pertaining to definition and measurement of transmitting power and to deregulate existing requirements for power measurement. The current rules have not been revised for several decades and cannot be adequately applied to modern technology and issues. The proposed rules eliminate ambiguities that exist in the present rules and define transmitting power in a manner that can be applied to the varied technologies of the service. The proposed rules would also delete an unnecessary requirement that operators provide a means, in some instances, to accurately measure transmitter power.

DATES: Comments are due by February 1, 1982 and replies by March 1, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, Special Services Division, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Radio.

Adopted: September 1, 1982.

Released: October 1, 1982.

In the matter of definition and measurement of transmitting power in the amateur radio service, PR Docket No. 82-624.

Introduction

1. Notice of Proposed Rule Making in the above-captioned matter is hereby given.

2. The Commisssion is initiating this proceeding because the present rules governing maximum transmitting power[1] in the Amateur Radio Service are archaic and unsuitable.[2] They do not adequately apply to modern operating methods and place a variety of unnecessary burdens upon amateur radio operators. These rules are also difficult to enforce and require measurement techniques which can be hazardous to amateur operators and Commission enforcement personnel. Furthermore, the Commission has had to deal with a variety of substantive issues involving transmitting power in the past, and has consistently found the existing rules unsatisfactory for addressing such issues. Accordingly, it is evident that the time has come to resolve the vexing questions of transmitting power definition and measurement. It is also important to make clear that the intention of this proceeding is limited to improving the definition and measurement of transmitting power. We desire to avoid changing the actual power that amateur radio stations use.

Background

3. At one time, amateur radio transmissions consisted solely of on-off telegraphy (emission type A1, also referred to as "CW") and full carrier, amplitude modulated voice (emission type A3, also referred to as "AM DSB") emissions. For these emissions, the average final amplifier current of a transmitter remains fairly constant during measurement, permitting the

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[1] We are defining the term "transmitting power" to refer, generically, to different classifications of radio frequency (RF) power generated by, and defined for, operations of an amateur radio station. Within this broad term, we are defining "transmitter power" to describe the RF power produced by the transmitter itself and we are defining "effective radiated ppower" ("ERP") to describe the energy radiated by the station's antenna system.

[2] The subject rules are those entitled "Maximum authorized power" and are found in § 97.67 of the Commission's Rules. Other rules affected include § 97.61, "Authorized frequencies and emissions," and § 2.106, "Table of Frequency Allocations."

input power to the amplifier to be determined with inexpensive galvanometers.[3] Today however, the most widely used emission mode on the high frequency amateur radio bands is single sideband voice (emission type A3J, also referred to as "SSB"). When transmitting SSB voice emissions, the final amplifier current of a transmitter fluctuates with the modulating signal. The pointer of a meter, indicating this varying current, swings up and down the scale as the operator speaks and cannot be read with any reasonable degree of accuracy. Also, differences in the mechanical damping of conventional meters leads to differences in the apparent measurement. Thus, it is very difficult, if not impossible, to measure input power while transmittig SSB voice emissions. Transmitter power is equally, or even more difficult to measure for other modern and innovative modulation schemes used by amateur radio operators.

4. Despite the many advances in radio transmission techniques used by amateurs, many rules pertaining to these techniques have remained unchanged. For example, the present rules refer to obsolescent vacuum tube technology and have no clear meaning for the solid-state transmitters and amplifiers which are now commonly used in the Amateur Radio Service. For most of these amplifiers and some modern transmitters, a rather complex, and often hazardous procedure involving partial disassemly is necesary to measure input power. The present rules also burden many amateur radio operators with a requirement that they provide a means to accurately measure their transmitter input power. This rule was conceived to compel operators to be cognizant of their transmitter power at all times and thus avoid inadvertent use of unauthorized levels of power. However, with a variety of means other than "accurate measurement" available to operators to determine compliance with the power limitation rules, it is difficult to envision this rule serving a useful purpose.

5. The subject of amateur transmitter power limitations has been a part of two recent Commission rule making proceedings. In 1974 the Commsission initiated a proceeding, in Docket 20282, that dealt comprehensively with operator classes, privileges and requirements.[4] The Commission proposed, as part of that proceeding, to "* * * specify the maximum transmitter output in terms of peak envelope power (PEP) * * *" in order to "* * * improve the technique specified in the Rules for determining power." Other techniques under consideration for power measurements and regulatory requirements included PEP input, average power input, ratios of peak-to-average power output and limitations on dissipation ratings of final amplifier devices.

6. The comments filed in response to our proposal in Docket 20282 were mostly negative. Some expressed concern that amateur operators might be required to obtain relatively expensive (at that time) commercial quality, peak-reading instruments to measure PEP output. In the final Report and Order in that proceeding,[5] the Commission decided not to amend the transmitter power requirements at that time. However, the Commission stated:

> (W)e are still of the opinion that the state of present-day amateur communications warrants the use of better procedures to determine transmitter power than the "plate voltage times current" method. We intend to revisit this matter at a later time, and we encourage amateurs, in the interim, to develop and disseminate data which could be used as a basis for a workable and state-of-the-art measurement technique.

Since the time when comments were received in that proceeding, articles have appeared in amateur radio periodicals describing practical transmitter power output measuring techniques, and construction of power output measuring devices. Also, relatively inexpensive output power meters are now widely available commercially.

7. In 1980 the issue of amateur transmitter power was also addressed in the Commission proceeding dealing with revision of the Amateur Radio Service Rules into "Plain Language."[6] The Commission proposed to specify the use of no more than 1000 watts or 2000 watts peak envelope power input to the final amplifier stage, depending on the emission type used. The Commsssion stated, "(R)ewriting the current requirements into plain language is not a straightforward task in itself. The current rules are so far out of date with modern design practice in the (Amateur Radio) Service, and with present FCC station inspection practices, more than rewording is called for." This proposal was considered "* * * a satisfactory interim step until such time as the matter of transmitter power can be more fully addressed." That particular proceeding has since been terminated without action.[7]

8. Finally, in an Order adopted January 27, 1982, addressing issues of power limitations for Morse telegraphy and Earth-Moon-Earth operations, the Commission stated that it found "* * * it difficult to address substantive issues involving transmitter power since present regulations are inadequate when applied to current operating methods and emission modes." The Commission concluded by once again calling on the "* * * amateur community to develop * * * data which could be used as the basis for a workable * * * power measurement technique and as the basis for Commission rule makings in this area."

Proposal

9. The Commission can find no salient reason to continue to specify transmitter power limits in terms other than output power. As noted earlier, equipment disassembly and meter attachments necessary to accurately measure input power present hazards to amateur operators and Commission enforcement personnel. Input power measurements can also be complex or ambiguous for certain amplifying devices and amplifier configurations. These complexities can be especially confusing to less experienced operators. And ultimately, due to differences in amplifier efficiences, power input limitations are not properly related to the intent behind the power limitations specified in the rules, only output power is germane to interference potential.

10. Consideration was given to a variety of other methods for controlling transmitter power. For example, we considered limiting final amplifier devices to those with certain maximum dissipation ratings. However, such a rule would suffer from having to rely on poorly standardized or ambiguous rating methods. Such a rule would also be unenforceable due to the large amount of equipment currently available, and in use, which exceeds any appropriate dissipation limit. Other means considered for regulating transmitter power are inadequate for the same or similar reasons. Furthermore, there appears to be no means to define and measure transmitter power, other than by output, which can be adequately

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[3] This measurement technique involves using a voltmeter and a current meter to determine the average DC power supplied to the final amplifying circuit, other than that power which is not delivered to the plate circuit. Power for heating vacuum tube cathodes is not included.

[4] Notice of Proposed Rule Making, 29 FR 44042, December 20, 1974.

[5] Third Report and order, 44 FR 16460, March 19, 1979.

[6] Notice of Proposed Rule Making in PR Docket 80–729, 45 83592, December 19, 1980.

[7] Order in PR Docket 80–729, 46 FR 60033, December 8, 1981.

applied by Commission enforcement personnel. Accordingly, the Commission is proposing to define and measure amateur transmitter power in terms of output.

11. Defining transmitter power in terms of output has a number of advantages for amateur operators. A practical constraint which radio operations have always had to face is that for most amplifying devices, the efficiency of the device (power output as compared to power input) decreases as the operating frequency increases. By defining power in terms of output amateur operators interested in operating at higher frequencies, particularly in the VHF, UHF and higher frequency bands, would no longer be constrained by amplifier efficiency. Furthermore, operators would no longer have cause to "push" amplifiers to the margins of their capability; a poor engineering practice which often leads to undesirable spurious and harmonic emissions. Amateur operators would be able to transmit at the same maximum power across all bands while using good engineering practice.

12. The Commission is further proposing to specify the power output measurement in terms of peak envelope power. The only reasonable alternative to specifying PEP would be to specify mean power. However, mean power measurements, like the present "average DC input" measurement, have little meaning when applied to SSB and certain other emissions. In addition, as amateur operators continue to pursue such technological developments as digital communications, mean power measurements may become even less applicable. PEP measurements, on the other hand, can be unambiguously applied to virtually all emission types and can also be easily computed from carrier power for many popular emission modes.[8]

13. In arriving at a figure to specify as the authorized maximum limit for transmitter PEP output, the Commission has endeavored to avoid any significant change in the power actually authorized to amateurs currently. However, since the current rules, in effect, authorize different maximum PEP outputs for amateur transmitters, depending on the emission type used, finding a single, suitable number for the maximum limits is no easy task.[9] We have considered establishing different PEP output limitations for different emission modes in order to avoid any significant change in actual present operating power. This would entail classifying each amateur emission mode into a group, with each group having a distinct power limitation figure. Taking this approach, we believe, would lead to complexity and confusion in the rules, and inhibit the opportunities for operators to use emission modes not easily classified (controlled carrier AM emissions for example). Consequently, we find that this approach is not acceptable.

14. Since we are committed to setting forth power limitation figures which are simple (that is, void of unnecessary exceptions) and unambiguous (that is, easily applied to various emission modes without any question as to whether the mode falls into some excepted category), we believe that ideally there should be only one figure specified for amateur transmitter power (with the exception of the power limits for Novice class operators and others operating in the "Novice subbands"). Again, arriving at a single power-limit figure is a difficult task. We have considered authorizing a maximum of 1000 watts PEP output for amateur transmitters. This is a number which amateur operators are accustomed to associating with transmitter power limitations and which effects the least average change in actual maximum operating power for most common emissions. This specification would result in an approximate 1 decibel (dB) increase in the maximum power authorized for FM and CM (A1) emission modes. However, this specification would result in some loss in the maximum power authorized for most other AM emission modes.

15. Limitations on AM DSB emissions would be changed significantly and this issue is addressed separately in paragraph 17 below. Limitations on SSB emissions would be more restrictive by approximately 1 dB. While the Commission finds it difficult to consider this change significant in terms of actual communications capability, we recognize that, considering the equipment that amateur operators may already own, some operators may consider a 1 dB decrease in the maximum authorized power to be significant. Consequently, a 1000 watt specification may not be well accepted for all amateur operations.

16. The Commission, therefore, proposes to authorize 1500 watts as the maximum PEP output of an amateur station transmitter. This specification would result in no decrease in the actual authorized power for the popular emission modes. CW and FM emission mode operations would realize an approximate 3 dB increase in actual authorized power. Transmitter power in the frequency bands 3700–3750 kHz, 7100–7150 kHz (7050–7075 kHz when not within Region 2), 21,100–21,200 kHz and 28,100–28,200 kHz (the "Novice subbands") would be limited to 200 watts PEP output. The power limitations for protection of LORAN–A, in the band 1900–2000 kHz, would be converted from DC input power to peak envelope power output. Transmitter power in the 420–450 MHz band would be limited to 50 watts peak envelope power output when operating in the protected military zones (except as authorized by §§ 97.421 and 97.422 of the rules for satellite operations). We invite comments as to the appropriateness of the maximum limits we have selected, considering our commitment to specifying a single figure for maximum authorized power (excepting the "Novice subband," LORAN–A and military zone restrictions).

17. Amateur operations utilizing AM DSB would be significantly affected by our proposal to specify transmitter power in terms of a single PEP limit. These operations, when subjected to our maximum 1500 watt PEP specification, would be limited to approximately half of their current maximum operating power. And while this power reduction might be appropriate for an emission type which, by today's standards, is spectrum inefficient, the Commission recognizes that there is still some interest in this mode. Consequently, we propose to "grandfather" such operations of those amateurs who currently use AM DSB. They would be allowed to continue to use the transmitter power definitions, measurements and limitations currently specified in the Rules for a period of five years when using that mode. After that time, transmitter power for AM DSB emissions would be defined, measured and limited the same as for all other emissions. We specifically invite comments as to whether a five year period is an appropriate length of time for the "grandfather" term.

18. The Commission further proposes to delete the requirements of 97.67, paragraph (a) of the rules which requires amateur operators under some circumstances, to provide a means for accurately measuring transmitter

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[8] For example, PEP is the same as carrier power for frequency modulation (FM) and CW (A1) emissions. For AM DSB (A3) emissions, modulated 100 percent, the PEP is approximately four times the carrier power.

[9] For example, transmitters operating at the current maximum authorized power of 1000 watts input to the final amplifier stage can develop approximately 750 watts of PEP output for FM and CW emission modes, but can develop approximately 1300 watts of PEP output for SSB emissions and approximately 3000 watts for AM DSB emissions.

power.[10] The Commission believes that each operator should determine individually the best means for ensuring compliance with the power limitations. Removing this regulation would relieve amateur operators of the burden to have specific equipment on hand. In place of this current rule, we propose to include a description of the method which the Commission will use to determine transmitting power. In this way, operators will be fully aware of the methods used by us to determine compliance. We wish to stress that we have no intention of requiring operators to purchase any equipment for making transmitting power measurements.

19. Our proposals also include a revised definition of effective radiated power (ERP). The current definition[11] is ambiguous in that it does not specify whether the power delivered to the antenna should be measured in terms of mean power, carrier power, peak envelope power, or in accordance with some other measurement specification. The definition we are proposing would be based on the *transmitter power* delivered to the antenna. Since transmitter power would be defined earlier in the Rules in terms of PEP, ERP would also be based on a peak envelope measurement.

20. We believe that while eliminating an ambiguity, our proposed definition of ERP would have no impact on most practical amateur operations. The ERP limitations only apply to stations in repeater operation and virtually all such operations use frequency modulation (FM). Since PEP, mean power and carrier power are the same for FM emissions, FM repeater operations could continue to use the same power levels regardless of how operators may have measured power previously. We are aware, however, that some repeater operations exist which use amplitude modulation (AM) and which may be adversely affected by our proposed ERP definition. But since there are only a handful of AM repeater operations, we believe that any adversely affected operations could be relieved from power reduction, if necessary, by a Special Temporary Authorization (STA).

21. The Commission specifically invites comments on the following issues which we have not sufficiently resolved to make specific proposals. The first is that of an acceptable standard for audio input level to be used during those power measurements that would required a source of modulation. For example, with an SSB transmitter the power output varies according to the level of audio fed into it from a microphone or some other source. Therefore, in order to get an appropriate value for transmitter power during a station inspection it would be necessary for Commission engineers to simulate the normal audio input. This would, however, be an impossible task since it would be necessary to emulate an infinite number of human voices or other forms of modulating signals. Consequently, we believe that a more reproducible standard in required. One possibility would be to use a two-tone audio generator as the modulating signal, with the generator output level set just below that which causes overload distortion in the emitted radio frequency waveform. Another possibility would be to use an audio input signal level which produces the same field strength readings as those detected by Commission engineers during monitoring which may have taken place prior to the station inspection. Comments on these possibilities, or recommendations for other schemes, would be welcomed since it would be desirable to specify in the rules the actual methods which may be used by Commission enforcement personnel.

22. We also invite comments on the question of impedance matching of measuring equipment to amateur transmitters during a station inspection. Ideally, there would be a standard impedance which could be used to simplify power measurements for operators as well as Commission personnel. Nonetheless, we are prepared to accept the burden ourselves of matching Commission measuring equipment to individual transmitters in order to obtain accurate measurements. However, we welcome any suggestions which might mitigate this problem for station inspections.

23. Finally, we invite comments as to whether some exception to the PEP output definition should be made for pulse transmissions (type P emissions). Since pulse width may be narrow and pulse repetition infrequent for many pulse transmissions, it may be appropriate to factor these parameters into power limitations applied to this emission mode.

Conclusion

24. The Commission recognizes that the issue of transmitting power limitations is an emotional one for many amateurs. However, it is plain that the current definitions and measurement techniques are inadequate and we must take action. We cannot stress enough our commitment to be fair to the interests of all amateur operators. In the past, the Commission has found the comments of the amateur community quite helpful in its rule making proceedings. We anticipate that, in this proceeding, amateur operators will recognize the many benefits that our proposals offer to them and provide constructive comments to aid us in our final decision on this matter.

25. Accordingly, notice is hereby given that it is proposed to amend 47 CFR Parts 2 and 97 in accordance with the proposal set forth in the attached Appendix.

Procedural Matters

26. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 USC 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 1, 1983, and reply comments on or before March 1, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

27. In accordance with § 1.419 of the Commission's rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal

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[10] Section 97.67, paragraph (a) of the Commission's rules states, in part, that, "An amateur transmitter operating with a power input exceeding 900 watts to the plate circuit shall provide means for accurately measuring the plate power input to the vacuum tube or tubes supplying power to the antenna."

[11] Section 97.3 paragraph (t) of the Rules currently defines effective radiated power as, "The product of the radio frequency power, expressed in watts, delivered to an antenna, and the relative gain of the antenna over that of a half-wave dipole antenna."

Communications Commission, Washington, DC 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

28. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20554, (202) 632-7000.

29. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rule making proceeding since this proposal would simply redefine certain technical terms in the Rules and specify the procedures used by the Commission in determining compliance with those rules. All substantive proposals are either insignificant in effect or deregulatory. No new equipment would be required to be purchased by amateur radio operators. Consequently, there would be no economic impact on small businesses, small organizations or small governmental jurisdictions.

30. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register**.

31. For further information on this proceeding, contact Steve Lett, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

It is proposed that Parts 2 and 97 of the Commission's Rules and Regulations, 47 CFR Parts 2 and 97, be amended as follows:

PART 2—[AMENDED]

§ 2.106 [Amended]

1. In § 2.106, under the heading "NG FOOTNOTES," the heading of the table in Footnote NG 15, paragraph (a)(4) would be revised from "Maximum DC plate input power in watts" to read "Maximum transmitter peak envelope power output in watts".

2. In § 2.106, under the heading "U.S. FOOTNOTES," Footnote US7, the introductory paragraph would be amended to read as follows:

US7 In the band 420-450 MHz and within the following areas, the peak envelope power output of a transmitter used in the Amateur Radio Service shall not exceed 50 watts, unless expressly authorized by the Commission after mutual agreement, on a case-by-case basis, between the Federal Communications Commission Engineer-in-Charge at the applicable District Office and the Military Area Frequency Coordinator at the applicable military base:

PART 97—[AMENDED]

3. In § 97.3, paragraph (t) would be revised to read as follows:

§ 97.3 Definitions.

* * * * *

(t) Transmitting power. The radio frequency (RF) power generated by operations of an amateur radio station, including the following:

(1) Transmitter power. The peak envelope power (output) present at the antenna terminals (where the antenna feedline, or if no feedline is used, the antenna, would be connected) of the transmitter. The term "transmitter" includes any external radio frequency power amplifier which may be used. Peak envelope power is defined as the average power during one radio frequency cycle at the crest of the modulation envelope, taken under normal operating conditions.

(2) Effective radiated power. The power of the transmitter (peak envelope) power, expressed in watts, delivered to an antenna, and the relative gain of the antenna over that of a half-wave dipole antenna.

* * * * *

4. In § 97.61, paragraph (b)(2), the heading of the table would be revised form "Maximum DC plate input power in watts," to read "Maximum trnsmitter peak envelope power output in watts".

5. In § 97.61, paragraph (b)(7) would be revised to read as follows:

§ 97.61 Authorized frequencies and emissions.

* * * * *

(b) * * *

(7) In the following areas, the peak envelope power output of a transmitter used in the Amateur Radio Service shall not exceed 50 watts, except when authorized by the appropriate Commission Engineer-in-Charge and the appropriate Military Area Frequency Coordinator:

* * * * *

6. In § 97.67, the title and paragraphs (a), (b) and (d) would be revised, and paragraph (e) would be added, to read as follows:

§ 97.67 Maximum authorized transmitting power.

(a) Notwithstanding other limitations of this section, amateur radio stations shall use the minimum transmitting power necessary to carry out the desired communications.

(b) Each amateur radio transmitter may be operated with a peak envelope power output (transmitter power) not exceeding 1500 watts, except as provided in paragraph (e) of this section. Other limitations of this section and § 97.61 also apply.

(c) * * *

(d) The peak envelope power output (transmitter power) of each amateur radio transmitter shall not exceed 200 watts when transmitting in any of the following frequency bands:

(1) 3700-3750 kHz;

(2) 7100-7150 kHz (7050-7075 kHz when the terrestrial location of the station is not within Region 2);

(3) 21100-21200 kHz;

(4) 28100-28200 kHz.

(e) Any amateur radio station transmitting A3 emissions on or before (the release date of this Notice) in accordance with applicable rules, but with a transmitter power exceeding that authorized by paragraph (b) of this section, may continue to do so until (five years after the effective date of the rule amendments by this proceeding) provided that the power input to the final amplifying stage supplying radio frequency power to the antenna feedline does not exceed 1000 watts, exclusive of power for heating the cathodes of vacuum tubes. Limitations of paragraphs (a), (c) and (d) of this section and limitations of § 97.61 still apply.

7. A new § 97.68 would be added to read as follows:

§ 97.68 Transmitting power measurements.

During a station inspection, FCC representatives will use the following methods to determine station transmitting power and operator compliance with § 97.67:

(a) Transmitter power will be measured using a calibrated, peak-reading radio frequency power meter attached to the antenna terminals of the transmitter.

(b) Effective radiated power will usually be determined by making the measurement in paragraph (a) of this section and multiplying the transmitter power by the theoretical gain or loss of the antenna system (including the antenna itself, the feedline, and any other devices such as duplexers, cavities or circulators). Alternatively, effective radiated power may be determined by multiplying the peak envelope power measured at the antenna connection of the transmission line (using a calibrated, peak-reading radio frequency power meter) by the theoretical antenna gain. In either case, the antenna gain figure used will be with reference to a half-wave dipole.

(c) For stations operating under the provisions of § 97.67, paragraph (e), power input to the final amplifying stage will usually be determined by multiplying the carrier power (the average power during one radio frequency cycle, taken under the condition of no modulation) measured at the antenna terminals of the transmitter (using a calibrated, radio frequency power meter) by a factor of 1.25. This assumes a final amplifier efficiency of 80 percent. Alternatively, power input to the final amplifying stage may be determined by multiplying the measured average direct currents to the final amplifying stage by the corresponding measured average voltages and summing these products. Filament voltages and currents would be excluded.

[FR Doc. 82-29911 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administraton

49 CFR Part 571

Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice records the denial of a petition for rulemaking to substitute reflex reflectors for clearance lamps on the front of trailers whose overall width is 80 inches or more.

FOR FURTHER INFORMATION CONTACT: Nelson Erickson, Accident Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2720).

SUPPLEMENTARY INFORMATION: On February 25,1982, the Truck Trailer Manufacturers Association (TTMA) petitioned for rulemaking to amend Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices and Associated Equipment,* to substitute reflex reflectors for clearance lamps on trailers whose overall width is 80 inches or more. Currently two amber lamps are required to indicate the overall width of the vehicle, to be located as near the top of the vehicle as practicable.

TTMA requested the substitution of amber reflex reflectors for the clearance lamps, and deletion of location specification. It argued that the lamps are now redundant since modern truck tractors have the same width as trailers, 96 inches. TTMA further argued that the increasingly common air deflectors on the top of truck tractor cabs, further obscure the trailer front clearance lamps, and that it is not aware of any studies to support the existing lamp location requirements. Petitioner submitted no studies or statistics in support of its request.

The agency concluded that TTMA's petition was without merit. The existing location requirement for clearance lamps is based upon a standard of the Society of Automotive Engineers in effect since 1937 and last revised in 1977, established and supported by logical analytic and judgmental processes of the Lighting Committee over the years. Informed sources consulted by NHTSA estimated that less than 50 percent of Class 7 and 8 truck tractors are of the wide cab type. Therefore, clearance lamps are not redundant today. The agency believes that the existing requirement should be maintained until there is a clear showing that the lamps are redundant. The agency also notes several other points. One is that clearance lamps are not generally obscured by air deflectors. Such air deflectors as are in use vary widely in shape and size and have been installed on only a minor portion of the wide cab population. The other is that reflective material is not as effective as the lamps under conditions of fog and reduced visibility.

Based on these reasons, the agency denied the petition on October 22, 1982.

(Sec. 124, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1410a); delegation of authority at 49 CFR Part 1.50 and 501.8)

Issued on: October 22, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-29876 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 47, No. 211
Monday, November 1, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 82-347]

Khapra Beetle Eradication Program; Finding of No Significant Impact

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: The Animal and Plant Health Inspection Service has prepared an environmental assessment for the proposed khapra beetle eradication program in New York City, New York. On the basis of the assessment, the Animal and Plant Health Inspection Service has determined that no significant adverse impact on the environment of the area will result from the implementation of any of the identified alternatives. Therefore, an environmental impact statement (EIS) on this program will not be prepared.

FOR FURTHER INFORMATION CONTACT: B. Glen Lee, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 609 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6365.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection service (APHIS) of the United States Department of Agriculture (USDA), in cooperation with the New York Department of Agriculture and Markets (NYDAM), (State), intends to eradicate an outbreak of khapra beetle on two infested premises in New York City, New York. If these infestations are not eradicated, it could have a significant adverse effect on international, national, State, and local agriculture, and commerce due to damage to plant products, control costs, increased costs to consumers, and decreased exports due to quarantine action by foreign governments.

Khapra beetle, *Trogoderma granarium* Everts, is considered to be the most destructive stored product pest in the world. It feeds on most stored plant products and some animal products and derivatives. The pest occurs in Asia, the Middle East, and Africa. It is also found in protected environments in Great Britain, Japan, and Germany. The economic importance of the khapra beetle is well documented in scientific literature.

The beetle was found in California in 1953 and subsequently in Arizona, New Mexico, Texas, and adjacent areas of the Republic of Mexico. It was eradicated from this country primarily by methyl bromide fumigation of infested premises. This operation required several years and large expenditures to accomplish. Surveys for khapra beetle infestation have been conducted since the 1950's. Other than infestations found at ports-of-entry on import products, the nation has been free of this pest until October 30, 1980, when a khapra beetle infestation was detected at the Mincing Spice Company premises in Moonchie, New Jersey. Between that time and August 1982, 23 khapra beetle infested properties were found at scattered locations within the United States. Fourteen of these infestations were concentrated in four Northeastern States.

Actions by APHIS and State personnel, to eradicate khapra beetle from infested premises have included careful cleaning of the structures involved, methyl bromide fumigation, including separate fumigation of contents and susceptible commodities if necessary, and the proper disposal of all trash. In metal or newer structures malathion high pressure broadcast and crack and crevice treatments have been carried out in lieu of fumigation with methyl bromide. Actual treatments were applied under the supervision of certified pesticide applicators experienced in pest control and certified pursuant to section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136b).

Currently, one structure location Brooklyn, New York and one structure located in New York City, New York are known to be infested with khapra beetle. A series of alternatives to eradicate the pest are available and were considered. These alternatives are:

(a) No action.
(b) Methyl bromide fumigation.
(c) Surface spray and crack and crevice treatment.
(d) Dursban/DDVP fogging.

APHIS has selected alternative (b), methyl bromide fumigation, to eradicate khapra beetle from the two sites because alternative (b) is the only viable choice. With alternative (b) a single application of methyl bromide gas fumigation would occur. Fumigation with methyl bromide has been successfully utilized to eradicate prior khapra beetle infestations. Alternative (a) is not acceptable because no control or eradication measures would be undertaken allowing the pest to persist in the premises. Alternative (c), which involves the use of an insecticide applied in accordance with label directions to all accessible areas of the premises including cracks and crevices, has been utilized at the infested premise located in Brooklyn, New York for the past year. However, repeat inspections of the premise have detected living khapra beetle life forms. This indicates that there were locations in the building where this treatment failed to reach and eradicate the pest. Lastly, alternative (d), which prescribes cleaning of the building of trash or food residues and a 3 month treatment schedule using Dursban and DDVP applied as a fog, has not been proven to be effective for khapra beetle eradication.

APHIS and NYDAM after considering cumulative adverse effects of the implementation of any of the identified alternatives, has concluded that there will be no primary, secondary, or cumulative adverse effects on the quality of the human environment based on the properties and rates of application of the pesticide being proposed for use in this eradication program. No chain reactions or secondary adverse effects of interrelated activities are expected from any of the proposed alternatives. These officials have evaluated the uniqueness or rareness of resources being affected and have determined that the selected alternative will not have an effect on the continued existence of any endangered or threatened species or result in the destruction or adverse modification of the habitats of such species. APHIS and

NYDAM have the technical expertise to minimize any environmental disturbance which could result from the proposed alternative and also possess the expertise to conduct the selected alternative safely and efficiently.

This action has been reviewed under the requirements of the National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality's (CEQ) National Environmental Policy Act Regulations (40 CFR Parts 1500–1508), and the APHIS Guidelines concerning Implementation of NEPA Procedures.

Done at Washington, D.C., this 28th day of November 1982.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82–30089 Filed 10–29–82; 8:45 am]

BILLING CODE 3410-34-M

Federal Grain Inspection Service

Renewals of Designation of Idaho Grain Inspection Service (ID), Lewiston Grain Inspection Service, Inc. (ID), and Utah Department of Agriculture (UT)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the renewal of designation of Idaho Grain Inspection Service (Idaho), Lewiston Grain Inspection Service, Inc. (Lewiston), and Utah Department of Agriculture (Utah), as official agencies responsible for providing inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.) (Act).*

EFFECTIVE DATE: December 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405, Auditors Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The June 4, 1982, issue of the **Federal Register** (47 FR 24375) contained a notice from the Federal Grain Inspection Service (FGIS) announcing that Idaho, Lewiston, and Utah's designations would terminate on November 30, 1982, and requesting applications for designation as the agency to provide official inspection services within each specified assigned area. Applications were to be postmarked by July 6, 1982.

FGIS announced the names of the applicants for designation for each agency and requested comments on same in the July 30, 1982, issue of the **Federal Register** (47 FR 32970). Comments were to be postmarked by September 13, 1982. Several favorable comments were received regarding the renewals of designation of Idaho and Lewiston; no comments were received regarding Utah. Idaho, Lewiston, and Utah were the only applicants for each respective designation.

After considering all available information in relation to the criteria for designation in section 7(f)(1)(A) of the Act, and in accordance with Section 7(f)(1)(B), it has been determined that Idaho, Lewiston, and Utah are able to provide official services in the geographic area for which their designations are being renewed. Each assigned area is the entire geographic area as desribed in the June 4 issue of the **Federal Register.**

Effective December 1, 1982, and terminating November 30, 1985, the responsibility for providing official inspection services in each geographic area as specified above will be assigned to Idaho, Lewiston, and Utah, respectively.

A specified service point for the purpose of this notice is a city, town, or other location specified by an agency for the conduct of official inspection and where the agency and one or more of its licensed inspectors is located. In addition to the specified service points within the assigned geographic area, the agencies will provide official services not requiring a licensed inspector to all locations within their geographic area.

Interested persons may contact the Regulatory Branch, specified in the address section of this notice, to obtain a list of the specified service points. Interested persons may also obtain a list of the specified service points by contacting the agencies at the following addresses:

Idaho Grain Inspection Service, P.O. Box 4209, Pocatello, ID 83201
Lewiston Grain Inspection Service, Inc., 1450 Third Avenue North, Lewiston, ID 83501
Utah Department of Agriculture, 350 North Redwood Road, Salt Lake City, UT 84116

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: October 22, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–29794 Filed 10–29–82; 8:45 am]

BILLING CODE 3410-EW-M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to Frankfort Grain Inspection, Inc. (IN), and Paris Illinois Grain Inspection (IL)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to Frankfort Grain Inspection, Inc. (Frankfort), and Paris Illinois Grain Inspection (Paris). The designations terminate February 28, 1983.

DATE: Comments to be postmarked on or before December 16, 1982.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1642, South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–0231.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The September 1, 1982, issue of the **Federal Register** (47 FR 38564) contained a notice from the Federal Grain Inspection Service requesting applications for designation to perform official services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et. seq.*) (Act), in the areas currently assigned to the official agencies. Applications were to be postmarked by October 1, 1982.

Frankfort Grain Inspection, Inc., the only applicant, requested designation for all of the geographic area currently assigned to Frankfort. Paris Illinois Grain Inspection, the only applicant, requested designation for all of the geographic area currently assigned to

Paris. Frankfort and Paris each applied for a renewal of designation for a 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than December 16, 1982.

Consideration will be given to comments filed and to other information available before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: October 22, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82-29795 Filed 10-29-82; 8:45 am]

BILLING CODE 3410-EW-M

Request for Applicants for Designation To Perform Official Services in the Geographic Area Currently Served by Grain Inspection Services, Inc. (MI), and Detroit Grain Inspection Services, Inc. (MI)

AGENCY: Federal Grain Inspection Service, U.S.D.A.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), designations of official agencies shall terminate not later than triennially and may be renewed in accordance with the criteria and procedures provided in the Act. This notice announces that the designations of two agencies will terminate, in accordance with the Act, and requests applications from parties, including the agencies currently designated, who are interested in being designated as official agencies to conduct official services in the geographic areas currently serviced by each of the specified agencies. The two official agencies are Grain Inspection Services, Inc., and Detroit Grain Inspection Service, Inc.

DATE: Application to be postmarked on or before December 1, 1982.

ADDRESS: James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 2405 Auditors Building, Washington, D.C. 20250. All applications submitted pursuant to this notice will be made available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447-8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512-1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*, at 79(f)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service is authorized, upon application by any qualified agency or person, to designate such agency or person to perform official inspection services after a determination is made that the applicant is better able than any other applicant to provide official inspection in an assigned geographic area.

Grain Inspection Services, Inc. (Battle Creek), 24 First Street, Battle Creek, Michigan 49017, was designated as an official agency under the Act for the performance of official inspection functions on August 31, 1978. Detroit Grain Inspection Service, Inc. (Detroit), P.O. Box 176, Emmett, Michigan 48022, was designated as an official agency under the Act for the performance of official inspection functions on September 11, 1978. The agencies' designations will terminate on April 30, 1983. This date reflects administrative extensions of official agency designations as discussed in the July 16, 1979, issue of the **Federal Register** (44 FR 41275). Section 7(g)(1) of the Act states generally that designations of official agencies shall terminate no later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Battle Creek in Michigan and Ohio, pursuant to Section 7(f)(2) of the Act, and which is the geographic area that may be assigned to the applicant selected for designation is the following:

In Michigan, the area is:

Bounded: on the North by the northern and eastern Mason County lines; the northern and eastern Newago County lines; the northern Montcalm County line; the western, northern, and eastern Isabella County lines; the northern Gratiot and Saginaw County lines; the western Bay County line; the western and northern Arenac County lines; the western and northern Iosco County lines; the Lake Huron and Saginaw Bay shorelines south and east to State Route 53;

Bounded: on the East by State Route 53 south to State Route 46; State Route 46 west to Sheridan Road south to Barnes Road; Barnes Road west to State Route 15; State Route 15 south to the Genesee County line; the northern Genesee County line west to the Shiawassee County line; the northern Shiawassee County line west to State Route 52; State Route 52 south to State Route 21; State Route 21 west to Clinton County; the eastern and northern Clinton County lines west to U.S. Route 27; U.S. Route 27 south to U.S. Route 127; U.S. Route 127 south to the Michigan State line;

Bounded: on the South by the southern Michigan State line west to Lake Michigan; and

Bounded: on the West by the Lake Michigan shoreline north to the northern Mason County line.

In Ohio, the area includes Williams County.

The following location in Michigan, outside of the foregoing contiguous geographic area, is presently assigned to Battle Creek and is part of the geographic area that may be assigned to the applicant selected for designation: Crop Aid, Hudson, Lenawee County, Michigan.

An exception to the described geographic area is the following location, in Michigan, situated inside Battle Creek's area which has been and will continue to be serviced by Detroit Grain Inspection Service, Inc.: St. Johns Coop., St. Johns, Clinton County, Michigan.

The geographic area presently assigned to Detroit in Michigan, pursuant to Section 7(f)(2) of the Act, and which is the geographic area that may be assigned to the applicant selected for designation is the following:

Bounded: on the North by the northern Clinton County line; the eastern Clinton County line south to State Route 21; State Route 21 east to State Route 52; State Route 52 north to the Shiawassee County line; the northern Shiawassee County line east to the Genesee County line; the western Genesee County line; the northern Genesee County line east to State Route 15; State Route 15 north to Barnes Road; Barnes Road east to Sheridan Road; Sheridan Road north to State Route 46; State Route 46 east to State Route 53' State Route 53 north to the Michigan State line;

Bounded: on the East by the Michigan State line south to State Route 50;

Bounded: on the South by State Route 50 west to U.S. Route 127; and

Bounded: on the West by U.S. Route 127 north to U.S. Route 27; U.S. Route 27 north to the northen Clinton County line.

The following location in Michigan, outside of the foregoing contiguous geographic area, is presently assigned to Detroit and is part of the geographic area that may be assigned to the applicant selected for designation: St. Johns Coop., St. Johns, Clinton County, Michigan.

Interested parties, including Battle Creek and Detroit, are hereby given opportunity to apply for designation as the official agency to perform the respective official services in each geographic area, as specified above, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Designations in each specified geographic area are for the period beginning May 1, 1983, and terminating April 30, 1986. Parties wishing to apply for these designations should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than December 1, 1982, to be eligible for consideration.

In making a determination as to which applicant will be designated to provide official services in the geographic areas, consideration will be given to all applications submitted and all other information available.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873, (7 U.S.C. 79))

Dated October 22, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–29796 Filed 10–29–82; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on Applicants for an Official Agency Weighing Designation in the States of Illinois and Indiana

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency to provide official weighing services in a geographic area located in the States of Illinois and Indiana.

DATE: Comments to be postmarked on or before December 16, 1982.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1642, South Building, 1400 Independence Avenue, SW., Washington, DC 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 382–0231.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore the Executive Order and Secretary's Memorandum do not apply to this action.

The September 1, 1982, issue of the **Federal Register** (47 FR 38563) contained a notice from the Fedederal Grain Inspection Service requesting applications for designation to perform official weighing services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in a specified geographic area located within the States of Illinois and Indiana. Applications were to be postmarked by October 1, 1982.

The applicants requesting designation for all of the geographic area available for assignment include the following: Mr. Robert H. Jinks, RR 1, Box 81, Homer, Illinois 61849; Mr. Al Johnson, 3204 West Greenwood Place, Peoria, Illinois 61615; and Mr. Larry King, RR 2, Box 158, Champaign, Illinois 61801. Each of these applicants proposes to establish an official agency.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants for designation. All comments must be submitted to the Regulations and Directives Management Staff, specified in the address section of this notice, and postmarked not later than December 16, 1982.

Consideration will be given to comments filed and to other information available before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register**, and the applicants will be informed of the decision in writing.

(Sec. 9, Pub. L. 94–582, 90 Stat. 2875 (7 U.S.C. 79a))

Dated: October 22, 1982.

Neil E. Porter,

Acting Director, Compliance Division.

[FR Doc. 82–29797 Filed 10–29–82; 8:45 am]

BILLING CODE 3410–EN–M

Office of the Secretary

Joint Committee on the Future of Cooperative Extension; Meeting

Notice is hereby given that the meeting of the Joint Committee on the Future of Cooperative Extension schedule for November 10, 1982, has been cancelled. (Original notice published October 21, 1982; 47 FR 46873.)

Denzil O. Clegg,

Acting Administrator, Extension Service.

[FR Doc. 82–29996 Filed 10–29–82; 8:45 am]

BILLING CODE 3410–01–M

ACTION

Fixed Income Consumer Counseling Program; Notice of Guidelines

AGENCY: ACTION.

ACTION: Final guidelines.

SUMMARY: The following notice sets forth guidelines under which applications for Fixed Income Consumer Counseling (FICC) project grants will be accepted when funding is made avilable. The notice describes the program authorization, history purpose, applicant eligibility, criteria for sponsor selection, sponsor responsibliilties, application procedures, application deadlines, and required reports and recordkeeping.

FOR FURTHER INFORMATION CONTACT: John Herbert, FICC, ACTION, Room 1007, 806 Connecticut Avenue, NW. Washington, D.C. 20525, telephone number (202) 254–5205, or call toll-free (800) 424–8580, Ext. 234. The addresses and phone numbers of State ACTION offices may also be obtained by calling either number.

EFFECTIVE DATE: These Guidelines will be effective December 16, 1982.

SUPPLEMENTARY INFORMATION: Proposed guidelines were published on pages 21286 and 21287 of the **Federal Register** of May 18, 1982 and invited comments for 30 days ending June 17, 1982. Comments were received from 5 sources including 2 county community action agencies, a county housing authority, a county human services planning council, and a state government department of aging. Inquiries for further information were received from more than 137 organizations.

Summary of Significant Changes

The following is a summary of comments, suggestions and actions taken, organized below by the section of the guidelines addressed by the respondents.

Purpose of the Program

The phrase *rural and urban* is added to the description of settings in which FICC volunteers are to serve. The Domestic Volunteer Services Act (DVSA 93-113), Section 414 requires that benefits and services under the Act are to be distributed equitably between residents of rural and urban areas.

Sponsor Responsibilities

1. Paragraph 6c. is revised to make clear the desirability of recruitment of the beneficiaries of FICC counseling services as volunteers.

2. Paragraph 6d. is revised to make clear the sponsor's responsibility to provide supervision for FICC volunteers continuously.

3. Paragraph 6b. is revised to make clear that the function of the FICC Advisory Council includes conducting an annual appraisal of the sponsor's performance of its responsibilities.

Suggested Changes Not Considered Necessary

Comment.—A respondent pointed to the need to emphasize strongly the sponsor's responsibility to provide for volunteer training.

Response.—Volunteer training is included with adequate emphasis as a sponsor responsibility in paragraph 6d. Performance of this responsibility can only be measured and enhanced through monitoring by ACTION staff and appraisal annually by the FICC Advisory Council. It is felt that on-site review of this very important activity is the best insurance of quality volunteer training.

Comment.—A respondent questioned the requirement in paragraph 6a. for a full-time FICC Project Director.

Response.—The requirement is retained in deference to ACTION's assumption, based on lengthy experience in administering volunteer projects nationwide, that a full-time director is in most instances criticaly necessary. However, paragraph 6a. stipulates that the hiring of a less than full-time Project Director may be allowed with written permission from ACTION.

ACTION has determined that this guideline is not a major rule as defined by Executive Order 12291. The guidelines will not result in any of the following:

(1) Any effect on the economy;

(2) Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or

(3) Any adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Applications for FICC grants will be accepted under the following guidelines:

1. Program Authorization

The Fixed Income Consumer Counseling program is authorized under Title I, Part C, Section 122(a) of the Domestic Volunteer Service Act of 1973 (Pub. L. 93-113), as amended.

2. Purpose of the Program

FICC is a program designed to respond to the economic needs of people living on fixed incomes. Its purpose is to recruit and train volunteers in rural and urban settings to work with people on fixed incomes—especially those who live near or below the poverty level—and to provide them with skills, information, and personal assistance to enable them to live better on their limited income, and help them find additional resources to supplement their net incomes.

3. Objectives of the Program

a. Recruit and train community professionals and neighborhood people to provide a variety of volunteer support services, including financial counseling and practical information in such areas as nutrition, low-cost transportation, energy conservation, and budget and credit counseling;

b. Assist fixed income consumer contacts with appropriate public and private service agencies to obtain relief or services to which they may be entitled;

c. Assist low-income consumers in building their own local self-help mechanisms to deal with inflation and promote energy conservation, such as food co-ops, energy/fuel co-ops, and shared housing.

4. Sponsor Eligibility

A FICC sponsor shall be a public or private non-profit organization, or a coalition of such organizations, in the United States which has the authority to accept and the capability to administer the grant. Any eligible organization may apply for a grant. Applicants may also be solicited by FICC pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection or approval and may have to compete with other solicited and unsolicited applications.

5. Criteria for Sponsor Selection

To be considered for FICC sponsorship, an organization must be able to demonstrate:

a. Proof of non-profit status;

b. Capacity to effectively manage fiscal resources and to fulfill program goals, including the goal of continuing fixed income consumer counseling operations after becoming financially independent of ACTION, which should occur in less than three (3) years;

c. Established credibility with community service organizations;

d. Prior experience with potential client groups or populations, such as the elderly, the disabled or handicapped, the unemployed or underemployed, displaced homemakers, dependent welfare recipients, refugees, and migrants;

e. Experience in the recruitment and utilization of volunteers.

6. Sponsor Responsibilities

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

a. Employ, direct, and support the Project Director, who will be directly responsible to the sponsor for the management of the project, including selection, training, and supervision of project staff. The Project Director shall serve full-time with the FICC program and may not serve simultaneously in another paid or unpaid capacity during working hours without written permission from ACTION. The sponsor must obtain ACTION's concurrence in the selection of a Project Director prior to hiring;

b. Establish, orient, and support a FICC Advisory Council. The purpose of the Advisory Council shall be to advise and assist the project sponsor and staff in the formulation of local policy, promote community support and non-federal financial assistance, and conduct an annual appraisal of the sponsor's performance of its responsibilities;

c. Provide for the recruitment of volunteers, including persons who have benefitted from FICC services;

d. Provide for the training, assignment, and continuing supervision of the volunteers;

e. Provide for appropriate recognition of the FICC volunteers and their activities;

f. Provide for maintenance of project records in accordance with generally accepted accounting practice and the preparation and submission of reports required by ACTION;

g. Orient project staff and volunteers to FICC and its activities;

h. Arrange for the training of project staff and volunteers in both content and techniques of training in consumer affairs;

i. Provide or arrange for reimbursement for volunteer transportation in a timely manner;

j. Provide for staff and volunteer safety;

k. Comply with applicable regulations, policies and procedures prescribed by ACTION;

l. Ensure that appropriate liability insurance is maintained for owned, non-owned, or hired vehicles used in the project.

m. Provide for public awareness of the project and the volunteer activities.

7. Application Procedures

a. *Initial Award.* FICC applicants will complete ACTION Form A-1017, *Application for Federal Assistance,* in accordance with instructions printed on the form. The requirements of Part IV thereof will be responded to by completing ACTION Form A-1034, entitled *Title I, Part C, Program Narrative.* An original and two copies of the above forms are to be sent to the ACTION state office serving the applicant's State.

(1) Subject to the availability of funds, ACTION will award a grant to those applicants whose grant proposals indicate the best potential for achieving the purpose of the program.

(2) Grants are awarded for one-year periods and may be renewed for up to two additional one-year periods.

(3) Grant awards will not be made in excess of $40,000 for a twelve month period.

(4) A sponsor may receive a grant award for more than one ACTION program.

b. *Continuation Award.* The maximum project period will be for three (3) years, and shorter periods are often appropriate. Regardless of the length of the project period, the maximum funding period will be for one (1) year. After it is established by ACTION that the sponsor is fulfilling its current year goals and objectives, the sponsor may submit a request for a continuation award for the subsequent budget period. Only information not submitted in the original application or information changed substantively from that given in the initial application need be submitted in the continuation application to ACTION. The same forms used for the initial application will be used for continuations.

8. Application Deadlines

The deadline for submission of an application will be established by the ACTION state office.

9. Reports

a. *Fiscal Reports.* In accordance with ACTION Handbook No. 2650.2, *Grants Management Handbook for Grantees,* and on a schedule prescribed by ACTION, Grantees will be required to submit:

(1) *Request for Advance or Reimbursement*—Standard Form SF-270, and

(2) *Financial Status Report*—ACTION Form A-451

b. *Performance Report.* Grantees will be required to submit quarterly the FICC project progress report, entitled: *Title I, Part C, Project Progress Report*—ACTION Form A-1035.

10. Records

Grantees must retain all financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of three (3) years after submission of the final Financial Status Report. If any litigation, claim or audit is begun before the expiration of the three-year period, the records shall be retained until all litigation, litigation claims or audit findings involving the records have been resolved.

Signed at Washington, D.C., this 10th day of September 1982.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 82-29686 Filed 10-29-82; 8:45 am]

BILLING CODE 6050-01-M

COMMISSION ON CIVIL RIGHTS

Minnesota Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota Advisory Committee to the Commission will convene at 6:00p and will end at 10:00p, on November 15, 1982, at the Lao Family Community-Downtown YMCA, 475 Cedar Street, St. Paul, Minnesota. The purpose of this meeting is to discuss problems of the South East Asians in St. Paul and the treatment of American Indians in St. Cloud State University; also to plan for future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Ruth A. Myers, 1006 East Second Street, Apt. #1, Duluth, Minnesota 55805, (218) 726-8878; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago IL 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 27, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29992 Filed 10-29-82; 8:45 am]

BILLING CODE 6335-01-M

New Hampshire Advisory Committee; Conference Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a news conference of the New Hampshire Advisory Committee of the Commission originally scheduled for November 16, 1982, at Manchester, new Hampshire, (FR Doc. 82-28646, on page 46556) has been cancelled.

Dated at Washington, D.C., October 27, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29991 Filed 10-29-82; 8:45 am]

BILLING CODE 6335-01-M

Rhode Island Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee to the Commission will convene at 6:00p and will end at 8:00p, on November 15, 1982, at 12 Chapin Road, Barrington, Rhode Island 02806. The purpose of this meeting is to hear reports from subcommittees on their activities and to review draft monitoring reports on reapportionment and hate groups.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Dorothy Zimmering, 12 Chapin Road, Barrington, Rhode Island 02806, (401) 245-3515; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, MA 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 27, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-29990 Filed 10-29-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Tool Steel From Brazil; Postponement of Preliminary Countervailing Duty Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of preliminary countervailing duty determination.

SUMMARY: The preliminary countervailing duty determination involving tool steel from Brazil is being postponed as the investigation has been determined to be extraordinarily complicated. We intend to issue the preliminary countervailing duty determination not later than December 27, 1982.

EFFECTIVE DATE: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-1273.

SUPPLEMENTARY INFORMATION: On August 24, 1982, we announced our initiation of a countervailing duty investigation to determine whether manufacturers, producers, or exporters of tool steel from Brazil receive any benefits which constitute subsidies (47 FR 36874). The notice stated that we would issue a preliminary determination by October 25, 1982.

For purposes of this investigation, the term "tool steel" covers hot-finished tool steel, cold-finished tool steel, high speed tool steel, chipper knife steel and band saw steel bars and rods as currently provided for in items 606.9300, 606.9400, 606.9505, 606.9510, 606.9520, 606.9525, 606.9535, 606.9540, 607.2800, 607.3405, 607.3420, 607.4600, 607.5405 and 607.5420 of the *Tariff Schedules of the United States Annotated.*

As detailed in the notice of initiation of the countervailing duty investigation, the petition alleges that the government of Brazil provides various programs which constitute subsidies to manufacturers, producers, or exporters of tool steel. The alleged subsidy practices are numerous and complex and respondents are having difficulty determining the extent to which they are used by each of the firms involved in the investigation.

We have determined that the government of Brazil and the other parties concerned are cooperating and that additional time is necessary to make the preliminary countervailing duty determination. For these reasons we determine that this case is extraordinarily complicated in accordance with section 703(c)(1)(B) of the Tariff Act of 1930, as amended (the Act), and we intend to issue a preliminary countervailing duty determination no later than December 27, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

October 22, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-29993 Filed 10-29-82; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

Intent to Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Quantum Dynamics, Incorporated, having a place of business at Chatsworth, California 91311 an exclusive right in the United States and in certain foreign countries to manufacture, use and sell products embodied in the invention, Serial No. 6-300,830 (dated September 10, 1981). Copies of the Patent Application may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: October 25, 1982.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 82-29872 Filed 10-29-82; 8:45 a.m.]

BILLING CODE 3510-04-M

National Oceanic and Atmoshpheric Administration

Taking of Marine Mammals: Notice of Receipt of Modification Request

Notice is herby given that Brent Stewart, Hubbs-Sea World Research Institute, San Diego, California 92109 has requested a modification of Permit No. 341 issued on June 4, 1981 (46 FR 30679) as modified on November 2, 1981 (46 FR 55129 and June 22, 1982 (47 FR 26883) under authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

The Permit Holder is requesting to mark, in addition to tagging, 450 Northern elephant seal pups currently authorized, and to mark an additional 675 adults over a three-year period.

Concurrent with the publication of this Notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of the request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this request should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235 on or before December 1, 1982. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in the modification request are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above request are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangerd Species, National Marine Fisheries Service.

October 26, 1982.

[FR Doc. 82-30018 Filed 10-29-82; 8:45 a.m.]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Acceptance of Group Application Under Pub. L. 95-202 and DODD 1000.20—Civilian Employees, Pacific Naval Air Bases, Who Actively Participated in the Defense of Guam

Under the provisions of Section 401 of Pub. L. 95-202 and DODD 1000.20, the DOD Civilian/Military Service Review Board has accepted an application on behalf of Civilian Employees, Pacific Naval Air Bases, Who Actively Participated in the Defense of Guam. Persons with information or documentation pertinent to the determination of whether the service of this group was equivalent to active military service are encouraged to submit such information or documentation within 60 days to the DOD Civilian/Military Service Review Board, Secretary of the Air Force (SAF/MIPC), Washington, D.C. 20330. For further information contact Mrs. Simard, telephone No. 694-5204.

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-29873 Filed 10-29-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Construction, Installation, and Operation of the AEGIS Combat System Center Wallops Island, Va.; Finding of No Significant Impact

Pursuant to the regulations implementing the procedural provisions of the National Environmental Policy Act (NEPA) (§ 1508.13 of Title 40, Code of Federal Regulations), the Department of the Navy gives notice that an environmental impact statement is not being prepared for the construction, installation, and operation of the AEGIS Combat System Center on Wallops Island, Virginia.

Wallops Island is a 7-mile long, 1.5-mile wide (at its maximum point including wetlands), 3,000-acre barrier island located in Accomack County, Virginia. A two-mile causeway and bridge connect the island to the mainland. Wallops is an existing test facility operated under the jurisdiction of the National Aeronautics and Space Administration, Goddard Space Flight Center (NASA-GSFC). The island is bounded by the Atlantic Ocean on its southeastern side and by Chincoteague Inlet on the northeastern side. The remaining sides abut tidal flats, shallow bays, creeks, sloughs, and wetlands of neighbor barrier islands. The island has been designated a national landmark and is adjacent to a group of some twelve barrier islands lying to the immediate southwest which have been designated the Virginia Coastal Reserve and encompass some 35,000 acres. Operations in the area by the NASA/GSFC normally include rocket and ballon launchings, aircraft flight operations, chaff releases, and the use of lasers, and radars.

The proposed AEGIS Combat System Center will occupy approximately 5 acres immediately northeast of the existing industrial area and will consist of a main building (approximately 20,000 F^{2}), towers, parking lot, access road, and security provisions. The main building will house AEGIS system components, including radars, and will be utilized to verify operational characteristics, integrate engineering changes to the system, and perform various system-interface compatibility tests. The ACSC operation can be generally described as a "clean industry." It will neither use nor produce hazardous materials. The radars utilized do constitute a hazard zone extending some 2,000 feet seaward; however, the beam is elevated to keep radiation levels at the shoreline within the standard of 10m^{w}/cm^{2} for continuous exposure. Continuous monitoring and built-in system checks will automatically turn off the equipment if radiation levels are excessive so that there is no perceived hazard to operating personnel, shoreside or surface inhabitants.

The principal environmental impact is that associated with site preparation for construction. Approximately 3 acres of maritime forest and one acre of thicket will be destroyed. One acre of the site is already cleared. The forest and thicket communities do provide habitats for various wildlife forms but are not considered critical. Identical habitats are abundant as associated with neighbor islands and are extensive even on the remainder of Wallops Island.

No endangered species or its habitat will be affected by the construction. No wetlands are to be taken. No historic archeological resources were identified on the site as the result of surveys completed by the Virginia Research Center for Archeology. There are no associated socioeconomic impacts. The loss of ground cover will expose the soils to erosion; however, preventive measures will be employed to prevent siltation, and most of the site will be covered by buildings/paving when completed.

The Environmental Assessment of this action, completed in close cooperation with the NASA/GSFC, indicates that construction and operation will not cause significant impacts on the environment. Alternatives included: no action, or the siting of the AEGIS Combat System Center at the Naval Surface Weapons Center Laboratory, Dahlgren, Virginia. The assessment concludes that there is little, if any, difference between the environmental consequences of locating at either site, and therefore recommends the Wallops Island site on the basis of operational advantages. The Environmental Assessment prepared by the Navy addressing this action is on file and may be reviewed by interested parties at both the point of origin, Commander, Naval Surface Weapons Center, Dahlgren, Virginia, 22488 [Attention: Dr. E. C. Feiling, Code G502, (203) 633-8535], or at the Environmental Protection and Occupational Safety and Health Division (NOP-45), Office of the Chief of Naval Operations, Rm BD766, Pentagon, Washington, D.C. 20350, (202) 697-3639. Additionally, a limited number of copies of the Environmental Assessment are available to fill single-copy requests.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register, Liaison Officer.

[FR Doc. 82-29877 Filed 10-29-82; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-81-006; FC Case Nos. 55120-9200-01-12]

Georgia Kraft Co., Cottonton, Ala.; Proposed Modification of Order Granting Permanent Fuels Mixture Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice and proposed modification of an order granting a permanent fuels mixture exemption to Georgia Kraft Company, Cottonton, Alabama.Q03

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has commenced a proceeding under 10 CFR Part 501, Supart G to modify the permanent fuels mixture exemption granted by Order to a new major fuel burning installation (MFBI), owned and operated by Georgia Kraft Company (Georgia Kraft) at its Alabama Draft Division plant, Cottonton, Alabama, under the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act).

Based upon its review of Georgia Kraft's September 15, 1982, modification request, ERA is proposing to modify the order on the basis of its determination that significantly changed circumstances as defined in 10 CFR 501.102(b) exist with respect to the applicability of the original exemption. Accordingly, ERA is hereby giving notice to all parties to the original proceeding of their right, pursuant to 10 CFR 501.101(d), to file a written response to ERA's proposal within 30 days of the publication of this notice in the **Federal Register** (see **DATE** section, below). If no responses are received within the established period, the Order modification, as proposed, for the boiler shall become final upon the expiration of that period, without further action by ERA.

A detailed discussion of the Order and Georgia Kraft's request for modification thereof is provided in the **SUPPLEMENTARY INFORMATION** section below.

DATE: Written responses to ERA's proposed modification of the Georgia Kraft Order must be received no later than December 1, 1982.

ADDRESS: Written responses are to be addressed to Department of Energy, Economic Regulatory Administration, Office of Fuels Programs Case Control Unit, GA-093, 1000 Independence Avenue, S.W., Washington, D.C. 20585. FC-55120-9200-01-12, should be printed on the outside of the envelope and the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252-8162

Allan Stein, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone (202) 252-2967

SUPPLEMENTARY INFORMATION: On June 15, 1981, ERA exempted, by Order, Georgia Kraft's new bark and woodwaste boiler at its Cottonton, Alabama, plant from the prohibitions of section 202 of FUA, which prohibit the use of natural gas or petroleum as a primary energy source by certain MFBI's (46 FR 32306, June 22, 1981). Subject to the terms and conditions set forth in the Order, the permanent exemption permitted the use of a fuels mixture of bark and woodwaste and petroleum or natural gas, the latter in an amount not to exceed 25 percent of the total annual BTU heat input of the primary energy sources of the MFBI. Georgia Kraft's exemption request was filed under the then effective 10 CFR 503.38 and was granted pursuant to section 212(d) of FUA.

By letter of September 15, 1982, Georgia Kraft requested that ERA modify the Order to delete the reporting requirement that Georgia Kraft must, pursuant to the former 10 CFR 503.38(g), annually file with ERA a certification that the amount of petroleum or natural gas used in the boiler during the preceding year did not exceed 25 percent of the total annual BTU heat input of the primary energy sources of that MFBI.

Georgia Kraft based its request on the fact that since the issuance of the Order with its annual reporting requirement, DOE has issued final rules amending 10 CFR 503.38 so as to delete therefrom reporting requirements for boilers granted fuel mixtures exemptions (46 FR 59872, December 7, 1981).

As requested, ERA has, pursuant to 10 CFR 501.101(a), commenced a proceeding to modify the above-described exemption Order. The procedures and criteria governing this proceeding are found in 10 CFR Part 501, Subpart G (46 FR 59872, December 7, 1981). Based upon the information contained in Georgia Kraft's modification request and upon the record as a whole, ERA proposes:

(1) To find that the revision of 10 CFR 503.38 in the final rules published on December 7, 1981, described *supra*, constitutes significantly changed circumstances that warrant a modification of the Order, as provided by 10 CFR 501.102(b); and

(2) To modify the Order to delete therefrom the required annual filing of a certification that the amount of petroleum or natural gas used in Georgia Kraft's boiler during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI.

Parties to the original Order proceeding are hereby notified of ERA's proposed modification of the Order exempting Georgia Kraft's bark and woodwaste boiler from the prohibitions in section 202 of FUA and of their right pursuant to 10 CFR 501.101(d) to file a response thereto within 30 days after the publication of this Notice in the **Federal Register**. If ERA receives no responses within the allotted period, the Order modification shall become final as proposed, without further ERA action, upon expiration of that period.

Issued in Washington, D.C. October 20, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-29874 Filed 10-29-82; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF EDUCATION

Institutional Aid Programs; Announcement of Workshops

AGENCY: Department of Education.

ACTION: Notice of locations for pre-application preparation workshops.

SUMMARY: This notice invites interested parties to participate in pre-application workshops under the Institutional Aid Programs. The overall goal of the workshops is to provide eligible applicant institutions with information that will help in their preparation of a competitive application and proposed project.

DATES: Pre-application preparation workshops will be conducted on the following dates:

November 1-2, 1982, Island of Ponape
November 4-5, 1982, Honolulu, Hawaii
November 15-16, 1982, Atlanta, Georgia
November 18-19, 1982, Rio Piedras, Puerto Rico
November 18-19, 1982, Albuquerque, New Mexico
November 22-23, 1982, Denver, Colorado

ADDRESSES: Pre-application workshops will be held at the following locations:

Island of Ponape—Ponape Community College of Micronesia Island of Ponape

Honolulu, Hawaii—Chaminade University of Honolulu, 3140 Waialae Avenue, Honolulu, Hawaii 96816 (808) 735-4711

Atlanta, Georgia—Clark College, 240 Chestnut Street, SW, Atlanta, Georgia 30314 (404) 681-3080

Puerto Rico—Colegio Universitario Metropolitano, Carretera Estatal No. 176 Z. 3KM, Rio Piedras, Puerto Rico 00928 (809) 751-0970

Albuquerque, New Mexico—University of Albuquerque, St. Josephs Place, NW, Albuquerque, New Mexico 87140 (505) 831-1111 ext. 200

Denver, Colorado—Community College of Denver, Auraria Campus, 1111 West Colfax Avenue, Denver, Colorado 80204 (303) 866–4530

FOR FURTHER INFORMATION CONTACT: Dr. Joan E. Duval, Institutional Aid Programs, Office of Postsecondary Education, U.S. Department of Education, Washington, D.C. Telephone: (202) 245–2715.

SUPPLEMENTARY INFORMATION: The Supplemental Appropriations Act of 1982 (Pub. L. 97–257) provides for two grant competitions under the Institutional Aid Programs authorized by Title III of the Higher Education Act of 1965, as amended. The two grant competitions provide for the following:

1. Five million dollars will be available for new Title III projects for those institutions:

—Which have an enrollment of at least 45% Hispanic, Native American and/or Pacific Islander students as reported on the latest available Higher Education General Information Survey (HEGIS);

—Which have not received a grant in Fiscal Year 1982 under the Strengthening Institutions or the Special Needs Programs;

—And which meet other eligibility criteria specified in the regulations for these programs, published in the **Federal Register** on January 5, 1982, 47 FR, 540–557.

2. Approximately eight million dollars will be available for new projects under the Special Needs Program for those institutions:

—Which historically have served substantial numbers of black students and are listed in the 1978 publication by the National Center for Educational Statistics entitled: *Traditionally Black Institutions of Higher Education: Their Identification and Selected Characteristics;*

—Which have not received a grant in Fiscal Year 1982 under the Strengthening Institutions or the Special Needs Programs;

—And which meet the other eligibility criteria in § 626.2 of the regulations for this program, 34 CFR Part 626, published in the **Federal Register** on January 5, 1982, 47 FR, 548–550.

The workshops are scheduled from 9:30 a.m. through 4:30 p.m. each day. They are designed specifically for the person(s) who will be writing the proposed project and the application. They are designed specially for representatives from institutions which are eligible to apply under these two competitions.

Dated: October 29, 1982.

(Catalog of Federal Domestic Assistance No. 84.031 Institutional Aid Programs)

Edward M. Elmendorf,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 82–30173 Filed 10–29–82; 12:07 pm]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. 82–12–LNG]

Trunkline LNG Co. et al.; Joint Order

In the matter of Trunkline LNG Company and Trunkline Gas Company, Docket Nos. CP74–138–003, CP74–139–001, and CP74–140–001*; Association of Businesses Advocating Tariff Equity v. Trunkline LNG Company and Trunkline Gas Company, Docket No. CP82–517–000; State of Michigan and Michigan Public Service Commission, Docket No. CP82–519–000; Consumers Power Company v. Trunkline LNG Company and Trunkline Gas Company, Docket No. CP82–533–000; Laclede Gas Company v. Trunkline LNG Company and Trunkline Gas Company, Docket No. CP82–541–000; Trunkline LNG Company, Docket No. RP81–85–000; Michigan Consolidated Gas Company v. Trunkline LNG Company, Trunkline Gas Company, Panhandle Eastern Pipe Line Company and Sonatrach, Docket No. RP82–127–000; Poanhandle Eastern Pipe Line Company, Docket No. TA83–1–28–000 (PGA 83–1); Trunkline Gas Company, Docket No. TA83–1–30–000 (PGA 83–1); Joint order consolidating FERC Proceedings, initiating ERA Proceeding, setting joint ERA/FERC hearing, denying waivers, motions, and petitions, and granting and inviting interventions.

Issued October 28, 1982.

I. Introduction

The Administrator of the Economic Regulatory Administration (ERA) and the Federal Energy Regulatory Commission (Commission) have received numerous complaints, petitions, motions, and comments relating to Trunkline LNG Company's (TLC) authorizations to import, transport in interstate commerce, and resell liquefied natural gas (LNG) from Algeria. The agencies have been asked to review the authorizations granted to TLC in 1977 by the Federal Power Commission (FPC)[1] to import and resell the gas. Certain parties allege that the price is no longer reasonable, that the gas in not now needed, and that the supply is not reliable. Although the ERA of the Commission have jurisdiction over different aspects of this matter, their decisions may rest on a common set of facts.

The importance of there issues to the gas-consuming public and to the companies involved requires an expeditious decision. The issues of need and price are closely intertwined between the Administrator's responsibility under Section 3 of the Natural Gas Act and the Commission's responsibilities under Sections 3, 4, 5, and 7 of the Natural Gas Act. The two agencies have therefore decided that the interests of all parties would be served best by setting for joint hearing the issues designated below. This procedure will create the record necessary for decision by each agency in an expeditious manner without requiring the parties to address these intertwined issues before the two agencies separately. Once a record is compiled, it will be certified to both the ERA and the Commission for such further proceedings and decision as are deemed appropriate by each agency.[2]

This order summarizes the history of TLC's 1977 authorization, describes the filings now before the Commission and ERA, and addresses the joint concerns and respective jurisdiction of the two agencies. The order also designates the issues to be addressed in the joint hearing.

II. Background

In 1977, the FPC authorized TLC to import from Algeria approximately 165 Bcf equivalent of LNG annually, for a period of twenty years, and to construct and operate the necessary terminal facilities at Lake Charles, Louisiana. Opinion Nos. 796 and 796–A approved a price for the revaporized LNG delivered to the system of Trunkline Gas Company (Trunkline) of $3.37 per Mcf. Opinion No. 796–A approved a price change mechanism in the gas supply contract between TLC and Sonatrach, the Algerian national oil and gas

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[*] In the show cause order issued in this proceeding on September 24, 1982, these dockets were mistakenly listed as Docket Nos. CP74–138–000, CP74–139–000, and CP74–140–000. The correct docket numbers are CP74–138–003, CP74–139–001, and CP74–140–001.

[1] Opinion No. 796, issued April 29, 1977 (58 FPC 726); Opinion No. 796–A, issued June 30, 1977 (58 FPC 2935). The import authorization was issued pursuant to Section 3 of the Natural Gas Act. The construction and operation of the terminal facility was authorized in a certificate of public convenience and necessity issued pursuant to Section 7(c) of the Natural Gas Act.

[2] *See* Department of Energy Delegation Order No. 0204–104 to the Administrator of ERA and ERA Delegation Order No. 0204–104A to the Commission.

company, by which the price of LNG, FOB Algeria, would change 10 cents per Mcf equivalent for each $1.00 change in the weighted average prices of No. 2 and No. 6 fuel oil in New York harbor. Opinion No. 796 fixed April 1, 1980 as the date by which the service was to begin. That date has been extended by the Commission from time to time, most recently on July 27, 1982, when the date was extended to July 1, 1983, based upon TLC's representation that Sonatrach was experiencing technical difficulties with its facilities in Algeria.

On July 1, 1982, TLC filed for arbitration before the International Chamber of Commerce, alleging Sonatrach's refusal to deliver LNG under the gas supply contract. TLC alleged that the Lake Charles terminal had been ready to receive LNG since August 7, 1981, and that the LNG liquefaction facilities in Algeria had been ready since June 21, 1981.

On August 9, 1982, TLC announced that it had reached agreement with Sonatrach on a shipping schedule under which the first ship of LNG would be loaded in September 1982 and that regular deliveries would be achieved shortly thereafter. At the same time TLC announced it had agreed with Sonatrach to amend the price change mechanism of the gas supply contract. TLC states that, in place of the formula based on No. 2 and No. 6 fuel oil, there would be substituted a formula that would change the price of LNG, FOB Algeria, by 17 cents for each $1.00 change in the average posted prices of five specified foreign crude oils. The amendment is subject to the approval of both the Algerian and U.S. regulatory authorities, which approval would not be sought until regular deliveries under the existing contract had been achieved. The request for arbitration was withdrawn at the same time.

TLC then announced that the projected cost of revaporized LNG delivered to the Trunkline system would be $7.13 per MMBtu. Part of the increase from the $3.37 per Mcf approved in Opinion No. 796 is attributable to operation of the original price change mechanism that was approved by the Federal Power Commission in Opinion Nos. 796 and 796–A; the remainder of the increase is attributable to cost overruns on the construction of the Lake Charles terminal and the two U.S. flag ships, which additional costs have not been approved by the appropriate U.S. regulatory authorities.

Following these announcements by TLC, a number of complaints and protests were filed, both with the Commission and the ERA, as discussed below.

III. Commission Proceedings

A. Cases Filed With the Commission

1. *Docket No. CP82–517–000.* On August 27, 1982, the Association of Businesses Advocating Tariff Equity (ABATE) filed a complaint with the Commission that requests an expedited order directing TLC and Trunkline to show cause why they should not be required to cease and desist from importing LNG from Algeria under terms and conditions inconsistent with the existing authorization. ABATE, a group of industrial gas customers in the State of Michigan that are served through the Trunkline system, alleges a significant change in cirsumstances on the Trunkline system since the authorization was granted in 1977. Specifically, ABATE alleges that Trunkline has no present need for the Algerian LNG and that Trunkline has more gas available to it today than it requires to meet the needs of its existing markets. It further alleges that the price of LNG, even under the existing contract, is much higher than was expected when the project was originally proposed.

ABATE also questions the reliability of Algeria as a long-term supplier of gas. ABATE alleges that deliveries by Algeria under the original contract have been withheld for two years, apparently because of Algeria's insistence on a price higher than is permitted under the contract. ABATE also notes that deliveries by Algeria to other U.S. importers have been unilaterally interrupted by Algeria since 1980 because of its demands for higher prices. Finally, ABATE alleges that, because of the agreement to modify the price change mechanism of the gas supply contract, TLC will be importing LNG pursuant to a new contract that differs from the contract that was considered in Opinion Nos. 796 and 796–A.

2. *Docket No. CP82–519–000.* On August 27, 1982, the State of Michigan and the Michigan Public Service Commission (Michigan) filed a petition for an order to show cause and for expedited declaratory relief. In all material respects, Michigan raises the same issues as does ABATE. Michigan places special emphasis on its view that, but for the agreement to revise the price change mechanism, Sonatrach would not have begun shipments of LNG to the Lake Charles terminal. Michigan requests that the Commission issue an order declaring that the importation of LNG is without lawful authority because of the "supersession and abrogation of the previous contract and certificate of public convenience and necessity by the new agreement," and ordering that TLC and Trunkline cease and desist from the importation of LNG under the new contract.

3. *Docket No. CP82–533–000.* On September 15, 1982, Consumers Power Company (Consumers), a public utility rendering natural gas service to more than one million residential, commercial, and industrial customers in the State of Michigan, filed a complaint and request for expedited interim relief. Consumers is a substantial customer of Trunkline, accounting for approximately 35 percent of Trunkline's revenues.

As do ABATE and Michigan, Consumers alleges that there has been a major change in the pricing formula under the contract and that circumstances concerning the need for the gas and the security of the supply from Algeria have changed significantly since entry of the FPC's 1977 order authorizing the import. Consumers requests the Commission to suspend the import authorization and certificate immediately and then to determine whether to vacate the import license and certificate on the ground that importation of this LNG is inconsistent with the public interest.

Consumers also states that it recognizes that the relief it seeks places at issue the recoupment by TLC and Trunkline of their investment in the facilities constructed for the project. Consumers states the facilities were constructed in good faith on the basis of the certificates issued by the FPC. It requests that the Commission determine the extent and methodology upon which the proper costs of the project may be recouped from Trunkline's customers. Consumers suggests the possibility of holding the facilities on standby, pending the determination requested.

4. *Docket No. CP82–541–000.* On September 17, 1982, Laclede Gas Company (Laclede) filed a complaint and request for an order directing Trunkline to show cause why the certificate issued authorizing the sale of revaporized LNG from Algeria should not be amended or rescinded, due to TLC's alleged violation of its certificate and the drastic change in circumsances that has occurred since the project was originally certificated. Laclede, like ABATE, Michigan, and Consumers, raises questions concerning the amended price change mechanism, the reliability of LNG from Algeria, and the changed gas supply situation.

5. *Docket No. RP81–85–000.* On July 1, 1981, TLC filed a general rate change, pursuant to Section 4 of the Natural Gas Act, that proposes a change from the fixed rate approved in Opinion Nos. 796 and 796–A to a cost-of-service tariff. The filing also seeks an increase in the level

of the rate approved in Opinion Nos. 796 and 796-A to reflect the cost overruns experienced on the ship and terminal construction. On July 31, 1981, the Commission accepted the proposed tariff sheets for filing and suspended them for one day after the date of initial delivery by TLC. The question of the justness and reasonablenes of the proposed tariff changes, including the cost-of-service tariff and the cost increases, was set for hearing. (16 FERC ¶61,102). No decision has been reached in that case; hearings in the case are scheduled to commence on January 17, 1983.

6. *Docket No. RP82-127-000.* On August 12, 1982, Michigan Consolidated Gas Company (Michigan Consolidated) filed a complaint against TLC, Trunkline, Panhandle Eastern Pipe Line Company (Panhandle) and Sonatrach that seeks to bar the passthrough to customers of Trunkline and Panhandle the costs of the Algerian LNG. In all material respects, Michigan Consolidated raises the same issues as are raised in the various complaints discussed above.

7. *Docket No. TA83-1-30-000 (PGA83-1).* On September 16, 1982, Trunkline filed a "limited revision in the [purchased gas adjustment (PGA)] rate which became effective September 1, 1982, designed to reflect only the inclusion of gas from the new supply from TLC." The proposed effective date of the revised tariff sheet is November 1, 1982. Trunkline requests waiver of § 154.38(d)(4)(iv) of the Commission's regulations, which allows only semi-annual filing for PGA rate adjustments. The effect of including the cost of the revaporized LNG in Trunkline's PGA increases Trunkline's projected unit cost of purchased gas from 270.73 cents per dekatherm to 347.32 cents per dekatherm.

8. *Docket No. TA83-1-28-000 (PGA83-1).* On September 16, 1982, Panhandle also filed a "limited revision" in its PGA which became effective September 1, 1982, designed to reflect only the effect of the purchase by Trunkline from TLC in Panhandle's own rates. The proposed effective date is November 1, 1982. Panhandle also requests waiver of § 154.38(d)(4)(iv) of the Commission's regulations. The effect of including the cost of the revaporized LNG in Trunkline's PGA increases Panhandle's estimated unit cost of gas from 254.6 cents per Mcf to 282.63 cents per Mcf.

B. Order To Show Cause (Docket Nos. CP74-138, 139 and 140)

Based upon the protests and complaints received by the Commission as well as the Commission's own concerns with respect to the cost of the revaporized LNG delivered to Trunkline and the circumstances surrounding the commencement of deliveries by Sonatrach, the Commission, on September 24, 1982, issued an order directing Trunkline and TLC to show cause:

(1) Why the proposed deliveries of LNG are not pursuant to what amounts to a new contract,

(2) Why Trunkline and TLC should not be required to seek authorization to import LNG under the contract (as amended, modified or superseded) prior to any shipments of LNG from Algeria,

(3) Why the proposed delivery will not be in violation of the Natural Gas Act or other applicable statutes, and

(4) Why the operation of the Lake Charles facilities should not be found to be no longer in the public convenience and necessity.

The September 24 order directed Trunkline and TLC to file information with respect to the August 6, 1982 agreement with Sonatrach and the arbitration proceedings. The September 24 order also requested interested parties to submit legal memoranda with respect to the basis for revision of the certificates issued to TLC and the rate implications of such an action.

Trunkline and TLC filed their response to the order to show cause on October 1, 1982. The companies assert that the importation and revaporization are being conducted strictly in accordance with the authorization and certificates issued by the FPC in 1977 and pursuant to the gas supply contract approved in Opinion No. 796. The Trunkline companies assert that the August 6, 1982, modification to the contract is not relevant to present purposes because it is subject to regulatory approvals, and regulatory approvals have not yet been sought (and will not be until regular deliveries under the existing contract are accomplished). The companies assert that the Commission lacks the authority to revoke or suspend TLC's authorization to import Algerian LNG and its certificate of public convenience and necessity to operate its facilities. The companies further assert that the state commissions and customers who are now seeking to stop the project strongly supported it in 1977, and those persons should not now be heard to oppose the project. The companies emphasize that the Algerian LNG project is a long-term gas supply project and that the opponents of the project are reacting only to a short-term market situation. The companies acknowledge that the LNG is not needed for the next year or two, but stress that in future years, this LNG will play a crucial role in enabling Trunkline and Panhandle to serve their market requirements. The companies caution the Commission against periodic reviews of the authorizations for major energy projects lest the incentive to embark on such projects be destroyed by the risk that once substantial dollars have been spent, the government may change its mind and the investment may be jeopardized. Finally, the companies request an evidentiary hearing to consider the issues in the event that the Commission does not dismiss the complaints.

Those who now object to the importation of the Algerian LNG make four basic points in response. First, they assert that, because Algeria did not agree to begin shipments of LNG until TLC agreed to revise the price change mechanism in the contract, there is in effect a new contract for the sale of the LNG that has not received the appropriate regulatory approvals. Second, they assert that circumstances have changed substantially since the project was authorized in 1977, both in terms of gas supply and marketability of the revaporized LNG. Third, they assert that, in view of Algeria's action in terminating deliveries to Cove Point and Elba Island because of pricing disagreements, Algeria cannot be relied upon as a secure, long-term source of supply. Finally, certain of the opponents' recognize that TLC's investment in the project should not necessarily be placed at risk, even if the project were to be suspended. The project was undertaken and substantial dollars expended in good faith, pursuant to valid authorization and certificates from the FPC. These persons indicate a willingness to explore appropriate rate mechanisms so as not to penalize the companies because of whatever decisions may be made as to the future of the project.

IV. ERA Proceedings

A. Filings Before the ERA

1. *State of Michigan and Michigan Public Service Commission (Michigan).* On August 27, 1982, Michigan filed a petition requesting the ERA to issue an order to Panhandle, Trunkline, and TLC to show cause why the scheduled LNG import should not be considered unlawful. Additionally or alternatively, Michigan requested the ERA to issue an order granting the declaratory relief sought by finding the importation unlawful and unauthorized and subject to refunds, penalties and appropriate enforcement actions.

Michigan cited two basic reasons in support of its petition. First, Michigan alleges that TLC violated Article 24 of its existing gas purchase contract with Sonatrach by renegotiating a change in the price escalation formula during a time in which it was strictly prohibited by the contract that was approved by the FPC in 1977. As a consequence, neither Trunkline nor Panhandle can lawfully pass LNG costs through to their customers until TLC has obtained the requisite governmental approval of the new contract. Second, Michigan contends that conditions have changed since the import authorization was granted by the FPC in 1977, that the gas is neither currently needed nor marketable at the prices provided for in the existing contract, and that Algeria is an unreliable long-term supplier of natural gas.

On October 19, 1982, Michigan filed a memorandum in further support of its August 27, 1982 petition citing the factual basis and legal arguments for the ERA to take such proposed action. Moreover, Michigan maintains that the ERA has full power and authority, in the circumstances of this case, to suspend or, revoke the existing authorization.

2. *Michigan Consolidated Gas Company (Michigan Consolidated).* On August 27, 1982, Michigan Consolidated filed with the ERA a complaint, request for hearing, and petition for the issuance of a declaratory order on an expedited basis or, alternatively, an order to show cause why this LNG import is not unlawful and unnecessary.

In support of its filing, Michigan Consolidated reiterated many of the same arguments stated in Michigan's August 27 petition. Michigan Consolidated states that renegotiation of the price escalation formula was inconsistent with Article 24 of the gas purchase contract. Furthermore, the company alleges that Sonatrach's failure to begin deliveries of gas as stipulated in the old sales contract terminated that contract and requires TLC to obtain new governmental authorization to import the LNG and to pass through those costs to its customers. Like Michigan, Michigan Consolidated also alleges that conditions have changed and that the gas is not currently needed, that the gas is unmarketable because of the price, and that Sonatrach has been proven to be an unreliable supplier of gas.

3. *Association of Businesses Advocating Tariff Equity (ABATE).* On August 30, 1982, ABATE filed with the ERA a complaint and request for the issuance of an order to TLC to show cause why it should "* * * not be required to cease and desist from importing LNG from Algeria under terms and conditions inconsistent with its existing authorization." ABATE, like Michigan and Michigan Consolidated, argues that TLC and Sonatrach have altered significantly their gas sales contract and that the alteration has never been subject to governmental review. ABATE also contends that there is no current need for the gas, its price is higher than anticipated when the import authorization was granted in 1977, and events subsequent to the FPC approval have raised questions concerning the reliability of Algeria as a gas supplier.

4. *Consumers Power Company (Consumers Power).* On September 2, 1982, Consumers Power petitioned the ERA to issue an order requiring TLC to show cause why the existing authority to import LNG should not be vacated. Additionally, Consumers Power requested the ERA to issue an order suspending TLC's import license pending an expedited hearing. The reasons cited in support of the requested actions were identical to those given by other parties in earlier filings. Consumers Power alleges that TLC had violated its existing sales contract and that "changed circumstances" since the 1977 FPC approval make this import no longer desirable. The company also maintains that the renegotiated pricing formula would result in higher priced gas which, in turn, would drive industrial customers off its system.

5. *Laclede Gas Company (Laclede).* On September 10, 1982, Laclede filed with the ERA a complaint and request for immediate suspension of TLC's import authorization pending an expedited hearing. Laclede states that the ERA should have a hearing to determine whether TLC's import authorization should be amended or rescinded due to the "* * * drastic change in circumstances which has occurred since the authorization originally was issued." Laclede maintains that changes in the need for and price of the gas, as well as in the reliability of the supply, cause this project no longer to be in the public interest. The company further asserts that "ex post facto review of the renegotiated contract cannot and will not adequately protect the public interest."

6. *Illinois Power Company (Illinois Power).* On September 10, 1982, Illinois Power filed with the ERA a petition to issue an order requiring TLC to file an application requesting approval of modification to its gas purchase contract with Sonatrach. Illinois Power also requested immediate suspension of the authorization pending an expedited hearing. Illinois Power, like the other persons filing with the ERA, maintains that TLC has violated its existing contract and that circumstances have changed causing this project to be no longer in the public interest.

7. *Congressman Robert H. Michel and Paul Findley, the Illinois Commerce Commission, Associated Natural Gas Company, Battle Creek Gas Company, Central Illinois Light Company, Central Illinois Public Service Company, Citizens Gas Fuel Company, Michigan Gas Utilities Company, Missouri Utilities Company, Ohio Gas Company, Richmond Gas Corporation, Southeastern Michigan Gas Company, and Toledo Edison Company (the General Service Customer Group).* On September 10, 1982, these joint petitioners filed with the ERA a petition to reopen the proceedings that resulted in the issuance of FPC Opinion No. 796 authorizing TLC to import LNG from Algeria. They also want the ERA to issue a supplemental order revoking TLC's current import authorization on the basis of significant "changed circumstances." The General Service Customer Group alleges that since the 1977 FPC authorization, there have been dramatic changes in the factual circumstances and applicable law concerning security of supply, need for the gas, and the price of this LNG import. They also maintain in their petition that continuation of this import project will have an adverse impact on the U.S. balance of payments.

On September 21, 1982, the General Service Customer Group, ABATE, and Consumers Power filed with the ERA a joint motion on behalf of all those that filed petitions, complaints or motions with the ERA, to consolidate the proceedings and establish expedited procedures. On October 8, 1982, the General Service Customer Group, ABATE, Consumers Power, Laclede and Michigan Consolidated filed a joint motion requesting the ERA to comply with the requirements of the Natural Gas Act and applicable rules of practice and procedure by acing on all the filings before it on this matter.

8. *Central Illinois Public Service Company (CIPS).* On September 21, 1982, CIPS filed a petition with the ERA requesting the reopening and revocation of TLC's import authorization on the grounds of "changed circumstances" with respect to security of the supply, the price of the gas and need for this LNG import. The firm also requested that the ERA temporarily suspend TLC's current authorization pending the outcome of an evidentiary proceeding.

9. *State of Illinois, the People of the State of Illinois, the Attorney General of the State of Illinois (Illinois).* On September 24, 1982, Illinois filed a petition with the ERA to reopen and

revoke TLC's import authorization and a motion for temporary suspension of the authorization pending the outcome of the proceeding. The bases for these requested actions were identical to those cited by other petitioners and complainants: "changed circumstances" and violation of TLC's sales contract.

10. *TLC's Responses to Complaints and Petitions.* On September 27, 1982, TLC filed a response to the complaints filed by Michigan Consolidated, ABATE, and Laclede. On October 12, 1982, TLC filed a response to the petitions of Illinois Power, the General Service Customer Group, and CIPS.

In response to the petitioners' and complainants' request that the ERA revoke, rescind, or suspend TLC's import authorization, TLC contends that there is no statutory, policy, or legal basis for the requested action. TLC asserts that the complainants have not addressed the statutory authority, legal precedent, or judicial pronouncement that would allow the ERA to terminate an existing import authorization.

TLC also expresssed concern about the effect such action would have on "* * * a long-term project created by private industry, supported by these petitioners, complainants and their allies, and sanctioned and fostered by the United States Government, merely because of temporary economic conditions which are affecting the availability of energy today." TLC includes an appendix of statements made by many of the complainants and petitioners during the earlier authorization proceedings before the FPC supporting the project to import Algerian LNG.

TLC claims that the petitioners and complainants have made erroneous assertions with respect to alleged violations of TLC's sales agreement with Sonatrach and that the current LNG shipments are being delivered under the 1975 contract, and in accordance with its existing import authorization. TLC asserts that the amended pricing clause would only become effective "* * * following achievement of full deliveries and upon the obtaining of government approvals, the timing of which cannot now be predicted."

In response to the claims that there is no longer a need for this gas supply because of "changed circumstances," TLC argues that such allegations are both self-serving and wrong. In addition, TLC states that any review of the petitioners' and complainants' assertions would require the ERA to grant the opportunity for discovery, submission of market data, and cross-examination at an evidentiary hearing.

B. ERA Conferences

The ERA held public conferences in Peoria and Springfield, Illinois, on October 14 and October 15, 1982, respectively. The purpose of the conferences was to permit interested persons to comment on various complaints and petitions recently filed with the ERA regarding TLC's import authorization and TLC's subsequent response to the complaints. The ERA received views on whether it should initiate a "proceeding" to review TLC's import authorization and, if so, what issues it should address, what kind of evidence it should gather, and what kind of procedures and timetable for action it should adopt.

C. Initiation of Proceedings and Solication of Petitions To Intervene In ERA Docket No. 8–12–LNG

Issuance of this order constitutes the commencement of an ERA proceeding to determine whether the petitioners' and complainants' allegations of "changed circumstances" since the 1977 FPC import authorizatoin would warrant the ERA taking steps to amend or revoke TLC's current import authorization issued pursuant to Section 3 of the Natural Gas Act.

Although the ERA did not have a proceeding on TLC's import authorization until issuance of this order, many persons have filed petitions to intervene and notices of intervention in any proceeding the ERA might conduct on this subject matter. All of these petitioners are granted intevention status and will be able to participate in this joint FERC/ERA hearing, as well as any further proceeding the ERA may conduct on this matter. A list of these parties is contained in Appendix A of this order. Additionally, all persons that have made filings before the Commission on this subject are also granted intervention in this ERA proceeding. A list of these parties is contained in Appendix B of this order.

The ERA invites protests or petitions to intervene in the proceeding. Until the conclusion of this hearing, all such protests or petitions are to be filed with the Secretary of the Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Such protests or petitions will be accepted for consideration if filed no later than 4:30 p.m., on November 5, 1982. Answers to petitions to intervene must be filed by November 8, 1982.

D. Procedural Requests

By initiating a proceeding in this docket and setting the matter for hearing, this order grants various parties' requests that the ERA address the issue of whether, under Section 3 of the Natural Gas Act, TLC's existing import authorization currently is not consistent with the public interest.

With respect to several persons' requests that the ERA temporarily suspend TLC's import authorization pending further hearing, the ERA has determined that such action is not warranted at this time. The Commission's action in this order denying Trunkline's and Panhandle's requests for waiver of § 154.38(d)(4)(iv) of its regulations effectively precludes any immediate pass-through to their customers of any charges attributable to the importation of LNG purchased from Sonatrach. Further, none of the complainants and petitioners has asserted any basis other than the possibility of immediate cost increases in support of their assertions that they will be irreparably injured if TLC's current import authorization is not suspended immediately. *See, e.g., Virginia Petroleum Jobbers Association* v. *FPC,* 259 F.2d 921 (D.C. Cir. 1958). For these reasons, by this order ERA denies all pending requests for temporary suspension of TLC's import authorization, without prejudice to refiling at a later date.

A number of requests for other types of procedural relief have also been filed with the ERA. Many of the concerns expressed in these requests overlap with those expressed by persons equesting the ERA to initiate evidentiary hearings. The ERA believes that the procedures we are adopting by this order will provide all parties an opportunity to present relevant evidence and their concerns. This order therefore denies all pending requests for procedural relief not specifically addressed above, without prejudice to refiling.

V. Jurisdiction

TLC's importation of Algerian LNG and construction and operation of the necessary facilities were authorized by the FPC in 1977 prior to the creation of the Department of Energy. The Department of Energy Organization Act (DOE Act) transferred jurisidiction under Section 3 of the Natural Gas Act with respect to the importation of natural gas to the Secretary of Energy. DOE Act, Sections 301 and 402. Through a series of delegation orders, the Secretary assigned primary responsibility for imports to the ERA, and assigned to the Commission import jurisdiction over certain ancillary matters. DOE Delegation Order Nos. 0204–54 and 0204–55, I FERC Stat. & Reg. ¶ 9908 and 9909. The Commission has jurisdiction with respect to matters arising under Sections 4, 5 and 7 of the Natural Gas Act.

VI. Hearing Required

The Commission and the Administrator recognize that TLC's importation of Algerian LNG and construction and operation of the facilities necessary in order to accomplish the importation were approved by the FPC in 1977, based upon the circumstances that then existed and that were anticipated to occur in the future. The pleadings filed in these several dockets allege a number of changes from the circumstances that exsited in 1977. Whether the changes are sufficient to warrant action by the Commission or the Administrator cannot be determined at this time. Material issues of fact are raised by the pleadings in these cases that cannot be answered on the basis of the records before the two agencies. Because these pleadings raise common issues of fact and law, they will be consolidated for hearing.

The basic issues to be addressed in the hearing and in the briefs are the following:

(1) Whether the Administrator can alter, amend modify, suspend, rescind or revoke the existing authorization of TLC to import natural gas from Algeria issued by the FPC in Opinion Nos. 796 and 796–A pursuant to Section 3 of the Natural Gas Act? If so, under what circumstances?

(2) Whether the Commission has the legal authority to alter, amend, or rescind the certificate of public convenience and necessity issued to TLC pursuant to Section 7 of the Natural Gas Act? If so, under what circumstances?

(3) What changes, if any, have occurred with respect to price and need since the 1977 FPC import authorization that would warrant the amendment or rescission of TLC's current authorization under Section 3 of the Natural Gas Act?

(4) Whether the Lake Charles LNG facility should be permitted to operate at this time?

(5) Whether the import of LNG from Algeria by TLC at this time is inconsistent with the public interest and whether the sale of revaporized LNG from the Lake Charles facility by TLC to Trunkline at this time would be inconsistent with the public convenience and necessity?

(6) Is there a national need for this LNG over the near term and the life of the project? What other sources of energy supply at what prices will be available during these periods to meet such needs?

(7) Whether any pricing terms of the existing authorization of TLC to import natural gas from Algeria are inconsistent with the public interest and should be modified? If so, in what respect?

(8) Is the price of this LNG import, when revaporized, reasonable compared to alternate fuel prices in the U.S. market?

(9) What is the effect of this LNG import on the U.S. balance of payments? Has this materially changed since 1977?

(10) What is the projected need for this LNG import to serve the market requirements of Trunkline and its customers currently over the near term, and over the life of the project? What other sources of energy supply may be available to meet future market requirements and at what prices over the near term and the life of the project?

(11) Is the revaporized LNG marketable at the rates proposed by TLC currently, over the near term, and over the life of the project? If not, at what lower rate would the gas be marketable?

(12) What impact would inclusion in Trunkline's rates of the cost of the revaporized LNG have on Trunkline's customers currently, over the near term, and over the life of the project?

(13) To what extent, if any, would Trunkline or its customers lose load if the costs of the revaporized LNG are included in Trunkline's rates? If so, what alternative fuel would replace gas, and at what price?

(14) What would be the impact on end-user prices per MMBtu given the sunk costs invested in the project if the project were not to go forward at this time?

(15) What rate methodologies or mechanisms might be available so as not to penalize TLC if the Lake Charles facility does not go into service at this time?

(a) Should TLC's minimum bill be placed in effect?

(b) Should the project be treated as abandoned, with the investment being amortized by ratepayers?

(c) Should the project be "mothballed" or treated as being held for future use, with a return of equity-related components? If so, to what extent?

(16) Has TLC violated the terms of the authorizations granted pursuant to Opinion Nos. 796 and 796–A?

(17) Have the actions of TLC and Sonatrach in amending the gas supply contract served to void the contract that was considered in Opinion Nos. 796 and 796–A? Do such actions require that TLC secure appropriate regulatory approvals of the amended contract prior to any importation of LNG from Algeria?

(18) Should Trunkline and Panhandle be permitted to make effective an out-of-cycle PGA filing?

(19) To what extent should the cost increases included in FERC Docket No. RP81–85 (other than increases in the cost of LNG FOB Algeria pursuant to the price change mechanism of the contract approved by Opinion Nos. 796 and 796–A) be permitted to be reflected in TLC's rates?

In order to assist the Administrator and the Commission in understanding the historical background and current context of the above-enumerated issues, a full factual record should also be developed with respect to the circumstances surrounding the renegotiation of the price change mechanism of the gas supply contract between TLC and Sonatrach, and with respect to the effect of the August 1982 amendment to the price change mechanism on the contract that served as a basis for the authorization issued by the FPC in 1977.

Because it appears that TLC has already begun to incur substantial costs for LNG shipped from Algeria, the Commission directs the administrative law judge to expedite this proceeding so that the record may be certified to the Commission and the Administrator of the ERA not later than December 14, 1982. After certification of the record, Commission and ERA participants shall have ten days to file simultaneous briefs with the Commission and ERA. The administrative law judge is directed to modify the procedural schedule already established for Docket No. RP81–85–000 to the extent necessary to meet the requirements established herein. The rate issues identified in item 19 may be deferred, if necessary, in order to complete the record on the remaining items in a timely manner.

VII. Decisions and Orders

A. Economic Regulatory Administration

Based on the ERA's review of the filings in ERA Docket No. 82–12–LNG, we have decided to initiate a proceeding in this docket. Accordingly, the Secretary of Energy and the Administrator have transferred jurisdiction in this docket to the Commission *see* DOE Delegation Order No. 0204–104 and ERA Delegation Order No. 0204–104A) for the sole purpose of developing a record on the issues discussed above, and in accordance with the hearing procedures specified by the Commission. All motions and requests for procedural relief or action not specifically granted by this order are denied.

For the reasons set forth above, pursuant to Section 3 of the Natural Gas Act,

The ERA orders:

(A) Pursuant to DOE Delegation Order No. 0204–104 and the ERA Delegation Order No. 204–104A, a hearing shall be held in this proceeding and shall be conducted in accordance with the procedures specified by the Commission.

(B) All petitioners for leave to intervene, complainants, and petitioners for procedural relief listed in Appendices A and B are hereby granted status as parties, subject to such rules of practice and procedures as may be in effect.

(C) All motions and requests for procedural relief or action not specifically granted by this order are denied.

B. Commission

In view of the foregoing procedures and the serious issues raised, the Commission will deny, at this time, Trunkline's and Panhandle's requests for waiver of § 154.38(d)(4)(iv) to permit the filing of a PGA adjustment more frequently than simi-annually. We expect the hearing in these matters to consider whether good cause exists to grant waiver of § 154.38(d)(4)(iv). We deny such waiver at this time, because we expect to decide expeditiously the question of whether the Lake Charles facility should be permitted to go into service. If resolution of that issue becomes unduly prolonged, Trunkline and Panhandle are free to renew their motions for waiver.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the proceedings in Docket Nos. CP74–138–003, CP74–139–001, CP74–140–001, CP82–517–000, CP82–519–000, CP82–533–000, CP82–541–000, RP81–85–000, RP82–127–000, TA83–1–28–000, and TA83–1–30–000 be consolidated and set for hearing.

(2) Good cause has not been shown to exist for waiver of the provisions of § 154.38(d)(4)(iv) of the Commission's regulations.

The Commission orders:

(A) The proceedings in Docket Nos. CP74–138–003, CP74–139–001, CP74–140–001, CP82–517–000, CP82–519–000, CP82–533–000, CP82–541–000, RP81–85–000, RP82–127–000, TA83–1–28–000, and TA83–1–30–000 are consolidated for hearing.

(B) Pursuant to the authority of the Natural Gas Act, particularly Sections 3, 4, 5, 7, 15 and 16, and DOE Delegation Order No. 0204–55, a hearing shall be held in the proceeings consolidated in ordering paragraph (A). The consolidated hearing shall also consider ERA Docket No. 82–12–LNG, which has been delegated to the Commission by ERA for the sole purpose of compiling a record.

(C) An administrative law judge to be designated by the Chief Administrative Law Judge shall preside at a prehearing conference and subsequent hearings in this proceeding. The administrative law judge shall have full authority to establish all procedural dates and to phase the consideration of issues so that the record is certified to the Commission and the Administrator of the ERA consistent with the text of this order.

(D) Pursuant to Rule 709 of the Commission's Revised Rules of Practice and Procedure, the initial decision shall be waived and the record certified for decision by the Commission and the Administrator of the ERA.

(E) Panhandle's and Trunkline's requests in Docket Nos. TA83–1–28–000 and TA83–1–30–000 for a waiver of § 154.38(d)(4)(iv) of the Commission's regulations are denied, and their respective tariff filings in those dockets are rejected.

By the Commission.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

Kenneth F. Plumb,

Secretary, Federal Energy Regulatory Commission.

Appendix A—List of Parties, ERA Docket No. 82–12–LNG

1. Trunkline LNG Company.
2. State of Michigan and Michigan Public Service Commission.
3. National Hydrocarbons, Inc.
4. Public Utilities Commission of Ohio.
5. Missouri Public Service Commission.
6. Indiana Gas Company, Inc.
7. Lachmar.
8. Northern Illinois Gas Company.
9. Kansas State Corporation Commission.
10. Boston Gas Company.
11. Honorable Tom Corcoran, M.C.
12. Honorable Dan Costs, M.C.
13. Honorable Clarence Brown, M.C.
14. Panhandle Eastern Pipe Line Company.
15. Northern Indiana Public Service Company.
16. Mississippi River Transmission Corporation.
17. Glass Packaging Institute.
18. Industrial Gas Users Conference Companies.
19. The Process Gas Consumers Group.
20. Indiana Industrial Energy Consumers Group.
21. Consumers Power Company.
22. Honorable Robert H. Michel.
23. Honorable Paul Findley.
24. Central Illinois Public Service Company.
25. Associated Natural Gas Company.
26. Battle Creek Gas Company.
27. Central Illinois Light Company.
28. Citizens Gas Fuel Company.
29. Michigan Gas Utilities Company.
30. Missouri Utilities Company.
31. The Illinois Commerce Commission.
32. Ohio Gas Company.
33. Richmond Gas Corporation.
34. Southeastern Michigan Gas Company.
35. Toledo Edison Company.
36. State of Illinois and The People of Illinois.
37. Illinois Power Company.
38. Michigan Consolidated Gas Company.
39. Association of Businesses Advocating Tariff Equity.
40. Laclede Gas Company.

Appendix B

Docket number and name	Dated filed
CP74–138, et al.:	
Honorable Charles H. Percy, United States Senate.	Sept. 29, 1982
Lachmar	Oct. 1, 1982.
Laclede Gas Company	Oct. 1, 1982.
Process Gas Consumers Group	Oct. 1, 1982.
National Hydrocarbons Inc	Oct. 1, 1982.
Kansas State Corporation Commission.	Oct. 4, 1982.
Northern Illinois Gas Company	Oct. 13, 1982
General Service Customer Group	Oct. 13, 1982
Panhandle Eastern Pipe Line Company.	Oct. 15, 1982.
Indiana Industrial Energy Consumers Group.	Oct. 20, 1982.
John D. Dingell, Member of Congress, Washington, D.C.	Oct. 20, 1982
CP82–517–000:	
Indiana Gas Company, Inc	Sept 23, 1982
Great River Gas Company	Oct. 12, 1982
Mississippi River Transmission Corporation	Oct. 12, 1982
Consumers Power Company	Oct. 13, 1982
Michigan Consolidated Gas Company	Oct. 13, 1982.
East Ohio Gas Company	Oct 13, 1982
CP82–517–000.	
Industrial Gas Users Conference Companies	Oct. 13, 1982
Glass Packaging Institute	Oct. 13, 1982
CP82–519–000:	
Indiana Gas Company, Inc	Sept. 23, 1982.
Boston Gas Company	Oct. 18, 1982
Consumers Power	Oct 21, 1982
CP82–533–000	
Indiana Gas Company, Inc	Sept. 27, 1982
Glass Packaging Institute	Oct 13, 1982
Industrial Gas Users Conference Companies.	Oct 13, 1982
Mississippi River Transmission Corporation	Oct. 13, 1982
Panhandle Eastern Pipe Line Company	Oct. 15, 1982
Lachmar	Oct 20, 1982
Boston Gas Company	Oct. 20, 1982
East Ohio Gas Company	Oct 22, 1982
National Hydrocarbons, Inc	Oct. 22, 1982
CP82–541–000.	
Northern Indiana Public Service Company	Oct. 6, 1982
Indiana Gas Company, Inc	Oct 7, 1982
Mississippi River Transmission Corporation	Oct. 13, 1982
Glass Packaging Institute	Oct 13, 1982
Industrial Gas Users Conference Companies.	Oct 13, 1982
Panhandle Eastern Pipe Line Company	Oct 15, 1982
The Missouri Public Service Commission.	Oct. 19, 1982
CP82–541–000.	
Lachmar	Oct 20, 1982
Boston Gas Company	Oct. 20, 1982
National Hydrocarbons, Inc	Oct 22, 1982.
TA83–1–28–000:	
Tom Corcoran, Dan Coats, and Clarence J. Brown, Members of Congress.	Sept. 24, 1982
Columbia Gas Transmission Corporation.	Sept. 29, 1982.
Charles H. Percy	Sept. 29, 1982.
Citizens Gas and Coke Utility	Sept. 29, 1982.
Illinois Power Company	Sept. 30, 1982.

Appendix B—Continued

Docket number and name	Dated filed
Consumers Power Company	Oct. 1, 1982.
Associated Natural Gas Company, et al.	Oct. 1, 1982.
Michigan Gas Utilities Company	Oct. 1, 1982.
The East Ohio Gas Company	Oct. 1, 1982.
Illinois Power Company	Oct. 1, 1982.
Association of Businesses Advocating Tariff Equity and the Process Gas Consumers Group.	Oct. 1, 1982.
Michigan Consolidated Gas Company.	Oct. 1, 1982.
Indiana Gas Company, Inc	Oct. 1, 1982.
Great River Gas Company	Oct. 1, 1982.
National Hydrocarbons, Inc	Oct. 1, 1982.
Frank J. Kelley, State of Michigan, Public Service Commission.	Oct. 1, 1982.
TA82-1-28-000	
Central Illinois Public Service Company.	Oct. 1, 1982.
Northern Illinois Gas Company	Oct. 1, 1982.
Northern Indiana Public Service Company.	Oct. 1, 1982.
Robert R. Michel and Paul Findley	Oct. 4, 1982.
Missouri Utilities Company	Oct. 5, 1982.
Illinois Commerce Commission	Oct. 6, 1982.
Missouri Power and Light Company	Oct. 7, 1982.
Missouri Edison Company	Oct. 7, 1982.
The People of the State of Illinois	Oct. 12, 1982.
Southeastern Michigan Gas Company.	Oct. 18, 1982.
TA82-1-30-000:	
Tom Corcoran, Dan Coats, and Clarence J. Brown, Members of Congress.	Sept. 24, 1982.
United Cities Gas Company	Sept. 29, 1982.
Charles H. Percy	Sept. 29, 1982.
Columbia Gas Transmission Corporation.	Sept. 29, 1982.
Illinois Power Company	Sept. 30, 1982.
Michigan Gas Utilities Company	Oct. 1, 1982.
General Service Customer Group	Oct. 1, 1982.
TA82-1-30-000:	
Consumers Power Company and Michigan Gas Storage Company.	Oct. 1, 1982.
The East Ohio Gas Company	Oct. 1, 1982.
National Hydrocarbons, Inc	Oct. 1, 1982.
Illinois Power Company	Oct. 1, 1982.
Indiana Gas Company, Inc	Oct. 1, 1982.
Mississippi River Transmission Corporation.	Oct. 1, 1982.
Association of Businesses Advocating Tariff Equity and the Process Gas Consumers Group.	Oct. 1, 1982.
Michigan Consolidated Gas Company.	Oct. 1, 1982.
Laclede Gas Company	Oct. 1, 1982.
Central Illinois Public Service Company.	Oct. 1, 1982.
State of Michigan and Michigan Public Service Commission.	Oct. 1, 1982.
Robert H. Michel and Paul Findley	Oct. 4, 1982.
Illinois Commerce Commission	Oct. 6, 1982.
Missouri Utilities Company	Oct. 5, 1982.
Northern Indiana Public Service Company.	Oct. 4, 1982.
Missouri Edison Company	Oct. 7, 1982.
Missouri Power and Light Company	Oct. 7, 1982.
TA83-1-30-000:	
The People of the State of Illinois	Oct. 18, 1982.
RP81-85-000:	
National Hydrocarbons, Inc	Sept. 10, 1982.
RP82-127-000:	
Indiana Gas Company, Inc	Sept. 7, 1982.
The Association of Businesses Advocating Tariff Equity.	Sept. 8, 1982.
Tom Corcoran, Dan Coats, and Clarence J. Brown, Members of Congress.	Sept. 10, 1982.
Illinois Power Company	Sept. 14, 1982.
Columbia Gas Transmission Corporation.	Sept. 14, 1982.
General Service Customer Group	Sept. 15, 1982.
Consumers Power Company	Sept. 15, 1982.
State of Michigan and Michigan Public Service Commission.	Sept. 15, 1982.
Mississippi River Transmission Corporation.	Sept. 15, 1982.
East Ohio Gas Company	Sept. 15, 1982.
Boston Gas Company	Sept. 16, 1982.

[FR Doc. 82-30066 Filed 10-29-82; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 6277-001]

William L. Alcorn; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 27, 1982.

Take notice that on August 23, 1982, William L. Alcorn, (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6277 would be located on Willow Ranch Creek in Lassen County, California. Correspondence with the Applicant should be directed to: Fred R. Nagel, 45 South Roop Street, Susanville, California 96130.

Project Description.—The proposed project would consist of: (1) a 4-foot-high diversion structure; (2) a 12-inch-diameter, 3,600-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 50 kW; and (4) appurtenant facilities. The Applicant estimates a 69,120 kWh average annual energy production.

Purpose of Exemption.—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project. Power would be sold to local utilities.

Agency Comments.—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application.—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 15, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Motions To Intervene.—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 15, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29926 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6710-000]

Bergin Resources Development; Application for Preliminary Permit

October 26, 1982.

Take notice that Bergin Resources Development (Applicant) filed on September 27, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6710 to be known as the Junction City Power Project located on Soldier Creek, partially within Trinity National Forest in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Underwood, 2091 Phobos Court, Redding, California 96002.

Project Description—The proposed project would consist of: (1) a concrete diversion structure, 5 feet high, at elevation 2450 feet; (2) diversion conduits and an existing channel with a total length of 5170 feet; (3) a penstock, 30 inches in diameter and 1450 feet; (4) a powerhouse at elevation 2,000 feet containing one or more turbine generators with a total capacity of 1,120 kW and an average annual output of 7.36 GWh; and (5) a transmission line, one and one-half miles long, interconnecting with a Pacific Gas and Electric Company distribution line.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for license to construct and operate the project. The estimated cost of permit activities is $43,00.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 10, 1983, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before January 10, 1983, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Filing of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 1, 1983.

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 10, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29927 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5177-001]

Bluepond Associates: Surrender of Preliminary Permit

October 28, 1982.

Take Notice that Bluepond Associates (Bluepond), Permittee for the proposed Hampstead Hydro Project No. 5177 has requested that its preliminary permit be terminated. The preliminary permit was issued on December 10, 1981, and would have expired on May 31, 1983. The proposed project would have been located on the Little Cimarron River in Gunnison County, Colorado.

Bluepond filed its request on October 8, 1982, and the surrender of its permit for Project No. 5177 is effective as of the date of this notice.

Kennth F. Plumb,

Secretary.

[FR Doc. 82-29971 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-540-000]

Cities Service Gas Co.; Application

October 26, 1982.

Take notice that on September 20, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-540-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and related facilities in Texas County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate facilities to redeliver volumes of gas to Mobil Oil Corporation (Mobil) after such gas is received and compressed at Applicant's Straight Compressor Station. Specifically, Applicant seeks authority to tap its Guymon-Blackwell 26-inch transmission pipeline, and construct and operate pipeline, measuring, regulating, and appurtenant facilities to redeliver volumes of gas to Mobil after such gas is compressed at Applicant's Straight Compressor Station. Applicant asserts it purchases gas from Mobil in the area pursuant to a contract whereby Mobil reserves from dedication to Applicant volumes necessary to meet the requirements of the city of Guymon and due to a decline in pressures Mobil now requires compression and dehydration of such volumes to meet its delivery obligations to the city of Guymon. Mobil would deliver volumes of natural gas to Applicant at various points on Applicant's Oklahoma-Hugoton gathering system and Applicant would redeliver to Mobil equivalent volumes of gas necessary to serve the city of Guymon at the discharge side of the Straight Compressor Station. Applicant would make deliveries not to exceed 10,000 Mcf on a peak day with annual volumes not to exceed 1,500,000 Mcf. Applicant asserts that it has adequate capacity in its system to perform the service.

It is indicated that Mobil would reimburse Applicant for the total cost of the facilities which Applicant estimates to be $80,620. Applicant would charge Mobil an initial compression charge of 6.64 cents per Mcf, plus compression fuel for all gas redelivered to Mobil. In addition it is indicated Mobil would pay Applicant $250 per month for the operation and maintenance of measurement and regulation facilities required to deliver the subject gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority, contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29928 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6706-000]

City of Seattle, Washington; Application for Preliminary Permit

October 28, 1982.

Take notice that the City of Seattle, Washington (Applicant) filed on September 23, 1982, an application for preliminary permit [pursuant to Federal the Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6706 to be known as the Duffey Creek Waterpower Project located on Duffey Creek in Snohomish County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: City of Seattle, City Light Department, City Light Building, 1015 Third Avenue, Seattle, Washington 98104.

Project Description—The proposed project would consist of: (1) a steel or concrete diversion structure at elevation 1,920 feet; (2) a steel pipeline 24 inches in diameter; (3) a powerhouse at elevation 450 feet containing a turbine generator with a 2.3 MW capacity and an average annual output of 9 GWh; and (4) a transmission line, 6,000 feet long, interconnecting with Snohomish County PUD No. 1 distribution lines.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 30 months, during which engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support an application for a license to construct and operate the project. The estimated cost of permit activities is $250,000.

Competing Applications—This application was filed as a competing application to Lawrence J. McMurtrey's application for Project No. 6185, filed on April 7, 1982, and the Town of Skykomish, Washington's application for Project No. 6530, filed on July 16, 1982. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, of a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211, or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the

Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29937 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-546-000]

Columbia Gas Transmission Corp.; Application

October 27, 1982.

Take notice that on September 23, 1982, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP82-546-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities in Chautaugua and Cattaraugus Counties, New York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant requests authorization to construct and operate approximately 42.4 miles of 6-inch, 8-inch and 12-inch transmission pipeline; a 1,080 horsepower compressor station and appurtenant facilities; a 360 horsepower compressor station and appurtenant facilities; and interconnecting measuring facilities, all in Chautauqua and Cattaraugus Counties, New York. Applicant states that these facilities are necessary in order to purchase available reserves of long-term natural gas supply and to transport such volumes to two points of exchange with National Fuel Gas Supply Corporation (National Fuel). One of the points of interconnection would be in the Town of Little Valley, Cattaraugus County, New York, and the second point of interconnection would be in the Town of Franklinville, Catarraugus County, New York, it is explained. The cost of the facilities to be constructed is estimated to be $7,938,000, which cost would be financed with funds generated from internal sources.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificte is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29952 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-49-000]

Connecticut Light & Power Co.; Filing

October 26, 1982.

Take notice that on October 20, 1982, Connecticut Light and Power Company (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated July 30, 1982 between (1) CL&P and Western Massachusetts Electric Company (WMECO) and (2) Fitchburg Gas and Electric Light Company (FG&E).

CL&P states that the Transmission Agreement provides for transmission services to FFG&E for the wheeling of 3,362 kilowatts of FG&E's generation entitlement obtained from Linweave, Incorporated during the period from August 4, 1982 to August 3, 1992.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the estimated annual average cost of transmission service on the Northeast Utilities system determined in accordance with Schedule A and Exhibits I, II and III thereto of the Transmission Agreement. The monthly transmission charge is determined by the product of (i) the transmission charge rate ($/kW-month), and (ii) the number of kilowatts FG&E is entitled to receive during such month. The monthly transmission charge is reduced appropriately to give due recognition for payments made by FG&E to other systems also providing transmission service.

CL&P requests an effective date of August 4, 1982, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been served upon WMECO, and FG&E.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29939 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2576-003]

Connecticut Light & Power Co.; Application for Approval of Recreational Resource Plan

October 28, 1982.

Take notice that on September 20, 1982, Connecticut Light and Power Company filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for approval of a Recreational Resource Plan, Exhibit R, pursuant to Article 33 of the license for the Housatonic Project No. 2576. The project is located on the Housatonic River in New Haven, Fairfield and Litchfield Counties, Connecticut. Correspondence with the Applicant should be directed to: Mr. William G. Counsil, Connecticut Light and Power Company, P.O. Box 270, Hartford, Connecticut 06101.

Licensee, under its proposed recreational use plan, proposes to develop canoe portages and related day-use outdoor recreational facilities at lake Zoar, Lake Lillinonah, Lake

Candlewood, and the Bulls Bridge Reservoir which are part of the Housatonic Project.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 17, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29972 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-16-000]

Florida Power & Light Co.; Notice of Filing

October 26, 1982.

Take notice that Florida Power & Light Company (FPL), on October 5, 1982, tendered for filing documents entitled Amendment Number Three to Agreement to Provide Specified Transmission Service Between FPL and Orlando Utilities Commission.

FPL states that under Amendment Number Three, FPL will transmit power and energy for Orlando Utilities Commission (Orlando) as is required by Orlando in the implementation of its interchange agreement with Utilities Commission, City of New Smyrna Beach.

FPL requests waiver of the Commission's notice requirements to allow proposed Amendment to become effective immediately.

FPL states that copies of the filing were served on the Orlando Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29973 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6661-000]

Frontier Technology, Inc.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 26, 1982.

Take notice that on September 3, 1982, Frontier Technology, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6661 would be located on Falls Creek within Willamette National Forest near the town of Sweet Home in Linn County, Oregon. Correspondence with the Applicant should be directed to: Mr. Gary P. Marcus, President, Frontier Technology, Inc., 3980 North Shasta Loop, Eugene, Oregon 97405.

Project Description—The proposed project would consist of: (1) a 5-foot-high, 25-foot-long diversion structure; (2) a 7,650-foot-long, 24-inch varying to 12-inch-diameter penstock; (3) a powerhouse to contain a single generating unit with a rated capacity of 2,700 kW, operating under a head of 2,200 feet; and (4) appurtenant facilities. The estimated average annual energy output is 15,298,000 kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Oregon Department of Fish and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice apropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 6, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

This application competes with a preliminary permit application (Project No. 6691) submitted by Mountain West Hydro, Inc. on September 20, 1982.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of

Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protest or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intevene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29929 Filed 10–29–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-50-000]

Holyoke Water Power Co.; Filing

October 26, 1982.

Take notice that on October 20, 1982, the Holyoke Water Power Company (Holyoke) tendered for filing a proposed rate schedule with respect to a distribution service agreement dated July 30, 1982 (Distribution Agreement) between (1) Holyoke (2) Fitchburg Gas and Electric Light Company (FG&E) and (3) Linweave, Inc. of Holyoke, Massachusetts (LINWEAVE).

Holyoke states that the Distribution Agreement provides for distribution services to FG&E for the delivery of 3,362 kilowatts of FG&E's generation entitlement obtained from Linweave, Incorporated during the period from August 4, 1982 to August 3, 1992.

Holyoke further states the distribution charge rate is a monthly rate equal to one-twelfth of the estimated annual average cost of distribution service on the Holyoke system. The montly distribution charge is determined as the product of (i) the distribution charge rate ($/kW-month), and (ii) the total kilowatts of claimed capability of the Linweave Units.

Holyoke requests an effective date of August 4, 1982, and therefore requests waiver of the Commission notice requirements.

Copies of this filing were served upon FG&E and LINWEAVE.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29940 Filed 10–29–82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6663-000]

Jay A. Moyle; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

October 27, 1982.

Take notice that on August 31, 1982, Jay A. Moyle (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6663 would be located on KTFI Creek, in Twin Falls County, Idaho. Correspondence with the Applicant should be directed to: Gordon B. Greaves, 266 3600 North, P.O. Box 901, Twin Falls, Idaho 83301.

Project Description—The proposed project would consist of: (1) a 6-foot-high diversion structure; (2) a 16-inch-wide, 16-inch-deep, 775-foot-long concrete canal; (3) a settling pond with a gross storage capacity of less than 1 acre-foot; (4) a 20-inch-diameter, 350-foot-long penstock; (5) a powerhouse containing a generating unit with a rated capacity of 34 kW; and (6) appurtenant facilities. The Applicant estimates a 293,000 kWh average annual energy production.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project. Power would be sold to Idaho Power Company.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Idaho Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 1, 1982, either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform to the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 1, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kennth F. Plumb,

Secretary.

[FR Doc. 82-29932 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA83-1-000]

Meeker and Co.; Filing of Petition for Review Under 42 U.S.C. 7194

October 26, 1982.

Take notice that Meeker and Company on October 20, 1982, filed a Petition for Review under 42 U.S.C. § 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before November 10, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before November 10, 1982, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29954 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-213-002]

Michigan Wisconsin Pipe Line Co.; Petition to Amend

October 27, 1982.

Take notice that on September 24, 1982, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detriot, Michigan 48226, filed in Docket No. CP80-213-002, a petition to amend the order issued on July 24, 1980, in Docket No. CP80-213-000 as amended, pursuant to Section 7(c) of the Natural Gas Act, so as to authorize deliveries of gas for the account of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), at an additional point of delivery, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that it is currently authorized to transport for Northern's account up to 3,000 Mcf of natural gas per day from the production platform in Eugene Island Area Block 39, offshore Louisiana, to the existing interconnection between the pipeline systems of Petitioner and Trunkline Gas Company (Trunkline) at Applicant's Patterson Compressor Station in St. Mary Parish, Louisiana. Petitioner requests authorization to make redeliveries for Northern's account at the existing interconnection of the pipeline systems ofPetitioner and United Gas Pipe Line Company (United) located downstream of Petitioner's Patterson Compressor Station in St. mary Parish, Louisiana. Petitioner asserts that while this delivery point is one of four delivery points contractually provided for in the transportation agreement of the parties dated October 30, 1979, only the delivery point to Trunkline was previously authorized.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29955 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-551-000]

Midwestern Gas Transmission Co.; Application

October 26, 1982.

Take notice that on September 27, 1982, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-551-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it was authorized in Docket No. CP80-565 to transport 50,000 Mcf of natural gas per day for Northern pursuant to the terms of a gas exchange agreement dated August 15, 1980, among Applicant, Northern and Michigan Wisconsin Pipe

Line Company (Michigan Wisconsin). It is explained that such volumes were to be delivered by Applicant to Northern at the North Branch delivery point and the quantities of natural gas requested by Michigan Wisconsin were to be reduced from deliveries to Michigan Wisconsin at the Marshfield delivery point. It is stated further that the agreement provided that the quantity of gas transported and delivered to Northern at the North Branch delivery point would be the equivalent volume of gas delivered by Northern to Michigan Wisconsin at an exchange point between them. Applicant asserts that the service was authorized to be performed during the periods October 1, 1980, through April 30, 1981, and October 1, 1981, through April 30, 1982.

It is alleged that the conditions which were anticipated to give rise to the need for the service did not occur, and that, consequently, no service was rendered pursuant to the authorization issued in Docket No. CP80-565. It is further stated that the agreement has expired by its own terms and Applicant, Northern, or Michigan Wisconsin do not desire to extend the term. Applicant alleges that the abandonment proposed would not have any impact on Midwestern's pipeline system or any of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposal abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29930 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-459-002]

Midwestern Gas Transmission Co.; Application

October 26, 1982.

Take notice that on September 24, 1982, Midwestern Gas Transmission Company (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP77-459-002 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of imported Canadian natural gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), and the leasing and operation of compressor units and related facilities used to effectuate the importation and sale of gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that in Docket No. CP77-459 it was authorized to sell these imported natural gas volumes to Tennessee and to lease and operate four compressor units totaling 9,200 horsepower and related facilities.

It is stated that Applicant seeks to abandon the sale of natural gas to Tennessee as a result of a letter from Tennessee dated June 1, 1982, informing Applicant that Tennessee wished to cancel their interim sales agreement because the service is no longer required. Applicant further proposes to abandon the compressor units and related facilities. Applicant states that because the facilities proposed to be abandoned are leased, payment for the leased equipment would cease. Applicant further states that the abandonment of service, sales, and facilities proposed herein would not have a significant impact on its system or on any of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in an subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearng will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29956 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-487-000]

Mississippi Valley Gas Co.; Application for Approval of Rates

October 27, 1982.

Take notice that on July 2, 1982, Mississippi Valley Gas Company (Applicant), P.O. Box 3348, Jackson, Mississippi 39207, filed in Docket No. ST82-487-000 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of Texas Eastern Transmission Corporation and its division, Texas Eastern Gas Pipeline Company (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation agreement between Texas Eastern and Applicant, it proposes to transport gas between the delivery points in the Splunge and Four Mile Creek fields and the redelivery point at the point of interconnection between the facilities of Applicant and Texas Eastern, all in Monroe County, Mississippi. Applicant further states that the quantities of natural gas estimated to be delivered on a total and maximum daily basis are all gas that is purchased by Texas Eastern from the Splunge and Four Mile Creek fields.

It is asserted that the quantity of 5,000,000 Mcf of gas during a period not to exceed five years from the date of first delivery to Texas Eastern would be delivered to Applicant at a rate designated by Texas Eastern which shall be at least 1,000 Mcf per day and not more than 4,500 Mcf per day. It is further asserted that the rate to be charged for the transportation is 21.9 cents per million Btu, which Applicant states was computed pursuant to § 284.123(b)(1) of the Commission's regulations.

Applicant attests that the particular supplies of natural gas were not committed or dedicated to interstate commerce on November 8, 1978. Applicant further states that it intends to commence the transportation service and charge and collect said proposed rate, subject to refund, and subject to the provisions stated in § 284.123(b)(2)(ii) of the Commission's regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29957 Filed 10-28-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6597-000]

Monadnock Paper Mills Inc.; Application for License (5 MW or Less)

October 25, 1982.

Take notice that Monadnock Paper Mills, Inc. (Applicant) filed on August 18, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for continued operation of a water power project to be known as Monadnock Paper Mills Hydro Project No. 6597. The project is located on the Contoocook River in Hillsborough County, New Hampshire. Correspondence with the Applicant should be directed to: James M. Rea, East Coast Engineering, P.O. Box 25, Barrington, NH. 03825 and Dom D'Ambruoso, Ransmeier & Spellman, 110 No. Main Street, Concord, NH. 03301.

Project Description—The proposed project is run-of-the-river and consists of the following developments (upstream to downstream):

1. (1) Powder Mill Dam, 366 feet long and 18.6 feet high, constructed of concrete with a 228-foot spillway section provided with 2-foot high flashboards; (2) a regulating reservoir with approximately four days pondage at a flow of 300 cfs or about mean flow of the river; (3) a 4-foot by 4-foot gated sluiceway at the left of the spillway, and a gatehouse and 4-foot diameter outlet works pipe, at the right of the spillway, regulating downstream flow.

2. (1) Monadnock Dam, 500 feet long and 22 feet high, located 0.8 miles downstream of Power Mill Dam and constructed of concrete with two spillway sections, 115 feet long and 50 feet long, provided with 2-foot high flashboards, and with earthen embankments containing concrete core walls at both abutments; (2) a reservoir having minimal pondage; (3) a gated intake structure and powerhouse, located near the left dam abutment, containing two turbine-generator units rated at 125 kW and 300 kW; (4) a tailrace re-entering the river approximately 100 feet downstream of the dam; (5) a transmission line; and (6) appurtenant facilities.

3. (1) Pierce Dam, 420 feet long and 28 feet high, located 900 feet downstream of Monadnock Dam and constructed of concrete with two spillway sections, 168 feet long and 122 feet long on a dogleg alignment, provided with 2-foot high flashboards; (2) a reservoir having minimal pondage; (3) a gated intake structure and powerhouse, located at the right dam abutment, containing two turbine-generator units rated at 220 kW and 550 kW; (4) a tailrace partially encircling an island and re-entering the main channel of the river approximately 600 feet downstream of the main dam; (5) a transmission line; and (6) appurtenant facilities.

4. (1) Paper Mill Dam, 280 feet long and 19 feet high, located 1,200 feet downstream of Pierce Dam and constructed of concrete with a 142-foot-long spillway section; (2) a canal headworks, just upstream of the right dam abutment, and a 300-foot-long canal with concrete walls leading to a forebay; (3) an intake structure and a steel penstock, 10 feet in diameter and approximately 160 feet long; (4) a powerhouse containing a turbine-generator unit rated at 750 kW; (5) a tailrace re-entering the river approximately 800 feet down-stream of the dam; (6) a transmission line; and (7) appurtenant facilities.

The combined total capacity of the project is 1,945 kW. The transmission lines are interconnected with those of the Public Service Company of New Hampshire. Average annual generation is approximately 6,000,000 kWh of which 75% is utilized by Monadnock Paper Mills, Inc., and 25% is sold to the Public Service Company of New Hampshire. All project works are owned by the Applicant.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must file with the Commission, or before January 3, 1983, either the competing application itself [See 18 CFR 4.33(a) and (d)] or a notice of intent [See 18 CFR 4.33(b) and (c)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR (1982). In determining the appropriate action to take the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 3, 1983.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29889 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-1-000]

Montana-Dakota Utilities Co.; Application

October 27, 1982.

Take notice that on October 1, 1982, Montana-Dakota Utilities Co., (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP83-1-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29958 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-51-000]

Montana Power Co.; Filing

October 27, 1982.

Take notice that on October 20, 1982, Montana Power Company (Montana) tendered for filing a Notice of Cancellation of the Rate Schedule agreement for the sale of nonfirm energy between Montana and Western Area Power Administration (WAPA). Montana states that this agreement has expired as of its own terms and has not been renewed.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29941 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 1869-003]

Montana Power Co.; Application for Amendment of License (Over 5 MW)

October 28, 1982.

Take notice that the Montana Power Company (Licensee) filed on August 27, 1982, an application for amendment of license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for modification and continued operation of a water power project known as the Thompson Falls Project No. 1869. The project is located on the Clark Fork River in Sanders County, Montana. Correspondence with the Licensee should be directed to: Mr. R. J. Labrie, The Montana Power Company, 40 East Broadway Street, Butte, Montana 59701.

Project Description—The modified project would consist of: (1) the existing, 913-foot-long Main Dam; (2) the existing Dry Channel Dam, with an overall length of 411 feet; (3) the existing 258-foot-long powerhouse-intake structure leading to the existing powerhouse, which contains an installed generating capacity of 30 MW; (4) a proposed powerhouse which will contain an installed generating capacity of 50 MW with both the existing and expansion plant operating at full capacity; (5) an existing 1,500-acre reservoir with a usable storage capacity of 15,000 acre-feet; (6) a proposed, 1,000-foot-long access road extension; (7) the proposed replacement of the 360-foot-long existing, access road bridge superstructure; (8) a proposed 1,000-foot-long tailrace channel; and (9) appurtenant facilities. The project affects navigable water of the U.S. (Clark Fork River) and lands of the United States (Lolo National Forest). The Licensee estimates the increase in the average annual energy generation to be 197 Gwh.

Purpose of Project—The Licensee proposes to utilize the additional power output to meet its expected growth in electrical demand.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 Fed. Reg. 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before December 20, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29942 Filed 10–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6691–000]

Mountain West Hydro, Inc.; Application for Preliminary Permit

October 26, 1982.

Take notice that Mountain West Hydro, Inc. (Applicant) filed on September 20, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6691 to be known as the Falls Creek Project located on Falls Creek within Willamette National Forest in Linn County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Carl Rounds, President, GED, Inc., 1885 West Washington Avenue, Stayton, Oregon 97383.

Project Description—The proposed project would consist of: (1) a 6-foot-high, 31-foot-long diversion structure; (2) a 30-inch-diameter, 15,920-foot-long penstock; (3) a powerhouse to contain a single generating unit with a rated capacity of 6,400 kW, operating under a head of 2,453 feet; and (4) a 200-foot-long transmission line. The estimated average annual energy output is 29,276,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which the Applicant would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be constructed during this period. The estimated cost for conducting these studies and preparing an application for an FERC license is $140,400.

Competing Applications—This application competes with an exemption application (Project No. 6661) submitted by Frontier Technology, Inc. on September 3, 1982. Any competing applications or notices of intent should be filed pursuant to the notice for Project No. 6661. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license or exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 Fed. Reg. 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before November 19, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29931 Filed 10–29–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6018–000]

Murray City, Utah; Application for License (5 MW or Less)

October 27, 1982.

Take notice that Murray City, Utah (Applicant) filed on February 23, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction and operation of a water power project to be known as the Causey Hydro Project No. 6018. The project would be located on the South Fork, Ogden River in Weber County, Utah. Correspondence with the Applicant should be directed to: Mr. Jon C. Young, General Manager, Murray City Power Department, 153 West 4800 South, Murray, Utah 84107.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservation District, and would consist of: (1) a 42-inch diameter steel penstock utilizing the existing outlet works near the left dam abutment and leading to (2) a new powerhouse containing two turbine-generator units having rated capacities of 250 kW and 1,000 kW for a total rated capacity of 1,250 kW; (3) a tailrace approximately 80 feet long; (4) new and rebuilt 12.5-kV transmission lines; (5) a switchyard; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6,346,000 kWh. Project energy would be utilized by Murray City.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Western Hydro Electric Incorporated's application for Project No. 5244 filed on August 18, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. [See: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate.]

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 16, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29933 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-4-000]

National Fuel Gas Supply Corp.; Application

October 27, 1982.

Take notice that on October 4, 1982,[1] National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP83-4-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29959 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-10632-005]

Northern Illinois Gas Co.; Application for Continued Exemption

October 27, 1982.

Take notice that on January 8, 1982, Northern Illinois Gas Company (NI-Gas), P.O. Box 190, Aurora, Illinois 60507, filed in Docket No. G-10632-005 an application pursuant to Section 152.5 of the Commission's Regulations for an order declaring that NI-Gas' exemption from Commission jurisdiction under Section 1(c) of the Natural Gas Act will not be affected by NI-Gas' participation in the natural gas storage arrangement for which Mid-Continent Gas Storage Company (Mid-Continent) is seeking certificate authority in Docket No. CP82-146-000, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that NI-Gas is an intrastate gas distribution utility subject to the jurisdiction of the Illinois Commerce Commission and engaged in selling and distributing natural gas to customers in the State of Illinois. By order issued July 26, 1956, in Docket No. G-10632, NI-Gas, pursuant to Section 1(c) of the Natural Gas Act, was exempted from the provisions of such Act.

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[1] The application was initially tendered for filing on October 4, 1982; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until October 5, 1982; thus filing was not completed until the latter date.

The transaction sought to be certificated in Docket No. CP82–146–000 is an arrangement by which NI-Gas leases storage space to Mid-Continent, and Mid-Continent uses this space to provide storage service to East Tennessee Natural Gas Company (East Tennessee). NI-Gas asserts that by merely leasing storage capacity, NI-Gas will not be transporting or selling gas in interstate commerce. Therefore, NI-Gas requests that the Commission issue an order declaring that the existing exemption of NI-Gas under Section 1(c) of the Natural Gas Act is not affected by its participation in the aforementioned leasing arrangement.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29960 Filed 10–29–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82–526–000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application and Petition To Amend

October 26, 1982.

Take notice that on September 13, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82–528–000 pursuant to Section 7 of the Natural Gas Act a petition to amend the orders issued August 29, 1977,[1] August 29, 1977,[1] September 30, 1977,[1] and July 31, 1981, in Docket Nos. CP77–11, CP77–54, CP77–450, and CP81–256–000, respectively so as to authorize the sale of certain volumes of natural gas to Trunkline Gas Company (Trunkline) and for permission and approval to abandon certain sales of natural gas to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant asserts that on September 24, 1976, it entered into a transportation agreement with Panhandle and Trunkline which served to link Applicant's main transmission system with gas supply sources in the Gulf Coast area. It is claimed this agreement provides that Trunkline would receive natural gas from Applicant at Longville, Louisiana, and redeliver natural gas to Panhandle at the Interconnection of Trunkline's and Panhandle's facilities in Tuscola, Douglas County, Illinois, for further delivery by Panhandle to Applicant near Mullinville, Kiowa County, Kansas. It is further stated that Panhandle received an option to purchase up to 20 percent of the natural gas received by Trunkline for Applicant's account in consideration for its transportation services.

It is stated that the agreement was amended on June 26, 1979, to provide for a specified termination date and that as amended the agreement would terminate either on January 13, 1982, or upon commencement of deliveries of Alberta gas owned by United Gas Pipe Line Company (United) to the Northern Border project at the Northern Receipt Point, whichever occurs later. It is further asserted that the Northern Border Project is expected to commence service in September 1982.

Applicant states that on July 6, 1979, it filed an application in Docket No. CP79–396 requesting, *inter alia,* authority to exchange up to 450,000 Mcf of gas per day with United. It is stated that the exchange arrangement provides for Applicant to deliver its Gulf Coast area offshore production to United in exchange for like volumes United would cause to be delivered to Applicant at Ventura, Iowa, via the Northern Border Project. Applicant asserts that upon gas commencing to flow through the Northern Border system, Applicant's offshore production presently transported by Panhandle and Trunkline pursuant to the agreement, would be delivered to United in fulfillment of Applicant's exchange obligation, thereby eliminating the need for the agreement.

Applicant asserts that due to termination of the agreement, eight additional transportation agreements between Applicant, Panhandle, and Trunkline would terminate. It is further asserted that Applicant's offshore reserves transported pursuant to such agreement would be redelivered to United by various pipeline companies.

It is stated that Panhandle and Trunkline filed an application with the Commission on March 31, 1982, in Docket No. CP77–17–007, *et al.,* for permission and approval to abandon the transportation services of the agreement and certain associated transportation. Applicant states that it anticipates that Commission approval of Panhandle's and Trunkline's request for such abandonment would be issued by the in-serve date for Northern Border. Therefore, Applicant requests that the Commission permit and approve the abandonment of the following 20 percent sales to Panhandle which are related directly to transportation services Panhandle and Trunkline have filed to abandon.

Date of contract	Transportation authorization		Sale authorization	
	Panhandle/trunkline docket No.	Date of Commission order	Applicant's docket No.	Date of Commission order
7/19/77	CP77–613	12/29/77	CP77–557	11/29/77
3/01/78	CP78–510	4/17/79	CP78–407	4/17/79
6/19/78	CP78–511	1/02/79	CP78–480	1/02/79
7/24/78	CP78–516	4/23/79	CP78–505	4/23/79
7/10/80	CP80–489	2/26/82	CP80–579	2/26/81
9/18/80	CP81–7–000	6/04/81	CP81–97–000	6/04/82
10/22/81	CP81–109–000	1/05/82	CP81–254–000	10/08/81
11/05/80	CP81–101–000	9/09/81	CP81–255–000	7/31/81

Applicant further requests that four authorized 20 percent sales to Panhandle be amended to allow such sales to be made to either Panhandle or Trunkline. Applicant states that on June 16, 1982, Applicant, Panhandle and Trunkline amended four gas transportation and sales agreements to provide for the delivery of gas by Trunkline to United For Applicant's account. It is noted that the four amendments have replaced the Longville, Louisiana redelivery point of the original agreements with three points of interconnection between the facilities of Trunkline and United. The three delivery points, it is stated, are identified as Olla, LaSalle Parish, Louisiana; Centerville, St. Mary Parish, Louisiana; and, Garden City, St. Mary

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Parish, Louisiana. As partial consideration for the transportation services, Applicant asserts that it agreed to sell up to 20 percent of the natural gas attributable to the listed sources to Panhandle or Trunkline as partial consideration for transportation services provided on Applicant's behalf, for the following Docket Nos.

Date of gas transportation and sales agreement	Supply source	Sales authorization	
		Docket No.	Order date
9/23/76	West Cameron Area Block 480	CP77-11	8/29/77
10/27/76	West Cameron Area Block 543	CP77-54	8/29/77
5/24/77	West Cameron Area Block 616	CP77-450	9/30/77
10/30/80	Grand Isle Area Block 83	CP81-256	7/31/81

It is further stated that the gas would be sold to Panhandle or Trunkline on a monthly cost of service basis, which cost represents Applicant's cost of gas at the point of delivery to Trunkline.

Any person desiring to be heard or to make any protest with reference to said application and petition to amend should on or before November 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29961 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-7004-006]

Pennzoil Co.; Application for Clarification or Abandonment Authorization

October 26, 1982.

Take notice that on October 25, 1982, Pennzoil Company (Pennzoil), P.O. Box 2967, Houston, Texas 77001, filed in Docket No. G-7004-006 an application for clarification or abandonment authorization. Pursuant to Sections 16 and 7(b) of the Natural Gas Act and the Commission's regulations thereunder, Pennzoil requests the Commission to grant clarification of its Order dated November 24, 1980 in the above-referenced docket as to the need for abandonment authority, or abandonment authorization for as much gas as is required for the following reasons: (a) to allow sales of gas to 67 specified applicants for residential service and one public elementary school in West Virginia pursuant to West Virginia law; (b) to allow the continuation of sales to approximately 220 existing small residential and commercial customers who have received service since the date of the 1980 Order; and (c) clarification or blanket abandonment authorization to allow sales of gas to new applicants, residential and commercial service in West Virginia to the extent required by West Virginia law and by the Public Service Commission of West Virginia.

Pennzoil states that immediate action is necessary to protect the health, welfare and property of the 68 current Pennzoil applicants in West Virginia who are depending on Pennzoil for their gas supply needs. Service to these 68 applicants would be provided, as permitted under the contract, from gas supplies that would otherwise be sold to Consolidated Gas Supply Corporation (Consolidated), an interstate pipeline.

Consolidated has indicated that it has no objection to an order of the Commission which would authorize Pennzoil to use gas to serve these West Virginia consumers.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than normal for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 2, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Prcatice and Procedure a hearing will be held without further notice before the Commission on the application in the event no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29975 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6659-000]

Pioneer Hydropower, Inc.; Errata Notice

October 27, 1982.

Notice of the application for preliminary permit, issued by the Commission on September 29, 1982, for the Sardine Creek Hydroelectric Project No. 6659 to be located on Sardine Creek in Marion County, Oregon, published in the **Federal Register** on October 5, 1982, in volume 47, page 44006, incorrectly identified the applicant. The correct applicant for Project No. 6659 is Pioneer Hydropower, Inc.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29962 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-44-000]

Puget Sound Power & Light Co.; Filing

October 27, 1982.

Take notice that on October 18, 1982, Puget Sound Power & Light Company (Puget) tendered for filing Appendix 1 to Residential Purchase and Sale Agreement (Agreement), Contract No. DE-MS79-81BP90604, between the Bonneville Power Administration (BPA) and Puget, reflecting the Point Roberts Cost Pass Through, effective June 1, 1982, and a BPA report, dated September 28, 1982, pertaining to the Point Roberts Cost Pass Through.

Any person desiring to be heard or to protect said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29943 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-45-000]

Puget Sound Power & Light Co.; Filing

October 27, 1982.

Take notice that on October 18, 1982, Puget Sound Power & Light Company (Puget) tendered for filing Appendix 1 (Revised Schedule 5) to Residential Purchase and Sale Agreement between Puget and the Bonneville Power Administration (BPA), and a report, dated September 28, 1982, pertaining to the Energy Cost Adjustment Rate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29944 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-46-000]

Puget Sound Power & Light Co.; Filing

October 27, 1982.

Take notice that on October 18, 1982, Puget Sound Power & Light Company (Puget) tendered for filing Appendix 1 to Residential Purchase and Sale Agreement between Puget and the Bonneville Power Administration (BPA), and a BPA report pertaining to the Washington Public Utility Tax (RIDER).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29945 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3286-001]

Puget Sound Power & Light Co.; Application for License (5 MW or Less)

October 28, 1982.

Take notice that Puget Sound Power & Light Company (Applicant) filed on August 27, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. §§ 971(a)-825(r)] for construction and operation of a water power project to be known as Bear Creek Project No. 3286. The project would be located on Bear Creek, near Concrete in Skagit County, Washington. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Puget Sound Power & Light Company, Puget Power Building, Bellevue, Washington 98009, with a copy to: Perkins, Coie, Stone, Olsen and Williams, Attn.: Priscilla W. Derick, 1900 Washington Building, Seattle, Washington 98101.

Project Description—The proposed project would consist of: (1) an existing abandoned 24-foot-high by 235-foot-long concrete diversion dam with overflow spillway requiring minor cosmetic repairs; (2) an existing intake structure (to be rebuilt); (3) a new 2,800-foot-long, 45-inch diameter steel penstock; (4) a new powerhouse to contain two horizontal Francis-type, turbine-generators with a total rated capacity of 4 MW at an average head of 429 feet; (5) a switchyard; (6) a 2.5-mile-long, 34.5-kV transmission line to tie into Applicant's existing distribution system. The small impoundment behind the diversion dam (now completely silted in) would be dredged to a capacity of approximately 10 acre-feet. The surface area of the impoundment would remain unchanged from its present 1.7 acres. The spillway crest elevation is at 909.86 feet msl. Total cost of the project is $10.2 million. All of the project, with exception of portions of transmission line, would be located on lands owned by Lone Star Industries, Inc. Approximately 2.5 miles of the transmission line would be located on an easement within a Skagit County Highway right-of-way.

Purpose of Project—The power generated at the project would be used to meet the electrical needs of the Applicant's customers in the Puget Sound region. The average annual generation is about 20.8 million kWh.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments. Project No.

Competing Applications—Anyone desiring to file a competing application must file with the Commission, on or before January 7, 1983, either the competing application itself [See 18 CFR 4.33 (a) and (d)] or a notice of intent [See 18 CFR 4.33 (b) and (c)] to file a competing application. Filing of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 7, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29946 Filed 10–29–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF83-3-001]

San Diego Entertainment, Inc.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

October 26, 1982.

On October 4, 1982, San Diego Entertainment, Inc., 3500 Sports Arena Boulevard, San Diego, California, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's rules.

The topping cycle cogeneration facility will be located at the Sports Arena at the above address. It will consist of a reciprocating engine, a generator, and appropriate heat recovery equipment. The primary energy source to the facility will be natural gas. The electric power production capacity of the facility will be 290 kilowatts. Thermal energy will be used for cooling and dehumidifying purposes. Installation will begin in November 1982. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure All such motions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29963 Filed 10–29–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-54-000]

Southern California Edison Co.; Filing

October 26, 1982.

Take notice that on October 21, 1982, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Edison-Los Angeles Economy Energy Agreement" which has been executed by Edison and Department of Water and Power of the City of Los Angeles (Los Angeles).

Edison states that under the terms and conditions of the Agreement, the Parties will make available to each other economy energy at various mutually agreeable points of interconnection.

Edison further states that the Agreement is proposed to become effective when executed by the parties and, as to Edison, when accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Los Angeles.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29947 Filed 10–29–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP77-520-004]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

October 26, 1982.

Take notice that on September 24, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP77-520-004 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon an exchange of natural gas between Applicant and Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Tennessee and Northern were authorized by order issued on August 22, 1978, as amended, to exchange natural gas volumes imported from Canada by Midwestern Gas Transmission Company (Midwestern), and sold to Applicant and delivered to Northern for Applicant's account by Midwestern in the State of Minnesota in exchange for volumes delivered to Applicant in southern Louisiana by Northern.

Applicant states that in accordance with the provisions of the exchange agreement with Northern, Tennessee gave notice to Northern that it wishes to cancel their exchange agreement dated June 30, 1977, effective August 1982. Applicant maintains the agreement is contained in its FERC Gas Tariff, Sixth Revised Volume No. 2, Rate Schedule X-57, Original Sheets Nos. 741 to 748.

Applicant also states that it has notified Midwestern that it wishes to cancel the related gas sales agreement dated October 30, 1978, effective August 31, 1982, contained in Midwestern's FERC Gas Tariff.

Applicant further states that the abandonment of the natural gas exchange proposed herein would not have a significant impact on its pipeline system or any of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29934 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-529-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

October 27, 1982.

Take notice that on September 14, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-529-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity) authorizing the reimbursement of certain costs of CNG Producing Company (CNG), Wilshire Oil Company, and Denison Mines (V.S.), Inc. (Sellers), related to the leasing of compression facilities located in Ship Shoal Block 320, offshore Louisiana, and related operating and maintenance costs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to gas purchase and sales agreements with CNG and Sellers, Applicant contracted to purchase the gas reserves underlying Ship Shoal Block 320, offshore Louisiana. Applicant states it also agreed to furnish the necessary compression facilities, to reimburse Sellers for all appropriate operating and maintenance expenses, including the cost of fuel gas, and to lease from Sellers platform space to be occupied by such compression facilities. Because compression on the Ship Shoal Block 320 A platform was required and CNG leased and installed the necessary compression facilities on March 1, 1980, Applicant requests authorization to reimburse Sellers for compressor rental charges attributable to the Superior MW 64 compressor unit driven by a 1,100 horsepower Superior 8 GTL-825 reciprocating gas engine, and related facilities, presently situated on the Sellers' existing A platform in Ship Shoal Block 320, offshore Louisiana, to reimburse CNG for thel installation costs, rental fees, and operating and maintenance expenses incurred since the compressor was placed in service on March 1, 1980.

It is stated that the lease expenses and operating and maintenance expenses, including fuel gas costs, were approximately $512,216.60, and that the installation cost was $54,830.74. It is estimated that the future annual lease expenses, and operating and maintenance expenses, including fuel gas cost, would be $296,650.00. It is stated that the lease arrangement entered into by CNG provides for a rental fee of $10,300 per month during the first 24-month period and for a rental fee of $9,500 per month for an additional 12-month period. It is further stated that Applicant has agreed to pay a one-time platform rental fee of $424,700.05.

Applicant states that the installed leased compression unit would allow Applicant to recover 12,446,000 Mcf of gas reserves and up to 15,000 Mcf per day deliverability from a dedicated reservoir that could not flow against Applicant's pipeline pressure and, thus, would substantially benefit all of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practices and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, of if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29964 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RA82-12-000]

The Crude Co.; Filing of Petition for Review Under 42 U.S.C. 7194

October 26, 1982.

Take notice that Meeker and Company on January 12, 1982, filed a Petition for Review under 42 U.S.C. 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before November 10, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before November 10, 1982, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29953 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6647-000]

The Town of Rangely, Colo.; Application for Preliminary Permit

October 28, 1982.

Take notice that The Town of Rangely, Colorado (Applicant) filed on August 27, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6647 to be known as the Taylor Draw Project located on the White River in Rio Blanco County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable Peggy Rector, Mayor of Rangely, P.O. Box 580, Rangely, Colorado 81648.

Project Description—The project would consist of: (1) an existing 1,150-foot-long reinforced earth dam with a maximum height of 70 feet and containing a 56-foot-high, 504-foot-long concrete spillway; (2) a 615-acre reservoir with a normal water surface elevation of 5,317.5 feet M.S.L. and a total storage capacity of 13,800 acrefeet; (3) a new powerhouse containing two 1.0 MW turbine-generators; (4) a transmission line; and (5) appurtenant facilities. The dam alone is currently being constructed for its primary purpose of municipal water supply and recreation. The run-of-river project would produce up to 11,800,000 kWh annually. The dam is owned by the Colorado River Water Conservation District. Energy produced at the project would be sold to the local utility or utilized by the Applicant.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $100,000.

Competing Applications—This application was filed as a competing application to the Colorado River Water Conservation District's application for Project No. 6644 filed on August 26, 1982. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing application for preliminary permit, or notices of intent to file an application for preliminary permit or license will be accepted for filing in response to this notice. Any application for license of exemption from licensing, or notice of intent to file an exemption application, must be filed in accordance with the Commission's regulations [see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate].

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before December 2, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E.

Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29938 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-47-000]

Tucson Electric Power Co.; Filing

October 27, 1982.

Take notice that on October 20, 1982, Tucson Electric Power Company (Tucson) tendered for filing a Notice of Cancellation of Supplement No. 1 to Tucson's Rate Schedule No. 41, which became effective October 1, 1981.

Tucson states that the aforementioned Supplement No. 1 is identified as a Letter Agreement dated October 2, 1981, between Tucson and the United States of America, Department of Energy, Western Area Power Administration, for the exchange of excess capacity between the Parties during the period from October 1981 through September 30, 1982. Tucson requests an effective date of September 30, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29948 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-5-000]

United Gas Pipe Line Co.; Proposed Blanket Authorization Activity

October 26, 1982.

Take notice that on October 4, 1982, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP83-5-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Applicant proposes to abandon in place and by sale 2,340 feet of 2-inch pipleline under the authorization issued in Docket No. CP82-430-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to § 157.216(b) of the Commission's Regulations, as amended, Applicant intends to abandon approximately 2,340 feet of 2-inch pipeline located in the yard of Applicant's compressor station in Goodrich, Polk County, Texas. It is stated that the line was originally constructed to serve company-owned housing at the Goodrich station. It is also stated that the line is currently used to provide farm-tap service to Entex, Inc. (Entex), the distribution company serving the Goodrich, Polk County, Texas area under a service agreement dated December 13, 1979. It is further stated that Entex is in the process of rearranging its facilities, and that Applicant intends to sell 920 feet of the line to be abandoned to Entex at a cost of $1,130 for use in Entex's rearranged operations and to abandon the remainder of the pipeline in place.

Applicant states that it would henceforth make deliveries to Entex, previously attributable as farm-tap service, at the existing Goodrich city gate station. It is asserted that abandonment of said yard line would have no impact on the quantity of such deliveries or on the quantity of gas allocable to Entex under Applicant's curtailment plan. Applicant asserts that Entex has consented to the proposed abandonment.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the National Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29965 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-404-003]

Washington Natural Gas Co., as Project Operator; Supplement to Petition To Amend

October 27, 1982.

Take notice that on September 29, 1982, Washington Natural Gas Company, as Project Operator (Petitioner), 815 Mercer Street, Seattle, Washington 98111, filed in Docket No. CP79-404-003, a supplement to its petition to amend the order issued March 4 1982, in Docket No. CP79-404 (18 FERC ¶61,222) pursuant to Section 7(c) of the Natural Gas Act so as to authorize Petitioner to operate the Jackson Prairie Storage Project (Storage Project) to provide a maximum firm daily deliverability of 325,000 Mcf and a seasonal deliverability of 12,800,000 Mcf during each winter heating season beginning with the 1982-1983 heating season and continuing through the end of the 1989-1990 heating season, all as more fully set forth in supplement to the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that the basic function of the Storage Project[1] as a storage facility is to provde the seasonal and firm daily deliverability to support Northwest Pipeline Corporation's (Northwest) winter season service rendered under Rate Schedule SGS-1. Petitioner states that it is currently authorized to operate the Storage Project under certificates issued in Docket No. CP75-110 to provide not less than 10,800,000 Mcf of seasonal working gas, 300,000 Mcf of firm daily deliverability and 71,800 Mcf of daily best efforts deliverability in connection with the Rate Schedule SGS-1 service.

Petitioner avers that Northwest filed for authorization in Docket No. CP79-277-010 to extend its Rate Schedule WS-1 service through the 1989-1990 winter heating season, and Petitioner on

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[1] The Storage Project is owned in joint and equal undivided interests by Petitioner, Northwest Pipeline Corporation and The Washington Water Power Company. Petitioner is the Project Operator pursuant to a certificate issued at 47 FPC 1527 and conducts the operations of the Storage Project pursuant to the Gas Storage Project Agreement on file with the Commission as Petitioner's Rate Schedule S-1, FERC Gas Tariff, Original Volume No. 1.

April 2, 1982, filed a petition to amend in Docket No. CP79-404-002 for authorization to operate the Storage Project for the same period at the level of 12,800,000 Mcf of seasonal working gas and at a firm daily deliverability rate of 325,000 Mcf to assist Northwest in rendering the proposed extension of the Rate Schedule WS-1 service. According to Petitioner, Northwest withdrew its proposal to extend the Rate Schedule WS-1 service through the 1989-1990 winter heating season, but requested Petitioner to continue to operate the Storage Project at the level of 12,800,000 Mcf of seasonal working gas and at a firm daily deliverability of 325,000 Mcf through the 1989-1990 winter heating season because Northwest desires to have such expanded capabilities of the Storage Project available as a margin of protection for meeting contract demands in two major metropolitan markets served by the pipeline, the Seattle-Tacoma area in Washington and the Portland area in Oregon.

Any person desiring to be heard or to make any protest with reference to said supplement to petition to amend should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29966 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-52-000]

Washington Water Power Co.; Filing

October 26, 1982.

Take notice that on October 21, 1982, Washington Water Power Company (Washington) tendered for filing a service schedule applicable to what Washington refers to as a Letter Agreement which applies to the sale of 50,000 kilowatts of firm capacity. The Letter Agreement between Washington and the Montana Power Company is effective from October 1, 1982, through June 30, 1984.

Washington requests an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29951 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6453-000]

Weber Basin Water Conservancy District; Application for License (5 MW or Less)

October 27, 1982.

Take notice that Weber Basin Water Conservancy District (Applicant) filed on June 21, 1982, an application for license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for construction and operation of a water power project to be known as the Causey Hydro Project No. 6453. The project would be located on the South Fork, Ogden River in Weber County, Utah. Correspondence with the Applicant should be directed to: Keith G. Jensen, Manager, Weber Basin Water Conservancy District, 2837 E. Highway 193, Layton, Utah 84041.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservancy District, and would consist of: (1) a 48-inch diameter steel penstock utilizing the existing outlet works near the left dam abutment and leading to; (2) a new powerhouse containing two turbine-generator units rated at 493 kW and 985 kW for a total rated capacity of 1,478 kW; (3) a tailrace approximately 80 feet long; (4) a new 12.5-kV transmission line, two miles long; (5) a switchyard; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 6,100,000 kWh. Project energy would be utilized by the Weber Basin Water Conservancy District for operation of its works and facilities.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Western Hydro Electric Incorporated's application for Project No. 5244 filed on August 18, 1981. Public notice of the filing of the initial application, which has already been given, established the due date for filing competing applications or notices of intent. In accordance with the Commission's regulations, no competing applications for licenses or exemptions, or notices of intent to file competing applications, will be accepted for filing in response to this notice. [see: 18 CFR 4.30 et seq. or § 4.101 et. seq. (1981), as appropriated].

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 6, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29935 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-53-000]

Western Massachusetts Electric Co.; Filing

October 26, 1982.

Take notice that on October 21, 1982, Western Massachusetts Electric Company (WMECO) tendered for filing a proposed Purchase Agreement with Respect to Gas Turbine Units (Purchase Agreement) dated November 1, 1981 between WMECO and Village of Johnson Water and Light Department (Johnson).

WMECO states that the Purchase Agreement provides for a sale to Johnson of a specified percentage of capacity and associated energy from two gas turbine generating units during the period from November 1, 1981 to October 31, 1989, together with related transmission service.

WMECO requests an effect date of November 1, 1981, and therefore requests waiver of the Commission's notice requirements.

WMECO further states that the Capacity Charge for the proposed service was determined on a cost of service basis. The Transmission Charge rate is an annual average cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Appendix E and Exhibits thereto of the Purchase Agreement. The monthly Transmission Charge is determined by the product of (i) the transmission charge rate divided by twelve ($/Kw-month), and (ii) the number of kilowatts of winter capability which Johnson is entitled to receive. The Variable Maintenance Charge is derived from historical costs and the Additional Maintenance Charge is twice the Variable Maintenance Charge based on manufacturer's recommendations.

WMECO states that copies of the filing have been served upon Johnson.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29949 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-48-000]

Wisconsin Public Service Corp.; Filing

October 27, 1982.

Take notice that on October 20, 1982, the Wisconsin Public Service Corporation (WPSC) tendered for filing annual contract demand quantities to the "Partial Requirements Service Agreement" with the City of Marshfield, Wisconsin, City of Manitowoc, Wisconsin, and the Consolidated Water Power Company. The agreement will revise the contract demand quantities for peak load, intermediate load, and base load in accordance with Exhibit 1 of the agreement, Paragraph 6, *Requirements.*

WPSC requests an effective date of October 1, 1982.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29950 Filed 10-29-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-42018; TSH-FRL 2202-3]

Tris(2-Chloroethyl)phosphite; Decision Not To Require Testing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice contains EPA's response to the Interagency Testing Committee's recommendation that the Agency require health and environmental effects testing of tris(2-chloroethyl)phosphite (TCEP) under section 4(a) of the Toxic Substances Control Act (TSCA). EPA is not initiating rulemaking under section 4(a) to require testing of TCEP because available data indicate that production and use result in little risk of occupational or consumer exposure, and there is no known release to the environment. In addition, EPA finds no basis for believing that the compound may present an unreasonable risk to human health or the environment.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office, (TS-799), Office of Toxic Substances, Rm. E-511, 401 M Street, SW., Washington, D.C. 20460, Toll-free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(e) of TSCA (Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C. 2601 et seq.) established an Interagency Testing Committee (ITC) to recommend a list of chemicals for EPA to consider for promulgation of testing rules under section 4(a) of the Act. The ITC may designate substances for priority consideration by EPA. TSCA requires EPA to respond within 12 months of the date a substance is designated for priority response by either initiating rulemaking under section 4(a) or by publishing reasons in the **Federal Register** for not initiating rulemaking.

The ITC designated tris(2-chloroethyl)phosphite (TCEP) for priority consideration in its Ninth Report, published in the **Federal Register** of February 5, 1982 (47 FR 5456), recommending that it be tested for the following health and environmental effects: Pharmacokinetics and metabolism, subchronic and reproductive effects, chemical fate, and acute toxicity to fish, aquatic invertebrates and algae.

The ITC based its testing recommendations upon reported annual TCEP production volumes of 2.1 to 21 million pounds, its reported use in consumer products, probable disposal of TCEP to the aquatic environment, and its potential for binding to sediment and transport along the food chain. Other factors included evidence of hydrolysis to 2-chloroethanol, a known toxic compound, reported variances in TCEP's acute toxic dose level and the lack of information on metabolism, teratogenicity and reproductive effects, chemical fate and toxicity to aquatic organisms.

This notice constitutes EPA's response to the ITC's designation of TCEP for testing consideration, as required under TSCA section 4(e).

II. Decision Not To Test

EPA has decided that section 4 testing of TCEP is not warranted at this time based on evidence demonstrating extremely limited exposure of TCEP to humans and negligible release to the environment.

There are currently three domestic manufacturers of TCEP. Available information indicates that there is no importation of the chemical since no import data were listed by the U.S. International Trade Commission or in the 1977 TSCA inventory. The Agency's efforts in researching publicly available data bases have yielded little information regarding health effects, production and exposure. Upon request by the Agency, the manufacturers of TCEP submitted information on production, exposure and environmental release. Much of the details submitted were claimed to be confidential business information; however, non-confidential summaries have been prepared and are included in the public record. EPA has critically reviewed this information and has included it as the basis for its decision. This information shows that production is a site-limited, non-continuous (batch) closed system process involving the reaction of phosporous trichloride with ethylene oxide. To comply with the Occupational Safety and Health Administration (OSHA) regulations controlling the release in the workplace of ethylene oxide and other organics used in the production of TCEP, the production system contains engineering controls designed to eliminate the release of volatile chemicals such as ethylene oxide. Consequently, TCEP, having a low vapor pressure, is highly unlikely to be released from the production system. When monitoring for release of organic reactants used in production, TCEP was not detected in the production plant's atmosphere (sensitivity = 0.01 ppm) during manufacture while other organics were. No other monitoring data were available.

TCEP is used solely as an intermediate in the manufacture of other products. The chemical may be used in the manufacture of flame-retardant additives for rigid urethane and flexible foams, adhesives and coatings, in the production of ethephon, a plant growth regulator, and in the preparation of extreme pressure lubricants. The principal current use reported for TCEP is in the production of flame retardant additives. Most of the TCEP produced is converted at the TCEP production site to a final product at a conversion efficiency significantly greater than 98 percent. The data also indicate that there is essentially no environmental release of unreacted TCEP from production facilities because of various waste treatment processes. Less than 0.1 percent of the annual volume is sold and is not converted to a final product at the production site. This amount comprises an insignificant volume either alone or when compared with the total annual TCEP yield. Those quantities sold outside the production site are also used as intermediates in the manufacture of products for similar uses, and here again the conversion efficiency to a final product is expected to be quite high. The information also shows that production facilities, including those of secondary users, pose a potential for exposure to fewer than 100 workers per year in total.

In light of its uses, production processes and the limited potential for release and exposure, EPA believes that there will be only minimal exposure to TCEP and negligible environmental release. Because of such limited exposure and release potential, there is no basis for believing that the compound may present an unreasonable risk to humans or the environment. Therefore, EPA believes that the statutory findings necessary to require testing under section 4 for tris(2-chloroethyl)phosphite cannot be made at this time.

III. Public Record

EPA has established a public record for this testing decision (docket number OPTS-42018) which is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m. on working days in Rm. E-107, 401 M St., SW., Washington, DC 20460. The record includes the following information:

1. **Federal Register** notice containing the designation tris(2-chloroethyl)phosphite to the Priority List.
2. Communications (public, intra-agency, and interagency) consisting of non-confidential memoranda and letters, confidential memoranda and letters (separately held), contact reports of telephone conversations, and meeting summaries.
3. Public comments on the ITC report.
4. Published and unpublished data.
5. Non-confidential summaries prepared by the manufacturers of information they submitted leading to EPA's testing decision.

This record includes all of the information considered by the Agency in developing this decision. Data claimed by the submitter to be Confidential Business Information and protected from disclosure by section 14(a) of TSCA are separately held.

(Sec. 4(a) TSCA (Pub. L. 94-469, 90 Stat. 2003; 15 U.S.C.))

Dated: October 25, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-29997 Filed 10-29-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference

October 26, 1982.

Meeting: Thursday, November 18, 1982, 9:30 A.M.-6:00 P.M., Satellite Television Corporation, 1301 Pennsylvania Avenue, NW., 5th Floor Conference Room, Washington, D.C.

Agenda:

(1) Approval of agenda
(2) Presentation of unapproved sections of Addendum to Final Report
(3) Approval of unapproved sections of Addendum to Final Report
(4) Presentation and approval of Executive Summary
(5) Other Business.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-29678 Filed 10-29-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket: FEMA-REP-4AL2]

Alabama Radiological Emergency Response Plan for Plant Browns Ferry

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of receipt of plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government plans, the State of Alabama has submitted its radiological emergency plan to the FEMA Regional Office. These plans support nuclear power plans which impact on Alabama and include those of local governments near the Tennessee Valley Authority's Browns Ferry Nuclear Power Plant located in Limestone County, Alabama.

DATE: Plans Received: September 17, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Major P. May, Regional Director FEMA Region IV, 1375 Peachtree Street, N.E., Atlanta, Georgia 30309 (404) 881-2400.

NOTICE: In support of the Federal requirement for emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local government's radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Radiological Emergency Response Plan for the State of Alabama was received by the Federal Emergency Management Agency Region IV Office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Brown Ferry Nuclear Power Plant plans are included for Lauderdale, Lawrence, Limestone and Morgan Counties.

Copies of the Plan are available for review at the FEMA Region IV Office, or they will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in Subpart C of 44 CFR Part 5. There are 373 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Major P. May, Regional Director, at the above address within thirty days of this **Federal Register** notice.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Details of this meeting were announced in the Huntsville Times of Tuesday, August 25, 1981, which was at least two weeks prior to the scheduled meetings. Local radio and television stations were requested to announce the meeting. This required public meeting was held at the Athens High School, on September 8, 1981, at 7:00 p.m. in Athens, Alabama.

Thomas P. Credle,

Deputy Regional Director.

October 4, 1982.

[FR Doc. 82-29968 Filed 10-29-82; 8:45 am]

BILLING CODE 6718-01-M

Proposed Meeting of FEMA Advisory Board

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, announcement is made of the following working committee meeting:

Name: Federal Emergency Management Agency Advisory board.

Date of Meeting: November 4, 1982.

Place: Federal Emergency Management Agency, Room 829, 500 C Street SW., Washington, D.C. 20472.

Time: 8:30 a.m. to 4:30 p.m.

Purpose: Internal classified discussions on progress of the four Ad Hoc Task Forces. The views of the Board will be discussed with the Director of FEMA and representative from the Office of the President.

The Director has determined that the Board meeting should be closed because disclosure is likely to reveal matters that are specifically authorized to be kept Secret in the interest of national defense or foreign policy and are properly classified pursuant to Executive Order.

Dalimil Kybal,

Science Advisor.

[FR Doc. 82-29967 Filed 10-29-82; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL HOME LOAN BANK BOARD

Federal Savings and Loan Advisory Council Meeting:

October 26, 1982.

Pursuant to section 10(a) of Pub. L. 92-463, entitled the Federal Advisory Committee Act, notice is hereby given to the Meeting of the Federal Savings and Loan Advisory Council on Monday, December 6; Tuesday, December 7; and Wednesday, December 8, 1982. The meeting will commence at 10:00 a.m. December 6; 9:30 a.m. December 7; and 9:00 a.m. December 8. The meetings will be held at the Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C., Bank Board Conference Room. Sixth Floor.

Monday, December 6

10:00 a.m.—Opening of the Council Meeting; review subcommittee assignments; Staff briefing on the Mark-to-Market topic.
12:00 Noon—Lunch.
1:00 p.m.—Council briefing on New Asset—Liability Powers.
3:00 p.m.—Subcommittees begin deliberations; Mark-to-Market; New Asset - Liability Powers.

Tuesday, December 7

9:30 a.m.—Subcommittees complete work on resolutions.
12:00 Noon—Lunch.
1:00 p.m.—Council initiates discussion and votes on resolutions.

Wednesday, December 8

9:00 a.m.—Presentation and discussion of resolutions to the Chairman and Board Member.
10:30 a.m.—Adjourn.

The meeting of the Federal Savings and Loan Advisory Council is open to the public.

Richard T. Pratt,

Chairman.

[FR Doc. 82-30008 Filed 10-29-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

PLI, Inc., 7001 East Haven, Houston, TX 77017. Officers: Robert Dale Cowan, President, Connie Sue Cowan, Vice President.

International Freight Services, Inc., 161 Prescott Street, East Boston, MA 02128. Officer: Rodney C. Schonland, President/Sole Stockholder.

By the Federal Maritime Commission.

Dated: October 27, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-29994 Filed 10-29-82; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1901]

Robbins, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.15(d) of Federal Maritime Commission General Order 4 further provides that a license shall be automatically revoked for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Robbins, Inc., P.O. Box 523025, Miami, FL 33152 was cancelled effective October 13, 1982.

By letter dated October 5, 1982, Robbins, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1901 would be automatically revoked unless a valid surety bond was filed with the Commission.

Robbins, Inc. has failed to furnish a valid bond.

By virtue of authority vested in my by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(f) dated November 12, 1981;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 1901 be and is hereby revoked effective October 13, 1982.

It is ordered, that Independent Ocean Freight Forwarder License No. 1901 issued to Robbins, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Robbins, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-29995 Filed 10-29-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continues to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Arizona Bancwest Corporation,* Phoenix, Arizona (lending and leasing in the States of California, Nevada, Utah, Colorado, New Mexico and Texas): To engage through its subsidiary, Bancwest Financial Services Company, in making and/or acquiring for its own account and the account of others, loans and other extensions of credit and leasing personal property or acting as agent, broker, or adviser in connection with leasing such property. Such activities will be conducted from an office located in Phoenix, Arizona, serving customers throughout the State of Arizona and certain customers who require financing in the States of California, Nevada, Utah, Colorado, New Mexico and Texas. Comments on this application must be received not later than November 17, 1982.

Board of Governors of the Federal Reserve System, October 26, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-29879 Filed 10-29-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

October 26, 1982.

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo),* directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *BankAmerica Corporation,* San Francisco, California (industrial loan company, financing, servicing, and insurance activities; Tennessee, Alabama, Georgia, Kentucky and Mississippi): To engage through its indirect subsidiary, FinanceAmerica Credit Corporation, a Delaware

corporation, in the additional activity of acting as an industrial loan company under the Tennessee Industrial Loan and Thrift Companies Act; provided however, that no investment certificates will be offered to the public. FinanceAmerica Credit Corporation will continue to engage in the activities of making or acquiring for its own account loans and other extensions of credit such as are made or acquired by a finance or industrial loan company, servicing loans and other extensions of credit, and offering credit-related life, credit-related accident and health, and credit-related property insurance. There will however, be no credit-related property insurance offered in Georgia or Mississippi. Such activities will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, making loans secured by real and personal property and offering credit-related life insurance, credit-related accident and health insurance, and credit-related property insurance in connection with extensions of credit made or acquired by FinanceAmerica Credit Corporation. Credit-related life and credit-related accident and health insurance may be reinsured by BA Insuance Company, Inc., an affiliate of FinanceAmerica Credit Corporation. These activities will be conducted from a *de novo* office located in Goodlettsville, Tennessee, serving the States of Tennessee and Kentucky as well as two existing offices located in Chattanooga, Tennessee, serving the States of Alabama and Georgia and Memphis, Tennessee, serving the States of Tennessee, Kentucky and Mississippi. Comments on this application must be received not later than November 26, 1982.

2. *Security Pacific Corporation,* Los Angeles, California (commercial financing and factoring activities; United States): To engage through its subsidiary, Security Pacific Business Credit Inc. in making or acquiring for its own account or for the account of others, asset based business loans and other commercial or industrial loans and extensions of credit such as would be made by a factoring, rediscount or commercial finance company and engaging generally in the factoring business. These activities would be conducted from offices of Security Pacific Business Credit Inc. in Boston, Massachusetts and Philadelphia, Pennsylvania, serving the United States. Comments on this application must be received not later than November 26, 1982.

Board of Governors of the Federal Reserve System, October 26, 1982.

William W. Wiles,

Secretary of the Board.

FR Doc. 82-29860 Filed 10-29-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Cleveland** (Lee S Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Peoples Bank Corporation of Berea,* Berea, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Bank and Trust Company, Berea, Kentucky. Comments on this application must be received not later than November 23, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Clay County Bancshares, Inc.,* Celina, Tennessee; to become a bank holding company by acquiring 80 percent or more of the voting shares of Clay County Bank, Celina, Tennessee. Comments on this application must be received not later than November 22, 1982.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Ina Bancshares Inc.,* Cahokia, Illinois; to become a bank holding company by acquiring 80 percent of the voting shares of Ina State Bank, Ina, Illinois. Comments on this application must be received not later than November 26, 1982.

2. *Wayne Bancshares, Inc.,* Monticello, Kentucky; to become a bank holding company by acquiring at least 80 percent of the voting shares of City and County Bank of Wayne County, Monticello, Kentucky. Comments on this application must be received not later than November 23, 1982.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Western Commercial,* Fresno, California; to become a bank holding company by acquiring 100 percent of the voting shares of Fresno Bank of Commerce, Fresno, California. Comments on this application must be received not later than November 23, 1982.

Board of Governors of the Federal Reserve System, October 26, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-29861 Filed 10-29-82; 8:45 am]

BILLING CODE 6210-01-M

Princeton Agency, Inc.; Formation of Bank Holding Company

Princeton Agency, Inc., Princeton, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Farmers Savings Bank, Princeton, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Princeton Agency, Inc., Princeton, Iowa, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to continue operating a general insurance agency.

Applicant states that the proposed subsidiary would engage in the activities of selling general insurance in a community with a population not exceeding 5,000. These activities would be performed from offices of Applicant's subsidiary in Princeton, Iowa, and the geographic areas to be served are Princeton, Scott County, Iowa and surrounding area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than November 26, 1982.

Board of Governors of the Federal Reserve System, October 26, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-29882 Filed 10-29-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Performance Review Board

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the GSA Performance Review Board.

FOR FURTHER INFORMATION CONTACT: Gregory Knott, Deputy Director of Personnel, General Services Administration, Office of Organization and Personnel, Office of Personnel, 18th & F Streets NW., Washington, DC, 20405 (202) 566-0664.

SUPPLEMENTARY INFORMATION: Sections 4314(c) (1) through (5) of Title 5, U.S.C. requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review the performance rating of each senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive.

The members of the Performance Review Board are:

1. Bond Faulwell, Director of Organization and Personnel.
2. Steven Hammer, Associate Administrator for Operations.
3. Carroll Jones, Commissioner, Federal Property Resources Service.
4. Saul Katz, Special Counsel to the Administrator for Ethics.
5. Arlene Schley, Deputy Regional Administrator, National Capital Region.
6. Charles S. Davis III, Associate Administrator for Policy and Management Systems.

Dated: October 27, 1982.

Gerald P. Carmen,

Administrator.

[FR Doc. 82-30021 Filed 10-29-82; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

National Institute for Occupational Safety and Health; Occupational Safety and Health Field Research Projects

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control, PHS, HHS.

ACTION: Notice of Research Project Initiation.

SUMMARY: NIOSH is ready to begin data collection on a field research project entitled, "Reproductive History Study of Women Exposed to Polychlorinated Biphenyls in the Workplace." The purpose of this study is to determine the possible adverse health effects in women occupationally exposed to polychlorinated byphenyls. This project is part of the NIOSH industrywide research effort conducted under the Occupational Safety and Health Act of 1970. This notice does not constitute a request for proposal.

DATES: Field work is scheduled to begin on or about December 13, 1982.

FOR FURTHER INFORMATION CONTACT: Michael Rosenberg, M.D., Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, OH 45226, Telephone: (513) 684-3593.

SUPPLEMENTARY INFORMATION: On May 18, 1982, NIOSH published in the **Federal Register** (47 FR 21302) a list of proposed field research projects. That notice stated that more specific information would be provided to the public 6 weeks before starting field work on any of the proposed projects. Field investigation and data collection on the following study will begin on or about December 13, 1982.

Title: Reproductive History Study of Women Exposed to Polychlorinated Biphenyls in the Workplace.

Project Officer. Michael Rosenberg, M.D., Division of Surveillance, Hazard Evaluations, and Field Studies, NIOSH.

Purpose: The purpose of this study is to determine the possible adverse health effects in women occupationally exposed to polychlorinated biphenyls.

Background: Polychlorinated biphenyls (PCB's) are long-lived contaminants present in multiple sites in the environment. This material was formerly used in the manufacture of large transformers. In animals, PCB's have been associated with a variety of reproductive effects, including decreased fertility, increased fetal resorptions, and increased postnatal death. In animals and humans, PCB's have been found to be carcinogenic.

Between 1940 and 1976, PCB's were used in the manufacture of transformers at a plant in New York. Since these materials are stored in fatty tissue and have been demonstrated to be released over a long period of time, the exposure of women working at this plant can be considered to be cumulative.

Study Description: From among the 800 women directly exposed to PCB's, a sample of 200 married women will be selected. For comparison, 200 of the 2,500 women working in the plant who were unexposed will be interviewed.

A questionnaire covering demographic data, occupational history, and medical history will be completed for each of the 400 selected workers. The method of handling this information complies with the Privacy Act of 1974. The system of records is #09-20-0147.

The NIOSH field research project described will be conducted under the authority of section 20 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669) and in accordance with the provisions of Part 85a of Title 42, Code of Federal Regulations. The protocol for this type of project has been reviewed by the Office of Management and Budget and determined to be in compliance with the Paperwork Reduction Act.

Dated: October 22, 1982.

J. Donald Millar,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 82-29983 Filed 10-30-82; 8:45 am]

BILLING CODE 4160-19-M

National Institute for Occupational Safety and Health; Small Grants for Occupational Safety and Health Research

The National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control (CDC), announces that competitive grant applications for small grants to support occupational safety and health research will be accepted until January 3, 1983.

Purpose

This NIOSH Small Grant Program invites applications for research grants covering scientific areas relevant to occupational safety and health and is intended to provide financial support for investigators who do not have Federal or non-Federal research grant support. The grants may be used to carry out exploratory or pilot studies, to develop or test new techniques or methods, or to analyze data previously collected. Examples of programmatic areas of interest are traumatic injuries, reproductive effects, neurologic and cardiovascular effects, occupational respiratory diseases, occupational cancers, musculoskeletal injuries, noise-induced hearing loss, dermatologic problems, and psychologic disorders. Potential applicants with questions concerning the acceptability of their proposed work should contact the individuals listed in this announcement.

Authority

These grants will be awarded and administered by NIOSH under the research and demonstration grant authority of section 20(a)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(1)) and section 501 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 951). Program regulations applicable to these grants are contained in Part 87 of Title 42, Code of Federal Regulations, "National Institute for Occupational Safety and Health Research and Demonstration Grants." Except as otherwise indicated, the basic grant administration policies of the Public Health Service are applicable to this program. Applications responsive to this announcement are not subject to OMB Circular A–95 Clearinghouse and/or Health Systems Agency review.

Eligible Applicants

This program is intended primarily for predoctoral graduate students and postdoctoral researchers; however, investigators from any scientific discipline and at any stage of their careers may apply for these grants. Support under this program may *not* be requested to supplement research projects receiving Federal or non-Federal support or to provide interim support of projects under review by the Public Health Service. A grant application responsive to this announcement, submitted simultaneously with a regular research grant application on the same topic, will *not* be accepted.

Availability of Funds

The total grant award may comprise direct costs of up to $15,000 per year and additional indirect costs, as appropriate. The grants may be awarded for up to two years and will not be renewable. It is anticipated that the total annual amount available for grants under this program will be $300,000. The specific amount to be funded will, however, depend upon the merit and scope of the applications received and the availability of funds. Grantees will be required to cost share a minimum of 5 percent.

Allowable Expenses (Direct Costs)

Support may be requested for the following categories:

—Supplies.

—Travel to attend a domestic meeting or visit another laboratory for the purpose of gathering more information or to learn a new technique or procedure relevant to the application. Relevance and importance must be justified in the application.

—Small items of equipment. The purchase of large equipment is discouraged.

—Salary for technical personnel. Salary of the principal investigator will be allowed only with strong justification.

Criteria for Review

Applications will be reviewed by an appropriate scientific review group on the basis of scientific merit and significance of the project, scientific competence of the proposed principal investigator and supporting faculty (where appropriate) in relation to the type of research involved, feasibility of the project, likelihood of its producing meaningful results, appropriateness of the proposed budget, adequacy of the applicant's resources available for the project, and the supportive nature of the research environment. For those applications from students, the review process will take into consideration the fact that the applicants do not have extensive experience with the grant process.

Application and Award

Applications should be submitted on a form PHS 398 (Revised 10/79). Application kits may be obtained from: Office of Grants Inquiries, Division of Research Grants, National Institutes of Health, 5333 Westbard Avenue, Room 448, Bethesda, Maryland 20205, Telephone: (301) 496–7441.

Care should be taken in following the instructions included with the application form, making certain to address the points identified under the heading "Review Criteria."

An original and six copies of the application must be received no later than January 3, 1983, in order to be considered in the February/March 1983 Study Section meeting. Completed applications must be sent or delivered to: Application Receipt, Division of Research Grants, National Institutes of Health, 5333 Westbard Avenue, Room 124, Bethesda, Maryland 20205.

A brief covering letter should accompany the application indicating that it is submitted in response to this announcement.

Applicants may meet the deadline by either delivering or mailing the application on or before the above specified date provided the following conditions are met:

1. Mailed applications. Applications mailed through the U.S. Postal Service shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date at the Division of Research Grants, NIH, or

b. Sent by first class mail, postmarked on or before the deadline date, and received by the granting agency in time for submission to the independent review group. (Applicants must be cautioned to request a legible U.S. Postal Service postmark or to use express mail or certified mail and to obtain a legible dated mailing receipt from the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Applications submitted by other means. Applications submitted by any means except mailing first class through the U.S. Postal Service shall be considered as meeting the deadlines only if they are physically received at a place specified above before close of business on or before the deadline date (4:30 p.m. e.s.t., January 3, 1983).

3. Late applications. Applications which do not meet the criteria in either paragraph 1. or 2. are considered late applications. In that event, an application will not be considered in the

current competition and will be returned to the applicant.

It is anticipated that awards will be made as early as May 1, 1983.

FOR FURTHER INFORMATION CONTACT:

Jack E. McCracken, Ph.D., Acting Chief, Grants Administration and Review Branch, National Institute for Occupational Safety and Health, Parklawn Building, Room 8-63, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-4496

or

Mr. Joseph West, Grants Management Officer, NIOSH, Parklawn Building, Room 8-23, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-3122.

(Catalog of Federal Domestic Assistance Program No. 13.262 Occupational Safety and Health Research Grants)

Dated: October 22, 1982.

J. Donald Millar,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 82-29864 Filed 10-29-82; 8:45 am]

BILLING CODE 4160-19-M

Health Resources and Services Administration

List of Recipients of Indian Health Scholarships Under the Indian Health Scholarship Program

The regulations governing Indian Health Care Improvement Act Programs (Pub. L. 94-437) provides at 42 CFR 36.334 that the Indian Health Service shall publish annually in the **Federal Register** a list of recipients of Indian Health Scholarships, including the name of each recipient, school and tribal affiliation if applicable. These scholarships were awarded under authority of section 338G of the Public Health Service Act (42 U.S.C. 294y-1). The following is a list of Indian Health Scholarship recipients for Fiscal Year 1982:

Abe, Winifred, University of New Mexico, Navajo
Allery, Ronnie, University of North Dakota, Chippewa
American Horse, Cora, Brigham Young University, Navajo
Anderson, Ella Mae, University of Albuquerque, Navajo
Anderson, Mitchell, Northeastern State University, Choctaw
Anderson, Sharon, Cheyenne River Nursing Program, Sioux
Antone, Lenora, Long Beach State University, Papago
Arbuckle, Katherine, University of Montana, Chippewa
Archuleta, Margaret, University of California, Paiute
Arthur, Lena, University of Montana, Chippewa
Ashley, Patrick, University of Albuquerque, Navajo
Atcitty, Candace, Arizona State University, Navajo
Attson, Francine, Loretto Heights College, Navajo
Azure, Lynette, University of North Dakota, Chippewa
Azure, Shelly, University of North Dakota, Chippewa
Azure, Vernon D. University of North Dakota, Chippewa
Bacon, Marie, Washington State University, Colville
Barsness, Linda, University of Utah, Sioux
Barton, Michael, University of New Mexico, Navajo
Battese, Francis, Clark College, Potawatomi
Bear, Sue Ann, East Central Oklahoma State University, Creek/Seminole
Bear, Walletta, Massachusetts College of Pharmacy, Penobscot
Beatty, Beverly University of Oklahoma, Apache
Becenti, Sandra, University of New Mexico, Navajo
Becker, Karen, University of North Dakota, Navajo
Beecher, Dorita, Mojave Community College, Hualapai
Beeson, Terri, University of Arizona, Navajo/Hopi
Begay, Linda, Northern Arizona University, Navajo
Begay, Lydia, University of Oklahoma, Navajo
Begay, Martha, Marion College, Navajo
Begay, Natalie, California State University, Navajo
Begay, Rita Weyrauch, University of California, Papago
Begay, Vida C., Bacone College, Navajo
Begaye, Michael, Fort Lewis College, Hopi
Belanger, Alanna, College of Saint Scholastica, Chippewa
Belcourt, Gordon, University of California, Blackfeet
Bell, Joseph, University of North Carolina, Lumbee
Bell, Michael, University of Oregon, Hopi
Bellinger, Thomas, University of North Dakota, Eskimo
Benally, Stanley, University of New Mexico, Navajo
Bender, Barry, University of North Dakota, Sioux
Bender, Le Ann, Mary College, Sioux
Bergen, Dellina, University of Arizona, Navajo
Bergen, Velina, University, of Arizona, Navajo/Pima
Berrey, Katherine, Arizona State University, Osage/Quapaw
Bigpond, Wendell, Tulsa University, Creek
Billedeaux, Louis, Brigham Young University, Blackfeet
Bird, Kerry Dean, University of North Carolina, Sioux
Blankenship, Ronald, Western Carolina University, Cherokee
Blodgett, Denise, University of California, Blackfeet
Bloom, Kelly Marie, University of Arizona, Taos/Paiute
Bluehouse, Orrin, Arizona State University, Navajo
Bluestone, James, University of North Dakota, Affiliated
Bochenski, Cindy, Madonna College, Chippewa
Bockius, Melissa, University of Oklahoma, Osage
Boham, Randall, Montana State University, Chippewa
Bohannan, Darla, Bartlesville Wesleyan College, Deleware
Boje, Maxine, College of St Scholastica, Cherokee
Boller, Rebecca, University of Wyoming, Shoshone
Bounds, Donna, Dakota Wesleyan University, Sioux
Boyiddle, Betty, SW Oklahoma State University, Blackfeet
Bradley, Teresa, Western Carolian University, Cherokee
Brafford, Debra, California State University, Sioux
Brewer, Michael, Portland State University, Sioux
Brewington, Belinda, University of North Carolian, Lumbee
Brewington, Robin, University of North Carolina, Lumbee
Brooks, Carlotta, University of Wyoming, Chippewa
Brooks, Paula, University of North Carolina, Lumbee
Brown, Loren East Central Oklahoma State, Choctaw
Brunell, Melissa, Eastern Montana College, Chippewa
Bryan, Michael, College of the Redwoods, Pawnee
Buckles, Dale, University of North Dakota, Sioux
Bullard, Wanda, Pembroke State University, Lumbee
Burt, Randy, Northeastern State University, Cherokee
Butler, Raymond Jr., Bringham Young University, Navajo
Byrum, Melanie, Oklahoma University, Cherokee
Calvin, Theresa, University of North Dakota, Choctaw
Cannon, Rex, Mesa Community College, Pima
Carter, Sandra, San Diego Mesa College, Shoshone
Castilla, Kim, University of North Dakota, Sponkan-Winneb
Cedarface, Frederick, South Utah State College, Sioux
Chapman, Phillip, Texas Wesleyan College, Cherokee
Chavis, Jean, Robeson Tech College, Cherokee
Chistensen, David, University of North Dakota, Affiliated
Christensen, Michael, University of North Dakota, Mandau/Hidatsa
Clay, Julie, University of Oklahoma, Omaha
Clevenger, James, Central State University, Cherokee
Click, James, Oklahoma University, Creek
Clifford, Gwendolyn, Sinte Gleska College, Sioux
Coburn, Dugan, Oregon Institute of Technology, Blackfeet
Cole, Gina, University of Oklahoma, Kiowa

Cole, Vicki, North Oklahoma State Univerity, Cherokee
Colhoff, Brian, University of North Dakota, Sioux
Collins, Betty, Murray State College, Coctaw
Conlan, Christopher, Dartmouth Medical School, Seneca
Conway, Keith, University of Montana, Blackfeet
Crawford, Georgia, University of New Mexico, Navajo
Cropp, Thomas, East Central Unversity, Creek
Cully, Harold, East Central Oklahoma State University, Creek/Seminole
Cupp, Janette, Stanford University, Navajo
Curley, Linda, Bringham Young University, Navajo
Dakota, Shiela, St Mary's Jr. College, Chippewa
Dale, Regena, Arizona State University, Navajo
Daney, Elizabeth, Eastern Okahoma State College, Choctaw
Danielson, James, University of North Dakota, Cherokee
Danielson, Robert, George Mason University, Cherokee
Danielson, Thomas, University of Maryland, Cherokee
Dauber, Olivia, University of Albuquerque, San Juan
Dauphinais, Larry, University of North Dakota, Chippewa
Davenport, Jack, Pembroke State University, Lumbee
Davis (York), Donna, Bacone College, Creek
De Haas, Delores, Central State University, Sioux
De Rensis, Pamela, University of North Carolina, Lumbee
Decorse, Judith, Arizona State University, Quechan-Papago
Dee, Marilyn, San Juan College, Navajo
Delaney, Henry, Southern Oregon State College, Kalmath
Delaney, Niki, Southern Oregon State College, Cherokee
Demmert, Cynthia, University of Hawaii, Tlingit
Denetclaw, Deborah, New Mexico State University, Navajo
Deschenie, Maybelle, Northern Arizona University, Navajo
Detsoi, Fern, University of New Mexico, Navajo
Dexter, Donald, Portland State University, Klamath
Dial, Rhonda, University of North Carolina, Lumbee
Dillon, Marilyn, Oglala Sioux Community College, Sioux
Diver, Beverly, Granite Falls Avti, Chippewa
Dixon, Larry, Western Carolina University, Hupa
Dodge, Marilyn, Mesa Community College, Hoopa
Doney, Jessica, University of Montana, Chippewa
Dubray, Fernie, University of South Dakota, Sioux
Duganne, Martha, Texas Womans University, Seminole
Dulaney, Teresa, Phoenix College, Hopi
Dunigan, Aggie, East Central University, Pottawatomi
Dunn, Geraldine, University of North Dakota, Sioux
Eagle, Bernadine Presentation College, Sioux
Ecoffey, Patricia, School of Radiologic Technology, Sioux
Eder, Kathy, Rocky Mountain College, Souix
Ellery, Loren, Carroll College, Chippewa
Emerson, Noel, Kirksville College, Creek
Epps, Donald, Florida State University, Lumbee
Eskeets, Pearly, North Arizona University, Navajo
Eteeyan, William, Highland Community Junior College, Potawatomi
Everling, Linus, University of California, Chippewa
Failing, Allison, University of Montana, Sioux
Falcon, Gary E., University of North Dakota, Chippewa
Fastwolf, Frank, University of New Mexico, Sioux
Fields, Holly, Grossmont College, Paiute
Flanagan, Ronal, Northeastern State University, Cherokee
Flocken, Henry, University of Minnesota, Chippewa
Flores, Joy, College of the Desert, Navajo
Folster, Laddie, California State University, Sioux
Foreman, Tommy, East Central University, Cherokee
Fowler, Renda, University of Arizona, Navajo
Frank, Jo Ann, Mountain View College, Choctaw
Frank, Linda, University of New Mexico, Navajo
Franklin, Valerie, University of New Mexico, Navajo
Freeland, Bernadette, University of Arizona, Navajo
Freemont, Naomi, Oral Roberts University, Sioux
French, Gary, Western Carolina University, Cherokee
Friedlander, Rhonda, Gonzaga University, Kootenai
Gailey, Kimberly, University of Oklahoma, Cherokee
Galbreath, Donna, University, of Alaska, Athabascan
Gallo, Roel, University of North Dakota, Comanche
Gano, Mary Susan, Skagit Valley College, Cherokee
Garcia, Lori, University of North Dakota, Chippewa
Garcia, Timothy, University of North Dakota, Pueblo
Garrison, David, University of Arizona, Shoshone
George, Rozinna, University of Arizona, Shoshone
German, Betty, North Arizona University, Navajo
Ghachu, Jolene, Brigham Young University, Zuni
Gonzalez, Robin, Cameron University, Comanche
Gordon, Cynthia, University of Michigan, Chippewa
Gourneau, Dawn, Dartmouth College, Chippewa
Gourneau, Linda, University of North Dakota, 3 Affil Ft
Granger, Annette, Arizona State University, Navajo
Gray, Dawn Marie, University of New Mexico, Sioux
Guimaraes, Charles, College of Saint Thomas, Chippewa
Guimaraes, Christina, University of Minnesota, Chippewa
Gullickson, Janet, Mary College, Sioux
Gutierrez, Juanita, Mary College, Sioux
Hammond, Doylena, Appalachian State University, Lumbee
Hammonds, Karen, University of California, Lumbee
Hansen, Shelley, University of Portland, Aleut
Harjan, (Sandoval) Brenda, University of Albuquerque, Chippewa/Sioux
Harjo, Lucille, University of Oklahoma, Creek
Harris, Glenn, Pembroke State University, Lumbee
Harris, Manisha, University of Arizona, Apache
Harris, Marlene, Bacone Junior College, Navajo
Harrison, Carlene, Central State University, Navajo/Hopi
Hart, Patrice, University of Oklahoma, Cheyenne
Haukaas, Thomas, University of Dakota, Sioux
Hawronsky, John, University of North Dakota, Chippewa
Hensley, Eloise, Casper College, Arapahoe
Hernandez, Marie, Phoenix College, Pima/Pueblo
Hernandez, Rosanna, University of New Mexico, Laguna
Hernasy, Sarah, Phoenix College, Hopi
Higby, Gerogina, San Bernardino Valley College, Menominee
Higgins, Violet, Montanta State University, Blackfeet
Hill, Lucinda, University of Arizona, Navajo
Hill, Sammy, East Central Oklahoma State University, Creek
Hockert, Melissa, Saint Marys Junior College, Chippewa
Hollen, Toni, College of Saint Scholastica, Chippewa
Hopper, Melanie, Oklahoma State University, Choctaw
Hopper, Robert, University of North Dakota, Cherokee
Hoptowit, Sophie, University of Oregon, Takima
Hovland, Cynthia, Rapid City Reg Hospital, Sioux
Howard, Dean, Arizona State College, Pima
Howard, Kathleen, Central Arizona College, Pima
Howard, Rajean, Washburn University of Topeka, Hopi/Pueblo
Howard, Reyes, University of New Mexico, Pueblo Isleta
Hubbard, Joseph, Arizona State University, Navajo
Hummingbird, Linda, Northeastern State University, Cherokee
Humphrey, Irene, University of Montana, Blackfeet
Humphrey, Lisa Gay, Oklahoma State University, Cherokee
Hunt, Cassina, East Carolina University, Lumbee
Hunt, Marlene, Pacific University, Puyallup

Hunt, Peggy, Pembroke State University, Lumbee
Hyatt, John, Mount St. Mary's College, Cherokee
Hyatt, Margaret, Mount St. Mary's College, Cherokee
Ingram, David, Central State University, Chickasaw
Innis, Emma, Phoenix College, Seneca
Isaacs, Barbara, East Central Oklahoma State University, Chickasaw
Jackson, Delvin, Phoenix College, Pima
Jackson, Suzanne, Central Arizona College, Pima
James, Dorinda, Maricopa Technical College, Pima
Janke, Wendy, College of Saint Scholastica, Chickasaw
Jarman, Nola, Presentation College, Sioux
Jenkins, Patrick University of Texas, Creek
Jim, Francis, Weber State College, Navajo
Jimerson, Crystal, Syrac[illegible]e University, Sioux
Jiminez, Betty A., Pt State University, New Perce
John, Sharon, Washington State University, Yakima
John, Sylvia, University of New Mexico, Navajo
Johnson, Doriann F., Pima Community College, Papago/Navajo
Johnson, Glenn, University of Oklahoma, Choctaw
Johnson, Lina, University of New Mexico, Navajo
Johnson, Sheila, Murray State College, Choctaw
Johnson, Virginia, S. University of Toledo, Cherokee
Johnston, Mary Ann, Fresno City College, Seminole
Johnston, Rosemary, Arizona State University, Hualapai
Jones, Alfreda, University of North Carolina, Lumbee
Jones, Carla, Oklahoma State University, Creek
Jones, Cynthia, Rapid City Reg. Hospital, Sioux
Jones, Kimberly, University of Minnesota, Sioux
Jones, Mitchel, Fayetteville Tech Institute, Lumbee
Jones, Terry, (Inmed) Ohio State University Cherokee
Jones, Tony, Pembroke State University, Lumbee
Juneau, Janet, Northeastern State University, Creek
Kalemsa, Eldon, Jr., University of New Mexico, Hopi
Kanouse, Charlotte, University of New Mexico, Navajo
Kaskuske, Geraldine, St. Gregory's College, Kickapoo
Keke, Emory, University of North Dakota, Sioux
Kepaa, Catherine, University of Norhtern Colorado, Sioux
Keshena, Kate, University of North Dakota, Menominee
Kewanimptewa, Dianna, Scottsdale Community College, Hopi
Killsprettyenemy, C., University of North Dakota, Sioux
King, Charles, University of North Dakota, Chippewa
Kinnear, Lesa, Oklahoma University, Cherokee
Kinsley, Molly, Pima Community College, Papago
Koomsa, Elisa, American University, Kiowa
Kurley, Charlene, University of New Mexico, Nevajo
Kurley, Charlene, Northern Arizona University, Navajo
Kuwanhoyioma, Peggy, Northern Arizona University, Hopi/Papago
La Marr, Thomazine, Bacone College, Cherokee
Labelle, Brian, University of North Dakota, Sioux
Lambert, James, Northeastern Oklahoma State University, Cherokee
Lambert, Valerie, University of Washington, Assiniboine
Lamebull, Ruth, East Washington University, Gros Ventre
Lara, Lorraine, College of the Redwoods, Yurok
Larocque, Brian, University of North Dakota, Chippewa
Larson, Richard, Michigan State University, Chippewa
Larson, Rodney, University of North Dakota, Chippewa
Larson, Ruby, Tidewater Community College, Aleut
Larvie, Aloysius, South Dakota State University, Sioux
Latham, Sherry, College of the Redwoods, Hopi
Lazo, Ronald Southeastern Louisiana University, Choctaw/Appache
Le Beau, Brenda, University of North Dakota, Sioux
Le Cornu, Andre, Anchorage Community College, Haida
Leadingfox, Hazel, University of Oklahoma, Pawnee
Lee, James K., University of New Mexico, Navajo
Leno, Donna, University of Hawaii, Navajo
Leonardelli, Lynn, Cameron University, Delaware
Lewis, Angelettia, Pembroke State University, Lumbee
Lightfoot, Judy, Rutgers University, Ponca
Livermont, Pauline, Presentation College, Sioux
Locklear, Anthony, University of North Carolina, Lumbee
Locklear, David, Duke University, Lumbee
Locklear, Gwendolyn, East Carolina University, Lumbee
Locklear, Lita, University of North Carolina, Lumbee
Locklear, Nan O Lene, University of North Carolina, Lumbee
Locklear, Roderick, Jr., University of North Carolina, Lumbee
Logan, Melynda, University of Arizona, Comanche
Long Tjaden, Laura Ann, University of Wyoming, Arapahoe
Long, Bernard, University of North Dakota, Sioux
Long, Reno Michael, University of Hawaii, Arapahoe
Lopez, Andrew, University of Arizona, Papago
Lowe, Diana, Seminole Junior College, Kiowa
Lowery, Jan Marie, University of North Carolina, Lumbee
Lowery, Phyllis, Pembroke State University, Lumbee
Lowery-Calvo, Cara, Portland State University, Lumbee
Lucas, Kelly, Oklahoma University, Cherokee
Lucio, Walter, Chico State University, Zoni
Lufkin, Eula Mae, East Central OK State University, Choctaw
Lujan, Ernestine, New Mexico State University, Pueblo
Magee, Cheryl, Montana State University, Blackfeet
Magee, Myra, Fort Wright College, Blackfeet
Maggard, Florence, California State University, Mi-Wok
Maloney, Ruthie, College of the Redwoods, Navajo
Malotte, Sharon, University of North Dakota, Shoshone
Mandelin, Melanie, Northern Arizona University, Choctaw
Manica, Mary Kathryn, Mount Marty College, Sioux
Manning, Clarice, University of New Mexico, Navajo
Mariano, Joanne, University of New Mexico, Acoma
Martin, Gwen, University of New Mexico, Navajo
Martinez, Cleoves, University of New Mexico, Non-Indian
Mason, Verna, University of Texas at Arlington, Comanche
Maynor, Bobby, University of North Carolina, Lumbee
Maynor, Wynne, University of North Carolina, Lumbee
McCrary, Leesa, Northeastern OK State University, Cherokee
McBride, Karen, Loma Linda University, Cherokee
McCabe, Matthew, University of New Mexico, Navajo
McCollough, David, University of Alabama, Cherokee
McKinley, Laura, Arizona State University, Northern Ute
Means, Lorelei, South Dakota State University, Winnebago
Mele, Christopher, Harvard University, Seneca
Mells, Colleen, Mary College, Sioux
Menzie, Terrold, University of South Dakota, Gros Ventre
Miezwa, Judith, University of North Dakota, Chippewa
Milane, Priscilla, Highlane Community Junior College, Zuni
Miller, Michael, University of New Mexico, Navajo
Miller, Mindy, East Carolina University, Lumbee
Miller, Sharon, Seminole College, Choctaw
Mills, Brenda, South Dakota State University, Sioux
Mitchell, Donna, Yavapai College, Yavapai
Monette, Robin, Tulsa University, Laguna
Moore, Henry, University of Washington, Sioux
Morgan, Robbie, University of San Francisco, Navajo
Moseley, Jeanette, Montana State University, Blackfeet
Moss, Bonnie, Oklahoma University, Potawatomi

Mouse, Joyce, Bacone College, Cherokee
Mowrer, Karla, South Dakota State University, Cheyenne
Moylan, Thomas, University of South Florida, Cheyenne
Myron, Nadenia, Witchita State University, Hopi
Nations, Elnora, Western Carolina University, Cherokee
Nelson, Lena, Oglala Sioux Community College, Navajo
Netterville, Juanita, Mary College, Sioux
Newood, Beverly, N New Mexico Community College, Navajo
Nez, Charity, University of Albuquerque, Navajo
Nuvamsa, Anthony, Phoenix College, Hopi
O'Daniel, Pamela, Dakota Wesleyan University, Sioux
O'Keefe, Dennis, University of California, Berkeley, Ojibwa
Olin, Rebecca, Yale University, Koyukuk
Olney, Arlene, Central Washington University, Yakima
Olney, Jeanne, Washington State University, Yakima
Olson, Donald, Oral Roberts University, Eskimo
One Feather, Mary, Rapid City Reg Hospital, Sioux
Owle, Sue, Western Carolina University, Cherokee
Oxendine, Diane, Sandhills Community College, Lumbee
Oxendine, Dwight, University of North Carolina, Lumbee
Oxendine, John, University of North Carolina, Lumbee
Oxendine, Sandra, Sandhills Community College, Lumbee
Parker, Myra, University of East Tennessee State, Cherokee
Pattea, Sandra, Arizona State University, Mohave/Apache
Pearson, Mark, Northeastern University, Choctaw
Pete, Deanne, University of Oklahoma, Navajo
Peters, Irene, University of Oklahoma, Cherokee
Peters, Mary L., University of Oklahoma, Cherokee
Peterson, Cheryl, Mary College, Chippewa
Piccotti, Wesley, James Madison University, Mandan/Hidatsa
Pierce, Cathy Massachusetts, Nanticoke
Pittman, Robert, University of Arizona, Sioux
Pittman, Russell, University of Arizona, Sioux
Plentyholes, Paul, Metro State College, Sioux
Porter, Harrisha, University of Arkansas, Cherokee
Porter, Linda, East Central Olkahoma State University, Cherokee
Porter, Mariaelena, Arizona State University, Pima
Powers, Yvonne Jean, Union College, Sioux
Pratt, Regina, Maricopa Tech Community College, Pima
Price, Randi, University of Oklahoma, Chickasaw
Queen, Kathryn, Western Carolina University, Cherokee
Queen, Steven, East Carolina University, Cherokee
Quisno, Michelle, Montana State University, Sioux
Quiver, Leola, Presentation College, Sioux
Rafelito, Alvin, Phoenix College, Navajo
Ramon, Leona, Southwestern State University, Navajo
Ransom, Betty, University of California, Berkeley, Lumbee
Ransom, Carol, University of North Carolina, Lumbee
Raymond, Arthur, University of North Dakota, Sioux
Reber, Richard, University of Houston, Osage
Redleaf, Betty, University of South Dakota, Non-Indian
Redwing, Lisa, University of Minnesota-Morris, Sioux
Reevis, Virginia, Yakima Valley College, Yakima
Reisinger, Nancy, Stanford University, Choctaw
Rhoades, Dorothy, Harvard University, Kiowa
Richard, Theresa, Sinte Gleska College, Sioux
Richards, Linda, Rapid City Reg Hospital, Sioux
Richards, Tammy, Arizona State University, Navajo
Riggs, Sarah, Arizona State University, Navajo
Ripley, David, University of North Dakota, 3 Affiliated
Rivera, Sherri, Oregon Institute of Technology, Klamath
Romsa, Daniel, University of North Dakota, Blackfeet
Roosevelt, Leeann, Arizona State University, Apache
Ropos, Kathleen, Dakota Wesleyan University, Chippewa
Roth, Beverly, University of Oklahoma, Tsimshiam
Roubidoux, Mary, Mt. San Antonio College, Kansas/Nebraska
Roubidoux, Susanne, University of of Utah, Iowa Tribe
Rourke, Janine, State University of New York, Mohawk
Roy, George, University of Oklahoma, Ponca
Sage, Freida, Arizona State University, Navajo
Sahmaunt, Lynda, University of Oklahoma, Kiowa
Sampson, Diane, Temple University, Lumbee
Sampson, Vanessa, University of North Carolina, Lumbee
Sanchez, Gary, New Mexico St University, Hopi
Savoy, Norma, University of Denver, Cheyenne
Schildt, Robin, Seattle University, Blackfeet
Schmidt, Sophie, University of South Dakota, Cheyenne
Schwaesdall, Joyce, Southwest Oklahoma State University, Cherokee
Scott, Karen, Seminole Junior College, Seminole
Scott, Marie, Norther Arizona University, Navajo
Sepeda, Catherine, California State University, Mi-Wok
Sepulvado, Donald, Catholic University of America, Apache
Sharp, Joan, University of Montana, Salish
Shinn, Cynthia, Western Nevada Community College, Paiute
Shipp, Darren, Southeast Oklahoma State University, Ponca
Short, Hanley, Arizona State University, Kiowa
Shunkamolah, Cleora, University of New Mexico, Navajo
Sigana, Diana, University of North Dakota, Chippewa
Silva, Michael, University of Albuquerque, Laguna
Silva-Boss, Janice, Phoenix College, Laguna,
Silver, Danny, University of North Carolina, Haliwa
Sinclair, Linda, University of North Dakota, Blackfeet
Singer, Bobby, Northern Arizona University, Navajo
Sisto, Linda, The College of Ganado, Hopi
Slack, Janet, College of Great Falls, Salish/Kootenai
Slim, Geraldine, University of New Mexico, Navajo
Smith, Carrie, Oregon State University, Navajo
Smith, Darrell, University of Oklahoma, Cherokee
Smith, Donald Lee, Arizona State University, Sioux
Smith, Frances, Western Carolina University, Cherokee
Smith, Jerald, Sandhills Community College, Lumbee
Smith, Linda, University of North Carolina, Peoria
Smith, Marvin, University of New Mexico, Navajo
Sollars, Bridgette, University of Wyoming, Shoshone
Sorrell, Darlene, Oregon Health Science University, Navajo
Sparks, Georgeline, George Washington University, Sioux
St. Claire, Tina, University of North Dakota, Chippewa
Stars, Lorenzo, University of South Dakota, Sioux
Stetter, Maria, Regis College, Tigua Isleta
Stevens, Elizabeth, South Dakota State University, Omaha
Stevens, Patricia, College of Saint Scholastica, Chippewa
Storch, Catherine, Everett Community College, Menominee
Stubbs, Kathy, Oklahoma College of Osteopathic, Creek
Summers, Tracy, Montana State University, Sioux/Assiniboine.
Sutter, Virginia Watan, University of Oklahoma, Arapahoe
Tabor, Twila J., College of Great Falls, Blackfeet
Tahmahkera, Garrison, Arizona State University, Comanche
Tahmahkera, Gary, Arizona State College, Comanche
Tanniehill, Jean, Carroll College, Chippewa
Tapscott, Frances, Sandhills Community College, Lumbee
Taylor, Debra Lee, University of Montana, Blackfeet
Tenorio, Mary Frances, University of New Mexico, Pueblo
Thomas, Dardene, Mesa Community College, Navajo
Thomas, Jeff, University of North Dakota, Yakima

Gibson, (Thomas), Marilyn, East Central University, Seminole/Creek
Thomas, Mark, Montana State University, Arapahoe
Thomas, Mary, University of North Dakota, Chippewa
Thomas, Rowena, East Central University, Choctaw
Thomas, Wilburn, N.E. Oklahoma A&M College, Cherokee
Thompson, Brian, Hamilton College, Oneida
Thompson, Deborah, Montana State University, Sioux
Thompson, Joyce Ellen, Oklahoma University, Cherokee
Thompson, Renee, University of Oklahoma, Cherokee
Thompson, Robert, University of Minnesota, Chippewa
Three Legs, Valarie, Standing Rock Community College, Sioux
Tobias, Betty, Dakota Wesleyan University, Sioux
Tohdacheeny, Adeltha, Weber State College, Navajo
Torabi, Sarah (Morrison), Eastern Oklahoma College, Creek
Tourtillott, John, Arizona Western College, Menominee
Town, Nathan, University of Montana, Yakima
Tracey, Gilbert, Grand Canyon College, Navajo
Trumbull, Kathryn, Massachusetts College, Penobscot
Tso, Flora, Phoenix College, Navajo
Tuma, Frances, Samuel Merritt Hospital, Sioux
Tutt, Michael, University of Arizona, Navajo
Tyler, Scott, University of North Dakota, Makah
Umtuch, Evelyn, Yakima Valley College, Yakima
Underbaggage, Alberta, South Dakota State University, Sioux
Valandra, Katherine, Mesa Community College, Sioux
Vallee, Marcia, East Central Oklahoma State University, Salish/Kootenai
Van Brunt, Kristy, University of Washington, Colville
Van Tuyl, Charles, University of Oklahoma, Cherokee
Vaughn, Helen, NE State University, Cherokee
Vivier (Cook), Mercal, U.S. International University, Chippewa
Walden, Henry, University of Hawaii, MPH, Pima/Hopi
Walker, Amy, University of Tennessee, Cherokee
Walker, Darlene, North Arizona University, Apache
Wallette, Janice, University of North Dakota, Chippewa
Warne, Beverly, Arizona State University, Oglala Sioux
Warner, Pauline, Oglala Sioux Community College, Sioux
Warren, Alice, Seattle Pacific University, Chetco
Warren, Sheila, Seattle Pacific University, Siletz
Wegehaupt, Paula, Pacific Lutheran University, Chippewa
Wendling, Bertrand, University of Minnesota, Chippewa
White Temple, Emmett, University of North Dakota, Sioux
White, Cindy, University of Washington, Suquamish
Whitemanrunshim, Karen, Montana State University, Crow
Whitethorne, Ruby, Weber State College, Navajo
Whitford, Lisa, Montana State University, Chippewa
Whitman, Darrel, Colorado State University, Pima
Wilkie, Timothy, University of North Dakota, Chippewa
Williams, Arica, University Oklahoma, Choctaw
Williams, Laura, Whittier College, Juaneno
Williams, Roberta, Arizona State University, Navajo
Wilson, Jeffrey, Oregon State University, Cherokee
Wilson, Timothy, University of North Dakota, Cheyenne
Winebrenner, Millie, College of Great Falls, Flathead
Wise, Toby, Oklahoma State University, Creek
Withers, Ruth, University of Alaska, Aleut
Wood, Lily, St. Mary's Junior College, Winnebago
Wood, Wanda, Catholic University, Oneida
Woodward, Mona, Tulsa Junior College, Cherokee
Wright, Richard, Portland State University
Wyaco, Berlinda, University of New Mexico, Zuni
Yazzi, Harlen, Arizona State University, Navajo
Yazzi, Martha, Arizona State University, Navajo
Ziegler, Donna, St. Mary's Junior College, Chippewa
Zizzo, Neva Jean, Southwestern Oklahoma State University, Wichita

FOR FURTHER INFORMATION CONTACT: Mr. Pierre Colombel, Indian Health Service, Health Resources and Services Administration, Parklawn Building, Room 6A–29, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: 301–443–5441.

Dated: October 15, 1982.

Robert Graham, M.D.,

Administrator, Assistant Surgeon General.

[FR Doc. 82–29969 Filed 10–29–82; 8:45 am]

BILLING CODE 4115–16–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Amendment of Final Wilderness Inventory; Decision in Washington

AGENCY: Bureau of Land management, Interior; Oregon State Office.

ACTION: Notice of Elimination of Little Patos Island from wilderness review.

On November 14, 1980, the final wilderness inventory decisions for Bureau of Land Management lands in Oregon and Washington were announced on pages 75597–75602 of Volume 45, Number 222, of the **Federal Register**. On page 75598, it was reported that Little Patos Island, located in San Juan County, Washington, was identified as a wilderness study area. It subsequently has been determined that the island was included in a withdrawal of certain lands and islands for marine navigational purposes by the Executive Order of July 15, 1875. The withdrawn lands are administered by the U.S. Coast Guard. Because little Patos Island is not administered by the Bureau of Land Management, it is not subject to the wilderness review authorized by Section 603 of the Federal Land Policy and Management Act of 1976. Accordingly, the November 14, 1980, decision on the wilderness inventory in Washington is hereby corrected by eliminating Little Patos Island from the lands subject to wilderness review.

This decision will become effective 30 days after the publication of this notice. Any person adversely affected by this decision may submit an appeal under the provisions of 43 CFR Part 4.

FOR FURTHER INFORMATION CONTACT: Roger Burwell, District Manager, Spokane District Office, Bureau of Land Management, E. 4317 Main Avenue, Spokane, Washington 99202. Telephone:(509) 456–2570.

William G. Leavell,

State Director.

[FR Doc. 82–29440 Filed 10–29–82; 8:45 am]

BILLING CODE 4310–84–M

Fish and Wildlife Service

Receipt of Application for Permit

Notice is hereby given that an applicant has applied in due form for a permit to take sea otters as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the regulations governing the taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant:

a. Name: Bolt Beranek and Newman Inc.

b. Address: 10 Moulton Street, Cambridge, MA 02238.

2. Type of permit: Take (harassment).

3. Name and number of animals: Sea otter (*Enhydra lutris*)—up to 7.

4. Type of Activity: Sea otters may be harassed by artificial noise that will be transmitted from research vessels investigating the response of migrating gray whales (*Eschrichtius robustus*) to the artificial noise.

5. Location of Activity: Coastal waters south of Monterey, California.

6. Period of Activity: December 1982–January 1983 and 15 April–5 May 1983.

7. Purpose: The purpose of this application is for the applicant to obtain a permit to authorize the taking (harassment) of sea otters that may be close to areas where the applicant plans to conduct research on the impacts of noise by oil and gas development activities to gray whales.

Concurrent with the publication of this notice in the **Federal Register** the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2–9740. Written data or views, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements contained in this notice are summaries of those of the applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 605, 1000 North Glebe Road, Arlington, Virginia.

Dated: October 27, 1982.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 82–30010 Filed 10–29–82; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: Los Angeles Zoo, Los Angeles, CA, PRT 2–9760.

The applicant requests a permit to import one pair of black rhinoceros (*Diceros bicornis*) for enhancement of propagation.

Applicant: San Diego Zoo, San Diego, CA, PRT 2–9758.

The applicant requests a permit to import one pair of captive-bred clouded leopards (*Neofelis nebulosa*) from the Chengdu Zoo, People's Republic of China, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on this application within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: October 27, 1982.

R. K. Robinson,

Chief, Branch of Permits Federal Wildlife Permit Office.

[FR Doc. 82–30011 Filed 10–29–82; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

California; Known Geothermal Resource Area

Pursuant to the authority vested in the Secretary of the Interior by section 21 (a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, Conservation Division Supplement (Geoolgical Survey Manual) 220.2.1 G, and Secretarial Order 3071, the following described lands are hereby defined as the South Brawley Known Geothermal Resources Area, effective June 17, 1981:

(5) California

South Brawley Known Geothermal Resources Area

San Bernardino Meridian, California

T. 14 S., R. 14 E.,
  Sec. 9, SE¼;
  Sec. 10, S½;
  Sec. 11, SW¼;
  Sec. 13, W½;
  Secs. 14, 15, and 16;
  Sec. 17, E½;
  Secs. 20, 21, 22 and 23;
  Sec. 24, W½;
  Sec. 25, W½;
  Secs. 26, 27, 28, and 29;
  Secs. 32, 33, 34, and 35;
  Sec. 36, NW¼;
T. 15 S., R. 14 E.,
  Sec. 2, N½;
  Sec. 3, N½;
  Sec. 4, N½.

The area described aggregates 12,640 acres, more or less.

Dated: October 15, 1982.

Frank W. Smith,

Acting Minerals Manager, Western Region.

[FR Doc. 82–29867 Filed 10–29–82; 8:45 am]

BILLING CODE 4310-MR-M

Idaho; Known Geothermal Resources Area

Pursuant to the authority vested in the Secretary of the Interior by Section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, Conservation Division Supplement (Geological Survey Manual) 220.2.1.G, and Secretarial Order 3071, the following described lands are hereby revoked as the Conda Known Geothermal Resources Area, effective October 1, 1982:

(12) Idaho

Conda Known Geothermal Resource Area

Boise Meridian, Idaho

T. 8 S., R. 42 E.,
  Sec. 1;
  Sec. 2;
  Sec. 11;
  Sec. 12;
  Sec. 13;
  Sec. 14.

The revoked area aggregates 3,846 acres, more or less.

The Bureau of Land Management has advised the Minerals Management Service that the subject lands will be made available to the first qualified applicant under regulations appearing at 43 CFR Part 3210 beginning with the first calendar month following the date of this notice.

Dated: October 15, 1982.

Frank W. Smith,

Acting Minerals Manager, Western Region.

[FR Doc. 82–29868 Filed 10–29–82; 8:45 am]

BILLING CODE 4310-MR-M

Nevada; Known Geothermal Resources Area; Revocation

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Departmental Manual 4.1 H, Geological Survey Manual 220.2.3, Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, and Secretarial Order 3071, the following described lands are hereby revoked as the Gerlach Northeast Known Geothermal Resources Area, effective October 1, 1982:

(28) Nevada

Gerlach Northeast Known Geothermal Resources Area

Mount Diablo Meridian, Nevada

T. 33 N., R. 24 E.,
  Secs. 2 through 5.

T. 33½ N., R. 24 E.,
Secs. 25 through 29;
Secs. 32 through 36.
T. 34 N., R. 24 E.,
Secs. 35 and 36.

The revoked area described contains 7,971 acres, more or less.

The Bureau of Land Management has advised the Minerals Management Service that the subject lands will be made available to the first qualified applicant under regulations appearing at 43 CFR Part 3210 beginning with the first calendar month following the date of this notice.

Dated: October 15, 1982.

Frank W. Smith,

Acting Minerals Manager, Western Region.

[FR Doc. 82-29869 Filed 10-29-82; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that The Superior Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G4270, Block 243, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 22, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-29870 Filed 10-29-82; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that ODECO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3592, Block 87, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 22, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82-29871 Filed 10-29-82; 8:45 am]

BILLING CODE 4310-31-M

Oil Shale Land Classification Order Colorado No. 10; Correction

In FR Doc. 81-19956, appearing at pages 35357, 35358, 35359, and 35360 of the issue for Wednesday, July 8, 1981, the following changes should be made:

Under *Prospectively Valuable Oil Shale Lands* (page 35357), T. 9 N., R. 92 W., the second line should read:

Secs. 16, 17, and 18.

Under *Prospectively Valuable Oil Shale Lands* (page 35357), after the 36th line insert the following:

T. 2 N., R. 95 W.,
Secs. 2 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 33, inclusive.
T. 3 N., R. 95 W.,
Secs. 7;
Secs. 17 to 20, inclusive;
Secs. 28 to 34, inclusive.

Under *Prospectively Valuable Oil Shale Lands* (page 35357), T. 2 N., R. 96 W., the first and second lines should read as follows:

Secs. 1 to 14, inclusive;
Secs. 25, 35, and to 36.

Under *Prospectively Valuable Oil Shale Lands* (page 35357), after the 51st line, insert the following:

T. 3 N., R. 96 W.,
Secs. 1 to 6, inclusive;
Secs. 10 to 15, inclusive;
Secs. 22 to 28, inclusive;
Secs. 31 to 36, inclusive.
T. 4 N., R. 96 W.,
Secs. 7 to 10, inclusive;
Secs. 14 to 23, inclusive;
Secs. 25 to 36, inclusive.
T. 5 N., R. 96 W.,
Sec. 19
Secs. 29 to 33, inclusive.

Page 35358, first column, T. 2 N., R. 97 W., the first line should read as follows:

Secs. 1 and 7.

Page 35358, first column, after the 16th line insert the following:

T. 4 N., R. 97 W.,
Secs. 12, 13, 24, 25, and 36.
T. 5 N., R. 97 W.,
Secs. 23, 24, 25, and 36.

Page 35358, second column, 49th line should read as follows:

T. 12 S., R. 92 W.,

Page 35359, first column, T. 11 S., R. 96 W., the description should read as follows:

Secs. 1 and 3;
Secs. 10 to 15, inclusive;
Sec. 19;
Secs. 21 to 36, inclusive.

Page 35359, first column, T. 12 S., R. 96 W.,

Secs. 1 to 28, inclusive;

Secs. 33 to 36, inclusive.

Page 35359, first column, T. 11 S., R. 97 W., the 4th and 5th lines should read as follows:

Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.

Page 35359, third column, the second line should read as follows:

Secs. 22, 23, 26, and 27.

Page 35359, third column, after 73rd line, insert the following:

Non Oil Shale Lands

T. 1 N., R. 95 W.,
  Sec. 26.
T. 2 N., R. 96 W.,
  Sec. 25.
T. 2 N., R. 97 W.,
  Secs. 12, 35, and 36.
T. 3 N., R. 97 W.,
  Sec. 36.
T. 4 N., R. 97 W.,
  Sec. 11.
T. 8 N., R. 98 W.,
  Secs. 19, 20, 26, and 27.
T. 10 S., R. 92 W.,
  Sec. 33.
T. 11 S., R. 92 W.,
  Secs. 4 and 28.
T. 5 S., R. 93 W.,
  Secs. 5 to 9, inclusive, 16, 17, 21, 28, and 33.
T. 12 S., R. 93 W.,
  Secs. 13, 17, 20, 21, and 24.
T. 4 S., R. 94 W.,
  Secs. 23 and 36.
T. 6 S., R. 94 W.,
  Secs. 1, 2, 3, 10, 11, and 16 to 20, inclusive.
T. 6 S., R. 95 W.,
  Secs. 25 and 32 to 35, inclusive.
T. 7 S., R. 95 W.,
  Secs. 5 and 6.
T. 12 S., R. 95 W.,
  Sec. 31.
T. 6 S., R. 96 W.,
  Sec. 34.
T. 7 S., R. 96 W.,
  Secs. 1, 2, 12, and 13.
T. 8 S., R. 96 W.,
  Sec. 12.
T. 11 S., R. 96 W.,
  Secs. 16 and 18.
T. 11 S., R. 97 W.,
  Sec. 12.
T. 12 S., R. 97 W.,
  Secs. 9, 15, 16, and 22.
T. 6 S., R. 101 W.,
  Sec. 7.

Page 35359, third column, the last two lines should read as follows:

The area described aggregates 2,815,864 acres (1,139,538 hectares), more or less, of

Page 35360, first column, should read as follows:

In which 2,776,464 acres (1,123,593 hectares) are classified as prospectively valuable for oil shale, and 39,400 acres (15, 945 hectares) are classified as non oil shale lands.

Dated: October 13, 1982.

Robert E. Boldt,

Acting Director, Minerals Management Service.

[FR Doc. 82-29886 Filed 10-29-82; 8:45 am]

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 125)]

Burlington Northern Railroad Company—Abandonment—Between Ashland and Praque, NE; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Burlington Northern Railroad Company to abandon its rail line between milepost 0.00 near Ashland to railroad milepost 31.42 at the end of the line near Praque, a distance of 31.42 miles in Saunders County, NE, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on BN, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30024 Filed 10-29-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. 38848]

Elimination of Supplement 4 to Valuation Order No. 3; List of Units for Use of Carriers in the Preparation of Completion Reports

AGENCY: Interstate Commerce Commission.

ACTION: Proposed Elimination of Revised Supplement Number Four To Valuation Order No. 3.

SUMMARY: The Commission proposes to eliminate Revised Supplement No. 4 to Valuation Order No. 3, Second Revised Issue—List of Units for Use of Carriers in the Preparation of Completion Reports and the Record of Property Changes. This Order became effective January 1, 1933. In previous years this information was used in ratemaking decisions. However, the Commission now relies upon Annual Report Form R-1 for all data on net investment in railway operating property. Therefore, the Commission believes the recordkeeping required in Revised Supplement No. 4 is extraneous and should be eliminated.

DATES: Written responses should be filed within 45 days from publication in the **Federal Register**. The effective date of this proposed revision would be January 1, 1982.

ADDRESSES: An original and 15 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: Revised Supplement No. 4 to Valuation Order No. 3, Second Revised Issue (RS4), became effective January 1, 1933. This Order cancelled Supplement NO. 4 to Valuation Order No. 3, Second Revised Issue. It established a list of property units which affected carriers were to keep records of, including changes made to that property. Valuation Order No. 3, Second Revised Issue, prescribed the instructions to govern the recording and reporting of all extensions and improvements or other changes in physical property for every common carrier subject to the Interstate Commerce Act. In order to establish a uniform manner of reporting and recording this information, carriers were required to record changes in property subsequent to December 31, 1932, in accordance with the list of propety units specified in Revised Supplement No. 4 to Valuation Order No. 3, Second Revised Issue.

Until 1964, the information required in RS4 was used in ratemaking decisions. However, since then the Commission has used information from Annual Report Form R–1 to determine the book value of net investment in railway property. This data is also used for the Uniform Rail Costing System. In Ex Parte No. 393, Adequate Earnings Determinations, only the dollar amounts for the various propety accounts are needed. Instructions for Property Accounts (2–1 through 2–20), in Part 1201 contain all necessary instructions for the proper accounting of investment in carrier property. Thus, the Commission feels that the detail required in RS4 is extraneous and should be eliminated.

The Commission has proposed in Docket No. 36988, *Alternative Methods of Accounting for Railroad Track Structures,* served June 19, 1981 (46 FR 32289, June 22, 1981), that rail track structure be accounted for under the Depreciation method rather than the Retirement-Replacement-Betterment method. If that proposal is adopted, Instruction 2–19, List of Units of Property, and other instructions for property accounts will be revised as necessary.

The public and affected carriers are requested to study this proposal and submit their view and comments. Responses by affected railroads should include an estimate of the accounting and reporting burden hours saved by elimination of this requirement. After the comments have been reviewed, the Commission will publish a final notice.

Regulatory Flexibility Act

This proposal will not have a significant economic impact on a substantial number of small entities. In this proceeding, we do not propose new reporting requirements; rather we seek to eliminate the existing burden on railroads. However, the rule will only affect the reporting procedures of a small number of railroads and the economic impact, though beneficial, will not be significant.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

This proposal is made under the authority of 49 U.S.C. 10781 and 5 U.S.C. 553.

Decided: October 22, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–29867 Filed 10–29–82; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. MC–166]

Pricing Practices of Motor Common Carriers of Property Since the Motor Carrier Act of 1980

AGENCY: Interstate Commerce Commission.

ACTION: Notice opening proceeding to request comments.

SUMMARY: The purpose of this document is to open this proceeding to allow the public to comment on the pricing practices of motor carriers of property since passage of the Motor Carrier Act of 1980.

DATES: Comments must be received within 30 days of this publication.

ADDRESS: Send comments (original and 10 copies) to: Ex Parte No. MC–166, Interstate Commerce Commission, Office of Proceedings, Room 5340, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Douglas Galloway, (202) 275–7278,
or
Tom Smerdon, (202) 275–7277.

SUPPLEMENTARY INFORMATION: Two major goals of the 1980 Motor Carrier Act are to encourage individual carrier ratemaking, including a variety of quality and price options to meet diverse shipper needs, and to promote competition among carriers through liberalized entry. This combined emphasis on innovation and greater ease of entry, coupled with low start-up costs and current economic conditions, has resulted in significantly more independent rate actions.

The Commission believes that by initiating this proceeding and allowing the public to present its views, a greater understanding will be gained of the pricing techniques now being developed by the trucking industry. Public comment and some response by the Commission should promote certainty, clear the air, and encourage rate innovation.

To assist in its understanding of current pricing trends, the Commission requests voluntary participation by members of the motor carrier community, shippers and private carriers, independent truckers, owner-operators, and all other interested persons. The Commission recognizes that a voluntary survey could, if not executed carefully, give results that are weighted toward the concerns of larger and older firms since their relatively larger market shares provide both the incentive and the wherewithal for participation. Consequently, the Commission will utilize its Small Business Office to aid in eliciting comment from new entrants, smaller carriers, independent truckers and owner-operators.

Outlined below are a series of questions, some directed to differing categories of respondents. Several of the questions are designed to identify the respondent by type and to establish a summary of the respondent's experience since the passage of the Motor Carrier Act of 1980. These questions are central to a reliable evaluation of pricing trends. While some of the information sought is quantifiable, much of it is subjective. Consequently, respondents are advised that the Commission prefers that responses reflect individual judgments. This is not to minimize the long tradition of participation before this agency by carrier and shipper associations. These groups are requested to participate and several questions are addressed specifically to them where an industry-wide perspective will be as useful as that provided by individual firms. In addition to specific questions, all commentors should feel free to address any pricing practice or marketing technique in which they are interested.

General Category for All Respondents

1. What new pricing practices exist today that did not or could not exist before passage of the 1980 Motor Carrier Act?

(a) Which of these practices, if any, appear to be newly authorized by the 1980 amendments of the National Transportation Policy?

(b) What impact have these new practices had on carriers, shippers, independent truckers, owner-operators and consumers?

(c) To what extent has greater entry flexibility affected carrier pricing practices?

(d) Are the industry and the public interest served by elimination of inefficient carriers?

2. Are any of these new practices more attributable to the state of the economy, to recent regulatory reform, or to the Multi-employer Pension Plan? Will economic recovery modify these practices? How?

3. Have large and small carriers and large and small shippers benefitted equally from these new practices, and if any group has benefitted disproportionately, what, if any,

corrective action can or should be taken?

4. What is the relationship between general rate increases and independent actions? Do general increases create an economic environment which allows the non-competitive traffic to subsidize competitive traffic? Does a general increase give individual carriers the opportunity, through independent action, to decrease rates on competitive traffic to minimally compensatory or non-compensatory levels by artificially raising the rate level on non-competitive traffic?

5. There are substantially more independent rate actions today than prior to passage of the Motor Carrier Act, the majority of which have been decreases rather than increases. At the same time, the Commission has received numerous communications regarding alleged predatory practices and discriminatory ratemaking. Are some or most of the independent actions designed to meet the price/service needs of individual shippers?

(a) When, if ever, does a rate reduction become a predatory practice, and what findings must be made to determine that a particular pricing practice is predatory under the 1980 Act? If any pricing practice is found to be predatory, what action should be taken?

(b) What, if anything, would constitute a discriminatory action, and what findings must be made to determine that a particular pricing practice is discriminatory under the 1980 Act? If any pricing practice is found to be discriminatory, what action should be taken?

(c) Do relatively low start-up costs and eased entry act as safeguards against predatory practices?

(d) How should promotional rates be defined and dealt with?

6. Are you more concerned about the effects of predatory rates on individual carriers, or about the level of competition and the availability of service in affected markets?

7. Should carriers be permitted to file rate reductions on short notice, and if so, should carriers be allowed to file all rate changes on less than statutory notice?

8. Why have motor carriers made virtually no use of the zone of ratemaking flexibility adopted in the 1980 Act and found at 49 U.S.C. 10708? Should the Commission exercise its authority under section 10708(d)(2) to expand the zone? Since rates filed under the zone provisions are not subject to suspension, investigation, revision, or revocation, should the Commission issue a blanket special permission authorizing short-notice effectiveness for these rates?

9. What do you think the impact would be on carriers, shippers, independent truckers, owner-operators, and consumers if Congress decided next year to terminate all ICC regulation of rates charged by motor carriers of property? (Please indicate whether your answer presupposes the elimination of entry controls as well.)

10. Absent further legislation, what more can the ICC do to encourage competitive pricing?

Motor Carrier Group (for Regulated Carriers Only)

(Approximations are satisfactory for all of the following)

1. Please indicate the size of your operations according to the following:

- Annual tonnage.
- Gross transportation revenues.
- Number of full-time employees.
- Amount of motor equipment owned or leased long-term.
- Size of facilities owned or leased long-term.

2. Indicate the characteristics of your business according to the following:

- Principal geographic area.
- Contract or common carriage.
- Principal freight categories or commodity groups.
- LTL, TL, or distribution management.
- Use of intermodal hauling.

3. Indicate the characteristics of your firm's labor relations.

- Comparative use of employee-drivers vs. owner-operators used.
- Extent of unionization of work force.
- Other information concerning post Motor Carrier Act labor relations.

4. Indicate the general characteristics of your rate policy.

- Percent of traffic under contract rates.
- Percent of traffic carried at class rates.
- Percent of traffic carried at independent rates.
- The types of rate initiatives taken since 1980.
- Complaints to the ICC, formal and informal, alleging discrimination or predation.

5. Ownership characteristics.

- Privately owned.
- Publicly held, independent carrier.
- Parent, subsidiary or affiliate of other firms in publicly held corporate family.
- Affiliated with other motor carriers.
- Affiliated with other modes of freight transportation.
- Minority owned or controlled.

Shipper Group (Private Carriers)

(Approximations are satisfactory)

1. Please indicate the size and characteristics of your shipping requirements according to the following:

- Volume of freight shipped annually.
- Size of privately operated fleet.
- Use of common or contract carriers.
- Kind of freight shipped and range of distances.
- Use of modes other than motor.
- Use of piggyback transportation.

2. Indicate any effects that the Motor Carrier Act of 1980 and the possibility of future exemption from securities jurisdiction in the Bus Reform Act are having in your transportation planning according to the following:

- Plans to enter common or contract carriage.
- Investment or disinvestment in private carriage.
- Usage of contract or common carriage.

Shipper Group (Other Than Private Carriers)

(Approximations are satisfactory)

1. Please indicate the size and characteristics of your shipping requirements according to the following:

- Volume of freight shipped annually.
- Type of shipments (LTL, TL, bulk commodities, other).
- Control of rate and service arrangements on all, most, or some of your (a) inbound and (b) outbound freight.
- Number of carriers used regularly.
- Range of shipping distances.
- Use of modes other than motor.
- Use of piggyback transportation.

2. Indicate your purchasing preferences according to the following:

- Importance of service or price differences, sensitivity to changes in these categories.
- Willingness to contract for mid-term or long-term transportation service.

3. Indicate your experience since passage of the Motor Carrier Act of 1980 according to changes in preferences listed above, and experience in negotiating or initiating price or service changes.

Associations; Rate Bureaus; Government Agencies

1. Please indicate the nature of your activities according to the following characteristics. (Government agencies need not respond.)

- Kind of business represented.
- Major functions.
- Location of headquarters and principal staff.

2. Indicate which of the pricing provisions of the Motor Carrier Act are

functioning beneficially and which are not. (Carrier associations are requested to comment specifically on the zone of rate flexibility).

3. Indicate what future changes in pricing regulation are considered most important by your membership or your agency.

Commentors are requested to include in a preface to their comments the following information:

1. Name and address of Commentor.
2. Name and address of business or organization represented by Commentor.

The Departments of Justice, Transportation, and Agriculture, the Federal Trade Commission, and any other interested local, state or federal agency are also encouraged to comment.

This is not a major Federal action significantly affecting either the quality of the human environment or the conservation of energy resources.

It is ordered:

This proceeding is opened for the purpose of obtaining comments on pricing practices of motor common carriers of property since the enactment of the Motor Carrier Act of 1980.

Authority: Motor Carrier Act of 1980, Pub. L. 96–296, 94 Stat. 793.

Decided: October 15, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Vice Chairman Gilliam concurred in part and dissented in part with a separate expression. Commissioner Sterrett dissented in part with a separate expression.

Agatha L. Mergenovich,
Secretary.

Vice Chairman Gilliam, concurring in part, dissenting in part:

I have no objection to receiving comments on the proposed questions. I do, however, have strong objections to the Commission's reversal of its vote of September 1, 1982, in Ex Parte No. MC–166, *Pricing Practices of Motor Common Carriers of Property Since the Motor Carrier Act of 1980.* There the Commission, by 4–2 vote agreed, among other things to (a) "consider relevant questions to be used in the formulation of a Commission policy statement" and (b)" "Set a target date for formal adoption of a comprehensive policy statement".

I have sought and urged a formal Commission policy statement in this area in No. 38728 (May 5, 1982) and No. 38872, *Petition for Declaratory Order—ATA—Discount Rates* (September 27, 1982). I believe that it is an especially sound course of jurispurdence that the Commission should have taken on its own initiative fully one year ago. Formal policy statements (1) allow detailed and comprehensive treatment of major policy areas, (2) provide clear guidance to industry and the public, and (3) carry legal sufficiency and precedential authority to prospective litigants.

Reversal of the Commission's prior vote and commitment to developing a formal policy statement means that the Commission is now left with a highly ambiguous proceeding leading nowhere in particular. Such an amorphous proceeding only invites characterization as a "make-work" effort designed to soothe emotions and demonstrate that the Commission is "doing something" (although not much).

Commissioner Sterrett, dissenting in part:

I disagree with the institution of this proceeding to the extent that it reopens the question of the Commission's policy on the matter of discount rates. It is most unfortunate that the notice strongly suggests that the Commission may be inclined to reverse its policy in this area.

The *Discount Rates* decision (issued in May (365 I.C.C. 711) and unanimously reaffirmed in No. 38872, *Petition for Declaratory Order—ATA—Lawfulness of Discount Rates)* is a thorough treatment of this policy question and offers interested parties clear and more than adequate guidance. While the Commission's pronouncement on discount rates may not be to everyone's liking, I believe it is unnecessary to revive this controversy and counterproductive for the Commission to appear to be indecisive.

[FR Doc. 82–29691 Filed 10–29–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service comtemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–211

The following applications were filed in Region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 134806 (Sub-1–44TA), filed October 14, 1982. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. Contract carrier: irregular routes: *Maple syrup and foodstuffs*, between Brattleboro, VT, and Port Newark, NJ, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY, under continuing contract(s) with Spring Tree Corporation, Brattleboro, VT. Supporting shippper: Spring Tree Corporation, P.O. Box 1160, Brattleboro, VT 05301.

MC 134806 (Sub-1–45TA), filed October 14, 1982. Applicant: B–D–R TRANSPORT, INC., Vernon Drive, P.O. Box 1277, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East-West Highway, Suite 404, Bethesda, MD 20814. Contract carrier: irregular routes: *General commodities (except commodities in bulk, household goods and Class A and B explosives),* between Los Angeles, CA, on the one hand, and, on the other, points in ME, VT, NH, CT, MA and RI, under continuing contract(s) with Farley Terminal Co., Inc., Fullerton, CA. Supporting shipper: Farley Terminal Co., Inc., P.O. Box 5096, Fullerton, CA 92635.

MC 155235 (Sub-1–3TA), filed October 18, 1982. Applicant: DAVIDSON TRUCKING CO., INC., 140 Canal Street, Malden, MA 02148. Representative:

Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Contract carrier: irregular routes: *Metal and metal products* between points in MA and RI, on the one hand, and, on the orther, points in ME, MA, CT, DE, MD, NH, NJ, NY, PA, RI, and VT, under continuing contract(s) with Bellesteel Industries, Inc., East Boston, MA. Supporting shipper: Bellesteel Industries, Inc., 150 McClellen Highway, East Boston, MA 02128.

MC 73866 (Sub-1-2TA), filed October 15, 1982. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Avenue, Norwalk, CT 06850. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Such merchandise as is dealt in and used by a manufacturer of electronic equipment, radar systems and related commodities* between Norwalk, CT, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, NY, NJ, PA, OH, WV, VA, MD, and DC. Supporting shipper: Norden Systems, Norden Place, P.O. Box 5300, Norwalk, CT.

MC 149431 (Sub-1-1TA), filed October 18, 1982. Applicant: HUDSON VALLEY BULK SERVICE, INC., Twinbrook Farm Road, East Chatham, NY 12060. Representative: John L. Alfano, Esq., Alfano & Alfano, P.C., 550 Mamaroneck Avenue, Harrison, NY 10528. *Contract carriers:* irregular routes: *Salt in bulk in dump vehicles,* from Beacon, NY, to points in CT, under continuing contract(s) with Internatioanl Salt Company of Clarks Summit, PA. Supporting shipper: International Salt Company, Abington, Executive Park, Clarks Summit, PA 18411.

MC 106958 (Sub-1-2TA), filed October 15, 1982. Applicant: KUPPER BROS., INC., Victory Circle, South Amboy, NJ 08879. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier:* Irregular route: *Copperas, in bulk, in dump trailers,* from Chester, PA, to points in DE, MD, NJ, NY and VA, under continuing contract(s) with Davis Water and Waste Industries, Inc., of Tallevast, FL. Supporting shipper: Davis Water and Waste Industries, Inc., P.O. Drawer A, Tallevast, FL 33588.

MC164032 (Sub-1-1TA), filed October 12, 1982. Applicant: MAERSK CONTAINER SERVICE COMPANY, INC., 231 Tyler Street, Fort Newark, NJ 07114. Representative: William J. Augello, Esq., Augello, Pezold & Hirschman, P.C., 120 Main Street, Huntington, NY 11743. *General commodities (except Class A and B explosives) in steamship containers having a prior or subsequent movement by water,* between points in ME, VT, NH, RI,CT, MA, NY, NJ, PA, MD, DE, WV, VA, NC, SC, GA, FL, AL, MS, LA, TX, and DC. Supporting shipper(s): There are eight statements in support with this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 158378 (Sub-1-1TA), filed October 12, 1982. Applicant: MARVIN BROS. EXPRESS, INC., 425 Harding Avenue, Stratford, CT 06497. Representative: Steven M. Gold, Esq., Schatz & Schatz, Ribicoff & Kotkin, One Financial Plaza, Hartford, CT 06103. *Norlite (shale aggregate-inert) in bulk (dump trailers)* from Albany and Cohoes, NY to Hartford, New Haven and Fairfield Counties, CT. Supporting shipper: Plasticrete Block & Supply Corp., 99 Stoddard Avenue, New Haven, CT 06473.

MC 156800 (Sub-1-7TA) (republication), filed September 24, 1982. Applicant: SEABOARD EXPRESS, INC., 565 Plank Road, Waterbury, CT 06705. Representative: Raymond A. Talipski, 121 S. Main Street, Taylor, PA 18517. *(1) Electric appliances and related products,* between Lehigh County, PA and Monroe County, NY, on the other hand, and, on the other, CA and WA, and; *(2) Paint and related products,* between Litchfield County, CT, on the one hand, and, on the other, points in the U.S. (except AK and HI), under contract(s) with General Electric Co., Bridgeport, CT and Keeler & Long, Inc., Watertown, CT. Supporting shipper(s): General Electric Co., Housewares and Audio Business Division, 1285 Boston Avenue, Bridgeport, CT 06602; Keeler & Long, Inc., Echo Lake Road, Watertown, CT 06795. Sole purpose of this republication is to change the commodity in (2) to Paint instead of Plant as published previously.

MC 163953 (Sub-1-1TA) (republication), filed September 22, 1982. Applicant: 248356 LEASING INC., 108 Annabelle Street, Hamilton, Ontario, CD L9C 3T6. Representative: William J. Hirsch P.C., 64 Niagara Street, Buffalo, NY 14202. *Lumber and lumber products and materials, equipment and supplies used in the manufacture and distribution thereof,* from ports of entry on the International Boundary Line between the U.S. and CD, located in NY and MI, to points in CT, DE, IL, IN, KY, MA, MD, ME, MI, NJ, NH, NY, OH, PA, RI, TN, VA, VT, WV and WI. Supporting shipper: Champion International Corporation Ltd., 1 Champion Plaza, Stamford, CT 06921. Purpose of this republication is to add the State of NH which was deleted from previous publication.

MC 5723 (Sub-1-2TA), filed October 15, 1982. Applicant: VANGUARD INTERSTATE TOURS, INC., 1 Westerly Road, Ossining, NY 10562. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K Street, NW., Washington, DC 20005. *Common carrier:* regular routes: *Passengers and their baggage* (1) Between North Salem, NY, and New York, NY, serving all intermediate points between North Salem and the intersection of NY Hwy 22 and I Hwy 684; from North Salem via NY Hwy 121 to Cross River, NY, then via NY Hwy 35 to its intersection with NY Hwy 124 near South Salem, NY, then via NY Hwy 124 to Pound Ridge, NY, then via NY Hwy 172 to Bedford Village, NY (also from Cross River, NY, via NY Hwy 121 to Bedford Village, NY), then via NY Hwy 22 to its intersection with I Hwy 684, then via I Hwy 684 to its intersection with I Hwy 287, then via I Hwy 287 to its intersection with I Hwy 87, then via I Hwy 87 to the exit at 138th St, then west on 138th St over the Madison Ave Bridge to 5th Ave, then south on 5th Ave to its intersection with Broadway at 23rd St, then south on Broadway to Battery Park, and return over the same route; and (2) Between Croton Falls, NY, and New York, NY, serving all intermediate points between Croton Falls and the intersection of NY Hwy 22 and I Hwy 684; from Croton Falls via NY Hwy 22 to Purdys, NY, then via US Hwy 116 to its intersection with NY Hwy 100, then via US Hwy 202 to Somers, NY, then via NY Hwy 100 to its intersection with NY Hwy 138, then via NY Hwy 138 to Goldens Bridge, NY, then via NY Hwy 22 to its intersection with NY Hwy 35, then via NY Hwy 35 to its intersection with NY Hwy 117, then via NY Hwy 117 to its intersection with NY Hwy 120, then via NY Hwy 120 to Chappaqua, NY, then via NY Hwy 120 to its intersection with NY Hwy 22, then via NY Hwy 22 to its intersection with I Hwy 684, then via I Hwy 684 to its intersection with I Hwy 287, then via I Hwy 287 to its intersection with I Hwy 87, then via I Hwy 87 to the exit at 138th St, then west on 138th St over the Madison Ave Bridge to 5th Ave, then south on 5th Ave to its intersection with Broadway at 23rd St, then south on Broadway to Battery Park, and return over the same route. Supporting shipper(s): There are 15 statements of support with this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 164034 (Sub-1-1TA), filed October 14, 1982. Applicant: ALMAC MOVING AND STORAGE OF NEW HAMPSHIRE, d.b.a. VISA INTERNATIONAL, 11 Park Avenue, Hudson, NH 03501.

Representative: Robert D. Hansen, P.O. Box 625, Framingham, MA 01701. *Containerized shipments of general commodities (except Class A and B explosives, household goods, and commodities in bulk) having prior to subsequent movement by water* between Hillsborough and Rockingham Counties, NH, on the one hand, and on the other, Boston, MA and Portsmouth, NH. Supporting shipper(s): Digital Equipment Corp., Cotton Road, Nashua, NH 03065; Lowell Shoe, Inc., 8 Hampshire Drive, Hudson, NH 03051; Centronics Data Computer Corp., One Wall Street, Hudson, NH 03051.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 143786 (Sub-3-5TA), filed October 19, 1982. Applicant: HAL MAST TRUCKING CO., INC., Route 1, Box 259, Sugar Grove, NC 28679. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *Beef and beef products,* from Grand Island, York, Lincoln and Omaha, NE, Garden City, KS, and Greeley, CO to points in GA, NC, SC, MD, TN, VA, PA, OH, and NY. Supporting shippers: Monfort of Colorado, Inc., P.O. Box 2137, Grand Island, NE and Kansas Beef Processors, Inc., P.O. Box 957, Garden City, KS 67846.

MC 154108 (Sub-3-3TRA), filed October 19, 1982. Applicant: CALHOUN TRANSPORTATION SERVICE, INC., Old Route 11, P.O. Box 10, Calhoun, TN 37309. Representative: M. C. Ellis, 1001 Market Street, Chattanooga, TN 37402. *Food and related products* from Paris, IL to Chattanooga, TN. Supporting shipper: Illinois Cereal Mills, Inc., 616 S. Jefferson Street, P.O. Box 220, Paris, IL 61944.

MC 164092 (Sub-3-1TA), filed October 19, 1982. Applicant: EASTERN FUEL TRANSPORT, INC., P.O. Box 31, Ahoskie, NC 27910. Representative: Archie W. Andrews, P.O. Box 1166, Eden, NC 27288. *Contract Irregular: Petroleum Products* between Norfolk and Chesapeake, VA, on the one hand, and, on the other, points in NC in and east of Halifax, Edgecombe, Martin and Beaufort Counties, NC, under continuing contract(s) with Britton Oil Company, Inc., P.O. Box 216, Murfreesboro, NC 27855; Bounds Oil Co., Inc., P.O. Box 427, Weldon, NC 27890; Windsor Oil Company, P.O. Box 117, Windsor, NC 27983; Plymouth Oil Company of Washington County, N.C., P.O. Box 946, Plymouth NC 27962; Coastal Oil Co. of Belhaven, Inc., P.O., Box 125, Belhaven, NC 27180 and Eastern Fuels, Inc., P.O. Box 31, Ahoskie, NC 27910. Supporting shipper(s): There are 6 statements in support of this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 140902 (Sub-3-16TA), filed October 19, 1982. Applicant: DPD, Inc., 3600 NW. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract;* irregular; *Prefabricated buildings and related materials equipment and supplies* between Algodones, NM on the one hand and on the other points in the States of AZ, UT, CO, KS, OK, NM & TX under continuing contract(s) with CC Housing Corporation. Supporting shipper: CC Housing Corporation, 400 West Brooklyn Street, Syracuse, IN 46567.

The following applications were filed in Region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 154457 (Sub-4-2TA), filed October 14, 1982. Applicant: ELKAY TRANSFER, INC., Polifka Road, Box 187, Francis Creek, WI 54214. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *Alcohol, specially denatured in bulk in tank vehicles, and materials, equipment and supplies used in the manufacture, sale and distribution of such commodity* from points in Morrison Township, Brown County, WI to points in IL, IN, IA, MI, MN, MO & OH. Restriction: restricted to transportation performed under continuing contracts(s) with TCV Alcohol, Inc. Supporting shipper: TCV Alcohol, Inc., 11590 North Meridian Street, Carmel, IN 46032.

MC 160741 (Sub-4-2TA), filed October 15, 1982. Applicant: ASA FREIGHT SYSTEMS, INC., 45 West 6th Street, Oshkosh, WI 54901. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *General commodities (except commodities in bulk, household goods and Classes A and B explosives)* between points in the Upper Peninsula of MI, on the one hand, and, on the other hand, Chicago, IL, Milwaukee, WI, and points in Brown, Calumet, Dodge, Fond du Lac, Green Lake, Marinette, Oconto, Outagamie, Washington, Waupaca, Waushara, and Winnebago Counties, WI. There are 8 supporting shippers.

MC 161830 (Sub-4-2TA), filed October 14, 1982. Applicant: ESCANABA OIL COMPANY, INC., P.O. Box 606, Escanaba, MI 49829. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701. *Petroleum products,* in bulk, from Green Bay, WI to points in Delta and Schoolcraft Counties, MI. Supporting shipper: Erickson Petroleum Corporation, 4567 West 80th St. Minneapolis, MN 55437. An underlying ETA seeks 120 days' authority.

MC 161830 (Sub-4-3TA), filed October 14, 1982. Applicant: ESCANABA OIL COMPANY, INC., P.O. Box 606, Escanaba, MI 49829. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701. *Petroleum products,* in bulk, between points in WI on the one hand, and on the other hand, points in Marquette, Dickinson and Houghton Counties, MI. Supporting shipper: Erickson Oil Products Inc., 421 Second Street, Hudson, WI 54016.

MC 163104 (Sub-4-1 TA), filed October 14, 1982. Applicant: CANADIAN GREAT WESTERN EXPRESS LTD., 4055 Walker Road, Windsor, Ontario, Canada, N8W 3T6. Representative: Sam Erina (same address as applicant). *To Transport Lumber Rough or Dressed,* Including Plywood-From the Province's of British Columbia, Alberta, Saskatchewan, and Manitoba, Canada, to the States of: ND, SD, WI, IA, IL, IN, OH, MN, MI, KY. Supporting Shippers: Erb Lumber Co., 375 S. Eton Rd., Birmingham, Michigan 48012. T. W. Hager Lumber Co., P.O. Box 9040, Grand Rapids, Michigan 49509. Burrow Lumber Inc., 301-1200 Pembina Highway, Winnipeg, Manitoba, Canada.

MC 164225 (Sub-4-1 TA), filed October 15, 1982. Applicant: GILBERT G. SCHUMACHER, d.b.a. U. V. RENTAL CO., 508 Randall St., De Pere, WI 54110. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Metal and related products* between Chicago, IL on the one hand and on the other hand points in Fond du Lac, Winnebago, Outagamie, Brown, Calumet, Manitowoc and Sheboyan Counties, WI. Supporting shipper: House of Stainless, Inc., 4444 South Keldare Road, Chicago, IL 60632.

MC 164237 (Sub-4-1 TA), filed October 15, 1982. Applicant: EUGENE T. PRITT, d.b.a., E. PRITT LEASING, 5441 Whitney Court, Swartz Creek, MI 48473. Representative: David E. Jerome, 436 N. Center, Northville, MI 48167. *Contract irregular: Metal and plastic crates,* and supplies and materials used in the manufacture of metal and plastic crates between the facilities of United Steel and Wire Company in Battle Creek, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: United Steel & Wire Co., 27, Fonda St., Battle Creek, MI 49016

MC 290 (Sub-4-2), filed October 18, 1982. Applicant: JACK RABBIT LINES, INC., 301 North Dakota Ave., Sioux

Falls, SD 57102. Representative: James R. Becker, 412 West Ninth Street, P.O. Box 1443, Sioux Falls, SD 57101–1443. *Common, regular: Passengers, express, newspapers, or baggage of passengers in the same vehicle with passengers:* Between Sioux Falls, SD and Mankato, MN: from Sioux Falls, SD over SD Hwy. 115 to Interstate Hwy. 90, then over Interstate Hwy. 90 to junction U.S. Hwy. 71, then over U.S. Hwy. 71 to junction MN Hwy. 60, then over MN Hwy. 60 to Mankato, MN, and return over the same route, serving the intermediate points of Luverne, Adrian, Worthington, Jackson, Windom, Bingham Lake, Mountain Lake, Butterfield, St. James, Medelia and Lake Crystal, MN. Between Sioux Falls, SD and Mankato, MN: from Sioux Falls, SD over SD Hwy. 115 to Interstate Hwy. 90, then over Interstate Hwy. 90 to junction MN Hwy. 60, then over MN Hwy. 60 to junction U.S. Hwy. 71, then over U.S. Hwy. 71 to junction U.S. Hwy. 14, then over U.S. Hwy. 14 to junction MN Hwy. 68, then over MN Hwy. 68 to junction U.S. Hwy. 169–MN Hwy. 60, then over U.S. Hwy. 169–MN Hwy. 60 to Mankato, MN, and return over the same route serving the intermediate points of Luverne, Adrian, Worthington, Heron Lake, Windom, Sanborn Corner, Springfield, Sleepy Eye and New Ulm, MN. Between Sioux City, IA and Worthington, MN: from Sioux City, IA over U.S. Hwy. 75 to junction IA Hwy. 60, then over IA Hwy. 60 to junction IA Hwy. 10, then over IA Hwy. 10 to junction U.S. Hwy. 75, then over U.S. Hwy. 75 to junction U.S. Hwy. 18, then over U.S. Hwy. 18 to junction IA Hwy. 60, then over IA Hwy. 60 to IA–MN state line, then over MN Hwy. 60 to Worthington, MN and return over the same route serving the intermediate points of James, Hinton, Merrill, LeMars, Seney, Carnes, Alton, Orange City, Sioux Center, Perkins, Hull, Boyden, Sheldon, Ritter, Ashton and Sibley, IA and Bigelow, MN. The authority sought in (3) will be tacked with (1) and/or (2) at Worthington, MN to provide service between Sioux City, IA and Mankato, MN. (Hearing site: Sioux Falls, SD.) Supporting shippers: 14.

MC 15364 (Sub-4–3TA), filed October 18, 1982. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, WI 54302. Representative: H. Barney Firestone, Sullivan & Associates, Ltd., 180 N. Michigan Avenue, Suite 1700, Chicago, IL 60601. *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, between Duluth, MN, and Abbotsford, WI, serving all intermediate points. From Duluth , MN over U.S. 2 to Ashland, WI then over Wisconsin Highway 13 to Abbotsford, WI and return over the same route. Applicant intends to tack and interline with National Trailways Bus Systems. There are 5 supporting statements.

MC 15735 (Sub-4–34TA), filed October 18, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under a continuing contract with Banquet Foods Corporation. Supporting shipper: Banquet Foods Corporation of Ballwin, MO.

MC 112223 (Sub-4–11TA), filed October 18, 1982. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Blvd., Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton Blvd., Minneapolis, MN 55413. *Polymeric Isocyanates and Polyurethane Resins in Bulk* between points in WV, MA, MN and TN limited to the account of Foam Enterprise, Inc. Supporting shipper: Foam Enterprise, Inc., 13630 Watertower Circle, Minneapolis, MN 55441.

MC 155021 (Sub-4–3), filed October 18, 1982. Applicant: ECONEXPRESS INCORPORATED, 618 South West Street, Wheaton, IL 60187. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Contract* irregular: *Products used or useful in the manufacture, sale and distribution of automobiles,* between the facilities of A P Parts Company at or near Toledo, OH; Pinola, IN; and Chicago, IL, and their respective commercial zones, under continuing contract with A P Parts Company. Supporting shipper: A P Parts Company, 315 Matzinger Road, Toledo, OH 43697.

MC 160942 (Sub-4–3TA), filed October 18, 1982. Applicant: DESTINY PARCEL SERVICE, INC., 525 Friendly Road, Pontiac, MI 48053. Representative: Eugene C. Ewald, Esquire, 100 West Long Lake Road—Suite 102, Bloomfield Hills, MI 48013. *Photographic materials and supplies* (1) from Cleveland, OH to Pontiac, MI and (2) between points in the Lower Peninsula of MI. An underlying ETA seeks 30 days plus one 90 day extension. Supporting shipper: Polaroid Corporation, 140 Kendrick Street, Needham Heights, MA 02194.

MC 164255 (Sub-4–1), filed October 18, 1982. Applicant: GERRY'S TRUCKING CO., INC., P.O. Box 1, 1341 Riverside Drive, Suamico, WI 54173. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. (1) *Plastic and paper products and chemicals* from Green Bay, WI, to points in MN, IA, IL, IN, and MI, and (2) *such commodities as are dealt in by wholesale and retail grocery stores* from points in MN, IA, IL, IN, and MI, to points in Brown County, WI, for 270 days. Supporting shippers: Green Bay Plastics, 1028 North Ashland Avenue, Green Bay, WI 54303; Bay West Paper, 1100 West Mason Street, Green Bay, WI 54303; Super-Valu Stores, Inc., 451 Joannes Avenue, Green Bay, WI 54305.

MC 164257 (Sub-4–1), filed October 18, 1982. Applicant: ROBERT E. ANDERSON, JR., 34 Greenridge Dr., Decatur, IL 62526. Representative: Patrick J. O'Hara, 102 E. Jackson St., P.O. Box 128, Petersburg, IL 62675. *Contract,* irregular: (a) Non-alcoholic beverages, from Decatur, IL to Terre Haute, IN, and (b) *Glass bottles* from Marion, IN to Decatur, IL. Restricted to traffic moving under continuing contract(s) with Decatur Bottling Company. An underlying E/T/A seeks 120 days authority. Supporting Shipper: Decatur Bottling Company, 2112 No. Brush College Rd., Decatur, IL 62525.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Forth Worth, TX 76102.

MC 114143 (Sub-5–1TA), filed October 19, 1982. Applicant: L & D TRUCKING COMPANY, INC., P.O. Box 1158, Chickasha, OK 73108. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Dry fertilizer, in bulk,* from Houston and Etter, TX; Atlas, MO; Carlsbad, NM; and Chickasha, OK to points in AR, KS, MO, NE, NM, OK and TX. Supporting shippers: There are five (5) supporting shippers.

MC 124411 (Sub-5–6TA), filed October 15, 1982. Applicant: SULLY TRANSPORT, INC., 601 8th Street, Sully, IA 50251. Representative: James M. Hodge, 3730 Ingersoll Avenue, Des Moines, IA 50312. *Kerosene,* from St. Paul MN to all points in IA. Supporting shipper(s): Sully Cooperative Exchange, Sully, IA.

MC 134262 (Sub-5–3TA), filed October 19, 1982. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., P.O. Box 385, Boyden, IA 51234. Representative: Bradford E. Kistler, P. O. Box 82028, Lincoln, NE 68501–2028. *Salt,* in bulk, from Hutchinson, KS to Sioux Falls, SD. Supporting shipper: Morton Salt Division, Morton Thiokol, Inc., Chicago, IL 60606.

MC 136246 (Sub-5–4TA), filed October 19, 1982. Applicant: GEORGE BROS., INC., P. O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114. *Prefabricated, knocked-down buildings,* from Atlantic, IA to points in the U.S. Supporting shipper: Farm Building Brokers, Inc., Englewood, CO.

MC 142165 (Sub-5–1), filed October 15, 1982. Applicant: C. GULLEY TRUCK SERVICE, INC., 180 Arthur Drive, Shreveport, LA 71105. Representative: Edward A. Winter, 235 Rosewood Drive, Metairie, LA 70005. Contract: Irregular. *General Commodities,* in trailer loads (except classes A and B explosives and commodities in bulk), between railroad ramps at Texarkana, AR–TX, on the one hand, and, on the other, points in AR, LA, and TX. Supporting shipper: Nabors Trailers, Inc., Mansfield, LA.

MC 142167 (Sub-5–3TA), filed October 19, 1982. Applicant: MICHAELSEN TRUCK LINE, INC., 1619 South Garfield, Mason City, IA 50401. Representative: Steven C. Schoenebaum, 1100 Carriers Building, 610 Locust, Des Moines, IA 50309. Contract; irregular; *dry fertilizer (except liquid commodities in bulk or in tank vehicles)* from Prairie du Chien, WI, to points in IA. Supporting shipper: The Pillsbury Company, Prairie du Chien, WI.

MC 145441 (Sub-5–46TA), filed October 19, 1982. Applicant: A.C.B. TRUCKING, INC., P. O. Box 5130, North Little Rock, AR 72119. Representative: Janice L. Murphy, (same as above). *Paper and paper products and materials and supplies used in the manufacture and distribution of paper and paper products,* between point in the U.S. on the one hand and on the other, points in Ouachita County, LA. Supporting shipper: Manville Forest Products Corp., West Monroe, LA 71291.

MC 147842 (Sub-5–1TA), filed, October 15, 1982. Applicant: COLEMAN BROS. TRUCKING, INC., 1045 Rock Cliff Drive, Potosi, Missouri 63664. Representative: Stephen G. Newman, P.O. Box 456, Jefferson City, Missouri 65102. *Chemicals and related products* between points in Bartow County, GA, on the one hand, and, on the other, points in Pottawatomie County, OK. Supporting shipper: Allen-Bradley Co., Magnetics Division, Shawnee, OK.

MC 148437 (Sub-5–9TA), filed, October 19, 1982. Applicant: BORK TRANSPORT, INC., 600 S.E. 18th Street, Des Moines, IA 50317. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Alcohol, in bulk,* from Cedar Rapids and Clinton, IA and Peoria and Decatur, IL to points in the U.S. (except AK and HI). Supporting shipper: ADM Corn Sweeteners, Cedar Rapids, IA.

MC 149147 (Sub-5–4TA), filed, October 19, 1982. Applicant: DECKERT TRANSPORT, INC., 12223 E. 4th Place, Tulsa, OK 74128. Representative: Jack R. Anderson, 9 E. 4th Place, Suite 305, Tulsa, OK 74103. *Plastic Sheeting* from the plant site of Linear Films, Inc., Tulsa, OK to all points in the U.S. (ex AK and HI). Supporting shipper: Linear Films, Inc., Tulsa, OK.

MC 149573 (Sub-5–5TA), filed, October 19, 1982. Applicant: NTL, INC., P.O. Box 5803, Lincoln, NE 68505. Representative: J. Max Harding, P.O. Box 5803, Lincoln, NE 68505. Contract irregular: *such commodities as are dealt in by discount and retail chain stores (except in bulk, Classes A & B explosives and household goods),* Between points in the U.S. (except AK and HI) on the one hand, and on the other Abilene, Kansas. Supporting shipper: Duckwall-Alco Stores, Inc., Abilene, Kansas 67410.

MC 158461 (Sub-5–1TA), filed, October 19, 1982. Applicant: T & R DELIVERY, INC., 3000 W. Commerce, Dallas, TX 75212. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *General Commodities (except class A and B explosives, household goods or bulk commodities)* between Texas on the one hand, and, on the other, points in the U.S. Under continuous contract(s) with M & B Warehousing & Distributing, Inc. Supporting shipper: M & B Warehousing & Distributing, Inc., Dallas, TX 75212.

MC 158821 (Sub-5–2TA), filed October 19, 1982. Applicant: McLEAN TRANSPORTATION INC., 6666 1/2 Long Point, Houston, TX 77055. Representative: Damon R. Capps, 305 Wells Fargo Dr, Suite 1, Houston, TX 77090. *Mercer commodities, metal and metal products, plastic and plastic products, rubber and rubber products, paper and paper products, machines and machinery parts, and pipe and related commodities, restricted against commodities in bulk, in tank vehicles,* between the plantsites of Cameron Iron Work, Inc., in Waller, Austin and Harris Counties, TX and all points in TX, in interstate and foreign commerce. Supporting shipper: Cameron Iron Works, Inc., Houston, TX.

MC 158959 (Sub-5–6TA), filed October 19, 1982. Applicant: RINEHART'S MEAT PROCESSING, INC., SR 2, Hollywood Hills, Branson, MO 65616. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Food and related products* between the facilities of The R. T. French Company, Springfield, Missouri and all points in OK, KS, AR, TX, LA, GA, AL, FL, TN, KY, MS, NE, IA, IL and CO. Supporting shipper: The R. T. French Company, Springfield, MO 65801.

MC 161235 (Sub-5–2TA), filed October 19, 1982. Applicant: ARTHUR BELL, d.b.a. Bell Truck Rental, Route 1, Martinsburg, MO 65264. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Common; Irregular. *Roofing, metal and paper products; kiln lining and building materials; fire brick and salt* between all points in IA, IL, MO, KS, OK and IN. Supporting shippers: Mexico Feed and Seed, Inc., Mexico, MO; American Insulation Co., Inc., Wichita, KS Genstar Building Material Company, St. Louis, MO Empire Fire Brick Co. Fort Wayne, IN Dietrich Industries, Hammond, IN; City Blue Print, Inc., Wichita, KS; Shamrock Materials, Wichita, KS.

MC 164072 (Sub-5–1TA) filed October 19, 1982. Applicant: WINGS TRANSPORTATION, INC., 3230 1st Avenue, Council Bluffs, IA 51501. Representative: James M. Hodge, 3730 Ingersol Avenue, Des Moines, IA 50312. *Such commodities as are dealt in or used by retail and wholesale chain grocery stores.* From points in CA, FL, IA, IL, KS, MI, MN, MO, TX and WI to Omaha, NE. Supporting shipper(s): Hinky Dinky, Inc., Omaha, NE.

MC 164111 (Sub-5–1TA), filed October 19, 1982. Applicant: MELVIN TRUCK LINES, INC., 18043 Bambriar, Houston, TX 77090. Representative: C. W. Ferebee, 3910 FM 1960 West, Suite 106, Houston, TX 77068. *Plastic Lining Materials, in rolls,* between the facilities of Gundle Lining Systems, Inc., located in Houston, TX, on the one hand, and points in the U.S. (except AK and HI) on the other hand. Supporting shipper: Gundle Lining Systems, Inc., Houston, TX.

MC 164273 (Sub-5–1TA), filed October 19, 1982. Applicant: CHARLES STEVE SHAWN, d.b.a. SILVER STAR TRUCK LINES, P.O. Box 6906, Moore, OK 73160. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154. *Metal buildings, parts thereof and materials used in the manufacture thereof,* between the facilities of Star Manufacturing Incorporated at Oklahoma City, OK on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Star Manufacturing Incorporated, Oklahoma City, OK.

MC 164274 (Sub-5–1TA), filed October 19, 1982. Applicant: JOY EXPRESS LINE, INC., 220 Hisel St., Del City, OK 73115. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154.

Reclining and office chairs, from Neosho, MO to points in KS, OK and TX. Supporting shipper: La-Z-Boy Chair Company, Neosho, MO 64850.

MC 164276 (Sub-5–1TA), filed October 19, 1982. Applicant: ALLISON AND CREWS MOVING, INC., 2425 Centerline, Maryland Heights, MO 63043. Representative: Collin Crews (same as above). Contract: Irregular. *Telephone equipment and data equipment and accessories* between points in MO, AR, OK, KS and TX. Supporting shipper: Southwestern Bell Telephone Company, St. Louis, MO.

MC 67234 (Sub-5–32TA), filed October 20, 1982. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Contract, irregular; *General Commodities (except Classes A and B explosives and commodities in bulk)* between points and places in the U.S. (excluding AK and HI), under continuing contract(s) with Solid State Scientific, Inc. Supporting shipper: Solid State Scientific, Inc., Montgomeryville, PA.

MC 145830 (Sub-5–1TA), filed October 22, 1982. Applicant: ATCO, INCORPORATED, P.O. Box 7111, Pine Bluff, AR 71611. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. *Coal (in bulk);* from the facilities of Sugarloaf Mining Company in Sebastian County, AR, to points and places in Sebastian and Crawford Counties, AR, and Muskogee and Bokoshe, OK. Supporting shipper: Southern States Coal Company, Fort Smith, AR.

MC 147378 (Sub-5–7TA), filed October 21, 1982. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 9 East Fourth Street, Suit 305, Tulsa, OK 74103. Contract; Irregular. *Truck and trailer parts and supplies* from all points in the U.S. (except AK and HI) to Tulsa, OK. Supporting Shipper: Oklahoma Truck Supply, Inc., Tulsa, OK.

MC 147552 (Sub-5–7TA), filed October 20, 1982. Applicant: CAJUN CARTAGE AND WAREHOUSING CORPORATION, P.O. Box 96211, Houston, TX 77213–6211. Representative: Doyle G. Ownes, P.O. Box 7735, Beaumont, TX 77706. *General commodities, including bulk liquid and dry bulk shipments only when moving in ocean containers (except Classes A & B Explosives and House-Hold Goods),* between the Commercial Zones of Beaumont, TX, Galveston, TX and Houston, TX, on the one hand, and on the other, points in TX. Supporting Shippers: (10).

MC 150537 (Sub-5–2TA), filed October 21, 1982. Applicant: VERL PRAY SHELLING AND TRUCKING, INC., P.O. Box 446, Dows, IA 50071. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Metal buildings and grain bins, complete, knocked down, or in sections, and parts and accessories for metal buildings and grain bins, and materials and supplies used in the manufacture, sale, and distribution of the above commodities,* (1) between Addison and Taylorville, IL, on the one hand, and, on the other, Iowa Falls, IA; and (2) between Galesburg, IL, and Kansas City, MO, on the one hand, and, on the other, Thompson, IA. Supporting Shippers: (1) Stockdales Corporation, Iowa Falls, IA and (2) Agri-Service, Thompson, IA.

MC 151209 (Sub-5–8TA), filed October 21, 1982. Applicant: GULF WESTERN EXPRESS, INCORPORATED, P.O.B. 2653, Natchitoches, LA 71457. Representative: John G. Williams, P.O. Box 2653, Natchitoches, LA. 71457. Contract; Irregular. *Clay, Concrete, Glass or Stone Products, Materials, Equipment and Supplies used in the installation, manufacturing, packing, and sales of these products,* between facilities of Oil Dri Corporation in Ochlocknee, GA.; Ripley, MS; and Christmas Valley, or on one hand and points in the U.S. on the other hand. Supporting Shipper: Oil Dri Corporation, Chicago, FL.

MC 152117 (Sub-5–4TA), filed October 21, 1982. Applicant: LITTLE GINNY TRANSPORT SYSTEMS, INC., 112 29th Avenue, SE., Cedar Rapids IA 52408. Representative: Virginia A. Wilson (same). (1) *Materials, equipment and supplies used in the food producing, distributing and chain stores industry; machinery, parts, equipment and supplies used therewith* between Cedar Rapids, IA and points in the U.S. excluding AK & HI; (2) *Metal products* between Cedar Rapids and Grinnell, IA and Minneapolis, MN, on the one hand, and, on the other, points in the U.S. excluding AK & HI. Supporting Shipper(s): Century Engineering Corp., Cedar Rapids, IA, Harnischfeger Corp., Cedar Rapid, IA, National Oats Co., Inc., Cedar Rapids, IA, Vincent Brass & Aluminum Co., Cedar Rapids, IA.

MC 156488 (Sub-5–3TA), filed October 20, 1982. Applicant: CONTRANS, INC. 6716 Berger, Kansas City, KS 66111. Representative: Donald J. Quinn, Commerce Bank Building, 8901 State Line, Suite 232, Kansas City MO 64114. Contract, Irregular: *Paper products, foodstuffs and glass products* between points in MO and IL under a continuing contract with Mid-Continent Bottlers, North Kansas City, MO.

MC 156581 (Sub-5–5TA), filed October 22, 1982. Applicant: METROPLEX FREIGHT SERVICE, INC., 1804 Vantage St., Carrollton, TX 75006. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 70562. Contract: Irregular, *General Commodities (except class A and B explosives, household goods and commodities in bulk)* from Dallas, TX to Oklahoma City and Tulsa, OK. Rstricted to shipments originating at the facilities of Dal-Ton Shippers Association, Inc. Supporting Shipper: Dal-Ton Shippers Association, Inc., Dallas, TX.

MC 159784 (Sub-5–2TA), filed October 22, 1982. Applicant: ROCHESTER ARMORED CAR CO., INC., 1441 South 11th Street, Omaha, Nebraska 68101. Representative: Robert M. Cimino, 3035 South 72nd Street, Suite 200, Omaha, Nebraska 68124. *Coin, currency, securities and other valuables* (1) between Hennepin and Clay Counties, MN, on the one hand, and on the other, points in ND and SD; and (2) between Hennepin County, MN, on the one hand, and on the other, points in WI; restricted to the transportation of traffic originating at and destined to the above-named origins and destinations. Supporting Shipper: Federal Reserve Bank of Minneapolis, Minneapolis, MN.

MC 164148 (Sub-5–1TA), filed October 22, 1982. Applicant: FREIGHT AND CONTAINER SERVICES, INC., 5138 S. 100 East Ave., Tulsa, OK. Representative: David F. James, P.O. Box 2967, Tulsa, OK. *General Commodities in ocean going containers with prior or subsequent movement by water,* between points in TX, LA, AR, MO, KS, and OK. Supporting Shipper(s): Strachan Shipping Co. of Texas, Houston, TX International Import/Export Services, Inc. St. Louis, MO.

MC 164329 (Sub-5–1TA), filed October 21, 1982. Applicant: WILLARD FRYE, Route 1, Box 214, Wichita Falls, TX 76301. Representative: Willard Frye (same address as above). *Clay, concrete, glass or stone products,* between Wichita, Archer, Wilbarger and Clay Counties, TX, on the one hand, and Comanche, Cotton, Caddo and Jefferson Counties, OK, on the other. Supporting Shipper: Gilmore, Inc., Iowa Park, TX.

MC 164344 (Sub-5–1TA), filed October 22, 1982. Applicant: WIL-PAU, R.R. No. 2, Wahoo, NE 68066. Representative: James K. Goodding, Box 408, Ceresco, NE 68017. *Passengers by bus in a special group and charter operation* between points in Saunders County, NE on the one hand, and, on the other hand, points in IA, MO, KS, and CO particularly the metropolitan areas of Sioux City, Council Bluffs and Ames, IA; Kansas City and Lawrence, KS; Denver, CO; and Kansas City, MO. Supporting shippers: Eagles Lodge, Wahoo, NE and Saunders County Senior Citizens and Handi-Van, Wahoo, NE.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 153263 (Sub-6–4TA), filed October 14, 1982. Applicant: ANGELYNES, INC., P.O.B. 563, Loveland, CO 80539. Representative: Robert D. Brown, 401 E. 50th St., Loveland, CO 80537. *Contract* carrier: *irregular* routes: *Farm implements, parts and supplies:* Between Stockton, CA; Delhi, IA; Canton, East Moline, Kewanee, Rock Island, IL; Heston, KS; Hopkins, MN; Gulfport, MS; Fargo, ND; Brillion, WI; and Ft. Collins, Ft. Lupton; Greeley, Longmont, CO; and between Ft. Collins, Ft. Lupton, Greeley, Longmont, CO; and farms and construction sites in the states of AZ, KS, NE, WY, for 270 days. Supporting shippers: Northern Colorado Truck and Tractor, 1828 E. Mulberry, Ft. Collins, CO; Ellis & Capp Equipment Co., 301 E. 8th, Greeley, CO 80631; Whitneys, Inc., POB 127, Ft. Lupton, CO 80621; and Mountain Truck and Equipment, 717 So. Main, Longmont, CO 80501.

MC 163462 (Sub-6–2TA), filed October 15, 1982. Applicant: KWIKOOL ICE AND COLD STORAGE, INC., 955 N. Columbia Blvd., Bldg. C, Portland, OR 97217. Representative: Kerry D. Montgomery, 400 Pacific Building, Portland, OR 97204. *Contract Carrier:* Irregular routes: *Food and related products* between applicant's Portland, OR warehouse, and the facilities of Swift and Company on the one hand and points in OR and WA on the other, for 270 days. Supporting shipper: Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604.

MC 152393 (Sub-6–5TA), filed October 18, 1982. Applicant: SCOTT B. WARN, d.b.a. OVERNITE EXPRESS, 555 143rd Ave., San Leandro, CA 94575. Representative: Armand Karp, 743 San Simeon Dr., Concord, CA 94518. *Contract Carrier,* irregular routes; *Food and related products,* between San Francisco, CA on the one hand, and points in IL, MI, MN, NJ and OH on the other, for the account of Hills Bros. Coffee, Inc., 2 Harrison St., San Francisco, CA 94119.

MC 164104 (Sub-6–2TA), filed October 18, 1982. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan SOL 1SO. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Potash* from points in Saskatchewan Province, CD to the International Boundary line on MN and ND to points in IA, MN, NE, ND, SD, and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are (6) shipppers, their statements may be examined at the Regional Office listed.

MC 146798 (Sub-6–4TA), filed October 14, 1982. Applicant: SULLIVAN TRUCKING, INC., 1340 Umatilla St., Denver, CO 80204. Applicant's representative: Dale E. Isley, Esq., 50 S. Steele St., #330, Denver, CO 80209. *Food and related products; pharmaceutical materials, chemicals, and related products; dairy products; empty malt beverage containers for recycling; and materials, equipment and supplies used by breweries,* between points in KS, CO, and OK, and, between said points, on the one hand, and, on the other, points in NE, TX, NM, WY, MT, ID, UT, AZ, NV, WA, OR, and CA, 270 days. Supporting shipper: INLAND CENTER, a Division of Beatric Foods, 6500 Inland Dr., Kansas City, KS 66110.

MC 148791 (Sub-6–16TA), filed October 15, 1982. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Applicant's representative: Rick J. Hall, P.O. B 2465, Salt Lake City, UT 84116. *Contract Carrier,* Irregular routes: *Such commodities as are dealt in or used by department, discount or variety stores,* from Palestine, TX and Bentonville, AR to points in MO, OK, and KS, for the account of Wal-Mart Stores, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Wal-Mart Stores, Inc., 720 S.W. 8th St., Bentonville, AR 72712.

MC 96931 (Sub-6–1TA), filed October 18, 1982. Applicant: VALDEZ TRANSFER, INC., P.O. Box 6985, Phoenix, AZ 85009. Applicant's representative: Marshall Kragen, 1919 Pennsylvania Ave. N.W. Suite 300, Washington, D.C. 20006. *Common Carrier,* irregular routes: *household goods,* between points in the U.S. (except AK, HI, and VT), restricted to transportation of United States government traffic only, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Military Traffic Management Command, Washington, DC 20315.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–29888 Filed 10–29–82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–268

Decided: October 25, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 16513 (Sub-43), filed October 14, 1982. Applicant: REISCH TRUCKING AND TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312, 703–750–1112. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN, and its following wholly-owned subsidiaries, (a) Burger King Corporation, of Miami, FL, (b) Green Giant Company, of Minneapolis, MN, (c) Poppin Fresh Pies, Inc., of Minneapolis, MN, and (d) Steak and Ale Restaurants of America, Inc., of Dallas, TX.

MC 125543 (Sub-16), filed October 19, 1982. Applicant: PERISHABLE SERVICES, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, 608–238–3119. Transporting *food and related products,* (1) between points in IL, IA, MN, WI, and the Upper Peninsula of MI, and (2) between points in IL, IA, MN, WI, and the Upper Peninsula of MI, on the one hand, and, on the other, points in AR, IN, KS, KY, MO,NE, OH, TN, and the Lower Peninsula of MI.

MC 126873 (Sub-3), filed October 18, 1982. Applicant: PORT MOTOR LINES, INC., 121 Entreprise Ave. So., Secaucus, NJ 07094. Representative: Edward L. Nehez, P.O. Box Y—7 Becker Farm Rd., Roseland, NJ 07068, (201) 992–2200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, MD, MA, NJ, NY, PA, RI, and DC.

MC 149582 (Sub-3), filed October 20, 1982. Applicant: SAWYER-EASTERN, INC., 7925 Nevada Ave., Hammond, IN 46323. Representative: Edward G. Bazelon, 135 South La Salle St., Chicago, IL 60603, 1–312–236–9375. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with National Steel Corporation, of Pittsburgh, PA, and its following subsidiaries: (1) National Aluminum Republic Foil, of Danbury, CT, (2) Natioinal Aluminum Products Divsion, of Hastings, MI, (3) National Aluminum Corporation, of Indianapolis, IN, (4) Hanna Furnace Corporation, of Buffalo, NY, (5) Granite City Steel, of Granite City, IL, (6) National Extrusion Division, of Murryville, PA, (7) National Republic Foil, of Somerville, MA, (8) Great Lakes Steel, of Ecorse, MI, (9) Midwest Steel, of Portage, Inc, (10) Weirton Steel Division, of Weirton, WV, (11) National Steel Service Center, of Boonton, NJ, (12) National Steel Service Center, of Joliet, IL, (13) National Steel Service Center, of Cincinnati, OH, (14) National Steel Service Center, of Delanco, NJ, (15) National Steel Service Center, of Randolph, MA (16) National Steel Service Center, of Steubenville, OH, (17) National Steel Service Center, of Evanston, IL, (18) National Steel Service Center, of Milwaukee, WI, (19) National Steel Service Center, of New Castle, PA, (20) National Steel Service Center, of Toledo, OH, (21) National Steel Service Center, of Twinsburg, OH, (22) National Mines Corporation, of Brownsville, PA, (23) National Pocahontas Mines Corporation, of Pinesville, WV, (24) National Steel Service Center, of Grand Rapids, MI, (25) National Steel Products Co., of Terre Haute, IN, (26) National Steel, of Portage, Inc. (27) American Steel Corporation, of Detroit, MI, (28) National Steel Service Center, of Blue Springs, MO, (29) National Steel-Corp, Litho Service, of Hammond, IN, (30) Weirton Steel, of Steubenville, OH, (31) National Steel Service Center, of Joplin, MO, (32) National Steel Service Center, of Kansas City, MO, (33) Bull Moose Tube Co., of Gerald, MO, (34) National Steel Service Center, of Grand Prairie, TX, (35) National Steel Service Center, of Greensboro, NC, (36) National Steel Service Center, of Houston, TX, (37) National Steel Products Co., of Houston, TX, (38) National Pipe & Tube, of Houston, TX, (39) National Steel Products Co., of LaGrange, GA, (40) National Steel Service Center, of Minneapolis, MN, (41) National Steel Service Center, of Council Bluffs, IA, (42) National Steel Service Center, of Davenport, IA, (43) National Steel Service Center, of Des Moines, IA, (44) National Steel Service Center, of Liberty, TX, (45) National Steel Service Center, of Tulsa, OK, (46) National Steel Service Center, of Oklahoma City, OK, (47) National Steel Service Center, of Wichita, KS, (48) National Steel Service Center, of Norcross, GA, (49) National Steel Service Center, of Richburg, SC, (50) National Steel Products, Co., of Shreveport, LA, (51) National Steel Products Co., of Taylorville, IL, (52) National Aluminum Division, of Salisbury, NC, and (53) National Aluminum Division, of Hawesville, KY.

MC 162193 (Sub-1), filed October 14, 1982. Applicant: DICK'S TRANSPORT, 2012 S. 146th, Seattle, WA 98168. Representative: Kenneth R. Mitchell, 2320A Milwaukee Wy., Tacoma, WA 98421, (206) 383–3998. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Mauren-Laurens Oil Co., of Compton, CA.

MC 164133, filed October 7, 1982. Applicant: GOODE TRANSFER, INC., 5126 Bulwer St., St. Louis, MO 63127. Representative: Robert L. Cope, 1730 M St. NW., Ste. 501, Washington, D.C. 20036, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL and MO.

MC 164283, filed October 19, 1982. Applicant: BAYSHORE BUS COMPANY, INC., 40 West 38th St., Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, 201–572–5551. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at New York, NY, and points in Bergen, Essex, Hudson, Morris, Passaic, Somerset, and Union Counties, NJ, and extending to points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 3, (202) 275–5223.

Volume No. OP3–07

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 15735 (Sub-58), filed October 8, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681–8378. Transporting *household goods,* between points in the U.S., under continuing contract(s) with Quaker Oats of Chiago, IL, Quality Operations and Herrschners both of Schaumburg, IL, Fisher Price Toys of E. Aurora, NY, Adcom, Inc. of Chicago, IL, Brookstone of Petersborough, NH, Jos. A. Bank Clothiers of Baltimore, MD, Montron Corp. of San Francisco, CA, Wolf Brand Products of Corsicana, TX and Ardmore Farms of Deland, FL.

MC 25255 (Sub-6), filed October 13, 1982. Applicant: LEE ROY HEERMAN, d.b.a., COIN TRANSFER, P.O. Box 296, Coin, IA 51636. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501–2028, (402) 475–6761. Over *regular routes,* transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Kansas City, MO, and Red Oak, IA; from Kansas City over U.S. Hwy 71 to junction U.S. Hwy. 34, and then over U.S. Hwy. 34 to Red Oak, and return over the same route, serving all intermediate points.

MC 85205 (Sub-11), filed October 18, 1982. Applicant: SMITH TRANSPORTATION CO., 731 S. Lincoln, Santa Maria, CA 93454. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA.

MC 136155 (Sub-12), filed October 15, 1982. Applicant: GAY TRUCKING CO., a Corporation, P.O. Box 7179, Savannah, GA 31408. Representative: Herbert Alan Dubin, 818 Connecticut Ave., NW., Washington, DC 20006, (202) 331–3700. Transporting *pulp, paper and related products,* between points in AL, FL, GA, MS, NC, SC, and TN.

MC 138415 (Sub-28), filed October 15, 1982. Applicant: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second Street, Elkhart, IN 46516, (219) 293–3597. Transporting *Transportation equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with Grumman Boats, a division of Grumman Allied Industries, Inc., of Melville, NY.

MC 145925 (Sub-5), filed September 27, 1982. Applicant: TRANS CONTINENTAL LEASING, LTD., 8920 Pershall Rd., Hazlewood, MO 63042. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Nike, Inc. of Beaverton, OR and Blue Bird Baking Co. of Dayton, OH.

MC 160234 (Sub-1), filed October 13, 1982. Applicant: THE HOUSE OF MIDULLA, INC., P.O. Box 15397, Tampa, FL 33684. Representative: Ansley Watson, Jr., P.O. Box 1531, Tampa, FL 33601, (813) 223–2411. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with F.T.S., Inc., of Ft. Lauderdale, FL.

MC 163444, filed October 8, 1982. Applicant: HUDSON BAY TRANSPORT CO., LTD., Box 97, Hudson Bay, Saskatchewan, CA SOE 0Y0. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223–5300. Transporting *general commodities* (except commodities in bulk, classes A and B explosives, and household goods,) between points in the U.S. (except AK and HI), under continuing contract(s) with McMillian Bloedel, LTD, of Hudson Bay, Saskatchewan, Canada.

NOTE: This decision has been made in accordance with the statutory provisions of the Bus Regulatory Reform Act of 1982 with great weight being given to the mandates set forth in the National Transportation Policy.

MC 164184, filed October 12, 1982. Applicant: FRANK W. WEBER, d.b.a., FRANK WEBER TRUCKING, 1980 W. 125th St., Shakopee, MN 55379. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *machinery,* between points in the U.S. (except AK and HI), under continuing contract(s) with David Manufacturing Co. of Mason City, IA.

MC 150255 (Sub-11), filed October 14, 1982. Applicant: LEPRINO TRANSPORTATION CO., 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *food and related products,* between points in Valley County, MT, Sheridan County, NE, Scottsbluff County, NE, and Denver, CO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164245, filed October 18, 1982. Applicant: JOHN ENSIGN and CLIFF HODGE, d.b.a. CONEJO COACH, 32133 Sailview Lane, Westlake Village, CA 91361. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, beginning and ending at points in Ventura and Los Angeles County, CA, and extending to points in AZ, NV, UT, NM, OR, WA, ID, and WY.

MC 164255, filed October 13, 1982. Applicant: GERRY'S TRUCKING CO., INC., P.O. Box 1, 1341 Riverside Dr., Suamico, WI 54173. Representative: Michael S. Varda, 121 South Pinckney St., P.O. Box 2509, Madison, WI 53701, (608) 255–8891. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Brown County, WI, on the one hand, and, on the other, points in MN, IA, IL, IN, and MI.

For the following, please direct status inquiries to Team 4 (202) 275–7669.

Volume No. OP4–10

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 146 (Sub-3), filed October 13, 1982. Applicant: CHAMBERS-THOMPSON MOVING & STORAGE, INC., 492 Hayden Station Rd., Windsor, CT 06095. Representative: Emma B. Thompson (same address as applicant) (203) 688–5552. Transporting *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, ME, VT, NH, RI, MA, NY, NJ, PA, DE, MD, VA, NC, OH, IL, IN, MI, and DC.

MC 35807 (Sub-119), filed October 14, 1982. Applicant: WELLS FARGO ARMORED SERVICE CORP., P.O. Box 4313, Atlanta, GA 30302. Representative: David E. Wells (same address as applicant) (404) 256–0540. Transporting *currency, coin, securities, food stamps* and articles of unusual value, between points in IL, IA, IN and WI.

MC 73366 (Sub-3), filed October 5, 1982. Applicant: FIRPO & SONS, INC., d.b.a., FIRPO'S MOVING AND STORAGE, 900–B Tryens Rd., Aston, PA 19014. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113, (215) 365–5141. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. under continuing contract(s) with Westinghouse Electric Corp., of Philadelphia, PA.

MC 73866 (Sub-10), filed October 8, 1982. Applicant: LOUIS J. GARDELLA, INC., 111 Harbor Ave., Norwalk, CT 06850. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, NY, and NJ, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 93147 (Sub-36), filed October 12, 1982. Applicant: DELTA TRANSPORT CORP., 595 Cottage St., Springfield, MA 01104. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, MA, ME, NH, NJ, NY, OH, PA, RI, VT and WV.

MC 121457 (Sub-7), filed October 14, 1982. Applicant: MERCURY TRANSPORTATION, INC., 8502 Miller Rd. #3, Houston, TX 77049. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting *building materials; lumber and wood products; forest products; clay, concrete, glass or stone products; chemicals and related products; machinery;* and *paper and paper products,* between those points in the U.S. in and east of ID, UT, and AZ.

MC 128927 (Sub-13), filed October 13, 1982. Applicant: MARTIN TRUCKING CO., INC., P.O. Box 406, Tomah, WI 54660. Representative: James A. Spiegel, 6333 Odana Rd., Madison, WI 53719, (608) 273–1003. Transporting *food and related products,* between points in MN and WI, on the one hand, and, on the other, points in IA, IL, IN, KY, MN, MO, and TN.

MC 140086 (Sub-14), filed October 13, 1982. Applicant: DELARIA TRANSPORT, INC., 327 8th Ave., NW., New Brighton, MN 55112. Representative: James M. Christenson, 4444 IDS Center, 80 South 8th St., Minneapolis, MN 55402, (612) 339–4546. Transporting *chemicals,* and *fiberglass,* between points in MN, on the one hand, and, on the other, points in CT, IA, IL, IN, MA, MI, MN, ND, NH, NJ, NY, OH, PA, CO, RI, SD, TX, and WI.

MC 140586 (Sub-4), filed October 4, 1982. Applicant: GOLDEN NORTH VAN LINES, INC., 7120 Hart St., Anchorage, AK 99502. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *household goods,* between points in the U.S.

MC 142167 (Sub-8), filed October 8, 1982. Applicant: MICHAELSEN TRUCK LINE, INC., 1619 S. Garfield, Mason City, IA 50401. Representative: Steven C. Schoenebaum, 1100 Carriers Bldg., 601 Locust, Des Moines, IA 50309, (515) 283–2076. Transporting *dry fertilizer,* between points in Crawford County, WI, on the one hand, and, on the other, points in IA, under continuing contract(s) with The Pillsbury Company, of Prairie du Chien, WI.

MC 146787 (Sub-10), filed September 8, 1982, previously noticed in the **Federal Register** of October 5, 1982. Applicant: ALBAUGH FARMS TRUCKING CORPORATION, 1306 Wayne St., Des Moines, IA 50316. Representative: Thomas E. Leahy, Jr., 1980 Financial Ctr., Des Moines, IA 50309, (515) 245–4300. Transporting *general commodities* (except classes A and B exposives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Dico Company, Inc., of Des Moines, IA, and Albaugh Chemical Corporation, of Ankeny, IA.

Note.—The purpose of this republication is to delete the commodities in bulk exclusion reflected in the previous notice.

MC 148537 (Sub-1), filed October 15, 1982. Applicant: O'HARE VAN LINES, INC., 80 Old Higgins Rd., Des Plaines, IL 60018. Representative: Dixie C. Newhouse, P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *household goods and those commodities which because of their size and weight require the use of special handling or equipment,* between points in IL, IN, MI, OH, KY, MO, IA, MN, WI, PA, NY, NJ, MD and MA.

MC 149157 (Sub-10), filed October 13, 1982. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502, (712) 323–9124. Transporting *such commodities* as are dealt in or used by home furnishing outlets, between points in the U.S., under continuing contract(s) with Levitz Furniture Corporation of Miami, FL.

MC 154426 (Sub-3), filed October 13, 1982. Applicant: DITZFELD TRANSFER, INC., 104 West Pacific, Sedalia, MO 65301. Representative: Jeremiah D. Finnegan, 4225 Baltimore, Kansas City, MO 64111, (816) 753–1122. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Adco, Inc., of Sedalia, MO.

MC 156436 (Sub-3), filed October 5, 1982. Applicant: I.W. TRANSPORT, INC., 325 N. Baldwin Park Blvd., City of Industry, CA 91746. Representative: Jerome Paul (same address as applicant), (213) 960–8661. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AL, AR, AZ, CA, CO, ID, LA, MS, MT, NV, NM, OK, OR, TX, UT, WA and WY.

MC 161026, filed October12,1982 Applicant: LCO ENTERPRISES, 23475 Eichler Rd., Hayward, CA 94545. Representative: Jules J. Aron (same address as applicant) (415) 887–5700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Longs Drug Stores, Inc., of Walnut Creek, CA.

MC 161377 (Sub-3), filed October 14, 1982. Applicant: JAG TRUCKING, INC., 6250 N.W. 74th Ave., Miami, FL 33166. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., NE, Suite 520, Atlanta, GA 30326 (404) 262–7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NY and NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162026, filed October 13, 1982. Applicant ;KENNETH E. BODNAR, INC, P.O. Box 24, Hackett, AR 72937. Representative: Kenneth E. Bodnar (same address as applicant) (501) 968–5085. Transporting *cross ties* and *kiln dried lumber products,* between points in the U.S., under continuing contract(s) with Thompson Industries, Inc., of Russellville, AR.

MC 162196, filed October 13, 1982. Applicant: SUPERIOR INSTALLATION SERVICES, INC., 2034 S. Clayton, Denver, CO 80210. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102 (314) 421–0845. Transporting *such commodities* as are dealt in by department stores, between points in the U.S. (except AK and HI), under continuing contract(s) with H. S. Pogue Company, of Cincinnati, OH.

MC 162567, (Sub-1), filed October 8, 1982. Applicant: ADAMS TRUCKING, INC., 1470 E. Kentucky Ave., Woodland, CA 95695. Representative: Ronald C. Chauvel, 100 Pine St., No. 2550, San Francisco, CA 94111 (415) 986–1414. Transporting (1)*building* and *construction materials, supplies* and *equipment,* and (2) *lumber, forest* and *wood products,* between points in AZ, CA, NV, OR, and WA.

MC 164147, filed October 5, 1982. Applicant: DANIEL MILLIGAN, d.b.a. MILLIGAN TRUCKING COMPANY, 200 Walsh Dr., Parsippany, NJ 07054. Representative: Daniel Milligan (same address as applicant), (201) 334–9660.

Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, ME, MD, NJ, NY, RI, PA, DE, and MA.

MC 164226, filed October 14, 1982. Applicant: GARY L. BRYANT, 10848 Wright Rd., Wolcott, NY 14590. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Cahoon Farms, Inc., of Wolcott, NY.

MC 164227, filed October 14, 1982. Applicant: JONES TRUCKING, Rte. 38, Box 162, Kitzmiller, MD 21538. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW, Washington, DC 20004, (202) 347–8862 Transporting *coal and coal products,* between points in PA, MD, WV and VA.

Volume No. OP4–012

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 30446 Sub 24, filed October 1, 1982. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., 3408 N. Graham St., Charlotte, NC 28225. Representative: S. H. Rich (same address as applicant), (704) 376–9101. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TN and VA.

NOTE.—Applicant intends to tack with existing authority in Nos. MC–30446 (Sub-No. 16F) and MC–30446 (Sub-No. 17F), and to interline at Richmond, VA and Knoxville, Nashville, and Memphis, TN.

MC 59247 Sub 25, filed October 6, 1982. Applicant: LINDEN MOTOR FREIGHT COMPANY, INC., 1300 Lower Rd., Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Union Carbide Corporation, of Danbury, CT.

MC 143707 (Sub-1), filed October 5, 1982. Applicant: KENNEDY ENTERPRISES, INC., 1801 S.W., 1st Ave., Ft. Lauderdale, FL 33315. Representative: Gerard J. Donovan, 4791 S.W., 82nd Ave., Davie, FL 33328, 1 (305) 434–7621. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL.

MC 151277 (Sub-2), filed October 4, 1982. Applicant: COCHRAN TRANSPORTATION SERVICE, INC., P.O. Box 578, Athens, OH 45701. Representative: John L. Alden, 1396 West 5th Ave., Columbus, OH 43212, (614) 481–8621. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Athens, Hocking, Meigs, and Vinton Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152347 (Sub-2), filed October 4, 1982. Applicant: TRANS-POWER TRUCK LINES, INC., 5321 Southwyck Blvd., Toledo, OH 43614. Representative: David C. Mathias (same address as applicant), (419) 865–7292. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 159377, filed October 5, 1982. Applicant: JAMES HARRISON, d.b.a. FAIRFIELD DISTRIBUTION CO., R.R. 1, New Lowell, Ontario, Canada. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Creemore China Glass Limited of Creemore, Ontario, Canada, Champion Litho Products Ltd., Fox-Richardson, Ltd., and Nameco of Canada, Ltd., all of Mississauga, Ontario, Canada, Lux & Swinginberger Ltd., Hammond International Canada, Ltd., Irwin Seating of Canada, Ltd., and McGraw-Edison of Canada, Ltd., all of Toronto, Ontario, Canada, and Silver Recovery Systems of Canada, Edmonton, Alberta, Canada.

Note.—This decision has been made in accordance with the statutory provisions of the Bus Regulatory Reform Act of 1982 with great weight being given to the mandates set forth in the National Transportation Policy.

MC 162836 (Sub-2), filed October 5, 1982. Applicant: J. KENNETH KATZMAN JR., INC., 31029 Bushnell Rd., Burlington, WI 53105. Representative: Fred H. Figge, 513 Lewis St., Burlington, WI 53105, (414) 763–6296. Transporting *general commodities* (except classes A and B explosives and household goods), between points in IL, IN, IA, MI, MN, and WI, under continuing contract(s) with Land O'Lakes, Inc., of Fort Dodge, IA.

Volume No. OP4–13

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 161167 (Sub-1), filed October 8, 1982. Applicant: OCEANIC SHIPPING COMPANY OF GEORGIA, 8700 W. Flagler St., Miami, FL 33174. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328, 1 (305) 434–7621. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in FL.

MC 162037 (Sub-1), filed September 22, 1982, previously noticed in the **Federal Register** issue of October 13, 1982, and republished this issue. Applicant: DAKOTA BAKE-N-SERV, INC., Airport Rd., Box 688, Jamestown, ND 58401. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Certificate MC–162037.

Note.—The purpose of this republication is to vacate the prior condition imposed on the applicant which revoked all of its existing authority.

MC 162956, filed October 15, 1982. Applicant: RANDALL A. PHILLIPPE, d.b.a. RAP-ED TRANSPORTATION, P.O. Box 1106, Tahoe City, CA 95730. Representative: Armand Karp, 743 San Simeon Dr., Concord, CA 94518, (415) 825–1774. Transporting *food and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Coastal Marketing Associates, Inc. of Campbell, CA.

MC 164236, filed October 15, 1982. Applicant: BELLEVILLE-NUTLEY MOVING & STORAGE CO., 35 Ewing Ave., N. Arlington, NJ 07032. Representative: Bruce Mitchell, 620 Fourth St., Lyndhurst, NJ 07071, (201) 667–1300. Transporting *household goods,* between points in NJ, on the one hand, and, on the other, points in AL, CT, DE, DC, FL, GA, IL, IN, LA, MD, MA, MS, NC, NJ, NY, OH, PA, RI, SC and TX.

For the following, please direct status inquiries to Team 5 (202) 275–7289.

Volume No. OP5–231

Decided: October 22, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 60709 (Sub-11), filed October 1, 1982. (Previously published in **Federal Register** (Republication) on October 21, 1982). Applicant: G&P TRUCKING COMPANY, INC., 3330 Charleston

Highway, West Columbia, SC 29169. Representative: John H. Caldwell, 888 Sixteenth St., NW, Suite 700, Washington, DC 20006, (202) 835-8000. Transporting *general commodities* (except household goods and classes A and B explosives), between points in VA, NC, SC, GA, FL, AL, and TN.

Note.—Purpose of republication is to include SC in territorial description.

MC 149308 (Sub-27), filed October 18, 1982. Applicant: VICTORY FREIGHTWAY SYSTEMS, INC., P.O. Box P, Sellersburg, IN 47172. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202, (502) 589-5400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 155828 (Sub-2), filed October 15, 1982. Applicant: PAC-TRANS, INC., 1900 Powell St., Suite 255, Emeryville, CA 94608. Representative: Donald E. Cross, 918 16th St., NW, Suite 700, Washington, DC 20006, (202) 785-3700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159458, filed October 15, 1982. Applicant: COAST FREIGHT SYSTEM, INC., 3200 Occidental Ave., So., Seattle, WA 98134. Representative: Robert G. Gleason, 1127 10th East, Seattle, WA 98102, (206) 325-8875. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WA, OR, and ID.

MC 163288, filed October 14, 1982. Applicant: HARMONY TRANSPORT, INC., P.O. Box 9487, Yakima, WA 98909. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274-4985. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 163528, filed October 4, 1982. Applicant: QUARRY TRANSPORT CO., INC., 11 S. 221 Madison St., Hinsdale, IL 60521. Representative: Albert A. Andrin, 180 No. LaSalle St., Chicago, IL 60601, (312) 332-5106. Transporting (1) *commodities in bulk* and (2) *metal products*, between points in IL, IN, MI, MO, IA, and WI.

MC 164128, filed October 6, 1982. Applicant: LUCAS TRANSPORTATION, INC., 2080 Vista Ave., SE, Salem, OR 97302. Representative: Lawrence V. Smart, Jr., 419 NW 23rd Ave., Portland, OR 97210, (503) 226-3755. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *metal products*, (4) *machinery*, (5) *rubber and plastic products*, and (6) *chemicals and related products*, between points in OR, WA and CA, on the one hand, and, on the other, those points in the U.S. in and west of OH, KY, TN, and AL (except AK and HI).

MC 164178, filed October 12, 1982. Applicant: HARRISON TRUCKING, INC., 3301 Park Avenue, P.O. Box 7606, Paducah, KY 42001. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603, (312) 263-2306. Transporting *food and related products*, (a) between points in McCracken County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) between points in San Mateo County, CA, Hartford County, CT, McCracken County, KY, and Wayne County, MI.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29669 Filed 10-29-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

For the following, please direct status inquiries to Team 2 (202) 275-7030.

Volume No. OP2-269

Decided: October 25, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 153263 (Sub-1), filed October 15, 1982. Applicant: ANGELYNES, INC., P.O. Box 563, Loveland, CO 80539. Representative: Robert D. Brown, 401 E. 40th St., Loveland, CO 80537, 303-669-1360. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

For the following, please direct status inquiries to Team 3 (202) 275-5223.

Volume No. OP3-08

Decided: October 25, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 150255 (Sub-12), filed October 14, 1982. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 2600 Petro-Lewis Tower, 717 17th St., Denver, CO 80202, (303) 892-6700. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 (202) 275-7289.

Volume No. OP5-232

Decided: October 22, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 164248, filed October 14, 1982. Applicant: PAUL SALZANO, d.b.a., P & S TRUCKING CO., 4927 N. Green Acres Circle, Cedar City, UT 84720. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, 702-882-5649. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-29890 Filed 10-29-82; 8:45 am]

BILLING CODE 7035-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Inter-Arts Advisory Panel (Interdisciplinary); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. Law 92-463), as amended, notice is hereby given that a meeting of the Inter-Arts Advisory Panel (Interdisciplinary) to the National Council on the Arts will be held on November 16, 1982, from 1:00 p.m. to 5:30 p.m. and November 17-19, 1982, from 9:00 a.m.-5:30 p.m. in Room 1426 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C., 20506.

A portion of this meeting will be open to the public on November 19, 1982, from 12:00 noon-2:00 p.m. to discuss guidelines.

The remaining sessions of this meeting on November 16, from 1:00 p.m. to 5:30 p.m. and November 17 and 18, from 9:00 a.m.-5:30 p.m. and November 19, from 9:00 a.m.-12:00 noon and 2:00 p.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sections will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

October 21, 1982.

[FR Doc. 82-30002 Filed 10-29-82; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Centers and Services); Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Centers & Services) to the National Council on the Arts will be held on November 22-23, 1982, from 9:00 a.m.-5:30 p.m. in Room 1426 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, DC, 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

October 21, 1982.

[FR Doc. 82-30000 Filed 10-29-82; 8:45 am]

BILLING CODE 7537-01-M

Music Advisory Panel (Professional Training); Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Professional Training) to the National Council on the Arts will be held on November 15-16, 1982, from 9:00 a.m.-5:30 p.m. in Room 1422 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, DC, 20506.

A portion of this meeting will be open to the public on November 16, 1982, from 2:30-4:00 p.m. to discuss policy and guidelines.

The remaining sessions of this meeting on November 15, from 9:00 a.m.-5:30 p.m. and November 16, from 9:00 a.m.-2:30 p.m. and 4:00 p.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

October 21, 1982.

[FR Doc. 82-30003 Filed 10-29-82; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Organizations) to the National Council on the Arts will be held November 15, 1982, from 9:00 a.m. to 5:00 p.m. and November 16 to 20, 1982 from 9:00 a.m. to 5:30 p.m., in the 11th floor reception area of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C., 20506.

This meeting is for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

October 21, 1982.

[FR Doc. 82-30001 Filed 10-29-82; 8:45 am]

BILLING CODE 7537-01-M

OFFICE OF MANAGEMENT AND BUDGET

Issuance of Circular No. A-119, "Federal Participation in the Development and Use of Voluntary Standards"

AGENCY: Office of Management and Budget.

ACTION: Final Issuance of OMB Circular No. A-119, "Federal Participation in the Development and Use of Voluntary Standards."

SUMMARY: This OMB Circular provides policy and administrative guidance to Federal agencies on using voluntary standards for procurement and regulatory purposes, on participating with private sector organizations to develop such standards, and coordinating Executive Branch participation in the development of voluntary standards. Implementation of this Circular is expected to result in reduced costs to the Government in developing and maintaining standards for products, systems and services.

EFFECTIVE DATE: This Circular, which supersedes OMB Circular No. A-119, dated January 17, 1980, is effective upon publication.

FOR FURTHER INFORMATION CONTACT: David F. Baker, Office of Federal Procurement Policy, Office of Management and Budget, Washington, DC 20503 (202) 395-7207.

SUPPLEMENTARY INFORMATION: On April 21, 1982, the Office of Management and Budget published a draft Circular, subject as above, for a 60-day period of public and agency comment. Comments were received from more than 120 individuals and organizations, including Federal agencies, business firms, industry associations, professional groups and private citizens.

There follows a summary of the major comments grouped by subject and a response to each—including a brief description of changes made as a result of the comments. Many other changes of a less significant character were made to increase clarity, simplicity, precision and readibility, and to reduce the burdens of compliance as much as possible.

A. Procedural Criteria Imposed on Standards Developers

Comment: Several commenters objected to OMB's deletion of specific procedural criteria which the previous version of the Circular imposed on voluntary standards bodies as a precondition to Federal participation. They argued that such criteria—intended to increase public participation and openness—would help to minimize the potential for anti-trust activities. Other commenters suggested that while such procedures should not be mandatorily imposed, OMB should instruct agencies to encourage private standards developers to follow such procedures.

Response: With regard to the inclusion of procedural criteria and their mandatory imposition on standard developers, we have concluded that imposition of the mandatory procedures contained in the previous edition of the Circular is inappropriate, burdensome and costly and that the question of imposing such criteria is peripheral to the fundamental aims of the Circular. We do agree that, as with any human endeavor, the voluntary standards development process is vulnerable to abuse. Consequently, we have cautioned Federal agencies to beware of such potential (Para. 7). We have also provided guidance to agencies in the form of a letter from the Department of Justice, dated June 22, 1982, which discusses suggested agency approaches to the question of public participation in private sector standards development.

B. Regulatory Applications

Comment: Some commenters suggested that the Circular should be limited to procurement applications, and that Federal agencies should not be required to use voluntary standards for regulatory purposes. Some commenters suggested, in addition, that the Circular should not apply to "independent regulatory agencies".

Response: We believe the benefits to be derived from the procurement use of standards are equally valid for regulatory applications—particularly the benefits of assuring private sector input into Federal regulatory activities while reducing the potential for duplicating existing, adequate voluntary standards with Government standards. With regard to the second concern, the Circular does not "require" Federal agencies to use voluntary standards for regulatory purposes. It establishes a policy preference in that regard but leaves to the agencies, themselves, the decision as to whether to adopt a given voluntary standard for a specific Federal regulatory purpose. (The legal requirements associated with such adoption, such as those of the Administrative Procedures Act, will, of course, continue to apply.) We believe such an approach is entirely appropriate with respect to independent regulatory agencies as with the rest of the Executive Branch.

C. Role of the Department of Commerce

Comment: Several commenters objected to the requirements that the Department of Commerce maintain listings of (1) voluntary and Government standards, (2) voluntary standards bodies, and (3) those standards organizations with which Federal agencies interact—on the grounds that this would result in extensive and costly reporting requirements. Other commenters suggested that the agency reporting requirements contained in the Circular were, themselves, overly burdensome.

Response: We agree. The requirements to maintain various listings have been eliminated. The provisions dealing with reports on agency implementation of the Circular have been revised to require that reports be summary, as opposed to detailed, in nature.

D. Voluntary Dispute Resolution Service

Comment: Some commenters objected to our deletion of the requirement that the Department of Commerce establish a program to make available a "voluntary dispute resolution service" to handle precedural complaints brought by interested parties against voluntary standards bodies. Those commenters suggested that such a mechanism would provide an impartial means of resolving standards disputes without costly and lengthy litigation.

Response: While we take no position on the substantive merits of such a mechanism, we are satisfied that the requirement to establish such a service is not an appropriate element for inclusion in this Circular. Agencies with mission concerns in this area (e.g. Commerce, Justice, etc.) may, of course, consider establishing such a service as it is within their province to do so. The creation of the mechanism is clearly peripheral to the policy issues dealt with in the Circular, however, which are limited to Federal participation in the development and use of voluntary standards.

E. Single Federal Position

Comment: Many commenters suggested that the provisions of the Circular that required agencies to coordinate their views and express a single Federal position in private sector standards development activities were unnecessary and unworkable—and that establishment of a mechanism to achieve these purposes would be costly and lead to lengthy delays in the standards development process.

Response: We continue to believe that agencies should endeavor to coordinate their views and present single Federal positions in matters of paramount importance. We agree, however, that the requirement to do so in all such instances is unreasonable and could lead to bureaucratic delays. Consequently, we have eliminated the requirement that Federal positions must be developed in all instances, as well as those provisions which would have required the Secretary of Commerce to appoint a "lead" agency when disagreements as to the nature of the Government's position occurred on a given issue. We continue to expect agency representatives to make a reasonable effort to present a single Federal position reflective of the public interest on matters on paramount interest in those standards activities wherein two or more agencies participate.

Candice C. Bryant,

Acting Deputy Assistant, Director for Administration.

Executive Office of the President

Office of Management and Budget

October 26, 1982.

Memorandum to Heads of Executive Departments and Agencies
From: David A. Stockman
Subject: OMB Circular No. A-119, "Federal Participation in the Development and Use of Voluntary Standards"

Attached, for your implementation, is a revision to OMB Circular No. A-119 which provides guidance to agencies in working with, and using the products of, private sector standards organizations. The effect of this revision is to eliminate the costly, unnecessary, and burdensome aspects of the Circular, while continuing to encourage agency participation in the development of private sector standards.

Also attached for your information and use is a letter, dated June 22, 1982, from the Department of Justice, which provides guidance in the implementation of the Circular—particularly as it relates to working with private sector groups to develop needed standards.

Executive Office of the President

Office of Management and Budget

October 26, 1982.

Circular No. A-119—Revised

To the Heads of Executive Departments and Establishments
Subject: Federal Participation in the Development and Use of Voluntary Standards

1. *Purpose.* This Circular establishes policy to be followed by executive agencies in working with voluntary standards bodies. It also establishes policy to be followed by executive branch agencies in adopting and using voluntary standards.

2. *Rescissions.* This Circular supersedes OMB Circular No. A-119, dated January 17, 1980, which is rescinded.

3. *Background.* Many Governmental functions involve products or services that must meet reliable standards. Many such standards, appropriate or adaptable for the Government's purposes, are available from private voluntary standards bodies. Government participation in the standards-related activities of these voluntary bodies provides incentives and opportunities to establish standards that serve national needs, and the adoption of voluntary standards, whenever practicable and appropriate, eliminates the cost to the Government of developing its own standards. Adoption of such standards also furthers the policy of reliance upon the private sector to supply Government needs for goods and services, as enunciated in OMB Circular No. A-76.

4. *Applicability.* This Circular applies to all executive agency participation in voluntary standards activities, domestic and international, but not to activities carried out pursuant to treaties and international standardization agreements.

5. *Definitions.* As used in this Circular:

a. *Executive agency* (hereinafter referred to as "agency") means any executive department, independent commission, board, bureau, office, agency, Government-owned or—controlled corporation or other establishment of the Federal Government, including regulatory commission or board. It does not include the legislative or judicial branches of the Federal Government.

b. *Standard* means a prescribed set of rules, conditions, or requirements concerned with the definition of terms; classification of components; delineation of procedures; specification of dimensions, materials, performance, design, or operations; measurement of quality and quantity in describing materials, products, systems, services, or practices; or descriptions of fit and measurement of size.

c. *Voluntary standards* are established generally by private sector bodies and are available for use by any person or organization, private or governmental. the term includes what are commonly referred to as "industry standards" as well as "consensus standards", but does not include professional standards of personal conduct, institutional codes of ethics, private standards of individual firms, or standards mandated by law, such as those contained in the United States Pharmacopeia and the National Formulary, as referenced in 21 U.S.C. 351.

d. *Government standards* include individual agency standards and specifications as well as Federal and Military standards and specifications.

e. *Voluntary standards bodies* are private sector domestic or multinational organizations—such as nonprofit organizations, industry associations, professional and technical societies, institutes, or groups, and recognized test laboratories—that plan, develop, establish, or coordinate voluntary standards.

f. *Standards-developing groups* are committees, boards, or any other principal subdivisions of voluntary standards bodies, established by such bodies for the purpose of developing, revising, or reviewing standards, and which are bound by the procedures of those bodies.

g. *Adoption* means the use of the latest edition of a voluntary standard in whole, in part, or by reference for procurement purposes and the inclusion of the latest edition of a voluntary standard in whole, in part, or by reference in regulation(s).

h. *Secretary* means the Secretary of Commerce or that Secretary's designee.

6. *Policy.* It is the policy of the Federal Government in its procurement and regulatory activities to:

a. Rely on voluntary standards, both domestic and international, whenever feasible and consistent with law and regulation pursuant to law;

b. Participate in voluntary standards bodies when such participation is in the public interest and is compatible with agencies' missions, authorities, priorities, and budget resources; and

c. Coordinate agency participation in voluntary standards bodies so that (1) the most effective use is made of agency resources and representatives; and (2) the views expressed by such representatives are in the public interest and, as a minimum, do not conflict with the interests and established views of the agencies.

7. *Policy Guidelines.* In implementing the policy established by this Circular, agencies should recognize the positive contribution of standards development and related activities.

When properly conducted, standards development can increase productivity and efficiency in industry, expand opportunities for international trade, conserve resources, and improve health and safety. It also must be recognized, however, that these activities, if improperly conducted, can suppress free and fair competition, impede innovation and technical progress, exclude safer and less expensive products, or otherwise adversely affect trade, commerce, health, or safety. Full account shall be taken of the impact on the economy, applicable Federal laws, policies, and national objectives, including, for example, laws and regulations relating to antitrust, national security, small business, product safety, environment, technological development, and conflicts of interest. It should also be noted, however, that the provisions of this Circular are intended for internal management purposes only and are not intended to (1) create delay in the administrative process, (2) provide new grounds for judicial review, or (3) create legal rights enforceable against agencies or their officers. The following policy guidelines are provided to assist and govern implementation of the policy enunciated in paragraph 6.

a. *Reliance on Voluntary Standards.* (1) Voluntary standards that will serve agencies' purposes and are consistent with applicable laws and regulations should be adopted and used by Federal agencies in the interests of greater economy and efficiency, unless they are specifically prohibited by law from doing so.

(2) Voluntary standards should be given preference over non-mandatory Government standards unless use of such voluntary standards would adversely affect performance or cost, reduce competition, or have other significant disadvantages. Agencies responsible for developing Government standards should review their existing standards at least every five years and cancel those for which an adequate and appropriate voluntary standard can be substituted.

(3) In adopting and using voluntary standards, preference should be given to those based on performance criteria when such criteria may reasonably be used in lieu of design, material, or construction criteria.

(4) Voluntary standards adopted by Federal agencies should be referenced, along with their dates of issuance and sources of availability, in appropriate publications, regulatory orders, and related in-house documents. Such adoption should take into account the requirements of copyright and other similar restrictions.

(5) Agencies should not be inhibited, if within their statutory authorities, from developing and using Government standards in the event that voluntary standards bodies cannot or do not develop a needed, acceptable standard in a timely fashion. Nor should the policy contained in this Circular be construed to commit any agency to the use of a voluntary standard which, after due consideration, is, in its opinion, inadequate, does not meet statutory criteria, or is otherwise inappropriate.

b. *Participation in Voluntary Standards Bodies.* (1) Participation by knowledgeable agency employees in the standards activities of voluntary standards bodies and standards-developing groups should be actively encouraged and promoted by agency officials when consistent with the provisions of paragraph 6b.

(2) Agency employees who, at Government expense, participate in standards activities of voluntary standards bodies and standards-developing groups should do so as specifically authorized agency representatives.

(3) Agency participation in voluntary standards bodies and standards-developing groups does not, of itself, connote agency agreement with, or endorsement of, decisions reached by such bodies and groups or of standards approved and published by voluntary standards bodies.

(4) Participation by agency representatives should be aimed at contributing to the development of voluntary standards that will eliminate the necessity for development or maintenance of separate Government standards.

(5) Agency representatives serving as members of standards-developing groups should participate actively and on a basis of equality with private sector representatives. In doing so, agency representatives should not seek to dominate such groups. Active participation is intended to include full involvement in discussions and technical debates, registering of opinions and, if selected, serving as chairpersons or in other official capacities. Agency representatives may vote, in accordance with the procedures of the voluntary standards body, at each stage of standards development, unless specifically prohibited from doing so by law or their agencies.

(6) The number of individual agency participants in a given voluntary standards activity should be kept to the minimum required for effective presentation of the various program, technical, or other concerns of Federal agencies.

(7) The providing of Agency support to a voluntary standards activity should be limited to that which is clearly in furtherance of an agency's mission and responsibility. Normally, the total amount of Federal support should be no greater than that of all private sector participants in that activity except when it is in the direct and predominant interest of the Government to develop a standard or revision thereto and its development appears unlikely in the absence of such support. The form of agency support, subject to legal and budgetary authority, may include:

(a) Direct financial support; e.g., grants, sustaining memberships, and contracts;

(b) Administrative support; e.g., travel costs, hosting of meetings, and secretarial functions;

(c) Technical support; e.g., cooperative testing for standards evaluation and participation of agency personnel in the activities of standards-developing groups; and

(d) Joint planning with voluntary standards bodies to facilitate a coordinated effort in identifying and developing needed standards.

(8) Participation by agency representatives in the policymaking process of voluntary standards bodies, in accordance with the procedures of those bodies, is encouraged—particularly in matters such as establishing priorities, developing procedures for preparing, reviewing, and approving standards, and creating standards-developing groups. In order to maintain the private, nongovernmental nature of such bodies, however, agency representatives should refrain from decisionmaking involvement in the internal day-to-day management of such bodies (e.g., selection of salaried officers and employees, establishment of staff salaries and administrative policies).

(9) This Circular does not provide guidance concerning the internal operating procedures that may be applicable to voluntary standards bodies because of their relationships to agencies under this Circular. Agencies should, however, carefully consider what laws or rules may apply in particular instance because of these relationships. For example, these relationships may involve the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), or a provision of an authorizing statute for a particular agency. Agencies are best able to determine what laws and policies should govern particular relationships and to assess the extent to which competition may be enhanced and cost-effectiveness increased. Questions relating to anti-trust implications of such relationships should be addressed to the Attorney General.

8. *Responsibilities.* a. The Secretary will:

(1) Coordinate and foster executive branch implementation of the policy in paragraph 6 of this Circular, and may provide administrative guidance to assist agencies in implementing paragraph 8.b. (5) of this Circular;

(2) Establish an interagency consultative mechanism to advise the Secretary and agency heads in implementing the policy contained herein. That mechanism shall provide for participation by all affected agencies and ensure that their views are considered; and

(3) Report to the Office of Management and Budget concerning implementation of this Circular.

b. The heads of agencies concerned with standards will:

(1) Implement the policy in paragraph 6 of this Circular in accordance with the policy guidelines in paragraph 7 within 120 days of issuance;

(2) Establish procedures to ensure that agency representatives participating in voluntary standards bodies and standards-developing groups will, to the extent possible, ascertain the views of the agency on matters of paramount interest and will, as a minimum, express views that are not inconsistent or in conflict with established agency views;

(3) Endeavor, when two or more agencies participate in a given voluntary standards body or standards-developing group, to coordinate their views on matters of paramount importance so as to present, whenever feasible, a single unified position.

(4) Cooperate with the Secretary in carrying out his responsibilities under this Circular; and

(5) Consult with the Secretary, as necessary, in the development and issuance of, internal agency procedures and guidance implementing this Circular, and submit, in response to the request of the Secretary, summary reports on the status of agency interaction with voluntary standards bodies.

9. *Reporting Requirements.* Three years from the date of issuance of this Circular, and each third year thereafter, the Secretary will submit to the Office of Management and Budget a brief summary report on the status of agency interaction with voluntary standards bodies. As a minimum, the report will include the following information.

a. The nature and extent of agency participation in the development and utilization of voluntary standards; and

b. An evaluation of the effectiveness of the policy promulgated in this Circular and recommendations of change.

10. *Policy Review.* The policy contained in this Circular shall be reviewed for effectiveness by the Office of Management and Budget three years from the date of issuance.

11. *Inquiries.* For information concerning this Circular, contact the Office of Management and Budget, Office of Federal Procurement Policy, telephone 202/395–7207.

David A. Stockman,

Director.

Department of Justice

Antitrust Division

Office of the Assistant Attorney General

June 22, 1982.

Mr. Donald E. Sowle,
Administrator for Federal Procurement Policy
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Sowle: I am writing to express the views of the Department of Justice on competition policy issues raised by the Revised OMB Circular No. A–119, "Federal Participation in the Development and Use of Voluntary Standards" published for comment in the **Federal Register** on April 29, 1982 (47 Fed. Reg. 16, 919).

In our comments on previous drafts of the Circular, dated December 26, 1976 and June 13, 1976, we have supported a policy of federal adoption of privately developed standards when appropriate. Through participation in, and support for, private standards making activities, agencies may benefit greatly from private expertise and will avoid the wasteful duplication of cost and effort involved in developing their own in-house standards. The Department of Justice is not opposed to the policy announced in Revised OMB Circular A–119, which would eliminate the rigid "due process" precondition to federal participation in private standards activities. Such a precondition is overly restrictive, since as a practical matter federal agencies will often be required to adopt the standards developed regardless of federal participation in their development. Thus, in our view, the better solution is to participate in standards setting bodies and work within them to assure that appropriate procedures are adopted.

The Department believes that federal participants should encourage the adoption of procedures to foster access to standard setting activities and transparency in such activities. Such procedures facilitate the development of standards acceptable to the entire affected industry as well as to consumers. In particular, notice and opportunity for comment help assure that standards will be based on adequate information as to their utility and consequences. Moreover, it is especially important that performance criteria be given a prominent, perhaps predominant, place in any standards activity. Federal agency representatives, therefore, should advocate, as strongly as possible, procedures designed to assure that a broad range of information is solicited, and that performance criteria are central elements of the resulting standards.

In addition to the practical advantages of open standards proceedings, such safeguards would mitigate the substantial anticompetitive potential inherent in private standards groups. The importance of assuring adequate consideration of competition in the work of private standards bodies was noted recently by the Supreme Court in *American Society of Mechanical Engineers, Inc. v. Hydrolevel Corp.* The case involved a product standard which had been adopted in 46 states and all but one of the Canadian provinces. The Court observed that organizations creating such standards could be "rife with opportunities for anticompetitive activity." Federal agencies ought to strongly encourage these private groups to ensure consideration of all relevant viewpoints and interests including those of consumers, and potential or existing industry participants.

This country's international obligations and policy, as expressed in the Standards Code negotiated during the Tokyo Round of the Multilateral Trade Negotiations, *see* the Agreement on Technical Barriers to Trade, codified at 19 U.S.C.A. 2531 *et seq.* (1980), provide another important reason for federal agency participants to encourage the adoption of open procedures for private standards groups. This Code, approved by Congress as well as by our leading trading partners, seeks to prevent the creation of product standards which discriminate against import competition. It requires central governmental bodies to provide notice and opportunity to comment in their own standards making activities, and encourages governments to take reasonable measures to ensure that non-governmental bodies provide similar protection. Where the federal government is in fact involved in the private group, the obligations of the Standards Code would appear even stronger. Open procedures, specifically adequate notice and opportunity to comment, would further the objectives of the Standards Code, and would substantially reduce the possibility that discriminatory, anticompetitive standards will be developed.

The Circular would encourage use of voluntary standards for regulatory and other purposes. Although we applaud this expansion of the scope of the Circular, we believe that broadened federal use of privately developed standards should be accompanied with broad federal awareness of the practical and competitive advantages of industry-wide access to private standards bodies. Such access is an asset to federal participation in private standards activities, but it is also of great importance when federal agencies, without participation in the process, merely adopt standards for procurement or regulatory use.

As we indicated in our previous comments, private activity is not, by virtue of governmental participation or approval, shielded from the antitrust laws. Federal agency participation in a standards body, however, may imply federal approval of the process and of the resulting standard, and perhaps lead private participants to become lax in their own antitrust scrutiny. To dispel any false impressions, federal agency representatives should inform private participants that federal participation does not remove antitrust concerns, as well as advocate that appropriate procedures be employed in the standards proceedings.

Sincerely yours,

Ronald G. Carr,

Acting Assistant Attorney General, Antitrust Division.

[FR Doc. 82–30017 Filed 10–29–82; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 12750; 812–5266]

Daily Tax Free Income Fund, Inc.; Filing of an Application

October 19, 1982.

Notice is hereby given that Daily Tax Free Income Fund, Inc., 100 Park Avenue, New York, N.Y. 10017 (the "Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on August 6, 1982, and an amendment thereto on October 18, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant and any additional separate portfolios that may be established by Applicant in the future, from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized as a corporation under the laws of Maryland on July 22, 1982, and that it registered under the Act on July 22, 1982. Although it will have initially only one investment portfolio the Board of

Directors ("Directors") may in the future establish additional portfolios, each of which will be consistent with the investment objectives of the Applicant. Applicant employs Reich & Tang, Inc., as its investment adviser.

Applicant represents that its investment objectives are to provide its investors with high levels of interest income exempt from federal income taxes, preservation of capital and liquidity by investing primarily, but not exclusively, in fixed rate and variable rate municipal obligations, including participation interest therein having a maturity of one year or less at the date of purchase and of "high quality" as determined by a major rating service or, if not rated, of comparable quality as determind by Applicants Directors. The application states that the Applicant and any additional separate investment portfolios that may be established by the Applicant in the future will comply with proposed Rule 2a-7 under the Act and, when adopted, the formal rule, in all respects with regard to the variable rate demand instruments that are purchased for and held in the respective investment portfolios.

Applicant states that it also may purchase securities together with the right to resell them to the seller at an agreed-upon price or yield within a specified period prior to the maturity date of such securities ("stand-by commitments"). Applicant intends to enter into stand-by commitments solely with banks (unless Applicant shall obtain an exemptive order from the Commission to permit it to acquire stand-by commitments from brokers or dealers) and for the purpose of maintaining liquidity to meet unanticipated redemptions. Applicant represents that its acquisition of stand-by commitments will not affect the valuation or assumed maturity of the underlying municipal obligations which would continue to be valued at amortized cost.

As here pertinent, Section 2(a)(41) of th Act defines "value" to mean: (i) with respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by Applicant's Directors. Rule 22c-1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order of purchase or sell such security.

Rule 2a-4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a-4 for a "money market" fund to value its portfolio instruments with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption from the provisions of Section 2(a)(41) of the Act, and Rules 2a-4 and 22c-1 thereunder, to the extent necessary to permit it to value its portfolio securities using there amortized cost method of valuation. In support of its request, Applicant represents that its Directors have determined that, absent unusual or extraordinary circumstances, amortized cost represents fair value of its portfolio securities and that the amortized cost method of valuation of its assets enables the maintenance of a stable price per share while at the same time allowing a steady flow of investment income demanded by investors. In addition, Applicant states that given the nature of its policies and expected operations, there will normally be a relatively negligible discrepancy between the market value and the amortized cost value of securities held in the Applicant's portfolio.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person security or transaction or any class or classes of persons, securities or transaction from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant asserts that its application meets the standards of Section 6(c) of the Act and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the Directors of Applicant undertake—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase at $1.00 per share.

2. Included within the procedures to be adopted by the Directors of Applicant shall be the following:

(a) Review by the Directors as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such diviation from the $1.00 amortized cost price per share exceeds ½ of 1%, a requirement that the Directors will promptly consider what action, if any, should be initiated by them.

(c) Where the Directors believe the extent of any diviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

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[1] To fulfill this condition, Applicant intends to use acutal quotations or estimates of market value reflecting current market conditions chosen by the Directors in the exercise of their discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year or (b) maintain a dollar-weighted average portfolio maturity that exceeds 120 days.[2]

4. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments that the Directors determine present minimal credit risks, and that are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Directors.

5. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Directors' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of meetings of the Directors. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement indicating whether any action pursuant to paragraph 2(c) above was taken during the preceeding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than November 12, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29894 Filed 10-29-82; 8:45 am]

BILLING CODE 8010-01-M

[803-24; Rel. No. 829]

Maier & Sieble, Inc.; Filing of an Application

October 20, 1982.

Notice is hereby given that Maier & Siebel, Inc. ("Applicant"), a California corporation which is registered as an investment adviser under the Investment Advisers Act of 1940 ("Act"), filed an application on July 2, 1982, and an amendment thereto on August 10, 1982, requesting an order of the Commission pursuant to Section 206A of the Act exempting Applicant's incentive fee arrangement with a real estate limited partnership (the "Partnership") of which it is the general partner from the provisions of Section 205(1) of the Act to the extent necessary to allow Applicant to receive such compensation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is the sole general partner of the Partnership and may form and act as general partner for additional partnerships, and, in this regard, considers itself to be acting in a traditional real estate syndicator capacity. Applicant also states that it intends to manage the assets of clients with a view to investing them directly into real estate, although until suitable investments are found assets may temporarily be invested in various money market securities. As part of its activities, Applicant contemplated that certain of its officers and directors, who are also officers and directors, or general partners, of Siebel Capital Management, Incorporated, and of Siebel Capital Management, both of which are registered investment advisers under the Act, would be involved in making joint presentations to clients who wished advice as to the purchase of securities, which is provided by the two other entities, and as to the purchase of real estate, which is provided by Applicant. Because of its affiliations and because a presentation by Applicant as to the purchase of real estate, or of an interest as a limited partner in the Partnership, could result in the client not investing in securities under management of the two other entities, Applicant states that it concluded that it should register as an investment adviser under the Act.

As stated in the application, Applicant offered interests in the Partnership to a limited group of wealthy and sophisticated investors in accordance with the requirements of Section 4(2) of the Securities Act of 1933. According to Applicant, each prospective investor represented to the Partnership that he had a net worth in excess of $500,000 exclusive of home, furnishings and automobiles. In addition, Applicant represents that the twelve limited partners were required to make a minimum investment of $150,000. They have no right to withdraw from the Partnership until the termination thereof, and they are subject to substantial restrictions on the ability to transfer interests in the Partnership. Applicant will contribute 1% of the Partnership's total capital and receive a 1% interest in the Partnership's profits and losses. The purpose of the Partnership is to acquire real estate interests with a view to long-term appreciation. Properties acquired will generally be held for at least seven to ten years before sale or disposition. Applicant states that as sole general partner it is entirely responsible for the management of the Partnership, including the decisions as to the investment of the Partnership's capital and the decisions as to the sale, financing, refinancing, or other disposition of the Partnership's investments.

Applicant intends to receive an annual partnership management fee, payable quarterly, based upon the valuation of the Partnership's assets as determined annually on December 31 and proposes to receive an incentive fee equal to 20% of the distributions to the partners of the net proceeds from any sale, financing, refinancing or other disposition of any of the Partnership's properties or investments. Applicant explains that, for the purpose of determining the amount of the incentive fee, the applicant will allocate the Partnership's capital to investments in the order in which the investments are made. Upon the sale, financing or refinancing of an investment, the net proceeds therefrom will first be distributed to the partners up to the amount of Partnership capital allocated to that property plus the amount of any allocated capital loss previously incurred upon the sale or other disposition of any other Partnership investment, if any, and then 20% to the Applicant and 80% to the partners. After the offering is completed the Partnership will accumulate and may invest all cash available for distribution (other than cash resulting from the sale, financing, refinancing or other disposition of Partnership investments). Therefore, according to Applicant, there may be investments as to which there will not be any Partnership capital allocated and as to which the entire net proceeds after sale, financing or refinancing, after distribution to the partners of up to the amount of any allocated capital loss previously incurred upon the sale or disposition of other investments, will be subject to the 20% incentive fee.

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[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Section 205(1) of the Act, in pertinent part, provides that no investment adviser, unless exempt from registration pursuant to Section 203(b) of the Act, shall enter into or perform any investment advisory contract which provides for compensation to the investment adviser on the basis of a share of capital gains upon or capital appreciation of the funds or any portion of the funds of the client.

Applicant believes that the prohibition contained in Section 205(1) does not apply to compensation from limited partnerships which invest only and directly in real estate. Applicant also believes that its activities as general partner in directing the investment of the funds of the Partnership into real estate do not constitute "engaging in the business of advising others . . . as to the advisability of investing in, purchasing or selling securities" within the meaning of Section 202(a)(11) of the Act since direct investments in real estate would not involve the purchase or sale of a security. The Partnership has, however, made one investment which, according to Applicant, may be a security. The Partnership has acquired a 20% limited partnership interest in a partnership owning an office building in San Francisco. It is represented that this interest will be the only investment of Partnership funds which will resemble a security. According to Applicant, the Partnership had intended to purchase a direct interest in the property when the present owner entered into a written agreement to purchase it, and, as a result, it is claimed that the only way for the Partnership to participate in the property was to purchase a 20% interest on a limited partnership basis. Applicant also represents that it has assumed an active participation in management of the building, performing a regular consulting function with respect to lease renewal and tenant relationships, assisting in a clean-up necessitated by a flood, actively monitoring the building managers and their accountants and frequently consulting with the general partner concerning long-term objectives for the building.

Applicant states that it recognizes that it is typical for the courts and the Commission to view an interest in a limited partnership as a security and further states that it is making this application because, if the above-described limited partnership interest were construed to be a security, the prohibition in Section 205(1) against provision in advisory contracts for performance-based compensation might be triggered. Applicant states, therefore, that it is assuming, for purposes of the application only, and without conceding the issue, that the limited partnership interest would be a security and its 20% interest in Partnership profits would be regarded as a compensation arrangement within the scope of Section 205(1). Accordingly, Applicant requests an order of the Commission pursuant to Section 206A of the Act granting an exemption from the prohibition in Section 205(1) to permit Applicant to receive its proposed share of Partnership profits.

Applicant asserts that the purpose for the Act's prohibition on performance fee arrangements is to prevent an adviser from being encouraged to take undue risks with the funds of clients. It is Applicant's position that the design of its incentive fee does not violate this policy. Applicant believes that its proposed compensation arrangement is comparable to, and in most cases, less than fees being received by other public and private syndicators of real estate limited partnerships. According to Applicant, the normal fee structure for a real estate limited partnership involves substantial front-end payments, some form of annual management fee to the general partner and, most importantly, some form of incentive fee measured as a percentage of the gains realized by the partnership on its real estate investments. Applicant states that this type of compensation structure reflects the fact that the purpose of the limited partnership is to invest in real estate interests with the prospect of long-term gains as the real estate increases in value over a period of time and the fact that real estate investments require substantial continuing attention.

Applicant asserts that the proposed incentive fee also reflects the fact that a general partner is subject to unlimited liability for the debts, liabilities and obligations of a limited partnership. It is further asserted that a corporate general partner must subject substantial assets to the risks of the partnership in order to satisfy the requirements for treatment of the partnership as a partnership and not a corporation under the Internal Revenue Code of 1954, as amended. Thus, Applicant states that its shareholders have invested approximately $300,000 of their personal assets in Applicant so that it may act as general partner to the Partnership. Finally, Applicant notes that because the incentive fee is determined on an investment by investment basis, it will not receive any portion of its fee until the limited partners have been made whole with respect to their initial capital contributions as allocated to each property.

Applicant contends that the investors involved here do not need the protection of the Act because the limited partnership interests in the Partnership were offered only to a small group of selected investors and because concerns as to speculation and over-trading are simply not applicable to a situation where Applicant is acting as a general partner of a partnership investing in real estate. In contrast to investments in marketable securities, it is claimed, investments in real estate will be long-term and will require substantial involvement by the Applicant, as general partner, in overseeing the management and operation of the properties and investments by the Partnership.

Applicant also claims that the grant of an exemption is in the public interest. Because the Applicant is newly formed, it is asserted that it is not economically feasible for the Applicant to set up a separate susidiary with a separate staff that will handle only its real estate syndication activities. The officers, directors and shareholders of the Applicant are alleged to have other business activities as well as real estate syndication activities. For the Commission to conclude that the only way the Applicant could conduct its business is through separate entities and separate staffs would, in the Applicant's opinion, restrict the ability of persons such as the Applicant's founders, to establish new businesses in order to compete with much larger and already established businesses which can afford completely separate operations. Furthermore, it is asserted that failure to grant an exemption would run counter to the Commission's recent efforts to eliminate unnecessary regulatory constraints and to promote capital formation among small businesses. These efforts have included, Applicant argues, granting exemptive orders from the prohibition on performance-based compensation provisions in Section 205(1). The Applicant believes that its application for exemption should be granted for essentially the same reasons that those prior applications were granted.

The Commission is empowered under Section 206A of the Act to exempt any person or transaction from the provisions of the Act and the rules and regulations thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 12, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certficate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–29696 Filed 10–29–82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 19174; File No. SR–OCC–82–22]

Filing and Immediate Effectiveness of Proposed Rule Change by Options Clearing Corp.

October 25, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 13, 1982, the Options Clearing Corporation ("OCC") filed with the Securities Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

OCC proposes to increase its fee to participants for providing microfiche copies of certain reports. OCC states in its filing that the increase from $.01 per frame to $.015 per frame is necessitated by increased costs incurred by OCC in preparing the microfiche. OCC is not changing its $.10 fee for each sheet of microfiche. OCC states that the proposed rule change is consistent with the Act because OCC believes that the proposal allocates fees in an equitable manner by passing on to users of that service the increased costs.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–OCC–82–22.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be avilable for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–29693 Filed 10–29–82; 8:45 am]

BILLING CODE 8010-01-M

[SR–Phlx–82–3; Rel. No. 19164]

Philadelphia Stock Exchange, Inc.; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change

October 21, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on August 27, 1982, the Philadelphia Stock Exchange, Inc. ("Phlx") 1900 Market Street, Philadelphia, Pa. 19103 filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.[1]

The Phlx proposes to adopt temporary Rule 941, which requires Phlx member organizations and members who are parties to a-b-c agreements to execute a sale and subordination agreement that allows the Exchange to sell the membership upon termination of the member's interest in it and to apply the proceeds of that sale to the satisfaction of the priority claims specified in current Phlx By-law XV. Temporary Rule 941 would cease to be effective on December 14, 1982.[2] According to the Phlx, the proposed rule is designed to enable the Exchange to sell a membership in order to generate proceeds to satisfy specified creditors in situations where there would not otherwise be a sale that would generate such proceeds.[3] The Exchange states that the statutory basis for the proposed rule change is Section 6 of the Act, and Sections 6(b)(1) and 6(b)(5) in particular, in that the proposed rule change will enable the Exchange to assure the financial responsibility of its members.

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[1] On October 15, 1982, the Phlx submitted Amendment No. 1 to this filing. Because this amendment was submitted prior to this initial notice of the proposed rule change, it is being noticed now together with the notice of the original filing. The description of the proposal above incorporates the changes made by Amendment No. 1.

Interested persons are invited to submit written data, views and arguments concerning the proposed rule change within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Reference should be made to File No. SR-Phlx-82–3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the proposed rule change would put in place on a temporary basis an immediate means to assure the financial responsibility of existing members who hold seats subject to a-b-c agreements and to enforce a Phlx by-law relating to contractual obligations to which such members have agreed. Accelerated approval also would avoid any delay in implementing this safeguard with respect to new members who acquire seats through the use of a-b-c agreements.[4]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc 82–29895 filed 10–29–82; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22–11995]

St. Regis Paper Co.; Notice of Application and Opportunity for Hearing

October 25, 1982.

Notice is hereby given that St. Regis Paper Company (the "Company") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Bankers Trust Company (the "Bank") under an indenture dated as of June 15, 1980 between the Company and the Bank (the "Qualified Note Indenture") relating to $150,000,000 of the Company's 10% Notes due June 15, 1990 (the "Notes"), and under an indenture dated as of June 15, 1980 between the company and the Bank (the "Qualified Debenture Indenture", and, together with the Qualified Note Indenture, herein called the "Qualified Indentures") relating to $100,000,000 of the Company's 10⅝% Sinking Fund Debentures due June 15, 2010 (the "Debentures"), both of which qualified Indentures were heretofore qualified under the Act, and the trusteeships by the Bank under five existing indentures, two of which are between The County of Escambia, Florida (the "Florida Issuer") and the Bank, as Trustee (the "First Indenture" and the "Second Indenture", respectively), two of which are between The City of Sartell, Minnesota (the "Minnesota Issuer") and the Bank, as Trustee (the "Third Indenture" and the "Fourth Indenture", respectively) and one of which is between The Industrial Development Authority of the City of Kansas City, Missouri (the "Missouri Issuer"), and the Bank, as Trustee (the "Fifth Indenture"), which indentures are not qualified under the Act, are not so likely to involve a material confict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from continuing to act as Trustee under the Qualified Indentures were it to continue to act as trustee under the First Indenture, the Second Indenture, the Third Indenture, the Fourth Indenture and the Fifth Indenture.

Section 310(b) of the Act, which is included in Section 6.8 of each of the Qualified Indentures, provides in part that if a trustee under an indenture qualifed under the Act has or shall acquire any conflicting interest (as defined in such Section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities, of the Company are outstanding.

The present application, filed pursuant to clause (ii) of Section 310(b)(1) of the Act (as set forth in Section 6.8 of each of the Qualified Indentures), seeks to exclude the First Indenture, the Second Indenture, the Third Indenture, the Fourth Indenture and the Fifth Indenture from the Operation of Section 310(b)(1) of the Act.

The effect of the provisions of clause (ii) of Section 310(b)(1) of the Act on the matter of the present application is such that the First Indenture, the Second Indenture, the Third Indenture, the Fourth Indenture and the Fifth Indenture may be excluded from the operation of Section 310(b)(1) of the Act (as set forth in Section 6.8 of each of the Qualified Indentures) if the Company shall have sustained the burden of proving by this application to the Commission and after opportunity for hearing thereon, that the trusteeships of the Bank under the Qualified Indentures and under the First Indenture, the Second Indenture, the Third Indenture, the Fourth Indenture and the Fifth Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from continuing to act as trustee under the Qualified Indentures were it to continue to act as trustee under the First Indenture, the Second Indenture, the Third Indenture, the Fourth Indenture and the Fifth Indenture.

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[2] On August 27, 1982, the Phlx filed with the Commission a proposed rule change (SR-Phlx-82–4) to provide for the adoption of Rule 941 on a permanent basis as part of the comprehensive membership transfer and creditor rights program proposed in that filing.

[3] The Exchange in its filing describes as an example this situation: When a member organization designates a successor legal title holder to a seat held under an a-b-c agreement, there is no sale that generates proceeds and thus no way without the proposal for creditors to reach the seat to satisfy their claims against the predecessor legal title holder.

[4] The Phlx already has in place temporary Rule 933 that also terminates on December 14, 1982 and that parallels proposed temporary rule 941 with respect to leased memberships. The Commission approved temporary Rule 933 on an accelerated basis on December 21, 1981 (Securities Exchange Act Release No. 18356, December 21, 1981; 46 FR 63434, December 31, 1981).

The Company has alleged that:

(1) On September 30, 1982, the Company had outstanding $150,000,000 aggregate principal amount of the Notes under the Qualified Note Indenture. The Notes issued pursuant to the Qualified Note Indenture were registered under the Securities Act of 1933 and the Qualified Note Indenture was qualified under the Trust Indenture Act of 1939.

(2) On September 30, 1982, the Company had outstanding $100,000,000 aggregate principal amount of the Debentures under the Qualified Debenture Indenture. The Debentures issued pursuant to the Qualified Debenture Indenture were registered under the Securities Act of 1933 and the Qualified Debenture Indenture was qualified under the Trust Indenture Act of 1939.

(3) The Florida Issuer has entered into the First Indenture with the Bank, pursuant to which the Florida Issuer has issued $1,000,000 aggregate principal amount of its Industrial Development Revenue Bonds (St. Regis Paper Company Project) Series 1982 (the "1982 IDR Bonds (Florida)"). The principal of and interest and premium, if any, on the 1982 IDR Bonds (Florida) will be payable solely from revenues and Receipts paid by the Company to the Florida Issuer under an agreement of Sale and Security Agreement entered into by the Florida Issuer and the Company (the "Florida Sale Agreement"), pursuant to which the Florida Issuer will finance a portion of the cost of the acquisition, construction and installation of certain additions of equipment and other items of personal property to certain pollution control facilities (the "Florida Project") to be acquired, constructed and installed at the Company's pulp and paper manufacturing mill in the County of Escambia, Florida and sell such items to the Company for an amount equal to the aggregate principal amount of the 1982 IDR Bonds (Florida). The payment of the principal of and premium, if any, and interest on the 1982 IDR Bonds (Florida) is secured to the extent of the security interest in the Florida Project granted by the Company to the Florida Issuer pursuant to the Florida Sale agreement and assigned to the Bank, as trustee under the First Indenture.

(4) The Florida Issuer has entered into the Second Indenture with the Bank, pursuant to which the Florida Issuer has issued $6,000,000 aggregate principal amount of its Pollution Control Revenue Bonds (St. Regis Paper Company Project) Series 1982 (the "1982 Pollution Control Bonds (Florida)"). The principal of and interest and premium, if any, on the 1982 Pollution Control Bonds (Florida) will be payable solely from revenues and receipts paid by the Company to the Florida Issuer under an Agreement of Sale entered into by the Florida Issuer and the Company (the "Florida Pollution Sale Agreement"), pursuant to which the Florida Issuer will finance a portion of certain pollution control facilities at the Company's pulp and paper manufacturing mill located in the County of Escambia, Florida and sell such facilities to the Company, for an amount equal to the Aggregate principal amount of the 1982 Pollution Control Bonds (Florida).

(5) The Minnesota Issuer has entered into the Third Indenture with the Bank, pursuant to which the Minnesota Issuer has issued $19,600,000 aggregate principal amount of its Pollution Control Revenue Bonds (St. Regis Paper Company Project) Series 1982 (the "1982 Pollution Control Bonds (Minnesota)"). The principal of and interest and premium, if any, on the 1982 Pollution Control Bonds (Minnesota) will be payable solely from revenues and receipts paid by the Company to the Minnesota Issuer under a loan Agreement entered into by the Minnesota Issuer and the Company (the "Minnesota Loan Agreement"), pursuant to which the Minnesota Issuer will finance the acquisition, construction and installation of certain pollution control facilities at the Company's pulp and paper manufacturing mill located in the City of Sartell, Minnesota by lending the Company an amount equal to the aggregate principal amount of the 1982 Pollution Control Bonds (Minnesota).

(6) The Minnesota Issuer has entered into the Fourth Indenture with the Bank, pursuant to which the Minnesota Issuer has issued $1,000,000 aggregate principal amount of its 10¼% Industrial Development Revenue Bonds (St. Regis Paper Company Project) Series 1982 (the "1982 IDR Bonds (Minnesota)"). The principal of and interest and premium, if any, on the 1982 IDR Bonds (Minnesota) will be payable solely from revenues and receipts paid by the Company to the Minnesota Issuer under a Loan and Security Agreement entered into by the Minnesota Issuer and the Company (the "Minnesota Loan and Security Agreement"), pursuant to which the Minnesota Issuer will finance the acquisition, construction and installation of certain machinery, equipment and other tangible personal property (the "Minnesota Project") at the Company's pulp and paper manufacturing mill located in the City of Sartell, Minnesota by lending the Company an amount equal to the aggregate principal amount of the 1982 IDR Bonds (Minnesota). The Payment of the principal of and premium, if any, and interest on the 1982 IDR Bonds (Minnesota) is secured to the extent of the security interest in the Minnesota Project granted by the Company to the Minnesota Issuer pursuant to the Minnesota Loan and Security Agreement and assigned to the Bank, as Trustee under the Fourth Indenture.

(7) The Missouri Issuer has entered into the Fifth Indenture with the Bank, pursuant to which the Missouri Issuer has issued $1,600,000 aggregate principal amount its 10¼% Industrial Development Revenue Bonds (St. Regis Paper Company Project) Series 1982 (the "1982 IDR Bonds (Missouri)"). The principal of and interest and premium, if any, on the 1982 IDR Bonds (Missouri) will be payable solely from revenues and receipts paid by the Company to the Missouri Issuer under an Agreement of Sale entered into by the Missouri Issuer and the Company (the "Missouri Sale Agreement"), pursuant to which the Missouri Issuer will finance (i) the acquisition, construction and installation of certain equipment at the Company's pulp and paper manufacturing plant located in Kansas City, Missouri and (ii) modate such equipment, and sell such items to the company for an amount equal to the aggregate principal amount of the 1982 IDR Bonds (Missouri).

(8) The obligations of the Company under the Qualified Note Indenture and the Qualified Debenture Indenture to pay amounts in respect of the notes and the Debentures outstanding thereunder, respectively, and the obligations of the Company under the Florida Pollution Sale Agreement to pay amounts that, together with other funds available therefor, will provide amounts for payments in respect of the principal of and premium, if any, and interest on the 1982 Pollution Control Bonds (Florida), the 1982 Pollution Control Bonds (Minnesota) and the 1982 IDR Bonds (Missouri) outstanding under the Second

Indenture, the Third Indenture and the Fifth Indenture, respectively, are wholly unsecured and all such obligations rank equally without seniority or subordination of any such obligations to any of the others. Although the obligations of the Company under the Florida Sale Agreement and the Minnesota Loan and Security Agreement to pay amounts that, together with other funds available therefor, will provide amounts for payments in respect of the principal of and interest and premium, if any, on the 1982 IDR Bonds (Florida) and the 1982 IDR Bonds (Minnesota), respectively, are secured to the extent of the security interests granted in the Florida Project and the Minnesota Project, respectively, the Company notes that: (1) the aggregate principal amounts of the 1982 IDR Bonds (Florida) and the 1982 IDR Bond (Minnesota) are immaterial as compared with the aggregate principal amount of the Notes and the Debentures; (2) the Company understands from the purchaser of the 1982 IDR Bonds (Florida) that the 1982 IDR Bonds (Florida) were not purchased on the basis of the security interest granted with respect thereto in the Minnesota Project, as evidenced by Official Statement relating to the 1982 Bonds IDR (Minnesota) which states that "because of the nature and use to be made of [the Minnesota] Project, no representation is made herein as to the value of the [Minnesota] Project at any time or as to the realizable amount of recovery upon any foreclosure of the security interest in or other forced sale of such Project."

(9) No event of default exists under the Qualified Note Indenture or the Qualified Debenture Indenture and no event of default arising by reason of any action or omission by the Company, or, to the knowledge of the Company, any other event of default, exists under the First Indenture, the Second Indenture, the Third Indenture, the Fourth Indenture or the Fifth Indenture.

(10) Such differences as exist between the Qualified Indentures and the first Indenture, the Second Indenture, the Third Indenture, the Fourth Indenture and the Fifth Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the Qualified Indentures where it to continue to act as trustee under the First Indenture, the Second Indenture, the Third Indenture, the Fourth Indenture and the Fifth Indenture.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after November 18, 1982, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than November 18, 1982 at 5:30 p.m., Eastern Standard Time, in writing, submit to the Commission his view or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29892 Filed 10-29-82; 8:45 am]

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[Release No. 34-19124; File No. SR PHLX 82-10]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 6, 1982, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") is proposing new rule 274 which primarily requires a specialist and alternate specialist to file daily reports with the PHLX setting forth the closing position in each PHLX primary issue in which such specialist or alternate specialist is registered.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the propoosed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Itaem IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. *Self-Regulaltory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change.* The purpose of the proposed rule change is to strengthen equity surveillance by requiring each specialist and alternate specialist to file a daily report with the PHLX setting forth the closing position (shares long or short) for each PHLX primary issue in which such specialist or alternate specialist is registered as well as the name of the bank, broker dealer or clearing corporation carrying and providing financing (margin) for any such positions. With respect to specialists and alternate specialists who clear through a registered clearing corporation or use the services of another broker dealer to clear their positions, compliance with the rule may be achieved through an arrangement whereby such clearing corporation or broker dealer automatically provides to the PHLX the information requested by the rule.

The proposed rule change is consistent with section 6(b)(5) of the Act which provides, in pertinent part, that "[t]he rules of the exchange [be] designed to prevent fraudulent and manipulative acts and practice * * *"

B. *Self-Regulatory Organization's Statement on Burden on Competition.* The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. *Self-Regulaltory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* No comments on this proposed rule change have ben solicited or received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 14, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29975 Filed 10-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22675; 70-6782]

The Columbia Gas System, Inc. and Columbia Gas of Ohio, Inc.; Proposed Transactions Related to Sale and Leaseback of New System Office Building

October 20, 1982.

The Columbia Gas System, Inc., ("Columbia") 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and Columbia Gas of Ohio, Inc. ("COH") 99 North Front Street, Columbus, Ohio 43215, a wholly-owned subsidiary of Columbia, have filed an application-declaration with this Commission, insofar as applicable, pursuant to Sections 6(a), 7, 9(a), 10, 12(b), and 12d) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 44 and 45 promulgated thereunder.

The application-declaration states that seven of Columbia's eight natural gas distribution subsidiaries, including COH, are centrally managed from offices in Columbus, Ohio, and that new facilities for these operations are currently under construction by COH in Columbus. The facilities are expected to be ready for occupancy in July 1983 and will consist of a 15-story office building and separate parking garage, the combined cost of which is estimated at $32 million.

COH proposes to enter into a sale and leaseback arrangement with a yet to be determined purchaser/lessor. While COH will be the lessee of record, the lease rentals will be allocated among all of the distribution companies sharing the headquarters' facilities. As currently contemplated, the lease will have an initial term of 20 years and will have eight five-year renewal terms, each at the option of COH. At the end of the basic lease term and at the end of any renewal term, COH will have the option to purchase the building at the appraised fair market value. The process of selecting a lessor is underway and the terms and conditions of the sale and leaseback will be filed by amendment.

It is also proposed that Columbia guarantee COH's lease obligations. COH has been advised that the interest rate on the lessor's permanent debt financing used to fund a portion of the purchase price of the facilities will be lower and, consequently, COH's rental payments will be lower if Columbia provides such a guarantee.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 15, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29896 Filed 10-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12749; (812-5334)]

Nationwide Life Insurance Co., Nationwide Variable Account and Heritage Securities, Inc.; Application

October 19, 1982.

Notice is hereby given that Nationwide Life Insurance Company ("Nationwide Life"), a stock life insurance company organized under the laws of the State of Ohio, Nationwide Variable Account (the "Account"), registered under the Investment Company Act of 1940 (the "Act") as a unit investment trust, and Heritage Securites, Inc. ("Heritage") (together, "Applicants"), One Nationwide Plaza, Columbus, Ohio 43216, filed an application on October 5, 1982, and an amendment on October 15, 1982, pursuant to Section 11 of the Act, for an order approving the terms of certain offers of exchange and, pursuant to Section 6(c) of the Act, for an order granting an exemption from Section 26(a) (2)(D) of the Act, insofar as such exemptions are necessary to permit the transactions described in the application and contracts. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The Account was established for the purpose of funding certain variable annuity contracts issued by Nationwide Life ("Contracts"). Nationwide Life is the depositor of the Account and Heritage is the principal underwriter for the of Contracts. Presently under the Contracts, owners may split the allocation purchase payments among any one or more of the four sub-accounts of the Account, each of which is comprised of the shares of one of four mutual funds (*see* Investment Company Release No. 11594, January 30, 1981). Four new mutual funds and two series offered by the Nationwide Investing Foundation ("Foundation"), are being added as new Account sub-accounts by post-effective amendment. Applicants propose to permit, for Contracts issued prior to the effective date of the aforementioned post-effective amendment, Account purchase payments to be allocated only to the sub-accounts consisting of the four mutual funds described in the current prospectus. For new Contracts issued on or after the effective date of the aforementioned post-effective amendment, Applicants propose to permit Account purchase payments to be allocated only to the sub-accounts consisting of the four mutual funds and the two series of the Foundation being added as new Account sub-accounts.

The shares of the series of the mutual funds available as the underlying investment media for the Account are issued on an open account arrangement without the issue of stock certificates. Ownership of mutual fund series shares will be shown only on the books and records of the Account and of each fund or series. Owership will not be represented by securities which require a custodianship for safekeeping purposes. Under the custodian agreement between Nationwide Life and The Huntington National Bank of Columbus, Ohio, the custodian of the Account ("Custodian"), the assets of each sub-account will be kept physically segregated by the Custodian and held separate from the assets of any other firm, person, or corporation. The Custodian will maintain a record of all purchases and redemptions of fund shares in each applicable sub-account. Although the Custodian meets the qualifications described in Section 26(a) of the Act, the custodial agreement does not create a trust with respect to the assets of the Variable account because Nationwide Life, as an Ohio insurance company, must retain ownership and control of the disposition of its property under applicable Ohio law.

Section 26(a)(2)(D)

Section 26(a)(2)(D) provides that no principal underwriter for or depositor of a registered unit investment trust shall sell any security of which such trust is the issuer (other than short-term paper), unless the agreement of custodianship provides, in substance, that the custodian shall have possession of all securities and other property in which the funds of the trust are invested. Pursuant to Section 6(c) of the Act, Applicants request an exemption from the requirement of Section 26(a) (2)(D) to the extent necessary to permit the custodian to have possession of all securities in which the funds of the trust are invested.

Section 6(c) authorizes the Commission generally to exempt any person, security or transaction from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants contend that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act.

Section 11(a) and 11(c)

Section 11(a) of the Act provides generally that it shall be unlawful for any registered open-end company to make an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted or approved by the Commission. Secion 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order pursuant to sections 11(a) and 11(c) to permit new Contractowners, upon written request, to transfer part or all of their Account contract value among the six sub-accounts of the account, pursuant to such terms and conditions as may be imposed by the four mutual funds or two series of the Foundation comprising the new sub-accounts of the Account.

Notice is further given that any interested person may, not later than November 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued, as of course, following November 15, 1982, unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29697 Filed 10-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12748; (812-5337)]

NWNL Select Variable Account, Northwestern National Life Insurance Co. and Clarendon Insurance Agency, Inc.; Filing of Application

October 19, 1982.

Notice is hereby given that NWNL Select Variable Account ("Select"), a separate account of Northwestern National Life Insurance Company (the "Company") which is registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and Clarendon Insurance Agency, Inc. ("Clarendon"), the principal underwriter for Select (Select, the Company and Clarendon are collectively referred to as the "Applicants"), 20 Washington Avenue South, Minneapolis, Minnesota 55440, filed an application on October 8, 1982 for an order approving the terms of certain offers of exchange pursuant to Section 11 of the Act. All interested persons are referred to the application of file with the Commission for a statement of the representations therein which are summarized below.

The Company is the depositor of Select, which is an issuer of individual variable annuity contracts (the "Contracts"). Purchase payments made by or on behalf of Contractowners are allocated to one or more Sub-Accounts of Select. The assets of each Sub-Account are invested in shares (at net asset value) of one of a group of mutual funds on the list provided by the Company. The only fund currently offered is Select Cash Management Fund, Inc. (a so-called "money market mutual fund") ("SCM").

The Applicants propose to add a second Sub-Account, the assets of which would be invested in shares of Select Capital Growth Fund, Inc. ("SCG") (the principal investment objective of which is long-term growth of capital), and propose to permit Contract owners to request the transfer of all or part of the value of one of Select's Sub-Accounts to the other Select Sub-Account. There would be no charge by the Applicants for such a transfer, and no such charge is currently imposed by SCM or SCG.

Section 11

Section 11(a) of the Act provides generally that it shall be unlawful for any registered open-end investment company to make an offer to the holder of a security of such company, or of any other open-end investment company, to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have been first submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

The Applicants submit that the proposed transfer rights will afford a Contract owner a choice between shares of mutual funds having different objectives. The Applicants further assert that the proposed transfer rights involve only a change in the underlying accumulation or annuity units related to a Contract, which are merely accounting units of measure to quantify Contract value and, thus, do not involve the exchange of a unit investment trust security for the security of any other investment company. However, to avoid any questions that might be raised as to the applicability of Section 11(c), the Applicants request an order pursuant to Section 11 to the extent necessary approving the terms of the proposed offer of exchange described above.

Notice is further given that any interested person may, not later than November 12, 1982 at 5:30 p.m., submit to the Commission a written request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following November 12, 1982, unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29900 Filed 10-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12757; (812-5237)]

Putnam Convertible Funds Inc., et al.; Filing of an Application

October 22, 1982.

In the Matter of Putnam Convertible Fund, Inc., Putnam International Equities Fund, Inc., The George Putnam Fund of Boston, The Putnam Growth Fund, Putnam Health Sciences Trust, Putnam High Yield Trust, The Putnam Income Fund, Inc., Putnam Investors Fund, Inc., Putnam Option Income Trust, Putnam Tax Exempt Income Fund, Putnam Vista Fund, Inc., Putnam Voyager Fund, Inc., Chemical Fund, Inc., Eberstadt Energy-Resources Fund, Inc., Serveyor Fund, Inc., and Putnam Fund Distributors, Inc., One Post Square, Boston, Massachusetts 02110.

Notice is hereby given that Putnam Convertible Fund, Inc., Putnam International Equities Fund, Inc., The George Putnam Fund of Boston, The Putnam Growth Fund, Putnam Health Sciences Trust, Putnam High Yield Trust, The Putnam Income Fund., Inc., Putnam Investors Fund, Inc., Putnam Option Income Trust, Putnam Tax Exempt Income Fund, Putnam Vista Fund, Inc., Putnam Voyager Fund., Inc., Chemical Fund, Inc., Eberstadt Energy-Resources Fund, Inc. and Serveyor Fund, Inc. (the "Funds"), and Putnam Fund Distributors, Inc. ("Distributors") (the Funds and Distributiors are collectively referred to as "Applicants"), filed an application on July 9, 1982 for an order, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), amending two existing orders of the Commission and thereby further exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit sales of shares of the Funds at net asset value to members of qualified groups. The orders of the Commission proposed to be amended are *Putnam Convertible Fund, Inc., et al.*, Investment Company Act Release No. 9918 (Sept. 7, 1977) and *Putnam Convertible Fund, Inc., et al.*, Investment Company Act Release No. 11484 (December 10, 1980). All interested persons are referred to the application of file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the funds are each registered under the Act as diversified, open-end management investment companies. Distributors is a registered broker-dealer and serves as principal underwriter for the Funds. Applicants state that the Funds generally offer their shares in continuous public offerings at public offering prices equal to net asset value plus a sales load which varies with the size of the purchase. According to the application, currently, the maximum sales load of certain Funds is 8.5% of the offering price on transactions of less than $10,000. The maximum sales load is less for certain other Funds with income-oriented objectives, ranging from 6.75% of the offering price to 4.75%. Applicants further state that the sales load reduces as the size of the transaction increases to a minimum of 1% on transactions of more than $1,000,000 but less than $4,000,000, and is eliminated on transactions over $4,000,000.

Applicants state that pursuant to the exemption provided by the two orders of the Commission now proposed to be amended (the "Group Sales Exemption"), Applicants also offer shares of the Funds to members of qualified groups, as defined, at a group sales charge rate which differs from the sales charge rate currently in effect for sales to non-group purchasers. Applicants state that prospectuses of the Funds provide that members of qualified groups may buy shares of such funds at a flat group sales charge rate or 4.5% of the offering price without regard to the size of the group investment. To be eligible for the group sales charge rate under the existing Group Sales Exemption, purchases by group members have to be made through a single investment dealer designated by the group, and initial purchases have to be transmitted by such investment dealer, although subsequent purchases may be sent directly to Distributors.

Applicants represent that, if the proposed amendment of the Group Sales Exemption is approved, in addition to group sales at a 4.5% sales charge, shares of the Funds would be offered to "members" of "qualified groups" which have a certain minimum number without regard to the size of investments made by the members of the group.

Applicants represent that the minimum number of members is proposed to be set at 2,500 and would be subject to revision from time to time by the Funds. Applicants state that in setting the minimum number of members, the Funds may take into account recommendations of the principal underwriter as to membership levels that are likely to lead to economies in sales effort and expense on account of mass merchandising and other marketing techniques that may be employed in sales to groups of relatively large size.

Applicants state that a "qualified group" for purposes of net asset value group sales will include the employees of a corporation or a sole proprietorship, members and employees of a partnership or association, or other organized groups of persons (the members of which may include other qualified groups), provided that: (i) The group has at least that number of members specified from time to time by the Funds; (ii) the group has been in existence for at least six months; (iii) the group has some purpose in addition to the purchase of Fund shares at a reduced sales charge; (iv) the group's sole organizational nexus or connection is not that the members are credit card holders of a company, policy holders of an insurance company, customers of a bank or a broker-dealer, clients of an investment adviser or security holders of a company; (v) arrangements are made for access to the group which are satisfactory to the Funds' principal underwriter (or its designate); and (vi) arrangements satisfactory to the Funds or their shareholder servicing agent are established for verification that the group meets the minimum membership requirement. Applicants represent that the Funds would reserve the right to waive the requirement that the group continue to meet the minimum membership requirement or the requirement that an investor continue to belong to the group in order to qualify for the net asset value sales charge (but not to waive either of these requirements initially). Applicants state that this would allow persons who have begun a net asset value investment program as qualifying group members to continue it after they have left the group or in the event their group has become smaller through attrition or in the event the minimum membership requirement is increased.

Applicants state that the basis proposed by the Applicants for this amendment of the Group Sales Exemption is similar in certain respects to that offered in support of the original Group Sales Exemption. Applicants further state that a significant difference is that the original Group Sales Exemption was intended to promote solicitation of the group market by investment dealers, and was structured using a flat 4.5% sales charge to provide sufficient incentive to dealers. Applicants represent that this amendment is intended to expand group sales to a market to which investment dealers are not believed to have access, and, accordingly, dealer incentive is not a basis of this proposal.

Applicants represent that the offering of the Funds shares, as proposed in the application, may not be permissible absent on exemption such as is requested hereby.

Section 22(d) of the Act prohibits mutual funds, underwriters and dealers from selling fund shares to the public "except at a current public offering price described in the prospectus." Rule 22d–1 provides for exemption from Section 22(d) to permit sales at reduced or without any sales charges in specified circumstances.

Effective December 16, 1974, the Commission, in Investment Company Act Release No. 8569, dated Nov. 4, 1974 ("Release 8569"), amended Rule 22d–1, *inter alia*, by the addition of a new paragraph (b) which permits funds to provide the quantity discounts previously allowed to specified persons by Rules 22d–1(a) to additional groups of persons and by amendment of paragraph (e)—redesignated "(f)"—to permit sales at reduced, or without any, sales charges to a certain type of group, that is, nonqualified employee benefit plans.

Paragraph (b) of Rule 22d–1 requires that the group (i) have been in existence for at least six months, (ii) have a purpose other than the purchase of mutual fund shares at a discount, (iii) satisfy uniform criteria relating to realization by the fund of economies of scale in sales effort and sales related expenses selected by the fund and described in its prospectus,[1] and (iv) not have as its sole organizational nexus that its members are credit card holders of a company, policyholders of an insurance company, customers of a bank or broker-dealer or clients of an investment adviser. Applicants represent that, these four requirements have been included as criteria which would be applicable to the group sales to be made by the Applicants at net asset value if this proposed amendment to the Group Sales Exemption is granted.

Groups eligible for the 4.5% group sales charge provided for in the existing Group Sales Exemption and those groups which could purchase at net asset value pursuant to the amendment proposed by this Application are not, however, limited to those permitted by paragraph (f), that is tax-exempt organizations, tax qualified and non-tax qualified employee benefit plans. While it seems likely that many of the groups that might participate would be employee benefit plans such as individual retirement account ("IRA") plans, others are likely to include alumni, trade or professional associations and other affinity groups.

In adopting the revisions to paragraph (f), the Commission noted that prior to the amendment, that paragraph (then designated "(e)") had permitted reduced sales loads pursuant to a uniform offer to tax-exempt organizations and tax qualified employee benefit plans, and that these preferences were based upon public policy considerations favoring systematic savings by payroll deduction. Release No. 8569, pp. 3–4. Applicants submit there is no clear policy which supports discrimination in favor of groups which have an employment relationship over groups which have an organizational nexus other than common employment. Applicants further submit that recent changes in tax laws with respect to IRAs indicate no policy favoring common employment as a condition to tax sheltered retirement savings accumulations by individuals.

Applicant states that Distributors expects the market for net asset value group sales to be sponsors of large size and often geographically diverse groups to which retail investment dealers have not historically been able to sell, that competitive conditions in these markets effectively exclude load funds. Applicants further state that Distributors expects that the sales effort with respect to members of participating groups will typically first involve Distributors (or others on its behalf) soliciting group sponsors for their approval of establishment of group investment programs funded with Fund shares. Applicants represent that Distributors may incur significant marketing expenses in the initial solicitations of group sponsors, but expects there should be substantial savings in terms of selling effort and expense once a relationship with a sponsor is established. Applicants state that Distributors anticipates that the sales effort directed to group members would typically consist of standardized group sales material furnished by Distributors and distributed in a mailing to group members. Applicants represent that once a member becomes a participant, selling costs with respect to periodic investments should be substantially reduced, particularly in the case of IRA programs or other programs which involve systematic investment.

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[1] Applicants state that economies of scale in sales effort and sales related expense may benefit the Funds in that they may serve to increase sales of Fund shares. Sales effort and sales related expenses normally do not involve direct expenditures by the Funds other than for transfer agency and custodial services.

Applicants represent that Groups Sales at a flat 4.5% will continue to be available and both group sales exemptions would be described in the Funds prospectuses. Applicants submit that the group sales proposal contained in this proposed amendments to the Group Sales Exemption is not unjustly discriminatory and is in the public interest.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 16, 1982, at 5:30 p.m., submit to the Commission, in writing, a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as a matter of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82–29901 Filed 10–29–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12742A; (812–5274)]

Sun Life Assurance Company of Canada (U.S.), et al.; Correction

October 20, 1982.

In the Matter of Sun Life Assurance Company of Canada (U.S.) and Sun Life of Canada (U.S.) Variable Account C, 1 Sun Life Executive Park, Wellesley Hills, Massachusetts 02181 and Clarendon Insurance Agency, Inc., 200 Berkeley Street, Boston, Massachusetts 02116.

This is to correct errors made in Investment Company Act Release No. 12742 issued October 15, 1982. In the matter of Sun Life Assurance Company of Canada (U.S.), Sun Life of Canada (U.S.) Variable Account C, and Clarendon Insurance Agency, Inc. In the above-referenced notice, the application file number read "812–5323." This number should have read "812–5274." Additionally, the above-referenced notice stated that the application was filed on September 20, 1982. It should have stated that the application was filed on August 11, 1982.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82–29900 Filed 10–29–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12759; (812–5323)]

Sun Life Assurance Company of Canada (U.S.), et al.

October 22, 1982.

In the Matter of Sun Life Assurance Company of Canada (U.S.), Money Market Variable Account, Capital Appreciation Variable Account and High Yield Variable Account, 1 Sun Life Executive Park, Wellesley Hills, Massachusetts 02181 and Clarendon Insurance Agency, Inc., 200 Berkeley Street, Boston, Massachusetts 02116.

Notice is hereby given that Sun Life Assurance Company of Canada (U.S.) ("Sun Life (U.S.)"), Money Market Variable Account, Capital Appreciation Variable Account and High Yield Variable Account (collectively, the "Variable Account"), separate accounts of Sun Life (U.S.) registered under the Investment Company Act of 1940 ("Act") as open-end investment companies, and Clarendon insurance Agency, Inc. (collectively, "Applicants") filed an application on September 20, 1982, and amendments thereto on October 15, 1982 and October 19, 1982, pursuant to Section 6(c) of the Act for an order of the Commission exempting certain transactions from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 27(c)(1), and 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder, to the extent necessary to permit the transactions described in the application. All interestd persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant state that (i) the Variable Accounts serve as the investment media for the variable portion of certain fixed and variable annuity contracts ("Contracts"); (ii) an accumulation account will be established in the name of each contractowner; (iii) State Street Bank and Trust Co. ("Custodian") will hold the assets of the Variable Accounts; (iv) any assets of the Variable Accounts held pursuant to the book-entry system will be so held in conformance with the requirements of Rule 17f–4 under the Act; (v) a daily asset charge at an annual rate of 1.3% of the value of the Variable Accounts will be deducted for mortality and expense risks; (vi) Applicants will deduct an investment advisory fee equal to an effective annual rate of .50% of average daily net assets of Money Market Variable Account from that account and .75% of the average daily net assets of the other Variable Accounts from the respective accounts, (vii) the contract maintenance charge described below will be deducted from a contract owner's accumulation account and upon annuitization from annuity payments; and (viii) the contingent deferred sales charge described below may also be deducted from accumulation accounts.

Applicants assert that they will deduct, during the accumulation period, an annual contract maintenance charge of $25 on the contract anniversary date and upon total redemption of the contract on other than a contract anniversary date. Additionally, if the annuity commencement date is a date other than the contract anniversary date, the contract maintenance charge will be deducted pro rata on the annuity commencement date to reflect the time elapsed between the last contract anniversary and the day before the annuity commencement date. Finally, the contract maintenance charge during the annuity period will be deducted pro rata from each annuity payment.

Applicants state that no contingent deferred sales charge is assessed against either purchase payments held by Sun Life (U.S.) for more than five years or 10% of purchase payments held less than five years. However, upon full or partial withdrawal of purchase payments held less than 5 years, a contingent deferred sales charge may be imposed upon purchase payments being withdrawn. All withdrawals will be treated as made on a first-in, first-out basis. If the sales charge is imposed, it is equal to (a) the amount withdrawn which is subject to the charge divided by 0.95 minus (b) the amount withdrawn which is subject to the charge. In no event shall the aggregate contingent deferred sales charge assessed against a contract exceed 9% of the aggregate purchase payment made under the contract. Finally, upon the death of the annuitant no contingent deferred sales charge is imposed upon withdrawals by the beneficiary.

Relief Requested

Applicants request an exemption from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder to the extent deemed necessary or appropriate to impose the contingent deferred sales charge.

Applicants request an exemption from Sections 26(a) and 27(c)(2) to the extent deemed necessary or appropriate to impose the contract maintenance charge, daily asset charge, and investment advisory fee and to deduct premium taxes.

Applicants request an exemption from Sections 2(a)(32), 22(c), 26(a), 27(c)(1) and 27(d) of the Act and Rule 22c–1 thereunder to the extent deemed necessary or appropriate to allow Applicants to deduct the contract maintenance charge non pro rata at the time of a total redemption on a date other than the contract anniversary date.

Applicants request an exemption from Sections 26(a) and 27(c)(2) to allow the Custodian to hold the assets of the Variable Accounts pursuant to the book-entry system and not under an agreement of trust.

Texas Optional Retirement Program

Pursuant to Texas law, all Texas institutions of higher education make available to certain employees an Optional Retirement Program ("Program") funded through fixed or variable annuity contracts. As interpreted in an opinion by the Attorney General of Texas, certain 1973 amendments to the legislation establishing the Program now prohibit provisions in a fixed or variable contract issued in connection with the Program which provide for making available the redemption value of such contract prior to death, retirement or termination of employment in all institutions of higher education. Applicants request an exemption from Sections 22(e), 27(c)(1), and 27(d) to the extent deemed necessary or appropriate to allow Applicants to impose restrictions on redemption on the contracts issued to Program participants that are consistent with the Attorney General's interpretation.

Applicants represent that sales representatives will be instructed to inform prospective purchasers that withdrawal rights under the Program are restricted. Applicants will review any sales literature used to ensure that the restrictions on redemption are disclosed. Moreover, purchasers will be required to sign a statement acknowledging that they are aware of the restrictions. Finally, the prospectuses used will describe the restrictions on redemption.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested party may, not later than November 16, 1982 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–29902 Filed 10–29–82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–19172; File No. SR–CBOE–82–11]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 14, 1982, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Chapter XXIV

Index Options

Introduction

The rules in this Chapter are applicable only to index options (options on indices of securities as defined below). The rules in Chapters I through XIX are also applicable to the options provided for in this Chapter. In some cases rules in Chapters I through

XIX are replaced or are supplemented by rules in this Chapter.

Rule 24.1 Definitions

(a) The term "put" means an option contract under which the holder of the option has the right, in accordance with the terms and provisions of the option, to sell to the Clearing Corporation the current index value times the index multiplier.

(b) The term "call" means an option contract under which the holder of the option has the right, in accordance with the terms of the option, to purchase from the Clearing Corporation the current index value times the index multiplier.

(c) The term "aggregate exercise price" means the exercise price of the option contract times the index multiplier.

(d) The term "exercise price" means the specified price per unit at which the current index value may be purchased or sold upon the exercise of the option.

(e) The term "underlying security" or "underlying securities" with respect to an index option contract means any of the stocks that are the basis for the calculation of the index.

(f) The term "index multiplier" means the amount specified in the contract by which the current index value is to be multiplied to arrive at the value required to be delivered to the holder of a call or by the holder of a put upon valid exercise of the contract.

(g) The term "current index value" means the level of the index that is derived from the current market prices of the stocks that are the basis of the index.

Rule 24.2 Designation of the Index

All of the stocks that are the basis for the calculation of the index need not meet the requirements in Rule 5.3. A particular index upon which options are traded must be approved by the Securities and Exchange Commission.

Rule 24.3 Dissemination of Information

(a) The Exchange shall disseminate or shall assure that the current index value is disseminated after the close of business and from time-to-time on days on which transactions in index options are made on the Exchange.

(b) The Exchange shall maintain, in files available to the public, information identifying the stocks whose prices are the basis for calculation of the index and the method used to determine the current index value.

Rule 24.4 Position Limits

(a) In determining compliance with Rule 4.11, index option contracts shall be subject to a contract limitation fixed by the Board, which shall not be larger than the equivalent of a $300 million position. For this purpose a position shall be determined by the product of the current index times the index multiplier times the number of contracts on the same side of the market.

(b) Option contracts on an index shall not be aggregated with option contracts on any stocks whose prices are the basis for calculation of the index.

Rule 24.5 Exercise Limits

Index option contracts shall not be subject to an exercise limit.

Rule 24.6 Reports Related to Position Limits

In determining compliance with Rule 4.13, the reporting threshold shall be contracts representing an underlying securities position valued at 10% of the position limit.

Rule 24.7 Trading Halts or Suspensions

Trading on the Exchange in any option shall be halted or suspended whenever trading in underlying stocks, whose weighted value represents more than 20% of the value of the current market index, are halted or suspended. Trading shall also be halted whenever the Exchange deems such action appropriate in the interests of a fair and orderly market and to protect investors. Among the factors that may be considered are the following:

(i) All trading has been halted or suspended in the market that is the primary market for a plurality of the underlying stocks;

(ii) The current calculation of the index derived from the current market prices of the stocks is not available; or

(iii) Other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

Trading in options of a class or series that has been the subject of a halt or suspension by the Exchange may resume if the Exchange determines that the conditions which led to the halt or suspension are no longer present and that the interests of a fair and orderly market are best served by a resumption of trading.

Rule 24.8 Meaning of Premium Bids and Offers

Bids and offers shall be expressed in terms of dollars and fractions or dollars and decimals per unit of the index (*e.g.*, a bid of 85½ and a bid of 85.50 would each represent a bid of $85.50 per unit).

Rule 24.9 Terms of Option Contracts

The Exchange shall determine fixed point intervals of exercise prices for call and put options.

Rule 24.10 Restrictions on Contracts

Contracts provided for in this chapter shall not be subject to the restriction in Rule 4.16, Interpretation and Policy .01.

Rule 24.11 Margin

(To be supplied.)

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections (A), (B), and (C) below.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change.* The option contracts covered by this rule-change filing will be very similar to the standardized stock option contracts now traded on CBOE and other national securities exchanges. Like stock options contracts, index options would be issued by the Options Clearing Corporation ("OCC"). Performance of each contract would be guaranteed by OCC as issuer. Standardization of contract terms would permit active trading of these contracts on CBOE as the secondary market, with OCC as the clearing house for all transactions.

The main difference between the index option and currently traded stock option products is that the index option would be settled upon exercise by the payment of cash and not by delivery of the securities which comprise the index. Because of the practical difficulties and transaction costs which delivery of the index components would entail, CBOE has fashioned its contract so that the writer of a call option contract, when called upon to deliver by an exercising holder, will deliver cash representing the difference between the closing value of the index on the date of exercise and the exercise price of the option.

At this time CBOE is requesting permission to list put and call options on the CBOE-100 Stock Index. The options on this index will have the following characteristics:

Underlying Index: The CBOE-100 Stock Index will serve as the underlying index for the index options. The index is a broadly based, capitalization weighted index of 100 stocks on which options are listed on the CBOE. (The index is discussed in more detain under Rule 24.2)

Unit of Trading: Each index option contract will represent $500 (the multipler) times the current index value as derived from the current market prices of the stocks comprising the index. For example, an index of 50 will result in a dollar value of $25,000 ($500 × 50).

Exercise Prices: Exercise prices will be set at five point intervals in terms of the current value of the CBOE–100 Index.

Aggregate Exercise Price: The multipler ($500) times the exercise price.

Expiration: Index options will be introduced expiring in the months of March, June, September and December for up to six (6) three-month expiration periods.

Premium Quotations: Option premiums will be expressed in terms of dollars and fractions per unit of the index. Each point will represent $500. The minimum fraction will be $\frac{1}{16}$. For example, a premium of $1\frac{1}{16}$ will represent $531.25.

Position Limits: Index options contracts will be subject to limitation of a $300 million equivalent position in the securities underlying the index. For example, when the index is at 50, one option contract will represent a dollar value of $25,000 and the position limit will be 12,000 contracts.

If in the future it is determined that Dow-Jones & Company, Inc. does not have proprietary right in the averages it devises and publishes, CBOE will consider listing an option contract one or more of Dow-Jones averages.

In general, those who do a public business in index options will be subject to CBOE Chapter IX, "Doing Business with the Public." Chapter IX sets forth, in the context of equity options, such matters as the requirements for representatives and member organizations, supervision and opening of accounts and confirmations, statements and communications to customers. This is a the proper regulatory framework for index options because they are essentially a new variety of equity option. The mechanics of index options trading will be the same as that of equity options trading and the vocabulary will also be the same. The purposes of trading and basic trading strategies will be similar to those used with equity options. For example, buying index option calls would enable one to achieve leverage, limit risk or hedge a short portfolio position. There are two significant differences between equity options and index options. The first major difference is that at this time there is not a specific underlying instrument which could be used to obtain an exact cover position. The second major diffence involves the terms of index options, which will be similar to those used with equity options but for settlement upon exercise, which will occur through delivery of case rather than stock. Both of these differences are east to understand and will be addressed in the special risk disclosure document that will be distributed in connection with index options.

Rule 24.1 Definitions

In order to accomplish cash settlement Rules 24.1(a) and (b) redefine "put" and "call" to require delivery or receipt of cash rather than shares of stock. The terms "aggregate exercise price", "exercise price" and "underlying securities" are also redefined to account for the differences between this contract and stock option contracts.

The term "index multipler" is defined in Rule 24.1(f), although a specific number is not stated. The number that will be used with regard to a particular index will be supplied at the time SEC permission is sought (pursuant to Rule 24.2 as discussed below) to trade a particular index. The term "current index value" defined in Rule 24.1(g) means simply the day-to-day changing value of the index.

Rule 24.2 Designation of the Index

The rules proposed in this filing are designed to permit trading on CBOE of an option on the value of one or more indices of securities. At this time the Exchange intends to trade options based upon the CBOE–100 Stock Index.

The CBOE–100 Stock Index is a broadly based value weighted index of 100 stocks on which options are listed on the CBOE. The index was designed to reflect the performance of the stock market as measured by changes in the market prices of the individual stocks making up the index. Since each stock in the index is weighted by the market value of its shares outstanding, the index is extremely useful for measuring the performance of large portfolios. To compute the CBOE–100 Index the following formula is used:

$$\text{CBOE–100 Index} = \frac{\sum_{j=1}^{100} P_j S_j}{\sum_{j=1}^{100} P_{b,j} S_{b,j}} \times 50$$

where

P_j = the current market price of stock j.
S_j = the current number of shares of oufstanding of stock j.
$P_{b,j}$ = the price of stock j on the base date.
$S_{b,j}$ = the number of shares of stock j outstanding on the base date.

As is evident from the equation above, each stock's current market price is multipled by its number of outstanding shares. The resulting market values are then added to determine the current aggregate market value of the 100 stocks included in the index. To arrive at the current index value, the aggregate market value is divided by the base value and mulitplied by 50. The CBOE–100 Index was set to equal 50 as of January 2, 1976, the start date of the index. Periodically, the base value needs to be adjusted to account for changes in capitalization as a result of mergers, acquisitions, stock rights, delisting, substitutions, etc. The adjustments are necessary to insure that events affecting the capitalization of any of the component stocks will not change the index value, and also to maintain the current index value comparability to the base value. Adjustments to the base value have been and will continue to be made using the following formula:

$$\text{NBV} = \text{OBV} \times \frac{\text{NMV}}{\text{OMV}}$$

where

NBV = new base value
OBV = old base value
NMV = new market value
OMV = old market value

To illustrate how an adjustment to the base value is made, assume that as a result of adding a stock as a replacement for a delisted stock, the current aggregate market value increases from $770 million to $777.7 million (up $7.7 million). If the old base value is $700 million, the new base value would equal $707 million ($707 million × (777.7/770)).

The CBOE–100 Stock Index value would then be 55 (777.7/707 x 50) which is equal to the index value before the adjustment (770/700 x 50). Therefore, as is shown above, the index value is not affected by changes in the composition of stocks making up the index or by changes due to recapitalization.

Correlation analysis over the period January 2, 1976 through May 7, 1982 yields CBOE–100 Stock Index daily returns correlation coefficients of 0.975 with the S&P 500 and 0.950 with the Dow Jones Industrial Average. CBOE makes no representation as to the future correlation of the CBOE 100 Stock Index with these or any other indices.

Rule 24.3 Dissemination of Information

At the present time, CBOE intends to calculate and disseminate the current index value every fifteen (15) minutes. CBOE will have the capacity to increase the frequency of the calculation up to a real-time basis, and will increase the frequency if there is a request from those who trade the option or if market conditions make it reasonable to increase the frequency.

Rule 24.4 Position Limits

CBOE believes it is appropriate to limit permissible positions in order to deter persons from dominating the options market.

Rule 24.5 Exercise Limits

CBOE believes that exercise limits are not necessary in the context of options that are settled with cash. Because the deliverable supply is available currency, it does not seem possible for the price of dollars to be changed by options positions of less than $300 million being exercised against short writers. Similarly, it does not seem possible to squeeze the market by staying in it as a long when the deliverable supply is scarce because cash is the deliverable supply, or is it possible to corner the supply of United States currency through the index option market.

For these reasons the Exchange proposes to not have an exercise limit for index options.

Rule 24.6 Reports Related to Position Limits

The reporting threshold has been set at 10% of the position limit for index option contracts. The Exchange will consider revising this standard after it has gained experience in trading index options.

Rule 24.7 Trading Halts or Suspensions

It would be inappropriate for the index option contract to be traded if the current calculation of the index is not available. Accordingly, the Exchange intends to halt trading if the current index option value is not available and under other unusual circumstances. The Exchange may permit trading to resume when it determines that such resumption would best serve the interests of a fair and orderly market.

Rule 24.8 Meaning of Premium Bids and Offers

The Exchange anticipates that bids and offers will be expressed in the same terms that are used to express the current calculation of the index. This does not affect the unit of trading that is covered by an option contract. That is determined by the index multiplier. This method is designed for ease of understanding by public investors.

Rule 24.9

At the time CBOE seeks Commission approval to trade a particular index option contract, it will establish exercise price intervals. The Board of Directors may from time-to-time vary the price intervals. One factor that may be considered is the volatility of the index.

Rule 24.10 Restrictions on Contracts

This rule provides that if a security that is a part of the group that is the basis for calculation of the index becomes subject to a stabilizing bid during a distribution, the contract provided for in this chapter need not necessarily be restricted as would an option on the security under Rule 4.16. Under this circumstance, the Exchange will consider whether it is appropriate to suspend trading pursuant to Rule 24.7.

The basis under the Securities Exchange Act of 1934 (the Act) for the proposed rules change is Section 6(b)(5) in that the proposed changes are designed to facilitate transactions in options on a stock index or indices and to bring such transactions within the regulatory framework of the Act and CBOE's own rules.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Exchange does not believe the proposed rule change will impose any burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 22, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29904 Filed 10-29-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19163; File No. SR-PHLX-82-4]

Self-Regulatory Organizations; Proposed Rule Change By Philadelphia Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 5 U.S.C. 78s(b)(1), notice is hereby given that on August 27, 1982, the Philadelphia Stock Exchange filed with the Securities and Exchange Commission the proposed rule changes as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc., (PHLX) proposes amendments to its Certificate of Incorporation, By-Laws and Rules to define and to standardize the methods by which title to memberships (seats) may be held; to implement a program for the leasing of memberships and to clarify the use of ABC Agreements relating to memberships; and to achieve certain objectives relating to the use of memberships and the satisfaction of members debts.

Legal title to a membership in the PHLX, *i.e.*, the membership privilege, franchise or access, may be held only by an individual natural person (except for a wholly-owned subsidiary of the Exchange) who becomes an Exchange member and who confers membership privileges upon a broker-dealer partnership or corporation with which he is affiliated by registering it as a member organization with the Exchange. Equitable title to a membership represents the property interest in the membership, *i.e.*, the interest of the entity or person who provided the financial means to purchase the membership. A person who holds only equitable title to a membership is not a member or member organization of the PHLX.

Legal and equitable title to a membership may be held by the same natural person, in which case title and use agreements are not needed. However, legal and equitable titles to memberships may be held by different persons or entities, some of whom are affiliated and others of whom are unaffiliated. The amendments will define and standardize the terminology of the Lease or the ABC Agreement which will reflect such divisions of title.

Under present By-Law XV, upon any transfer of a membership or pursuant to a sale by the Committee on Admissions, the proceeds thereof are first to be applied to satisfaction of the debts owed by the transferor member and his affiliated member organization to the Exchange, certain clearing corporations, and other members and member organizations. Under prevailing agreements, since legal title to a membership may be transferred without a corresponding transfer of equitable title to the membership, the transfer of legal title may take place without payment of any proceeds. Thus, even though equitable owners have agreed to subordinate their claims to the membership, as well as proceeds from the sale thereof, to the creditors specified under By-Law XV, there is currently no ready mechanism at hand to cause a sale to obtain proceeds for satisfaction of the debts of such creditors, or to provide otherwise therefor, when only legal title to a membership changes hands without a corresponding change of equitable title to the membership. The amendments will provide for remedies for the satisfaction of members' debts during the transfer of a membership in the case of a membership subject to a lease or ABC agreement.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in secitons (A), (B), and (C), below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis, for the Proposed Rule Change.* The rule changes are designed to implement a program to standardize the terminology, substantive requirements, and procedures for agreements relating to the use of legal and equitable titles to memberships subject to a lease or ABC agreement.

The proposed rule changes would also provide the means for creditors specified in Article XV to look to the membership for satisfaction of their claims when transfer of legal title is contemplated without a corresponding transfer of equitable title and related payment of proceeds. If there are unpaid claims against a membership when a lease or ABC agreement relating to the membership is terminated and transfer of legal title is pending, the Exchange will be empowered to sell the membership to satisfy such claims from the proceeds of this sale. Naturally, if such claims were satisfied from other sources, the transfer of legal title without further consideration of these claims would be allowed.

Other proposed rule changes would define and authorize the use of ABC and lease agreements, require the posting of transfers of legal and equitable title, prohibit transfers of legal titles unless all claims filed against a membership pursuant to certain By-law provisions are resolved, and grant recognition to a member's agreement to sell his seat for the benefit of his creditors, subject to the claim priorities under By-law XV.

The proposed rule changes would also affirm that the lessee is accorded all the rights and privileges of a PHLX member except the right to vote on a compromise or arrangement with Exchange creditors or on a subsequent reorganization, or the right to share in the PHLX's assets upon its dissolution. These latter rights would remain in the lessor. The terms lessor, lessee and approved person would be defined, as would also the terms of a sale and subordination agreement which would recognize and implement the PHLX's right to sell the membership subject to lease under certain circumstances.

The basis for the proposed rule changes under the Act includes Sections 6(b)(1), 6(b)(2), and 6(b)(5). The application of Section 6(b)(8) is discussed in Subsection B hereof.

The proposed rule changes require members holding memberships subject to a lease or an ABC agreement to comply with PHLX rules requiring satisfaction of financial obligations arising out of fines incurred in disciplinary proceedings or out of transactions or dealings in the securities business. They are intended to facilitate the protection of members, creditors, investors and the PHLX in the light of the purposes of such provisions as Sections 6(c)(3)(A) and 6(d)(3)(B) of the Act. They also facilitate the admission to membership of any registered broker or dealer or natural person associated with a registered broker or dealer by eliminating existing confusion relating to procedures and substantive requirements attendant to an application for membership which is to be subject to a lease or an ABC agreement.

The proposed rule changes are designed to standardize applicable procedures and requirements concerning the establishment and use of lease or ABC agreements in connection with the acquisition of memberships. Hence, they would remove impediments to and perfect the mechanism of a free and open market and a national market system. They would also protect investors since they establish certain means to assure members' satisfaction of their financial obligations.

B. *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule changes do not impose any burden on competition. The proposed rule changes would, however, eliminate any burden currently created by the absence of any delineated procedures and substantive requirements for a person who wishes to lease a membership or to enter into an ABC agreement or for an existing member who wishes to lease his membership, or to transfer a membership subject to an ABC agreement, to another person. Moreover, to the extent any burden is placed on members and other creditors specified in Article 15–3 who are unable to receive satisfaction of financial obligations of a member who holds a leased membership or a membership subject to an ABC agreement, the proposed rule changes would facilitate the resolution of such obligations and would relieve any related impact on the creditors' financial condition.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* No comments have been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person other than those that may be withheld from the public in accordance with provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and coping at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 21, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-29903 Fild 10-29-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Change of Name of Approved Trustee

Notice is hereby given that effective January 4, 1982, St. Louis Union Trust Company, St. Louis, Missouri, an approved Trustee pursuant to Pub. L. 89-346, changed its name to Centerre Trust Company of St. Louis.

Dated: October 21, 1982.

By Order of the Maritime Administrator.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 82-29814 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-81-M

[Docket No. S-722]

Crowley Maritime International, Inc. and Holiday Inns, Inc.; Application for Approval of Stock Transfer; Extension of Comment Period

A notice was published in the **Federal Register** (47 FR 46406) on October 18, 1982, for the purpose of noticing for public comment applications filed by Crowley Maritime International, Inc. (CMI) and Holiday Inns, Inc. (Holiday) dated September 1, 1982, as amended, and September 3, 1982, respectively, for approval by the Maritime Administration of the transfer of stock of Delta Steamship Lines, Inc. (Delta) by Holiday to CMI. CMI's application contemplates that, simultaneously with CMI's acquistion of all of Delta's stock, the Operating-Differential Subsidy Agreements between Delta and the United States will be terminated and that the United States will make specified lump sum payments in installments over a period of time.

Comments on the applications were to be submitted not later than October 28, 1982. We have received requests to extend the comment period to November 16, 1982. After consideration of said requests, it has been decided to extend the comment period to November 5, 1982. Interested parties who desire to comment on CMI's and Holiday's applications may submit their views thereon to the Secretary, Maritime Subsidy Board, in triplicate, on or before November 5, 1982. All timely responses will be considered in the Maritime Administration's evaluation of these applications.

(Catalog of Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By Order of the Maritime Subsidy Board/ Maritime Administration.

Dated: October 26, 1982.

Georgia P. Stamas,

Assistant Secretary.

[FR Doc. 82-29815 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

[Docket No. IP82-1; Notice 2]

National Coach Corp.; Denial of Petition for Inconsequential Noncompliance

This notice denies the petition by National Coach Corporation of Gardena, California to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for a defect in certain of its buses that it deems is safety-related. The basis of the petition was that the defect is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on January 28, 1982, and an opportunity afforded for comment (47 FR 4190).

National manufactured 116 "Escort" buses from May 1980 to June 1981 with seating capacities of 17 and 20 passengers. Its design incorporated a wheelbase that is short relative to the vehicle's overall length which would result in an overloading of the rear axle if the bus is loaded to its full complement of passengers. The rear gross axle weight rating (RGAWR) required by 49 CFR 567.4(g)(4) to be on the vehicle's certification label, was stated at 7,400 pounds for both types of Escorts. The buses should have been equipped with rear axles rated either 7,840 pounds or 8,220 pounds, depending on the vehicle and equipment involved. In no instance, however, would the overall gross vehicle weight rating be exceeded if the buses were fully loaded.

The petitioner made several arguments in support of its contention that the erroneous RGAWR figure is inconsequential as it relates to motor vehicle safety. First, over 72 percent of the vehicles are used either as demonstrators or in airports in shuttle service (average load of 9 passengers per vehicle) and this actual load level does not approach the maximum stated capacity. A complement of 15 passengers is required to approach an overloading of the rear suspension. Because of the type of service involved, the buses are operated at low speeds and away from regular highway traffic. Further, National said that the values assigned to indicate the suspension system capacity are not the product of a stress-to-limit test but usually include a substantial safety factor. The rating, therefore, is indicative of an acceptable tolerance level rather than an ultimate limit of capacity. National stated that its rear suspension system can "most probably" sustain weights "substantially" in excess of the stated RGAWR and any overloading would be temporary and would not create a hazard; no complaints have been received to date.

Two comments were received on the petition, submitted by Wayne Corporation, a bus manufacturer, and Minnesota Body and Equipment Company, a bus distributor. Both comments recommended denial of the petition. National submitted a rebuttal of the comments.

NHTSA's Office of Defects Investigation has conducted a number of investigations concerning overloading of suspension components in buses, vans, and recreational vehicles. These investigations have resulted in notification and remedy campaigns to upgrade suspension components for adequate load carrying capability. Not only does overload affect a vehicle's handling ability, it affects the tires as well. Tires on a particular axle should have sufficient load capacity to handle to maximum expected load on that axle. NHTSA research has shown that overloaded tires cannot generate the required cornering forces during accident avoidance maneuvers. The proper cure is to redistribute some of the load to the front axle, increase the load carrying capacity of the rear suspension and tires, and increase the front roll stiffness so that a greater portion of the vehicle full movement is reacted on the front axle, thereby decreasing the maximum dynamic normal load on the outside rear tires.

Furthermore, although the current users of the "Escort" buses may be aware of the possibility of overloading, it is not likely that subsequent purchasers of the bus would be cognizant of the condition. National does not believe that the way its vehicles are utilized will create a safety problem, and in its experience the useful life of vehicles employed in this manner is from two to three years.

In view of the fact that other manufacturers similarly affected have recalled vehicles in the past, and of the potential effect of overload upon the safety-related components involved, the National Highway Traffic Safety Administration has concluded that petitioner has failed to meet its burden of persuasion and its petition is denied.

The engineer and attorney responsible for this notice are James Thomas and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on October 22, 1982.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 82-29906 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

[Notice 82-7]

Senior Executive Service Performance Review Boards (PRB); Membership List

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: DOT publishes the names of the persons selected to serve on the various Departmental Performance Review Boards (PRB) established by DOT under the Civil Service Reform Act (CSRA).

FOR FURTHER INFORMATION CONTACT: Robert S. Smith, Director, Office of Personnel and Training, and Executive Secretary, DOT Executive Resources Board, (202) 426-4088.

SUPPLEMENTARY INFORMATION: The CSRA of 1978, which created the Senior Executive Service, requires that each agency implement a performance appraisal system making senior executives accountable for organizational and individual goal accomplishment. As part of this system, CSRA requires each agency to establish one or more PRB's, the function of which is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor and to make recommendations to the final rating authority relative to the performance of the senior executive.

The persons named below have been selected to serve on one or more Departmental PRB's.

Issued in Washington, D.C., on October 25, 1982.

Robert L. Fairman,

Assistant Secretary for Administration.

Department of Transportation

Senior Executive Service

Performance Review Boards

Office of the Secretary

James L. McInerney, Special Assistant to the Deputy Secretary
Neil R. Eisner, Assistant General Counsel for Regulation and Enforcement
Barclay W. Webber, Assistant General Counsel for Environmental, Civil Rights and General Law
Katherine M. Anderson, Director, Executive Secretariat
Wiliam H. FitzGerald, Jr., Director, Office of Budget
Charles Swinburn, Deputy Assistant Secretary for Policy and Program Development
Vance Fort, Director, Office of International Policy and Programs
Richard F. Walsh, Director, Office of Economics
B. Kelley Andrews, Director, Office of Intergovernmental Affairs
Angelo P. Picillo, Deputy Director, Office of Installations and Logistics
Gail T. Young, Director, Office of Financial Management
Diane K. Steed, Deputy Administrator, National Highway Traffic Safety Administration
Charles E. Weithoner, Associate Administrator for Administration, Federal Aviation Administration
Thomas A. Till, Deputy Administrator, Federal Railroad Administration

Inspector General

Karen S. Lee, Deputy Assistant Secretary for Administration, Office of the Secretary
James L. McInerney, Special Assistant to the Deputy Secretary, Office of the Secretary
Donald R. Trilling, Executive Assistant to the Deputy Secretary, Office of the Secretary
Joseph A. Sickon, Inspector General, General Services Administration
Wallace Busbee, Executive Assistant to the Inspector General, Veterans Administration
Raymond F. Randolph, Assistant Inspector General for Auditing, Small Business Administration

United States Coast Guard

RADM Richard P. Cueroni, Chief, Office of Personnel
RADM William P. Kozlovsky, Comptroller
RADM Bobby F. Hollingsworth, Chief, Office of Marine Environment and Systems
Karen S. Lee, Deputy Assistant Secretary for Administration, Office of the Secretary
James G. Gross, Deputy Associate Administrator for Research and Development, Maritime Administration
Leon C. Watkins, Director, Office of Civil Rights, Federal Aviation Administration
Courtney M. Price, Associate Administrator for Rulemaking, National Highway Traffic Safety Administration

Federal Aviation Administration

Albert P. Albrecht, Associate Administrator for Engineering and Development
Paul K. Bohr, Director, Great Lakes Region
Joseph M. Del Balzo, Director, Eastern Region
Benjamin Demps, Jr., Director, Aeronautical Center
Robert L. Faith, Director, Alaskan Region
Charles R. Foster, Director, Northwest Mountain Region
Jonathan Howe, Director, Southern Region

Walter S. Luffsey, Associate Administrator for Aviation Standards
Homer C. McClure, Director, Western-Pacific Region
Clarence R. Melugin, Jr., Director, Southwest Region
John E. Murdock, III, Chief Counsel
Donald R. Segner, Associate Administrator for Policy and International Aviation
William F. Shea, Associate Administrator for Airports
Murray E. Smith, Director, Central Region
Leon C. Watkins, Director, Office of Civil Rights
Charles E. Weithoner, Associate Administrator for Administration
Robert E. Whittington, Director, New England Region
Raymond J. VanVuren, Director, Air Traffic Service
Franklin K. Willis, Deputy Assistant Secretary for Planning and Policy Analysis, Office of the Secretary
Linda J. Gosden, Director, Office of Public Affairs, Office of the Secretary

Federal Highway Administration

Daniel Markoff, Associate Administrator for Administration
Marshall Jacks, Jr., Associate Administrator for Safety
Edwin M. Wood, Associate Administrator for Research, Development and Technology
M. Eldon Green, Regional Federal Highway Administrator, Region 10
Richard B. Robertson, Associate Administrator for Planning and Policy Development
Donald L. Ivers, Chief Counsel
Wesley S. Mendenhall, Jr., Regional Federal Highway Administrator, Region 6
Katherine M. Anderson, Director, Executive Secretariat, Office of the Secretary

Federal Railroad Administration

Thomas A. Till, Deputy Administrator
Charles Swinburn, Deputy Assistant Secretary for Planning and Policy Development, Office of the Secretary
Gail T. Young, Director, Office of Financial Management, Office of the Secretary
Harold B. Williams, Deputy Associate Administrator for Management and Demonstrations, Urban Mass Transportation Administration
John H. Broadley, General Counsel, Interstate Commerce Commission

National Highway Traffic Safety Administration

Diane K. Steed, Deputy Administrator
Courtney M. Price, Associate Administrator for Rulemaking
Michael M. Finkelstein, Associate Administrator for Research and Development
Barry I. Felrice, Associate Administrator for Plans and Programs
J. Kenneth Klinge, Special Assistant to the Secretary, Office of the Secretary

Urban Mass Transportation Administration

Thomas R. Hunt, Associate Administrator for Administration
Robert H. McManus, Associate Administrator for Grants Management
Harold B. Williams, Deputy Associate Administrator for Management and Demonstrations
Raymond J. Sander, Executive Director
Lawrence L. Schulman, Deputy Associate Administrator for Budget and Policy
Richard E. Bowman, Chief, Transportation Operations Division, Office of the Secretary
Rosalind A. Knapp, Deputy General Counsel, Office of the Secretary
Katherine M. Anderson, Director, Executive Secretariat, Office of the Secretary
Charles F. Bingman, Special Assistant to the Deputy Secretary, Office of the Secretary
Kevin E. Heanue, Director, Office of Highway Planning, Federal Highway Administration

Research and Special Programs Administration

Leon D. Santman, Director, Materials Transportation Bureau
James Costantino, Director, Transportation Systems Center
William J. Driscoll, Chief Counsel
Lloyd J. Money, Director, Office of University Research
Charles F. Bingman, Special Assistant to the Deputy Secretary, Office of the Secretary
Carolina L. Mederos, Director, Office of Programs and Evaluation, Office of the Secretary

Maritime Administration

Howard A. Watters, Deputy Administrator (Inland Waterways and Great Lakes)
Stuart R. Breidbart, Chief Counsel
Russell F. Stryker, Jr., Associate Administrator for Policy and Administration
Gerard E. Neumann, Associate Administrator for Maritime Aids
Thomas W. Pross, Director, Office of Shipbuilding Costs
James G. Gross, Deputy Associate Administrator for Research and Development
Franklin K. Willis, Deputy Assistant Secretary for Planning and Policy analysis, Office of the Secretary
Charles Swinburn, Deputy Assistant Secretary for Policy and Program Development, Office of the Secretary
B. Kelley Andrews, Director, Office of Intergovernmental Affairs, Office of the Secretary
William T. Hudson, Director, Office of Civil Rights, United States Coast Guard

[FR Doc. 82-29845 Filed 10-29-82; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF TREASURY

Public Information Collection Requirements Submitted to OMB for Review

During the period October 15 through October 21, 1982 the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of these submissions may be obtained from the Treasury Department clearance Officer, by calling (202) 634-2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. NW., Washington, D.C. 20220; *and* to the OMB reviewer listed at the end of entry.

Date Submitted: October 19, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545-0644.

Form Number: 6781.

Type of Submission: Revision.

Title: Gains and Losses from Commodity Futures Contracts and Straddle Positions.

Purpose: Form 6781 is used by taxpayers in computing their gains and losses from regulating futures contracts and straddle positions and its special tax treatment. The data is used to verify that the tax reported accurately reflects any such gains or losses.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 19, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: N/A (new submission).

Form Number: 8013.

Type of Submission: New.

Title: Radio Informercials Bounce Back Card.

Purpose: Informercials are public announcements of approximately 2-4 minutes in length, providing taxpayers with tax information and assistance. The bounce back card will provide feedback enabling us to target our future informercials to meet the needs of affected audiences.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 19, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: N/A (new submission).

Form Number: 8012.

Type of Submission: New.

Title: Television Informercials Bounce Back Card.

Purpose: Informercials are public announcements of approximately 2-4 minutes in length, providing taxpayers with tax information and assistance. The bounce back card will provide feedback enabling us to target our future informercials to meet the needs of affected audiences.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date Submitted: October 19, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545–0086.

Form Number: 1040C.

Type of Submission: Revision.

Title: U.S. Departing Alien Income Tax Return.

Purpose: Form 1040C is used by aliens departing the U.S. to report income received or expected to be received for the entire taxable year determined as nearly as possible the date of intended departure. The data collected is used to insure that the departing alien has no outstanding U.S. tax liability.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 15, 1982.

Submitting Bureau: Alcohol, Tobacco and Firearms.

OMB Number: 1545–0160.

Form Number: ATF F 3020(5130.20).

Type of Submission: Extension.

Title: Transfer of Concentrate Produced from Beer.

Purpose: Form is necessary to document a shipment on beer concentrate in bond between brewers. Describes the shipping and receiving brewers, amount of beer concentrate involved and shipping containers sent and received and certification by the brewers of the shipment. Form is used to account for beer concentrate in bond by both the brewers and ATF.

OMB Reviewer: Suzann Evinger (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 18, 1982.

Submitting Bureau: Alcohol, Tobacco and Firearms.

OMB Number: 1512–0135.

Form Number: ATF F 5110.37.

Type of Submission: Extension.

Title: Storages Summary Account.

Purpose: Form is necessary to determine the movement of spirits into and out of storage account of a distilled spirits plant. Describes by class and type of spirits in the container sizes, the amount of proof gallons, the related transaction forms showing entry and removals and at certain times a balancing for the on-hand amount of the spirit.

OMB Reviewer: Suzann Evinger (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 19, 1982.

Submitting Bureau: U.S. Customs Service.

OMB Number: 1515–0065.

Form Number: CF 7501, 7501–A, 7501–B and 7501–C.

Type of Submission: Revision.

Title: Entry Summary; Entry Summary-Permit; Entry Summary Continuation Sheet; Entry Summary Permit Continuation Sheet.

Purpose: A document which specifically describes and identifies imported merchandise entered into the commerce of the U.S. shows the amount of duties/taxes paid, provides statistical data for Census, and becomes a permanent record to which other pertinent documents may be attached for Customs/broker/importer/other agency use. It is a recordkeeping requirement pursuant to 19 CFR 162.1c with a retention period of 8 years from date of entry of merchandise.

OMB Reviewer: Suzann Evinger (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 19, 1982.

Submitting Bureau: Comptroller of the Currency.

OMB Number: 1557–0081.

Form Number: FFIEC 010, 011, 011J, 012, 013, 014, 015, 0135; FDIC 8040/52, 8040/58.

Type of Submission: Revision.

Title: Interagency Call Report.

Purpose: To collect additional data from all national banks bearing directly on assessing their safety and soundness.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 20, 1982.

Submitting Bureau: Alcohol, Tobacco and Firearms.

OMB Number: 1512–0390.

Form Number: ATF F 5020.29.

Type of Submission: Extension.

Title: Request for Disposition of Offense.

Purpose: When an applicant applies for a license or permit and the applicant has an arrest record (charged with a violation of Federal or State law) there is no record present of the disposition indicating the arrest record. This form is sent to the custodian of records to ascertain the disposition of the case records. The information is needed to determine if the applicant is eligible to receive the license or permit.

OMB Reviewer: Suzann Evinger (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 20, 1982.

Submitting Bureau: Alcohol, Tobacco and Firearms.

OMB Number: 1512–0128.

Form Number: ATF F 3066 (5210.10).

Type of Submission: Extension.

Title: Record of Small and Large Cigars and Cigarettes.

Purpose: Form is necessary for tobacco products manufacturers whose commercial records are inadequate to protect the revenue on taxable products. On a daily basis this form describes the receipt, manufacture, and disposition of cigarettes and small and large cigars by a tobacco products manufacturer. Serves as a basis for accounting by ATF and manufacturer.

OMB Reviewer: Suzann Evinger (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 20, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: N/A (New submission).

Form Number: None.

Type of Submission: New.

Title: Questionnaire for Computer Prepares.

Purpose: The Service is currently studying the use of optical character recognition and magnetic tape as substitute methods for entering tax return data into IRS computers. The Government could save significant resources if our present data entry operation could be enhanced by more direct entry. The results of the questionnaire will help IRS better understand the technology used by return preparers and its application to IRS processing.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 20, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545–0047.

Form Number: 990 and Schedule A.

Type of Submission: Revision.

Title: (1) Return of Organization Exempt from Income Tax; (2) Organization Exempt Under 501(c)(3).

Purpose: Form 990 is needed to determine that IRC section 501(a) exempt organizations fulfill the operating conditions of their tax exemption. Sch. A (Form 990) is used to elicit special information from section 501(c)(3) organizations. IRS uses the information from these forms to determine if the filers are operating within the rules of their exemption.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date Submitted: October 20, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1545-0130.

Form Number: 1120S, Schedules D and K-1.

Type of Submission: Revision.

Title: U.S. Small Business Corporation Income Tax Return, Capital Gains and Losses.

Purpose: Form 1120S, Schedule D (Form 1120S), and Schedule K-1 (Form 1120S) are used by a Subchapter S corporation to figure its taxable income, undistributed taxable income, and other tax-related information. Copy B of Schedule K-1 (Form 1120S) is given to shareholders of the corporation to assist them in preparing their separate income tax returns. IRS uses the information to determine the correct tax.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

* * * * *

Date Submitted: October 21, 1982.

Submitting Bureau: Internal Revenue Service.

OMB Number: 1510-0187.

Form Number: 4835.

Type of Submission: Revision.

Title: Farm Rental Income and Expenses and Summary of Gross Income from Farming and Fishing.

Purpose: Form 4835 is attached to Form, 1040 for use by landowners (or sub-lessors) to report farm, rental income based on crops or livestock produced by the tenant where the landowners (or sub-lessors) do not materially participate in the operation or management of the farm. The data is used to determine whether the proper amount of rental income has been reported.

OMB Reviewer: Michael Abrahams (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Joy Tucker,

Departmental Reports Management Officer.

October 26, 1982.

[FR Doc. 82-30004 Filed 10-27-82; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF THE TREASURY

National Productivity Advisory Committee; Meeting

October 19, 1982.

The Subcommittee on the Role of Government in the Economy of the National Productivity Advisory Committee will hold a meeting on November 3, 1982 from 2:00 p.m. until 4:00 p.m. at the Continental Illinois Center (Third Floor), 520 Madison Avenue, New York, New York.

The purpose of the meeting will be to discuss ways in which changes in government policy can improve national productivity.

Roger B. Porter,

Executive Secretary, National Productivity Advisory Committee.

[FR Doc. 82-30000 Filed 10-29-82; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 211
Monday, November 1, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., November 9, 1982.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Final rules on options on physicals.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1571-82 Filed 10-28-82; 11:35 am]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From October 28th Open Meeting

The following item has been deleted at the request of the Office of Commissioner Rivera from the list of agenda items scheduled for consideration at the October 28, 1982 Open Meeting and previously listed in the Commission's Notice of October 21, 1982.

Agenda, Item Number, and Subject

General—1—Title: Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979. Summary: The FCC will consider amendment of Part 2 of its Rules to implement domestically the radio frequency spectrum allocations adopted by the 1979 World Administrative Radio Conference.

Issued: October 27, 1982.

William K. Tricarico,
Secretary, Federal Communications Commission.

[S-1569-82 Filed 10-28-82; 10:02 am]

BILLING CODE 6712-01-M

3

FEDERAL ELECTION COMMISSION

"FEDERAL REGISTER" NO. 1554.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, November 4, 1982, at 10:00 a.m.

CHANGE IN MEETING: The following matter has been deleted for the meeting of this date:

Draft advance notice of proposed rulemaking—Party Committee expenditure limitations (11 C.F.R. 110.7).

The following matter has been added for the meeting of this date:

Proposed revisions to the Presidential Primary Matching Fund Regulations and related sections.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

[S-1576-82 Filed 10-28-82; 3:45 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, November 4, 1982.

PLACE: Board Room, 6th Floor, 1700 G St. NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

MATTERS TO BE CONSIDERED:

Request for Approval of Additional Suretyship Authority—First Federal Savings and Loan Association, Warner Robins, Georgia.

Request for Extension of Time To Open a Branch Office—Fulton Federal Savings and Loan Association, Atlanta, Georgia.

Request for Modification of Insurance Condition—Sentry Savings and Loan Association, Stamford, Connecticut.

Application for Bank Membership—Dollar Savings and Loan Association of New York, Bronx, New York.

No. 74, October 28, 1982.

[S-1570-82 Filed 10-28-82; 11:35 am]

BILLING CODE 6720-01-M

5

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, October 28, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Florence Mining Company, Docket No. PITT 75-15, etc., (IBMA 77-32); Motion for reconsideration. (Issues include whether the Commission should reconsider its decision in this case issued August 31, 1982).

It was determined by a unanimous vote of Commissioners that Commission business required that a meeting be held on this item and that no earlier announcement of the meeting was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-1574-82 Filed 10-28-82; 3:45 pm]

BILLING CODE 6735-01-M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, November 3, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Joseph W. Herman v. Imco Services, Docket No. WEST 81-109-DM. (Issues include whether judge properly dismissed the discrimination complaint.)
2. Thompson Brothers Coal Company, Docket No. PENN 81-171; Petition for Discretionary Review. (Issues include whether the judge properly found a violation of 30 CFR 77.400(a).)

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5632.

[S-1575-82 Filed 10-28-82; 3:45 pm]

BILLING CODE 6735-01-M

7

[USITC SE-82-47]

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, November 10, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary: a. Certain vertical milling machines (Docket No. 885).
5. Investigations 731–TA–113/114 [Preliminary] (Carbon Steel Wire Rod from Brazil and Trinidad and Tobago)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1573–82 Filed 10–28–82; 3:28 pm]

BILLING CODE 7020–02–M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Week of November 1, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Tuesday, November 2

2:00 p.m.—Options Regarding High Level Waste Rule—Technical Criteria (Part 60) (Public Meeting).

Wednesday, November 3

10:00 a.m.—Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6).

2:00 p.m.—Discussion of Order in Waste Confidence Proceeding (Closed—Exemption 10).

Thursday, November 4

3:30 p.m.—Affirmation/Discussion and Vote (Public Meeting): a. NRDC and Sierra Club "Petition to the Commissioners to Exercise Their Inherent Supervisory Authority to Delineate the Scope of the LWA Proceeding for the Clinch River Breeder Reactor."

ADDITIONAL INFORMATION: On October 21 the Commission voted 5–0 to hold Discussion of Management-Organization and Internal Personnel Matters, held that day.

On October 21 the Commission voted 5–0 to hold Discussion of Pending Adjudicatory Matters in Diablo Canyon Proceeding (Closed—Exemption 10), scheduled to be held on October 29.

On September 23 the Commission voted 4–0 (Commissioner Roberts not present) to hold Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 & 6), scheduled to be held on October 29.

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

Walter Magee,
Office of the Secretary.
October 26, 1982.

[S–1577–82 Filed 10–28–82; 3:47 pm]

BILLING CODE 7590–01–M

9

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published).

STATUS: Closed meeting.

PLACE: Room 6059, 450 5th Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, October 19, 1982.

CHANGES IN THE MEETING: Additional item.

The following additional item will be considered at a closed meeting scheduled for Wednesday, October 27, 1982, at 10:00 a.m.

Freedom of Information Act appeal.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined by vote that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Catherine McGuire at (202) 272–3085.

October 27, 1982.

[S–1572–82 Filed 10–28–82; 11:35 am]

BILLING CODE 8010–0–M

federal register

Monday
November 1, 1982

Part II

Interstate Commerce Commission

Revision and Redesignation of the Rules of Practice

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 55 (Sub-55)]

Revision and Redesignation of the Rules of Practice

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Interstate Commerce Commission adopts its proposed revision and redesignation of all its procedural regulations governing the conduct of formal and informal cases which come before it for decision. (The prior notice of proposed rulemaking appeared at 47 FR 28115, June 29, 1982.) The purpose of this revision and redesignation is to bring the arrangement of the procedural regulations into conformity with the recodified Interstate Commerce Act (49 U.S.C. 10101 et seq.); to simplify our regulations, and to make the regulations easier to locate and to be used by persons practicing before the Commission.

EFFECTIVE DATE: November 1, 1982.

ADDRESSES: To purchase a copy of this decision contact: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT:

James H. Bayne, 202-275-7429
or
Kathleen M. King, 202-275-0956

SUPPLEMENTARY INFORMATION: On June 29, 1982, the Commission instituted this proceeding by issuing a notice of proposed rulemaking [47 FR 28115] to revise and redesignate the Commission's Rules of Practice.

Comments on our proposal were submitted by American Trucking Associations, Inc., (ATA); Arsham & Keenan (Arsham); Association of American Railroads (AAR); Association of Interstate Commerce Practitioners (Practitioners); Consolidated Rail Corporation (Conrail); Department of the Army; Grain Processing Corporation; Greyhound Lines, Inc.; McCarthy, Sweeney & Harkaway, PC (McCarthy); Slover and Loftus (Slover); Motor Carrier Lawyers Association (MCLA); Regular Common Carrier Conference of the American Trucking Associations, Inc. (RCCC); jointly South Carolina Public Service Authority, Systems Fuels, Inc., Arkansas Power & Light Company and Public Service Company of Indiana, Inc. (South Carolina); Verner, Liipfert, Bernhard and McPherson, Chartered (Verner); Joseloff, Joseloff & Cramer (Joseloff). Three individuals, Herbert Dubin, Esquire, Arthur L. Moon, and George H. Morin, Registered Practitioner, separately submitted comments on their own behalf.

All the commentors generally approve of our proposed revisions and redesignation of the Rules of Practice. The AAR stated that "[our proposal] * * * represents a significant effort by the Commission to facilitate the use of the rules." One individual, Arthur L. Moon, commented that "Revision and redesignation of the rules of practice is particularly appropriate at this time." The commentors offered may suggestions and recommendations which will improve our Rules of Practice. We are adopting many of these suggestions. However, several issues which were raised by commentors go beyond the scope of this rulemaking. For example, the MCLA has requested that the Commission modify its rules in present 49 CFR 1100.11 relating to disciplinary proceedings. We believe that such a proposal is beyond the scope of this proceeding. That recommendation, along with several other matters outside the present scope will shortly be considered for future action.

Finally, we recognize that the new numbering system, as well as the content of many rules, do not integrate a number of pending matters. We will make all necessary adjustments in the individual cases. Postponement here, pending those final actions, is not warranted. To do so would prevent this overall reorganization from being codified this year.

Proposed Redesignation

All commentors approve of our general plan to redesignate Chapter X of Title 49 of the Code of Federal Regulations. Some commentors suggested moving various parts of Subchapter A, to Subchapter B, such as Part 1002 *Fees*, and Part 1003 *List of Forms.* However, others thought that there was no need to move those parts. We believe that Parts 1002 and 1003 should remain in Subchapter A because they are general provisions. At this time the only part we will move to Subchapter B is Part 1031A.

Part 1106 *Implementation of Energy Policy and Conservation Act of 1975* and Part 1108 *Guidelines for Implementation of the National Environmental Policy Act of 1969* will remain in Subchapter B rather than moving to Subchapter A as we initially proposed. Those two parts will be assigned appropriate part numbers in Subchapter B.

We have made a few adjustments in the numbering plan originally proposed in order to provide more reserved parts in the Licensing Procedure categories. Accordingly, we will adopt the redesignation of Subchapter B of Title 49 of the Code of Federal Regulations as set forth in this document.

Revisions to the Rules of Practice

This document contains the text of those revisions that we will be adopting. It should be noted that in those instances in which we are updating statutory references or making editorial changes, we will be using only piecemeal amendments. However, when a substantial number of revisions have been made the full text will appear.

To aid the user we have included Redesignation, Derivation, and Removal Tables in this notice. We also are including a table of contents which lists all part and section titles in redesignated Subchapter B. This should aid users during the period of time before the 1982 volume of Title 49 CFR Part 1000–1199 is available to the public through the Superintendent of Documents.

All comments have been thoroughly considered. In the following sections, we will review the comments which warrant specific discussion and explain all changes that we will make in our original proposed text.

We will refer to our proposed rules by the newly redesignated section. If reference is made to existing rules, the prior section number will be used.

Part 1101.—Definitions and Construction

The AAR suggests that we amend § 1101.2(b) by adding a cross reference to 49 CFR Part 1011 *Commission Organization; Delegations of Authority,* because such an addition would refer the reader to provisions explaining the assignments of jurisdiction and responsibility within the Commission. We agree and we will make that addition.

Another of AAR's suggestions is that we add an additional category, petition for exemption, to the definition of proceeding in § 1101.2(e). Such an addition would be helpful and it will be included in our final rules as follows:

> (5) A petition for exemption filed under 49 U.S.C. § 10505 or requesting the Commission to exempt from all or part of the application of Subtitle IV of Title 49 of the United States Code any person, class of persons, transaction or service related to a rail carrier.

Part 1102.—Communications

One commentor suggests that in § 1102.2 *Ex Parte Communications prohibited; penalties provided* paragraphs (a) and (b) could be read as prohibiting any communications whether or not addressed to the merits of a proceeding. They suggest that a specific provision authorizing the making of communications not related to the merits be added. Rather than add an additional provision we believe it is more appropriate to revise § 1102.2 so that the words defined in § 1102.2(a), "*ex parte* communications concerning the merits", are used instead of "*ex parte* communication".

The AAR would assign to the Commission, instead of the Chairman, the authority to deal with *ex parte* communications. This would be a substantive change from the present rule (49 CFR 1100, App. C, Par. 4). No change is warranted since this falls logically under the Chairman's executive and administrative duties as described in 49 U.S.C. 10301(f).

Part 1103.—Practitioners

We received many comments on our proposed revisions of the Canons of Ethics. The ATA and the RCCC are concerned about § 1103.13 *Attempts to exert political or personal influence on the Commission are prohibited.* Both commentors are concerned about the proscription against "enlisting the influence or intercession of members of the Congress or other public officers." While we note that such language is taken from Old Canon 4, we will delete that phrase so there is no conflict between our canons, on the one hand, and, on the other, the right of individuals to petition their government and the right of free speech. The RCCC is also concerned about the use of the term propaganda. We recognize its concerns and will delete that term also. The revised § 1103.13(a) will read:

> It is unethical for a practitioner to attempt to influence the judgment of the Commission by threats of political or personal reprisal.

Commentors McCarthy and Verner point out that our proposed revision of § 1103.16(c) would unreasonably limit the ability of practitioners to practice before the Commission. This problem will be resolved by adding the phrase "with respect to which confidence has been reposed" which appears in original Canon 9.

Section 1103.17 deals with joint association of practitioners and conflicts of opinions. The AAR questions our proposed revision in § 1103.17(c) because it does not believe that a practitioner should be required to notify another practitioner when the first practitioner has been retained or consulted regarding a complaint against the other practitioner. The prior Canon 10 contained the same requirement. We believe that our proposed revision should be adopted because it provides an avenue for informal resolution of problems before the Commission gets involved in the dispute. Accordingly we will not revise § 1103.17(c) any further.

Our proposed addition to § 1103.21 of the sentence "Most particularly, a practitioner shall refrain from filing documents in cases before the Commission containing material misstatements, false representation of fact and unauthorized affidavit of support.", generated significant comment. It was not our intention to impose any liability on a practitioner who unknowingly submits false or unauthorized statements or other evidence. The purpose of the addition was to make it clear that a practitioner cannot be forced by a client to submit false or unauthorized statements or other evidence. However, we will delete that additional language to avoid any problems of interpretation.

In their comments the Practitioners have requested that we include the phrase "professional corporation" in § 1103.35. We have adopted this proposal since it reflects the fact that law firms as well as other associations of practitioners are now choosing the corporate organizational form, so that the term "partnership" alone is no longer sufficient.

The MCLA has requested that we reinstate old Canon 40 *Prior Government Service.* However, we hold to the view that this matter is covered by Federal law, 18 U.S.C. § 207 and by other Commission regulation. Therefore, old Canon 40 will be deleted.

Part 1104.—Pleadings; Generally

The AAR requests that § 1104.2 *Typographical specifications generally* be amended to permit pleadings with text on both sides of the paper because such a provision will allow savings on postage and duplication costs. We will adopt that suggestion and add the following sentence to § 1104.2(a): "Printing may appear on both sides of a page."

Another of AAR's suggestions is to clarify § 1104.4 *Attestation and verification* by specifying that a person not an attorney or practitioner is required to sign only the original document. We will make that change by revising § 1104.4(b) to read in part: "The original of each document not signed by a practitioner or attorney must be . . . .".

The Practitioners suggest that proposed § 1104.5, *Affirmation in lieu of oath,* be revised to permit declaration under penalty of perjury in accordance with 28 U.S.C. § 1746 in lieu of an oath wherever an oath is required by the provisions of the Rules of Practice. Declarations under penalty of perjury are already accepted in motor carrier operating rights applications as the Commission stated in Ex Parte No. 55 (Sub-No. 43) *Rules Governing Applications for Operating Authority,* [45 FR 86771, 86782, (December 31, 1980)]:

> Use of declarations in lieu of formal oaths will not diminish the legal sanctions available to the Commission. Sanctions are found in two types of statutes in the United States Code, involving prosecution for fraud and perjury. See 18 U.S.C. 1001 and 18 U.S.C. 1621.

Accordingly, there appear to be valid reasons to permit the use of such declarations under other circumstances where oaths or verifications are normally required. Such revision will also relieve small businesses that do not otherwise have direct or immediate access to a notary public from notarization requirements.

We will include additional language which will advise those who practice before the Commission of the penalties that can be imposed for knowing and willful misstatements or omission of material facts. It should be noted that the form of the declaration must follow the form set forth in our regulations. The following language will be adopted in § 1104.5 (b) and (c).

> (b) Whenever any rule of this Commission requires or permits matter to be supported, evidenced, established, or proved by sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, oath of office, or an oath required to be taken before a special official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proven by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury and dated, in the following form:
>
> I declare (certify, verify, or state) under penalty of perjury (under the laws of the United States, if executed outside of the United States) that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this (specify type of document). Executed on (date).
>
> ____________________
>
> signature
>
> (c) Knowing and willful misstatements or omissions of material facts constitute federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621

which provides for fines up to $3,000 or imprisonment up to 5 years for each offense.

Our revision of § 1104.6—*Timely filing required* generated significant comments from the AAR, the Practitioners and Greyhound. These three commentors have requested that we modify the rule further so that documents sent by United States express mail postmarked one day prior to the due date and documents received by private express mail carriers one day prior to the due date, will be accepted as timely filed. They argue that U.S. express mail or private express mail service has improved significantly since 1977, when the Commission considered a similar suggestion and that today it is extremely rare for such services not to satisfy the next-day delivery standard. The Practitioners state that such ". . . revisions would accomplish the Commission's major goal of receiving pleadings on their due date at the same time provide more equitable treatment for non-Washington DC practitioners". We believe that this modification should be adopted at this time because U.S. express mail and private express mail are reliable. This revision will be adopted. However, we reserve the right to modify this rule, if we find that this modification causes time delays and interferes with statutory deadlines. A new sentence will be added to § 1104.6 and the last two sentences of that section will be modified as follows:

> However, if a document is mailed by United States express mail, postmarked at least one day prior to the due date, it will be accepted as timely. Other express mail, received by the express carrier at least one day prior to the due date, also will be accepted as timely filed. The term express mail means that the carrier or delivery service guarantees next day delivery to Washington, DC.

The AAR has requested that we modify § 1104.7 *Computation and extension of time* so that if requests for extension are served personally on the Commission, service on the parties by first class or express mail is permissible. We will make that modification since the same exception applies to service of all other pleadings in § 1104.12.

It also asks that "must" be changed to "should," with regard to meeting the 10-day rule for seeking extensions. Section 1101.3 provides adequate leeway to accommodate unusual situations. We do not believe the 10-day rule has posed a problem in the past. As appropriate, exceptions are allowed.

The Practitioners also recommend that proposed § 1104.7 *Computation and extension of time*, be revised to permit the parties to a proceeding to stipulate to a one-time only 3-day extension of a due date for any pleading to be filed with the Commission, without a need for formal Commission approval, provided such extension does not interfere with a statutorily imposed evidentiary deadline.

At the present time, requests for a short time extension to which all parties consent are routinely granted by the Commission, as long as the extension would not otherwise affect the procedural posture of the case. The benefit to the public, Congress and the Commission of having the Commission control the timing of all proceedings far outweighs the cost of administering requests for extensions. Accuracy and certainty about deadlines are crucial to smooth administration of the Commission. We may not delegate responsibility for meeting them to others. We will not adopt the suggestion.

One commentor, Jesdoff, has requested that we modify § 1104.12 *Service of pleading and papers*. He is concerned that practitioners should not have to use air express to serve parties, when service is made to the Commission by that method because of the cost of air express. In view of short response time, it is often necessary for opposing parties to review pleadings and other documents as quickly as possible. However, in cases in which there are numerous parties, it may be a heavy burden on a party to bear the cost of air express service to all parties. Accordingly, we will provide the following exception to § 1104.12. "If service is made to the Commission by air express and air express service on the other parties is not feasible, service should be made by first-class or express mail."

Part 1110.—Procedures Governing Informal Rulemaking Proceedings

One commentor questions our use of the term "informal" in the title of this section because there are no rules governing "formal" rulemaking proceedings. It suggests that the word informal should be stricken from the title of this part. The proposed rules, which follow the present ones, use the generally accepted terminology. See, *Attorney General's Manual on the Administrative Procedure Act*, Department of Justice, 1947, pages 31–33. "Informal rulemaking" must follow procedures established by section 553 of the Administrative Procedure Act, but it does not involve an "on the record" proceeding. "Formal rulemaking" is a different procedure used when there is a statutory requirement that rules be made on the record only after the opportunity for an agency hearing. See 5 U.S.C. 553(c). For the most part, our rulemakings are of the informal type. Accordingly, we will make no change in the title.

Part 1111.—Complaint and Investigation Procedures

The AAR suggests that the full text of old § 1100.31 be retained and that filing dates be stated for amended and supplemental complaints. We accept this proposal, and will replace § 1111.2 *Amended and supplemental complaints* with the text proposed by the AAR, as follows:

> An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have occurred within the statutory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants. The time limits for responding to an amended or supplemental complaint are computed pursuant to sections 1111.4 and 1111.5 as if the amended or supplemental complaint was an original complaint.

Slover contends that the proposed § 1111.4 *Answers and cross complaints* is confusing and that answers should be required to every complaint. The AAR suggests that the language of old § 1100.33(d) which provides that the "issues are joined" if no answer is filed, be retained. It further argues that the proposed rule would have the effect of instituting a default procedure, which, it maintains, would be inappropriate for an administrative agency which is required by law to determine the pertinent facts and to make specific factual findings. The proposed rule was an attempt to resolve what appears to be an ambiguity rising when § 1100.33(a) is read in conjunction with old § 1100.44(a). Section 1100.33(a) states that an answer *may* be filed; rule § 1100.44(a) states that if a complaint is set for modified procedure, the defendant is relieved of the *obligation* to answer. Any rule which we would adopt must define the nature of the "obligation" to answer and, since the actual filing of an answer cannot be compelled, must state the consequences of not answering. Under present § 1100.33(d), if no answer is filed, the "issues are joined" as to the defendant failing to answer. This means that the Commission may proceed to a decision based on the material contained in the complaint. This may seem like a default procedure, but it has the obvious advantage of prompt resolution of a controversy when further evidence is not required at the lowest possible cost to the Commission and the parties.

We agree that the language of the proposed rule is still not sufficiently clear, and we are inclined to agree with AAR that familiar terminology should be retained. Proposed § 1111.4 will be revised as follows:

§ 1111.4 Answers and cross complaints

(a) *Generally.* An answer may be filed within the time provided in paragraph (b) of this section. Whether or not an answer is filed and served, issue is joined at the conclusion of the time for filing answers, and the Commission may then proceed to a decision. In the alternative, the Commission may provide for the taking of evidence under the modified or oral hearing procedures, and in such a case the failure to answer a complaint will not bar a party from further participating in a proceeding or from the presentation of its evidence. An answer should be responsive to the complaint and should fully advise the Commission and the parties of the nature of the defense.

(b) *Time for filing; copies; service.* An answer must be filed within 20 days after the service of the complaint or within such additional time as the Commission may provide. The original and six copies of an answer must be filed with the Commission. The defendant must serve copies of the answer upon the complainant and any other defendants.

(c) *Cross complaints.* A cross complaint alleging violations by other parties to the proceeding or seeking relief against them may be filed with the answer. An answer to a cross complaint may be filed within 20 days after the service date of the cross complaint. The party shall serve copies of an answer to a cross complaint upon the other parties.

The AAR proposes a revision of the first sentence of § 1111.5 *Motions to dismiss or to make more definite* to make it clear that motions to dismiss may be filed at any time during the pendency of a complaint proceeding. We will adopt this suggestion and substitute the following for the first sentence of proposed § 1111.5:

> An answer to a complaint or cross-complaint may be accompanied by a motion to dismiss the complaint or cross-complaint or a motion to make the complaint or cross-complaint more definite. A motion to dismiss can be filed at any time during a proceeding.

The AAR suggests that, if a complaint is satisfied, it is necessary to obtain a statement to that effect from the complainant only, and not from all the parties. We agree, and we will amend proposed § 1111.6 *Satisfaction of complaint* to read as follows:

> If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the complainant must be filed (original only need be filed), setting forth when and how the complaint has been satisfied.

Part 1112.—Modified Procedure

The AAR points out that old § 1100.43 provides for the use of modified procedure when all "material" issues of fact can be resolved on the written record. The proposed rule in § 1112.1 *When modified procedure is used* changes "material" to "relevant". We agree with the AAR that the present terminology is preferable, and the change which it suggests will be made.

The AAR would have us add to § 1112.1 and numerous other sections a reference to the procedures for handling appeals from individual employee decisions in procedural matters. These procedures are now found in § 1011.7. We will not incorporate that reference, but we will include in part 1115 governing appelate procedures a new paragraph restating the procedures governing appeals from individual employee decisions.

The AAR objects to the use of the terms "reply" and "rebuttal" to describe, respectively, the opponent's initial pleading and the proponent's response in the normal modified procedure case in § 1112.2 *Decisions directing modified procedure.* Technically, the AAR is correct since the opponent's initial submission includes its case in chief and is not limited to material responsive to the proponent's presentation, whereas a "reply is normally thought of as a purely responsive pleading. Nevertheless, these terms are in common use, and they provide the most convenient means of designating these several submissions. No other party has suggested that their use is likely to cause confusion, and no change in the proposed rule is warranted.

In its comments on § 1112.4 *Petitions to intervene* the ATA seeks reassurance that a trade association such as itself may request leave to intervene at any stage of a proceeding. Neither the present nor the proposed rule set any limit as to the point in a proceeding under modified procedure at which any party may seek leave to intervene. There seems to be no reason for changing the proposed rule.

The AAR believes paragraph (c) of this rule is contradictory. We have revised the language to make clear that, in those limited cases where petitions are not required, intervenors must still comply with certain substantive (as opposed to procedural) requirements. This follows old § 1100.71.

In their comments on proposed § 1112.4, the Practitioners ask us to retain the present provisions under which intervention is permitted without petition in investigation and rate cases under both the modified and oral hearing procedures. We do not believe that it is an undue burden to require a party to submit a brief petition explaining its reasons for wanting to intervene in a proceeding. It provides the Commission with greater control over the proceeding, and enables it to screen out potential parties that have no real interest. Where time is really of the essence, in investigation proceedings involving rate-related matters handled under the modified procedure, the proposed rule allows intervention without petition. Given the extreme rarity of orally-heard rate investigations, and the benefits gained in control by the presiding judge, no further exceptions to the rule appear necessary. We have, however, modified the language to reflect the old rule by referring to rate-related rather than only reasonableness cases.

The Practitioners also ask that in those cases involving the reasonableness of rates, persons intending to intervene be required to give 15 days' notice of that intention. The Practitioners seem to think that this additional time is necessary to permit the other parties to prepare their respective cases, but they offer no convincing arguments as to why this should be the case. Accordingly we will not adopt that suggestion.

In § 1112.6 *Verified statements; contents,* we will accept the essence of the AAR's suggested editorial revisions. However, we will not use the exact wording of the proposal.

The AAR suggests that the provisions dealing with authority of officers found in § 1113.3 of the oral hearing rules be included also in the modified procedure rules. This appears to be a valid suggestion, and the following new section will be added at the end of this part:

§ 1112.11 Authority of officers

Except to the extent that they apply only to the conduct of a public hearing, the officer assigned to handle a proceeding under the modified procedure shall have the same authority as officers assigned to conduct oral hearings as described in 49 CFR § 1113.3(a) and (b).

Part 1113.—Oral Hearings

The AAR points to an ambiguity in proposed § 1113.12(a). This is caused by the erroneous inclusion of the last sentence in that paragraph. That sentence will be stricken.

The AAR's proposed editorial changes in proposed § 1113.17(a) and § 1113.13 will be accepted.

The AAR says that the filing of reply briefs is a normal Commission practice, and that the statement to the contrary in § 1113.18(a) is incorrect and should be stricken. We disagree. While reply briefs are allowed in certain instances, the usual practice is to provide for the filing of only one round of briefs simultaneously by all parties, and time limits usually preclude the acceptance of reply briefs. The rule as drafted states the normal practice and leaves ample discretion for the hearing officer to allow reply briefs if time permits and the issue requires them.

Part 1114.—Subpart B—Discovery

One commentor asks that the discovery rules be thoroughly revised and rewritten. While we agree that a reexamination of these provisions could be profitable, their substantive revision is beyond the scope of this proceeding. This comment will be taken under advisement for possible consideration at a future date.

The AAR believes that the present exclusion of modified procedure application proceedings from the discovery rules has been eliminated in the revision of § 1114.21. This is not correct. First, these proceedings were never completely excluded from the operation of the discovery procedures. Instead, under old § 1100.55(a) discovery could be had in such proceedings, but only if the Commission acted favorably on a petition seeking such relief. Second, this provision is, in fact, retained in § 1114.21(b)(1) of the proposed rules.

The AAR suggests a modification in the protective conditions in paragraph (c)(8) which would add "competitively sensitive" information to the list of privileged material. We cannot see that the language the AAR proposes would add any necessary degree of protection to the rule as it reads at present, and as proposed, and in which "confidential commercial information" is protected from disclosure.

The AAR suggests an addition to paragraph § 1114.26(b) to provide extended protection from disclosure in cases where the information in the possession of the party upon which the interrogatory has been served is extracted not by that person but by an independent-professional organization employed and paid by the party seeking the information. We cannot agree that this additional protection is necessary. The information extracted would, by definition, be discoverable, and there is no reason to protect it from disclosure. To the extent that it is not discoverable, it remains the property of the owner of the material from which it was extracted, and could be disclosed by another party or that party's agent only at its peril. In connection with § 1114.26(c), the Practitioners suggest an overall review of use of the terms "should" and "shall". While we agree in theory, and will consider this further, certain rules do not easily lend themselves to such a choice. For example, it may not be appropriate, in a rule describing the kinds of relevant evidence in a particular case, to *require* certain information. Our change to § 1114.26(c) was proposed to eliminate the problem caused when discovery is sought in a complaint case handled under the modified procedure. Typically, there is not sufficient time to serve interrogatories within 20 days of the opening statement due date. This has caused many parties a great deal of concern and confusion. We have changed "should" back to "shall". The language "unless under special circumstances and for good cause" should be broad enough to cover the situation described above.

In comments on § 1114.31 *Failure to respond to discovery,* McCarthy asks that the time within which a request for an order compelling an answer must be filed be extended from 10 to 20 days. Given the statutory deadlines under which we must operate, we cannot agree that 10 days is an unreasonably short time for filing such a request. In exceptional circumstances, the time can be extended upon request.

Part 1115.—Appellate Procedures

The AAR and Verner ask that the appeal procedures governing such procedural matters as the assignment of cases for hearing be included in § 1115.1 *Scope of rule.* These procedures are now found in 49 CFR 1011.7, which is the portion of the Commission's regulations providing for the apportioning of jurisdiction among the Commission, divisions, of the Commission, individual Commissioners, employee boards, and individual employees. Procedural decisions are in large part made by individual employees, under authority delegated to them by the Chairman of the Commission, and we think that the provision for appealing their decisions should remain where it is, since that provision constitutes the assignment to the Chairman of authority to act on the appeals. However, we agree that it would be helpful to have the procedures governing these appeals readily available as a part of the procedural regulations generally, and we will add a new paragraph (c) to § 1115.1 which simply restates the procedures outlined at § 1011.7. This addition necessitates a minor change in the text of paragraph 1115.1(a) as well.

Arsham suggests a revision of § 1115.2(d) to make it clear that the 30-page limit on the length of appeals and replies does not include a table of cases and authorities, and to change that provision so that the page limit does not include a subject matter index. Such a change would bring our regulations into closer conformity with the Federal Rules of Appellate Procedures and will be adopted. Paragraph 1115.2(d) will be modified to read:

> (d) Appeals and replies shall not exceed 30 pages in length, including argument, appendices, and other attachments, but excluding a table of cases and authorities and an index of subject matter.

The AAR would have us alter § 1115.2(e) to state that a division, as well as the Commission, may grant extensions of time. This change is not necessary since the term "Commission" is defined in § 1101.2(b) to include any decisionmaking body within the Commission, including a division, which is empowered to act in a given situtation. We will adopt AAR's proposed word change in § 1115.2(f).

Slover suggests that § 1115.3(f)(3) should be deleted, as (f)(1) is adequate. However, subparagraph (f)(3) is a catch-all provision designed to cover all situations except where some specific provision of the rules is applicable. Paragraph (f)(1) is one such specific provision dealing only with procedures in rail cases, and does, as Slover points out, control in those cases. The provisions proposed are the same as those currently in effect, and we are not convinced a change is needed.

Part 1116.—Oral Argument Before the Commission

The AAR asks that the time limit for filing requests for oral argument, set at 20 days in proposed § 1116.1(c), be fixed at 30 days, as is now the case. The change was proposed both because of the statutory time limits now applying to virtually all Commission proceedings and also to attain greater uniformity in filing deadlines generally. Twenty days seems ample time to prepare a request for oral argument.

Part 1117.—Petitions (for Relief) Not Otherwise Covered

We will not adopt AAR's proposal to refer again to § 1011.7. See discussion, *infra.*

Part 1118.—Procedures in Informal Proceedings Before Certain Employee Boards

We believe that it is necessary to modify the proposed appellate procedures in § 1118.4 insofar as they relate to motor carrier temporary authority proceedings. Revision is necessary because it is unreasonable to require a protestant to an emergency temporary authority application to file an appeal within any fixed time because no public notice of these grants of authority is given and a potentially interested party cannot be expected to learn of a grant of emergency temporary authority until the recipient of the authority actually starts to operate. We also have decided that the question of the administrative finality of appellate decisions in temporary authority proceedings should not be resolved on the limited record available in this proceeding; but, instead be reserved for decision, pending in Ex Parte No. 67 (Sub-No. 8), *Rules Governing Temporary Authority and Emergency Temporary Authority.*

§ 1118.4(c) will be revised to read as follows:

(c) *Time for filing.* Except as provided in paragraph (e) of this section with respect to matters involving emergency temporary authority, appeals in proceedings governed by this part must be filed within 20 days after the date of service of the decision.

The following new paragraph (e) will be included:

(e) *Appeals in emergency temporary authority proceedings.*

An applicant seeking reconsideration of a decision concerning emergency temporary authority must file a petition within 20 days after it is notified of the decision on the application. Any other interested person seeking reconsideration of a decision granting emergency temporary authority may file a petition at any time during the life of the authority. Replies may be filed within 15 days after the filing of the petition. Pleadings must be served on all parties of record.

Present paragraphs (e) and (f) will be redesignated as paragraphs (f) and (g).

The last sentence of redesignated paragraph (g) will be revised to read:

A decision on appeal by an appellate body is administratively final, except for decisions of review boards in temporary authority and emergency temporary authority proceedings under 49 U.S.C. 10928.

Part 1130.—Informal Complaints

Verner suggests that 49 CFR Parts 1005 and 1008, governing loss and damage claims and overcharge claims, respectively, either be cross referenced or incorporated into Part 1130. We do not believe that this change would add to the clarification of Part 1130. The jurisdiction of the Commission to resolve overcharge claims is limited to the rail area. The Commission has no jurisdiction to award monetary relief in motor overcharge disputes. Nor does it possess jurisdiction to resolve either rail or motor loss and damage claims. Therefore, the inclusion of a cross reference to Parts 1005 and 1008 would merely confuse rather than clarify Part 1130.

The AAR and Practitioners indicate in their comments that the United States Court of Appeals for the Eleventh Circuit recently held in *Southern Motor Carrier Rate Conference v. United States,* 687 F.2d 971, *amended opinion,* 676 F.2d 1374 (1982) that 49 U.S.C. 10762(e) does not authorize the Commission to reject or strike an effective tariff using Tariff Integrity Board procedures. Therefore, they propose the elimination of § 1130.2 in its entirety. However, the more recent decision of the United States Court of Appeals for the Fifth Circuit in *Aberdeen & Rockfish Railroad Company v. United States,* 682 F.2d 1092 (1982) held that § 10762(e) permits the rejection of tariffs under certain circumstances. We recognize that some changes are necessary but, as we did not propose them here and the issue is both complex and controversial, we will address this separately at a future date. No harm can result, as the Board is not now acting.

However, one change with respect to § 1130.2 will be made. Section 1130.2(b)(6) will be revised to limit the definition of an unlawfully established tariff to one which purports to change *non-rail carrier* schedules in effect for less than 30 days. This change is made necessary by the Commission decision in No. 37517, *Reduction of the Notice Period for Filing Railroad Tariffs* (not printed), decided December 19, 1980, which revoked the requirement that rail rates remain in effect for a minimum of 30 days.

The order of § 1130.2 and § 1130.3 should be reversed. It would be more logical for the section on informal complaints when damages are sought to follow the section on informal complaints when no damages are sought. Under the current proposal, the section on Tariff Integrity Board procedures separates these sections. Since this change would clarify the rules it will be made.

Other changes will be made to update the Special Docket rules contained in proposed § 1130.3(e) and the six-month rule contained in proposed § 1130.3(f) to comply with No. 37130 (Sub-No. 1), *Special Docket Proceedings—Simplification of Proc.,* 365 I.C.C. 544 (1982).

Part 1131.—Formal Complaints, Rail Intrastate Petitions and Investigations

The AAR suggests that the title of Part 1131 be revised to read "Formal Rate Complaints, Rail Intrastate Petitions and Investigations" in order to distinguish Part 1131, which applies to formal complaint proceedings involving rate matters from Part 1111, which contains general provisions applicable to all other formal complaint proceedings. This change will clarify the rules and will be made.

With respect to § 1131.1(a), South Carolina submits that the proposed language that a formal rate complaint should include a specific reference to the pertinent statutory provisions or Commission regulations which "have been violated" should be changed to "have been or are violated or will be violated." This is the language used prior to this revision. The Commission is empowered to and has in the past ruled on complaints filed in anticipation of the beginning of a movement. Accordingly, the earlier language will be restored.

South Carolina also proposes to revise § 1131.4. It believes that this section should provide for service of the petition not only upon the State authority but also upon the parties to the State proceeding. It notes that this is particularly important in light of the short reply period and the short period within which the Commission must render a decision. Slover concurs and, in addition, suggests that replies be required to be filed within 10 days after receipt of a carrier petition. We agree with the proposed changes regarding service, but will require replies to be filed 10 days after a petition is filed.

The Department of the Army recommends that the first sentence of § 1131.6(c) be revised to reflect decisions in No. 38436S, *Ford Motor Co. v. Union Pac. R. Co.,* 365 I.C.C. 630 (1982) and No. 37925S, *Department of Defense v. Seaboard Coast Line Railroad Company* (not printed), served May 10, 1981. In those decisions the Commission found that all persons participating in through transportation by continuous carriage had to be made defendants even though no order had been sought against all such persons. Conrail also urges that all participants be made defendants in the proceeding. We appreciate these parties' concerns. However, we will make no rule change at this time because the Commission has been unable to reach an agreement on the substance of this issue. See *Department of Defense, supra,* decision served October 12, 1982. Thus, due to the uncertain state of the law, we caution parties to recognize the risks involved if a complainant fails to name as defendants all carriers participating in the challenged transportation movement.

The AAR urges revision of the second sentence of this section to provide that a complainant challenging a classification must serve notice of the complaint upon the tariff agent for the subscribers to the tariff containing the challenged classification. Since the requirement would not impose a significant burden on complainant and because it would benefit subscribers to the tariff, we will adopt AAR's suggestion. We will not now adopt Conrail's suggestion that all participants in the classification be made defendants. Service upon the agent offers constructive notice to all defendants. We will, however, study this matter further.

Section 1131.7—See 1111.2
Section 1131.9—See 1111.4
Section 1131.10—See 1111.5

Part 1132.—Protests Against Tariffs: Procedures in Certain Suspension and Long and Short Haul Restriction Matters

We have found that it is necessary to eliminate in § 1132.1(a) the requirement that a protest against a tariff state what protestant offers by way of substitution. This requirement is generally ignored and although a protest will occasionally request suspension without prejudice to refiling a lesser increase, protestant would probably do so without the requirement.

Another change which we believe is necessary is the addition in § 1132.1(b) of language providing that protests to tariffs filed on less than 10 days' notice will be acted on only if received not later than the last workday before the effective date for the tariff and that appeals to those protests will be considered only if the protest reaches the Suspension Board not later than the second workday before the effective date. The reason this change is needed is that in the case of tariffs filed on less than 10 days' notice the current 5-day requirement for filing a protest is simply not met. Since the Suspension Board is able to act within shorter time frames than those provided in the proposed rule, the rule will be revised to reflect that capability.

For purposes of clarity, the language pertaining to replies to protests contained in proposed § 1132.1(c) will be moved to § 1132.1(f). This would further the purpose of consolidating the requirements for replies to protests in one place in the rules.

McCarthy objects to the increased filing requirement for protestants in Ex Parte No. MC–82 proceedings contained in proposed § 1132.1(d). Currently an original plus 11 copies of protests are required. The proposed language increases the requirement to an original plus 15 copies. We proposed the change to accomplish greater uniformity in the rules. However, we agree that a more important goal is minimizing the amount of paper filed. Eleven copies is adequate here and we will amend the final rule accordingly.

Conrail points out that, because of the tight deadlines for filing protests against tariffs and replies, time is of the essence. However, proposed § 1132.1(d) requires service of a copy of the protest upon the publishing carrier, freight forwarder *or* agent. Because service on the agent results in loss of time to the respondent for review of and reply to the protest, Conrail proposes language to remedy this situation. Its proposal is to require service directly on a carrier if that carrier elects to list itself on the cover page of the tariff. This proposal entails little inconvenience to protestant, while affording respondent carrier essential time to frame a reply. Therefore, the proposal will be adopted.

We believe that the reference in § 1132.1(g) to protest against and requests for suspension of, tariffs or schedules containing proposed rates, classifications, rules, or practices filed by rail carriers, or their publishing agents "that result in revisions of rates or charges" should be deleted because of its susceptibility to misinterpretation. The word "rate" has a much broader application than generally understood. In order to eliminate this confusion, the subject language will be deleted.

Slover suggests the removal from § 1132.1(g)(3) of the reference to Ex Parte No. 320 (Sub-No. 2) since that decision is on appeal in court. We will retain the reference as proposed. The rules promulgated in that proceeding are final, have not been stayed and, if changed by the courts, will be changed in the same proceeding.

We believe that additional language is necessary for proposed § 1132.1(h) to deal with the continuing problem of the lack of specific notice as to the procedures when the Commission acts initially on protested household goods rate increase proposals.

There appears to be widespread confusion on the part of attorneys regarding § 1132.2(b), which deals with petitions for reconsideration in suspension matters. We will revise that section to spell out more clearly when such petitions may be filed.

The rejection by the Secretary of a late-filed petition for suspension needs to be made permissive rather than mandatory to take into account possible problems with the mails, but more importantly, to permit the use of discretion by the Commission. The rationale is that if the matter is to be resolved against appellant it is better to do so on the merits, whereas, if the matter is to be resolved against the proponent, then the Commission should not lose the opportunity to act. Therefore, the language will be made permissive.

Part 1163.—Temporary Operating Authorities and Approvals

No change was proposed in this part, except that it be renumbered part 1163 instead of part 1101. However, there appears to be considerable confusion in applying the present rule. In adopting the present rule in 1976, a provision for the automatic extension of temporary authorities upon the filing of a corresponding permanent authority application was adopted. Prior to that time, extensions were acted upon individually at the carriers's request. In adopting the automatic extension provision, procedures for obtaining TA extensions by petition were eliminated. There are situations in which the automatic provisions do not, for some reason, apply, but in which extension is nonetheless warranted. We will add a new provision to deal with this problem. That new provision, § 1163.1(c), will read as follows:

> (c) When an applicant has not made a timely and sufficient application for a renewal, or new, authority or approval in accordance with applicable Commission rules, the Commission will determine upon written request of any interested party, or upon its own initiative, whether any temporary authority granted under 49 U.S.C. 10928 may be continued in force beyond the expiration date of such temporary authority for an extended term as defined in paragraph (a) above. A written request for such a determination must be filed with the Regional Motor Carrier Board with which the temporary authority application was filed not later than 30 days prior to expiration of the temporary authority.

Additional Comments

The Practitioners request that present § 1100.78 be retained. As we stated in the notice of proposed rulemaking, that rule is redundant and the presiding officers have ample power to deal with documents containing a high proportion of irrelevant matter. Therefore, that rule should be left out.

Commentor McCarthy requests that we include our revised procedure to calculate interest rates set forth in *Notice of Revised Procedure to Calculate Interest*, (not printed), decided April 14, 1977. We agree that the matter of computation of interest rates is of sufficient significance to be included with our Rules of Practice. Therefore, we will add a new Part 1141 *Procedures to Calculate Interest Rates.* The language of that part will be as follows:

§ 1141.1 Procedures to calculate interest rates.

Interest rates to be computed following the Commission decision shall be the average yield (on the date the statement is filed) of marketable securities of the United States Government having a duration of 90 days.

Effective Date of These Rules

There is good cause under 5 U.S.C. 553(d)(3) for making these revisions to the Commission's Rules of Practice effective on less than 30 days' notice. The revisions that we are adopting here primarily classify existing rules of procedure and practice. They impose no new burdens on those who practice before the Commission. The few substantive changes that we have made, such as revision of the 3-day mail rule and the notorization rules, relieve persons of procedural burdens. Accordingly, the public will benefit from having these rules made effective as soon as possible.

Also, these Revised Rules of Practice need to be effective on November 1, 1982 so that they will be included in the 1982 edition of the Code of Federal Regulations. The CFR volumes are updated and published annually by the Office of the Federal Register. Normally, the Commission's volumes of the CFR close on October 1, 1982. Since it would have been inconvenient for those who practice before the Commission to work without the full text for more than one year, the Commission obtained a one month extension of the closing date for the volume 49 CFR Parts 1000 to 1199 so that the redesignated and revised Rules of Practice would appear in the 1982 edition of the CFR. Therefore, these redesignated and revised Rules of Practice will be made effective on November 1, 1982 to meet this publication schedule.

Regulatory Flexibility Act Statement

In this proceeding we adopt our proposal to reorganize and simplify our Rules of Practice. The language of some of the rules is modified to make our rules easier to read and understand. However, no substantial changes have been made. Therefore, it is certified that this rule has no significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

This action will not significantly affect the quality of the human environment and conservation of energy.

We adopt the revisions to 49 CFR Chapter X, Subpart B set forth in the Final Rules section of this notice.

List of some of the subjects in 49 CFR Part 1031A and 49 CFR Chapter X, Subchapter B:

Administrative Practice and Procedure, Motor Carriers, Railroads, Maritime Carriers, Freight Forwarders, Buses, Freight, Securities.

Authority 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: October 13, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

REDESIGNATION TABLE

Old section	New section
Part 1031a	Part 1138.
1045.11	1181.32.
Part 1100:	
1100.1	1100.1, 1100.2.
1100.2	1100.3.
1100.3	1100.4.
1100.4	1102.1, 1100.2, 1104.6, 1100.8, & 1100.10.
1100.5.	Part 1101.
1100.6	
1100.7	1103.1.
1100.8	1103.2.
1100.9	1103.3.
1100.10	1103.4.
1100.11	1103.5.
1100.12	1113.31.
1100.13	1104.2.
1100.14	1104.3.
1100.15	1104.4.
1100.16	1104.5.
1100.17	1104 9.
1100.18	1104.11.
1100.19	1104.7.
1100.20	1104.12.
1100.21	1104.13.
1100.22	1130.1.
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1100.23	1130.2.
1100.24	Removed.
1100.25	1131.6 & 1111.1.
1100.26	1131.1 & 1111.1.
1100.27	1131.2.
1100.28	Removed.
1100.29	1131.2, 1131.5 & 1111.1.
1100.30	1131.1.
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1100.32	1111.2.
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1100.35	1131.11 & 1111.6.
1100.36	Removed.
1100.37	Removed.
1100.38	Removed.
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1100.44	1131.9(d), 1111.4, & 1112.3.
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1100.46	1112.5.
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1100.48	1112.8 & 1112.9.
1100.49	Removed.
1100.50	Removed.
1100.51	1112.10.
1100.52	Removed.
1100.53	1113.1.
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1100.64	1114.30.
1100.65	1114.31.
1100.66	1113.3.
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1100.68	1113.5.
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1100.71	1113.7.
1100.72	1113.8.
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1100.77	1114.3.
1100.78	Removed.
1100.79	1114.4.
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1100.83	Removed.
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1100.87	1113.1.
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1100.89	1113.18.
1100.90	1113.18.
1100.91	Removed.
1100.92	Removed.
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1100.95	1133.2.
1100.96	Removed.
1100 98	Part 1115.
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1100.101	Removed.
1100.102	Removed.
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1103.3	1100.9.
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1103.5	1100.11.
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1103.11	Old Canon 1.
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1103.14	Old Canon 8.
1103.15	Old Canon 7.
1103.16	Old Canon 9.
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1112.7	1100.47 part of (a).
1112.8	1100.48 (in part).
1112.9	1100.48 in part, Form 6 of Appendix B to Part 1100, & new material.
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1113.6	1100.69.
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1113.11	1100.81.
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Part 1100—Appendix B, Forms 1, 2, & 4.	Existing Paragraphs To Be Removed
Part 1100—Appendices D–G	1100.225(g) and (d).
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[1] Removed by Ex Parte No. 433, *Deletion of General Requirements* (49 CFR 1110), served June 4, 1982 [47 FR 24594, June 7, 1982].

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PARTS 1193-1199—[RESERVED]

Final Rules

Subchapter B of Title 49, Chapter X of the *Code of Federal Regulations* is amended as follows:

PART 1100—[AMENDED]

(1) Part 1100 is amended by removing the following sections, paragraphs and appendices: §§ 1100.24, 1100.28, 1100.36, 1100.37, 1100.38, 1100.45, 1100.49, 1100.50, 1100.52, 1100.78, 1100.83, 1100.91, 1100.92, 1100.96, 1100.100, 1100.101, 1100.102, 1100.225, (d) and (g), 1100.248, 1100.249, Forms 1, 2, and 4 of Appendix B, and Appendices D and G.

PART 1107—[REMOVED]

(2) Part 1107 is removed.

PART 1113—[REMOVED]

(3) Part 1113 is removed.

PART 1120A—[REMOVED]

(4) Part 1120A is removed.

PART 1122—[AMENDED]

(5) Part 1122 is amended by removing § 1122.9.

The heading of Subchapter B is revised to read as follows:

SUBCHAPTER B—RULES OF PRACTICE

Parts 1100–1129—Rules of General Applicability

(6) Former §§ 1100.1–1100.3 are redesignated as Part 1100 and a center heading is added to precede the newly redesignated Part 1100 to read as set forth above.

(7) The newly redesignated Part 1100 is revised to read as follows:

PART 1100—GENERAL PROVISIONS

Sec.
1100.1 Scope of rules.
1100.2 Applicability.
1100.3 Liberal construction.
1100.4 Information and inquiries.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1100.1 Scope of rules.

These rules govern practice and procedure before the Interstate Commerce Commission under Title 49, subtitle IV of the United States Code (49 U.S.C. 10101 *et seq.*). This subchapter will be referred to as the "Rules of Practice".

§ 1100.2 Applicability.

The rules in Parts 1100–1119, Rules of General Applicability, establish general rules applicable to all types of proceedings. Other rules in this subchapter establish special rules applicable to particular types of proceedings. When there is a conflict or inconsistency between a rule of general applicability and a special rule, the special rule will govern.

§ 1100.3 Liberal construction.

The rules will be construed liberally to secure just, speedy and inexpensive determination of the issues presented.

§ 1100.4 Information and inquiries.

Persons with questions concerning these rules should either send a written inquiry addressed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, or should telephone the Secretary's Office, (202) 275–7428.

(8) Former §§ 1100.5 and 1100.6 are redesignated as Part 1101, and the newly redesignated Part 1101 is revised to read as follows:

PART 1101—DEFINITIONS AND CONSTRUCTION

Sec.
1101.1 Statutory definitions.
1101.2 Definitions applicable to this subchapter.
1101.3 Construction.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1101.1 Statutory definitions.

The definitions contained in section 10102 of the Act (49 U.S.C. 10102) apply in this chapter.

§ 1101.2 Definitions applicable to this subchapter.

(a) "Act" or "Interstate Commerce Act" means subtitle IV of Title 49 of the United States Code (49 U.S.C. 10101 et seq.).

(b) "Commission" means (1) the Interstate Commerce Commission and (2) any body or individual to which or to whom decision making authority is assigned by the Commission or the Chairman of the Commission, including a division of the Commission, the Chairman, another Commissioner, employee board, an individual employee, an administrative law judge, a joint board, or other hearing officer entitled to act in a particular proceeding. See 49 CFR Part 1101, Commission Organization and Delegation of Authority.

(c) "Decision" means any formal, published action of the Commission, including orders and notices.

(d) "Party" means a complainant, defendant, applicant, respondent, protestant, intervener, or petitioner in any proceeding, or other persons permitted or directed by the Commission to participate in a proceeding. It will not include persons merely signing certificates of support or witnesses at oral hearing or in modified procedure proceedings, unless they are otherwise a party to the proceeding. Persons on the docket service list merely for the purpose of receiving copies of Commission releases are not considered parties to the proceeding.

(e) "Proceeding" includes: (1) An "informal complaint" filed under 49 C.F.R. 1130.1, or 1130.3 or a "formal complaint" alleging violation of any provision of the Act or of any regulation or requirement made pursuant to a power granted by such Act, including petitions on special dockets;

(2) An "application" for (i) the granting of any right, privilege, authority, or relief under or from any provision of the Act or of any regulation or requirement made pursuant to a power granted by such Act, or (ii) the consideration of any submission required by law to be made to the Commission;

(3) An "investigation" instituted by the Commission;

(4) A "rulemaking" proposal instituted by the Commission; or

(5) A petition for exemption filed under 49 U.S.C. 10505 requesting the Commission to exempt from application all or part of subtitle IV of Title 49 of the United States Code any person, class of persons, transaction, or service related to a rail carrier.

§ 1101.3 Construction.

The rules of construction contained in chapter 1 of Title 1 of the United States Code (1 U.S.C. 1 et seq.) apply in this chapter. Among other things, they provide that the singular includes the plural, and vice versa; that the masculine includes the feminine; that the word "person" includes corporations, associations, and the like; that "county" includes parish and similar subdivisions; and that "company" includes successors and assigns.

(9) Former paragraphs § 1100.4 (a) and (e) and Appendix C to Part 1100 are redesignated as Part 1102, and the newly redesignated Part 1102 is revised to read as follows:

PART 1102—COMMUNICATIONS

Sec.
1102.1 How addressed.
1102.2 Ex parte communications prohibited; penalties provided.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1102.1 How addressed.

All communications should be addressed to the Secretary of the Commission, Interstate Commerce Commission, Washington, DC 20423 unless otherwise specifically directed by another Commission regulation. All communications should designate the docket number and title, if any. The person communicating shall state his address, and the party he represents.

§ 1102.2 Ex parte communications prohibited; penalties provided.

(a) *Definitions.* (1) "On-the-record proceeding" means any matter described in Sections 556–557 of the Administrative Procedure Act (5 U.S.C. 556–557) or any matter required by the Constitution, statute, Commission rule, or by decision in the particular case, that is decided solely on the record made in a Commission proceeding.

(2) "Person who intercedes in any proceeding" means any person, partnership, corporation, or association, private or public, outside of the Commission which is neither a party nor party's agent, that volunteers a communication that it has reason to know may advance or adversely affect the interest of a party or party's agent in any proceeding before the Commission.

(3) "*Ex Parte* communication concerning the merits" means an oral or written communication by or on the behalf of a party which is made without

the knowledge or consent of any other party that could or is intended to influence anyone who participates or could reasonably be expected to participate in the decision.

(b) *Communications that are not prohibited.* (1) Any communication to which all the parties to the proceeding agree, or on which the Commission formally rules, may be made on an *ex parte* basis;

(2) Any communication of facts or contention which has general significance for a regulated industry if the communicator cannot reasonably be expected to have known that the facts or contentions are material to a substantive issue in a pending on-the-record proceeding in which it is interested;

(3) Any communication by means of the news media that in the ordinary course of business of the publisher is intended to inform the general public, members of the organization involved, or subscribers to such publication with respect to pending on-the-record proceedings.

(c) *Prohibitions.* (1) No party, counsel, agent of a party, or person who intercedes in any on-the-record proceeding shall engage in any *ex parte* communication concerning the merits of the proceeding with any Commissioner, hearing officer, joint board member, employee board member or employee of the Commission who participates, or who may reasonably be expected to participate, in the decision in the proceeding.

(2) No Commissioner, hearing officer, joint board member, employee board member or employee of the Commission who participates, or is reasonably expected to participate, in the decision in an on-the-record proceeding shall invite or knowingly entertain any *ex parte* communication concerning the merits of a proceeding or engage in any such communication to any party, counsel, agent of a party, or person reasonably expected to transmit the communication to a party or party's agent.

(d) *When prohibitions take effect.* The prohibitions against *ex parte* communications concerning the merits of a proceeding apply from the date on which a proceeding is noticed for oral hearing or for the taking of evidence by modified procedure, or when the person responsible for the communication has knowledge that the proceeding will be so noticed, or at any time the Commission, by rule or decision, specifies.

(e) *Procedure required of Commission members and employees upon receipt of ex parte communications concerning the merits of a proceeding.* Any person who receives an *ex parte* communication concerning the merits of a proceeding must promptly transmit either the written communication, or a written summary of the oral communication with an outline of the surrounding circumstances to the Secretary of the Commission. The Secretary shall place all of the material in the correspondence section of the public docket of the proceeding. A recipient of such *ex parte* communication, who has doubt as to the nature of the communication, may request a ruling on the question from the Commission's General Counsel. The General Counsel shall promptly reply to such requests. The Secretary shall promptly notify the Chairman of the Commission of such *ex parte* communications sent to the Secretary. The General Counsel shall promptly notify the Chairman of all requests for rulings sent to the General Counsel. The Chairman may require that any communication be placed in the correspondence section of the docket when fairness requires that it be made public, even if it is not a prohibited communication. The Chairman may direct the taking of such other action as may be appropriate under the circumstances.

(f) *Sanctions.* (1) The Commission may censure, suspend, or revoke the privilege of practicing before the agency of any person who knowingly and willfully engages in or solicits prohibited *ex parte* communication concerning the merits of a proceeding.

(2) The relief or benefit sought by a party to a proceeding may be denied if the party, or his agent knowingly and willfully violates the foregoing rules.

(3) The Commission may censure, suspend, dismiss, or institute proceedings to suspend or dismiss any Commission employee who knowingly and willfully violates the foregoing rules.

(10) Former §§ 1100.7–1100.11 (which fell under the center heading "PRACTITIONERS") and former Appendix A to Part 1100 are redesignated as Part 1103, and the newly redesignated Part 1103 is revised to read as follows:

PART 1103—PRACTITIONERS

Subpart A—General Information

Sec.
1103.1 Register of practitioners.
1103.2 Attorneys-at-law—qualifications and requirements to practice before the Commission.
1103.3 Persons not attorneys-at-law—qualifications and requirements for practice before the Commission.
1103.4 Initial appearances.
1103.5 Discipline.

Subpart B—Canons of Ethics

Sec.
1103.10 Introduction.

The Practitioner's Duties and Responsibilities Toward the Commission

Sec.
1103.11 Standards of ethical conduct in courts of the United States to be observed.
1103.12 The practitioner's duty to and attitude toward the Commission.
1103.13 Attempts to exert political or personal influence on the Commission are prohibited.
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1103.15 The practitioner's duty to clients, generally.
1103.16 Adverse influence and conflicting interests.
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1103.24 Use of adverse witnesses.
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1103.32 Discovery of imposition and deception and duty to report corrupt or dishonest conduct.
1103.33 Responsibility when proposing a person for admission to practice before the Commission.
1103.34 Intermediaries.
1103.35 Partnership or professional corporation names and titles.

Authority: 49 U.S.C. 10308 and 10321; 5 U.S.C. 559.

Subpart A—General Information

§ 1103.1 Register of practitioners.

The Commission maintains a register containing the names of all non-attorneys entitled to practice before it. The register is maintained according to the individual non-attorney practitioner's name and not by corporate or firm name. Corporations and firms are not admitted or recognized as practitioners before the Commission.

§ 1103.2 Attorneys-at-law—qualifications and requirements to practice before the Commission.

Any person who is a member in good standing of the bar of the highest court of any State, Commonwealth, possession, territory, or the District of Columbia may represent persons before the Commission.

§ 1103.3 Persons not attorneys-at-law—qualifications and requirements for practice before the Commission.

(a) *In general.* Any citizen or resident of the United States, not an attorney-at-law, who files an application for admission to practice, accompanied by the payment of the fee prescribed by rule or order of the Commission, and who successfully completes the practitioners' examination, and shows that applicant possesses the necessary legal and technical qualifications to enable applicant to render valuable service before the Commission and that applicant is competent to advise and assist in the presentation of matters before the Commission, may be permitted to practice before the Commission.

(b) *Qualifications standards.* A non-attorney applicant for admission to practice must meet one of the following requirements:

(1) An applicant must have completed 2 years (60 semester hours or 90 quarter hours) of post secondary education and must possess technical knowledge, training or experience in the field of transportation which is regarded by the Commission as the equivalent of 2 additional years of college education;

(2) An applicant must have worked in the field of transportation for at least 10 years;

(3) An applicant must have received a bachelor's degree with at least 12 semester hours or 18 quarter hours in transportation or business; or

(4) An applicant must have received a bachelor's degree and worked in the field of transportation for at least one year. An applicant's statement of college education must be supported by a transcript of records attached to the original application. Transcripts from any college accredited by the United States Department of Education will be accepted without question. With all other institutions, the burden of proof is on the applicant to establish that the formal education satisfies the standards set forth above. The qualifications standards are intended as general guidelines. Individual situations that vary from the standards will continue to be evaluated on their own merits.

(c) *Application for admission.* An application filed pursuant to this rule under oath for admission to practice must be completed in full on the form provided by the Commission, and must be addressed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, to the attention of the room number indicated on the form.

(d) *Application fee.* Each application filed pursuant to this rule must be accompanied by a non-refundable fee of $50.00. Payment must be made either by check or money order payable to the Interstate Commerce Commission. Cash payment will not be accepted.

(e) *Additional certification.* (1) When an application meets the required standards, a copy will be referred to the Association of Interstate Commerce Commission Practitioners for a report to the Commission as to the reputation and character of the applicant. Inquiry also will be made by the Commission of the sponsors as to their knowledge of the applicant's legal and technical qualifications as contemplated by the Commission's Rules of Practice. If the Commission is satisfied as to the applicant's qualifications, reputation and character, then applicant will be considered eligible to take the examination.

(2) The Commission may require an applicant's sponsors to provide a detailed statement of the nature and extent of their knowledge of applicant's qualifications. Upon consideration of this material, if the Commission is not satisfied as to the adequacy of applicant's qualifications, the applicant will be notified by registered mail. Applicant may then request a hearing to prove his qualifications. If applicant makes such a request, the Commission will allow a hearing. In the absence of a request for a hearing within 20 days after receipt of the notice, the application will be considered withdrawn.

(f) *Scope of examination.* If applicant meets the educational and experience standards, and is found to be of good character, the applicant will be permitted to take the examination. The examination tests the applicant's experience and knowledge of the principal regulations, laws, and economic principles in the field of transportation as well as knowledge of the Commission's Rules of Practice and Canons of Ethics.

(g) *Time and Place of Examination.* Examinations are conducted twice a year on the first Tuesday in June and December of each year. Applications may be filed at any time. Those filed from October 1 to March 31, both inclusive, will be considered for the June examination. Applications filed from April 1 to September 30, both inclusive, will be considered for the December examination. Notice of time and place to appear for examination will be mailed to qualifying applicants approximately 30 days prior to the date of the examination.

(h) *Location of Examination.* Examinations will ordinarily be conducted in selected cities where Commission offices are located. A listing of the available sites will be attached to the application form. Applicants may select their preferred examination site. If a group of prospective applicants (three applicants or more) wishes to take the examination at a location not listed, a letter stating the preferred test site should be included with the application. The Commission will make every effort to administer the test at the requested location.

(i) *Examination Results.* Results will be released within 90 days after the examination. Individual results will be forwarded to the applicants at least 1 week before being publicly released. To protect the privacy of those taking the examination, individual grades will not be released over the telephone to anyone. Requests for grades may, however, be submitted in writing to the Office of the Secretary to the attention of the address stated in the application form.

(j) *Failure to appear for examination.* Applicants who have failed to appear for, or postponed taking an examination, a total of three times without showing good cause will have any subsequently filed application returned.

(k) *Failing or postponing the examination.* Applicants who failed the examination may reapply by submitting a request in writing with an additional $50 fee. Applicants who have postponed taking the examination three times without showing good cause will have their applications returned.

(l) The $50 filing fee is not refundable.

(m) Any application resubmitted to the Commission after being returned must be accompanied by a $50 filing fee.

(n) *Content and grading of examination.* The Employee Board on Education and Practice is responsible, under the general supervision of the Vice-Chairman, for the examination of non-attorney applicants, for the preparation of examination questions, and for grading examinations. The Board consists of two attorneys and one non-attorney appointed by the Chairman with the approval of the

Commission. Under the supervision of this Board, a seven-member Committee of Examiners will grade the examination questions. The members of this Committee must have at least 2 years experience with the Commission and are appointed for a 2 year term by the Chairman, with the approval of the Commission. Members may be reappointed and, to the extent possible, no more than three members of the Committee will be replaced at one time.

(o) *Applicant's oath.* No applicant shall be admitted to practice before the Commission until applicant shall subscribe to an oath or affirmation that applicant will conduct practice uprightly and according to the law, as a practitioner before the Commission, and that applicant will support the Constitution of the United States and laws of the United States and will conform to the rules and regulations of the Commission.

§ 1103.4 Initial appearances.

Practitioners shall file a declaration that they are authorized to represent the particular party on whose behalf they appear at the time of making an initial appearance, in all proceedings. This requirement can be met by:

(a) Entering the practitioner's name as the representative of an applicant in the appropriate space on an application form;

(b) Signing any complaint, petition, protest, reply or other pleading with a designation following the practitioner's signature that he is the representative of a party;

(c) Entering an appearance at any hearing on the form provided; or

(d) Filing a letter with the Secretary of the Commission stating that practitioner is authorized to represent a party. The party represented, their address, and the docket number of the proceeding must also be identified at the time of the initial appearance.

§ 1103.5 Discipline.

(a) A member of the Commission's bar may be subject to suspension, disbarment, or other disciplinary action if it is shown that the practitoner:

(1) Has been suspended or disbarred from practice in any court of record;

(2) Violated any of the Commission's rules including the Canons of Ethics set out in §§ 1103.10–1103.35; or

(3) Engaged in conduct unbecoming a member of the bar of the Commission.

(b) The practitioner will be afforded an opportunity to show why he should not be suspended, disbarred, or otherwise disciplined. Upon the practitioner's timely response to the show cause order after any requested hearing, or upon failure to make a timely response to the show cause order, the Commission shall issue an appropriate decision.

Subpart B—Canons of Ethics

§ 1103.10 Introduction.

The following canons of ethics are adopted as a general guide for those admitted to practice before the Interstate Commerce Commission. The practitioners before the Commission include (a) lawyers, who have been regularly admitted to practice law and (b) others who have fulfilled the requirements set forth in § 1103.3. The former are bound by a broad code of ethics and unwritten rules of professional conduct which apply to every activity of a lawyer. The canons do not release the lawyer from any of the duties or principles of professional conduct by which lawyers are bound. They apply similarly to all practitioners before the Commission, but do not negate the applicability of other ethical codes. The canons are organized under three headings, The Practitioner's Duties and Responsibilities to the Commission, The Practitoner's Duties and Responsibilities to the Client, The Practitioner's Duties and Responsibilities to Other Litigants, Witnesses and the Public.

The Practitioner's Duties and Responsibilities Toward the Commission

§ 1103.11 Standards of ethical conduct in courts of the United States to be observed.

These canons further the purpose of the Commission's Rules of Practice which direct all persons appearing in proceedings before it to conform, as nearly as possible, to the standards of ethical conduct required of practice before the courts of the United States. Such standards are taken as the basis for these specifications and are modified as the nature of the practice before the Commission requires.

§ 1103.12 The practitioner's duty to and attitude toward the Commission.

(a) It is the duty of the practitioner to maintain a respectful attitude toward the Commission and for the importance of the functions it administers. In many respects the Commission functions as a Court, and practitioners should regard themselves as officers of that Court and uphold its honor and dignity.

(b) It is the right and duty of the practitioner to submit grievances about a member or employee of the Commission to the proper authorities when proper grounds for complaint exists. In such cases, charges should be encouraged and the person making them should be protected.

(c) It is the duty of the practitioner to be punctual in attendance, and to be concise and direct in the trial and disposition of causes.

§ 1103.13 Attempts to exert political or personal influence on the Commission are prohibited.

(a) It is unethical for a practitioner to attempt to influence the judgment of the Commission by threats of political or personal reprisal.

(b) Marked attention and unusual hospitality on the part of a practitioner to a Commissioner, administrative law judge, or other representative of the Commission, which is unwarranted by the personal relationship of the parties, is subject to misconstruction of motive and should be avoided.

§ 1103.14 Private communications with the Commission are prohibited.

To the extent that the Commission acts in a quasi-judicial capacity, it is improper for litigants, directly or through any counsel or representative, to communicate privately with a Commissioner, administrative law judge, or other representative of the Commission about a pending case, or to argue privately the merits thereof in the absence of the adversaries or without notice to them. Practitioners at all times shall scrupulously refrain from going beyond *ex parte* representations which are clearly proper in view of the administrative work of the Commission in their communication with the Commission and its staff.

The Practitioner's Duties and Responsibilities Toward a Client

§ 1103.15 The practitioner's duty to clients, generally.

The practitioner shall be respectful of the law and its official ministers, and shall not be involved in corruption of public officials or deception of the public. In giving improper service or advice, the practitioner invites and deserves stern condemnation. The practitioner shall observe and advise all clients to observe the statutory law to the best of his knowledge or as interpreted by competent adjudication. The practitioner owes a general duty to practice candor toward his client with respect to all aspects to his service to the client.

§ 1103.16 Adverse influences and conflicting interests.

(a) At the time of the retainer, the practitioner shall disclose to the client all circumstances of his relations to the parties, and any interest in or connection with the case.

(b) It is unethical for a practitioner to represent conflicting interests, except by express consent of all concerned given after a full disclosure of the facts. Within the meaning of this section, a practitioner represents conflicting interest, when on behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

(c) The obligation to represent the client with undivided fidelity and not to divulge secrets or confidence forbids also the subsequent acceptance of retainers or employment from others in matters adversely affecting any interest of the client with respect to which confidence has been reposed.

§ 1103.17 Joint association of practitioners and conflicts of opinion.

(a) A client's offer of the assistance of an additional practitioner should not be regarded as evidence of lack of confidence, but the matter should be left to the determination of the client. A practitioner shall decline association as colleague if it is objectionable to the practitioner first retained, but if the client should relieve the practitioner first retained, another may come into the case.

(b) When practitioners jointly associated in a case cannot agree as to any matter vital to the interest of the client the conflict of opinion should be frankly stated to the client for final determination. The client's decision should be accepted by them unless the nature of the difference makes it impracticable for the practitioner whose judgment has been overruled to cooperate effectively. In that event, it is the practitioner's duty to ask the client to relieve him of his obligation.

(c) It is the right of any practitioner to give proper advice to those seeking relief against an unfaithful or neglectful practitioner. The practitioner against whom the complaint is made should be notified of such action.

§ 1103.18 Withdrawal from employment.

The right of a practitioner to withdraw from employment, once begun, arises only from good cause. The desire or consent of the client is not always sufficient cause for withdrawal. The practitioner shall not abandon the unfinished task to the detriment of the client except for reasons of honor, or the client's persistence over the practitioner's remonstrance in presenting frivolous defenses, or the client's deliberate disregard of an obligation as to fees or expenses. In these cases, the practitioner may be warranted in withdrawing after due notice to the client with time allowed for the employment of another practitioner. Other reasons for withdrawal might include instances in which a practitioner discovers that his client has no cause and the client is determined to continue the cause, or the practitioner's own inability to conduct a case effectively. Upon withdrawing from a case, the practitioner shall refund any part of a retainer which clearly has not been earned.

§ 1103.19 Advising upon the merits of a client's cause.

A practitioner shall try to obtain full knowledge of his client's cause before advising thereon. The practitioner shall give a candid opinion of the merits and probable result of bringing the case or of any related pending or contemplated litigation. The practitioner shall beware of bold and confident assurances to clients, especially where employment may depend upon such assurances. Whenever a fair settlement can be reached, the client shall be advised to avoid or to end litigation.

§ 1103.20 Practitioner's fees and related practices.

(a) *Establishing fees.* In establishing fees, a practitioner shall avoid charges which overestimate the value of his advice and services. A client's ability to pay cannot justify a charge in excess of the value of the service although a client's poverty may require a lesser charge or even no charge at all. Publicly quoted fees should be adhered to when actual charges are made. Practitioners are bound to charge no more than the quoted rates for 30 days following the date of their quotations unless a different period of time for the effectiveness of such rates is clearly specified when quoted, or unless permission to charge a higher rate is obtained from the Vice Chairman of the Commission.

(b) *Compensation, commissions and rebates.* A practitioner shall accept no compensation, commissions, rebates or other advantages from the parties in a proceeding other than his client without the knowledge and consent of his client after full disclosure.

(c) *Contigent fees.* Contigent fees should be only those sanctioned by law. In no case, except a charity case, should fees be entirely contingent upon success.

(d) *Division of fees.* Fees for services should be divided only with another member of the bar of practitioners and should be based upon a division of service or responsibility. It is unethical for a practitioner to retain laymen to solicit his employment in pending or prospective cases, and to reward them by a share of the fees. Such a practice cannot be too severely condemned.

(e) *Suing clients for fees.* Controversies with clients concerning compensation are to be entered into only insofar as they are compatible with self-respect and with the right to receive reasonable compensation for services. Lawsuits against clients should be resorted to only to prevent injustice, imposition or fraud.

(f) *Acquiring interest in litigation.* The practitioner shall not purchase or otherwise acquire any pecuniary interest in the subject matter of litigation which the practitioner is conducting.

(g) *Expenses.* A practitioner may not properly agree with a client that the practitioner shall pay or bear the expenses of litigation. He may in good faith advance expenses as a matter of convenience but must do so subject to reimbursement by the client. A practitioner shall bill and collect from a client, and thereafter retain only such payments and reimbursements for expenses as have actually been incurred in behalf of the client.

(h) *Witnesses' compensation.* Compensation of a witness is not to be made contigent on the success of a case in which the witness is called.

(i) *Dealing with trust property.* Money of the client or other trust property coming into the possession of the practitioner should be reported promptly, and, except with the client's knowledge and consent, should not be commingled with the practitioner's private property or be put to the practitioner's private use.

§ 1103.21 How far a practitioner may go in supporting a client's cause.

A practitioner shall put forth his best effort to maintain and defend the rights of his client. Fear of disfavor of the Commission or public unpopularity should not cause a practitioner to refrain from the full discharge of his duty. The client is entitled to the benefit of any and every remedy and defense authorized by law. The client may expect his counsel to assert every such remedy or defense. However, the practitioner shall act within the bounds of the law. A practitioner shall not violate the law or be involved in any manner of fraud or chicanery for any client.

§ 1103.22 Restraining clients from improprieties.

A practitioner should see that his clients act with the same restraint that the practitioner himself uses, particularly with reference to the client's conduct toward the Commission, fellow practitioners, witnesses and other litigants. If a client persists in improper conduct, the practitioner should terminate their relationship.

§ 1103.23 Confidences of a client.

(a) The practitioner's duty to preserve his client's confidence outlasts the practitioner's employment by the client, and this duty extends to the practitioner's employees as well. Neither practitioner nor his employees shall accept employment which involves the disclosure or use of a client's confidences without knowledge and consent of the client even though there are other available sources of information. A practitioner shall not continue employment when he discovers that this obligation presents a conflict in his duty between the former and the new client.

(b) If a practitioner is falsely accused by his client, he is not precluded from disclosing the truth in respect to the false accusation. The announced intention of a client to commit a crime is not included in the confidence which a practitioner is bound to respect. The practitioner may properly make such disclosures to prevent the act or protect those against whom that is threatened.

The Practitioner's Duties and Responsibilities Regarding Witnesses, Other Litigants and the Public

§ 1103.24 Use of adverse witnesses.

A practitioner shall not be deterred from seeking information from a witness connected with or reputed to be biased in favor of an adverse party, if the ascertainment of the truth requires that such a person be called as a witness in a proceeding.

§ 1103.25 Treatment of witnesses, litigants and other counsel.

(a) A practitioner shall always treat adverse witnesses and other litigants with fairness and due consideration. He should never minister to the prejudice of a client in a trial or conduct in a cause. The client has no right to demand that the practitioner representing him abuse the opposing party or indulge in offensive personal attacks.

(b) A practitioner shall not attempt to obstruct Commission investigations or corruptly to influence witnesses and potential witnesses during an investigation.

(c) In conducting a case it is improper for a practitioner to allude to the personal history or the personal peculiarities or idiosyncracies of practitioners on the other side, or otherwise engage in personal abuse of other practitioners.

§ 1103.26 Discussion of pending litigation in the public press.

Attempts to influence the action and attitude of the members and administrative law judges of the Commission through propaganda or through colored or distorted articles in the public press, should be avoided. However, it is not against the public interest or unfair to the Commission if the facts of pending litigation are made known to the public through the press in a fair and unbiased manner and in dispassionate terms. When the circumstances of a particular case appear to justify a statement to the public through the press, it is unethical to make it anonymously.

§ 1103.27 Candor and fairness in dealing with other litigants.

(a) The conduct of practitioners before the Commission and with other practitioners should be characterized by candor and fairness. The practitioner shall observe scrupulously the principles of fair dealing and just consideration for the rights of others.

(b) It is not candid or fair for a practitioner knowingly to misstate or misquote the contents of a paper, the testimony of a witness, the language or the argument of an opposing practitioner, or the language or effect of a decision or a text book; or, with knowledge of its invalidity to cite as authority a decision which has been overruled or otherwise impaired as a precedent or a statute which has been repealed; or in argument to assert as a fact that which has not been proved, or to mislead his opponent by concealing or withholding positions in his opening argument upon which his side then intends to rely.

(c) It is dishonorable to deal other than candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of cases.

(d) A practitioner shall not offer evidence which he knows the Commission should reject, in order to get the same before the Commission by argument for its admissibility, or arguments upon any point not properly calling for determination. He shall not introduce into an argument remarks or statements intended to influence the bystanders.

(e) A practitioner shall rely on his judgment concerning matters incidental to the trial which may, in some cases, affect the proceeding. For example, a practitioner should not force a matter to trial when there is affliction or bereavement on the part of the opposing practitioner if no harm will come from postponing the proceeding.

(f) A practitioner shall not ignore known customs or practice of the Commission, even when the law permits, without giving timely notice to the opposing practitioner.

(g) Insofar as is possible, important agreements affecting the rights of the clients should be made in writing. It is, however, dishonorable to avoid performance of an agreement fairly made only because it is not made in writing.

§ 1103.28 Negotiations with opposing party

A practitioner shall not in any way communicate upon the subject of controversy with a party represented by another practitioner except upon express agreement with the practitioner representing such party. He shall not negotiate or make compromises with the other party, but shall deal only with the opposing practitioner. The practitioner shall avoid everything that may tend to mislead a party not represented by a practitioner and should not advise that party as to the law.

§ 1103.29 Public communication and solicitation.

(a) A practitioner shall not make any public communication or solicitation for employment containing a false, fraudulent, misleading, or deceptive statement or claim. This prohibition includes, but is not limited to:

(1) the use of statements containing a material misrepresentation of fact or omission of a material fact necessary to keep the statement from being misleading;

(2) statements intended or likely to create an unjustifiable expectation; statements of fee information which are not complete and accurate;

(3) statements containing information on past performance or prediction of future success;

(4) statements of prior Commission employment outside the context of biographical information; statements containing a testimonial about or endorsement of a practitioner;

(5) statements containing an opinion as to the quality of a practitioner's services, or statements intended or likely to attract clients by the use of showmanship, puffery, or self-laudation, including the use of slogans, jingles, or sensational language or format.

(b) A practitioner shall not solicit a potential client who has given the practitioner adequate notice that he does not want to receive communications from the practitioner, nor shall a practitioner make a solicitation which involves the use of undue influence.

(c) A practitioner shall not solicit a potential client who is apparently in a physical or mental condition which would make it unlikely that he could exercise reasonable, considered judgement as to the selection of a practitioner.

(d) A practitioner shall not pay or otherwise assist any other person who is not also a practitioner and a member or associate of the same firm to solicit employment for the practitioner.

(e) If a public communication is to be made through use of radio or television, it must be prerecorded and approved for broadcast by the practitioner. A recording of the actual transmission must be retained by the practitioner for a period of 1 year after the date of the final transmission.

(f) A paid advertisement must be identified as such unless it is apparent from the context that it is a paid advertisement.

(g) A practitioner shall not compensate or give anything of value to a representative of any communication medium in anticipation of or in return for professional publicity in a news item.

§ 1103.30 Acceptance of employment.

(a) The practitioner must decline to conduct a case or to make a defense when convinced that it is intended merely to harass or to injure the opposing party, or to work oppression or wrong. Otherwise, it is the practitioner's right, and having accepted retainer, it becomes the practitioner's duty, to insist upon the judgement of the Commission as to the merits of the client's claim. The practitioner's acceptance of a case is equivalent to the assertion that the client's case is proper for determination.

(b) No practitioner is obliged to act either as adviser or advocate for every potential client. The practitioner has the right to decline employment. Every practitioner shall decide what employment he will accept, what cases he will bring before the Commission for complainants, or contest for defendants or respondents.

§ 1103.31 Responsibility for litigation.

The practitioner bears the responsibility for advising as to questionable transactions, bringing questionable proceedings, or urging questionable defenses. Client's instructions cannot be used as an excuse for questionable practices.

§ 1103.32 Discovery of imposition and deception and duty to report corrupt or dishonest conduct.

(a) The practitioner, upon detecting fraud or deception practiced against the Commission or a party in a case, shall make every effort to rectify the practice by advising his client to forego any unjustly earned advantage. If such advice is refused, the practitioner should inform the injured party or that party's practitioner so that appropriate steps may be taken.

(b) Practitioners shall expose without fear or favor before the proper tribunals any corrupt or dishonest conduct and should accept without hestitation employment against a practitioner who has wronged his client. The practitioner upon the trial of a case in which perjury has been committed owes it to the Commission and to the public to bring the matter to the knowledge of the prosecuting authorities.

§ 1103.33 Responsibility when proposing a person for admission to practice before the Commission.

The practitioner shall aid in guarding the bar of the Commission against admission of candidates unfit or unqualified because deficient in either moral character or qualification. A practitioner shall propose no person for admission to practice before the Commission unless from personal knowledge or after reasonable inquiry he sincerely believes and is able to vouch that such person possesses the qualifications prescribed in § 1103.3.

§ 1103.34 Intermediaries.

(a) The services of a practitioner should not be controlled or exploited by any lay agency, personal or corporate, which intervenes between client and practitioner. The responsibility and qualifications of the practitioner are individual. The practitioner shall avoid all relations which direct the performance of his duties in the interest of such intermediaries. The practitioner's relationship and responsibility to the client should be direct.

(b) The practitioner may accept employment from any organization (such as an association, club or trade organization) authorized by law to be a party to proceedings before the Commission, to render services in such proceedings in any matter in which the organization, as an entity, is interested. This employment should only include the rendering of such services to the members of the organization in respect to the individual affairs as are consistent with the free and faithful performance of his duties to the Commission.

(c) Nothing in this canon shall be construed as conflicting with § 1103.20(d).

§ 1103.35 Partnership or professional corporation names and titles.

In the formation of a partnership or professional corporation among practitioners care should be taken to avoid any misleading name or representation which would create a false impression as to the position or privileges of a member not duly authorized to practice. No person should be held as a practitioner who is not duly qualified under § 1103.2 or 1103.3 of these rules. No person who is not duly admitted to practice should be held out in a way which will give the impression that he is so admitted. No false or assumed or trade name should be used to disguise the practitioner or his partnership or professional corporation.

(11) Former §§ 1100.13–1100.16, §§ 1100.18–1100.21, and former paragraphs § 1100.4(a)–(d) are redesignated as Part 1104, and the newly redesignated Part 1104 is revised to read as follows:

PART 1104—PLEADINGS; GENERALLY

Sec.
1104.1 Address.
1104.2 Typographical specification generally.
1104.3 Copies.
1104.4 Attestation and verification.
1104.5 Affirmation or delegations under penalty of perjury in accordance with 18 U.S.C. 1621 in lieu of oath.
1104.6 Timely filing required.
1104.7 Computation and extension of time.
1104.8 Objectionable matter.
1104.9 [Reserved].
1104.10 Rejection of a deficient document.
1104.11 Amendments.
1104.12 Service of pleadings and papers.
1104.13 Replies and motions.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1104.1 Address.

Pleadings should be addressed to the Secretary, Interstate Commerce Commission, Washington, DC 20423, and should designate the docket number and title of the proceeding, if known.

§ 1104.2 Typographical specification generally.

Requirements. All pleadings should:

(a) Be on opaque, unglazed, durable paper not exceeding 8½ by 11 inches. Printing may appear on both sides of a page.

(b) Be doubled-spaced except long quotations which must be singled-spaced and indented.

(c) Be reproduced by printing, or by any other process that results in clear and permanently legible copies. Any print that cannot be reproduced by photography is not acceptable.

§ 1104.3 Copies.

The original and 6 copies of every pleading document or paper permitted or required to be filed under this subchapter must be furnished for the use of the Commission, unless otherwise specifically directed by another Commission regulation or notice in an individual proceeding.

§ 1104.4 Attestation and verification.

(a) *Signature of Attorney or Practitioner.* If a party is represented by a practitioner or an attorney, the original of each paper filed should be signed in ink by the practitioner or attorney, whose address should be stated. The signature of a practitioner or attorney constitutes a certification that the representative:

(1) Has read the pleading, document or paper;

(2) Is authorized to file it;

(3) Believes that there is good ground for the document;

(4) Has not interposed the document for delay;

A pleading, document or paper thus signed need not be verified or accompanied by affidavit unless required elsewhere in these rules.

(b) *Signature by one not authorized to represent others before the Commission.* The original of each document not signed by a practitioner or attorney must be:

(1) Signed in ink;

(2) Accompanied by the signer's address; and

(3) Verified, if it contains allegations of fact, under oath by the person, in whose behalf it is filed, or by a duly authorized officer of the corporation in whose behalf it is filed. If the pleading is a complaint, at least one complainant must sign and verify the pleading.

§ 1104.5 Affirmation or declarations under penalty of perjury in accordance with 18 U.S.C. 1621 in lieu of oath.

(a) An affirmation will be accepted in lieu of an oath.

(b) Whenever any rule of this Commission requires or permits matter to be supported, evidenced, established, or proved by sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, oath of office, or an oath required to be taken before a special official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proven by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury and dated, in the following form:

> I ____________________, declare (certify, verify, or state) under penalty of perjury ("under the laws of the United States," if executed outside of the United States) that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this (specify type of document). Executed on (*date*).
>
> Signature

(c) Knowing and willful misstatements or omissions of material facts constitute federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to 5 years and fines up to $10,000 for each offense. Additionally, these misstatements are punishable as perjury under 18 U.S.C. 1621 which provides for fines up to $2,000 or imprisonment up to 5 years for each offense.

§ 1104.6 Timely filing required.

Documents must be received for filing at the Commission's offices in Washington, DC within the time limits set for filing. The date of receipt at the Commission, and not the date of deposit in the mail, determines the timeliness of filing. However, if a document is mailed by United States express mail, postmarked at least one day prior to the due date, it will be accepted as timely. Other express mail, received by the private express mail carrier at least one day prior to the due date, also will be accepted as timely filed. The term express mail means that the carrier or delivery service offers next day delivery to Washington, D.C.

§ 1104.7 Computation and extension of time.

(a) *Computation.* In computing any period of time, the day of the act, event, or default upon which the designated period of time begins to run is not included. The last day of the period is included unless it is Saturday, Sunday, or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is not a Saturday, Sunday or holiday. This rule applies to forward and backward measurement of time.

(b) *Extensions.* Any time period, except those provided by law or specified in these rules respecting informal complaints seeking damage may be extended by the Commission in its discretion, upon request and for good cause. Requests for extensions must be served on all parties of record at the same time and by the same means as service is made on the Commission, except if service is made on the Commission in person and personal service on other parties is not feasible, service on other parties should be made by first class or express mail. A request for an extension must be filed not less than 10 days before the due date. Only the original of the request and certificate of service need be filed with the Commission. If granted, the party making the request should promptly notify all parties to the proceeding of the extension and so certify to the Commission, except that this notification is not required in rulemaking proceedings.

(c) *Exception to time computation rules.* See 49 CFR Part 1152 for special abandonment rules.

§ 1104.8 Objectionable matter.

The Commission may order that any redundant, irrelevant, immaterial, impertinent, or scandalous matter be stricken from any document.

§ 1104.9 [Reserved].

§ 1104.10 Rejection of a deficient document.

(a) The Commission may reject a document, submitted for filing if the Commission finds that the document does not comply with the rules.

(b) The Commission may either return the material unfiled or tentatively accept the material for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

§ 1104.11 Amendments.

Leave to amend any document is a matter of the Commission's discretion.

§ 1104.12 Service of pleading and papers.

(a) *Generally.* Every document filed with the Commission should include a certificate showing simultaneous service upon all parties to the proceeding. Service on the parties should be by the same method and class of service used in serving the Commission, with charges, if any, prepaid. One copy should be served on each party. If service on other parties is not feasible, service should be made by first-class or express mail. When a party is represented by a practitioner or attorney, service upon the practitioner is deemed to be service upon the party.

(b) *Exceptions.* Copies of letters to the Commission relating to oral argument under Part 1116, and subpoenas under § 1113.2, need not be served on other parties of the proceeding. Service of comments in rulemaking proceedings is not required, unless specifically directed by the Commission.

(c) *Sample Certificate of Service.*

I certify that I have this day served copies of document upon all parties of record in this proceeding, by (here state the method of making service which must be consistent with this part).

Signature Date

§ 1104.13 Replies and motions.

(a) *Time.* A party may file a reply or motion addressed to any pleading within 20 days after the pleading is filed with the Commission, unless otherwise provided.

(b) *Number of copies.* The original of a reply or motion should be accompanied by the same number of copies required to be filed with the pleading to which the reply or motion is addressed.

(c) *Reply to a Reply.* A reply to a reply is not permitted.

PART 1105—GUIDELINES FOR IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

PART 1108—[REDESIGNATED]

(12) Former Part 1108 is redesignated as Part 1105.

(12A) The authority citation for the newly redesignated Part 1105 is revised to read as follows:

Authority: 49 U.S.C. 10321; 42 U.S.C. 4332; 5 U.S.C. 559.

PART 1106—IMPLEMENTATION OF THE ENERGY POLICY AND CONSERVATION ACT OF 1975

(13) The part number and heading for Part 1106 remains unchanged.

(13A) The authority citation for Part 1106 is revised to read as follows:

Authority: 49 U.S.C. 10321; 42 U.S.C. 6362(b); 5 U.S.C. 559.

PART 1109—[REDESIGNATED]

(13B) Current Part 1109 is redesignated as Part 1137.

PARTS 1107–1109—[RESERVED].

(14) New parts 1107–1109 are added and reserved.

(15) Former Part 1103 is redesignated as Part 1110 and the newly redesignated Part 1110 is revised to read as follows:

PART 1110—PROCEDURES GOVERNING INFORMAL RULEMAKING PROCEEDINGS

Sec.
1110.1 Applicability.
1110.2 Opening of proceeding.
1110.3 Publication of notices.
1110.4 Participation.
1110.5 Consideration of comments received.
1110.6 Petitions for extension of time to comment.
1110.7 Availability of dockets.
1110.8 Adoption of final rules.
1110.9 Petition for exemptions.
1110.10 Petitions for reconsideration.

Authority: 49 U.S.C. 10321; 5 U.S.C. 552, 553, and 559.

§ 1110.1 Applicability.

This part contains general rulemaking procedures that apply to the issuance, amendment, and repeal of rules, general policy statement, or other interpretation of rules or law of the Interstate Commerce Commission, adopted under the procedures of Section 553 of Title 5 of the United States Code (the Administrative Procedure Act).

§ 1110.2 Opening of proceeding.

(a) The Commission may open a rulemaking proceeding on its own motion. In doing so, it may consider the recommendations of other agencies of the United States and of other persons.

(b) Any person may petition the Commission to issue, amend, or repeal a rule.

(c) Each petition seeking the institution of a proceeding, filed under this section must—

(1) Be submitted, along with 15 copies if possible, to the Secretary, Interstate Commerce Commission, Washington, DC 20423;

(2) Set forth the text or substance of the rule or amendment proposed or specify the rule that the petitioner wants to have repealed or modified;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner to support the action sought and may detail any environmental, energy, or small business considerations.

(d) In rail cases, the Commission will grant or deny a petition within 120 days of its receipt.

(e) If the Commission determines that a petition contains adequate justification, it will open a rulemaking proceeding pursuant to § 1110.3 and will notify the petitioner of its action.

(f) If the Commission determines that the petition does not contain adequate justification for opening a rulemaking proceeding, the petition will be denied, with a brief statement of the grounds for denial, and the petitioner will be notified of the Commission's action.

(g) If a petition under this section concerning a common carrier by railroad is granted, the Commission will proceed as soon as it is practicable. If the petition is denied, the Commission will publish a statement of the reasons for the denial in the **Federal Register.**

§ 1110.3 Publication of notices.

(a) Interpretive rules, general statements of policy, and rules relating to organization, procedure, or practice may be issued as final without notice or other public rulemaking proceedings.

(b) General rulemaking proceedings will be opened by the issuance of either a notice of intent to institute a rulemaking proceeding, an advance notice of proposed rulemaking, or a notice of proposed rules. The Commission will publish the notice in the **Federal Register,** and it will invite the public to participate in the rulemaking proceeding. No notice will be issued when the Commission finds for good cause, that notice is impractica or unnecessary or contrary to the public interest.

(c) Notices of proposed rulemakings will include—

(1) The proposed rules, if prepared;

(2) A discussion of why the rulemakings are needed and what they are intended to accomplish;

(3) Identification of significant dates in the proceedings, such as dates by which comments must be filed or on which the rules are proposed to take effect;

(4) Any relevant addresses;

(5) The name and phone number of individual within the Commission who can provide further information concerning the proceedings;

(6) Any supplementary information required; and

(7) Reference to the legal authority under which the rules are proposed.

(d) In addition to being published in the **Federal Register,** notices of propo rulemaking and subsequent notices ar decisions in rulemaking proceedings, will be served on the parties and mad available to the public through the Office of the Secretary. To the extent possible, the date of service will be th same as the date of publication in the **Federal Register.** When the service ar publication dates are not the same, th date of publication in the **Federal Register** is controlling for the purpose determining time periods set by these procedures or by notices issued in individual proceedings.

§ 1110.4 Participation.

Any person may participate in rulemaking proceedings by submittin written information or views. In addition, the Commission may invite persons to present oral arguments, participate in informal conferences, appear at informal fact-finding heari or participate in any other proceedin Information contained in written submissions will be given the same consideration.

§ 1110.5 Consideration of comments received.

All timely comments will be considered before final action is taken on a rulemaking proposal. Comments which are filed late will be considered so far as possible without incurring additional expense, delay, or prejudice to other parties.

§ 1110.6 Petitions for extension of time to comment.

(a) Any person may petition the Commission for an extension of time to submit comments in response to a notice of proposed rulemaking. The petition and one copy must be submitted at least 10 days prior to the deadline for filing comments. The filing of the petition does not automatically extend the time for the filing of petitioner's comments.

(b) The Commission will grant the petition only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is in the public interest. If an extension is granted, notice of it will be published in the **Federal Register**, and it will apply to all persons.

§ 1110.7 Availability of dockets.

Dockets of pending rulemaking proceedings are maintained in the Office of the Secretary. These dockets are available for inspection by any person, and copies may be obtained upon payment of the prescribed fee.

§ 1110.8 Adoption of final rules.

If, after consideration of all comments received, final rules are adopted, notice will be published in the **Federal Register.**

§ 1110.9 Petition for exemptions.

Any person may petition the Commission for a permanent or temporary exemption from any rule. Petitions should be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423, and should identify the rule involved and the arguments in favor of granting the exemption.

§ 1110.10 Petitions for reconsideration.

Any person may file a petition for reconsideration of the Commission's decision in a rulemaking proceeding. Petitions should be filed within 20 days of the date that the final decision is published in the Federal Register and should identify the interest of the petitioner, the specific action sought, and the arguments favoring that action.

(10) Former §§ 1100.26, 1100.29, 1100.30–1100.35, 1100.41, and former paragraphs 1100.24(a), 1100.25(a), (b), and (d), and 1100.44(a) are redesignated as Part 1111, and the newly redesignated Part 1111 is revised to read as follows:

PART 1111—COMPLAINT AND INVESTIGATION PROCEDURES

Sec.

1111.1 Content of formal complaints; joinder.
1111.2 Amended and supplemental complaints.
1111.3 Copies; service.
1111.4 Answers and cross complaints.
1111.5 Motions to dismiss or to make more definite.
1111.6 Satisfaction of complaint.
1111.7 Investigations on the Commission's own motion.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1111.1 Content of formal complaints; joinder.

(a) *General.* A formal complaint must contain the correct, unabbreviated names and addresses of each complainant and defendant. It should set forth briefly and in plain language the facts upon which it is based. It should include specific reference to pertinent statutory provisions and Commission regulations, and should advise the Commission and the defendant fully in what respects these provisions or regulations have been violated. The complaint should contain a detailed statement of the relief requested. Relief in the alternative or of several different types may be demanded, but the issue raised in the formal complaint should not be broader than those to which complainant's evidence is to be directed at the hearing.

(b) *Requests for Oral Hearing.* A formal complaint should include a request that the proceeding be handled either under the modified procedure or at oral hearing, and a request for oral hearing should detail why oral hearing is required and should include at least two alternative hearing sites.

(c) *Multiple causes of action.* Two or more grounds of complaint concerning the same principle, subject, or statement of facts may be included in one complaint, but should be stated and numbered separately.

(d) *Joinder.* Two or more complainants may join in one complaint against one or more defendants if their respective causes of action concern substantially the same alleged violations and like facts.

§ 1111.2 Amended and supplemental complaints.

An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have accrued within the statutory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants. The time limits for responding to an amended or supplemental complaint are computed pursuant to §§ 1111.4 and 1111.5, as if the amended or supplemental complaint was an original complaint.

§ 1111.3 Copies; service.

Formal complaints, amended or supplemental complaints, and cross complaints will be served by the Commission. The original of each formal complaint, or cross complaint must be accompanied by a sufficient number of copies to enable the Commission to serve one upon each defendant and to retain 6 copies in addition to the original.

§ 1111.4 Answers and cross complaints.

(a) *Generally.* An answer may be filed within the time provided in paragraph (b) of this section. Whether or not an answer is filed and served, the issue is joined at the conclusion of the time for filing answers, and the Commission may then proceed to a decision. In the alternative, the Commission may provide for the taking of evidence under the modified or oral hearing procedures, and in such a case the failure to answer a complaint will not bar a party from further participation in a proceeding or from the presentation of its evidence. An answer should be responsive to the complaint and should fully advise the Commission and the parties of the nature of the defense.

(b) *Time for filing; copies; service.* An answer must be filed within 20 days after the service of the complaint or within such additional time as the Commission may provide. The original and six copies of an answer must be filed with the Commission. The defendant must serve copies of the answer upon the complaint and any other defendants.

(c) *Cross complaints.* A cross complaint alleging violations by other parties to the proceeding or seeking relief against them may be filed with the answer. An answer to a cross complaint may be filed within 20 days after the service date of the cross complaint. The party shall serve copies of answer to a cross complaint upon the other parties.

§ 1111.5 Motions to dismiss or to make more definite.

An answer to a complaint or cross complaint may be accompanied by a motion to dismiss the complaint or cross complaint or a motion to make the complaint or cross complaint more definite. A motion to dismiss can be filed at anytime during a proceeding. A complainant or cross complainant may, within 10 days after an answer is filed, file a motion to make the answer more definite. Any motion to make more definite must specify the defects in the particular pleading and must describe fully the additional information or details thought to be necessary.

§ 1111.6 Satisfaction of complaint.

If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the complainant must be filed (original only need be filed), setting forth when and how the complaint has been satisfied.

§ 1111.7 Investigations on the Commission's own motion.

(a) *Service of decision.* A decision instituting an investigation on the Commission's own motion will be served by the Commission upon respondents.

(b) *Default.* If within the time period stated in the decision instituting an investigation, a respondent fails to comply with any requirement specified in the decision, the respondent will be deemed in default and to have waived any further proceedings, and the investigation may be decided forthwith.

(17) Former §§ 1100.43, 1100.46, 1100.48, 1100.51, and former paragraphs 1100.44(b) and 1100.47(a) are redesignated as Part 1112, and the newly redesignated Part 1112 is revised to read as follows:

PART 1112—MODIFIED PROCEDURES

Sec.
1112.1 When modified procedure is used.
1112.2 Decisions directing modified procedure.
1112.3 Default for failure to comply with schedule; effect of default.
1112.4 Petitions to intervene.
1112.5 Joint pleadings.
1112.6 Verified statements; contents.
1112.7 Records in other Commission proceedings.
1112.8 Verification.
1112.9 Sample verification for statement of fact under modified procedure.
1112.10 Requests for oral hearings and cross examination.
1112.11 Authority of officers.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1112.1 When modified procedure is used.

The Commission may decide that a proceeding be heard under modified procedure when it appears that substantially all material issues of fact can be resolved through submission of written statements, and efficient disposition of the proceeding can be accomplished without oral testimony. Modified procedure may be ordered on the Commission's initiative, or upon approval of a request by any party.

§ 1112.2 Decisions directing modified procedure.

A decision directing that modified procedure be used will set out the schedule for filing verified statements by all parties and will list the names and addresses of all persons who at that time are on the service list in the proceeding. In this part, a statement responding to an opening statement is referred to as a "reply", and a statement responding to a reply is referred to as a "rebuttal". Replies to rebuttal material are not permitted.

§ 1112.3 Default for failure to comply with schedule; effect of default.

If a party fails to comply with the schedule for submission of verified statements, or any other requirements established by the modified procedure decision, that party will be deemed to be in default and to have waived any further participation in the proceeding. Thereafter, the proceeding may be disposed of without notice to and without participation by parties in default.

§ 1112.4 Petitions to intervene.

(a) The Commission may grant a petition to intervene in a proceeding set for modified procedure if intervention:

(1) Will not unduly disrupt the schedule for filing verified statements, except for good cause shown; and

(2) Would not unduly broaden the issues raised in the proceeding.

(b) The petition to intervene shall set out:

(1) The petitioner's interest in the proceeding;

(2) Whether the petitioner supports or opposes the relief sought or the action proposed or is otherwise concerned with the issues presented in the proceeding; and

(3) The petitioner's request, if any, for relief.

(c) Petitions to intervene are not required in investigation proceedings under the modified procedure involving rate-related matters, provided that the substantive requirements of (a) and (b) are met.

§ 1112.5 Joint pleadings.

Parties with common interests are encouraged to prepare joint pleadings whenever possible.

§ 1112.6 Verified statements; contents.

A verified statement should contain all the facts upon which the witness relies, and to the extent that it contains arguments, they should be based only on those facts. Parties filing reply and rebuttal verified statements will be considered to have admitted the truth of material allegations of fact contained in their opponents' statements unless those allegations are specifically challenged. Rebuttal statements shall be confined to issues raised in the reply statements to which they are directed.

§ 1112.7 Records in other Commission proceedings.

If any portion of the record before the Commission in any proceeding other than the proceeding at issue is offered in evidence, a true copy should be presented for the record.

§ 1112.8 Verification.

The original of any pleading filed must show the signature, capacity, and seal, if any, of the person administering the oath, and the date thereof.

§ 1112.9 Sample verification for statement of fact under modified procedure.

State of ______________.
County of ______________.
SS:
______________ being duly sworn, deposes and says that he has read the foregoing statement, knows the facts asserted there are true and that the same are true as stated.
Signed ______________.
Subscribed and sworn to before me this
__________ day of ______________.
Notary Public of ______________.
My Commission expires
______________.

§ 1112.10 Requests for oral hearings and cross examination.

(a) *Requests.* Requests for oral hearings in matters originally assigned for handling under modified procedure should be included in the reply or rebuttal statement. The reasons why the matter cannot be properly resolved under modified procedure must be set out in full. Requests for cross examination of witnesses must include the name of the witness and the subject matter of the desired cross examination.

(b) *Disposition.* Unless material facts are in dispute, oral hearings will not be held. If held, oral hearings will normally be confined to material issues upon which the parties disagree. The decision setting a matter for oral hearing will define the scope of the hearing.

§ 1112.11 Authority of officers.

Except to the extent that they apply only to the conduct of a public hearing, the officer assigned to handle a proceeding under the modified procedure shall have the same authority as officers assigned to conduct oral hearings as described in 49 CFR § 1113.3 (a) and (b).

(18) Former §§ 1100.12, 1100.17, 1100.54, 1100.66–1100.70, 1100.72, 1100.74, 1100.75, 1100.80, 1100.81, 1100.84–1100.90 and former paragraphs 1100.53 (a) and (b) and 1100.82 (c), (d), and (e) are redesignated as Part 1113, and the newly redesignated Part 1113 is revised to read as follows:

PART 1113—ORAL HEARING

Sec.

1113.1 Scheduling hearings; continued hearings.
1113.2 Subpoenas.
1113.3 Authority of officers.
1113.4 Prehearing conferences.
1113.5 Stipulations.
1113.6 Appearances; withdrawal or absence from hearing.
1113.7 Intervention; petitions.
1113.8 Witness Examination; order of procedure.
1113.9 Prepared statements.
1113.10 Records in other Commission proceedings.
1113.11 Abstracts of documents.
1113.12 Exhibits.
1113.13 Filing evidence subsequent to hearing; copies.
1113.14 Objections to rulings.
1113.15 Interlocutory appeals.
1113.16 Oral argument before the hearing officer.
1113.17 Transcript of record.
1113.18 Briefs.
1113.19 Pleadings: part of the record.
1113.20–1113.30 [Reserved].
1113.31 Joint boards.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1113.1 Scheduling hearings; continued hearings.

(a) *Assignment; service and posting of notice.* In those proceedings in which an oral hearing is to be held, the Commission will assign a time and place for hearing. Notice of hearings will be posted in the Office of the Secretary of the Commission and will be served upon the parties and such other persons as may be entitled to receive notice under the Act.

(b) *Requests for changes in assignment.* Requests for postponements of date of hearing will be granted only in exceptional circumstances.

(c) *Continuances.* (1) A continuance may be granted at the descretion of the presiding officer.

(2) If the presiding officer announces the time and place of a continued hearing on the record, no further notice need be given.

(3) A joint board shall not set a date and place for a continued hearing withour first consulting the Commission. If consultation with the Commission is impractical, the hearing shall be adjourned by the joint board to such time and place as the Commission subsequently shall determine.

§ 1113.2 Subpoenas.

(a) *Issuance.* A subpoena may be issued upon the direction of the Commission on its own motion or upon request. A subpoena may be issued by the Commission or by the officer presiding at a hearing and must be signed by the Secretary or a member of the Commission.

(b) *Requests.* (1) A request for a subpoena to compel the appearance of a person at a hearing to give oral testimony, but not to produce documents, may be made either by letter (only the original need be filed with the Commission) or orally upon the record at the hearing. A showing of general relevance and reasonable scope of the evidence sought to be introduced through the subpoenaed person may be required.

(2) A request for a subpoena to compel a witness to produce documentary evidence should be made in writing by petition. The petition should specify with particularity the books, papers, or documents desired and facts expected to be proved, and should show the general relevance and reasonable scope of the evidence sought. The officer presiding at a hearing may grant a request for such a subpoena made orally upon the record.

(c) *Service.* The original subpoena should be exhibited to the person served, should be read to him if he is unable to read, and a copy should be delivered to him by the officer or person making service.

(d) *Return.* If service of subpoena is made by a United States marshal or his deputy, service should be evidenced by his return on the subpoena. If made by any other person, such person shall make an affidavit stating the date, time and manner of service; and return such affidavit on, or with, the original subpoena in accordance with the form thereon. In case of failure to make service the reasons for the failure should be stated on the original subpoena. The written acceptance of service of a subpoena by the person subpoenaed will be sufficient without other evidence of return. The original subpoena bearing or accompanied by the required return, affidavit, statement, or acceptance of service, should be returned forthwith to the Secretary of the Commission, unless otherwise directed.

(e) *Witness fees.* A witness who is summoned and responds to the summons is entitled to the same fee as is paid for like service in the courts of the United States. Such fee is to be paid by the party at whose instance the testimony is taken at the time the subpoena is served, except that when the subpoena is issued on behalf of the United States or an officer or agency thereof, fees and mileage need not be tendered at the time of service.

§ 1113.3 Authority of officers.

(a) *General.* (1) The presiding officer has the authority to regulate the procedure in the hearing before him, and has authority to take all measures necessary or proper for the efficient performance of the duties assigned him. These include authority: (i) to hold hearings; (ii) to administer oaths and affirmations; (iii) to grant intervention; (iv) to accept any pleading; (v) to establish special rules of procedure appropriate to the effective handling of the particular proceeding; (vi) to examine witnesses; (vii) to issue subpoenas at the hearing; (viii) to dispose of requests for discovery; (ix) to hold conferences for the settlement and simplification of issues; (x) to rule on motions and dispose of procedural requests; (xi) to make initial decisions; (xii) to exclude any person from the hearing for contemptuous conduct; and (xiii) to take any other action authorized by this part, by the Administrative Procedure Act, or by the Interstate Commerce Act and related acts.

(2) The presiding officer has the authority: (i) to terminate examination or cross-examination of repetitious or cumulative nature; (ii) to limit direct examination to material matters; (iii) to limit cross-examination to disputed material facts; (iv) to require that principal examination or cross-examination be conducted by one or more counsel representing similar interests in proceedings where several parties are involved; (v) to set reasonable schedules for the presentation of witnesses; (vi) and to set reasonable time limits for the examination or cross-examination of witnesses. In order to enforce this paragraph, the officer may require a clear statement on the record of the nature of the testimony to be given by any witness.

(b) *Motions to dismiss; amendments.* (1) The presiding officer shall have power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding.

(2) The presiding officer may grant leave to amend any application or complaint except where the tendered

amendment would result in such a change in the geographical scope of the proceeding that it would have to be reassigned from an administrative law judge to a joint board, or vice versa.

(c) *Preparation of the decision by the prevailing party.* Any proceeding in which an oral hearing is held and in which the officer is able to announce his decision either:

(1) On the record after the close of the taking of testimony and the hearing of arguments by the officer, or

(2) By appropriate notification to the parties after the close of hearing, may be made the subject of an initial decision prepared by a party or parties in whose favor the officer decides, within a period specified by the officer, and subject to such changes as the officer considers appropriate in the draft prepared for him.

(d) *Recording; media coverage.* The presiding officer shall have authority to permit or to refuse to permit the recording of the hearing by means of live or delayed television or radio broadcast, or the use of a tape recorder or other electronic or photographic equipment by any person other than the official reporter.

§ 1113.4 Prehearing conferences.

(a) *Purposes.* Upon written notice by the Commission in any proceeding, or upon written or oral instruction of an officer, parties or their representatives may be directed to appear before an officer at a specified time and place for a conference, prior to or during the course of a hearing, or in lieu of personally appearing, to submit suggestions in writing, for the purpose of formulating issues and considering:

(1) The simplification of issues;

(2) The necessity or desirability of amending the pleadings either for the purpose of clarification, amplification, or limitation;

(3) The possibility of making admissions of certain averments of fact or stipulations concerning the use by any or all parties of matters of public record, such as annual reports and the like, to avoid the unnecessary introduction of proof;

(4) The procedure at the hearing;

(5) The limitation of the number of witnesses;

(6) The propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits; and

(7) Such other matters, including disposition of requests for discovery, as may aid in the simplification of the evidence and disposition of the proceeding. Parties may request a prehearing conference.

(b) *Facts disclosed privileged.* Facts disclosed in the course of the prehearing conference are privileged and, except by agreement, will not be used against participating parties either before the Commission or elsewhere unless fully corroborated by other evidence.

(c) *Recordation and decision.* Action taken at the conference, including a recitation of the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered, and defining the issues, will be recorded in an appropriate decision unless the parties enter into a written stipulation as to such matters, or agree to a statement thereof made on the record by the officer.

(d) *Objection to the decision; subsequent proceedings.* If a decision is entered, the parties may, within 20 days of the date of service, or within such lesser time as is set by the officer, present objections on the grounds that the decision does not fully or correctly embody the agreements reached at the conference. Thereafter the terms of the written stipulation or statement of the officer, as the case may be, will determine the subsequent course of the proceedings, unless modified to prevent manifest injustice.

§ 1113.5 Stipulations.

Apart from the procedure contemplated by the prehearing provisions, the parties may, by stipulation in writing filed with the Commission at any stage of the proceeding, or orally made at the hearing, agree upon any pertinent facts in the proceeding. The parties should agree to facts in this manner whenever practicable.

§ 1113.6 Appearances; withdrawal or absence from hearing.

(a) *Who may appear.* Any individual may appear for himself. Any member of a partnership which is a party to any proceeding may appear for such partnerships upon adequate identification. A bona fide officer or a full-time employee of a corporation, association, or of an individual may appear for such corporation, association, or individual by permission of the officer presiding at the hearing. A party also may be represented by a practitioner.

(b) *Withdrawal or absence from hearing.* A practitioner who has entered his appearance at the hearing shall not be permitted to withdraw from the hearing, or willfully be absent therefrom, except for good cause and, wherever practicable, only with the permission of the presiding officer. If a person who has entered an appearance withdraws from the hearing in a manner other than that specified, the Commission or the Officer may take such action as, in the interest of justice and the protection of the lawful rights of all parties to the proceeding, the circumstances of the case may warrant, including the striking out of all or any part of any pleading of the offending party, and including the possible dismissal of the action or proceeding, or any part thereof, the entry of an order of default against that party, or if the withdrawal is without the permission of the presiding officer, disciplining of the practitioner concerned.

§ 1113.7 Intervention; petitions.

(a) *How requested.* Intervention will normally be granted only upon petition. In exceptional circumstances, where the issues would not be broadened or the proceeding delayed, an officer may, at his or her discretion, allow intervention upon motion made orally at the hearing.

(b) *Content generally.* A petition for leave to intervene must set forth the grounds for the proposed intervention, the position and interest of the petitioner in the proceeding, and whether petitioner's position is in support of or in opposition to the relief sought. If the proceeding is by formal complaint and affirmative relief is sought by petitioner, the petition should conform to the requirements for a formal complaint.

(c) *When filed.* A petition for leave to intervene in any proceeding should be filed prior to or at the time the proceeding is called for hearing, but not after, except for good cause shown.

(d) *Broadening issues; filing.* If the petition seeks a broadening of the issues and shows that they would not thereby be unduly broadened, and in respect thereof seeks affirmative relief, the petition should be filed in time to permit service upon and answer by the parties in advance of the hearing.

(e) *Copies; service; replies.* When a petition for leave to intervene is tendered at the hearing, sufficient copies of the petition must be provided for distribution to the parties represented at the hearing. If leave is granted at the hearing, one additional copy of the petition must be furnished for the use of the Commission. When a petition for leave to intervene is not tendered at the hearing, the original and three copies of the petition should be submitted to the Commission together with a certificate that service has been made by petitioner. Any reply in opposition to a petition for leave to intervene not tendered at the hearing must be filed within 20 days after service of the petition to intervene. At the discretion of the Commission leave to intervene may be granted or denied before the expiration of the time allowed for replies.

(f) *Disposition.* Leave to intervene will be granted only when the petitioner addresses issues reasonably pertinent to the issues already presented and which do not unduly broaden them. If leave is granted the petitioner becomes an intervener and a party to the proceeding.

§ 1113.8 Witness examination; order of procedure.

Witnesses will be orally examined under oath before the officer unless the facts are presented to the Commission in the manner provided under modified procedure. In formal complaint, application, and investigation proceedings, complainant, applicant, and respondent, respectively, shall open and close at the hearing. In the event of further hearings granted on petition, the petitioners requesting further hearing shall open and close the proceeding. Instances exist in which parties other than the respondent may open and close in investigations were the burden of proof is not upon the respondent. Interveners shall follow the party in whose behalf the intervention is made. The foregoing order of presentation may be varied by the officer.

§ 1113.9 Prepared statements.

With the approval of the officer, a witness may read into the record, as his testimony, statements of fact or expressions of opinion prepared by the witness, or written answers to interrogatories of counsel. A prepared statement of a witness who is present at the hearing may be received as an exhibit, provided that the statement does not include argument. Before any such statement is read or admitted in evidence, the witness shall deliver to the officer, the reporter, and to opposing counsel, as may be directed by the officer, a copy of such statement or of such interrogatories and the written answers thereto. The admissibility of the evidence contained in such statement will be subject to the same rules as if such testimony was produced orally, including the right of cross-examination of the witness. The officer may require that the witness testify orally if, in the officer's opinion, the memory or demeanor of the witness may be of importance.

§ 1113.10 Records in other Commission proceedings.

A portion of the record before the Commission in another proceeding may be offered in evidence at an oral hearing. A party making such an offer must provide, as an exhibit, a certified copy of the material sought to be introduced. A hearing officer may waive the requirement that a copy be provided, subject to such conditions as he or she may impose to assure that a copy will be available later, if needed, at no expense to the Commission and to assure that the interests of other parties are not prejudiced. An offer of evidence under this section will be subject to objection by other parties.

§ 1113.11 Abstracts of documents.

When documents, such as freight bills or bills of lading, are numerous, the officer may refuse to receive all the documents and in evidence instead admit only a limited number of representative documents. He may instruct, if the proffer be for the purpose of proving damage, that introduction be deferred until there is opportunity to comply with § 1133.2. If the proffer be for another purpose the officer may require the party in orderly fashion to abstract the relevant data from the documents, affording other parties reasonable opportunity to examine both the documents and the abstract, and thereupon offer such abstract in evidence in exhibit form.

§ 1113.12 Exhibits.

(a) *Copies.* Unless the officer otherwise directs, the original and one copy of each exhibit of a documentary character should be furnished for the use of the Commission. The original will be delivered to the reporter, and the copy to the officer. If the hearing is before a board, a copy of the exhibit should be furnished to each member of the board, unless the board otherwise directs. Unless the officer for cause directs otherwise, a reasonable number of copies should be furnished to counsel in attendance at the hearing.

(b) *Interchange prior to hearing.* Whenever practicable, the parties should interchange copies of exhibits or other pertinent material or matter before or at the commencement of the hearing; and the Commission or presiding officer may so direct.

(c) *When excluded how treated.* When exhibit has been identified, objected to, and excluded, the officer will develop whether the party offering the exhibit withdraws the offer, and if so, permit the return of the exhibit to him. If the excluded exhibit is not withdrawn, it should be given an exhibit number for identification and be incorporated in the record. Exhibit numbers once used for identification will not be duplicated thereafter.

§ 1113.13 Filing evidence subsequent to hearing; copies.

Except as provided in this section or as expressly may be permitted in a particular instance, the Commission will not receive in evidence or consider as part of the record any documents, letters, or other writings submitted for consideration in connection with any proceeding after close of the hearing, and may return any such documents to the sender. Before the close of a hearing the officer may, at the request of a party or upon his own motion, or upon agreement of the parties, require that a party furnish additional documentary evidence that supplements the existing record, within a stated period of time. Documentary evidence to be furnished in this way will be given an exhibit number at the time of filing and the parties advised accordingly. Unless otherwise directed by the officer, the original and one copy of such submission should be filed with the Commission.

§ 1113.14 Objections to rulings.

It is sufficient that a party, at the time the ruling is made or sought, make known to the officer on the record the action which he desires the officer to take or his objection to the action of the officer and his grounds for that objection. An objection not pressed in brief will be considered as waived. Where no brief is filed an objection will be considered as waived if not pressed in an appeal or reply to an appeal, if filed, or in a separate petition dealing only with that objection.

§ 1113.15 Interlocutory appeals.

Rulings of the presiding officer may be appealed prior to service of the initial decision only if:

(a) The ruling denies or terminates any person's participation,

(b) The ruling grants a request for the inspection of documents not ordinarily available for public inspection,

(c) The ruling overrules an objection based on privilege, the result of which ruling is to require the presentation of testimony or documents, or

(d) The presiding officer finds that the ruling may result in substantial irreparable harm, substantial detriment to the public interest, or undue prejudice to a party.

§ 1113.16 Oral argument before the hearing officer.

At the discretion of the hearing officer and upon reasonable notice to the parties, oral argument may be made at the close of testimony before him as an alternative to the filing of written briefs.

Such argument, which should include requested findings and conclusions, will be recorded and made a part of the transcript of testimony, and will be available to the Commission for consideration in deciding the case. The making of such argument will not preclude oral argument before the Commission.

§ 1113.17 Transcript of record.

(a) *Filing.* After the close of the hearing, the complete transcript of the testimony taken and the exhibits shall be part of the record in the proceeding.

(b) *Corrections.* A suggested correction in a transcript ordinarily will be considered only if offered not later than 20 days after the date each transcript is filed with the Commission. A copy of the letter (original only need be filed with the Commission) requesting the suggested corrections should be served upon all parties of record and with 2 copies to the official reporter.

(c) *Objections to corrections.* Parties disagreeing with corrections suggested pursuant to paragraph (b) of this section should file written objections in the same manner as suggested corrections are to be filed. Objections to suggested corrections should be filed not later than 15 days after the filing with the Commission of suggested corrections. If no objections are timely filed, the Secretary of the Commission shall make the suggested corrections to the transcript. If objections are timely filed, the officer who presided at the hearing shall determine the merits of the suggested correction and enter an appropriate decision in the proceeding.

(d) *No free copies.* The Commission will not furnish free copies of the transcript to any party to any proceeding.

§ 1113.18 Briefs.

(a) *When filed.* In a proceeding which has been the subject of oral hearing, and in which briefs are to be filed, that fact will be stated by the officer on the record. The officer shall fix the time for filing briefs. Simultaneous filing will normally be required, and reply briefs will not normally be permitted.

(b) *Evidence abstract.* A brief filed after a hearing may contain an abstract of the evidence relied upon by the party filing it, preferably assembled by subjects, with reference to the pages of the record, if written, or exhibit where the evidence appears. In the event the party elects not to include a separate abstract in his brief, he should give specific reference to the portions of the record, whether transcript or otherwise, relied upon in support of the respective statements of fact made throughout the brief.

(c) *Requested findings.* Each brief should include such requests for specific findings, separately stated and numbered, as the party desires the Commission to make.

(d) *Exhibit reproduction.* Exhibits should not be reproduced in the brief, but may be shown, within reasonable limits, in an appendix to the brief. Analysis of such exhibits should be included in the brief where pertinent.

§ 1113.19 Pleadings: part of the record.

Matters of fact that are verified and filed prior to oral hearing and that are not specifically denied constitute evidence and are part of the record. A witness, who would present such evidence, must be made available for cross-examination if a request is reasonably made. This rule does not apply to protest against tariffs or schedules.

§ 1113.20-1113.30 [Reserved].

§ 1113.31 Joint boards.

(a) *Organization.* After a joint board has been established according to 49 U.S.C. 10342 et seq., it will select one of its members to act as chairman. If the person selected as chairman is absent from a meeting, the members attending shall select a temporary substitute chairman for that meeting.

(b) *Waiver of action by absence of a joint board.* If a joint board member fails to participate in a hearing after notice of the hearing, the failure to participate acts as a waiver of action on the part of the State from which the member was appointed.

(c) *Procedural ruling by chairman in case of disagreement.* If the members of a joint board or a majority of the board attending a hearing cannot agree upon the disposition of a procedural question arising at the hearing, the chairman, or acting chairman, shall decide the question.

(d) *Form of joint board's decision; service.* The board's decision will conform as nearly as possible to the form of decisions issued by the Commission. The board's decision will be served by the Commission.

(e) *Termination of joint board jurisdiction and subsequent procedure.* The jurisdiction of a joint board over a referred matter will terminate when the decision of the joint board is served by the Commission. Joint board jurisdiction also may be terminated by Commission decision, and it will terminate if—

(1) The board's conclusions are submitted without a written decision;

(2) Each state entitled to appoint a member waives action in writing from the appropriate state authority;

(3) All of the members of the board fail to appear at the hearing;

(4) A majority of the board fails to agree on substantive matters; or

(5) The board fails to act in accordance with 49 U.S.C. 10343(d)(2).

When jurisdiction of the joint board has been terminated without a decision by the board due to the reasons stated in paragraphs (e)(1)–(4) of this section, the Commission or a designated officer will enter a decision based upon the record, if any, made before the board or after further hearings, if required.

(19) Former §§ 1100.55–1100.65, 1100.73, 1100.76, 1100.77, 1100.79, 1100.80, and former paragraphs 1100.82(a) and (b) are redesignated as Part 1114, and the newly redesignated Part 1114 is revised to read as follows:

PART 1114—EVIDENCE; DISCOVERY

Subpart A—General Rules of Evidence

Sec.

1114.1 Admissibility.
1114.2 Official records.
1114.3 Admissibility of business records.
1114.4 Documents in Commission's files.
1114.5 Records in other Commission proceedings.
1114.6 Official notice of corroborative material.
1114.7 Exhibits.

Subpart B—Discovery

1114.21 Applicability; general provisions.
1114.22 Deposition.
1114.23 Depositions; location, officer, time, fees, absence, disqualification.
1114.24 Depositions; procedures.
1114.25 Effect of errors and irregularities in dispositions.
1114.26 Written interrogatories to parties.
1114.27 Request for admission.
1114.28 Depositions, requests for admission, written interrogatories, and responses thereto: inclusion in record.
1114.29 Supplementation of responses.
1114.30 Production of documents and records and entry upon land for inspection and other purposes.
1114.31 Failure to respond to discovery.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

Subpart A—General Rules of Evidence

§ 1114.1 Admissibility.

Any evidence which is sufficiently reliable and probative to support a decision under the provisions of the Administrative Procedure Act, or which would be admissible under the general statutes of the United States, or under the rules of evidence governing proceedings in matters not involving trial by jury in the courts of the United

States, will be admissible in hearings before the Commission. The rules of evidence will be applied in any proceeding to the end that necessary and proper evidence will be conveniently, inexpensively, and speedily produced, while preserving the substantial rights of the parties.

§ 1114.2 Official records.

An official record or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by a deputy, and accompanied with a certificate that such officer has the custody. If the office in which the record is kept is within the United States or within a territory or insular possession subject to the dominion of the United States, the certificate may be made by a judge of a court of record of the district or political subdivision in which the record is kept, authenticated by the seal of the court, or may be made by any public officer having a seal of office and having official duties in the district or political subdivision in which the record is kept, authenticated by the seal of his office. If the office in which the record is kept is in a foreign state or country, the certificate may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent or by officer in the foreign service of the United States stationed in the foreign state or country in which the record is kept, and authenticated by the seal of his office. A written statement signed by an officer having the custody of an official record or by his deputy that after diligent search no record or entry of a specified tenor is found to exist in the records of his office, accompanied by a certificate as above provided, is admissible as evidence that the records of this office contain no such record or entry. This section does not prevent the proof of official records or of entry or lack of entry therein or official notice thereof by a method authorized by any applicable statute or by the rules of evidence.

§ 1114.3 Admissibility of business records.

Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, will be admissible as evidence thereof if it appears that it was made in the regular course of business, and that it was the regular course of business to make such memorandum or record at the time such record was made, or within a reasonable time thereafter.

§ 1114.4 Documents in Commission's files.

If a party offers in evidence any matter contained in a report or other document open to public inspection in the files of the Commission, such report or other document need not be made available at the hearing.

§ 1114.5 Records in other Commission proceedings.

If any portion of the record before the Commission in any proceeding other than the proceeding at issue is offered in evidence, a true copy will be presented for the record.

§ 1114.6 Official notice of corroborative material.

The Commission or a hearing officer may take notice of official records, records in other Commission proceedings, or other materials which are otherwise subject to specific rules governing admissibility regardless of compliance with the full technical provisions of such rules, where the admissibility of the evidence is for purposes of corroboration of testimony presented or to evaluate the credibility of testimony or allegations made in proceedings where the public interest is not otherwise adequately represented by counsel capable of fully complying with such rules.

§ 1114.7 Exhibits.

(a) *Generally.* Whenever practical the sheets of each exhibit and the lines of each sheet should be numbered. If the exhibit consists of five or more sheets, the first sheet or title-page should be confined to a brief statement of what the exhibit purports to show with reference by sheet and line to illustrative or typical examples contained therein. The exhibit should bear an identifying number, letter, or short title which will readily distinguish it from other exhibits offered by the same party. It is desirable that, whenever practicable, evidence should be condensed into tables. Whenever practicable, especially in proceedings in which it is likely that many documents will be offered, all the documents produced by a single witness should be assembled and bound together, suitably arranged and indexed, so that they may be identified and offered as one exhibit. Exhibits should not be argumentative and should be limited to statements of facts, and be relevant and material to the issue, which can better be shown in that form than by oral testimony.

(b) *Reference to tariff authority, routes, and distances.* All exhibits showing rates, fares, charges, or other tariff or schedule provisions must, by appropriate Interstate Commerce Commission number reference, indicate the tariff or schedule authority therefor. If distances are shown, they must also show the authority therefor, and, by lines, highways, or waterways, and junction points, the routes over which the distances are computed. The routes over which the distances are computed need not be shown when such distances are specifically published in a tariff or schedule lawfully on file with the Commission, or definitely ascertainable from a tariff or schedule on file with the Commission showing rates prescribed by the Commission and based on short line distances, or short-highway distances, provided the exhibit makes specific reference to such tariff or schedules as provided by this section.

Subpart B—Discovery

§ 1114.21 Applicability; general provisions.

(a) *When discovery is available.* (1) Parties may obtain discovery under this subpart regarding any matter, not privileged, which is relevant to the subject matter involved in a proceeding other than an informal proceeding. For the purpose of this subchapter, informal proceedings are those not required to be determined on the record after hearing and include informal complaints and all proceedings assigned for initial disposition to employee boards (except the review boards) under 49 CFR 1011.6.

(2) It is not grounds for objection that the information sought will be inadmissible as evidence if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(b) *How discovery is obtained.* (1) In non-rail licensing proceedings governed by 49 CFR Part 1160, no discovery procedures may be used unless the Commission, upon its own motion or upon verified petition of a party, shall have entered a decision approving discovery.

(2) In other proceedings other than those governed by 49 CFR Part 1160, those discovery procedures providing for the service of written interrogatories and requests for admissions (49 CFR 1114.26 and 1114.27) may be used by parties without filing a petition and obtaining prior Commission approval. The other discovery procedures may be used only when the Commission, upon its own motion or upon verified petition of a party, has entered a decision approving discovery.

(3) Whenever possible a petition for discovery must be filed in sufficient time to allow for the filing of replies and for consideration by the Commission without requiring the postponement of

any hearing or the submission of initial statements under modified procedure. Use of discovery in those circumstances where no petition is required must also be accomplished whenever possible without requiring any such postponement.

(c) *Protective conditions.* Upon motion by any party, by the person from whom discovery is sought, or by any person with a reasonable interest in the data, information, or material sought to be discovered and for good cause shown, any order which justice requires may be entered to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, or to prevent the raising of issues untimely or inappropriate to the proceeding. Relief through a protective order may include one or more of the following:

(1) That the discovery not be had;

(2) That the discovery may be had only on specified terms and conditions, including a designation of the time and place;

(3) That the discovery may be had only upon such terms and conditions as the Commission may impose to insure financial responsibility indemnifying the party or person against whom discovery is sought to cover the reasonable expenses incurred;

(4) That the discovery may be had only by a method other than that selected by the party seeking discovery;

(5) That certain matters not be inquired into or that the scope of discovery be limited to certain matters;

(6) That discovery be conducted with no one present except persons designated in the protective order;

(7) That a deposition after being sealed be opened only by order of the Commission;

(8) That a trade secret or other confidential research development or commercial information not be disclosed or be disclosed only in a designated way; and

(9) That the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened only upon direction or order of the Commission.

If the motion for a protective order is denied in whole or in part, the Commission may, on such terms and conditions as it deems just, enter an order requiring any party or person to provide or permit discovery. A protective order under this paragraph may only be sought after, or in conjunction with, an effort by any party to obtain relief under 49 CFR 1114.24(a), 1114.28(a), or 1114.31.

(d) *Sequence and timing of discovery.* Unless the Commission upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, should not operate to delay any party's discovery.

(e) *Stipulations regarding discovery.* Unless otherwise ordered, a written stipulation entered into by all the parties and filed with the Commission may:

(1) Provide that depositions be taken before any person, at any time or place, upon sufficient notice, and in any manner and when so taken may be used like other depositions; and

(2) Modify the procedures provided by these rules for other methods of discovery.

§ 1114.22 Deposition.

(a) *Purpose.* The testimony of any person, including a party, may be taken by deposition upon oral examination.

(b) *Petition.* The petition requesting an order to take a deposition and perpetuate testimony or to produce documents and materials:

(1) Should set forth the facts it desires to establish and the substance it expects to elicit;

(2) Should be served upon all parties to the proceeding and upon the person sought to be deposed and/or the custodian of the documents or materials sought to be produced;

(3) Should set forth the name and address of the witness, the place where, the time when, the name and office of the officer before whom, and the cause or reason why such deposition should be taken; and

(4) Should specify with particularity the documents and materials which the deponent is requested to produce.

(c) *Order.* If the Commission is convinced on its own initiative or by the petition requesting an order to take a deposition that the deposition will prevent a failure or delay of justice, it will serve an order upon the parties and the witness, naming the witness whose deposition is to be taken, specifying the time when, the place where, and the officer before whom the deposition is to be taken, and specifying the subject matter of the examination and whether the depositions shall be taken upon oral examination or written interrogatories. The provisions for the taking of the deposition specified in the Commission's order may or may not be the same as requested in the petition. The deposition may then be taken in accordance with these rules, and the Commission may make orders of the character provided by 49 CFR 1114.31.

§ 1114.23 Depositions; location, officer, time, fees, absence, disqualification.

(a) *Where deposition should be taken.* Unless otherwise ordered or agreed to be stipulation, depositions should be taken in the city or municipality where the deponent is located.

(b) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions should be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country, depositions may be taken before an officer or person designated by the Commission or agreed upon by the parties by stipulation in writing to be filed with the Commission.

(c) *Fees.* A witness whose deposition is taken pursuant to these rules and the officer taking same, unless he be employed by the Commission, shall be entitled to the same fee paid for like service in the courts of the United States, which fee should be paid by the party at whose instance the deposition is taken.

(d) *Failure to attend or to serve subpoena; expenses.* (1) If the party who filed a petition for discovery fails to attend and proceed with the taking of the deposition and another party attends in person or by representative pursuant to an order of the Commission granting discovery the Commission may order the party who filed the petition to pay to such other party the reasonable expenses incurred by him and his representative in so attending, including reasonable attorney's fees.

(2) If the party who filed a petition for discovery fails to serve a subpoena upon the witness and the witness because of such failure does not attend, and if another party attends in person or by representative because he expects the deposition of the witness to be taken, the Commission may order the party who filed the petition to pay to such other party the reasonable expenses incurred by him and his representative in so attending, including reasonable attorney's fees.

(e) *Disqualification for interest.* No deposition should be taken before a person who is a relative or employee or representative or counsel of any of the parties, or is a relative or employee of such representative or counsel or is financially interested in the proceeding.

§ 1114.24 Depositions; procedures.

(a) *Examination.* Examination and cross-examination of witnesses should proceed as permitted at a hearing and should be limited to the subject matter specified in the order granting discovery. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, should be noted by the officer upon the deposition. Evidence objected to should be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition, and shall transmit them to the officer, who shall open the sealed envelope, propound the questions to the witness, and record the answers verbatim.

(b) *Use of depositions.* At the hearings, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated to testify on behalf of a public or private corporation, partnership, association or governmental agency (other than this Commission, except in those instances where the Commission itself is a party to the proceeding) which is a party, may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer or Commission finds:

(i) That the witness is dead; or

(ii) That the witness is at a greater distance than 100 miles from the place of hearing or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or

(iii) That the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or

(iv) That the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or

(v) Upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witness orally at public hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts. Substitution of parties does not affect the right to use depositions previously taken.

(c) *Effect of taking or using depositions.* A party should not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this should not apply to the use of an adverse party of a deposition under paragraph (b)(2) of this section. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

(d) *Motions to protect.* At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the Commission may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in 49 CFR § 1114.21(c). If the order made terminates the examination, it should be resumed thereafter only if so ordered. Upon demand of the objecting party or deponent, the taking of the deposition should be suspended for the time necessary to make a motion for an order.

(e) *Recordation.* The officer before whom the deposition is to be taken shall observe the provisions of 49 CFR § 1113.6 respecting appearances and typographical specifications, shall put the witness under oath, and shall personally, or by someone acting under his direction and in his presence, record and transcribe the testimony of the witness as required by these rules.

(f) *Signing.* When the testimony is fully transcribed or otherwise recorded, the deposition should be submitted to the witness for examination and should be read to or by him unless such examination and reading are waived by the witness and the parties. Any changes in form or substance which the witness desires to make should be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The witness shall then sign the deposition, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 15 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used fully as though signed, unless, on a motion to suppress, it is found that the reasons given for refusal to sign require rejection of the deposition in whole or in part.

(g) *Attestation.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that the officer is: (1) not a relative, employee, representative or counsel of any of the parties, (2) not a relative or employee of such representative or counsel, and (3) not financially interested in the proceeding.

(h) *Return.* The officer shall securely seal the deposition in an envelope endorsed with sufficient information to identify the proceeding and marked "Deposition of (here insert name of witness)" and shall either personally deliver or promptly send the original and one copy of all exhibits by registered mail to the Secretary of the Commission. A deposition to be offered in evidence must reach the Commission not later than 5 days before the date it is to be so offered.

(i) *Notice.* The party taking the deposition shall give prompt notice of its filing to all other parties.

(j) *Copies.* Upon payment of reasonable charges, the officer before whom the deposition is taken shall furnish a copy of it to any interested party or to the deponent.

§ 1114.25 Effect of errors and irregularities in depositions.

(a) *As to disqualification of officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(b) *As to taking of deposition.* (1) Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(c) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, endorsed, transmitted, filed, or otherwise dealt with by the officer under 49 CFR 1114.23 and 1114.24 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

§ 1114.26 Written interrogatories to parties.

(a) *Availability; procedures for use.* Subject to the provisions of 49 CFR 1114.21(b)(2), any party may serve upon any other party written interrogatories to be answered by the party served, or if the party served is a public or private corporation, partnership, association, or Governmental agency (other than this Commission, except in those instances where the Commission itself is a party to the proceeding), by any officer or agent, who shall furnish such information as is available to the party. Copies of any interrogatories served, and answers thereto, should also be filed with the Commission. Each interrogatory should be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection should be stated in lieu of an answer. The answers are to be signed by the person making them and subscribed by an appropriate verification generally in the form prescribed in 49 CFR 1112.9. Objections are to be signed by the representative or counsel making them. The person upon whom the interrogatories have been served shall serve a copy of the answers and objections within the time period designated by the party submitting the interrogatories, but not less than 15 days after the service thereof.

(b) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit, or inspection of such business records or from a compilation, abstract, or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit, or inspect such records and to make copies thereof, or compilation, abstracts, or summaries therefrom. If information sought is contained in computer runs, punchcards, or tapes which also contain privileged or proprietary information or information the disclosure of which is proscribed by the act, it will be sufficient response under these rules that the person upon whom the interrogatory has been served is willing to make available to and permit an independent professional organization not interested in the proceeding and paid by the party serving the interrogatory to extract from such runs, punchcards, or tapes the information sought in the interrogatory that is not privileged or proprietary information or information the disclosure of which is proscribed by the act.

(c) *Service of interrogatories in those proceedings not requiring a petition.* In those proceedings not requiring a petition for interrogatories, and unless under special circumstances and for good cause, no written interrogatories shall be served within 20 days prior to the date assigned for commencement of hearing or the filing of opening statements of fact and argument under the modified procedure, and when the written interrogatories are to be served in a foreign country, they shall not be served within 40 days prior to such date.

§ 1114.27 Request for admission.

(a) *Availability; procedures for use.* Subject to the provisions of 49 CFR 1114.21(b)(2), a party may serve upon any other party a written request for the admission, for purposes of the pending proceeding only, of the truth of any matters within the scope of 49 CFR 1114.21 set forth in the request, including the genuineness of any documents described in the request for admission. Copies of documents should be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Copies of any requests for admission served, and answers thereto, should also be filed with the Commission. Each matter of which an admission is requested should be separately set forth. The matter is admitted unless, within a period designated in the request, not less than 15 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or his representative or counsel. If objection is made, the reasons therefor should be stated. The answer should specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial should fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for hearing may not, on that ground alone, object to the request; he may, subject to the provisions of 49 CFR 1114.31, deny the matter or set forth reasons why he cannot admit or deny it. Copies of any answers or objections should be filed with the Commission.

(b) *Effect of admission.* Any matter admitted under this rule is conclusively established unless upon petition and a showing of good cause the Commission enters an order permitting withdrawal or amendment of the admission. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

(c) *Service of written requests for admission in those proceedings not requiring a petition.* In those proceedings not requiring a petition for requests for admission, and unless under special circumstances and for good cause shown, no requests for admission should be served within 20 days prior to the date assigned for commencement of hearing or the filing of opening statements of fact and argument under the modified procedure, and when requests for admission are to be served in a foreign country they should not be served within 40 days prior to such date.

§ 1114.28 Depositions, requests for admission, written interrogatories, and responses thereto: inclusion in record.

At the oral hearing, or upon the submission of statements under the modified procedure, depositions, requests for admission and written interrogatories, and respective responses may be offered in evidence by the party at whose instance they were taken. If not offered by such party, they may be offered in whole or in part by any other party. If only part of a deposition, request for admission or written interrogatory, or response thereto is offered in evidence by a party, any other party (where the matter is being heard orally) may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts. Such depositions, requests for admission and written interrogatories, and responses thereto should be admissible in evidence subject to such objections as to competency of the witness, or competency, relevancy, or materiality of the testimony as were noted at the time of their taking or are made at the time they are offered in evidence.

§ 1114.29 Supplementation of responses.

A party who has responded to a request for discovery with a response that was complete when made is under a duty to supplement his response to include information thereafter acquired in the following instances:

(a) A party is under a duty seasonably to supplement his response with respect to any question directly addressed to:

(1) The identity and locations of persons having knowledge of discoverable matters, and

(2) The identity of each person expected to be called as an expert witness at the hearing, the subject matter on which he is expected to testify, and the substance of his testimony.

(b) A party who knows or later learns that his response is incorrect is under a duty seasonably to correct his response.

(c) A duty to supplement responses may be imposed by order, agreement of the parties, or at any time prior to the hearing or the submission of verified statements under the modified procedure through new requests for supplementation of prior responses.

§ 1114.30 Production of documents and records and entry upon land for inspection and other purposes.

(a) *Scope.* Any party may be ordered and directed:

(1) To produce and permit the petitioning party to inspect any designated documents (including writings, drawings, graphs, charts, photographs, phonograph records, tapes, and other data compilations from which information can be obtained, translated, if necessary, with or without the use of detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which are in the possession, custody, or control of the party upon whom the order is served, but if the writings or data compilations (including computer runs, punchcards, and tapes) include privileged or proprietary information or information the disclosure of which is proscribed by the act, such writings or data compilations need not be produced under this rule but may be provided pursuant to 49 CFR 1114.26(b); or

(2) To permit, subject to appropriate liability releases and safety and operating considerations, entry upon designated land or other property in the possession or control of the party upon whom the order is served for the purpose of inspecting and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon.

(b) *Procedure.* Any petition filed pursuant to this rule should set forth the items to be inspected either by individual item or by category and describe each item and category with reasonable particularity. The petition should specify a reasonable time, place, and manner of making the inspection and performing the related acts.

§ 1114.31 Failure to respond to discovery.

(a) *Failure to answer.* If a deponent fails to answer or gives an evasive answer or incomplete answer to a question propounded under 49 CFR 1114.24(a), or a party fails to answer or gives evasive or incomplete answers to written interrogatories served pursuant to 49 CFR 1114.26(a), the party seeking discovery may apply for an order compelling an answer by motion filed with the Commission and served on all parties and deponents. Such motion to compel an answer must be filed with the Commission and served on all parties and deponents. Such motion to compel an answer must be filed with the Commission within 10 days after the failure to obtain a responsive answer upon deposition, or within 10 days after expiration of the period allowed for submission of answers to interrogatories. On matters relating to a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

(b) *Failure to comply with order.* (1) If a party or other witness refuses to be sworn or refuses to answer any question after being directed to do so by the Commission, such refusal may subject the refusing party or person to action by the Commission under 49 U.S.C. 10321(c)(3) and (d)(4) to compel appearance and compliance with the Commission's order.

(2) If any party or an officer, director, managing agent, or employee of a party or person refuses to obey an order made under paragraph (a) of this section requiring him to answer designated questions, or an order made under 49 CFR 1114.30 requiring him to produce any document or other thing for inspection, copying, testing, sampling, or photographing or to permit it to be done, or to permit entry upon land or other property, the Commission may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which questions were asked, or the character or description of the thing or land, or the contents of the paper, or any other designated facts should be taken to be established for the purposes of the proceeding in accordance with the claim of the party obtaining the order:

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony:

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the proceedings or any party thereof.

(c) *Expenses on refusal to admit.* If a party, after being served with a request under 49 CFR 1114.27 to admit the genuineness of any document or the truth of any matter of fact, serves a sworn denial thereof, and if the party requesting the admission thereafter proves the genuineness of any such document or the truth of any such matter of fact the Commission may order the party making such denial to pay to such other party the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

(d) *Failure of party to attend or serve answers.* If a party or a person or an officer, director, managing agent, or employee of a party or person willfully fails to appear before the officer who is to take his deposition, after being served with a proper notice, or fails to serve answers to interrogatories submitted under 49 CFR 1114.26, after proper service of such interrogatories, the Commission on motion and notice may strike out all or any part of any pleading of that party or person, or dismiss the proceeding or any part thereof.

(e) *Expenses against United States.* Expenses and attorney's fees are not to be imposed upon the United States under this rule.

(20) Former § 1100.98 is redesignated as Part 1115, and the newly redesignated Part 1115 is revised to read as follows:

PART 1115—APPELLATE PROCEDURES

Sec.
1115.1 Scope of rule.
1115.2 Initial decisions.
1115.3 Commission actions other than initial decisions.
1115.4 Petitions to reopen administratively final actions.
1115.5 Petitions for other relief.
1115.6 Exhaustion of remedies and judicial review.

Authority: 49 U.S.C. 10321, 10322, and 10377; 5 U.S.C. 559.

§ 1115.1 Scope of rule.

(a) These appellate procedures apply in cases where a hearing is required by law or Commission action. They do not apply to informal matters such as car service, temporary authority, suspension, special permission actions, or to other matters of an interlocutory nature except as specifically provided below. Except as provided in paragraph (c) of this section, these procedures do not apply to appeals from decisions of individual Commission employees in purely procedural matters made pursuant to authority delegated to them by the Chairman of the Commission. (See 49 CFR Part 1152) Abandonment and discontinuance proceedings instituted under 49 USC 10903 are governed by separate appellate procedures exclusive to those proceedings. (See 49 CFR Part 1152)

(b) Requests for appellate relief may relate either to initial decisions or to Commission actions other than initial decisions. For each category, this rule describes the types of appeal permitted, the requirements to be observed in filing an appeal, provisions for stay of the action, and the status of the action in the absence of a stay.

(c) Appeals from the decisions of employees acting under authority delegated to them by the Chairman of the Commission pursuant to 49 CFR 1011.7 will be acted upon by the Chairman of the Commission. Appeals must be filed within 10 days of the date of the action taken by the employee, and responses to appeals must be filed within 10 days thereafter. Such appeals are not favored; they will be granted only in exceptional circumstances to correct a clear error of judgment or to prevent manifest injustice.

§ 1115.2 Initial decisions.

This category includes the initial decision of an administrative law judge, individual Commissioner, employee board, joint board, division, or panel of the Commission.

(a) An appeal of right is permitted.

(b) Appeals must be based on one or more of the following grounds:

(1) That a necessary finding of fact is omitted, erroneous, or unsupported by substantial evidence of record;

(2) That a necessary legal conclusion, or finding is contrary to law, Commission precedent, or policy;

(3) That an important question of law, policy, or discretion is involved which is without governing precedent;

(4) That prejudicial procedural error has occurred.

(c) Appeals must detail the assailed findings with supporting citations to the record and authorities.

(d) Appeals and replies shall not exceed 30 pages in length, including argument, and appendices or other attachments, but excluding a table of cases and an index of subject matter.

(e) Appeals must be filed within 20 days after the service date of the decision or within any further period (not to exceed 20 days) the Commission may authorize. In proceedings seeking motor carrier operating authority replies must be filed within 15 days of the date the appeal is due. In all other proceedings covered by these rules, replies must be filed within 20 days of the date the appeal is due.

(f) The timely filing of an appeal to an initial decision will stay the effect of the action pending determination of the appeal.

(g) If an appeal of an initial decision is not timely filed or the Commission does not stay the effectiveness on its own motion, the order set forth in the initial decision shall become the action of the Commission and be effective at the expiration of the time for filing, unless otherwise provided.

§ 1115.3 Commission actions other than initial decisions.

This category includes: a decision of a division in the first instance, where the requirement for an initial decision was voided (for rail proceedings pursuant to 49 U.S.C. 10327(c)) or waive (for nonrail proceedings pursuant to 49 U.S.C. 10322(c)); an action of the entire Commission in the first instance; and an action taken by a review board or division on an appeal filed under § 1115.2.

(a) A discretionary appeal is permitted. It will be designated a "petition for administrative review," except that, when it is related to an action of the entire Commission in the first instance, it must be designated a "petition to reopen."

(b) The petition will be granted only upon a showing of one or more of the following points:

(1) The prior action (all categories) will be affected materially because of new evidence or changed circumstances.

(2) The prior action was taken by a division in the first instance or by a review board or division in an appellant capacity, and involves a matter of general transportation importance.

(3) The prior action was taken by the entire Commission in the first instance, and involves material error.

(c) To the extent the petition requests further hearing, rehearing, reargument, or reconsideration, the petition must state in detail the nature of and reasons for the relief requested. When in a petition filed under this section, a party seeks an opportunity to introduce evidence, the evidence must be stated briefly, must not appear to be cumulative, and explanation must be given why it was not previously adduced.

(d) The petition and any reply must not exceed 20 pages in length. A separate preface and summary of argument, not exceeding 3 pages, may accompany petitions and replies and must accompany those that exceed 10 pages in length.

(e) Petitions must be filed within 20 days after the service of the action or within any further period (not to exceed 20 days) as a division or the Commission may authorize. In proceedings seeking motor carrier authority replies must be filed within 15 days of the date the appeal is due. In all other proceedings covered by these rules, replies must be filed within 20 days of the date the appeal is due.

(f) The filing of a petition will not automatically stay the effect of a prior action, but the Commission may stay the effect of the action on its own motion or on petition. A petition to stay may be filed in advance of the petition for administrative review or petition to reopen and shall be filed within 10 days of service of the action. No reply need be filed. However, if a party elects to file a reply, it must reach the Commission no later than 16 days after service of the action.

(1) In a rail proceeding, the action, if not stayed, will become effective 30 days after it is served, unless the acting body provides for the action to become effective at an earlier date. On the day the action is served parties may initiate judicial review.

(2) In a nonrail proceeding, the action, if not stayed, will be effective on the date it is served, and parties may initiate judicial review.

(3) In all final actions, the provisions of the action will take effect on the date of service, unless otherwise provided. On this date parties must comply with the terms, conditions, or orders of the effective decision.

§ 1115.4 Petitions to reopen administratively final actions.

A person at any time may file a petition to reopen any administratively final action of the Commission pursuant to the requirements of § 1115.3 (c) and (d) of this part. A petition to reopen an operating rights application proceeding must state in detail information sufficient to establish either fraud or ministerial mistake in the earlier decision. A petition to reopen all other proceedings must state in detail the respects in which the proceeding involves material error, new evidence, or substantially changed circumstances and must include a request that the Commission make such a determination.

§ 1115.5 Petitions for other relief.

(a) A party may petition for a stay of an action pending a request for judicial review, for extention of the compliance date, or for modification of the date the terms of the decision take effect. The reasons for the desired relief must be stated in the petition, and the petition must be filed not less than 10 days prior to the date the terms of the action take effect. No reply need be filed. If a party elects to file a reply, the reply must reach the Commission no later than 5 days after the petition is filed.

(b) When the terms of a Commission action take effect on less than 15 days' notice, a petition for stay pending a request for judicial review must be filed prior to the institution of court action and as close to the service date as practicable. No reply need be filed. Where time permits, a party may elect to file a reply.

(c) A petition or reply must not exceed 10 pages in length.

§ 1115.6 Exhaustion of remedies and judicial review.

These rules do not relieve the requirement that a party exhaust its administrative remedies before going to court. Any action appealable as of right must be timely appealed. If an appeal, discretionary appeal, or petition seeking reopening is filed under § 1115.2 or § 1115.3 of this part, before or after a petition seeking judicial review is filed with the courts, the Commission will act upon the appeal or petition after advising the court of its pendency unless action might interfere with the court's jurisdiction.

(21) Former § 1100.93 is redesignated as Part 1116, and the newly redesignated Part 1116 is revised to read as follows.

PART 1116—ORAL ARGUMENT BEFORE THE COMMISSION

Sec.
1116.1 Requests.
1116.2 Manner or presentation.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1116.1 Requests.

(a) *Addressee.* Requests for oral argument should be addressed to the Secretary, Interstate Commerce Commission, Washington, DC 20423.

(b) *Who may request?* Any party may submit a written request for oral argument and state the reasons for the request. No replies from other parties to the request shall be made.

(c) *When to file a request.* Requests for oral argument should be filed within 20 days after the date of service of the decision, order, or requirement being appealed, unless the Commission by order prescribes a different time period.

(d) *Granting of request.* The Commission will rule upon requests by decision, and the granting of requests is entirely at the discretion of the Commission.

§ 1116.2 Manner of presentation.

Proponents of a rule or order will be heard first, and opponents will be heard second. One counsel only will usually be heard for each of the opposing interests, unless additional presentations are specifically authorized.

(22) Former § 1100.99 is redesignated as Part 1117, and the newly redesignated Part 1117 is revised to read as follows:

PART 1117—PETITIONS (FOR RELIEF) NOT OTHERWISE COVERED

§ 1117.1 Petitions.

A party seeking relief not provided for in any other rule may file a petition for such relief. The petition should contain (a) a short, plain statement of the grounds upon which the Commission's jurisdiction is based; (b) a short plain statement of the claim showing that the petitioner is entitled to relief; and (c) a demand for the relief the petitioner believes is appropriate.

(49 U.S.C. 10321; 5 U.S.C. 559)

(23) Former § 1100.39 and former paragraphs 1100.225 (a) and (b), (c), (e), (f), and (h) are redesignated as Part 1118 and the newly redesignated Part 1118 is revised to read as follows:

PART 1118—PROCEDURES IN INFORMAL PROCEEDINGS BEFORE CERTAIN EMPLOYEE BOARDS

Sec.
1118.1 Scope.
1118.2 Proceedings to be informal.
1118.3 Service of special permission applications.
1118.4 Appeals.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1118.1 Scope.

The rules in this part govern proceedings before the Finance Board, the Operations Boards, the Special Permission Board, the Released Rates Board, the Accounting and Valuation Board, the Tariff Rules Board, the Special Docket Board, the Tariff Integrity Board, and the Regional Motor Carrier Boards. Special rules, located elsewhere in this Part, should be consulted.

§ 1118.2 Proceedings to be informal.

The proceedings in all matters governed by this part will be informal. No transcript of these proceedings will be made. Subpoenas will not be issued and, except when applications, petitions, or statements are required to be attested, oaths will not be administered.

§ 1118.3 Service of special permission applications.

A special permission application requesting authority to change, cancel, or reissue tariff matter under suspension or continued in effect as a result of suspension should be simultaneously served on all parties to the investigation and suspension proceeding, and should include a certificate of service to that effect.

§ 1118.4 Appeals.

(a) *Standing to appeal.* Appeals of decisions of the Finance Board and replies to appeals may be filed only by a party to the proceeding. Appeals of the decisions of the other employee boards subject to this part and replies to appeals may be filed by any person.

(b) *Number of copies.* The original and six copies of each pleading or paper permitted or required to be filed under this section should be furnished for the use of the Commission.

(c) *Time for filing.* Except as provided in paragraph (e) of this section with respect to matters involving emergency temporary authority, appeals in proceedings governed by this part must be filed within 20 days after the date of service of the decision.

(d) *Where filed.* Appeals of decisions of a Regional Motor Carrier Board and replies to appeals should be filed with the regional office issuing the decision. All other appeals and replies to appeals should be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(e) *Appeals in emergency temporary authority proceedings.* An applicant seeking reconsideration of a decision concerning emergency temporary authority must file a petition within 20 days after it is notified of the decision on the application. Any other interested person seeking reconsideration of a decision granting emergency temporary authority may file a petition at any time during the life of the authority. Replies may be filed within 15 days after the filing of the petition. Pleadings must be served on all parties of record.

(f) *Appeals in valuation proceedings.* An appeal of a tentative valuation must contain precise references to the matters objected to and must include a statement of the changes in the valuation desired by the appellant. When practicable, each object of appeal should be set up as a separately numbered item. An appeal against land values or areas must state the valuation section and zone on the Commission's maps in which the land is located. When appellant claims that property owned or used has been omitted, a full description of the property and its location must be included.

(g) *Decisions on appeal.* An appeal from an employee board's decision in a matter subject to this part will be reviewed by the board which may elect to modify its decision in the light of new facts or arguments presented on appeal. If the board elects not to modify its prior decision, the appeal will be forwarded to the appropriate appellate body for determination. If a modified decision is issued by the board, a further appeal lies under this part. A decision on appeal by an appellate body is administratively final, except for decisions of review boards in temporary authority or emergency temporary authority proceedings under 49 U.S.C. 10928.

(24) Former § 1100.94 is redesignated as Part 1119 and the newly redesignated Part 1119 is revised to read as follows:

PART 1119—COMPLIANCE WITH COMMISSION DECISIONS

§ 1119.1 Compliance.

A defendant or respondent directed by the Commission to do or desist from doing a particular thing must notify the Commission on or before the compliance date specified in the decision of the manner of compliance. Notification should be by verified affidavit showing simultaneous service upon all parties to the proceeding. Where a change in rates or schedules is directed, notification specifying the Interstate Commerce Commission tariff or schedule numbers must be given in addition to the filing of proper tariffs or schedules.

(49 U.S.C. 10321; 5 U.S.C. 559)

PART 1120—USE OF 1977-1978 STUDY OF MOTOR CARRIER PLATFORM HANDLING FACTORS

(25) Former Part 1104A is redesignated as Part 1120.

PARTS 1121, 1122, 1123, 1125, 1126, 1127 and 1129 [REDESIGNATED]

(26) Current Parts 1121, 1122, 1123, 1125, 1126, 1127 and 1129 are redesignated as Parts 1152, 1153, 1154, 1155, 1156, 1157, and 1140, respectively.

PARTS 1121-1129—[RESERVED]

(27) New Parts 1121-1129 are added and reserved.

PARTS 1130-1149—RATE PROCEDURES

PART 1130—INFORMAL COMPLAINTS

(28) Former §§ 1100.22, 1100.22a and 1100.23 are redesignated as Part 1130, and a center heading is added to precede the newly redesignated Part 1130 to read as set forth above.

(28A) The newly redesignated Part 1130 is revised to read as follows:

Sec.
1130.1 When no damages sought.
1130.2 When damages sought.
1130.3 Special procedures for dealing with unlawfully established tariffs or rates.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1130.1 When no damages sought.

(a) *Form and content; copies.* Informal complaint may be by letter or other writing and will be serially numbered as filed. The complaint must contain the essential elements of a formal complaint as specified at 49 CFR 1131.3 and 49 CFR 113.15 and may embrace supporting papers. The original and one copy must be filed with the Commission.

(b) *Correspondence handling.* When an informal complaint appears susceptible of informal adjustment, the Commission will send a copy or statement of the complaint to each subject of the complaint in an attempt to have it satisfied by correspondence, thereby avoiding the filing of a formal complaint.

(c) *Discontinuance of informal proceeding.* The filing of an informal complaint does not preclude complainant from filing a formal complaint. If a formal complaint is filed, the informal proceeding will be discontinued.

§ 1130.2 When damages sought.

(a) *Actual filing required.* Notification to the Commission that an informal complaint may or will be filed later seeking damages is not a filing within the meaning of the statute except as provided in paragraph (e) of this section.

(b) *Content.* An informal complaint seeking damages must be filed within the statutory period, and should identify with reasonable definiteness the involved shipments or transportation services. The complaint should include:

(1) A statement that complainant seeks to recover damages;

(2) The names of each individual seeking damages;

(3) The names and addresses of defendants against which claim is made;

(4) The commodities, the rate applied, the date on which the charges were paid, the names of the parties paying the charges, and, if different, the names of the parties bearing the charges;

(5) The period of time within which or the specific dates upon which the shipments were made, and the dates when they were delivered or tendered for delivery;

(6) The specific origin and destination points or, where they are numerous, the territorial or rate group of the origin and destination points and, if known, the routes of movement; and

(7) The nature and amount of the injury sustained by each claimant.

(c) *Statement of prior claim.* A complaint filed under paragraph (b) or (e) of this section containing a claim which has been the subject of a previous informal or formal complaint must specifically refer to the previous complaint.

(d) *Copies.* The original of an informal complaint seeking damages must be accompanied by a sufficient number of copies to enable the Commission to send one to each defendant named.

(e) *Special-docket proceedings.*—(1) *Petitions based on damages.* Where the Act provides for an award of damages for a violation, and a carrier is willing to pay them, or to waive collection of undercharges, petitions for appropriate authority should be filed by the carrier on the special docket by submitting either a Letter of Intent to Pay Reparations, a Letter of Intent to Pay Reparations and Waive Undercharges, or a Letter of Intent to Waive Undercharges. Such petitions, when not filed in connection with an Informal Complaint pending before the

Commission, must be filed within the statutory period and will be deemed the equivalent of an informal complaint and an answer admitting the matters stated in the petition. These petitions shall contain, as a minimum, the following information:

(i) The names and addresses of the complainants seeking damages.

(ii) The names of the defendants against which the claim is filed.

(iii) The amount of the claim.

(iv) The tariff authority for both the assailed and the sought rate.

(v) The dates on which, or within which, the shipments moved and, when necessary to show compliance with the statute of limitations, the dates when the shipments were delivered or tendered for delivery.

(vi) The points of origin and destination of the shipments and the routes of movement.

(vii) The commodity.

(viii) An admission by the carrier that the assailed rate was unreasonable, and a showing, where appropriate, that it has been removed from the tariff.

(ix) A statement certifying that all defendants against which the claim is lodged concur in the intent to pay reparations or waive undercharges.

(x) Evidence to show compliance with the statute of limitations.

(xi) A brief explanation of the circumstances causing the claim for damages and the precedent relied upon by the carrier in agreeing to honor it.

If a carrier is unable to file such petition within the statutory period and the claim is not already protected from the operation of the statute by informal complaint, a Letter of Registration setting forth the facts may be submitted by the carrier within the statutory period. This letter will also be deemed the equivalent of an informal complaint filed on behalf of the shipper or consignee and sufficient to stay the operation of the statute. However, an appropriate Letter of Intent must be filed within one year following receipt by the Commission of the Letter of Registration.

(2) *Petitions to waive collection of insignificant amounts.* If a rail carrier wishes to waive the collection of amounts due under 49 U.S.C. 10707(d)(2), when such amounts are more than $2,000.00, a petition for appropriate authority should be filed by the carrier on the special docket by submitting a Letter of Intent to Waive Insignificant Amounts. These petitions should contain the following information:

(i) The name and address of the customer for whom the carrier wishes to waive collection.

(ii) The name and addresses of the carriers involved in the intended waiver and a statement certifying that all carriers concur in the action.

(iii) The amount intended to be waived.

(iv) The number of the investigation and suspension case involved, the beginning and ending dates of the suspension period, and any other pertinent tariff information.

(v) The points of origin and destination of the shipments and the routes of movement, if relevant.

(vi) A brief statement of justification for the intended waiver, including the anticipated costs of billing, collecting and/or litigating if the waiver is not permitted.

If the amount to be waived is $2,000.00 or less, no petition need be filed prior to waiver, provided that this exemption may be invoked by a carrier only once for any person (as defined at 49 U.S.C. 10102(16)) who uses the suspended rate during the suspension period. However, a Letter of Disposition informing the Commission of the action taken, the date of the action, and the amount waived shall be submitted to the Special Docket Board, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days of the waiver.

(3) *Public Notice and Protest.* Petitions on the Special Docket to pay reparations, waive the collection of undercharges or waive the collection of insignificant amounts shall be made available by the Commission for public inspection five (5) days after receipt, in the Board of Suspension Public File Room, Room 4339, 12th & Constitution Avenue, NW., Washington, D.C. 20423 and remain available for 25 days. Any interested person may protest the granting of a petition by filing a Letter of Objection with the Special Docket Board within 30 days of Commission receipt of the petition. Letters of Objection shall identify the Special Docket number, shall clearly state the reasons for the objection, and shall certify that a copy of the Letter of Objection has been served on all parties named in the petition. A period of 15 days will be allowed for reply.

(4) *Uncontested petitions.* A petition which is not contested will be considered an order of the Commission authorizing the action contemplated in the petition 45 days after Commission receipt of the petition. Within 30 days after the expiration of the 45-day period the carrier filing the petition shall file a Letter of Disposition informing the Special Docket Board of the action taken, the date of the action, and the amount paid or waived.

(f) *Notification to the parties; six month's rule.* If an informal complaint seeking damages (other than a contested Special-docket petition) cannot be disposed of informally or is denied or withdrawn by complainant, the parties affected will be so notified in writing by the Commission. Contested Special-docket petitions either will be granted or denied by the entry of a decision. Unless within six months after the date on which a notice is mailed or a decision is served, a party either files a formal complaint or resubmits its informal complaint on an additional-fact basis, the matter in the complaint or petition will not be reconsidered. The claim will be considered abandoned and no complaint seeking damages on the same cause of action will be accepted unless filed within the statutory period. Any filing or resubmission satisfying the six months' requirement will be considered filed as of the date of the original filing and must specifically refer to that date and to the Commission's file number. An original and six copies of a petition for reconsideration should be filed.

§ 1130.3 Special procedures for dealing with unlawfully established tariffs or rates.

(a) *Scope of special rules.* (1) These special rules govern the filing and processing of complaints that allege that a tariff has been unlawfully established in violation of a provision of the Interstate Commerce Act, the Commission's tariff regulation (49 CFR 1300 et seq.), or decisions of the Commission or a court.

(2) These rules apply only to an unlawfully established tariff that would have been subject to rejection had the violation been detected before the tariff became effective.

(3) These rules do not apply to complaints alleging substantive violations, such as unreasonableness or discrimination.

(b) Definition of unlawfully established tariff. For the purposes of these rules a tariff is unlawfully established if it does any of the following:

(1) Fails to give proper statutory notice;

(2) Omits or uses symbols improperly;

(3) Contains typographical errors that prevent proper tariff application;

(4) Contains erroneous cancellation(s);

(5) Violates the Commission's tariff regulations, statutory provisions of the Interstate Commerce Act, or decisions of the Commission or a court;

(6) Purports to change non-rail carrier rate schedules in effect less than 30 days; and

(7) Contains duplicating rate schedules.

(c) *Form and content of complaint.* (1) While no special form of complaint is required, the complaint must specifically identify the tariff in issue by name, number, publishing official, effective date and item number.

(2) The complaint must set out all the facts that the complainant believes demonstrate that the tariff has been unlawfully established.

(d) *Answer and reply.* (1) The issuing carrier or publishing agent may file an answer not later than 10 days after the complaint is filed.

(2) The complainant may file a reply not later than 10 days after the answer is filed.

(e) *Processing of complaints.* (1) Complaints will be serially numbered as filed.

(2) After reviewing the challenged tariff and the pleading, the Tariff Integrity Board will make necessary findings and determine whether the tariff has been unlawfully established in violation of the Interstate Commerce Act, the Commission's tariff regulations, or a Commission or court decision.

(3) If the Tariff Integrity Board finds that a tariff has been unlawfully established, it may issue a decision striking the tariff from the files. Unlawfully established tariff matter is invalid and may not be applied for services performed prior to, on, or after the date of service of the Tariff Integrity Board's decision.

(4) An administrative appeal of the Tariff Integrity Board's decision may be filed. The Board's decision will be stayed automatically pending the Commission's action on appeal.

(5) If there is a disputed issue of material fact, the Tariff Integrity Board will refer the matter to the Commission for handling under the formal complaint procedure (49 CFR 1131 et seq.).

(f) *Time limits.* (1) A complaint must be filed within 60 days of the tariff's effective date in order to be considered under these special rules.

(2) Complaints filed more than 60 days after a tariff's effective date will be handled under, and must comply with the Commission's formal complaint procedures.

(3) Requests for extensions of time to file answers or replies will be granted only in extraordinary circumstances.

(g) *Miscellaneous provisions.* (1) All pleadings (complaint, answer, reply) must comply with the attestation and verification procedures set forth at 49 CFR 1112.9.

(2) All pleadings should be addressed to the Secretary, Interstate Commerce Commission, Attention: Tariff Integrity Board, Washington, DC 20423.

(3) The complainant shall serve a copy of its complaint and reply, if any, on the issuing carrier or publishing agent.

(4) The issuing carrier or agent shall serve a copy of its answer on the complainant.

(5) All pleadings shall include a statement certifying that a copy of the pleading has been served on other parties.

(29) Former §§ 1100.25–1100.27, 1100.29, 1100.31, 1100.33–1100.35, and former paragraphs 1100.30(a) and 1100.44(a) are redesignated as Part 1131, and the newly redesignated Part 1131 is revised to read as follows:

PART 1131—FORMAL RATE COMPLAINTS, RAIL INTRASTATE PETITIONS AND INVESTIGATIONS

Sec.

1131.1 Content.
1131.2 When damages sought.
1131.3 [Reserved]
1131.4 Railroad allegations of unlawful intrastate rates.
1131.5 Other specifications.
1131.6 Multiple causes of action; joinder.
1131.7 Amended and supplemental formal complaints.
1131.8 Copies; service.
1131.9 Answers and cross complaints.
1131.10 Motions to dismiss or to make more definite.
1131.11 Satisfaction of complaint.

Authority: 49 U.S.C. 10321 and 11701; 5 U.S.C. 559.

§ 1131.1 Content.

(a) *General.* A formal complaint must contain the correct, unabbreviated names and addresses of each complainant and defendant. It should set forth briefly and in plain language the facts upon which it is based. It should include specific reference to pertinent statutory provisions and Commission regulations, and should advise the Commission and the defendant fully in what respects these provisions or regulations have been or are violated or will be violated. The complaint should contain a detailed statement of the relief requested. Relief in the alternative or of several different types may be demanded, but the issues raised in the formal complaint should not be broader than those to which complainant's evidence is to be directed at the hearing.

(b) *Requests for oral hearing.* A formal complaint should include a request that the proceeding be handled either under the modified procedure or at oral hearing, and a request for oral hearing should include at least two alternative hearing sites.

§ 1131.2 When damages sought.

(a) *Content.* A formal complaint that includes a request for an award of damages should set forth the information required to be contained in an informal complaint seeking damages (49 CFR 1130.3 (b) and (c)).

(b) *Specific request for damages.* Except under unusual circumstances, and for good cause shown, damages will not be awarded upon a complaint unless specifically requested or upon a new complaint by or for the same complainant which is based upon any finding in the original proceeding.

§ 1131.3 [Reserved]

§ 1131.4 Railroad allegations of unlawful intrastate rates.

(a) *Actions under 49 U.S.C. 11501(c).* A rail carrier may file a petition with the Commission to review the decision of any certified State authority in any administrative proceeding in which the lawfulness of an intrastate rate, classification, rule, or practice is determined. The petition must show in what way the standards and procedures applied by the State were not in accordance with Subtitle IV of Title 49 of the United States Code, and it must be served on the State authority and all parties to the proceedings before the State authority consistent with § 1104.12. Replies must be filed within 10 days after a carrier petition is filed, and must also be served. The Commission will act on the petition within 30 days.

(b) *Actions under 49 U.S.C. 11501(d).* A rail carrier may file an application with the Commission to prescribe an intrastate rate if the appropriate State authority fails to act within 120 days after the rail carrier filed with it a change in an intrastate rate, or a change in a classification, rule or practice that has the effect of changing an intrastate rate, to the level charged on similar traffic moving in interstate or foreign commerce. The application must include a copy of the change as filed with the State authority, the comparable interstate rate items, and a showing that the State authority failed to act within 120 days. The petition must be served on the State authority and all parties to the proceeding before the State authority consistent with § 1104.12.

§ 1131.5 Other specifications.

(a) *Tariff or schedule references.* A formal complaint that brings in issue any rate, fare, charge, schedule, classification, regulation or practice should specifically identify the pertinent tariff or schedule.

(b) *References to States in which transportation occurs.* A formal complaint under subchapter II of Chapter 105 of 49 U.S.C. should specifically name the States in and through which the transportation which gives rise to the complaint is performed.

§ 1131.6 Multiple causes of action; joinder.

(a) *Multiple causes of action.* Two or more grounds of complaint concerning the same principle, subject, or facts may be included in one complaint, but should be stated and numbered separately.

(b) *Multiple complainants.* Two or more complainants may join in one complaint against one or more defendants if their respective causes of action concern substantially the same alleged violation of the Act and like facts.

(c) *Defendants.* If complaint is made with respect to through transportation by continuous carriage or shipment, all persons subject to the Act participating therein, and against which a decision is sought, should be made defendants. If complaint is made regarding a classification or any of its provisions, ordinarily it will suffice to make defendants the persons operating one or more through routes between representative points of origin and destination, and serve notice of filing the complaint upon the tariff agent for the railroads which are subscribers to the tariff containing the challenged classification.

§ 1131.7 Amended and supplemental formal complaints.

An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have accrued within the statuory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants. The time limits for responding to an amended or supplemental complaint are computed pursuant to §§ 1111.4 and 1111.5, as if the amended or supplemental complaint was an original complaint.

§ 1131.8 Copies; service.

Formal complaints amended or supplemental complaints, and cross complaints will be served by the Commission. The original of each complaint or cross complaint must be accompanied by a sufficient number of copies to enable the Commission to serve one upon each defendant and to retain six copies in addition to the original.

§ 1131.9 Answers and cross complaints.

(a) *Generally.* An answer may be filed within the time provided in paragraph (b) of this section. Whether or not an answer is filed and served, issue is joined at the conclusion of the time for filing answers, and the Commission may than proceed to a decision. In the alternative, the Commission may then proceed to a decision. In the alternative, the Commission may provide for the taking of evidence under the modified or oral hearing procedures, and in such a case the failure to answer a complaint will not bar a party from further participating in a proceeding or from the presentation of its evidence. An answer should be responsive to the complaint and should fully advise the Commission and the parties of the nature of the defense.

(b) *Time for filing; copies; service.* An answer must be filed within 20 days after the service of the complaint or within such additional time as the Commission may provide. The original and six copies of an answer must be filed with the Commission. The defendant must serve copies of the answer upon the complainant and any other defendants.

(c) *Cross complaints.* A cross complaint alleging violations by parties to the proceeding or seeking relief against them may be filed with the answer. An answer to a cross complaint may be filed within 20 days after the service date of the cross complaint. The party shall serve copies of answer to a cross complaint upon the other parties.

§ 1131.10 Motions to dismiss or to make more definite.

An answer to a complaint or cross complaint may be accompanied by a motion to dismiss the complaint or cross complaint or a motion to make the complaint or cross complaint more definite. A motion to dismiss can be filed at anytime during a proceeding. A complainant or a cross complainant may, within 10 days after an answer is filed, file a motion to make the answer more definite. Any motion to make more definite must specify the defects in the particular pleading and must describe fully the additional information or details thought to be necessary.

§ 1131.11 Satisfaction of complaint.

If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the opposing parties must be filed (original only need be filed), setting forth when and how the complaint has been satisfied. This action should be taken as expeditiously as possible.

(30) Former §§ 1100.40 and 1100.200 are redesignated as Part 1132 and the newly redesignated Part 1132 is revised to read as follows:

PART 1132—PROTESTS AGAINST TARIFFS; PROCEDURES IN CERTAIN SUSPENSION AND LONG AND SHORT HAUL RESTRICTION MATTERS

Sec.
1132.1 Protests against tariffs.
1132.2 Protests in certain suspension and long and short haul restriction matters.

Authority: 49 U.S.C. 10321, 10707, 10708 and 10726; 5 U.S.C. 559.

§ 1132.1 Protests against tariffs.

(a) *Content.* The protested tariff or schedule sought to be suspended should be identified by making reference to: the name of the publishing carrier, freight forwarder, or agent; the Interstate Commerce Commission number; the specific items or particular provisions protested; and the effective date of the tariff or schedule. Reference should also be made to the tariff or schedule, and the specific provisions proposed to be superseded. The protest should state the grounds in support thereof, indicate in what respect the protested tariff or schedule is considered to be unlawful. Such protests will be considered as addressed to the discretion of the Commission. Should a protestant desire to proceed further against a tariff or schedule which is not suspended, or which has been suspended and the suspension vacated, a separate later formal complaint or petition should be filed.

(b) *When filed.* Protests against, and requests for suspension of, tariffs, or schedules filed under the Act will not be considered unless made in writing and filed with the Commission at Washington, DC. Protests and requests for suspension shall reach the Commission at least 12 days (except as provided in paragraphs (c) and (g) of this section) before the effective dates of the tariffs, schedules, or parts thereof to which they refer, unless the protested publications were filed on less than 30 days' notice in which event the protests (except as provided in paragraph (g) of this section) must reach the Commission not less than 5 days before the effective dates. Protests or petitions for investigation and suspension of tariffs filed on less than 10 days' notice will be accepted, *provided* that they reach the Suspension Board not later than 9:00 a.m. on the last workday before the tariffs' scheduled effective date. Appeals from decisions by the Suspension Board not to suspend or not to investigate matters in which the protests reached the Board later than 9 a.m. on the second working day before the protested tariffs' scheduled effective date will not be accepted. In an emergency, telegraphic protests will be acceptable if received within the time limits herein specified, provided they also fully comply with paragraphs (a) and (g) of this section and copies are immediately telegraphed by protestants to the proponent carriers or their publishing agents. However, protests against and requests for suspension of tariffs applicable on household goods as defined in 49 CFR 1056.1(a), when published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, must reach the Commission no later than 27 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer. Six copies of such telegrams should immediately be mailed by the protestants to the Commission at Washington.

(c) *Motor carrier tariff bureau filings.* When motor common carrier tariff bureaus file schedules of proposed general increases in rates and charges, or of proposed rate restructurings subject to the special procedures adopted in Ex Parte No. MC–82, *New Procedures in Motor Carrier Rev. Proc.* 340 I.C.C. 1 (1971), and set forth at 49 CFR Part 1139, protests thereto must reach the Commission at least 22 days before the published effective dates of those schedules. All statements should be served by express mail or an equivalent expedited delivery service upon any party undertaking to bear the cost. Written request for this expedited service must be made no less than 5 days before the statement is due to be filed with the Commission.

(d) *Copies; service.* In connection with proceedings involving proposals subject to the special procedures in Ex Parte No. MC–82, *New Procedures in Motor Carrier Rev. Proc.* 339 I.C.C. 324, and set forth at 49 CFR Part 1139, an original and 11 copies of every protest or reply filed under this section should be furnished for the use of the Commission. Except as provided for proposals subject to the special procedures in Ex Parte No. MC–82, the original and six copies of each protest, except as provided in paragraph (e) of this section, or of each reply filed under this section, must be filed with the Commission, and one copy of the protest simultaneously must be served upon the publishing carrier, freight forwarder, or agent, and upon other persons known by protestants to be interested. If in the publication of an agency tariff, the proponent carrier elects to list itself with its full address on the cover page of the supplement or new tariff, service shall be made on such carrier simultaneously with service upon the Commission. These pleadings should be directed to the attention of the Suspension Board.

(e) *Passenger fare increases.* The original only of each protest or request for investigation and suspension of increased passenger fares need be filed with the Commission. Requests for suspension of charges in rail passenger fares must include a verified (notarized) complaint.

(f) *Reply to protest.* A reply to a protest filed under this section must reach the Commission not later than the fourth working day prior to the scheduled effective date of the protested schedules unless otherwise provided. Replies to protests against motor carrier rate bureau proposals other than proposals affecting tariffs for the transportation of household goods as defined in 49 CFR 1056.1(a) subject to Ex Parte No. MC–82 procedures to be assured of consideration, must reach the Commission no later than 14 days before the scheduled effective date of the protested schedules. Replies to protests against tariffs applicable on household goods (as defined in 49 CFR 1056.1(a)), published for the account of household goods carriers (as defined in 49 CFR 1040.2(b)) on not less than 45 days' notice shall be filed with the Commission not more than 5 days after the protest is filed.

(g) *Special requirements for protests against revisions to rail rates and charges and replies thereto.* (1) Protests against, and requests for suspension of, tariffs or schedules filed by rail carriers, or their publishing agents on 20 days' notice under the provisions of 49 U.S.C. 10762(c)(3) must reach the Commission at least 10 days before the proposed effective date of the protested matter. When the protested matter is filed on 10 days' notice under the provisions of 49 U.S.C. 10762(c)(3), the protest or requests for suspension must reach the Commission at least 5 days before the proposed effective date of the protested matter.

(2) Protests against and requests for suspension of, tariffs or schedules containing proposed rates, classifications, rules, or practices filed by rail carriers or their publishing agents shall also include a verified statement containing specific facts showing:

(i) It is substantially likely that the protestant will prevail on the merits pursuant to any applicable provisions of the law;

(ii) Without suspension, the proposed rate change will cause substantial injury to the protestants or the party represented by the protestants; and

(iii) Because of the peculiar economic circumstances of the protestant, investigation of the rate (subject to a refund by the carrier should the rate subsequently be found unlawful) will not protect the protestant. The burden is on the protestant to prove the matters described in paragraphs (g)(2), (i), (ii) and (iii) of this section.

(3) Where protestants allege that a rate is unreasonably high in violation of 49 U.S.C. 10701, they must submit evidence relating to market dominance pursuant to guidelines established in Ex Parte No. 320 (Sub-No. 2), 365 I.C.C. 118.

(4) Replies to verified statements filed under this section shall be verified.

(h) Except in extraordinary circumstances, the Suspension Board will act on protests against or requests for suspension of tariffs applicable on household goods as defined in 49 CFR 1056.1(a), when published for the account of household goods carriers as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, no later than 18 days before the effective dates of the tariffs, schedules, or parts thereof to which they refer. When the Commission acts initially on questions of investigation and suspension of tariffs applicable on household goods published for the account of household goods carriers and filed on not less than 45 days' notice, the Commission will act not later than 12 days before the tariffs' scheduled effective date. If the Commission concludes: not to investigate and suspend; to investigate, but not to suspend; or not to investigate (without suspension), its decision will not be subject to petitions for reconsideration, except at the Commission's discretion. (A petition to discontinue an investigation will be accepted if filed within 20 days of the service date of the decision ordering the investigation.) No petition other than a petition for discontinuance of an investigation will be accepted that does not reach the Commission by 4:00 p.m. as provided in paragraph (i) of this section.

(i) Except in extraordinary circumstances, the Commission will act on protests or requests for suspension of tariffs filed under paragraph (c) of this section no later than 5 days before the effective date of the tariffs, schedules, or parts thereof to which the protests refer. A decision at the suspension level by the entire Commission on the protests will not be subject to petitions for reconsideration, except at the Commission's discretion. No petition will be accepted that does not reach the

Commission by 4:00 p.m. (United States Standard Time or local Daylight Saving Time, whichever is in effect in Washington, DC) on the work-day following the Commission's action.

§ 1132.2 Procedures in certain suspension and long and short haul restriction matters.

(a) The proceedings of the Suspension Board will be informal. No transcriptions of such proceedings will be made. Subpoenas will not be issued and, except when applications or petitions are required to be attested, oaths will not be administered.

(b) Petitions for reconsideration of the following may be filed by any interested person within 20 days after the date of service:

(i) Investigation and suspension of tariff schedules;

(ii) Investigation (without suspension) of tariff schedules;

(iii) Granting, withholding, or denying relief from the long and short haul restriction provisions of 49 USC 10726;

(2) Decisions by an Appellate Division reversing, changing or modifying previous determinations by the Suspension Board and which result in orders for:

(i) Investigation and suspension of tariff schedules;

(ii) Investigation (without suspension) of tariff schedules;

(iii) Granting, withholding, or rescinding relief from the long and short haul restriction provisions of 49 USC 10726;

(3) Decisions by the Commission or a Division which result in orders for:

(i) Investigation and suspension of tariff schedules;

(ii) Investigation (without suspension) of tariff schedules;

(iii) Granting, modifying, or rescinding relief from the long and short haul restriction provisions of 49 USC 10726; See also § 1115.5. In connection with proceedings involving proposals subject to the special procedures in Ex Parte No. MC–82, *New Procedures in Motor Carrier Rev. Proc.* 339 I.C.C. 324, and set forth at 49 CFR Part 1139, and original and 15 copies of every protest or reply filed under this section should be furnished for the use of the Commission. Except as provided for proposals subject to the special procedures in Ex Parte No. MC–82, the original and six copies of every pleading, document or paper filed under this section must be furnished for the use of the Commission. Any interested person may file and serve a reply to any petition for reconsideration permitted under this paragraph within 20 days after the filing of such petition with the Commission but if the facts stated in any such petition discloses a need for accelerated action, such action may be taken before expiration of the time allowed for reply. In all other respects, such petitions and replies thereto will be governed by the rules of general applicability of the Rules of Practice.

(c) When the Suspension Board has declined to suspend a proposed tariff or schedule, or any part thereof, a petition in writing by any protestant or protestants may be filed with the Commission for reconsideration by the designated appellate division provided it reaches the Commission at least two work-days prior to the effective date of the tariff or schedule in question. However, when the Suspension Board has declined to suspend a protested change in rail rates filed on 10 days' notice under the provisions of 49 U.S.C. 10762(c)(3), the petition must be in the hands of the Suspension Board not later than 9 a.m., United States Standard or local Daylight Saving, whichever is in effect in Washington, D.C., on the work-day before the proposed effective date of the protested matter. Further, when the Suspension Board has declined to suspend a proposed tariff or schedule applicable on household goods as defined in 49 CFR 1056.1(a) published for the account of a household goods carrier as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, the petition must be filed within 2 work-days after the Suspension Board has acted. For the purpose of this section, a work day shall be considered as any day except Saturday, Sunday or a legal holiday in the District of Columbia. (A legal holiday of less than one day shall be considered a work-day within the meaning of this section). Petitions submitted under this section shall (except as provided in the case of a protested change in rail rates filed under the provisions of 49 U.S.C. 10762(c)(3) be filed with the Secretary of the Commission by 4 p.m. United States Standard Time or local Daylight Saving Time whichever is in effect in Washington, D.C. Telegraphic notice or the equivalent thereof must be given by the petitioners to the respondent or respondents. As no replies to the petitions for reconsideration are contemplated under this rule, petitioners will be expected, except in unusual circumstances, to rely wholly on the information previously filed with the Suspension Board. Written or telegraphic communication in intelligible form requesting reconsideration will be sufficient. Such request should contain the following prefatory statement: "This matter requires expedited handling under 49 CFR 1132.2". A petition not timely filed may be rejected by the Secretary.

(d) When the Suspension Board has declined to suspend a proposed tariff or schedule applicable on household goods as defined in 49 CFR 1056.1(a) published for the account of a household goods carrier as defined in 49 CFR 1040.2(b) on not less than 45 days' notice, the designated appellate division will, except in extraordinary circumstances, act on petitions for reconsideration no later than 2 work-days after the petition is filed.

(31) Former § 1100.95 and former paragraph 1100.47(c) are redesignated as Part 1133, and the newly redesignated Part 1133 is revised to read as follows:

PART 1133—RECOVERY OF DAMAGES

Sec.

1133.1 Freight bill filing requirement under modified procedure.

1133.2 Statement of claimed damages based on Commission findings.

Authority: 49 U.S.C. 10321; 5 U.S.C. 559.

§ 1133.1 Freight bill filing requirement under modified procedure.

If, under modified procedure (for general rules governing modified procedure, see Part 1112), an award of damages is sought, complainant should submit the paid freight bills or properly certified copies with its statement when there are not more than 10 shipments; if more than 10 shipments are involved, complainant should retain the documents.

§ 1133.2 Statement of claimed damages based on Commission findings.

(a) When the Commission finds that damages are due, but that the amount connot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the following form:

Claim of ——— under decision of the Interstate Commerce Commission in Docket No. ———.

——— Date of shipment.
——— Date of delivery or tender of delivery.
——— Date charges were paid.
——— Car (or vessel) initials.
——— Car (or voyage) number.
——— Origin.
——— Destination.
——— Route.
——— Commodity.
——— Weight.
——— Rate.
——— Amount.
——— Rate.
——— Amount.

——— Reparation on basis of Commission's decision.

——— Charges paid by.[1]

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Commission by or on behalf of claimant or, so far as claimant knows, by or on behalf of any person, in any other proceedings, except as follows: (here indicate any exceptions,and explanation thereof).

____
(Claimant)

By ___________________________
(Practitioner)

____
(Address)

____
(Date)

Total amount of reparation $———. The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

Date ——— Concurred[2] in: ———
Company ——— Company, Defendant
Collecting Carrier, Defendant[3]. ———
By ———, Auditor. By ———, Auditor.

(b) The statement should not include any shipment not covered by the Commission's findings, or any shipment on which complaint was not filed with the Commission within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route, a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges, for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies, duplications, or other errors in the statements should be adjusted by the parties and corrected agreed statements submitted to the Commission. The certificate must be signed in ink by a general accounting officer of the carrier and should cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case, its certificate must be concurred in by like signature on behalf of a carrier defendant. Statements so prepared and certified shall be filed with the Commission whereupon it will consider entry of a decision awarding damages.

PART 1134—PROCEDURES FOR THE ELIMINATION OF DISCRIMINATION AGAINST RECYCLABLES

(32) Former § 1100.250 is redesignated as new Part 1134 as follows:

§ 1100.250(a) redesignated as § 1134.1
§ 1100.250(b) redesignated as § 1134.2
§ 1100.250(c) redesignated as § 1134.3
§ 1100.250(d) redesignated as § 1134.4
§ 1100.250(e) redesignated as § 1134.5
§ 1100.250(f) redesignated as § 1134.6
§ 1100.250(g) redesignated as § 1134.7

(33) A part heading is added to the newly redesignated Part 1134 to read as set forth above.

(34) The authority citation to the newly redesignated Part 1134 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10710; 5 U.S.C. 559.

§§ 1134.1-1134.7 [Amended]

(35) In the newly redesignated Part 1134, the italicized paragraph headings of former paragraphs 1100.250 (a) through (g) become the section headings of the newly redesignated §§ 1134.1–1134.7.

§ 1134.2 [Amended]

(36) In the newly redesignated § 1134.2, "section 2 of the Interstate Commerce Act" in the second sentence, is revised to read "49 U.S.C. 10741."

§ 1134.6 [Amended]

(37) In the newly redesignated § 1134.6, former paragraphs (1) and (2) are redesignated as paragraphs (a) and (b).

(38) In the newly redesignated § 1134.6, "rule 70 of the rules of practice, 49 CFR 1100.70" in paragraph (b) is revised to read "49 CFR 1113.7."

(39) The newly redesignated § 1134.7 is revised to read as follows:

§ 1134.7 Other procedures.

In all other particulars, the proceeding shall be governed by the Rules of General Applicability of the Commission.

PART 1135—RAILROAD COST RECOVERY PROCEDURES

(40) Former Part 1102 is redesignated as Part 1135, and the part heading of the newly redesignated Part 1135 is revised to read as set forth above.

(41) The authority citation to the newly redesignated Part 1135 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10707; 5 U.S.C. 559.

§ 1135.1 [Amended]

(42) In the newly redesignated § 1135.1, the section heading is revised to read as follows:

"§ 1135.1 Quarterly adjustment of rates."

(43) In the newly redesignated § 1135.1, the italicized heading is removed from paragraph (f).

PART 1136—RAIL AND MOTOR CARRIER COMMUTATION OF SUBURBAN PASSENGER FARE INCREASE PROCEEDINGS

(44) Former Part 1105 is redesignated as Part 1136, and the part heading of the newly redesignated Part 1136 is revised to read as set forth above.

(45) The authority citation to the newly redesignated Part 1136 is revised to read as follows:

Authority: 49 U.S.C. 10321, 10707, and 10708; 5 U.S.C. 559.

§ 1136.4 [Amended]

(46) In the newly redesignated § 1136.4, the word "part" is removed, and "49 CFR" is added in its place.

§ 1136.5 [Amended]

(47) In the newly redesignated § 1136.5, "Rule 50 and Form No. 6 of the Commission's General Rules of Practice" is revised to read "49 CFR 1112.9."

(48) In the newly redesignated § 1136.5, "provisions of the General Rules of Practice, Part 1100 of this chapter" in the third sentence is revised to read "Rules of General Applicability of the Rules of Practice."

PART 1137—PROCEDURES RELATING TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976

(49) Former Part 1109 is redesignated as Part 1137 as follows: § 1109.5 redesignated as § 1137.1 and § 1109.15 redesignated as § 1137.2, and the part heading of the newly redesignated Part 1137 is revised to read as set forth above.

(50) The authority citation to the newly redesignated Part 1137 is revised to read as follows:

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[1] Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in what other capacity.

[2] For concurring certificate in case collecting carrier is not a defendant.

[3] If not a defendant, strike out the word "defendant."

Authority: 49 U.S.C. 10321, 10705, and 10728; 5 U.S.C. 559.

§ 1137.1 [Amended]

(51) In paragraph (p) and the first sentence of paragraph (t) of the newly redesignated § 1137.1, the words "order of the" are removed, and the word "decision" is added to follow "Commission."

(52) The authority citation which follows the newly redesignated § 1137.1 is removed.

(53) The newly redesignated § 1137.1 is further amended by revising paragraph (b) to read as follows:

§ 1137.1 Divisions of revenue proceedings.

* * * * *

(b) The Commission will serve notices of intent to file formal complaints and amended notices thereof. The original of each notice of intent or amendment thereto must be accompanied by copies in sufficient number to enable the Commission to serve one upon each party, including, when bankrupt lines are involved each receiver or trustee, and retain six copies in addition to the original.

§ 1137.2 [Amended]

(54) In the newly redesignated § 1137.2, "section 15 (18) of the Act" in paragraph (b)(2) is revised to read "49 U.S.C. 10728."

(55) In the newly redesignated § 1137.2, "(49 CFR 1100.45 to 1100.54)" in paragraph (f) is revised to read "(49 CFR Part 1112)."

(56) In the newly redesignated § 1137.2, the words "must be verified and" are added to follow "under this section" in the first sentence of paragraph (g).

(57) In the newly redesignated § 1137.2, "information of the type specified in § 1100.1 (regulation proposed in Ex Parte No. 320)" in the first sentence of paragraph (h)(3) is revised to read "evidence prepared in accordance with the guidelines established in Ex Parte No. 320 (Sub-No. 2), 365 ICC 118."

(58) The authority citation which follows the newly redesignated § 1137.2 is removed.

PART 1138—PROCEDURES FOR REQUESTING SURCHARGE COST AND REVENUES FROM RAIL CARRIERS APPLYING A COMMODITY ORIENTED SURCHARGE OR CANCELLING THE APPLICATION OF A JOINT RATE PURSUANT TO 49 U.S.C. 10705(a)

(59) Former Part 1031a is redesignated as Part 1138.

(60) The authority citation to the newly redesignated Part 1138 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10701a; 5 U.S.C. 559.

(61) The authority citation which follows Appendix C in the newly redesignated Appendix C is removed.

PART 1139—MOTOR CARRIER COST RECOVERY PROCEDURES

(62) Former Part 1104 is redesignated as Part 1139 and the heading of the newly redesignated Part 1139 is revised to read as set forth above.

(63) The authority citation to the newly redesignated Part 1139 is revised to read as follows:

Authority: 49 U.S.C. 10321 AND 10708; 5 U.S.C. 559.

(64) Subpart A of the newly redesignated Part 1139 is revised to read as follows:

Subpart A—Common Carriers of General Commodities

Sec.
1139.1 Application.
1139.2 Traffic study.
1139.3 Cost study.
1139.4 Revenue need.
1139.5 Affiliate data.
1139.6 Official notice.
1139.7 Service.
1139.8 Availability of underlying data.
Appendix I to Subpart A
Appendix II to Subpart A

Subpart A—Common Carriers of General Commodities

§ 1139.1 Application.

(a) Upon the filing by the tariff publishing agencies named hereinafter on behalf of their motor common carrier members, or by such other agencies as the Commission may by order otherwise designate, of agency tariff schedules which contain (1) proposed general increases in rates or charges on general freight where such proposal would result in an increase of $1 million or more in the annual operating revenues on the tariff affected by the proposal, or (2) a proposed general adjustment with the objective of restructuring the rates on a wide range of traffic, involving both increases and reductions in rates and charges, where such proposal would result in a net increase of $1 million or more in annual operating revenues, the motor common carriers of general freight on whose behalf such schedules are filed shall, concurrently with the filing of those tariff schedules, file and serve, as provided hereinafter, a verified statement presenting and comprising the entire evidential case which is relied upon to support the proposed general increase or rate restructuring. Carriers thus required to submit their evidence when they file their schedules are hereby notified that special permission to file those schedules shall be conditioned upon the publishing of an effective date at least 45 days later than the date of filing, to enable proper evaluation of the evidence presented. Data to be submitted in accordance with §§ 1139.2–1139.5 of this part represent the minimum data required to be filed and served, and in no way shall be considered as limiting the type of evidence that may be presented at the time of filing of the schedules. If a formal proceeding is instituted, the carriers are not precluded from updating the evidence submitted at the time of filing of the schedules to reflect the contemporary situation.

(b) The motor common carriers of general freight whcih are subject to the provisions of this section are those which are members of the following tariff publishing agencies:

Central and Southern Motor Freight Tariff Association, Inc.
Central States Motor Freight Bureau, Inc.
The Eastern Central Motor Carriers Association, Inc.
Middle Atlantic Conference
Middlewest Motor Freight Bureau
The New England Motor Rate Bureau, Inc.
Pacific Inland Tariff Bureau, Inc.
Rocky Mountain Motor Tariff Bureau, Inc.
Southern Motor Carriers Rate Conference

(c) Upon the filing of tariff schedules other than those described hereinabove, the carriers or their tariff publishing agencies shall be required to comply with such procedures as the Commission may direct in the event an investigation is instituted. In any proceeding involving a proposed rate restructuring which would produce additional net revenue of less than $1 million the carriers will be required to submit only the data sought in §§ 1139.2 and 1139.3. Nothing stated in this part shall relieve the carriers of their burden of proof imposed under the Interstate Commerce Act.

§ 1139.2 Traffic study.

(a) The respondents shall submit a traffic study for the most current 12-month calendar year available, which shall be referred to as the "base-calendar year—actual." This year shall be the calendar year that has ended at least 7 months prior to the published effective date of the tariff schedules. If the effective date is less than 7 months following the end of the preceding calendar year, than the second preceding calendar year shall be considered at the "base-calendar year—

actual." The study shall include a probability sampling of the actual traffic handled during identical time periods for each study carrier.

(b) The study carriers shall consist of those carriers subject to the requirements for allocation of expenses between line-haul and pickup and delivery services, as provided in part 1207 of this chapter, Instructions 27 and 9002, which participate in one of the motor carrier industry's Continuous Traffic Studies, and which derive either $1 million or more in annual operating revenues from this issue traffic or 1 percent or more of the total annual operating revenues of all carriers from the issue traffic. A list of such carriers and the appropriate revenue data shall be submitted to corroborate the selection of the study carriers. "Issue traffic" consists of those shipments on which the freight rates or charges would be affected by the rate proposal.

(c) Respondents shall take a sample of the traffic handled by the study carriers according to acceptable standards of probability sampling principles and practices, and shall explain and evaluate the probability sample from the standpoint of: purpose, sample design (including explanation of estimation procedure and disclosure of sampling errors for derived characteristics), quality control aspects involved in processing and tabulating data and any statistical analysis performed on the sampled data.[4]

(d) For cost and revenue purposes, the "carried" tariff basis shall be used. "Carried" tariff means the issue traffic handled solely by the study carriers, either single-line or interline. Estimates of current revenues applicable to the issue traffic should reflect all rates and charges in effect no later than 45 days prior to the date of tariff filing.

§ 1139.3 Cost study.

(a) The respondents shall submit a cost study. Highway Form B may be used for this purpose. Service unit-costs shall be developed for each individual study carrier, adjusted by size of shipment and length of haul, and shall be applied to respective individual carrier's traffic service units as developed from its traffic study. Operating ratios shall be determined for the issue traffic handled by the study carriers on the "carried" basis by individual weight brackets included within the rate proposal, for: (1) the traffic study year, that is, the "base-calendar year—actual," as hereinbefore defined, (2) a "present proforma year" reflecting conditions prevailing on a date no later than 45 days prior to the date of the tariff filing, and (3) a "restated proforma year" based on conditions anticipated on the effective date of the proposed rates, with a separation indicating projected operating ratios on two bases, namely, "based on current revenues," and "based on proposed revenues". Operating ratios shall also be shown for all other traffic not affected by the rate proposal for the same weight brackets as shown for the issue traffic, but only for the period indicated in paragraph (a)(1) of this section.

(b) In addition to the operating ratios, the cost study shall also be used to develop and provide the revenue-to-cost comparisons required in Appendix I hereto for the same time periods indicated for the operating ratios plus a "restated proforma year" based on constructed revenue need.

(c) For both the operating ratios and the revenue-to-cost comparisons in Appendix I, the "each-to-each" costing method, ie., the application of each individual study carrier's unit-cost to its traffic service units, applies only to the "base calendar year—actual." The application of possible labor and nonlabor cost increases for the purpose of updating the "base calendar year—actual" cost data may be accomplished by the use of either individual carrier data for each of the study carriers, or the composite carrier data for those study carriers whose revenue from the issue traffic amount to 50 percent or more of their total system revenues for the "base calendar year—actual." The sample values for expenses and revenues shall be expanded to full year values without adjustments to known annual report figures of any carrier.

(d) Where cost studies are developed through the use of computer processing techniques, there shall be submitted a manual application of the costing procedures used for one traffic and cost study carrier (study carrier) in order to demonstrate the procedures by which the computer program distributes the annual report statistics, and applies service unit-costs to each shipment. An illustration of the application of service unit-costs to the applicable traffic service units generated by one single-line sample shipment and by one interline sample shipment shall also be submitted. These sample shipments shall be on the "Carried" basis.

§ 1139.4 Revenue need.

Traffic and cost study carrier, i.e., the study carriers, shall submit evidence of the sum of money, in addition to operating expenses, including that needed to attract debt and equity capital, which they require to insure financial stability and the capacity to render service. This evidence shall include data required by Appendix I, parts I and II, and Appendix II.

§ 1139.5 Affiliate data.

Each individual traffic and cost study carrier having transactions with affiliates, subject to the reporting requirements of schedules 9009–A and 9009–B in the annual report for class I motor carriers, shall submit appropriate data and analyses reflecting the effect on the parent carrier's profits of transactions with affiliates. Such data and analyses shall be adequately supported, and there shall be submitted such underlying will permit a reconciliation of these data to the data supplied in the appropriate schedules of each carrier's annual report.

§ 1139.6 Official notice.

The Commission will take official notice of all of the proponent carriers' annual and quarterly reports on file with the Commission.

§ 1139.7 Service.

The detailed information called for herein shall be in writing and shall be verified by a person or persons having knowledge thereof. The original and 16 copies of each verified statement for the use of the Commission shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. One copy of each statement shall be sent by first-class mail to each of the regional offices of the Commission in the area affected by the proposed increase, where it will be open to public inspection. A copy of each statement shall be mailed by first-class mail to each party of record in the last formal proceeding concerning a general rate increase in the affected area or territory. However, one copy of each statement shall be sent by express mail to any person undertaking to bear the cost. Written request for this expedited service must be made no less than 5 days before the statement is due to be filed with the Commission. Otherwise, the service requirements of 49 CFR 1104.12 should be observed. Information with respect to carrier affiliates may be served on the parties in summary form, if so desired. A copy of each statement shall be furnished to any interested person on request.

§ 1139.8 Availability of underlying data.

All underlying data used in preparation of the material outlined above shall be made available in the office of the party serving such verified matter during usual office hours for inspection by any party of record desiring to do so, and shall be made available to the Commission upon request therefor. The underlying data shall be made available also at the hearing, but only if and to the extent specifically requested in writing and required by any party for the purpose of cross-examination. Since Appendix I data are to be submitted on a combined carrier basis, any underlying individual carrier data used to complete Appendix I should be furnished to the Commission for its use as well as for the use of parties opposing the sought increases.

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[4] Although not adopted by the Commission, attention is called to a staff report, "Guidelines for the Presentation of the Results of Sample Studies," February 1, 1971, available from the Superintendent of Documents.

APPENDIX I.—REVENUE NEED AND ALLOCATION TO TRAFFIC AT ISSUE

[Cost allocation—see part II, line 13, ☐ Method A, ☐ Method B; check one; provide both]

Line No.	Item	Source [1]	Base calendar year—actual [2]	Present proforma year [3]	Restated proforma year [4]		
					Based on current revenues	Based on proposed revenues	Based on constructed revenue need [5]
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
		Part I. Revenue Need					
1	Operating revenue	A.R. Sch. 2998, L. 3	$	$	$	$	$
2	Operating expenses	A.R. Sch. 2998, L. 10					
3	Lease of distinct operating unit (net)	A.R. Sch. 2998, Net of Ls. 12 and 13					
4	Miscellaneous deductions less other income	A.R. Sch. 2998 (L. 27 minus L. 20)					
5	Interest included in miscellaneous deductions	A.R. Sch. 2998, L. 23					
6	Income taxes on ordinary income [6]	A.R. Sch. 2998, L. 29					
7	Extraordinary and prior period items	A.R. Sch. 2998, L. 34					
8	Net income or loss [7]	A.R. Sch. 2998, L. 35					
9	Sum of money above operating expenses	Sum of Ls. 4, 6 and 8					
10	Percent owned and leased property to net tangible property (3 decimals).	A.R. Sch. 100, Col. (c) (L. 21 + L. 23) ÷ L. 26	%	%	%	%	%
11	Sum of money related to transportation	(L. 9 × —% in L. 10) plus L. 3					
12	System revenue need items and projected revenue need	L. 2 plus L. 11					
		Part II. Allocation to Traffic at Issue					
13	Constant costs and sum of money allocated to issue traffic	See Method A ( ) and Method B ( ), check one; provide both.					
14	Variable expenses from traffic at issue (90% variable excluding return on investment). [8]	From traffic and cost study					
15	Operating revenues from traffic at issue [8]	From traffic study					
16	Constant costs and sum of money allocated to issue traffic plus variable expenses.	L. 13 plus L. 14	$	$	$	$	$
17	Revenue to cost comparison (1 decimal)	L. 15 ÷ L. 16	%	%	%	%	%

See Methods A and B and footnotes on following pages.

METHOD A.—CONSTANT COSTS AND SUM OF MONEY ALLOCATED TO ISSUE TRAFFIC BASED ON TON AND TON-MILE METHOD (SEE NOTE A)

Line No.	Item	Source for columns 3 and 4	Base calendar year—actual	Present proforma year	Restated proforma year		
					Based on current revenues	Based on proposed revenues	Based on constructed revenue need
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
(a)	System constant costs	L. (b) + L. (c)	$	$	$	$	$
(b)	Not related to distance	(See Note B)					
(c)	Related to distance	(See Note B)	$	$	$	$	$
(d)	Percent not related to distance (3 decimals)	L. (b) ÷ L. (a)	%	%	%	%	%
(e)	Percent related to distance (3 decimals)	L. (c) ÷ L. (a)	%	%	%	%	%
(f)	System sum of money	Appendix A, part I, L. 11	$	$	$	$	$
(g)	Not related to distance	L. (f) × L. (d)					
(h)	Related to distance	L. (f) × L. (e)					
(i)	Total system constant costs plus sum of money	L. (a) + L. (f)					
(j)	Not related to distance	L. (b) + L. (g)					
(k)	Related to distance	L. (c) + L. (h)	$	$	$	$	$
(l)	Tons carried on issue and nonissue traffic combined	From traffic study (see Note C)					
(m)	Ton-miles	do					
(n)	Issue traffic tons carried	do					
(o)	Issue traffic ton-miles	do					
(p)	Percent of issue traffic tons to system tons (3 decimals)	L. (n) ÷ L. (l)	%	%	%	%	%
(q)	Percent of issue traffic ton-miles to system ton-miles (3 decimals).	L. (o) ÷ L. (m)	%	%	%	%	%
		Constant Costs and Sum of Money Allocated To Issue Traffic					
(r)	Not related to distance	L. (p) × L. (j)	$	$	$	$	$
(s)	Related to distance	L. (q) × L. (k)					
(t)	Total (enter amount in appendix A, part II, line 13)	L. (r) + L. (s)	$	$	$	$	$

NOTE A.—This procedure allocates constant costs and the sum of money based on the ton and ton-mile method and should be submitted for the information of the Commission. How much of the constant and sum of money costs may or should be recovered by any specific segment of traffic rest on (1) considerations including value of service, demand, and ability to pay, and (2) considerations which involve matters relating to regulatory policy.

NOTE B.—Separate the amount of constant costs, including unrelated, by using Statement No. 6–68, Highway Form B, Schedule A, Line III. Assign the dollars in columns (6), (7), (8), and (9) times 10 percent to line (b), and the dollars in columns (4) and (5) times 10 percent to line (c).

NOTE C.—Show tons and ton-miles on issue and nonissue traffic based on an expansion of the sample to a full year.

METHOD B—CONSTANT COSTS AND SUM OF MONEY ALLOCATED TO ISSUE TRAFFIC BASED ON DOLLAR (EXPENSE) METHOD (SEE NOTE A)

Line No.	Item	Source for columns 3 and 4	Base calendar year—actual	Present proforma year	Restated proforma year: Based on current revenues	Restated proforma year: Based on proposed revenues	Restated proforma year: Based on constructed revenue need
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
(a)	System constant cost (excluding	Note B	$	$	$	$	$
(b)	System sum of money	Appendix A, part I, line II					
(c)	Total system constant costs plus sum of money	Line (a) plus line (b)					
(d)	Variable expenses on issue traffic	From traffic and cost study; Note C-					
(e)	Variable expenses on issue and nonissue traffic combined	From traffic and cost study; Note D-					
(f)	Percent relationship (3 decimals)	Line (d) ÷ line (e)	%	%	%	%	%
(g)	Constant costs and sum of money allocated to issue traffic (enter amount in appendix A, part II, line 13).	Line (c) × line (f)	$	$	$	$	$

NOTE A.—This procedure allocates constant costs and the sum of money based on the dollar (expense) method and should be submitted for the information of the Commission. How much of the constant and sum of money costs may or should be recovered by any specific segment of traffic rests on (1) considerations including value of service, demand, and ability to pay, and (2) consideration which invlove matters relating to regulatory policy.

NOTE B.—Determine the amount of constant costs, including unrelated, by using Statement No. 6–68, Highway Form B, Schedule A, Line 111, column (3) multiplied by 10 percent; insert this amount on line (a).

NOTE C.—Determine the amount of variable costs, including unrelated, by using Statement No. 6–68, Highway Form B, Schedule A, line 111, column (3) multiplied b y 90 percent to obtain the variable portion.

NOTE D.—Show variable expenses allocated to the issue traffic based on an expansion of a sample to a full year.

Footnotes to Appendix I:

Explanatory: The Purpose of appendix A is twofold, namely: (1) to obtain, through part 1, *Revenue Need,* an indication of the past actual, present, and restated system revenue needs of the traffic and cost study carriers, which, along with the financial data required in appendix B, will facilitate an analyses of the financial stability of these carriers, and (2) to allocate a part of these system revenue needs to the traffic at issue as provided for in part II, line 13. It is that portion of constant and sum of money costs resulting from this allocation plus the related variable expenses (line 14) which produces the total costs assigned to the issue traffic (line 16) which is then compared to the issue traffic revenues in the revenue-to-cost comparison shown on line 17. This comparison provides some indication of how much the total issue traffic is contributing to the carriers' overall revenue needs; and serves as a reference point for the consideration of ratemaking factors, other than costs, which may influence the appropriateness of the issue traffic's contribution.

Appendix A data should be completed and submitted for all traffic and cost study carriers combined. However, data for the "base calendar year—actual," column (3), should be developed and completed for each traffic and cost study carrier and the results combined for all such carriers. The data in part I, columns (4) through (7), which reflect an updating of revenue need data for the "base calendar year—actual" to present and restated levels, should be developed on either an individual carrier basis, or on a composite carrier basis comprised of all traffic and cost study carriers. Data in part II, line 14 columns (4) through (7), which reflect an updating of the cost and traffic study data for the "base calendar year—actual" to present and restated levels, should be developed by the use of either individual carrier data for each of the study carriers, or the composite carrier data for those study carriers whose revenues from the issue traffic amount to 50 percent or more of their total system revenues for the "base calendar year—actual." However, for line 14, the method selected should be the same as that used to update the operating ratios to present and restated levels as required in .3 *Cost study.* As indicated above, appendix A data should be completed and submitted only for all traffic and cost study carriers combined. Since appendix A are to be submitted on a combined carrier basis, any underlying individual carrier data used to complete this appendix should be furnished to the Commission for its use as well as for the use of parties opposing the sought increases. Data in columns (4) through (7) must be appropriately explained and supported. Each of the dollar figures called for in these columns shall be accompanied by an explanation of the bases or methods of restatement, including explicit identification of all projected or assumed changes in revenues, in wage rates, in price levels of other expenses and property items, and in productivity, as compared with the preceeding (actual) year results. Note that the time periods referred to in appendix A, that is, "Base calendar year—actual," "Present proforma year" and "Restated proforma year" are the same time periods indicated in § 1104.3, *Cost study.*

[1] Sources in this column apply to column (3) "Base calendar year—actual." Data for columns (4) through (7) should rely on column (3) as a base in order to reflect data for the "Present proforma year" and the "Restated proforma year." Annual report sources apply to class I motor carriers for class II carriers use comparable sources.

[2] The data in column (3) should reflect the revenue need data (part 1), and the traffic and cost study data (part II), for the traffic study year. That is, the "Base calendar year—actual," which should coincide with the "Base calendar year—actual" referred to in the *Cost study* (§ 1104.3). Parts I and II should be completed for each individual study carrier—the purpose being to allocate a portion of each carrier's system revenue need to the traffic at issue as provided for in part II. The results for all study carriers should then be aggregated and submitted on a combined carrier basis.

[3] The data in column (4) should be based on present wage, price and productivity levels and reflect conditions prevailing on a date no later then the 45 days prior to the date of the tariff filing.

[4] The data in columns (5), (6), and (7) should be based on wage, price, and productivity levels anticipated on the effective date of the proposed rates.

[5] The purpose of this column is to obtain data on what system revenue needs of the study carriers *should* be at a giving time. Part I should consider the sum of money in addition to operating expenses (including that needed to attract debt and equity capital) which the carriers feel they require to insure financial stability and the capacity to render service.

[6] In columns (4) through (7), show income taxes based on estimated taxable income reduced by the taxes applicable to other income such as, for example, capital gains transactions.

[7] In columns (4) through (7), determine the net income based on data shown for lines 1 though 7. In column (7), the estimate of the net income needed should be supported by evidence that it is a just and reasonable amount.

[8] Show expenses and revenues allocated to the total issue traffic based on an expansion of the sample to a full year. The amount shown on line 14 for variable expenses should agree with that shown in Method B, line (d).

APPENDIX II.—FINANCIAL RATIOS (TRAFFIC AND COST STUDY CARRIER ———)

[Complete appendix B for each traffic and cost study carrier and for all such carriers combined]

Line No.	Item	Source [1]	Third preceding calendar year (actual)	Second preceding calendar year (actual)	First preceding calendar year (actual or estimated)
	(1)	(2)	(3)	(4)	(5)
1	Current assets [3]	A.R. Sch. 100, L. 18	$	$	$
2	Net carrier operating property (owned) [3]	A.R. Sch. 100, L. 21			
3	Net carrier operating property (owned plus leased to others) [3]	A.R. Sch. 100, L. 21 + L. 23			
4	Net tangible property [3]	A.R. Sch. 100, L. 26			
5	Intangibles [3]	A.R. Sch. 100, L. 32			
6	Current liabilities [3]	A.R. Sch. 101, L. 13			
7	Long-term debt [3]	A.R. Sch. 101, L. 15 + L. 25			
8	Shareholders' equity [3]	A.R. Sch. 101, L. 55			
9	Operating revenues	A.R. Sch. 2998, L. 3			
10	Depreciation plus or minus depreciation adjustment	A.R. Sch. 2998, L. 6+ or − L. 7			
11	Operating expenses	A.R. Sch. 2998, L. 10			
12	Net carrier operating income	A.R. Sch. 2998, L. 14			
13	Ordinary income before income taxes	A.R. Sch. 2998, L. 28			
14	Net income or loss	A.R. Sch. 2998, L. 35			
15	Net income or loss plus or minus depreciation [3]	L. 10 Plus L. 14	$	$	$
16	Percent owned and leased property to net tangible property (3 decimals)	L. 3 ÷ L. 4	%	%	%
17	Investment in owned and leased property plus working capital [4]		$	$	$
18	Shareholders' equity less intangibles	L. 8 − L. 5	$	$	$
19	Long-term debt plus shareholders' equity less intangibles	L. 7 + L. 18	$	$	$
20	Operating ratio (2 decimals)	L. 11 ÷ L. 9	%	%	%
21	Current ratio (2 decimals)	L. 1 ÷ L. 6			
22	Ratio net income or loss to operating revenue (2 decimals)	L. 14 ÷ L. 9	%	%	%
23	Rate of return on owned and leased operating property plus working capital (2 decimals).	L. 12 ÷ L. 17	%	%	%
24	Rate of return on shareholders' equity less intangibles (2 decimals)	L. 14 ÷ L. 18	%	%	%
25	Capital structure ratio (2 decimals)	L. 7 ÷ L. 19	%	%	%

APPENDIX II.—FINANCIAL RATIOS (TRAFFIC AND COST STUDY CARRIER ——————)—Continued

[Complete appendix B for each traffic and cost study carrier and for all such carriers combined]

Line No.	Item	Source [1]	Third preceding calendar year (actual)	Second preceding calendar year (actual)	First preceding calendar year (actual or estimated)
	(1)	(2)	(3)	(4)	(5)
[illegible]	Throwoff to debt ratio (2 decimals)	L. 15÷L. 7	%	%	%
27	Ratio long-term debt to shareholders' equity less intangibles (2 decimals)	L. 7÷L. 18	%	%	%

[1] Annual report sources refer to 1970 Motor Carrier Annual Report Form A for Class I Motor Carriers of Property. For class II carriers use the comparable sources. For years prior to 1970 use the comparable annual report sources.

[2] Show average of beginning and end of year figures.

[3] If carrier shows a net income, the amount shown for depreciation should be added to it; if a net loss, then the net loss and the amount for depreciation should be netted and the appropriate figure shown.

[4] Multiply the percent on line 16 by the difference between line 1 and line 6. Add the resulting amount to line 3.

Schedule B [Amended]

(65) In Schedule B to the newly redesignated Part 1139, "Section 22 of the Interstate Commerce Act," under the explanatory notes for column (e) is revised to read "49 U.S.C. 10721, 10722, 10723 and 10724.

Appendix I to Subpart B [Amended]

(66) The authority citation which follows "Appendix I to Subpart B" of the newly redesignated Part 1139 is removed.

PART 1140—REASONABLY EXPECTED COSTS UNDER 49 U.S.C. 10705a

(67) Former Part 1129 is redesignated as Part 1140.

(68) A new Part 1141 is added to read as follows:

PART 1141—PROCEDURES TO CALCULATE INTEREST RATES

§ 1141.1 Procedures to calculate interest rates.

Interest rates to be computed following a Commission decision shall be the average yield (on the date the statement is filed) of marketable securities of the United States Government having a duration of 90 days.

(49 U.S.C. 10707(d)(1))

PARTS 1142–1149—[RESERVED]

(6) New parts 1142–1149 are added and reserved.

PARTS 1150-1169—LICENSING PROCEDURES

PARTS 1150-1159—RAIL LICENSING PROCEDURES

PART 1151—CERTIFICATE TO CONSTRUCT, ACQUIRE, OR OPERATE RAILROAD LINES

(70) Former Part 1120 is redesignated as Part 1150 and two center headings are added to precede the newly redesignated Part 1150 as set forth above.

(71) The authority citation to the newly redesignated Part 1150 is revised to read as follows:

Authority: 49 U.S.C. 10321, 10505, and 10951; 5 U.S.C. 559.

PART 1151—FEEDER RAILROAD DEVELOPMENT PROGRAM

(72) Former Part 1128 is redesignated as Part 1151.

(73) The authority citation to the newly redesignated Part 1151 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10910; 5 U.S.C. 559.

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

(74) Former Part 1121 is redesignated as Part 1152 as follows:

(a) §§1121.10–1121.11 redesignated as §§1152.1–1152.2 respectively;
(b) §§1121.20–1121.25 redesignated as §§1152.10–1152.15 respectively;
(c) §§1121.30–1121.34 redesignated as §§1152.20–1152.24 respectively;
(d) §§1121.36–1121.39 redesignated as §§1152.25–1152.28 respectively;
(e) §§1121.40–1121.47 redesignated as §§1152.30–1152.37 respectively;
(f) §§1121.60–1121.63 redesignated as §§1152.40–1152.43 respectively.

(75) The authority citation to the newly redesignated Part 1152 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10903—10905; 5 U.S.C. 559; 45 U.S.C. 904 and 915.

§ 1152.1 [Amended]

(76) In the newly redesignated § 1152.1, the statutory references are revised as follows:

(a) In paragraph (a), "Section 1 (18) of the Interstate Commerce Act " (Act)" in the first sentence is revised to read "49 U.S.C. 10903".

(b) In paragraph (a), "Section 1a of the Act" in the third sentence, is revised to read "49 U.S.C. 10903".

(c) In paragraph (a), "Section 1a" in the fourth sentence is revised to read "Section 10903(a)".

(d) In paragraph (b), "Part I of the Act" in the fourth sentence is revised to read "Title 49, subtitle IV, chapter 105".

§ 1152.2 [Amended]

(77) In the newly redesignated § 1152.2, the statutory references are revised as follows:

(a) In paragraph (b), "(49 U.S.C. 1 et seq.)" is revised to read "(49 U.S.C. 10101 et seq.)".

(b) In paragraph (d), "section 1a of the Act" is revised to read "49 U.S.C. 10903".

(c) In paragraph (e), "Part I of the Act" is revised to read "49 U.S.C., Subtitle IV, chapter 105".

(d) In paragraph (h), "section 20 of the Act" is revised to read "49 U.S.C. 11145".

(e) In paragraph (i), "section 1a(6)(a) of the Act" is revised to read "49 U.S.C. 10905".

§ 1152.10 [Amended]

(78) In the newly redesignated § 1152.10, "section 1a(6)(a) of the Act", which appears in paragraph (b)(4), is revised to read "49 U.S.C. 10905".

§ 1152.13 [Amended]

(79) In the newly redesignated § 1152.13, the statutory references in paragraph (d) are revised as follows:

(a) In the first sentence, "section 1a(5)(b) of the Act" is revised to read "49 U.S.C. 10904(e)(3)".

(b) In the second sentence, "section 1a(5)(b)" is revised to read "section 10904(e)(3)".

§ 1152.15 [Amended]

(80) In the newly redesignated § 1152.15, "Section 1a(5)(a) of the Act" is revised to read "49 U.S.C. 10904(e)(1)".

§ 1152.25 [Amended]

(81) In the newly designated § 1152.25, "49 U.S.C. 1121.138(c)" which appears in paragraph (d)(4) is revised to read "49 CFR 1157.27(c)".

§ 1152.28 [Amended]

(82) In the newly redesignated § 1152.28, the statutory references in paragraph (d) are revised as follows:

(a) "Section 1a(4) of the act" is revised to read "49 U.S.C. 10903".

(b) "Section 1a(6) of the act" is revised to read "49 U.S.C. 10906".

§ 1152.30 [Amended]

(83) In the newly redesignated § 1152.30, the statutory references are revised as follows:

(a) In paragraph (a)(1), "section 1a(7) and section 1a(11)(b) of the act direct" in the first sentence is revised to read "49 U.S.C. 10905 directs".

(b) In paragraph (a)(1), "section 1a(6)(ii)(A) of the act" in the second sentence is revised to read "section 10905".

(c) In paragraph (a)(2), "section 1a(6)(a)(i) of the act" is revised to read "49 U.S.C. 10905".

(84) In the newly redesignated Part 1152, subpart E is removed, subpart F is redesignated as subpart E, and the authority citation which precedes the newly redesignated Subpart E is removed.

(85) In the newly redesignated Part 1152, Appendices A and B are redesignated as Appendices I and II.

PART 1153—DISCONTINUANCE OR CHANGE OF RAIL OR FERRY OPERATIONS UNDER 49 U.S.C. 10908 OR 10909

(86) Former Part 1122 and § 1100.246 are redesignated as Part 1153 as follows:

§§ 1122.1–1122.8 redesignated as §§ 1152.1–1153.8; respectively;
§ 1100.246 redesignated as § 1153.9.

(87) The authority citation to the newly redesignated Part 1153 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10908; 5 U.S.C. 559.

(88) In the newly redesignated Part 1153, the part heading is revised to read as set forth above.

(89) The newly redesignated § 1153.1 is revised to read as follows:

§ 1153.1 Scope of rules in this part.

The rules in this part govern the procedure to be followed by carriers subject to 49 U.S.C. chapter 105 which file a notice under 49 U.S.C. 10908, or a petition under 49 U.S.C. 10909, with respect to a proposed discontinuance or change, in whole or in part, of the operation or service of any train or ferry.

§ 1153.2 [Amended]

(90) In the newly redesignated § 1153.2, the statutory references are revised as follows:

(a) In paragraph (b), "paragraph (1) of section 13a" is revised to read "49 U.S.C. 10909".

(b) In paragraph (c), "paragraph (2) of section 13a" is revised to read "49 U.S.C. 10909".

§ 1153.9 [Amended]

(91) In the newly redesignated § 1153.9, paragraphs (a), (b), and (c) are removed and paragraphs (d) through (i) are redesignated as (a) through (f).

(92) In this newly redesignated § 1153.9, the cross references are revised to read as follows:

(a) In the first sentence of the newly redesignated paragraph (b), "section 13a(1)" is revised to read "49 U.S.C. 10908", and "section 13a(2)" is revised to read "49 U.S.C. 10909".

(b) In the newly redesignated paragraph (c), "section 13a(1)" in the first sentence is revised to read "49 U.S.C. 10908".

(c) In the newly redesignated paragraph (e), "section 13a(1) of the act" in the third sentence is revised to read "49 U.S.C. 10908".

(d) In the newly redesignated paragraph (e), "Rule 246 of the Commission's Rules of Practice" in the eighth sentence is revised to read "49 CFR 1153.9".

(e) In the newly redesignated paragraph (f), "Section 13a(2)" in the first sentence is revised to read "49 U.S.C. 10109".

(f) In the newly redesignated paragraph (i), the reference to "paragraph (e)" in the last sentence is revised to read "paragraph (b)".

(93) In the newly redesignated § 1153.9(f), "complying with Rule 38" is removed from the second sentence and the following language is added in its place:

"setting forth specifically the grounds on which it is made and the interest of protestant in the proceeding, either promptly after the petition is filed or, if the Commission issues a notice, within the time specified in the notice, and by filing the original and 6 copies with the Commission and simultaneously serving one copy on the applicant;"

PART 1154—DETERMINATION OF AVOIDABLE LOSSES

(94) Former Part 1123 is redesignated as Part 1154.

(95) The authority citation to the newly redesignated Part 1154 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10905; 5 U.S.C. 559

§ 1154.1 [Amended]

(96) In the newly redesignated § 1154.1, "part 1 of the Interstate Commerce Act," in the first sentence, is revised to read "Title 49, subtitle IV, chapter 105."

§ 1154.5 [Amended]

(97) In the newly redesignated § 1154.5, "rule 15 of the general rules of practice (§ 1100.15 of this chapter)" is revised to read "49 CFR 1104.4".

PART 1155—STANDARDS FOR DETERMINING RAIL SERVICE CONTINUATION SUBSIDIES

(98) Former Part 1125 is redesignated as Part 1155.

(99) The authority to the newly redesignated Part 1155 is revised as follows:

Authority: 49 U.S.C 10321 and 10905; 5 U.S.C. 559.

§ 1155.2 [Amended]

(100) In the newly redesignated § 1155.2, "section 20 of the Interstate Commerce Act" which appears in the seventh and eighth paragraphs is revised to read "49 U.S.C. 11145".

PART 1156—SUBMISSION OF COST DATA TO JUSTIFY REIMBURSEMENT FOR DIRECTED SERVICE

(101) Former Part 1126 redesignated as Part 1156.

(102) The authority citation to the newly redesignated Part 1156 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10905; 5 U.S.C. 559.

PART 1157—STANDARDS FOR DETERMINING COMMUTER RAIL SERVICE CONTINUATION SUBSIDIES

(103) Former Part 1127 is redesignated as Part 1157.

(104) The authority citation to the newly redesignated Part 1157 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10362; 5 U.S.C. 559.

PARTS 1158-1159—[RESERVED]

(105) New parts 1158–1159 are added and reserved.

PARTS 1160–1169—NONRAIL LICENSING PROCEDURES

(106) Sections 1100.251, 1100.252 and 1100.253 are redesignated as Part 1160, Subparts A, B, and C respectively, and a center heading is added to precede the newly redesignated Part 1160 as set forth above.

(107) The newly redesignated Part 1160 is revised to read as follows:

PART 1160—HOW TO APPLY FOR OPERATING AUTHORITY

Subpart A—How To Apply for Operating Authority

Sec.
1160.1 Applications governed by these rules.
1160.2 Applications for operating authority which require only fitness proof ("fitness only" applications).
1160.3 Procedures used generally.
1160.4 Starting the application process: Form OP–1.
1160.5 Information to be submitted by applicants (except fitness only applications).
1160.6 Applicant's verified statements (except fitness only applications).
1160.7 Information to be submitted in fitness only applications.
1160.8 The applicant's verified statement in fitness only applications.
1160.9 Where to send the application.
1160.10 Commission review of the application.
1160.11 Changing the request for authority or filing supplementary evidence after the application is filed.
1160.12 After publication in the Federal Register.
1160.13 Furnishing a copy of the application package to interested persons.
1160.14 Opposed applications.
1160.15 Filing a reply statement.
1160.16 After all statements are submitted.
1160.17 Applicant withdrawal.
1160.18 Caption summary.
1160.19 Compliance.
1160.20 Appeals to rejections of the application.
1160.21 Tacking or rejoinder of authority.
1160.22 Freight forwarder applicants only.
1160.23 Water carrier applicants only.

Subpart B—How To Oppose Requests for Authority

1160.40 Definitions.
1160.41 Time for filing.
1160.42 Contents of the protest.
1160.43 Qualifications format.
1160.44 Factual evidence format (except fitness only applications).
1160.45 Factual evidence format for fitness only applications: Scope.
1160.46 Requests for oral hearing by a protestant.
1160.47 To whom the protest is sent.
1160.48 Obtaining a copy of the application.
1160.49 Withdrawal.

Subpart C—General Rules Governing the Application Process

1160.60 Contacting another party.
Sec.
1160.61 Serving copies of pleadings, letters; the certificate of service.
1160.62 Copies.
1160.63 Requests for extension of time.
1160.64 Petition to clarify or interpret formally an operating authority.
1160.65 Replies to motions.
1160.66 Consolidation of applications.
1160.67 Marking contents on envelopes, and submission of pleadings.
1160.68 Requesting oral hearing.

Authority: 49 U.S.C. 10321 and 10921; 5 U.S.C. 559.

Subpart A—How To Apply for Operating Authority

§ 1160.1 Applications governed by these rules.

These rules govern the handling of applications for permanent operating authority of the following type:

(a) Applications for certificates and permits to operate as a motor common or contract carrier of passengers or property.

(b) Applications for permits to operate as a freight forwarder.

(c) Applications for certificates, permits, and exemptions for water carrier transportation of property and passengers.

(d) Applications for licenses to operate as a broker of motor vehicle transportation.

§ 1160.2 Applications for operating authority which require only fitness proof ("fitness only" applications).

There are certain types of authority which can be obtained by an applicant showing only that it is fit, willing and able to perform the service and to comply with the law and Commission regulations. These are listed below. The applicant does not provide any supporting witness testimony. The application can be opposed only on the grounds that applicant is not fit or does not fall within the statutory definition. These applicants shall skip §§ 1160.5 and 1160.6 and substitute the information called for in §§ 1160.7 and 1160.8.

(a) Motor common carrier of property transportation to serve any community not regularly served by a certificated motor common carrier.

(b) Motor common carrier of property transportation to provide service as a direct substitute for complete abandonment of all rail service in a community.

(c) Motor common carrier transportation for the United States Government of property (except used household goods, hazardous or secret materials, and sensitive weapons and munitions).

(d) Motor common carrier property transportation of shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds.

(e) Motor common or contract carrier of property transportation of food and other edible products (including edible byproducts but excluding alcoholic beverages and drugs) intended for human consumption, agriculture limestone and other soil conditioners, and agricultural fertilizers, when the transportation is provided with the owner of the motor vehicle in the vehicle (except in emergency situations). After issuance of the authority, such transportation (measured by tonnage) shall not exceed, on an annual basis, the transportation provided by the motor vehicle (measured by tonnage) which is exempt from the Commission's jurisdiction under 49 US.C. 10526(a)(6).

(f) Transportation for the U.S. Government of used household goods which transportation is incidental to a pack-and-crate service on behalf of the Department of Defense.

(g) Motor carrier brokerage of general commodities (except household goods).

§ 1160.3 Procedures used generally.

(a) *Modified procedure.* Most cases are handled under the modified procedure. The applicant and protestants send statements made under oath (verified statements) to each other and to the ICC. There are no personal appearances or formal hearings.

(b) *Oral hearings.* Oral hearings are used infrequently. Either an applicant or a protestant may request oral hearing at any time during the proceeding. The rules governing requests for oral hearing are set forth at § 1160.68 of this part.

§ 1160.4 Starting the application process: Form OP–1.

(a) All applicants shall use form OP–1.

(b) Obtain the form at Commission regional and field offices, or call the Office of the Secretary at (202) 275–7833.

§ 1160.5 Information to be submitted by applicants (except fitness only applications).

(a) A completed application form, OP–1.

(b) A caption summary which describes the authority sought.

(c) A separate verified statement from the applicant, as described in § 1160.6 of this part.

(d) Verified certifications of witness or shipper support (see the appendix to the OP–1 form).

(1) *Motor common carriers of property.* Applicants for this authority normally file verified certifications of witness or shipper support. Alternatively, an applicant may elect to

file other evidence showing that the service proposed will serve a useful public purpose, responsible to a public demand or need. This evidence shall be submitted in part (10) of applicant's verified statement, as shown in § 1160.6 of this part.

(2) *Water carrier exemption applications.* No shipper or witness support evidence is required.

§ 1160.6 Applicant's verified statement (except fitness only applications).

Applicant shall file the information described in this paragraph according to the type of application being filed (see KEY). The information shall be provided in separately numbered paragraphs. If a particular item seems inapplicable, write "N/A."

KEY FOR REGULAR APPLICATIONS

(1) Motor common carrier of property application.
(2) Motor common carrier of passengers application.
(3) Motor contract carrier of property application.
(4) Motor contract carrier of passengers application.
(5) Passenger broker application.
(6) Freight forwarder application.
(7) Water common carrier application.
(8) Water contract carrier application.
(9) Water carrier exemption application.

INFORMATION TO BE SUBMITTED

(1) Legal name and domicile of applicant. (All.)

(2) Name of witness presenting evidence of applicant and why this person is qualified to speak for applicant (as, position with applicant and experience). (All.)

(3) Authority requested in this application. (All.)

(4) Brief description of present ICC regulated operations, or, any other transportation experience. Do not submit copies of existing authority unless they are an issue in the application. (All.)

(5) *Description of equipment.* It is not necessary to list separately all pieces. A summary is preferred. If applicant has no equipment, it shall specify its plan to obtain equipment (e.g., owner-operators under lease). (All except 5.)

(6) *Safety evidence.* Motor carriers holding ICC authority should indicate that they are in compliance with DOT safety regulations. New entrants shall state the following:

> I certify that I have access to and am familiar with all applicable regulations of the U.S. Department of Transportation relating to the safe operation of commercial vehicles and the safe transportation of hazardous materials, and I will comply with these regulations.

Note applicants.—These regulations are found in Title 49, Code of Federal Regulations, Parts 171 to 179 and Parts 390 to 399. Information concerning safety and hazardous materials regulations may be obtained by calling this toll free number: (800) 424–9158.

(7) Service now provided to supporting shipper or witness, if any or, service provided within area sought by application. (All.)

(8) Description of service that will be provided if this application is granted. State whether services of this type are not now available. (All.)

(9) Name and address of persons or shippers now served under contract (Four only.)

(10) Any other evidence in support of the application. *Motor common carrier of property applicants:* If no shipper support statements are being provided, applicant shall submit other evidence under this paragraph.

(11) Legal argument supporting the application. (Optional for all.)

(12) Any oral hearing request (Optional for all). *Verification:* Separate verification of this statement is not necessary. Applicant understands that the oath in the application form applies to this statement.

§ 1160.7 Information to be submitted in fitness only applications.

(a) A completed OP–1 form, except for the appendix.

(b) A caption summary describing the authority sought.

(c) A separate verified statement from the applicant, as described in § 1160.8 of this part.

§ 1160.8 The applicant's verified statement in fitness only applications.

Applicant shall file the information described in this paragraph according to the type of application being filed (see following KEY). The information shall be provided in separately numbered paragraphs. If a particular item seems inapplicable, write "N/A."

KEY FOR FITNESS ONLY APPLICATIONS

(1) Motor carrier applications.
(2) Property broker applications.

INFORMATION TO BE SUBMITTED

(1) Legal name and domicile of applicant. (Both.)

(2) Name of witness presenting evidence and why this person is qualified to speak for applicant (as, position with applicant and experience). (All.)

(3) Authority requested in this application. (Both.)

(4) Description of equipment. It is not necessary to list separately each piece. A summary is preferred. If applicant has no equipment, it shall specify its plans to obtain equipment (e.g., owner-operators under lease). (1 only.)

(5) *Safety evidence:* Motor carriers holding ICC authority shall indicate that they are in compliance with DOT safety regulations. New entrants shall state the following:

> I certify that I have access to and am familiar with all applicable regulations of the U.S. Department of Transportation relating to the safe operation of commercial vehicle and the safe transportation of hazardous materials, and I will comply with these regulations.

Note to applicants.—These regulations are found in Title 49 of the Code of Federal Regulations, Parts 171 to 179 and Parts 390 to 399. Information concerning safety and hazardous materials regulations may be obtained by calling this toll free number: (800) 424–9158. (1 only.)

(6) *Application under § 1160.2(a).* If the application is to serve a "community not regularly served", describe the location of the community and the highways which serve the community. If known, state the last known date of service from other carriers and their identity, and the date when service was requested from these carriers. (1 only.)

(7) *Application under § 1160.2(b):* Motor carrier applicants for transportation service as a direct substitute for complete abandonment of all rail service to a community shall file the following information:

(i) Docket number, approval date and effective date of the Commission's decision approving the abandonment; or, date of the Commission's recommendation or pronouncement in a noncertificate abandonment.

(ii) Description of the location of the points sought to be served, indicating to what portion of the rail line they are adjacent (submit maps where obscure rural points are involved), and cross-referencing each specific community to the pertinent abandonment proceeding relied on.

(iii) Certification that rail service was offered at the points for which authority is sought.

(iv) Certification that all rail service has been terminated (give date if known), or

(v) If rail service has not yet terminated, state that fact and submit certification that, after rail service does cease on the line to be abandoned, no rail service by any carrier will remain to the involved community.

(vi) When the certification in paragraph (g)(5) of this section is made, and applicant has otherwise established its right to a certificate, the Commission will issue a certificate subject to the filing, when rail service is terminated, of another certification that *all* service has ceased at the granted points.

(vii) *Filing period:* Applications under this subsection must be filed no later than 120 days (plus extensions) after the effective date of the Certificate of Abandonment issued by the Commission, or, in a non-certificate abandonment, 120 days after the issuance of a recommendation or other pronouncement by the Commission regarding the abandonment.

(8) *Verification:* Separate verification of any statement made under § 1160.8 is not necessary. Applicant understands that the oath in the application form applies to these statements.

§ 1160.9 Where to send the application.

(a) The original and one copy shall be sent to the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, with the proper application fee. Make checks payable to the Interstate Commerce Commission.

(b) One copy of the application shall be sent to the ICC regional office in which applicant is domiciled. A copy of the caption summary only is sent to the State transportation regulatory body of applicant's domicile.

§ 1160.10 Commission review of the application.

(a) ICC staff will review the application for correctness, completeness, and for adequacy of the evidence (the prima facie case).

(1) Minor errors will be corrected without notification to the applicant.

(2) Materially incomplete applications will be rejected. Applications that are in substantial compliance with these rules may be accepted.

(3) A review board will decide whether there is adequate evidence so that the full scope of the authority applicant seeks may be published in the **Federal Register**. If there is not, the application will be rejected in a letter. An applicant may appeal rejections under paragraphs (a) (2) and (3) of this section. See § 1160.20. If an applicant chooses to resubmit the application, it shall refer to its prior application by docket number and give the ICC fee number stamped on the canceled check so as to avoid a second fee being assessed. If no appeal or resubmittal is made, the fee will not be refunded. The date of refiling will be considered the filed date of the application.

(b) The caption summary will be published in the **Federal Register** to give notice to the public in case anyone wishes to oppose the application. The application will be published in the form of a grant of authority.

(c) If the **Federal Register** publication does not properly describe the authority being sought because of ministerial error, applicant shall inform the ICC's Section of Operating Rights as soon as possible. Where notification is received within 10 days of the publication, ministerial errors will be corrected and the notice will be republished. Notifications after 10 days will result in republication only at the Commission's discretion and may result in an application being rejected without prejudice to refiling.

§ 1160.11 Changing the request for authority or filing supplementary evidence after the application is filed.

(a) An applicant may not supplement evidence once the application is filed (unless directed to do so by the Commission).

(b) Amendments to the application are not permissible.

§ 1160.12 After publication in the Federal Register.

(a) Interested persons have 45 days to file protests. See Subpart B of this part.

(b) If no one opposes the application, the grant published in the **Federal Register** will become effective.

(c) If no one opposes the application for an extension of authority, the grant published in the **Federal Register** will be made effective by issuance of a certificate, permit, or license. If no one opposes an application for initial authority, the grant published in the **Federal Register** will be made effective by a Commission notice outlining compliance requirements which must be met before applicant commences the proposed service.

§ 1160.13 Furnishing a copy of the application package to interested persons.

(a) Applicant's representative is required to furnish a copy of the application package to interested persons after publication. The request must be made in writing to applicant's representative and must contain a check or money order for $10, payable to applicant's representative. Applicant's representative need not supply copies to any person not sending the appropriate payment. Applicant's representative is required to mail the copy within 3 days of the receipt of the request being received. Noncompliance with this rule may result in dismissal of the application.

(b) Representative of applicants and potential protestants are urged to communicate by telephone if problems occur in the furnishing of the application. Requests for extension of time where no attempt has been made to correct matters informally are looked upon with disfavor.

§ 1160.14 Opposed applications.

If the application is opposed, opposing parties are required to send a copy of their protest to the applicant.

§ 1160.15 Filing a reply statement.

(a) If the application is opposed, applicant may file a reply statement. This statement is due at the Commission within 60 days of the **Federal Register** publication.

(b) The reply statement may not contain new evidence. It shall only rebut or further explain matters previously raised.

(c) The reply statement need not be notarized or verified. Applicant understands that the oath in the application form applies to all evidence submitted in the application. Separate legal arguments by counsel need not be notarized or verified.

§ 1160.16 After all statements are submitted.

(a) When the proceeding is to be handled under the modified procedure, the next notification to the parties will be the service of the initial decision.

(b) If the proceeding is to be handled by oral hearing, parties will receive a notice to this effect.

§ 1160.17 Applicant withdrawal.

If the applicant wishes to withdraw an application, it shall request dismissal in writing.

§ 1160.18 Caption summary.

The caption summary, which shall accompany all applications, shall be in the form prescribed by the Commission. Commission field and regional offices offer assistance in preparing correct caption summaries, or examples may be found in the daily **Federal Register**.

§ 1160.19 Compliance.

Prior to beginning operations under a certificate, permit, or license, compliance must be made with the following statutory and regulatory requirements for obtaining insurance or bonding, filing tariffs or schedules, and designating agents to receive service of process.

(a) For Motor Common Carriers of Property: 49 CFR Parts 1043, 1044, and 1310.

(b) For Motor Contract Carriers of Property: 49 CFR Parts 1043, 1044, and 1307.

(c) For Motor Common and Contract Carriers of Passengers: 49 CFR Parts 1043, 1044, and 1306.

(d) For Motor Brokers of Motor Vehicle Transportation: 49 CFR Parts 1043 and 1044.

(e) For Water Carriers: 49 CFR Parts 1308; 49 U.S.C. 10329.

(f) For Freight Forwarders: 49 CFR Parts 1084 and 1309; 49 U.S.C. 10329.

§ 1160.201 Appeals to rejections of the application.

(a) Where a review board or other decisional body rejects an application, applicant has a right of appeal. The appeal must be filed at the Commission within 10 days of the date of the letter of rejection.

(b) If the appeal is successful and the filing is found to be proper, the application shall be deemed to have been properly filed as of the decision date of the appeal.

§ 1160.21 Tacking or joinder of authority.

An applicant for irregular-route motor common carrier authority which holds regular-route motor carrier authority shall indicate this in its caption summary. The caption summary shall indicate the subnumbers of this regular-route authority. The purpose of this requirement is to inform the public that direct operations are able to be performed after combining the irregular- and regular-route authorities.

§ 1160.22 Freight forwarders applicants only.

An applicant for freight forwarder authority shall submit the following additional information: Applicant shall state whether it is a person engaged principally in the business of manufacturing, buying, or selling articles and commodities, and whether it controls, is controlled by, or is under common control with any such person. If yes, applicant shall describe such persons and advise to what extent such persons use the services of freight forwarders; or if applicant is such a person, whether it performs its own similar operations of assembling, consolidating, and shipping in connection with the transportation of such articles or commodities.

§ 1160.23 Water carrier applicants only.

(a) If an exemption is being claimed, applicant shall describe the operations proposed to be exempted and in each instance refer to the statutory provisions under which the exemption is claimed.

(b) If an applicant for exemption under 49 U.S.C. 10544(f) is engaged solely in transporting the property of the parent company, it shall list persons owning all or substantially all of the voting stock of the applicant.

(c) If an applicant seeks approval of dual operations under 49 U.S.C. 10930, it shall specify those that would result from a grant of the application.

(d) An applicant for exemption under 49 U.S.C. 10544(e) shall furnish a copy of the charter, lease, or other agreement under which it proposes to operate.

(e) If applicant is a water common carrier seeking a revised certificate covering extension of service pursuant to 49 U.S.C. 10922(e)(3)(B), the following shall be furnished: (1) Describe the portion of the waterway project newly opened for navigation, including the U.S. Engineer District, project number, description of project, and date opened for navigation; (2) Describe operation performed thus far on uncompleted portion of waterway newly opened for navigation, including date service was extended and points served; see § 1166.3; (3) Describe operations performed under present certificate authorizing service on previously completed portion of waterway, naming points served, indicating when service commenced, and if operation has been continuous.

Subpart B—How To Oppose Requests for Authority

§ 1160.40 Definitions.

A person wishing to oppose a request for permanent authority files a protest. A person filing a valid protest becomes a protestant.

§ 1160.41 Time for filing.

A protest shall be filed (received at the Commission) within 45 days after notice of the application appears in the **Federal Register.** A copy of the protest shall be sent to applicant's representative at the same time. Failure timely to file a protest waives further participation in the proceeding.

§ 1160.42 Contents of the protest.

(a) All information upon which the protestant plans to rely is put into the protest.

(b) A protest must be verified, as follows:

I, ——————————, verify under penalty of perjury under laws of the United States of America, that the information above is true and correct. Further, I certify that I am qualified and authorized to file this protest. (See 18 U.S.C. 1001 and 18 U.S.C. 1621 for penalties.)

(Signature and date)

(c) A protest not in substantial compliance with these rules may be rejected.

(d) A protestant files two separate types of evidence. The first is its qualifications evidence, see § 1160.43. All protestants shall submit qualifications evidence under the format in § 1160.43. Protestants shall also file factual evidence, according to the guidelines in § 1160.44 or 1160.45.

§ 1160.43 Qualifications format.

This information shall be submitted in separately numbered paragraphs:

(a) Docket number of application being opposed.

(b) Name and domicile of protestant, including lead docket number, if any.

(c) Name and address of protestant's representative.

(d) Name and address of witness presenting the evidence, and why qualified to speak for protesting party.

(e) Description of the extent to which the person seeking to protest possesses authority to handle the traffic for which authority is applied, is willing and able to provide service that meets the reasonable needs of the shippers or public involved, and has either performed service within the scope of the application during the 12-month period before the application was filed or has actively in good faith solicited service within the scope of the application during that period; or

(f) Description of any application which the prospective protestant has pending before the Commission which was filed before applicant's application and which is substantially for the same traffic; or

(g) Description of any other legitimate interest not contrary to the transportation policy set forth in 49 U.S.C. 10101(a), or of any right to intervene under a statute. A person seeking to qualify under this paragraph shall describe in detail the circumstances which warrant its participation and how they are consistent with 49 U.S.C. 10101(a). The Commission shall normally permit such person to intervene when it shows that a proceeding is novel or of first impression, is of industrywide importance, or has significant economic impact.

Note.—A motor contract carrier of property may not protest an application to provide transportation as a motor common carrier of property.

§ 1160.44 Factual evidence format (except fitness only applications).

(a) A summary, description or copy of the specific authorities in conflict with that sought in the application. Protests containing copies of authority or authority abstracts which are more than 5 pages in length may be rejected.

(b) A description of the type and amount of equipment and facilities available to meet the avowed purpose of the application.

(c) A description of present operations that pertain to the application, including a description of the specific services provided to those supporting the application or within the same territory.

(d) Adverse impacts on its business generally and on the public, such as: (1) need to close terminals or other facilities; (2) number of employees that would be furloughed or dismissed; (3) resulting imbalance or inefficiencies caused to its operations; (4) effects on fuel efficiency; or (5) inability to continue its existing service to the public due to a reduction in total business, or loss of essential services that would not be replaced, or other factors.

(e) Evidence that applicant is not fit, willing or able to comply with the appropriate statutes or regulations governing its activities.

(f) Legal or other argument (optional).

(g) Verification.

(h) Certificate of service.

(i) Any request for oral hearing.

§ 1160.45 Factual evidence format for fitness only applications: Scope.

The types of applications listed in section 1160.2 may be protested on the grounds listed here. Factual evidence in opposition shall consist of the following, where applicable:

(a) A description of the specific grounds upon which it is alleged that applicant cannot meet the statutory fitness criteria.

(b) Alternatively, evidence that the application does not properly fall within the scope of one of the statutorily described categories.

Note.—If the Commission finds that the application does not properly fall within the scope of one of the categories, the application shall be dismissed without prejudice to the filing of an application for authority under other criteria.

(c) Legal argument (optional).

(d) Verification.

(e) Certificate of service.

(f) Any request for oral hearing.

§ 1160.46 Requests for oral hearing by a protestant.

It is the policy of the Commission to handle application proceedings under Subpart A of this part using the modified procedure if at all possible. See § 1160.68. Protestants shall file any request at the end of their protest.

§ 1160.47 To whom the protest is sent.

(a) An original and one copy of the protest shall be sent to the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423. The docket number of the proceeding shall be placed conspicuously on the top of the first page of the protest.

(b) Concurrently with the filing in paragraph (a) of this section, a copy shall be sent to applicant's representative.

§ 1160.48 Obtaining a copy of the application.

A copy of the application is available for inspection at the Commission's offices in Washington, DC, or the regional office of applicant's domicile. In addition, applicant is required to send a copy to interested persons upon payment of a $10 charge. See § 1160.13.

§ 1160.49 Withdrawal.

A protestant wishing to withdraw from a proceeding shall inform the Commission and the applicant in writing.

Subpart C—General Rules Governing the Application Process

§ 1160.60 Contacting another party.

When a person wishes to contact a party or serve a pleading or letter on that party, it shall do so through its representative. The phone number and address of applicant's representative shall be listed in the **Federal Register**.

§ 1160.61 Serving copies of pleadings, letters; the certificate of service.

(a) When the rules require service of a pleading or letter on another party, that material shall be mailed or delivered by hand to the party concurrently with its service on the Commission. See, in addition, 49 CFR 1105.8.

(b) All pleadings other than the application shall contain a statement (certificate of service) that the pleading has been served in accordance with paragraph (a) of this section.

(c) An applicant must serve all pleadings and letters on the Commission and all known participants in the proceeding, except that a reply to a motion need only be served on the moving party.

(d) A protestant need serve only the Commission and applicant with pleadings or letters.

(e) All pleadings or letters, unless otherwise specified, shall be sent to the Office of the Secretary.

§ 1160.62 Copies.

All material forwarded to the Commission in Washington, DC, except for telegraphic material, shall consist of an original and one copy.

§ 1160.63 Requests for extension of time.

(a) Requests for extensions of time are granted only in extraordinary circumstances. Parties' or their representatives' workload, personnel changes, or scheduling problems are not sufficient cause.

(b) No extensions will be granted for more than 3 working days.

(c) Requests shall be made in documentary form (letter or telegraph) addressed to the Section of Operating Rights, with a notice of the request sent to known parties. The Commission will notify the requesting party as soon as possible of the decision. The requesting party shall immediately notify all known parties of the action taken on the request.

(d) If the time for filing a protest is extended, the time for submitting applicant's reply is automatically extended.

(e) Oral communications with Commission personnel pertaining to the merits of an extension request are a violation of the Commission's Code of Ethics for Practitioners.

§ 1160.64 Petition to clarify or interpret formally an operating authority.

(a) A person seeking to clarify or interpret its operating authority shall file a petition under these rules.

(b) No application form need be used. Petitioner shall file its entire argument with the petition, with the fee of $100. The petition shall be sent to the Office of the Secretary.

(c) Notice of the petition will be published in the **Federal Register**. Interested persons may obtain copies of the petition from petitioner's representative in the same manner as provided in § 1160.13. Petitioner may file a rebuttal to any opposing argument.

§ 1160.65 Replies to motions.

Replies to motions filed under these rules are due within 10 days of the date the motion is filed at the Commission.

§ 1160.66 Consolidation of applications.

(a) Applicants may request consolidation of applications. The request shall be made when the applications to be consolidated are filed. Requests for consolidation shall be made in writing to the Section of Operating Rights.

(b) Requests to consolidate applications not currently filed shall only be considered to the extent that the applications are filed within 5 days of each other.

(c) Representatives of the consolidating applicants shall indicate their agreement with the consolidating either in the initial request or in their individual submissions. If mutual agreement has been reached in advance, one representative may indicate representatives' assent to the consolidation.

(d) The application will be published in the **Federal Register** and their consolidation will be indicated. Protestants my file a single protest which will apply to all the proceedings.

§ 1160.67 Marking contents on envelopes, and submission of pleadings.

(a) Send all documents to the Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423, unless the rules specify otherwise.

(b) The Commission requests that persons participating in proceedings under these rules mark the lower left-hand corner of the envelope with the docket number, where known, (not the full title) and the pleading type. To assist the Commission further, use these designations where appropriate:

APPLICATION
PROTEST
REPLY TO PROTEST
EXTENSION OF TIME REQUEST
MOTION
REPLY TO MOTION
APPEAL
REPLY TO APPEAL
DISMISSAL BY APPLICANT
PROTESTANT WITHDRAWAL
PETITION TO CLARIFY

§ 1160.68 Requesting oral hearing.

(a) If a protestant (or applicant) believes that a proceeding should be orally heard the person may request an oral hearing. It is the policy of the Commission to handle applications proceedings under Subpart A of this part using the modified procedure if at all possible.

(b) The request shall specifically state the evidence that would be presented, the reason why evidence is material to determine the merits of the proceeding, why an oral hearing with cross-examination is necessary to bring it out, and what evidence already in the record would be contravened (with specific page reference).

(c) The Commission intends to assign matters for oral hearing only where use of modified procedures would prejudice a party, material issues of decisional fact cannot adequately be resolved without an oral hearing, or assignment of an application for oral hearing is otherwise required by the public interest.

(d) Denial of an oral hearing request will not be made in writing where the denial is made prior to issuance of the initial decision. The request will be deemed denied when the proceeding is handled under the modified procedure.

(108) Former paragraphs 1100.245 (a) through (e) and former Form 7 in Appendix B to Part 1100 are redesignated as Part 1161, and the newly redesignated Part 1161 is revised to read as follows:

PART 1161—PROCEDURES FOR ISSUANCE OF CERTIFICATES OF REGISTRATION

Sec.

1161.1 Scope of rules.
1161.2 Notice.
1161.3 Conduct of, and participation in, State Commission proceedings.
1161.4 Applications to the Interstate Commerce Commission for Certificates of Registration.
1161.5 Appeals of State Commission decisions.
Appendix—Form of Notice of Filing State Applications

Authority: 49 U.S.C. 10321 and 10931; 5 U.S.C. 559.

§ 1161.1 Scope of rules.

These rules govern applications for Certificates of Registration which are based upon intrastate certificates of public convenience and necessity issued by a State Commission that contain a concurrent finding that the public convenience and necessity require operations in interstate and foreign commerce. They implement 49 U.S.C. 10931.

§ 1161.2 Notice.

In accordance with rules prescribed by the State Commissions, a person seeking a Certificate of Registration shall notify the State Commission with which the intrastate application is filed of its intent to apply for a Certificate of Registration, at the time of filing the intrastate application. Notice of interested persons will be given by publication in the **Federal Register** of a summary of the authority sought as prepared by the State Commission and transmitted to the Interstate Commerce Commission at Washington, DC in the format described in the Appendix to this part. In order to afford interested persons a reasonable opportunity to be heard, the summary must be forwarded to the Interstate Commerce Commission sufficiently in advance of any hearings that may be scheduled on the application. No other notice by applicant to interested persons is necessary, unless the State Commission requires it.

§ 1161.3 Conduct of, and participation in, State Commission application proceedings.

The rules of the State Commission will govern the conduct of State Commission proceedings that may be held. Protests and requests for information will be directed to the State Commission. The record made in the State Commission proceeding will be made available to the parties upon payment of costs prescribed by the State Commission.

§ 1161.4 Applications to the Interstate Commerce Commission for Certificates of Registration.

(a) *Time for filing.* Within 30 days after service by the State Commission of a certificate authorizing intrastate operations and containing the recitations required by 49 U.S.C. 10931, the holder of the State certificate shall file with the Interstate Commerce Commission at Washington, DC, an Application for Motor Certificate of Registration, Form OP–OR–100. Except for cause shown, failure to file an application for a Certificate of Registration within the 30-day time period will waive any right to obtain a Certificate of Registration.

(b) *Notice.* Notice of the date of filing of the application and the docket number assigned will be sent by the Interstate Commerce Commission to the applicant and those persons upon whom copies of the application were served by the applicant as specified in the application form.

(c) *Parties.* Any party, which opposed the authorization of operations in interstate or foreign commerce, in the State Commission proceeding will be deemed to be a party in the Certificate of Registration proceeding. No other person will be permitted to participate except upon a showing of substantial reasons.

§ 1161.5 Appeals of State Commission decisions.

Any party which opposed the authorization of operations in interstate or foreign commerce, in the State Commission proceeding may file with the Interstate Commerce Commission at Washington, DC, an appeal of the State Commission decision. Appeals should be filed within 30 days after the date of the filing of an application with the Interstate Commerce Commission for a Certificate of Registration. The appeal (and six copies) should be accompanied by a certified copy of the complete record made before the State Commission, including a transcript of any testimony taken and any exhibits filed, at the expense of the person appealing (unless the record has already been filed by another party). A reply (and six copies) to an appeal may be filed and served within 20 days after the final date for filing appeals. Copies of each appeal and reply shall be served on the State Commission and on all other parties to the State Commission proceeding. The filing of an appeal will not affect the institution of the motor carrier operations in intrastate commerce authorized by the State certificate. Failure to file an appeal waives opposition and further participation in the application proceeding for a Certificate of Registration. Applications for Certificates of Registration and related appeals will be handled in a single proceeding by an appellate division of the Interstate Commerce Commission. A decision issued by an appellate division is final.

Appendix—Form of Notice of Filing State Applications

Part I

(To be completed by applicant)

Notice is hereby given that the below named applicant has filed with ————

(Name of State Commission)

an application for a certificate to conduct motor common carrier operations in intrastate commerce; that, in connection with such operations, applicant also is seeking authority to engage in transportation in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations which may be authorized to be conducted; and that the intrastate and interstate operations proposed to be conducted are as set forth below.

1. ————————

(Name and business address of applicant)

————————

————————

(Street) (City) (State)

2. ————————

(Name and address of applicant's representative, if any)

————————

(Street) (City) (State)

3. Describe in full the operations proposed to be conducted in intrastate commerce, together with the extent to which applicant is seeking authority in connection with such intrastate operations to engage in transportation in interstate and foreign commerce.

————————

(Signature)

————————

(Title)

Date ———— 19——.

Part II

(To be completed by State Commission)

Date of filing application ————

Docket number assigned ————

Date and time and place application has been assigned for hearing, if known ———

————————

————————

(Signature)

————————

(Title)

————————

(Name of State Commission)

Date this notice forwarded to Interstate Commerce Commission, Washington, DC 20423, ————, 19——.

Instructions

This form is for use in giving notice to interested persons regarding the filing of intrastate motor carrier applications in connection with which the applicant also desires authority to engage in interstate and foreign commerce pursuant to 49 U.S.C. 10931. It should be filed in duplicate (along with the intrastate application) with the State Commission, which will forward it to the Secretary, Interstate Commerce Commission, Washington, DC 20423.

The description in Part I, item 3 should include the commodities (or passengers) sought to be transported, the points to be served, and the routes over which, or territories within which, such transportation is to be performed. Care should be taken to insure that the description, which will be published in the **Federal Register**, fully informs interested persons of the type and scope of the proposed intrastate operations, and the exent to which applicant desires authority to engage in transportation in interstate or foreign commerce in connection with such intrastate operations.

PART 1162—TEMPORARY AUTHORITY PROCEDURES UNDER 49 U.S.C. 10928

(109) Former Part 1131 is redesignated as Part 1162.

(110) In the newly redesignated Part 1162, the part heading is revised to read as set forth above.

(111) In the newly redesignated Part 1162, the authority citation is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10928; 5 U.S.C. 559.

(112) The newly redesignated §§ 1162.1–1162.7 are designated as Subpart A in Part 1162, the heading of which is added to read as follows:

Subpart A—Motor Carrier Procedures

§ 1162.1 [Amended]

(113) In the newly redesignated § 1162.1, the statutory references are revised as follows:

(a) In paragraph (a), "section 210a(a) of the Interstate Commerce Act, as amended, 49 U.S.C. 310a(a)" is revised to read "49 U.S.C. 10928".

(b) In paragraph (b)(1), "section 210a(a)" is revised to read "49 U.S.C. 10928".

(c) In paragraph (b)(2), "section 203(a)(14) of the Interstate Commerce Act (49 U.S.C. 303(a)(14))" is revised to read "49 U.S.C. 10102(12)".

(d) In paragraph (b)(3), "section 203(a)(15) of the Interstate Commerce Act (49 U.S.C. 303(a)(15))" is revised to read "49 U.S.C. 10102(13)".

(e) In paragraph (b)(5), "section 203(a)(1) of the Interstate Commerce Act (49 U.S.C. 303(a)(1)" is revised to read "49 U.S.C. 10102".

§ 1162.3 [Amended]

(114) In the newly redesignated § 1162.3, "section 217 of the Interstate Commerce Act in the case of common carriers and of section 218 of the act in the case of contract carriers" is revised to read "49 U.S.C. 10761 and 10762".

§ 1162.4 [Amended]

(115) In the newly redesignated § 1162.4 "section 203(a)(15) of the Interstate Commerce Act" is revised to read "49 U.S.C. 10102(12)".

(116) In the newly redesignated § 1162.4, the word "transportation" is added to the end of paragraph (a)(4).

(117) In the newly redesignated § 1162.4, "Commission's Rules of Practice" in paragraph (c)(1)(iv) is revised to read "applicable rules'".

§ 1162.5 [Amended]

(118) In the newly redesignated § 1162.5, the statutory references are revised as follows:

(a) In paragraph (a)(2), "section 217 of the Interstate Commerce Act" is revised to read "49 U.S.C. 10761 and 10762".

(b) In paragraph (a)(3), "section 218 of the Interstate Commerce Act" is revised to read "49 U.S.C. 10761 and 10762".

(119) In the newly redesignated § 1162.5, "Bureau of Operations" in paragraph (a)(2) is revised to read "Commission".

(120) In the newly redesignated § 1162.5, the work "of" which precedes "points of origin" in the fourth sentence of paragraph (a)(3) is removed.

§ 1162.6 [Amended]

(121) In the newly redesignated § 1162.6, "in the Commission's General and Special Rules of Practice," in paragraph (d) is revised to read "at".

(122) Former Part 1131a is redesignated as §§ 1162.10–1162.14 as follows:

§1131a.1 redesignated as § 1161.10
§1131a.2 redesignated as § 1162.11
§1131a.3 redesignated as § 1162.12
§1131a.4 redesignated as § 1162.13
§1131a.5 redesignated as § 1162.14

(123) The newly redesignated §§ 1162.10–1162.14 are designated as Subpart B in Part 1162, the heading of which is added to read as follows:

Subpart B—Water Carrier Procedures

§ 1162.10 [Amended]

(124) In the newly redesignated § 1162.10, the statutory references are revised as follows:

(a) In paragraph (a), "section 311(a) of the Interstate Commerce Act, as amended, 49 U.S.C. 911(a)" is revised to read "49 U.S.C. 10928".

(b) In paragraph (b), "section 302 of the Interstate Commerce Act" is revised to read "49 U.S.C. 10102".

§ 1162.11 [Amended]

(125) In the newly redesignated § 1162.11, "Office of Consumer Protection" in paragraph (a) is revised to read "Office of Compliance and Consumer Assistance".

§ 1162.12 [Amended]

(126) In the newly redesignated § 1162.12, the statutory references are revised as follows:

(a) In paragraph (c), "section 311(a) of the Interstate Commerce Act" is revised to read "49 U.S.C. 10928".

(b) In paragraph (d), "section 306 of the Interstate Commerce Act" is revised to read "49 U.S.C. 10761 and 10762".

§ 1162.13 [Amended]

(127) In the newly redesignated § 1162.13, "section 302(e) of the Interstate Commerce Act" in paragraph (a)(2) is revised to read "49 U.S.C. 10102(29)".

(128) In the newly redesignated § 1162.13, the word "water" is added to precede the words "contract carrier" in the second sentence of paragraph (a)(2), and the words "by water carrier" which follow, are removed.

(129) In the newly redesignated § 1162.13, the word "regulated" in the first sentence of paragraph (a)(3) is revised to read "related".

PART 1163—TEMPORARY OPERATING AUTHORITIES AND APPROVALS

(130) Former Part 1101 is redesignated as Part 1163.

(131) The authority citation for the newly redesignated Part 1163 is revised to read as follows:

Authority: 49 U.S.C. 10321; 5 U.S.C. 558 and 559.

§ 1163.1 [Amended]

(132) In the newly redesignated § 1163.1, the statutory references are revised as follows:

(a) In paragraph (a), "210a(a) or 311(a) of the Interstate Commerce Act (49 U.S.C. 310a(a), 911(a))" is revised to read "49 U.S.C. 11349".

(b) In paragraph (b), "section 210a(a) or 311(b) of the Interstate Commerce Act (49 U.S.C. 310a(b), 911(b))" is revised to read "49 U.S.C. 11349".

(133) The newly redesignated § 1163.1 is further amended by adding a new paragraph (c) to read as follows:

§ 1163.1 Extension of temporary operating authority on approval.

* * * * *

(c) When an applicant has not made a timely and sufficient application for renewal, or new, authority or approval in accordance with applicable Commission rules, the Commission will determine upon written request of any interested party, or upon its own initiative, whether any temporary authority granted under 49 U.S.C. 10928 may be continued in force beyond the expiration date of such temporary authority for an extended term as defined in paragraph (a) of this section. A written request for such a determination must be filed with the Regional Motor Carrier Board with which the temporary authority application was filed not later than 30 days prior to expiration of the temporary authority.

§ 1163.2 [Amended]

(134) In the newly redesignated § 1163.2, "section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a))" in the introductory paragraph is revised to read "49 U.S.C. 10928".

PART 1164—OWNER-OPERATOR FOOD TRANSPORTATION

(135) Former Part 1138 is redesignated as Part 1164.

(136) In the newly redesignated Part 1164, the authority citation is revised to read as follows:

Authority: 49 U.S.C. 10321, 10922(b)(4)(E), 10923(b)(5)(A), and 11145 and 5 U.S.C. 559.

PART 1165—RESTRICTION REMOVALS

(137) Former Part 1137 is redesignated as Part 1165.

(138) In the newly redesignated Part 1165, the part heading is revised to read as set forth above.

(139) The authority citation to the newly redesignated Part 1165 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10922(h); 5 U.S.C. 559.

§ 1165.26 [Amended]

(140) In the newly redesignated § 1165.26, revise the word "section", which is the last word in the section to read "part".

(141) Former Part 1140 is redesignated as Part 1166, and the newly redesignated Part 1166 is revised to read as follows:

PART 1166—EXTENSIONS OF OPERATIONS BY WATER COMMON CARRIER

Sec.
1166.1 Applicability.
1166.2 Issuance of a certificate without proof of public convenience and necessity.
1166.3 Conditions and procedures.

Authority: 49 U.S.C. 10321 and 10922; 5 U.S.C. 559.

§ 1166.1 Applicability.

The rules in this part provide special procedures by which water common carriers subject to the Commission's jurisdiction under subchapter III of chapter 105 of title 49 of the United States Code operating over a given waterway may extend their operations over newly completed sections of that waterway as they are opened to navigation. These rules implement 49 U.S.C. 10922(f)(3)(B).

§ 1166.2 Issuance of a certificate without proof of public convenience and necessity.

If a water carrier complies with the conditions and procedures set forth in § 1166.3 of this part, a certificate of public convenience and necessity covering extended operations over a newly opened section of a waterway will be issued without proof of public convenience and necessity.

§ 1166.3 Conditions and procedures.

To obtain a certificate under this part, a water carrier must—

(a) Hold authority to operate over a previously opened portion of the waterway involved;

(b) Institute service over the newly completed portion of the waterway within 120 days after it is opened to navigation; and

(c) File its application, on Commission form OP–1, not later than the date of the filing of tariffs establishing rates and charges for transportation of passengers or property over the portion of the waterway embraced in the application, and in no event later than the date on which the extended operations are instituted.

PART 1167—COMPENSATED INTERCORPORATE HAULING OPERATIONS

(142) Former Part 1136 is redesignated as Part 1167.

(143) The authority citation to the newly redesignated Part 1167 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10524; 5 U.S.C. 559.

PARTS 1168–1174—[RESERVED]

(144) New parts 1168–1174 are added and reserved.

PARTS 1175–1199—FINANCE PROCEDURES

PARTS 1175–1179—SECURITIES, SECURITY INTERESTS AND FINANCIAL STRUCTURE

PART 1175—ISSUANCE OF SECURITIES AND ASSUMPTION OF OBLIGATIONS AND LIABILITIES

(145) Former Part 1115 is redesignated as Part 1175 as follows:

§§ 1115.1–1115.6 redesignated as §§ 1175.2–1175.7 respectively;
§ 1115.25 redesignated as 1175.10;
Appendix remains as Appendix.

(146) Two center headings are added to precede the newly redesignated Part 1175 as set forth above.

(147) The authority citation to the newly redesignated Part 1175 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10301–10302; 5 U.S.C. 559.

(148) In the newly redesignated Part 1175, a new § 1175.1 is added to read as follows:

§ 1175.1 Procedures.

(a) *Execution.* The original application or report shall bear the date of execution and be signed in ink by or on behalf of each applicant or respondent. Execution shall be by the applicant or respondent if an individual, by all partners, if a partnership, unless satisfactory evidence is furnished of a partner's authority to bind the partnership, and, if a corporation, an association or other form of organization, execution shall be by its president or other execution officer. Each signer shall also sign a certificate showing that the signer has knowledge of the matters set forth in the document and is duly authorized to verify and file the document.

(b) *Filing, service, number of copies.* The original and six copies of each application, and two copies of each report shall be filed with the Secretary, Interstate Commerce Commission, Washington, DC 20423. Copies of applications shall be served in the manner and on the persons required in the form or instructions and proof of service shall be part of the original application. No service of copies or reports is required.

(c) *Incorporation by reference.* If any required document has been previously filed with the Commission in connection with another proceeding, it will be sufficient to refer to the docket number under which it was previously filed, provided that any changes in the document occurring in the document after the previous filing shall be shown in an exhibit identified to correspond with the required document. *Exception:* Income statements and balance sheets or supporting detail for items therein may not be incorporated by reference to annual or quarterly reports or to other proceedings unless the form or report specifically permits such incorporation by reference.

(d) *Responses.* Responses on forms or to instructions shall be full and complete. If an item is not applicable, the report or application shall so state. If information required is unknown or unavailable a statement to that effect and the reasons why the material is not set forth shall be made.

(e) *Typographical specifications.* See 49 CFR 1104.2. (149) The newly redesignated §§ 1175.1–1175.7 are designated as Subpart A to Part 1175 and a heading for Subpart A is added to read as follows:

Subpart A—Applications

§ 1175.2 [Amended]

(150) In the newly redesignated § 1175.2, "sections 20a and 214 of the act" in the first sentence is revised to read "49 U.S.C. 11301 and 11302".

§ 1175.3 [Amended]

(151) In newly redesignated § 1175.3, the statutory references are revised as follows:

(a) In paragraph (a), "part I of the Act" is revised to read "subchapter I of chapter 105 of the act".

(b) In paragraph (a), "part II" is revised to read "subchapter II of chapter 105 of the act".

(c) In paragraph (a), "part I" is revised to read "subchapter I of chapter 105 of the Act".

(d) In paragraph (b), "section 5(2) of the Act" is revised to read "49 U.S.C. 11344".

(e) In paragraph (b), "section 5(3)" is revised to read "49 U.S.C. 11348".

(f) In paragraph (b), "sections 20a or 214" is revised to read "49 U.S.C. 11301 and 11302".

(g) In paragraph (c), "section 20a(1) of the Act" is revised to read "49 U.S.C. 11301(a)(2)."

(152) In the newly redesignated § 1175.3, the words "an order" in paragraph (b) are revised to read "decision".

§ 1170.4 [Amended]

(153) In the newly redesignated § 1175.4, the words "Commission's General Rules of Practice" at the end of paragraph (c) are revised to read "Rules of General Applicability, 49 CFR, Parts 1100–1129".

(154) In the newly redesignated § 1175.4, paragraph (e) is removed.

§ 1175.5 [Amended]

(155) In the newly redesignated § 1175.5, the statutory references are revised to read as follows:

(a) In paragraph (a), "paragraph (9) of section 20a of the Act" is revised to read "49 U.S.C. 11301(c)".

(b) In paragraph (c), "paragraph (9) of section 20a and in the proviso of section 214" is revised to read "49 U.S.C. 11301(b)(2) and 11302(b)".

(c) In paragraph (d), "section 214" is revised to read "49 U.S.C. 11302".

§ 1175.7 [Amended]

(156) In the newly redesignated § 1175.7, "sections 20a or 214" in paragraph (a) is revised to read "49 U.S.C. 11301 and 11302".

(157) In the newly redesignated Part 1175, the heading "COMPETITIVE BIDDING EXEMPTION" is revised to read as follows:

Subpart B—Competitive Bidding Exemption

§ 1175.10 [Amended]

(158) In the newly redesignated § 1175.10, the statutory references are revised as follows:

(a) In paragraph (a), "section 20a" is revised to read "49 U.S.C. 11301".

(b) In paragraph (b), "section 20a of the Act" is revised to read "49 U.S.C. 11301".

(159) In the newly redesignated § 1175.10(b), remove the words which follow the date "June 18, 1952".

(160) In the newly redesignated § 1175.10(c), the reference to "Part 1110 of this Chapter" is revised to read "49 CFR 1170.3(e)".

(161) In the newly redesignated Part 1175, the last paragraph of the Appendix, which begins "The foregoing requirements . . ." is removed.

PART 1176—CHANGES IN SECURITIES OR INSTRUMENTS AND FILING CERTIFICATES AND REPORTS

(162) Former Part 1114 is redesignated as Part 1176.

(163) In the newly redesignated Part 1176, the heading is revised to read as set forth above.

(164) The authority citation to the newly redesignated Part 1176 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 11301–11302; 5 U.S.C. 559.

§ 1176.1 [Amended]

(165) In the newly redesignated § 1176.1, the reference to "Rule 15 of the General Rules of Practice (§ 1100.15 of this Chapter)" in paragraph (a) is revised to read "49 CFR 1104.4".

(166) In the newly redesignated § 1171.1, the statutory references are revised as follows:

(a) In paragraph (e)(1)(ii), "paragraph (3) of section 20b, 49 U.S.C. 20b" is revised to read "49 U.S.C. 11363".

(b) In paragraph (f), "(to the extent not inconsistent with paragraph (1) of section 20b, 49 U.S.C. 20b)" is revised to read "49 U.S.C. 11361".

(c) In paragraph (h), "paragraph (1) of section 20b of the Interstate Commerce Act (49 U.S.C. 20b)" is revised to read "49 U.S.C. 11361".

(d) In paragraph (h), "paragraph (3) of section 20b" is revised to read "49 U.S.C. 11362".

§ 1176.2 [Amended]

(167) In the newly redesignated § 1176.2, "paragraph (9) of section 20a of the Interstate Commerce Act, 49 U.S.C. 20a or otherwise" is in paragraph (h) is revised to read "49 U.S.C. 11301(b)(2)".

(168) In the newly redesignated § 1176.2, "Rule 84 of the General Rules of Practice (§ 1100.84 of this chapter)" in paragraph (1) is revised to read "49 CFR 1114.7".

§ 1176.3 [Amended]

(169) In the newly redesignated § 1176.3, the statutory references are revised as follows:

(a) In paragraph (a), "section 20a of the Interstate Commerce Act (49 U.S.C. 20a)" is revised to read "49 U.S.C. 11301".

(b) In paragraph (e), "paragraph (2) of section 20b (49 U.S.C. 20b)" is revised to read "49 U.S.C. 11362(a)".

§ 1176.4 [Amended]

(170) In the newly redesignated § 1176.4, "section 20a of the Interstate Commerce Act (49 U.S.C. 20a)" is revised to read "49 U.S.C. 11301".

PART 1177—RECORDATION OF DOCUMENTS

(171) Part 1116 is redesignated as Part 1177.

(172) The authority citation to the newly redesignated Part 1177 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 11303; 5 U.S.C. 559.

PART 1178–1179—[RESERVED]

(173) New parts 1178–1179 are added and reserved.

PARTS 1180–1189—COMBINATIONS AND OWNERSHIP

PART 1180—RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

(174) Former Part 1111 is redesignated as Part 1180, and a center heading is added to precede the newly redesignated Part 1180 as set forth above.

(175) The authority citation to the newly redesignated Part 1180 is revised to read as follows:

Authority: 49 U.S.C. 10321, 11341, 11345 and 11346; 5 U.S.C. 559; 45 U.S.C. 904 and 915.

(176) The authority citation to Subpart B of the newly redesignated Part 1180 is removed.

PART 1181—TRANSFERS OF OPERATING RIGHTS UNDER 49 U.S.C. 10926

(177) Former Parts 1132, 1141, 1151, 1133 and former § 1045.11 are redesignated as Part 1181 as follows:

(a) §§ 1132.1–1132.5 redesignated as §§ 1181.1 through 1181.5 respectively;
(b) §§ 1141.1–1141.10 redesignated as §§ 1181.10 through 1181.19 respectively;
(c) §§ 1151.1–1151.7 redesignated as §§ 1181.20 through 1181.26 respectively;
(d) §§ 1133.1–1133.2 redesignated as §§ 1181.30 through 1181.31 respectively;
(e) §§ 1045.11 redesignated § 1181.32.

(178) In the newly redesignated Part 1181, the part heading is revised to read as set forth above.

(179) The authority citation to the newly redesignated Part 1181 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 10926; 5 U.S.C. 559.

(180) The newly redesignated §§ 1181.1–1181.5 are designated as Subpart A to Part 1181, the heading of which is added to read as follows:

Subpart A—Motor Carrier Operating Rights

§ 1181.1 [Amended]

(181) In the newly redesignated § 1181.1, the note which follows paragraph (a) is removed.

(182) The newly redesignated §§ 1181.10–1181.19 are designated as Subpart B to Part 1184, the heading of which is added to read as follows:

Subpart B—Water Carrier Operating Rights

§ 1181.11 [Amended]

(183) In the newly redesignated § 1181.11, the heading is revised to read as follows:

"§ 1181.11 Transfers effected under 49 U.S.C. § 11343–44."

(184) In the newly redesignated § 1181.11, the statutory references are revised as follows:

(a) In the first sentence, "section 5(13) of the Interstate Commerce Act" is revised to read "49 U.S.C. § 10102 (18), (7), (21), (11), or (27)".

(b) In the first sentence, "section 5(2) of the act" is revised to read "49 U.S.C. § 11343–44".

(c) In the second sentence, "section 5(2) of the act" is revised to read "49 U.S.C. 11343–44".

§ 1181.12 [Amended]

(185) In the newly redesignated § 1181.12, the heading is revised to read as follows:

"§ 1181.12 Transfers not effected under 49 U.S.C. §§ 11343–44."

(186) In the newly redesignated § 1181.12, the statutory references are revised as follows:

(a) In the introductory text and paragraph (g), "section 5(13) of the act" is revised to read "49 U.S.C. 10101 (18), (7), (21), (11), or (27)".

(b) In the introductory text, "section 5(2) of the act" is revised to read "49 U.S.C. 11343–44".

(c) In paragraph (g), "section 5 of the act" is revised to read "49 U.S.C. 11343(c)".

(187) In the newly redesignated § 1181.12, the words "Part III of" are removed from paragraph (o).

§ 1181.14 [Amended]

(188) In the newly redesignated § 1181.14, "Rule 15 of the General Rules of Practice (§ 1100.15 of this chapter)" is revised to read "49 CFR 1104.4".

§ 1181.15 [Amended]

(189) In the newly redesignated § 1181.15, "Rule 225 of the General Rules of Practice" in paragraph (c) is revised to read "49 CFR Part 1118".

(190) The authority citation which follows the newly redesignated § 1181.15 is removed.

(191) In the newly redesignated § 1181.15, the statutory references are revised as follows:

(a) In paragraph (e), "Section 5(2) of the act" is revised to read "49 U.S.C. 11343–44".

(b) In paragraph (e), "Section 5(2) of the proceedings" is revised to read "proceedings under 49 U.S.C. 11343–44".

§ 1181.16 [Amended]

(192) In the newly redesignated §1181.16, the words "Part III of" are removed from paragraph (d).

(193) The newly redesignated §§ 1181.20–1181.26 are designated as Subpart C to Part 1181, the heading of which is added to read as follows:

Subpart C—Freight Forwarder Operating Rights

§ 1181.21 [Amended]

(194) In the newly redesignated § 1181.21, "or is a carrier subject to Part I, II, or III of the Interstate Commerce Act" in paragraph (g) is revised to read "or is carrier subject to Title 49, subtitle IV, Chapter 105".

(195) In the newly redesignated § 1181.21, "Part IV of" in paragraph (j) is removed.

§ 1181.23 [Amended]

(196) In the newly redesignated § 1181.23, "Rules 15 of the Commission's General Rules of Practice (§ 1100.15 of this subchapter)" is revised to read "49 CFR 1104.4".

(197) The newly redesignated § 1181.24 is amended as follows:

(a) In paragraph (e)(1), "section 17(8) of the Interstate Commerce Act" is revised to read "49 U.S.C. 10324".

(b) In paragraph (e)(2), "general rules of practice (Part 1100 of this Chapter)" is revised to read "Rules of General Applicability, 49 CFR 1100–1129".

(c) In paragraph (e)(2), "Part 1151 of this Chapter)" is revised to read "Subpart C of this Part".

(d) In paragraph (e)(3), "Motor Carrier Board" is revised to read "Review Board".

(e) In paragraph (e)(3), "Special rules of practice, set forth in Rule 225 of the Commission's general rules of practice (49 CFR 1100.225)" is revised to read "49 CFR Part 1118".

§ 1181.24 [Amended]

(198) The authority citation which follows the newly redesignated § 1181.24 is removed.

§ 1181.25 [Amended]

(199) In the newly redesignated § 1181.25, "Part IV of" in the second sentence of paragraph (d) is removed.

(200) The newly redesignated §§ 1181.30–1181.32 are designated as Subpart D to Part 1181, the heading of which is added to read as follows:

Subpart D—Broker Licenses

(201) In former Part 1133, remove the cross reference which appeared after the table of contents and before the text.

§ 1181.30 [Amended]

(202) In the newly redesignated § 1181.30, "section 211 of the Interstate Commerce Act" in paragraph (a) is revised to read "49 U.S.C. 10924".

(203) The authority citation which follows the newly redesignated § 1181.30 is removed.

§ 1181.31 [Amended]

(204) In the newly redesignated § 1181.31, "Rule 225 of the General Rules of Practice" is revised to read "49 CFR Part 1118".

(205) The authority citation which follows the newly redesignated § 1187.37 is removed.

(206) In the newly redesignated Part 1181, a new Subpart E is added to read as follows:

Subpart E—Procedures for Changing the Name or Business Form of a Motor Carrier, Broker, or Freight Forwarder

Sec.
1181.40 Scope.
1181.41 Procedures.

§ 1181.40 Scope.

The term transfer as used in 49 CFR Part 1811 does not apply to transactions to accomplish changes in the form of a business, such as the incorporation of a partnership or sole proprietorship. Note these procedures also apply when a corporation or partnership changes its legal name or when any entity changes its trade name or assumed name.

§ 1181.41 Procedures.

To accomplish such changes, a letter providing the information set forth below should be addressed to the Office of the Secretary, Applications and Fee Unit, Interstate Commerce Commission, Washington, D.C. 20423. The envelope should be marked NAME CHANGE. The information required is (a) the docket number(s) and name of the carrier requesting the change; (b) a copy of the articles of incorporation on the state certificate reflecting the corporation; (c) the name(s) of the owner(s) of the stock and the distribution of the shares; (d) the name of the officers and directors of the corporation; and (e) a statement that there is no change in the ownership, management or control of the business.

PART 1182—MOTOR CARRIER APPLICATIONS TO CONSOLIDATE, MERGE, OR ACQUIRE CONTROL UNDER 49 U.S.C. 11343–11344

(207) Former §§ 1100.240–1100.244 are redesignated as new Part 1182 as follows:

§ 1100.240	redesignated as § 1182.1
§ 1100.241	redesignated as § 1182.2
§ 1100.242	redesignated as § 1182.3
§ 1100.243	redesignated as § 1182.4
§ 1100.244	redesignated as § 1182.5

(208) In the newly designated Part 1182, the part heading is added to read as set forth above:

(209) The authority citation to the newly redesignated Part 1182 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 11343, 11344 and 11345a; 5 U.S.C. 559.

§ 1182.1 [Amended]

(210) The newly redesignated § 1182.1, is amended as follows:

(a) The section heading is revised to read as follows:

"§ 1182.1 *Applications under 49 U.S.C. 11343–11344.*"

(b) In paragraph (b), the first sentence is removed and the following is inserted in its place:

"Applicants for authority under 49 U.S.C. 11343–11344 to consolidate, merge, purchase, or lease operating rights and properties of a motor carrier shall complete application form OP–F–44. Applicants for authority under 49 U.S.C. 11343–11344 to acquire control of a motor carrier or motor carriers through ownership of stock, or otherwise, shall complete application form OP–F–45. The filing fee for either application is $700, payable at time and place of application, payable to the Interstate Commerce Commission. Once accepted, filing fees will not be refunded. If an application is rejected, the fee will be refunded. Separate fees need not be paid on related applications filed by the same applicant(s) which would be the subject of one proceeding. (See 49 CFR 1002.2(c) regarding directly related applications)."

(c) In paragraph (b), remove the word "the" which precedes "forms" within the parentheses and change the second "or" to "and" in the last sentence.

(d) In paragraph (c)(2), the word "from" in the first sentence is revised to read "of".

(e) In paragraph (c)(2), the words "from the filing requirement" are removed from the second sentence.

(f) In paragraph (c)(2), the third sentence is revised to read as follows: "Applicants may not file their application until after the Commission has rendered a decision on the waiver request."

(g) In the introductory text of paragraph (c)(4), the word "the" which precedes "modified procedure" is removed.

(h) In paragraph (c)(4)(i), the word "upon" is revised to read "on".

(i) In paragraph (c)(4)(ii), "(See rule 240(g) *infra.*)" is revised to read "(See 49 CFR 1182.1(g))".

(j) In paragraph (d)(1), the word "those" is added between "are" and "filed" in the second sentence.

(k) In paragraphs (d) (1) and (2), "49 U.S.C. 11344", is revised to read "49 U.S.C. 11343–11344".

(l) In paragraph (d)(2), the parentheses which appear around the word "lead" are removed.

(m) In paragraph (e), "(2) two" is revised to read "two (2)".

(n) In paragraph (e), "10423" is revised to read "20423".

(o) In paragraph (f)(1), the words "Interstate Commerce" which precede the word "Commission" are removed.

(p) In paragraph (f)(2), "rule 240(g) *infra*" which appears in parentheses is revised to read "49 CFR 1182.1(g)".

(q) In paragraph (f)(3), the words "because of ministerial error" and "Interstate Commerce" are removed.

(r) In paragraph (g)(2), "Also" and the commas which precede and follow the word "simultaneously" in the second sentence, and "the" which precedes

(s) In paragraph (g)(3), the word "infra" which follows the cross reference is removed.

(t) In paragraph (g)(4), the word "optional" in the first sentence is removed, and the "an" which precedes that word is revised to read "a".

(u) In paragraph (g)(4), the parentheses which enclose the word "optional" in the second sentence are removed.

(v) In paragraph (i)(3), the parentheses are removed, the words "shall be" are added to precede "served", and "upon" which follows "served" is revised to read "on".

(w) In paragraph (j)(1), the words "to be" and the "the" which precedes "modified" are removed.

(x) In paragraph (j)(2), the words "to be" are removed, and "this" is revised to read "that".

(y) In paragraph (k), the word "with" in the second sentence is revised to read "indicating".

(211) Section 1182.1 is further amended by revising paragraphs (a) and (c)(3) to read as follows:

§ 1182.1 Applications under 49 U.S.C. 11343–11344.

(a) *Procedures used generally.* The Commission uses two types of procedures. Most cases are processed under *modified procedure* (the evidentiary record is composed entirely of written statements). Occasionally, a case involves extraordinary substantive issues, the resolution of which requires testimony from persons at an *oral hearing.* These rules govern both types of proceedings. It is the Commission's policy to process cases under modified procedure whenever possible.

* * * * *

(c) * * *

(3) *Caption summary.* Each application shall be accompanied by a caption summary describing the proposed transaction, and indicating (i) whether any portion of the operating rights involved in the transaction is proposed to be cancelled or restricted, (ii) whether an application under 49 U.S.C. 11349 to perform temporarily the service proposed to be acquired in the permanent application has been filed, and (iii) whether another application has been filed under provisions of Title 49, Subtitle IV, U.S. Code, "Transportation" which is directly related to the proposed transaction. (See 49 CFR 1182.1(d) regarding directly related applications.)

* * * * *

(212) In the newly redesignated §1182.2, the heading and paragraphs (a) and (b) are revised to read as follows:

§ 1182.2 How to oppose an application.

(a) *Filing a protest.*

(1) Protests to an acquisition application shall be filed (received at the Commission), within 45 days from the date of the application is published in the **Federal Register.**

(2) A protest shall also be served on applicants' representatives.

(3) Failure to file a timely protest waives further participation in the proceeding.

(b) *Contents of a protest.*

(1) Protests shall be verified.

(2) All information upon which the protestant plans to rely shall be put in the protest including the grounds on which the protest is made and the protestant's interest in the proceeding, and any request for oral hearing. See 49 CFR 1182.3.

(3) A protest may include a request that the Commission allow (i) additional evidentiary submissions from the parties to a proceeding or (ii) further procedural steps to develop the evidentiary record (e.g. discovery). The request must demonstrate that this procedure is necessary to resolve the *specific issues* giving rise to the request. If the Commission finds, whether on its own motion, or that of a party, that the record requires supplementation, it shall issue a decision indicating the additional information required and the time frames within which such information must be submitted. Upon receipt of such information the record will be closed and the case will go forward to decision.

* * * * *

§ 1182.3 [Amended]

(213) The newly redesignated § 1182.3 is amended as follows:

(a) In the introductory text of paragraph (a), the word "the" which follows the word "using" is removed.

(b) In paragraph (a)(2), the word "determine" and "it" that follows the word "which" are removed, and "the evidence" is added to follow the word "out".

(c) In paragraph (b)(2), the "s" on the end of the word "proceedings" and the word "to" between "mailing" and "them" are removed.

(d) In paragraph (b)(3), the parenthetical phrase is removed.

(e) In paragraph (c)(1), the semicolon is revised to be a comma.

(f) In paragraph (d), the part of the sentence which follows the comma and begins with the word "failing" is removed.

(g) In paragraph (e), the second sentence is removed.

§ 1182.5 [Amended]

(214) The newly redesignated § 1182.5 is amended as follows:

(a) In the heading and paragraphs (a)(1), (e)(3), (f)(1), (f)(2), (f)(3), (g), (h)(1) and (h)(2), the references to "49 U.S.C. 11344" are revised to read "49 U.S.C. 11343–11344".

(b) In paragraph (b), "by an appropriate decisional body", and the letter "s" on the words "hearings" and "proceedings" in the third sentence are removed.

(c) In paragraph (b), "where it is" in the forth sentence is revised to read "when".

(d) In paragraph (c)(1), the word "an" which precedes "application" is removed, and "form OP–F–46. The application fee is $60." is added to follow "applications".

(e) In paragraphs (d), (f)(4), and (i)(2), "upon" is revised to read "on".

(f) In paragraph (f)(3), "of record" in the second sentence is removed.

(g) In paragraph (g), the commas which follow the words "oppose" and "seasonably" are removed.

(h) In paragraph (i), "for example," in the second sentence is removed.

(i) In paragraph (j)(1), the parentheses around the address are removed.

PART 1183—CONTROL OF CONSOLIDATION OF MOTOR CARRIERS OR THEIR PROPERTIES

(215) Former Part 1134 is redesignated as Part 1183 as follows:

§ 1134.1 redesignated as §1183.1;
§ 1134.3 redesignated as §1181.2;
§ 1134.4 redesignated as §1181.3;
§ 1134.6 redesignated as §1183.4;
§ 1134.50 redesignated as §1181.5;
§ 1134.51 redesignated as §1181.6;

(216) The authority citation to the newly redesignated Part 1183 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 11341, 11343, 11344, and 11345a; 5 U.S.C. 559.

§ 1183.1 [Amended]

(217) In the newly redesignated § 1183.1, "section 5, Interstate

Commerce Act" is revised to read "49 U.S.C. 11343".

(218) In the newly redesignated § 1183.1, "shall be sent" is added to follow the parentheses in the last sentence of paragraph (b).

§ 1183.2 [Amended]

(219) In the newly redesignated § 1183.2, the statutory references are revised as follows:

(a) In the introductory text, "Section 5 of the Interstate Commerce Act" is revised to read "49 U.S.C. 11343".

(b) In the introductory text, "Part II of the Act" is revised to read "Subchapter II of chapter 105 of the act".

(c) In paragraph (a), "Section 220 of the act" is revised to read "49 U.S.C. 11145".

(220) In the newly redesignated § 1183.2, the figure "$300,000" appearing in the introductory text and paragraphs (a), (b) and (c) is revised to read "$2 million".

(221) The authority citation which follows the newly redesignated § 1183.2 is removed.

§1183.3 [Amended]

(222) In the newly redesignated § 1183.3, the statutory references are revised to read as follows:

(a) In paragraph (a), "Section 5, Interstate Commerce Act" is revised to read "49 U.S.C. 11343".

(b) In paragraph (a), "Part II of the Act" is revised to read "Subchapter II of chapter 105 of the act".

(c) In paragraph (c), "part II" is revised to read "Subchapter II of chapter 105 of the act"

(223) The authority citation which follows the newly redesignated § 1183.3 is removed.

§ 1183.4 [Amended]

(224) In the newly redesignated § 1183.4, the statutory references are revised as follows:

(a) In paragraph (a), "section 210a(b), Interstate Commerce Act" is revised to read "49 U.S.C. 11349".

(b) In paragraph (a), "section 5" is revised to read "49 U.S.C. 11343".

§ 1183.5 [Amended]

(225) In the newly redesignated § 1183.5, "section 5, Interstate Commerce Act" in paragraph (a) is revised to read "49 U.S.C. 11343".

§ 1183.6 [Amended]

(226) In the newly redesignated § 1183.6, "section 5 of the Interstate Commerce Act" in paragraph (a) is revised to read "49 U.S.C. 11343".

PART 1184—MOTOR CARRIER POOLING OPERATIONS

(227) Former Part 1139 is redesignated as Part 1184.

(228) The authority citation to the newly redesignated Part 1184 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 11342; 5 U.S.C. 559.

§ 1184.2 [Amended]

(229) In the newly redesignated § 1184.2, redesignate paragraphs (1) through (13) as paragraphs (a) through (m).

(230) In the newly redesignated § 1184.2, "his/her" in paragraph (m) is revised to read "applicant's".

PART 1185—INTERLOCKING OFFICERS

(231) Former Part 1112 is redesignated as Part 1185.

(232) The authority citation to the newly redesignated Part 1185 is revised to read as follows:

Authority: 49 U.S.C. 10321 and 11322; 5 U.S.C. 559.

§ 1185.1 [Amended]

(233) In the newly redesignated § 1185.1, "section 20(a)(1) of the Interstate Commerce Act" is revised to read "49 U.S.C. 11301(a)(1)".

(234) In the newly redesignated Part 1185, the heading and text of § 1185.3 are revised to read as follows:

§ 1185.3 Authorization.

Authorization will be granted only upon application as provided in this part.

§ 1185.4 [Amended]

(235) In the newly redesignated § 1185.4, "such an order" is revised to read "authorization".

§ 1185.5 [Amended]

(236) In the newly redesignated § 1185.5, "An order", which begins the sentence in parentheses in paragraph (c), is revised to read "A decision".

§ 1185.8 [Amended]

(237) In the newly redesignated § 1185.8, "an order" in the first sentence is revised to read "a decision".

§ 1185.9 [Amended]

(238) In the newly redesignated § 1185.9, "an order of" in the introductory text is removed.

(239) In the newly redesignated § 1185.9, "section 5 of the act" in paragraph (a) is revised to read "49 U.S.C. 11343–11344".

PARTS 1186–1189—[RESERVED]

(240) New parts 1186–1198 are added and reserved.

PARTS 190–1199—REORGANIZATIONS

PART 1190—REORGANIZATION OF RAILROADS

(241) Former Part 1117 is redesignated as Part 1190 as follows:

§§ 1117.1–1117.12. redesignated as
§§ 1190.1–1190.12 respectively;
§§ 1117.51–1117.55 redesignated as
§§ 1190.20–1190.24 respectively.

(242) The authority citation to the newly redesignated Part 1190 is revised and a note is added to follow the revised citation to read as follows:

Authority: 49 U.S.C. 10321; 5 U.S.C. 559 and Bankruptcy Act of March 3, 1933, 47 Stat. 1467 at 1474.

Note.—The regulations in parts 1190, 1191, and 1192 apply only to carriers which are the subject of bankruptcy or reorganization proceedings instituted prior to October 1, 1978 under the then-effective bankruptcy laws. Carriers in bankruptcy or undergoing reorganization pursuant to proceedings filed after October 1, 1978 and subject to the present provisions of Title 11, United States Code, are not subject to these regulations.

(243) A center heading is added to precede the newly redesignated Part 1190 as set forth above.

(244) In the newly redesignated Part 1190, the heading *"Special Rules of Procedures"* is removed, and §§ 1190.1 through 1190.12 are designated as Subpart A, the heading of which is added to read as follows:

Subpart A—Special Procedures

§ 1190.12 [Amended]

(245) In the newly redesignated § 1190.12, the first sentence of paragraph (b) is revised to read as follows:

§ 1190.12 Procedures governing application.

* * * * *

(b) The original application and six copies shall be filed. * * *

(246) In the newly redesignated Part 1190, §§ 1190.20–1190.20 are designated as Subpart B, and the heading "Ratification of Appointment as Trustee" is amended by designating it as the heading for Subpart B as follows:

Subpart B—Ratification of Appointment as Trustee

§ 1190.23 [Amended]

(247) In the newly redesignated § 1190.23, "Rules 15 and 16 of the General Rules of Practice (§§ 1100.15

and 1100.16 of this Chapter)" is revised to read "49 CFR 1104.4 and 1104.5".

PART 1191—CORPORATE REORGANIZATION OF CARRIERS AND CORPORATIONS

(248) Former Part 1118 is redesignated as Part 1191.

(249) The authority citation to the newly redesignated Part 1191 is revised and a note is added to follow the revised citation to read as follows:

Authority: 49 U.S.C. 10321; 5 U.S.C. 559 and Section 177 of Act of June 22, 1938, 840 Stat. at 891.

Note.—"The regulations in parts 1190, 1191, and 1192 apply only to carriers which are the subject of bankruptcy or reorganization proceedings instituted prior to October 1, 1978 under the then-effective bankruptcy laws. Carriers in bankruptcy or undergoing reorganization pursuant to proceedings filed after October 1, 1978 and subject to the present provisions of Title 11, United States Code, are not subject to these regulations.

§ 1191.1 [Amended]

(250) In the newly redesignated § 1191.1, "Chapter 1, Title 49, of the United States Code" is revised to read "Title 49, subtitle IV, chapter 105".

§ 1191.2 [Amended]

(251) In the newly redesignated § 1191.2, the statutory references are revised as follows:

(a) "Section 5, Chapter 1, Title 49, of the United States Code" is revised to read "49 U.S.C. 11343–11344".

(b) "Chapter 1 of said Title 49" is revised to read "Title 49, subtitle IV, chapter 105".

§ 1191.3 [Amended]

(252) In the newly redesignated § 1191.3, ", 20423" is added to the address at the end of the section.

PART 1192—CORPORATE REORGANIZATION OF MOTOR CARRIERS

(253) Former Part 1135 is redesignated as Part 1192.

(254) The authority citation to the newly redesignated Part 1192 is revised and a note is added to follow the revised citation to read as follows:

Authority: 49 U.S.C. 10321; 5 U.S.C. 559 and Section 177 of Act of June 22, 1938, 840 Stat. at 891.

Note.—"The regulations in parts 1190, 1191, and 1192 apply only to carriers which are the subject of bankruptcy or reorganization proceedings instituted prior to October 1, 1978 under the then-effective bankruptcy laws. Carriers in bankruptcy or undergoing reorganization pursuant to proceedings filed after October 1, 1978 and subject to the present provisions of Title 11, United States Code, are not subject to these regulations.

(255) In the newly redesignated § 1192.1, "Part II of the Interstate Commerce Act" in paragraph (b)(1) is revised to read "Title 49, subtitle IV, chapter 109".

PARTS 1193–1199—[RESERVED]

(256) New parts 1193–1199 are added and reserved.

Title 49, Chapter X, Subchapters A, C and D are amended by changing the references as follows:

PART 1002—[AMENDED]

(257) Part 1002 is amended by replacing the references in the left-hand column with the references in the right-hand colunm wherever they appear.

Old Reference	*New Reference*
1100.253(e)	1160.64
1131.1(b)(1)	1162.1(b)(1)
Part 1137	Part 1109
1115.25	1175.10
1136.4	1167.4
1116.1	1177.1

PART 1003—[AMENDED]

(258) Part 1003 is amended by replacing the references in the left-hand column with the references in the right-hand column wherever they appear.

Old Reference	*New Reference*
Part 1115	Part 1175
Part 1131	Part 1162, Subpart A
Part 1132	Part 1181, Subpart A
Part 1133	Part 1181, Subpart D
Part 1134	Part 1183
Part 1140	Part 1166

PART 1011—[AMENDED]

(259) Part 1011 is amended by replacing the references in the left-hand column with the references in the right-hand column wherever they appear.

Old Reference	*New Reference*
1100.66(a)	1113.3(a)
1100.95	1133.2
1100.98(e)	1115.5
Part 1102	Part 1135
Part 1104	Part 1139

PART 1012—[AMENDED]

(260) Part 1012 is amended by replacing the reference in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
49 CFE 1100.98	Part 1115

PART 1043—[AMENDED]

(261) Part 1043 is amended by replacing the reference in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
1132.3	1181.3

PART 1045B—[AMENDED]

(262) Part 1045B is amended by replacing the reference in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
49 CFR 1100, Appendix B No. 6	§ 1112.9

PART 1067—[AMENDED]

(263) Part 1067 is amended by replacing the reference in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
1132.3	1181.13

PART 1201—[AMENDED]

(264) Part 1201 is amended by replacing the references in the left-hand column with the references in the right-hand column wherever it appears.

Old Reference	*New Reference*
Part 1121	Part 1152
1121.20	1152.10
1121.21	1152.11
Part 1121, Subpart D	Part 1152, Subpart D
Part 1125	Part 1155

PART 1300—[AMENDED]

(265) Part 1300 is amended by replacing the reference in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
Part 1102	Part 1135

PARTS 1300, 1301, AND 1302—[AMENDED]

(266) Parts 1300, 1301, and 1302 are amended by replacing the reference in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
1100.22	1130.1

PARTS 1307 AND 1310—[AMENDED]

Parts 1307 and 1310 are amended by replacing the references in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
1100.40	1132.1
1100.200	1132.2

PART 1331—[AMENDED]

(268) Part 1331 is amended by replacing the reference in the left-hand column with the reference in the right-hand column wherever it appears.

Old Reference	*New Reference*
1100.15	1104.4

Subchapters A, C, and D are further amended as follows:

PART 1011—[AMENDED]

(269) In § 1011.5, the words "Rule 95 of the General Rules of Practice" and the parentheses that surround "49 CFR 1133.2" in paragraph (a)(1) are removed.

(270) In § 1011.7, the words "Rule 98(e) of the general rules of practice," in paragraph (c)(1) are removed.

(271) In § 1011.7, the words "Rule 66a(a) of the general rules of practice," in paragraph (a) are removed.

(272) In § 1011.7, the words "Rule 95 of the general rules of practice" and the parentheses that surround "49 CFR 1113.3(a)," in paragraph (c) are removed.

PART 1012—[AMENDED]

(273) In § 1012.4, the words "Commission's General Rules of Practice," in paragraph (b) are removed.

PART 1301—[AMENDED]

(274) In § 1301.81 paragraph (a)(8) and § 1301.85 the words "Rule 22 of the General Rules of Practice" and the parentheses that surround "§ 1130.1 of ths chapter" are removed.

PART 1304—[AMENDED]

(275) In § 1304.9 the words "Rule 20 of the General Rules of Practice" and the parentheses that surround § 1130.1 of this chapter", in the cross reference to paragraph (k) are removed.

PART 1310—[AMENDED]

(276) In § 1310.8, the words "Commission's Rules of Practice" and the parentheses that surround "49 CFR 1132.1" in paragraph (b) are removed.

PART 1331—[AMENDED]

(277) In § 1331.1, the words "Rule 15 of the general rules of practice" and the parentheses that surround "§ 1104.4 of this chapter" in the introductory text are removed.

SUBCHAPTER B—[AMENDED]

(278) In Subchapter B of Title 49 former Part 1100 is further amended by removing center headings and subpart headings, that read as follows:

(a) Subpart A—Rules of General Applicability
(b) Practitioners
(c) Special Rules Respecting Joint Boards
(d) Pleadings Specifications Generally
(e) Commencement of Proceedings
(f) Petitions Seeking Institution of Rulemaking Proceedings
(g) Hearings
(h) Briefs, Reports, Oral Arguments
(i) Order Compliance, Damage Statements
(j) Special Rail Requirements
(k) Subpart B—Special Rules of Practice

(279) Subchapter B of Title 49 former Part 1100 is further amended by removing the section numbers and section headings of the following sections:

§§ 1100.4, 1100.44, 1100.47, 1100.53, 1100.82, 1100.97, 1100.225, 1100.245, 1100.250.

(280) Subchapter B of Title 49 is further amended by removing the Introductory Note which follows the center heading for former Parts 1140–1149.

(281) Subchapter B of Title 49 is further amended by removing center headings that read as follows:

(a) Parts 1110–1119–Rail Carriers Consolidation, Finance, and Reorganization
(b) Parts 1120–1129—Special Procedures—Rail Carriers Certificate of Public Convenience and Necessity
(c) Parts 1130–1139—Special Procedures—Motor Carriers and Brokers Certificates, Permits, Licenses
(d) Parts 1140–1149—Special Procedures—Water Carriers
(e) Parts 1150–1159—Special Procedures—Freight Forwarders

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Monday
November 1, 1982

Part III

Department of Commerce

National Oceanic and Atmospheric Administration

Fishermen's Contingency Fund

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 296

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: These rules revise the Fishermen's Contingency Fund regulations to implement the Outer Continental Shelf Lands Act amendments. These changes simplify the submission of claims and reduce the time required to process claims and compensate eligible applicants.

DATE: These regulations are effective on October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Michael L. Grable, Chief, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Page Building 2, Room 309, Washington, D.C. 20235, telephone number: (202) 634-7496.

SUPPLEMENTARY INFORMATION: Title IV of the Outer Continental Shelf Lands Act Amendments of 1978 established the Fishermen's Contingency Fund (the "Fund") to compensate commercial fishermen for property or economic loss caused by oil and gas obstructions on the United States Outer Continental Shelf (OCS). The Fund is comprised of fees collected from offshore energy interests. This amendment of program rules simplifies the submission of claims against the Fund and reduces the time required for processing claims and compensating eligible applicants. Claims will now be reviewed administratively by the National Marine Fisheries Service (NMFS), rather than adjudicated by an Administrative Law Judge. The time period for fishermen to report damages to the National Marine Fisheries Service in order to gain a presumption of causation by OCS-related activities is increased from 5 days after the date of discovery of the damage to 15 days after the day on which the involved fishing vessel returns to port. Compensation for economic loss will be based on 25 percent of gross income lost, rather than on loss of profits. Area accounts within the Fund and obstruction surveys on the OCS are no longer required.

The Agency has determined that these rules are not "major" under Executive Order 12291 or associated Departmental guidelines because they do not significantly affect the economy, costs, or prices and have no impact on competition, employment, investment, or productivity. Accordingly, no regulatory impact analysis is required.

Since these rules provide a benefit, they are exempt from the notice and comment provisions of the Administrative Procedure Act. In addition, Pub. L. 97-212 requires publication of final regulations no later than 120 days after the date of its enactment. This would be October 28, 1982. A regulatory flexibility analysis under the Regulatory Flexibility Act is not required.

These rules do not require the collection of any additional information. All information collected will comply with the Department of Commerce's FY82 Information Collection Budget. These rules do not increase the Federal paperwork burden for individuals, small business, or other persons under the Paperwork Reduction Act of 1980. OMB Docket Number: 21-008-208.

The Assistant Administrator for Fisheries, National Marine Fisheries Service, has determined that these rules do not require an environmental impact statement under the National Environmental Policy Act.

List of Subjects in 50 CFR Part 296

Claims, Continental shelf, Fisheries, Fishing vessels, Oil and gas exploration.

Dated: October 26, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Accordingly, 50 CFR Part 296 is revised as follows:

PART 296—FISHERMEN'S CONTINGENCY FUND

Sec.

296.1 Purpose.
296.2 Definitions.
296.3 Fishermen's contingency fund.
296.4 Claims eligible for compensation.
296.5 Instructions for filing claims.
296.6 NMFS processing of claims.
296.7 Burden of proof and presumption of causation.
296.8 Amount of award.
296.9 Initial determination.
296.10 Agency review.
296.11 Final determination.
296.12 Payment of costs.
296.13 Payment of award for claim.
296.14 Subrogation.
296.15 Judicial review.

Authority: Pub. L. 97-212 (43 U.S.C. 1841 et seq.).

§ 296.1 Purpose.

These regulations implement Title IV of the Outer Continental Shelf Lands Act Amendments of 1978, as amended (Title IV). Title IV establishes a Fishermen's Contingency Fund to compensate commercial fishermen for damage or loss caused by obstructions associated with oil and gas activities on the Outer Continental Shelf.

§ 296.2 Definitions.

"Area affected by Outer Continental Shelf activities" means the area within a 3-mile radius of any casualty site which:

(a) Includes any portion of a leased block, pipeline, easement, right of way, or other OCS oil and gas exploration, development, or production activity; or

(b) Is otherwise associated (as determined by the Chief, Financial Services Division) with OCS oil and gas activities, such as, for example, expired lease areas, relinquished rights-of-way or easements, and areas used extensively by surface vessels supporting OCS oil and gas activities (areas landward of the OCS are included when such areas meet this criterion).

"Chief, FSD" means the Chief of the Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

"Citizen of the United States" means any person who is a United States citizen, any State, or any corporation, partnership, or association organized under the laws of any state which meets the requirements for documenting vessels in the U.S. coastwise trade.

"Commercial Fisherman" means any citizen of the United States who owns, operates, or is employed on a commercial fishing vessel.

"Commercial Fishing Vessel" means any marine craft which is documented under the laws of the United States or, if under five net tons, registered under the laws of any State, and used for commercial fishing or activities directly related to commercial fishing.

"Easement" means a right of use or easement granted under 30 CFR section 250.18.

"Fish" means all forms of marine animal and plant life other than marine mammals, birds, and highly migratory species.

"Fishing Gear" means any commercial fishing vessel, and any equipment of such vessel.

"Fund" means the Fishermen's Contingency Fund established by Title IV of the Outer Continental Shelf Lands Act Amendments of 1978.

"Holder" means the owner of record of each lease, prelease exploratory drilling permit, easement, or right-of-way or any agent or assignee of an owner.

"Lease" means any authority under section 8 or section 6 of the OCS Lands Act to develop and produce or explore for oil or gas.

"Negligence or Fault" includes, but is not limited to, failure to:

(a) Remain outside of any navigation safety zone established around oil and gas rigs and platforms by any responsible Federal agency;

(b) Avoid obstructions recorded on nautical charts or in the Notice to Mariners or marked by a buoy or other surface marker (casualties occurring within a one-quarter mile radius of obstructions so recorded or marked are presumed to involve negligence or fault of the claimant);

(c) Abide by established rules of the road;

(d) Use proper care; or

(e) Use due care and diligence to mitigate the damage or loss.

"Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of lands beneath navigable waters as defined in 43 U.S.C. section 1301, and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control. Generally, but not in all cases, this includes all submerged lands lying seaward of the territorial sea (3 miles from a State's coastline, or 9 miles from the coast of Texas or Florida).

"Person" means an individual, partnership, corporation, association, public or private organization, government, or other entity.

"Resulting Economic Loss" means the gross income, as estimated by the Chief, FSD, that a claimant will lose because of not being able to fish, or having to reduce fishing effort, during the period before the damaged or lost fishing gear concerned is repaired or replaced and available for use. This period must be reasonable. This period begins on the date of the casualty and stops on the date the damage could reasonably have been remedied by repair or replacement.

"Right-of-way" means any right-of-way granted under section 5(e) of the OCS Lands Act or under 43 CFR 3340.0–5.

"Secretary" means the Secretary of Commerce or his designee.

§ 296.3 Fishermen's contingency fund.

(a) *General.* There is established in the Treasury of the United States the Fishermen's Contingency Fund. The Fund is available without fiscal year limitation as a revolving fund to carry out the purposes of Title IV of the Outer Continental Shelf Lands Act Amendments of 1978, as amended.

(b) *Payments into the Fund.* Each Holder of an exploration permit, lease, easement, or rights-of-way for the construction of a pipeline, or a prelease exploration drilling permit issued or maintained under the Outer Continental Shelf Lands Act, in effect on or after June 30, 1982, shall pay assessments to the Fund. All pipeline right-of-way and easements are to be included for assessment except those constructed and operated lines within the confines of a single lease or group of contiguous leases under unitized operation or single operator. Payments will not be required for geological or geophysical permits, other than prelease exploratory drilling permits issued under section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340).

(1) *Assessments to maintain the Fund.* When the total amount in the Fund is less than the Chief, FSD, determines is needed to pay Fund claims and expenses, the Chief, FSD, will notify the Secretary of the Interior that additional assessments are needed.

(2) *Billing and collections.* The Secretary of the Interior will calculate the amounts to be paid by each Holder and shall notify each Holder of the dollar amount and the time and place for all payments. Each assessment shall be paid to the Secretary of the Interior no later than 45 days after the Secretary of the Interior sends notice of the assessment.

(3) *Annual assessment limits.* No Holder shall be required to pay in excess of $5,000 for any lease, permit, easement or right-of-way in any calendar year.

(c) *Moneys recovered through subrogation.* Any moneys recovered by the Secretary through the subrogation of a claimant's rights shall be deposited into the Fund.

(d) *Investments of the fund.* Excess sums in the Fund will be invested in obligations of, or guaranteed by, the United States. Revenue from such investments shall be deposited in the Fund.

(e) *Litigation.* The Fund may sue and be sued in its own name.

§ 296.4 Claims eligible for compensation.

(a) *Claimants.* Damage or loss eligible for Fund compensation must be suffered by a commercial fisherman.

(d) *Damage or loss of fishing gear.* Damage or loss is eligible for Fund compensation if it was caused by materials, equipment, tools, containers, or other items associated with OCS oil and gas exploration, development, or production activities. Damage or loss may be eligible for compensation even though it did not occur in OCS waters if the item causing the damage or loss was associated with oil and gas exploration, development, or production activities in OCS waters.

(c) *Effective date.* These regulations will apply to claims filed on or after June 30, 1982, and to those claims refiled under (d) of this section.

(d) *Refiled claims.* Any claim filed before June 30, 1982, will be subject to these regulations if:

(1) No final decision had been made on the claim by June 30, 1982; and

(2) The claimant has notified the Secretary in writing by August 11, 1982, of his intent to refile the claim.

(e) *Exceptions.* Damage or loss is not eligible for Fund compensation: (1) If the damage or loss was caused by the negligence or fault of the claimant;

(2) If the damage or loss occurred prior to September 18, 1978;

(3) To the extent that damage or loss exceeds the replacement value of the fishing gear involved;

(4) For any portion of the damage or loss which can be compensated by insurance;

(5) If the claim is not filed within 60 days after the date the claimant discovers the damage or loss; or

(6) If the damage or loss was caused by an obstruction unrelated to OCS oil and gas exploration, development, or production activities.

§ 296.5 Instructions for filing claims.

(a) *Fifteen-day report required to gain presumption of causation.* (1) *General.* Damages or losses are presumed to be qualified for compensation if certain requirements are satisfied. One requirement is that a report must be made to NMFS within fifteen (15) days after the date on which the vessel first returns to a port after discovering the damage or loss. Filing of a fifteen-day report must be followed up by filing a detailed claim.

(2) *When and how to file a fifteen-day report.* To qualify for the presumption of causation, a fifteen-day report must be made to NMFS within fifteen days after the date on which the vessel first returns to a port after discovering the damage or loss. Satisfaction of the fifteen-day requirement is determined by the postmark, if the report is mailed; by the date of a call, if the report is telephoned or radiotelephoned; or, by the date of appearance, if the report is made in person. The fifteen-day report must be made to one of the following NMFS Offices:

Chief, Financial Services Branch, Northeast Region, National Marine Fisheries Service, Post Office Building, Box 1109, Gloucester, Massachusetts 01930, (617) 281–3224

Chief, Fisheries Development Analysis
Branch, Southeast Region, National Marine
Fisheries Service, 9450 Koger Boulevard,
Duval Building, St. Petersburg, Florida
33702, (813) 893-3272

Chief, Fisheries Development Division,
Southwest Region, National Marine
Fisheries Service, 300 South Ferry Street,
Terminal Island, California 90731, (213)
548-2478

Chief, Financial Services Branch, Northwest
Region, National Marine Fisheries Service,
7600 Sand Point Way, N.E., Bin C15700,
Seattle, WA 98115, (206) 527-6127

Chief, Fisheries Development, Alaska Region,
National Marine Fisheries Service, P.O.
Box 1668, Juneau, Alaska 99802, (907) 586-
7224

Chief, Financial Services Division, National
Marine Fisheries Service, 3300 Whitehaven
Street, N.W., Washington, D.C. 20235, (202)
634-[illegible]

(3) *Written confirmation of oral fifteen-day report.* The Chief, FSD, strongly recommends that claimants confirm, in writing, as soon as possible, the substance and accuracy of each fifteen-day report that is made by telephone, radiotelephone, or other oral communication. Address the written confirmation to:

Chief, Financial Services Division, National
Marine Fisheries Service, 3300 Whitehaven
Street, N.W., Washington, D.C. 20235

(4) *Contents of fifteen-day report.* Each fifteen-day report must include the following information:

(i) The claimant's name and address;

(ii) The name of the commercial fishing vessel involved;

(iii) The location of the obstruction which caused the damage or loss;

(iv) A description of the nature of the damage or loss;

(v) The date such damage or loss was discovered;

(vi) If the fifteen-day report is made after the vessel returns to port, the date on which the vessel first returned to port after discovering the damage.

(b) *Form of claim.* Claims must be in writing. Claims may be submitted on NOAA form 88-164. This form may be obtained from any NMFS regional office or from the Chief, FSD. Although claimants are not required to use this claim form, it will probably be to their benefit to do so.

(c) *Who must file, and when and where to file, claims.* All claimants (including those who filed 15-day reports to gain the presumption of causation) must file a claim no later than 60 days after the date the damage or loss is discovered. The term "filed" means delivered in person, or mailed (as determined by the date of the postmark) to the Chief, Financial Services Division, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235. The Chief, FSD, suggests that mailed claims be sent by registered or certified mail, return receipt requested, so the claimant will have a record that the claim was received by the Chief, FSD.

(d) *Aggregating claims.* If more than one commercial fisherman suffers loss or damage from the same incident (for example, when several members of the crew lost income due to loss of fishing time), all claims should be submitted on their behalf by the owner or operator of the commercial fishing vessel involved.

(e) *Contents of claim.* Each claim must be signed by the claimant and must accurately and completely provide the following information:

(1) The name, mailing address, telephone number, citizenship, and occupational status (for example, vessel owner, operator, or crew member) of each claimant;

(2) The name and Coast Guard documentation number or State registration number of the commercial fishing vessel involved in the damage or loss;

(3) The home port, type, and size of the vessel involved in the casualty;

(4) A full statement of the circumstances of the damage or loss including:

(i) The date when the casualty was first discovered by the claimant,

(ii) The water depth (if known) and visibility at the time and location where the casualty occurred,

(iii) The direction, speed, and activities of the claimant's vessel immediately before, during, and after the casualty (including a full description of both the deployment of any fishing gear which is the subject of the claim and all attempts at retrieval of the gear),

(iv) The names and addresses of all witnesses to the casualty,

(v) The location where the casualty occurred in Loran C coordinates or the next most accurate method of position fixing available to the claimant,

(vi) A description of the item or obstruction (if sighted or recovered) which caused the casualty, and whether or not any surface markers were attached to or near the obstruction. Submit any available photographs of the item or obstruction. State reasons for believing the obstruction is associated with OCS oil and gas activities.

(5) The amount claimed for property damage or loss and a full statement of the type and extent of damage or loss including:

(i) An inventory of all components of fishing gear damaged or lost,

(ii) The date, place, and cost of acquisition of all fishing gear damaged or lost and proof of its purchase (sales receipts, affidavits, or other evidence),

(iii) One estimate from a commercial fishing gear repair or supply company of the present replacement or repair (whichever applies) cost of the damaged or lost fishing gear. If the gear will be repaired by the claimant himself, a detailed estimate by the claimant identifying the repair cost.

(6) The amount claimed for economic loss and the basis for that amount with supporting documentation, as follows:

(i) Trip tickets for the three vessel trips immediately before the trip during which the casualty was discovered and for the vessel trip immediately following the trip during which the casualty occurred.

(ii) A statement of the amount of time involved on each of the vessel trips above (or if the casualty involves fixed gear, a statement of the number of gear units hauled on each of these trips).

(iii) A statement of the amount of time lost from fishing because of the damage or loss and a full explanation of why this time period is reasonable.

(iv) Documentation of the date replacement gear was ordered and received or the date gear repair began and ended. This documentation may consist of purchase orders, bills of lading, or statements from sellers or repairers.

(7) The amount claimed for other consequential loss or costs (including fees for claim preparation, etc.) with suitable documentation of the amounts claimed (such as invoices, receipts, etc.).

§ 296.6 NMFS processing of claims.

(a) *Action by NMFS.* Upon receipt of a claim, the Chief, FSD, will:

(1) Send an abstract of the claim to the Secretary of the Interior;

(2) Send the reported location of any obstruction which was not recovered and retained to the National Ocean Survey, which will inform the Defense Mapping Agency Hydrographic/Topographic Center.

(b) *Actions by the Interior Department.* Upon receipt of an abstract of a claim, the Interior Department will immediately: (1) Convert the casualty coordinates into latitude and longitude, plot the casualty site, and advise NMFS whether the site is in an area affected by OCS activities; (2) make reasonable efforts to notify all persons known to have engaged in activities associated with OCS energy activity in the vicinity where the damage or loss occurred.

(c) *Responses to notice of claim.* (1) Each person notified by the Interior Department will, within thirty days after receipt of the notice, advise the Chief, FSD, and the Interior Department whether he admits or denies responsibility for the damages claimed.

(2) Each person notified by the Interior Department who fails to give timely and proper advice of admission or denial of responsibility shall be presumed to deny responsibility for the damages claimed.

(3) If any person admits responsibility, the Chief, FSD, will initiate action to recover from that party any sums paid or to be paid for the claimed damages.

(4) Any person referred to in this section, including lessees or permittees or their contractors or subcontractors, may submit evidence about any claim to the Chief, FSD.

(d) *Failure to meet filing requirements.* The Chief, FSD, may reject any claim that does not meet the filing requirements. The Chief, FSD, will give a claimant whose claim is rejected written notice of the reasons for rejection within 30 days after the date on which the claim was filed. If the claimant does not refile an acceptable claim within 30 days after the date of this written notice, the claimant is not eligible for Fund compensation unless there are extenuating circumstances.

(e) *Proceedings*—(1) *Location.* Any required proceeding will be conducted within such United States judicial district as may be mutually agreeable to the claimant and the Assistant Administrator, NMFS, or his designee, or if no agreement can be reached, within the United States judicial district in which the claimant's home port is located.

(2) *Powers.* For purposes of any proceeding, the Assistant Administrator, NMFS, or his designee, shall have the power to administer oaths and subpoena witnesses and the production of books, records, and other evidence relative to the issues involved.

(3) *Amendments to claims.* A claimant may amend the claim at any time before the Chief, FSD, issues an initial determination.

(4) *Criminal penalty for fraudulent claims.* Any person who files a fraudulent claim is subject to prosecution under 18 U.S.C. sections 287 and 1001, each of which, upon conviction, imposes a penalty of not more than a $10,000 fine and 5 years' imprisonment, or both.

§ 296.7 Burden of proof and presumption of causation.

(a) *Burden of proof.* The claimant has the burden to establish, by a preponderance of the evidence, all facts necessary to qualify his claim, including:

(1) The identity or nature of the item which caused the damage or loss; and

(2) That the item is associated with oil and gas exploration, development, or production activities on the Outer Continental Shelf.

(b) *Presumption of causation.* Notwithstanding the above, damages or losses are presumed to be caused by items associated with oil and gas exploration, development, or production activities on the OCS if the claimant establishes that:

(1) The claimant's commercial fishing vessel was being used for commercial fishing and was located in an area affected by OCS oil and gas exploration, development, or production activities;

(2) A report on the location of the obstruction which caused such damage or loss, and the nature of such damage or loss, was made within fifteen days after the date on which the vessel first returned to a port after discovering such damage;

(3) There was no record on the most recent nautical charts issued by the National Ocean Survey, NOAA, or in any weekly Notice to Mariners issued by the Defense Mapping Agency Hydrographic/Topographic Center, in effect at least 15 days before the date the damage or loss occurred, then an obstruction existed in the immediate vicinity where the damage or loss occurred. In the case of damages caused by a pipeline, the presumption will be available regardless of whether the pipeline was recorded on charts or in the Notice to Mariners; and

(4) There was no proper surface marker or lighted buoy attached, or closely anchored, to such obstruction.

(c) *Geographic exclusion from presumption of causation.* Damage or loss occurring within a one-quarter mile radius of obstructions recorded on charts or in a Notice to Mariners, or properly marked, is presumed to involve the recorded or marked obstruction.

§ 296.8 Amount of award.

(a) *Actual damages.* The award for damaged fishing gear will be the lesser of the gear's repair cost or replacement cost. The award for lost fishing gear will be the gear's replacement cost.

(b) *Consequential damages.* An award may also include compensation for any damage or loss (except personal injury) that is incurred as a consequence of the fishing gear damage or loss.

(c) *Resulting economic loss.* An award may also include twenty five per cent of the resulting economic loss from a fishing gear damage or loss.

(d) *Attorney, CPA, consultant fees.* An award may also include compensation for reasonable fees paid by the claimant to an attorney, CPA, or other consultant for the preparation or prosecution of a claim.

(e) *Negligence of claimant.* (1) An award will be reduced to the extent that the loss or damage was caused by the negligence or fault of the claimant. (For example, a claimant who sustained $10,000 in damages and whose negligence or fault was found to be responsible for 40% of the damage would receive $6,000 in compensation. If the same claimant were responsible for 99% of the negligence or fault that caused the damage, the claimant would receive $100 in compensation).

(2) Negligence of the owner or operator of the fishing vessel or gear will reduce crewmember awards to the same extent that it reduces an award to the vessel's owner or operator.

(f) *Insurance proceeds.* An award will be reduced by the amount the claimant has, or reasonably would have, received under a commercial policy of full hull and machinery and protection and indemnity insurance, whether or not such insurance was in effect at the time the casualty occurred.

§ 296.9 Initial determination.

The Chief, FSD will make an initial determination on a claim within 60 days after the day on which the claim is accepted for filing. The initial determination will state:

(a) If the claim is disapproved, the reason for disapproval, or

(b) If the claim is approved, the amount of compensation and the basis on which the amount was determined.

§ 296.10 Agency review.

(a) Within 30 days after the Chief, FDS, issues an initial determination, the claimant, or any other interested person who submitted evidence relating to the initial determination, may ask the Assistant Administrator, NMFS, or his designee, for a review of the initial determination.

(b) The petitioner may submit written or oral evidence within 30 days of filing the petition for review.

§ 296.11 Final determination.

(a) If a petition for review of an initial determination is filed within 30 days after the date the Chief, FSD, issues an initial determination, the Assistant Administrator, NMFS, or his designee will conduct a review of the initial determination, and will issue a final determination no later than 60 days after receipt of the request for review of the initial determination.

(b) If a petition for review of an initial determination is not filed within 30 days after the day on which the Chief, FSD, issues an initial determination, the initial determination will become a final determination.

§ 296.12 Payment of costs.

(a) *By person denying responsibility for damage.* Any person who is notified by the Interior Department and fails to respond or denies responsibility for the damages claimed will pay the costs of the proceedings if such person is subsequently found to be responsible for the damage claimed.

(b) *By the claimant.* Any claimant who files a claim will pay the cost of the proceedings if such person is subsequently found to be responsible for the damage claimed.

(c) *By person denying responsibility for damage and the claimant.* If more than one party is found to have responsibility for the damage claimed, then the cost of the proceedings will be apportioned between them.

§ 296.13 Payment of award for claim.

(a) Upon an initial determination, the Chief, FSD, shall immediately disburse the claim awarded if the claimant:

(1) States in writing that he will not request review of the initial determination; and

(2) Signs an agreement to repay all or any part of the award if the award should for any reason be subsequently reduced.

(b) If the claimant does not submit the statement and agreement specified above, the Chief, FSD, will not disburse the award until 30 days after issuance of the initial determination.

§ 296.14 Subrogation.

(a) Upon payment of a claim, the Chief, FSD, Will obtain a subrogation agreement signed by the claimant which:

(1) Assigns to the Fund the claimant's rights against third parties; and

(2) Provides that the claimant will assist the Fund in any reasonable way to pursue those rights.

(b) Collection of subrogated rights. If a reasonable chance of successful collection exists, NMFS will refer any subrogated rights to the Justice Department for collection.

(c) Any moneys recovered through subrogation shall be deposited into the Fund.

§ 296.15 Judicial review.

Any claimant or other person who is aggrieved by a final determination may, no later than 30 days after the determination, seek judicial review of the determination in the United States District Court for such judicial district as may be mutually agreeable to the parties concerned or, if no agreement can be reached, in the United States District Court for the judicial district in which the claimant's home port is located.

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November 1, 1982

Part IV

Environmental Protection Agency

Standards of Performance for New Stationary Sources; Metal Coil Surface Coating Operations

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2070-7]

Standards of Performance for New Stationary Sources; Metal Coil Surface Coating Operations

April 26, 1982.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Standards of performance for metal coil surface coating operations were proposed in the **Federal Register** on January 5, 1981 (45 FR 1102). This action promulgates standards of performance for metal coil surface coating operations. These standards implement Section 111 of the Clean Air Act and are based on the Administrator's determination that metal coil surface coating operations cause or contribute significantly to all pollution that may reasonably be anticipated to endanger public health or welfare. The intended effect of these standards is to require all new, modified, and reconstructed metal coil surface coating operations to use the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

EFFECTIVE DATE: November 1, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard (NSPS) is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under Section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Background Information Document.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Metal Coil Surface Coating Industry: Background Information for Promulgated Standards," EPA-450/3-80-035b. The BID contains (1) a summary of all the public comments made on the proposed standards and the Administrator's response to the comments, (2) a summary of the changes made to the standards since proposal, and (3) the final environmental impact statement (EIS), which summarizes the impacts of the standards.

Docket. A docket, number A-80-5, containing information considered by EPA in development of the promulgated standards is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter, Section Chief, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578.

SUPPLEMENTARY INFORMATION: OMB Control Number: 2000-0660.

The Standards

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> * * * Application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact, and energy requirements) the Administrator determines has been adequately demonstrated (Section 111(a)(1)).

The standards apply to all new, modified, and reconstructed metal coil surface coating (coil coating) operations. Existing facilities are not subject to the standards unless they undergo a modification or a reconstruction as defined in 40 CFR 60.14 and 60.15. Compliance with the standards can be achieved by any of four approaches for each affected facility. The owner or operator can use coatings whose average volatile organic compound (VOC) content on a monthly basis is 0.28 kilograms per liter (kg/*l*) of coating solids applied or less; the owner or operator can apply higher VOC-content coatings if he reduces VOC emissions to 0.14 kg/*l* of coating solids applied or less; the owner or operator can comply by demonstrating an overall VOC emission reduction of 90 percent or greater prior to discharge to the atmosphere; or the owner or operator can comply by the combined use of low VOC-content coatings and higher VOC-content coatings with a control device to achieve a calculated monthly emission limit. The owner or operator using an incinerator to control VOC emissions is required to construct an enclosure of the coating application station during the test of incinerator efficiency to evaluate the capture efficiency of the control system.

The standards require each owner or operator to conduct monthly performance tests to demonstrate compliance with the proposed emission limits. Where coatings are used without a VOC capture system and emission control device to meet the numerical limit of 0.28 kg/*l* of coating solids applied, the owner or operator is required to calculate and record a weighted average of the VOC content of coatings applied (including dilution solvents) for each affected facility for each calendar month. Manufacturers' formulation data will normally be used for that purpose; Reference Method 24 will be used to resolve any disputes that may occur.

Where higher VOC-content coatings are used with a VOC capture system and emission control device to meet the numerical limit of 0.14 kg/*l* of coating solids applied, the owner or operator is required to calculate and record the weighted average of the VOC content (including dilution solvents) of coatings applied for each affected facility for each calendar month. During the initial performance tests, the owner or operator must measure the overall VOC emission reduction achieved by the VOC capture system and emission control device. Reference Method 25 and the equations provided in the standards are used for these determinations. Compliance is demonstrated where the overall VOC emission reduction is equal to or less than 0.14 kg/*l*.

Where compliance is achieved through the demonstration of a 90-percent overall reduction in VOC emissions, the owner or operator will conduct an initial performance test by using Reference Method 25 and the equations provided in the standards. Compliance is demonstrated where the overall percent reduction is equal to or greater than 90 percent. After the first monthly test, the owner or operator is required to monitor the operating parameters of the control device.

Where compliance is achieved by the combined use of low VOC-content coatings and higher VOC-content coatings with a control device, the owner or operator is required to calculate and record a weighted average VOC content of coatings applied (including dilution solvents) for each affected facility for each calendar month. Separate calculations must be made for coatings used without the control device in operation and for coatings used with the control device in operation. During the initial performance test, the owner or operator must measure the overall VOC emission reduction achieved by the capture system and control device. The owner or operator is then required to calculate a monthly emission limit and the VOC emissions to the atmosphere to determine compliance.

If thermal incineration is used, the owner or operator is required to install and operate a device to monitor and record continuously the combustion temperature of the control device. The standards require the owner or operator to record all coating periods of more than 3 hours duration where the average combustion temperature falls 28° C (50° F) or more below the temperature at which compliance was demonstrated during the most recent measurement of incinerator efficiency. If catalytic incineration is used, the owner or operator is required to install a device to monitor and record continuously the gas temperature both upstream and downstream of the incinerator catalyst bed. The owner or operator is required to record all coating periods in excess of 3 hours where the average difference between the temperatures upstream and downstream of the catalyst bed falls below 80 percent of the temperature difference at which compliance was demonstrated during the most recent measurement of incinerator efficiency or where the average inlet (or upstream) temperature falls 28° C (50° F) or more below the inlet temperature at which compliance was demonstrated during the most recent measurement of incinerator efficiency.

Environmental, Energy, And Economic Impacts

The environmental, energy, and economic impacts of standards of performance are normally expressed as incremental differences between the impacts of complying with the proposed standards and those of complying with a typical State implementation plan (SIP). Many existing metal coil surface coating operations are located in areas that are considered nonattainment areas for purposes of achieving the national ambient air quality standard (NAAQS) for ozone. New facilities are expected to have the same geographic distribution as existing plants. States are in the process of revising their SIP's for these areas. In revising SIP's, States generally consider the recommendations contained in control techniques guidelines (CTG) documents. The CTG document applicable to this source category is "Control of Volatile Organic Emissions From Existing Stationary Sources, Volume II, Surface Coating of Cans, Coil, Paper, Fabrics, Automobiles, and Light-Duty Trucks," EPA-450/2-77-088 (CTG). Although the CTG documents are published for guidance only and are not legally binding on the States, impacts were estimated by assuming that most States will revise their existing SIP's in accordance with the CTG recommendations or retain their existing limits on VOC emission.

Approximately 70 percent of the existing coil coating plants are located in States that currently require VOC emissions to be reduced by at least 85 percent prior to discharge, except for plants that use waterborne or other low VOC-content coatings. This emission limit is more stringent than the CTG recommendations, and it appears that these States plan to maintain this level of control for VOC emissions. The ramaining plants are located in States that use a permit system for controlling VOC emissions. These States are expected to revise their SIP's to require VOC emission reductions to the CTG-recommended level, which is equivalent to a 64-percent reduction in the emissions from the average industry solvent-borne coating formulation of 60 percent VOC's and 40 percent solids by volume.

The standards would reduce VOC emissions from a typical plant by approximately 33 percent in States that currently control VOC emissions by a numerical limit (85-percent reduction) and reduce emissions from a typical plant by approximately 72 percent in States that adopt the CTG-recommended level of control (64-percent reduction). With no NSPS, nationwide VOC emissions from new plant capacity are projected to be 8,600 megagrams (Mg) per year after 5 years. Implementation of the NSPS would reduce these emissions by 6,000 Mg per year. In addition, after 5 years, the NSPS would also result in an emission reduction of 2,000 Mg per year from the control of existing plant capacity brought under the standards by modifications and reconstruction. Thus, the total fifth-year emission reduction resulting from implementation of the NSPS would be 8,000 Mg. An estimated 85 percent of new plants will use higher VOC-content coatings and incineration systems to comply with the standards, and the remaining 15 percent will use low VOC-content coating.

EPA recognizes that the estimated 8,000-Mg emission reduction is substantially greater than the 3,200 Mg estimate contained in the proposal preamble. The previous estimate was based on gross industry coating usage data that implied an average applied dry coating thickness of 0.025 millimeter (mm) or 0.001 in. (1 mil). A more reasonable approach is to estimate the emission reduction by using model plant data, which were the basis of cost and economic analyses and which used an average applied dry coating thickness of 1.8 mils. The 1.8-mil value was offered as typical by several industry sources and was subsequently approved by numerous industry reviewers of model plant data. The change in film thickness, plus rounding of model plant data to achieve consistency between costs and emission reduction estimates, results in the estimated fifth-year emission reduction of 8,000 Mg.

Little or no water pollution or solid waste impact from new, modified, or reconstructed coil coating plants is expected to result from application of the standards. None of the control techniques used by the coil coating industry generates either liquid or solid waste; therefore, the standards would have no impact in these areas.

Nationwide energy usage by the coil coating industry totaled about 6,600 terajoules (TJ) in 1978. The standards will result in an energy usage increase of about 1 percent per year, which is equivalent to 200,000 barrels of crude oil in the fifth year. Plants located in States requiring an 85-percent reduction and that achieve compliance through the use of higher VOC-content coatings in combination with an incinerator are expected to decrease their energy consumption by about 5 percent. However, for plants regulated to the CTG-recommended level of control, compliance with the standards through the use of incineration could result in as much as a 50-percent increase in energy consumption in some individual plants if one of the more energy-efficient systems identified as being capable of achieving the CTG-recommended limits is used as the baseline. Little or no impact in energy consumption is expected to result from the standards for plants meeting the emission limits with the use of waterborne or other low VOC-content coatings without the use of incineration.

The standards increase both the capital and annualized costs of new coil coating plants. Based on a predicted industry growth rate of 12 percent per year through 1985, the increased capital costs of new plants that locate in States requiring an 85-percent reduction in VOC emissions could range from $110,000 for a small plant to $140,000 for a large plant. This capital outlay represents an increase in the total capital costs of a new plant of approximately 1.4 percent for a small plant and 0.9 percent for a large plant. The increase in total annualized costs could range from $11,000 for a small plant to $23,000 for a large plant. For plants that locate in States that adopt the CTG-recommended limits, capital costs for a new plant could increase by $180,000 for a small plant and by $920,000 for a large plant—2.3- and 6.6-percent increases, respectively, in the total capital costs of a new plant. Total annualized costs could increase by $55,000 for a small plant and by $395,000 for a large plant. Compliance with the standards could result in increases in the price of coil coated metal ranging from 0.2 percent for a large plant in 85-percent reduction areas to 4.1 percent for a large plant in States that adopt the CTG-recommended limits. The effects for other plant sizes fall between these two values.

During the first 5 years, the incremental capital costs of the NSPS are estimated to be approximately $18.8 million, and the incremental annualized costs in the fifth year are estimated at $5.4 million. These values are lower than those in the proposal preamble—$20.0 million and $7 million for the capital and annualized cost increments, respectively. The previous values were computed to show the maximum cost to the industry by assuming that all new plant capacity will use solvent-borne coatings and incineration as a means of complying with the standard. The lower estimates given above are based on the more realistic assumption that 15 percent of new plant capacity will comply with the standards by using waterborne coatings and thus incur no costs. This latter assumption is consistent with the estimates of emission reduction given above.

Cost estimates for plants in CTG areas are probably overstated by a substantial amount. These cost estimates were based on the least expensive devices that appear to be potentially capable of meeting CTG limits. In practice, however, these units are not now used. Rather, the predominant trend is toward use of modern heat recovery incineration systems. These systems, in addition to effectively reducing emissions, help to ensure a stable energy supply for coaters by using the coating solvents as fuel. The use of coating solvents as fuel is a benefit for which no credit is given in the economic analysis but that is important enough to cause many coil coaters to install the systems without a regulatory requirement.

The environmental, energy, and economic impacts are discussed in greater detail in the BID for the promulgated standards, "Metal Coil Surface Coating Industry—Background Information for Promulgated Standards of Performance," EPA–450/3–80–035b.

In addition to achieving emission reductions beyond those required by a typical SIP, standards of performance have other benefits. They establish a degree of national uniformity, which precludes situations in which some States may attract new industries because they have less stringent air pollution standards than other States. Further, standards of performance provide documentation, which reduces uncertainty in case-by-case determinations of best available control technology (BACT) for facilities located in attainment areas and lowest achievable emission rates (LAER) for facilities located in nonattainment areas. This documentation includes identification and comprehensive analysis of alternative emission control technologies, development of associated costs, evaluation and verification of applicable emission test methods, and identification of specific emission limits achievable with alternate technologies. The costs are provided for an economic analysis that reveals the affordability of controls in an unbiased study of the economic impact of controls on an industry.

Public Participation

Prior to proposal of the standards, interested parties were advised by public notice in the **Federal Register** (45 FR 30666, May 9, 1980) of a meeting of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) to discuss the metal coil surface coating operations standards recommended for proposal. This meeting was held on June 4 and 5, 1980. The meeting was open to the public and each attendee was given an opportunity to comment on the standards recommended for proposal. The standards were proposed and published in the **Federal Register** on January 5, 1981, (45 FR 1102). The preamble to the proposed standards discussed the availability of the proposal BID, "Metal Coil Surface Coating Industry—Background Information for Proposed Standards," EPA–450/3–80–035a, which describes in detail the regulatory alternatives considered and their impacts. Public comments were solicited at the time of proposal, and, when requested, copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standards, a public hearing was held on February 4, 1981, at Research Triangle Park, North Carolina. The hearing was open to the public, and each attendee was given an opportunity to comment on the proposed standards. The public comment period was from February 4, 1981, to April 6, 1981.

Six comment letters were received and two interested parties testified at the public hearing concerning issues relative to the proposed standards of performance for metal coil surface coating operations. The comments have been carefully considered, and, where determined appropriate by the Administrator, changes have been made in the proposed standards.

Significant Comments and Changes to the Proposed Standards

Comments on the proposed standards were received from coil coaters, coating manufacturers, and Federal and State environmental agencies. A detailed discussion of these comments and responses can be found in the promulgation BID, "Metal Coil Surface Coating Industry: Background Information for Promulgated Standards of Performance," EPA–450/3–80–035b. The summary of comments and responses in the BID serves as the basis for the revisions that have been made to the standards between proposal and promulgation. The major comments and responses are summarized in this preamble. Most of the comment letters contained multiple comments. The comments have been divided into the following areas: General, Emission Control Technology, Environmental Impact, Legal Considerations, and Test Methods and Monitoring.

Significant changes in the standards since proposal involve compliance and reporting procedures. A procedure was added to the compliance provisions by which coil coaters can compute a monthly emission limit for affected facilities that control emissions by the combined use of low-solvent technology and higher solvent coatings with a control device. Reporting of monthly performance test data has been dropped from the standards, but owners and operators are required to record and maintain these data.

General

Two commenters questioned the need for an NSPS for coil coating, stating that, for economic reasons, new coil coating lines already employ the best technology for capturing VOC emissions to burn as fuel for their ovens and, therefore, do not contribute significantly to VOC emissions nationwide. They also questioned EPA's determination that coil coating contributes significantly to air pollution.

Section 111 of the Clean Air Act requires EPA to promulgate NSPS's for all source categories that contribute significantly to harmful air pollution (Section 111(b)(1), (f)(1)). Metal coil coating is such a category (40 CFR 60.16 (Source Category No. 22); 44 FR 49222 (August 21, 1979)).

EPA recognizes that the recent trend in the coil coating industry has been toward the use of incineration with heat recovery as an energy conserving and economically attractive operating setup. EPA appreciates the emission reduction that has been achieved by this trend; however, promulgation of an NSPS is necessary to ensure that emission reductions reflecting best demonstrated technology (BDT) are achieved.

One commenter stated that EPA regulations covering VOC emissions from metal surface coating operations are inequitable in that the emission limits proposed for coil coating are more stringent than the limits proposed for other metal coating operations.

Section 111 requires that each NSPS reflect BDT for that source category. EPA uses the same approach in evaluating BDT for different source categories. The fact that the resulting emission limits are different for different source categories is irrelevant ("*Portland Cement Association* v. *Ruckelshaus*," 486 F.2d 375, 389 (D.C. Cir. 1973); "*National Lime Association* v. *EPA*," 627 F.2d 416, 447 n. 108 (D.C. Cir. 1980).

One respondent commented that the projected growth rate for coil coating used in the background study (12 percent per year) is too high and that a rate of 8 to 10 percent is more realistic.

The 12-percent per year growth rate mentioned in the background study is a misstatement of the growth rate used in the analyses. Total coating capacity was estimated to increase by a constant amount each year over a 5-year period. The increase used was equal to 12 percent of the total industry capacity in the baseline year. This is not equal to a 12-percent annual growth rate. Stated on a percentage basis, the annual growth rates assumed were 12 percent the first year, 10.7 percent the second year, 9.8 percent the third year, 9.0 percent the fourth year, and 8.5 percent the fifth year. Over the 5-year period, the average annual growth rate was approximately 10 percent per year. This growth rate is within the range of the growth rate values suggested by the commenter, and, therefore, EPA concludes that the projections in the background study are reasonable.

One commenter stated that he was unsure whether or not the standards permit a coater to use low VOC-content coatings that have a VOC content greater than 0.28 kg/*l* of coating solids in conjunction with other lower VOC-content coatings and to comply by computing the weighted average of the VOC contents.

The standards state that an affected facility is in compliance if each coating used has a VOC content less than or equal to 0.28 kg/*l* of coating solids or if the volume weighted average VOC content of all coatings used in a calendar month is less than or equal to 0.28 kg/*l* of coating solids. A procedure for computing the volume weighted average VOC content is provided in the standards. EPA considers that the concerns of the commenter are clearly covered in the standards as written and, therefore, made no changes to the wording of the standards in response to this comment.

One public hearing participant stated that the definition of "affected facility" should be changed from each coating operation to an entire coating line to permit averaging of the two coating operations on a tandem coil coating line. The public hearing participant later submitted this in a letter.

The choice of the affected facility for these standards is based on the Agency's interpretation of Section 111 of the Act and judicial construction of its meaning. Under Section 111, the NSPS must apply to "new sources"; "source" is defined as "any building, structure, facility, or installation which emits or may emit any air pollutant" (Section 111(a)(3)). Most industrial plants, however, consist of numerous pieces or groups of equipment that emit air pollutants and that might be viewed as "sources." EPA therefore uses the term "affected facility" to designate the equipment, within a particular kind of plant, chosen as the "source" covered by given standards.

In choosing the affected facility, EPA must decide which pieces or groups of equipment are the appropriate units for separate emission standards. The Agency must do this in light of the terms and purpose of Section 111. One major consideration is that the use of a narrower definition results in bringing replacement equipment under the NSPS sooner. For example, if an entire plant were designated as the affected facility, no part of an existing plant would be subject to the standards unless the plant as a whole were "modified." If, on the other hand, each piece of equipment were designated as an affected facility, then, as each piece was replaced, it would be a new source subject to the standards. Because the purpose of Section 111 is to minimize emissions by the application of BDT (considering cost, other health and environmental effects, and energy requirements) at all new and modified sources, there is a presumption that a narrower designation of the affected facility is proper. This ensures that new emission sources would be subject to the standards as they are installed. This presumption can be overcome, however, if the Agency concludes that relevant statutory factors (technical feasibility, cost, energy, and other environmental impacts) point to a broader definition.

Designation of an entire coil coating line or an entire plant as an affected facility was considered in the development of the standards. These options were rejected in favor of designating each coating operation as an affected facility. In addition to the advantages cited above, this designation also simplifies recordkeeping and enforcement activities and, in many cases, gives added flexibility to owners or operators by allowing them to use different control technologies on each coating operation without the need for complicated averaging calculations.

One commenter stated that the definition of "coil coating" is too broad and would result in the regulation of many operations not considered in the development of the standards. The commenter suggested that the definition of "coil coating" be modified to exclude operations that process only metal with thicknesses less than 0.178 mm (0.007 in.), commonly considered to be metal foil, and to exclude operations covered by the proposed NSPS for can coating.

Metal foil is defined by the Aluminum Association as metal strip with a thickness less than 0.152 mm (0.006 in.). While metal foil fits the definition of metal coil contained in the proposed standards (i.e., a continuous metal strip packaged in a roll or coil), coating formulations, application rates, emissions, and process operations for foil are quite different from those for coil. In the background study for the coil coating standards, EPA did not evaluate foil processing operations nor identify BDT. Foil processing is therefore excluded from coverage under the coil coating standards. EPA has, therefore, modified the definition of "coil coating" to exclude operations that process only metal with a thickness less than 0.152 mm (0.006 in.). This cutoff point is based on the formal definition of "foil products" that is used by the aluminum industry and that was communicated to EPA by the Aluminum Association and verified by a major producer of foil products. EPA could find no basis for selecting 0.178 mm (0.007 in.) as a point of differentiation as suggested by the commenter. The comment regarding operations covered by the coil coating standards that are also covered by the can coating standards reflects a misinterpretation of the coverage of the standards. Coil coating of can stock is covered by the coil coating standards but is excluded from coverage by the can surface coating standards.

One public hearing participant commented that affected facilities where waterborne coatings are used for a significant portion of the time, but where solvent-borne coatings are also used, should be allowed to meet the waterborne emission limit when waterborne coatings are used and the emission limit for solvent-borne coatings and a control device for the remainder of their coating operations. This method of compliance was not allowed by the proposed standards.

The few coil coating lines that are the basis for the comment use waterborne coatings for 80 to 90 percent of their coating operations and solvent-borne coatings for the remainder of the time. Incinerators for these lines are designed for the operation only when solvent-borne coatings are used and do not have heat recovery facilities. Where such incinerators are used to reduce emissions from waterborne coatings, previous EPA analyses indicate that energy costs are very high because of the required use of a large quantity of supplemental fuel and that emission reductions are small because of the low VOC concentration in the exhaust stream. The costs per unit of emission reduction achieved become exorbitant under these circumstances. Consequently, a procedure was added to the promulgated standards by which coil coaters can calculate an emission limit each month based on the relative amounts of coatings used with and without the emission control device in operation. Operators can then comply with the calculated VOC emission limit, which will have a value between 0.14 (or a 90-percent emission reduction) and 0.28 kg/*l* of coating solids applied, by the combination of waterborne coatings and solvent-borne coatings with a capture system and control device.

Two approaches were considered for this provision. Under the first approach (the one incorporated), owners or operators compute an affected facility's monthly emission limit, weighted according to the coating solids applied with each control technology, and then compute actual monthly emissions to determine compliance. Under the second approach, each affected facility would be required to achieve compliance with the emission limit for low VOC-content coatings (0.28 kg/*l* of coating solids applied) during the portion of the month when these coatings are used, and would be required to achieve compliance with the emission limit for higher VOC-content coatings and a control device (0.14 kg/*l* of coating solids applied, or a 90-percent emission reduction) for the portion of the month when this system is used.

The second approach has a disadvantage relative to the first one in that the averaging time over which compliance must be demonstrated may range from 1 day (or less) to a calendar month (∼30 days). The established emission limits are based on a calendar month averaging time to allow owners or operators the flexibility of using coatings with a wide range of VOC content, which is very common in the industry, and still achieve compliance on a monthly basis. If the averaging time is reduced to less than a calendar month, the data may not support the emission limits now specified. In view of this disadvantage, the first approach was incorporated into the standards. The number of installations to which this provision applies is quite small, but the provision was determined necessary to allow particular installations to continue their normal operating patterns.

Emission Control Technology

One public hearing participant and one commenter stated that the emission limit for low VOC-content coatings contained in the proposed standards, 0.28 kg/*l* of coating solids applied, is too stringent and would stifle research and development activities in low-solvent technology. It was further stated that the emission limit in the proposed standards was based mainly on coatings applied to architectural and building products and that the technology was not demonstrated for all applications. Particular reference was made to the coating of can-end stock as requiring a separate emission limit for low-solvent technology.

EPA believes that the data obtained during the background study adequately demonstrate the availability of waterborne coatings that will meet the proposed emission limits for most applications. EPA did not identify any low VOC-content coatings applicable for coil coating can-end stock and does not know of any now in use. The coil coating lines identified during the background study that coat can-end stock all use solvent-borne coatings. In recent discussions, several coating manufacturers stated that they are now working on the development of waterborne coatings for can-end stock and that the operating requirements for this application pose difficult problems in reducing the VOC content of the coatings. Reasons cited for these problems include the limitations established by the U.S. Food and Drug Administration on the ingredients that can be used in such coatings and the severe stress that the coatings must withstand during the can-end forming process.

Some coating manufacturers have indicated that coatings for can-end stock with a VOC content in the range of 0.4 to 0.5 kg/*l* of coating solids may become available within the next few years, but they do not expect the levels of VOC content to be much below this range. Emissions from such coatings would be substantially greater than emissions from other coil coating operations that use either low VOC-content coatings or higher VOC-content coatings and incineration.

Because the use of higher VOC-content coatings with a control device has been determined to be technically and economically feasible and not exorbitantly costly, EPA has not established a separate emission limit for coil coating of can-end stock.

One commenter suggested that, instead of placing stringent emission limits on coil coaters, EPA should require other metal surface coating operations to change to the use of precoated coil as a more environmentally favorable process.

EPA has identified BDT (considering cost, other health and environmental effects, and energy requirements) for each metal surface coating operation and has based the standards for each operation on that technology. The Agency believes that this procedure is consistent with the provisions of Section 111 of the Clean Air Act. This comment addresses other surface coating NSPS's and does not question or cast any doubt on the appropriateness of the coil coating NSPS; therefore, no changes have been made as a result of this comment.

One commenter suggested that the proposed standards incorrectly emphasize the installation of incinerators over the use of low-solvent technology and stated that EPA did not consider low-solvent technology in the development of the standards. The commenter further stated that the energy analysis was flawed by incorrect assumptions related to coater room exhausts.

These comments were originally submitted at the NAPCTAC meeting in June 1980 and were resubmitted along with additional comments relating to the proposed standards. Subsequent to the NAPCTAC meeting and prior to proposal, EPA made changes to the standards in response to these comments. Several additional regulatory alternatives were evaluated, and separate provisions were added to the standards relating to the use of low-solvent technology. As proposed, the standards allow compliance by either low-solvent technology or incineration. The comment regarding consideration of low-solvent technology is therefore not applicable. Changes were also made to the provisions relating to coater rooms. As a result, the coater room exhaust is no longer required to enter the oven or control device. The energy-related comment referring to the coater room exhaust requirement also no longer applies. EPA therefore believes that an adequate response has been made to these comments and that they do not pertain to the proposed standards.

Environmental Impact

One commenter stated that the draft EIS in the proposal BID may understate final emission levels by a factor of 2 because incinerators are only capable of achieving a 90-percent reduction in VOC emissions rather than the 95-percent reduction assumed in the development of the draft EIS.

EPA believes that the emission test data presented in the proposal BID adequately demonstrate the ability of incinerators to reduce emissions by 95 percent when operated at a temperature of 760° C (1,400° F) or more. This conclusion is based on emission tests at four plants where the incinerators were operated at 760° C (1,400° F) or greater and that achieved an emission reduction of 95 percent or greater and on tests at a fifth plant where an emission reduction of 95 percent or more was achieved at temperatures below 760° C (1,400° F). These data are itemized in Chapter 4 of the proposal BID.

Legal Considerations

One commenter stated that EPA's raw data base for the proposed standards is inadequate and was not based on Reference Method 25 testing.

The standards are based on the Reference Method 25 test conducted by EPA during the background study. This test showed a 95-percent reduction across the incinerator at a temperature of 760° C (1,400° F). During that test, a continuous flame ionization detector (FID) was also used to measure VOC concentration in the incinerator outlet. The FID measurements consistently showed an emission reduction of approximately 99 percent at 760° C (1,400° F). There are other test data available that were obtained with an FID. In all these tests where the incinerator was operated at 760° C (1,400° F) or greater, the FID data consistently show an emission reduction of approximately 99 percent. These other data reinforce the validity of selecting 95 percent as the standard based on Reference Method 25 measurements.

Test Methods and Monitoring

One commenter believes that Reference Method 25 is inappropriate as the only method for compliance testing because it is virtually unavailable to any source outside the Los Angeles area, where the air pollution control district owns the equipment and performs the tests, or outside the service area of a single commercial laboratory in the Midwest capable of carrying out the technique.

There are at least five commercial laboratories in the Midwest and Northeast that are capable of performing compliance tests using Reference Method 25. Most of these laboratories are capable of supplying testing services to any region of the country.

One commenter stated that Reference Method 25 is highly laboratory oriented and requires extensive capital investment if individual sources must prepare to carry out the testing procedure. This commenter further stated that Reference Method 25 is subject to criticism for potential bias; that no suppliers exist for an instrument to handle analyses of Reference Method 25 test samples; and that, while one U.S. company has offered an instrument for sale, it has not performed reliably.

At least one company has already built a prototype instrument, which has functioned reliably as the nonmethane organic analyzer described in Reference Method 25. In addition, there are now a number of commercial laboratories capable of supplying this service.

One commenter was particularly concerned with the inability of Reference Method 25 to account for the bias that can be introduced by particulate matter, such as a flake of paint or a droplet of condensed hydrocarbon.

Although organic particulate matter could be a potential problem if it were collected in the Reference Method 25 sampling train, this can be easily prevented by including a filter in the sample train upstream of the cold traps. Using a filter is an option that is permitted in Method 25.

One commenter believes that alternative test procedures are available by which direct measurement can be made of total gaseous organic compounds with an FID. This method has adequately demonstrated the ability to monitor emissions on a real-time basis—an ability particularly important for cyclic processes or those that do not emit a uniform level of pollutants. The commenter, therefore, urged that the Agency consider substituting a more suitable method or, at least, providing for one or more alternative methods. The commenter offered to provide documentation and detail of the method considered superior and practical.

EPA is presently developing a procedure using a flame ionization analyzer that may be used as an alternative method in certain cases. It will be permitted as an alternative procedure for determining the efficiency of control devices on coating operations if the analyzer is calibrated with the solvent material used in the coating process. This procedure will be available for use as an alternative procedure as soon as it is published in the **Federal Register** in its final form and the necessary changes have been made in the appropriate regulations.

In the meantime, one can apply under § 60.8(b) for alternative method status. All that is required is that one submit a detailed written procedure for the candidate method and data comparing the candidate method and the reference method.

A comment received during the development of another surface coating standard questioned the relationship of the proposed standards and the use of Reference Method 24 for determining compliance. The commenter stated that the proposed standards should include a "cushion" that would allow for differences in test results caused by variations in the three experimentally determined parameters used to calculate VOC content of coatings.

Upon evaluation, EPA determined that this comment is equally applicable to the coil coating regulation.

EPA recognizes the potential variability in the results when Reference Method 24 is used to analyze water-based coatings. The method itself contains a procedure to account for this variability. The promulgated standards require that, when Reference Method 24 results are used to determine compliance, they be adjusted as described in Section 4.4 of Reference Method 24. This adjustment applies only to waterborne coatings.

If the actual VOC level of a waterborne coating is at or below the standard, there is less than 1 chance in 10,000 that the Reference Method 24 adjusted results will show the VOC levels to be above the standard.

One commenter challenged the use of the terms "total enclosure" and "total capture of VOC emissions" in the proposed test procedure for incinerators.

stating that there is no such thing as total enclosure and total capture.

EPA agrees that, taken literally, the terms "total enclosure" and "total capture of VOC emissions" describe conditions that are extremely difficult to achieve. Although these terms were used in a practical engineering sense, a literal interpretation could lead to both compliance and enforcement difficulties. In view of this possibility, EPA has changed the wording of the test procedure to eliminate the two terms and has replaced them with a requirement that coating station enclosures be maintained at a negative pressure to achieve good capture of VOC emissions.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify and locate documents readily so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA's responses to significant comments, the contents of the docket will serve as the record in case of judicial review (Section 307(d)(7)(A)).

Miscellaneous

The effective date of this regulation is November 1, 1982. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal (January 5, 1981).

As prescribed by Section 111, establishment of standards was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

The rulemaking process that implements performance standards ensures adequate technical review and promotes participation of representatives of the industry being considered for regulation, government, and the public affected by that industry's emissions. The resultant regulation represents a balance in which Government resources are applied in a well-publicized national forum to reach a decision on a pollution emission level that allows for a dynamic economy and a healthful environment.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements. The reporting reqirements in this regulation will be reviewed as required under EPA's sunset policy for reporting requirements in regulations.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standards to ensure that cost was carefully considered in determining BDT. The economic impact assessment is included in the BID for the proposed standards.

In addition to conducting an economic impact analysis, EPA examined the emission reduction and annualized costs—expressed in dollars per ton of pollutant removed per year—for three levels of control in typical plants. The three levels of control are an overall emission reduction of 64 percent, as recommended by the CTG; an overall emission reduction of 85 percent, as specified in many existing SIP's; and an overall emission reduction of 90 percent, as contained in the NSPS. This examination showed that an 85-percent level of control reduces emissions by 174 Mg (192 tons) per year relative to the CTG recommendation and increases annualized costs by $982/Mg ($890/ton). It also showed that the incremental emission reduction achieved by increasing the control level from 85 to 90 percent is 41 Mg (45 tons) per year at an annualized cost of $668/Mg ($609 ton). These annualized costs per ton of pollutant removed are comparable to costs and associated emission reductions in other industries that control VOC emissions.

The Paperwork Reduction Act of 1980 (Pub. L. 95–511) requires EPA to submit to the Office of Management and Budget (OMB) certain public reporting/recordkeeping requirements before proposal. The reporting/recordkeeping requirements associated with this standard have been submitted to OMB for approval, and have been assigned Control No. 2000–0660.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory impact analysis. This regulation is not major because it would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be major. The industry wide annualized costs in the fifth year after the standards would go into effect would be $5.4 million, much less than the $100 million established as the first criterion for a major regulation in the Order. The estimated price increase of less than 3 percent associated with the proposed standards would not be considered a "major increase in costs or prices" specified as the second criterion in the Order. The economic analysis of the proposed standards' effects on the industry did not indicate any significant adverse effects on competition, investment, productivity, employment, innovation, or the ability of U.S. firms to compete with foreign firms (the third criterion in the Order).

This regulation was submitted to OMB for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the docket referenced in the address section of this preamble.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

Dated: October 20, 1982.

Anne M. Gorsuch,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended by adding a new Subpart TT as follows:

Subpart TT—Standards of Performance for Metal Coil Surface Coating

Sec.
60.460 Applicability and designation of affected facility.
60.461 Definitions.

Sec.
60.462 Standards for volatile organic compounds.
60.463 Perfomance test and compliance provisions.
60.464 Monitoring of emissions and operations.
60.465 Reporting and recordkeeping requirements.
60.466 Test methods and procedures.

Authority: Sections 111 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7411, 7601(a)), and additional authority as noted below.

Subpart TT—Standards of Performance for Metal Coil Surface Coating

§ 60.460 Applicability and designation of affected facility.

(a) The provisions of this subpart apply to the following affected facilities in a metal coil surface coating operation: each prime coat operation, each finish coat operation, and each prime and finish coat operation combined when the finish coat is applied wet on wet over the prime coat and both coatings are cured simultaneously.

(b) This subpart applies to any facility identified in paragraph (a) of this section that commences construction, modification, or reconstruction after January 5, 1981.

§ 60.461 Definitions.

(a) All terms used in this subpart not defined below are given the same meaning as in the Act or in Subpart A of this part.

"Coating" means any organic material that is applied to the surface of metal coil.

"Coating application station" means that portion of the metal coil surface coating operation where the coating is applied to the surface of the metal coil. Included as part of the coating application station is the flashoff area between the coating application station and the curing oven.

"Curing oven" means the device that uses heat or radiation to dry or cure the coating applied to the metal coil.

"Finish coat operation" means the coating application station, curing oven, and quench station used to apply and dry or cure the final coating(s) on the surface of the metal coil. Where only a single coating is applied to the metal coil, that coating is considered a finish coat.

"Metal coil surface coating operation" means the application system used to apply an organic coating to the surface of any continuous metal strip with thickness of 0.15 millimeter (mm) (0.006 in.) or more that is packaged in a roll or coil.

"Prime coat operation" means the coating application station, curing oven, and quench station used to apply and dry or cure the initial coating(s) on the surface of the metal coil.

"Quench station" means that portion of the metal coil surface coating operation where the coated metal coil is cooled, usually by a water spray, after baking or curing.

"VOC content" means the quantity, in kilograms per liter of coating solids, of volatile organic compounds (VOC's) in a coating.

(b) All symbols used in this subpart not defined below are given the same meaning as in the Act and in Subpart A of this part.

C_a= the VOC concentration in each gas stream leaving the control device and entering the atmosphere (parts per million by volume, as carbon).
C_b= the VOC concentration on each gas stream entering the control device (parts per million by volume, as carbon).
C_f= the VOC concentration in each gas steam emitted directly to the atmosphere (parts per million by volume, as carbon).
D_c= density of each coating, as received (kilograms per liter).
D_d= density of each VOC-solvent added to coatings (kilograms per liter).
D_r= density of VOC-solvent recovered by an emission control device (kilograms per liter).
E= VOC destruction efficiency of the control device (fraction).
F= the proportion of total VOC's emitted by an affected facility that enters the control device (fraction).
G= volume-weighted average mass of VOC's in coatings consumed in a calendar month per unit volume of coating solids applied (kilograms per liter).
L_c= the volume of each coating consumed, as received (liters).
L_d= the volume of each VOC-solvent added to coatings (liters).
L_r= the volume of VOC-solvent recovered by an emission control device (liters).
L_s= the volume of coating solids consumed (liters).
M_d= the mass of VOC-solvent added to coatings (kilograms).
M_o= the mass of VOC's in coatings consumed, as received (kilograms).
M_r= the mass of VOC's recovered by an emissign control device (kilograms).
N= the volume-weighted average mass of VOC emissions to the atmosphere per unit volume of coating solids applied (kilograms per liter).
Q_a= the volumetric flow rate of each gas stream leaving the control device and entering the atmosphere (dry standard cubic meters per hour).
Q_b= the volumetric flow rate of each gas stream entering the control device (dry standard cubic meters per hour).
Q_f= the volumetric flow rate of each gas steam emitted directly to the atmosphere (dry standard cubic meters per hour).
R= the overall VOC emission reduction achieved for an affected facility (fraction).
S= the calculated monthly allowable emission limit (kilograms of VOC per liter of coating solids applied).
V_s= the proportion of solids in each coating, as received (fraction by volume).
W_o= the proportion of VOC's in each coating, as received (fraction by weight).

§ 60.462 Standards for volatile organic compounds.

(a) On and after the date on which § 60.8 requires a performance test to be completed, each owner or operator subject to this subpart shall not cause to be discharged into the atmosphere more than:

(1) 0.28 kilogram VOC per liter (kg VOC/*l*) of coating solids applied for each calendar month for each affected facility that does not use an emission control device(s); or

(2) 0.14 kg VOC/*l* of coating solids applied for each calendar month for each affected facility that continuously uses an emission control device(s) operated at the most recently demonstrated overall efficiency; or

(3) 10 percent of the VOC's applied for each calendar month (90 percent emission reduction) for each affected facility that continuously uses an emission control device(s) operated at the most recently demonstrated overall efficiency; or

(4) a value between 0.14 (or a 90-percent emission reduction) and 0.28 kg VOC/*l* of coating solids applied for each calendar month for each affected facility that intermittently uses an emission control device operated at the most recently demonstrated overall efficiency.

§ 60.463 Performance test and compliance provisions.

(a) Sections 60.8 (d) and (f) do not apply to the performance test.

(b) The owner or operator of an affected facility shall conduct an initial performance test as required under § 60.8(a) and thereafter a performance test for each calendar month for each affected facility according to the procedures in this section.

(c) The owner or operator shall use the following procedures for determining monthly volume-weighted average emissions of VOC's in kg/*l* of coating solids applied.

(1) An owner or operator shall use the following procedures for each affected facility that does not use a capture system and control device to comply with the emission limit specified under § 60.462(a)(1). The owner or operator shall determine the composition of the coatings by formulation data supplied by the manufacturer of the coating or by an analysis of each coating, as received,

using Reference Method 24. The Administrator may require the owner or operator who uses formulation data supplied by the manufacturer of the coatings to determine the VOC content of coatings using Reference Method 24 or an equivalent or alternative method. The owner or operator shall determine the volume of coating and the mass of VOC-solvent added to coatings from company records on a monthly basis. If a common coating distribution system serves more than one affected facility or serves both affected and existing facilities, the owner or operator shall estimate the volume of coating used at each affected facility by using the average dry weight of coating and the surface area coated by each affected and existing facility or by other procedures acceptable to the Administrator.

(i) Calculate the volume-weighted average of the total mass of VOC's consumed per unit volume of coating solids applied during each calendar month for each affected facility, except as provided under § 60.463(c)(1)(iv). The weighted average of the total mass of VOC's used per unit volume of coating solids applied each calendar month is determined by the following procedures.

(A) Calculate the mass of VOC's used (Mo+Md) during each calendar month for each affected facility by the following equation:

$$M_o+M_d=\sum_{i=1}^{n} L_{ci}D_{ci}W_{oi}+\sum_{j=1}^{m} L_{dj}D_{dj}$$

($\Sigma L_{dj}D_{dj}$ will be 0 if no VOC solvent is added to the coatings, as received)

where

n is the number of different coatings used during the calendar month, and

m is the number of different VOC solvents added to coatings used during the calendar month.

(B) Calculate the total volume of coating solids used (L_s) in each calendar month for each affected facility by the following equation:

$$L_s=\sum_{i=1}^{n} V_{si}L_{ci}$$

where

n is the number of different coatings used during the calendar month.

(C) Calculate the volume-weighted average mass of VOC's used per unit volume of coating solids applied (G) during the calendar month for each affected facility by the following equation:

$$G=\frac{M_o+M_d}{L_s}$$

(ii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during the calendar month for each affected facility by the following equation:

$$N=G$$

(iii) Where the volume-weighted average mass of VOC's discharged to the atmosphere per unit volume of coating solids applied (N) is equal to or less than 0.28 kg/*l*, the affected facility is in compliance.

(iv) If each individual coating used by an affected facility has a VOC content, as received, that is equal to or less than 0.28 kg/*l* of coating solids, the affected facility is in compliance provided no VOC's are added to the coatings during distribution or application.

(2) An owner or operator shall use the following procedures for each affected facility that continuously uses a capture system and a control device that destroys VOC's (e.g., incinerator) to comply with the emission limit specified under § 60.462(a) (2) or (3).

(i) Determine the overall reduction efficiency (R) for the capture system and control device.

For the initial performance test, the overall reduction efficiency (R) shall be determined as prescribed in paragraphs (c)(2)(i) (A), (B), and (C) of this section. In subsequent months, the owner or operator may use the most recently determined overall reduction efficiency (R) for the performance test, providing control device and capture system operating conditions have not changed. The procedure in paragraphs (c)(2)(i) (A), (B), and (C) of this section, shall be repeated when directed by the Administrator or when the owner or operator elects to operate the control device or capture system at conditions different from the initial performance test.

(A) Determine the fraction (F) of total VOC's emitted by an affected facility that enters the control device using the following equation:

$$F=\frac{\sum_{i=1}^{l} C_{bi}Q_{bi}}{\sum_{i=1}^{l} C_{bi}Q_{bi}+\sum_{j=1}^{p} C_{fj}Q_{fj}}$$

where

l is the number of gas streams entering the control device, and

p is the number of gas streams emitted directly to the atmosphere.

(B) Determine the destruction efficiency of the control device (E) using values of the volumetric flow rate of each of the gas streams and the VOC content (as carbon) of each of the gas streams in and out of the device by the following equation:

$$E=\frac{\sum_{i=1}^{n} Q_{bi}C_{bi}-\sum_{j=1}^{m} Q_{aj}C_{aj}}{\sum_{i=1}^{n} Q_{bi}C_{bi}}$$

where.

n is the number of gas streams entering the control device, and

m is the number of gas streams leaving the control device and entering the atmosphere.

The owner or operator of the affected facility shall construct the VOC emission reduction system so that all volumetric flow rates and total VOC emissions can be accurately determined by the applicable test methods and procedures specified in § 60.466. The owner or operator of the affected facility shall construct a temporary enclosure around the coating applicator and flashoff area during the performance test for the purpose of evaluating the capture efficiency of the system. The enclosure must be maintained at a negative pressure to ensure that all VOC emissions are measurable. If a permanent enclosure exists in the affected facility prior to the performance test and the Administrator is satisfied that the enclosure is adequately containing VOC emissions, no additional enclosure is required for the performance test.

(C) Determine overall reduction efficiency (R) using the following equation:

$$R=EF$$

If the overall reduction efficiency (R) is equal to or greater than 0.90, the affected facility is in compliance and no further computations are necessary. If the overall reduction efficiency (R) is less than 0.90, the average total VOC emissions to the atmosphere per unit volume of coating solids applied (N) shall be computed as follows.

(ii) Calculate the volume-weighted average of the total mass of VOC's per unit volume of coating solids applied (G) during each calendar month for each affected facility using equations in paragraphs (c)(1)(i) (A), (B), and (C) of this section.

(iii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during each calendar month by the following equation:

$$N = G\,(1 - R)$$

(iv) If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is less than or equal to 0.14 kg/l of coating solids applied, the affected facility is in compliance. Each monthly calculation is a performance test.

(3) An owner or operator shall use the following procedure for each affected facility that uses a control device that recovers the VOC's (e.g., carbon adsorber) to comply with the applicable emission limit specified under § 60.462(a) (2) or (3).

(i) Calculate the total mass of VOC's consumed ($M_o + M_d$) during each calendar month for each affected facility using equation (1).

(ii) Calculate the total mass of VOC's recovered (M_r) during each calendar month using the following equation:

$$M_r = L_r D_r$$

(iii) Calculate the overall reduction efficiency of the control device (R) for each calendar month for each affected facility using the following equation:

$$R = \frac{M_r}{M_o + M_d}$$

If the overall reduction efficiency (R) is equal to or greater than 0.90, the affected facility is in compliance and no further computation are necessary. If the overall reduction efficiency (R) is less than 0.90, the average total VOC emissions to the atmosphere per unit volume of coating solids applied (N) must be computed as follows.

(iv) Calculate the total volume of coating solids consumed (L_s) and the volume-weighted average of the total mass of VOC's per unit volume of coating solids applied (G) during each calendar month for each affected facility using equations in paragraphs (c)(1)(i) (B) and (C) of this section.

(v) Calculate the volume-weighted average mass of VOC's emitted to the atmosphere (N) for each calendar month for each affected facility using equation (8).

(vi) If the weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is less than or equal to 0.14 kg/l of coating solids applied, the affected facility is in compliance. Each monthly calculation is a performance test.

(4) An owner or operator shall use the following procedures for each affected facility that intermittently uses a capture system and a control device to comply with the emission limit specified in § 60.462(a)(4).

(i) Calculate the total volume of coating solids applied without the control device in operation (L_{sn}) during each calendar month for each affected facility using the following equation:

$$L_{sn} = \sum_{i=1}^{n} V_{si} L_{ci}$$

where

n is the number of coatings used during the calendar month without the control device in operation.

(ii) Calculate the total volume of coating solids applied with the control device in operation (L_{sc}) during each calendar month for each affected facility using the following equation:

$$L_{sc} = \sum_{i=1}^{m} V_{si} L_{ci}$$

where

m is the number of coatings used during the calendar month with the control device in operation.

(iii) Calculate the mass of VOC's used without the control device in operation ($M_{on} + M_{dn}$) during each calendar month for each affected facility using the following equation:

$$M_{on} + M_{dn} = \sum_{i=1}^{n} L_{ci} D_{ci} W_{oi} + \sum_{j=1}^{m} L_{dj} D_{dj}$$

where

n is the number of different coatings used without the control device in operation during the calendar month, and

m is the number of different VOC-solvents added to coatings used without the control device in operation during the calendar month.

(iv) Calculate the volume-weighted average of the total mass of VOC's consumed per unit volume of coating solids applied without the control device in operation (G_n) during each calendar month for each affected facility using the following equation:

$$G_n = \frac{M_{on} + M_{dn}}{L_{sn}}$$

(v) Calculate the mass of VOC's used with the control device in operation ($M_{oc} + M_{dc}$) during each calendar month for each affected facility using the following equation:

$$M_{oc} + M_{dc} = \sum_{i=1}^{n} L_{ci} D_{ci} W_{oi} + \sum_{j=1}^{m} L_{dj} D_{dj}$$

where

n is the number of different coatings used with the control device in operation during the calendar month, and

m is the number of different VOC-solvents added to coatings used with the control device in operation during the calendar month.

(vi) Calculate the volume-weighted average of the total mass of VOC's used per unit volume of coating solids applied with the control device in operation (G_c) during each calendar month for each affected facility using the following equation:

$$G_c = \frac{M_{oc} + M_{dc}}{L_{sc}}$$

(vii) Determine the overall reduction efficiency (R) for the capture system and control device using the procedures in § 60.463(c)(2)(i) (A), (B), and (C) or § 60.463(c)(3) (i), (ii), and (iii), which is applicable.

(viii) Calculate the volume-weighted average of VOC emissions to the atmosphere (N) during each calendar month for each affected facility using the following equation:

$$N = \frac{G_n L_{sn} + G_c L_{sc} (1-R)}{L_{sn} + L_{sc}}$$

(ix) Calculate the emission limit(s) for each calendar month for each affected facility using the following equation:

$$S = \frac{0.28\, L_{sn} + 0.1\, G_c L_{sc}}{L_{sn} + L_{sc}} \text{ or } \frac{0.28\, L_{sn} + 0.14\, L_{sc}}{L_{sn} + L_{sc}}$$

which is greater.

(x) If the volume-weighted average mass of VOC's emitted to the atmosphere for each calendar month (N) is less than or equal to the calculated emission limit (S) for the calendar month, the affected facility is in compliance. Each monthly calculation is a performance test.

§ 60.464 Monitoring of emissions and operations.

(a) Where compliance with the numerical limit specified in § 60.462(a) (1) or (2) is achieved through the use of low VOC-content coatings without the use of emission control devices or through the use of higher VOC-content coatings in conjunction with emission control devices, the owner or operator shall compute and record the average VOC content of coatings applied during each calendar month for each affected facility, according to the equations provided in § 60.463.

(b) Where compliance with the limit specified in § 60.462(a)(4) is achieved through the intermittent use of emission control devices, the owner or operator shall compute and record for each affected facility the average VOC content of coatings applied during each calendar month according to the equations provided in § 60.463.

(c) If thermal incineration is used, each owner or operator subject to the provisions of this subpart shall install, calibrate, operate, and maintain a device that continuously records the combustion temperature of any effluent gases incinerated to achieve compliance with § 60.462(a) (2), (3), or (4). This device shall have an accuracy of ±2.5° or ±0.75 percent of the temperature being measured expressed in degrees Celsius, which is greater. Each owner or operator shall also record all periods (during actual coating operations) in excess of 3 hours during which the average temperature in any thermal incinerator used to control emissions from an affected facility remains more than 28° C (50° F) below the temperature at which compliance with § 60.462(a) (2), (3), or (4) was demonstrated during the most recent measurement of incinerator efficiency required by § 60.8. The records required by § 60.7 shall identify each such occurrence and its duration. If catalytic incineration is used, the owner or operator shall install, calibrate, operate, and maintain a device to monitor and record continuously the gas temperature both upstream and downstream of the incinerator catalyst bed. This device shall have an accuracy of ±2.5° C or ±0.75 percent of the temperature being measured expressed in degrees Celsius, whichever is greater. During coating operations, the owner or operator shall record all periods in excess of 3 hours where the average difference between the temperature upstream and downstream of the incinerator catalyst bed remains below 80 percent of the temperature difference at which compliance was demonstrated during the most recent measurement of incinerator efficiency or when the inlet temperature falls more than 28° C (50° F) below the temperature at which compliance with § 60.462(a) (2), (3), or (4) was demonstrated during the most recent measurement of incinerator efficiency required by § 60.8. The records required by § 60.7 shall identify each such occurrence and its duration.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.465 Reporting and recordkeeping requirements.

(a) Where compliance with the numerical limit specified in § 60.462(a) (1, (2), or (4) is achieved through the use of low VOC-content coatings without emission control devices or through the use of higher VOC-content coatings in conjunction with emission control devices, each owner or operator subject to the provisions of this subpart shall include in the initial compliance report required by § 60.8 the weighted average of the VOC content of coatings used during a period of one calendar month for each affected facility. Where compliance with § 60.462(a)(4) is achieved through the intermittent use of a control device, reports shall include separate values of the weighted average VOC content of coatings used with and without the control device in operation.

(b) Where compliance with § 60.462(a) (2), (3), or (4) is achieved through the use of an emission control device that destroys VOC's, each owner or operator subject to the provisions of this subpart shall include the following data in the initial compliance report required by § 60.8:

(1) The overall VOC destruction rate used to attain compliance with § 60.462(a) (2), (3), or (4) and the calculated emission limit used to attain compliance with § 60.462(a)(4); and

(2) The combustion temperature of the thermal incinerator or the gas temperature, both upstream and downstream of the incinerator catalyst bed, used to attain compliance with § 60.462(a) (2), (3), or (4).

(c) Each owner or operator subject to the provisions of this subpart shall maintain at the source, for a period of at least 2 years, records of all data and calculations used to determine monthly VOC emissions from each affected facility and to determine the monthly emission limit, where applicable. Where compliance is achieved through the use of thermal incineration, each owner or operator shall maintain, at the source, daily records of the incinerator combustion temperature. If catalytic incineration is used, the owner or operator shall maintain at the source daily records of the gas temperature, both upstream and downstream of the incinerator catalyst bed.

§ 60.466 Test methods and procedures.

(a) The reference methods in Appendix A to this part, except as provided under § 60.8(b), shall be used to determine compliance with § 60.462 as follows:

(1) Reference Method 24, or data provided by the formulator of the coating for determining the VOC content of each coating as applied to the surface of the metal coil. In the event of a dispute, Reference Method 24 shall be the reference method. When VOC content of waterborne coatings, determined by Reference Method 24, is used to determine compliance of affected facilities, the results of the Reference Method 24 analysis shall be adjusted as described in Section 4.4 of Reference Method 24;

(2) Reference Method 25, both for measuring the VOC concentration in each gas stream entering and leaving the control device on each stack equipped with an emission control device and for measuring the VOC concentration in each gas stream emitted directly to the atmosphere;

(3) Method 1 for sample and velocity traverses;

(4) Method 2 for velocity and volumetric flow rate;

(5) Method 3 for gas analysis; and

(6) Method 4 for stack gas moisture.

(b) For Method 24, the coating sample must be at least a 1-liter sample taken at a point where the sample will be representative of the coating as applied to the surface of the metal coil.

(c) For Method 25, the sampling time is to be at least 60 minutes, and the minimum sample volume is to be at least 0.003 dry standard cubic meter (DSCM); however, shorter sampling times or smaller volumes, when necessitated by process variables or other factors, may be approved by the Administrator.

(d) The Administrator will approve testing of representative stacks on a case-by-case basis if the owner or operator can demonstrate to the satisfaction of the Administrator that testing of representative stacks yields results comparable to those that would be obtained by testing all stacks.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

[FR Doc. 82-29693 Filed 10-29-82; 8:45 am]

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Monday
November 1, 1982

Part V

Department of Commerce

National Oceanic and Atmospheric Administration

Pacific Coast Groundfish Fishery

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 21026-218]

Pacific Coast Groundfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Emergency interim rule and request for comment.

SUMMARY: NOAA issues emergency regulations to amend on an interim basis the regulations governing fishing for groundfish in the Pacific Ocean off the coasts of Washington, Oregon, and California. This rule reduces the level of fishing for sablefish in the Pacific Coast groundfish fishery by imposition of a trip limit of 3,000 pounds per vessel per trip possibly for the remainder of the year. These regulations are intended to prevent overfishing of the sablefish resource. Comments on the reduction are requested.

EFFECTIVE DATE: 2400 hours PDT, October 27, 1982 until 2400 hours PST, December 11, 1982, or until rescinded, modified, superseded, or extended. Comments should be received November 22, 1982.

ADDRESS: Send comments to H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115. Aggregate data upon which this notice is based are available for public inspection in the office of the Director during working hours.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206-527-6150.

SUPPLEMENTARY INFORMATION:

Background

The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982, and implementing final regulations were published on October 5, 1982 (47 FR 43964). Section 663.21(b) requires that when the Secretary of Commerce (Secretary) determines that the numerical optimum yield (OY) for any species will be reached, he will publish a notice of closure prohibiting retention or landing of that species when taken in the fishery conservation zone (FCZ). Accuracy of the current sablefish OY (13,400 mt) presently specified in the FMP has been questioned and fishermen have requested that it be reviewed and, if inaccurate, modified for the following reasons: (1) The harvest of sablefish in 1980 and 1981 was about 8,000 tons less than the OY for the two years, therefore possibly providing additional harvestable fish in 1982; (2) OY is based not only on biological factors, but includes consideration of social and economic factors as well; (3) Federal regulations provide for modification of OY for social, economic or biological reasons where there is no evidence that biological stress to either sablefish or any other species would result; (4) it would be premature to completely close the fishery before the accuracy of the OY is verified; and (5) premature closure of the fishery would result in economic hardship to many fishermen.

At its September meeting in Portland, Oregon, the Pacific Fishery Management Council (Council), received comments from its Groundfish Management Team (Team) and the public on the status of the sablefish stock and instructed the team to review further the OY and acceptable biological catch (ABC) estimates for sablefish to determine if there is a basis for increasing these numbers. Section 663.22(b) provides the Secretary the authority, on the recommendation of the Council, to increase numerical OYs by as much as 30 percent in any single year, if it would not cause biological stress to the stock and would promote full utilization. The Council will consider the term's findings and further public comment at its November 17-18, 1982 meeting.

To insure that the fishery is managed on the basis of the best scientific information available as required by section 301(a)(2) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) and to prevent the premature closure of the fishery, the Secretary, after considering the recommendations of the Council and the State fishery directors of Washington, Oregon, and California, has decided to await the Council's report and recommendations and further public comment, in order to determine whether the current OY should be increased or whether the current estimate is accurate. In the meantime, to provide a biological safety measure to ensure that biological stress or temporary overfishing of the sablefish stock does not occur before a hearing is held and the Council's report and recommendations are received, the Secretary is imposing a trip limit of 3,000 pounds per vessel. The 3,000 pound trip limit, determined according to § 663.27(b)(3), is based on the average proportion of sablefish landed from mixed groundfish trawls containing sablefish in 1982.

This trip limit will go into effect on October 27 with a 48-hour "grace period" to allow fishermen a reasonable length of time to became aware of this trip limit, complete fishing trips, and off-load catches made prior to October 27. This trip limit is effective for 45 days under authority of section 305(e) of the Magnuson Act, and may be extended (but not past 2400 PST December 31, 1982), modified, or terminated earlier if conditions warrant.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that these emergency regulations are necessary and appropriate for conservation and management of the groundfish resource off the costs of Washington, Oregon, and California and that they are consistent with the Magnuson Act, including the national standards, and other applicable law.

Recognizing the critical need for these interim regulations for the 1982 groundfish fisheries, the Assistant Administrator has determined that an emergency exists; these regulations are issued under authority of section 305(e) of the Magnuson Act to amend the existing regulations. He has determined that continued effect of the regulations now in force would not provide adequate protection of the resource and would cause unnecessary economic hardships for fishermen and coastal communities; therefore, it is necessary to promulgate these emergency regulations immediately.

The Assistant Administrator finds for good cause that the reasons which justify promulgating emergency regulations under section 305(e) of the Magnuson Act also make it impracticable and contrary to the public interest to provide notice and opportunity for comment upon, or to delay for 30 days the effective date of, these emergency regulations, under the provisions of section 553 (b) and (d) of the Admininstrative Procedure Act, 5 U.S.C. 551 *et seq.*

The NOAA Administrator has determined that the rules are not "major" under Executive Order (E.O.) 12291 requiring a regulatory impact analysis. A relatively small number of fisherman conducting a directed fishery for sablefish will be adversely affected, as they would be if the directed fishery for sablefish was closed.

The NOAA Administrator has determined that the emergency which justifies the promulgation of emergency regulations under section 305(e) of the Magnuson Act also constitutes an emergency situation under section 8(a)(1) of E.O. 12291. Because it is imperative to implement these rules immediately, it is impracticable to comply with section 3(c)(3), which requires that NOAA transmits to the Director of the Office of Management and Budget (OMB) a copy of every nonmajor rule, at least 10 days prior to publication. However, a copy of these emergency regulations has been transmitted to the Director of OMB.

The Regulatory flexibility Act does not apply to these emergency rules, which will be published without prior opportunity for public comment.

This action was within the range of alternatives analyzed in the FEIS for the 1982 Pacific Groundfish. Therefore, a supplement is not required. The 1982 FEIS is on file with the Environmental Protection Agency.

These emergency regulations do not entail any Federal collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3507.

List of Subjects in 50 CFR Part 663

Fish, Fisheries, Fishing.

Dated: October 27, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 663—PACIFIC COAST GROUNDFISH FISHERY

For reasons set out in the preamble, 50 CFR Part 663 is amended as follows:

1. The authority citation for Part 663 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Part 663 is amended by revising § 663.27(b)(3), as printed in the final rule published on October 5, 1982 (47 FR 43964), to read as follows:

§ 663.27 Catch restrictions.

* * * * *

(b) * * *

(3) *Sablefish.* (i) When it is determined that 95 percent of the OY will be reached for that portion of the Monterey subarea between 37°00′ N. latitude and 36°30′ N. latitude, or for the fishery management area as a whole, the Secretary will publish a notice of closure in accordance with § 663.23 establishing a trip limit for the area. The trip limit will be based on the most recent data available for the season and will equal the average percentage of sablefish in all trawl landings containing sablefish in the area (37°00′ N. latitude to 36°30′ N. latitude, or the fishery management area as a whole), but in no event will the trip limit exceed 30 percent by weight of all fish on board.

(ii) From 2400 hours PDT, October 27, 1982, until 2400 hours PST, December 11, 1982, the trip limit for sablefish is 3,000 pounds per vessel per fishing trip.

[FR Doc. 82-30012 Filed 10-27-82; 4:54 pm]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

TABLE OF EFFECTIVE DATES AND TIME PERIODS—NOVEMBER 1982

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or a holiday, the next Federal business day is used. (see 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
November 1	November 16	December 1	December 16	January 3	January 31
November 2	November 17	December 2	December 17	January 3	January 31
November 3	November 18	December 3	December 20	January 3	February 1
November 4	November 19	December 6	December 20	January 3	February 2
November 5	November 22	December 6	December 20	January 4	February 3
November 8	November 23	December 8	December 23	January 7	February 7
November 9	November 24	December 9	December 27	January 10	February 7
November 10	November 26	December 10	December 27	January 10	February 8
November 12	November 29	December 13	December 27	January 11	February 10
November 15	November 30	December 15	December 30	January 14	February 14
November 16	December 1	December 16	January 3	January 17	February 14
November 17	December 2	December 17	January 3	January 17	February 15
November 18	December 3	December 20	January 3	January 17	February 16
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November 22	December 7	December 22	January 6	January 21	February 22
November 23	December 8	December 23	January 7	January 24	February 22
November 24	December 9	December 27	January 10	January 24	February 22
November 26	December 13	December 27	January 10	January 25	February 24
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CFR CHECKLIST; 1981-82 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1981/82. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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200-end	7.50
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500-end	8.50
13	8.00
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300-399	7.50
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16 Parts:	
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CFR Index	9.50

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Title	Price
17 Parts:	
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1-149	8.00
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19	9.50
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22	9.00
23	7.50
24 Parts:	
0-199	7.00
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500-799	7.00
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1700-end	7.00
26 Parts:	
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40-299	8.50
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0-17	8.00
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150-189	7.50
190-399	7.50
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8	5.50
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42 Parts:	
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61-399	6.50
400-end	9.00
43 Parts:	
1-999	7.00
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4000-end	6.50
44	7.50
45 Parts:	
1-199	7.00
200-499	6.00
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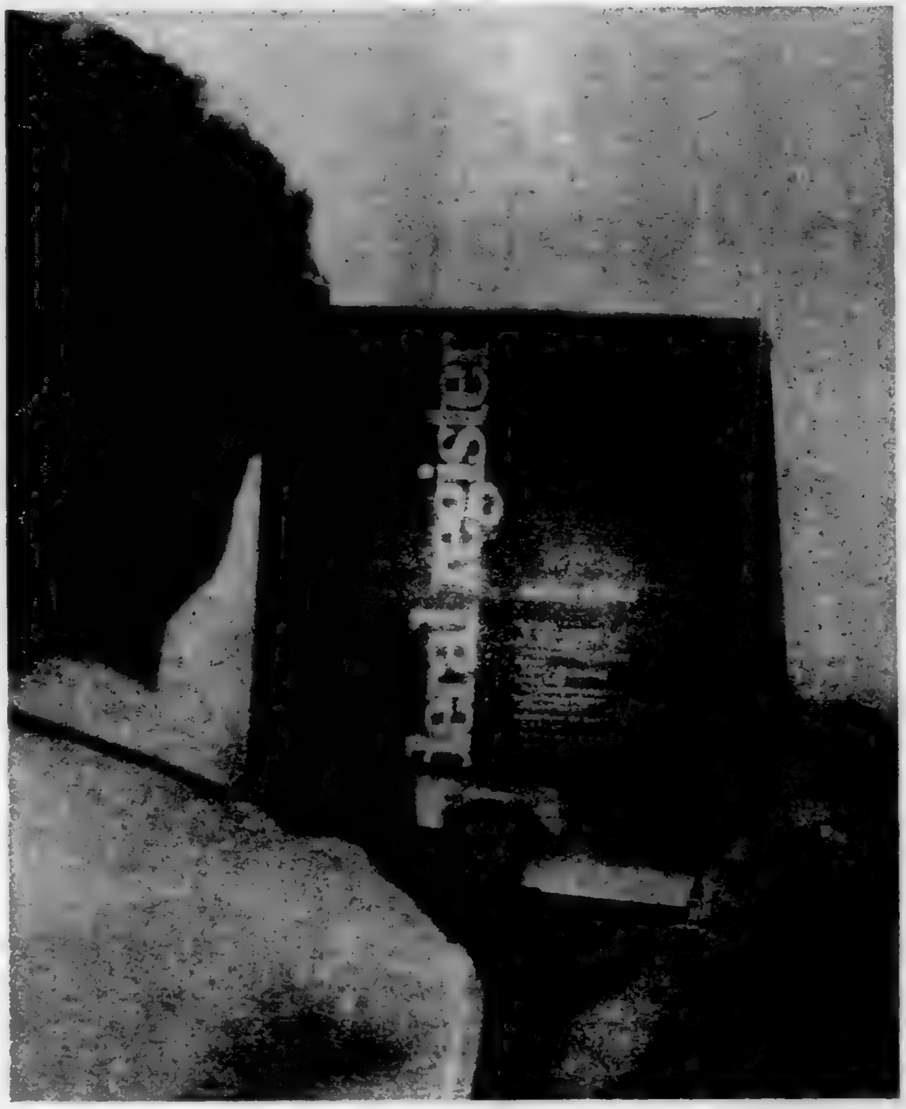

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Rural Electrification Administration

Flood Insurance
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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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The President

Proclamation 4991 of October 27, 1982

Suspension of the Application of Column 1 Rates of Duty of the Tariff Schedules of the United States to the Products of Poland

Correction

The tenth paragraph, numbered (2)(i), of Proclamation 4991, appearing at page 49005 in the **Federal Register** issue of October 29, 1982, was incomplete. The paragraph should read as follows:

(1) by deleting the colon at the end of the first paragraph and inserting "or pursuant to Presidential Proclamation 4991, dated October 27, 1982:" in lieu thereof; and

[FR Doc. 82-30269
Filed 11-1-82; 10:26 am]
Billing code 3195-01-M

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Proclamation 4993 of October 29, 1982

Termination in Part of the Proclamations Carrying Out the Agreement Between the Governments of the United States of America and Argentina Concerning Hide Exports and Other Trade Matters

By the President of the United States of America

A Proclamation

1. On August 10, 1979, the Governments of the United States of America and the Argentine Republic entered into an Agreement Concerning Hide Exports and Other Trade Matters (the Agreement) (TIAS 9976). The Agreement was implemented by Proclamation 4694 of September 29, 1979, and became effective October 1, 1979.

2. The Agreement provided in pertinent part that Argentina adopt a 20% ad valorem tax on exports of cattle hides, effective October 1, 1979, to replace its embargo on exports of such products, and then phase out the tax. The United States agreed to reduce its duty on bovine leather now provided for in item 121.61 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), and to reduce its duty on corned beef provided for in item 107.48 of the TSUS.

3. Argentina has, since October 1980, failed to fully comply with the provisions of the Agreement.

4. As a result of Argentina's breach of the Agreement, I proclaimed, on October 20, 1981, by Proclamation 4876, a suspension in part of the column 1 rate of duty applicable to item 121.61 of the TSUS.

5. In July 1982, Argentina took further action inconsistent with its obligations under the Agreement. Since adequate compensation has not been received for Argentina's breach of the Agreement, I have determined that it is in the best interest of the United States to terminate the Agreement, and it has been terminated by an exchange of notes between the two parties, effective on October 30, 1982. I have further decided that the rate of duty on TSUS item 121.61 shall on that date be restored to the level at which it would have been but for the Agreement.

6. Section 125(f) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2135(f)) requires the President to provide the opportunity for interested parties to present views at a public hearing prior to taking action pursuant to Section 125 (b), (c), or (d) of the Trade Act (19 U.S.C. 2135 (b), (c), or (d)). Such an opportunity was provided by holding such a hearing on October 6, 1982, at the Office of the United States Trade Representative (USTR).

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including Sections 125 and 604 of the Trade Act (19 U.S.C. 2135 and 2483), do proclaim that:

(1) Proclamation 4694 and Proclamation 4876 are terminated, insofar as they relate to the rate of duty for TSUS item 121.61 effective October 30, 1982, and insofar as they relate to TSUS item 107.48 effective October 30, 1983.

(2) The column 1 rate of duty applicable to item 121.61 of the TSUS is modified to read "5% ad val." effective as to articles entered or withdrawn from warehouse for consumption on and after October 30, 1982.

Pursuant to section 604 of the Trade Act (19 U.S.C. 2483), modifications of TSUS item numbers and article descriptions made by Proclamation 4694 will remain in effect until terminated or modified by subsequent action. Pursuant to section 125(e) of the Trade Act (19 U.S.C. 2135(e)), the current column 1 rate of duty applicable to TSUS item 107.48 will, unless some earlier action is taken with regard thereto, remain in effect until October 30, 1983, at which time it will revert to 7.5% ad valorem.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of October, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-30272
Filed 11-1-82; 10:45 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 47, No. 212
Tuesday, November 2, 1982

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 273 and 282

[Amdt. No. 206]

Food and Stamp Program: Removal of Certain References and Demonstration Project Pre-Operational Procedures From the Code of Federal Regulations

Correction

In FR Doc. 82-28484, appearing at page 46485, in the issue of Tuesday, October 19, 1982, make the following changes:

On page 46486, in the second column, § 273.9(d)(4) the first line should read "(d) *Dependent care.* Payments for the".

BILLING CODE 1505-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 563

[No. 82-710]

Surety Bonds

Dated: October 27, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is amending its regulation pertaining to maintenance of fidelity bond coverage for officers and employees of institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions"), to permit the boards of directors of insured institutions to adopt riders as they may deem appropriate. As a result of these amendments, an institution's board of directors will obtain greater flexibility to add riders negotiated with or required by underwriters without prior Board approval.

EFFECTIVE DATE: October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Peter M. Barnett, Associate General Counsel (202-377-6445), or Cynthia D. Farmer, Legal Assistant (202-377-6472), Office of the General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW. Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On January 18, 1979, the Board adopted amendments to its regulations governing surety bond coverage required to be maintained by insured institutions (12 CFR 563.19 and 571.14) to change the maximum deductible amounts permitted for fidelity bonds of insured institutions and codify the Board's policy regarding acceptable surety companies. FHLBB Resolution No. 79-31; 44 FR 4936 (January 24, 1979). These amendments permitted negotiation between an insured institution and a surety company within regulatory limitations designed to prevent unsafe and unsound practices and allowed a deductible not exceeding 2 percent of an insured institution's net worth with an exception for smaller institutions. These amendments also reduced the requirements for approval of surety companies, thereby increasing competition and encouraging better rates and services to insured institutions.

Currently, questions regarding the acceptability of insurance policy riders which may result in coverage different from that specified in § 563.19(a) are handled at the supervisory level. From this experience, the Board believes that choices regarding specific bond coverage, within the guidelines set forth in Standard Form No. 22, can safely be made by the management of individual institutions. Therefore, in order to provide broad guidelines for these institutions and in order to ensure the enforceability of surety bond requirements, the Board is revising the language in § 563.19.

Because this amendment is a rule of Board procedure and relieves institutions of the burden of seeking Board approval before accepting riders to surety bonds, the Board finds it is unnecessary to publish general notice of proposed rulemaking pursuant to 12 CFR 508.13 and 5 U.S.C. 553(b) or to delay publication of the amendment for the period of time specified in 12 CFR 508.14 and 5 U.S.C. 553(d).

List of Subjects in 12 CFR Part 563

Savings and loan associations.

Accordingly, the Board hereby amends Part 563 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

PART 563—OPERATIONS

Revise the text preceding the chart in paragraph (a) of § 563.19, as follows:

§ 563.19 Bonds for directors, officers, employees, and agents; form of and amount of bonds.

(a) Each insured institution shall maintain bond coverage with a bonding company acceptable to the Corporation, using the standards set out in § 571.14 of this Subchapter, in the form known as Standard Form No. 22 or its equivalent. The bond shall cover each director, officer, employee and agent who has control over or access to cash or securities of such institution. Such coverage shall be maintained in the minimum amount set forth below, computed on a base consisting of the total assets of the institution plus the unpaid balance of loans which it has contracted to service for others. The institution's board of directors must specifically approve any riders to Standard Form 22 and the approval of any rider must be set forth in the minutes of the meeting at which the board of directors approves that rider

* * * * *

(Sec. 407, 48 Stat. 1260, as amended; 12 U.S.C 1730, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board

J. J. Finn,
Secretary.

[FR Doc. 82-30150 Filed 11-1-82; 8:45 am]

BILLING CODE 6720-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB-49]

Staff Accounting Bulletin No. 49

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This staff accounting bulletin expresses the staff's views regarding disclosures by bank holding companies about loans to public and private sector borrowers located in countries that are experiencing liquidity problems.

DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Marc D. Oken or Edmund Coulson, Office of the Chief Accountant (202/272-2130); or Howard P. Hodges, Jr. or Charles A. Oglebay, Jr., Division of Corporation Finance (202/272-2553), Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The statements in Staff Accounting Bulletins are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the Federal securities laws.

George A. Fitzsimmons,
Secretary.
October 28, 1982.

Staff Accounting Bulletin No. 49

The staff herein adds Section H to Topic 11 of the Staff Accounting Bulletin Series. This section discusses the disclosures by bank holding companies about loans to foreign countries that are experiencing liquidity problems.

Topic 11: Miscellaneous Disclosure

* * * * *

H. *Disclosures by Bank Holding Companies About Certain Foreign Loans.*

Facts:

Periodically, certain foreign countries experience political and economic conditions which create liquidity problems. These conditions may have a material impact on the ability of both private and public sector borrowers in these countries to make timely principal or interest payments on obligations to U.S. banks. Although these factors may be separate and apart from the normal credit risks of international lending activities, they potentially affect the ability of borrowers to comply with the terms of their lending agreements because it may be difficult to obtain U.S. dollars or other foreign currency necessary to service these cross border obligations currently.

Because of the significant conversion risks and other uncertainties related to these loans, many bank holding companies have been providing certain disclosures about them in Commission filings. However, the nature of these disclosures has varied significantly and numerous questions have arisen with respect to the staff's views on the appropriate disclosures in these circumstances.

Question:

What disclosures does the staff view as appropriate when a bank holding company has cross border loans to foreign countries that are currently experiencing liquidity problems?

Interpretive Response:

Bank holding companies engaged in cross border lending activities in countries experiencing liquidity problems may be faced with unusual risks or uncertainties. The staff believes that information about such situations is material to investors because it is necessary to assist them in making judgments about international lending activities which involve more than normal credit risks. This view is consistent with the Commission's long-standing requirement that registrants include in both Securities Act and Securities Exchange Act filings "such further material information as is necessary to make the required statements, in light of the circumstances under which they are made, not misleading." [1] Further, the requirements of Industry Guide 3, "Statistical Disclosures by Bank Holding Companies," provide that separate disclosure of loan categories be given when a substantial portion of loans are concentrated in one or a few foreign countries or to show any other unusual risks or uncertainties.[2]

The staff believes that the following disclosures represent the appropriate minimum information which is necessary in Securities Act or Securities Exchange Act filings to inform investors about the possible impact of cross border lending transactions on the registrant. For purposes of this guidance, the one percent criterion has been arbitrarily selected in the interest of facilitating disclosure.[3]

1. Where conditions in a country give rise to problems which may have a material impact on the timely payment of interest or principal on that country's private or public sector debt, and where the aggregate outstandings (loans, acceptances, interest-bearing deposits with other banks and other investments) related to such country which are payable to the registrant in U.S. dollars or other foreign currencies exceed one percent of the registrant's total consolidated outstandings, the country should be identified.

2. The amount of such outstandings to all identified countries should be stated in absolute dollars, as a percentage of total amounts, or in a similar manner which will indicate the magnitude of the outstandings related to the identified countries. While the amount of the outstandings may be aggregated, where the aggregate amount so disclosed comprises heavy concentrations in any country, the amount related to that country should be separately disclosed.

3. An indication as to the effect that these conditions have had or are expected to have on the financial condition or results of operations of the registrant should be provided.

As an alternative to the above disclosures, the following information may be provided:

1. Identify each country in which the total private and public sector outstandings which are payable to the registrant in U.S. dollars or other foreign currencies exceed one percent of the registrant's total consolidated outstandings.

2. The amount of outstandings to each such identified country should be stated in absolute terms, as a percentage of total amounts, or in a similar manner which will indicate the magnitude of the outstandings related to the identified country.

3. If the outstandings to any of the identified countries have had or are expected to have a material adverse impact on the registrant's financial condition or results of operations, this impact should be discussed.

[FR Doc. 82-30145 Filed 11-1-82; 8:45 am]

BILLING CODE 8010-01-M

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[1] 17 CFR 230.408 and 17 CFR 240.12b-20.

[2] Industry Guide 3, Section III.A.

[3] The one percent referred to in the following text is for the purpose of disclosure guidance, not as an indicator of a prudent level of lending to any one country by an individual bank.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 74, 81, and 82

[Docket No. 76C-0045]

D&C Green No. 5; Listing as a Color Additive in Drugs and Cosmetics; Termination of Stay and Confirmation of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; termination of stay and confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is terminating the stay of regulation for the "permanent" listing of D&C Green No. 5 for use in drugs and cosmetics, excluding use in the area of the eye. The regulation was stayed by the filing of objections under the formal rulemaking provisions of the Federal Food, Drug, and Cosmetic Act while FDA evaluated and acted on the objections. The agency has completed its evaluation of the objections and concludes that they are not adequate to continue the stay of the regulation listing D&C Green No. 5. Therefore, this document terminates the stay of the regulation and confirms the effective date of July 7, 1982, for the regulation listing D&C Green No. 5 for general use in drugs and cosmetics, excluding use in the area of the eye. This document also amends the color additive regulations by removing D&C Green No. 5 from the color additive provisional list.

DATE: Effective date confirmed: July 7, 1982.

FOR FURTHER INFORMATION CONTACT: Rudolph Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: The current closing date of November 1, 1982, for the provisional listing of D&C Green No. 5 was established by a final regulation published in the **Federal Register** of September 3, 1982 (47 FR 38883). The date was set to provide FDA time to evaluate and act on objections received in response to a final regulation published in the **Federal Register** of June 4, 1982 (47 FR 24285), that approved a petition for the permanent listing of D&C Green No. 5 for general use in drugs and cosmetics, excluding use in the area of the eye. The preamble to the September 3, 1982 final rule announced that the regulation that permanently listed D&C Green No. 5 for drug and cosmetic use was stayed pending final agency action on the objections.

The agency received two letters stating objections to the permanent listing regulation for D&C Green No. 5. One objection was from an individual, and one was from a consumer group. The objections are on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, under the docket number found in the heading of this document. No requests for a hearing, however, were received in response to the listing regulation.

After evaluating the two objections, the agency finds that neither presents issues of fact that warrant a hearing (21 CFR 12.24(B)). The objections and the agency's response to them are summarized below.

1. One objection focused on the conclusion of the Board of Scientific Counselors (the Board) of the National Toxicology Program (NTP) that "in male mice [in the bioassay of D&C Green No. 5 sponsored by the Cosmetic, Toiletry, and Fragrance Association (CTFA)], there was a small but statistically significant increase in combined hepatocellular carcinomas and hepatocellular adenomas based on pairwise comparison and trend analysis." The objection noted that on the basis of cumulative biological factors, FDA decided that CTFA's test results are negative for carcinogenicity. The objection argued, however, that the Board concluded that the data are equivocal, and argued that, therefore, "there is sufficient concern that the dye is a carcinogen and unsafe" to require the FDA not permanently list this color additive.

The agency's reasons for concluding that the carcinogenicity bioassays for D&C Green No. 5 are negative are fully explained in the preamble to the June 4, 1982 final rule. FDA incorporates by reference herein all discussions of this issue set forth in the preamble to the final rule.

Although it is true, as the objection states, that the Board concluded that the data are equivocal, it is also true that the Board attributed the equivocality to the statistical results. The members of the Board pointed to certain limitations in the data available to them and suggested certain additional analyses that could possibly resolve the equivocality. For example, Dr. Breslow, the statistical consultant to the Board, stated that he had two reservations about his statistical analysis of the data. First, he noted that the results for the high-dose group could have been the result of expected variability in the data. Therefore, he suggested that FDA perform an analysis of variance on the data:

> Dr. Breslow: Well, let me raise a question about it and perhaps it will come up again later. The question is has anyone actually analyzed this data to look at the within versus the between experiment, components of variability and historical incidence? And secondly, the degree to which that is in excess of the binomial expected variability?
>
> Dr. Moch: The answer is no.
>
> Dr. Breslow: It would be very helpful, I think, if that were done.

Transcript of March 9, 1982 Meeting of Board of Scientific Counselors, NTP (Tr.), 34-35.

He also stated that his analysis took no account of the plausibility of any of the biological mechanisms. Tr. 96. Doubts about the statistical analysis were also expressed by the consulting pathologist to the Board (Ref. 1), who pointed out that the biological evidence failed to substantiate the trend analysis.

FDA will endeavor to resolve any equivocality in data presented to it to assure that the agency's regulatory decisions are as well-informed and as fair as possible. Of course, in the interest of the public health and safety, FDA will not approve a petition for a color additive if the agency is unable to conclude that safe conditions of use can be established on the basis of the evidence before it. In the case of D&C Green No. 5, FDA focused on the two factors mentioned by Dr. Breslow in the agency's effort to resolve the equivocality that the Board found.

The first factor FDA considered was the import of the incidence of hepatocellular tumors in the control and test groups in the male mouse D&C Green No. 5 bioassay. Before the Board met, FDA had counted the tumors and found that 11 of the 56 mice (19.6 percent) in the high-dose (2 percent of diet) treatment group had hepatocellular tumors. Tumor incidence in the concurrent control groups was much lower. Only 4 of 59 animals (6.8 percent) in one control group and 6 of 59 (10.2 percent) in the other had hepatocellular tumors. In addition, in the lowest dose group (0.05 percent of diet), only 2 of 57 animals (3.5 percent) had tumors. On the basis of these results, the p-value for the dose-related trend for these neoplasms is low.

Upon review of the historical data, however, the agency found that the average (mean) spontaneous incidence among historical controls at Hazleton Laboratories was 18.7 percent (59 of 316 animals). (See Attachment 4 to the Summary Minutes of the March 9, 1982 meeting of the Board of Scientific Counselors, NTP.) Thus, the incidence of hepatocellular tumors in the high-dose group is virtually the same as the average incidence in the historical controls. This fact caused FDA, and later the Board, to question whether the low p-value found for dose-related trend for hepatocellular neoplasms reflected a real biological effect.

Further analysis was necessary before FDA could determine what effect the historical control data had on the importance of the statistical results. Therefore, after the Board met, as Dr.

Breslow suggested, FDA conducted an analysis of variance on the incidence of liver neoplasms in male mice of the CD-1 strain used at Hazleton Laboratories as controls in other studies. The purpose of this analysis was to determine whether the incidence of hepatocellular tumors in the high-dose treatment group is significantly higher than the spontaneous background incidence.[1]

This analysis revealed that the tumor incidence in the D&C Green No. 5 high-dose group is within the expected range for controls. On the basis of this analysis, FDA has concluded that the tumor incidence found in the high-dose group is attributable to random variation. This conclusion mitigates the significance of the low p-value calculated using the concurrent control groups. Based on the foregoing, FDA ascribes the low p-value in the trend test to the low incidence of tumors in the concurrent control and low-dose groups rather than to a treatment-related increase in the incidence of tumors in the high-dose group.

Turning to the question of the biological mechanism, the agency found that the analysis of the microslides of the mouse livers did not reveal the progressive development in the tumors that would be expected of a carcinogenic effect (see 47 FR 24282; June 4, 1982). As FDA stated in the preamble to the June 4, 1982 final rule, in the test of D&C Green No. 5, the characteristics of the liver tumors were similar in both the treated and control groups. These findings have led FDA to conclude that the small increase in incidence of liver tumors in the high-dose group was a spurious and nonreproducible occurrence. *ID.*

In summary, FDA believes that, in this instance, the p-value calculated using the concurrent controls for the trend in the incidence of hepatocellular tumors in the mouse bioassay of D&C Green No. 5 is not a crucial factor in determining whether this bioassay has shown the color additive to be a carcinogen. The agency has evaluated the biological and historical, as well as the statistical, data from the mouse bioassay of D&C Green No. 5. On the basis of its evaluation of all the relevant data, FDA finds that, contrary to the objection, the mouse bioassay, like the rat bioassay, of D&C Green No. 5 was negative rather than positive or equivocal.

2. Both objections stated opposition to the final rule permanently listing D&C Green No. 5 on the basis of the Delaney Clause of the Color Additive Amendments of 1960 (the Amendments). The objections contended that the presence of *p*-toluidine in D&C Green No. 5 (referred to as a mixture of chemicals by one of the objections) is evidence that the color additive as a whole causes cancer, and that for that reason, FDA must deny the petition. The objections also contended that the Delaney Clause is an absolute prohibition of the approval of any color additive that causes cancer in animals or man. Both objections cited 21 U.S.C. 321 (section 201 of the Federal Food, Drug, and Cosmetic Act (the act)) in support of their argument that D&C Green No. 5 is subject to the Delaney Clause because it contains *p*-toluidine. These objections were not accompanied by new information.

For the scientific and legal reasons that were fully explained in the June 4, 1982 listing regulation, and are incorporated here by reference, the agency disagrees with the interpretation of the Amendments (21 U.S.C. 376) in the objections.

FDA no longer believes that it must refuse to list a color additive because that additive contains or is expected to contain a carcinogenic impurity. The agency interprets the Delaney Clause as applying when tests of the color additive as a whole indicate that the substance causes cancer. It is true that this interpretation represents a departure from some of the agency's previous actions under the Amendments. However, an agency can change its position when, as here, it gives reasons for the change, and when no egregious injustice results. *Public Citizen v. Foreman,* 631 F. 2d 969, 976 n. 15 (D.C. Cir. 1980).

Contrary to the assertion in one of the objections, as discussed in the final rule on D&C Green No. 6 (47 FR 14138, 14142; April 2, 1982) (Ref. 2), which the agency incorporated in the D&C Green No. 5 decision (47 FR 24280; June 4, 1982), FDA believes that its interpretation is consistent with the language and intent of the Delaney Clause. Section 706 of the act (21 U.S.C. 376) prescribes a system for regulating substances called "color additives", which the statute distinguishes from the intermediates and other impurities that these substances contain. The statute specifically states that the impurities and intermediates contained in a color additive should be considered in determining whether use of the color additive is safe. 21 U.S.C. 376(b)(5)(A)(iv)(I). However, it makes no mention of these impurities and intermediates in the Delaney Clause. In this section, the statute speaks only of the color additive. 21 U.S.C. 376(b)(5)(B). Therefore, FDA believes that the Delaney Clause should be interpreted, in line with its literal terms, as requiring the ban of only those color additives that have been found to cause cancer in an appropriate test of the additive as a whole.

FDA agrees that, because the starting materials in a chemical reaction are never completely reacted, the color additive is likely to contain residual amounts of its starting materials. D&C Green No. 5, therefore, may contain small amounts of D&C Green No. 6, which in turn is likely to contain small amounts of one of its own starting materials, *p*-toluidine, a carcinogen. In addition, the agency agrees that the presence of *p*-toluidine could be cause for concern if it is present at high enough levels, but FDA does not agree that the color additive is unsafe under the Delaney Clause.

The Delaney Clause states that a color additive shall be deemed unsafe and shall not be listed.

> * * * For any use which will or may result in ingestion of all or part of such additive, if the additive is found by the Secretary to induce cancer when ingested by man or animal, or if it is found by the Secretary, after tests which are appropriate for the evaluation of the safety of additives for use in food, to induce cancer in man or animal * * *.

21 U.S.C. 376(b)(5)(B)(i). D&C Green No. 5 has been appropriately tested for ingested uses. In the chronic toxicity studies, it was fed to rats at exaggerated dietary levels of up to 1.0 percent and to mice at levels of up to 2.0 percent. These studies are of good quality in design and execution and meet contemporary standards of toxicological sensitivity. On the basis of the chronic toxicity studies, FDA has concluded that, under the conditions of these tests, D&C Green No. 5 does not induce cancer, and that therefore the Delaney Clause is not a bar to the permanent listing of this color additive.

The Delaney Clause does not require FDA to ban an additive on the hypothesis that the additive might cause cancer if it were tested in a hypothetical study. As discussed in the D&C Green No. 6 final rule (47 FR 14142), the agency believes that any risk to the public health presented by the presence of *p*-toluidine in D&C Green No. 5 is appropriately and adequately regulated under the general safety clause. 21 U.S.C. 376(b)(4).

3. One objection cited the statistically significant increase in hepatocellular tumors observed in the high dose group of male mice in the D&C Green No. 5 bioassay and argued that it "seems

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[1] The use of appropriate historical control data as an aid in evaluating data on a given chemical is a well-established practice. See, e.g., NCI Technical Report No —.

plausible that there is an association between the known carcinogenicity of *p*-toluidine and the evidence of carcinogenicity of D&C Green No. 5."

FDA disagrees with the objection for two reasons. First, as discussed in response to comment 1 above, FDA has concluded that the incidence in tumors in male mice receiving the high dose of the color additive was not a carcinogenic effect of D&C Green No. 5. Therefore, there is no basis for associating the carcinogenicity of *p*-toluidine with the observed increase in liver tumors in the D&C Green No. 5 bioassay. Second, in the *p*-toluidine study, mice were fed *p*-toluidine at a dosage level of 100 milligrams per kilogram body weight per day, whereas the mice in the D&C Green No. 5 study were exposed to *p*-toluidine from contamination at a level of 0.003 milligram per kilogram body weight per day. Thus, there was a 30,000-fold difference in the level of exposure to *p*-toluidine in the two studies. Contrary to the objection, it is not plausible that the number of hepatocellular tumors in the high-dose group is attributable to the presence of *p*-toluidine in D&C Green No. 5 because *p*-toluidine is a relatively weak carcinogen, as was demonstrated in the Weisburger Study (47 FR 24279; June 4, 1982 (footnote 1)).

4. One objection claimed that a risk between 1 in 30 million and 1 in 300 million provides a reasonable certainty of some harm rather than a reasonable certainty of no harm as is stated in the regulation. This objection argued that, in a population the size of the United States, it is likely that someone will have cancer as a result of exposure to D&C Green No. 5.

FDA disagrees. The objection's conclusion reflects a misunderstanding of the risk assessment that FDA performed and of the meaning and use of upper limit risk estimates in determining whether a substance is safe. An upper limit risk assessment, such as that performed by FDA, does not predict with mathematical precision what will actually occur. Indeed, such an assessment is intended to overestimate rather than to underestimate the potential risk and establishes a worst-case estimate of the results from exposure to the substance.

As explained in the final rule (47 FR 24284; June 4, 1982), FDA calculates the upper limit of risk from a lifetime exposure to the regulated uses of D&C Green No. 5 to be no greater than 1 additional case of cancer in 30 million people (or 1 in 300 million using the alternate method of risk assessment cited in the final rule (47 FR 24284)). This estimate does not mean, as the objection asserts, that 1 person in 30 million (or 1 in 300 million) will inevitably contract cancer. It does mean that the agency can conclude with reasonable certainty that no more than 1 person in 30 million (or 1 in 300 million) will contract cancer from exposure to D&C Green No. 5. The worst-case risk estimate is consistent with the likelihood that no cancers will result from the use of this color additive and thus with a reasonable certainty of no harm.

Therefore, the agency disagrees with the objection and concludes that the claim made in the objection is without merit.

5. Both objections asserted that FDA's reliance on *Monsanto* v. *Kennedy* (613 F. 2d 947 (D.C. Cir. 1979)) is misplaced. One objection argued that the *Monsanto* decision did not authorize the agency to disregard the policy expressed in the Delaney Clause. The other objection argued that *Monsanto* is not dispositive of the issues here, and that even if it is, neither prong of the *Monsanto* exception is met here. This objection argued that FDA has not found that the amount of *p*-toluidine in D&C Green No. 5 is de minimis, or that the color additive presents no health or safety concerns.

FDA disagrees with each of these assertions.

First, the agency does not believe that it is disregarding the Delaney Clause. In drafting the Delaney Clause, Congress implicitly recognized that known carcinogens might be present in color additives as intermediates or impurities but at levels too low to trigger a response in conventional test systems. Congress apparently concluded that the presence of these intermediates or impurities at these low levels was acceptable. This legislative judgment accounts for the absence of any requirement in the Delaney Clause that the impurities and intermediates in a color additive, rather than the additive as a whole, be tested or otherwise evaluated for safety. Thus, Congress drew a rough, quantitative distinction between a color additive that is deemed unsafe under the Delaney Clause because it causes cancer, and an additive that is not subject to the Delaney Clause because it does not cause cancer even though one of its constituents does. FDA's decision on D&C Green No. 5 is consistent with this distinction.

Second, FDA does not believe that this matter can be distinguished from *Monsanto* v. *Kennedy*, as one objection attempts to do. Even though *Monsanto* involved a contaminant that migrates to food from a container, and this rulemaking involves a contaminant that is directly added to ingested drugs and cosmetics as part of a color additive, both matters are concerned with the regulation of such contaminants under the act. Consequently, *Monsanto* is directly relevant to the issues present here. (See 47 FR 14145; April 2, 1982 and 47 FR 24280; June 4, 1982.)

Third, it is true that FDA did not explicitly make the findings required by *Monsanto* in the D&C Green No. 5 decision. However, that decision incorporates the D&C Green No. 6 final rule, in which the agency stated:

> * * * FDA has determined that in finished drugs and cosmetics containing D&C Green No. 6 the amount of *p*-toluidine is so small, and the risks from its use are so insignificant, that no public health or safety concerns are presented. Therefore, it is appropriate to grant the petition to list D&C Green No. 6.

47 FR 14145.

There is almost 100 times more *p*-toluidine in D&C Green No. 6 than there is in D&C Green No. 5. This fact, plus the fact that, according to FDA's calculations, the upper limit individual lifetime risk from exposure to *p*-toluidine as a result of use of products containing D&C Green No. 6 (1 in 15 million) is almost twice as great as the upper limit risk from exposure to *p*-toluidine as a result of use of products containing D&C Green No. 5 (1 in 30 million), clearly establish that the level of *p*-toluidine in finished drug and cosmetic products containing D&C Green No. 5 is so negligible that it presents no public health or safety concerns.

6. One objection stated that D&C Green No. 5 contains lead and arsenic, which are known carcinogens. The objection made this claim as a further contention that the final listing regulation for this color additive is in violation of the Delaney Clause.

The specifications for D&C Green No. 5, as published in the **Federal Register** of June 4, 1982 under 21 CFR 74.1205(b)(2), establish maximum tolerances for lead at 20 parts per million and for arsenic at 3 parts per million. FDA did not include these specifications to permit the addition of lead or arsenic to the color additive. The agency established these specifications because it recognizes that lead and arsenic are ubiquitous in the environment (see 21 U.S.C. 346), and that there are limits on a manufacturer's ability to assure that these impurities will not get into a batch of a color additive. Therefore, the agency has set forth the limits on the amount of heavy metals that it will accept in the certification process. FDA will not certify a sample that exceeds these specifications. Thus, these specifications assure that the color additive will be safe under its conditions of use.

If FDA interpreted the Delaney Clause as forbidding approval of any color additive that contains a carcinogenic impurity, FDA would be unable to approve any color additive because practically no additive can be made so as to exclude low levels of lead and arsenic. Similarly, the Delaney Clause, if interpereted as the objector suggests, would bar approval of many food additives because they also may contain low levels of lead and arsenic. Certainly, Congress did not intend that the Delaney Clause would operate to ban all these additives simply because they contain, at low levels, recognized carcinogenic substances like lead and arsenic.

Based on the foregoing, it is clear that the specifications for lead and arsenic in D&C Green No. 5 do not present any reason for invoking the Delaney Clause.

7. One objection stated that FDA had failed to consider that there are color additives, proven to be safe, that could be substituted for D&C No. 5 for use in drugs and cosmetics.

FDA has no legal authority under the act to consider the presence or lack of other suitable color additives in determining whether to regulate a color additive. The criterion for evaluation has been, and remains, safety.

Conclusion

The agency has completed its evaluation of the objections and concludes, for the reasons discussed in this document, that the objections are not adequate to stay the regulations listing D&C Green No. 5 as a color additive. No requests for a hearing were received in response to the listing regulation. Therefore, this document terminates the stay of the regulations and confirms the effective date of July 7, 1982, for the regulations listing D&C Green No. 5. With the listing of D&C Green No. 5, the entries for this color additive under 21 CFR Part 81 are now obsolete.

Therefore, the agency also concludes that the entries for D&C Green No. 5 should be removed from 21 CFR 81.1 and 81.27. The agency concludes that there is good cause not to provide for further public comment on this change in the regulation. The change is a mere editorial revision to remove D&C Green No. 5 from the provisional list, because of the November 1, 1982 expiration of the closing date for provisional listing, and because of this document that confirms the effective date of the permanent listing regulation.

References

The following information has been placed in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

1. Letter of Stan D. Vesselinovitch to Larry G. Hart, Assistant to the Director, NTP, April 8, 1982.
2. Final Rule on D&C Green No. 6 (47 FR 14138; April 2, 1982).

List of Subjects in 21 CFR Parts 74, 81, and 82

Color additives, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c), and (d), 74 Stat. 399-403 (21 U.S.C. 376 (b), (c) and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), 21 CFR Chapter I is amended as follows:

1. The stay of effectiveness of §§ 74.1205, 74.2205, and 82.1205 is terminated.

2. Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOOD, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In § 81.1 *Provisional lists of color additives*, paragraph (b) is amended by removing the entry "D&C Green No. 5".

§ 81.27 [Amended]

2. In § 81.27 *Conditions of provisional listing*, paragraph (d) is amended by removing the entry "D&C Green No. 5".

Effective date. July 7, 1982.

(Sec. 706(b), (c) and (d), 74 Stat. 399-403 (21 U.S.C. 376(b), (c), and (d)); sec. 203, 74 Stat. 404-407 (21 U.S.C. 376, note))

Dated: October 28, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82-30061 Filed 10-28-82; 3:52 pm]

BILLING CODE 4160-01-m

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21 CFR Parts 74, 81, and 82

[Docket No. 82N-0268]

D&C Orange No. 5

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is permanently listing D&C Orange No. 5 for use in lipsticks or other lip cosmetics and in drug and cosmetic mouthwashes and dentifrices. This action is a partial response to a petition filed by the Cosmetic, Toiletry, and Fragrance Association, Inc. (CTFA). This final rule will remove D&C Orange No. 5 from the provisional list of color additives. However, to provide an opportunity for objections, published elsewhere in this issue of the **Federal Register** is an order that extends the closing date for the provisional listing of D&C Orange No. 5 for use in lipsticks and other lip cosmetics and in drug and cosmetic mouthwashes and dentifrices. In addition, that order terminates the provisional listing of this color additive for use in externally applied drugs and cosmetics. This final rule also cancels certificates for D&C Orange No. 5 for use in externally applied drugs and cosmetics.

DATES: Effective November 30, 1982; objections by November 29, 1982; Certificates cancelled effective October 29, 1982.

ADDRESS: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 6, 1973 (38 FR 21199), FDA announced that a petition (CAP 6C0041) for the permanent listing of D&C Orange No. 5 as a color additive for general use in drugs and cosmetics had been filed by the Toilet Goods Association, Inc. (now CTFA, c/o Hazleton Laboratories, Inc., 9200 Leesburg Turnpike, Vienna, VA 22180). The petition was filed under section 706 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 376).

In the **Federal Register** of October 12, 1960 (25 FR 9759), as amended August 16, 1961 (26 FR 7578), and December 30, 1970 (35 FR 19749), FDA established temporary tolerances under § 81.25 (21 CFR 81.25), formerly § 8.503 (21 CFR 8.503), for the use of certain provisionally listed color additives, including D&C Orange No. 5, in lipsticks, ingested drugs, and other products subject to ingestion, such as mouthwashes and dentifrices. The agency set tolerance limits because "subacute studies have established that these colors are toxic substances, unsafe for unrestricted use in drugs and cosmetics" (25 FR 9760).

The original temporary tolerance levels for these color additives were based on preliminary usage information and toxicological information from testing performed in the 1950's. Later, color additive petitions were submitted that contained information concerning the use of each of the color additives, as well as reports on chronic feeding studies with each of the color additives. In addition, in accordance with a regulation published in the **Federal Register** of September 11, 1971 (36 FR 18336) (amended June 12, 1973; 38 FR 15472), teratology and multigeneration reproduction studies were conducted with the color additives listed under temporary tolerances. The data from these three sources provided a more substantive base for determinng appropriate levels of use for the color additives requiring temporary tolerances. On the basis of these data, in a regulation published in the **Federal Register** of August 21, 1979 (44 FR 48964), FDA established the current temporary tolerances for D&C Orange No. 5, which appear in § 81.25 and which no longer permit use of D&C Orange No. 5 in ingested drugs.

Toxicological Testing of D&C Orange No. 5

The provisional regulations published in the **Federal Register** of February 4, 1977 (42 FR 6992) required new chronic toxicity studies for D&C Orange No. 5 as a condition of its continued provisional listing for ingested uses. FDA required these studies for 31 color additives because the toxicity studies the petitioners had submitted to support the safe use of these color additives were deficient in several respects. FDA described these deficiencies in the **Federal Register** of September 23, 1976 (41 FR 41863):

1. Many of the studies were conducted using groups of animals, i.e., control and those fed the color additive, that are too small to permit conclusions to be drawn on the chronic toxicity or carcinogenic potential of the color. The small number of animals used does not, in of itself, cause this result; but when considered together with the other deficiencies in this listing, it does do so. By and large, the studies used 25 animals in each group; today FDA recommends using at least 50 animals per group.

2. In a number of the studies, the number of animals surviving to a meaningful age was inadequate to permit conclusions to be drawn today on the chronic toxicity or carcinogenic potential of the color additives tested.

3. In a number of the studies, an insufficient number of animals was reviewed histologically.

4. In a number of the studies, insufficient numbers of tissues were examined in those animals selected for pathology.

5. In a number of the studies, lesions or tumors detected under gross examination were not examined microscopically.

FDA postponed the closing date for the provisional listing of these color additives until January 31, 1981, to permit the completion of required chronic toxicity studies. However, in response to 3 petitions to provide for timely completion of the ongoing studies and submission of data to FDA on a prescribed schedule, the agency extended the closing dates for 23 provisionally listed color additives under test, including D&C Orange No. 5, on March 27, 1981 (46 FR 18954). The current closing date for the provisional listing of D&C Orange No. 5 is October 30, 1982.

Published elsewhere in this issue of the **Federal Register** is an order that extends the closing date for the provisional listing of D&C Orange No. 5 for use in lipsticks or other lip cosmetics and in drug and cosmetic mouthwashes and dentifrices. The new closing date for D&C Orange No. 5 is being established to provide for receipt and evaluation of any objections submitted in response to this final rule for permanent listing. The agency advises that it is not extending the closing date for use of D&C Orange No. 5 in externally applied drugs and cosmetics because this final rule does not provide for such uses. The provisional listing in § 81.1(b) (21 CFR 81.1(b)) of D&C Orange No. 5 for the permitted uses will be removed when this listing rule becomes effective.

Evaluation of the Safety of D&C Orange No. 5

Under section 706(b)(4) of the act (21 U.S.C. 376(b)(4)), the so-called "general safety clause" for color additives, a color additive cannot be listed for particular use unless the data presented to FDA establish that the substance is safe for that use. Although what is meant by "safe" is not explained in the general safety clause, the legislative history makes clear that this word is to have the same meaning for color additives as for food additives. (See H. Rep. No. 1761, "Color Additive Amendments of 1960," Committee on Interstate and Foreign Commerce, 86th Cong., 2d Sess. 11 (1960).) The Senate report on the Food Additives Amendment of 1958 states:

> The concept of safety used in this legislation involves the question of whether a substance is hazardous to the health of man or animal. Safety requires proof of a reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance. This was emphasized particularly by the scientific panel which testified before the subcommittee The scientists pointed out that it is impossible in the present state of scientific knowledge to establish with complete certainty the absolute harmlessness of any chemical substance.

S. Rep. No. 2422, "Food Additives Amendment of 1958," Committee on Labor and Public Welfare, 85th Cong., 2d Sess. 6 (1958).

FDA has incorporated this concept of safety into its color additive regulations. Under 21 CFR 70.3(i), a color additive is "safe" if "there is convincing evidence that establishes with reasonable certainty that no harm will result from the intended use of the color additive." Therefore, the general safety clause prohibits approval of a color additive if doubts about the safety of the additive for a particular use are not resolved to an acceptable level in the minds of competent scientists.

The agency has now completed its evaluation of the color additive petition for D&C Orange No. 5, which included two new chronic toxicity studies in rats and mice. These new long-term chronic studies represent current state-of-the-art toxicological testing. The protocols for these studies have benefited from knowledge of deficiencies in previously conducted carcinogenesis bioassays and other chronic toxicity protocols. The use of large numbers of animals of both sexes, pilot studies to determine maximum tolerated dosages, two control groups (thereby effectively doubling the number of controls), and in utero exposure in one of the two species tested significantly increases the power of these tests to detect dose-related effects. The studies were designed and conducted in full compliance with the good laboratory practice regulations and were subject to inspections by FDA officials during their course.

Based on the evaluation of the results of the two new chronic toxicity studies, the agency has determined that D&C Orange No. 5 is not carcinogenic to Charles River Sprague-Dawley CD rats or CD-1 mice after lifetime dietary exposure as high as 1.0 percent and 0.5 percent, respectively, under conditions of testing adequate to provide assurance of its safe use.

In evaluating the safety of this color additive, the agency has evaluated other appropriate animal studies in addition to these new chronic studies to determine any potential adverse effects from the use of D&C Orange No. 5 and thus to determine the level at which exposure to the color additive can be considered safe. The agency makes the latter determination by establishing a "no-adverse-effect" level on the basis of each animal study, by applying a safety factor to each study, and by selecting the study that leads to a calculation of the lowest acceptable daily intake.

For D&C Orange No. 5, FDA has evaluated the two new chronic feeding studies in rats and mice, chronic toxicity studies in dogs and rats, a teratology study in rats, a three-generation reproduction study in rats, a short-term feeding study in rabbits, an 18-month skin painting study in mice, and a dermal study in rabbits. From these evaluations, the agency has concluded that the rabbit feeding study establishes the lowest acceptable daily intake for D&C Orange No. 5. In the rabbit feeding study, the agency found increased intrauterine deaths (resorptions) at the high dose of 160 milligrams per kilogram of body weight (mg/kg) and a no-adverse-effect level of 50 mg/kg. FDA has applied a conservative thousandfold safety factor to the 50 mg/kg/day no-adverse-effect level to calculate an acceptable daily intake of 0.05 mg/kg/day or 3 mg/day for a 60-kg person. FDA applied a thousandfold safety factor, rather than the hundredfold factor set forth in 21 CFR 70.40, because the agency's calculation is based upon the results from a short-term test, and the agency's general practice is to apply a thousandfold safety factor to the results of such short-term tests unless there are specific reasons to do otherwise. Similarly, because of its reliance on the short-term test, the agency has compared the acceptable daily intake to estimated short-term use rather than average chronic use of the color additive.

The agency generally considers a color additive as safe under its intended conditions of use if the estimated daily intake of the additive does not exceed its acceptable daily intake. In determining the estimated daily intake, FDA has concentrated on the high users in the total population and on the maximum estimated exposure of this population to known and probable uses of the color additive. The agency has developed the following estimates for maximum exposure under various use categories: ingested drugs (not currently allowed), 24 mg/day; external drugs, 2.4 mg/day; lipsticks (6 percent color additive), 3.0 mg/day; mouthwashes and dentifrices, 0.2 mg/day; topical cosmetics, 2.0 mg/day. These estimates cannot be simply totaled to obtain a cumulative exposure because each estimate is a maximum, and it is unlikely that anyone would use all products at the potential maximum level on any given day. Nevertheless, it is clear that unrestricted use would permit exposure to D&C Orange No. 5 in excess of 3.0 mg/day. Therefore, because the major use of D&C Orange No. 5 has been in lipsticks, FDA is permanently listing the color additive for this use at levels of up to 5 percent in lipsticks and lip cosmetics (2.5 mg/day maximum). The agency is establishing the 5-percent maximum level, instead of the 6-percent in effect under the temporary tolerances, to assure that the acceptable daily intake is not exceeded. FDA is also permanently listing D&C Orange No. 5 for use in mouthwashes and dentifrices (0.2 mg/day maximum). At the same time, even though the agency recognizes that actual internal exposure to D&C Orange No. 5 from externally applied drugs and cosmetics may be less than estimated above, there are no data currently available that establish that FDA's exposure estimates are incorrect. Therefore, FDA is unable at this time to find that these external uses of D&C Orange No. 5 are safe, and consequently the agency is not listing the color additive for these uses.

Conclusion on Safety

The agency concludes that D&C Orange No. 5 is safe under conditions of use set forth below, and that certification is necessary for the protection of the public health. The final toxicity study reports, the interim reports, and the agency's toxicology evaluations of these studies are on file at the Dockets Management Branch (address above). They may be reviewed there between 9 a.m. and 4 p.m., Monday through Friday.

The agency is not denying the color additive petition for D&C Orange No. 5 (CAP 6C0041) for ingested and externally applied drug and cosmetic use. As stated above, the agency recognizes that the estimated daily intake may be exaggerated. FDA encourages interested persons to provide information that the agency can use to determine the extent to which D&C Orange No. 5 is absorbed through the skin from the use of externally applied drugs and cosmetics. Therefore, the agency will accept and consider new information submitted in support of the permanent listing of the petitioned uses that cannot be approved at this time. If no further information is received by April 27, 1983, the agency will consider that portion of the petition for uses other than those subject to this final rule as withdrawn without prejudice under § 71.4 (21 CFR 71.4).

Certificates issued for D&C Orange No. 5, and its lakes, and all mixtures containing the color additive are cancelled and have no effect as pertains to its use in for externally applied drug and cosmetics after October 29, 1982. Use of the color additive in externally applied drugs or externally applied cosmetics after that date will cause such products to be adulterated within the meaning of the act (21 U.S.C. 301 et seq.), and the violation may be subject to regulatory action. This prohibition applies to the use of the straight color, its lakes, and color additive mixtures containing D&C Orange No. 5. The agency concludes that the protection of the public health does not require the removal from the market of drugs and cosmetics containing the color additive for external use or the destruction of drugs or cosmetics that are being manufactured to which the color additive has been added on or before October 29, 1982.

Manufacturers of new drugs and new animal drugs (including certifiable antibiotics for animal use) that may be externally applied and that contain D&C Orange No. 5 may either cease adding the color additive or substitute a different color in accordance with the provisions of § 314.8(d)(3) and (e) or § 514.8(d)(3) and (e) (21 CFR 314.8(d)(3) and (e) or 514.8(d)(3) and (e)), as appropriate. If a substitute color is used, the manufacturer shall file with FDA a supplemental new drug application or supplemental new animal drug application, which contains data describing the new composition and showing that the change in composition does not interfere with an assay and control procedures used in manufacturing the drug, or that the assay and control procedures used in manufacturing the drug have been revised to make them adequate. The applicant shall also submit data that establish the stability of the revised formulation or, if the data are too limited to support a conclusion that the drug will retain its declared potency for the reasonable marketing period, a commitment to test the stability of marketed batches at reasonable intervals, to submit the data as they become available, and to recall from the market any batch found to fall outside the approved specification for the drug.

Each sponsor of a notice of claimed investigational exemption for a new drug (IND) or a notice of claimed investigational exemption for a new animal drug (INAD) containing the subject color should promptly amend the IND or INAD to indicate that the color additive has been removed or a different color additive substituted.

The agency is aware that supplies of alternative color additives may be difficult to obtain immediately. Consequently, drug and cosmetic labeling that states that the product contains "artificial color" or that specifically identifies D&C Orange No. 5 may continue to be used with uncolored products, or products containing substitute colors, during the time necessary to obtain supplies of revised labeling or until November 2, 1983, whichever occurs first.

The agency is establishing new chemical specifications that identify the color additive more precisely than those specifications currently in Part 82. Also, the chemical name for the color additive in the new listing under Part 74 (21 CFR Part 74) is different from the name currently listed under Part 82 (21 CFR Part 82) and from the "Chemical Abstracts" designations. The agency has decided to follow the nomenclature commonly used in the chemical literature, where the color additive is referred to as a fluorescein derivative.

The agency concludes that it is necessary to include in the listing regulation for D&C Orange No. 5 a brief description of the manufacturing process to ensure the safety of the color additive. The agency is concerned that the color additive may contain potentially toxic substances dependent upon the manufacturing process used to produce the color additive. The agency is not able at this time to set specifications which would preclude their presence. The agency has contracted with the National Academy of Sciences/National Research Council (NAS/NRC) to develop appropriate specifications for color additives for use in food as part of the Food Chemicals Codex. Similarly, appropriate specifications for color additives for use in drugs and cosmetics will be developed following the general guidelines used by NAS/NRC in is evaluation of color additives used in food. The agency concludes that specifying, through a general description, the manufacturing process in the regulation for the color additive will provide an adequate assurance of safety until suitable specifications can be developed. Production of the color additive by the specified method will assure qualitatively similar batches and thus adequately assure the absence of unanticipated potentially toxic impurities.

The agency has determined under 21 CFR 25.24(b)(12) and (d)(5) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 74

Color additives, Color additives subject to certification, Cosmetics, Drugs.

21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

21 CFR Part 82

Color additives, Color additives lakes, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 706(b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d))) and the Transitional Provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86–618, sec. 203, 74 Stat. 404–407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Parts 74, 81, and 82 are amended as follows:

PART 74—LISTING OF COLOR ADDITIVES SUBJECT TO CERTIFICATION

1. Part 74 is amended:

a. By adding new § 74.1255 to Subpart B, to read as follows:

§ 74.1255 D&C Orange No. 5.

(a) *Identity.* (1) The color additive D&C Orange No. 5 is a mixture consisting principally of 4′,5′-dibromofluorescein (CAS Reg. No. 596–03–2) and 2′,4′,5′-tribromofluorescein (CAS Reg. No. 25709–83–5) and 2′,4′,5′,7′-tetrabromofluorescein (CAS Reg. No. 15086–94–9). D&C Orange No. 5 is manufactured by brominating fluorescein with elemental bromine. The fluorescein is manufactured by the acid condensation of resorcinol and phthalic acid or its anhydride. The fluorescein is isolated and partially purified prior to bromination.

(2) Color additive mixtures for drug use made with D&C Orange No. 5 may contain only those diluents that are suitable and that are listed in Part 73 of this chapter as safe for use in color additive mixtures for coloring drugs.

(b) *Specifications.* D&C Orange No. 5 shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by current good manufacturing practice:

4′,5′-Dibromofluorescein, not less than 50 percent and not more than 65 percent.
2′,4′,5′-Tribromofluorescein, not less than 30 percent and not more than 40 percent.
2′,4′,5′,7′-Tetrabromofluorescein, not more than 10 percent.
Sum of 2′,4′-dibromofluorescein and 2′,5′-dibromofluorescein, not more than 2 percent.
4′-Bromofluorescein, not more than 2 percent.
Fluorescein, not more than 1 percent.
Phthalic acid, not more than 1 percent.
2-(3,5-Dibromo-2,4-dihydroxybenzoyl) benzoic acid, not more than 0.5 percent.
Brominated resorcinol, not more than 0.4 percent.
Sum of volatile matter (at 135° C) and halides and sulfates (calculated as sodium salts), not more than 10 percent.
Insoluble matter (alkaline solution), not more than 0.3 percent.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as As), not more than 3 parts per million.
Mercury (as Hg), not more than 1 part per million.
Total color, not less than 90 percent.

(c) *Uses and restrictions.* D&C Orange No. 5 may be safely used for coloring mouthwashes and dentifrices that are ingested drugs in amounts consistent with current good manufacturing practice.

(d) *Labeling.* The label of the color additive and any mixtures prepared therefrom intended solely or in part for coloring purposes shall conform to the requirements of § 70.25 of this chapter.

(e) *Certification.* All batches of D&C Orange No. 5 shall be certified in accordance with regulations in Part 80 of this chapter.

b. By adding new § 74.2255 to Subpart C, to read as follows:

§ 74.2255 D&C Orange No. 5.

(a) *Identity and specifications.* The color additive D&C Orange No. 5 shall conform in identity and specifications to the requirements of § 74.1255(a)(1) and (b).

(b) *Uses and restrictions.* D&C Orange No. 5 may be safely used for coloring mouthwashes and dentifrices that are ingested cosmetics in amounts consistent with current good manufacturing practice. D&C Orange

No. 5 may be safely used for coloring lipsticks and other cosmetics intended to be applied to the lips in amounts not exceeding 5.0 percent by weight of the finished cosmetic products.

(c) *Labeling requirements.* The label of the color additive shall conform to the requirements of § 70.25 of this chapter.

(d) *Certification.* All batches of D&C Orange No. 5 shall be certified in accordance with regulations in Part 80 of this chapter.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

2. Part 81 is amended:

§ 81.1 [Amended]

a. In § 81.1 *Provisional lists of color additives,* by removing the entry for "D&C Orange No. 5" in paragraph (b).

§ 81.25 [Amended]

b. In § 81.25 *Temporary tolerances,* by removing the entries for "D&C Orange No. 5" in paragraphs (a)(1) and (b)(1)(i).

§ 81.27 [Amended]

c. In § 81.27 *Conditions of provisional listing,* by removing the entry for "D&C Orange No. 5" in paragraph (d).

d. In § 81.30 by adding new paragraph (q), to read as follows:

§ 81.30 Cancellation of certificates.

* * * * *

(q)(1) Certificates issued for D&C Orange No. 5, its lakes, and all mixtures containing the color additive are cancelled and have no effect as pertains to its use in externally applied drugs and cosmetics after October 29, 1982, and use of the color additive in the manufacture of externally applied drugs or cosmetics after this date will result in adulteration.

(2) The agency finds, on the basis of the scientific evidence before it, that no action has to be taken to remove from the market drugs and cosmetics to which the color additive was added on or before October 29, 1982.

PART 82—LISTING OF CERTIFIED PROVISIONALLY LISTED COLORS AND SPECIFICATIONS

3. Part 82 is amended by revising § 82.1255, to read as follows:

§ 82.1255 D&C Orange No. 5.

The color additive D&C Orange No. 5 shall conform in identity and specifications to the requirements of § 74.1255(a) (1) and (b) of this chapter.

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 29, 1982, file with the Dockets Management Branch (address above) written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. Objections shall be filed in accordance with the requirements of 21 CFR 71.30. If a hearing is requested, the objection shall state the issues for the hearing and shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Three copies of all documents shall be filed and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulations may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective November 30, 1982, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced by publication in the **Federal Register.**

(Sec. 706(b), (c), and (d)), 74 Stat. 399–403 (21 U.S.C. 376(b), (c), and (d)) sec. 203, Pub. L. 86–618, 74 Stat. 404–407 (21 U.S.C. 376, note))

Dated: October 28, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82–30082 Filed 10–28–82; 3:52 pm]

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21 CFR Part 81

[Docket No. 76N–0366]

Provisional Listing of D&C Orange No. 5; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of D&C Orange No. 5 for coloring lipsticks or other lip cosmetics and drug and cosmetic mouthwashes and dentifrices. The new closing date will be December 28, 1982. This order also terminates the provisional listing of D&C Orange No. 5 for use in externally applied drugs and cosmetics. This brief postponement will provide time for the receipt and evaluation of any objections submitted in response to the final regulation approving the petition for the listing of D&C Orange No. 5 for use in lipsticks, lip cosmetics, and drug and cosmetic mouthwashes and dentifrices. The regulation that lists D&C Orange No. 5 is published elsewhere in this issue of the Federal Register.

DATES: Effective October 29, 1982, the new closing date for D&C Orange No. 5 will be December 28, 1982.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of October 30, 1982, for the provisional listing of D&C Orange No. 5 by a rule published in the **Federal Register** of March 27, 1981 (46 FR 18954). The agency extended the closing date until October 30, 1982, to provide time for the completion of chronic toxicity studies and the review and evaluation of these studies by FDA.

After reviewing and evaluating the data, the agency has concluded that D&C Orange No. 5 is safe for use in coloring lipsticks or other lip cosmetics in amounts not exceeding 5.0 percent by weight of the finished cosmetic products and is safe for use in drug and cosmetic mouthwashes and dentifrices in amounts consistent with current good manufacturing practice. The agency has also concluded that unresolved questions remain concerning the safety of using D&C Orange No. 5 in coloring externally applied drugs and cosmetics. Therefore, the agency is terminating the provisional listing of the color additive for such external uses.

Elsewhere in this issue of the **Federal Register,** FDA is publishing a regulation that lists D&C Orange No. 5 and describes in detail the reasons for the agency's actions on the petition for the permanent listing of the color additive. The regulation set forth below will postpone the October 30, 1982 closing date for the provisional listing of that color additive until December 28, 1982. This postponement will provide sufficient time for receipt and evaluation of comments or objections submitted in response to the regulation that lists D&C Orange No. 5 for use in lipsticks, lip cosmetics, and drug and cosmetic mouthwashes and dentifrices.

Because of the shortness of time until the October 30, 1982 closing date, FDA concludes that notice and public procedure on this regulation are impracticable. Moreover, good cause exists for issuing this postponement as a final rule to be effective on October 29, 1982 because the agency has concluded that D&C Orange No. 5 is safe for its intended use under the Color Additive Amendments of 1960. This regulation will permit the uninterrupted use of this color additive until December 28, 1982. To prevent any interruption in the provisional listing of D&C Orange No. 5 and in accordance with 5 U.S.C. 553(d)(1) and (3), this regulation is being made effective on October 29, 1982.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

Therefore, under the transitional provisions of the Color Additive Amendments of 1960 (Title II, Pub. L. 86-618, 74 Stat. 404-407 (21 U.S.C. 376, note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended as follows:

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

1. In paragraph (b) of § 81.1 *Provisional lists of color additives*, by revising the closing date for D&C Orange No. 5 to read "December 28, 1982".

2. In § 81.10, by adding new paragraph (p) to read as follows:

§ 81.10 Termination of provisional listing of color additives.

* * * * *

(p) *D&C Orange No. 5.* The Commissioner of Food and Drugs, having concluded that unresolved questions remain concerning the safe use of the color additive in externally applied drugs and cosmetics, hereby terminates the provisional listing of D&C Orange No. 5 for these uses.

3. In § 81.25 by revising the final sentence of the introductory text and revising the entry for D&C Orange No. 5 in paragraph (a)(1) to read as follows:

§ 81.25 Temporary tolerances.

* * * The color additives named in this section, with the exception of D&C Orange No. 5, may be used in externally applied drugs and cosmetics in amounts consistent with current good manufacturing practice.

* * * * *

(a)(1) * * *

Color additive	Percent
D&C Orange No. 5	5.0
* * * * *	

* * * * *

Effective date. This regulation is effective October 29, 1982.

(Sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note))

Dated: October 14, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-30084 Filed 10-28-82; 3:50 pm]

BILLING CODE 4160-01-M

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21 CFR Part 81

[Docket No. 76N-0366]

Provisional Listing of FD&C Blue No. 2; Postponement of Closing Date

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is postponing the closing date for the provisional listing of FD&C Blue No. 2 for use as a color additive in foods and ingested drugs. The new closing date will be January 28, 1983. FDA has decided to list this color additive. This brief postponement will provide time for the uninterrupted use of this color additive while FDA prepares an appropriate final rule.

EFFECTIVE DATE: Effective October 29, 1982, the new closing date for FD&C Blue No. 2 will be January 28, 1983.

FOR FURTHER INFORMATION CONTACT: Kenneth J. Falci, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: FDA established the current closing date of October 30, 1982, for the provisional listing of FD&C Blue No. 2 by a regulation published in the **Federal Register** of March 27, 1981 (46 FR 18954). FDA extended the closing date for FD&C Blue No. 2 until October 30, 1982, to provide time for completion of the agency's review and evaluation of the data concerning the food and ingested drug uses of FD&C Blue No. 2 and for publication of a regulation in the **Federal Register** regarding the agency's final decision on the petition for the permanent listing of this color additive. The regulation set forth below will postpone the October 30, 1982 closing date for the provisional listing of the color additive until January 28, 1983.

FDA has completed its review and evaluation of the data relevant to the use of FD&C Blue No. 2 in foods and ingested drugs, including additional data on the carcinogenesis bioassay in male rats that was not submitted to the agency until September 1982. Based upon its evaluation, the agency concludes that the data establish that there is a reasonable certainty of no harm from the use of FD&C Blue No. 2, and that this color additive is safe and suitable for use in foods and ingested drugs. However, the agency has not yet been able to prepare a document explaining the basis for its decision. Therefore, FDA is postponing the closing date for FD&C Blue No. 2 until January 28, 1983 to provide time for the preparation and publication of appropriate **Federal Register** listing documents as well as the additional time needed to provide for the receipt and for the evaluation of objections which under the statute may be submitted during the 30 days following publication of the rule. FDA concludes that no harm to the public health will result from this extension.

Because of the shortness of time until the October 30, 1982 closing date, FDA concludes that notice and public procedure on this regulation are impracticable, and that good cause exists for issuing this postponement as a final rule and for an effective date of October 29, 1982. This regulation will permit the uninterrupted use of the color additive until further action is taken. In accordance with 5 U.S.C. 553 (b) and (d)(1) and (3), this postponement is issued as a final regulation, effective on October 29, 1982.

List of Subjects in 21 CFR Part 81

Color additives, Color additives provisional list, Cosmetics, Drugs.

PART 81—GENERAL SPECIFICATIONS AND GENERAL RESTRICTIONS FOR PROVISIONAL COLOR ADDITIVES FOR USE IN FOODS, DRUGS, AND COSMETICS

§ 81.1 [Amended]

Therefore, under the Transitional Provisions of the Color Additive Amendments of 1960 to the Federal Food, Drug, and Cosmetic Act (Title II, Pub. L. 86-618, sec. 203, 74 Stat. 404-407 (21 U.S.C. 376 note)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 81 is amended in § 81.1 *Provisional lists of color additives*, by revising the closing date for "FD&C Blue No. 2" in paragraph (a) to read "January 28, 1983".

Effective date. This regulation is effective October 29, 1982.

(Sec. 203, 74 Stat. 404–407 (21 U.S.C. 376 note))

Dated: October 14, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-30083 Filed 10-29-82; 8:50 am]

BILLING CODE 4160-01-M

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21 CFR Part 131

[Docket No. 77N-0143]

Cultured and Acidified Milks, Cultured and Acidified Buttermilks, Yogurts, and Eggnog; Confirmation of Effective Date and Further Amendments; and Stay of Effective Date of Certain Provisions

Correction

In FR Doc. 82-25781, beginning on page 41519 in the issue of Tuesday, September 21, 1982, the following changes should be made:

1. On page 41520, second column, the third word in the third from last line should read, "latter".

2. On page 41520, third column, the first word in the eighth line of paragraph "6." should read, "unreasonable".

3. On page 41524, first column, the last word in the eighteenth line of § 131.170 should read, "or".

BILLING CODE 1505-01-M

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21 CFR Part 135

[Docket No. 79P-0441]

Frozen Desserts; Standards of Identity for Goat's Milk Ice Cream, Goat's Milk Frozen Custard, and Goat's Milk Ice Milk

Correction

In FR Doc. 82-25716, beginning on page 41525 in the issue of Tuesday, September 21, 1982, the fourth from last line in the last complete paragraph of column two of page 41526 should read, "in brackets in the heading of this".

BILLING CODE 1505-01-M

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21 CFR Part 145

[Docket No. 78N-0138]

Canned Pears; Standard of Quality

Correction

In FR Doc. 82-25711, beginning on page 41526 in the issue of Tuesday, September 21, 1982, the fourth line of the first complete paragraph in column one of page 41526 should read, "919 as amended (21 U.S.C. 341, 371(e)))".

BILLING CODE 1505-01-M

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21 CFR Part 177

[Docket No. 81F-0345]

Indirect Food Additives: Polymers; High-Temperature Laminates

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for safe use of high-temperature laminates under expanded-use conditions and is making minor editorial corrections in the regulation. This action is in response to a food additive petition filed by Reynolds Metals Co.

DATES: Effective November 2, 1982. Objections by December 2, 1982.

ADDRESS: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Terry C. Troxell, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 4, 1981 (46 FR 59313), FDA announced that a petition (FAP 1B3586) had been filed by Reynolds Metals Co., 6603 W. Broad St., Richmond, VA 23261, proposing that § 177.1390 *High-temperature laminates* (21 CFR 177.1390) be amended to increase the range of temperatures and the type of foods in which high-temperature laminates (including retortable pouches) identified in § 177.1390(c) may be safely used. The petition requested FDA to: (1) increase the maximum processing temperature by 13.9° C (25° F) to 135° C (275° F); and (2) allow the use of these laminates for packaging alcoholic foods containing no more than 8 percent ethyl alcohol.

The agency recognizes that the operating temperature in a retort normally exceeds the temperature prescribed in a scheduled sterilization process by at most a few degrees Celsius under current good manufacturing practice. Therefore, for purposes of determining compliance, FDA will consider that a process meets the 135° C (275° F) temperature limitation in the following circumstances: (1) the highest temperatue prescribed in a scheduled sterilization process does not exceed 135° C (275° F); and (2) a scheduled sterilization process is designed so that the temperature occurring in actual operation does not exceed 135° C (275° F) by more than 3° C (5.4° F).

FDA has evaluated the data in the petition and other relevant material and concludes that use of high-temperature laminates under the proposed expanded temperature and alcoholic food-contact conditions is safe and that § 177.1390 should be amended as set forth below.

The agency is also making two editorial revisions in § 177.1390(c)(1)(i) and (c)(2) that do not affect the substance of the regulation. Under the new revision, paragraph (c)(2) "Adhesives," specifies that suitable substances in other applicable existing regulations may also be used in formulating adhesives for use in high-temperature laminates. Paragraphs (c)(1)(i)(E) and (c)(1)(ii) in the present regulation make similar statements for the polymeric resins and adjuvants, respectively, that are approved for use in the polymeric films/layers of these laminates. Inclusion of the new language in the adhesive paragraph will bring it into conformity with the polymeric films/layers portion of the regulation. The agency is also changing the subdivision designations in paragraph (c)(1)(i) from (A), (B), (C), (D), and (E) to (*a*), (*b*), (*c*), (*d*), and (*e*) for consistency with designations used by FDA. These changes are merely editorial for purposes of clarifying and correcting the regulation and do not change the substances or uses authorized.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore need not be prepared. The agency's finding of no significant impact and the evidence supporting this finding may be seen in the Dockets Management Branch (address above), between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Polymeric food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 177 is amended in § 177.1390 by revising the first sentence of paragraph (a), by revising the introductory text of paragraph (c), by redesignating paragraph (c)(1)(i)(A), (B), (C), (D), and (E) as paragraph (c)(1)(i)(*a*), (*b*), (*c*), (*d*), and (*e*), and by revising paragraph (c)(2) and (3)(i), to read as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

§ 177.1390 High-temperature laminates.

(a) The high-temperature laminates identified in this section may be safely used for food contact at temperatures not exceeding 135° C (275° F) unless otherwise specified. * * *

* * * * *

(c) Subject to the provisions of this paragraph, food-contact articles produced from high-temperature laminates may be safely used to package all food types except those containing more than 8 percent ethyl alcohol.

* * * * *

(2) *Adhesives.* The use of adhesives in these containers is optional. Adhesives may be formulated from the following substances, subject to the prescribed limitations:

(i) Any substance suitable for use in formulating adhesives that complies with an applicable regulation of this chapter which permits food type and time/temperature conditions to which the container will be exposed, including sterilization processing.

(ii) Substances complying with § 175.105 of this chapter may be used in these constructions, provided they are separated from the interior (food-contact) layer(s) by a functional barrier as discussed under paragraph (a) of this section.

(iii) Maleic anhydride adduct of polypropylene complying with § 175.300 of this chapter.

(3) * * *

(i) *Nonvolatile extractives.* (*a*) For use at temperatures not to exceed 121° C (250° F): The container interior (food-contact side) shall be extracted with deionized distilled water at 121° C (250° F) for 2 hours. The chloroform-soluble fraction of the total nonvolatile extractives shall not exceed 0.0016 milligram per square centimeter (0.01 milligram per square inch) as determined by a method titled, "Determination of Non-volatile Chloroform Soluble Residues in Retort Pouch Water Extracts," which is incorporated by reference. Copies are available from the Division of Food and Color Additives, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or available for inspection at the Office of the Federal Register, 1100 L St. NW., Washington, DC 20408.

(*b*) For use at temperatures not to exceed 135°C (275° F): The container interior (food-contact side) shall be extracted with deionized distilled water at 135° C (275° F) for 1 hour. The chloroform-soluble fraction of the total nonvolatile extractives shall not exceed 0.0020 milligram per square centimeter (0.013 milligram per square inch) as determined by a method titled, "Determination of Non-volatile Chloroform Soluble Residues in Retort Pouch Water Extracts," which is incorporated by reference. The availability of this incorporation by reference is given in paragraph (c)(3)(i)(*a*) of this section.

* * * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before December 2, 1982 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective November 2, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: October 27, 1982.

Note.—Incorporation by reference provisions approved by the Director of the Office of the Federal Register on March 31, 1982, and are on file at the Office of the Federal Register.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-30143 Filed 11-1-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

Animal Drugs, Feeds, and Related Products; Monensin, Bacitracin Methylene Disalicylate, Roxarsone

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A. L. Laboratories, Inc., for the preparation of complete broiler feeds containing combinations of monensin, bacitracin methylene disalicylate, and roxarsone for use as an antibacterial and anticoccidial agent, and growth promotant.

EFFECTIVE DATE: November 2, 1982.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Bureau of Veterinary Medicine (HFV-147), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4317.

SUPPLEMENTARY INFORMATION: A. L. Laboratories, Inc., a subsidiary of A/S Apothekernes Laboratorium for Specialpraeparater, 452 Hudson Terrace, Englewood Cliffs, NJ 07632, is the sponsor of NADA 116-088 providing for the preparation of complete broiler feeds containing monensin, bacitracin methylene disalicylate, and roxarsone at different levels.

The complete broiler feeds will be prepared from previously approved premixes, Coban (monensin sodium), 3-Nitro (roxarsone), and Bacitracin-MD (bacitracin methylene disalicylate). The drug is to be used in the prevention of necrotic enteritis, prevention of coccidiosis and improved feed efficiency, and increased rate of weight gain.

Elanco Products Co., sponsor for the monensin premix, and Salsbury Laboratories, sponsor for the roxarsone premix, have authorized FDA to refer to the safety and efficacy data supporting their applications to support approval of this combination. Additionally, A. L. Laboratories, sponsor for Bacitracin-MD, submitted data substantiating the efficacy of these three drugs when used in combination. These data comply with the requirements of the Bureau of Veterinary Medicine's combination drug guidelines. A. L. Laboratories also submitted analytical noninterference data that show that the use of any one of the drugs in the presence of the other, at the recommended feed levels, does not substantially interfere with the assay for tissue residues of each of the drugs.

This approval provides for the combination of previously approved premixes in the manufacture of complete chicken feeds. It does not change the dosage levels, target species or indications for the individual drugs. Because the sponsor has shown that the residue from each drug component in the combination is below its tolerance at the withdrawal time being established for the combination, this approval poses no increased risk to people exposed to residues of the drugs. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as a Category II supplement which does not require reevaluation of the underlying safety and effectiveness data.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e) (2) (ii) (21 CFR 514.11(e) (2) (ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(ii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.355 is amended by revising the introductory text of paragraph (b) and by adding new paragraphs (b)(11) and (f)(1)(xviii) and (xix) to read as follows:

§ 558.355 Monensin.

* * * * *

(b) *Approvals.* Approvals granted to firms identified by sponsor numbers in § 510.600(c) of this chapter for the conditions of use indicated in paragraph (f) of this section are as follows:

* * * * *

(11) To 046573: paragraph (f)(1)(xviii) and (xix) of this section.

* * * * *

(f) * * *

(1) * * *

(xviii) *Amount per ton.* Monensin, 90 to 110 grams, plus bacitracin methylene disalicylate, 50 grams, and roxarsone, 22.7 to 34.0 grams (0.0025 percent to .00375 percent).

(*a*) *Indications for use.* For increase in rate of weight gain and improved feed efficiency; as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. maxima, E. brunetti,* and *E. mivati*; as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium spp* or other organisms susceptible to bacitracin methylene disalicylate.

(*b*) *Limitations.* Do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; as monensin sodium provided by No. 000986 in § 510.600(c) of this chapter; as bacitracin methylene disalicylate provided by No. 046573 in § 510.600(c) of this chapter; as roxarsone provided by No. 017210 in § 510.600(c) of this chapter.

(xix) *Amount per ton.* Monensin, 90 to 110 grams, plus bacitracin methylene disalicylate, 50 grams, and roxarsone, 22.7 to 45.4 grams (0.0025 percent to .005 percent).

(*a*) *Indications for use.* For increased rate of weight gain; as an aid in the prevention of necrotic enteritis caused or complicated by *Clostridium spp* or other organisms susceptible to bacitracin methylene disalicylate; as an aid in the prevention of coccidiosis caused by *Eimeria necatrix, E. tenella, E. acervulina, E. maxima, E. brunetti,* and *E. mivati.*

(*b*) *Limitations.* Do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; as monensin sodium provided by No. 000986 in § 510.600(c) of this chapter; as bacitracin methylene disalicylate provided by No. 046573 in § 510.600(c) of this chapter; as roxarsone provided by No. 017210 in § 510.600(c) of this chapter.

* * * * *

Effective date. November 2, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: October 25, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-30006 Filed 11-1-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Thiabendazole

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., providing for use of a higher concentration thiabendazole premix to prepare an aqueous slurry which is added to a dry cattle feed for control of gastrointestinal roundworm infections. In addition, certain obsolete technical parts of the regulations are removed.

EFFECTIVE DATE: November 2, 1982.

FOR FURTHER INFORMATION CONTACT: Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-135), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Merck Sharp and Dohme Research Laboratories, Division of Merck & Co., Inc. Rahway, NJ 07065, filed supplemental NADA 15-875 providing for use of an 88.2 percent thiabendazole premix to make an aqueous slurry which is mixed in a dry cattle feed used to control infections of gastrointestinal roundworms (genera *Trichostrongylus, Haemonchus, Ostertagia, Cooperia, Nematodirus,* and *Oesophagostomum radiatum,*). The NADA was originally approved September 3, 1964. The firm submitted a supplemental NADA providing for a higher concentration premix to make an aqueous slurry used to prepare the approved finished cattle feed. The finished feed is used as in 21 CFR 558.615. Based on the information submitted, the supplement is approved and the regulations are amended to reflect the approval. In addition, the paragraphs' "chemical name" and "specifications" are removed. These paragraphs are not required in current regulations.

This supplement provides for a new premix to be used to make an approved medicated cattle feed. There is no change in the use of the feed. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this action does not require reevaluation of the drug's safety and effectiveness. Because the application was approved before July 1, 1975, the sponsor has not been required to submit a summary of the safety and effectiveness data and information under the freedom of information provisions of the animal drug regulations in 21 CFR 514.11(e)(2).

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 553—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.615 is amended by removing paragraphs (a) and (b), by redesignating existing paragraphs (c) through (g) as (a) through (e), and by revising redesignated paragraph (a) to read as follows:

§ 558.615 Thiabendazole.

(a) *Approvals.* To 000006 in § 510.600(c) of this chapter for 22, 44.1, 66.1, and 88.2 percent premix. The 66.1 percent premix is used solely for making a cane molasses liquid supplement to be mixed in dry feeds. The 88.2 percent premix is used solely for making an aqueous slurry for adding to a finished dry cattle feed.

* * * * *

Effective date. November 2, 1982.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: October 26, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-30007 Filed 11-1-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS REID (FFG 30), and USS Underwood (FFG 36) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates, and (2) has found that USS REID (FFG 30), and USS Underwood (FFG 36) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE. September 30, 1982.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332, Telephone Number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Reid (FFG 30), and USS Underwood (FFG 36) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arcs of visibility of their forward masthead lights; Annex I, Section 2(a)(i), regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b), regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special function as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS Reid (FFG 30) and USS Underwood (FFG 36) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have previously been authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to these two ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on these ships in a manner different from that prescribed herein will adversely affect the ships' ability to perform their military function.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

§ 706.2 [Amended]

1. Table One of § 706.2 is amended by adding the following vessels for which navigation light certifications are being herewith issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height § 2(a)(i) Annex I
* * *	*	*
USS Reid	FFG 30	1.6
USS Underwood	FFG 36	1.6
* * *	*	*

2. Table Four of § 706.2 is amended by adding to the existing paragraph 8. the following vessels for which navigational light certifications are being issued herewith by the Secretary of the Navy:

> On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.6° arc of visibility at the points 021° and 339° relative to the ship's head.
>
> USS Reid (FFG 30)
> USS Underwood (FFG 36)

3. Table Four of § 706.2 is amended by adding to the existing paragraph 9. the following vessels for which navigational light certifications are being issued herewith by the Secretary of the Navy:

Sidelights on the following ships do not comply with Annex I, Section 3(b):

Vessel	Number	Distance of sidelights forward of masthead light in meters
USS Reid	FFG 30	2.75
USS Underwood	FFG 36	2.75

(Executive Order 11964; 33 U.S.C. 1605)

Dated: September 30, 1982.

Approved:

James F. Goodrich,
Acting Secretary of the Navy

Dated: October 28, 1982.

F. N. Ottie,
Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Certifying Officer.

[FR Doc. 82-30133 Filed 11-1-82; 8:45 am]

BILLING CODE 3810-AE-M

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32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USS City of Corpus Christi (SSN 705) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special function as a naval submarine; and (2) has found that USS City of Corpus Christi (SSN 705) is a member of the SSN 688 class of ships, exemptions for which have previously been granted under 72 COLREGS, Rule 38. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: October 4, 1982.

FOR FURTHER INFORMATION CONTACT: Captain Richard M. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332, Telephone Number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS City of Corpus Christi (SSN 705) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, section 2(a)(i) regarding the height of the masthead light; Annex I, section 2(k) regarding the height and relative positions of the anchor lights; and Annex I, section 3(b) regarding the location of the sidelights. Full compliance with the above-mentioned 72 COLREGS Provisions would interfere with the special function of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS City of Corpus Christi (SSN 705) is a member of the SSN 688 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to this ship. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water) and Vessels. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table three of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by adding the following entry immediately after the entry for the USS Boston.

Vessel	No	Masthead light, arc of visibility rule 21(a)	Sidelights, arc of visibility; rule 21(b)	Stern light, arc of visibility; rule 21(c)	Sidelights, distance inboard of ship's sides in meters' § 3(b), annex I	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; § 2(k), annex I	Anchor lights, relationship of aft light to forward light in meters, § 2(k), annex I
*	*	*	*	*	*	*		
USS City of Corpus Christi	SSN 705			209°	4.2	6.1	3.5	1.7 below
*	*	*	*	*	*	*		

2. Table One of § 706.2 is amended to indicate certifications issued by the Secretary of the Navy by adding the following entry:

Vessels	No.	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) annex I
* * *	* *	
USS City of Corpus Christi	SSN 705	3.5
* * *	* *	

(Executive Order 11964; 33 U.S.C. 1605)

Dated: October 4, 1982.

Approved:

John Lehman,

Secretary of the Navy.

[FR Doc. 82-30149 Filed 11-1-82; 8:45 am]

BILLING CODE 3810-AE-M

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32 CFR Part 719

Regulations Supplementing the Manual for Courts-Martial; Amendment

AGENCY: Department of the Navy, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its regulations supplementing the Manual for Courts-Martial in order to reflect changes to Chapter I of the Manual of the Judge Advocate General.

EFFECTIVE DATE: November 2, 1982.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander L. M. Glenn, JAGC, U.S. Navy, Military Justice Division, Office of the Judge Advocate General, Department of the Navy, 200 Stovall Street, Alexandria, Virginia 22332, Telephone number: (202) 325-9890.

SUPPLEMENTARY INFORMATION: Pursuant to the authority cited below, the Department of the Navy amends 32 CFR Part 719, which is derived from Chapter I of the Manual of the Judge Advocate General, to reflect changes in that regulation. The amendment relates to internal naval management and personnel practices, and is being published by the Department of the Navy solely for the guidance and interest of the public in accordance with 5 U.S.C. 552(a)(1). It has been determined that invitation of public comment on this amendment prior to adoption would be impracticable and is not required under the public rulemaking provisions of 32 CFR Parts 296 and 701. It has also been determined that this final rule is not a "major rule" within the criteria specified in § 1(b) of Executive Order 12291, and does not have substantial impact on the public.

List of Subjects in 32 CFR Part 719

Freedom of information, Military law, Military personnel, News media.

PART 719—[AMENDED]

Accordingly, 32 CFR Part 719 is amended as follows:

1. The authority citation for Part 719 reads as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. 815, 5031, and 5148; 32 CFR 700.206 and 700.1202.

§ 719.112 [Amended]

2. Section 719.112(b) is amended by removing the words "the cognizant officer exercising general court-martial jurisdiction" in lines 6, 7, and 8 [1] and inserting in their place the words "an officer competent to convene a general court-martial for the witness for whom immunity is requested, i.e., any officer exercising general court-martial jurisdiction (*see* paragraph 68h, *MCM, 1969 (Rev.)*) Such recommendation will be forwarded".

3. Section 719.112(c) is amended by removing the word "to" in line 5 and inserting in its place the word "in".

4. Section 719.112(c) is amended by inserting in line 12 the words "execution or" immediately preceding the word "issuance"; by inserting a period after the word "witness" in line 13; and by removing the words "by the" in line 13 and inserting in their place the word "The"; and by removing the text "jurisdiction. The officer exercising general court-martial" in lines 15 and 16.

5. Section 719.112(c) is amended by removing the words "to the Judge Advocate General * * * the following information:" in lines 19 through 31 and inserting in their place the words "requesting the assistance of the Judge Advocate General (Code 20) in the form prescribed in paragraph (e) of this section." The remainder of this paragraph is removed.

6. Paragraph (f) of § 719.112 is redesignated as paragraph (h).

7. Paragraph (d) of § 719.112 is redesignated as paragraph (f) and is amended by removing the words "Civilian witnesses—post-testimony" from the heading and inserting, in their place, the word and symbol "Post-testimony;" removing the word "the" between the words "After" and "witness" and inserting, in its place the word "a"; and inserting the words "immunized in accordance with paragraphs (c) and (d) of this section" between the words "witness" and "has testified".

8. A new paragraph (d) is added to § 719.112 to read as follows:

* * * * *

(d) *Cases involving national security.* In all cases involving espionage, subversion, aiding the enemy, sabotage, spying, or violation of rules or statutes concerning classified information or the foreign relations of the United States, a proposed grant of immunity shall be forwarded to the General Counsel of the Department of Defense for the purpose of consultation with the Department of

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[1] Editorial note: See the edition of 32 CFR Chapter VI revised as of July 1, 1982.

Justice. *See* Appendix A–1–d(1)–(3) of the Manual of the Judge Advocate General regarding relations between the Departments of Defense and Justice. The cognizant officer exercising general court-martial jurisdiction may obtain approval by the Attorney General of a proposed grant of immunity by directing a letter requesting the assistance of the Judge Advocate General (Code 20) in the form prescribed in paragraph (e) of this section.

* * * * *

9. Paragraph (e) of § 719.112 is redesignated as paragraph (g).

10. A new paragraph (e) is added to § 719.112 to read as follows:

* * * * *

(e) *Content of immunity requests.* In all cases in which approval of the Attorney General of the United States is required prior to the issuance of a grant of immunity, whether under paragraphs (c) or (d) of this section, the cognizant officer exercising general court-martial jurisdiction shall forward by message or letter the proposed order to testify and grant of immunity to the Judge Advocate General (Code 20). The order to testify should be substantially in the form set forth in Appendix A–1–d(4) of the Manual of the Judge Advocate General. Requests for assistance shall be in writing, should allow at least three weeks for consideration, and must contain the following information:

(1) Name, citation, or other identifying information, of the proceeding in which the order is to be used.

(2) Name of the witness for whom the immunity is requested.

(3) Name of the employer or company with which a witness is associated or the military unit or organization to which a witness is assigned.

(4) Date and place of birth, if known, of the witness.

(5) FBI or local police file number, if any, and if known.

(6) Whether any State or Federal charges are pending against the witness and the nature of the charges.

(7) Whether the witness is currently incarcerated, under what conditions, and for what length of time.

(8) A brief résumé of the background of the investigation or preceding before the agency or department.

(9) A concise statement of the reasons for the request, including:

(i) What testimony the witness is expected to give;

(ii) How this testimony will serve the public interest;

(iii) Whether the witness (A) has invoked the privilege against self-incrimination; or (B) is likely to invoke the privilege;

(iv) If (iii)(B) is applicable, then why it is anticipated that the prospective witness will invoke the privilege.

(10) An estimate as to whether the witness is likely to testify in the event immunity is granted.

* * * * *

11. Section 719.112(h) as redesignated is amended by removing the terms "A–1–d(1)" and "A–1–d(2)" and inserting, in their place, the terms "A–1–d(5) of the Manual of the Judge Advocate General" and "A–1–d(6) of the Manual of the Judge Advocate General", respectively.

§ 719.115 [Amended]

12. Section 719.115(a)(2) is amended by inserting immediately after the word "offenses," in line 7 the words "the imposition of nonjudicial punishment," and by inserting immediately after the word "the" in line 13 the phrase "imposition of nonjudicial punishment,".

13. Section 719.115(a)(4) introductory text is amended by removing the words "paragraph (a)(6)" in line 6 and inserting in their place the words "paragraph (6)"; by removing the word "residence" in paragraph (a)(4)(i) and inserting in its place the words "duty station, and sex"; and by removing the words "or result" in paragraph (a)(4)(viii).

14. Section 719.115(a)(5) introductory text is amended by removing the words "paragraph (a)(6)" in lines 5 and 6 and inserting in their place the words "paragraph (6)"; by removing the words "paragraph (a)(4)(v)" in paragraph (a)(5)(i) and inserting in their place the words "paragraph (4)(v)"; and by removing the words "paragraph (a)(4)(v)" in paragraph (a)(5)(v) and inserting in their place the words "paragraph (4)(iii)".

15. Section 719.115(a)(6) is amended by removing the words "paragraph (a)(5)" in line 14 and inserting in their place the words "paragraph (5)", and by removing all the words and the sentence immediately after the word "under" in line 16 to the end of the paragraph and inserting in their place the following language:

(a) * * *

(6) * * * paragraph (a)(4) of this section. Attention should be given to the Secretary of the Navy instructions implementing the Freedom of Information Act (5720.42 series) and the Privacy Act (5211.5 series). Consultation with the command judge advocate, or if none is assigned, the cognizant naval legal service office, concerning interpretation and application of these instructions is encouraged.

16. Section 719.115(b)(2) is amended by inserting immediately after "(2)" the heading *"At pretrial hearings."*

§ 719.138 [Amended]

17. Section 719.138(a)(5) is amended by removing the designation "(i)" in line 3.

18. Section 719.138(i)(1) is amended by removing subparagraphs (i), (ii), (iii), (iv), and (v) in their entirety.

19. Section 719.138(i)(1) is further amended by removing the colon immediately after the word "receive" in line 8, and inserting in its place the following language:

* * * * *

(i) * * *

(1) * * * Fees, subsistence, and mileage as provided in 28 U.S.C. 1821. Witness and subsistence fees are not prorated. Instead any fractional part of a calendar day expended in attendance or qualifying for subsistence entitles the witness to payment for a full day. Further, nothing in this paragraph shall be construed as authorizing the payment of attendance fees, mileage allowances, or subsistence fees to witnesses for:

(i) Attendance or travel which is not performed either as a direct result of being compelled to testify pursuant to a subpoena or as a direct result of invitational orders; or

(ii) For travel which is performed prior to being duly summoned as a witness; or

(iii) For travel returning to their places of residence if the travel from their places of residence does not qualify for payment under this paragraph.

20. Section 719.138(i)(2) is amended by removing the subparagraph designation and words "(i) his necessary expenses * * * he shall receive no allowance" and by inserting in their place the words "as authorized by Joint Travel Regulations".

21. Section 719.138(j) is amended by inserting immediately after "(j)" the heading *"Supplemental construction of section."*

22. Section 719.138(k)(1) is amended by removing the words "Commandant of the Fourteenth Naval District" and inserting in their place the words "Commander, Naval Base, Pearl Harbor".

§ 719.143 [Amended]

23. Section 719.143(e)(1) is amended by removing the words "Navy Court of Military Review" in three instances and inserting in their place the words "Navy-Marine Corps Court of Military Review".

§ 719.144 [Amended]

24. Section 719.144 is amended by removing the number "769" in the section heading and in line two of paragraph (a) of that section, and substituting in its place the number "869".

25. Section 719.144(a) is amended by adding in line 15 immediately after the word "accused." the following words:

(a) * * * When such a case is considered upon application of the accused, the application must be filed in the Office of the Judge Advocate General by the accused before—

(1) October 1, 1983; or

(2) the last day of the two-year period beginning on the date the sentence is approved by the convening authority or, in a special court-martial case which requires action under section 865(b) of this title [article 65(b)] the officer exercising general court-martial jurisdiction, whichever is later, unless the accused establishes good cause for failure to file within that time.

26. Paragraph (b) of § 719.144 is redesignated as paragraph (c).

27. A new paragraph (b) is added to § 719.144 to read as follows:

* * * * *

(b) *Time limitations.* An application for relief must be placed in military channels, if the applicant is on active duty, or be deposited in the mail, if the applicant is no longer on active duty, before October 1, 1983, or before the last day of the two-year period beginning on the date the sentence is approved by the convening authority, or in a special court-martial case which requires action under 10 U.S.C. 865(b), the officer exercising general court-martial jurisdiction, whichever is later, to be considered by the Judge Advocate General. An application filed after those time limits may be considered if the Judge Advocate General determines, in his sole discretion, that "good cause" for failure to file within the time limits has been established by the applicant.

* * * * *

28. Paragraph (d) of § 719.144 is redesignated as paragraph (e) and is amended by adding after the last sentence the following new sentences:

* * * In this regard, one is considered incapable of making application for purposes of this paragraph when he is unable to sign the application under oath due to physical or mental incapacity. When an application is signed by a person other than the applicant, the circumstances rendering the applicant incapable of making application shall be set forth in the application. *See* paragraph (e)(15) of this section.

29. Paragraph (c) of § 719.144 is redesignated as paragraph (d) and is amended by inserting the words and comma, ", and sentence adjudged" immediately after the word "applicant" in new paragraph (d)(9); removing the word "and" in new paragraph (d)(12); removing the period in new paragraph (d)(13) and inserting in its place a semicolon and thereafter inserting the word "and" and adding the following subparagraphs (14) and (15) to new paragraph (d) as follows:

* * * * *

(d) * * *

(14) Facts and circumstances to establish "good cause" for a failure to file the application within the time limits prescribed in paragraph (b) of this section; and

(15) If the application is signed by a person other than the applicant pursuant to paragraph (e) of this section, an explanation of the circumstances rendering the applicant incapable of making application.

30. 32 CFR Part 719 is amended by adding a new § 719.155 to read as follows:

§ 719.155. Application under 10 U.S.C. 874(b) for the substitution of an administrative form of discharge for a punitive discharge or dismissal.

(a) *Statutory provisions.* 10 U.S.C. 874(b) provides that the "Secretary concerned may, for good cause, substitute an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial."

(b) *Submission procedures.* Applications for relief will be submitted to the Secretary using the following address: Secretary of the Navy (Judge Advocate General, Code 20), 200 Stovall Street, Alexandria, Virginia 22332. Except in unusual circumstances, applications will not normally be approved if received within five (5) years of the execution of the punitive discharge or dismissal, or within five (5) years of disapproval of a prior request under 10 U.S.C. 874(b).

(c) *Contents of the application.* All applications shall contain:

(1) Full name of the applicant;

(2) Social Security Number, service number (if different), and branch of service of the applicant;

(3) Present age and date of birth of the applicant;

(4) Present residence of the applicant;

(5) Date and place of the trial, and type of court-martial which resulted in the punitive discharge or dismissal;

(6) Command title of the convening authority of the court-martial which resulted in the punitive discharge or dismissal;

(7) Offense(s) of which the applicant was convicted at, and finally approved sentence resulting from, the trial which resulted in the punitive discharge or dismissal;

(8) Date the punitive discharge or dismissal was executed;

(9) Applicant's present marital status, and number and ages of dependents, if any;

(10) Applicant's civilian criminal record [arrest(s) with disposition, and conviction(s)], both prior and subsequent to the court-martial which resulted in the punitive discharge or dismissal;

(11) Applicant's entire court-martial record [offense(s) of which convicted and finally approved sentence(s)], and nonjudicial punishment record [including offense(s) and punishment(s) awarded];

(12) Any military administrative discharge proceedings (circumstances and disposition) initiated against the applicant;

(13) Applicant's full employment record since the punitive discharge or dismissal was executed;

(14) The specific type and character of administrative discharge requested pursuant to 10 U.S.C. 874(b) (a more favorable administrative discharge than that requested will not be approved);

(15) At least three but not more than six character affidavits. (The character affidavits must be notarized, must indicate the relationship of the affiant to the applicant, and must include the address of the affiant as well as specific reasons why the affiant believes the applicant to be of good character. The affidavits should discuss the applicant's character primarily as reflected in the civilian community subsequent to the punitive discharge or dismissal which is the subject of the application);

(16) Any matters, other than the character affidavits, supporting the considerations described in subparagraph (17) below;

(17) A statement by the applicant, setting forth the specific considerations which the applicant believes constitute "good cause," so as to warrant the substitution of an administrative form of discharge for the punitive discharge or dismissal previously executed. (In this connection, 10 U.S.C. 874(b) does not provide another regular or extraordinary procedure for the review of a court-martial. Questions of guilt or innocence, or legal issues attendant to the court-martial which resulted in the punitive discharge of dismissal, are neither relevant nor appropriate for consideration under 10 U.S.C. 874(b). As used in the statute, "good cause" was envisioned by Congress to encompass only a Secretarial exercise of clemency and ultimate control of sentence uniformity. Accordingly, in determining what constitutes "good cause" under 10

U.S.C. 874(b), the primary Secretarial concern will be with the applicant's record in the civilian community subsequent to his or her punitive separation. Material submitted by the 10 U.S.C. 874(b) applicant should be consistent with the foregoing.)

(d) *Signature on application.* Unless incapable of making application himself or herself, the applicant shall personally sign the application, under oath, before a notary or other official authorized to administer oaths. If the applicant is incapable of executing the application, the application may be signed under oath and submitted by the applicant's spouse, next of kin, executor, guardian and other person recognized as a personal representative by the law of the applicant's domicile. One is considered incapable of executing an application for purposes of this paragraph only when the applicant is unable to sign the application under oath due to physical or mental incapacity. When an application is signed by a person other than the applicant, the circumstances rendering the applicant incapable of making sworn application shall be set forth in the application, with appropriate documentation.

(e) *Privacy Act Statement.* Disclosure of personal information requested by paragraph (c) of this section is voluntary; however, failure to accurately provide all requested information may result in the application being denied because of inadequate documentation of good cause.

Dated: October 26, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 82-30131 Filed 11-1-82; 8:45 am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 2238-6]

Approval and Promulgation of Implementation Plans; Connecticut; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: This document corrects a citation in the rulemaking contained in a final approval of Connecticut's monitoring regulations published on August 24, 1982 (47 FR 36823).

FOR FURTHER INFORMATION CONTACT: Betsy Horne, (617) 223-5130.

SUPPLEMENTARY INFORMATION: The following correction is made in FR Document 82-23137 (A-1-FRL 2177-2) appearing on page 36823 in the issue of August 24, 1982.

The subparagraph designation for § 52.380 appearing in column one on page 36823 should have read as follows:

"Section 52.380 is amended by adding paragraph (d)(11) as follows:

§ 52.380 Rules and regulations.

* * * * *

(d) * * *

(11) Regulation 19-508-24(a)(4). The definition of "Acceptable Method" as submitted on December 15, 1980.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Dated: October 15, 1982.

Leslie Carothers,

Regional Administrator.

[FR Doc. 82-30068 Filed 11-1-82, 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 1-15

[FPR Amendment 226]

Contract Cost Principles and Procedures; Lobbying Costs

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment adds a new cost principle dealing with lobbying costs to the cost principles for contracts with commercial organizations. The basis for the regulation is a request from the Office of Federal Procurement Policy to adopt a lobbying cost principle and a consensus of civil agency views as to its content. The intended effect is to make lobbying costs unallowable on Government contracts subject to the cost principles in Subpart 1-15.2.

EFFECTIVE DATE: November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy, (202-523-4755).

List of Subjects in 41 CFR Part 1-15

Government procurement, Cost principles.

PART 1-15—[AMENDED]

The table of contents for Part 1-15 is amended to add the following new entry under Subpart 1-15.2: 1-15.205-52 Lobbying costs.

Subpart 1-15.2—Contracts With Commercial Organizations

Section 1-15.205-52 is added to read as follows:

§ 1-15.205-52 Lobbying costs.

(a) For purposes of this section, lobbying is defined as any activity or communication that is intended or designed (1) to directly influence members of the U.S. Congress or State and local legislatures, their staffs or the staffs of committees of these bodies to favor or oppose pending, proposed, or existing legislation, appropriations, or other official actions of these bodies, their members, or their committees, or (2) to engage in any campaign to directly encourage others to do so. Except as provided in paragraph (c) of this section, lobbying includes, but is not limited to, appearances before any legislative committee or subcommittee and written or oral communications, including face-to-face discussions or conferences, telephone conversations, paid advertisements and the sending of telegrams or letters.

(b) The costs of lobbying, including the applicable portion of the salaries and fees of those individuals engaged in lobbying efforts on behalf of a contractor, whether or not the individuals are registered as lobbyists under any applicable law, are unallowable.

(c) Legislative liaison activities, such as attendance at committee hearings and gathering information regarding pending legislation, are not lobbying and are allowable. In addition, written or oral communications, appearances before legislative committees and subcommittees, and meetings with legislative representatives are allowable legislative liaison activities when such efforts are undertaken in conjunction with a legislative public hearing or meeting in response to a public notice, or a specific invitation or request from a legislative source, and the notice, invitation, or request is documented, the contractor shall maintain and make available to the Government, records and documentation sufficient to identify the costs and clearly establish the nature and purpose of the legislative liaison activity to which the costs relate.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: October 24, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-30144 Filed 11-1-82; 8:45 am]

BILLING CODE 6820-61-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6443]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency, (FEMA).

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the flood plain management requirements of the program. If FEMA receives documentation that the community has adopted the required flood plain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

PART 64—[AMENDED]

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
California: Tulare	Dinuba, city of	060403B	June 26, 1975, emergency; Nov. 3, 1982, regular, Nov. 3, 1982, suspended.	June 28, 1974 and Feb. 6, 1976.	Nov. 3, 1982.
Colorado: Fremont	Canon City, city of	080068B	May 28, 1974, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	May 24, 1974 and Mar. 21, 1976.	Do.
Illinois: Lake	Unincorporated areas	170357B	Apr. 4, 1973, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Jan. 17, 1975 and May 20, 1977.	Do.
Indiana: Rush	Rushville, city of	180223B	July 2, 1975, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Dec. 7, 1973 and June 11, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Michigan: Monroe	Berlin, township of	260143A	Mar. 9, 1973, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Nov. 12, 1976	Do.
Minnesota: Ramsey	Little Canada, city of	270377A	May 24, 1977, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	July 23, 1976	Do.
Missouri: Franklin	Washington, city of	290138B	Mar. 20, 1975, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Jan. 9, 1974 and Oct. 15, 1976.	Do.
New Jersey: Gloucester.	Mantua, township of	340207B	May 8, 1975, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Mar. 22, 1974 and Aug. 6, 1976.	Do.
New York:					
Montgomery	Canajoharie, village of	360443B	July 26, 1974, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Feb. 22, 1974 and June 11, 1976.	Do.
do	Fort Plain, village of	360448B	July 25, 1974, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Apr. 12, 1974 and May 28, 1976.	Do.
do	Nelliston, village of	360453C	May 13, 1976, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Apr. 30, 1976, July 1, 1977 and Feb. 15, 1974.	Do.
Suffolk	Patchogue, village of	360803C	Oct. 1, 1973, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	July 16, 1976, June 3, 1977 and June 28, 1974.	Do.
Ohio: Stark	North Canton, city of	390521B	June 16, 1975, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	May 17, 1974 and May 21, 1976.	Do.
Oklahoma: Oklahoma, Canadian, Cleveland, McClain, and Pottawatomie.	Oklahoma City, city of	405378D	Mar. 19, 1971, emergency; July 14, 1972, regular; Nov. 3, 1982, suspended.	July 14, 1972, July 1, 1974 and Feb. 2, 1979.	Do.
Pennsylvania:					
Dauphin	Halifax, township of	421592B	June 17, 1975, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Nov. 15, 1974	Do.
York	Windsor, borough of	420942B	May 27, 1975, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	Jan. 23, 1974 and Jan. 16, 1976.	Do.
Washington.					
Whatcom	Lynden, city of	530202B	May 27, 1975, emergency; Nov. 3, 1982, regular; Nov. 3, 1982, suspended.	May 17, 1974 and Apr. 2, 1976.	Do
Walla Walla	Waitsburg, city of	530196B	June 5, 1974, emergency; Nov. 3, 1982, regular; Nov 3, 1982, suspended.	Apr. 12, 1974 and Jan. 9, 1976.	Do.
Wisconsin: Washington.	West Bend, city of	550475B	Aug. 15, 1975, emergency; Aug. 2, 1982, regular; Nov 2, 1982, suspended.	Dec. 28, 1973 and Apr. 30, 1976.	Nov. 2, 1982
New Jersey:					
Sussex	Andover, borough of	340542B	Aug. 27, 1975, emergency; Nov 3, 1982, suspended.	Feb. 25, 1977	Nov. 3, 1982
...do	Branchville, borough of	340448A	June 24, 1975, emergency; Nov. 3, 1982, suspended	May 10, 1974	Do
Atlantic	Buena, borough of	340004A	Jan. 17, 1975, emergency; Nov. 3, 1982, suspended.	June 28, 1974	Do
Gloucester	Clayton, borough of	340198A	May 15, 1973, emergency; Nov. 3, 1982, suspended	Aug. 31, 1973	Do
Bergen	Edgewater, borough of	340029B	Sept. 25, 1975, emergency; Nov. 3, 1982, suspended.	Aug. 2, 1974	Do
Salem	Elmer, borough	340414A	May 19, 1975, emergency; Nov. 3, 1982, suspended.	June 28, 1974	Do.
Sussex	Fredon, township of	340558	Dec. 8, 1975, emergency; Nov. 3, 1982, suspended.	Feb. 28, 1975	Do.
Cumberland	Greenwich, township of	340169	Sept. 29, 1975, emergency; Nov. 3, 1982, suspended.	Nov. 5, 1976	Do.
Gloucester	Harrison, township of	340205A	Apr. 7, 1975, emergency; Nov.-3, 1982, suspended.	July 26, 1974	Do.
Sussex	Hopatcong, borough of	340452A	Dec. 10, 1974, emergency; Nov. 3, 1982, suspended	June 28, 1974	Do
..do	Lafayette, township of	340532B	Nov. 24, 1975, emergency; Nov. 3, 1982, suspended.	Dec. 20, 1974	Do
Bergen	Moonachie, borough of	340053A	Apr. 30, 1975, emergency; Nov. 3, 1982, suspended	June 28, 1974	Do.
Warren	Oxford, township of	340492C	July 8, 1975, emergency; Nov. 3, 1982, suspended	June 21, 1974	Do
Salem	Pilesgrove, township of	340420	Mar. 31, 1975, emergency; Nov. 3, 1982, suspended	Nov. 14, 1975	Do.
Gloucester	Pitman, borough of	340211A	July 16, 1975, emergency; Nov. 3, 1982, suspended	Mar. 15, 1975	Do.
Cumberland	Upper Deerfield, township of	340175A	Mar. 25, 1975, emergency; Nov. 3, 1982, suspended	Aug. 2, 1974	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 21, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-29986 Filed 11-1-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 521 and 522

[Docket No. 76-63—General Order 17, Amendment 3; General Order 24, Amendment 2]

Filing of Agreements by Common Carriers and Other Persons Subject to the Shipping Act, 1916

AGENCY: Federal Maritime Commission.

ACTION: Supplement to final rules.

SUMMARY: This supplements final rules in this proceeding by adding material regarding paperwork reduction requirements and by eliminating duplicative material regarding notice and comment on Shipping Act Agreements. These matters were unintentionally omitted from a recent publication on this subject.

DATES: Effective January 1, 1983, pending OMB review of revision to reporting requirements.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission published its final rules in this proceeding on October 18, 1982 (47 FR 46284) revising procedures for filing and processing of agreements under section 15 of the Shipping Act, 1916. The following matters were unintentionally not included in that final rule.

Section 522.1 *Purpose,* of Title 46 CFR was revised in its entirety. However, certain material recently adopted by the

Commission (December 28, 1981; 46 FR 62652) was inadvertently omitted from the revision of this section. This supplement corrects that omission.

Section 522.6 **Federal Register** Notice, of Title 46 CFR contains new provisions regarding notice and comment on section 15 agreements and is largely duplicative of existing provisions in 46 CFR 521.10. Section 521.10 was intended to be deleted and that deletion is accomplished by this supplement.

Finally, the final rule failed to give notice that OMB approval of reporting requirements is pending. That notice is included immediately below.

OMB Control Number: Approval by OMB is pending. In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the revisions to the reporting requirements that are included in this regulation have been or will be submitted to the Office of Management and Budget. They are not effective until OMB action has been completed. A **Federal Register** notice will be published when the revision has been approved by OMB.

List of Subjects

46 CFR Part 521

Maritime carriers.

46 CFR Part 522

Freight, maritime carriers.

Accordingly, pursuant to 5 U.S.C. 553 and sections 15, 21, 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 814, 820, 821 and 841a) the Commission's final rule in this proceeding is supplemented to amend Title 46 CFR in the following respects:

1. The title of Part 521 is revised to read

PART 521—TIME FOR FILING CERTAIN AGREEMENTS

§ 521.10 [Removed]

2. *Section 521.10 Notice of filing of agreements and modifications under section 15 of the Act and application under section 14(b) of the Act* is removed.

3. Section 522.1 is revised to read as follows:

§ 522.1 Purpose.

(a) This part establishes procedures for: (1) Filing agreement approval requests pursuant to section 15, Shipping Act, 1916 (46 U.S.C. 814), including statements in support thereof; (2) filing comments and protests to such agreements, and responsive pleadings thereto; and (3) the disposition of agreement approval requests. The purpose of this part is to ensure the fair, orderly and expeditious processing of agreement approval requests.

(b) Adherence with the statute and rules of the Commission is mandatory, and persons operating under agreements without prior Commission approval may be liable to penalties and damages for violations of the anti-trust laws of the United States and may be subject to civil penalties of up to $1,000 for each day of such default (46 U.S.C. 814) and/or disapproval of agreements.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82–30160 Filed 11–1–82; 8:45 am]

BILLING CODE 6730–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[12th Rev. S.O. 1474]

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Twelfth Revised Service Order No. 1474.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254, this order authorizes various railroads to provide interim service over the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, (Richard B. Ogilvie), Trustee, and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 12:01 a.m., November 1, 1982, and continuing in effect until 11:59 p.m., December 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided October 27, 1982.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Public Law 96–254, the Commission is authorizing various railroads to provide interim service over Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee), (MILW) and to use such tracks and facilities as are necessary for that operation.

Appendix A of Eleventh Revised Service Order No. 1474 is revised by adding, in this order, the following authority.

Item 3. Burlington Northern Railroad Company between Council Bluffs, Iowa (milepost 483.8), and Bayard, Iowa (milepost 383.6), a distance of approximately 100.2 miles.

This line is being sold to a shipper's consortium and Burlington Northern (BN) has been selected as their operator. BN has agreed to serve as an interim operator pending the closing of the sale.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendix be authorized to conduct operations, also identified in the attachment, using MILW tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

List of Subjects in 49 CFR Part 1033

Railroads.

It is ordered,

§ 1033.1474 Service Order 1474.

(a) Various railroads authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee). Various railroads are authorized to use tracks and/or facilities of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW), as listed in Appendix A to this order, in order to provide interim services over the MILW.

(b) The Trustee shall permit the affected carriers to enter upon the property of the MILW to conduct service essential to these interim operations.

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations.

(e) Interim operators, authorized in Appendix A to this order, shall within thirty days of commencing operations under authority of this order, notify the MILW Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of these operations over the MILW lines, interim operators shall be responsible for preserving the value of the lines, associated with each interim operation, to the MILW estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as this operation by interim operators over tracks previously operated by the MILW is deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) *Employees.* In providing service under this order interim operators, to the maximum extent practicable, shall use the employees who normally would have performed work in connection with the traffic moving over the lines subject to this Service Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., November 1, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304–10305 and Sec. 122, Pub. L. 96–254)

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—MILW Lines Authorized To Be Operated by Interim Operators

1. *Seattle and North Coast Railroad Company (SNC)*:

A. Between Port Angeles and Port Townsend, Washington, including Pier 27 and associated track in Seattle, Washington.

2. *Des Moines Union Railway Company (DMU)*:

A. Between Des Moines (milepost 0) and Clive (milepost 8.5), Iowa; and between Clive (milepost 0) and Grimes, Iowa (milepost 7), a total distance of 15.5 miles.

**Burlington Northern Railroad Company (BN)*:

A. Between Council Bluffs, Iowa (milepost 483.8), and Bayard, Iowa (milepost 383.6), a distance of approximately 100.2 miles.

[FR Doc. 82-30080 Filed 11-1-82; 8:45am]

BILLING CODE 7035-01-M

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*Added.

Proposed Rules

Federal Register
Vol. 47, No. 212
Tuesday, November 2, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1794

Proposed Environmental Policies and Procedures

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) is proposing to add Part 1794, Environmental Policies and Procedures, to its regulations and delete from Appendix A to 7 CFR Part 1700 *et seq.* its existing Bulletin 20–21:320–21 (Bulletin), Environmental Policies and Procedures, Part One which has served as REA's implementation of the National Environment Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*). This action is taken to comply with the Council on Environmental Quality regulations implementing the procedural provisions of NEPA (40 CFR Parts 1500–1508).

REA's experience in using Part One of the Bulletin (Part One) for the past two and one-half years strongly indicates that certain changes should be made in this agency's environmental review process. The intended effect of this proposed set of procedures is to reduce unnecessary regulatory requirements on recipients of financing assistance for the planning and construction of rural electric power and telephone facilities while maintaining the integrity of REA's environmental protection responsibilities. Format changes have been made to Part One of the Bulletin to enhance its readability and clarity.

DATE: Public comments must be received by REA no later than: January 3, 1983.

ADDRESS: Written comments should be sent to Joseph R. Binder, Director; Environmental and Energy Requirements Division; Rural Electrification Administration; Room 2861; South Agriculture Building; Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Joseph R. Binder, Director, or Kenneth M. Kumor; Environmental and Energy Requirements Division; Rural Electrification Administration; Room 2861; South Agriculture Building; Washington, D.C. 20250. Telephone (202) 382–8437 or for Federal agencies (FTS) 382–8437.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under the authority of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), Council on Environmental Quality (CEQ) regulations implementing the procedural provisions of NEPA (40 CFR Parts 1500–1508) and Executive Order 11991, Protection and Enhancement of Environmental Quality.

REA has made an initial determination that the proposed rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, state or local government agencies; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete in domestic or export markets. The purpose and effect of this action is to reduce unnecessary regulatory burdens on parties who seek financing assistance for rural electric and telephone facilities. Therefore, the agency has determined that this proposal is not a "major" rule within the meaning of Executive Order (EO) 12291.

REA is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Moreover, the proposed rule will reduce the burden imposed on regulated parties. OMB A–95 review requirements do not apply to the REA financing assistance program.

In developing the proposed rule, REA considered a number of alternatives to this action. The major alternatives included: (1) no change in Part One (2) modification of Part One to make it more flexible and reclassification of project types (*i.e.*, the proposed rule); and (3) a change in the Part One definition of REA action so that many of the approvals made by REA concerning REA borrower (Borrower) proposals would lie outside the definition.

The first alternative would not significantly reduce unnecessary paperwork, delay and resource expenditures; the third would potentially have a significant adverse effect on the quality of the human environment and would be difficult if not impossible to implement from a legal viewpoint. Overall the proposed rule reaches the best balance between continued fulfillment of REA's environmental duties and its commitment to eliminate unnecessary paperwork and delay and make better decisions.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loans Guarantees; 10.851—Rural Telephone Loans and Loan Guarantees; 10.852—Rural Telephone Bank Loans; 10.853—Community Antenna Television Loans and Loan Guarantees.

Copies of the proposed rule are being sent directly to all REA electric and telephone borrowers, parties who have commented on the existing Part One of the Bulletin and others who have expressed an interest in receiving the proposed rule. Copies are also available upon request to the address indicated above. The proposed rule, supporting documentation and comments received by REA as a result of this notice shall be available for public inspection at the above location from 8:15 a.m. to 4:45 p.m., Monday through Friday, excluding holidays.

REA invites comments and any supporting materials on all aspects of the proposed rule and all issues discussed in this preamble.

Background

On January 29, 1980, ERA published Bulletin 20–21:320–21, Environmental Policies and Procedures, Part One as a final rule in the **Federal Register** (45 FR 6592). Based upon the agency's experience and review of the existing procedures, REA has determined that several changes are necessary in order for its environmental review process to operate in a smooth, efficient and effective manner. Due to the present requirements of Part One, sometimes REA has gone through a lengthy environmental impact statement (EIS) process with no commensurate benefit to the quality of the human environment. Consequently significant time and resources have been expended by REA and its Borrowers when early indications strongly suggested a more expeditious procedure (*e.g.*, an EA) would be more prudent. This suboptimal efficiency has extended to several types minor REA borrower proposals where subsequent experience has shown that the likelihood of environmental impact is negligible. In a few instances proposed projects have been delayed as a result of Part One requirements.

The proposed provisions of 7 CFR Part 1794 are intended to add a new part and delete existing bulletin 20–21:320–21 from Appendix A to 7 CFR Part 1700 *et seq.* As such the proposed rule contains REA's procedures to implement and supplement the CEQ regulations. It includes an Appendix A which provides a graphic presentation of the REA EIS process.

The existing Part One follows the format of the CEQ regulations. It consists of the CEQ regulations with REA's implementing or supplemental procedures following the pertinent CEQ section. This format was chosen to give Borrowers and other interested parties a single document for reference when dealing with the REA environmental review process. However, in practice REA has found that such an approach has caused confusion and poor readability. provisions applicable to a specific class of proposal (*i.e.,* EIS, EA or categorical exclusion) were scattered throughout the document. Consequently, it has been difficult for readers to develop a coherent picture of the procedural and substantive requirements attached to a given proposal.

To remedy this situation, REA first proposes not to include the text of the CEQ regulations within 7 CFR Part 1794. In this way needless repetition of the CEQ language will be eliminated in the text of the proposed rule. For reference, however, when 7 CFR Part 1794 is promulgated as a final rule and is issued as a part of a revised REA Bulletin 20–21:320–21, REA will include a copy of the CEQ regulations as a part of the Bulletin. It is most most important that reviewers of this proposed rule recognize that it implements and supplements the CEQ regulations but does not supersede them. Thus both the CEQ regulations and the proposed rule will apply to all Borrower proposals where an REA action is involved.

In addition, proposed 7 CFR Part 1794 no longer follows the format of the CEQ regulations as did the existing Bulletin. This decision was made after consultation with CEQ staff. Instead all REA requirements concerning a specific category of proposals have been consolidated into one or at most a few separate sections. Such an approach should relieve confusion as to the applicability of certain provisions. As a finding aid, cross references between this rule and the CEQ regulations will be made (only in the new Bulletin) by a table or footnotes to the REA Provisions when the final rule is issued and the new Bulletin is sent to interested parties.

Under the new format introductory provisions are followed by sections pertaining to all Borrower proposals. Then Borrower proposals are divided into three major categories: categorical exclusions, EIS proposals, and EA proposals. Following these provisions, separate groups of sections in turn address the environmental review requirements specific to a given proposal category. Appendix A, which displays a flow chart of REA's EIS process, is made part of the proposed rule. In addition to Appendix A REA will provide in revised Bulletin 20–21:320–21 issued to its Borrowers a summary chart of proposal types and major REA requirements relevant to each.

REA welcomes comments on the proposed new format and potential alternative structures. Suggestions should be made that will foster clarity, readability and brevity.

The rule proposed today when promulgated in final form will serve as one of the five major components of the revised REA Bulletin 20–21:320–21 to be issued to Borrowers and other interested parties. REA has previously published its floodplains and wetlands procedures in draft form. Those regulations will be issued as a final rule and incorporated as a part of the Bulletin at the time that this proposed rule is issued in final form. REA intends to publish its cultural resource procedures as a proposed rule soon after promulgation by the Advisory Council on Historic Preservation of its revised regulations concerning protection of historic and cultural properties (36 CFR Part 800). For further guidance in preparing environmental documents and notices, REA will distribute an Environmental Guide as the fourth component of the revised Bulletin at the time this rule is issued in final form. A copy of the CEQ regulations will be the last major part of the Bulletin.

This proposed rule contains a variety of substantive and procedural changes from the provisions of the existing Part One. Some of these amendments are minor or merely intended to clarify existing REA policy and procedure; others reflect fundamental alterations of REA's implementation of the CEQ regulations and are outlined below.

REA proposes to raise the threshold for normally requiring an EIS for electric generation proposals from 25 megawatts (mW) to 40 mW. Combustion turbine, diesel generator and hydroelectric facilities are the primary conventional power sources in the 25–40 mW output range. Such generating technology typically has less environmental impact than other conventional power sources. All combustion turbine, diesel generating and hydroelectric (without new dam construction) generating proposals would require an EA as would all other generating proposals under 40 mW.

A more fundamental change is reflected in § 1794.34. REA's experience over the past few years indicates that there is a group of proposals which currently normally require an EIS. However, in a number of instances these proposal types would be more appropriately addressed by an initial EA. These projects include bulk electric transmission facilities of considerable length and area and most electric generating facilities in the 5–40 mW range. REA proposes to conduct its NEPA process for such proposals under EA procedures which would involve a form of the scoping process. A principal purpose of this scoping process would be to identify alternatives and issues to be addressed in determining whether the proposal will have a significant effect on the quality of the human environment. Based on that determination an EIS or FONSI would be prepared.

Proposed §§ 1794.31–1794.34 contain REA's proposed classification of proposal types for NEPA purposes. In addition to the modifications noted above, there are a large number of proposed changes in the classification of more minor proposals. These reclassifications generally reflect the fact that for the past two years REA has required extensive environmental review (e.g., environmental assessments) for proposals which rarely if ever have resulted in significant environmental impact or public interest. For other groups of proposals, REA has required REA borrower submission of a Borrower's Environmental Report (BER) where the likelihood of any environmental impact is negligible or nonexistent. REA proposes to eliminate the need for a BER covering such activities. Consequently, the proposed changes generally take the form of more streamlined environmental review. It is believed that the proposed procedures will provide adequate safeguards to identify any unusual circumstances that may dictate additional Federal scrutiny. Interested parties are urged to comment on these proposed reclassifications of projects and activities. Particular attention should be given to the voltage and length thresholds used to categorize electric transmission proposals. Where a reviewer disagrees with REA's classification, the commenter is encouraged to cite specific experiences that support the position.

Two points may help clarify REA's intent in §§ 1794.31–1794.34. REA will look at whether proposals are connected activities or collectively cause environmental impacts in determining the appropriate classification for a set of proposals (§ 1794.35). Proposals submitted independently may be treated as one for purposes of environmental review. Conversely a group of proposals will not automatically be aggregated merely because for administrative convenience they have been put in the same financing assistance application. Second, the reader should note § 1794.31(c)(6) which deals with the purchase of existing facilities where use is unchanged. For electric generating and mining facilities, the proposed rule indicates that REA may prepare an "EA" after the facility purchase. This EA is not of the typical type which leads to a FONSI or an EIS. Rather it is intended as a formal environmental review document to assess whether any practicable mitigation measures are necessary and should be imposed. Where time is not of the essence, REA normally intends to prepare the EA before the purchase is consummated.

REA proposes in § 1794.52(d) to prepare a written plan of scope after scoping meetings have been held to gain public and agency input. Such a document should better focus subsequent environmental study and review for a proposed project. A new provision, § 1794.54(c), would give REA the option of preparing and distributing a final EIS in a more streamlined fashion, thereby saving paperwork, preparation time and staff resources.

Subsections 1794.53(c) and 1794.54(a) address two issues concerning records of decision. The first provision requires the Borrower to summarize mitigation measures in its documentary submissions of REA. This language merely formalizes existing REA policy. The other provision indicates how interested parties will be notified when the record of decision is available.

Sections 1794.83 and 1794.84 are designed to reduce duplication of state and Federal environmetal review efforts. Specifically REA proposes to adopt existing Federal EA's and state environmental documents if NEPA and the CEQ regulations are satisfied.

Section 1794.12 contains REA's proposed general public involvement provisions under the CEQ regulations. A number of changes should be of interest. The option of using a news article to satisfy REA requirements has been deleted since the timing of such articles could not be assured with sufficient accuracy. In addition, newspaper notices will no longer be routinely required in a Borrower's headquarters county. Such notice normally serves little purpose for geographically distant proposals. On the other hand the proposed changes make it clear that both a legal notice and paid advertisement (elsewhere in the newspaper) are required to broaden public exposure.

List of Subjects in 7 CFR Part 1794

Administrative practice and procedure, Cable television, Electric power plants, Electric utilities, Loan programs—communications, Loan programs—energy, Telecommunications, Telephone.

Therefore in view of the above, it is proposed to add Part 1794, *Environmental Policies and Procedures*, as follows, and remove REA Bulletin 20-21:320-21, Environmental Polices and Procedures, Part One, from Appendix A to 7 CFR Part 1700 *et seq.*

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Appendix A—Procedures for Proposal Which Normally Require an EIS

Authority: National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 et seq.) and Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508)

Subpart A—General

§ 1794.1 Purpose.

This Part contains the policies and procedures of the Rural Electrification Administration (REA) for implementing the National Environmental Policy Act (NEPA), as amended (42 U.S.C. 4321 *et seq.*); the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508); and certain related statutes, regulations and orders. Mong those statues, regulations and orders are the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); the Advisory Council on Historic Preservation regulations on Protection of Historic and Cultural Properties (36 CFR Part 800);

the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); EO 11514, "Protection and Enhancement of Environmental Quality"; EO 11593, "Protection and Enhancement of the Cultural Environment"; EO 11988, "Floodplain Management"; EO 11990, "Protection of Wetlands"; and Farmland Protection Policy Act (Pub. L. 97–98).

§ 1794.2 Actions requiring environmental review.

The provisions of Part 1794 apply to proposed administrative actions by REA including, without limitation, loans, loan guarantees, reclassification of loan funds, lien accommodations, and approvals provided pursuant to loan contracts and security instruments (*e.g.*, approvals of the use of the general funds).

§ 1794.3 Compliance.

The effective date of provisions contained in Part 1794 is the date of publication of the final rule in the **Federal Register**. Any environmental document accepted or prepared by REA prior to the effective date may be developed in accordance with the REA environmental requirements in effect at the time the document was accepted or prepared.

§ 1794.4 Trivial violations.

It is the intent of this part that a trivial violation of its provisions will not give rise to an independent cause of action.

§ 1794.5 Responsible officials.

The agency contact points for environmental matters shall be the Assistant Administrator, Electric or Telephone (as appropriate), Rural Electrification Administration, U.S. Department of Agriculture, South Building, Washington, D.C. 20250. The Assistant Administrators, Electric and Telephone, are responsible for determining the proper definition of proposals and the need for the preparation and approval of draft EIS's. Final environmental impact statements (EIS) will be issued and approved by the Administrator.

§ 1794.6 Metric units.

It is REA's policy to prepare environmental documents using metric units with British system equivalents in parentheses. Environmental documents prepared by or for an REA Borrower should follow the same format.

§ 1794.7 Guidance.

For further guidance in the preparation of notices and environmental documents REA has prepared an REA Environmental Guide. A copy of this REA Environmental Guide is available upon request to the Assistant Administrator, Electric or Assistant Administrator, Telephone; Rural Electrification Administration; U.S. Department of Agriculture; Washington, D.C 20250.

Subpart B—Implementation of the National Environmental Policy Act

§ 1794.10 Apply NEPA early in the planning process.

The environmental review process requires early coordination with and involvement of REA. Borrowers should consult with REA at the earliest stages of planning for any proposal which may require REA action. Since planning efforts and environmental evaluation for power supply facilities, including power plants, transmission lines, coal or other fuel development, are interrelated, these activities should take place within the same time frame.

§ 1794.11 Consideration of alternatives.

In determining what are reasonable alternatives, REA will consider a number of factors including, but not limited to, state of the technology, availability of resources and the time frame in which the identified need must be fulfilled.

§ 1794.12 Public involvement.

In carrying out its responsibilities under NEPA, REA shall make diligent efforts to involve the public in the environmental review process through the following means:

(a) REA notices required by Part 1974 shall be published in the **Federal Register** and shall describe the nature, location and extent of the proposed action and indicate the availability and location of additional information.

(b) Borrower notices, when required by this Part or otherwise required by REA, shall consist of both a legal notice and a paid advertisement published in a timely manner in a newspaper or newspapers of general circulation in the counties in which the proposal will take place or such other places as REA determines. It shall generally describe the nature, location and extent of the Borrower's proposal and indicate the availability and location of additional information. The paid advertisement need not be lengthy and can refer the reader to the legal notice in the same edition for a more detailed explanation.

(c) The Borrower shall submit to REA as soon as practicable after publication, copies of all Borrower legal notices and paid advertisements published. A copy of all comments received by the Borrower (including the Borrower's position, if any) concerning environmental aspects of the proposal shall be provided to REA in a timely manner.

(d) Public hearings or meetings may be held at reasonable times and locations concerning environmental aspects of a proposed action in all cases where, in the Assistant Administrator's opinion, the need for hearings or meetings is indicated in order to develop adequate information on the environmental implications of the proposed action. The following shall be required in connection with a meeting or a hearing:

(1) Where an environmental document is the subject of the hearing or meeting, that document will be made available to the public at least ten (10) days in advance.

(2) Any person, organization or government body desiring to make a statement at the hearing or meeting may make such statement in writing or orally. Public hearing or meetings normally will be informal and will generally be confined to the environmental aspects of the proposal.

(3) REA notice shall be published at least thirty (30) days before the hearings or meetings. The Borrower's notice of the hearings shall be published at least ten (10) days but no more than thirty (30) days before the hearings or meetings. REA shall determine the counties in which the Borrower notice shall be published in newspapers of general circulation to assure that persons most likely to be affected by the proposal will be made aware of the hearings. The notice shall present the date, time, location and purpose of the hearing or meeting. If an environmental document is the subject of the hearing or meeting, the notice shall inform the public where it can be obtained or is available for review.

(e) A list of REA administrative actions for which EIS's and environmental assessments (EA) are being prepared or contemplated will be available for public inspection at ERA's offices in Washington, D.C.

§ 1794.13 Interagency involvement.

In carrying out its responsibilities under NEPA, REA shall, to the extent practicable, coordinate its environmental review and combine its meetings and hearings with those of other Federal, state and local agencies. The Borrower shall inform REA of potential involvement of other agencies in the proposal at the earliest practicable time to facilitate such coordination.

Subpart C—Provisions Applicable to EA or EIS Preparation

§ 1794.20 Interagency coordination.

(a) Whenever practicable, REA will encourage the use of a lead agency in preparation of an EIS or EA so that a single document and review process will cover all Federal agency actions arising from the proposal or directly related group of proposals. It is the policy of REA to volunteer to act as lead agency in the preparation of an EA or EIS when the Borrower so requests, and when REA would normally prepare an EA or EIS for the proposal.

(b) Where REA acts as a cooperating agency, REA shall rely upon the lead agency's procedures for implementing NEPA and CEQ regulations in the preparation and issuance of an EA or EIS, unless the lead and cooperating agencies agree to a modification of these procedures.

(1) REA shall request that the lead agency indicate that REA is a cooperating agency in all NEPA related notices published for the proposal. In addition, REA shall request that the lead agency permit REA to review and comment on the EA or draft and final EIS prior to issuance.

(2) The Borrower shall inform REA in a timely manner of its involvement in a proposal where another Federal agency is preparing an EIS or EA to permit REA to adequately fulfill its duties as a cooperating agency.

(c) Where practicable and in order to eliminate duplication and delay, REA will coordinate its NEPA process with state and local environmental procedures. Where state or local agencies control siting of electric transmission lines or electric generating stations, REA shall consult and coordinate with those state and local agencies in determining what are the reasonable siting and route alternatives.

§ 1794.21 Limitations on actions during the NEPA process.

In determining which Borrower activities related to a proposal requiring development of an EA or EIS may be approved prior to completion of the NEPA process, REA must determine, among other matters that:

(a) The activity will not have an adverse environmental impact. For example, purchase of water rights, optioning or transfer of land title, or continued use of land as historically employed would not have an adverse environmental impact. However, site preparation or construction at or near the proposed site (*e.g.*, rail spur) or development of a related facility (*e.g.*, opening a captive mine) normally would have an adverse environmental impact.

(b) The expenditure is "minimal." To be minimal the expenditure

(1) must not exceed the amount of loss which the borrower could absorb without jeopardizing the government's security interest in the event the proposed project is not approved by the Administrator, and

(2) must not compromise the objectivity of REA's environmental review. Notwithstanding other considerations, expenditures up to 10 percent of the proposed project cost normally will not compromise REA's objectivity.

§ 1794.22 Tiering.

It is REA's policy to tier EIS's and EA's where it is practicable, where there will be a reduction of delay and paperwork, or where better decisionmaking wil be fostered.

Subpart D—Classification of Proposals

§ 1794.30 Control.

For environmental review proposes, REA has identified and set forth categories of Borrower proposals. A Borrower of Borrowers may propose to participate with other parties in the ownership of a project where the Borrower does not have sufficient control and responsibility to alter the development of the project. In such a case the proposal will be considered a categorical exclusion regardless of the category into which the proposal would otherwise be included. Where the Borrower proposes to own 5 percent or less of a project, the proposal will normally be considered a categorical exclusion. Where the Borrower proposes to own 33⅓ percent or more of a project, the proposal will be treated in its usual category. Where the Borrower proposes to own more than 5 percent but less than 33⅓ percent of a project, REA will determine whether the Borrower has sufficient control and responsibility to alter the development of the project. Consideration will be given to such factors as (a) whether construction would be completed regardless of REA financing assistance; (b) the stage of project planning and construction; (c) total Borrower participation; (d) participation percentage of each utility in the project; and (e) managerial arrangements and contractual provisions.

§ 1794.31 Categorical exclusions (proposals normally requiring neither an EIS nor an EA).

(a) Borrower proposals that do not individually or cumulatively have a significant effect on the environment and do not normally involve significant unresolved conflicts concerning alternate uses of available resources, do not require an EIS or EA. In order to provide for extraordinary circumstances, such proposals may require development of a Borrower's Environmental Report (BER) or the equivalent.

(b) Certain types of Borrower proposals do not require a BER. Proposals of this type are subject to the requirements of § 1794.41. Proposals within this classification are:

(1) Purchase of land where use will remain unchanged.

(2) Routine approvals made pursuant to loan and security documents (*e.g.*, contracts for bulk commodities, fuel, goods and services, capital credit retirements, technical specifications).

(3) Agreements for transmission, wheeling, interconnection with, power purchase from, or sale to other utilities where no Borrower construction is involved.

(4) Additional financing assistance for proposals previously approved by REA if there are no changes in the project and if there are no significant new circumstances or information relevant to environmental concerns.

(5) Rehabilitation or reconstruction of roads, railroad tracks, roadbed, bridges and other transportation facilities within transportation rights-of-way or generating facility sites where there is no substantial increase in use. A description of the rehabilitation or reconstruction shall be provided to REA.

(6) Service drops and secondary circuits leading to individuals service or delivery points where voltage is less than 15 kV.

(7) Changes or additions to existing substations or switching stations or external changes to buildings or small structures requiring less than 0.4 hectare (0.99 acre) of new physically disturbed land or fenced property. A description of changes and additions shall be provided to REA.

(8) Internal modifications or equipment additions (*e.g.*, computer facilities, relocating interior walls) to small structures or buildings.

(9) Internal or minor external changes to electric generating or fuel processing facilities and related support facilities where there is negligible impact on the outside environment. A description of the changes shall be provided to REA.

(10) Ordinary maintenance or replacement of equipment or small structures (*e.g.*, line support structures, microwave facilities, valves).

(11) Telephone and communications lines and cables at existing power related facilities sites.

(12) Supervisory control and data acquisition systems (SCADA) and energy management systems involving no new external construction.

(13) Testing work (*e.g.*, test borings or cores, water test wells).

(14) Studies and engineering undertaken to define a proposal or alternatives sufficiently so that environmental effects can be assessed.

(15) The construction of electric power lines within an existing substation, switching station or electric generating facility site. A description of the facilities to be constructed shall be provided to REA.

(16) Contracts for certain items of equipment which are part of a proposal for which REA is preparing an EA or EIS, and which meet the limitations on actions, suring the NEPA process set forth in § 1794.21 (*e.g.*, long lead time items such as turbines or boilers).

(17) Internal REA administrative actions (*e.g.*, personnel actions, procurement) and REA bulletins that do not concern environmental matters or substantial facility design, construction or maintenance practices.

(c) Certain types of Borrower proposals normally require Borrower submission of a BER or its equivalent. Proposals of this type are subject to the requirements of § 1974.42. Proposals within this classification are:

(1) The construction of electric power lines and associated facilities designed for or capable of operation at a nominal voltage of either

(i) less than 69 kV (low side) or

(ii) less than 230 kV (low side) if both

(A) no more than 40 kilometers (24.85 miles) of power line are involved and

(B) substations and switching stations require new physical disturbance or fencing of no more than 2 hectares (4.94 acres) at any single site nor more than 4 hectares (9.88 acres) for all sites.

(2) The construction of electric power lines designed for operation at a voltage of 345 kV or less where less than 5 kilometers (3.11 miles) of line are involved.

(3) The construction of telephone and communication lines, cables and facilities.

(4) Construction of other small structures or buildings such as microwave facilities, cooperative headquarters, maintenance facilities, etc., involving no more than 1 hectare (2.47 acres) of physical disturbance or fencing.

(5) Participation by a Borrower(s) in any proposed project where total Borrower financial participation in the underlying project will be five (5) percent or less.

(6) Purchase of existing facilities or a portion thereof where use or operation will remain unchanged and which presently are in compliance with environmental laws and regulations. However, if the facility is a generating or mining facility, before or soon after the purchase REA will prepare an EA addressing the operation of the facility and measures which can be adopted to mitigate environmental impacts of such operation. As a condition to REA approval of the acquisition, the Borrower will be required to institute practicable mitigation measures.

(7) Additional bulk commodity storage (e.g., coal, peat, lignite, limestone, etc.) within existing generating station boundaries.

(8) SCADA and energy management systems which require new external construction.

(9) Reconductoring or upgrading of existing telephone or power lines where substantially equivalent support structures at the approximate existing support structure locations are used.

(10) Proposals designed to reduce the amount of pollutants released into the environment (*e.g.*, precipitators, baghouse or scrubber installation, coal washing plant and equipment) which have no other impact outside of the existing facility site.

(11) Changes or additions to existing substations or switching stations or external changes to buildings or small structures requiring 0.4 hectare (0.99 acre) or more but no more than 1 hectare (2.47 acres) of new physically disturbed land or fenced property.

§ 1794.32 Proposals normally requiring an EIS.

(a) Actions that may significantly affect the quality of the human environment require preparation of an EIS. An EIS normally will be required in connection with Borrower proposals for construction and operation of the following types of facilities:

(1) Electric generating facilities of 40 or more megawatts (MW) (nameplate rating) other than hydroelectric, diesel generators or combustion turbines. All new associated facilities and electric power lines related to the generating proposal shall be covered in the EIS.

(2) Hydroelectric facilities of 40 or more MW (nameplate rating) where new dam construction is involved. All new associated facilities and electric power lines related to the generating proposal shall be covered in the EIS.

(3) A new mining operation when the Borrower or Borrowers have effective control (*e.g.*, deicated mine or purchase of a substantial portion of the mining equipment).

(b) Proposals of this type are subject to the requirements of §§ 1794.50–1794.55.

§ 1794.33 Proposals normally requiring an environmental assessment without scoping.

(a) REA will normally prepare an EA for all proposals which are neither categorical exclusions (§ 1794.31) nor are proposals normally requiring an EIS (§ 1794.32). For certain actions within this class, scoping and document procedures set forth in §§ 1794.50–1794.53 shall be followed (see § 1794.34). The following are examples of specific Borrower proposals which normally require an EA without scoping.

(1) Construction of combustion turbine and diesel generating facilities of less than 40 MW (nameplate rating) and hydroelectric facilities where no new dam construction is involved. All new associated facilities and electric power lines related to the subject generating proposal shall be covered in the EA.

(2) Construction of any other type of electric generating facility with a nameplate rating of less than 5 NW capacity. All new associated facilities and electric power lines related to the subject generating proposal shall be covered in the EA.

(3) The expansion of a mining or drilling operation or a new drilling operation.

(4) purchase of existing facilities or a portion thereof which are presently in violation of Federal, state or local environmental laws or regulations.

(5) The construction of electric power lines and related facilities designed for or capable or operation at a nominal voltage of 230 kV or more (low side) not covered by § 1794.31 (categorical exclusions) or § 1794.34 (normally requiring an EA with scoping).

(6) The construction of electric power lines and related facilities designed for or capable of operation at a nominal voltage of 69 kV or more (low side) but less than 230 kV (low side) where:

(i) more than 40 kilometers (24.85 miles) of power line are involved or

(ii) substations and switching stations require new physical disturbance of fencing of more than 2 hectares (4.94 acres) at any single site or more than 4 hectares (9.88 acres) for all sites.

(7) Proposals designed to reduce the amount of pollutants released into the environment which may have other impacts outside of the existing facility site.

(8) Issuance of REA regulations concerning environmental matters or

substantial facility design, construction or maintenance practices.

(b) Proposals of this type are subject to the requirements of §§ 1794.60–1794.64.

§ 1794.34 Proposals normally requiring an environmental assessment with scoping.

(a) There are certain actions which require the use of a scoping procedure in the development of an EA. After the scoping process is completed and an acceptable Environmental Analysis has been submitted by the Borrower, REA will determine whether to prepare an EIS or finding of no significant impact (FONSI). The types of proposals falling within this category are:

(1) The construction of electric power lines and related facilities designed for or capable of operation at a nominal voltage of 230 kilovolts (kV) or more (low side) where:

(A) more than 40 kilometers (24.85 miles) of power line are involved or

(B) substations and switching stations require new physical disturbance or fencing involving a total of more than 2 hectares (4.94 acres) at any single site or more than 8 hectares (19.77 acres) for all sites.

(2) The construction of hydroelectric (where new dam construction is involved) or other electric generating facilities, except combustion turbines and diesels, of 5 or more MW but less than 40 MW (nameplate rating). All new associated facilities and electric power lines related to the subject generating project shall be covered in any EA or EIS prepared.

(b) Proposals of this type are subject to the requirements of §§ 1794.70–1794.73.

§ 1794.35 Work plan proposals.

Borrowers frequently request financing assistance for a number of relatively minor unrelated projects all of which are described in a single "work plan." In determining the proper environmental classification of construction projects contained in a work plan, REA will consider as a single proposal all related construction included in the work plan and any additional construction related thereto which, although not included in the work plan, is reasonably foreseeable.

Subpart E—Procedure for Categorical Exclusions

§ 1794.40 General.

The following procedure, which applies to actions classified as categorical exclusions in § 1794.31 hereof, provides REA with information necessary to determine if the proposed action meets the criteria for a categorical exclusion. Where, because of extraordinary circumstances, an action may have a significant effect on the quality of the human environment, REA may require additional environmental documentation.

§ 1794.41 Proposals with no BER.

Normally the Borrower shall not submit a BER for proposals included in § 1794.31(b); however, if so noted in § 1794.31(b) the Borrower shall submit a description of the proposal. No public notice is required unless the proposal may affect wetlands or floodplains.

§ 1794.42 BER proposals.

For proposals included in § 1794.31(c) the Borrower normally shall submit a BER or its equivalent which will assist REA in identifying extraordinary circumstances in which a normally excluded action may have a significant environmental effect. No public notice is required unless the proposal may affect wetlands or floodplains. REA shall not permit construction or other activities which would have an environmental effect until it has received, reviewed and accepted an adequate BER.

Subpart F—Procedures for Proposals Normally Requiring an EIS

§ 1794.50 Normal sequence.

Appendix A to Part 1794 (Procedures for Proposals which Normally Require an EIS) describes the normal sequence of EIS preparation to be employed by REA. For proposals normally requiring an EA with scoping (see § 1794.34), the NEPA process shall proceed in the same manner as for proposals normally requiring an EIS through the point at which the Environmental Analyis is submitted (see § 1794.53). After the Environmental Analysis has been submitted, REA shall make a judgment to prepare either an EIS or a finding of no significant impact (FONSI).

§ 1794.51 Preparation for scoping.

(a) REA has developed a general approach to the NEPA process, including scoping, for proposals normally requiring an EIS (§ 1794.32) and for proposals normally requiring an EA with scoping (§ 1794.34). Scoping procedures are designed to determine the scope of issues to be addressed and to identify significant issues related to a proposed action. REA may require scoping procedures to be followed for other proposals where appropriate to achieve the purposes of NEPA.

(b) As soon as practicable, REA will publish its notice of intent to prepare an EIS (see 40 CFR § 1508.22). The Borrower shall publish, in a timely manner, a notice similar to REA's notice. If the proposal is one which normally requires an EA with scoping (§ 1794.34), the notice shall indicate that (1) REA may prepare an EA before or without necessarily preparing an EIS and (2) the decision whether or not to prepare an EIS will be based on information received from the Borrower, Federal, state and local agencies, organizations and the general public during the scoping process, preparation of the Environmental Analysis, and the review period for a finding of no significant impact (if originally issued).

(c) As part of the early project planning the Borrower should consult with expert and interested Federal, state and local agencies to inform them of the proposed project, and to identify permits and approvals which must be obtained and administrative procedures which must be followed.

(d) Before any scoping meetings are held REA shall require the Borrower to submit two environmental documents:

(1) Alternative Evaluation;

(2) Siting Study (for electric generation or new mines) or Macro-Corridor Study (for electric transmission).

(e) The Borrower is encouraged to hold additional public information meetings in the general location of the proposed project and any reasonable alternatives when such Borrower meetings will make the scoping process more meaningful. A written summary of the comments made at such meetings should be submitted to REA as soon as practicable after the meetings.

§ 1794.52 Scoping meeting.

(a) Both REA and the Borrower shall publish a notice of the public meeting which shall:

(1) Provide a brief description of the nature and location of the preferred and reasonable alternatives;

(2) State the intent to hold public scoping meetings, giving the date, time, location and purpose of these meetings;

(3) State where copies of the scoping documents may be available for public review, which shall include the Borrower's headquarters, REA offices in Washington, and other locations as determined by REA;

(4) Provide the name and address of the person to whom questions and comments should be sent;

(5) Set forth a thirty (30) day period after the scoping meeting(s) to enter comments into the meeting record.

(b) The REA notice will be published at least thirty (30) days prior to the meeting(s). The Borrower's notice shall be published at least ten (10) days, but not more than thirty (30) days prior to the meeting(s).

(c) The scoping meeting(s) will normally be held in the vicinity of the proposal and, where appropriate, the reasonable alternatives or such other places as REA determines will best afford an opportunity for public involvement. Any person, organization or government body desiring to make a statement at the meeting may make such statement in writing or orally. A record will be made of the scoping meeting.

(d) As soon as practicable after the scoping meeting(s), REA, as lead agency, shall determine the significant issues to be analyzed in depth and identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review. REA will develop a proposed scope for further environmental study and review. A copy of this proposed scope will be sent to cooperating agencies, which shall be given thirty (30) days to comment on its adequacy and emphasis. After expiration of the thirty (30) day period, REA will provide formal guidance to the Borrower concerning the scope of environmental study to be performed and information to be gathered.

§ 1794.53 Borrower's Environmental Analysis.

(a) After scoping procedures have been completed, REA shall require the Borrower to develop and submit an Environmental Analysis satisfactory in form and substance to REA. The Environmental Analysis will be prepared under the guidance of the REA staff and all information set forth therein shall be subject to independent verification by REA.

(b) The Environmental Analysis will normally provide a basis for preparation of REA's EA or EIS and may be made an appendix to the REA document. After REA has reviewed and found an Environmental Analysis satisfactory, the Borrower will be required to provide REA with sufficient number of copies of the Environmental Analysis to satisfy REA's distribution plan.

(c) The Environmental Analysis shall include a summary of the construction and operation monitoring and mitigation measures for the proposed project. This summary shall appear in the draft and final EIS. These measures may be revised as appropriate in response to comments on the draft and final EIS and other information. These measures also shall be incorporated by summary or reference into REA's Record of Decision.

§ 1794.54 EIS.

(a) After either the draft or final EIS has been prepared REA and the Borrower shall issue a notice of availability for the document. The notice shall:

(1) Provide a brief description of the nature and location of the preferred and reasonable alternatives;

(2) State the availability of a draft or final EIS for public review;

(3) State how copies of the EIS can be obtained and where copies are available for public review which shall include the Borrower's headquarters, REA offices in Washington, D.C., selected libraries in the area of the preferred and reasonable alternatives and such other reasonable places as REA shall select;

(4) Provide the name and address of the person to whom questions and comments should be sent;

(5) Set forth the time period for review and comment. This time period normally shall be forty-five (45) days for a draft EIS and thirty (30) days for a final EIS, measured from the date that the U.S. Environmental Protection Agency's notice and the Borrower's notices are first published.

REA and the Borrower notices for the final EIS shall also request persons, organizations or governmental bodies which wish to be notified when the Record of Decision is available to inform REA of such interest.

(b) In addition to circulation required by 40 CFR § 1502.19, draft and final EIS's (or summaries thereof, at REA discretion) shall be circulated to the appropriate state, regional, and metropolitan clearinghouses.

(c) Where a final EIS does not require that substantial changes be made in the draft EIS , REA may document required changes through errata sheets, insertion pages and revised sections to be incorporated into the draft EIS. In such cases, REA will circulate such changes together with comments on the draft EIS, responses to comments, and other appropriate information. as its final EIS. REA will not circulate the draft EIS again although the draft EIS will be provided if requested within thirty (30) days of publication of notice of availability of final EIS.

(d) In individual situations, upon mutual agreement between REA and the Borrower, the environmental impact statement may be prepared by an independent contractor. If REA acts as lead agency, the contractor will be chosen by REA. Under this procedure, the Borrower normally will not be required to submit an Environmental Analysis.

§ 1794.55 Timing of agency action.

(a) Where an REA action requires an EIS, REA shall prepare a Record of Decision. the Record of Decision will not be prepared, and REA will not take any action or execute commitments before expiration of the thirty (30) day period starting with either EPA's notice in the **Federal Register** that the final EIS is available or the Borrower's notices of availability, whichever is later.

(b) For budgetary purposes some financing assistance may be approved conditionally with a stipulation that no funds will be advanced until a Record of Decision has been prepared.

Subpart G—Procedure for Environmental Assessment Proposals Without Scoping

§ 1794.60 General.

The following procedure applies to all actions classified as Environmental Assessment Projects in § 1794.33 hereof. Where appropriate to carry out the purposes of NEPA, REA may require, on a case by case basis, that additional action be taken in connection with preparation of an EA. If at any point in the preparation of an EA, REA determines that the action will have a significant impact on the environment, the preparation of an EIS will be required and the procedures applicable thereto will be followed.

§ 1794.61 Document requirements.

For those proposals covered by § 1794.33, the Borrower shall submit a BER or its equivalent. The BER may serve as REA's EA if REA makes an independent evaluation of the environmental issues and concurs in the BER's scope and content. The BER also may be made an Appendix to REA's EA to provide information on the proposal and reduce unnecessary paperwork.

§ 1794.62 Notice of availability.

The Borrower shall publish a public notice of availability of the BER.

(a) The Borrower's notice shall:

(1) provide a brief description of the nature and location of the preferred and reasonable alternatives;

(2) state the availability of the BER for public review;

(3) state how copies of the BER can be obtained and where copies may be available for public review, which shall include the Borrower's headquarters, REA offices in Washington, D.C., and other locations as determined by REA;

(4) provide the name and address of the person to whom questions and comments should be sent;

(5) set forth a thirty (30) day time period for review and comment.

(b) The Borrower's Notice shall be published after REA has determined that the BER provides a satisfactory basis for public comment.

(c) REA shall not permit construction or other activities which would have an environmental effect until it has received, reviewed and accepted an adequate BER and the public notice requirements in (a) and (b) above have been met.

§ 1794.63 FONSI and notice requirements.

(a) If REA, after reviewing the EA, finds that the proposal will not have a significant effect on the human environment, REA shall prepare a FONSI. After the FONSI has been made, REA shall publish a notice of availability of the EA and FONSI. The Borrower shall have published, in a timely manner, a similar notice.

(b) Both the REA and Borrower notice shall:

(1) provide a brief description of the nature and location of the preferred and reasonable alternatives;

(2) state that an EA and FONSI have been prepared;

(3) state how copies of the EA and FONSI can be obtained, and where copies may be available for public review which shall include the Borrower's headquarters, REA offices in Washington, and other locations as determined by REA;

(4) provide the name and address of the persons to whom questions and comments should be sent.

§ 1794.64 Timing of agency action.

REA may take its final action on proposals requiring an EA without scoping (§ 1794.33) at any time after publication of the REA and Borrower notices that a FONSI has been made.

Subpart H—Procedures for Environmental Assessment Proposals With Scoping

§ 1794.70 General.

For those proposeals covered by § 1794.34, REA and the Borrower shall follow the procedures for scoping and the requirements for notices and documents set forth in §§ 1794.50 through 1794.53, "Procedures for Proposals Normally Requiring an EIS."

§ 1794.71 REA determination.

After the scoping process and receipt of an acceptable Environmental Analysis, REA shall make a judgment as to whether or not REA's action will be a major Federal action significantly affecting the quality of the human environment. If a significant effect is evident, REA shall continue with the procedures in §§ 1794.54 through 1794.55, "Procedures for Proposals Normally Requiring an EIS." If a significant effect is not evident, REA shall develop and prepare an EA and FONSI.

§ 1794.72 Notice requirements for a FONSI determination.

If REA prepared a FONSI for a proposal covered by § 1794.34, REA and, in a timely manner, the Borrower shall publish notices of availability of the EA and FONSI. The EA and FONSI shall be made available for public review and comment for at least thirty (30) days, and the REA and Borrower notices shall solicit public comments. Additional REA and Borrower notice requrements are included in § 1794.63.

§ 1794.73 Timing of agency action for FONSI determination.

REA may take its final action at any time after expiration of the thirty (30) day period measured from the date of publication of the REA notice in the **Federal Register**. Normally REA shall wait thirty (30) days after publication of the Borrower's notice before taking a final action.

Subpart I—Adoption of Environmental Documents

§ 1794.80 General.

Where Borrowers participate in projects for which other agencies have already prepared an EIS or EA, REA will adopt the existing EIS or EA consistent with the provisions of 40 CFR 1506.3.

§ 1794.81 Adoption as a final EIS.

(a) If REA acted as a cooperating agency, the statement may be adopted as a final EIS without recirculation if REA has reviewed the comments received on the final EIS and concluded that comments and suggestions have been adequately considered.

(b) If REA was not a cooperating agency but determines that another Federal agency's EIS is adequate it will adopt the EIS as its final EIS.

(1) REA and the Borrower shall publish a notice stating REA's adoption of the EIS and independent determination of its adequacy. The notices are governed by §§ 1794.12 (general) and 1794.54(a) (EIS).

(2) If the adopted EIS is generally avaialble, REA will circulate its written finding that the adopted EIS meets the standards for an adequate EIS. The adopted EIS shall be made available to interested parties upon request.

(3) If the adopted EIS is not generally available, REA will circulate its written finding that the adopted statement is an adequate EIS, along with either the adopted EIS or a summary thereof in accordance with 40 CFR § 1502.19. The adopted EIS shall be circulated in the same manner as a final EIS (see § 1794.54(b)).

§ 1794.82 Adoption as a draft EIS.

Where REA determines that an existing Federal EIS requires additional information to meet the standards for an adequate statement for a proposed REA action, REA may adopt all or a portion of the EIS as a part of its draft EIS. The circulation provisions of § 1794.54(b) for draft and final EIS's apply. The general notice provisions (§ 1794.12) and notice provisions for EIS's (§ 1794.54(a)) apply.

§ 1794.83 Adoption of an EA.

REA may adopt a Federal EIS or EA or a portion thereof as its EA. REA shall make the EA available and assure that notice is provided in the same manner as if REA had prepared the EA.

§ 1794.84 Adoption of state environmental documents.

REA may adopt environmental documents or portions thereof prepared by Federal, state or local agencies or other parties independently of the requirements of NEPA. REA may adopt such documents into its environmental documents. REA will circulate the adopted document as a part of its environmental assessment or draft and final EIS in the same manner as if prepared by REA.

§ 1794.85 Timing of agency action.

Where REA has adopted another agency's environmental documents, the timing of the REA action shall be subject to the same requirements as if REA had prepared the required EA or EIS.

Subpart J—Supplemental EIS

§ 1794.90 Circulation and notices.

(a) A supplement to a draft or final EIS shall be prepared, circulated and given notice by REA and the Borrower in the same manner as a draft and then final EIS (see § 1794.54.)

(b) Normally REA and the Borrower shall have published notices of intent to prepare a supplement to a final EIS in those cases where a Record of Decision has already been issued.

(c) REA, at its discretion, may issue an information supplement to the final EIS where REA determines that the purposes of NEPA are furthered by doing so even though such supplement is not required by 40 CFR § 1502.9(c)(1). REA and the Borrower shall publish a notice of availability. The notice requirements shall be the same as for a final EIS indicated in § 1794.54(a). The information supplement shall be circulated in the same manner as a final EIS (see § 1794.54(b)). REA shall take no final action on any proposed modification discussed in the information supplement until thirty (30) days after the REA notice of availability is published or thirty (30) days after the Borrower's notice is published, whichever occurs later.

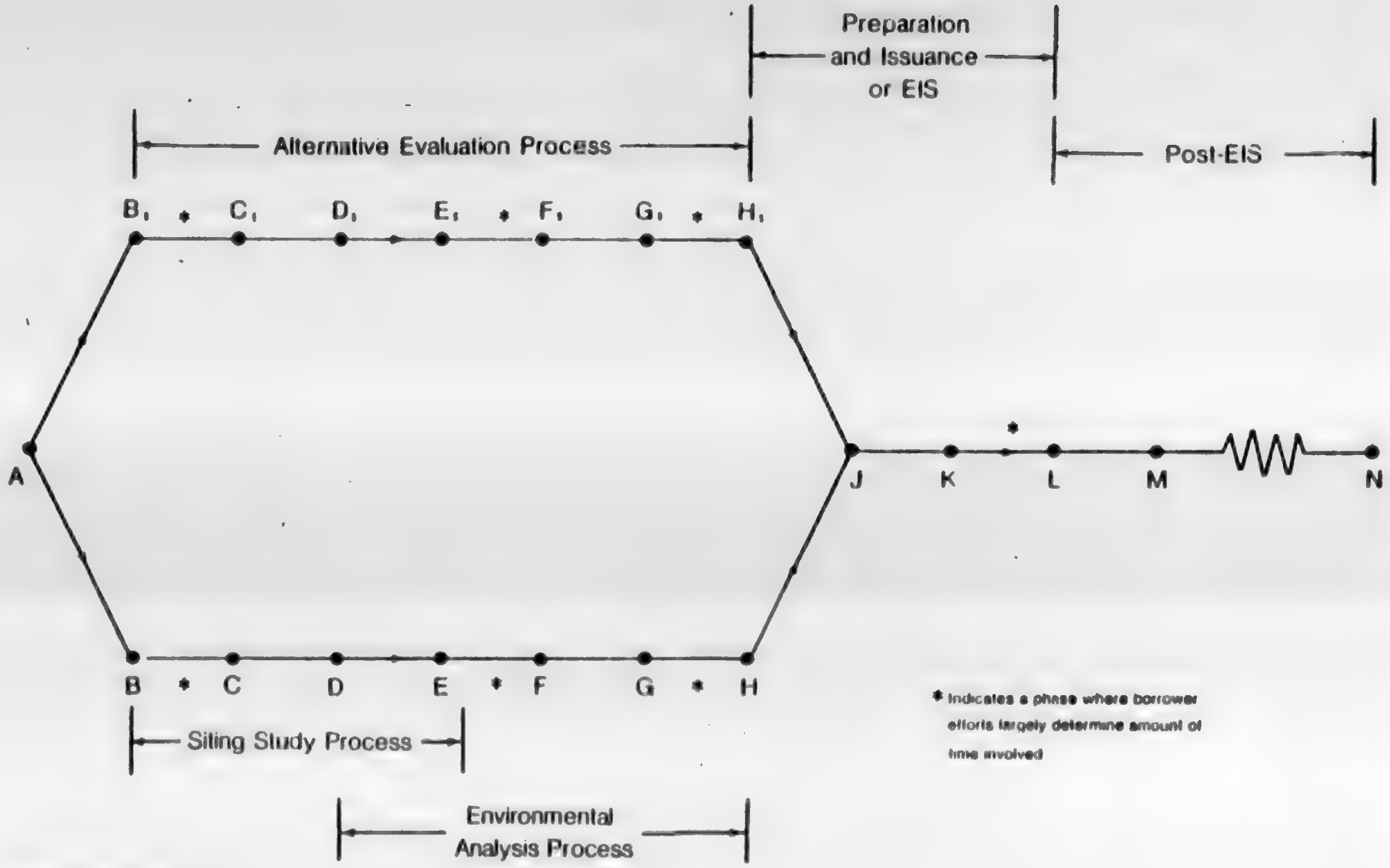
§ 1794.91 Timing of agency action.

Timing of REA's action shall be subject to the same requirements as apply to a typical EIS.

BILLING CODE 3410-15-M

Appendix A

Procedure for Proposals Which Normally Require an EIS


Preparation
and Issuance
or EIS
Alternative Evaluation Process
Post-EIS
B_1
*
C_1
D_1
E_1
*
F_1
G_1
*
H_1
A
J
K
*
L
M
N
B
*
C
D
E
*
F
G
*
H
Siting Study Process
Environmental
Analysis Process

* Indicates a phase where borrower efforts largely determine amount of time involved

BILLING CODE 3410-15-C

APPENDIX A—Diagram Legend

On-going activity in the EIS process B, C, D, Discrete events in the Siting Study and Environmental Analysis path B_1, C_1 Discrete events in the Alternative Evaluation path

As the diagram illustrates, there will be two separate but interrelated study processes leading to the preparation of the EIS. One process B_1 through H, will examine altenatives to building a generating (or transmission or new mining) facility. The other process, B through H will examine a range of potentially acceptable sites for a generating (or transmission or new mining) facility.

In order to facilitate long-range planning and reduce delays, a Borrower may undertake preliminary evaluations of alternative means of providing power and begin the study of a range of potentially acceptable sites for a generation (or transmission or new mining) facility before demonstrating a need for the proposal. However, the obligation to show need for the proposal will still remain before REA financing assistance can be obtained.

Equal spacing between points on the diagram is not meant to suggest equal time intervals. Where two letters are the same (except for subscripts), generally the two indicated events should occur within the same time frame. For $\overline{BD}$ and $\overline{B_1D_1}$, this is only true where the Borrower initiates site selection at a time when there is a specific need to be filled. For major transmission projects, events occurring with reference to the Macro-Corridor Study are analogous to the generation and mining Siting Study Procedures.

The flow diagram is intended to indicate the normal sequence of events although some variance may be acceptable in individual cases if good cause is demonstrated. However, in all instances REA shall assure that the requirements of the NEPA and CEQ regulations are fulfilled.

Discrete Events

A: The Borrower presents to REA the underlying needs which form the basis of its proposal. REA undertakes for electric generation proposals, when necessary, the preparation or update of the power requirements study (PRS) utilizing REA procedures. For electric generation and transmission and mining proposals, the need for the proposal shall be presented in the draft in final EIS's (or EA, as applicable).

B and B_1: The Borrower consults with REA on the procedures and general parameters for the Siting Study and on potential alternative ways to meet the need, including guidance on preparing the Alternative Evaluation. Consultation may be initiated even if a specific need has not been identified.

$\overline{BC}$: Work is performed on the Siting Study by the Borrower and/or consultant. This includes "macroanalysis" in which general criteria, literature search and consultation are used to identify a reasonable range of potentially acceptable sites.

Borrower/consultant contact Soil Conservation Service (SCS), Environmental Protection Agency (EPA), Fish and Wildlife Service (FWS), Army Corps of Engineers (COE), Federal land use agencies and state agencies for early guidance and input.

As soon practicable during this period, REA publishes its "Notice of Intent" in the **Federal Register** and the Borrower publishes similar information in local newspapers of general circulation. (See § 1794.51(b).

$\overline{B_1C}$: Borrower does research and consultation, contacts other utilities, etc., to determine whether there are reasonable alternatives to a new generating (or transmission or mining facility). The Alternative Evaluation should include discussion, as appropriate, of joint projects, alternate fuels, alternate energy sources, conservation, etc. Alternatives eliminated from detailed study should be identified and reasons given for the elimination. The Borrower should also indicate which alternatives are reasonably available to it if its recommended alternative is not approved.

C and C_1: Borrower submits draft of Siting study and Alternative Evaluation to REA for review. REA reviews each draft for major flaws. If such flaws are not present, REA submits both the draft Siting Study and Alternative Evaluation to potentially involved Federal and state agencies (including, but not limited to, all agencies invited to the field investigation) for review and comment.

D and D_1: REA invites other Federal and state agencies to make a field investigation of potentially acceptable siting areas discussed in the draft Siting Study and critique the study methodology, and point out potential problems with these alternative siting areas. The Borrower at this time presents site and nonsite specific alternatives included in the Siting Study and Alternative Evaluation to these agencies for their comments. Participating agencies may critique alternative means of meeting the need and point out potential problems with alternative siting areas. The agencies set up a strategy for conducting the scoping process and tentatively identify the lead and cooperating agencies for the EIS.

$\overline{DE}$: Federal agencies are given the opportunity to comment on the potentially acceptable alternatives to point out fatal flaws. During this stage the Borrower may secure land, water or other critical factors for potentially acceptable sites by option or other means (subject to the limitations in § 1794.21). If REA's notice of intent and the Borrower's notice did not give the date and time of the scoping meeting, scoping meeting notices are published now.

E and E_1: Scoping meeting(s) is held to receive input from the public, interested parties, and Federal, state and local officials and agencies. Among the topics open to discussion are reasonable alternatives to meet the need, potentially acceptable sites, participation projects or conservation, significant issues to be addressed in the EIS, and the need for the project.

$\overline{EF}$: Borrower submits revised Siting Study (or addenda if appropriate) to REA for review after revising it to reflect input from scoping meeting(s). REA consults with cooperating agencies on the scope of the EIS and gives the Borrower guidance on scope of the Environmental Analysis. Borrower prepares the draft Environmental Analysis which includes a fatal flaw study of potentially acceptable sites and a "microanalysis" in which detailed field work is conducted on the Borrower's recommended site(s). The Borrower continues consultation with REA and other interested Federal, state, and local agencies, and the public, and reflect their comments in the Environmental Analysis.

$\overline{D_1F_1}$: Borrower updates and expands, as necessary, the Alternative Evaluation on the basis of comments received from Federal, State and local officials and agencies, input from participants at the scoping meeting(s), the general public and new developments (*e.g.*, negotiations with other electric power utilities). REA provides guidance to the Borrower during this period based on cooperating agency and public input.

F and F_1: The Borrower submits draft Environmental Analysis to REA for review and comment. If the draft Environmental Analysis has no readily apparent critical flaws, REA distributes copies of the Environmental Analysis to cooperating agencies for review. Borrower submits Alternative Evaluation, which has been updated after the scoping meeting, and also includes new alternatives, if any, which have developed. REA submits updated Alternative Evaluation to requesting cooperating agencies. The Environmental Analysis may incorporate the Alternative Evaluation leading to a single review document.

$\overline{FG_1}$ and $\overline{F_1G_1}$: REA and cooperating agencies independently evaluate, for accuracy, scope and content, the information submitted to them. REA collates responses and reconciles them with the Borrower. REA may begin writing the draft EIS at this point.

H_1 and H_1: REA borrower submits, as appropriate, a final revised Environmental Analysis and Alternative Evaluation to REA.

$\overline{HJ_1}$ and $\overline{H_1J}$: REA independently evaluates the revised documents and verifies the information therein before use in the EIS. During this time, REA prepares the draft EIS, utilizing the borrower-supplied data, interagency expertise, and other information.

J: REA issues draft EIS for public review and comment publishing notice of availability in the **Federal Register.**

K: Public comment period ends on draft EIS. This date may be extended in certain instances.

$\overline{KL}$: REA (and cooperating agencies, as appropriate) review comments received on draft EIS and responds, by modifying alternatives, developing alternatives not previously given sufficient consideration, supplementing, improving or modifying the analyses, etc. A final EIS or supplemental draft EIS is prepared, as appropriate, with cooperating agencies' assistance.

M: Record of decision is issued: REA will take no final action on any loan guarantee, etc., sooner than 30 days after issuance of the final Federal EIS.

MN: Implementation of mitigation measures are checked, as necessary, by REA and other Federal, state, and local agencies during construction and operation of the project.

Dated: September 28, 1982.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 82-30019 Filed 11-1-82; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 82-711]

Service Corporaton Activities

Date: October 27, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Federal Home Loan Bank Board is withdrawing a proposed rule that would have expanded the scope of preapproved activities in which service corporations of federal savings and loan associations may engage. The Board is taking this action because it believes that the proposals are no longer necessary in light of recent legislation.

DATE: This withdrawal is effective October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Neil R. Crowley, Attorney, Office of General Counsel, (202-377-6417), Federal Home Loan Bank Board, 1700 G Street, NW. Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On February 26, 1982, the Federal Home Loan Bank Board issued a proposed rule that would have expanded the range of activities in which service corporations of federal associations may engage without prior approval of the Board. The proposal and request for public comment was published on March 8, 1982. 47 FR 9855 (1982). The Board issued the proposal in order to allow federal associations, through their service corporations, to compete more effectively with other institutions in the financial services market.

Recently, however, the Garn-St Germain Depository Institutions Act of 1982 (the Garn-St germain Act), Pub. L. No. 97-320, 96 Stat. 1469 (to be codified in scattered sections of 12 U.S.C.), has been enacted into law giving federal associations new powers, including the authority to make commercial loans, to lease tangible personal property, and to accept demand deposits. These powers will enable federal associations to accomplish the same purpose that the board sought to promote with the proposed service corporation amendments—to allow the associations to compete more effectively with other financial service providers. In light of the provisions of the Garn-St Germain Act, the Board has decided that it is no longer necessary to proceed with the proposed amendments to the service corporation regulation, 12 CFR 545.9-1. For this reason, the Board is withdrawing the proposed amendments.

The proposal had included a number of minor and technical amendments to the service corporation regulations. These changes are also withdrawn by the Board's present action. To the extent that such minor changes to § 545.9-1 need to be made, the Board intends to incorporate them into the regulations that it will issue when implementing the Garn-St Germain Act.

Accordingly, the Board hereby withdraws the proposed rule regarding service corporation activities published at 47 FR 9855 (1982).

(Sec. 5, 48 Stat. 132, as amended, (12 U.S.C. 1464); sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended (12 U.S.C. 1730a); reorg. Plan No. 3 of 1947, 12 F.R. 4891, 3 CFR 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-30132 Filed 11-1-82; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Part 563

[No. 82-706]

Examination Fees

Date: October 27, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board proposes to amend its regulations concerning payment of costs for examinations of insured institutions to provide explicitly for annual assessments on all insured institutions to cover the indirect costs of examinations. The proposal is intended to conform the regulatory language to long-standing administrative practice and to clarify the method for implementing planned increases in examination fees and annual assessments that should permit the entire cost of examinations to be recovered by 1987.

DATE: Comments must be received by December 2, 1982.

ADDRESS: Send comments to Director, Information Services, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: David A. Felt, (202-377-6240), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G St., NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Pursuant to Section 403(b) of the National Housing Act, 12 U.S.C. 1726(b) (1980), the Federal Savings and Loan Insurance Corporation ("FSLIC") can require insured institutions to pay the costs of examinations necessary for the protection of the FSLIC and the protection of other insured institutions. Section 563.17-1(a) of the Board's regulations makes it clear that the cost of examinations includes overhead and other indirect costs as computed by the FSLIC.

In order to recover some of the indirect costs of examinations, the Board for some time has imposed an annual assessment on all insured institutions whether or not a given institution was examined during the year. The assessments were in addition to charges for examiner time made when institutions were actually examined.

The annual assessment procedure reflects the Board's judgment that many overhead costs are not appropriately includable in direct examination fees. For example, examiner and supervisory time is spent in reviewing reports and records of all insured institutions; files and records must be maintained on all insured institutions. The Board has found it impractical to design and implement a precise system of measuring these indirect costs associated with each insured institution. The annual-assessment method of recovering such costs is, in the Board's judgment, the fairest and most convenient method available, given a system in which examinations are not always performed on an annual basis. Because the Board believes that the size of an institution is reasonably related to the volume and complexity of the data that is processed concerning that institution, the Board contemplates continued use of a *pro rata* assessment based upon the total assets of each institution as the preferred method for making an equitable distribution of indirect examination costs.

In the past, the entire cost of examinations has not been recouped from examination fees and annual assessments. The FSLIC intends to increase total examination assessments and fees over the next five years so that the annual cost of examinations will be fully recovered by 1987. To assist institutions in planning for these increases, the Board is publishing the general methodology that will be used in calculating future examination fees and assessments. In 1983, each insured institution would be charged an annual assessment of $12.00 per million dollars of gross assets and a rate of $120.00 per day of examiner time. Assuming a constant examination expense budget, the same total industry assets, and the same number of examination days, those rates would rise as follows:

Year	Annual assessment (per million)	Daily exam fee
1984	$14.00	$140.00
1985	16.00	160.00
1986	18.00	180.00
1987	20.00	200.00

Actual increases would be subject to fluctuations in the expense budget, total examination days, and total industry assets.

Initial Regulatory Flexibility Analysis

Pursuant to Section 3 of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164 (September 13, 1980), the Board is providing the following regulatory flexibility analysis.

1. *Reasons, objective and legal basis underlying the proposed rule.* These elements are incorporated above in the supplementary information regarding the proposal.

2. *Small entities to which the proposed rule would apply.* The rule would apply equally to all institutions insured by the FSLIC.

3. *Overlapping or conflicting Federal rules.* There are no known Federal rules that may duplicate, overlap, or conflict with the proposal.

4. *Alternatives to the proposed rule.* The proposal would not have a disproportionate impact on small institutions. Alternative payment methods would defray the entire cost of examinations through fees based upon hours of examiner time directly used in each exam. Those alternatives would all place a greater proportionate share of the cost on small institutions than does the proposal.

Because the Board views this amendment as a technical change that would have no substantive effect on regulatory requirements, and because there is a present need for clarification in order to provide for timely implementation of the 1983 examination fee schedule, the Board has limited the public comment period to 30 days.

List of Subjects in 12 CFR Part 563

Savings and loan associations.

Accordingly, the Board proposes to amend Part 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, to read as set forth below.

PART 563—OPERATIONS

Amend § 563.17–1 by revising subparagraph (1) of paragraph (a) as follows:

§ 563.17–1 Examinations and audits; appraisals; establishment and maintenance of records.

(a) *Examinations and audits.* (1) Each insured institution and affiliate thereof shall be examined periodically, and may be examined at any time, by the Corporation, with appraisals when deemed advisable, in accordance with general policies from time to time established by the Board. The costs, as computed by the Corporation, of any examinations made by it, including office analysis, overhead, per diem, travel expense, other supervision by the Board, and other indirect costs, shall be paid by the institutions examined, except that in the case of service corporations of Federal savings and loan associations the cost of examinations, as determined by the Corporation, shall be paid by the service corporations. Payments shall be made in accordance with a schedule of annual assessments based upon each institution's total assets and of rates for examiner time in amounts determined by the Corporation.

* * * * *

(Secs. 401–405, 48 Stat. 1255–1260, as amended (12 U.S.C. 1724–1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82–30151 Filed 11–1–82; 8:45 am]

BILLING CODE 6720–01–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards; Definition of Small Business, for the Accounting, Auditing, and Bookkeeping Services Industry for Government Procurement Purposes

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The Small Business Administration (SBA) is proposing to revise its regulations defining the size standard for the accounting, auditing, and bookkeeping services industry. The proposed rule is that firms in this industry must have no more than 100 employees to be considered small for government procurement purposes. The present size standard for this services industry is average annual receipts for the preceding three fiscal years not to exceed $2 million. This industry is one which has not previously been assigned an individual size standard by SBA but has been measured for size purposes by the general services standard. (13 CFR 121.3–8(e)). SBA has previously published two advance notices of proposed rule making relating to general revisions of the SBA size standards (45 FR 15442 and 47 FR 18992), each of which also suggested specific standards for this industry based on number of employees. The first advance notice suggested a size standard of 25 employees, while the second advance notice suggested 100 employees.

While SBA was in the process of evaluating the various public comments received in response to the two advance notices with respect to this industry, as well as the hundreds of other industries, an accounting firm brought suit in United States District Court seeking an injuction against SBA of the agency's application of the size standard presently in effect as to the plaintiff. As part of its response to the litigation, SBA agreed to focus its attention on the accounting industry on a priority basis. Having done so, the SBA now proposes a new size standard for this particular industry for government procurement purposes of 100 employees.

DATE: Written comments must be submitted by December 2, 1982.

ADDRESSES: Address all comments to: Andrew A. Canellas, Director, Office of Industry Analysis, Small Business Administration, 1441 L Street, NW, Room 500, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Robert Ray (202) 653–6373.

SUPPLEMENTARY INFORMATION: SBA has examined the size standard for the accounting, auditing, and bookkeeping services industry (SIC 8931) in light of the factors presently identified in its regulations at 13 CFR 121.3–1(b). These factors can generally be described as the relative degree of concentration of an industry, the coverage and specialization ratios, the number of concerns in the industry, the relative size of the industry leaders, and the relationship of the size standard to SBA programs, including government procurement.

Based on the data available to it, the SBA believes that the accounting industry is a relatively concentrated industry when compared with other service industries, with the eight largest accounting firms being responsible for a third of industry sales. When the four largest firms in a particular industry obtain 50% or more of sales, that industry is generally regarded as concentrated. Since in the accounting industry the four leading firms control only 25% of industry sales, it cannot be termed concentrated although this is a high percentage for a service industry. Another factor SBA considered in examining the relative degree of industry concentration was the average firm size by number of employees, and in this industry the average firm size was found to be 15 employees, which is a larger average firm size than services industries generally, but still small enough to indicate low entry barriers, such as start-up costs, all tending to show competitiveness. The share of industry sales controlled by the industry leaders, and the average firm size, considered together, indicate that this industry should be characterized as having moderate tendencies toward concentration. This characterization of the industry suggests that a size standard somewhat higher than standards for many of the other services industries (which are generally very competitive) is needed in order to enhance competition within the industry.

The size standard factors of coverage and specialization ratios identified in the SBA regulations were not deemed to be relevant to this particular industry.

The total number of firms in the industry, based on data available to SBA, was found to be relatively large, consisting of 19,343 firms. More than half of these firms (10,253) are in the 1–4 employee range. There are over 19,000 firms with fewer than 100 employees. This relatively large number of concerns in the industry employing a modest number of employees again suggests an industry that is basically competitive, and also suggests a size standard lower than that for industries where a high percentage of firms have larger numbers of employees, such as in manufacturing where size standards of 500 employees or more apply.

The size of the industry leaders for the accounting industry reveals that all would safely exceed 100 employees and would not be defined as small business under that size standard.

With respect to the relationship of this industry's size standard to SBA programs, it should be emphasized that this proposed size standard relates solely to government procurement. While SBA anticipates a later proposed rule which may suggest the same 100 employee standard for other SBA programs, the only program affected by this proposed rule is that of federal procurement. In this regard, a large number of accounting firms, in response to SBA's advance notice, have asserted persuasively that government contracts in this industry generally require a level of expertise found in firms with more than 25 employees. The comments received by SBA have been uniform on this point and have been given serious consideration.

After consideration of the factors indicated above as they relate specifically to the accounting and auditing industry, SBA believes that a size standard of 100 employees is appropriate for this industry.

With specific reference to the public comments already received in response to the agency's two advance notices, SBA's first advance notice generated a total of 70 comments in response to the suggested size standard of 25 employees. Of those 70 comments, 66 were opposed, with all opposing comments arguing in favor of a higher size standard than 25 employees. In response to the 100 employee size standard suggested in SBA's second notice, only 2 comments were received, one of which favored lowering the size standard to 50 employees, and one of which favored raising the size standard still higher to 200 emloyees. SBA regards this substantial decrease in public comment as an indication that the 100 employee size standard is favorably regarded by the industry as a whole.

Even though SBA has previously published in its advance notices its rationale for measuring the accounting industry by number of employees as well as almost all other industries, as opposed to some other measurement such as annual receipts, it has not yet invited public comment on a proposed rule of the appropriate way to measure a firm's size, and comments are invited at this time with respect to the accounting industry, not only as to whether 100 employees is the proper standard for size purposes, but also as to whether the number of employees, as opposed to some other yardstick, is an appropriate indicator of the relative size of firms within that industry. SBA is proposing adoption of number of employees as the size indicator for this industry for the prinicpal reasons earlier announced in its advance notices: that it is an inflation resistant indicator, and that its use in industries previously measured some other way will simplify and make more uniform all SBA size standards. With regard to numbers of employees, SBA proposes to use discrete intervals for administrative convenience, and these intervals for purposes of the accounting industry size standard are as follows: 25, 50, 100, 150, 200, 250, and so on. SBA will also consider any comments on the issue of whether these intervals or some other system of intervals is appropriate for the accouting industry.

Other Considerations Relative to the Proposed Rulemaking

For the purposes of Executive Order 12291, SBA hereby certifies that this rule, if published in final form, would not constitute a major rule. In addition, SBA hereby certifies that this rule, if published in final form, will not have a significant economic impact on a substantial number of small entities for the purpose of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

List of Subjects in 13 CFR Part 121

Small businesses.

PART 121—[AMENDED]

Therefore, pursuant to Section 3 of the Small Business Act, 15 U.S.C. 632, it is hereby proposed to amend § 121.3–8 of Part 121, Chapter 1, Title 13, of the Code of Federal Regulations by adding a new § 121.3–8(e)(18) to read as follows:

§ 121.3–8 Definition of small business for Government procurement.

* * * * *

(e) * * *

(18) Any concern bidding on a contract for accounting, auditing, or bookkeeping services in classified as small if its number of employees does not exceed 100 persons.

Date: October 8, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82–30162 Filed 11–1–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 82N–0160]

Canned Fruits; Proposal To Remove Standards of Identity for Canned Fruits with Rum

Correction

In FR. Doc. 82–25713, beginnning on page 41579 in the issue of Tuesday, September 21, 1982, the line immediately following the heading, "Part 145—Canned Fruits" in the first column of page 41580 should read, "**§§ 145.116, 145.126, 145.173, 145.176 [Removed]**".

BILLING CODE 1505–01–M

21 CFR Parts 182 and 184

[Docket No. 81N-0314]

Sulfiting Agents; Proposed Affirmation of GRAS Status With Specific Limitations; Removal From GRAS Status as Direct Human Food Ingredient; Reopening of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the period for submitting comments on its proposal to affirm that potassium metabisulfite, sodium bisulfite, sodium metabisulfite, and sulfur dioxide are generally recognized as safe (GRAS), with specific limitations, as direct human food ingredients and not to affirm potassium bisulfite and sodium sulfite as GRAS as direct human food ingredients. FDA is granting this reopening of comment period in response to two requests.

DATE: Comments by December 7, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 9, 1982 (47 FR 29956), FDA proposed to affirm that potassium metabisulfite, sodium bisulfite, sodium metabisulfite, and sulfur dioxide are GRAS, with specific limitations, as direct human food ingredients and not to affirm potassium bisulfite and sodium sulfite as GRAS as direct human food ingredients. Written comments were to be submitted on or before September 7, 1982.

FDA has received two requests—from the Center for Science in the Public Interest and the International Food Additives Council—to reopen the comment period. The requests are on file with the Dockets Management Branch (address above).

After carefully evaluating the requests, FDA concludes that it is appropriate to reopen the comment period. The agency wishes to ensure that all interested parties have a full opportunity to comment on the proposal. Therefore, FDA is reopening the comment period to December 7, 1982.

List of Subjects

21 CFR Part 182

Generally recognized as safe (GRAS) food ingredients, Spices and flavorings.

21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients.

Interested persons may on or before December 7, 1982, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 26, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-30005 Filed 11-1-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 934

Permanent State Regulatory Program of North Dakota; Consideration of Modification of Deadline

AGENCY: The Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadline for North Dakota to meet one of the conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Based on a request of the State, the Secretary is proposing to extend the deadline for the State to resolve the condition until July 1, 1983.

DATE: Comments must be received by December 2, 1982, at the address below, no later than 5:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to Mr. William Thomas, Field Office Director, Office of Surface Mining Reclamation and Enforcement, Freden Building, P.O. Box 1420, Mills, Wyoming 82644.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The correction of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State based on its regulatory and administrative schedules.

The North Dakota program was conditionally approved on December 15, 1980 (45 FR 82241-82248). The Secretary's approval was conditioned on the State's correction of 13 minor deficiencies in its program by July 1, 1981. That deadline was later extended, upon the State's request, to January 1, 1983 (46 FR 54070-54071). A further extension of the deadline to July 1, 1983, was granted North Dakota to meet condition "e" as listed at 30 CFR 934.11(e) (September 27, 1982, 47 FR 42347-42348).

In a letter to the Director dated September 28, 1982, the North Dakota Public Service Commission requested that the deadline for the State to meet condition "m" be extended from January 1, 1983, to July 1, 1983.

Copies of the State's letter of request and the above cited **Federal Register** notices will be available for public review during regular business hours at the location listed above under "**ADDRESS.**"

Condition "m" stipulates that the Secretary's approval of the North Dakota program will terminate on January 1, 1983, unless North Dakota submits to the Secretary by that date copies of fully enacted regulations revising the date for establishment of valid existing rights under NDCC 38-14.1-07(i) and NDAC 69-05.2-01-02(126) to be consistent with SMCRA Section 522(e) and 30 CFR 761.5 or otherwise amends its program to accomplish the same result.

The State indicated that satisfaction of condition "e" will require a statutory change in the North Dakota Century

Code. The Commission indicated that it would draft the required change for consideration by the Legislative Assembly when it convenes in January 1983. Since statutory changes normally become effective on the first of July following legislative action, the State requested an extension to July 1, 1983, to meet condition "m" to allow time for the statutory change to take effect. In order for the change to become effective earlier, both houses of the State Legislature would have to pass emergency legislation by a two-thirds vote. In accordance with the State's request, the Secretary is proposing to allow North Dakota until July 1, 1983, to meet condition "m."

In light of the small number of permit applications expected to be reviewed and issued during the additional time the Secretary is proposing to allow the State to meet condition "m", the Secretary believes that extension of this deadline would not render the deficiency major. However, the Secretary specifically requests comments on whether the extension of the deadline would render the deficiency major, as that term is used under 30 CFR 732.17(i).

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 CFR 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a significant economic effect on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* On August 28, 1981, the Office of Surface Mining exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB is not needed for this program amendment.

List of Subjects in 30 CFR Part 934

Coal mining, Intergovernmental relations, Surface mining, and Underground mining.

Dated: October 27, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining

[FR Doc. 82-30095 Filed 11-1-82; 8:45 am]

BILLING CODE 4310-05-M

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No. RM83-2]

Data the Postal Service Must Submit When Requesting a Change in Postal Rates.

October 25, 1982.

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Postal Rate Commission proposes to amend section 54 of its rules of practice. Rule 54 describes the data the Postal Service must submit when it requests a change in postal rates or classifications. The amendment makes clearer and more specific the content and the level of detail required in the cost presentation of a formal Postal Service request for changes in rates or classifications.

DATES: Comments responding to this Notice must be filed on or before November 25, 1982, and reply comments on or before December 9, 1982.

ADDRESSES: Comments and correspondence relating to this Notice should be sent to David F. Harris, Secretary of the Commission, 2000 L St., NW., Washington D.C. 20268 (telephone: 202/254-3880).

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L St., NW., Washington D.C. 20268 (telephone: 202/254-3824).

SUPPLEMENTARY INFORMATON: Rule 54 of the Commission's rules of practice (39 CFR 3001.54, partially incorporated by reference in § 3001.64) specifies the form and content of supporting information that the Postal Service is required to submit with a formal request for a change in postal rates or (by reference) classifications. With respect to postal costs, its basic purpose is to obtain from the Postal Service, as part of its request, all the reasons, analyses, and data that the Commission would need, under the standards of 5 U.S.C. sections 556-57, to determine whether proposed rates for mail classes accurately reflect their attributable and reasonably assignable costs (39 U.S.C. 3622(b)(3)). To achieve this purpose, current Rules 54(f)-(h), together with 54(p), implicitly require that the Postal Service include with its request a cost presentation that is complete as to content and sufficiently detailed as to supporting data to allow independent evaluation and verification, including independent replication from primary data sources.

Rule 54 requires that the above cost presentation be provided at the outset of a formal proceeding (initiated pursuant to 39 U.S.C. 3622) as part of the Postal Service's request. That requirement is necessary to satisfy the statutory directive that the Commission conduct its section 3622 proceedings with "utmost expedition" (39 U.S.C. 3624). Rule 54 is designed to elicit from the Postal Service, at the inception of a formal proceeding, that costing evidence which reason or experience indicates is likely to be necessary to allow a full, fair, and expeditious hearing on the issue of postal costs. By focusing on costing evidence the necessity for which is foreseeable prior to the institution of a proceeding, Rule 54 avoids the unnecessary effort and delay that is incurred when such evidence must be elicited piecemeal over the course of the hearing process. The Commission conducts exceedingly complex omnibus section 3622 proceedings under a statutory ten-month deadline. If the participants are to obtain a meaningful hearing notwithstanding that deadline, Rule 54 must be well tailored to achieve its goals and the Postal Service must comply with it fully.

The above-described goals of Rule 54 have been achieved only partially in the past. This is, in part, because current Rule 54 does not adequately identify essential kinds of data that the Postal Service's initial costing presentation should include, and does not adequately specify the level of disaggregation at which cost segments and components should be treated. This Notice seeks to identify these deficiencies and remedy them, with the assistance of public comment.

We noted above that current Rules 54(f)-(h) and 54(p) implicitly require that the Postal Service include with its request a cost presentation that is sufficiently comprehensive in content, and has sufficiently detailed supporting data, to allow it to be independently evaluated, verified, and replicated from primary data sources. In the past it has not been sufficiently clear to all parties that this is the basic framework within which formal costing presentations must be presented and evaluated. We believe that it will help the participants in formal Commission proceedings attain the goals of Rule 54 if we amend it to make these implicit requirements explicit. Accordingly, we propose to amend paragraph 54(h)(4) in the following manner. The last subparagraph of current paragraph 54(h)(4) is erroneously designated subparagraph "(vii)". We propose to redesignate it subparagraph "(viii)". Following redesignated subparagraph (viii) we propose to add the following language:

> The submission shall be sufficiently comprehensive and detailed to allow it to be independently evaluated, verified, and replicated from primary data sources.

Experience has shown that one of the most serious obstacles to the above-described goals of Rule 54 occurs when the Postal Service does not include with its request workpapers that are sufficiently detailed to allow the numbers submitted in evidence by the Postal Service to be traced to primary data sources. It was in recognition of this problem that the Commission established a new workpaper requirement in Rule 54(p)(4). PRC Order No. 354, 45 FR 65575–81 (Oct. 3, 1980).) This rule was adopted mid-way through Docket No. R80–1, after the Postal Service's request had been filed. For that reason Rule 54(p)(4) was not strictly enforced in that proceeding. The Commission, nevertheless, regards Rule 54(p)(4) as crucial to the effective discharge of its statutory duties under section 3624, and intends to enforce it strictly in future proceedings.

With respect to the content of the Postal Service's costing presentation, past experience has demonstrated that there are certain specific categories of information that have consistently been relied upon by the Commission in prior dockets to develop recommended decisions with respect to postal costs, but have not always been included in the Postal Service's request. Such information often has had to be obtained through discovery or information requests. The need for such categories of information is foreseeable prior to the filing of a formal request. Therefore, such information should be provided at the outset of a proceeding, as part of the Postal Service's request, to avoid an unnecessary expenditure of time and resources.

PART 3001 [AMENDED]

Accordingly, we propose to amend Rule 54(h) by renumbering current paragraphs (5) and (6) to become paragraphs (12) and (13) respectively, and adding the following categories of information to those that must accompany the Postal Service's initial cost presentation:

§ 3001.54 [Amended]

* * * * *

(h) * * *

(5) The cost forecasting or "roll-forward" model, including the following items:

(i) For each cost segment component, a listing of all forecasting factors used in the cost level, mail volume, nonvolume workload, additional workday, productivity and other programs effects.

(ii) For each "ripple-affected" cost segment component, a listing of those segments and components that determine its level of attribution or its distribution to mail class, subclass, rate category and service.

(iii) For each longer-run cost segment component:

(*a*) A listing of all factors used in determining its overall level of attribution, and

(*b*) A listing of the specific cost segment components used in determining its level of attribution, and its distribution to mail class, subclass, rate category and service.

(iv) Workpapers showing the application of the forecasting factors and procedures to each cost segment component for each time period used in the forecasting process. Such workpapers shall include the quantification and distribution to mail class, subclass, rate category and service of each cost segment component, separating the short-run from the longer-run portions.

(6) Attributable cost final adjustments by mail class, subclass, rate category and service, details of the development of those adjustments, and an explanation of each adjustment.

(7) "Other services" adjustments by mail class, subclass, rate category and service, details of the development of those adjustments, and an explanation of each adjustment.

(8) An overall summary cost table showing, by mail class, subclass, rate category and service, short-run attributable costs, longer-run attributable costs, assignable costs by category, *e.g.*, Service Related Costs, contingency, etc., and all adjustments made to each of the foregoing.

(9) For each cost segment, base-year amounts for each included account and subaccount.

Proposed paragraphs 54(h) (5)–(9) are intended to apply to that portion of the Postal Service's formal costing presentation that the Postal Service advocates, and not to the supplemental presentation described below. The additions to Rule 54 proposed below are intended to apply to the special circumstance where the Postal Service's request proposes to determine the attributability, assignability, or distribution to mail classes, of a cost segment or component by a method that differs from the one employed by the Commission in its most recent treatment of that segment or component. In this circumstance, the merits of the Postal Service's proposed method relative to the method most recently recommended by the Commission *a fortiori* will be placed in issue. For segment or component costs that the Service proposes to analyze by a new method, a supplemental presentation consistent with the established method of analysis is necessary for a fully informed comparison of the merits of the respective methodologies. If, after thorough analysis, the Commission finds that the Postal Service's proposed methodology is inappropriate, the Commission will also need to detemine how base-year and test-year-before-rates costs would be calculated under the established methods of attribution and assignment, in order to be able to implement the established methods. This requirment is not intended to affect the Postal Service's presentation on proposed rates, since such rates would be based on the methodology advocated by the Postal Service and employed in its primary cost presentation.

The information described above with respect to segment or component costs determined under the established costing methodology is information that the Commission, in the past, has consistently found to be essential to develop its recommended decision but has had to elicit through information requests, with attendant motion practice, often at a substantial expenditure of time and resources. To avoid this unnecessary loss of time and resources, the Commission proposes to add the following requirement to Rule 54(h):

* * * * *

(h) * * *

(10) If the Postal Service's request proposes not to define, attribute, assign, or distribute particular segment or component costs by the method that was employed by the Commission (or the method that was recommended by the Commission if it differs from the method employed) in the most recently completed section 33624 proceeding that establishes a pertinent methodological precedent, the Postal Service's request shall include a supplemental presentation with respect to such segment or component costs that defines, attributes, assigns, and distributes them according to the methodological precedent most recently established by the Commission.

There have been instances in past cases where the Commission, in a recommended decision, has reluctantly applied to certain segment or component costs an analytical method that it did not recommend be used in future proceedings, because data necessary to apply the recommended method were lacking. In such intances, the Postal Service would be required to provide a supplemental presentation employing the recommended method. If, however, the Postal Service has not obtained the data necessary to implement the recommended methodolgy after demonstrating a good faith effort to do so, it could comply with proposed Rule 54(h)(10) by providing a supplemental presentation that follows the method actually employed in the Commission's most recent section 3624 decision. In certain isolated instances, such as the Commission's decision regarding peak-load costs in Docket No. R80–1, the Commission might employ a methodology that it does not recommend for future cases, without specifying a single, definitive recommended alternative. In such circumstances proposed Rule 54(h)(10) would not apply.

It will be helpful to illustrate how proposed Rule 54(h)(10) would be applied. In the next omnibus rate proceeding instituted by the Postal Service, Docket No. R80–1 would likely constitute the most recently completed section 3624 proceeding establishing the pertinent methodological precedent.[1] In Docket No. R80–1, the Postal Service's request proposed a "method-of-payment" analysis for determining variable rural carrier costs in Segment 10. Using that method, the Postal Service proposed attributing 35 percent of the costs of heavy duty rural carriers. After careful consideration, the Commission found the "method-of-payment" approach inappropriate. The Commission found that a "functional" methodology better reflected longer-run variability, and attributed 48 percent of heavy duty rural carrier costs utilizing this approach.

The Postal Service's next rate request could propose rates based on any attribution or assignment methodology for the rural carrier cost segment without violating proposed Rule 54(h)(10). If, for example, the Postal Service decided to again sponsor the "method-of-payment" approach, the numerical presentation for this component might be in the format shown in Appendix A—the same kind of presentation provided by the Service in R80–1. (Of course, underlying workpapers detailing the calculation of the attribution percentage factor would have to be provided.) This kind of presentation is consistent with "method-of-payment" cost tracing procedures, since further disaggregation and analysis of individual cost elements (*i.e.*, components subcomponents, etc.) is not necessary.

In this situation, a supplemental presentation similar to that shown in Appendix B would satisfy proposed Rule 54(h)(10). If, after analysis of the Service's arguments for changing methodologies, the approach proposed by the Postal Service were still considered deficient, the data necessary for the Commission to implement the methodology recommended in Docket No. R80–1 would be available.

As we have observed above with respect to current Rule 54(p)(4), experience has demonstrated that providing sufficient detail in the Postal Service's initial cost presentations is critical to achieving the goals of Rule 54. One of the overriding mandates of postal reorganization is for the Postal Service and the Commission to continue refining and improving the identification and analysis of functional costs. The level of disaggregation of segment and component costs achieved in the most recently completed section 3624 proceeding represents the base from which further refinements must be made, or against which proposed changes must be measured. Accordingly, an exposition of segment and component costs at the level of disaggregation achieved in the most recently completed section 3624 proceeding is the minimum necessary to develop an adequate recommended decision on postal costs in a succeeding docket. As with the other information that would be required by the amendments proposed in this Notice, the need for this level of disaggregation is foreseeable at the outset of a formal proceeding, yet often has had to be obtained from the Postal Service through discovery or information requests, with the attendant motion practice. To avoid this unnecessary effort and delay in future proceedings, we propose that the following requirement be added to Rule 54(h):

* * * * *

(h) * * *

(11) The minimum level of disaggregation required for presenting evidence on a cost segment or component is that employed by the Commission in its most recently completed § 3624 proceeding establishing a methodological precedent for that segment or component, except for presentations that propose to define, attribute, assign, or distribute to mail classes segment or component costs by a method not employed or recommended by the Commission in such proceeding, and the proposed methodological departure makes the level of disaggregation most recently employed or recommended by the Commission inappropriate. This subsection does not alter the requirements of subparagraph 54(h)(10) with respect to supplemental presentations.

Proposed paragraph (11) would apply to the Postal Service's supplemental presentation. It would also apply to the costing presentation advocated by the Postal Service, except where the new methodology that it advocates for a particular segment or component plainly makes the level of disaggregation previously achieved for that segment or component inappropriate.

Appendix C illustrates how proposed Rule 54(h)(11) would be applied in the next omnibus rate request filed by the Postal Service. As noted, Docket No. R80–1 would likely constitute the most recently completed section 3624 proceeding. Appendix C sets forth the format in which the Postal Service's initial costing presentation would have to be cast in order to meet the minimum requirement contained in proposed Rule 54(h)(11). That format would show the total cost, total attributable cost, total assignable cost, and, if appropriate, separate distributions to classes and services of attributable and assignable costs, respectively, for each cost segment and component identified in the Commission's opinion in Docket R80–1. The level of disaggregation of the data set forth in Appendix C was achieved with a combination of information provided in the Postal Service's request and information obtained from the Postal Service through discovery or information requests. None of the information covered by Appendix C goes beyond that which was provided and relied upon by the Commission and the parties in the recent omnibus rate proceeding.

Independently of the other proposals in this Notice, and without proposing specific implementing language, we solicit public comment on the following concept. When the Postal Service or any other party proposes a new costing methodology in a section 3624 proceeding, it must overcome the substantial precedential value of the costing methodology followed in the most recent section 3624 proceeding, if its proposal is to prevail. Should that party have an opportunity, before the Postal Service files a request, to petition for a section 553 rulemaking to present its case in favor of its proposed new methodology? If a petitioner persuades the Commission that its proposed new methodology is preferable to the established methodology, the Commission would issue a policy statement announcing that in subsequent section 3624 proceedings, the established methodology would not enjoy the customary weight of precedent. This might provide a useful means of examining and evaluating issues of costing methodology in advance of a formal section 3624 proceeding, and allow the Commission and the parties during a section 3624 proceeding to concentrate more of their typically scarce time and resources on issues that are less amenable to advance evaluation, such as volumes, revenues, and pricing.

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[1] Although precedent with respect to the methodology by which a particular cost segment or component is to be analyzed will normally be established in the context of an omnibus section 3622 rate proceeding, it could be established in a more limited rate proceeding, or in a section 3623 classification proceeding. Proposed pargraphs 54(h)(10) and (11) refer to "section 3624 proceedings" in order to encompass both rate and classification proceedings in which such precedent is established. The Commission will indicate in its opinions whether any costing methodology it has employed in a particular section 3624 proceeding is not intended to serve as a methodological precedent

List of Subjects in 39 CFR Part 3001

Rules of practice and procedure, contents of formal requests.

David F. Harris,

Secretary.

Appendices A, B, and C will not be shown in the Code of Federal Regulations.

APPENDIX A.—COST SEGMENT X (RURAL CARRIERS)—USPS TEST YEAR AFTER RATES—HEAVY DUTY RURAL CARRIER

[Dollars in thousands]

1st Class—Letters and Parcels	$107,080
Presort Letters	52,367
Govt. Postal Cards	547
Post Cards	3,338
Presort Post Cards	1,257
Priority Mail	449
Express Mail	
Mailgrams	
2d Class—Within County	2,854
Regular Rate	10,526
Nonprofit	3,853
Classroom	
Transient	78
3d Class—Single Piece	5,938
Bulk Regular	32,263
Bulk Nonprofit	9,165
4th Class—Parcel Post	2,914

APPENDIX A.—COST SEGMENT X (RURAL CARRIERS)—USPS TEST YEAR AFTER RATES—HEAVY DUTY RURAL CARRIER—Continued

[Dollars in thousands]

Catalogs	$628
Special Rate	1,745
Library Rate	37
Govt. Mail—Penalty—USPS	[illegible]
Other	7,231
Franked—Congress	41
Other	8
Free-for-the-Blind	23
International Mail—Surface Ltrs. and Cards	73
Other	
2d class	
Parcel Post	7
Airmail Ltrs. and Cards	449
Other	52
Parcel Post	13
Special Services:	
Registry	16
Certified	44
Insurance	70
C.O.D.	
Special Delivery	
Money Orders	
Stamped Envelopes	
Special Handling	
Lock and Call Box	
Other	1,434
Total Attributable	233,911
Institutional	589,444
Total Costs	823,355

SOURCE: Docket R80-1, USPS-8F at 27-28.

APPENDIX B.—COST SEGMENT X (RURAL CARRIERS)—PRC TEST YEAR AFTER RATES—HEAVY DUTY RURAL CARRIER

[Dollars in thousands]

	Short run in office	Longer run						Total
		Access	Ordinary delivery	Special services	Parcels	Stamps	Money orders	
1st Class: Ltrs. and Parcels	$117,220	$19,876	$17,755		$398	$1,441		$156,690
Presort Ltrs. and Parcels	57,929	6,885	12,597		135			77,546
Govt. Postal Cards	928	147	241					1,316
Private Post Cards	3,655	859	543			60		5,117
Presort Pvt. Post Cards	1,376	213	207					1,796
Priority Mail	486		31		106	1		624
Express Mail		115						115
Mailgrams			26					26
2nd Class: Within County	2,943	720	380		17			4,060
Outside County:								
Regular Rate	11,677	3,673	3,409		134			18,893
Nonprofit	4,031	1,446	1,082		46			6,605
Classroom		34						34
Transient	84	11	112		1	1		209
3rd Class: Single Piece	6,531	142	618		37	9		7,337
Bulk Regular	31,982	13,724	11,721		210	57		57,694
Bulk Nonprofit	9,154	5,055	5,813		12	44		20,078
4th Class: Parcel Post	2,910	113	67		498	3		3,591
Catalogs	687	78	57		336			1,158
Special Rate	1,822	153	33		670	1		2,679
Library Rate	40	45	5		180			270
Govt. Mail—Penalty-USPS	73	1,018	571					1,662
Other	7,744	97	55					7,896
Franked-Congress	43	108	152					303
Other	9	30	39					78
Free for Blind, Handicapped and Servicemen	24				65			89
International Mail:								
Surface Ltrs. and Cards	100	56	62			11		229
Other			15			3		18
2nd Class			32					32
Parcel Post	8							8
Airmail Ltrs. and Cards	481	165	245			21		912
Other	57		7			1		65
Parcel Post	14							14
Special Services:								
Registry	17			$722				739
Certified	48	62		2,359				2,469
Insurance	79			531				610
COD				540				540
Special Delivery								
Money Orders							$546	546
Stamped Envelopes								
Special Handling								
Lock and Call Box								
Other	1,535							1,535

APPENDIX B.—COST SEGMENT X (RURAL CARRIERS)—PRC TEST YEAR AFTER RATES—HEAVY DUTY RURAL CARRIER—Continued

[Dollars in thousands]

	Longer run							Total
	Short run in office	Access	Ordinary delivery	Special services	Parcels	Stamps	Money orders	
Total Attributable	263,687	54,304	55,896	4,152	2,345	1,653	846	383,883
Institutional								402,109
Total Costs								785,992

Appendix C

Breakdown of Cost Segments by Component and Subcomponent R80–1

Cost Segment I—Postmasters

1. Postmasters—EAS 22 and below.
2. Postmasters—EAS 23 and above.
3. Postmasters—BMC Managers.

Cost Segment II—Supervisors and Technical Personnel

1. Supervision of mail processing & window services:
(a) Direct labor
(b) Overhead
(c) Transfer office
(d) Truck terminal
(e) Window service
2. Administrative support:
(a) Time and attendance
(b) Registry (specific fixed)
(c) Special delivery (specific fixed)
3. Supervision of city delivery carriers:
(a) Office
(b) Street
(1) B, P&A load
(2) Other load
(3) Access
(4) Other attributable
(5) Route
(6) Other
4. Supervision of special delivery messengers:
(a) Office
(b) Street
(c) Other
5. Other Supervisors and Technicians:
(a) Employee and labor relations
(b) Foreman of mail processing
(c) Foreman of collection and delivery
(d) Higher level supervisors
(e) Other technical personnel

Cost Segment III—Clerks and Mailhandlers, CAG A–J

1. Mail processing:
(a) Direct labor and overhead
(b) Overhead
(c) Processing, fixed
(d) Truck terminal
2. Window service (The major subcomponents are listed below. Costs for all window service activities were provided as a result of the Postal Service's response to information requested #6, item #2; this same level of detail should be provided as part of the Service's initial rate filing.):
(a) Transactions involving mail and services
(b) Stamps and stamped envelope sales and postage meter setting
(c) Other activities
3. Administrative support and miscellaneous (The major subcomponents are listed below. Costs for all activity codes were provided as a result of the Postal Service's response to information request #6, item #1; this same level of detail should be provided as part of the Service's initial rate filing.):
(a) Registry
(b) Special delivery
(c) Accounting and auditing
(d) Data collection and processing
(e) General office and clerical
(f) Personnel and time and attendance
(g) Claims and inquiry
(h) Procurement
(i) Miscellaneous
(j) Training
(k) Loaned to others
(l) Remaining codes

Cost Segment IV—Clerks, CAG K

1. Clerks—Direct labor.

Cost Segment VI & VII—City Delivery Carriers

1. In-office:
(a) Direct labor (by route type)
(b) Overhead (by route type)
(c) Other office (by route type)
2. Street time:
(a) Business parcels and accountables load time (by route type)
(b) Other load (by route type)
(c) Access (by route type)
(d) Other attributable (by route type)
(e) Route time (by route type)
(f) Other street (by route type)
(1) Travel
(2) Relay
(3) Mail preparation at delivery point
(4) Load/unload vehicle
(5) Collection
(6) Other carrier variable

Cost Segment VIII—Vehicle Service Drivers

1. Direct labor:

Cost Segment IX—Special Delivery Messengers

1. Direct labor:
(a) In-office
(b) Street
2. Special delivery fees:
Equipment maintenance allowance

Cost Segment X—Rural Carriers

1. Direct labor:
(a) In-office (separately for each function for both heavy duty and other routes)
(1) Distribution
(2) Other mailhandling
(3) Collection and acceptance
(4) Retail related
(5) Pickup service
(6) All other
(b) Out-of-office (separately for each function for both heavy duty and other routes)
(1) Travel
(2) Route
(3) Access
a. Customer access
b. Other access
(4) Stop time
a. Delivery—(i) Ordinary delivery; (ii) Special service; (iii) Large items; and (iv) Notice of attempt
b. Collection
c. Retail: (i) Stamps and (ii) Money orders
d. Customer contact
e. Self-relay
(5) Other stop
2. Equipment maintenance allowance.

Cost Segment XI—Custodial Maintenance Service

1. Cleaning and protection:
(a) Window service
(b) Lock box
(c) Mail preparation
(d) Parcel processing
(e) Platform processing
(f) Express mail
(g) Registry
(h) Special delivery
(i) City carriers
(j) Rural carriers
(k) Administration
2. Contract cleaners:
(a) Window service
(b) Lock box
(c) Mail preparation
(d) Parcel processing
(e) Platform processing
(f) Express mail
(g) Registry
(h) Special delivery
(i) City carriers
(j) Rural carriers
(k) Administration
3. Mail processing equipment maintenance:
(a) Set A
(b) Set B
(c) Other powered equipment
(d) Mail processing equipment at BMC's

Cost Segment XII—Motor Vehicle Service

1. Personnel:
(a) City delivery vehicles
(1) Office
(2) Business parcels and accountable load
(3) Other load
(4) Access
(5) Route
(b) Special delivery vehicles
(1) Office
(2) Street
(c) Other
2. Supplies and materials:

(a) City delivery
(1) Office
(2) Buisiness parcel and accountable load
(3) Other load
(4) Access
(5) Route
(b) Special delivery
(1) Office
(2) Street
(c) Other
3. Vehicle hire:
(a) City delivery vehicles
(1) Office
(2) Business parcel and accountable load
(3) Other load
(4) Access
(5) Route
(b) Special delivery vehicles
(1) Office
(2) Street
(3) Other
(c) Other

Cost Segment XIII—Miscellaneous Operating Costs

1. Salaries and fringe benefits:
(a) Training and awards
(1) Mail bag repair center depositories
(2) Mail equipment shops
(3) Contract station service
(4) Rental allowance—Postmasters CAG L
(5) Tolls and ferriage
(6) Miscellaneous
(7) Employee awards
2. Mail equipment shops:
(a) Freight on materials and supplies
(b) Equipment shops issued supplies
3. Reimbursements:
(a) Sale of scrap
(1) Mail bag repair units
(2) Mail equipment shops
4. Other:
(a) Clerical allowance for CAG L
(b) Consultants—travel
(c) Federal Reserve Bank—cost of direct deposits
5. Carfare:
(a) City delivery carriers
(1) Office
(2) Business parcel and accountable load
(3) Other load
(4) Access
(5) Route
(b) Special delivery messengers
(c) Other
6. Driveout:
(a) City delivery carriers
(1) Office
(2) Business parcel and accountable load
(3) Other load
(4) Access
(5) Route

Cost Segment XIV—Transportation

1. Domestic Air:
(a) Loose sack/container
(1) Acc. 53101
(2) Acc. 53102
(3) Acc. 53114
(4) Acc. 53115
(5) Acc. 53116
(b) Intra-Alaska priority[1]
(c) Intra-Hawaii priority[1]
(d) Intra-Alaska nonpriority—Acc. 53108
(e) Intra-Hawaii nonpriority—Acc. 53111
(f) Parcel airlift—Acc. 53112
(g) Air taxi—Acc. 53105
2. Domestic Highway:
(a) Ordinary box/rural feature—Acc. 53121 (portion)
(b) Inter-city/intra-SCF
(1) Acc. 53121 (portion)
(2) Acc. 53122
(3) Acc. 53123
(c) Inter-SCF/intra-BMC
(1) Acc. 53124
(2) Acc. 53125
(3) Acc. 53126
(4) Acc. 53127
(5) Acc. 53134
(6) Acc. 53135
(d) Alaska highway service[2]
(e) Plant load—Acc. 53129
(f) Inter-BMC—Acc. 53131
(g) Contract term/van damage
(1) Acc. 53133
(2) Acc. 53163
(h) Area bus—Acc. 53128
(i) Empty equipment
(1) Acc. 53191 (portion)
(2) Acc. 53194
3. Domestic railroad:
(a) Passenger train
(1) Acc. 53142
(2) Acc. 53144
(3) Acc. 53165
(b) Freight train
(1) Acc. 53143
(2) Acc. 53146
(3) Acc. 53147
(4) Acc. 53148
(5) Acc. 53149
(c) Plant load—Acc. 53145
(d) Empty equipment—Acc. 53191 (portion)
4. Domestic water:
(a) Ordinary box/rural feature—Acc. 5318
(b) Intra-city
(1) Acc. 53183 (portion)
(2) Acc. 53184
(c) Offshore—Acc. 53183 (portion)
5. International air:
(a) Airmail
(b) Surface air lift (SA)
(c) Air terminal/trans. charges
(d) Surface terminal/trans.
(e) Terminal dues—LC/AO
(f) Trans./empty mail equipment
(g) Mail equipment-terminal contracts
6. International water:
(a) Container contracts:
(1) U.S. flag
(2) Foreign flag
(b) Loose bag contracts:
(1) U.S. flag
(2) Foreign flag
(c) Fuel surcharge—International
(1) Surface trans.
(d) Terminal dues—LC/AO
(e) Empty equipment—Acc. 53191 (portion)
(f) Mail equipment-terminal contracts

Cost Segment XV—Building Occupancy

1. Rents:
(a) Window service
(b) Lock box
(c) Mail preparation
(d) Parcel processing
(e) Platform processing
(f) Express mail
(g) Registry
(h) Special delivery
(i) City carriers
(j) Rural carriers
(k) Administration
2. Fuel and utilities:
(a) Window service
(b) Lock box
(c) Mail preparation
(d) Parcel processing
(e) Platform processing
(f) Express mail
(g) Registry
(h) Special delivery
(i) City carriers
(j) Rural carriers
(k) Administration
3. Other:
(a) Communications
(b) Building projects expensed
(c) Moving expenses
(d) Reimbursements

Cost Segment XVI—Supplies and Services

1. Supply center personnel:
(a) Supply center personnel
(b) ADP
(c) Equipment excluding ADP
(d) Custodial
(1) Window service
(2) Lock box
(3) Mail preparation
(4) Parcel processing
(5) Platform processing
(6) Express mail
(7) Registry
(8) Special delivery
(9) City carriers
(10) Rural carriers
(11) Administration
(e) Building
(1) Window service
(2) Lock box
(3) Mail preparation
(4) Parcel processing
(5) Platform processing
(6) Express mail
(7) Registry
(8) Special delivery
(9) City carriers
(10) Rural carriers
(11) Administration
2. Printing and reproduction:
(a) Printing and reproduction
(b) Stamps and accountable paper
(c) Money orders
(d) Inventory adjustments
3. Postal supplies and services:
(a) Equipment Set A
(b) Equipment Set B
(c) Equipment other
(d) Other supplies and services
(e) Reimbursements

Cost Segment XVII—Research, Development & Engineering

1. Research and development contracts.

Cost Segment XVIII—Administration & Regional Operations

1. Personnel costs:
(a) Headquarters
(b) Money order division

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[1] Part of loose sack/container.

[2] Part of inter-SCF/intra-BMC.

(c) Regional administration
(d) USPS protection force
(1) Window service
(2) Lock Box
(3) Mail preparation
(4) Parcel processing
(5) Platform processing
(6) Express mail
(7) Registry
(8) Special delivery
(9) City carriers
(10) Rural carriers
(11) Administration
(e) Other law enforcement
(f) Research and development
(g) Postal Rate Commission
2. Servicewide personnel costs:
(a) Repriced annual leave
(b) Holiday leave variance
(c) Civil Service Retirement Fund deficit
(1) Current year
(2) Prior years
(d) Workers compensation
(1) Current year
(2) Prior years
(e) Adverse actions
(f) Fair Labor Standards Act expense
3. Supplies and services
(a) Supplies and services
(b) Awards
(c) Insurance claims and indemnities
(d) Reimbursements
4. Interest expense
(a) Capital interest expense
(b) Operating interest expense

Cost Segment XIX—General Management Systems

1. Personnel costs:
(a) Postal source data systems
(b) Maintenance technical support center
2. Supplies and services.

Cost Segment XX—Depreciation and Servicewide Costs

1. Vehicle depreciation:
(a) City delivery vehicles
(1) Office
(2) Business parcel and accountable load
(3) Other load
(4) Access
(5) Route
(b) Special delivery vehicles
(c) Other vehicles
2. Equipment depreciation
(a) Mail processing
(b) Customer services
(c) Postal support
3. Building depreciation:
(a) Building
(1) Window service
(2) Lock box
(3) Mail preparation
(4) Parcel processing
(5) Platform processing
(6) Express mail
(7) Registry
(8) Special delivery
(9) City carriers
(10) Rural carriers
(11) Administration
(b) Leasehold
(1) Window service
(2) Lock box
(3) Mail preparation
(4) Parcel processing
(5) Platform processing
(6) Express mail
(7) Registry
(8) Special delivery
(9) City carriers
(10) Rural carriers
(11) Administration
4. Indemnities and insurance claim write-offs:
(a) Domestic indemnities
(b) International indemnities
(c) Unemployment compensation
(d) Insurance claim write-offs
5. Other operating expenses
(a) Non-U.S. money orders
(b) Other expenses
(c) Advertising
(d) Back pay adjustment
(e) Embossed stamped envelopes
(f) Reimbursements and miscellaneous

Adjustments

1. Attributable.
2. Other.

[FR Doc. 82-29856 Filed 10-29-82, 8:45 am]

BILLING CODE 7715-01-M

ACTION

45 CFR Part 1207

Senior Companion Program; Clarification and Updating of Provisions

AGENCY: ACTION.

ACTION: Proposed rule revision.

SUMMARY: This proposed revision is intended to clarify and update existing Senior Companion regulations relating to project development and funding, project operations, non-ACTION funded projects and special limitations affecting aspects of project operations. The text is simplified and reduced wherever possible.

DATE: Comments must be received by December 2, 1982.

ADDRESS: Written comments should be sent to: Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., Room M-1006, Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Betty H. Brake, (202) 254-7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulation will not result in any of the following:

1. Any effect on the economy;

2. Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or

3. Any adverse effects on competition, employment, investment productivity, innovation or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Subpart A—General

Subpart B—Project Development and Funding

1. Proposed Sec. 1-1 is amended to more precisely define the purpose of the Program. Sec. 1-2 is expanded to include definitions of terms used in the proposed regulations. Proposed Sec. 1-3 is added to ensure cooperation with existing or planned community services.

2. The Subpart B heading has been changed from "Local Program Sponsors" to "Project Development and Funding" to more accurately describe contents of the section. The proposed change the grant application process from applicant inquiry to final action.

3. Proposed Sec. 2-1 directs inquiries regarding the SCP grant application process to the appropriate ACTION State Office. It replaces Sec. 2-2 of current regulations and is meant to clarify the inquiry process for potential sponsors.

4. Proposed Sec. 2-2, "Local Support", replaces a portion of Sec. 2-1 of the current regulations and prohibits the use of excess stipend payments as part of the local share of project costs.

5. Proposed Sec. 2-3, "Sponsor Eligibility and Solicitation of Proposals" replaces a like numbered section in the current regulations entitled "State Agency on Aging and Community Action Participation". The new section includes reference to all eligible applicants. In accord with P.L. 97-35, the proposed regulations delete the requirement that State Agencies on Aging and/or Community Action Agencies must be afforded a reasonable opportunity to apply for a grant or must be consulted in the development of the local project.

6. Proposed Sec. 2-4, "Project Proposals", Sec. 2-5 "Review of Project Proposals", Sec. 2-6 "Awards", Sec. 2-7 "Grant Management" Sec. 2-8 "Suspension, Termination and Denial of Refunding", replace current Sections 2-4 "Responsibilities", 2-5 "Local Program Staff" and 2-6 "Suspension or Termination of a Grant and Denial of Application for Refunding". The proposed revisions describe the grants process in a more comprehensive manner and exclude matters more appropriately treated in subsequent sections.

Subpart C—Project Operations

7. This subpart is completely revised. Current Sec. 2-4 becomes new Sec. 3-1 "Sponsor Responsibility". In addition to clarification of the sponsor's

responsibilities, this section also replaces current Sec. 3–5 "Memorandum of Understanding". Significant proposed changes or additions under this subpart include the following:

a. Sec. 3–3(c) changes the membership of the Advisory Council, requiring that 25% of the members be low-income persons aged sixty and over and must include Senior Companions as voting members.

b. Sec. 3–4 outlines criteria for a sponsoring organization functioning as a volunteer station.

c. Sec. 3–5(a)(3) revises the basis for determining Senior Companion income eligibility levels.

d. Sec. 3–5(c) incorporates policy requiring that volunteer direct benefits shall be an amount equal to at least 90% of the ACTION grant award.

e. Sec. 3–5(c)(1)(i) requires portal-to-portal accident insurance for Senior Companions.

f. Sec. 3–5(c)(5) clarifies policy regarding eligibility of both members of a married couple serving as Senior Companions.

Subpart D—Non-ACTION Funded Projects

8. Replaces current "Subpart D—Volunteers", all provisions of which, with the exception of Sec. 4–4, are covered under new Subpart C above. Proposed Subpart allows the development of a non-ACTION funded Senior Companion project under specific conditions.

Subpart E—Sanctions and Legal Representations

9. Current "Subpart E—General" is deleted, its content, with the exception of Sec. 5–5, is incorporated in preceding proposed changes. Proposed new Subpart E prescribes special limitations on political and religious activities; prohibitions on: discrimination; funding of labor or anti-labor organization or related activity; displacement of employed workers by Senior Companion volunteers; impairment of an existing contract for services; paying of compensation to any person, organization or agency for services of Senior Companion volunteers; and nepotism. Sec. 5–1(b) describes restrictions on State or local government employees who are principally employed in active association with a project. Sec. 5–2 authorizes legal representation for Senior Companion volunteers under certain circumstances.

The Senior Companion Program is identified by No. 72.008 in the Catalog of Federal Domestic Assistance.

Pursuant to section 3(c)3 of E.O. 12291, entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1207

Aged, Grant programs—social programs, Reporting and recordkeeping requirements, Volunteers.

It is proposed to revise 45 CFR Part 1207 to read as follows:

PART 1207—SENIOR COMPANION PROGRAM

Subpart A—General

Sec.
1207.1–1 Purpose of the program.
1207.1–2 Definitions.
1207.1–3 Coordination.

Subpart B—Project Development and Funding

1207.2–1 Inquiries.
1207.2–2 Local support.
1207.2–3 Sponsor eligibility and solicitation of proposals.
1207.2–4 Project proposals.
1207.2–5 Review of project proposals.
1207.2–6 Awards.
1207.2–7 Grant management.
1207.2–8 Suspension, termination, denial of refunding.

Subpart C—Project Operations

1207.3–1 Sponsor responsibility.
1207.3–2 Project staff.
1207.3–3 Advisory Council.
1207.3–4 Volunteer station responsibility.
1207.3–5 Senior companions.
1207.3–6 Senior companion assignments.

Subpart D—Non-ACTION Funded Projects

1207.4–1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

1207.5–1 Special limitations.
1207.5–2 Legal representation.

Authority: Secs. 211(b), 212, 221, 222, 223, 402(14) and 420 of Pub. L. 93–113, 87 Stat. 402, 403, 404, 407 and 414, sec. 213 of Pub. L. 97–35, 97 Stat. 487, 42 U.S.C. 5011(b), 5012, 5021, 5022, 5023, 5042 (14), 5060 and 5013.

Subpart A—General

§ 1207.1–1 Purpose of the program.

The Senior Companion Program (SCP) is authorized under Title II, Part C, of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113). The dual purpose of the program is to create part-time stipended volunteer community service opportunities for low-income persons aged 60 and over, and to provide supportive person-to-person services to assist adults having exceptional needs, developmental disabilities or other special needs for companionship.

§ 1207.1–2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93–113, 87 Stat. 394, 42 U.S.C. 4951).

"Adult" is any person aged 21 or over.

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION agency.

"Care Plan" is a written plan that establishes goals and activities for each individual companion/client relationship.

"Direct Benefits" are stipends, meals, transportation, annual physical examinations, volunteer insurance, recognition and uniforms included in the budget as *Volunteer Expenses.*

"Director" is the Director of ACTION.

"Exceptional Needs" are one or more physical, emotional, or mental health limitation(s).

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of Interior as eligible for the special programs and services provided through the Bureau of Indian Affairs.

"Handbook" is the SCP Handbook No. 4405.91, which contains policies for implementing these regulations.

"Hard-to-reach" individuals are those who are physically or socially isolated because of factors such as language, disability, or inadequate transportation.

"Household" refers to related or unrelated persons living under the same roof and sharing common living expenses.

"In-home" refers to a non-institutional assignment of a Senior Companion in a private residence or a group home.

"OAVP" refers to the Older American Volunteer Programs, which include: the Senior Companion Program, the Foster Grandparent Program, and the Retired Senior Volunteer Program.

"Project" is the locally planned and implemented Senior Companion activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which Senior Companions are recruited, enrolled, and placed on assignments.

"Service Schedule" is the 20 hours per week that a Senior Companion serves.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the Senior Companion project.

"Stipend" is a payment to Senior Companions to enable them to serve without cost to themselves.

"Volunteer Station" is a public agency or private nonprofit organization that accepts the responsibility for assignment and supervision of Senior Companions. Volunteers may serve at licensed proprietary health care organizations so long as the project in which they serve is rural. Each volunteer station must be licensed or otherwise certified by the appropriate state or local government.

§ 1207.1-3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1207.2-1 Inquiries.

Inquiries regarding the Senior Companion Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C. will assist in directing inquiries to the appropriate State office.

§ 1207.2-2 Local support.

An ACTION grant may be awarded to fund up to 90% of the cost of development and operation of a Senior Companion project. The sponsor is required to contribute at least 10% of the total project cost. Stipend payments in excess of the amount established by ACTION may not be included as part of the local support commitment. In exceptional circumstances the Director may approve assistance for more than 90% of the total project costs if: (a) The project is located in an area where local resources are too limited to provide 10%; or (b) a test project is determined to be of exceptional value, sufficient to warrant Federal support in excess of 90% of the total project cost.

§ 1207.2-3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of proposals.* Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection or approval and may have to compete with other solicited or unsolicited applications.

§ 1207.2-4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instruction necessary to plan and budget proposed program activities.

(b) New applicants, as well as existing sponsors submitting continuation applications, must comply with State and Area Planning and Development Clearinghouse notification and review procedures set forth in Office of Management and Budget (OMB) Circular A-95.

(c) A potential sponsor must submit one copy of an application for a new SCP project to the State Agency on Aging, which has 45 days to review the application and make recommendations. The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1207.2-5 Review of project proposals.

(a) The ACTION State Office for the applicant's state will review the grant application to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1207.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by Notice of Grant Award (NGA).

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1207.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with these regulations, ACTION Handbook 2650.2, entitled *Grants Management Handbook for Grantees*, and SCP Handbook No. 4405.91. A copy of each document will be furnished the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1207.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2.

Subpart C—Project Operations

§ 1207.3-1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise and support a Project Director who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of Senior Companions. Special efforts are to be made to recruit and assign persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are underrepresented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local share commitment;

(d) Establish, orient, and support an independent SCP Advisory Council;

(e) Provide the Senior Companions with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the Senior Companions and their activities;

(g) Establish personnel practices, including provision of position descriptions for project staff, and service policies for Senior Companions, including grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requirements relating to non-discrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor or anti-labor organization or related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practice and provide for the accurate and timely preparation and submission of reports required by ACTION;

(j) Develop Senior Companion service opportunities through volunteer stations;

(k) Negotiate, prior to asignment of Senior Companions, a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities, and joint responsibilities;

(l) Orient volunteer station staff to the program and its activities;

(m) Provide not less than 40 hours of pre-service orientation to the senior Companions;

(n) Arrange group in-service training for Senior Companions for a minimum of four hours each month;

(o) Provide or arrange for direct benefits (insurance, meals, physical examinations, recognition, stipends, transportation and uniforms, if needed) for the Senior Companions in a timely manner;

(p) Ensure provision for volunteer safety;

(q) Comply with program regulations, policies and procedures prescribed by ACTION;

(r) Ensure that appropriate liability insurance is maintained for owned, non-owned, or hired vehicles used in the project;

(s) Develop a realistic transportation plan for the project based on lowest cost transportation modes; and

(t) Conduct an annual appraisal of volunteers' performance and an annual review of volunteers' income eligibility.

§ 1207.3-2 Project staff.

(a) Project staff are employees of the sponsor and are subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) The SCP project director shall serve full time and may not be employed or serve concurrently in another capacity, paid or unpaid, during established working hours without prior approval from ACTION.

(d) Compensation levels for project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1207.3-3 Advisory Council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer project administered by the sponsor. When a small number of volunteers are enrolled or other special conditions prevail, this requirement may be waived by the Director of OAVP. The Advisory Council shall:

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available: community, business and labor leaders, representatives from volunteer stations, public and private agencies, and persons specializing in the fields of aging and voluntarism. In addition, at least one-fourth of the Advisory Council shall be low-income persons aged 60 or over. This group must include Senior Companions as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1207.5-1, Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a Senior Companion adversely.

§ 1207.3-4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a Senior Companion station only if the sponsor is: (1) A state organization administering a statewide Senior Companion project where the volunteer station is part of the state organization; (2) a federally-recognized Indian tribal government; or (3) in a rural service area, in which case up to 10% of the enrolled volunteers may be placed directly by the sponsor.

(b) Volunteer station responsibilities include:

(1) Assisting with or arranging for volunteer transportation on or between assignments;

(2) Assisting in the provision of appropriate volunteer recognition;

(3) Developing and monitoring volunteer assignments, selecting adults to be served, supervising the volunteers, assisting the sponsor in matching volunteers to assignments and in providing pre-service orientation and in-service training for the Senior Companions;

(4) Providing for volunteer safety;

(5) Keeping records and preparing reports required by the sponsor; and

(6) Signing, prior to the placement of Senior Companions, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing the responsibilities outlined above as well as other agreed upon responsibilities, including the particulars of the volunteers' supervision.

(i) When Senior Companions are to serve in private homes, the Memorandum of Understanding shall also require that the volunteer station obtain a Letter of Agreement from the person to be served, or the person legally responsible for that person, authorizing or requesting volunteer service in the home and indicating what specific activities are to be performed.

(ii) The Memorandum of Understanding is to be reviewed and, as appropriate, changed annually. The Memorandum may be amended at any time by mutual agreement and must be signed and dated annually to indicate that review and update, if needed, have been accomplished.

§ 1207.3-5 Senior companions.

(a) *Eligibility.* (1) Senior Companions shall be 60 years of age or older, no longer in the regular work force, determined by a physical examination to be capable of serving adults with exceptional or special needs without detriment to either themselves or the adult served, and willing to accept supervision as required.

(2) Eligibility to be a Senior Companion may not be restricted on the basis of education, experience, citizenship, race, color, creed, belief, sex, national origin, handicap, or political affiliation.

(3) To be enrolled, a Senior Companion cannot have an annual income, from all sources, exceeding the ACTION income eligibility guideline for the state in which he or she resides. The ACTION income eligibility guideline for each state is the higher amount of either: (i) 125% of the poverty line as set forth in Section 625 of the Economic Opportunity Act of 1964, as amended by Pub. L. 92–424 (42 U.S.C. 2971d), or (ii) 100% of the poverty line plus the amount the state supplements Federal Supplemental Security Income (SSI). In cases where a Senior Companion is a member of a household in which other persons share common expenses, his or her income eligibility is determined by the combined income of members of the household.

(4) Once enrolled, a Senior Companion shall remain eligible to serve and to receive a stipend as long as his or her income does not exceed the prescribed ACTION income eligibility guideline by 20%. Income eligibility shall be reviewed annually by the sponsor.

(5) Recruitment and selection of a Senior Companion may not be based on any requirement of employment experience, formal education or ownership of, or access to, a vehicle.

(b) *Terms of service.* (1) Senior Companions serve a total of twenty hours a week, usually five days a week. Travel time between the volunteer's home and place of assignment may not be considered part of the service schedule and is not stipended. Travel time between individual assignments is a part of the service schedule. Meal time may be part of the service schedule only if meals are taken with the individual served, and the taking of meals together is deemed by the sponsor and the volunteer station to be beneficial to the person served.

(2) Senior Companions are volunteers, not employees, of the sponsor.

(c) *Direct benefits.* The total of direct benefits for Senior Companions, including stipends, insurance, transportation, meals, physical examinations, recognition, and uniforms if appropriate, shall be a sum equal to at least 90% of the amount of the ACTION Federal share of the grant. Federal and non-federal resources can be used to make up this sum. Direct benefits may not be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment insurance, temporary disability, retirement, public assistance, or similar benefit payments or minimum wage laws. Direct benefits include:

(1) *Insurance.* Senior Companions shall be provided with the ACTION specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance.* Accident insurance shall cover Senior Companions for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities, such as recognition activities, orientation and Advisory Council meetings.

Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources, including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs, or coverage provided by any statute.

When benefits are provided in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal liability insurance.* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess automobile liability insurance.* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of the applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

(2) *Meals.* Within the limits of available resources and project policy, Senior Companions will be provided or will receive assistance with the cost of meals taken during their service schedule.

(3) *Physical examinations.* Senior Companions are required to have a physical examination prior to assignment and annually thereafter.

(4) *Appropriate recognition* will be provided for Senior Companions.

(5) *Stipends.* A Senior Companion will receive a stipend in an amount determined by ACTION and payable in regular installments. The minimum amount of the stipend is set by law and may be adjusted by the Director from time to time. When more than one eligible member of a household serves as a Senior Companion or Foster Grandparent, only one member shall be entitled to receive a stipend. All income eligible members in such cases shall be entitled to other direct benefits. Only in cases where enrolled Senior Companions or Foster Grandparents marry may each continue to receive a stipend.

(6) *Transportation.* Senior Companions shall be provided transportation or receive assistance with the cost of transportation to and from volunteer assignments and official project activities, including orientation, training, advisory council meetings and recognition events. Reimbursement will be within the limits of available resources and project policy. Project funds may not be utilized to reimburse Senior Companions for transportation provided for or on behalf of clients.

§ 1207.3-6 Senior companion assignments.

(a) Assignments and activities must involve person-to-person relationships with the individuals served and may not include service to the volunteer station.

(b) Individuals served by Senior Companions must be adults, primarily older adults, who have one or more physical, emotional, or mental health limitations and are in need of assistance to achieve and maintain their highest level of independent living.

Subpart D—Non-ACTION Funded Projects

§ 1207.4-1 Memorandum of agreement.

(a) If an eligible agency or organization wishes to sponsor a project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Termination of the agreement by either the project sponsor or ACTION will result in loss of the tax exempt status of volunteer direct benefits allowable to Senior Companions and loss of coverage by the statutory provision that receipt of the stipend will not affect the volunteers' eligibility for any governmental assistance.

(d) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, create a financial obligation on the part of ACTION for costs associated with the project including increases in required payments to volunteers which may result from changes in the Act or in ACTION regulations.

Subpart E—Sanctions and Legal Representation

§ 1207.5-1 Special limitations.

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such project with (i) any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election or, (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No Senior Companion or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Senior Companion Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except

(i) in any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a Senior Companion, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member, or (ii) in connection with an authorization or appropriations measure directly affecting the operation of the Senior Companion Program.

Prohibitions on Electoral and Lobbying Activities are fully set forth in 45 CFR Part 1226 and in ACTION Handbook 2650.2.

(b) *Restrictions on State or local government employees.* If the sponsor is a State or local government agency which received a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable. They are related to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

(1) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose; or

(3) Be a candidate for elective office, except in a nonpartisan election. "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities.* Senior Companions and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 d *et seq.*), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*), any program, project, or activity to which volunteers are assigned under this Act shall be deemed to be receiving federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affirmative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with a Senior Companion project.

(e) *Labor and anti-labor activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of employed workers.* A Senior Companion may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of contracts.* A Senior Companion may not perform any service, or duty, or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings, and arrangements, either written or oral, to provide professional, managerial, technical, or administrative services.

(h) *Noncompensation for services.* No person, organization, or agency shall request or receive any compensation for services of Senior Companions.

(i) *Nepotism.* Persons selected for projects staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(j) *Volunteer separation.* A sponsor may separate a volunteer for cause, including, but not limited to, extensive or unauthorized absences, misconduct, inability to perform assignments or having income in excess of the eligibility level established by ACTION.

§ 1207.5–2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of a Senior Companion may be paid in a criminal, civil or administrative proceeding, when such a proceeding arises directly out of the performance of the Senior Companion activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C., this 13th day of September 1982.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 82–30065 Filed 11–1–82; 8:45 am]

BILLING CODE 6050-01-M

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45 CFR Part 1208

Foster Grandparent Program

AGENCY: ACTION.

ACTION: Proposed rule revision.

SUMMARY: This proposed revision is intended to clarify and update existing Foster Grandparent regulations relating to: project development and funding, project operations, non-ACTION funded projects, and special limitations affecting aspects of program operations. The text is simplified and reduced wherever possible.

DATE: Comments must be received by December 2, 1982.

ADDRESS: Written comments should be sent to: Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., M–1006, Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Betty H. Brake, (202) 254–7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulations will not result in any of the following:

(1) Any effect on the economy;

(2) Any increase in costs or prices for consumers, individuals industries, Federal, State or local government agencies or geographic regions; or

(3) Any adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Subpart A—General

1. Proposed Sec. 1–1 is amended to more precisely define the purpose of the Program. Sec. 1–2 is expanded to include definitions of terms used in the proposed regulations. Proposed Sec. 1–3 is added to ensure cooperation with existing or planned community services.

Subpart B—Project Development and Funding

2. The Subpart B heading has been changed from "Project Sponsors" to "Project Development and Funding" to more accurately describe contents of the section. The proposed change tracks the grant application process from applicant inquiry to final action.

3. Proposed Sec. 2–1 directs inquiries regarding the FGP grant application process to the appropriate ACTION State Office. It replaces Sec. 2–2 of current regulations and is meant to clarify the inquiry process for potential sponsors.

4. Proposed Sec. 2–2, "Local Support", replaces a portion of Sec. 2–1 of current regulations and prohibits the use of excess stipend payments as part of the local share of project costs.

5. Proposed Sec. 2–3, "Sponsor Eligibility and Solicitation of Proposals" replaces a like numbered section in current regulations entitled "State Agency on Aging and Community Action Participation". The new section includes reference to all eligible applicants.

6. Proposed Sec. 2–4, "Project Proposals"; Sec. 2–5, "Review of Project Proposals"; Sec. 2–6, "Awards"; Sec. 2–7, "Grant Management" and Sec. 2–8, "Suspension, Termination and Denial of Refunding" replace current Sections 2–4, "Responsibilities", 2–5, "Project Staff" and 2–6, "Suspension or Termination of a Grant and Denial of Application for Refunding". The proposed revisions describe the grant process in a more comprehensive manner and exclude matters more appropriately treated in subsequent sections.

Subpart C—Project Operations

7. This subpart is completely revised. Curent Sec. 2–4 becomes new Sec. 3–1, "Sponsor Responsibility".

In addition to clarification of the sponsor's responsibilities, this section also replaces current Sec. 3–5, "Memorandum of Understanding". Significant proposed changes or additions under this subpart include the following:

a. Sec. 3–4 increases from 5% to 10% the number of enrolled volunteers who may be placed directly by the sponsor.

b. Sec. 3–5(a)(3) revised the basis for determining Foster Grandparent income eligibility levels.

c. Sec. 3–5(c) incorporates policy requiring that volunteer direct benefits shall be an amount equal to at least 90% of the ACTION grant award.

d. Sec. 3–5(c)(1)(i) requires portal-to-portal accident insurance for Foster Grandparents.

e. Sec. 3–5(c)(5) clarifies policy regarding eligibility of both members of a married couple serving as Foster Grandparents.

f. Sec. 3–4(b)(6)(i) requires individualized care plans for Foster Grandparents to follow in each in-home assignment to a child.

g. Sec. 3–7(b) stipulates requirement for Foster Grandparent concurrence with their respective placements.

h. Sec. 3–7(c) states preferability of assigning Foster Grandparents to young children.

i. Sec. 3–7(d) incorporates statutory change permitting Foster Grandparents under certain conditions to serve mentally retarded persons 21 years of age or older.

Subpart D—Non-ACTION-Funded Projects

8. Replaces current "Subpart D—Volunteers", all provisions of which, excepting Sec. 4–4, are covered under new Subpart C. Proposed Subpart D allows the development of a non-ACTION funded Foster Grandparent project under specific conditions.

Subpart E—Sanctions and Legal Representation

9. Current "Subpart E—General" is deleted. Its content, excepting Sec. 5–5, is incorporated in preceding proposed changes. Proposed new Subpart E prescribes special limitations on political and religious activities; prohibitions on discrimination, funding of labor or anti-labor organization or related activity, displacement of employed workers by Foster Grandparent volunteers, non-impairment of an existing contract for service, prohibition of compensation of compensation to any person, organization or agency for services of Foster Grandparent volunteers, and nepotism. Sec. 5–1(b) describes restrictions on State or local government employees who are principally employed in active association with a project. Sec. 5–2 authorized legal representation for Foster Grandparent volunteers under certain circumstances.

The Foster Grandparent Program is identified by No. 72.001 in the Catalog of Federal Domestic Assistance.

Pursuant to Section 3(c)3 of E.O. 12291 entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1208:

Aged, Grant programs/social programs, Reporting and recordkeeping requirements, Volunteers.

45 CFR Part 1208 is proposed to be revised to read as follows:

PART 1208—FOSTER GRANDPARENT PROGRAM

Subpart A—General

Sec.
1208.1-1 Purpose of the program.
1208.1-2 Definitions.
1208.1-3 Coordination.

Subpart B—Project Development and Funding

1208.2-1 Inquiries.
1208.2-2 Local support.
1208.2-3 Sponsor eligibility and solicitation of proposals.
1208.2-4 Project proposals.
1208.2-5 Review of project proposals.
1208.2-6 Awards.
1208.2-7 Grant management.
1208.2-8 Suspension, termination, denial of refunding.

Subpart C—Project Operations

1208.3-1 Sponsor responsibility.
1208.3-2 Project staff.
1208.3-3 Advisory Council.
1208.3-4 Volunteer station responsibility.
1208.3-5 Foster grandparents.
1208.3-6 Foster grandparent assignments.
1208.3-7 Children served.

Subpart D—Non-ACTION Funder Projects

1208.4-1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

1208.5-1 Special limitations.
1208.5-2 Legal representation.

Authority: Secs. 211(a), 212, 221, 222, 223, 402(14) and 420 of Pub. L. 93-113, 87 Stat. 402, 403, 404, 407 and 414, 42 U.S.C. 5011(a), 5012, 5021, 5022, 5023(14) and 5060.

Subpart A—General

§ 1208.1-1 Purpose of the program.

The Foster Grandparent Program (FGP) is authorized under Title II, Part B, of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113). The dual purpose of the program is to provide opportunities for low-income persons aged 60 or over to give supportive person-to-person service in health, education, welfare or related settings to help alleviate the physical, mental, or emotional problems of children having exceptional or special needs.

§ 1208.1-2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, 87 Stat. 394, 42 U.S.C. 4951).

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION Agency.

"Child" is any individual under 21 years of age.

"Children having exceptional needs" are those who are developmentally disabled such as those who are mentally retarded, autistic, have cerebral palsy or epilepsy or are visually handicapped, speech impaired, hearing impaired, orthopedically impaired, multi-handicapped, emotionally disturbed or have a language disorder, specific learning disability or other significant health impairment. Existence of a child's exceptional need shall be verified by an appropriate professional, such as a physician, psychiatrist, psychologist, speech therapist or educator before a Foster Grandparent is assigned to the child.

"Children with special needs" includes those who are: abused or neglected; in need of foster care; status offenders and other children or youth, as further defined in Title III of the Juvenile Justice Act Amendments of 1977; certain teen-age parents; and children in need of protective intervention in their homes. Existence of a child's special need shall be verified by an appropriate professional before a Foster Grandparent is assigned to the child.

"Direct Benefits" are stipends, meals, transportation, annual physical examinations, volunteer insurance, recognition and uniforms included in the budget as *Volunteer Expenses*.

"Director" is the Director of ACTION.

"Federally recognized Indian tribal government" means the governing body or a governmental agency of any Indian tribe, band, nation, or other organized group or community (including any Native village as defined in Section 3 of the Alaska Native Claims Settlement Act, 85 Stat. 688) certified by the Secretary of the Interior as eligible for the special programs and services provided through the Bureau of Indian Affairs.

"Handbook" is the FGP Handbook No. 4405.90 which contains policies for implementing these regulations.

"Hard-to-reach" individuals are those who are physically or socially isolated because of factors such as language, disability, or inadequate transportation.

"Household" refers to related or unrelated persons living under the same roof and sharing common living expenses.

"Individual Care or Treatment Plan" is a written description of a Foster Grandparent's assignment with a child. The plan defines the goals for the child to be attained through the relationship with a Foster Grandparent and the specific activities to be performed by the Foster Grandparent in the assignment.

"In-home" refers to non-institutional assignment of a Foster Grandparent in a private residence, a foster home, or a group home.

"OAVP" refers to the Older American Volunteer Programs, which include: the Foster Grandparent Program, the Retired Senior Volunteer Program, and the Senior Companion Program.

"Parent" is a natural parent or a person acting in place of a natural parent, such as a child's natural grandparent, or a step-parent with whom the child lives. The term also includes otherwise unrelated individuals who are legally responsible for a child's welfare.

"Project" is the locally planned and implemented Foster Grandparent Program activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which Foster Grandparents are recruited, enrolled, and placed on assignments.

"Service Schedule" is the 20 hours per week that a Foster Grandparent serves.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the Foster Grandparent project.

"Stipend" is a payment to Foster Grandparents to enable them to serve without cost to themselves.

"Volunteer Station" means a public agency or private nonprofit organization that accepts the responsibility for assignment and supervision of Foster Grandparents. Volunteer stations may assign volunteers to children with special or exceptional needs in health, education, welfare or related settings such as private homes, hospitals, homes for dependent and neglected children, or similar establishments.

Each volunteer station must be licensed or otherwise certified by the appropriate state or local government.

§ 1208.1-3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for children, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1208.2-1 Inquiries.

Inquiries regarding the Foster Grandparent Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C. will assist in directing inquiries to the appropriate state office.

§ 1208.2-2 Local support.

An ACTION grant may be awarded to fund up to 90% of the cost of development and operation of a Foster Grandparent project. The sponsor is required to contribute at least 10% of the total project cost. Stipend payments in excess of the amount established by ACTION may not be included as part of the local support commitment. In exceptional circumstances the Director may approve assistance for more than 90% of the total project cost if:

(a) The project is located in an area where local resources are too limited to provide 10%; or

(b) A test project is determined to be of exceptional value, sufficient to warrant Federal support in excess of 90% of the total project cost.

§ 1208.2-3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of Proposals* (1) Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection or approval and may have to compete with other solicited or unsolicited applications.

(2) Grants for projects to be carried out over an area in a state more comprehensive than one community shall be awarded to the State Agency on Aging unless:

(i) The state has not established or designated such an agency, or

(ii) Such agency has been afforded at least 45 days to review and make recommendations on a prospective sponsor's application.

(3) Grants for projects to be carried out entirely in a community served by a Community Action Agency shall be awarded to that agency unless that agency and the State Agency on Aging have been afforded at least 45 days to review and make recommendations on a prospective sponsor's application.

(4) In the event that the State Agency on Aging or the Community Action Agency is not awarded the applicable grant, any application that is approved will contain or be supported by satisfactory assurances that the project has been developed and will, to the extent feasible, be conducted in consultation with, or with the participation of, such agencies.

§ 1208.2-4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instruction necessary to plan and budget proposed program activities.

(b) New applicants, as well as existing sponsors submitting continuation applications, must comply with State and Area Planning and Development Clearinghouse notification and review procedures set forth in Office of Management and Budget (OMB) Circular A-95.

(c) A potential sponsor must submit one copy of an application for a new FGP project to the State Agency on Aging, which has 45 days to review the application and make recommendations. The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1208.2.5 Review of project proposals.

(a) The ACTION State Office for the applicant's state will review the grant application to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1208.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by *Notice of Grant Award* (NGA).

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1208.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with these regulations, ACTION Handbook 2650.2 entitled, *Grants Management Handbook for Grantees,* and the FGP Handbook No. 4405.90. A copy of each document will be furnished to the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1208.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2.

Subpart C—Project Operations

§ 1208.3-1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise and support a Project Director, who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of Foster Grandparents. Special efforts are to be made to recruit and assign persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are underrepresented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local share commitment;

(d) Establish, orient and support an independent FGP Advisory Council;

(e) Provide Foster Grandparents with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the Foster Grandparents and their activities;

(g) Establish personnel practices, including provision of position descriptions for project staff, and service policies for Foster Grandparents, including grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requiremens relating to nondiscrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor or anti-labor organization or related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practice and provide for the accurate and timely preparation and submission of reports required by ACTION;

(j) Develop Foster Grandparent service opportunities through volunteer stations;

(k) Negotiate, prior to assignment of Foster Grandparents, a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities and joint responsibilities;

(l) Orient volunteer station staff to the Program and its activities;

(m) Provide not less than 40 hours of pre-service orientation to Foster Grandparents;

(n) Arrange group in-service training for Foster Grandparents for a minimum of four hours each month;

(o) Provide or arrange for direct benefits (insurance, meals, physical examinations, recognition, stipends, transportation and uniforms, if needed) for the Foster Grandparents in a timely manner;

(p) Ensure provision for volunteer safety;

(q) Comply with program regulations, policies and procedures prescribed by ACTION;

(r) Ensure that appropriate liability insurance is maintained for owned, non-owned, or hired vehicles used in the project;

(s) Develop a realistic transportation plan based on the lowest cost transportation modes; and

(t) Conduct an annual appraisal of volunteers' performance and an annual review of volunteers' income eligibility.

§ 1208.3-2 Project staff.

(a) Project staff are employees of the sponsor and are subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) The FGP Project Director shall serve full time and may not be employed or serve concurrently in another capacity, paid or unpaid, during established working hours, without prior approval from ACTION. Only when ACTION has approved joint OAVP sponsorship may be Project Director concurrently direct another OAVP project or when the size of the project does not justify a full time director and a part time director is utilized.

(d) Compensation levels for project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1208.3-3 Advisory council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer project administered by the sponsor. When a small number of volunteers are enrolled or other special conditions prevail, this requirement may be waived by the Director, OAVP. The Advisory Council shall:

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available: Community, business and labor leaders, representatives from volunteer stations, public and private agencies, and persons specializing in the fields of aging, child development and voluntarism. In addition, at least one-fourth of the Advisory Council shall be low-income persons aged 60 or over. This group must include Foster Grandparents as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1208.5-1(d), Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a Foster Grandparent adversely.

§ 1208.3-4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a Foster Grandparent volunteer station only if the sponsor is:

(1) A state organization administering a statewide Foster Grandparent project where the volunteer station is part of the state organization, (2) a Federally recognized Indian tribal government, or (3) in a rural service area; in which case, up to 10% of the enrolled volunteers may be placed directly by the sponsor.

(b) Volunteer Station responsibilities include:

(1) Providing or arranging for volunteer transportation on or between assignments;

(2) Assisting in the provision of appropriate volunteer recognition;

(3) Developing and monitoring volunteer assignments, selecting children to be served, supervising the volunteers, assisting the sponsor in matching volunteers to assignments and in providing pre-service orientation and in-service training for the Foster Grandparents;

(4) Providing for volunteer safety;

(5) Keeping records and preparing reports required by the sponsor; and

(6) Signing, prior to the placement of Foster Grandparents, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing the responsibilities outlined above, as well as other agreed upon responsibilities, including the particulars of the volunteers' supervision.

(i) When Foster Grandparents are to serve in private homes, the Memorandum of Understanding shall also require that the volunteer station obtain a Letter of Agreement from the child's parent(s) authorizing or requesting volunteer service in the home and indicating what specific activities are to be performed. This agreement will constitute an individual care plan and will be followed for the child served by a Foster Grandparent in an in-home placement.

(ii) All Memorandums of Understanding are to be reviewed and, as appropriate, updated annually. It may be amended at any time by mutual agreement and must be signed and dated annually to indicate that review and update, if needed, have been accomplished.

§ 1208.3-5 Foster grandparents.

(a) *Eligibility.* (1) Foster Grandparents shall be 60 years of age or older, no longer in the regular work force, determined by a physical examination to be capable of serving children with exceptional or special needs without detriment to either themselves or the children served, and willing to accept supervison as required.

(2) Eligibility to be a Foster Grandparent may not be restricted on the basis of education, experience, citizenship, race, color, creed, belief, sex, national origin, handicap, or political affliliation.

(3) To be enrolled, a Foster Grandparent cannot have an annual income,from all sources, exceeding the ACTION income eligibility guideline for the state in which he or she resides. The ACTION income eligibility guideline for each state is the higher amount of either: (i) 125% of the proverty line as set forth in Section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. 2971d), or (ii) 100% of the poverty line plus the amount the state supplements Federal Supplemental Security Income (SSI).

(4) In cases where a Foster Grandparent is a member of a household in which other persons share common expenses, his or her income eligibility is determined by the combined income of members of the household.

(5) Once enrolled, a Foster Grandparent shall remain eligible to serve and to receive a stipend as long as his or her income does not exceed the prescribed ACTION income eligibility guideline by 20%. Income eligibility shall be reviewed annually by the sponsor.

(6) Recruitment and selection of a Foster Grandparent may not be based on any requirement of employment experience, formal education or ownership of, or access to, a vehicle.

(b) *Terms of service.* (1) Foster Grandparents serve a total of twenty hours a week, usually five days a week. Travel time between the volunteer's home and place of assignment may not be considered part of the service schedule and is not stipended. Travel time between individual assignments is a part of the service schedule. Meal time may be part of the service schedule only if meals are taken with the individual served, and the taking of meals together is deemed by the sponsor and the volunteer station to be beneficial to the person served.

(2) Foster Grandparents are volunteers, not employees, of the sponsor.

(c) *Direct benefits.* The total of direct benefits for Foster Grandparents, including stipends, insurance, transportation, meals, physical examinations, recognition, and uniforms if appropriate, shall be a sum equal to at least 90% of the amount of the ACTION federal share of the grant award. Federal and non-federal resources can be used to make up this sum. Direct benefits may not be subject to any tax or charge or be treated as wages or compensation for the purposes of unemployment insurance, temporary disability, retirement, public assistance, or similar benefit payments or minimum wage laws. Direct Benefits include:

(1) *Insurance:* Foster Grandparents shall be provided with the ACTION-specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance:* Accident. insurance shall cover Foster Grandparents for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities, such as recognition activities, orientation and Advisory Council meetings. Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources, including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs, or coverage provided by any statute.

When benefits are provided in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal Liability Insurance:* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess Automobile Liability Insurance:* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

(2) *Meals:* Within the limits of available resources and project policy, Foster Grandparents will be provided or will receive assistance with the cost of meals taken during their service schedule.

(3) *Physical Examinations:* Foster Grandparents are required to have a physical examination prior to assignment and annually thereafter.

(4) *Appropriate Recognition* will be provided for Foster Grandparents.

(5) *Stipends:* A Foster Grandparent will receive a stipend in an amount determined by ACTION and payable in regular installments. The minimum amount of the stipend is set by law and may be adjusted by the Director from time to time. When more than one eligible member of a household serves as a Foster Grandparent, only one member shall be entitled to receive a stipend. All eligible members in such cases shall be entitled to other direct benefits. Only in cases where enrolled Foster Grandparents marry may each continue to receive a stipend.

(6) *Transportation:* Foster Grandparents shall be provided transportation or receive assistance with the cost of transportation to and from volunteer assignments and official project activities, including orientation, training, advisory council meetings and recognition events. Reimbursement will be within the limits of available resources and project policy. Project funds may not be utilized to reimburse Foster Grandparents for transportation provided for or on behalf of children.

§ 1208.3-6 Foster grandparent assignments.

(a) Foster Grandparents shall serve children with special or exceptional needs.

(b) Priority consideration shall be given to placing Foster Grandparents in assignments where: those assignments constitute early intervention; there is a possibility for significant improvement in the quality of life for the children served, and there is a probability of a long-term relationship between the Foster Grandparent and the child.

(c) Priority consideration shall also be given to preventing or minimizing institutionalization by placing Foster Grandparents with children in-home, in special education classes, in special training centers, in developmental centers, in day care centers for children with exceptional or special needs, in hospitals, and in the juvenile justice system.

(d) The individualized care plan for a Foster Grandparent to follow in each in-home assignment he or she receives, should include the projected role and functions of the Foster Grandparent, be updated on a regular basis, and be used as a guide for evaluating the child's development and the Foster Grandparent's role.

(e) Where state, county or local sponsor's definition(s) of children having exceptional needs and children with special needs vary from the definitions in § 1208.1–2 of these regulations, ACTION will determine the suitability of non-ACTION definition(s) in regard to placement of Foster Grandparents with children.

(f) Foster Grandparent activities develop person-to-person, supportive relationships with children and do not provide service to volunteer stations or any other agency or organization where volunteers serve. Activities of Foster Grandparents should serve the dual purpose of being personally meaningful to the volunteers themselves and providing support and companionship to the children served.

§ 1208.3–7 Children served.

(a) Identification of individual children to receive supportive person-to-person services from a Foster Grandparent is a responsibility of volunteer station professional staff and will be made in accordance with criteria specified in § 1208.3–6. Actual Foster Grandparent assignments to individual children and a determination of the length of time each child should receive such services will be made with concurrence of the sponsor or his or her designee, usually the project director, in accordance with the Memorandum of Understanding described in § 1208.3–1(k).

(b) Foster Grandparent concurrence with assignments to individual children is required.

(c) Preference will be given to assigning Foster Grandparents to young children. Each Foster Grandparent shall preferably, but not exclusively, be assigned to two children.

(d) When a Foster Grandparent is assigned to a mentally retarded child, that assignment may continue beyond the child's 21st birthday, provided:

(1) That such child was receiving such services prior to attaining the chronological age of 21;

(2) That the public or private non-profit agency (volunteer station) responsible for providing services to the child determines that it is in the best interest of both the Foster Grandparent and the child; and

(3) There is mutual agreement by all parties with respect to provision of services to the child involved.

Subpart D—Non-ACTION Funded Projects

§ 1208.4–1 Memorandum of agreement.

(a) If an eligible agency or organization wishes to sponsor a project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Termination of the agreement by either the project sponsor or ACTION will result in loss of the tax exempt status of volunteer direct benefits allowable to Foster Grandparents and loss of coverage by the statutory provision that receipt of the stipend will not affect the volunteers' eligibility for any governmental assistance.

(d) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, create a financial obligation on the part of ACTION for costs associated with the project, including increases in required payments to volunteers which may result from changes in the Act or in ACTION regulations.

Subpart E—Sanctions and Legal Representation

§ 1208.5–1 Special limitations.

(a) *Political activities.* (1) No part of any grant shall bve used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignemt of personnel in a manner supporting or resulting in the identification of such project with (i) any partisan or nonpartisan political activity associated with a candidate, or countending faction or group, in an election, or (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No Foster Grandparent or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Foster Grandparent Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except

(i) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests a Foster Grandparent, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member; or

(ii) In connection with an authorization or appropriations measure directly affecting the operation of the Foster Grandparent Program.

Prohibitions on Electoral and Lobbying-Activities are fully set forth in 45 CFR Part 1226 and in ACTION Handbook 4405.90.

(b) *Restrictions on State or Local Government Employees.* If the sponsor is a State or local government agency which receives a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable. They are related to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or reserach institutions. An employee subject to these restrictions may not:

(1) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for policital purposes; or

(3) Be a candidate for elective ofice, except in a nonpartisam election.

"Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential election received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities* Foster Grandparents and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000 d *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*), any program, project, or activity to which volunteers are assigned under this Act shall be deemed to be receiving Federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national original, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affimative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with a Foster Grandparent project.

(e) *Labor and Anti-Labor Activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of Employed Workers.* A Foster Grandparent may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of Contracts.* A Foster Grandparent may not perform any service or duty or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings, and arrangements, either written or oral, to provide professional, managerial, technical, or administrative service.

(h) *Noncompensation for Services.* No person, organization, or agency shall request or receive any compensation for services of Foster Grandparents.

(i) *Nepotism.* Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(j) *Volunteer Termination.* A sponsor may separate a volunteer for cause, including, but not limited to, extensive or unauthorized absences, misconduct, inability to perform assignments or having income in excess of the eligibility level established by ACTION.

§ 1208.5-2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail and other expenses incidental to the defense of a Foster Grandparent may be paid in a criminal, civil or administrative proceeding, when such a proceeding arises directly out of performance of the Foster Grandparent's activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C., this 13th day of September, 1982.

Thomas W. Pauken,
Director, ACTION.

[FR Doc. 82-30067 Filed 11-1-82; 8:45 am]
BILLING CODE 6050-01-M

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45 CFR Part 1209

Retired Senior Volunteer Program

AGENCY: ACTION.

ACTION: Proposed rule revision.

SUMMARY: This proposed revision is intended to clarify and update existing Retired Senior Volunteer Program regulations relating to project development and funding, project operation, non-ACTION funded projects and special limitations affecting aspects of project operations. The text is simplified and reduced wherever possible.

DATE: Comments must be received by December 2, 1982.

ADDRESS: Written comments should be sent to: Director, Older American Volunteer Programs, ACTION, 806 Connecticut Avenue, NW., M-1006, Washington, D.C. 20525.

FOR FURTHER INFORMATION CONTACT: Betty H. Brake, (202) 254-7310.

SUPPLEMENTARY INFORMATION: ACTION has determined that this regulation is not a major rule as defined by Executive Order 12291. The regulations will not result in any of the following:

1. Any effect on the economy;
2. Any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or
3. Any adverse effects on competition, employment, investment productivity, innovation or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Subpart A—General

1. Proposed Sec. 1-1 is amended to more precisely define the purpose of the program. Sec. 1-2 of current regulations is deleted as unnecessary. Proposed 1-2 is added to define terms used in the proposed regulations. Proposed Sec. 1-3 is added to ensure cooperation with existing or planned community services.

Subpart B—Project Development and Funding

2. The Subpart B heading has been changed from "Grants" to "Project Development and Funding" to more accurately describe contents of the section. The proposed change tracks the grant application process from inquiry to final action.

3. Proposed Sec. 2-1 directs inquiries regarding the RSVP grant application process to the appropriate ACTION State Office. It replaces Sec. 2-2 of current regulations and is meant to clarify the application process for potential sponsors.

4. Proposed Sec. 2-2, "Budget Support," replaces Sec. 2-3 of the current regulations and reflects a change in present local support emphasis. The new regulation emphasizes the sponsor's responsibility for generating local program support to the fullest extent possible and at least equal in amount to the the local support negotiated between ACTION and the sponsor.

5. Proposed Section 2-7 and 2-8 replace Sections 2-6 through 2-9 of current regulations relating to grant management and suspension, termination, and denial of refunding. The proposed change reduces regulatory text by excising information published in entirety in 45 CFR Part 1206.

Subpart C—Project Operations

6. This proposed Subpart is a reorganization of Subpart C in the current regulations to clarify and describe in greater detail the responsibilities of the sponsor, project

staff, Advisory Council, and volunteer stations.

Subpart D—Non-ACTION Funded Projects

7. Proposed Subpart D is a new section which allows the development of a non-ACTION funded RSVP project under specific conditions.

Subpart E—Sanctions and Legal Representation

8. Proposed new Subpart E includes all current special limitations and regulations that apply to sponsors and RSVP volunteers. They have been included in one section for easy reference. This section also reflects an amendment to the Act which prohibits the use of any grant funds for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition except under certain conditions.

The Retired Senior Volunteer Program is identified by No. 72.002 in the Catalog of Federal Domestic Assistance.

Pursuant to Section 3(c)3 of E.O. 12291, entitled "Federal Regulation," the required review process has been completed by the Director of the Office of Management and Budget.

List of Subjects in 45 CFR Part 1209

Aged, Grant programs/social programs, Reporting and recordkeeping requirements, Volunteers.

It is proposed to revise 45 CFR Part 1209 to read as follows:

PART 1209—RETIRED SENIOR VOLUNTEER PROGRAM

Subpart A—General

Sec.
1209.1-1 Purpose of the program.
1209.1-2 Definitions.
1209.1-3 Coordination.

Subpart B—Project Development and Funding

1209.2-1 Inquiries.
1209.2-2 Budget support.
1209.2-3 Sponsor eligibility and solicitation of proposals.
1209.2-4 Project sponsors.
1209.2-5 Review of project proposals.
1209.2-6 Awards.
1209.2-7 Grant management.
1209.2-8 Suspension, termination, denial of refunding.

Subpart C—Project Operations

1209.3-1 Sponsor responsibility.
1209.3-2 Project staff.
1209.3-3 RSVP advisory council.
1209.3-4 Volunteer station responsibility.
1209.3-5 RSVP volunteers.
1209.3-6 Volunteer assignments.
1209.3-7 Service area.

Subpart D—Non-ACTION Funded Projects

Sec.
1209.4-1 Memorandum of agreement.

Subpart E—Sanctions and Legal Representation

1209.5-1 Special limitations.
1209.5-2 Legal representation.

Authority: Secs. 201, 212, 221, 222, 223, 402(14), 418 and 420 of Pub. L. 93-113, 83 Stat. 108, 87 Stat. 403, 404 and 414, 42 U.S.C. 5001, 5012, 5021, 5022, 5023, 5042(14), 5058 and 5060.

Subpart A—General

§ 1209.1-1 Purpose of the program.

The Retired Senior Volunteer program (RSVP) is authorized under Title II, Part A, of the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113). The purpose of the program is to provide a variety of opportunities for retired persons aged 60 or over to participate more fully in the life of their community through significant volunteer service.

§ 1209.1-2 Definitions.

Terms used in this part are defined as follows:

"Act" is the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, 87 stat. 394, 42 U.S.C. 4951).

"Advisory Council" is a group of persons formally organized by the project sponsor for the purpose of advising and supporting the sponsor in operating the project effectively.

"Agency" is the federal ACTION Agency.

"Director" is the Director of ACTION.

"Handbook" is the RSVP Operations Handbook No. 4405.92 which contains ACTION policies for implementing these regulations.

"Hard-to-reach" individuals are those who are physically or socially isolated because of factors such as language, disability, or inadequate transportation.

"OAVP" refers to the Older American Volunteer Programs, which include: the Retired Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program.

"Project" is the locally planned and implemented Retired Senior Volunteer Program activity as agreed upon between ACTION and the sponsor.

"Service Area" is a geographically defined area in which volunteers are recruited, enrolled, and placed on assignments.

"Sponsor" is a public agency or private nonprofit organization which is responsible for the operation of the local RSVP project.

"Volunteer Station" means a public or private nonprofit agency, organization or institution, as well as a proprietary health care organization, in or through which volunteers serve in accordance with program policies. Each health care organization serving as a volunteer station must be licensed or otherwise certified by the appropriate State or local government.

§ 1209.1-3 Coordination.

The sponsor shall coordinate activities with project-related groups and individuals, including those representing government, industry, labor, volunteer organizations, programs for the aging, including State and Area Agencies on Aging, and other ACTION programs, to facilitate cooperation with existing or planned community services and to develop community support.

Subpart B—Project Development and Funding

§ 1209.2-1 Inquiries.

Inquiries regarding the Retired Senior Volunteer Program application process, program criteria, or the availability of funds, should be directed to the ACTION State Office serving the inquirer's own state. ACTION headquarters office in Washington, D.C., will assist in directing inquiries to the appropriate state office.

§ 1209.2-2 Budget support.

(a) An RSVP sponsor is responsible for generating needed financial support for the RSVP project from all sources, federal and non-federal, including grants, cash and in-kind contributions, to meet budgeted costs of the project. The sponsor will supplement an ACTION grant with other support to the fullest extent possible at at least equal in amount to that negotiated between ACTION and the sponsor. The following percentages will be used as a guide by ACTION in negotiating the level of local support a sponsor will be required to contribute to the total project budget. In no event shall the required proportion of local support (including in-kind contributions) be more than 10% in the first year, 20% in the second year, 30% in the third, year, 40% in the fourth year, and 50% in the fifth and succeeding years. The level of local support negotiated may be higher or lower than these percentages, as mutually agreed to by ACTION and the sponsor, and as justified by local conditions. Sponsors proposing to contribute local support of less than 30% of the total project budget for the third or succeeding years must provide ACTION with an acceptable written justification for the lower level of support.

(b) The total of Volunteer Expenses for Senior Volunteers, including insurance, transportation, meals, and recognition activities, shall be an amount equal to at least 25% of the amount of the ACTION grant award. Federal and non-Federal resources may be used to make up this sum.

Exceptions to this requirement may be requested of the Director, Older American Volunteer Programs, through the ACTION State Director by an RSVP Sponsor who can clearly demonstrate that (1) this requirement will result in undue hardship in the conduct of project operation, and (2) a lesser amount will meet the volunteer expense needs of the number of volunteers budgeted.

§ 1209.2-3 Sponsor eligibility and solicitation of proposals.

(a) *Sponsor eligibility.* ACTION will award grants only to public agencies and private non-profit organizations in the United States which have the authority to accept and the capability to administer such grants.

(b) *Solicitation of proposals.* (1) Any eligible organization may file an application for a grant. Applicants may also be solicited by ACTION pursuant to its objective of achieving equitable program resource distribution. Solicited applications are not assured of selection or approval and may have to compete with other solicited or unsolicited applications.

(2) The Director may not award any grant or contract for a project in any state to any agency or organization unless, if such state has a state agency established or designated pursuant to Section 305 (a)(1) of the Older Americans Act of 1965, as amended (42 U.S.C. 3025(a)(1)), such agency itself is the recipient of the award, or such agency has been afforded at least 45 days in which to review and comment on the new grant application.

§ 1209.2-4 Project proposals.

(a) Applicants shall use standard forms prescribed by ACTION. ACTION State Offices will provide applicants with guidance and any additional instructions necessary to plan and budget proposed program activities.

(b) New applicants, as well as existing sponsors submitting continuation applications, must comply with State and Area Planning and Development Clearinghouse notification and review procedures set forth in Office of Management and Budget (OMB) Circular A-95.

(c) A potential sponsor must submit one copy of an application for a new RSVP project to the State Agency on Aging, which has 45 days to review the application and make recommendations. The State Agency on Aging shall state in writing to ACTION its recommendations and reasons within this time period or will be considered to have waived its rights under this part.

§ 1209.2-5 Review of project proposals.

(a) The ACTION State Office for the applicant's state will conduct a review of grant applications to ensure that program requirements are complied with and that required documentation has been attached.

(b) If not approved, the application will be returned to the applicant with an explanation of ACTION's decision. The unsuccessful applicant may reapply when the inadequacy, if any, found in the application is resolved.

§ 1209.2-6 Awards.

(a) ACTION will, within funds available, award a grant in writing to those applicants whose grant proposals provide the best potential for serving the purpose of the program. The award will be documented by *Notice of Grant Award* (NGA).

(b) The parties to the NGA are ACTION and the sponsoring organization. The NGA will document the sponsor's commitment to fulfill specific programmatic objectives and financial obligations. It will document the extent of ACTION's obligation to provide financial support to the sponsor.

(c) A sponsor may receive a grant award for more than one OAVP project.

§ 1209.2-7 Grant management.

(a) Sponsors shall manage grants awarded to them in accordance with provisions of ACTION Handbook No. 4405.92, RSVP Operations Handbook, and ACTION Handbook 2650.2, entitled, *Grants Management Handbook for Grantees.* A copy of each document will be furnished to the sponsor at the time the initial grant is awarded.

(b) Project support provided under an ACTION grant shall be furnished at the lowest possible cost consistent with the effective operation of the project.

(c) Project costs for which ACTION funds are budgeted must be justified as being essential to project operation.

§ 1209.2-8 Suspension, termination and denial of refunding.

Grant suspension, termination and denial of refunding procedures are set forth in 45 CFR Part 1206, Chapter XII, and in ACTION Handbook 2650.2.

Subpart C—Project Operations

§ 1209.3-1 Sponsor responsibility.

The sponsor is responsible for all programmatic and fiscal aspects of the project and may not delegate or contract this responsibility to another entity. The sponsor has the responsibility to:

(a) Employ, supervise, and support a project director, who will be directly responsible to the sponsor for the management of the project, including selection, training and supervision of project staff;

(b) Provide for the recruitment, assignment, supervision and support of volunteers. Special efforts are to be made toward recruitment and assignment of older persons from minority groups, handicapped and hard-to-reach individuals, and groups in the community which are under represented in the project. The sponsor will stress the recruitment and enrollment of persons not already volunteering;

(c) Provide financial and in-kind support to fulfill the project's local support commitment;

(d) Establish, orient and support an independent RSVP Advisory Council;

(e) Provide the volunteers with not less than the minimum accident, personal liability, and excess auto liability insurance required by ACTION;

(f) Provide for appropriate recognition of the volunteers and their activities:

(g) Establish personnel practices, including provision of position descriptions for project staff and grievance and appeal procedures for both volunteers and project staff;

(h) Ensure compliance with ACTION requirements relating to nondiscrimination, religious activity, political activity, lobbying, patronage toward persons related by blood or marriage, labor and anti-labor organization of related activities, nondisplacement of employed workers, nonimpairment of contracts, and noncompensation for services;

(i) Maintain project records in accordance with generally accepted accounting practice and provide for the preparation and submission of reports required by ACTION;

(j) Develop volunteer service opportunities through volunteer stations;

(k) Negotiate, prior to placement of volunteers, a written Memorandum of Understanding with each volunteer station, identifying sponsor responsibilities, volunteer station responsibilities, and joint responsibilities;

(l) Orient volunteer station staff to RSVP and its activities;

(m) Provide pre-service orientation to the volunteers on RSVP goals and activities;

(n) Arrange for in-service training of the volunteers by volunteer stations or other sources of training as needed;

(o) Provide or arrange for volunteer benefits in a timely manner;

(p) Ensure provision for volunteer safety;

(q) Comply with program regulations, policies and procedures prescribed by ACTION;

(r) Ensure that appropriate liability insurance is maintained for owned, non-owned, or hired vehicles used in the project; and

(s) Develop a realistic transportation plan for the project based on the lowest cost modes of transportation.

§ 1209.3–2 Project staff.

(a) Project staff are employees of the sponsor and subject to its personnel policies and practices.

(b) ACTION must concur in writing with the sponsor's selection of a project director before such person is employed or earns pay from grant funds.

(c) A project director shall serve full-time and may not be employed or serve concurrently in another capacity, paid or unpaid, during established working hours, without prior approval from ACTION.

(d) Compensation levels of the project staff, including wages, salaries and fringe benefits, should be comparable to like or similar positions in the sponsor organization and in the community.

§ 1209.3–3 RSVP Advisory Council.

An Advisory Council shall be established to advise and assist the project sponsor and staff. There shall be a separate Advisory Council for each Older American Volunteer Program administered by the sponsor. The Advisory Council shall:

(a) Advise the project director in the formulation of local policy, planning, and the development of operational procedures and practices consistent with program policies;

(b) Assist the sponsor by promoting community support for the project, advise on personnel actions affecting volunteers and project staff, and assist in developing local financial and in-kind resources;

(c) Include in its membership, when available: community business and labor leaders, representatives from volunteer stations, public and private agencies, and persons specializing in the fields of aging or voluntarism. In addition, at least one-fourth of the Advisory Council shall be persons aged 60 or over. This group must include RSVP volunteers as voting members. The sponsor's chief executive or designee, one member of its governing board, and the project director should be members of the Advisory Council but may not be officers of the Advisory Council. The sponsor's chief executive and the project director may not be voting members. The member representing the sponsor's governing board may be a voting member. The provisions of Section 1209.5–1(c), Nondiscrimination, apply to the Advisory Council;

(d) Meet on a regular schedule and establish its own procedures, including election of officers and terms of office;

(e) Conduct an annual appraisal of project operation and submit a report to the sponsor, which shall be attached to the continuation grant application;

(f) Have an opportunity to advise the sponsor in advance on the selection or termination of the project director; and

(g) Ensure procedures are in effect to hear an appeal to actions affecting a volunteer adversely.

§ 1209.3–4 Volunteer station responsibility.

(a) Normally the volunteer station is an organization other than the sponsoring organization. The sponsor may function as a volunteer station, provided that not more than 5% of the total number of volunteers enrolled in the project are assigned to it. This limitation does not apply to the assignment of volunteers to other programs administered by the sponsor. Also, the RSVP project itself may function as a volunteer station or may initiate special volunteer activities which temporarily function at that location, provided ACTION agrees that these activities are in accord with program objectives and will not hinder overall project operation.

(b) Volunteer stations at which volunteers serve will be in the community where such persons live or in nearby communities. Volunteer services will be performed either on publicly owned and operated facilities or projects, or on local projects sponsored by private nonprofit organizations (other than political parties), other than projects involving construction, operation, or so much of any facility used or to be used for sectarian instruction or as a place of religious worship.

(c) Volunteer station responsibilities include: (1) Assisting with or arranging for volunteer transportation and assisting in the provision of appropriate volunteer recognition:

(2) Developing volunteer assignments, assigning, supervising and training volunteers and providing them with preservice orientation and in-service training;

(3) Providing for volunteer safety;

(4) Keeping records and preparing reports required by sponsor;

(5) Signing, prior to placement of volunteers, a Memorandum of Understanding with the sponsor establishing working relationships and mutual responsibilities, and detailing responsibilities outlined above as well as other responsibilities that may be agreed to. The Memorandum of Understanding is to be reviewed and, as appropriate, changed annually. The Memorandum should be signed and dated annually to indicate that review and, if needed, update have been accomplished.

§ 1209.3–5 RSVP volunteers.

(a) *Eligibility.* (1) To be eligible for enrollment as an RSVP volunteer, a person must be 60 years of age or over, retired, willing to serve on a regular basis, and willing to accept instruction and supervision as required.

(2) Eligibility to be an RSVP volunteer may not be restricted on the basis of education, income, experience, citizenship, race, color, creed, belief, sex, national origin, political affiliation, or handicap.

(b) *Volunteer expenses.* (1) Within the limits of a projects approved budget and in accordance with provision of the RSVP Operations Handbook, volunteers will be provided transportation or will receive assistance with costs of transportation, recognition activities, and, when possible, meals. In addition, provision shall be made by the sponsor to obtain ACTION specified minimum levels of accident insurance, personal liability insurance and, when appropriate, excess automobile liability insurance.

(i) *Accident insurance:* Accident insurance shall cover RSVP volunteers for personal injury during travel between their homes and places of assignment, during their volunteer service, during meal periods while serving as a volunteer, and while attending project-sponsored activities, such as recognition activities, orientation and Advisory Council meetings. Protection shall be provided against claims in excess of any benefits or services for medical care or treatment available to the volunteer from other sources, including:

(A) Health insurance coverage;

(B) Other hospital or medical service plans;

(C) Any coverage under labor-management trusteed plans, union welfare plans, employer organization plans, or employee benefit organization plans; and

(D) Coverage under any governmental programs, or provided by any statute. When benefits are approved in the form of services rather than by cash payments, the reasonable cash value of each service rendered shall be considered in determining the applicability of this provision. The benefits payable under a plan shall include the benefits that would have been payable had a claim been duly made therefor. The benefits payable shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits provided for by any other plan shall not exceed the total expenses incurred by the volunteer.

(ii) *Personal Liability Insurance:* Protection shall be provided against claims in excess of protection provided by other insurance.

(iii) *Excess Automobile Liability Insurance:* Protection shall be provided against claims in excess of the greater of either:

(A) Liability insurance volunteers carry on their own automobiles, or

(B) The limits of applicable state financial responsibility law, or

(C) In the absence of a state financial responsibility law, levels of protection to be determined by ACTION for each person, each accident, and for property damage.

§ 1209.3-6 Volunteer assignments.

(a) A variety of assignments shall be developed prior to the recruitment of RSVP volunteers. Assignments shall include opportunities to respond to significant Community needs.

(b) Assignments shall be matched to the interests, abilities, preferences and availability of volunteers. Special consideration shall be given to developing assignments that allow for the limited physical strength and mobility of the handicapped older volunteer.

§ 1209.3-7 Service area.

The service area of a project identified in the approved grant application may not be redefined without prior written approval from ACTION.

Subpart D—Non-ACTION Funded RSVP Projects

§ 1209.4-1 Memorandum of agreement

(a) If an eligible agency or organization wishes to sponsor an RSVP project without ACTION funding, and wishes to receive technical assistance and materials from ACTION, it must sign a Memorandum of Agreement with ACTION identifying mutual responsibilities and certifying its intent to comply with ACTION regulations.

(b) A non-ACTION funded project sponsor's noncompliance with the Memorandum of Agreement may result in suspension or termination of ACTION's technical assistance to the project.

(c) Entry into a Memorandum of Agreement with a sponsoring agency which does not receive ACTION funds will not, under any circumstances, create a financial obligation on the part of ACTION for costs associated with the project.

Subpart E—Sanctions

§ 1209.5-1 Special limitations and legal representation.

(a) *Political activities.* (1) No part of any grant shall be used to finance, directly or indirectly, any activity to influence the outcome of any election to public office, or any voter registration activity.

(2) No project shall be conducted in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such project with (i) any partisan or nonpartisan political activity associated with a candidate, or contending faction or group, in an election, or (ii) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (iii) any voter registration activity.

(3) No RSVP volunteer or employee of a sponsor or volunteer station may take any action, when serving in such capacity, with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the Retired Senior Volunteer Program with such activity.

(4) No grant funds may be used by the sponsor in any activity for the purpose of influencing the passage or defeat of legislation or proposals by initiative petition, except:

(i) In any case in which a legislative body, a committee of a legislative body, or a member of a legislative body requests an RSVP volunteer, a sponsor chief executive, his or her designee, or project staff to draft, review or testify regarding measures or to make representation to such legislative body, committee or member, or

(ii) In connection with an authorization or appropriation measure directly affecting the operation of the Retired Senior Volunteer Program.

(5) Prohibitions on Electoral and Lobbying Activities are fully set forth in 45 CFR Part 1226 and in ACTION Handbook No. 4405.92.

(b) *Restrictions on State or Local Government Employees.* If the sponsor is a state or local government agency which received a grant from ACTION, certain restrictions contained in Chapter 15 of Title 5 of the United States Code are applicable to persons who are principally employed in activities associated with the project. The restrictions are not applicable to employees of educational or research institutions. An employee subject to these restrictions may not:

(1) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or

(2) Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or

(3) Be a candidate for elective office, except in a nonpartisan election. "Nonpartisan election" means an election at which none of the candidates is to be nominated or elected as representing a political party any of whose candidates for Presidential election received votes in the last preceding election at which Presidential electors were selected.

(c) *Religious activities.* RSVP volunteers and project staff funded by ACTION shall not give religious instruction, conduct worship services or engage in any form of proselytization as part of their duties.

(d) *Nondiscrimination.* For purposes of this subpart, and for purposes of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Age Discrimination Act of 1975 (Pub. L. 94-135, Title III; 42 U.S.C. 6101 *et seq.*), any project or activity to which volunteers are assigned shall be deemed to be receiving federal financial assistance.

(1) No person with responsibility in the operation of a project shall discriminate with respect to any activity or program because of race, creed, belief, color, national origin, sex, age, handicap, or political affiliation.

(2) Sponsors are required to take affirmative action to overcome the effects of prior discrimination. Even in the absence of prior discrimination, a sponsor may take affirmative action to overcome conditions which resulted in limiting participation.

(3) No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the

benefits of, be subjected to discrimination under, or be denied employment in connection with any project.

(e) *Labor or Anti-Labor Activity.* No grant funds shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(f) *Nondisplacement of Employed Workers.* An RSVP volunteer may not perform any service or duty or engage in any activity which would otherwise be performed by an employed worker or which would supplant the hiring of employed workers.

(g) *Nonimpairment of Contracts.* An RSVP volunteer may not perform any service or duty, or engage in any activity which impairs an existing contract for service. The term "contract for service" includes but is not limited to contracts, understandings and arrangements, either written or oral, to provide professional, managerial, technical, or administrative service.

(h) *Noncompensation for Services.* No person, organization, or agency shall request or receive any compensation for services of RSVP volunteers.

(i) *Volunteer Status.* RSVP volunteer service shall not be deemed employment for any purpose.

(j) *Nepotism.* Persons selected for project staff positions may not be related by blood or marriage to other project staff, sponsor staff or officers, or members of the sponsor Board of Directors, unless there is concurrence by the Advisory Council, with notification to ACTION.

(k) *Volunteer Separation.* A volunteer may be separated from the program for cause, including, but not limited to, extensive absences, misconduct, or inability to perform assignments.

§ 1209.5-2 Legal representation.

Counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of a Senior Volunteer may be paid in a criminal, civil or administrative proceeding, when such a proceeding arises directly out of performance of the RSVP volunteer's activities. 45 CFR Part 1220 establishes the circumstances under which ACTION may pay such expenses.

Signed at Washington, D.C., this 13th day of September, 1982.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 82-30079 Filed 11-1-82; 8:45 am]

BILLING CODE 6050-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 20735; RM-1974; RM-2655]

Changes in the Rules Relating to Noncommercial Educational FM Broadcast Stations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule; Extension of comment/reply comment period.

SUMMARY: By previous *Order,* the Commission indicated that the record in the FCC Docket No. 20735 proceeding relating to non-commercial educational FM broadcast stations would remain open until release of the report "Options for Relief of Interference to TV Channel 6 from Educational FM Stations." This report has been released and was placed in the Docket file on October 20, 1982. Other relevant reports have also been placed in the docket file. This action is intended to give notice of the availability of these reports, consideration of which is prerequisite to the filing of comprehensive comments in this proceeding. This action is also necessary in order to give notice of the setting of specific comment and reply comment deadlines.

DATES: Comments are due on December 6, 1982. Reply comments are due on January 23, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Gordon W. Godfrey, Broadcast Bureau, Policy and Rules Division (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: October 22, 1982.

Released: October 26, 1982.

1. On July 27, 1982, the Chief, Policy and Rules Division adopted an *Order Extending Time For Filing Comments and Reply Comments* in the above-entitled matter which was released on July 28, 1982, and published in the **Federal Register** (47 FR 34811) on August 11, 1982.

2. The above-mentioned Notice indicated that the dates for filing comments and reply comments in this proceeding were indefinite, but would be extended by 45 days beginning on the release date of the report "Options for Relief of Interference to TV Channel 6 from Educational FM Stations." This report, as well as the report "A Computer Program for Calculating the Effective Interference to TV Service" and a technical note on "Tests of a Filter for FM Interference to Television Channel 6" were placed in the Docket No. 20735 file on October 20, 1982 which is available at the Federal Communications Commission. The comment and reply comment deadlines will be set accordingly.

3. Additionally, we have under consideration a "Petition to Dismiss" filed by the Central Pennsylvania Christian Institute (CPCI) which asks the Commission to terminate the *Second Further Notice of Proposed Rule Making* in this proceeding and return any and all comments submitted without consideration.

4. Briefly, the CPCI petition is based on the Communications Amendments Act of 1982 (Pub. L. 97-259) which, *inter alia,* gives the Commission authority to regulate the interference susceptibility of receivers. It is argued that receiver regulation, rather than limiting the technical facilities of noncommercial, educational FM stations, is the proper approach to resolving the educational FM/TV Channel 6 interference problem, and that further rule making relating to the latter approach would be inappropriate.

5. Ideally, the CPCI petition would seem to have merit. However, it overlooks the start-up problems and delays which are an inevitable part of implementing a new regulatory program. Thus, considerable time could elapse while the Commission considers adoption of new receiver performance standards.

6. Even more importantly, the CPCI petition ignores the fact that there are millions of TV receivers presently in use that could not be subjected to new standards. The usable life of these receivers could extend to ten or more years. Thus, if the present interference problem is to be alleviated, limiting the technical facilities of noncommercial, educational FM stations appears to be required as part of the overall solution, at least for the immediate future.

7. Accordingly, it is ordered that the "Petition to Dismiss" submitted by the Central Pennsylvania Christian Institute is denied. It is further ordered, that the time for filing comments and reply comments in Docket No. 20735 is extended to December 6, 1982, and January 21, 1983, respectively.

8. This action is taken pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

Federal Communications Commission.

Gregory L. DePriest,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-30025 Filed 11-1-82; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003 and 1134

[Ex Parte No. 55 (Sub-No. 38F)]

Antitrust and Competition Factors in Motor Carrier Finance Cases

AGENCY: Interstate Commerce Commission.

ACTION: Notice of withdrawal of advance notice of proposed rulemaking proceeding.

SUMMARY: The Commission is discontinuing consideration of a proposed policy analysis of the role of antitrust and competition factors in motor carrier finance proceedings instituted pursuant to 49 U.S.C. 11343–44. Further consideration is considered unnecessary in light of recent legislation and other factors.

EFFECTIVE DATE: November 2, 1982.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: An advance notice of proposed rulemaking was published on April 18, 1980, notifying the public that the Commission was considering three interrelated changes in its motor acquisition practices in the antitrust area (45 FR 26395). These would (1) revise certain motor finance forms, (2) develop a policy statement and guidelines in the area, and (3) subject those transactions with compelling public interest and competitive consequences to a more complete agency review, with the balance of motor acquisition proposals being allowed to go into effect without extension agency review. In view of enactment of the Motor Carrier Act of 1980 (MCA) and the Bus Regulatory Reform Act of 1982 (Pub. L. No. 97–261) (BRRA), the lack of interest shown in the changes being considered (indicated by the small number of comments received [12]), the opposition to such changes, and the stale nature of the record in this proceeding which has been pending for almost 3 years, the Commission now concludes that further consideration of the proposals is unnecessary. Both the MCA and the BRRA provide increased opportunities for competiton by reducing barriers to entry into the transportation industry and specify the competitive standards that govern motor carrier transactions. This should result in an increase in competition in most motor carrier transportation markets. Moreover, the BRRA authorizes, under certain circumstances, us to exempt persons or transactions from the Interstate Commerce Act. This authority can be used to eliminate agency review of cases that do not have anticompetitive consequences. Accordingly, the objectives sought in this proceeding will be accomplished without taking the action proposed. This proceeding is discontinued.

This action will not significantly affect either the quality of the human environment or conservation of energy resources. This notice is issued under the authority contained in 49 U.S.C. 10321, and 5 U.S.C. 553 and 559.

Decided: October 22, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30080 Filed 11-1-82; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 212
Tuesday, November 2, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Notice of Information Collection Proposal

AGENCY: ACTION.

ACTION: Information Collection Request Under Review.

SUMMARY: This notice sets forth certain information about an information collection proposal by ACTION, the national volunteer agency.

BACKGROUND: Under the Paperwork Reduction Act (44 U.S.C., Chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted the information collection proposal described below to OMB. OMB and ACTION will consider comments on proposed collection of information and recordkeeping requirements. Copies of the proposed forms and supporting documents [request for clearance (SF 83), supporting statement, instructions, transmittal letter, and other documents] may be obtained from the agency clearance officer.

INFORMATION ABOUT THIS PROPOSED COLLECTION: Agency Clearance Officer—Richard D. English—202-254-8501.

Agency Address: ACTION, 806 Connecticut Ave., NW. Washington, D.C. 20525.

Title of Form: Drug Prevention Information Dissemination Evaluation.

Office of ACTION Issuing Proposal: Office of Policy and Planning, Evaluation Division.

Agency Official to Contact for Further Information: Melvin E. Beetle.

Type of Request: New.

Frequency of Collection: Nonrecurring.

General Description of Respondents: Pharmacies/drug stores, and individuals interested in drug use prevention in MA, NH, and ME.

Estimated Number of Responses: 2,976.

Estimated Hours for All Respondents to Complete Form: 305.5.

Respondent's Obligation to Reply: Voluntary.

This is not a collection proposal under Sec. 3504(h) of the Paperwork Reduction Act.

Person responsible for OMB Review: James L. Thomas, 202-395-6880.

Richard D. English,

Deputy Assistant Director, ACTION.

[FR Doc. 82-30058 Filed 11-1-82; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Countervailing Duty Investigations; Stainless Steel Sheet, Strip, and Plate From the United Kingdom

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of Countervailing Duty Investigations.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of stainless steel sheet, strip, and plate are materially injuring, or threatening to materially injure, a U.S. industry. If these investigations proceed normally, the ITC will make its preliminary determinations on or before November 22, 1982, and we will make ours on or before December 31, 1982.

EFFECTIVE DATE: November 2, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Petition

On October 7, 1982, we received a petition from Allegheny Ludlum Steel Corporation; Armco Inc.; Carpenter Technology Corporation; Colt Industries, Inc. of the Crucible Materials Group; Eastern Stainless Steel Company; Electralloy Corporation; Guterl Special Steel Corporation; Jessop Steel Company; Jones & Laughlin Steel Incorporated; Republic Steel Corporation. Universal Cyclops Speciality Steel Division of the Cyclops Corporation; Washington Steel Corporation; and the United Steelworkers of America on behalf of the U.S. industry producing stainless steel sheet, strip, and plate. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1677(5)) (the Act) and that imports of stainless steel sheet, strip, and plate are materially injuring, or threatening to materially injure, a U.S. industry.

The United Kingdom is a "country under the Agreement" within the meaning of section 701(b) of the Act; therefore, title VII of the Act applies to these investigations.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether it sets forth the allegations necessary for the initiation of a countervailing duty investigation and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on stainless steel sheet, strip, and plate and we have found that the petition meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If our investigations proceed normally, we will make our preliminary determinations by January 3, 1983.

Scope of the Investigations

For the purpose of these investigations the term stainless steel sheet, and strip covers hot or cold-rolled stainless steel sheet or strip products, excluding hot or cold-rolled stainless steel strip not over 0.01 inch in thickness, as currently provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated* (TSUSA).

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is a flat-rolled stainless steel product, whether or not corrugated or crimped, and whether or not pickled; not cold-rolled; not cut not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless steel strip is a flat-rolled stainless steel product, whether or not corrugated or crimped, and whether or not pickled; not cut not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and over 0.50 inch but not over 12 inches in width. Cold-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Also for purposes of these investigations the term stainless steel plate covers stainless steel plate products as provided for in items 607.7605 and 607.9005 of the TSUSA. Stainless steel plate is a flat-rolled product, whether or not corrugated or crimped, in coils or cut to length, 0.1875 inches or more in thickness and over 8 inches in width or if cold-rolled over 12 inches in width.

Allegations of Subsidies

The petition alleges that producers, manufacturers, or exporters in the United Kingdom receive benefits from the government of the United Kingdom that constitute subsidies, including:

- Government equity infusions;
- National Loans Fund loans and loan conversions;
- Regional development grants;
- Iron & Steel Industry Training Board grants;
- Preferential railroad transportation rates;
- Capital investment subsidies tied to stainless steel production.

The petition also alleges that producers, manufacturers, or exporters in the United Kingdom of stainless steel sheet, strip, and plate receive benefits that constitute subsidies from the following European Communities programs:

- Industrial investment loans from the European Coal and Steel Community (ECSC);
- Loans from the European Investment Bank (EIB).

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at these determinations. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms that it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy for Policy to the Deputy Assistant Secretary for Import Administration.

Preliminary Determinations by ITC

The ITC will determine by November 22, 1982 whether is a reasonable indiction that imports of stainless steel sheet, strip, and plate from the United Kingdom are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

October 27, 1982.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-30096 Filed 11-1-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration Marine Fisheries Advisory Committee; Partially Closed Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Public Meeting with a Partially Closed Session.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., App. (1976), notice is hereby given of a partially closed meeting of the Marine Fisheries Advisory Committee (MAFAC). The Committee was established by the Secretary of Commerce on February 17, 1971 to advise the Secretary on matters pertinent to the Department's responsibilities for marine fishery resources and on means to facilitate cooperation between public and private interests in these matters.

DATES: November 2–5, 1982.

ADDRESS: The meeting will take place in the Poinsian Room at the Surfside Holiday Inn, Clearwater, Florida.

FOR FURTHER INFORMATION CONTACT: Ms. Robin L. Tutle, Acting Executive Secretary, Marine Fisheries Advisory Committee, National Marine Fisheries Service, Washington, D.C. 20235, Telephone (202) 634–7283.

This notice will appear in the Federal Register less than 15 days before meeting date because of difficulty in selecting date agreeable to Administrator, NOAA and the 21 MAFAC members. The meeting dates cannot be postponed to a later date because of the immediate need to discuss NOAA's FY' 85 budget priorities. NOAA has contacted the public who normally attends MAFAC meetings and the short notice will have no impact on public attendance.

Agenda

Open Session.—November 2, 1982 (9:00 a.m. to 5:00 p.m.) the Marine Recreational Fishing Subcommittee; the Commercial Fishing Subcommittee; the Consumer Affairs Subcommittee; the State/Federal/Council Liaison Subcommittee; and the Habitat Conservation Subcommittee will hold meetings to discuss issues related to their areas of expertise.

Open Session.—November 3, 1982 (8:30 a.m. to 5:45 p.m.) to discuss fisheries development and corporation.

Open Session.—November 4, 1982 (8:30 a.m. to 1:15 p.m.) to discuss (a) MAFAC's role in living marine resource research decisionmaking, (b) assistance of the Center for Environmental Services to the fisheries and ocean communities, (c) remote sensing activities, (d) Southeast Region habitat conservation and marine mammal programs, and (e) receive reports from the five subcommittees.

Closed Session.—November 4, 1982 (1:15 p.m. to 3:15 p.m.) to receive the Budget and Strategic Planning Committee report, and to discuss NOAA's long-range plan and FY 1985 Budget.

Open Session.—November 5, 1982 (8:30–11:00 p.m.) to receive subcommittee reports.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on October 26, 1982 pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items to be covered during the closed sessions may be exempt from the provisions of the Act relating to open meetings and public participation therein, because the items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(9)(B), as information the premature disclosure of which will be likely to significantly frustrate the implementation of proposed agency action. (A copy of the determination is available for public inspection and duplication in the Central Reference and Records Inspection Facility, Room 6628, Department of Commerce). All other portions of the meeting will be open to the public.

Dated: October 28, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82-30147 Filed 11-1-82; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Comments on Foreign Fishing Applications

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Opportunity for Public Comments on Foreign Fishing Applications Received by The Mid-Atlantic Fishery Management Council.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265). As required by the Act, section 204(b)(5), the Council announces that the public may comment on any and all foreign fishing applications received by the Council on or before December 6, 1982.

The Council's staff will be available between 9 a.m. and noon on December 6, 1982, to receive comments, which may be made in person at the Council's Headquarters Office, Federal Building, Room 2115, 300 South New Street, Dover, Delaware, between the above-stated hours. In addition, written comments must be mailed in time to be received and reviewed by the Council, on December 6, 1982.

FURTHER INFORMATION: Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: October 28, 1982.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 82-40148 Filed 11-1-82; 8:45 am]

BILLING CODE 3510-22-M

National Telecommunications and Information Administration

Study of Long-Range International Telecommunications and Information Goals of the United States; Inquiry

AGENCY: Department of Commerce.

SUB-AGENCY: National Telecommunications and Information Administration (NTIA).

SUBJECT: Study of Long-Range International Telecommunications and Information Goals of the United States.

ACTION: Notice of Inquiry.

SUMMARY: Pursuant to Title II of the Communications Amendments Act of 1982 (Pub. L. 97–259), the National Telecommunications and Information Administration (NTIA) will conduct a comprehensive study of the long-range international telecommunications and information goals of the United States, the specific international telecommunications and information policies necessary to promote those goals, and the strategies that will ensure that the United States achieves them. As part of the study, NTIA will also conduct a review of the structures, procedures, and mechanisms which are utilized by the United States to develop international telecommunications and information policy.

To assist in this effort, NTIA is soliciting comments from interested parties on any or all of the issues involved. Additional information on the proposed scope of the study and examples of specific questions that will be addressed are provided below under Supplementary Information.

PROPRIETARY INFORMATION: Information and comments submitted in response to this notice that are designated proprietary will be held in confidence and protected to the fullest extent of the law.

DATES: The study will be completed for submission to Congress early in calendar year 1983. Therefore, comments in response to this notice must be received by December 2, 1982.

ADDRESS: Send comments to: Bernard J. Wunder, Jr., Assistant Secretary of Commerce for Communications and Information, Special Project on Long-range Goals, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Kenneth Leeson, Acting Director, Office of International Affairs, National Telecommunications and Information Administration, U.S. Department of Commerce, Washington, DC 20230, (202) 377–1866.

SUPPLEMENTARY INFORMATION:

Scope of NTIA Inquiry

A comprehensive assessment of long-range goals, policies, and strategies in international telecommunications and information will require that attention be given to the following areas:

(1) Research and development in telecommunications and information; technology transfer;

(2) Trade in telecommunications and information equipment; market access; non-tariff trade barriers;

(3) International telecommunications facilities and networks, their structure, technological characteristics, and the international institutions and organization that affect their development;

(4) Telecommunications and information services provided by the networks; trade in services; international flows of information; terms of access to facilities by users; and cost of use;

(5) Mass media; broadcast and other electronic media; free flow of information; and

(6) National defense, security, and emergency preparedness requirements and concerns.

For each of these areas, consideration will be given to issues including:

(a) The appropriate role, if any, of the U.S. government in influencing and directing developments in each area;

(b) The public interest;

(c) Economic interests of the United States; interests of users of telecommunications and information goods and services; market access, market share; commercial trade and investment;

(d) Orderly mechanisms for establishing international agreements on technical standards;

(e) Selection of and support for appropriate international forums for discussion and negotiation;

(f) Procedures for effective preparation of U.S. delegations to international meetings;

(g) Effectively addressing social and political concerns raised by developments in international telecommunications and information, especially with regard to the problems and needs of developing countries; and

(h) Effective U.S. government organizational structures to formulate and execute policy.

Specific Questions

Questions of particular relevance to the study include those provided as examples under the seven headings that follow.

1. *Research and Development; Technological Base*—Any erosion in the technological lead of the United States would have serious implications for long-term competitiveness of the entire telecommunications and information sector and would adversely affect other commercial activities that rely heavily on efficient telecommunications and information services.

- *What policies will ensure the technological lead of the United States in telecommunications and information industries?*
- *What policies will promote greater efficiency in the commercial exploitation of basic research and the existing knowledge base?*
- *Under what conditions is technology in telecommunications and information to be sold, tranferred to, or shared with other countries?*

2. *Trade in Telecommunications and Information Equipment*—Equipment producers rely on access to foreign markets for sales.

- *When access to foreign markets is threatened by the trade and investment policies of other countries, what is the appropriate response?*
- *What actions, if any, should be taken to develop and promote access to emerging markets, particularly those of developing countries?*
- *Can self-imposed barriers to U.S. exports in this area be identified? If so, what steps should be taken to reduce or remove them?*

3. *International Telecommunications Facilities and Networks*—Establishing and maintaining the international networks that provide telecommunications and information services is a cooperative venture carried out by private companies, quasi-government entities, and governments through bilateral agreements, and through international organizations that set technical standards and operating procedures. International and regional organizations and institutions that currently serve as forums of cooperative efforts of this kind include, among others, INTELSAT, the International Telecommunication Union (Consultative Committee on International Telegraph and Telephone, Consultative Committee on International Radio, the International Frequency Registration Board, and the Administrative Council), INMARSAT, and the Inter-American Telecommunications Conference (CITEL).

- *Should U.S. support for or participation in these organizations be modified; strengthened or weakened?*
- *Should alternative organizations be developed to foster more effective cooperation among countries?*

A number of recent international conferences including those involving telecommunications and information have seen disputes arise between developed and developing countries. Examples include the 1979 World Administrative Radio Conference, the 1982 UNISPACE Conference, the 1982 ITU Plenipotentiary meeting, and the UNESCO Belgrade Conference in 1980.

- *What steps should be taken by the United States to address these developments in order to ensure the attainment of U.S. objectives while simultaneously addressing the legitimate concerns of developing countries?*
- *Should we consider the feasibility and desirability of alternatives to the ITU and, if so, what alternatives are reasonably available?*

The subject of preparation by the United States for the 1979 World Administrative Radio Conference and the 1982 ITU Plenipotentiary Conference have received much attention. There has been public and congressional comment and testimony that the United States is not effectively preparing for such conferences.

- *What are the deficiencies in U.S. preparation for international conferences, and what measures should be taken to improve such preparation?*

The U.S. commitment to INTELSAT as the sole provider of international communications via satellite has contributed to the establishment of a highly successful international satellite system.

- *What are the consequences to the INTELSAT organization and U.S. interests of the establishment of regional satellite systems?*
- *Are there aspects of the 1962 Communications Satellite Act that require revision?*

4. *Telecommunications and Information Services provided by the Networks*—Though not clearly separable from issues concerning the structure of facilities and networks, the issues of the services offered and terms and conditions of use of the facilities raise somewhat different questions. The issues center on access rather than on technological configuration and capacity, and focus more on the interests of users rather than on the interests of facilities providers.

- *To what extent is the international provision of telecommunications and information services and of information flow primarily a matter of trade policy and foreign direct investment?*
- *Should strategies be adopted to reduce non-tariff barriers to the international provision of telecommunications and information services? What role should reciprocal agreements play? Which are the appropriate forums or vehicles for carrying out the strategies?*

The use of telecommunications and information technologies, particularly satellite technologies and the combination of computers and telecommunications, have raised a number of social and political concerns among nations.

- *Are U.S. policies and positions adequate regarding issues such as national sovereignty, privacy, and external influences on regional or national culture?*
- *How can the principle of free flow of information be clarified to reflect the diversity of meaning of the concept?*

5. *Mass Media*—The United States is committed to the concept of freedom of the press, both domestically and internationally.

- *What threats to press freedom are posed by heightened political attention to international telecommunications and information activities? What policies and strategies should the U.S. pursue to preserve free flows of information?*

6. *Organization of the Executive Branch*—The issues raised in international telecommunications and information policy are diverse and affect domestic telecommunications and

information policy, employment and economic policy, trade policy, monetary policy, foreign policy, and national security policy. Currently there are cabinet level and other major groups set up with primary responsibility for each.

- *Given the variety of areas and interests affected by international telecommunications and information issues, is the Executive Branch organized to formulate and execute consistent, effective policy? If not, what organizational adjustments are required to improve performance in this area?*
- *Are there more fundamental structural problems surrounding federal agencies that have to be addressed in order to formulate and execute effective, consistent policy?*

7. *General*—Questions relevant to all of the areas above include:

- *Among all issues raised in this notice or other issues that should be considered in a comprehensive study of long-range goals and strategies, which require the most urgent attention?*
- *How best can competition, deregulation, and other policies applied in the U.S. domestic setting serve as the basis for international policy?*

Bernard J. Wunder, Jr.,
Assistant Secretary of Commerce for Communications and Information.
October 28, 1982.

[FR Doc. 82-30044 Filed 11-1-82; 8:45 am]
BILLING CODE 3510-60-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Generic Environmental Impact Statement on Hydrocarbon Drilling and Production in Mobile Bay—Mobile Delta, Mississippi Sound and Contiguous Waters (Alabama and Mississippi)

AGENCY: U.S. Army, Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Generic Environmental Impact Statement.

DATE PREPARED: October 15, 1982.

SUMMARY:

1. *Description of Proposed Action:* The proposed action is to prepare a draft generic environmental impact statement on the continuation and redefinition of the Mobile District's regulatory program relative to the issuance of permits for potential drilling, construction, maintenance, operation and eventual removal of structures and appurtenances required to explore for, appraise, develop, produce, transport and treat hydrocarbons in Mobile Bay—Mobile Delta, Mississippi Sound and contiguous waters. This includes wells, platforms, pipelines, treating facilities, docking facilities and other support requirements.

2. *Alternatives to the Proposed Actions:* Environmental evaluations will be performed on various scenarios of exploration, appraisal and production for hydrocarbons in four geographical areas—Mobile Bay, Mobile Delta, Mississippi Sound and the Gulf of Mexico within the Mobile District Corps of Engineers regulatory boundary.

3. *Description of the Scoping Process:* Public participation in this program has been lively and continuous since announcement of initial drilling plans in Mobile Bay in 1973. Several public hearings have been conducted and four environmental impact statements have been completed on site-specific hydrocarbon activities within the study area. Additionally, new media in the regional and local areas have published significant amounts of information on this and similar actions in the area. An intense public involvement process will be continuous throughout the immediate area. The draft and final environmental impact statements will undergo the public review process as required by the National Environmental Policy Act.

Significant issues to be addressed will be possible impacts of the various scenarios on the coastal waters and surrounding wetlands and other life support systems of the area. A risk analysis of potential blowouts and other accidents will be made and the resulting potential impacts evaluated. Also, the socioeconomic benefits and costs to the affected communities will be computed.

Public hearings will be held early in the process and at various times as work progresses. A notice informing the public as to time and locations of these hearings will be issued at least 30 days prior to such hearings.

4. *Scoping Meetings:* Scoping meetings will be announced through the public notice and other public information media.

5. *Preparation Time:* It is estimated that the draft generic environmental impact statement will be available to the public in about 15–18 months.

ADDRESS: Questions about the proposed draft generic environmental impact statement can be answered by: Mr. James B. Hildreth, PD–EE, US Army, Engineer District, Mobile, PO Box 2288, Mobile, AL 36628.

Dated: October 15, 1982.

Patrick J. Kelly,
Colonel, CE District Engineer.

[FR Doc. 82-30100 Filed 11-1-82; 8:45 am]
BILLING CODE 3710-CR-M

Preparation of a Draft Environmental Impact Statement (DEIS) for the Proposed Cullinan Ranch Development Project, Regulatory Permit Application No. 14775E57, Solano and Napa Counties, California

AGENCY: San Francisco District, U.S. Army Corps of Engineers, DOD..

ACTION: Notice of intent to prepare a DEIS.

SUMMARY:

1. *Proposed Action:* Pan Pacific and Redwood Realty has applied for a Department of the Army permit under Section 10 of the River and Harbor Act of 1899 (33 U.S.C. 403), to authorize the excavation and fill of approximately 16.2 million cubic yards of material as part of a water-oriented residential community with public and private marina facilities consisting of approximately 4,500 homes and 1,700 boat berths. The approximate site composition would be 423.5 acres of water surface (ie. channels and marinas), 250 acres of open space—wetlands and 819.5 acres of water surface (ie. channels and marinas), 250 acres of open space—wetlands and 819.5 acres of urban areas (ie. residential, commercial, public facilities, circulation and recreational land uses). The proposed project site is located along the upper reaches of San Pablo Bay, north of the Mare Island Naval Reserve and westerly of the City of Vallejo and Napa River. About 90 percent of the proposed project site is located in Solano County, California and 10 percent is located in Napa County, California. The proposed project will provide additional housing, specialty commercial facilities, and water related recreational and commerical facilities. The San Francisco District, U.S. Army Corps of Engineers and the City of Vallejo Planning Department will prepare a joint Federal/State environmental document for the proposed project.

2. *Alternatives:* The alternatives being considered at this time are: a. No Action (permit denial).

b. Project as proposed by applicant.

c. Modified project configurations.

Additional alternatives identified during the scoping process will also be considered in the DEIS.

3. *Scoping Process*: a. A public scoping meeting will be held on Monday, November 29, 1982 at the Vallejo City Library, 505 Santa Clara St., Vallejo, CA 94590. To facilitate attracting the greatest possible public participation two sessions have been arranged: the afternoon session starts at 1:00 pm and the evening session starts at 7:00 pm. Government agencies, public and private interest groups, and the public are invited to participate in the scoping process by attending either meeting session or by submitting written comments. The purpose of the scoping meeting will be to identify significant issues and alternatives to be considered in the DEIS.

b. The significant issues which have been identified to date and which will be analyzed in the DEIS include: (1) The change in land use from agricultural/open space to residential/commercial, (2) fish and wildlife resources including endangered species, (3) water quality, (4) maintenance dredging frequency and disposal site requirements, (5) traffic, (6) air quality, (7) project site proximity to existing airport operations, (8) and increased need for public services. Additional significant issues identified during the scoping process will also be analyzed.

c. Environmental review and consultation as required by Sections 401 and 404 of the Clean Water Act, as amended (33 U.S.C. 1341 and 1344); Section 307(c) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1456(c)); the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*); the Fish and Wildlife Coordination Act (16 U.S.C. 661 *et seq.*); the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470 *et seq.*); Executive Order 11988, "Floodplain Management," 24 May 1977; Prime and Unique Agricultural Lands, CEQ Memorandum dated 11 August 1980; and other statutes or regulations as may be required by the proposed action; will be conducted concurrently with the NEPA process.

4. It is estimated that the DEIS will be released to the public on or about 25 March 1983.

5. Questions regarding the scoping process or preparation of the DEIS may be referred to Roger Golden, Project Evaluation Section, San Francisco District, U.S. Army Corps of Engineers, 211 Main Street, San Francisco, California 94105 (Commercial 414-974-0444 or FTS 454-0444). General questions concerning the processing of the permit application may be referred to Karen Mason, Regulatory Functions Branch, (Commercial 415-974-0424 or FTS 454-0424) at the same address.

Dated: October 19, 1982.

Randy L. Beckett,

CPT, CE Acting District Engineer.

[FR Doc. 82-30105 Filed 11-1-82; 8:45 am]

BILLING CODE 3710-FS-M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee will meet on November 17 and 18, 1982, from 9 a.m. to 5 p.m. each day, at 2000 North Beauregard Street, Alexandria, Virginia. All sessions will be closed to the public.

The entire agenda for the meeting will consist of discussion of key issues related to nuclear strategy, space policies, and other matters related to naval aspects of national security policy and related intelligence. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 522(c)(1) of title 5, *United States Code*.

For further information concerning this meeting, contact Lieutenant Commander K. M. Cummings, Executive Secretary of the CNO Executive Panel Advisory Committee, 2000 Beauregard Street, Room 392, Alexandria, VA 22311. Phone (703) 756-1205.

Date: October 28, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy. Alternate Federal Register Liaison Officer.

[FR Doc. 82-30156 Filed 11-1-82; 8:45 am]

BILLING CODE 3810-AE-M

Navy Resale System Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Navy Resale System Advisory Committee will meet on November 22, 1982, at the Savoy Room, the Plaza Hotel, 768 Fifth Avenue, New York, New York. The meeting will consist of two sessions; the first from 8:00 a.m. to 8:50 a.m., and the second from 9:00 a.m. until 1:00 p.m. Topics to be discussed at the meeting will include organization of the Resale System, planning, financial management, merchandising, field support, and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting be closed to the public because it will involve discussion of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information. These matters fall within the exemptions listed in sections 552b(c)(2), (c)(4), and (c)(9)(B) of title 5, United States Code. The first session of the meeting, which will involve other non-privileged matters relating to the Navy Exchange Resale System, will be open to the public.

For further information concerning this meeting, contact: Captain J. R. Akers, SC, USN, Naval Supply Systems Command, NAVSUP 09B, Room 516, Crystal Mall, Building No. 3, Arlington, Virginia 22202, Telephone number: (202) 695-5457.

Dated: October 28, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy. Alternate Federal Register Liaison Officer.

[FR Doc. 82-30098 Filed 11-1-82; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Procedures for Endorsement of Commercial Data Encryption Standard (DES) Equipment for Government Applications

AGENCY: DoD.

ACTION: Notice of procedures for the evaluation and endorsement of commercial DES equipment for Government applications.

SUMMARY:

1. The National Security Agency, the preparing activity for Federal Standard 1027 (FS-1027), *Telecommunications: General Security Requirements for Equipment Using the Data Encryption Standard*, dated 14 April 1982, as required by the Standard, is making available a procedure to be used to verify conformance to the Standard.

2. National Communications Security Policy, Subject: Protection of Telecommunications Systems Handling Unclassified National Security-Related Information, dated 3 May 1982, authorizes Federal departments and agencies to procure and use National Security Agency-approved commercial cryptopgraphic equipment.

3. In accordance with the foregoing, the National Security Agency has developed an endorsement program which relies heavily on the knowledge and interest on the various DES manufacturers. Under this program, the manufacturer of DES equipments will conduct various tests to demonstrate compliance with the security requirements of FS-1027, *Telecommunications: General Security Requirements for Equipment Using the Data Encryption Standard,* dated 14 April 1982, and submit test results and other identified technical data to the National Security Agency for verification. If an equipment is verified by the National Security Agency to meet the security requirements of Federal Standard 1027, the Agency will endorse the equipment for general use by the Federal departments and agencies for unclassified information telecommunications systems, including those which handle national security-related information. A formal description of the procedures for endorsement has been developed and may be obtained by writing to the following address: Director, National Security Agency, ATTN: S8/DES Endorsement Program, Fort George G. Meade, MD 20755.

4. Participation in this program is voluntary and in no way restricts for limits the actions of the manufacturer regarding non-Federal customers.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 28, 1982.

[FR Doc. 82-30070 Filed 11-1-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Office for Civil Rights

Department of Education; Civil Rights Implementation Plan

AGENCY: Department of Education.

ACTION: Notice of the Department of Education's Civil Rights Implementation Plan.

SUMMARY: Notice is given of the Department of Education's civil rights implementation plan, which describes the Office for Civil Rights' organization, statutory responsibilities, and program coverage, and which was approved by the Department of Justice on August 17, 1982. This Notice has been prepared for publication in the **Federal Register** pursuant to guidelines issued by the Department of Justice under the authority of Executive Order 12250. In accord with the requirements of the Executive Order, the implementation plan will be revised annually.

The purpose of this Notice is to inform the public that the annual implementation plan is available for public review at the ten regional offices and at headquarters. At the regional offices, the plan will be available at the Regional Director's Office at the following addresses:

Region I: 140 Federal Street, 14th Floor, Boston, MA 02110
Region II: 26 Federal Plaza, 33rd Floor, New York, NY 10278
Region III: 3535 Market Street, 6th Floor, Philadelphia, PA 19101
Region IV: 10 Marietta Street, NW, Atlanta, GA 30323
Region V: 300 South Wacker Drive, Chicago, IL 60606
Region VI: 1200 Main Tower Building, Dallas, TX 75202
Region VII: 324 East 11th Street, 24th Floor, Kansas City, MO 64106
Region VIII: 1961 Stout Street, Denver, CO 80294
Region IX: 1275 Market Street, 14th Floor, San Francisco, CA 94103
Region X: 2901 3rd Avenue—M/S 106, Seattle, WA 98121

At headquarters, the plan will be available at the Special Concerns Staff Office at 330 C Street, SW [Room 5120], Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Antonio J. Califa, Telephone No. [202] 245-2184.

Dated: October 19, 1982.

Harry M. Singleton,

Assistant Secretary for Civil Rights.

[FR Doc. 82-30158 Filed 11-1-82; 8:45 am]

BILLING CODE 4000-01-M

Office of Postsecondary Education

Graduate and Professional Study Fellowships Program; Application Notice for Fiscal Year 1983

Applications from institutions of higher education for grants to make fellowship awards are invited under the Graduate and Professional Study Fellowships Program (G*POP).

Authority for this program is contained in Part B of Title IX of the Higher Education Act of 1965, as amended. (20 U.S.C. 1134d–1134g)

The Graduate and Professional Study Fellowships Program provides grants to institutions of higher education to support fellowships for graduate and professional study to students who demonstrate financial need and who are from groups which are underrepresented in graduate and professional study areas of importance to the national interest.

Closing Date for Transmittal of Applications: An application for a grant must be postmarked or hand delivered by January 5, 1983.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.094, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications Delivered by Hand: An application that is hand delivered must be taken to the Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand delivered application between 8:00 a.m. and 4:30 p.m. (Washington D.C. time), daily except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program information: For fiscal Year 1983 the President has not requested fund for G*POP. However, applications are invited for fellowship projects to allow for sufficient time to evaluate applications and complete processing prior to the end of the fiscal year, if Congress appropriates funds for the program.

In fiscal Year 1982, a total of $8,640,000 was awarded to support a total of 1022 fellowships at 110 institutions of higher education. If funds are appropriated for the program in

Fiscal Year 1983, the Secretary would give first priority to providing continuation support for approximately 820 fellows in good academic standing in their second or third year of study.

Each institutional applicant applying for new fellowships under this Application Notice will be ranked according to there selection criteria set out as 34 CFR 649.12, governing the Graduate and Professional Study Fellowships Program. Under these criteria, each institutional applicant may apply for fellowships in up to six academic or professional areas of study, provided, among other criteria, that the choice of the area of study is justified by providing evidence of underrepresentation and evidence of national need. If Congress appropriates funds specifically for either Public Service Education Fellowships or Domestic Mining or Mineral Fuel Conservation Fellowships, the Secretary will accept and rank applications under 34 CFR 649.13 or 34 CFR 649.14, as appropriate. If no funds are specifically appropriated for the cited fellowships, the Secretary will accept and rank applications in these two areas of study as well as other areas of study meeting the criteria in 34 CFR 649.12. The Secretary, in making fellowship awards, normally allocates two or three new fellowships in each approved academic or professional area of study to an institution receiving an award. Congress will be asked again this year to waive the minimum $75,000 fellowship award to each institution.

The Secretary makes only one-year fellowship awards. Any continuation support needed for students to complete degree programs will be provided in subsequent years, subject to conditions in the regulations and the appropriation of funds.

These estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be ready for mailing by November 5, 1982, and may be obtained by writing to the Graduate Programs Branch, Department of Education, (Room 3068, ROB–3), 400 Maryland Avenue, SW., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information packages. An applicant must submit only one application to cover all fellowship categories in Part B. The Secretary strongly urges that the narrative portion of a Graduate and Professional Study Fellowships application not exceed 40 pages in length.

Applicable Regulations: Regulations applicable to these programs include the following:

(1) Regulations governing the Graduate and Professional Study Fellowships Program (34 CFR Part 649) which were published in final form in the **Federal Register** on November 9, 1981.

(2) Education Department General Administrative Regulations (EDGAR) 34 CFR parts 74, 75, 77, and 78.

Further Information: For further information contact Dr. William Young, Office of Postsecondary Education, U.S. Department of Education (Room 3068, ROB–3, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: 245–2347.

(20 U.S.C. 1134d–1134g)

Date: October 27, 1982.

(Catalog of Federal Domestic Assistance No. 84.094, Graduate and Professional Study Fellowships Program.)

Edward M. Elmendorf,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 82–30159 Filed 11–1–82 8:45 am]

Billing code 4000–01–M

Nationally Recognized Accrediting Agencies; List Revisions

AGENCY: Department of Education.

ACTION: Notice—Revisions to the List of Nationally Recognized Accrediting Agencies and Associations.

SUMMARY: The Secretary of Education publishes revisions to the Secretary's list of nationally recognized accrediting agencies and associations. The list of revisions includes only those agencies whose scopes of recognition have changed since publication of the complete list of recognized agencies and associations.

FOR FURTHER INFORMATION CONTACT: Barbara Binker, Agency Evaluation Section, Eligibility and Agency Evaluation Staff, Office of Postsecondary Education, 400 Maryland Avenue, SW., (Room 3522, ROB–3), U.S. Department of Education, Washington, D.C. 20202. Telephone: (202) 245–2810.

SUPPLEMENTARY INFORMATION: The Higher Education Act and other legislation, including the Veterans' Readjustment Assistance Act and the Public Health Service Act, require the Secretary to publish a list of nationally recognized accrediting agencies that the Secretary has determined to be reliable authorities concerning educational quality. The list includes the general scope of recognition of each accrediting body. It is used in the process of determining institutional eligibility for certain programs under the legislation authorizing the list.

The Secretary recently acted to modify the scopes of recognition of some of the accrediting agencies that are listed as nationally recognized accrediting bodies. Since some of the changes affect the eligibility for funding process, they are being published at this time. These revisions modify the list previously published by the Secretary on June 14, 1982, 47 FR 25563–25566.

National Institutional and Specialized Accrediting Agencies and Associations

Change in Scope of Recognition

Allied Health Education: Accrediting Bureau of Health Education Schools (private, postsecondary institutions offering allied health education) [in addition to private medical assistant schools and programs, and schools and programs for the medical laboratory technician].

Bible College Education: American Association of Bible Colleges, Commission on Accrediting (Bible colleges and institutes offering undergraduate degree programs).

Clinical Pastoral Education: Association for Clinical Pastoral Education, Accrediting Commission (non-collegiate continuing education institutions and programs).

Accrediting Agencies and Associations Recognized for Their Preaccreditation Categories—Regional Institutional Accrediting Commissions

Revised Terminology

Commission on Independent Schools, New England Association of Schools and Colleges (Candidate for Accreditation).

Commission on Public Schools, New England Association of Schools and Colleges (Candidate for Accreditation).

Commission on Vocational, Technical Career Institutions, New England Association of Schools and Colleges (Candidate for Accreditation).

National Institutional and Specialized Accrediting Agencies and Associations

Addition

Association for Clinical Pastoral Education, Inc. (Candidacy for Accredited Membership).

Dated: October 27, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82-30157 Filed 11-1-82; 8:45 am]

BILLING CODE 4000-01-M

Intergovernmental Advisory Council on Education; Meeting

AGENCY: Intergovernmental Advisory Council on Education.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Intergovernmental Advisory Council on Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: November 17–19, 1982.

ADDRESS: Department of Education (November 17), 400 Maryland Avenue SW., Room 3073, Washington, D.C. 20202. Holiday Inn—Georgetown (November 18–19), 2100 Wisconsin Avenue NW., Washington, D.C. 20007.

FOR FURTHER INFORMATION CONTACT: Laverne Johnson, Office of the Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, 400 Maryland Avenue SW., Washington, D.C. 20202 (202) 472–6464.

SUPPLEMENTARY INFORMATION: The Intergovernmental Advisory Council on Education is established under Section 213 of the Department of Education Organization Act (20 U.S.C. 3423). The Council is established to provide assistance and make recommendations to the Secretary and the President concerning intergovernmental policies and relations pertaining to education.

The meetings of the Council are open to the public. The Excutive Committee will meet on November 17 from 9 a.m. to 12 noon in Room 3073 at the Department of Education. The full Council will meet on November 18 from 9 a.m. to 4 p.m. and will continue on November 19 from 9 a.m. to 12:30 p.m. at the Holiday Inn—Georgetown.

The proposed agenda includes:

—Role of the Council.

—Work plan of the Council for Fiscal Year 1983.

—Council's Intergovernmental Relationships.

—FY 1983 Budget.

Records are kept of all Council proceedings and are available for public inspection at the Office of the Intergovernmental Advisory Council on Education, 400 Maryland Avenue SW., Room 1079, Washington, D.C.

Signed at Washington, D.C., on October 27, 1982.

Wendy H. Borcherdt,

Acting Deputy Under Secretary for Intergovernmental and Interagency Affairs.

[FR Doc. 82-30005 Filed 11-1-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Conduct of Employees; Granting of Waivers from Divestiture Requirements

Section 602(c) of the Department of Energy Organization Act (Pub. L. 95–91, hereinafter referred to as the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of section 602(a) of the Act to "supervisory employees" (as defined in section 601(a) of the Act) of the Department of Energy who have vested pension interests in "energy concerns" (as defined in section 601(b) of the Act).

It has been established to my satisfaction that the vested pension interests of the individual "supervisory employees" of the Department of Energy whose names are listed below satisfy the requirements of section 602(c) of the Act. Accordingly, I have granted them waivers from the divestiture provisions of section 602(a) of the Act for the duration of their employment with the Department of Energy.

Name—Energy Concern

Chiles, J. Hunter, III—Westinghouse Corp.

Davies, Robert W.—Baltimore Gas & Electric Co.

Fraser, Nell W.—Rockwell Hanford Co.

Harkins, James, III—Esso Eastern Co.

Each supervisory employee named above has been directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on the energy concern in which he has a financial interest, unless the employee's supervisor and the Counselor agree that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the employee.

Dated: October 21, 1982.

James B. Edwards,

Secretary of Energy.

[FR Doc. 82-30077 Filed 11-1-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Conoco, Inc.; Action on Consent Order

AGENCY: Energy Department (DOE).

ACTION: Adoption of proposed consent order as final.

SUMMARY: The Office of Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent Order with Conoco, Inc. (Conoco), executed on July 2, 1982 and published for comment in 47 FR 30563 on July 14, 1982, as a final order of DOE. The Consent Order resolves all civil claims by DOE regarding Conoco's compliance with the DOE Petroleum Price and Allocation Regulations, with the exceptions specified in the Consent Order, for the period January 1, 1973 through January 27, 1981. To remedy any violations that may have occurred during the period, Conoco has agreed to remedies totalling $14,000,000.

As required by the regulation cited above, DOE received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Thirty comments were received by August 13, 1982, the thirtieth day following publication of the notice of the proposed Consent Order. Six additional comments were received after that deadline. DOE has considered all comments, including those that were filed late, and determined that the Consent Order should be made final without modification. The Consent Order was made effective as a final order of the DOE on October 25, 1982, by written notice to Conoco.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, Phone (202) 633–9358.

Copies of the Consent Order may be received free of charge by written request to: Conoco Consent Order Request, Department of Energy, RG–30, 1200 Pennsylvania Ave., NW., Room 5109, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. during the hours 8:00 a.m.–4:00 p.m.

SUPPLEMENTARY INFORMATION:

The Consent Order

On July 14, 1982, DOE published notice in the **Federal Register** at page 30563 announcing the execution of a proposed Consent Order between Conoco and DOE. In compliance with DOE Regulations, that notice, and a press release issued on July 14, 1982, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

The proposed Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of OSC's audit of Conoco's compliance with the federal petroleum price and allocation regulations (Regulations) for the period January 1, 1973 through January 27, 1981 (the consent order period). With the exception of the matters specifically excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues between DOE and Conoco not previously resolved concerning the allocation and sale of covered petroleum products during the consent order period.

2. Within 30 days after the effective date of this Consent Order, Conoco shall pay DOE the sum of $3,000,000, with DOE to determine the appropriate disposition of those funds. Within twelve months of the effective date of the Consent Order, Conoco will deliver crude oil valued at $11,000,000 to the Strategic Petroleum Reserve (SPR) or, if for any reason Conoco does not deliver the crude oil, pay $11,000,000 to DOE. If payment is made in lieu of delivery of crude oil, DOE will determine the appropriate disposition of those funds. Conoco has previously made adjustments of approximately $14,600,000 in order to correct errors or resolve questions arising out of Conoco's compliance with the Regulations during the period covered by the Consent Order.

4. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Conoco's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Conoco. The Consent Order provides that Conoco has waived its right to administrative or judicial review of the Consent Order. The Consent Order does not constitute an admission by Conoco or a finding by OSC of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

As noted above, DOE received a total of thirty-six comments, some of which were joint comments, on the proposed Conoco Consent Order. Comments were filed by or on behalf of twelve states, five trade and service associations, twenty-one jobbers and other customers of Conoco, and a national consumer organization. The significant points raised by the comments are discussed below.

While the majority of the comments raised no objections to the total dollar amount of the settlement, several comments questioned the adequacy of the settlement amount in light of the total dollar amount of violations alleged in various compliance actions brought against Conoco by OSC and its predecessors. In assessing the adequacy of not only this settlement, but any major refiner settlement, interested persons should bear in mind that many of the alleged violations involved cost overstatements as opposed to actual overcharges. Such alleged violations concern issues such as the proper determination and calculation of product and non-product costs over the entire period of price controls, the proper allocation of costs among different product categories, the proper calculation of various cost banks and the use of those banks, and the determination of proper classes of purchaser. Because the alleged cost overstatements resulting from these types of issues do not necessarily translate into overcharges on a dollar-for-dollar basis, the adequacy of a particular settlement cannot be fairly judged on the basis of a comparison between the total dollar amount of alleged violations and the dollar amount of the settlement.

Each settlement is the product of a process in which OSC not only assesses whether the various alleged cost overstatements in a particular case may have ultimately resulted in overcharges, but also weighs many other considerations, such as the risk and expense of litigating compliance actions to their conclusion. In attempting to arrive at a settlement of the issues between DOE and a company that is in the public interest given the circumstances of the particular case, the agency applies its expertise with the federal petroleum price and allocation regulations and exercises its prosecutorial discretion. The agency's extremely broad discretion to enter into consent orders settling enforcement claims on terms that it deems appropriate has been recognized and upheld by the courts. *Consumer Energy Council v. Duncan*, 4 En. Mgmt. (CCH) ¶ 26,314 (D.D.C. 1981); *U.S. Oil Company v. DOE*, 510 F. Supp. 910 (E.D. Wis. 1981).

Virtually all of the comments received objected to the remedies provided for in the Consent Order. The Conoco customers wanted the entire $14 million settlement amount distributed to customers, while the states proposed that at least a portion of the funds be distributed to the states. In its enforcement actions, DOE attempts to identify individual purchasers or classes of purchasers who may have been overcharged and to fashion restitutionary remedies directed at such purchasers. As OSC has explained in connection with many prior consent orders, there are several reasons, however, why its compliance audits do not ordinarily result in the identification of specific purchasers who may have been overcharged: the audits are conducted on a sample basis and do not focus on specific purchasers; as discussed above, audits focus on cost violations, which must be traced to specific product sales—often a difficult task—to assess their impact, if any, in terms of overcharges; the the passage of time since the violations occurred as well as the long period of time over which they occurred compound the difficulty of identifying and locating specific injured parties; and purchasers from the refiners may themselves not be the ultimately injured parties since they may have passed on the overcharges to others.

Furthermore, contrary to the impressions of some commenters, a DOE Consent Order does not represent either an admission by the firm or a finding by DOE that the firm overcharged any particular customer in the sales of any specific products during a particular period of time. Under these circumstances, DOE has broad discretion in the consent order context in negotiating remedies for alleged regulatory violations. The choice of appropriate remedies for a particular Consent Order is made on a case-by-case basis within the framework of an overall negotiated agreement between OSC and the firm. while remedies that were employed in prior settlements and determinations made by the Department's Office of Hearings and Appeals in special refund proceedings conducted pursuant to 10 CFR Part 205, Subpart V are useful points of reference, the remedies ultimately selected for a particular Consent Order must conform to the nature of the alleged violations and the preferences of the parties. In any event these prior Consent Orders and special refund proceedings do not constitute binding precedent for the parties in fashioning consent order remedies. Thus, for example, while refunds to the states may be appropriate in some cases, there is no requirement, and there should be no expectation, that refunds be distributed to the states in every case.

In this case, as noted in paragraph 305 of the Consent Order, DOE has not been able to identify any specific purchasers who may have been injured or to determine the amount of any such purchaser's injury or overcharge. Accordingly, based upon a consideration of all the circumstances, including the comments submitted on the proposed Consent Order, OSC has determined that an appropriate disposition of the $3 million to be paid by Conoco to DOE under paragraph 402 of the Consent Order would be to petition the Department's Office of Hearings and Appeals to implement special refund procedures under Subpart V of the Regulations (10 CFR Part 205, Subpart V) to distribute these funds. OSC decided to petition for special refund procedures not because, as some commenters erroneously asserted, the Regulations require the use of Subpart V procedures in circumstances such as those that exist here, but rather because these procedures offer an appropriate means for distributing the funds.

Most of the comments that addressed the remedial provisions of the Consent Order criticized the SPR remedy. In the **Federal Register** notice announcing the proposed Consent Order, OSC explained the choice of this remedy as follows:

> The delivery of crude oil to the SPR reflects OSC's conclusion concerning an appropriate remedy for Conoco's alleged violations of the crude oil producer price regulations. Because of the operation of the Entitlements Program, the effects of crude oil pricing violations on the prices of refined products are dispersed by the purchase and sale of entitlements and the opportunity to pass through the cost of the entitlements and the cost of crude oil. Because of the ability of a refiner to bank, allocate and pass through those costs under the refiner price regulations, it is virtually impossible to identify in what time period, to what product and to which purchasers the effects of crude oil violations were channeled. Under these circumstances, delivery of crude oil to the SPR, which is the equivalent of depositing the funds in the U.S. Treasury as miscellaneous receipts, is an appropriate remedy. 47 FR at 30564.

Many of the objections to the SPR remedy concluded that it was improper or unlawful based on the decision of the Temporary Emergency Court of Appeals (TECA) in *Citronelle-Mobile Gathering, Inc. v. Edwards,* 669 F. 2d 717 (TECA 1982). However, *Citronelle* is inapplicable here. In *Citronelle,* TECA affirmed a district court determination in a judicial enforcement action that the seller overcharged customers in specific sales of crude oil. The court noted that actions by the United States pursuant to Section 209 of the Economic Stabilization Act were undertaken "to enforce public, not private, rights" and thus compensation was only a "by-product" of the agency's enforcement program. 669 F. 2d at 722. However, after noting that the government had demonstrated injury to a distinct class of persons (*i.e.,* proven an overcharge to public utilities and other institutions), TECA declined to permit payment of adjudicated overcharges directly into the U.S. Treasury without an attempt being made first to refund such monies to the injured persons. In this regard, TECA specifically identified a determinable number of utilities as possible recipients of refunds. Utilities are regulated institutions ordinarily required to pass refunds on to their consumers, the persons who would have borne the overcharges in the first instance. Unlike *Citronelle,* this is not an adjudicated enforcement case. Moreover, the Consent Order makes no finding of a violation, nor does Conoco admit to any violations of DOE regulations.

Other commenters misconceive the SPR remedy when they object that no payment should be made to SPR since it is not a party injured by the alleged violations or that this remedy is really a hidden tax falling on Conoco's customers for the Federal government's benefit in relieving budgetary problems. Nor is it correct to conclude that this is merely a device to take funds obligated to the SPR and free them for other uses. Some commenters have further misconstrued the remedy in proposing unmanageable limitations on the use of SPR oil, with suggestions that geographic areas or classes of Conoco customers have special access to the SPR crude if and when it should be needed. Rather, this remedy is intended to benefit, albeit indirectly, consumers of petroleum products nationwide by adding to the Reserve to protect against future disruptions in foreign crude oil supplies. Finally, because the Consent Order does not bar or extinguish any private rights of action that a purchaser of products from Conoco may have, parties who believe they may have been injured by Conoco's alleged violations of the crude oil producer price regulations remain free to pursue any private rights of action they may have against Conoco.

Several comments complained that the factual background of the settlement provided in the Consent Order itself and in the **Federal Register** notice and the press release announcing the proposed settlement is insufficient to satisfy the regulatory requirement of 10 CFR 205.199J(a) for a statement of the relevant facts which form the basis for the Consent Order or to enable the public to comment meaningfully upon the settlement. Some of the information the commenters suggest should be a part of the factual background, such as the nature and amount of the violations alleged against Conoco, is already available to the public (in the public copies of various enforcement documents issued to Conoco), but other information concerning confidential aspects of the settlement negotiations is not, should not be, part of the public record. Because of the Consent Order constitutes neither an admission by the company nor a finding by DOE that Conoco has violated any regulations, it would not be appropriate to detail and quantify the claims and issues that arose in the course of the settlement negotiations and to relate these claims and issues to the terms and conditions of the Consent Order. To reveal how the various components of the settlement were arrived at would not be consistent with the confidentiality involved in the negotiation process and would impinge on OSC's prosecutorial discretion. In *U.S. Oil Company v. DOE,* 510 F. Supp. 910 (E.D. Wis. 1981) and *Minnesota v. Standard Oil Co. (Indiana),* 516 F. Supp. 682 (D. Minn. 1981), private parties challenged the sufficiency of the information DOE provided in connection with the Koch Industries, Inc. and Standard Oil (Amoco) settlements. In each case, the court held that the information provided complied with the requirement of 10 CFR 205.199J(a). The information DOE has provided about the Conoco settlement is not materially different from that which was provided for the Koch and Amoco settlements.

Finally, one comment objected to paragraph 601 of the Consent Order, which relieves Conoco of the obligation to comply with the recordkeeping requirements of the regulations for the matters covered by the Consent Order. This comment suggested that DOE require Conoco to maintain the records related to its compliance with the regulations until "all appeals are resolved and all private claims have been brought." As the court in *U.S. Oil v. DOE, supra,* noted, however, "[t]he recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the * * * major oil refiners and producers were complying with the price regulations." 510 F. Supp. at 913. *See also Minnesota v. Standard Oil Co. (Indiana),* 516 F. Supp. at 690–91.

With the completion of OSC's audit and the settlement of virtually all disputes and claims between DOE and Conoco for the period covered by the Consent Order, the records that were maintained by the company to demonstrate to DOE its compliance with the price and allocation regulations are no longer needed. Therefore, in paragraph 601, OSC has simply exercised the authority and discretion conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement, the need for which no longer exists.

Having considered all comments received, OSC determined that the proposed Consent Order with Conoco should be made final without modification. The Consent Order was made final and effective by written notice to that effect to Conoco on October 25, 1982.

Issued in Washington, D.C., October 25, 1982.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 82-30072 Filed 11-1-82; 8:45 am]

BILLING CODE 6450-01-M

Champlin Petroleum Co.; Action on Consent Order

AGENCY: Department of Energy (DOE).

ACTION: Adoption of Proposed Consent Order as Final.

SUMMARY: The Office of Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199J that it has adopted the Consent Order with Champlin Petroleum Company (Champlin), executed on July 20, 1982 and published for comment in 47 FR 32977 on July 30, 1982, as a final order of DOE. The Consent Order resolves all civil claims by DOE regarding Champlin's compliance with the Federal petroleum price and allocation regulations, with the exceptions specified in the Consent Order, for the period January 1, 1973 through January 27, 1981, when crude oil and petroleum products were decontrolled by Executive Order No. 12287, 46 FR 9909 (January 30, 1981). To remedy any violations that may have occurred during the period, Champlin has agreed to remedies totalling $14.1 million.

As required by the regulation cited above, DOE received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Thirteen comments were received by August 30, 1982, the thirtieth day following publication of the notice of the proposed Consent Order. Two additional comments were received after that deadline. DOE has considered all comments, including those that were filed late, and determined that the Consent Order should be made final without modification. The Consent Order was made effective as a final order of the DOE on October 27, 1982, by written notice to Champlin.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, Phone (202) 633-9358.

Copies of the Consent Order may be received free of charge by written request to: Champlin Consent Order Request, department of Energy, RG-30, 1200 Pennsylvania Avenue, NW., Room 5109, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. during the hours 8:00 a.m.-4:00 p.m.

SUPPLEMENTARY INFORMATION:

The Consent Order

On July 30, 1982, DOE published notice in the **Federal Register** at page 32977 announcing the execution of a proposed Consent Order between Champlin and DOE. In compliance with DOE Regulations, that notice, and a press release issued on July 29, 1982, summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order.

1. The Consent Order marks the conclusion of OSC's audit of Champlin's compliance with the Federal petroleum price and allocation regulations (Regulations) for the period January 1, 1973 through January 27, 1981 (the consent order period). With the exception of the matters specifically excluded from the settlement in the Consent Order, the Consent Order resolves all civil issues between DOE and Champlin not previously resolved concerning the allocation and sale of covered petroleum products during the consent order period.

2. To resolve the issues raised by OSC's audit of Champlin and to remedy any violations that may have occurred during the consent order period, Champlin has agreed to remedies, described more fully below, totalling $14.1 million.

The $14.1 million in remedies consists of two elements. First, beginning on the effective date of the Consent Order, Champlin will hold $7 million in a constructive claims fund that will be available for distribution to Champlin's Cargo Lot (Class 52) motor gasoline customers that purchased regular motor gasoline from Champlin during the period December 1, 1973 through January 31, 1976. Within thirty days of the effective date of the Consent Order, Champlin will notify these customers of their eligibility to receive payment from the constructive fund. Any eligible customer having a claim for payment from the constructive fund must submit its claim to Champlin within sixty days of the effective date of the Consent Order. The amount of any payment will be determined in negotiations between Champlin and the claimant and will be subject to the approval of DOE. Any payment will be subject to the condition that the claimant execute a release waiving all of the claimant's claims and causes of action against Champlin arising out of or related to the Federal petroleum price and allocation regulations. Champlin will make any agreed upon and approved payments within 120 days of the effective date of the Consent Order to eligible claimants that have executed releases.

Any portion of the constructive fund not distributed in the manner described above will be available to satisfy any judgment rendered against Champlin in (or to settle in whole or in part) a contested action pending or brought by an eligible claimant within twelve months of the effective date of the Consent Order. Twelve months from the effective date of the Consent Order if no litigation is pending or, if litigation is pending, at the conclusion of the litigation but not more than sixty months from the effective date of the Consent Order, Champlin will remit any balance remaining in the constructive fund to DOE for deposit in the U.S. Treasury.

Second, Champlin will deliver to the Strategic Petroleum Reserve (SPR) a quantity of crude oil having a delivered value of $7.1 million. Champlin will arrange for the crude oil to be delivered to the SPR in two approximately equal installments, with the first installment to be delivered within ninety days of the effective date of the Consent Order and the second by September 30, 1983. If Champlin is unable to complete the necessary arrangments for either delivery thirty days prior to the delivery deadline, Champlin will remit a check for the amount to have been delivered as crude oil to DOE for deposit in the U.S. Treasury.

3. The Consent Order also provides details concerning the conclusion of the audit and procedures concerning enforcement of the provisions of the Consent Order. These matters include Champlin's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Champlin. The Consent Order provides that Champlin has waived its right to an administrative of judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Champlin or a finding by OSC of a violation of any federal petroleum price and allocation statutes or regulations.

Comments Received

As noted above, OSC received a total of fifteen comments on the proposed Champlin Consent Order. Comments were filed by or on behalf of five states, a national consumer organization, a trade association, a jobber and various customer of Champlin. The significant points raised by the comments are discussed below.

All of the states, several private entities and the national consumer organization argued that the states, rather than the SPR, should receive the funds under the Consent Order. In the **Federal Register** (47 FR 32978) notice announcing the proposed Consent Order, OSC explained the propriety of this remedy as follows:

> The delivery of crude oil to the SPR represents OCS's conclusion concerning the appropriate remedy for the other issues raised in OSC's audit of Champlin. Among those issues were alleged violations of the crude oil producer price regulations. Because of the operation of the Entitlements Program, the effects of crude oil pricing violations on the prices of refined products were dispersed by the purchase and sale of entitlements and the opportunity to pass through the cost of the entitlements or the cost of the crude oil. Because of the ability of a refiner to bank, allocate and pass through those costs under the refiner price regulations, it is virtually impossible to identify in what time period, to what product and to which purchasers the effects of crude oil violations were channelled. Moreover, other issues were raised in the Champlin audit regarding the calculation of costs under the refiner price formula. They resulted in disputed amounts of recoveries. However, these amounts were not calculated on a transactional basis and thus, were not traceable to identifiable customers or classes of customer. As a result, OSC cannot determine which purchasers or what geographic areas may have borne the effects of the challenged cost issues. Under these circumstances, delivery of crude oil to the SPR, which is the equivalent of depositing the funds in the U.S. Treasury as miscellaneous receipts, is an appropriate remedy.

Many of the objections to the SPR remedy conclude that it was improper or unlawful based on the decision of the Temporary Emergency Court of Appeals (TECA) in *Citronelle-Mobile Gathering, Inc. v. Edwards*, 669 F. 2d 717 (TECA 1982). However, *Citronelle* is inapplicable here. In *Citronelle*, TECA affirmed a district court determination in a judicial enforcement action that the seller overcharged customers in specific sales of crude oil. The court noted that actions by the United States pursuant to Section 209 of the Economic Stabilization Act were undertaken "to enforce public, not private, rights" and thus compensation was only a "by-product" of the agency's enforcement program. 669 F. 2d at 722. However, after noting that the government had demonstrated injury to a distinct class of persons (*i.e.*, proven an overcharge to public utilities and other institutions), TECA declined to permit payment of adjudicated overcharges directly into the U.S. Treasury without an attempt being made first to refund such monies to the injured persons. In this regard, TECA specifically identified a determinable number of utilities as possible recipients of refunds. Utilities are regulated institutions ordinarily required to pass refunds on to their consumers, the persons who would have borne the overcharges in the first instance. Unlike *Citronelle*, this is not an adjudicated enforcement case. Moreover, the Consent Order makes no finding of a violation, nor does Champlin admit to any violations of DOE regulations.

Several comments complained that the factual background of the settlement provided in the Consent Order itself and in the **Federal Register** notice and the press release announcing the proposed settlement is insufficient to satisfy the regulatory requirement of 10 CFR 205.199J(a) for a statement of the relevant facts which form the basis for the Consent Order or to enable the public to comment meaningfully upon the settlement. Some of the information the commenters suggest should be a part of the factual background, such as the nature and amount of the violation alleged against Champlin, is already available to the public (in the public copies of various enforcement documents issued to Champlin), but other information concerning confidential aspects of the settlement negotiations is not, and should not be, part of the public record. Because the Consent Order constitutes neither an admission by the company nor a finding by DOE that Champlin has violated any regulations, it would not be appropriate to detail and quantify the claims and issues that arose in the course of the settlement negotiations and to relate these claims and issues to the terms and conditions of the Consent Order. To reveal how the various components of the settlement were arrived at would not be consistent with the confidentiality involved in the negotiation process and would impinge on OSC's prosecutorial discretion. In *U.S. Oil Company v. DOE*, 510 F. Supp. 910 (E.D. Wis 1981) and *Minnesota v. Standard Oil Co. (Indiana)*, 516 F. Supp. 682 (D. Minn. 1981), private parties challenged the sufficiency of the information DOE provided in connection with the Koch Industries, Inc. and Standard Oil (Amoco) settlements. In each case, the court held that the information provided complied with the requirement of 10 CFR 205.199J(a). The information DOE has provided about the Champlin settlement is not materially different from that which was provided for the Koch and Amoco settlements.

One comment also asserts that DOE's failure to disclose the audit data on which it relied in reaching the settlement violates fundamental fairness and the Fifth Amendment to the Constitution. Persons who are not parties to a Consent Order do not have a "property" or "liberty interest" sufficient to invoke rights to procedural due process under the Fifth Amendment to the Constitution. *See Action on Safety and Health v. FTC*, 498 F. 2d 757 (D.C. Cir. 1974). Moreover, neither case cited in the comment, (*Armstrong v. Manzo*, 380 U.S. 545 (1965) and *U.S. Lines v. Federal Maritime Commission*, 584 F. 2d 519 (D.C. Cir. 1978)), supports the commenter's position. In *Armstrong*, the Supreme Court held that in a situation involving an adjudicative hearing concerning a step-father's adoption of his step-daughter, the court must give the natural father prior notice of the hearing so that he may object to the adoption and demonstrate his compliance with the applicable state law. A Consent Order is not analogous to an adjudicative hearing and, in any event, DOE has provided interested persons with notice before taking any final action. In *U.S. Lines*, there was a statutory requirement that the agency hold a hearing before taking any final action, and the court determined that agency action resulting from that hearing must be based upon substantial evidence on the record of that hearing.

There are no similar requirements for DOE Consent Orders.

This comment also objected to paragraph 601 of the Consent Order, which relieves Champlin of the obligation to comply with the recordkeeping requirements of the regulations for the matters covered by the Consent Order. This comment claims that "since the proposed Consent Order permits the destruction of all records relevent to Champlin's violations of the Price Regulations for essentially the whole period in which those regulations were in effect, the exemption to the recordkeeping requirement would make it impossible for an overcharged customer to discover the evidence necessary to support its claims and to prosecute an action for damages pursuant to Section 210 of the Economic Stabilization Act." As the court in *U.S. Oil, supra,* noted, however, "[t]he recordkeeping provisions established by DOE were never intended to assist private litigants. They were designed and created to assist the DOE in determining whether the * * * major oil refiners and producers were complying with the price regulations." 510 F. Supp. at 913. *See also Minnesota v. Standard Oil Co. (Indiana),* 516 F. Supp. at 690–91. With the completion of OSC's audit and the settlement of virtually all disputes and claims between DOE and Champlin for the period covered by the Consent Order, the records that were maintained by the company to demonstrates to DOE its compliance with the pricing and allocation regulations are no longer needed. Therefore, in paragraph 601, OSC has simply exercised the authority and discretion conferred by 10 CFR 210.92(d)(2)(B) to remove a requirement, the need for which no longer exists.

Having considered all comments received, OSC determined that the proposed Consent Order with Champlin should be made final without modification. The Consent Order was made final and effective by written notice to that effect to Champlin on October 27, 1982.

Issued in Washington, D.C., October 27, 1982.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 82–30073 Filed 11–1–82; 8:45 am]

BILLING CODE 6450–01–M

Standard Oil Co. (Ohio); Action on Consent Order

AGENCY: Office of Special Counsel, Economic Regulatory Administration, DOE.

ACTION: Adoption of Proposed Consent Order as Final.

SUMMARY: The Department of Energy (DOE) hereby gives the notice required by 10 CFR 205.199J that is has adopted the Consent Order with the Standard Oil Company ("Sohio") executed on August 4, 1982 and published for comment in 47 FR 34617 on August 10, 1982, as a final order of DOE. The Consent Order resolves all issue of compliance with the DOE Petroleum Price and Allocation Regulations, except as noted in the Consent Order, for the period August 19, 1973 through January 27, 1981. The Consent Order does not cover Sohio's rights of obligations under the Entitlements Program; the issues or claims pending or arising out of the subject matter now before the courts in *Stelbar Oil Corp., Inc. and the Standard Oil Company v. DOE, et al.,* C.A. No. 78–1176 (D. Kan.) (consolidated in *In re: The Department of Energy Stripper Wel Exemption Litigation,* MDL 378 (D. Kan.), *appeal pending, Energy Reserves Group, Inc., et al.* v. *DOE,* No. 10–39 (TECA; *argued* April 9, 1982); and Sohio's rights concerning receipt of moneys under 10 CFR Part 205, Subpart V or similar proceedings. To remedy any violations that may have occurred during the period, Sohio has agreed to make payments totalling $15,000,000.

As required by the regulation cited above, DOE received comments on the Consent Order for a period of not less than 30 days following publication of the notice cited above. Twenty-six comments were received by September 9, 1982, the thirtieth day following publication of the notice of the proposed Consent Order. Eight additional comments were received after that deadline. DOE has considered all comments, including those which were filed late and determined that the Consent Order should be made final without modification. The Consent Order was made effective as a final order of the DOE on October 25, 1982 by written notice to Sohio.

FOR FURTHER INFORMATION CONTACT: Leslie Wm. Adams, Deputy Solicitor, Economic Regulatory Administration, Department of Energy, RG–30, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461, Phone: (202) 633–9358.

Copies of the Consent Order may be received free of charge by written request to: Sohio Consent Order Request, Department of Energy, RG–30, Room 5109, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, between the hours 8:00 a.m.–4:00 p.m.

SUPPLEMENTARY INFORMATION:

The Consent Order

On August 10, 1982, DOE published notice in the **Federal Register** at page 34617 announcing the execution of a proposed Consent Order between Sohio and DOE. In compliance with DOE Regulations, that notice and a subsequent press release summarized the Consent Order and the facts behind it. The notice and press release also gave instructions for obtaining copies of the Consent Order. The proposed Consent Order can be summarized as follows:

1. The Consent Order marks the conclusion of the DOE's audit of Sohio's compliance with the Federal petroleum price and allocation regulations for the period August 19, 1973 through January 27, 1981, (the audit period). With the exception of the matters specifically exclude from the settlement in the Consent Order, the Consent Order resolves all civil issues not previously resolved concerning the allocation and sale of covered petroleum products during the audit period.

2. Within 15 days after the effective date of this Consent Order, Sohio shall make payments totalling $15 million. First, Sohio shall remit $5,000,000 to DOE for deposit in the U.S. Treasury as miscellaneous receipts. Also, Sohio shall pay $10,000,000 to those states within which Sohio sold refined petroleum products during the period covered by the Consent Order. Each state's share of the $10 million, which will be paid to each state's treasurer, will be based on the portion of all covered petroleum products sold by Sohio during the period covered by the Consent Order that was sold in each state.

3. The Consent Order also provides details concerning the conclusion of the audit and procedure concerning enforcement of the provisions of the Consent Order. These matters include Sohio's obligation under DOE recordkeeping regulations and DOE's obligation to maintain the confidentiality required by law of proprietary data received from Sohio. The Consent Order provides that Sohio has waived its right to an administrative or judicial appeal of the Consent Order. The Consent Order does not constitute an admission by Sohio nor a finding by OSC of a violation of any Federal petroleum price and allocation statutes or regulations.

Comments Received

As noted above, DOE received a total of thirty-four comments on the proposed Sohio Consent Order. Comments were submitted by twenty-one states, including one state that submitted comments from two different state offices, five trade and service associations, one representative for three resellers, four jobbers and customers of Sohio, a consumer advocate group and two major refiners. DOE has considered all comments and determined that the Consent Order should be made final without modification. The significant points raised by the comments are discussed below.

Some of the comments objected to the remedial provisions of the Consent Order saying that since overcharged customers are not receiving refunds the Consent Order does not provide for restitution as required by *Citronelle-Mobile Gathering, Inc.* v. *Edwards*, 669 F. 2d 717 (TECA 1982).

In *Citronelle*, TECA affirmed a district court determination in a judicial enforcement action that the seller's prices resulted in overcharges to twelve specifically identifiable customers. TECA declined to permit payment of adjudicated overcharges into the U.S. Treasury without first attempting to refund monies to the identified injured parties. Unlike *Citronelle*, this is not an adjudicated enforcement case. The Consent Order makes no finding of a violation, nor does Sohio admit to any violations of DOE regulations. Further, as previously stated in the Notice of Proposed Consent Order, DOE has not been able to identify any specific purchaser who may have been injured or to determine the amount by which such purchaser was injured. There are several reasons for this: alleged crude oil overcharges by producers are ultimately diffused among all refiners and their customers by the Entitlements Program; purchasers from refiners may themselves not be injured parties since they may have passed over the overcharges to others; the audits are conducted on a sample basis and do not focus on specific purchasers; and, to trace cost violations to specific product sales to determine the impact on specific overcharges would be a difficult if not impossible task. Because the refunded monies cannot be attributed to specifically identifiable injured parties, payments to the U.S. Treasury and to Treasurers of those states in which Sohio marketed petroleum products are appropriate remedies in this case.

Many comments, while expressing support for the payment of monies to states, suggested that the states should be required to expend the amounts received for energy related uses. DOE encourages the states to make use of the funds for energy related projects and to provide restitution for their aggrieved citizens. All such efforts are endorsed by the DOE. The designation of state Treasurers in the Consent Order was not intended to preclude such uses for the funds, rather was intended to provide the states with maximum flexibility in determining the appropriate use of the monies.

Several comments suggested that the implementation of Subpart V proceedings was mandatory. Others stated that even if not required by the regulations it would be desirable to use such proceedings here. The use of Subpart V proceedings is not mandated by the regulations. Rather, the choice of appropriate remedies in a particular Consent Order is made on a case-by-case basis within the framework of an overall negotiated agreement between OSC and the consenting firm. Here, the parties agreed—and OSC affirms—that in light of the violations alleged, payment to the states and the U.S. Treasury are appropriate remedies.

A few of the comments stated that the amount of the payments is small when compared to the total of violations alleged against the company in various enforcement documents issued by the DOE. Many of the alleged violations in this case are not overcharges, rather relate to cost adjustments which result from the determination of costs and increases in costs in both the product and nonproduct cost areas. During the course of negotiations, the DOE attempted to assess Sohio's overcharge exposure as a result of these cost adjustments. DOE adopted the remedies in the Consent Order after prolonged negotiation and assessment of Sohio's potential overcharge exposure, as well as the consideration of the benefits to be gained from this settlement in contrast to what might be derived from pursing these violations to decision in enforcement actions. The remedies of the Consent Order satisfactorily resolve the issues with Sohio given Sohio's potential liability and the expenditure of time and resources necessary to litigate the enforcement issues to their conclusion.

Having considered all comments received, DOE has determined that the proposed Consent Order with Sohio should be made final without modification. The Consent Order was made final and effective by written notice to Sohio on October 25, 1982.

Issued in Washington, D.C., October 28, 1982.

Milton C. Lorenz,

Special Counsel, Economic Regulatory Administration.

[FR Doc. 82-30074 Filed 11-1-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Natural Gas Pipeline Company of America; Extension Reports

[Docket No. ST81-150-001]

October 27, 1982.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146. A "G" indicates a transportation by an interstate pipeline pursuant to § 284.221 which is extended under § 284.105. A "G(HS)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under Section 284.222 of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before November 26, 1982 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214).

All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

DOCKET NO.	TRANSPORTER/SELLER	RECIPIENT	DATE FILED	PART 284 SUBPART	EFFECTIVE DATE
ST81-150-001	NATURAL GAS PIPELINE CO. OF AMERICA 122 SOUTH MICHIGAN AVE., CHICAGO, IL 60603	TEJAS GAS CORP.	10/06/82	B	01/08/83
ST81-151-001	UNITED TEXAS TRANSMISSION CO. P.O. BOX 1478, HOUSTON, TX 77001	UNITED GAS PIPE LINE CO.	10/08/82	C	01/16/83
ST81-153-001	NATURAL GAS PIPELINE CO. OF AMERICA 122 SOUTH MICHIGAN AVE., CHICAGO, IL 60603	TRANSCONTINENTAL GAS PIPE LINE CORP	10/01/82	B	01/01/83
ST81-155-001	UNITED GAS PIPE LINE CO. P.O. BOX 1478, HOUSTON, TX 77001	SOUTHERN NATURAL GAS CO.	10/01/82	G	06/11/83
ST81-211-001	UNITED GAS PIPE LINE CO. P.O. BOX 1478, HOUSTON, TX 77001	TEXAS EASTERN TRANSMISSION CORP.	10/12/82	G	03/23/83

[FR Doc. 82-29974 filed 11-1-82; 8:45 am]

BILLING CODE 6717-01-C

[Volume 760]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 27, 1982.

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 JD NO   JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                              FIELD NAME             PROD  PURCHASER
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   ALABAMA OIL & GAS BOARD
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-ANDERMAN OPERATING COMPANY              RECEIVED:  09/27/82    JA: AL
 8257836  9-17-8210PD  0107520410   102-4          COATS 4-2 #1                       FAIRVIEW GAS              3.7
-EL-OIL LTD                              RECEIVED:  09/27/82    JA: AL
 8257831  82-109PD     0100320092   102-4          WILSON-MORSE 18-9 #1               PLEASANT VIEW FIELD       6.0
-EXXON CORPORATION                       RECEIVED:  09/27/82    JA: AL
 8257835  9-17-829PD   0105320165   107-DP         MILLER MILL CO-ST LINE TR 32-5     JAY/LEC                 438.0 FLORIDA GAS TRANS
 8257834  9-17-828PD   0105320168   107-DP         ST REGIS PAPER CO GAS UNIT 9-4     BIG ESCAMBIA CREEK     1643.0 CIBA-GEIGY CORP
-GRACE PETROLEUM CORPORATION             RECEIVED:  09/27/82    JA: AL
 8257833  9-17-822PD   0107520050   108            DELANEY 11-6                       EAST DETROIT              0.0 NORTHWEST ALABAMA
 8257830  5-14-82PD    0105320148   107-DP         GORDON 16-1                        BIG ESCAMBIA CREEK        0.0 SOUTHERN NATURAL
 8257832  7-30-825PD   0105720260   102-4          HUBBERT 30-10                      NORTH FAYETTE             0.0 TENNESSEE GAS PIP
-TERRA RESOURCES INC                     RECEIVED:  09/27/82    JA: AL
 8257838  9-17-8212PD  0105720284   102-4          HOWELL #19-7                       MCCRACKEN MOUNTAIN        0.0 HOWELL PIPELINE C
 8257837  9-17-8211PD  0105720280   102-4          WOODWARD 26-9                      MUSGROVE CREEK            0.0 HOWELL PIPELINE C
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   MONTANA BOARD OF OIL & GAS CONSERVATION
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-BASS ENTERPRISES PRODUCTION CO          RECEIVED:  09/28/82    JA: MT
 8257943  11-81-244    2508321350   102-2          ANDREW PETERSON,JR. #28-1          EAGLE                    50.0 MONTANA-DAKOTA UT
 8257952  11-81-245    2508321350   103            ANDREW PETERSON,JR. #28-1          EAGLE                    50.0 MONTANA-DAKOTA UT
 8257948  11-81-248    2508321294   102-2          GEORGE SCHEETZ #21-1               EAGLE                     6.0 MONTANA-DAKOTA UT
 8257950  11-81-249    2508321294   103            GEORGE SCHEETZ #21-1               EAGLE                     6.0 MONTANA-DAKOTA UT
 8257945  11-81-246    2508321361   102-2          WILLMER LORENZ #21-2               EAGLE                  2190.0 MONTANA-DAKOTA UT
 8258098  11-81-247    2508321361   103            WILLMER LORENZ 21-2                EAGLE                  2190.0 MONTANA DAKOTA UT
-MALONE MANAGEMENT                       RECEIVED:  09/28/82    JA: MT
 8258099  11-81-250    2510121989   103            MALONE #6                          UNNAMED                   8.3 MICHAEL L LETSON
-MIDLANDS GAS CORPORATION                RECEIVED:  09/30/82    JA: MT
 8258101  5-82-143     2507121483   108            HELLIE 1 1160                      WILDCAT                  17.0 KANSAS-NEBRASKA N
-SHELL OIL CO                            RECEIVED:  09/28/82    JA: MT
 8257946  11-81-241    2502521176   103            PENNEL UNIT #33-32C                PENNEL                    4.7 MONTANA-DAKOTA UT
 8257949  11-81-239    2502521179   103            UNIT #11-32C                       PENNEL                    4.7 MONTANA-DAKOTA UT
 8257947  11-81-240    2502521182   103            UNIT #31-31C                       PENNEL                    0.4 MONTANA-DAKOTA UT
 8258100  11-81-238    2502521183   103            UNIT 33-31C                        PENNEL                   13.1 MONTANA DAKOTA UT
-TRUE OIL COMPANY                        RECEIVED:  09/28/82    JA: MT
 8257953  12-81-251    2508321516   102-4          WITT #24-35                        VAUX SQ.                 56.0 MONTANA-DAKOTA UT
-WEXPRO COMPANY                          RECEIVED:  09/28/82    JA: MT
 8257944  11-81-236    2510121995   103            BATTS #1-12                        NORTH DUNKIRK            87.0 MICHAEL LESTON &
 8257951  11-81-237    2510122128   103            COLLIER #1-1                       NORTH DUNKIRK            27.0 MICHAEL LESTON &
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   NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
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-AMERADA HESS CORPORATION                RECEIVED:  09/27/82    JA: NM
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 JD NO    JA DKT           API NO      D SEC(1) SEC(2) WELL NAME                    FIELD NAME                 PROC  PURCHASER
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 8257827                   3002500000    108             J R PHILLIPS #7            MONUMENT                    5.0 INTERNORTH INC
-MTS LIMITED PARTNERSHIP                   RECEIVED:  09/27/82    JA: NM
 8257828                   3004720113    108             STATE COM "AL" 36          BASIN DAKOTA               18.0 EL PASO NATJRAL G
 8257829                   3004524039    108             STATE COM "AL" 36E         BASIN DAKOTA                7.2 EL PASO NATJRAL G
-MESA PETROLEUM CORP                       RECEIVED:  09/27/82    JA: NM
 8257825                   3000561654    102-2           IRIS STATE #1              UNDESIGNATED ABO         1100.0
 8257826                   3000561684    102-2           MCKNIGHT COM #1            UNDESIGNATED ABO          400.0
-STEVENS OPERATING CORP                    RECEIVED:  09/27/82    JA: NM
 8257823                   3000561556    103             O'BRIEN "DB" #1            UND TWIN LAKES-SAN AN      39.4 TRANSWESTERN PIPE
-SUN EXPLORATION & PRODUCTION CO           RECEIVED:  09/28/82    JA: NM
 8257942  30               3002500000    108             MYERS B #1                 LANGLIE-MATTIX              7.0 EL PASO NATJRAL G
-YATES PETROLEUM CORPORATION               RECEIVED:  09/27/82    JA: NM
 8257824                   3000561552    102-2           SHADDEN "TN" #1            PECOS SLOPE ABO             0.0 TRANSWESTERN PIPE
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   NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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-DESERT GAS EXPLORATION CO INC             RECEIVED:  09/24/82    JA: NY
 8257796  3189             3101312705    107-TF          VAN SCOTER #1              LAKESHORE                   0.0 NATIONAL FUEL GAS
 8257810  3874             3101313641    108             VAN SCOTER #1 WELL         LAKESHORE                   0.0 NATIONAL FUEL GAS
-ECLIPSE MANAGEMENT ASSOCIATES INC         RECEIVED:  09/24/82    JA: NY
 8257811  2558             3101314606    108             #3152                      LAKE SHORE                  0.0 NATIONAL FUEL GAS
-ENERGY OIL INC                            RECEIVED:  09/24/82    JA: NY
 8257801  3872             3102917636    103             BUTLER #1                  BUFFALO CREEK             100.5 TENNESSEE GAS PIP
-ENVIROGAS INC                             RECEIVED:  09/24/82    JA: NY
 8257817  3781             3101312736    108             BETTS #1                   LAKESHORE                  12.0 NATIONAL FUEL GAS
 8257813  3777             3101312747    108             C CLARKE #1                LAKESHORE                   4.0 NATIONAL FUEL GAS
 8257814  3778             3101312710    108             ISSLER #1                  LAKESHORE                   4.0 NATIONAL FUEL GAS
 8257812  3776             3101312743    108             J CLARKE #1                LAKESHORE                   4.0 NATIONAL FUEL GAS
 8257816  3780             3101312735    108             J ISSLER JR #1             LAKESHORE                   2.0 NATIONAL FUEL GAS
 8257821  3785             3101312679    108             LAPORTE #1                 LAKESHORE                   9.0 NATIONAL FUEL GAS
 8257818  3782             3101312704    108             MILITELLO #1               LAKESHORE                  10.0 NATIONAL FUEL GAS
 8257819  3783             3101312338    108             NOBBS #2                   LAKESHORE                   6.0 NATIONAL FUEL GAS
 8257820  3784             3101312360    108             MISCILI #1                 LAKESHORE                  21.0 NATIONAL FUEL GAS
 8257815 -3779             3101312737    108             WM ISSLER #1               LAKESHORE                   4.0 NATIONAL FUEL GAS
-KEYSTONE ENERGY OIL & GAS PRODUCTIO RECEIVED:  09/24/82    JA: NY
 8257804  3886             3100916860    103             BAIRD #4                   SKINNER HOLLOW             18.0 NATIONAL FUEL GAS
 8257805  3884             3100916421    103             GARY SARGENT #1            SKINNER HOLLOW             18.0 NATIONAL FUEL GAS
-LENAPE RESOURCES CORP                     RECEIVED:  09/24/82    JA: NY
 8257807  3876             3112117075    103             C A OLSOWSKY UNIT #1 LRC #108  LEICESTER              20.0 NEW JERSEY NATURA
 8257809  3878             3112117295    103             E KINGSLEY UNIT #1 LRC #128    WILDCAT                20.0 NEW JERSEY NATURA
 8257806  3875             3112113962    103             MALMA #1 LRC #18           LEICESTER                  20.0 NEW JERSEY NATURA
 8257803  3888             3105116195    103             R HOAG UNIT #1 LRC #87     CALEDONIA                  20.0 NEW JERSEY NATURA
 8257808  3877             3112117048    103             R L MALMA #4 LRC #109      WILDCAT                    20.0 NEW JERSEY NATURA
 8257798  3902             3112113999    103             SIEBERT #1 LRC #20         LEICESTER                  20.0 ELIZABETHTOWN GAS
 8257797  3903             3112117233    103             TAYLOR FARM #1 LRC #121    LEICESTER                  20.0 NEW JERSEY NATURA
 8257799  3901             3112113963    103             WILLIAM GRAHAM #1 LRC #17  LEICESTER                  20.0 ELIZABETHTOWN GAS
-UNIVERSAL RESOURCES HOLDINGS INC          RECEIVED:  09/24/82    JA: NY
 8257802  3893             3101315681    103             O OLSON #2                 GERRY                      20.0 COLUMBIA GAS TRAN
 8257800  3891             3101317733    103             SANFORD #1                 GERRY                      20.0 COLUMBIA GAS TRAN
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   OKLAHOMA CORPORATION COMMISSION
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-AMOCO PRODUCTION CO                       RECEIVED:  09/27/82    JA: OK
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 8257939  17341         3515100000   108             HAMPSTEN UNIT #1               AVARD NW (OSWEGO)      20.0 DELHI GAS PIPELIN
 8257941  17338         3504535238   108             HASKIN UNIT #1                 MOCANE-LAVERNE (MORRO  12.6 INTER NORTH INC
 8257938  17340         3504520340   108             K L MITCHELL #1 (4TH)          CATESBY NE (MORROW)    17.0 MICHIGAN WISCONSI
 8257914  17339         3509322296   103             WHITAKER GAS UNIT #2           NE CEDARDALE (CHESTER 200.0 MICHIGAN WISCONSI
-AMOCO PRODUCTION CO                   RECEIVED:  09/30/82    JA: OK
 8257958  16353         3509322227   103             HUTCHINSON UNIT "C" #5         NE CEDARDALE (CHESTER  23.3 MICHIGAN WISCONSI
-AN-SON CORPORATION                    RECEIVED:  09/27/82    JA: OK
 8257917  16117         3515321224   103             MARSTON #1-33                  S TANGIER              73.0 PANHANDLE EASTERN
-AN-SON CORPORATION                    RECEIVED:  09/30/82    JA: OK
 8258023  17896         3503920606   102-4           TRAVIS #1-20                   S CHEROKEE            547.5 PRODUCERS GAS CO
-ANDOVER OIL COMPANY                   RECEIVED:  09/30/82    JA: OK
 8258033  16260         3512521302   103             PHILBIN #29-1                                         35.0 PUBLIC SERVICE CO
-AVANTI ENERGY CORP                    RECEIVED:  09/30/82    JA: OK
 8257979  20958         3501521176   107-DP          TEEL #1                        NORTH CEMENT          365.0 UNITED GAS PIPE L
-BECK PRODUCTION CO                    RECEIVED:  09/30/82    JA: OK
 8258015  16271         3504921843   103             MARCUS #1                      WHITEBEAD               0.0 WARREN PETROLEUM
-BIG FOUR PETROLEUM CO                 RECEIVED:  09/27/82    JA: OK
 8257933  1632          3503722703   103             TIMELY #1                      WILDCAT                 0.7 COLORADO GAS COMP
 8257930  16330         3503723285   103             TIMELY #2                      WILDCAT                 0.7 COLORADO GAS COMP
-BILL N BARNES                         RECEIVED:  09/30/82    JA: OK
 8258022                3509100580   102-4           L D DUVALL #1                                          0.0 COLUMBIA GAS TRAN
-BLAIK OIL COMPANY                     RECEIVED:  09/30/82    JA: OK
 8258030  16283         3504722557   103             ALMA #1                        SOONER TREND            9.0 EXXON COMPANY U S
-BRYANT PETROLEUM CORP                 RECEIVED:  09/30/82    JA: OK
 8257976  16482         3510720707   103             GEORGE #1                      SOUTH BEARDEN         167.9 OKLAHOMA NATURAL
 8257957  16379         3510720460   103             JACKSON #1                     SOUTH BEARDEN         109.5 OKLAHOMA NATURAL
-CANADIAN EXPLORATION CORP             RECEIVED:  09/30/82    JA: OK
 8258032  16279         3501722195   103             FORMAN #20-1                   NORTHWEST MUSTANG      60.0 DELHI GAS PIPELIN
 8258031  16279         3501722094   103             HORLIVY #19-1                  NORTHWEST MUSTANG      10.5 DELHI GAS PIPELIN
-CANNON ENERGY INC                     RECEIVED:  09/30/82    JA: OK
 8258037  16124         3508321842   103             GREEN #1                       N E CRESCENT            0.0 EASON OIL CO
-CARNES PETROLEUM CO                   RECEIVED:  09/27/82    JA: OK
 8257934  16333         3511700300   103             MCNULTY #12-A                  UNKNOWN                 3.7 H J D CATTLE CO
 8257923  16297         3511720839   103             MCNULTY 1-A                    UNKNOWN                32.8 H J D CATTLE CO
-CARNES PETROLEUM CO                   RECEIVED:  09/30/82    JA: OK
 8258013  16299         3511720575   103             MCNULTY 5-A                    UNKNOWN                 3.7 H J D CATTLE CO
-CITATION ENERGY CORP                  RECEIVED:  09/30/82    JA: OK
 8257986  16247         3504700000   103             HEDGES #2                                             73.0 CHAMPLIN PETROLEU
-CITIES SERVICE COMPANY                RECEIVED:  09/30/82    JA: OK
 8258024  17197         3506120244   108             SEABOLT "A" #1                 NORTH RUSSELLVILLE     17.1 ARKANSAS LOUISIAN
-CLARK RESOURCES INC                   RECEIVED:  09/30/82    JA: OK
 8257988  16265         3507323403   103             MAE 9-1                        SOONER TREND           30.0 CONOCO INC
-COTTON PETROLEUM CORPORATION          RECEIVED:  09/30/82    JA: OK
 8257956  16464         3501120872   103             BURNS #2-A                     SQUAW CREEK             0.0 OKLAHOMA GAS & EL
 8258020  20893         3501521141   107-DP          RIDLE #1                       E GRACEMONT             0.0 UNITED GAS PIPELI
-CUMMINGS OIL CO                       RECEIVED:  09/30/82    JA: OK
 8257993  18106         3505921073   102-3           SHARLETTE #1                   LOVEDALE FIELD          0.0 MICHIGAN WISCONSI
-D H CRAMER                            RECEIVED:  09/27/82    JA: OK
 8257940  17325         3503720951   108             CRAMER LEASE #1 03720951       CUSHING                19.9 ARCO OIL & GAS CO
-DAMSON OIL CORPORATION                RECEIVED:  09/30/82    JA: OK
 8258038  16116         3500722130   103             SCHWAB #1                      SOUTH LOGAN           150.0 PHILLIPS PETROLEU
-DAVIS BROS OIL PRODUCERS INC          RECEIVED:  09/30/82    JA: OK
 8257991  16273         3508121097   103             CHERRY #1                      S W MT VERNON         100.0 SUN GAS CO
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-DAVIS OIL COMPANY                     RECEIVED:  09/30/82     JA: OK
 8258003  16229         3504722712     103              BETTY #1                 HILLSDALE                 0.0 PANHANDLE EASTERN
-DECALTA INTERNATIONAL CORP            RECEIVED:  09/30/82     JA: OK
 8257973  16921         3500700000     108              CALHOON #1-9             MOCANE MORROW AREA       10.0 PANHANDLE EASTERN
 8257975  16919         3500720786     108              DORALEE #1 007-44988     MOCANE                   10.0 INTERNORTH INC
 8257974  16920         3500720785     108              MILES #1 007-44989       MOCANE                   10.0 INTERNORTH INC.
-DEM OPERATIONS                        RECEIVED:  09/30/82     JA: OK
 8258007  16468         3505320736     103              DUVALL #1                SOUTHEAST SALT FORK F    24.0 CRA INC
-DOAK-ASHER CORP                       RECEIVED:  09/30/82     JA: OK
 8258005  17490         3503700000     108              INGALLS #5               EAST CUSHING              4.9 ARCO OIL & GAS CO
 8258006  17499         3503700000     108              INGALLS #6               EAST CUSHING              2.9 ARCO OIL & GAS CO
-DYCO PETROLEUM CORPORATION            RECEIVED:  09/30/82     JA: OK
 8258018  21137         3512920890     107-DP           WHITE #2-23              RANKIN SE               250.0 EL PASO NATURAL G
-EAGLE MINERALS INC.                   RECEIVED:  09/30/82     JA: OK
 8258049  16125         3508121270     103              VICKERS #1                                         0.0 COLORADO GAS COMP
-FARMERS INVESTMENTS INC               RECEIVED:  09/30/82     JA: OK
 8257998  16252         3502720538     103              S N B #1                 NORTHWEST NORMAN         54.7 SUN OIL CO
-GEORGE RODMAN INC                     RECEIVED:  09/30/82     JA: OK
 8257987  16255         3504921557     103              BURFORD #1-6             GOLDEN TREND             63.8 WARREN PETROLEUM
 8258035  16256         3508720596     103              MORRIS #1                PAYNE                    11.0 SUN GAS CO
-GREEN OPERATING CO                    RECEIVED:  09/30/82     JA: OK
 8258025  17158         3508700000     108              MORRIS DREYFUS #1        GOLDEN TREND             19.0 WARREN PETROLEUM
-GULF OIL CORPORATION                  RECEIVED:  09/27/82     JA: OK
 8257916  17280         3500700000     108              CHARLES BERENDS #1       GLENWOOD                 18.0 TRANSWESTERN PIPE
-HEARTLAND EXPLORATION INC             RECEIVED:  09/30/82     JA: OK
 8257965  16459         3510321534     103              KASPER #1-25             SOUTH TONKAWA            75.0 ARCO OIL & GAS CO
 8257966  16458         3508321867     103              MAXWELL #1-20            LOCKRIDGE               137.0 CHAMPLIN PETROLEU
 8257967  16457         3510321485     103              SHIVE #1-25              SOUTH TONKAWA            50.0 ARCO OIL & GAS CO
 8257968  16455         3504921453     103              TRAHERN #1               EAST WHITEHEAD           37.0 BUCKEYE NATURAL G
-HELMERICH & PAYNE INC                 RECEIVED:  09/30/82     JA: OK
 8258021  18307         3503920595     102-2            MENNONITE #1-31          E HAMMON                365.0 MICHIGAN WISCONSI
-HENRY H GUNGOLL ASSOCIATES            RECEIVED:  09/30/82     JA: OK
 8258029  16281         3504722877     103              BRAINARD 3-28            NORTHWEST ENID          119.0 OKLAHOMA GAS & EL
-HOME PETROLEUM CORPORATION            RECEIVED:  09/30/82     JA: OK
 8257989  16272         3503920469     103              DON MCNEILL #3-22        SOUTH THOMAS             60.0 WESTERN FARMERS E
-INTERNATIONAL VENTURES INC            RECEIVED:  09/30/82     JA: OK
 8258026  17155         3511122425     108              STATE WILDLIFE #1-21     BEGGS                     2.5 PHILLIPS PETROLEU
-J & S OIL & GAS INVESTMENTS INC       RECEIVED:  09/30/82     JA: OK
 8257984  15673         3500320847     103              THOMAS #2                RINGWOOD                  0.0 AMINOIL USA INC
-J R ATKINSON                          RECEIVED:  09/27/82     JA: OK
 8257936  17352         3503700000     108              B WATSON #1              CUSHING                  11.2 ARCO OIL & GAS CO
-JERALD G BOLLINGER                    RECEIVED:  09/30/82     JA: OK
 8258012  14721         3513100000     103              REESE (NORTH) #1         NORTHEAST TALALA AREA   360.0 DIAMOND "S" GAS S
-JIM L HANNA DBA HANNA OIL AND GAS C   RECEIVED:  09/30/82     JA: OK
 8258045  16525         3506120484     102-4            WAGNON CREEK #1          KINTA                     0.0
-JONES & PELLOW OIL CO                 RECEIVED:  09/30/82     JA: OK
 8258016  16261         3507323058     103              CORBIN 11-2              SOONER TREND              3.0 CONOCO INC
-JRHOP INC                             RECEIVED:  09/27/82     JA: OK
 8257935  16386         3508301869     103              CHERYL 1-35              S MARSHALL               18.0 EASON OIL CO
-KABARD EXPLORATION & DRILLING CO      RECEIVED:  09/30/82     JA: OK
 8257960  16479         3510121077     103              WAY #1-A-3               HASKELL                  61.2 PHILLIPS PETROLEU
 8257962  16477         3510121077     103              WAY #1-A-3               HASKELL                  61.2 PHILLIPS PETROLEU
 8257961  16478         3510121295     103              WAY #1-A-5               HASKELL                  72.0 PHILLIPS PETROLEU
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-KAISER-FRANCIS OIL COMPANY             RECEIVED:  09/30/82     JA: OK
 8258039  16108          3515321208    103             BUTTEL #2                  S W CEDARDALE              100.0 MICHIGAN WISCONSI
 8258004  16126          3505921104    103             COOK #3                    N E GATELAKE               200.0 INTERNORTH INC
 8258047  10897          3515120220    108-ER          TANNER A #1                WILDCAT                      0.0 PANHANDLE EASTERN
-KIRBY EXPLORATION CO                   RECEIVED:  09/30/82     JA: OK
 8257978  20924          3501521342    107-DP          SCHNEBERGER 1-17           FLETCHER FIELD - SEC       450.0 TEXAS GAS TRANSMI
-LADD PETROLEUM CORPORATION             RECEIVED:  09/27/82     JA: OK
 8257912  16285          3514722523    103             DURAND BP-6                WAYSIDE NE                   6.5 CITIES SERVICE GA
 8257919  16286          3514722949    103             WALLER #1                  GLENOAK                     34.2 CITIES SERVICE GA
-M&M RESOURCES                          RECEIVED:  09/27/82     JA: OK
 8257921  18258          3508121399    102-4           BIGGS #1                                                0.0 CITIES SERVICE GA
-MAGUIRE OIL COMPANY                    RECEIVED:  09/30/82     JA: OK
 8257977  16471          3500320966    103             ELLIOTT "B" #1             CHANEY DELL                  0.0 PANHANDLE EASTERN
-MARLIN OIL CORPORATION                 RECEIVED:  09/30/82     JA: OK
 8258042  15876          3500721428    108             SITTON #1                  MOCANE-LAVERNE               1.0 EL PASO NATURAL G
-MONSANTO COMPANY                       RECEIVED:  09/27/82     JA: OK
 8257931  16683          3508321352    102-2  103      CRAIG #1                   EAST GUTHRIE LAKE            6.0 BUCKEYE NATURAL G
 8257928  10684          3508321353    102-2  103      HARNED B-1                 EAST GUTHRIE LAKE           14.0 BUCKEYE NATURAL G
 8257929  17114          3508321965    102-2  103      HARNED B-2                 EAST GUTHRIE LAKE            0.0 BUCKEYE NATURAL G
-NATOMAS NORTH AMERICA INC              RECEIVED:  09/30/82     JA: OK
 8257992  20983          3500920433    107-DP          LILLIE PATTON #1-5         SEC 5 T10N R24W            335.0 EL PASO NATURAL G
-OKLAND OIL CO                          RECEIVED:  09/30/82     JA: OK
 8258034  16258          3504520957    103             MILLER #1-16               SOUTH MEEK                 293.0 PANHANDLE EASTERN
-ONYX ENERGY CORP                       RECEIVED:  09/30/82     JA: OK
 8258001  16248          3510321526    103             FREESE #1-15                                           18.3 AMINOIL USA INC
-PHASE III OIL & GAS INC                RECEIVED:  09/30/82     JA: OK
 8257964  16460          3503100000    103             GLASGOW K-2                PUMPKIN CENTER               0.0 MANN INDUSTRIES
-PHILLIPS PETROLEUM COMPANY             RECEIVED:  09/27/82     JA: OK
 8257932  16328          3501722123    103             MANSFIELD "B" #1           W OKARCHE                    0.0
-PHILLIPS PETROLEUM COMPANY             RECEIVED:  09/30/82     JA: OK
 8257982  12374          3513900000    108             ADA-BAUGH #1               GUYMON HUGOTON               0.0 MICHIGAN WISCONSI
 8257981  12373          3513900000    108             KAREL #1                   GUYMON HUGOTON               0.0 PANHANDLE EASTERN
 8257995  16327          3504521030    103             RIDER "A" #1               N ARNETT                     0.0 PANHANDLE EASTERN
-PROEX ENERGY CORP                      RECEIVED:  09/30/82     JA: OK
 8257996  16267          3509322386    103             ECK #13-2                  SE FAIRVIEW                 91.3 DELHI GAS PIPE LI
-RALPH E PLOTNER OIL & GAS INVEST IN RECEIVED:  09/27/82     JA: OK
 8257922  16295          3501722198    103             BUDDY PHILLIPS #1          SOUTH YUKON                 25.0 PHILLIPS PETROLEU
 8257925  16294          3501722230    103             CHARLOTTE ANN #2           SOUTH YUKON                 36.0 PHILLIPS PETROLEU
 8257924  16293          3501722068    103             GAUBERT #1                 WEST PIEDMONT                9.0 PHILLIPS PETROLEU
-REDFORK VALLEY OIL & GAS 1-80 PARTN RECEIVED:  09/30/82     JA: OK
 8257963  16474          3508100000    103             BURKE #1                   AVERY                        0.0
-SENECA OIL CO                          RECEIVED:  09/30/82     JA: OK
 8258036  16142          3501722157    102-4           COLLETT #1-21              PIEDMONT                    98.6
 8258027  17135          3501722166    103             GARTEN #1-29               PIEDMONT                    73.0
 8258028  17134          3501722209    103             JECH #1-21                 PIEDMONT                    62.1
-SENECA OIL COMPANY                     RECEIVED:  09/27/82     JA: OK
 8257927  16292          3504321345    103             MARSHALL #1-25             OAKWOOD                    463.6 DELHI GAS PIPELIN
-SHELL OIL CO                           RECEIVED:  09/30/82     JA: OK
 8258046  07123          3504580000    108-ER          SHELL WOOD #1-12           BISHOP SOUTH                32.9 PANHANDLE EASTERN
-SIERRA DRILLING & EXPLORATION INC      RECEIVED:  09/30/82     JA: OK
 8257990  16277          3507122435    103             OLIVIA HICKEY #1                                        0.0 CHASE GATHERING S
-SOUTHLAND ROYALTY CO                   RECEIVED:  09/27/82     JA: OK
 8257937  17371          3509321487    108             JORDAN #1-25               ORION                       29.0 MICHIGAN WISCONSI
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-SOUTHLAND ROYALTY CO                  RECEIVED:  09/30/82     JA: OK
 8258044  10910         3509321511   108-ER         ROTHER WARNER #1-27                   W CHEYENNE VALLEY       22.0 PANHANDLE EASTERN
-SOUTHWESTERN EXPLOR CONSULTANTS INC RECEIVED:  09/30/82     JA: OK
 8257994  16644         3508300000   108            AUDREY #2                                                      9.0 EASON OIL CO
 8258011  16345         3508320659   103            SYLVESTER #1                          LAWRIE                   0.0 EASON OIL CO
-SUN EXPLORATION & PRODUCTION CO       RECEIVED:  09/27/82     JA: OK
 8257913  17304         3500700000   108            C V CONNER #1                         MOCANE-LAVERNE          20.0 COLORADO INTERSTA
-T F HODGE
                                       RECEIVED:  09/30/82     JA: OK
 8257985  16225         3508321848   103            VCULEK #1                             SOONER TREND            30.0 EASON OIL CO
-TEXAS AMERICAN OIL CORP               RECEIVED:  09/30/82     JA: OK
 8258040  16029         3507323329   103            ALFRED FICKEN "A" #2                  SOONER TREND           127.5 PANHANDLE EASTERN
 8258043  15835         3504722527   103            MERLAN BUTTS #1                       SOONER TREND           208.1 PANHANDLE EASTERN
 8258041  16028         3507323378   103            ROYCE FLOWERS "A" #2                  SOONER TREND           330.3 PANHANDLE EASTERN
-TEXAS PRODUCTION CORP                 RECEIVED:  09/30/82     JA: OK
 8257980  08620         3501721590   102-4          CALUMET #1                            WILDCAT                  0.0 DELHI GAS PIPELIN
-TOWNER PETROLEUM CO                   RECEIVED:  09/30/82     JA: OK
 8258008  16351         3501722181   103            ARMACOST #19-1                        E CALUMET                0.0 PHILLIPS PETROLEU
 8257959  16351         3508121492   103            ELLIS #4-1                            NW GRAND CENTER          0.0 SERVICE DRILLING
 8258010  16349         3501722182   103            HARMAN #19-1                          E CALUMET                0.0 PHILLIPS PETROLEU
 8258009  16349         3501722178   103            VIRGINIA #30-1                        UNION CITY               0.0 PHILLIPS PETROLEU
-TRANSIERRA EXPLORATION CORP           RECEIVED:  09/30/82     JA: OK
 8258014  16288         3510321562   103            VIOLA VANBEBBER #2                    LUCIEN                  68.0 AMINOIL USA INC
-TRIGG DRILLING COMPANY INC            RECEIVED:  09/30/82     JA: OK
 8258048  15021         3500920405   102-4          MEFLEY #1                             S W ELK CITY           456.0 EL PASO NATURAL G
-TRIPLE "E" ENERGY INC                 RECEIVED:  09/30/82     JA: OK
 8258000  16249         3511100000   103            HARVEY #1                                                      7.0 PHILLIPS PETROLEU
 8257999  16250         3511100000   103            HARVEY #2                                                     73.0 PHILLIPS PETROLEU
-TXO PRODUCTION CORP                   RECEIVED:  09/27/82     JA: OK
 8257920  17236         3515120369   108            PIPER #1                              N E AVARD               16.0 DELHI GAS PIPELIN
-UNION OIL COMPANY OF CALIF            RECEIVED:  09/27/82     JA: OK
 8257915  17275         3500920269   108            MAYFIELD UNIT #1-9                    N E MAYFIELD             1.0 EL PASO NATURAL G
-UNION TEXAS PETROLEUM                 RECEIVED:  09/30/82     JA: OK
 8257954  16257         3500320961   103            PH HERTZLER D-2                       HODGE AREA I           109.5 PANHANDLE EASTERN
-UNIVERSAL RESOURCES CORPORATION       RECEIVED:  09/30/82     JA: OK
 8258017  14411         3507323086   103            LOYAL 1-21                                                     6.0 PHILLIPS PETROLEU
-VIERSEN & COCHRAN                     RECEIVED:  09/30/82     JA: OK
 8257955  16465         3509322469   103            PENNER #2-34                          N W OKEENE             150.0 PHILLIPS PETROLEU
 8257997  16264         3511121691   103            TRIBAL #3-31                          WATONGA TREND          136.0 DELHI GAS PIPELIN
-WAGNER & BROWN                        RECEIVED:  09/30/82     JA: OK
 8258019  20925         3501521330   107-DP         FAIT #1-18                            COTTONWOOD             785.0 TENNESSEE GAS PIP
-WAINOCO OIL & GAS CO                  RECEIVED:  09/30/82     JA: OK
 8258002  16235         3505320413   103            PRIVETT NO 2                          WAKITA TREND            60.0 CITIES SERVICE GA
-WARD PETROLEUM CORP                   RECEIVED:  09/30/82     JA: OK
 8257971  18343         3512120707   102-2          MCNALLY #1                            WILDCAT                380.0 ARKANSAS LOUISIAN
 8257822  18342         3504720683   102-2          ORBISON 1-14                          CANADIAN               355.0 ARKANSAS LOUISIAN
 8257972  18342         3521220683   102-2          ORBISON 1-14                          CANADIAN               355.0 ARKANSAS LOUISIAN
-WESTERN STATES OIL & GAS CO           RECEIVED:  09/27/82     JA: OK
 8257918  16239         3510307609   103            DOLEZAL #1                            SOUTH ORLANDO            0.0 AMINOIL USA
 8257926  16240         3510300000   103            MCCOY #1                              NORTH ORLANDO            0.0 AMINOIL USA
-WHITMAR EXPLORATION CO                RECEIVED:  09/30/82     JA: OK
 8257983  15616         3504921392   103            FERGUSON #1-E                         S W WHITEBEAD            0.0 WARREN PETROLEUM
-21ST CENTURY RESOURCES FUND           RECEIVED:  09/30/82     JA: OK
 8257969  16394         3511122669   103            PIERCE #1                             HENRYETTA              100.0 21ST CENTURY RESO
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                                                                                      VOLUME  760         PAGE  307
 JD NO    JA DKT         API NO     D SEC(1) SEC(2) WELL NAME                         FIELD NAME                PROD   PURCHASER

 8257978. 16393          3511122683   103            WILSUN #1                        TIGER FLATS                25.0 21ST CENTURY RESO
*****************************************************************************
   WEST VIRGINIA DEPARTMENT OF MINES
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-ALLEGHENY LAND & MINERAL COMPANY     RECEIVED:  09/30/82     JA: WV
 8258065                 4704103139   103             A-1006                          COURTHOUSE DISTRICT         0.0 CONSOLIDATED GAS
 8258064                 4700701768   103             A-1014                          SALTLICK DISTRICT           6.0 CONSOLIDATED GAS
 8258068                 4708300555   103             A-1022                          MIDDLE FORK DISTRICT        6.0 COLUMBIA GAS TRAN
 8258067                 4708300571   103             A-1083                          ROARING CREEK DISTRIC       6.0 COLUMBIA GAS TRAN
 8258066                 4704103137   103             A-1090                          COURT HOUSE DISTRICT        0.0 CONSOLIDATED GAS
 8258063                 4704103145   103             A-1130                          COURT HOUSE DISTRICT        0.0 CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION        RECEIVED:  09/23/82     JA: WV
 8257895                 4700121669   103             DUBOSE #1                       VALLEY                     71.0 CONSOLIDATED GAS
 8257865                 4700121229   108             H L STEERMAN #1                 VALLEY                     15.0 CONSOLIDATED GAS
 8257897                 4700121660   103             J MICHAEL #1                    BARKER                      7.5 CONSOLIDATED GAS
 8257866                 4700121200   108             L U SHINGLETON #1               VALLEY                     19.0 CONSOLIDATED GAS
 8257864                 4700121065   108             RUTH & EVERETT TURNER #1        VALLEY                     20.0 CONSOLIDATED GAS
 8257898                 4700121659   103             THACKER #1                      VALLEY                     26.9 CONSOLIDATED GAS
 8257896                 4700121664   103             VOWLS #5                        VALLEY                     40.1 CONSOLIDATED GAS
-BISON INC                            RECEIVED:  09/30/82     JA: WV
 8258061                 4707301326   107-DV          DUTTON #1                       ST MARYS                   29.0 COLUMBIA GAS TRAN
 8258062                 4707301324   107-DV          T L BENNETT #1                  ST MARYS                   27.0 COLUMBIA GAS TRAN
-CHESTERFIELD CORP                    RECEIVED:  09/23/82     JA: WV
 8257909                 4709702344   103             DYCE HINKLE #1 - 47-097-2344    WASHINGTON                  0.0 COLUMBIA GAS TRAN
 8257863                 4709702065   108             FISHER #2 - 47-097-2065         UNION                      17.9 COLUMBIA GAS TRAN
 8257862                 4709702143   108             KESLING #1 - 47-097-2143        UNION                      16.8 PARTNERSHIP PROPE
 8257908                 4709702327   103             LEIGH #1 - 47-097-2327          WASHINGTON                  6.0 COLUMBIA GAS TRAN
 8257910                 4709702326   103             LIPSCOMB #1 - 47-097-2326       WASHINGTON                  0.0 COLUMBIA GAS TRAN
 8257881                 4709702360   103             ZICKEFOOSE #1 - 47-097-2360     WASHINGTON                  6.4 COLUMBIA GAS TRAN
-CONTINENTAL PETROLEUM CO             RECEIVED:  09/23/82     JA: WV
 8257883                 4700101662   107-DV          HAROLD ESSIG #1                 BELINGTON                  20.0 COLUMBIA GAS TRAN
-DEVON CORPORATION                    RECEIVED:  09/23/82     JA: WV
 8257894                 4703501540   103             KEM #55 C E KESSEL              RIPLEY                      0.9 K E I PIPELINE CO
 8257893                 4703501546   103             KEM #59 FLOYD SAYRE             RIPLEY                      6.9 K E I PIPELINE CO
 8257892                 4703501550   103             KEM #72 W K RECTOR              SILVERTON                   0.7 K E I PIPELINE CO
 8257891                 4703501555   103             KEM #74 ARTHUR WATKINS          SILVERTON                   0.9 K E I PIPELINE CO
 8257890                 4703501574   103             KEM #93 WILLIAM FRANKLIN        SILVERTON                  20.0 K E I PIPELINE CO
-FRANKLIN ADKINS                      RECEIVED:  09/23/82     JA: WV
 8257879                 4704322534   103             J L JEFFER HRS #1               SHERRIDAN DISTRICT         14.6 COLUMBIA GAS TRAN
 8257911                 4704322534   107-DV          J L JEFFER HRS #1               SHERRIDAN DISTRICT         14.5 COLUMBIA GAS TRAN
 8257877                 4701120679   103             KAZEE #1                        MCCOMAS DISTRICT           14.6 COLUMBIA GAS TRAN
 8257878                 4704322521   103             L R ADKINS #1                   SHERIDAN DISTRICT          14.6 COLUMBIA GAS TRAN
 8257882                 4709921750   103             LENA FERGUSON #1                LINCOLN                    14.6 COLUMBIA GAS TRAN
-M D WELLS OIL & GAS EXPL & DEVEL IN RECEIVED:  09/23/82     JA: WV
 8257867                 4703501633   103             ROGERS 2-A                      KENNA                       8.0 COLUMBIA GAS TRAN
 8257880                 4703501634   103             ROGERS 2B                       KENNA                       8.0 COLUMBIA GAS TRAN
-HARBRO EXPLORATION CO LTD            RECEIVED:  09/23/82     JA: WV
 8257884                 4702103850   107-DV          LEWIS #1                        GLENVILLE NORTH            50.0
 8257900                 4702103850   103             LEWIS #1                        GLENVILLE NORTH            50.0
 8257885                 4702103849   107-DV          MCCARTNEY #1                    GLENVILLE NORTH            50.0
 8257899                 4702103849   103             MCCARTNEY #1                    GLENVILLE NORTH            50.0
 8257886                 4702103861   107-DV          PATTERSON #1                    GLENVILLE NORTH            50.0
 8257901                 4702103861   103             PATTERSON #1                    GLENVILLE NORTH            50.0
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HEFNER ASSOCIATES LTD				RECEIVED:	09/23/82	JA: WV			
8257873		4700701719		103		HEFNER #1	WINNIE HEAVNER FARM	18.0	CONSOLIDATED GAS
8257872		4700701720		103		HEFNER #2	WINNIE HEAVNER FARM	18.0	CONSOLIDATED GAS
-KAISER ENERGY INC				RECEIVED:	09/30/82	JA: WV			
8258085		4703501404		107-DV		ALLEN AYKRUM - DEK #27	SILVER VALLEY	2.9	ROARING FORK GAS
8258086		4703501406		107-DV		BERNARD JOHNSON - DEK #40	COTTAGEVILLE	15.3	ROARING FORK GAS
8258054		4703501442		107-DV		CARL W MCKOWN - DEK #51	FLATWOODS	9.1	ROARING FORK GAS
8258057		4703501511		107-DV		CLARENCE ANDERSON DEK #76	WILDING	32.0	ROARING FORK GAS
8258076		4703501521		107-DV		CLYDE VANNEST KEM #24	RAVENSWOOD	3.7	ROARING FORK GAS
8258052		4703501456		107-DV		DEK #18 - WAYNE HUGHES	COTTAGEVILLE NORTH	14.6	ROARING FORK GAS
8258079		4703501522		107-DV		EASTERN STAR KEM #22	COTTAGEVILLE NORTH	6.6	ROARING FORK GAS
8258058		4703501455		107-DV		EDITH HUGHES DEK #55	COTTAGEVILLE NORTH	8.8	ROARING FORK GAS
8258055		4703501461		107-DV		ENID RANKIN - DEK #56	FLATWOODS	7.0	ROARING FORK GAS
8258078		4703501580		107-DV		EUGENE CANADY KEM #37	RAVENSWOOD	8.8	ROARING FORK GAS
8258088		4703501426		107-DV		FRED B SAYRE KEM #1	EVANS	4.0	ROARING FORK GAS
8258051		4703501435		107-DV		GEORGE WEEKLEY - DEK #57	FLATWOODS	22.8	ROARING FORK GAS
8258050		4703501593		107-DV		HOWARD ELLIOTT KEM #111	ELK/POCA	27.0	COLUMBIA GAS TRAN
8258084		4703501618		107-DV		HOWARD ELLIOTT KEM #138	ELK/POCA	29.2	COLUMBIA GAS TRAN
8258080		4703501575		107-DV		HOWARD ELLIOTT KEM #88	ELK/POCA	36.0	COLUMBIA GAS TRAN
8258081		4703501462		107-DV		INA WAYBRIGHT DEK #58	COTTAGEVILLE NORTH	2.5	ROARING FORK GAS
8258060		4703501523		107-DV		KAISER KEM #23	COTTAGEVILLE NORTH	2.1	ROARING FORK GAS
8258087		4703501412		107-DV		L E SAMS - DEK #37	COTTAGEVILLE NORTH	17.2	ROARING FORK GAS
8258053		4703501467		107-DV		MARY ALUTZ - DEK #33	SILVER VALLEY	16.4	ROARING FORK GAS
8258082		4705300239		107-DV		MCKINLEY GRANT BARNETTE KEM #50	ELMWOOD	14.6	ROARING FORK GAS
8258075		4703501457		107-DV		RACHEL KAY DEK #61	FLATWOODS	14.6	ROARING FORK GAS
8258074		4703501530		107-DV		ROGER HATCHER KEM #51	ELK/POCA	23.3	ROARING FORK GAS
8258077		4703501460		107-DV		ROY MOSCHAR DEK #59	COTTAGEVILLE	1.8	ROARING FORK GAS
8258059		4703501451		107-DV		RUSSELL HAAS DEK #62	FLATWOODS	23.7	ROARING FORK GAS
8258056		4703501506		107-DV		WALTER LEMASTER JR DEK #70	WILDING	4.3	ROARING FORK GAS
8258083		4703501434		107-DV		WAYNE HUGHES - DEK #43	RAVENSWOOD	15.3	ROARING FORK GAS
-KRENNERMAN OIL & GAS CO				RECEIVED:	09/23/82	JA: WV			
8257889		4703500864		108		CARL L MILHOAN 1	GRANT	12.0	GAS TRANSPORT INC
8257860		4703501409		108		CARL MILHOAN MAVLEY MILHOAN I	GRANT	7.0	GAS TRANSPORT INC
8257887		4703500982		108		G M POWELL #1	GRANT	0.0	GAS TRANSPORT INC
8257859		4703501421		108		L E BURDETTE I	GRANT	11.0	GAS TRANSPORT INC
8257888		4703500882		108		LLOYD BURDETTE I	GRANT	5.0	GAS TRANSPORT INC
8257861		4703501392		108		LLOYD BURDETTE II	GRANT	4.0	GAS TRANSPORT INC
8257858		4703501472		108		TOM BURDETTA #1	GRANT	4.0	GAS TRANSPORT INC
-MILLS DRILLING CO INC				RECEIVED:	09/23/82	JA: WV			
8257857		4709901748		107-DV		A U BROWNING #1	UNION DISTRICT	5.4	ROARING FORK GAS
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	09/30/82	JA: WV			
8258097		4701702589		103		CLYDE FRASHURE #1	WOLFPEN RUN	48.0	CONSOLIDATED GAS
8258096		4701702590		103		CLYDE FRASHURE #2	WOLFPEN RUN	25.0	CONSOLIDATED GAS
8258092		4700101102		103		G V HADDIX #1		98.0	CONSOLIDATED GAS
8258089		4704103033		103		HUGH BURKE #2	ASPINALL-FINSTER	43.0	CONSOLIDATED GAS
8258094		4709500816		103		JAMES F DOAN #2A		0.0	CONSOLIDATED GAS
8258091		4704102916		103		JOSEPH WORKMAN #1B	ASPINALL-FINSTER	0.0	CONSOLIDATED GAS
8258090		4704103034		103		JOSEPH WORKMAN #2B	ASPINALL-FINSTER	49.0	CONSOLIDATED GAS
8258095		4708505058		103		NOBLE ROGERS #1	(UNNAMED)	91.0	CONSOLIDATED GAS
8258093		4700101040		103		ROSA HADDIX #1		44.0	CONSOLIDATED GAS
-PETROLEUM RESOURCES INC				RECEIVED:	09/23/82	JA: WV			
8257875		4704103102		103		CLARENCE FINSTER #1A	COURTHOUSE	60.0	CONSOLIDATED GAS
8257876		4704103101		103		GEO ROHRBAUGH 1A	COURTHOUSE	60.0	CONSOLIDATED GAS

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 JD NO    JA DKT         API NO     D SEC(1) SEC(2) WELL NAME                      FIELD NAME              PROD    PURCHASER
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 8257874                 4704103123   103           GEO ROHRBAUGH 2A               COURTHOUSE                60.0  CONSOLIDATED GAS
 8257869                 4702103815   103           N M WELCH #1A                  GLENVILLE                 60.0  CONSOLIDATED GAS
-ROY G HILDRETH ET AL                 RECEIVED:  09/30/82     JA: WV
 8258073                 4708700351   108           JAMES WHITE #1                 NEWTON                     6.0  COLUMBIA GAS TRAN
 8258069                 4708700099   108           L H DRAKE #3                   WALLBACK                   6.0  COLUMBIA GAS TRAN
 8258070                 4708700118   108           L H DRAKE #4                   WALLBACK                   6.0  COLUMBIA GAS TRAN
 8258072                 4708702063   108           L H DRAKE #5                   WALLBACK                   6.0  COLUMBIA GAS TRAN
 8258071                 4708702035   108           L H DRAKE #8                   WALLBACK                   6.0  COLUMBIA GAS TRAN
-SECURITY GAS & OIL INC               RECEIVED:  09/23/82     JA: WV
 8257855                 4707300758   107-DV        IVA H HORNER #1                ARVILLA                   15.0  COLUMBIA GAS TRAN
-UNITED PETRO LTD                     RECEIVED:  09/23/82     JA: WV
 8257902                 4701303332   103           EUGENE E DALE #1               MINNORA GAS               18.0  CONSOLIDATED GAS
 8257903                 4701303314   103           JOHN K CHENOWETH #1            MINNORA GAS FIELD         12.0  CONSOLIDATED GAS
 8257904                 4701303313   103           MAUDE BAILEY #2                MINNORA GAS               18.0  CONSOLIDATED GAS
 8257907                 4701303308   103           SARAH TAYLOR #1                MINNORA GAS FIELD         12.0  CONSOLIDATED GAS
 8257906                 4701303309   103           SARAH TAYLOR #2                MINNORA GAS FIELD         15.0  CONSOLIDATED GAS
 8257905                 4701303312   103           VIRGINIA STARCHER #1           MINNORA GAS               18.0  CONSOLIDATED GAS
-WACO OIL AND GAS CO INC              RECEIVED:  09/23/82     JA: WV
 8257868                 4702103856   107-DV        BOYLES #3A                     GILMER                     5.0  CONSOLIDATED GAS
 8257871                 4702103856   103           BOYLES #3A                     GILMER                     5.0  CONSOLIDATED GAS
 8257856                 4702103798   107-DV        MARSHALL #1A                   GILMER                     6.0  CONSOLIDATED GAS
 8257870                 4702103798   103           MARSHALL #1A                   GILMER                    12.0  CONSOLIDATED GAS
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, METAIRIE,LA
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-CONOCO INC                           RECEIVED:  09/27/82     JA: LA  3
 8258111  G2-2634        1771140501   102-5         SHIP SHOAL 232 A-1             SHIP SHOAL              4524.0  TRANSCONTINENTAL
 8258106  G2-2635        1771140547   102-5         SHIP SHOAL 232 A-2             SHIP SHOAL              1276.0  TRANSCONTINENTAL
-GULF OIL CORPORATION                 RECEIVED:  09/27/82     JA: LA  3
 8258103  G1-2332        1772040086   102-5         OCS-G 1101 WELL G-11 WD BLK 117 WEST DELTA              219.0  TEXAS EASTERN TRA
 8258102  G1-2505        1772040089   102-5         OCS-G 1101 WELL G-12 WD BLK 117 WEST DELTA              316.0  TEXAS EASTERN TRA
-HUNT OIL COMPANY                     RECEIVED:  09/27/82     JA: LA  3
 8258108  G2-2972        1770940481   107-DP        WELL #7 S T 3                  EUGENE ISLAND           1825.0  MICHIGAN WISCONSI
-MARATHON OIL COMPANY                 RECEIVED:  09/27/82     JA: LA  3
 8258107  G2-2978        1772240064 D 107-DP        SOUTH PASS BLK 89 WELL #B-3    SOUTH PASS SOUTHEAST    1087.0  TEXAS EASTERN TRA
-SHELL OFFSHORE INC                   RECEIVED:  09/27/82     JA: LA  3
 8258104  G2-2771        1772540259   102-1         MP 41 OCS-G 4125 #JA-3         MAIN PASS                  6.0  TENNESSEE GAS PIP
-SONAT EXPLORATION COMPANY            RECEIVED:  09/27/82     JA: LA  3
 8258114  G2-2602        1770340226   102-5         EAST CAMERON 45 C-2            EAST CAMERON            1304.6  SOUTHERN NATURAL
 8258113  G2-2601        1770340226   102-5         EAST CAMERON 45 C-2 SIDETRACK  EAST CAMERON            1084.6  SOUTHERN NATURAL
-SUPERIOR OIL CO                      RECEIVED:  09/27/82     JA: LA  3
 8258112  G2-2570        1770740179   102-5         OCS-G-2596 #B-1                SOUTH MARSH ISLAND      1000.0
-CITIES SERVICE COMPANY               RECEIVED:  09/27/82     JA: TX  3
 8258110  G2-2964        4270330267   102-1         MATAGORDA ISLAND 526 C-2       MATAGORDA ISLAND        4007.0  EL PASO NATURAL G
-PENNZOIL COMPANY                     RECEIVED:  09/27/82     JA: TX  3
 8258109  G2-2705        4270940626   102-5         HIGH ISLAND A-459 #C-1         HIGH ISLAND AREA SOUT   1525.0  UNITED GAS PIPE L
 8258105  G2-2708        4270940682   102-5         HIGH ISLAND A-499 #C-6 ST ALT  HIGH ISLAND AREA SOUT   1095.0  UNITED GAS PIPE L
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** BUREAU OF INDIAN AFFAIRS, OSAGE AGENCY, PAWHUSKA,OK
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-ANDOVER OIL COMPANY                  RECEIVED:  09/24/82     JA: OK  8
 8257841                 3511300000   103           DRUMMOND #32-1                                            6.0  TRANSOK PIPE LINE
 8257839                 3511300000   103           KIPP #17-2                                              236.0  TRANSOK PIPE LINE
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                                                                                         VOLUME  763          PAGE  213
 JD NO    JA DKT          API NO       D SEC(1) SEC(2) WELL NAME                         FIELD NAME               PROD   PURCHASER
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 8257840                  3511300000     103             KIPP #17-4                                                0.0 TRANSOK PIPE LINE
 8257842                  3511300000     103             SAVAGE #21-1                                              6.0 PHILLIPS PETROLEU
-ARAPAHO PETROLEUM INCORPORATED         RECEIVED:  09/24/82     JA: OK  8
 8257851                  3511324340     108             SOUTH BUELL #2                                            3.0 PHILLIPS PETROLEU
-C SCOTT VAIL                            RECEIVED:  09/24/82     JA: OK  8
 8257850                  3511300000     103             STUART #4 SW                    SOUTH BARNSDALL          47.8 PHILLIPS PETROLEU
-CENTENNIAL PETROLEUM INC                RECEIVED:  09/24/82     JA: OK  8
 8257844                  3511300000     103             WELL #1 SW1/4 10-23N-12E        AVANT                    20.1 PHILLIPS PETROLEU
 8257845                  3511300000     103             WELL #1-A SW1/4 13-22N-7E       WILDCAT                   1.7 PHILLIPS PETROLEU
 8257843                  3511300000     103             WELL 1 SW1/4 28-23N-12E         WILDCAT                 180.0 PHILLIPS PETROLEU
-COBB OIL & GAS CO                       RECEIVED:  09/24/82     JA: OK  8
 8257852                  3511300000     108             KIPP #1                                                   8.0 ANDOVER OIL CO
 8257854                  3511300000     108             KIPP #1                                                   8.0 ANDOVER OIL CO
 8257853                  3511300000     108             KIPP #2                                                   8.0 ANDOVER OIL CO
-F I OIL CO                              RECEIVED:  09/24/82     JA: OK  8
 8257847                  3511300000     108             WELL #2A SE/4 SECT 29 TWP 22 N RGE= U S TREASURY (ZINK)  18.5 PHILLIPS PETROLEU
-J M GRAVES                              RECEIVED:  09/24/82     JA: OK  8
 8257849                  3511300000     102-4           CODDING #3                      ENFISCO                 100.0 PHILLIPS PETROLEU
 8257848                  3511300000     102-4           WEST ENFISCO #1-B               ENFISCO                  30.0 PHILLIPS PETROLEU
-SHORT OIL CO                            RECEIVED:  09/24/82     JA: OK  8
 8257846                  3511300000     103             JOHN LEE #1                                              54.0 PHILLIPS PETROLEU

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION,
CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.
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BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MHCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
  102–2: New well (2.5 mile rule)
  102–3: New well (1000 ft rule)
  102–4: New onshore reservoir
  102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
  107–CG: Geopressured brine
  107–CS: Coal seams
  107–DV: Devonian shale
  107–PE: Production enhancement
  107–TF: New tight formation
  107–RT: Recompletion tight formation
Section 108: Stripper well
  108–SA: Seasonally affected
  108–ER: Enhanced recovery
  108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

[FR Doc. 82–29967 Filed 11–1–82; 8:45 am]

BILLING CODE 6717–01–M

[Volume 761]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 27, 1982.

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JD NO    JA DKT      API NO     D SEC(1) SEC(2) WELL NAME                          FIELD NAME              PROD  PURCHASER
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  NEW MEXICO DEPARTMENT OF ENERGY & MINERALS
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-ARCO OIL AND GAS COMPANY             RECEIVED:  09/21/82   JA: NM
 8258126             3002509490  108          MCDONALD WN STATE #6         JALMAT (YATES)             2.0 EL PASO NATURAL G
-CLEMENTS ENERGY INC                  RECEIVED:  09/21/82   JA: NM
 8258124             3000561366  102-2        DRUMM COM #1                 WILDCAT (MORROW)         146.0 GAS CO OF NEW MEX
 8258125             3000561233  102-2        KING 35 COM #1               WILDCAT (MORROW)        1100.0 GAS CO OF NEW MEX
-EL PASO NATURAL GAS COMPANY          RECEIVED:  09/21/82   JA: NM
 8258123             3001523493  102-3        C CARRASCO COM #1            UNDESIGNATED MORROW      365.0 EL PASO NATURAL G
-GULF OIL CORPORATION                 RECEIVED:  09/21/82   JA: NM
 8258121             3002525597  103          ARNOTT RAMSAY (NCT-E) #9     JALMAT OIL                28.0 EL PASO NATURAL G
-MWJ PRODUCING COMPANY                RECEIVED:  09/21/82   JA: NM
 8258117             3002500000  103          BAUM 17 STATE #1             BAUM (UPPER PENN)          0.0 WARREN PETROLEUM
-NORTHWEST PIPELINE CORPORATION       RECEIVED:  09/21/82   JA: NM
 8258116             3003922302  107-TF       SAN JUAN 31-6 UNIT #38       BASIN DAKOTA             110.0 NORTHWEST PIPELIN
 8258115             3003922305  107-TF       SAN JUAN 31-6 UNIT 37        BASIN DAKOTA              95.0 NORTHWEST PIPELIN
-PHILLIPS PETROLEUM COMPANY           RECEIVED:  09/21/82   JA: NM
 8258118             3002527418  103          EV GB/SA UNIT TRACT 1881 #1  VACUUM GRAYBURG/SAN A      1.0 EL PASO NATURAL G
 8258119             3002527764  103          PHILMEX #16                  LEAMEX (PADDOCK)          20.0 EL PASO NATURAL G
 8258120             3002527765  103          PHILMEX #17                  MALJAMAR GRAYBURG/SAN     33.0 EL PASO NATURAL G
-YATES PETROLEUM CORPORATION          RECEIVED:  09/21/82   JA: NM
 8258122             3001523961  103          ANDERSON "CS" STATE #2       PENASCO DRAW PERMO PE      0.0 TRANSWESTERN PIPE
*****************************************************************
 " TEXAS RAILROAD COMMISSION
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-ADOBE OIL & GAS CORPORATION          RECEIVED:  10/01/82   JA: TX
 8300216 F-08-056307 4247532182  103          BARSTOW "23" #1              SCOTT (CHERRY CANYON)     47.0 TRANSWESTERN PIPE
-AMAREX INC                           RECEIVED:  10/01/82   JA: TX
 8300143 F-10-054059 4221131443  103          LITTLE #6-30                 HEMPHILL FIELD             0.0 ARKANSAS LOUISIAN
-AMARILLO OIL COMPANY                 RECEIVED:  10/01/82   JA: TX
 8300005 F-10-007481 4206500000  108-ER       HODGES #1 25394              WEST PANHANDLE             7.3 PIONEER NATURAL G
-AMINOIL USA INC                      RECEIVED:  10/01/82   JA: TX
 8300006 F-02-033068 4229732408  102-4  103   EL PASO NATURAL GAS CO #5    CHAPA EAST (MASSIVE A    182.0 EL PASO NATURAL G
 8300006 F-02-033068 4229732408  107-TF       EL PASO NATURAL GAS CO #5    CHAPA EAST (MASSIVE A    182.0 EL PASO NATURAL G
-AMOCO PRODUCTION CO                  RECEIVED:  10/01/82   JA: TX
 8300194 F-06-055784 4220330854  102-4  107-TF DELCIA M YOUNG B #1         BLOCKER (COTTON VALLE    206.0 UNITED GAS PIPELI
-ANDERSON PETROLEUM INC               RECEIVED:  10/01/82   JA: TX
 8300061 F-7C-049799 4210533884  103    107-TF ALMEDA M HOOVER "B-1" 4-21A OZONA (CANYON SAND)       75.0 ANDERSON PIPELINE
 8300036 F-7C-046795 4210531151  108          DOROTHYHENDERSON PIERCE 1-5  OZONA (CANYON SAND)        6.0 ANDERSON PIPELINE
 8300122 F-7C-053257 4210533922  103    107-TF GENERAL CRUDE 1-4           AMERICAN (CANYON)         75.0 ANDERSON PIPELINE
 8300101 F-7C-051588 4243532522  103    107-TF GUY WYATT ASKEW "D" 2-31    SAWYER (CANYON)           75.0 SUTTON COUNTY PIP
 8300116 F-7C-052577 4210533982  103    107-TF HUTCHINGS "A" 1-43          OZONA (CANYON SAND)       60.0 ANDERSON PIPELINE
 8300115 F-7C-052519 4210533901  103    107-TF HUTCHINGS 2-35              OZONA (CANYON SAND)       64.0 ANDERSON PIPELINE
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8300038	F-7C-046824	4210531147		108		IRA CARSON "H" 3-1	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8300035	F-7C-046794	4210531651		108		J S PIERCE "K" 6-17	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8300157	F-7C-054564	4210533921		103	107-TF	JOE FRIEND ESTATE "A" 4-25	ALDWELL RANCH (CANYON	200.0	OZONA PIPELINE CO
8300107	F-7C-052264	4243532580		103	107-TF	JOE FRIEND ESTATE 2-27	ALDWELL RANCH (CANYON	100.0	OZONA PIPELINE CO
8300037	F-7C-046801	4210532197		108		LAURA HOOVER ESTATE "A" 3-41	OZONA (CANYON SAND)	0.0	ANDERSON PIPELINE
8300106	F-7C-052261	4210532317		107-TF		TOM MITCHELL-STATE "20" #2	OZONA (CANYON SAND)	75.0	ANDERSON PIPELINE
-ANN C FATHEREE				RECEIVED:		10/01/82 JA: TX			
8300049	F-10-049007	4206531019		103		POLING A-2	WEST PANHANDLE FIELD	150.0	J M HUBER CORP
8300052	F-10-049010	4206500000		103		POLING B-3	WEST PANHANDLE	205.0	PANHANDLE EASTERN
8300050	F-10-049008	4206531018		103		POLING C-2	WEST PANHANDLE	120.0	PANHANDLE EASTERN
8300053	F-10-049011	4237530872		103		SUMMERS 2-311	WEST PANHANDLE	90.0	PANHANDLE EASTERN
-ARAPAHO PETROLEUM INCORPORATED				RECEIVED:		10/01/82 JA: TX			
8300238	F-06-056593	4206700000		108		FARRIER #8	RODESSA (HILL)	2.0	BRECKENRIDGE GASO
8300237	F-06-056592	4206700000		108		WILLIS #4	RODESSA (HILL)	5.0	BRECKENRIDGE GASO
-ARCO OIL AND GAS COMPANY				RECEIVED:		10/01/82 JA: TX			
8300369	F-08-057255	4200333117		103		GOLDSMITH N SAN ANDRES CONS U #38	GOLDSMITH N (SAN ANDR	1.0	PHILLIPS PETROLEU
8300370	F-08-057256	4200333065		103		HELEN P CHESLEY #2	FULLERTON (SAN ANDRES	2.0	PHILLIPS PETROLEU
8300089	F-04-051105	4221531207		103		R C PAGE GAS UNIT #4	TABASCO (X)	700.0	TENNESSEE GAS PIP
8300098	F-04-051498	4221530873		103		SWALLOW GAS UNIT #4X-UT	DONNA (RICE 5)	665.0	TENNESSEE GAS PIP
8300396	F-08-057324	4200333192		103		UNIVERSITY 11 SEC 13 #B-4	MARTIN (CLEARFORK LO)	33.0	PHILLIPS PETROLEU
8300368	F-08-057254	4200332876		103		UNIVERSITY 19B #5	TRIPLE - N (GRAYBURG)	0.4	EL PASO NATURAL G
8300276	F-8A-057000	4250131991		103		WILLARD UNIT #1-C	WASSON	0.1	SHELL OIL CO
8300277	F-8A-057001	4250132009		103		WILLARD UNIT #43-C	WASSON	30.0	SHELL OIL CO
-BEACH EXPLORATION INC				RECEIVED:		10/01/82 JA: TX			
8300258	F-8A-056787	4203330779		103		SHORTES #1	ACKERLY (DEAN)	26.0	TEXACO INC
-BILL FORNEY INC				RECEIVED:		10/01/82 JA: TX			
8300123	F-02-053286	4229700000		102-4		A H STEINMEYER #6 (RRC# NA)	HOUDMAN (PETTUS "B")	11.0	TRANSCONTINENTAL
-BLUE JAY EXPLORATION CO				RECEIVED:		10/01/82 JA: TX			
8300047	F-02-048721	4212300000		102-4	103	EDWINA HOFF #1	ARNECKEVILLE S (Y-1 O	70.0	VALERO TRANSMISSI
-BORDER EXPLORATION CO				RECEIVED:		10/01/82 JA: TX			
8300121	F-04-053256	4242731543		103		NIMMO G U #1 2-R	YZAGUIRRE (8600*VICKS	111.0	VALERO TRANSMISSI
-BRIDWELL OIL CO				RECEIVED:		10/01/82 JA: TX			
8300247	F-09-056728	4207731925		103		SCALING RANCH "H" #30	LAZY "B" STRAWN	10.0	FAGADAU ENERGY CO
8300248	F-09-056732	4207731996		103		SCALING RANCH "H" #33	SCALING RANCH S (MOBL	5.0	FAGADAU ENERGY CO
8300974	F-09-050762	4223700000		103		SMITH-COOPER UNIT #3	CATLIN (CADDO CONGL)	150.0	CITIES SERVICE CO
-BTA OIL PRODUCERS				RECEIVED:		10/01/82 JA: TX			
8300395	F-08-057323	4237133603		107-DP		GRANDE #4 8004 JV-P	PECOS GRANDE (ELLENBU	2700.0	LONE STAR GAS CO
8300208	F-8A-056142	4211531693		103		WELCH SE (SPRABERRY) UNIT #1-11	WELCH S E (SPRABERRY)	10.0	PHILLIPS PETROLEU
8300187	F-08-055474	4247532616		103		7513 JV-S SUN #6	WARD-ESTES NORTH	7.3	CABOT PIPELINE CO
-BURNETT CORPORATION				RECEIVED:		10/01/82 JA: TX			
8300048	F-10-049006	4206530995		103		POLING 2-26	WEST PANHANDLE FIELD	165.0	PANHANDLE EASTERN
8300051	F-10-049009	4206530996		103		POLING 5-26	WEST PANHANDLE	120.0	PANHANDLE EASTERN
-C & K PETROLEUM INC				RECEIVED:		10/01/82 JA: TX			
8300388	F-10-057312	4235731113		102-4		SANTA FE #1	LOCKHART (MORROW BASA	160.0	AMERICAN PIPELINE
-CHALMERS OPERATING CO INC				RECEIVED:		10/01/82 JA: TX			
8300046	F-7B-048404	4209330816		102-4		PRITCHARD #1 17247	CHARLIES (MISSISSIPPI	0.0	LONE STAR GAS CO
-CHAMPLIN EXPLORATION INC				RECEIVED:		10/01/82 JA: TX			
8300385	F-03-057296	4214931065		102-2		ADELE JANCA #1 (RRC ID# 14994)	GIDDINGS (BUDA)	4.2	PHILLIPS PETROLEU
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:		10/01/82 JA: TX			
8300057	F-03-049641	4205100000		102-2	103	HORACE JACKSON JR #1	GIDDINGS (AUSTIN CHAL	0.0	FERGUSON CROSSING
-CHARLES E HANNON				RECEIVED:		10/01/82 JA: TX			
8300099	F-08-051517	4232900000		108		B T HALE #1	SPRAYBERRY	0.0	PHILLIPS PETROLEU
-CHAS-MANN PETROLEUM INC				RECEIVED:		10/01/82 JA: TX			

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                                                                                          VOLUME  761        PAGE  03
 JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME            PROD  PURCHASER
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 8300245  F-78-056703   4213333797    102-4          CHARLES G PENCE - P C #2          P CAMERON (MARBLE FAL    0.0 EL PASO HYDROCARB
-CHEVRON U S A INC                     RECEIVED:  10/01/82    JA: TX
 8300386  F-8A-057299   4241532197    103            SACROC UNIT #123-6                KELLY - SNYDER          26.0 EL PASO NATURAL G
 8300387  F-8A-057300   4241532223    103            SACROC UNIT #124-9                KELLY - SNYDER           4.0 EL PASO NATURAL G
 8300286  F-8A-057019   4241532184    103            SACROC UNIT #138-10               KELLY - SNYDER          85.0 EL PASO NATURAL G
 8300287  F-8A-057020   4241532246    103            SACROC UNIT #138-11               KELLY - SNYDER          87.0 EL PASO NATURAL G
 8300399  F-8A-057334   4241532225    103            SACROC UNIT #55-6                 KELLY - SNYDER          46.0 EL PASO NATURAL G
 8300341  F-8A-057173   4241532247    103            SACROC UNIT #56-15                KELLY - SNYDER          25.0 EL PASO NATURAL G
 8300340  F-8A-057172   4241532222    103            SACROC UNIT #57-7                 KELLY - SNYDER          16.0 EL PASO NATURAL G
 8300288  F-8A-057021   4241532196    103            SACROC UNIT #62-11                KELLY - SNYDER          44.0 EL PASO NATURAL G
-CIRCLE SEVEN PRODUCTION CO            RECEIVED:  10/01/82    JA: TX
 8300199  F-09-055896   4223734485    103            J C PIGG #1                       YOUNGER W (CADDO CONG    0.0 LONE STAR GAS CO
-CLOVER ENERGY CORP                    RECEIVED:  10/01/82    JA: TX
 8300148  F-78-054290   4221531185    102-4          RAJO DEVELOPMENT CO #1            HEIDELBERG NW (FRIO B  106.0 VALERO INTERSTATE
-COLLIER DIAMOND C OILS INC            RECEIVED:  10/01/82    JA: TX
 8300207  F-08-056136   4231732521    103            NANCY #1                          SULPHUR DRAW (8790 DE    0.0 GETTY OIL CO
-COLORADO INTERSTATE GAS CO            RECEIVED:  10/01/82    JA: TX
 8300012  F-10-040564   4237530753    103            MASTERSON 106H                    PANHANDLE WEST (RED C   95.0 COLORADO INTERSTA
-COMMAND PETROLEUM CORP                RECEIVED:  10/01/82    JA: TX
 8300289  F-78-056188   4236732218    102-4          CAROTHERS #1                      MARMAC (MARBLE FALLS)  648.0 TEXAS UTILITIES F
-CONOCO INC                            RECEIVED:  10/01/82    JA: TX
 8300306  F-08-057067   4238900000    108            FORD-GERALDINE UNIT #225 ID#21021 GERALDINE FORD           0.3 EL PASO NATURAL G
 8300307  F-08-057068   4238900000    108            FORD-GERALDINE UNIT #28 ID #21021 GERALDINE-FORD           0.5 EL PASO NATURAL G
 8300321  F-08-057126   4238900000    108            FORD-GERALDINE UNIT #6 ID #21021  GERALDINE-FORD           1.1 EL PASO NATURAL G
 8300305  F-08-05706    4238900000    108            G E RAMSEY JR #8 ID #21020        GERALDINE FORD           6.6 EL PASO NATURAL G
 8300323  F-08-057128   4213532767    108            H S FOSTER -A- #16 ID #16154      SOUTH COWDEN             0.1 PHILLIPS PETROLEU
 8300322  F-78-057127   4243300000    108            I S MCMILLIN -A- #1 ID #12251     FRANKIRK E /PALO PINT    0.7 CITIES SERVICE CO
 8300279  F-04-057005   4242700000    108            M M GARCIA D 938 #14              BOYLE (3100 FT)          3.6 TENNESSEE GAS PIP
 8300308  F-08-057069   4210931357    108            RAMSEY "22" #5 ID #24217          FORD WEST                1.8 EL PASO NATURAL G
 8300324  F-7C-057129   4238330260    108            UNIVERSITY #60 ID #00229          BIG LAKE                 2.4 DORCHESTER GAS PR
 8300200  F-08-055956   4200333158    103            UNIVERSITY "A" #9 ID # NOT ASSIGNED FULLERTON (8500*)     21.2 PHILLIPS PETROLEU
 8300325  F-08-057130   4213500000    108            WIGHT UNIT #54 ID #20661          NORTH COWDEN             1.5 AMOCO PRODUCTION
-CORDOVA RESOURCES INC                 RECEIVED:  10/01/82    JA: TX
 8300351  F-78-057202   4213333748    103            NORTH PIONEER UNIT #1005          EASTLAND COUNTY REGUL    1.2 ODESSA NATURAL GA
 8300343  F-78-057178   4213333749    103            NORTH PIONEER UNIT #1203          EASTLAND COUNTY REGUL   11.1 ODESSA NATURAL GA
 8300352  F-78-057203   4213333650    103            NORTH PIONEER UNIT #1607          EASTLAND COUNTY REGUL    1.5 ODESSA NATURAL GA
 8300263  F-78-056910   4213333610    103            NORTH PIONEER UNIT #1721          EASTLAND COUNTY REGUL    5.5 ODESSA NATURAL CO
 8300344  F-78-057180   4213333761    103            NORTH PIONEER UNIT #908           EASTLAND COUNTY REGUL    6.9 ODESSA NATURAL GA
 8300342  F-78-057177   4213333649    103            NORTH PIONEER UNIT NO 1609        EASTLAND COUNTY REGUL    2.9 ODESSA NATURAL GA
 8300246  F-78-056712   4213333110    103            SOOTER "A" #1                     EASTLAND COUNTY REGUL    7.9 SOUTHWESTERN GAS
-CORPUS CHRISTI OIL AND GAS CO         RECEIVED:  10/01/82    JA: TX
 8300160  F-04-054660   4200730687    102-4          STATE TRACT 94 WELL #1            BARTELL PASS (FRIO M-    0.0 CENTRAL POWER & L
-COSTA RESOURCES INC                   RECEIVED:  10/01/82    JA: TX
 8300239  F-38-056595   4210332843    102-4          ROGERS #3                         COSTA (CLEARFORK UPPE    0.0 PERRY PIPELINE CO
-CRB OIL & GAS INC                     RECEIVED:  10/01/82    JA: TX
 8300093  F-01-051309   4250731650    102-4          LEE RANCH #1C                     LEE RANCH (SAN MIGUEL  150.0 INTERNORTH INC
-DALLAS SUNBELT OIL & GAS INC          RECEIVED:  10/01/82    JA: TX
 8300294  F-78-057039   4213333684    102-4          KIRK #7                           RANGER NW (MARBLE FAL  116.0 LONE STAR GAS CO
-DIAMOND SHAMROCK CORPORATION          RECEIVED:  10/01/82    JA: TX
 8300028  F-10-045857   4239330862    103            SUSAN B KAUFMAN #7-81             MENDOTA NW              17.0
-DISCORBIS OIL CO                      RECEIVED:  10/01/82    JA: TX
 8300186  F-04-055431   4213136075    102-4          JULIA S MONTEMAYOR #4             MONTEMAYOR (5500*)     180.0 VALLEY GAS TRANSM
-DONALD W JACKSON                      RECEIVED:  10/01/82    JA: TX
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8300014	F-10-042575	4206500000		108		SIMMS-B-(00046) #1-A	PANHANDLE CARSON COUN	3.0	CABOT PIPELINE CO
8300015	F-10-042576	4206500000		108		SIMMS-B-(00046) #1-C	PANHANDLE CARSON COUN	3.0	CABOT PIPELINE CO
-DRILLERS ENERGY SEARCH INC				RECEIVED:		10/01/82 JA: TX			
8300081	F-04-051025	4240931613		102-4		F D SMITH #2	HIBERNIA (5000)	0.0	HOUSTON PIPELINE
-DYNASTY EXPLORATION & DEVELOPMENT I				RECEIVED:		10/01/82 JA: TX			
8300326	F-7C-057131	4245130945		103		KUBENKA #1	SUSAN PEAK NORTH (CAN	33.0	ARCO OIL & GAS CO
8300337	F-7C-057160	4245130866		103		O A CROOK #1	SUSAN PEAK NORTH (CAN	32.0	ARCO OIL & GAS CO
8300327	F-7C-057132	4245130944		103		O A CROOK #2	SUSAN PEAK NORTH (CAN	30.0	ARCO OIL & GAS CO
-EARL T WARREN				RECEIVED:		10/01/82 JA: TX			
8300162	F-7C-054691	4230730649		102-4		BEN BRADLEY #1	WARREN (CANYON)	34.0	ODESSA NATURAL CO
-ECHO PRODUCTION INC				RECEIVED:		10/01/82 JA: TX			
8300215	F-7B-050261	4236332809		103		STOCKSTILL #1	STOCKSTILL (2200) FIE	60.0	SOUTHWESTERN GAS
-EDWIN L COX				RECEIVED:		10/01/82 JA: TX			
8300141	F-10-054022	4221131405		103		POUNDS #1-17	MENDOTA EAST	182.5	PIONEER CORP
-ENERGY RESOURCES OIL & GAS CORP				RECEIVED:		10/01/82 JA: TX			
8300087	F-01-051077	4217731207		103		BORCHER #2	PEACH CREEK (AUSTIN C	109.5	TIPPERARY OIL & G
-ENSERCH EXPLORATION INC				RECEIVED:		10/01/82 JA: TX			
8300188	F-7C-055481	4213760000		103	107-TF	WALLACE 65 #3	SAWYER (CANYON)	120.0	LONE STAR GAS CO
-EXXON CORPORATION				RECEIVED:		10/01/82 JA: TX			
8300372	F-06-057262	4221330716		102-2	107-TF	A P BATCHELOR GAS UNIT 1-1	BLOCKER (COTTON VALLE	200.0	DELHI GAS PIPELIN
8300197	F-09-055863	4222732698		102-4		AURELIA SWAFFORD #1	DORLAND (FUSSELMAN)	3.0	
8300168	F-08-054962	4249531483		103		BROWN-ALTMAN B #32	EMPEROR EAST	99.0	PIONEER NATURAL G
8300371	F-06-057260	4210830518		102-4	107-TF	CHRISTOPHER B CARTER EST GU #1	GLADEWATER S (HAYNESV	1000.0	TEJAS GAS CORP
8300374	F-06-057267	4218330519		102-4	107-TF	HAROLD JOHNSON GAS UNIT 1 #2	GLADEWATER S (HAYNESV	182.5	TEJAS GAS CORP
8300375	F-06-057268	4242330461		102-2	107-TF	JESSE R ODOM #1	OVERTON (COTTON VALLE	350.0	ARMCO STEEL CORP
8300373	F-06-057266	4218330473		102-4	107-TF	JOHN BEN SHEPPARD GAS UNIT 1 #4	GLADEWATER S (HAYNESV	200.0	TEJAS GAS CORP
8300398	F-04-057333	4227331684		103		K R BORREGOS M-35-E (100199)	BORREGOS (ZONE V-35)	1095.0	ARMCO STEEL CORP.
8300397	F-04-057329	4235531797		103		K R EAST LAURELES G-46-F (099831)	LAGUNA LARGA (C-1 IV)	740.0	ARMCO STEEL CORP
8300176	F-08-055327	4200333154		103		MEANS/SAN ANDRES/UNIT #2958	MEANS	15.0	PHILLIPS PETROLEU
8300314	F-04-057090	4226130718		103		SARITA FIELD OIL & GAS 175 #10069	SARITA (5-E SW)	4.0	NATURAL GAS PIPEL
-FAGADAU ENERGY CORP				RECEIVED:		10/01/82 JA: TX			
8300316	F-09-057106	4207732628		103		SCALING RANCH "A" #2 RRC #22008	BELLEVUE WEST (CADDO)	365.0	BLUEGROVE GASOLIN
-FAGIN PRODUCTION CORP				RECEIVED:		10/01/82 JA: TX			
8300092	F-09-051307	4249732146		103		PTC DONALDSON #1	WISE COUNTY REGULAR	35.0	LONE STAR GAS CO
-FAMCO OIL INC				RECEIVED:		10/01/82 JA: TX			
8300165	F-7B-054855	4223300000		103		CONTINENTAL- SANFORD #11 RRC #C0919	PANHANDLE HUTCHINSON	0.0	PHILLIPS PETROLEU
-FISHER-WEBB INC				RECEIVED:		10/01/82 JA: TX			
8300296	F-7B-057041	4244132174		103		FAIN ESTATE #1	LAKE ABILENE (4000)	80.0	FORT CHADBOURNE C
8300295	F-7B-057040	4244132149		103		STOCKTON #2	LAKE ABILENE (4000)	5.0	FORT CHADBOURNE C
-FOREST OIL CORPORATION				RECEIVED:		10/01/82 JA: TX			
8300132	F-04-053722	4221531166		103	107-TF	A A MCALLEN #24	MCALLEN RANCH (VICKSB	500.0	VALERO TRANSMISSI
-GARY D TURNER DBA TURNER PROPERTIES				RECEIVED:		10/01/82 JA: TX			
8300041	F-8A-047127	4211531569		103		HANSON #1	GIN (SPRABERRY)	36.5	PHILLIPS PETROLEU
-GENERAL PRODUCTION CORP				RECEIVED:		10/01/82 JA: TX			
8300108	F-03-052333	4205100000		102-2		BUD #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
8300039	F-03-046846	4228700000		102-2	103	H H COFFIELD ESTATE UNIT 1 #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-GEOSOUTHERN ENERGY CORP				RECEIVED:		10/01/82 JA: TX			
8300182	F-03-055424	4204100000		102-2	103	LOEHR UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
8300181	F-03-055421	4205100000		102-2	103	ROSELLA #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO
-GETTY OIL COMPANY				RECEIVED:		10/01/82 JA: TX			
8300275	F-7B-056999	4243331430		103		FLOWERS CANYON SAND UNIT #218	FLOWERS (CANYON SAND)	3.0	CITIES SERVICE CO
8300274	F-7B-056998	4243331429		103		FLOWERS CANYON SAND UNIT #219	FLOWERS (CANYON SAND)	5.0	CITIES SERVICE CO
8300273	F-7B-056997	4243331431		103		FLOWERS CANYON SAND UNIT #220	FLOWERS (CANYON SAND)	6.0	CITIES SERVICE CO

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 JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME                PROD  PURCHASER
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 8300272  F-78-056996   4243331428    103           FLOWERS CANYON SAND UNIT #222      FLOWERS (CANYON SAND)      0.0 CITIES SERVICE CO
 8300271  F-78-056995   4243331438    103           FLOWERS CANYON SAND UNIT #223      FLOWERS (CANYON SAND)      2.0 CITIES SERVICE CO
-GHR ENERGY CORP                       RECEIVED:  10/01/82    JA: TX
 8300149  F-04-054405   4250531427    102-4         ASCHE #4                           CHARCO (9200)            200.0 VALERO TRANSMISSI
-GLENCO OIL & GAS CO                   RECEIVED:  10/01/82    JA: TX
 8300304  F-01-057065   4216330857    103           KATIE ROBERTS (05344) #1           PEARSALL (AUSTIN-CHAL      4.5 TIPPERARY CORP
 8300301  F-01-057062   4216331716    103           KATY ROBERTS A (06629) #1          PEARSALL (AUSTIN CHAL      4.0 TIPPERARY CORP
 8300300  F-01-057061   4216331752    103           KATY ROBERTS A (C6C29) #2          PEARSALL (AUSTIN CHAL      4.0 TIPPERARY CORP
 8300299  F-01-057059   4216331837    103           KATY ROBERTS A (06029) #4          PEARSALL (AUSTIN CHAL      4.0 TIPPERARAY CORP
 8300303  F-01-057064   4216331882    103           M B SHEPPARD A (06765) #1          PEARSALL (AUSTIN-CHAL      3.0 ESPERANZA TRANSMI
 8300302  F-01-057063   4216331814    103           RAYMOND SHEPPARD (05417) #2        PEARSALL (AUSTIN-CHAL     12.4 ESPERANZA TRANSMI
-GO OIL CORP                           RECEIVED:  10/01/82    JA: TX
 8300095  F-09-051330   4232734095    102-4         COOPER #1                          BARFIELD (CONGLOMERAT      0.0 LONE STAR GAS CO
 8300096  F-09-051331   4223733452    102-4         RAINWATER #1                       BARFIELD (CONGLOMERAT      0.0 LONE STAR GAS CO
-GOLDEN PETOLEUM                       RECEIVED:  10/01/82    JA: TX
 8300205  F-09-055086   4223734321    102-4         WOODHOUSE #6                       STRAHAN (MARBLE FALLS     36.0 LONE STAR GAS CO
-GOLDSTON OIL CORP                     RECEIVED:  10/01/82    JA: TX
 8300009  F-03-036916   4215731096    103           HELEN J FARMER "A" #1              NEEDVILLE (BLK 5 FRIO    150.0 PHILLIPS PETROLEU
-GULF OIL CORPORATION                  RECEIVED:  10/01/82    JA: TX
 8300320  F-03-057125   4219931683    103           FOUNTAIN FEE #3                    SARATOGA W                 4.0 MATADOR PIPELINE
 8300161  F-10-054682   4229531004    103           HAROLD PEERY #5-766                PEERY CLEVELAND          340.0 TRANSWESTERN PIPE
 8300378  F-03-057278   4204130473    102-2         PETE J PALASOTA #1                 KURTEN (AUSTIN CHALK)      3.0
 8300350  F-10-057201   4219560111    108           R W THOMAS #1                      GRUVER NORTH              18.0 TRANSWESTERN PIPE
 8300338  F-03-057162   4219931609    103           SAM BASHARA #12                    SARATOGA WEST             30.0 MATADOR PIPELINE
 8300339  F-03-057170   4219931610    103           SAM BASHARA #13                    SARATOGA WEST             15.0 MATADOR PIPELINE
-H L BROWN JR                          RECEIVED:  10/01/82    JA: TX
 8300171  F-10-055142   4248330598    108           G EDWARDS 090608                   LOTT RANCH (MORROW UP      1.1 MICHIGAN-WISCONSI
-HARDWICK OIL CO                       RECEIVED:  10/01/82    JA: TX
 8300174  F-02-055167   4246931860    102-4         HENRY SIEVERS UNIT #1              RAISIN (4190)            220.0 TRUNKLINE GAS CO
-HENDERSON CLAY PRODUCTS INC           RECEIVED:  10/01/82    JA: TX
 8300164  F-06-054812   4240131423    102-2  107-TF ALICE CHRISTIAN ESTATE #1          HENDERSON N (COTTON V    730.0 B & A PIPELINE
 8300170  F-06-055136   4240131433    102-2  107-TF ALICE CHRISTIAN GAS UNIT -A- #1    HENDERSON N (COTTON V    675.0 B & A PIPE LINE
-HENRY ENERGY CORP                     RECEIVED:  10/01/82    JA: TX
 8300195  F-78-055785   4236700000    102-4         WILLIAMS UNIT #1                   MARMAC                   150.0 SOUTHWESTERN GAS
-HILL INTERNATIONAL PRODUCTION CO      RECEIVED:  10/01/82    JA: TX
 8300013  F-06-041387   4240141282    103    107-TF EUNICE B STEPHENS #3               OAK HILL (COTTON VALL      0.0
-HNG OIL COMPANY                       RECEIVED:  10/01/82    JA: TX
 8300120  F-04-053147   4247900000    102-4  103    HIRSCH ESTATE "197" #1             JUANITA (LOBO) UPPER       0.0 HOUSTON PIPELINE
 8300120  F-04-053147   4247900000    107-TF        HIRSCH ESTATE "197" #1             JUANITA (LOBO) UPPER       0.0 HOUSTON PIPELINE
 8300103  F-08-052124   4243130919    107-TF        MCENTIRE "22" #2                   CREDO E (CISCO UPPER)    440.9 INTRATEX GAS CO
 8300113  F-08-052346   4243100000    107-TF        MCENTIRE "28" #2                   CREDO E (CISCO UPPER)    276.3 INTRATEX GAS CO
 8300105  F-08-052126   4243130995    107-TF        MCENTIRE "34" #2                   CREDO E (CISCO UPPER)    873.8 INTRATEX GAS CO
 8300110  F-08-052343   4243100000    107-TF        WILKINSON "12" #2                  CREDO E (CISCO UPPER)    419.4 INTRATEX GAS CO
 8300111  F-08-052344   4243100000    107-TF        WILKINSON "182" #1                 CREDO E (CISCO UPPER)    219.7 INTRATEX GAS CO
 8300112  F-08-052345   4243100000    107-TF        WILKINSON "3" #2A                  CREDO E (CISCO UPPER)    308.4 INTRATEX GAS CO
 8300104  F-08-052125   4243130916    107-TF        WILKINSON "4" #2                   CREDO E (CISCO UPPER)    220.1 INTRATEX GAS CO
 8300109  F-08-052342   4243100000    107-TF        WILKINSON "9" #2                   CREDO E (CISCO UPPER)    409.5 INTRATEX GAS CO
-HOLIDAY RESOURCES INC                 RECEIVED:  10/01/82    JA: TX
 8300249  F-04-056739   4213135803    102-4         T CREWS #1-C (NO ID # ASSIGNED YET) REYES 12240 (PROPOSED   200.0 ESPERANZA TRANSMI
 8300250  F-04-056740   4213135800    102-4         T CREWS #1T (NO ID # ASSIGNED YET)  REYES (2650)            200.0 ESPERANZA TRANSMI
 8300228  F-04-056498   4213135855    102-4         T CREWS #4 (NO ID ASSIGNED YET)     REYES 2500               66.0 ESPERANZA TRANSMI
-HOMABY BAY PETROLEUM CORP             RECEIVED:  10/01/82    JA: TX
 8300072  F-04-050728   4221500000    103           RYMAN UNIT #1                      MCCOOK EAST             1080.0 TEXCOL GAS SERVIC
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-HOUSTON OIL & MINERALS CORPORATION				RECEIVED:	10/01/82	JA: TX			
8300066	F-03-050324	4228730959		103		VICTOR A SYMM #3	GIDDINGS (AUSTIN CHAL	0.0	PGP GAS PRODUCTS
-HUFO PRODUCTION CORP				RECEIVED:	10/01/82	JA: TX			
8300059	F-10-049690	4234130657		103		BRENT 61-1	BRENT (PANHANDLE MOOR	0.0	PANHANDLE EASTERN
8300058	F-10-049687	4234130654		103		BRENT 61-4	BRENT (PANHANDLE MOOR	0.0	PANHANDLE EASTERN
-HUMBLE EXPLORATION CO INC				RECEIVED:	10/01/82	JA: TX			
8300018	F-03-043673	4247700000		102-2	103	BERNICE MUELLER #1	GIDDINGS (AUSTIN CHAL	0.0	PHILLIPS PETROLEU
-HUNT OIL COMPANY				RECEIVED:	10/01/82	JA: TX			
8300244	F-04-056693	4270230177		102-4		STATE LEASE 74582 #2	BLOCK 772 (CIB HAZ)	2500.0	TENNGASCO GAS GAT
-INTERNATIONAL WESTERN OIL CORP				RECEIVED:	10/01/82	JA: TX			
8300349	F-7C-057199	4232733010		102-4		U E ROGERS D-1 ID #95209	SOUTH TUCKMAR (STRAWN	100.0	SUN GAS CO
-J D THOMAS				RECEIVED:	10/01/82	JA: TX			
8300210	F-7C-056190	4241331339		103	107-TF	FRED CASE #2	VELREX SW (CANYON)	66.6	INTERNORTH INC
-J M HAMILTON				RECEIVED:	10/01/82	JA: TX			
8300144	F-04-054082	4213100000		102-4		A S SALINAS #1	J R (4400)	100.0	VALERO TRANSMISSI
-J W FITZGERALD				RECEIVED:	10/01/82	JA: TX			
8300125	F-06-053519	4240131391		102-4		BINNIE CONWAY OIL UNIT 10751	MINDEN (TRAVIS PEAK L	0.0	TEXAS UTILITIES F
8300127	F-06-053521	4240131382		102-4		CHARLES KILMER OIL UNIT #1 10761	MINDEN (TRAVIS PEAK L	0.0	TEXAS UTILITIES F
8300126	F-06-053520	4240131373		102-4		DAVID KILMER OIL UNIT #1 10752	MINDEN (TRAVIS PEAK L	240.0	TEXAS UTILITIES F
8300133	F-06-053750	4240131404		102-4		G ANDERSON 10737	MINDEN E (TRAVIS PEAK	0.0	TEXAS UTILITIES F
-J-B PRODUCTION CO				RECEIVED:	10/01/82	JA: TX			
8300281	F-7C-057008	4239931911		103		B J MACHANN OLD BLUE #2 098611	BALLINGER WEST GARDNE	0.0	INTERSERV-GAS INC
-JACK JOHNSON JR				RECEIVED:	10/01/82	JA: TX			
8300118	F-10-053045	4234100000		103		LOEBER #8 RRC #61798	PANHANDLE HUTCHINSON	127.8	PHILLIPS PETROLEU
-JIM GUINN				RECEIVED:	10/01/82	JA: TX			
8300076	F-09-050943	4207700000		103		C E SPEARS #1	BELLEVUE N (CONGL)	139.0	LONE STAR GAS CO
8300128	F-09-053586	4207700000		103		C E SPEARS #2	BELLEVUE N (CONGL)	139.0	LONE STAR GAS CO
-JOHN L COX				RECEIVED:	10/01/82	JA: TX			
8300085	F-7C-051037	4238332224		103		BALL "D" #1-X	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8300086	F-8A-051041	4211500000		103		GRAVES B #1	ACKERLY (DEAN SAND)	5.0	GETTY OIL CO
8300078	F-08-050980	4231700000		103		INEZ WOODY C #1-X RRC #21970	SPRABERRY (TREND AREA	10.0	ALPINE OIL CO
8300080	F-08-050986	4231700000		103		J C MOTT #3 RRC #16064	SPRABERRY (TREND AREA	5.0	PHILLIPS PETROLEU
8300137	F-08-053924	4246131912		103		JOHN NAYLOR #1	BENCOUM (FUSSELMAN)	10.0	PHILLIPS PETROLEU
8300033	F-7C-046154	4246131850		103		NEAL "24" #1	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8300056	F-7C-049465	4246131876		103		POWELL "16" #4 #09133	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8300032	F-7C-046152	4246131852		103		POWELL "20" #2	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8300082	F-7C-051031	4246131888		103		POWELL "28" #2	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8300030	F-7C-046144	4246131854		103		POWELL "34" #2	SPRABERRY (TREND AREA	10.0	MOBIL PROD TX-NEW
8300029	F-7C-046143	4246131849		103		POWELL "35" #3 RRC#09091	SPRABERRY (TREND AREA	10.0	MOBIL PRODUCING T
8300083	F-7C-051035	4238332217		103		ROCKER B "M" #14X RRC #04855	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8300084	F-7C-051036	4238332215		103		ROCKER B "M" #20-X RRC #04855	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8300031	F-7C-046148	4238300000		103		ROCKER 13 "M" #25-X RRC#04855	SPRABERRY (TREND AREA	10.0	EL PASO NATURAL G
8300139	F-08-053931	4231732520		103		SPRINGER #2 RRC #21918	SPRABERRY (TREND AREA	10.0	INTERNORTH INC
8300138	F-08-053929	4232931070		103		WISENTEINER #1	PARKS (PENN)	10.0	MOBIL PRODUCING T
8300079	F-08-050981	4231700000		103		WOODY BROS "C" #5 RRC #22073	SPRABERRY (TREND AREA	10.0	ALPINE OIL CO
-JUNIPER OPERATING CO				RECEIVED:	10/01/82	JA: TX			
8300227	F-7B-056497	4236300000		102-4		TURNER #1	MINERAL WELLS S (CONG	1496.0	INTRASTATE GATHER
-KAISER OIL (US) LTD				RECEIVED:	10/01/82	JA: TX			
8300297	F-03-057047	4218530280		102-4		GARRETT ESTATE #2 - #098525	MADISONVILLE SOUTH (9	175.0	LONE STAR GAS CO
-KALDA CO				RECEIVED:	10/01/82	JA: TX			
8300354	F-09-057214	4249700000		108		J H STEPH WELL #6	BOONSVILLE (BEND CONG	0.0	NATURAL GAS PIPEL
8300355	F-09-057215	4249700000		108		O B HUFHINES #2-C	BOONSVILLE (BASAL ATO	0.0	CITIES SERVICE CO
8300356	F-09-057216	4223700000		108		ROSA JONES #1	CATLIN (CADDO CONGLOM	6.7	CITIES SERVICE CO

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8300358	F-09-057218	4223700000		108		W J DEES #2	DEES (ATOKA CONGLOMER	0.2	CITIES SERVICE CO
8300361	F-09-057221	4223700000		108		W J DEES #3	DEES (ATOKA CONGLOMER	0.8	CITIES SERVICE CO
8300357	F-09-057217	4223700000		108		W J DEES #3C	DEES (ATOKA CONGLOMER	0.0	CITIES SERVICE CO
8300359	F-09-057219	4223700000		108		W J DEES #5	DEES (ATOKA CONGLOMER	0.0	CITIES SERVICE CO
8300360	F-09-057220	4223700000		108		W J DEES #6	DEES (ATOKA CONGLOMER	1.5	CITIES SERVICE CO
-L E JONES PRODUCTION COMPANY				RECEIVED:		10/01/82 JA: TX			
8300334	F-09-057183	4218130847		102-4		STUCKEY #2	GORDONVILLE E (VIOLA	73.0	UNION TEXAS PETRO
-L M SPRADLING				RECEIVED:		10/01/82 JA: TX			
8300204	F-10-056077	4217900000		103		FURNEAUX #2	PANHANDLE GRAY COUNTY	60.0	PHILLIPS PETROLEU
8300203	F-10-056075	4223300000		103		MONTY #1	PANHANDLE HUTCHINSON	50.0	PHILLIPS PETROLEU
-L TEXAS PETROLEUM INC				RECEIVED:		10/01/82 JA: TX			
8300130	F-04-053708	4224700000		102-4	103	MESTENA OIL & GAS CO #J-5-L	JARON (4865)	0.0	SUN GAS CO
8300131	F-04-053709	4224700000		102-4	103	MESTENA OIL & GAS CO #J-5-U	JARON (4280)	0.0	SUN GAS CO
-LANTANA NATURAL RESOURCES INC				RECEIVED:		10/01/82 JA: TX			
8300065	F-04-050267	4224931233		103		ROBERT F BIERSTEDT "A" #1	WADE CITY (HET 2500)	60.0	UNITED GAS PIPELI
-LEE EXPLORATION CO				RECEIVED:		10/01/82 JA: TX			
8300145	F-7B-054114	4236700000		102-4		CHAPMAN #1 (099918)	AZLE SOUTH	211.0	LONE STAR GAS CO
-LOSURE PETROLEUM & J & S OIL ACCOUN				RECEIVED:		10/01/82 JA: TX			
8300265	F-10-056961	4223330000		108		PRITCHARD #2 (ID #:1846)	PANHANDLE HUTCHINSON	16.0	DIAMOND SHAMROCK
8300266	F-10-056962	4223300000		108		PRITCHARD #3 (ID #(1846)	PANHANDLE HUTCHINSON	19.8	DIAMOND SHAMROCK
-M & A OIL CO LTD				RECEIVED:		10/01/82 JA: TX			
8300094	F-09-051516	4223700000		102-4		WM B GREGG #2-A	ANTELOPE E (BRYSON)	78.0	LONE STAR GAS CO
-M J PHILLIPS				RECEIVED:		10/01/82 JA: TX			
8300088	F-09-051093	4250331774		103		J L BOONE #17	YOUNG COUNTY REGULAR	79.0	LONE STAR GAS CO
-MAGIC OIL CORP				RECEIVED:		10/01/82 JA: TX			
8300154	F-7C-054468	4239932025		102-4		WOOD #1 (100117)	WOOD (GARDNER)	85.0	LONE STAR GAS CO
-MARSHALL EXPLORATION INC				RECEIVED:		10/01/82 JA: TX			
8300069	F-06-050637	4241930398		103		HAWKEYE #1	HAWKEYE (BLOSSOM SD)	150.0	UNITED GAS PIPELI
8300077	F-06-050954	4241930398		102-4		HAWKEYE #1	HAWKEYE (BLOSSOM SAND	100.0	UNITED GAS PIPELI
8300062	F-06-049958	4236531386		107-TF		WERNER SAWMILL #3	BELLE BOWER (COTTON V	180.0	TENNESSEE GAS PIP
-MAY PETROLEUM INC				RECEIVED:		10/01/82 JA: TX			
8300163	F-04-054805	4221531226		102-4		NORTH WESLACO UNIT #2	WESLACO NORTH (7650)	355.0	
-MCCORMICK OPERATING CO				RECEIVED:		10/01/82 JA: TX			
8300064	F-08-050240	4231732421		102-4		HILL #1	JLM (MISSISSIPPIAN)	20.0	INTERNORTH INC
8300075	F-06-050867	4236530670		102-3		VERA M DAVIS GAS UNIT #1	CARTHAGE S (COTTON VA	23.6	TEXAS UTILITIES F
-MCZ INC				RECEIVED:		10/01/82 JA: TX			
8300381	F-03-057286	4204100000		102-2		EZELL UNIT #1	KURTEN (WOODBINE)	137.0	FERGUSON CROSSING
-MEG PETROLEUM CORP				RECEIVED:		10/01/82 JA: TX			
8300391	F-7C-057316	4223531912		102-2	103	LOPEZ CREEK #6	ROCK PEN (CANYON)	13.7	INTER NORTH INC
-MELLON OPERATING CO				RECEIVED:		10/01/82 JA: TX			
8300278	F-03-057004	4205132034		103		HAZEL PROKISH #1	CHAMBERS (NAVARRO)	36.5	FERGUSON CROSSING
-MID-STATE GAS CORP				RECEIVED:		10/01/82 JA: TX			
8300178	F-7B-055356	4236332020		108		BRANNON #1	DEATON (CONGLOMERATE)	9.0	LONE STAR GAS CO
8300177	F-7B-055355	4236332105		108		BRANNON #2	DEATON (CONGLOMERATE)	7.5	LONE STAR GAS CO
-MIDSTATES OIL CO				RECEIVED:		10/01/82 JA: TX			
8300218	F-7B-056343	4208300000		108		TOM SNEED #2	COLEMAN COUNTY REGULA	6.9	VALERO TRANSMISSI
8300217	F-7C-056341	4239900000		108		W E BARR #1	MIDSTATES (JENNINGS)	16.4	LONE STAR GAS CO
8300219	F-7B-056344	4208300000		108		W O MARTIN #1	GLEN COVE (JENNINGS)	19.1	VALERO TRANSMISSI
-MIN-TEX ENGINEERING CORP				RECEIVED:		10/01/82 JA: TX			
8300186	F-7B-054860	4242933141		102-4		COPELAND RANCH #2 (100517)	NEELY (BEND CONGL)	129.0	WARREN PETROLEUM
-MIRANDA ENERGY CORP				RECEIVED:		10/01/82 JA: TX			
8300156	F-08-054551	4231732888		103		FLYNT "A" #2 27263	LACAFF (DEAN)	30.7	INTERNORTH INC
-MITCHELL ENERGY CORPORATION				RECEIVED:		10/01/82 JA: TX			

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JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                         FIELD NAME            PROD   PURCHASER
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8300008  F-09-034515   4249700000    108-ER        A I STARKEY #1                    BOONSVILLE (BEND CONG   12.0 NATURAL GAS PIPEL
8300173  F-09-055165   4249700000    108           ARDATH B ALLEN #1 #042317         BOONSVILLE (BEND CONG   13.5 NATURAL GAS PIPEL
8300071  F-09-050696   4249700000    108-ER        BOYD TOWNSITE #1 #42404           BOONSVILLE (BEND CONG   12.0 NATURAL GAS PIPEL
8300364  F-09-057233   4249700000    108           C P SMITH #2 #018317              ALVORD (ATOKA CONGL)     1.5 NATURAL GAS PIPEL
8300016  F-09-042998   4249732157    103           DECATUR UNIT 3 #4                 BOONSVILLE (BEND CONG  137.0 NATURAL GAS PIPEL
8300201  F-09-055962   4249700000    103           ED CARAWAY #3                     BOONSVILLE (BEND CONG  114.0 NATURAL GAS PIPEL
8300365  F-09-057237   4249700000    108           GERTRUDE WILSON #3 #068359        BOONSVILLE (BEND CONG   10.2 NATURAL GAS PIPEL
8300024  F-7B-044870   4236700000    108           J P PETTYJOHN #1 16795            WHITT (BIG SALINE)       1.6 SOUTHWESTERN GAS
8300034  F-09-046451   4249700000    108-ER        LAWRENCE TAYLOR #1 51127          BOONSVILLE (BEND CONG   11.9 NATURAL GAS PIPEL
8300240  F-09-056670   4249732396    103           LORENE SHAWN #1                   BOONSVILLE SOUTH (ATO   53.2 NATURAL GAS PIPEL
8300172  F-09-055161   4249700000    108           M GREINES #2 #053653              BOONSVILLE (BEND CONG   13.8 NATURAL GAS PIPEL
8300043  F-09-047772   4249700000    108           M L WAGGONER #15 #43025           BOONSVILLE (BEND CONG   12.5 NATURAL GAS PIPEL
8300007  F-09-034230   4249700000    108-ER        M L WAGGONER #5                   BOONSVILLE (BEND CONG    0.0 NATURAL GAS PIPEL
8300023  F-03-044723   4236130377    102-4         N C STARK #1 #15130               BRIDGE CITY NORTH (10   27.0
8300084  F-09-004107   4249700000    108-ER        S J JOHNSTON #1                   BOONSVILLE BEND CONG     4.4 NATURAL GAS PIPEL
8300025  F-7B-044872   4236700000    108-ER        WOOTERS #1 65835                  BRAZOS EAST (CADDO)     10.2 SOUTHWESTERN GAS
-MOBIL PROD TEXAS & NEW MEXICO INC   RECEIVED:  10/01/82     JA: TX
8300345  F-8A-057187   4250132157    102-4         E W CLAWATER #2                   BRAHANEY NORTHWEST (D    3.7
8300175  F-04-055240   4247933253    102-4  107-TF LUNDELL MINERALS #1               GATO CREEK (LOBO 1)    134.0
8300236  F-04-056581   4224900000    108-SA        STEWART & JONES UNIT 2 #1         ZONE 21-B TREND         10.7 NATURAL GAS PIPEL
-MONSANTO COMPANY                    RECEIVED:  10/01/82     JA: TX
8300377  F-7C-057270   4245130991    103           HARVEY WILDE "A" #4               SUSAN PEAK NORTH (CAN   20.0 ARCO OIL & GAS CO
8300376  F-08-057269   4200333267    103           UNIVERSITY "A" 14-19 NO 3         SHAFTER LAKE (SAN AND    7.0
-MOORE MCCORMACK OIL & GAS CORP      RECEIVED:  10/01/82     JA: TX
8300063  F-06-050199   4200131302    102-4         BEACH #2                          TENNESSEE COLONY S W   511.0 MOORE MCCORMACK G
-MORAN EXPLORATION INC               RECEIVED:  10/01/82     JA: TX
8300367  F-7C-057243   4238330244    108           ROCKER B "B" #5                   SPRABERRY (TREND AREA    5.9 INTERNORTH INC
8300366  F-7C-057242   4238330251    108           ROCKER B "B" #6                   SPRABERRY (TREND AREA    6.8 INTERNORTH INC
8300206  F-7C-056128   4223531889    103           ROCKER B "S" #1                   SPRABERRY (TREND AREA    0.0 INTERNORTH INC
-MR OIL CO                           RECEIVED:  10/01/82     JA: TX
8300392  F-08-057317   4247532535    103           CONTINENTAL HAWKINS #10 #26866    PAYTON                  52.0
8300394  F-08-057322   4247532534    103           HAWKINS #14 #26713                PAYTON                  16.0 WARREN PETROLEUM
-NATIONAL OIL COMPANY                RECEIVED:  10/01/82     JA: TX
8300054  F-04-049168   4221531204    102-4         GARZA #1                          SAN MANUEL EAST (FRIO  273.0
-NICO ENERGY CORP                    RECEIVED:  10/01/82     JA: TX
8300017  F-03-043087   4205100000    102-2  103    HARKINS UNIT #1                   GIDDINGS (AUSTIN CHAL    0.0 CLAJON GAS CO
-OMNI OPERATING CO                   RECEIVED:  10/01/82     JA: TX
8300155  F-04-054532   4227331627    102-4  103    KING RANCH #B-2                   KINGSVILLE FRIO 6350     0.0 TEXAS EASTERN GAS
-OXOCO EXPLORATION CORP              RECEIVED:  10/01/82     JA: TX
8300117  F-04-052805   4242731343    102-4  103    BRAZOS CATTLE CO LTD #1           BOYLE (4270 SD)        190.0 VALERO TRANSMISSI
8300193  F-06-055698   4242330407    103           FORD #1                           CHAPEL HILL (RODESSA)   55.0 EAST TEXAS PRODUC
-PALMER PETROLEUM INC                RECEIVED:  10/01/82     JA: TX
8300073  F-06-050755   4240131275    102-2  107-TF LAIRD A-1                         HENDERSON NORTH (COTT  650.0 UNITED GAS PIPE L
-PATRICK PETROLEUM CORP (MI)         RECEIVED:  10/01/82     JA: TX
8300100  F-06-051581   4200100000    102-4         A D ROBINSON #2                   NORTH EAST PRAIRIE LA  365.0 DELHI GAS PIPELIN
-PENNZOIL PRODUCING COMPANY          RECEIVED:  10/01/82     JA: TX
8300289  F-02-057024   4225500000    108           B U STANOLIND SPIELHAGEN #2       BURNELL(REKLAW)         16.0 UNITED GAS PIPELI
8300290  F-04-057025   4235500000    108           M L RIVERS #1                     AGUA DULCA              13.0 UNITED GAS PIPELI
-PETRO PLEX OIL CO INC               RECEIVED:  10/01/82     JA: TX
8300220  F-7C-056359   4238332299    103           SCOTT AA-1                        JOHN SCOTT (GRAYBURG)   54.8 NEW ENERGY CO
8300221  F-7C-056360   4238332298    103           SCOTT AA-2                        JOHN SCOTT (GRAYBURG)   54.8 NEW ENERGY CO
8300222  F-7C-056361   4238332296    103           SCOTT AA-3                        JOHN SCOTT (GRAYBURG)   54.8 NEW ENERGY CO
8300223  F-7C-056362   4238332297    103           SCOTT AA-4                        JOHN SCOTT (GRAYBURG)   54.8 NEW ENERGY CO
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-PETROLEUM CORPORATION OF TEXAS				RECEIVED:	10/01/82	JA: TX			
8300140	F-10-053937	4242130265		103		A L ROSS #2	TEXAS HUGOTON	22.3	DIAMOND SHAMROCK
-PETRUS OPERATING CO INC				RECEIVED:	10/01/82	JA: TX			
8300232	F-05-056029	4229300000		102-4		THOMASON #1	EAST OLETHA	0.0	TEXAS UTILITIES F
-PHARAOH & ASSOCIATES INC				RECEIVED:	10/01/82	JA: TX			
8300044	F-03-047890	4247730451		102-2		PAMPELL UNIT #1	GIDDINGS (AUSTIN CHAL	0.0	CLAJON GAS CO .
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	10/01/82	JA: TX			
8300003	F-10-003138	4242100000		108-ER		ADA - SCHULTZ #1	TEXAS - HUGOTON	11.6	MICHIGAN WISCONSI
8300002	F-10-002724	4242100000		108-ER		AGATE - A #1	TEXAS HUGOTON	14.2	MICHIGAN WISCONSI
8300457	F-08-057703	4213502588		108		COWDEN CLYDE #132	GOLDSMITH (5600)	1.0	EL PASO NATURAL G
8300382	F-10-057289	4223300000		108		JOHNSON LL #1	PANHANDLE WEST	6.0	EL PASO NATURAL G
8300001	F-10-002661	4219530251		108-ER		MERRILL #5	HITCHLAND NORTH (MORR	6.5	MICHIGAN WISCONSI
-PICKENS CO INC				RECEIVED:	10/01/82	JA: TX			
8300242	F-04-056676	4213134168		102-4		WELDER #2	DEJAY (STRAY SAND)	140.0	VALERO TRANSMISSI
-PITCOCK INC				RECEIVED:	10/01/82	JA: TX			
8300254	F-7B-056750	4236300000		108		BEATY #1 083869	PALO PINTO COUNTY REG	0.0	BRAZOS FUEL CO IN
8300256	F-09-056752	4223700000		108		CLAY-RICHARDS #1 063158	CLAY-RAY (STRAWN LOWE	0.0	BRAZOS FUEL CO IN
8300255	F-7B-056751	4236300000		108		FITZGERALD #1 075254	PALO PINTO COUNTY REG	0.0	BRAZOS FUEL CO IN
8300257	F-7B-056753	4236300000		108		HELEN JOHNSON "A" #5 074924	RIFE (CONGL 3900')	0.0	BRAZOS FUEL CO IN
8300252	F-09-056748	4223700000		108		LEONA CLAY #1 060580	CLAY-RAY (STRAWN LOWE	0.0	BRAZOS FUEL CO IN
8300253	F-09-056749	4223700000		108		RAY ESTATE #1 063088	CLAY-RAY (STRAWN LOWE	0.0	BRAZOS FUEL CO IN
-PLACER ENERGY CORP				RECEIVED:	10/01/82	JA: TX			
8300353	F-7C-057208	4238332007		103		A V MCMASTERS #1	SPRABERRY (TREND AREA	0.7	UNION TEXAS PETRO
-PURE ENERGY CO				RECEIVED:	10/01/82	JA: TX			
8300196	F-03-055832	4240730452		102-4		FRIENDSWOOD DEV CO #1	WILDCAT	547.0	UNITED GAS PIPELI
-R C SLACK				RECEIVED:	10/01/82	JA: TX			
8300243	F-08-056679	4249500000		108		BROWN & ALTMAN A/C 1 #15	EMPEROR	0.0	WEST TEXAS GATHER
-R L ADKINS CORP				RECEIVED:	10/01/82	JA: TX			
8300264	F-7B-056923	4235300000		102-4		WILSON #1 (18377)	J & J (CADDO)	1.0	PALO DURO PIPELIN
-REAGAN WASKOM JR				RECEIVED:	10/01/82	JA: TX			
8300167	F-7B-054930	4236300000		102-4		HART RANCH #2	MINERAL WELLS S (4270	2445.0	INTRASTATE GATHER
-REM ENERGY INC				RECEIVED:	10/01/82	JA: TX			
8300011	F-03-035412	4214931087		102-2	103	FRANK CHARBA #1	GIDDINGS (AUSTIN CHAL	128.0	PHILLIPS PETROLEU
-REITA PRODUCTION INC.				RECEIVED:	10/01/82	JA: TX			
8300291	F-09-057026	4223730000		102-4		EDWARDS #2D	WEST FORK	1760.0	LONE STAR GAS CO.
-ROCKY MOUNTAIN RESOURCES INC				RECEIVED:	10/01/82	JA: TX			
8300183	F-7B-054428	4205900000		102-4		PUCKETT #2 LEASE #18550	ROCKY MOUNTAIN MISSIS	300.0	PECOS GATHERING S
8300184	F-7B-055439	4205900000		103		PUCKETT #3 LEASE 18550	CALLAHAN COUNTY REGUL	16.0	PECOS GATHERING S
8300185	F-7B-055430	4205900000		102-4		PUCKETT #4 LEASE #18730	ROCKY MOUNTAIN MISSIS	50.0	PECOS GATHERING S
-RYDER SCOTT OIL CO				RECEIVED:	10/01/82	JA: TX			
8300280	F-7B-057007	4244730946		102-4		DAVIS "B" #6	SLUDER (CADDO)	128.0	HST GATHERING SYS
8300363	F-7B-057225	4244731554		102-4		DAVIS "B" #8 #13041	SLUDER (CADDO)	130.0	HST GATHERING SYS
-S K ROGERS OIL CO				RECEIVED:	10/01/82	JA: TX			
8300347	F-8A-057193	4221933464		103		NEAL #3	LEVELLAND	4.0	AMOCO PRODUCTION
8300390	F-8A-057314	4216532242		103		ROGERS & TURRENTINE "A" #1	SEMINOLE (SAN ANDRES)	3.0	PHILLIPS PETROLEU
8300348	F-8A-057194	4216532345		103		SEMINOLE TOWNSITE "B" #1	SEMINOLE (SAN ANDRES)	9.0	
-SABINE PRODUCTION COMPANY				RECEIVED:	10/01/82	JA: TX			
8300042	F-04-047268	4235500000		102-4	103	DOUGHTY #2-U	DOUGHTY W (FRIO 8460'	0.0	HOUSTON PIPE LINE
-SAMEDAN OIL CORPORATION				RECEIVED:	10/01/82	JA: TX			
8300124	F-8A-053416	4216532307		103		SOUTH CENTRAL ROBERTSON UNIT #59	ROBERTSON NORTH/CLEAR	0.0	PHILLIPS PETROLEU
-SANTA FE ENERGY PRODUCTS CO				RECEIVED:	10/01/82	JA: TX			
8300315	F-8A-057094	4211531600		102-4		CARSON ECHOLS #1	CONRACK	25.0	
-SCANDRILL INC				RECEIVED:	10/01/82	JA: TX			

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JD NO    JA DKT       API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME             PROD  PURCHASER
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 8300401  F-09-057639  4223734609   103           STODDARD #2                        BRYSON EAST             45.6
-SEAGO OIL INC                      RECEIVED:  10/01/82    JA: TX
 8300313  F-7C-057089  4239932084   102-4         BEARCAT #1                         BEARCAT (GARDNER LIME   72.0
-SEAGULL INTERNATIONAL EXPLORATION I RECEIVED:  10/01/82    JA: TX
 8300241  F-06-056675  4236531466   102-4         G H BRADY OIL UNIT #1              PINEHILL SE (PETTIT L   33.0 UNITED GAS PIPE L
-SHELL OIL CO                       RECEIVED:  10/01/82    JA: TX
 8300169  F-04-055080  4221531156   103           A A MC ALLEN #76                   MC ALLEN RANCH (VICKS  350.0 VALERO INTERSTATE
 8300134  F-10-053762  4229500000   108-ER        SHELL WHEAT #4-764                 KIOWA CREEK              6.0 PHILLIPS PETROLEU
-SOHIO PETROLEUM CO                 RECEIVED:  10/01/82    JA: TX
 8300298  F-7C-057052  4238332276   103           E G CAUBLE "D" #3                  CALVIN (DEAN)           34.3 EL PASO NATURAL G
-SOUTHERN ROYALTY INC               RECEIVED:  10/01/82    JA: TX
 8300070  F-02-050673  4202531842   103           J H CURLEE #2-2460                 SLIVA (2460)            53.0 UNITED GAS PIPELI
-SPARKMAN PRODUCING CO              RECEIVED:  10/01/82    JA: TX
 8300055  F-04-049283  4224900000   102-4         H J MOSSER #1                      REYNOLDS (5060)        180.0 ESPERANZA TRANSMI
-SPRADLING & BRYAN                  RECEIVED:  10/01/82    JA: TX
 8300151  F-10-054440  4206500000   103           SHERIDAN #1                        PANHANDLE CARSON COUN  100.0 INTERNORTH INC
 8300150  F-10-054438  4206500000   103           SHERIDAN #2                        PANHANDLE CARSON COUN  100.0 INTERNORTH INC
-STEPHENSON & PORTER                RECEIVED:  10/01/82    JA: TX
 8300021  F-09-044234  4200900000   102-2         ELSIE P SMITH #2                   ARCHER COUNTY REGULAR 1572.0 MID-STATE GAS COR
 8300022  F-09-044235  4200900000   102-2         ELSIE P SMITH #4                   ARCHER COUNTY REGULAR 1572.0 MID-STATE GAS COR
-SUN EXPLORATION & PRODUCTION CO    RECEIVED:  10/01/82    JA: TX
 8300311  F-7B-057082  4242932546   103           E ELIASVILLE (CADDO) UT #59        STEPHENS COUNTY REGUL   69.0 BRECKENRIDGE GASO
 8300310  F-7B-057081  4242932554   103           EAST ELIASVILLE (CADDO) UT #57     STEPHENS COUNTY REGUL   27.0 BRECKENRIDGE GASO
 8300146  F-08-054150  4213533858   103           EAST GOLDSMITH SAN ANDRES UNIT 2901 GOLDSMITH EAST (SAN A  22.0 PHILLIPS PETROLEU
 8300384  F-08-057295  4210332766   103           H E ADAMS "C" #10                  DUNE                     0.4 GULF OIL CORP
 8300399  F-7B-057076  4215100000   108           J B YOUNG "C" #6                   PARDUE (CANYON)          5.0 PETROLEUM CORP OF
 8300383  F-08-057292  4213533303   103           PAUL MOSS #190                     COWDEN SOUTH (CANYON    43.0 ODESSA NATURAL CO
 8300362  F-8A-057223  4221933202   103           SOUTHEAST LEVELLAND UNIT #273      LEVELLAND                2.0 AMOCO PRODUCTION
 8300213  F-06-056229  4220330886   103           TIMMINS GAS UNIT #1                BETHANY (COTTON VALLE  204.0 TENNESSEE GAS PIP
 8300214  F-06-056233  4220330886   107-TF        TIMMINS GAS UNIT #1                BETHANY (COTTON VALLE  204.0 TENNESSEE GAS PIP
-SUNDOWN ENERGY CO INC              RECEIVED:  10/01/82    JA: TX
 8300226  F-01-056480  4250731704   102-4         R MATHEWS PERMIT #162161           R MATHEWS              365.0
-SUPERIOR OIL CO                    RECEIVED:  10/01/82    JA: TX
 8300090  F-03-051183  4205132204   102-2  103    F MATCEK #4                        GIDDINGS (AUSTIN CHAL    0.0 CLAJON GAS CO
 8300060  F-03-049794  4228731156   102-2  103    SHELLY BRANCH UNIT #1              GIDDINGS (AUSTIN CHAL    0.0
-SWEETWATER DRILLING CO INC         RECEIVED:  10/01/82    JA: TX
 8300267  F-7B-056988  4205933425   102-4         BRENDA LEE #2 (18254)              PUTNAM NE (MISS)        43.0 LONE STAR GAS CO
 8300270  F-7B-056991  4235331258   102-4         M ROGERS #2 (18290)                J & J (CADDO)           55.0 PALO DURO PIPELIN
 8300269  F-7B-056990  4235331214   102-4         WILLIAMS/PATTON TRUSTS #1 (17824)  J & J (CADDO)           52.0 PALO DURO PIPELIN
 8300268  F-7B-056989  4235331248   102-4         WILLIAMS/PATTON TRUSTS #2 (17824)  J & J (CADDO)           26.0 PALO DURO PIPELIN
-TEE OPERATING CO                   RECEIVED:  10/01/82    JA: TX
 8300142  F-03-054045  4215731307   102-4         RAMZY GAS UNIT #1                  TAVENER EAST (7950)      0.0 LONE STAR GAS CO
-TENNECO OIL COMPANY                RECEIVED:  10/01/82    JA: TX
 8300292  F-8A-057033  4250132235   103           PRENTICE CLEARFORK UNIT #1305      PRENTICE (6700*)         0.0 AMOCO PRODUCTION
 8300293  F-8A-057034  4250132196   103           PRENTICE CLEARFORK UNIT #1308      PRENTICE (6700*)         0.0 AMOCO PRODUCTION
-TEXACO INC                         RECEIVED:  10/01/82    JA: TX
 8300212  F-10-056213  4217900000   108           G H SAUNDERS NCT-3 #54             PANHANDLE GRAY           0.3 COLTEXO CORP
 8300211  F-10-056210  4217900000   108           G H SAUNDERS NCT-3 #84             PANHANDLE GRAY           0.4 COLTEXO CORP
 8300091  F-7C-051273  4223531587   103           J M WINTERBOTHAM TRUST "B" #4      DOVE CREEK (CANYON D)  173.7 CRA INC
 8300346  F-09-057189  4249709000   108           N O DENISON GAS UNIT #1            BOONSVILLE (BEND CONG   17.5 LONE STAR GAS CO
-THE DOW CHEMICAL COMPANY           RECEIVED:  10/01/82    JA: TX
 8300330  F-7C-057139  4210532460   103           JOHN W HENDERSON III #2 "B"        OZONA S W (STRAWN)      15.0
 8300331  F-7C-057140  4210532053   103           JOHN W HENDERSON III #5 "E"        OZONA S W (STRAWN)      43.0
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 8300332  F-7C-057141  4210532958    103           JOHN W HENDERSON III "B" #10      OZONA S W (STRAWN)       66.0
 8300329  F-7C-057138  4210533084    103           JOHN W HENDERSON III "G" #12      OZONA S W (STRAWN)       10.0
 8300328  F-7C-057137  4210533639    103           JOHN W HENDERSON III "L" #22      OZONA S W (STRAWN)      120.0
 8300333  F-7C-057142  4210532980    103           JOHN W HENDERSON III"B" #11       OZONA S W (STRAWN)       28.0
-THE LONG TRUSTS                    RECEIVED:  10/01/82    JA: TX
 8300189  F-06-055545  4240131273    103    107-TF REBECCA WRIGHT HEWES              OAK HILL N W (COTTON    547.0 UNITED GAS PIPELI
-THOMSON-MONTEITH                   RECEIVED:  10/01/82    JA: TX
 8300251  F-08-056747  4232931062    103           WINDHAM 37 #1                     PARKS (SPRABERRY)         1.1 MOBIL PROD TEXAS
-THROCKMORTON GAS SYSTEMS           RECEIVED:  10/01/82    JA: TX
 8300198  F-7B-055869  4244700000    102-4         MATTHEWS 70 #1                    JUDY (CADDO)              0.0 WARREN PETROLEUM
 8300153  F-7B-054448  4244732810    102-2         PUTNAM #14 (95025)                RICHARDS RANCH (MISSI     0.0 WARREN PETROLEUM
 8300147  F-7B-054279  4244732935    102-2         PUTNAM "C" #20                    THROCKMORTON CTY REG      0.0 WARREN PETROLEUM
-TIPPERARY OIL AND GAS CORP         RECEIVED:  10/01/82    JA: TX
 8300068  F-01-050387  4217700000    103           W L BARNETT "A" 1                 COST (AUSTIN CHALK)       0.0 MNG PETROCHEMICAL
-TOM BROWN INC                      RECEIVED:  10/01/82    JA: TX
 8300262  F-7C-056898  4223541908    103           MARY JOYCE #5                     DOW-MAYER (SPRABERRY      0.1 EL PASO NATURAL G
 8300260  F-7C-056870  4223531916    103           MURPHY "A" #7                     DOW-MEYER (SPRABERRY      0.0 EL PASO NATURAL G
 8300259  F-7C-056869  4223531917    103           MURPHY B #3                       DOW-MAYER (SPRABERRY      0.2 EL PASO NATURAL G
-TOM F MARSH INC                    RECEIVED:  10/01/82    JA: TX
 8300389  F-10-057313  4221131090    108           STANDLEE WELL #1                  BRISCOE (14000)          18.0 PIONEER NATURAL G
-TSPI INC                           RECEIVED:  10/01/82    JA: TX
 8300045  F-10-048188  4223300000    103           SOUTHBEND #1                      WEST PANHANDLE          110.0 PANHANDLE PRODUCI
-TXO PRODUCTION CORP                RECEIVED:  10/01/82    JA: TX
 8300152  F-05-054444  4229330598    103    107-TF ALLEN "A" #2                      N PERSONVILLE (COTTON     0.0 DELHI GAS PIPELIN
 8300026  F-03-045222  4208931256    102-4         ENGLEHART G U #2                  ENGLEHART NW (WILCOX      0.0 DELHI GAS PIPELIN
 8300010  F-03-038941  4248132109    103           KAINER #1                         JONES CREEK (5300')       0.0 DELHI GAS PIPELIN
 8300019  F-02-043974  4228500000    102-4         KORINEK #2                        KEMPER EAST (5650')       0.0 UNITED GAS PIPELI
 8300097  F-02-051453  4229732845    102-4         MCCLELLAND C-1                    OAKVILLE                  0.0 DELHI GAS PIPELIN
 8300020  F-04-044090  4250531409    102-4         VERGARA #5                        LOS MOGOTES N (WILCOX     0.0 NATURAL GAS PIPEL
-U S OPERATING INC                  RECEIVED:  10/01/82    JA: TX
 8300135  F-03-053817  4205132075    102-2         ALICE #1 RRC ID N/A               GIDDINGS (AUSTIN CHAL     0.0 PHILLIPS PETROLEU
 8300114  F-03-052518  4205132116    102-2         JASMINE #1 RRC ID N/A             GIDDINGS (AUSTIN CHAL     0.0 PHILLIPS PETROLEU
 8300119  F-03-053096  4205132155    102-2         PAIGE #1 RRC ID N/A               GIDDINGS (AUSTIN CHAL     0.0 PHILLIPS PETROLEU
-UNITED CO                          RECEIVED:  10/01/82    JA: TX
 8300406  F-8A-057678  4207931492    103           SLAUGHTER ESTATE "H" #1 099681    LEVELLAND (SAN ANDRES    67.2 EL PASO NATURAL G
 8300405  F-8A-057677  4207931430    103           SLAUGHTER ESTATE "K" #1 099011    LEVELLAND (SAN ANDRES     5.8 EL PASO NATURAL G
 8300404  F-8A-057676  4207931495    103           SLAUGHTER ESTATE "L" #1 099882    LEVELLAND (SAN ANDRES    64.2 EL PASO NATURAL G
 8300319  F-8A-057122  4207930889    108           WRIGHT ESTATE #5 078225           LEVELLAND (SAN ANDRES     9.1 EL PASO NATURAL G
-V-F PETROLEUM INC                  RECEIVED:  10/01/82    JA: TX
 8300312  F-08-057084  4249531461    102-4         DAMRON #1                         V-F (ELLENBURGER)         0.0
-W B TRAMMELL                       RECEIVED:  10/01/82    JA: TX
 8300335  F-7B-057150  4215131416    102-4         W B TRAMMELL #6-19                JUDY GAIL EAST (CANYO     0.0 PALO DURO PIPELIN
-W L BRUCE OPERATOR                 RECEIVED:  10/01/82    JA: TX
 8300318  F-10-057121  4217931176    103           STEEL #1 (ID #05127)              PANHANDLE GRAY          140.0 GETTY OIL CO
-W L COTTON                         RECEIVED:  10/01/82    JA: TX
 8300317  F-04-057113  4247933146    102-4         G F VELA CUELLAR #2 #9959[illegible]  STAGGS (700)         50.0 VALERO GAS TRANSM
-WALSH AND WATTS INC                RECEIVED:  10/01/82    JA: TX
 8300403  F-8A-057673  4250131466    103           CUMMINGS (LEASE NO 14823) #5      DUNBY (CLEARFORK UPPE    20.0 AMOCO PRODUCTION
-WARREN PETR CO A DIV OF GULF OIL CO RECEIVED:  10/01/82    JA: TX
 8300379  F-08-057283  4210300735    108           C-BAR SAN ANDRES UNIT #A-5        C-BAR (SAN ANDRES)        0.5 EL PASO NATURAL G
 8300393  F-08-057321  4210302579    108           C-BAR SAN ANDRES UNIT #D-1        C-BAR (SAN ANDRES)        0.2 EL PASO NATURAL G
 8300380  F-08-057284  4210300729    108           C-BAR SAN ANDRES UNIT C-3         C-BAR (SAN ANDRES)        0.4 EL PASO NATURAL G
 8300224  F-08-056417  4210305706    108           E V SNODGRASS NO 18               WADDELL                   1.0 EL PASO NATURAL G
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                                                                            VOLUME  761          PAGE  012
 JD NO    JA DKT        API NO       D SEC(1) SEC(2) WELL NAME                    FIELD NAME          PROD   PURCHASER
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 8300235  F-08-056535   4210310133     108           M F HENDERSON #137           WADDELL               0.3 EL PASO NATURAL G
 8300285  F-8A-057015   4210302976     108           M L BARNSLEY "C" #3          LEA (SAN ANDRES)      0.2 EL PASO NATURAL G
 8300282  F-08-057012   4210300258     108           M L BARNSLEY "C" #4          LEA (SAN ANDRES)      0.2 EL PASO NATURAL G
 8300283  F-08-057013   4210302981     108           M L BARNSLEY "C" #8          LEA (SAN ANDRES)      0.8 EL PASO NATURAL G
 8300284  F-08-057014   4210310490     108           M L BARNSLEY "C" #9          LEA (SAN ANDRES)      0.6 EL PASO NATURAL G
 8300232  F-08-056525   4210300307     108           STATE "KK" #4                DUNE                  1.0 EL PASO NATURAL G
 8300229  F-08-056523   4210300366     108           STATE "KK" #5                DUNE                  1.0 EL PASO NATURAL G
 8300230  F-08-056525   4210331112     108           STATE "LB" #6                DUNE                  1.0 EL PASO NATURAL G
 8300233  F-08-056532   4210332514     108           UNIVERSITY P #10             DUNE                  2.0 EL PASO NATURAL G
 8300225  F-08-056440   4210303480     108           UNIVERSITY P #3              DUNE                  1.0 EL PASO NATURAL G
 8300234  F-08-056533   4210303483     108           UNIVERSITY P #6              DUNE                  1.0 EL PASO NATURAL G
 8300231  F-08-056526   4210303484     108           UNIVERSITY P #7              DUNE                  1.0 EL PASO NATURAL G
-WESSELY ENERGY CORPORATION             RECEIVED:  10/01/82     JA: TX
 8300102  F-05-051710   4216130719     103    107-TF ZENO KING UNIT II #2         TEAGUE TOWNSITE (COTT 185.0 LONE STAR GAS CO
-WESTLAND OIL DEVELOPMENT CORP          RECEIVED:  10/01/82     JA: TX
 8300336  F-7C-057155   4243532684     102-4         JOHN S ALLISON #1            ROBERTS SOUTH (ATOKA)   0.0
-WESTWOOD ENERGY INC                    RECEIVED:  10/01/82     JA: TX
 8300191  F-7B-055678   4205900000     102-4         HEMPHILL 113 #1 (094535)     LAKE COLEMAN (JENNING 101.5 CALLACOLE PIPELIN
 8300190  F-7B-055666   4208300000     102-4         HEMPHILL 89 #2 (097863)      LAKE COLEMAN (PALO PI  62.8 CALLACOLE PIPELIN
 8300192  F-7B-055672   4208300000     102-2         HEMPHILL 89 #6               LAKE COLEMAN (CROSS P 186.2 CALLACOLE PIPELIN
-WILBROOK EXPLORATION INC               RECEIVED:  10/01/82     JA: TX
 8300179  F-7B-055368   4248535897     102-4         P NALL #1                    NALL (3500)          84.0 SOUTHWESTERN GAS
 8300180  F-7B-055369   4242933134     102-4         P NALL #1-A                  NALL (3500)          84.0 SOUTHWESTERN GAS
-WILLIAM PERLMAN                        RECEIVED:  10/01/82     JA: TX
 8300827  F-7C-045806   4243532602     103    107-TF FIELDS 5602                  SAWYER (CANYON)       0.0 EL PASO NATURAL G
 8300848  F-7C-046982   4243532608     103    107-TF FIELDS 5604                  SAWYER (CANYON)       0.0 EL PASO NATURAL G
-WILLIAM T LEWIS                        RECEIVED:  10/01/82     JA: TX
 8300402  F-09-057678   4250335935     103           SCHLITTLER #22409            YOUNG COUNTY REGULAR 20.0 SUN GAS TRANSMISS
-WILSON ENERGY INC                      RECEIVED:  10/01/82     JA: TX
 8300261  F-7C-056885   4210533931     103           UNIVERSITY 15 50#6           FARMER (SAN ANDRES)  164.0 J L DAVIS
-WISE WELL SERVICE                      RECEIVED:  10/01/82     JA: TX
 8300136  F-7B-053818   4236700000     108           L B MCCLUNG 89611            TOTO SOUTH (M-1 LIME) 18.0 SOUTHWESTERN GAS
-WOOLF & MAGEE INC                      RECEIVED:  10/01/82     JA: TX
 8300129  F-03-053589   4237330514     102-4         DORRANCE "E" #3              DAMASCUS (AUSTIN CHAL 180.0 EASTEX GAS TRANSM
-WORLD PRODUCERS INC                    RECEIVED:  10/01/82     JA: TX
 8300067  F-09-050376   4223734034     103           BRYSON 1-1                   BRYSON SW (STRAWN 344 36.0 SOUTHWESTERN GAS
 8300400  F-7C-057341   4239932804     103           CHADBOURNE 293-1             WINGATE NW (CAPPS)     1.0 VALERO TRANSMISSI
-ZAPATA EXPLORATION CO                  RECEIVED:  10/01/82     JA: TX
 8300159  F-03-054646   4232143019     102-4         STATE LEASE 68099 WELL A-4L  BRAZOS AREA 446-L SE/  6.0 VALERO TRANSMISSI
 8300158  F-03-054645   4232143019     102-4         STATE LEASE 68099 WELL A-4U  BRAZOS AREA 446-L SE/  6.0 VALERO TRANSMISSI

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION,
CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.
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Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29996 Filed 11-1-82; 8:45 am]

BILLING CODE 6717-01-C

[Volume 752]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 27, 1982.

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JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                       FIELD NAME              PROD  PURCHASER
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   OHIO DEPARTMENT OF NATURAL RESOURCES
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-ALTHEIRS OIL INC                          RECEIVED:  10/01/82    JA: OH
 8300408               3405320612   107-TF          SIDERS/NELSON #1           CHESHIRE TOWNSHIP        4.0 COLUMBIA GAS TRAN
-AMAC INC                                  RECEIVED:  10/01/82    JA: OH
 8300409               3416726910   103             CLARENCE SCHWENDEMAN #1    MARIETTA                 4.0 GAS TRANSPORT INC
-ATLAS ENERGY GROUP INC                    RECEIVED:  10/01/82    JA: OH
 8300413               3415520143   108             REPUBLIC STEEL #1                                   0.0 REPUBLIC STEEL CO
 8300410               3415520140   108             REPUBLIC STEEL #10                                  0.0 REPUBLIC STEEL CO
 8300421               3415520187   108             REPUBLIC STEEL #11                                  0.0 REPUBLIC STEEL CO
 8300420               3415520182   108             REPUBLIC STEEL #12                                  0.0 REPUBLIC STEEL CO
 8300418               3415520180   108             REPUBLIC STEEL #13                                  0.0 REPUBLIC STEEL CO
 8300419               3415520181   108             REPUBLIC STEEL #15                                  0.0 REPUBLIC STEEL CO
 8300411               3415520141   108             REPUBLIC STEEL #3                                   0.0 REPUBLIC STEEL CO
 8300412               3415520142   108             REPUBLIC STEEL #4                                   0.0 REPUBLIC STEEL CO
 8300416               3415520153   108             REPUBLIC STEEL #5                                   0.0 REPUBLIC STEEL CO
 8300414               3415520149   108             REPUBLIC STEEL #7                                   0.0 REPUBLIC STEEL CO
 8300415               3415520150   108             REPUBLIC STEEL #8                                   0.0 REPUBLIC STEEL CO
 8300417               3415520177   108             REPUBLIC STEEL #9                                   0.0 REPUBLIC STEEL CO
-DOVER OIL CO                              RECEIVED:  10/01/82    JA: OH
 8300422               34167[illegible]17   103             MALONE #1                  PALMER                   2.0 RIVER GAS CO
-FAIRVIEW OIL & GAS CO                     RECEIVED:  10/01/82    JA: OH
 8300423               3416720407   108             THOMAS #1                                           1.5 RIVER GAS CO
 8300424               3416720790   108             THOMAS #2                                           1.5 RIVER GAS CO
-FREDERICK PETROLEUM CORP                  RECEIVED:  10/01/82    JA: OH
 8300425               3412122663   107-DV          ULLMAN #5A ELK TOWNSHIP    ELK                     16.0
-HILLTOP DEVELOPMENT CORP                  RECEIVED:  10/01/82    JA: OH
 8300427               3411926395   103             SABATINO #1                CASS                     1.0 NATIONAL GAS & OI
-HORTIN & HUFFMAN                          RECEIVED:  10/01/82    JA: OH
 8300428               3403124814   103             DALLAS & MARY LINT #3      MONROE                  12.0 COLUMBIA GAS TRAN
-INVESTMENTS & ENERGY OF OHIO CORP         RECEIVED:  10/01/82    JA: OH
 8300432               3416727166   103             GOODWIN #1                 LOWELL                   2.4
 8300430               3416727164   103             TREADWAY #2                LOWELL                   1.1
 8300431               3416727165   103             TREADWAY #3                LOWELL                   0.0
 8300429               3416727163   103             TREADWAY/WAGNER #1         LOWELL                   1.4
-JOHN C MASON                              RECEIVED:  10/01/82    JA: OH
 8300439               3403123440   108             CLYDE BICKLE #1                                    15.0 COLUMBIA GAS TRAN
-L & M PETROLEUM INC                       RECEIVED:  10/01/82    JA: OH
 8300433               3416726521   107-DV          VERNON D AUGENSTEIN 2N     ADAMS                    6.0 GAS TRANSPORT INC
-LAKE REGION OIL INC                       RECEIVED:  10/01/82    JA: OH
 8300434               3407523765   103             MURPHY #1                  MONROE                  10.0 COLUMBIA GAS TRAN
-LEWIS YONALLY OIL & GAS CO                RECEIVED:  10/01/82    JA: OH
 8300489               3416722501   108             LEWIS A YONALLY #1         L A YONALLY (LUDLOW T    1.3 RIVER GAS CO
                                                                                      VOLUME  762          PAGE  02

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8300490                  3416722608    108            LEWIS A YONALLY #2             L A YONALLY (LUDLOW T   1.3 RIVER GAS CO
-MAJ                                   RECEIVED:  10/01/82    JA: OH
8300436                  3414520288    107-DV         CLETIS & INEZ DUMMITT #5       MADISON                 6.6
8300438                  3414520296    107-DV         LANDON & ICY BALL #1           MADISON                 1.1
8300437                  3414520292    107-DV         STEVE & NANCY COTTLE #1        MADISON                 1.5
-MID-CON OIL COMPANY                   RECEIVED:  10/01/82    JA: OH
8300440                  3408924486    103            MARY F GORDON #1               COOPERRIDER            10.0 NATIONAL GAS & OI
8300442                  3408924512    103            VELMA COOPERRIDER #2           COOPERRIDER            15.0 NATIONAL GAS & OI
8300441                  3408924492    103            WENDELL SHELLY #1              COOPERRIDER            15.0 NATIONAL GAS & OI
-NASHVILLE ASSOCIATES INC              RECEIVED:  10/01/82    JA: OH
8300450                  3400922614    107-TF         DAVID RUSSELL #1               BERN                    0.0 COLUMBIA GAS TRAN
-NEIL R. WYNN                          RECEIVED:  10/01/82    JA: OH
8300487                  3416727241    103            BOGARD #1                      FAIRFIELD               0.5 RIVER GAS CO
8300488                  3416727242    103            BURFIELD #1                    FAIRFIELD               1.0 RIVER GAS CO
-ONEAL PETROLEUM INC                   RECEIVED:  10/01/82    JA: OH
8300452                  3411522383    103            E NEWSOM #1                    PENN                    0.0 COLUMBIA GAS TRAN
8300451                  3408120442    103            R ARMINGTON #1                 SPRINGFIELD             0.0 COLUMBIA GAS TRAN
8300453                  3411522519    103            R JUTTE #2                     PENN                    0.0 COLUMBIA GAS TRAN
8300454                  3411522667    103            R MERCER #2                    PENN                    0.0 COLUMBIA GAS TRAN
-ORWIG OIL COMPANY                     RECEIVED:  10/01/82    JA: OH
8300455                  3407322688    103            AARON AND JOHN CONKLEY #1      GORE                   16.0 PARAMOUNT TRANSMI
-RELIANCE ENERGY                       RECEIVED:  10/01/82    JA: OH
8300457                  3407322675    103            DOUGLAS WICK #2                WARD                    3.0 COLUMBIA GAS TRAN
8300456                  3407322671    103            I POWELL #2                    GORE                    2.5 COLUMBIA GAS TRAN
-SANDHILL ENERGY INC (OH)              RECEIVED:  10/01/82    JA: OH
8300459                  3411122917    103            MERCKLE #1A                    BENTON                 25.2
8300458                  3411122750    103            MERCKLE #3                     BENTON                 25.2
8300460                  3416727205    103            MITCHELL #2                    RAVEN ROCK              7.3
-THE MUTUAL OIL & GAS COMPANY          RECEIVED:  10/01/82    JA: OH
8300448                  3412122762    103            CHRISTMAN #2N                  MARION                  6.0 COLUMBIA GAS TRAN
8300449                  3412122763    103            CHRISTMAN #3N                  MARION                  1.0 COLUMBIA GAS TRAN
8300445                  3411122602    107-DV         D HUGHES #2M                   FRANKLIN                7.0 COLUMBIA GAS TRAN
8300446                  3411122603    107-DV         D HUGHES #3-M                  FRANKLIN               22.0 COLUMBIA GAS TRAN
8300447                  3411122801    107-DV         G BAKER #4MA                   FRANKLIN               10.0 COLUMBIA GAS TRAN
8300444                  3411122499    107-DV         J MALLETT #4M                  FRANKLIN               10.0 COLUMBIA GAS TRAN
8300443                  3411122497    107-DV         M BAKER #6M                    FRANKLIN                8.0 COLUMBIA GAS TRAN
-THOMAS R HALLORAN & ASSOC             RECEIVED:  10/01/82    JA: OH
8300426                  3416727096    103            GRACE JOY #1                   RAVEN ROCK             10.0
-W J LYDIC INC                         RECEIVED:  10/01/82    JA: OH
8300435                  3412725602    103    107-TF  BORING #1                      READING                26.0
-WILLEY OIL & GAS CO                   RECEIVED:  10/01/82    JA: OH
8300461                  3411926345    103            MOORE-WAGGONER #3              JACKSON                10.0 NATIONAL GAS & OI
-WITCO CHEMICAL CORP                   RECEIVED:  10/01/82    JA: OH
8300463                  3401921467    103            ANDERVONT-COLE UNIT #1         BROWN                   3.6 CANTON OIL & GAS
8300467                  3407322664    103            B F SWEAZY #1-A                GORE                    3.0
8300462                  3401921450    103            BURNS HOLM UNIT #1             BROWN                   3.6
8300469                  3408924431    103            C E VAN WINKLE #1-A            PERRYTON                3.0
8300468                  3408922266    103            E ASHCRAFT #4                  PERRYTON                3.0
8300483                  3415123699    103            E MERRICK #1A                  MALVERN                 3.6
8300482                  3415123570    103            H KRIDER #1                    OSNABURG                3.6 BELDEN & BLAKE CO
8300473                  3412725128    103            HATTIE LOVE 1-B                JACKSON                 3.0 NOT YET DETERMINE
8300485                  3416320615    103            HOCKING VALLEY PRODUCTS #2029  SWAN                    3.0
8300470                  3412724834    103            HOCKING VALLEY PRODUCTS #2033  MONDAY CREEK            3.0 PARAMOUNT TRANSMI
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8300486                  3416320616    103           HOCKING VALLEY PRODUCTS #2034      SWAN                    3.0
8300475                  3412725179    103           HOCKING VALLEY PRODUCTS #2035      COAL                    3.0 COLUMBIA GAS TRAN
8300476                  3412725180    103           HOCKING VALLEY PRODUCTS #2036      COAL                    3.0 COLUMBIA GAS TRAN
8300477                  3412725181    103           HOCKING VALLEY PRODUCTS #2037      COAL                    3.0 COLUMBIA GAS TRAN
8300478                  3412725182    103           HOCKING VALLEY PRODUCTS #2038      COAL                    3.0 COLUMBIA GAS TRAN
8300479                  3412725183    103           HOCKING VALLEY PRODUCTS #2039      COAL                    3.0 COLUMBIA GAS TRAN
8300474                  3412725177    103           HOCKING VALLEY PRODUCTS #2040      COAL                    3.0 COLUMBIA GAS TRAN
8300480                  3412725184    103           HOCKING VALLEY PRODUCTS #2041      COAL                    3.0
8300464                  3407322491    103           HOCKING VALLEY PRODUCTS #2042      GREEN                   3.0 COLUMBIA GAS TRAN
8300465                  3407322492    103           HOCKING VALLEY PRODUCTS #2043      GREEN                   3.0 COLUMBIA GAS TRAN
8300466                  3407322493    103           HOCKING VALLEY PRODUCTS #2044      GREEN                   3.0 COLUMBIA GAS TRAN
8300484                  3415123721    103           MCKINNEY "B" UNIT #2               MALVERN                 3.6
8300481                  3415123533    103           MCKINNEY UNIT #1                   SANDY                   3.6 CANTON OIL & GAS
8300471                  3412725126    103           W O GROVE #1-B                     JACKSON                 3.0
8300472                  3412725127    103           W O GROVE #2-B                     JACKSON                 3.0
-ZENITH EXPLORATION COMPANY            RECEIVED:  10/01/82     JA: OH
8300493                  3415723068    108           MARGARET B WARD #1                                         2.0 EAST OHIO GAS CO
8300494                  3415723069    108           MARGARET B WARD #2                                         2.7 EAST OHIO GAS CO
8300492                  3415723067    108           ROBERT R CLARK #1                                          2.4 EAST OHIO GAS CO
8300491                  3415722920    108           THOMAS H MISRICH #1                                        9.0 EAST OHIO GAS CO
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, ALBUQUERQUE,NM
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-AMOCO PRODUCTION CO                   RECEIVED:  10/04/82     JA: NM  4
 8300591  NM-0809-82    3004511689    108            GALLEGOS CANYON UNIT #247(3RD)     BASIN-DAKOTA           20.0 EL PASO NATURAL G
 8300584  NM-0800-82    3003920568    108            JICARILLA CONTRACT 146 #23 (2ND)   GONZALES-MESA VERDE     0.0 EL PASO NATURAL G
 8300585  NM-0801-82    3003906084    108            JICARILLA CONTRACT 146 #4 (3RD)    SOUTH BLANCO-PICTURED  19.0 NORTHWEST PIPELIN
-CHAMA PETROLEUM CO                    RECEIVED:  10/04/82     JA: NM  4
 8300575  NM-074282102 3001523958     102-4  103     HUBER FEDERAL #1                   UNDESIGNATED MORROW   700.0 EL PASO NATURAL G
-CHAPARRAL OIL & GAS CO                RECEIVED:  10/04/82     JA: NM  4
 8300537  NM-0888-81    3004500000    108            LEA ANN #1                         FOUR CORNERS           12.0 SOUTHERN UNION GA
-CITIES SERVICE COMPANY                RECEIVED:  10/04/82     JA: NM  4
 8300573  NM 0738-82    3001524032    103            GOVERNMENT-AO #1                   UNDESIGNATED MORROW   120.0
-COLEMAN OIL & GAS INC                 RECEIVED:  10/04/82     JA: NM  4
 8300539  NM-1744-81    3004524785    108            NAVAJO WOOD #2                     BISTI GALLUP           34.0 EL PASO NATURAL G
-CURTIS J LITTLE                       RECEIVED:  10/04/82     JA: NM  4
 8300565  NM 0708-82    3003922905    103            FOSTER #2                          SOUTH BLANCO PICTURED  25.0 EL PASO NATURAL G
 8300566  NM 0709-82    3003922906    103            FOSTER #4                          SOUTH BLANCO PICTURED  25.0 EL PASO NATURAL G
-D W VAREL                             RECEIVED:  10/04/82     JA: NM  4
 8300559  NM 0681-82    3001522407    103            EXXON FEDERAL #1                   PAVO MESA-PREMIER      48.6 CONOCO INC
-DELTA DRILLING CO                     RECEIVED:  10/04/82     JA: NM  4
 8300544  NM-0315-82    3001500000    108            AMOCO FEDERAL #1                   SOUTH CULEBRA BLUFF (   6.0 EL PASO NATURAL G
-DEPCO INC                             RECEIVED:  10/04/82     JA: NM  4
 8300552  NM 0616-82    3001523912    103            FEDERAL 632 #2                     LOCO HILLS              6.0 PHILLIPS PETROLEU
-DOME PETROLEUM CORP                   RECEIVED:  10/04/82     JA: NM  4
 8300598  NM-0817-82    3004320484    107-TF         DOME FEDERAL 10-22-7 #1            RUSTY CHACRA          267.6 SOUTHWEST GAS COR
 8300601  NM-0820-82    3004320481    107-TF         DOME FEDERAL 18-22-6 #3            RUSTY CHACRA          152.6 SOUTHWEST GAS COR
 8300597  NM-0816-82    3004320482    107-TF         DOME FEDERAL 20-22-6 #2            RUSTY CHACRA          383.1 SOUTHWEST GAS COR
 8300596  NM0815-82     3004320486    107-TF         DOME FEDERAL 20-22-6 #3            RUSTY CHACRA          251.1 SOUTHWEST GAS COR
 8300600  NM-0819-82    3004320406    107-TF         DOME FEDERAL 29-22-6 #2            RUSTY CHACRA          356.4 SOUTHWEST GAS COR
 8300605  NM-0824-82    3004320483    107-TF         DOME FEDERAL 29-22-6 #3            RUSTY CHACRA EXTENSIO 461.7 SOUTHWEST GAS COR
 8300604  NM-0823-82    3004320491    107-TF         DOME FEDERAL 34-22-7 #1            RUSTY CHACRA            9.5 SOUTHWEST GAS COR
 8300603  NM-0822-82    3004320480    107-TF         DOME NAVAJO 17-22-7 #2             RUSTY CHACRA           48.6 SOUTHWEST GAS COR
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JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                              FIELD NAME              PROJ   PURCHASER
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8300602  NM-0821-82    3004320470    107-TF        DOME NAVAJO 18-22-6 #2                 RUSTY CHACRA            120.9 SOUTHWEST GAS COR
8300606  NM-0825-82    3004320475    107-TF        DOME NAVAJO 27-22-6 #1                 RUSTY CHACRA            249.7 SOUTHWEST GAS COR
8300599  NM-0818-82    3004320477    107-TF        DOME NAVAJO 28-22-6 #2                 RUSTY CHACRA            335.1 SOUTHWEST GAS COR
8300609  NM-0828-82    3004320476    107-TF        DOME NAVAJO 28-22-6 #4                 RUSTY CHACRA EXTENSIO   521.6 SOUTHWEST GAS COR
8300607  NM-0826-82    3004320485    107-TF        DOME NAVAJO 28-22-7 #2                 RUSTY CHACRA              8.8 SOUTHWEST GAS COR
8300608  NM-0827-82    3004320478    107-TF        DOME NAVAJO 34-22-6 #1                 RUSTY CHACRA EXTENSIO   409.9 SOUTHWEST GAS COR
8300610  NM0829-82     3004320479    107-TF        DOME NAVAJO 35-22-6 #1                 RUSTY CHACRA EXTENSIO    49.6 SOUTHWEST GAS COR
-EL PASO NATURAL GAS COMPANY          RECEIVED:  10/04/82    JA: NM  4
8300612  NM0837-82     3004505844    108           BALLARD #17                            BALLARD - PICTURED CL    18.0 EL PASO NATURAL G
8300543  NM 1936-81    3004511762    108           FLORANCE C #11                         SOUTH BLANCO - PICTUR    22.0 EL PASO NATURAL G
8300542  NM-1922-81    3004524674    108           GAGE #3                                AZTEC PICTURED CLIFFS    18.0 EL PASO NATURAL G
8300541  NM-1818-81    3004506336    108           GORDON A #2                            BASIN DAKOTA             22.0 EL PASO NATURAL G
8300560  NM-0686-82    3004506336    108           GORDON A #2                            BASIN DAKOTA             18.0 EL PASO NATURAL G
8300614  NM839-82      3004505691    108           HUERFANO UNIT #55                      BALLARD - PICTURED CL    16.0 EL PASO NATURAL G
8300619  NM-0850-82    3004520893    108           MANSFIELD #12                          BLANCO - PICTURED CLI    20.0 EL PASO NATURAL G
8300567  NM-0716-82    3004521025    108           MUDGE #38 PC                           BLANCO - PICTURED CLI    18.0 EL PASO NATURAL G
8300578  NM-0781-82    3001521049    108           ROCKY ARROYO E #1                      ROCKY ARROYO - WOLFCA    18.0 EL PASO NATURAL G
8300561  NM-0689-82    3003920731    108           SAN JUAN 27-4 UNIT #63                 TAPACITO - PICTURED C    16.0 EL PASO NATURAL G
8300563  NM-0621-82    3003920883    108           SAN JUAN 27-4 UNIT #79                 TAPACITO - PICTURED C    18.0 EL PASO NATURAL G
8300547  NM-0483-82    3003920584    108           SAN JUAN 28-6 UNIT #133                BASIN - DAKOTA           24.0 EL PASO NATURAL G
8300545  NM-0360-82    3003907497    108           SAN JUAN 29-7 UNIT #95                 BLANCO - MESA VERDE      19.0 EL PASO NATURAL G
8300613  NM0838-82     3003907876    108           SAN JUAN 30-6 UNIT #40 X               BLANCO - MESA VERDE      14.0 EL PASO NATURAL G
8300611  NM0836-82     3004511432    108           SAN JUAN 32-9 UNIT #54                 BLANCO - MESA VERDE      19.0 EL PASO NATURAL G
-ENERGY RESERVES GROUP INC            RECEIVED:  10/04/82    JA: NM  4
8300538  NM-1594-81    3004524[illegible]06    108           GALLEGOS CANYON UNIT #306              KUTZ WEST FRUITLAND       5.5 EL PASO NATURAL G
-GULF OIL CORPORATION                 RECEIVED:  10/04/82    JA: NM  4
8300540  NM-1784-81    3004525016    103           DOUTHIT "C" FEDERAL #1E                BASIN DAKOTA              6.0 EL PASO NATURAL G
-HARPER OIL COMPANY                   RECEIVED:  10/04/82    JA: NM  4
8300577  NM-0774-82    3000561040    102-2         DENTON-FEDERAL #1                      WILDCAT                 146.0 NATURAL GAS PIPEL
-JACK GRYNBERG & ASSOCIATES           RECEIVED:  10/04/82    JA: NM  4
8300562  NM 0704-82    3030561578    103    107-TF TROUT WELL FEDERAL#1                   PECOS SLOPE ABO GAS       0.0 TRANSWESTERN PIPE
-LADD PETROLEUM CORPORATION           RECEIVED:  10/04/82    JA: NM  4
8300594  NM-0813-82    3004524090    108           AZTEC #2-E                             BASIN DAKOTA             15.3 EL PASO NATURAL G
8300595  NM-0814-82    3004508864    108           FARMINGTON #1-4                        BASIN DAKOTA             11.9 SOUTHERN UNION GA
-M R SCHALK                           RECEIVED:  10/04/82    JA: NM  4
8300569  NM 0726-82    30[illegible]4500[illegible]0    103           CHARLES MOSH #1E                       BASIN DAKOTA              6.0 EL PASO NATURAL G
8300568  NM 0725-82    30[illegible]9525[illegible]5    103           FEDERAL GAS COM "F" #1E                BASIN DAKOTA              0.0 EL PASO NATURAL G
8300557  NM 0674-82    30[illegible]4500[illegible]0    103           J F BELL #2E                           BASIN DAKOTA              0.0 EL PASO NATURAL G
8300556  NM 0672-82    30[illegible]4500[illegible]0    103           JOHNSON GAS COM "D" #1E                BASIN DAKOTA              6.0 EL PASO NATURAL G
8300558  NM 0675-82    3004525[illegible]6    103           SHIPP GAS COM #1E                      BASIN DAKOTA              6.0 EL PASO NATURAL G
-MARATHON OIL COMPANY                 RECEIVED:  10/04/82    JA: NM  4
8300572  NM 0736-82    3003922590    103           JICARILLA APACHE #12-E                 JICARILLA APACHE (GRA   280.[illegible] NORTHWEST PIPELIN
-MERRION OIL & GAS CORP               RECEIVED:  10/04/82    JA: NM  4
8300571  NM 0728-82    3003922923    103           THEODORE ZINK #1                       UNDESIGNATED             51.0
-MOBIL PROD TEXAS & NEW MEXICO INC    RECEIVED:  10/04/82    JA: NM  4
8300587  NM-0803-82    3004508000    108-SA        C M MORRIS #6                          FULCHER PICTURED CLIF    21.0 EL PASO NATURAL G
8300586  NM-0802-82    3003906347    108-SA        JICARILLA B #1                         TAPACITO PICTURED CLI    14.3 NORTHWEST PIPELIN
8300589  NM-0805-82    3003920164    108-SA        JICARILLA D #10-PC                     GAVALIN PICTURED CLIF    11.4 NORTHWEST PIPELIN
8300590  NM-0807-82    3003906485    108-SA        JICARILLA D #9                         GAVALIN PICTURED CLIF    11.9 NORTHWEST PIPELIN
8300555  NM 0624-82    3003922875    103           JICARILLA E #4-A                       BLANCO MESAVERDE GAS    125.2 NORTHWEST PIPELIN
8300554  NM 0623-82    3003922811    103           JICARILLA E #8                         BLANCO MESAVERDE GAS     83.6 NORTHWEST PIPELIN
8300588  NM-0804-82    3003900000    108-SA        JICARILLA F #2                         BLANCO MESAVERDE GAS     15.1 NORTHWEST PIPELIN
-NORTHWEST PIPELINE CORPORATION       RECEIVED:  10/04/82    JA: NM  4
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 8300549  NM-0568-82    3003922645   103            ROSA UNIT 67               BASIN DAKOTA             0.0 NORTHWEST PIPELIN
 8300983  NM-0793-82    3003907835   108            SAN JUAN 30-5 UNIT 25      BLANCO MESAVERDE         0.0 EL PASO NATURAL G
 8300581  NM-0789-82    3003907907   108            SAN JUAN 31-6 #14          BLANCO MESAVERDE         0.0 EL PASO NATURAL G
 8300582  NM-0792-82    3004510943   108            SAN JUAN 32-8 #33          BLANCO MESAVERDE         0.0 EL PASO NATURAL G
-PERRY R BASS                        RECEIVED:  10/04/82     JA: NM   4
 8300570  NM-072782102 3001523385    102-4  103     BIG EDDY UNIT #79-Y        BASS                   300.0 NATURAL GAS PIPEL
-PETRO-LEWIS CORPORATION             RECEIVED:  10/04/82     JA: NM   4
 8300563  NM 0705-82    3003922865   103            FLORANCE #8-A              BLANCO MESA VERDE       27.0 EL PASO NATURAL G
 8300574  NM 0739-82    3003922825   103            PLC DOUTHIT FEDERAL 4-4    BLANCO PICTURED CLIFF   10.0 EL PASO NATURAL G
 8300548  NM-0550-82    3004320596   103            PLC OCE FEDERAL #1-19      BLANCO                 247.0 EL PASO NATURAL G
 8300564  NM 0707-82    3003922838   103            PLC WASSON FEDERAL 2-26    BLANCO PICTURED CLIFF   20.0 EL PASO NATURAL G
-PHILLIPS PETROLEUM COMPANY          RECEIVED:  10/04/82     JA: NM   4
 8300576  NM 0737-82    3000520846   103            DAVIS N #4                 CHAVEROO SAN ANDRES     70.0
-RAULT PETROLEUM CORP                RECEIVED:  10/04/82     JA: NM   4
 8300550  NM0605-82107 3000561369    102-2  107-TF EDDLEMAN FEDERAL #2 NM36707 PECOS SLOPE ABO      73.0 TRANSWESTERN PIPE
 8300551  NM0606-82107 3000561399    102-2  107-TF TOMMY FEDERAL #1 NM20328    PECOS SLOPE ABO        182.5 TRANSWESTERN PIPE
-SHELL OIL CO                        RECEIVED:  10/04/82     JA: NM   4
 8300580  NM-0787-82    3030500000   108            HODGES - C - FEDERAL #3    CATO SAN ANDRES          1.6 CITIES SERVICE CO
-TENNECO OIL COMPANY                 RECEIVED:  10/04/82     JA: NM   4
 8300546  NM 0431-82    3001500003   103            MJ 13 FED COMM #1          LUSK MORROW              0.0 EL PASO NATURAL G
-YATES PETROLEUM CORPORATION         RECEIVED:  10/04/82     JA: NM   4
 8300616  NM0944882107  3000561439   102-2  107-TF ALBITUS "TH" FEDERAL #1     PECOS SLOPE ABO          0.0 TRANSWESTERN PIPE
 8300593  NM0811-82     3000561462   102-2  107-TF GEORGE "QJ" FEDERAL #4      PECOS SLOPE ABO          0.0 TRANSWESTERN PIPE
 8300618  NM084782107   3000561511   102-2  107-TF GEORGE "QJ" FEDERAL #5      PECOS SLOPE ABO          0.0 TRANSWESTERN PIPE
 8300615  NM084382107   3000561496   102-2  107-TF KISNER "TB" FEDERAL #1      PECOS SLOPE ABO          0.0 TRANSWESTERN PIPE
 8300592  NM0810-82     3000561463   102-2  107-TF MOVAGHAN "DY" FEDERAL #2    PECOS SLOPE-ABO GAS      0.0 TRANSWESTERN PIPE
 8300617  NM084682107   3000561441   102-2  107-TF MORTON "SZ" FEDERAL #1      UND ABO                  0.0 TRANSWESTERN PIPE
-SHELL OIL CO                        RECEIVED:  10/04/82     JA: OK   4
 8300579  NM-0786-82    3512920091   108            KIRBIE GOVERNMENT #2-26    BISHOP SOUTH            12.1 PANHANDLE EASTERN
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, CASPER,WY
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-FARMERS UNION CENTRAL EXCHANGE INC  RECEIVED:  10/04/82     JA: MT   5
 8300519  M109-2        2500321391   102-2          FEDERAL 13-32              MONDAK WEST             50.0 SHELL OIL CO
-MIDLANDS GAS CORPORATION            RECEIVED:  10/04/82     JA: MT   5
 8300515  M105-2-E      2507121260   108-ER         FEDERAL #1 1761            BOWDOIN                 21.0 KANSAS-NEBRASKA N
 8300501  M 569-1       2507121448   108            FEDERAL 1 0622             WILDCAT                  4.0 KANSAS-NEBRASKA N
 8300500  M 568-1       2507121216   108            FEDERAL 1 1331             WILDCAT                  9.0 KANSAS-NEBRASKA N
 8300497  M 564-1       2507121706   108            FEDERAL 1 1431             BOWDOIN                 12.0 KANSAS-NEBRASKA N
 8300499  M 567-1       2507121279   108            FEDERAL 1 2613             WILDCAT                  4.0 KANSAS-NEBRASKA N
 8300502  M 570-1       2507121229   108            FEDERAL 1 3351             BOWDOIN                  5.0 KANSAS-NEBRASKA N
 8300514  M104-2-E      2507121329   108-ER         FEDERAL 183332-1 1632      BOWDOIN                 21.0 KANSAS-NEBRASKA N
 8300516  M106-2E       2507121330   108-ER         0842 83432                 BOWDOIN                 22.0 KANSAS-NEBRASKA N
 8300498  M 563-1       2507121605   108            1531 153331                BOWDOIN                 15.0 KANSAS-NEBRASKA N
-DIAMOND SHAMROCK CORPORATION        RECEIVED:  10/04/82     JA: ND   5
 8300533  ND125-2       3300700543   102-2          CENEX FEDERAL 34-4         WILDCAT                  0.0
-DONALD C SLAWSON                    RECEIVED:  10/04/82     JA: ND   5
 8300504  ND 597-1      3310500658   102-4          T M TRIBAL #4-1            CLIMAX                   0.0 PHILLIPS PETROLEU
-TENNECO OIL COMPANY                 RECEIVED:  10/04/82     JA: ND   5
 8300512  ND 95-2       3300700681   102-2          HAMILTON USA 2-28          ELKHORN RANCH          113.0 MONTANA-DAKOTA UT
-ANDOVER OIL CO                      RECEIVED:  10/04/82     JA: WY   5
 8300496  W 563-1       4900931935   103            FEDERAL 14-34              MANNING                 25.0 MGPC INC
-CHANDLER & ASSOCIATES INC           RECEIVED:  10/04/82     JA: WY   5
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                                                                                    VOLUME  762          PAGE  906
JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                         FIELD NAME           PROD   PURCHASER
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 8300518  W108-2        4903705464   107-FE        VER BRUGGE GOVT #1                PATRICK DRAW          96.0 STAUFFER CHEMICAL
 8300517  W107-2        4903705389   107-FE        WOLF GOVERNMENT #1                PATRICK DRAW          96.0 STAUFFER CHEMICAL
-CIG EXPLORATION INC                  RECEIVED:  10/04/82    JA: WY  5
 8300513  W98-2         4901320897   103            QUINCY 1-34                      MADDEN-MESAVERDE    1352.0 COLORADO INTERSTA
-DAVIS OIL COMPANY                    RECEIVED:  10/04/82    JA: WY  5
 8300526  W117-2        4903721839   102-2          BUCCANEER UNIT #1                WILDCAT              205.4 PANHANDLE EASTERN
 8300520  W110-2        4900526257   103            BUIE FEDERAL #1-A                DEVELOPMENT           21.0 PHILLIPS PETROLEU
 8300521  W111-2        4900526259   103            BUIE FEDERAL #2                  DEVELOPMENT           21.0 PHILLIPS PETROLEU
 8300530  W122-2        4904521737   103            GREGG FEDERAL #1                 WILDCAT                6.0 PHILLIPS PETROLEU
 8300525  W116-2        4900526258   103            WILLIAM F TANNER FEDERAL #2      DEVELOPMENT           15.6 PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION         RECEIVED:  10/04/82    JA: WY  5
 8300532  W124-2        4900921642   102-2          HENRY FEDERAL 31-9               PHILLIPS CREEK         0.0
 8300503  W 572-1       4900526189   102-4          KELLY FEDERAL 32-14              HI LIGHT              59.0
-HPC INC                              RECEIVED:  10/04/82    JA: WY  5
 8300509  W22-2         4900525521   102-2          ROLLING PIN FEDERAL #3           COLLINS               43.6 WESTERN GAS PROCE
 8300519  W24-2         4900525794   102-2          ROLLING PIN FEDERAL #6           COLLINS               23.2 WESTERN GAS PROCE
-MONSANTO COMPANY                     RECEIVED:  10/04/82    JA: WY  5
 8300531  W123-2        4901320799   107-DP         FLATT #1-28                      LONG BUTTE           545.0 MICHIGAN-WISCONSI
-NATURAL GAS CORPORATION OF CALIF     RECEIVED:  10/04/82    JA: WY  5
 8300527  W118-2        4902320459   107-TF         FEDERAL 2-19                     FONTENELLE           280.0 PACIFIC GAS TRANS
 8300529  W12021        4902320436   107-TF         FEDERAL 3-19                     FONTENELLE             0.0 PACIFIC GAS TRANS
 8300528  W119-2        4903721672   107-TF         FEDERAL 3-2A PTS                 WILDCAT               90.0 PACIFIC GAS & ELE
 8300535  W127-2        4902320486   107-TF         FEDERAL 3-20 NGC                 FONTENELLE           262.0 PACIFIC GAS TRANS
-SNYDER OIL CO                        RECEIVED:  10/04/82    JA: WY  5
 8300522  W112-2        4900720686   107-TF         CIGE FEDERAL 1A-33-14-92         ROBBERS GULCH        108.0 NORTHWEST PIPELIN
 8300524  W115-2        4900720682   107-TF         CIGE FEDERAL 1C-31-14-92         ROBBERS GULCH        360.0 NORTHWEST PIPELIN
 8300523  W113-2        4900720731   107-TF         TENNECO-GETTY FEDERAL 1C-14-14-92 ROBBERS GULCH       180.0 NORTHWEST PIPELIN
-SUN EXPL. & PROD. CO. - HOUSTON      RECEIVED:  10/04/82    JA: WY  5
 8300495  W487-1        4900720441   107-TF         AMOCO FEDERAL #1-28              ECHO SPRINGS        1679.0 COLORADO INTERSTA
-TEXAS AMERICAN OIL CORP              RECEIVED:  10/04/82    JA: WY  5
 8300534  W126-2        4902921075   102-2          MEETEETSE #8-1                   WILDCAT              658.0 TENNESSEE GAS PIP
-TOM BROWN INC                        RECEIVED:  10/04/82    JA: WY  5
 8300511  W35-2         4901321231   102-4          TRIBAL #20-23                    MUDDY RIDGE            2.9 MONTANA-DAKOTA UT
-W A MONCRIEF JR                      RECEIVED:  10/04/82    JA: WY  5
 8300536  W128-2        4901321065   107-DP         LONG BUTTE UNIT #6-2             LYSITE               800.0 MICHIGAN-WISCONSI
-WOODS PETROLEUM CORPORATION          RECEIVED:  10/04/82    JA: WY  5
 8300506  W602-1        4900525906   102-4          PINE TREE UNIT 18-27             PINE TREE             82.0 WESTERN GAS PROCE
 8300507  W603-1        4900533971   102-4          PINE TREE UNIT 21-2              SO PINE TREE           6.0 WESTERN GAS PROCE
 8300508  W607-1        4900525637   102-4          PINE TREE UNIT 21-21             PINE TREE             53.0 WESTERN GAS PROCE
 8300505  W599-1        4900553610   102-4          PINE TREE UNIT 7-22              PINE TREE              0.0 WESTERN GAS PROCE

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION,
CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.
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Kenneth F. Plumb,

Secretary.

[FR Doc. 82-29900 Filed 11-1-82; 8:45 am]

BILLING CODE 6717-01-C

[Volume 763]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 27, 1982.

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 JD NO    JA DKT         API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME               PROD  PURCHASER
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   PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
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-ANGERMAN ASSOCIATES INC                RECEIVED:  10/01/82     JA: PA
 8300709  15790          3706326802   103             MUSSER FOREST INC #4-IND-26802  W PENNA UPPER DEVONIA    50.0 PEOPLES NATURAL G
-ATLAS RESOURCES INC                    RECEIVED:  10/01/82     JA: PA
 8300777  15611          3706326722   103             MOORE #3                        MONTGOMERY              196.0 COLUMBIA GAS TRAN
-DOC-NCC SERVICE CO                     RECEIVED:  10/01/82     JA: PA
 8300774  15608          3712922054   103             FRANK L SMITH 1590-4            EAST HUNTINGDON          30.0 TEXAS EASTERN TRA
-DORAN & ASSOCIATES INC                 RECEIVED:  10/01/82     JA: PA
 8300695  15767          3700320978   108             BERNARD WELLS #2 KM-1           UPPER DEVONIAN SANDS     30.0 CONSOLIDATED GAS
 8300690  15762          3704921009   107-TF          BERNICE STODDARD #1 AE-87       SILURIAN                 30.0 COLUMBIA GAS TRAN
 8300693  15765          3703320642   108             C BUSH #1 KS-5                  UPPER DEVONIAN SANDS     30.0 CONSOLIDATED GAS
 8300691  15763          3704920977   107-TF          EDWARD PORTICE #1 AE - 60       SILURIAN                 30.0 COLUMBIA GAS TRAN
 8300694  15766          3703320997   108             ICA PENTZ #1 KM-9               UPPER DEVONIAN SANDS     30.0 CONSOLIDATED GAS
 8300692  15764          3703320955   108             W H BILLOTTE #1 KM-4            UPPER DEVONIAN SANDS     30.0 CONSOLIDATED GAS
-ENERGY PRODUCTION CO                   RECEIVED:  10/01/82     JA: PA
 8300678  15717          3706326872   103             MARLIN STEPHENS #6              NOLO MOUNTAIN            12.5 COLUMBIA GAS TRAN
-EPSILON 1980 S T JOINT VENTURE         RECEIVED:  10/01/82     JA: PA
 8300699  15773          3703321174   103             SPENCER #2                      PENN                     25.0 CONSOLIDATED GAS
-FOX OIL & GAS INC                      RECEIVED:  10/01/82     JA: PA
 8300799  15634          3706324670   108             J GASTON #1                     MONTGOMERY TOWNSHIP      26.5 COLUMBIA GAS TRAN
 8300803  15638          3706324564   108             JACK HAZELET #1                 MONTGOMERY TOWNSHIP      12.6 COLUMBIA GAS TRAN
 8300800  15635          3706325810   108             JACK HAZELET #4                 MONTGOMERY               26.5 COLUMBIA GAS TRAN
 8300802  15637          3706324842   108             JAMES DOUGLAS #3                MONTGOMERY TOWNSHIP       3.4 COLUMBIA GAS TRAN
 8300798  15632          3706325053   108             JAMES GASTON #2                 MONTGOMERY TOWNSHIP      26.5 COLUMBIA GAS TRAN
 8300801  15636          3706324562   108             VERNON HENRY #1                 GREEN TOWNSHIP            6.4 COLUMBIA GAS TRAN
-GULF OIL CORPORATION                   RECEIVED:  10/01/82     JA: PA
 8300727  15810          3703300000   108             BEATTY BILLIE #1                REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300724  15807          3703300000   108             DICKEY #1                       REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300725  15808          3703300000   108             FEE "A" #65                     REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300726  15809          3703300000   108             FEE "A" #66                     REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300731  15814          3706520541   108             FEE "A" #83                     REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300732  15816          3703320591   108             FEE "A" #85                     REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300733  15817          3703320601   108             FEE "A" #88                     REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300734  15819          3703320617   108             FEE "A" #89                     REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300722  15805          3703300000   108             IRVIN B W #1                    REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300723  15806          3703300000   108             IRVIN B W #4                    REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300721  15804          3703300000   108             IRVIN B W #7                    REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300712  15793          3703320008   108             IRVIN B W #8                    REED-DEEMER              14.5 NATIONAL FUEL GAS
 8300718  15801          3703300000   108             KUNTZ "A" #1                    REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300730  15813          3706500000   108             MCCLURE HARRIET #10             REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300713  15795          3706521745   108             MCCLURE HARRIET #11             REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300720  15803          3706500000   108             MCCLURE HARRIET #5              REED-DEEMER              14.0 NATIONAL FUEL GAS
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 JD NO    JA DKT         API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME                PROD  PURCHASER
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 8300728  15811          3706500000    108           MCCLURE HARRIET #8                 REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300729  15812          3706500000    108           MCCLURE HARRIET #9                 REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300714  15797          3706520391    108           SEIFERT #1                         REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300715  15798          3706500000    108           SEIFERT #2                         REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300716  15799          3706500000    108           SOMMERVILLE #1                     REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300717  15800          3706500000    108           SOMMERVILLE #2                     REED-DEEMER              14.0 NATIONAL FUEL GAS
 8300719  15802          3703306000    108           WELDER #1                          REED-DEEMER              14.0 NATIONAL FUEL GAS
-HARRIET J BROWN                        RECEIVED:  10/01/82     JA: PA
 8300775  15609          3712500000    108           ACKLIN                             DEEMSTON BOROUGH          4.2 PEOPLES NATURAL G
 8300776  15610          3712500000    108           CRUMMINE                           DEEMSTON BOROUGH          3.3 PEOPLES NATURAL G
-J & J ENTERPRISES INC                  RECEIVED:  10/01/82     JA: PA
 8300710  15791          3703321257    103           R & P COAL CO #2 (21A)             BRADY                     6.0 COLUMBIA GAS TRAN
 8300711  15792          3703321222    103           R & P COAL CO #7 (27A)             BRADY                     6.0 COLUMBIA GAS TRAN
-LOCUST KNOB DRILLING PROGRAM           RECEIVED:  10/01/82     JA: PA
 8300676  15705          3712922506    103           GEORGE VERBONIC #1                 BELL                     25.0
-MID-PENN ENERGY CORP                   RECEIVED:  10/01/82     JA: PA
 8300697  15771          3703321324    103           CHARLES MCCRACKEN #2               GRAMPIAN                 30.0 CONSOLIDATED GAS
 8300696  15770          3703321318    103           HOWARD W SHAFFER #3                GRAMPIAN                 60.0 CONSOLIDATED GAS
-MITCH-WELL ENERGY INC                  RECEIVED:  10/01/82     JA: PA
 8300688  15758          3704921724    102-2         SCHAAF #1                          WATERFORD POOL           35.0 COLUMBIA GAS TRAN
 8300689  15759          3704921724    107-TF        SCHAAF #1                          WATERFORD POOL           35.0 COLUMBIA GAS TRAN
-PEMCO GAS INC                          RECEIVED:  10/01/82     JA: PA
 8300773  15607          3700521399    108           VA KOSTELLA #2 - PERMIT: ARM 1399  W PA UPPER DEVONIAN S     6.5 T W PHILLIPS GAS
-PENN PROJECTS LTD DRILLING PROGRAM     RECEIVED:  10/01/82     JA: PA
 8300673  15702          3712921953    103           DAVID C HYSKELL #1                 EAST HUNTINGTON          25.0
 8300677  15706          3712922038    103           LLOYD W SHERBONDY #2               EAST HUNTINGDON          25.0
 8300674  15703          3712921933    103           MICHAEL J SKIRPAN #1               ROSTRAVER                25.0
 8300675  15704          3712921932    103           MICHAEL J SKIRPAN #2               ROSTRAVER                25.0
-PHILLIPS PRODUCTION CO                 RECEIVED:  10/01/82     JA: PA
 8300655  15683          3706326907    103           EDWARD S FABIN #1                  CENTER                   35.0
 8300657  15685          3703300000    103           JANET O'LEARY #1                   MCGEES MILLS QUAD         0.0
 8300656  15684          3703321351    103           MARY M JANIK #1                    BELL                     55.0
-QUAKER STATE OIL REFINING CORP         RECEIVED:  10/01/82     JA: PA
 8300631  15653          3705322660    108           CALDWELL #1Q                       QUEEN POOL                0.3 QUAKER STATE OIL
 8300633  15655          3705300000    108           MASCARO #1Q                        QUEEN POOL                0.3 QUAKER STATE OIL
 8300643  15665          3705300000    103           MCCOY - SMALLWOOD #8Q              QUEEN POOL                2.5 QUAKER STATE OIL
 8300632  15654          3705300000    108           MCCOY BALL #1Q                     QUEEN POOL                4.0 QUAKER STATE OIL
 8300645  15666          3705300000    103           MCCOY SMALLWOOD #2Q                QUEEN POOL                2.5 QUAKER STATE OIL
 8300634  15656          3705300000    108           MCCOY-SMALLWOOD #1Q                QUEEN POOL                4.0 QUAKER STATE OIL
 8300642  15664          3705300000    103           MCCOY-SMALLWOOD #11Q               QUEEN POOL                2.5 QUAKER STATE OIL
 8300641  15663          3705300000    103           MCCOY-SMALLWOOD #12Q               QUEEN POOL                2.5 QUAKER STATE OIL
 8300640  15662          3705300000    103           MCCOY-SMALLWOOD #13Q               QUEEN POOL                2.5 QUAKER STATE OIL
 8300635  15657          3705300000    108           MCCOY-SMALLWOOD #3Q                QUEEN POOL                3.4 QUAKER STATE OIL
 8300636  15659          3705300000    108           MCCOY-SMALLWOOD #4Q                QUEEN POOL                9.3 QUAKER STATE OIL
 8300637  15659          3705322888    108           MCCOY-SMALLWOOD #5Q                QUEEN POOL                1.7 QUAKER STATE OIL
 8300638  15660          3705300000    108           MCCOY-SMALLWOOD #6Q                QUEEN POOL                5.0 QUAKER STATE OIL
 8300639  15661          3705300000    108           MCCOY-SMALLWOOD #7Q                QUEEN POOL                4.6 QUAKER STATE OIL
 8300630  15652          3705300000    108           POSEY FIELD (LITTLE HICKORY) #1Q   QUEEN POOL                0.5 QUAKER STATE OIL
 8300624  15643          3705300000    108           VERTULLO #1Q                       WHIG HILL POOL            1.3 QUAKER STATE OIL
 8300625  15644          3705300000    108           VERTULLO #10Q                      WHIG HILL POOL            0.7 QUAKER STATE OIL
 8300654  15675          3705300000    108           VERTULLO #11Q                      WHIG HILL POOL            0.1 QUAKER STATE OIL
 8300653  15676          3705300000    108           VERTULLO #12Q                      WHIG HILL POOL            0.4 QUAKER STATE OIL
 8300651  15673          3705300000    108           VERTULLO #14Q                      WHIG HILL POOL            0.6 QUAKER STATE OIL
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                                                                                    VOLUME  763         PAGE  003
JD NO    JA DKT        API NO       D SEC(1) SEC(2) WELL NAME                         FIELD NAME           PROD  PURCHASER
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8300650  15671         3705300000    108            VERTULLO #16Q                     WHIG HILL POOL        1.3 QUAKER STATE OIL
8300649  15670         3705300000    108            VERTULLO #17Q                     WHIG HILL POOL        1.7 QUAKER STATE OIL
8300648  15669         3705300000    108            VERTULLO #18Q                     WHIG HILL POOL        0.3 QUAKER STATE OIL
8300623  15642         3705300000    108            VERTULLO #2Q                      WHIG HILL POOL        0.6 QUAKER STATE OIL
8300646  15667         3705300000    108            VERTULLO #20Q                     WHIG HILL POOL        2.0 QUAKER STATE OIL
8300622  15641         3705300000    108            VERTULLO #3Q                      WHIG HILL POOL        1.2 QUAKER STATE OIL
8300621  15640         3705300000    108            VERTULLO #4Q                      WHIG HILL POOL        1.6 QUAKER STATE OIL
8300620  15639         3705300000    108            VERTULLO #5Q                      WHIG HILL POOL        1.0 QUAKER STATE OIL
8300629  15648         3705300000    108            VERTULLO #6Q                      WHIG HILL POOL        1.9 QUAKER STATE OIL
8300628  15647         3705300000    108            VERTULLO #7Q                      WHIG HILL POOL        0.9 QUAKER STATE OIL
8300627  15646         3705300000    108            VERTULLO #8Q                      WHIG HILL POOL        0.5 QUAKER STATE OIL
8300626  15645         3705300000    108            VERTULLO #9Q                      WHIG HILL POOL        0.3 QUAKER STATE OIL
8300652  15674         3705300000    108            VERTULLO 13Q                      WHIG HILL POOL        0.4 QUAKER STATE OIL
8300644  15672         3705300000    108            VERTULLO 15Q                      WHIG HILL POOL        0.3 QUAKER STATE OIL
8300647  15668         3705300000    108            VERTULLO 19Q                      WHIG HILL POOL        0.4 QUAKER STATE OIL
-S T JOINT VENTURE - 81-B                 RECEIVED:  10/01/82    JA: PA
8300698  15772         3703321354    103            HENDERSON #1                      KNOX                 25.8 COLUMBIA GAS TRAN
-SAGEBRUSH RESOURCES INC                  RECEIVED:  10/01/82    JA: PA
8300679  15718         3712329598    103            S MIKRUT #1                       SUGAR GROVE          20.0 NATIONAL FUEL GAS
-T W PHILLIPS GAS & OIL CO                RECEIVED:  10/01/82    JA: PA
8300685  15730         3706320175    108            (NEAL) #1                         YOUNG                 0.5 T W PHILLIPS GAS
8300789  15623         3706500000    108            A W OAKS #1                       UNION                 0.6 T W PHILLIPS GAS
8300756  15590         3706320567    108            AMERICAN TRUSTEE & TRANSFER CORP #1 BURRELL             0.9 T W PHILLIPS GAS
8300745  15579         3706322357    108            BUF & SUSQ COAL & COKE CO #1      WASHINGTON            6.2 T W PHILLIPS GAS
8300798  15783         3706500000    108            C F BURNS                         WINSLOW               0.6 T W PHILLIPS GAS
8300744  15578         3706300000    108            CLARE M MARSHALL #1               CONEMAUGH             1.3 T W PHILLIPS GAS
8300659  15688         3706320682    108            DENISE COAL CO #2                 YOUNG                 2.8 T W PHILLIPS GAS
8300680  15720         3706320931    108            DONALD P MCPHERSON JR #4          EAST MAHONING         2.6 T W PHILLIPS GAS
8300780  15614         3706300000    108            E G SHIRLEY #1                    CONEMAUGH             4.7 T W PHILLIPS GAS
8300772  15606         3706320356    108            E S GOLDSMITH (SILBERSTEIN) #1    CONEMAUGH             3.5 T W PHILLIPS GAS
8300761  15595         3706320306    108            E S GOLDSMITH (SILBERSTEIN) #3    CONEMAUGH             2.0 T W PHILLIPS GAS
8300669  15698         3703320357    108            ESTATE OF H E CLARK #3            BELL                  0.8 T W PHILLIPS GAS
8300779  15613         3706300000    108            EWING & MCCUNN #1                 CONEMAUGH             1.1 T W PHILLIPS GAS
8300754  15587         3706300000    108            EWING & ZERFOSS #1                CONEMAUGH             0.5 T W PHILLIPS GAS
8300759  15593         3706320089    108            EWING & ZERFOSS #2                CONEMAUGH             0.4 T W PHILLIPS GAS
8300684  15725         3706321281    108            FRANK WILLIAMSON #4               WEST MAHONING         4.4 T W PHILLIPS GAS
8300737  15782         3706500000    108            FRED & REBA ARMAGOST #1           WINSLOW               0.2 T W PHILLIPS GAS
8300750  15584         3703320381    108            GEORGE F DAVIDSON #1              BELL                  1.1 T W PHILLIPS GAS
8300792  15626         3706500000    108            GEORGE S AARON #2                 UNION                 0.7 T W PHILLIPS GAS
8300742  15376         3706320228    108            GEORGE S HOWARD #1                BLACKLICK             1.9 T W PHILLIPS GAS
8300793  15627         3706500000    108            H C AARON #2                      UNION                 2.7 T W PHILLIPS GAS
8300686  15732         3706320169    108            HARRY F PERSHING #1               BLACKLICK             1.6 T W PHILLIPS GAS
8300747  15581         3706322610    108            HARRY M BEATTY #2                 EAST MAHONING         5.7 T W PHILLIPS GAS
8300671  15700         3700500000    108            HELVETIA COAL MNG COL #1          KITTANNING            0.2 T W PHILLIPS GAS
8300766  15600         3706321187    108            HOMER A CONRAD #1                 CONEMAUGH             0.4 T W PHILLIPS GAS
8300666  15695         3706500000    108            HUMBLE HEIRS #1                   PERRY                 0.6 T W PHILLIPS GAS
8300763  15597         3706300000    108            J A ARCHIBALD #1                  BLACKLICK             0.7 T W PHILLIPS GAS
8300752  15586         3700300000    108            J A CLEMENTS                      PLUM                  2.3 T W PHILLIPS GAS
8300667  15696         3700500000    108            J A LAMBING                       KITTANNING            0.3 T W PHILLIPS GAS
8300682  15723         3706520670    108            J D STATES #1                     GASKILL               6.0 T W PHILLIPS GAS
8300751  15585         3700521637    108            J H COOPER #1                     MADISON               1.0 T W PHILLIPS GAS
8300786  15629         3706320798    108            J H NORTH #1                      EAST MAHONING         4.8 T W PHILLIPS GAS
8300757  15591         3706320247    108            J H PISTININZI #1                 CONEMAUGH             0.6 T W PHILLIPS GAS
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8300797	15631	3706500000		108		J H SUMMERVILLE#2	UNION	1.6	T W PHILLIPS GAS
8300767	15601	3706300000		108		J I SHEARER #1	BURRELL	0.5	T W PHILLIPS GAS
8300784	15618	3706320000		108		J J DAUB #1	CONEMAUGH	1.8	T W PHILLIPS GAS
8300660	15689	3706500000		108		J J HAMILTON #4	PERRY	0.4	T W PHILLIPS GAS
8300672	15701	3712900000		108		J P HAMILTON #2	UPPER BURRELL	3.0	T W PHILLIPS GAS
8300737	15571	3706320011		108		J R MORRONE #1	BURRELL	0.1	T W PHILLIPS GAS
8300736	15570	3706320103		108		JAMES I SHEARER #2	BURRELL	2.1	T W PHILLIPS GAS
8300782	15616	3706300000		108		JAMES SHEARER #1	CONEMAUGH	1.6	T W PHILLIPS GAS
8300791	15625	3706500003		108		JAMES WISHART #1	UNION	2.0	T W PHILLIPS GAS
8300662	15691	3700320034		108		JANE E & S A ELLIOTT #1	PLUM	2.6	T W PHILLIPS GAS
8300663	15692	3700320031		108		JANE E & S A ELLIOTT #3	PLUM	3.8	T W PHILLIPS GAS
8300705	15779	3706500000		108		JOHN B HENRY #1	WINSLOW	0.8	T W PHILLIPS GAS
8300665	15694	3706500600		108		JOHN C MACCARTNEY #1	PERRY	0.4	T W PHILLIPS GAS
8300670	15699	3700500003		108		JOHN G KIMMELL #1	BURRELL	2.9	T W PHILLIPS GAS
8300661	15693	3712920292		108		JOHN HAMILTON #2	FRANKLIN	2.5	T W PHILLIPS GAS
8300730	15774	3703100003		108		JOHN M SOMERVILLE #1	TOBY	1.1	T W PHILLIPS GAS
8300664	15693	3712920276		108		JOHN MILLER #1	UPPER BURRELL	2.3	T W PHILLIPS GAS
8300785	15619	3706320217		108		L D SHAWFIELD #1	CONEMAUGH	0.4	T W PHILLIPS GAS
8300758	15592	3706320924		108		LABOLLE & ROGERS #1	CONEMAUGH	4.0	T W PHILLIPS GAS
8300771	15608	3706320237		108		LAURE E LYONS #1	CONEMAUGH	4.3	T W PHILLIPS GAS
8300683	15724	3706500003		108		M C MUMFORD #1	UNION	0.8	T W PHILLIPS GAS
8300746	15580	3706322881		108		MABEL BOUCHER #1	SOUTH MAHONING	3.3	T W PHILLIPS GAS
8300781	15615	3706300000		108		MACK & BARBOR #2	CONEMAUGH	2.0	T W PHILLIPS GAS
8300778	15612	3706321422		108		MIKE CHELOSKY #1	CONEMAUGH	0.6	T W PHILLIPS GAS
8300749	15583	3712900000		108		MINERVA BARNETT #1	UPPER BURRELL	2.6	T W PHILLIPS GAS
8300787	15621	3706303000		108		MINNIE CARNAHAN #1	CONEMAUGH	1.0	T W PHILLIPS GAS
8300764	15598	3706300060		108		MINNIE FAY #1	BURRELL	1.4	T W PHILLIPS GAS
8300723	15777	3706500300		108		MRS F E HANNAH #1	WINSLOW	0.5	T W PHILLIPS GAS
8300790	15624	3706500030		108		MRS LAVINA MOORE #2	UNION	1.0	T W PHILLIPS GAS
8300668	15697	3712900300		108		NANCY STEWART #1	UPPER BURRELL	2.2	T W PHILLIPS GAS
8300704	15778	3706500060		108		NORMAN SPRAGUE #1	WINSLOW	0.6	T W PHILLIPS GAS
8300760	15594	3706320143		108		PAUL N EWING #1	CONEMAUGH	1.0	T W PHILLIPS GAS
8300735	15559	3706320221		108		R E L SHUMAKER #1	BURRELL	3.0	T W PHILLIPS GAS
8300706	15780	3706500003		108		R E NORRIS #1	WINSLOW	1.0	T W PHILLIPS GAS
8300658	15686	3706320019		108		RAINES & KING #1	YOUNG	3.1	T W PHILLIPS GAS
8300755	15589	3706320183		108		ROBINSON BROTHERS #1	BLACKLICK	1.4	T W PHILLIPS GAS
8300748	15582	3706321619		108		S C JR & F CHIMINO #1	CENTER	3.8	T W PHILLIPS GAS
8300701	15773	3706500003		108		S J & E M MARLIN #2	WINSLOW	2.4	T W PHILLIPS GAS
8300681	15721	3706321341		108		SAMUEL P BAYARD #3	CENTER	3.3	T W PHILLIPS GAS
8300743	15579	3706300000		108		STEVE ADAMCHIK #1	BLACKLICK	2.6	T W PHILLIPS GAS
8300762	15596	3706300000		108		STEVE ADAMCHIK #2	BLACKLICK	0.8	T W PHILLIPS GAS
8300687	15734	3706500000		108		SYPHRIT - SHAFFER #1	WINSLOW	2.9	T W PHILLIPS GAS
8300741	15575	3706320239		108		T F WILLIAMS #1	BLACKLICK	1.4	T W PHILLIPS GAS
8300786	15622	3706300003		108		T M RISHEL #1	CONEMAUGH	2.6	T W PHILLIPS GAS
8300793	15597	3706300003		108		THOMAS M GUIHER #1	CONEMAUGH	2.8	T W PHILLIPS GAS
8300739	15573	3706320418		108		TREASURER OF U S A #1	BLACKLICK	3.4	T W PHILLIPS GAS
8300794	15628	3706500600		108		W H GLENN #2	UNION	0.9	T W PHILLIPS GAS
8300796	15630	3706500000		108		W H HETRICK #1	ELDRED	1.0	T W PHILLIPS GAS
8300795	15629	3706500000		108		W H HETRICK #2	ELDRED	0.6	T W PHILLIPS GAS
8300783	15617	3706300003		108		W L CLAWSON #1	CONEMAUGH	1.4	T W PHILLIPS GAS
8300769	15603	3706300080		108		W M HUDSON #1	CONEMAUGH	1.2	T W PHILLIPS GAS
8300740	15574	3706320611		108		W STEELE SHAW #2	BURRELL	0.5	T W PHILLIPS GAS
8300765	15599	3706320974		108		W T MALCOLM #1	CONEMAUGH	1.0	T W PHILLIPS GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8300738	15572	3706320232		108		WALTER J LYDA #1	BURRELL	1.4	T W PHILLIPS GAS
8300702	15776	3706500000		108		WARD B KOUGHER #1	WINSLOW	1.5	T W PHILLIPS GAS
8300770	15604	3706320177		108		WILLIAM CHESNICK #1	CONEMAUGH	4.4	T W PHILLIPS GAS
8300768	15602	3706300060		108		WILLIS E MILLER #1	CONEMAUGH	1.2	T W PHILLIPS GAS

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION, CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.

BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the Federal Register.

Categories within each NGPA sections are indicated by the following codes:

Section 102–1: New OCS lease
- 102–2: New well (2.3 mile rule)
- 102–3: New well (1000 ft rule)
- 102–4: New onshore reservoir
- 102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
- 107–GB: Geopressured brine
- 107–CS: Coal seams
- 107–DV: Devonian shale
- 107–PE: Production enhancement
- 107–TF: New tight formation
- 107–RT: Recompletion tight formation

Section 108: Stripper well
- 108–SA: Seasonally affected
- 108–ER: Enhanced recovery
- 108–PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–29970 Filed 11–1–82: 8:45 am]

BILLING CODE 6717–01–M

Office of Hearings and Appeals

Cases Filed; Week of October 8 through October 15, 1982

During the week of October 8 through October 15, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 25, 1982.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 8 Through October 15, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Oct 8, 1982	Kirkpatrick, Lockhart, Johnson & Hutchison, Pittsburgh, PA.	HFA–0089	Appeal of an informaton request denial. If granted: The September 10, 1982, Information Request Denial issued by the Office of Fuels Programs would be rescinded and Kirkpatrick, Lockhart, Johnson & Hutchison would receive access to the March 16, 1982 document entitled "The Decline of Controlled Oil."
Oct 12, 1982	Kansas Refined Helium Co., Otis, Kansas	HEE–0044	Exception to the reporting requirements. If granted: Kansas Refined Helium company would not be required to file Form EIA–282A, "Monthly Petroleum Product Sales Report."
Oct 12, 1982	Little America Refining Co./Gulf Oil Corporation, Wassington, D.C.	HEJ–0025	Request for protective order. If granted: Gulf Oil Corporation would inter into a protective order with Little America Refining Company regarding the release of proprietary information to Gulf Oil Corporation in connection with Little America Refining Company's year end review (Case Nos. HYX–0088 and HYX–0014).
Oct 12, 1982	Office of Special Counsel/Atlantic Richfield Company, Washington, D.C	HRD–0082	Motion for discovery. If granted: Discovery would be granted to the Office of Special Counsel in connection with the Statement of Objections submitted in response to the Proposed Remedial Order issued to Atlantic Richfield Company (Case No. HRO–0027).
Oct 13, 1982	Office of Special Counsel/Atlantic Richfield Company Washington, D.C	HRX–0050	Supplemental Order. If granted: The Office of Hearings and Appeals would make a determination regarding the scope of the supplemental search that Atlantic Richfield Company must conduct pursuant to the July 16, 1982 Decision and Order issued to the Office of Special Counsel and Atlantic Richfield Company (Case No. HRZ–0034).
Oct 13, 1982	Piedmont Petroleum, Company Middleburg, Virginia	HEE–0045	Exception to the reporting requirements. If granted: Piedmont Petroleum Company would not be required to file Form EIA–9A, "No. 2 Distillate Price Monitoring Report."
Oct 14, 1982	Economic Regulatory Administration/Earl E. Wall, Washington, D.C.	HRX–0051	Supplemental order. If granted: The Office of Hearings and Appeals would issue a Decision and Order clarifying certain statements made in the September 20 1982, Decision and Order issued to Earl E. Wall (Case No. DRO–0188)
Oct 14, 1982	Wellen Oil, Inc. and T.W. Oil, Inc., Washington, D.C	HRH–0011	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with the Statement of Objections submitted by Wellen Oil, Inc. in response to the Proposed Remedial Order issued to Wellen (Case No. DRO–0360)

[FR Doc. 82–30077 Filed 11–1–82: 8:45 am]

BILLING CODE 6450–01–M

Cases Filed; Week of October 1 Through October 8, 1982

During the week of October 1 through October 8, 1982, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A submission inadvertently omitted from an earlier list has also been included.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,
Director, Office of Hearings and Appeals.
October 25, 1982.

SUBMISSION OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Oct. 1 through Oct. 8, 1982]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 14, 1982	Midway Enterprises, Inc., Baltimore, Md	RR7-4	Request for Modification/Rescission in the Tenneco Refund Proceeding. If granted: The August 23, 1982, Decision and Order issued to Midway Enterprises, Inc. (Case No. RF7-43) would be modified regarding the firm's application for refund submitted in the Tenneco Refund Proceeding.
Oct. 1, 1982	Economic Regulatory Administration/Marathon Oil Company, Philadelphia, Pa	HRD-0080	Motion for Discovery. If granted: Discovery would be granted to the Economic Regulatory Administration in connection with the Statement of Objections submitted by Marathon Oil Company in response to the Proposed Remedial Order issued to the firm (Case No. HRO-0025).
Oct. 4, 1982	Duffy's Oil Co., Inc., Somersworth, N.H	HEE-0043	Exception to the reporting requirements. If granted: Duffy's Oil would not be required to file Form EIA-782B, "Monthly No. 2 Distillate Sales Report."
Oct. 4, 1982	Ginsburg, Feldman, Weil and Bress, Washington, D.C.	HFA-0087	Appeal of an Information Request Denial. If granted: The August 31, 1982 Information Request Denial issued by the Economic Regulatory Administration, Dallas Regional Office, would be rescinded and Ginsburg, Feldman, Weil and Bress would receive access to documents relating to the DOE's crude oil producer audits of Allison Drilling Company and Ladd Petroleum Corporation.
Oct. 4, 1982	States of Delaware, Iowa, Louisiana, North Dakota, and Rhode Island, Washington, D.C	HEG-0023	Petition for Special Redress. If granted: All funds remaining after completion of the first stage distribution in the special refund proceedings conducted under 10 CFR Part 205, Subpart V, would be distributed in the second stage to the states for use in energy-related programs or projects.
Oct. 4, 1982	Fulbright & Jaworski, Houston, Texas	HFA-0088	Appeal of an Information Request Denial. If granted: The May 27, 1982 Information Request Denial issued by the Office of Special Counsel would be rescinded and Fulbright & Jaworski would receive access to certain DOE information.
Oct. 7, 1982	Gary Energy Corp., Denver, Colo	HRR-0042	Request for Modification/Rescission. If granted: The September 3, 1982, Decision and Order (Case No. BRH-1344) issued to Gary Energy Corporation by the Office of Hearings and Appeals would be modified regarding the firm's request for an evidentiary hearing.
Oct. 7, 1982	Robert J. Heald Shell, San Francisco, Calif.	HRX-0049	Supplemental Order. If granted: The October 4, 1982, Decision and Order (Case No. HRZ-0088) issued to Robert J. Heald Shell would be rescinded.

REFUND APPLICATIONS RECEIVED

[Week of Oct. 1 to Oct. 8, 1982]

Date	Name of refund proceeding/name of refund applicant	Case No
10/05/82	Tenneco/Krause-Mayo Heating Oil Co	RF7-101
10/06/82	Tenneco/McCurley Oil Company	RF7-102

[FR Doc. 82-30076 Filed 11-1-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1380]

Petitions for Reconsideration of Actions in Rule Making Proceedings

October 25, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: An Inquiry Into the Use of the Bands 825–845 MHz and 870–890 MHz for Cellular Communications Systems; and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems. (CC Docket No. 79-318)

Filed By: Henry Goldberg, Michael J. Wilhelm & Phillip L. Spector, Attorneys for American Mobile Communications on 10-12-82.

Subject: Amendment of Parts 2, 22 and 90 of the Commission's Rules and Regulations to Allocate Spectrum in the 928–941 MHz Band and to Establish Other Rules, Policies, and Procedures for One-Way Paging Stations in the Domestic Public and the Private Land Mobile Radio Services. (Gen Docket No. 80-183, RM's 2365, 2750, 3047 & 3068)

Filed by: Kenneth E. Hardman, Attorney for Telocator Network of America on 10-12-82.

Subject: Changes in the corporate structure and operations of the Communications Satellite Corporation. (CC Docket No. 80-634)

Filed By: Alexander P. Humphrey & Robert F. Heath for RCA Global Communications, Inc., on 10-18-82.

Subject: Amendment of Part 90 of the Commission's Rules to Release Spectrum in the 806–821/851–866 MHz bands and to adopt rules and regulations which govern their use. (PR Docket No. 79-191, RM-3380)

Amendment of Part 90 of the Commission's Rules to facilitate authorization of wide-area mobile radio communications systems. (PR Docket No. 79-334, RM-3691)

An Inquiry concerning the multiple licensing of 800 MHz radio systems ("community repeaters"). (PR Docket No. 79-107)

Amendment of Section 90.385(c) of the Commission's Rules to allow transmission of non-voice signals at 800 MHz. (PR Docket No. 81-703)

Filed By: Kenneth C. Knight, President for Land Mobile Communications Council on 10-14-82. Morgan E. O'Brien and Marcia Spielholz, Attorneys for E. F. Johnson Company on 10-18-82. David E. Weisman, Attorney for National Association of Business and Educational Radio, Inc., on 10-18-82. Kenneth E. Hardman, Attorney for Telocator Network of America on 10-18-82. John D. Lane, Ramsey L. Woodworth & Lisa Sullivan Gallant, Attorneys for Associated Public-Safety Communications Officers, Inc., on 10-18-82. Leonard S. Kolsky & Elizabeth R.

Sachs, Attorneys for Motorola Inc., on 10–18–82.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-30042 Filed 11-1-82; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1381]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

October 27, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the **Federal Register**. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Changes in the corporate structure and operations of the Communications Satellite Corporation. (CC Docket No. 80–634)

Filed by: Robert E. Conn, Stephen C. Weingarten & William J. Byrnes, Attorneys for Western Union International, Inc., on 10–20–82.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-30043 Filed 11-1-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Azta Shipping Co. and Guatemalteca de Navegacion, S.A.; Cancellation of Agreement No. 9906

Agreement No. 9906, approved December 16, 1970, established a ship charter arrangement between the named parties whereby Guatemala Line would charter from Azta Line the M.V. "Antares" and the M.V. "Atlantic Pearl" to be used by Guatemala Line in the trade between U.S. East Coast ports and ports on the East Coast of Guatemala and Honduras.

By letter dated July 23, 1982, counsel representing the parties in 1970 was notified of the Commission's concern that Agreement No. 9906 appeared inactive and that the Commission proposed to terminate the agreement unless it was notified that the agreement was still active. Counsel advised that he had written the general agent for both parties named in Article 3 of the agreement about the Commission's intention and had not received any response to his letter.

A review of Commission records discloses that Guatemala Line neither advertises a service in the agreement trade nor does it maintain a tariff in the agreement trade. Therefore, it appears that Agreement No. 9906 is no longer active and that the agreement should be trminated. Accordingly, notice is hereby given that Agreement No. 9906 will be terminated November 17, 1982.

The Cunard Steam-Ship Co. Ltd. and Furness Withy & Co., Ltd.; Cancellation of Agreement No. 9601

Agreement No. 9601, approved June 5, 1967, established a rationalization of sailings arrangement between the named parties in the trade between Boston, Massachusetts and Liverpool, England.

By letter dated September 7, 1982 to Cunard-Brocklebank Ltd., an attempt was made to notify the parties of the Commission's concern that Agreement No. 9601 appeared to be inactive and that the Commission proposed to terminate the agreement unless the Commission was notified that the agreement was still active. To date, no response has been received to the Commission's letter of September 7, 1982. A review of Commission records reveals that neither The Cunard Steam-Ship Company nor Furness Withy & Co. maintain tariffs on file with the Commission covering the agreement trade. Also, neither carrier appears to be advertising a service between the named ports. Therefore, it appears that Agreement No. 9601 is no longer active and that the agreement should be terminated. Accordingly, notice is hereby given that Agreement No. 9601 will be terminated effective November 17, 1982.

By Order of the Federal Maritime Commission.

Dated: October 28, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-30084 Filed 11-1-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-50]

General Motors Corp. v. A. P. Moller-Maersk Line Agency and A. P. Moller-Maersk Line; Filing of Complaint and Assignment

Notice is given that a complaint filed by General Motors Corp. against A. P. Moller-Maersk Line Agency and A. P. Moller-Maersk Line was served October 27, 1982. Complainant alleges that respondents have subjected it to an overcharge of rates for ocean transportation in violation of the Shipping Act, 1916.

This proceeding has been assigned to administrative Law Judge Seymour Glanzer. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-30086 Filed 11-1-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-49]

Reefer Express Lines Pty., Ltd. v. Uiterwyk Cold Storage Corp., Eller & Co., Inc., and Tampa Port Authority; Filing of Complaint and Assignment

Notice is given that a complaint filed by Reefer Express Lines Pty., Ltd. against Uiterwyk Cold Storage Corp., et al. was served October 26, 1982. Complainant alleges that respondents pursuant to terminal tariff provisions, unlawfully assess "warehouse checking" charges at Tampa, Florida in violation of sections 15 and 17 of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-30087 Filed 11-1-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Notice of Proposed de Novo Nonbank Activites

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to this application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Deutsche Bank AG*, Frankfurt, Federal Republic of Germany (sales financing, leasing and related insurance activities; entire United States): To permit its subsidiary Freightliner Credit Corporation, to continue to operate a *de novo* office opened in Irving, Texas. The Company currently provides dealers of affiliates of Daimler-Benz AG in the United States and Canada with wholesale financing in the form of loans to finance dealers inventories secured by such inventories and provides customers of affiliates of Daimler-Benz AG in the United States and Canada and their dealers with retail financing consisting of purchases by the Company from such affiliates and their dealers of retail installment obligations undertaken by the customer in respect to equipment purchased by the customer, of purchases of lease receivables and dealer rental receivables in respect of the equipment leased by the customer and of full pay-out leasing of products of such affiliates and such dealers. In connection therewith, the Company acts as authorized agent of insurance related to extensions of credit by its subsidiaries. These activities will be conducted from an office in Irving, Texas, serving Texas, New Mexico, Oklahoma, Kansas, and Arkansas. Comments on this application must be received not later than November 22, 1982.

Board of Governors of the Federal Reserve System, October 26, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-30035 Filed 11-1-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings shoud identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Northwest Bancorporation*, Minneapolis, Minnesota (financing and insurance activities; Georgia): To engage, through its indirect subsidiary, Dial Finance Company of Georgia, in operating a consumer and commercial finance company and the sale of credit-related insurance. These activities would be conducted from an office in Atlanta, Georgia, serving Atlanta, Georgia. This application is for the relocation of the office from Decatur to Atlanta, Georgia. Comments on this application must be received not later than November 26, 1982.

2. *Northwest Bancorporation*, Minneapolis, Minnesota (financing and insurance activities; Ohio): to engage through its indirect subsidiary, Dial Finance Company of Ohio, Dial Finance Company of Ohio No. 1, and First Dial, Inc., in operating a consumer and commercial finance company and the sale of credit-related insurance. These activities would be conducted from an office in Akron, Ohio, serving Akron, Ohio. This application is for the relocation of an office within the same city. Comments on this application must be received not later than November 23, 1982.

Board of Governors of the Federal Reserve System, October 27, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30041 Filed 11-1-82; 8:45 am]

BILLING CODE 6210-01

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois [illegible]

1. *Bankcap, Inc.*, Poland, Indiana; to become a bank holding company by acquiring 80 percent of the voting shares of Peoples State Bank of Clay County, Poland, Indiana. Comments on this application must be received not later than November 23, 1982.

B. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *LaBelle Bancshares, Inc.*, LaBelle, Missouri; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Bank of LaBelle, LaBelle, Missouri. Comments on this application must be received not later than November 26, 1982.

2. *Mountain Bancshares, Inc.*, Yellville, Arkansas; to become a bank holding company by acquiring 70 percent of the voting shares of Bank of Yellville, Yellville, Arkansas. Comments on this application must be received not later than November 26, 1982.

Board of Governors of the Rederal Reserve System, October 27, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30041 Filed 11-1-82; 8:45am]

BILLING CODE 6210-01-M

Formation of Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Citco Bancshares, Inc.*, Elizabethton, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Citizens Bank, Elizabethton, Tennessee. Comments on this application must be received not later than November 26, 1982.

Board of Governors of the Federal Reserve System, October 28, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30161 Filed 11-1-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Statement of Personal History (GSA Form 176)

AGENCY: General Services Administration.

ACTION: Notice of revised information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Services Administration (GSA) plans to request the Office of Management and Budget to review and approve the revision of an information collection request for the continued collection of data.

DATES: Comments on this information collection request must be submitted on or before November 26, 1982.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, DC 20503, and to Anthony Artigliere, GSA Clearance Officer, GSA (ORAI), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Wilfred J. Forgette, GSA (202-535-7272).

SUPPLEMENTARY INFORMATION:

a. *Purpose.* The data to be collected by the proposed information collection will enable GSA to conduct suitability investigations and determinations of applicants applying for positions of guard or cleaner under GSA contracts.

b. *Description of information collection.* 1. The information collection has been revised to delete the data requirements pertaining to memberships in designated and other organizations. It has been estimated that it will take less than one-half hour of respondent time to complete and furnish the data required by the prescribed GSA Form 176.

2. Any person and/or organization wishing to apply for position as contract guard or cleaner will have to complete a GSA Form. Each application will be submitted to a GSA contracting officer for evaluation.

c. *Obtaining copy of the proposal.* A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3011, GS Building, Washington, DC 20405, telephone 566-1164.

Dated: October 25, 1982.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 82-30050 Filed 11-1-82; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Assessment of the Ongoing Surveillance of Continuous Subcutaneous Insulin Infusion Pumps; Open Meeting

On November 9, 1982, the Centers for Disease Control will convene an open meeting of a work group to assess the ongoing surveillance of continuous subcutaneous insulin infusion pumps. The meeting is open to the public, limited only by space available.

The meeting is scheduled to begin at 9:30 a.m., Classroom 1, Building 2, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

For further information, please contact: Steven M. Teutsch, M.D., M.P.H., Chief, Operational Research, Division of Diabetes Control, Center for Preventive Services, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephone: 404/452-4077.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 30054 Filed 11-1-82; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 82D-0276]

Penicillinase-Resistant Penicillins, Local Anesthetics, Diagnostic Enteral Cholecystographic Radiopaque Agents, Diagnostic Enteral Gastrointestinal Radiopaque Agents, and Diagnostic IV Radiopaque Agents; Class Labeling Guidelines; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is correcting the phone number for the two contact persons listed in a document announcing the availability of class labeling guidelines for the professional labeling of the five classes of drug products listed in the heading above.

FOR FURTHER INFORMATION CONTACT: Thomas H. Perez or Misoon Y. Chun, National Center for Drugs and Biologics (HFN-248), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4893.

SUPPLEMENTARY INFORMATION: In FR Doc. 82-25715 appearing at page 41636 in the **Federal Register** of September 21, 1982, FDA gave the phone number of the two contact persons above as 301-443-6004. The number is corrected to read 301-443-4893.

Dated: October 26, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-29865 Filed 11-1-82; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Health Education Assistance Loan Program; Maximum Interest Rates for Quarter Ending December 31, 1982

Section 727 of the Public Health Service Act (42 CFR Part 60, previously 45 CFR Part 126) authorizes the Secretary of Health and Human Services to establish a Federal program of student loan insurance for graduate students in health professions schools. Section 60.13(a)(4) of the program's implementing regulations provides that the Secretary will announce the interest rate in effect on a quarterly basis.

The Secretary announces that for the period ending December 31, 1982, two interest rates are in effect for loans executed through the Health Education Assistance Loan (HEAL) program.

1. For loans made before January 27, 1981, the variable interest rate is 11⅛ percent. Using the regulatory formula (45 CFR 126.13(a), (2)(3)), in effect prior to January 27, 1981, the Secretary would normally compute the variable rate for this quarter by finding the sum of the fixed annual rate (7 percent) and a variable component calculated by subtracting 3.50 percent from the average bond equivalent rate of 91-day U.S. Treasury bills for the preceding calendar quarter (9.86 percent), and rounding the result (6.36 percent) upward to the nearest ⅛ percent (6⅜ percent). Thus, the variable rate for this 3-month period would normally be at the annual rate of 13⅜ percent (6⅜ percent plus 7 percent). However, the regulatory formula also provides that the annual rate of the variable interest rate for a 3-month period shall be reduced to the highest one-eighth of 1 percent which would result in an average annual rate not in excess of 12 percent for the 12-month period concluded by those 3 months. For the previous 3 quarters the variable interest at the anual rate was as follows: 12⅝ percent for the quarter ending March 31, 1982; 13¼ percent for the quarter ending June 30, 1982; and 11 percent for the quarter ending September 30, 1982. Therefore, in order to maintain an average annual rate of 12 percent for the 12-month period ending December 31, 1982, the variable interest rate for the quarter ending December 31, 1982, would be at an annual rate of 11⅛ percent.

2. For fixed rate loans executed during the period of October 1 through December 31, 1982, and for variable rate loans executed after January 27, 1981, the interest rate is 13⅜ percent. Using the regulatory formula (42 CFR 60.13(a)(3)), in effect since January 27, 1981, the Secretary computes the maximum interest rate at the beginning of each calendar quarter by determining the average bond equivalent rate for the 91-day U.S. Treasury bills during the preceding quarter (9.86 percent); adding 3.50 percent (13.36 percent); and rounding that figure to the next higher one-eighth of 1 percent (13⅜ percent).

(Catalog of Federal Domestic Assistance No. 13.108, Health Education Assistance Loans.)

Dated: October 22, 1982.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 82-30053 Filed 11-1-82; 8:45 am]

BILLING CODE 4160-16-M

National Institutes of Health

National Cancer Advisory Board and Board Subcommittees; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board and its Subcommittees on Organ Systems Program, Activities and Agenda, and Planning and Budget, National Cancer Institute, November 28-December 1, 1982, Building 31, C Wing, Conference Room 6, National Institutes of Health, Bethesda, Maryland 20205. The Board meeting and the Subcommittee meetings will be open to the public to discuss committee business as indicated in the notce. Attendance by the public will be limited to space available.

Mrs. Winifred Lumsden, the Committee Management Officer, NCI, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will furnish summaries of the meetings and rosters of members, upon request.

Mrs. Barbara S. Bynum, Executive Secretary, National Cancer Advisory Board, National Cancer Institute, Building 31, Room 10A03, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5147) will furnish substantive program information.

Name of Committee: *National Cancer Advisory Board.*

Dates of Meeting: November 29-December 1, 1982.

Place of Meeting: Building 31, C Wing, Conference Room 6, National Institutes of Health.

Open: November 29, 8:30 a.m.-approximately 10:30 a.m.; 2:00 p.m.-adjournment. (Will reconvene for the afternoon session at 2:00 p.m. at the Frederick Cancer Research Facility, Frederick, Maryland, Bldg. 539, first floor conference room.) November 30, 8:30 a.m.-adjournment. December 1, 8:30 a.m.-adjournment.

Agenda: Report of the Director, National Cancer Institute; Program Reviews; and scientific presentations.

Name of Committee: *Subcommittee on Organ Systems Program.*

Date of Meeting: November 28, 1982.

Place of Meeting: Building 31, C Wing, Conference Room 9, National Institutes of Health.

Open: 4:00 p.m.-approximately 6:00 p.m.

Agenda: To discuss the Organ Systems Branch Programs.

Name of Committee: *Subcommittee on Activities and Agenda.*

Date of Meeting: November 28, 1982.

Place of Meeting: Building 31, C Wing, Conference Room 9, National Institutes of Health.

Open: November 28, 7:00 p.m.-adjournment.

Agenda: To discuss administrative details and plan the agenda and activities for the Board Meeting in January-February 1983.

Name of Committee: *Subcommittee on Planning and Budget.*

Date of Meeting: November 29, 1982.

Place of Meeting: Building 31, A Wing, Room 11A10, National Institutes of Health.

Open: November 29, 7:30 p.m.-adjournment.

Agenda: Updating the FY 1983 Budget Status.

Dated: October 25, 1982.

Betty J. Beveridge,

Committee Management Officer, National Institutes of Health.

[FR Doc. 82-30046 Filed 11-1-82; 8:45 am]

BILLING CODE 4140-01-M

Sickle Cell Disease Advisory Committee: Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Sickle Cell Disease Advisory Committee, National Heart, Lung, and Blood Institute, November 19, 1982. The meeting will be held at the National Institutes of Health; 7550 Wisconsin Avenue, Bethesda, Maryland 20205, Federal Building, Conference Room B-119. The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Ms. Terry Bellicha, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Building 31, Room 4A21, (301) 496-4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI, Federal Building, Room 504, (301) 496-6931, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

(NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular)

Dated: October 22, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-30045 Filed 11-1-82; 8:45 am]

BILLING CODE 4140-01-M

National Diabetes Advisory Board; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Diabetes Advisory Board on November 18, 1982, 8:00 a.m. to 5:00 p.m., at the Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, Maryland. The Meeting, which will be open to the public, is being held to discuss the Board's activities and to continue the evaluation of the implementation of the long-range plan to combat diabetes. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045, will provide an agenda and roster of members. Summaries of the meeting may be obtained by contacting Barbara Shapiro, Secretary, National Diabetes Advisory Board, National Institutes of Health, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496-6045.

Dated: October 22, 1982.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 82-30046 Filed 11-1-82; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Availability of Cancer Bioassay Report on Butyl Benzyl Phthalate

The HHS' National Toxicology Program today announces the availability of a Technical Report on a carcinogenesis bioassay of butyl benzyl phthalate, a chemical used to add flexibility and softness to polyvinyl plastics.

Under the conditions of this bioassay, butyl benzyl phthalate was probably carcinogenic for female rats, causing an increased incidence of mononuclear cell leukemias. The male rat study was considered inadequate for evaluation due to compound-related toxicity and early mortality. Butyl benzyl phthalate was not carcinogenic for mice of either sex.

Copies of this report—*Carcinogenesis Bioassay of Butyl Benzyl Phthalate* (T.R. 213)—are available without charge by writing to the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, N.C. 27709. Telephone: (919) 541-3991, FTS 629-3991.

Dated: October 22, 1982.

David P. Rall,

Director, National Toxicology Program.

[FR Doc. 82-30047 Filed 11-1-82; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-82-1176]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OBM for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Project Management System Report.

Office: Policy Development and Research.

Form Number: HUD-441.1 and HUD-661.1.

Frequency of Submisson: Monthly and Quarterly.

Affected Public: Individuals, State or Local Governments, and Businesses.

Estimated Burden Hours: 7,150.

Status: Revision.

Contact: Robert Causin, HUD, (202) 755-6996, Robert Neal, OMB, (202) 395-6880.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 13, 1982.

Donald J. Keuch, Jr.,

Deputy Assistant Secretary for Administration.

[FR Doc. 82-30036 Filed 11-1-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-82-1179]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Certificate of Need for Health Facilities and Assurance of State Standards.

Office: Housing.

Form Number: HUD-2576-HF.

Frequency of Submission: On Occasion.

Affected Public: State Health Planning and Development Agencies.

Estimated Burden Hours: 50.

Status: Extension.

Contact: C. Edward Lewis, HUD, (202) 426-8730; Robert Neal, OMB, (202) 395-6880.

T4Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: October 21, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-30037 Filed 11-1-82, 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

CENDAK, South Dakota; Intent to Prepare a Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare a draft environmental statement for the CENDAK Project, South Dakota. The Central South Dakota Water Supply System (CENDAK) is an outgrowth of several attempts over the years to bring irrigation to central South Dakota. The primary purpose of the project would be to develop approximately 400,00 acres in the area for irrigation, with other objectives that would include development of municipal and industrial water, fish and wildlife, recreation development, and streamflow augmentation. Water from the Missouri River would be delivered to the project area through new facilities along with partially completed facilities that were built as part of the Oahe Project and new proposed delivery facilities.

This plan will be evaluated at the feasibility level. To assure that an optimum economic plan of maximum water delivery efficiency is developed, two alternative plans will be formulated and evaluated based on two different assumptions regarding methods of water delivery and sources of power.

One alternative plan would include pressurized turnouts. Pumping plants, to provide this pressure in addition to main canal and relift pumping plants, would be included as project facilities with power supplied by the Pick-Sloan Missouri Basin Program (P-S MBP). Project installed transmission lines would be included in the project if present facilities were inadequate or if arrangements for wheeling project power could not be worked out with the rural electric cooperatives. Alternative charges for project power supplied for sprinkler pressurized turnouts would be evaluated in relation to operational and repayment costs and the land's ability to pay.

The other alternative plan would be formulated with a gravity delivery system. Pumps and relift pumps in the main canal and in some laterals would be included in the project. Farm delivery turnouts would be made under atmospheric pressure. Pumping power would also be supplied from the P-S MBP. Similar consideration would be given to transmission lines and wheeling as for the first alternative. Individual irrigators would provide their own sprinkler pressure.

There will be one meeting to solicit information from all interested public entities and persons to assist in determining the scope of the environmental statement and to identify the significant issues related to the proposed action. This meeting will be held on November 19, 1982, at 9 a.m. at the Kings Inn Hotel, Pierre, South Dakota.

The contact person for this environmental statement will be: Stan Gappa, Bureau of Reclamation, P.O. Box 2553, Billings, Montana 59103, telephone (406) 657-6519.

Dated: October 28, 1982.

Al R. Jonez,

Acting Commissioner.

[FR Doc. 82-30057 Filed 11-1-82; 8:45 am]

BILLING CODE 4310-09-M

Minerals Management Service

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jefferson Hill, at 202–395–7340.

Title: Monthly Report of Sales and Royalty, 30 CFR Part 221.

Bureau Form Number: 9–361.

Frequency: Monthly.

Description of Respondents: Lessees of Federal and Indian Oil and Gas leases.

Annual Responses: 47,328.

Annual Burden Hours: 142,000.

Bureau Clearance Officer: Raymond A. Hicks, 303–231–3357.

Robert E. Boldt,

Associate Director for Royalty Management.

October 26, 1982.

[FR Doc. 82–30101 Filed 11–1–82; 8:45 am]

BILLING CODE 4310-MR-M

Information Collection Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jefferson Hill at 202–395–7340.

Title: Rental and Royalty Remittance Advice, 30 CFR Parts 221, 250.

Bureau Form Number: 9–614–A.

Frequency: Monthly.

Description of Respondents: Oil and gas lessees, onshore and offshore.

Annual Responses: 56,000.

Annual Burden Hours: 42,000.

Bureau Clearance Officer: Raymond A. Hicks, 303–231–3357.

Robert E. Boldt,

Associate Director for Royalty Management.

October 26, 1982.

[FR Doc. 82–30104 Filed 11–1–82; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Advisory Board, North Atlantic Technical Working Group Subcommittee; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463).

Name: North Atlantic Technical Working Group Subcommittee.

Date: 30 November 1982.

Place: Holiday Inn—Somerville, 30 Washington Street, Somerville, Massachusetts.

Time: 9:00 a.m. to 6:00 p.m.

This subcommittee represents the agencies, states and private groups of the North/Mid-Atlantic Regional Technical Working Group Committee whose interests encompass the North Atlantic OCS Planning Area. Membership consists of representatives from federal agencies, the coastal states of Maine through New Jersey, and other private interests.

Agenda: Overview of the Minerals Management Service's organizational structure and its role in pre and post sale OCS operations; Sale No. 52 update and discussion of pre-sale milestones; final report from the North Atlantic Studies Subcommittee; and discussion on OCS pipeline planning in the North Atlantic.

The meeting will be open to the public. Public attendence may be limited by the space available. Persons wishing to make oral presentations to the Subcommittee regarding matters on the agenda should contact Richard Barnett of the New York Office (212–264–1061) by 23 November 1982. Written statements should be submitted by 7 December to the Minerals Management Service, Atlantic OCS Region, New York Office, 26 Federal Plaza, Suite 32–120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by 25 January 1983 at the above address.

Frank Basile,

Manager, Atlantic OCS Region—New York Office.

[FR Doc. 82–30052 Filed 11–1–82; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; ARCO Oil and Gas Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that ARCO Oil and Gas Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 3535 and 3536, Blocks 131 and 142, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals, Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd. Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minearls Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 25, 1982.

John L. Rankin,

Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–30055 Filed 11–1–82; 8:45 am]

BILLING CODE 4310-31-M

Outer Continental Shelf Oil and Gas Operations; Marking Equipment

Correction

In FR Doc. 82–29071 beginning on page 47088 in the issue of Friday, October 22, 1982, make the following corrections:

1. On page 47089, first column, the heading "Part 250–[Amended]" was incorrectly added to the document and should be removed.

2. On page 47089, third column, the heading "Appendix" was added incorrectly to the document and should be removed.

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATE: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278, or Tom Smerdon (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract number, and specifics	Review board [1]	Decided date
335	Bessemer and Lake Erie Railroad Co., ICC-BLE-C-0008, (Bituminous coal) via the Port of Conneaut, OH	2	Oct. 27, 1982
336	The Atchison, Topeka and Santa Fe Railway Co. ICC-ATSF-C-0090, (Wheat flour)	3	Oct. 27, 1982
337	The Texas Mexican Railway Co., ICC-TM-C-31 (Grain) via the Port of Laredo, TX	1	Oct. 27, 1982
338	Union Pacific Railroad Co., ICC-UP-C-0132, (Coal) via the Ports of Los Angeles and/or Long Beach, CA	2	Oct. 27, 1982
339	The Atchison, Topeka and Santa Fe Railway Co., ICC-ATSF-C-0152, (Petroleum lubricating oil and petroleum wax).	3	Oct. 27, 1982
340	Union Pacific Railroad Co., ICC-UP-C-0030, Supplement 8, (Phosphates)	1	Oct. 27, 1982
341	Chesapeake and Ohio Railway Co., ICC-CO-C-0035, (Industrial sand).	1	Oct. 27, 1982

[1] Review Board No. 1, Members Parker, Chandler, and Fortier
Review Board No. 2, Members Carleton, Williams, and Ewing
Review Board No. 3, Members Krock, Joyce, and Dowell

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30059 Filed 11-1-82; 8:45 am]

BILLING CODE 7035-01-M

[Vol. No. OP2-271]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: October 26, 1982.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquires to Team 2, (202) 275-7030.

MC 158562 (Sub-1), filed October 19, 1982. Applicant: PMA, INC., Suite 321, 1 Fairway Plaza, Huntington Valley, PA 19006. Representative: Joseph Michael Roberts, Suite 501, 1730 M St., NW., Washington, D.C. 20036, 202–296–2900. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164233, filed October 12, 1982. Applicant: MARK D. HOELZER, AN INDIVIDUAL d.b.a. UNITED TRANSPORTATION SERVICES, 27 Congress St., Hartford, CT 06114. Representative: James M. Burns, 1365 Main St., Ste. 403, Springfield, MA 01103, (413) 781–8205. As a broker of *general commodites* (except household goods), between points in the U.S. (except AK and HI).

MC 164312, filed October 20, 1982. Applicant: CHARLES C. FLAGG, d.b.a. EXPO EXPRESS OF NY STATE, 82 Landon St., Buffalo, NY 14208. Representative: Charles C. Flagg (same address as applicant), 716–884–1695. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164322, filed October 19, 1982. Applicant: G & S TERMINALS, INC., 501 State Rt. 7, Pottery Addition, Steubenville, OH 43952. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005, 202–783–7900. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164333, filed October 21, 1982. Applicant: LARRY FANDRICH d.b.a. FANDRICH TRUCKING, Manfred, ND 58465. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting (1)(a) *building materials and machinery*, between points in ND, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2)(a) *building materials*, between points in ID, MT, OR and WA, on the one hand, and, on the other, points in IA, MN, NE, SD and WI, and (3)(b) *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Note.—Part (1)(a) and (2)(a) are published in the **Federal Register** this issue with "regular applications."

[FR Doc. 82–30083 Filed 11–1–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP2-270]

Motor Carrier Permanent Authority Decisions; Decision-Notice

Decided: October 26, 1982.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team 2, (202) 275–7030.

MC 153432 (Sub-3), filed October 20, 1982. Applicant: STEWART INTERMODAL TRANSPORT, INC. d.b.a. TRUCKLOAD EXPRESS, 1623 Elmore St., P.O. Box 14443, Cincinnati, OH 45214. Representative: James Duvall, 220 West Bridge St., P.O. Box 97, Dublin, OH 43017, 614–889–2531. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 153552 (Sub-1), filed October 21, 1982. Applicant: STEEL TRANSPORT, INC., 612A Route 41, Schererville, IN 46375. Representative: Joel H. Steiner, 135 South LaSalle St., Suite 2106, Chicago, IL 60603, 312–236–9375. Transporting *building materials*, between points in IN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155022 (Sub-4), filed October 19, 1982. Applicant: PROCHNOW FARMS, INC., Route 5, Medford, WI 54451. Representative: James A Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, 608–273–1003. Transporting *such commodities* as are dealt in or used in the manufacture, sale and distribution of building products, between points in the U.S. (except AK and HI), under continuing contract(s) with Urban Steel Buildings, Inc., of Wausau, WI.

MC 159943 (Sub-1), filed October 21, 1982. Applicant: GREEN LINES TRANSPORTATION, INC., 7089 Alliance Rd., NW., Malvern, OH 44644. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *metal products*, between points in the U.S. (except AK and HI).

MC 164263, filed October 19, 1982. Applicant: ACME, INC., P.O. Box 2698, Gastonia, NC 28052. Representative: Eric Meierhoefer, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, D.C. 20004, 202-737-1030. Transporting *petroleum products and transportation equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with Acme Retail, Inc., of Gastonia, NC.

MC 164323, filed October 20, 1982. Applicant: CENTRAL FLORIDA TRANSIT, INC., 2101 East Main St., Lakeland, FL 33801. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, 703-893-3050. Transporting *passengers and their baggage,* in the same vehicle with passengers, between poinnts in Polk, Hillsborough, Orange, and Osceola Counties, FL, on the one hand, and, on the other, points in AL, DE, GA, IL, IN, KY, LA, MD, MS, NJ, NY, NC, OH, PA, SC, TN, VA, and WV, and DC.

MC 164333, filed October 21, 1982. Applicant: LARRY FANDRICH d.b.a. FANDRICH TRUCKING, Manfred, ND 58465. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237-4223. Transporting (1)(a) *building materials and machinery,* between points in ND, on the one hand, and, on the other, points in the U.S. (except AK and HI), (2)(a) *building materials,* between points in ID, MT, OR and WA, on the one hand, and, on the other, points in IA, MN, NE, SD and WI, and (3)(b) *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Note.—Part (3)(b) is published in the Federal Register, this issue, with "Fitness applications".

MC 164352, filed October 21, 1982. Applicant: JERRY J. BERKLEY, R.D. 10, Box 231, Greensburg, PA 15601. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, 412-281-9494. Transporting *material handling equipment and parts and components for material handling equipment,* between points in PA, WV, MD, OH, NY, KY, IL, MI, NC, SC, VA, TN and IN, under continuing contract(s) with Beckwith Machinery Company, of Murrysville, PA.

[FR Doc. 82-[illegible] Filed 11-1-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 311 (Sub-4)]

Modification of the Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Change in owner-operator fuel reimbursement figure.

SUMMARY: Due to an increase in the nationwide average cost of diesel fuel, owner-operator reimbursement has increased from 13.5 to 14 cents per mile.

EFFECTIVE DATE: This decision will be effective 10 working days from publication in the **Federal Register** (effective on November 17, 1982).

FOR FURTHER INFORMATION CONTACT: Lee Alexander, (202) 275-7723, Ted Kalick, (202) 274-6446, Alan Rothenberg, (202) 275-7597.

SUPPLEMENTARY INFORMATION: In a decision served June 11, 1982 (47 FR 25791, June 15, 1982), the Commission established owner-operator reimbursement as 13.5 cents per mile for all carrier-related business miles. This change became effective June 29, 1982. As noted in the October 8, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of October 25, 1982, the current price of diesel fuel was 129.4 cents per gallon. The reimbursement figure is 14.0. Ten working days after publication of the notice in the **Federal Register** (on November 17, 1982), carriers shall reimburse owner-operators at a minimum of 14 cents per mile.

During this 10-day period or after, if they choose, carriers may adjust their rates to reflect the change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81-2500 (see Part 2 of Appendix B and Appendix C to the October 8 decision). All other normal rate-making avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: October 26, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Megernovich,

Secretary.

[FR Doc. 82-30062 Filed 11-1-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30043]

Sterling China Co.; Exemption From

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Under 49 U.S.C. 10505, the Interstate Commerce Commission exempts Sterling China Company from 49 U.S.C. Subtitle IV, excluding 49 U.S.C. 10905(f)(4).

DATES: Exemption effective on November 1, 1982. Petitions to reopen must be filed by November 22, 1982.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Andrew J. McLandrich, 2500 Terminal Tower, Cleveland, OH 44113. Pleadings should refer to Finance Docket No. 30043.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

DECIDED: October 26, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30142 Filed 11-1-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABROR

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-177; Exemption Application Nos. D-3291, D-3292, and D-3293]

Exemption From the Prohibtions for Certain Transactions Involving the Bell System Trust Located in New York, New York

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits certain real estate arrangements between the Bell System Pension Plan Trust and the Bell System Management Pension Plan Trust (collectively, the Plans) and several parties in interest. The transactions include the following and other related transactions: (1) the disbursement by the Plans of $74.5 million to 200 Madison Plaza

Partnership (the Developer) to discharge a portion of a pre-existing loan obligation (the Construction Loan) of the Developer in return for an equity interest in certain real property; (2) the disbursement by the Plans of a $30 million first mortgage loan (the Mortgage Loan) to the Developer, the proceeds of which will be used for the partial discharge of the Construction Loan; and (3) the leasing of space in the Madison Plaza Development (the Property) by tenants who may be parties in interest.

FOR FURTHER INFORMATION CONTACT: Ms. Jan D. Broady of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 6, 1982, notice was published in the **Federal Register** (47 FR 34240) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (D) of the Code, for an exemption filed on behalf of the Developer, Eastdil Advisers, Inc. (Eastdil), First National Bank of Chicago (First Chicago) and Madison Plaza Corporation (Madison Plaza Corporation). The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. The applicant has represented that a copy of the notice has been provided to interested persons in compliance with the requirements set forth in the notice of pendency.

The Department received seven written comments. Of the comments, three commentators objected to the proposed exemption but they raised no specific grounds for their objections. The four remaining commentators raised questions in several areas. Two individuals indicated their belief that the proposed investment constitutes a tax shelter which is inappropriate for employee bernefit plans. A third individual expressed concern over the impact of the recent court proceeding involving the divestiture of portions of the American Telephone and Telegraph Company (AT&T) on the proposed transactions. This person also questioned the effect of the proposed transactions on the liquidity of the Plans; thought that the earnings figures set forth in the exemption application were estimates rather than guarantees; objected to the number of persons who would be receiving compensation as a result of the transactions; and expressed concern over the prudence of the investment, particularly the likelihood of a number of the AT&T system becoming a tenant in the Property. The fourth individual stated that the notice of proposed exemption did not provide for adequate notice to interested persons because, notice was only provided to participants in the Plans who are presently employees of AT&T and not to retired persons receiving benefits from the Plans.

Eastdil and AT&T have addressed the comments. With respect to the objection raised by two commentators on the propriety of the proposed investment, Eastdil states that the terms and conditions of the transactions were negotiated on an arm's length basis. Eastdil also indicates that its investment decision was premised on the projected value of the Property and its anticipated rate of return, and that while other investors may seek income tax deductions and forego other forms of return, the transactions were not structured to provide any income tax benefits to the Plans which are tax-exempt.

On the question of liquidity, Eastdil says the proposed interest to be held by the Plans in the Property is just one of several real estate investments of the Plans. According to Eastdil, the trustees of the Plans (the Trustees) based their decision to invest a portion of the Plans' assets in real estate on the liquidity needs of the Plans, as well as on the diversification and prudence requirements set forth in the Act. Eastdil indicates the Trustees are at all times responsible for maintaining a properly diversified portfolio and that this responsibility is unaffected by the proposed exemption.

Regarding the issue of speculative earnings, Eastdil states that the expected earnings derived from the investment are subject to fluctuations depending upon certain factors. Eastdil says it has disclosed these variables in the exemption application and accompanying materials. According to Eastdil, risk factors are present in almost any investment and such risks are considered by an investment manager in choosing the appropriate investment for a client.

With respect to persons who would be receiving compensation, Eastdil states that the magnitude of the proposed investment dictates the necessity for having several parties perform services, all of whom perform vital functions. Eastdil indicates the identifies of the parties and their roles have been disclosed in the exemption request. Eastdil adds that it has approved all of the terms and conditions of the proposed transactions, including the payments to the parties involved, except for its own compensation which was approved by AT&T.

Concerning the possibility of an affiliate of AT&T becoming a tenant in the Property, Eastdil indicates that at present, no member of the AT&T system is scheduled to become a tenant. However, if the occasion arises in the future, Eastdil says the tenancy would have to be approved by a Plan fiduciary unaffilitated with the tenant.

With regard to the corporate divestitute issue, AT&T states that it has reviewed the court-approved Modification of Final Judgment (the Judgment) agreed to by the U.S. Department of Justice and has discussed the provisions of the Judgment with personnel in the Department of Labor. AT&T has concluded that nothing in the Judgment, nor the divestitute and reorganization of AT&T's business (as required by the Judgment), has any material impact on the proposed exemption and the transactions related thereto.

Regarding the notification to interested persons, AT&T represents that the protection of participant rights is not enhanced any further by directly notifying approximately 250,000 AT&T retirees when over approximately 1,000,000 active participants in the Plans have been directly notified. AT&T believes that the direct notification of retirees would not result in any material comments different than those previously received by the Department. In addition, AT&T states that, pursuant to section 4044 of Title IV of the Act, retired employees have the highest priority protection accorded under the Act for non-contributory defined benefit pension plans such as those involved in the subject transactions. In addition, as of January 1, 1981, the present value of vested benefits for all retired participants and beneficiaries receiving payments from the Plans was $8.9 billion while the market value of the Plans' assets was $33.5 billion. Thus, AT&T states that the benefits of retired employees are very adequately secured under the funding of the Plans in addition to the priorities of section 4044 of the Act. Further, AT&T states that the protections offered all employees by the terms and conditions of the proposed exemption are more than adequate to assure that no participant will suffer any loss under any circumstances, actual or potential.

Therefore, after consideration of the entire record, including the comments, the Department has determined to grant the exemption.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1) (E) and (F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the restrictions of section 406(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (D) of the Code, shall not apply to:

(1) The disbursement by Eastdil (or by another fiduciary with respect to the Plans pursuant to directions from Eastdil) of assets of the Plans to either the Developer or to First Chicago, Citicorp Real Estate Inc. (Citicorp), Harris Trust and Savings Bank (Harris), Northern Trust Company (Northern), and Seattle-First National Bank (Seattle-First), for use in repaying the Construction Loan and the receipt by the entities of such disbursements;

(2) The extension of the Construction Loans by First Chicago, including disbursements under such loans in the form of letters of credit or other disbursements in favor of the Plans or Eastdil;

(3) The extension of construction financing by Citicorp, Harris, Northern and Seattle-First through the acquisition of participation interests in the Construction Loan, including any indirect transactions which may arise by virtue of such financing by any affiliate of such institutions;

(4) The execution of a tri-party agreement (the Agreement) and performance of that Agreement by the parties thereto including the right to cure any default or to purchase the Construction Loan;

(5) The creation of a joint venture (the Joint Venture) including the disbursement of the Plans' assets to the Developer and the Joint Venture in exchange for an equity and mortgage interest; and

(6) The leasing of space in the Property by parties in interest (including the Plans' fiduciaries), provided that any such leases are at least as favorable to the Plans and the Joint Venture as the lease terms and conditions which are customary for similar leases with respect to similarly situated buildings in the Chicago, Illinois area, and provided further that any such leases are approved on behalf of the Plans by a trustee or investment manager which is not affiliated with or otherwise related to such tenants in any manner which would affect the exercise of its judgment as a fiduciary.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 27th day of October 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-30108 Filed 11-1-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-179; Exemption Application Nos. D-3137,

D-3138 and D-3139]

Exemption From the Prohibitions for Certain Transactions Involving the Bell System Trust Located in New York, New York

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits, effective February 11, 1982, (1) transactions relating to the acquisition by Heitman Advisory Corporation (Heitman), as fiduciary for the Bell System Trust (the Trust), of a 50% interest in a limited partnership (the Partnership) which will hold certain improved parcels of real property (the Property); (2) the continued leasing of space in the Property by the Partnership to certain parties in interest with respect to the Trust; (3) the future leasing of space in the Property by the Partnership to certain parties in interest with respect to the Trust; and (4) other prohibited transactions, as described in the notice of proposed exemption, effected or to be effected with regard to the Trust's investment in the Partnership.

EFFECTIVE DATE: This exemption is effective February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room

C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–8881. (This is not a toll-free number.).

SUPPLEMENTARY INFORMATION: On May 11, 1982, notice was published in the Federal Register (47 FR 20224) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of sections 4975(c)(1)(A) through (E) of the Code, for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was provided to interested persons in accordance with the provisions of the notice of proposed exemption.

The Department has received two public comments and a request for a hearing regarding the proposed exemption. One comment concerned nonsubstantive aspects of the proposed exemption and the Department has determined that such comment does not relate to the merits of the transactions. The other commentator requested additional time to review the notice of proposed exemption because he was not aware of the notice of proposed exemption until June 28, 1982, one day prior to the expiration of the comment period. The Department has allowed such commentator additional time to review the notice of proposed exemption. The commentator has not subsequently stated any substantive ground opposing the granting of the exemption.

The request for a public hearing was from a retired individual who is a participant in the Trust. This commentator stated that the notice of proposed exemption did not provide for adequate notice to interested persons because, pursuant to the provisions of the notice, notice was only directly provided to participants in the trust who are presently employees of the American Telephone and Telegraph Company and is subsidiaries (AT&T), and not to retired persons receiving benefits from the Trust.

AT&T represents that the protection of participant rights is not enhanced any further by directly notifying approximately 250,000 AT&T retirees when over approximately 1,000,000 active participants in the Trust have been directly notified. AT&T believes that the direct notification of retirees would not result in any material comments different than those previously received by the Department. In addition, AT&T states that, pursuant to section 4044 of Title IV of the Act, retired employees have the highest priority protection accorded under the Act for non-contributory defined benefit pension plans such as those involved in the subject transactions. In addition, as of January 1, 1981, the present value of vested benefits for all retired participants and beneficiaries receiving payments from the Trust was $8.9 billion while the market value of Trust assets was $33.5 billion. Thus, AT&T states that the benefits of retired employees are very adequately secured under the funding of the Trust in addition to the priorities of section 4044 of the Act. Further, AT&T states that the protection offered all employees by the terms and conditions of the proposed exemption are more than adequate to assure that no participant will suffer any loss under any circumstances, actual or potential.

After review of the record relating to the notification of interested persons, the Department has concluded that the notice to interested persons requirement in the notice of proposed exemption satisfies the requirements of section 408(a) of the Act and that the convening of a hearing is not appropriate.

Therefore, after consideration of the entire record, including the comments and the hearing request, the Department has determined to grant the exemption.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Trust and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Trust.

Accordingly, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective February 11, 1982, to (1) the investment of $100,000,000 by the Trust in the Partnership; (2) the guarantees by Oxford Development Minnesota, Inc. (Oxford) to the Tust with regard to Oxford's obligations under the partnership agreement executed between Oxford and the Trust (the Partnership Agreement), and the purchase of the interest of either partner in the Partnership from the other pursuant to the specified conditions and events as stated in the Parternship Agreement; (3) the continued leasing to and renewal of existing leases to parties in interest with respect to the Trust, including expansion of any leased space occupied by a party in interest tenant, and the future leasing of space to parties in interest, provided that (a) the terms of the leases remain as favorable to the Trust as leases offered to unrelated parties occupying similar space, and (b) such lease renewals or expansions, and future leases are approved and monitored on behalf of the Trust by Heitman or a Trust investment manager which is not affiliated or otherwise related to the lessee in any manner which would affect the exercise of such investment manager's judgement as a Trust fiduciary; and (4) the extension of credit between Equitable Life Assurance Society of the United States (Equitable) and the Trust pursuant to the first mortgage, as described in the notice of proposed exemption, provided that the Trust's rights and obligations under the mortgage are exercised by a Trust fiduciary who is not related to or affilated with Equitable.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions which are the subject of this exemption.

Signed at Washington, D.C., this 27th day of October, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-30109 Filed 11-1-82; 8:45]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Museum Advisory Panel (Collection Maintenance); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Collection Maintenance) to the National Council on the Arts will be held on November 17, 1982, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street, NW., Washington, D.C. 20506

This meeting is for the purpose of Panel review, discussion; evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 82-30107 Filed 11-1-82; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel (Training); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Training) to the National Council on the Arts will be held on November 18, 1982, from 9:00 a.m.–5:30 p.m. in room 1422 of the Columbia Plaza Office Complex, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

October 26, 1982

[FR Doc. 82-30106 Filed 11-1-82; 8:45 am]

BILLING CODE 7537-01-M

NORTHERN MARIANA ISLANDS COMMISSION ON FEDERAL LAWS

Meeting

The Northern Mariana Islands Commission on Federal Laws, established pursuant to Section 504 of the Covenant to Establish a Commonwealth of the Northern Marinana Islands in Political Union with the United States of America (Pub. L. 94-241, 48 U.S.C. 1681 note), will meet on Thursday, December 16, 1982, at 9:00 a.m., in room 7323 of the Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii. The meeting may extend into the following day, at the same location.

The purpose of the Commission is "to survey the laws of the United States and to make recommendations to the United States Congress as to which laws of the United States not applicable to the Northern Mariana Islands should be made applicable and to what extent and in what manner, and which applicable laws should be made inapplicable and to what extent and in what manner."

The intended agenda for this meeting is a review of the Commission's work to date on its final report to Congress, and consideration of pending staff recommendations on the application of particular federal laws in the Northern Mariana Islands.

The meeting will be open to the public. Attendance by the public will be limited to space available.

For further information about this meeting contact Daniel H. MacMeekin, Executive Director, Northern Mariana Islands Commission on Federal Laws, Washington, D.C. 20240, (202) 343-5617, or Jose S. Dela Cruz, Liaison Attorney, Northern Mariana Islands Commission on Federal Laws, P.O. Box 326 (3rd Floor, Nauru Building) Saipan, CM 96950 (telephone number 6892).

Interested persons may make oral presentations to the Commission or file written statements with respect to particular federal laws. Persons desiring to make oral presentations should make arrangements with Mr. Dela Cruz or Mr. MacMeekin at least seven days prior to the meeting.

Dated: October 15, 1982.

James A. Joseph,

Chair.

[FR Doc. 82-30102 Filed 11-1-82; 8:45 am]

BILLING CODE 4310-85-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittees on Reactor Radiological Effects and Site Evaluation; Notice of Meeting

The ACRS Subcommittees on Reactor Radiological Effects and Site Evaluation will hold a joint meeting on November 18 and 19, 1982 in Room 1167, 1717 H Street, NW, Washington, DC. The Subcommittees will (1) review NRC's proposed FY 1984-1985 research programs on radiation safety and waste managment; (2) be briefed by the Department of Energy (DOE) on DOE's radiation safety research programs; and (3) review and comment on DOE's Dose Reduction Working Group draft recommendations (established in response to Pub L. 96-567).

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect material, the premature disclosure of which might significantly frustrate implementation of proposed agency action. (Sunshine Act Exemption 9(B)). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, November 18, 1982—8:30 a.m. until the conclusion of business.

Friday, November 19, 1982—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, industry and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close sessions of this meeting to public attendance to protect material, the premature disclosure of which might significantly frustrate implementation of proposed agency action. The authority for such closure is Exemption 9(B) to the Sunshine Act, 5 U.S.C. 552b(c)(9)(B).

Dated: October 27, 1982.

John C. Hoyle,

Advisory Committee Managment Officer.

[FR Doc.82-30130 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Import/Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following applications for import/export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of applications for licenses to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists all new major applications.

Dated this 28th day of October, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT/IMPORT)

Name of applicant, date of application, date received, application No.	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear Co., Oct. 10, 1982, Oct. 25, 1982, XSNMO1992	3.55% Enriched uranium	23,000	791	Two reloads of fuel for DOEL 2	Belgium.
Exxon Nuclear Co., Oct. 21, 1982, Oct. 25, 1982, ISNM82024.	3.55% Enriched uranium	23,200	[illegible]	Eurodif enriched uranium being imported for fabrication of fuel elements for 2 reloads for Doel 2.	From France.

[FR Doc. 82-30129 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-364]

Alabama Power Co.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 19 to Facility Operating License No. NPF-8 issued to Alabama Power Company (the licensee), which revised the license for operation of Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment extends the time scheduled to complete all modifications for containment overcurrent protection devices in electrical penetration circuits from the first refueling outage until the next extended cold shutdown, but no later than the second refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 25, 1982, as supplemented September 27, 1982, (2) Amendment No. 19 to License NPF-8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of October, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-30110 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-454/455-OL; ASLBP 79-411-04 PE]

Commonwealth Edison Co., (Byron, Units 1 and 2); Notice of Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Commonwealth Edison Company*, Byron Units 1 and 2, Docket Nos. 50-454/455-OL, is hereby reconstituted by appointing the following administrative judge to the Board: Mr. Ivan W. Smith. Mr. Morton B. Margulies was a member of this Board but, because of illness will not be able to continue his duties in this proceeding for several months.

As reconstituted, the Board is comprised of the following Administrative Judges:

Ivan W. Smith, Chairman
Dr. A. Dixon Callihan
Dr. Richard F. Cole

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Ivan W. Smith, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 25th day of October 1982.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-30122 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Company of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 81 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications to redefine the inspection procedures for tubes in the steam generators.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 18, 1982, (2) Amendment No. 81 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of October 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-30111 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-321]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 91 to Facility Operating License No. DPR-57, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia, which revised Technical Specifications (TSs) for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) located in Appling County, Georgia. The amendment is effective as of the date of issuance.

The amendment temporarily revises the secondary containment TSs during the time period of the 1982 refueling outage in order to improve outage efficiency by permitting major modification activities to proceed concurrent with refueling activities.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 6, 1982, (2) Amendment No. 91 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of October 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-30112 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-315 and 50-316]

Indiana and Michigan Electric Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-58 and Amendment No. 46 to Facility Operating License No. DPR-74 issued to Indiana and Michigan Electric Company (the licensee), which revised Technical Specifications for operation of Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2 (the facilities) located in Berrien County, Michigan. The amendments are effective as of the date of issuance.

The amendments change the Technical Specifications, Appendix B to the licenses, by deleting the requirements for scouring and erosion studies.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated July 1972.

For further details with respect to this action, see (1) the application for amendments dated November 4, 1981, as supplemented January 18, 1982, (2) Amendment Nos. 65 and 46 to License Nos. DPR-58 and DPR-74, and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of October, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-30113 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. Unless the Commission modifies conditions of the Licensing Board's Partial Initial Decision dated December 14, 1981, which would affect this action, this license amendment becomes effective 60 days after the Commission accepts the Board's recommendations as set forth in that Decision, or restart, whichever is earlier.

The amendment revises the TSs for the facility to incorporate certain of the TMI-2 Lessons Learned Category "A" requirements and other short-term requirements identified in the Commission Order of August 9, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. The TS changes made by this amendment involve matters that were the subject of the TMI-1 Restart Proceeding that was initiated by the Commission's Order and Notice of Hearing dated August 9, 1979.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 18, 1981, as supplemented and revised June 10, 1981, August 4, 1981, November 13, 1981 and May 20, 1982, (2) Amendment No. 78 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of October 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-30114 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-275]

Pacific Gas and Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-76 issued to the Pacific Gas and Electric Company (the licensee), for Diablo Canyon Nuclear Power Plant, Unit No. 1 (the facility) located in San Luis Obispo County, California. The amendment is effective as of the date of issuance.

The amendment amends the Physical Security Plan of License No. DPR-76 to temporarily reclassify certain vital areas as non-vital for the purpose of maintenance or activities associated with plant modifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards condition.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 17, 1982, (2) Amendment No. 2 to Facility Operating License No. DPR-76, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the California Polytechnic State University Library, Documents and Maps Department, San Luis Obispo, California 93407. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland this 26th day of October 1982.

For the Nuclear Regulatory Commission.

George Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-30116 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. P-564-A; ASLBP 73-334-07 AN]

Pacific Gas & Electric Co., (Stanislaus); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.105 (effective November 6, 1981), the Atomic Safety and Licensing Board for *Pacific Gas & Electric Company* (Stanislaus), Docket No. P-564-A, is hereby reconstituted by appointing Administrative Law Judge James A. Laurenson to serve as presiding officer. Administrative Law Judge Morton B. Margulies was the presiding officer but, because of illness will not be able to continue his duties in this proceeding for several months.

All correspondence, documents and other materials shall be filed with Judge Laurenson in accordance with 10 CFR 2.701 (1980). His address is: Administrative Law Judge James A. Laurenson, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 25th day of October 1982.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-30123 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-387]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative, Inc.; Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. NPF-14, issued to Pennsylvania Power & Light Company and Allegheny Electric Cooperative, Inc., for Susquehanna Steam Electric Station, Unit 1 (the facility) located in Luzerne County, Pennsylvania. This amendment grants changes to Technical Specifications to change the isolation logic for the Containment Instrument Gas, Reactor Building Closed Cooling Water and Reactor Building Chilled Water isolation values that are affected to isolate on Reactor Pressure Vessel Level 2 or high drywell pressure, and also isolate in the event of a loss of offsite power. This amendment is effective as of the date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for the amendment dated October 6, 1982, October 15, 1982, and October 20, 1982; (2) Amendment No. 4 to License NPF-14 dated October 22, 1982; and (3) the Commission's evaluation dated October 22, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. A copy of items (1), (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of October 1982.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82-30115 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric and Gas Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised the license of the Salem Nuclear Generating Station, Unit No. 2 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment authorizes deferral of certain 18-month Technical Specification surveillance items until the first refueling outage. These items are described in the Safety Evaluation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 17, 1982 (2) Amendment No. 14 to License No. DPR-75, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of October 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-30117 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

Southern California Edison Co., et al.; Issuance of Amendment Facility Operating License No. NPF-10

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-10, issued to Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California and The City of Anaheim, California (licensees) for the San Onofre Nuclear Generating Station, Unit 2 (the facility) located in San Diego County, California. This amendment is effective as of the date of issuance.

Amendment No. 10 changes the technical specifications applicable to the water level in the condensate storage tank to permit water inventory to be based on maximum achieved power level while continuing to meet NRC staff criteria for condensate water inventory.

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission had made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Southern California Edison Company's letter dated August 16, 1982, (2) Amendment No. 10 to Facility Operating License No. NPR-10, and (3) the Commission's related Safety Evaluation.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and the San Clemente Library, 242 Avenida Del Mar, San Clemente, California 92672. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of October, 1982.

For the Nuclear Regulatory Commission.

George Knighton,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 82-30119 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Provisional Operating License No. DPR-13, issued to Southern California Edison Company and San Diego Gas and Electric Company (the licensees), which revised the Technical Specifications for operation of the San Onofre Nuclear Generating Station Unit No. 1 (the facility) located in San Diego County, California. The amendment is effective upon issuance; however, the Technical Specifications are to be implemented within 30 days of issuance.

The amendment approves changes to the Appendix A Technical Specifications and Bases which add surveillance requirements for the auxiliary feedwater pumps, valves, and related flow paths.

The application for amendment complies with the Standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connectin with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 7, 1981, and its supplement dated March 10, 1982, (2) Amendment No. 65 to License No. DPR-13 including the Commission's letter of transmittal, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Clemente Branch Library, 242 Avenida Del Mar, San Clemente, California. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of October, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5 Division of Licensing.

[FR Doc. 82-30120 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

Virgil C. Summer Nuclear Station, Unit No. 1; Notice of Issuance of Amendment to Facility Operating License No. NPF-12

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. NPF-12, issued to South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees for the Virgil C. Summer Nuclear Station, Unit No. 1 (the facility) located in Fairfield County, South Carolina. This amendment modifies the Technical Specifications to provide for entry into Mode 2 for initial criticality with one of the two containment hydrogen monitors inoperable. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) South Carolina Electric & Gas Company letter, dated October 20, 1982, (2) Amendment No. 4 to Facility Operating License No. NPF-12 with Appendix A Technical Specifications page changes, and (3) the Commission's related safety evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H. Street, NW., Washington, D.C. 20555 and the Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180. A copy of Amendment No. 4 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 22nd day of October 1982.

For the Nuclear Regulatory Commission.k

B.J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82-30118 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-327 and 50-328]

Tennessee Valley Authority; Issuance of Amendments; Facility Operating License Nos. DPR-77 and DPR-79

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 16 to Facility Operating License No. DPR-77 and Amendment No. 7 to Facility Operating License No. DPR-79, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Units 1 and 2 (the facilities) located in Hamilton County, Tennessee. These amendments change the stream generator low-low level reactor trip and auxiliary feedwater pump start setpoints. The amendments are effective as of their dates of issuance.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involved a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) environmental impact statements, or negative declarations and environmental impact appraisals need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated July 15, 1982, (2) Amendment No. 16 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes; (3) Amendment No. 7 to Facility Operating License No. DPR-79 with Apendix A Technical Specification page changes; and (4) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 16 and Amendment No. 7 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of October 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 82-30121 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338/339-OLA-1; ASLBP 83-481-01 LA]

Virginia Electric and Power Co.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Virginia Electric and Power Company

North Anna Power Station, Units No. 1 and No. 2, Facility Operating Licenses Nos. NPF-4 and NPF-7.

This Board is being established pursuant to a notice published by the Commission on September 22, 1982, in the **Federal Register** (47 FR 41892-41893) entitled, "Proposed Issuance of Amendments to Facility Operating Licenses."

The Board is comprised of the following Administrative Judges:

Sheldon J. Wolfe, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Jerry Kline, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. George A. Ferguson, School of Engineering, Howard University, 2300 5th Street, NW., Washington, D.C. 20059

Issued at Bethesda, Maryland, this 26th day of October 1982.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-30124 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338/339-OLA-2; ASLBP 83-482-02 LA]

Virginia Electric and Power Co.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and/or requests for hearing and to preside over the proceeding in the event that a hearing is ordered.

Virginia Electric and Power Company

North Anna Power Station, Units No. 1 and No. 2 Facility Operating Licenses Nos. NPF-4 and NPF-7.

This Board is being established pursuant to a notice published by the Commission on September 22, 1982, in the **Federal Register** (47 FR 41893-41894) entitled, "Proposed Issuance of Amendments to Facility Operating Licenses."

The Board is comprised of the following Administrative Judges:

Sheldon J. Wolfe, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Jerry Kline, Atomic Safety and Licensing Board, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. George A. Ferguson, School of Engineering, Howard University, 2300 5th Street, NW., Washington, D.C. 20059

Issued at Bethesda, Maryland, this 26th day of October 1982.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-30125 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-597/460-CPA; ASLBP 83-480-01 CPA]

Washington Public Power Supply System, (WPPSS Nuclear Project 1 and 2); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for Washington Public Power Supply System, WPPSS Nuclear Project No. 1&2, Docket Nos. 50-397/460-CPA is hereby reconstituted by appointing the following administrative judges to the Board: Mr. Glenn O. Bright and Dr. Jerry Harbour. Mr. Ernest E. Hill and Dr. Linda W. Little were members of this Board and could have continued to serve. However, it now appears that reconstitution is warranted so that the same Licensing Board that is hearing the WPPSS-1 operating license proceeding will preside in this proceeding thus facilitating the expeditious handling of both proceedings.

As reconstituted, the Board is comprised of the following Administrative Judges: Herbert Grossman, Chairman, Mr. Glenn O. Bright, and Dr. Jerry Harbour.

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The addresses of the new Board members are:

Administrative Judge Glenn O. Bright, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Administrative Judge Jerry Harbour, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland this 25th day of October 1982.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-30126 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-460-OL; ASLBP No. 82-479-06 OL]

Washington Public Power Supply System, (WPPSS Nuclear Project No. 1); Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Washington Public Power Supply System,* WPPSS Nuclear Project No. 1, Docket No. 50-460-OL, is hereby reconstituted by appointing the following administrative judge to the Board: Mr. Herbert Grossman. Mr. Ivan W. Smith was chairman of this Board, but, because of a schedule conflict is unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges: Herbert Grossman, Chairman, Mr. Glenn O. Bright, and Dr. Jerry Harbour.

All correspondence, documents and other material shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Administrative Judge Herbert Grossman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland, this 25th day of October 1982.

Robert M. Lazo,

Acting Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 82-30127 Filed 11-1-82; 8:45 am]

BILLING CODE 7590-01-M

Regulatory Guide and Associated Report; Issuance and Availability

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series along with an associated report. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.18, Revision 1, "Information Relevant to Ensuring That Occupational Radiation Exposures at Medical Institutions Will Be As Low As Reasonably Achievable," describes methods acceptable to the NRC staff for maintaining occupational exposures as low as reasonably achievable in medical institutions.

NUREG–0267, Revision 1, "Principles and Practices for Keeping Occupational Radiation Exposures at Medical Institutions As Low As Reasonably Achievable," is a compendium of good practices and helpful information derived from the experience of the radiological and health physics professions. This staff report contains suggestions based on accepted health protection practices that may not be specifically addressed in NRC regulations.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

NUREG reports are available for purchase from the GPO Sales Program, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publications Sales Manager.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 25th day of October 1982.

For the Nuclear Regulatory Commission.

Robert B. Minogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 82–30128 Filed 11–1–82; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Order No. 455, Docket No. A83–4]

Ferdig, Montana 59437 Carl Jansky, Petitioner; Order of Filing of Appeal

October 27, 1982.

On October 25, 1982, the Commission docketed an appeal letter from Carl Jansky (hereinafter "Petitioner"), concerning United States Postal Service's decision to close the Ferdig, Montana, post office.[1] The appeal letter appears to request the review provided by section 404(b) of the Postal Reorganization Act (39 U.S.C. 404(b)).[2] Petitioner attached a copy of the Postal Service's Final Determination to his appeal letter in accordance with our rules.[3]

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with the applicable law and its regulations for the closing of post offices.[4]

Upon preliminary inspection, this case appears to involve the following issues of law:

1. Whether the Postal Service failed to consider all the statutory factors, and merely considered economic savings, a necessary consideration under section 404(b)(2)(D).

Other issues of law may become apparent when the Commission has had the opportunity to examine the record made by the Postal Service. The record may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on the issue described above and/or any further issues of law disclosed by the record in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal poisition or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be filed within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Commission orders:

(A) The appeal letter from Carl Jansky be accepted as a petition for review pursuant to section 404(b) of the Act (39 U.S.C. 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register**.

By the Commission.

David F. Harris,

Secretary.

October 25, 1982: Docketing of Petition

October 27, 1982: Notice and Order of Filing of Appeal

November 9, 1982: Filing of Record by Postal Service (*see* 39 CFR 3001.113(a)).

November 15, 1982: Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(b)).

November 24, 1982: Petitioner's Initial Brief (written argument) (*see* 39 CFR 3001.115(a)).

December 9, 1982: Postal Service Answering Brief (*see* 39 CFR 3001.115(b)).

December 27, 1982: (1) Petitioner's Reply Brief should petitioner choose to file one (*see* 39 CFR 3001.115(c)).

(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interest of prompt and just decision may require, in scheduling or dispensing with oral argument.

February 20, 1983; Expiration of 120 day decisional schedule (*see* 39 U.S.C. 404(b)(5)).

[FR Doc. 82–30103 Filed 11–1–82; 8:45 am]

BILLING CODE 7715-01-M

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[1] The appeal letter is postmarked October 19, 1982. We therefore assume that it arrived at the Commission's offices within the 30-day deadline even though it could not be docketed until Monday, October 25, 1982.

[2] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94–421 (September 24, 1976), 90 Stat. 1310–11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[3] 39 CFR 3001.111.

[4] 42 FR 59079–85 (November 17, 1977). The Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, Deputy Executive Director, (202) 272–2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington D.C. 20549.

New

Rule 6c–7
No. 270–269

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance proposed rule 6c-7 under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*), which would provide exemptive relief to registered insurance company separate accounts to the extent necessary to permit them to offer their variable annuity contracts to certain employees of Texas institutions of higher education. Adoption of this rule would eliminate the necessity for such accounts to file individual applications for orders of the Commission granting this relief. The rule was proposed for public comment in Investment Company Act Release No. 12745 (October 18, 1982).

The potential respondents are approximately 180 registered insurance company separate accounts.

Submit comments to OMB Desk Officer: Robert Veeder (202) 395-4814.

George A. Fitzsimmons,

Secretary.

October 22, 1982.

[FR Doc. 82-30031 Filed 11-1-82; 8:45 am]

BILLING CODE 8010-01-M

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

October 26, 1982.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Brock Hotel Corp.,
  Common Stock, $.10 Par Value (File No. 7-6348)
Celeron Corp.,
  Common Stock, No Par Value (File No. 7-6349)
Coleco Industries,
  Common Stock, $1 Par Value (File No. 7-6350)
ConAgra, Inc.,
  Common Stock, $5 Par Value (File No. 7-6351)
Cone Mills Corporation,

  Common Stock, $10 Par Value (File No. 7-6352)
Cook United, Inc.,
  Common Stock, $1 Par Value (File No. 7-6353)
Dow Jones & Company, Inc.,
  Common Stock, $1 Par Value (File No. 7-6354)
Fasco Corporation,
  Common Stock, $2.50 Par Value (File No. 7-6355)
Woods Petroleum,
  Common Stock, $1 Par Value (File No. 7-6356)
U.S. Shoe,
  Common Stock, No Par Value (File No. 7-6357)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 17, 1982, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30028 Filed 11-1-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-4381]

Friendly Frost Inc. Common Stock, $.10 Par Value; Application to Withdraw From Listing and Registration

October 26, 1982.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities and Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Philadelphia Stock Exchange, Inc. ("Phlx").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Friendly Frost Inc. ("Company") is listed and registered on the Phlx and the American Stock Exchange, Inc. ("Amex"). The Company has been advised that no shares of its common stock traded on the Phlx for the period January 1, 1981 through August 31, 1982, and, therefore has determined that the continued expense of maintaining the listing of the common stock on the Phlx is not justified.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Phlx and shall have no effect upon the continued listing of such stock on the Amex.

Any interested person may, on or before November 17, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30027 Filed 11-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12760; (811-3384)]

Maxim Account B of Insuramerica Corp.; Filing of An Application

October 25, 1982.

Notice is hereby given that Maxim Account B of Insuramerica Corporation, 1675 Broadway, Denver Colorado 80202, ("Applicant"), a separate account of Insuramerica Corporation (now Great-West Life and Annuity Insurance Company), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on August 23, 1982, pursuant to Section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was established pursuant to a resolution of the Board of Directors of Insuramerica Corporation on December 3, 1981 and registered with the Commission on January 19, 1982. According to the application, Applicant's registration statement under the Securities Act of 1933 was never declared effective. Thus, the application represents that Applicant has not made a public offering of its securities.

Applicant states that it has no assets; has distributed no contracts; has no debts or other liabilities; and is not a party to any litigation or other administrative proceeding. Applicant also states that it has never engaged in any business activities and does not propose to engage in any activities.

Notice is further given that any interested party may, not later than November 19, 1982 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication shall be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 30034 Filed 11-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12761; (811-3383)]

Maxim Account C of Insuramerica Corp.; Filing of an Application

Notice is hereby given that Maxim Account C of Insuramerica Corporation, 1675 Broadway, Denver Colorado 80202 ("Applicant"), a separate account of Insuramerica Corporation (now Great-West Life and Annuity Insurance Company), registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, filed an application on August 23, 1982, pursuant to Section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was established pursuant to a resolution of the Board of Directors of Insuramerica Corporation on December 3, 1981 and registered with the Commission on January 19, 1982. According to the application, Applicant's registration statement under the Securities Act of 1933 was never declared effective. Thus, the application represents that Applicant has not made a public offering of its securities.

Applicant states that it has no assets; has distributed no contracts; has no debts or other liabilities; and is not a party to any litigation or other administrative proceeding. Applicant also states that it has never engaged in any business activities and does not propose to engage in any activities.

Notice is further given that any interested party may, not later than November 19, 1982 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the commission shall order a hearing thereon. Any such communication shall be addresed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 82-30033 Filed 11-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19179; File No. SR-NASD-82-22]

Self-Regulatory Organizations; Proposed Rule Change; National Association of Securities Dealers, Inc.

Relating to Requirements and Procedures Applicable to the Linkage Between the Intermarket Trading System (ITS) and the Computer Assisted Execution System (CAES).

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 22, 1982, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The rules provide requirements for the registration of market makers as ITS/CAES Market Makers participating in the ITS/CAES linkage, procedures for handling the withdrawal, suspension or revocation of an ITS/CAES Market Maker's registration, operating procedures for execution of transactions within the ITS/CAES System, procedures to obtain interest from other market centers in ITS/CAES securities prior to the opening of the System, procedures for responding to inquiries received from other market centers, provisions for the execution of transactions at prices equal to or better than those available in other market centers, requirements which prohibit the entering of a quotation for an ITS/CAES security which locks or crosses the market of another ITS/CAES Market Maker or ITS participant exchange, requirements for the execution of block transactions in ITS/CAES securities, and requirements for the clearance and settlement of transactions identified by the ITS/CAES System as having been executed by a particular ITS/CAES Market Maker.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of the basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Securities and Exchange Commission (Commission) by its order dated May 6, 1982 (Release No. 18713) adopted final amendments to the plan governing the operation of the Intermarket Trading System (ITS) in order to include the Association as a participant in ITS and to implement the automated interface between ITS and the Computer Assisted Execution System (CAES) previously required by the Commission's order dated April 21, 1981 (Release No. 17744). The automated interface between ITS and CAES (ITS/CAES linkage) commenced operation on May 17, 1982.

By a companion order dated May 6, 1982 (Release No. 18714), the Commission approved and declared effective certain interim rules for implementation by the Association during the initial six month period of operation of the ITS/CAES linkage (May 17, 1982 to November 17, 1982). These rules are now in effect. Unless specific action takes place during the pilot period to make them permanent rules, they will expire on November 17, 1982.

The ITS Plan, as amended by the Commission order first referenced above, imposes upon the Association the obligation to adopt, on a permanent basis, specific rules, regulations and procedures governing the operation of the ITS/CAES linkage. In order to comply with these obligations, the Board of Governors submitted for vote, and the membership approved, a new Article III, Section 37 of the Association's Rules of Fair Practice. This new section which was approved by the Commission's order dated October 4, 1982 (Release No. 19100) authorized the Board of Governors to adopt the rules, regulations and procedures which are required under the ITS Plan.

The proposed rules which are the subject of this filing constitute the codification of the obligations required to be imposed upon ITS/CAES Market Makers under the amendments to the ITS Plan adopted by the Commission.

The rules provide requirements for registration of ITS/CAES Market Makers, procedures for handling the withdrawal, suspension or revocation of an ITS/CAES Market Makers' registration, operating procedures for execution of transactions within the ITS/CAES System, procedures to obtain interest from other market centers in ITS/CAES securities prior to the opening of the System, procedures for responding to inquiries received from the market centers, provisions for the execution of transactions at prices equal to or better than those available in other market centers, requirements which prohibit the entering of a quotation for an ITS/CAES security which locks or crosses the market of another ITS/CAES Market Maker or ITS participant exchange, requirements for the execution of block transactions in ITS/CAES securities, and requirements for the clearance and settlement of transactions identified by the ITS/CAES System as having been executed by a particular ITS/CAES Market Maker.

The first rule deals with registration requirements. In order to participate in the ITS/CAES linkage, a market maker must make application to the Association to become registered as an ITS/CAES Market Maker in one or more securities eligible for inclusion in the system as an ITS/CAES security. Such registration is conditioned upon the ITS/CAES Market Makers' registration as a CQS third market maker; continuing compliance with the ITS Plan and applicable rules of the SEC and the Association; the maintenance of continuous markets in the securities in which he is registered, maintenance of the physical security of the terminals and related equipment used to enter or receive orders and other messages from the ITS/CAES System, and the acceptance and settlement by the ITS/CAES Market Maker, or a clearing member acting on his behalf, of each transaction which the ITS/CAES System identifies as having been effected by such ITS/CAES Market Maker. The rule also provides that such registration may be terminated and appropriate sanctions imposed upon the ITS/CAES Market Maker for any failure to comply with the ITS Plan or the rules described herein.

The rules provide a series of operating procedures for transactions effected through the ITS System. All such transactions are required to be on a "regular way" basis and shall be cleared and settled through a clearing agency registered with the Commission that maintains facilities through which ITS transactions may be compared and settled. Transactions may be effected by the issuance of "commitments to trade," which are communications seeking the purchase or sale of securities transmitted by an ITS/CAES Market Maker to another ITS/CAES Market Maker or an ITS participant exchange. Committments to trade sent to ITS/CAES Market Maker shall result in the immediate execution of a transaction where the recipient ITS/CAES Market Maker is maintaining a quotation in the System at a price and size equal or better to that contained in the commitment to trade. With respect to commitments to trade directed to ITS participant exchanges, such commitment must be accepted within the time period of one or two minutes by a specialist on the exchange rather than being automatically executed through the System.

The commitment to trade must be firm and irrevocable for the period selected by the ITS/CAES Market Maker. This period shall be either one or two minutes following transmission of the commitment to trade. At a minimum, the commitment to trade is required to include a symbol identifying the ITS/CAES Market Maker, be directed to a particular recipient ITS/CAES Market Maker or ITS exchange; specify the identity, amount, size and whether the security is to be purchased or sold; specify a price either equal to that displayed by the destination ITS/CAES Market Maker or ITS exchange, or the execution price in the case of a commitment sent in compliance with the block transaction or a price designated as being at the market; specify a period of one minute if the normal period during which a commitment shall remain irrevocable is not to be two minutes, and designate the commitment "short" or "short exempt" where appropriate.

Because orders are executed automatically against the size of the quotation being displayed by the ITS/CAES Market Maker, the System automatically places the ITS/CAES Market Maker in a temporary excused withdrawal state upon execution of a commitment that exhausts the size of the quotation displayed. In such cases, the ITS/CAES Market Maker is required to promptly reenter a new two-sided quotation into the NASD consolidated quotation service. Transaction of ITS/CAES securities are reported by the System to the CTA Plan Processor at the price specified in the commitment or the execution price if such execution occurred at a better price.

The rules also provide pre-opening procedures which enable an ITS/CAES Market Maker that desires to open the market in an ITS/CAES security to obtain through the pre-opening application of the ITS System, pre-opening interest from other ITS/CAES Market Makers and ITS participant exchanges. In this way, an ITS/CAES Market Maker or specialist on an ITS participant exchange may be able to participate in the opening transaction in that stock and thus provide for the execution of limited price orders left with him which otherwise could go unexecuted.

The rules require the pre-opening procedures to be utilized whenever an ITS/CAES Market Maker determines that its opening transaction in a security will be at a price which is more than a quarter of a point away from the closing price of that security reported on the consolidated tape. Upon such determination, the ITS/CAES Market Maker shall send an administrative message called a pre-opening notification through the ITS System to each ITS/CAES Market Maker registered in the security and the ITS participant exchanges which identifies the originator of the message, the security involved, the side of the market in which an order imbalance exists, the amount of the imbalance and the amount of stock paired off. Thereafter, the ITS/CAES Market Maker may not open the security for at least a period of five minutes following transmission of the pre-opening notification. An ITS/CAES Market Maker or ITS participant exchange may respond to the pre-opening notification by sending an administrative message called a "pre-opening response" which shall show its interest as principal and as agent for each price at which the ITS/CAES security might open. The pre-opening responses received by the originating ITS/CAES Market Maker shall be combined with the orders he already holds in the security in deciding upon the price of the opening transaction.

Pre-opening responses which include obligations to buy or sell as agent at the opening price must be satisfied. The ITS/CAES Market Maker may retain for his own account up to 50 percent of the imbalance remaining after agency orders have been satisfied at such price. Imbalances shall be allocated among the responding ITS/CAES Market Makers and ITS participant exchanges in proportion to the amount each indicated in its pre-opening response. Where imbalances identified in pre-opening notifications become reversed prior to the opening, the ITS/CAES Market Maker shall issue an additional pre-opening notification if he contemplates opening his market more than a quarter of a point away from the previous days adjusted closing price in the opposite direction.

Where the opening transaction is expected to be for 5,000 shares or more and the number of paired agency orders plus any imbalance indicated in the pre-opening notification increases or decreases by 50% during the five minute waiting period, the inquiring ITS/CAES Market Maker shall issue a replacement pre-opening notification and thereafter refrain from opening his market until the original five minute period has expired or until one minute after the issuance of the replacement pre-opening notification, whichever is longer.

In the event the ITS/CAES Market Maker issuing a pre-opening notification finds that the imbalance contained therein has been reduced, eliminated or reversed so as to indicate an opening price not more than ¼ of a point away from the previous day's closing price, he shall notify all ITS/CAES Market Makers and ITS participant exchanges of the alteration of the pre-opening notification and refrain from opening his market for a period of one minute or until the original five minute period following the pre-opening notification has expired, whichever is longer.

The ITS/CAES Market Maker receiving a pre-opening response to his pre-opening notification shall accord to any agency obligation contained in the pre-opening response the same treatment as he would to any agency order which he receives and shall not reject any pre-opening response that has the effect of further increasing the imbalance indicated in his pre-opening notification for that reason alone.

Promptly after the opening the ITS/CAES Market Maker that sent the pre-opening notification shall report to each responding ITS/CAES Market Maker or ITS participant exchange the price and the amount of the securities which they purchased or sold at the opening transaction.

Whenever an ITS/CAES Market Maker receives a pre-opening notification from an ITS participant exchange and the recipient ITS/CAES Market Maker desires to participate in the opening of that security in the market from which the pre-opening notification was issued, he may do so by sending "obligations to trade" to such ITS participant market in a "pre-opening response." The pre-opening response shall show the ITS/CAES Market Maker's buy or sell interest both as principal and agent at each price level at which the security might open, on a netted share basis. If the ITS/CAES Market Maker receives a pre-opening notification through the ITS System, he shall submit obligations to trade that security as principal for his own account to the market issuing such notification only through the ITS system. This restriction shall not apply to any order sent prior to the issuance of a pre-opening notification. Similarly no ITS/CAES Market Maker shall send an obligation to trade or a commitment to trade through the system in that security prior to the opening unless a pre-opening notification has been issued or a quotation disseminated from the destination market.

Obligations to trade contained in pre-opening responses shall remain binding upon the ITS/CAES Market Maker until the security has opened in the destination market or until a cancellation or modification of the obligation has been received in such market.

The pre-opening application contained in the rule referenced above shall apply prior to the opening as well as prior to any resumption of trading following a regulatory halt by any ITS participant exchange or the suspension of quotations in the effected securities by the Association.

With respect to an ITS/CAES Market Maker's obligation to honor system trades, the rules require that if an ITS/CAES Market Maker or a clearing member acting on his behalf is reported on the clearing tape at the close of any trading day, or shown by the activity reports developed by CAES as constituting a side of a system trade, then such ITS/CAES Market Maker or clearing member must honor such trade on the scheduled settlement date.

The rules also provide limitations upon the price at which an ITS/CAES Market Maker can execute a transaction in a security in which he is registered. These limitations extend to transactions effected through the ITS System with another ITS/CAES Market Maker or ITS participant exchange as well as transactions which occur outside the system where an ITS/CAES Market Maker is participating on one side of the transaction. The purpose of such limitations is to prevent a condition known as a "trade-through." A trade-through occurs when an ITS/CAES Market Maker ignores a better bid or offer available from another ITS/CAES Market Maker or ITS participant exchange and executes the transaction in the security at an inferior price.

The trade-through rule proposed herein requires that an ITS/CAES Market Maker shall avoid purchasing an ITS/CAES security in which it is registered at a price which is either higher than the offer or lower than the bid displayed from an ITS participant exchange or another ITS/CAES Market Maker unless certain conditions apply. Similarly, an ITS/CAES Market Maker shall avoid selling at ITS/CAES security in which it is registered at a price which is lower than the bid or higher than the offer displayed from an ITS participant exchange or ITS/CAES Market Maker unless the same conditions apply.

The conditions which negate the application of the trade-through rule to a particular transaction include situations where a bid or offer traded through of no more than 100 shares (or 200 shares if displayed from the Pacific Stock Exchange, Inc.); the ITS/CAES Market Maker is unable to avoid the trade-through because of systems/equipment failure or malfunction; the transaction is not a regular way contract; the bid or offer is displayed from a market center whose members are relieved of their obligations under paragraph (c)(2) of Rule 11Ac1–1 with respect to such bid or offer; the bid or offer that is traded-through has caused a locked or crossed market or the commitment received by the ITS/CAES Market Maker was originated by an ITS participant exchange.

In the event that a trade-through occurs, corrective action need not be taken unless a complaint is received by the Corporation either through the ITS system from the appropriate ITS participant exchange whose member is the aggrieved party or from an ITS/CAES Market Maker within a period of five minutes from the time a report of the transaction was disseminated. If the complaint is properly received by the Corporation within the five minute period, then if the trade-through occurred between two ITS/CAES Market Makers acting as principal, the ITS/CAES Market Makers shall agree to correct the price of the transaction to a price at which a trade-through would not have occurred and report the correction to the consolidated last sale reporting system. If such agreement cannot be reached the ITS/CAES Market Maker that initiated the trade-through shall satisfy each bid or offer of an ITS/CAES Market Maker or ITS participant exchange that was traded-through. If the foregoing corrective action is not taken then the rule requires that the transaction shall be voided.

If an ITS/CAES Market Maker is on only one side of the transaction, the ITS/CAES Market Maker registered in the security shall satisfy the bid or offer traded through in its entirety; otherwise, the price of the transaction which constituted the trade-through shall be corrected by the ITS/CAES Market Maker to a price at which a trade-through would not have occurred.

If ITS/CAES Market Makers are on both sides of a transaction and either one or both are acting as agent, the price of the transaction which constituted the trade-through shall be corrected by agreement of the parties to a price at which a trade-through would not have occurred; otherwise, the ITS/CAES Market Maker that initiated the transaction shall satisfy, or cause to be satisfied, the bid or offer trade-through in its entirety at the price of such bid or offer.

In the foregoing examples, such price correction shall be reported to the consolidated last sale reporting system. Where this corrective activity is required, the customer's order or portion thereof which was executed in the transaction which constituted the trade-through shall receive either the price which caused the trade-through, the price at which the bid or offer trade-through was satisfied or the adjusted price, whichever price is most beneficial to the order. The ITS/CAES Market Maker shall be liable for any money differences which may result under this rule.

The Corporation shall notify the ITS/CAES Market Maker of any trade-through complaint which it receives and upon such notification the ITS/CAES Market Maker shall promptly respond to the complaining ITS participant exchange or ITS/CAES Market Maker. Such response shall set forth either the conditions which exempt the transaction from the application of the trade-through rule or the corrective action which will be taken to rectify the trade-through. Where more than one ITS/CAES Market Maker participates in the transaction, the initiating ITS/CAES Market Maker shall receive the notification of the trade-through complaint.

In the event the ITS/CAES Market Maker responsible for a trade-through failes to take corrective action required under the rule, such ITS/CAES Market Maker shall be liable for the lesser of the actual loss proximately caused by the trade-through and suffered by the aggrieved party or the loss proximately caused by the trade-through which would have been suffered by the aggrieved party had he purchased or sold the security subject to the trade through in order to mitigate his loss and had such purchase or sale been affected at the loss basis price. The term "loss basis" price shall mean the price of the next transaction, as reported by the high speed line of the consolidated last sale reporting system, in the security in question, after one hour has elapsed from the time the complaint is received.

ITS/CAES Market Makers that become the subject of a trade-through by another ITS participant exchange or ITS/CAES Market Maker may take whatever steps are necessary to mitigate potential losses which may arise from the trade-through. The ITS/CAES Market Maker shall promptly communicate such action to the offending ITS participant exchange or ITS/CAES Market Maker.

The rules also prohibit an ITS/CAES Market Maker from creating what is referred to as a "locked or crossed" market. A locked market is created when an ITS/CAES Market Maker makes a bid for an ITS/CAES security at a price which equals the offering price at that time from an ITS participant exchange or ITS/CAES Market Maker. Such condition would also occur where an offer was made which equals the bid price at that time from an ITS participant exchange or ITS/CAES Market Maker. A crossed market is created when an ITS/CAES Market Maker makes a bid for an ITS/CAES security at a price which exceeds the offering price at that time from an ITS participant exchange or ITS/CAES Market Maker. Such condition is also created when an offer is made at a price which is less than the bid from such ITS participant exchange or ITS/CAES Market Maker.

In the event an ITS/CAES Market Maker makes a bid or offer and in so doing creates a locked or crossed market, he shall promptly send to the affected ITS participant exchange or ITS/CAES Market Maker a commitment to trade seeking the bid or offer which causes the locked or crossed market unless excused by operation of one or more of the conditions which constitute exceptions to this rule. The commitment sent shall be for the lesser of the number of shares he has bid for, or offered, or the number of shares offered, or bid for, on the ITS participant exchange or from the ITS/CAES Market Maker.

The conditions which constitute exceptions to the rule include a bid or offer for 100 shares (or 200 shares from the Pacific Stock Exchange); the issuance of a commitment to trade which would be prohibited by SEC Rule 10a–1; the ITS/CAES Market Maker causing the locked or crossed market is unable to comply with the rule because of a system/equipment failure or malfunction; the bid or offer is not for a regular way contract; or the members are relieved of their obligations under paragraph (c)(2) of Rule 11Acl–1.

Finally the rules create a requirement whereby ITS/CAES Market Makers that execute agency or principal crosses of block size in ITS/CAES securities at an execution price outside the best quotation for the security displayed by any ITS participant exchange or ITS/CAES Market Maker shall send a commitment to trade at the execution price to each ITS participant exchange and ITS/CAES Market Maker displaying a bid or offer (whichever is applicable) superior to the execution price. This rule applies only to agency or principal crosses involving at least 10,000 shares or a quantity of stock having a market value of at least $200,000.

These rule changes are consistent with Sections 15A(b) (6) and (8) of the Act and with the Commission's order dated March 4, 1982, issued pursuant to Section 11A(a)(3)(B) of the Act which together require the Association to adopt rules governing the participation of ITS/CAES Market Makers in the ITS/CAES linkage.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The purpose of these rules is to foster competition through the linkage of the exchanges and over-the-counter markets. The rules apply only to those members that voluntarily choose to become registered as ITS/CAES Market Makers. The proposed rule changes will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

In Notice to Members 82–32, the Association solicited comments on the interim ITS/CAES Operating Rules being considered for adoption on a permanent basis by the Board upon approval of Section 37. Letters were received from five commentators. A copy of this Notice and comments received are attached as Exhibit 2 to this filing.

One commentator suggested that the rules, regulations and procedures adopted herein should be the subject of a separate and distinct vote. The Board carefully considered this comment and decided to approve these proposed rules in accordance with the authority vested in it under Section 37 of the Association's Rules of Fair Practice in view of the time constraints for implementation of permanent rules and the fact that the rules and procedures are subject to change in the future as a result of change to the ITS Plan.

Another commentator supported the Board of Governors contention that the trade-through and block rules in their present form create an inequitable trading environment and encourage a rule that protected each superior quote rather than one that treats all ITS/CAES Market Makers as one exchange.

Another commentator was troubled by the trade-through and block proposals noting its strong disagreement with any regulatory approach that subjects two competing market centers to different obligation requirements and applies such regulatory constraints on an inequitable basis. The commentator noted that the Association's rules would require ITS/CAES Market Makers to protect superior bids or offers displayed both on ITS participant exchanges and by all other ITS/CAES Market Makers, without the same obligation applying to participant exchanges. A similar problem was found to arise in connection with the block proposal. The commentator's position was that all superior quotes of ITS-CAES Market Makers must be protected under the trade-through and block rules and that the trade-through rule should apply at the opening. The commentator also expressed concern with respect to the fact that commitments sent to ITS participant exchanges are expiring or being manually cancelled prior to acceptance in apparent contravention of the Commission's firm quote rule. To rectify this problem, the commentator called for the upgrading of the ITS System to an automated execution system. The commentator also complained with respect to what it termed numerous operational problems with the ITS/CAES linkage. Such problems involved the system going down and the firm not being notified of orders or reports being delayed in coming from ITS or being delayed in going to ITS. The commentator also objected to the fact that orders entering into ITS against existing quotations of an exchange have not been executed in apparent reliance a rule that permits so called "bad quotations" to be withdrawn from the System until six minutes after they have been entered. It was suggested that this demonstrates the lack of a firm quotation obligation by ITS participant exchanges.

The Board shared the views of this commentator to a considerable degree but recognized that the exchanges could not be made to honor superior quotes of ITS/CAES Market Makers by way of modification to these rules. Rather, it was felt that the Commission should take steps to require the amendment of the trade-through rule and block policy of existing exchange participation in a manner designed to bring about the immediate protection of such quotes. The Board was also concerned with the possibility of any system problems within CAE and will continue to monitor the system with a view toward optimum operating performance. With respect to the comments regarding the availability of quotations displayed on ITS participant exchanges and the differences between the automatic and manual execution systems, the Board has determined to analyze these problems in greater detail subsequent to the implementation of these rules.

Another commentator felt that quotes of market makers should be provided equal protection but that market makers should assume responsibility comparable to the specialist. It noted, however, that such responsibility should apply only to public orders and that there should be prioritization of such orders. Such prioritization should differentiate between public orders, market maker orders and industry, (or principal) orders. The market maker would protect the public order but take precedence over the industry order. Such distinction would be based on the origin of an order and would protect market makers against the demands of block positions. Another commentator felt that all superior quotes should be protected.

The Board reviewed the foregoing comments but found no basis for amendment of the proposed rules based therein.

The final commentator, which representated the interest of the ITS participants, made a series of specific recommendations. The first recommendation was that our rules should be amended to provide that commitments, where applicable, be marked short or short exempt. A request was also made that language be included in the rule providing for what is referred to as a second look procedure in connection with pre-opening so that a new rule filing will not necesssary if such procedure is adopted by the ITS Operating Committee. The commentator also requested that the specific procedures by which the NASD will allocate securities among responding ITS/CAES Market Makers should be set forth in the rules. The commentator objected to the use of the term "initiate" in the trade-through rule and also objected to its method of application to principal trades whereby transactions between ITS/CAES Market Makers as principals need not be automatically voided. The commentator also noted certain ambiguity in connection with the trade-through rule in connection with the corrective action to be taken where the contra-side of the transactions was either an ITS/CAES Market Maker acting as agent or a non-ITS/CAES Market Maker. The commentator suggested that the trade-through rule should be changed to remove the requirement contained therein that exchanges impose "similar obligations and responsibilities" to those now imposed on the ITS/CAES Market Makers. Minor language changes were also suggested to the locked and crossed market rule. The commentator also recommended that our block rule should apply to every block transaction in the over-the-counter market at a price outside the best price and also suggested that the rules should utilize the term participates rather than execute in connection with a block trade. In sum, the NASD should conform both its trade-through and block rules to those new being proposed by the ITS participants.

The Board noted that our rules excluded commitments marked "short" and "short exempt" during the pilot because of technical considerations and had included such requirements in its own draft. The request for a second look procedure will be included in the rules if and when it is approved by all of the ITS Operating Committee. The Board did not feel that internal allocation procedures in connection with preopening response were required to be incorporated in these rules, or the certain suggested language changes were appropriate. The Board did not feel, however, that the application of either the trade-through or block rule should be broadened in view of the existing problems with respect to the competitive disadvantage imposed by these rules upon ITS/CAES Market Makers in relation to the rules adapted by the ITS participants.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The NASD has requested that the Commission approve the proposed rule change on an accelerated basis pursuant to Section 19(b)(2) of the Act. The NASD Board indicated that accelaration was necessary because its rules are required by the ITS Plan to be implemented prior to the November 17, 1982 expiration of the pilot period of the ITS/CAES Linkage. Although the Commission is considering this request, it does not intend to take any action concerning these rules at least until the period immediately prior to the expiration of the pilot, to allow time for public comment on these proposals.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450–5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450–5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within (21) days after the date of this publication. For the commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 26, 1982.

George A. Fitzsimmons,

Secretary.

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Self-Regulatory Organization; Proposed Rule Change; National Association of Securities Dealers, Inc.

Relating to requirement for the inclusion of authorized foreign securities and American depositary receipts in NASDAQ.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 12, 1982, the National Association of Securities Dealers, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is the full text of the proposed amendment to Section C of Part II of Schedule D of the Association's By-Laws.

(Language to be deleted is bracketed, language to be added is italicized).

C. Rules for Authorized Foreign Securities and American Depository Receipts

1. A security shall be eligible to be an authorized security if it is:

a. issued by a foreign issuer where either the issuer is required to file reports pursuant to Section 15(d) of the Securities Exchange Act or the security is exempt from registration under Section 12(g) of that Act by reason of the applicability of Rule 12g3–2(b) promulgated by the Securities and Exchange Commission, or

b. an American Depositary Receipt or similar security issued in respect of a security authorized under Subdivision (a) of this paragraph 1.

2. Notwithstanding a security's exemption from registration pursuant to Rule 12g3–2(b), a security of a foreign issuer (or an ADR or similar security issued with respect thereto) shall not be eligible to be an authorized security:

a. if the issuer of such security does not timely make available to its shareholders, and upon application for authorization and annually thereafter, the Corporation does not receive, a balance sheet and statement of operations independently certified (or the equivalent) in accordance with the generally accepted accounting practices of the issuer's country of domicile; or

b. if the principal marketplace of the issuer's securities does not coordinate regulatory activities with the Corporation sufficiently to assure a fair and orderly market in the security and protection of investors and the public interest.

[2.] *3.* An eligible security shall not be authorized, and an authorized security shall be subject to suspension or termination of authorization, if:

a. *at any time there is a failure to comply with the eligibility standards set forth in paragraphs 1 and 2 above;*

[a.] *b.* it shall have been suspended from being traded over-the-counter by the Securities and Exchange Commission pursuant to Section [15(c)(5)] *12(k)* of the Securities Exchange Act *and the Corporation shall determine that the public interest requires suspension or termination of authorization as an authorized security;*

[b.] *c.* there shall have been a failure by the issuer promptly to disclose to the public *by attempts to disseminate in the United States through international wire services or similar disclosure media* [through the press] any material information which may affect the value of its securities or influence investors' decisions;

[c.] *d.* there shall have been a failure to comply with any obligation of any person regarding filing or disclosure of information material to the issuer of the security, whether the obligation arises under a federal or state statute or rule and the Corporation shall determine that the public interest requires suspension;

[d.] *e.* there shall have been a failure by the issuer to pay the NASDAQ Issuer Quotations Fee as specified in Section III hereof;

[e.] *f.* in the case of a security not yet authorized, there shall be fewer than three market makers registered; in the case of an authorized security there shall be fewer than one market maker registered:

[f.] *g.* in the case of an authorized security, the average daily volume reported by market makers during the first 90 calendar days after authorization is less than 500 shares per day;

[g.] *h.* the principal amount outstanding shall be less than $10,000,000 in the case of a convertible debt security eligible but not authorized or $5,000,000 in the case of an authorized convertible debt security;

[h.] *i.* the issuer's total assets shall be less than $2,000,000 in the case of an eligible security not yet authorized or $750,000 in the case of an authorized security;[1]

[i.] *j.* the issuer's total capital and surplus shall be less than 1,000,000 in the case of an eligible security not yet authorized or $375,000 in the case of an authorized security; [1]

[j.] *k.* in the case of rights or warrants, the underlying security is not an authorized security.

II. Self-Regulatory Organization's Statements Regarding the Proposed Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

These proposals were formulated in response to the strong concern expressed by the staff of the Commission regarding continued quotation in NASDAQ of foreign securities exempt from registration pursuant to Rule 12g3–2(b) of the Securities Exchange Act of 1934 and the close study of all factors surrounding the inclusion of foreign securities on NASDAQ by the staff, the Committee appointed for that purpose, and the Association's Board of Governors.

The Commission staff has indicated its concern that the promoters of certain of the foreign companies on NASDAQ may take advantage of the absence of complete disclosure regarding their companies and the increased exposure NASDAQ companies enjoy to create order demand and unjustifiable price levels. Furthermore, the Enforcement Division of the Commission has emphasised the difficulty it encounters when attempting to bring enforcement actions against such companies because of the lack of jurisdiction.

The NASD Board recognized the problems which the Commission staff had addressed but believed it unnecessary to require full Section 12(g) registration in order to achieve the desired results.[2] To do so, would result in many sound and reputable companies being removed from the NASDAQ System merely because they do not want to be subjected to the Commission's jurisdiction and not because of any improper activity or motives on their part. At the same time, the Board is concerned about the effect on the credibility of the NASDAQ System which the referred to activities would have. Therefore, the Board is proposing the regulatory modifications contained herein which it believes would address the primary concerns expressed by the Commission staff.

Under the proposal, securities exempted from registration pursuant to Rule 12g3–2(b) will be permitted to be included in NASDAQ only if financial information, independently certified in accordance with generally accepted accounting practices of the issuer's country of domicile, is made available on a timely basis to shareholders and the Association by the issuer. Such information is considered to be a basic component of disclosure necessary for the protection of the investing public. The responsibility for assuring that audited financials are received by shareholders and the Association would lie with the foreign issuer (or the underlying foreign issuer in the case of ADR's) but that responsibility may be discharged by an ADR bank or broker/dealer acting on behalf of the issuer. It is contemplated that the Association will maintain on its premises a file of such documents for each foreign issuer so as to facilitate member and public access to this important information.

The NASDAQ proposal will also require a foreign issuer in order for its security to remain on the NASDAQ System, to promptly disclose any material information which may affect the value of the security or influence investor's decisions to the public by attempts to disseminate in the United States through international wire services or similar media.

The proposal also provides that exempted foreign securities which meet the foregoing requirements shall be subject to deletion from NASDAQ if over-the-counter trading is suspended by the Commission under Section 12(k) of the Exchange Act. This provision is designed to respond to the Commission's dilemma presented by the provisions of the 1934 Act, and certain judicial determinations, preventing it from suspending a company from trading for more than one ten day period in most instances notwithstanding the nature of the improper activity discovered. It is believed that deletion from NASDAQ would have an effect comparable to a mandated cessation of trading by the Commission. The proposed deletion from NASDAQ would only be invoked, however, upon a finding that such action would be consistent with the public interest. Thus, the issuer company in respect to which a deletion is proposed would be entitled to a hearing before a Committee of the Association.

In addition to the concerns of the Commission discussed above, the Association has experienced difficulty with certain foreign exchanges in the coordination of regulatory activities and their philosophy in connection with their activities involving trading halts and removals. Therefore, the proposal contains a requirement that foreign issuers whose principal market place fails to coordinate its regulatory activities with the Association will not be permitted on the system, or, if on, will be removed. In the past, the referred to foreign exchanges have halted trading when movements in the price of the security break certain parameters, irrespective of whether their investigation determines that material news was or was not overhanging the market. In addition, such trading halts, or the removal of them, have not been properly coordinated with the NASDAQ

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[1] Until August 24, 1982, the minimum amounts for authorized securities shall be $500,000 total assets and $250,000 total capital and surplus.

[2] Section 12(g) generally placed over-the-counter securities under the same reporting requirement as exchange listed stocks. Rule 12g3–2(b) provides an exemption to registration where the issuer or a government official or agency of the issuer's domiciliary country, files with the Commission information required by the issuer's domiciliary country which has been made public in the issuer' home country, has been filed with the stock exchange in which it may be traded and made public, or has been distributed to the issuer's security holders.

Market Surveillance Section. Further, the dissemination of material news has posed problems in that at least one foreign exchange has construed the mere announcement of news on the exchange floor, without notification of the wire services or any other attempts to disseminate the material broadly to the public, to be adequate dissemination of news. Obviously, this does not afford investors the opportunity of evaluating the news in making their investment decisions. These practices are inconsistent with those of virtually all other domestic and foreign exchanges. The Board has proposed, therefore, that adequate regulatory coordination of the foreign marketplace constitutes a prerequisite to inclusion, or continued inclusion, of a security from such foreign jurisdictions in NASDAQ.

The Association's Board believes with these additional requirements of certified financial statements, disclosure of material information, removal from the system in the case of a Section 12(k) suspension where the public interest so requires or removal where foreign issuers whose principal marketplace fails to coordinate its regulatory activities with the NASD will go a long way toward eliminating the problems which have been discerned. At the same time, foreign companies which do not wish to do so will not be forced to subject themselves to Commission jurisdiction in order to stay on NASDAQ.

The Association also believes that foreign issuers should be provided an additional six months after the effective date of this rule, to comply with that portion concerning the filing of certified financial information. This will assure each issuer an adequate opportunity to make arrangements for the preparation and submission of the appropriate documentation.

Section 15(A)(b)(6) of the Act requires that the rules of each registered national securities association include provisions "designed to prevent fraudulent and manipulative acts and practices * * * to foster cooperation and coordination with persons engaged in regulating * * * transactions in securities, to remove impediments to and perfect the mechanism of a free and open market * * * and, in general, to protect investors and the public interest * * *." This proposed rule change is consistent with and in furtherance of this stated purpose of the Act.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Association believes this rule change does not impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In Notice to Members 82-33, the association solicited comments on this proposal. Eight commentators' letters were received.

A letter of comment was received from the Commission staff which strongly suggested the Association should require full Section 12(g) registration. As an alternative, the Commission staff suggested that Section 12(g) registration be required prospectively for NASDAQ issuers and that some deferral or grandfathering be utilized for existing securities.

The Commission also expressed concern with the requirement that financials be made available to shareholders under the NASD proposal because this disclosure obligation should still not equal that required by Form 20F for foreign securities under the Act. This was attributed to the fact that our proposal does not require the notes to the financial statements to be in English nor does it require a description and quantification of the material differences in accounting methods from the generally accepted accounting principals operable in the United States.

Other comments included those of three commentators which expressed their general support for the proposal and urged its adoption by the Association.

Another commentator viewed Section 12(g) registration as a condition of NASDAQ inclusion as the only effective way to curb abuses in the trading of foreign securities. The stature of NASDAQ would be increased by the requirement of full registration. The registration requirement under Section 12(g) will not prevent any legitimate company from being included in NASDAQ. The investing public will be harmed by the exemption from section 12(g) since it is a source of investor confusion. Moreover, the exemption gives foreign companies an unfair advantage over domestic companies. The inclusion of unregistered Canadian securities in NASDAQ has encouraged and facilitated many unscrupulous foreign promoters. The result of this proposal is that NASDAQ will loose many substantial companies.

Another commentator believed that the proposal would primarily impact well established foreign companies rather than effecting speculative issues. It would also cause diplomatic problems and result in a refusal of management of foreign issuers to comply with the proposal. Foreign issuers have a basic fear of SEC jurisdiction especially the South African companies. The NASD should limit its proposals to Canadian companies and should also attempt to make a differentiation between new and mature issues in the application of its regulations.

Another commentator expressed the view that the proposal should address only those issuers creating a problem. Further, the failure to comply with proper requests for information by NASD should be made the grounds for suspension from NASDAQ. What constitutes certified financials should be interpreted flexibly to provide for the different approaches of foreign jurisdictions. The position was also taken that the issuer should not be required to make filings in the case of unsponsored ADRs. It was felt that the proper dissemination of material information should be limited to the dissemination to wire services, Reuters writers AP and UPI in that country. The commentator also felt that the requirement for regulatory cooperation was vague.

Another letter was received from a foreign exchange which addressed the specific concerns which the Association had concerning regulatory cooperation with foreign exchanges. In so doing, the foreign exchange indicated that it is ready and willing to cooperate with both the Commission and the Association to work toward an improved system of investor protection.

Another commentator which represented a number of Canadian issuers expressed the view that it should be no problem for companies listed on one of the Canadian exchanges to make information available on a timely basis to their shareholders, the Association and generally throughout the United States. An offer of assistance was also extended to the Association to work with exchange officials to eliminate problem areas which exist.

As to the Commission's proposals, the Association does not believe that Section 12(g) registration should be required for any foreign securities, either those presently on the system or those which come on in the future. If such registration were prospectively required, very few if any additional foreign issues would enter the NASDAQ System. It was also determined not to require either the accounting comparison suggested by the Commission or the requirement that the notes to the financials be in English. It is believed that if analysts and other interested persons cannot speak the language, they will have it interpreted so that they can properly analyze the financials and make appropriate recommendations. It was noted that the comparative accounting proposals suggested by the Commission are not today required in the filings made with the Commission by foreign issuers that avail themselves of the exemption under Rule 12g3–2(b).

As a result of a comment in at least one of the letters, there was considerable consideration given to what constituted dissemination within the United States. The original proposal published for comment had a blanket requirement for the adequate dissemination of material information in the United States. The problem recognized with this approach was that an issuer could have made attempts to disseminate information and may have deposited the appropriate information at the respective international wire services in the domiciliary country for transmission to the United States or could even have deposited the information at the wire services in the United States, but the wire service could subsequently fail to publish the material. It was, therefore, determined that it would be wrong to impose an absolute obligation of dissemination in the United States; rather, the requirement should relate to an attempt to disseminate.

There was also extensive consideration given to the provision concerning regulatory coordination and cooperation between the regulators in the domiciliary country with the Association in view of the foreign exchange's comment letter. As a result of this consideration and the pledge of cooperation received by the Association from at least one such exchange, it was determined that no change should be made to this provision.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 – 5th Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within (21) days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 22, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30029 Filed 11–1–82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34–19175; File No. SR-NESDTC-82-3]

Self-Regulatory Organizations; Proposed Rule Change; New England Securities Depository Trust Company

Relating to an increase in New England Securities Depository Trust Company billings to participants.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 12, 1982, the New England Securities Depository Trust Company filed with the Securities and Exchange Commission the proposed change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The fees currently being charged participants for Institutional Services were those being charged by DTC and passed on to the users of the service. It was concluded to change those rates to the following:

$10.50 Per Buy, Sell or Withdrawal
$3.50 Per Deposit
$10.00 Per Legal Deposit
$2.00 Per Issue/Month

In addition, the 15% surcharge will be incorporated as a permanent part of the fee schedule, all to become effective October 1, 1982.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change

(a) Due to the changing economic and operational environment of the Depository, a Fee Committee was established to review projected costs and revise, where appropriate, all fees of the Depository. In reviewing the preliminary budget for 1983, the Fee Committee recommended and the Board of Directors approved an increase in the fees charged for Institutional Services. It was also voted to adopt the 15% surcharge as a permanent part of the Depository fees.

(b) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the New England Securities Depository Trust Company because it represents an equitable allocation of reasonable fees and other charges among its participants. It would also insure continued prompt and accurate clearance and settlement of security transactions and fosters cooperation and coordination among others engaged in the clearance and settlement of security transactions by making the Depository more competitive.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth St., NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth St., NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 25, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30032 Filed 11-1-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19170; File No. SR PHLX 82-9]

Self-Regulatory Organizations; Proposed Rule Change; Philadelphia Stock Exchange, Inc.

Relating to Rule 274 (Payment on Delivery Orders).

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 14, 1982, Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") is proposing to amend Rule 274 on payment on delivery (POD) orders to require that member organizations, with certain exceptions, accept POD orders only when the customer or its agent and the member organization or its agent utilize the facilities of a depository for the confirmation, acknowledgement, and book entry settlement of all depository eligible transactions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change

In 1980, a Joint Committee was formed by the Securities Industry Association and the New York Stock Exchange to study certain operating problems that exist with respect to Payment on Delivery ("POD") trading by institutions. Briefly, trading on a POD basis is a courtesy which brokers normally extend only to their institutional customers. Arrangements are generally made with the broker whereby payment for the securities purchased by the institution (or by its investment manager) is to be made to the broker upon delivery of the securities to an agent of the institution, generally a custodian bank.

The major problem on which the Joint Committee focused was the frequent rejection of these deliveries, which is considered to be one of the most significant operational problems facing the securities industry today. Attempted deliveries of securities by brokers to their customers' agents in exchange for payment are often rejected ("DK'ed") because the agent has not received the customer's instructions to accept the securities. This problem is usually the result of a lost or delayed mailing of the confirmation and/or instructions to the customer or agent, a problem which increased significantly in periods of high volume. The costs incurred by brokers as a result of these DK's are quite significant.

The Joint Committee has recommended that, with certain exceptions, brokers can be permitted to accept POD orders only when the customer or its agent and the broker or its agent (i.e. clearing firm) utilize the facilities of a registered securities depository for the confirmation, acknowledgement, and book entry settlement of all transactions in depository eligible securities. In the Joint Committee's view, the electronic confirmation, acknowledgement, and book entry settlement of POD trades offered by a depository is a far more efficient method for processing of these trades than the conventional method utilizing the mails or private delivery systems. The Joint Committee believed that the use of depositories should reduce the number of DK's, thereby significantly reducing costs. Moreover, the use of depositories will reduce the physical delivery and receipt of securities through book entry settlement.

The New York Stock Exchange amended its Rule 387 on COD orders last December. The governing boards of the Midwest Stock Exchange, American Stock Exchange and the National Association of Securities Dealers have approved comparable changes to their rules.[1] It is expected that the Boston Stock Exchange and the Pacific Stock Exchange will also file similar rule proposals with the Commission.

The proposed rule amendment provides an exemption for POD transactions between a member organization and a customer where one party to the trade and its agent are not members of a registered securities depository. Thus, persons not currently participating in a depository will not be required to become participants and will be exempted from the rule. However, where both parties to a transaction or their agents are members of a depository they will be required to utilize the depository's electronic processing system. In addition, POD transactions that are not settled in the United States will be exempted.

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[1] See, e.g., MSE Art. 15-Rule 5; AMEX Rule 423 NASD Section 64 of UPC.

In order to allow sufficient time for those affected to make any necessary adjustments, the rule change is not scheduled to take effect until January 1, 1983. By that time, all five registered securities depositories are expected to either have in place a linkage with the Depository Trust Company's existing Institutional Delivery System [2] or to have developed a comparable system of their own.

The proposed amendment is consistent with Section 6(b) of the Act in general and furthers the objectives of Section 6(b)(5) of the Act in particular in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments on this proposed rule change have been solicited or received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 5th Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 22, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30035 Filed 11-1-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Region I—Advisory Council; Public Meeting

The Small Business Administration Region I Advisory Council, located in the geographical area of Augusta, Maine, will hold a public meeting at 2:00 p.m. on Wednesday, December 15, 1982, in Room 510, Fifth Floor, Federal Building, 40 Western Avenue, Augusta, Maine, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Tom McGillicuddy, District Director, U.S. Small Business Administration, 40 Western Avenue, Augusta, Maine 04330, Telephone, (207) 622-8274.

Jean M. Nowak,

Acting Director, Office of Advisory Councils.

October 28, 1982.

[FR Doc. 82-30071 Filed 11-1-82; 8:45 am]

BILLING CODE 8025-01-M

Small Business Investment Company; Maximum Annual Cost of Money to Small Business Concerns

13 CFR 107.301(c) sets forth the SBA Regulations governing the maximum annual cost of money to small business concerns for Financing by small business investment companies.

Section 107.301(c)(2) requires that SBA publish from time to time in the Federal Register the current Federal Financing Bank (FFB) rate for use in computing the maximum annual cost of money pursuant to § 107.301(c)(1). It is anticipated that a rate notice will be published each month.

13 CFR 107.301(c) does not supersede or preempt any applicable law that imposes an interest ceiling lower than the ceiling imposed by that regulation. Attention is directed to new subsection 308(i) of the Small Business Investment Act, added by section 524 of Pub. L. 96-221, March 31, 1980 (94 Stat. 161), to that law's Federal override of State Usury ceilings, and to its forfeiture and penalty provisions.

Effective November 1, 1982, and until further notice, the FFB rate to be used for purposes of computing the maximum cost of money pursuant to 13 CFR 107.301(c) is 10.705% per annuam.

Dated: October 27, 1982.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc 82-30105 Filed 11-1-82; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-5427]

CDC Investment Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by CDC Investment Corporation, Banco Cooperativo Plaza, Suite 604, Avenue Ponce de Leon 623, Hato Rey, Puerto Rico 00917, with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982).

The officers, and directors of the Applicant are as follows:

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[2] The Institutional Delivery System is an electronic communications system utilized by DTC, banks, brokerage houses and certain customers to facilitate the confirmation and acknowledgement of POD trades.

Mr. Manuel L. Prats, Vermont St., 315, San Gerardo Devp., Rio Piedras, P.R. 00926, President & Chairman of Board, 50%
Miss Jean Du Vinage, St. 17 K-3, Jardines de Country Club, Carolina, P.R. 00630, Secretary, Director, 0%
Mr. Armando Messina, Retiro Street, Arroyo Hondork, Santo Domingo Rep. Dominicana, Treasurer, Director, 50%

The Applicant will begin operations with a capitalization of $500,000 which will be a source of equity capital and long-term loans for qualified small business concerns.

The Applicant will conduct its operations principally in the Commonwealth of Puerto Rico.

As an SBIC under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than November 17, 1982, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Hato Rey, Puerto Rico.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 27, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-30134 Filed 11-1-82; 8:45 am]

BILLING CODE 8025-01-M

[Application No. 02/02-5455]

Triad Capital Corp. of New York; License to Operate as a Small Business Investment Company

An Application for a License to Operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended, (15 U.S.C. 661 *et seq.*) has been filed by Triad Capital Corp. of New York, 1041 East 163rd Street, Bronx, New York 10459, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1982).

The officers, directors and shareholders are as follows:

Antenor Joseph Adam, 101 Kensington Drive, Ft. Lee, New Jersey, Director, 6%
Kamal Alsultany, 20 West 64th Street, New York, New York 10023, Director, 7½%
Serafin Uwaldo Mariel, 1361 Balcom Avenue, Bronx, New York 10461, Director, 7½%
Sam W. Munroe, Jr., 31 Mayer Drive, Suffern, New York 10901, Director, 7½%
Hiram Rodriguez, 831 Olmstead Avenue, Bronx, New York 10473, Director, 7½%
Joseph Bob Simone, Kenilworth Road, Harrison, New York 10580, Director & Chairman, 7½%
Lorenzo J. Barrera, 3 Eros Drive, Monsey, New York 10952, President 1.7%
Ivan E. Irizarry, 24 Musket Road, Tappan, New York 10983, Director & Secretary 2.7%
Efrain Pardo, 605 Forest Drive, River Vale, New Jersey 07675, Director & Treasurer, 1.3%

The Applicant, a New York corporation, will begin operations with $500,000 paid-in capital and paid-in surplus, and will conduct its activities primarily in the State of New York.

The Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their managment, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than November 17, 1982, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Adminstrator for Investment, Small Business Adminstration, 1441 L Street NW., Washington, D.C. 204416.

A copy of this Notice will be published in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 26, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-30136 Filed 11-1-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed New Form 6198, Computation of Deductible Loss for an Activity Described in Section 465(c)

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed new Form 6198, Computation of Deductible Loss for an Activity Described in Section 465(c), and request for comment.

SUMMARY: The Internal Revenue Service is proposing for public comment a new form for taxpayers to use in figuring the deductible loss from an activity described in section 465 of the Internal Revenue Code. Taxpayers subject to the section 465 at risk rules who have (1) a loss from an at risk activity and (2) amounts in the activity for which they are not at risk woud be required to file the form with the Service. The Service tentatively plans to adopt the proposed form for 1982, depending on the nature of the comments received.

DATE: Written comments and suggestions should be mailed or delivered by December 31, 1982.

ADDRESS: Written comments and suggestions should be mailed or delivered to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Mrs. Sandra Bies, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C., 20224, telephone (202) 566-5573 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: The at risk rules of section 465 of the Internal Revenue Code limit the loss from an at risk activity a taxpayer can deduct to the amount of the loss or the amount the taxpayer has at risk in the activity, whichever is less. New Form 6198 would be used to figure the overall profit or loss from an at risk activity, the amount at risk in an activity, and the deductible loss for the tax year.

The proposed form represents an attempt by the Internal Revenue Service to reflect a less complicated approach (Part II of the form) for use by most of the taxpayers who would be required to complete the form. Part III of the proposed form and the accompanying instructions cover the more complicated situations. Because the simplified approach is based on an asset/liability/accounting approach, the Service is particularly interested in comments from the accounting profession regarding the feasibility of these methods for at risk situations.

Nelson A. Brooke,

Chairman, Tax Forms Coordinating Committee.

BILLING CODE 4830-01-M

Form **6198**
Department of the Treasury
Internal Revenue Service

Computation of Deductible Loss for an Activity Described in Section 465(c)

▶ Attach to your tax return. See separate instructions.

OMB No.

1982

Name(s) as shown on return	Identifying number as shown on return

Description of activity

Part I Overall Profit (Loss) from the Activity This Year (Enter losses in parentheses.)

1 Profit (loss) from the activity this year	1		
2 Gain (loss) from the sale or other disposition of assets used in the activity, or your interests in the activity this year that you will be reporting initially on: a. Schedule D	2a		
b. Form 4797	2b		
c. Other form or schedule	2c		
3 Other income, gain, or (loss) from the activity this year from Schedule K–1 of Form 1065 or Form 1120S, whichever applies, that were not included above in lines 1, 2a, 2b, and 2c	3		
4 Other deductions from the activity this year from Schedule K–1 of Form 1065 or Form 1120S, whichever applies, that were not used in figuring amounts on lines 1, 2a, 2b, 2c, and 3	4	(	)
5 Overall profit (loss) from the activity this year. Combine lines 1, 2a, 2b, 2c, 3, and 4. If this is a profit, do not complete the rest of this form. See instructions	5		

Part II Simplified Computation of Amount At Risk. (See instructions for who may use this part.)

6 Adjusted basis (as defined in section 1011) in the activity (or interest) on the first day of the tax year. Do not enter less than zero	6		
7 Decreases for the tax year	7	(	)
8 Subtract line 7 from line 6	8		
9 Increases for the tax year	9		
10 Add lines 8 and 9. If less than zero, you may want to use Part III to get a larger amount at risk. See instructions. Otherwise, enter zero here and on line 20	10		

Part III Detailed Computation of Amount At Risk

11 Investment in the activity (or interest) at effective date. Do not enter less than zero	11		
12 Decreases at effective date	12	(	)
13 Subtract line 12 from line 11	13		
14 Increases at effective date	14		
15 Amount at risk at effective date. Add lines 13 and 14. Do not enter less than zero	15		
16 Decreases since effective date	16	(	)
17 Subtract line 16 from line 15	17		
18 Increases since effective date	18		
19 Add lines 17 and 18. Do not enter less than zero. Enter here and on line 20	19		

Part IV Deductible Loss

20 Amount from line 10 or 19 Note: *If line 20 is zero, enter zero on line 21. You do not have a deductible loss this year.*	20		
21 Deductible loss. Enter the smaller of the loss on line 5 or the amount on line 20. See the instructions for where to report any deductible loss and any carryover	21		

For Paperwork Reduction Act Notice, see page 1 of Form 6198 instructions.

Form **6198** (1982)

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1982 **Department of the Treasury**
Internal Revenue Service

Instructions for Form 6198

Computation of Deductible Loss for an Activity Described in Section 465(c)

(Section references are to the Internal Revenue Code unless otherwise specified.)

Paperwork Reduction Act Notice

We ask for this information to carry out the Internal Revenue laws of the United States. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. You are required to give us this information.

Purpose

Form 6198 is used to figure:

- The overall profit (loss) from an at risk activity (Part I).
- The amount at risk (Part II or Part III).
- The deductible loss for 1982 (Part IV).

Part III may be used instead of Part II to figure your amount at risk.

The at risk rules of section 465 limit the loss you can deduct to the amount of the loss or your amount at risk, whichever is less.

Who Must File

File Form 6198 if you are an individual taxpayer (including a partner in a partnership, a shareholder in a subchapter S corporation, and an estate or trust) or a closely-held corporation who:

- Has a loss from any activity except real estate (other than mineral property) carried on as a trade or business or for the production of income, AND
- Has any of the following amounts in the activity:
  - Nonrecourse loans used to finance the activity, to acquire property used in the activity, or to acquire your interest in the activity that are not secured by your own property (other than that used in the activity).
  - Cash, property, or borrowed amounts protected against loss by a guarantee, stop-loss agreement, or other similar arrangement (excluding casualty insurance and insurance against tort liability).
  - Amounts borrowed from a person who is related to you under section 267 (b) or who has an interest in the activity other than as a creditor.

Caution: *If you are engaged in any of the activities listed below, see* **Publication 536,** *Net Operating Losses and the At-Risk Limits, before completing this form. You may be excepted from the at risk rules.*

- *Movies, films, or video tapes.*
- *Certain leasing of section 1245 property.*
- *Leasing and you are a closely-held corporation.*

If you are a subchapter S corporation, do not use this form. See section 465 to determine your deductible loss.

369–277–1

How Many Forms 6198 Must Be Completed

You must complete a separate Form 6198 for each at risk activity as follows:

(1) Motion picture film, video tape, farm, leasing 1245 property, or exploring for, or exploiting oil and gas resources or geothermal deposit activities.

Unless you are a partner in a partnership, a shareholder in a subchapter S corporation, or an estate or trust, you must complete a separate form for each item in each type of activity (for example, each movie, video tape, farm, piece of section 1245 property, oil or gas well, or geothermal deposit).

If you are a partner in a partnership, or a shareholder in a subchapter S corporation, you may only have to file one form for the adjusted basis of your interest in each type of at risk activity engaged in by your partnership or subchapter S corporation. See Publication 536 for more information.

(2) All other activities except real estate (other than mineral property) not described above. If you (or a partnership in which you are a partner, or a subchapter S corporation in which you are a shareholder, are engaged in any of these other activities, you may treat the activity as one activity and complete only one form if:

- You actively participate in the management of the activity and it is carried on as a trade or business, or
- The activity is carried on as a trade or business by a partnership, subchapter S corporation, or estate or trust, and 65% or more of the losses for the tax year is allocable to persons who actively participate in the management of the trade or business. Otherwise, you must complete a separate form for each activity.

You must also complete a separate form if the activity is engaged in for the production of income, rather than as a trade or business.

If you are involved in more than one at risk activity or in one at risk activity and in one non at risk activity, you must allocate income, gains, losses, and deductions to each activity.

If you are a partner in a partnership or a shareholder in a subchapter S corporation, the partnership or subchapter S corporation must give you a separate statement of income, expenses, and deductions for each at risk activity and each non at risk activity.

Additional Information

See **Publication 536,** *Net Operating Losses and the At-Risk Limits,* for more information.

Specific Instructions

Caution: *If you have investment interest expense from an at risk activity, you must figure your deductible and nondeductible amounts before completing Form 6198. See* **Form 4952,** *Investment Interest Expense Deduction, and the related instructions for more information. If you have investment interest expense from more than one source, see* **Publication 536** *to determine how much of the deductible and nondeductible amounts are allocable to the at risk activity being reported on this Form 6198. Include the deductible amount in Part I, line 4.*

Enter only those amounts that relate to the activity included on this form. Use only tax accounting methods to figure the amounts to enter.

If you are engaged in more than one at risk activity, indicate on each Form 6198 to which activity a particular form relates.

If you are a partner in a partnership or a shareholder in a subchapter S corporation, enter any items for the activity reported on this Form 6198 that are:

- From your investment in the activity engaged in by the partnership or subchapter S corporation, or
- Passed through to you on the Schedule K–1 you received from the partnership or subchapter S corporation.

Be sure to include any losses or deductions that were not deducted in earlier years because of the at risk rules.

Part I

Line 1

Enter the business income (loss), including farm income (loss), from the at risk activity this year without regard to the at risk limitation. Unless you are a partner or subchapter S corporation shareholder, enter the amount you get when you subtract the total deductions for the at risk activity from the total income for the at risk activity.

Do not include on line 1 any gain (loss) from the sale or other disposition of assets used in the activity or from the sale or other disposition of your interest in the activity. These items should be shown on line 2.

Line 2

Enter the actual amount of your gain (loss) without regard to (1) the at risk limitations; (2) the section 1202 deduction; or (3) the capital loss limitation. Enter the gain (loss) according to which form the gain (loss) will initially be reported on. If there is more than one item for any line, attach a schedule that gives a description of each item. Be sure to include any losses from prior years that were not deducted because of the at risk rules.

On lines 2a and 2b, include only amounts initially reported on Schedule D and Form 4797. Do not include amounts from other forms.

For lines 2a, 2b, and 2c only, you may combine long-term and short-term items to get the total gain (loss) from the sale or other disposition of assets used in the activity or your interests in the activity.

Lines 3 and 4

Complete these two lines only if you are a partner or a subchapter S corporation shareholder or if you have investment interest from an at risk activity.

Line 5

If line 5 shows a profit (even if a loss is shown on any one or more, but not all, of lines 1 through 4):

- Stop here. Do not complete the rest of Form 6198.
- Report the amounts on lines 1, 2a, 2b, 2c, 3, and 4 of Form 6198 in full on your return, subject to any other limitations such as the capital loss limitation. Follow the instructions for the applicable forms or schedules to determine where to report these amounts.

Caution: *If you have deductible investment interest on line 4, do not enter this amount on Form 4952. Enter it directly on the applicable part of your return.*

- Keep Form 6198 for your records.

If line 5 is a loss:

- Report any profit, income, or gain items in full on your return, subject to any other limitations such as the section 1202 deduction. Follow the instructions for the applicable forms or schedules to determine where to report the amounts.
- Complete the rest of Form 6198 as instructed.
- Attach Form 6198 to the form on which you are reporting the at risk activity.

Parts II and III

Generally, you may use either Part II or Part III to figure your amount at risk. Part II provides a simplified method for figuring your amount at risk. Part III provides a longer method, but it may allow you a larger amount at risk.

You may use Part II instead of Part III only if:

- You know your adjusted basis in the activity; or
- You are a partner in a partnership and you know the adjusted basis of your interest in the partnership carrying on the at risk activity; or
- If you are a shareholder in a subchapter S corporation, you know the adjusted basis of your stock in the at risk activity.

If you qualify to use Part II, you may also want to complete Part III to see which computation gives you the larger amount at risk. Enter the larger amount on line 20 of Part IV.

If you do not meet the requirements to use Part II, you must complete Part III instead. Enter the amount from Part III, line 19 on line 20 of Part IV.

Part II

Line 6

- **Sole proprietors** (Schedule C (Form 1040) and Schedule F (Form 1040) filers). Do not reduce the amount on line 6 for any liabilities.
- **Partners.** To figure the adjusted basis, see Publication 541, Tax Information on Partnerships.
- **Subchapter S Corporation Shareholders.** To figure the adjusted basis, see Publication 589, Tax Information on Subchapter S Corporations.

Line 7

Enter your share of amounts such as the following as of the end of the tax year:

(1) Nonrecourse loans used to finance the activity, to acquire property used in the activity, or to acquire your interest in the activity that are not secured by your own property (other than that used in the activity) including recourse loans changed to nonrecourse loans.

(2) Amounts, including cash, property, or loans, protected against loss by a guarantee, stop-loss agreement, or other similar arrangement.

(3) Amounts borrowed from a person who is related to you under section 267(b) or who has an interest in the activity other than as a creditor. This does not apply to the activities described in item (2) under **How Many Forms 6198 Must Be Completed. See Publication 536.**

(4) Withdrawals and distributions during the tax year, both cash and the adjusted basis of noncash items, including assets used in the activity used to repay recourse debts.

(5) Any nonrecourse indebtedness on property or cash you contributed to the activity.

(6) Percentage depletion deducted in excess of cost depletion.

Do not include the current year's losses or deductions, shown on lines 1, 2, 3, or 4 in Part I or items covered by casualty insurance or insurance against tort liability.

Line 9

Enter your share of amounts such as the following as of the end of the tax year:

(1) Net fair market value of your own property (not used in the activity) that secures nonrecourse loans used to finance the activity, to acquire property used in the activity, or to acquire your interest in the activity.

(2) Cash or adjusted basis of property, other than cash, contributed to the activity during the tax year, including repayments of nonrecourse debts from your assets outside the activity.

(3) Loans used to finance the activity or to acquire property used in the activity for which you are personally liable.

Do not include on this line the current year's profit, income, or gain shown on lines 1, 2, or 3.

Line 10

If the amount on this line is less than zero, you may be subject to the recapture rules. See **Publication 536.**

Part III

Note: Effective date means the effective date of section 465 for the activity being reported on Form 6198.

If the activity began after the effective date shown below, do not complete lines 11, 12, 13, and 14. Enter zero on line 15 and complete the rest of Part III. Generally, if the activity is one of the following, and it does not meet the exceptions discussed in **Publication 536**, the effective date is the first day of the first tax year that began after December 31, 1975:

- Holding, producing, or distributing motion picture films or video tapes.
- Farming (as defined in section 464(e)).
- Leasing any section 1245 property (as defined in section 1245(a)(3)).
- Exploring for, or exploiting oil and gas resources.

If the activity is exploring for, or exploiting geothermal deposits (as defined in section 613(e)(3)), the effective date is the date the geothermal wells began for wells begun on October 1, 1978, or later.

Generally, for all other at risk activities, the effective date is the first day of the first tax year that began after December 31, 1978, unless the activity meets one of the exceptions discussed in **Publication 536.**

Line 11

Use the worksheet on the next page to figure your investment in the activity at your effective date. Enter all amounts as of your effective date. Do not complete the worksheet if you are a partner or a subchapter S shareholder. Instead, enter the basis of your investment in the partnership's or subchapter S corporation's at risk activity at your effective date.

For subchapter S corporation shareholders, your basis generally consists of your basis in the stock of the corporation plus your basis in loans you have made to the corporation, plus your share of deductions for percentage depletion for each property to the extent the deductions are more than the cost of the depletable property. Use the total amount of the excess depletion before your effective date.

Line 12

Enter your share of amounts such as the following:

(1) Nonrecourse loans outstanding at your effective date, used to finance the activity, to acquire property used in the activity, or to acquire your interest in the activity that are not secured by your own property (not used in the activity).

(2) Cash, property, or borrowed amounts protected against loss by a guarantee, stop-loss agreement, or other similar arrangement outstanding at your effective date. Do not include items covered by casualty insurance, or insurance against tort liability.

(3) Amounts borrowed from a person who is related to you under section 267(b) or who has an interest in the activity, other than as a creditor, outstanding at your effective date. This does not apply to the activities described in item (2) under **How Many Forms 6198 Must Be Completed. See Publication 536.**

(4) Amounts borrowed to repay loans described in (1), (2), or (3) above.

(5) If you are not a shareholder of a subchapter S corporation, also include liens and encumbrances on property you contributed to the activity. If you are a shareholder of a subchapter S corporation, do not include any loans that were assumed by the corporation or that were liens or encumbrances on property you contributed to the corporation if the corporation took the property subject to the debt. Enter balances of loans as of your effective date.

Note: Enter the loan balance outstanding at the effective date.

Worksheet for Figuring Your Investment in the Activity at the Effective Date (Line 11)

(If the activity began after the effective date, do not complete this worksheet.)

1	Cash on hand and in banks for the activity			1	
2	Inventories for the activity			2	
3a	Cost or other basis of depreciable assets for the activity. (See instructions below.)	3a			
b	Accumulated depreciation for the activity	3b			
4	Adjusted basis of depreciable assets for the activity. Subtract line 3b from line 3a			4	
5a	Cost or other basis of depletable assets at the time contributed to the activity	5a			
b	Accumulated depletion taken on or after property was contributed to the activity	5b			
6	Adjusted basis of depletable assets for the activity. Subtract line 5b from line 5a			6	
7	Adjusted basis of land for the activity (net of any amortization)			7	
8	Other assets for the activity			8	
9	Cash basis taxpayer investment in the activity at the effective date. Add lines 1, 2, 4, 6, 7, and 8. Enter here and on Form 6198, Part III, line 11. (Accrual basis taxpayers complete lines 10a, 10b, 11, 12, 13, and 14.)			9	
10a	Trade notes and accounts receivable for the activity	10a			
b	Reserve for bad debts for the activity. (See instructions below.)	10b			
11	Net receivables for activity. Subtract line 10b from line 10a			11	
12	Add lines 9 and 11			12	
13	Accounts payable for the activity			13	
14	Accrual basis taxpayer investment in the activity at the effective date. Subtract line 13 from line 12. Enter here and on Form 6198, Part III, line 11			14	

Worksheet Instructions

Line 3. See the instructions for line 18 of Form 6198 for the rule on basis. Generally, the amounts for lines 3a and 3b can be taken directly from the depreciation schedule. (Be sure to use the schedule for the form you filed at the effective date, not the schedule for the current tax year.) However, if you used the asset or depreciated the asset outside the activity before contributing it to the activity, see the regulations under section 465 before completing these lines.

Line 10. If you use a reserve for bad debts as provided by section 166(c), subtract from your accounts receivable the balance of the reserve on your effective date but only up to the amount you were allowed as a deduction under section 166(c) for years before your effective date.

Line 14

Enter your share of amounts such as the following:

(1) Net fair market value of your own property (not used in the activity) that secures nonrecourse loans used to finance the activity, to acquire property used in the activity, or to acquire your interest in the activity that were reported on line 12.

(2) Total losses from years before your effective date for which there were equal or greater amounts not at risk at year end. See the worksheet below to figure this amount.

Make all entries on a year-by-year basis. Do not accumulate totals of earlier losses or nonrecourse debts. Be sure to include amounts only for years before your effective date.

Caution: If you took a deduction for percentage depletion for an item of depletable property in excess of the adjusted basis of the property in a year for which you had a loss for the activity, subtract the amount of the excess from the loss for that year.

Worksheet for Figuring Your Total Losses from Years Before Your Effective Date for Which There Were Equal or Greater Amounts Not At Risk at Year End (Line 14)

(a) Year	(b) Amount of loss at end of year	(c) Amount not at risk at end of year	(d) Amount not at risk from prior year	(e) Subtract (d) from (c)	(f) Lesser of (b) or (e)
			▨		
Total ▶					

Worksheet Instructions

Use the first line of the worksheet for the first year in which you had a loss and amounts not at risk. List each subsequent year in order.

Any amount in column c of the worksheet for a particular year that is outstanding at the end of a subsequent tax year must be shown in column d. Example—A had losses in 1960, 1961, and 1965. At the end of 1960, A had outstanding amounts not at risk of $500. At the end of 1961, A had outstanding amounts not at risk of $500 (the same $500 which was outstanding at the end of 1960). At the end of 1965, A had outstanding amounts not at risk of $1100 ($500 of which was from 1960). A would enter $500 in column c for 1960; $500 in column c and $500 in column d for 1961; and $1100 in column c and $500 in column d for 1965.

Line 16

Enter your share of amounts such as the following:

(1) Nonrecourse loans used to finance the activity, to acquire property used in the activity, or to acquire your interest in the activity that are not secured by your own property (not used in the activity).

(2) Cash, property, or borrowed amounts protected against loss by a guarantee, stop-loss agreement, or other similar arrangement. Do not include items covered by casualty insurance or insurance against tort liability.

(3) Amounts borrowed from a person who is related to you under section 267(b) or who has an interest in the activity other than as a creditor. This does not apply to the activities described in item (2) under How Many Forms 6198 Must Be Completed. See Publication 536.

(4) Cash and adjusted basis of property withdrawn or distributed. The adjusted basis is the basis which would be used to figure the loss if the property had been sold by the activity at the time you withdrew it or it was distributed to you.

If you are a shareholder in a subchapter S corporation and if the property is subject to debt that would be included on line 12 (or on this line except for the fact that there are liens or encumbrances on property in the activity), reduce the basis of the distributed property by the amount of the debt.

If you are other than a shareholder in a subchapter S corporation, reduce the adjusted basis of property withdrawn by the amount, at the time of withdrawal, of any lien or encumbrance on the property. Do not include any money from the activity used to repay loans described in line 12 and in items (1) through (4) of this line. Include amounts that were withdrawn and recontributed. Recontributed amounts should be included in line 18. Shareholders of subchapter S corporations who recognize gain on distributions from the corporation should include these distributions, but should take them into account as income from the activity for purposes of this line and line 18.

(5) Recourse loans changed to nonrecourse loans.

(6) Total losses from this activity deducted since your effective date. Take into account only those years in which you had a net loss. Do not include the current year's loss. Also, do not include losses you could not deduct because of section 465.

(7) Any nonrecourse indebtedness on property or cash you contributed to the activity.

(8) Percentage depletion deducted in excess of cost depletion.

(9) See the instructions for line 12, items (4) and (5).

Note: *For loans, enter the amount of the loan you incurred, not the current balance of the loan.*

Line 18

Enter your share of amounts such as the following:

(1) Net fair market value of your own property (not used in the activity) that secures nonrecourse loans, used to finance the activity, to acquire property used, in the activity, or to acquire your interest in the activity, reported on line 16.

(2) Cash, or adjusted basis of property other than cash, contributed to the activity since your effective date. Adjusted basis is the basis that would be used in determining the amount of loss if the property were sold immediately after you contributed it to the activity. See Publication 551, *Basis of Assets*. If you are a shareholder in a subchapter S corporation and you contributed property to the corporation subject to a liability, including a liability you are personally required to repay, then you must reduce the total of the adjusted bases of all the property you contributed by the total of all the liabilities the property was subject to, whether the corporation took the property subject to or assumed the liabilities.

If an asset was used outside the activity and depreciated before being contributed to the activity, see the regulations under section 465.

(3) Loans used to finance the activity or to acquire property used in the activity for which you are personally liable.

(4) Total net income from this activity since the effective date (excess of all items of income received or accrued over the allowable deductions). Do not enter any amount less than zero. Unless you are a shareholder in a subchapter S corporation, enter the total of the net profits from the activity since your effective date, taking into account only those years in which the activity had a net profit. For years since your effective date in which the activity had a net loss, see the instructions for line 16.

If you are a shareholder in a subchapter S corporation, enter your total net income from the activity for profit years since your effective date. Income from the activity includes gain recognized under section 357 (c) on contributions of property to the activity and on distributions from the activity as well as your share of the activity's taxable income.

(5) Gain recognized on the transfer or disposition of all or part of the activity or your interest in the activity.

(6) Amounts you had to include in income because your amount at risk was less than zero.

(7) All money from outside the activity used to repay loans included on line 12 and line 16, since your effective date.

(8) Excess percentage depletion over cost depletion for the activity. Use the worksheet below to figure this amount.

(9) If you are a subchapter S corporation, enter your loans as a shareholder to your subchapter S corporation. Do not include notes which you have given to the activity and which are still outstanding.

Line 19

If the actual amount for this line is less than zero, you may be subject to the recapture rules. See Publication 536.

Worksheet for Figuring Excess Percentage Depletion Over Cost Depletion for the Activity (Line 18, item (8))

(a) Year	(b) Percentage depletion deduction	(c) Adjusted basis of depletable property	(d) Excess percentage depletion (column (b) less column (c))
Total . . . . ▶			

Part IV

Line 21

If the amount on line 5, Part I, is equal to or less than the amount on line 20, report the items in Part I in full on your return, subject to any other limitations such as the capital loss limitation.

If the amount on line 5 is more than the amount on line 20, you must limit your loss deduction to the amount on line 20, subject to any other limitation. If you had more than one loss item in Part I (such as a Schedule C loss and a Schedule D loss), there are ordering rules to determine which of these losses should be deducted first. Use the worksheet on the next page to figure which loss is deductible first and how much is carried over to next year.

Examples: If line 5 is ($400) and line 20 is $1,000, enter $400 on line 21. If line 5 is ($1,600) and line 20 is $1,200, enter $1,200 on line 21. If line 5 is ($800) and line 20 is zero, enter zero on line 21.

Worksheet for Figuring Where to Report Any Deductible Loss or Carryover (Line 21)

1	Enter deductible loss from Form 6198, Part IV, line 21		**1**	
2	Enter loss, if any, from Form 6198, Part I, line 2a		**2**	
3	Enter the smaller of the amount on line 1 or line 2 here and in parentheses on Schedule D		**3**	
4	Balance of deductible loss available this year. Subtract line 3 from line 1		**4**	
5	Loss carryover to next year. Subtract line 3 from line 2	**5**		
6	Enter loss, if any, from Form 6198, Part I, line 2b		**6**	
7	Enter the smaller of the amount on line 4 or line 6 here and in parentheses on Form 4797		**7**	
8	Balance of deductible loss available this year. Subtract line 7 from line 4		**8**	
9	Loss carryover to next year. Subtract line 7 from line 6	**9**		
10	Enter loss, if any, from Form 6198, Part I, line 2c		**10**	
11	Enter the smaller of the amount on line 8 or line 10 here and in parentheses on the form(s) listed on Form 6198, Part I, line 2c		**11**	
12	Balance of deductible loss available this year. Subtract line 11 from line 8		**12**	
13	Loss carryover to next year. Subtract line 11 from line 10	**13**		
14	Enter loss, if any, from Form 6198, Part I: (a) Line 1.......... (b) Line 3.......... (c) Line 4.......... Total ▶		**14**	
15	Enter the smaller of the amount on line 12 or line 14 here and in parentheses (except for line 4) on your tax return. Follow the instructions for your tax return		**15**	
16	Balance of deductible loss available this year. Subtract line 15 from line 12		**16**	
17	Loss carryover to next year. Subtract line 15 from line 14	**17**		
18	Tax preference items not included in lines 2, 6, 10, or 14 above		**18**	
19	Enter the smaller of the amount on line 16 or line 18 here and on your tax return. Follow the instructions for your tax return		**19**	
20	Balance of deductible loss available this year. Subtract line 19 from line 16		**20**	
21	Loss carryover to next year. Subtract line 19 from line 18	**21**		
22	Investment interest from Form 6198, Part I, line 4		**22**	
23	Enter the smaller of the amount on line 20 or line 22 here and on your tax return. Follow the instructions for your tax return		**23**	
24	Loss carryover to next year. Subtract line 23 from line 22	**24**	▨	▨

Worksheet Instructions

Note: *Do not enter loss amounts in parentheses.*

Lines 2, 6, 10, 14, 18, and 22. Enter any tax preference items on line 18 only. Enter any investment interest expense that is deductible on line 22 only.

Line 3. If long-term and short-term amounts are reported on Schedule D, allocate the deductible amount between long-term and short-term.

Lines 5, 9, 13, 17, 21, and 24. Any loss that is not deductible because of the at risk rules is treated as a deduction allocable to the activity in the next tax year. Example: Any Schedule C (Form 1040) loss that is not deductible in 1982 will be shown on the 1983 Schedule C (Form 1040) under Other deductions.

[FR Doc. 82-30153 Filed 11-1-82; 8:45 am]

BILLING CODE 4830-01-C

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

Scholarships; Closing Date for Nominations from Eligible Institutions of Higher Education

Notice is hereby given that, pursuant to the authority contained in the Harry S. Truman Memorial Scholarship Act, Pub L. 93–642 (20 U.S.C. 2001), nominations are being accepted from eligible institutions of higher education for Truman Scholarships. Procedures are prescribed at 45 CFR 1801, and were published in the **Federal Register** on June 19, 1976 (43 FR 26366).

In order to be assured of consideration, all documentation in support of nominations must be received by the Truman Scholarship Review Committee, Box 2838, Princeton, N.J. 08541 postmarked no later than Wednesday, December 1, 1982.

November 3, 1982.

Malcolm C. McCormack,

Executive Secretary.

[FR Doc. 82–30049 Filed 11–1–82; 8:45 am]

BILLING CODE 6115-02-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 212
Tuesday, November 2, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Items
Consumer Product Safety Commission 1
Federal Deposit Insurance Corporation 2
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1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, November 3, 1982.

LOCATION: Third Floor Hearing Room; 1111—18th Street, NW., Washington, D.C.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Open to the public:

1. *Toy Chests*
The Commission will consider its next step in the rulemaking proceeding to address the strangulation risk presented by Toy Chests.
2. *Children's Sleepwear Enforcement Policy*
The Commission will consider proposed statements of policy concerning the children's sleepwear standards.

Closed to the public:

3. *Compliance Status Report*
The staff will brief the Commission on the status of complaince activities.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Maryland 20207, 301-492-6800.

[S-1582-82 Filed 10-29-82; 3:17 pm]

BILLING CODE 6355-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Wednesday, October 27, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Memorandum and Resolution re: Recommendation to withdraw proposed Part 350 of the Corporation's rules and regulations, entitled "Special Reporting Basis for Insured Savings Banks," which would have (1) required all insured savings banks to report all debt and equity securities acquired on or after January 1, 1983 on a current value basis for purposes of preparing their Reports of Condition and Income that are filed with the FDIC, and (2) permitted insured savings banks to defer and amortize gains and losses on dispositions of financial assets acquired prior to January 1, 1983.

By the same majority vote, the Board further determined that no notice of this change in the subject matter of the meeting prior to October 21, 1982, was practicable.

By the same majority vote, the Board further determined that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,457-NR (Amended)—Penn Square Bank, National Association, Oklahoma City, Oklahoma
Case No. 45,460-NR—Penn Square Bank, National Association, Oklahoma City, Oklahoma

By the same majority vote, the Board further determined that no earlier notice of these changes in the subject matter of the meeting was practicable.

By the same majority vote, the Board further determined that Corporation business required, on less than seven days' notice to the public, the withdrawal from the agenda for consideration in open session and the addition to the agenda for consideration at the closed meeting held at 2:30 p.m. the same day, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: The Hamilton Bank and Trust Company, Atlanta, Georgia

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that no earlier notice of this change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(9)(B), and (c)(10)).

Dated: October 28, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1580-82 Filed 10-29-82; 10:55 am]

BILLING CODE 6714-01-M

3

FEDERAL HOME LOAN BANK BOARD

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, Page No. None at this time. Date Published—None at this time.

PLACE: Board Room, 6th Floor, 1700 G St., NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202-377-6679).

CHANGES IN THE MEETING: The following items have been added to the open portion of the Bank Board meeting scheduled Thursday, November 4, 1982.

Removals, Suspensions, and Prohibitions Where a Crime is Charged or Proven
Risk-Indexed Insurance Premiums
Amendments to Net-Worth and Statutory Reserve Requirements
Accounting for Gains from Disposition of Loans Acquired through Mergers Accounted for under Purchase Accounting

Reports to the Board; Market Value Accounting; and Public Dissemination of Financial Statements

Interim Implementation of Powers

No. 75, October 28, 1982.

[S-1579-82 Filed 10-29-82; 10:10 am]

BILLING CODE 6720-01-M

4

FEDERAL RESERVE SYSTEM: (Board of Governors)

TIME AND DATE: 10 a.m., Monday, November 8, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: October 29, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1581-82 Filed 10-29-82; 3:08 pm]

BILLING CODE 6210-01-M

5

POSTAL SERVICE BOARD OF GOVERNORS

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 1:00 P.M. on Monday, November 8, and at 8:30 A.M. on Tuesday, November 9, 1982, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW., Washington, D.C. As indicated in the following paragraphs, the November 8 meeting is closed to public observation. The November 9 meeting is open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

At its meeting on October 4, 1982, the Board voted to close to public observation its meeting scheduled for November 8, 1982.

One portion of the meeting to be closed will consist of further consideration of the July 9, 1982, decision of the U.S. Court of Appeals for the Second Circuit in *Time, Inc. et al.* v. *United States Postal Service* concerning the most recent general ratemaking proceeding. Another portion of the Board meeting to be closed will consist of a discussion of Postal Service strategic planning.

Agenda

Monday Afternoon Session (Closed):

1. Further consideration of Court Decision on Rates.
2. Strategic Planning.

Tuesday, Morning Session (Open):

1. Minutes of the Previous Meeting.
2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. Nothing that requires a decision by the Board is brought up under this item.)
3. Quarterly Report on Service Performance. (Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will present the quarterly summary of service performance.)
4. Report on Employee and Labor Relations. (Mr. Morris, Senior Assistant Postmaster General, Employee and Labor Relations Group, will present the annual report to the Board on developments in the E&LR area.)
5. Update on Employee Involvement Program. (Mr. Ulsaker, Senior Assistant Postmaster General, will brief the Board on the status of the Postal Service's employee involvement.)
6. Update on Information Systems Planning. (Mr. Kernan, Executive Assistant to the Deputy Postmaster General for Information Resources Management, will brief the Board on the status of implementation of the Postal Service's information systems plan.)
7. Proposed filing with the Postal Rate Commission on ZIP+4 postage rates. (The Board will consider authorizing the Postal Service to request the Postal Rate Commission to recommend a decision on establishing ZIP+4 regular mail and card subclasses of First-Class Mail. Mr. Finch will present management's proposal for approval.)
8. Capital Investment Project—San Jose, California. (Mr. Biglin will present a proposal for Board approval of a capital investment project for the construction of a general mail facility and a vehicle maintenance facility for San Jose, California.)
9. Policy on Preservation of Historic Buildings. (The Board will consider a proposed Resolution affirming the policy of the Postal Service to abide by the policies and requirements for historic preservation that are generally applicable to the Federal Government. Mr. Biglin will present the proposal.)
10. Report of the Regional Postmaster General on Service Analysis Testing in New York City. (Mr. Mulligan, Regional Postmaster General, Northeast Region, will present this report, this matter having been carried over from the Board's agenda for its October meeting.)

Louis A. Cox,

Secretary.

[S-1578-82 Filed 10-29-82; 10:10 am]

BILLING CODE 7710-12-M

federal register

Tuesday
November 2, 1982

Part II

Environmental Protection Agency

Control of Pollution From New Motor Vehicles and New Motor Vehicle Engines; Revisions to Motor Vehicle Emission Certification Procedures

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 80, 86 and 600

[AMS-FRL 2197-3]

Control of Pollution From New Motor Vehicles and New Motor Vehicle Engines; Revisons to Motor Vehicle Emission Certification Procedures

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This action amends the emission certification procedures revised in an interim final rule published on October 13, 1981 (46 FR 50464). The interim final rule revised the emission certification procedures for 1982 and later model year light-duty vehicles, light-duty trucks, and heavy-duty engines. The revisions were designed to reduce the cost and resource burdens for both the manufacturers and EPA, without negatively affecting air quality. EPA received comments on the interim rule during and after a 30-day comment period following publication. These comments were considered in preparing these further amendments. Additionally, this rule implements minor changes to correct errors or clarify existing provisions. These are described in the following supplementary information.

EFFECTIVE DATE: These regulations are effective December 2, 1982.

ADDRESS: Material relevant to this final rule is contained in Public Docket No. A-81-27. The docket is located at the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Charles D. Cole, Certification Policy and Support Branch, Certification Division, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone (313) 668-4444.

SUPPLEMENTARY INFORMATION:

I. Applicability

The provisions of these regulations apply to 1982 and later model year light-duty vehicles, light-duty trucks, and heavy-duty engines.

II. Background

Please refer to background for the Interim Final Rule published on October 13, 1981 (46 FR 50464) for a discussion of the background pertaining to this rulemaking.

III. Discussion of Comments and Additional Changes

Comments on the interim final rule were received from two manufacturers' associations and one individual manufacturer. The majority of the commenters acknowledged that the revised emission certification procedures provided significant relief from the emission certification procedures and suggested additional changes for consideration.

A summary of specific comments and a description of EPA's actions on each is described below:

A. Comments on Specific Regulatory Provisions of the Interim Final Rule

1. *Comment:* Delete the "highest fuel flow at the speed of maximum rated torque" criterion from §§ 86.082-24(b)(1)(i) and 86.084-24(b)(1)(i), as added in the interim rule.

Response: The interim final rule established fixed parameters to be used in selecting the first emission-data vehicle. These parameters replaced the previous selection criteria which were based on selecting the highest selling configuration within an engine displacement-exhaust emission control system combination.

EPA's intent was to select the highest fuel flow calibration if several calibrations were available within the other vehicle selection criteria. However, since fuel flow varies with engine operation (speed, load, etc.), the Agency thought it useful to the manufacturer to specify the fuel calibration at a certain operating point. The interim final rule did this by specifying that the highest fuel flow would be measured at the speed of maximum rated torque. However, at least one manufacturer pointed out that it does not normally determine the fuel flow at the speed of maximum rated torque for each of its applications. To do so would add cost to its certification compliance program. EPA did not anticipate nor intend that this selection criterion add to the information or testing burden of the manufacturers. Therefore, the regulations are being changed to specify the more general requirement that the maximum fuel flow carburetor calibration is to be selected.

Under the abbreviated certification review procedures, the manufacturer is responsible for selecting this vehicle. The speed at maximum rated torque remains an acceptable point for determining which fuel calibration would satisfy this general maximum fuel flow criterion. However, if a manufacturer determines another procedure for selecting the vehicle with the appropriate fuel calibration, that procedure may also be used.

To simplify this selection further, the fuel calibration parameter is now the last selection criterion for that vehicle selection. In this way, EPA expects that the manufacturer will have fewer circumstances in which it has to select between several fuel calibrations.

Consistent with past EPA policy, EPA will not deny the carryover of emission data solely because of this change in vehicle selection criteria.

2. *Comment:* Delete the requirements added in §§ 86.082-26(a)(3)(i) (A) and (ii) (A) to factor fuel economy test results from emission-data vehicles.

Response: In the interim rule, EPA allowed manufacturers to determine at what mileage their emission-data vehicles are sufficiently stabilized for emission testing. This replaced the original rule that required all emission-data vehicles to accumulate 4,000 (±250) miles before certification testing. EPA decided to eliminate this requirement primarily because many manufacturers believe their vehicles stabilize at much lower mileages that 4,000 miles. Thus, by testing emission-data vehicles at lower mileages, manufacturers could reduce their milage accumulation costs.

EPA chose to provide additional flexibility by also not limiting the maximum mileage to 4,250 miles. Thus, manufacturers can choose to select their vehicle stabilization point at any mileage. However, EPA also collects fuel economy data from emission-data vehicle tests. There data are used for fuel economy labeling and CAFE purposes. Since the fuel economy of a given vehicle tends to increase with vehicle mileage, emission-data vehicles tested at mileages significantly above 4,250 miles would yield fuel economy results higher than what they would have been under the original regulations. This would tend to bias the data base used for calculating the fuel economy labels and CAFE results.

In drafting the interim rule, EPA considered limiting the maximum mileage on emission-data vehicles as a means of limiting the potential bias. EPA decided that limiting the maximum mileage would unnecessarily constrain a manufacturer in its reuse of an emission-data vehicle, and was not warranted if some other means of limiting this fuel economy bias were available. Therefore, EPA incorporated into the regulations a requirement to adjust downward the fuel economy results of original emission-data vehicles tested significantly above 4,000 miles. Specifically, fuel economy data from vehicles tested at more than 6,200 miles (10,000 kilometers) must be adjusted to approximate fuel economy results had the vehicle been tested at 4,000 miles.

EPA does not agree that the fuel economy factoring as applied in the interim rule should be eliminated. This data adjustment technique results in fuel economy values comparable to the results that could have been achieved if the vehicles had been tested according to the previous protocols, that is, at 4,000 miles. Further, the decision to test emission-data vehicles at mileages greater than 6,200 miles (and thus get into the situation where factoring is required) is entirely at the manufacturer's option. In effect, the manufacturer is now free to test its emission-data vehicles anywhere from the low mileage stabilization point up through 6,200 miles without factoring the companion fuel economy data. This represents the range of mileage EPA would have allowed if fuel economy factoring had not been adopted. If the manufacturer wishes to avail itself of the *additional* flexibility of testing emission-data vehicles beyond 6,200 miles, then it has the option to do so provided the fuel economy data are adjusted to correct the high mileage bias. If the manufacturer does not want to have its emission-data vehicle fuel economy results corrected for high mileage bias, then it can limit its test mileages to 6,200 miles.

Manufacturers have had and will retain the ability to accumulate up to 10,000 miles on fuel economy data vehicles (i.e., those vehicles added to fuel economy data base to supplement the certification vehicle test data) without a requirement to adjust data. EPA agrees with those commenters who suggested that it would be inappropriate to adopt either the principle of data adjustment or the specific adjustment formula in question as a mandatory requirement for fuel economy data vehicles without first formally proposing such a change and providing an opportunity for comment.

3. *Comment:* Clarify the mileage tolerance at the emission-data vehicle test point and provide for exemptions to this tolerance for the purposes of reconfiguration.

Response: This comment stems from two new provisions added by the interim rule. First, manufacturers are now allowed to establish the stabilized mileage at which emission-data vehicles are to be tested. Second, manufacturers are now allowed to reconfigure emission-data vehicles to represent other selections. The 250-mile tolerance for emission-data vehicle testing was removed along with the 4,000-mile mileage requirement because the mileage specified by the manufacturers is to be at least the *minimum* mileage at which the manufacturer believes the vehicles are stabilized. With this flexibility, the mileage tolerance becomes meaningless. Therefore, EPA has not reinstated the mileage tolerance or incorporated any exemption. However, for the purpose of clarification, this final rule amends § 86.082–26(a)(5) to specify that emission-data vehicle testing must be conducted at a mileage equal to or greater than the mileage specified by the manufacturer as sufficient to stabilize emission performance.

4. *Comment:* Insert provisions that explicitly allow emission-data carryover in cases where carryover would have been precluded solely because the selection criteria changed.

Response: EPA believes that the current regulations allowing for data carryover give EPA sufficient flexibility to allow carry-over in these cases. In a letter to manufacturers dated October 26, 1981 EPA stated that it "will not preclude the carryover of emission-data if the only change in the engine family test vehicle selection is due to the change in the test vehicle selection criteria."

5. *Comment:* Section 86.082–24(b)(1)(iii) should be revised to allow the use of prior model year emission-data vehicles to satisfy current model year emission-data vehicle testing requirements after the necessary reconfigurations. This could result in significant cost-savings

Response: Section 86.082–24(b)(1)(iii) of the interim rule allows a manufacturer to alter any emission-data vehicle within the same engine family/exhaust emission control system to represent more than one selection under the emission-data vehicle selection criteria. This provision does not prohibit the use of reconfigured previous model year emission-data vehicles to represent current model year emission-data vehicles, provided the previous model year emission-data vehicles qualified to be in the same engine family/exhaust emission control system. In fact, EPA encourages manufacturers to minimize their certification program costs by such optimal use of test vehicles. For clarification, EPA is revising § 86.082–24(b)(1)(iii) to include specifically the use of previous model year emission-data vehicles to represent current model year emission-data vehicle selections.

6. *Comment:* Section 86.082–34(b) should be revised to provide for a specific time limit for EPA review of model additions and running changes.

Response: The issue in question is whether manufacturers should remain liable for running changes not specifically approved by EPA for an indefinite time period. The interim final rule expanded EPA's flexibility in reviewing and approving model additions and running changes. At the manufacturer's option, any model addition or running change may be implemented without prior EPA approval. EPA may choose not to review all running changes, thus relieving some EPA resource burdens while allowing immediate implementation. Manufacturers must still retain information (that would otherwise be submitted to EPA) that the certified vehicles remain in compliance. EPA audits a portion of these running changes to check this documentation.

If EPA audits a running change and determines that compliance is questionable, EPA may require further testing. The commenter requested that this review and determination of additional testing requirements be subject to a time limit. Thus, after a certain period of time after the manufacturer notifies EPA of its implementation of a running change, EPA could no longer require additional testing. The commenter stated that this would make it unnecessary for the manufacturer to retain test vehicles for an indefinite period. The commenter also stated that it is unreasonable for EPA to permit the production of vehicles for an indefinite period before questioning the acceptability of the manufacturer's evaluation.

However, EPA cannot allow automatic approval of additions or running changes based on a time limit. This could encourage a manufacturer to submit numerous changes at once and (either intentionally or accidentally) overload EPA's ability to review them all within the time limit. The regulations have always allowed and continued to allow the manufacturer to request advance approval of running changes. However, no time limit is or has been specified. The revised regulations allow the added flexibility for a manufacturer to self-approve such changes but are subject to a higher jeopardy since it may have to recall these vehicles if subsequent certification testing required by EPA demonstrates an emission failure. This jeopardy provides EPA the assurance that the manufacturer, although policing its own actions, has enough incentive to approve only changes that should pass if EPA conducts confirmatory testing. In this manner, the intended stringency of the certification program is retained.

7. *Comment:* Sections 86.082–28(a)(4)(i)(A)(*4*) and 86.082–28(b)(4)(i)(A)(*4*) should be modified to provide for the application of an outlier test point procedure *prior* to averaging of multiple tests at a test point. EPA's current procedure is not statistically valid.

Response: The interim rule established that manufacturers could conduct multiple tests at durability-data vehicle test points, and that the data at each test point must be averaged. The interim rule also established a procedure for eliminating outliers from the data set and specified that multiple tests must be averaged *before* applying the outlier procedures. The comenter states that by applying the outlier procedure after averaging, the process becomes statistically invalid because the outlier procedure is not applied to actual test points. EPA has reexamined the statistical validity of performing the outlier procedure after averaging when both procedures are applied to the data set. Based on this reexamination EPA agrees that applying the outlier procedure before averaging is statistically more appropriate. Therefore, EPA is deleting the requirements to perform averaging before the outlier procedure.

8. *Comment:* Specify that the assigned deterioration factors for low sales volume engine families be uniform and industry-wide.

Response: The interim rule added § 86.082–24(e)(2) which allows manufacturers to certify engine families with combined total sales of fewer than 10,000 units by using assigned deterioration factors rather than running durability-data vehicles. EPA has recently issued OMSAPC Advisory Circular No. 51B (March 9, 1982) which provides industry-wide, technology-specific assigned deterioration factors. EPA reserves the flexibility to update these assigned deterioration factors and to specify assigned deterioration factors which reflect the characteristic performance of new or different technology vehicles. However, within such a technology, EPA will, under the current rules, provide the same assigned deterioration factors to all manufacturers.

9. *Comment:* EPA should eliminate evaporative emission families and allow manufacturers to assign evaporative system deterioration factors optionally to new systems based on historical data.

Response: The commenter suggested that eliminating evaporative emission families would "* * * reduce paperwork and analysis requirements for both EPA and manufacturers." EPA is still unable to determine that this reduction in paperwork or analysis would occur. Further, the elimination of evaporative emission families could increase evaporative testing requirements since testing would be required within each exhaust emission family which usually numbers more than evaporative emission families. Therefore, deleting evaporative emission families is not warranted. However, EPA will continue working with individual manufacturers and the industry in general to reduce paperwork requirements associated with evaporative emission families to the extent possible under the regulations.

Regarding the suggestion that EPA provide assigned deterioration factors for new evaporative systems, the commenter stated that expensive durability testing could be eliminated. Under current regulations, the manufacturer determines its evaporative deterioration factors via methods of its own design. Manufacturers are not necessarily constrained from making technical judgments as to the source of deterioration data to be used for new evaporative systems. Therefore, EPA believes that manufacturers are in a far better position to determine the correct evaporative emission deterioration factors. Manufacturers may determine that new durability testing is necessary or that some other less expensive means of determining evaporative emission deterioration factors is appropriate. A regulatory change in this regard is inappropriate.

B. Comments Suggesting Additional Cost-Saving Revisions

EPA received numerous comments from manufacturers in response to the interim rule suggesting further regulatory relief changes as an extension of the changes made in the interim rule. EPA is incorporating the following additional changes as a result of those comments:

1. *Comment:* Valve and port sizes should be removed from mandatory criteria defining engine family and transferred to manufacturer's optional criteria. Additional cost-savings could result.

Response: EPA believes that valve or port sizes are no longer necessary as engine family discriminators for the same reasons as the other dimensional parameters removed in the interim rule. Therefore, consistent with the intent of the interim rule changes EPA is transferring the requirement from a mandatory to a manufacturers'-optional parameter in this rulemaking.

2. *Comment:* Section 86.082–25 should be revised to allow the use of emission measurements in determining the need for performing unscheduled maintenance on durability-data vehicles or engines.

Response: The interim rule increased a manufacturer's flexibility to perform scheduled maintenance so long as the test vehicle continues to represent production design and in-use performance. This comment requests similar flexibility in the area of unscheduled maintenance on test vehicles or engines. Sections 86.082–25(a)(5)(ii) and 86.082–25(c)(2)(v)(B) prohibit the use of emission measurements as a means of determining the need for unscheduled maintenance on durability-data vehicles or engines. The current regulations require that the Administrator approve the performance of unscheduled maintenance based on the determination that such maintenance will not cause the vehicle or engine to be unrepresentative of vehicles or engines in use and that the need for the unscheduled maintenance is indicated by an overt indication of malfunction (e.g., misfiring, vehicle stalling, overheating, warning lights, etc.). The purpose of this requirement is to ensure that certification vehicles or engines only receive maintenance that is likely to be performed in use.

Manufacturers commented that several durability-data vehicles could be saved each year if manufacturers are allowed to repair certain malfunctions even though the only indication of a malfunction is high emissions. A cornerstone of the durability testing procedures has been that durability-data vehicles must be operated and maintained to approximate in-use operation and proper maintenance. EPA recognizes that emission test results will not be available to the in-use operator to signal potential malfunctions. However, EPA also recognizes that some malfunctions can occur in a prototype testing program that will not occur in production vehicles, or that, if identified early in certification, will result in design improvements before production. Therefore, this final rule establishes a procedure by which manufacturers can obtain approval to correct certain malfunctions that were indicated only by high emission levels. EPA will issue such approval only if EPA is satisfied that the malfunction will not occur in use, and that the deterioration factors generated by the durability-data vehicle will remain representative. This rule change allows the use of some durability-data vehicles that would have been disqualified under the previous rules, but will also ensure data representativeness.

3. *Comment:* Requirements for emission tests before and after unscheduled maintenance should be eliminated.

Response: Unless waived by the Administrator, § 86.082–25 (a)(10) and (c)(5)(i) require that the manufacturers perform emission tests on durability-data vehicles before and after unscheduled maintenance which may be reasonably expected to affect emissions. These test results are not used in the deterioration factor calculations except in those cases when EPA determines that including these data could result in more appropriate deterioration factors. Manufacturers have often requested and received EPA approval to waive the "before" emission test because performing the test was either impossible (because the vehicle was not operational or the performance was so poor that a valid emission test could not be conducted) or because performing the test could have caused damage to the vehicle or engine. Prior to the abbreviated certification review procedures, EPA had normally required that the test be performed after unscheduled maintenance so that EPA could determine that the maintenance did not cause the vehicle or engine to be unrepresentative. However, with the advent of the abbreviated certification review procedures, EPA allowed the manufacturers to determine (subject to EPA confirmation prior to certification) that the unscheduled maintenance did not cause the vehicle or engine to have emission performance unrepresentative of expected in-use performance.

This final rule gives the manufacturer the option to conduct emission tests before performing unscheduled maintenance. However, tests after unscheduled maintenance often provide EPA valuable information on how the unscheduled maintenance affected the representativeness of the test vehicle. Therefore, EPA is retaining the requirement to perform emissions tests after unscheduled maintenance. However, EPA understands that the specific concern being expressed by the commenter with regard to after-maintenance testing is that under abbreviated certification review procedures, manufacturers always chose to conduct the tests to avoid a decision by EPA during an audit disapproving the maintenance. Manufacturers always have the option of confirming with EPA their decision to waive after maintenance testing. In order to help reduce possible delays while awaiting EPA confirmation, EPA will make every effort to expedite those specific decisions.

4. *Comment:* EPA should waive Federal emission-data vehicle selection criteria in favor of California Air Resources Board (CARB) selections for engine families that are sold predominantly in California.

Response: The interim rule reduced the number of required emission-data vehicles per engine family to a maximum of two (except when there is more than one major engine-system combination in the engine family). In doing this, EPA eliminated the first emission-data vehicle selection based on sales, and replaced it with a selection based on fixed design criteria (§ 86.082–24(b)(1)(i)). The second selection is based on expected worst-case emissions for the remaining vehicles. For vehicles sold in California, CARB agreed also to limit emission-data vehicle selections to two per engine family, but retained its sales-based selection method. For engine families that contain some portion of vehicle sales outside of California, the interim rule cost savings was not fully realized because the different CARB and EPA vehicle selections sometimes caused manufacturers to run more emission-data vehicles to satisfy both California and Federal requirements than otherwise required to satisfy just one or the other (although still fewer vehicles than before the interim rule). Historically, EPA has granted certification to engine families sold *only* in California based on meeting the CARB requirements even if the Federal requirements are not met. Manufacturers have requested that EPA waive its emission-data vehicle selection requirements in favor of the CARB requirements for engine families that are predominantly (90 percent) sold in California. EPA agrees that the slight differences in selection criteria, coupled with the low sales outside California for vehicles from these engine families, would not affect the stringency of the standards.

Therefore, EPA is amending § 86.082–24 to substitute the CARB selections of the emission-data vehicles in place of the Federal selections for engine families with predominantly California sales. To qualify as an engine family sold predominantly in California, at least 90 percent of the total projected sales of that engine family must be in California.

5. *Comment:* EPA should make heavy-duty diesel CO measurement optional.

Response: The majority of previously certified diesel heavy-duty engines exhibit CO emissions substantially below the present and future CO emission standards. Any new heavy-duty engine certified in the future is expected to exhibit the same low CO emission characteristics. In light of this, heavy-duty engine manufacturers have requested that EPA waive the requirement to measure CO emissions in accordance with the provisions of Subparts D, J, and N. EPA has reviewed the manufacturers' requests and agrees that the CO emissions are substantially below the CO emission standard. Therefore, EPA is revising the regulations so that the Administrator may allow a manufacturer to receive a certificate of conformity for a heavy-duty diesel engine without generating new test data. In order to obtain this waiver, the manufacturer will be required to show (on the basis of previous emission tests, development tests, or other information) that the engine is expected to pass the CO emission standard. Under the abbreviated certification review procedures, EPA will allow manufacturers to assume the responsibility for making this determination, subject to EPA audit.

6. *Comment:* EPA should eliminate the 30-day final engineering report deadline.

Response: Sections 86.082–25 (a)(10) and (c)(5)(v) require that a manufacturer submit an engineering report to the Administrator within 30 days after completion of unscheduled maintenance that was expected to affect emissions. As discussed in the interim rule, EPA has allowed the manufacturers to assume a portion of the responsibility for some of the actions that were originally the responsibility of the Administrator. Included in the shift of responsibility was the provision for manufacturers to retain the engineering reports until the manufacturer requests certification (unless earlier delivery was requested) at which time the engineering reports were delivered to the Administrator. However, the remaining regulatory provisions still required the manufacturers to finalize engineering reports within 30 days. Since EPA no longer requires that the final engineering reports be delivered to EPA within 30 days of the performance of the unscheduled maintenance, it is also not normally necessary for the manufacturer to finalize the reports in 30 days. Therefore, this final rule is changed to require only that a manufacturer have the final engineering report completed in time to provide it to EPA when it requests a certificate. The manufacturer will still be required to complete the preliminary engineering report within the seven days specified in §§ 86.082–25 (a)(10) and (c)(5).

7. *Comment:* The recordkeeping requirements contained in § 86.078–7 should be revised to reduce the amount of records that must be generated and reduce the length of time some certification records must be retained.

Response: Section 86.078–7 specifies the records that must be generated (e.g., description of each emission test performed, and the dates and times that the vehicle was idle in storage, transit, or transport). That section also requires that the manufacturer retain these records. EPA has determined, based on the use of such records during previous certification years, that certain records could be eliminated and that the retention time period for other records pertaining to certification testing and vehicle or engine records can be reduced. Therefore, the provisions of § 86.078–7 are being revised to eliminate certain recordkeeping requirements and to reduce the retention period for certain other records to one year after completion of all certification activities associated with the records.

8. *Comments:* EPA should delete the requirement to submit quarterly production reports.

Response: Sections 86.079–37, 86.081–5, and 86.084–5 require manufacturers of light-duty vehicles, light-duty trucks, heavy-duty engines, and heavy-duty vehicles to submit actual or estimated production reports. These reports are submitted quarterly for actual production and yearly for heavy-duty vehicle manufacturers' estimated production. EPA has found that the quarterly reporting of actual production does not fulfill any need for data that cannot be satisfied by annual reporting. Therefore, reporting of actual production required in § 86.079–37 will only be required annually. Further, EPA no longer uses the estimated production reports required of heavy-duty vehicle manufacturers; the reports on actual production submitted by heavy-duty engine manufacturers provide sufficient information on heavy-duty engines. Therefore, the provisions of §§ 86.081–5 and 86.084–5 are being revised to delete the requirement that heavy-duty vehicle manufacturers must submit estimated production reports.

C. Additional General Comments

The preamble for the interim rule discussed possible future changes to allow additive deterioration factors, line crossing, and bench testing. EPA requested comments on these options which could potentially result in further cost savings in durability testing. Additional comments on these subjects were submitted during the interim rule comment period. EPA is continuing its evaluation of the potential savings and air quality risks involved with these types of changes. If EPA decides to implement these changes based on the information available, the Agency will issue a notice of proposed rulemaking and provide for adequate public comment before deciding to adopt such changes.

IV. Other Amendments

This action includes the publication of several technical amendments to the motor vehicle certification and fuel economy regulations, Parts 86 and 600, respectively. The amendments correct errors made in the interim rule, and make minor, nonsubstantive changes in the regulations. The amendments are described in the table below.

EPA is promulgating these amendments in final form, and finds that proposing and taking comments prior to promulgation is unnecessary and would be contrary to the public's interest. The amendments described below correct typographical errors and inadvertent omissions, and make other nonsubstantive changes. Full rulemaking procedures are unnecessary, and would unnecessarily delay implementation of these changes.

Section	Change	Reason
1. Part 86, Subpart A, Table of Contents.	Include §§ 86.079–36 and 86.079–37 in Table of Contents of Part 86	Sections were inadvertently omitted from Table of Contents in initial publication of regulations (46 FR 50464).
2. § 86.082–2	The time limit contained in the definition of "zero (0) hours" is being increased from six (6) to ten (10) hours.	Corrects error in the calculation of the number of hours required to complete zero hour operations.
3. § 86.082–2	Introductory paragraph revised to indicate that § 86.082–2 remains effective	This revision was erroneously omitted from the interim rule.
4. § 86.082–14	The mandatory certificate of conformity language contained in § 86.082–14(c)(11)(iv) is being deleted.	The mandatory certificate of conformity language was removed from all other sections of the certification regulations by the interim rule. The mandatory language contained in § 86.082–14, which should also have been removed, was inadvertently retained.
7 § 86.084–25(a)	Delete light-duty trucks from paragraph (a)	Error was made in interim rule. Section 86.084–25(b) is applicable to light-duty trucks.
8. § 86.082–25(a)(8)(ii)	Correct typographical errors. The references § 86.082–23(b)(1)(i) and (ii) should read § 86.082–23(c)(1)(i) and (ii), and § 86.082–24(b)(1)(vi) should read § 86.082–24(b)(1)(x).	Error was made in interim rule.
9. § 86.082–26(a)(6)(i)	Modify language describing which test points must be averaged when the manufacturer chooses to average test data.	Original wording was confusing.
10. § 86.082–26(b)(6)	Insert provision allowing manufacturers to alter heavy-duty durability engines to represent emission-data engines at the first test point.	This provision was erroneously omitted from the interim rule.
11. § 86.082–26(b)(9)	Correct typographical error and clarify when information on heavy-duty engines must be submitted.	Error was made in interim rule.
12. § 86.082–27	Insert a new section similar to § 86.079–27 except that the same language is used for all classes of motor vehicles and motor vehicle engines.	Clarify current EPA policy.
13. § 86.082–35 and 86.084–35	Change the requirement that heavy-duty engine manufacturers must include on the engine label the month and calendar year that the engine was manufactured from mandatory to optional.	The date of engine manufacture will not be required on the engine label provided the manufacturer maintains a record of when an engine was manufactured.
14. § 86.335–79	Increase the allowable variation in engine torque for that portion of the nonclosed throttle modes between the dynamometer stabilization period and the exhaust gas analysis period.	EPA is making this change to reduce the number of invalid emission tests because of torque variations.
15. § 86.340–79	Increase the amount of time allotted between test modes from 20 to 30 minutes for adjustment of the automatic dynamometer controller.	EPA is making this change to reduce the number of invalid tests resulting from insufficient time to properly calibrate the controller.
16. § 86.343–79	Revise the allowable tolerances to reflect the change in tolerances of item 14, above.	Same at item 14, above.
17. § 86.606 and 86.1006–84	Revise Selective Enforcement Auditing (SEA) mileage or service accumulation requirements to permit manufacturer to accumulate the same mileage or service as accumulated on certification vehicles or engines.	EPA is making this change to preserve consistency between certification and SEA test procedures.
18. Part 600, Subpart F, Table of Contents.	Include §§ 600.501–81, 600.502–81, 600.506–81 and 600.507–80 in the Table of Contents of Subpart F.	These sections were inadvertently omitted from the interim rule.
19. § 600.006–82(c)(2)	Delete the requirement for adjusted fuel economy test results for vehicles other than emission-data vehicles.	The provision was erroneously included in the interim rule as being applicable to all test vehicles. It was clear from the preamble that this was not intended.
20. § 600.315–79	Reinstate § 600–315–79 in the regulations	Section 600.315–79 was inadvertently deleted by the interim rule. Because § 600.315–79 contained numerous typographical errors, corrections have been incorporated and the section is being republished as § 600.315–82.

Section	Change	Reason
21. § 600.512-80	Revise this section to empower any officer of the corporation to sign the production data report.	Makes requirement consistent with previous model year regulatory requirements.

V. Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a regulatory analysis. This regulation is not major because it will result in an annual effect on the economy of less than $100 million. The total cost of emission certification regulations on the regulated industry will be reduced. Also, this regulation should not result in increased costs or prices for consumers, industries, or others, nor should it have adverse effects on competition, employment, investment, or productivity.

This regulation was submitted to OMB for review as required by Executive Order 12291. Any comments from OMB, and EPA responses, have been placed in the docket of this rulemaking.

VI. Reporting and Recordkeeping Requirements

Under the EPA's "sunset" policy, the reporting requirements of new regulations automatically expire five years from the date of promulgation unless EPA takes affirmative action to extend them. This action does not create new reporting requirements; in fact it reduces already existing reporting requirements. Therefore, EPA finds that the "sunset" policy does not pertain to this regulation.

VII. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The certification procedures established by this rulemaking should reduce the burdens, including costs, of compliance with certification requirements for all manufacturers. Many of the certification cost reductions provided by this action were already available to small-volume manufacturers (less than 10,000 projected sales) under a previous regulation. The optional certification procedures published in the **Federal Register** on March 12, 1981 (46 FR 16259) provided these cost reductions to small-volume manufacturers. The result is that few small entities will be affected by this regulation. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

VIII. Judicial Review

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review within 60 days of [insert date of publication]. EPA finds that this action is of national applicability; accordingly any such petition for review must be filed in the U.S. Court of Appeals for the District of Columbia Circuit. Under Section 307(b)(2) these requirements, which are the subject of today's notice, may not be challenged later in procedures brought by EPA to enforce these requirements.

List of Subjects

40 CFR Part 80

Fuel additives, Gasoline, Motor vehicle pollution, Penalties.

40 CFR Part 86

Administrative practice and procedure, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

40 CFR Part 600

Electric power, Energy conservation, Gasoline, Labeling, Motor vehicles, Reporting and recordkeeping requirements, Administrative practice and procedure, Fuel economy.

Dated: October 21, 1982.

Anne M. Gorsuch,
Administrator.

PART 80—[AMENDED]

For the reasons set forth in the preamble, EPA adopts as final rules Parts 80, 86, and 600 which were published as interim rules on October 13, 1981 (46 FR 50464). Part 80 is adopted without change and Parts 86 and 600 are adopted with the following amendments:

PART 86—[AMENDED]

1. The table of Contents of Subpart A of Part 86 is amended by adding the following sections:

Subpart A—General Provisions for Emission Regulations for 1977 and Later Model Year New Light-Duty Vehicles, 1977 and Later Model Year New Light-Duty Trucks, and for 1977 and Later Model Year New Heavy-Duty Engines

* * * * *

Sec.
86.079-36 Submission of vehicle identification numbers.
86.079-37 Production vehicles and engines.

* * * * *

86.082-27 Special test procedures.

* * * * *

86.082-37 Production vehicles and engines.

* * * * *

2. The Table of Contents of Subpart D of Part 86 is amended by adding the following section:

Subpart D—Emission Regulation for New Gasoline-Fuled and Diesel Heavy-Duty Engines; Gaseous Exhaust Test Procedures

* * * * *

§ 86.348-79 Alternative to fuel H/C analysis.

3. The authority citation for Part 86 reads as follows:

Authority: Sec. 202, 206, and 301(a)(1) of the Clean Air Act as amended, 42 U.S.C. 7521, 7524, and 7601(a)(1).

4. Section 86.078-7 is amended by revising paragraphs (a)(2)(i) and (a)(3) to read as follows:

§ 86.078-7 Maintenance of records; submittal of information; right of entry.

(a) * * *

(2) Individual records. (i) A brief history of each motor vehicle (or motor vehicle engine) used for certification under this subpart including:

(A) In the case where a current production engine is modified for use in a certification vehicle (or as a certification engine), a description of the process by which the engine was selected and of the modifications made. In the case where the engine for a certification vehicle (or certification engine) is not derived from a current production engine, a general description of the buildup of the engine (e.g., experimental heads were cast and machined according to supplied drawings, etc.). In both cases above, a description of the origin and selection process for the carburetor, distributor, fuel system components, fuel injection components, emission control system components, smoke exhaust emission control system components, and exhaust aftertreatment devices as applicable, shall be included. The required descriptions shall specify the steps taken to assure that the certification vehicle (or certification engine) with respect to its engine, drivetrain, fuel system, emission control system components, exhaust aftertreatment devices, smoke exhaust emission control system components, vehicle weight or any other devices or components, as applicable, that can reasonably be expected to influence exhaust or evaporative emissions, as applicable, will be representative of production vehicles (or engines) and that either all components and/or vehicles (or engine) construction processes, component inspection and selection techniques, and assembly techniques employed in constructing such vehicles (or engines) are reasonably likely to be implemented for production vehicles (or engines) or that they are as closely analogous as practicable to planned construction and assembly processes.

(B) A complete record of all emission tests performed (except tests performed by EPA directly), including test results, the date and purpose of each test, and the number of miles accumulated on the vehicle (or the number of hours accumulated on the engine).

(C) The date of each mileage (or service) accumulation run, listing the mileage (or number of operating hours) accumulated.

(D) [Reserved].

(E) A record and description of all maintenance and other servicing performed, giving the date of the maintenance or service and the reason for it.

(F) A record and description of each test performed to diagnose engine or emission control system performance, giving the date and time of the test and the reason for it.

(G) [Reserved].

(H) A brief description of any significant events affecting the vehicle (or engine) during any time in the period covered by the history not described by an entry under one of the previous headings including such extraordinary events as vehicle accidents (or accidents involving the engine) or dynamometer runaway.

* * * * *

(3) All records, other than routine emission test records, required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate. Routine emission test records shall be retained by the manufacturer for a period of one (1) year after issuance of all certificates of conformity to which they relate. Records may be retained as hard copy or reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer, *provided*, that in every case all the information contained in the hard copy shall be retained.

* * * * *

5. Section 86.081-5 is amended by revising paragraph (a)(2) to read as follows:

§ 86.081-5 General standards; increase in emissions; unsafe conditions.

(a) * * *

(2) No heavy-duty vehicle manufacturer shall take any of the actions specified in section 203(a)(1) of the Act with respect to any gasoline-fueled or diesel heavy-duty vehicle which uses an engine which has not been certified as meeting applicable standards.

* * * * *

6. In § 86.082-2, paragraph (b) is amended by revising the definition of "zero (0) hours" to read as follows:

§ 86.082-2 Definitions.

* * * * *

(b) * * *

"Zero (0) hours" means that point after normal assembly line operations and adjustments are completed and before ten (10) additional operating hours have been accumulated, including emission testing, if performed.

* * * * *

7. Section 86.082-14 is amended by revising paragraphs (c)(7)(i)(A)(*1*) and (c)(11)(iv) to read as follows:

§ 86.082-14 Small-volume manufacturers certification procedures.

* * * * *

(c) * * *

(7) * * *

(i) * * *

(A) * * *

(*1*) *Light-duty vehicles and light-duty trucks.* The test vehicle shall be selected based on the following criteria: The manufacturer shall select the heaviest (including options) vehicle within the family. Then within that vehicle it shall select, in the order listed, the largest frontal area, largest displacement, the highest numerical axle ratio with the largest tire offered in the engine family, and the maximum fuel flow calibration.

* * *

(11) * * *

(iv) The certificate will be issued for such a period not to exceed one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any vehicle or engine covered by the certificate will meet the requirements of the Act and of this subpart.

* * * * *

8. Section 86.082-23 is amended by revising paragraphs (c)(1)(ii) and (c)(2) to read as follows:

§ 86.082-23 Required data.

* * * * *

(c) * * *

(1) * * *

(ii) Emission data on those vehicles selected under §§ 86.082-24(b)(1)(v) and 86.082-24(b)(1)(vii) and tested in accordance with the applicable test procedure of this subpart and in such numbers as specified, which are tested under high-altitude conditions after the vehicles' emission performance has stabilized. These data shall include zero-mile data, if generated.

(2) *Certification engines.* Emission data on such engines tested in accordance with applicable emission test procedures, of this subpart and in such numbers as specified. These data shall include zero-hour data, if generated, and emission data generated for certification as required under § 86.082-26(b)(5). If requested by the manufacturer the Administrator may waive the requirement to measure and provide emission data on CO emissions from diesel certification engines. In lieu of providing emission data on CO emissions from diesel certification engines the manufacturer shall show (on the basis of previous emission tests, development tests or other information) that the engine is expected to pass the CO emission standard.

* * * * *

9. Section 86.082-24 is amended by revising paragraphs (a)(2)(v), (b)(1)(i), and (b)(1)(iii), and adding paragraphs (a)(4)(iii), and (b)(1)(vi), to read as follows:

§ 86.082-24 Test vehicles and engines.

(a) * * *

(2) * * *

(v) The location of the intake and exhaust valves (or ports).

* * * * *

(4) * * *

(iii) The size of the intake and exhaust valves (or ports).

* * * * *

(b) * * *

(1) * * *

(i) Vehicles will be chosen to be operated and tested for emission data based upon engine family groupings. Within each engine family, one test vehicle will be selected based on the following criteria: The Administrator shall select the vehicle with the heaviest equivalent test weight (including options) within the family. Then within that vehicle the Administrator shall select, in the order listed, the highest road-load power, largest displacement, the transmission with the highest numerical final gear ratio (including overdrive), the highest numerical axle ratio offered in that engine family, and the maximum fuel flow calibration.

* * * * *

(iii) Within an engine family and exhaust emission control system, the manufacturer may alter any emission-data vehicle (or other vehicles including current or previous model year emission-data vehicles, fuel economy data vehicles and development vehicles provided they meet emission-data vehicle protocol) to represent more than one selection under paragraph (b)(1)(i), (ii), (iv), or (vii) of this section.

* * * * *

(vi) If 90 percent or more of the engine family sales will be in California, the manufacturers may substitute emission-data vehicles selected by the California Air Resources Board criteria for the selections specified in paragraphs (b)(1)(i), (b)(1)(ii), and (b)(1)(iv) of this section.

* * * * *

10. Section 86.082–25 is amended by revising paragraphs (a)(5)(ii), (a)(8)(ii), (a)(10), (c)(2)(v)(B), (c)(5)(i), and (c)(5)(v) to read as follows:

§ 86.082–25 Maintenance.

(a) * * *

(5) * * *

(ii) Emission measurement may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i) of this section except under the conditions outlined in paragraph (a)(5)(ii)(A) of this section.

(A) *Conditions for unscheduled maintenance based upon emission results:* The Administrator may approve unscheduled maintenance on durability-data vehicles based upon a significant change in emission levels that indicates a vehicle malfunction. In these cases the Administrator may first approve specific diagnostic procedures to identify the source of the problem. The Administrator may further approve of specific corrections to the problem after the problem has been identified. The Administrator will approve the corrective action only if the Administrator determines that:

(*1*) The malfunction was caused by nonproduction build practices or by a previously undetected design problem,

(*2*) The same malfunction will not occur in production vehicles in use, *and*

(*3*) The deterioration factor generated by the durability-data vehicle will remain unaffected by the malfunction or by the corrective action (e.g., the malfunction was present for only a short period of time before detection; replacement parts are functionally representative of the proper mileage, etc.).

(B) Following any unscheduled maintenance approved under paragraph (a)(5)(ii)(A) of this section, the manufacturer shall perform an after-maintenance emissions test. If the Administrator determines that the after-maintenance emission levels for any pollutant indicates that the deterioration factor is no longer representative of production, the Administrator may disqualify the durability-data vehicle.

* * * * *

(8) * * *

(ii) Maintenance on emission-data vehicles selected under § 86.082–24(b)(1)(v) or (b)(1)(viii) and tested for purposes of § 86.082–23(c)(1) (i) and (ii) under the provisions of § 86.082–24(b)(1)(x) may be performed in conjunction with emission control system modifications at the emission-data test point, and shall be performed in accordance with the maintenance instructions to be provided to the ultimate purchaser required under § 86.079–38.

* * * * *

(10) Complete emission tests (see §§ 86.106 through 86.145) are required, unless waived by the Administrator, before and after scheduled maintenance approved for durability-data vehicles. The manufacturers may optionally perform emission tests before unscheduled maintenance. Complete emission tests are required after unscheduled maintenance which may reasonably be expected to affect emissions. The Administrator may waive the requirement to test after unscheduled maintenance. These test data may be submitted weekly to the Administrator, but shall be air posted or delivered within 7 days after completion of the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A final engineering report shall be completed and delivered to the Administrator, concurrently with the manufacturer's application for certification. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 86.082–23.

* * * * *

(c) * * *

(2) * * *

(v) * * *

(B) Emission measurement may not be used as a means of determining the need for unscheduled maintenance under paragraph (c)(2)(v)(A) of this section except under the conditions outlined in paragraph (c)(2)(v)(B)(*1*) of this section.

(*1*) *Conditions for unscheduled maintenance based upon emission results:* The Administrator may approve unscheduled maintenance on durability-data engines based upon a significant change in emission levels that indicates an engine malfunction. In these cases the Administrator may first approve specific diagnostic procedures to identify the source of the problem. The Administrator may further approve of specific corrections to the problem after the problem has been identified. The Administrator will approve the corrective action only if the Administrator determines that:

(*A*) The malfunction was caused by nonproduction build practices or by a previously undetected design problem,

(*B*) The same malfunction will not occur in production engines in use, *and*

(*C*) The deterioration factor generated by the durability-data engine will remain unaffected by the malfunction or by the corrective action (e.g., the malfunction was present for only a short period of time before detection; replacement parts are functionally representative of the proper hours, etc.).

(*2*) Following any unscheduled maintenance approved under paragraph (c)(2)(V)(B) (*1*) of this section, the manufacturer shall perform an after-maintenance emissions test. If the Administrator determines that the after-maintenance emission levels for any pollutant indicates that the deterioration factor is no longer representative of production, the Administrator may disqualify the durability-data vehicle.

* * * * *

(5)(i) Complete emission tests (see Subparts D or H of this part for gasoline-fueled engines, and Subparts D and I of this part for diesel engines) are required, unless waived by the Administrator, before and after scheduled maintenance approved for durability-data engines, except maintenance performed under § 86.082–25(c)(2)(i)(C). The manufacturers may perform emission tests before unscheduled maintenance. Complete emission tests are required after unscheduled maintenance which may reasonably be expected to affect emissions. The Administrator may waive the requirement to test after unscheduled maintenance.

* * * * *

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted or delivered within 7 working days. A final engineering report shall be completed and delivered to the Administrator concurrently with the manufacturer's application for certification.

* * * * *

11. Section 86.082–26 is amended by revising paragraphs (a)(5), (a)(6), (b)(6), (b)(8)(ii) and (b)(9) to read as follows:

§ 86.082–26 Mileage and service accumulation; emission measurements.

(a) * * *

(5)(i) All tests required by this subpart on emission-data vehicles shall be conducted at a mileage equal to or greater than the mileage the manufacturer determines under paragraph (a)(3) of this section.

(ii) All tests required by this subpart on durability-data vehicles shall be conducted within 250 miles of each of the test points.

(6)(i)(A) The manufacturer may conduct multiple tests at any test point at which the data are intended to be used in the deterioration factor. At each test point where multiple tests are conducted, the test results from all valid tests shall be averaged to determine the data point to be used in the deterioration factor calculation, except under paragraph (a)(6)(i)(B) of this section. The test results from emission tests performed before maintenance affecting emissions shall not be averaged with test results after the maintenance.

(B) The manufacturer is not required to average multiple tests if the manufacturer conducts no more than three tests at each test point and if the number of tests at each test point is equal. All test points must be treated the same for all exhaust pollutants. * * *

(b) * * *

(6) *Durability-Data Engines:* (i) Each gasoline-fueled durability-data engine shall be operated, with all emission control systems installed and operating, for 1,500 hours. Each diesel durability-data engine shall be operated for 1,000 hours. A zero-hour emission test may be performed prior to beginning service accumulation. Complete emission tests shall be made at a minimum of 125 hours and the completion of service accumulation. The service hours interval between test points must be of equal length except for the interval before or after testing conducted in conjunction with vehicle maintenance as specified in § 86.082–25(c)(5). Evaporative emission controls need not be connected provided normal operating conditions are maintained in the engine induction system.

(ii) The manufacturer may, at its option alter the durability-data engine at the selected test point to represent emission-data engine(s) within the same engine/system combination and perform emission tests on the altered engine. Upon completion of emission testing, the manufacturer may return the test engine to the durability-data engine configuration and continue service accumulation. * * *

(8) * * *

(ii)(A) The manufacturer may conduct multiple tests at any test point at which the data are intended to be used in the deterioration factor. At each test point where multiple tests are conducted, the test results from all valid tests shall be averaged to determine the data point to be used in the deterioration factor calculation, except under paragraph (b)(8)(ii)(B) of this section. The test results from emission tests performed before maintenance affecting emissions shall not be averaged with test results after the maintenance.

(B) The manufacturer is not required to average multiple tests if the manufacturer conducts no more than three tests at each test point and if the number of tests at each test point is equal. All test points must be treated the same for all exhaust pollutants. * * *

(9) Whenever a manufacturer intends to operate and test an engine which may be used for emission or durability data, the manufacturer shall retain in its records all information concerning all emission tests and maintenance, including engine alterations to represent other engine selections. For emission-data engines this information shall be submitted, including the engine description and specification information required by the Administrator, to the Administrator following the emission-data tests required under paragraph (b)(5) of this section. For durability-data engines, this information shall be submitted following completion of the 125-hour test.

* * * * *

12. A new § 86.082–27, which is identical to § 86.079–27 except for revisions to paragraphs (a) and (b) is added to read as follows:

§ 86.082–27 Special test procedures.

(a) The Administrator may, on the basis of a written application by a manufacturer, prescribe test procedures, other than those set forth in this part, for any light-duty vehicle, light-duty truck, or heavy-duty engine which the Administrator determines is not susceptible to satisfactory testing by the procedures set forth in this part.

(b) If the manufacturer does not submit a written application for use of special test procedures but the Administrator determines that a light-duty vehicle, light-duty truck, or heavy-duty engine is not susceptible to satisfactory testing by the procedures set forth in this part, the Administrator will reject the applicable portions of the application. The Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection in accordance with the provisions of § 86.081–22(c).

13. Section 86.082–28 is amended by revising paragraphs (a)(4)(i)(A)(*4*) and (b)(4)(i)(A)(*4*) to read as follows:

§ 86.082–28 Compliance with emission standards.

(a) * * *

(4) * * *

(i) * * *

(A) * * *

(*4*) The manufacturer has the option of applying an outlier test point procedure to completed durability data within its certification testing program for a given model year. The decision to apply to the outlier procedure shall be made separately for light-duty vehicles and light-duty trucks. The outlier procedure will be specified by the Administrator. For any pollutant, durability-data test points that are identified as outliers shall not be included in the determination of deterioration factors if the manufacturer has elected this option. The manufacturer shall specify to the Administrator, before the certification of the first light-duty vehicle or light-duty truck engine family for that model year, if it intends to use the outlier procedure. The manufacturer may not change procedures after the first engine family of the model year is certified. Where the manufacturer chooses to apply both the outlier procedure and averaging (as allowed under § 86.082–26(a)(6)(i)) to the same data set, the outlier procedure shall be completed prior to applying the averaging procedure. * * *

(b) * * *

(4) * * *

(i) * * *

(A) * * *

(*4*) The manufacturer has the option of applying an outlier test point procedure to completed durability data within its certification testing program for a given model year. The outlier procedure will be specified by the Administrator. For any pollutant, durability-data test points that are identified as outliers shall not be included in the determination of deterioration factors if the manufacturer has elected this option. The manufacturer shall specify to the Administrator, before the certification of the first engine family for that model year, if it intends to use the outlier procedure. The manufacturer may not change procedures after the first engine family of the model year is certified. Where the manufacturer chooses to apply both the outlier procedure and averaging (as allowed under § 86.082–26(b)(8)(ii) to the same data set, the outlier procedure shall be completed prior to applying the averaging procedure.

* * * * *

14. Section 86.082–35 is amended by revising paragraph (a)(2)(iii)(D) as follows:

§ 86.082–35 Labeling.

(a) * * *

(2) * * *

(iii) * * *

(D) Date of engine manufacture (month and year). The manufacturer may, in lieu of including the date of manufacture on the engine label, maintain a record of the engine manufacture dates. The manufacturer shall provide the date of manufacture records to the Administrator upon request.

* * * * *

15. A new § 86.082–37, which is identical to § 86.079–37 except for revisions to paragraphs (b)(1) and (c), is added to read as follows:

§ 86.082–37 Production vehicles and engines.

(a) Any manufacturer obtaining certification under this part shall supply to the Administrator, upon request, a reasonable number of production vehicles (or engines) selected by the Administrator which are representative of the engines, emission control systems, fuel systems, and transmissions offered and typical of production models available for sale under the certificate. These vehicles (or engines) shall be supplied for testing at such time and place and for such reasonable periods as the Administrator may require. Heavy-duty engines supplied under this paragraph may be required to be mounted in chassis and appropriately equipped for operation on a chassis dynamometer.

(b)(1) Any manufacturer of light-duty vehicles or light-duty trucks obtaining certification under this part shall notify the Administrator, on a yearly basis, of the number of vehicles domestically produced for sale in the United States and the number of vehicles produced and imported for sale in the United States during the preceding year. A manufacturer may elect to provide this information every 60 days instead of yearly by combining it with the notification required under § 86.079–36. The notification must be submitted 30 days after the close of the reporting period. The vehicle production information required shall be submitted as follows:

(i) Total production volume expressed in terms of units produced;

(ii) Model type production volume, expressed for each model type in terms of units produced and as a percentage of total production;

(iii) Base level production volume, expressed for each base level in terms of units produced and as a percentage of:

(A) Total production of its respective model type(s), and

(B) Total production; and

(iv) Vehicle configuration production volume, expressed for each vehicle configuration in terms of units produced, and as a percentage of the total production of its respective base level. In addition, each vehicle configuration shall be identified by its appropriate engine-system combination.

(2) All light-duty vehicles and light-duty trucks covered by a certificate of conformity under § 86.082–30(a) shall be adjusted by the manufacturer to the ignition or injection timing specification detailed in § 86.079–36(a)(1)(iii)(D).

(c) Any heavy-duty engine manufacturer obtaining certification under this part shall notify the Administrator, on a yearly basis, of the number of engines of each combination of engine family, engine displacement, exhaust emission control system, fuel system produced for sale in the United States during the preceding year.

(d) The following definitions apply to this section:

(1) "Model type" means a unique combination of car line, basic engine, and transmission class.

(2) "Base level" means a unique combination of basic engine, inertia weight, and transmission class.

(3) "Vehicle configuration" means a unique combination of basic engine, engine code, inertia weight, transmission configuration, and axle ratio within a base level.

16. Section 86.084–2 is amended by revising the introductory paragraph to read as follows:

§ 86.084–2 Definitions.

The definitions in § 86.082–2 remain effective. The definitions listed in this section apply beginning with the 1984 model year.

* * * * *

17. Section 86.084–5 is amended by revising paragraph (a)(2) to read as follows:

§ 86.084–5 General standards; increase in emissions; unsafe conditions.

(a) * * *

(2) No heavy-duty vehicle manufacturer shall take any of the actions specified in section 203(a)(1) of the Act with respect to any gasoline-fueled or diesel heavy-duty vehicle which uses an engine which has not been certified as meeting applicable standards.

* * * * *

18. Section 86.084–23 is amended by revising paragraph (c)(2) to read as follows:

§ 86.084–23 Required data.

* * * * *

(c) * * *

(2) *Certification engines.* Emission data on such engines tested in accordance with applicable emission test procedures, of this subpart and in such numbers as specified. These data shall include zero-hour data, if generated, and emission data generated for certification as required under § 86.082–26(b)(5). In lieu of providing emission data on CO emissions from diesel certification engines the Administrator may, on request of the manufacturer, allow the manufacturer to demonstrate (on the basis of previous emission tests, development tests, or other information) that the engine will conform with the CO emission standard of § 86.084–11.

* * * * *

19. Section 86.084–24 is amended by revising paragraphs (a)(2)(v), (b)(1)(i), and (b)(1)(iii), and adding paragraphs (a)(4)(iii) and (b)(1)(vi), to read as follows:

§ 86.084–24 Test vehicles and engines.

(a) * * *

(2) * * *

(v) The location of the intake and exhaust valves (or ports). * * *

(4) * * *

(iii) The size of the intake and exhaust valves (or ports). * * *

(b) * * *

(1) * * *

(i) Vehicles will be chosen to be operated and tested for emission data based upon engine family groupings. Within each engine family, one test vehicle will be selected based on the following criteria: The Administrator shall select the vehicle with the heaviest equivalent test weight (including options) within the family. Then within that vehicle the Administrator shall select, in the order listed, the highest road-load power, largest displacement, the transmission with the highest numerical final gear ratio (including overdrive), the highest numerical axle ratio offered in that engine family, and the maximum fuel flow calibration.

* * * * *

(iii) Within an engine family and exhaust emission control system, the manufacturer may alter any emission-data vehicle (or other vehicles such as including current or previous model year emission-data vehicles, fuel economy data vehicles, and development vehicles provided they meet emission-data vehicles' protocol) to represent more than one selection under paragraph (b)(1)(i), (ii), (iv), or (vii) of this section. * * *

(vi) If 90 percent or more of the engine family sales will be in California, a manufacturer may substitute emission-data vehicles selected by the California Air Resources Board criteria for the selections specified in paragraphs (b)(1)(i), (b)(1)(ii), and (b)(1)(iv) of this section.

* * * * *

20. Section 86.084-25 is amended by revising paragraphs (a) introductory text, (a)(5)(ii), (a)(10), (b)(1)(ix)(B), and (b)(5)(v) to read as follows.

§ 86.084-25 Maintenance.

(a) Light-duty vehicles. Paragraph (a) of this section applies to light-duty vehicles. * * *

(5) * * *

(ii) Emission measurement may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i) of this section except under the conditions outlined in paragraph (a)(5)(ii)(A) of this section.

(A) *Conditions for unscheduled maintenance based upon emission results:* The Administrator may approve unscheduled maintenance on durability-data vehicles based upon a significant change in emission levels that indicates a vehicle malfunction. In these cases the Administrator may first approve specific diagnostic procedures to identify the source of the problem. The Administrator may further approve specific corrections to the problem after the problem has been identified. The Administrator will approve the corrective action only if the Administrator determines that:

(*1*) The malfunction was caused by nonproduction build practices or by a previously undetected design problem,

(*2*) The malfunction will not occur in production vehicles in use, *and*

(*3*) The deterioration factor generated by the durability-data vehicle will remain unaffected by the malfunction or by the corrective action (e.g., the malfunction was present for only a short period of time before detection, replacement parts are functionally representative of the proper mileage, etc.).

(B) Following any unscheduled maintenance approved under paragraph (a)(5)(ii)(A) of this section, the manufacturer shall perform an after-maintenance emissions test. If the Administrator determines that the after-maintenance emission levels for any pollutant indicates that the deterioration factor is no longer representative of production, the Administrator may disqualify the durability-data vehicle.* * *

(10) Complete emission tests (see §§ 86.106 through 86.145) are required, unless waived by the Administrator, before and after scheduled maintenance approved for durability-data vehicles. The manufacturers may perform emissions tests before unscheduled maintenance. Complete emission tests are required after unscheduled maintenance which may reasonably be expected to affect emissions. The Administrator may waive the requirement to test after unscheduled maintenance. These test data may be submitted weekly to the Administrator, but shall be air posted or delivered within 7 days after completion of the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered to the Administrator concurrently with the manufacturer's application for certification. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator concurrently in accordance with § 86.084-23.* * *

(b) * * *

(1) * * *

(ix) * * *

(B) Emission measurement may not be used as a means of determining the need for unscheduled maintenance under paragraph (b)(1)(ix)(A) of this section except under the conditions outlined in paragraph (b)(1)(ix)(B)(*1*) of this section.

(*1*) *Conditions for unscheduled maintenance based upon emission results:* The Administrator may approve unscheduled maintenance on durability-data vehicles or engines based upon a significant change in emission levels that indicates a vehicle or engine malfunction. In these cases the Administrator may first approve specific diagnostic procedures to identify the source of the problem. The Administrator may further approve of specific corrections to the problem after the problem has been identified. The Administrator will approve the corrective action only if the Administrator determines that:

(*A*) The malfunction was caused by nonproduction build practices or by a previously undetected design problem,

(*B*) The malfunction will not occur in production vehicles or engines in use, *and*

(*C*) The deterioration factor generated by the durability-data vehicle or engine will remain unaffected by the malfunction or by the corrective action (e.g., the malfunction was present for only a short period of time before detection, replacement parts are functionally representative of the proper mileage or hours, etc.).

(*2*) Following any unscheduled maintenance approved under paragraph (b)(1)(ix)(B)(*1*) of this section, the manufacturer shall perform an after-maintenance emission test. If the Administrator determines that the after-maintenance emission levels for any pollutant indicates that the deterioration factor is no longer representative of production, the Administrator may disqualify the durability-data vehicle or engine.* * *

(5) * * *

(v) When unscheduled maintenance is approved, a preliminary engineering report, unless waived by the Administrator, shall be air posted or delivered within 7 working days. A final engineering report shall be completed and delivered to the Administrator, concurrently with the manufacturer's application for certification.

* * * * *

21. Section 86.084-26 is amended by revising paragraphs (a)(5), (a)(6)(i), and (b)(4)(iv) to read as follows:

§ 86.084-26 Mileage and service accumulation; emission measurement.

(a) * * *

(5)(i) All tests required by this subpart on emission-data vehicles shall be conducted at a mileage equal to or greater than the mileage the manufacturer determines under paragraph (a)(3) of this section.

(ii) All tests required by this subpart on durability-data vehicles shall be conducted within 250 miles of each of the test points.

(6)(i)(A) The manufacturer may conduct multiple tests at any test point at which the data are intended to be used in the deterioration factor. At each test point where multiple tests are conducted, the test results from all valid tests shall be averaged to determine the data point to be used in the deterioration factor calculation, except under paragraph (a)(6)(i)(B) of this section. The test results from emission tests performed before maintenance affecting emissions shall not be averaged with test results after the maintenance.

(B) The manufacturer is not required to average multiple tests if the manufacturer conducts no more than three tests at each test point and if the number of tests at each test point is equal. All test points must be treated the same for all exhaust pollutants. * * *

(b) * * *

(4) * * *

(iv) All tests required by this subpart on emission-data vehicles shall be conducted at a mileage equal to or greater than the mileage the manufacturer determines under paragraph (b)(4) of this section.

* * * * *

22. Section 86.084–27 is amended by revising paragraphs (a) and (b) to read as follows:

§ 86.084–27 Special test procedures.

(a) The Administrator may, on the basis of a written application by a manufacturer, prescribe test procedures, other than those set forth in this part, for any light-duty vehicle, light-duty truck, or heavy-duty engine which the Administrator determines is not susceptible to satisfactory testing by the procedures set forth in this part.

(b) If the manufacturer does not submit a written application for use of special test procedures but the Administrator determines that a light-duty vehicle, light-duty truck, or heavy-duty engine is not susceptible to satisfactory testing by the procedures set forth in this part, the Administrator will reject the applicable portions of the application. The Administrator shall notify the manufacturer in writing and set forth the reasons for such rejection in accordance with the provisions of § 86.082–22(c).

23. Section § 86.084–28 is amended by revising paragraph (a)(4)(i)(A)(*4*) to read as follows:

§ 86.084–28 Compliance with emission standards.

(a) * * *

(4) * * *

(i) * * *

(A) * * *

(*4*) The manufacturer has the option of applying an outlier test point procedure to completed durability data within its certification testing program for a given model year. The outlier procedure will be specified by the Administrator. For any pollutant, durability-data test points that are identified as outliers shall not be included in the determination of deterioration factors if the manufacturer has elected this option. The manufacturer shall specify to the Administrator, before the certification of the first engine family for that model year, if it intends to use the outlier procedure. The manufacturer may not change procedures after the first engine family of the model year is certified. Where the manufacturer chooses to apply both the outlier procedure and averaging (as allowed under § 86.082–26(b)(8)(ii) to the same data set, the outlier procedure shall be completed prior to applying the averaging procedure.

* * * * *

24. Section 86.084–35 is amended by revising paragraph (a)(3)(iii)(D) as follows:

§ 86.084–35 Labeling.

(a) * * *

(3) * * *

(iii) * * *

(D) Date of engine manufacture (month and year). The manufacturer may, in lieu of including the date of manufacture on the engine label, maintain a record of the engine manufacture dates. The manufacturer shall provide the date of manufacture records to the Administrator upon request.

* * * * *

25. Section 86.085–28 is amended by revising paragraph (a)(4)(i)(A)(*4*) to read as follows:

§ 86.085–28 Compliance with emission standards.

(a) * * *

(4) * * *

(i) * * *

(A) * * *

(*4*) The manufacturer has the option of applying an outlier test point procedure to completed durability data within its certification testing program for a given model year. The outlier procedure will be specified by the Administrator. For any pollutant, durability-data test points that are identified as outliers shall not be included in the determination of deterioration factors if the manufacturer has elected this option. The manufacturer shall specify to the Administrator, before the certification of the first engine family for that model year, if it intends to use the outlier procedure. The manufacturer may not change procedures after the first engine family of the model year is certified. Where the manufacturer chooses to apply both the outlier procedure and averaging (as allowed under § 86.082–26(b)(8)(ii) to the same data set, the outlier procedure shall be completed prior to applying the averaging procedure.

* * * * *

26. Section 86.335–79 is amended by revising paragraph (d) to read as follows:

§ 86.335–79 Gasoline-fueled engine test cycle.

* * * * *

(d) The first 35 seconds of each 60 second engine power mode is allowed for engine-dynamometer stabilization. After this stabilization period the torque must be held at the specified value ±5 percent until the exhaust gas analysis period. During the exhaust gas analysis period, the last 10 seconds of each nonclosed throttle mode the engine torque must be at the specified value ±2 percent of the maximum torque observed. For example, mode 3 torque shall be held between 53 and 57 percent of maximum torque (55 ±2 percent) during the exhaust analysis period. Prior to the analysis period but excluding the first 35 seconds of the mode, the torque shall be held between 50 and 60 percent of maximum torque (55%±5%).

* * * * *

27. Section 86.340–79 is amended by revising paragraph (c)(4) to read as follows:

§ 86.340–79 Gasoline-fueled engine dynamometer test run.

* * * * *

(c) * * *

(4) Determine the analyzer ranges required for each mode specified in § 86.335 to meet the range specifications of § 86.338. Prior to determining the range selection, the automatic dynamometer controller, if used, may be calibrated for the prevailing ambient conditions. The engine must not be operated for more than 30 minutes. Cycle 1, or cycles 1 and 2, specified in § 86.335, may be used for this purpose.

* * * * *

28. Section 86.343–79 is amended by revising paragraphs (c)(2) and (c)(3), and adding paragraph (c)(4) to read as follows:

§ 86.343–79 Chart reading.

* * * * *

(c) * * *

(2) Two percent of maximum torque during the exhaust gas sampling period (last 10 seconds on each nonclosed throttle gasoline-fueled engine mode); or

(3) 5 percent of maximum torque during the remainder of the mode, excluding the first 35 seconds of the mode; or

(4) 200 rpm during the first 10 seconds of each mode, or 100 rpm during the remainder of each mode.

* * * * *

29. Section 86.608 is amended by revising paragraph (c) to read as follows:

§ 86.608 Test procedures.

* * * * *

(c) Prior to performing exhaust emission testing on an SEA test vehicle, the manufacturer may accumulate on each vehicle a number of miles equal to the greater of 4,000 miles, or the number of miles the manufacturer accumulated during certification on the emission-data vehicle corresponding to the configuration specified in the test order.

* * * * *

30. Section 86.1008–84 is amended by revising paragraph (c) to read as follows:

§ 86.1008–84 [Amended]

* * * * *

(c) Prior to performing exhaust emission testing on an SEA test engine, the manufacturer may accumulate on each engine a number of hours of service equal to the greater of 125 hours or the number of hours the manufacturer accumulated during certification on the emission-data engine corresponding to the configuration specified in the test order. Prior to performing exhaust emission testing on an SEA test vehicle, the manufacturer may accumulate a number of miles equal to the greater of 4,000 miles or the number of miles the manufacturer accumulated during certification on the emission-data vehicle corresponding to the configuration specified in the test order. Service or mileage accumulation may be performed in any manner the manufacturer desires.

* * * * *

31. The Table of Contents of Subpart A of Part 600 is amended by adding the following section:

Subpart A—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—General Provisions

* * * * *

600.006–82 Data and information requirements for fuel economy vehicles.

* * * * *

32. The Table of Contents of Subpart D of Part 600 is amended by adding the following section:

Subpart D—Fuel Economy Regulations for 1977 and Later Model Year Automobiles—Labeling

* * * * *

600.315–82 Classes of comparable automobiles.

* * * * *

33. The Table of Contents of Subpart F of Part 600 is amended by adding the following sections:

Subpart F—Fuel Economy Regulations for Model Year 1978 Passenger Automobiles and for 1979 and Later Model Year Automobiles (Light Trucks and Passenger Automobiles)—Procedures for Determining Manufacturer's Average Fuel Economy

* * * * *

600.501–81 General Applicability.

* * * * *

600.502–81 Definitions.

* * * * *

600.506–81 Preliminary determination of manufacturer's average.

* * * * *

600.507–80 Running change data requirements.

* * * * *

34. The authority citation for Part 600 reads as follows:

Authority: 15 U.S.C. 2003.

35. Section 600.006–82 is amended by revising paragraph (c)(2) to read as follows:

§ 600.006–82 Data and information requirements for fuel economy vehicles.

* * * * *

(c) * * *

(2) For each fuel economy data vehicle, all individual test results (excluding results of invalid and zero-mile tests).

* * * * *

36. A new § 600.315–82, which is identical to § 600.315–79 except for the correction of typographical errors, is added to read as follows:

§ 600.315–82 Classes of comparable automobiles.

(a) The Secretary will classify automobiles as passenger automobiles or light trucks (nonpassenger automobiles) in accordance with 49 CFR Part 523.

(1) The Administrator will classify passenger automobiles by car line into one of the following classes based on interior volume index or seating capacity except for those passenger automobiles which the Administrator determines are most appropriately classed as special purpose vehicles as provided in paragraph (a)(3) of this section:

(i) *Two Seaters.* A car line shall be classed as "Two Seater" if the majority of the vehicles in that car line have no more than two designated seating positions as such term is defined in the regulations of the National Highway Traffic Safety Administration, Department of Transportation (DOT), 49 CFR 571.3.

(ii) *Minicompact cars.* Interior volume index less than 85 cubic feet.

(iii) *Subcompact cars.* Interior volume index greater than or equal to 85 cubic feet but less than 100 cubic feet.

(iv) *Compact cars.* Interior volume index greater than or equal to 100 cubic feet but less than 110 cubic feet.

(v) *Midsize cars.* Interior volume index greater than or equal to 110 cubic feet but less than 120 cubic feet.

(vi) *Large Cars.* Interior volume index greater than or equal to 120 cubic feet.

(vii) *Small station wagons.* Station wagons with interior volume index less than 130 cubic feet.

(viii) *Midsize station wagons.* Station wagons with interior volume index greater than or equal to 130 cubic feet but less than 160 cubic feet.

(ix) *Large station wagons.* Station wagons with interior volume index greater than or equal to 160 cubic feet.

(2) The Administrator will classify nonpassenger automobiles into the following categories: small pickup trucks, standard pickup trucks, vans, and special purpose vehicles. Pickup trucks will be separated by car line on the basis of gross vehicle weight rating (GVWR). For pickup truck car lines with more than one GVWR, the GVWR of the pickup truck car line is the arithmetic average of all distinct GVWR's less than or equal to 8,500 pounds available for that car line.

(i) *Small pickup trucks.* Pickup trucks with a GVWR less than 4,500 pounds.

(ii) *Standard pickup trucks.* Pickup trucks with a GVWR of 4,500 pounds up to and including 8,500 pounds.

(iii) *Vans.*

(3) All automobiles with GVWR less than or equal to 8,500 pounds which possess special features and which the Administrator determines are more appropriately classified separately from typical automobiles or which do not meet the requirements of paragraphs (a) (1) and (2) of this section will be classified as *special purpose vehicles.*

(4) Once a certain car line is classified by the Administrator, the classification will remain in effect for the model year.

(b) Interior volume index-passenger automobiles.

(1) The interior volume index shall be calculated for each car line which is not a "two seater" car line, in cubic feet rounded to the nearest 0.1 cubic foot. For car lines with more than one body style, the interior volume index for the car line is the arithmetic average of the interior volume indexes of each body style in the car line.

(2) For all body styles except station wagons and hatchbacks with more than one seat (e.g., with a second or third seat) equipped with seatbelts as required by DOT safety regulations, interior volume index is the sum, rounded to the nearest 0.1 cubic feet, of the front seat volume, the rear seat volume, if applicable, and the luggage capacity.

(3) For all station wagons and hatchbacks with more than one seat (e.g., with a second or third seat) equipped with seatbelts as required by

DOT safety regulations, interior volume index is the sum, rounded to the nearest 0.1 cubic feet, of the front seat volume, the rear seat volume, and the cargo volume index.

(c) All interior and cargo dimensions are measured in inches to the nearest 0.1 inch. All dimensions and volumes shall be determined from the base vehicles of each body style in each car line, and do not include optional equipment. The dimensions H61, W3, W5, L34, H63, W4, W6, L51, H201, L205, L210, L211, H198, and volume V1 are to be determined in accordance with the procedures outlined in Motor Vehicle Dimensions SAE J1100a (Report of Human Factors Engineering Committee, Society of Automotive Engineers, approved September 1973 and last revised September 1975) except as noted herein:

(1) *SAE J1100a(2.3). Cargo Dimensions.* All dimensions measured with the front seat positioned the same as for the interior dimensions and the second seat, for the station wagons and hatchbacks, in the upright position. All head restraints shall be in the stowed position and considered part of the seat.

(2) *SAE J1100a(8). Luggage Capacity.* Total of columns of individual pieces of standard luggage set plus H boxes stowed in the luggage compartment in accordance with the procedure described in 8.2. For passenger automobiles with no rear seat or with two rear seats with no rear seatbelts, the luggage compartment shall include the area to the rear of the front seat, with the rear seat (if applicable) folded, to the height of a horizontal plane tangent to the top of the front seatback.

(3) *SAE J1100a(7). Cargo Dimensions.*

(i) *L210—Cargo length at second seatback height-hatchback.* The minimum horizontal dimension from the "X" plane tangent to the rearmost surface of the second seatback to the inside limiting interference of the hatchback door on the zero "Y" plane.

(ii) *L211—Cargo length at floor-second-hatchback.* The minimum horizontal dimensions at floor level from the rear of the second seatback to the normal limiting interference of the hatchback door on the vehicle zero "Y" plane.

(iii) *H198—Second seatback to load floor height.* The dimension measured vertically from the horizontal tangent to the top of the second seatback to the undepressed floor covering.

(d) The front seat volume is calculated in cubic feet by dividing 1,728 into the product of three terms listed below and rounding the quotient to the nearest 0.001 cubic feet:

(1) H61—Effective head room-front. (In inches, obtained according to paragraph (c) of this section),

(2)(i) (W3+W5+5)/2—Average of shoulder and hip room-front, if hip room is more than 5 inches less than shoulder room. (In inches, W3 and W5 are obtained according to paragraph (c) of this section), or

(ii) W3—Shoulder room-front, if hip room is not more than 5 inches less than shoulder room. (In inches, W3 is obtained according to paragraph (c) of this section), and

(3) L34—Maximum effective leg room-accelerator. (In inches, obtained according to paragraph (c) of this section.) Round the quotient to the nearest 0.001 cubic feet.

(e) The rear seat volume is calculated in cubic feet, for vehicles within a rear seat equipped with rear seat belts (as required by DOT), by dividing 1,728 into the product of three terms listed below and rounding the quotient to the nearest 0.001 cubic feet:

(1) H63—Effective head room-second. (Inches obtained according to paragraph (c) of this section),

(2)(i) (W4+W6+5)/2—Average of shoulder and hip room-second, if hip room is more than 5 inches less than shoulder room. (In inches, W4 and W6 are obtained according to paragraph (c) of this section), or

(ii) W4—Shoulder room-second, if hip room is not more than 5 inches less than shoulder room. (In inches, W3 is obtained according to paragraph (c) of this section), and

(3) L51—Minimum effective leg room-second. (In inches obtained according to paragraph (c) of this section.)

(f) The luggage capacity is V1, the usable luggage capacity obtained according to paragraph (c) of this section. For passenger automobiles with no rear seat or with a rear seat but no rear seat belts, the area to the rear of the front seat shall be included in the determination of V1, usable luggage capacity, as outlined in paragraph (c) of this section.

(g) Cargo volume index. (1) For station wagons the cargo volume index V2 is calculated, in cubic feet, by dividing 1,728 into the product of three terms and rounding the quotient to the nearest 0.001 cubic feet:

(i) W4—Shoulder room-second. (In inches obtained according to paragraph (c) of this section.)

(ii) H201—Cargo height. (In inches obtained according to paragraph (c) of this section.)

(iii) L205—Cargo length at belt-second. (In inches obtained according to paragraph (c) of this section.)

(2) For hatchbacks, the cargo volume index V3 is calculated, in cubic feet, by dividing 1,728 into the product of three terms:

(i) Average cargo length, which is the arithmetic average of:

(*A*) L210—Cargo length at second seatback height-hatchback. (In inches obtained according to paragraph (c) of this section);

(*B*) L211—Cargo length at floor-second-hatchback. (In inches obtained according to paragraph (c) of this section);

(ii) W4—Shoulder room-second. (In inches obtained according to paragraph (c) of this section);

(iii) H198—Second seatback to load floor height. (In inches obtained according to paragraph (c) of this section.) Round the quotient to the nearest 0.001 cubic foot.

(h) The following data must be submitted to the Administrator no later than the time of a general label request. Data shall be included for each body style in the car line covered by that general label.

(1) For all passenger automobiles: (i) Dimensions H61, W3, L34 determined in accordance with paragraph (c) of this section.

(ii) Front seat volume determined in accordance with paragraph (d) of this section.

(iii) Dimensions H63, W4, L51 (if applicable) determined in accordance with paragraph (c) of this section.

(iv) Rear seat volume (if applicable) determined in accordance with paragraph (e) of this section.

(v) The interior volume index determined in accordance with paragraph (b) of this section for:

(*A*) Each body style, and

(*B*) The car line.

(vi) The class of the car line as determined in paragraph (a) of this section.

(2) For all passenger automobiles except station wagons and hatchbacks with more than one seat (e.g., with a second or third seat) equipped with seat belts as required by DOT safety regulations:

(i) The quantity and letter designation of the pieces of the standard luggage set installed in the vehicle in the determination of usable luggage capacity V1, and

(ii) The usable luggage capacity V1, determined in accordance with paragraph (f) of this section.

(3) For station wagons with more than one seat (e.g., with a second or third seat) equipped with seat belts as required by DOT safety regulations:

(i) The dimensions H201 and L205 determined in accordance with paragraph (c) of this section, and

(ii) The cargo volume index V2 determined in accordance with paragraph (g)(1) of this section.

(4) For hatchbacks with more than one seat (e.g., with a second or third seat) equipped with seat belts as required by DOT safety regulations:

(i) The dimensions L210, L211, and H198 determined in accordance with paragraph (c) of this section.

(ii) The cargo volume index V3 determined in accordance with paragraph (g)(2) of this section.

(5) For pickup trucks:

(i) All GVWR's of less than or equal to 8,500 pounds available in the car line.

(ii) The arithmetic average GVWR for the car line.

37. Section 600.512–80 is amended by revising paragraph (c)(7) to read as follows:

§ 600.512–80 Model year report.

* * * * *

(c) * * *

(7) The authenticity and accuracy of production data must be attested to by the corporation, and shall bear the signature of an officer (a corporate executive of at least the rank of vice-president) designated by the corporation. Such attestation shall constitute a representation by the manufacturer that the manufacturer has established reasonable, prudent procedures to ascertain and provide production data that are accurate and authentic in all material respects and that these procedures have been followed by employees of the manufacturer involved in the reporting process. The signature of the designated officer shall constitute a representation by the required attestation.

[FR Doc. 82–29892 Filed 11–1–82; 8:45 am]

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Tuesday
November 2, 1982

Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

Surface Mining and Reclamation Operation Under a Federal Program for Oregon

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 937

Surface Mining and Reclamation Operation Under a Federal Program for Oregon

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) of the Department of the Interior promulgates a Federal program for regulation of coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in Oregon. This includes surface effects of underground coal mining. This Federal program is necessary in order to regulate surface coal mining activities in the absence of a State program.

DATE: Effective December 2, 1982.

ADDRESSES: The regulatory authority is the Office of Surface Mining; the field office for the Oregon Federal program is: For mail, Wyoming Field Office, P.O. Box 1420, Mills, Wyoming 82644. For hand delivery: Freden Building, 935 Pendell Boulevard, Mills, Wyoming.

FOR FURTHER INFORMATION CONTACT: E. E. Filer, Office of Surface Mining, Wyoming Field Office, Freden Building, 935 Pendell Boulevard, Mills, Wyoming 82644, telephone: (307) 265–5550; or James M. Kress, Office of Surface Mining, Branch of Regulatory Programs, Room 222, 1951 Constitution Avenue, NW., Washington, D.C. 20240; telephone: (202) 343–5866.

SUPPLEMENTARY INFORMATION:

Availability of Copies

Copies of the program are available for inspection and may be obtained at the OSM office listed above under "**ADDRESSES.**"

Background

Under Section 504(a) of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, the Secretary of the Interior (the Secretary) is required to promulgate a Federal program within 34 months after passage of the Act if a State fails to submit a program to assume responsibility for regulating surface coal mining activities, fails to resubmit a program within 60 days of disapproval, or fails at any time to implement, enforce or maintain an approved State program. The time for submitting State programs was extended by seven months to March 3, 1980 as the result of litigation, *In re: Permanent Surface Mining Regulation Litigation*, 13 Env't Rep. Cas. (BNA) 1447 (July 25, 1979). The date for submission of State programs has now passed.

The Secretary's regulations require the implementation of a Federal program for a State where the Director of OSM (the Director) "reasonably expects coal exploration or surface coal mining and reclamation operations to exist on non-Federal and non-Indian lands * * * at any time before June 1985 * * *" 30 CFR 736.11(a)(1).

The State of Oregon has identifiable coal reserves, but has elected not to submit a program to the Secretary to obtain primary regulatory responsibility. Therefore, pursuant to 30 CFR 736.11, the Director must promulgate and implement a Federal program.

Once a decision is made that a Federal program is necessary for a State, the Secretary must make several determinations before promulgating a program. Section 504(a) of the Act requires that, in implementing a Federal program, the Secretary take into consideration the nature of the State's terrain, climate, biological, chemical, and other relevant physical conditions. This requirement is also found in the regulations, 30 CFR 736.22(a)(1). The Act (Section 505(b)) and the regulations (§ 736.23(b)) also provide that if a State has more stringent land use and environmental laws or regulations, they shall not be construed to be inconsistent with the Act or the Secretary's regulations. If the State's laws or regulations establish more stringent standards regulating surface mining control and reclamation procedures than those found in the Act or the Secretary's regulations, or if the State regulates or protects an aspect of the environment affected by surface mining and reclamation operations which neither the Act nor the Secretary's regulations protect, then those State standards are specifically preserved. Thus, the Secretary believes that the requirements of Section 505(b) can best be met by identifying State laws and regulations in § 937.700(e) which impose equivalent or more stringent environmental controls.

Further, Section 504(g) of the Act specifies that any State statutes or regulations which regulate surface mining and reclamation operations subject to the Act will be superseded and pre-empted by the Federal program to the extent that they interfere with the achievement of the purposes and requirements of the Act and the Federal program. This provision is reinforced by Section 505(a) of the Act, which states that only those State laws and regulations which are inconsistent with the Act and its implementing regulations shall be superseded by the Federal program. Thus, State statutes and rules regulating the same activities as those covered by the Federal law and regulations and which interfere with achievement of the purposes of the Act must be identified and pre-empted by OSM.

Finally, a Federal program, according to Section 504(h) of the Act, must include a process for coordinating the review and issuance of surface mining permits with other Federal or State permits applicable to the proposed operation. The Federal statutes with which the surface mining permits process must be coordinated are set out in 30 CFR 736.22(c). State statutes for which a permit is required must be identified in the process of promulgating a Federal program, and the Federal program must provide for coordination with the review and issuance procedures required by those statutes.

Federal programs are based on the Secretary's permanent program regulations: 30 CFR Subchapters A, F, G, J, K, L and M. The permanent program regulations establish procedures and performance standards under the Act and form the benchmark for State programs. In order for a State to have a program approved by the Secretary, Section 503(a)(7) of the Act requires that the State's rules and regulations be consistent with the Secretary's regulations.

The parts of the permanent program regulations that must be included in a Federal program are listed at 30 CFR 736.22(b). They include general requirements and definitions (Parts 700 and 701), the exemption for coal extraction incident to government-financed highway or other construction (Part 707), the designation of lands unsuitable for surface mining (Parts 760, 761, 762 and 765), permits and permit applications (Subchapter G), reclamation bonding (Subchapter J), performance standards (Subchapter K), inspection and enforcement (Parts 842, 843 and 845), and blaster training and certification (Subchapter M). In addition, the provisions in the permanent program regulations on protection of employees (Subchapter P) and restrictions on financial interests (Part 706) are applicable to Federal employees who perform functions or duties under the Act.

The rules for the permanent program are found in 30 CFR Parts 700–707 and 730–865. Part 705 was published October 20, 1977 (42 FR 56060). Parts 795 and 865 (originally Part 830) were published December 13, 1977 (42 FR 62639). The other permanent program regulations were published at 44 FR 15323–15463 (March 13, 1979). Subchapter M was published on December 12, 1980 (45 FR 82098). Corrections were published at 44 FR 15485 (March 14, 1979); 44 FR 53507–53509 (September 14, 1979); 44 FR 66195 (November 19, 1979); 45 FR 26001 (April 16, 1980); 45 FR 37818 (June 5, 1980); and 45 FR 47424 (July 15, 1980). Amendments to the rules have been published at 44 FR 60969 (October 22, 1979) as corrected at 44 FR 75143 (December 19, 1979); at 44 FR 77440–77447 (December 31, 1979); 45 FR 2622–2629 (January 11, 1980); 45 FR 25998–26001 (April 16, 1980); 45 FR 33926–33927 (May 20, 1980); 45 FR 29446–39447 (June 10, 1980); 45 FR 52306–52324 (August 6, 1980); 45 FR 52375 (August 7, 1980); 45 FR 58780–58786 (September 4, 1980); and 45 FR 76932 (November 20, 1980); 46 FR 37232 (July 17, 1981); 46 FR 41702 (August 17, 1981); 46 FR 47720 (September 29, 1981); 46 FR 53376 (October 28, 1981); 46 FR 59434 (December 7, 1981); and 47 FR 18552 (April 29, 1982).

Representatives of industry, two States and several environmental groups challenged the permanent regulatory program in the U.S. District Court for the District of Columbia. These suits were consolidated and heard in a single lawsuit entitled *In re: Permanent Surface Mining Regulation Litigation* (Civil Action No. 79–1144). In response to the arguments raised in the challenges, the Secretary voluntarily suspended several permanent program regulations. These suspensions were announced in the Federal Register on November 27, 1979 (44 FR 67942); December 31, 1979 (44 FR 77447–77455); January 30, 1980 (45 FR 6913); and August 4, 1980 (45 FR 51547–51550). In two opinions the Court remanded certain other regulations which had been challenged in the lawsuit. These opinions were issued on February 26, 1980, and May 16, 1980. Many of the issues decided by the District Court have been appealed to the Court of Appeals for the District of Columbia Circuit. *In re: Permanent Surface Mining Regulation Litigation*, Nos. 80–1810, 80–1811, 80–1812, 80–1813 and 80–1823. The consolidated appeals are pending before the appellate court.

Oregon Federal Program

On January 5, 1982, OSM proposed a program that would regulate coal exploration and provide for a process of designating lands unsuitable for surface coal mining for the State of Oregon. 47 FR 560. The coal exploration program which was proposed was uniform with respect to four States: Massachusetts, Rhode Island, Michigan and Oregon. A program regulating just coal exploration was proposed because the Director was aware of the interest of some persons in conducting exploration. While Oregon law and regulations do provide for some limited regulation of surface coal mining and exploration, the Secretary is nevertheless required by the Act to regulate such activities in the absence of an approved State program.

On April 28, 1982, OSM published the final rule notice implementing a program in Oregon to regulate coal exploration and to provide for a process for designating lands unsuitable for mining. 47 FR 18232, 18267–82. The program became effective on May 28, 1982.

On June 21, 1982, OSM proposed to replace the exploration program for Oregon with a full program regulating surface coal mining and reclamation, exploration, and the surface effects of underground mining and also providing for a process for designating lands unsuitable. 47 FR 26786–26794. While superseding the exploration program, this later proposal and promulgation does not alter the date after which petitions may be submitted to designate lands unsuitable for coal mining in Oregon. That date remains May 28, 1983.

A public hearing was held on July 26, 1982, at Portland, Oregon, at which three persons commented on the proposed full regulatory program. No written comments were submitted. The comments made at the hearing are described in the section below under "Disposition of Public Comments."

Pursuant to Section 504(a) of the Act, the Secretary becomes the regulatory authority when a Federal program is implemented for a State. OSM's permanent program regulations contain references to "the regulatory authority" or "the State regulatory authority" which mean the Secretary when a Federal program for a State is involved. Section 701(22) of the Act.

The Office of Surface Mining is delegated all of the Secretary's authority for implementing, maintaining and enforcing a Federal program. This program for Oregon would not change these responsibilities.

The Oregon Federal program will be administered by the Wyoming Field Office of OSM, the address of which is indicated above under "ADDRESSES." The program will be administered by OSM until such time as Oregon submits a State regulatory program and has it approved pursuant to 30 CFR Parts 731 and 732.

Explanation of Cross-Referencing

Cross-referencing involves a reference to the permanent program regulations which must comprise a Federal program. Those parts of the regulations in 30 CFR Chapter VII which are required by 30 CFR 736.22 are listed above. Rather than repeating the full text of the permanent program rule in this Federal program, a reference to it appears along with the statement that regulations in that part shall apply to the person who engages in the particular coal mining activity. The regulations in each applicable part of the permanent program rules are thus adopted for the Oregon Federal program without a lenghty, full text recitation of the provisions of each section. Reference must be made to the full text of the section cross-referenced in order to obtain the precise requirements.

In the general notice of intent to promulgate Federal programs of May 16, 1980 (45 FR 32228), OSM stated that each Federal program would be specific to the particular State and would implement the permanent program procedures and environmental protection provisions of the Act (45 FR 32229). However, except for changes to identify and preserve more stringent State environmental protection standards and to list other State laws requiring permits for which coordination is required, and any specific changes identified which are needed to reflect specific conditions in a State, OSM believes that few changes are needed in the permanent program regulations for any particular State for which a Federal program must be promulgated.

In January, 1981, the Secretary directed that the Department review all existing regulations with a goal of eliminating those which are burdensome, excessive, and unnecessary. Review of the permanent program regulations was initiated and may result in a large scale revision of them. See semi-annual Calendar of Federal Regulations notice of rule review and revision, 47 FR 1709 (January 13, 1982). See also, e.g., proposed revisions of OSM's bonding regulations, 30 CFR Subchapter J, 46 FR 45082 (September 9, 1981), and final revision of OSM's inspection and enforcement regulations, 30 CFR Parts 842, 843, and 845, 47 FR 35620 (August 16, 1982).

In order to incorporate revisions of the permanent program regulations into any State's Federal program as expeditiously as possible, and to reduce the amount of rulemaking involved for Federal programs, OSM has developed and is promulgating this Federal program by cross-referencing, as explained above.

For example, criteria for the designation of lands unsuitable for surface coal mining would be provided by the statement that "Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mine operations beginning one year after May 28, 1982." This provision is found under Section 937.762 of the Oregon Federal program. One effect of cross-referencing to the permanent program regulations is that as any permanent program regulation is revised, each Federal program will be similarly revised. Over time, all of the permanent program regulations will undergo review and many will be revised. No separate rulemaking would be undertaken or necessary for revision of any State's Federal program unless OSM determined that special conditions were necessary for that State. A notice appeared in the **Federal Register** on July 13, 1982, 47 FR 30267, advising the public that, absent special conditions, changes in the permanent program rule would also result in parallel changes in Federal programs. The notice invited comments on necessary modifications to accommodate unique or unusual aspects of surface mining in any State so that the final permanent program rule could be tailored for each State's Federal program as necessary.

Promulgation of the cross-referenced program would not result in any modification of the substance of OSM's permanent program rules. Where specific provisions are needed which are different from the permanent program regulations, a separate paragraph has been added to the appropriate section of the Oregon Federal program.

Several provisions of the permanent program regulations are already applicable to each Federal program for a State and need not be cross-referenced here because they were fully promulgated for application to all regulatory programs. Those provisions are 30 CFR Chapter VII, Subchapter P—Protection of Employees; Part 706—Restrictions on Financial Interests of Federal Employees; and Part 769—Petition Process for Designation of Federal Lands Unsuitable for Surface Coal Mining. (30 CFR Part 764—Designating Lands Unsuitable for Surface Coal Mining is included in the Oregon program by a cross-reference under § 937.764, to provide a petition process on non-Federal and non-Indian lands in that State).

With regard to the bonding regulations (Subchapter J), only Part 800 is cross-referenced because OSM has proposed to revise Subchapter J to include just one part, Part 800. 46 FR 45082 (September 9, 1981).

Content and Organization of the Program

The content and organization of the Federal program for the State of Oregon generally follows the permanent program regulations. But, as discussed above, instead of the full text appearing here, each section includes only reference to the pertinent permanent program regulation. In order to examine the full text of the permanent program regulation, reference must be made to the cited section of Title 30 of the Code of Federal Regulations. Sections 937.700 (e) and (f) set out more stringent and inconsistent State statutes, respectively.

Section 507(a) of the Act requires that each permit application be accompanied by a fee. Section 937.771(b) implements this by providing that a fee in accordance with § 736.25 shall be tendered with a permit application. However, as yet there is no § 736.25. OSM expects to publish a rulemaking notice in the near future proposing the required fee schedule. Should an application be submitted before the rule becomes final, it need not be accompanied by a fee. Nevertheless, a fee must be charged which will be in accordance with the schedule when it is promulgated. Therefore, payment will be deferred rather than waived.

Forms for permit application and bonds will be prepared by the Office and made available to prospective applicants. Such persons should contact OSM's Wyoming Field Office in order to secure copies.

Disposition of Comments

Three persons appeared at the hearing on the proposed Federal program for Oregon held in Portland, Oregon on July 24, 1982, two of whom offered comments. One commenter represented the State of Oregon and the other a mining firm which is seeking permits to explore for coal in the State. No written comments were received.

1. Under Section 505(a) of the Act, no State law regulating surface coal mining shall be superseded unless it is inconsistent with the Federal Act and regulations. The State representative at the hearing requested an identification of the Oregon statutes and regulation which are deemed to interfere or are inconsistent with the Federal program.

OSM has concluded that, in general, the State Mining and Mining Claims law, ORS Chapter 517, including the 1981 revision, 1981 Oregon Laws Chapter 622, is not sufficiently detailed or comprehensive so as to provide the level of protection of the environment provided by the Act. *Compare* Section 515 of the Act, which sets performance standards for surface coal mining, with Chapter 517, ORS, which establishes no performance standards.

Another, perhaps more graphic, comparison is between the inspection requirements. The Act in Section 517(c) requires inspections to be conducted on an irregular basis but averaging not less than one partial inspection per month and one complete inspection per calendar quarter. The State statute, as amended, authorizes inspections to be made without advance notice, but only where there is reason to believe that provisions of the permit are being violated or that operations are being conducted without a permit (ORS 577.850).

An important facet of the Act is its provision for citizen involvement. *See* Sections 102(i), 513, 519, 520, and 522(c). The State has no provisions for citizen involvement.

The State's regulations are similarly lacking in the level of detail found in the permanent program regulations and, thus, if the State's regulations were not pre-empted, they would interfere with achievement of the purpose of a Federal program.

OSM has determined, however, that the State regulatory scheme also contains certain provisions which are more stringent than comparable provisions in the Act and its implementing regulations. The term "surface mining" is defined in ORS 517.750(12) as including the removal of 5,000 cubic yards of minerals or where one acre of land is affected in any calendar year. As noted below, this is a lower threshold than the Federal one where, under Section 528(2) of the Act, operations affecting two acres or less are exempt. Section 917.700(f) has been revised to show that the Oregon threshold is not pre-empted.

2. The State representative asked for an explanation of the relationship between the terms "two acres or less" and "250 tons or more."

Section 528(2) of the Act exempts the extraction of coal for commercial purposes where less than two acres are affected. *See* definition of "affected area" in 30 CFR 701.5. The provision with respect to 250 tons of coal is independent of the above issue, and pertains only to exploration. Under Section 512(d) of the Act, a person who removes more than 250 tons through exploration must first obtain the written approval of the regulatory authority. *See* 30 CFR 776.12. If exploration results in the removal of less than 250 tons of coal, the person need only notify the regulatory authority without obtaining approval. 30 CFR 770.11.

3. Another comment of the State representative questioned OSM's finding that promulgation of a Federal program for Oregon would not have a major economic impact. OSM made this finding in the notice proposing the Oregon Federal program, 46 FR 13193.

Executive Order 12291 (February 17, 1981) requires that, in promulgating rules, agencies consider the economic effects of the rulemaking. If a rule is found to be "major," a regulatory impact analysis is required. A "major" rule is defined in Section 1(b) of the Executive Order as one having an annual effect on the economy of $100 million or more, producing major increases in costs or prices in, among others, geographic regions or producing anti-competitive effects in international markets. The Director is not aware of any active coal mining operations in Oregon. Although coal mining has been conducted in Oregon in the recent past, it was apparently conducted at only one or two sites and on a modest scale, and the Director has no reason to expect any immediate or large scale development of Oregon's coal resources at this time. Given these circumstances, the Director has concluded that the likely economic effects of promulgating this Federal program for Oregon fall far short of the criteria for "major."

4. The commenter pointed out several errors in the proposed rulemaking notice, including two instances where the State agencies issuing certain licenses were identified incorrectly.

The corrections have been made in this final rule notice.

5. The State representative pointed out an inconsistency in the proposed rule provision listing the State laws which would be pre-empted by the Federal program. Because citation of ORS 517.750 through 517.990 in § 937.700(f)(1) encompassed ORS 517.780, there was no need to separately cite ORS 517.780 in § 937.700(f)(5).

OSM agrees and the unnecessary duplication has been eliminated in this final rule. It does bear emphasis, however, that the authority of the State in ORS 517.780 to delegate regulation of coal mining activities to counties and cites is pre-empted, as it would interfere with the achievement of the purposes of the Act and this Federal program, except as noted in the discussion below.

6. The State also indicated that it wishes to receive routinely (rather than on request) copies of inspection and enforcement documents generated by OSM in regulating mining activities in Oregon.

OSM accepted this comment. The proposed rules in §§ 937.842(b) and 937.843(b) provided that copies would be furnished on request. The words "on request" have been removed from the final rule in those two sections.

7. The State commenter asked for confirmation that OSM had considered the 1981 revisions to ORS 517.750 through ORS 517.990 in preparing the proposed program.

The statutory changes were considered. However, the commenter pointed out that the Department of Geology and Mineral Industries will be issuing revised regulations implementing the changes in the State law. As stated by the commenter at the hearing, OAR 632-30-005 through OAR 632-40-060 will be revised to make them inapplicable to coal and a new 632-35 will be promulgated which will cover coal and metal-bearing ores. The proposed Federal program rulemaking notice pre-empted OAR 632-30-005 through OAR 632-30-060. Because the State rulemaking process was underway at the time of the preparation of the notice, the provision in Section 937.700(f)(2) has been revised to qualify the pre-emption of OAR 632-30-005 through 632-30-060 just to the extent to which they apply to coal. In anticipation of the promulgation of OAR 632-35 which will apply to both coal and metal-bearing ores, an addition has been made to § 932.700(f)(2) to provide that OAR 632-35 is pre-empted to the extent it provides for the regulation of coal. If the statute upon which the regulation is based is pre-empted, then the regulations implementing the statute must also be pre-empted.

8. The State representative wanted to know the status of the Oregon Federal coal exploration program and its relationship to the complete program.

As mentioned above, the coal exploration program was promulgated on April 28, 1982, 47 FR 18267, to take effect May 28, 1982. This full program supersedes the coal exploration program completely.

9. The State representative suggested that copies of the complete texts of applicable rules should be published here, rather than just the cross-referenced citations.

OSM has not accepted this suggestion. OSM believes that the advantages of the cross-reference approach, as described in the preamble to this program, outweigh the disadvantages. The next edition of Title 30 of the Code of Federal Regulations, which is issued in July of each year, will contain both the Oregon Federal program and the permanent program rules which are cross-referenced. Until that time, this Federal Register notice, OSM's rules as published in the July 1982 edition of Title 30 and any subsequent revisions to the permanent program rules constitute the complete program for Oregon. The OSM Wyoming Field Office will have complete copies of all of these documents and will make them available upon request.

10. The State representative commented that the State statute (ORS 517.750), and the Act have different thresholds for triggering regulation—the State's being lower than that of the Federal Act. The statement was made that the State will continue to regulate until the Federal threshold is reached.

OSM agrees. Section 937.700(f) has been modified to provide that the State statutes and regulations are not pre-empted where they provide coverage not provided by the Federal Act or regulations.

11. Another commenter asked for verification of the statement in proposed § 937.700(f)(4) that the delegation to cities and counties of the power to regulate surface coal mining activities would be pre-empted under this Federal program.

The commenter raised the question with respect to ORS 275.340, which authorizes Oregon's counties to dispose of timber and minerals in designated county forest lands. OSM proposed to preempt ORS 275.340 to the extent that it allows delegation to counties of authority to regulate surface coal mining operations on designated county forest lands. See § 937.700(f)(4). That limited preemption has been made a part of this final rule. However, the Oregon Federal program, as proposed, tentatively identified another State statute that delegates authority to counties as being preempted (ORS 517.780). See proposed §937.700(f)(5).

ORS 517.780(2) allows for the delegation of regulatory authority to those cities and counties which have ordinances that require surface mining reclamation operations to be approved by the State Department of Geology & Mineral Industries. Because the State statutory scheme regulates surface coal mining and establishes standards the compliance with which would interfere with the achievement of the Federal regulatory scheme, OSM has concluded that ORS 517.780 must be preempted in accordance with Section 504(g) of the Act. Further, since ORS 517.780 is preempted, any delegation of the regulatory authority therein to a city or county must necessarily be preempted also. The rule implementing this delegation, OAR 632-3-015(5), is identified in § 937.700(f)(2) as one of the

State's rules being preempted. The delegation of authority in ORS 517.780 does not supersede a city's or county's zoning laws and ordinances.

Local zoning laws do not ordinarily interfere with the regulation of surface coal mining activities, or the designation of lands unsuitable under Section 522 of the Act. For example, the local zoning of an area for a use which does not allow for surface coal mining activities does not interfere with the Federal program. Obtaining a land use variance in that instance is not inconsistent with Federal regulation. Under Section 505(a), only inconsistent laws can be preempted. Consequently, Oregon's local zoning laws and ordinances are not preempted by implementation of this Federal program.

OMB Review

The recordkeeping and reporting requirements of this rule are the same as those of the permanent program regulations which have been approved by the Office of Managment and Budget under 44 U.S.C. 3507. Although this rule contains information and recordkeeping requirements, OSM anticipates less than ten respondents. Under the Paperwork Reduction Act, clearance of information collection forms is required only when ten or more respondents are expected. If in the future the number of respondents appears to be increasing, the proper forms, if they differ from those already approved, will be submitted to the Office of Management and Budget with accompanying notices in the **Federal Register**, in accordance with the requirements of 44 U.S.C. Chapter 35.

Other Information

OSM has examined these proposed rules according to the criteria of Executive Order 12291 (46 FR 13193, February 19, 1981) and determined that they do not constitute a major rule. There would be no major economic impact through adoption of this rule because it would affect only a small number of mining operations.

OSM has examined these proposed rules pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and determined that they will not have a significant impact on a substantial number of small entities.

Section 702(d) of the Act provides that promulgation of a Federal program shall not constitute a major Federal action under the National Environmental Policy Act, 42 U.S.C. 4332. Thus, no Environmental Assessment is required for this rulemaking.

List of Subjects in 30 CFR Part 937

Coal mining, Intergovermental relations, Surface mining, Underground mining, Reporting and recordkeeping requirements.

Drafting Information

These regulations were drafted by D. E. Jones, Office of the Solicitor, and James M. Kress, Branch of Regulatory Programs, Office of Surface Mining.

Dated: October 5, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

The existing Part 937 of 30 CFR Chapter VII is removed and this Part 937 is added to 30 CFR Chapter VII to read as follows:

PART 937—OREGON

Sec.
937.700 General.
937.701 General.
937.707 Exemption for coal extraction incident to government-financed highway or other construction.
937.761 Areas designated unsuitable for surface coal mining by Act of Congress.
937.762 Criteria for designating areas as unsuitable for surface coal mining operations.
937.764 Process for designating areas unsuitable for surface coal mining operations.
937.770 General requirements for permit and exploration procedures.
937.771 General requirements for permits and permit applications.
937.776 General requirements for coal exploration.
937.778 Surface mining permit applications—minimum requirements for legal, financial, compliance, and related information.
937.779 Surface mining permit applications—minimum requirements for information on environmental resources.
937.780 Surface mining permit applications—minimum requirements for reclamation and operations plan.
937.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.
937.783 Underground mining permit applications—minimum requirements for information on environmental resources.
937.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.
937.785 Requirements for permits for special categories of mining.
937.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.
937.787 Administrative and judicial review of decisions on permit applications.
937.788 Permit review, revisions, and renewals, and transfer, sale, and assignment of rights granted under permits.
937.795 Small operator assistance.
937.800 General requirements for bonding of surface coal mining and reclamation operations.
937.815 Performance standards—coal exploration.
937.816 Performance standards—surface mining activities.
937.817 Performance standards—underground mining activities.
937.818 Special performance standards—concurrent surface and underground mining.
937.819 Special performance standards—auger mining.
937.823 Special performance standards—operations on prime farmland.
937.824 Special performance standards—mountaintop removal.
937.826 Special performance standards—operations on steep slopes.
937.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.
937.828 Special performance standards—in situ processing.
937.842 Federal inspections.
937.843 Federal enforcement.
937.845 Civil penalties.

Authority: Pub. L. 95-87, the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 *et seq.*

§ 937.700 General.

(a) This part contains all rules that are applicable to surface coal mining operations in Oregon which have been adopted under the Surface Mining Control and Reclamation Act of 1977.

(b) The rules in this part cross-reference pertinent parts of the permanent program regulations in this chapter. The full text of a rule is in the permanent program rule cited under the relevant section of the Oregon Federal program.

(c) The rules in this part apply to all surface coal mining operations in Oregon conducted on non-Federal and non-Indian lands. The rules in Subchapter D of this chapter apply to operations on Federal lands in Oregon.

(d) The information collection requirements contained in this part do not require approval by the Office of Management and Budget under 44 U.S.C. 3507 because there are fewer than ten respondents annually.

(e) The following provisions of Oregon laws provide, where applicable, for more stringent environmental control and regulation of surface coal mining operations than do the provisions of the Act and the regulations in this chapter. Therefore, pursuant to Section 505(b) of the Act, they shall not be construed to be inconsistent with the Act:

(1) Oregon Revised Statutes (ORS) 468.700–468.997, pertaining to the control of water pollution.

(2) ORS 498.002 and ORS 498.705, protecting fish and wildlife and their habitats.

(3) ORS 509.125, prohibiting deleterious substances from being introduced into State waters.

(4) ORS 509.140, requiring the approval of the Fish and Wildlife Commission before explosives may be used to construct a dam or similar structure.

(5) ORS 509.600, prohibiting the injury or destruction of fish within 600 feet of any fishway. Prior approval of the Director, the Department of Fish and Wildlife, is required before contructing a dam or obstruction in State waters.

(6) ORS 509.615, requiring that artificial watercourses must be screened.

(f) The following are Oregon laws that interfere with the achievement of the purposes and requirements of the Act and are, in accordance with Section 504(g) of the Act, pre-empted and superseded with respect to coal mining, except to the extent they provide for regulation of surface coal mining and reclamation operations which are exempt from the Surface Mining Control and Reclamation Act of 1977:

(1) Oregon Surface Mining and Mine Land Reclamation Act, as amended, ORS 517.750–ORS 517.990.

(2) Oregon Administrative Rules (OAR), Department of Geology and Mineral Industries, Division 30, Rules and Regulations, Oregon Mined Land Reclamation Act, OAR 632-30-005 through OAR 632-30-060.

(3) ORS 273.551 and ORS 273.775 to ORS 273.790. The contractual and leasing responsibility of the Division of Lands over State lands and minerals is not affected by this Federal program.

(4) ORS 275.340. Pre-empted to the extent that the State of Oregon construes this statute as delegating to cities and counties the authority to issue surface coal mining permits and related exploration permits.

§ 937.701 General.

Sections 700.5, 700.11, 700.12, 700.13, 700.14, 700.15 and Part 701 of this chapter shall apply to surface coal mining operations in Oregon.

§ 937.707 Exemption for coal extraction incident to government-financed highway or other construction.

Part 707 of this chapter, Exemption for Coal Extraction Incident to Government-financed Highway or Other Construction, shall apply to surface coal mining and reclamation operations.

§ 937.761 Areas designated unsuitable for surface coal mining by Act of Congress.

Part 761 of this chapter, Areas Designated by Act of Congress, shall apply to surface coal mining and reclamation operations.

§ 937.762 Criteria for designating areas as unsuitable for surface coal mining operations.

Part 762 of this chapter, Criteria for Designating Areas Unsuitable for Surface Coal Mining Operations, shall apply to surface coal mine operations beginning one year after May 28, 1982.

§ 937.764 Process for designating areas unsuitable for surface coal mining operations.

Part 764 of this chapter, State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations, pertaining to petitioning, initial processing, hearing requirements, decisions, data base and inventory systems, public information, and regulatory responsibilities shall apply to surface coal mine operations beginning one year after May 28, 1982.

§ 937.770 General requirements for permits and exploration procedures.

(a) Part 770 of this chapter, General Requirements for Permit Systems Under State Program, shall apply to surface coal mining and exploration operations.

(b) Where applicable, no person shall conduct surface coal exploration operations which result in the removal of more than 250 tons in one location, or surface coal mining operations without permits issued pursuant to leases and/or certificates required by the State of Oregon, including compliance with Oregon's Statewide Planning Goals (ORS 197.180) and any relevant County Comprehensive Land Use Plans (ORS 197.005–ORS 197.775); license from the Division of State Lands where mines or exploration are on State lands (ORS 273.005–273.815); Solid Waste Disposal Permits, Hazardous Waste Transportation and Disposal Permits, Industrial Waste Disposal Permits issued by the Department of Enivronmental Quality (ORS 459.005–ORS 459.850); leases issued by the county where county designated forest lands are involved (ORS 275.340); noise restrictions enforced by the Department of Environmental Quality (ORS 467.010–467.990); Air Contaminant Discharge Permits (ORS 468.005–ORS 468.997), Water Pollution Control Facilities Permits, Waste Discharge Permits (ORS 468.900–ORS 468.997), Energy Facility Site Certificates (ORS 469.300–ORS 469.570, ORS 469.990, ORS 469.992) issued by the Energy Facilities Siting Council; Department of Fish and Wildlife issues permits for dam use (ORS 509.600), for use of explosives used to construct dams or similar structures (ORS 509.140); the State Fire Marshal issues Certificates of Possession for persons having or using explosives (ORS 480.210); the Division of State Lands issues licenses for use of dredging machines (ORS 517.611–ORS 517.700); the Department of Water Resources issues permits with respect to the use, appropriation or diversion of State waters (ORS 537.130, ORS 537.135) and surface waters (ORS 537.135, ORS 537.140 and ORS 537.800), and permits relative to the design, construction and maintenance of dams, dikes or other hydraulic structures or works (ORS 540.350, ORS 540.400); matter may be removed from the beds and banks of State waters and fill may be deposited in State waters once a permit is obtained from the Division of State Lands (ORS 541.605–ORS 541.990).

§ 937.771 General requirements for permits and permit applications.

(a) Part 771 of this chapter, General Requirements for Permits and Permit Applications, shall apply to any person who makes application for a permit to conduct surface coal mine operations.

(b) Any person who wishes to conduct new surface coal mining and reclamation operations or who wishes to revise a permit shall file a complete application at least 12 months prior to the date upon which permit issuance is desired and pay to the Secretary a permit fee in accordance with 30 CFR 736.25.

§ 937.776 General requirements for coal exploration.

(a) Part 776 of this chapter, General Requirements for Coal Exploration, shall apply to any person who conducts or seeks to conduct coal exploration operations.

(b) The Office shall make every effort to act on an exploration application within 60 days of receipt or such longer time as may be reasonable under the circumstances. If additional time is needed, OSM shall notify the applicant that the application is being reviewed, but more time is necessary to complete such review, setting forth the reasons and the additional time that is needed.

(c) Where coal exploration is to occur on State lands or the minerals to be explored are owned by the State, a mineral lease issued by the Oregon Division of Lands authorizing the coal exploration is required to be filed with the permit application.

§ 937.778 Surface mining permit application—minimum requirements for legal, financial, compliance and related information.

Part 778 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct surface mining and reclamation operations.

§ 937.779 Surface mining permit applications—minimum requirements for information on environmental resources.

Part 779 of this chapter, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who makes application to conduct surface mining and reclamation operations.

§ 937.780 Surface mining permit applications—minimum requirements for reclamation and operation plan.

(a) Part 780 of this chapter, Surface Mining Permit Applications—Minimum Requirement for Reclamation and Operation Plan, shall apply to any person who makes application to conduct surface coal mining and reclamation operations on non-Federal and non-Indian lands.

(b) Any application for a permit shall demonstrate compliance with the air quality control laws (ORS 468.275 through ORS 468.350 and ORS 468.500 through ORS 468.580) administered by the Oregon Department of Environmental Quality and shall have obtained, where required, an Air Contaminant Discharge Permit from the Department of Environmental Quality (ORS 468.275 through ORS 468.350).

§ 937.782 Underground mining permit applications—minimum requirements for legal, financial, compliance, and related information.

Part 782 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance, and Related Information, shall apply to any person who makes application for a permit to conduct underground mining operations.

§ 937.783 Underground mining permit applications—minimum requirements for information on environmental resources.

Part 783 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources, shall apply to any person who submits an application to conduct underground mining operations.

§ 937.784 Underground mining permit applications—minimum requirements for reclamation and operation plan.

Part 784 of this chapter, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan, shall apply to any person who makes application to conduct underground mining.

§ 937.785 Requirements for permits for special categories of mining.

Part 785 of this chapter, Requirements for Permits for Special Categories of Mining, shall apply to each person who makes application for a permit to conduct certain categories of surface coal mining and reclamation operations as specified therein.

§ 937.786 Review, public participation, and approval or disapproval of permit applications and permit terms and conditions.

Part 786 of this chapter, Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions, shall apply to the review of applications made by any person for surface coal mining and reclamation operations.

§ 937.787 Administrative and judicial review of decisions on permit applications.

Decisions on permit applications shall be subject to administrative and judicial review in accordance with Part 787 of this chapter and Sections 520, 525 and 526 of the Act.

§ 937.788 Permit reviews, revisions, and renewals, and transfer, sale and assignment of rights granted under permits.

Part 788 of this chapter, Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted Under Permits, shall apply to review, revision, and renewal of permits for surface coal mine operations, and to transfer, sale, and assignment of rights granted under permits.

§ 937.795 Small operator assistance.

Part 795 of this chapter, Small Operator Assistance, shall apply to any person making application for assistance under the small operator assistance program.

§ 937.800 General requirements for bonding of surface coal mining and reclamation operations.

Part 800 of this chapter, General Requirements for Bonding of Surface Coal Mining and Reclamation Operations Under Regulatory Programs, shall apply to all surface coal mining and reclamation operations.

§ 937.815 Performance standards—coal exploration.

Part 815 of this chapter, Permanent Program Performance Standards—Coal Exploration, shall apply to any person conducting coal exploration operations.

§ 937.816 Performance standards—surface mining activities.

Part 816 of this chapter, Permanent Program Performance Standards—Surface Mining Activities, shall apply to any person who conducts surface coal mining and reclamation operations.

§ 937.817 Performance standards—underground mining activities.

Part 817 of this chapter, Permanent Program Performance Standards—Underground Mining Activities, shall apply to any person who conducts underground mining operations.

§ 937.818 Special performance standards—concurrent surface and underground mining.

Part 818 of this chapter, Special Permanent Program Performance Standards—Concurrent Surface and Underground Mining, shall apply to any person who conducts combined surface and underground mining operations.

§ 937.819 Special performance standards—auger mining.

Part 819 of this chapter, Special Permanent Program Performance Standards—Auger Mining, shall apply to any person who conducts surface coal mining operations which include auger mining.

§ 937.823 Special performance standards—operations on prime farmland.

Part 823 of this chapter, Special Permanent Program Performance Standards—Operations on Prime Farmland, shall apply to any person who conducts surface coal mining and reclamation operations on prime farmlands.

§ 937.824 Special performance standards—mountaintop removal.

Part 824 of this chapter, Special Permanent Program Performance Standards—Mountaintop Removal, shall apply to any person who conducts surface coal mining operations constituting mountaintop removal mining.

§ 937.826 Special performance standards—operations on steep slopes.

Part 826 of this chapter, Special Permanent Program Performance Standards—Operations on Steep Slopes, shall apply to any person who conducts surface coal mining and reclamation operations on steep slopes.

§ 937.827 Special performance standards—coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

Part 827 of this chapter, Special Permanent Program Performance Standards—Coal Processing plants and Support Facilities Not Located at or Near the Minesite or Not Within the Permit Area for a Mine, shall apply to any person who conducts surface coal mining and reclamation operations which include the operation of coal processing plants and support facilities not located at or near the minesite or not within the permit area for a mine.

§ 937.828 Special performance standards—in situ processing.

Part 828 of this chapter, Special Permanent Program Performance Standards—In Situ Processing, shall apply to any person who conducts in situ processing activities.

§ 937.842 Federal inspections.

(a) Part 842 of this chapter, Federal Inspections, shall apply to all exploration and surface coal mining and reclamation operations.

(b) OSM will furnish a copy of each inspection report regarding inspections conducted pursuant to this subpart to the Oregon Department of Geology and Mineral Industries.

§ 937.843 Federal enforcement.

(a) Part 843 of this chapter, Federal Enforcement, shall apply when enforcement action is required for violations on surface coal mining and reclamation operations.

(b) OSM will furnish a copy of each enforcement action document and order to show cause issued pursuant to this subpart to the Oregon Department of Geology and Mineral Industries.

§ 937.845 Civil penalties.

Part 845 of this chapter, Civil Penalties, shall apply when civil penalties are assessed for violations on surface mining and reclamation operations.

[FR Doc. 82-30146 Filed 11-1-82; 8:45 am]

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Federal Register
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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

FEDERAL RESERVE STSTEM

12 CFR Part 204

[Docket No. R-0432]

Regulation D—Reserve Requirements of Depository Institutions; Phase-in for Former Member Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board has amended Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) to implement section 708 of the Garn-St Germain Depository Institutions Act of 1982 ("Garn-St Germain Act") (Pub. L. 97-320). Under this provision, a bank that was a member of the Federal Reserve System on or after July 1, 1979, but which withdrew from membership on or before March 31, 1980, is entitled to a phase-in of reserve requirements during a period beginning October 28, 1982, and ending October 24, 1985. Such banks are currently subject to reserve requirements in the same manner as member banks, while other nonmembers are phasing into the reserve requirements of the Monetary Control Act during a period that ends September 3, 1987.

EFFECTIVE DATE: October 28, 1982. This is the beginning of the first reserve maintenance period to which the new phase-in schedule will apply.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), or Paul S. Pilecki, Senior Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Title I of Pub. L. 96-221) ("MCA") provides that banks that were not members of the Federal Reserve System at any time on or after July 1, 1979, are entitled to phase in reserve requirements through 1987. The MCA also provides that any bank that was a member bank at any time during the period beginning on July 1, 1979, and ending on March 30, 1980, is required to maintain reserves in an amount equal to the amount of reserves that are required to be maintained by a member bank. The provision relating to former members was modified by the Garn-St Germain Act.

Under section 708 of the Garn-St Germain Act, any bank that was a member bank on July 1, 1979, and which withdrew from membership in the Federal Reserve System on or before March 31, 1980, and does not become a member at any time after March 31, 1980, shall, beginning after the effective date of the Act, also be permitted to phase-in reserve requirements until October 1985. Accordingly, a limited number of former member banks that currently are maintaining reserve requirements in the same manner as member banks will have their reserve requirements reduced to coincide with the new reserve requirement phase-in schedule. The statute provides for a phase-in of reserve requirements for this group of former member banks only from the date of enactment of the Garn-St Germain Act and does not affect reserve requirements for any prior period. In addition, the legislative history of the Act states that a bank's date of withdrawal shall be determined by the date that its stock in the Federal Reserve Bank of its district had been redeemed. Former member banks that have previously been determined to be entitled to phase in reserve requirements through 1987 will continue to maintain reserves according to that schedule. The Board's amendment will take effect during the reserve maintenance period beginning October 28, 1982, which is the maintenance period that corresponds to the first reserve computation period after the enactment of the Garn-St Germain Act.

The provisions of 5 U.S.C. 553(b) relating to notice and public participation have not been followed in connection with adoption of this amendment because the change involves the implementation of a statutory provision that is effective upon enactment and does not provide the Board with discretion to modify its terms. Thus, the Board has determined that notice and public participation is unnecessary. The effective date of the amendment has not been deferred pursuant to 5 U.S.C. 553(d), since the Board's action relieves a restriction by reducing the reserve requirements of depository institutions and since deferring the effective date would be inconsistent with section 708 of the Garn-St Germain Act.

List of Subjects in 12 CFR Part 204

Banks, banking, Currency, Federal Reserve System, Penalties, Reporting and recordkeeping requirements.

PART 204—[AMENDED]

Pursuant to its authority under section 19 of the Federal Reserve Act (12 U.S.C. 461 *et seq.*), the Board amends Regulation D (12 CFR Part 204) effective October 28, 1982, by revising paragraph (b) introductory text and paragraph (c) of § 204.4 to read as follows:

§ 204.4 Transitional adjustments.

* * * * *

(b) *Members and former members.* The required reserves of any depository institution that is a member bank on September 1, 1980, or withdraws from membership after March 31, 1980, shall be determined as follows: * * *

* * * * *

(c) *Certain former member banks.* The required reserves of any depository institution that was a member bank on July 1, 1979, and withdrew from membership during the period beginning on July 1, 1979, and ending on March 31, 1980, shall be determined by reducing the amount of required reserves computed under section 204.3 in accordance with the following schedule:

Reserve maintenance periods occurring between	Percentage that computed reserves will be reduced
October 28, 1982 and October 26, 1983	50
October 27, 1983 and October 24, 1984	33.3
October 25, 1984 and October 23, 1985	16.7
October 24, 1985 and forward	0

However, an institution shall not reduce the amount of required reserves on any category of deposits or accounts that are first authorized under Federal law in any State after April 1, 1980.

* * * * *

By order of the Board of Governors, October 28, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-30163 Filed 11-2-82; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 556

[No. 82-712]

Branching in Supervisory and Non-Supervisory Acquisitions; Correction

AGENCY: Federal Home Loan Bank Board.

ACTION: Policy statement; correction.

SUMMARY: The Federal Home Loan Bank Board corrects the final amendments to its policy statement on branching which were published at 47 FR 34124 (August 6, 1982).

EFFECTIVE DATE: July 28, 1982.

FOR FURTHER INFORMATION CONTACT: Ilsa K. Bush, Associate General Counsel, Office of General Counsel (202/377-6436), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On July 28, 1982, the Federal Home Loan Bank Board adopted amendments to its policy statement on branching to clarify the Board's criteria for permitting operation of out-of-state branches by federally-chartered savings and loan associations and by multi-state, multiple savings and loan holding companies. Board Resolution No. 82-498 (July 28, 1982); 47 FR 34124, published (August 6, 1982). The final rule, as published, contained two typographical errors: The first, in the supplementary information accompanying the amendment to the Statement of Policy, and the second, in a reference in paragraph (a)(3)(ii)(*a*)(*3*) of § 556.5 of the Statement of Policy. By its action today, the Board corrects those typographical errors.

Accordingly, the Board is correcting FR Doc. 82-21371, appearing at 47 FR 34125, and amending § 556.5 by (1) changing the word "it" in the last sentence of the seventh paragraph of the supplementary information to read "its"; and (2) by changing the second reference to "(a)(3)(i)" in subparagraph (a)(3)(ii)(*a*)(*3*) of § 556.5 to read "(a)(3)(ii)".

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, 1728; Reorg. Plan No. 3 of 1947, 12 FR 4891, 3 CFR, 1943-48 Comp., p. 1071)

Dated: October 27, 1982.

By the Federal Home Loan Bank Board.

Thomas P. Vartanian,

General Counsel.

[FR Doc. 82-30273 Filed 11-2-82; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Parts 584, 589

[No. 82-709]

Service Corporations of Subsidiary Institutions of Savings and Loan Holding Companies

October 27, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule; removal of Board ruling.

SUMMARY: The Federal Home Loan Bank Board is amending its regulations by removing a Board Ruling that construes the term "service corporation" for purposes of section 408 of the National Housing Act. The existing ruling applies the regulations pertaining to service corporation investment and activities of federal associations to state-chartered insured institutions that are controlled by savings and loan holding companies. By removing the ruling, the Board intends to allow service corporation investment by state-chartered insured institutions to be governed by state law, without regard to whether the institution is owned by a holding company.

DATE: Effective October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Neil R. Crowley, Attorney, (202-377-6417), Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C., 20552.

SUPPLEMENTARY INFORMATION: Section 408 of the National Housing Act ("the Act"), 12 U.S.C. 1730a (Supp. IV 1980), pertains to the regulation of savings and loan holding companies. Section 408(d) of the Act prohibits certain transactions between a subsidiary insured institution of a savings and loan holding company and its affiliates. Subsections (d)(1) and (d)(4)(B) of section 408 exempt transactions with affiliate service corporations from certain prohibitions. For the purpose of construing the breadth of these exemptions, however, the Act includes no definition of the term "service corporation."

To clarify the scope of the exceptions in section 408(d), the Board adopted a ruling at 12 CFR 589.3 in 1972, which provided that, for purposes of section 408 of the Act, the term "service corporation" meant a corporation of the type in which a federal association could invest pursuant to 12 CFR 545.9-1. *See* 37 FR 18074 (September 7, 1972). The Board subsequently amended § 589.3 by adding a new paragraph (c), which stated that subsidiary insured institutions may invest in service corporation affiliates to the same extent, and subject to the same limitations, that federal institutions may invest in service corporations pursuant to § 545.9-1. *See* 39 FR 37056 (October 17, 1974). The ruling provides that a service corporation of a subsidiary insured institution may engage only in those activities that are permissible for service corporations of federal associations and, further, that the amount that an institution may invest in a service corporation cannot exceed the amount of investment a federal association may make. These limitations applied to subsidiary insured institutions of both unitary and multiple holding companies. The effect of this ruling has been that state-chartered subsidiary insured institutions have been made subject to federal regulations regarding permissible service corporation investment, whereas those state institutions not owned by a holding company may invest in service corporations to the extent allowed by state law. Where state law allows a service corporation to engage in more activities than a federal service corporation or permits the insured institution to invest more than three percent of its assets in a service corporation, a disparity exists among state-chartered institutions regarding their service corporation investment authority.

The Board published the ruling at § 589.3 pursuant to the authority conferred by section 408(h) of the Act to issue such rules and regulations as are necessary for its administration. The determination by the Board that the term "service corporation" included only entities of the type in which a federal association may invest pursuant to § 545.9-1 was one of policy regarding the means thought most appropriate to administer the Act and accomplish its purposes. The ruling reflected a decision that the resulting lack of parity between state-chartered institutions regarding their authority to invest in service corporations was outweighed by the desirability of having a uniform definition of service corporation in administering the Act. This interpretation of the term "service corporation," however, was not mandated by either the language of the Act or by its legislative history.

The Board has recently reevaluated § 589.3 to determine whether it is appropriate to foster the disparity in service corporation investment authority among state-chartered insured institutions. As a policy matter, the Board believes that there is no need to impose on a state-chartered insured institution the limitations in § 545.9–1 simply because the institution is owned by a holding company. The Board further believes that there is no legal requirement to retain the existing ruling and that administration of the Act would not be impaired by rescinding the ruling. For this reason, the Board is rescinding § 589.3 with the intention of thereby allowing state-chartered subsidiary insured institutions to invest in service corporations as allowed by state law.

The Board is also amending three of its holding company regulations to incorporate certain technical changes and to make them consistent with the Board's removal of § 589.3. The Board is amending 12 CFR 584.2(c) by changing the cross-reference in that section to 12 CFR 545.9–1(c), which is the present citation to the list of preapproved activities for service corporations of federal associations. Similarly, the Board is amending 12 CFR 584.3(a)(4)(i) by changing the cross-reference in the parenthetical statement to section 545.9–1(d), which is the present citation to the regulation pertaining to the amount of investment a federal association may make in a service corporation. In addition, the Board is amending the parenthetical exemption in § 584.3(a)(4)(i) by adding language that would permit state-chartered subsidiary insured institutions to make loans to their service corporations to the extent permitted by the law of the chartering state. The Board is also amending 12 CFR 584.6(c)(1) by deleting the reference to the limitations imposed by 12 CFR 545.9–1(d)(1) in order that the regulation will be consistent with the rescission of § 589.3.

The Board has determined that the notice and comment procedures of 5 U.S.C. 553(b) and 12 CFR 508.13 are unnecessary because the action pertains to an interpretive rule and the effect of that rule on other Board regulations. For the same reason, and because the amendments relieve restrictions on insured institutions, the Board finds that the delay of effective date provided by 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary.

List of Subjects

12 CFR Part 584

Holding companies, Savings and loan associations, Operations.

12 CFR Part 589

Holding companies, Savings and loan associations.

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 584 and 589 of Subchapter F, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER F—REGULATIONS FOR SAVINGS AND LOAN HOLDING COMPANIES

PART 584—REGULATED ACTIVITIES

1. Revise paragraph (c) of § 584.2 as follows:

§ 584.2 Prohibited holding company activities.

* * * * *

(c) *Interim approval by the Corporation.* Until further notice by order or regulation, the Corporation, pursuant to paragraph (b)(6) of this section, hereby approves without application the furnishing or performing of such services or engaging in such activities as are specified in § 545.9–1(c) of this Chapter, as now or hereafter in effect, if such service or activity is conducted by a service corporation subsidiary of a subsidiary insured institution of a savings and loan holding company and if such service corporation has legal power to do so.

* * * * *

2. Revise paragraph (a)(4) introductory text and subparagraph (i) of § 584.3 as follows:

§ 584.3 Transactions with affiliates.

(a) *Prohibited transactions.* * * *

(4) Make any loan, discount or extension of credit to:

(i) Any affiliate (other than to a service corporation subsidiary of such insured institution, in the case of a Federal savings and loan association, to the extent permitted by § 545.9–1(d) of this Chapter or, in the case of a state-chartered subsidiary insured institution, to the extent permitted by the law of the chartering state) except in a transaction authorized by paragraph (a)(7)(i) of this section, or * * *

* * * * *

3. Revise paragraph (c)(l) of § 584.6 as follows:

§ 584.6 Holding company indebtedness.

* * * * *

(c) *Exemptions from computation of 15-percent limitation.* * * *

(1) By a service corporation subsidiary of an insured institution subsidiary of a savings and loan holding company, including any wholly-owned subsidiary of such service corporation.

* * * * *

PART 589—BOARD RULINGS

4. Remove § 589.3 as follows:

§ 589.3 [Removed October 27, 1982]

(Sec. 402, 48 Stat. 1250, as amended, sec. 408, 48 Stat. 1461, as added by 73 Stat. 691, as amended (12 U.S.C. 1725, 1730a), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943–48 Comp., p. 1671)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82–30164 11–1–82; 8:45 am]

BILLING CODE 6720–01–M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 590

[No. 82-707]

Usury Preemption; Interpretation

Date: October 27, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final interpretive rule.

SUMMARY: The Federal Home Loan Bank Board adopts two interpretive rulings regarding the effect of the federal preemption of state interest-rate ceilings contained in Section 501 of the Depository Institutions Deregulation and Monetary Control Act. These interpretations address: (1) The status of interpretive rulings issued under Public Law 96–161; and (2) the effect of the preemption on state criminal usury laws.

EFFECTIVE DATE: October 27, 1982.

FOR FURTHER INFORMATION CONTACT: James C. Stewart, Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552 ((202) 377–6457).

SUPPLEMENTARY INFORMATION: Section 501 of the Depository Institutions Deregulation and Monetary Control Act (DIDMCA) provides that "the provisions of the constitution or the laws of any State expressly limiting the rate or amount of interest, discount points, finance charges, or other charges which may be charged, taken, received, or reserved shall not apply to any" federally-related loan made after March 31, 1980, and secured by a first lien on residential real property, on a residential manufactured home, or on all the stock allocated to a dwelling unit in a residential housing cooperative. 12 U.S.C. § 1735f–7 note (Supp. IV 1980). The statute authorizes the Federal Home Loan Bank Board to issue rules and publish interpretations governing the implementation of this preemption. [DIDMCA § 501(f), 12 U.S.C. 1735–7 note;

12 CFR 590.5 (1981).) Pursuant to this authority, the Board is publishing interpretive rulings regarding: (1) the status of interpretations issued under Public Law 96–161, the temporary predecessor to Section 501; and (2) the effect of the preemption on state criminal usury statutes.

I. *Section 590.100 Status of Interpretations Issued Under Public Law 96–161*

In December, 1979, Congress enacted Pub. L. 96–161 which included a temporary preemption of state interest ceilings applicable to federally related residential first mortgages. Pub. L. No. 96–161, section 105, 93 Stat. 1233 (1979) (repealed by DIDMCA § 529, Pub. L. No. 96–221, 94 Stat. 168 (1980)). Like Section 501, Pub. L. 96–161 gave the Board interpretative and regulatory authority, *id.* at section 105(c), which the Board used to publish 12 interpretations regarding the effect of the temporary override. 45 FR 2840 (Jan. 15, 1980), 6165 (Jan. 25, 1980), 8000 (Feb. 6, 1980), 15921 (Mar. 12, 1980). When the Board issued regulations under Section 501, it indicated that it would adhere to the positions taken in the prior interpretations. 45 FR 24112 (Apr. 9, 1980).

Since the enactment of Section 501, the Board has not issued any formal agency interpretations of the preemption created by that statute until now. To avoid confusion as to the status of Public Law 96–161 interpretations, the Board begins its new series of interpretations with a specific endorsement of the prior rulings.

II. *Section 590.101 Criminal Usury Statutes*

Questions have been raised regarding the effect of the federal usury preemption on state statutes which deem it a criminal offense to charge interest at a rate in excess of that specified in the state law. An example of such a state statute is the section of the New York Penal Code which provides:

> A person is guilty of criminal usury in the second degree when, not being authorized or permitted by law to do so, he knowingly charges, takes or receives any money or other property as interest on the loan or forbearance of any money or other property, at a rate exceeding twenty-five per centum per annum or the equivalent rate for a longer or shorter period.

N.Y. Penal Law § 190.40 (McKinney Supp. 1981). The New York statute is similar to those of several other states which make it a criminal offense to charge interest exceeding a stated rate.[1]

Petitioners requesting an interpretive ruling by the Board have offered two reasons why this question is not free from doubt. First, the legislative history of Section 501 is ambiguous on whether criminal usury laws are preempted. Such statutes are not specifically mentioned in the committee reports. Petitioners note that Congress seemed primarily concerned with state laws that limited interest rates to 10–20%. *See* 126 Cong. Rec. S3244 (daily ed. Mar. 28, 1980) (remarks of Sen. Proxmire). Petitioners also note a statement by Rep. Hanley, then a member of the House Banking Committee, that the Section permitted market interest rates without real impediments "other than the criminal usury statutes." 126 Cong. Rec. H2285 (daily ed. Mar. 27, 1980). Secondly, petitioners have expressed concern that, because of the strong public policy embodied in state criminal codes, courts may try to reconcile the two statutes rather than allow the federal law to control.

Criminal usury statutes of the above type are used by states to control "loansharking." *Reisman v. William Hartman & Sons, Inc.* 51 Misc. 2d 393, 273 N.Y.S. 2d 295, 297 (1966). The Board notes that preemption would not interfere with the states' interest in protecting their citizens against this activity. Since the federal statute applies primarily to institutional lenders and only to first mortgages, the states' ability to prosecute individuals who engage in extortionate credit practices is unaffected.

In addition, the Board notes that charging a rate in excess of these criminal statutes is only a crime if the lender is "not * * * authorized or permitted by law to do so." New York Penal Code § 190.40. Similar language is found in the other state criminal usury statutes cited by petitioners. While this phrase appears to exempt from penalty loans made under the auspices of the federal law, it is the Board's view that the state statute must yield in any event.

If applied to loans subject to Section 501, state criminal usury statutes would frustrate the purpose of Section 501, which is to free mortgage credit markets from artificial legal restraints. S. Rep. No. 368, 96th Cong., 1st Sess. 19 (1979). Although residential mortgage rates have not reached the ceilings in these statutes, the rates on residential construction loans have approached them and there is the possibility that rates may reach these ceilings at some future date. Because state criminal usury statutes stand as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress, they must yield to the federal law.

Notwithstanding ambiguous statements made on the floor of the Congress, the express language of Section 501 is clear. The federal statute preempts "any" state constitutional or statutory provision setting a limit on mortgage interest rates. 12 U.S.C. 1735f–7 note (Supp. IV 1980); S. Rep. No. 368, 96th Cong. 1st Sess. 18 (1979).[2] As given classic expression by the Supreme Court, "the meaning or the statute must, in the first instance, be sought in the language in which the act is framed, and if that is plain, * * * the sole function of the courts is to enforce it according to its terms." *Caminetti v. United States,* 242 U.S. 470, 485 (1917). The cited state criminal usury statutes without question impose a limit on mortgage interest rates and thus fall within the preemption of the statute. Even where Congress has not completely displaced state law in a particular area, the state law is nullified to the extent that it actually conflicts with federal law. *Fidelity Federal Savings and Loan Association v. de la Cuesta,* 50 U.S.L.W. 4916, 4919 (U.S. June 28, 1982). A conflict arises where the state law "stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *Hines v. Davidowitz,* 312 U.S. 52, 67 (1941). *See also Ray v. Atlantic Richfield Co.,* 435 U.S. 151, 158 (1978); *Jones v. Rath Packing Co.,* 430 U.S. 519, 526 (1977); *DeCanas v. Bica,* 424 U.S. 351, 363 (1976). Whenever a conflict between a state and federal law exists, it is immaterial that the state law was passed pursuant to the state's power to promote the health and welfare of its citizens. *Gibbons v. Ogden,* 22 U.S. (9 Wheat.) 1, 201 (1824).

There are several cases in which the Supreme Court specifically has held conflicting state criminal laws to be preempted in order to preserve federal statutory schemes. *See Hill v. Florida,* 325 U.S. 538 (1945) (provision of National Labor Relations Act guaranteeing full freedom of choice in selecting local business agents preempts state law making it a crime for a convicted felon to serve in that capacity); *McDermott v. Wisconsin,* 228 U.S. 115 (1913) (merchant could not be criminally prosecuted under state labelling law for selling syrup in packages which conformed to federal regulations); *Easton v. Iowa* 188 U.S. 220 (1903) (state could not sentence national bank officer to five years' hard labor for accepting deposit while bank was insolvent since insolvency of national bank is matter of federal law).

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[1] *See, e.g.,* Fla. Stat. Ann. § 687.071 (West Supp. 1980); Mich. Stat. Ann. § 19.15. (F1) (1976); Ohio Rev. Code Ann. §§ 2905.21–24 (Baldwin 1980).

[2] Legislative history generally should be used to interpret a statute only where the language of the statute is ambiguous. 2A Sutherland Statutory Construction § 48.01 (4th ed. 1973) [hereinafter cited as Sutherland]. Floor statements, such as those cited above, are not the most persuasive form of legislative history. Sutherland § 48.13. Moreover, the floor statements on § 501 are themselves contradictory, as the statement of Senator Proxmire, co-sponsor of the bill, implies that the only restraint on interest rates should be the free market. 125 Cong. Rec. S 15262 (daily ed. Oct. 29, 1979). This appears to be a case where the ambiguity of the legislative history forces resort to the plain language of the statute. *United States v. Bass,* 404 U.S. 336, 339 (1971).

The only other possible basis for sustaining the state statutes would require a finding that the federal statute is invalid. The courts, however, have upheld the authority of Congress to preempt state interest ceilings under its Commerce Clause powers. *See Stephens Security Bank v. Eppivic Corp.,* 411 F. Supp. 61 (W. D. Ark. 1976); *McInnis v. Cooper Communities, Inc.,* 611 S.W. 2d 767 (Ark. 1981). Moreover, the Supreme Court has held that Congress can regulate loansharking activities under those same powers. *Perez v. United States,* 402, U.S. 146 (1971).

Preemption of the New York criminal usury statute comports with long-standing notions of federalism. Section 501 was enacted to ensure that mortgage credit was available in all states. S. Rep. No. 368, 96th Cong., 1st Sess. 18–19 (1979). The displacement of state ceilings was also deemed necessary to preserve the federal system of monetary control. *Id.* This was a problem that could be remedied only at the national level. This major federal interest would be defeated by inconsistent state criminal usury statutes. *See Douglas v. Seacoast Products, Inc.,* 431 U.S. 265, 286 (1977).

List of Subjects in 12 CFR Part 590

Banks, banking, Mortgages, Savings and loan associations, Usury.

The Board has determined that the notice and public comment procedures of 5 U.S.C. 553(b) and 12 CFR 508.12 and the delay of effective date provided under 5 U.S.C. 553(d) and 12 CFR 508.14 are unnecessary because the interpretations constitute interpretative rules within the meaning of 5 U.S.C. 553(b)(3)(A) and 12 CFR 508.11, and 5 U.S.C. 553(d)(2) and 12 CFR 508.14, respectively.

PART 590—PREEMPTION OF STATE USURY LAWS

Accordingly, the Board amends Part 590, of Subchapter G, Chapter V, Title 12 Code of Federal Regulations, as set forth below.

1. Add two new sections to read as follows:

Interpretations

§ 590.100 Status of interpretations issued under Public Law 96–161.

The Board continues to adhere to the views expressed in the formal Interpretations issued under the authority of Section 105(c) of Pub. L. 96–161, 93 Stat. 1233 (1979). These interpretations, which relate to the temporary preemption of state interest ceilings contained in Pub. L. 96–161, may be found at 45 FR 2840 (Jan. 15, 1980); 45 FR 6165 (Jan. 25, 1980); 45 FR 8000 (Feb. 6, 1980); 45 FR 15921 (Mar. 12, 1980).

§ 590.101 State criminal usury statutes.

(a) Section 501 provides that "the provisions of the constitution or laws of any State expressly limiting the rate or amount of interest, discount points, finance charges, or other charges shall not apply to any" federally-related loan secured by a first lien on residential real property, a residential manufactured home, or all the stock allocated to a dwelling unit in a residential housing cooperative. 12 U.S.C. 1735f–7 note (Supp. IV 1980). The question has arisen as to whether the federal statute preempts a state law which deems it a criminal offense to charge interest at a rate in excess of that specified in the state law.

(b) In the Board's view, Section 501 preempts all state laws which expressly limit the rate or amount of interest chargeable on a federally-related residential first mortgage. It does not matter whether the statute in question imposes criminal or civil sanctions; Section 501, by its terms, preempts "any" state law which imposes a ceiling on interest rates. The wording of the federal statute clearly expresses an intent to displace all direct state law restraints on interest. Any state law that conflicts with this Congressional purpose must yield.

(Depository Institutions Deregulation and Monetary Control Act Section 501, 12 U.S.C. 1735f–7 note)

By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

[FR Doc. 82–30221 Filed 11–2–82; 8:45 am]

BILLING CODE 6720–01–M

FARM CREDIT ADMINISTRATION

12 CFR Part 614

Loan Policies and Operations Provisions

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, is amending its regulation dealing with loans that are subject to bank approval. This amendment eliminates the prior approval requirements for certain types of loans and specifies which Farm Credit System bank is responsible for approving loans to directors, officers, and employees of System institutions.

EFFECTIVE DATE: December 3, 1982.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, 490 L'Enfant Plaza, SW., Washington, DC 20578 (202–755–2181).

SUPPLEMENTARY INFORMATION: On June 14, 1982, the Farm Credit Administration noticed and published for public comment a proposed amendment to 12 CFR Part 614 (47 FR 25535) which would amend regulation § 614.4470. The Federal Farm Credit Board (Board) considered each of the comments received and adopted the final regulation at its October 4–6, 1982 meeting.

The amended regulation eliminates the prior approval requirements for certain types of loans and clarifies which bank has responsibility for reviewing and approving individual loans. The prior regulation required that all loans by System institutions to bank officers and employees and association directors, officers, and employees were subject to prior approval by the district bank. The amended regulation eliminates the prior approval requirement when the association in which the loan originates does not employ the borrower, is not under joint management with the association employing the borrower, or is not supervised by the bank which employs the borrower. For example, under the amended regulation a production credit association (PCA) employee does not need prior approval for a Federal land bank association (FLBA) loan unless the PCA and the FLBA are under joint management. Similarly, a Federal intermediate credit bank (FICB) employee does not need prior approval for a loan from a Federal land bank (FLB). The amended regulation clarifies that when approval is required it must be given by the bank supervising the association in which the loan originates.

The term "controls" as used in subsection (b)(2) means: Ownership of 5 percent or more of the equity; owning, controlling, or having the power to vote 5 percent or more of any class of voting securities; or having the power to exercise a controlling influence over the management or policies of such entity.

Eight comments were received which supported the proposed amendment. One additional comment recommended that subsection (a)(5) should be limited to include only loans to bank employees who are in a position to exercise influence over association personnel. The Board does not believe that the regulation should provide exceptions from prior approval of the type suggested. The regulation ensures adequate monitoring of System lending activities with employees and will not create any hardship for employees who are properly carrying out their duties and responsibilities.

List of Subjects in 12 CFR Part 614

Agriculture, Banks, banking, Credit, Rural areas.

PART 614—LOAN POLICIES AND OPERATIONS

For the reasons set out in the preamble, Part 614 of Chapter VI, Title 12 of the Code of Federal Regulations is amended as shown.

Subpart M—Loan Approval Requirements

Section 614.4470 is revised to read as follows:

§ 614.4470 Loans subject to bank approval.

(a) The following loans (unless such loans are of a type prohibited under Part 612) shall be subject to prior approval of the bank supervising the association in which the loan application originates:

(1) Loans to a director of the association.

(2) Loans to a director of an association which is under joint management when the application originates in one of the associations.

(3) Loans to an employee of the association.

(4) Loans to an employee of an association which is under joint management when the application originates in one of the associations.

(5) Loans to bank employees when the application originates in one of the associations supervised by the employing bank.

(b) Loans to any borrower shall be subject to the prior approval of the bank supervising the association in which the loan application originates whenever a director or an employee of the association or an employee of the bank supervising the association:

(1) Will receive proceeds of the loan in excess of the amount prescribed by the supervising bank board and approved by the Farm Credit Administration, or

(2) Has a significant personal or beneficial interest in the loan, the proceeds, or the security, or controls the borrower, or

(3) Is an endorser, guarantor, or comaker with respect to the loan in excess of an amount prescribed by the supervising bank board and approved by the Farm Credit Administration.

(c) Any loan which will result in any one borrower being obligated (as defined in § 614.4360(b)) in excess of an amount established by the supervising bank under its policies for delegation of authority to associations shall be subject to prior approval of the supervising bank.

* * * * *

(Sec. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, (12 U.S.C. 2243, 2246 and 2252.))

Donald E. Wilkinson,

Governor.

[FR. Doc 82–30198 Filed 11–02–82; 8:45 am]

BILLING CODE 6705-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 241

[Regulation ER-1300; Econ. Reg. Amdt. 46 to Part 241]

Uniform System of Accounts and Reports for Certificated Air Carriers; Approval by the Office of Management and Budget

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice that on September 21, 1982, the Office of Management and Budget (OMB) approved the revised reporting requirements in Part 241 of the Board's Economic Regulations (ER–1297, 47 FR 44591, October 8, 1982). OMB approval is required under the Paperwork Reduction Act of 1980.

DATES:

Adopted: October 22, 1982.

Effective: September 21, 1982.

FOR FURTHER INFORMATION CONTACT: Linda K. Koman, Data Requirements Section, Information Management Division, Office of Comptroller, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–6042.

Accordingly, the Civil Aeronautics Board amends Part 241 of its Economic Regulations (14 CFR 241) by revising the note at the end of Part 241 to read:

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget under number 3024–0013.

This amendment is issued by the undersigned pursuant to delegation of authority form the Board to the Secretary in 14 CFR 385.24(b). (Sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR. Doc 82–30261 Filed 11–2–82; 8:45 am]

BILLING CODE 6320-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 5

Economic and Public Interest Requirements for Contract Market Designation

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of interpretive guideline as an Appendix.

SUMMARY: The Commodity Futures Trading Commission ("Commission") has determined to revise its Guideline on Economic and Public Interest Requirements for Contract Market Designation. 40 FR 25849 (1975), 1 Comm. Fut. L. Rep. [CCH] ¶ 6145. This revision clarifies present requirements for initial and continued designation as contract markets under Sections 5 and 5a of the Commodity Exchange Act, 7 U.S.C. 7 and 7a (1976 and Supp. IV 1980) ("Act"). The revised guideline is being published as an Appendix to Part 5 of the Commission's regulations in order that affected persons and the public will be better aware of the Commission's policies.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT: Blake Imel, Deputy Director, or Paul M. Architzel, Chief Counsel, Division of Economics and Education, telephone (202) 254–3203; 254–6990. Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

SUPPLEMENTARY INFORMATION: Commission Guideline No. 1,[1] provides criteria by which the Commission determines whether a board of trade has complied with the economic and public interest requirements for contract market designation. In order for the board of trade to obtain designation as a contract market pursuant to Section 6 of the Act, it must meet those standards contained in Section 5 of the Act. See 7 U.S.C. 7 and 8 (1976 and Supp. IV 1980). After designation has been granted, a contract market must continue to satisfy those initial criteria and must also comply with additional requirements set forth in Section 5a of the Act. 7 U.S.C. 7a (1976 and Supp. IV, 1980).

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[1] 40 FR 25849 (1975), 1 Comm. Fut. L. Rep. [CCH] ¶ 6145.

On November 5, 1980, the Commission published for public comment proposed Rule 5.1 (45 FR 73504). The Commission thereby proposed:

> to replace its present Guideline No. 1 with this proposed rule in order to (1) provide boards of trade with more specific criteria for initial and continued compliance with Sections 5 and 5a of the Act for applications for contract market designation and for all currently designated contract markets, and (2) reflect specific requirements relating to proposed futures contracts based on financial instruments and aggregates or indices of securities. In addition, the Commission believes that this proposed rule will provide a uniform procedural framework within which boards of trade shall be required to meet their burden of demonstrating, both initially and for purposes of continued designation, compliance with the Act.
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> 45 FR 73504 (footnote omitted).

The Commission provided approximately three months for public comment on the proposed rule and later extended the comment period by an additional thirty days. 46 FR 9958 (January 30, 1981). Five commodity exchanges and two members of the public commented on the proposal. Two commentators supported the proposed rule.

The five boards of trade which submitted comments opposed various sections of the proposed rule on several grounds. Several of them posed the fundamental question of whether Guideline No. 1 should be codified as a Commission rule. They contended that application for designation as a contract market requires a high degree of flexibility because contracts on various commodities differ greatly. By codifying Guideline No. 1, they contended, this flexibility would be lost.

The Commission does not agree that codification of Guideline No. 1 is fundamentally inappropriate in light of the nature of the designation process. However, it is the Commission's experience that an interpretive guideline adequately establishes the necessary framework for reviewing applications for contract market designation. Accordingly, the Commission is not at this time promulgating revised Guideline No. 1 as a Commission rule, but instead has determined to revise and readopt Guideline No. 1 as an interpretive statement.

In revising and readopting Guideline No. 1 as an interpretive statement, the Commission has carefully considered the comments submitted in connection with its proposal to codify Guideline No. 1 as a Commission regulation. Accordingly, as a result of its consideration of these comments, the Commission has made several changes in the revised guideline from that which was proposed as a Commission regulation.[2]

In addition, the Commission has included in the guideline, criteria also proposed in connection with the extension of the Commission's pilot option program to include options on physicals, insofar as these criteria will apply to applications for designation in futures and may apply to options on physicals, should the option rules be adopted. This has been added to the guideline so that the common requirements relating to the composition of designation applications will be located in a unified guideline.

Initially, these criteria were included in, and have been published for public comment as part of, the proposed rules governing the extension of the Commission's pilot program to include options on physicals. 47 FR 28401 (June 30, 1982). In particular, proposed Commission options on physicals Rules 33.4(a)(7), (a)(8), and (a)(9), have been incorporated into the guideline. The comments received by the Commission in response to its request for public comment on these proposed options rules have been carefully considered by the Commission in incorporating these criteria for designation into the revised guideline.[3]

I. Statutory Authority

Several commentators questioned whether the Commission in issuing this guideline as either a rule or as an interpretation of the Act is within its statutory authority. They contended that the guideline includes requirements for designation not found in the Act. They further stated that because the exchanges' self-interest insured that only well-designed contracts whose existence would be in the public interest would be traded, a detailed guideline for designation applications was unnecessary. By adopting the guideline, they reasoned, the Commission was imposing additional and unwarranted costs on the exchanges and was thereby stifling innovation. Several commentators also suggested that issuance of a revised guideline by the Commission would have an anticompetitive effect and is contrary to the requirements of Section 15 of the Act.

The requirement that boards of trade demonstrate that they meet specified conditions in order to be designated as contract markets has been a fundamental tool of federal regulation over commodity futures exchanges since the Future Trading Act of 1921, Pub. L. No. 67–66, 42 Stat. 187 (1921).[4] At present, the requirements for initial and continuing designation are found in Sections 5 and 5a of the Act. Included among these provisions is the requirement of Section 5(g) of the Act that exchanges demonstrate that trading in a proposed contract is not contrary to the public interest.[5]

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[2] It should also be noted that the Commission anticipates that certain additional revisions to the guideline may be made at a later time to conform the guideline to any amendments in the Act. In this regard it should be noted that bills to reauthorize the Commission and to amend the Act are currently pending before the Congress. See H.R. 5447 and S. 2109, 97th Cong., 2d Sess. (1982).

[3] The Commission is incorporating into Guideline No. 1 the requirements for applications for designation of options on physical commodities based upon the pending proposed rules for the extension of its pilot option program. Of course, even if the Commission were to determine not to adopt these proposed option rules, or modify them substantially, Guideline No. 1 would nevertheless be applicable to applications for designation as futures contract markets.

[4] For example, designation as a contract market under the 1921 Act was contingent upon a board of trade's providing for the prevention of manipulative activity and the prevention of dissemination of false information, upon providing for certain types of recordkeeping, for admission into exchange membership of cooperative producer associations, and upon location of the contract market at a terminal cash market. *See*, §§ 5(a), (b), (c), (d), and (e) of the Future Trading Act of 1921. Although the consitutionality of the Future Trading Act of 1921 was successfully challenged as an improper use of the Congressional taxing power in *Hill* v. *Wallace*, 259 U.S. 44 (1922), subsequent legislation was patterned after this statute.

[5] These requirements also include location of the contract market at a terminal cash market or provision for terms and conditions as approved by the Commission (5(a)); provision for recordkeeping (5(b) and 5a(2)); prevention of dissemination of false information (5(c)), and of price manipulation (5(d)); provision for membership of cooperative associations (5(e)); and provision for compliance with Commission Orders issued under the Act (5(f)). Moreover, contract markets must submit their rules to the Commission (5a(1) and (12)) and continue to meet such economic criteria as providing for notice of delivery dates (5a(5)), and for a period for delivery on the contract which will prevent market congestion (5a(4)); providing that futures contracts conform to United States commodity standards or to standards adopted by the Commission (5a(6));

The Commission's guideline is intended to provide contract markets with a uniform, specific means of demonstrating their ability to comply with these statutory requirements. The revised guideline is composed of four sections. As discussed in greater detail below, these sections require an exchange to describe the cash market underlying its proposed contracts; to analyze the contract's terms and conditions including, among others, the terms of the contract concerning delivery; to analyze the economic purpose to be served by the contract; and to discuss any other issues which might relate to whether trading of the contract is contrary to the public interest. Although the guideline is more specific and detailed than is the statute, the relationship between these four sections and the statutory requirements for designation is readily apparent.[6]

Several commentators contended that Congress intended that the Commission encourage exchanges to seek designation as contract markets in new commodities. They contended that in order to promote innovative designations the Commission must reduce the demonstration of compliance with the Act necessary to obtain designation. First, the Commission does not believe that the Congressional interest in facilitating more innovative use of futures instruments was intended to compromise the exchanges' burden to demonstrate compliance with the applicable statutory requirements for designation. Indeed, Congress has not made any changes which would lessen the substantive requirements applicable to designations. Moreover, the Commission does not believe that its revision to Guideline No. 1 is contrary to market innovation. To the contrary, this revision to Guideline No. 1 will assure that the guideline reflects existing practices and innovations which have occurred in the development of new futures contracts.[7] Indeed, the framework of this revised guideline should facilitate the application process and should assist the exchanges in filing more complete applications. The Commission anticipates that adherence to the guideline will reduce the necessity for supplementary and additional filings by the exchanges, and thus aid the Commission in its review of new contact market designations.[8]

Finally, several boards of trade opposed revision of Guideline No. 1 on the grounds that such a revision would adversely affect competition. They contended that smaller exchanges are unable to bear the costs of completing the application process for contract market designations, that all United States boards of trade suffered a competitive disadvantage because foreign exchanges do not have similar regulatory requirements and are not required to obtain approval of their governments in initiating new contracts, and that Guideline No. 1 was intended by the Commission to be a means of granting franchises.

These comments are without merit. The Commission is required under Section 15 of the Act, 7 U.S.C. 19 (1976) to "take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of this Act as well as the policies and purposes of this Act * * *"

As explained above, the requirement that contract markets obtain Commission approval before new contracts begin to trade, so that producers and consumers are assured that trading is in the public interest, is a fundamental objective of the Act. Accordingly, all exchanges must meet the same criteria, and must meet the same public interest standard, as mandated by Congress.

In any event, past experience indicates that all contract markets, regardless of size, have been able to comply with the requirements of Guideline No. 1. Moreover, since 1975, when the guideline was first set forth, three new exchanges have entered the futures markets in the United States.[9] In addition, it is not apperent that the type of regulation imposed by foreign governments on foreign exchanges has adversely affected the ability of United States exchanges to innovate and remain competitive. Finally, it has never been the Commission's policy to grant exclusive franchises. Rather, the Commission has designated all futures contracts which can successfully meet the statutory and regulatory criteria for designation.

1. *Section A of the Guideline.*

As the Commission noted in its Federal Register notice of November 5, 1980, the public interest test for contract market designation contained in Section 5(g) of the Act, 7 U.S.C. 7(g) (1976), requires that contract terms and conditions must reflect commercial practices in the underlying cash market.[10] The absence of such conformity between cash market practices and the futures market may result in a failure of the contract to serve a hedging or price basing function or may increase the potential for manipulations or market congestion. In order for the exchanges to demonstrate the conformity of the terms of the proposed futures contract to cash market practices, it is necessary for the exchange to describe various aspects of the existing cash market.

Section A of Guideline No. 1, therefore, provides that a description of the cash market shall be provided. This analysis should include, where applicable, information on the production and consumption of the underlying commodity, on the nature and structure of cash marketing channels and of the manner in which the

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accepting warehouse receipts issued under United States law and requiring warehouses to keep certain records (5a(3) and (7)); enforcing exchange rules (5a(8)); and permitting delivery on contract of such qualities, and at such points and at such differentials as will minimize market disruptions (5a(10)).

[6] *See Investment Company Institute v. Camp*, 401 U.S. 617, 626–627 (1971); *Udall v. Tallman*, 380 U.S. 1, 16 (1965), (interpretation of statute is sustained where reasonable). *Cf. Mourning v. Family Publications Service, Inc.*, 411 U.S. 356, 369 (1973); *Board of Trade Clearing Corp. v. United States*, 77–80 Transfer Binder, Comm. Fut. L. Rep. [CCH] ¶20,594 at p. 22,287 (D.D.C. 1978), *aff'd per curiam sub nom.*, *Board of Trade Clearing Corp. v. CFTC*, No. 78-1280 (D.C. Cir. March 28, 1979); (rulemaking sustained when reasonably related to purposes of the statute).

[7] As noted in publishing for comment proposed Rule 5.1, the Commission believes that the revised guideline merely reflects the current requirements under the Act and are those which it has imposed on all boards of trade applying for designation since April 21, 1975. During that time period, futures trading has been initiated in a number of additional commodities with a wide variety of contract terms; most notably futures contract pertaining to interest rates. Further, under these requirements, the Commission has recently designated contracts which rely solely on cash settlement in lieu of physical delivery, and contracts based on indices of the value of an aggregate of securities.

[8] Other commentators suggested that the cost of the application process was not justified because the exchanges' self-interest would achieve the statutory goals of well-designed, economically beneficial contracts, without Commission oversight. However, even if the commission's revisions to Gudieline No. 1, or its review of applications in general, did have the effect of erecting a regulatory obstacle to the trading of new contracts and thereby increasing certain costs to the exchanges, the Congress intended to subject such contracts to Commission review.

[9] Of the three new exchanges—Amex Commodity Exchange, Inc., New York Futures Exchange, and New Orleans Commodity Exchange—the latter two are still actively trading.

[10] As noted, Section 5(a) of the Act requires the location of the contract market at a terminal market except when a board of trade provides for terms and conditions approved by the Commission. Section 5(d) provides for the prevention of manipulation by the board of trade, and Section 5a(10) requires delivery on contracts of such qualities of the commodity at such points at differentials as will prevent or diminish price manipulation, market congestion, or abnormal movements of the commodity. The Commission interprets these sections, in addition to Section 5(g), as pertaining to the conformity of contract terms to conditions in the underlying cash market.

commodity is stored, transported and in which ownership is financed.[11]

One commentator suggested that, as proposed in Rule 5.1, the requirements of this section were overly comprehensive and would cause exchanges to unnecessarily expend resources to respond to factors which may not be applicable to every application. The commentator further suggested that the language of proposed Regulation 5.1 which required that exchanges describe the cash market in its entirety and, where applicable, the segment which is the source of supply for delivery, was ambiguous.

In view of these comments, the Commission has made clear in the revised guideline that the purpose of the cash market description is to support the justification of individual contract terms and the demonstration of economic purpose. The Commission believes that this statement of purpose concerning the cash market description will assist the exchanges in determining those segments of the cash market which are relevant to the various aspects of its submission and the nature of the information which it should provide. For instance, to support its justification of individual contract terms, an exchange may find it appropriate to describe in some detail the aspects of a regional cash market (including storage and transportation) which will be the source of deliverable supply while describing with less specificity a more broadly defined cash market in which the contract may also be used for hedging and price basing. In addition, the Commission recognizes that the relevant segments of the cash markets for certain physical commodities may be international in scope, while others are merely national or regional in scope. Thus, the relevant sgments to be described will vary depending upon the contract. Finally, while the Commission's Guideline contains several categories of information which should be considered by the exchange, the Commission anticipates that not every item of paragraphs (1)–(4) of Section A of the guideline will apply equally to each contract.

The information required under this section includes, where applicable, statistical data. That data should be compiled for a period of time sufficient to reflect historic patterns of production, consumption, and exchange of the commodity. The guideline provides that, in the absence of a justification supporting a shorter period, five years is the minimum time period for review.

At least one commentator suggested that this requirement for data was burdensome. The commentator maintained that in some cases it is costly to compile data, that data collected by conventional means may be unreliable, and that the five year period was unreasonable. The Commission did not intend by this requirement to require data to be provided where data was obtainable only at unreasonable expense or through unreasonably burdensome methods. Accordingly, the guideline provides that if the board of trade cannot obtain the requisite data through a reasonable effort, interviews with persons having knowledge of the cash market may substitute for, or may supplement, the statistical data to be provided. Moreover, the requirement that data be provided for at least a five year period is meant to serve only as a bench mark in cases where such data is readily available and will accurately reflect relevant economic trends. As in proposed Rule 5.1 the revised guideline provides that a shorter period of time may be used where justified.[12]

2. *Section B of the Guideline:*

Section B of revised Guideline No. 1 requires a board of trade applying for contract market designation to justify individual contract terms and conditions, particularly in light of the underlying cash market. As noted above, the Commission believes that a departure of contract terms from current cash market conditions may result in an increased potential for market disruptions[13] or may result in the failure of the contract to serve a hedging or price basing function. Accordingly, the Commission reviews contracts to assure that the terms and conditions reflect commercial practices in the underlying market, or in the absence of such conformity, that the variance will not be detrimental to orderly trading in the contract, or result in a failure to serve an economic purpose.

The Commission is requiring in the revised guideline that the justification for the terms and conditions for proposed contracts be supported, where practicable, by statistical data as provided in paragraph (5) of Section A of the guideline. It is not the Commission's intent to require exchanges to develop statistical data where the cost of supply such data would be unreasonable. Again, however, the Commission intends that in the absence of such data the exchanges will supply a reasonable explanation and will supply interviews with or statements by persons knowledgeable concerning the cash market.

In revising the guideline, the Commission is not including a provision which was included in paragraph (b) of the proposed Rule 5.1. That provision would have required a demonstration that each individual term or condition of the contract support a price basing or hedging use of the contract. The Commission is of the opinion that this requirement concerning the relationship of contract terms to the economic purpose of the contract is sufficiently addressed under paragraphs (1) and (2) of Section C of the revised guideline. In addition, a specific term or condition of a contract may not further use of the contract for price basing or hedging. Nevertheless, the contract, when taken as a whole, may be well designed and may be used for hedging or for price basing. Accordingly, the Commission believes that the requirement that the exchange make such a demonstration with respect to each term of a contract is unnecessary.

Of course, that is not to say that no individual terms of the contract must be demonstrated to further the hedging or price-basing use of the contract. The exchange is expected to make such a demonstration for the terms and conditions of the contract as part of its analysis under Section C of the guideline. And, the Commission will review all of the terms of the contract, to ascertain whether any of them prevents, or significantly impairs, the contract from serving as a hedging or price basing mechanism.

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[11] Section (a)(4) of proposed Rule 5.1 required information concerning "the nature and structure of the transport, communication, storage, and financing sectors which support the commodity underlying the proposed contract." One commentator suggested that such comprehensive information on supporting sectors of the economy is unnecessary for consideration of contract terms. Upon reconsideration, the Commission concurs that in most cases, this is true. Accordingly, the requirements of the revised guideline have been amended to require a less comprehensive description of these functions as they apply to the described commodity.

[12] In determining whether data required under Sections A and B of the revised guideline is reasonably available, the Commission will balance the costs to the exchange of obtaining or developing such data and the essential nature of the information in demonstrating that the terms of the contract are in compliance with the relevant sections of the Act. In so doing, the Commission reserves the right to overrule the balance struck by the exchange in its justification.

[13] One commentator suggested that the Commission's interest that contracts be protected from disruptions resulting from manipulation or shortages in supplies is "adequately promoted by the affirmative action requirements of Guideline No. 2." The Commission disagrees to the extent that it believes that adequate contract terms and conditions provide an important prophylactic measure in reducing the potential for disruptive market situations. *See* Footnote 10, *supra.* For instance, Section 5a(10) of the Act clearly provides that contract terms concerning delivery locations, deliverable grades and the differentials applied thereto must tend to prevent or eliminate price manipulations, market congestion, or abnormal movements of the commodity.

The individual terms and conditions to be justified under Section B of the revised guideline include the par and non-par commodity characteristics, delivery locations, contract differentials, delivery facilities, trading months, delivery pack and size, inspection and certification procedures, the delivery instrument, significant costs of delivery and specified minimum and maximum price fluctuations. One commentator suggested that no contract could conform in all of the above terms and conditions to cash market practices. The commentator suggested as an example that the size of transportation units to delivery points may differ from those going away from delivery points. Therefore the commentator suggested, the contract which could not be in complete conformity to cash market practices if it selected either of, or a compromise between, these transportation units, would be in violation of the guideline.

The Commission, however, does not believe that such a result necessarily follows. The guideline is intended to provide a framework by which exchanges analyze their contract terms and provides that, to the extent a term or condition is not in conformity with prevailing cash market practices, the board of trade shall provide a justification for the variance. This justification must demonstrate that the term or condition is necessary or appropriate for the contract and will result in sufficiently available and saleable deliverable supplies.

. The guideline requires that the delivery months in contracts be specified and that certain criteria relating to the selection of those months be discussed. These criteria include the seasonality of deliverable supplies, availability of warehouse space, availability of transportation facilities, and any other factor which may affect the viability of each future month. One commentator stated with respect to this requirement that the exchanges were aware of the criteria by which proper selection of delivery months was made and that selection of this term of the contract was best left to the unreviewed discretion of the exchanges.

The Commission does not agree. Selection of delivery months by an exchange must be reviewed by the Commission. The delivery months selected are important terms of many contracts, and in those instances proper selection of months may be crucial to freeing contracts from susceptibility to price distortions and manipulations. Accordingly, review of contract months is essential to the Commission's review of designation applications and to a determination that such trading would not be contrary to the public interest.

Two commentators objected to specific language concerning the justification of particular individual contract terms and conditions under paragraph B of proposed Rule 5.1 on the grounds that the justification required was excessive or the requirements were ambiguous. In light of these comments the Commission has made certain clarifying amendments to paragraphs (2)(b)(i); (2)(i); and (3) of Section B of the revised guideline. For instance, with respect to the justification of delivery points the Commission has revised the language to require that the exchanges supply a description of the "composition of the market" rather than the "number of major buyers and sellers" as in the proposed Regulation 5.1. Similarly, language concerning the justification of cash settlement procedures now reflects that exchanges submit information pertaining to final settlement of contracts at a "value reflecting the underlying cash market" rather than an "economic value."

Finally, to facilitate exposition of the required justification, the Commission has consolidated and reordered, and reworded certain requirements concerning individual contract terms and conditions in Section B of the revised guideline. However, these changes are editorial in nature and do not alter the substance of the requirements of proposed Rule 5.1.

3. *Sections C and D of the Guideline.*

Congress made clear when it adopted the public interest test of Section 5(g) of the Act, that the public interest test is broader than, and includes, an economic purpose test. *See,* S. Rep. 1194, 93rd Cong. 2d Sess. 36 (1974).[14] The economic purpose test requires a board of trade to demonstrate that transactions for future delivery in a commodity are, or reasonably can be expected to be, quoted and disseminated for price basing, or utilized as a means of hedging against possible loss through fluctuations in price.

Section C of the revised guideline details the type of information which should be provided by exchanges in order to demonstrate that a contract meets the economic purpose test. As in the proposed Rule 5.1, individual sections of the revised guideline apply to the information on economic purpose which must be supplied at the time of initial designation, as well as the requirements for continuing designation. For initial designation, the evidence must be prospective, of course, and include a consideration of the cash market participants and institutions and the price basing or hedging characteristics of the major contract terms. In addition, under the revised guideline, the Commission staff may request that a contract market applying for designation supply statements from, or reports of interviews with, potential users of the contract which convey specifically the manner and circumstances under which these persons may be expected to utilize the contract for pricing or hedging.

Several commentators objected to the requirement of proposed Rule 5.1 which would have required on a routine basis, statements from, or reports of interviews with, potential market users concerning specifically how that person would use the market. These commentators suggested that such statements require market users to give hypothetical examples which could be supplied directly by the exchange, that market participants would be unwilling to give a detailed description of their business practices, and that merely obtaining a statement of interest on the part of the potential market user is adequate for Commission review.

The Commission believes that statements which detail how the market participant will use the contract to hedge are an important source for corroborating the exchange's analysis of how the proposed contract can be used for hedging or for price basing. Of course, the Commission realizes that until actual trading experience occurs, all such specific analyses are based on hypothetical examples or upon analogies to existing market experience. Nonetheless, such statements are of greater value to the Commission than a mere statement of interest by a market participant.

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[14] One commentator suggested that the public interest test precludes the use by the Commission of an economic purpose test. As noted above, however, this interpretation is plainly contrary to the legislative history of Section 5(g) of the Act.

Another commentator suggested that a market test is the only means of determining economic purpose. The Commission disagrees with this comment. Among other things, Section 5(g) establishes conditions for initial designation when no market experience exists. Of course, that is not to say that market experience is never a factor to be considered in determining the economic purpose of a contract. Indeed, the Commission has recognized in the revised guideline that market experience may be a factor in determining whether an existing contract meets the economic purpose requirements. *See also,* 47 FR 29515–21 (July 7, 1982), for a discussion of Commission Rules 5.2 and 5.3, on dormant and low volume contracts.

The Commission has determined under the revised guideline, however, not to routinely require statements from, or reports of interviews with, potential market users concerning economic purpose. Among other things, the Commission has considered that in recent years a large number of proposed futures contracts considered by the Commission have been closely related to, or have essentially duplicated, existing contracts which have been approved recently or which are being actively traded. Under these circumstances, the Commission may already have sufficient evidence of potential hedging or pricing use of the contract, provided that its terms and conditions are in conformity with a significant segment of the underlying cash market.

In other cases, the structure of, and trading practices in, the underlying cash market and the terms of the contract may sufficiently demonstrate a contract's potential economic purpose. In view of this, under the revised guideline statements of, or reports of interviews with, trade sources are required only upon request. The Commission anticipates that such requests may be made, in those cases where, for example a contract is proposed for a cash market where no prior relevant futures trading experience exists, or where unique aspects of a contract might raise questions about its potential economic purpose.

The Commission has considered that this approach under the revised guideline might lead to delays in the processing of an exchange's application in the event that the staff finds it necessary to request such materials concerning potential market use during the review process. The Commission notes, however, that a board of trade is not precluded from submitting these materials with the initial application, and that such requests may be anticipated in those instances where novel contract terms are incorporated into the contract or where there is a lack of previous relevant trading experience in a particular commodity.

In revising Guideline No. 1, the Commission has determined not to include the requirement contained in the proposed rule that an exchange applying for designation in a commodity which is already trading on another exchange relate the trading experience of the other exchange to its application. The Commission has determined not to include this requirement because it is familiar with the trading history and patterns of those contracts already designated, and may be in a better position to ascertain information about those contracts than is a competing exchange. Of course, in certain instances, where issues involving the trading of other futures contracts are critical to a determination of whether designation of the pending applicant is in the public interest, the staff may require a contract market applying for designation to address this issue.

Section C of the guideline also includes a framework for demonstration of compliance with the economic purpose requirements for continuing designation. This provides that where an exchange is required to justify its continuing designation, a demonstration of economic purpose shall include an evaluation of the actual trading experience in the contract in terms of commercial usage and price basing, and an evaluation of the extent to which commercial participation constitutes hedging. This requirement is consistent with those portions of the legislative history which indicate that a primary test for economic purpose of an existing contract includes trading experience in the market.[15]

Several commentators took issue with this requirement on the grounds that it was unnecessary for a contract market in order to justify its continuing designation under a Commission Rule 1.50 request, 17 CFR § 1.50 (1981), to fulfill all of the requirements of the revised Guideline No. 1. Others maintained that this section was unnecessary in light of the Commission's low-volume contract rule, Commission Rule 5.3, 47 FR 29515 (1982) (to be codified in 17 CFR § 5.3). The revised Guideline is not inconsistent with either of these regulations.

The information required under Commission Rule 1.50 is specified by the Commission in its request. Accordingly, the Commission would determine on a case-by-case basis what sections of the guideline are included in the request for information. Thus, the Commission might require a board of trade to provide information with respect to one or all of the sections of revised Guideline No. 1, or it may even require additional information, depending upon the circumstances. Moreover, this guideline is not inconsistent with the low volume contract rule, Rule 5.3. That rule provides an alternative to Commission Rule 1.50. The information to be provided by the exchange under that rule, is far less than may be requested by the Commission under Commission Rule 1.50.

Section (d) of proposed Rule 5.1 required an affirmation of public interest. The Commission has determined not to include several of the subsections in the public interest requirement of the revised guideline which were provided for in the Commission's proposed Rule 5.1 (d).[16] Accordingly, the Commission is not requiring with each designation application under the revised guideline a demonstration of the efficacy of an exchange's rule-enforcement program.

The maintenance of an effective rule-enforcement program is a continuing obligation of each exchange and a requirement for initial or continuing designation of any exchange as a contract market. As such, the Commission routinely reviews rule-enforcement programs of the various exchanges independently of whether an exchange has applied for contract market designation. In conjuction with the staff's continuing oversight of the exchanges' rule-enforcement programs and with its review of initial designations, the staff may also request from an exchange a further explanation or a demonstration of how its existing programs will accommodate an additional contract, if designated. Moreover, an exchange may be required to submit to the Commission a demonstration of how it would adapt its surveillance program to unique aspects of a particular contract, should the staff so request. Given the ongoing nature of the Commission's oversight of exchange rule-enforcement programs, the Commission believes that such specific requests are better made in the particular circumstances where it is warranted. Accordingly, the Commission believes it is generally unnecessary for the exchanges to submit a justification of their overall programs as a routine aspect of the application process.

In addition, in revising the guideline the Commission has determined not to include certain routine requirements for contracts based on an aggregate of securities or an index thereon ("stock index") and any security issued or guaranteed by the United States or any agency thereof (U.S. debt security) which were contained in subparagraphs (d)(3) and (d)(4) respectively, of the proposed Rule 5.1.[17]

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[15] H.R. Rep. No. 975, 93d Cong. 2d Sess. 29 (1974).

[16] As part of the required affirmation of public interest, boards of trade were required to submit evidence that trading was not contrary to the public interest. That evidence required a demonstration of compliance with Commission Guideline No. 2, including a demonstration of the efficacy of the board of trade's enforcement program and a demonstration that the board of trade had in place a flexible program for surveillance and rule enforcement for the proposed contract market.

[17] Under proposed subparagraph (d)(3), boards of trade would have been required to routinely

With respect to contracts based upon stock indices, the Commission has engaged in further analysis and gained valuable experience in designation of these types of contracts since proposed Rule 5.1 was published for comment and does not believe that additional contracts in this area will necessarily raise unique issues which need be addressed by boards of trade concerning individual designation applications. Further, the Commission believes that certain issues pertaining to the manner in which a particular contract may impact on the underlying market will necessarily be addressed under Section B of the revised guideline which concerns the contract's terms and conditions.

Similarly, with respect to contracts on U.S. debt securities, the Commission has considered a number of issues pertaining generally to the trading of such contracts and does not believe that applications on additional contracts—particularly those which closely relate or essentially duplicate those already approved—will necessarily raise novel issues concerning the public interest considerations described in Section 2(a)(8)(B) of the Act, 7 U.S.C. 4a(g) (Supp. IV 1980).[18] The Commission notes, however, that with respect to contracts on either equity indices or U.S. debt securities, it retains the flexibility to require the exchanges to provide the relevant information concerning issues which could arise in connection with initial or continuing designation of these contracts.

In addition, the Commission has modified the requirement that the board of trade affirm that trading in the contract will not be contrary to the public interest. It has been the Commission's experience that such an affirmation has provided the Commission with little additional, useful information in determining whether the application for designation should be granted. Accordingly, the Commission has modified the requirement to provide that in those instances where, and as, directed, the board of trade shall provide additional information relating to any issue concerning whether the trading of the contract is in the public interest. By this provision, the Commission reserves the right to seek information from an applicant board of trade concerning any of the issues identified in proposed Rule 5.1 which have been deleted from the guideline, as well as any other issues which relate broadly to the public interest.

II. Application of Guideline to Options on Physicals

As part of its proposed rules to provide for a pilot program for the trading of options in physicals, 47 FR 28401 (June 30, 1982), the Commission determined to incorporate by rule various provisions of Guideline 1 into the application procedure for designation of options contract markets in physicals. The comment period on this proposal expired on July 30, 1982. Of the sixteen comment letters received by the Commission in connection with this proposal, four raised concerns with these requirements for applications for designation.

One of the chief concerns expressed by the commentators was with the codification in the option rules of those designation application requirements which were based upon Guideline No. 1. They contended that by adopting these requirements as regulations, the Commission and the boards of trade applying for designation would lose the flexibility necessary to file meaningful and coherent applications. The Commission has determined, at present, to incorporate their substance into the interpretive guideline. By so doing, the elements in applications for designation of contract markets in physicals common with designation applications in futures are located in a unified guideline.

Several of the commentators in their comments on the proposed options rules reiterated, or incorporated by reference the comments made in connection with proposed Rule 5.1. For example, the commentators objected to the codification of the application requirements, objected to the statistical data requirement for the cash market overview, and raised many of the same objections concerning vagueness or the requirements being over broad. The Commission has addressed these objections in its previous discussion of the guideline.[19]

List of Subjects in 17 CFR Part 5

Contract markets, Designation applications, Guideline No. 1, Public interest requirement.

PART 5—[AMENDED]

Accordingly, the Commission hereby amends Part 5 of Chapter I of Title 17 of the Code of Federal Regulations by adding Appendix A which shall read as follows:

Appendix A—Guideline No. 1; Interpretive Statement Regarding Economic and Public Interest Requirements for Contract Market Designation

For purposes of a board of trade seeking designation as a contract market and thereafter for the purpose of demonstrating continued compliance with the requirements of Sections 5 and 5a of the Commodity Exchange Act, the following shall be provided to the Commission.

A. *Description of the Cash Market.* In support of the justification and demostration to be furnished under Sections B and C of this guideline, a board of trade shall submit with its application a description of the cash market for the commodity on which the contract is based. For purposes of this section, the term cash market includes all aspects of the spot and forward markets in which the commodity underlying the contract is merchandised and for which the contract serves a hedging or price basing function. As applicable to the justification of individual contract terms or the contract's hedging or price basing function, the cash market description shall include:

(1) Production of the underlying commodity, including as appropriate, geographical locations and seasonal patterns in the case of tangible commodities and scheduled issuances in the case of financial instruments.

(2) Consumption of the underlying commodity, including, as appropriate, geographic locations and seasonal patterns of intermediate and ultimate consumption in the case of tangible commodities.

(3) The nature and structure of the cash marketing channels, including the nature and number of marketing institutions, the nature

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demonstrate that contracts on a stock index serve an economic purpose consistent with the proper functioning of the underlying market for the securities and include an analysis of the relationship between the volume of trading and nature of investment and trading in the contract and the underlying securities. Under proposed subparagraph (d)(4) concerning U.S. debt securities, boards of trade would have been required to routinely provide evidence concerning those public interest considerations described in Section 2(a)(8)(B) of the Act, 7 U.S.C. § 4a(g) (Supp. IV 1980), including evidence of the expected effect of the contract on the debt financing requirements of the United States Government and the continued efficiency of the underlying market for government securities.

[18] The Commission has considered these issues in a number of studies, in addition to its consideration of these issues during the course of its consideration of designation applications for contracts in U.S. debt securities. These studies include: *Treasury/Federal Reserve Study of Treasury Futures Markets: A Study by the Staff of the U.S. Treasury and Federal Reserve System*, U.S. Treasury and Federal Reserve System, Washington, D.C., May 1979; *CFTC Staff Response to the Treasury/Federal Reserve Study of Treasury Futures Markets*, Commodity Futures Trading Commission, Washington, D.C., June 1979; *Report to the Congress in Response to Section 21 of the Commodity Exchange Act. Pub. L. No. 96–276, 96th Cong. 2d Sess. Section 7, 94 Stat. 542*, Commodity Futures Trading Commission, Washington, D.C., May 29, 1981.

[19] The Commission finds that because Rule 5.1 was proposed prior to the effective date of the Regulatory Flexibility Act, Pub. L. 96–354, 948 Stat. 1164 *et seq.* and because the Commission is not here adopting a rule, the provisions of that Act are not applicable to this notice. Nevertheless, it is clear that even if the Regulatory Flexibility Act were applicable, this notice would not have an impact on "small entities" under the Commission's definition of that term. *See*, 47 FR 18618 (April 30, 1982).

of the forward contracting market, and the manner in which the price of the commodity is determined at various stages in its marketing.

(4) The prevalent means of market communications, methods of financing commodity ownership, and in the case of tangible commodities the manner in which tangible commodities are transported and stored.

(5) Information provided by the board of trade pursuant to this section shall include statistical data where applicable and where reasonably available. Such data shall cover a period of time sufficient to show accurately the historical patterns of production, consumption and marketing of the commodity which are relevant to the pricing or hedging use of the contract and/or the specification of its terms and conditions. In the absence of a justification for providing data from a shorter period, at least five (5) years of such data should be provided. If the board of trade through reasonable effort cannot obtain sufficient data, interviews with, or statements by, persons having knowledge of the cash market may be used to supplement or, if necessary, substitute for quantitative information.

(B) *Justification of Individual Contract Terms and Conditions.* A board of trade shall submit an analysis and justification of significant individual terms and conditions of the contract. Such analysis and justification for each term and condition should be supported in the manner provided by paragraph (5) of Section A of the guideline.

(1) The justification submitted by a board of trade concerning significant contract terms shall include, where applicable, (a) evidence of conformity with the underlying cash market and (b) evidence that the term for condition will provide for a deliverable supply which will not be conducive to price manipulation or distortion and that such a supply reasonably can be expected to be available to the short trader and saleable by the long trader at its market value in normal cash marketing channels. To the extent that a term or condition is not in conformity with prevailing cash market practices, the board of trade shall provide a reason for the variance and demonstrate that the term or condition is necessary or appropriate for the contract and will result in sufficiently available and saleable deliverable supplies.

(2) The justification shall also include, where applicable, the following:

(a) Complete specification of commodity characteristics for par and non-par delivery (such as grade, class, weight, issuer, maturity, rating) including the economic basis for the premiums and discounts, or lack thereof, for differing characteristics. For futures contracts based on debt securities, this shall include an economic justification of the formula to be used for the evaluation of non-par instruments.

(b) All delivery points, including, where applicable, for each point:

(i) The nature of the cash market at the delivery point (e.g., auction market, buying station or export terminal);

(ii) A description of the composition of the market;

(iii) The normal commercial practice for establishing cash market values and the availability of published cash prices reflecting the value of the deliverable commodity;

(iv) The level of deliverable supplies normally available, including the seasonal distribution of such supplies; and

(v) Any locational differentials for delivery points, including the economic basis for discounts or premiums, or lack thereof, applying to delivery points;

(c) A description of the delivery facility (such as warehouse, depository, financial institution) including:

(i) The type(s) of delivery facility at each delivery point;

(ii) The number and total capacity of facilities meeting contract requirements;

(iii) The proportion of such capacity expected to be available for traders who may wish to make delivery and seasonal changes in such proportions; and

(iv) The extent to which ownership and control of such facilities is dispersed or concentrated:

(d) Delivery months. The board of trade shall specify the delivery months and, where applicable, shall describe the relationship of each future delivery month to cyclical variations in deliverable supplies, availability of warehouse space, transportation facilities, cash market activity, and any other factors which may affect the viability of delivery in each such month. The board of trade's justification shall also consider the delivery months for existing contracts which draw on the same deliverable supply.

(e) The permissible delivery pack or composition of delivery units (such as 30 dozen cases of eggs or bonds of the same issue), including a description of any restrictions on the composition of the delivery unit;

(f) The size of contract unit, and, where relevant,

(i) Information concerning the typical cash market transaction size.

(ii) Information concerning the usual means of transportation for the commodity, including the quantity of the commodity customarily carried by such means, and

(iii) If a storable commodity is involved, the size of the unit normally handled by commercial storage facilities;

(g) The inspection and certification procedures for the verification of delivery eligibility and, for perishable commodities, the duration of the inspection certificate and any discounts applied to deliveries of a given age;

(h) The delivery instrument (such as a warehouse receipt of demand certificate), and the conditions under which such instrument is negotiable;

(i) The transportation terms at point of delivery (such as FOB, CIF, proportional rail billing or freight paid to another destination);

(j) The provisions for payment of costs in making and taking delivery, including a description of significant costs (such as inspection, assay, certification, warehouse charges or rail charges);

(k) The minimum price change (minimum price fluctuation), including the manner in which prices for the underlying commodity are normally quoted;

(l) Any restrictions on daily price movements (maximum price fluctuations), including the effect of any such restrictions upon the contract's pricing and hedging functions; and

(m) A demonstration that the contract terms and conditions, as a whole, will result in a deliverable supply which will not be conducive to price manipulation or distortion.

(3) In the case of contracts where cash settlements may serve as an alternative to or substitute for physical delivery, information submitted by the board of trade pursuant to this section must include evidence that the cash settlement of the contract is at a price reflecting the underlying cash market, will not be subject to manipulation, and must also include:

(a) an analysis of the price series upon which such settlement will be based, including the series' reliability, acceptability, public availability and timeliness.

(b) an analysis of the potential for manipulation of the cash-price series.

C. *Economic Purpose Test.* As a condition of initial and continued designation, a board of trade must demonstrate that the contract meets the economic purpose test. In order to meet the economic purpose test a board of trade shall demonstrate that:

(1) The prices involved in transactions for future delivery in the commodity are, or reasonably can be expected to be, generally quoted and disseminated as a basis for determining prices to producers, processors, merchants, or consumers of such commodity or the products or byproducts thereof, or

(2) Such transactions are, or reasonably can be expected to be, utilized by producers, processors, merchants, or consumers engaged in handling such commodity (including the products, byproducts or source commodity thereof) in interstate (including foreign) commerce as a means of hedging themselves against possible loss through fluctuations in price.

(3) For purposes of this section, the term hedging means bona fide hedging transactions and positions as defined in § 1.3(z)(1) of the Commission's rules.

(4) *Initial Designation.* To meet the economic purpose test at the time of initial designation, a board of trade must demonstrate that it is reasonable to expect the contract, as specified, to be used for hedging and/or price basing by providing an analysis of the potential price basing and hedging uses of the contract which shall include consideration of:

(a) The salient characteristics of the cash market, including its institutions and participants, as described pursuant to Section A of this guideline.

(b) The intended price basing or hedging characteristics of the specific contract terms and conditions, as described pursuant to Section B of this guideline. If a principal commercial use of the contract is expected to be hedging of commodities other than that for which designation is sought ("cross hedging") the board of trade shall supply data which indicates that such use of the contract would constitute appreciable risk reduction.

(c) As requested, statements from, or reports of interviews with potential users of the contract which convey specifically the manner and circumstances under which these persons may be expected to utilize the contract for pricing or hedging.

(5) *Continuing Designation.* To justify its continuing designation under the economic purpose requirement, a board of trade designated as a contract market must demonstrate that trading in the contract for which it is designated has, in fact, served a hedging or price basing function on more than an occasional basis. Such a demonstration shall include:

(a) An evaluation of the actual trading experience in the contract in terms of commercial usage and its use for price basing.

(b) An evaluation of the extent to which commercial participation in the contract constitutes hedging.

D. *Other Public Interest Requirements.* As requested, a board of trade shall submit evidence other than that required in sections B and C of this guideline pertaining to the public interest standard contained in Section 5(g) of the Act.

Issued in Washington, D.C. on October 28, 1982, by the Commission.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 82-30172 Filed 11-2-82; 8:45 am]

BILLING CODE 6351-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[PH-FRL2237-4; FAP 2H5344/R125]

Tolerances for Pesticides in Animal Feeds Administered by the Environmental Protection Agency; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a feed additive regulation for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the feed commodity dried grape pomace resulting from application of the insecticide to growing grapes. This regulation, to establish the maximum permissible level for residues of the insecticide in or on the commodity, was requested pursuant to a petition by the Interregional Research Project No. 4 (IR-4).

EFECTIVE DATE: Effective on November 3, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., NW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald R. Stubbs, Emergency Response Section, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 716B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of July 28, 1982 (47 FR 32602) that announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had filed a feed additive petition (FAP 2H5344) with the EPA. The petition proposed the establishment of a feed additive regulation for residues of the insecticide chlorpyrifos (*O,O*,-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on dried grape pomace at 2.0 parts per million (ppm) when present therein as a result of application of the insecticide to growing grapes.

No comments were received by the agency in response to this notice of filing.

The data submitted in the petition and other relevant materials have been evaluated and discussed in the notice of proposed rulemaking (PP 2E2584/P244) published in the **Federal Register** of August 25, 1982 (47 FR 37256) which proposed a tolerance in or on the commodity grapes.

The pesticide is considered useful for the purpose for which the tolerance is sought, and it is concluded that the pesticide may be safely used in the prescribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973, 80 Stat. 751; 7 U.S.C. 136(a) *et seq.*). Therefore, 21 CFR 561.98 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this notice in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food or feed additive levels, or conditions for safe use of additives, or raising such food or feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: November 3, 1982.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))).

List of Subjects in 21 CFR Part 561

Animal feeds, Pesticides and pests.

Dated: October 23, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 561—[AMENDED]

Therefore, 21 CFR 561.98 is amended by adding and alphabetically inserting the feed commodity dried grape pomace to read as follows:

§ 561.98 Chlorpyrifos.

* * * * *

Feeds	Parts per million
* * * * *	
Grape, pomace, dried	2.0
* * * * *	

[FR Doc. 82-29962 Filed 11-2-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Removal of Loperamide From Control

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule which removes the drug, loperamide, and its salts from control under the Controlled Substances Act (21 U.S.C. 801 et seq.). This action results from the Acting Administrator of the Drug Enforcement Administration finding that loperamide hydrochloride has a currently accepted medical use in treatment in the United States and does not have sufficient potential for abuse or abuse liability to justify its continued control in any schedule.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Drug Control Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 633–1366.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on July 28, 1982 (47 FR 32549) proposing the removal of loperamide and its salts from Schedule V of the Controlled Substances Act (21 U.S.C. 812(c) Schedule V(c), 21 CFR 1308.15(c)). All interested persons were given until September 27, 1982, to submit their objections, comments or requests for a hearing regarding the proposal. No comments or objections were received nor were there any requests for a hearing. In view thereof and based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of the Department of Health and Human Services, received pursuant to 21 U.S.C. 811(b), the Acting Administrator finds that loperamide hydrochloride has a currently accepted medical use in treatment in the United States and does not have sufficient potential for abuse to justify its continued control in any schedule of the Controlled Substances Act.

Therefore, under the authority vested in the Attorney General by Section 201(a) of the act (21 U.S.C. 811(a)) and delegated to the Acting Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Acting Administrator hereby orders that 21 CFR 1308.15 be amended by removing paragraph (c).

Pursuant to 5 U.S.C. 605(b), the Acting Administrator certifies that removal of loperamide from control under the Controlled Substances Act is a deregulation action which will have no adverse impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act (Pub. L. 96–354).

In accordance with the provisions of 21 U.S.C. 811(a), this final rule to remove loperamide from Schedule V is a formal rulemaking "on the record after opportunity for a hearing." Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such have been exempted from the consultation requirements of Executive Order 12291.

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

PART 1308—[AMENDED]

§ 1308.15 [Amended]

Accordingly, 21 CFR Part 1308 is amended as follows:

§ 1308.15 [Amended]

Section 1308.15 is amended by removing paragraph (c).

Dated: October 25, 1982.

Francis M. Mullen, Jr.,
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 82–30284 Filed 11–2–82; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7842]

Income Tax; Taxable Years Beginning After December 31, 1953; Relationship of Election by Nonresident Alien Individual To Be Treated as Resident and United States Income Tax Treaties

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the relationship of the election by a nonresident alien individual to be treated as a U.S. resident and United States income tax treaties. The changes are necessary because the paragraph dealing with the relationship of the election and tax treaties was reserved when the existing regulations were adopted. The regulations would provide guidance to individuals considering taking advantage of the election. The election provision was added to the tax law by the Tax Reform Act of 1976.

DATE: The amendments are effective for taxable years ending on or after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Charles C. Saverude of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave. N.W., Washington, D.C. 20224, Attention: CC: LR:T; 202–566–3323 not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On January 31, 1980, the **Federal Register** published amendments to the Income Tax Regulations (26 CFR Part 1) under sections 879, 6013, and other sections of the Internal Revenue Code of 1954. The amendments concerned the election under sections 6013 (g) and (h) by a nonresident alien individual to be treated as a U.S. resident and the treatment of community income where the election is not made. The amendments reserved § 1.6013–6(a)(2)(v) of the regulations. On September 12, 1980, the **Federal Register** published a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 6103 (g) of the Internal Revenue Code of 1954. The proposed amendment was to the reserved § 1.6013–6(a)(2)(v). After consideration of all comments submitted regarding the proposed amendment, the amendment is adopted by this Treasury decision. The final regulations delete an example and make clarifying amendments to the Income Tax Regulations under section 1441 of the Internal Revenue Code of 1954.

Discussion

Section 1012(a) of the Tax Reform Act of 1976 amended section 6013 of the Internal Revenue Code of 1954 by adding subsections (g) and (h), which provide that a nonresident alien individual may, under certain circumstances, elect to be treated as a U.S. resident. The principal effect of this election is to permit the nonresident alien individual to file a joint return with a spouse who is a resident or citizen of the United States.

An effect of being treated as a U.S. resident is that one is subject to income tax on worldwide income. The committee reports under the Tax Reform Act of 1976 state that an election under section 6013 (g) or (h) is an election to be taxed on worldwide income. H. Rep. No. 94–658, 94th Cong., 1st Sess. 204 (1975); S. Rep. No. 94–938, 94th Cong., 2d Sess. 213 (1976). The United States has entered into a number of income tax treaties with other countries. Under these treaties, the right of the treaty countries (including the United States) to tax income will depend in many cases, upon the country of which an individual is resident. As a nonresident alien individual making the election also may be a resident of another country, it is necessary to make clear the individual's residence for purposes of United States income tax treaties.

The regulations provide that an individual who makes the election may not, for United States income tax purposes, claim under any U.S. income tax treaty not to be a resident of the United States. Thus, the individual who makes the election will be subject to U.S. income tax on worldwide income even though the individual, as a resident of another country, may have been exempt under a U.S. income tax treaty from U.S. tax on certain income before making the election. The regulations provide an example of the operation of the new rule.

Summary of Changes and Public Comment

The final regulations delete an example from the proposed regulations and make three clarifying amendments to the withholding regulations under section 1441.

Two public comments were received concerning the proposed regulations. One commentator asserted that the proposed regulations violate United States income tax treaty obligations. The regulations do not violate U.S. treaty obligations as the section 6013 (g) and (h) elections represent choices by individuals themselves to be taxed on worldwide income, even though before making an election the individuals may have been exempt from U.S. income tax under the Internal Revenue Code or a U.S. income tax treaty.

Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required.

Drafting Information

The principal author of these regulations is Jason R. Felton of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing these regulations both on matters of substance and style.

List of Subjects

26 CFR 1.1441–1—1.1465–1

Income taxes, Aliens, Foreign corporations,

26 CFR 1.6001–1—1.6109–2

Administration and procedure, Tax depositaries.

Adoption of Amendments to the Regulations

The amendments to 26 CFR Part 1 are adopted as follows:

PART 1—[AMENDED]

1. Paragraph (a) (2)(v) is added to § 1.6013–6 to read as follows:

§ 1.6013–6 Election to treat nonresident alien individual as resident of the United States.

(a) Election for special treatment—

* * *

(2) Particular rules. * * *

(v) An individual who makes an election under this section may not, for United States income tax purposes, claim under any United States income tax treaty not to be a U.S. resident. The relationship of U.S. income tax treaties and the election under this section is illustrated by the following example.

Example. H, a U.S. citizen, is married to W, a nonresident alien of the United States and a domiciliary of country X. H and W maintain their only permanent home in country X. W receives both U.S. source and country X source interest during the taxable year. The interest is not effectively connected with a permanent establishment or a fixed base in any country. H and W make the section 6013 (g) election. Under article 11 (1) of the United States—country X Income Tax Convention interest derived and beneficially owned by a resident of one contracting state is exempt from tax in the other contracting state. Article 4 (1) of the treaty provides that an individual is a resident of a contracting state if subject to tax in that country by reason of the individual's domicile, residence, or citizenship. Under article 4 (1) of the treaty, W is a resident of country X by virtue of her domocile in country X and also of the United States by virtue of the section 6013 (g) election. Article 4 (2) of the treaty provides that if an individual is a resident of both the United States and country X by reason of article 4 (1), the individual shall be deemed to be a resident of the contracting state in which he or she has a permanent home available. Because W's sole permanent home is in country X, under article 4 (2) of the treaty W is treated as a resident of country X for purposes of the treaty. Because W has elected under section 6013(g) to be treated as a U.S. resident (and thus to be taxed on worldwide income), W may not, for U.S. income tax purposes, claim under the treaty not to be a U.S. resident. W, therefore, is subject to U.S. income tax on the interest. For purposes of country X income tax, W is considered a resident of country X under the treaty.

§ 1.1441–4 [Amended]

2. Paragraph (b)(2)(i) of § 1.1441–4 is amended by adding the following phrase immediately after the word "resident": "(including, in accordance with § 1.6013–6(a)(2)(v), an individual with respect to whom an election to be treated as a resident under section 6013(g) is in effect)".

§ 1.1441–5 [Amended]

3. Paragraph (d) of § 1.1441–5 is amended by adding the following new sentence immediately after the first sentence: "An individual with respect to whom an election to be treated as a resident under section 6013(g) is in effect is not, in accordance with § 1.1441–1, a resident for purposes of this section."

4. Section 1.1441–6 is amended by adding at the end thereof a new paragraph (d) to read as set forth below:

§ 1.1441–6 Withholding pursuant to the application of a tax treaty which confers a reduced rate of, or exemption from, United States income tax.

* * * * *

(d) *Section 6013(g) election.* A nonresident alien individual with respect to whom a section 6013(g) election to be treated as a resident is in effect may not, in accordance with § 1.6013–6(a)(2)(v), claim a reduced rate of, or exemption from, United States income tax under an income tax treaty.

* * * * *

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue

Approved: October 6, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82-30260 Filed 11-2-82; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-4-FRL 2239-4]

Hazardous Waste Management Programs; South Carolina; Authorization for Interim Authorization Phase II Components A and B

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination.

SUMMARY: The State of South Carolina has applied for Interim Authorization Phase II Components A and B. EPA has reviewed South Carolina's application for Phase II Interim Authorization, Components A and B, and has determined that South Carolina's hazardous waste program is substantially equivalent to the Federal program covered by Components A and B. The State of South Carolina is hereby granted Interim Authorization for Phase II, Components A and B, to operate the State's hazardous waste program covered by Components A and B, in lieu of the Federal program.

EFFECTIVE DATE: Interim Authorization Phase II, Components A and B, for South Carolina shall become effective November 3, 1982.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Telephone (404) 881–3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 **Federal Register** (45 FR 33063) the Environmental Protection Agency (EPA) promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), to protect human health and the environment from the improper management of hazardous waste. The Act (RCRA) includes provisions whereby a State agency may be authorized by EPA to administer the hazardous waste program in that State in lieu of a Federally administered program. For a State program to receive final authorization, its hazardous waste program must be fully equivalent to and consistent with the Federal program under RCRA. In order to expedite the authorization of State programs, RCRA allows EPA to grant a State agency Interim Authorization if its program is substantially equivalent to the Federal program. During Interim Authorization, a State can make whatever legislative or regulatory changes that may be needed for the State's hazardous waste program to become fully equivalent to the Federal program. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program takes effect.

Phase I regulations were published on May 19, 1980, and became effective on November 19, 1980. The Phase I regulations include the identification and listing of hazardous wastes, standards for generators and transporters of hazardous waste, standards for owners and operators of treatment, storage and disposal facilities, and requirements for State Programs. The Phase II regulations cover the procedures for issuing permits under RCRA and the standards that will be applied to treatment, storage, and disposal facilities in preparing permits. In the January 26, 1982 **Federal Register** (46 FR 7965), the Environmental Protection Agency announced that States could apply for components of Phase II of Interim Authorization. Component A, published in the **Federal Register** January 12, 1981 (46 FR 2801), contains standards for permitting containers, tanks, surface impoundments, and waste piles. Component B, published in the **Federal Register** January 23, 1982 (46 FR 7666), contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123, Subpart F (46 FR 8298) January 26, 1982.

The State of South Carolina received Interim Authorization for Phase I on February 25, 1981.

Draft Application.

The State of South Carolina submitted its draft application for Phase II Interim Authorization, Components A and B, on January 14, 1981. After detailed review, EPA identified several areas of major concern and transmitted comments to the State for its consideration:

The South Carolina program needed to demonstrate equivalence with the public participation requirements of section 7004(b) RCRA as amended by Pub. L. 96–482. The State also needed to clarify the Part 264 standards as they applied to Experimental, Emergency, Special Wastes, and Temporary Permits. In addition, it was necessary that the State delineate those areas where it lacked equivalent regulations and would refer to the Federal regulations to derive permit terms and conditions.

State officials resolved these issues through revisions in the Program Description, Memorandum of Agreement, and the Attorney General's Statement.

Final Application

On June 18, 1982, South Carolina submitted to EPA a Final Application for Interim Authorization Phase II, Components A and B, under RCRA. An EPA review team consisting of both Headquarters and Regional personnel made a detailed analysis of South Carolina's hazardous waste management program.

EPA comments were forwarded to the State on August 11, 1982. No *major* questions were raised in the comments. The comments requested clarification in the Program Description on public participation in the permitting process, clarification to the language in the MOA concerning permit modification, delistings and variances, and correction of typographical errors made by the State.

By letters dated August 16, 1982, and September 1, 1982, the State responded satisfactorily to the issues raised by EPA. In those letters the State clarified the issues on public participation, the MOA, and corrected typographical errors in the State's application.

Public Hearing and Comment Period

As noticed in the **Federal Register** on July 14, 1982 (47 FR 20170), EPA gave the public until August 15, 1982, to comment on the State's application. EPA issued a public notice for a hearing to be held in Columbia, South Carolina on August 26, 1982, if significant public interest was expressed. EPA received written comments supporting the hazardous waste program in South Carolina, one of which requested a public hearing to provide public understanding. EPA considered the hearing to be a mechanism for soliciting specific opinions and viewpoints from the public on Phase II, Components A and B, Interim Authorization. Education of the public for broader understanding of the hazardous waste program is best done by the State agency. The State agency provides responses to any information requests and holds public meetings to explain its programs. For this reason, EPA felt a public hearing was unwarranted based on this one request. After careful review, I have determined that the South Carolina hazardous waste program is substantially equivalent to the Federal program.

Certification: South Carolina Application for Interim Authorization, Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 123

Hazardous materials, Indians-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Intergovernmental relations, Penalties, Confidential business information.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Dated: October 1, 1982.

Charles R. Jeter,
Regional Administrator.

[FR Doc. 82-30263 Filed 11-2-82; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PH-FRL 2237-5; PP 2E2584/R483]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Chlorpyrifos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the raw agricultural commodity grapes. This regulation to establish a maximum permissible level for residues of the insecticide in or on grapes was requested pursuant to a petition by the Interregional Research Project No. 4 (IR-4).

DATE: Effective on November 3, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Emergency Response Section (TS-767), Registration Division Office of Pesticide Programs, Environmental Protection Agency, Rm. 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the **Federal Register** of August 25, 1982 (47 FR 37256) which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experimental Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2584 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Alabama, Arkansas, Georgia, Missouri, North Carolina, and South Carolina. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide chlorpyrifos (*0,0*-diethyl *0*-(3,5,6-trichloro-2-pyridyl) phosphorothioate) and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodity grapes at 0.5 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated and discussed in the notice of proposed rulemaking. The pesticide is useful for the purpose for which the tolerance is sought. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, on or before December 3, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests.

Dated: October 23, 1982.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.342 is amended by adding and alphabetically inserting the raw agricultural commodity grapes to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Grapes	0.5
* * * * *	

[FR Doc. 82-29963 Filed 11-2-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PH-FLR 2236-3; PP OF2317/R486]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 5-Ethoxy-3-(Trichloromethyl)-1, 2, 4-Thiadiazole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide 5-ethoxy-3-(tricholoromethyl)-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for residues of the fungicide in or on the commodities was requested pursuant to a petition by Olin Corporation.

EFFECTIVE DATE: Effective on November 3, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. M-3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 227, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of March 14, 1980 (45 FR 16556) that Olin Corporation, 120 Long Ridge Road, Stamford, CT 06904, had submitted pesticide petition OF2317 to the EPA. The petition proposed that tolerances be established for the combined residues of the fungicide 5-ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodities field corn grain; the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep; milk; and wheat grain at 0.05 part per million (ppm); and corn fodder and forage and wheat forage and straw at 0.1 ppm. The petition was subsequently amended increasing the proposed tolerances for meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep to 0.10 ppm and to include poultry. Non comments were evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. Based on the data submitted, there are expectations of residues occurring in eggs, milk, meat, fat and meat byproducts of livestock. However, the tolerances being established are adequate and will cover residues which could occur in these items.

The toxicology data considered in support of the tolerances included a 2-year dog feeding study with a no-observed-effect level (NOEL) of 100 ppm; a 2-year rat feeding study with a NOEL of 80 ppm and no significant oncongenic effect; a rabbit teratology study with a NOEL 15 mg/kg/day; a 3-generation reproduction study in rats with a NOEL of 80 ppm. Also considered as supplementary information were a rat teratology study with a NOEL of 100 mg/kg/day and a mouse oncogenicity study. The mouse study showed no significant oncogenic effects that could be conclusively attributed to the fungicide. Based on the dog feeding study, the NOEL is 100 ppm or 2.5 mg/kg of body weight (bw). Using a 100 fold safety factor, the acceptable daily intake (ADI) is 0.025 mg/kg/bw/day and the maximum permissible intake (MPI) is 1.5 mg/day for a 60-kg person. The proposed and established tolerances will result in a maximum theoretical exposure of 4.28 percent of the ADI.

No actions are currently pending against the continued registration of 5-ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole. The nature of the residues is adequately understood and an adequate analytical method for determining residues of the fungicide, gas chromatography with an electron capture detector, is available for enforcement purposes. It is concluded that the tolerances will protect the public health, and are established as set forth below.

Any person adversely affected by this regulation may, on or before December 3, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-received in response to the notice of filing.

The data submitted in the petition and other relevant material have been 534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic inpact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: October 21, 1982.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.370 is revised to read as follows:

§ 180.370 5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole; tolerances for residues.

Tolerances are established for residues of the fungicide 5-ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the following raw agricultural commodities:

Commodities	Parts per million
Avocados	0.15
Cattle, fat	.10
Cattle, mbyp	.10
Cattle, meat	10
Corn, field, grain	.05
Corn, fodder	10
Corn, forage	10
Cottonseed	.20
Eggs	.05
Goats, fat	10
Goats, mbyp	10
Goats, meat	10
Hogs, fat	.10
Hogs, mbyp	10
Hogs, meat	10
Horses, fat	.10
Horses, mbyp	.10
Horses, meat	.10
Milk	.05
Poultry, fat	10
Poultry, mbyp	10
Poultry, meat	.10
Sheep, fat	10
Sheep, mbyp	.10
Sheep, meat	10
Strawberries	.20
Wheat, forage	.10
Wheat, grain	.05
Wheat, straw	.10

[FR Doc. 82-29960 Filed 11-2-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PH-FRL 2237-3; OPP-300066A]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Ethoxylated Lignosulfonic Acid, Sodium Salt

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts ethoxylated lignosulfonic acid, sodium salt from the requirement of a tolerance when used as an inert ingredient in pesticide formulations. This regulation was requested by Westvaco.

EFFECTIVE DATE: Effective on November 3, 1982.

ADDRESS: Written objections may be submitted to the: Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Roland Blood, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7700).

SUPPLEMENTARY INFORMATION: EPA issued a notice of proposed rulemaking published in the Federal Register of September 22, 1982 (47 FR 41769), which announced that at the request of Westvaco, Chemical Division, PO Box 70848, Charleston Heights, SC 29405, the Administrator proposed to amend 40 CFR 180.1001 (c) by establishing an exemption from the requirement of a tolerance for ethoxylated lignosulfonic acid, sodium salt when used as inert ingredient in pesticide formulations.

There were no comments or requests for referral to an advisory committee received in response to the proposed rulemaking.

The bases for establishing the exemption were discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, on or before December 3, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: October 23, 1982.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001(c) is amended by adding and alphabetically inserting ethoxylated lignosulfonic acid, sodium salt to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * * * *		
Ethoxylated lignosulfonic acid, sodium salt.	....	Surfactant.
* * * * *		

[FR Doc. 82–29801 11–2–82; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 180

[PH–FRL 2236–5; OPP–300067A]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Secondary Alkyl (C_{11}–C_{15}) Poly (Oxyethylene) Acetate, Sodium Salt

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule exempts secondary alkyl (C_{11}–C_{15}) poly (oxyethylene) acetate, sodium salt from the requirement of a tolerance when used as inert ingredient in pesticide formulations. This regulation was requested by Sandoz, Colors and Chemicals.

EFFECTIVE DATE: Effective on November 3, 1982.

ADDRESS: Written objections may be submitted to the Hearing Clerk (A–110), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Peter Gray, Process Coordination Branch (TS–767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7700)

SUPPLEMENTARY INFORMATION: The EPA issued a notice of proposed rulemaking published in the **Federal Register** of September 29, 1982 (47 FR 42671) which announced that at the request of the Sandoz, Colors and Chemicals, the Administrator proposed to amend 40 CFR 180.1001 (c) and (e) by establishing exemptions from the requirement of a tolerance for secondary alkyl (C_{11}–C_{15}) poly (oxyethylene) acetate, sodium salt; the ethylene oxide content averages 5 moles.

There were no comments or requests for referral to an advisory committee received in response to the notice of filing.

The basis for establishing the exemption were discussed in the notice of proposed rulemaking. The pesticide is considered useful for the purpose for which the exemption is sought. It is concluded that the exemption will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, on or before December 3, 1982, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: October 19, 1982.

Edwin L. Johnson,
Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1001 is amended by adding and alphabetically inserting the inert ingredient secondary alkyl (C_{11}–C_{15}) poly (oxyethylene) acetate, sodium salt to the tables in paragraphs (c) and (e) to read as follows:

§180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert Ingredients	Limits	Uses
* * * * *		
Secondary alkyl (C_{11}–C_{15}) poly (oxyethylene) acetate, sodium salt; the ethylene oxide content averages 5 moles.		Surfactant
* * * * *		

(e) * * *

Inert Ingredients	Limits	Uses
* * * * *		
Secondary alkyl (C_{11}–C_{15}) poly (oxyethylene) acetate, sodium salt; the ethylene oxide content averages 5 moles.		Surfactant
* * * * *		

[FR Doc. 82–29078 Filed 11–2–82; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Assistants at Surgery

Correction

In FR Doc. 82–27148, beginning on page 43650 in the issue of Friday, October 1, 1982, the first line of § 405.580(c)(1) on page 43654 should read, "(1) Are required due to exceptional".

BILLING CODE 1505–01–M

42 CFR Part 405

Medicare Program; Treatment of Cost of Uncompensated Services Furnished in Fulfillment of a Hill-Burton Free Care Obligation

Correction

In FR Doc. 82–27224, beginning on page 43656 in the issue of Friday, October 1, 1982, the following change should be made:

The line immediately preceding Secretary Schweiker's signature in the third column of page 43658 should read,

"Approved: September 23, 1982".

BILLING CODE 1505-01-M

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42 CFR Parts 433 and 435

Medicaid Program; Liens, Adjustments, and Recoveries

Correction

In FR Doc. 82–27147, beginning on page 43644 in the issue of Friday, October 1, 1982, the following changes should be made:

1. On page 43646, the thirteenth line of the first complete paragraph in the first column should read, "procedures, and by whom and on what".

2. On page 43647, in § 433.36(g)(2), in the third column of the page, the third paragraph now designated "(1)" should have been designated "(i)".

3. On page 43648, the fourth line of § 435.122, in column two, should read, "supplements, it must provide Medicaid".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[43rd Rev. S.O. 1473]

Various Railroads Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Forty-third Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

DATES: Effective 11:59 p.m., October 31, 1982, and continuing in effect until 11:59 p.m., January 31, 1983, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr. (202) 275–1559.

SUPPLEMENTARY INFORMATION:

Decided October 27, 1982.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Appendix A, to the previous order, is revised by deleting at Items 1, 8.D., 21, 22, 23. B. C. D. and E., and 26.C., the authorities of carriers operating portions of the 650 mile line segment between Salina, Kansas and Dallas, Texas, and which was acquired from the Rock Island on October 21, 1982. This line will be operated by the Oklahoma, Kansas and Texas Railroad Company (OKT) effective November 1, 1982, under authority of Finance Docket No. 29923. All interim operators have been ordered, by Order No. 513 of the Bankruptcy Court, to cease as of 11:59 p.m., October 31, 1982, their use and occupancy of the Trustee's railroad properties encompassed in the OKT Transition. Appendix B, incorporated by reference in the previous order and last printed in Thirteenth Revised Service Order No. 1473, is also revised by deleting line segments 28, 31, 33, and 35, and by revising line segments 29 and 30 to remove the reference to dispatching.

All remaining items in both appendices are renumbered accordingly.

It has been brought to the attention of the Board that, in certain cases, payment of compensation to the Trustee for the use of Rock Island property is in arrears. All interim operators are reminded that compensation, whether determined by lease, agreement, or the Rock Island Formula, is a requirement of this order and should remain current.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty day' notice.

It is ordered,

§ 1033.1473 Service Order 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue derterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those vountarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commission Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1983, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Public Law 96–254.

This order shall be served upon the Association of American Railroads, Transporation Division, as agent of the railroads subscribing to the car service and care hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

List of Subjects in 49 CFR Part 1033

Railroads.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A

RI Lines Authorized To Be Operated by Interim Operators

1. *Peoria and Pekin Union Railway Company (PPU):*

A. All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

B. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).

2. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

3. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

4. Chicago and North Western Transportation Company (CNW):

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From East Des Moines, Iowa (milepost 350.8) to West Des Moines, Iowa (milepost 364.34).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. At Sibley, Iowa.

P. At Hartley, Iowa.

Q. From Carlisle to Indianola, Iowa.

R. At Omaha, Nebraska (between milepost 502 to milepost 504).

S. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

5. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. From Newport, Minnesota to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

B. From Davenport (milepost 182.35) to Iowa City, Iowa (milepost 237.01).

6. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka and Topeka, Kansas.

*7. *Missouri Pacific Railroad Company (MP):*

A. From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. From Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. From Hot Springs Junction (milepost 0.0) to and including Rock Island (milepost 4.7.)

8. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

9. *Cadillac and Lake City Railway Company (CLK):*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado, a distance of approximately 6.6 miles.

B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado, and Eastward from Colorado Springs to Falcon, Colorado (milepost 590.3), a total distance of approximately 25.1 miles.

C. From Simla, Colorado (milepost 558.3) to Colby, Kansas (milepost 387.0), a distance of approximately 171.3 miles.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado, a distance of approximately 83.8 miles.

10. *Baltimore and Ohio Railroad Company (BO):*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. From Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

11. *Keota Washington Transportation Company (KWTR):*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

12. *The La Salle and Bureau County Railroad Company (LSBC):*

A. From Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights and to effect interchange at the Kensington and Eastern Yard.

13. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma.

B. At St. Joseph, Missouri.

14. *The Brandon Corporation (BRAN):*

A. From Clay Center, Kansas (milepost 178.37), to Manhattan, Kansas (milepost 143.0), a distance of approximately 35 miles.

15. *Iowa Northern Railroad Company (IANR):*

A. From Cedar Rapids, Iowa (milepost 100.5), to Manly, Iowa, (milepost 225.1)

B. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

16. *Iowa Railroad Company (IRRC):*

A. From Council Bluffs (milepost 490.15) to West Des Moines, Iowa (milepost 364.34) a distance of approximately 126.81 miles.

B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

D. Overhead rights from West Des Moines, Iowa (milepost 364.34) to East Des Moines, Iowa (milepost 350.8). (This trackage is currently leased to the CNW, see Item, 5.E.)

E. From East Des Moines, Iows (milepost 350.8) to Iowa City, Iowa (milepost 237.01) a distance of 113.79 miles.

F. Overhead rights from Iowa City, Iowa (milepost 237.01) to Davenport, Iowa (milepost 182.35), including interchange with the Cedar Rapids and Iowa City Railway. (This trackage is currently leased to the MILW, see Item 6.D.)

G. From Bureau, Illinois (milepost 114.2) to Davenport, Iowa (milepost 182.35)

H. From Rock Island, Illinois through Milan, Illinois, to a point west of Milan sufficient to serve the Rock Island Industrial Complex.

I. At Rock Island, Illinois including 26th Street Yard.

J. From Altoona to Pella, Iowa.

17. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. From Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

18. *Chicago Short Line Railway Company (CSL):*

A. From Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

B. From Rock Island Junction westerly for approximately 3000 feet to Irondale Wye.

19. *Kyle Railroad Company (Kyle):*

A. From Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. KYLE will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.

B. From Belleville (milepost 187.0) to Mahaska, Kansas (milepost 170.0) a distance of approximately 17 miles.

C. From Belleville (milepost 225.34) to Clay Center, Kansas (milepost 178.37) a distance of approximately 47 miles.

*20. *North Central Oklahoma Railway, Inc. (NCOK):*

A. From Mangum, Oklahoma (milepost 97.2) to Anadarko, Oklahoma (milepost 18.0).

21. *South Central Arkansas Railway, Inc. (SCAR):* A. From El Dorado, Arkansas (milepost 99) to Ruston, Louisiana (milepost 154.77).

*22. *Burlington Northern Railroad Company (BN):* A. At Burlington, Iowa (milepost 0 to milepost 2.06). B. At Okeene, Oklahoma.

*23. *Fort Worth and Denver Railway Company (FWD):* A. From Amarillo to Bushland, Texas, including terminal trackage at Amarillo, and approximately three (3) miles northerly along the old Liberal Line. B. At North Fort Worth, Texas (milepost 603.0 to 611.4).

24. *Omaha, Lincoln and Beatrice Railway Company (OLB):* A. At Lincoln, Nebraska (milepost 559.16) to (milepost 560.83).

Note.—In the interest of operational clarity and efficiency, and considering OLB's lease with the Trustee, OLB will be the supervising carrier for operations and maintenance for the above segment to be operated jointly with COE.

25. *Colorado and Eastern Railway Company (COE):* A. At Lincoln, Nebraska (milepost 558.0) to (milepost 562.0) a distance of approximately 4.0 miles. (This authority is joint with OLB between mileposts 559.16 and 560.83, see Item 27, Note).

*Changed.

APPENDIX B

Line No.	Location to be operated	Railroads using	Rock Island functions to be performed
1	Rock Island Jct., IL switches	CO/BO, CWPS, CR, CSL	Track maintenance.
2	To ICG connection Cottage Ave., Chicago, IL.	CWPS	Track maintenance.
3	Irondale Branch, Chicago, IL	CWPS, CR	Track maintenance.
4	Chicago, IL, Regional Port, District Lake, Calumet Harbor, West Side.	ICG, CR, CSSB	Track maintenance.
5	Chicago (LaSalle St. Station) Joliet, IL.	RTA	Dispatching performed at Des Moines, IA (Suburban train operation).
5a	Joilet, IL—16th and Clark Streets	ICG, RTA	Interlocking Towers.
6	Moline-East Moline, IL, crossing signals.	BN DRINW	Highway crossing signal maintenance.
7	Rock Island, IL—26th Street	BN	Switchtender handles [illegible] and BN switches.
8	West Davenport-Muscatine, IA	MILW	Track and signal maintenance dispatching performed at Des Moines, IA, which controls entry switch at West Davenport (Automatic Block Signal).
9	Burlington-Mediapolis, IA	BN	Track maintenance dispatching performed at Des Moines. Highway crossing signals maintenance on BN trackage.
10	Eddyville-Beacon, IA	CNW	Track maintenance.
11	Cedar Rapids, IA—4th Street trackage.	ICG	Track maintenance.
12	Cedar Rapids, IA—9th Avenue crossing.	CNW	Control of CNW-RI crossing and highway crossing signal maintenance.
13	Waterloo, IA—McKinley Street crossing signals.	CNW	Highway crossing signal maintenance.
14	Iowa Jct.-Hollis, IL (Peoria Terminal Co.).	TPW	Track maintenance; dispatching performed by Peoria yardmaster.

APPENDIX B—Continued

15	Des Moines (Easton Blvd.) West Des Moines, IA.	CNW	Track and signal maintenance; operate and maintain RI and CNW tracks; signals-switches . controlled at Short Line Tower (Automatic Block Signal).
16	Almena Jct.-CB&Q Jct. KS (Oronoque).	BN	Track maintenance; dispatching performed at Des Moines, IA; hand thrown switches; (Automatic Block Signal).
17	Colorado Springs-Roswell Industrial District, CO.	ATSF	Track maintenance.
18	Council Bluffs, IA—6th, 7th, 8th St. crossing signals.	BN	Highway crossing signal maintenance.
18a	Council Bluffs, IA, vicinity BN of 14th Street.	BN	Diamond crossing maintenance. Interlocking plant maintenance and operation.
19	Albert Lea-Glenville, MN	CNW-ICG	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC.
20	Glenville-MN Manly, IA	CNW	Operator at Manley.
21	Inver Grove-South St. Paul, MN	CNW, SOO	Track and signal maintenance; dispatching performed at Des Moines, IA which controls CTC.
22	Limon, CO	UP	Operator.
23	Polo-Airline Jct., MO	MILW	Track and signal maintenance; disptaching performed at Des Moines, IA which controls CTC from Polo to Birmingham. (Birmingham to Airline Jct. CTC controlled by MILW at Truman Bridge under RI dispatcher's direction.)
24	Atchison, KS-St. Joseph, MO	ATFS	Track and signal maintenance; dispatching performed at El Reno, OK.
25	Wathena-Troy, KS	UP	Track and signal maintenance; dispatching at El Reno, OK.
26	Herington, KS-MP crossing interlocking.	MP	Interlocking controlled by RI operator (cannot be lined for MP and left unattended—signalling on MP cleared directionally).
27	Dodge City, KS	ATSF	Between Dodge City and ATSF Jct. over Arkansas River bridge track and bridge maintenance only (Line not in service at present).
28	McAllester-Shawnee, OK	MKT	Track and signal maintenance.
29	Sahawnee-Oklahoma City, OK	ATSF-MKT	Track and signal maintenance.
30	Malvern-Hot Spring, AR	MP	Dispatching performed at El Reno, OK.
31	Dallas, TX Right of District (formerly Dallas Union Terminal).	MP, MKT, FWD, ATSF, SP, SSW, SLSF.	Track and signal maintenance; maintain and control operation from towers. Supervision and maintenance to be provided by Missouri Pacific Railroad Company.
32	Sagniaw, TX	FWD, ATSF	Track and signal maintenance; interlocking controls, switches, and signals.
33	Memphis, TN, Section "A" trackage (1,460 feet) owned by LN.	ICG, LN, SOU	Track maintenance.
34	Briark-West Memphis, AR	SSW-MP	Track and signal maintenance; dispatching . performed at El Reno, OK: CTC controlled from Kentucky St.
35	West Memphis-Brinkley, AR	SSW	Track and signal maintenance; dispatching performed at El Reno, OK ABS—Block signals operator at Brinkley.
36	Irving-Carrollton, TX	SLSF	Maintenance, dispatching (all functions performed by SLSF at present).
37	Iowa Falls, IA	ICG	Interlocking towers.
38	Rock Island Junction, AR to Hermitage, AR.	WSR	Maintenance.
39	Thompson, NE	BN	Diamond crossing maintenance.
40	Beatrice, NE	BN	Diamond crossing maintenance.
41	Centerville, IA	BN	Interlocking plant maintenance and operation.
42	La Salle, IL	BN	Diamond crossing maintenance.
43	Ottawa, IL	BN	Interlocking plant maintenance.
44	Colona, IL	BN	Interlocking plant maintenance.
45	St. Joseph, Mo	BN	Diamond crossing maintenance.

Proposed Rules

Federal Register
Vol. 47, No. 213
Wednesday, November 3, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 113

Nondiscrimination in Federally Assisted Programs of SBA; Effectuation of Policies of Federal Government and SBA

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: In accordance with the requirement of 28 CFR 42.403(d) and in effectuation of Federal Government and Small Business Administration policies against discrimination, the Small Business Administration proposes to revise Appendix A to Part 113 by updating its listing of programs that receive Federal financial assistance and to include all nonfinancial programs. In addition, it is necessary to amend the definition of "financial assistance" to coincide with the definition which appears at 28 CFR 42.102(c). The proposed rule amending Appendix A which was published in the **Federal Register** on May 19, 1982, is withdrawn, (47 FR 21554).

DATES: Comments on this proposed rule must be received by December 3, 1982.

ADDRESSES: Send comments to: Office of Civil Rights Compliance, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Adelino Sanchez, Chief (202) 653–6579.

SUPPLEMENTARY INFORMATION: Part 112 of this Chapter, issued pursuant to Title VI of the Civil Rights Act of 1964, prohibits discrimination on the basis of race, color, or national origin by some recipients of financial assistance from the Small Business Administration. The purpose of Part 113 is to reflect to the fullest extent possible the nondiscrimination policies of the Federal government as expressed in the several statutes, Executive Orders, and messages of the President dealing with civil rights and equality of opportunity, and in the previous determination of the Administrator of SBA that discrimination based on race, color, religion, sex, marital status, handicap or national origin shall be prohibited to the extent that it is not prohibited by Part 112 of this Chapter, to all recipients of financial assistance from SBA. The Agency is proposing to amend Part 113 of this Chapter to include the definition of "financial assistance" as it appears in § 42.102(c) of Title 28 of Code of Federal Regulations. That subsection defines the term "financial assistance" to include (1) grants and loans of federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any financial agreement, arrangement, or other contract which has as one of its purposes the provision of assistance. In addition, § 42.103(d) of Title 28 of the Code of Federal Regulations requires each Federal agency to supplement its Title VI regulation with an appendix listing the types of Federal financial assistance and to periodically update such appendix in the Federal Register. Accordingly, the Agency is proposing to amend Appendix A of Part 113 of Title 13 of the Code of Federal Regulations to include a listing of all of its financial and nonfinancial assistance programs.

SBA hereby certifies that this rule, if promulgated in final form, will not constitute a major rule for the purposes of Executive Order 12291. In addition, for purposes of the Regulatory Flexibility Act, this rule will not have a significant economic impact on a substantial number of small entities. The rule constitutes a nonsubstantive procedural change, and by its terms will not significantly affect the administration of any of SBA's financial assistance programs.

List of Subjects in 13 CFR Part 113

Aged, Civil rights, Handicapped, Loan programs/business, Marital status discrimination, Religious discrimination, Sex discrimination, Small businesses.

PART 113—[AMENDED]

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), Part 113, Chapter I, Title 13 of the Code of Federal Regulations, would be amended as follows:

1. Section 113.2(b) would be revised to read as follows:

§ 113.2 [Amended]

(a) The term "financial assistance" includes (1) grants and loans of Federal funds, (2) the grant or donation of Federal property and interests in property, (3) the detail of Federal personnel, (4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient, and (5) any financial agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

2. Appendix A of Part 113 of Title 13 of the Code of Federal Regulations would be revised to read as follows:

APPENDIX A

Name of program	Authority
Business Loans	Small Business Act, section 7(a).
Debtor State development companies (501) and their small business concerns.	Small Business Investment Act, Title V.
Debtor local development companies (502) and their small business concerns.	Small Business Investment Act, Title V.
Debtor certified development companies (503) and their small business concerns.	Small Business Investment Act, Title V.
Debtor small business investment companies and their small business concerns.	Small Business Investment Act, Title III.
Pollution Control	Small Business Investment Act, Title IV, Part A.
Surety Bond Guarantees	Small Business Investment Act, Title IV, Part B.
Disaster loans:	
Physical, including riot	Small Business Act, section 7(b)(1).
Economic Injury (EIDL)	Small Business Act, section 7(b)(2).
Federal Action Loan Program.	Small Business Act, section 7(b)(3). (No funds have been authorized for this program for FY 1982 thru FY 1984.).
Women's Business Enterprise.	Executive Order 12138.
Procurement Automated Source System.	Small Business Act, section 8.
Business Development Program.	Small Business Act, section 8(a).

APPENDIX A—Continued

Name of program	Authority
Subcontracting Program	Small Business Act, section 8(d)
Small Business Institute	Small Business Act, section 8(b)(1).
Certificate of Competency	Small Business Act, section 8(b)(7).
Technology Assistance Program.	Small Business Act, section 9.
Small Business Development Centers.	Small Business Act, section 21.
International Trade Program	Small Business Act, section 22.
Technical and Management Assistance.	Small Business Act, section 7(j).
Service Corps of Retired Executives and Active Corps of Executives.	Small Business Act, section 8(b)(1).

(Catalog of Federal Domestic Assistance Programs No. 59.001 through 59.031.)

Dated: October 19, 1982.

James C. Sanders,

Administrator.

[FR Doc. 82-29733 Filed 11-2-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79-76-141 (Texas-24)]

High-Cost Gas Produced From Tight Formations; Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Garza Sand be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on December 13, 1982.

Public hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 12, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

In the matter of high-cost Gas produced from tight formations; Docket No. RM79-76-141 (Texas-24).

Notice of Proposed Rulemaking By Director, OPPR

Issued: October 28, 1982.

I. Background

On September 20, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Garza Sand, located in Duval County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Garza Sand be designated a tight formation should be adopted. Texas' recomendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended formation is located in Duval County, Texas, Railroad Commission District 4. The recommended area is located approximately 3 miles west of Concepcion, Texas. It includes 3,820 acres of the southwest portion of Andres Garcia Heirs Survey, Abstract 657; 415 acres in the southeast corner of Santos Flores Survey, Abstract 213; 6,290 acres in the north half of the R. Ramirez Survey, Abstract 475; and 1,105 acres of the northeast portion of the Marcello Ynojosa Survey, Abstract 628. The Garza Sand is described as being very fine-grained, very silty, shaly and limey.

The Garza Sand lies at depths ranging from −6,700 feet to approximately −7,400 feet subsea. The maximum thickness encountered in any well is 13 feet, in the Sexton Oil & Minerals No. 1 Aminta Garza. Maximum thickness of the sand is estimated at 15 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the recommended portion of the Garza Sand, as described and delineated in Texas' recommendation as filed with the Commission, be designated as tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 13, 1982. Each person submitting a comment shoud indicate that the comment is being submitted in Docket No. RM79-76-141 (Texas—24) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 12, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432.)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(143) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) Designated tight formations.

* * * * *

(143) *Garza Sand in Texas.* RM79–76–141 (Texas-24)

(i) *Delineation of formation.* The Garza Sand is found in Duval County in Texas. The designated area is located approximately 3 miles west of the city of Concepcion, Texas, in Railroad Commission District 4 and includes portions of the following surveys: Andres Garcia Heirs Survey, Abstract 657; Santos Flores Survey, Abstract 475; R. Ramirez Survey, Abstract 475; and Marcello Ynojosa Survey, Abstract 628.

(ii) *Depth.* The top of the Garza Sand ranges from a measured depth of −6,700 feet to approximately −7,400 feet subsea.

[FR Doc. 82–30262 Filed 11–2–82; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 134, 148, 162, 171 and 172

Proposed Customs Regulations Amendments Relating to Penalties and Penalties Procedures

AGENCY: Customs Service, Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Customs Regulations relating to penalties and penalties procedures. The document would: (a) Add the revised penalty guidelines relating to 19 U.S.C. 1592 as an appendix to Part 171, Customs Regulations (19 CFR Part 171); (b) clarify the requirements and criteria applicable to prior disclosures of violations of 19 U.S.C. 1592; (c) place a limitation on the number of supplemental petitions requesting relief from fines, penalties, and forfeitures and from liquidated damages claims; and (d) make certain other minor, technical changes to Customs Regulations.

The proposed amendments are necessary in view of legislative and procedural changes relating to Customs fines, penalties, and forfeitures program.

DATE: Comments must be received on or before January 3, 1983.

ADDRESS: Written comments (preferably in triplicate) should be addressed to the Commissioner of Customs, Attention: Regulations Control Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2428, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Horold Loring, Commercial Fraud and Negligence Penalties Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202–566–8317).

SUPPLEMENTARY INFORMATION:

Background

Section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592; hereinafter referred to as section 592), provides for penalties and penalties procedures when, by fraud, gross negligence or negligence, merchandise is entered, introduced, or attempted to be entered or introduced into the commerce of the United States, by means of any document, written or oral statement, or act, which is material and false, or by means of any material omission; or when a person aids or abets any other person in the entry, introduction, or attempted entry or introduction of merchandise by such means. Section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), provides for the remission or mitigation of fines, penalties, and forfeitures by the Secretary of the Treasury.

Public Law 95–410, the "Customs Procedural Reform and Simplification Act of 1978," amended section 592. As a result of changes made by Pub. L. 95–410, and as a result of a consideration of various aspects of its fines, penalties, and forfeitures program, the Customs Service believes that changes in its regulations are necessary. These changes are described in detail as follows.

Mitigation Guidelines for Section 592 Liabilities

Pursuant to Pub. L. 95–410, new procedures were adopted for the imposition of a monetary penalty or, in limited circumstances, for the seizure of merchandise, for a violation of section 592.

In a document published as T.D. 79–160 in the **Federal Register** on June 4, 1979 (44 FR 31950), guidelines used by Customs for the mitigation of claims for monetary penalties assessed pursuant to section 592 were approved by the Treasury Department. A notice advising the public that the guidelines were available upon request from Customs was published as T.D. 80–160 in the **Federal Register** on June 17, 1980 (45 FR 40975). That document also amended § 171.23, Customs Regulations (19 CFR 171.23), to provide that the guidelines were available to the public upon written request to Customs Headquarters.

Because of the widespread interest generated by the notice, and in light of the effects that the guidelines may have upon persons or organizations subject to their application, Customs determined that it would be in the interest of the efficient and effective administration of the Customs laws and regulations relating to fines, penalties, and forfeitures to publish the guidelines and solicit comments from the public. Accordingly, on September 22, 1980, a notice soliciting public comment on guidelines used by Customs for mitigation of claims for monetary penalties assessed pursuant to section 592 was published in the **Federal Register** (45 FR 62954). Numerous comments were received and analyzed. In view of these comments and Customs experience in applying the current guidelines, a substantial revision of the mitigation guidelines has been undertaken.

The revised penalty guidelines are designed to be used by field officers in assessing, as well as mitigating, claims for monetary penalty under section 592. Once issued, the revised guidelines will increase cooperation between Customs and the importing community, and prove beneficial for importers who, upon receipt of pre-penalty notices, will find it more economical to plead all aspects of their case from the outset before local Customs officials. In view of this revision, a decrease in litigation is expected. In furtherance of the aforestated objectives, the guidelines would instruct field officers to consider mitigating, aggravating, and extraordinary factors in assessing a claim for monetary penalty. It is proposed to issue the revised guidelines as an appendix to Part 171, Customs Regulations (19 CFR Part 171).

Prior Disclosure

Section 162.74, Customs Regulations (19 CFR 162.74), concerns the "prior disclosure" of violations of section 592.

It is proposed to amend § 162.74(a) to add the requirement that a prior disclosure must be made in writing to a district director. Proposed § 162.74(a) would further provide that a disclosure to Customs of information concerning a violation which the appropriate Customs officer is satisfied was made before, or without knowledge of, the commencement of a formal investigation, but which does not otherwise meet the requirements of this section, will be considered as an extraordinary factor under the guidelines for mitigation of penalties assessed pursuant to section 592 (See Appendix A to this Notice).

It is proposed to redesignate present § 162.74(b) as § 162.74(c) and to add a new § 162.74(b). New § 162.74(b) would relate to the time of the prior disclosure. It would provide that a prior disclosure is deemed to have been made at the time of receipt by Customs of the documents which disclose the violation. If the documents are mailed, they are to be sent by certified mail, return-receipt requested. If the documents are delivered by hand, the person delivering the documents is to request a receipt from Customs, stating the time and date of receipt. The documents, whether mailed or hand-delivered, should be addressed to the immediate attention of the district director.

It is proposed to amend present § 162.74(c), which sets forth rules concerning when a formal investigation of a violation is considered to be commenced, and to redesignate the amended section as § 162.74(d). The amendments will result in the clarification and condensation of the definition of "commencement of a formal investigation."

Proposed § 162.74(d)(1) would amend present § 162.74(c)(1) to insert the words "recorded in writing as the date on which" immediately following "on the date". Proposed § 162.74(d)(2) would amend present section 162.74(c)(3) to substitute the words "by an investigating agent in the investigatory record (including contemporaneous notes) as the date on which facts and circumstances were discovered or information was received which caused an investigating agent to" for "in writing by an investigating agent as the date on which he discovered facts and circumstances which caused him to." Proposed § 162.74(d)(3) would amend present § 162.74(c)(3) to delete the words "on the Memorandum of Information Received, Customs Form 4621," and to insert the words "in the investigatory record (including contemporaneous notes)" immediately following "by the Office of Investigations." It is proposed to eliminate present § 162.74(c)(4), (5), and (6) and to add a new § 162.74(d)(4), that section would provide that, in all cases not within the scope of proposed § 162.74(d)(1), (2), and (3), a formal investigation is considered to be commenced on the earliest of the following dates: (i) The date recorded in writing by the Office of Investigations in the investigatory record (including contemporaneous notes) as the date on which facts and circumstances were discovered or information was received which caused an investigating agent to believe that the possibility of a violation of section 592 existed with respect to the disclosing party and the disclosed information; (ii) the date on which an investigating agent, having properly identified himself and the nature of his inquiry, had, either in person or in writing, made an inquiry of the violation concerning the type of or circumstances of the disclosed violation; or (iii) the date on which the agent requested specific books and records from the person relating to the disclosed information.

Present § 162.74(d) relates to proof of lack of knowledge of the commencement of a formal investigation. This section would be expanded and redesignated as § 162.74(f). It would provide that a person who claims the lack of knowledge of the commencement of a formal investigation has the burden of proving that lack of knowledge. Proposed § 162.74(f) would further provide that a person shall be deemed to have had knowledge of the commencement of a formal investigation of a violation if within three years before any claimed prior disclosure of the violations: (i) An investigating agent, having properly identified himself and the nature of his inquiry, had, either in person or in writing, made an inquiry of the person concerning the type of or circumstances of the disclosed violation; or (ii) an investigating agent requested specific books and records of the person relating to the disclosed information.

Proposed § 162.74(e) would relate to the circumstances under which a formal investigation commences upon the expansion of an existing investigation to additional violations, committed by the same person, which are outside the scope of the existing investigation. A formal investigation as to such additional violations would be deemed to have commenced on the earliest of the following dates: (i) The date recorded in writing by the Office of Investigations in the investigatory record (including contemporaneous notes) as the date on which facts and circumstances were discovered or information was received which caused an investigating agent to believe that the possibility of a violation of section 592 existed with respect to the additional violations; (ii) the date on which an investigating agent, having properly identified himself and the nature of his inquiry, had, either in person or in writing, made an inquiry of the person concerning the type of or circumstances of additional violations; or (iii) the date on which the agent requested specific books and records of the person relating to the additional violations.

It is proposed to redesignate present § 162.74(e), (f), and (g) as § 162.74(h), (i), and (j), respectively.

It is proposed to add a new § 162.74(g) which would relate to penalty claims not requiring formal investigation. That section would provide that a prior disclosure may not be made after an authorized Customs officer determines that there is reasonable cause to believe that there has been a violation of section 592 and determines that a claim for monetary penalty shall be issued without commencement of a formal investigation.

Section 162.71 sets forth definitions of certain terms used in Subpart G, Part 162, Customs Regulations (19 CFR Part 162). The proposed amendments would add a new § 162.71(e) to define "discloses the circumstances of a violation" as that term is used in § 162.74(a). As so defined, the term would mean the act of providing to Customs, in writing, a statement which identifies the merchandise and importation involved in the violation, the material false statement or omission made, and, to the best of the disclosing party's knowledge, the true and accurate information or data which should have been provided in the entry documents.

Supplemental Petitions

Sections 171.33 and 172.33, Customs Regulations (19 CFR 171.33, 172.33) pertain to supplemental petitions for relief from fines, penalties, and forfeitures and from liquidated damages claims.

A new paragraph (c) limiting the number of supplemental petitions to two would be added to §§ 171.33 and 172.33. This proposed amendment would require, with the filing of the second supplemental petition, full payment of all penalties and withheld duties determined to be due in the decision rendered on the first supplemental petition. Such payment would have to be made within 60 days from the date of notice to the petitioner of the decision on the first supplemental petition if no effective period is prescribed in the decision, or within such prescribed time if indicated. The new subsection would also provide that a second supplemental petition will not be considered except in one of the following circumstances: (1) If it is filed within two years from the date of notice to the petitioner of the decision on the first supplemental petition; (2) if it is filed within 60 days following an administrative or judicial decision with respect to the entries involved in the penalty case which reduces the loss of duties upon which the mitigated penalty amount was based; or (3) if the Commissioner in his discretion determines that the acceptance of a second supplemental petition is warranted. In sub-section (c) of § 171.33, the term "second supplemental petition" would be defined to include an offer in compromise made under the provisions of 19 U.S.C. 1617 prior to the commencement of a civil action to enforce the penalty claim.

In addition, the proposed amendments would substitute the words "from which further relief is requested" for "on the initial petition for relief" in §§ 171.33(a)(1) and (2), and 172.33(a) (1) and (2).

Nothing in these amendments should be construed as limiting or precluding the opportunity afforded under Treasury Order 219-2 (41 FR 8192, February 25, 1976) to seek an appeal to the Secretary of the Treasury.

Other Amendments

Sections 134.52, 148.19, 162.75, and 162.79, Customs Regulations (19 CFR 134.52, 148.19, 162.75, 162.79), contain provisions relating to liabilities incurred under section 592. It is proposed to make minor, technical amendments to these sections to conform them to the amendments made by Pub. L. 95-410.

For the purpose of conformity with the amendments made by Pub. L. 95-410, it is further proposed to remove sections 162.41 (a) and (b), Customs Regulations (19 CFR 162.41(a) and (b)), and to redesignate § 162.41(c) as new § 162.80, Customs Regulations (19 CFR 162.80).

Section 162.78, Customs Regulations (19 CFR 162.78), provides that the person named in a pre-penalty notice may make presentations to Customs in response to the pre-penalty notice. Section 162.78(a) prescribes the time limits for making presentations and § 162.78(b) pertains to extensions of the time limits. It is proposed to amend § 162.78(b) to state that, upon request, an extension may be granted if the Commissioner of Customs determines that the case involves an issue which is a proper matter for submission to Customs Headquarters under internal advice procedures (see § 177.11(b)(2), Customs Regulations (19 CFR 177.11(b)(2)).

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Control Branch, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

These amendments are proposed under the authority of R. S. 251, as amended, R. S. 5294, as amended, section 9, 24 Stat. 81, as amended, sections 623, 624, 641, 46 Stat. 759, as amended (19 U.S.C. 66, 1623, 1624, 1641, 46 U.S.C. 7, 320).

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604), are not applicable to this proposal because the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities or to impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

Because this document will not result in a regulation which will be a "major rule" as defined in section 1(b) of E.O. 12291, a regulatory impact analysis as prescribed by section 3 of the E.O. is not required.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

List of Subjects

19 CFR Part 134

Customs duties and inspection, Imports.

19 CFR Part 148

Customs duties and inspection, Imports.

19 CFR Part 162

Customs duties and inspection, Imports, Administrative practice and procedures, Law enforcement, Penalties, Seizures and forfeitures, Prior disclosure.

19 CFR Part 171

Customs duties and inspection, Imports, Administrative practice and procedure, Law enforcement, Penalties, Seizures and forfeitures.

19 CFR Part 172

Customs duties and inspection, Imports, Administrative practice and procedure, Liquidated damages.

Proposed Regulations Amendments

It is proposed to amend Parts 134, 148, 162, 171, and 172, Customs Regulations (19 CFR Parts 134, 148, 162, 171, 172), in the following manner:

PART 134—COUNTRY OF ORIGIN MARKING

§ 134.52 [Amended]

It is proposed to amend the first sentence of § 134.52(d) by substituting "monetary penalty" for "forfeiture value."

PART 148—PERSONAL DECLARATIONS AND EXEMPTIONS

It is proposed to revise § 148.19 to read as follows:

§ 148.19 False or fraudulent statement.

A passenger who makes any false or fraudulent statement or engages in other conduct within the purview of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), whereby a Customs officer is or may be induced to pass an article free of duty or at less than the proper amount of duty, shall be deemed to have violated 19 U.S.C. 1592. In any such case the article involved shall be seized only if one or more of the conditions set forth in section 162.75 of this chapter are present, if it is available for seizure at the time the violation is detected, and if such seizure is otherwise practicable, unless the article is in the possession of on innocent holder for value who has full right to possession as against any party to the Customs violation. If seizure is not made, a claim for monetary penalty, determined in accordance with 19 U.S.C. 1592, shall be assessed against the passenger. Whether the article is seized or a monetary penalty assessed, the duty estimated to be due thereon shall be demanded of the passenger as soon as possible after discovery of the violation. Any applicable internal revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited.

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

§ 162.41 [Removed and Reserved]

§ 162.80 [Added]

1. It is proposed to amend Part 162 by removing § 162.41 and by redesignating § 162.41(c) as new § 162.80. Section 162.41 would be marked "[Reserved]."

2. It is proposed to amend § 162.71 by adding a new paragraph (e) to read as follows:

§ 162.71 Definitions.

* * * * *

(e) *Discloses the circumstances of the violation.* When used in § 162.74(a), the term "discloses the circumstances of the violation" means the act of providing to Customs a written statement which:

(1) Identifies the class or kind of merchandise involved in the violation;

(2) Identifies the importation included in the disclosure by entry number or by indicating each Customs port of entry and the approximate dates of entry;

(3) Specifies the material false statements or material omissions made; and

(4) Sets forth to the best of the violator's knowledge, the true and accurate information or data which should have been provided in the entry documents.

3. It is proposed to revise § 162.74 to read as follows:

§ 162.74 Prior disclosure.

(a) *In general.* A prior disclosure is made if the person concerned discloses the circumstances of a violation (as declined in § 162.71(e)) of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), in writing to a district director before, or without knowledge of, the commencement of a formal investigation of that violation, and makes a tender of any actual loss of duties in accordance with paragraph (h) of this section. A disclosure to Customs of information concerning a violation which the appropriate Customs officer is satisfied was made before, or without knowledge of, the commencement of a formal investigation, but which does not otherwise meet these requirements will be considered as an extraordinary factor under the guidelines for mitigation of penalties assessed under 19 U.S.C. 1592.

(b) *Time of prior disclosure: Time of receipt.* (1) A prior disclosure is deemed to have been made at the time of receipt by Customs of the documents which disclose the violation;

(2) If the documents are mailed, they are to be sent by certified mail, return-receipt requested;

(3) If the documents are delivered by hand, the person delivering the documents is to request a receipt from Customs, stating the time and date of receipt; and

(4) The documents, whether mailed or hand-delivered, should be addressed to the immediate attention of the district director.

(c) *Referral for investigation.* Any disclosure of a violation shall be referred immediately by the district director to the appropriate field office of the Office of Investigations. Upon completion of its investigation, the field office shall immediately return the disclosure, together with its report, to the district director for appropriate action.

(d) *Commencement of formal investigation.* A formal investigation of a violation is considered to be commenced:

(1) In the case of a referral by an import specialist or other Customs officer of a matter involving the disclosing party and the disclosed information for investigation of a possible violation of 19 U.S.C. 1592, on the date recorded in writing as the date on which the matter was referred to the Office of Investigations;

(2) In the case of referral by an import specialist or other Customs officer of a request for value, classification, or other technical investigation, on the date recorded in writing by an investigating agent in the investigatory record (including contemporaneous notes) as the date on which facts and circumstances were discovered or information was received which caused an investigating agent to believe that possibility of a violation of 19 U.S.C. 1592 existed with respect to the disclosing party and the disclosed information;

(3) In the case of an investigation prompted by an individual other than a Customs officer with regard to the disclosing party and the disclosed information, on the date recorded in writing by the Office of Investigations in the investigatory record (including contemporaneous notes) as the date on which the information was received;

(4) In all other cases, on the earliest of the following:

(i) The date recorded in writing by the Office of Investigations in the investigatory record (including contemporaneous notes) as the date on which facts and circumstances were discovered or information was received which caused an investigating agent to believe that the possibility of a violation of 19 U.S.C. 1592 existed with respect to the disclosing party and the disclosed information;

(ii) The date on which an investigating agent, having properly identified himself and the nature of his inquiry, had, either in person or in writing, made an inquiry of the person concerning the type of or circumstances of the disclosed violation;

(iii) The date on which an investigating agent requested specific books and records of the person relating to the disclosed information.

(e) *Expansion of formal investigation.* A formal investigation is deemed to have commenced as to additional violations (outside the scope of the original investigation but committed by the same party) on the earliest of the following:

(1) The date recorded in writing by the Office of Investigations in the investigatory record (including contemporaneous notes) as the date on which facts and circumstances were discovered or information was received which caused an investigating agent to believe that the possibility of a violation of 19 U.S.C. 1592 existed with respect to the additional violations;

(2) The date on which an investigating agent, having properly identified himself and the nature of his inquiry, had, either in person or in writing, made an inquiry of the person concerning the type of or circumstances of additional violations; or

(3) The date on which an investigating agent requested specific books and records of the person relating to the additional violations.

(f) *Proof of lack of knowledge.* A person who claims a lack of knowledge of the commencement of a formal investigation has the burden to prove that lack of knowledge. A person shall be deemed to have had knowledge of the commencement of a formal investigation of a violation if within a period of three years before any claimed prior disclosure of the violation:

(1) An investigating agent, having properly identified himself and the nature of his inquiry, had, either in person or in writing, made an inquiry of the person concerning the type of or circumstances of the disclosed violation; or

(2) An investigating agent requested specific books and records of the person relating to the disclosed information.

(g) *Penalty claims not requiring formal investigation.* A prior disclosure may not be made after a determination by an authorized Customs officer that there is reasonable cause to believe that there has been a violation of 19 U.S.C. 1592 and that a claim for monetary penalty shall be issued without commencement of a formal investigation. Such determination shall be evidenced as follows:

(1) By the issuance of a pre-penalty notice:

(2) By the issuance of a penalty notice if a pre-penalty notice is not required;

(3) In the case of violations involving merchandise accompanying persons entering the United States, by verbal notification to the person of the officer's finding of a violation; or

(4) In the case of the seizure of merchandise under 19 U.S.C. 1592, by the act of seizure.

(h) *Tender of actual loss of duties.* A person who discloses the circumstances of the violation shall tender any actual loss of duties at the time of disclosure or within 30 days after the district director notifies the person in writing of his calculation of the actual loss of duties. The district director may extend the period if he determines there is good cause to do so.

(i) *Undisclosed violations.* Undisclosed violations discovered by Customs as the result of an investigation of a prior disclosure of another violation shall not be entitled to treatement under the prior disclosure provisions.

(j) *Minor violations.* The district director shall not refer a disclosed violation for investigation or establish a penalty case if:

(1) The disclosed violation involves a loss of duties of $500 or less;

(2) Any actual loss of duties has been deposited;

(3) There is no evidence that the violation was fraudulent; and

(4) There are no other compelling reasons for a penalty proceeding, such as history of similar violations.

§ 162.75 [Amended]

4. It is proposed to amend § 162.75(d)(3) by substituting "compliance made with the decision" for "the monetary penalty paid."

5. It is proposed to amend § 162.78(b) by adding the following between the first and second sentences:

§ 162.78 Presentations responding to pre-penalty notice.

* * * * *

(b) * * * In addition, an extension may be granted if, upon request of the alleged violator, the Commissioner of Customs determines that the case involves an issue which is a proper matter for submission to Customs Headquarters under internal advice procedures (See § 177.11(b)(2)).* * *

§ 162.79 [Amended]

6. It is proposed to amend the second sentence of § 162.79(b)(2) by substituting "section 592(d), Tariff Act of 1930, as amended (19 U.S.C. 1592(d))," for "section 162.79(b)."

7. Proposed new § 162.80 (redesignated from § 162.41(c)) reads as follows:

§ 162.80 Liability for duties; liquidation of entries.

(a)(1) When an entry is the subject of an investigation for possible violation of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), or of a penalty action established under that section, the district director, subject to the provisions of paragraph (c)(1)(ii) of this section, may liquidate the entry and collect duties before the conclusion of the investigation or final disposition of the penalty action if he determines that liquidation would be in the interest of the Government.

(2)(i) An entry not liquidated within 1 year from the date of entry or final withdrawal of all merchandise covered by a warehouse entry shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted at the time of entry by the importer, his consignee, or agent unless the time for liquidation is extended by the district director because—

(A) Information needed by Customs for the proper appraisement or classification of the merchandise is not available.

(B) The importer, his consignee, or agent requests an extension and demonstrates good cause why the extention should be granted, or

(C) The 1-year liquidation period is suspended as required by statute or court order.

(ii) An entry not liquidated within 4 years from the date of entry or final withdrawal of all merchandise covered by a warehouse entry shall be deemed liquidated at the rate of duty, value, quantity, and amount of duties asserted at the time of entry by the importer, his consignee, or agent unless liquidation continues to be suspended by statute or court order. In that event, the entry shall be liquidated within 90 days after removal of the suspension.

(iii) The district director promptly shall notify the importer or consignee concerned and any authorized agent and surety of the importer or consignee in writing of any extension or suspension of the liquidation period.

(b) When merchandise not covered by an entry is subject to section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), a demand shall be made on the importer for payment of the duty estimated to be due on such merchandise.

(c) Any applicable internal revenue tax shall also be demanded unless the merchandise is to be, or has been, forfeited.

PART 171—FINES, PENALTIES, AND FORFEITURES

§ 171.1 [Removed and Reserved]

1. It is proposed that § 171.1 be removed and marked "[Reserved]."

§ 171.2 [Reserved]

§ 171.24 [Redesignated From § 171.2]

2. It is proposed that 171.2 be redesignated as 171.24 and be amended by substituting "Department of Justice" for "United States attorney" in the first and second sentences. Section 171.2 would be marked "[Reserved]."

§ 171.33 [Amended]

3. It is proposed to amend § 171.33(a) (1) and (2) by substituting "from which further relief is requested" for "on the initial petition for relief."

4. It is proposed to further amend § 171.33 by adding a new paragraph (c) to read as follows:

171.33 Supplemental petitions for relief.

* * * * *

(c) *Second supplemental petition.* (1) Only one further supplemental petition may be filed appealing a decision made with respect to an initial supplemental petition. The second supplemental petition will not be accepted unless accompanied or preceded by full payment of all penalties and withheld duties determined to be due in the decision rendered on the first supplemental petition. Such payment must be made within 60 days from the date of notice to the petitioner of the decision on the first supplemental petition if no effective period is prescribed in the decision, or within such time prescribed, if any. The second supplemental petition should be filed with the district director who initiated the case. For the purope of this section, the term "second supplemental petition" shall include an offer in compromise under 19 U.S.C. 1617 made prior to the commencement of a civil action to enforce the penalty claim.

(2) A second supplemental petition will not be considered except in one of the following circumstances:

(i) If it is filed within 2 years from the date of notice to the petitioner of the decision on the first supplemental petition;

(ii) If it is filed within 60 days following an administrative or judicial decision with respect to the entries involved in the penalty case which reduces the loss of duties upon which the mitigated penalty amount was based; or

(iii) If the Commissioner of Customs in his discretion determines that the acceptance of a second supplemental petition is warranted.

PART 172—LIQUIDATED DAMAGES

§ 172.33 [Amended]

1. It is proposed to amend § 172.33(a) (1) and (2) by substituting "from which further relief is requested" for "on the initial petition for relief."

2. It is proposed to further amend § 172.33 by adding a new paragraph (c) to read as follows:

172.33 Supplemental petitions for relief.

* * * * *

(c) *Second supplemental petition.* (1) Only one further supplemental petition may be filed appealing a decision made with respect to an initial supplemental petition. The second supplemental petition will not be accepted unless accompanied or preceded by full payment of all penalties and withheld duties determined to be due in the decision rendered on the first supplemental petition. Such payment must be made within 60 days from the date of notice to the petitioner of the decision on the first supplemental petition if no effective period is prescribed in the decision, or within such time prescribed, if any. The second supplemental petition should be filed with the district director who initiated the case.

(2) A second supplemental petition will not be considered except in one of the following circumstances:

(i) If it is filed within 2 years from the date of notice to the petitioner of the decision on the first supplemental petition;

(ii) If it is filed within 60 days following an administrative or judicial decision which reduces the loss of duties upon which the mitigated penalty amount was based; or

(iii) If the Commissioner of Customs in his discretion determines that the acceptance of a second supplemental petition is warranted.

Appendix A to Part 171—Customs Regulations, Revised Penalty Guidelines, 19 U.S.C. 1592

A monetary penalty incurred under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592; hereinafter referred to as section 592) may be remitted or mitigated under section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), if it is determined that there exist such mitigating circumstances as to justify remission or mitigation. The guidelines below will be used by the Customs Service in arriving at a just and reasonable assessment and disposition of liabilities arising under section 592 within the stated limitations. It is intended that these guidelines shall be applied by Customs officers in pre-penalty proceedings and in determining the monetary penalty assessed in the penalty notice.

(A) Violations of Section 592; Materiality

Without regard to whether the United States is or may be deprived of all or a portion of any lawful duty thereby, a violation of section 592 occurs when a person, through fraud, gross negligence, or negligence, enters, introduces, or attempts to enter or introduce any merchandise into the commerce of the United States by means of any document, written or oral statement, or act which is material and false, or any omission which is material; or when a person aids or abets any other person in the entry, introduction, or attempted entry or introduction of merchandise by such means. A document, statement, act, or omission is material if it has the potential to alter the classification, appraisement, or admissibility of merchandise, or the liability for duty, or if it tends to conceal an unfair trade practice. There is no violation if the falsity or omission is due solely to clerical error or mistake of fact, unless the error or mistake is part of a pattern of negligent conduct.

(B) Degrees of Culpability

There are three degrees of culpability under section 592: negligence, gross negligence, and fraud.

(1) *Negligence.* A violation is determined to be negligent if it results from an act or acts (of commission or omission) done through either the failure to exercise the degree of reasonable care and competence expected from a person in the same circumstances in ascertaining the facts or in drawing inferences therefrom, in ascertaining the offender's obligations under the statute, or in communicating information so that it may be understood by the recipient. As a general rule, a violation is determined to be negligent if it results from the offender's failure to exercise reasonable care and competence to ensure that a statement made is correct.

(2) *Gross Negligence.* A violation is determined to be grossly negligent if it results from an act or acts (of commission or omission) done with actual knowledge of or wanton disregard for the relevant facts and with indifference or disregard for the offender's obligations under the statute, but without demonstrable intent to defraud the revenue of violate the laws of the United States.

(3) *Fraud.* A violation is determined to be fraudulent if it results from an act or acts (of commission or omission) deliberately done with demonstrable intent to defraud the revenue or to otherwise violate the laws of the United States.

(C) Assessment of Penalties

(1) *Issuance of Pre-Penalty Notice.* (a) As provided in § 162.77, Customs Regulations (19 CFR 162.77), if the district director has reasonable cause to believe that a violation of section 592 has occurred and determines that further proceedings are warranted, he shall issue to each person concerned a notice of his intent to issue a claim for a monetary penalty. In issuing such pre-penalty notice, the district director shall make a tentative determination of the degree of culpability and the amount of the proposed claim. A pre-penalty notice is not required if the violation involves a non-commercial importation or if the proposed claim does not exceed $1,000.

(b) In determining the amount of the proposed claim, the district director shall take into account the gravity of the offense, the amount of loss of revenue, the extent of wrongdoing, and other factors bearing upon the seriousness of the violation, but in no case shall the assessed penalty exceed the statutory ceilings prescribed in section 592. Penalties equivalent to the ceilings stated in paragraph (D) regarding disposition of cases may be appropriate in cases involving serious violations, i.e., violations involving actions both fraudulent and flagrant, violations involving a high loss of revenue, and quota evasions. To be serious, a violation need not result in a loss of revenue. The violation may be serious because it affects the admissibility of merchandise or the enforcement of other laws, as in the case of quota evasions, false statements to conceal the dumping of merchandise, or violations of exclusionary orders of the International Trade Commission. The ceiling set forth in paragraph (D) may be exceeded only if permitted by statute and approved by the Chief, Commerical Fraud and Negligence Penalties Branch, Headquarters, Customs Service.

(c) Violations where the loss of revenue is nonexistent or minimal and which have an insignificant impact on enforcement of the laws of the United States may justify a proposed penalty in a fixed amount not related to the value of merchandise, but an amount believed sufficient to have a deterrent effect, i.e., violations involving the subsequent sale of merchandise or vehicles entered for personal use; violation involving failure to comply with declaration or entry requirements which do not change the admissibility or entry status of merchandise, its appraised value or classification; violations involving the illegal diversion to domestic use of instruments of international traffic; and local point-to-point traffic violations. This category also includes violations in which the falsity or omission is revelant only to the assessment of duties, but in which it is finally determined that the falsity or omission did not result in any loss of duties, i.e., failure to report commissions paid which are ultimately determined to be non-dutiable; or a false statement as to the relationship of the parties if the fact of the relationship is determined not to affect appraisement. Generally, a penalty in a fixed amount ranging from $100 to $500 would be appropriate in cases where there are no prior violations of the same kind. Fixed sums ranging from $500 to $10,000 may be appropriate, however, in the case of multiple or repeated violations.

(d) In determining the amount of the proposed penalty, the district director shall also take into account any mitigating, aggravating, or extraordinary factors that are clearly established by the evidence available at the time.

(2) *Issuence of Penalty Notice.* (a) Following issuance of the Pre-penalty notice, and in consideration of the issuance of the penalty notice pursuant to § 162.79, Customs Regulations (19 CFR 162.79), the district director shall weigh any evidence presented by the alleged violator with respect to the circumstances of the violation. In determining the amount to be included in the penalty notice, the district director shall give consideration to all available evidence with respect to the existence of material false statements or omissions, the degree of culpability, the existence of a prior disclosure, the seriousness of the violation, and the existence of mitigating, aggravating, or extraordinary factors. In general, the degree of culpability stated in pre-penalty notice shall not be increased in the penalty notice. If, subsequent to the issuance of a pre-penalty notice and upon further review of the evidence, the district director determines that a higher degree of culpability exists, the pre-penalty notice should be concelled and a new pre-penalty notice issued indicating the higher degree of culpability and increased penalty amount proposed, with supporting evidence reflected therein. If, however, less than 3 months remain before expiration of the statute of limitations, the higher degree of culpability and higher penalty amount may be indicated in the notice of penalty. Alternatively, the district director shall . consider whether a lower degree of culpability is warranted by the evidence. The penalty notice shall contain other changes in the information provided in the pre-penalty notice.

(b) No penalty case shall be initiated for revenue-loss violation, if the district director is certain that the violation has resulted from negligence, the combined actual and potential loss of revenue from entries within that district is $500 or less, and the circumstances make it certain it is a violation which does not extend to other districts. In cases in which the loss of revenue is between $500 and $1,000, the district director may initiate a penalty case if, in his consideration of all the circumstances, the claim for monetary penalty is warranted as a deterrent for future violations. Any actual loss of revenue shall be collected pursuant to § 162.79b, Customs Regulations (19 CFR 162.79b).

(c) No penalty noitice shall be issued in a case involving gross negligence or negligence where a prior disclosure has been made and there is no actual loss of revenue.

(D) Disposition of Cases

(1) *In General.* In mitigating claims for monetary penalty, the district director or appropriate Customs official shall consider all the information in the petition and all available evidence, taking into account any mitigating, aggravating, and extraordinary factors in determining the final assessed penalty. All factors used by the district director or appropriate Customs official in determining the penalty should be stated in this decision. If a penalty in a fixed amount is deemed not be appropriate (see (C) (1) (c)), disposition in revenue-loss and non-revenue-loss cases shall proceed in the manner set forth below.

(2) *Violations Determined to be Fraudulent.* Absent extraordinary factors justifying further relief, a penalty for a fraudulent violation shall be mitigated as follows:

(a) For revenue-loss violations, to an amount ranging from a minimum of five times the loss of revenue to a maximum of the lesser of the domestic value of the merchandise or eight times the loss of revenue. However, a penalty equal to the domestic value of the merchandise may be warranted due to the existence of aggravating factors.

(b) For non-revenue-loss violations, to an amount ranging from 50 to 80 percent of the dutiable value of the merchandise. However, a penalty equal to the domestic value of the merchandise may be warranted due to the existence of aggravating factors.

(3) *Violations Determined to be Grossly Negligent.* Absent extraordinary factors justifying further relief, a penalty for a grossly negligent violation shall be mitigated as follows:

(a) For revenue-loss violations, to an amount ranging from a maximum of two and one-half times the loss of revenue to a maximum of the lesser of the domestic value of the merchandise or four times the loss of revenue;

(b) For non-revenue-loss violations, to an amount ranging from 25 to 40 percent of the dutiable value of merchandise.

(4) *Violations Determined to be Negligent.* Absent extraordinary factors justifying further relief, a penalty for a negligent violation shall be mitigated as follows:

(a) For revenue-loss violations, to an amount ranging from a minimum of one-half the loss of revenue to a maximum of the lesser of the domestic value of the merchandise or two times the loss of revenue.

(b) For non-revenue-loss violations, to an amount ranging from five to 20 percent of the dutiable value of the merchandise.

(5) *Cancellation of Claim.* The district director shall cancel a claim for monetary penalty whenever it is determined that an essential element of the violation has not been established by the available evidence.

(6) *Remission of Claim.* If, following consultation with the regional counsel, the district director determines by clear and convincing evidence that the statute of limitations would be available as a defense to enforcement of a claim for monetary penalty, then the district director shall remit such claim. If the district director believes that a claim for monetary penalty should be remitted for a reason not set forth in these guidelines, he shall first obtain approval from the Chief, Commercial Fraud and Negligence Penalties Branch, Headquarters, Customs Service.

(E) Prior Disclosure; Disposition of Cases

(1) In non-revenue-loss cases and potential-revenue loss cases involving a prior disclosure where the degree of culpability is determined to be negligence or gross negligence, the claim for monetary penalty is to be remitted in full.

(2) In non-revenue-loss cases involving a prior disclosure where the degree of culpability is determined to be fraud, the claim for monetary penalty shall be equal to ten percent of the dutiable value of the merchandise. There shall be no further mitigation in the absence of extraordinary factors.

(3) In actual-revenue-loss cases involving a prior disclosure where the degree of culpability is determined to be negligence or gross negligence, the claim for monetary penalty shall be equal to the interest computed from the date of liquidation on the amount of the actual loss of revenue resulting from the violation.

(4) In revenue-loss cases involving a prior disclosure where the degree of culpability is determined to be fraud, the claim for monetary penalty shall be equal to 100 percent of the total actual and potential loss of revenue resulting from the violation.

(F) Mitigating Factors

The following factors shall be considered in mitigation of the penalty, provided that sufficient evidence establishes their existence. The list is not exclusive.

(1) *Contributory Customs Error.* This factor includes misleading or erroneous advice given by a Customs official only if it appears that the violator reasonably relied upon the information. If the claimed erroneous advice was not given in writing, the violator has the burden of establishing this claim by a preponderance of the evidence. The concepts of comparative negligence may be utilized in determining the weight to be assigned to this factor.

(2) *Cooperation with the Investigation.* In order to obtain the benefits of this factor, the violator must exhibit cooperation beyond that expected from a person under investigation for a Customs violation. Some examples of the cooperation contemplated include assisting Customs officers to an unusual degree in auditing the books and records of the violator, and assisting Customs in obtaining additional information relating to the subject violation or other violations. Merely providing the books and records of the violator may not be considered cooperation justifying mitigation.

(3) *Immediate Remedial action.* This factor includes the payment of the actual loss of duties prior to the issuance of a penalty notice and within 30 days of the

determination of the duties owed. In certain extreme circumstances, this factor may include the removal of an offending employee. The correction of organizational or procedural defects will not be considered a mitigating factor. It is expected that any importer or other involved individual will seek to remove or change any condition which contributed to the existence of a violation.

(4) *Inexperience in Importing.* Inexperience is a factor only if it contributes to the violation and the violation is not due to fraud or gross negligence.

(5) *Prior Good Record.* For the violator to benefit from this factor, the violation must have occurred as a result of negligence or gross negligence, and the violator must be able to show a consistent pattern of importations without violation of section 592, or any other statute prohibiting false or fraudulent importation practices.

(G) Aggravating Factors

Certain factors may be determined to be aggravating factors in arriving at the final mitigated penalty decision. Examples of aggravating factors include obstructing the investigation, withholding evidence, providing misleading information concerning the violation, and prior substantive violations of section 592 for which a final administrative finding of culpability has been made.

(H) Extraordinary Factors Justifying Further Relief

(1) The four factors specified below may be considered in connection with further relief. Such relief may be accorded for extraordinary factors not specified below only upon the concurrence of the Chief, Commercial Fraud and Negligence Penalities Branch, Headquarters.

(a) *Inability to obtain jurisdiction over the violator or inability to enforce a judgement against the violator.*

(b) *Inability to Pay the Mitigated Penalty.* The party claiming the existence of this factor must present documentary evidence in support thereof, i.e., copies of income tax returns, current financial statements, and independent audit reports.

(c) *Extraordinary Expenses.* This factor may include such expenses as those incurred in providing one-time computed runs solely for submission to Customs to aid it in analyzing a case involving an unusual number of entries, with each entry involving several factors, i.e., violations involving item 807, Tariff Schedules of the United States. Usual accounting and legal expenses (both general and Customs), or the cost incurred in instituting remedial action would not be considered extraordinary expenses.

(d) *Customs Knowledge.* Additional relief will be granted if it is determined that Customs had actual knowledge of a violation and failed to inform the violator so that it could have taken earlier corrective action. In such cases, if a penalty is to be assessed involving repeated violations of the same kind, and if it is determined that the violations were not the result of fraud, the maximum penalty amount for violations occurring after the date on which actual knowledge was obtained by Customs will be limited to the lesser of two times the loss of revenue or five percent of dutiable value if the continuing violations were the result of gross negligence, or the lesser of one time the loss of revenue or two percent of dutiable value if the violations were the result of negligence. This factor shall not be applicable when a substantial delay in the investigation is attributable to the violator.

(2) *Providing Evidence or Information concerning the Violation.* Additional relief will be granted if a person discloses the circumstances of a violation by providing evidence or information which is not in Customs possession or knowledge and/or which had not been requested by a Customs officer, although the disclosure does not meet the requirements for a prior disclosure in § 162.74, Customs Regulations (19 bCFR 162.74). If the appropriate Customs officer is satisfied that the disclosure was made before, or without knowledge of, the commencement of a formal investigation, the maximum mitigated penalty for the disclosed violation will be limited as follows:

(a) In the case of fraudulent violations, two times the loss of revenue or, if the violation did not result in a loss of revenue, 20 percent of the dutiable value of the merchandise;

(b) In the case of grossly negligent violations, one-half of the loss of revenue or, if the violation did not result in a loss of revenue, five percent of the dutiable value of the merchandise;

(c) In the case of negligent violations, one-qauarter of the loss of revenue or, if the violation did not result in a loss of revenue, two and one-half percent of the dutiable value of the merchandise.

(I) Customhouse Brokers

A customhouse broker shall be subject to the above quidelines only if he is determined to have (1) committed a fraudulent or grossly negligent violation; or (2) committed a negligent violation and shared in the financial benefits of the violation to an extent over and above the prevailing brokerage fees. If the broker committed a negligent violation without sharing in the financial benefits over and above the prevailing brokerage fees, the penalty should be mitigated to a flat sum not to exceed $250. A broker is not negligent if he acts with reasonable care (as measured by the prevailing standards of the profession) in the preparation and presentation of the entry or the entry summary, and reasonably relies on the information or documents supplied to him by the actual owner, consignee, shipper, or their agent.

(J) Arriving Travelers

(1) *Liability.* Assessment of penalties and determination of degrees of culpability for violations by an arriving traveler must be determined in accordance with the above guidelines.

(2) *Limitations on Liability.* (a) In the absence of a referral for criminal prosecution, monetary penalties assessed in the case of a first-offense, non-commercial, fraudulent violation by an arriving traveler will generally be limited to an amount ranging from a minimum of three times the loss of revenue to a maximum of five times the loss of revenue, provided the loss of revenue is also paid.

(b) No penalty cases shall be initiated against an arriving traveler if the violation is not fraudulent, the loss of revenue is $100 or less, and there are no prior violations of section 592 or other statutes prohibiting false or fraudulent importation practices. However, all lawful duties shall be collected.

(K) Violations of Laws Administered by Other Federal Agencies

Violations of laws administered by other federal agencies (such as Foreign Assets Control, Agriculture, Fish and Wildlife) should be referred to the appropriate agency for its recommendation. Such recommendation, if promptly tendered, will be given due consideration, and may be followed provided the recommendation would not result in a disposition inconsistent with these guidelines.

William von Raab,

Commissioner of Customs.

Approved: October 15, 1982.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 82-30183 Filed 11-2-82; 8:45 am]

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Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[Notice No. 431]

Arroyo Seco Viticultural Area; Proposed Establishment

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is considering the establishment of an American viticultural area in California know as "Arroyo Seco." This proposal is the result of a petition from the Arroyo Seco Winegrowers and Vintners, an organization composed of bonded wineries and grape-growers with vineyards within the proposed viticultural area. The establishment of viticultural areas and the use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from, and will enable consumers to better identify the wine they purchase.

DATE: Written comments must be received by December 20, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385, Attention: Notice No. 431.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

ATF regulations in 27 CFR Part 4 allow the establishment of definite viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historic or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographic characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which are found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition to establish a viticultural area located within Monterey County, California, to be known as Arroyo Seco. The proposed area is a triangular-shaped area adjacent to the Arroyo Seco Creek which flows into the Salinas River near Soledad. The total area comprising the Arroyo Seco viticultural area is 28.5 square miles. The petitioner, Arroyo Seco Winegrowers and Vintners, is an association composed of grape-growers and bonded wineries which have vineyards within the proposed area. Their petition is based on the following information:

(a) Arroyo Seco is the name given to a land grant and rancho existing in the vicinity of the proposed viticultural area. Arroyo Seco, meaning "dry creek" is the name of the creek flowing through the viticultural area.

More recently, Arroyo Seco has become known as a grape-growing region. Vineyards were first planted in the area in 1962 by Mirassou Sales, a San Jose Winery. In 1963, Wente Brothers of Livermore, California, planted vineyards along the Arroyo Seco Creek which are commonly known as Wente's Arroyo Seco Vineyards. Since 1963, many other vineyards have been planted in the Arroyo Seco region and that term has been used in numerous magazines, newspapers, and wine publications in describing wines from this region.

(b) Wine grapes were first planted in the vicinity of Arroyo Seco between 1830 and 1840 at the nearby Mission Soledad. Winegrowing, however, never became popular throughout Monterey County because it was considered a "poor area" for viticulture. Strong winds off Monterey Bay and the arid climate of the Salinas River Valley deterred the planting of wine grapes in Monterey County. However, since the late 1800's, the Salinas Valley has been widely planted with vegetables, and it is known as the "salad bowl of the world."

During Prohibition, only 400 acres of vineyards survived in Monterey County, and this acreage was halved in the years following Repeal.

It was not until the early 1960's that vineyards were planted in the Arroyo Seco region of Monterey County. Three wineries, Paul Masson, Wente Brothers, and Mirassou, feeling the effects of urbanization in Santa Clara and Alameda Counties, began searching for new areas in California in which to plant vineyards. These wineries noted the conclusion of a report prepared by professors Maynard Amerine and A. J. Winkler of the University of California at Davis. Their report concluded than Monterey County contained Region I and II climatic areas and was suited to the growing of premium quality grapes. Regarding soils within Monterey County, the report contained the specific conclusion: "A number of soils in different areas of the Salinas Valley are adapted for grapes. Yet the greatest promise is offered by the Greenfield series of soils [now classified as Chular, Arroyo Seco and possibly other soil series] that occupies the lower gentle slopes on the terrace west of the Salinas River, extending from about opposite Gonzales to and including the Arroyo Seco Valley."

Acting on the recommendations contained within the Amerine-Winkler report, Paul Masson and Mirassou planted vineyards between Soledad and Greenfield in 1962. The following year, Wente Bros. planted vineyards along the Arroyo Seco Greek west of Greenfield. The first wines were produced from Arroyo Seco grapes in 1966.

The success of these first vineyards in the Salinas Valley prompted other grape-growers to plant within the Valley. Since 1962, nearly 34,000 acres of vineyards have been planted in Monterey County. The proposed Arroyo Seco viticultural area contains approximately 6,500 acres of premium verietal grapes including Pinot Banc, Riesling, Gewurztraminer, Chardonnay, Gamay, Cabernet Sauvignon, Petit Sirah, and Sauvignon Blanc. A majority of grapes from the Arroyo Seco district are shipped to wineries out of the region for processing; however, there are currently two bonded wineries within the viticultural areas. An added benefit of planting in Monterey County is that phylloxera is not present in the soil allowing the planting of vinifera grapes on their own rootstock.

(c) Topography of the Arroyo Seco viticultural area distinguishes it from surrounding areas. The Arroyo Seco area is sloping bench land surrounding the Arroyo Seco Creek. The highest elevations of over 600′ occur on the Sierra de Salinas to the west, foothills of the Santa Lucas Mountains. A sloping ridgeline of between 500′ and 300′ in elevation separates Arroyo Seco from areas immediately to the south. From these elevations, the area slopes gradually downward to the lowest points of 180′ elevation on the north along the Arroyo Seco Creek, and 220′ elevation on the west along the Salinas River. It is this sloping bench land high above the Salinas River which provides adequate drainage and freedom from frost for vineyards within the Arroyo Seco viticultural area.

The proposed viticultural area also includes land immediately adjacent to the Arroyo Seco Creek where the creek enters the Sierra de Salinas.

(d) The climate of the Arroyo Seco area is unique in the amount of rainfall, temperature range, and the variability of the winds.

The major climatic influences are the Pacific Ocean and Monterey Bay. To the west of Arroyo Seco, the Santa Lucas Mountains block the damaging Pacific rains from the area. Winds off the

Pacific Ocean, however, blow down the Salinas River Valley, cooling the valley and providing a moderate climate. These winds blow almost every afternoon during the growing season, and attain velocities of 15–30 miles per hour. Within the Salinas Valley, the juxtaposition of the Sierra de Salinas to the Arroyo Seco Valley causes the winds to be stronger east of U.S. Highway 101. A pocket-like effect is created within the Arroyo Seco Valley which has milder wind currents. Therefore, the eastern boundary of most of the viticultural area is Highway 101.

The cooling effects of the wind make the northern Salinas Valley quite cold. Gonzales is classified as Region I on the California Davis scale with 2350 degree days. In the Arroyo Seco area, the climate is considered Region II. Soledad, to the immediate north, registers 2880 degree days while Wente's Arroyo Seco Vinyards average between 187 and 2250 degree days. The cooling effect of the wind diminishes further south. King City averages 3150 degree days, placing it in Region III while San Miguel is classified as Region IV. The growing season in the Arroyo Seco region is approximately 245 days.

Rainfall is sparse in the proposed Arroyo Seco area. Soledad averages just 9.5 inches per year, less than received to the north where Salinas Averages 13.7 inches and Gonzales 12.3 inches per year. Because of the sparse rainfall, all vinyards within the Arroyo Seco region irrigate, using water from the Arroyo Seco Creek rather than from the Salinas River.

(e) The soils in the Arroyo Seco area consist of a series of gravelly and fine sandy loams well suited to the cultivation of grapes. The proposed viticultural area consists of an alluvial fan formed by well drained soils with slopes ranging from 0 to 9 percent. Principal soil series include Mocho, Lockwood, Arroyo Seco, Rincon, Elder, and Chular. The prominent soils, Chular and Arroyo Seco, are coarse sandy loams derived from decomposed granite washed down from the Gavilan Mountains. These soils are gravelly and low in lime content similar to the vinyards in the Medoc and Graves districts of Bordeaux, and to the better vinyards in the Palatinate.

(f) The boundaries of the proposed Arroyo Seco viticultural area are based on a combination of climate, physical features, soils and irrigation sources. The proposed boundaries and the appropriate U.S.G.S. maps are fully described in the regulatory language. ATF notes that it has received a petition for an adjacent viticultural area immediately south of the proposed Arroyo Seco area.

Public Participation

ATF requests comments from all interested persons concerning the proposed viticultural area. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed viticultural area should submit his or her request, in writing, to the Director within the 45-day comment period. The Director reserves the right to determine whether a public hearing should be held.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. This rule, if adopted, will allow the petitioner or other persons to use an appellation of origin, "Arroyo Seco," on wine labels and in wine advertising. ATF has determined that this rule neither imposes new requirements on the public nor removes existing privileges available to the public. Adoption of this proposed rule will not result in any economic or administrative costs to the public, but will grant to the petitioner or other persons an intangible economic benefit. This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule, if issued as a final rule, will not have significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and wine.

Authority and Issuance

Accordingly, under the authority contained in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9 is amended by adding § 9.59 as follows:

* * * * *

Subpart C—Approved American Viticultural Areas

* * * * *

9.59 Arroyo Seco.

Par. 2. Subpart C is amended by adding § 9.59. As added, § 9.59 reads as follows:

§ 9.59 Arroyo Seco.

(a) *Name.* The name of the viticultural area described in this section is "Arroyo Seco."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Arroyo Seco viticultural area are four U.S.G.S. quadrangle maps. They are entitled:

(1) "Greenfield, Cal.", 7.5 minute series, edition of 1956;

(2) "Paraiso Springs, Cal.", 7.5 minute series, edition of 1956;

(3) "Soledad, Cal.", 7.5 minute series, edition of 1955; and

(4) "Sycamore Flat, Cal.", 7.5 minute series, edition of 1956 (photoinspected 1972).

(c) *Boundaries.* The Arroyo Seco viticultural area is located within Monterey County, California. The beginning point is found on the "Sycamore Flat, California," U.S.G.S. map at the junction of Arroyo Seco Road and the Carmel Vally Road (indicated as the Jamesburg Road on the map).

(1) Then east following Arroyo Seco Road to the Southwest corner of Section 22, T. 19 S., R. 5 E.

(2) Then east following the southern boundaries of Sections 22, 23, 24, 19, and 20 to the southeastern corner of Section 20, T. 19 S., R. 6 E.

(3) Then northeast in a straight line for approximately 1.3 miles to the summit of Pettits Peak.

(4) Then northeast in a straight line for approximately 1.8 miles to the point where the 400′ contour line intersects the northern boundary of Section 14, T. 19 S., R. 6 E.

(5) Then east following the 400′ contour line to a point immediately west of the Reservoir within the Posa de los Ositos Land Grant.

(6) Then following the ridge line in a northeasterly direction for approximately 7.5 miles to U.S. Highway 101 at the intersection of Underwood Road.

(7) Then east following Underwood Road to its intersection with the Posa de los Ositos Land Grant boundary.

(8) Then north following the Posa de los Ositos land Grant boundary to the west bank of the Salinas River.

(9) Then northwest following the west bank of the Salinas River to its intersection with the southern boundary of Section 17, T. 18 S., R. 7 E.

(10) Then due west for approximately 2.0 miles following the southern boundary of Section 17, and continuing to U.S. Highway 101.

(11) Then following U.S. Highway 101 in a northwesterly direction to its intersection with Paraiso Road.

(12) Then south following Paraiso Road to the intersection with Clark Road.

(13) Then south in a straight line for approximately 1.8 miles to the northeast corner of section 5, T. 19 S., R. 6 E.

(14) Then due south following the eastern boundaries of Sections 5, 8, and 17, to the intersection with Arroyo Seco Road.

(15) Then southwest in a straight line for approximately 1.0 mile to Bench Mark 673.

(16) Then west in a straight line for approximately 1.8 miles to Bench Mark 649.

(17) Then northwest in a straight line for approximately 0.2 mile to the northeast corner of Section 23, T. 19 S., R. 5 E.

(18) Then west following the northern boundaries of Sections 23 and 22 to the northwest corner of Section 22, T. 19 S., R. 5 E.

(19) Then south in a straight line for approximately 1.0 mile to the point of beginning.

Signed: September 8, 1982.

Stephen E. Higgins,

Acting Director.

Approved: October 6, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-30177 Filed 11-2-82; 8:45 am]

BILLING CODE 4810-31-M

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27 CFR Part 9

[Notice No. 430]

Linganore Viticultural Area; Proposed Establishment

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area encompassing parts of Frederick and Carroll Counties in north central Maryland to be know as "Linganore." This proposal is the result of a petition submitted by Mr. John (Jack) T. Aellen, Jr., proprietor of a bonded winery in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by December 3, 1982.

ADDRESSES: Send written comments or requests for a public hearing to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385, (Attn: Notice No. 430).

Copies of the petition, the proposed regulations, maps with the boundaries of the proposed viticultural area marked, and any written comments will be available for public inspection during normal business hours at the: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, N.W, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, N.W, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. The revised regulations permit the establishment of definite viticultural areas and also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which amended Title 27, CFR, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used on wine labels and in wine advertisements as appellations of origin.

Section 4.24a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the petition;

Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on the United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition proposing an area located in north central maryland and encompassing parts of Frederick and Carroll Counties as viticultural area. The proposed viticultural area is to be known as "Linganore." The petition was submitted by Mr. John (Jack) T. Aellen, Jr., proprietor of a bonded winery known as Berrywine Plantations, Inc.

The proposed viticultural area lies east of the town of Frederick. It encompasses an area of approximately 90 square miles or 57,000 acres. There is one winery, operated by the petitioner, with a 38 acre vineyard in the proposed viticultural area. Including the vineyard of the winerey, there are approximately 52 acres planted to grapes for commercial purposes in the proposed viticultural area. The acreage devoted to grape-growing is widely dispersed throughout the proposed viticultural area. Approximately 19.5% of the total commercial grape acreage in the State of Maryland in 1980 was planted in the proposed viticultural area. In addition, there are small vineyards, generally under one acre, used for private purposes by the owners, scattered throughout the proposed viticultural area.

The boundries of the proposed viticultural area may be found on five U.S.G.S. quadrangle (Topographic) maps, 7.5 minute series, scale 1:24,000—Walkersville, Libertytown, Damascus, Winfield, and Union Bridge. The specific viticultural area boundaries proposed by the petitioner are detailed in the proposed regulations at § 9.63(c).

Viticultural/Geographical Features

The petitioner claims the proposed viticultural area is distinguishable from the surrounding area on the basis of climate, soil, geology, and other physiographical features. The petitioner submitted evidence on the following in support of this claim.

(a) *Climate.* The petitioner submitted United States Soil Conservation Service maps which depict climatic data for the proposed viticultural area and the surrounding area. The proposed viticultural area has an average annual rainfall of 40–42 inches, temperature of 55–60 degrees F., and a frostfree season of 170–180 days. The area to the west of the proposed viticultural area has an average annual rainfall of 36–40 inches, temperature of 50–55 degrees F., and a frostfree season of 160–170 days. The area to the east of the proposed viticultural area has an average annual rainfall of 40–44 inches, temperature of 55–60 degrees F., and a frostfree season of 170–180 days. The proposed viticultural area is generally warmer, wetter, and has a longer frostfree season than the area to the west; and is slightly cooler, dryer, and has a shorter frostfree season than the area to the east.

In addition, using the same heat summation criteria as used by Amerine and Winkler under their climatic region concept, the proposed viticultural area would be classified as Region 3 while the area to the west would be classified as Region 2. That is, the sum of the mean daily temperature above 50 degrees F., expressed in temperature-time values of degree days, for each day in the period April–September of any given year is generally 3,001–3,500 for the proposed viticultural area and 2,5001–3,000 for the area to the west.

To summarize, the petitioner contends the proposed viticultural area possesses a unique set of growing conditions which distinguish it from the surrounding area. In addition, the petitioner contends the climatic conditions associated with the proposed viticultural area have a marked influence on the amount and distribution of heat and moisture received by grapes during the growing season. This, in turn, affects the development and balance of sugar, acid, and other constituents of grapes grown in the proposed viticultural area.

(b) *Geologic features.* The geomorphological characteristics of the proposed viticultural area generally correspond to distinguishable geological features which define a "piedmont," i.e., an area lying along or near the foot of a mountain range. The proposed viticultural area lies to the east of Catoctin Mountain, part of the "Blue Ridge" mountain range, and a limestone valley, which surrounds the town of Frederick and lies between Catoctin Mountain and the proposed viticultural area. The area lying to the east of the proposed viticultural area is part of the coastal plain.

(c) *Soils.* The soil in the proposed viticultural area is primarily of the "Manor" series. It is found throughout the proposed viticultural area in various soil associations. The major soil associations are Manor-Glenelg, Conestoga-Manor, Manor-Edgemont-Brandywine, Manor-Linganore-Montalto, and Manor-Linganore-Urbana.

Manor soil is a two to eight foot deep gravelly loam containing much silt and small specs of mica. It is well to excessively drained and tends to be "droughty" in years of low rainfall. However, it is underlaid with shale bedrock, which tends to have a high water table, that partially offsets the effects of low rainfall.

The natural pH of the soils in the proposed viticultural area is between 5.1 to 6.5, i.e., strongly acid to slightly acid. The petitioner claims this is ideal for the growing of grapes.

The types of soil found in the proposed viticultural area are also found in the area to the east of the proposed viticultural area. However, the types of soil found in the area to the west of the proposed viticultural area, beginning around the town of Frederick, are different from those found in the proposed viticultural area.

(d) *Watershed.* The proposed viticultural area is served by the Monocacy River drainage system. Linganore Creek is the only Monocacy River tributary in the proposed viticultural area and has a sizeable drainage basin of its own. The boundaries of the proposed viticultural area correspond, as much as possible, with the boundaries of the Linganore Creek drainage basin or watershed. The boundaries of the Linganore Creek watershed have been determined by the United States Soil Conservation Service and designated as MD-MA-Pot-54.The proposed viticultural area encompasses an area which is geographically associated on the basis of watershed criteria. The surrounding areas are served by watersheds which no not serve the proposed viticultural area.

Evidence Relating to Name and Boundaries

The petitioner claims the proposed viticultural area is locally and/or nationally known by the name "Linganore" and the boundaries of the viticultural area are as specified in the petition. The petitioner submitted historical or current evidence consisting of the following to support these claims.

(a) Excerpts from Scharf's "History of Western Maryland" which describe an area known as "Linganore District, No. 19." This area constitutes approximately one-fifth of the area proposed in the petition. In addition, these excerpts indicate the name "Linganore" has been applied to this area since the mid-1700's.

(b) Excerpts from Kenny's "The Origin and Meaning of Indian Place Names of Maryland" which indicate the name "Linganore" is of Indian origin and was used on two U.S.G.S. maps in 1909 to designate a village and a creek.

(c) Excerpts from the Frederick County telephone book which show listings for Linganore High School, associations and clubs on Lake Linganore, and individuals residing along Linganore Road.

(d) United States Soil Conservation Service maps which depict the boundaries of the Linganore Creek watershed.

(e) A map which depicts the location of commercial and private vineyards in the proposed viticultural area.

Discussion

ATF feels that evidence submitted by the petitioner indicates establishment of "Linganore" as a viticultural area may be warranted. Accordingly, we are proposing in this document the establishment of this grape-growing region as a viticultural area.

However, we are not entirely convinced the boundary proposed by the petitioner is the most appropriate for the viticultural area. We recognize the dispersed nature of the acreage devoted to viticulture may be the primary factor contributing to the petitioner's selection of a boundary for the viticultural area. Nevertheless, since a high proportion of the acreage encompassed by this boundary is either viticulturally unsuitable or used for purposes other than viticulture, other possible boundaries may be more appropriate. Accordingly, consideration will be given to other possible boundaries.

Public Participation

All interested persons are invited to participate in this proposed rulemaking by submitting written comments containing such data, views, or recommendations as they may desire. Comments should be specific, pertain to the issues proposed in this rulemaking, and provide the factual basis supporting data, views, or recommendations. Comments received before the closing date will be carefully considered prior to a final decision by ATF on this proposal. Comments received after the closing date and too late for consideration will be treated as suggestions for future ATF action.

We are particularly interested in receiving comments which provide historical or current evidence as to whether the boundaries of the viticultural area are as specified in the petition. In addition, comments are requested on alternative boundaries for the viticultural area. Comments concerning alternative boundaries should include data on the geographical and viticultural characteristics which the commenter believes distinguishes the area encompassed from the surrounding area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. All materials and comments received will be available for public inspection during normal business hours.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Director within the comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

ATF reserves the option to determine, on the basis of written comments, our own research, and in the light of any other circumstances, whether this viticultural area should be established and which boundaries are appropriate. In addition, ATF may modify, through the rulemaking process, any viticultural area which may result from this proposed rulemaking when in the judgment of the Director such action is determined to be warranted.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed "Linganore" viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel of other offices of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.63. As amended, the table of sections reads as follows:

Sec.

* * * * *

9.63 Linganore.

Par. 2. Subpart C is amended by adding § 9.63 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.63 Linganore.

(a) *Name.* The name of the viticultural area described in this section is "Linganore."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Linganore viticultural area of five U.S.G.S. topographic maps. They are—

(1) "Walkersville Quadrangle, Maryland—Frederick Co.", 7.5 minute series, 1953 (Photorevised 1979);

(2) "Libertytown Quadrangle, Maryland", 7.5 minute series, 1944 (Photorevised 1971);

(3) "Damascus Quadrangle, Maryland", 7.5 minute series, 1944 (Photorevised 1979);

(4) "Winfield Quadrangle, Maryland", 7.5 minute series, 1950 (Photorevised 1979); and

(5) "Union Bridge Quadrangle, Maryland", 7.5 minute series, 1953 (Photorevised 1971).

(c) *Boundaries.* The Linganore viticultural area is located in north central Maryland and encompasses parts of Frederick and Carroll Counties. From the beginning point lying at the confluence of Linganore Creek and the Monocacy River, on the "Walkersville Quadrangle" map, the boundary runs—

(1) South-southeasterly 5,000 feet in a straight line to the point lying

approximately 1,000 feet south of Interstate Highway 70 at the intersection of two unnamed light duty roads in the town of Bartonsville;

(2) Then east-southeasterly 15,500 feet in a straight line to the point lying at the intersection of Mussetter Road and latitude line 39 degrees 22 minutes 30 seconds;

(3) Then east-northeasterly 8,125 feet in a straight line to the point lying at the intersection of Mill Road and State Highway 144;

(4) Then easterly along State Highway 144 to the point of intersection with State Highway 27, approximately midway between the towns of Ridgeville and Parrsville;

(5) Then northeasterly along State Highway 27 to the point of intersection with State Highway 26 in the town of Taylorsville;

(6) Then northerly 2,750 feet in a straight line to the point on a hill identified as having an elevation of 850 feet;

(7) Then northwesterly 21,000 feet in a straight line to the point lying at the intersection of State Highway 31 and latitude line 39 degrees 30 minutes;

(8) Then westerly 15,625 feet along latitude line 39 degrees 30 minutes to the point of intersection with Copper Mine Road;

(9) Then northwesterly along Copper Mine Road to the point of intersection with longitude line 77 degrees 15 minutes;

(10) Then southerly 5,250 feet along longitude line 77 degrees 15 minutes to the point of intersection with latitude line 39 degrees 30 minutes;

(11) Then southwesterly 46,750 feet in a straight line to the point of beginning.

Signed: September 10, 1982.

Stephen E. Higgins,

Acting Director.

Approved: October 6, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82–30178 Filed 11–2–82; 8:45 am]

BILLING CODE 4810–31–M

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27 CFR Part 9

[Notice No. 429]

Merritt Island Viticultural Area, Proposed Establishment

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the State of California to be known as "Merritt Island." This proposal is the result of a petition submitted by Mr. Chris Bogle, Secretary, Bogle Vineyards, Incorporated. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin will help wineries better designate the specific grape-growing areas where their wines came from and will help wine consumers better identify the wine they purchase.

DATE: Written comments must be received by December 20, 1982.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044–0385, Attn: Notice No. 429.

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. (202–566–7626).

SUPPLEMENTARY INFORMATION:

Background

On August 23, 1978, ATF published Treasury Decision ATF–53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow for the establishment of definite viticultural areas. The regulations also allow the name of approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF–60 (44 FR 56692) which added a new Part 9 to 27 CFR for the listing of approved viticultural areas.

Section 9.11, Title 27, CFR defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedures for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.), which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. maps with the boundaries prominently marked.

Petition

ATF has received a petition to establish a viticultural area in Yolo County, California, to be known as "Merritt Island." The petition was submitted by Mr. Chris Bogle of Bogle Vineyards, Incorporated, who operates the only winery within the proposed area. The proposed area consists of a man-made island of approximately 5,000 acres, which resulted from land reclamation of the Sacramento (river) Delta. This area is located six miles south of the City of Sacramento, California, and is the first island forming the alluvial fan of the Sacramento Delta.

The petitioner claims that commercial grape-growing, in the proposed area, first began in 1969. Currently there are 425 acres of wine grapes planted, with additional acres of new plantings. There eight varieties of wine grapes being cultivated, the principle variety is *Chenin Blanc.* The other varieties are *Grey Riesling, Petite Sirah, Semillion, Cabernet Sauvignon, Sauvignon Blanc,* and *Merlot.* There are five vineyard operators within the proposed area. The petitioner has 156 acres of wine grapes planted. Bogle vineyards qualified with ATF as a bonded winery in March 1979 and since has bottled "estate bottled wines" and "varietal wines."

Evidence Relating to the Name

The petitioner furnished information which establishes the name Merritt Island as applying to the proposed area, as far back as November 16, 1879, on an official map of Yolo County, California. The proposed area and name is also prominently identitied on a U.S.G.S. map (Clarksburg Quadrangle) submitted with the petition.

Geographical Evidence

The petition contained geographical and climatic information which distinguishes the proposed area from surrounding areas, based on the fact that:

(a) The proposed area consists of an island, bounded on the west and north by Elk Slough, Sutter Slough on the south, and the Sacramento River on the east.

(b) The type of soil primarily consists of Columbian Sandy Loam, while areas to the east consist of Sierra loam type soils, areas to the west consist of adobe and clay type soils, and areas to the south consist of Peat Dirt (an organically structured soil).

(c) The climate of Merritt Island is tempered by cooling southwesterly breezes from the Carquinez Straits near San Francisco. The influence of this breeze creates a 10 degree Fahrenheit cooler median temperature difference from the City of Sacramento, located six miles north. The climate of the islands to the south are often influenced by fog cover from San Francisco Bay, whereas, Merritt Island very seldom receives this fog cover since it is the northern most island in the Sacramento Delta.

Boundaries

The proposed viticultural area is located in Yolo County, California, six miles south of the City of Sacramento. Merritt Island is encircled by three bodies of water; the Sacramento River on the east, Elk Slough on the north and west, and Sutter Slough on the south.

The California Department of Public Works identifies the boundaries of the proposed area as "District No. 150 of the Sacramento River Flood Control Project."

The exact boundaries are described in the regulations portion of this document.

Compliance With Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a "major rule" since it will not result in—

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or

(c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provision of the Regulatory Flexibility Act relating to an initial regulatory flexibility analysis (5 U.S.C. 603) is not applicable to this proposal because this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities. This rule, if adopted, will allow the petitioner or other persons to use an appellation of origin, "Merritt Island," on wine labels and in wine advertising. ATF has determined that this rule neither imposes new requirements on the public nor removes existing privileges available to the public. Adoption of this proposed rule will not result in any economic or administrative costs to the public, but will grant to the petitioner or other persons an intangible economic benefit. This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that this proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 27 CFR Part 9

Administrative practice procedures, Consumer protection, Viticultural areas, Wine.

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. ATF particularly requests comments and information concerning: possible alternative boundaries; and viticultural and geographical evidence which may distinguish the proposed area from surrounding areas.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on this proposed regulation should submit a request, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of this document is Norman P. Blake, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.68 as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.68 Merritt Island.

Par. 2. Subpart C is amended by adding § 9.68 to read as follows:

Subpart C—Approved American Viticultural Areas

* * * * *

§ 9.68 Merritt Island.

(a) *Name.* The name of the viticultural area described in this section is "Merritt Island."

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Merritt Island viticultural area are two U.S.G.S. maps, 7.5 minute series. They are entitled:

(1) "Clarksburg Quadrangle, California," 1967 (Photorevised 1980); and

(2) "Courtland Quadrangle, California," 1978.

(c) *Boundaries.* The Merritt Island viticultural area includes approximately 5,000 acres, located in Yolo County, California, six miles south of the City of Sacramento. The boundaries of the Merritt Island viticultural area, using landmarks and points of reference found on the U.S.G.S. maps submitted with the petition, are as follows: starting at the most southernly point, the intersection of Sutter Slough with the Sacramento River, west along the course of Sutter Slough for 0.54 mile until it intersects Elk Slough; northeast along the course of Elk Slough for 9.58 miles to the community of Clarksburg and the intersection of the Sacramento River; southwesterly along the course of the Sacramento River for 7.8 miles to the beginning point.

Signed: September 3, 1982.

W. T. Drake,

Acting Director.

Approved: October 5, 1982.

David Q. Bates,

Deputy Assistant Secretary (Operations).

[FR Doc. 82-30179 Filed 11-2-82; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Public Comment and Opportunity for Public Hearing on Modified Portions of the Iowa Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments that are intended to satisfy program deficiencies identified in the Iowa permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Iowa program and the proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed for the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., December 6, 1982, to be considered in the Director's decision on whether the proposed program amendments satisfy the identified program deficiencies and are consistent with SMCRA and 30 CFR Chapter VII.

A public hearing on the proposed amendments has been scheduled for 5:00 p.m., November 30, 1982, at the address listed below under "ADDRESSES."

Any person interested in making an oral or written presentation at the hearing should contact Richard Rieke at the address and telephone number listed below by November 18, 1982. If no person has contacted Mr. Rieke to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the Federal Register.

ADDRESSES: The public hearing will be held at the Holiday Inn, Capitol Plaza, 1050 6th Avenue, Des Moines, Iowa 50324. Written comments and requests to speak at the public hearing should be sent to: Richard Rieke, Field Office Director, Missouri Field Office, Office of Surface Mining, Scarritt Building, 818 Grant Avenue, Kansas City, Missouri 64106; Telephone: (816) 374-3920.

Copies of the Iowa Program, the proposed modifications to the program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters and the office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining, Room 5315, 1100 L Street, NW., Washington, D.C. 20240;

Iowa Department of Soil Conservation, Mines and Minerals Division, Wallace State Office Building, Des Moines, Iowa 50319.

FOR FURTHER INFORMATION CONTACT: Richard Rieke, Field Office Director, Missouri State Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920.

SUPPLEMENTARY INFORMATION:

Background

On February 28, 1980, OSM received a proposed regulatory program from the State of Iowa. On October 16, 1980, following a review of the proposed program as outlined in 30 CFR Part 732, the Secretary approved in part and disapproved in part the proposed program (45 FR 68673-68675). The State of Iowa resubmitted its revised regulatory program on December 15, 1980, and after a subsequent review, the Secretary approved the program subject to the correction of three minor deficiencies. The Secretary's decision was published in the January 21, 1981 Federal Register (46 FR 5885-5892). The Approval was made effective April 10, 1981.

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanation of the conditions of approval of the Iowa program can be found in the January 21, 1981 Federal Register (46 FR 5885-5892).

Submission of Revisions

On October 1, 1981, OSM received from the Iowa Department of Soil Conservation (DSC), revisions to its permanent program intended to satisfy conditions indentified in the January 21, 1981 Federal Register as "a" and "c".

OSM published a notice in the Federal Register on February 10, 1982, announcing receipt of these provisions and inviting public comment on whether the provisions submitted satisfied the two conditions. On may 26, 1982 (47 FR 22950-22954), the Secretary announced his decision to approve the amendments and to remove conditions "a" and "c".

On June 3, 1982, the Iowa DSC submitted to OSM a statutory amendment, Iowa Senate Bill 2060, which revised the Iowa Surface Coal Mining Act to satisfy condition "b" identified in the Janurary 21, 1981 Federal Register

OSM published a notice in the Federal Register on July 7, 1982, announcing receipt of the provision and inviting public comment on whether it satisfied the condition. On September 8, 1982 (47 FR 39482-39483), the Secretary announced his decision to approve the amendment and remove condition "b".

On December 21, 1981, OSM notified the Iowa DSC that a review of Iowa's permanent regulatory program rules revealed that several important rules had been deleted and that the Iowa regulatory program was therefore deficient. (See Iowa Administrative Record Document Number IA-188.)

Apparently, Iowa deleted these rules in order to comply with actions taken by OSM to suspend certain rules in 30 CFR Chapter VII as a result of litigation on the permanent program rules (*In re Permanent for Surface Mining Regulation Litigation*, No. 79-1144 (D.D.C. 1980) aff'd 617 F. 2d 807 (D.C. Cir. 1980)). When Iowa chose to delete the corresponding rules from its program, it also deleted portions of the rules that were not suspended.

Summary of Program Amendments

Following is a description of the provisions submitted by the State on September 28, 1982, intended to correct the deficiencies noted in the December 21, 1981 letter from OSM. Under the authority of Iowa Code section 467.4(1), Chapter 4 of the Iowa Administrative Code on "Surface Mining and Reclamation Operations," was amended. The amended rules are summarized as follows:

1. Subrule 4.522(11) dealing with hydrologic balance, water quality standards, and effluent limitations, and

which adopts by reference 30 CFR 816.42 as promulgated March 13, 1979, is modified so that paragraph (a), subparagraphs (1) and (7), do not apply to the reclamation phase of mining, and paragraph (b) does not apply to total suspended solid discharges.

2. Subrule 4.522(15) dealing with hydrologic balance and sedimentation ponds, and which adopts by reference 30 CFR 816.46 as promulgated March 13, 1979, is modified to delete all but the first sentences from paragraphs (b), (c), and (h) of the federal regulations, and the following words from paragraph (d): "and shall have a discharge rate to achieve and maintain the required theoretical detention time."

3. Subrule 4.522(41) dealing with water control measures for coal processing waste banks, and which adopts by reference 30 CFR 816.83 as promulgated March 13, 1979, is modified to adopt by reference an amended rule adopted by the Office of Surface Mining on November 20, 1980, at 45 FR 76934.

4. Subrule 4.522(56) dealing with backfilling and grading for covering coal, acid and toxic-forming materials, and which adopts by reference 30 CFR 816.103 as promulgated March 13, 1979, is modified so that in lieu of subparagraph (a)(1) which was suspended, the Iowa DSC applies Sections 515(b)(14) and 516(b)(10) of SMCRA and 30 CFR 816.48.

5. Subrule 4.522(65) dealing with revegetation, and which adopts by reference 30 CFR 816.116 as promulgated March 13, 1979, is modified as amended by the Office of Surface Mining on August 4, 1980 (45 FR 51549).

6. Subrule 4.523(15) dealing with hydrologic balance and sedimentation ponds, and which adopts by reference 30 CFR 817.46 as promulgated March 13, 1979, is modified to delete all but the first sentences from paragraphs (b), (c), and (h) and the following words from paragraph (d): "and shall have a discharge rate to achieve and maintain the required theoretical detention time."

7. Subrule 4.523(38) dealing with water control measures for coal processing waste banks, and which adopts by reference 30 CFR 817.83 as promulgated March 13, 1979, is modified to adopt by reference an amended rule adopted by the Office of Surface Mining on November 20, 1980 (45 FR 76935).

8. Subrule 4.523(60) dealing with the standards for success of revegetation, and which adopts by reference 30 CFR 817.116 as promulgated March 13, 1979, is modified as amended by the Office of Surface Mining on August 4, 1980 (45 FR 51549).

9. Subrule 4.55(1) and subrule 4.55(5) dealing with special requirements for prime farmlands and prime farmland revegetation are modified so that the suspension of paragraph (c), subrule 4.55(1), and paragraphs (b) and (c), subrule 4.55(5), is made only to the extent that those paragraphs require actual crop production to measure revegetation sucess.

The following two provisions were not submitted in response to OSM's December 21, 1981 letter, but are additional amendments submitted by the State for consideration as program amendments.

10. Subrule 4.311(2), paragraph (e), subparagraph (1) dealing with maps and plans is modified to change the scale of maps required for the permit area from "1:1200 or larger" to "1:2400 or larger."

11. Subrule 4.322(13) dealing with cross sections, maps and plans, is modified in paragraph (k) to change the scale of topographic maps required for the existing land surface of proposed permit areas from "1:1200 or larger" to "1:2400 or larger" and to change the required contour interval from "two foot or less" to "five foot or less." Paragraph (1) of the same subrule is changed to modify the scale requirement for cross sections from "1:1200 or larger" to 1:2400 or larger."

The provisions submitted by Iowa on September 28, 1982, are available in full text for public review at the addresses listed above.

Accordingly, the Director seeks public comment on whether the final adopted Iowa rules satisfy the deficiencies described in OSM's letter to Iowa dated December 21, 1981 (IA-188) and whether the additional amendments proposed by Iowa are consistent with SMCRA and 30 CFR Chapter VII.

Additional Determinations

National Environmental Policy Act. Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), this rule is not a major Federal action and therefore no environmental impact statement, environmental assessment, or FONSI need be prepared on this rulemaking.

Regulatory Flexibility Act. Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve, or conditionally approve, State programs, actions, or amendments. Therefore, this proposed program amendment is exempt from the requirement to prepare a Regulatory Impact Analysis and regulatory review by OMB.

List of Subjects in 30 CFR Part 915

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 28, 1982.

J. Steven Griles,

Director, Office of Surface Mining.

[FR Doc. 82-30268 Filed 11-2-82; 8:45 am]

BILLING CODE 4310-05-M

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30 CFR Part 935

Public Comment and Opportunity for Public Hearing on Proposed Modifications to the Ohio Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSN), Interior.

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for a public comment period and for a public hearing on the substantive adequacy of program amendments submitted by Ohio to the Ohio Permenent Regulatory Program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Ohio program and proposed amendments will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the information about the public hearing.

DATES: Written comments from the public must be received by 4:30 p.m., e.s.t. on December 10, 1982, to be considered in the Secretary's decision on whether the proposed amendments should be approved and incorporated into the Ohio regulatory program. A public hearing on the proposed amendment has been scheduled for December 6, 1982. Any person interested in making an oral presentation at the hearing should contact Ms. Nina Rose Hatfield at the address or telehpone number listed below by November 19, 1982. If no person has contacted Ms. Hatfield by this date to express an interest in this hearing, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: The public hearing will be held between 1 p.m. and 5 p.m. in Room 202 of the Ohio Field Office, Office of Surface Mining Reclamation and Enforcement, Room 202, 2242 South Hamilton Road, Columbus, Ohio 43227. Written comments and requests for an opportunity to speak at the public hearing should be sent to Ms. Nina Rose Hatfield, Field Office Director, at the above address for the Ohio Field Office.

Copies of the Ohio program, the proposed modifications to the program and all written comments received in response to this notice will be available for public review at the OSM Field Office above and at the OSM headquarters office and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Ohio Division of Reclamation, Building B, Fountain Square, Columbus, Ohio 43224, Telephone: (614) 265–6633;
Office of Surface Mining, Room 5315, 1100 L Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur Abbs, Chief, Division of State Programs Assistance, Office of Surface Mining Reclamation and Enforcement, Interior South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: On January 22, 1982, the State of Ohio resubmitted to the Department of the Interior its permanent regulatory program under SMCRA. The resubmission followed an initial disapproval, notice of which was published in the **Federal Register** October 1, 1980 (45 FR 64962–64971). After opportunity for public comment and thorough review of the program resubmission, the Secretary of the Interior determined that the Ohio program meets the requirements of SMCRA and the Federal permanent program regulations, except for minor deficiencies.

Accordingly, the Secretary of the Interior conditionally approved the Ohio program subject to the correction of eleven minor deficiencies. Information pertinent to the general background, revisions, and modifications to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Ohio program can be found in the August 10, 1982 **Federal Register** (47 FR 34688–34718). The approval was effective on August 16, 1982.

On October 13, 1982, Ohio submitted materials proposing five rule changes which, if approved by the Director, OSM, would be incorporated into the Ohio regulatory program (Administrative Record No. OH ——). The proposed rules would amend the Ohio Administrative Code (OAC):

1501: 13–1–02 Definitions
1501: 13–1–07 Applicability
1501: 13–4–03, 04 and 05 Permit Application Requirements

The materials submitted by Ohio are available for public review at the addresses listed above. The Director seeks comment on whether the materials submitted should be approved and incorporated into the Ohio regulatory program.

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* On August 28, 1981, the Office of Management and Budget (OMB) granted the Office of Surface Mining exemption from Sections 3, 4, 6, and 8 of Executive Order 12291 for all actions taken to approve, or conditionally approve, State regulatory programs, actions, or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB is not needed for this program amendment.

4. *Indexing Requirements.*

List of Subjects in 30 CFR Part 935

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 29, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82–30267 Filed 11–2–82; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 925

Public Comment Procedures and Opportunity for Public Hearing on Modified Portions of the Missouri Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule.

SUMMARY: OSM is announcing procedures for the public comment period and for requesting a pubic hearing on the substantive adequacy of certain program amendments submitted by the State of Missouri as modifications to the Missouri permanent regulatory program (hereinafter referred to as the Missouri program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendments are submitted (1) to satisfy a condition imposed by the Secretary of the Interior on the approval of the Missouri program, and (2) as further modifications to the Missouri program.

This notice sets forth the times and locations that the Missouri program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed for the public hearing.

DATES: Written comments must be received on or before 4:00 p.m., December 6, 1982, to be considered in the decision on whether to approve or disapprove the proposed program amendments.

A public hearing on the proposed modifications will be held only if requested. If no one requests a public hearing, none will be held. If only one person requests a public hearing, a public meeting, rather than a public hearing may be held, and the results of the meeting included in the Administration Record. If a hearing is requested and scheduled, a notice announcing the time and location of the hearing will be published in the **Federal Register.** Requests for a public hearing should be directed to Richard Rieke at the address and phone number listed below by 4:00 p.m., November 30, 1982.

ADDRESSES: Written comments and requests for a hearing should be sent to: Mr. Richard Rieke, Field Office Director, Missouri Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374–3920.

Copies of the Missouri program, the proposed modifications to the program, a listing of any scheduled public meetins and all written comments received in response to the notice will be available for public review at the OSM Field Office listed above and at the OSM Headquarters Office and the Office of State regulatory authority listed below, during normal business hours Monday through Friday, excluding holidays.

Office of Surface Mining, Room 513, 1100 L Street, NW., Washington, D.C. 20240.

Missouri Department of Natural Resources, Land Reclamation Commission, 1026 D Northeast Drive, Jefferson City, Missouri 65102.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Rieke, Field Office Director, Missouri Field Office, Office of Surface Mining, Scarritt Building, 818 Grand Avenue, Kansas City, Missouri 64106, Telephone: (816) 374-3920.

SUPPLEMENTARY INFORMATION:

Background

The Missouri program was approved on November 21, 1980 (45 FR 77017-77028). The approval was conditioned on the correction of 23 minor deficiencies. The 23 deficiencies were included in three conditions, (a), (b), and (c). Condition (a) consisted of (a)(1) through (a)(21). In accepting the Secretary's conditional approval, Missouri agreed to correct deficiencies (a) and (b) by April 1, 1981, and deficiency (c) by October 1, 1981.

To correct deficiency (a), Missouri submitted fully enacted rules dated December 3, 1981. Missouri submitted enacted rules dated March 12, 1981, to correct deficiency (b), and an opinion from the State Attorney General to correct deficiency (c). After providing an opportunity for public review and comment, the Secretary determined that the amendments submitted by Missouri corrected the deficiencies in the program, with the exception of the last element of condition (a)(1). The Secretary removed the first six elements of conditions (a)(1), conditions (a)(2) through (a)(21), and conditions (b) and (c) on May 11, 1982 (47 FR 20116-20119). The Secretary also extended the deadline for Missouri to meet the last element of condition (a)(1) to October 15, 1982. In that notice, OSM also identified a number of minor errors in the cross-references throughout the Missouri amendments. OSM notified Missouri by letter dated April 7, 1982, that although the errors did not affect the substance of the regulations, they could be misleading and should be corrected.

Submission of Amendments

Missouri has now submitted rules, by letters dated September 7, 1982, and October 13, 1982 (Administrative Record MO-248), intended to satisfy the last element of condition (a)(1), correct the cross-references errors noted in OSM's April 7, 1982 letter, and make additional amendments.

The proposed rules are summarized as follows:

(1) To correct the last element of condition (a)(1), an amendment was made to 10 CSR 40-8.030(13)(A) to define the term "final order or decision" to allow injunctive relief in accordance with Section 521(c)(A) of SMCRA.

(2) An amendment was made to 10 CSR 40-8.030(6)(B) 1. and (C) to correct references.

(3) An amendment was made to 10 CSR 40-8.030(7) (A) and (D) to correct references.

(4) An amendment was made to 10 CSR 40-8.030(8)(A) 1. to correct references.

(5) An amendment was made to 10 CSR 40-8.030(8)(E) to delete the phrase "and within the time limit set forth in this rule," because a 60-day period is specified.

(6) An amendment was made to 10 CSR 40-8.030(9)(A) 2. and (B) to correct references.

(7) An amendment was made to 10 CSR 40-8.030(10)(A) to correct references and include the phrase "with the Commission" to indicate where to file an application for review and request a hearing on a notice or order.

(8) An amendment was made to 10 CSR 40-8.050(8) to allow SOAP contractors to subcontract with other qualified laboratories.

(9) An amendment was made to 10 CSR 40-8.060 to renumber Sections (7)-(10) as Sections (5)-(8).

The full text of the proposed program amendments submitted by Missouri on September 7 and October 13, 1982, is available for public inspection at the addresses listed above. The Secretary seeks public comment on the adequacy of the proposed amendments. If approved, the amendments will become part of the Missouri program.

Additional Determinations

National Environmental Policy Act. Pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), this rule is not a major Federal action and therefore no environmental impact statement, environmental assessment, or FONSI need be prepared on this rulemaking.

Regulatory Flexibility Act. Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, I certify that this proposed rule will not have a significant economic impact on substantial number of small entities.

Executive Order 12291. On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve or conditionally approve State programs, actions or amendments. Therefore, this proposed program amendment is exempt from the requirement to prepare a Regulatory Impact Analysis and regulatory review by OMB.

List of Subjects in 30 CFR Part 925

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: October 29, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-30314 Filed 11-2-82; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF EDUCATION

34 CFR Part 300

Assistance to States for Education of Handicapped Children

AGENCY: Education Department.

ACTION: Modification of notice of proposed rulemaking.

SUMMARY: On August 4, 1982, the Secretary proposed amended regulations for the Assistance to States for Education of Handicapped Children program. In light of public comment on the proposed regulations, the Secretary (1) withdraws the provisions in the six specified areas of the August 4 proposal as identified below, (2) specifies current regulatory provisions which would be restored in the six areas, (3) extends the period for comment on the proposed regulations to allow for comment on modifications occasioned by the withdrawals, and (4) announces his intention to publish a single revised Notice of Proposed Rulemaking (NPRM) for this program after a review of comments received.

DATES: Comments must be submitted on the August 4 proposed rules, including the modifications described in this notice, on or before December 3, 1982.

ADDRESS: Written comments should be addressed to Dr. Ed Sontag or Ms. Shirley A. Jones, Special Education Programs, Department of Education, 400 Maryland Avenue, SW., Donohoe Building (Room 4000), Washington, D.C. 20202. Telephone (202) 426-6114.

FOR FURTHER INFORMATION CONTACT: Dr. Ed Sontag or Ms. Shirley A. Jones, Telephone (202) 426-6114.

SUPPLEMENTARY INFORMATION: Pub. L. 94-142, enacted on November 29, 1975, substantially revised Part B of the Education of the Handicapped Act (20 U.S.C. 1401, 1411 *et seq.*). Part B authorizes formula grants to States and, through States, to local educational agencies and intermediate educational units to assist them in the education of handicapped children. The purposes of the Act, as amended by Pub. L. 94–142, are: To ensure that a free appropriate public education is made available to all handicapped children, to ensure that the rights of handicapped children and their parents are protected, to assist States and localities to provide for the education of handicapped children, and to assess and ensure the effectiveness of efforts to educate those children.

On August 4, 1982, the Secretary published an NPRM to amend the regulations governing the implementation of Part B of the Act. 47 FR 33836. Comments on the proposed regulations were invited for a 90-day period ending on November 2. In addition, eleven public hearings were held at sites throughout the country to obtain the views of interested persons. The last two hearings were concluded on October 6.

On September 29, the Secretary announced the withdrawal of the August 4 proposals in six areas. The table below sets out the effect of that withdrawal. Beneath a description of each of the six areas are two columns. The left-hand column lists those provisions of the August 4 NPRM which the Secretary no longer proposes to adopt. The right-hand column lists those provisions of the current regulations in 34 CFR Part 300 which the Secretary would restore in place of the provisions withdrawn from the August 4 proposal.

1. *Parental consent prior to evaluation or initial placement*

Withdraw from August 4 proposal	*Restore current provisions*
Section 300.145(c)	Section 300.500 (definition of consent). Section 300.504(b) and (c).

2. *Least restrictive environment*

Withdraw from August 4 proposal	*Restore current provisions*
Section 300.160	Section 300.550 through Section 300.556.
Section 300.161	Section 300 305
Section 300.113	Section 300.306

3. *Related services*

Withdraw from August 4 proposal	*Restore current provisions*
Section 300.4(b)(10)	Section 300.13.
Guidelines 1 and 2 after Section 300.4.	

4. *Timelines*

Withdraw from August 4 proposal	*Restore current provisions*
Section 300.18(b)	Section 300.343(c).
Section 300.20(b)	Section 300.342(b)(2).
Section 300.122(c)	Section 300.534(b).
Section 300.141	Section 300.152(a) through (c).
Section 300.162(a) and (b).	Section 300.508(a)(3).

5. *Attendance of evaluation personnel at individualized education program (IEP) meetings*

Withdraw from August 4 proposal	*Restore current provisions*
Guideline 1 after Section 300.124.	Section 300.344(b). Section 300.348(b)

6. *Qualifications of personnel*

Withdraw from August 4 proposal	*Restore current provisions*
	Section 300.12. Section 300.532(e) (under proposed Section 300.158(g)(2)). Section 300.540. Section 300.380(b).

The Secretary invites interested persons to comment on the proposed regulations, as modified in the manner described above. The Secretary will accept comments through December 3, 1982. The purpose of this extended comment period is to continue to ensure as much public participation in the rulemaking process as possible. The Secretary is committed to a process that permits a full discussion of the issues raised in the implementation of this most important program. Comments on any aspect of the proposed regulations will be welcomed.

In addition to soliciting further written comments at this time, the Secretary has determined to seek the widest possible consultation with parents, educators, and other parties involved in the education of handicapped children. Interested persons and organizations are encouraged to write or call the Education Department contact persons identified in this notice to arrange for meetings or conference calls for this purpose.

After the comment period closes and the comments are analyzed, the Secretary intends to publish a new Notice of Proposed Rulemaking setting forth all appropriate revisions to the current regulations. This is not expected to occur until late winter or early spring, 1983. Public comment on the August 4 NPRM has already brought to light a number of opportunities to improve upon that document in areas other than the six areas described above. For example, the Department is considering such matters as (1) how to ensure that parents have adequate and timely information about the evaluation and educational placement of their handicapped children, (2) how to facilitate the full involvement of parents in the education of their children, (3) how to ensure that children are evaluated through the use of a multidisciplinary approach in all appropriate cases, and (4) how to ensure that appropriate criteria and procedures are used to determine whether a child has a specific learning disability.

It is the Secretary's judgment, in light of the intense interest and concern which the August 4 proposal has elicited, that all appropriate revisions to that document should be published in a single, new Notice of Proposed Rulemaking. Public comment will be solicited on the new NPRM prior to the adoption of any final regulations for the program.

(Catalog of Federal Domestic Assistance No. 84.027, Assistance to States for Education of Handicapped Children)

Dated: November 1, 1982.

T. H. Bell,

Secretary of Education.

[FR Doc. 82–30359 Filed 11–2–82; 8:45 am]

BILLING CODE 4000–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A 6–FRL 2181–8]

Approval and Promulgation of Implementation Plans; Oklahoma Regulation 1.4 Air Resources Management-Permits Requirements and Major Sources-Nonattainment Area Procedures

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: This notice proposes approval to two parts of Regulation 1.4's revision to the Oklahoma State Implementation Plan. The revision to Air Resources Management-Permits Required (1.4.1–1.4.3) and Major Sources-Nonattainment Areas (1.4.5) was submitted by the Governor on April 12, 1982. The section on Prevention of Significant Deterioration (PSD) Requirements (1.4.4) will be published in a separate **Federal Register** issue. The revision fulfills the provisions of Section 173 of the Clean Air Act by incorporating the Permit requirements into the regulation. It also sets forth legally enforceable procedures for the review of new sources and modifications which would locate in a nonattainment area.

On August 17, 1982, the United States Court of Appeals for the District of Columbia Circuit held that EPA may not use the plantwide definition of source in nonattainment areas in the *Natural Resources Defense Council* vs. *Gorsuch* ruling No. 81–2208.

Oklahoma's revision to Regulation 1.4 retains the dual definition of source and therefore is not affected by the decision.

DATES: Interested persons are invited to submit comments on this proposed action on or before December 3, 1982.

ADDRESSES: Written comments should be submitted to the address below: Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, State Implementation Plan Section, 1201 Elm Street, Dallas, Texas 75270.

Copies of the State submittal are available for inspection during normal business hours at the address above and at the following location: Oklahoma State Dept. of Health, Air Quality Service, N.E. 10th and Stonewall, Oklahoma City, Oklahoma 73105.

FOR FURTHER INFORMATION CONTACT: Kathryn M. Griffith, State Implementation Plan Section, Environmental Protection Agency, Region 6, Air and Waste Management Division, Air Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-9853.

SUPPLEMENTARY INFORMATION: On April 12, 1982, the Governor of Oklahoma submitted a SIP revision to Regulation 1.4. EPA reviewed the State's submittal and developed an evaluation report,[1] which is based on the minimum criteria established in 40 CFR 51.18 Review of new sources and modifications. This evaluation report is available for inspection by interested parties during normal business hours at the EPA Region 6 Office and the other addresses listed above.

Regulation 1.4's revision and the letter of commitment from the State dated April 30, 1982, adequately provides for the preconstruction review of a major new source or major modification which would locate in a nonattainment area. The State committed that:

1. sources proposing to locate in an attainment area where monitoring data indicates the area is in fact nonattainment (1.4.5(c)(1)(C)(ii)), will be required to apply LAER, demonstrate that all other sources are in compliance, and offset;
2. section 1.4.5(d)(2) is interpreted to mean that only secondary emissions are exempt from the conditons of 1.4.5(c)(1)(C)(vi) and 1.4.5(e)(1)(A), (B) and (C) and not the source as a totality;
3. copies of the public notification for permits will be sent to EPA and to all other local air pollution control agencies as required by 40 CFR 51.18(h)(4); and
4. whenever the word "enforceable" appears in a definition (1.4.5(b)(1-20)), they will interpret it to include "federally enforceable".

The State has agreed to submit a letter of clarification stating that because they use actual emissions to demonstrate reasonable further progress (RFP) towards attainment they also use actual emissions to determine credit for emission reductions. In the 1979 SIP, EPA approved Section 1.4.5(e)(1)(D)(ii) which enables a source to use the total allowable emissions in the region for offsets and to represent RFP toward attainment. But, under the States RFP reporting section (page 4-138, 1979 SIP), it states that "The report shall contain an updated emission inventory on an actual ton-per-year basis for the entire county or nonattainment area."

On August 7, 1980, at 45 FR 52728, EPA noted that many Part D SIP revisions based their attainment demonstrations on the actual emissions of the sources in a nonattainment area rather than the sources allowable emissions. This means that to be consistent with RFP, sources must reduce their actual, rather than their allowable, emissions. Otherwise, sources could claim credit for offsets in situations where the offset would actually interfere with RFP.

EPA is proposing approval of Regulations 1.4's revision because it fulfills the provisions of Section 173 of the Act and adequately provides for the preconstruction review of a major new source of major modification which would locate in a nonattainment area.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide,. Hydrocarbons, Intergovernmental relations.

(Sec. 110 of the Clean Air Act, as amended, 42 U.S.C. 7410).

Dated: October 8, 1982.

Frances E. Phillips,

Regional Administrator.

[FR Doc. 82-30197 Filed 11-2-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PH-FRL 2237-2; OPP-300068]

Alpha-(p-Nonylphenyl)-Omega-Hydroxypoly(Oxyethylene); Proposed Exemptions From the Reqirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to expand the upper range of moles of ethylene oxide in alpha-(*p*-nonylphenyl)-omega-hydroxypoly (oxyethylene) when used as an inert ingredient in pesticide formulations. This proposed regulation was requested by the GAF Corporation.

DATE: Written comments must be received on or before December 3, 1982.

ADDRESS: Written comments to: Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Roland Blood (703-557-7700) at the above address.

SUPPLEMENTARY INFORMATION: At the request of the GAF Corporation, the Administrator proposes to amend 40 CFR 180.1001(c) and (d) by expanding the upper range of moles of ethylene oxide in the exempted inert ingredient, alpha-(*p*-nonylphenyl)-omega-hydroxypoly(oxyethylene) from 30-90 moles to 30-100 moles.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient: Alpha-(*p*-nonlyphenyl)-omega-hydroxypoly (oxyethylene), produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer) with an average of 4-14 or 30-100 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range of 4-14 or 30-100.

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[1] EPA Review of Oklahoma Regulation 1.4.1-1.4.3 (Air Resources Management-Permits Required) and 1.4.5 (Major Sources-Nonattainment Areas).

Name and address of requestor: GAF Corporation, 1361 Alps Road, Wayne, NJ 07470.

Basis for approval: This surfactant is cleared under 180.1001(c) and (e) with no limitations. This minor increase in ethylene oxide content from 30–90 to 30–100 moles is not toxicologically significant.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains this inert ingredient, may request on or before December 3, 1982 that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number "[OPP–300068]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests.

Dated: October 22, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, it is proposed that 40 CFR 180.1001 (c) and (d) be amended by modifying the listing for alpha-(*p*-nonylphenyl)-omega-hydroxypoly(oxyethylene) to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
• • • • •		
Alpha-(*p*-nonylphenyl)-omega-hydroxypoly(oxyethylene); produced by the condensation of 1 mole of nonylphenol-(nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–100 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range 4–14 or 30–100.	....	Surfactant.
• • • • •		

(d) * * *

Inert ingredients	Limits	Uses
• • • • •		
Alpha-(p-nonylphenyl)-omega-hydroxypoly(oxyethylene); produced by the condensation of 1 mole of nonylphenol-(nonyl group is a propylene trimer isomer) with an average of 4–14 or 30–100 moles of ethylene oxide; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be in the range 4–14 or 30–100.	....	Surfactant.
• • • • •		

[FR Doc. 82–29977 Filed 11–2–82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 180

[PH–FRL 2236–4; OPP–300069]

Methyl Bis (2-hydroxyethyl) Alkyl Ammonium Chloride; Proposed Exemptions From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed rule exempts methyl bis (2-hydroxyethyl) alkyl ammonium chloride from the requirement of a tolerance, where the carbon chain (C_8–C_{18}) is derived from coconut, cottonseed, soya, or tallow acids, when used as an adjuvant in pesticide formulations. This proposed regulation was requested by the Armak Company.

DATE: Written comments must be received on or before December 3, 1982.

ADDRESS: Written comments to: Process Coordination Branch (TS–767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 716D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Roland Blood (703–557–7700) at the above address.

SUPPLEMENTARY INFORMATION: At the request of Armak Company, the Administrator proposes to amend 40 CFR 180.1001(c) by including methyl bis (2-hydroxyethyl) alkyl ammonium chloride.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific basis used in arriving at a conclusion of safety in support of the exemption.

Name of inert ingredient: Methyl bis (2-hydorxyenthyl) alkyl ammonium chloride.

Name and address of requestor: Armak Company, 300 South Wacker Drive, Chicago, IL 60606.

Basis for approval: Other exempted surfactants are derived from these edible oils; e.g. *N,N*-bis(2-hydroxyethyl) alkyl amine.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practices, this ingredient is useful and does not pose a hazard to humans or the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended which contains this inert ingredient, may request on or before December 3, 1982 that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating both the subject and the petition and document control number, "[OPP–300069]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch at the address given above from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Agricultural commodities, Pesticides and pests.

Dated: October 22, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore it is proposed that 40 CFR 180.1001(d) be amended by adding and alphabetically inserting methyl bis (2-hydroxyethyl) alkyl ammonium chloride to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Insert ingredients	Limits	Uses
* * * * *		
Methyl bis (2-hydroxyethyl) alkly ammonium chloride, where the carbon chain (C_8–C_{18}) is derived from coconut, cottonseed, soya, or tallow acids.		
* * * * *		

[FR Doc. 82–29979 Filed 11–2–82; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Subtitle A

Federal Flood Insurance Prohibition for Undeveloped Coastal Barriers; Proposed Identification

Correction

In FR Doc. 82–29152, beginning at page 47026, in the issue of Friday, October 22, 1982, make the following corrections:

1. On page 47026, in the heading of the document, "Underdeveloped" should have read "Undeveloped".

2. On page 47027, in the first column, first full paragraph, line 11, "Coatal" should have read "Coastal".

BILLING CODE: 1505–01–M

Notices

Federal Register
Vol. 47, No. 213
Wednesday, November 3, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

October 29, 1982.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions of reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of response; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of P.L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Comments and questions about the items in the listing should be directed to the agency person named at the end of each entry. If you anticipate commenting on a form but find that preparation time will prevent you from submitting comments promptly, you should advise the agency person of your intent as early as possible.

Copies of the proposed forms and supporting documents may be obtained from: Richard J. Schrimper Statistical Clearance Officer (202) 447–6201.

New

- Forest Service

New England Woodland Ownership Study
Non-recuring
Individuals or households, farms and businesses or other institution: 1,175 responses; 469 hours; not applicable under 3504(h)
Tom Birch (717)489–3029

- Food and Nutrition Service

Private Sector Inventory System for Processing USDA Donated Foods
On occasion, monthly and annually
Businesses or other institutions: 51,350 responses; 6,425 hours; not applicable under 3504(h)
Gwena Kay Tibbits (703) 756–3660

Revised

- Farmers Home Administration

7 CFR 1930–C, Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients
FmHA 444–8, 444–27A, 1930–5, 1930–6 1930–7, 1930–8, 1944–25, 1944–27, 1944–29
On occasion
Individuals, state or local governments, businesses or other institutions: 426,070 responses; 629,541 hours; not applicable under 3504(h)
Jeanine Johnson (202) 382–1611

- Farmers Home Administration

7 CFR 1944–E, Rual Rental Housing Loan Policies, Procedures, and Authorization
FmHA 1944–7, 1944–33, 1944–34, 1944–35
On occasion
Businesses or other institutions: 23,800 responses; 143,625 hours; not applicable under 3504(h)
Jeanine Johnson (202) 382–1611

Agricultural Marketing Service
Valencia Oranges Grown in Arizona and Designated Part of California—Marketing
Order 908
On occasion, weekly, daily annually
Businesses or other institutions: 108,836 responses; 14,612 hours; not applicable under 3504(h)
William J. Doyle (202) 447–5975

Extension

- Forest Service

Fuelwood and Post Production in Selected States
Annually
Individuals or households and businesses or other institutions: 8,587 responses; 859 hours; not applicable under 3504(h)
James Bones (202) 447–2600

- Federal Grain Inspection Service

Application and Agreement for Contract Service
FGIS–4
Annually
Businesses or other institution: 15 responses; 4 hours; not applicable under 3504(h)
Kenneth Weaver (202) 382–0252

- Forest Service

Outfitter/Guied Application—Land Occupancy, Grazing
FS–2700–21
Annually
Businesses or other institutions: 1,000 responses; 500 hours; not applicable under 3504(h)
Bob Wier (202) 447–2196

- Food and Nutrition Service

Distribution of Donated Foods to Family Units
FNS–152
Monthly
State or local government: 1,296 responses; 2,498 hours; not applicable under 3504(h)
Sandy Robinson (703) 756–3660

- Agricultural Stabilization and Conservation Service

Report of Tobacco Production and Disposition
MQ–108
On occasion
Farms: 1,000 responses; 170 hours; not applicable under 3504(h)
Thomas Burgess (202) 447–2715

- Agricultural Stabilization and Conservation Service

Application for Duplicate Marketing Card
MQ–117
On occasion
Farms: 1,200 responses; 300 hours; not applicable under 3504(h)
Thomas Burgess (202) 447–2715

- Agricultural Stabilization and Conservation Service

Dealer's Record (Tobacco)
MQ–79
Weekly and as needed
Businesses or other institutions: 5,000 responses; 1,250 hours; not applicable under 3504(h)
Thomas Burgess (202) 447–2715

- Agricultural Stabilization and Conservation Service

Application for Approval of Facilities for Shelling, Crushing or Other Services for
CCC Collateral
CCC–1057
Nonrecurring
Farms and businesses or other institutions: 48 reponses; 8 hours; not applicable under 3504(h)
Bob Ray (202) 382–9106

- Agricultural Marketing Service

Quarterly Report of Manufacutre and Sales of Snuff, Smoking and Chewing Tobacco
TB-39
Quarterly
Businesses or other institutions: 200 responses; 200 hours; not applicable under 3504(h)
Larry L. Crabtree (202) 447-3489
• Agricultural Marketing Service
Tobacco Stocks Report
TB-26
Quarterly
Businesses or other institutions: 800 responses; 800 hours; not applicable under 3504(h)
Larry L. Crabtree (202) 447-3489

Richard J. Schrimper,
Statistical Clearance Officer.

[FR Doc. 82-30185 Filed 11-2-82; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[Docket No. 37392; Order No. 82-10-82]

Transatlantic, Transpacific and Latin American Service Mail Rates Investigation; Order Fixing Final Service Mail Rates

By Order 82-6-89, served June 23, 1982, we directed all interested persons to show cause why we should not establish the international service mail rates [1] proposed therein as the final rates of compensation for the period July 1 through December 31, 1982.

Notices of Objection were filed by Trans World Airlines, Inc., The Flying Tiger Line Inc. and Eastern Air Lines, Inc. Answers were filed by TWA and Flying Tiger. American Airlines, Inc. filed a Motion for leave to file an otherwise unauthorized document and its Answer.[2] Eastern did not file an answer.

TWA's objection is primarily concerned with the period of applicability of the rates. The carrier argues that we have calculated unprecedented reductions in the rates based mainly on a short period of fuel price reductions. It states that the respite from historic upward pressures on fuel prices has been short-lived as fuel costs have already bottomed out and resumed their upward climb. It requests that we return to quarterly rate reviews and make the proposed rates applicable only from July 1 through September 30, 1982.

Flying Tiger and American make the same proposal citing basically the same reasons as TWA. Flying Tiger also requests that we accept its late filed answer.[3]

Upon consideration of the pleadings and review of the fuel cost data reported through August 1982, we have decided to deny the carriers' requests to make the rates applicable only for the third quarter of 1982. We are not persuaded by the argument relating to our fuel costs projections. Contrary to TWA's claim, that fuel costs had bottomed out and resumed their upward climb, the following table clearly shows that while there were rises in the Atlantic and Latin America in June, fuel prices have continued their downward movement through August, the latest month for which data are available.[4]

CY 1982	Atlantic [1]	Pacific [1]	Latin America
January	111.41	116.16	112.45
February	112.42	[illegible]	110.86
March	110.52	114.78	110.08
April	107.16	113.26	110.19
May	104.70	112.24	103.59
June	105.37	111.74	104.33
July	104.75	112.29	103.07
August	104.67	111.99	[illegible]

[1] Cents

These data reinforce the reasonableness of our October 1 fuel price projections of 104.34, 111.19 and 108.43 cents, respectively.

We would also like to reiterate, as we stated in Order 81-6-164 and 82-3-95, that: "* * * mail rates are not established based on changes in fuel costs alone. While fuel represents about 40 percent of the mail-related operating costs, changes in nonfuel costs also affect the final rate determinations. Moreover, even though fuel cost projections may not track exactly actual fuel costs, the salient issue here is the reasonableness of the rates. If the rates reflect adequately the underlying costs of the service provided, then the rates are deemed to be fair and reasonable."

We find that no one has submitted any material that shows that either our fuel price projections, the rates, or the period of applicability are unreasonable.

Accordingly:

1. We make final the tentative findings and conclusions set forth in Order 82-6-89;

2. The fair and reasonable final rates of compensation to be paid in their entirety by the Postmaster General pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, as amended, to the carriers for the transporation by aircraft of space-available mail, military ordinary mail and all other mail over their respective routes in the Atlantic, Pacific, and Latin American rate areas,[5] the facilities used and useful therefor, and the services connected therewith, for the period from July 1 through December 31, 1982, are those set forth in the attached Appendix;

3. The fair and reasonable temporary rates of compensation for the transportation of mail by aircraft in international services for the period January 1, 1983, until further Board order shall be the final rates established for the period July 1 through December 31, 1982; and

4. The terms and conditions applicable to the transportation of each class of mail at the rates established here are those set forth in Order 79-7-17.

5. A copy of this order shall be served upon all parties to this proceeding.

We shall publish a notice of this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 82-30206 Filed 11-2-82; 8:45 am]

BILLING CODE 6320-01-M

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[1] An Appendix containing the rates was filed with the original.

[2] We grant the motion and accept the answer of American.

[3] We accept the late filed answer of Flying Tiger.

[4] It should be noted that the latest fuel cost data available at the time our projections were made was for the month of April 1982.

[5] The Atlantic, Pacific, and Latin American rate areas are delineated in Attachments 1, 2, and 3, respectively, to Order 79-7-17.

Application of International Air Associates, Inc., for Charter Certificate

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order instituting a fitness investigation of International Air Associates, Inc. in Docket 41075 (order 82-10-114).

SUMMARY: The Board is instituting an investigation to determine the fitness of International Air Associates, Inc. to engage in the interstate and overseas and the foreign charter air transportation of property and mail.

DATES: Persons wishing to file petitions for leave to intervene in the International Air Associates, Inc. Fitness Investigation shall file their petitions in Docket 41075 by November 12, 1982 and shall serve such filings on all persons listed below.

ADDRESSES: Petitions for leave to intervene should be filed in Docket and should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. In addition, copies of such filings should be served on International Air Associates; the mayor and airport manager of Miami, Fl; and the Florida Department of Transportation, Bureau of Aviation; and on any other persons filing petitions.

FOR FURTHER INFORMATION CONTACT: Carolyn S. Kramp, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428 (202) 673-5919.

SUPPLEMENTARY INFORMATION: The complete test of Order 82-10-114 is available from our Distribution Section, Room 100, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 82-10-114 to that address.

By the Bureau of Domestic Aviation: October 28, 1982.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-30207 Filed 11-2-82; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

New Mexico Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Mexico Advisory Committee to the Commission will convene at 1:00 pm and will end at 6:00 pm, on November 30, 1982, at the Best Western Classic Hotel, 6815 Menaul, N.E., Albuquerque, New Mexico 87110. The purpose of this meeting is to discuss follow-up to block grant projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Hon. Roberto A. Mondragon, Lieutenant Governor's Office, State Capitol, Room 425, Santa Fe, New Mexico 87503, (505) 827-2513; or the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio TX 78204, (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., October 29, 1982.

John I. Binkley,

Advisory Committee Management Office.

[FR Doc. 82-30212 Filed 11-2-82; 8:45]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEC/ISAC Liaison Subcommittee of the President's Export Council; Open Meeting

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The President's Export Council was initially established by Executive Order 11753 of December 20, 1973. The Council was reconstituted by Executive Order 12131 of May 4, 1979, and continued by Executive Order 12258 of December 31, 1980. The Council's purpose is to advise the President on matters relating to United States export trade. The DEC/ISAC Liaison Subcommittee was formed by the Council to co-ordinate exchanges of information between organizations concerned in U.S. exports.

TIME AND PLACE: November 19, 1982. 9:00 a.m.-3:00 p.m. The meeting will be held at the Departmental Auditorium Building, Conference Room B, between 12th and 14th Streets on Constitution Avenue, N.W., Washington, D.C.

AGENDA: The meeting will focus on state government trade promotion activities. State government officials and legislators are being invited to share information on state trade development programs. Presentations will be made by a panel of state legislators, and by representatives from state government organizations, including the National Association of State Development Agencies and the National Governors' Association. Other presentations by government and private sector speakers will cover such topics as: Export Trading Companies, state export financing programs, and small and minority business concerns.

PUBLIC PARTICIPATION: The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Elisabeth Maatsch, Room 3213, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: (202) 377-1125.

Dated: October 29, 1982.

Henry Misisco,

Acting Director, Office of Policy and Coordination.

[FR Doc. 82-30211 Filed 11-2-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigations; Certain Softwood Lumber Products From Canada

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigations.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating countervailing duty investigations to determine whether producers, manufacturers, or exporters in Canada of certain softwood lumber products receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of certain softwood lumber products are materially injuring, or threatening to materially injure, a U.S. industry. If the investigations proceed normally, the ITC will make its preliminary determinations on or before November 22, 1982, and we will make ours on or before December 31, 1982.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT: Roland MacDonald, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, (202) 377-4036.

SUPPLEMENTARY INFORMATION:

Petitions

On October 7, 1982, we received a petition from the United States Coalition for Fair Canadian Lumber Imports on behalf of a number of trade associations and producers in the United States softwood forest products industries. The petitioner alleges that manufacturers, producers, or exporters in Canada of certain forest products receive benefits that constitute subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended (the Act). The petitioner further alleges that imports of this product are materially injuring, or threatening to materially injure, a U.S. industry.

Canada is a "country under the Agreement" within the meaning of section 701(b) of the Act; accordingly, Title VII of the Act applies.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on certain forest products from Canada and we have found that the petition meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in Canada of certain softwood forest products, as specified in the "Scope of Investigations" section of this notice, receive benefits that constitute subsidies within the meaning of section 771(5) of the Act. If the investigations proceed normally, we will make our preliminary determinations by December 31, 1982.

Scope of Investigations

The products covered by these investigations are softwood lumber, softwood shakes and shingles, and softwood fence. For a further description of these products, see the appendix to this notice.

Allegation of Subsidies

The petitioner alleges that producers, manufacturers, or exporters in Canada of softwood forest products receive benefits that constitute subsidies, including:

1. The provision of capital, loans, or loan guarantees on terms inconsistent with commercial considerations.
2. The provision of goods or services at preferential rates.
3. The grant of funds or forgiveness of debt to cover operating losses sustained by a specific industry.
4. The assumption of costs or expenses of manufacture, production, or distribution.

The petitioner alleges that the above benefits are realized through a number of agencies and types of programs, including:

- Assumption of stumpage costs
- Regional development incentives programs
- Federal and provincial government agreements
- Enterprise Development Program
- Forest Industry Renewable Energy
- Program for export market development
- Federal Business Development Bank
- Export Development Corporation
- Transportation
- Canadian Forestry Service
- Manpower
- Small business loans
- Taxation measures
- Other provincially funded programs

At this time, the Department has of course made no determination as to whether any of the alleged benefits, including stumpage, in fact constitutes subsidies.

Notification of ITC

Section 702(d) of the Act requires us to notify the ITC of this action and to provide it with the information used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determinations by ITC

The ITC will determine by November 22, 1982, whether there is a reasonable indication that imports of softwood lumber products from Canada are materially injuring, or threatening to materially injure a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will proceed to conclusion.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

APPENDIX—Description of Products

For purposes of these investigations:

1. The term "*software lumber*" covers those products included in the *Tariff Schedules of the United States Annotated (1982) (TSUSA)* in items 202.03–202.30 (rough, dressed, or worked softwood lumber) specifically excluded are drilled and treated lumber, wood siding, and edge-glued or end-glued wood not over 6 feet in length or over 15 inches in width. "Rough lumber" is "lumber just as it comes from the saw; whether in its original sawed size or edged, resawn, crosscut, or trimmed to smaller sizes." "Dressed lumber" is "lumber which has been dressed or surfaced by planing on at least one edge or face." "Worked lumber" is "lumber which has been matched (tongue-and-grooved), shiplapped (rabbeted or lapped joint), or patterned on a matching machine, sticker, or molder."

2. The term "*softwood shakes and shingles*" "refers to wood products most frequently made from red cedar, that are used for roofing or siding." Softwood shakes, "approved durable wood of random widths ranging from 4 inches to 14 inches come in four types: Hand-split and resawn, taper split, straight-split and taper sawn." "Softwood shingles are tapered pieces of approved durable wood, sawed both sides, of random width ranging from 3 inches to 14 inches and in lengths of 16 inches, 18 inches or 24 inches: for purposes of this investigation, the term softwood shakes and shingles refers only to those products designated in *Tariff Schedules of the United States Annotated (1982) (TSUSA)*, as item 200.85.

3. The term "*software fence*" refers to three types of fences: picket, stockade, and rail. Picket fences are made of wood pickets nailed to horizontal back rails which are fastened to the supporting posts. The pickets vary in length and thickness, lengths range from 24" to 92", and thickness varies from ½" to 3". The species of wood fences is usually cedar for the post and conifers or softwoods for the backrails and pickets. Rail fences consist of line post and horizontal rails. Cedar is generally used for the line posts and cedar or conifers or northern softwoods are used for the rails. Stockade fences vary in height from 3 feet to 10 feet. Widths are usually 7 feet or 8 feet. Line posts are generally cedar, and stockade sections are made from northern softwoods. This investigation covers softwood fences both assembled and unassembled, which fall under *TUSUA* item 200.75.

[FR Doc. 82-30208 Filed 11-2-82; 8:45 am]

BILLING CODE 3510-25-M

Joint Business-Department of Commerce Hearings on the Export Administration Act of 1979

The Export Administration Act establishes the export control policy of the United States and empowers the President and the Secretary of Commerce to implement that policy. Thus, the Act contains the statutory authority for regulating exports for national security, foreign policy and short supply reasons. The Export Administration Act is reviewed by Congress prior to its periodic amendment and extension. The 1979 Act expires on September 30, 1983. Congress will probably begin its extension review of the Act early next year.

Prior to the congressional review, and in an effort to assist that review, the Administration will develop its position on the Export Administration Act. In preparing its position, the Administration wishes to take into account the widest possible range of private sector views on this key export legislation. Therefore, the Department of Commerce, in cooperation with the business community as represented by the Export Administration Subcommittee of the President's Export Council, will hold a series of informal public hearings across the nation. The purpose of these hearings will be to solicit the views of the public on the specific provisions of the current Act. The hearings will also seek to obtain public reaction to some of the suggested changes of the Act that have come to the attention of the Government and the business community.

Individuals wishing to attend the meetings in order to offer views and recommendations for changes in the current Act should prepared a brief written statement. Prepared statements are preferred because of the scope and complexity of the issues involved. Each participant will be limited to no more than a five minute paper or synopsis of a longer paper, with an additional 15 minutes for panel questions. Statements will be read before a mixed panel of senior government officials and private sector representatives. The panels will be chaired by prominent local executives from the business community.

Those desiring to appear before the panel must contact the District Office individual noted below for each respective meeting. General questions about the purpose of the meetings may be directed to Paige Bryan, Commerce Department, ITA, Room 3898–B, Washington, D.C. 20230 (202/377–1455). Requests to appear must be received no later than three days prior to the scheduled meeting. The hearing calendar is as follows:

Cities, Date and District Office Director

Atlanta, November 16, Daniel Paul (404) 881–7000
Boston, November 19, Francis O'Connor (617) 223–2312
Dallas, November 30, Carmon Stiles (214) 767–0542
Chicago, December 2, Joseph Christiano (312) 353–4450
Seattle, December 7, Eric Silberstein (206) 442–5616
San Francisco, December 9, Betty Neuhart (415) 556–5860

Meeting locations will be assigned individually by the appropriate District Office. Contact the individual listed above for details in each case. There will be two sessions for each hearing: (1) Morning (9:30 a.m.–12:00 noon) and (2) afternoon (2:00 p.m.–5:00 p.m.). For the benefit of individuals participating in these hearings, copies of the Export Administration Act will be available from the Commerce Department District Office. The Act also appears in the Export Administration Regulations, under "Legislative Authority," p.i. and in the United States Code at 50 U.S.C. App. 2401 et seq. We encourage anyone with an interest in the export control program to attend these hearings and express his views.

Lionel H. Olmer,

Under Secretary of Commerce for International Trade.

David C. Scott,

Chairman, Export Administration, Subcommittee of the President's Export Council.

October 25, 1982.

[FR Doc. 82–30280 Filed 11–2–82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Land Remote Sensing Satellite Advisory Committee; Meeting

AGENCY: National Earth Satellite Service, NOAA.

ACTION: Notice of partially closed meeting.

SUMMARY: The Land Remote Sensing Satellite Advisory Committee was established on August 12, 1981, by the Secretary of Commerce to advise on matters pertinent to the Department's responsibilities for the establishment and management of the civil operational land remote sensing satellite program. The Working Group on Commercialization, a subcommittee of the Advisory Committee, was formed to review and evaluate sensitive submissions from U.S. industry potentially interested in acquiring the U.S. civil remote sensing satellites.

DATES: The partially closed meeting will convene November 18, 1982, at 9:00 a.m. and adjourn at approximately 2:00 p.m. on November 19, 1982. The meeting will be closed from 9 a.m. to 1:00 p.m. on November 18 and from 9:00 a.m. to 10:30 a.m. on November 19; other times will be open.

ADDRESS: The meeting will be held in Conference Room 6802, Herbert C. Hoover Building (formerly the Main Commerce Building), 14th Street and Constitution Avenue, Washington, D.C. (The public entrance is on 14th Street between Constitution Avenue and E Street.)

AGENDA: Part of the meeting is being closed to discuss proposals by U.S. industry, including potential contractors, to acquire or operate elements of the U.S. civil remote sensing satellites including the Landsat system. Discussions of these documents are likely to disclose trade secrets and commercial and financial data submitted to the Government in confidence. The Committee's agenda has three parts: (1) Report of the Working Group on Commercialization and examination of commercial documents submitted in confidence to the Government and the Advisory Committee. (This entire session will be closed from 9:00 a.m. to 1:00 p.m. on November 18, 1982) (2) General discussion of issues and alternatives surrounding commercialization of U.S. civil remote sensing satellite systems. (This session is open to public attendance and will be held from 1:00 p.m. to approximately 5:00 p.m. on November 18, 1982. A summary of the Working Group report will be presented before general discussion begins.) (3) Development of recommendations to the Secretary of Commerce concerning commercialization of the U.S. civil remote sensing satellites. (This session will be closed from 9:00 a.m. to 10:30 a.m. on November 19, 1982, to avoid disclosure of sensitive commercial information during discussions of possible recommendations. The remainder of this session will be open to the public from 10:30 a.m. until adjourned by the Chairman at approximately 2:00 p.m.)

PUBLIC PARTICIPATION: During open sessions approximately 60 seats will be available for the public, including 10 seats reserved for media representatives on a first-come, first-served basis. If time permits, the Chairman will solicit oral comments from attendees. Written statements may be submitted at any time before or after the meeting and should be directed to Dr. John H. McElroy, Assistant Administrator for Satellites, NOAA, Washington, D.C. 20233. Minutes of the open part of the meeting will be available on written request after certification by the Committee Chairman 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: The Committee Control Officer, Mr. Richard J. Keating, (301) 763–5904, or the Committee Staff Officer, Ms. Peggy J. Harwood, (301) 763–7822. They are located in the Office of External Relations, National Earth Satellite Service, NOAA, (Sx3) Washington, D.C. 20233.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the delegate of the General Counsel, formally determined on October 15, 1982, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that certain matters to be discussed at this meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the discussions are likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential, matters that are within the purview of 5 U.S.C. 552b(c)(4). (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Records Inspection Facility, Room 6628, Department of Commerce.)

Dated: October 29, 1982.

Francis J. Balint,

Director, Office of Information and Management Systems.

[FR Doc. 82–30174 Filed 11–2–82; 8:45 am]

BILLING CODE 3510–06–M

[Modification No. 1 to Permit No. 298]

Marine Mammal Permit Applications; Granting of Extension

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Public Display Permit No. 298 issued to Adriatic Sea World, Lungomare Della Republica, 47036 Riccione, Italy, on July 16, 1980 (45 FR 48682), is hereby modify to extend the period of authorized taking for two years.

Accordingly, Section B–3 is deleted and replaced by:

"3. This permit is valid with respect to the taking authorized herein until December 31, 1984."

This modification becomes effective upon publication in the **Federal Register**.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: October 28, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service

[FR Doc. 82–30271 Filed 11–2–82; 8:45]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Meeting Amendment

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Public Meeting Dates for the Western Pacific Fishery Management Council, as published in the **Federal Register**, October 29, 1982 (47 FR 49065–49066), have been changed as follows:

From: December 2–3, 1982

To: December 6–7, 1982.

All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Dated: October 29, 1982.

E. Craig Felber,

Chief, Management Services Staff, National Marine Fisheries Service.

[FR Doc. 82–30205 Filed 11–2–82; 8:45 am]

BILLING CODE 3510–22–M

Committee for the Implementation of Textile Agreements

Man-Made Fiber Apparel Products From Taiwan; Amendment of Import Control Levels

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the bilateral agreement with Taiwan to:

(1) Increase the specific ceiling for man-made fiber headwear in Category 659pt. (T.S.U.S.A. numbers 703.0500 and 703.1000) from 3,245,519 pounds to 3,291,466 pounds, including four percent swing; and

(2) Establish a specific limit for man-made fiber headwear in Category 659pt. (only T.S.U.S.A. number 703.1515) at 1,700,000 pounds, including four percent swing.

In addition, 15 percent shift is being applied to Category 659pt. (T.S.U.S.A. numbers 703.0500 and 703.1000) from Category 659pt. (T.S.U.S.A. number 703.1515) resulting in an increase in the former level from 3,245,519 pounds to 3,785,186 pounds and a decrease in the latter from 1,700,000 pounds to 1,206,280 pounds.

All of the foregoing adjustments apply to the agreement year which began on January 1, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 F.R. 13172), as amended on April 23, 1980 (45 F.R. 27463), August 12, 1980 (F.R. 53506), December 24, 1980 (45 F.R. 85142), May 5, 1981 (46 F.R. 25121), October 5, 1981 (46 F.R. 48963), October 27, 1981 (46 F.R. 52409), February 9, 1982 (47 F.R. 5926), and May 13, 1982 (47 F.R. 20654)).

SUMMARY: Under the terms of the bilateral textile agreement of June 8, 1978, as amended, concerning cotton, wool, and man-made fiber textile products from Taiwan, letters dated October 28, 1982 have been exchanged between the American Institute in Taiwan and the Coordination Council for North American Affairs amending the agreement to increase the existing specific limit for Category 659pt. T.S.U.S.A. numbers 703.0500 and 703.1000), establish a new specific limit for Category 659pt. (only T.S.U.S.A. number 703.1515), and apply four percent swing to both levels. In addition, it was agreed that special shift of up to 15 percent may be applied to either part of Category 659, provided that an equal quantity is deducted from the other part.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 17, 1981 a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Register** (46 F.R. 61497) which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, including Category 659pt. (T.S.U.S.A. numbers 703.0500 and 703.1000), produced or manufactured in Taiwan, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. The letter published below to the Commissioner of Customs amends the letter of December 14, 1981 to increase the existing level for man-made fiber textile products in Category 659pt. (T.S.U.S.A. numbers 703.0500 and 703.1000) to 3,785,186 pounds and establish a level of restraint for Category 659pt. (only T.S.U.S.A. number

703.1515) at the adjusted level of 1,206,280 pounds for the agreement year which began on January 1, 1982.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 1, 1982

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive of December 14, 1981 from the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textile products, poroduced or manufactured in Taiwan.

Effective on November 3, 1982, paragraph 1 of the directive of December 14, 1981 is amended to increase the level of restraint for man-made fiber textile production Category 659pt. (T.S.U.S.A. numbers 703.0500 and 703.1000) to 3,785,186 pounds [1] and to establish and additional level of restraint of 1,206,280 pounds [1] for Category 659pt. (only T.S.U.S.A. number 703.1515).

Man-Made fiber textile products in Category 659pt. (only T.S.U.S.A. number 703.1515) which have been exported to the United States prior to January 1, 1982 shall not be subject to this directive.

Man-Made fiber textile products in Category 659pt. (only T.S.U.S.A. number 703.1515 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the authorities in Taiwan and with respect to imports of man-made fiber textile products from Taiwan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-30412 Filed 11-2-82; 10:13 am]

BILLING CODE 3510-25-M

Consumer Products Safety Commission

[CPSC Docket No. 82-4]

Edgewood Chenille Co., Inc.; Prehearing Conference

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of a prehearing conference.

DATE: This notice announces a prehearing conference to be held in the matter of Edgewood Chenille Company, Incorporated on November 16, 1982 at 10:00 a.m.

ADDRESS: The prehearing conference will be in Room 4A-35, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. For additional information contact: Sheldon D. Butts, Deputy Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 492-6800.

Notice of Prehearing Conference

Please take notice that a prehearing conference in this proceeding will be held at 10:00 a.m., on November 16, 1982 in room 4A-35, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland for the purposes outlined in 16 C.F.R. 1025.21(a) the issues to be considered in the proceeding are:

(1) Whether Edgewood, as of July 6, 1979, obtained information which reasonably supports the conclusion that its product contained a defect which could create a substantial product hazard within the meaning of the Consumer Product Safety Act (CPSA);

(2) If Edgewood obtained the information set forth in Paragraph 1 above, whether this constituted a violation of Section 15 (b) of the CPSA, 15 U.S.C. 2064(b) by reason of Edgewood's failure to inform the Commission;

(3) Whether Edgewood violated Section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), by failing to furnish information as required by Section 15(b) of the CPSA, and

(4) Whether any of the remedies available under Section 20 of the CPSA, 15 U.S.C. 2069, should be ordered in the public interest.

Dated: October 28, 1982.

Sheldon D. Butts,

Acting Secretary Consumer Product Safety Commission.

[FR Doc. 82-30209 Filed 11-2-82; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

November 1, 1982.

The USAF Scientific Advisory Board Ad Hoc Committee on Air-to-Air Missile Requirements will meet in Room 5D1021, The Pentagon, Washington, DC, on November 18, 1982. The purpose of the meeting will be to review findings of the committee and to discuss solutions for the task statement questions. The meeting will convene at 9:00 a.m. and adjourn at 5:30 p.m.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697-4648.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 82-30413 Filed 11-2-82; 10:19 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Time Oil Company; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Economic Regulatory Administration (ERA) hereby gives the notice required by 10 CFR 205.199J(c) that it has signed a Consent Order with Time Oil Company (Time). The Consent Order resolves all issues of compliance with the DOE Petroleum Price and Allocation Regulations, with the exceptions noted in the Consent Order, for the period August 19, 1973 through January 27, 1981, when crude oil and petroleum products were decontrolled by Executive Order 12287, 46 FR 9909 (January 30, 1981). Time has agreed to pay the amount of $1,187,500.00.

As required by the regulation cited above, ERA will receive comments on the Consent Order for a period of not less than 30 days following publication of this notice. ERA will consider any comments received before determining whether to make the Consent Order final.

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[1] The levels of restraint have not been adjusted to reflect any imports after December 31, 1981.

COMMENTS: To be considered, comments must be received by 5:00 p.m. on the thirtieth day following publication of this notice. Address comments to: Time Oil Company, Consent Order Comments, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (Sixth floor), San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Richard Cohn, Attorney, Economic Regulatory Administration, Department of Energy, 333 Market Street (Sixth floor), San Francisco, California 94105 (415) 974–7110.

Copies of the Consent Order may be received free of charge by request in person or by written request to: Time Oil Company, Consent Order Request, Economic Regulatory Administration, U.S. Department of Energy, 333 Market Street (Sixth floor), San Francisco, California 94105.

SUPPLEMENTARY INFORMATION: Time is a Washington State based corporation which refined crude oil and sold refined petroleum products during the time period August 19, 1973 through January 27, 1981. During the period price controls were in effect, Time marketed petroleum products primarily in the western United States.

ERA conducted an audit of Time's books and records relating to the firm's compliance with the Regulations. During the audit, several regulatory questions and issues were raised and a Notice of Probable Violation was issued. Except for matters specifically excluded from the proposed Consent Order (such as obligations which may arise under the final "entitlements list" for January 1981), this Consent Order resolves all civil issues, whether or not previously raised in an enforcement proceeding, concerning the allocation and sale of crude oil or refined products by the firm or its subsidiaries.

Neither ERA nor Time has retreated from the positions that they have taken previously on the issues addressed by this Consent Order, and each believes that its positions on these issues are meritorious. The parties desire, however, to resolve the issues raised without resort to complex, lengthy, and expensive compliance actions. ERA believes that the terms and conditions of this Consent Order provide a satisfactory resolution of disputed issues and an appropriate conclusion of its audit of Time and that the Consent Order is in the public interest.

The Consent Order requires Time to make a payment of $1,187,500.00 to DOE within ten (10) days of the effective date of this Consent Order. DOE will distribute $325,000.00 of the funds to the Defense Fuel Supply Center. The remaining funds, totalling $862,500.00, will be distributed proportionately to the treasurers of those States within which Time sold covered petroleum products during the period November 1973–January 1981. DOE has allocated these funds to the States on the basis of Time's retail sales volumes of gasoline, which comprised the majority of Time's sales of covered petroleum products, in the following amounts: California $258,491.00; Hawaii $10,523.00; Idaho $18,716.00; Montana $9,315.00; Nevada $28,118.00; Oregon $115,143.00; and Washington $422,194.00.

The Consent Order also provides details concerning the conclusion of ERA's audit of Time. Upon becoming final after consideration of public comments, the Order will be a final order of DOE to which Time has waived its right to an administrative or judicial appeal. The Consent Order does not constitute an admission by Time nor a finding by ERA of a violation of any federal petroleum price and allocation statutes or regulations.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on the thirtieth day following publication of this notice will be considered by ERA before determining whether to adopt the Consent Order as a final order. Modifications of the Consent Order that, in the opinion of ERA, significantly change the terms or impact of the Consent Order will be published for comment. If, after considering the comments it has received, DOE determines to issue the Consent Order as a final order, the Consent Order will be made final and effective by notice to Time. Pursuant to 10 CFR 205.199J(c), DOE will thereafter promptly publish in the **Federal Register** notice of the action taken on this Consent Order and an appropriate explanation of that action.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in San Francisco, California, this 15th day of October 1982.

Patrick J. O'Hern,

Director, San Francisco Office, Economic Regulatory Administration.

[FR Doc. 82–30308 Filed 11–1–82; 3:10 pm]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. QF83–2–000]

Basin Exploration and Mining Co.; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

October 28, 1982

On October 5, 1982, Basin Exploration and Mining Company, of 200 East South Temple, Salt Lake City, Utah 84111, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying Small Power Production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 2,650 kW hydroelectric installation located near Ephraim City in Sanpete County, Utah. Applicant states that no other hydroelectric facilities owned by the applicant located within one mile of the site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed within 30 days after the date of publication of this notice and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30227 Filed 11–2–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER83–43–000]

Centel Corp.; Filing

October 29, 1982

Take notice that on October 19, Centel Corporation (Centel) tendered for filing a proposed Service Schedule 82–D (Off Peak Power Service) to be available to its Interconnected Generating Municipal customers consisting of Anthony, Attica, Beloit, Hoisington, Kingman, Pratt, Russell, Washington, Osborne, and Stockton, Kansas.

Service Schedule 82–D (Off Peak Power Service) is for power and energy available to the Municipals during the off peak months, October through May. This is a new service not previously made available by Centel.

Centel proposes an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30220 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5153-001]

Cheyenne Board of Public Utilities, Cheyenne, Wyoming; Surrender of Preliminary Permit

October 29, 1982.

Take notice that the Cheyenne Board of Public Utilities, Cheyenne, Wyoming, Permittee for the proposed Hog Park Drop Project No. 5153, has requested that its preliminary permit be terminated. The permit was issued on Junary 27, 1982, as would have expired on June 30, 1983. The project would have been located on Hog Park Creek near Hog Park Reservoir in Carbon County, Wyoming.

The Permittee filed its request on September 30, 1982, and the surrender of the preliminary permit for Project No. 5153 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30247 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5154-001]

Cheyenne Board of Public Utilities, Cheyenne, Wyoming; Surrender of Preliminary Permit

October 29, 1982.

Take notice that the Cheyenne Board of Public Utilities, Cheyenne, Wyoming, Permittee for the proposed Lake Owen to Middle Crow Creek Pipeline Project No. 5154, has requested that its preliminary permit be terminated. The permit was issued on January 27, 1982, and would have expired on June 30, 1983. The project would have been located on a pipeline running from Lake Owen to Middle Crow Creek in Albany County, Wyoming.

The Permittee filed its request on September 30, 1982, and the surrender of the preliminary permit for Project No. 5154 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30248 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4895-001]

Cheyenne Board of Public Utilities, Cheyenne, Wyo.; Surrender of Preliminary Permit

October 29, 1982.

Take notice that the Cheyenne Board of Public Utilities, Cheyenne, Wyoming, Permittee for the proposed Granite Springs Dam Hydroelectric Project No. 4895, has requested that its preliminary permit be terminated. The permit was issued on January 27, 1982, and would have expired on June 30, 1983. The project would have been located on the Middle Crow Creek in Laramie County, Wyoming.

The Permittee filed its request on September 30, 1982, and the surrender of the preliminary permit for Project No. 4895 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30249 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5155-001]

Cheyenne Board of Public Utilities, Cheyenne, Wyo.; Surrender of Preliminary Permit

October 29, 1982.

Take notice that the Cheyenne Board of Public Utilities, Cheyenne, Wyoming, Permittee for the proposed Water Treatment Plant No. 2, Project No. 5155, has requested that its preliminary permit be terminated. The permit was issued on January 27, 1982, and would have expired on June 30, 1983. The project would have been located on the Middle Crow Creek in an existing pipeline from Crystal Reservoir in Albany County, Wyoming.

The Permittee filed its request on September 30, 1982, and the surrender of the preliminary permit for Project No. 5155 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30250 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5151-000]

Cheyenne Board of Public Utilities Cheyenne, Wyo.; Surrender of Preliminary Permit

October 29, 1982.

Take notice that the Cheyenne Board of Public Utilities, Cheyenne, Wyoming, Permittee for the proposed Rob Roy Dam Hydroelectric Project No. 5151, has requested that its preliminary permit be terminated. The permit was issued on February 1, 1982, and would have expired on July 31, 1983. The project would have been located on the Douglas Creek in Albany County, Wyoming.

The Permittee filed its request on September 30, 1982, and the surrender of the preliminary permit for Project No. 5151 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30251 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5152-001]

Cheyenne Board of Public Utilities, Cheyenne, Wyo.; Surrender of Preliminary Permit

October 29, 1982.

Take notice that the Cheyenne Board of Public Utilities, Cheyenne, Wyoming, Permittee for the proposed Hog Park Dam Project No. 5152, has requested that its preliminary permit be terminated. The permit was issued on January 27, 1982, and would have expired June 30, 1983. The project would have been located on Hog Creek in Carbon County, Wyoming.

The Permittee filed its request on September 30, 1982, and the surrender of the preliminary permit for Project No.

5152 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30252 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-21-000]

Colorado Interstate Gas Co.; Application

October 29, 1982

Take notice that on October 14, 1982, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP83-21-000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30237 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-62-007, et al.]

Columbia Gulf Transmission Company, et al.; Filing of Pipeline Refund Reports and Refund Plans

October 28, 1982.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 12, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
10/1/82	Columbia Gulf Transmission Corp.	RP81-62-007	Report.
10/8/82	Arkansas Louisiana Gas Co.	RP80-53-005	Do.
10/8/82	Great Lakes Gas Transmission Co.	RP81-97-003	Do.
10/8/82	Transcontinental Gas Pipe Line Corp.	RP77-26-005	Do.
10/12/82	Michigan Wisconsin Pipe Line Co.	RP73-14-012	Petition and plan.

[FR Doc. 82-30229 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-3-000]

Consolidated Gas Supply Corp.; Application

October 29, 1982.

Take notice that on October 1, 1982, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP83-3-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain gas transmission and appurtenant facilities, the deletion of an existing delivery point and the establishment of two new delivery points for the sale and delivery of gas for resale from Applicant to The East Ohio Gas Company (East Ohio), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to purchase from East Ohio and to operate a 4.12-mile segment of East Ohio's 30-inch Line No. TPL-3, with related equipment and appurtenant facilities located between the Ohio River at Clarington in Salem Township, Monroe County, Ohio, and Consolidated's Mullett No. 2 Measuring Station in Switzerland Township, Monroe County, Ohio, and related rights of way and fee properties. Applicant states that it has entered into an Agreement with East Ohio dated September 10, 1982, which provides for transfer of these facilities at East Ohio's net book value within sixty days of receipt of approval of this proposal by the Public Utility Commission of Ohio and the Commission.

Applicant further proposes to change its delivery points to East Ohio to reflect the acquisition and relocation of measuring facilities from Clarington to its new Mullett No. 2 Measuring Station by deleting the Clarington Connection, establishing Mullett No. 2 Measuring Station as a delivery point and establishing a new delivery point to East Ohio off Line No. TPL-3, to be known as the Quarto Connection.

Applicant states that no changes in rates or additional sales or services are proposed. Applicant further states that the total cost of the proposed acquisition would be approximately $2,183,158.00 and would be financed from funds on hand and from funds to be obtained from its parent corporation, Consolidated Natural Gas Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30238 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1765-000]

Elio Argentati; Application

October 28, 1982.

Take notice that on October 21, 1982 Elio Argentati filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

President and Director—Upper Peninsula Power Company
Vice President and Director—Upper Peninsula Generating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30230 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-148-001]

Gasdel Pipeline System Incorporated Transcontinental Gas Pipe Line Corp.; Petition To Amend

October 29, 1982.

Take notice that on September 23, 1982,[1] Gasdel Pipeline System Incorporated (Petitioner), 80 Park Plaza, Newark, New Jersey 07101, filed in Docket No. CP82-148-001 a petition to amend the order issued July 9, 1982, in Docket No. CP82-148-000 pursuant to Section 7(c) of the Natural Gas Act so as to delete the authorization granted to Petitioner to transport natural gas from East Cameron Block 336 (EC 336), offshore Louisiana, for Public Service Electric and Gas Company (PSE&G), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that the order issued July 9, 1982, among other things, authorized Petitioner to transport gas for PSE&G from EC 336, and other offshore Louisiana delivery points. Petitioner is now seeking deletion of the part of the transportation authorization granted by the July 9, 1982, order with respect to the transportation of PSE&G's EC 336 gas.

Petitioner asserts that on October 16, 1981, Petitioner and Transco filed in Docket No. CP82-23-000 a joint application for a authorization to construct and operate certain pipelines and appurtenant facilities for the purpose of connecting natural gas production in EC 336. It is further asserted that by order of July 9, 1982, such application was granted.

It is claimed that on September 1, 1982, Transco, Petitioner and Texas Eastern Transmission Corporation filed a joint petition to amend the order of July 9, 1982, in Docket No. CP82-23-000. Petitioner states that as a result of that petition, it is now seeking the subject deletion since in the event the Commission approves the Petition in Docket No. CP82-23-000 Petitioner would no longer need the transportation authority with respect to the EC 336.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.12 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30239 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4123-000]

Kern County Water Agency; Commission Action Lifting Preliminary Permit Suspension

October 29, 1982.

On August 20, 1981 [16 FERC ¶62,246] the Director, Office of Electric Power Regulation, issued an order issuing a preliminary permit to Kern County Water Agency for the Hobo Project No. 4123-000. Fluid Energy Systems Inc. and the North Kern Water Storage District appealed the order issuing preliminary permit. On October 21, 1981, the Commission issued a notice of intent to act, suspending the effective date of the preliminary permit until further Commission action on the appeals.

On July 8, 1982, the Commission issued an order denying appeals. Since the Commission has acted on the appeals, the preliminary permit is no longer suspended, and the Kern County Water Agency is authorized to continue the work prescribed under the preliminary permit. Accordingly, the expiration date of the preliminary permit is extended to May 30, 1985.

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[1] The application was originally tendered for filing on September 23, 1982. However, the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 24, 1982; thus filing was not completed until the latter date

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30240 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-488-000]

Louisiana Resources Co.; Application of Approval of Rates

October 29, 1982

Take notice that on September 24, 1982, Louisiana Resources Company (Applicant), P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. ST82-488-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and Section 284.123(b)(2) of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of United Gas Pipe Line Company (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement with United dated September 23, 1982, Applicant proposes to transport gas by exchange with United from a point on Applicant's system in Cameron Parish, Louisiana, to various points on United's system. It is further asserted that each party has agreed to transport by exchange on behalf of the other up to 15 billion Btu of gas per day. Applicant states that the wellhead gas received by each party for the account of the other would not be equal, thus both Applicant and United have agreed that excess wellhead gas received by either party would be delivered for the account of the other at certain balancing points listed in the Agreement.

It is further stated that no measurable costs would be incurred in providing such an exchange service, thus the parties have established a two-tier rate schedule. It is proposed that the rate for redelivery of gas by Applicant through the exchange of gas at the wellhead shall be zero cents per million Btu; and the rate of redelivery of gas by Applicant at the balancing points shall be zero cents per million Btu if the quantity of gas is less than or equal to 5,000 Mcf per day and 22.25 cents per million Btu if the quantity of balancing gas exceeds 5,000 Mcf per day. It is asserted that these rates are fair and equitable and are not in excess of an amount which is reasonably comparable to the rates and charges which interstate pipelines would be permitted to charge for providing similar transportation services.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30241 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-465-000]

Louisiana Resources Co.; Application for Approval of Rates

October 29, 1982.

Take notice that on September 16, 1982, Louisiana Resources Company (Applicant), P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. ST82-465-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and § 284.123(b)(2) of the Commission's Regulations for approval of its rates for the transportation of natural gas on behalf of Faustina Pipe Line Company (Faustina), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation and exchange agreement with Faustina dated August 18, 1981, as amended on September 13, 1982, Applicant proposes to transport and exchange gas on behalf of Faustina from a point on Applicant's system in Cameron Parish, Louisiana, to a point of interconnection with the facilities of Applicant and Superior Oil Company also in Cameron Parish, Louisiana. It is further stated that Applicant has agreed to transport by exchange approximately 15,000 Mcf of gas per day on behalf of Faustina.

Applicant proposes a transportation rate of 22.25 cents per million Btu transported and redelivered to Faustina. It is submitted that this rate is fair and equitable and does not exceed the amount which is reasonably comparable to the rates and charges which an interstate pipeline would be permitted to charge for similar transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it is determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30242 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-14-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

October 28, 1982

Take notice that on October 8, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-14-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing sales of gas to its utility customers for sale to large volume end-users through October 26, 1984, in accordance with the provisions of two new rate schedules, the Flexibility Pricing-Pipeline Option (FPO) rate schedule, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to its utility customers under conditions and prices which it maintains would assist those customers in maintaining, regaining, and increasing sales to certain large volume end-use consumers. It is averred that the proposed FPO and LCVS rate schedules would enable Applicant and its customers to remain competitive with alternate fuel in certain large volume markets. It is stated that the rate schedules would provide flexibility in pricing so that the price of natural gas would be competitive with the fluctuating price of alternate fuels.

The proposed Rate Schedule FPO is said to be for general application to large end-use customers on a group basis, while proposed Rate Schedule LVCS is said to address specific competitive situations on an end-use consumer-by-consumer basis. Applicant proposes that proposed Rate Schedule FPO apply to all volumes sold by its utility customers to those end-users possessing alternate fuel capability as designated and defined by Paragraph 9 of the General Terms and Conditions of Applicant's FERC Gas Tariff, Third Revised Volume No. 1, as being in Applicant's Priorities 6, 7 and 8.

Applicant proposes to set and revise the FPO rates at its own discretion. it is further stated that the price would be no less than Applicant's variable cost of delivering the gas and no higher than that increment above Applicant's commodity rate equal to the reduction below the commodity rate. Applicant states that it would set the rates, within these two constraints, at the highest level competitive with alternate fuel. It is explained that the rates charged under this schedule may be different for each of Applicant's customers.

The LVCS rate schedule is proposed to apply to individual contractural arrangements made by utilities to compete with alternate fuels. End-use consumers would be eligible for these individual contracts if their requirements are in excess of 199 Mcf per day and they possess alternate fuel capability. It is alleged that rates for gas sold under the LVCS schedule would be determined by negotiation between Applicant's utility customers and their industrial end-users, subject to Applicant's approval. It is stated that the negotiated rates to be charged end-users would equal or exceed Applicant's variable cost of delivering gas.

Applicant avers that the availability of these rate schedules to the utilities would increase sales and minimize potential lost sales and consequently reduce Applicant's take-or-pay obligations and that such a reduction would result in a lower cost of service to all its utility customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30231 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-16-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

October 28, 1982.

Take notice that on October 12, 1982, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-16-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to use a new rate schedule for sales of gas to its utility customers for resale to end user ammonia plants in accordance with the provisions of a new Ammonia Fertilizer (AF-1) rate schedule to be effective from October 27, 1982, through October 26, 1983, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that the AF-1 rate schedule would enable Applicant to sell natural gas to its utility customers under conditions and prices which would assist those customers in maintaining and regaining sales to their ammonia plant consumers. Applicant indicates that the AF-1 rate schedule would be available to ammonia plants, served by Applicant's utility customers, designated and defined as Priority 1(e) feedstock and process users in the manufacture of ammonia fertilizer pursuant to Paragraph 9 of the General Terms and Conditions of Applicant's FERC Gas Tariff, Third Revised Volume No. 1. It is averred that the proposed rate schedule is currently applicable to six fertilizer plants served by Applicant's utility customers. These plants and their locations are said to be Allied Chemical and Dye Corp., in LaPlatte, Nebraska; C. F. Industries, Inc., in Femont, Nebraska; Cominco American, Inc., in Beatrice, Nebraska; Farmland Industries, Inc., in Fort Dodge, Iowa; St. Paul Ammonia Products, Inc, in St. Paul, Minnesota; and Terra Chemicals International, Inc., in Sioux City, Iowa.

Applicant avers that these ammonia plants are engaged in the production of fertilizer for farm use and that the use of natural gas for feedstock is necessary for the production of this fertilizer and comprises the major cost component of production, representing approximately 80-85 percent of the total cost. Applicant states that certain factors exist which may cause the immediate shutdown of these referenced fertilizer plants with the resultant loss to Applicant of 22,000,000 Mcf of natural gas sales during the next twelve months. Applicant further states that the major factors adversely affecting the ammonia plant operations are: (1) The high production cost of the ammonia fertilizer, (2) reduced demand for the product with or without the implementation of the proposed Rate Schedule AF-1, and (3) competition from low-priced imported ammonia. Applicant also states that these ammonia plants would cease to operate without the proposed price relief. Termination of operations at these plants would result in the unemployment of over 900 persons and adversely impact the communities and states in which the plants operate, according to Applicant.

Applicant states that retention of the ammonia plant sales would also benefit its customers by providing recovery of costs and by reducing its take-or-pay obligations. Applicant states that its rates would be nearly 3.8 cents per Mcf higher if sales to the ammonia producers were lost, as compared to the level of rates which would result under the proposed Rate Schedule AF-1. Northern estimates that it would also be exposed to approximately $56 million in increased take-or-pay obligations if the full 22,000,000 Mcf of sales to ammonia producers are lost. This 22,000,000 Mcf would include 2,500,000 Mcf of boiler fuel not eligible for inclusion in the proposed rate.

Applicant proposes to use the proposed Rate Schedule AF-1 to allow its utility customers a 50.0 cents per Mcf discount for gas ultimately resold to eligible ammonia producers. In order to qualify for the proposed rate schedule, Applicant's utility customers would have to secure all necessary state and local regulatory approvals to pass the 50.0 cents discount directly through to the ammonia producers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 8, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30232 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6089-002]

Rainsong Co.; Dismissing Filing

October 29, 1982.

On June 7, 1982, the Director of the Division of Hydropower Licensing ("Director") issued and order setting forward the date of acceptance of Rainsong Company's ("Rainsong") exemption application for the Skate Creek Project No. 6089 from March 15, 1982, the original date of filling, to March 18, 1982. Rainsong filed a timely appeal of this action requesting the Commission to reverse the Director's action, so that its exemption application would be deemed accepted as of its original filing date.

The Commission has recently determined that certain staff actions, such as the Director's acceptance of an application for filing, are interlocutory and that a filing challenging such actions is premature.[1] Therefore, pursuant to 18 CFR 385.2001, 47 *FR* 19014, 19048 amending 18 CFR Part I, the June 1, 1982 filing of HRC is hereby rejected without prejudice to the issues specified therein being raised again after final action on the the application has been taken.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30243 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

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[1] *J.R. Ferguson and Associates, et al.*, 20 FERC ¶ 61,132 (August 2, 1982).

[Docket Nos. CI76-701-001, et al.]

Texaco, Inc., et al.; Applications To Amend Certificates To Establish Entitlement to Section 109 Price[1]

October 29, 1982.

Take notice that each of the Applicants listed herein has either filed a petition to amend certificate pursuant to Section 7 of the Natural Gas Act or a notice of change in rate which is being treated as a petition to amend certificate to establish Applicant's rights to collect the section 109 price consistent with the court order issued in *Tenneco Exploration Ltd v. FERC*, 649 F2d.376, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 12, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft^3	Pressure base
CI76-701-001, Dec. 17, 1981	Texaco, Inc.	Sea Robin Pipeline Company	(1)	
CI77-563-001, Mar 30, 1982	Shell Oil Company	Western Gas Interstate Company	(1)	
CI78-38-001, Sept. 20, 1982	Conoco, Inc.	...do	(1)	
CI78-475-001, Oct. 1, 1982	Texaco, Inc.	Transcontinental Gas Pipe Line Corporation	(2)	
CI78-478-001, Oct. 1, 1982	...do	El Paso Natural Gas Company	(2)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
CI78-479-002, Oct. 1, 1982	do	do	(²)	
CI78-480-001, Oct. 1, 1982	do	do	(²)	
CI78-482-003, Oct. 1, 1982	do	Transcontinental Gas Pipe Line Corporation	(²)	
CI78-483-001, Oct. 1, 1982	do	El Paso Natural Gas Company	(²)	
CI78-484-001, Oct. 1, 1982	do	do	(²)	
CI78-487-001, Oct. 1, 1982	do	do	(²)	
CI78-687-001, Dec. 17, 1981	do	Columbia Gas Transmission Corporation	(¹)	
CI79-206-001, Dec. 17, 1981	do	Texas Gas Transmission Corporation	(¹)	
CI79-282-001, June 10, 1982	Tenneco Exploration, Ltd.	Tennessee Gas Pipeline Company	(¹)	
CI79-405-001, Sept. 27, 1982	Cities Service Company	Texas Eastern Transmission Corporation	(²)	
CI79-445-001, Dec. 17, 1981	Texaco, Inc.	Texas Gas Transmission Corporation	(¹)	
CI79-634-001, Dec. 17, 1981	do	Natural Gas Pipeline Company of America	(¹)	
CI80-55-001, July 29, 1981	Exxon Corporation	Columbia Gas Transmission Corporation	(¹)	
CI80-237-001, July 29, 1981	do	do	(¹)	
CI80-365-001, Sept. 15, 1982	Conoco, Inc.	Michigan Wisconsin Pipe Line Company	(¹)	
CI81-29-002, Aug. 24, 1981	General American Oil Company of Texas	United Gas Pipe Line Company and Southern Natural Gas Company.	(¹)	
CI81-69-000, Sept. 15, 1981	Texas Gas Exploration Corporation	Texas Eastern Transmission Corporation	(²)	
CI82-234-002, June 25, 1982	Amoco Production Company	Texas Gas Transmission Corporation	(¹)	

[1] Applicant's notice of change in rate filing is being construed as a petition to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order issued in *Tenneco Exploration, Ltd.* v. *FERC*, 649 F2d. 376.

[2] Applicant proposes to amend certificate to establish Applicant's entitlement to collect Section 109 price consistent with court order issued in *Tenneco Exploration, Ltd.* v. *FERC*, 649 F2d. 376

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 82-30233 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-550-000]

Transcontinental Gas Pipe Line Corp.; Application

October 29, 1982

Take notice that on September 24, 1982, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-550-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the interruptible transportation of up to 70,000 dekatherms (dt) equivalent of natural gas per day for Elizabethtown Gas Company (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Elizabethtown would purchase quantities of natural gas from Consolidated Gas Pipeline Company (Con Gas), and that Con Gas would make available a maximum of 70,000 dt equivalent of gas per day to Applicant for the account of Elizabethtown. Applicant indicates it would redeliver thermally equivalent quantities of gas, less quantities retained for compressor fuel and line loss make-up, to Elizabethtown at Appicant's existing delivery points to Elizabethtown.

Applicant proposes to charge Elizabethtown 7.0 cents per dt equivalent delivered and initially to retain 0.7 percent of the quantities received for compressor fuel and line loss make-up.

Applicant further requests that the authorization granted herein be limited to a term commencing on November 1, 1982 and ending on October 31, 1984.

It is indicated that Elizabethtown would use the subject gas as additional peak day gas required for high priority markets on its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30244 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-545-000]

Transcontinental Gas Pipe Line Corp.; Application

October 29, 1982.

Take notice that on September 21, 1982,[1] Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP82-545-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Columbia Gas Transmission Corporation (Columbia Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of a gas transportation agreement between it, Columbia Gulf Transmission Company and Columbia Gas dated August 5, 1982, it would transport on a firm basis up to 9,000 dekatherms equivalent of natural gas per day for Columbia Gas. Applicant further states that it would receive such quantities of gas at an existing point of interconnection located at the production platform in High Island Block A–471, offshore Texas, and redeliver thermally equivalent volumes of natural gas to Columbia Gas at the interconnection between Applicant's facilities and 16-inch High Island Block A–448 facilities jointly owned by Applicant and Columbia Gulf.

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[1] The application was originally tendered for filing on September 21, 1982, however the fee required by § 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until September 23, 1982; thus, filing was not completed until the latter date.

Applicant proposes to charge Columbia Gas an initial monthly demand charge of $15,030 based on a contract demand quantity of 9,000 dekatherms equivalent of gas per day.

Applicant states that the subject transportation agreement would remain in force for a primary term of ten years from the date of initial deliveries and from year to year thereafter unless and until terminated by either party upon not less than one year's written notice. Applicant submits that the proposed service would enable Columbia Gas to receive into its system gas to help maintain adequate and reliable supplies for its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is rquired, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30245 Filed 11–2–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83–11–000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

October 28, 1982.

Take notice that Transcontinental Gas Pipe Line Corproation (Transco) on October 22, 1982, tendered for filing certain revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed changes would increase revenues from jurisdictional sales, transportation and storage service by approximately $117 million annually based upon the 12-month period ended June 30, 1982, as adjusted. The proposed effective date of this rate change is November 22, 1982.

Transco states that the principal causes of the rate increase are (1) increases in operating and maintenance expenses; (2) an increase in rate base due primarily to increased take or pay payments estimated to be made during the test period ending March 31, 1983; (3) an increased in the overall rate of return and related income taxes; and (4) a reduction in projected sales due to competitive factors.

In addition, Transco agrees to adjust the filed rates to reflect the actual amount of advance payments for gas and prepayments for gas outstanding on March 31, 1983, provided, however, that such adjustment shall not increase the original filed rates, as adjusted for intervening tracking changes.

Copies of the filing were served upon the Company's jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rule 214 and Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such petitions or protests should be filed on or before November 12, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30234 Filed 11–2–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP82–57–000, et al.]

United Gas Pipe Line Co.; Settlement Conference

October 28 1982.

Take notice that on November 3, 1982, at 10:00 a.m., there will be a settlement conference in this proceeding. On the day of the conference, the conference room number will be posted by 9:15 a.m. on the second floor bulletin board of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. If no hearing room is available at the Federal Energy Regulatory Commission, the conference will be moved to Hearing Room B of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W.

All interested parties and Staff will be permitted to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30235 Filed 11–2–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83–22–000]

Wyoming Interstate Company, Ltd.; Application

October 29, 1982.

Take notice that on October 14, 1982, Wyoming Interstate Company, Ltd. (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP83–22–000 an application pursuant to Section 7 of the Natural Gas Act and Subpart F of Part 157 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the construction, acquisition, and operation of certain facilities and the transportation and sale of natural gas and for permission and approval to abandon certain facilities and service, all as more fully set forth in the application on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C.20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and

Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to makes the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30246 Filed 11-2-82; 8:45]

BILLING CODE 6717-01-M

[Docket No. GP82-59-000]

Wyoming Oil and Gas Conservation Commission, NGPA Section 107 Determination, Amoco Production Company, Champlin 242 Amoco D No. 1 Well, JD No. 82-23136; Petition To Reopen Final Well Category Determination and To Withdraw Application

Issued October 28, 1982.

On September 27, 1982, Amoco Production Company (Amoco) filed with the Federal Energy Regulatory Commission (Commission) a petition to reopen a final well category determination made by the Wyoming Oil and Gas Conservation Commission (Wyoming) under section 107(c)(5) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. IV 1980) for the Amoco Production Company's Champlin 242 Amoco D No. 1 Well. Amoco seeks to withdraw its application for such determination. The determination for the subject well became final on April 29, 1982, by operation of § 275.202(a) of the Commission's regulations, before the date on which Amoco's petition for reopening and withdrawal was made.

According to § 271.703(b)(3) of the Commission's regulations, "recompletion tight formation gas" is defined as natural gas which is produced from a designated tight formation, through a well which was not completed for production from such formation before July 16, 1979. Wyoming issued an affirmative determination that gas produced from the subject well, located in Carbon County, Wyoming, qualified as recompletion tight formation gas. Amoco now states that since production resulting from the testing of the subject well was sold in September of 1978, the well was completed for production in the Mesaverde Formation, a designated tight formation, before July 16, 1979, and thus cannot qualify under § 271.703(b)(3). Thus, Amoco requests that the Commission withdraw the determination under section 107(c)(5) of the NGPA for Champlin 242 Amoco D No. 1 Well.

With respect to the question of refunds arising out of Amoco's request for withdrawal of the application for the well category determination, notice is hereby given that whether refunds will be required is a matter subject to the review and final decision of the Commission.

Any person desiring to be heard or to protest this petition should file, within 30 days after publication of this notice in the **Federal Register**, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or petition to intervene in accordance with Rule 211 or 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 or 214. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30236 Filed 11-2-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[PF-296; PH-FRL 2235-3]

Certain Companies; Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide and food additive petitions relating to establishment and/or amendments of tolerances for residues of certain pesticide chemicals in or on certain raw agricultural commodities and food items.

ADDRESS: Written comments to the Product Manager cited in each petition at the address given below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-296]" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide and food additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain raw agricultural commodities and food items in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 1F2553. In the **Federal Register** of October 19, 1981 (46 FR 51282), EPA announced that BFC Chemical Inc., 4311 Lancaster Pike, Wilmington DE 19805, had submitted pesticide petition (PP) 1F2553 proposing to amend 40 CFR Part 180 by establishing tolerances for residues of the insecticide bendiocarb (2,3-dimethyl-1,3-benzondioxol-4-ol methyl carbamate) in or on the raw agricultural commodities corn fodder, corn forage, and corn grain at 0.05 part per million (ppm). The petition has been amended to include tolerances for fat, meat and meat byproducts of cattle, goats, horses, sheep and poultry at .05 ppm; milk and eggs at .05 ppm; kidney of cattle, goats, horses, poultry and sheep at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography with an electron detector. (PM–12, Jay Ellenberger, 703–557–2386).

FAP 2H5368. BFC Chemical Inc. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide bendiocarb in or on the commodity corn oil at .1 ppm. (PM–12, Jay Ellenberger, 703–557–2386).

PP 2F2679. In the **Federal Register** of June 16, 1982 (47 FR 26019), EPA announced that Union Carbide Corporation, T.W. Alexander Drive, Research Triangle Park, NC 27709, had submitted PP 2F2679 proposing to amend 40 CFR Part 180 by establishing tolerances for residues of the insecticide/nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl)oxime and its cholinesterase-inhibiting metabolites 2-methyl 2-(methylsulfonyl)proprionaldehyde O-(methylcarbamoyl)oxime and 2-methyl 2-(methylsulfonyl)proprionaldehyde O-(methylcarbamolyl) oxime in or on the commodities field corn, fodder and forage at 0.6 ppm and field corn grain at 0.05 ppm. The petition has been amended to include tolerances on eggs at 0..02 ppm; and fat, meat and meat byproducts of poultry at 0.04 ppm. The proposed analytical method for determining residues is by gas chromatography using a flame photometric detector. (PM–12, Jay Ellenberger, 703–557–2386).

PP 2F2753. Union Carbide Corp. Proposes amending 40 CFR 180.324 by establishing tolerances for residues of herbicide bromoxynil in or on the raw agricultural commodities corn fodder, forage, grain, and sorghum fodder, forage, and grain at 0.10 ppm. The proposed analytical method for determining residues is gas chromatography with 63 Ni electron capture detector. (PM–25, Robert Taylor, 703–557–1800).

PP 2F2752. FMC Corp., Agricultural Chemical Group, 2000 Market Street, Philadelphia PA 19103. Proposes amending 40 CFR 180.378 by establishing a tolerance for the residues of insecticide permethrin (3 phenoxyphenyl) methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate) in or on the raw agricultural commodity mushrooms at 5.0 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM–17, Franklin D. R. Gee, 703–557–2690).

PP 2F2749. ICI Americas Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897. Proposes amending 40 CFR 180.378 by establishing a tolerance for the residues of the insecticide permethrin in or on the raw agricultural commodity sunflowers at 2.0 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM–17, Franklin D. R. Gee, 703–557–2690).

PP 2F2751. The Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. Proposes amending 40 CFR 180.144 by establishing a tolerance for the combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodity cottonseed at 1.0 ppm. The proposed analytical method for determining residues is by atomic absorption spectometry. (PM–12, Jay Ellenberger, 703–557–2386).

PP 2F2754. American Cyanamid Company, P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.400, by establishing a tolerance for the residues of the insecticide flucythrinate in or on the raw agricultural commodity pears at 0.05 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM–17, Franklin D. R. Gee, 703–557–2690).

PP 2E2756. Mobay Chemical Corp., P.O. Box 4913, Hawthorn Road, Kansas City, MO 64120. Proposes amending 40 CFR Part 180 by establishing a tolerance for residues of fungicide *B*-([1,1'-biphenyl]-4-yloxy)-alpha-(1,1-dimethylethyl-1 *H*-1,2,4-triazole-1-ethanol in or on the raw agrcultural commodity bananas (whole) at 0.5 ppm. The proposed analytical method for determining residues is by gas chromatography employing a nitrogen-specific alkali flame detector. (PM–21, Henry Jacoby, 703–557–1900).

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136)), (sec. 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348)).

Dated: October 18, 1982.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc 82–29627 Filed 11–2–82; 8:45 am]

BILLING CODE 6560-50-M

[PH-FLR 2236–7; PF–298]

Stauffer Chemical Co., Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Stauffer Chemical Company has submitted a pesticide petition proposing to exempt from the requirement of a tolerance the residues of the herbicide *O,O*-diethyl (-*O*-phenylphosphorothioate) when applied to crops in accordance with good agricultural practices.

ADDRESS: Written comments to: Process Coordination Branch, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petition is pending before the agency. The comments are to be identified by the document control number [PF–298]. All written comments filed in response to this notice will be available for public inspection in the Process Coordination Branch from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Roland Blood (703–557–770) at the address given above.

SUPPLEMENTARY INFORMATION: : EPA gives notice that the Agency has received pesticide petition 2E2742 submitted by the Stauffer Chemical Company, 1828 L St., NW., Washington, D.C. 20033 proposing to amend 40 CFR 180.1066 by establishing an exemption from the requirement of a tolerance for residues of the herbicide *O,O*-diethyl (-*O*-phenylphosphorothioate) when applied in accordance with good agricultural practices to crops prior to harvest at a minimum rate of 1 pound per acre in accordance with the Federal Food, Drug, and Cosmetic Act.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: October 22, 1982.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 82–29988 Filed 11–2–82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL HOME LOAN BANK BOARD

[No. AC-196]

American Federal Savings & Loan Association, Anadarko, Okla.; Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: October 26, 1982

Notice is hereby given that on July 23, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board") acting pursuant to authority delegated to him by the Board, approved Post-Approval

Amendment No. 1 to the mutual-to-stock conversion application of American Federal Savings and Loan Association, Anadarko, Oklahoma ("Association"). The application has been approved by the Board by Resolution No. 80-575, dated September 3, 1980. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-30213 Filed 11-2-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-188 (Correction)]

Brady Savings & Loan Association Brady, Tex.; Notice of Final Action Approval of Post-Approval Amendment to Mutual-to-Stock Conversion Application

Dated: September 17, 1982.

Notice is hereby given that on September 17, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 2 to the mutual-to-stock conversion application of Brady Savings and Loan Association, Brady, Texas ("Association"). The application had been approved by the Board by Resolution No. 80-799-B, dated December 12, 1980. Copies of the application and all amendment thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20052, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Arkansas 72201.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-30217 Filed 11-2-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-199]

Freedom Savings & Loan Association, Tampa, Fl.; Notice of Final Action Approval of Post-Approval Amendments to Mutual-to-Stock Conversion Application

Dated: October 26, 1982.

Notice is hereby given that on October 14, 1982, the General Counsel of the Federal Home Loan Bank Board ("Board"), acting pursuant to authority delegated to him by the Board, approved Post-Approval Amendment No. 4 to the mutual-to-stock conversion application of Freedom Savings and Loan Association, Tampa, Florida ("Association"). The application had been approved by the Board by Resolution No. 80-98, dated March 27, 1980. Copies of the application and all amendments thereto are available for inspection at the Secretariat of the Board, 1700 G Street, N.W., Washington, D.C. 20552, and at the Office of the Supervisory Agent, Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street, N.W., Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-30216 Filed 11-2-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-198]

Home Federal Savings & Loan Association of Atlanta, Atlanta, Ga.; Notice of Final Action Approval of Conversion Applications

Dated October 26, 1982.

Notice is hereby given that on September 1, 1982, the Office of General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Home Federal Savings and Loan Association of Atlanta, Atlanta, Georgia, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Center Station, Atlanta, Georgia 30343.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-30215 Filed 11-2-82; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-197]

Home Federal Savings & Loan Association of the Rockies, Fort Collins, Colo.; Notice of Final Action Approval of Conversion Applications

Dated: October 26, 1982.

Notice is hereby given that on July 13, 1982, the Federal Home Loan Bank Board, Office of General Counsel of the acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Home Federal Savings and Loan Association of the Rockies, Fort Collins, Colorado, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Topeka, 3 Townsite Plaza, 120 East 6th Street, Topeka, Kansas 66601.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82-30214 Filed 11-2-82; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Agreements filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *20* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 10066-3.

Filing Party: Hopewell Darneille, III, Bowman Conner Touhey & Thornton, 2828 Pennsylvania Avenue, NW., Washington, D.C. 20007.

Summary: Agreement No. 10066-3 extends the U.S. East and West Coast-Colombia Equal Access Agreement between Delta Steamship Lines, Inc., and Flota Mercante Grancolombiana, S.A., one additional year past its current February 21, 1983 expiration date.

Agreement No.: 10460.

Filing Party: Robin H. Beeckman, Esquire, Garvey, Schubert, Adams & Barer, 1000 Potomac Street, NW., Washington, D.C. 20007.

Summary: Agreement No. 10460 establishes a nonexclusive equipment interchange agreement between Hapag-Lloyd and Totem Ocean Trailer Express, Inc., providing for the interchange of empty and loaded equipment in the Europe-United States trade.

By Order of the Federal Maritime Commission.

Dated: October 29, 1982.

[FR Doc. 82-30186 Filed 11-2-82; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Pharmaceutical Reimbursement Board; Maximum Allowable Cost (MAC) Limits and Announcement of Public Hearing

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: The Pharmaceutical Reimbursement Board (PRB) proposes revised maximum allowable cost limits on the drugs specified below and announces a public hearing with regard to these proposed limits.

DATES: Hearing: December 14, 1982 (10 a.m.–12 noon). To assure consideration, comments and requests to appear at the hearing should be submitted by December 3, 1982.

ADDRESS: Address comments in writing to: Administrator, Pharmaceutical Reimbursement Board, Health Care Financing Administration, Department of Health and Human Services, Room 1-D-5, East Low Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

In commenting, please refer to BPP-252-PN. All comments received by December 3, 1982 will be considered and will be maintained for public inspection in the Pharmaceutical and Medical Services Reimbursement Branch, Bureau of Program Policy, HCFA.

Public hearing: Persons or organizations wishing to make presentations at the public hearing must send at least 20 copies of the proposed oral presentation in its entirety, together with all supporting studies and materials and the names and addresses of proposed participants, to the Board's Executive Secretary by December 3, 1982. The Board will grant every request to appear if the presentation is relevant to the proposed MAC limits.

Place of the hearings: Room 171, 1st Floor, Altmeyer Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION, CONTACT: Charles Spalding (301) 594-5403.

SUPPLEMENTARY INFORMATION:

Background

The Pharmaceutical Reimbursement Board has been established within the Health Care Financing Administration for the purposes of setting MAC limits on certain multiple source drugs for which reimbursement is provided under Medicaid, Medicare and other programs administered by the Department. In making a determination on the lowest unit price at which a drug may be widely and consistently available from any formulator or labeler, the Board has relied on two sources—a HCFA survey and the *Drug Topics Red Book*. The HCFA survey is a summary, updated monthly, of pharmacy invoice prices obtained by HCFA under contract with IMS America. The HCFA survey price is based on the 70th percentile of invoice prices from a panel of 1,000 pharmacies nationwide. *Drug Topics Red Book*, published annually and updated monthly, is an authoratitive and recognized listing of advertised prices.

Proposed Revised Limits for Doxepin HCL

In accordance with 45 CFR 19.5, the Pharmaceutical Reimbursement Board proposes the following revised MAC limits:

Doxepin HCL, 10 mg—$0.1030 per capsule
Doxepin HCL, 25 mg—$0.1328 per capsule
Doxepin HCL, 50 mg—$0.1869 per capsule
Doxepin HCL, 100 mg—$0.3382 per capsule

The Board believes that these proposed limits reflect the lowest rates at which the doxepin HCL products can be widely and consistently available.

The Board originally identified doxepin HCL as a multiple source drug for which significant amounts of Federal funds are expended and for which there are significantly different prices. Currently, Pfizer and the Pennwalt Corporation are the only two manufacturers that produce the doxepin HCL products. On December 11, 1978, the Board published a final notice in the **Federal Register** (43 FR 57972) establishing doxepin HCL limits of $0.0950, $0.1161, and $0.1765 per capsule for the 10, 25, and 50 mg capsules, respectively, based upon the prices and availability of these products from wholesalers. In addition, on August 29, 1979, the Board published a final notice (44 FR 50651) establishing a MAC limit of $0.2900 per capsule for doxepin HCL, 100 mg. On August 5, 1982, the Pennwalt Corporation petitioned the Board to establish new higher MAC limits for doxepin HCL 10, 25, 50, and 100 mg capsules as a result of the Pennwalt price increases for these products due to take effect on January 1, 1983. Pennwalt indicated to the Board that, despite substantial cost increases in manufacturing and marketing, prices for its doxepin products have not been increased since their entry into the market in 1974. Pennwalt also indicated that its price increases will still provide an across-the-board savings on doxepin of 17 percent when compared to the therapeutically equivalent product manufactured by Pfizer.

The Board reviewed the Pennwalt petition on September 15, 1982, and based on the understanding that small and medium size independent pharmacies have purchased these products in the past and that doxepin HCL will continue to be available to these pharmacies at the increased prices, voted to propose the MAC limits specified above based upon the new higher prices of doxepin HCL from the Pennwalt Corporation. The Pennwalt petition is available for inspection in the Pharmaceutical and Medical Services Reimbursement Branch, Bureau of Program Policy, HCFA.

Impact Analyses

Executive Order 12291

We have determined that this proposed notice does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this proposed notice will not change expenditures by over $100 million per year; cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business or employment. These proposed determinations would set forth a specific unit price at which each of these drugs is widely and consistently available. At the proposed MAC limits listed above, we believe the following costs savings would apply:

Drug	Strength (mg)	Cost savings per year
Doxepin HCL	10	$34,700
Do.	25	44,900
Do.	50	105,800
Do.	100	10,900
Total		195,300

We estimate that these price increases would still provide an overall savings on doxepin HCL of 17 percent when compared to the Pfizer product. For these reasons, we believe no Regulatory Impact Analysis is required.

Regulatory Flexibility Act

This proposed notice does not meet the criteria set forth in the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)) for preparing a regulatory flexibility analysis since we do not believe that it would result in a significant economic impact on a substantial number of small pharmacies or other business entities. The MAC process is fundamentally designed to assure wide and consistent availability of the drug products subject to MAC limits. In every case, the Board has reviewed data which have enabled the Board to determine that small and medium size pharmacies are able to acquire these drug products at or below the proposed MAC limits.

(Secs. 1814(b), 1861(v)(1)(A), and 1902(a)(30) of the Social Security Act; 42 U.S.C. 1395f(b), 1395x(v)(1)(A), and 1396a(a)(30)).

Dated: October 28, 1982.

Peter J. Rodler,

Chairman, Pharmaceutical Reimbursement Board.

[FR Doc. 82-30320 Filed 11-2-82; 9:49 am]

BILLING CODE 4120-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

District Managers; Wyoming State Office; Redelegation of Authority

Pursuant to the authority contained in the Redelegation of Authority published in the **Federal Register** on January 25, 1980, as **Federal Register** Document 80-2428, I hereby redelegate to the Area Managers the authority to take actions on behalf of the State Director in their respective areas of responsibility in all matters listed in Section 1.9(m) of Bureau Order No. 701 dated July 23, 1964, as amended, except for "major cases." "Major cases" is defined as those requiring environmental impact statements or being processed under the Bureau's "Expenses, Rights-of-way (ROW) processing" subactivity. This action is taken so the Bureau may be more responsive to the public demand by having the Resource Areas as the focal point for routine right-of-way grants on public lands.

Effective Date. This redelegation will become effective December 1, 1982.

P. D. Leonard,

Acting State Director.

[FR Doc. 82-30169 Filed 11-2-82; 8:45 am]

BILLING CODE 4310-84-M

Federal-State Coal Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to change the meeting date and location.

SUMMARY: In the **Federal Register** of October 12, 1982, at page 44887, there appeared a notice concerning a meeting of the Federal-State Coal Advisory Board. This notice is to amend the date and location of the meeting. All other items in the October 12 notice are still applicable.

DATE: The advisory board meeting has been rescheduled to December 3, 1982.

ADDRESS: The meeting will be held at the Marriot Hotel-City Center, 1701 California Street, Denver, Colorado 80202, (303) 825-1300.

FOR FURTHER INFORMATION CONTACT: Tom Walker or Myra Musialkiewicz, Division of Coal, Tar Sand and Oil Shale, Bureau of Land Management (540), 18th and C Streets, NW., Washington, D.C. 20240, telephone (202/FTS) 343-4636.

Dated: October 29, 1982.

James M. Parker,

Acting Director, Bureau of Land Management.

[FR Doc. 82-30184 Filed 11-2-82; 8:45 am]

BILLING CODE 4310-84-M

Grazing Management in the Lander Resource Area, Rawlins District, Wyoming; Notice of Availability of Final Environmental Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of final environmental impact statement.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management (BLM, U.S. Department of the Interior, has prepared a final environmental impact statement on grazing management in portions of Fremont, Sweetwater, Carbon, and Natrona counties, Wyoming, and has made copies of the document available for public review and comment.

The final statement analyzes environmental impacts that would result from proposed grazing management. The statement further analyzes the environmental impacts that would result from the implementation of each of four alternatives to that proposal. The alternatives are Elimination of Livestock Grazing, Enhanced Livestock Grazing, No Action, and Management Based on Available Forage Data.

All comments were considered. Those which raised questions or issues concerning the effects of the Proposed Action or alternatives, presented new data, or questioned facts or the analyses were responded to in the final EIS.

For further information contact: Bob Tigner, Team Leader, Bureau of Land Management, Box 670, Rawlins, Wyoming 82301, telephone (307) 324-7171.

Elbert W. Spencer,

Acting District Manager.

[FR Doc. 82-30165 Filed 11-2-82; 8:45 am]

BILLING CODE 4310-84-M

[W-80369]

Noncompetitive Sale of Public Lands in Park County, Wyoming; Realty Action

October 25, 1982.

The following described land has been determined to be suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at fair market value.

Sixth Principal Meridian, Wyoming

T. 51 N., 104 W.,
Sec. 1, lot 19.
The area described contains 2.5 acres.
Fair market value—$4,000.

The land is to be sold noncompetitively to Michael C. and Shauna Poulsen. The purpose of this sale is to resolve an occupancy trespass. The terms and conditions applicable to the sale are:

1. A reservation to the United States of the right to construct ditches or canals pursuant to the Act of August 30, 1890, 43 U.S.C. 945;

2. All mineral deposits in the lands so patented, and to it, or persons

authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe;

3. Subject to those rights of Texas International Petroleum Corporation, its successors and assigns, under oil and gas lease W-41371 issued October 1, 1973 pursuant to the Act of February 25, 1920 (30 U.S.C. 181, et seq.).

Detailed information concerning the sale is available for review at the Bureau of Land Management, Cody Resource Area Office, 1714 Stampede Avenue, P.O. Box 518, Cody, Wyoming 82414.

On or before December 9, 1982, interested parties may submit comments to the District Manager, Bureaue of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Paul M. Andrews,

Acting District Manager.

[FR Doc. 82-30168 Filed 11-2-82; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 30048]

Hillsdale County Railway Company, Inc., Exemption—Operation Between Pleasant Lake and Steubenville, IN, and Construction and Operation at Steubenville, IN

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirement of prior approval under 49 U.S.C. 10901: (1) the Hillsdale County Railway Company, Inc. (HCR) operation over a line between Pleasant Lake (milepost 35.7) and Steubenville (milepost 32.77), a total distance of 2.93 miles; and (2) HCR's construction and operation of an interchange connection with the Norfolk and Western Railway Company at Steubenville, IN.

DATES: This exemption will be effective November 2, 1982. Petitions to reopen must be filed by November 23, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Eric D. Gerst, 21 South Fifth Street, Philadelphia, PA 19106.

Pleadings should refer to Finance Docket No. 30048.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the decision contact: TS InfoSystems Inc., Room 2227, Washiington, DC 20423, or call 289-4357 in the D.C. Metropolitan area or toll free (800) 424-5403.

Decided: October 26, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30191 Filed 11-2-82: 8:45]

BILLING CODE 7035-01-M

[Finance Docket No. 30047]

Seaboard Coast Line Railroad Co.; Abandonment Exemption in Pinellas County, FL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 10903 *et seq.* the abandonment by the Seaboard Coast Line Railroad Company of 341 feet of track in Pinellas County, FL, subject to standard labor protection.

DATES: This exemption will be effective on December 3, 1982. Petitions to stay the effectiveness of this decision must be filed by November 15, 1982, and petitions for reconsideration must be filed by November 23, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, D.C. 20423.

(2) Petitioner's representative: Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

Pleadings should refer to Finance Docket No. 30047.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, D.C. 20423 (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: October 27, 1982.

By the Commission, Chairman, Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30190 Filed 11-2-82: 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

For the following please direct status inquiries to Team 1 at 202-275-7992.

Volume No. OP1-189

Decided: October 27, 1982.

By the Commission, Review Board No. 1, Members Chandler, Fortier, and Parker.

MC 2900 (Sub-460) filed October 6, 1982. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: R. E. Allish (same address as applicant), (904) 353-3111. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with E. I. duPont de Nemours Co., Inc., Wilmington, DE.

MC 9411 (Sub-4), filed October 12, 1982. Applicant: WILLIAM F. & ROBERT L. FRERICHS, d.b.a. FRERICHS FREIGHT LINES, 209 Clara, Belleville, IL 62221. Representative: William F. Frerichs (same address as applicant), (618) 277-9080. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk) between points in the U.S. (except AK and HI).

MC 36900 (Sub-20) filed October 13, 1982. Applicant: CONTAINERS IN TRANSIT, INC., P.O. Box 9615, Alexandria, VA 22304. Representative: Martin R. Martino, 333 So. Glebe Road, Arlington, VA 22204, (703) 979-1627. Transporting *household goods* between points in the U.S. (except AK and HI).

MC 37490 (Sub-11), filed October 13, 1982. Applicant: DUNCAN TRUCK SERVICE, INC., 100 Park Ave., Flandreau, SD 57028. Representative: James E. Ballenthin, 1016 Conweb Tower, 444 Cedar St., St. Paul, MN 55101, (612) 227-7731. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in Moody County, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 52861 (Sub-92), filed October 14, 1982. Applicant: WILLS TRUCKING, INC., 3185 Columbia Rd., Richfield, OH 44286. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *bulk commodities* between points in the U.S. (except AK and HI), under continuing contract(s) with Bob DeWire and Associates, Inc., of Dover, OH.

MC 57880 (Sub-28) filed September 27, 1982, previously published in the **Federal Register** on October 14, 1982. Applicant: ASHTON TRUCKING CO., P.O. Box 472, Monte Vista, CO 81144. Representative: Leslie R. Kehl, 1660 Lincoln St., Suite 1600, Denver, CO 80264, (303) 861-4028. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AZ, IL, ME and MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 85530 (Sub-16) filed October 14, 1982. Applicant: BLALOCK TRUCK LINE, INC., P.O. Box 734, Charleston, SC 29402. Representative: Wilmer B. Hill, Suite 366, 1030 Fifteenth St., N.W., Washington, DC 20005, (202) 296-5188. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Lowe's Companies, Inc., of North Wilkesboro, NC.

MC 118341 (Sub-8) filed October 19, 1982. Applicant: VALLEY TRUCKING CO., INC., Coffeeport & Central Roads, Brownsville, TX 78520. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332-4718. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Southland Frozen Foods, Inc., of Plant City, FL.

MC 118551 (Sub-2) filed October 13, 1982. Applicant: ACADEMY VAN & STORAGE COMPANY, INC., 2517 Alabama Ave., Norfolk, VA 23513. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW, Suite 300, Washington, DC 20006, (202) 466-3778. Transporting *household goods and furniture and fixtures*, between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI and DC.

MC 123310 (Sub-26), filed September 13, 1982, previously published on September 29, 1982. Applicant: DOUG ANDRUS DISTRIBUTING, INC., 1820 W. Broadway, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701, (208)-343-3071. Transporting (1) *coal, chemicals and related products and minerals*, between points in AZ, CA, CO, ID, MT, NE, NV, NM, OR, UT, WA and WY, (2) *building materials, lumber and wood products and metal articles*, between points in NV, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NE, NV, NM, OR, UT, WA and WY, and (3) *commodities dealt in by automotive service stations and petroleum products*, between points in OR, CA, UT and WA, on the one hand, and, on the other, points in ID.

Note.—This republication reflects a change in the commodity description requested in (1) above.

MC 128371 (Sub-12), filed October 14, 1982. Applicant: BELLEVUE AGGREGATE HAULERS, INC., P.O. Box 296, Holland, OH 43528. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of clay, concrete, glass or stone products and metal products, between points in the U.S. (except AK and HI).

MC 135621 (Sub-8), filed October 13, 1982. Applicant: MOLERWAY FREIGHT LINES, INC., 2707 Beartooth Drive, Billings, MT 59102. Representative: Larry D. Herman, Box 217, 111 West Main St., Laurel, MT 59044, (406) 628-8601. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144971 (Sub-1), filed October 14, 1982. Applicant: RAYMOND C. GRIFFITH, d.b.a. GRIFFIN TRANSPORT P.O. Box 244, Esbon, KS 66941. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603, (313) 232-7263. Transporting *petroleum, natural gas and their products*, between Superior, NE, on the one hand, and, on the other, points in KS.

MC 146701 (Sub-11), filed October 18, 1982. Applicant: WEAVER TRUCKING

CO., INC., P.O. Box 45, Eton, GA 30724. Representative: Archie B. Culbreth, Suite 570, 220 Century Parkway, Atlanta, GA 30345, (404) 321–1765. Transporting (1) *food and related products;* (2) *textile mill products and floor coverings;* and (3) *farm products and machinery,* between points in the U.S. (except AK and HI).

MC 146821 (Sub-8), filed October 19, 1982. Applicant: RON BESTEMAN TRANSPORT, INC., 2830 Chicago Dr. SW., Grandville, MI 49418. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MI, on the one hand, and, on the other, points in IN, IL, MN, WI, ND, SD, NE, KS, IA, MO, KY, TN, NC, VA, WV, MD, OH, PA, and NY.

MC 147400 (Sub-12), filed October 18, 1982. Applicant: RAEMARC, INC., 1903 Chickory Road, Racine, WI 53405. Representative: Thomas M. O'Brien, 180 North Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 148791 (Sub-32), filed October 13, 1982. Applicant: TRANSPORT-WEST, INC., 2125 N. Redwood Rd., Salt Lake City, UT 84116. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *such commodities* as are dealt in or used by hardware and variety stores, between points in the U.S. (except AK and HI), under continuing contract(s) with Ace Hardware Corporation, of Oakbrook, IL.

MC 149531 (Sub-2) filed October 19, 1982. Applicant: SULLI-VAN LINES, INC., 43 Courtland, Highland Park, MI 48203. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 234–0301. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 150951(Sub-18) filed October 13, 1982. Applicant: CRANSTON TRUCKING COMPANY (Division of Cranston), 1381 Cranston Street, Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943–4800. Transporting *textile mill products,* between points in the U.S. under continuing contract(s) with Madewell Mfg. Co., Inc., of New Bedford, MA.

MC 153490 (Sub-1) filed October 19, 1982. Applicant: DANIEL E. TIETMEYER, d.b.a. TIETMEYER TRUCKING, 4306 West 22nd Street, Greeley, CO 80631. Representative: Steven K. Kuhlmann, 717 17th St., Suite 2600, Denver, CO 80202–3357, (303) 892–6700. Transporting *general commoditites* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Monfort of Colorado, Inc., of Greeley, CO.

MC 153581 (Sub-1) filed October 15, 1982. Applicant: CENTURY STAGES, INC., d.b.a. RAZ TRANSPORTATION CO., 1660 S. W. Bertha Blvd., Portland, OR 97219. Representative: Jerry R. Woods, P.O. Box 28, Marylhurst, OR 97036, (503) 635–5600. Transporting *passengers and their baggage,* in special and charter operations, between points in OR and Cowlitz County, WA, on the one hand, and, on the other, points in the U.S. (except HI).

MC 156581 (Sub-2) filed October 19, 1982. Applicant: METROPLEX FREIGHT SERVICE, INC., 1804 Vantage St., Carrollton, TX 75006. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Denver, CO, Little Rock, AR, Memphis, TN, New Orleans, LA, Oklahoma City, and Tulsa, OK, St. Louis and Kansas City, MO, and Wichita, KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158280, filed October 19, 1982. Applicant: W.F. MEADOWS, INC., 6028 Maddox Rd. Morrow, GA 30260. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133 (404) 949–7756. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk) between points in AL, FL, GA, KY, IN, MS, NC, SC. and TN.

MC 161561, filed October 18, 1982. Applicant: KYGER TRANSPORT, INC., 2009 Ladoga Road, Crawfordsville, IN 47933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846–6655. Transporting *chemicals and liquified petroleum gas,* between points in MI, IN, IL, OH, and KY. Condition: To the extent this certificate authorizes the transportation of liquified petroleum gas, this certificate shall expire 5 years from date of issuance.

MC 161610 (Sub-1), filed October 18, 1982. Applicant: C.A. TUCKER d.b.a. "ABB" TUCKER TRUCKING, Rt. 4, Box 57B Lubbock, TX 79424. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408 (806)–763–9555. Transporting *metal products,* between points in Lubbock County, TX, on the one hand, and, on the other, points in AZ, NV, NM, CA, UT, CO, OK and LA.

MC 161620, filed October 12, 1982. Applicant: METRO TRANSPORT, INC., 30021 Wixom Road, Wixom, MI 48096. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167 (313) 349–3980. Transporting *chemicals and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Crown Chemical Co., Inc., of Indianapolis, IN.

MC 162481 (Sub-1), filed October 13, 1982. Applicant: TRIO EXPRESS COMPANY, INC., 8011 Ashbottom Rd., Louisville, KY 40213. Representative: James B. Murphy, Suite 102, Interchange Bldg., 835 West Jefferson St., Louisville, KY 40202 (502) 584–5519. Transporting (1) *metal products,* (2) *lumber and wood products,* (3) *rubber and plastic products,* (4) *commercial laundry and dry cleaning equipment,* and (5) *transportation equipment,* between points in the U.S. (except AK and HI).

MC 162611, filed October 15, 1982. Applicant: SHIPLEY DISTRIBUTORS, INC., 1127 Dearborn Street, Aurora, IL 60505. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603 (312) 782–8880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL,on the one hand, and, on the other, points in IL, IN, IA, MI, MN, MO, OH, and WI.

MC 163121, filed October 19, 1982. Applicant: VERNON M. BAILEY AND THOMAS C. BAILEY, a Partnership d.b.a. BAILEY ENTERPRISE, 835 Ruthers Road, Richmond, VA 23235. Representative: Paul D. Collins, 7761 Lakeforest Drive, Richmond, VA 23235 (804) 745–0446. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Royal Crown Bottlers of Virginia, of Norfolk, VA.

MC 164100, filed October 15, 1982. Applicant: HANNAFORD TRUCKING COMPANY, 54 Hannaford St., South Portland, ME 04106. Representative: Beth Dobson, Two Canal Plaza, P.O. Box 586, Portland, ME 04112 (207) 774–4000. Transporting *food and related grocery store products,* between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, and DC.

MC 164171, filed October 8, 1982. Applicant: ANTHONY L. ILL AND MICHAEL I. SCHOLTZE, a Partnership d.b.a. A & M TRANSPORTATION SERVICE, 2200 E. Devon, Elk Grove, IL 60007. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016 (312) 298–1094. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AL, AZ, AR, CA, CO, CT, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, NE, NY, NJ, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VA, WA, WI, WY, and DC, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164211, filed October 14, 1982. Applicant: J. T. TRUCK LINES, INC., 305 South Broadway, Suite 800, P.O. BOX 990, Tyler, TX 75710. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154 (405) 424–3301. Transporting *metal products, rubber and plastic products, chemicals and related products, building and construction materials, containers, and machinery*, between those points in the U.S. in and west of NY, PA and MD.

MC 164241, filed October 18, 1982. Applicant: DIABLO EXPRESS, INC., 490 Carlton Court, South San Francisco, CA 94080. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108 (415) 986–8696. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Los Angeles and San Mateo Counties, CA.

MC 164261, filed October 19, 1982. Applicant: WILLARD FRYE, Route 1, Box 214, Wichita Falls, TX 76301. Representative: Willard Frye (same address as applicant) (817) 855–6672. Transporting *clay, concrete, glass or stone products*, between points in Wichita, Archer, Wilbarger and Clay Counties, TX, and Comanche, Cotton, Caddo and Jefferson Counties, OK.

MC 164271, filed October 19, 1982. Applicant: ROBERT STATON, 339 Lakeside Drive, Sedro Wooley, WA 98284. Representative: Robert Staton (same address as applicant) (206) 595–2322). Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR.

MC 164281, filed October 18, 1982. Applicant: NATHAN GROSVENOR AND RICHARD GROSVENOR, a Partnership d.b.a. B & G SUPPLY, Route 1, Box 33A, Caldwell, ID 83605. Representative: Nathan Grosvenor (same address as applicant) (208) 585–3602. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR, and Southwest Hide Co., of Boise, ID.

MC 164300, filed October 20, 1982. Applicant: RODNEY J. CRONK TRUCKING, 1302 Piper Lane, Eugene, OR 97401. Representative: Rodney J. Cronk (same address as applicant) (503) 485–3198. Transporting *food and related products* between points in OR, WA, ID, and CA.

MC 164311, filed October 20, 1982. Applicant: JIMLIN TRUCKING, INC., P.O. Box 245, Loveland, OH 45140. Representative: Stephen D. Strauss, 2510 Carew Tower, Cincinnati, OH 45202 (513) 621–4607. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk) between points in AL, AK, AZ, AR, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, and DC.

For the following, please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–015

Decided: October 28, 1982.

By the Commission, Review Board No. 2 Members Carleton, Williams, and Ewing.

MC 129226 (Sub-26), filed October 8, 1982. Applicant: TO-JON TRUCKING, INC., 480 Brown Ct., Oceanside, NY 11572. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 466–0220. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of the Permits in MC–129226 Sub 10X, issued May 18, 1981, MC–129226 Sub 11, issued February 3, 1982, and MC–129226 Sub 12, issued July 20, 1982. This is a conversion application filed under 49 U.S.C. 10923(e).

MC 146336 (Sub-29), filed October 8, 1982. Applicant: WESTERN TRANSPORATION SYSTEMS, INC., 1609 109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245 (214) 358–3341. Transporting *food and related products* between points in the U.S., on the one hand, and, on the other, points in TX, under continuing contract(s) with Lone Star Company, of Dallas, TX.

MC 146377 (Sub-5), filed October 12, 1982. Applicant: EDWARD McGILL, INC., 3 General Ave., Rome, GA 30161. Representative: J. L. Fant, P.O. Box 577 Jonesboro, GA 30237 (404) 477–1525. Transporting *general commodities* (except classes A and B explosives, household good, and commodities in bulk) between points in the U.S., under continuing contract(s) with Phalo Wire and Cable Corporation, of Shrewsbury, MA.

MC 149517 (Sub-2), filed October 7, 1982. Applicant: BEN FRAZIER, Inc., P.O. Box 153, Fergus Falls, MN 56537. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58520 (701) 223–5300. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Dieseth Specialties, Inc. of Fergus Falls, MN.

MC 149586 (Sub-3), filed October 12, 1982. Applicant: GAZDA MOVING COMPANY, INC., 7580 Commerce Lane, NE, Minneapolis, MN 55432. Representative: Robert P. Sack, P.O. Box 21–307 Eagan, MN 55121, (612) 452–8770. Transporting *household goods*, between points in the U.S. (except AK, HI, IA, IL, ME, MN, MT, NE, NH, OH, ND, SD, VT, and WI).

MC 153516 (Sub-4), filed October 8, 1982. Applicant: INTERSTATE EXPRESS, INC., P.O. Box 37114, Millard, NE 68137. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521 (321) 629–2900. Transporting *such commodities* as are dealt in or used by food business houses, between points in MI, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, KY, LA, MI, MN, MO, NM, ND, NE, OH, OK, SD, TX and WI.

MC 154897 (Sub-2), filed October 7, 1982. Applicant: BILL's TRUCKING SERVICE, INC., P.O. Box 143, Le Center, MN 56057. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036 (202) 223–5900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158047 (Sub-1), filed October 7, 1982. Applicant: IKE ESSICK, P.O. Box 95, Welcome, NC 27374. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602 (919) 828–2421. Transporting *malt beverages*, between points in the U.S., under continuing contract(s) with Durham Distributing Company, Inc., of Durham, NC.

MC 159197 (Sub-1), filed October 7, 1982. Applicant: BURLINGTON STAGE LINES, LTD., d.b.a. BURLINGTON TRAILWAYS, P.O. Box 491, W. Burlington, IA 52655. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304 (703) 751-2441. Over regular routes, transporting *passengers and their baggage*, and express and newspapers in the same vehicle with passengers, between Iowa City and Muscatine, IA: from Iowa City over Interstate Hwy 80 to Danvenport, IA, then over U.S. Hwy 61 to Muscatine, serving all intermediate points.

Note.—Applicant states it intends to tack the authority herein with its presently authorized operations.

MC 161217, filed October 7, 1982. Applicant: T F EXPRESS, INC., P.O. Box 132, Lawrenceburg, TN 38464. Representative: Roland M. Lowell, Fifth Floor, 501 Union St., Nashville, TN 37219 (615) 255-0540. Over (A) regular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Nashville and Pulaski, TN, serving all intermediate points (a) from Nashville over Interstate Hwy 65 to junction TN Hwy 99, then over TN Hwy 99 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Pulaski, (b) from Nashville over Interstate Hwy 65 to junction TN Hwy 99, then over TN Hwy 99 to junction U.S. Hwy 43, then over U.S. Hwy 43 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Pulaski, (2) between Pulaski and Memphis, TN over U.S. Hwy 64, serving all intermediate points (B) irregular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Maury, Giles and Lawrence Counties, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—Applicant states it intends to tack the authority in (A) and (B).

MC 161626, filed October 7, 1982. Applicant: VAN PAC WEST, 4220 Los Angeles Ave., Simi, CA 93063. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702 (714) 667-8107. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), (2) *plastics and related products, textile mill products, pulp, paper and related products, machinery, metal products, and scrap alloys*, between points in CT, NY, MO, FL, AL, MA, NJ and CA, on the one hand, and, on the other, points in NY, CT, MA, PA, NJ, IL, TN, MO, OH, AR, AL, LA, IN, FL, GA, TX, NY and CA, (3) *toilet preparations*, between points in CA, CT, MO, AL, NY and FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (4) *gymnastic equipment*, between points in IA, CA and NV.

MC 164137, filed October 7, 1982. Applicant: ROBERT R. WESTMORELAND, d.b.a. ROKA, 301 Washington St., #10, Inverness, FL 32650. Representative: Gerald A. Joseloff, 410 Asylum St. Hartford, CT 06103 (203) 728-0700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Baltimore Business Forms, Inc., of Winsted, CT, a subsidiary of Arnold Graphics, Inc., also of Winsted, CT.

MC 164156, filed October 7, 1982. Applicant: WASHITA VALLEY ENTERPRISES, INC., 509 NW 19th, Oklahoma City, OK 73102. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154 (405) 424-3301. Transporting *metal products*, between points in OK, on the one hand, and, on the other, points in AR, CO, LA, NM and TX.

MC 164167 filed October 8, 1982. Applicant: PROFESSIONAL MEDICAL LIVERY, INC. d.b.a. PROFESSIONAL LIMOUSINE SERVICE, 78 Hazelmere Rd., New Britain, CT 06053. Representative: Louis J. Annino (Same address as applicant) (203) 224-7188. Transporting *passengers and their baggage* in special and charter operations, between points in Hartford County, CT and Boston, MA, New York, NY and Atlantic City, NJ.

MC 164176 filed October 12, 1982. Applicant: ENSLEY CHARTER SERVICES, INC., 1217 Siesta Lane, Acworth, GA 30101. Representative: Michael P. Keenan, 1250 Powers Ferry Rd., Suite 100, Marietta, GA 30067 (404) 952-4178. Transporting *passengers*, in charter operations, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-30199 Filed 11-2-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifially noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-212

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 37918 (Sub-1-3TA), filed October 18, 1982. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 2 Tippet Road, Downsview, Ontario, CD M3H 5X3. Representative: William J. Hirsch, P.C., 64 Niagara Street, Buffalo, NY 14202. *General commodities, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, in interstate or foreign commerce, between Detroit, MI, OH, PA, and NY. Supporting shipper: General Motors Corporation, St. Terese, Quebec, CD.

MC 162589 (Sub-1-1TA), filed October 18, 1982. Applicant: EXECULINE, INC., 997 Brook Road, Lakewood, NJ 08701. Representative: Ronald I. Shapps, Esq., 450 Seventh Avenue, New York, NY 10123. *Common carrier:* regular routes: *Passengers and their baggage and express and newspapers*, between Toms River, NJ and New York, NY. ROUTE 1: Between Junction Main St and Water St in Toms River, NJ and New York, NY as follows: From junction Main and Water Streets in Toms River, NJ over Water St to jct access roads to Garden State Pkwy then over Garden State Pkwy to jct exit 90, then over Chambers Bridge Road to jct State Hwy 70, then over Chambers Bridge Road to jct Lanes Mill Rd, then over Lanes Mill Rd to jct Burnt Tavern Rd, then over Burnt Tavern Rd to Barr Ave, then over Burnt Tavern Rd to jct access roads to Garden State Pkwy, then over Garden State Pkwy to jct Interstate Hwy 95 (NJ Turnpike) then over NJ Turnpike to NJ Turnpike Ext. to the Holland Tunnel, then through the Holland Tunnel to New York, NY and return serving all intermediate points. ROUTE 2: Between jct Main St and Water St in Toms River, NJ and New York, NY as follows: From Main and Water Street in Toms River, NJ over Water St to jct access roads to Garden State Pkwy, then over Garden State Pkwy to jct exit 90, then over Chambers Bridge Road to Jct State Hwy 70, then over Chambers Bridge Road to junction Lanes Mill Rd, then over Lanes Mill Rd to jct Burnt Tavern Rd, then over Burnt Tavern Rd to Barr Ave then over Burnt Tavern Rd to jct access roads to Garden State Pkwy, then over Garden State Pkwy to jct Interstate Hwy 95 (NJ Turnpike) then over NJ Turnpike to access roads to Interstate Hwy 495, then over Interstate Hwy 495 to the Lincoln Tunnel, then through the Lincoln Tunnel to New York, NY and return over the same route, serving all intermediate points. All of the above service is restricted to a transportation service involving not more than 21 passengers per vehicle. Supporting shipper(s): There are 11 statements in support attached to this application which may be examined at the Regional office of the I.C.C. in Boston, MA.

MC 148141 (Sub-1-5TA), filed October 21, 1982. Applicant: GOODY PRODUCTS, INC., 969 Newark Turnpike, Kearney, NJ 07032. Representative: William Jacobs (same as applicant). *Contract Carrier:* Irregular routes: *Tires* from Waco, TX, to Macon, GA, under continuing contract(s) with Georgia farm Bureau Service Co., Macon, GA. Supporting shipper: Georgia Farm Bureau Service Co., P.O. Box 7261, Macon, GA 31298.

MC 164033 (Sub-1-1TA), filed October 21, 1982. Applicant: KANATA CARRIERS INC., 67 Dorset Drive, Depew, NY 14043. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, N.W., Washington, DC 20036. *Contract carrier:* irregular routes: *General commodities (except hazardous wastes, Classes A and B explosives, household goods and commodities in bulk)* between points in IL, IN, MI, OH, PA, MD, DE, NJ, WI, NY, CT, RI, MA, NH, VT, ME, and DC, under continuing contract(s) with Interamerican Transport Systems, Inc., Mississauga, Ontario, CD. Supporting shipper: Interamerican Transport Systems Inc., 2203 Dunwin Drive, Mississauga, Ontario, CD L5L 1X2.

MC 164326 (Sub-1-1TA), filed October 21, 1982. Applicant: MACLEN EXPRESS CO. INC., 521 Broadway, Summerville, MA 02143. Representative: Richard L. Sheehan (same as applicant). *General commodities in packages weighing less than 100 pounds* from points in MA to points in NH. Supporting shipper(s): There are 11 statements in support attached to this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 147242 (Sub-1-9TA), filed October 18, 1982. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12-90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, P.C., 888 Seventh Avenue, New York, NY 10106. *Contract carrier:* irregular routes: *General commodities, except household goods, Classes A and B explosives and commodities in bulk,* between all points in the U.S., under continuing contract(s) with Knomark, Inc., Jamaica, NY. Supporting shipper: Knowmark, Inc., 13220 Merrick Blvd., Jamaica, NY 11434.

MC 147242 (Sub-1-10TA), filed October 18, 1982. Applicant: PLAZA FREIGHT TRANSPORT, INC., 12-90 Plaza Road, Fair Lawn, NJ 07410. Representative: Arthur Liberstein, P.C., 888 Seventh Avenue, New York, NY 10106. *Contract carrier:* irregular routes: *General commodities, except household goods, Classes A and B explosives and commodities in bulk,* between all points in the U.S., under continuing contract(s) with Publishers Shipping Cooperative Association, Inc., Westwood, NJ. Supporting shipper: Publishers Shipping Cooperative Association, Inc., 40 Carver Ave., Westwood, NJ 07675.

MC 142114 (Sub-1-14TA), filed October 19, 1982. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract carrier:* irregular routes: *Paper and various commodities made of paper* between Edison, NJ and all points in the 48 contiguous U.S. (excluding AK and HI) under continuing contract(s) with Charles Bainbridge Company, Edison, NJ. Supporting shipper: Charles Bainbridge Company, 50 Northfield Avenue, Edison, NJ 08817.

MC 164251 (Sub-1-1TA), filed October 18, 1982. Applicant: NEW ENGLAND RETAIL EXPRESS, INC., 111 Lenox Street, Norwood, MA 02062. Representative: John C. Fudesco, Esq., 1333 New Hampshire Ave., N.W., Suite 960, Wahington, DC 20036. *Contract carrier:* irregular routes: *General commodities (except used household goods, Classes A and B explosives and commodities in bulk)* between points in the U.S. (except AK and HI), under continuing contract(s) with Puritan Furniture Corp., Norwood, MA. Supporting shipper: Puritan Furniture Corp., 111 Lenox Street, Norwood, MA 02062.

MC 151340 (Sub-1-2TA), filed October 21, 1982. Applicant: SPECIALIZED HAULING CORPORATION, P.O. Box 488, Barre, VT 05641. Representative: John P. Monte, P.O. Box 686, Barre, VT 05641. *Contract carrier:* irregular routes: *Telephone equipment, materials and supplies including salvage used in construction and maintenance of telephone systems* between points in the U.S. under continuing contract(s) with Western Electric, Inc., North Andover, MA. Supporting shipper: Western Electric, Inc., 1600 Osgood Street, North Andover, MA 01845.

MC 151583 (Sub-1-4TA), filed October 21, 1982. Applicant: UTF CARRIERS, INC., Benson Road, Middlebury, CT 06749. Representative: James M. Burns, 1365 Main Street, Suite 403, Springfield, MA 01103. *Contract carrier:* irregular routes: *General commodities (except Classes A & B explosives, Household goods, and commodities in bulk),* between points in the U.S. (except AK and HI), under continuing contract(s) with United Forwarding, Inc., Omaha, NE. Supporting shipper: United Forwarding, Inc., 7000 Building, Suite 445, 7000 West Center Road, Omaha, NE 68106.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.W., Atlanta, GA 30309.

MC 140902 (Sub-3-17TA), filed October 21, 1982. Applicant: DPD, INC., 3600 N.W. 82nd Avenue, Miami, FL 33166. Representative: Dale A. Tibbets (same address as applicant). *Contract;* irregular: *foodstuffs and related materials equipment and supplies* between Ridgefield, NJ on the one hand, and, on the other, points in the states of ME, NH, NY, NJ, VT, PA, MA, CT, MD, VA, & DC under continuing contract(s) with Balanced Foods, Inc. Supporting shipper: Balanced Foods, Inc. 700 Grand Avenue, Ridgefield, NJ 07657.

MC 164324 (Sub-3-1TA), filed October 21, 1982. Applicant: MOBILEHOME TOWING SERVICE, INC., 7910 Mulhall Drive, Jacksonville, FL 32216. Representative: Norman J. Bolinger, Esq., 3100 University Blvd., S., Suite 225, Jacksonville, FL 32216. *Mobile homes, mobile office trailers,* and *modular complexes,* between Jacksonville, FL, and points in GA. Supporting shipper: Design Space International, 9000 Phillip Highway, Jacksonville, FL 32224.

MC 164126 (Sub-3-1TA), filed October 21, 1982. Applicant: G & E TRUCKING, INC., 1780 Old Covington Hwy., Conyers, GA 30207. Representative: Esther Brady, 3790 Rosemary Lane, Conyers, GA 30208. *Contract Carrier:* Irregular routes: *Packaged Mirrors* Between McDonough, GA, Carson, CA and Chicago, IL, under contract with Hoyne Industries, Inc., McDonough, GA. Supporting shipper: Hoyne Industries, Inc., 840 Highway 155 South, McDonough, GA 30253.

MC 163472 (Sub-3-1TA), filed October 20, 1982. Applicant: SUN LIGHT TRANSPORT, INC., 3595 N.W. 125th St., Miami, FL 33167. Representative: Richard B. Austin, Esq., 320 Rochester Bldg., 8390 N.W. 53rd, St., Miami, FL 33166. *Liquid foods,* in bulk, between points in AL, AR, DE, FL, GA, IL, IN, IA, KY, MD, MI, NJ, NY, NC, OH, PA, SC, TN, and VA. Supporting shipper: Liquid Foods, Inc., 3595 N.W. 125th Street, Miami, FL 33167.

MC 164283 (Sub-3-1TA), filed October 20, 1982. Applicant: ACME, INC., P.O. Box 2698, Gastonia, NC 28052. Representative: Eric Meierhoefer, 915 Pennsylvania Building, 425 13th Street, NW, Washington, DC 20004. *Contract carrier,* irregular routes: *petroleum products,* between points in Gaston and Mecklenburg Counties, NC, on the one hand, and, on the other, points in SC, under continuing contract(s) with Acme Retail, Inc., of Gastonia, NC. Supporting shipper: Acme Retail, Inc., 903 North Marietta Street, P.O. Box 2359, Gastonia, NC 28052.

MC 151407 (Sub-3-7TA), filed October 21, 1982. Applicant: T & T TRUCKING, INC., 274 N.W. 37th Street, Miami, FL 33127. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. *Airplane seats* from Dade County, FL to Seattle, WA, Los Angeles, CA, New Orleans, LA and Denver, CO. Supporting shipper: Flight Equipment and Engineering Corp., 3975 N.W. 24th Street, Miami, FL 33142.

MC 164313 (Sub-3-1TA), filed October 21, 1982. Applicant: QUALITY MULCH COMPANY, INC., Rte. 1, Box 203, Hamlet, NC 28345. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. *Contract,* irregular: (1) *pulpboard and fiberboard* from the facilities of Stone Container Corp., located at or near Florence, SC to Torrington, CT; Lithonia, GA and Newark, NJ; (2) *wastepaper* from Camden, NJ to Florence, SC; and (3) *industrial staples* from the facilities of Bea Fasteners, Inc., located at or near Hamlet, NC to Los Angeles, CA; West Orange, NJ and Memphis, TN under account in (1) and (2) with Stone Container Corp., of Florence, SC and in (3) Bea Fasteners, Inc. of Hamlet, NC. Supporting shippers: Stone Container Corp., P.O. Box 4000, Florence, SC 29502 and Bea Fasteners, Inc., P.O. Box 592, Hamlet, NC 29345.

MC 145855 (Sub-3-5TA), filed October 21, 1982. Applicant: JOHN RAY TRUCKING CO., INC., P.O. Box 206, Eastaboga, AL 35260. Representative: John W. Cooper, P.O. Box 162, Mentone, AL 35984. *Contract Carrier,* Irregular Routes, *Paper, Paper Products and Materials, Equipment and Supplies* used in the processing, packaging and shipping thereof between points in the U.S. except AK and HI, under continuing contract(s) with Gold Bond Building Products. Supporting shipper: Gold Bond Building Products, 2001 Rexford Road, Charlotte, NC 28211.

MC 152950 (Sub-3-3TA), filed October 21, 1982. Applicant: CENTURY TRANSPORTATION CORPORATION, Post Office Box 207, Columbus, MS 39701. Representative: Lloyd R. Pate (same as applicant). *Contract Carrier;* Irregular Route; *General Commodities (except Classes A&B Explosives; Household Goods; and Commodities in Bulk)* between Taylor, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Circus World Toy Stores, Inc., Taylor, MI, Supporting shipper: Circus World Toy Stores, 21150 Trolley Ind. Dr., Taylor, MI 48140.

MC 152950 (Sub-3-4TA), filed October 21, 1982. Applicant: CENTURY TRANSPORTATION CORPORATION, Post Office Box 207, Columbus, MS 39701. Representative: Lloyd R. Pate (same as applicant). *Contract Carrier;* Irregular Route; *General Commodities (except Classes A and B Explosives, Household Goods; and Commodities in Bulk)* between MS, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with: Sneed Oil Company, Tupelo, MS; Crysta-Pure Water Company, Abita Springs, LA; Napasco International, Thibodaux, LA; Supporting Shippers: Napasco International, P.O. Box 1219, Thibodaux, LA 70302; Crysta-Pure Water, P.O. Box 534, Abita Springs, LA 70420; Sneed Oil Co., Inc., 507 Church St., Tupelo, MS 38801.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 15735 (Sub-4-35TA), filed October 20, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under continuing contract with Advanced Health Systems, Inc. Supporting shipper: Advanced Health Systems, Inc. of Salt Lake City, Utah.

MC 15735 (Sub-4-36TA), filed October 20, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Ave., Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under continuing contract with Colt Industries, Inc. and its subsidiaries. Supporting shipper: Colt Industries of Pittsburgh, PA and its subsidiaries.

MC 113855 (Sub-4-5TA), filed October 21, 1982. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Representative: Michael E. Miller, 15 Brooadway—Suite 502, Fargo, ND 58102. *Contract* irregular: *General commodities* (except household goods, commodities in bulk and classes A and B explosives), between points in the U.S., under a continuing contract(s) with Riedel International, Inc., its subsidiaries and affiliates. Supporting shipper: Riedel International, Inc., P.O. Box 3320, Portland, OR, 97208.

MC 133703 (Sub-4-3TA); filed October 20, 1982. Applicant: WCS, INC., 770 North Springdale Road, P.O. Box 337, Waukesha, WI 53186. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705-0086. *Food and related products* from the facilities of Holsum Foods, a Division of Farmers Union Grain Terminal Association at or near Waukesha, WI, Albert Lea, MN, Olathe, KS and Albany, GA to points in IL, IN, IA, KS, KY, MI, MN, MO, NE, NJ, NY, ND, OH, PA, SD, and WI. An underlying ETA seeks 120 day authority. Supporting shipper, Holsum Foods, a Division of Farmers Union Grain Terminal Association, Waukesha, WI 53186.

MC 139928 (Sub-4-2TA), filed October 20, 1982. Applicant: AMERICAN TRAILWAYS OF WISCONSIN, INC., 2611 West Grand Ave., Wisconsin Rapids, WI 54494. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Passengers and their baggage* and express and newspapers in the same vehicle with passengers between Allenton, WI, and Menomonee Falls, WI, serving the intermediate points of Hartford and Slinger, WI: From Allenton, WI, over WI Hwy 33 to Junction WI Hwy 175, then over WI Hwy 175 to WI Hwy 83, then over WI Hwy 83 to WI Hwy 60, then over WI Hwy 60 to WI Hwy 144, then over WI Hwy 144 to WI Hwy 175, then over WI Hwy 175 to WI Hwy 60, then over WI Hwy 60 to Intersection of U.S. Hwy 41, then over U.S. Hwy 41 to Menomonee Falls, and return over the same route. Supporting shippers: There are 6 supporting shippers. Their statements may be examined at the Regional Office listed.

MC 139928 (Sub-4-3TA), filed October 20, 1982. Applicant: AMERICAN TRAILWAYS OF WISCONSIN, INC., 2611 West Grand Ave., Wisconsin Rapids, WI 54494. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Passengers and their baggage* and express and newspapers in the same vehicle with passengers between Marshfield and Eau Claire, WI, serving all intermediate points: From Marshfield, WI, over U.S. Highway 10 to the interchange of U.S. Highway 12, then northwest on U.S. Highway 12 to Eau Claire, WI, and return over the same route. Supporting shippers: There are six supporting shippers. Their statements may be examined at the Regional Office listed.

MC 142059 (Sub-4-23), filed October 21, 1982. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Dr., Channahon, IL 60410. Representative: Jack Riley (same address as applicant). "Containers and general commodities in containers (except in bulk) between Charleston, SC and Savannah, GA on the one hand, and, on the other, points in AL, FL, GA, NC, SC, and VA, having a prior or subsequent movement by water for 270 days." Supporting shipper, Transcarrier System, Inc., 1903 N. Durfee Ave., S. El Monte, CA 91733.

MC 150157 (Sub-4-7TA), filed October 21, 1982. Applicant: REGENCY MOTOR FREIGHT, INC., 26600 Van Born Road, Dearborn Heights, MI 48125. Representative: Martin J. Leavitt, Sullivan and Leavitt, P.C., 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. *Contract* irregular: *Toys, games and related items* from the distribution center of Circus World Toy Stores, Inc. in Taylor, MI to retail facilities of Circus World Toy Stores, Inc. located in the States of AL, CO, FL, GA, IL, IN, IA, KY, LA, MD, MI, MS, MO, NC, OH, OK, SC, TN, TX, VA, WV, WI and WY. Supporting shipper: Circus World Toy Stores, Inc., 21150 Industrial Trolley Drive, Taylor, MI 48180.

MC 152706 (Sub-4-7TA), filed October 20, 1982. Applicant: MIDWEST OIL TRANSIT, INC., Post Office Box 68083, Indianapolis, IN 46268. Representative: Robert B. Hebert, Miller, Faires & Hebert, P.C., Suite 1600, One Indiana Square, Indianapolis, IN 46204. *Ethanol*, from Pekin and Decatur, IL, South Point, OH, and Louisville, KY, to points in Indianapolis, IN. Supporting shipper: Crystal Flash Petroleum Corp., 5400 West 86th Street, Indianapolis, IN 46268.

MC 153552 (Sub-4-1TA), filed October 19, 1982. Applicant: STEEL TRANSPORT, INC., 612A Route 41, Schererville, In 46375. Representative: Joel H. Steiner, 135 South LaSalle St., Suite 2106, Chicago, IL 60603. *Building materials*, between points in IN, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shippers: Bedford Limestone Suppliers, Inc., 1319 Breckenridge Road, Bedford, IN 47421; Woolery Stone Company, Inc., P.O. Box 40, Bloomington, IN 47402; and Fluck Cut Stone Company, Inc., P.O. Box 637, Bloomington, IN 47402.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30196 Filed 11-2-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 C.F.R. 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 F.R. 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 F.R. 80109.

Persons wishing to oppose an application must follow the rules under 49 C.F.R. 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the applications later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3 (202) 275–5223.

Agatha L. Mergenovich,

Secretary.

Volume No. OP3–08

Decided: October 27, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 164214, filed October 14, 1982. Applicant: INTLCOBAL INC., 10 So Franklin Tpke, Ramsey, NJ 07446. Representative: Jack R. Wittkamp (same address as applicant), (201) 825–3330. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 164264, filed October 19, 1982. Applicant: DELTA TRUCKING, INC., P.O. Box 1460, Henderson, KY 42420. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783–7900. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 164284, filed October 19, 1982. Applicant: ROSE MARCHESANO, 1205 Franklin Ave., Suite 300, Garden City, NY 11530. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164285, filed October 19, 1982. Applicant: TRANSPORT AGENTS INC., 35003 16th Ave., So., Federal Way, WA 98003. Representative: Clifford Godwin, Evergreen Bldg., Suite 237, 15 S. Grady Way, Renton, WA 98055, (206) 271–2216. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164315, filed October 20, 1982. Applicant: RAYMOND SHAW, d.b.a. J & R TRUCKING, INC., 9458 East Country Rd., 100 South, Greentown, IN 46936. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 1 at 202–275–7992.

Volume No. OP1–188

Decided: October 27, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 16423[illegible], filed October 14, 1982. Applicant: QUAST & CO., INC., 327 South LaSalle St., Chicago, IL 60604. Representative: Wayne Jarvis, Suite 1522, 35 East Wacker Drive, Chicago, IL 60601, (312)–467–6787. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164321, filed October 19, 1982. Applicant: LAVERN J. APPLEBURY, d.b.a. SHORTY APPLEBURY REFRIGERATED SERVICE, 1911 Wellington Place, Wenatchee, WA 98801. Representative: Lavern J. Applebury (same address as applicant), (509) 662–2632. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164250, filed October 14, 1982. Applicant: R. L. H., INCORPORATED, 123 South Street, P.O. Box 507, Stockdale, TX 78160. Representative: Charles H. Wickman, 901 Burlington Ave., P.O. Box 128, Western Springs, IL 60558, (312) 246–9090. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164310, filed October 20, 1982. Applicant: NATHAN SHEALY, d.b.a. C. N. EXPRESS, P.O. Box 234, Raynesford, MT 59469. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, (617) 657–6071. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI)

For the following, please direct status inquiries to Team 4 at 202–275–7669.

Volume No. OP4–016

Decided: October 28, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 164116, filed September 29, 1982. Applicant: VALLEY TRUCK BROKERAGE, 4885 W. Favant Ave., W. Valley City, UT 84120. Representative: Eddie Martinez (same address as applicant), (801) 966–3523. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 82–30193 Filed 11–2–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR § 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. §§ 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 40 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 40 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: October 28, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

MC-F-14968, filed October 12, 1982. WILLIAM EDWARDS, INC. (Edwards) (Route 1920 and U.S. Route 11, P.O. Box 938, Verona, VA 24482)—Control—BOWARD TRUCK LINE, INC. (Boward) (100 Roesler Road, Suite 200, Glen Burnie, MD 21061). Representative: Francis L. Summers, Jr., 12 North New Street, P.O. Box 1287, Staunton, VA 24401. Edwards seeks authority to acquire of Boward through the purchase by Edwards of all the issued and outstanding capital stock of Boward. William Edwards, the sole stockholder of Edwards, seeks authority to acquire control of said rights through the transaction. Edwards is a contract carrier operating under MC-139439. Boward holds authority under MC-119894, which authorizes the transportation of *general commodities* and *specified commodities* including, but not limited to foodstuffs, roofing, lumber, wool, paper and paper products, malt beverages, textile mill products, clay, concrete, glass and stone products, metal products, and automobile parts and accessories, thoughout specified points in CT, GA, MD, MA, NJ, NY, NC, PA, SC, TN, VA, WV, and DC

Note.—TA has been filed.

MC-F-14973, filed October 7, 1982. ROYAL HAWAIIAN MOVERS, INC. (Royal) (3077 Ualena Street, Honolulu, HI 96819)—Purchase (Portion)—DeWITT TRANSFER & STORAGE CO. (DeWitt) (P.O. Box 82109, San Diego, CA 92138). Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 120, Washington, D.C. 20036. Royal seeks authority to purchase a portion of the interstate operating rights of DeWITT. Suncoast Holding Corporation and DeWitt, majority stockholders of Royal, seek authority to acquire control of said rights through the transaction. Royal is not a carrier, but is affiliated with the transferor. Royal is also affiliated with Swift International, Inc., and Swift Enterprises, Inc., which each hold authority to operate as a common carrier pursuant to Ex Parte No. MC-107 and which are seeking authority under MC-162536 and MC 162237, respectively. Royal is purchasing that portion of DeWitt's authority which is contained in Certificate No. MC-93734 (Sub-No. 3), which authorizes the transportation of *household goods*, as defined by the Commission, between points in HI. Condition: So far as can be ascertained from the evidence of record in this proceeding, Suncoast Holding Corporation is a non-carrier holding company with its investments and functions primarily related to transportation. It shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subject to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Suncoast need only file such special reports as the Commission may from time to time require. Suncoast is not made subject to the accounting requirement of 49 U.S.C. 11142.

MC-F-14978, filed October 18, 1982. LEASEWAY TRANSPORTATION CORP., 3700 Park East Dr., Cleveland, OH 44122, seeks authority to acquire control of C & J COMMERCIAL DRIVEAWAY, INC., AUTOMOBILE CARRIERS, INC. and MOTORCAR TRANSPORT COMPANY, through purchase of stock. Applicant's Attorney: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566-5639, Counsel for Transferee; John R. Sims, Jr., 915 Penn Bldg., 425 13th St., NW., Washington, D.C. 20004, (202) 737-1030, Counsel for Transferor. Operating rights sought to be controlled: C & J Commercial Driveaway, Inc. holds Certificate No. MC-113436 and Subs thereunder; and Motorcar Transport Company holds Certificate No. MC-60470 and Subs thereunder. These Certificates authorize the transportation of *motor vehicles*, in truckaway and driveaway service, in initial and secondary movements, (radial and non-radial), over irregular routes, on a nationwide basis. Leaseway Transportation Corp. is a publicly held corporation that controls, with Commission approval, the following motor carriers: Amac Trucking, Inc. (MC 140619); Anchor Motor Freight, Inc. (MC 808); Better Home Deliveries, Inc. (MC 150511); Charlton Transport (Quebec) Limited (MC 141250); Contract Trucking Corporation (MC 156146); Cryogenic Carriers, Inc. (MC 157690); Custom Deliveries, Inc. (MC 142693); Dedicated Freight Systems, Inc. (MC 139583); Fleet Transport Company, Inc. (MC 103051 and MC 114106); General Trucking Service, Inc. (MC 143308): Gypsum Haulage, Inc. (MC 112113); LDF, Inc. (MC 147101); Leaseaway Trucking, Inc. (MC 153610); Max Binswanger Trucking (MC 116314); Geo. McNeil Teaming Company (MC 153315); Midwestern Distribution, Inc. (MC 144901); Mitchell Transport, Inc. (MC 124212); Pep Lines Trucking Co. (MC 120184 and MC 135280); Refiners Transport & Terminal Corporation (MC 50069); Signal Delivery Service, Inc. (MC 108393); Stam-Win, Inc. (MC 147294 and MC 150185); Sugar Transport, Inc. (MC 115924); United Home Delivery, Inc. (MC 153685); and Vernon Equipment, Inc. (MC 150412). Max Binswanger Trucking controls Balser Truck Co. (MC 96630). Refiners Transport & Terminal Corporation controls A. R. Gundry, Inc. (MC 25562). Application has been filed for temporary control under 49 U.S.C. 11349.

[FR Doc. 82-30192 Filed 11-2-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 99.1.122, Amdt. 2]

Mission Directors and Principal Officers Latin America/Caribbean; Redelegation of Authority Regarding Grant Functions

Pursuant to the authority delegated to me under Redelegation of Authority No. 99.1, from the Assistant to the Administrator for Management dated May 1, 1973, (38 FR 12836), as amended, I hereby amend Redelegation of Authority No. 99.1.122 dated November

4, 1981, (47 FR 873), as amended, as follows:

In paragraph one the list of *countries* is revised to read:

Bolivia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Honduras, Jamaica, Nicaragua, Panama, Peru, Regional Development Office of the Caribbean (RDO/C), Regional Office for Central American Program (ROCAP).

Paraguay, Mission Director, is authorized to sign grants to foreign nongovernmental, nonprofit organizations provided the life-of-grant does not exceed $500,000, and make advance payments, provided the respective Mission Director or Director has consulted with the Regional Legal Advisor or GC/LAC, as appropriate.

Except as provided herein the Redelegation of Authority remains unchanged and continues in full force and effect.

This amendment is effective immediately.

Dated: October 21, 1982.

Hugh L. Dwelley,

Director, Office of Contract Management.

[FR Doc. 82-30167 Filed 11-2-82; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-88 (Final)]

Carbon Steel Wire Rod From Venezuela

AGENCY: International Trade Commission.

ACTION: Suspension of final antidumping investigation.

EFFECTIVE DATA: October 7, 1982.

SUMMARY: On October 7, 1982, the United States Department of Commerce suspended its antidumping investigation involving carbon steel wire rod from Venezuela (47 FR 44362). The basis for the suspension is an agreement by the only known producer and exporter in Venezuela of the subject product which is exported to the United States to cease exports of the subject product to the United States. Accordingly, the United States International Trade Commission hereby gives notice of the suspension of its antidumping investigation involving carbon steel wire rod, provided for in item 607.17 of the Tariff Schedules of United States, from Venezuela (investigation No. 731-TA-88) (Final)).

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Miller (202-523-0305), Office of Investigations, U.S. International Trade Commission.

This notice is published pursuant to § 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40)

Issued: October 28, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-30255 Filed 11-2-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-108]

Certain Vacuum Bottles and Components Thereof; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation upon a finding of no violation of section 337 of the Tariff Act of 1930.

SUPPLEMENTARY INFORMATION: On the basis of a complaint filed on September 16, 1981, the Commission on October 29, 1981, published in the **Federal Register** (46 FR 53543) a notice of institution of an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The Commission's investigation covered alleged unfair methods of competition and unfair acts in the unauthorized importation and sale of certain vacuum bottles and components thereof alleged to infringe complainant Union Manufacturing Co.'s common-law trademark.

On October 13, 1982, the Commission determined that there was no violation of section 337 in investigation No. 337-TA-108 in the importation or sale of the vacuum bottles and components thereof in question. Commissioner Frank did not participate.

Copies of the Commission's Action and Order, the Commission Opinion, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT: William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

Issued: October 29, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-30256 Filed 11-2-82; 8:45 am]

BILLING CODE 7020-02-M

[332-147]

The Effects of Removing Products From the Generalized System of Preferences; Investigation

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 332 of the Tariff Act of 1930 (19 U.S.C. 1332), the Commission has instituted investigation No. 332-147 for the purpose of analyzing what effect removing products from the Generalized System of Preferences has had on imports of such products. In conducting this investigation, the Commission will determine if imports of a product that has lost duty-free status have increased or decreased in subsequent years. The Commission will also determine if imports of a product that has lost duty-free status because of the 50-percent limitation are affected differently than imports of a product that has lost duty-free status because of the dollar-amount limitation. The Commission will also determine if newly industrialized countries are better able to handle the loss of duty-free status than other less developed countries.

EFFECTIVE DATE: October 20, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Tempalski, Research Division, U.S. International Trade Commission, Washington, D.C. 20436 (Phone 202-523-1981).

WRITTEN SUBMISSIONS: Since there will be no public hearing scheduled for this study, written submissions from interested parties are invited concerning any phase of the study. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than January 20, 1983. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: October 26, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-30258 Filed 11-2-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-152 (Final)]

Prestressed Concrete Steel Wire Strand From Brazil

AGENCY: International Trade Commission.

ACTION: Suspension of final countervailing duty investigation.

EFFECTIVE DATE: October 27, 1982.

SUMMARY: On October 22, 1982, the United States Depatment of Commerce suspended its countervailing duty investigation involving steel wire strand for prestressing concrete (PC strand) from Brazil (47 FR 46048). The basis for the suspension is an agreement by the Government of Brazil to offset completely the amount of net subsidy determined by Commerce to exist with respect to the subject product. Accordingly, the United States International Traded Commission hereby gives notice of the suspension of its countervailing duty investigation involving PC strand, provided for in item 642.11 of the Tariff Schedules of United States, from Brazil (investigation No. 701-TA-152 (Final)).

FOR FURTHER INFORMATION CONTACT: Mr. David Coombs (202-523-1376), Office of Investigations, U.S. International Trade Commission.

This notice is published pursuant to § 207.40 of the Commission's Rules of Practice and Procedure (19 CFR 207.40).

Issued: October 27, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-30259 Filed 11-2-82; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 701-TA-165 and 168 (Final)]

Welded Carbon Steel Pipes and Tubes from Brazil and the Republic of Korea

AGENCY: International Trade Commission.

ACTION: Institution of final countervailing duty investigations and scheduling of a hearing to be held in connection with the investigations.

SUMMARY: As a result of the affirmative preliminary determinations by the International Trade Administration, United States Department of Commerce, notices of which were published in the **Federal Register** of October 12, 1982, that there is a reasonable basis to believe or suspect that benefits are granted by the Governments of Brazil and the Republic of Korea with respect to the manufacture, production, or exportation of welded carbon steel pipes and tubes, provided for in item 610.32 of the Tariff Schedules of the United States (TSUS)[1], which constitute a subsidy within the meaning of the countervailing duty law, the United States International Trade Commission (hereafter "the Commission") hereby gives notice of the institution of investigations Nos. 701-TA-165 and 168 (Final) to determine whether an industry in the United States is materially injured or is threatened with material injury or the establishment of an industry is materially retarded by reason of imports of such merchandise.

EFFECTIVE DATE: October 26, 1982.

FOR FURTHER INFORMATION CONTACT: Judith C. Zeck, Office of Investigations, U.S. International Trade Commission, (202-523-0339).

SUPPLEMENTARY INFORMATION: On June 21, 1982, the Commission determined, on the basis of the information developed during the course of investigations Nos. 701-TA-165 and 168 (Preliminary), that there was a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports from Brazil and the Republic of Korea of welded carbon steel pipes and tubes upon which bounties or grants are allegedly being paid.

The preliminary investigations were instituted in response to petitions filed on May 7, 1982 by United States Steel Corp. The Department of Commerce will make its final subsidy determinations in these cases on or before December 20, 1982. The Commission must make its final injury determinations within 120 days after the date of Commerce's preliminary subsidy determination or by February 9, 1983 (19 CFR 207.25). A public version of the staff report containing preliminary findings of fact will be placed in the public record on December 14, 1982, pursuant to § 207.21 of the Commission's Rules of Practice and Procedure (19 CFR 207.21).

Public hearing: The Commission will hold a public hearing in connection with this investigation at 10:00 a.m. on January 6, 1983, in the Hearing Room of the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on December 13, 1982. All persons desiring to appear at the hearing and make oral presentations must file prehearing statements and should attend a prehearing conference to be held at 11:00 a.m., on December 15, 1982.

Testimony at the public hearing is governed by § 207.23 of the Commission's Rules of Practice and Procedure (19 CFR 207.23, as amended in 47 FR 33682, August 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing statements and to new information. All legal arguments, economic analysis and factual materials relevant to the public hearing should be included in prehearing statements in accordance with § 207.22 (19 CFR 207.22, as amended in 47 FR 33682, August 4, 1982). Post hearing briefs will also be accepted within a time specified at the hearing.

Written submissions. Any person may submit to the Commission a written statement of information pertinent to the subject matter of the investigations. A signed original and fourteen (14) copies of each submission must be filed at the Office of the Secretary, U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. 20436, on or before December 30, 1982. All written submissions except for confidential business data will be available for public inspection.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information". Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6).

A staff report containing preliminary findings of facts will be available to all interested parties on December 15, 1982.

Service of documents.—Any interested person may appear in these investigations as a party, either in person or by representative, by filing an entry of appearance with the Secretary in accordance with section 201.11 of the Commission's rules (19 CFR 201.11 as amended in 47 FR 6189, February 10, 1982). Each entry of appearance must be filed with the Secretary no later than 21 days after the publication of this notice in the **Federal Register**.

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[1] The term "small diameter welded carbon steel pipes and tubes" covers welded, jointed, or seamed carbon steel pipes and tubes with walls not thinner than 0.065 inch, of circular cross section and 0.375 inch or more in outside diameter but not more than 16 inches, as currently provided for in items 610.3208, 610.3209, 610.3231, 610.3232, 610.3241, 610.3244, and 610.3247, of the Tariff Schedules of the United States Annotated (TSUSA). Pipes or tubes suitable for use in boilers, superheaters, heat exchangers, condensers, and feed water heaters, or conforming to A.P.I. specifications for oil well tubing, with or without couplings; cold drawn pipes and tubes; and cold-rolled pipes and tubes with wall thickness not exceeding 0.1 inch are not included.

The Secretary will compile a service list from the entries of appearance filed in these final investigations and from the Commission's record in the preliminary investigations. Any party submitting a document in connection with these investigations shall, in addition to complying with § 201.8 of the Commission's rules (19 CFR 201.8, as amended in 47 FR 13791, April 1982), serve a copy of each such document on all other parties to the investigations. Such service shall conform with the requirments set forth in § 201.16(b) of the rules (19 CFR 201.16(b), as amended in 47 FR 33682, August 4, 1982).

In addition to the foregoing, each document filed with the Commission in the course of these investigations must include a certificate of service setting forth the manner and date of such service. The certificate will be deemed proof of service of the document. Documents not accompanied by a certificate of service will not be accepted by the Secretary.

For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR Part 207, 44 as amended in 47 FR 6190 February 10, 1982, 33682, August 4, 1982 and 47 FR as amended in 47 FR 6189, February 10, 1982; 47 FR 13791, April 1, 1982; and 47 FR 33682, August 4, 1982) and Part 201, subparts A through E (19 CFR Part 201).

This notice is published pursuant to § 207.20 of the Commission's Rules of Practice and Procedure (19 CFR 207.20, as amended in 47 FR 6190, February 10, 1982).

Issued: October 27, 1982.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 82-30257 Filed 11-2-82; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention Meeting

Notice is hereby given that the Coordinating Council on Juvenile Justice and Delinquency Prevention will meet on Tuesday, November 9, 1982 at the Department of Education, 400 Maryland Avenue, SW., Room 3000, Washington, D.C. 20202. This meeting will be open to the public and will begin at 1:00 p.m.

The meeting will be concerned with the Council's review and endorsement of the 1982-84 workplan.

For further information, contact Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, 633 Indiana Avenue, NW., Room 1142, Washington, D.C. 20531, Telephone: (202) 724-7751.

Charles A Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-30188 Filed 11-2-82; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities, NFAH.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506:

1. Date: December 2-3, 1982
   Time: 8:30 a.m. to 5:30 p.m.
   Room: 807
   Program: This meeting will review applications submitted for Elementary and Secondary Education, for projects beginning after April 1, 1983.
2. Date: December 3, 1982
   Time: 9:00 a.m. to 5:00 p.m.
   Room: 1134
   Program: This meeting will review Fellowships for Summer Stipend applications in Anthropology, Archeology, and Folklore, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1983.
3. Date: December 6, 1982
   Time: 9:00 a.m. to 4:30 p.m.
   Room: 911
   Program: This meeting will review applications presently before the Office of Challenge Grants, for projects beginning after April 1, 1983.
4. Date: December 9-10, 1982
   Time: 9:00 a.m. to 4:30 p.m.
   Room: 911
   Program: This meeting will review applications presently before the Office of Challenge Grants, for projects beginning after April 1, 1983.
5. Date: December 7, 1982
   Time: 9:00 a.m. to 5:00 p.m.
   Room: 314
   Program: This meeting will review Fellowships for Summer Stipend applications in Romance Languages, submitted to the Division of Fellowships and Seminars, for projects beginning after April 1, 1983.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 82-30210 Filed 11-2-82; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-537]

Department of Energy, Tennessee Valley Authority and Project Management Corp.; Availability of Supplement to the Final Environmental Statement for the Clinch River Breeder Reactor Plant

Notice is hereby given that the Office of Nuclear Reactor Regulation has published Supplement Number 1 to the Final Environmental Statement (NUREG-0139) related to the proposed construction and operation of the Clinch River Breeder Reactor Plant (CRBRP). The planned location of the plant is on the Clinch River in the town of Oak Ridge, Roane County, Tennessee.

The Supplement addresses the changes to the CRBRP application and the relevant additional information acquired since the FES was issued in 1977.

Notice of availability of the Draft Supplement to the Final Environmental Statement of the Clinch River Breeder Reactor Plant, requesting comments from interested persons, was published in the **Federal Register** on July 30, 1982, (47 FR 33028). The comments received from Federal, State, and local agencies, and interested members of the public have been included in an appendix to the Supplement and the comments have been considered in preparation of the Supplement.

This report is available for inspection or copying for a fee at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20555; the Oak Ridge Public Library, Civic Center, Oak Ridge, Tennessee 37830; and the Lawson McGhee Public Library, 500 West Church Street, Knoxville, Tennessee 37902.

Copies of Supplement Number 1 to the Final Environmental Statement (NUREG–0139) may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, and from the U.S. Nuclear Regulatory Commission, Sales Office, Washington, D.C. 20555.

Dated at Bethesda, Maryland this 28th day of October 1982.

For the Nuclear Regulatory Commission.

Paul S. Check,

Director, CRBR Program Office, Office of Nuclear Reactor Regulation.

[FR Doc. 82–30306 Filed 11–2–82; 8:45 am]

BILLING CODE 7590–01–M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Conservation Subcommittee; Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Conservation Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Friday, November 5, 1982. 9:30 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Annette Frahm, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 82–30196 Filed 11–2–82; 8:45 am]

BILLING CODE 0000–00–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–19173; File No. SR–AMEX–81–20, Amendment No. 1]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc. Relating to Options on Certificates of Deposit

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 24, 1982, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On November 10, 1981, The American Stock Exchange ("the Exchange") filed certain proposed rule changes (SR–AMEX–81–20) to implement its plan to trade options on certificates of deposit ("CDs"). Those proposed rule changes were based on the language of the Exchange's rules, which were proposed to be amended by the Exchange's then pending Treasury options filing (SR–AMEX–81–1). Subsequently, the Exchange amended its Treasury options filing and the Commission approved that filing as amended (Rel. No. 34–18371, December 23, 1981).

The Exchange is submitting this Amendment No. 1 to SR–AMEX–81–20 to (i) restate, as amendments to the current text of the Exchange's rules, the rule changes originally proposed in SR–AMEX–81–20, (ii) extend to CD options the substantive provisions of various rule changes included in amendments to the Treasury options filing, and (iii) propose certain new rule changes relating to CD options, which are summarized below.

Rule 900

The Exchange proposes amending the definition of "Aggregate Exercise Price" [Rule 900 (b)(14)] to provide that the price of a CD delivered upon exercise of an option contract is calculated as of the exercise settlement date.

The exchange proposes adding Commentary .01 to Rule 900 to provide that all references in Exchange Rules to underlying securities apply to CDs.

Rule 903

The Exchange proposes amending this rule to provide for the listing of series of CD options having up to five different expiration months, in conformity with the provisions of the rule relating to Treasury options.

Rules 950(1) and 957(c)

The Exchange proposes to amend Rule 950(1), Commentary .01 to require specialists in CD options to submit daily reports to the Exchange concerning their positions and transactions in every CD which is, or could be in the future, deliverable in connection with the exercise of a CD option. Similarly, the Exchange proposes to amend Commentary .02 to this rule to require specialists in CD options to file daily reports concerning their positions and transactions in CD futures contracts and options on CD futures contracts. In addition, the Exchange proposes amending Rule 957(c) to authorize the Exchange to examine books, records, or other information maintained by or in the possession of any Specialist or Registered Trader in CD options, or affiliated entities, pertaining to transactions by such persons in CDs, CD futures, or CD options-including options on CD futures.

Rule 982

The exchange proposes to add Commentary .03 to this Rule to set forth the requirements which CDs must meet in order to be deliverable upon exercise/assignment of CD options. To be deliverable, a CD must:

(i) Have a principal amount of $1,000,000;

(ii) Have had an original time to maturity of 185 days or less;

(iii) Have been issued by a bank which was included in The Options Clearing Corporation's "no-name" list on the date on which the option was exercised; and

(iv) Mature during the same half-month period as the exercise settlement date, in the third month following the month in which the exercise settlement date occurs (unless the CD meets the alternative delivery requirement described below).

In addition, the Exchange proposes to amend Rule 982 to provide that the alternative delivery of a CD with a shorter remaining time to maturity than that specified in Item (iv) above is permissible. However, if such a CD is delivered, no adjustment will be made to the aggregate exercise price to reflect the fact that the "alternative delivery" CD will have a greater market value than a CD maturing in the later half-month period specified in Item (iv). (The aggregate exercise price of an "alternative delivery" CD will be calculated as if the CD had the latest deliverable maturity date.)

* * * * *

It should be noted that, in addition to being subject to the rule changes proposed by this submission, certain generic rules relating to options on debt securities proposed in SR-AMEX-82-4, as amended, apply to CD options. Under Exchange Rule 1 as proposed to be amended thereby, the hours of trading for CD options will be 9:00 a.m. to 3:00 p.m. Also, the definitions of "debt security" and "debt option" set forth in proposed Rule 900(b)(36) covers CDs and CD options, thus clarifying that CD options are subject to all Exchange rules which, by their terms, apply to options on debt securities.

II. A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The purpose of these rule amendments is to: (1) Amend the definition of "aggregate exercise price" [Rule 900 (b)(14)] to clarify the Exchange's plan to require that the price of a CD delivered upon exercise of an option contract be calculated as of the exercise settlement date (not necessarily the delivery date as was stated in the original filing); although settlement and delivery generally occur on the same day, the proposed change clarifies that if delivery is made subsequent to the exercise settlement date, the price of the CD will, nonetheless, be calculated as of the exercise settlement date; (2) insure that all references in Exchange Rules to "securities" or "underlying securities" apply to CDs [Rule 900, commentary .01]; (3) give the Exchange the same flexibility in listing CD options as Treasury options (i.e., flexibility to list options with up to five different expiration months) [Rule 903]; (4) conform record keeping and reporting requirements relating to CDs to those applicable to Treasury options [Rules 950 and 957]; and (5) set forth the specifications of deliverable CDs [Rule 982].

With regard to (5) above: The Exchange's original filing regarding CD options (SR-AMEX-81-20) stated that requirements concerning the delivery of CDs pursuant to the exercise of options would be set forth in the rules of The Options Clearing Corporation ("OCC"), and the filing described the delivery specifications which the Exchange anticipated that OCC would adopt.[1]

As a result of further analysis, the Exchange wishes to change those specifications in three respects and codify the specifications in Exchange Rule 982 as well as in OCC rules. First the Exchange has noted that the industry practice is such that CDs issued as "six-month" CDs may have up to 185 days to maturity at the time of issuance. Therefore, the Exchange proposes to increase the maximum original time to maturity of deliverable CDs from 180 to 185 days to permit CDs which are termed "six-month" upon issuance to be deliverable. This change would increase the deliverable supply of CDs. Second, the Exchange proposes deleting the requirement that deliverable CDs have a remaining time to maturity of not less than 87 nor more than 93 days from date of delivery. If retained, this requirement would unnecessarily restrict the deliverable supply of CDs. Therefore, the Exchange believes that the requirement should be deleted. Third, the Exchange proposes to allow delivery of a CD having a shorter remaining time to maturity than that called for pursuant to the option contract. The delivery of a shorter maturity CD would ordinarily be disadvantageous to the delivering party because the rules of the Exchange and The Options Clearing Corporation do not provide for adjustment of the aggregate exercise price to reflect the greater market value of CDs maturing in less than the specified number of weeks (except in certain unusual circumstances). However, such a provision will make it possible for the holder of a CD having a shorter remaining time to maturity than that called for pursuant to the option contract to write a covered call in a cash account. This is similar to the provision recently proposed with regard to Treasury bill options in SR-AMEX-82-4 (filed March 9, 1982).

The proposed rule changes are all consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that they will facilitate the trading of CD options by the public and will contribute to a fair and orderly market in such options.

Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others.

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

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[1] The originally proposed delivery requirements were described in the "Basis and Purpose" section of SR-AMEX-81-20.

All submissions should refer to the file number in the caption above and should be submitted within 14 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 25, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30030 Filed 11-2-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 830]

Agency Forms Submitted for OMB Review

AGENCY: Department of State.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1980, the Department has submitted a proposed collection of information to the Office of Management and Budget for review.

PURPOSE: The Bureau for Refugee Programs of the Department of State plans to conduct a study of the effects of pre-entry training in the resettlement of Indochinese refugees. The final results will be used in the planning and development of future U.S. policy about the provision of training to refugees with little prior exposure to Western culture or the English language.

SUMMARY: The following summarizes the information collection proposal submitted to OMB:

(1) Type of request—new.

(2) Title of information collection—Effects of Pre-Entry Training on Resettlement of Indochinese Refugees.

(3) Originating Office—Bureau for Refugee Programs.

(4) Frequency—Nonrecurring.

(5) Respondents—Indochinese refugees.

(6) Estimated number of responses—420.

(7) Estimated total number of hours needed to respond—210. Section 3504(h) of Pub. L. 96-511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed study and supporting documents may be obtained from Gail J. Cook, Departmental Clearance Officer (202) 632-3602. Comments and questions should be directed to (OMB) David S. Reed (202) 395-7231.

Dated: October 21, 1982.

Thomas M. Tracy,

Assistant Secretary for Administration.

[FR Doc. 82-30166 Filed 11-2-82; 8:45 am]

BILLING CODE 4710-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Cir. Public Debt Series—No. 28-82]

Treasury Notes of November 15, 1985; Series P-1985

October 28, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $6,000,000,000 of United States securities, designated Treasury Notes of November 15, 1985, Series P-1985 (CUSIP No. 912827 NU 2). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated November 15, 1982, and will bear interest from that date, payable on a semiannual basis on May 15, 1983, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1985, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, November 3, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 2, 1982, and received no later than Monday, November 15, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commerial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the orignial issue discount limit of 99.250. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, November 15, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, November 12, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4 If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-30274 Filed 11-01-82; 11:42 am]

BILLING CODE 4810-40-M

[Dept. Cir. Public Debt Series-No. 29-82]

Treasury Notes of November 15, 1992, Series C-1992

October 28, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,000,000,000 of United States securities, designated Treasury Notes of November 15, 1992, Series C-1992 (CUSIP No. 912827 NV 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated November 15, 1982, and will bear interest from that date, payable on a semiannual basis on May 15, 1983, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1992, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, November 4, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, November 3, 1982, and received no later than Monday, November 15, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10 percent. Common fractions may not be used. Noncompetitive tenders must show the terms "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.500. That rate of interest will be paid to all of the securities. Based on such interest rate, the price in each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, November 15, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, November 12, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-30275 Filed 11-1-82; 11:42 am]

BILLING CODE 4810-40-M

[Dept. Cir. Public Debt Series-No. 30-82]

Treasury Bonds of 2007-2012

1. Invitation For Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended invites tenders for approximately $3,000,000,000 of United States securities, designated Treasury Bonds of 2007-2012 (CUSIP No. 912810 DB 1). The securities will be sold at auction, with bidding on the basis on yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated November 15, 1982, and will bear interest from that date, payable on a semiannual basis on May 15, 1983, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature on November 15, 2012, but may be redeemed at the option of the United States on and after November 15, 2007, in while or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of

1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. The general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1 Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard Time, Tuesday, November 9, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, November 8, 1982, and received no later than Monday, November 15, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured saving and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states, Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a one eighth of 1 percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price of each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations, will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price if over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, November 15, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, November 12, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase prices is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1 As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 82-30276 Filed 11-1-82; 11:42 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register

Vol. 47, No. 213

Wednesday, November 3, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-366, October 28, 1982]

TIME AND DATE: 10 a.m., November 4, 1982.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.

2. Docket 37732, Establishment of rate of compensation for Air Midwest, Inc., for providing essential air service to Silver City, New Mexico. (Memo 852-A, BDA, OCCCA, OC)

3. Dockets 40929 and EAS-632, Notice of Air U.S. to suspend service at Worland, Wyoming, effective November 16, 1982. (BDA, OCCCA)

4. Dockets EAS-765 and EAS-792, Coastal Airlines' Petition for reconsideration of Order 82-6-61 selecting Air Vermont to provide essential air service at Berlin, New Hampshire, and Newport, Vermont. (Memo 518-F, BDA, OCCCA)

5. Dockets 40643 and EAS-407, Air Wisconsin, Inc.'s petition for reconsideration of Board decision to request an additional slot at Chicago for Britt Airways Inc.'s essential air service at Muncie, Indiana. (Memo 1430-A, BDA, OCCCA)

6. Commuter Carrier Fitness determination of Pioneer Airways, Inc. (BDA)

7. Commuter carrier fitness determination of Waring Aviation, Inc. d.b.a. Waring Air. (Memo 1552, BDA)

8. Docket 40847, Certificate application of Mid Pacific Airlines, Inc. (Mid Pacific Air) under Subpart Q of the Board's Regulations for a section 401 certificate. (BDA)

9. Docket 39550, Application of People Express Airlines, Inc. for an exemption. Petition for American Airlines for review and reversal of staff action in Order 81-6-41 granting People Express exemptions from the Board's oversales rule. (BDA)

10. Dockets 40023, 40257, Application of Arizona Pacific, Inc. d.b.a. Arizona Pacific Airlines, Arizona Pacific Fitness Investigation. (OGC)

11. Dockets 40887, 40651, *U.S.-People's Republic of China Service Proceeding (Phase II), Application of Pan American World Airways, Inc. for Renewal of its Certificate*—Petition for Reconsideration. (OGC)

12. Revision of delegations to the Director, BDA. (Memo 1550, OGC, BDA, BIA)

13. Docket 40773, Removal of Part 262 requiring filing of agreements between air carriers and foreign countries. (OGC, BIA, OC)

14. Docket 30654, Petition of the Davis Agency for rulemaking to exempt operators of Overseas Military Personnel Charters from the tariff requirement. (Memo 1551, OGC, BDA)

15. Docket 40139, *American Airlines, Compliance With Part 252, Enforcement Proceeding,* review of initial decision imposing $1,000 in civil penalties for each of twelve violations of Board's no-smoking rules. (OGC)

16. Docket 27114, *Motion of Pan American World Airways, Inc.,* for issuance of a declaratory order on employee's duties under labor protective provisions (in *Pan American-Trans World Airlines Route Exchange Agreement*) (OGC)

17. Docket 38019, *Wien Air Alaska Mainline and Bush Mail Rates Investigation,* and in the matter of Docket 38961, *Intra-Alaska Class Service Mail Rates.* (BIA)

18. Dockets 40535, 40571, 40568, 40539, 40563, 40570, Applications of Air Florida, Air Florida/Western, Capitol, Eastern, Transamerica, and Western for U.S.-South America exemption authority. (Memo 1549, BIA, OGC)

19. Docket 40534, Braniff South America Route Transfer Case, Docket 40636, Application of Eastern Air Lines, Inc. for approval of agreement and other relief. (Memo 1482-B, BIA, OGC)

20. Report on Negotiations with the United Kingdom. (BIA)

STATUS:

1-19 Open
20 Closed

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1584 Filed 11-1-82; 10:51 am]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 47, No. 207, Tuesday, October 26, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, October 27, 1982.

CHANGES IN THE MEETING: Changed to 10:00 to Noon and 2:00 to 4:00 p.m. (if necessary) Monday, November 8, 1982:

Reauthorization

[S-1583-82 Filed 11-1-82; 10:51 am]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, November 12, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., Eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1588-82 Filed 11-1-82; 3:13 pm]

BILLING CODE 6351-01-M

4

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, November 16, 1982.

PLACE: 2033 K Street, NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED: Amendments to Reg. 1.55 (Disclosure Requirements for FCM's).

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1589-82 Filed 11-1-82; 3:13 pm]

BILLING CODE 6351-01-M

5

FEDERAL COMMUNICATIONS COMMISSION.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, November 4, 1982, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and subject

General—1—*Title:* In the matter of Amendment of Parts 2, 21, 22, 81, 87, and 95 of the Commission's Rules to provide additional spectrum between 72 and 76 MHz for the Radio Control of model aircraft, boats, cars and other similar devices. *Summary:* The Commission will consider the adoption of a Report and Order in Docket 82–181 in response to a petition filed by the Academy of Model Aeronautics (RM 3248) for additional spectrum.

General—2—*Title:* UHF Television Receiver Noise Figure. *Summary:* The Commission will consider whether to adopt a *Notice of Proposed Rulemaking* in Docket 21010, proposing to reduce the maximum allowable UHF television receiver noise figure to 12 dB, and to make associated rule changes.

Private Radio—1—*Title:* Federal Preemption of Public Coast Stations. *Summary:* The Commission will consider whether or not state regulation of public coast class III–B radiotelephone stations has been federally preempted.

Private Radio—2—*Title:* Amendment of Part 90 of the Commission's Rules to eliminate the requirement for a local governmental entity to have a separate authorization to operate speed detection devices in the Public Safety Radio Services. *Summary:* The Commission will consider whether to amend Part 90 of the Rules to permit operation of speed detection radar units under local government radio service licenses.

Common Carrier—1—*Title:* Application of Satellite Business Systems for Authority to Launch a Third SBS Space Station in the Domestic Fixed-Satellite Service (File No. 638–DSS–LA–82). *Summary:* The Commission will consider whether or not to grant this application.

Common Carrier—2—*Title:* Requests for Clarification of Treatment of Administrative Expenses incurred by the International Record Carriers in connection with the Comsat Flow-through proceeding. *Summary:* The Commission will consider whether administrative expenses incurred by the International Record Carriers in making refunds to their customers as part of the Comsat flow-through proceeding should be deducted from amounts refunded, paid by Comsat, or paid by the IRCs.

Common Carrier—3—*Title:* Petitions for Partial Reconsideration of *Report and Order* in CC Docket No. 80–767, 88 FCC 2d 564 (1981). *Summary:* Commission considers petitions filed by telephone companies and telephone company associations requesting removal of waiver requirements for telephone companies seeking to acquire existing cable television system or to compete with independent cable operators at franchise renewal time.

Common Carrier—4—*Title:* Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board CC Docket No. 80–286. *Summary:* The Commission will consider a period for reconsideration of the recently adopted plan for the phase out of customer premises equipment from the Separation process over a five-year-period.

Common Carrier—5—*Title:* Petition for Rulemaking (RM 2875) filed by Common Cause and a subsequent Notice of Inquiry (CC Docket 78–373) relating to request for issuance of rules for detailed periodic reports from regulated carriers on monies expended for lobbying. *Issues:*

(1) Is there sufficient need for the additional reporting requirements suggested by Common Cause to warrant institution of a rulemaking proceeding.
(2) What further action if any, should the Commission take at this time.

Common Carrier—6—*Title:* In the Matter of Policy to be Followed in the Allowance of Litigation Expenses of Common Carriers in ratemaking Proceedings, CC Docket No. 79–19. *Summary:* The Commission will consider whether any change is needed in the existing ratemaking treatment of litigation expenses.

Common Carrier—7—*Title:*—Second Notice of Proposed Rulemaking and Order in Docket No. CC 81–216. *Summary:* The Commission considering accommodation of single and two-line (non-system) business and residential premises wiring and party line service under Part 68 of the Rules, and modification of the qualification standards of Section 68.215(c).

Common Carrier—8—*Title:* Computer II Capitalization of American Bell, Inc's Offer of New CPE. *Summary:* The Commission will consider whether AT&T's plan for the capitalization of its separate subsidiary's offer of new customer premises equipment should be approved.

Cable Television—1— *Title:* Policy Statement concerning the issuance of tax certificates. *Summary:* The Commission will consider whether a modification of its poicy concerning the issuance of tax certificates pursuant to Section 1071 of the 1954 Internal Revenue Code is appropriate.

Broadcast—1— *Title:* Applications for interim Direct Broadcast satellite (DBS) systems filed by CBS, Inc., Direct Broadcast Satellite Company, Focus Broadcast Satellite Company, Graphic Scanning Corporation, RCA American Communications, Inc., United States Satellite Systems, Inc., and Western Union Telegraph Company and associated petitions to deny, comments, and other responsive pleadings. *Summary:* The above referenced applicant seek authority to establish interim Direct Broadcast satellite (DBS) systems. These applications are subject to petitions to deny, comment, and other responsive pleadings.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: October 28, 1982.

William J. Tricarico,
Secretary.

[S–1585–82 Filed 11–1–82; 10:54 am]

BILLING CODE 6712–01–M

6

FEDERAL MARITIME COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 47961, October 28, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., November 3, 1982.

CHANGE IN THE MEETING: Addition of the following item to the open session:

6. Docket No. 81–51: Time Limit for Filing Overcharge Claims—Petitions for Reconsideration and Stay.

[S–1587–82 Filed 11–1–82; 3:13 pm]

BILLING CODE 6730–01–M

7

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

October 29, 1982.

TIME AND DATE: 10 a.m., Wednesday, November 3, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: In addition to previously announced items the Commission will also consider and act upon the following:

3. Secretary of Labor (MSHA) v. Bill Garris, Docket No. LAKE 82–90: Petition for Interlocutory Review. (Issues include whether the judge's denial of motion to dimiss based on MSHA's delay in instituting their proceeding should be reviewed on an interlocutory basis.)

It was determined by a unanimous vote of Commissioners that Commission business required that this item be added to the agenda and that no earlier announcement of the addition was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–1591–82 Filed 11–1–82; 4:03 pm]

BILLING CODE 6735–01–M

8

INTERNATIONAL TRADE COMMISSION

Executive Resources Board (ERB)

[USITC ERB–82–3]

TIME AND DATE: 11 a.m., Monday, November 15, 1982.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Old Business:

1. ERB review of an IDP request from the Director, Office of Industries.
2. ERB review of proposed Presidential Executive Exchange Program Rating Criteria.

New Business:

1. ERB review of SES Staffing Needs for FY's '84 and '85.
2. ERB review of R. W. Jones Executive Leadership Award.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S-1580-82 Filed 11-1-82; 3:20 pm]

BILLING CODE 7020-02-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Tuesday, November 9, 1982.

PLACE: Harrisburg, Pennsylvania.

STATUS: Open.

MATTERS TO BE DISCUSSED: Tuesday, November 9:

3:00 p.m.
  Oral Presentations on TMI–1 Restart
  Duration: Approximately 2 hours
  Location: Auditorium, William Penn Memorial Museum, Third and North Streets, Harrisburg, Pennsylvania

7:30 p.m.
  Public Meeting on TMI–1 Restart
  Duration: Approximately 2½ hours
  Location: Auditorium, Central Dauphin High School, 4600 Locust Lane, Harrisburg, Pennsylvania

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634–1410.

October 29, 1982.

Walter Magee,

Office of the Secretary.

[S-1586-82 Filed 11-1-82; 1:00 pm]

BILLING CODE 7590-01-M

federal register

Wednesday
November 3, 1982

Part II

Department of Agriculture

Animal and Plant Health Inspection Service

Pseudorabies

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 85

[Docket No. 82-014]

Pseudorabies; Proposed Amendment of Interstate Dissimination Prevention Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend portions of the pseudorabies regulations which regulate the interstate movement of livestock to prevent the interstate dissemination of pseudorabies. This action would provide an alternate method by which a herd of swine could be removed from the "Known infected herd" classification; would provide an altermate method by which a herd of swine could attain or regain status as a qualified pseudorabies negative herd; would provide an improved method by which the pseudorabies disease status of swine in pseudorabies controlled vaccinated herds could be monitored; would give shippers alternate means by which swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies could be moved interstate to approved livestock markets, quarantined feedlots, feedlots and quarantined herds; and would give shippers alternate means by which swine infected with or exposed to pseudorabies could be moved interstate for slaughter. The intended effect of this action is to clarify the regulations and allow more latitude for the interstate movement of livestock yet not increase the danger of spreading pseudorabies.

DATE: Comments on or before January 3, 1983.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, USDA, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. L. W. Schnurrenberger, Chief Staff Veterinarian, Swine Diseases, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8438.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed action is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this action would have an annual effect on the economy of less than one hundred million dollars; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; Would not have a significant adverse effect on competition, employment or investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Certification Under the Regulatory Flexibility Act

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action, if adopted, would not have a significant economic impact on a substantial number of small entities. This document would provide an alternate method by which a herd of swine which has been classified as a known infected herd could be removed from such classification; provide an alternate method by which a herd of swine could attain or regain status as a qualified pseudorabies negative herd; provide alternate methods by which swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies could be moved interstate to approved livestock markets, quarantined feedlots, quarantined herds, and feedlots; and provide an alternate method by which shippers could move swine infected with or exposed to pseudorabies to slaughter. The Department believes that the above mentioned proposed amendments would, if adopted, result in a small economic impact upon swine producers on some occasions. This document also restricts the interstate movement from an approved livestock market of certain swine which are not vaccinated for or known to be infected with or exposed to pseudorabies. Few shippers of swine will be affected by this restriction. This document would also add testing requirements to maintain qualified pseudorabies negative herd status. Fewer than one percent of the swine herds in the country are qualified pseudorabies negative herds. This document would further provide an improved method by which the pseudorabies disease status of a pseudorabies controlled vaccinated herd could be monitored. Fewer than one percent of the swine herds in the country are pseudorabies controlled vaccinated herds.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting or recordkeeping provisions that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

Background

Pseudorabies, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is primarily a disease of swine caused by a herpes virus. Federal regulations to prevent the interstate spread of pseudorabies (Title 9, Code of Federal Regulations, Part 85) became effective on May 17, 1979. Since that time the Department has considered changes to provide affected persons with alternate methods of complying with the regulations without an increase in the risk of the interstate spread of pseudorabies. This proposal sets forth amendments to the pseudorabies regulations which the Department believes would clarify the regulations and provide alternate methods for complying with the regulations without increasing the risk of the interstate spread of pseudorabies.

Alternatives

The alternatives considered are:

1. Do not amend the present regulations. This would continue known inequities in the present regulations and provide no relief to affected persons. Therefore, this alternative was not adopted.

2. Rescind the regulations. This would permit the disease to spread unchecked. Therefore, this alternative was not adopted.

3. Amend the regulations to provide an alternate method by which a herd of swine could be removed from the classification of known infected herd; to provide an alternate method by which a herd of swine could attain or regain status as a qualified pseudorabies negative herd; to provide an improved method by which the pseudorabies disease status of swine in a pseudorabies controlled vaccinated herd could be monitored; to provide alternate methods by which swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies could be moved interstate to approved livestock markets,

quarantined feedlots, feedlots and quarantined herds; and to provide an alternate method by which shippers could move swine infected with or exposed to pseudorabies to slaughter. This alternative relieves the affected persons of some regulatory burdens which are not necessary for the prevention of the interstate dissemination of pseudorabies. Therefore, this alternative was adopted.

Presently, § 85.1(1) defines any herd in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies as a "Known infected herd." The definition also provides that a herd of livestock, other than swine, shall no longer be considered to be a known infected herd after 21 days since the last clinical case of the disease in the herd. Section 85.1(1) "Known infected herd" would be revised for clarity and the following substantive changes would be made. The proposed amendment would reduce the period a herd of livestock other than swine would be considered to be a "Known infected herd" from 21 to 10 days since the last clinical case of pseudorabies in the herd. There has been no research evidence to indicate that livestock other than swine can have subclinical or chronic pseudorabies, and, therefore, they do not develop a carrier state to spread the disease.

In addition, the Department has received comments from veterinary researchers stating that movement restrictions on livestock other than swine that have been exposed to an animal showing clinical evidence of pseudorabies in excess of 10 days is unnecessary. These comments are based upon research and field observations from which experts have concluded that when pseudorabies infection occurs in species other than the natural host (swine), the clinical course of the infection is usually rapid and fatal and such animals almost always die witin 10 days following exposure. Therefore, the Department believes that 10 days following the last clinical case of the disease in the herd is sufficient time for exposed livestock other than swine to either develop pseudorabies, or to resist the infection.

Present § 85.1(1) also provides two methods by which a herd of swine which is classified as a "Known infected herd" may be removed from that classification. The two methods presently available to remove a herd of swine from the clasification of a "Known infected herd" are intended to ensure that no pseudorabies virus remains on the premises.

One of these method presently requires, among other things, that, after the positive swine are removed from the premises, all exposed swine in the herd must be subjected to an official pseudorabies serologic test and found negative. This proposal would amend this requirement to exempt pigs which are nursing their mother from this testing requirement. The result of an official pseudorabies serologic test on a mother of a nursing pig constitutes sufficient evidence of the pseudorabies disease status of the nursing pig to forego the test on such pig. If the mother of a nursing swine was infected with pseudorabies during gestation, the pig would acquire maternal antibodies and would react to pseudorabies tests in the same manner as the mother swine. The disease status of the mother of a nursing swine, even if a positive status is acquired after gestation, constitutes a good indication of the pseudorabies disease status of the nursing swine because they are maintained in the same environment and are in frequent physical contact with their mother.

Section 85.1(1) would be amended to provide an additional method for removing certain swine herds from the "Known infected herd" classification. Specifically, this amendment would provide a method by which a herd of swine in which swine have been found to be positive to an official pseudorabies serologic test but no swine are positive at titers greater than 1:8 could be removed from the "Known infected herd" classification by a finding that the herd was not in fact infected with pseudoraies. This proposal is made because it is possible that questionable (false positive) laboratory results can be encountered when testing for pseudorabies at dilutions of 1:8 or less. For some reason, certain animals may have nonspecific titers from other antigens that hive a low titer (1:8 or less) response for pseudorabies. Therefore, it is proposed that a herd of swine in which swine had been found to be positive to an official pseudorabies serologic test at titers of no greater than 1:8 can be removed from the "Known infected herd" classification if: (1) all titered swine would be subjected to an official pseudorabies serologic test and found negative and (2) all other swine in the herd which an epidemiologist requires to be subjected to an official pseudorabies serologic test would be required to be tested and found negative. This method would relieve the herd owners of the present requirement that all exposed swine be subjected to an official pseudorabies serologic test and found negative. The Department believes that the proposed method for removal from the classification of a "Known infected herd" set forth above is sufficient to determine that the official pseudorabies serologic test in which swine were found to be positive at titers of 1:8 or less, was the result of a nonspecific response rather than a response to pseudorabies antibodies.

This proposal would also require that the epidemiologist who determines which swine, other than the titered swine, must be subjected to an official pseudorabies serologic test and found negative, must be approved by the State animal health official and the Area Veterinarian in Charge. The Department believes that this approval of the epidemiologist is necessary, to ensure that the selection of swine, other than titered swine, for testing is conducted objectively by a technically competent individual.

The Department believes that the epidemiologic evidence that must be considered in the selection of swine, other than titered swine, for testing would include, but would not be limited to: the percentage and number of swine in the herd found to give a low titer (1:8 or less) response for pseudorabies; the percentage and number of those swine tested found to give a low titer (1:8 or less) response for pseudorabies; the extent of the contact of the members of the herd with swine found to give a low titer (1:8) response for pseudorabies; the prevalence of pseudorabies in the area; and herd management practices. The above mentioned epidemiologic evidence which the Department believes should be considered by the epidemiologist would be set forth in proposed footnote 1 referred to in proposed § 85.1(1)(2)(iii) and § 85.1(ee)(2)(ii).

Present §85.1(n) sets forth the definition of "exposed livestock." Presently, any livestock that has been in contact with an animal infected with pseudorabies, including all animals in a "Known infected herd," are considered to be exposed livestock, except that livestock, other than swine, that have not been exposed to a clinical case of pseudorabies for a period of 21 consecutive days are not considered to be exposed livestock. This proposal would amend the exception set forth in §85.1(n) to provide that livestock, other than swine, that have not been exposed to a clinical case of pseudorabies for a period of 10 consecutive days would not be classified as "exposed livestock." As explained above, 10 days following exposure to a clinical case of pseudorabies is sufficient time for exposed livestock, other than swine, to either develop pseudorabies and almost always die or to resist infection.

Present § 85.1(dd) sets forth the definition of "Owner-shipper statement." The present definition limits the use of the owner-shipper statement to the interstate movement of pseudorabies infected, exposed, or vaccinated swine from a farm of origin directly to a recognized slaughtering establishment or to a slaughter market. This proposal would amend the definition of "Owner-shipper statement" by removing the references to the type of swine which could be accompanied by this document and the locations from which and to which such swine could be moved interstate when accompanied by this document. This amendment is necessary to allow the use of the "Owner-shipper statement" for the interstate movement of swine moved in accordance with proposed § 85.7(b)(3)(i) which is discussed later in this document.

Present § 85.1(ee) sets forth the definition of "Qualified pseudorabies negative herd." This proposal would rearrange the definition to make it more understandable. Specifically, proposed § 85.1(ee)(1) would set forth the procedures for attaining qualified pseudorabies negative herd status. The procedures for attaining qualified pseudorabies negative herd status would be amended to require that such status could not be attained by a herd which has been classified as a "Known infected herd" within 30 days of the test necessary to qualify the herd as a qualified pseudorabies negative herd. This amendment is necessary to preclude the possibility of a herd attaining qualified pseudorabies negative herd status under less stringent requirements than is required to remove the herd from "Known infected herd" status. Under the present regulations, an owner of a herd of swine which has been classified as a known infected herd could meet the requirements for attaining qualified pseudorabies negative herd status prior to meeting the requirements for removal of the herd from known infected herd status.

For example, under the present regulations, an owner of a herd of swine which has been classified as a known infected herd could have the herd removed from such status by, among other things, removing all positive swine and testing all other swine in the herd from pseudorabies and finding all swine so tested negative 30 days or more after removal of the positive swine. This same herd owner, under the present regulations, could, on the day after removal of the positive swine, attain qualified pseudorabies negative herd status by subjecting all swine over 6 months of age to an official pseudorabies test and finding all swine so tested negative as long as a minimum of 90 percent of the swine had been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. The same herd could thereby be a known infected herd and a qualified pseudorabies negative herd.

Proposed § 85.1(ee)(2) sets forth procedures for attaining or regaining qualified pseudorabies negative herd status if any of the swine tested are found positive to pseudorabies on the qualifying test or any subsequent official pseudorabies test. The procedures for attaining or regaining qualified pseudorabies negative herd status would generally be the same as those set forth in present § 85.1(ee). However, this document proposes a few substantive changes in the procedure to attain or regain such status.

Present § 85.1(ee) requires that the herd premises be cleaned and disinfected in accordance with present § 85.13 after swine found positive to an official pseudorabies test conducted in a qualified pseudorabies negative herd or to attain qualified pseudorabies negative herd status are removed. This document proposes the deletion of this requirement because it is not productive. An effective cleaning and disinfecting procedure cannot be conducted unless all or most of the swine are removed from a premises and removal of all swine is not a requirement for attaining or regaining qualified pseudorabies negative herd status; and in many situations most of the swine are not removed to attain or regain qualified pseudorabies negative herd status.

Present § 85.1(ee) requires that after the test positive swine are removed, qualified pseudorabies negative herd status is attained or regained by tests conducted only on swine over 6 months of age, and finding all swine so tested negative. However, swine under 6 months of age are readily infected with pseudorabies and testing should include all swine susceptible to pseudorabies. Therefore, proposed §85.1(ee)(2) would require that to attain or regain qualified pseudorabies negative herd status all swine in the herd, regardless of age, except pigs nursing their mother, must be subjected to an official pseudorabies serologic test and found negative. As stated above, the result of an official pseudorabies serologic test on the mother of nursing pigs constitutes sufficient evidence of the pseudorabies disease status of the nursing pigs to forego the test on such pigs.

Present § 85.1(ee) also requires that to attain or regain qualified pseudorabies negative herd status, swine over 6 months of age must be retested twice, 30 and 60 days after removal of the official pseudorabies test positive swine, and found negative to both tests. This proposal would amend the retesting requirements by allowing the retesting to be conducted 30 days or more after the removal of the official pseudorabies test positive swine and 30 to 60 days after the first retest. The present requirement that the first retest be conducted 30 days after the removal of the positive swine is necessary to ensure that swine which remain in the herd which contracted pseudorabies have time to react to the pseudorabies virus so that any positive swine may be detected on the subsequent test. However, it is not necessary that the subsequent test be conducted exactly 30 days after removal of swine which are positive to the official pseudorabies test. In order to detect swine which have contracted pseudorabies from the positive swine which were removed from the herd, the first retest may be conducted at any time 30 days or more after removal of the positive swine. Therefore, proposed § 85.1(ee) would allow the retest to be conducted at any time 30 days or more after removal of the positive swine. Further, this proposal would amend § 85.1(ee) to permit the required second retest to be conducted at any time 30 to 60 days after the first negative herd retest rather than exactly 60 days after removal of the positive swine. This present requirement that the second retest be conducted exactly 60 days after removal of the positive swine is unnecessary and does not provide herd owners with any flexibility with respect to testing schedules. Further, proposed § 85.1(ee)(2)(ii) would provide an alternate method for attaining or regaining qualified pseudorabies negative herd status when swine have been found to be positive to an official pseudorabies serologic test but at titers no greater than 1:8. As stated above, it is possible that questionable (false positive) laboratory results can be encountered when testing for pseudorabies at dilutions of 1:8 or less. Therefore, proposed § 85.1(ee)(2)(ii) would provide procedures for evaluating questionable pseudorabies serologic test results in attaining or regaining qualified pseudorabies negative herd status, which are identical to those set forth in proposed § 85.1(l) for the removal from the classification of "Known infected herd" of those herds of swine in which swine have been found positive to an official pseudorabies serologic test but at titers no greater than 1:8, for the reasons set forth above.

Proposed § 85.1(ee)(3) sets forth procedures for maintaining qualified pseudorabies negative herd status. The proposed procedures for maintaining qualified pseudorabies negative herd status are generally the same as those set forth in present § 85.1(ee). Qualified pseudorabies negative herd status is currently maintained by testing all swine over 6 months of age every year. Determining or monitoring the pseudorabies status of a herd by testing adult swine (swine over 6 months of age) has been found to be sufficient in herds which are not known or suspected to be infected with pseudorabies. This is accomplished by testing 25 percent of the swine over 6 months of age every 80–105 days. Testing at frequent intervals is desirable to find infection as early as possible if it should enter a herd. Some states require that 10 percent of a herd be tested every month (120 percent a year); this more frequent testing regimen provides earlier detection than testing every 80–105 days but does not technically comply with the requirements for maintaining qualified pseudorabies negative herd status in § 85.1(ee). Therefore, this method of maintaining qualified pseudorabies negative herd status by testing 10 percent every month is proposed in § 85.1(ee)(3) as an alternate method of maintaining herd status. No swine may be tested twice in 10 months to comply with the 10 percent requirement. This restriction is necessary to prevent a herd owner from repeatedly testing some swine and not testing other swine to meet the monitoring requirements. The Department does not believe that a herd can be adequately monitored if a portion of the swine over 6 months of age remain untested.

In present § 85.1(ee) qualified pseudorabies negative status is not affected by members of the herd coming into contact with other swine such as at shows, fairs, and sales and being returned to the herd without isolation and testing. This practice has only limited potential for introducing pseudorabies to a herd, since most swine are usually tested for pseudorabies prior to such events; however, pseudorabies has been spread at shows, fairs, and sales. The amount of risk is in direct proportion to the number of sources of contact swine. The spread occurs because some swine are not tested for pseudorabies and pseudorabies serologic tests are not fail-safe, as they identify antibodies which are the animals response to infection, not the actual presence of infection; antibodies usually take 10 days to 3 weeks to develop to detectable levels. Additionally, test results, for reasons of practicality, are recognized for 30 days, which allows time for the swine tested to become infected with pseudorabies. Qualified pseudorabies negative herd status has an even greater time lag guding which infection could be present and undetected, as testing is required only every 80–105 days. Therefore, this document would amend § 85.1(ee) to require that to maintain qualified pseudorabies negative herd status, swine returned to a qualified pseudorabies negative herd after contact with swine, other than swine from a single qualified pseudorabies negative herd, be isolated until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation. Contact with swine from a single qualified pseudorabies negative herd does not require isolation and testing because this is the same effect as adding swine directly from another qualified pseudorabies negative herd which is presently permitted and would be continued to be permitted under this proposal. Further, this document would amend § 85.1(ee) to require that to maintain qualified pseudorabies negative herd status, swine intended to be added to a qualified pseudorabies negative herd from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd be isolated until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation.

Present § 85.1(ee) does not require that additions to a qualified pseudorabies negative herd be isolated until they are found negative to two official pseudorabies serologic tests prior to being added to the herd. This proposal would amend § 85.1(ee) to require that all swine intended to be added to or returned to a qualified pseudorabies negative herd and required to be tested for pseudorabies before being added to the herd must be isolated until found negative to the required official pseudorabies serologic test or tests. This isolation is necessary to prevent potential additions to or swine returned to the qualified pseudorabies negative herd from being exposed to pseudorabies and introducing pseudorabies into the qualified pseudorabies negative herd.

Present § 85.1(ff) sets forth the definition of the term "pseudorabies controlled vaccinated herd." This proposal would rearrange the definition to make it more understandable. Specifically, proposed § 85.1(ff)(1) would set forth the procedures for attaining pseudorabies controlled vaccinated herd status. Present § 85.1(ff) requires, among other things, that all swine over 6 months of age in pseudorabies controlled vaccinated herds be vaccinated for pseudorabies. This proposal would amend § 85.1(ff) to provide that a minimum of 10 percent of the swine over 6 months of age in a pseudorabies controlled vaccinated herd be unvaccinated swine.

This change is proposed to secure an improved means of determining the pseudorabies status of the herd. At present, there frequently would be insufficient swine in the herd that could be tested to determine herd status because positive serologic findings are not unusual on all vaccinates and on their offspring until they reach 16 weeks of age. Under the proposed procedure, the pseudorabies disease status of the herd could readily be monitored by testing the 10 percent of the swine over 6 months of age that must remain unvaccinated and their offspring.

The procedures for attaining pseudorabies controlled vaccinated herd status would also be amended to require that such status could not be attained by a herd which has been classified as a "known infected herd" within 30 days of the test necessary to qualify the herd as a pseudorabies controlled vaccinated herd. This amendment is necessary to preclude the possibility of a herd attaining pseudorabies controlled vaccinated herd status under less stringent requirements than is required to remove the herd from "known infected herd" status. Under the present regulations, an owner of a herd of swine which has been classified as a known infected herd could meet the requirements for attaining pseudorabies controlled vaccinated herd status prior to meeting the requirements for removal of the herd from known infected herd status. This could be accomplished in essentially the same manner as attaining qualified pseudorabies negative herd status prior to removal of the same herd from known infected herd status, as described above.

Proposed § 85.1(ff)(2) sets forth the procedures for attaining or regaining pseudorabies controlled vaccinated herd status if any swine tested are found positive to pseudorabies on the qualifying official pseudorabies serologic test or any subsequent official pseudorabies test. The procedures for attaining or regaining pseudorabies controlled vaccinated herd status would generally be the same as those set forth in present § 85.1(ff). However, this document proposes a few substantive changes in the procedure to attain or regain such status.

Present § 85.1(ff) requires that after the test positive swine are removed, pseudorabies controlled vaccinated herd status is attained or regained by tests conducted only on swine over 6 months of age, and finding all swine so tested negative. However, swine under 6 months of age are readily infected with pseudorabies and testing should include all swine susceptible to pseudorabies. Therefore, proposed § 85.1(ff)(2) would require that to attain or regain pseudorabies controlled vaccinated herd status all swine in the herd over 16 weeks of age must be subjected to an official pseudorabies serologic test and found negative. Swine 16 weeks of age or younger would not be required to be tested because those swine nursing a vaccinated swine and those under 16 weeks of age may test positive because of maternal antibodies rather than antibodies from pseudorabies infection.

Present § 85.1(ff) also requires that to attain or regain pseudorabies controlled vaccinated herd status, swine over 6 months of age must be retested twice 30 and 60 days after removal of the official pseudorabies test positive swine and found negative to both tests. This proposal would amend the retesting requirements by allowing the retesting to be conducted 30 days or more after the removal of the official pseudorabies test positive swine and 30 to 60 days after the first retest. The present requirement that the first retest be conducted 30 days after the removal of the positive swine is necessary to ensure that swine which remain in the herd which contracted pseudorabies have time to react to the pseudorabies virus so that any positive swine may be detected on the subsequent test. However, it is not necessary that the subsequent test be conducted exactly 30 days after removal of swine which are positive to the official pseudorabies test. In order to detect swine which have contracted pseudorabies from the positive swine which were removed from the herd, the first retest may be conducted at any time 30 days or more after removal of the positive swine. Therefore, proposed § 85.1(ff) would allow the retest to be conducted at any time 30 days or more after removal of the positive swine. Further, this proposal would amend § 85.1(ff) to permit the required second retest to be conducted 30 to 60 days after the first negative herd retest rather than exactly 60 days after removal of the positive swine. This present requirement that the second retest be conducted exactly 60 days after removal of the positive swine is unnecessary and does not provide herd owners with any flexibility with respect to testing schedules. The requirement that the herd premises be cleaned and disinfected in accordance with § 85.13 would be maintained because in most cases most of the swine in the pseudorabies controlled vaccinated herd are removed because all positive swine are removed and vaccinated swine are positive to an official pseudorabies test.

Proposed § 85.1(ff)(3) sets forth procedures for maintaining pseudorabies controlled vaccinated herd status. The proposed procedures for maintaining pseudorabies controlled vaccinated herd status are the same as those set forth in present § 85.1(ff) except as discussed in this docket.

Present § 85.1(ff) does not require that additions to a pseudorabies controlled vaccinated herd be isolated until they are found negative to an official pseudorabies serologic test prior to being added to the herd. This proposal would amend § 85.1(ff) to require that all swine intended to be added to the pseudorabies controlled vaccinated herd must be isolated until found negative to the required official pseudorabies serologic test. This isolation is necessary to prevent potential additions to the pseudorabies controlled vaccinated herd from being exposed to pseudorabies and introducing pseudorabies into the pseudorabies controlled vaccinated herd.

Proposed § 85.1(ff)(3) would require that unvaccinated swine be mingled with vaccinated swine to insure that, if pseudorabies virus is circulating in the herd, the unvaccinated swine are exposed to any such virus. This would be necessary because the unvaccinated swine are monitored to determine the pseudorabies disease status of the herd and in order to constitute an adequate monitoring system, the unvaccinated swine must be exposed to the vaccinated swine in the herd.

Section 85.1 would be amended by adding paragraph (jj), to define the term "official pseudorabies serologic test" as an official pseudorabies test as defined in § 85.1(q) conducted on swine serum to detect the presence or absence of pseudorabies antibodies.

The definition would be added because there are official tests for pseudorabies other than serologic tests. The other official tests, the virus isolation and identification test and the fluorescent antibody tissue test, are confirmatory and are usually conducted on tissues of animals which have either died or been sacrificed for diagnostic purposes. These tests are directed to the detection or isolation of the virus and negative results on infected animals are not uncommon. Therefore, to ensure accuracy of negative results of the test, this proposal would require the term "official pseudorabies test" be replaced with the term "official pseudorabies serologic test" throughout Part 85 wherever a negative test finding is required to qualify an animal for interstate movement, to qualify a herd of swine for removal from the "known infected herd" classification, or to classify a herd of swine as a pseudorabies controlled vaccinated herd or a qualified pseudorabies negative herd. The term "official pseudorabies test" would not be changed where positive findings result in restrictions.

Section 85.1 would be amended by adding a new paragraph (kk) to define restricting the source of swine, but would add flexibility by allowing the swine to be moved through an additional approved livestock market.

Present § 85.7(b) would also be amended to permit swine not vaccinated for pseudorabies and not know to be infected with or exposed to pseudorabies to move interstate from a farm of origin to an approved livestock market when accompanied by an owner-shipper statement. The current regulations impose an unnecessary burden on the shipper by requiring that such swine be identified prior to movement and be accompanied by a certificate. This proposed amendment would allow such swine to be identified to the farm of origin by an identification tag after arrival at the first approved livestock market. The certificate would not be needed in this instance because the swine would be identified to the farm of origin upon arrival at the approved livestock market.

Present § 85.7(c) applies to the interstate movement of swine which are not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies and are moved other than for slaughter and other than directly to a feedlot, quarantined feedlot, quarantined herd or to an approved livestock market for subsequent movement to a feedlot, quarantined feedlot or quarantined herd. This proposal would amend § 85.7(c) to allow the interstate movement of swine pursuant to § 85.7(c) to any location. The restrictions placed upon the interstate movement of swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies in § 85.7(c) are sufficient to prevent the interstate spread of pseudorabies. In this regard, § 85.7(b) would be amended to provide that swine moved to a feedlot, quarantined feedlot, quarantined herd or an approved livestock market for subsequent movement to a feedlot, quarantined feedlot or quarantined herd could be moved interstate pursuant to proposed § 85.7(c).

Section 85.10(b) would be amended to require that a copy of each permit or term "Area Veterinarian in Charge." The term "Area Veterinarian in Charge"would be used in proposed § 85.1(l)(2)(iii) and § 85.1(ee)(2)(ii).

Present § 85.5(a) sets forth the requirements for the interstate movement of infected or exposed swine for slaughter. Present § 85.5(a)(3) requires that the permit or owner-shipper statement, which must accompany such swine, list the identification tag, tattoo, earnotch recognized by a breed association, or similar identification of each animal being moved. This proposal would amend § 85.5(a)(3) to provide that if such swine are moved interstate and the identity of the farm of origin of each swine is maintained, the permit or owner-shipper statement need not list the identification of the swine if the swine are identified to the farm of origin at the recognized slaughtering establishment or the first slaughter market. This amendment is proposed because the current regulation imposes an unnecessary burden on the owner of shipper by requiring that such swine be identified prior to movement.

Present § 85.7(b) permits swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies to move interstate from any source to an approved livestock market and then move directly to a feedlot, quarantined feedlot or quarantined herd. The Department believes that restrictions on the sources from which such swine are moved interstate to an approved livestock market are necessary to reduce the risk of exposure to pseudorabies. However, present § 85.7(b) now restricts interstate movement from an approved livestock market to feedlots, quarantined feedlots and quarantined herds and thereby hampers normal marketing patterns. Proposed § 85.7(b) would permit swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies to move from a farm of origin through two approved livestock markets before being moved to a feedlot, quarantined feedlot or quarantined herd. The proposal would minimize exposure to pseudorabies by certificate issued in accordance with Part 85 must be sent to the State animal health official of the State of destination as directed by the State animal health offical of the State of origin within 3 days of the issuance of such document. The regulation now requires that the issuer of a permit or certificate mail or deliver a copy of the permit or certificate to the State animal health official in the State of destination within 3 days of the interstate movement. However, issuers of certificates and permits operate under guidelines established by the State animal health official of the originating State and instructions concerning the mailing or delivery of permits and certificates issued pursuant to Part 85 vary from state to state. This document would also amend the requirement that certificates and permits issued pursuant to Part 85 must be mailed or delivered within 3 days of the interstate movement of the swine covered by the document to require such mailing or delivery within 3 days of the issuance of such document. The Department believes that this change is necessary because the issuer of a certificate or permit may not know when the swine covered by the document are moved interstate.

List of Subjects in 9 CFR 85

Animal diseases, Livestock and livestock products, Quarantine, Transportation, Pseudorabies.

PART 85—PSEUDORABIES

Accordingly, the Animal and Plant Health Inspection Service is proposing to amend Part 85 in the following respects:

1. In § 85.1, paragraph (l) would be revised and footnote 1 and a reference thereto would be added to read as follows:

§ 85.1 Definitions.

* * * * *

(l) *Known infected herd.* Any herd in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies.

(1) A herd of livestock, other than swine, shall no longer be classified as a known infected herd after 10 days since the last clinical case of pseudorabies in the herd.

(2) A herd of swine which has been released from pseudorabies quarantine in accordance with the following provisions shall no longer be classified as a known infected herd if:

(i) All swine positive to an official pseudorabies test have been removed from the premises; all swine which remain in the herd, except swine nursing their mother, are subjected to an official pseudorabies serologic test and found negative 30 days or more after removal of swine positive to an official pseudorabies test; and no livestock on the premises have shown clinical signs of pseudorabies after removal of the positive swine; or

(ii) All swine have been depopulated for 30 days and the herd premises have been cleaned and disinfected in accordance with § 85.13; or

(iii) In a herd of swine in which swine are positive to an official pseudorabies serologic test but no swine are positive at titers greater than 1:8, all titered swine are subjected to another official pseudorabies serologic test and found negative; and all other swine in the herd which an epidemiologist, approved by the State animal health official and the Area Veterinarian in Charge, requires to be subjected to an official pseudorabies serologic test are tested and found negative.[1]

* * * * *

2. Section 85.1(n) would be amended by removing the term "21 consecutive days" and inserting the term "10 consecutive days" in lieu thereof.

3. In § 85.1, paragraph (v) would be amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

4. Section 85.1(dd) would be revised to read as follows:

* * * * *

(dd) *Owner-shipper statement.* A statement signed by the owner or shiper of swine which states: (1) the number of swine to be moved; (2) the points of origin and destination; (3) the consignor and consignee; and (4) any additional information required by the applicable sections of this part.

* * * * *

5. In § 85.1, paragraph (ee) would be revised to read as follows:

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[1] The epidemiologist shall consider the following epidemiologic evidence to determine which swine in the herd, in addition to the titered swine must be subjected to an official pseudorabies serologic test and found negative: (a) the percentage and number of titered swine in the herd; (b) the number of titered swine as compared to the number of swine tested: (c) the extent of the contact of members of the herd with the titered swine; (d) the prevalence of pseudorabies in the area; (e) the herd management practices and (f) any other reliable epidemiologic evidence.

(ee) *Qualified pseudorabies negative herd.* (1) Qualified pseudorabies negative herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies serologic test and finding all swine so tested negative. The herd must not have been a known infected herd within the past 30 days. A minimum of 90 percent of the swine in the herd must have been on the premises and part of the herd for at least 90 days prior to the qualifying official pseudorabies serologic test or have entered directly from another qualified pseudorabies negative herd.

(2)(i) If on a qualifying official pseudorabies serologic test or any subsequent official pseudorabies test, any swine so tested are positive, qualified pseudorabies negative herd status is attained or regained by: removing all positive swine; subjecting all swine in the herd, except swine nursing their mother, to an official pseudorabies serologic test 30 days or more after removal of the positive swine and finding all swine so tested negative; and after an interval of 30 to 60 days after the first such negative official pseudorabies serologic herd test, subjecting all swine in the herd, except swine nursing their mother, to another official pseudorabies serologic test and finding all swine so tested negative; or

(ii) If on any qualifying official pseudorabies serologic test or any subsequent official pseudorabies serologic test, any swine so tested are positive, but no swine are positive at titers greater than 1:8, qualified pseudorabies negative herd status is attained or regained by: subjecting all titered swine and all other swine required to be tested by an epidemiologist, approved by the State animal health official and the Area Veterinarian in Charge, to an official pseudorabies serologic test and finding all such swine negative.[1]

(3) Qualified pseudorabies negative herd status is maintained by subjecting all swine over 6 months of age in the herd to an official pseudorabies serologic test at least once each year (this must be accomplished by testing 25 percent of the swine over 6 months of age every 80–105 days and finding all swine so tested negative, or by testing 10 percent of the swine over 6 months of age each month and finding all swine so tested negative; no swine shall be tested twice in 1 year to comply with the 25 percent requirement or twice in 10 months to comply with the 10 percent requirement). All swine intended to be added to a qualified pseudorabies negative herd shall be isolated until the swine have been found negative to two official pseudorabies serologic tests, one conducted 30 days or more after the swine have been placed in isolation, the second test being conducted 30 days or more after the first test; except (i) swine intended to be added to a qualified pseudorabies negative herd directly from another qualified pseudorabies negative herd may be added without isolation or testing; (ii) swine intended to be added to a qualified pseudorabies negative herd from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, shall be isolated until the swine have been found negative to an official pseudorabies serologic test, conducted 30 days or more after the swine have been placed in isolation; (iii) swine returned to the herd after contact with swine other than those from a single qualified pseudorabies negative herd shall be isolated until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation.

* * * * *

6. In § 85.1, paragraph (ff) would be revised to read as follows:

* * * * *

(ff) *Pseudorabies controlled vaccinated herd.* (1) Pseudorabies controlled vaccinated herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies serologic test and finding all swine so tested negative. The herd must not have been a known infected herd within the past 30 days. Any swine in the herd over 6 months of age may be vaccinated for pseudorabies within 15 days after being subjected to an official pseudorabies serologic test and found negative:

Provided that, at least 10 percent of the swine in the herd over 6 months of age remain unvaccinated.

(2) If on the qualifying official pseudorabies serologic test or any subsequent official pseudorabies test, any swine so tested are positive, pseudorabies controlled vaccinated herd status is attained or regained by: removing all positive swine; cleaning and disinfecting the herd premises in accordance with § 85.13; subjecting all swine in the herd over 16 weeks of age to an official pseudorabies serologic test 30 days or more after removal of the positive swine and fining all swine so tested negative; and after an interval of 30 to 60 days after the first such negative official pseudorabies serologic herd test, subjecting all swine in the herd over 16 weeks of age to another official pseudorabies serologic test and finding all swine so tested negative.

(3)(i) Pseudorabies controlled vaccinated herd status is maintained by subjecting all unvaccinated swine over 6 months of age in the herd to an official pseudorabies serologic test every 80-105 days and finding all swine so tested negative or by subjecting 25 percent of the offspring between 16 and 20 weeks of age to an official pseudorabies serologic test and finding all swine so tested negative.

(ii) Any swine in the herd over 6 months of age may be vaccinated for pseudorabies within 15 days after being subjected to an official pseudorabies serologic test and found negative; *Provided that,* at least 10 percent of the swine in the herd over 6 months of age remain unvaccinated.

(iii) All swine intended to be added to a pseudorabies controlled vaccinated herd shall be isolated until the swine have been found negative to an official pseudorabies serologic test conducted 30 days or more after the swine have been placed in isolation. Not more than 90 percent of the swine over 6 months of age added to the herd may be vaccinated for pseudorabies. All additions to the herd which are to be vaccinated for pseudorabies shall be vaccinated within 15 days after being subjected to such official pseduorabies serologic test. All additions to the herd shall be added to the herd within 30 days after such official pseudorabies serologic test.

(iv) Swine which have not been vaccinated for pseudorabies shall be mingled with pseudorabies vaccinates.

* * * * *

7. Section 85.1 would be amended by adding a new paragraph (jj) to read as follows:

* * * * *

(jj) *Official psedudorabies serologic test.* An official pseudorabies test, as defined in paragraph (q) of this section, conducted on swine serum to detect the presence or absence of pseudorabies antibodies.

8. Section 85.1 would be amended by adding a new paragraph (kk) to read as follows:

* * * * *

(kk) *Area veterinarian in charge.* The veterinary official of Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is assigned by the Deputy Administrator to supervise and perform official animal health work on the Animal and Plant Health Inspection Service on the State concerned.

9. In § 85.4, paragraph (b) would be revised to read as follows:

§ 85.4 Interstate movement of livestock.

* * * * *

(b) Livestock that have been exposed to an animal showing clinical evidence of pseudorabies shall not be moved interstate within 10 days of such exposure.

10. In § 85.5, paragraph (a)(3) would be revised to read as follows:

§ 85.5 Interstate movement of infected swine or exposed swine.

* * * * *

(a) * *

(3) The permit, in addition to the information in § 85.1 (bb), or the owner-shipper statement, in addition to the information in § 85.1(dd), lists the identification tag, tattoo, earnotch recognized by a breed association, or similar identification of each swine being moved; *except* if the swine are moved interstate and the identity of the farm of origin of each swine is maintained, the permit or the owner-shipper statement need not list the individual identification required by this paragraph, if such swine are identified to the farm of origin at the recognized slaughtering establishment or the first slaughter market; and

11. In § 85.5, paragraphs (b)(5)(iii) would be amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

12. In § 85.7, paragraph (b) would be revised to read as follows:

§ 85.7 Interstate movement of swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies.

* * * * *

(b) *Movement to a feedlot, quarantined feedlot, quarantined herd, or approved livestock market.* Swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies may be moved interstate only if:

(1) The swine are moved from a qualified pseudorabies negative herd directly to a feedlot, quarantined herd or approved livestock market; or

(2) The swine are moved directly to a feedlot, quarantined feedlot, quarantined herd or approved livestock market for subsequent movement to a feedlot, quarantined feedlot or quarantined herd in accordance with paragraph (c) of this section; or

(3) The swine are moved from a State which requires the State animal health official of that State to be immediately notified of any suspected or confirmed case of pseudorabies in that State and which requires that exposed or infected livestock be quarantined, such quarantine to be released only after having met quarantine release standards no less restrictive than those in § 85.1(1); and

(i) The swine are accompanied by an owner-shipper statement and are moved from a farm of origin directly to an approved livestock market, and

(A) The owner-shipper statement is delivered to the consignee, and

(B) The swine are identified at the approved livestock market to the farm of origin by an identification tag; or

(ii) The swine are accompanied by a certificate and such certificate is delivered to the consignee; the certificate, in addition to the information in § 85.1(cc), states the identification of the farm of origin of each swine being moved by an earnotch recognized by a breed association, identification tag, tattoo, or similar identification and approval for the interstate movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine; and

(A) The swine are moved directly to a feedlot, quarantined feedlot, quarantined herd or approved livestock market from a farm of origin; or

(B) The swine are moved directly to a feedlot, quarantined feedlot, quarantined herd or approved livestock market from an approved livestock market which received the swine directly from a farm of origin; or

(C) The swine are moved directly to a feedlot, quarantined feedlot or quarantined herd from an approved livestock market, which received the swine from another approved livestock market, which received the swine directly from a farm of origin.

13. In § 85.7, the introduction to paragraph (c) would be revised to read as follows:

* * * * *

(c) *General movements.* Swine not vaccinated for pseudorabies and not known to be infected with or exposed to pseudorabies may be moved interstate only if:

* * * * *

14. In § 85.7 paragraph (c)(2)(ii)(A) would be amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

15. In § 85.7, paragraph (c)(2)(ii)(C) would be amended by removing the words "official test" and inserting the words "official pseudorabies serologic test" in lieu thereof.

§ 85.9 [Amended]

16. Section 85.9 would be amended by removing the words "pseudorabies test" and inserting the words "pseudorabies serologic test" in lieu thereof.

17. In § 85.10, paragraph (b) would be revised to read as follows:

§ 85.10 Permits and certificates.

* * * * *

(b) A copy of each permit or certificate issued in accordance with this part shall be sent by the person issuing such document to the State animal health official of the State of destination in accordance with instructions issued by the State animal health official of the State of origin within 3 days of the issuance of the document.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123–126, 134b, 134g; 37 FR 28464, 28477, 38 FR 19141)

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 870, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 28th day of October, 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82–30176 Filed 10–29–82; 12:58 pm]

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federal register

Wednesday
November 3, 1982

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Swine Health Protection Provisions

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 166

[Docket No. 82-069]

Swine Health Protection Provisions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document regulates the treatment of garbage to be fed to swine pursuant to the Swine Health Protection Act. This action is necessary to prevent the introduction into or dissemination within the United States of any infectious or communicable diseases of swine through the medium of garbage. The regulations establish minimum standards for treating garbage to be fed to swine.

EFFECTIVE DATE: January 1, 1983.

FOR FURTHER INFORMATION CONTACT: R. D. Good, Staff Veterinarian, Swine Diseases, Swine and Poultry Diseases Staff, Veterinary Services, APHIS, USDA, Federal Building, Room 841, Hyattsville, MD 20782, 301-436-8487.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Information collection requirements contained in this regulation (9 CFR 166) have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507) and have been assigned the following OMB control numbers:

Reports (VS Form 13-15 and 13-16): 0579-0064.

Recordkeeping Requirements: 0579-0066.

Background

Garbage can serve as a means of transmission of numerous infectious or communicable foreign and domestic diseases of swine including, but not limited to, African swine fever (ASF), hog cholera, foot-and-mouth disease, swine vesicular disease, and vesicular exanthema of swine.

Domestic swine are highly susceptible to and have no resistance to any of these foreign diseases. This susceptibility is because there is no natural immunity to any of these diseases and there is either an ineffective vaccine or no vaccine available for some of the diseases. Slaughter of infected or exposed swine is the only disease eradication technique available. The effect of the diseases themselves and the necessary slaughter of infected or exposed swine would result in the death of all swine involved. Depending on the population of swine involved, this number could be great. Foreign disease outbreaks could, therefore, cause a severe economic crisis for U.S. swine producers and the pork industry in general. Widespread outbreaks would result in shortages of pork and pork products, causing higher food prices for consumers.

ASF is potentially the most dangerous of the above-named diseases because it is present in the Caribbean, in close proximity to the United States and Puerto Rico. Since 1978, ASF has been diagnosed in Cuba, the Dominican Republic, Brazil, and Haiti. It has apparently been eradicated from the Dominican Republic and Cuba. There is no effective vaccine for ASF.

All these foreign diseases can be spread through infected meat scraps in improperly treated garbage that is fed to swine or material that has been associated with such meat scraps. For example, ASF was most likely introduced into the Dominican Republic and Brazil via garbage from international airline flights. U.S. officials are conducting an intensified program to inspect meat and related products entering the United States, especially from countries in the Western Hemisphere with ASF. Complete surveillance is impossible considering the tremendous volume of international traffic, especially between the Caribbean Islands and the United States. A single contaminated meat product in garbage that reaches susceptible hogs could cause an outbreak.

Under these circumstances, the domestic swine population would be best protected by requiring pathogen-killing treatment of garbage that is to be fed to swine. Cooking of garbage prior to being fed to hogs is the only known practical means of protecting swine from the pathogens contained in garbage. Proper heat treatment of garbage kills the organisms that cause the aforementioned foreign animal diseases and generally assists in endemic disease control by eliminating one source of infection. This process also provides a source of food for swine that could not otherwise be utilized because of the danger of disease transmission. In addition, the conversion of discarded food to swine feed lessens the burden on disposal landfills, national water systems, and sewage plants.

The Swine Health Protection Act (7 U.S.C. 3801 *et seq.*), hereinafter referred to as the Act, is designed to protect the commerce of the United States and the health and welfare of the people of this country by regulating the treatment of garbage to be fed to swine and the feeding thereof in accordance with the provisions of the Act. Based on the above needs, Congress selected two basic methods to achieve this objective: (1) Establishing standards for the handling and treatment of garbage that is intended to be fed to swine and (2) licensing garbage-treatment facilities. The Secretary of Agriculture is authorized by the Act to issue such regulations and to require the maintenance of such records as he deems necessary to carry out the provisions of the Act.

In accordance with the Act, these regulations prohibit the feeding of garbage to swine except when it is properly heat treated at a licensed treatment facility. Garbage is defined in the Act and regulations as all waste material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking, or consumption of food, except that such term shall not include waste from ordinary household operations which is fed directly to swine on the same premises where such household is located. The regulations establish procedures and standards for treating garbage and for the issuance, suspension, and revocation of licenses for treatment facilities.

Feeding of garbage to swine is allowed if it is properly treated, except in States where prohibited. Handling, storage, and treatment operations for garbage to be fed to swine have to be constructed so that swine do not have access to these areas.

It was Congress intent for the Act to serve as minimum standards for the individual State programs. Primary enforcement responsibility under the Act will be delegated to States which have developed adequate laws and regulations concerning the treatment of garbage to be fed to swine and the feeding thereof, which laws and regulations meet the minimum standards of the Act and regulations. To be delegated primary enforcement responsibility, a State will also have to have adopted and be implementing adequate procedures for the effective enforcement of such State laws and regulations, and keep such records and make such reports showing compliance with these standards as required by regulation. This determination will be made by the Deputy Administrator under Section 10 of the Act (7 U.S.C. 3809).

At present, 16 States with more than 50 percent of the national swine population prohibit the feeding of garbage, in any form, to swine. The 34 remaining States and Puerto Rico already have laws and/or regulations that regulate the treatment of garbage before it is fed to swine. However, the adequacy of the enforcement of these State laws and regulations is yet to be determined. Therefore, in order to provide time to determine the adequacy of the various State laws and regulations and their enforcement with regard to primary enforcement responsibility and to negotiate cooperative agreements with various States, these regulations will be made final, but their effective date will be delayed until January 1, 1983. Those States having primary enforcement responsibility under the Act and those States issuing licenses under cooperative agreements with APHIS will be promulgated under § 166.14 of the regulations as soon as possible.

Executive Order 12291

Based on information compiled by the Department of Agriculture, this rule is determined to be non-major. The final rule will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Impact Analysis of Regulations For Swine Health Protection

Summary Statement

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. These regulations will impact only swine producers who feed garbage in those States and areas which allow the feeding of garbage to swine, and then only to te extent these regulations are different from those with which they must already comply. At present, the 50 States, Puerto Rico, and Guam either prohibit the feeding of garbage to swine or require that it be heat treated before being fed to swine, in much the same manner as required by these regulations. Fewer than 1.4 percent of swine producers in the United States and Puerto Rico feed garbage or food waste to swine, and Puerto Rico alone has 50 percent of such garbage feeders. The remaining areas which are subject to these regulations—the Virgin Islands of the United States, American Samoa, and the Commonwealth of the Northern Mariana Islands—neither prohibit nor regulate feeding garbage to swine. They not only have minimal swine populations, but a large portion of their garbage feeders would be exempt under section 3(2) of the Act (7 U.S.C. 3802) because they only feed waste from ordinary household operations directly to swine on the same premises where such household is located. A regulatory flexibility analysis was prepared and a summary of the analysis was included in the **Federal Register** Notice of the proposed rulemaking. No comments were submitted concerning the regulatory analysis or certification.

The regulations adopted are those that minimize impact on the regulated small entities without increasing the risk of introduction and spread of swine disease.

Comments Received

On April 16, 1982, a document was published in the **Federal Register** (47 FR 16534–16541) which proposed to establish regulations for swine health protection.

Comments regarding the proposal were solicited for 60 days after publication of the proposed regulation. Copies of the proposal were distributed to known interested industry organizations, animal health officials, and interested veterinary medical societies. The U.S. Department of Agriculture's (USDA) news release concerning the proposal received wide publication in rural and farm oriented press.

Also, in accordance with the intent of the Small Business Administration's Regulatory Flexibility Act, information was disseminated on an individual basis to known garbage feeders in Puerto Rico concerning the availability of the proposed rulemaking and of the Initial Regulatory Flexibility Analysis. This effort was made because (1) approximately 50 percent of the small business entities that would possibly be affected by the regulations are located in Puerto Rico and (2) the high rates of total or English illiteracy in Puerto Rican Garbage feeders dictated that the information be verbally given in some cases.

In response, eleven national and State industry organizations, one registered swine breed association and two veterinary-oriented associations registered general support for this proposal. The Secretary of a State pork producers' association personally suggested that all garbage feeding of swine be banned, but expressed appreciation of what he perceived as being USDA recognition of a potential problem.

Section 166.1, entitled, "Definitions in alphabetical order" is changed to exclude letter designations of each individual definition. Since the definitions are arranged alphabetically, this lettering is unnecessary. No comment was received on this, but the Department has learned that it is the policy of the **Federal Register** to publish lists of definitions without individual letter designations. This change has no effect whatsoever on the regulations.

Two comments suggested that fish be deleted from the definition of animals in § 166.1. The only place the word "animals" is used in the regulations is in reference to animals which would be or or which could gain access to a garbage treatment premises. As fish would never be of concern under such circumstances, we believe it is best to retain the proposed definition of "animals," which is consistent with the use of that term in the Act.

One respondent that "facility" be defined. As this term is used frequently in the regulations, we agree with this comment. Accordingly, in § 166.1 we define facility as: "The site and all objects at this site including equipment and structures where garbage is accumulated, stored, handled, and cooked as food for swine and which are fenced in or otherwise constructed so that swine are unable to have access to untreated garbage." This definition of "facility" includes equipment and the locations of untreated garbage storage, handling, and cooking facilities which are kept separate from any swine. We have also decided to add a definition of the word "premises" for clarity. This term appears frequently in the regulations and could, without definition, be confused with the term "facility." Therefore, in order to clarify these words, we have added the following definition of "premises:" "The location of a garbage treatment facility, as defined in this part, and any areas owned or controlled by the operator of the facility where swine are kept or fed by the operator.

One respondent was concerned that whole animal carcasses not resulting from the handling, preparation, cooking, or consumption of food could be fed to swine untreated as such carcasses would not be within the definition of garbage in § 166.1. It is the intent of the Act to ensure that materials fed to swine are free of infectious or communicable diseases of swine. In line with that intent, the Act's definition of garbage includes "all waste material derived in whole or in part from the meat of any animal (including fish and poultry) or any other animal material." The definition includes carcasses of animals when such carcasses are "waste material." It is believed that they would not be fed to swine if they were not waste material. Therefore, such carcasses must be cooked before being fed to swine.

The Representative of a national rendering association commented that raw animal products that are rendered and produced by rendering may be defined as garbage. This is indeed the case. The Act's definition of garbage includes such material. However, the Department intends to propose a blanket exemption for rendered products to be fed to swine under section 4(b) of the Act, if it can be satisfactorily shown that the rendering process itself, in all cases, kills infectious or communicable disease agents as required by the Act. In that case, it would be unnecessary and wasteful to require further treatment of rendered products before they could be fed to swine.

Comments from a national farm federation and two State farm bureaus requested that domestically produced commercial bakery waste, candy, and fresh fruit and vegetable waste be excluded from the definition of garbage. The definition of garbage in the regulations already excludes fresh fruit and vegetable waste of domestic origin unless mixed with material of animal origin. Therefore, no change is required in the definition as to those items. However, the definition of garbage in the regulations, which is taken from the Act, does not exclude bakery waste in that baked goods are normally made with animal products such as butter or animal fat. Only if such animal products have not been used would bakery waste be excluded from the definition of garbage. The Act is very clear on this point, and the Department does not have the authority to change the law. This same reasoning applies to any other food waste, including candy waste, which may be prepared or associated with animal products.

A leader of one national association recognized that the Act includes fish in the definition of garbage but suggested that fish be given "special consideration." The individual reasoned that fish are not known to transmit any of the diseases which are of concern in this Act. The Secretary of one State livestock group requested that fish be deleted from the definition of garbage. The Act clearly includes fish in the definition of garbage. Not only does the Department have no authority to change the law, but there is evidence that fish may play a part in transmitting some domestic animal diseases. In the Pacific coastal region of the United States, the San Miguel sea lion virus in fish and other marine life has been linked with the virus of vesicular exanthema of swine, which was eradicated from the United States. Therefore, these comments have not been adopted. However, exemptions on a premises-by-premises basis will be allowed when a determination is made that there would not be a risk to the swine industry in the United States as provided in the Act.

Four comments questioned the temperature and time required to cook untreated garbage as outlined in § 166.1, "Definitions in alphabetical order," and in § 166.7, "Cooking standards." All four, which included those from prominent industry organizations, agreed that 180° F. was sufficient to destroy agents of disease. However, there was wide disagreement regarding the time that untreated garbage should be treated at this temperature. Suggestions ranged from cooking for as few as 10 minutes to as much as 1 hour. None of the comments took into account the dimensions of the discreet chunks of garbage to be cooked. Waste material of animal origin could range in size up to whole ungutted carcasses. The Department has made no changes in the regulations based on the four suggestions since none take into account all three elements of temperature, time, and dimensions of material to be treated. The proposal was based on scientific facts that take into account all three elements, including the possible size of the material. Further, fuel efficiency studies show that cooking garbage at 212° F. at sea level for 30 minutes is more fuel efficient than cooking at 180° F. for 1 hour. The Advisory Committee to the Secretary on Swine Health Protection recommended that the time and temperature requirements be modified as much as practically possible upon a scientific basis, yet allow a reasonable margin of safety. A literature review has been undertaken and field studies necessary to confirm its findings will begin in order to provide an evaluation of the requirements. If the studies indicate that a change in the requirements is justified, an amendment to the regulations will be proposed. Until that time, there is no justification to compromise proven disease control standards.

For the purpose of clarification, references to alternate treatment methods are being deleted from the definitions in § 166.1 of "treated garbage" and "treatment." Acceptable alternative methods are not available at this time. As other methods are developed, Veterinary Services will evaluate them and incorporate acceptable treatments in the regulations. Accordingly, in § 166.1, "treated garbage" is defined as: "Edible waste for animal consumption derived from garbage (as defined in this section) that has been heated throughout at boiling or equivalent temperature (212° F. or 100° C. at sea level) for 30 (thirty) minutes under the supervision of a licensee." "Treatment" is defined as: "The heating of garbage to specifications as set forth in this part."

One comment requested the deletion of the last sentence in § 166.2(c), "General restrictions," which states: "In a State which prohibits the feeding of garbage to swine, a Federal license under the Act will not be issued to any applicant." The requester stated that if a Federal license is denied, the Act will be weakened in its efforts to prevent swine diseases. However, that provision is included because it reflects section 13 of the Act, which says; "The regulations of this Part shall not be construed to repeal or supersede State laws that prohibit feeding of garbage to swine or to prohibit any State from enforcing requirements relating to the treatment of garbage that is to be fed to swine or the feeding thereof which are more stringent than the requirements contained in this Part." If the Department were to grant licenses in States which prohibit garbage feeding, that would, in effect, supersede State law, and that is prohibited by the Act.

The Secretary's Advisory Committee on Swine Health Protection commented that the last three words of the first sentence and the entire second sentence in § 166.3(b) should be deleted as they were unnecessary. After reviewing this provision of the regulations, we have concluded that though this material is arguably redundant, its inclusion can do no harm, and should help, as it is intended to make it absolutely clear to the reader that swine must be strictly separated from any areas of the premises which could be contaminated by disease, including "roads and areas used to transport and unload untreated garbage."

In § 166.4(a) we have accepted the suggestion that we delete the requirement that containers for the storage of garbage be spillproof. Although desirable, a spillproof container is virtually unattainable. In addition, if garbage is spilled, the requirements that swine be kept from garbage, any drainage therefrom, and any other associated material would still apply. These requirements should maintain the separation of swine from garbage, which is the desired result of the regulation. Accordingly, § 166.4(a) will read, "Untreated garbage at a treatment facility shall be stored in covered and leakproof containers until treated."

In § 166.5, the heading, introductory sentence, and paragraph (a) will be amended to change the word "premises" to "facility" as more appropriate under the new definitions for these terms, and to remove references to "equipment" standards. The reference to "equipment" is no longer needed as the new definition for "facility" includes equipment. These portions of § 166.5 will now read:

§ 166.5 Licensed garbage-treatment facility standards.

Garbage-treatment facilities shall be maintained as set forth in this section.

(a) *Insects and animals shall be controlled.* Accumulation of any material at the facility where insects and rodents may breed is prohibited.

Representatives of two associations proposed that insects and animals be only "reasonably controlled" rather than "controlled," as described in § 166.5(a). The Department has decided to keep the wording originally proposed. Insects and animals serve as mechanical vectors of agents of swine diseases and, therefore, must be controlled. We do not intend "control" to mean eradicate, as that is a practical impossibility. However, we do not believe that adding the word "reasonably" makes the requirement any more precise than originally worded.

Two comments raised the issue that the Department is beyond its purview by insisting that licensees conform with environmental requirements as a part of the regulations as stated in § 166.5(c) and § 166.10(c)(3). We disagree. It would be inconsistent with the intent of the National Environmental Policy Act (22 U.S.C. 4331 *et seq.*), for the Department to condone or appear to condone violations of applicable environmental laws and regulations. In addition, Section 1-101 of Executive Order 12088, issued October 13, 1978, states that "the head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under the control of the agency." This refers to all governmental environmental standards, Federal, State, and local. Therefore, we are retaining this requirement. However, we are changing the wording slightly. We are replacing the phrase "State and local environmental requirements" in § 166.5(c), and the phrase "all applicable State and Federal environmental regulations" in § 166.10(c)(3) with the phrase "all applicable governmental environmental regulations."

One of the two groups which made comments on § 166.5(c) also suggested that the rodenticide "1080" be approved for use by licensees to control rodents on licensed premises. However, it is not up to this Department to approve such uses. The Environmental Protection Agency (EPA) has authority in the area of toxic materials. In addition, according to officials of the EPA, the rodenticide "1080" is so toxic and lethal that it is confined to use by "certified pesticide applicators," under the Federal Insecticide, Fungicide, and Rodenticide Act, and EPA regulations.

In response to comments, § 166.7, "Cooking standards," will be revised to remove paragraph (c), which required the use of a thermometer by licensees. Two comments supported the requirement of each licensee using a thermometer to monitor garbage cooking. One of the comments suggested specifically that a recording thermometer be required. However, one comment received from the officials of a Department of Agriculture that represents approximately one-half of the known garbage treatment facilities in the United States stated that they anticipated "resistance in the purchasing of thermometers," and because of their large population of generally illiterate garbage feeders, they also anticipated "inaccuracies in the reading of the temperature while cooking." This would negate the value of this requirement. We do not agree that illiteracy necessarily means that licensees could not read a thermometer. However, we acknowledge the expense of acquiring thermometers, and the probable resistance and lack of cooperation by licensees, which would increase the difficulty of enforcing this provision. In fact a thermometer is unnecessary to confirm the required temperature because whether the garbage is actually boiling can be confirmed by visual observation. Therefore, the proper cooking of garbage can be achieved without the use of a thermometer, and we have deleted this provision. It will be the responsibility of the inspector to verify the adequacy of cooking by correlating visible signs observed by the licensee with actual temperature readings.

One comment suggested that vehicles used to transport untreated garbage be cleaned and disinfected not only before hauling animals but also before hauling treated garbage. The Department agrees that this comment has merit except as the vehicles in which the garbage is treated. If such vehicles, other than those which have also been used to treat the garbage, are not cleaned and disinfected before hauling treated garbage the treated garbage could be contaminated by the untreated garbage residue, and the treated garbage could then spread disease. This would defeat the purpose of the regulations. However, vehicles which are used to haul untreated garbage, but also used to treat such garbage, should be exempted as they pose no threat of disease spread by virtue of their use as a treatment container. This exemption also appears in § 166.4, which concerns the storage of garbage. Accordingly, § 166.8 will read, "Vehicles used by a licensee to transport untreated garbage, except those that have also been used to treat the garbage so moved, shall not be used for hauling animals or treated garbage until cleaned and disinfected as set forth in § 166.13(c)." This, in turn, dictates a revision in § 166.13(c), as the topic of that paragraph is cleaning and disinfecting. Section 166.13(c) is, therefore, changed to add a requirement that such vehicles be cleaned and disinfected before being used to haul treated garbage unless they were also used to treat the garbage hauled therein.

A spokesman for a State Department of Agriculture objected to the keeping of records as required in § 166.9(a). The only requirement for recordkeeping is that the date and destination of any garbage that is removed from the licensee's premises shall be recorded. Experience with the industry indicates to the Department that less than 1 percent of licensees would ever have cause to remove garbage or allow garbage to be removed from their premises as the vast bulk of garbage treated by would-be licensees is fed by them to swine on their own premises. The requirement was written into the proposal in order to provide a necessary mechanism to trace disease. The Department does not believe this is unduly burdensome on licensees. In addition, the Department believes that the recordkeeping requirement conforms to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Two comments suggested that the time limit for retaining records as described in § 166.9(d) be reduced from

1 year to 6 months. This reduction is unacceptable to the Department. In the event that retrospective epidemiologic studies are indicated in cases of covert or low-virulent disease in a population of swine, retention of records for at least 1 year would be needed to trace the disposition of any potentially infectious garbage to premises other than those of the licensee.

Several comments addressed the various ways in which the Department can respond to violations of the regulations. Many objected to certain provisions which they felt were unfair or unauthorized.

One comment from a State livestock cooperative association objected to the terms "civil penalties" and "cease and desist orders" in § 166.11(a). The comment interpreted these terms to mean that a sudden halt (cease and desist order) could be placed on a farming operation (garbage treatment facility). The comment also suggested that there should be some way to determine if a violation was accidental or willful and respond accordingly.

It is true that § 166.11(a) provides for suspension and revocation of licenses, but it does so only after notice to the licensee and after the licensee is given an opportunity for a hearing. At the hearing evidence can be presented as to the nature of the violation and any mitigating circumstances. This evidence would then be considered by the Administrative Law Judge in arriving at his decision.

In addition § 166.11(b) provides for summary suspension of licenses by the Deputy Administrator when he finds that it is necessary to protect the "public health, interest, or safety" pending the outcome of the hearing concerning the matter. One comment suggested that this provision be deleted, and stated that it was not mentioned in the Act, and the licensee is entitled to a hearing and due process of law. As explained above, this provision does not deprive the licensee of a hearing or due process of law, but it does allow the Deputy Administrator to act quickly in the event of a threat to the "public health, interest, or safety." This is authorized by section 9 of the Administrative Procedure Act, as amended (5 U.S.C. 558).

An objection was also made to the term "criminal conviction" in § 166.11(c) as being unnecessarily harsh. However, this term is clear and understandable and is used in the Act. Therefore, the Department has decided to retain it in the regulations.

One comment suggested penalties that would suspend a licensee's right to feed edible food waste, thereby mandating the securing of alternate feed sources and the subsequent economic consequences, with increasingly severe penalties for each repeat violation. Such penalties would be in lieu of the monetary penalties provided in the Act. The same comment suggested that the time between violations and whether the violation was intentional or accidental be considered. The Act specifically prescribes maximum penalties for criminal convictions and these cannot be changed without amending the Act. However, in the course of administrative proceedings, the various factors mentioned by the commentor—the time between violations and whether it was intentional or not—would be considered by the Administrative Law Judge in deciding whether to assess any civil penalties or suspend a license, and if so, how great a penalty to assess or how long to suspend a license. Such consideration is already made a part of the administrative process, as explained above, and a range of options is available.

Finally, two comments objected to the requirement that any person whose license has been revoked must wait 1 year before applying for reinstatement. One suggested that no time period be imposed. The other commentor stated that some period of time less than 1 (one) year would provide sufficient disciplinary action to discourage violators. The Department has considered this problem at length and believes that it is appropriate for the waiting period to be 1 (one) year when a violation warranting revocation has occurred. The Department believes that revocation should be for at least 1 (one) year in order to preclude unnecessary proceedings regarding fitness if the licensee should reapply in less than 1 (one) year. It should be noted here that a violation may not be deemed serious enough to warrant revocation and in that case the violator's license may be suspended for some period less than 1 (one) year.

Two comments received stated that it was not necessary for each inspector to have a *numbered* official badge or a *numbered* identification card as sufficient means of identification to entitle access during normal business hours to the facility for purposes of inspection (§ 166.12(a)). The Department issues numbered official badges and numbered identification cards to its inspectors in order to identify them to the public. The regulations merely explain the existing Federal identification system. However, many States may not issue such numbered identification to its employees. As we are convinced that numbering itself is not vital, we are changing this section to delete that requirement.

One comment suggested that the photographing of the licensee's premises as described in § 166.12(a)(5), be allowed with permission of the licensee and only when the photographs will be used as evidence in a hearing. Another individual expressed agreement with the taking of photographs; however, they recommended that all photos taken be given to the licensee within 7 days from the time they were taken and such photos are not to be disseminated to the public. The Department has considered these comments and has decided to retain the requirement that the licensees allow inspectors to take photographs, but will change the regulations to state that copies will be provided to the licensee within 14 days. Accordingly, § 166.12(a)(5) will now read, "take photographs. A copy of each photograph will be provided to the licensee within 14 days." The basic provision for photographs is retained as this is a major enforcement tool. A licensee who was suspected or guilty of a violation would be unlikely to give inspectors permission to photograph, this cannot be made a matter of obtaining permission, but the licensee must be required to allow photographs to be taken. In general, photographs and other Government documents are not "disseminated to the public" and such photographs would not normally be disseminated. However, under the Freedom of Information Act (FOIA), such documents would be open to the public once an investigative file was closed, or it is made public, such as introducing it in evidence at the hearing.

Two commentors expressed concern that the Department keep information acquired in accordance with § 166.12(d), regarding sources of garbage, in confidence within the limits of the FOIA and the needs of disease control. Further, they suggested that this information be employed only for investigation of disease problems. The Department intends to use this information primarily for such restricted use. However, it will also be used for enforcement purposes, which are needed to ensure that the regulations are effective in controlling disease. This information will be kept in confidence, within the limits imposed by disease control activities, enforcement of the regulations, and the FOIA.

For the sake of clarity, the wording in § 166.13(b) and (c) has been revised by removing, "* * * as not to expose livestock to any disease that might be contained therein; * * *" and inserting in its place, "as not to allow animal contact with such material; * * *" The word "therein" at the end of the deleted material referred to "litter, garbage, manure, and other organic material" which can carry disease. The replacement phrase is written to make it clear what "therein" referred to, and to make it clear that "expose" means "contact." Also, the wording of the last sentence in § 166.13(b) has been amended to remove "* * * or that less encompassing corrective measures would be sufficient to remedy the situation." This revision still allows an official to authorize an exemption from the requirements to clean and disinfect in cases where no threat to the U.S. swine industry exists while deleting uninformative and unnecessary material from the regulations.

Finally, the word "facility" was changed in § 166.13(b) to "premises" in accordance with the new definitions. Accordingly, § 166.13(b) would read as follows: "All premises at which garbage has been fed to swine in violation of the Act or regulations in this part shall, prior to continued use for swing feeding purposes, be cleaned and disinfected under the supervision of an inspector or an accredited veterinarian as follows: Empty all troughs and other feeding and watering appliances, remove all litter, garbage, manure, and other organic material from the floors, posts, or other parts of such equipment, and handle such litter, garbage, manure, and other organic material in such manner as not to allow animal contact with such material; clean all surfaces with water and detergent and saturate the entire surface of the equipment, fencing, troughs, chutes, floors, walls, and all other parts of the facilities, with a disinfectant prescribed in § 166.13(a). An exemption to the requirements of this paragraph may be given by the Deputy Administrator, or in States with primary enforcement responsibility, by the State animal health official, when it is determined that a threat to the swine industry does not exist."

For the purpose of clarification, § 166.14(b) will be amended to remove, "* * * The public may contact the following State and Federal offices concerning the feeding of garbage to swine in these States:" This basic information, though without specific addresses, which change frequently, will be placed in a new paragraph (e) of § 166.14 and will cover not only those States that allow garbage treatment and feeding but also those States that prohibit the practice. State animal health officials and, particularly, State veterinarians are the appropriate individuals to contact in most States.

Even in those States where the responsibility for the garbage (treatment or prohibition) program is assigned to another agency, the public could still contact the State animal health officials or State veterinarians or, of course, the U.S. Department of Agriculture, who can then direct their inquiries to the appropriate officials. The new paragraph would read, "The public may contact the Area Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA) in the State concerned or the State animal health official (usually the State Veterinarian), or the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Room 870, 6505 Belcrest Road, Hyattsville, Maryland 20782, concerning the feeding of garbage to swine."

Also a new paragraph (d) is added to § 166.14. This paragraph will list those States which issue licenses under cooperative agreements with APHIS for treating garbage that is to be fed to swine, but which do not have primary enforcement responsibility. This additional list of States is needed to give the public further information on whom to contact in their State with regard to this program and to clarify what sort of program exists in each State.

One comment suggested that an entire section be inserted into the regulations to be referenced as § 166.14, "State participation." This section would explain responsibilities of the various States. Further, this commentor suggested that § 166.14, "State status" be redesignated as "§ 166.15." We believe we have, by adding subparagraph (d) to § 166.14, satisfied this commentor's concerns. In addition, if taken literally, adoption of this suggestion would result in two duplicative sections in the regulations.

Comments were received that directly addressed the need for amending the Act. The publication of the proposed rulemaking was not intended to be the forum to receive comments concerning amending the Act itself. While such comments are irrelevant to this rulemaking proceeding, they will be considered concerning whether or not to recommend amendments to the Swine Health Protection Act.

Finally, a suggestion was made to allow an individual whose license had been revoked to sell swine that had been fed untreated garbage through regular market channels after the swine were determined to be free of disease. The Act and these regulations do not address this situation. However, Title 9, Code of Federal Regulations (CFR), Part 76, requires that such swine move directly to slaughter for "special processing" (i.e., cooking).

In addition to the above changes, minor nonsubstantive editorial changes were made in the regulations for clarity and ease of reading.

List of Subjects in 9 CFR Part 166

Animal diseases, Hogs, Garbage, African swine fever, Foot-and-mouth disease, Hog cholera, Swine vesicular disease, Vesicular exanthema of swine.

Accordingly, in Title 9, Code of Federal Regulations, a new Subchapter K and Part 166 are added to read:

Subchapter K

PART 166—SWINE HEALTH PROTECTION

General Provisions

Sec.
166.1 Definitions in alphabetical order.
166.2 General restrictions.
166.3 Separation of swine from the garbage handling and treatment areas.
166.4 Storage of garbage.
166.5 Licensed garbage-treatment facility standards.
166.6 Swine feeding area standards.
166.7 Cooking standards.
166.8 Vehicles used to transport garbage.
166.9 Recordkeeping.
166.10 Licensing.
166.11 Suspension and revocation of licenses.
166.12 Licensee responsibilities.
166.13 Cleaning and disinfecting.
166.14 State status.

Authority: Sec. 511, Pub. L. 96–592, 94 Stat. 3451 (7 U.S.C. 3802); Secs. 4, 5, 9, 12, Pub. L. 96–468, 94 Stat. 2229 (7 U.S.C. 3803, 3804, 3808, 3811); 45 FR 85696, 46 FR 7266.

General Provisions

§ 166.1 Definitions in alphabetical order.

For the purposes of this part, the following terms shall have the meanings assigned them in this section. Unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa. Words undefined in the following paragraphs shall have the meaning attributed to them in general usage as reflected by definitions in a standard dictionary.

Act. The Swine Health Protection Act (Pub. L. 96–468) as amended by the Farm Credit Act Amendments of 1980 (Pub. L. 96–592).

Administrator. The Administrator of the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), or any other official to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

Animal and Plant Health Inspection Service (APHIS). Animal and Plant Health Inspection Service, United States Department of Agriculture.

Animals. All domesticated and wild mammalian, poultry, and fish species, and wild and domesticated animals, including pets such as dogs and cats.

Area Veterinarian in Charge. The veterinarian of Veterinary Services who is assigned by the Deputy Administrator to supervise and perform the official work of Veterinary Services in a State or States or any other official to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

Birds. All domesticated and wild avian species.

Department. The United States Department of Agriculture (USDA).

Deputy Administrator. The Deputy Administrator for Veterinary Services or any other official to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

Facility. The site and all objects at this site including equipment and structures where garbage is accumulated, stored, handled, and cooked as a food for swine and which are fenced in or otherwise constructed so that swine are unable to have access to untreated garbage.

Garbage. All waste material derived in whole or in part from the meat of any animal (including fish and poultry) or other animal material, and other refuse of any character whatsoever that has been associated with any such material, resulting from the handling, preparation, cooking or consumption of food, except that such term shall not include waste from ordinary household operations which is fed directly to swine on the same premises where such household is located.

Inspector. Any inspector or veterinarian employed by the Department or by the State for the purposes of enforcing the Act and this Part.

License. A permit issued to a person for the purpose of allowing such person to operate a facility to treat garbage that is to be fed to swine.

Licensee. Any person licensed pursuant to the Act and regulations.

Person. Any individual, corporation, company, association, firm, partnership, society or joint stock company or other legal entity.

Premises. The location of a garbage treatment facility, as defined in this part, and any areas owned or controlled by the operator of the facility where swine are kept or fed by the operator.

State. The fifty States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

State animal health official. The State animal health official responsbile for livestock and poultry disease control and eradication programs or any other official to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

Treated garbage. Edible waste for animal consumption derived from garbage (as defined in this section) that has been heated throughout at boiling or equivalent temperature (212° F. or 100° C. at sea level) for 30 (thirty) minutes under the supervision of a licensee.

Treatment. The heating of garbage to specifications as set forth in this part.

Untreated garbage. Garbage that has not been treated in accordance with the Act and these regulations.

Veterinary Services. The unit of the Animal and Plant Health Inspection Service which is assigned responsibility for the performance of functions under the Act.

§ 166.2 General restrictions.

(a) No person shall feed or permit the feeding of garbage to swine unless it is treated to kill disease organisms, pursuant to the regulations, at a facility operated by a person holding a valid license for the treatment of garbage.

(b) No person operating such a facility may be licensed to treat garbage unless he or she meets the requirements of this part designed to prevent the introduction of dissemination of any infectious or communicable disease of animals and unless the facility is so constructed that swine are unable to have access to untreated garbage or equipment and material coming in contact with untreated garbage.

(c) The regulations of this part shall not be construed to repeal or supersede State laws that prohibit feeding of garbage to swine or to prohibit any State from enforcing requirements relating to the treatment of garbage that is to be fed to swine or the feeding thereof which are more stringent than the requirements contained in this part. In a State which prohibits the feeding of garbage to swine, a Federal license under the Act will not be issued to any applicant.

§ 166.3 Separation of swine from the garbage handling and treatment areas.

(a) Access by swine to garbage handling and treatment areas shall be prevented by construction of facilities to exclude all ages and sizes of swine.

(b) All areas and drainage therefrom, used for the handling and treatment of untreated garbage shall be inaccessible to swine on the premises. This shall include the roads and areas used to transport and handle untreated garbage on the premises.

§ 166.4 Storage of garbage.

(a) Untreated garbage at a treatment facility shall be stored in covered and leakproof containers until treated.

(b) Treated garbage shall be transported to a feeding area from the treatment facility only in (1) containers used only for such treated garbage; (2) containers previously used for garbage which have been cleaned and disinfected in accordance with § 166.13 of this part; or (3) containers in which the garbage was treated.

§ 166.5 Licensed garbage-treatment facility standards.

Garbage-treatment facilities shall be maintained as set forth in this section.

(a) Insects and animals shall be controlled. Accumulation of any material at the facility where insects and rodents may breed is prohibited.

(b) Equipment used for handling untreated garbage, except for the containers in which the garbage has been treated, may not be subsequently used in the feeding of swine unless first cleaned and disinfected as set forth in § 166.13(b).

(c) Untreated garbage that is not to be fed to swine and materials in association with such garbage shall be disposed of in a manner consistent with all applicable governmental environmental regulations and in an area inaccessible to swine.

§ 166.6 Swine feeding area standards.

Untreated garbage shall not be allowed into swine feeding areas. Any equipment or material associated with untreated garbage, except for containers holding treated garbage which was treated in such containers, shall not be allowed into swine feeding areas at treatment premises until properly cleaned and disinfected as set forth in § 166.13(b).

§ 166.7 Cooking standards.

(a) Garbage shall be heated throughout at boiling (212° F. or 100° C. at sea level) for 30 (thirty) minutes.

(b) Garbage shall be agitated during cooking, except in steam cooking equipment, to ensure that the prescribed cooking temperature is maintained throughout the cooking container for the prescribed length of time.

§ 166.8 Vehicles used to transport garbage.

Vehicles used by a licensee to transport untreated garbage, except those that have also been used to treat the garbage so moved, shall not be used for hauling animals or treated garbage until cleaned and disinfected as set forth in § 166.13(c).

§ 166.9 Recordkeeping.

(a) Each licensee shall record the destination and date of removal of all treated or untreated garbage removed from the licensee's premises.

(b) Such records shall be legible and indelible.

(c) Each entry in a record shall be certified as correct by initials or signature of the licensee or an authorized agent or employee of the licensee.

(d) Such records shall be maintained by the licensee for a period of 1 (one) year from the date made and shall be made available to inspectors upon request during normal business hours at that treatment facility.

§ 166.10 Licensing.

(a) *Application.* Any person operating or desiring to operate a treatment facility for garbage that is to be treated and fed to swine shall apply for a license on a form which will be furnished, upon request, by the Area Veterinarian in Charge or, in States with primary enforcement responsibility, by the State animal health official in the State in which the person operates or intends to operate. When a person operates more than one treatment facility, a separate application to be licensed shall be made for each facility. Exemptions to the requirements of this paragraph may be granted in States other than those with primary enforcement responsibility by the Deputy Administrator, if he finds that there would not be a risk to the swine industry in the United States.

(b) *Acknowledgement of Act and regulations.* A copy of the Act and regulations shall be supplied to the applicant at the time the applicant is given a license application. The applicant shall sign a receipt at the time of the prelicensing inspection acknowledging that the applicant has received a copy of the Act and regulations, that the applicant understands them, and agrees to comply with the Act and regulations.

(c) *Demonstration of compliance with the regulations.*

(1) Prior to licensing, each applicant shall demonstrate during an inspection of his premises, facilities, and equipment that his facilities and equipment to be used in the treatment of garbage comply with these regulations. If the applicant's facilities and equipment do not meet the standards established by the regulations, the applicant shall not be licensed and shall be advised of the deficiencies and the measures that must be taken to comply with the regulations.

(2) The licensee shall make his premises, facilities, and equipment available during normal business hours for inspections by an authorized representative of the Secretary to determine continuing compliance with the Act and regulations.

(3) The facilities and equipment of an applicant for a license shall be in compliance with all applicable governmental environmental regulations before the applicant will be licensed.

(d) *Issuance of license.* A license will be issued to an applicant when the requirements of paragraphs (a), (b), and (c) of this section have been met, provided that such facility is not located in a State which prohibits the feeding of garbage to swine; and further, that if the Deputy Administrator has reason to believe that the applicant for a Federal license is unfit to engage in the activity for which application has been made by reason of the fact that the applicant is engaging in or has, in the past, engaged in any activity in apparent violation of the Act or the regulations which has not been the subject of an administrative proceeding under the Act, an administrative proceeding shall be promptly instituted in which the applicant will be afforded an opportunity for a hearing in accordance with the rules of practice under the Act, for the purpose of giving the applicant an opportunity to show cause why the application for license should not be denied. In the event it is determined that the application should be denied, the applicant shall be precluded from reapplying for a license for 1 (one) year from the date of the order denying the application.

§ 166.11 Suspension and revocation of licenses.

(a) *Suspension or revocation after notice.* In addition to the imposition of civil penalties and the issuance of cease and desist orders under the Act, the license of any facility may be suspended or revoked for any violation of the Act or the regulations in this part. Before such action is taken, the licensee of the facility will be informed in writing of the reasons for the proposed action and, upon request, shall be afforded an opportunity for a hearing with respect to the merits or validity of such action, in accordance with rules of practice which shall be adopted for the proceeding.

(b) *Summary suspension.* If the Deputy Administrator has reason to believe that any Federal licensee has not complied or is not complying with any provisions of the Act or regulations in this part and he deems such action necessary in order to protect the public health, interest, or safety, the Deputy Administrator may summarily suspend the license of such persons pending a final determination in formal proceedings and any judicial review thereof, effective upon verbal or written notice of such suspension and the reasons therefor. In the event of verbal notification, written confirmation shall follow as soon as circumstances permit. This summary suspension shall continue in effect pending the completion of the proceeding and any judicial review thereof, unless otherwise ordered by the Deputy Administrator.

(c) The license of a person shall be automatically revoked, without action of the Deputy Administrator, upon the final effective date of the second criminal conviction of such person, as is stated in section 5(c) of the Act. The licensee will be notified in writing of such revocation by the Area Veterinarian in Charge or, in States having primary enforcement responsibility, by the State animal health official.

(d) Any person whose license has been suspended or revoked for any reason shall not be licensed in his own name or in any other manner, nor shall any of his employees be licensed for the purpose of operating the facility owned or operated by said licensee while the order of suspension or revocation is in effect. Any person whose license has been revoked shall not be eligible to apply for a new license for a period of 1 (one) year from the effective date of such revocation. Any person who desires the reinstatement of a license that has been revoked must follow the procedure for new licensees set forth in § 166.10.

166.12 Licensee responsibilities.

(a) A licensed facility shall be subject to inspections. Each inspector will be furnished with an official badge or identification card, either of which shall be sufficient identification to entitle access during normal business hours to the facility for the purposes of inspection. At such time the inspector is duly authorized to:

(1) inspect the facility, including cooker function;

(2) take samples of garbage;

(3) observe and physically inspect the health status of all species of animals on the premises;

(4) review records and make copies of such records; and

(5) take photographs. A copy of each photograph will be provided to the licensee within 14 days.

(b) A licensee shall notify an inspector immediately upon detection of illness or death not normally associated with the licensee's operation in any animal species on the licensee's premises.

(c) A licensee shall notify an inspector or the State animal health official or the Area Veterinarian in Charge, as appropriate, of any change in the name, address, management or substantial control or ownership of his business or operation within 30 (thirty) days after making such change.

(d) A licensee shall supply, upon request by an authorized representative of the Department, information concerning sources of garbage. Such information shall include the dates of supply and the names and addresses of the person and/or organization from which the garbage was received.

§ 166.13 Cleaning and disinfecting.

(a) *Disinfectants to be used.* Disinfection required under the regulations in this Part shall be performed with one of the following:

(1) a permitted brand of sodium orthophenylphenate that is used in accordance with directions on the Environmental Protection Agency (EPA) approved label.

(2) a permitted cresylic disinfectant that is used in accordance with directions on the EPA-approved label, provided such disinfectant also meets the requirements set forth in §§ 71.10(b) and 71.11 of Title 9, Code of Federal Regulations.

(3) distinfectants which are registered under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 *et seq.*), with tuberculocidal claims and labeled as efficacious against any species within the viral genus *Herpes*, that are used for purposes of this Part in accordance with directions on the EPA-approved label.

(b) All premises at which garbage has been fed to swine in violation of the Act or regulations in this part shall, prior to continued use for swine feeding purposes, be cleaned and disinfected under the supervision of an inspector or an accredited veterinarian as follows: Empty all troughs and other feeding and watering appliances, remove all litter, garbage, manure, and other organic material from the floors, posts, or other parts of such equipment, and handle such litter, garbage, manure, and other organic material in such manner as not to allow animal contact with such material; clean all surfaces with water and detergent and saturate the entire surface of the equipment, fencing, troughs, chutes, floors, walls, and all other parts of the facilities, with a disinfectant prescribed in § 166.13(a). An exemption to the requirements of this paragraph may be given by the Deputy Administrator or, in States with primary enforcement responsibility, by the State Animal Health Official, when it is determined that a threat to the swine industry does not exist.

(c) Any vehicle or other means of conveyance and its associated equipment which has been used by the licensee to move garbage, except any vehicle or other means of conveyance which also has been used to treat the garbage so moved, shall, prior to use for livestock-related or treated garbage hauling purposes, be cleaned and disinfected as follows; Remove all litter, garbage, manure, and other organic material from all portions of each means of conveyance, including all ledges and framework inside and outside, and handle such litter, garbage, manure, and other organic material in such manner as not to allow animal contact with such material; clean the interior and the exterior of such vehicle or other means of conveyance and its associated equipment with water and detergent; and saturate the entire interior surface, including all doors, endgates, portable chutes, and similar equipment with a disinfectant prescribed in § 166.13(a).

(d) The owner of such facilities and vehicles shall be responsible for cleaning and disinfecting as required under this section, and the cleaning and disinfecting shall be done without expense to the Department of Agriculture.

§ 166.14 State status.

(a) The following States prohibit the feeding of garbage to swine: Alabama, Delaware, Georgia, Idaho, Illinois, Iowa, Louisiana, Maryland, Mississippi, Nebraska, New York, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin.

(b) The following States and Puerto Rico permit the feeding of treated garbage to swine: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Indiana, Kansas, Kentucky, Main, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Texas, Utah, Vermont, Washington, West Virginia, and Wyoming.

(c) The following States have primary enforcement responsibility under the Act: [This determination has not been made].

(d) The following States issue licenses under cooperative agreements with the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, but do not have primary enforcement responsibility under the Act: [This determination has not been made].

(e) the public may contact the Area Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agiculture (USDA) or State animal health official (usually the State Veterinarian), or the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Room 870, 6505 Belcrest Road, Hyattsville, Maryland 20782, concerning the feeding of garbage to swine.

Done at Washington, D.C., this 28th day of October 1982.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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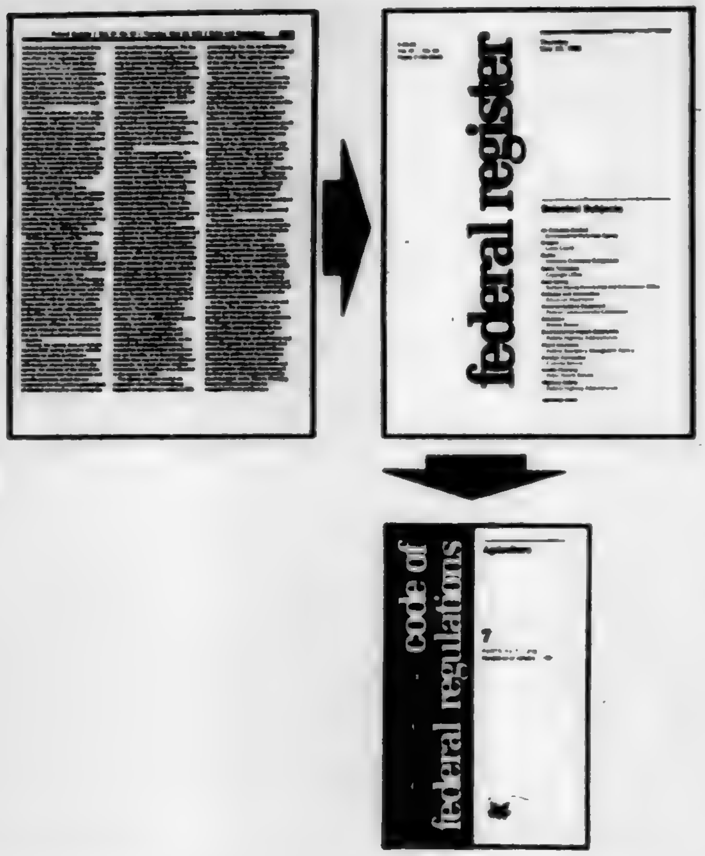

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  Agricultural Marketing Service

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  Environmental Protection Agency

Aliens
  Immigration and Naturalization Service

Aviation Safety
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Government Procurement
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Income Taxes
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Marketing Agreements
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Motor Vehicle Safety
  National Highway Traffic Safety Administration

Navigation (Water)
  Navy Department

Pipeline Safety
  Research and Special Programs Administration, Transportation Department

Privacy
  State Department

Radio
  Federal Communications Commission

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 4994 of November 2, 1982

National Diabetes Month, 1982

By the President of the United States of America

A Proclamation

Diabetes is a complex disorder in which the body is unable to convert sugars and starches properly into the energy necessary for daily activity. As a major public health problem, diabetes can result in certain long-term complications that may involve virtually every tissue of the body, particularly the blood vessels, nervous system, kidneys and eyes. At present, there is no cure for this chronic disorder that now affects an estimated 11 million Americans.

In recent years, research has yielded promising new information on the possible causes and improved management of diabetes and its complications. This research has provided significant advances ranging from a better understanding of factors that cause or contribute to the disease to the development of laser therapy for eyes damaged by diabetes. There still exists a great opportunity for medical science to reduce human suffering and improve the lives of diabetic patients.

In cooperation with private voluntary organizations, the Federal government is actively participating in this ongoing scientific challenge. Through the combined efforts of government, university, and private researchers, it is hoped that steady progress will continue to be made toward more effective methods of diabetic control. The goal of this work is to improve the lives of patients and reduce the impact of this disease on our nation.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with Senate Joint Resolution 257, do hereby proclaim the month of November, 1982, as National Diabetes Month, and I call upon government agencies and the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of Nov., in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-30492
Filed 11-2-82; 3:58 pm]
Billing code 3195-01-M

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 354

[Docket No. 82-345]

Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: November 4, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas J. Lanier, Assistant Director, Regulatory Services Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 643, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Nicholas E. Bedessem, Special Assistant to the Administrator, made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. These amendments merely reflect such changes and serve to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

List of Subjects in 7 CFR Part 354

Agricultural commodities, Exports, Government employees, Imports, Plants (agriculture), Quarantine, Transportation.

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, are amended by adding or removing (in appropriate alphabetical sequence) the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

COMMUTED TRAVELTIME ALLOWANCES
[In Hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
REMOVE:	*	*	* *
Alabama:			
Birmingham (including Birmingham Municipal Airport).	Tuscaloosa		3
Port Osborne	Pelham or Tuscaloosa.		3
Undesignated ports	Mobile		3

COMMUTED TRAVELTIME ALLOWANCES—Continued
[In Hours]

Location covered	Served from	Metropolitan area	
		Within	Outside
*	*	*	* *
ADD:	*	*	* *
Alabama:			
Birmingham (including Birmingham Municipal Airport)	Alabaster		2
Huntsville		1	
Montgomery		1	
Undesignated ports.	Alabaster, Huntsville, Mobile and Montgomery.		3
*	*	*	* *
California:			
Port Hueneme	San Pedro		4
*	*	*	* *

(64 Stat. 561: (7 U.S.C. 2260))

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Done at Washington, D.C., this 1st day of November 1982.

William F. Helms,
Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 82-30415 Filed 11-3-82; 8:45 am]
BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine and Tangelo Regulation 6, Amdt. 14]

[Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum size requirement applicable to fresh domestic shipments of Dancy tangerines from 2–6/16 inches to 2–4/16 inches in diameter during the period November 1 to November 14, 1982. This action allows an increase in the supply of tangerines in recognition of demand conditions and the size composition of available supply in the interest of growers and consumers.

EFFECTIVE DATES: November 1, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone (202) 447–5975.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures and Executive Order 12291 and has been designated a "non-major" rule. The Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the Florida Dancy tangerine crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This amendment is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon recommendations and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

This amendment would relax limitations on the handling of Dancy tangerines by permitting each handler, during the period November 1–November 14, 1982 to ship 210 size (2–4/16 inches) Dancy tangerines.

The committee reports that Dancy tangerines are just beginning to pass Florida maturity tests and the total supply is limited. Also, the committee reports that demand for such tangerines is likely to increase due to advance Thanksgiving purchases. Thus, relaxation of the regulation is necessary to allow a greater proportion of the available supply to reach the market.

It is anticipated that during subsequent weeks larger supplies of Dancy tangerines will be available for market and such fruit, left on the trees, will likely attain larger sizes. Hence, this action provides for the resumption of the 2–6/16 inch minimum size for Dancy tangerines on and after November 15, 1982, to assure availability of the sizes preferred by consumers.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared purposes of the act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. This amendment relieves restrictions on the handling of Florida Dancy tangerines. Handlers have been apprised of such provisions and the effective dates.

List of Subjects in 7 CFR Part 905

Marketing agreements and orders, Florida, Grapefruit, Oranges, Tangelos, Tangerines.

PART 905—[AMENDED]

Accordingly, the provisions of § 905.306 (Orange, Grapefruit, Tangerine and Tangelo Regulation 6 (46 FR 60170; 60411; 61441; 47 FR 589, 5912; 5699; 6248; 7203; 10065; 21755; 25935; 34351; 44538; 44704)) are amended by revising Table I, paragraph (a) to read as follows:

§ 905.306 Orange, grapefruit, tangerine and tangelo regulation 6.

(a) * * *

TABLE 1

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (inches)
*	*	*	*
Tangerines...	11/1/'82 to 11/14/82...	U.S. No. 1....	2–4/16
Dancy.......	On and after 11/15/82	U.S. No. 1....	2–6/16
*	*	*	*

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82–30368 Filed 11–3–82; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 907

[Navel Orange Reg. 550]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period November 5–11, 1982. Such action is needed to provide for orderly marketing of fresh navel oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, 202–447–5975.

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "non-major" rule. The Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona navel orange crop for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

This regulation is issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on September 21, 1982. The committee met again publicly on November 2, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navels deemed advisable to be handled during the specified week. The committee reports the demand for navel oranges is improving.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared policy of the Act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 907

Marketing agreements and orders, California, Arizona, Oranges (navel).

PART 907—[AMENDED]

1. Section 907.850 is added as follows:

§ 907.850 Navel orange regulation 550.

The quantities of navel oranges grown in Arizona and California which may be handled during the period November 5, 1982, through November 11, 1982, are established as follows:

(a) District 1: 605,115 cartons;
(b) District 2: Unlimited cartons;
(c) District 3: 153,205 cartons;
(d) District 4: Unlimited cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 3, 1982.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82–30607 Filed 11–3–82; 12:17 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 235

Inspection of Persons Applying for Admission; Mexican Border Visitors Permit

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends the regulations of the Immigration and Naturalization Service to expand the use of the Mexican Border Visitors Permit in lieu of the Arrival-Departure Record as an entry document. The amendment is necessary for administrative purposes to reduce Service inspection time and to facilitate the entry of persons in the expanded group who are eligible for admission using the Mexican Border Visitor Permit.

EFFECTIVE DATE: November 4, 1982.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

For Specific Information: Lawrence J. Weinig, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–2680.

SUPPLEMENTARY INFORMATION: In order to facilitate the entry of bona-fide Mexican nationals who seek admission to the United States at land border ports of entry, the Immigration and Naturalization Service has determined that it is necessary to expand its use of the Mexican Border Visitor Permit, Form I–444, to include a larger class of border entrants. This will allow the Service to concentrate its inspectional resources on more productive aspects of the Inspections program.

The rule expands use of the Form I–444 in lieu of the Arrival-Departure Record Form I–94 in three ways: (1) The new rule eliminates the present requirement for using Form I–94 for the initial entry of Mexican nationals who hold valid multiple entry nonimmigrant visitors visas; (2) the validity period of the Form I–444 is extended from 15 to 30 days; and (3) the State of Nevada is added to the geographical area in which the Form I–444 may be used. Previously, use of the Form I–444 was limited to four states: Arizona, California, New Mexico, and Texas.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the rule is limited to agency practice and procedure which is of benefit to the public.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule is not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 235

Administrative practice and procedure, Aliens, Inspections, Port of entry, Travel restriction.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

In § 235.1 paragraphs (f) and (g) are revised to read as follows:

§ 235.1 Scope of examination.

* * * * *

(f) *Arrival/Departure Record, Form I–94*—(1) *Nonimmigrants.* Each nonimmigrant alien except as indicated below, who is admitted to the United States shall be issued a completely executed Form I–94 which must be endorsed to show: date and place of admission, period of admission, and nonimmigrant classification. A nonimmigrant alien who will be making frequent entries into the United States over its land borders may be issued a Form I–94 which is valid for any number of entries during a specified six-month period. A Form I–94 is not required by:

(i) Any nonimmigrant alien described in § 212.1(a) of this chapter and 22 CFR 41.129(a) who is admitted as a visitor for business or pleasure or admitted to proceed in direct transit through the United States;

(ii) Any nonimmigrant alien residing in the British Virgin Islands who was admitted only to the U.S. Virgin Islands as a visitor for business or pleasure under § 212.1(b) of this chapter;

(iii) Any Mexican national in possession of a valid nonresident alien Mexican border crossing card who is admitted as a border crosser or nonimmigrant visitor at a Mexican border port of entry for a period not to exceed 72 hours to visit within 25 miles of the border;

(iv) Any Mexican national in possession of a valid Mexican passport and a multiple-entry nonimmigrant visa issued under section 101(a)(15)(B) of the Act who is admitted at a Mexican border port of entry as a nonimmigrant visitor for a period not to exceed 72 hours to visit within 25 miles of the border; or

(v) Any Mexican national eligible for a Mexican Border Visitors Permit, Form I–444, under paragraph (g) of this section.

(2) *Paroled aliens.* Any alien paroled into the United States under section 212(d)(5) of the Act, including any alien crewmember, shall be issued a completely executed Form I–94 which

must include (i) date and place of parole, (ii) period of parole, and (iii) conditions under which the alien is paroled into the United States.

(g) *Mexican Border Visitors Permit, Form I-444.* (1) Any Mexican national exempt from issuance of a Form I-94 under paragraphs (f) (iii) or (iv) of this section shall be issued a Mexican Border Visitors Permit, Form I-444, whenever (i) the period of admission sought is more than 72 hours but not more than 30 days or (ii) the applicant desires to travel more than 25 miles from the Mexican border but within the five-state area of Arizona, California, Nevada, New Mexico, or Texas.

(2) If, after entry and issuance of the Form I-444, the alien seeks to remain for longer than 30 days or to proceed outside of the five-state area, the alien must apply for permission at a Service office located within the five-state area.

* * * * *

(Secs. 103, 235 of the Immigration and Nationality Act, as amended; 8 U.S.C. 1103, 1225)

Dated October 26, 1982.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 82-30418 Filed 11-3-82; 8:45 am]

BILLING CODE 4410-10-M

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8 CFR Part 242

Miscellaneous Technical Amendments

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule makes a technical correction to 8 CFR 242.5 (Voluntary departure prior to commencement of hearing) by updating the citation to 22 CFR 514.23, removes extraneous material from 8 CFR 242.7 (Cancellation of proceedings), and rearranges the section to improve readability.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, D.C. 20536, Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: In § 242.5(a)(3) of 8 CFR, the reference to "22 CFR 63.23" is corrected to read "22 CFR 514.23". This State Department regulation relating to the Exchange Visitor Program was transferred from Part 63 to Part 514 of 22 CFR.

In § 242.7 of 8 CFR, paragraph (a) contained the authority citation which belongs at the beginning of Part 242 and not as part of the paragraph, i.e., "(sec. 103, 66 Stat. 173 (8 U.S.C. 1103))". The former paragraphs (b) and (c) of this section were actually explanatory material which belonged in the Supplementary Information section of the order (39 FR 20959, June 17, 1974) and should not have been included as text of § 242.7.

This order revises the entire § 242.7 to remove extraneous material and rearranges the section to improve readability.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendments in this order are technical in nature to correct a reference to a citation, remove extraneous material and rearrange text to improve readability.

In accordance with 5 U.S.C. 605(b) the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This in not a major rule within the meaning of section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 242

Administrative practice and procedure, Aliens, Authority delegations, Jurisdiction.

Accordingly, Title 8 of the Code of Federal Regulations is amended as follows:

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.5 [Amended]

1. In § 242.5, paragraph (a)(3) is amended to change the citation "22 CFR 63.23" to read "22 CFR 514.23".

(Secs. 103, 242 of the Immigration and Nationality Act; 8 U.S.C. 1103, 1252)

2. Section 242.7 is revised to read as follows:

§ 242.7 Cancellation proceedings.

(a) *Cancellation of order to show cause.* Any district director, acting district director, deputy district director, assistant district director for investigations, or officer in charge of an office enumerated in § 242.1(a) of this part may cancel an order to show cause or terminate proceedings prior to the actual commencement of the hearing under a served order to show cause provided the officer is satified that:

(1) The respondent is a national of the United States;

(2) The respondent is not deportable under immigration laws;

(3) The respondent is deceased;

(4) The respondent is not in the United States; or

(5) The proceedings were improvidently begun.

(b) *Motion to dismiss.* After commencement of the hearing, any officer enumerated in paragraph (a) of this section may move for dismissal of the matter on the grounds set out under paragraph (a) of this section. Dismissal of the matter shall be without prejudice to the alien or the Service.

(c) *Motion for remand.* After commencement of the hearing, any officer enumerated in paragraph (a) of this section may move for remand of the matter to district jurisdiction on the ground that the foreign relations of the United States are involved and require further consideration. Remand of the matter shall be without prejudice to the alien or the Service.

(d) *Warrant of arrest.* When an order to show cause is cancelled or proceedings are terminated under this section may outstanding warrant of arrest is cancelled.

(e) *Termination of deportation proceedings by immigration judge.* An immigration judge may terminate deportation proceedings to permit the respondent to proceed to a final hearing on a pending application or petition for naturalization when the respondent has established prima facie eligibility for naturalization and the matter involves exceptionally appealing or humanitarian factors; in every other case, the deportation hearing shall be completed as promptly as possible notwithstanding the pendency of an application for naturalization during any state of the proceedings.

* * * * *

(Secs. 103, 242 of the Immigration and Nationality Act; 8 U.S.C. 1103, 1252)

Dated: October 25, 1982.

Perry A. Rivkind,

Associate Commissioner, Management, Immigration and Naturalization Service.

[FR Doc. 82-30277 Filed 11-3-82; 8:45 am]

BILLING CODE 4410-10-M

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Reg. C; Docket No. R-0406]

Home Mortgage Disclosure; Order Approving Continuation of Exemption; Connecticut, Massachusetts, New Jersey, and New York

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Order.

SUMMARY: The Board is approving applications for renewal of the exemptions of Connecticut, Massachusetts, New Jersey, and New York from the disclosure requirements of the Federal Home Mortgage Disclosure Act, as amended in 1980, and the Board's Regulation C implementing the act. The exemptions are based upon the determination that state law provides for substantially similar disclosures and that there is adequate provision for enforcement of the state law. The approval is subject to certain conditions.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Senior Attorney, or Claudia Yarus or Clarence B. Cain, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–2412).

SUPPLEMENTARY INFORMATION: (1) *Introduction.* The Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*), as implemented by Regulation C (12 CFR Part 203), requires depository institutions that have more than $10 million in assets and that are located in standard metropolitan statistical areas (SMSAs) to compile and disclose information on the geographic distribution of their mortgage and home improvement loans.

The act and regulation permit the Board to grant exemptions to state-chartered depository institutions subject to state mortgage disclosure laws that impose requirements substantially similar to those of the federal law and that contain adequate provision for enforcement. The exemptions are subject to revocation if the Board at any time determines that state law does not impose requirements substantially similar to federal law or does not adequately ensure enforcement.

Because of changes in the requirements of the federal act and regulation in 1980 and 1981, respectively, the Board requested a reapplication from each of the currently exempt states as a condition of continuation of the exemptions. Four of the presently exempt states (or financial institutions in those states) reapplied, pursuant to section 306(b) of the act (12 U.S.C. 2805(b)) and § 203.3(b) of the regulation. The Board published a notice, inviting public comment on the applications, on May 24, 1982 (47 FR 22370). A number of comments were received, all of them favoring renewal of the exemptions either unconditionally or with certain conditions.

After analysis of the applications, the state law provisions, and the comments, the Board has determined that the standards for exemption have been met and, accordingly, that all four exemptions should be renewed, subject to certain conditions.

(2) *Order of exemption.* The following order sets forth the terms of the Connecticut, Massachusetts, New Jersey, and New York exemptions.

Order

The states of Connecticut, Massachusetts, New Jersey, and New York (or financial institutions in those four states) have applied to the Board, pursuant to section 306(b) of the Home Mortgage Disclosure Act, for renewal of their exemptions from the act and the Board's Regulation C.

On the basis of the record, the Board finds that the mortgage disclosure laws and regulations of those four states impose requirements substantially similar to those of the Home Mortgage Disclosure Act and Regulation C, and that the state laws and regulations contain adequate provision for enforcement. Based on that finding, the Board approves the applications for continuation of the exemptions, subject to the conditions set forth in the following paragraphs applicable to all four states, and, in the case of Connecticut and Massachusetts, subject to the further conditions set forth in the separate discussion of each state's exemption below.

Continuation of each exemption is granted on the condition that the state banking department will submit to the Federal Financial Institutions Examination Council (FFIEC), no later than the date specified by the FFIEC each year, the data collected from the institutions subject to the state mortgage disclosure law pertaining to lending activity during the preceding calendar year.

Each exemption is also conditioned upon the state banking department's following the procedures established by the FFIEC for transmittal of disclosure statements of those institutions to the central repository for each standard metropolitan statistical area (SMSA) in the state, as required by section 304(f) of the act.

These exemptions remain subject to revocation by the Board, pursuant to paragraph (e) of Appendix B to the regulation, if at any time the Board determines that applicable state law does not in fact impose requirements that are substantially similar to those of the Home Mortgage Disclosure Act, or that the state is not adequately enforcing the state law. As required by paragraph (b)(3) of Appendix B, each applicant undertakes to inform the Board of any change in applicable state law or regulations within 30 days of such change.

Connecticut. The Board granted the original Connecticut exemption by an order effective September 11, 1978. The Connecticut Banking Department has applied to the Board, on behalf of state-chartered depository institutions in Connecticut, for continuation of that exemption. The application is based upon the requirements of the Connecticut Home Mortgage Disclosure Act (Pub. Act No. 77–153), as amended by Pub. Act No. 81–128, and implementing regulations.

In addition to the matters stated above, the continuation of the Connecticut exemption is conditioned upon the adoption by the banking department, without substantial change, of certain proposed revisions (as submitted to the Board on August 5, 1982) to regulations promulgated under the Connecticut Home Mortgage Disclosure Act (§§ 36–445–1, 36–455–2, and 36–455–4 to 36–455–6 of the Regulations of Connecticut State Agencies). The final revisions must be effective with respect to loans made during calendar year 1982.

The exemption will continue to apply to all Connecticut-chartered depository institutions that are subject to the Connecticut law.

Massachusetts. The Board granted the original Massachusetts exemption by an order effective December 8, 1976. The Commonwealth of Massachusetts, through its Division of Banks, has applied for a continuation of the exemption on behalf of banks and credit unions in the Boston and Springfield-Chicopee-Holyoke SMSAs. The application is based upon the requirements of the mortgage disclosure directives in the Massachusetts Banking Division's Administrative Bulletin 18–2C, dated February 5, 1982.

In addition to the matters stated above, the continuation of the Massachusetts exemption is subject to the condition that any subsequent Massachusetts disclosure directives contain requirements substantially identical to those set forth in the directive referred to above.

The exemption will continue to apply to all Massachusetts-chartered depository institutions that are subject to the Massachusetts mortgage disclosure directives, but applies only in part if the institution has a branch office (as defined in Regulation C) located in any SMSA that is not covered by the state directives. In these circumstances, the institution is exempt from the federal law with respect to loans relating to property located in SMSAs covered by the Massachusetts directive, but remains subject to the federal laws with respect to loans on property in other SMSAs in which it has branch offices. The latter category of loans shall be disclosed in accordance with Regulation C.

New Jersey. The Board granted the original New Jersey exemption by an order effective April 1, 1978. United Jersey Banks (Princeton), Heritage Bancorporation (Cherry Hill), and Princeton Bank (Princeton) have applied to the Board for continuation of the exemption. The applications are based upon the requirements of the New Jersey Home Mortgage Disclosure Act (N.J.S.A. 17:16F-1 *et seq.*) and the implementing regulations of the New Jersey Department of Banking.

The exemption will continue to apply to all New Jersey-chartered institutions subject to the New Jersey law.

New York. The Board granted the original New York exemption by an order effective December 8, 1976, as supplemented by an order dated May 9, 1977. The New York Banking Department has applied to the Board for continuation of the exemption. The application is based upon the requirements of New York Banking Law sections 10, 36, and 125, as implemented by Supervisory Procedure G107 of the New York Banking Department.

Supervisory Procedure G107 currently requires that loan data for any area not census tracted be reported by ZIP code. The Home Mortgage Disclosure Act and Regulation C, on the other hand, require that loan data for such areas be reported by county. The Board has been informed that all portions of all SMSAs in New York State are currently census tracted; therefore, this discrepancy between G107 and the federal law is not of concern at present. The Board notes, however, that if SMSAs in New York should change in the future so that some loan data become reportable under G107 by ZIP code, the discrepancy could affect the uniformity of the data to be aggregated by the FFIEC. In these circumstances, New York might be required to revise G107 to eliminate this problem as a condition of further continuation of its exemption.

The exemption will continue to apply to all New York-chartered depository institutions subject to the New York Law.

By order of the Board of Governors of the Federal Reserve System, October 29, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-30080 Filed 11-3-82; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 203

[Reg. C; Docket No. R-0434]

Home Mortgage Disclosure; Order Terminating California Exemption

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Order.

SUMMARY: State-licensed savings and loan associations in California were granted an exemption from the federal Home Mortgage Disclosure Act in 1976, based upon the Board's determination that state law provides for substantially similar disclosures and that there is adequate provision for enforcement of the state law. The California Department of Savings and Loan has informed the Board that, due to financial considerations, the state is no longer able to ensure adequate enforcement of the state home mortgage disclosure requirements for state-licensed savings and loan associations, and that it has decided not to seek an extension of the exemption. The Board is therefore terminating the exemption. State-licensed savings and loans must comply with the federal act and Regulation C beginning with the reporting of data on loans made in calendar year 1982.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: John C. Wood, Senior Attorney, or Clarence B. Cain, Staff Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2412).

SUPPLEMENTARY INFORMATION: (1) *Introduction.* The Home Mortgage Disclosure Act (12 U.S.C. 2801 *et seq.*), as implemented by Regulation C (12 CFR Part 203), requires depository institutions that have more than $10 million in assets and that are located in standard metropolitan statistical areas (SMSAs) to compile and disclose information on the geographic distribution of their mortgage and home improvement loans.

The act and regulation permit the Board to grant exemptions to state-chartered depository institutions subject to state mortgage disclosure laws that impose requirements substantially similar to those of the federal law and that contain adequate provision for enforcement. The exemptions are subject to revocation if the Board at any time determines that state law does not impose requirements substantially similar to federal law or does not adequately ensure enforcement.

On December 8, 1976, the Board granted an exemption from the disclosure requirements of the act and Regulation C to state-licensed savings and loan associations subject to the California Administrative Code (Subchapter 20). The exemption was based on the requirements of that code and the implementing directives of the California Department of Savings and Loan, which the Board determined to be substantially similar to the requirements imposed under the federal Home Mortgage Disclosure Act. The Board also determined that there was adequate provision for enforcement of the state law.

The federal act was amended in 1980 (Pub. L. 96-399, October 8, 1980), and the Board implemented the statutory amendments by revising Regulation C. Because of these changes in the federal law, the Board requested a reapplication from California and from the other exempt states.

The California Department of Savings and Loan submitted but later withdrew an application for continuation of the exemption for state-licensed savings and loan assocations. The Department has informed the Board that, because of financial considerations, it can no longer ensure compliance with the state law or produce mortgage disclosure statements for these associations. Accordingly, the Board has determined that revocation of the California exemption is mandated by the statute.

Notice of this action has not been published for comment. Under paragraph (e) of Appendix B to Regulation C, the Board may omit procedures it finds unnecessary. Publication for comment is unnecessary in this case because, given discontinuation of California's mortgage loan disclosure program, there is no longer any basis for the exemption.

(2) *Order of termination.* The following order sets forth the termination of the California exemption.

Order

The Board granted an exemption to California state-licensed savings and loan associations from the federal Home Mortgage Disclosure Act in 1976, based on the existence of substantially similar requirements imposed by state law, and on the existence of adequate provision for enforcement of that law by state authorities.

Following amendment of the federal act and Regulation C, the California Department of Savings and Loan submitted an application for continued exemption. That application has been withdrawn. The Department has informed the Board that, due to financial considerations, it can no longer ensure adequate enforcement of the state law and regulation or produce mortgage disclosure statements for state-licensed savings and loan associations, and that it has decided not to seek an extension of the exemption. The Board is therefore terminating the California exemption. State-licensed savings and loan associations that were previously exempted from the federal law on the basis of the California act henceforth shall comply with the federal act and regulation, beginning with the data required by the act and Regulation C for loans originated or purchased in calendar year 1982.

By order of the Board of Governors of the Federal Reserve System, October 29, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-30379 Filed 11-3-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-86-AD; Amdt. 39-4486]

Airworthiness Directives: Boeing Model 707-300, 400, 300B, 300C, and 720/720B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document amends an existing Airworthiness Directive (AD) 79-19-01 which requires inspection and repair, if necessary, of the lower wing skin splice stringers on certain Boeing Model 707/720 airplanes. This amendment adds visual inspections for evidence of splice stringer cracking in the area of the lower wing skin normally covered by the inboard nacelle strut diagonal brace fairing. This action is necessary because recent service experience has revealed cracking splice stringers in this area which could seriously reduce the structural capability of the wing lower surface.

DATE: Effective November 15, 1982.

ADDRESSES: The applicable service bulletin may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. James W. Hart, Jr., Airframe Branch ANM-120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767-2516. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: AD 79-19-01 (Amdt. 39-3556, 44 FR 52676, as amended by Amdt. 39-4087, 46 FR 24158) requires low frequency eddy current inspection of the wing lower surface splice stringers. The area under the inboard nacelle cannot be inspected using low frequency eddy current techniques and inspections are not being done on the splice stringers in that area. Recent service experience has shown that cracks do occur in the splice stringers in this area and if allowed to propagate, the structural capability of the wing could be seriously compromised. Inspections under the inboard nacelle are required during the next scheduled inspection of the splice stringers.

Since this condition is likely to exist or develop on other airplanes of the same type design, AD 79-19-01 is being further amended to expand the area of inspections to include the area under the inboard nacelle.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending AD 79-19-01 (Amdt. 39-3556, 44 FR 52676, as amended by 39-4087, 46 FR 24158) as follows:

Revise paragraph A, with the exception of the table, to read as follows:

"A. After the effective date of this Amendment, perform a low frequency eddy current inspection for cracks in the wing lower surface splice stringers in accordance with Boeing Service Bulletin 3226, Rev. 5, dated November 15, 1981, or later FAA approved revisions, or in a manner approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region. Inspections are to be made at the threshold times, within the prescribed intitial interval and repetitive intervals shown below:

At the inboard nacelle strut drag brace, the affected lower skin area covered by the fairing may be visually inspected for cracks and evidence of fuel leakage. If crack indications are noted in stringers, or skin cracks or fuel leakage are found at the diagonal brace fairing area, tank entry and inspection by high frequency eddy current of the wing splice stringers is required."

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Boeing Commerical Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at the FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 15, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not requred). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Seattle, Washington, on October 26, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-30376 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-NM-54-AD; Amdt. 39-4485]

Airworthiness Directives: Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends an existing Airworthiness Directive (AD) 81-13-03 to increase the scope of the visual inspections of the floor beams. Cracking has been reported on floor beams other than those required to be inspected by the existing AD. Since the new found cracking could also lead to rapid decompression, the AD is amended to include additional areas for inspection.

DATES: Effective date is November 15, 1982. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the address shown below.

FOR FURTHER INFORMATION CONTACT: Mr. Owen Schrader, Airframe Branch, ANM–120S, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington, telephone (206) 767–2516. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C–68966, Washington, 98168.

SUPPLEMENTARY INFORMATION: AD 81–13–03 (Amdt. No. 39–4138; 46 FR 31873) superseded AD 78–04–04 and AD 78–09–08 to combine inspections of floor beams into one AD and to properly account for earlier cracking. Since issuance of AD 81–13–03 cracking has been found in other floor beams. For example, a 16 inch chord crack and a 30 inch chord crack with the crack extending 12 inches further into the beam web were found. Since cracking of these floor beams could lead to rapid decompression, additional inspections are required and the AD is, thereby, being amended.

The cracks described above were found prior to an airplane reaching the 5,000 landing threshold for the inspections required by this AD. Because of the complexity of restating this AD as amended by this action, to also include an earlier threshold, a new AD will be issued to require inspection of added floor beams for the time between 3000 and 5000 landings.

Since this condition is likely to exist or develop on other 747 airplanes of the same type design, this amendment is being issued to require inspection of certain additional floor beams. Further, since a situation exists for the 747 that requires immediate adoption of this regulation, it is found that notice and public procedure are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending AD 81–13–03 (Amdt. No. 39–4138; 46 FR 31873) as follows:

1. Replace subparagraphs (1) and (2) of Paragraph A. as follows:

(1) Within 175 landings after the effective date of this AD, unless accomplished within the last 175 landings, inspect in accordance with subparagraph (a), (b), and (g) or (c), (d), and (g) of Table I.

(2) Within 1,000 landings after the effective date of this AD, unless accomplished within the last 1,000 landings or in accordance with AD 78–09–08, paragraph B, inspect the floor beams in accordance with subparagraph (f) of Table I.

2. Add a new subparagraph (4) to paragraph A. to require new inspections as follows:

(4) Within 500 landings after the effective date of this amendment unless accomplished within the last 500 landings, inspect in accordance with subparagraph (e) of Table I.

3. Replace Table I as follows:

TABLE I

Floor beams	Area	Method	Landings	Reference S/B
(a) 33, 57, 75	B.S. 1265–1300, Web Only	Visual Means	175	747–53–2183 Rev. 2.
(b) 33, 57, 75	B.S. 1420–1460, Web Only	Visual Means	175	747–53–2176 Rev. 4.
(c) 33, 57, 75	B.S. 1265–1300, Web Only	Eddy Current	350	747–53–2183 Rev. 2.
(d) 33, 57, 75	B.S. 1420–1460, Web Only	Eddy Current	550	747–53–2176 Rev. 4.
(e) 33, 57, 75	B.S. 1300–1350, Lower Chord Only.	Visual	1,000	747–53–2224 Rev. 2.
(f) All	B.W. 1265–1480, Web and Chord	Eddy Current	2,000	747–53–2183 Rev. 2.

(g) Thoroughly clean the exposed portion of the main deck pressure web inside the main landing gear wheel wells from fuselage station 1265 to 1480 and visually inspect the pressure web for cracks as described in Boeing Service Bulletin 747–53–2183 Rev. 2 or later FAA approved revisions at intervals not to exceed 350 landings. If cracks are found in the pressure web, before further flight visually inspect all floor beams for cracks in accordance with Boeing Service Bulletin 747–53–2183, Revision 2, or later FAA approved revisions from fuselage station 1265 to 1480.

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington, 98124. These documents also may be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective November 15, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Seattle, Washington, on October 26, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82–30374 Filed 11–3–82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82–NM–97–AD; Amdt. 39–4487]

Airworthiness Directives: General Dynamics Model 240 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the **Federal Register** and makes effective to all persons an amendment superseding an Airworthiness Directive (AD) which was previously made effective on all General Dynamics Model 240 series aircraft. All known United States registered owners were notified by priority mail of Emergency AD No. 81–18–05, dated August 26, 1981, which superseded AD 81–11–08. The new AD requires inspection and repair, if necessary, of the wing spar structure on General Dynamics Model 240 series aircraft. The AD is needed because cracks and corrosion have been

reported on the center-wing to wing-outer-panel attach fittings which could result in failure of the wing.

DATES: Effective Date: November 15, 1982.

This AD was effective earlier to all recipients of Emergency Airworthiness Directive letter dated August 26, 1981. Compliance schedule as prescribed in the body of the AD, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: General Dynamics, Convair Division, P.O. Box 80877, San Diego, California 92138, Attention: Larry Hayes, Manager, Product Support. This information also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, or 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: William F. Daley, Aerospace Engineer, ANM-172W, Federal Aviation Administration, Northwest Mountain Region, Western Aircraft Certification Field Office, 15000 Aviation Boulevard, Hawthorne, California 90261, telephone (213) 536-6378.

SUPPLEMENTARY INFORMATION: An Emergency AD was issued as priority mail AD 81-18-05 dated August 26, 1981, and made effective immediately upon receipt to all known United States registered owners of General Dynamics Model 240 series aircraft. This amendment does not differ from the Emergency AD except that the responsible FAA aircraft engineering office is changed from Western to Northwest Mountain Region because of FAA reorganization and in addition, William F. Daley is named in the section "FOR FURTHER INFORMATION CONTACT." It was necessary to issue Emergency AD 81-18-05 to supersede AD 81-11-08, Amendment 39-4117 (46 FR 28149). Compliance with AD 81-11-08 required, in part, an internal visual and dye penetrant inspection of the wing integral fuel tank structure inboard of station 15 and outboard of station 17 for those aircraft with an outer wing integral fuel tank installed. Subsequent to issuance of AD 81-11-08, it has been determined that the dye penetrant inspection of the chordwise tee rails could not be adequately accomplished in the required areas due to interference with several fittings. It is not the intent of the new AD to remove any structural fittings to accomplish the inspection. This AD requires the dye penetrant inspection of the tee rails to be accomplished externally to the integral fuel tanks. NOTE: The internal visual inspections of the integral fuel tank wet areas are still required.

Additionally, a relative high cyclic repetitive external and internal visual inspection has been added which is intended to provide an interim equivalent level of safety prior to mandatory compliance with the complete internal visual and dye penetrant inspection which has been adjusted from a 500 hours to a 1000 hours time in service and from 90 days to 180 days from the effective date of the issuance of the original AD on June 1, 1981.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being adopted which requires inspection of the wing outer panel/wing center section joint for evidence of internal structural corrosion and cracking.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and good cause existed to make the AD effective immediately. These conditions still exist and the AD is hereby published in the **Federal Register** to make it effective as to all persons.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

General Dynamics: Applies to Model 240 and military models eligible or to be made eligible for civil use under Type Certificate A-793, and all such model airplanes converted to turbopropeller power, certificated in all categories.

Compliance required as indicated, unless previously accomplished.

To prevent structural failure of the wing structure, which could result from corrosion and cracking at the wing outer panel/wing center section joint, accomplish the following:

(A) On or before September 15, 1981, and thereafter at intervals not to exceed 100 hours of additional time in service until compliance with the complete internal inspection required by paragraph (B) of this AD has been completed:

(1) Conduct an external visual inspection of the wing in the area of the spar rails, both upper and lower, front and rear, from ten (10) inches inboard of bulkhead 15(WS323) to ten (10) inches outboard of bulkhead 17(WS346) in accordance with Figure 3 of General Dynamics 600 (240D) Service Bulletin No. 57-4A dated February 13, 1973, hereinafter referred to as S.B. No. 57-4A, for evidence of internal structural corrosion which may be indicated by some out-of-alignment or bulging of the external surface.

If any indication of surface out-of-alignment, bulging, corrosion, cracks, or failed rivets is found, before further flight, conduct a complete internal inspection in accordance with paragraph (B) of this AD.

(2) Conduct an internal visual inspection of the center wing to outer panel attach fittings upper and lower, front and rear, upper and lower bulkhead rails, and associated structure for corrosion and/or cracks as identified in S.B. No. 57-4A, Figures 1 through 3. This includes the structure at and between bulkheads 15(WS323) and 17(WS346). Remove all dirt from the corners, front and rear, and clear drain holes to allow for drainage of moisture. Access to this dry area is via the outer panel access door indicated on S.B. No. 57-4A, Figure 2.

If any indication of surface out-of-alignment, bulging, failed rivets, corrosion, or cracks is found, before further flight, conduct the complete internal inspection in accordance with paragraph (B) of this AD.

(B) On or before December 1, 1981, and thereafter at intervals not to exceed 3.000 hours of additional time in service or one year since the last such inspection, whichever occurs earlier:

Conduct an internal visual inspection of the wing in accordance with S.B. 57-4A, paragraph 2, including spar rails (upper and lower, front and rear), center wing to outer panel attach fittings, upper and lower bulkhead rails, and associated structure for corrosion and/or cracks from bulkhead 14(WS300) to bulkhead 18(WS361), after cleaning all surfaces in accordance with the procedures shown in S.B. 57-4A, Figures 1 through 4. In addition to the visual inspection required above, using a dye penetrant method, inspect for cracks in spar rails and chordwise bulkhead tee rails, after removal of all dirt, paint, and integral fuel tank sealant, in the following areas at the specified stations.

Upper and lower spar rails

Six (6) inches spanwise inboard and outboard of bulkhead 15(WS323) and bulkhead 17(WS346) on the forward facing surface of the front spar rails and the aft facing surface of the rear spar rails.

Upper and lower chordwise tee rails

On the outboard facing surfaces at bulkhead 15(WS323) and the inboard facing surfaces at bulkhhead 17(WS346) a minimum total of two (2) inches extending fore and aft chordwise from each of the forward and aft ends of the tee rails in the radius (or where the radius would exist prior to cut-out of a tee leg) in exposed areas accessible without fitting interference. Access to this "dry" wing area between bulkhead 15 and 17 is possible by removal of the outer panel access door indicated in S.B. 57-4A, Figure 2, page 5.

The above dye penetrant inspections at bulkhead 17(WS346) are required only for those aircraft with integral fuel tanks installed in the wing outer panels outboard of bulkhead 17.

(C) If corrosion or cracking is detected, repair in a manner approved by the Manager, Western Aircraft Certification Field Office.

FAA, Northwest Mountain Region, Hawthorne, California.

(D) Military aircraft being converted for civil airworthiness certification and those civil aircraft which have been out of service for one year, shall, prior to further flight after the effective date of this AD, be inspected in accordance with paragraph (B) of this AD.

(E) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections required by this AD.

(F) Alternate inspections, modifications, or other actions which provide an equivalent level of safety may be used when approved by the Chief, Western Aircraft Certification Field Office, FAA, Northwest Mountain Region, Hawthorne, California.

(G) Reports of the discrepancies found are requested. The reports would provide surveillance of the propagation of fatigue cracking and corrosion in these aircraft. The reports should cite: airplane "N" number and serial number, nature of defect and part identification, total airplane operating hours, time since last inspection, and AD compliance paragraph.

Forward reports to Manager, Western Aircraft Certification Field Office, FAA Northwest Mountain Region, 15000 Aviation Boulevard, Hawthorne, California 90261, by mail.

This supersedes Amendment 39-4117, AD 81-11-08 (46 FR 28149).

This amendment becomes effective November 15, 1982 and was effective earlier to those recipients of priority mail AD 81-18-05 dated August 26, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89)

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

Issued in Seattle, Washington on October 26, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-30377 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-44]

Alteration of Control Zone, Pensacola, Fla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Pensacola, Florida, Control Zone by adding an extension north of the airport. This will provide additional controlled airspace for containment of aircraft operating within the Pensacola Terminal Radar Service Area. (TRSA).

EFFECTIVE DATE: 0901 G.m.t., December 23, 1982.

FOR FURTHER INFORMATION CONTACT: Donald Ross, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

SUPPLEMENTARY INFORMATION:

History

On Thursday, September 2, 1982, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by altering the description of the Pensacola, Florida, Control Zone by adding an extension north of the airport. This extension is required to provide controlled airspace for aircraft flying diverse radar vectors while operating at low altitude within the Pensacola Terminal Radar Service Area (47 FR 38706). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. All comments received in response to publication were favorable. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations alters the Pensacola, Florida, Control Zone by providing additional controlled airspace north of the Pensacola Regional Airport.

List of Subjects in 14 CFR Part 71

Aviation safety, Airspace, Control zone.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) (as amended) is further amended, effective 0901 G.m.t., December 23, 1982, as follows:

Pensacola, FL—Amended

By deleting the words, "* * * within 3 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to 8.5 miles south of Pickens RBN and * * *", substituting for them the words, "* * * within 3 miles each side of Runway 16/34 extended centerlines, extending from the runway thresholds to 6 miles north and 10 miles south of the airport; * * *".

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in East Point, Georgia, on October 25, 1982.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 82-30373 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ANE-25]

Amendment to Description of Meriden, Conn.; Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends the Meriden, Connecticut 700-foot transition area to provide additional controlled airspace to protect aircraft executing the Very High Frequency Omni Directional (VOR) Runway 36 original Standard Instrument Approach Procedure (SIAP) at Meriden-Markham Municipal Airport, Meriden, Connecticut.

EFFECTIVE DATE: December 3, 1982.

FOR FURTHER INFORMATION CONTACT: David Hurley, Manager, Operations, Procedures and Airspace Branch, ANE-530, New England Region, Federal Aviation Administration, 12 New

England Executive Park, Burlington, Massachusetts 01803; (617-273-7384).

SUPPLEMENTARY INFORMATION:

History

On Monday, August 9, 1982, a Notice of Proposed Rulemaking was published in the **Federal Register** (47 FR 34431) stating that the FAA proposed to amend the 700-foot Transition Area so as to provide airspace protection for aircraft executing the VOR Runway 36 original SIAP at Meriden-Markham Municipal Airport, Meriden, Connecticut. Interested persons were invited to participate in this rulemaking process by submitting written comments on the proposal to the FAA. No objections were received.

List of Subjects in 14 CFR Part 71:

Aviation safety, Transition area.

Adoption of the proposal

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends § 71.181 of the Federal Aviation Regulations by revising the 700-foot transition area at Meriden-Markham Municipal Airport, Meriden, Connecticut, as follows:

Meriden, Connecticut

After "Meriden, Conn.;" line two insert: "Within 4.5 miles each side of the Madison VORTAC 332° radial extending from the five mile radius area to 1 mile northwest of the VORTAC;" (remainder of description unchanged "and within 2 miles each side of the Runway, etc.")

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); § 11.61 of the Federal Aviation Regulations (14 CFR 11.61))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, it is certified that this (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal and (4) the rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Burlington, Massachusetts, on October 26, 1982.

Robert E. Wittington,

Director, New England Region.

[FR Doc. 82-30365 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-17]

Alteration of Transition Area; Boulder Junction, Wis.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to revoke the Boulder Junction, Wisconsin, designated transition area and to return the associated airspace to a non-controlled status. This action is necessary because the non-directional beacon has been removed and all instrument procedures predicated on the NDB have been cancelled.

EFFECTIVE DATE: December 23, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: Tufts-Edgcumbe, Inc., has physically removed the Boulder Junction non-directional beacon (NDB-BDJ). All instrument procedures predicated on the NDB have been cancelled. This action will raise the floor of controlled airspace from 700 feet above the surface to 1,200 feet above the surface in the area of concern. Aeronautical charts and maps will reflect the change in the airspace designation.

History

On page 36655 of the **Federal Register** dated August 23, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to alter the transition area airspace near Boulder Junction, Wisconsin. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. December 23, 1982, as follows:

Boulder Junction, Wisconsin [Revoked]

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on October 19, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-30152 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ACE-16]

Alteration of Transition Area; Grain Valley, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to alter the 700-foot transition area at Grain Valley, Missouri, to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the East Kansas City Airport, Grain Valley, Missouri, utilizing the Napoleon VORTAC as a navigational aid. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

EFFECTIVE DATE: December 23, 1982.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374-3408.

SUPPLEMENTARY INFORMATION: To enhance airport usage, a new instrument approach procedure to the East Kansas

City Airport, Grain Valley, Missouri, is being established utilizing the Napoleon VORTAC as a navigational aid. The establishment of an instrument approach procedure based on this approach aid entails alteration of a transition area at Grain Valley, Missouri, at and above 700 feet above the ground (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Discussion of Comments

On pages 36656 and 36657 of the **Federal Register** dated August 23, 1982, the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Grain Valley, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., December 23, 1982, by altering the following transition area:

East Kansas City Airport, Grain Valley, Missouri

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the East Kansas City Airport (latitude 39°00′56″N; longitude 94°12′47″W); within 3 miles each side of the 217° radial of the Napoleon, Missouri VORTAC extending from the 5.5-mile radius area to 8 miles northeast of the airport and within 4 miles each side of the 272° track from the RABOD waypoint extending from the 5.5-mile radius to 8.5 miles east of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.69 of the Federal Aviation Regulations (14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on October 19, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-30139 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-18]

Designation of Transition Area; Lowell, Ind.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a new controlled airspace area near Lowell, Indiana, to accommodate a new instrument approach into Lowell Airport which was established on the basis of a request from the Lowell Airport officials to provide that facility with an instrument approach capability based upon the Peotone (EON) VORTAC.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

EFFECTIVE DATE: December 23, 1982.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200′ above ground to 700′ above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

History

On page 36217 of the **Federal Register** dated August 19, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 71) so as to designate a new 700-foot transition area near Lowell, Indiana. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

Except for editorial changes, and except as specifically discussed below, this amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

Discussion of Comments

No letters of objection were received as a result of the Notice of Proposed Rulemaking. However, one letter was received as a result of circularization informing the FAA that the Lowell Airport is allegedly a subject of litigation over the commercial use of the airport. The intended result of this Federal action is to designate controlled airspace from 1200 feet above the surface down to 700 feet above the surface. The intended effect of this action is to ensure segregation of aircraft from aircraft regardless of the commercial nature of the airport. As such, zoning matters are not considered to be factors for consideration in the establishment of a transition area since they would be beyond the scope of the proposed action.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., December 23, 1982, as follows:

Lowell, Indiana

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Lowell Airport (latitude 41°13′48″N., longitude 87°30′28″W.).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)) and 14 CFR 11.69)

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034;

February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on October 18, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-30138 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

14 CFR Part 399

[Policy Statements Amdt. No. 84 to Part 399; Docket 40673; Reg. PS-108]

Statements of General Policy, Regulatory Flexibility Act; Definition of "Small Business"

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB has established guidelines for determining which airlines are "small businesses" for the purposes of the Regulatory Flexibility Act. This action is taken at the CAB's initiative in order to provide a definition of "small business" tailored to the structure of the air transportation industry.

DATES:

Adopted: September 23, 1982.
Effective: November 13, 1982.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In PSDR-76, 47 FR 23474, May 28, 1982, the Board requested public comment on a proposed definition of "small businesses" for the purposes of the Regulatory Flexibility Act. The Act requires agencies to consider the effects of their rules on small businesses and other small entities. Unless an agency establishes its own definition of "small business," the term is defined by reference to Small Business Administration (SBA) standards. Under those standards, a direct air carrier is small if it has not more than 1000 employees. The statute allows an agency to establish its own definition that is more appropriate in its particular regulatory programs, after consultation with SBA's Office of Advocacy and an opportunity for public comment.

In PSDR-76, the Board proposed the following definition: direct air carriers or foreign air carriers will be considered "small businesses" for the purpose of the Board's implementation of the Regulatory Flexibility Act if they provide air transportation only with small aircraft (up to 60 seats and/or 18,000 pound payload capacity) as defined in 14 CFR 298.3. This distinction is consistent with the Board's long-established special treatment of air taxi operators, and the more recent extension of that special treatment to small aircraft operations of all airlines. Distinctions based on aircraft size have already been made in the dual authority rules, the denied boarding compensation rules, the smoking rules and in the proposed amendments to the domestic baggage liability requirements. The SBA distinction based on the number of employees is not as well suited to accomplish the purposes of the Regulatory Flexibility Act in the context of the Board's regulatory functions. An airline's employment level is dependent on the extent to which it uses its own employees or contracts out for services as well as the size and scope of the carrier's operation. An employment-based standard might induce airlines to make otherwise uneconomic choices between hiring their own personnel and contracting out. In addition, it may give an unfair competitive advantage to certain carriers contrary to the procompetitive goals of the Airline Deregulation Act.

Comments supporting the proposed definition were filed by the Small Business Administration (SBA) and the Regional Airline Association (RAA). The SBA noted that board's experience with its own "tiering" policy and its general familiarity with industry operations makes the Board's definition more useful than the general SBA definition, which was designed for specific SBA program purposes. The RAA agreed with the Board that a definition based on aircraft size is a sensible, commonly used distinction. Because there were no objections raised, this final rule adopts the proposed definition of "small business" without change.

List of Subjects in 14 CFR Part 399

Air carriers, Small business.

PART 399—[AMENDED]

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 399, *Statements of General Policy*, as follows:

1. The authority for Part 399 is:

Authority. Secs. 101, 102, 105, 204, 401, 402, 403, 404, 405, 406, 407, 408, 409, 411, 412, 414, 416, 801, 1001, 1002, 1102, 1104, Pub. L. 85-726, as amended, 72 Stat. 737, 740, 92 Stat. 1708, 72 Stat. 743, 754, 757, 758, 760, 763, 766, 767, 768, 769, 770, 771, 782, 788, 797, 49 U.S.C. 1301, 1302, 1305, 1324, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1381, 1382, 1384, 1386, 1461, 1481, 1482, 1502, 1504; Pub. L. 96-354, 5 U.S.C. 601.

2. A new § 399.73 is added to read:

§ 399.73 Definition of "small business" for Regulatory Flexibility Act.

For the purposes of the Board's implementation of Chapter 6 of Title 5, U.S. Code (Regulatory Flexibility Act), a direct air carrier or foreign air carrier is a "small business" if it provides air transportation only with "small aircraft" as defined in § 298.3 of this chapter (up to 60 seats/18,000 pound payload capacity).

3. The Table of Contents is amended to add the new section.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82-30402 Filed 11-3-82; 8:45 am]

BILLING CODE 6320-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-19188; File S7-931]

Beneficial Ownership Disclosure Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Final amendment.

SUMMARY: The Commission announces the adoption of an amendment to its beneficial ownership disclosure rules which eliminates the requirement to file an annual amendment to a Schedule 13G (17 CFR 240.13d-102) when no changes have occurred in the information contained thereon.

EFFECTIVE DATE: December 6, 1982.

FOR FURTHER INFORMATION CONTACT: Prior to the effective date, questions should be directed to Arthur H. Miller, (202) 272-2589, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. After the effective date, questions should be directed to Joseph G. Connolly, Jr. or Robert E. Burns, (202) 272-3097, Office of Tender Offers, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission announces the adoption of an amendment to Rule 13d–2(b) (17 CFR 240.13d–2(b)), which currently requires that any person who has filed a Schedule 13G beneficial ownership disclosure statement must amend such statement within forty-five days after the end of each calendar year to reflect, as of the end of the calendar year, any changes in the information reported in the previous filing on that Schedule, or if there are no changes from the previous filing, file a signed statement to that effect under cover of Schedule 13G. The amendment deletes that part of Rule 13d–2(b) that requires a person to file a statement when no changes have occurred in the information contained in the previously filed Schedule 13G.

Discussion

In its Report to Congress on Beneficial Ownership Reporting Requirements,[1] the Commission noted that it was in the process of reviewing the amendment procedures with respect to reports filed on Schedule 13G.[2] As a result of that review, on June 10, 1982, the Commission published for comment a proposed amendment to Rule 13d–2(b) under the Securities Exchange Act of 1934 (the "Exchange Act").[3] The proposed amendment would eliminate the requirement to file an annual amendment to a Schedule 13G when no changes have occurred in the beneficial ownership information contained therein. After consideration of the comments received in response to the Proposing Release, the Commission has determined to adopt the proposed amendment with minor modification. The amendment is based on the Commission's assessment that the current requirement to file an annual amendment when there are no changes in information imposes an unnecessary burden on persons required to file a Schedule 13G.

Seven of the nine commentators responding to the Commission's request for comments in the Proposing Release supported the amendment.[4] Some of these commentators, however, suggested modifications to the proposal. These modifications would have provided that a filing person would not have to file an annual amendment to a Schedule 13G if: (1) the only change in information previously reported is a change in the percentage of outstanding shares beneficially owned and such change results solely from a change in the aggregate number of the issuer's shares outstanding, or (2) only immaterial changes in a filing person's holdings had occurred over the course of the year.

The Commission has considered the suggested modifications and has determined to incorporate the first of the suggested modifications into the final amendment. The Commission believes that adoption of this modification is necessary to eliminate the undue burden on reporting persons to file an amendment when their percentage of outstanding shares previously reported has changed solely as a result of a change in the aggregate number of the issuer's shares outstanding—an occurrence which is beyond the control of the reporting person and which does not involve a change in the reporting person's holdings. On the other hand, the Commission does not believe that the second suggested modification should be adopted, since it might add an element of uncertainty as to the continuing accuracy of information in the beneficial ownership disclosure system while not resulting in any appreciable cost savings or reduction in compliance burdens as compared to the amendment as proposed.

As required by Section 23(a)(2) of the Exchange Act, the Commission has specifically considered the impact that the amendment will have on competition. The Commission finds that compliance with the amendment will not impose a burden on competition.

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

Text of Amendment

In accordance with the foregoing, Part 240 of Chapter II, Title 17 of the Code of Federal Regulations is amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. Section 240.13d–2 is amended by revising paragraph (b) to read as follows:

§ 240.13d–2 Filing of amendments to Schedules 13D or 13G.

* * * * *

(b) Schedule 13G—Notwithstanding paragraph (a) of this rule, and provided that the person or persons filing a statement pursuant to Rule 13d–1(b) continues to meet the requirements set forth therein, any person who has filed a short form statement on Schedule 13G shall amend such statement within forty-five days after the end of each calendar year if, as of the end of such calendar year, there are any changes in the information reported in the previous filing on that Schedule; *Provided, however,* That such amendment need not be filed with respect to a change in the percent of class outstanding previously reported if such change results solely from a change in the aggregate number of securities outstanding. Six copies of such amendment, including all exhibits, shall be filed with the Commission and one each sent, by registered or certified mail, to the issuer of the security at its principal executive office and to the principal national securities exchange where the security is traded. Once an amendment has been filed reflecting beneficial ownership of five percent or less of the class of securities, no additional filings are required unless the person thereafter becomes the beneficial owner of more than five percent of the class and is required to file pursuant to Rule 13d–1 (§ 240.13d–1).

Note.—For persons filing a short form statement pursuant to Rule 13d–1(b), See also Rule 13d–1(b) (2), (3) and (4).

Authority

This amendment is adopted pursuant to Sections 13(g) and 23(a) of the Securities Exchange Act of 1934.

(Sec. 23, 48 Stat. 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 10, 78 Stat. 580; sec. 18, 89 Stat. 155; secs. 102, 202, 203, 91 Stat. 1494, 1498, 1499; 15 U.S.C. 78m(g), 78w(a))

By the Commission.

George A. Fitzsimmons,
Secretary.

October 28, 1982.

[FR Doc. 82–30414 Filed 11–3–82; 8:45 am]

BILLING CODE 8010-01-M

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[1] Report of the Securities and Exchange Commission on Beneficial Ownership Reporting Requirements Pursuant to Section 13(h) of the Securities Exchange Act of 1934, 96th Cong., 2d Sess. 53 (Comm. Print 1980).

[2] Reports on Schedule 13G are filed by two classes of persons. First, a Schedule 13G may be filed by a person who would otherwise be required to file a Schedule 13D [17 CFR 240.13d–101], because such person acquired more than five percent of a class of certain equity securities, if certain specified conditions are met. Second, a Schedule 13G is required to be filed by certain beneficial owners of more than five percent of a class of securities who are not subject to Section 13(d) of the Exchange Act.

[3] Release No. 34–18801 (June 10, 1982) [47 FR 26161] (the "Proposing Release").

[4] These comment letters are available for public inspection in the Commission's Public Reference Room. *See* File No. S7–931.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 420 and 511

Highway Planning and Research Program; Policy Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of policy statement; rule related notice.

SUMMARY: This notice clarifies the FHWA policy on the use of Highway Planning and Research (HP&R) funds for planning, research, and development activities (23 U.S.C. 307(c)) in connection with the Federal-aid highway program. The FHWA policy is to allow States maximum possible flexibility in their use of HP&R funds.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Puckett, Emergency Preparedness and Program Review Branch, Office of Highway Planning (202) 426–0175, or Mr. Jerry Boone, Office of the Chief Counsel (202) 426–0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: This notice clarifies the FHWA policy for the Highway Planning and Research Program. The HP&R Program is provided for by 23 U.S.C. 307(c) and consists of a planning component and a research and development component. Pursuant to section 307(c), the FHWA provides financial assistance to the States for certain planning activities in connection with highway programs and local public transportation systems and for research and development activities in connection with highway design, construction and operation.

The FHWA regulations governing the HP&R program are at 23 CFR Part 420 and Part 511. The FHWA policy for highway planning is not enunciated in regulation while its policy for highway research and development is enunciated in 23 CFR Part 511. The FHWA written policy for highway planning is embodied in highway program manuals and indicates a Federal preference for the use of HP&R funds by States in their planning activities. While it has been FHWA practice to administer the HP&R program to afford States flexibility in their use of HP&R funds, this notice expressly announces the FHWA intention to allow States maximum possible flexibility in their use of HP&R funds for planning activities as well as research and development activities. To emphasize the flexibility allowed States for research and development activities as part of the overall HP&R program, this notice incorporates the research and development policy as it appears in 23 CFR Part 511 into this general policy statement. The policy is consistent with the philosophy of promoting increased State responsibility in the formulation and execution of federally-aided programs.

The Office of Management and Budget (OMB) pursuant to the Federal Program Information Act, Pub. L. 95–220 (December 28, 1977), requires all documents published in the **Federal Register** which pertain to ongoing Federal assistance programs to contain a statement as to the applicability of OMB Circular No. A–95 (Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects). The provisions of Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to the HP&R Program and a statement to this effect is provided at the end of this document.

However, it should be noted that the HP&R Program may soon no longer be subject to State and local clearinghouse review. Executive Order 12372, issued by President Reagan on July 14, 1982, substantially revises the current system under Circular A–95 of intergovernmental consultation over Federal grant and development programs. The new Executive Order directs the revocation of Circular A–95 and requires implementation of the new Federal policy no later than April 30, 1983. The Executive Order covers, among other things, all categorical grant-in-aid programs identified in the Catalog of Federal Domestic Assistance. Under the Executive Order, a State's review process may cover all or only some categorical grant-in-aid programs, based on the priorities of State and local officials. Thus, the HP&R Program may or may not continue to be covered, dependent upon each State's review process.

The FHWA Policy is as follows:

FHWA Highway Planning and Research Program Policy

I. It is the general policy of FHWA to allow the States maximum possible flexibility in their use of HP&R funds. The basic statute governing the HP&R program is 23 U.S.C. 307(c). Section 307(c)(1) provides: "Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public transportation systems and for planning for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use." Section 307(c)(3) augments the 1½ HP&R funds by providing an additional ½ of 1 percent of Federal-aid highway funds, if the State so requests.

II. Consistent with 23 U.S.C. 307(c), FHWA will administer the HP&R Program:

(1) To allow the States maximum possible flexibility in their planning and research activities while ensuring legal use of HP&R funds and avoiding duplication of efforts.

(2) To allow the States to utilize available planning and research resources to meet the highway and transportation needs at the national, State, and local levels.

(3) To allow for the cooperation of the States in providing necessary planning and research resources to meet national transportation needs.

A. Planning—The FHWA policy on the use of HP&R funds for planning activities is as follows:

(1) Any expenditure shall be for a purpose pursuant to section 307 of title 23, United States Code, and the activity shall be eligible for Federal reimbursement under OMB Circular A–102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," and OMB Circular A–87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments" as implemented by FHWA regulations.

(2) To encourage the States to continue to provide data that support FHWA responsibilities to Congress and to the public. Data collected pursuant to the Highway Performance Monitoring System (HPMS) (OMB approval number 2125–0028) and "A Guide to Reporting Highway Statistics" (OMB approval number 2125–0032) are of national significance and can be utilized to: Provide information required for the preparation of reports to Congress, for proposed legislation, and for apportionment factors; allow evaluation of the extent, performance condition, and use of the Nation's various highway

systems; provide the bases for analyzing Federal-aid funding methods and levels and the assignment of user cost responsibility; and contribute to the critical information base on fuel availability, use, and revenues generated.

(3) Within the limitations of available funding, and with the understanding that planning activities of national significance are being adequately addressed, the States shall determine which eligible activities they desire to support with HP&R funds and at what funding level. The FHWA will accept the State determinations with respect to those uses of HP&R funds which are consistent with title 23, U.S.C., OMB Circulars A–102 and A–87, and FHWA implementing regulations.

B. Research and Development - The FHWA policy on the use of HP&R funds for research and development (R&D) activities is as follows:

(1) Each State highway agency (SHA) is encouraged to maintain a viable and adequately funded research and development program to address its most urgent short and long-range needs. In order to promote effective utilization of available resources and to avoid duplication of effort, SHAs are encouraged to cooperate with the FHWA and other SHAs to achieve R&D objectives established at the national level in the Federally coordinated Program of Research and Development. A SHA R&D program, although primarily a problem-solving service to transportation design and operating elements, should seek to exploit new technology to improve highway program effectiveness, to reduce costs, and to minimize future transportation problems. The program can best be justified as a continuing activity when it can be demonstrated that R&D results and end-products are in fact utilized and contribute to the highway program as a whole.

(2) For transportation needs that have a national or regional impact, the FHWA shall encourage joint efforts whereby a research and development study may be cooperatively sponsored and funded by two or more SHAs through Regional pooled fund studies, national pooled fund studies, or the National Cooperative Highway Research Program administered by the Transportation Research Board.

III. The FHWA, primarily through its field offices, will maintain its continuing responsibility of fostering and promoting efficient and effective highway planning and programming procedures and planning and research work programs which contribute to the development of projects to meet the States' needs. The FHWA will advise and consult with States in these areas and provide appropriate technical assistance and training. Nothing in this policy shall be construed as authorizing any reduction in the quality or timeliness of State compliance with data requirements for congressional reports and other national purposes as required by Federal laws. The FHWA field offices shall be responsible for insuring the timeliness and quality of submissions of nationally required data, and additionally, shall periodically review elements of the HP&R Work Program.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued: October 28, 1982.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

[FR Doc. 82–30078 Filed 11–3–82; 8:45 am]

BILLING CODE 4910-22-M

Federal Highway Administration

National Highway Traffic Safety Administration

23 CFR Part 659

Certification of Speed Limit Enforcement; Interpretation of Requirement for Annual Adjustments to Sampling Locations

AGENCIES: Federal Highway Administration (FHWA) and National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of interpretation.

SUMMARY: This notice announces an interpretation concerning the requirements for the speed monitoring program in effect in each State under 23 CFR Part 659. The existing requirement to annually adjust the number of sampling locations in a State had previously been interpreted in a manner which experience has shown to be unreasonable and costly. It is not anticipated that this action will adversely affect compliance with the National Maximum Speed Limit.

EFFECTIVE DATE: November 4, 1982.

FOR FURTHER INFORMATION CONTACT: William F. Bauch, FHWA, Office of Traffic Operations, (202) 426–1993, David C. Oliver, FHWA, Office of the Chief Counsel, (202) 426–0825, or John G. Womack, NHTSA, Office of the Chief Counsel, (202) 426–1834; 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 205 of the Surface Transportation Assistance Act of 1978 (STAA), Pub. L. 95–599, 92 Stat. 2689, requires States to meet a certain minimum level of compliance with the 55 MPH speed limit or risk losing a part of their Federal-aid highway fund apportionments. To ensure that the States collect enough data on which to establish compliance levels, the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) require States to submit speed sampling plans which, among other things, specify the number of speed monitoring locations that they utilize to determine the percent of vehicles exceeding the 55 MPH speed limit. That number must currently be adjusted annually to achieve a reasonable level of precision. (23 CFR Part 659, 45 FR 64488 (1980).)

The speed sampling plan must be based on statistical criteria established in the Speed Monitoring Program Procedural Manual issued in May 1980 to achieve a reasonable level of precision. The Manual sets forth the guidelines that must be followed in preparing the plan and specifies that the data collected should be sufficient to estimate a 95 percent onesided confidence interval with a target precision of 2.0 percentage points of the estimate.

Target precision is a common statistical term whose value must be established prior to the design of a sampling plan. The 2.0 target precision specified in the Manual was established by FHWA and NHTSA prior to the submission of any speed sampling plans by the States and was selected to provide an absolute value of precisions small enough to produce the desired degree of accuracy. However, the 2.0 target precision was derived from superficial and incomplete data, which for all its shortcomings was the best available at that time. With the completion of implementation of the adjustment requirement, we now have a sufficient amount of data to analyze the implications of the 2.0 target precision. The most recent figures for actual sampling precision achieved indicate that despite the significant outlays made by the States in implementing their plans, most States fall between 3.0 and 7.0 target precision. This level of precision requires the addition of sampling locations under current requirements for fiscal year 1983 if the precision level of 2.0 is maintained as an absolute. Most States would find it necessary to add between 25 and 40 locations.

Nothwithstanding the failure to achieve the target precision level thus far, the experience gained in operating under the guidelines set forth in the Manual indicates that the level of sampling currently achieved by all States is reasonably precise. Because individual vehicle speeds are so volatile and susceptible to many subjective influences, even a doubled effort would provide no guarantee that a target precision of 2.0 could be achieved, with the prospect of even larger programs required in future years. At a cost of 5 to 20 thousand dollars per location, the addition of even 2 or 3 locations may be hard to justify given the current shortage of funds available for highway safety and construction work.

When the agencies established the 2.0 target precision, FHWA and NHTSA did not intend for the States to incur substantial expenditures to achieve only a minimal increase in the accuracy of the data collected. The precision level will only be an issue in the event a State fails to achieve the required compliance level, and seeks to rebut the accuracy of its submitted number on the basis of target precision. In such cases, submittal of a plan utilizing only the minumum number of sampling locations will not place the State in an advantageous position. Consequently, FHWA and NHTSA are issuing this interpretation to clarify their intent with respect to the 2.0 precision level. It is the interpretation of FHWA and NHTSA that the 2.0 target precision is a desirable goal and the agencies intend to maintain that level as a goal. However, at present the agencies have determined that each State has reached the closest approximization to the target that it can with a reasonable allocation of resources. The benefit to be achieved from increased precision at this time will be exceeded by the costs necessary to achieve that precision. Therefore, even though a State does not meet that goal it will not be required to increase the number of sampling locations above the number it proposed for use in the fiscal year 1982 sampling plan.

(23 U.S.C. 141, 154, 315; 49 CFR 1.48(b), 1.50)

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

List of Subjects in 23 CFR Part 659

Grant programs—transportation, Highways and roads, Motor vehicles, Speed limit, Traffic regulations.

Issued: October 26, 1982.

L. P. Lamm,

Deputy Federal Highway Administrator, Federal Highway Administration.

Diane K. Steed,

Deputy National Highway Traffic Safety Administrator, National Highway Traffic Safety Administration.

[FR Doc. 82–30089 Filed 11–3–82; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS TICONDEROGA (CG 47) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, Section 3(a) pertaining to the location of the forward masthead light in the forward quarter of the ship; 72 COLREGS, Annex I, Section 3(a) pertaining to the horizontal distance between the forward and aft masthead lights. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: October 19, 1982.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332, Telephone number: (202) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS TICONDEROGA (CG 47) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, Section 3(a) pertaining to the location of the forward masthead light in the forward quarter of the ship; 72 COLREGS, Annex I, Section 3(a) pertaining to the horizontal distance between the forward and aft masthead lights. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by adding the following naval ship to the list of vessels therein in vessel number order to indicate the certifications issued by the Secretary of the Navy.

* * * * * * * *

TABLE 5

Vessel	Number	Forward masthead light not required; height above hull. Annex I Section 2 (a)(i), (ii), (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, Section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, Section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, Section 2(a)(i)	Aft masthead lights not visible over forward light 1000 meters ahead of ship in all normal degrees of trim. Annex I, Section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, section 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light, Annex I, Section 3(a)	Percentage horizontal separation attained
		*	*	*	*	*	*	*	
USS *TICONDEROGA*	CG 47						X	X	38.3

(Executive Order 11964; 33 U.S.C. 1605)

Dated: October 19, 1982.

Approved:

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 82-30384 Filed 11-3-82; 8:45 am]

BILLING CODE 3810-AE-M

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32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy has determined that USS LEAHY (CG 16) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Annex I, Section 2(a)(i), pertaining to the distance in meters of the forward masthead light above the hull; 72 COLREGS, Annex I, Section 3 (a) pertaining to the location of the forward masthead light in the forward quarter of the ship; 72 COLREGS, Annex I, Section 3(a) pertaining to the horizontal distance between the forward and aft masthead lights; 72 COLREGS, Annex I, Section 2 (f) pertaining to the placement of the masthead lights over all other lights and obstructions. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: October 19, 1982.

FOR FURTHER INFORMATION CONTACT: Captain Richard J. McCarthy, JAGC, USN, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment to Part 706 provides notice that the Secretary of the Navy has certified that USS LEAHY (CG 16) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS: Annex I, Section 2(a)(i) pertaining to the distance in meters of the forward masthead light above the hull; 72 COLREGS, Annex I, Section 3(a) pertaining to the location of the forward masthead light in the forward quarter of the ship; 72 COLREGS, Annex I, Section 3(a) pertaining to the horizontal distance between the forward and aft masthead lights; 72 COLREGS, Annex I, Section 2 (f) pertaining to the placement of the masthead lights over all other lights and obstructions. Full compliance with the above-mentioned 72 COLREGS provisions would interfere with the special functions and purposes of the ship. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements. Notice is also provided to the effect that USS LEAHY (CG 16) is a member of the CG 16 class of ships for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing tables of § 706.3, are equally applicable to USS LEAHY (CG 16). Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military functions.

List of Subjects in 32 CFR Part 706.

Marine safety, Navigation (water), Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

§ 706.2 [Amended]

1. Table Five of § 706.2 is amended by revising the heading for the third column to read "Forward masthead light not required; height above hull. Annex I Section 2 (a) (i), (ii), (c), (d).", and by adding the following entry for the USS *Leahy* to read as follows:

* * * * * *

TABLE 5

Vessel	Number	Forward masthead light not required; height above hull. Annex I, section 2(a)(i), (ii), (c), (d)	Aft masthead light less than 4.5 meters above forward masthead light. Annex I, section 2(a)(ii)	Masthead lights not over all other lights and obstructions. Annex I, section 2(f)	Vertical separation of masthead lights used when towing less than required by Annex I, section 2(a)(i)	Aft masthead lights not visible over forward light 1000 meters ahead of ship in all normal degrees of trim. Annex I, section 2(b)	Forward masthead light not in forward quarter of ship. Annex I, section 3(a)	After masthead light not less than ½ ship's length aft of forward masthead light, Annex I, section 3(a)	Percentage horizontal separation attained
USS *Leahy*	CG 16	X		X			X	X	23

2. Table Four of § 706.2 is amended by revising note 14 to correctly reflect the certification issued by the Secretary of the Navy:

* * * * *

14. On USS BIDDLE (CG 34) the arc of visibility of the forward masthead light may be obscured through 1.4 degree of arcs of visibility at 017 and 343 degrees relative to the ship's head.

(E. O. 11964; 33 U.S.C. 1605)

Dated: October 19, 1982.

Approved:

James F. Goodrich,

Acting Secretary of the Navy.

[FR Doc. 82-30365 Filed 11-3-82; 8:45 am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[A-6-FRL 2238-4]

Delegation of Authority to the State of New Mexico for New Source Performance Standards (NSPS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA, Region 6, has delegated the authority for implementation of the administrative and technical review portions of the New Source Performance Standards (NSPS) program to the New Mexico Environmental Improvement Division (NMEID). Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 60 are delegated to the NMEID. Any of such authority and responsibilities may be redelegated by the Division to its Director or staff.

EFFECTIVE DATE: August 17, 1982.

ADDRESS: Copies of the State request and State-EPA agreement for delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency (EPA), Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: William H. Taylor, Air Branch, EPA, address above, Telephone: (214) 767-9873.

SUPPLEMENTARY INFORMATION: On December 20, 1980, the State of New Mexico requested EPA, Region 6, to delegate authority to the NMEID for the implementation of the NSPS program. After a thorough review of the request and information submitted, the Regional Administrator determined that the State's pertinent laws and the rules and regulations of the NMEID were found to provide an adequate and effective procedure for the implementation of the administrative and technical review portions of the NSPS program. EPA, Region 6, retains enforcement authority, as requested by the State, over NSPS subject sources constructed or modified in the State of New Mexico.

The Office of Management and Budget has exempted this information notice from the requirements of Section 3 of Executive Order 12291.

Effective immediately, sources locating in the State of New Mexico should submit all information pursuant to 40 CFR Part 60 directly to the State agency at the following address: New Mexico Environmental Improvement Division, Health and Environment Department, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87504

This delegation is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 7411).

Dated: October 19, 1982.

Dick Whittington, P.E.,

Acting Regional Administrator.

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Section 60.4 paragraph (b) is amended by adding subparagraph (GG) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(GG) Director, New Mexico Environmental Improvement Division, Health and Environment Department, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87504.

[FR Doc. 82-30222 Filed 11-3-82; 8:45 am]

BILLING CODE 6560-50-M

[A-6-FRL 2238-5]

40 CFR Part 61

Delegation of Authority to the State of New Mexico for National Emission Standards for Hazardous Air Pollutants (NESHAP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA, Region 6, has delegated the authority for implementation of the administrative and technical review portions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) program to the New Mexico

Environmental Improvement Division (NMEID). Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 61 are delegated to the NMEID. Any of such authority and responsibilities may be redelegated by the Department to its staff.

EFFECTIVE DATE: August 30, 1982.

ADDRESS: Copies of the State request and State-EPA agreement for delegation of authority are available for public inspection at the Air Branch, Environmental Protection Agency (EPA), Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: William H.Taylor, Air Branch, EPA, address above, Telephone: (214) 767–9873.

SUPPLEMENTARY INFORMATION: On December 20, 1980, the State of New Mexico requested EPA, Region 6, to delegate authority to the NMEID for the implementation of the NESHAP program. After a thorough review of the request and information submitted, the Regional Administrator determined that the State's pertinent laws, rules, and regulations of the NMEID were found to provide an adequate and effective procedure for the implementation of the administrative and technical review portions of the NESHAP program. EPA, Region 6, retains enforcement authority, as requested by the State, over NESHAP subject sources constructed or modified in the State of New Mexico.

The Office of Management and Budget has exempted this information notice from the requirements of Section 3 of Executive Order 12291.

Effective immediately, sources locating in the State of New Mexico should submit all information pursuant to 40 CFR Part 61 directly to the State agency at the following address: New Mexico Environmental Improvement Division, Health and Environment Department, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87504 and EPA Region 6.

This delegation is issued under the authority of Section 112 of the Clean Air Act, as amended (42 U.S.C. 7412).

Dated: October 19, 1982.

Frances E. Phillips,

Acting Regional Administrator.

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 61.4 paragraph (b) is amended by adding subparagraph (GG) to read as follows:

§ 61.4 Address.

* * * * *

(b) * * *

(GG) Director, New Mexico Environmental Improvement Division, Health and Environment Department, P.O. Box 968, Crown Building, Santa Fe, New Mexico 87504.

[FR Doc. 82-30223 Filed 11-3-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 61

[A-6-FRL 2238-3]

Delegation of Authority to the State of Louisiana for National Emission Standards for Hazardous Air Pollutants (NESHAP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA, Region 6, has delegated the authority for implementation of the administrative and technical review portions of the National Emission Standards for Hazardous Air Pollutants (NESHAP) program to the Louisiana Department of Natural Resources (LDNR). Except as specifically limited, all of the authority and responsibilities of the Administrator or the Regional Administrator which are found in 40 CFR Part 61 are delegated to the LDNR. Any of such authority and responsibilities may be redelegated by the Department to its Program Administrator or staff.

EFFECTIVE DATE: August 30, 1982.

ADDRESS: A copy of the State-EPA agreement for delegation of authority is available for public inspection at the Air Branch, Environmental Protection Agency (EPA), Region 6, First International Building, 28th Floor, 1201 Elm Street, Dallas, Texas 75270.

FOR FURTHER INFORMATION CONTACT: William H. Taylor, Air Branch, EPA, address above, Telephone: (214) 767–9873.

SUPPLEMENTARY INFORMATION:

On July 20, 1982, the State of Louisiana requested EPA, Region 6, to delegate authority to the LDNR for the implementation of the NESHAP program. After a thorough review of the request and information submitted, the Regional Administrator determined that the State's pertinent laws and the rules and regulations of the LDNR were found to provide an adequate and effective procedure for the implementation of the administrative and technical review portions of the NESHAP program. EPA, Region 6, retains enforcement authority, as requested by the State, over NESHAP subject sources constructed or modified in the State of Louisiana.

The Office of Management and Budget has exempted this information notice from the requirements of Section 3 of Executive Order 12291.

Effective immediately, sources locating in the State of Louisiana should submit all information pursuant to 40 CFR Part 61 directly to the State agency at the following address; Louisiana Department of Natural Resources, Air Quality Division, P.O. Box 44066, Baton Rouge, Louisiana 70804 and EPA Region 6.

This delegation is issued under the authority of Section 112 of the Clean Air Act, as amended (42 U.S.C. 7412).

Dated: October 19, 1982.

Frances E. Phillips,

Acting Regional Administrator.

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

§ 61.4 paragraph (b) is amended by adding subparagraph (T) to read as follows:

§ 61.4 Address.

* * * * *

(b) * * *

(T) Secretary, Louisiana Department of Natural Resources, P.O. Box 44066, Baton Rouge, Louisiana 70804.

[FR Doc. 82-30224 Filed 11-3-82; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 65

[A-7-FRL-2219-8]

Delayed Compliance Orders; Approval of a Delayed Compliance Order Issued by Iowa Department of Environmental Quality to Clinton Corn Processing Company, Clinton, Iowa

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby approves a delayed compliance Order issued by Iowa Department of Environmental Quality to the Clinton Corn Processing Company (Clinton

Corn). The Order requires the company to bring air emissions from its coal-fired steam generators Nos. 4 and 5 at Clinton, Iowa, into compliance with certain regulations contained in the federally-approved Iowa State Implementation Plan (SIP) by December 31, 1982. Because of the Administrator's approval, Clinton Corn's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATE: This rule takes effect on November 4, 1982.

FOR FURTHER INFORMATION CONTACT: JoAnn Heiman or Henry F. Rompage, Environmental Protection Agency, Region VII, 324 East 11th Street, Kansas City, Missouri 64106, 816/374–2186.

ADDRESS: A copy of the delayed compliance Order, any supporting material, and any comments received in response to a prior **Federal Register** notice proposing approval of the Order are available for public inspection and copying during normal business hours at: Environmental Protection Agency, Region VII, Office of Regional Counsel, 324 East 11th Street, Kansas City, Missouri 64106.

SUPPLEMENTARY INFORMATION: On August 4, 1982, the Regional Administrator of EPA's Region VII Office, published in the **Federal Register**, 47 FR 33715, a notice proposing approval of a delayed compliance Order issued by Iowa Department of Environmental Quality to Clinton Corn. The notice asked for public comments by September 3, 1982, on EPA's proposed approval of the Order. No public comments were received in response to the proposal notice.

Therefore, the delayed compliance Order issued to Clinton Corn is approved by the Administrator of EPA pursuant to the authority of section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The Order places Clinton Corn on a schedule to bring its coal-fired steam generators Nos. 4 and 5 at Clinton into compliance as expeditiously as practicable with subrule 400—4.3(2)b(5) Iowa Administrative Code, Combustion for indirect heating, a part of the federally-approved Iowa State Implementation Plan. The Order also imposes emission reporting requirements, and interim requirements for emission reduction prior to final compliance. It has been determined that interim monitoring requirements prior to final compliance as specified in subparagraph A–5, are not feasible. If the conditions of the Order are met, it will permit Clinton Corn to delay compliance with the SIP regulations covered by the Order until December 31, 1982. The company is unable to immediately comply with these regulations.

Because the Order has been approved by EPA, compliance with its terms will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order during the period the Order is in effect. Citizen suits under Section 304 of the Act are similarly precluded. If the Administrator determines that Clinton Corn is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

EPA has determined that its approval of the Order shall be effective upon publication of this notice because of the need to immediately place Clinton Corn on a schedule which is effective under the Clean Air Act for compliance with the applicable requirement(s) of the Iowa State Implementation Plan.

List of Subjects in 40 CFR Part 65

Air pollution control.

(42 U.S.C. 7413(d), 7601)

Dated: October 25, 1982.

Anne M. Gorsuch,

Administrator.

PART 65—DELAYED COMPLIANCE ORDERS

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 65.201 is amended by adding the following entry to the table immediately after the second entry for the Clinton Corn Processing Co.

§ 65.201 EPA approval of State delayed compliance orders issued to major stationary sources.

* * * * *

Source	Location	Docket No.	SIP regulation(s) involved	Date of FR proposal	Final compliance
*	*	*	*	*	*
Clinton Corn Processing Company.	Clinton, Iowa	81-A-007	Subrule less 400—4.3(2)(b)(5) I.A.C	Aug. 4, 1982	Dec. 31, 1982
*	*	*	*	*	*

[FR Doc. 82–30265 Filed 11–3–82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82–413; RM 4097]

Radio Broadcast Services, FM Broadcast Station in Cambria, Calif.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 232A to Cambria, California, as that community's first FM assignment, in response to a petition filed by E. G. Wallenbrock.

DATE: Effective: December 29, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of §73.202(b), Table of Assignments, FM Broadcast Stations. (Cambria, California); BC Docket No. 82–413, RM–4097.

Report and Order; Proceeding Terminated

Adopted: October 26, 1982

Released: October 29, 1982.

1. The Commission herein considers the Notice of Proposed Rule Making, 47 FR 31015, published July 16, 1982, proposing the assignment of Channel 232A to Cambria, California, as that community's first FM assignment in response to a petition filed by E. G. Wallenbrock ("petitioner"). Petitioner filed comments in support of the

proposal and reaffirmed his interest in applying to construct a station, if the channel is assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 232A to Cambria, California, since it could provide that community with its first local FM service.

3. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§0.204(b) and 0.281 of the Commission's Rules, it is ordered, that effective December 29, 1982, § 73.202(b) of the Commission's Rules is amended with respect to the following community.

City	Channel No.
Cambria, Calif.	232A

4. It is further ordered That this proceeding is terminated.

5. For further information contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82–30362 Filed 11–3–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 97

[FCC 82–454]

Amendment To Provide for Full Morse Code Examination Credit for Commercial Radio-Telegraph Operators Applying for Amateur Radio Operator Licenses

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends Part 97 of the Commission's Rules to provide for telegraphy examination credit for Amateur Radio Service applicants who hold, or within the last five years have held, a commercial radiotelegraph operator license issued by the Federal Communications Commission in order to eliminate redundant testing. This telegraphy examination credit will reduce burdens both on the Commission and on commercial radiotelegraph operators (or former operators) applying for amateur radio operator licenses.

EFFECTIVE DATE: October 27, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Special Services Division, (202) 632–7197.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Radio.

Order

Adopted: October 21, 1982.

Released: October 27, 1982.

1. Under our present rules, Morse code credit is given to an applicant for an Amateur Radio Service operator license who holds or has held a commercial radiotelegraph operator license. Section 97.25(c) of the Amateur Radio Service Rules currently provides that an applicant who holds or has held a commercial radiotelegraph operator license within five years of application for an amateur radio license is given credit for either telegraphy examination element 1(A) or 1(B). However, credit for telegraphy element 1(C) is given only if the applicant holds (or has held in the last five years) either: (1) A valid first class commercial radiotelegraph operator license or permit, or (2) any commercial radiotelegraph operator license or permit containing an aircraft radiotelegraph endorsement.

2. Both amateur and commercial radiotelegraph operators are tested for various degrees of expertise in Morse code. The commercial radiotelegraph examination requirements exceed even the most rigorous telegraphy examination requirements of the Amateur Radio Service. It is our view that the constraints we place on present or former commercial radiotelegraph operators to get Morse code credit for telegraphy element 1(C) are unnecessary and inappropriate.

3. In order to eliminate the redundant testing which results, we are amending § 97.25(c), to give an applicant for an amateur radio operator license credit for any amateur telegraphy element if the applicant holds a commercial radiotelegraph operator license or permit, or has held one within five years of our receipt of that person's application for an amateur radio operator license.

4. Because the rule amendment adopted herein is a minor amendment to the rules, doing away with duplicative testing of certain skills, we find that for good cause shown pursuant to 5 U.S.C. 553(b)(3)(B) the notice and comment provisions of 5 U.S.C. 553(b) are unnecessary. *See Texaco, Inc.* v. *Federal Power Commission*, 412 F.2d 740 (3rd Cir. 1969).

5. Because the rule amendment adopted herein relieves a restriction, publication or service of the rule need not be made thirty days or more before its effective date. *See* 5 U.S.C. 553(d)(1). Therefore, this rule amendment will take effect on the date of release of this Order.

6. Accordingly, it is ordered, effective October 27, 1982, that part 97 of the Commission's rules is amended as shown in the Appendix attached hereto. Authority for this action is found in Sections 4(i) and 303 of the Communications Act of 1934, as amended (47 U.S.C. 154(i) and 303).

7. For further information about this rule change contact John J. Borkowski, Private Radio Bureau, Special Services Division, Personal Radio Branch at (202) 632–7197.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—[AMENDED]

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended, as follows:

1. Section 97.25(c) is revised to read, as follows:

§ 97.25 Examination credit.

* * * * *

(c) A person who applies for an amateur operator license will be given credit for any telegraphy element if that person holds a commercial radiotelegraph operator license or permit issued by the Federal Communications Commission, or has held one within 5 years of the Commission's receipt of that person's application for an amateur operator license.

* * * * *

[FR Doc. 82–30408 Filed 11–3–82; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 192

[Docket No. PS-54]

Transportation of Natural and Other Gas by Pipeline

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Technical amendment; correction.

SUMMARY: This document corrects a technical amendment published in 47 FR 146 on Thursday, July 29, 1982, to amend units of measurement contained in safety standards on joining plastic pipe.

EFFECTIVE DATE: November 4, 1982.

FOR FURTHER INFORMATION CONTACT: Walt Dennis, 202–426–2392.

SUPPLEMENTARY INFORMATION: In FR Doc. 82–20446, on pages 32720, Vol. 47, No. 146, of the July 29, 1982, issue, the MTB published technical amendments to units of measurements appearing in 49 CFR Parts 192 and 193. The amendments set forth proper conversions of units, rounded in accordance with the rules of conversion under the International System of Units.

An amendment to § 192.283(b)(5) regarding joining procedures for plastic pipe incorrectly stated the conversion of 100°F temperature change as 38°C temperature change. The proper conversion of 100°F change is 55.6°C, rounded to 55°C.

List of Subjects in 49 CFR Part 192:

Pipeline safety.

§ 192.283 [Corrected]

Accordingly, § 192.283(b)(5) is corrected by removing "38°C" and adding in its place "55°C".

(49 U.S.C. 1672; 49 U.S.C. 1804; 49 CFR 1.53 and Appendix A of Part 1.)

Issued in Washington, DC, on October 29, 1982.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 82–30419 Filed 11–3–82; 8:45 am]

BILLING CODE 4910-60-M

Proposed Rules

Federal Register
Vol. 47, No. 214
Thursday, November 4, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1290

Floral Research and Consumer Information Act; Hearing on Proposed Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of hearing on proposed order.

SUMMARY: Notice is hereby given of an additional hearing session to be held to consider a proposed Floral Research and Consumer Information Order. This session is in addition to the notice of four hearing sessions which was published in the October 12, 1982, **Federal Register** (47 FR 44735). The proposed order was submitted by the Floraboard Development Committee, representing flower and plant producers and importers. The proposal would provide for a nationally coordinated research and promotion program financed by an assessment on certain flowers and plants.

DATES: Hearing session scheduled to begin:

October 27, 1982, at 1:30 p.m.
November 1, 1982, at 1:30 p.m.
November 4, 1982, at 10:00 a.m.
November 5, 1982, at 9:00 a.m.
November 9, 1982, at 9:30 a.m.
November 18, 1982, at 9:00 a.m.
November 19, 1982, at 9:00 a.m.

ADDRESSES: The hearing sessions are scheduled as follows:

1. October 27, 1:30 p.m., Washington, D.C., USDA Administration Building, Room 104–A, 14th and Independence Avenue, SW.
2. November 1, 1:30 p.m., Orlando, Florida, Florida Fruit and Vegetable Association Auditorium, 4401 E. Colonial Drive.
3. November 4, 10:00 a.m., and November 5, 9:00 a.m., San Francisco, California, Federal Building, Room 13029, 450 Golden Gate Avenue.
4. November 9, 9:30 a.m., Fort Worth, Texas, Food Safety and Inspection Service Training Center, 2401 Scott Avenue (I–30 & Beach Street exit).
5. November 18 and 19, 9:00 a.m., Washington, D.C., USDA Administration Building, Room 104–A, 14th and Independence Avenue, SW. Any session may be continued beyond one day if necessary.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447–2615.

SUPPLEMENTARY INFORMATION: This action is exempt from the requirements set forth in E.O. 12291 because it is governed by the provisions of Sections 556 and 557 of 5 U.S.C. The action has also been reviewed and classified as nonmajor.

The hearing is called pursuant to the provisions of the Floral Research and Consumer Information Act (Title 17 of Pub. L. 97–98, 97th Congress, approved December 22, 1981, 7 U.S.C. 4301–4319), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate an order.

Notice of hearing has been given of sessions beginning October 27, November 1, November 4, and November 9 in the **Federal Register** on October 12, 1982 (47 FR 44735). The additional hearing session on November 18 and 19, was announced by Administrative Law Judge William J. Weber at the October 27, 1982, hearing in Washington, D.C., to provide interested persons additional time to prepare testimony for the hearing.

Please refer to the October 12, 1982, **Federal Register** (47 FR 44735) for details on the proposed Floral Research and Consumer Information Order.

List of Subjects in 7 CFR Part 1290

Administrative practice and procedure, Advertising, Agricultural research, Floral products.

(Title XVII of Pub. L. 97–98; 95 Stat; 7 U.S.C. 4301–4319).

Signed at Washington, D.C., on November 2, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82–30547 Filed 11–3–82; 9:07 am]

BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 235

Inspection of Persons Applying for Admission; U.S. Citizen Identification Card Discontinued

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Service proposes to discontinue issuing the U.S. Citizen Identification Card to eliminate the expenditure of resources used to process and issue an unnecessary document. The card, intended as a convenience to the Service for inspecting individuals applying for admission into the United States, is not required by law. This rule will not invalidate or call-back identification cards that have been issued or terminate the use of existing cards.

DATE: Comments must be received on or before December 6, 1982.

ADDRESSES: Please submit written comments, in duplicate, to the Commissioner of the Immigration and Naturalization Service, Room 7100, 425 Eye Street, NW., Washington, D.C. 20536.

FOR FURTHER INFORMATION CONTACT:

For General Information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048

For Specific Information: Dan Stephan, Immigration Inspector, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D. C. 20536, Telephone: (202) 633–2725.

SUPPLEMENTARY INFORMATION: The Immigration and Naturalization Service proposes to discontinue the issuance of the U.S. Citizen Identification Card, Form I–197, and the relating application, Form I–196. The intended effect of this change is to eliminate the expenditure of funds and resources used by the Immigration and Naturalization Service to process and issue an unnecessary document. The U.S. Citizen Identification Card, intended as a convenience for the immigration inspection of individuals applying for admission into the United States, is not required for any purpose. This proposal does not intend to invalidate or call back identification cards that have been issued, or to terminate the use of genuine existing cards. This proposal is consistent with the general requirements of Executive Order 12291 of February 17, 1981.

The primary reason for the proposed discontinuance of the U.S. Citizen Identification Card is more efficient resource management, i.e., the maximum use of resources where they are needed most. Executive Order 12291 of February 17, 1981, requires that, when reviewing existing regulations, "regulatory objectives shall be chosen to maximize the net benefits to society" and "agencies shall set regulatory priorities with the aim of maximizing the aggregate net benefits to society." Time and money are presently devoted to issuing Form I-197, a document of convenience for the government. These resources can be put to better use to handle applications for essential documents and to provide necessary services to the public. The handling of unnecessary documents contributes to delays and backlogs. It is estimated that roughly 90% of all land border inspections of U.S. citizens end in a finding of U.S. citizenship without presentation of a document. Inspection without documents at land border ports is often sufficient in the great majority of cases. Although it is true that Form I-197 may facilitate entry from the perspective of the applicant for admission as well as the inspecting officer, alternative documents such as naturalization certificates, U.S. passports, and birth certificates serve the same purpose. There is no evidence that abolishing the card will create any hardship. Furthermore, since the existing U.S. Citizen Identification Card will continue to be in use, the number of persons applying for admission who may be affected by this change will be extremely limited. For those persons who claim U.S. citizenship but carry no documentary proof, there are existing procedures which are both effective and reliable for determining true as well as false claims to U.S. citizenship. Similar procedures are in effect and regularly used by U.S. Immigration enforcement personnel to determine the truth of claims to U.S. citizenship by individuals encountered within the United States. This proposed change is in line with Service objectives to improve resource allocations and to streamline operations within existing budgetary constraints.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

This rule will not be a major rule as defined in Section 1(b) of E.O. 12291.

List of Subjects in 8 CFR Part 235

Aliens, Immigration, Inspections, U.S. citizens.

Accordingly, it is proposed to amend Chaper I of Title 8 of the Code of Federal Regulations as follows:

PART 235—INSPECTION OF PERSONS APPLYING FOR ADMISSION

Section 235.10 would revised to read as follows:

§ 235.10 U.S. Citizen Identification card.

(a) *General.* The U.S. Citizen Identification Card, Form I-197, is no longer issued by the Service but valid existing cards will continue to be acceptable documentation of U.S. citizenship. Possession of the identification card is not mandatory for any purpose. A U.S. Citizen Identification Card remains the property of the United States. Because the identification card is no longer issued, there are no provisions for replacement cards.

(b) *Surrender and voidance*—(1) *Institution of proceeding under section 236, 242 or 342 of the Act.* A U.S. citizen identification card must be surrendered provisionally to a Service office upon notification by the district director of such office that a proceeding under section 236, 242 or 342 of the Act is being instituted against the person to whom the card was issued. The card shall be returned to the person if the final order in the proceeding does not result in voiding the card under this paragraph. A U.S. Citizen Identification Card is void automatically if the person to whom it was issued is determined to be alien in a proceeding conducted under section 236 or 242 of the Act, or if a certificate, document, or record relating to that person is cancelled under section 342 of the Act.

(2) *Investigation of validity of identification card.* A U.S. Citizen Identification Card must be surrendered provisionally upon notification by a district director that the validity of the card is being investigated. The card shall be returned to the person who surrendered it if the investigation does not result in a determination adverse to his or her claim to be a United States citizen. When an investigation results in a tentative determination adverse to the applicant's claim to be a United States citizen, the applicant shall be so notified by certified mail directed to his or her last known address. The notification shall inform the applicant of the basis for the determination and of the intention of the district director to declare the card void unless within 30 days the applicant objects and demands an opportuntiy to see and rebut the adverse evidence. Any rebuttal, explanation or evidence presented by the applicant must be included in the record of proceeding. The determination whether the applicant is a United States citizen must be based on the entire record and the applicant shall be notified of such determination. If it is determined that the applicant is not a U.S. citizen, the applicant shall be notified of the reasons, and the card deemed void. There is no appeal from the district director's decision.

(3) *Admission of alienage.* A U.S. Citizen Identification Card is void if the person to whom it was issued admits in a statement signed before an immigration officer that he or she is an alien and consents to the voidance of the card. Upon the signing of the statement the card must be surrendered to the immigration officer.

(4) *Surrender of void card.* A void U.S. Citizen Identification Card which has not been returned to the Service must be surrendered without delay to an immigration officer or to the issuing office of the Service.

(c) *U.S. Citizen Identification Card previously issued on Form I-179.* A valid U.S. Citizen Identification Card issued on Form I-179 continues to be valid subject to the provisions of this section.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 212, 213, 221, 234, 235, 236, 237, 238, 242, 66 Stat. 166, as amended, 182, as amended, 188, 191, as amended, 198, 200, 201, 202, 208, as amended; 8 U.S.C. 1101, 1182, 1183, 1201, 1224, 1225, 1226, 1227, 1228, 1252)

Dated: October 26, 1982.

Alan C. Nelson,

Commissioner of Immigration and Naturalization.

[FR Doc. 82-30417 Filed 11-3-82; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 82-AGL-22]

Proposed Alteration of Transition Area; Savanna, Ill.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revoke the transition area currently designated for Savanna, Illinois, due to the decommissioning of the Savanna, Illinois non-directional radio beacon. The intended effect of this action is to return the associated airspace to a non-controlled status.

DATES: Comments must be received on or before December 4, 1982.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-22, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: The Tri-Township Municipal Airport Authority, Savanna, Illinois, has requested permission to decommission the Savanna, Illinois, non-directional radio beacon (SFY) due to economic and maintenance restraints. That decommissioning would operationally terminate all published instrument procedures for the Franklin U. Stransky Airport and, as such, negate the need for the designation of a transition area. Aeronautical maps and charts will reflect the change.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AGL-22." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Savanna, Illinois.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition area, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Savanna, Illinois [Revoked]

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on October 19, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-30158 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-20]

Proposed Alteration of Transition Area; Watersmeet, Mich.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify and correct the Watersmeet, Michigan, transition area description by eliminating all references to the Boulder junction transition area and Federal Airways V63, V91E and V430 while correcting a previous transposition of the directions east for west and west for east in that description.

The intended effect of this action is to delete published exclusions which are no longer necessary and to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before December 4, 1982.

ADDRESS: Send comments on the proposal in triplecate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-20, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300

East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7360.

SUPPLEMENTARY INFORMATION: Due to the removal of the navigational aid serving Boulder Junction Airport and subsequent loss of instrument approach procedures, the Boulder Junction, Wisconsin, transition area is in the process of being cancelled. As such, the exclusion to same as published in the current Watersmeet, Michigan, transition area description is no longer appropriate. The exclusion references to V63, V91E and V430 have also been determined inappropriate and are to be deleted.

Aeronautical maps and charts will reflect the defined areas which will enable other aircraft to circumnavigate in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-AGL-20." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace near Watersmeet, Michigan.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70-3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Watersmeet, Michigan

"That airspace extending upward from 700 feet above the surface within an 8.5-statute-mile radius of the NRC Airport, Watersmeet, Michigan, (lat. 46°17'15" N., long. 89°16'35" W.), excluding that portion which overlaps the Land-O-Lakes transition area; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles north and 4.5 miles south of the 265° true bearing of the Watersmeet (RXW) NDB (lat. 46°17'18" N., long. 89°16'43" W.), extending 18.5 miles west of the NDB and 9.5 miles north and 4.5 miles south of the 100° true bearing of the RXW NDB extending 18.5 miles east, excluding that portion which overlaps the Land-O-Lakes transition area.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on October 19, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82-30141 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-AGL-24]

Proposed Designation of Transition Area; Lafayette, Ind.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a new controlled airspace area near Lafayette, Indiana, to accommodate a new instrument approach into Aretz Airport, Lafayette, Indiana, established on the basis of a request from the Aretz Airport officials to provide that facility with the instrument approach capability utilizing the Boiler, Indiana, VORTAC facility.

The intended effect of this action is to insure segregation of the aircraft using approach procedures in instrument weather conditions from other aircraft operating under visual weather conditions.

DATE: Comments must be received on or before December 4, 1982.

ADDRESS: Send comments on the proposal in triplicate to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 82-AGL-24, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An informal docket will also be available for examination during normal business hours in the Airspace, Procedures, and Automation Branch, Air Traffic Division, Federal Aviation

Administration, 2300 East Devon Avenue, Des Plaines, Illionis 60018.

FOR FURTHER INFORMATION CONTACT: Edward R. Heaps, Airspace, Procedures, and Automation Branch, Air Traffic Division, AGL–530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694–7360.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1200′ above ground to 700′ above ground. The development of the proposed instrument procedures requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the area of the instrument procedure, which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–AGL–24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2, which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a new 700-foot controlled airspace transition area near Lafayette, Indiana.

Section 71.181 of Part 71 of the Federal Aviation Regulations was published in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Lafayette, Indiana (Aretz Airport)

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Aretz Airport (latitude 40°27′37″N, longitude 86°50′05″W), excluding the airspace within the Lafayette, Indiana, transition area (Purdue University Airport).

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It is certified that this—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Des Plaines, Illinois, on October 19, 1982.

Monte R. Belger,

Acting Director, Great Lakes Region.

[FR Doc. 82–30137 Filed 11–3–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 82–ACE–22]

Transition Area, Russell, Kansas; Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to alter the 700-foot transition area at Russell, Kansas, to provide additional controlled airspace for aircraft executing instrument approach procedures to the Russell, Kansas, Municipal Airport which utilizes the Hays, Kansas, VORTAC as a navigational aid.

DATES: Comments must be received on or before December 8, 1982.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–532, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, § 71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Russell, Kansas. To enhance safety, the existing instrument approach procedure to the Russell, Kansas, Municipal Airport is being modified by changing the 9 DME fix to a 13 DME fix, utilizing the Hays, Kansas, VORTAC as a navigational aid. The modification of this instrument approach procedure entails alteration of the transition area at Russell, Kansas, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft, using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), by altering the following transition area:

Russell, Kansas

The airspace extending from 700 feet above the surface within a 5-mile radius of the Russell, Kansas Municipal Airport (Latitude 38°52'22"N; Longitude 98°48'48"W); and within 4.5 miles each side of the Hays, Kansas, VORTAC 086° radial, extending from the 5-mile radius area to 7.5 miles west of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.65 of the Federal Aviation Regulations (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Kansas City, Missouri, on October 19, 1982.

John E. Shaw,

Acting Director, Central Region.

[FR Doc. 82-30140 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ASO-54]

Proposed Alteration of Miami, FL, Terminal Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the Miami, FL, Terminal Control Area (TCA) by raising the floor of the TCA from 1,500 feet MSL to 2,000 feet MSL in an area west of the Opa Locka Airport. This action would provide an additional amount of nonregulated airspace allowing greater flexibility to aircraft conducting Instrument Landing System (ILS) approaches to the Opa Locka ILS Airport Runway 9L to avoid TCA airspace. This action is separate and apart from Airspace Docket No. 18605/80-ASO-4.

DATE: Comments must be received on or before December 20, 1982.

ADDRESSES: Send Comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Manager, Air Traffic Division, Docket No. 82-ASO-54, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Cousel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Rober Maxey, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Background

The Miami, FL, TCA, which first became effective on August 17, 1982, designates TCA airspace west of the Opa Locka Airport at 1,500 to 7,000 feet MSL directly overlying the initial approach area for the Opa Locka ILS and the associated Outer Marker (OM). Aircraft conducting this approach procedure are required to maintain an initial approach altitude of 1,900 feet MSL which causes to aircraft to briefly penetrate TCA airspace. Approximately 45 aircraft per hour execute the Opa Locka ILS approach procedure. These operations in the Miami TCA are subject to the operating and equipment rules for operation in Group I TCA's specified in § 91.90(a) of Part 91 of the Federal Aviation Regulations (FAR). The rules include the requirements to have an ATC clearance to operate in the TCA airspace, an operable VOR or TACAN receiver, two-way radio, at least a private pilot certificate, and a mode 3/A 4096 transponder with automatic altitude reporting capability. This reduction in TCA airspace will allow aricraft to avoid TCA airspace while conducting the Opa Locka ILS Runway 9L approach procedure, and thus be relieved of FAR 91.90(a) requirements.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82–ASO–54." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Economic Impact

There would be no change in operating procedures for aircraft operating at Miami International Airport or for aircraft executing an ILS approach to Runway 9L at Opa Locka Airport. Therefore, no adverse economic impact would occur as a result of this action. Raising the floor of the TCA from 1,500 to 2,000 feet MSL, as proposed, would provide an additional amount of nonregulated airspace, improve the efficient use of the available airspace, and accommodate the legitimate concerns of those aircraft who wish to avoid TCA airspace. Some economic advantage will be realized for these aircraft.

The Proposal

The FAA is considering an amendment to § 71.401(a) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to raise the floor of the Miami, FL, TCA from 1,500 to 2,000 feet MSL in an area west of the Opa Locka Airport. This action would provide an additional amount of nonregulated airspace and provide greater flexibility to aircraft who wish to avoid TCA airspace. Section 71.401(a) of Part 71 of the Federal Aviation Regulations was republished in Advisory Circular AC 70–3 dated January 29, 1982.

List of Subjects in 14 CFR Part 71

Terminal control areas, Aviation safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.401(a) of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

By amending the description of Areas A, B, and H of the Miami, FL, Terminal Control Area to read as follows:

Miami, FL, Terminal Control Area [amended]

Primary Ariport
Miami International Airport (lat. 25°47'34"., long. 80°17'10" W.)

Boundaries

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Miami International Airport, excluding that airspace that is north of lat. 25°52'02" N., (N.W. 103rd Street/49th Street in the City of Hialeah), and within and underlying Area F described hereinafter.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of Miami International Airport, excluding that airspace that is north of lat. 25°52'02" N., that airspace south of Biscayne Bay VORTAC (lat. 25°40'17" N., long. 80°10'40" W.) 090° and 270° radials, Area A previously described, and within and underlying Areas C and F described hereinafter.

Area H. That airspace extending upward from 2,000 feet MSL to an including 7,000 feet MSL bounded on the northeast by the Miami VORTAC 130° radial, on the south by lat. 25°52'02" N., and on the northwest by a 10/mile radius arc of the Miami International Airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on October 25, 1982.

R. J. Vanvuren,

Director, Air Traffic Service.

[FR Doc. 82–30375 File 11–3–82; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Parts 404 and 416

[Regs. Nos. 4, 16]

Federal Old-Age, Survivors, and Disability Insurance Benefits

Correction

In FR Doc. 82–28653, beginning on page 46535, on Tuesday, October 19, 1982, on page 46536, in the first column, in the fourth line from the top, "November 18, 1982" should read "December 20, 1982".

BILLING CODE 1505–01–M

DEPARTMENT OF STATE

22 CFR Part 171

[Document No. SD-181]

Privacy Act of 1974; Access to Information

AGENCY: State Department.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to amend Part 171 of Title 22 of the Code of Federal Regulations by exempting portions of a new record system from certain provisions of the Privacy Act of 1974 (5 U.S.C. 552a). It may be necessary, pursuant to 5 U.S.C. 552a(k)(1), to exempt certain portions of the Records of the Legal Adviser's Office of the Department of State (STATE-54) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (3)(4)(G), (H) and (I) and (f).

DATE: Comments must be received on or before January 3, 1983.

ADDRESS: Send comments to the Information and Privacy Coordinator, Foreign Affairs Information Management Center, Room 1239, Department of State, 2201 C Street, N.W., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT: Frank M. Machak (202) 632–3411.

SUPPLEMENTARY INFORMATION: The Department is proposing the creation of a new record system, U.S./Iran Claims

Records, under authority of 5 U.S.C. 301. The system will enable the Office of the Legal Adviser to organize information concerning, and facilitate the processing of, claims filed before the Iran-United States Claims Tribunal in The Hague, The Netherlands. Certain records contained within the system will be exempt from disclosure under subsection (k)(1) of the Act in order to enable the Department to protect properly classified information. The Department believes that the withholding of such information from release to the public is necessary in the interest of national security. The Department of State therefore proposes to amend the Privacy Provisions of its Access to Information regulations as set forth below.

List of Subjects in 22 CFR Part 171

Privacy.

§ 171.32 [Amended]

In § 171.32, paragraph (j)(1) will be amended by inserting "U.S./Iran Claims Records. STATE-54" after "Records of the Inspector General of the Department of State and the Foreign Service. STATE-53."

Dated: October 15, 1982.

Richard T. Kennedy,

Under Secretary for Management.

[FR Doc. 82-30407 Filed 11-3-82; 8:45 am]

BILLING CODE 4710-22-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

23 CFR Part 1209

[NHTSA Docket No. 82-18; Notice 1]

Incentive Grant Criteria for Alcohol Traffic Safety Programs

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of rulemaking and hearing schedule.

SUMMARY: Pub. L. 97-364 establishes a two tier grant system as an incentive for States to implement effective programs to reduce the drunk driving problem. The first tier is a "basic" grant in the amount of 30 percent of each States's fiscal year 1983 apportionment under section 402 of the Highway Safety Act. A State is eligible for this basic grant if it meets four minimum criteria specified in the Act. The second tier is a supplemental grant of up to an additional 20 percent of the amount apportioned to a State under the Highway Safety Act. A State is eligible for the supplemental grant if it both qualifies for the basic grant and implements additional alcohol traffic safety programs to be specified by the National Highway Traffic Safety Administration.

This notice announces the rulemaking and hearing schedule that the agency will follow to establish the criteria by which a State will be considered eligible for a supplemental grant. The rulemaking will also set procedures by which a State may submit necessary facts to establish that it meets the criteria for both the basic and the supplemental grant and procedures for awarding the grants.

DATES: An Advance Notice of Proposed Rulemaking will be issued by November 4, 1982. A public hearing will be held in Washington, D.C. during the week of December 13, 1982. The comment period on this ANPRM will close on December 17, 1982.

During the week of December 27, 1982, a Notice of Proposed Rulemaking will be issued. On January 10, 1983, a public hearing will be held at a place to be announced. The comment period on this NPRM will close on January 14, 1983. A final rule will be issued on February 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. George Reagle, Associate Administrator for Traffic Safety Programs, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-0837).

SUPPLEMENTARY INFORMATION: The statutory requirement to issue a final rule by February 1, 1983, compels a departure in this instance from normal agency practice to allow significantly longer time periods for review and comment, and to take even late filings into account. With the concurrence of the Congressional committees, who drafted the statute and share the agency's concern, every effort will still be made to accommodate comments at all times, within the statutory deadlines. Every effort is being made to coordinate the timing and location of public hearings with the primary interested parties, including the National Association of Governors' Highway Safety Representatives and private sector interest groups and the schedule and tentative action plans of the Presidential Commission on Drunk Driving.

Issued on November 1, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82-30335 Filed 11-1-82; 4:29 pm]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-34-80]

Effectively Connected Income of Foreign Corporations—Stock or Securities Attributable to U.S. Office

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 864 of the Internal Revenue Code of 1954. This amendment corrects an inconsistency between current regulations, describing income that is effectively connected with the conduct of a banking business in the United States, and the legislative history of section 864(c). This proposed change would also prevent foreign banks from avoiding all U.S. tax on interest income generated by their U.S. branches.

DATES: Written comments and requests for a public hearing must be delivered or mailed by January 3, 1983. This amendment is proposed to be effective for income includible in taxable years beginning 30 days or more after the publication of final regulations by a Treasury decision in the **Federal Register**.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention CC:LR:T (LR-34-80), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Martha E. Kadue of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3238, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains a proposed amendment to the Income Tax Regulations (26 CFR Part 1) under section 864 of the Internal Revenue Code of 1954. This amendment corrects an inconsistency between current regulations, describing income that is effectively connected with the conduct of a banking business in the United

States, and the legislative history of section 864(c). This proposed change would also prevent foreign banks from avoiding all U.S. tax on interest income generated by their U.S. branches. The amendment is to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Section 864(c) provides two tests for determining whether U.S. source periodical income is effectively connected with the conduct of a trade or business within the United States. The first test, the asset use test, is whether the income is derived from assets used or held for use in the U.S. trade or business. The second test, the business activities test, is whether the activities of the U.S. trade or business are a material factor in the realization of the income.

The legislative history of section 864 (c) indicates that the case of income of a banking, financing, or similar business, the business activities test will be of primary significance. H.R. Rep. No. 1450, 89th Cong., 2d Sess. 58 (1966). The connection between the income and the U.S. business activities of the foreign corporation is of particular importance under that test. H.R. Rep. No. 1450, *supra* at 15; S. Rep. No. 1707, 89th Cong., 2d Sess. 19 (1966).

Section 1.864–4(c)(5) of existing regulations sets forth special rules for applying the business activities test to a banking, financing, or similar business. Income, gain, or loss is effectively connected with such business if the stock or security giving rise to the income, gain, or loss is attributable to the U.S. office carrying on the banking, financing, or similar business and the stock or security meets the criteria set forth in § 1.864–4(c)(5)(ii)(*a*) or (*b*). Section 1.864–4(c)(5)(iii)(*a*) provides that a stock or security (including notes and other evidences of indebtedness) will be attributable to the U.S. office only if both (1) the U.S. office actively participates in the activities required to arrange the acquisition of the stock or security, and (2) the stock or security is recorded on the books and records of the U.S. office. The second prong of the test is referred to as the "booking" rule. Although the designation as effectively connected income subjects the amount to the regular corporate tax rates, this sometimes results in a lower tax liability than the section 881 rate of 30% (or lower treaty rate) on the gross income generated by the U.S. office. While this result is appropriate for the income and gain attributable to the business activities of the U.S. branch, the "booking" rule has the effect in some cases of allowing the foreign corporation to determine whether the income from stocks or securities acquired with substantial effort of the U.S. office is subject to any U.S. tax. This was not the intent of the statute.

This unintended tax avoidance occurs in connection with some recent tax treaties. Section 894(b) treats a taxpayer as having no U.S. permanent establishment for purposes of applying tax treaty provisions to non-effectively connected income. Thus, if income is not effectively connected with the U.S. office under § 1.864–4(c)(5)(iii)(*a*), the foreign corporation is treated as not having a permanent establishment in the United States when applying tax treaty provisions to that income. As some tax treaties provide an exemption from U.S. tax for U.S. source interest income that is not attributable to a U.S. permanent establishment, income from notes and other evidences of indebtedness negotiated and arranged by the U.S. office but "booked" elsewhere may totally escape U.S. Tax. The same result occurs under § 1.864–4(c)(5)(iii)(*a*) and tax treaties exempting from U.S. tax any U.S. source interest income that is not effectively connected with a U.S. trade or business. The intent of § 1.864–4(c)(5) was to allow foreign banks to be subject to tax on net basis on their U.S. business income, not to exempt that income from U.S. tax.

This use of the "booking rule" in § 1.864–4(c)(5)(iii)(*a*) to obtain benefits under a tax treaty allows the United States to be used as a tax haven by foreign banks resident in treaty countries and conflicts with the Congressional intent to ensure payment of U.S. tax on income generated by the U.S. office of a foreign corporation. H.R. No. 1450, *supra* at 15; S. Rep. No. 1707, *supra* at 18. The position that the mere "booking" of a security in an off-shore branch will not allow foreign source income derived from business activity in the United States to escape U.S. taxation is found in Revenue Ruling 75–253, 1975–1 C.B. 203. The proposed amendment mandates this result for U.S. source income as well.

The requirement that the security be "booked" in the U.S. office in order for the income, gain, or loss to be effectively connected with the U.S. banking, financing, or similar business is not mandated by section 864(c). The legislative history of that section describes "booking" as a factor to be considered but which is not determinative of the classification of the income. H.R. Rep. No. 1450, *supra* at 15; S. Rep. No. 1707, *supra* at 19. A close connection between the U.S. business activities and the income, gain, or loss is required by section 864(c)(2) and the legislative history of that section. The proposed amendment continues to require the U.S. office to be an active participant in soliciting and negotiating the acquisition of the security. Whether the security is recorded on the books of the U.S. office is one factor to consider in determining if the U.S. office actively participated in the security acquisition. A stock or security currently deemed to be attributable to the U.S. office of a foreign bank will be unaffected by the proposed amendment.

Regulatory Flexibility Act and Executive Order 12291

Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public comment procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6). The Commissioner of Internal Revenue has determined that this proposed rule is not subject to Executive Order 12291.

Drafting Information

The principal author of this regulation is Martha E. Kadue of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and coping. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

List of Subjects In 26 CFR 1.861–1 Through 1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investment in U.S., Foreign tax credit, Sources of income, United States investments abroad.

Adoption of Amendments to the Regulations

PART 1—[AMENDED]

The proposed amendment to 26 CFR Part 1 is as follows:

Paragraph (c)(5)(iii)(*a*) of § 1.864-4 is revised to read as follows:

§ 1.864-4 U.S. source income effectively connected with U.S. trade or business.

* * * * *

(c) *Fixed or determinable income and capital gains*—* * *

(5) *Special rules relating to banking, financing, or similar business activity*—* * *

(iii) *Stocks or securities attributable to U.S. office*—(*a*) *In general.* For purposes of paragraph (c)(5)(ii) of this section, a stock or security shall be deemed to be attributable to a U.S. office if such office actively participated in soliciting, negotiating, or performing other activities required to arrange the acquisition of the stock or security. It is not necessary that the U.S. office has been the only active participant in arranging the acquisition of the stock or security. Whether the stock or security is or was held in the United States by or for such office, and whether the stock or security is or was recorded on the books or records of the U.S. office as having been purchased or acquired by such office or for its account are among the factors to be considered in determining if the U.S. office was an active participant in the acquisition of the stock or security.

* * * * *

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 82-30278 Filed 11-3-82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 183

[Dcket No. 81-092]

Electrical and Fuel Systems Standards; Miscellaneous Amendments

Correction

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a proposed rule on miscellaneous amendments to the electrical and fuel systems standards that appeared on page 41993 in the **Federal Register** of Thursday, September 23, 1982 (47 FR 41993). The action is necessary to correct typographical and clerical errors.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/44), [CGD 81-092], U.S. Coast Guard, Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Mr. Alston Colihan, Office of Boating, Public and Consumer Affairs (G-BBS/42), U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426-4027, between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

The following corrections are made in FR Doc. 82-26253 appearing on page 41993 in the issue of September 23, 1982:

1. On page 41993, in the second column in the twenty-second line under "**SUMMARY**", "burden recreational boat manufacturers" should be corrected to read "burden upon recreational boat manufacturers".

2. On page 41994, in the first column, eight lines from the bottom of the page, "function box" should be corrected to read "junction box".

3. On page 41997, in the second column, the following material should be added after "connection to the engine":

"§ 183.582 Static pressure test for fuel systems [Removed]"

22. By removing § 183.582.

' 46 U.S.C. 1454; 49 CFR 1.46(n)(1))

Dated: September 20, 1982.

(46 U.S.C. 1454; 49 CFR 1.46(n)(1))

Dated: October 21, 1982.

H. W. Parker, RADM, USCG,

Chief, Office of Boating, Public and Consumer Affairs.

[FR Doc. 82-29656 Filed 10-27-82; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF ENERGY

41 CFR Parts 9-3, 9-4, 9-7, 9-16, 9-30, 9-50, and 9-51

Proposed Amendments to the DOE Procurement Regulations

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: This proposed rule is to amend the DOE Procurement Regulations. A listing of revisions is given below under the section entitled "Supplementary Information." The revisions are intended to update the Regulations as a result of changes in the Government-wide Federal Procurement Regulations and to simplify operations by providing standard clauses and formats for types of contracts not covered elsewhere.

DATE: Written comments should be submitted not later than December 6, 1982, to be considered.

ADDRESS: Comments should be addressed to the Department of Energy, Procurement Policy Branch, MA931.1, Forrestal Building, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Richard Langston, Procurement Policy Branch, MA931.1, Procurement and Assistance Management, Department of Energy, (202) 252-8188;

Prentice Cook, Office of General Counsel, AGC for Procurement and Financial Incentives, GC44, Department of Energy (202) 252-6902.

SUPPLEMENTARY INFORMATION:

I. Background
II. Statutory and Regulatory Requirements
III. Public Comments

I. Background

Under Section 644 of the Department of Energy Organization Act (hereinafter referred to as "the Act") Pub. L. 95-91, 91 Stat. 565 (41 U.S.C. 7254), the Secretary of the Department is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in him. Accordingly, the Department of Energy Procurement Regulations (DOE-PR) were promulgated with an effective date of June 30, 1979 (44 FR 34-434, June 14, 1979), 41 CFR Chapter 9.

The specific revisions being proposed are too numerous to discuss in detail in this preamble. The topics are as follows. Change 7.0 is a listing of changes to the Table of Contents. 7.1 supplements § 9-3.408, "Letter contracts." Change 7.2 revises Subpart 9-4.9, "Unsolicited Proposals." Change 7.3 revises Subpart 9-4.50, "Multiple Award-Phased Procurements." Change 7.4 revises 9-4.51, "Special Research Contracts with Educational Institutions," as a result of the changes at 7.2. Change 7.5 revises several clauses in Part 9-7, "Contract Clauses," and adds new clauses for letter contracts. Change 7.6 revises 9-16.50, "Contract Outlines," by correcting an incorrect citation at 9-16.5002-1 and adds a new § 9-16.5002-5, "Outline of a letter contract." Change 7.7 revises 9-30.703, "Assignment of Claims," to correct an outdated reference to a predecessor organization. Change 7.8 revises Part 9-50, "Operating and On-Site Contracts" regarding identical bids, consideration of security in the extend-compete review process and site development planning. Change 7.9 revises Part 9-51, "Contract Reviews" to delete references to organizations which no longer exist.

II. Statutory and Regulatory Requirements

A. Review Under Executive Order 12291

Inasmuch as this proposed rule relates to agency management of the procurement function, the OMB clearance procedures set forth in Executive Order 12291 (February 17, 1981) are not applicable.

B. Review Under the Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96–354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Plan Act

DOE has determined that this rulemaking imposes no information collection and reporting requirements on organizations and individuals external to DOE that may be subject to this regulation in accordance with the Paperwork Reduction Plan Act (44 U.S.C. 3501 et seq.).

D. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this rule clearly would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 et seq. 1976), the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and the DOE guidelines (10 CFR Part 1020, and therefore does not require an environmental impact statement pursuant to NEPA.

III. Public Comments

Interested persons are invited to participate by submitting data, views or arguments with respect to the proposed DOE–PR amendments set forth in this notice. All written comments received will be carefully assessed and fully considered prior to publication of the proposed amendment as a final regulation.

List of Subjects in 41 CFR Parts 9–3, 9–4, 9–7, 9–16, 9–30, 9–50, 9–51

Government procurement.

For the reasons set out in the preamble, Chapter 9 of Title 41 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, D.C., October 15, 1982.

Berton J. Roth,

Acting Director, Procurement and Assistance Management Directorate

The regulations in 41 CFR Chapter 9 are proposed to be amended as set forth below.

Authority: Sec. 644 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599, (42 U.S.C. 7254).

Note.—As an aid in identifying specific proposed changes to the DOE Procurement Regulations, a two-digit identification number is assigned to each specific change. The first digit represents the numerical sequence of proposed changes; thus, this is Change 7 to indicate that this is the seventh time that DOE has issued a notice of proposed rulemaking for the purpose of amending 41 CFR Chapter 9. The second digit is the numerical sequence of specific changes proposed within a particular notice; thus, the first change within the seventh notice is identified as Change 7.0.

Change 7.0

The Table of Contents is amended as follows:

PART 9–4 SPECIAL TYPES AND METHODS OF PROCUREMENT

Sec.

* * * * *

9–4.955 Extensions.
9–4.955–1 Extension proposals.
9–4.955–2 Evaluation of requests for extension.
9–4.955–3 Approval.
9–4.955–4 Content of extension justification.
9–4.955–5 Rejection of extension request.
9–4.955–6 Continuation of effort.

* * * * *

PART 9–7—CONTRACT CLAUSES

* * * * *

9–7.804–51 [Reserved].

* * * * *

PART 9–7 — CONTRACT CLAUSES

9–7.11 Letter contracts.
9–7.1101 Applicability.
9–7.1102 Required clauses.
9–7.1102–1 Definitization.
9–7.1102–2 Execution and commencement of work.
9–7.1102–3 Limitation of Government liability.
9–7.1102–4 Payment
9–7.1102–5 Termination.

* * * * *

PART 9–16 — PROCUREMENT FORMS

* * * * *

9–16.5002–5 Outline of a letter contract.

* * * * *

PART 9–50— OPERATING AND ON SITE SERVICE CONTRACTS

* * * * *

9–50.105 Reporting possible antitrust violations and identical bids.

* * * * *

Change 7.1

Section 9–3.408, "Letter contract" is amended by adding a new paragraph (d) directing attention to additional letter contract coverage at 9–7, "Contract Clauses" and 9–16, "Procurement Forms," and a new paragraph (e) regarding letter contract reporting requirements. Therefore, § 9–3.408 is amended by the addition of paragraphs (d) and (e) as follows:

§ 9–3.408 Letter contract.

* * * * *

(d) Additional guidance regarding letter contracts may be found at 9–7.11 which prescribes clauses to be used in letter contracts and 9–16.5002–5 which contains a format for letter contracts.

(e) Letter contract awards should be reported as soon after award as possible. Should it be necessary to modify a letter contract prior to its definitization, such actions should be reported as they occur. The actual definitization of the letter contract, in turn, should be reported as a contract modification.

Change 7.2

Subpart 9–4.9, "Unsolicited Proposals" is amended at § 9–4.904(a) by deleting the words "or extensions or renewals of ongoing projects" and adding the words "but does apply to extensions of such contracts" after "Institutions" and before the final period, is amended at § 9–4.908 to provide for an alternate receiving office if a Notice of Program Interest is the basis for submitting such a proposal, at § 9–4.909(e) to revise the review and approval procedures, at § 9–4.950, paragraph (b), to clarify the term "Expiration Date" and to allow use of the Alternate Late Proposals clause without the approval required by § 9–3.802–1 if a Notice of Program Interest is involved, at paragraphs (c) and (d) to assure that Notices of Program Interest are coordinated with the Procurement and Assistance Management Directorate and that a copy of any such Notice is furnished to that Office, and by adding a new section 9–4.955 regarding procedures to be used in considering the renewal of contracts resulting from unsolicited proposals. Therefore, § 9–4.904(a), 9–4.908(b), 9–4.909(e), 9–

4.905(b)(5), (c) and (d) are revised and § 9-4.955 through 9-4.955-6 are added to read as follows:

Subpart 9-4.9 Unsolicited Proposals

* * * * *

§ 9-4.904 Definitions.

(a) Unsolicited proposal—for purposes of this subpart, the definition of unsolicited proposal contained in FPR 1-4.9 does not include initial proposals which fall under the provisions of § 9-4.51, Special Research Contracts with Educational Institutions but does apply to extensions of such contracts.

* * * * *

§ 9-4.908 Agency point of contact.

* * * * *

(b) Unless otherwise specified in a Notice of Program Interest, all unsolicited proposals shall be submitted to the Procurement and Assistance Management Directorate, U.S. DOE, Attn: Unsolicited Proposals Management Officer, MA942, Washington, DC 20585. If the proposer has ascertained the cognizant program office through preliminary contacts with Program staff, the proposal may be submitted directly to that Office. In such instances, the proposer should separately send a copy of the proposal cover letter to the Unsolicited Proposal Management Officer to assist that Officer to assure that the proposal is logged in the Department's automated tracking system for unsolicited proposals.

§ 9-4.909 Receipt, review and evaluation.

* * * * *

(e) Review and approval. The justification shall contain a recommendation, concurrence (when needed), and approval as follows: (In the case of cost shared contracts, review levels shall be based on the sum of the contractor and Government shares.)

(1) The recommendation shall be prepared and reviewed within the initiating office at such levels as are deemed appropriate by the Senior Program Official for procurements initiated by Headquarters or the Head of the Procuring Activity for field initiated procurements. In establishing levels for the review of such recommendations, the Senior Program Official or Head of the Procuring Activity shall assure that the recommendation is reviewed at a senior organizational level in order to assure that competition is sought when appropriate.

(2) The more complex and costly transactions will benefit from early coordination with counsel. Justifications exceeding $1,000,000, or such lower level as counsel may determine, shall be submitted by the initiator to counsel, at the Headquarters or field location of the initiator, for concurrence prior to forwarding to the Contracting Officer.

(3) The justification, following review of the recommendation and concurrence of counsel (if required or considered appropriate), shall be forwarded to the cognizant Contracting Officer for approval. If the justification is acceptable to the cognizant Contracting Officer, review shall be sought at such level as the Head of the Procuring Activity may require. In specifying levels of review, the HPA shall assure that justifications of more than $10,000 are reviewed at a level above the cognizant Contracting Officer as required by Setion 1-3.101(d) of the FPR. The HPA shall further assure that the official designated as the reviewing official is a Contracting Officer.

§ 9-4.950 Notice of program interest.

* * * * *

(b) * * *

(5) An expiration date, as needed. An expiration date for a Notice of Program Interest is not to be considered a formal due date or common cut off date for the submission or receipt of unsolicited proposals as is associated with formal procurement solicitations. Rather the expiration date is an approximation of the time after which program interests or directions may be expected to change less the necessary administrative time that will be needed for the evaluation and possible award of contracts resulting from the notice. The Alternate Late Proposal clause of FPR 1-3.802-2 may be used for Notices of Program Interest without regard to the approval requirement of § 9-3.802-1. When used, the clause at FPR 1-3.802-2 should be appropriately modified at paragraph (a)(4) to substitute some other cut off milestone when a competitive range determination is not involved.

* * * * *

(c) The content of the notice should be consolidated at the responsible office level and should be in the format that best reflects the needs of that specific office; e.g., letter, booklet, bulletin, or related documents. Such notices shall be coordinated in advance with the Unsolicited Proposals Management Officer identified at § 9-4.908(b).

(d) The notice should be distributed widely. It may be distributed to industry, associations, including small business associations, schools, colleges and universities, appropriate professional and scientific journals, other DOE offices, as well as individuals and organizations that request copies on a one-time basis. Copies of the notice are to be sent to the Unsolicited Proposals Management Officer identified at § 9-4.908(b).

* * * * *

§ 9-4.955 Extensions.

§ 9-4.955-1 Extension proposals.

(a) When additional time beyond the current contract period is required to complete or continue the work approved in the acceptance of the initial unsolicited proposal, the Contractor should submit six copies of an extension proposal to the awarding office in sufficient itme to allow evaluation and possible processing before the date of expiration of the contract. These procedures do not apply to requests for no cost extensions as may sometimes be needed to complete all details such as final report of the project.

(b) The extension proposal should outline and justify a program and budget for the succeeding year(s), showing in detail the estimated cost for the additional period(s) requested. It should include the same type of information to the same extent as was contained in the initial proposal. Any contemplated change in program or scope for the ensuing period(s) should be justified and explained clearly, and must remain consistent with the original method, approach or idea which was accepted as the basis for award by DOE as a result of the initial unsolicited proposal. This is not, however, intended to preclude a redirection based upon a discovery or breakthrough occurring under the contract to date.

(c) The extension proposal should include a financial profile under the current contract including:

(1) Total project costs to date, indicating the amount chargeable to DOE;

(2) An estimate of the total costs to be incurred during the remainder of the current period, including a statement of unexpended balance.

§ 9-4.955-2 Evaluation of requests for extension.

(a) Requests for extensions are to be evaluated by the appropriate program office in light of:

(1) Progress reports submitted by the Contractor;

(2) Research results published in scientific media;

(3) Field visits by technical personnel;

(4) Contractor's progress and potential for achieving desired results;

(5) Continued relevance to DOE's mission;

(6) Scientific and technical merit of the research;

(7) Availability of funds;

(8) Likelihood that competition at this stage in the project would hasten achieving the desired results.

(b) Requests for extensions generally follow the same process of review and evaluation of technical aspects and funding, preparation and execution of contract, and administration as does a new project.

§ 9–4.955–3 Approval.

(a) When the extension request has received a favorable technical evaluation and when a determination has been made that similar conditions exist relative to those that justified acceptance of the initial unsolicited proposal, a justification for extension of the award resulting from an unsolicited proposal shall be processed for review and approval as indicated in § 9–4.909(e).

§ 9–4.955–4 Content of extension justification.

(a) As a minimum, the extension justification should contain:

(1) A statement of result of the technical evaluation (§ 9–4.955–2)

(2) An evaluation of any contemplated change in the contract scope of work for the renewal period and a justification explaining why this change is consistent with the original method, approach or idea which was accepted as the basis for award by DOE as a result of the initial unsolicited proposal.

(3) An assessment of the current status of the original circumstances and conditions which justified acceptance of the initial unsolicited proposal identifying any changes that may have developed and providing rationale as to why such change(s) should not preclude renewal.

§ 9–4.955–5 Rejection of extension request.

(a) If, after evaluation, it is decided that the extension period should not be supported on the basis of technical merit or other reasons, such as lack of funding, or changed mission relevance, the project officer shall:

(1) Prepare a written statement setting forth the basis for rejection, submit one copy to the responsible program official for approval and transmittal to the proposer and retain one copy in the permanent file.

(2) Promptly notify the Contracting Officer in order that the current contract may be closed out.

§ 9–4.955–6 Continuation of effort.

(a) Under certain circumstances it may be in the Government's best interests to continue or complete the work begun under a contract awarded as a result of an unsolicited proposal but which is not appropriate for extension. Continuation or completion of the work shall be accomplished by means of competition, unless non-competitive procurement can be justified in accordance with § 9–3.805–51.

Change 7.3

Subpart 9–4.50, "Multiple Awards—Phased Procurements," is amended to by deleting the final sentence of § 9–4.5002(a) and substituting a new sentence to provide that counsel will be a non-voting advisory member of any subsequent phase evaluation team unless counsel concurs in a waiver of such participation. Therefore, § 9–4.5002(a) is amended by revising the last sentence as follows:

Subpart 9–4.50 Multiple Awards—Phased Procurements

* * * * *

§ 9–4.5002 [Amended]

(a) * * *

Counsel will be included as a non-voting advisory member of the evaluation team unless such participation is waived with the concurrence of counsel.

* * * * *

Change 7.4

As a result of the changes at 7.2 above, Subpart 9–4.51, "Special Research Contracts with Educational Institutions," is amended by deleting the existing text of 9–4.511–1, "Renewal proposals" and 9–4.5111–2, "Evaluation of requests for renewals," and substituting the phrase "See 9–4.955" at both places. Section 9–4.5111–3, "Authorization to renew," is also amended by deleting the existing paragraphs (a) and (b) and removing the prefix (c) from the remaining text and substituting the word "procurement" for "field" at the second word. Therefore, §§ 9–4.5111–1, 9–4.5111–2, and 9–4.5111–3 are revised to read as follows:

Subpart 9–4.51 Special Research Contracts With Educational Institutions

§ 9–4.51111–1 Renewal proposals.

See § 9–4.955.

§ 9–4.51111–2 Evaluation of requests for renewals.

See 9–4.955.

§ 9–4.51111–3 Authorization to renew.

The procurement office that has administrative jurisdiction of an existing contract may extend the term of an existing contract without authorization from the cognizant program office, provided that:

(a) Any such extension does not provide for an increase in DOE's monetary obilgation under the contract;

(b) The scope of work is not revised by such extension;

(c) Such extension is necessary to permit completion of the scope of work authorized by Headquarters, including preparation of required reports; and

(d) Any such extension will not be for a period in excess of 90 days.

Change 7.5

Part 9–7, "Contract Clauses," is amended at several places. Section 9–7.103–53, "Security," is modified to add language erroneously left out when this clause was updated at 46 FR 28925. The change adds the following phrase to the end of the third sentence of paragraph (a)," or properly destroy the classified matter and furnish a Certificate of Nonpossession to DOE." The change also adds the phrase "include a Statement of Justification," between the words "shall" and "identify" at the fifth sentence of paragraph (a). The change also adds "subsequent and" between the words "or" and "prior" at the second sentence of paragraph (f). Section 9–7.204–5 is amended to correct paragraph references which should be upper-case rather than lower-case. Section 9–7.802–6, "Assignment of Claims," is amended to include reference to the DOE-PR section being added by Change 7.7. Section 9–7.803–2, "Authorization and consent," is amended to correct an erroneous reference to "9–9.102–2" which should be "9–9.102–1." Section 9–7.804–51, "Privacy act," is deleted as it duplicates § 9–7.803–11. The final change in this Part is the addition of a new Subpart 9–7.11, "Letter Contracts." Therefore, §§ 9–7.103–53 (a), and (f), 9–7.204–5, 9–7.802–6, 9–7.803–2, and 9–7.804–5 are revised, 9–7.804–51 is removed and reserved, and a new Subpart 9–7.11 is added, consisting of § 9–7.1101 through 9–7.1102–5, as follows:

PART 9–7—CONTRACT CLAUSES

§ 9–7.103–53 Security.

* * * * *

Security

(a) Contractor's duty to safeguard all classified information. The contractor shall, in accordance with DOE security regulations and requirements, be responsible for safeguarding all classified information, and protecting against sabotage, espionage, loss and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall, upon completion or termination of this contract, transmit to DOE any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract or properly destroy the classified matter and complete a Certificate of Non-Possession to be furnished to DOE. If retention by the Contractor of any classified matter is required after the completion or termination of the contract and such retention is approved by the Contracting Officer, the contractor will complete a Certificate of Possession to be furnished to DOE specifying the classified matter to be retained. The certification shall include a statement of justification, identify the items and types or categories of matter retained, the conditions governing the retention of the matter, and the period of retention, if known. If the retention is approved by the Contracting Officer, the security provisions of the contract will continue to be applicable to the matter retained.

* * * * *

(f) Definition of National Security Information. The term "National Security Information" means information or material which is owned by, produced for or by, or under the control of the United States Government, which has been determined pursuant to Executive Order 12065 or subsequent and prior Orders to require protection against unathorized disclosure, and which is so designated.

* * * * *

§ 9-7.204-5 Insurance liability to third persons.

Insert the clause in FRP 1-7.204-5 with the following modification in paragraph (c). Change (C) to (D) and insert a new (C) between "Officer," and "or" at the end of (B) as follows: "(C) for which appropriate funds are not available,".

§ 9-7.802-6 Assignment of Claims.

Insert the clause prescribed by FPR 1-30.703 as modified by 9-30.703.

§ 9-7.803-2 Authorization and consent.

Insert the clause prescribed by 9-9.102-1 under the conditions stated therein.

§ 9-7.804-51 [Reserved]

Subpart 9-7.11 Letter Contracts

§ 9-7.1101 Applicability.

This subpart sets forth uniform contract clauses for use in letter contracts as defined and described at FPR 1-3.408 and DOE-PR9-3.408.

§ 9-7.1102 Required clauses.

Letter contracts shall include all clauses required for the type of definitive contract anticipated to result from the letter contract. See 9-16.5002-4 for a suggested outline of a letter contract. The following shall be included in all letter contracts.

§ 9-7.1102-1 Definitization.

(a) When it is known at the time of entering into the letter contract that the price of the definitive contract will be based on adequate price competition or will otherwise meet the criteria of FPR 1-3.807-3, paragraph (1) of the following clause may be appropriately modified to eliminate the requirement for cost or pricing data. The definitization schedule in paragraph (2) shall include a date for the receipt of the contractor's proposal, if one has not yet been furnished, a date for the commencement of contract negotiations and a target date for definitization as well as any other meaningful milestones appropriate to the individual acquisition.

Definitization

(1) A ——— type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Federal and DOE Procurement Regulations or by law as of the date of execution of the letter contract, and such other clauses, terms, and conditions as may be mutually agreeable. The Contractor agrees to submit a proposal and cost or pricing data supporting the proposal.

(2) The schedule for definitization of this contract is set forth below:

(Insert appropriate milestones, e.g., receipt of proposal, begin negotiations, draft contract, etc.)

Milestone
Date

Target Date for Definitization: ———

(3) If agreement on a definitive contract to supersede this letter contract is not reached by the target date set forth in (2) above or any extension thereof by the Contracting Officer, the Contracting Officer may, with the approval of the Head of the Procuring Activity, determine a reasonable price or fee in accordance with the applicable cost principles of the Federal and DOE Procurement Regulations, subject to appeal by the Contractor as provided in the "Disputes" clauses of this contract. In any event, the Contractor shall proceed with completion of the contract, subject only to the "Limitation of Government Liabaility" clause. After the date of the Contracting Officer's determination of price or fee, the contract shall be governed by:

(i) all clauses required by the Federal and DOE Procurement Regulations on the date of execution of this letter contract for either a fixed price type contract or a cost reimbursement type contract as determined by the Contracting Officer under this paragraph (3);

(ii) all clauses required by law as of the date of the Contracting Officer's determination; and

(iii) such other clauses, terms and conditions as may be mutually agreed upon. To the extent consistent with the foregoing, all clauses, terms and conditions included in this letter contract except which by their nature are applicable only to a letter contract shall continue to be effective.

(End of clause)

(b) When the award of the letter contract is based on price competition, the following paragraph (4) shall be added to the clause in paragraph (a) of this section. In the blank therein, insert the contract's proposed price on which the award was based.

(4) The definitive contract resulting from this letter contract will include a negotiated (price ceiling) (firm fixed-price) in no event to exceed $———

(End of clause addendum)

§ 9-7.1102-2 Execution and commencement of work.

Execution and Commencement of Work

The contractor's acceptance of this letter contract will be indicated by affixing its signature thereto and returning such signed copies, except one for its file, to the Contracting Officer not later than ———. Upon acceptance, the Contractor shall proceed with performance of the work described herein, including procurement of necessary materials.

(End of clause)

§ 9-7.1102-3 Limitation of Government liability.

Limitation of Government Liability

The Contractor is not authorized to make expenditures or to incur obligations, in performance of this contract, which exceed ——— dollars ($———), which is the maximum amount for which the Government shall be liable if this contract is terminated.

§ 9-7.1102-4 Payment.

Payment

Payments will be made in accordance with the appropriate payments provision of the General Provisions except no payment will be made for fee under a cost type contract and payments will not exceed the limitation of Government liability stated above during the letter contract period.

(End of Clause)

§ 9-7.1102-5 Termination

Termination

The Government retains its right to terminate this letter contract for default or convenience of the Government as provided in the General Provisions.

(End of Clause)

Change 7.6

Subpart 9-16.50, "Contract Outlines," is amended at § 9-16.5002-1, Article B-XIV, to correct an erroneous FPR citation and at 9–16.5002–5 to add a new section entitled "Outline of a Letter Contract." Therefore, section 9–16.5002–1, Appendix B is amended by revising Article B–XIV and § 9–16.5002–5 is added to read as follows:

Subpart 9–16.50 Contract Outlines

* * * * *

§ 9–16.5002–1 Special Research Contracts (SRC) with educational institutions.

* * * * *

Appendix B—General Provisions

* * * * *

Article B–XIV Contract Work Hours Standards Act—Overtime Compensation
Insert the clause set forth in FPR 1–7.402–16.

* * * * *

§ 9–16.5002–5 Outline of a letter contract.

Department of Energy (Use Letterhead Stationary)
Date of Transmittal
Office Issuing Letter Contract and address
Contract Number
To: Insert Contractor's Name and Address
Brief Description of Work

(If a Defense contract is involved, insert the appropriate priority rating from the DOD Priorities and Allocation Manual. A rating may be appropriate to other types of contracts. See 9–7.104–50(b).)

Dear——: This letter, when accepted by you, will constitute a contract on the terms set forth herein and signifies the intention of both parties to execute a formal, definitive (insert type of contract) contract for the delivery of the supplies or the performance of the services described herein. In accordance with the clause entitled "Execution and Commencement of Work," you shall immediately proceed to commence performance of the work. In accordance with the clause entitled "Definitization," you shall submit a proposal regarding the price or estimated cost to the Government as well as any special terms you wish reflected in the definitive contract for the articles or services covered by this contract. Your proposal shall include documentation supporting the price or estimated cost in accordance with the suggested format attached. Full supporting rationale should likewise be furnished for any special terms. A Certificate of Current Cost or Pricing Data shall be submitted upon agreement regarding the price or estimated cost. Please indicate your acceptance of the foregoing by signing and returning this letter contract.

Sincerely yours,

(Signature)
Typed Name
Contracting Officer

Attachments
1. Schedule
2. General Provisions
3. Proposal Preparation Materials
4. Administrative Matters

Acceptance by Contractor:

(Signature)
Typed Name and Title

Date

Attachment 1—Schedule

Part 1—Special Provisions Applicable to Letter Contract
Part 2—Proposed Special Provisions of Definitive Contract

Part 1—Special Provisions Applicable to Letter Contract

Article I—Definitization

(1) A———type definitive contract is contemplated. To accomplish this result, the Contractor agrees to enter into negotiation promptly with the Contracting Officer over the terms of a definitive contract, which will include all clauses required by the Federal and the DOE Procurement Regulations or law as of the date of execution of the letter contract, and such other clauses, terms and conditions as may be mutually agreeable. The Contractor agrees to submit a proposal and cost or pricing data supporting the proposal.

(2) The schedule for definitization of this contract is set forth below:

(Insert appropriate milestones, e.g. receipt of proposal, begin negotiations, draft contract, etc.)

Milestone
Date

Target Date for Definitization: ———————

(3) If agreement on a definitive contract to supersede this letter contract is not reached by the target date set forth in (2) above or any extension thereof by the Contracting Officer, the Contracting Officer may, with the approval of the Head of the Procuring Activity, determine a reasonable price or fee in accordance with the applicable cost principles of the Federal and DOE Procurement Regulations, subject to appeal by the Contractor as provided in the "Disputes" clause of this contract. In any event, the Contractor shall proceed with completion of the contract, subject only to the "Limitation of Government Liability" clause. After the date of the Contracting Officer's determination of price or fee, the contract shall be governed by:

(i) all clauses required by the Federal and DOE Procurement Regulations on the date of execution of this letter contract for either a fixed price type contract or a cost reimbursement type contract as determined by the Contracting Officer under this paragraph (3);

(ii) all clauses required by law as of the date of the Contracting Officer's determination; and

(iii) such other clauses, terms and conditions as may be mutually agreed upon. To the extent consistent with the foregoing, all clauses, terms and conditions included in this letter contract except which by their nature are applicable only to a letter contract shall continue to be effective.

(End of clause)

(If the letter contract award is based on *price competition* use this additional paragraph and insert the contractor's proposed price on which the selection was based.)

(4) The definitive contract resulting from this letter contract will include a negotiated (insert price ceiling or firm fixed price) not to exceed $———.

(End of clause addendum)

Article II—Execution and commencement of Work

The contractor's acceptance of this letter contract will be indicated by affixing its signature thereto and returning such signed copies to the Contracting Officer not later than ———. Upon acceptance, the Contractor shall proceed with performance of the work described herein, including procurement of necessary materials.

(End of Clause)

Article II—Limitation of Government Liability

During the term of this letter contract, and prior to its definitizataion as a result of the negotiations contemplated by the parties, the maximum liability of the Government shall not exceed $——— except as may be provided in any modification of this letter contract agreed to by both parties.

(End of Clause)

Article IV—Payment

Payments will be made in accordance with the appropriate payments provision of the General Provisions except that no payment will be made for fee and payments will not exceed the limitation of Government liability stated above during the letter contract period.

(End of Clause)

Article V—Termination

The Government retains its rights to terminate this letter contract for default or convenience of the government as provided in the General Provisions.

(End of Clause)

Part 2—Proposed Special Provisions of Definitive Contract

The following draft special provisions reflect the Government's best estimate, at the time of offering this letter contract, of the special provisions to be included in the definitive contract. The parties recognize that the exact provisions may vary as a result of their contemplated negotiations.

(Insert the appropriate provisions which are expected to appear in the definitive contract.)

Attachment 2—General Provisions
Part 1—Alterations of General Provisions (Insert any appropriate alterations)
Part 2—Additional General Provisions (Insert any appropriate additions)
Part 3—General Provisions (Attach appropriate set of DOE Standard General Provisions; e.g., 100.A, 400.A, etc.)

Attachment 3—Proposal Preparation Material

(Attach here materials that will be needed for preparation of an adequate proposal to support negotiation of the definitive contract, e.g., cost or pricing data forms, representations and certification forms, etc.)

Attachment 4—Administrative Matters

(Insert here such items as billing instructions, billing address, identification of Contract Specialist, Contracting Officer, Technical Representative, and Patent Counsel, etc.)

Change 7.7

Section 9–30.703, "Contract clause—assignment of claims," is amended to add a new second sentence instructing that the text of the clause be updated to recognize the Department of Energy as the successor agency of the Energy Research and Development Administration. Therefore, Section 9–30.703 is amended by the addition of a second sentence as follows:

9–30.703 Contract clause—assignment of claims

* * * * *

Modify the clause at FPR 1–30.703 by substituting the Department of Energy for the Energy Research and Development Administration at the last sentence of paragraph (a) of the clause.

Change 7.8

Part 9–50, "Operating and On-Site Service Contracts," is amended to add coverage at 9–50.105 regarding identical bids received, at 9–50.303 and 9–50.304, to make security and facilities management matters a part of the formal extend or compete evaluation process and to make clarifications, and at 9–50.704 to require facility management planning. Section 9–50.1510–20 is also being revised to update the Department's policy and principles relating to reimbursement of expenses of operating and on-site contractors for the relocation of employees essential to contract performance. Therefore, Sections 9–50.105, 9–50.303(c)(1), 9–50.304(c)(2) introductory text and iv, 9–50.704–49, and 9–50.1510–20 are revised as follows:

PART 9–50—OPERATING AND ON-SITE SERVICE CONTRACTS

* * * * *

§ 9–50.105 Reporting possible antitrust violations and identical bids.

The procedures in FPR Subpart 1–1.9 and 1–1.16 shall be applied to procurements by operating and on-site contractors. Reports required by these subparts shall be submitted to the Head of the Procuring Activity to be handled in accordance with 9–1.9 and 9–1.16.

§ 9–50.303 Operating and on-site service contracts.

* * * * *

(c) * * *

(1) Overall performance of an incumbent contractor including specific consideration of the contractor's administrative, environmental, safeguards and security, safety, health, site planning, maintenance, construction, facility management, energy conservation program considerations and cost, schedule and technical performance.

* * * * *

§ 9–50.304 Field recommendations to extend or compete operating and on-site contracts.

* * * * *

(c) * * *

(2) A statement of the present contractor's overall performance since award of the contract, or if previously extended, since Headquarters last authorized extension of the contract. This should be supported by a copy or detailed summary of the most recent overall DOE management appraisal of the contractor's performance and a brief summary of the annual DOE appraisals of the contractor's performance.

* * * * *

(iv) A separate appraisal shall be made of the contractor's performance in assuring consideration of the elements identified in 9–50.303(c)(1).

* * * * *

§ 9–50.704–49 Site development and facility utilization planning.

In those instances in which real property management fuctions are to be performed by an operating or on-site contractor, the folowing clause shall be used:

Site Development and Facility Utilization Planning

This contract is subject to the requirements and procedures for site development and facility utilization planning contained in DOE Order 4320. The contractor agrees to comply with DOE Order 4320

§ 9–50.1510–20 Relocation costs

(a) Relocation costs are costs incident to the permanent change of duty assignment (for an indefinite period or for a stated period of not less than 12 months) of an existing employee or upon recruitment of a new employee. The following types of costs are allowable as noted, subject to provisions of paragraphs (b), (c), and (d) of this section.

(1) Cost of travel of the employee and members of his immediate family and transportation of his household and personal effects to the new location.

(2) Costs of finding a new home, such as advance trips by employees and spouses to locate living quarters, and temporary lodging during the transition periods, not exceeding separate cumulative totals of 60 days for employees and 45 days for spouses and dependents, including advance trip time.

(3) Closing costs (i.e., brokerage fees, legal fees, appraisal fees, points, finance charges, etc.) incident to the disposition of actual residence owned by the employee when notified of transfer; *Provided* that closing costs when added to the continuing costs described in (a)(6) of this section shall not exceed 14% of the sales price of the property sold.

(4) Other necessary and reasonable miscellaneous expenses incident to relocation, such as disconnecting and connecting household appliances; automobile registration; drivers license and use taxes; cutting and fitting rugs, draperies, and curtains; forfeited utility fees and deposits; and purchase of insurance against damage to or loss of personal property while in transit.

(5) Cost incident to the acquisition of a home in a new location, except that these costs will not be allowable for existing employees or newly recruited employees who prior to the relocation were not homeowners and the total costs shall not exceed 5% of the purchase price of the new home.

(6) Continuing costs of ownership of the vacant former actual residence being sold, such as maintenance of building and grounds (exclusive of fixing up expenses), utilities, taxes, property insurance, mortgage interest etc., after settlement date or lease date of new permanent residence; *Provided*, that when added to the closing costs described in (a)(3) of this section, the costs shall not exceed 14% of the sales price of the property sold.

(7) Mortgage interest differential payments, except that these costs are not allowable for existing or newly recruited employees who prior to the relocation were not homeowners, and the total payments are limited to an amount determined as follows:

(i) Difference between the mortgage interest rates of the old and new residence times the current balance of the old mortgage times 3 years; and

(ii) When mortgage differential payments are made on a lump sum basis and the employee leaves or is transferred again in less than 3 years, the amount initially recognized shall be proportionately adjusted to reflect payments only for the actual time of the relocation.

(8) Rental differential payments covering situations where relocated employees retain ownership of a vacated home in the old location and rent at the new location. The rented quarters at the new location must be

comparable to those vacated, and the allowable differential payment may not exceed the actual rental costs for the new home, less the fair market rent for the vacated home times 3 years.

(9) Cost of canceling an unexpired lease.

(b) the cost described in paragraph (a) of this section must also meet the following criteria to be considered allowable.

(1) The move is for the benefit of the Government.

(2) Reimbursement must be in accordance with an established policy or practice and program that is consistently followed and is designed to motivate employees to relocate promptly and economically.

(3) Amounts to be reimbursed do not exceed the employee's actual expenses, except that for miscellaneous costs of the type discussed in (a)(4), a flat amount, not to exceed $1,000, may be paid in lieu of actual costs.

(c) The following types of costs are not allowable:

(1) Loss on sale of a home.

(2) Continuing mortgage principle payments on residence being sold.

(3) Cost incident to the acquisition of a home in a new location as follows:

(i) Real estate brokers fee and commissions;

(ii) Costs of litigation;

(iii) Real and personal property insurance against damage or loss of property;

(iv) Mortgage life insurance;

(v) Owner's title policy insurance when such insurance was not previously carried by the employee on the old residence (however, costs of a mortgage title policy is allowable) and;

(vi) Property taxes and operating or maintenance costs.

(4) Payments for employee's income taxes or FICA (social security taxes) incident to reimbursed relocation costs.

(5) Costs incident to furnishing equity or nonequity loans to employees or making arrangements with lenders for employees to obtain lower-than-market rate mortgage loans.

(d) If relocation costs for an employee have been allowed and the employee resigns within 12 months for reasons within the employee's control, it is expected the contractor shall refund or credit the relocation costs to the Government.

(e) Contractor payments to independent relocation assistance firm handling acquisitions and sales of houses of transferred employees are allowable in amounts which otherwise represent payment for itemized costs when are allowable in accordance with the provisions of this section.

Change 7.9

Section 9–51.101(a)(1) and (2) are removed as they involve organizations, Resource Applications and Energy Technology, which no longer exist. Therefore, Section 9–51.101 is amended by removing and reserving paragraphs (a)(1) and (2) as follows:

§ 9–51.101 General instructions regarding submissions to Headquarters.

(a) * * *

(1) [Reserved]

(2) [Reserved]

* * * * *

[FR Doc. 82–30315 Filed 11–3–82; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

Maritime Administration

46 CFR Parts 221 and 355

[CGD 82–103]

Change in Interpretation of Section 2 of the Shipping Act of 1916 as Amended for Coastwise Trading Purposes

AGENCY: Maritime Administration (MARAD) and Coast Guard, DOT.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: The Department of Transportation, Coast Guard, and MARAD received a proposal to interpret Section 104(2) of the Vessel Documentation Act of 1980 (46 U.S.C. 65b(2)) and Section 2 of the Shipping Act of 1916, as amended (46 U.S.C. 802, or section 802), with substantially less stringent United States owner citizenship criteria applicable to vessel documentation and entitlement to engage in the coastwise trade. In brief, the involved vessel would be owned in a trust arrangement. The trustee would be a United States citizen. The beneficiaries would be a limited partnership. All general partners of the partnership would be United States citizens. Some or all of the limited partners would be non-citizens holding up to 99 percent of the partnership's equity, but having no "control" of the vessel or of the trustee.

This ANPRM addresses a proposed interpretation of Section 2 of the Shipping Act, 1916, as amended, as it relates to the coastwise trade requirements, and solicits input from members of the public concerning the need for rulemaking and suggestions as to the form which any regulations would take. The Coast Guard is publishing another ANPRM which addresses interpretation of "controlling interest" under section 104(2) of the Vessel Documentation Act.

DATES: Comments must be received on or before January 3, 1983.

ADDRESSES: Written comments should be submitted to the Maritime Administrator [4910–81–M], Maritime Administration, Washington, D.C. 20590 and Commandant (G–CMC/44) [CGD82–103], U.S. Coast Guard, Washington, D.C. 20593. The comments and materials referenced in this notice will be available for inspection or copying at (1) the Office of the Secretary, Maritime Administration, Room 7300, U.S. Department of Transportation Headquarters, 400 Seventh Street SW., Washington, D.C., Monday through Friday, except holidays and/or (2) Coast Guard Headquarters, 2100 Second Street SW., Washington, D.C. 20593, between the hours of 7 a.m. and 5 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Doris Lansberry, Office of the Chief Counsel, Maritime Administration, (202) 426–5711, or Cmdr. John Distin, Maritime and International Law Division, United States Coast Guard, (202) 426–1527.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this solicitation of views by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this advance notice and specify the specific sections of the request to which the comments apply, and give reasons for the comments. If acknowledgement of receipt of a comment is desired, a stamped self-addressed postcard or envelope should be enclosed. All comments received will be considered before further rulemaking action is taken. No public hearing is planned, but one will be held if written requests for a hearing are received and it is determined that an opportunity to make oral presentation will aid the process.

Discussion

Section 2 of the Shipping Act, 1916, as amended, 46 U.S.C. 802(a) provides in relevant part:

> [N]o corporation, partnership, or association shall be deemed a citizen of the United States *unless the controlling interest therein is owned by citizens of the United States* * * * but in the case of a corporation, association or partnership operating any vessel in the coastwise trade, *the amount of interest required* to be owned by citizens of

> the United States shall be 75 per centum. (emphasis added)

With respect to partnerships, whether general or limited, MARAD and the Coast Guard interpret "controlling interest" in Section 2 as requiring, for coastwise purposes that a minimum of 75 per centum of the equity be owned by United States citizens and interpret "amount of interest" to require that 75 per centum of the equity be owned by United States citizens.

Public Law 97-136, amending the Vessel Documentation Act of 1980, allows limited partners, for documentation purposes, to be non-citizens, provided that the general partners in the partnership are citizens, and that the controlling interest in the partnership is owned by citizens. Public Law 97-136 does not amend the provisions of 46 U.S.C. 802 concerning eligibility to engage in the coastwise trade. Since, however, Pub. L. 97-136 contains the proviso that the controlling interest in a limited partnership must be vested in United States citizens, questions have arisen as to the interpretation of that phrase and whether criteria devised for documentation purposes should apply to 46 U.S.C. 802 with respect to partnerships. The questions concerning controlling interest in partnerships under the Vessel Documentation Act are the subject of a concurrent separate ANPRM. Questions have also arisen concerning the proper interpretation of 46 U.S.C. 802.

The Department has received a proposal from a private corporate party recommending that the interpretation of 46 U.S.C. 802 be substantially modified as applicable to trust arrangements in which the beneficiaries are a limited partnership. The proposal would continue the present agencies' position that a trust fulfills the coastwise citizenship requirements if each of its trustees and each of its beneficiaries is a citizen. The proposal then suggests an alternative, less stringent method by which a trust could fulfill the citizenship requirements. Under the proposed alternative, a trust arrangement would fulfill the citizenship requirements if:

(a) Each of its trustees is a citizen;

(b) The beneficiaries are a duly constituted limited partnership;

(c) The general partners of the limited partnership are citizens;

(d) Non-citizen partners are limited partners under state law; and

(e) The Trust arrangement precludes the non-citizen partners from "controlling" or replacing the trustee, or "controlling" the vessel, or in any other way exercising a "controlling interest" over the business of the trust. The proposal would require amendment of 46 CFR 67.03-7 and Part 355.

The proposal further provides that the conversion of an existing beneficiary arrangement to such a limited partnership would not require approval of the Secretary of Transportation under 46 U.S.C. 808, even though the conversion was for the purpose of allowing continued participation of non-citizens and the non-citizen limited partners become non-citizens substantially simultaneously with the conversion. This aspect of the proposal would require amendment of 46 CFR Part 221.

Strictly speaking, the proposal envisions that institutional lenders will be beneficiaries of a leverage lease trust, and will either enter the financing as non-citizens or will subsequently become non-citizens. In either event, their non-citizen participation will trigger the formation of a limited partnership in order to maintain the citizenship status of the shipowner. The principle raised by the proposal, however, conceptually extends to any limited partnership, regardless of the reason formed or the type of ship financing involved. Further, while the proposal is addressed to coastwise trading privileges, a similar proposal for interpretation of the Vessel Documentation Act would effectively apply the proposed standard to foreign trade and the fisheries as well.

The effect of the proposal on interpretation of 46 U.S.C. 802 is that the citizenship of limited partners would not affect coastwise trading privileges as long as the general partners were citizens and "controlled" the partnership. The limited partners would be precluded from "control" of the operation of the vessel, but they could invest all or nearly all of the equity. Present agency interpretations require partnerships, if the vessel is to be eligible for coastwise employment, to have at least 75 percent control and 75 percent equity vested in citizens. The proposed alternative would leave "controlling interest" as the only test to determine the eligibility of such partnerships for coastwise trade; there would be no equity requirements.

The purpose of the proposal is to allow certain non-citizen sources of financing for vessels that engage in the coastwise trade to be regarded as beneficial owners for certain non-maritime federal purposes. Under current Coast Guard and MARAD interpretations, these entities (e.g., institutional investors such as banks, insurance companies, trusts, pension funds, etc.) may not meet the citizenship requirements for ownership of vessels that engage in the coastwise trade. Regarding these entities as owners for that purpose would cause the involved vessels to lose coastwise trading privileges during the period in which the entities are regarded as owners.

MARAD and the Coast Guard are interested in suggestions and comments concerning the proposal before making any decisions regarding it. Suggestions and comments are also specifically invited on the following:

1. Can the proposal be adopted as a matter of law?

2. Should a rule be promulgated redefining the citizenship requirements for partnership owner participants of vessels which engage in the coastwise trade?

3. If a rule should be promulgated, what factors or tests should be included for use in deciding whether the "controlling interest" and/or "amount of interest" in a partnership is owned by citizens? For example:

(a) Should 46 U.S.C. 802 be interpreted as requiring both 75 percent citizen control and 75 percent citizen equity, or only citizen control in the case of a partnership participating in the ownership of a vessel engaged in the coastwise trade?

(b) Should the citizenship test for such partnerships under 46 U.S.C. 802 for coastwise trading privileges be the same or parallel to the standards adopted by the Coast Guard under Section 104(2) of the Vessel Documentation Act?

(c) Under 46 U.S.C. 802, should "controlling interest" with respect to such partnerships be interpreted to mean "control" only in terms of the general partners, or should there be, in addition, a requirement that a certain percentage of the equity interest be owned by United States citizens? Could the equity be owned entirely by domestic institutional investors, banks, etc., who do not meet the citizenship requirements of section 802, but who are only "investors" with no control over United States flag vessels? Should the ratio of investment to profits, and any other incidents of control over the partnership be considered in determining control? Should the idea that, in the final analysis, ultimate control rests with the sources of equity in partnership ventures be the basis for the agencies assessments?

4. What evidence should the agencies require a partnership to furnish in order to establish its eligibility to own vessels which engage in the coastwise trade?

5. What potential beneficial or adverse impacts on members of the public may occur if the proposal for

interpreting 46 U.S.C. 802 is adopted in whole or in part? Please quantify any such impact.

After reviewing the comments and suggestions, MARAD and the Coast Guard will decide whether to proceed further. If a decision is made to proceed, a Notice of Proposed Rulemaking will be published, proposing definite changes to existing regulations.

List of Subjects

46 CFR Part 67

Vessels, documentation.

46 CFR Parts 221 and 355

Vessels.

Dated: November 1, 1982.

Clyde Lusk,

Chief, Office of Merchant Marine Safety, Coast Guard.

By order of the Acting Maritime Administrator, Department of Transportation.

Dated: November 1, 1982.

Robert J. Patton,

Secretary.

[FR Doc. 82-30409 Filed 11-3-82;8:45 am]

BILLING CODE 4910-14/4910-81-M

Maritime Administration

46 CFR Part 340

Priority Use and Allocation of Shipping Services, Containers, and Port Facilities and Services, for National Defense Operations; Extension of Comment Period

AGENCY Maritime Administration, DOT.

ACTION: Extension of period to comment on proposed rulemaking.

SUMMARY: On August 30, 1982, the Maritime Administration published in the **Federal Register** (47 FR 38157) a notice of proposed rulemaking regarding a new 46 CFR Part 340, establishing procedures for granting priority use of shipping services, containers and port facilities and services, as well as for allocating shipping capacity, cargo containers and port facilities to defense agencies for dedicated use whenever appropriate to implement authority in Title I of the Defense Production Act of 1950 (50 U.S.C. App. 2061, et seq.).

COMMENT DATE: Comments on the proposed rulemaking were to be submitted by November 1, 1982. A request has been received to extend the comment period. After consideration of the request, it has been decided to extend the comment period to November 19, 1982.

ADDRESS: Send comments to the Secretary, Maritime Administration, Washington, D.C. 20590. All comments will be made available for inspection during normal business hours in Room 7300, Department of Transportation, Nassif Building.

FOR FURTHER INFORMATION CONTACT: Frank B. Case, Chief, Division of National Security Plans, Department of Transportation, Maritime Adminstration, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 382-6100

(Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended (18 FR 4939, 6021; 19 FR 3779); Section 901 of Executive Order 11490, as amended (34 FR 17567); Department of Transportation Order, Department of Transportation 1100.60, as amended)

By order of the Maritime Administrator, Department of Transportation

Dated: November 2, 1982.

Georgia P. Stamas,

Assistant Secretary

[FR Doc. 82-30423 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-81-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-569; RM-4160]

FM Broadcast Station in Reliance, South Dakota; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of reply comment period.

SUMMARY: Action taken herein extends the time for filing reply comments in the proceeding involving the proposed assignment of FM Channel 233 to Reliance, South Dakota. Petitioner, Midcontinent Broadcasting Company, requests the additional time to submit a response to comments submitted by James River Broadcasting Company and by Robert E. Ingstad.

DATE: Reply comments must be filed on or before November 12, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Reliance, South Dakota); BC Docket No. 82-569, RM-4160; (9-3-82; 47 FR 38933).

Order Extending Time for Filing Reply Comments

Adopted: October 28, 1982.

Released: October 29, 1982.

1. On August 18, 1982, the Commission adopted a Notice of Proposed Rule Making, 47 FR 38933, published September 3, 1982, proposing the assignment of Channel 233 to Reliance, South Dakota. The reply comment deadline was October 27, 1982.

2. Counsel for Midcontinent Broadcasting Company ("petitioner") filed a request on October 18, 1982, seeking additional time for filing reply comments to and including November 12, 1982, stating that the additional time is needed to respond to the comments submitted by James River Broadcasting Company and by Robert E. Ingstad. Counsel adds that they have no objection to the extension.

3. Since the reply comment pleading is for the primary benefit of the petitioner and such a response would aid in our analysis of the comments, we shall grant the additional time as requested.

4. Accordingly, it is ordered, That the above request for an extension of time filed by Midcontinent Broadcasting Company, is granted and the date for filing reply comments is extended to and including November 12, 1982.

5. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and §§ 204(b) and 0.281 of the Commission's Rules.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82-30381 Filed 11-3-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-538; RM-3983]

Hours of Operation of Daytime-Only AM Broadcast Stations; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry and proposed rule; Extension of comment/reply comment period.

SUMMARY: This action extends the time for filing comments and reply comments on the proposed changes to the rules which limit operations by daytime-only AM radio broadcast stations, Docket No. 82-538, published at 47 FR 38937, September 3, 1982, as requested by the Clear Channel Broadcasting Service.

DATES: Comments must be filed on or before January 14, 1983, and reply comment on or before February 15, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Jonathan David, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: October 28, 1982.

Released: October 29, 1982.

In the Matter of Hours of Operation of Daytime-Only AM Broadcast Stations. BC Docket No. 82-538 RM-3983 (9-3-82; 47 FR 38937).

1. The Clear Channel Broadcasting Service ("CCBS") has requested a 60-day extension of the deadline for filing comments and reply comments in this proceeding from November 15, and December 15, 1982 to January 14, and February 15, 1983, respectively. CCBS states that it is conducting an extensive engineering effort to determine the service gains and losses that would result from the adoption of the pending proposals to extend the hours of operation of daytime-only AM stations, and that the study cannot be completed within the time initially specified for comments. We believe that the depiction of service gains and losses being prepared by CCBS would be of assistance to us in making a decision in this proceeding.

2. In addition to the usefulness of data being assembled by CCBS, we note that it is highly unlikely, in any event, that the present proceeding could be concluded before the late Spring or Summer of 1983. Accordingly, if the Commission were to determine ultimately that the record warrants extending the hours of operation of daytime-only stations as proposed, we do not believe that the extension of time requested by CCBS would delay any implementation of such a decision during the 1983-84 season of short winter days. Under these circumstances, we find good cause for the requested extension. However, we do not contemplate any additional extensions of time in this proceeding.

3. Accordingly, pursuant to authority contained in Sections 4(i), and (j) of the Communications Act of 1934, as amended, it is ordered, that the time for filing comments and reply comments in this proceeding is extended to and including January 14, 1983, and February 15, 1983, respectively.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Broadcast Bureau.

[FR Doc. 82-30406 Filed 11-3-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Dockets No. 1-18, Notice 23; No. 70-27, Notice 24]

Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of proposed rulemaking: response to petition for rulemaking.

SUMMARY: Standard No. 101, *Controls and Displays*, specifies requirements for the accessibility, identification and illumination of controls and displays in passenger cars, trucks, and buses. Among its requirements, the standard specifies the use of certain symbols for the identification of several controls and displays. This notice proposes to update Standard No. 101 by adding or modifying several symbols to bring the standard into harmony with latest documents promulgated by the International Standards Organization. Conforming amendments would be made in Standard No. 105, *Hydraulic Brake Systems*. (Use of the current words or symbols or the new symbols on a voluntary basis to meet identification requirements of Standard No. 101 would be permitted during the period before use of the new symbols becomes mandatory.) The standard already requires some type of identification for most of the controls and displays affected by this notice. The changes would reduce compliance costs by promoting international harmonization and would result in safety benefits. The notice also proposes, in accord with previous interpretations made by the agency, minor interpretive amendments concerning the turn signal control symbol and the words that may be used for a separate indicator lamp for brake fluid. This action results in part from a petition for rulemaking submitted by Renault. This notice grants Renault's petition in part and denies it in part.

DATES: Comments must be submitted by January 3, 1983. The proposed effective date for mandatory use of the new symbols is September 1, 1985. The proposed effective date for voluntary use of the new symbols to meet Standard No. 101's identification requirements, as well as the interpretive amendments, is the date of publication of a final rule in the **Federal Register**.

ADDRESS: Comments should refer to the docket and notice numbers and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1351).

SUPPLEMENTARY INFORMATION: Standard No. 101, *Controls and Displays*, specifies requirements for the accessibility, identification and illumination of controls and displays in passenger cars, trucks and buses. The purpose of the standard is to ensure the accessibility and visibility of motor vehicle controls and displays and to facilitate their quick and proper identification and selection by a driver in order to reduce the safety hazards caused by the diversion of the driver's attention from the driving task, and by mistakes in selecting controls.

Among its requirements, Standard No. 101 specifies the use of certain symbols for the identification of several controls and displays. The standard permits the use of words and other symbols in addition to those specified symbols for purposes of clarity.

The symbols specified by the standard are those developed by the International Standards Organization (ISO) or similar symbols based on ISO symbols. Symbols are adopted by the ISO only after extensive international testing as to their recognizability and suitability. ISO symbols have also been adopted by the United Nations Economic Commission for Europe (ECE) and the European Economic Community (EEC).

The standard was amended to require the use of these symbols on June 26, 1978 (43 FR 27541). The agency explained that the rationale behind the requirement for symbols was that they can convey information more quickly and with less chance of human error than words. The agency noted that this was particularly true with respect to the large foreign language speaking population of this country. The agency also indicated that an additional benefit was that manufacturers which sell vehicles both in and outside of the United States could realize significant cost savings by utilizing internationally acceptable symbols.

The primary purpose of this proposal is to update Standard No. 101 by adding or modifying several symbols to bring the standard into harmony with latest ISO documents. Except as noted below, Standard No. 101 already requires some type of identification for the controls and displays affected by this notice.

In addition to the safety benefits resulting from the use of additional symbols, this action would reduce costs by facilitating international harmonization. Manufacturers which produce vehicles for sale in both this nation and abroad would not have to produce separate dashboards or controls and displays to meet conflicting identification requirements.

As discussed below, the agency is proposing a substantial leadtime to assure that compliance costs are minimal. For the same reason, the agency is proposing to allow manufacturers the choice of using the current words or symbols or new symbols during the period before use of the new symbols would become mandatory.

This proposal would not affect the June 1978 final rule's exception of informational readout displays from the requirement for the mandatory use of symbols. As that notice explained, informational readout displays are currently capable of displaying information and warnings with word messages, but not with symbols. In order to permit the continued development of informational readout displays, that final rule permitted the optional use of words or symbols for that type of display only. This proposal would continue to permit that exception for all display requirements.

The Renault Petition

This action results in part from a petition for rulemaking submitted by Renault. As explained below, this notice grants Renault's petition in part and denies it in part.

Renault's petition for rulemaking requested two changes in Standard No. 101. The first change was to permit use of the ISO master lighting control symbol for the headlamp/tail lamp control as an alternative to the symbol currently specified by the standard.

Renault's petition stated that the symbol currently specified by Standard No. 101 is different from that used elsewhere in the world. The company pointed out that the Standard No. 101 symbol is that designated by the ISO for high beam headlamps, rather than for the headlamp/tail lamp control.

Renault noted that some manufacturers now using the current headlamp symbol may not wish to change to a different symbol. Renault requested, however, that the ISO master lighting control symbol be permitted as an alternative to the symbol specified by Standard No. 101 in the spirit of international harmonization.

The agency agrees that permitting the use of the ISO master lighting control symbol would reduce costs by promoting international harmonization. Further, as part of updating Standard No. 101, the agency believes that the standard should specify the same symbol for the headlamp/tail lamp control as do the ISO and the rest of the world.

As indicated above, the symbols specified by Standard No. 101 are ISO symbols or symbols based on those developed by the ISO. The agency does not believe there is any reason why Standard No. 101 should specify symbols that are different from those of the ISO and other countries. Requiring different symbols is inconsistent with one of the main purposes behind using symbols, international harmonization. Requiring different symbols results in higher costs for manufacturers producing vehicles for sale in both this nation and abroad. Further, vehicle operators from other nations would be less likely to understand symbols different from those to which they are accustomed.

As suggested by Renault, it is possible that some manufacturers may not wish to change from a symbol they are already using. The reason for this would be to avoid the costs of changing to the new symbol. The agency believes that this potential objection can be overcome by providing a sufficient leadtime during which manufacturers may use either symbol. Manufacturers could then change to the new symbol as part of their regular model changes or replacement of capital equipment. The agency believes this approach is preferable to permitting use of either symbol indefinitely, since it is easier for the public to learn and remember the meaning of a single symbol. Further, continued use of the ISO high beam symbol for the headlamps and tail lamps control may be confusing to some drivers since Standard No. 101 uses that same symbol for the high beam telltale.

This notice therefore proposes to replace the symbol currently specified for the headlamps and tail lamps control with the master lighting control symbol. Manufacturers would be permitted to use either symbol during the period before use of the master lighting control symbol became mandatory.

The other change requested by Renault concerns the orientation of the symbol identifying the turn signal control. That symbol is a pair of arrows pointing in opposite directions. Like other symbols, it is required by the standard to be perceptually upright. Thus, the arrows must be horizontal. Renault believes that the symbol should, in addition to identifying the control, identify the movement necessary to actuate the control. That company believes that the double arrow symbol is easily recognized by the operator as identifying the control, even if it is not perceptually upright. Renault requested that the standard be amended to state that the turn signal control symbol need not appear perceptually upright if it identifies the plane of movement of the control.

Standard No. 101 requires identification of only a relatively small number of turn signal controls, since those mounted in the conventional position (the topmost stalk control on the left side of the steering column) are not required to be identified. Identification is required for other turn signal controls, including various stalks, push bottons and rockers, which are located in a different place or operate in a different fashion.

The agency does not agree that the double arrow symbol would be easily recognized by the operator as identifying the control if it is not perceptually upright. The direction of the symbol's arrows, pointing to the left and right, is one of the most significant indications of the symbol's meaning, since the symbol refers to left and right turn signals. A pair of arrows pointing up and down might be interpreted as only indicating the operation of a particular switch, instead of identifying the function of that switch.

Standard No. 101 does permit the use of additional words or symbols for purposes of clarity. At least one other manufacturer has used additional symbols (i.e., small curved arrows) to indicate the direction of movement (i.e., rotational movement) of a twin signal control. Thus, if a manufacturer desires to indicate the direction of movement of the turn signal control, it can accomplish that goal while using the required symbol for that control in a perceptually upright position.

The agency has therefore concluded that an amendment of the type sought by Renault could cause confusion, with no offsetting benefits. Further, that company has not indicated any difficulty in meeting the current requirement. For the reasons discussed above, the agency denies that portion of

Renault's petition relating to the turn signal control symbol.

Modified Symbol

As part of updating Standard No. 101 and bringing it into harmony with latest ISO documents, this notice proposes a minor modification in the symbol specified for the clearance lamp system control. The proposal would also make a change in the applicability of the symbol to identification lamp and side marker lamp controls.

There are three very similar versions of this symbol specified by the ISO, the EEC, the ECE and Standard No. 101. The reason for this appears to be that the symbol was still under consideration by the ISO when the United States and Europe established their identification requirements, and it was not clear which specific symbol would be adopted. All three versions consist of two adjacent shapes representing lamps, with three lines representing rays of light emanating from each lamp. The symbols differ only in the orientation and shape of the two lamps, i.e., the direction they face and the extent to which they are rounded.

In the interest of cost minimization through harmonization, the agency believes the version specified by the ISO should be adopted. That version is the same one specified by the EEC. Since it is essentially the same symbol as that already specified by Standard No. 101, the agency does not believe that motorists' recognition of the symbol would be significantly affected.

Like the symbols for the headlamp/tail lamp control, discussed above, manufacturers would be permitted to use either the current or new version of the symbol during the period before use of the new symbol becomes mandatory. The agency notes that the ECE specifies the third version of that symbol, i.e., a version different from either the current Standard No. 101 symbol or the ISO symbol. Comments are requested as to whether use of the ECE version should also be permitted, either during the interim period or for a longer period of time.

The preamble to the June 1978 final rule noted the slight deviation from one of the other versions, which it referred to as the ISO symbol. (The symbol was one the ISO was considering for adoption and not the one ultimately selected.) At that time, the agency stated that while basing its symbols on those developed by the ISO, it would not specify ISO symbols which it determined would not adequately convey the intended message. No reason was suggested, however, for why the ISO symbol might not convey the intended message concerning the clearance lamps system control.

The agency has reviewed all three versions and has determined that, as essentially the same symbol, they are equally effective at presenting their intended message. However, for purposes of optimal driver recognition and cost minimization through international harmonization, the agency believes that it is desirable to specify ultimately the use of only one of the three versions.

As noted above, the agency is also proposing a change in the applicability of the symbol to identification lamp and side market lamp controls. Standard No. 101 currently specifies the symbol for clearance lamp controls, with a footnote in Table 1 indicating that the symbol should also be used when clearance lamps, identification lamps, and/or side marker lamps are controlled with one switch other than the headlamp switch. No symbols are specified for identification of separate controls for identification lamps or side marker lamps. This notice proposes that the symbol be specified for all controls operating these three types of lamps (except for the headlamp control or master lighting control, for which a separate symbol is specified). If separate controls are provided for these types of lamps, a manufacturer could use additional words or symbols for purposes of clarity.

Added Symbols

The agency is also proposing to add ISO symbols for several controls or displays for which Standard No. 101 does not specify symbols. The proposed new symbols are for the brake failure display, the engine failure display (which is sometimes used in place of separate displays for oil pressure and coolant temperature), the manual choke control, the horn control (except where a narrow, ring-type control is used), and or several heating and air-conditioning controls.

Most of these controls or displays are currently required by the standard to be identified by words. If this proposal were adopted, manufacturers would be required to identify these controls and displays by symbols. Words or additional symbols would be permitted for purposes of clarity.

The adoption of additional symbols would result in two types of benefits. First, as discussed above, the use of symbols provides safety benefits since symbols are more quickly and easily understood than words. Second, the change would provide benefits in terms of reduced compliance costs through international harmonization. Manufacturers using these international symbols in their vehicles for sale in other countries would not have to modify the dashboards of these vehicles by adding words in order to meet the identification requirements of Standard No. 101.

Brake failure display. The brake failure symbol is part of a family of brake symbols under development by the ISO. It and a related symbol for the parking brake have been already been adopted by the ISO. Additional symbols based on the basic brake symbol would indicate such things as brake lining wear, brake fluid level, engine brake and trailer brakes.

The requirements for a brake warning indicator are primarily included in Standard No. 105, *Hydraulic Brake Systems,* which is referenced by Standard No. 101. Under Standard No. 105, a manufacturer must provide a brake warning indicator lamp which activates under certain conditions, including (among others) specified types of gross loss of pressure and on application of the parking brake. The requirements may be met by a single common indicator lamp with a lens labeled "Brake," or by separate indicator lamps. Separate labeling requirements are provided for separate indicator lamps. (The agency has previously indicated by interpretation that if a manufacturer voluntarily provides separate indicator lamps in addition to a common indicator lamp, Standard No. 105's requirements are not applicable to those separate indicator lamps.)

Under this proposal to add the brake failure symbol to Standard No. 101 (with conforming changes to Standard No. 105), that symbol would be required in place of the word "Brake" on single common indicator lamps. The word "Brake," or other words or symbols could be provided in addition to the brake failure symbol for purposes of clarity.

The agency requests comments on whether the parking brake symbol should be required for separate indicator lamps. That symbol is the same as the brake failure symbol, except that the letter "P" replaces the exclamation point included as part of the brake failure symbol. Depending upon the comments, the agency may add that symbol for separate indicator lamps. Otherwise, no changes would be made in the labeling requirements for separate indicator lamps which are provided in place of a single common indicator lamp.

Due to the particular safety importance of a driver's understanding the symbol for brake failure and the agency's concern that the symbol may not immediately be recognizable to some consumers, the agency is proposing a requirement that the brake failure symbol be explained in owner's manuals. As indicated above, the ISO adopts particular symbols only after extensive international testing as to their recognizability and suitability. The agency recognizes, however, that it may take time for some drivers to learn the meaning of some symbols. The agency requests comments on the recognizability of the brake failure symbol, as well as the other symbols proposed by this notice, on the need for a requirement that the brake failure symbol be explained in owner's manuals, and on whether any other symbols should be required to be explained in owner's manuals.

Combined Telltale for Oil Pressure and Temperature

Standard No. 101 currently specifies symbols for the oil pressure display and the coolant temperature display. Some manufacturers, however, provide a single telltale for these two functions. Since Standard No. 101 does not specify either words or symbols for such a combined function telltale, manufacturers may currently provide whatever identification they choose for that display. At least some manufacturers already use the ISO symbol that the agency is proposing for this telltale, a picture of an engine.

Since this is a significant display and the agency already specifies ISO symbols where two separate displays are provided, the agency believes it is appropriate to include identification for the combined function telltale as part of Standard No. 101's requirements. In accord with its efforts to reduce costs through international harmonization, the agency is proposing the ISO engine symbol. Like other telltales warning of some danger or problem, the specified color of this telltale would be red.

Manual choke control. Standard No. 101 currently specifies that the manual choke control must be identified by the word "Choke." Under this proposal, manufacturers would instead be required to use the ISO symbol. Words or additional symbols could be provided for purposes of clarity.

Horn control. Standard No. 101 does not currently require identification of the horn control. The agency has received a number of complaints over the years about difficulty in locating the horn, especially in panic situations. Since location of the horn is not standardized either by industry practice or by regulation, identification of the horn can provide important safety benefits at a minimal cost.

The agency is proposing that horn controls be identified by the ISO horn symbol, which is a picture of a horn. Identification would be required on or adjacent to the horn control. As with other controls, manufacturers could provide words or additional symbols for purposes of clarity.

The agency recognizes that identification of narrow metal or plastic ring-type controls could be difficult, since there may not be sufficent space on or adjacent to such controls for the horn symbol. Further, that type of horn control is likely to be more easily recognized that some other types, such as those consisting of unmarked areas of the steering column or stalks. The agency is therefore proposing to exclude that type of horn control from Standard No. 101's identification requirements. The agency requests comments on that exclusion and whether any other types of horn controls should be excluded from the requirements.

Heating and air conditioning controls. Standard No. 101 currently requires identification for each function of any heating and air conditioning control, and for the extreme positions of any such control that regulates a function over a quantitative range. If a symbol is not specified, the identification must be in word form (unless color coding is used). This notice proposes to add symbols for interior heating, heated seat, air conditioning, and vents to Table 1. The identification requirement for vents would only apply where a control was not on or adjacent to the vent. The vent itself provides identification for a control located on or adjacent to the vent.

Symbols are already specified by Table 1 for certain other functions of a heating and air conditioning system, including the fan, defrosting and defogging, and rear window defrosting and defogging. Manufacturers would be required to use symbols for any function for which a symbol was specified. Words would still be required for any other function (unless color coding was used). Additional words or symbols could be provided for purposes of clarity.

Shading of Symbols

Tables 1 and 2 of Standard No. 101 include footnotes that permit framed areas of certain symbols to be filled in. Recently, the ISO adopted variants of certain other symbols (among which were the fan, fuel level and seat belt symbols) that would permit solid areas of those symbols to be in outline form.

The agency is considering permitting manufacturers to use those symbols in outline form, at the discretion of the manufacturer. Comments are requested on the issue of whether those symbols are sufficiently recognizable in outline form and whether the agency should permit such shading. Depending upon the comments, the agency may amend the standard to permit manufacturers to use those symbols in outline form.

Interpretive Amendments

Two footnotes would be added to Table 1 to incorporate interpretations previously made by the agency concerning the turn signal control symbol. That symbol, a pair of horizontal arrows pointing to the left and right, is ordinarily a single symbol. One footnote would incorporate the agency's interpretation that the two arrows may be considered separate symbols where there are independent controls for the left and right turn signals. The other footnote would incorporate the agency's interpretation that framed areas of that symbol or symbols may be filled in.

Also in accord with a previous agency interpretation, section S5.3.5 of Standard No. 105 would be amended to indicate that the words "Brake Fluid" need not be used for a separate indicator lamp for brake fluid where a vehicle uses hydraulic system mineral oil rather than conventional brake fluid. (A manufacturer is instead required to use the word "Brake" and appropriate additional labeling.)

Leadtime

The agency believes that a relatively long leadtime should be provided for this proposed amendment in order to minimize compliance costs. With a longer leadtime, manufacturers will be able to change to new symbols as part of their regular model changes or replacement of capital equipment. During the interim, manufacturers would be permitted to use the current words or symbols or the new symbols at their option.

The agency proposes an effective date of September 1, 1985, for mandatory use of the new symbols. The effective date for optional use of the new symbols (in place of words or other symbols currently required by the standard) and for the interpretive amendments discussed above would be the date of publication of a final rule in the **Federal Register**.

The agency finds good cause for an immediate effective date for optional use of the new symbols since such an amendment would relieve a restriction.

Further, as discussed above, the amendment would reduce compliance costs while promoting safety.

The agency has assessed the economic and other impacts of these proposed amendments and determined that the amendments are neither a major rule with the meaning of Executive Order 12291 nor a significant rule under the Department of Transportation's regulatory policies and procedures. Further, the agency concludes that the economic and other consequences of these proposed amendments are so minimal as not to require preparation of a regulatory evaluation. The impact is minimal because of the low costs associated with identifying controls and displays, the fact that most of the controls and displays affected by the amendments already require identification, and the long lead time that has been proposed.

The agency has analyzed these proposed amendments for purposes of the Regulatory Flexibility Act. Since they would not impose any significant new requirements or result in significant cost impacts, the agency certifies that the proposed amendments would not have a significant impact on a substantial number of small entities. Small organizations and small governmental jurisdictions would be only affected by the amendment to the extent that they purchase vehicles which must comply with the standard. Since the amendments would not imposed any significant new requirements or result in significant cost impacts for manufacturers, the agency concludes that the amendments will not significantly affect small organizations or small governmental jurisdictions.

Similarly, the agency has analyzed these proposed amendments for the purposes of the National Environmental Policy Act. The agency has concluded that the amendment will not have a significant effect on the human environment.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purported confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of the corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Neither the granting of a petition nor the issuance of a notice of proposed rulemaking means that a rule will necessarily be issued. The determination of whether to issue a rule is made in the course of the rulemaking proceeding, in accordance with statutory criteria.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that the following amendments be made in § 571.101 and § 571.105, Chapter V of Title 49, Code of Federal Regulations:

§ 571.101 [Amended]

* * * * *

1. Section 571.101 would be amended by revising paragraph S5 to read as follows:

S5. *Requirements.* (a) Except as provided in paragraph (b) of this section, each passenger car, multipurpose passenger vehicle, truck and bus manufactured with any control listed in S5.1 or in column 1 of Table 1, and each passenger car, multipurpose passenger vehicle and truck or bus less than 10,000 pounds GVWR with any display listed in S5.1 or in column 1 of Table 2, shall meet the requirements of this standard for the location, identification, and illumination of such control or display.

(b) For vehicles manufactured before September 1, 1985, a manufacturer may, at his option—

(1) Meet the requirements in this standard to use identifying words or abbreviation or identifying symbol for a control by using those specified in Table 1(a) instead of Table 1. If none are specified in Table 1(a), none need be used for the control.

(2) Meet the requirements in this standard to use identifying words or abbreviation or identifying symbol for a display by using those specified in Table 2(a) instead of Table 2. If none are specified in Table 2(a), none need be used for the display.

* * * * *

2. A new Table 1 would be added following section S6 to read as set forth below.

3. The existing Table 1 would be redesignated Table 1(a).

4. A new Table 2 would be added following Table 1(a) to read as set forth below.

5. The existing Table 2 would be redesignated Table 2(a).

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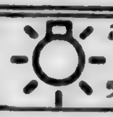
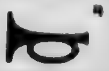
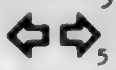
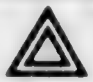
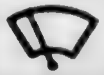
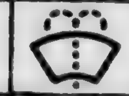
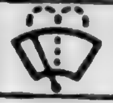
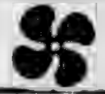
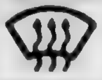
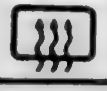
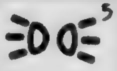
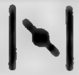
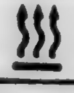
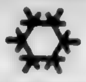
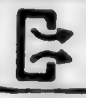
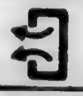
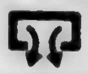
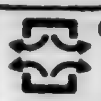
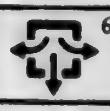
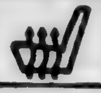
TABLE 1 - IDENTIFICATION AND ILLUMINATION OR CONTROLS

COLUMN 1 HAND OPERATED CONTROLS	COLUMN 2 IDENTIFYING WORDS OR ABBREVIATION	COLUMN 3 SYMBOL	COLUMN 4 ILLUMINATION
Master Lighting Switch, Headlamp and Tail Lamps	—	 [2] [5]	—
Horn	—	 [4]	—
Turn Signal	—	 [3] [5]	—
Hazard Warning Signal	—	 [5]	Yes
Windshield Wiping System	—		Yes
Windshield Washing System	—		Yes
Windshield Washing and Wiping Combined	—		Yes
Heating and/or Air Conditioning Fan	—		Yes
Windshield Defrosting and Defogging System	—		Yes
Rear Window Defrosting and Defogging System	—		Yes
Identification, Side Marker and/or Clearance Lamps	—	 [5]	Yes

COLUMN 1 HAND OPERATED CONTROLS	COLUMN 2 IDENTIFYING WORDS OR ABBREVIATION	COLUMN 3 SYMBOL	COLUMN 4 ILLUMINATION
Manual Choke	—		—
Heating	—		Yes
Air Conditioning	—		Yes
Air Vent Right	—	 [6]	Yes
Air Vent Left	—	 [6]	Yes
Air Vent Leg Room	—	 [6]	Yes
Air Vents Right and Left	—	 [6]	Yes
Air Vents All Outlets	—	 [6]	Yes
Heated Seat	—		Yes
Engine Start	Engine Start [1]	—	—
Engine Stop	Engine Stop [1]	—	Yes
Hand Throttle	Throttle	—	—
Automatic Vehicle Speed	(Mfg. Option)	—	Yes

1. Use when engine control is separate from the key locking system.
2. Use also when the clearance, identification, parking and/or side marker lamps are controlled with the master lighting switch.
3. The pair of arrows is a single symbol. When the controls for left and right turn operate independently however, the two arrows will be considered separate symbols and may be spaced accordingly.
4. Identification not required for narrow, ring type controls.
5. Framed areas may be filled.
6. Identification and illumination not required for controls on or adjacent to vents.

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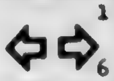
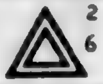
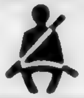
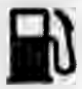
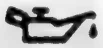
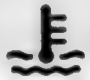
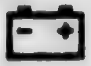
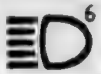
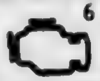
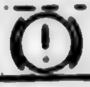
TABLE 2 - IDENTIFICATION AND ILLUMINATION OF DISPLAYS

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
DISPLAY	TELLTALE COLOR	IDENTIFYING WORDS OR ABBREVIATION	SYMBOL	ILLUMINATION
Turn Signal Telltale	Green	Also see FMVSS 108	 [1] [6]	—
Hazard Warning Telltale	Red [4]	Also see FMVSS 108	 [2] [6]	—
Seat Belt Telltale	Red [4]	"Fasten Seat Belts" or "Fasten Belts" Also see FMVSS 208		—
Fuel Level Telltale	Yellow	Fuel		—
Gauge	—			Yes
Oil Pressure Telltale	Red [4]	Oil		—
Gauge	—			Yes
Coolant Temperature Telltale	Red [4]	Temp		—
Gauge	—			Yes
Electrical Charge Telltale	Red [4]	Volts, Charge or Amps		—
Gauge	—			Yes
Highbeam Telltale	Blue or Green [4]	Also see FMVSS 108	 [6]	—
Oil and Temperature Combined Telltale	Red [4]	Engine	 [6]	—
Malfunction in Anti-Lock or	Yellow	Anti-Lock Also see FMVSS 105	—	—
Brake System	Red [4]	Brake Also see FMVSS 105		—
Brake Air Pressure Position Telltale	Red [4]	Brake Air: Also see FMVSS 121	—	—
Speedometer	—	MPH [5]	—	Yes
Odometer	—	— [3]	—	—
Automatic Gear Position	—	Also see FMVSS 102	—	Yes

1. The pair of arrows is a single symbol. When the indicators for left and right turn operate independently however, the two arrows will be considered separate symbols and may be spaced accordingly.
2. Not required when arrows of turn signal telltales, that otherwise operate independently, flash simultaneously as hazard warning telltales.
3. If the odometer indicates kilometers, then "Kilometers" or "km" shall appear, otherwise no identification is required.
4. Red can be red-orange. Blue can be blue-green.
5. If the speedometer is graduated in miles per hour and in kilometers per hour, the identifying words or abbreviations shall be "MPH and km/h" in any combination of upper or lower case letters.
6. Framed areas may be filled.

BILLING CODE 4910-59-C

6. Section 571.105 would be amended by revising paragraph S5.3.3 to read:

§ 571.105 [Amended]

* * * * *

S5.3.5 (a) Each indicator lamp shall display words and/or symbols, in accordance with the requirements of Standard No. 101 (49 CFR 571.101) and this section, which shall be legible to the driver in daylight when lighted. If a vehicle includes a display using the brake failure symbol specified by Standard No. 101 and if a vehicle owner's manual is provided, an explanation of the meaning of the brake failure symbol shall be provided in the owner's manual. Words required by Standard No. 101 or this section to be displayed by each indicator lamp shall have letters not less than ⅛-inch high.

(b) If a single common indicator is used, the lamp shall display the brake failure symbol specified by Standard No. 101, except for vehicles which use an information readout display or which are manufactured before September 1, 1985, which may, at the option of the manufacturer display the word "Brake" instead of the brake failure symbol. Words or symbols in addition to those required by Standard No. 101 and this section may be provided for purposes of clarity. The letters or symbols and the background of a single common indicator shall be of contrasting colors, one of which is red.

(c)(1) If separate indicator lamps are used for one or more of the various functions described in S5.3.1(a) to S5.3.1(d), the display shall, except as provided in (c)(1) (A) to (D) of this section, include the word "Brake" and appropriate additional labeling.

(A) The words "Brake Pressure" shall be used for S5.3.1(a).

(B) Except for vehicles using hydraulic system mineral oil, the words "Brake Fluid" shall be used for S5.3.1.(b).

(C) If a separate parking indicator lamp is provided, the single word "Park" may be used.

(D) If a separate indicator lamp is provided for an anti-lock system, the single word "Antilock" may be used.

(2) Except for a separate indicator lamp for an anti-lock system, the letters and background of each separate indicator lamp shall be of contrasting colors, one of which is red. The letters and background of a separate indicator lamp for an anti-lock system shall be of contrasting colors, one of which is yellow.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on November 1, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-30307 Filed 11-1-82; 2:41 pm]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 47, No. 214
Thursday, November 4, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Sangre de Cristo Wilderness Study Area, Greenhorn Mountain Wilderness Study Area, Spanish Peaks Wilderness Study Area, and Buffalo Peaks Wilderness Study Area; Change of Written Response Due Date for Hearing Record

The Forest Supervisor of the Pike and San Isabel National Forests has requested that the official hearing record be held open for written comments until December 15, 1982, to accommodate the interested public. I concur with this recommendation.

This Notice modifies the November 20, 1982 due date announced in the notice of hearings for the four Wilderness Study Areas on the Pike and San Isabel National Forests published in the **Federal Register**, Vol. 47, No. 180, pg's 40818–19 on Thursday, September 16, 1982.

Craig W. Rupp,
Regional Forester, Rocky Mountain Region.

[FR Doc. 82-30388 Filed 11-3-82; 8:45 am]
BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 27-82; Foreign-Trade Zone 35, Philadelphia]

Application for Subzone at Ford's Electronic Auto Parts Plant, Lansdale, Pennsylvania

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Philadelphia Port Corporation (the Port), grantee of Foreign-Trade Zone 35, requesting a special-purpose subzone at the electronic automotive products plant of Ford Aerospace and Communications Corporation, Lansdale, Pennsylvania, adjacent to the Philadelphia Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 26, 1982. The applicant is authorized to make this proposal under Pennsylvania State Act No. 126 (Pub. L. 291).

On March 24, 1978, the Board authorized the Port to establish a foreign-trade zone project in the Philadelphia area (Board Order 128, 43 FR 14531, April 6, 1978). The project covers 72 acres adjacent to Philadelphia International Airport and 12 acres at Pier 78 South in the port area, with facilities available for warehousing, processing and manufacturing.

The Port now requests subzone status for Ford's electronic automotive components manufacturing plant, a 485,000 square-foot facility located on 36 acres at Church Road and Wissahickon Avenue on Lansdale. The facility is used for the finishing of components, and the manufacture and testing of auto tape cassettes and radios, speed controls, wiper assemblies, ignition systems, voltage regulators, sensors, engine controls, and clocks. About 50 percent of the components used are dutiable.

Zone procedures will allow Ford to export finished products without paying duties on the foreign parts and material. On products used in the domestic assembly of automobiles, Ford can take advantage of the same duty rate available to importers of finished autos.

About 50 to 75 percent of the plant's output is expected to be either shipped abroad or to auto assembly subzones in the U.S. The savings from zone procedures are expected to play an important role in efforts to restore full operations at the Lansdale plant, adding some 1,400 workers to the current labor force of 1,100.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Dept. of Commerce, Washington, D.C. 20230; Edward A. Goggin, Assistant Regional Commissionor (Operations), U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, Massachusetts 02110; and Lt. Colonel Roger L. Baldwin, District Engineer, U.S. Army Engineer District Philadelphia, 2nd and Chestnut Streets, Philadelphia, Pennsylvania 19106.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before December 6, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce District Office, 9448 Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Constitution, Room 1519, Washington, D.C. 20230.

Dated: November 1, 1982.

John J. Da Ponte, Jr.,
Executive Secretary, Foreign-Trade Zone Board.

[FR Doc. 82-30352 Filed 11-3-82; 8:45 am]
BILLING CODE 3510-25-M

[Docket No. 26-82]

Foreign-Trade Zone 78, Nashville, Tennessee; Application for a Subzone at Toshiba Television and Microwave Oven Plant, Lebanon, Tennessee

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Metropolitan Nashville-Davidson County Port Authority (the Port Authority), grantee of Foreign-Trade Zone 78, requesting authority for a special-purpose subzone at the television and microwave oven manufacturing plant of Toshiba America, Inc. in Lebanon, Tennessee, adjacent to the Nashville Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on October 26, 1982. The applicant is authorized to make this proposal under Section 7–5–107(6), Tennessee Code Annotated.

On April 2, 1982, the Board authorized the Port Authority to establish a foreign-trade zone project in the Nashville port of entry area (Board Order 190, 47 FR

16191, 4/15/82). The project involves a warehouse site in downtown Nashville, an industrial park site in the Cockrill Bend area and a subzone at Nissan's new truck manufacturing plant in Smyrna.

The Port Authority now requests subzone status for Toshiba's color television and microwave oven manufacturing plant, 1420 Toshiba Drive, Lebanon, Tennessee. The facility consists of a 315,000 square foot plant located on a 102 acre site. The primary product line is color televisions on which production started in 1978. Microwave oven production started in 1981 and is the plant's only other major product line. The production process for both televisions and microwave ovens involves the finishing and assembly of a mix of foreign and domestic parts and material.

Zone procedures would allow Toshiba to export finished televisions and microwave ovens without paying duties on foreign parts and material. Plant exports now range between 15 and 20 percent and are expected to increase under zone procedures. On its domestic sales, the company can take advantage of the same duty rates that are available to importers of the finished products. The duty rate for televisions is 5 percent, and for microwave ovens, 4 percent. On the imported television and oven parts used by Toshiba the weighted average duty rates are 6.5 and 5.6 percent respectively. The applicant indicates a willingness to accept the same restriction on foreign color picture tubes as applied to Subzone 14A for Sanyo Manufacturing Corporation (Board Order 210, 47 FR 44593, October 8, 1982). It is contended that zone procedures will encourage Toshiba to expand operations in Tennessee rather than abroad, adding up to 350 workers to the plant's current labor force of 540.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; G. Scott Shreve, Acting District Director, U.S. Customs Service, South Central Region, 423 Canal Street, New Orleans, Louisiana 70130; and Colonel Lee W. Tucker, District Engineer, U.S. Army Engineer District Nashville, P.O. Box 1070, Nashville, Tennessee 37202.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before December 6, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Dept. of Commerce Satellite Office, Room 1024, Andrew Jackson State Office Building, Nashville, Tennessee 37219

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Room 1519, Washington, D.C. 20230.

Dated: October 29, 1982.

John J. Da Ponte, Jr.,

Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 82-30351 Filed 11-3-82; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

University of Louisville; Notice of Decision on Application For Duty-Free Entry of Scientific Instrument

The following is a decision on an application for duty-free entry of a scientific instrument pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

A copy of the record pertaining to this decision is available for public review between 8:30 AM and 5:00 PM in Room 2097, Statutory Import Programs Staff, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00285. Applicant: University of Louisville, 2301 S. Third Street, Louisville, KY 40292. Instrument: Gas Chromatograph/Mass Spectrometer/Data System, 7035HS. Manufacturer: Vacuum Generators, United Kingdom. Intended use of instrument: See Notice on page 41544 in the **Federal Register** of August 17, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, was being manufactured in the United States at the time the foreign instrument was ordered (February 3, 1981).

Reasons: The foreign instrument provides high resolution 20,000 (10% valley definition) with ultra fast scanning rates down to 0.2 seconds/decade and scan cycle times of 0.6 seconds minimum, covering a mass range of 500 to 25 including reset to 500 amu. The National Bureau of Standards advises in its memorandum dated August 31, 1982 that (1) the capabilities of the foreign instrument described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use which was available at the time the foreign instrument was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign instrument, for such purposes as this instrument is intended to be used, which was being manufactured in the United States at the time the foreign instrument was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.106, Importation of Duty-Free Educational and Scientific Materials)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 82-30353 Filed 11-3-82; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Evon Industries, Inc., 1251 Fairview Street, Camden, New Jersey 08101, producer of construction steel (accepted October 8, 1982); (2) James Hunter Machine Company, Inc., South Church Street, North Adams, Massachusetts 01247, producer of textile machinery (accepted October 8, 1982); (3) Supreme Leather Goods Corporation, 14-16 East 33rd Street, New York, New York 10016, producer of handbags (accepted October 8, 1982); (4) Chic de Paris Handbag Corporation, 14 East 33rd Street, New York, New York 10016, producer of handbags (accepted October 12, 1982); (5) Colonial Novelties, Inc., 373 East 148th Street, Bronx, New York 10455, producer of handbags (accepted October 12, 1982); (6) Fran-Stef Manufacturing Corporation, 568 Broadway, New York, New York 10012, producer of billfolds, coin purses and cigarette lighters (accepted October 12, 1982); (7) The Royal Axman, Inc., R. R. 2, Box 68A, Tipton, Missouri 65081, producer of workbenches (accepted October 12, 1982); (8) E. Sondheimer Company, P.O. Box 68, Sondheimer, Louisiana 71276, producer of lumber, soybeans, cotton and wheat (accepted October 12, 1982); (9) Harvey Industries, Inc., P.O. Box 169, Clarksburg, West Virginia 26302, producer of illuminating glassware (accepted October 12, 1982); (10) Zinik Manufacturing Company, 1638 South Redwood Road, Salt Lake City, Utah 84104, producer of ski jackets and pants (accepted October 12, 1982); (11) Sandy's Clothes Closet, Ltd., 60 Avenue O, Brooklyn, New York 11204, producer of women's skirts and slacks (accepted October 12, 1982); (12) Tumbleweed Tees, 333 Main Street, Kalispell, Montana 59901, producer of men's, women's and children's T-shirts and artwork transfers (accepted October 12, 1982); (13) Scalise Stitching, Inc., 735 Lorimer Street, Brooklyn, New York 11211, producer of women's footwear (accepted October 12, 1982); (14) Willing B Wire Corporation, Garfield and Decatur Streets, Beverly, New Jersey 08010, producer of wire (accepted October 13, 1982); (15) Centerflex Ceramic Technologies Corporation, P.O. Box 21, Hawthorne, New Jersey 07507, producer of electronic components, mechanical and refractory products, and plastic pipes (accepted October 14, 1982); (16) B. M. X. Products, Inc., 9621 Irondale Avenue, Chatsworth, California 91311, producer of bicyles and accessories (accepted October 18, 1982); (17) Denton Vacuum, Inc., 2 Pin Oak Avenue, Cherry Hill, New Jersey 08003, producer of high vacuum equipment and chemical coatings (accepted October 18, 1982); (18) Bear Body, Inc., P.O. Box 605, Draper, Utah 84020, producer of wallets (accepted October 18, 1982); (19) The Modern Clothing Company, Inc., Pleasant Street and West End Avenue, Hammonton, New Jersey 08037, producer of women's jackets (accepted October 21, 1982); (20) Lenape Equipment Company, 1705 Oak Street, Lakewood, New Jersey 08701, producer of soldering and cleaning equipment (accepted October 22, 1982); (21) Wadell Equipment Company, Inc., P.O. Box 989, Edison, New Jersey 08818, producer of machine tools (accepted October 22, 1982); (22) J. H. Westerbeke Corporation, Avon Industrial Park, 44 Ledin Drive, Avon, Massachusetts 02322, producer of diesel engines and generators (accepted October 22, 1982); (23) Owenby Manufacturing Company, Inc., Route 3, Box 257 C, Blairsville, Georgia 30512, producer of surgical sponges and men's and boys' swim suits, shirts, shorts and warm-up suits (accepted October 25, 1982); (24) Precision Spring Corporation, 15400 Woodrow Wilson, Detroit, Michigan 48238, producer of automotive springs, rings and stampings (accepted October 25, 1982); (25) Schrader Stoves, Inc., P.O. Box 2898, Eugene, Oregon 97402, producer of wood-burning stoves (accepted October 27, 1982); (26) A. L. Manufacturing Company, Inc., 85 Fairmont Street, Fitchburg, Massachusetts 01420, producer of doll clothing (accepted October 28, 1982); and (27) Gillispie Industries, Inc., 4628 Shoremeade Court, Richmond, Virginia 23234, producer of headwear (accepted October 28, 1982).

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (P.L. 93–618) and Section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter.

A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Insofar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 82–30354 Filed 11–3–82; 8:45 am]

BILLING CODE 3510–25–M

Applications for Duty-Free Entry of Scientific Instruments

Correction

In FR Doc. 82–29844 appearing on page 49054 in the issue of Friday, October 29, 1982, make the following correction.

On page 49056, first column, first line of the first complete paragraph, "Docket No. 00360" should read "Docket No. 82–00360".

BILLING CODE 1505–01–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Proposed Futures Contracts Based on Sub-Indexes of the Standard and Poor's 500 Stock Price Index

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contracts.

SUMMARY: The Chicago Mercantile Exchange ("CME") has applied for designation as a contract market in futures contracts based on sub-indexes of the Standard and Poor's 500 Stock Price Index. The indexes for which futures contracts are proposed include the Utility, Transportation, and Financial sub-indexes currently published by the Standard and Poor's Corporation and a High Technology, Energy, and Consumer Staple sub-index currently being created by the Standard and Poor's Corporation. The Commodity Futures Trading Commission (the "Commission") has determined that the terms and conditions of the proposed futures contracts are of major economic significance and that, accordingly making available the proposed contracts for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before January 3, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the CME application for contract market designation in futures contracts based on sub-indexes of the Standard and Poor's 500 Stock Price Index.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254–7303.

SUPPLEMENTARY INFORMATION: A copy of the terms and conditions of the CME proposal to trade futures contracts based on sub-indexes of the Standard and Poor's 500 Stock Price Index will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the

Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CME in support of its applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)), except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contracts, or with respect to other materials submitted by the CME in support of its applications, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by January 3, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on November 1, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82–30334 Filed 11–3–82; 8:45 am]

BILLING CODE 6351-01-M

New York Futures Exchange Proposed Futures Contract Based on the New York Stock Exchange Energy Index

AGENCY: Commodity Futures Trading Commision.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The New York Futures Exchange ("NYFE") has applied for designation as a contract market based on the New York Stock Exchange ("NYSE") Energy Index. The Commission has determined that the terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, making available the proposed contract for public inspection and comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before January 3, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to the NYFE NYSE Energy Index futures contract.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254–7303.

A copy of the terms and conditions of the NYFE proposed NYSE Energy Index futures contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the NYFE in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the NYFE in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by January 3, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on November 1, 1982.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82–30333 Filed 11–3–82; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; Notice of Systems of Records: Deletions, Amendments, Additions, Republication

AGENCY: Department of the Air Force (AF), DOD.

ACTION: Deletions, amendments, additions, republication of Air Force systems of records notices.

SUMMARY: The Air Force is systematically republishing all of its systems of records notices. Each notice is being rejustified, rewritten and renumbered in the interest of accuracy, simplicity and clarity. Changes are summarized below and the rewritten notices follow in their entirety. This first publication deletes 32 notices and amends 93 others.

EFFECTIVE DATE: The amendments and additions will be effective on December 6, 1982, unless public comments are received which result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Updike, HQ USAF/DAAD(S), The Pentagon, Washington, D.C. 20330, telephone: 202/694–3431.

SUPPLEMENTARY INFORMATION: The Air Force systems of records inventory subject to the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93–579; 44 Stat. 1896 *et seq.*) has been published in the **Federal Register** as follows:

FR Doc. 81–897 (46 FR 6443) January 21, 1981
FR Doc. 82–674 (47 FR 2544) January 18, 1982
FR Doc. 82–2886 (47 FR 5285) February 4, 1982
FR Doc. 82–4481 (47 FR 7478) February 19, 1982
FR Doc. 82–9886 (47 FR 14936) April 7, 1982
FR Doc. 82–10539 (47 FR 16827) April 20, 1982

None of these changes required a new or altered system report as required by 5 U.S.C. 552a(o).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 27, 1982.

Deletions

The following deletions are effective December 6, 1982.

F04003 06SCEYB

System name:

Long-term Full-Time Training File (44 FR 74258).

Reason:

This system is being merged with F05501 06SCEYA, Advanced Degree File (44 FR 74272), and republished below among the added systems as F050 AFAA B, Employee Training Career Development File.

F01002 00VDYDA

System name:

Military Airlift Command (MAC) Dishonored Check Program (44 FR 74153).

Reason:

This system has been discontinued.

F01101 02 ALSB

System name:

Complaints and Inquiries (44 FR 74159)

Reason:

These records are properly part of F12001 IGQ A, Inspector General Records (44 FR 74312).

F01102 SGPS D

System name:

Files of Waiver from Flying Duty (WAVR FILE) (44 FR 74163).

Reason:

This notice is being merged with system F16001 SGPS A, Aircrew Standards Case File, (44 FR 74329) which is republished below as system F160 SG A.

F01102 02 ALSB

System name:

Civil Engineer Personnel Data Cards (44 FR 74167).

Reason:

These records are properly part of F01102 DAYX A, Base, Unit, and Organizational Military and Civilian Personnel Locator Files (44 FR 74160).

F03004 0QVDYDA

System name:

Military Airlift Command (MAC) Special Executive Development Program (44 FR 74189).

Reason:

This system has been discontinued.

F030041 HAJXFA

System name:

Air Force System Command (AFSC) Personnel Resource Management System (44 FR 74190).

Reason:

This system has been discontinued.

F03501 ARPC A

System name:

Informational Personnel Management Records (46 FR 6551).

Reason:

This notice is being merged with F03501 ARPC C, Personnel Management Records (44 FR 74198), in order to better describe the records as they are maintained and used. See F035 ARPC B, Informational Personnel Management Records, among the added systems.

F03501 ARPC C

System name:

Personnel Management Records (46 FR 6552).

Reason:

This notice is being merged with F03501 ARPC A, Informational Personnel Records (44 FR 74197), in order to better describe the records as they are maintained and used. See F035 ARPC B, Informational Personnel Management Records, among the added systems.

F03501 0QAGGNA

System name:

Informational Personnel Records (44 FR 74215).

Reason:

This notice duplicates F03501 DP 3, Unit Assigned Personnel Information File (46 FR 6553).

F03501XOIACYVB

System name:

Application for separation from the Regular AF to AF Reserve/Air National Guard (44 FR 74224).

Reason:

This system has been discontinued.

F03501XOIACYVD

System name:

Servicemen's Group Life Insurance (SGLI) Entitlement Case Files (46 FR 6559).

Reason:

These records do not come under the Privacy Act since they are retrieved by the names of deceased individuals only.

F03507 OJ DP A

System name:

Flying Evaluation Board (FEB) File (44 FR 74248).

Reason:

These records are properly part of system F03507 DPMAJDA, Flying Status Branch File (44 FR 74247), located at the Air Force Manpower and Personnel Center.

F03508 OIACYVB

System name:

Air Force Reserve Airman Demotions (46 FR 6564).

Reason:

These records are maintained and retrieved chronologically, and do not come under the provisions of the Privacy Act of 1974.

F05001 06SCEYA

System Notice:

Advanced Degree File (44 FR 74272).

Reason:

This system is being merged with F04003 06SCEYB, Long-Term Full-Time Training File (44 FR 74258), and republished below among the added systems as F050 AFAA B, Employee Training and Career Development File.

F08003 OHMPLSA

System name:

Personnel Research Laboratory Data Base File (44 FR 74301).

Reason:

The records in this system are used only for statistical research. Records are not retrieved by personal identifiers, and they are not used to make any determination about any specific individual.

F12407 OSI A

System name:

DoD Fraud Investigation Management Information System (47 FR 2616).

Reason:

This system has been transferred to Defense Investigative Service.

F12501 02 ALSB

System name:

Temporary Private Vehicle Impoundment Record (44 FR 74322).

Reason:

This notice duplicates F12501 SPO G, Complaint/Incident Reports (44 FR 74320).

F12503 02 ALSB

System name:

Bicycle Registration File (44 FR 74325).

Reason:

This notice duplicates F12501 SPO E, Registration Records (Excluding Private Vehicle Records) (44 FR 74319).

F12503 02 ALSC

System name:

Storage and Special Permits for Recreational and Utility Trailers (44 FR 74325).

Reason:

This notice duplicates F12501 SPO E, Registration Records (Excluding Private Vehicle Records) (44 FR 74319).

F16003 02 ALSA

System name:

Chain of Custody Receipts (44 FR 74332).

Reason:

These records are properly part of F168 AF SG C, Medical Records System, published below among the added systems.

F16101 SGPA A

System name:

Medical Recommendation for Flying Duty (44 FR 74334).

Reason:

This system has been discontinued.

F16104 SGPA A

System name:

USAF Master Radiation Exposure Registry (44 FR 74337).

Reason:

This notice is republished below as F161 AF SG A, USAF Master Radiation Exposure Registry. The republished notice incorporates numerous technical changes for increased clarity, accuracy and readability, and corrects minor errors.

F16802 SGHB A

System name:

Casualties in Southeast Asia (44 FR 74340)

Reason:

These records are not subject to the Privacy Act of 1974.

F16803 ASGHB R

System name:

Patient Index and Locator System (44 FR 74342).

Reason:

This system has been merged into F168 AF SG C, Medical Record System, published in the added systems of this **Federal Register**.

F16804 SGHB A

System name:

Clinical Records and Related Documents (44 FR 74344).

Reason:

This system has been merged into F168 AF SG C, Medical Record System, published in the added systems of this **Federal Register**.

F16805 ASGHB R

System name:

Health and Outpatient Records (46 FR 6577).

Reason:

This system has been merged into F168 AF SG C, Medical Record System, published in the added systems of this **Federal Register**.

F16806 SGHB A

System name:

Inpatient Data System (44 FR 74345).

Reason:

This system covers deceased persons and the records are not subject to the provision of the Privacy Act of 1974.

F17501 06SCEYB

System name:

Internal Audit and Control Records (44 FR 74350).

Reason:

These records are no longer retrieved by any personal identifier.

F17721 02 ALSA

System name:

Civilian Pay—Control Data (44 FR 74364).

Reason:

These records are properly part of F17721 OEACYVA, Civilian Pay Records (46 FR 6581).

F26501 02 ALSA

System name:

Religious Education Registration and Attendance Records (44 FR 74390).

Reason:

These records do not form a system of records subject to the Privacy Act.

F90001 OUMCBVA

System Name:

Outstanding Airman of the year (44 FR 743937).

Reason:

These records are no longer retrieved by any personal indentifier.

Amendments

The following major changes have been made to the systems notices published as amended systems below. These notices have also been substantially rewritten in the interest of clarity and accuracy.

F01001 OQVDYDA

System Name:

Correspondence, Message and Project Files (Civil Reserve Air Fleet Personnel) (44 FR 74152).

Change:

System Identification:

Change to, "F010 MAC A."

F01102 ARPC A

System Name:

Locator or Personnel Data (46 FR 6536).

Change:

System Identification:

Change to, "F011 ARPC A."

F01102 SAC A

System Name:

Logistic Personnel Management System (46 FR 6537).

Change:

System Identification:

Change to, "F011 SAC A."

F01102 SGA B

System Name:

Medical Service Corps Personnel Files (44 FR 74163).

Changes:

System Identification:

Change to, "F035 SG B."

Authority for Maintenance of the System:

Add, "10 USC 8067(d), Designation: officers to perform certain professional functions."

F01102 SGPC C

System Name:

Professional Inquiry Records System (44 FR 74163).

Changes:

System Identification:

Change to, "F011 SG A."

F01102 SGV A

System Name:

Veterinary Personnel Files (44 FR 74165).

Changes:

System Identification:

Change to, "F035 SG C."

Authority for Maintenance of the System:

Add, "10 USC 8067(i), Designation: officers to perform certain professional functions."

F01201X0IACYVA

System Name:

Fee Case File (46 FR 6538).

Change:

System Identification:

Change to, "F012 ARPC A."

Authority for Maintenance of the System:

Add, "5 USC 552, Public information: agency rules, opinions, orders, and proceedings (Freedom of Information Act); 552a, records maintained on individuals (Privacy Act)."

Retention and Disposal:

Change to read, "Destroyed after one year by tearing into pieces, macerating, pulping, or burning provided any discrepancy is cleared."

F016301SGV A

System Name:

Veterinary Records (44 FR 74169).

Changes:

System Identification:

Change to, "F163 AF SG A."

Authority for Maintenance of the System:

Change to 10 USC, chapter 55, Medical and Dental Care; and 8012, Secretary of the Air Force: powers and duties; delegation by.

F03001 JALA A

System Name:

Confidential Statement of Employment and Financial Interest (44 FR 74172).

Changes:

System Identification:

Change to, "F030 AF JA A."

System Name:

Change "Employment" to "Affiliation."

Categories of Individuals Covered by the System:

Add at end, "and Special Government employees who are advisors or consultants."

F03001 SAC A

System Name:

Drug Rehabilitation Action Management Information System (46 FR 6539).

Changes:

System Identification:

Change to, "F030 SAC A."

System Name:

Change to, "SAC Drug Rehabilitation Action Management Program."

System Location:

Delete, "Drug Rehabilitation Center."

Authority for Maintenance of the System:

Delete, "5 USC 301, Departmental Regulation," and substitute "10 USC 8012, Secretary of the Air Force: powers and duties; delegation by."

System Manager(s) and Address:

Delete, "SAC Drug Rehabilitation Center, McConnell AFB KS 67221."

Notification Procedure:

Delete, "Det 1, 3902 ABW/CC, McConnell AFB KS 67221," and, "Chief of Social Actions, Strategic Air Command Headquarters, Det 1, 3902 ABW/CC, McConnell AFB KS 67221."

F03002 OIACYVA

System Name:

Applications for Identification Cards (46 FR 6540).

Change:

System Identification:

Change to: "F030 ARPC A."

F03004 ARPC A

System Name:

Point Credit Account Record System (PCARS) (46 FR 6549).

Change:

System Identification:

Change to, "F030 ARPC B."

F03004 SGPA A

System Name:

Aerospace Medicine Personnel Career Information System (44 FR 74185).

Changes:

System Identification:

Change to "F030 SG B."

Authority for Maintenance of the System:

Add "10 USC 8067(f), Designation: officers to perform certain professional functions."

F03004 SGPA B

System Name:

Bioenvironmental Engineer Personnel Career Information System (44 FR 74186).

Changes:

System Identification:

Change to, "F030 SG A."

Authority for Maintenance of the System:

Add "10 USC 8067(i), Designation: officers to perform certain professional functions."

F03004 SGPA C

System Name:

Aerospace Physiology Personnel Career Information System (44 FR 74186).

Changes:

System Identification:

Change to "F030 AF SG A."

Authority for Maintenance of the System:

Add, "10 USC 8067(d), Designation: officer to perform certain professional functions."

F03501 ARPC B

System Name:

Biographical File (46 FR 6552).

Changes:

System Identification:

Change to, "F035 ARPC F."

Categories of Individuals Covered by the System:

Delete, "Air Reserve Information Squadron (ARIS)."

Routine Uses of Records Maintained in the System Including Categories of Users and the Purposes of Such Uses:

In the first sentence, delete, "information," and delete the entire third sentence.

F03501 SAM A

System Name:

AFSAM Personnel Information File (46 FR 6556).

Changes:

System Identification:

Change to, "F035 AFSC A."

System Name:

Change to, "Personnel Management Information System for AFSC Field Commanders."

System Location:

Change to, "AFSC Divisions, Centers, and Laboratories."

F03501 OIACYVG

System name:

Correction of Military Records of Officers and Airmen (44 FR 74212).

Change:

System identification:

Change to, "F035 ARPC C."

F03501 06SCEYB

System name:

Informal Airmen/Reserve Information Record (44 FR 74217).

Change:

System identification:

Change to, "F035 AFAA C."

F03501 06SCEYD

System name:

Air Force Audit Agency Office Personnel File (44 FR 74218).

Change:

System identification:

Change to, "F035 AFFA B."

F03501 06SCEYE

System name:

Air Force Audit Agency Office File (44 FR 74220).

Change:

System identification:

Change to, "F035 AFAA A."

F03501B05PCZPB

System name:

Navigator Personnel Background Information (44 FR 74222).

Changes:

System identification:

Change to, "F035 SAC A."

Categories of records in the system:

Change to "Grade, name, SSN, flying time and experience, education, professional military education, and special navigation competition experience."

F0350120SSGBPA

System name:

Information Officer Background Record (44 FR 74227).

Changes:

System identification:

Change to, "F035 SAC C."

System name:

Change to "Public Affairs Personnel Background Record."

F03504 OIACYVA

System name:

Data Change/Suspense Notification (44 FR 74239).

Change:

System identification:

Change to, "F035 ARPC D."

F03507 SGPA A

System name:

Application for Advanced Aeronautical Rating File (Senior and Chief Flight Surgeon) (44 FR 74247).

Changes:

System identification:

Change to "F035 SG A."

Authority for maintenance of the system:

Add "10 USC 8067(f), Designation: officers to perform certain professional functions."

F03507 OIACYVA

System name:

Flying Status Actions (46 FR 6563).

Change:

System identification:

Change to, "F035 ARPC E."

F03508 OIACYVA

System name:

Officer Promotions (46 FR 6564).

Change:

System identification:

Change to, "F035 ARPC G."

F03509 OIACYVB

System name:

Administrative Discharge for Cause on Reserve Personnel (46 FR 6565).

Changes:

System identification:

Change to, "F035 ARPC A."

Authority for maintenance of the system:

Add, "10 USC 1163, Reserve components; limitation on separation."

F03509A0SSGBPA

System name:

Administrative Discharge File (44 FR 74253).

Changes:

System identification:

Change to, "F035 SAC B."

System name:

Change to, "Officer Involuntary Administrative Separation File."

Categories of individuals covered by the system:

Change to, "Present Air Force active duty officers assigned to the Strategic Air Command who have Air Force Regulation (AFR) 36–2 or AFR 36–3 action pending or are resigning in lieu of court-martial."

Authority for maintenance of the system:

Change to, "10 USC chapter 859—Separation from Regular Air Force For Substandard Performance of Duty, and Chapter 860—Separation From Regular Air Force For Moral or Professional Dereliction or In Interest of National Security; AFR 36–2, Administrative Discharge Procedures (Unfitness, Unacceptable Conduct or In The Interest of National Security); AFR 36–2, Administrative Discharge Procedures (Substandard Performance of Duty); and AFR 36–12, Administrative Separation of Commissioned Officers and Warrant Officers of the Air Force."

F04001 06SCEYA

System name:

Merit Promotion File (44 FR 74254).

Change:

System identification:

Change to, "F040 AFAA A."

F04501 ARPC A

System name:

Air Force Reserve Application (46 FR 6566).

Change:

System identification:

Change to, "F045 ARPC A."

F04502 OIACYVA

System name:

Inactive Duty Training, Extension Course Institute (ECI) Training (46 FR 6568).

Change:

System identification:

Change to "F045 ARPC B."

F05001 OIACYVA

System name:

Professional Military Education (PME) (45 FR 6568).

Change:

System identification:

Change to, "F050 ARPC A."

F05001 OQKRSMA

System name:

Training Instructors (Academic Instructor Improvement/Evaluation) (44 FR 74271).

Changes:

System identification:

Change to, "F050 MAC A."

System location:

Change, "Hill Air Force Base, UT 84406," to "Kirtland Air Force Base, NM 87117."

System manager(s) and address:

Change, "Hill Air Force Base, UT 84406," to "Kirtland Air Force Base, NM 87117."

F05001 OSSZDTA

System name:

Nursing Skill Inventory (44 FR 74272).

Changes:

System identification:

Change to, "F050 AF SG A."

Authority for maintenance of the system:

Add, "10 USC 8067(e), Designation: officers to perfrom certain professional functions."

F05001 06SCEYB

System name:

Air Force Audit Agency Office Training File (44 FR 74273).

Change:

System identification:

Change to, "F050 AFAA A."

F05002 SAC A

System name:

SAC Operations Personnel Training Management System (46 FR 6571).

Change:

System identification:

Change to, "F050 SAC C."

F05002 SAC B

System name:

Space, Warning and Surveillance Operations Personnel Training Management System (47 FR 2613).

Changes:

System identification:

Change to, "FD050 SAC D."

System name:

Change to, "SAC Space Operations Personnel Training Management."

F05002 SAC C

System name:

ADP Training Management System (47 FR 2614).

Change:

System identification:

Change to, "F050 SAC A."

F05002 OQSCEYA

System name:

Training Progress (Permanent Student Record) (44 FR 74281).

Changes:

System identification:

Change to, "F050 MAC B."

System location:

Add, "1381st School Squadron (MAC Noncommissioned Officer Academy—East), McGuire Air Force Base, NJ 08641."

Authority for maintenance of the system:

Change to, "10 USC 8012, Secretary of the Air Force: powers and duties; delegation by."

System manager(s) and address:

Add, "1381st School Squadron (MAC Noncommissioned Officer Academy—East), McGuire Air Force Base, NJ 08641."

F05002 OUJCGJA

System name:

Training Progress (44 FR 74283).

Changes:

System identification:

Change to, "F050 ESC B."

System location:

Change to, "Electronic Security Command (ESC) NCO PME Center, Goodfellow Air Force Base, TX 76908."

System manager(s) and address:

Change to, "ESC NCO PME Center, Goodfellow AFB, TX 76908."

F05002 OUMCBVA

System name:

Defense Language Institute Student History (44 FR 74283).

Changes:

System identification:

Change to, "F050 ESC A."

System name:

Change to, "208XX Voice Processor Student History."

F05004 SAC A

System name:

Instructional Systems Development (ISD) Evaluation (47 FR 2614).

Changes:

System identification:

Change to, "F050 SAC B."

F05004 OQKRSMA

System name:

Training Systems Research and Development Materials (44 FR 74285).

Changes:

System identification:

Change to, "F050 MAC C."

System location:

Change to, "1550th Aircrew Training and Test Wing, Deputy Commander for Operations; 1550th Technical Training Squadron, Kirtland Air Force Base NM 87117."

System manager(s) and address:

Change, "Hill Air Force Base, UT 84406," to "Kirtland AFB, NM 87117."

F05101 MAC A

System name:

Air Crew Instruction Records (46 FR 6573).

Changes:

System identification:

Change to, "F051 MAC A."

System location:

Add, "34th Technical Training Squadron, Student Administration Branch (TTB), Little Rock Air Force Base, AR 72076."

System manager(s) and address:

Add, "School Register, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076."

F05101A6SSGBPA

System Name:

Aircrew Resource Management System (SACARMS)/Aircrew Qualification Report (44 FR 74288).

Changes:

System Identification:

Change to, "F051 SAC A."

System Name:

Change to, "SAC Aircrew Resource Management System (SACARMS)."

F06608 SAC A

System Name:

SAC ICBM Maintenance Standardization and Evaluation Program (44 FR 74293).

Change:

System Identification:

Change to, "F066 SAC A."

F07601 MAC A

System Name:

Passenger Reservation and Movement System (44 FR 74298).

Change:

System Identification:

Change to, "F076 MAC A."

F09003 SAC A

System Name:

Unaccompanied Personnel Quarters Assignment/Termination (47 FR 2615).

Change:

System Identification:

Change to, "F090 SAC A."

F11001 AJA

System Name:

Judge Advocate Personnel Records (44 FR 74302).

Change:

System Identification:

Change to, "F110 JA C."

F1101 JACA H

System Name:

Legal Assistance Administration (44 FR 74303).

Change:

System Identification:

Change to, "F110 AF JA A."

F11001 JACL F

System Name:

Freedom of Information Act Appeals (44 FR 74303).

Change:

System Identification:

Change to, "F110 JA A."

F11001 JAG A

System Name:

Litigation Records (Except Patents) (44 FR 74304).

Change:

System Identification:

Change to, "F110 AF JA B."

F11001 AFACI A

System Name:

USAF Foreign Criminal Jurisdiction Cases (44 FR 74306).

Change:

System Identification:

Change to, "F110 AF JA C."

F11002 AJACP

System Name:

Invention, Patent Application and Patent Application Security, and Patent Files (44 FR 74307).

Change:

System Identification:

Change to, "F110 JA B."

F11002 JACP C

System Name:

Patent Infringement and Litigation Records (44 FR 74308).

Change:

System Identification:

Change to, "F110 JA D."

F11101 AJAJM

System Name:

Court-Martial and Article 15 Records (44 FR 74309).

Change:

System Identification:

Change to, "F111 AF JA B."

F11101 OSPCZPA

System Name:

Military Justice Administration (44 FR 74309)

Change:

System Identification:

Change to, "F111 JSAC A."

F11101XJAJM C

System Name:

Automated Military Justice Analysis and Management System (AMJAMS) (44 FR 74310).

Change:

System Identification:

Change to, "F111 AF JA A." F11201 JACC A

System Name:

Claims Administrative Management Program (CAMP) (44 FR 74311).

Change:

System Identification:

Change to, "F112 AF JA A."

F11201 JACC B

System Name:

Claims Records (44 FR 74311).

Change:

System Identification:

Change to, "F112 AF JA B."

F16001 SGPC A

System Name:

Medical Professional Staffing Records (44 FR 74328).

Changes:

System Identification:

Change to "F160 AF SG B."

Authority for Maintenance of the System:

Change to, "10 USC Chapter 55, Medical and Dental Care; 8067(f) Designation: officers to perform certain professional functions; 8207, Regular Air Force: Commissioned officers on active list; medical specialists.

F16001 SGPS A

System Name:

Aircrew Standards Case File (44 FR 74329).

Changes:

System Identification:

Change to, "F160 SG A."

System Location:

Change to, "HQ AFMSC/SGPA, Brooks AFB, TX 78235."

Routine Uses of Records Maintained in the System including Categories of users and the Purposes of such uses:

Change to, "Used to determine if a previous action has been taken, if a precedent exists for granting a waiver for a specific medical condition and to provide a scientific basis to justify and improve waiver policies."

Storage:

To include system F01102 SGPS D, Files of Waiver from Flying Duty, deleted above, change to, "Maintained in Microform and on computer."

System Manager(s) and Address:

Change to, "HQ AFMSC/SGPA, Brooks AFB TX 78235."

F16002 OIACYVA

System Name:

Physical Examination Suspense File (46 FR 6576).

Change:

System Identification:

Change to, "F160 ARPC A."

F16006 ASGPA R

System Name:

USAF Hearing Conservation Record System (44 FR 74332).

Change:

System Identification:

Change to, "F160 AF SG A."

F16102 SGPA A

System Name:

Air Force Aerospace Physiology Training Program (44 FR 74335).

Change:

System Identification:

Change to "F161 AF SG A."

F16102 SGPA B

System Name:

USAF Compression Chamber Operation (44 FR 74336).

Change:

System Identification:

Change to"F161 AF SG B."

F16201 SGD A

System Name:

Dental Health Records (44 FR 74337).

Changes:

System Identification:

Change to,"F162 AF SG A."

Authority for Maintenance of the System:

Change to, "10 USC, Chapter 55, Medical and Dental Care."

F16202 SGD A

System Name:

Dental Personnel Actions (44 FR 74338).

Changes:

System Identification:

Change to, "F162 SG A."

Authority for Maintenance of the System:

Add "10 USC 8067(f), Designation: officers to perform certain professional functions."

Retention and Disposal:

Change "three years" to "two years."

F16202 SGD B

System Name:

Dental Professional Activities (44 FR 74339).

Changes:

System Identification:

Change to "F162 AF SG B."

F16802 SGPC A

System Name:

Child Advocacy Case Files (44 FR 74341).

Changes:

System Identification:

Change to, "F168 AF SG B."

F16803RSGHXO B

System Name:

Air Force Blood Program (44 FR 74343).

Changes:

System Identification:

Change to, "F168 AF SG F."

Authority for Maintenance of the System:

Change to "42 USC 262, Regulation of Biological Products, as implemented by Air Force Regulation (AFR) 160–26, Air Force Blood Program."

F16808 SGHC A

System Name:

Medical Service Accounts (44 FR 74346).

Changes:

System Identification:

Change to, "F168 AF SG D."

F16810 SGN A

System Name:

Nursing Service Records (44 FR 74346).

Change:

System Identification:

Change to, "F168 AF SG E."

Authority for Maintenance of the System:

Change to, "10 USC Chapter 55, Medical and Dental Care; and 10 USC 8067(e), Designation: officers to perform certain professional functions.

F17101 SG A

System Name:

Automated Medical/Dental Record System (46 FR 6578).

Change:

System Identification:

Change to, "F168 AF SG A."

F17501 06SCEYA

System Name:

Air Force Audit Agency Management Information System—Report File (46 FR 74350).

Change:

System Identification:

Change to, "F175 AFAA A."

F17720 SGHC A

System Name:

Control Logs (44 FR 74361).

Change:

System Identification:

Change to, "F177 AF SG A."

F21001 ESC A

System Name:

Historical Research and Retrieval System (HORRS) (46 FR 6586).

Change:

System Identification:

Change to, F210 ESC A.

Additions

The following notices replace or combine obsolete notices deleted above. They are not deemed to require new system reports under the provisions of 5 USC 552a(o) as implemented by office of Management and Budget (OMB) Circular A–108, Transmittal Memoranda, No. 1

and No. 3, dated September 30, 1975 and May 17, 1976 respectively. The OMB guidance was set forth in the **Federal Register** (40 FR 45877) on October 3, 1975.

F035 ARPC B

System Name:

Informational Personnel Management Records.

Add after system F035 AFAA A.

This new system is published to merge and better describe systems F03501 ARPC A, Informational Personnel Management Records, and F03501 ARPC C, Personnel Management Records.

F050 AFFAA B

System Name:

Employee Training and Career Development File.

Add after system F050 AFAA A.

This system notice combines and republishes F04003 and 06SCEYB, Long-Term Full-Time Training File; and F05001 06SCEYA, Advanced Degree File.

F161 AF SG C

System Name:

USAF Master Radiation Exposure Registry.

Add after system F161 AF SG B.

This system notice replaces F16104 SGPA A, USAF Master Radiation Exposure Registry. It incorporates numerous technical changes and corrects minor errors. No changes have made in the actual program or the records covered by this notice which would require advance reporting.

F168 AF SG C

System Name:

Medical Record System.

Add after system F168 AF SG B.

This system notice combines and republishes F16803 ASGHB R, Patient Index and Locator System; F16804 SGHB A, Clinical Records and Related Documents; and F16805 ASGHB R, Health and Outpatient Records.

F010 MAC A

SYSTEM NAME:

Correspondence, Message and Project Files (Civil Reserve Air Fleet Personnel).

SYSTEM LOCATION:

Military Airlift Command, Deputy Chief of Staff, Plans, Directorate of War Plans, Civil Air Division, Scott Air Force Base IL 62225.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Civil Reserve Air Fleet Carrier personnel who have been granted a security clearance of Secret under the industrial security program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Semi-annual report from the Civil Reserve Air Fleet Carriers identifying additions, deletions, and corrections to the previous report. Consolidated list prepared and published semi-annually by the System Manager.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11490.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Carrier reports used to update consolidated list. Consolidated list published as attachment to Military Airlift Command Regulation 55-5, and distributed to appropriate agencies involved in releasing classified material to Civil Reserve Air Fleet Carrier personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer cards and computer paper printouts and in file folders.

RETRIEVABILITY:

Filed alphabetically by last name, by Civil Reserve Air Fleet Carrier.

SAFEGUARDS:

Accessed by persons responsible for servicing the record system in performance of their official duties. Stored in security container (three combination safe).

RETENTION AND DISPOSAL:

Retained in office safe until updated semi-annually. Cards withdrawn (deletions or corrections) are retained until next report received, then destroyed by tearing in half. Consolidated list becomes background material to the related publication which is retained as current record until the publication is rescinded, superseded, or obsoleted; then removed from the current file, placed in inactive file which is cutoff 31 December each year, retained in office files for one year after annual cutoff, transferred to the staging area for one additional year, then retired to the Washington National Records Center, Washington DC 20409 for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Plans, Headquarters Military Airlift Command, Scott Air Force Base, Illinois 62225.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to System Manager.

RECORD ACCESS PROCEDURES:

Individual gains access from System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Foll ARPC A

SYSTEM NAME:

Locator or Personnel Data.

SYSTEM LOCATION:

At Air Reserve Personnel Center, Denver CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and Air National Guard personnel. Retired and former Air Force military personnel. ARPC civilian personnel. Air Force active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Cards, forms ledgers, record request, computer listings containing individual's name or names, Social Security Number (SSN), Air Force service number, grade, reserve status, present and former address, record of employer, work production statistics, parent and other relevant reservist or personnel data; Veterans Administration claim number, education institutes reservist attended, school affiliations; correspondence to and from Federal agencies and employers trying to establish current address of reservists; vouchers for medical service, final payment of medical service bills, medical action required; notes indicating if individual is authorized to earn point credit; and other personnel data. Documents which contain a summary of action taken or to be taken.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 267, Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; 268, Ready Reserve: Training requirements; 271, Ready Reserve: continuous screening; 273, Standby Reserve: composition, inactive status list; 275, Personnel records; 278, Dissemination of Information; 279, Training Reports; 591, Reserve components: qualification; 592, Commissioned officer grades; 593, Commissioned officer: appointment, how made, term; 594, Commissioned officers: original appointment limitation; 8012, Secretary of the Air Force: powers and duties, delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to control records distribution, to record location of record, actions taken or/to be taken, used to manage individual's records and management information system (MIS) data, to answer inquires from individual and Air Force units to which individuals are assigned or are to be assigned or other agencies with a need to know of action taken, verify if author of a letter was a member/or is a member of reserve and what his or her SSN should be, search for good address and stop computer mail from going to bad address, refer for administrative discharge action on reservist that cannot be located, advise reservist or civilian of reserve matters or center actions, provide comprehensive record of all medical actions taken by Surgeon's Office and record authorization for physical examinations at Government expense or no expense and record voucher number, preparing point credit authorization and forwarding authenticated point credit forms to servicing personnel office.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in note books/binders, in visible file binders/cabinets, in card files, on paper and on computer cards and printouts.

RETRIEVABILITY:

Filed by name, by Social Security Number (SSN), or system identifier and/or voucher number, school affiliation, or by last address of Reservist.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver CO 80280.

NOTIFICTION PROCEDURE:

Request from individual should be addressed to Documentation Management Officer, ARPC/DAD, Denver CO 80280. Written request for information should contain full name of individual, SSN (Social Security Number), current address, and the case (control) number shown on correspondence received from Center. Records may be reviewed in records review room ARPC, Denver CO 80280, between 8:00 a.m. and 3:00 p.m. or normal workdays. For personal visits, the individual should provide current Reserve I.D. card and/or drivers license and give some verbal information that could verify his/her records such as place of birth, reserve status.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DAD, Denver, CO 80280, telephone (303) 370-4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information provided by the individual, extracted from individual records, individual advance personnel data computer system. For address information secured from last recorded employer, postmaster of city of last recorded address, telephone information operator at last city of good address, parents of reservist, other relatives of reservist, Veterans Administration if reservist has a claim number listed in master personnel record, college or university reservist attended, Selective Service Boards, Internal Revenue Service, public utilities or any other lead that may be found in the master personnel record of the reservist, military pay records at Air Force Accounting and Finance Center, Denver CO 80279, log books and from Consolidated Base Personnel Offices. Medical information is also secured from medical facilities, physicians, medical specialists.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 SAC A

SYSTEM NAME:

SAC Logistic Personnel Management System.

SYSTEM LOCATION:

Deputy Commander for Maintenance or Deputy Commander for Resources (at Air Force installations) within the Strategic Air Command (SAC) and Deputy Chief of Staff for Logistics at Strategic Air Command Headquarters. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Strategic Air command personnel assigned to logistics or maintenance duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files related to qualifications, experience, education, and degree of security clearance of logistics and maintenance personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: Power and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To develop a record source on logistics personnel at unit level in order to determine overall job qualifications, capabilities, and historical data for analysis by unit and MAJCOM. Files will provide a source of data to help determine future training requirements, protection capabilities, and balance experience factors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name or weapon system to which individual is assigned.

SAFEGUARDS:

Records are accessed by custodian of unit files and by personnel rsponsible for servicing the record system in performance of official duties. File folders are stored in locked rooms or drawers.

RENTENTION AND DISPOSAL:

Files are destroyed when superseded, or on reassignment from Strategic Air Command or separation of the individual.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Logistics, headquarters Strategic Air Command and Deputy Commander Maintenance or Deputy Commander Resources, at Strategic Air Command base or organization.

NOTIFICATION PROCEDURE:

Deputy Chief of Staff Logistics, Deputy Commander Maintenance, or Deputy Commander Resources. Requests to determine existence of record should include full name, grade and approximate dates individual was assigned to Strategic Air Command logistics or maintenance organization after 1 July 1980.

RECORD ACCESS PROCEDURES:

Access to manual files is controlled by Deputy Chief of Staff, Logistics, at Headquarters Strategic Air Command and by Deputy Commander Resources at each Strategic Air Command organization.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F011 SG A

SYSTEM NAME:

Professional Inquiry Records System.

SYSTEM LOCATION:

At Headquarters United States Air Force, Office of the Surgeon General, Assistant for Congressional & Public Affairs, Bolling AFB, Washington, DC 20332.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have corresponded with a member of Congress, White House, or other high level federal or state executive officials concerning the professional aspects of care provided in Air Force medical facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains copies of all correspondence concerning the inquiry; substantiating documents, such as correspondence or memorandums of telephone conversations with the appropriate medical facility, draft replies, medical records and any other background data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used as background data for statistical presentations, and historical evidence for repeat inquiries by the same individuals. Portions of records may be loaned or copies provided to the Department of Defense activities for use as background data in evaluating inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

File by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for two years after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force, Washington DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions and from source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F012 ARPC A

SYSTEM NAME:

Fee Case File.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and Air National Guard personnel and authorized requesters who are assessed a fee for search/receipt of documents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of general correspondence, chargeable case control, and public voucher involving collection of fees for search time and reproduction of documents from an Air Force Reserve or Air National Guard members personnel record, authorized release under Freedom of Information (FOI) at the request or authorization of the member for release to himself/or herself or approved agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 552, Public information agency rules, opinions, orders, and proceedings (Freedom of Information Act); 552a, Records maintained on individuals (Privacy Act); and 10 USC 8012, Secretary of the Air Force: powers and duties; delegation by as implemented by Air Force Regulation (AFR) 12–30, Disclosure of Air Force Records to the Public; AFR 12–35, Air Force Privacy Act Program, AFR 12–32, Schedule of Fees for Copying, Certifying, and Searching Records and Other Documentary Material.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to control collection of chargeable fees and to very completion of action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Destroyed after one year by tearing, pulping, or burning, provided any discrepancy is cleared.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 a.m. and 3:00 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or drivers license and some verbal information that could verify the person's identity from the record.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, CO 80280, telephone (303) 370-4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Correspondence and information from the individual, other military agencies and the National Personnel Records Center, St. Louis, MO 63132.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AF JA A

SYSTEM NAME:

Confidential Statement of Affiliations and Financial Interest.

SYSTEM LOCATION:

Office of the General Counsel, Office of the Secretary of the Air Force, Washington, DC 20330; Office of the Judge Advocate General, Headquarters, United States Air Force, Washington, DC 20330; Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force civilian personnel paid at a level of GS-13 through GS-15; Air Force military personnel in the rank of Lieutenant Colonel or Colonel whose basic duties and responsibilities require the exercise of judgment on Government decision making or taking action on (1) the administering or monitoring of grants or subsidies, (2) contracting or procurement, (3) auditing, or (4) any other government activity in which the final decision or action has a significant economic impact on the interest of any non-federal enterprise; and Special Government employees who are "advisors" or "consultants."

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the title of the individual's position, date of appointment in present position, agency and major organization segment of the position, employment and financial interests, creditors, interest in real property, a list of persons from whom information can be obtained concerning the individual's financial situation, supervisor's evaluation, and Standards of Conduct Counsellor/Deputy Counsellor review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222, "Prescribing Standards of Ethical Conduct for Government Officers and Employees."

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The review of the statements by the individual's supervisor and deputy counselor to determine the existence of or potential for a conflict of interest in the performance of official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records maintained in file folders.

RETRIEVABILITY:

Filed alphabetically by year.

SAFEGUARDS:

Stored in locked metal file cabinets.

RETENTION AND DISPOSAL:

Retained up to two years after the individual has left employment or terminated responsibilities which require disclosure of information. Destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant General Counsel (Personnel). The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Managers or to Deputy Standards of Conduct Counsellor at system location.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance from the System Managers or Deputy Standards of Conduct Counsellor at system location.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Managers.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual or from personnel designated by the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 AF SG A

SYSTEM NAME:

Aerospace Physiology Personnel Career Information System.

SYSTEM LOCATION:

Air Force Medical Service Center, HQ AFMSC/SGPA, Brooks Air Force Base, Texas 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty military personnel serving in, and civilian and military applicants for, the USAF Aerospace Physiology Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain a picture, information as to assignments, academic and professional accomplishments, personal letters from individuals inquiring about some aspect of a career as an AF Aerospace Physiologist/Physiological Training Officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by:

and 8067(d), Designation: officers to perform certain professional functions, as implemented by Air Force Regulation (AFR) 50-27, Air Force Aerospace Physiology Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Chief, Aerospace Physiology and Chief, Biomedical Sciences Corps (BSC) to make policy decisions regarding level and type of officer expertise available and required to meet present and future commitments for USAF. Used for policy analysis in determining the type of professional background required to meet standards for each program falling within the Aerospace Physiology Programs. Used by Chief, Aerospace Physiology and Chief, Biomedical Sciences Corps (BSC) to analyze the experience and professional achievements of the individual/group to insure that qualified officers are available, processed and trained and properly located to meet the requirements for specific and highly technical Aerospace Physiology projects. Used for policy decisions regarding curricula for professional training requirements for advanced degrees, manning, standards for manpower evaluation, professional degree level for required functional areas, statistical analysis of data relating to component officers in the BSC. Personnel letters from/to individuals contain answer/questions to policies and their relation to individual's AF status, where applicable.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, visible file binders/cabinets; resumes are in alphabetical order in loose ring notebooks.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system.

RETENTION AND DISPOSAL:

Retained in offices files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Force Medical Service Center, Brooks Air Force Base, Texas 78235.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Provide full name, Social Security Number, military status. Requesters may visit Office of the Surgeon General, Aerospace Medicine Division. Proof of identity is by government ID card, drivers license, personal recognition by Chief, Aerospace Physiology due to small number of officers involved.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is provided by the individual and the Air Force Manpower and Personnel Center.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 ARPC A

SYSTEM NAME:

Applications for Identification (ID) Cards.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for ID cards and discharge orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 499, Military, naval, or official pass; 506, Seals of departments or agencies; and 701, Official badges, identification cards, other insignia as implemented by Air Force Regulation (AFR) 30-20, Issue and Control of Identification (ID) Cards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a suspense file pending receipt of ID card or correspondence from reservist advising of prior disposition of identification card.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Destroy when notified that credential has been returned to issuing activity by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center; Denver, Colorado between 8:00 a.m. and 3:00 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or driving license and some verbal information that could verify the person's SSN at time of discharge.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, Colorado 80280; telephone (303) 370-4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is extracted from master personnel record when individual is discharged from the Air Force Reserve.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 ARPC B

SYSTEM NAME:

Point Credit Accounting Record System (PCARS).

SYSTEM LOCATION:

At Air Reserve Personnel Center, Denver, CO 80280. At Air National Guard and Air Force Reserve Activities. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. At Air Force Manpower and Personnel Center, Randolph Air Force Base, Texas 78150.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and National Guard Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, orders, forms, and reports which include identifying personnel data including name, SSN, address, grade, and retirement/retention date; record of retirement points and service earned prior to and record of points earned, by type duty, for the current retirement year. Reports include automated listings, processed transactions, rejected transactions, accession transactions, point summary lists, statistical reports, individual point summary reports, and input lists for participation verification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1331, Age and service requirements; 1332, Computation of years of service in determining entitlement to retired pay; 1333, Computation of years of service in computing retired pay; 1334, Time not creditable toward years of service; 1335, Inactive status list; 1336, Service credited for retired pay benefits not excluded for other benefits; and 1337, Limitation on active duty as implemented by Air Force Manual (AFM) 30–130, Vol I, Base Level Military Personnel System; Air Force Regulation (AFR) 35–41, Vol II, Reserve Training; AFR 35–7, Service Retirements; and AFR 35–3, Service Dates and Dates of Rank.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to maintain accurate listings of transactions processed to active reserve force member's point credit account, to reconcile strength of the Air National Guard and Air Force Reserve members between the various mechanized accounting systems, to identify new members of the Air Force Reserve and Air National Guard, to certify accuracy and completeness of transactions manually submitted to the point record as required by Air Force audit requirements, to advise member and reserve managers of the member's participation in reserve affairs, for promotion evaluation considerations, and for determination of retirement eligibility.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets, on computer tape, and paper printouts.

RETRIEVABILITY:

Filed by name and by SSN.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Documents not required for inclusion in military personnel record system are retained in office files until superseded, obsolete, no longer needed for reference, or after 16 months, whichever is sooner, then destroyed by tearing into pieces, shreeding, pulping, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Request from individual should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280. Written request for information should contain full name of individual, SSN, current address and the case control number shown on correspondence received from center. Records may be reviewed in records review room ARPC, Denver, CO 80280, between 8:00 a.m. and 3:00 p.m. on normal workdays. For personal visits, the individual should provide current reserve ID card and/or drivers license and give some verbal information that could verify his/her reserve assignment.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DAD, Denver, CO 80280, telephone (303) 370–4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from master personnel record and authorized point credit documents obtained from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 SAC A

SYSTEM NAME:

Drug Rehabilitation Action Management Program.

SYSTEM LOCATION:

At servicing Air Force (AF) installation Social Actions Offices, Consolidated Base Personnel Offices, Strategic Air Command Headquarters (SAC) and Air Force Manpower and Personnel Center. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty enlisted military personnel assigned to Strategic Air Command who are identified as drug abusers.

CATEGORIES OF RECORDS IN THE SYSTEM:

As a minimum, the system contains computerized data and manual files related to drug abuse identification, category of abuse, acceptance of treatment, and subsequent personnel actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by: and 10 U.S.C. 8074, Commands: territorial organization and Air Force Regulation (AFR) 30–2, Social Actions Program.

ROUTINE USES OF RECORDS MAINTANIED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To identify and track a person's progress in the Strategic Air Command drug rehabilitation program and ultimate disposition (retained on active duty, separated, demoted, etc). Those authorized to have access to the files are base and command level social actions staffs, drug rehabilitation instructors, and selected command staff personnel.

The files are used to maintain information on drug abusers, to measure the success of program objectives, to substantiate personnel actions, provide analysis reports to concerned managers and to support separation actions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hybrid; maintained in a combination of paper and automated form.

RETRIEVABILITY:

Retrieved by name, by other identification number of system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. The computer file is secured on computer disk/tape by computer operations personnel. Manual file folders are stored in security file containers/cabinet safes. Computers are located in a security area.

RETENTION AND DISPOSAL:

Computerized and manual files will be destroyed two years after entry into drug rehabilitation program in accordance with AFM 12–50.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Personnel, Strategic Air Command, and base level Social Actions Offices.

NOTIFICATION PROCEDURE:

Chief, Social Action, Strategic Air Command Headquarters (DPZ) for Computer Files or base level Social Actions Offices for manual files. Request to determine existence of record on file should include full name, grade, and unit of assignment. Personal visit proof of identification requires full name and possession of Department of Defense (DD Form 2AF) Armed Forces Identification Card, or driver's license and personal recognition of counselor.

RECORD ACCESS PROCEDURES:

Access to computer files is controlled by Chief of Social Actions, Headquarters Strategic Air Command. Access to manual files is controlled by base level Chief, Social Actions Office.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institution, personnel records, individuals.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 SG A

SYSTEM NAME:

Bioenvironmental Engineer Personnel Career Information System.

SYSTEM LOCATION:

Air Force Medical Service Center, Brooks AFB, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force Active Duty Officers with Air Force Specialty Code (AFSC) 9116, 9124, or 9121.

CATEGORIES OF RECORDS IN THE SYSTEM:

File includes information on where the individual is assigned, academic background, assignment preferences, past assignments, correspondence between the individual and the Associate Chief of the Biomedical Sciences Corps (BSC) for Bioenvironmental Engineering, and professional accomplishments of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by: and 8067(i), Designation: officers to perform certain professional functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To assist the Associate Chief of the BSC for Bioenvironmental Engineering in establishing policy or educational requirements in this career field; to foster career retention through more personal contact with officers in this specialty; to assist the Air Force Manpower and Personnel Center in assigning bioenvironmental engineers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by authorized personnel who are properly screened and cleared for need-to-know. Records are protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for six months after the individual terminates active military service, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Medical Service Center, Brooks AFB, TX 78235.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F030 SG B

SYSTEM NAME:

Aerospace Medicine Personnel Career Information System.

SYSTEM LOCATION:

The Aerospace Medical Consultants Division, HQ AFMSC/SGPA, Brooks AFB, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All AF Medical Officers (MC), active duty, separated or retired, who possess or are in training leading to award of Air Force Specialty Code (AFSC) 9356, Aerospace Medicine Physician.

CATEGORIES OF RECORDS IN THE SYSTEM:

Date of Board certification, dates of aeronautical ratings, professional society membership record of training, military assignments, marital status, list of papers authored, assignment preferences, desired career progression, photograph, letter of notification of certification by the American Board of Preventive Medicine, as well as personal letters from officers regarding promotion/assignment/career progression and copies of replies to these letters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; and 8067(f) Designation: officers to perform certain professional functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Assist the Chief, Aerospace Medical Consultants Division in establishing policy on educational requirements in 9356 career field; to foster career retention through more personal contact with officers in this speciality; to assist the AF Military Personnel System in assigning Aerospace Medicine Physicans.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in visible file binders/cabinets.

RETREVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, and by authorized personnel who are properly screened and cleared for need-to-know. Records are controlled by visitor registers.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGERS AND ADDRESS:

Chief, Flight Medicine, HQ AFMSC/SGPA, Brooks AFB, TX 78235.

NOTIFICATION PROCEDURES:

Requests from individuals should be addresseed to the System Manager. Required information is full name/rank; visits may be made to Chief, Flight Medicine, Office of the Surgeon General, Aerospace Medical Consultants Division; proof of identity is by military ID card for active/retired and personal recognition due to small number of officers involved.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Individuals provide most of the information for the system. The remainder is obtained from financial, educational or medical institutions, and from source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AFAA A

SYSTEM NAME:

Air Force Audit Agency Office File.

SYSTEM LOCATION:

Command Section, AFAA/AG, Norton AFB CA 92409; Directorate of Operations, AFAA/DO, Norton AFB CA 92409; Directorate of Plans, AFAA/XP, Norton AFB CA 92409; Directorate of Forces and Support, AFAA/FS, Norton AFB CA 92409; Directorate of Field Activities, AFAA/FD, Norton AFB CA 92409; Directorate of Support Services AFAA/SU, Norton AFB CA 92409; Directorate of Personnel, AFAA/DP, Norton AFB CA 92409; Assistant Auditor General, AFAA/AF (Pentagon), Washington D.C. 20330; Central Audit Region, AFAA/FDC, Offutt AFB NE 68113; Eastern Audit Region, AFAA/FDE, Langley AFB VA 23665; European Audit Region, AFAA/FDU, APO NY 09012; Pacific Audit Region, Hickam AFB HI 96853; AFAA/FDW, McClellan AFB, CA 95652; Acquisition Audit Region/QLQ, Andrews, AFB DC 20331; AFAA Area Audit Office, Barksdale AFB LA 71110; AFAA Area Audit Office, Bergstrom AFB TX 78743; AFAA Area Audit Office, Cannon AFB NM 88101; AFAA Area Audit Office, Carswell AFB TX 76127; AFAA Area Audit Office, P.O. Box 547, Dyess AFB TX 79607; AFAA Area Audit Office, Ellsworth AFB SD 57706; AFAA Area Audit Office, Grand Forks AFB ND 58205; AFAA Area Audit Office, Holloman AFB NM 88330; AFAA Area Audit Office, Little Rock AFB Jacksonville AR 72076; AFAA Area Audit Office, Bldg 349, Lowry AFB CO 80230; AFAA Area Audit Office, Minot AFB ND 58701; AFAA Area Audit Office, Offutt AFB NE 68113; AFA Area Audit Office, McConnell AFB KS; AFAA Area Audit Office, Sheppard AFB TX 76311; AFAA Area Audit Office, Bldg 1522, Stop 166, Andrews AFB DC 20331; AFAA Area Audit Office, Chanute AFB IL 61868; AFAA Area Audit Office, Charleston AFB SC 29404; AFAA Area Audit Office, Dover AFB DE 19901; AFAA Area Audit Office, Griffiss AFB NY 13441; AFAA Area Audit Office, Grissom AFB IN 46971; AFAA Area Audit Office, Homestead AFB FL 33039; AFAA Area Audit Office, Bldg 4330, Kessler AFB MS 39534; AFAA Area Audit Office, KI Sawyer AFB MI 49843; AFAA Area Audit Office, Langley AFB VA 23665; AFAA Area Audit Office/LA, MacDill AFB FL 33608; AFAA Area Audit Office, McGuire AFB NJ 08641; AFAA Area Audit Office, Pease AFB NH 03801; AFAA Area Audit Office, Plattsburgh AFB NY 12903; AFAA Area Audit Office, Scott AFB IL 62225; AFAA Area Audit Office, Seymour Johnson AFB NC 27531; AFAA Area Audit Office, Shaw AFB SC 29152; AFAA Area Audit Office, Tyndall AFB FL 32403; AFAA Area Audit Office, APO San Francisco 96334; AFAA Area Audit Office, Beale AFB CA 95903; AFAA Area Audit Office, Castle AFB CA 95342; AFAA Area Audit Office, APO San Francisco 96274; AFAA Area Audit Office, Davis-Monthan AFB AZ 85707; AFAA Area Audit Office, P.O. Box 878, Elmerdorf AFB AK 99506; AFAA Area Audit Office, P.O. Box 1313, Fairchild AFB WA 99011; AFAA Area Audit Office/LA, George AFB CA 92392; AFAA Area Audit Office, Hickam AFB HI 96853; AFAA Area Audit Office, APO San Francisco 96239; AFAA Area Audit Office, APO San Francisco 96264; AFAA Area Audit Office, Luke AFB AZ 85309; AFAA Area Audit Office, Bldg 510, Mather AFB CA 95655; AFAA Area Audit Office, McChord AFB WA 98438; AFAA Area Audit Office, Mountain Home ID 83648; AFAA Area Audit Office, Nellis AFB NV 89191; AFAA Area Audit Office, APO San Francisco 96570; AFAA Area Audit Office/34AG, Norton AFB, CA 92409; AFAA Area Audit Office, Travis AFB CA 94535; AFAA Area Audit Office, Peterson AFB CO 80914; AFAA Area Audit Office, Vandenberg AFB CA 93437; AFAA Area Audit Office, APO San Francisco 96328; AFAA Area Audit Office, APO New York 09238; AFAA Area Audit Office, APO New York 09223; AFAA Area Audit Office, APO New York 09283; AFAA Area Audit Office, APO New York 09132; AFAA Area Audit Office, APO New York 09109; AFAA Area Audit Office, APO New York 09179; AFAA Area Audit Office, APO New York 09012; AFAA Area Audit Office, APO New York 09057; AFAA Area Audit Office, APO New York 09194; AFAA Area Audit Office, Stop 226, Edwards AFB CA 93523; AFAA Area Audit Office, P.O. Box 1625, Eglin AFB FL 32542; AFAA Area Audit Office, Kirtland AFB NM 87117; AFAA Area Audit Office/ESD, Bldg 1716N, Stop 43, Hanscom AFB MA 01731; AFAA Area Audit Office, P.O. Box 92960, Worldway Postal Center, Los Angeles CA 90009; AFAA Area Audit Office, Patrick AFB FL 32925; AFAA Area Audit Office/ASD, Bldg 125, Rm 1401, Area B, Wright-Patterson AFB OH 45433; AFAA Area Audit Office, Hill AFB UT 84406; AFAA Area Audit Office, Kelly AFB TX 78241; AFAA Area Audit Office/LVAS, McClellan AFB CA 95652; AFAA Area Audit Office/AUDGN, Robins AFB GA 31098; AFAA Area Audit Office, Tinker AFB OK 73145; AFAA Area Audit Office/REP, Wright-Patterson AFB OH 45433; AFAA Area Audit Office, Gunter AFS AL 36114; AFAA Area Audit Office, Denver CO 80279; AFAA Area Audit Office, Randolph AFB TX 78148.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency active duty and reserve officer, enlisted, and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Installation Fact Sheet, Air Force Audit Agency Leave Schedule, Memorandums of Discussions with Installation Officials, Personnel Data Sheet, Personnel Interview Sheet (Parts I and II), Memorandums to Region Chief concerning supervisory visits, Region/Division Audit Report Review Sheets, Designation of Position and Position Titles, Air Force Audit Agency Personnel Roster for Office Concerned, Recommendations for Future Assignment of Personnel, Memorandums for the Record, Supervisory Surveys, Correspondence Relating to Performance of Assigned Personnel, Welcome Letters for Assigned Personnel, Pertinent Staff Meeting Memorandums, Pertinent Staff Training Memorandums, Workload Data, Report Evaluations By Auditor, AFAA Office Productivity Data, Supervisory Auditor Assignments, Reports of Significant Activity, HQ AFAA SRA/Audit Review Sheets, Memorandums of Personnel Discussions, Trip Reports, and Individual Resource Expenditure Worksheets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032(b)(1), General duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by audit office chiefs, supervisory auditors, and Region/Directorate Chiefs to collect data to evaluate office and individual performance and to become cognizant of office responsibilities and general geographical factors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by manual search of the records maintained by each office using name, audit project or by category.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Auditor General, Air Force Audit Agency, Norton AFB CA 92409.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; financial, educational, and medical institutions; trade associations; automated system interfaces; police and investigating officers; the public media; state or local governments; international organizations; corporations; witnesses, and source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AFAA B

SYSTEM NAME:

Air Force Audit Agency Office Personnel File.

SYSTEM LOCATION:

Command Section, AFAA/AG, Norton AFB CA 92409; Directorate of Operations, AFAA/DO, Norton AFB CA 92409; Directorate of Plans, AFAA/XP, Norton AFB CA 92409; Directorate of Forces and Support, AFAA/FS, Norton AFB CA 92409; Directorate of Support Services, AFAA/SU, Norton AFB CA 92409; Directorate of Field Activities, AFAA/FD, Norton AFB CA 92409; Directorate of Personnel, AFAA/DP, Norton AFB CA 92409; Assistant Auditor General, AFAA/AI (Pentagon), Washington DC 20330; Central Audit Region, AFAA/FDC, Offutt AFB NE 68113; Eastern Audit Region, AFAA/FDE, Langley AFB VA 23665; European Audit Region, AFAA/FDU, APO NY 09012; Pacific Audit Region, Hickam AFB HI 96853; AFAA/FDW, McClellan AFB CA 95652; AF Audit Agency, Acquisition Audit Region/QLQ, Andrews AFB DC 20331; AFAA Area Audit Office, Barksdale AFB LA 71110; AFAA Area Audit Office, Bergstrom AFB TX 78743; AFAA Area Audit Office, Cannon AFB NM 88101; AFAA Area Audit Office, Carswell AFB TX 76127; AFAA Area Audit Office, P.O. Box 547, Dyess AFB TX 79607; AFAA Area Audit Office, Ellsworth AFB SD 57706; AFAA Area Audit Office, Grand Forks AFB ND 58205; AFAA Area Audit Office, Holloman AFB NM 88330; AFAA Area Audit Office, Little Rock AFB Jacksonville, AR 72076; AFAA Area Audit Office, Bldg. 349, Lowry AFB CO 80230; AFAA Area Audit Office, Minot AFB ND 58701; AFAA Area Audit Office, Offutt AFB NE 68113; AFAA Area Audit Office, McConnell AFB KS; AFAA Area Audit Office, Sheppard AFB TX 76311; AFAA Area Audit Office, Bldg. 1522, Stop 166, Andrews AFB DC 20331; AFAA Area Audit Office, Chanute AFB IL 61868; AFAA Area Audit Office, Charleston AFB SC 29404; AFAA Area Audit Office, Dover AFB DE 19901; AFAA Area Audit Office, Griffiss AFB NY 13441; AFAA Area Audit Office, Grissom AFB IN 46971; AFAA Area Audit Office, Homestead AFB FL 33039; AFAA Area Audit Office, Bldg. 4330, Keesler AFB MS 39534; AFAA Area Audit Office, K.I. Sawyer AFB MI 49843; AFAA Area Audit Office, Langley AFB VA 23665; AFAA Area Audit Office/LA, MacDill AFB FL 33608; AFAA Area Audit Office, McGuire AFB NJ 08641; AFAA Area Audit Office, Pease AFB NH 03801; AFAA Area Audit Office, Plattsburgh AFB NY 12903; AFAA Area Audit Office, Scott AFB IL 62225; AFAA Area Audit Office, Seymour Johnson AFB NC 27531; AFAA Area Audit Office, Shaw AFB SC 29152; AFAA Area Audit Office, Tyndall AFB

FL 32403; AFAA Area Audit Office, APO San Francisco 96334; AFAA Area Audit Office, Beale AFB CA 95903; AFAA Area Audit Office, Castle AFB CA 95342; AFAA Area Audit Office, APO San Francisco 96274; AFAA Area Audit Office, Davis-Monthan AFB AZ 85707; AFAA Area Audit Office, P.O. Box 878, Elmendorf AFB AK 99506; AFAA Area Audit Office, P.O. Box 1313, Fairchild AFB WA 99011; AFAA Area Audit Office/LA, George AFB CA 92392; AFAA Area Audit Office, Hickam AFB HI 96853; AFAA Area Audit Office, APO San Francisco 96239; AFAA Area Audit Office, APO San Francisco 96264; AFAA Area Audit Office, Luke AFB AZ 85309; AFAA Area Audit Office, Bldg. 510, Mather AFB CA 95655; AFAA Area Audit Office, McChord AFB WA 98438; AFAA Area Audit Office, Mountain Home, ID 83648; AFAA Area Audit Office, Nellis AFB NV 89191; AFAA Area Audit Office, APO San Francisco 96570; AFAA Area Audit Office/34AG, Norton AFB CA 92409; AFAA Area Audit Office, Travis AFB CA 94535; AFAA Area Audit Office, Peterson AFB CO 80914; AFAA Area Audit Office, Vandenberg AFB CA 93437; AFAA Area Audit Office, APO San Francisco 96328; AFAA Area Audit Office, APO New York 09238; AFAA Area Audit Office, APO New York 09223; AFAA Area Audit Office, APO New York 09283; AFAA Area Audit Office, APO New York 09132; AFAA Area Audit Office, APO New York 09109; AFAA Area Audit Office, APO New York 09179; AFAA Area Audit Office, APO New York 09012; AFAA Area Audit Office, APO New York 09057; AFAA Area Audit Office, APO New York 09194; AFAA Area Audit Office, Stop 226, Edwards AFB CA 93523; AFAA Area Audit Office, P.O. Box 1625, Eglin AFB FL 32542; AFAA Area Audit Office, Kirtland AFB NM 87117; AFAA Area Audit Office/ESD, Bldg. 1716N, Stop 43, Hanscom AFB MA 01731; AFAA Area Audit Office, P.O. Box 92960, Worldway Postal Center, Los Angeles, CA 90009; AFAA Area Audit Office, Patrick AFB FL 32925; AFAA Area Audit Office/ASD, Bldg. 125, Rm. 1401, Area B, Wright-Patterson AFB OH 45433; AFAA Area Audit Office, Hill AFB UT 84406; AFAA Area Audit Office, Kelly AFB TX 78241; AFAA Area Audit Office/LVAS, McClellan AFB CA 95652; AFAA Area Audit Office/AUDGN, Robins AFB GA 31098; AFAA Area Audit Office, Tinker AFB OK 73145; AFAA Area Audit Office/REP, Wright-Patterson AFB OH 45433; AFAA Area Audit Office, Gunter AFS AL 36114; AFAA Area Audit Office, Denver CO 80279; AFAA Area Audit Office, Randolph AFB TX 78148.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency active duty and reserve officer and enlisted personnel, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Supervisor's Record of Employee; Record of Emergency Data; Notification of Personnel Action; Request for Personnel Action; Supervisory Evaluation of Employee Potential for First-Level Supervisory Positions; Supervisory Appraisal of Employee Current Performance-Auditor; Supervisory Appraisal of Employee Current Performance-Supervisory (General Schedule and Wage); Special Orders; Awards and Decorations information; Career Development data; AFR 30–30, Certifications; Appointment of Additional Duties; Application, Request for Investigation, Clearance, Unescorted Entry, Access Authorization Certificate; Letters of Recognition, Achievement, Congratulations or Commendation; Notification of Permanent Change of Station (PCS) Assignment; Quality Evaluation of First-Time Office Chiefs; Requests for Transfer, Separation, and Retirements; Officer Career Objective Statements; Airman Assignment Preference Statement; Recommendation for Incentive Award; Supervisory Appraisal of Employee Current Performance-Middle and High Level Managerial and Executive; Qualifications profile; Certification of Eligibility and Record of Personnel Security Clearance; Civilian Development Record; Data relating to Temporary Duty (TDY)/PCS trips; Evaluation Review/Critique Sheet; Orientation Checklist; Admission and Disposition Slip; Flying Attachment Data; Locator Cards; Supervisory Appraisal of Employee Current Performance-Clerical.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032(b)(1), General duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by area office chiefs, supervisory auditors, clerical personnel, and region/division chiefs to collect data for informational, support, and evaluation purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Auditor General, Air Force Audit Agency, Norton AFB, CA 92409.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; financial institutions, educational institutions, and medical institutions; trade associations; automated system interfaces; police and investigating officers; the public media, bureau of motor vehicles; state or local government; international organizations; corporations; witnesses; and source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AFAA C

SYSTEM NAME:

Informal Airmen/Reserve Information Record.

SYSTEM LOCATION:

HQ Air Force Audit Agency (AFAA), AFAA/CC, Norton Air Force Base, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency active duty and inactive reserve enlisted personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record of Emergency Data, Airman/Officer performance/effectiveness reports, Personnel Assignment Actions, Reassignment Orders, Assignment Preference Statement, Promotion Orders, Awards/Decoration—Orders and Citations, Enlistment Contract, Reserve Personnel Data Sheet, Applications for Active Duty Tours and Assignment Orders, Application for Reserve Assignment, Ready Reserve Service Agreement, Transitory correspondence pertaining to career management during individual's assignment to AFAA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032(b)(1), General duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to staff applications for reserve active duty tours, determine performance qualifications. Source documents to support entries in Advanced Personnel Data System. Users—Command section AFAA; Directorate of Personnel staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURES:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager and the Director of Personnel (AFAA/DP), Norton Air Force Base, CA 92409.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCES CATEGORIES:

Information obtained from source documents, from the individual, and from the Consolidated Base Personnel Office (CBPO).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 AFSC A

SYSTEM NAME:

Personnel Management Information System for AFSC Field Commanders.

SYSTEM LOCATION:

AFSC Divisions, Centers, and Laboratories.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force officer, enlisted, and civilian personnel assigned to or scheduled for assignment to various AFSC subordinate organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resumes and other data elements to record name, date of birth, service dates, assignment status, grade, salary, promotion and step increase dates, occupational series, AFSC, skill level, position title, educational level, professional/scientific status, special training, awards, publications, handicap, minority and sex codes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provides data to the Commander, his immediate staff, and Project Managers concerning the professional qualifications for selection and utilization of assigned personnel, for position management, and to perform certain scientific and technical research efforts in program support. Other uses include assigning additional management responsibility, preparing nominations for honors and awards, and as background data for evaluating requests for admission to professional societies, or other professional training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic tapes and disks, computer paper printouts, in binders, and in folders as case files.

RETRIEVABILITY:

Normally, data is retrieved by use of nonpersonal information, such organizational unit, occupational series, grade, or other workforce characteristics, but may be retrieved by name, SSN, or position member.

SAFEGUARDS:

(1) Records are accessed by the records custodian or by other persons responsible for servicing the records system in performance of their official duties. (2) Records are controlled by personnel screening and by computer system software. (3) Records are maintained in locked cabinet or other secured containers.

RETENTION AND DISPOSAL:

Retained in computer file or secured office file until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating or burning. Upon reassignment or separation, information in the computer file relating to the individual is deleted from the data base.

SYSTEM MANAGER(S) AND ADDRESS:

Commanders, Executive Officers, Product Managers of various AFSC subordinate organizations.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the specific System Manager/Record Custodian at subordinate AFSC organizations.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information will be obtained from military and civilian personnel records, managers and supervisors of individuals on a voluntary basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ARPC A

SYSTEM NAME:

Administrative Discharge for Cause on Reserve Personnel.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280, (all Reserve personnel other than unit assigned); Headquarters Air Force Reserve, Robins Air Force Base, GA 31098, (AFRES unit assigned Reserve personnel).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Board proceedings, board waiver, recommendations, and other records which result in discharge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 1162, Reserves: discharge; 1163, Reserve components; limitation on separation as implemented by Air Force Regulation (AFR) 35–41, Vol III, Separation Procedures for USAFR Members; AFR 35–24, Disposition of Conscientious Objectors; and ARPCR 45–19, Discharge for Inability to Locate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To effect the administrative separation of officer members of the United States Air Force Reserve (USAFR) from their appointment as reserve Officers and to effect the administrative separation of enlisted members of the USAFR from their enlistment as reserve members.

POLICIES AND PRACTICES FOR STORING RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records at ARPC are stored in locable metal file cabinets. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for 1 year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. HQ AFRES forwards copies of actions resulting in discharge to the Air Reserve Personnel Center, Denver CO 80280 for inclusion in the individual's Master Personnel Record Group. Individual's military personnel record is then forwarded to the National Personnel Record Center, 9700 Page Blvd, St Louis MO 63132, for permanent storage.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Reserve Personnel Center (ARPC), Denver CO 80280; Vice Commander, Headquarters Air Force Reserve, Robins Air Force Base, GA 31098.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver CO 80280, (non-unit assigned personnel), or the Chief, Personnel Actions Division, HQ AFRES/DPAA, Robins Air Force base, GA 31098, (AFRES unit assigned personnel). Written requests for information should contain full name, SSN, current mailing address, and if known, the case (control) number on correspondence received from ARPC or HQ AFRES. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Building 444, Lowry Air Force Base, CO between 8:00 a.m. and 3:00 p.m., or Headquarters Air Force Reserve, DPAA, Bldg 210, Robins Air Force Base, GA, 8:00 a.m. and 4:45 p.m., on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or drivers license and some verbal information that could verify the persons identification.

RECORD ACCESS PROCEDURES:

Individuals may obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver CO 80280; telephone (303) 370–4667 (Non-Unit Personnel), or the Chief, Personnel Actions Division, (AFRES/DPAA), Bldg 210, HQ AFRES, Robins Air Force Base, GA 31098; telephone (912) 926–3107 (Unit Assigned Personnel).

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES.

Information obtained from medical institutions, police and investigating officers and from witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ARPC B

SYSTEM NAME:

Informational Personnal Management Records.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver CO 80280; Headquarters United States Air Force, Washington DC 20330; United States Air Force Academy CO 80440; major commands and major subordinate commands. Official mailing addresses are in the Department of Defense directory in the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and Air National Guard personnel. Civilian/active military applicants to the Air Force Reserve. Retired and former Air Force military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer and airman assignment files which includes correspondence, memos, completed forms, messages, and vacancy authorization data for assignment approvals, disapprovals, waivers, manning assistance, discharges, screening data, orders, evaluation reports, documents changing training category, personnel data, photographs, chaplain ecclesiastical endorsement, record of security clearance; miscellaneous correspondence to and from individual; documents pertaining to individual that are not authorized for inclusion in other military personnel record systems; case file of reserve personnel placed on active duty containing copies of special and reserve orders, correspondence, documents complete with information used for travel overseas; assignment instructions; list of actions taken by technician; board actions on involuntary airmen; certified receipts acknowledgement of receipt of special orders card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 274, Retired Reserve; 275, Reserve personnel; 672, Reserve components generally; 673, Ready Reserve and Executive Order 11366, 4 August 1967; 10 USC Chapter 103, Senior Reserve Officer Training Corps; 10 USC 262, Purpose; and 2001, Reserve components; 8012, Secretary of the Air Force: powers and duties; delegation by; 8067, Designation: officers to perform

certain professional functions as implemented by Air Force Regulation (AFR) 35–41, Vol I, Assignments Within the Reserve Components; AFR 35–41, Vol II, Reserve Training; and AFR 35–44, Military Personnel Records System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to determine eligibility/suitability for assignment/reassignment with the Air Force Reserve; determine eligibility for retired related action, to make determinations on discharges or mobilization, deferments, fulfillment of statutory requirements, voluntary and involuntary order to extended active duty (EAD) and temporary release, status of active duty tour, position occupied; training reports. These include but are not limited to members participating in the Chaplain, Judge Advocate, Surgeon General Program. Records maintained as a historical file. Answers to correspondence/telephone inquiries; updating and/or changing information in computer and/or individual reservist record. Used as a reference file to answer inquiries from Reservist being called to active duty, to send gaining active units additional copies as requested, used as substantiating documents to show action was taken in accordance to prescribing directives. Information on personnel in the Chaplain, Judge Advocate, Surgeon General and other officer management programs is used by personnel responsible for program in order to assist Reservists in their careers.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders/card files/note books/binders and in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name, by Social Security Number (SSN), and ascending AFSC order, rank and name.

SAFEGUARDS:

Records are accessed by the custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Retain in office files until inactivation, reassignment or separation, no longer needed for reference or one year after annual cut-off. Then destroy by tearing into pieces, shredding, pulping, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC) is responsible for records at ARPC in Denver, CO. Individuals included in above records systems should deal directly with agency official of respective location to exercise their rights under the act.

NOTIFICATION PROCEDURE:

Request from individual should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280. Written requests for information should include full name of individual, Social Security Number (SSN), current address and the case (control) number shown on correspondence received from Center. Records may be reviewed in the Records Review Room, ARPC, Denver, CO 80280, between 8:00 a.m. and 3:00 p.m., on normal workdays. For personal visits, the individual should provide current Reserve ID card and/or drivers license and give some verbal information that could verify his/her identity from the records.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, CO 80280, telephone (303) 370–4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information supplied by individual as relates to but not limited to requesting assignment, application for retirement, military orders, personnel data, master personnel record, correspondence, statement of military service from other military components; annual survey and advance personnel data system, correspondence from serving Consolidated Base Personnel Office/Consolidated Reserve Personnal Office and Major Command units. Instructions from Air Force Military Personnel Center, Randolph Air Force Base, San Antonio TX 78150, instructions and board actions from Air Force Reserve (AFRES), DPAA, Robins Air Force Base, Warner Robins GA 31093 and Air Force Training Corps/SDAA, Maxwell Air Force Base, Montgomery AL 36112 and the National Guard Bureau, Washington DC 20310, and other Air Command, instructions from Headquarters/JAEC, Washington DC 20314. Information from source documents prepared on behalf of the Air Force Advance Personnel Data System.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ARPC C

SYSTEM NAME:

Correction of Military Records of Officers and Airmen.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files containing letters from individual reservist requesting correction of military record, related documents and replies to reservist.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 275, Personnel records as implemented by Air Force Regulation (AFR) 31–3, Air Force Board for Correction of Military Records and Air Reserve Personnel Center Regulation 45–4, Correction of Military Records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Office Managers and Section supervisors and technicians to process correction of reserve records when requested. Base files are sent to Manpower and Personnel Center for final action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Destroyed after 3 years by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver CO 80280.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 a.m. and 3:00 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or drivers license and some verbal information that could verify the person's SSN.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, Colorado 80280; telephone (303) 370–4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

From personnel records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ARPC D

SYSTEM NAME:

Data Change/Suspense Notification.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and forms used to record discrepancies or changes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 275, Personnel records as implemented by Air Force Regulation (AFR) 35–41, Vol. I, Assignments Within the Reserve Components and Air Reserve Center Regulation 45–7, Annual Survey.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To resolve discrepancies detected during annual records review.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for 1 year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 a.m. and 3:00 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or drivers license and some verbal information that could verify the person's identification.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, CO 80280; telephone (303) 370–4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from source documents prepared on behalf of the Air Force Advance Personnel Data System or supplied by Reservist.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ARPC E

SYSTEM NAME:

Flying Status Actions.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and related documents pertaining to request for suspension, nonrated officer utilization, aeronautical rating data documents that pertain to aeronautical ratings or suspensions and request for update of the uniform officer record and applications for other flying status/actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 275, Personnel records as implemented by Air Force Regulation (AFR) 35–13, Aviation Service, Aeronautical Ratings and Badges and Air Reserve Personnel Center Regulation 45–15, Disqualification of Rated Reserve Officers from Aviation Service.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To track each action taken until computer action is complete; reservist is informed and file copy is in master personnel record.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 a.m. and 3:00 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or drivers license and some verbal information that could verify the person's identification.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, CO 80280; telephone (303) 370-4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from source documents prepared on behalf of the Air Force advanced personnel data system or supplied by reservist.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ARPC F

SYSTEM NAME:

Biographical File.

SYSTEM LOCATION:

At Air Reserve Personnel Center, Denver, CO 80280, Ecclesiastical endorsing agencies if appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel assigned to but not limited to the Chaplain (HC) and Surgeon (SG) programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographies provided by members, correspondence, orders and/or forms containing information as to individual name, rank, Social Security Number (SSN), service dates, date of birth, unit assignments, civilian employment, military and civilian education, military and civilian experience, program specialties, hobbies, and names of family members, religion of chaplains, professional expertise and appointments, membership in professional societies, civic activities and state of licensure.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 262, Purpose; 8067, Designation: Officers to perform certain professional functions as implemented by Air Force Regulation (AFR) 35-41, Vol I, Assignments Within the Reserve Components; AFR 35-41, Vol II, Reserve Training; Air Reserve Personnel Center Regulation (ARPCR) 45-10, Personnel Administration for Members of the Chaplain Candidate Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To select chaplains, legal, medical field reserve officer personnel for special duties according to specific expertise required. Chaplain records are used by Chaplains Office personnel, medical reservist records are used to provide the ARPC/SG, Surgeon General, Major Command surgeons, USAF/RE, and Reserve Regions an in-depth personal history of Reservist Medical Officer. Allow selection of members best qualified to meet specific program requirements and task assignments.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in note books/binders.

RETRIEVABILITY:

File alphabetically by name or by SSN.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties, and by commanders of medical centers and hospitals. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Request from individual should be addressed to Documentation Management Officer ARPC/DAD, Denver, CO 80280. Written request for information should contain full name of individual, SSN, current address and the case (control) number shown on correspondence received from Center. Records may be reviewed in Records Review Room ARPC, Denver, CO 80280, between 8:00 a.m. and 3:00 p.m. on normal workdays. For personal visits, the individual should provide current Reserve ID Card and/or drivers license and give some verbal information that could verify his/her military personnel record, his/her religion if in the Chaplain program.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, CO 80280, telephone (303) 370-4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Provided by individual Reservist.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 ARPC G

SYSTEM NAME:

Officer Promotions.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280; Washington National Records Center, Washington, DC 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty officer personnel. Air Force Reserve and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Proceedings, findings and related documents such as rosters, board membership and board support and orders announcing promotion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8362, Commissioned officers: selection boards; 8366, Commissioned officers: promotion to captain, major, or lieutenant colonel; 8367, Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedures; 8371, Commissioned officers: Air Force Reserve; promotion to colonel as implemented by Air Force Regulations (AFR) 36-11, Permanent Promotion of Regular and Reserve Officers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by promotion division personnel in preparation for promotion boards and by the actual promotion board when convened.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in note books/binders.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system, and by person(s) responsible for servicing the records system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for 2 years after annual cut-off, then retired to Washington National Records Center, Washington DC 20409, for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC).

NOTIFICATION PROCEDURE:

Requests from individual should be addressed to Documentation Management Officer, ARPC/DAD, Denver CO 80280. Written request for information should contain full name of individual, SSN (Social Security Number). Current address and the case (control) number shown on correspondence received from center. Records may be reviewed in records review room ARPC, Denver, CO 80280, between 8:00 a.m. and 3:00 p.m. on normal workdays. For personal visits, the individual should provide current reserve i.d. card and/or drivers license and give some verbal information that could verify his/her record.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from Documentation Management Officer, ARPC/DAD, Denver CO 80280, telephone area code (303) 370-4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 SAC A

SYSTEM NAME:

Navigator Background Information.

SYSTEM LOCATION:

Beale Air Force Base, CA 95903; Castle Air Force Base, CA 95342; Dyess Air Force Base, TX 79607; Ellsworth Air Force Base, SD 57706; Fairchild Air Force Base, WA 99011; Francis E Warren Air Force Base, WY 82001; Grand Forks Air Force Base, ND 58205; March Air Force Base, CA 92518; Minot Air Force Base, ND 59705; 6 Strategic Wing, APO Seattle 98737; 320 Bombardment Wing, Mather Air Force Base, CA 95655; 916 Air Refueling Squadron, Travis Air Force Base, CA 94535; 55 Strategic Reconnaissance Wing, Offutt Air Force Base, NE 68113.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Currently assigned staff-crew navigators at 15th Air Force bases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grade, name, SSN, flying time and experience, education, professional military education, and special navigation competition experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force; powers and duties; delegation by and Strategic Air Command (SAC) Regulation 55-65, Operations and Training Divisions—Functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by the chief of the Bomb Navigation Branch to select navigators based on experience and training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual; maintained in paper files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by personnel screening in a controlled area.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Bomb Navigation Branch at each base listed under "System Location" above.

NOTIFICATION PROCEDURE:

Chief, Bomb Navigation Branch. Requests to determine existence of record should include full name, grade, SSN, and approximate dates individual was assigned to SAC organizations listed under "System Location" above.

RECORD ACCESS PROCEDURES:

Gain assistance from Unit Chief, Bomb Navigation Branch at each base listed under "System Location" above.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information and changes are obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 SAC B

SYSTEM NAME:

Officer Involuntary Administrative Separation File.

SYSTEM LOCATION:

Headquarters Strategic Air Command (SAC), Deputy Chief of Staff, Personnel, Quality Control Branch (DAPP), Offutt Air Force Base, NE 68113.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present Air Force active duty officers assigned to the Strategic Air Command who have Air Force Regulation (AFR) 36–2 or AFR 36–3 action pending or are resigning in lieu of court-martial.

CATEGORIES OF RECORDS IN THE SYSTEM:

SAC officers involuntary administrative separation discharge case file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Chapter 859, Separation from Regular Air Force for Substandard Performance of Duty; and Chapter 860, Separation from Regular Air Force for Moral or Professional Dereliction or in the Interest of National Security; AFR 36–2, Administrative Discharge Procedures (Unfitness, Unacceptable Conduct or in the Interest of National Security); AFR 36–3, Administrative Discharge Procedures (Substandard Performance of Duty); and AFR 36–12, Administrative Separation of Commissioned Officers and Warrant Officers of the Air Force.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The users are Strategic Air Command commander and his staff who exercise decision authority in the processing and determination of the officer involuntary separation actions. HQ SAC personnel use these files to process administrative discharge cases of officers assigned to Strategic Air Command.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual; maintained in paper files.

RETRIEVABILITY:

Filed by name and type of pending discharge action.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly identified and cleared for need-to-know. Records are stored in locked cabinets in a locked room.

RETENTION AND DISPOSAL:

Records are retained in the office files for one year after the cut-off-date, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Quality Force Management Division, DCS/Personnel, HQ SAC/DPAA, Offutt Air Force Base, NE 68113.

NOTIFICATION PROCEDURE:

Request from individuals for records should be addressed to the Chief, Quality Force Management Division, DCS/Personnel, HQ SAC/DPAA, Offutt Air Force Base, NE 68113. Specific information required to determine if there are records of the individual in the system must include the member's full name, military status, and grade, SSN, or service number. Visiting personnel must show positive proof of identity by providing a military ID card, a valid state driver's license, and two nationally recognized means of identification.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. The mailing address is in the Department of Defense Directory in the appendix to the Air Force systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force rules for contesting contents and for appealing initial determination are found in the Air Force Regulation 12–35.

RECORD SOURCE CATEGORIES:

Information obtained from automated systems interfaces: source documents (such as reports) prepared on behalf of the Air Force by boards, committees, and individuals; the member's commanders' Chief, Quality Force Management; consolidated Base Personnel Office; and the SAC Staff Judge Advocate office.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 SAC C

SYSTEM NAME:

Public Affairs Personnel Background Record.

SYSTEM LOCATION:

Public Affairs (PA) offices at Headquarters Strategic Air Command (SAC/PA), Headquarters 8th Air Force (HQ 8 AF/PA), Headquarters 15th Air Force (HQ 15 AF/PA), and SAC bases (PA). Official mailing addresses are in the Air Force Address Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Public Affairs and administrative personnel currently assigned to Public Affairs offices at SAC bases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, rank, SSN, photograph, dates of rank, date of separation, assignment history, and military and civilian schooling degrees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by and Air Force Regulation (AFR) 90–1, Public Affairs Policies and Procedures, SAC Supplement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Public Affairs functional managers as a locator and to determine degree, scope and level of experience of Public Affairs personnel for assignment purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual; maintained in paper files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in file cabinets in locked offices.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Public Affairs at all SAC bases.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Official mailing addresses are listed in the appendix to the Air Force Systems Notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Basic information and changes are received directly from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 SG A

SYSTEM NAME:

Application for Advanced Aeronautical Rating File (Senior and Chief Flight Surgeon).

SYSTEM LOCATION:

The Aerospace Medical Consultants Division, Air Force Medical Service Center (AFMSC/SGPA), Brooks AFB, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Flight Surgeons applying for Senior/Chief Flight Surgeon Rating.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual application, summary of contributions to the Aerospace Medicine Program, date of previous ratings, number of flying hours, and written professional examination (multiple choice type) if applicant is not a graduate of the Residency in Aerospace Medicine.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by and 8067(f), Designation: officers to perform certain professional functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Chief, Flight Medical Consultants and Chief, Aerospace Medicine Division, Office of the Surgeon General to determine professional qualification for award of Senior/Chief Flight Surgeon rating. Used to transmit application data by the individual and AFMSC/SGPA through appropriate command channels; evaluate and make appropriate recommendations concerning award of the advanced rating; and as authority for publication of Aeronautical Orders by appropriate orders issuing authority.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and are stored in locked rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Flight Medicine, HQ AFMSC/SGPA, Brooks AFB, TX 78235.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Required information is full name, rank and Social Security Number (SSN). Requester may visit Aerospace Medical Consultants Division, Office of the Surgeon General, Headquarters Air Force Medical Service Center, Brooks AFB, TX 78235. Proof of identity is by military ID card and personal recognition due to small number of officers involved.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions and from source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 SG B

SYSTEM NAME:

Medical Service Corps Personnel Files.

SYSTEM LOCATION:

Headquarters Air Force Medical Service Center, Brooks AFB, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty and retired or separated medical service corps officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personnel correspondence to and from individual medical service corps officers and forms relating to assignment, extension, Air Force Specialty Code, and other selected documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by: and 8067(d), Designation: officers to perform certain professional functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is used solely for the purpose of recommending individual for assignment, extension, statistical data, promotion or advanced training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Records are retained in active file as long as officer is on active duty, in inactive file one year from date of retirement, resignation, or separation, and are then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force, Washington DC 20332.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, from Senior Medical Service Corps officers, and from the Air Force Manpower and Personnel Center.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F035 SG C

SYSTEM NAME:

Veterinary Personnel Files.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330 and AFMSC/SGB, Brooks Air Force Base, TX 78232.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All active duty and retired or separated veterinary officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains personal correspondence to and from individual veterinary officer and forms relating to assignment, extension, Air Force Specialty Code, promotion, and other selected documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by; and 8067(k) Designation: officers to perform certain professional functions.

ROUTINE USES OF RECORDS MAINTAINED IN THIS SYSTEM, INCLUDING CATEGORIES OF USER AND THE PURPOSES OF SUCH USES:

Information is used solely for the purpose of recommending individual for assignment, extension or advanced training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in active file as long as officer is on active duty and in inactive file one year from date of retirement, resignation, or separation. Then they are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions, from Command, Air Force Veterinarians and Air Force Manpower and Personnel Center Records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F040 AFAA A

SYSTEM NAME:

Merit Promotion File.

SYSTEM LOCATION:

HQ Air Force Audit Agency, Norton Air Force Base, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence and records incidental to the application and qualification for promotion and duty assignments. Records include, but are not limited to, Supervisory Appraisals, Training Information, Qualifications Profile Records, Personal Qualification Statements, Records of Placement Applications and Disposition, Assignment and Reassignment Records (Orders, Mobility Certificates, Shipments of Household Goods, Overseas Assignments), Position Descriptions, and Records of Personnel Actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Chapter 33, Subchapter I—Examination, Certfication, and Appointment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Command Section, AFAA, and the Directorate of Resources Management Staff to determine eligibility and relative competitive standing for promotion or other placement. Provides personnel data for management purposes, including location, changes of station, mobility, pay information, previous assignments, education and self-development, supervisory performance appraisals, results of competition for promotion or other placement action, descriptions of duties, and recognitions achieved.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager and the Director of Personnel, HQ Air Force Audit Agency (AFAA/DP), Norton Air Force Base, CA 92409.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; financial, educational, and medical institutions; trade associations, automated system interfaces; police and investigating officers; state or local governments; international organizations; corporations; witnesses; source documents; and individual input and documents generated internally within the AFAA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F045 ARPC A

SYSTEM NAME:

Air Force Reserve Application.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty personnel, civilian employees and former employees, Air Force Reserve and Air National Guard personnel, dependents of military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of application for appointment as reserve of the Air Force and comparable forms, correspondence, and related papers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 275 Personnel Records, 672 Reserve Components General, 8358 Commissioned Officers original appointment; service credit, 8359 Commissioned Officers original appointment; determination of grade as implemented by Air Force Regulation (AFR) 36–15, Appointment In Commissioned Grades and Designation and Assignment in Professional Categories—Reserve of the Air Force and USAF (Temporary).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine if individual qualifies for appointment or commissioning in the Reserve of the Air Force. Medical applications are forwarded for approval to AFMPC/SG, Randolph Air Force Base, TX 78150.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files and file folders.

RETRIEVABILITY:

Filed by Social Security Number (SSN), by name, or case control number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Destroy one year after approval or one year after individual declines appointment. Applications for EAD are destroyed after one year or when superseded, obsolete and no longer needed for reference or inactivation whichever is sooner. Documents destroyed by tearing, shredding, macerating, or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Request from individual should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280. Written request for information should contain full name of individual, Social Security Number (SSN), current address and the case control number shown on any correspondence received from center. Records may be reviewed in records review room, ARPC, Denver, CO 80280, between 8:00 a.m. and 3:00 p.m. on normal workdays. For personal visits, the individual should provide current Reserve ID Card and/or driver's license and give some verbal information that could verify his/her identification, such as is on an application for a reserve appointment or EAD.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from Documentation Management Officer, ARPC/DAD, Denver, CO 80280, telephone (303) 370–4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from individual applying for appointment in the reserve, applications for extended active duty, and statement of military who served in the Navy or Marine Corps.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F045 ARPC B

SYSTEM NAME:

Inactive Duty Training, Extension Course Institute (ECI) Training.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorization for inactive duty training, authorization for individual inactive duty training (for nonpay status only; for pay status authorization). Certificate of completion issued on completion of volume of a course.

CATEGORIES OF RECORDS IN THE SYSTEM:

Point credit source documents maintained on active Air Force Reserve member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 1331, Age and service requirements; 1332, Computation of years of service in determining entitlement to retired pay; and 1333, Computation of years of service in computing retired pay as implemented by Air Force Regulation (AFR) 35–41, Vol II, Reserve Training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record completion of each volume of a correspondence course by a reservist and shows training performed for either paid or nonpaid status. Record is used by military personnel clerks to audit a reservist point credit account and as a cross check to insure accuracy of the reservists yearly point credit account as it pertains to his pay account.

POLICIES AND PRACTICES FOR STORING, RETREIVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in visible file binders/cabinets.

RETREVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards.

RETENTION AND DISPOSAL:

Inactive duty training documents are destroyed after 5 years. ECI certificates (duplicates) are filed in the Field Personnel Record if enlisted Professional Military Education and if audit adjustments are pending; ECI certificates (duplicates) are filed in history or current files and destroyed after 5 years by tearing into pieces, macerating, shredding, or burning.

SYSTEM MANAGERS AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Request from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 a.m. and 3:00 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve Identification card and/or drivers license and some verbal information that could verify the person's identification.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DADP, Denver, CO 80280; telephone (303) 370–4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from individual reservist, Air National Guard and Air Force Reserve unit.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AF SG A

SYSTEM NAME:

Nursing Skill Inventory.

SYSTEM LOCATION:

Nursing office SGHN Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All nursing personnel on base.

CATEGORIES OF RECORDS IN THE SYSTEM:

List of skill proficiency each individual nurse has attained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by; and 8067(e), Designation: officers to perform certain professional functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Furnishes on-the-job training instructor skill level progress of each nurse.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AFAA A

SYSTEM NAME:

Air Force Audit Agency Office Training File.

SYSTEM LOCATION:

Command Section, AFAA/AG, Norton AFB CA 92409; Directorate of Operations, AFAA/DO, Norton AFB CA 92409; Directorate of Plans, AFAA/XP, Norton AFB CA 92409; Directorate of Forces and Support, AFAA/FS, Norton AFB CA 92409; Directorate of Field Activities, AFAA/FD, Norton AFB CA 92409; Directorate of Support Services, AFAA/SU, Norton AFB CA 92409; Directorate of Personnel, AFAA/DP, Norton AFB CA 92409; Assistant Auditor General, AFAA/AI (Pentagon), Washington DC 20330; Central Audit Region, AFAA/FDC, Offutt AFB NE 68113; Eastern Audit Region, AFAA/FDE, Langley AFB VA 23665; European Audit Region, AFAA/FDU, APO NY 09012; Pacific Audit Region, Hickman AFB HI 96853; AFAA/FDW, McClellan AFB, CA 95652; Acquisition Audit Region/QLQ, Andrews AFB DC 20331; AFAA Area Audit Office, Barksdale AFB LA 71110; AFAA Area Audit Office, Bergstrom AFB TX 78743; AFAA Area Audit Office, Cannon AFB NM 88101; AFAA Area Audit Office, Carswell AFB TX 76127; AFAA Area Audit Office, P.O. Box 547, Dyess AFB TX 79607; AFAA Area Audit Office, Ellsworth AFB SD 57706; AFAA Area Audit Office, Grand Forks AFB ND 58205; AFAA Area Audit Office, Holloman AFB NM 88330; AFAA Area Audit Office, Little Rock AFB Jacksonville AR 72076; AFAA Area Audit Office, Bldg 349, Lowry AFB CO 80230; AFAA Area Audit Office, Minot AFB ND 58701; AFAA Area Audit Office, Offutt AFB NE 68113; AFAA Area Audit Office, McConnell AFB KS; AFAA Area Audit Office, Sheppard AFB TX 76311; AFAA Area Audit Office, Bdlg 1522, Stop 166, Andrews AFB DC 20331; AFAA Area Audit Office, Chanute AFB IL 61868; AFAA Area Audit Office, Charleston AFB SC 29404; AFAA Area Audit Office, Dover AFB DE 19901; AFAA Area Audit Office, Griffiss AFB NY 13441; AFAA Area Audit Office, Grissom AFB IN 46971; AFAA Area Audit Office, Homestead AFB FL 33039; AFAA Area Audit Office, Bldg 4330, Keesler AFB MS 39534; AFAA Area Audit Office, K I Sawyer AFB MI 49843; AFAA Area Audit Office, Langley AFB VA 23665; AFAA Area Audit Office/LA, MacDill AFB FL 33608; AFAA Area Audit Office ,McGuire AFB NJ 08641; AFAA Area Audit Office, Pease AFB NH 03801; AFAA Area Audit Office, Plattsburgh AFB NY 12903; AFAA Area Audit Office, Scott AFB IL 62225; AFAA Area Audit Office, Seymour Johnson AFB NC 27531; AFAA Area Audit Office; Shaw AFB SC 29152; AFAA Area Audit Office, Tyndall AFB

FL 32403; AFAA Area Audit Office, APO San Francisco 96334; AFAA Area Audit Office, Beale AFB CA 95903; AFAA Area Audit Office, Castle AFB CA 95342; AFAA Area Audit Office, APO San Francisco 96274; AFAA Area Audit Office, Davis-Mouthan AFB AZ 85707; AFAA Area Audit Office, P.O. Box 878, Elmendorf AFB AK 99506; AFAA Area Audit Office, P.O. Box 1313, Fairchild AFB WA 99011; AFAA Area Audit Office/LA, George AFB CA 92392; AFAA Area Audit Office, Hickam AFB HI 96853; AFAA Area Audit Office, APO San Franciso 96239; AFAA Area Audit Office, APO San Francisco 96264; AFAA Area Audit Office, Luke AFB AZ 85309; AFAA Area Audit Office, Mather AFB CA 95655; AFAA Area Audit Office, McChord AFB WA 98438; AFAA Area Audit Office, Mountain Home ID 83648; AFAA Area Audit Office, Nellis AFB NV 89191; AFAA Area Audit Office, APO San Francisco 96570; AFAA Area Audit Office/34AG, Norton AFB CA 92409; AFAA Area Audit Office, Travis AFB CA 94535; AFAA Area Audit Office, Peterson AFB CO 80914; AFAA Area Audit Office, Vandenberg AFB CA 93437; AFAA Area Audit Office, APO San Francisco 96328; AFAA Area Audit Office, APO New York 09238; AFAA Area Audit Office, APO New York 09223; AFAA Area Audit Office, APO New York 09283; AFAA Area Audit Office, APO New York 09132; AFAA Area Audit Office, APO New York 09109; AFAA Area Audit Office, APO New York 09179; AFAA Area Audit Office, APO New York 09012; AFAA Area Audit Office, APO New York 09057; AFAA Area Audit Office, APO New York 09194; AFAA Area Audit Office, Stop 226, Edwards AFB CA 93523; AFAA Area Audit Office, P.O. Box 1625, Eglin AFB FL 32542; AFAA Area Audit Office, Kirtland AFB NM 87117; AFAA Area Audit Office/ESD, Bldg 1716N, Stop 43, Hanscom AFB MA 01731; AFAA Area Audit Office, P.O. Box 92960, Worldway Postal Center, Los Angeles CA 90009; AFAA Area Audit Office, Patrick AFB FL 32925; AFAA Area Audit Office/ASD, Bldg 125, Rm 1401, Area B, Wright-Patterson AFB OH 45433; AFAA Area Audit Office, Hill AFB UT 84406; AFAA Area Audit Office, Kelly AFB TX 78241; AFAA Area Audit Office/LVAS, McClellan AFB CA 95652; AFAA Area Audit Office/AUDGN, Robins AFB GA 31098; AFAA Area Audit Office, Tinker AFB OK 73145; AFAA Area Audit Office/REP, Wright-Patterson AFB OH 45433; AFAA, Area Audit Office, Gunter AFS AL 36114; AFAA Area Audit Office, Denver CO 80279; AFAA Area Audit Office, Randolph AFB TX 78148

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency active duty and reserve officer and enlisted personnel, and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training Control Record, Training Achievement Report, Certificate of Training, Record of Training or Certification of Equivalency, College Transcripts, General Military Training Record, Training Completion Notices, Training Progress Reports, Course Evaluation, Requests for Training/Tuition Assistance, Roster of Interns, Summary of Region/Division Training Requirements, Memorandums of Training Approvals, Roster of Personnel Scheduled for Training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032(b)(1), General duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Air Force Audit Agency headquarters personnel, Area Audit Office Chiefs, supervisory auditors, training officers, and region/division chiefs to schedule training and evaluate training progress and results.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGERS AND ADDRESS;

The Auditor General, Air Force Audit Agency, Norton AFB CA 92409.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions and from automated system interfaces.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 AFAA B

SYSTEM NAME:

Employee Training and Career Development File.

SYSTEM LOCATION:

AFAA/DPA, Norton Air Force Base, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Audit Agency military and civilian employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include but are not limited to: correspondence and application documents requesting, approving, disapproving, recommending and coordinating the assignment of personnel to: long-term, full-time training programs; short-term government and non-government schools, seminars, short courses and symposiums; certified public accounting review courses; certified internal auditor review courses; non-government job-related, off-duty training, and the grades, completion certificate, and budget information related thereto. Includes information on prior academic achievements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8032(b)(1), General duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provides basis for determining those selected for training programs; record of individuals who applied for the programs; progress reports of those in the programs; and history of the training received by employees. Information is given to the Office of Personnel Management through the Air Force

Civilian Personnel Management Information System, and, in the case of CPA candidates, to state boards of accountancy. Internal users include the AFAA command section, Directorate of Personnel, and Executive Development Council.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer output products.

RETRIEVABILITY:

Filed by name, course name or course number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Auditor General, Air Force Audit Agency (AFAA/AG), Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager and the Director of Personnel (AFAA/DP), Norton Air Force Base, CA 92409.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual, source of training, school, and automated system interface.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ARPC A

SYSTEM NAME:

Professional Military Education (PME).

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning school (PME) quotes, school selection boards results selecting a reservist to attend a PME course.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C 262, Purpose as implemented by Air Force Manual (AFM) 50-5, USAF Formal Schools Catalog, Vol. I (Policy, Responsibilities and General Procedures), Vol. II (Course Announcements); Air Force Regulation (AFR) 35-41, Vol. II, Reserve Training; and AFR 53-8, USAF Officer Professional Military Education System.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to monitor, manage and comply with the requirements to fulfill the quotas allocated to reservist by the office of primary responsibility at ARPC.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders/note books/binders.

RETRIEVABILITY:

Filed by name or Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Retaianed in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC), Denver, CO 80280.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, CO 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, CO between 8:00 a.m. and 3:00 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or drivers license and some verbal information that could verify the person's identification.

RECORD ACCESS PROCEDURE:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, CO 80280; telephone (303) 370-4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from master personnel record and individuals application.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ESC A

SYSTEM NAME:

208XX Voice Processor Student History.

SYSTEM LOCATION:

Director of Assignments (DPR), Headquarters Electronic Security Command (ESC), San Antonio, TX 78243.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

208XX Language students and assigned personnel in training/performing language duties.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computer records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by as implemented by Air Force Manual (AFM) 50-5, USAF Formal Schools Catalog, Volume I, Chapter 3, and AFM 30-3, Mechanized Personnel Procedures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Government use.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic disk storage.

RETRIEVABILITY:

Filed by Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

Retained by computer disk storage until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by removing from disk storage.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Assignments (DPR), Headquarters Electronic Security Command (ESC), San Antonio, TX 78243.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Advanced personnel data system.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 ESC B

SYSTEM NAME:

Training Progress.

SYSTEM LOCATION:

Electronic Security Command (ESC), NCO PME Center, Goodfellow Air Force Base, TX 76908.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

Air Force active duty enlisted personnel assigned to the ESC NCO PME Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

In-processing forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by as implemented by Air Force Regulation (AFR) 50–39, Noncommissioned Officer Professional Military Education and Civilian Initial Supervisory Training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Use by military training instructors to evaluate student progress.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Destroyed 10 years after student completes training by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

ESC NCO PME Center, Goodfellow Air Force Base, TX 76908.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from educational institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 MAC A

SYSTEM NAME:

Training Instructors (Academic Instructor Improvement/Evaluation).

SYSTEM LOCATION:

Chief, Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Academic instructors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms for evaluating instructor performance in the classroom.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Basic for instructor improvement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in offfice files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Academic Training Branch, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117.

NOTIFICATION PROCEDURE:

Requests from individuals should be adressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Supervisors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 MAC B

SYSTEM NAME:

Training Progress (Permanent Student Record).

SYSTEM LOCATION:

1380th School Squadron (MAC Noncommissioned Officer Academy-West), Norton Air Force Base, CA 92409 and 1381st School Squadron (MAC Noncommissioned Officer Academy-East), McGuire Air Force Base, NJ 08641.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted personnel who are graduates of the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, grade, Social Security Number, duty title, security clearance, marital status, organization assigned, education level, photograph, date of birth, Airman Qualification Examination, evaluation of academic progress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record student achievement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in file cabinets.

RETENTION AND DISPOSAL:

Destroy ten years after individual completes or discontinues a training course by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

1380th School Squadron (MAC Noncommissioned Officer Academy-West), Norton Air Force Base, CA 92409 and 1381st School Squadron (MAC Noncommissioned Officer Academy-East), McGuire Air Force Base, NJ 08641.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

From Consolidated Base Personnel Offices and from evaluation of student progress.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 MAC C

SYSTEM NAME:

Training Systems Research and Development Materials.

SYSTEM LOCATION:

1550th Aircrew Training and Test Wing, Deputy Commander for Operations, 1550th Technical Training Squadron, Kirtland Air Force Base, NM 87117.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who have completed training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training and effectiveness questionnaires for supervisors and graduates, flying instructor and academic instructor improvement and evaluation, evaluation coordination sheet.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To evaluate and analyze training effectiveness.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name, rank, Social Security Number and class number.

SAFEGUARDS:

Records are accessed by custodian of the record system. Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are accessed by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGERS AND ADDRESS:

Chief, Evaluation and Analysis, 1550th Aircrew Training and Test Wing, Kirtland Air Force Base, NM 87117.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES;

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from assigned personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 SAC A

SYSTEM NAME:

ADP Training Management System.

SYSTEM LOCATION:

Headquarters Strategic Air Command, Deputy Chief of Staff, Data Systems (HQ SAC/AD), Offutt Air Force Base, NE 68113.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and Civilian personnel currently assigned to HQ SAC/AD.

CATEGORIES OF RECORDS IN THE SYSTEM:

Training Summary Files: Records are maintained for each student listing training courses completed and scheduled. Computer Based Training (CBT) Management: For students enrolled in Computer Assisted Instructions (CAI) courses, maintains record of student progress and responses to lesson material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to validate prerequisites for projected training, track student progress in CAI courses, monitor enrollment processing actions, and generate statistical information on training trends within HQ SAC/AD.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer output products.

RETRIEVABILITY:

By name, course, date, or organization.

SAFEGUARDS:

Records are accessed by personnel responsible for servicing the record system in performance of official duties. Students have access only to their own file by grant of specific "permissions." Hard copies of records are stored in locked rooms and cabinets.

RETENTION AND DISPOSAL:

Retained until reassigned from HQ SAC/AD, then computer files are erased or overwritten and hard copies are destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Data Systems, Training Branch (ADXRT), Headquarters Strategic Air Command, Offutt Air Force Base, NE 68113.

NOTIFICATION PROCEDURE:

Deputy Chief of Staff, Data Systems (HQ SAC/ADXRT), Offutt Air Force Base, NE 68113. Requests to determine existence of record should include full name, grade and whether currently assigned to HQ SAC/AD.

RECORD ACCESS PROCEDURES:

Access to all records is controlled by HQ SAC/ADXRT, Offutt Air Force Base, NE 68113.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial determination by the individuals concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from individual and graduation certificates.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

FO50 SAC B

SYSTEM NAME:

Instructional Systems Development (ISD) Evaluation.

SYSTEM LOCATION:

93 Bombardment Wing (93 BMW) Instructional Systems Development Division (DO5), Castle Air Force Base, CA 95342.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Strategic Air Command (SAC) aircrew members (B–52 G/H pilots, copilots, navigators, radar navigators, electronic warfare officers, aerial defense gunners; KC–135 pilots, copilots, navigators, inflight refueling operators)who are attending, or have attended, a course of instruction conducted by the 93 BMW, Castle Air Force Base, CA after 1 June 81.

CATEGORIES OF RECORDS IN THE SYSTEM:

Computerized information file compiled from questionnaires about training accomplished while attending a course of instruction, the respondee's base of assignment and subjective assessment of the training conducted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; Air Force Regulation (AFR) 50–8, Instructional Systems Development; and AFR 50–38, Field Evaluation of Formal School Graduates.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to tabulate and compare data; and to identify strengths and weaknesses of the training programs. Will also be used to score trainee within-course test performances. Identification of specific respondees in the records will only be used by the custodian to evaluate and assess quality of Air Force Training Programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer products.

RETRIEVABILITY:

Retrieved by Social Security Number (SSN). Information may also be retrieved by groupings of data from such elements as type airframe, course attended, crew position, or base assignment.

SAFEGUARDS:

Records are accessed by custodian of the record system and personnel responsible for servicing the record system in performance of their official duties. Records are stored on diskettes kept in a locked room whenever office is not manned. Original questionnaire responses will be maintained in a locked container when the office is not manned.

RETENTION AND DISPOSAL:

Paper records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping, and diskettes will be destroyed by degaussing, when superseded or when the individual is reassigned from SAC.

SYSTEM MANAGER(S) AND ADDRESS:

Education Specialist or ISD System Manager, 93 BMW/DO5 Secientific Advisory Branch (DO5S), Castle Air Force Base, CA 95342.

NOTIFICATION PROCEDURE:

Education Specialist or ISD System Manager, 93 BMW/DO5S, Castle Air Force Base, CA 95342. Requests to determine existence of record should include full name, and grade, SSN and approximate dates individual attended a course of instruction conducted by 93 BMW, Castle Air Force Base, CA subsequent to 1 June 1981.

RECORD ACCESS PROCEDURE:

Access to all records is controlled by 93 BMW/DO5S, Castle Air Force Base, CA 95342.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from questionnaires completed by 93 BMW students, graduates or SAC Squadron Training Flight Instructors, and current combat crew training instructors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 SAC C

SYSTEM NAME:

SAC Operations Personnel Training Management System.

SYSTEM LOCATION:

At Air Force (AF) installations, Deputy Commander for Missile Operations within the Strategic Air Command (SAC) and Deputy Chief of Staff, Director of Missile Operations at SAC Headquarters.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Strategic Air Command military personnel currently assigned to missile operations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains computerized data and manual files related to training/evaluation accomplishment, crew number, type training/evaluation, discrepancies noted, evaluation scores, name, grade, date of birth, unit assigned, date of separation, date arrived station.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; Strategic Air Command Intercontinental Ballistic Missile Traning; and Strategic Air Command Regulation 55–66, Volume II, Intercontinental Ballistic Missile Combat Crew Standardization and Evalatuion.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To develop a record source of operations personnel, at unit level, in order to determine overall job qualifications, capabilities, and historical data for analysis by unit and Major Air Command personnel responsible for maintaining a training program and to document and certify/decertify an individual's qualification. The files will provide a source of data to help insure weapon system currency and future training requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name or unique system identification number.

SAFEGUARDS:

Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. The computer file is maintained on computer disc/tape by computer operations personnel. This computer file is kept in locked rooms or drawers.

RETENTION AND DISPOSAL:

Computerized and manual files are destroyed when superseded, or on reassignment from missile operations duties or separation of the individual. Destruction of manual files is accomplished by burning, shredding, tearing, pulping or macerating. Computer tapes are destroyed by overwriting within 30 days after member is reassigned, transferred or separated.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Director of Missile Operations, Deputy Chief of Staff/Operations, HQ Strategic Air Command, Offutt Air Force Base, NE 68113 and at Strategic Air Command missile bases, the Deputy Commander for Operations.

NOTIFICATION PROCEDURE:

Information as to whether the record system contains information on an individual may be obtained from Director of Missile Operations, Strategic Air Command, Offutt Air Force Base, NE 68113. Requester should be able to provide sufficient proof of identity such as name, Social Security Number, duty station, place of employment, or other information verifiable in the record itself.

RECORD ACCESS PROCEDURE:

Access to files is controlled and must be authorized by Director of Missile Operations, Deputy Chief of Staff/Operations, HQ SAC, or at organizational level by the Deputy Commnander for Operations. Requests from individuals should be addressed to the missile Wing Deputy Commander for Operations or his representative.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as reports and individual's performance during training/evaluation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F050 SAC D

SYSTEM NAME:

SAC Space Operations Personnel Training Management.

SYSTEM LOCATION:

Director of Operations at Air Force installations within the Strategic Air Command (SAC) and Deputy Chief of Staff for Space, Warning and Surveillance at Strategic Air Command Headquarters. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Strategic Air Command military personnel currently assigned to operational duties with Space, Warning and Surveillance Systems equipment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to qualifications, training/evaluation accomplishment, crew alphanumeric identifier, type training/evaluation, scores, name, grade, unit assigned, and dates of training or evaluation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by Strategic Air Command Regulation 55–30, Space Warning and Surveillance System Unit Standardization and Evaluation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To develop a record source of operations personnel qualifications, capabilities and historical data at unit level to determine individual overall job qualifications; and to develop historical data for analysis by unit and Strategic Air Command Headquarters personnel responsible for maintaining the space operational systems training program. The files will provide a source of data to help insure weapon system currency and adequacy of future training requirements.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. File folders are stored in locked rooms or drawers.

RETENTION AND DISPOSAL:

Manual files are destroyed when superseded or upon reassignment from space, warning and surveillance operations duties. Destruction is by burning, shredding, tearing, pulping, or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff, Space, Warning and Surveillance Systems, Directorate of System Management, Standardization/Evaluation and Training Division, Headquarters Strategic Air Command or Director of Operations at Strategic Air Command bases with a space, warning or surveillance mission.

NOTIFICATION PROCEDURE:

Deputy Chief of Staff, Space, Warning and Surveillance Systems, Headquarters Strategic Air Command or Director of Operations at Strategic Air Command bases. Requests to determine existence of record should include full name, grade and approximate dates individual was assigned to Strategic Air Command space, warning and surveillance duties after 1 March 1981.

RECORD ACCESS PROCEDURE:

Access to manual files is controlled by Deputy Chief of Staff, Space, Warning and Surveillance Systems at Headquarters Strategic Air Command and by Director of Operations at each Strategic Air Command organization with a space, warning or surveillance mission.

CONTESTING RECORD PROCEDURES:

The Air Force rules for access to records and for contesting and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information will be obtained from the individual and from instructors of Standardization Evaluators.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F051 MAC A

SYSTEM NAME:

Air Crew Instruction Records.

SYSTEM LOCATION:

1550th Aircrew Training and Test Wing, Kirtland Air Force Base, NM 87117; 34th Technical Training Squadron, Student Administration Branch (TTB), Little Rock Air Force Base, AR 72076.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students and instructors undergoing training; students who completed academic training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Academic completion records, flying training records, training aids usage records and simulator student training records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To report student performance and completion of academic training.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and date of completion of training.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Training summaries are destroyed after one year. Training aids activity case files are destroyed when purpose has been served or after three years, whichever is sooner. Training system research and development material is destroyed when superseded, obsolete, or no longer needed, whichever is sooner. Training aids usage documents are destroyed three months after completion of training phase, provided required flying time is posted on individual flight records. Destruction is by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Commander for Operations, 1550th Aircrew Training and Test Wing, Kirtland Air Force Base, NM 87117; School Register, 34th Technical Training Squadron, Little Rock Air Force Base, AR 72076.

NOTIFICATION PROCEDURE:

Requests from individuals should be directed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from the individuals, from instructors, instructor supervisors, and personnel involved in the evaluation and analysis of training effectiveness, and from special orders and messages.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F051 SAC A

SYSTEM NAME:

SAC Aircrew Resource Management System (SACARMS).

SYSTEM LOCATION:

Headquarters Strategic Air Command (SAC), Deputy Chief of Staff, Operations (HQ SAC/DOTF); SAC Numbered Air Force Headquarters, Director of Operations (DO); and all SAC Tactical Wings, Director of Operations (DOTF) offices. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's system notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All SAC personnel on active flying status maintaining currency in operational aircraft.

CATEGORIES OF RECORDS IN THE SYSTEM:

Mission accomplishment reports for ground and flying training events by individual/crew position, aircraft and unit. This report depicts scheduled, accomplished, reliability, required, remaining, and date of accomplishment for ground or air training activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by, and Air Force Regulation (AFR) 60-1, Flight Management.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose is to evaluate and monitor the Air Force aircrew continuation training program for flying personnel. The users are Wing, Numbered Air Force and Major Command flight managers, squadron training flights, and mission development officers. The data is used for mission development and aircrew resource management.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, and on computer and computer output products.

RETRIEVABILITY:

Filed by name and specific system identifier. A computerized index is used to retrieve individual data.

SAFEGUARDS:

Access of records is by custodian of the record system and person(s) responsible for servicing the record system in performance of their official duties. Paper records are stored in locked cabinets or rooms. Computer records are maintained in a classified document environment. Access is controlled by personal recognition or means of restricted area access.

RETENTION AND DISPOSAL:

Retained in office files for one year after monthly close-out, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Computer magnetic tapes are obliterated by recording over existing data or degaussing.

SYSTEM MANAGER(S) AND ADDRESS:

Headquarters Strategic Air Command, Operations System Management (SAC/DOTF); Offutt Air Force Base, NE 68113; or Director of Operations at SAC Numbered Air Force Headquarters and SAC Tactical Wings.

NOTIFICATION PROCEDURE:

Address individual request to the System Managers. Requests should include the name and system identifier of the individual in the system. Information is released on a need-to-know basis.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Addresses are listed in the Department of Defense Directory in the appendix to the Air Force's system notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules contesting contents and for appealing initial determination are in Air Force Regulation 12-35.

RECORD SOURCE CATEGORIES:

Information is received from aircrew members, flight schedulers, mission review panels, and squadron operation officers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F066 SAC A

SYSTEM NAME:

ICBM Maintenance Standardization and Evaluation Program.

SYSTEM LOCATION:

Headquarters Strategic Air Command (SAC), Headquarters Eighth and Fifteenth Air Force; all SAC missile wings/divisions; 3901 Strategic Missile Evaluation Squadron. Official mailing addresses are in the Department of Defense directory in the Appendix to the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Intercontinental Ballistics Missile (ICBM) maintenance personnel assigned to Missile Maintenance, Munitions, and Communications on SAC bases who have been designated by local maintenance managers as being in the evaluation program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Evaluation records on technical proficiency, including manual summaries of task performance. Administrative records of Evaluation Review Panels, including comments on substandard task performance, required corrective action or training, and follow-up actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by and Strategic Air Command Regulation 66—12, Volume V, Quality Control and the Maintenance Standardization and Evaluation Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record individuals maintenance task performance results. This information is used by SAC to determine, rate, and evaluate individual maintenance performance as it contributes to the unit maintenance effort.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in paper files.

RETRIEVABILITY:

Retrieved by name, team number, team type, date.

SAFEGUARDS:

Records are accessed by person(s) in performance of official duties. Records are stored in locked rooms or cabinets.

RETENTION AND DISPOSAL:

Retained on file until superseded, obsolete, or no longer needed for reference. Destroyed when individual permanently leaves duties assigned in evaluation program. Current records may be forwarded to gaining unit if assigned to another SAC unit. Destroyed by tearing into pieces, shredding, pulping, burning or macerating.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Missile Maintenance, Headquarters Strategic Air Command, Offutt Air Force Base, Nebraska 68113. Functional Area Managers in addition to Director of Missile Maintenance are: Director of Munitions and Director of Communications-Electronics. Field evaluation and statistical analysis of evaluation results are performed by 3901 Strategic Missile Evaluation Squadron, Vandenberg Air Force Base, California 93437. System Managers at installation level are: Chief of Maintenance in Missile Maintenance, Communications, and Munitions Squadrons on SAC bases.

NOTIFICATION PROCEDURE:

Requests for individuals should be addressed to the system manager of unit to which assigned. Request information by name, grade, and unit of assignment.

RECORD ACCESS PROCEDURE:

Individual can obtain access from the System Manager of unit to which assigned.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents (such as forms and reports) prepared by or on behalf of the Air Force by boards, committees, panels, auditors, instructors, inspectors, evaluators, and so forth.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F076 MAC A

SYSTEM NAME:

Passenger Reservation and Movement System.

SYSTEM LOCATION:

Headquarters Military Airlift Command (MAC), Scot AFB, Illinois; Aerial Ports of Embarkation and Debarkation, military airfields or installations (all Services), certificated air carriers at civil (commercial) airports, and any activity or agency responsible for initiating or receiving a request for the movement of personnel and their baggage; manifesting, tracing and billing actions; and satistical data collection. Official mailing addresses are in the Department of Defense directory or the current United States Government manual. Commercial air carrier addresses are listed in the Official Airlines Guide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military, civilian, statutory, congressional and others sponsored by the Secretary of Defense of Military Service Secretaries. The Executive Office, Executive departments, independent agencies, Legislative Branch and Judicial Branch.

CATEGORIES OF RECORDS IN THE SYSTEM:

Travel order, transporatation authorizations, and passenger name records. Categories of information in the passenger name record include but are not limited to: name, grade, seats required; reservation identification code (RIC) which is assigned by a requesting activity or individual passengers and is the social security number or other unique identifier; origin, destination, requested travel dates, routing indicator (identifies the activity/installation requesting the reservation), cancellation and type standby codes (identifies the reason the passenger did not depart as scheduled); flight number, departure date and reporting time, and other administrative codings as determined by a Service activity or MAC to facilitate the completion of travel to include baggage tracer and billing actions. The passenger name record is a complete listing of all transportation related administrative actions related to individual passengers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Passenger name records are used to prepare aircraft manifests for passenger identification processing and movement on military aircrat, commercial contract (charter) aircraft, and on seats reserved (blocked) on regularly scheduled commercial aircraft at military and civilian airports. Records in this system are also used to: (a) Develop billing data to the user Military Services or other organizations; (b) determine passenger movement trends; (c) forecast future travel requirements; and (d) identify, research, and resolve transportation related problems. In addition, records may also be used as the basis of disciplinary action initiated by the requesting activity; and the conduct of official investigations. Records from the system are routinely disclosed to other Federal agencies and offices provided transportation, and to civilian airlines and airports for transportation services.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, notebooks/binders, card files, computer paper printouts, computer magnetic tapes, disks, microfiche or rolled microfilm.

RETRIEVABILITY:

Records on this system may be retrieved by any of the following means: by name—RIC (SSN) channel, flight number, movement channel, type transaction, type travel, special passenger category, type standby code, passenger cancellation reason code.

SAFEGUARDS:

Records are stored in locked cabinets, rooms or buildings. Records are accessed by the custodian and person(s) responsible for servicing the record system in performance of their official duties. Access controlled by the manager and restricted to authorized personnel and exective software sign-on procedures control access to the computer data base.

RETENTION AND DISPOSAL:

Transportation authorizations and orders are retained in office files for two years after the annual cut-off, then destroyed. Other records in the system are retained in ofice files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. These records are destroyed by one of the following means: by tearing into pieces, shredding, pulping, macerating, burning, or degaussing in the case of magnetic computer media.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Terminal Operations, Deputy Chief of Staff, Air Transportation, Headquarters Military Airlift Command, Scott AFB, Illinois 62225.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Full name, reservation identification code, and movement channel are required for inquiries.

RECORD ACCESS PROCEDURE:

Individuals can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from military transportation and personnel activities, individuals requesting air travel or from other agencies designated to arrange air passenger reservations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F090 SAC A

SYSTEM NAME:

Unaccompanied Personnel Quarters Assignment/Termination.

SYSTEM LOCATION:

All Strategic Air Command bases. Located in the Base Billeting Operations office and in the respective Squadron Orderly Room. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Currently assigned unaccompanied military personnel who: (1) Apply for or who are entitled to occupy unaccompanied quarters, (2) accept or decline unaccompanied on-base quarters, (3) reside off-base at their own expense, (4) accept inadequate quarters, and/or (5) are identified as authorized to reside off-base with prescribed quarters allowance.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to application, assignment, acceptance, declination, or termination of unaccompanied quarters; authorization for unaccompanied personnel to reside off-base at their own expense; voluntary acceptance of inadequate quarters; and/or authorization to reside off-base with prescribed quarters allowance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by; Air Force Regulation (AFR) 90-9, Bachelor and Transient Quarters and Strategic Air Command Supplement.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To effectively manage unaccompanied personnel quarters; establish and maintain a record of application for unaccompanied personnel quarters assignment; terminate assignment to unaccompanied quarters; and grant authorization to reside off-base with or without specified quarters allowance.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual; maintained in paper files.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed bay custodian of unit files and by personnel responsible for servicing the record system in performance of official duties. File folders are stored in locked rooms and drawers.

RETENTION AND DISPOSAL:

Records are destroyed by tearing into pieces, shredding, burning, macerating, or pulping when superseded or when individual is reassigned.

SYSTEM MANAGER(S) AND ADDRESS:

Base Billeting Manager and Commanders of Strategic Air Command Squadrons on SAC bases.

NOTIFICATION PROCEDURE:

Individuals may contact the Base Billeting Manager or Commanders of Strategic Command Squadrons on SAC bases. Requests to determine existence of record should include full name, grade, and approximate dates individual was assigned to or serviced by the Billeting Operation function on Strategic Air Command bases, subsequent to 1 July 1981.

RECORD ACCESS PROCEDURES:

Access is controlled by Base Billeting Manager at base level or by Squadron Commanders at squadron level.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F110 AF JA A

SYSTEM NAME:

Legal Assistance Administration.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, and their dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal letters and documents furnished by person seeking advice and legal assistance record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8072, Judge Advocate General: appointment and duties.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records kept to render proper advice for continuing assistance. Used by attorney and client with attorney-client relationship to assist in personal legal problems.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

File by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

All Legal Assistance Officers.

NOTIFICATION PROCEDURE:

Requests from individuals should be adressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information furnished by client.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F110 AF JA B

SYSTEM NAME:

Litigation Records (Except Patents)

SYSTEM LOCATION:

At Headquarters United States Air Force, Washington, DC 20330. At Headquarters of Major Commands and all levels down to and including Air Force installations worldwide. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who have brought suit against, or been involved in litigation with, the United States or its officers or employees concerning matters related to the Department of the Air Force; or persons against whom litigation has been filed under 28 U.S.C. 134b, 31 U.S.C. 71, 951-3, 42 U.S.C. 2651-3, 46 U.S.C. 741-52, 4781-90.

CATEGORIES OF RECORDS IN THE SYSTEM:

Pleadings, motions, interrogatories, orders, letters, messages, forms, reports, surveys, contracts, bids, photographs, legal opinions, answers, complaints, memoranda; personnel, finance, medical, business records; audits, summons, English translations of foreign documents, other evidentiary material, court orders and rulings; other documents including but not limited to: Environmental Impact Statements, contract determinations, witness statements, law enforcement agency investigative reports, administrative reports, engineering and technical reports and surveys; some records may be security classified.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C.8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by USAF personnel tasked with supervisory and reporting responsibilities in connection with civil litigation; to enable the United States and its officers, employees, members, and parties to the litigation upon which suits at law can be prosecuted or defended in civil domestic or foreign litigation; used by Department of Justice and its officers and employees in the actual litigation of cases involving matters concerning the Department of the Air Force and in some instances the Department of Defense; to provide to Congress informantion upon which a reply to Congressional inquiries can be made; used by the Veteran's Administration and its officers and employees to adjudicate claims; to obtain from the Surgeon General and the military and civilian medical consultants thereto medical opinions upon which litigation decisions can be made by The Judge Advocate General and the Department of Justice; to provide information to the Court of Claims on legislative referral of private relief bills; used by law enforcement agencies, such as the Federal Bureau of Investigation, and their officers and employees in the conduct of background investigations and criminal investigations; used by the Air Force Audit Agency in conducting audits; used by the Board for the Correction of Military Records; used by the Air Force Accounting and Finance Center and its officers and employees for the adjudication of claims; when the Department of Defense or a military department is involved, civil litigation files are provided to any agency of the Department of Defense having a need for such files; provide litigation files to the legal staffs of the armed forces for the purpose of training of legal, paralegal and administrative personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name of litigant and year of litigation.

SAFEGUARDS:

Records are accessed by authorized personnel in the course of their duties. Records are stored in locked containers or rooms and controlled by personnel screening.

RETENTION AND DISPOSAL:

Files at the Office of the Judge Advocate General, HQ USAF, are retired permanently at Washington National Records Center, Washington, DC 20409, other levels destroy after two years upon completion of agency action; destroy after two years if files under 42 U.S.C. 2651–3. Destroy by tearing into pieces, shredding, macerating, pulping, or burning. Other records are retained in office files for two years after annual cut-off, then retired to Washington National Records Center, Washington, DC 20409, for permanent retention.

SYSTEM MANAGERS AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force, Washington, DC 20330. Subsystems Managers are the Staff Judge Advocate at concerned subordinate command or installation for foreign civil litigation records.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager or Subsystems Managers as appropriate.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager or Subsystems Managers as appropriate.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Court records, correspondence initiated by parties to litigation, reports prepared by or on behalf of the Air Force, reports of Federal, state, local or foreign government agencies and information obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F110 AF JA C

SYSTEM NAME:

USAF Foreign Criminal Jurisdiction Cases.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington DC 20330. Also at headquarters of major commands and at all levels of command in overseas areas down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those USAF personnel, US nationals employed by the USAF, and dependents of the foregoing who become involved with foreign law enforcement authorities or who are subject to trial in foreign courts for serious criminal offenses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Serious incident reports, security police blotters, summons, indictments, reports of investigations, judgments and other court orders, English translations of foreign documents, trial observer reports, status reports, prison visitation and confinement reports, congressional and other official inquiries, requests for counsel or bail, official correspondence pertaining to the case, and other documents, messages, memos or materials related to the case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by USAF personnel tasked with the supervision of foreign criminal jurisdiction cases; used in perparation of statistical and other reports; in answering inquiries from the President, Congress, the Department of Defense, the individual involved and members of his family; in trials by courts-martial and administrative or other personnel actions when information in the files is germane to the proceedings; by USAF commanders and personnel officials in making duty and assignment decisions; by the Board for the Correction of Military Records and the Veteran's Administration when pertinent to the matters before them; and when there is evidence of violations of international agreements or the unfair treatment of the accused individuals at the hands of foreign authorities, it is used by the Office of the Secretary of Defense and Diplomatic missions for preparing the appropriate response or protest.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. records, stored in safes, locked cabinets or secure rooms.

RETENTION AND DISPOSAL:

Retained in office files for two years after annual cut-off, then retired to Washington National Records Center, Washington DC 20409, for permanent retention.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, International Law Division, Office of The Judge Advocate General, Pentagon, Washington DC 20330 or Staff Judge Advocate of the concerned subordinate command or installation.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Furnish full name, SSN, year and country of involvement. Visit may be made to AF/JACI, Pentagon, Washington DC 20330. Valid identification card, driver's license or equivalent must be presented.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determination by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, financial institutions, reports, foreign law enforcement authorities and judicial officials, the individual, his personnel record and other official sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F110 JA A

SYSTEM NAME:

Freedom of Information Act Appeals.

SYSTEM LOCATION:

Office of The Judge Advocate General, General Litigation Division, Headquarters United States Air Force (HQ USAF/JACL), Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All those who have appealed to the Secretary of the Air Force from denials of Freedom of Information Act, 5 U.S.C. 552, requests for information or records and those to whom the requested information or records apply.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, legal opinions, reports, messages, forms, miscellaneous documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552, Freedom of Information Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is collected to evaluate appeals to the Secretary of the Air Force from denials of requests for records or information sought pursuant to the Freedom of Information Act; used by General Litigation Division members in preparing legal opinions and recommendations for the Secretary of the Air Force concerning the determination of appeals brought under the Freedom of Information Act; used by the Department of Justice in litigation; used by the Air Force Audit Agency to conduct audits; used by members of Congress and members of their staffs for the resolution of constituent inquiries; used by Air Force agencies to provide guidelines and precedents.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Retired records are accessed through the General Litigation Division by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for two years, then transferred to the General Services Administration where they will be destroyed after three additional years by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Requesters must submit the following information: Name, Grade (if applicable); requester may visit the Office of The Judge Advocate General, General Litigation Division, Room 5E425, The Pentagon, Washington, DC. Requester must present valid identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from police and investigating officers, medical institutions, international organizations, witnesses, and from source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F110 JA B

SYSTEM NAME:

Invention, Patent Application and Patent Application Security, and Patent Files.

SYSTEM LOCATION:

At Headquarters United States Air Force, AF/JACP, Washington, D.C. 20324. At HQ USAF/JACPD Wright-Patterson Air Force Base, OH 45433; at HQ USAF/JACPB, 424 Trapelo Road, Waltham, MA 02154.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian government inventors who have submitted an invention to the Air Force Patent Proceeding for or for a determination of government rights; all applicants for U.S. Patents; all Air Force contractor inventors; all non-government inventors who have submitted an invention to the Air Force for an evaluation toward patent processing at Air Force expense.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, invention disclosures, search reports, drawings, technical literature, patents, technical reports, photographs, patent applications, patented files and the papers relating thereto including licenses, assignments, declarations, power of attorneys, amendments, patent office actions, notices of appeal, appeal briefs, examiner's answers, declaration of interferences, interference motions, among others; determination of rights, forms, secrecy orders, notices of recision, memorandums, legal opinions; security reviews, petitions to modify secrecy orders, petitions for foreign filing, petitions for rescinding secrecy orders, modifications of secrecy orders, foreign patent applications and related papers, permits, forms, rescinding orders.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

35 U.S.C. 181–185, Secrecy of Certain Inventions and Filing Applications in Foreign Countries; Pub. L. 96–517, December 12, 1980; Executive Orders 10096 and 10930; 5 U.S.C. 4502, General provisions; 10 U.S.C. 1124, Cash awards for suggestions, inventions, or scientific achievements; Department of Defense Directive 5535.2, October 16, 1980; Mutual Security Act of 1954; NATO Intellectual Property Group Agreement, February 1980; 12 UST 43; TIAS 4672; 394 UNTS 3.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to support the filing and prosecution by the Air Force of Patent Applications on inventions disclosed by military and civilian personnel as well as subject inventions reported by contractors under Air Force research and development contracts for obtaining government patent protection; to permit the determination of the government rights and employee rights in employee inventions; to document and record the patent rights of the government obtained as a result of the Air Force contracting and patent prosecution effort; to enable the Air Force to administer Patent Secrecy act; used by the Air Force and the Commissioner of Patents and Trademarks in determination of rights; by the Air Force to evaluate inventions and patent inventions most important to the Air Force mission; by General Accounting Office and its officers and employees to conduct audits and other statutory functions; by the Air Force to recommend government employee invention and patent awards to their local incentive award boards; by the Air Force to document and record government patent rights; by the Federal Council for Science and Technology as statistical data for an annual report on government patent policy; by Air Force, Armed Services Advisory Board, and Commissioner of Patents and Trademarks to administer Patent Secrecy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrievable by name of inventor, title of invention, invention number, serial number of U.S. patent application.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the reccord system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets and safes, and controlled by personnel screening.

RETENTION AND DISPOSAL:

Invention disclosures retained in office files for five years after evaluation completed, then retired to Washington National Records Center, Washington, D.C. 20409, for retention up to 15 years thereafter, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Patent application and patented files retained in office files for three years after cases abandoned or after issued into a patent, then retired to Washington National Records Center, Washington, D.C. 20409, for retention up to 17 years thereafter, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Licenses and assignments retained in office files for 20 years after executed, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Security records on patent applications are retained in office files for three years after secrecy orders rescinded, then retired to Washington National Records Center, Washington, D.C. 20409, for retention up to 9 years, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Chief Patents Division, Office of The Judge Advocate General, JACP, individual requesting information from records should supply full name, title of invention, Air Force invention number, if known, and serial number of U.S. Patent Application; requesting individual may visit Patents Division, Office of The Judge Advocate General, 1900 Half Street, SW, Washington, DC 20324 to obtain information about this records system; upon visit individual must present verification of identity as inventor of the invention, or invention covered by the patent application, about which information is requested, including full name, driver's license or other photo identity card.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from Chief, Patents Division, Office of The Judge Advocate General, JACP, Washington, DC 20324.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from inventors; Air Force and government technical personnel; other government departments and agencies; Air Force contractors; U.S. Patent and Trademark Office; the work product of Air Force Patents Division, JACP, JACPD, JACPB; security reviews conducted by Department of Air Force personnel having military classification authority; owners of patent applications; foreign governments; Armed Services Patent Advisory Board; and Air Force Foreign Intelligence Personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F110 JA C

SYSTEM NAME:

Judge Advocate Personnel Records.

SYSTEM LOCATION:

At Office of The Judge Advocate General At Headquarters United States Air Force, Washington, DC 20330.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force active duty judge advocates, Air Force Reserve mobilization augmentees attached to Headquarters USAF, Office of The Judge Advocate General, Air Force civilian attorneys employed in classification series GS-905 and GS-1222, active duty Air Force applicants for Funded Legal Education Program and Excess Leave Program, and civilian applicants for direct appointment program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Educational background, certificate of admission to the bar, career management questionnaire, career objective statement, active duty and reassignment orders, correspondence relating to the individual, Military Personnel Center computer data, classification/on-the-job training actions, Judge Advocate General Reserve Personnel Questionnaire, Headquarters USAF active duty and attachment orders, training reports, authorizations for inactive duty training, civilian personal qualifications statement, notification of personnel actions, statement of good standing before the bar, transcript of law school record, statement of availability for Air Force civilian attorney vacancies, actions by Ad Hoc Selection Committee and Air Force Civilian Attorney Qualifying Committee, Judge Advocate interview, letter of acceptance from an American Bar Association accredited law school, application and agreement, LSDAS report, transcript of all undergraduate and graduate education, letters of recommendation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301, Civil service; generally; 10 U.S.C. 261, Reserve Components named; 806, Judge advocates and legal officers; 2004, Detail of commissioned officers of the military departments as students at law schools; 8072, Judge Advocate General: appointment and duties; 62 Stat. 1014; Executive Order 10577.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used by The Judge Advocate General, Assistant Judge Advocate General, Executive, and Career Management Personnel in evaluating and selecting judge advocates for specific assignments, training, and advanced education; mobilization augmentee records are also used by the Reserver Advisor to The Judge Advocate General, Division Chiefs, Office of The Judge Advocate General in monitoring and evaluating reservists training assignments and in preparing performance evaluations; civilian records are used by the Executive Secretary and members of Ad Hoc and Air Force Civilian Attorney Qualifying Committees in evaluating and selecting civilian attorneys for appointment to Air Force position vacancies and promotions; Funded Legal Education and Excess Leave Program records are used by The Judge Advocate General, Assistant Judge Advocate General, Career Management personnel, and selection board members in monitoring, evaluating and selecting the best qualified applicants for the programs.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Judge Advocate Officer Personnel records and Funded Legal Education and Excess Leave Program records are retained in office files for three years after the individual terminates military service, or until no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Other records: Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Request from individuals should be addressed to the System Manager. Full name and SSN must be furnished. Visits may be made to HQ USAF/JAEC, Pentagon, Washington, DC 20330. Valid identification card, driver's license or equivalent must be presented.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers, educational institutions, automated system interfaces, state or local governments, source documents, and from Air Reserve Personnel Center.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F110 JA D

SYSTEM NAME:

Patent Infringement and Litigation Records.

SYSTEM LOCATION:

Headquarters United States Air Force, AF/JACPI, Washington DC 20324; Office of The Judge Advocate General Patents Division JACP, Washington DC 20324; AF/JACPI, Wright-Patterson Air Force Base, Dayton, OH 45433.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All claimants or petitioners who have alleged unlicensed use of their patents by the Air Force or who have brought suit against the United States concerning patent, trademark or copyright matters related to the Department of the Air Force.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters; messages; forms; reports; contracts; bids; photographs; legal opinions; petitions; answers; discovery documents; memoranda; infringement studies; validity studies; procurement information; license agreements; other documents including but not limited to: contract determinations, witness statements, and engineering and technical reports. Some records are under military classification.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2386, Copyrights, patents, designs; 22 U.S.C. 2356, Foreign Assistance, Acquisition; 28 U.S.C. 1498, Patent and copyright cases; 35 U.S.C. 183, Right to compensation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose of the collection of information is to enable the United States and its officers and employees to investigate claims and/or defend the legal interests of the United States because of claims for compensation and litigation involving patents, trademarks and copyrights. Used by the Department of Justice and its officers and employees in the litigation of cases involving patent or copyright matters concerning the Department of the Air Force and in some instances the Department of Defense. Used by the Department of the Air Force, its officers and employees to resolve claims for compensation involving patent, trademark or copyright matters. Used by other Government Departments and agencies, such as the Departments of the Army, Navy, and Defense, to resolve claims for compensation involving patent, trademark, or copyright matters. Used in research for preparation of Air Force replies in response to Congressional inquiries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Retrievable by name of claimant or litigant.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers/cabinets/safes and controlled by personnel screening.

RETENTION AND DISPOSAL:

Retained in office files for three years after the end of year in which the case was closed, then retired to Washington National Records Center, Washington, D.C. 20409, for retention up to twelve years thereafter, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information received from the individual, contractors, other government agencies, individual corporations (non-contractors) and from source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F111 AF JA A

SYSTEM NAME:

Automated Military Justice Analysis and Management System (AMJAMS).

SYSTEM LOCATION:

Headquarters, of the United States Air Force, major commands and major subordinate commands.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons subject to the Uniform Code of Military Justice (UCMJ) (10 U.S.C. 802) who receive Article 15 punishment or against whom courtmartial charges are preferred.

CATEGORIES OF RECORDS IN THE SYSTEM:

Article 15 records included personnel background information, nature of offenses involved, punishment imposed and results of appeals filed and subsequent actions taken affecting the punishment. Court-martial records include personnel background information, offenses charged, pretrial proceedings, results of trial or other disposition of case, sentence, action of convening authority and results of appellate review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8072, Judge Advocate General: Appointment; Duties; and Articles 6(a), Judge Advocates and Legal Officers, and 67(g), Review by the Court of Military Appeals; Uniform Code of Military Justice, 10 U.S.C. 806(a), 867(g).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are maintained in order to preserve an accurate statistical accounting of courts-martial and Article 15 activities for use in assisting The Judge Advocate General and Field Staff Judge Advocates in the management and administration of military justice, and for conducting statistical studies which measure disciplinary rates and trends and evaluate military justice involvement as it affects the quality of the force and the ability of the Air Force to carry out its mission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer magnetic tapes and on computer paper printouts.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in vaults or locked cabinets or rooms and controlled by personnel screening.

RETENTION AND DISPOSAL:

Records are retained in active office files at HQ USAF and major air command levels for three years. Records at major air commands are then purged and destroyed by degaussing and those at HQ USAF are retired as permanent history at HQ Command/ACD, Bolling AFB, Washington, DC 20332.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force. Major Command Staff Judge Advocates.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Information required will be full name, SSN unit of assignment and date of trial or imposition of Article 15 punishment. Requester may visit the Military Justice Division, Office of The Judge Advocate General, 1900 Half St., SW, Washington, DC 20324, and must present valid identification card or driver's license.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from automated system interfaces, and from records of trial by court-martial and Article 15 punishment actions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F111 AF JA B

SYSTEM NAME:

Court-Martial and Article 15 Records.

SYSTEM LOCATION:

At Headquarters United States Air Force, Washington, D.C. 20330. At Air Force Military Personnel Center, Randolph Air Force Base, TX 78148. At National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. At Washington National Records Center, Washington, D.C. 20409. At headquarters of the United States Air Force, major commands and major subordinate commands. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. At headquarters of major commands and at all levels down to and including Air Force installations. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons subject to the Uniform Code of Military Justice (UCMJ) (10 U.S.C. 802) who are tried by court-martial or upon whom Article 15 punishment is imposed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of trial by court-martial and records of Article 15 punishment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 815(g), Commanding officer's non-judicial punishment; 854, Record of Trial; 865, Disposition of records after review by the convening authority.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records of trial by court-martial are used for review by the convening authority, Military Appellate Courts, The Judge Advocate General, corrections and probation authorities, the Secretary of the Air Force and the President; individual records may be transferred to other components within the Department of Defense, the Department of Justice, the Veteran's Administration, or state and federal courts for determination of rights and entitlements of individuals concerned or the government; used to formulate responses to inquiries concerning individual cases made by the Congress, the President, the Department of Defense, the individual involved or other persons or agencies with a legitimate interest in the court-martial proceedings; portions of the record in every case are transmitted to Air Force personnel authorities for use in evaluating the individual's overall performance and inclusion in their military master personnel record; if conviction results, a record thereof can be introduced at a subsequent court-martial trial involving the same individual; also used as source documents for collection of statistical information. Article 15 records are used for review of legal sufficiency and action on apppeals or applications for correction of military records filed before appropriate Air Force authorities; used to formulate responses to inquiries concerning individual cases made by the Congress, the President, the Department of Defense, the individual involved or other persons or agencies with a legitimate interest in the Article 15 action; used by Air Force personnel authorities in evaluating the individual's overall performance and inclusion in the individual's military master personnel record; may be used for introduction at a subsequent court-martial trial involving the same individual; used as source documents for collection of statistical information by The Judge Advocate General.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN), Military Service Number, or by other identification number or system identifier.

SAFEGUARDS:

Records are accessed by custodian of the record system and person(s) who are properly screened and cleared for need-to-know. Records are stored in vaults and locked cabinets or rooms. Records are protected by guards, and controlled by personnel screening and by visitor registers.

RETENTION AND DISPOSAL:

Court-Martial records are retained in office files for two years following date of final action and then retired as permanent. All general and special court-martial records are retired to the Washington National Records Center, Washington, D.C. 20409. Article 15 records are retained in office files for one year or until no longer needed, whichever is sooner, and then retired as permanent. Summary courts-martial and Article 15 records are forwarded to the Air Force Military Personnel Center, Randolph AFB, TX 78148 and filed in the individual's master personnel record.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force. Staff Judge Advocate at all levels of command and the Military Personnel Records Division, Directorate of Personnel Data Systems, Air Force Military Personnel Center (AFMPC/DPMDR)

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice. Information required will be full name, SSN, service number if different than SSN, unit of assignment, date of trial and type of court, if known, or date punishment imposed in the case of Article 15 action. Requester may visit the Office of The Judge Advocate General, Forrestal Bldg Washington, D.C. and must present valid identification card or driver's license.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from almost any source can be included if it is relevant and material to the Article 15 or court-martial proceedings.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F111 SAC A

SYSTEM NAME:

Military Justice Administration.

SYSTEM LOCATION:

Beale Air Force Base, CA 95903; Castle Air Force Base, CA 95342; Dyess Air Force Base, TX 79607; Ellsworth Air Force Base, SD 57706; Fairchild Air Force Base, WA 99011; Francis E Warren Air Force Base, WY 82001; Grand Forks Air Force Base, ND 58205; Malmstrom Air Force Base, MT 59402; March Air Force Base, CA 92518; Minot Air Force Base, ND 59705; 46 AERODW, Peterson Air Force Base, CO 80914.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty personnel currently assigned to Air Force bases identified above, who may be nominated to serve on general court martials on those bases.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grade, Name, SSN, organization, and base of assignment, military experience, duty assignment and courts-martial experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by; and Subchapter V-Composition of Courts-Martial and Manual for Courts-Martial, United States, and the Uniform Code of Military Justice.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by commanders to select court martial members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual, maintained in paper files.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person (s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files until reassignment or separation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGERS AND ADDRESS:

Headquarters 15 Air Force Staff Judge Advocate, March Air Force Base, CA 92518, and the Staff Judge Advocate at the bases identified under "System Location" above.

NOTIFICATION PROCEDURE:

Address the System Manager at bases identified under "System Location" above.

RECORD ACCESS PROCEDURES:

Obtain assistance from the System Manager at bases identified under "System Location" above.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Managers.

RECORD SOURCE CATEGORIES:

Record information and changes are obtained from the individual.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F112 AF JA A

SYSTEM NAME:

Claims Administrative Management Program (CAMP).

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, D.C. 20330. Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel and civilians filing administrative claims against the Air Force or against whom the Air Force has filed an administrative claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual claim record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by The Judge Advocate General (JAG) for claim budgeting, management of claims processing to insure worldwide consistency, and establishment of manpower authorization based on claims workload. Used by the JAG and Department of Justice for verification that administrative action has been attempted before litigation action is initiated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, on computer and computer output products, and microform.

RETRIEVABILITY:

Filed by name or claim number.

SAFEGUARDS:

Records are accessed by custodian of the record system by person(s) responsible for servicing the records system in performance of their official duties. Records are stored in security file containers/cabinets and in vaults.

RETENTION AND DISPOSAL:

At HQ USAF retained in office files for 10 years, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. At other than HQ USAF, retained in office files for five years, then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager, HQ USAF/JACC, 1900 Half Street, SW, Washington, D.C. 20324.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from claimants and government agencies involved.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F112 AF JA B

SYSTEM NAME:

Claims Records.

SYSTEM LOCATION:

Headquarters United States Air Force, Washington, DC 20330. Headquarters of major commands and at all levels down to and including Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military personnel and civilians filing administrative claims against the Air Force or against whom the Air Force has filed an administrative claim.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual claim record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a legal basis for administrative payment, collection, or non-collection of claims for and against the government, by Judge Advocates and the Secretary of the Air Force; and when required, with the concurrence of the Justice Department; to provide evidence upon which suits at law can be defended or prosecuted by the Justice Department; to provide information upon which to reply to Congress or Congressional inquiries or to make reports to the General Accounting Office and Congress on legislative payment of claims; to effect management and collection of claims arising out of movement of household goods and effects, records are provided Air Force transportation officers, Air Force Finance officers, the General Accounting Office, the Interstate Commerce Commission and the individual carrier, warehouseman, or packer involved; to obtain medical opinions from the Office of The Surgeon General, USAF, upon which claims and litigation decisions can be made by Judge Advocates and the Justice Department; on request medical records are furnished to military personnel, dependents, retired personnel, or other individuals whose records are included in the claim file; Finance officers are also provided pertinent portions of any claim file forwarded for payment; a copy of the adjudicated claim is furnished upon request by the claimant for the purpose of submitting a tax return for a casualty loss or in support of a private relief bill; to provide evidence before the Court of Claims on legislative referral of private bill claims; when the Department of Defense is involved, claim files are provided to any agency of that department involved; claim files are submitted to foreign governments for adjudication under applicable status of forces agreements; documentary evidence may be furnished to foreign courts in connection with litigation involving the United States or its personnel; referral of claim files may be made to the Armed Forces Institute of Pathology or the Office of Special Investigations when appropriate; when required claim files may be referred to the Department of Labor with regard to employment and duty status; and to provide claim files to the legal staffs of the Armed Forces for the purpose of training of legal, paralegal and administrative personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files for three months after monthly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Held one or two years depending upon claim then destroyed after four additional years at staging area; after agency action completed others are held one, three or five years then destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Judge Advocate General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

HQ USAF/JACC, 1900 Half Street, SW, Washington, D.C. 20324. Requests from individuals should be addressed to the System Manager. Full name, date of incident, date of claim, type of claim, claim number, location of incident; HQ USAF/JACC, 1900 Half Street, SW, Washington, D.C. 20324; drivers license, military ID, birth certificate or equivalent must be presented for personal visit.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. HQ USAF/JACC, 1900 Half Street, SW, Washington, D.C. 20324.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, police and investigating officers, the public media, bureaus of motor vehicles, state or local governments, witnesses, and source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F160 AF SG A

SYSTEM NAME:

USAF Hearing Conservation Record System.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics; USAF Occupational and Environmental Health Laboratory (OEHL), Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Air Force military or civilian employees who are entered in the Hearing Conservation Program due to working in noise hazard areas.

CATEGORIES OF RECORDS IN THE SYSTEM:

DD Forms 2215 and 2216 which documents name; Social Security Number; military grade or rank, or Civil Service grade; date of birth; sex; USAF specialty or job code; the organization to which the individual is assigned complete with address and duty phone number; whether military or civilian; time, day of week, date of audiometric test; hours since last noise exposure; whether hearing protection was used during last noise exposures, whether ear problem existed at time of test, type of audiometer used, i.e., manual or automatic, date of last audiometer calibration, hearing threshold levels for 500, 1000, 2000, 3000, 4000 and 6000Hz frequencies in each ear including results of current audiometric examination, his reference or initial examination and any shift between these two examinations in each ear; whether or not earplugs were issued at time of audiometric examination or have been previously issued; type of earplug and size for each ear; if noise ear muff issued; if individual wears glasses; any pertinent remarks relative to the individual, noise exposure, hearing, etc.; and the audiometric examiner's name, Air Force Specialty Code, Social Security Number, and office symbol. File also contains information on AF Form 1621, Evaluation of Individual Noise Exposure, which is used to document data and observations relating to an individual's exposure to occupational noise and an AF Form 1672, Hearing Conservation Diagnostic Center Referral, which contains follow-up audiometric examination data similar to that in DD Forms 2215 and 2216.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR, Part 1910.95, Occupational Safety and Health Standards. Public Law 91–596, The Occupational Safety and Health Act; Executive Order 12196, Occupational Safety and Health Program for Federal Employees, as implemented by Air Force Regulation (AFR) 161–35, Hazardous Noise Exposure.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE(S) OF SUCH USES:

Used by USAF Occupational and Environmental Health Laboratory (OEHL) to provide continuing review of the Air Force Hearing Conservation Program by updating damage-risk criteria, modifying monitoring audiometry program procedures, validating personnel disposition procedures relating to occupationally induced hearing losses, evaluating hearing protective devices and procedures, at the specific request of a USAF Medical Facility to provide an historical record of the results of an individual's monitoring audiometric test results. Also used by USAF School of Aerospace Medicine for Research Associated with noise induced hearing losses. Used by base Medical Personnel to monitor employees health status for occupational health programs, to use in formulating recommendations to supervisors on requirements to remove individual from further exposure, to determine need for investigation of workplace environment for abnormal exposure conditions. Used by supervisors to determine whether employee can continue to work in the exposure situation, to determine relative risk of various work tasks, to improve safety of noise exposure procedures. Used by Bureau of Employees Compensation for Information relating to individuals' claims relating to occupationally induced hearing losses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on computer magnetic tapes.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN), date of birth, and Air Force Specialty Code/Job Code.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals, by custodian of the record system, and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are controlled by computer system software.

RETENTION AND DISPOSAL:

At Occupational and Environmental Health Laboratory (OEHL), retained in computer until no longer needed; at bases, retained as part of medical record for fifty years after date of latest document, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Medical Service Center, Aerospace Medical Consultants Division, Directorate of Professional Services (HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235).

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F160 AF SG B

SYSTEM NAME:

Medical Professional Staffing Records.

SYSTEM LOCATION:

At Air Force medical centers, hospitals, and clinics; all health facilities where graduate health education programs are conducted.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Practitioners, who are, or have been, members of the USAF Medical Service or Civil Service Employees (including civilian consultants who engage in direct patient care) and who are assigned to, employed by, or practice in the Air Force medical facility for the purpose of providing health services for eligible beneficiaries; United States Air Force Medical Service personnel pursuing graduate health education programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Credential review files: Contains curriculum vitae, list of approved privileges, copies of diplomas and certificates, records of continuing health education training, letters of evaluation, summaries of special activities or other information furnished or solicited in order to fully evaluate the professional qualifications of individuals. (2) Health education records: applications for training, training reports, Faculty Board reports, photograph or negative, and personnel documents related to training.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC Chapter 55, Medical and Dental Care; 8067(f) Designation: officers to perform certain professional functions; 8207, Regular Air Force: Commissioned officers on active duty: medical specialists, as implemented by Air Force Regulation (AFR) 160–41, Credentials Review of Health Care Providers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information contained in credential review files is used to award inpatient and ambulatory clinical privileges to all categories of health practitioners. The information may also be released to a governmental board or agency or health care professional society or organization if such record of document is needed to perform licensing or professional standards monitoring related to health care practitioners who are or were formerly members or employees of the Armed Forces, and to medical institutions or organizations wherein such member or employee has applied for or been granted authority or employment to provide health care services if such record or document is needed to assess the professional qualifications of such member or employee. Health education records are used to permit evaluations of individuals in training, by program directors, in managing the individual in training; by the record maintenance personnel, to document changes to the individual's personnel record maintained by the servicing Consolidated Base Personnel Office (CBPO).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and visible file binders/cabinets.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties; by commanders of USAF medical centers hospitals and clinics (credential review files); by program directors, trainees and personnel managers with the need to know (health education records).

RETENTION AND DISPOSAL:

(1) Credential review files are retained in the office files of the medical facility the practitioner is assigned or employed. Following separation, resignation, or retirement, the files are retained at the location of the last duty assignment for a period of 3 years and then are destroyed. (2) Health education files are retained by the director of health education until training is completed, files are then kept by the health facility for 30 years and then destroyed by tearing into pieces, shredding, pulping, macerating, or burning; if facility is deactivated, the records are retired to the Washington National Records Center, Washington, DC 20409 to be retained until the 30-year period has expired at which time they will be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters, United States Air Force; Commanders of medical centers, hospitals, clinics. For health education records, individuals should give full name, military status, Social Security Number, when they entered training and completed training, and what corps within the medical service they are a member. Individuals may visit either the health facility maintaining the records or the Office of the Surgeon, Air Force Manpower and Personnel Center, Randolph Air Force Base, Texas to learn if the record system contains their records. When visiting either of these locations, the individual must provide a valid drivers license or equivalent identification containing a photograph to establish identity.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

For credential review files, individual may obtain assistance in gaining access from the System Manager. For health education records, individual may obtain assistance by writing or presenting themselves in person to the health facility where the records are maintained. Official mailing addresses are in the Department of the Air Force Directory in the appendix to the Department of the Air Force system notices.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Credential review files: Basic information submitted by the practitioner. Additional information may be solicited from other sources in order to permit the credentials committee to best judge the capabilities of the practitioner. Health education records: Previous employer, educational institutions, master personnel record, information provided by the individual concerned.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F160 ARPC A

SYSTEM NAME:

Physical Examination Reports Suspense File.

SYSTEM LOCATION:

Air Reserve Personnel Center, Denver, CO 80280

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force Reserve personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incomplete reports of physical examinations, correspondence to and from reservists/individuals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 275, Personnel Records as implemented by Air Force Regulation (AFR) 60-43, Medical Examination and Medical Standards and Air Reserve Personnel Center Regulation 45-7, Annual Survey.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in files is used to provide control of reservists/individual medical status.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties and by commanders of medical centers and hospitals. Records are protected by guards.

RETENTION AND DISPOSAL:

Retained in suspense file until completed, then filed in the individual health record.

SYSTEM MANAGER(S) AND ADDRESS:

Commander Air Reserve Personnel Center (ARPC) Denver, CO 80280.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Documentation Management Officer, ARPC/DAD, Denver, Colorado 80280. Written requests for information should contain full name, SSN, current mailing address and, if known, the case (control) number on correspondence received from ARPC. Records may be reviewed in the Records Review Room, Air Reserve Personnel Center, Denver, Colorado between 8:00 a.m. and 3:00 p.m. on normal workdays. Visitors wishing to see their records should provide a current Reserve identification card and/or drivers license and some verbal information that could verify the person's identification.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the Documentation Management Officer, ARPC/DAD, Denver, Colorado 80280; telephone (303) 370–4667.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information from examining facilities, physicians (military and civilian, and summary of physician's evaluation).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

SYSTEM NAME:

Aircrew Standards Case File.

SYSTEM LOCATION:

HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This record system is maintained on all Air Force members who have been considered for medical waiver for flying duty due to conditions defined as serious illness or for waiver for flying training.

CATEGORIES OF RECORDS IN THE SYSTEM:

The record system contains members' Report of Medical Examination, Report of Medical History, Narrative Summary, Aeromedical Evaluation, Electrocardiographic Record, Clinical Record Consultation Sheet, and USAF School of Aerospace Medicine Evaluation Report (if accomplished).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by, as implemented by Air Force Regulation (AFR) 160–43, Medical Examination and Medical Standards.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to determine if a previous action has been taken, if a precedent exists for granting a waiver for a specific medical condition, and to provide a scientific basis to justify and improve waiver policies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in microform and on computer.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F161 AF SG A

SYSTEM NAME:

Air Force Aerospace Physiology Training Programs.

SYSTEM LOCATION:

Chamber Flight Records located at USAF School of Aerospace Medicine, Physiological Education Branch (USAFSAM/EDB), Brooks Air Force Base, TX 78235. Physiological Training Monthly Report at each AF Physiological Training Unit (PTU), HQ USAFSAM/EDB, Brooks Air Force Base, TX 78235; Physiological Training Records at AF PTUs; Individual Physiological Training Records for aircrews, Individual Physiological Training Records for non-aircrew personnel at Air Force Medical Service Center major command headquarters, consolidated flight record custodians at Air Force installations and National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Aircrew and non-aircrew personnel required to fly on Air Force aircraft.

CATEGORIES OF RECORDS IN THE SYSTEM:

Used for records accounting and research. Contains data on attendance at formal training, type of course received, quality performance, training flight profiles, location of training, age, height, weight and sex of trainees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by, as implemented by Air Force Regulation (AFR) 50–27, Air Force Aerospace Physiological Training Program and AFR 160–40, Administration of the Aerospace Physiological Training Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Authenticate type of training, location and trainees performance during course. Flight profiles (altitude chamber) and any reactions occurring during flight are maintained by each PTU for future authentication of training. Additional authentication is provided flight managers and scheduling officers and copies of flight profiles and reaction data are provided USAFSAM for research. A compilation of select data is forwarded to appropriate Command Coordinator for Physiological Training for management purposes, USAFSAM/EDB and the Test Support Branch (USAFSAM/BRR) for analysis and research, and to the Air Force Medical Service Center, HQ AFMSC/SGPA, Brooks Air Force Base, Texas 78235 for management and research. Data for specific reactors to low pressure are handled as medical records with additional distribution to appropriate MAJCOM Surgeon/SGP for information and possible corrective action, to USAFSAM/EDB/VNT for research and analysis, and to HQ AFMSC/SGPA for policy/management/statistical/research analysis.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Record of training, records of individuals in a given class, altitude flight profiles, combined data of all individuals trained each month, and data on technicians providing the training are maintained in file folders, and in visible file cabinets.

RETRIEVABILITY:

Data relative to reactors to low pressure, management analysis procedures filed by SSN. Authentication of training filed by name.

SAFEGUARDS:

Records are assessed by commanders of medical centers and hospitals and by custodian of the record system.

RETENTION AND DISPOSAL:

Chamber Flight Record at USAFSAM retained until entered into computer files, until superseded, obsolete, no longer needed for reference, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Physiological Training Monthly Report (original) at HQ Air Force Medical Service Center retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Copies at other than HQ AFMSC retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Physiological Training Record after 6 years; Individual Physiological Training Records for non-flying personnel retained as a part of individual medical record until member separates from active or Reserve duty. For flying personnel, record is retained in flight records and turned over to individual after discharge, separation, retirement.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Medical Service Center.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Attention Chief Aerospace Physiology HQ AFMSC/SGPA, Brooks Air Force Base, Texas 78235. Students should provide full name, military status, approximate date and last location of training; officers and technicians assigned AF Aerospace Physiology Programs provide full name and location of last training. Requesters may visit Air Force Medical Service Center. Proof of identity is by government ID Card for active/retired, driver's license for others.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Physiological Training Unit (PTU).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F161 AF SG B

SYSTEM NAME:

USAF Compression Chamber Operation.

SYSTEM LOCATION:

Treatment Records (original) retained in individual health records at Air Force hospitals, medical centers and clinics as part of health record or National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. First copy retained at USAF School of Aerospace Medicine, Hyperbaric Medicine Division (USAFSAM/HM), Brooks Air Force Base, TX 78235. Other copies at Air Force Medical Service Center, major command headquarters, and individual Physiological Training Unit (PTU) having Compression Therapy capability. Compression Chamber Operations Record is retained at PTUs having Compression Therapy capability; Compression Chamber Reactor Case Report (original) at Air Force hospitals, medical centers and clinics as part of health record or National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118. First copy retained at USAFSAM/HM. Other copies Headquarters Air Force Medical Service Center, major command headquarters, and individual PTUs having Compression Therapy capabilities. Oxygen Sensitivity Tolerance/Pressure Test National Personnel Records Center, at Air Force hospitals, medical centers and clinics as part of health record or Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Officers/technicians performing treatments (normally medical doctors, aerospace physiologists/physiological training technicians); patients who are Active duty military personnel, retired Air Force military personnel, dependents of military personnel, dependents of retired military and civilians treated on an emergency basis.

CATEGORIES OF RECORDS IN THE SYSTEM:

Treatment records of patient and records of personnel conducting treatment. Records of exposure to high pressure profiles are maintained for patient and personnel conducting treatment. Records of training dives are maintained on officers and technicians performing treatment dives as well as their physical capability/tolerance to perform in subsequent treatment dives/procedures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC 8012, Secretary of the Air Force: powers and duties; delegation by: and Chapter 55, Medical and Dental Care, as implemented by Air Force Regulation (AFR) 161–21, Use of Hyperbaric (Compression) Chambers for Therapy and AFR 161–27, Hyperbaric Chamber Operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Provide an exact record for a patient treated by compression therapy and documents reactions of the patient's response to high pressure. Protects the patient by insuring that overexposure to high pressure does not occur. Records are maintained on persons performing treatments because they are exposed to the same treatment profiles as their patients and to insure their capability of performing treatment and to determine in advance that they are not physiologically susceptible to potential hazards of treatment. Category of user: Physicians, aerospace physiologists and technicians. Records are also provided to USAF Compression Therapy Center, USAFSAM/HM, Brooks Air Force Base, TX and the Air Force Medical Service Center, HQ AFMSC/SGPA, Brooks Air Force Base, Texas for research and statistical analysis, and management effectiveness. Records maintained on technicians/officers conducting procedures are maintained at treatment site to insure overexposure to high pressure does not occur and to determine professinal adequacy to participate in treatment dives. Records involving officers/technicians performing treatment are proivded MAJCOM/SGP, USAF School of Aerospace Medicine, Physiological Education Branch (USAFSAM/EDB) and HQ AFMSC/SGPA for statistical analysis, research and management effectiveness considerations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and visible file binders/cabinets.

RETRIEVABILITY:

Patients records filed chronologically by subject.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals and by custodian of the record system.

RETENTION AND DISPOSAL:

Treatment Records (original) retained in individual health record for fifty years after date of latest document and then destroyed. First copy and other copies at USAFSAM, HQ AFMSC and MAJCOMs retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Other copies at PTUs destroyed after 3 years; Compression Chamber Operation Record at PTUs Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Compression Chamber Reactor Case Report (original) retained in individual health record for fifty years after date of latest document, then destroyed. First copy at USAFSAM and other copies at HQ AFMSC and MAJCOMs retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Copies at PTU retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed. Oxygen Sensitivity Tolerance/Pressure Test retained in individual health record for fifty years after date of latest document, then destroyed. All records are destroyed by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Air Force Medical Service Center, Brooks Air Force Base, Texas.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Required information for military/ex-military is full name, Social Security number; civilian should provide name, Social Security Number, location of treatment, and approximate date of treatment. Requester may visit Air Force Medical Service Center. Proof of identity is by government ID card for active/retired militay, driver's license for civilians.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Physicians regarding diagnosis/treatment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F161 AF SG C

SYSTEM NAME:

USAF Master Radiation Exposure Registry.

SYSTEM LOCATION:

USAF Occupational and Environmental Health Laboratory (AFSC), Brooks Air Force Base, TX 78235; Air Force medical centers, hospitals and clinics; Air Force operating locations and installations using sources of ionizing radiation. Official mailing addresses are contained in the Air Force Address Directory.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All personnel currently enrolled in or having been monitored under the USAF's Personnel Dosimetry Program or on whom the Air Force has performed a bioassay for radioactive materials since 1960. This includes Air Force military and civilian employees; military and civilian employees of other Components and the Department of Defense; and some employees of other federal agencies and civilian contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal radiation dosimetry (film badge or thermoluminescent dosimeter) results in monthly and lifetime cumulative periods and results of bioassays for radioactive materials in the body.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Part 20.401(a) and (c), Title 10, Chapter 1, Code of Federal Regulations (10 CFR 20.401(a)(c)) as directed by Executive Order 12196, 29 CFR 1910.96(b)(2)(iii), (n) and (o), implemented by Air Force Regulation (AFR) 161–28, Personnel Dosimetry Program and the USAF Master Radiation Exposure Registry.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

USAF Occupational and Environmental Health Laboratory (OEHL)—To maintain a cumulative record of occupational exposure to ionizing radiation on each radiation worker monitored under the USAF's personnel dosimetry program as required by Public Law; to provide a copy of an individual's record to any future employer of that individual who makes a proper request for it as provided for by law; to provide individuals a copy of their Air Force occupational radiation exposure history; to provide information about an individual's ionizing radiation exposure history to medical personnel responsible for radiation safety and the individual's health care, and the individual's supervisor; to provide information about radiation exposures resulting from radiation accidents or incidents to authorized investigators of such events and the Nuclear Regulatory Commission (NRC) or Department of Labor, Occupational Safety and Health Administration (DOL/OSHA); for use in epidemiological and statistical studies to determine the effectiveness of Air Force-wide radiological health programs, trends in exposure doses, exposure experiences of selected occupational groups and similar studies.

Medical personnel —To determine the requirements for occupational physical examinations and assess whether an individual's medical condition may be related to his or her radiation exposure; to use in formulating recommendations to supervisors on requirements to remove or limit an individual from further work with ionizing radiation sources; to determine the need for investigation of workplace environments for abnormal radiation exposure conditions; to formulate recommendations for modifications of facilities, equipment or procedures to limit worker's radiation exposures to as low as reasonably achievable; to assist in developing worker education programs on local radiation hazards.

Employees' supervisors—To determine whether employee can continue to work in a given radiation environment; to determine radiation exposures to personnel associated with a given task; to implement improvements in facilities, equipment, or procedures to reduce worker exposures to as low as reasonably achievable; to assist in local worker education about occupational radiation hazards.

Individuals—To be aware of their lifetime radiation exposures and aid in making personal judgments about the occupational radiation hazards of their environment and in fulfilling their individual responsibilities for radiation safety.

Investigators of radiation accidents or incidents —To assist in determining the possible causes of such an event and recommended measures to prevent recurrence; to determine the severity of the event and possible long term consequences to individuals involved in it or future similar events.

NRC and DOL/OSHA—To use in formulating or enforcement of national policies and regulations for protection of workers from ionizing radiation sources in their occupational environment.

Future employers—To use as the basis for continuing the lifetime cumulative record on individuals as required by Public Law and to use for all purposes for which the current employer uses these records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

At USAF OEHL, on computer disks and computer paper printouts; at installation level, on computer paper printouts provided by USAF OEHL.

RETRIEVABILITY:

Filed by Social Security Number (SSN); retrievable by name or SSN.

SAFEGUARDS:

Records at USAF OEHL are accessed by custodian of the record system and persons responsible for servicing the record system in performance of their official duties and are controlled by computer system software and personnel screening. Records at installations are accessed by medical personnel in performance of their official duties. Records are controlled by personnel screening.

RETENTION AND DISPOSAL:

Records are permanent at USAF OEHL. Latest cumulative history entered in an individual's medical record is retained for the life of the medical record. Records retained by installation medical personnel and supervisors for one year, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Air Force Medical Service Center, Aerospace Medicine Consultants Division, Directorate of Professional Services (HQ AFMSC/SGPA, Brooks Air Force Base, TX 78235).

NOTIFICATION PROCEDURE:

Requests from individuals or persons to whom release of records is authorized should be addressed to USAF OEHL/RZD, Brooks Air Force Base, TX 78235. Information required for identification of an individual record is: full name, SSN and Service Number(s) if different from SSN. If the request is from other than the individual to whom the records pertain, a signed authorization by the individual to release the records to the requester is required.

RECORD ACCESS PROCEDURE:

The Air Force rules for contesting contents and appealing initial determinations are in Air Force Regulation 12-35, and may be obtained from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from previous employers; other components and civilian or government agencies responsible for conducting a radiation protection program and personnel dosimetry at an individual's workplace; and medical institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F162 AF SG A

SYSTEM NAME:

Dental Health Records.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics; other authorized medical units serving military personnel and/or dependents; Air Force Military Personnel Center, Randolph Air Force Base, TX 78148; National Personnel Records Center, Military Personnel Records, 9700 Page Blvd, St. Louis, MO 63132, National Personnel Records Center, Civilian Personnel Records, 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Air Force military personnel; Air Force Academy nominees/applicants; family members of military and retired personnel; foreign Nationals residing in the United States; American Red Cross personnel; other DOD civilian employees, Peace Corps and State Department personnel; Exchange Officers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Chronological record of all care received in military dental facilities. This is primarily a record of all treatment received on an outpatient basis with supporting documentation such as consultations, dental history, laboratory, and x-ray reports; the record also includes temporary copies of appointment slips and attendance records until entered in the record.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 USC, Chapter 55, Medical and Dental Care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Chronological record of patient's dental health while authorized care in a military dental facility. Used by patient for further dental care, other uses such as insurance requests or compensation claims as specifically authorized by the patient. Used by dentist for further dental care of the patient, research, teaching. Used by other Patient Care Providers within the hospital for further medical/dental care of the patient, research, teaching. Used by Hospital and Dental Staff for evaluation of dental staff performance in the dental care rendered; dental research; teaching; hospital accreditation; preparation of statistical reports. Used by Army-Navy-VA-PHS-any other hospital, clinic, for further dental care of the patient if he is currently undergoing treatment there. Attorneys and courts for litigation purposes. Record is released only upon receipt of the patient's signed authorization or a court order. Insurance companies require the patients' written consent for release. Used for establishing insurance benefits or payments of benefits. Used by other Air Force Agtencies such as Central Tumor Registry which maintains files on all patients in whom a malignancy has been diagnosed. Used by other Federal and State Agencies such as the Veterans' Administration and Department of Labor (workmen's compensation) for adjudication of claims; reporting communicable disease or other conditions required by law.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, visible file binders/cabinets, card files, on x-ray film, and as photographs.

RETRIEVABILITY:

Filed by name, social Security Number (SSN), or Military Service Number.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals, custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards, and controlled by personnel screening.

RETENTION AND DISPOSAL:

Records for military personnel are retained for fifty years after date of last document; for all others, twenty-five years. While on active duty, the Health Record of a U.S. military mamber is maintained at the dental unit at which the person receives treatment. On separation/retirement the records are forwarded to National Personnel Records Center (NPRC/MPR) or other designated depository; such as Air Reserve Personnel Center, if reservist; to appropriate state National Guard unit, if National Guard member, to appropriate Veterans Administration Regional Office, if VA claim has been filed. Records of other personnel may be handcarried or mailed to the next military medical facility at which treatment will be received, or the records are retained at the treating facility for a minimum of 1 year after date of last treatment then retired to NPRC or other designated depository, such as but not limited to, Commandant (G–PO) U.S. Coast Guard, Washington, DC 20593 for Coast Guard active duty members; Medical Director, American Red Cross, Washington, DC 20006 for Red Cross Personnel.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Assistant Surgeon General for Dental Services USAF; commanders of medical centers, hospitals, clinics, medical aid stations.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the Systems Manager. Complete name, social security number of individual through whom eligibility for care is established, year in which treatment was received, location treatment was received, whether treatment was on an inpatient or outpatient basis. Above SYSMANAGERS or in the case of Air Force medical facilities, the Registrar's office of the hospital. An appropriately signed authorization for the release of the information is required. Individual's complete name and social security number of individual through whom eligibility for care is established.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the Systems Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the Systems Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F162 AF SG B

SYSTEM NAME:

Dental Professional Activities.

SYSTEM LOCATION:

Headquarters United States Air Force and major command headquarters. Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who are or have been associated with the Air Force Dental Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

General Correspondence relating to dental professional activities; for example, but not limited to correspondence from ASD (HA), ADA Council on Scientific Sessions—Table Clinics, Professional Academies, Professional Associations, Professional Societies, Specialty Boards; and Academic Reports, Teaching Reports, and Dental Service Report.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by and 8067(b). Designation; officers to perform certain professional functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supporting documentation for Air Force Staff for establishing policies and procedures of professional personnel activities for the Air Force Dental Service. Other persons or agencies as specifically authorized by the individual concerned.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders and visible file binders/cabinets.

RETRIEVABILITY:

Filed by name, Social Security Number (SSN), institution attended and date.

SAFEGUARDS:

Records are accessed by commanders of medical centers and hospitals, by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Records are retained in active file for three years or until purpose has been served, then destroyed, by tearing into pieces, shredding, pulping, macerating or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Assistant Surgeon General for Dental Services HQ USAF.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions and source documents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F162 SG A

SYSTEM NAME:

Dental Personnel Actions.

SYSTEM LOCATION:

U.S. Air Force Surgeon General, Office of the Assistant Surgeon General for Dental Services, Bolling AFB, Washington DC 20332. (HQ USAF/SGD).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals who are or have been associated with the Air Force Dental Service.

CATEGORIES OF RECORDS IN THE SYSTEM:

General Correspondence relating to dental personnel actions; including but not limited to awards and decorations, letters of appreciation or congratulation, favorable or unfavorable communications, promotion letters, retirement letters, resignation letters, specialty board certificates, chief dentists badge selection board, moonlighting program, military assistance program, Air Forces personnel listing, AFSC Prefix Awards (A&W), Dental Consultant program, Uniformed Services University of Health Sciences (USUHS), administration of office personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by and 8067(b), Designation; officers to perform certain professional functions.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Supporting documentation for Air Staff for establishing policies and procedures on professional personnel activities for the Air Force Dental Service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, visible file binders/cabinets, card files and on computer paper printouts.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are screened and cleared for need-to-know. Records are stored in locked cabinets or rooms, protected by guards and controlled by personnel screening.

RETENTION AND DISPOSAL:

Record are retained in active file for two years or until purpose has been served, then destroyed, by tearing into pieces, shredding, pulping, macerating or burning

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Assistant Surgeon General for Dental Services HQ USAF. Official mailing addresses are in the appendix to the Air Force's systems notices.

NOTIFICATION PROCEDURES:

Requests from individuals should be addressed to the System Manager and should show complete name, Social Security Number and military status of individual requesting information.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical insititutions, automated system interfaces and source documents (such as reports) prepared on behalf of the Air Force by boards, committees, panels, auditors, and so forth.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F163 AF SG A

SYSTEM NAME:

Veterinary Records.

SYSTEM LOCATION:

Air Force installations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel; Air Force civilian employees; dependents of military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Forms relating to animal bite/health records and food inspection and disease investigation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., Chapter 55, Medical and Dental Care; and 8012, Secretary of the Air Force: powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Record animal health care procedures and investigation of diseases of animal and food origin.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and card files.

RETRIEVABILITY:

Filed by Name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force, Washington, DC 20330.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURE:

Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from medical institutions, police and investigating officers, and from state or local governments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F168 AF SG A

SYSTEM NAME:

Automated Medical/Dental Record System.

SYSTEM LOCATION:

At Air Force medical centers, hospitals and clinics, major command headquarters and separate operating agency headquarters, Air Force Data Service Center, Air Force Medical Service Center, USAF School of Aerospace Medicine, and USAF School of Health Care Sciences. Official mailing addresses are in the Department of Defense directory in the appendix of the Air Force's Systems notice.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual who is hospitalized in, is dead on arrival at, or has received medical or dental care at an Air Force medical treatment facility. Individuals who have received medical care at other DOD or civilian medical facilities but whose records are maintained at or processed by Air Force medical facilities. Any military active duty member who is on an excused-from-duty status, on quarters, on subsistence elsewhere, on convalescent leave, meets Medical Evaluation Board (MEB) or a Physical Evaluation Board (PEB) on an outpatient basis or who is hospitalized in a nonfederal hospital and for whom an Air Force medical facility has assumed administrative responsibility. Any individual who has undergone medical or dental examinations at any Air Force medical facility (or who has undergone medical examinations at other medical facilities and whose records are maintained or processed by the Air Force), e.g., preemployment examinations and food handlers examinations, or who has otherwise had medical or dental tests performed at any Air Force medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files consist of automated records of treatment received and medical/dental tests performed on an inpatient/outpatient basis in military medical treatment facilities and of military members treated in civilian facilities. These records may include radiographic images and reports, electrocardiographic tracings and reports, laboratory test results and reports, blood gas analysis reports, occupational health records, dental radiographic reports and records, automated cardiac catheterization data and reports, physical examination reports, patient administration and scheduling reports, pharmacy prescriptions and reports, food service reports, hearing conservation tests, cardiovascular fitness examinations and reports, reports of medical waivers granted for flight duty, and other inpatient and outpatient data and reports. They may contain information relating to medical/dental examinations and treatments, innoculations, appointment and scheduling information, and other medical and/or dental information. Subsystems of the Automated Medical/Dental Data System include: Air Force Clinical Laboratory Automation System (AFCLAS)/TRILAB I; Automated Cardiac Catheterization Laboratory System (ACCLS); Computer Assisted Practice of Cardiology (CAPOC) System; DATA STAT Pharmacy System (Formerly PROHECA); Occupational Health and Safety System; Patient Appointment and Scheduling System (PAS); Tri-Laboratory System (TRILAB); Tri-Pharmacy System; Tri-Radiology System (TRIRAD); Health Evaluation and Risk Tabulation (HEART).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used as a record of patient's medical/dental health, diagnosis, and treatment and disposition while authorized care. Used to help determine individual's qualification for duty, for security clearances and for assignments. Used by an individual or his legal representative for further medical care, legal purposes, or other uses such as insurance requests or compensation claims when specifically authorized by the patient. Used by physicians/dentists and other health care providers for further care of the patient, research, teaching, and legal purposes. Used by medical treatment facility staff for evaluation of staff performance in the care rendered; for preparation of statistical reports; for reporting communicable diseases and other conditions required by law to federal and state agencies. Used by Army, Navy, Veterans Administration, Public Health Service or civilian hospitals for continued medical care of the patient. Used by insurance companies (only with the patient's written consent for release); for arbitrating insurance claims. Used by other Federal agencies such as Veterans Administration and Department of Labor (Workmen's Compensation) for adjudication of claims; for reporting communicable diseases or other conditions required by law. Used to provide input to other DOD medical records systems including the Medical Records System (F168 AF SG C), the Dental Health Records System (F162 AF SG A) and other DOD agencies (e.g., Army and Navy) when such agency is normally by the primary source or repository of medical information about the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data maintained primarily on magnetic tape or disks. May also be maintained: in file folders, on computer paper printouts or punched cards, on roll microfilm or microfiche.

RETRIEVABILITY:

Filed by Social Security Number (SSN) of the individual or his/her sponsor in combination with the Family Member Prefix (FMP). The FMP describes the relationship of the patient to his sponsor, e.g., second oldest dependent child, spouse, self, etc. May also be retrieved by the individual's name or by other identification or system number such as inpatient register number, laboratory accession number, or pharmacy prescription number.

SAFEGUARDS:

Records are accessed by medical records custodians or other person(s) responsible for maintaining the record system in performance of their official duties, by commanders of Air Force medical treatment facilities or by personnel authorized by the medical records custodian(s), i. e., administrative employees, Peer Review and Utilization Review committees, etc. Records are controlled by computer system software including the use of pass words or other user identification system, and by limiting physical access to the computer and computer terminals. Except when under direct physical control of authorized individuals, records will be stored in locked rooms or in locked cabinets. Records are accessed by authorized personnel who are properly screened and cleared for a need to know.

RETENTION AND DISPOSAL:

Computer files are retained for variable lengths of time depending upon the type of information involved and the size and mission of the medical treatment facility. Retention time may vary from one day to ten years. Records are disposed of by erasure of the magnetic computer records and destruction of the computer related worksheets on paper, film, or other media by tearing, shredding, pulping, burning or other destructive methods. Identical medical/dental information may be retained for longer periods of time in other medical records systems (such as inpatient or outpatient charts), including the Medical Records System (F168 AF SG C) and Dental Health Records (F162 AF SG A).

SYSTEM MANAGER(S) AND ADDRESS:

Major command and separate operating agency headquarters and Air Force Medical Service Center, commanders of USAF medical centers, hospitals, and clinics. USAF School of Health Care Sciences, Aerospace Medical Division, Brooks AFB, Texas, and the USAF School of Aerospace Medicine, Brooks AFB, Texas. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force Systems notice.

NOTIFICATION PROCEDURE:

Requests from individuals should be directed to the System Manager. Requests should include complete name (including maiden name), sponsor's name, Social Security Number or Service Number of person through whom eligibility is established, category of records desired, year in which treatment was provided, whether treatment was inpatient or outpatient. If the individual establishes eligibility through a sponsor other than self, the request should include the relationship to the sponsor, e.g., spouse, second oldest child, parent, etc.

RECORD ACCESS PROCEDURE:

Address requests to the System Manager. Official mailing addresses are in the Department of Defense Directory in the appendix to the Department of Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained directly from the individual whenever practical and possible, from other individuals when necessary, e.g., when the patient is a child or is in coma, from other medical institutions, from automated systems interfaces, from medical records, and from patient interactions with physicians and other health care providers.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F168 AF SG B

SYSTEM NAME:

Child Advocacy Case Files.

SYSTEM LOCATION:

At Headquarters United States Air Force, Office of the Surgeon General; Headquarters Air Force Medical Service Center, Directorate of Professional Services, Clinical Consultants Division, Brooks Air Force Base, San Antonio, TX 78235; Major Command Surgeon's Office; and Air Force Hospitals, medical centers and clinics. Official mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All children entitled to care at Air Force medical and dental facilities whose abuse or neglect is brought to the attention of appropriate authorities and all persons suspected of abusing or neglecting such children.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records of suspected and established cases of child abuse or neglect, investigative reports, correspondence, child advocacy committee reports, follow-up and evaluative reports, and any other supportive data assembled relevant to individual child advocacy program files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by as implemented by Air Force Regulation (AFR) 160–38, Air Force Family Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used in the performance of official duties relating to health and medical treatment of members and former members of the uniformed services, civilians, and dependents receiving medical care under Air Force auspices; performance of research and compilation of statistical data. Used by other components of the Department of Defense and other Departments and agencies of government in the performance of official duties relating to the coordination of child advocacy programs, medical care and research concerning child abuse and neglect. Used by the Attorney General of the United States or his authorized representatives in connection with litigation, or other matters under the direct jurisdiction of the Department of Justice. Used by federal, state or local governmental agencies when appropriate in the counseling and treatment of individuals or families involved in child abuse or neglect, or when appropriate or necessary for civil or criminal law enforcement. Used by private organizations and individuals for health research in the interest of the federal government and the public, and by authorized surveying bodies for professional certification and accreditation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records may be stored in file folders, microfilm, or computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved by name of the abused or neglected child and the Social Security number of the sponsor or guardian.

SAFEGUARDS:

Records are maintained in various kinds of filing equipment in specified monitored or controlled access rooms or areas. Records are accessible only to authorized personnel that are properly screened and trained, and on a need-to-know basis only. Computer terminals are located in supervised areas with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

Retained in office files for five years after the end of year in which case was closed, retired to National Personnel Records Center (Civilian), 111 Winnebago Street, St Louis, Missouri 63118 for an additional 20 years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General; Headquarters Air Force Medical Service Center; Major Command Surgeons; commanders of medical centers, hospitals, and clinics.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager at Air Force Hospitals, medical centers and clinics. Requests should include name, Social Security number of sponsor, and location of incident.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Reports from physicians and other medical department personnel; reports and information from other sources including educational institutions, medical institutions, law enforcement agencies, public and private health and welfare agencies, and witnesses.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(k) (2) and (5), as applicable. For additional information contact the System Manager.

F168 AF SG C

SYSTEM NAME:

Medical Record System.

SYSTEM LOCATION:

HQ USAF/SG, medical centers, hospitals and clinics, medical aid stations, National Personnel Record Centers, Air National Guard activities, and Air Force Reserve units. Official mailing addresses are in the Air Force Directory in the appendix to the Air Force systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons treated in an Air Force medical facility and active duty members for whom primary care is provided.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inpatient and outpatient records of care received in Air Force medical facilities. Documentation includes, but is not limited to, patient's medical history, physical examination, treatment received; supporting documentation such as laboratory and x-ray reports, cover sheets and summaries of hospitalization, diagnoses, procedures or surgery performed; administrative forms which concern medical conditions such as Line of Duty Determinations, physical profiles, Medical Recommendations for Flying Duty. Secondary files are maintained such as patient registers, nominal indices, x-ray and laboratory files, indices and registers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care, 10 U.S.C. 8012, Secretary of the Air Force; powers and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By patient or legal representative for further medical care, legal, or other purposes. By hospital, medical staff and providers of care for further medical care of patient, determination of suitability or eligibility for benefits for various programs, statistics and research, teaching, professional certification, evaluation of care rendered and staff performance. By Army, Navy, Veterans Administration, Public Health Service, any other hospital, clinic, etc., for further medical care of the patient if currently undergoing treatment. By authorized agencies for professional certification and accredidation. By other federal, state and local agencies, as Veterans Administration and Department of Labor (Workmen's Compensation) for adjudication of claims; for preventive medicine programs, reporting births, deaths and communicable disease or other conditions required by law. By tumor or similar registries for treatment or followup. By research organizations and individuals for authorized health research in the interest of the Federal Government or public. When not relevant to the study, patient identification shall be eliminated from records used for research studies. Records in this system which reveal the identity, diagnosis, prognosis or treatment of any individual for drug or alcohol abuse may only be disclosed in accordance with 21 USC 1175 for those records relating to drug abuse and 42 USC 4582 for those relating to alcohol abuse. The blanket routine uses published by the Department of the Air Force for its systems of records do not apply in these cases. Disclosure within the Air Force is limited to those individuals who need the records in connection with programs relating to abuse treatment, rehabilitation, research, health or assignment to duty. Disclosure is also authorized to other components of the Armed Forces and to the Veteran's Administration when these provide health care to identified individuals whether present or former members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, in card files, notebooks or binders and in machine-readable form.

RETRIEVABILITY:

By name, Social Security Number (SSN) or by Military Service Number or other identification or system identifier (as Register No. for inpatient records).

SAFEGUARDS:

Records are accessed by commanders of medical centers, hospitals, and clinics, by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and controled by personnel screening.

RETENTION AND DISPOSAL:

While on active duty, the Health Record of a U.S. military member is maintained at the medical unit at which the person receives treatment. On separation or retirement, records are forwarded to National Personnel Records Center/Military Personnel Records (NPRC/MPR) or other designated depository, such as Commandant, U.S. Coast Guard for that agency's personnel, to appropriate Veterans Administration Regional Office if VA Claims has been filed. Records of outpatient treatment of non-active duty personnel may be handcarried or mailed to the next military medical facility at which treatment will be received or the records are retained at the treating facility for a minimum of 1 year after date of last treatment then retired to NPRC or other designated depository, such as, but not limited to, Medical Director, American Red Cross, Washington, DC 20006 for Red Cross Personnel. At NPRC records for military personnel are retained for 50 years after date of last documents; for all others, 25 years. (Records at NPRC are destroyed by burning or shredding).

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Chief of Air Force Reserve, Headquarters United States Air Force. Director of Air National Guard, Headquarters United States Air Force. Commanders of medical centers, hospitals, clinics, medical aid stations; Commander, Air Force Manpower and Personnel Center.

See Air Force Directory in the appendix to Air Force system notices.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager. Requester must submit full name, Social Security Number (or Military Service Number) through whom eligibility for care is established, date (at least year) treatment was provided, name of facility providing treatment, whether treatment was as inpatient or outpatient.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager. Mailing addresses are in the Air Force Directory in the appendix to the Air Force system notices.

CONTESTING RECORD PROCEDURES:

The Air Force rules for contesting contents and for appealing initial determinations are in Air Force Regulation 12–35.

RECORD SOURCE CATEGORIES:

Physicians and other patient care providers such as nurses, dietitians, physicians assistants. Administrative forms completed by appropriate official, military or civilian.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F168 AF SG D

SYSTEM NAME:

Medical Service Accounts.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty military personnel, retired military personnel, dependents of active duty, retired and deceased military personnel, and civilians treated in emergencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Hospital Invoice/Receipt/Accounts Receivable Records showing charges for subsistence and medical service.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by, as implemented by Air Force Regulation (AFR) 168–4, Administration of Medical Activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Medical Service Account officer as a record of cash receipts, as a basic instrument for posting to the cash and sales journal and as an account receivable record. Used by Food Service Officer as a receipt for cash collected and truned in to the Medical Service Account officer.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders at Clinics, Hospitals, and Medical Centers.

RETRIEVABILITY:

Filed by name and invoice receipt number.

SAFEGUARDS:

Records are accessed by custodian of the record system, by person(s) responsible for servicing the record system in performance of their official duties and Air Force auditors.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Service Account Officers at all Clinics, Hospitals, Medical Centers.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from source documents such as records, reports and accounts maintained by medical facilities.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F168 AF SG E

SYSTEM NAME:

Nursing Service Records.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, Air Force civilian employees; Air Force Reserve and National Guard personnel; Air Force Academy cadets; dependents of military personnel; Foreign Nationals residing in the United States; American Red Cross personnel; Peace Corps and State Department personnel; Exchange Officers, anyone admitted to inpatient status in Air Force Medical Facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains 24–hour nursing reports, listings of ward patients and registers containing information of operations performed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. Chapter 55, Medical and Dental Care; 10 USC 8067(e), Designation: officers to perform certain professional functions, as implemented by Air Force Regulation (AFR) 168–4 Administration of Medical Activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Chief Nurse and other management personnel to determine nursing care work loads and allocate resources.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books and binders.

RETRIEVABILITY:

Filed by name, dates of admission and discharge from medical facility, date of operation.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for three months after montly cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Operation registers destroyed after five years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force. Chief Nurses of Medical Centers and Hospitals.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to record and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

From medical records and personal observations of Nursing Service Personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F168 AF SG F

SYSTEM NAME:

Air Force Blood Program.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military personnel, dependents of military personnel, government employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Emergency blood donor list, donor record cards, and a roster/list by blood type and Rh factor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 262, Regulation of biological products, as implemented by Air Force Regulation (AFR) 160–26, Air Force Blood Program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Air Force medical centers, hospitals and clinics to control, coordinate and process request for blood donors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and in card files.

RETRIEVABILITY:

Filed by name. Rosters/lists are filed chronologically.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties, and by commanders of medical centers, hospitals and clinics. Records are stored in security file containers/cabinets.

RETENTION AND DISPOSAL:

Retained in office files until superseded, obsolete, no longer needed for reference, or on inactivation, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning. Donor record cards are retained in office files for seven years.

SYSTEM MANAGER(S) AND ADDRESS:

The Surgeon General, Headquarters United States Air Force.

NOTIFICATION PROCEDURE:

Request from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Mailing addresses are in the Department of Defense directory in the appendix to the Air Force's systems notice.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Documents prepared by the Air Force.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F175 AFAA A

SYSTEM NAME:

Air Force Audit Agency Management Information System—Report File.

SYSTEM LOCATION:

HQ Air Force Audit Agency, The Auditor General (AFAA/AG), Norton Air Force Base, CA 92409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Audit office chiefs issuing audit reports and auditors-in-charge of performing audits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of audit.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: power and duties; delegation by.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to evaluate audit coverage by an auditor. Used to develop expertise listing by auditor. All other accesses of the file are for statistical data and records not pertaining to individuals. The purposes of this file are to provide a research capability on past audit findings reported in audit reports and to provide a history of audit coverage to support organizational planning and management. The above listed retrievals constitute the only retrievals made using the individual's name as the key, all others are keyed on subject or report indicative data. All levels of AFAA management use this information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and on computer paper printouts, microfiche, and card files.

RETRIEVABILITY:

Audit report data is retrieved by individual name. Filed by office, by report type, and report number.

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in locked cabinets or rooms and are controlled by computer system software.

RETENTION AND DISPOSAL:

Retained in computer files or on magnetic tape for six years and then destroyed by tape reuse or tape destruction.

SYSTEM MANAGER(S) AND ADDRESS:

AFAA/AG, Norton Air Force Base, CA 92409.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Reports of Audit and annotated information. Report notification data generated internally within the AFAA.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F177 AF SG A

SYSTEM NAME:

Control Logs.

SYSTEM LOCATION:

Air Force hospitals, medical centers and clinics.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Dependents of military personnel and all personnel authorized treatment in a military medical facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Controls for payment of supplemental medical care and civilian medical, dental and veterinary care.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by, as implemented by Air Force Regulation (AFR) 168–10, Obtaining Medical, Dental and Veterinary care from Civilian Sources.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To insure duplication of payment to provider is not made.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, note books/binders, and in card files.

RETRIEVABILITY:

Filed by name and Social Security Number (SSN).

SAFEGUARDS:

Records are accessed by custodian of the record system and by person(s) responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Retained in office files for one year after annual cut-off, then destroyed by tearing into pieces, shredding, pulping, macerating, or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Medical Service Account Officers at all Clinics, Hospitals, Medical Centers.

NOTIFICATION PROCEDURE:

Requests from individuals should be addressed to the System Manager.

RECORD ACCESS PROCEDURES:

Individual can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information obtained from financial and medical institutions, and from source documents such as records, reports prepared on behalf of the Air Force.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

F210 ESC A

SYSTEM NAME:

Historical Research and Retrieval System (HORRS).

SYSTEM LOCATION:

Command Historical Office, Headquarters Electronic Security Command (HQ ESC), San Antonio, TX 78243.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and civilian members of ESC, including active, retired, and deceased personnel. Primarily, names of key personnel, such as commanders, operations officers, and other staff personnel mentioned in command histories and special studies, are filed in this system and are retrievable by name.

CATEGORIES OF RECORDS IN THE SYSTEM:

Coded abstracts of command history items or extracts from other documents retained for historical purposes. Will include name, rank, unit assigned, position occupied, and any historically noteworthy achievements of individuals reflected in the document from which information was extracted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation as implemented by Air Force Regulation (AFR) 210–1, regulation for Air Force Historians.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Research reference file used by HQ ESC Historical Office to satisfy requests for Air Force Special Intelligence (SI) historical information received from individuals within the DOD and other government agencies. Information is also used as research material for preparing special studies and monographs, and to answer requests for information under the Freedom of Information Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in bound, paper copies; jacketed microfiche; and computer magnetic tapes, discs, and computer products.

RETRIEVABILITY:

Filed by name.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties who are properly screened and cleared for need-to-know. Records are stored in security file containers. The computer file is kept in a locked room.

RETENTION AND DISPOSAL:

Microfiche and paper copies of records, including ADP products, are retained in office files until no longer needed for reference, then destroyed by burning or pulping. Computer tapes are destroyed by overwriting.

SYSTEM MANAGER(S) AND ADDRESS:

Command Historian, HQ ESC/HO, San Antonio, TX 78243.

NOTIFICATION PROCEDURE:

Information as to whether the record system contains information on an individual may be obtained from the System Manager.

RECORD ACCESS PROCEDURES:

Individuals can obtain assistance in gaining access from the System Manager.

CONTESTING RECORD PROCEDURES:

The Air Force's rules for access to records and for contesting and appealing initial determinations by the individual concerned may be obtained from the System Manager.

RECORD SOURCE CATEGORIES:

Information is obtained from command histories, special studies, monographs, end-of-tour reports, oral histories, and other reference material.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-30219 Filed 11-3-82; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Privacy Act of 1974; Amendments to Systems of Records Notices

AGENCY: Department of the Army, DoD.

ACTION: Proposed deletion of and amendments to notices for systems of records.

SUMMARY: The Department of the Army proposes to delete three and amend four notices for systems of records subject to the Privacy Act of 1974. Following identification of the changes, the amended notices are printed in their entirety below.

DATES: Actions shall be effective December 6, 1982.

ADDRESS: Comments may be submitted to Headquarters, Department of the Army, ATTN: DAAG-AMR-S, Room 1146, Hoffman Building 1, 2461 Eisenhower Avenue, Alexandria, VA 22331.

FOR FURTHER INFORMATION CONTACT: Mrs. Dorothy Karkanen, Office of The Adjutant General, Department of the Army at the above address; telephone: 703/325-6163.

SUPPLEMENTARY INFORMATION: The Department of the Army's inventory of system notices as required by the Privacy Act of 1974, Title 5, U.S.C. § 552a (Pub. L. 93-579; 44 Stat. 1896 *et seq.*) appears in the following editions of the **Federal Register** at:

FR Doc. 82-674 (47 FR 2544), January 18, 1982
FR Doc. 82-5277 (47 FR 8610), March 1, 1982
FR Doc. 82-11002 (47 FR 17324), April 22, 1982
FR Doc. 82-12993 (47 FR 20654), May 13, 1982
FR Doc. 82-16040 (47 FR 25780), June 15, 1982
FR Doc. 82-16228 (47 FR 25987), June 16, 1982
FR Doc. 82-20786 (47 FR 33314), August 2, 1982
FR Doc. 82-23089 (47 FR 36880), August 24, 1982
FR Doc. 82-27594 (47 FR 44379), October 10, 1982

System notices being amended to not require a report of an altered system pursuant to 5 U.S.C. 552a(o).

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
October 28, 1982.

Deletions

AO703.06bDAPC

System name:

Officer Candidate School Application File (44 FR 73857), December 17, 1979.

Reason:

Records are covered in system notice AO703.01aDPC, Military Personnel Action file, being amended in this **Federal Register.**

AO722.07DACH

System name:

Religious Education Directors (44 FR 73899), December 17, 1979.

Reason:

Records are covered by OPM/GOVT-5 system of records.

A1012.03hDASG

System name:

Academy of Health Sciences—Nonresident Instruction Files (44 FR 73959), December 17, 1979.

Reason:

Records are described in proposed amended system notice A1012.03gDASG, appearing in this **Federal Register.**

Amendments

AO102.13DAPC

System name:

Office Military Personnel Files (46 FR 6462), January 21, 1982.

Changes:

System name:

Change "Office" to "Administrative"; change "Files" to "Records".

System location:

Delete entry; substitute therefor: "HQDA Staff, major commands field operating agencies, installations and activities performing unit level administration for military personnel, whether active, inactive (reservist), MOBDES), and including the National Guard."

Categories of individuals covered by the system:

After "dependants", delete remainder of paragraph and substitute therefor: "at the local supervisory level (i.e., company, platoon/squad, or comparable office size) when the individual's MPRJ is maintained elsewhere."

Categories of records in the system:

Change entry to read: "Records/documents of a temporary nature which are needed in the day-to-day administration/supervision of the individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Add: "hard copy, magnetic disk or tape".

Safeguards:

Add: "Where information exists on word processing disk/diskettes, tapes or in automated media, the administrative, physical, and technical requirements of Army Regulation 380-380 must be assured to preclude improper use or inadvertent disclosure."

Retention and disposal:

Change "1 year" to "30 days".

System Manager(s) and address:

Change to read: "Commander, US Army Military Personnel Center, ATTN: DAPC-ALS, 200 Stovall Street, Alexandria, VA 22332."

AO703.01aDAPC

System name:

Military Personnel Action Files (44 FR 73855), December 17, 1979.

Changes:

System location:

Delete "Decentralized Segments: * * * commands."; add: "Army installations and commands may maintain some records in this system."

Categories of individuals covered by the system:

Delete entry; add: "Individuals applying for appointment in the US Army or US Army Reserves".

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entries and substitute the following: "By the Army, to satisfy administrative and management requirements concerning acceptability of applicants. Information may be disclosed to other branches of the Armed Forces when relevant to an individual's application for transfer or duty with another Service."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Retention and disposal:

Change entry to read: "Records are retained from 3 months to 3 years depending on the type document, following which they are destroyed."

A0708.07DAPE

System name:

Unfavorable Information Files (44 FR 73873), December 17, 1979.

Changes:

Categories of individuals in the system:

Change period to comma and add: "to include appeals and petitions for removal or transfer of such information from the individual performance record".

Categories of records in the system:

After "Individual's response", add "or appeal"; after "summary of consideration of response", add: "or appeal".

Record source categories:

After "individual's response to the Board;", insert the following: "individual appeals or petitions to the Board; summary of consideration of response on appeal/petition; . . .".

A1012.03gDASG:

System name:

Academy of Health Sciences, Student Affiliated Academic Records (44 FR 73958), December 17, 1979.

Changes:

System Identification:

Delete "DASG"; substitute therefor: "HSC".

Categories of individuals covered by the system:

Delete entry; add: "Resident and correspondent students enrolled in courses at the Academy."

Categories of records in the system:

Delete entry; substitute therefor: "Name of student Social Security Number, grade/rank, academic qualifications, progress reports, academic grades, ratings attained, and relevant information."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Delete entry; add the following: "By the Department of the Army to determine eligibility for enrollment/attendance, monitor student progress, and record accomplishments."

"Information may be released to colleges or universities or medical institutions which accredit the Academy's instruction."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Delete entry; substitute therefor: "Paper records, microfiche, cards, magnetic tape and/or disk, and computer printouts."

A0102.13DAPC

System name:

Administrative Military Personnel Records.

System location:

HQDA Staff, major commands, field operating agencies, installations and activities performing unit level administration for military personnel, whether active, inactive (reservist, MOBDES), and including the National Guard.

Categories of individuals covered by the system:

Military personnel (and in some instances, their dependents) at the local supervisory level (i.e., company, platoon/squad, or comparable office size) when the individual's MPRJ is maintained elsewhere.

Categories of records in the system:

Records/documents of a temporary nature which are needed in the day-to-day administration/supervision of the individual.

Authority for maintenance of the system:

5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide supervisors a ready source of information for day-to-day operations and administrative determinations pertaining to assigned/attached personnel.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Hard copy, microfiche, index cards, magnetic tape or disk.

Retrievability:

By individual's surname.

Safeguards:

Information is stored in locked rooms or buildings with access restricted to individuals whose duties require a need-to-know. Where information exists on word processing disk-diskettes/tapes or in automated media, the administrative, physical, and technical requirements of Army Regulation 380-380 must be assured to preclude improper use or inadvertent disclosure.

Retention and disposal:

Records are destroyed not later than 30 days after transfer/separation of member.

System manager(s) and address:

Commander, US Army Military Personnel Center, ATTN: DAPC-ALS, 200 Stovall Street, Alexandria, VA 22332.

Notification procedure:

Individuals desiring to know whether this system contains information on them should inquire of their immediate supervisor.

Record access procedures:

Requests should be made of the custodian of the record at the location assigned/attached; individual must provide full name, SSN, and particulars which enable finding the record.

Contesting record procedures:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340-21 (32 CFR Part 505).

Record source categories:

Copy of documents in one's OMPF, MPRJ, or CMIF; from the individual; his/her supervisor; other Army records and reports.

Systems exempted from certain provisions of the act:

None.

A0703.01aDAPC

SYSTEM NAME:

Military Personnel Action Files.

SYSTEM LOCATION:

Primary: US Army Military Personnel Center (MILPERCEN), 200 Stovall Street, Alexandria, VA 22332.

Army installations and commands may maintain some records in this system.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals applying for appointment in the US Army Reserves.

CATEGORIES OF RECORDS IN THE SYSTEM:

Officer candidate applications; individual application for appointment as a warrant or commissioned officer, waivers, recommendations, evaluation reports, test papers, interview records; relevant board determinations on applications; emergency data regarding next-of-kin and survivor benefits; supplemental information regarding qualifications, efficiency, duty assignment, grade, date of rank; transitory adverse suitability information concerning nonsupport, debts, and similar acts of wrongdoing; (adverse suitability information that is supported, substantiated, or otherwise determined to be true is transferred into the official military personnel file); and similar information used by offices exercising administrative jurisdiction as reference records of routine actions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to satisfy administrative and management requirements concerning acceptability of applicants. Information may be disclosed to other branches of the Armed Forces when relevant to an individual's application for transfer or duty with another Service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfiche.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in controlled areas accessible only to authorized persons have official need therefor.

RETENTION AND DISPOSAL:

Records are retained from 3 months to 3 years depending on the type document, following which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, US Army Military Personnel Center, 200 Stovall Street, Alexandria, VA 22332.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not this system of records contains information on them should inquire of the Army installation to which application was sent, or to the System Manager. Individual should furnish complete name, Social Security Account Number, date of application, place to which sent, and any other information that will assist in locating record.

RECORD ACCESS PROCEDURES:

Individuals should submit a written request as specified under "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

From the individual; extracts from personnel records; forms, documents, and related papers originated by or received in Army offices.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A0708.07DAPE

SYSTEM NAME:

Unfavorable Information Files.

SYSTEM LOCATION:

Primary: Department of the Army Suitability Evaluation Board, Office of the Deputy Chief of Staff for Personnel, The Pentagon, Washington, DC 20310.

Secondary: Suitability Evaluation Board at Major Commands; addresses appear in the appendix to the Army's inventory of system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Army personnel (active, reserve, National Guard) on whom unfavorable information has been discovered, considered, referred to individual, and disposed of, to include appeals and petitions for removal or transfer of such information from the individual's performance record.

CATEGORIES OF RECORDS IN THE SYSTEM:

Summary of unfavorable information, copy of letter of notification to individual, individual's response or appeal, summary of consideration of response or appeal, disposition determination, and voting record of Board members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Suitability Evaluation Board to record Board action and to provide pattern of subsequent unfavorable information. Information filed in the performance portion of the OMPF is also used by DA promotion/selection boards when the individual has been afforded due process.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel having official need for the information. Buildings are secured at all times.

RETENTION AND DISPOSAL:

Records are retained by the Suitability Evaluation Board for 20 years, following which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Personnel (ATTN: DAPE–MPD), Headquarters, Department of the Army, The Pentagon, Washington, DC 20310.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether or not information exists on them may inquire of the System Manager. Inquirer should furnish his/her full name, Social Security Account Number, sufficient details concerning time and place of event to insure location of the records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access should provide information in "Notification procedures."

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Suitability Evaluation Board case summary of unfavorable information; letter of notification/request for comment to the individual; individual's response to the Board; individual appeals or petitions to the Board; summary of consideration of response on appeal/petition; final determination case summary by the Board.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

A1012.03gHSC

SYSTEM NAME:

Academy of Health Sciences: Academic Records.

SYSTEM LOCATION:

Academy of Health Sciences, Ft Sam Houston, TX 78234.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Resident and correspondent students enrolled in courses at the Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of student, Social Security Number, grade/rank, academic qualifications, progress reports, academic grades, ratings attained, and relevant information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

By the Department of the Army to determine eligibility for enrollment/attendance, monitor student progress, and record accomplishments.

Information may be released to colleges or universities or medical institutions which accredit the Academy's instruction.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, microfiche, cards, magnetic tape and/or disk, and computer printouts.

RETRIEVABILITY:

By individual's name, SSN, student number.

SAFEGUARDS:

Information is accessed only by individuals having need therefor in the performance of official duties; automated data are protected further by assigned passwords.

RETENTION AND DISPOSAL:

Academic records are maintained 40 years at the Academy of Health Sciences. Except for the master file, automated data are erased after the fourth updating cycle.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Health Services Command, Ft Sam Houston, TX 78234.

NOTIFICATION PROCEDURE:

Individuals desiring to know whether this system contains information about them may inquire of the Registrar, Academy of Health Sciences, Ft Sam Houston, TX. Inquirers should furnish full name, SSN, date attended/enrolled, current address, and signature.

RECORD ACCESS PROCEDURES:

Written requests should be sent to the Superintendent, Academy of Health Sciences, Ft Sam Housaton, TX 78234 and include the information in "Notification procedure".

CONTESTING RECORD PROCEDURES:

The Army's rules for access to records and for contesting contents and appealing initial determinations are contained in Army Regulation 340–21 (32 CFR Part 505).

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82–30218 Filed 11–3–82; 8:45 am]

BILLING CODE 3710-08-M

Defense Communications Agency

Schedule for Awarding Senior Executive Service Bonuses

AGENCY: Defense Communications Agency, DOD.

ACTION: Notice of schedule for awarding senior executive service bonuses.

NOTICE: Under guidelines issued by the Office of Personnel Management, agencies must publish a notice in the Federal Register of their schedule for awarding Senior Executive bonuses at least 14 days prior to the date on which the bonuses will be paid. In accordance with these guidelines, the Defense Communications Agency gives notice of the intention to award Senior Executive Service bonuses for the performance rating period July 1, 1981 through June 30, 1982. Bonuses will be paid not earlier than Novembr 19, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Terry McCleary, Program Development and Evaluation Divison, Assistant Deputy Director for Civilian Personnel, Personnel and Administration Directorate, Defense Communications Agency, Washington, D.C. 20305, (703) 692–2794.

Lawrence Layman,

Rear Admiral, USN, Vice Director.

[FR Doc. 82–30385 Filed 11–3–82; 8:45 am]

BILLING CODE 3610-05-M

Corps of Engineers, Department of the Army

Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Palm Beach County, Florida Beach Erosion Control Study

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement.

SUMMARY: The Jacksonville District, U.S. Army Corps of Engineers intends to prepare an Environmental Impact Statement on the feasibility of providing beach erosion control measures for the entire oceanfront shoreline of Palm Beach County, Florida.

The following alternative actions are under consideration:

a. No action.
b. Beach fill.
c. Beach fill with offshore breakwater.
d. Rubble revetment.
e. Nonstructural plans.

Borrow sites offshore of Palm Beach County are being studied for suitable beach fill material. Requests for comments in August 1981 from interested citizens, local, state, and Federal organizations on significant ecological, cultural, esthetic, or socio-economic resources has solicitated no response. A scoping meeting is not planned.

In accordance with the Fish and Wildlife Coordination Act, participation in the planning process has been initiated with the U.S. Fish and Wildlife Service and participation will also be solicited from the National Marine Fisheries Service and the State of Florida. Coordination will be accomplished in accordance with Section 7 of the Endangered Species Act and the Archeological and Historic Preservation Act. Discharge of dredged material into waters of the United States will be specified by application of the criteria of Section 404 of the Federal Water Pollution Control Act.

It is anticipated that the DEIS will be available for public comment late 1983.

Questions concerning the proposed action and DEIS should be directed to: Mr. Paul C. Schmidt, SAJPD–ES, U.S. Army Corps of Engineers, Jacksonville District, P.O. Box 4970, Jacksonville, Florida 32232. Telephone: (904) 791–2202 (FTS 946–2202).

Dated: October 21, 1982.

Alfred B. Devereaux, Jr.,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 82–30346 Filed 11–3–82; 8:45 am]

BILLING CODE 3710–AJ–M

Department of the Navy

Privacy Act of 1974; Addition of Systems of Records

AGENCY: Department of the Navy, DOD.

ACTION: Addition of a notice for system of records.

SUMMARY: The Departmemt of the Navy proposes to add a new system of records to its inventory of systems of records subject to the Privacy Act of 1974.

DATES: The proposed action will be effective without further notice on December 6, 1982, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments, to include written data, views or arguments concerning the action proposed should be addressed to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP–09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone 202/694–2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81–674 (47 FR 2574) January 18, 1982
FR Doc. 81–9204 (47 FR 14944) April 7, 1982
FR Doc. 82–9844 (47 FR 15636) April 12, 1982
FR Doc. 82–12593 (47 FR 25041) May 10, 1982
FR Doc. 82–15596 (47 FR 25041) June 9, 1982
FR Doc. 82–23533 (47 FR 37948) August 27, 1982

The Navy submitted a new system report for this system under the provisions of 5 U.S.C. 552a(o) on September 20, 1982. Portions of this correctional system are exempted from certain provisions of the Privacy Act in accordance with 5 U.S.C. 552a(j)(2). See 32 CFR Part 701. (SECNAV Instruction 5211.5c).

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

October 28, 1982.

N01640–1

SYSTEM NAME:

Individual Correctional Records.

SYSTEM LOCATION:

United States Navy Brigs and United States Marine Corps Correctional Facilities. Official mailing addresses are in the Department of Defense Directory; and/or may be obtained from Naval Military Personnel Command, Washington, D.C. 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any military member confined in a naval facility as a result of or pending trial by court-martial; any member sentenced to three days bread and water or diminished rations; and any military member awarded correctional custody to be served in a correctional custody unit.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains documents related to the administration of individual prisoners in the Department of the Navy confinement and correctional custody facilities—courts martial orders; release orders; confinement orders; medical examiners' reports; requests and receipts for health and comfort supplies; reports and recommendations relative to disciplinary actions; clothing and equipment issue records; mail and visiting lists and records; personal history records; individual prisoner utilization records; requests for interview; initial interview; spot reports; prisoner identification records; parolee agreements; inspection record of prisoner in segregation; personal funds records; valuables and property record; daily report of prisoners received and released; admission classification summary; social history; clemency recommendations and actions; parole recommendations and actions; restoration recommendations and actions; psychiatric, psychological, and sociological reports; certificate of parole; certificate of release from parole; requests to transfer prisoners; disciplinary action data cards showing name, grade, SSN, sex, education, sentence, offense(s), sentence computation, organization, ethnic group, discharge awarded, length of unauthorized absence, number and type of prior punishments, length of service, and type release; weekly status report (each member's legal status, offense charged, length of time confined). On tape, the same data as the disciplinary action data card, except name, computation of sentence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 951.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Commanding officers, officers-in-charge, and chief petty officers-in-charge of Navy brigs and Marine Corps correctional facilities and staff members: To determine initial custody classification; to determine when custody grade change is appropriate; to gauge member's adjustment to confinement or correctional custody; to identify areas of particular concern to prisoners and personnel in correctional custody; to determine work assignment; to determine educational needs; serves as the basis for correctional treatment; serves as a basis for recommendations for clemency, restoration, and parole.

Portions disclosed to Departments of Defense, Justice, and Naval staff agencies and commands; state and local criminal justice agencies established by law. Disclosure to law enforcement and investigative agencies is for investigation and possible criminal prosecution, civil court actions or regulatory order. Disclosure to confinement/correctional system agencies is for use in the administration of correctional programs to include custody classification; employment, training and educational assignments; treatment programs; clemency, restoration to duty, and parole actions; verifications concerning military offenders or military criminal records, employment records and social histories.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; on punch cards and computer tapes.

RETRIEVABILITY:

Paper records filed alphabetically by last name of prisoner. Information from computer tapes is retrieved using the SSN of the individual.

SAFEGUARDS:

Records are maintained in areas accessable only to authorized personnel who are properly screened, cleared, and trained. Computer tape information at

NMPC accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Logs and disciplinary action data cards are transferred to National Personnel Records Center, St. Louis, MO 63132 two years after release of prisoner. Other records are held at confinement facilities/correctional custody units for two years and destroyed. Transfer of a prisoner from one naval facility to another is not construed as a release. In such cases, the file accompanies the prisoner.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Military Personnel Command (NMPC-84) Washington, D.C., 20370; Commandant of the Marine Corps (Code MPH) Washington, D.C. 20380.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager. Requesting individuals should specify their full names. Visitors should be able to identify themselves by any commonly recognized evidence of identity. Written requests must be signed by the requesting individual.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Military personnel records; military financial and medical records; military and civilian investigative and law enforcement agencies; courts-martial proceedings; records of non-judicial administrative proceedings; United States military commanders; staff members and cadre supply information relative to service member's conduct or duty performance; and other individuals or organizations which may supply information relevant to the purpose for which this system was designed.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Parts of this system may be exempt under 5 U.S.C. 552a(j)(2). See 32 CFR Part 701 (SECNAV Instruction 5211.5c).

[FR Doc. 82-30202 Filed 11-3-82; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Amendment to a System of Records

AGENCY: Department of the Navy, DOD.

ACTION: Amendment to a notice for a system of records.

SUMMARY: The Department of the Navy proposes to amend the notice for system of records to its inventory of systems of recorded subject to the Privacy Act of 1974.

DATE: The proposed action will be effective without further notice on December 6, 1982, unless comments are received which would result in a contrary determination.

ADDRESS: Any comments should be addressed to the system manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09BIP), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: 202/694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act have been published in the **Federal Register** at:

FR Doc. 81-674 (47 FR 2574) January 18, 1982
FR Doc. 81-9204 (47 FR 14944) April 7, 1982
FR Doc. 82-9844 (47 FR 15636) April 12, 1982
FR Doc. 82-12593 (47 FR 20018) May 10, 1982
FR Doc. 82-15596 (47 FR 25041) June 9, 1982
FR Doc. 82-23533 (47 FR 37948) August 27, 1982
FR Doc. 82-27420 (47 FR 44134) October 6, 1982
FR Doc. 82-27692 (47 FR 44381) October 7, 1982

The changes do not require an altered system report under the provisions of 5 U.S.C. 552a(o).

M. S. Healy,
OSD Federal Register Liaison Officer, Department of Defense.
October 28, 1982.

N12771-1

System name:

Employee Grievances, Complaints, and Adverse Action Appeals (47 FR 2735) January 18, 1982

Changes:

System name:

Insert the word "Discrimination" before the word "Complaints".

System location:

Delete the entire entry and substitute with the following: "Employee Appeals Review Board, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203".

Categories of records in the system:

Delete the phrase: "* * * Official Personnel Folders * * *" "* * * OCMM, NAVCOMPT * * *" and "* * * CSC * * *" After the words: "* * * made to, * * *" delete the acronym: "* * * CSC; CSC * * *" and subsitute with the acronym: "* * * EEOC; EEOC * * *"

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the second sentence after the acronym "* * * SYSCOMS, * * *" delete the phrase: "OCMM, CAPSO-N and ROCMMS * * *" and substitute with the acronyms: "* * * CNO and NCPC,* * *" In the beginning of the third sentence, delete the acronym: "CSC * * *" and substitute with the acronym: "EEOC * * *" In the fourth sentence, insert the phrase: "* * * 5 U.S.C. * * *" before the phrase: "* * * 552a(b)(9), * * *" and delete the phrase: "* * * Pub. L. 93-579 * * *" In the seventh sentence after the phrase "* * * SECNAV decisions * * *" delete the period (.) and add the phrase: "* * * and Examiner's reports."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Safeguards:

Delete the entire entry and substitute with the following: "Classified material kept in locked safe. Other materials are kept in file cabinets within the EARB administrative offices. Access during business hours is controlled by board personnel. The office is locked at the close of business; the building in which the office is located employs security guards."

Retention and disposal:

In the first sentence, delete the phrase: "GSA Federal Records Centers * * *" and substitute with the following: "* * * Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409." Delete the second sentence in its entirety, i.e., "* * * Official Personnel * * *" In the last sentence, delete the acronym: "CSC * * *" and substitute with the acronym: "EEOC * * *"

System manager(s) and address:

Delete the entire entry and substitute with the following: "Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203."

Notification procedures:

Delete the entire entry and substitute with the following: "Information may be obtained from the Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203. Must provide full name, employing office and appropriate identification card."

Record source categories:

Delete the entire entry and substitute with the following: "Information in the file is obtained from former and present civilian employees of the Department of the Navy, applicants for employment with the Department of the Navy, employing activities, EEOC and NCPC."

N12771-1

SYSTEM NAME:

Employee Grievances, Discrimination Complaints, and Adverse Action Appeals.

SYSTEM LOCATION:

Employee Appeals Review Board, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and present civilian employees of the Department of the Navy, and applicants for employment with the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

The case files contain background material on the act or situation complained of; the results of any investigation including affidavits and depositions; records of personnel actions involved; transcripts of hearings held; Examiners' reports of findings and recommended actions; advisory memoranda from CNO, BUPERS, DOD, SYSCOMS, SECNAV decisions; reports of actions taken by local activities; comments by EARB or local activities on appeals made to EEOC: EEOC decisions, Court decisions, Comptroller General decisions. Brief summaries of case files are maintained on index cards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1301, 3301, 3302, 7151-7154, 7301, and 7701.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is used by the EARB to adjudicate cases. SYSCOMS, CNO, and NCPC are internal users for informational/implementational purposes. EEOC is the other Governmental agency using this information. Pursuant to 5 U.S.C. 552a(b)(9), committees or subcommittees of either House of Congress are furnished the above information upon request. Individual members acting on behalf of the individual involved are supplied with copies of decisions and other appropriate background material. Grievants and appellants are furnished SECNAV decisions, with copies to their representatives. EEO complainants are furnished SECNAV decisions, with copies of the hearing transcripts and Examiners' reports; complainant's representatives are provided copies of SECNAV decisions and Examiners' reports. Activities involved are provided with copies of SECNAV decisions on grievances and appeals. Activities involved in EEO complaints are provided copies of SECNAV decisions, hearing transcripts, and Examiners' reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and index cards.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Classified material kept in locked safe. Other materials are kept in file cabinets within the EARB administrative offices. Access during business hours is controlled by board personnel. The office is locked at the close of business; the building in which the office is located employs security guards.

RETENTION AND DISPOSAL:

Case files maintained for one year and sent to the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland 20409 and maintained for four years. EEOC dicisions and index cards are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

Information may be obtained from the Director, Naval Council of Personnel Boards, Ballston Tower 2, 801 North Randolph Street, Arlington, Virginia 22203. Must provide full name, employing office and appropriate identification card.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORDS SOURCE CATEGORIES:

Information in the file is obtained from former and present civilian employees of the Department of the Navy, applicants for employment with the Department of the Navy, employing activities, EEOC and NCPC.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 82-30225 Filed 11-3-82; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary

Security of Military Post Office (MPO) Mail Overseas; Correction

AGENCY: Office of the Secretary (Military Postal Service), DOD.

ACTION: Notice Correction.

SUMMARY: On Thursday, October 21, 1982, the Department of Defense published a notice in the **Federal Register** (47 FR 46976) which was based on a notice published in the **Federal Register** on April 6, 1982 (47 FR 14864), which announced a proposed agreement between the United States Postal Service (USPS) and the Department of Defense. The actual policy portion (general operating procedures) of this agreement was inadvertently omitted, although the public comments that resulted from the April 6, 1982, notice were fully addressed in the October 21, 1982, notice under **SUPPLEMENTARY INFORMATION.** The full policy statement follows.

EFFECTIVE DATE: November 20, 1982.

FOR FURTHER INFORMATION CONTACT: Thomas C. Wright, Office of the General Counsel, Department of the Army, Room 2E729, Washington, D.C. 20310, (202) 695-2253.

Policy Statement

Genral Operating Procedures at Military Post Offices

A. Purpose

This chapter prescribes operating procedures for military post offices. Procedures outlined in this chapter apply except when in conflict with policies established by serving postmasters.

B. General

The MPS shall operate in agreement with postal laws of the United States, USPS regulations and instructions, and directives issued by MPSA.

C. Standing Operating Procedures (SOPs)

Responsible commanders shall ensure SOPs are developed and maintained to provide detailed instructions for each functional area of postal operations not specifically covered by USPS or DoD regulations and directives. At a minimum, SOPs shall be issued to address:

1. Security to include protection of mail and postal effects, access to MPO working areas, and mail transportation requirements.
2. Emergency destruction of USPS funds and accountable paper.
3. Emergency destruction of mail and postal equipment.

D. Military Post Office Facility and Structural Standards

E. Service Standards

1. *Improving Service to Customers.* Postal personnel can improve service by advising their customers to:

a. Inform correspondents and publishers of correct mailing addresses, and include post office receptacle numbers, as applicable (see Section 122.8, DMM, for address samples).

b. Submit change of address cards, currently in use by each Military Service, or PS Form 3575, "Change of Address Order (Card)," immediately when a new address is known after receipt of reassignment orders.

c. Notify the responsible mailclerk, mail orderly, or PSC when departing on leave or temporary duty.

d. Report to the Postal Officer or MPO supervisor any instance when inadequate mail service or other MPO problems are noted.

2. *Postal Complaints and Inquiries.*

a. Customers shall be encouraged to report instances of loss, rifling, and other mistreatment of mail, even though there may be no provision for payment or indemnity. USPS forms to be used when assisting customers are outlined in Part 255, POM.

b. Complaints shall be given prompt attention and resolution, when possible. Major commanders shall establish local procedures for monitoring and processing customer complaints. USPS forms shall be used for this purpose.

c. When inquiries of a congressional or other high-level interest are referred by MPSA to commanders for investigation, the following information shall be included as a minimum in the response:

(1) Summary of an interview with person(s) involved, outlining any difficulty experienced in receiving or sending mail, to include all circumstances.

(2) Any special circumstances which may have affected mail service.

(3) Evidence of other individuals experiencing similar difficulties.

(4) If the individual presently receives mail from correspondents and specifically from the person registering the complaint.

(5) When complaints involve a specific item of mail, if that item was received.

(6) Correct mailing address of the person involved.

(7) Average transit time for all classes of mail to and from the address of mailing.

(8) Statement concerning the quality of mail service.

(9) Any additional information which will assist in making a reply.

3. *Customer Information.* As a minimum, MPO personnel shall ensure that the most current copies of the following are readily available or posted in plain view for use by postal customers.

a. USPS Publication 2, Packaging for Mailing.

b. USPS Publication 65A, National ZIP Code & Post Office Directory.

c. USPS Poster 103, Domestic Postage Rates, Fees, and Information.

d. USPS Poster 51, International Postal Rates and Fees.

e. USPS Poster 74, Packing Tips From Your U.S. Postal Service.

f. USPS Form 4314–C, Consumer Service Card.

g. Example of a properly completed change of address card.

h. Example of a correct mailing address to be used by customers.

i. Hours of operation.

j. Mail collection and closeout times.

k. Customs information.

Note.—If all services are not provided at your facility, you need only maintain those USPS publications, forms, notices, and posters that apply.

F. Acceptance and Treatment of Mail

1. *Mail Classification and Rates.*

a. Mail classification and rates are contained in the DMM (reference (e)). Postage shall be rated according to the service selected by the mailer and conform with postal requirements.

b. Domestic mail means mail transmitted within, among, and between the United States, its territories and possessions, and military post offices, and for delivery to the United Nations, New York, NY.

c. The rate of postage for zone-rated mail transported between the United States, Puerto Rico, U.S. possessions or territories, and MPOs, or among the latter, shall be the applicable zone rate for mail between the place of mailing or delivery and the city of the postmaster to which the MPO is an extension (New York, San Francisco, Miami, or Seattle) for that MPO. An exception to this general rule is that MPOs served through San Francisco or Seattle, except Alaskan MPOs, shall use local to zone two, as appropriate, for mail addressed to Hawaii.

d. The rate of postage for zone-rated mail which is mailed at or addressed to MPOs and which is transported directly to or from MPOs at the expense of the Department of Defense, without transiting the 48 contiguous States (including the District of Columbia), will be the local zone rate.

2. *Acceptance, Handling, and Treatment of Mail.*

a. The acceptance, handling, and treatment of mail shall be in accordance with instructions contained in the DMM and POM, other USPS instructions, as applicable, and DoD implementing documents.

b. Packing and wrapping shall be in accordance with the DMM and the IMM (reference (e)), as applicable. Mail which is insufficiently packaged to withstand normal handling shall not be accepted for mailing. The responsibility for proper packing rests with the sender, but must be judged by the accepting clerk (see Subchapter 120, DMM).

c. All mail should bear the name and address of the actual sender. For mail which must bear a return address, see Section 122.13, DMM.

d. Mail collection, postmarking, and sorting procedures are contained in Chapter 9.

e. Mail deposited for mailing at MPOs overseas bearing the return address of persons or activities not authorized MPS privileges shall be returned to sender endorsed "SENDER NOT AUTHORIZED MPO PRIVILEGES." (See subsection F.12. for an exception to this procedure.) Mail received for delivery at MPOs overseas bearing the address of persons or activities not authorized MPS privileges shall be returned to sender endorsed "ADDRESSEE NOT AUTHORIZED MPO PRIVILEGES."

f. Parcels posted at the priority or parcel airlift (PAL) rates shall be appropriately marked before the actual sale of stamps or affixing of postage meter tapes.

g. Parcels which bear address labels shall have postage affixed as required by Section 122.24, DMM

h. *Recall of Mail by the Mailer.* (See Section 152.7, DMM.)

3. *Special and Supplemental Mail Services.* Special delivery, special handling, certificates of mailing, return receipts, and restricted delivery shall be processed in accordance with Parts 915, 916, 932, and 933, and Subchapter 930, DMM, respectively.

4. *Sales and Cancellations for Philatelic Purposes.* (See Part 244, POM, and Part 164, DMM.)

a. Philatelic services must be accomplished within the resources of the post office and shall not be provided if they interfere with regular business. Limit covers to private (personal) use with a maximum of five from each collector. Covers falling within one or more of the following categories shall be returned to sender with a letter of explanation. These covers shall not have a postmark or cachet applied.

(1) Receipt of more than five covers from any one collector.

(2) Covers received after the established deadline date.

(3) Covers bearing insufficient or foreign postage.

b. To protect the interest of philatelists and the authenticity of their collection, the cachet stamp described in Section 244.6, POM, shall be destroyed immediately after all eligible covers have been processed and, in any event, no later than midnight of the day of the event being commemorated.

5. *Accountable Mail (Insured, Certified, and Registered).*

a. Customers presenting parcels containing jewelry, watches, and other high-dollar value items should be advised to use registered or insured mail; however, neither is required. When mailed to international addresses, such articles should, when appropriate, be insured (not registered), to provide customers maximum protection against loss or damage.

b. Insured mail provides indemnity claims coverage up to $400 for an article that is lost, rifled, or damaged. Procedures outlined in Part 913, DMM, and the IMM apply to acceptance and processing of insured mail. Military postal clerks shall recommend registration, except when international mail is used, for items valued in excess of $400, or for those items considered to be irreplaceable.

c. Certified mail service provides for a mailing receipt and record of delivery at the office of address only. Procedures outlined in Part 912, DMM, apply to acceptance and processing of certified mail. Certified mail service is not available for international mail or for mailings having intrinsic value.

d. Insured mail receipts, PS Forms 3813, "Receipt For Domestic Insured Parcel," and 3813–P, "Receipt For Insured Mail-Domestic/International," shall be completed by the postal clerk to include MPO number and unit designation, when applicable.

e. Processing and handling of registered mail is contained in Part 911, DMM.

f. For guidance on claims procedures, see subsection G.6.

6. *Collect on Delivery (CoD) Mail.*

a. MPOs shall not accept CoD mail (Part 914, DMM).

b. While U.S. civil post offices are not authorized to accept CoD mail addressed to an MPO, such articles, if received, shall be delivered. Designate an individual to deliver CoD articles, if received. The postal clerk designated to deliver CoD articles shall collect the CoD charges, plus the fee for a money order. If the MO fee reflected on the CoD tag is not the amount charged MPO customers, amend the tag accordingly. The CoD tag shall be signed by the addressee or the addressee's authorized agent. The postal clerk shall also sign the tag and complete the back. After delivery, a MO in the amount of the CoD charges shall be issued (Section 914.621, DMM), and remitted to the sender. PS Form 3827 shall be sent to the postmaster of the mailing office, advising that acceptance of CoD mailings to MPO addresses is prohibited.

7. *General Delivery Service.*

a. Information pertaining to each individual served through general delivery shall be included in the directory file.

b. If the host country does not object, dependents may be provided general delivery service when separated from their sponsor due to a military situation. This extends to: (1) Dependents who are command sponsored but, due to assignment of the sponsor to a noncommand sponsored area within the command, must reside apart from the sponsor and be served by a different MPO, and (2) dependents who reside in the oversea command when their sponsor is involuntarily reassigned from that area to a short-tour area.

8. *Business Reply Permits.* Business reply permits (Part 917, DMM) are not authorized for issue at MPOs. However, business reply mailings for domestic mailings shall be accepted without prepayment of postage. Business reply mailings to international addresses shall not be accepted without prepayment of postage.

9. *Free Mailing Privilege (39 U.S.C. 3401).*

a. The free mailing privilege is authorized for members of the U.S. Armed Forces on duty in combat areas specifically designated by the President. When in force, the privilege applies equally to persons no longer in a combat area but, due to a wound, disease, or other injury incident to service in the designated combat area, are hospitalized in any Armed Forces or Veterans Administration medical center.

b. Letter mail or sound-recorded communications having the character of personal correspondence posted under this privilege must have the word "FREE" written or printed by the mailer in the upper right hand corner where postage would ordinarily be placed.

c. For international mail posted under this privilege, the mechanically printed or rubber stamped word "POSTAGE PAID" and "PORT PAYEE" must appear instead of "FREE" in the upper right corner of the envelope (address side). This endorsement shall normally be affixed at the MPO of dispatch by use of a rubber stamp. Under no circumstances shall it be handwritten.

d. Mobile units that do not have post offices may dispatch FREE mail originating in a designated combat area through postal facilities located outside the designated area when necessary. Eligible mail shall be marked "FREE" and tied out separately and bear a facing slip with the notation "CERTIFIED TO BE FREE MAIL ORIGINATING IN A COMBAT ZONE" with the signature of the mailclerk or mail orderly.

10. *Absentee Balloting Material (Section 137.5, DMM.* This category of mail shall be accorded the most expeditious handling and transmission possible, and shall be processed as personally addressed official mail. Ballots and other voting material in card or letter form shall be postmarked and placed on top of the appropriate letter package. Any U.S. citizen, with or without MPO privileges, can mail balloting material from any MPO, U.S. Embassy, or U.S. consulate.

11. *Acceptance Procedures for Official Indicia Mail.*

a. Mailings under DoD official indicia shall be in compliance with respective Military Service's regulations and instructions.

b. Official mail found in mail collection boxes shall not be processed. It shall be turned over to the local official mail control activity for processing.

12. *Receptacle Service.*

13. *International Mailings.*

a. If not otherwise prohibited by the host government of the country in which a post office is operating, items addressed for delivery in foreign countries, including the host country, may be accepted for mailing. Mailings shall be in accordance with Part 125, DMM and the individual country listings in the IMM.

b. Normally, mail accepted at MPOs addressed to foreign countries must be exchanged through the MPO designated as an International Exchange Office (IEO). However, this does not preclude exchange of mail between MPOs and local host civil post offices when not prohibited by the governing SOFA.

c. Customers should be advised to use the host government postal service when a savings in postage or other advantages exists.

14. *Privileged Nature of Mail and Postal Records.*

a. Information regarding postal matters shall not be released, except as provided for in Subchapter 350, ASM.

b. USPS records shall not be removed from the custody of MPOs, except as provided for below. Examination of USPS records which contain any personal information about any person, or which provide a basis for inferring any information about a person, is permissible only in accordance with Subchapter 350, ASM, and with the following supplemental instructions which apply to USPS records regardless of whether they do or do not contain personal information.

(1) Examination of USPS records by authorized personnel shall be permitted only in the presence of the MPO supervisor or an MPC designated by the MPO supervisor.

(2) Individuals or agencies desiring to examine USPS records in connection with official investigations must have written approval of the responsible commander for the operation of the MPO concerned. Requests to examine USPS records shall include: The military investigating agency's case number, investigating agents name, identity of the MPO involved, and summary of the incident being investigated. Examination shall be limited to those records pertaining directly to the incident being investigated.

(3) Photostats or true copies of records shall be released only with prior approval from the responsible commander concerned.

(4) Requests for money order information shall be handled in accordance with Section 941.41, DMM, and Subchapter 350, ASM.

(5) Original records may be released to individuals or agencies conducting official investigations. Notification of release shall be reported to MPSA through channels. Copies of records to be released shall be prepared and maintained as part of the original file pending return. The reproduced copies shall be annotated with the investigative agency case number, agent's name, agency location, and date original records are to be returned.

c. Records pertaining to individual transactions of patrons, as distinguished from official investigations, shall be released only with prior approval of USPS. Requests shall be forwarded through appropriate military channels to MPSA.

d. Military and USPS records created by operations of MPOs shall be disposed of in accordance with the appropriate Military Service's files systems instructions. Serving postal activities shall ensure proper administration of accountable mail records of deactivated and departing organizations and units.

15. *Nonmailable Items.*

a. Nonmailable items described in Section 124.127, DMM which are detected at MPOs shall be withdrawn from the mails and retained at the MPO pending disposition instructions from the Postal Inspection Service.

(1) A letter shall be prepared and forwarded to the Postal Inspection Service at the gateway postmaster (New York, San Francisco, Seattle and Atlanta for 34XXX MPOs) requesting disposition instructions. The nonmailable matter shall be disposed of as advised by the Postal Inspection Service. If the parcel with the remaining mailable matter is forwarded to the addressee, a copy of the letter shall be placed in the parcel.

(2) Both the sender and the addressee shall be advised of final disposition of the nonmailable matter.

b. Other nonmailable items discussed that are not described in Section 124.127, DMM shall be handled as outlined in Section 124.128, DMM.

G. Protection of Mail and Postal Effects

1. *Security.*

a. The security of the mails and protection of postal property and effects are the responsibility of command. Security and protection must be adequate and maintained at all times. The instructions contained below establish only minimum requirements; therefore, commanders shall institute additional security measures as necessary.

b. Accommodations for MPOs shall afford security against unauthorized entry and provide adequate working space. Particular attention shall be given to the procurement and use of safes and other adequate receptacles for safeguarding postal effects.

c. Field safes used as storage containers to safeguard mail and postal effects shall be secured to a fixed object within the postal facility to prevent removal.

d. When a safe or vault is not available to individual postal clerks, accountable items, such as blank money order forms, stamp stock, funds, and other accountable items, shall be secured in a cashbox. During the postal clerks absence from the post office, the cashbox shall be delivered for safekeeping to an individual, designated by the MPO supervisor or Postal Officer, who has an assigned safe or vault. The cashbox shall be receipted for on PS Form 1096, suitably modified for that purpose.

e. Personal effects shall not be stored in MPOs. These include, but are not limited to, clothing, stereo equipment, radios, and mail. Personal funds shall not be kept in MPO safes or other receptacles in the MPO.

f. Access to MPO work areas shall be limited to those personnel conducting official business at the facility, designated postal clerks, and other officers, enlisted, and civilians on official inspections and visits, to include USPS postal inspectors. Maintenance personnel and work details shall be allowed access only when escorted by or under constant surveillance by military postal personnel.

g. Postal facilities shall be locked at all times during nonduty hours or when not in use. The MPO supervisor shall be the custodian of the post office keys and shall keep a written current list of those individuals who are issued a key. The keys shall be strictly controlled at all times. At one-person MPOs, a duplicate key to the post office, for emergency purposes, shall be retained by a designated official from the host or other activity that can provide safe-keeping (follow procedures outlined in paragraph G.2.a, below).

h. When military postal facilities, including railway mail cars and trucks, are damaged by fire, flood, or other catastrophe, or if a burglary or forced entry occurs, the MPO supervisor shall arrange for security guards to be posted to safeguard mail, postal effects and equipment, and property until security can be maintained without their presence.

i. MPO personnel shall deliver mail to the addressee or their agent, or transfer it to other MPOs or designated mail clerks when proper identification is presented.

2. *Safeguarding Combinations and Duplicate Keys to Containers.*

a. Combinations and keys to containers in which funds, postal effects, mail, or items of postal equipment are stored shall be sealed in PS Form 3977. Duplicate key envelopes shall be opened in accordance with instructions on the envelope. Where combinations are involved, sufficient wrapping shall be used to cover the contents to prevent detection through the envelope. The name of the responsible individual, the description of the contents, and location of applicable container shall be placed on the face of the envelope. The signature of the individual to whom the container is assigned and the COPE, MPO supervisor, or designated individual shall be placed across the flap of the envelope and the envelope dated with all-purpose date stamp. Envelopes shall be receipted for by the COPE, MPO supervisor, or designated individual from the clerk by using PS Form 1096, in duplicate, appropriately modified for this purpose. The clerk shall retain the original receipt and the duplicate shall be maintained with this envelope, safeguarded by the holder.

b. Envelopes of the COPE shall be signed for and safeguarded by the COPE,s supervisor.

c. The host or other support activity shall be requested to designate an individual to sign for and safeguard envelopes in cases where financial units are not located at the MPO site, the MPO supervisor is also the COPE, and when the MPO supervisor is physically separated from the COPE,s location.

3. *Disposition of Damaged Mail Matter.*

a. Securely rewrap or reseal damaged mail, and endorse "REWRAPPED" or "RESEALED" as appropriate. All damaged mail except registered, whether or not rewrapping or resealing is required, shall be endorsed "DAMAGED IN HANDLING IN THE POSTAL SERVICE" using USPS rubber stamp, Item R222. Damaged registered mail shall be handled and endorsed. The postal clerk shall initial and date the endorsement.

b. Mail matter damaged as a result of a catastrophe shall be recovered, and every effort made to repair or rewrap mail matter and identify addresses. A letter of explanation outlining the circumstances shall be enclosed in each repaired or rewrapped item of mail. Mail matter shall be forwarded under first-class USPS indicia to each addressee.

4. *Articles Found Loose in the Mails.* Every effort shall be made to match articles found loose with the envelope or wrapper from which lost. Articles not matched with wrapprs shall be disposed of as follows:

a. Articles of minor value, such as pens, pencils, and stationery, shall be given to chaplains or other officials, designated by commanders, for disposition.

b. Articles, such as food, drugs, tobacco products, toothpaste, and cosmetics, and articles contained in parcels with sender's instructions to abandon if undelivered, shall be destroyed.

c. Articles of obvious value (including money) shall be transmitted by registered USPS indicia mail to the appropriate serving postmaster.

5. *Uncanceled Stamps Found Loose in the Mails.* Process as outlined in Section 159.43, DMM.

6. *Insurance (Indemnity) Claims.*

a. Insurance claims must be processed in accordance with procedures outlined in Part 149, DMM, and Part 928, IMM. All claims forms shall be completed as required therein, except that no entries shall be made in the "CLAIM NO" or "FORWARD TO" portions of PS Form 3812, "Request For Payment of Domestic Postal Insurance/Claim Identification," or "CASE NO" (Item 1) of PS Form 565, "Registered Mail Application For Indemnity."

b. A record of claims shall be kept on file for each claim processed. For this purpose, reproduce a copy of the completed PS Form 3841, "Post Office Record of Claim" (Part 4 of the PS Form 3812), for insured claims, and PS Form 3841–A, "Originating Office Copy" (Part 4 of the PS Form 565), for registered claims. Do not detach PS Form 3841 or 3841–A from the completed sets. If reproduction capabilities are not available, disassemble other blank PS Form 3812 and PS Form 565 sets and fill in one of the copies to serve as the MPO file copy.

c. Instances of loss, damage, theft, wrong delivery, or rifling of accountable mail allegedly attributed to military postal clerks shall be reported.

d. The respective Military Services assume claims responsibility for numbered insured and registered mail while in the custody of unit mailclerks or mail orderlies. Action shall be taken to resolve claims in military claims channels when MPO records reflect that an article was properly delivered to an authorized unit mailclerk or mail orderly and not later returned to the MPO. Instances of questionable authentic delivery to the addressee shall be reported as a postal offense since it may be necessary to resolve claims in military claims channels.

e. When a numbered insured or registered article is correctly delivered to a non-DoD unit or activity, the article is considered to have been delivered to the addressee; therefore, payment of claims for loss by a respective Military Service or USPS shall not be made.

f. MPO supervisors shall ensure a suspense system is established for prompt processing of incoming claims. Claims shall be processed and forwarded to the postmaster of address (gateway postmaster) reflected in Section 149.341, DMM, within 15 days.

g. Claims for complete loss of registered mail may only be filed by the mailer. Claims for complete or partial loss or damage of insured mail may be filed by either the mailer or addressee.

h. Loss claims and inquiries shall not be accepted prior to the periods specified in Section 149.22, DMM. The minimum time periods shall not always apply for intercommand mail; therefore, before accepting claims or inquiries, it must be determined that sufficient time has been allowed for delivery.

i. Claims forms shall be completed by typewriter when possible; however, use of ballpoint pen in legible print is authorized.

j. If delivery records indicate the article in question was forwarded to another intratheater MPO, forward the claim to the MPO involved and notify the postmaster of address that the claim was forwarded to another MPO for processing.

k. USPS requires that claims for all numbered insured and registered mail addressed to MPOs be checked against MPO and unit (as applicable) delivery records prior to actual initiation of claim payment action. Completion of the "VERIFIED DELIVERY" portion of PS Form 1510A, "Mail Nondelivery Report," attached to PS Form 3812 and Items 25 thru 29, PS Form 565, shall indicate this requirement was accomplished.

l. Claims originating in CONUS or from a MPO served by a different postmaster should be received through the gateway postmaster; however, claims received direct from post office of origin shall be processed prior to being sent to the gateway postmaster for proper administration and accounting.

m. Claims involving articles mailed to another MPO served by the same postmaster of address shall be forwarded to that MPO for completion prior to forwarding to the postmaster of address.

n. For registered mail claims originating at an MPO, dispatch records shall be checked to verify dispatch of the article in question.

o. Damaged insured articles shall be disposed of in accordance with Section 149.6, DMM. Articles having salvage value shall be stored in a sealed container or lockable area until they are forwarded to the dead parcel branch of the serving postmaster. Disposition shall be annotated on the post office record of claim. PS Form 3831, "Receipt For Article(s) Damaged In Mail," when applicable, shall be competed and the duplicate retained with post office record of claim. The MPO supervisor shall verify mailings to dead parcel branch or destruction of totally damaged articles having no salvage value. Damaged registered articles (Part 149, DMM), shall be retained at the MPO until released by USPS.

p. MPOs receiving fees for claims information under provisions of Section 149.23, DMM, shall forward such fees to their serving postmaster. Submit a letter of explanation to the postmaster with the fees. Do not account for the fees in assigned fixed or flexible credits. If a fee is not included with the claims research request, return the request to sender with a cover letter explaining that the fee is required. Do not provide the research unless the fee is received.

H. Customs Procedures and Requirements

1. *Responsibility for Compliance.* Compliance with customs laws is the responsibility of the individual mailer. Postal personnel shall assist mailers to the extent of ensuring that the appropriate customs declaration form is attached to items presented for mailing.

2. *Articles Addressed from MPOs to International Addresses.* Restrictions, prohibitions, and customs declaration forms required for articles mailed from MPOs to international addresses are contained in the IMM.

3. *Articles Addressed to MPOs.* Restrictions, prohibitions, and customs declaration forms required for articles addressed to MPOs overseas are shown in Exhibit 125.2, DMM.

4. *Mail Subject to Customs Examination and Duty.*

a. All mail believed to contain merchandise, including sealed letters, letter packages, returned articles of U.S. origin, and printed matter which is mailed outside the CTUS and is addressed for delivery to a point within the CTUS is subject to customs examination by U.S. customs officials.

b. Merchandise mailed to the United States for which entry fee of customs duty is not specifically provided is subject to customs duty.

5. *Customs Declarations.*

a. Letter mail containing merchandise, letter packages, and all parcels which contain merchandise mailed at MPOs from outside the CTUS and addressed for delivery in the United States must be accompanied by a customs declaration form, PS Form 2976, "Authority For Customs To Open International Mail," 2976–A, "Customs Declaration," 2966, "Customs Declaration (Parcel Post)," or 2966–A, "Parcel Post Customs Declaration (Label)," as appropriate.

(1) Either a PS Form 2976, 2966, or 2966–A may be used, provided it is properly completed and lists and describes the entire contents. The class of mail does not determine the customs form to be used. However, as a general guide, PS Form 2976 should be used on parcels too small to accommodate a PS Form 2966 or 2966–A.

(2) When the sender prefers not to show the nature of the contents on the outside of the article being mailed, only the upper part of PS Form 2976 shall be affixed to the address side of the article, and PS Form 2976–A shall be completed and enclosed inside the article.

b. Customs declarations are not required on official mail being transmitted between MPOs and the United States.

6. *Personal and Household Effects.* Personal and household effects of individuals returning to the United States under government orders upon the termination of extended duty at a post or station outside the CTUS may be exempt from customs duty, provided a copy of the orders is attached to the outside of the parcel or enclosed inside. The address side of the parcel shall be annotated with "Free Entry Claimed Under Public Law 89–436 Movement Orders (Attached/Enclosed)." Parcels containing personal and household effects shall bear a completed customs form.

7. *Bona Fide Gifts Not Exceeding $25 in Value.* Both military and civilian personnel authorized to use the MPS may mail from post offices located outside the CTUS bona fide gifts not exceeding $25 in value as determined by the fair retail value in the country of acquisition (the limit is $40 when sent from Guam, American Samoa, and the Virgin Islands), free of duty and internal revenue tax to donees (addresses) located in the United States, subject to the following conditions:

a. Perfume containing alcohol (except where the accumulated value of all merchandise contained in the shipment does not exceed $5) and tobacco products are not exempt from duty or tax.

b. A customs declaration form shall be completed and attached to each article or parcel mailed.

c. Each parcel must be clearly marked "Bona Fide Gift." To meet the qualification, the article must have been formerly owned by a donor who gave it outright in its entirety to a donee without compensation or a promise of compensation.

d. The exemption applies provided the accumulated value of such articles received by one person on 1 day does not exceed $25. A parcel having a total value of more than $25, which contains many individually wrapped and addressed gifts to different individuals, each gift being valued at $25 or less, is entitled to free entry providing the other conditions are met. The parcel must be annotated on its face to show the number of gifts in separate packages contained therein, and to state that each gift is valued at $25 or less, and that no single donee is receiving gifts which have an accumulated value of more than $25.

8. *U.S. Merchandise.* Articles which are grown, produced, or manufactured in the United States and which, after having been exported, have not been advanced in value or improved in condition may be mailed back to the United States free of customs duty. However, a properly completed customs declaration form must be attached to the parcel with the words "Returned U.S. Merchandise" written on the customs form.

9. *Customs Collection.* MPOs shall ensure that customs duty on mail bearing Customs Form 3419, "Custom Mail Entry Form," is collected when such parcels are received at MPOs located within the CTUS. This applies to afloat MPOs that are within CTUS at the time such parcels are received onboard.

a. Customs duties collected shall be exchanged for a U.S. Treasury check or USPS Money Order (fee payable by addressee) payable to the accountable postmaster. Customs collections shall be reported on PS Form 6019, prepared in duplicate.

b. All copies of the report shall be signed by the military postal clerk preparing the forms. It shall be verified and signed by the COPE, MPO supervisor, or reserve custodian. The original PS Form 6019, Customs Form 3419, associated tapes (if any), and the U.S. Treasury check or USPS Money Order shall be forwarded to the accountable postmaster by first-class USPS indicia mail. The duplicate of the report shall be retained in the MPO files.

c. Parcels received at MPOs located outside the CTUS may be delivered without collection of customs. If such parcels bear Customs Form 3419, endorse the form "Delivered Outside the CTUS" and return the form to the issuing Customs office.

I. Mail Security

This section applies only to MPO mail overseas. For mail security matters concerning the civilian postal system not overseas, see Part 115, DMM, and Part 213, ASM. For purposes of this policy, overseas means any place outside the United States (the 50 states and the District of Columbia) in which the USPS does not operate a civilian post office. The terms mail sealed against inspection, sealed mail, mail not sealed against inspection, and unsealed mail have the respective meaning given to them by Section 115.23, DMM.

1. *Preserving Mail Security.* DoD personnel shall preserve and protect the security of all mail in its custody from unauthorized opening, inspection, reading of contents or covers, tampering, delay, or other unauthorized acts. A military servicemember or a civilian postal employee who commits or allows any such unauthorized act may be subject to prosecution under the Uniform Code of Military Justice or by federal civilian authorities, or to other disciplinary or administrative action. An employee having a question about proper mail security procedures, which is not clearly and specifically answered by this policy or by timely direction by his supervisor, shall resove the question by protecting the mail in all respects and moving it, or letting it move, without interruption, to its destination.

2. *Opening, Reading, and Searching Mail.*

a. *Mail Sealed Against Inspection.* No person may open, read, search or divulge the contents of mail sealed against inspection, even though such mail may be believed to contain criminal or otherwise nonmailable matter or evidence of the commission of a crime, except in the following circumstances:

(1) When a military postal clerk or postal officer acts with the consent of the addressee or sender.

(2) When an authorized person executes a search warrant or search authorization in accordance with subsection I.6., below.

(3) When a military official conducts an inspection under paragraph I.10.b. or under other circumstances prescribed by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

(4) When an authorized person acts under subsection I.4., below.

b. *Mail Not Sealed Against Inspection.* No person may open, read, search, or divulge the contents of mail not sealed against inspection, except in the following circumstances:

(1) When such action would be authorized with respect to mail sealed against inspection under paragraph I.2.a., above.

(2) When an authorized military postal clerk or postal officer takes such action in order to determine the mailability of the contents or whether the correct postage has been paid. For instruction on nonmailable items which are detected at MPOs, see subsection F.15., above.

c. *Correspondence Permitted to be Enclosed in Unsealed Mail.* The contents of correspondence permitted to be sent by the blind in special or raised characters, or in the form of sound recordings, and by school children at the international printed matter rate, shall not be divulged except to a military postal clerk or postal officer acting with the consent of the addressee or sender, or to an authorized person executing a search warrant or search authorization in accordance with subsection I.6., below.

3. *Permissible Detention of Mail.* No person may detain mail except:

a. A military postal clerk or postal officer upon reasonable suspicion, for a brief period of time not to exceed 72 hours, so that military officials acting diligently and without avoidable delay, may assemble enough evidence to satisfy the probable cause requirement for a search authorization in accordance with subsection I.6., and to apply for, obtain, and execute the authorization.

b. A military postal clerk or postal officer acting in strict accordance with this policy; for example, subsections I.4., 6., 7., 8., or 10.

c. A military postal clerk or postal officer acting with the express consent of the addressee or sender.

d. A military postal clerk or postal officer acting under an order issued under 39 U.S.C. 3005, relating to false representations, lotteries, and unlawful matter.

e. A military postal clerk conducting a mail count by direction of his supervisor.

f. A military postal clerk or postal officer acting under an order of a federal court or an official authorized to issue a search authorization under subparagraph I.6.a.(2).

4. *Mail Reasonably Suspected of Being Dangerous to Persons or Property.* Any military postal clerk or postal officer or any person acting under the authorization of such a clerk or officer may detain, open, remove from postal custody, and process or treat mail, sealed or unsealed, reasonably suspected of posing an immediate danger to life or limb, or an immediate and substantial danger to property, without a search warrant or authorization. Such detention is allowed only to the extent necessary to determine and eliminate the danger. A complete written and sworn statement of the detention, opening, removal, or treatment, and the circumstances that prompted it, signed by the person purporting to act under this subsection, shall be forwarded promptly to the Service's senior military postal official in the major overseas command. When harmful matter is discoverd, such incidents shall be reported as a postal offense.

5. *Disclosure of Information About Mail Sent or Received By Particular Senders or Addressees.* Except as provided in paragraphs I.5.a. through e., below, no military postal clerk or postal officer shall disclose information from the outside cover of any piece of mail; information obtained from any inspection of the contents of mail; or any other information that concerns any mail sent or received by any particular sender, addressee, or group of senders or addressees, which he or she obtains or controls in the performance of his or her other official duties. A military postal clerk or postal officer may disclose such information:

a. To appropriate military postal officials for their official use, including appropriate reference to law enforcement authorities, when there is a reasonable basis to suspect that such information is evidence of the commission of a crime, including a violation of 10 U.S.C. 877–934.

b. Under subsection I.8., below, regarding mail covers.

c. Under search warrant or search authorization in accordance with subsection I.6., below.

d. Under an order of federal court or military judge or magistrate.

e. With the consent of the sender or addressee, or the authorized agent of either.

6. *Execution of Search Warrants and Authorizations.*

a. *Warrant Issued By Federal Court or Served By Federal Officer and Search Authorizations.*

(1) A search warrant duly issued under rule 41 of the Federal Rules of Criminal Procedures shall be executed as provided in Section 115.62, DMM. Usually, a warrant issued by a federal court or served by a federal officer is issued under Rule 41 and is duly issued if signed and dated within the past 10 days.

(2) A written search authorization under Military Rule of Evidence 315 shall be executed as provided in paragraph I.6.b., below. For purposes of

this policy, a search authorization may be issued only by the following officials:

(a) A commanding officer authorized to convene a special court-martial under Article 23(a), who is authorized by the Manual for Courts-Martial to issue search authorizations for the particular individual or location involved.

(b) A military judge or magistrate authorized by Military Service regulations to issue search authorizations. Requests for initiation of written search authorizations shall be referred to the appropriate military investigative or law enforcement agency or the appropriate chain-of-command official for action.

(3) No military postal clerk or postal officer shall permit the executive of a search warrant issued by a state court and served by a state officer. If in doubt, the military postal clerk or postal officer shall detain the mail in question temporarily and promptly call his supervisor for guidance.

b. *Execution Procedures for Search Warrants and Search Authorizations.*

(1) A military official may execute a search authorization only when accompanied by a military postal clerk or postal officer.

(2) A duly authorized official may execute a search warrant under Section 115.62, DMM.

(3) Mail may be taken from postal custody under the authority of a search warrant or search authorization only if the person executing the warrant leaves a copy of the warrant or authorization and a receipt or inventory. The receipt or inventory shall be made out in the presence of the accompanying military postal clerk or postal officer and shall describe specifically each piece of mail taken, including all service endorsements on the cover (such as, return receipt requested) and any official postal identity numbers (such as registry, insurance, or certified mail numbers). The receipt or inventory may be attached to the copy of the warrant or authorization or written on the reverse side of the copy of the warrant or authorization. A report of seizure shall be submitted as outlined in subsection I.11., below.

7. *Cooperation with Federal Agencies for Access to Mail.* A military postal clerk or postal officer receiving a request from a federal law enforcement, intelligence or other agency, or from a foreign government, for access to, or information about, particular mail matter of any class in the custody of the MPS shall refer the request to the military postal official authorized to order mail covers under subsection I.8., below. The requestor shall be informed that the approving official is responsible for liaison with all government agencies with respect to a request of this kind. The military postal official shall comply with such a request only as authorized by this policy. If the conditions described in subsection I.8. exist, a mail cover may be ordered following the provisions of subsection I.8. If the agency or foreign government seeks a search authorization, the military postal official should refer the agency or foreign government to the appropriate military law enforcement or investigative agency for action under paragraph I.6.a., above.

8. *Mail Covers.*

a. *Definitions.*

(1) *Mail Cover.* The process by which a record is made of any data appearing on the outside cover of any class of mail matter, or found in the contents of any mail not sealed against inspection when such mail is opened in accordance with paragraph I.2.b., above, to determine the mailability of the contents or whether the correct postage has been paid.

(2) *Fugitive.* Any person who has fled from the United States or any state, territory, the District of Columbia or a possession of the United States, to avoid prosecution for a crime, to avoid punishment for a crime, or to avoid giving testimony in a criminal proceeding.

(3) *Protect the National Security.* To protect the United States from any of the following actual or potential threats to its security by a foreign power or its agents:

(a) An attack or other grave hostile act;

(b) Sabotage, or international terrorism; or

(c) Clandestine intelligence activities.

b. *Military Mail Cover Authority.* The senior military official who has responsibility for postal operations of each major overseas command within each of the respective Military Services, and not more than three designees of each official in grade O–5 or above, pursuant to delegations in writing, may order mail covers within the geographic area of the major overseas commands to which they are assigned. A mail cover may be ordered only when a written request is received from a military law enforcement or investigative authority or from the commanding officer of the person whose mail is to be subjected to the mail cover process. The request may be granted only if the military official or his or her designee has a reasonable suspicion based on articulable facts that the mail cover would: (1) Aid in locating a fugitive; or (2) Assist in obtaining information concerning the commission or attempted commission of an offense punishable by a punitive discharge or by confinement for more than 1 year. Additionally, the senior military official having responsibility for postal operations of each major overseas command within each of the respective Services may order a mail cover upon written request of a DoD intelligence component, when the senior military official has a reasonable suspicion based on articulable facts that the mail cover is necessary to protect national security. This authority may not be delegated.

(c) *Oral Orders and Requests.* When time is critical, the senior military official or his or her designee may issue an oral mail cover upon an oral request to be confirmed by the requesting authority in writing within 2 working days. With respect to mail covers believed to be necessary to protect national security, an oral order may be issued only by the senior military official. No information may be released until an appropriate written order is received from the official who issued the oral order.

d. *Forwarding Order and Justification.* The official who orders a mail cover shall insure that a copy of the written justification and order for the mail cover is forwarded by the most expeditious means: for example, an electrical message system, to the Service's senior military official who has responsibility for postal operations within the major overseas command.

e. *Compilation of Record.* Information shall be compiled by the MPO supervisor or by a designated postal clerk. Information collected shall not be released to the military investigative agency, or any other agency, until release is authorized by the official who ordered the mail cover.

f. *Disposition of Record.* Disposition of the compiled record of the mail cover shall be as directed by the official who ordered the mail cover. No other record or file shall be maintained, nor is reproduction of any portion of the file authorized.

g. *Time Limit.* Except for mail covers ordered upon subjects engaged or suspected to be engaged in any activity against national security, no mail cover shall remain in effect for more than 30 days. At the expiration of such period, or before, the requesting authority may be granted additional 30-day periods under the same conditions and procedures applicable to the original request. No mail cover shall remain in force longer than 120 days unless personally approved for further extension by the senior military official who has responsibility for postal operations within the major overseas command.

9. *Random Inspection.* Mail bags and parcels in a military postal facility overseas may be subjected to random inspection by fluoroscope or other reasonable technological or natural aids, such as metal detectors and narcotics detection dogs, in accordance with Military Rule of Evidence 313(b), or with 314(c), if applicable, when ordered by an official authorized to issue a search authorization under subparagraph I.6.a.(2)., above. If there is a reasonable suspicion that unlawful weapons, contraband (including unlawful drugs), or other evidence of crime are contained in a particular mail bag or parcel, such official may authorize the opening of mail bags and inspection by fluoroscope or other reasonable technological or natural aids, but not the opening, of individual letters and parcels. Mail matter shall not be opened, nor shall mail be read, except under the provisions of subsection I.2., above.

10. *Foreign Inspection of U.S. Mail Overseas.*

a. *Relationship with Host Country Customs Authorities.* If a host country seeks to inspect MPO mail in the host country, DoD officials should bring DoD mail security precedures to the attention of host country authorities with a view towards demonstrating to them the adequacy of DoD inspection procedures. Military postal authorities may permit host country authorities, in accordance with the host country's laws, to inspect, search, and seize MPO mail in the host country unless an applicable Status of Forces Agreement (SOFA) or other agreement or understanding exempts such mail from inspection, search, or seizure by the host country. A staff judge advocate or legal officer should be consulted to determine U.S. rights and obligations under DoD policy and international law. A military postal clerk shall be present when host country officials inspect or in any way detain the mail. A military postal clerk shall not disclose any information about mail submitted for clearance, or that is otherwise in the clerk's custody, except under the policy herein.

b. *Submission of Mail to U.S. Military Officials.* To the extent that an applicable SOFA or other agreement or understanding exempts any or all categories of mail from customs clearance by host country officials in exchange for an undertaking by the United States to open and examine such mail for purposes of customs clearance, military postal clerks may submit such mail to military officials for customs clearance. These military officials may not read, allow any other person to read, divulge, or transfer to any other person any correspondence contained in sealed mail, unless such action is authorized under a search warrant or authorization as described in subsection I.6., below. The military officials referred to in this paragraph are those individuals, DoD military members or civilian employees, specifically designated by major commanders to perform customs inspections under this paragraph.

11. *Seizure Reports.* The postal activity supervisor shall submit written seizure reports to the Military Service's senior postal official who has responsibility for postal operations within the major overseas command and to MPSA on all mail confiscated under the provisions of this policy within 15 days of the seizure. The addressee shall also be notified of such seizure unless the official who executed the warrant or authorization presents an order, issued by the same official who issued the warrant or authorization, to delay the notification. In that event, the notification of seizure shall be delayed in accordance with the order.

a. *Mail Seizures by Military Authority.* Reports resulting from actions described in subparagraph I.6.b.(3), above, shall include a copy of the receipt or inventory and a copy of the warrant or authorization.

b. *Mail Seizures by Host Country Officials.* In the event mail is confiscated by a host government while in MPS channels, the postal activity supervisor shall attempt to obtain a receipt for the article or articles. Reports involving accountable mail shall include the following information:

(1) Accountable number.
(2) Sender's name and address.
(3) Addressee's name and address.
(4) Post office of origin.
(5) Description of items.

c. *Notice to Sender.* If the cover of domestic mail has been endorsed and stamped to show that the sender has requested and paid for a return receipt, the sender shall be notified of the seizure of the mail under the search warrant, search authorization, or under authority of the host government, by an endorsement to that effect on the return receipt, or on a duplicate if the original receipt is taken. The receipt shall be dispatched as soon as possible, unless the official executing the warrant presents an order, issued by the same official who issued the warrant or authorization, to delay the dispatch. In that event, the dispatch shall be delayed in accordance with the order.

d. *Office File Copies.* One copy may be retained by the office responsible for submitting the report, but no information in the report shall be disclosed, except in accordance with postal regulations authorizing such disclosure.

M. S. Healy,

OSD Federal Register Liaison Officer. Department of Defense.

November 1, 1982.

[FR Doc. 82-30366 Filed 11-3-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed disposal of Cottage Grove-Drain Tap Point Substation

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of proposed disposal of Cottage Grove-Drain Tap Point Substation.

SUMMARY: Operation of a new substation renders the Cottage Grove-Drain Tap Point Substation obsolete to Bonneville Power Administration's (BPA's) electrical transmission system. However, the substation is useful to the Pacific Power and Light Company (PP&L). Therefore, BPA intends to dispose of the substation by negotiated sale through the General Services Administration to PP&L. BPA will remove existing transformers and PP&L will operate the remaining equipment as a switching station. As alternatives to the property disposal, BPA also considered leasing the substation, dismantling the substation, and no action.

The substation is located on a 1-acre site, 3½ miles south of Cottage Grove, Oregon, partly within the 100-year floodplain of the Coast Fork, Willamette River. There are no State or local floodplain protection standards applicable to the proposed action. To protect wetlands on the property, terms of the sale will restrict the addition of fill material.

FOR FURTHER INFORMATION CONTACT: Anthony R. Morrell, Environmental Manager, Bonneville Power Administration, P.O. Box 3621-SJ, Portland Oregon 97208; telephone (503) 230-5136.

Issued in Portland, Oregon August 18, 1982.

Earl Gjelde,

Acting Administrator.

[FR Doc. 82-30292 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Burgess Marketing, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Burgess Marketing, Incorporated, 315 South University Park, Waco, Texas 76701. This Proposed Remedial Order charges Burgess Marketing, Incorporated, with pricing violations in the amount of $504,697.55 connected with the sales of motor gasoline during the period March 1, 1979 through March 31, 1980.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained from Mr. William R. Gibson, Deputy Director, Altanta Office, Economic Regulatory Administration, 1655 Peachtree Street, N.W., Atlanta, Georgia 30309, Telephone (404) 881-2661. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 21st day of September 1982.

Leonard F. Bittner,

Director, Atlanta Office, ERA.

[FR Doc. 82-30283 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

Carter Foundation Production Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with the Carter Foundation Production Company (Carter) as a final order of the Department.

EFFECTIVE DATE: November 4, 1982.

FOR FURTHER INFORMATION CONTACT: James O. Neet, Jr., Chief Counsel, Dallas Office, Economic Regulatory Administration, 1341 W. Mockingbird, Room 201W, Dallas, Texas 75247, 214/767-7536.

SUPPLEMENTARY INFORMATION: On August 24, 1982, 47 FR 36886, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Carter on July 29, 1982, which would not become effective sooner than 30 days after publication of that notice. The Consent Order with Carter, a producer of crude oil with an office in Fort Worth, Texas subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212, resolves potential civil liability of Carter arising out of these regulations during the period August 19, 1973 through January 27, 1981. Notwithstanding the fact that both Carter and DOE disagree concerning the proper application of such regulations and that neither disavows any position it has taken with regard to such issues, Carter has agreed to this Consent Order to avoid protracted, expensive litigation. By the terms of this Consent Order, Carter will remit $700,000 to the DOE beginning no later than (30) days after the effective date of this Consent Order and with the final and complete payment being made no later than March 1, 1983. These funds shall be deposited in the U.S. Treasury as miscellaneous receipts. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

Seven comments were received. All seven comments objected to what they perceived to be payment of the funds from Carter to the U.S. Treasury. Five comments suggested that the proceeds, after payment to identifiable injured customers, should be distributed to the various states in proportion to the amounts of crude oil sold to ultimate consumers in each state. The problems posed by the refining of the crude oil into various products before it reaches ultimate consumers were given little consideration. Two of these comments also suggested guidelines to govern the use of such funds received by each state.

The primary goal of DOE enforcement activities in this sphere is to refund overcharges resulting from first sales of crude oil to those parties who actually suffered harm from them. Because of the ability of refiners which purchased crude oil from Carter at allegedly improper prices to bank, allocate and pass through those costs to ultimate consumers under the refiner price regulations, it is virtually impossible to identify in what time period, to what product and to which purchasers the effects of crude oil violations were channelled. This impossibility of locating injured parties and ascertaining the extent of their injuries, led DOE to the conclusion that depositing the sum paid by Carter in the U.S. Treasury is an appropriate remedy.

The other two comments suggested that the funds received from Carter should be paid to the participants in the Entitlements Program. While it may be theoretically possible to perform calculations necessary to implement such a remedy, it is not administratively feasible. Particularly since a recalculation would be required each time an entitlements dispute was resolved. The administrative burden would be multiplied by the need to monitor the reissuance of orders for the months involved and to determine the impact upon each refiner's price determinations for products sold and resold in the distribution chain. Furthermore, each refiner's opportunity to pass through increased costs suggests that a refiner whose entitlements burden was increased by the overcharges did not necessarily bear the full burden of them.

Having considered all the comments submitted, DOE has determined that the proposed Consent Order with Carter should be made final in its present form. The proposed Consent Order, therefore, was made final and effective the date of publication of this notice.

Issued in Dallas, Texas on the 4 day of October 1982.

Ben L. Lemos,

Director, Dallas Office, Economic Regulatory Administration.

[FR Doc. 82-30289 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

E-Z Serve, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to E-Z Serve, Incorporated, 901 South First Street, Abilene, Texas 79604. This Proposed Remedial Order charges E-Z Serve, Incorporated, with pricing violations in the amounts of $2,538,964.72 connected with retail sales of motor gasoline during the period March 1, 1979 through September 30, 1979 and $1,549,792.61 connected with reseller sales of motor gasoline during the period December 1, 1973 through September 30, 1979.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained from Mr. William R. Gibson, Deputy Director, Atlanta Office, Economic Regulatory Administration, 1655 Peachtree Street, N.W., Atlanta, Georgia 30309, Telephone (404) 881-2661. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 C.F.R. Section 205.193.

Issued in Atlanta, Georgia on the 20th day of September 1982.

Leonard F. Bittner,

Director, Atlanta Office, ERA.

[FR Doc. 82–30282 Filed 11–3–82; 8:45 am]

BILLING CODE 6450–01–M

Eddy Refining Co. and Key Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Eddy Refining Company, Post Office Box 185, Houston, Texas 77001 and Key Oil Company, 2307 Second Street, Tuscaloosa, Alabama 35402. This Proposed Remedial Order charges Eddy Refining Company/Key Oil Company with pricing violations in the amount of $1,630,401.00 connected with the sales of refined petroleum products during the period December 1, 1973 through June 30, 1976.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained from Mr. William R. Gibson, Deputy Director, Atlanta Office, Economic Regulatory Administration, 1655 Peachtree Street, N.W., Atlanta, Georgia 30309, Telephone (404) 881–2661. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 21st day of September 1982.

Leonard F. Bittner,

Director, Atlanta Office, ERA.

[FR Doc. 82–30284 Filed 11–3–82; 8:45 am]

BILLING CODE 6450–01–M

Evett Oil Co. Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Evett Oil Company, 707 East Central, P. O. Box 129, Comanche, Texas 76442. This Proposed Remedial Order charges Evett Oil Company with pricing violations in the amount of $308,336.11 connected with the sales of motor gasoline during the period March 1, 1979 through March 31, 1980.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained from Mr. William R. Gibson, Deputy Director, Atlanta Office, Economic Regulatory Administration, 1655 Peachtree Street, N.W., Atlanta, Georgia 30309, Telephone (404) 881–2661. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U. S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D. C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 20th day of September 1982.

Leonard F. Bittner,

Director, Atlanta Office, ERA.

[FR Doc. 82–30286 Filed 11–3–82; 8:45 am]

BILLING CODE 6450–01–M

Macmillan Ring-Free Oil Co., Inc., Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order with Macmillan Ring-Free Oil Company, Inc. as a final order of the Department.

EFFECTIVE DATE: November 4, 1982.

FOR FURTHER INFORMATION CONTACT: John M. Daley, Esq., Deputy Chief Counsel, San Francisco Office, Economic Regulatory Administration, Department of Energy, 333 Market Street (Sixth Floor), San Francisco, California 94105, (415) 974–7114.

SUPPLEMENTARY INFORMATION: On August 6, 1982, the ERA published a notice in the **Federal Register** that it had executed a proposed Consent Order with Macmillan Ring-Free Oil Company, Inc. (Macmillan) which would not become effective sooner than thirty (30) days after publication of that notice. 47 FR 34183. Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order.

The Consent Order provides that in settlement of certain potential civil liability arising out of the Mandatory Petroleum Price and Allocation Regulations, 10 CFR Parts 205, 211, and 212, in connection with the reporting of entitlements obligations and the sale of refined petroleum products during the period August 20, 1973 through January 27, 1981, Macmillan shall refund a total of $1,550,000 to DOE in sixteen quarterly installments, plus interest on the unpaid balance. The **Federal Register** notice also specified that ERA would undertake to determine separately the proper disposition of the refund amounts.

Six comments were received by the September 5, 1982 deadline. Four of the comments were from officials of State agencies, one was from the American Association of Railroads, and one was from a reseller of petroleum products who purchased gasoline from Macmillan. None of the commenters objected to the proposed Consent Order. However, several of the commenters made suggestions regarding the appropriate disposition of the refund amounts.

The State commenters all suggested that the refund amounts be distributed to the States. The Association of American Railroads suggested that the refund amounts be distributed to identifiable overcharged customers, and that if identification of those customers were a problem, that the procedures set forth in 10 CFR Part 205 Subpart V be utilized. The reseller suggested that a portion of the refund be distributed to it based upon the volume of its purchases from Macmillan. Further, two of the commenters, citing the decision of the Temporary Emergency Court of Appeals in *Citronelle-Mobile Gathering, Inc. v. Edwards*, 669 F. 2d 171 (1982) *(Citronelle)*, suggested that it would be unlawful to deposit any of the funds received in the United States Treasury. ERA has considered these comments, and because none of them objected to the proposed Consent Order, has determined that the Consent Order should be made final without modification.

After reviewing these comments and its audit files for Macmillan, ERA has also determined an appropriate disposition for the refund amount. Specifically, of the $1,550,000 principal amount, $299,721 will be distributed to particular end-users, $828,739 to the State of California, $171,540 to the State of Arkansas, and $250,000 to the United States Treasury. The end-users and the amounts they will receive are as follows:

California-Portland, 1,795

United States Defense Supply Agency, 14,447

General Carbon Company, 1,501

Nevada Power Company, 1,071

Salt River Project, 9,021

Southern California Edison Company, 271,886

The end-users will receive the amounts listed above after Macmillan has made payments sufficient to cover those amounts. After the end-users have been paid, distribution will be made to the Treasury and to the States. Each of the refund recipients will also receive a pro-rata share of the installment interest paid by Macmillan and the interest earned on the escrow account established for the Macmillan payments.

ERA has determined to distribute the refunds in this manner for several reasons. First, the portion of the refund amount which is to be deposited in the United States Treasury represents ERA's best estimate of the portion of the refund amount which may be attributed to alleged violations of the entitlements program. Although it is ERA's policy to make refunds to those identifiable customers who ERA believes may have borne the ultimate burden of the alleged overcharge, the burdens of any entitlements violations were distributed to all domestic refiners and, hence, to all domestic consumers, by virtue of the cost-equalizing principles of the entitlements program. Thus, unlike the *Citronelle* case, in which there was an adjudication that certain customers had been overcharged by virtue of the particular violation alleged therein, it is impossible to identify any such customers in this case.

With respect to the balance of the refund amount, which is attributable to alleged violations of the refiner price regulations, ERA has determined that distribution to the identified end-users listed above and to the States of California and Arkansas is appropriate because the ultimate burden of any alleged refiner pricing overcharges was, in all likelihood, borne by downstream end-user customers. Although the utility customers which ERA has determined should receive refunds may have had the opportunity to pass through any overcharge to their customers, the ERA has determined that such utilities are generally required to pass through the benefits of any reductions in fuel costs to their customers. In order to ensure that the refunds benefit the parties who may have actually borne the ultimate burden of the overcharge, however, ERA intends to notify the appropriate State governing agencies of the refunds to the utilities.

The ERA has determined that distributing the remaining refunds to the States of California and Arkansas on behalf of the unidentifiable end-user customers who bore the burden of any overcharges which ocurred as a result of Macmillan's alleged violations of the refiner price regulations is appropriate because virtually all of Macmillan's sales of refined petroleum products were made in these two States during the periods in which the alleged violations occurred.

Having considered all comments received and determined an appropriate distribution for the funds to be paid to DOE under this Consent Order, ERA had determined that the proposed Macmillan Consent Order should be made final without modification, effective on the date of publication of this Notice.

Issued in San Francisco on the 12th day of October, 1982.

Patrick J. O'Hern,

Director, San Francisco Office Economic Regulatory Administration.

[FR Doc. 82-30290 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

Patriot Petroleum Distributors, Inc., proposed remedial order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Patriot Petroleum Distributors, Incorporated, 410 Ware Boulevard, Tampa, Florida 33619. This Proposed Remedial Order charges Patriot Petroleum Distributors, Incorporated, with pricing violations in the amount of $116,995.48 connected with the sales of motor gasoline during the period April 1, 1979 through June 30, 1979.

A copy of the Proposed Remedial Order with confidental information deleted, may be obtained from Mr. William R. Gibson, Deputy Director, Atlanta Office, Economic Regulatory Administration, 1655 Peachtree Street, N. W., Atlanta, Georgia 30309, Telephone (404 881-2661. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, N. W., Washington, D. C. 20461, in accordance with 10 CFR 205.193.

Issued in Altanta, Georgia on the 17th day of September 1982.

Leonard F. Bittner,

Director, Atlanta Office, ERA.

[FR Doc. 82-30286 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

Paul Investments, Inc., and A. B. Holding Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Paul Investments, Incorporated/A. B. Holding Company, 7900 Calloghon Road, Suite 220, P.O. Box 32866, San Antonio, Texas 78216. This Proposed Remedial Order charges Paul Investments, Incorporated/A. B. Holding Company with pricing violations in the amount of $480,364.41 connected with the sales of motor gasoline during the period March 1, 1979 through December 31, 1979.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained from Mr. William R. Gibson, Deputy Director, Atlanta Office, Economic Regulatory Administration, 1655 Peachtree Street, N. W., Atlanta, Georgia 30309, Telephone (404) 881-2661. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearing and Appeals, Federal Building, 12th and Pennsylvania Avenue, N. W., Washington, D. C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 21st day of September 1982.

Leonard F. Bittner,

Director, Atlanta Office, ERA.

[FR Doc. 82-30285 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-82-024]

Powerplant and Industrial Fuel Use Act of 1978, Electric Utility Conservation Plans

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of receipt of proposed electric utility conservation plans.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) has received a number of electric utility conservation plans developed and submitted for DOE approval pursuant to Section 808 of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, as amended (FUA or the Act).

Pursuant to 10 CFR 508.4(b), DOE hereby gives Notice of Receipt of Proposed Conservation Plans from the electric utility owners or operators listed in the "SUPPLEMENTARY INFORMATION" section below. The publication of this notice commences a thirty (30) day public comment period

during which interested persons are invited to submit written comments concerning the content of any such proposed conservation plan.

The public file for each of the listed electric utility owners or operators containing the proposed conservation plan and any other pertinent documents is available at the Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E-190, Washington, D.C. 20585, telephone (202) 252-6020. ERA will approve or non-approve the proposed plan of each electric utility within 120 days of the receipt of each plan. Approval or non-approval of a conservation plan will be based on the entire record of the proceeding, including any comments received during the public comment period provided herein. Notice of Approval or Non-approval of each conservation plan will be published in the **Federal Register**.

DATE: Written comments on any proposed conservation plan identified in the **SUPPLEMENTARY INFORMATION** section of this notice are due on or before December 6, 1982.

ADDRESS: Five copies of written comments shall be submitted to: Case Control Unit, Fuels Conversion Division, Forrestal Building, Room GA-093, 1000 Independence Avenue SW., Washington, D.C. 20585.

The name of the subject utility and the identifying case number should be printed on the outside of the envelope and on the documents contained therein.

FOR FURTHER INFORMATION CONTACT:

Clifford Tomaszewski, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA-073 F, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-1251

Allan J. Stein, Esq., Office of the General Counsel, Forrestal Building, Room 6B-176, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: Section 1023 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA) amended the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) by adding a new section 808, entitled "Electric Utility Conservation Plan."

Section 808 requires utilities which own or operate any existing electric powerplant which used natural gas as a primary energy source between August 14, 1980 and August 13, 1981, and which also plan to use natural gas in any electric powerplant, to develop and submit to DOE for approval a conservation plan to conserve electric energy. The plan must set forth the means to achieve the conservation of electric energy at a level equal to 10 percent of the electric energy output of the utility sold within its own system which was attributable to natural gas during the four calendar quarters ending on June 30, 1981. The plan must be fully implemented during the five year period following DOE approval.

DOE will, within 120 days of the receipt of a proposed plan, approve each plan meeting the requirements of 10 CFR 508.8. If a proposed plan, as originally submitted, fails to meet the requirements for approval, DOE will notify the utility submitting the plan by letter, setting forth the reasons therefor, and provide a reasonable time for the submission of a modified conservation plan. If an acceptable modified plan is not submitted within the specified time period, a Notice of Non-approval will be published in the **Federal Register** together with the basis for the determination that the proposed plan fails to meet the requirements of 10 CFR 508.8. The following list of utilities have submitted proposed conservation plans to DOE for approval. Publication of this notice does not constitute approval of such plans.

Utilities	FC case No.	Date filed
Savannah Electric & Power Co., Savannah, GA	52588-9999-99-49	Sept 3, 1982
Wisconsin Public Service Corp., Green Bay, WI	53333-9999-99-49	Sept. 13, 1982
City of Denton, Denton, TX	50775-9999-99-49	Do
Tennessee Valley Authority, Chattanooga, TN	52987-9999-99-49	Sept 15, 1982
City of Alexandria, Alexandria, LA.	50043-9999-99-49	Sept 17, 1982
Hutchinson Utilities Commission, Hutchinson, MN.	51375-9999-99-49	Sept 21, 1982
Mt Carmel Public Utility Co, Mt Carmel, IL	51948-9999-99-49	Do
Montana Dakota Utilities Co., Bismarck, ND	51913-9999-99-49	Do
City of La Junta, La Junta, CO	51536-9999-99-49	Sept. 27, 1982
City of Garland, Garland, TX	51061-9999-99-49	Do
Columbus & Southern Ohio Electric Co., Columbus, OH.	50633-9999-99-49	Sept 28, 1982
South Mississippi Electric Power Association, Hattiesburg, MS	52703-9999-99-49	Oct 4, 1982
Tucson Electric Power Co., Tucson, AZ.	52970-9999-99-49	Do
Sebring Utilities Commission, Sebring, FL	52605-9999-99-49	Oct. 6, 1982
City of Homestead, Homestead, FL	51333-9999-99-49	Do
City of Ottawa, Ottawa, KS	52204-9999-99-49	Oct. 18, 1982.
New Mexico Electric Service Co., Hobbs, NM.	[illegible]	Oct. 25, 1982
Chugach Electric Association, Anchorage, AK.	[illegible]	Do.

Issued in Washington, D.C., on October 29, 1982.

Robert L. Davies,

Director, Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-30281 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. PP-75EA]

Rio Grande Electric Cooperative, Inc.; Issuance of Order Authorizing Transmission of Electric Energy to Mexico

AGENCY: Economic Regulatory Administration (ERA), DOE.

ACTION: Issuance of Order in Docket No. PP-75EA, Authorizing Temporarily the Transmission of Electric Energy to Mexico by the Rio Grande Electric Cooperative, Inc. (Rio Grande), and Notice of Opportunity for Comment.

SUMMARY: The Department of Energy has issued an order in Docket No. PP-75EA temporarily authorizing Rio Grande to export electric energy to Mexico. Under the terms and conditions of the agreement with the Comision Federal de Electricidad (CFE), Rio Grande will sell firm capacity (up to 150 kilowatts) and energy (not to exceed 1,314,000 kilowatt-hours annually) to the CFE for delivery to the Manuel Diego Ainslie Ranch in Piedras Negras, Coahuila, Mexico. If no comments are received concerning this Order within thirty days of its publication, the authorization contained therein shall become final.

FOR FURTHER INFORMATION CONTACT:

Garet Bornstein, Office of Energy Emergency Operations (EP-42), Department of Energy, Forrestal Building, Mail Stop GB-270, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-1714.

Lise Courtney M. Howe, Office of General Counsel (GC-11), Department of Energy, Forrestal Building, Mail Stop 6F-094, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252-2900.

SUPPLEMENTARY INFORMATION: Order Authorizing Transmission of Electric

Energy to Mexico by Rio Grande Electric Cooperative, Inc.

On February 16, 1982, Rio Grande Electric Cooperative, Incorporated (Rio Grande) filed an application with the Department of Energy (DOE) in Docket No. PP–75EA for authorization, pursuant to Section 202(e) of the Federal Power Act, to transmit electric energy from the United States to Mexico. The exported electric energy would be sold to the Comision Federal de Electricidad (CFE), for delivery to the Manuel Diego Ainslie Ranch in Piedras Negras, Coahuila, Mexico, in accordance with the terms and at the rates set forth in the Interconnection and Exchange Agreement (Agreement), a copy of which was filed as Exhibit A of the application. Under the terms of the Agreement, Rio Grande has full discretion to sell surplus non-emergency capacity and energy to CFE. The Agreement also provides that emergency assistance energy to CFE is authorized when the sufficiency of electric supply and the reliability of the Rio Grande system is not endangered by such sales. These electricity sales are intended as part of a program of mutual benefit to Rio Grande and the CFE.

The electrical energy is to be exported via an international interconnection on the United States/Mexico border, authorized by Presidential Permit PP–75, issued by DOE to CFE on August 13, 1982 (47 FR 44386). Notice of the CFE application and an opportunity for comment were given on July 28, 1981 (46 FR 38569). An application for the same interconnection facilities was filed by the Manuel Diego Ainslie Ranch on August 25, 1980, prior to the CFE application, but withdrawn when CFE filed its application. Notice of the Ainslie application and an opportunity for comment were given on September 15, 1980 (45 FR 61012). No petitions or protests were received concerning either application.

DOE has decided to issue a temporary export authorization in this docket, with a subsequent opportunity to comment or protest, because no petitions or protests were received in response to either application, as noticed in the **Federal Register**; because the original application was filed over two years ago; and because the amount of electric energy to be exported is very small and will not impair the sufficiency of electric energy supplies within the United States. If any comments, petitions, or protests are filed within 30 days following publication of this Order raising issues which should be considered by DOE, the docket may be reopened.

DOE Finds:

(1) The proposed transmission of electric energy from the United States to Mexico as limited herein and as hereinafter authorized will not impair the sufficiency of electric supply within the United States and will not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of DOE.

(2) The period of public notice given in this matter is reasonable.

DOE Orders:

(A) Rio Grande hereby is authorized to transmit electric energy from the United States to Mexico subject to the provisions of this Order.

(B) The electric energy which Rio Grande hereby is authorized to transmit from the United States to Mexico shall be transmitted over facilities specified to the Presidential Permit PP–75, issued to CFE by DOE on August 13, 1982.

(C) The authorization herein granted may be modified from time to time or terminated by further order of DOE.

(D) Rio Grande shall conduct all operations pursuant to the authorization herein granted in accordance with the provisions of the Federal Power Act and pertinent rules, regulations or orders adopted or issued by DOE.

(E) Rio Grande shall provide for the installation and maintenance of adequate metering equipment to measure the flow of all electric energy transmitted over this interconnection with CFE; and shall make and preserve full and complete records with respect to the movement of such electricity. Rio Grande shall furnish a report to DOE annually on or before February 15, showing the gross amount of electricity delivered or received; the maximum hourly rate of power flow in each direction; and the consideration received or paid therefor during each month of the preceding calendar year.

(F) Exports Authorized. The following conditions apply to the export by Rio Grande of electricity utilizing the facilities authorized by Presidential Permit PP–75;

(a) The maximum amount of power flow that may occur to Mexico over the facilities authorized in Presidential Permit PP–75 shall not exceed 150 kilowatts per hour.

(b) The quantity of energy that may be exported hereunder shall not exceed 1,314,000 kilowatt hours annually.

(G) The temporary authorization granted herein shall become final thirty days after the publication of this Order in the **Federal Register**, unless DOE receives comments, petitions or protests raising significant issues which should be considered.

Issued in Washington, D.C., October 28, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82–30280 Filed 11–3–82; 8:45 am]

BILLING CODE 6450–01–M

U.S.A. Petroleum Corp.; Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces that it has adopted a Consent Order executed with U.S.A. Petroleum Corporation (U.S.A. Petroleum) as a final order of the Department, and that it has determined that the $1.75 million to be paid under the Consent Order should be distributed to certain States and the United States Treasury.

EFFECTIVE DATE: November 4, 1982.

FOR FURTHER INFORMATION CONTACT: J. M. West, Esq., Senior Attorney, San Francisco Office, Economic Regulatory Administration, Department of Energy, 333 Market Street (Sixth Floor), San Francisco, California 94105, (415) 974–7114.

SUPPLEMENTARY INFORMATION: On August 4, 1982, ERA published a Notice of a Proposed Consent Order with U.S.A. Petroleum. 47 FR 33738. In the Notice, ERA stated that U.S.A. Petroleum had agreed to pay $1.75 million, that ERA had not yet determined how to distribute the funds, and that interested parties should submit comments pursuant to 10 CFR 205.199J(c).

With the exception of matters related to the final "entitlements" lists and applications for exception relief, the Consent Order resolves all civil issue respecting U.S.A. Petroleum's compliance with the Mandatory Petroleum Price and Allocation Regulations during the period August 19, 1973 and January 27, 1981. The issues developed through ERA's audits of U.S.A. Petroleum's books and records included allegations that U.S.A. Petroleum (1) underpaid its entitlements obligations in violation of 10 CFR 211.67 in 1977 and (2) sold gasoline at company operated retail outlets at prices in excess of maximum lawful prices in violation of 10 CFR 212.83 during 1979. In order to avoid the expense and uncertainty of protracted litigation over these issues, ERA and U.S.A. Petroleum executed the proposed Consent Order.

As proposed, the Consent Order requires U.S.A. Petroleum to pay $1.75 million over two years, plus interest on the unpaid balance. The recipients of the funds are not specified in the proposed Consent Order.

ERA received three comments regarding the proposed Consent Order. None of the commenters objected to the proposed Consent Order. However, all three comments made suggestions regarding the distribution of the refund amount. The Association of American Railroads suggested that refunds should be made to identifiable customers. The States of Maine and Vermont echoed that sentiment, but suggested that refunds should be made to State governments when overcharged customers could not be readily identified. Both States proposed plans and guidelines for distributing funds to State energy-related programs. ERA has considered each of these comments, and because none of them objected to the proposed Consent Order, has determined that the Consent Order should be made final without modification.

After reviewing these comments and its audit files for U.S.A. Petroleum, ERA has also determined an appropriate disposition for the refund amount. Specifically, of the $1,750,000 principal amount, $962,500 will be distributed to the States and $787,500 to the United States Treasury. The States which will receive refunds, and the amounts each will receive, are as follows:

California, $776,160.00.
Washington, $73,727.50.
Florida, $64,198.75.
Nevada, $48,413.75.

Each of the refund recipients will also receive a pro-rata share of the installment interest paid by U.S.A. Petroleum and the interest earned on the escrow account established for the U.S.A. Petroleum payments.

ERA has determined to distribute the funds in this manner for several reasons. First, the portion of the refund amount which is to be deposited in the United States Treasury represents ERA's best estimate of the portion of the refund amount which may be attributed to alleged violations of the entitlements regulations. Although it is ERA's policy to make refunds to those identifiable customers who may have borne the ultimate burden of any alleged overcharge, the burdens of any entitlements violations were distributed to all domestic refiners and, hence, to all domestic consumers, by virtue of the cost-equalizing principles of the entitlements program. Thus, unlike the *Citronelle* case, in which there was an adjudication that certain customers had been overcharged by virtue of the particular violation alleged therein, it is impossible to identify any such customers in this case. Thus, ERA has determined that an appropriate disposition of the funds attributable to the alleged entitlements violations is to deposit those funds in the United States Treasury as miscellaneous receipts. This disposition is consistent with other cases involving entitlements. *See, e.g., A. Tarricone, Inc.*, 9 DOE ¶ 83,004 (1982).

Second, there is no administratively feasible way to identify those individuals who were overcharged at U.S.A. Petroleum's retail gasoline outlets, since those transactions were all cash sales to individual motorists. Further, the transactions were so numerous and small that any refunds to customers would be *de minimus*, even if customers could be identified. Thus, ERA has determined that the funds attributable to the alleged refiner pricing violations should be distributed to the States in which the alleged overcharges occurred. The ERA has determined that distribution to the States listed above is appropriate because it has determined that the alleged overcharges in gasoline sales occurred in those States. The funds have been allocated in proportion to the percentage of the alleged violations which occurred in those States during 1979.

Having considered all comments received and determined an appropriate distribution for the funds to be paid to DOE under this Consent Order, ERA has determined the Proposed U.S.A. Petroleum Consent Order should be made final without modification, effective on the date of publication of this Notice.

Issued in San Francisco on the 12th day of October 1982.

Patrick J. O'Hern,

Director, San Francisco Office, Economic Regulatory Administration.

[FR Doc. 82-30291 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

Varibus Corp.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Varibus Corporation 285 Liberty Avenue, Beaumont, Texas 77704. This Proposed Remedial Order changes Varibus Corporation, with pricing violations in the amount of $7,550,750.32 connected with sales of no. 2 fuel oil to Gulf States Utilities Company during the period October 1, 1973 through October 31, 1974.

A copy of the Proposed Remedial Order with confidential information deleted, may be obtained rom Mr. William R. Gibson, Deputy Director, Atlanta Office, Economic Regulatory Administration, 1655 Peachtree Street, NE., Atlanta, Georgia 30309, Telephone (404) 881-4464. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the U.S. Department of Energy, Office of Hearings and Appeals, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Atlanta, Georgia on the 12th Day of October, 1982.

Leonard F. Bittner,

Director, Atlanta Office, Economic Regulatory Administration.

[FR Doc. 82-30287 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

[Case No. 650X00314]

Petrotech Trading Co., et al.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives Notice of a Proposed Remedial Order which was issued to:

Petrotech Trading Company, P.O. Box 3215, Abilene, Texas 79604
West Texas Marketing Corporation, 1202 Estates Drive, P.O. Drawer 3097, Abilene, Texas 79604
John T. Troland, 710 Bryd, Abilene, Texas 79601
David W. Ratliff, 1298 Kingbury Road, Abilene, Texas 79602
Kenneth Rogers, 211 Fairmont, Clyde, Texas 79510
David L. Hooper, P.O. Box 3215, Abilene, Texas 79604

The proposed Remedial Order alleges layering violations in the amount, including interest, of $23,235,622.71, connected with resales of crude oil during the period April 1979 through March 1980. Additionally, this Proposed Remedial Order alleges that the resales of crude oil during the same period were made in circumvention and contravention of the regulations.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: James Louthan, Houston Audit Director, One Allen Center, Suite 660, 500 Dallas Street, Houston, Texas 77002.

Within 15 days of publication of this Notice, any aggrieved person may file a Notice of objection with the Office of Hearings and Appeals, U.S. Department of Energy, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Texas, on the 22nd day of October 1982.

Sandra K. Webb,

Director, Houston Field Office Economic Regulatory Administration.

[FR Doc. 82-30087 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration; Energy.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since October 14, 1982.

Each entry contains the following information and is listed by the DOE sponsoring office: (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent burden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATES: Last Notice published Thursday, October 14, 1982, (47 FR 45898).

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave. NW., Washington, D.C. 20585, (202) 252-2308

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C. 20503, (202) 395-7340

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place NW., Washington, D.C., (202) 395-3087

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this list should be directed to the OMB reviewer; comments should also be provided Mr. Gross. If you anticipate commenting on a form, but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., October 28, 1982.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW BY OMB

Form No.	Form title	Type of request	Response frequency	Response obligation	Respondent description	Estimated number of respondents	Annual respondent burden	Abstract
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
CE-145	Grants Program for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions Application.	Extension	On occasion	Required to obtain benefits.	Schools, Hospitals, Public Care Institutions and Buildings Owned by Units of Local Government.	1,700	27,200	An application used by schools, hospitals, units of local Government and public care institutions eligible for grants of Federal funds which are to be used to aid in the conduct of technical assistance programs in public and nonprofit schools and hospitals, or of local Government and public care buildings. Schools and hospitals are also eligible for grants to aid in the acquisition and installation of energy conservation measures.
CE-408	Technical Assistance and Energy Conservation Measure Grant Report Forms.	Revision	Annually	Mandatory	Schools, Hospitals, Units of Local Government, and Public Care Institutions.	13,000	78,000	The reporting documentation forms provide the means by which grant recipients are to inform the Department of Energy of their program activities. The forms enable DOE to monitor and administer these programs in an orderly and systematic fashion.
FERC-548	Staff Adjustments NGPA Section 502(c).	Extension	On occasion	Mandatory	Natural gas pipeline companies, producers, gatherers, distributors, and industrial end-users.	150	2,400	This reporting requirement is for Commission review of requests for adjustments pursuant to Section 502(c) of the NGPA, and in accordance with Part 385, Subpart K of the Commission's regulations. Data are collected in order ". . . to prevent special hardship, inequity, or unfair distribution of burdens."

[FR Doc. 82-30189 Filed 11-3-82; 8:45 am]

BILLING CODE 6450-01-M

[Volume 764]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 29, 1982.

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION									
-ARAPAMO VENTURES OF NEW YORK INC				RECEIVED:	10/04/82	JA: NY			
8301022	3371	3112113659		108		JAMES DUKELOW #1	WILDCAT	8.3	COLUMBIA GAS TRAN
8301020	3375	3112113893		108		KEITH PAGE #1	WILDCAT	8.6	COLUMBIA GAS TRAN
8301021	3377	3112113888		108		PETER KRAMELL #1	WILDCAT	6.0	COLUMBIA GAS TRAN
8301023	3376	3112113889		108		PETER KRAMELL #2	WILDCAT	13.0	COLUMBIA GAS TRAN
-ENVIROGAS INC				RECEIVED:	10/04/82	JA: NY			
8301012	3792	3101312643		108		ALDEWEIN #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8301013	3793	3101312645		108		ENSIGN #1	LAKESHORE	1.0	NATIONAL FUEL GAS
8301007	3787	3101312738		108		HEMMER #1	LAKESHORE	5.0	NATIONAL FUEL GAS
8301009	3789	3101312680		108		HEPPNER #1	LAKESHORE	6.0	NATIONAL FUEL GAS
8301008	3788	3101312709		108		J LAPORTE #1	LAKESHORE	7.0	NATIONAL FUEL GAS
8301015	3795	3101312646		108		KELLEY #1	LAKESHORE	9.0	NATIONAL FUEL GAS
8301014	3794	3101312337		108		NOBBS #1	LAKESHORE	19.0	NATIONAL FUEL GAS
8301011	3791	3101312681		108		PORTMAN #1	LAKESHORE	2.0	NATIONAL FUEL GAS
8301010	3790	3101312682		108		RISCILI #3	LAKESHORE	15.0	NATIONAL FUEL GAS
-LENAPE RESOURCES CORP				RECEIVED:	10/04/82	JA: NY			
8301031	3743	3105117305		103		A E SCOTT #1 LRC #100	WILDCAT	26.0	NEW JERSEY NATURA
8301030	3741	3105117300		103		B S DONVAN #1 LRC #97	WILDCAT	20.0	NEW JERSEY NATURA
8301028	3738	3105117304		103		D D ROGERS #1 LRC #94	WILDCAT	20.0	NEW JERSEY NATURA
8301032	3742	3105117302		103		D MUSSHAFEN #1 LRC #99	WILDCAT	20.0	NEW JERSEY NATURA
8301027	3739	3105116198		103		H M RAYMOND UNIT #1 LRC #95	WILDCAT	20.0	NEW JERSEY NATURA
8301026	3737	3105116197		103		K E ROGERS UNIT #1 LRC #93	WILDCAT	26.0	NEW JERSEY NATURA
8301033	3744	3105117309		103		K M NOBLE UNIT #1 LRC #101	WILDCAT	26.0	NEW JERSEY NATURA
8301036	3747	3112117060		103		L WOLFGANG #1 LRC #114	LEICESTER	26.0	NEW JERSEY NATURA
8301029	3740	3105116199		103		P STURM & H WILSON #1 LRC #96	WILDCAT	20.0	NEW JERSEY NATURA
8301035	3746	3112117049		103		R L HALMA #5 LRC #110	LEICESTER	26.0	NEW JERSEY NATURA
8301034	3745	3105117307		103		S R POWELL UNIT #1 LRC #102	WILDCAT	26.0	NEW JERSEY NATURA
-MIDWEST EXPLORATION INC				RECEIVED:	10/04/82	JA: NY			
8301052	3641	3102917040		103		AGLE #1	EDEN VALLEY	25.0	NATIONAL FUEL GAS
8301044	3640	3102916603		103		ALBRECHT #1	ALDEN-LANCASTER	15.0	NATIONAL FUEL GAS
8301051	3642	3102916605		103		ARNDT #1	BUFFALO CREEK	25.0	NATIONAL FUEL GAS
8301016	3774	3103716184		103		BABCOCK #1	ALDEN-LANCASTER	25.0	NATIONAL FUEL GAS
8301050	3643	3102917069		103		CLARK #1	BUFFALO CREEK	25.0	NATIONAL FUEL GAS
8301049	3644	3103716183		103		HEREC #1	ALDEN-LANCASTER	25.0	NATIONAL FUEL GAS
8301048	3645	3103716175		103		MENDOLA #1	ALDEN-LANCASTER	25.0	NATIONAL FUEL GAS
8301047	3646	3103716185		103		MORABITO #1	ALDEN-LANCASTER	25.0	NATIONAL FUEL GAS
8301046	3647	3102916587		103		NEUBERT #1	WEST SENECA	25.0	NATIONAL FUEL GAS
8301045	3648	3102917129		103		NIEFERGOLD #1	NORTH COLLINS	25.0	NATIONAL FUEL GAS
-P & S DRILLING INC				RECEIVED:	10/04/82	JA: NY			
8301017	2432	3102915378		108		HICKEY #1A	ALDEN-LANCASTER	4.5	NATIONAL FUEL GAS
-POI ENERGY INC				RECEIVED:	10/04/82	JA: NY			

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                                                                            VOLUME  764          PAGE  102
 JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                            FIELD NAME               PROD   PURCHASER
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 8301006  2270          3101315447    102-2         LAWRENCE #1                          ELLERY                   75.0  COLUMBIA GAS TRAN
 8301002  2271          3101315450    102-2         PAUL SAMUELSON #1                    ELLERY                   50.0  COLUMBIA GAS TRAN
 8301004  2272          3101316044    102-2         PETERSON #1                          ELLERY                  250.0  COLUMBIA GAS TRAN
 8301003  2269          3101315451    102-2         PHIL SAMUELSON #1                    ELLERY                   75.0  COLUMBIA GAS TRAN
 8301005  2273          3101315449    102-2         SKILLMAN #1                          ELLERY                   20.0  COLUMBIA GAS TRAN
-RESOURCE EXPLORATION INC             RECEIVED:  10/04/82     JA: NY
 8301018  3767          3101312231    108           L FISHER #2                          NORTH HARMONY            20.0  COLUMBIA GAS TRAN
 8301019  3768          3101312185    108           L R & W FISHER #3                    NORTH HARMONY            20.0  COLUMBIA GAS TRAN
-SHARON RESOURCES INC                 RECEIVED:  10/04/82     JA: NY
 8301000  1441          3112115383    102-2         W KERWIN #1                          JAVA                      0.0  COLUMBIA GAS TRAN
 8301001  1443          3112115677    102-2         J KERWIN #1.                         JAVA                     15.8  COLUMBIA GAS TRAN
-SILVER CREEK DRILLING CORP           RECEIVED:  10/04/82     JA: NY
 8301025  3748          3101316998    103           MASON #1                             LAKE SHORE               12.0  NATIONAL FUEL GAS
 8301024  3749          3101317287    103           MASON #2                             LAKE SHORE               12.0  NATIONAL FUEL GAS
-US ENERGY DEVELOPMENT CORP           RECEIVED:  10/04/82     JA: NY
 8301038  3670          3100317000    103           HUNGERFORD #1                        BRADFORD/RICHBURG         6.0  NATIONAL FUEL GAS
 8301037  3669          3100317001    103           HUNGERFORD #2                        BRADFORD/RICHBURG         6.0  NATIONAL FUEL GAS
 8301039  3668          3100317002    103           HUNGERFORD #3                        BRADFORD/RICHBURG         6.0  NATIONAL FUEL GAS
 8301040  3667          3100317003    103           HUNGERFORD #4                        BRADFORD/RICHBURG         6.0  NATIONAL FUEL GAS
 8301041  3666          3100317004    103           HUNGERFORD #5                        BRADFORD/RICHBURG         6.0  NATIONAL FUEL GAS
 8301042  3665          3100317005    103           HUNGERFORD #6                        BRADFORD/RICHBURG         6.0  NATIONAL FUEL GAS
 8301043  3664          3100317007    103           HUNGERFORD #8                        BRADFORD/RICHBURG         0.0  NATIONAL FUEL GAS
-WARNER BROTHERS WELL DRILLING INC    RECEIVED:  10/04/82     JA: NY
 8301054  1148          3102914262    108           F THAYER-CHRISTIAN AIR 31-029-14262  AKRON                     3.8  NATIONAL FUEL GAS
 8301055  3660          3102915218    108           HENRY RAYKOWSKI 31-029-15218         AKRON                     6.5  NATIONAL FUEL GAS
 8301053  1142          3102913894    108           WALLACE KIPFER 31-029-13894          ELMA                      7.7  NATIONAL FUEL GAS
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   PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES
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-ASHTOLA PRODUCTION CO                RECEIVED:  10/05/82     JA: PA
 8300989  15551         3712921749    103           GEORGE PAVICK #1                     GREENSBURG               29.0
 8300990  15552         3712921877    103           GEORGE PAVICK #2                     GREENSBURG               23.0
 8300987  15549         3705120280    103           JOSEPH J PLEVA #1                    HIGHHOUSE                27.0
 8300988  15550         3705120286    103           WENDELL N HUSTEAD #1                 HIGHHOUSE                23.0
-ATLAS RESOURCES INC                  RECEIVED:  10/05/82     JA: PA
 8300875  15423         3706326506    102-4         CRAMER #1                            CHERRYHILL              177.0  COLUMBIA GAS TRAN
 8300887  15436         3706326917    102-4         CRAMER #3                            CHERRYHILL               40.0  COLUMBIA GAS TRAN
 8300867  15407         3706325582    108           HENRY #2                             GRANT                     5.1  COLUMBIA GAS TRAN
 8300870  15410         3706325705    108           HENRY #3                             GRANT                    20.0  COLUMBIA GAS TRAN
 8300868  15408         3706325581    108           KAROW #1-46A                         GRANT                    15.0  COLUMBIA GAS TRAN
 8300864  15404         3706325571    108           LAWER #1                             GRANT                     4.0  COLUMBIA GAS TRAN
 8300865  15405         3706325573    108           LAWER #3                             GRANT                    17.0  COLUMBIA GAS TRAN
 8300869  15409         3706325642    108           LAWER #4                             GRANT                    10.0  COLUMBIA GAS TRAN
 8300866  15406         3706325574    108           MCCRACKEN #1                         GRANT                    16.0  COLUMBIA GAS TRAN
 8300862  15395         3706326645    102-4         MCGEE #1                             CHERRYVALLEY            166.0  COLUMBIA GAS TRAN
 8300860  15393         3406326659    102-4         MCGEE #3                             GREEN                   439.0  COLUMBIA GAS TRAN
 8300861  15394         3706326902    102-4         PENNS MANOR SCHOOL DIST #2           CHERRYHILL              150.0  COLUMBIA GAS TRAN
 8300953  15515         3785203550    107-TF        ST PAULS HOME #1                     WEST SALEM               24.0  COLUMBIA GAS TRAN
 8300954  15516         3785235500    102-2         ST PAULS HOME #1                     WEST SALEM               24.0  COLUMBIA GAS TRAN
 8300871  15411         3706325663    108           THORNSBERRY #1                       GRANT                     6.2  COLUMBIA GAS TRAN
 8300872  15412         3706325021    108           YANITY #2                            GRANT                     7.3  COLUMBIA GAS TRAN
 8300873  15413         3706325022    108           YANITY #3                            GRANT                     2.7  COLUMBIA GAS TRAN
 8300874  15414         3706325023    108           YANITY #4                            GRANT                     5.4  COLUMBIA GAS TRAN
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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8300863	15433	3706325377		108		YAVITY #5	GRANT	3.6	COLUMBIA GAS TRAN
8300865	15434	3706326564		102-2		ZUBALIK #2	GREEN	40.0	COLUMBIA GAS TRAN
-BEREA OIL AND GAS CORPORATION				RECEIVED:		10/05/82 JA: PA			
8300882	15430	3704921327		107-TF		GEM CITY GUN CLUB UNIT #1	WILDCAT	10.0	NATIONAL FUEL GAS
8300883	15431	3704921327		102-2		GEM CITY GUN CLUB UNIT #1	WILDCAT	10.0	NATIONAL FUEL GAS
-C & C TROYER BROTHERS				RECEIVED:		10/05/82 JA: PA			
8300843	15331	3704920973		107-TF		TROYER-ADAMS #1 (21)	EDINBORO	15.0	NATIONAL FUEL GAS
-CARDINAL OIL CO				RECEIVED:		10/05/82 JA: PA			
8300886	15433	3703900000		107-TF		HOTCHKISS #1 81-65 PA PER CHA-81407	CONNEAUT	0.0	COLUMBIA GAS TRAN
-CARLON OIL & GAS CO INC				RECEIVED:		10/05/82 JA: PA			
8300933	15485	3706522434		103		MCCLURE A-2	REED-DEEMER	50.0	CONSOLIDATED GAS
-CASTLE GAS CO INC				RECEIVED:		10/05/82 JA: PA			
8300970	15532	3706325562		103		C GREEN #1(C-634) IND-25562	GREEN TOWNSHIP	60.0	COLUMBIA GAS TRAN
8300961	15523	3706326537		103		CHERRY RUN DAM #10(C-746) IND-26537	CENTER TOWNSHIP	55.0	COLUMBIA GAS TRAN
8300962	15524	3706326609		103		CHERRY RUN DAM #11(C-747) IND-26609	CENTER TOWNSHIP	65.0	COLUMBIA GAS TRAN
8300963	15525	3706326638		103		CHERRY RUN DAM #12(C-748) IND-26638	CENTER TOWNSHIP	70.0	COLUMBIA GAS TRAN
8300964	15526	3706326675		103		CHERRY RUN DAM #13(C-751) IND-26675	CENTER TOWNSHIP	65.0	COLUMBIA GAS TRAN
8300965	15527	3706326676		103		CHERRY RUN DAM #14(C-752) IND-26676	CENTER TOWNSHIP	70.0	COLUMBIA GAS TRAN
8300966	15528	3706326805		103		CHERRY RUN DAM #15(C-755) IND-26805	CENTER TOWNSHIP	60.0	COLUMBIA GAS TRAN
8300967	15529	3706326828		103		CHERRY RUN DAM #16(C-756) IND-26828	CENTER TOWNSHIP	55.0	COLUMBIA GAS TRAN
8300959	15521	3706326518		103		CHERRY RUN DAM #8(C-744) IND-26518	CENTER TOWNSHIP	55.0	COLUMBIA GAS TRAN
8300960	15522	3706326536		103		CHERRY RUN DAM #9(C-745) IND-26536	CENTER TOWNSHIP	60.0	COLUMBIA GAS TRAN
8300968	15530	3706325474		103		J EDWARDS #1(C-640) IND-25474	GREEN TOWNSHIP	55.0	COLUMBIA GAS TRAN
8300969	15531	3706326228		103		J EDWARDS #2(C-715) IND-26228	GREEN TOWNSHIP	55.0	COLUMBIA GAS TRAN
8300971	15533	3706326785		103		J HUGHEY #5(C-458) IND-26785	CENTER TOWNSHIP	70.0	PEOPLES NATURAL G
8300972	15534	3706326723		103		J HUGHEY #6(C-753) IND-26723	BLACKLICK TOWNSHIP	65.0	PEOPLES NATURAL G
8300973	15535	3706326724		103		J HUGHEY #7(C-754) IND-26724	BLACKLICK TOWNSHIP	70.0	PEOPLES NATURAL G
8300974	15536	3706325470		103		J ROSSI #1(C-672) IND-25470	GREEN TOWNSHIP	50.0	COLUMBIA GAS TRAN
8300975	15537	3706325471		103		J ROSSI #2(C-673) IND-25471	GREEN TOWNSHIP	55.0	COLUMBIA GAS TRAN
8300976	15538	3706325472		103		J ROSSI #3(C-674) IND-25472	GREEN TOWNSHIP	60.0	COLUMBIA GAS TRAN
8300958	15520	3706326345		103		R BUTERBAUGH #4(C-688) IND-26345	GRANT TOWNSHIP	50.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:		10/05/82 JA: PA			
8300853	15373	3703321256		102-2		D G SPENCER #1 WN 1896	FERGUSON TOWNSHIP	14.0	GENERAL SYSTEM PU
8300923	15474	3703320934		102-2		JOHN RAFFERTY #1 WN 1757	GREENWOOD TOWNSHIP	2.0	GENERAL SYSTEM PU
8300851	15370	3703321201		102-2		MARSHALL-BELL UNIT #1 WN 1891	FERGUSON TOWNSHIP	7.3	GENERAL SYSTEM PU
8300922	15473	3703320824		102-2		ROBERT SPENCER #1 WN 1684	FERGUSON TOWNSHIP	39.0	GENERAL SYSTEM PU
8300921	15472	3703320830		102-2		ROBERT SPENCER WN 1683	FERGUSON TOWNSHIP	3.0	GENERAL SYSTEM PU
8300852	15372	3703321232		102-2		VO BARRETT #1 WN 1893	FERGUSON TOWNSHIP	15.0	GENERAL SYSTEM PU
-DAMSON-LOUDEN CO LTD & NCC-LOUDEN L				RECEIVED:		10/05/82 JA: PA			
8300948	15510	3706320511		108		G PEARCE 99X-1	WASHINGTON	2.9	PEOPLES NATURAL G
8300949	15511	3700520628		108		M KAUFMAN ESTATE 101X-1	PLUMCREEK	1.6	PEOPLES NATURAL G
8300950	15512	3700520652		108		W M MILLER 102X-1	PLUMCREEK	3.5	PEOPLES NATURAL G
-DOC-NCC SERVICE CO				RECEIVED:		10/05/82 JA: PA			
8300937	15497	3712900035		103		WALLACE L LOWE 1560-2	EAST HUNTINGDON	10.0	TEXAS EASTERN TRA
-DONALD E MCINTYRE				RECEIVED:		10/05/82 JA: PA			
8300978	15540	3700500000		108		HARTMAN #1 & 2 #1962	KISKIMINETAS	0.0	PEOPLES NATURAL G
8300977	15539	3700500000		108		HENRY #2003	KISKIMINETAS	0.0	PEOPLES NATURAL G
8300979	15541	3700500000		108		KLINGENSMITH #2236	KISKIMINETAS	0.0	PEOPLES NATURAL G
-DORAN & ASSOCIATES INC				RECEIVED:		10/05/82 JA: PA			
8300915	15466	3700522157		108		EMMETT MCILWAIN #2 KL-65	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
8300850	15356	3703320752		108		GEORGE KOPENHAVER #1 K-L-68	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
8300916	15467	3706324182		108		M WALLACE POLLOCK #1 KL-67	UPPER DEVONIAN SANDS	5.3	T W PHILLIPS GAS
8300911	15462	3706324184		108		M WALLACE POLLOCK #3 KL-76	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8300910	15461	3706324187		108		HARRY ABEL #1 KL-56	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8300914	15465	3706324189		108		HARRY ABEL #3 KL-64	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8300917	15468	3706324369		108		HORACE M STEELE #1 KL-83	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8300909	15463	3706324281		108		JOHN LUKEHART #1 KL-84	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
8300912	15463	3700522197		108		L BAKER #2 KL-77	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
8300835	14913	3712921191		108		R KOONTZ #2 KL-32	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8300913	15464	3700522149		108		ROBERT CONN #1 KL-57	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
8300920	15471	3700522166		108		ROY KAUFMAN #1 KL-55	UPPER DEVONIAN SANDS	30.0	PEOPLES NATURAL G
8300918	15469	3706324260		108		RUSSELL BONARRIGO #1 KL-85	UPPER DEVONIAN SANDS	30.0	T W PHILLIPS GAS
8300919	15470	3708520306		107-TF		THIEL COLLEGE #1 NW-2	HEMPFIELD	0.0	
-EASTERN STATES EXPLORATION CO				RECEIVED:		10/05/82 JA: PA			
8300859	15388	3706522478		103		VIONA BROOKS #1	BIG RUN	40.0	T W PHILLIPS GAS
-EILEEN M BRUMAGE				RECEIVED:		10/05/82 JA: PA			
8300842	15290	3705900206		108		S M SMITH U-791	RICHHILL	1.5	COLUMBIA GAS OF P
-FLANIGAN BROTHERS				RECEIVED:		10/05/82 JA: PA			
8300995	15564	3703921183		107-TF		JOSEPH SCHMIDT #5	EDINBORO SOUTH	15.0	NATIONAL FUEL GAS
-FOX OIL & GAS INC				RECEIVED:		10/05/82 JA: PA			
8300888	15439	3706326714		103		THOMAS BARBOR #1	GREEN TOWNSHIP	25.5	COLUMBIA GAS TRAN
-HAROLD E BROWN				RECEIVED:		10/05/82 JA: PA			
8300892	15443	3700500000		108		BOARTZ #1 CONTRACT 1656	APOLLO	4.2	PEOPLES NATURAL G
8300891	15442	3700500000		108		FENELL I CONTRACT 1656	APOLLO	3.9	PEOPLES NATURAL G
8300890	15441	3700500000		108		FENELL II CONTRACT 1655	APOLLO	3.4	PEOPLES NATURAL G
8300889	15440	3700500000		108		FENELL WELL III CONTRACT 1656	APOLLO	3.2	PEOPLES NATURAL G
8300893	15444	3700500000		108		RIFFER I CONTRACT 1656	APOLLO FREED	1.2	PEOPLES NATURAL G
-J & J ENTERPRISES INC				RECEIVED:		10/05/82 JA: PA			
8300937	15458	3703321277		103		MIKE KOVALCHICK #3C (108A)	BRADY	6.0	COLUMBIA GAS TRAN
8300993	15559	3703321244		103		R & P #19 (A HAAG)	BRADY	6.0	COLUMBIA GAS TRAN
8300994	15560	3703321245		103		R & P #20 (A HAAG)	BRADY	6.0	COLUMBIA GAS TRAN
8300991	15557	3703321226		103		R & P COAL CO #12 (7A)	BRADY	6.0	COLUMBIA GAS TRAN
8300936	15496	3703321227		103		R & P COAL CO #13 (5RA)	BRADY	6.0	COLUMBIA GAS TRAN
8300992	15558	3703321228		103		R & P COAL CO #14 (54A)	BRADY	6.0	COLUMBIA GAS TRAN
8300935	15495	3703321247		103		R & P COAL CO #22 (45A)	BRADY	6.0	COLUMBIA GAS TRAN
8300908	15459	3703321278		103		R & P COAL CO #31 (74A)	BRADY	6.0	COLUMBIA GAS TRAN
8300834	14759	3703321223		103		R & P COAL CO #8 (33A)	BRADY	6.0	COLUMBIA GAS TRAN
8300857	15381	3706326690		103		WELLS-HRIBAL #1	GRANT	6.0	CONSOLIDATED GAS
8300858	15382	3706326691		103		WELLS-HRIBAL #2	GRANT	6.0	CONSOLIDATED GAS
-JAMES DRILLING CORP				RECEIVED:		10/05/82 JA: PA			
8300934	15494	3703320229		108		EDNA NOLDER #1	BRADY	16.0	CONSOLIDATED GAS
8300880	15428	3706520030		108		JAMES A WHITE #1	GASKILL	4.0	CONSOLIDATED GAS
8300881	15429	3706326732		108		K L SEGER #1	BANKS	7.5	CONSOLIDATED GAS
8300878	15426	3703320201		108		MORRIS W BUNDY #1	HUSTON	6.0	CONSOLIDATED GAS
8300879	15427	3704920108		108		WESLEY C FREEBURG #1	CONNEAUT	5.0	CONSOLIDATED GAS
8300877	15425	3706320733		108		WM LUNGER #1	BANKS	6.5	CONSOLIDATED GAS
-MID-EAST OIL CO				RECEIVED:		10/05/82 JA: PA			
8300927	15479	3706326322		103		BETTY O'NEILL #2	COMMODORE	13.0	COLUMBIA GAS TRAN
8300932	15484	3706325764		103		BLAINE MCADOO #2	ROCHESTER MILLS	15.0	T W PHILLIPS GAS
8300926	15478	3706326306		103		BOYER-FLEMING #1	BRUSH VALLEY	14.0	COLUMBIA GAS TRAN
8300902	15453	3706326450		103		C EDWARD STUCHELL #1	CLYMER	15.0	INDUSTRIAL ENERGY
8300903	15454	3706326451		103		C EDWARD STUCHELL #3	CLYMER	13.0	INDUSTRIAL ENERGY
8300901	15452	3712921913		103		CERNE-CAMBRUZZI #1	BOLIVAR	10.0	
8300904	15455	3706326511		103		J S STEWART #1	MCINTYRE	14.0	INDUSTRIAL ENERGY
8300899	15450	3703321263		103		JAMES K GREGG #4	BURNSIDE	15.0	T W PHILLIPS GAS
8300900	15451	3703321264		103		JAMES,K GREGG #5	BURNSIDE	15.0	T W PHILLIPS GAS

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JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8300905	15456	3706326512		103		JOHN S STEWART #2	MCINTYRE	24.0	INDUSTRIAL ENERGY
8300906	15457	3706326513		103		LISLE W STEWART #1	MCINTYRE	16.0	INDUSTRIAL ENERGY
8300955	15517	3706322452		103		LOWRY DILTS #1	PUNXSUTAWNEY	20.0	T W PHILLIPS GAS
8300956	15518	3706522525		103		M V KRIDER #1	PUNXSUTAWNEY	17.0	T W PHILLIPS GAS
8300957	15519	3706322450		103		MILES CONRAD #1	PUNXSUTAWNEY	11.0	T W PHILLIPS GAS
8300894	15445	3706326521		103		ROBERT PATSIGA #1	CLYMER	21.0	COLUMBIA GAS TRAN
8300931	15483	3706522261		103		ROY D HOFFMAN #1	COOLSPRING	16.0	
8300930	15482	3706326170		103		S J DALESSIO #1	CLYMER	26.0	INDUSTRIAL ENERGY
8300929	15481	3706326233		103		S J DALESSIO #2	CLYMER	21.0	INDUSTRIAL ENERGY
8300928	15480	3706326168		103		S J DALESSIO #3	CLYMER	23.0	INDUSTRIAL ENERGY
8300898	15449	3706326492		103		THURMAN R BRENDLINGER # 2	CLYMER	20.0	INDUSTRIAL ENERGY
8300897	15448	3706326475		103		THURMAN R BRENDLINGER #1	CLYMER	15.0	INDUSTRIAL ENERGY
8300895	15445	3706326476		103		WILLIS T EVANS #1	CLYMER	19.0	INDUSTRIAL ENERGY
8300896	15447	3706326493		103		WILLIS T EVANS #2	CLYMER	12.0	INDUSTRIAL ENERGY
-MITCHELL ENERGY CORPORATION				RECEIVED: 10/05/82		JA: PA			
8300924	15475	3703921340		103		COON #1-96	MOSIERTOWN (MEDINA-WH	0.0	COLUMBIA GAS TRAN
8300925	15476	3703921340		107-TF		COON #1-96	MOSIERTOWN (MEDINA-WH	0.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED: 10/05/82		JA: PA			
8300832	13077	3704700000		108		ALGHY NATIONAL FOR #N378	JONES TOWNSHIP	0.4	GENERAL SYSTEM PU
8300841	15147	3704700000		108		ALLEGHENY NATL FOR #1321-P	HIGHLAND TOWNSHIP	0.3	GENERAL SYSTEM PU
8300837	15098	3712100000		108		F W ANDREWS FARM #795	PINEGROVE TOWNSHIP	1.4	GENERAL SYSTEM PU
8300838	15143	3704700000		108		J K P HALL #5334	JAY TOWNSHIP	0.6	GENERAL SYSTEM PU
8300836	15097	3712100000		108		PETER PRYOR FARM #335	ROCKLAND TOWNSHIP	0.4	GENERAL SYSTEM PU
8300839	15144	3704700000		108		STATE GAME LANDS FARM #5861	SPRING CREEK TOWNSHIP	1.9	GENERAL SYSTEM PU
8300840	15145	3704700000		108		STATE GAME LANDS FARM #5869	SPRING CREEK TOWNSHIP	0.5	GENERAL SYSTEM PU
-PEMCO GAS INC				RECEIVED: 10/05/82		JA: PA			
8300980	15542	3700521755		108		NEAL #1 PERMIT ARM 21755-R	W PA UPPER DEVONIAN S	15.0	APOLLO GAS CO
8300981	15543	3700522000		108		NEAL #2 PERMIT ARM 22000	W PA UPPER DEVONIAN S	50.0	APOLLO GAS COMPAN
-PHILLIPS PRODUCTION CO				RECEIVED: 10/05/82		JA: PA			
8300985	15547	3706326819		103		BROCIOUS COAL AUGERING INC #1	RAYNE	30.0	
8300983	15545	3706326910		103		CHARLES RAYMOND GLASSER #1	RAYNE	30.0	
8300982	15544	3706326895		103		ELMER R LANEY #1	SOUTH MAHONING	30.0	
8300984	15545	3706326628		103		JOHN S LEWIS #1	EAST MAHONING	25.0	
8300986	15548	3706326687		103		VAUGHN L MCGAUGHEY #1	CENTER	25.0	
-POI ENERGY INC				RECEIVED: 10/05/82		JA: PA			
8300833	14505	3703920884		107-TF		DORN #1 CRA 20884	SPARTA	20.0	COLUMBIA GAS TRAN
-ROBERT V & MARY LEE HEADLEE				RECEIVED: 10/05/82		JA: PA			
8300876	15424	3705900000		108		HEADLEE GAS WELL	HEADLEE GAS WELL	4.3	CARNEGIE NATURAL
-S T JOINT VENTURE - 81-B				RECEIVED: 10/05/82		JA: PA			
8300855	15375	3703321200		103		WRIGLESWORTH #1	PENN	25.0	CONSOLIDATED GAS
-S T JOINT VENTURE 81A				RECEIVED: 10/05/82		JA: PA			
8300856	15376	3703321185		103		KANOUFF #1	PENN	25.0	CONSOLIDATED GAS
8300854	15374	3703321188		103		KANOUFF #2	PENN	25.0	CONSOLIDATED GAS
-SAGEBRUSH RESOURCES INC				RECEIVED: 10/05/82		JA: PA			
8300831	12000	3712329598		107-TF		S MIKRUT #1	SUGAR GROVE	20.0	NATIONAL FUEL GAS
-T W PHILLIPS GAS & OIL CO				RECEIVED: 10/05/82		JA: PA			
8300847	15351	3706321132		108		CAROLINE MINING #1	NORTH MAHONING	4.6	T W PHILLIPS GAS
8300848	15352	3706321152		108		CAROLINE MINING #2	NORTH MAHONING	3.8	T W PHILLIPS GAS
8300996	15565	3706320322		108		DONALD W STREAMS #1	BLACKLICK	1.1	T W PHILLIPS GAS
8300997	15566	3706320258		108		DONALD W STREAMS #2	BLACKLICK	1.8	T W PHILLIPS GAS
8300998	15567	3706320376		108		GILBERT L BUZZINOTTI #1	BLACKLICK	1.3	T W PHILLIPS GAS
8300845	15349	3706520196		108		GODFREY THOMAS #1	OLIVER	3.4	T W PHILLIPS GAS
8300846	15350	3706500000		108		S R WHITESELL #1	PERRY	3.3	T W PHILLIPS GAS

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JD NO    JA DKT       API NO     D SEC(1) SEC(2) WELL NAME                          FIELD NAME           PROD  PURCHASER
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8300849  15353        3706300000   108           T W PHILLIPS (WOLFE) #1            BRUSH VALLEY          4.8 T W PHILLIPS GAS
8300999  15559        3706320427   108           TREASURER OF U S A #1              BLACKLICK             0.8 T W PHILLIPS GAS
8300844  15348        3706300060   108           W C THOMAS #1                      RAYNE                13.5 T W PHILLIPS GAS
-US ENERGY DEVELOPMENT CORP         RECEIVED:  10/05/82    JA: PA
8300951  15513        3712330910   107-TF        D CURTIS #3                        COLUMBUS             20.0 COLUMBIA GAS TRAN
8300952  15514        3712330910   102-2         D CURTIS #3                        COLUMBUS             20.0 COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO             RECEIVED:  10/05/82    JA: PA
8300884  15432        3703321252   103           SOLIDAY #1 CLE-21252               PENN                 36.0 CONSOLIDATED GAS
-WAINOCO OIL & GAS CO               RECEIVED:  10/05/82    JA: PA
8300825  11772        3708520266   102-2         CHARLES W SMALL #1 (MC-14)         GREENVILLE            0.0 TENNESSEE GAS PIP
8300826  11773        3708520266   107-TF        CHARLES W SMALL #1 (MC-14)         GREENVILLE            0.0 TENNESSEE GAS PIP
8300819  11766        3708520276   102-2         CHRIS MUSGROVE #1 (MC-17)          GREENVILLE            0.0 TENNESSEE GAS PIP
8300820  11767        3708520276   107-TF        CHRIS MUSGROVE #1 (MC-17)          GREENVILLE            0.0 TENNESSEE GAS PIP
8300813  11760        3708520277   102-2         DAVID STALLSMITH #1 (MC-16)        GREENVILLE            0.0 TENNESSEE GAS PIP
8300814  11761        3708520277   107-TF        DAVID STALLSMITH #1 (MC-16)        GREENVILLE            0.0 TENNESSEE GAS PIP
8300945  15505        3703921444   107-TF        DEARL HINES #1 (W-130)             ATHENS (ROME)        30.0 COLUMBIA GAS TRAN
8300946  15506        3703921444   102-2         DEARL HINES #1 (W-130)             ATHENS (ROME)        30.0 COLUMBIA GAS TRAN
8300811  11758        3708520287   102-2         EARL BURROWS #1 (MC-19)            GREENVILLE            0.0 TENNESSEE GAS PIP
8300812  11759        3708520287   107-TF        EARL BURROWS #1 (MC-19)            GREENVILLE            0.0 TENNESSEE GAS PIP
8300943  15503        3703921553   107-TF        ERNEST P BRUNST #1 (W-132A)        ATHENS (ROME)        21.0 COLUMBIA GAS TRAN
8300944  15504        3703921553   102-2         ERNEST P BRUNST #1 (W-132A)        ATHENS (ROME)        21.0 COLUMBIA GAS TRAN
8300804  11605        3708520265   107-TF        FRANK C & MARGARET NEWBOLD #1 MC-13 GREENVILLE           0.0 TENNESSEE GAS PIP
8300823  11770        3708520235   102-2         GEORGE T ROUNDS #1 (MC-6)          GREENVILLE            0.0 TENNESSEE GAS PIP
8300824  11771        3708520235   107-TF        GEORGE T ROUNDS #1 (MC-6)          GREENVILLE            0.0 TENNESSEE GAS PIP
8300809  11756        3708520284   102-2         HARRY M KASBEE #1 (MC-21)          GREENVILLE            0.0 TENNESSEE GAS PIP
8300810  11757        3708520284   107-TF        HARRY M KASBEE #1 (MC-21)          GREENVILLE            0.0 TENNESSEE GAS PIP
8300815  11762        3708520274   102-2         JOHN CAREY #1 (MC-18)              GREENVILLE            0.0 TENNESSEE GAS PIP
8300816  11763        3708520274   107-TF        JOHN CAREY #1 (MC-18)              GREENVILLE            0.0 TENNESSEE GAS PIP
8300941  15501        3703921539   107-TF        JOHNSON OIL COMPANY #1 (W-137)     ATHENS (ROME)        20.0 COLUMBIA GAS TRAN
8300942  15502        3703921539   102-2         JOHNSON OIL COMPANY #1 (W-137)     ATHENS (ROME)        20.0 COLUMBIA GAS TRAN
8300829  11776        3708520307   102-2         JOSEPH J MORELAND #1 (MC-27)       GREENVILLE            0.0 TENNESSEE GAS PIP
8300830  11777        3708520307   107-TF        JOSEPH J MORELAND #1 (MC-27)       GREENVILLE            0.0 TENNESSEE GAS PIP
8300938  15498        3703921405   102-2         RALPH E BANGS #1 (W-122)           ATHENS (ROME)        25.0 COLUMBIA GAS TRAN
8300947  15507        3703921405   107-TF        RALPH E BANGS #1 (W-122)           ATHENS (ROME)        25.0 COLUMBIA GAS TRAN
8300827  11774        3708520293   102-2         RALPH G FRITZ #1 (MC-25)           GREENVILLE            0.0 TENNESSEE GAS PIP
8300828  11775        3708520293   107-TF        RALPH G FRITZ #1 (MC-25)           GREENVILLE            0.0 TENNESSEE GAS PIP
8300807  11754        3708520285   102-2         RANCE PARTRIDGE #1 (MC-22)         GREENVILLE            0.0 TENNESSEE GAS PIP
8300808  11755        3708520285   107-TF        RANCE PARTRIDGE #1 (MC-22)         GREENVILLE            0.0 TENNESSEE GAS PIP
8300821  11768        3708520234   102-2         ROBERT G ROBERTS #1 (MC-5)         GREENVILLE            0.0 TENNESSEE GAS PIP
8300822  11769        3708520234   107-TF        ROBERT G ROBERTS #1 (MC-5)         GREENVILLE            0.0 TENNESSEE GAS PIP
8300805  11752        3708520291   102-2         RUSSELL WOODCOCK #1 (MC-23)        GREENVILLE            0.0 TENNESSEE GAS PIP
8300806  11753        3708520291   107-TF        RUSSELL WOODCOCK #1 (MC-23)        GREENVILLE            0.0 TENNESSEE GAS PIP
8300939  15499        3703921540   107-TF        WALTER & KATHRYN SMITH #1 (W-140)  ATHENS (ROME)        25.0 COLUMBIA GAS TRAN
8300940  15500        3703921540   102-2         WALTER & KATHRYN SMITH #1 (W-140)  ATHENS (ROME)        25.0 COLUMBIA GAS TRAN
8300817  11764        3708520286   102-2         WILLIAM SHILLING #1 (MC-20)        GREENVILLE            0.0 TENNESSEE GAS PIP
8300818  11765        3708520286   107-TF        WILLIAM SHILLING #1 (MC-20)        GREENVILLE            0.0 TENNESSEE GAS PIP
SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION,
CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.
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CORRECTIONS TO PREVIOUS NOTICES / REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
79-04488	MMS(NM)	MTS LTD Part	Suter 2A (MV & PC)			C:	Well Name
79-04489	MMS(NM)	MTS LTD Part	Johns Federal #2A(MV& PC)			C:	Well Name
80-07846	OH	Wenner Petroleum	J Rupp, et al #1	128	1-22-80	C:	API No. 34-169-21819
82-20907	NM	Phillips Petroleum Co	Woolworth GP3 #2	614	4-05-82	C:	108 Approved; not 108-ER Well Name
82-40892	OK	Kaiser-Francis Oil Co	Russworm #1	692	7-23-82	C:	102-4 & 103 Approved
82-51099	OH	Robert D. Charlebois	Husman Well #1	733	9-13-82	C:	103 Approved; not 107-TF
82-52086	OH	Rovi Resources Corp	Johnson #1	736	9-22-82	C:	Applicant Name
82-52089	OH	Rovi Resources Corp	Johnson #4	736	9-22-82	C:	Well Name
82-52289	MMS(LA)	Forest Oil Corp	S. Marsh IS Blk 143 B-7	737	9-22-82	C:	102-5 Denied by JA
82-52995	MMS(WY)	Cotton Petroleum Co	Yates Federal #28-1	739	9-27-82	C:	107-RT Approved; not 107-TF
82-53028	LA	Primos Production Co	Petro-Lewis Nolan Heirs #6	739	9-27-82	C:	Well Name
82-53034	LA	Roberson Well Service	Williamson #1	739	9-27-81	C:	103 & 108 Approved
82-53057	LA	BIG Co	Read #1	739	9-27-82	C:	103 & 108 Approved
82-53087	LA	Gas Resources Inc	Bill G Halley #3	739	9-27-82	C:	103 & 108 Approved
82-53088	LA	Gas Resources Inc	Bill G Halley #4	739	9-27-82	C:	103 & 108 Approved
82-53127	LA	D-Ram Construction Co	French #1	739	9-27-82	C:	103 & 108 Approved
82-53128	LA	D-Ram Construction Co	Haygood #1	739	9-27-82	C:	103 & 108 Approved
82-53130	LA	Gas Resources Inc	E. G Meeks #1	739	9-27-82	C:	103 & 108 Approved
82-53131	LA	Roberson Well Service	Union Power #2	739	9-27-82	C:	103 & 108 Approved
82-53161	LA	Gas Resources Inc	Bill G Halley #5	739	9-27-82	C:	103 & 108 Approved
82-53172	LA	D-Ram Construction Co	Jones #1	739	9-27-82	C:	103 & 108 Approved
82-53174	LA	D-Ram Construction Co	Jones #2	739	9-27-82	C:	103 & 108 Approved
82-53175	LA	D-Ram Construction Co	Morris #1	739	9-27-82	C:	103 & 108 Approved
82-53176	LA	D-Ram Constuction Co	Williams #1	739	9-27-82	C:	103 & 108 Approved
82-55050	PA	Monroe Resources Ltd	Max Manwaring #1	748	10-14-82	C:	API No: 37-123-30551
82-55051	PA	Monroe Resources Ltd	Max Manwaring #1	748	10-14-82	C:	API No: 37-123-30551
82-55521	TX	Reef Oil Corp	W & CL Saunders Unit #1	750	10-14-82	C:	102-4 Approved; not 107-TF
82-55523	TX	Jackson Exploration Inc	Perner #2-X	750	10-14-82	C:	102-4 & 103 Approved
82-55524	TX	Wes-Tex Drilling Co	Valliant #3	750	10-14-82	C:	103 & 107-6 Approved
82-55633	TX	Texas Crude Inc	New Birmingham "B" GU 2	750	10-14-82	C:	Well Name
82-576958	OH	Ponderosa Oil Co	Leland Kratzer #1	759		C:	107-TF Denied by JA

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30283 Filed 11-3-82; 8:45 am]

BILLING CODE 6717-01-C

[Volume 765]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: October 29, 1982.

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JD-NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                        FIELD NAME             PROD   PURCHASER
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***************************************************************************
  TEXAS RAILROAD COMMISSION
***************************************************************************
-A D MANMEL PROPERTIES INC                 RECEIVED:  10/07/82    JA: TX
 8301136  F-06-053954  4241900000  102-4           B J HOYT #1 098965               ANGIE (TRAVIS PEAK TR    18.3 DELHI GAS PIPELIN
 8301137  F-06-053955  4241930358  102-4           BRADSHAW - MCSWAIN #3 097936     ANGIE (RODESSA)          54.8 DELHI GAS PIPELIN
 8301133  F-06-053951  4241930333  102-4           BRADSHAW-MCSWAIN #1 057460       ANGIE (JAMES LIME)       29.2 DELHI GAS PIPELIN
 8301134  F-06-053952  4241930358  102-4           HOLT #1 10654                    ANGIE (PETTIT) FIELD     73.0 DELHI GAS PIPELIN
 8301135  F-06-053953  4241930349  102-4           TEMPLE-EASTEX #1 098929          ANGIE (PETTET GAS)       14.6 DELHI GAS PIPELIN
-A R ARCHER JR                             RECEIVED:  10/07/82    JA: TX
 8301056  F-08-015463  4237130847  108-ER          RYAN #1                          ABELL (CLEAR FORK 320    10.2 EL PASO NATURAL G
-ADAMS EXPLORATION CO                      RECEIVED:  10/07/82    JA: TX
 8301078  F-08-047421  4217331192  103             POGO GRIGSBY #1                  CONGER (PENN)            50.0 PHILLIPS PETROLEU
-ADOBE OIL & GAS CORPORATION               RECEIVED:  10/07/82    JA: TX
 8301231  F 8A-057421  4244531072  103             MULDROW "A" #6                   PRENTICE N W (SAN AND     9.0 AMOCO PRODUCTION
-AMAX PETROLEUM CORPORATION                RECEIVED:  10/07/82    JA: TX
 8301114  F-03-051472  4215731276  102-4           C I CARDIFF #1                   KATY S (FIRST WILCOX)  1270.0 HOUSTON PIPE LINE
 8301113  F-03-051906  4215731276  102-2  103      C I CARDIFF #1                   KATY S (FIRST WILCOX)  1270.0 HOUSTON PIPE LINE
-AMINOIL USA INC                           RECEIVED:  10/07/82    JA: TX
 8301071  F-02-045983  4229700000  102-4  103      EL PASO NATURAL GAS CO #3        CHAPA EAST (9800*)     1082.0 EL PASO NATURAL G
-AMOCO PRODUCTION CO                       RECEIVED:  10/07/82    JA: TX
 8301310  F-08-057552  4247532274  103             E GREEN #1                       QUITO W (CHERRY CANYO   160.0 INTERNORTH INC
 8301199  F-03-056822  4204130748  102-2           JOHN E MARINO UNIT #1            KURTEN (WOODBINE)        73.0 FERGUSON CROSSING
 8301311  F-08-057553  4200333203  103             MIDLAND FARMS UNIT X #8          FASKEN(PENN)              1.5 AMOCO PRODUCTION
-ANDERSON PETROLEUM INC                    RECEIVED:  10/07/82    JA: TX
 8301124  F-7C-053050  4210532368  102-4           FRANK WHITE "A" 1-85             LITA (CLEARFORK)         20.0 ANDERSON PIPELINE
 8301116  F-7C-052260  4243532547  103    107-TF   JOE FRIEND ESTATE "A" 1-26       ALDWELL RANCH (CANYON   150.0 OZONA PIPELINE CO
-ANDRESS PETROLEUM INC                     RECEIVED:  10/07/82    JA: TX
 8301139  F-02-054144  4239131557  102-4           J WELDER #9                      DEVILS RUN (6200)         0.0 TENNESSEE GAS PIP
-APACHE CORPORATION                        RECEIVED:  10/07/82    JA: TX
 8301145  F-10-054316  4248331025  107-DP          REED #1-A                        KEY (MORROW U)         7300.0 EL PASO NATURAL G
-ARCO OIL AND GAS COMPANY                  RECEIVED:  10/07/82    JA: TX
 8301096  F-08-050998  4237133197  103             ROXIE NEAL "51" #3               COYANOSA N DELAWARE       1.5 DELHI OIL CORP
 8301097  F-7C-051106  4241331091  103             VIRGIL J POWELL TR E WELL #11    TILLERY (CANYON UPPER     4.0 ARCO OIL & GAS CO
-AUSTEX ENERGY INC                         RECEIVED:  10/07/82    JA: TX
 8301202  F-7B-056854  4236332812  102-4           O L MALLORY #2 (100890)          MALLORY (STRAWN)         81.0 SOUTHWESTERN GAS
-B & L OPERATING CO                        RECEIVED:  10/07/82    JA: TX
 8301353  F-7B-057635  4213333998  102-4           MIDKIFF #2 (18556)               MIDKIFF (ADAMS BRANCH     0.0 ODESSA NATURAL CO
 8301352  F-7B-057634  4213334003  102-4           MIDKIFF #7 (18556)               MIDKIFF (ADAMS BRANCH     0.0 ODESSA NATURAL CO
-BASS ENTERPRISES PRODUCTION CO            RECEIVED:  10/07/82    JA: TX
 8301228  F-08-057414  4210931572  103             GEORGE FRASER "5" #2             GERALDINE (DELAWARE 3     1.1
-BEAL OPERATING                            RECEIVED:  10/07/82    JA: TX
 8301165  F-7B-055238  4208332842  102-4           STRAWN #2 (100711)               CAMP COLORADO S (GUNS    54.0 SOUTHWESTERN GAS
-BETTIS BOYLE & STOVALL                    RECEIVED:  10/07/82    JA: TX
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                                                                             VOLUME  765           PAGE  02
JD NO    JA DKT          API NO       D SEC(1) SEC(2) WELL NAME                        FIELD NAME            PROD   PURCHASER
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 8301213  F-04-057128  4224900000    103              OTTO GOLDAPP HEIRS #1            TSESMELIS (#5000A)      0.0 VALLEY GAS CO
-BILL ROBBINS DRILLING CO              RECEIVED:  10/07/82    JA: TX
 8301126  F-03-053223  4247730414    102-2            SEABACH #1                       GIDDINGS (AUSTIN CHAL 365.0 PHILLIPS PETROLEU
-C W BROCKETT                          RECEIVED:  10/07/82    JA: TX
 8301227  F-7C-057412  4241330961    103              WILSON ESTATE #2                 CAMAR SW (STRAWN 4350   9.4 ARCO OIL & GAS CO
-C L GAGE JR                           RECEIVED:  10/07/82    JA: TX
 8301063  F-7B-040780  4236732085    103              REED #1                                                107.0 SOUTHWESTERN GAS
-CALIX CORP                            RECEIVED:  10/07/82    JA: TX
 8301189  F-01-056435  4217731329    102-4            URBAN COWBOY #1 (08194)          CHRISTIAN (6800)       72.0 VALERO TRANSMISSI
-CANYON CO                             RECEIVED:  10/07/82    JA: TX
 8301105  F-7C-051474  4210533528    108              SUE HOOVER #2-2                  AMERICAN (SPRABERRY 8   7.0 EL PASO NATURAL G
-CARTER ENERGY CORP                    RECEIVED:  10/07/82    JA: TX
 8301106  F-09-051478  4249732275    103              J STEVENS UNIT #2-T              BOONSVILLE (BEND CONG 130.0 LONE STAR GAS COM
-CENERGY EXPLORATION CO                RECEIVED:  10/07/82    JA: TX
 8301217  F-03-057241  4270830224    103              STATE TRACT 10-L SW-4 #2-L       HIGH ISLAND BLOCK 10-   0.0 TRANSCONTINENTAL
-CHESTER R UPHAM JR                    RECEIVED:  10/07/82    JA: TX
 8301062  F-7B-040222  4236300000    102-4            CALABRIA ESTATE #4-C             CALABRIA (CONGL 3700)   0.0 SOUTHWESTERN GAS
 8301081  F-7B-048124  4236300000    102-4            CALABRIA ESTATE #5 C             CALABRIA (BIG SALINE)   0.0 SOUTHWESTERN GAS
 8301079  F-7B-047804  4236300000    102-4            CARR #2-C                        CARR RANCH (STRAWN 25   0.0 SOUTHWESTERN GAS
 8301061  F-7B-040202  4236300000    103              J C CALABRIA ESTATE #3-C         CALABRIA (CONGL 3800)   0.0 SOUTHWESTERN GAS
 8301060  F-7B-040201  4236300000    103              J C CALABRIA ESTATE 4-T          PALO PINTO              0.0
-CITIES SERVICE COMPANY                RECEIVED:  10/07/82    JA: TX
 8301277  F-08-057501  4213533946    103              WEST GOLDSMITH UNIT #5125        GOLDSMITH W (CLEARFOR  15.0 SHELL OIL CO
 8301278  F-08-057502  4213533969    103              WEST GOLDSMITH UNIT #5512        GOLDSMITH W (CLEARFOR   6.0 SHELL OIL CO
-CORDOVA RESOURCES INC                 RECEIVED:  10/07/82    JA: TX
 8301208  F-7B-056911  4213333697    103              NORTH PIONEER UNIT #1510         EASTLAND COUNTY REGUL   9.1 ODESSA NATURAL GA
-COSTA RESOURCES INC                   RECEIVED:  10/07/82    JA: TX
 8301344  F-08-057619  4210332645    102-4            TUNSTILL & RENAUD #1             COSTA (CLEARFORK UPPE  10.9 PERRY PIPELINE CO
-D & H ENTERPRISES                     RECEIVED:  10/07/82    JA: TX
 8301058  F-7C-031984  4243130809    103              D & H ENTERPRISES - JOHNSON      JAMESON (STRAWN)       46.0 SUN OIL CO
-D H BRAMAN JR                         RECEIVED:  10/07/82    JA: TX
 8301226  F-8A-057407  4222700000    103              D H BRAMAN JR - T H MORTON #2    ACKERLY (DEAN SAND)    25.0 GETTY OIL CO
-DAMSON OIL CORPORATION                RECEIVED:  10/07/82    JA: TX
 8301191  F-03-056553  4220131177    102-4            SPUR LAND 1-A                    CROSBY NORTH (COOK MT 186.2 UNITED TEXAS TRAN
-DAVID A SCHLACHTER OIL & GAS          RECEIVED:  10/07/82    JA: TX
 8301341  F-08-057612  4230100000    108              BELL-LLPP #1                     WHEAT                   6.7 PHILLIPS PETROLEU
 8301340  F-08-057611  4230100000    108              BELL-LEPP #4                     WHEAT                   1.8 PHILLIPS PETROLEU
-DIAMOND SHAMROCK CORPORATION          RECEIVED:  10/07/82    JA: TX
 8301075  F-10-046839  4221131381    103              FRANK SHALLER "E" 120 #3         CANADIAN SE           485.0 INTERNORTH INC
-DISCOVERY OPERATING INC               RECEIVED:  10/07/82    JA: TX
 8301187  F-7C-056264  4241331196    103     107-TF RUTH "A" #1                        W J S (CANYON)         36.7 CRA INC
-DONALD E SLAWSON                      RECEIVED:  10/07/82    JA: TX
 8301271  F-10-057486  4229531176    103              MITCHELL #3-147                  BECKTHOLD (TONKAWA    150.0 HIGH PLAINS NATUR
-DONNIE D SMITH                        RECEIVED:  10/07/82    JA: TX
 8301209  F-7B-056920  4208300000    103              J BARR #1                        COLEMAN COUNTY REGULA  15.0 UNION TEXAS PETRO
-DOWCO PETROLEUM INC                   RECEIVED:  10/07/82    JA: TX
 8301111  F-06-051831  4240131279    102-4            RUBY HUNT UNIT #1 WELL #1        MINDEN (TRAVIS PEAK-A   0.0 TEXAS UTILITIES F
-DYCO PETROLEUM CORPORATION            RECEIVED:  10/07/82    JA: TX
 8301091  F-10-050548  4221131505    103              LEE #1-5                                               206.0 EL PASO NATURAL G
-EDWIN L COX                           RECEIVED:  10/07/82    JA: TX
 8301128  F-04-053393  4247933295    103     107-TF OLMITOS RANCH #3                   MUJERES CREEK (LOBO 6 360.0 EL PASO NATURAL G
-EL PASO NATURAL GAS COMPANY           RECEIVED:  10/07/82    JA: TX
 8301070  F-10-045744  4208730168    108-ER           MCDOWELL #13                     PANHANDLE EAST         19.0 EL PASO NATURAL G
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                                                                      VOLUME  765          PAGE  303
 JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME              PROD  PURCHASER
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 8301377  F-10-047223   4208726180   108            MCDOWELL #6                        PANHANDLE EAST          21.5 EL PASO NATURAL G
 8301347  F-10-057622   4248326201   108            NELSON #1                          PANHANDLE - EAST        20.3 EL PASO NATURAL G
 8301346  F-10-057621   4208730165   108            WISCHKAEMPER I #1                  PANHANDLE - EAST        25.8 EL PASO NATURAL G
-ENERGETICS INC                      RECEIVED:  10/07/82    JA: TX
 8301281  F-10-057513   4237530689   103            MASTERSON #G-26 (03839)            PANHANDLE (RED CAVE)     6.0 COLORADO INTERSTA
 8301282  F-10-057514   4237533888   103            MASTERSON #G-28 (03839)            PANHANDLE (RED CAVE)    22.0 COLORADO INTERSTA
 8301284  F-10-057516   4234130616   103            MASTERSON #M-21 (03839)            PANHANDLE (RED CAVE)     6.0 COLORADO INTERSTA
 8301283  F-10-057515   4234130811   103            MASTERSON#G-25 (03839)             PANHANDLE (RED CAVE)     6.0 COLORADO INTERSTA
-ENERGY RESERVES GROUP INC           RECEIVED:  10/07/82    JA: TX
 8301184  F-7C-056204   4238300000   108            RUPERT P RICKER "F" #1             CALVIN (DEAN)           14.2 UNION TEXAS PETRO
-ENSERCH EXPLORATION INC             RECEIVED:  10/07/82    JA: TX
 8301339  F-05-057610   4228960000   108            T S GASAWAY #1                     RED OAK                 15.0 LONE STAR GAS CO
-EXXON CORPORATION                   RECEIVED:  10/07/82    JA: TX
 8301188  F-04-056376   4204731082   102-4          D J SULLIVAN "B" 56 (ID PENDING)   FITA (E-4 NE)           56.0 TENNESSEE GAS PIP
 8301348  F-03-057623   4248132325   103            H C COCKBURN #119                  MAGNET WITHERS          22.0 ARMCO STEEL CORP
 8301140  F-03-054169   4224531291   103            J A DISHMAN -B- WELL 5             AMELIA (FLEMING Z-1)    22.0 HOUSTON PIPELINE
 8301212  F-04-057036   4226130714   102-4          K R TIO MOYA 11 (100544)           CALANDRIA (G-97)       606.0 ARMCO STEEL CORP
 8301218  F-06-057263   4220330913   102-2  107-TF  O O MORGAN GAS UNIT #1 #1          BLOCKER (COTTON VALLE  182.0 DELHI GAS PIPELIN
-F B LACY                            RECEIVED:  10/07/82    JA: TX
 8301095  F-04-050835   4247933226   102-4          BENAVIDES #2                       J E WILSON (7100)       36.0 VALERO TRANSMISSI
-FLORIDA GAS EXPLORATION COMPANY     RECEIVED:  10/07/82    JA: TX
 8301142  F-7C-054264   4243532753   103    107-TF  FLORENCE 26-#1                     PHYLLIS SONORA           0.0 INTRATEX GAS CO
 8301094  F-7C-050801   4243532652   103    107-TF  FLORENCE 27 #3                     PHYLLIS SONORA           0.0 INTRATEX GAS CO
 8301101  F-7C-051119   4243500000   103    107-TF  FLORENCE 32 #4                     PHYLLIS SONORA           0.0 INTRATEX GAS CO
 8301141  F-7C-054198   4243532682   103    107-TF  HUNT 34-#2                         PHYLLIS SONORA           0.0 INTRATEX GAS CO
 8301345  F-06-057620   4230131199   103            PAUL WILLIAMS #1                   BOIS D'ARC (RODESSA)   237.3 LONE STAR GAS CO
-GEOCHEMICAL SURVEYS INC             RECEIVED:  10/07/82    JA: TX
 8301144  F-7C-054289   4243532734   103    107-TF  SIMMONS RANCH #8                   SONORA (CANYON UPPER)   36.0 EL PASO NATURAL G
-GETTY OIL COMPANY                   RECEIVED:  10/07/82    JA: TX
 8301211  F-7B-056994   4235300000   103            C E BOYD 64 #1                     DORA NORTH (ELLENBURG    0.0
 8301210  F-8A-056933   4233330780   103            CLAYTON RANCH #3                   EAST TANK (FUSSELMAN)    2.0
 8301138  F-04-054047   4247900000   102-4  107-TF  EL GATO #7                         EL GATO (HIRSCH 8480)  350.0 TRANSCONTINENTAL
 8301103  F-06-051445   4234700000   102-2          MANUEL HERRERA #1                  MARTINSVILLE (TRAVIS   146.0 TEXAS EASTERN TRA
 8301076  F-02-046922   4232500000   102-4  103     NONA B DAVIS #52                   PROPOSED YOUGEEN (YEG    0.0 UNITED GAS PIPELI
 8301086  F-01-049720   4228300000   103            V SIENKIEWICZ #2                   PEARSALL (AUSTIN CHAL    0.0 CACAHUATE GAS COR
 8301072  F-06-046424   4236500000   103    107-TF  WERNER-BARNETT #2                  CARTHAGE (COTTON VALL    0.0 DELHI GAS PIPELIN
-GHR ENERGY CORP                     RECEIVED:  10/07/82    JA: TX
 8301112  F-04-051889   4250531410   102-4  107-TF  MCASKILL #7                        MCASKILL (LOBO 11300)  730.0 VALERO TRANSMISSI
-GULF OIL CORPORATION                RECEIVED:  10/07/82    JA: TX
 8301333  F-09-057603   4223731414   108            BUTTON CROWLEY #2                  JACK COUNTY REGULAR     11.0 NATURAL GAS PIPEL
 8301258  F-09-057448   4223795021   108            CAP YATES #6                       BOONSVILLE (BEND CONG   14.0 NATURAL GAS PIPEL
 8301317  F-03-057572   4224130488   102-2          D L PETERS #1                      KURTEN                  43.8 PRODUCER'S GAS CO
 8301287  F-7B-057519   4222130142   108            D MCINTOSH #2                      MCINTOSH (STRAWN)       13.0 LONE STAR GAS CO
 8301288  F-7B-057521   4222130176   108            D MCINTOSH #3                      MCINTOSH (STRAWN)        8.0 LONE STAR GAS CO
 8301325  F-7B-057595   4241795001   108            EASTER BROTHERS #1                 EASTER BROTHERS (MISS    5.0 LONE STAR GAS CO
 8301327  F-7B-057597   4241795002   108            EASTER BROTHERS #2                 EASTER BROTHERS (MISS    2.0 LONE STAR GAS CO
 8301328  F-7B-057598   4241732511   108            EASTER BROTHERS #4                 EASTER BROTHERS (MISS    4.0 LONE STAR GAS CO
 8301285  F-7B-057517   4222130402   108            F WEST #2                          MCINTOSH (BIG SALINE)   15.0 LONE STAR GAS CO
 8301332  F-09-057602   4249701520   108            GERTRUDE BOYD #1                   ALVORD (CADDO CONGL)     4.0 CITIES SERVICES O
 8301256  F-7B-057446   4236330451   108            H L SIKES #3                       GRAFORD S (CONGL)        6.0 BRAZOS FUEL CO IN
 8301260  F-7B-057450   4242530104   108            H W MCDOWELL "A" #1                BRATTEN (STRAWN)         7.0 LONE STAR GAS CO
 8301240  F-3B-057430   4247532628   103            HUTCHINGS STOCK ASSN #1091         WARD-ESTES NORTH        14.0 CABOT CORP
 8301245  F-3B-057435   4247532633   103            HUTCHINGS STOCK ASSN #1095         WARD-ESTES NORTH         3.0 CABOT CORP
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8301244  F-08-057434  4247532441    103           HUTCHINGS STOCK ASSN #1148         WARD-ESTES NORTH            10.0 CABOT CORP
8301246  F-08-057436  4247532629    103           HUTCHINGS STOCK ASSN #1165         WARD-ESTES NORTH            66.0 CABOT CORP
8301247  F-08-057437  4247532602    103           HUTCHINGS STOCK ASSN #1173         WARD-ESTES NORTH            54.0 CABOT CORP
8301248  F-08-057438  4247532578    103           HUTCHINGS STOCK ASSN #1176         WARD-ESTES NORTH            61.0 CABOT CORP
8301249  F-08-057439  4247532579    103           HUTCHINGS STOCK ASSN #1187         WARD-ESTES NORTH            43.0 CABOT CORP
8301250  F-08-057440  4247532620    103           HUTCHINGS STOCK ASSN #1188         WARD-ESTES NORTH            25.0 CABOT CORP
8301336  F-7B-057606  4236330226    106           J B RAGLE #1                       RIFE (CONGL 3900)           14.0 BRAZOS FUEL CO IN
8301176  F-03-055838  4215731247    103           J H P DAVIS #26                    LONG POINT (FRIO)           70.0 HOUSTON PIPE LINE
8301338  F-7B-057608  4236330587    108           J M MCCLURE #1                     RIFE (CONGL 3900)            9.0 BRAZOS FUEL CO IN
8301290  F-7B-057522  4236330349    108           J R HALSELL #4                     GRAFORD C (CONGL)            2.0 BRAZOS FUEL CO
8301254  F-7B-057444  4236331195    108           JENNIE M GERMANY #9                J V T (CONGL 4250)          15.0 BRAZOS FUEL CO IN
8301289  F-7B-057521  4222130405    108           L MCINTOSH #1                      MCINTOSH (STRAWN)           12.0 LONE STAR GAS CO
8301255  F-7B-057445  4236330886    108           M H MCMURREY D #4                  J V T (CONGL 4250)          17.0 BRAZOS FUEL CO IN
8301330  F-7B-057600  4242900775    108           MAGGIE HARRIS #2                   STEPHENS CO REGULAR          3.0 LONE STAR GAS CO
8301331  F-7B-057601  4242900782    108           MAGGIE HARRIS #3                   STEPHENS CO REGULAR          3.0 LONE STAR GAS CO
8301329  F-7B-057599  4242931080    108           MAGGIE HARRIS #5                   STEPHENS CO REGULAR          2.0 LONE STAR GAS CO
8301241  F-7B-057431  4242931606    108           R S TAYLOR #3                      STEPHENS CO REG (GAS)        9.0 LONE STAR GAS CO
8301130  F-04-053725  4250531117    107-TF        R VIDAURRI #7                      VIDAURRI (WILCOX 8200      250.0 TENNESSEE GAS PIP
8301251  F-08-057441  4247532499    103           UNIVERSITY 1829 #5                 WAR-WINK S (WOLFCAMP)      130.0 VALERO TRANSMISSI
8301257  F-7B-057447  4222130393    108           V SWAIM #1                         MCINTOSH (STRAWN)            8.0 LONE STAR GAS CO
8301286  F-7B-057518  4222130417    108           W L SCHOMERS #1                    MCINTOSH (BIG SALINE)       14.0 LONE STAR GAS CO
8301334  F-7C-057604  4241700826    108           WALKER-BUCKLER TR 15 #3            SHACKELFORD NE (MISS)       14.0 LONE STAR GAS CO
8301335  F-7B-057605  4241795003    108           WALKER-BUCKLER TRUST B #1          SHACKELFORD NE (MISS)        8.0 LONE STAR GAS CO
8301259  F-7B-057449  4242900777    108           WHALEN-WILSON #1                   AKIN (CADDO)                18.0 LONE STAR GAS CO
8301326  F-7B-057596  4236331236    108           WILEY T GREEN #2                   RIFE(CONGL 3900)             8.0 BRAZOS FUEL CO IN
8301337  F-7B-057607  4236330483    108           WILSON-HITTSON UNIT #1             RIFE(CONGL 3900)             6.0 BRAZOS FUEL CO IN
-HANOVER MANAGEMENT CO                 RECEIVED:  10/07/82    JA: TX
 8301183  F-06-056203  4240131286  102-2          J E HARRELL #1                     MINDEN W (PETTIT PAGE       72.0 TEXAS UTILITIES F
-HARRISON INTERESTS LTD                RECEIVED:  10/07/82    JA: TX
 8301162  F-7C-055129  4210533849  103     107-TF JOHN W HENDERSON III "K" #26       OZONA (CANYON SAND)        657.0 INTRATEX GAS CO
-HENRY PETROLEUM CORP                  RECEIVED:  10/07/82    JA: TX
 8301198  F-8A-056815  4211500000  103            KING #3                            TEX-MAMON (DEAN)             0.0 GETTY OIL CO
-HERBERT L DILLON JR                   RECEIVED:  10/07/82    JA: TX
 8301057  F-02-029271  4229732164  102-2          E A HINES #1 (096922)              TEXAM (WILCOX 8300) F      365.0 HOUSTON PIPE LINE
-HIGH CHAPPARAL OIL CO                 RECEIVED:  10/07/82    JA: TX
 8301275  F-03-057495  4247300000  102-4          COWAN-ZOLLMAN-HIGH CHAPP #2 #100228 COROLLA (YEGUA 4600)      314.0 LONE STAR GAS CO
-HNG OIL COMPANY                       RECEIVED:  10/07/82    JA: TX
 8301149  F-04-054535  4247900000  102-4  103     BRUNI MINERAL "C" #2               JUANITA (LOBO)               0.0 HOUSTON PIPELINE
 8301149  F-04-054535  4247900000  107-TF         BRUNI MINERAL "C" #2               JUANITA (LOBO)               0.0 HOUSTON PIPELINE
 8301093  F-04-050729  4247900000  103            ROSA K DE BENAVIDES #1             WEST COLE                    0.0 HOUSTON PIPELINE
-HOMABY BAY PETROLEUM CORP             RECEIVED:  10/07/82    JA: TX
 8301167  F-04-055293  4226100000  102-4          STATE OF TEXAS TR 2R4 #2-L (09216) POTRERO LOPENA (7450)      192.0 TEJAS GAS CORP
-HOOVER B L JR                         RECEIVED:  10/07/82    JA: TX
 8301153  F-10-054692  4217900000  103            J B BOWERS "B" #1-K (ID#099712)    PANHANDLE WEST             140.0 CABOT PIPELINE CO
-HOUSTON OIL & MINERALS CORPORATION    RECEIVED:  10/07/82    JA: TX
 8301064  F-03-041422  4216730855  103            STATE TRACT 343 WELL #14           POINT BOLIVAR N (L-1)        0.0 LONE STAR GAS CO
-HUFO PRODUCTION CORP                  RECEIVED:  10/07/82    JA: TX
 8301085  F-10-049514  4234130751  103            BRENT 60 #6                        BRENT (GRANITE WASH)         0.0 PANHANDLE EASTERN
 8301084  F-10-049511  4234130735  103            BRENT 60-3                         BRENT (PANHANDLE MOOR        0.0 PANHANDLE EASTERN
 8301087  F-10-050082  4206530813  103            BURNETT-25 #9                      PANHANDLE CARSON COUN        0.0 PANHANDLE EASTERN
-HUNT OIL COMPANY                      RECEIVED:  10/07/82    JA: TX
 8301196  F-7C-056808  4246131885  102-4          V T AMACKER "G" 78 #3                                         136.0 EL PASO NATURAL G
-J C MCCABE                            RECEIVED:  10/07/82    JA: TX
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JD NO    JA DKT        API NO      D SEC(1) SEC(2) WELL NAME                          FIELD NAME             PROD   PURCHASER
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 8301159  F-04-054840  4250531536    103            J AUSTIN TAYLOR #1                 HINNANT RANCH FIELD     36.0 HOUSTON PIPE LINE
-J M HUBER CORPORATION               RECEIVED:  10/07/82     JA: TX
 8301088  F-10-053306  4223331282    103            MAGNOLIA HERRING #23               PANHANDLE               44.0 COLORADO INTERSTA
 8301274  F-10-057491  4223331413    103            SOUTH HERRING #169                 PANHANDLE               43.0 COLORADO INTERSTA
-J-O'B OPERATING CO                  RECEIVED:  10/07/82     JA: TX
 8301214  F-06-057123  4207330471    102-4          J T HART #1 (ID NOT YET ASSIGNED)  LARISSA (RODESSA)      915.0 LONE STAR GAS CO
-JATAM INC                           RECEIVED:  10/07/82     JA: TX
 8301108  F-7C-051542  4243130973    103            JATAM INC KNIGHT -117 (#2)         JAMESON (STRAWN)        36.0 SUN OIL CO
 8301107  F-7C-051541  4243130974    103            JATAM INC KNIGHT-117 (#1)          JAMESON (STRAWN)        32.0 SUN OIL CO
-JOHN L COX                          RECEIVED:  10/07/82     JA: TX
 8301132  F-08-053928  4231732829    103            IDA BRISTOW #1-X RRC #16260        SPRABERRY (TREND AREA   16.0 PHILLIPS PETROLEU
-KEITH D GRAHAM                      RECEIVED:  10/07/82     JA: TX
 8301221  F-03-057359  4205131801    102-2          WILKERSON UNIT #1 ID-15798         GIDDINGS (AUSTIN CHAL   93.1 CLAJON GAS CO
-KERR-MCGEE CORPORATION              RECEIVED:  10/07/82     JA: TX
 8301065  F-10-041795  4221131348    102-2          BOWERS #1-251                      UNKNOWN                274.0 EL PASO NATURAL G
-LOGUE AND PATTERSON INC             RECEIVED:  10/07/82     JA: TX
 8301117  F-02-052331  4202531826    102-4          MARGIE CARR COLLIER #1             LINKE (1900) (PROPOSE   73.0 VALERO TRANSMISSI
-LYN-SAN CO                          RECEIVED:  10/07/82     JA: TX
 8301216  F-08057195   4210332920    103            REIDLAND #1                        SAND HILLS (TUBB)       56.2 WARREN PETROLEUM
-M BRAD BENNETT INC & RKM LTD        RECEIVED:  10/07/82     JA: TX
 8301146  F-7C-054323  4241331136    102-4          BRUTON #2                          GENEVA (STRAWN)        146.0 PRODUCERS GAS CO
 8301102  F-08-051141  4238931250    102-4  103     COLLIE "B" #2                      COLLIE (DELAWARE)      127.7 INTRATEX GAS CO
-MAJOR EXPLORATION INC               RECEIVED:  10/07/82     JA: TX
 8301109  F-01-051593  4218332133    103            DAVIES #2                          PEARSALL (BUDA LIME)    14.3 T G T INC
-MARSHALL EXPLORATION INC            RECEIVED:  10/07/82     JA: TX
 8301074  F-06-046487  4241930350    103            BAILEY #1                          HUXLEY (6100)          160.0 UNITED GAS PIPELI
 8301172  F-03-055445  4231330352    103            BOONE #1                           MADISONVILLE W (GEORG  360.0 MAR-CON ENERGY IN
 8301177  F-03-055847  4231330352    102-4          BOONE #1                           MADISONVILLE W (GEORG  290.0 MAR-CON ENERGY IN
 8301115  F-06-052081  4236531227    103            LACY-PACE #1                       WILDCAT                150.0 TEXAS EASTERN TRA
 8301073  F-06046485   4218330507    103            T A HALE #1                        WILLOW SPRINGS (TRAVI  360.0 DELHI GAS PIPELIN
-MAYCO OIL                           RECEIVED:  10/07/82     JA: TX
 8301198  F-09-058700  4207732646    103            VERNON CRUMP #1                    BLUEGROVE               52.0 FAGADAU ENERGY CO
-MCIVER INC                          RECEIVED:  10/07/82     JA: TX
 8301143  F-7B-054283  4208300000    102-4          GRACE ELLIS #1                     ELLIS (FRY)              0.0 LONE STAR GAS CO
-MEADCO PROPERTIES                   RECEIVED:  10/07/82     JA: TX
 8301154  F-7C-054728  4223531937    102-2          E SUGG 1905 #2 RRC #-09635         ELA SUGG (CISCO)         0.0 INTER NORTH INC
-MEG PETROLEUM CORP                  RECEIVED:  10/07/82     JA: TX
 8301276  F-7C-057499  4223531911    102-2  103     LOPEZ CREEK #5                     ROCK PEN (CANYON)       96.5 INTER NORTH INC
 8301262  F-7C-057457  4223531925    102-2  103     LOPEZ CREEK #7                     ROCK PEN (CANYON)      147.2 INTERNORTH INC
 8301219  F-7C-057302  4223531924    102-2  103     LOPEZ CREEK #8                     ROCK PEN (CANYON)       25.0 INTERNORTH INC
-MITCHELL ENERGY CORPORATION         RECEIVED:  10/07/82     JA: TX
 8301125  F-7B-053219  4263332853    103            CLAYTON "C" #2 #100645             TALOS (CONGL)          478.3 SOUTHWESTERN GAS
 8301179  F-79-056040  4236732271    103            WESLEY STRAIN #4                   BRAZOS EAST (CADDO)    370.5 SOUTHWESTERN GAS
-MOBIL PROD TEXAS & NEW MEXICO INC   RECEIVED:  10/07/82     JA: TX
 8301192  F-04-056583  4247932578    102-4          LAREDO NATIONAL BANK TRUSTEE #1    CANTU (LOBO 6)         982.9 UNITED TEXAS TRAN
 8301270  F-8A-057485  4221933536    103            NORTH CENTRAL LEVELLAND UNIT #366  LEVELLAND                5.1 AMOCO PRODUCTION
-MORAN EXPLORATION INC               RECEIVED:  10/07/82     JA: TX
 8301268  F-08-057483  4231730206    108            CROSS "A" #1                       SPRABERRY (TREND AREA    2.5 ADOBE OIL CO
 8301269  F-08-057484  4231730242    108            CROSS "A" #2                       SPRABERRY (TREND AREA    2.3 ADOBE OIL CO
 8301349  F-08-057627  4231730247    108            MCALPINE #2                        SPRABERRY (TREND AREA    4.4 ADOBE OIL CO
 8301351  F-7C-057630  4223531317    108            ROCKER B 85 #2                     ELA SUGG (WOLFCAMP)     16.3 INTERNORTH INC
 8301350  F-7C-057629  4223531370    108            ROCKER B 86 #2                     ELA SUGG (WOLFCAMP)     11.5 INTERNORTH INC
-MORROW RESOURCES INC                RECEIVED:  10/07/82     JA: TX
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 8301203  F-7C-056877  4245130986    102-2  103    BROWN C #1                              K W B (STRAWN)       114.5 LONE STAR GAS CO
-NEUMIN PRODUCTION CO                 RECEIVED:  10/07/82     JA: TX
 8301150  F-02-054566  4223931733    102-4         STATE TRACT260 UNIT #1 WELL #2          APPLING POINT (F-22)  506.0 ALUMINUM CO OF AM
-NORMAN EVANS                         RECEIVED:  10/07/82     JA: TX
 8301193  F-7B-056583  4236732302    103           PATRICIA BANKS #1                       POOLVILLE SW (CONG 47 127.8 LONE STAR GAS CO
-NORTH RIDGE CORP                     RECEIVED:  10/07/82     JA: TX
 8301155  F-7B-054801  4213333913    102-4  103    HALL WALKER (BEARDEN) #2                RANGER (BLACK LIME WE   0.0 PRISM ENTERPRISES
 8301156  F-7B-054802  4213333808    102-4  103    W C VOWELL #1                           RANGER (BLACK LIME WE   0.0 PRISM ENTERPRISES
-NORTH STAR PETROLEUM CORPORATION     RECEIVED:  10/07/82     JA: TX
 8301197  F-10-056810  4223300000    108           DUKE HEIRS YAKE 1-RC                    PANHANDLE WEST RED CA   0.0 PANHANDLE PRODUCI
-NORTHWEST OIL CO                     RECEIVED:  10/07/82     JA: TX
 8301316  F-03-057563  4236130364    102-4         CRAWFORD W J                            ADAMS RANCH W (1ST NO 3212.0 UNITED TEXAS TRAN
-P & R OIL INC                        RECEIVED:  10/07/82     JA: TX
 8301190  F-7C-056511  4242933233    102-4         MCCONNELL #1                            VEAL CREEK (STRAWN)   356.0 SUN GAS TRANSMISS
-PATRICK PETROLEUM CORP (MI)          RECEIVED:  10/07/82     JA: TX
 8301175  F-02-055835  4229732716    102-4         HENRY E HOUDMANN #1                     KITTIE BURNS         1000.0 VALERO TRANSMISSI
-PEND OREILLE OIL & GAS CO            RECEIVED:  10/07/82     JA: TX
 8301181  F-02-056146  4229733179    102-4         STANLEY PAWLIK GAS UNIT #2-L            FANT (WILCOX 10200)  1825.0 VALLEY GAS TRANSM
 8301182  F-02-056147  4229733179    102-4         STANLEY PAWLIK GAS UNIT 2-U             FANT (WILCOX 9500)   1825.0 VALLEY GAS TRANSM
-PENINSULA RESOURCES CORPORATION      RECEIVED:  10/07/82     JA: TX
 8301160  F-04-054865  4227331550    102-4         LEO KAUFER #1-T                         MAY SOUTH (7600') PRO   6.0 TEXAS EASTERN TRA
-PENNZOIL PRODUCING COMPANY           RECEIVED:  10/07/82     JA: TX
 8301080  F-06-048034  4236531290    103    107-TF DENNARD UNIT #3                         CARTHAGE/COTTON VALLE 585.0 UNITED GAS PIPE L
 8301131  F-06-053915  4236531380    103    107-TF HALL UNIT #2                            CARTHAGE (COTTON VALL 584.0 UNITED GAS PIPE L
-PETROLEUM EQUITIES CORP              RECEIVED:  10/07/82     JA: TX
 8301169  F-7C-055328  4243532728    103    107-TF VANDERSTUCKEN #4A                       SAWYER (CANYON)        65.0 LONE STAR GAS CO
 8301170  F-7C-055329  4243532758    103    107-TF VANDERSTUCKEN #9                        SAWYER (CANYON)        75.0 LONE STAR GAS CO
-PHILCON DEVELOPMENT CO               RECEIVED:  10/07/82     JA: TX
 8301178  F-10-056003  4229531131    103           GEORGE #1                               GLAZIER N W (MORROW U 183.0 PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY           RECEIVED:  10/07/82     JA: TX
 8301279  F-08-057566  4213503144    108           (21193) GS ANDECTOR #L-13               GOLDSMITH (CLEARFORK)   1.0 EL PASO NATURAL G
 8301314  F-10-057561  4242100000    108           BRADY E #1                              TEXAS HUGOTON - DOLOM   0.0 MICHIGAN WISCONSI
 8301280  F-08-057507  4200304521    108           EMBAR B #23                             GOLDSMITH (5600)        1.0 EL PASO NATURAL G
 8301315  F-10-057562  4223300000    108           TIMMS E T #8                            PANHANDLE - HUTCHINSO   0.0 GETTY OIL CO
 8301313  F-10-057559  4223300000    108           WHITTE NBURG #78                        PANHANDLE - HUTCHINSO   0.0 EL PASO NATURAL G
-PICKENS CO INC                       RECEIVED:  10/07/82     JA: TX
 8301195  F-04-056704  4227330512    102-4         SEXAUER #5                              RICARDO SOUTH (STRAY    3.0 HOUSTON PIPE LINE
-PITTS OIL CO & DALLAS PROD INC       RECEIVED:  10/07/82     JA: TX
 8301092  F-06-050599  4207330446    103           HOLCOMB-LITTLE #2                       WHITE OAK CREEK (TRAV 365.0 DELHI GAS PIPELIN
 8301114  F-06-051959  4207330454    103           LITTLE #2                               WHITE OAK CREEK (TRAV 366.0 DELHI GAS PIPELIN
-POLK & PATTON INC                    RECEIVED:  10/07/82     JA: TX
 8301220  F-09-057336  4227532857    103           HUBERT C CHOWNING ID #19732             TRUSCOTT SW (ATOKA)    21.9 SUN GAS TRANSMISS
-POWCO OIL & GAS INC                  RECEIVED:  10/07/82     JA: TX
 8301205  F-06-056890  4245900000    103    107-TF SMITH HEIRS-FLOYD #1                    GLENWOOD (COTTON VALL  62.0 DELHI GAS PIPELIN
-PRIMAL RESOURCES INC                 RECEIVED:  10/07/82     JA: TX
 8301118  F-7B-052452  4208332822    103           WESTMORELAND #1                         COUNTY REY            110.0 UNION TEXAS PETRO
-RAINBOW RESOURCES INC                RECEIVED:  10/07/82     JA: TX
 8301067  F-06-044514  4240500000    102-4  107-TF B H POLLARD GAS UNIT #1                 CAMP WORTH (JAMES LIM 146.0 UNITED GAS PIPE L
-RAVEN ENERGY INC                     RECEIVED:  10/07/82     JA: TX
 8301272  F-10-057489  4217930925    103           JEANNE #1 05080                         PANHANDLE GRAY COUNTY  72.0 GETTY OIL COMPANY
 8301273  F-10-057490  4217930920    103           JEANNE #2 05080                         PANHANDLE GRAY COUNTY  72.0 GETTY OIL CO
-RENDOVA OIL CO                       RECEIVED:  10/07/82     JA: TX
 8301098  F-08-051114  4237100000    103           ARCO FEE #1                             NETTERVILLE             0.0 WARREN PETROLEUM
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 8301099  F-08-051115   4237100000     103            ARCO FEE #2                          NETTERVILLE            0.0 WARREN PETROLEUM
 8301100  F-08-051116   4237100000     103            ARCO FEE #3                          NETTERVILLE            0.0 WARREN PETROLEUM
-RICHEY & CO INC                        RECEIVED:  10/07/82    JA: TX
 8301152  F-09-054586   4249732375     103            MCCURDY #1                           BOONSVILLE (BEND CONG  200.0 LONE STAR GAS CO
-ROCKY MOUNTAIN RESOURCES INC           RECEIVED:  10/07/82    JA: TX
 8301291  F-7B-057531   4205900000     102-4          PUCKETT #5 LEASE 18736               ROCKY MOUNTAIN (MISSI    0.0 PECOS GATHERING S
 8301161  F-7B-054924   4205900000     102-4  103     RAMON PUCKETT #1                     ROCKY MOUNTAIN (MISSI  300.0 PECOS GATHERING S
-ROOSTH & GENECOV PRODUCTION CO         RECEIVED:  10/07/82    JA: TX
 8301225  F-06-057394   4240131305     102-4          GEORGE CURBO #1B                     WM CHRISTIAN SURVEY A  365.0 ARCO OIL & GAS CO
-SAGE ENERGY CO                         RECEIVED:  10/07/82    JA: TX
 8301121  F-03-052717   4205132210     102-2          ALTON UNIT #1 RRC #15880             GIDDINGS (AUSTIN CHAL    6.7 PHILLIPS PETROLEU
 8301201  F-03-056829   4205100000     102-2          BIRCH CREEK "G" #1 RRC #15804        GIDDINGS (AUSTIN CHAL  198.0 PHILLIPS PETROLEU
 8301290  F-03-056828   4205100000     102-2          BIRCH CREEK "J" #1 RRC #15800        GIDDINGS (AUSTIN CHAL  142.2 PHILLIPS PETROLEU
 8301120  F-03-05215    4205100000     102-2          BROCK #N-2 RRC #100566               BIG "A" TAYLOR         278.3 PHILLIPS PETROLEU
 8301261  F-03-057454   4214900000     102-2          DEBAKEY #1 RRC #15684                GIDDINGS (AUSTIN CHAL   56.6 PHILLIPS PETROLEU
 8301123  F-03-052720   4228700000     103            DREAMER #2 RRC #13565                GIDDINGS (AUSTIN CHAL  109.5 PHILLIPS PETROLEU
 8301119  F-03-052712   4205100000     102-2          LEWIS #1 RRC #15789                  GIDDINGS (AUSTIN CHAL  333.0 PHILLIPS PETROLEU
 8301342  F-7C-057616   4210500000     103            UNIVERSITY 47-3 #1 RRC #09605        FARMER (SAN ANDRES)      1.3 INTERNORTH INC
 8301343  F-7C-057617   4238300000     103            UNIVERSITY 7-GA #5 RRC #08876        FARMER (SAN ANDRES)      4.5 INTERNORTH INC
-SAMEDAN OIL CORPORATION                RECEIVED:  10/07/82    JA: TX
 8301129  F-8A-053415   4216532071     103            SOUTH CENTRAL ROBERTSON UNIT #55     ROBERTSON NORTH/CLEAR    0.0 PHILLIPS PETROLEU
-SCANDRILL CO                           RECEIVED:  10/07/82    JA: TX
 8301066  F-10-042970   4248330856     102-4  103     MUNDAY #1                            SHAR-PAT (GRANITE WAS  286.9 PALO DURO PIPELIN
-SEAGULL RESOURCES INC                  RECEIVED:  10/07/82    JA: TX
 8301164  F-02-055182   4217500000     102-4          GBRA #I-T                            COLLETOVILLE CREEK (V    0.0 MAR/CON ENERGY IN
-SHELL OIL CO                           RECEIVED:  10/07/82    JA: TX
 8301304  F-10-057546   4229530000     108            BRADFORD R C #1722                   BRADFORD (TONKAWA)       3.4 TRANSWESTERN PIPE
 8301295  F-8A-057536   4250100000     108            DENVER UNIT #3506                    WASSON                   0.5 SHELL OIL CO
 8301294  F-8A-057535   4250100000     108            DENVER UNIT #3632                    WASSON                   0.7 SHELL OIL CO
 8301293  F-8A-057534   4250100000     108            DENVER UNIT #4212                    WASSON                   1.0 SHELL OIL CO
 8301297  F-08-057538   4213500000     108            E HARPER UNIT #211                   HARPER                   0.2 PHILLIPS PETROLEU
 8301298  F-08-057539   4213500000     108            E HARPER UNIT #6                     HARPER                   1.7 PHILLIPS PETROLEU
 8301300  F-7C-057542   4210500000     108            FORRISTALL -B- #7                    TIPPETT (LEONARD LOWE   14.9 NELEH GAS & OIL C
 8301296  F-8A-057537   4216500000     108            GAINES WASSON CLEARFORK UNIT #64026  WASSON 72                2.3 SHELL OIL CO
 8301305  F-10-057547   4221100000     108            HOBART RANCH #1-68                   HEMPHILL (GRANITE WAS   21.5 CITIES SERVICE GA
 8301301  F-08-057543   4200300000     108            LOGSDON -C- #9                       UNION                    1.2 PHILLIPS PETROLEU
 8301309  F-08-057551   4246100000     108            MIDCROSS DEVONIAN UNIT #29           CROSSETT S (DETRITAL)   14.4 SHELL
 8301306  F-8A-057548   4250100000     108            ROBERTS DORA #17                     WASSON (WOLFCAMP)        2.0 SHELL OIL CO
 8301302  F-8A-057544   4216500000     108            STARK T O "G" #2                     ROBERTSON N (SAN ANDR    0.6 PHILLIPS PETROLEU
 8301307  F-08-057549   4213500000     108            THOMAS -A- #8                        TXL (SAN ANDRES)         0.9 SHELL OIL
 8301299  F-08-057540   4213500000     108            TXL -L- A/C 1 #12                    GOLDSMITH W (SAN ANDR    0.7 SHELL OIL
 8301308  F-08-057550   4213500000     108            TXL NORTH UNIT #344 L                TXL (TUBB)               3.0 SHELL OIL
 8301303  F-08-057545   4200300000     108            UNIVERSITY 9 - AB #3                 BLOCK 9 (DEVONIAN)      19.6 EL PASO NATURAL G
 8301292  F-8A-057533   4250100000     108            YOAKUM WASSON CLEARFORK UNIT #803WY  WASSON 72                1.8 SHELL OIL CO
-STATE DEVELOPMENT CORP                 RECEIVED:  10/07/82    JA: TX
 8301168  F-03-055294   4205132228     102-4          LORETTA LINA #1                      WILLARD (NAVARRO)      306.0 FERGUSON CROSSING
-SUE-ANN OPERATING COMPANY              RECEIVED:  10/07/82    JA: TX
 8301171  F-03-055332   4208931130     103            ANDERSON UNIT #3 NOT ASSIGNED        CHESTERVILLE N (WILCO  556.0 TENNESSEE GAS PIP
-SUPERIOR OIL CO                        RECEIVED:  10/07/82    JA: TX
 8301089  F-03-053431   4228731195     102-2  103     O B FALKE #3                         GIDDINGS (AUSTIN CHAL    0.0
 8301163  F-03-055143   4228731256     102-2  103     R K MCHENRY #2                       GIDDINGS (AUSTIN-CHAL    0.0
-TAMARACK PETROLEUM CO INC              RECEIVED:  10/07/82    JA: TX
 8301264  F-08-057463   4232930860     103            PARKS #1 (RRC #25734)                PARKS (SPRABERRY)        2.0 PHILLIPS PETROLEU
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                                                                                  VOLUME  765          PAGE  .06

JD NO    JA DKT         API NO        D SEC(1) SEC(2) WELL NAME                   FIELD NAME            PROD  PURCHASER
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8301265  F-08-057464   4232930880    103              PARKS "A" #1 (RRC NO 25941) PARKS (SPRABERRY)      3.0 PHILLIPS PETROLEU
8301263  F-08-057462   4232930884    103              PARKS "A" #2 (RRC NO 25941) PARKS (SPRABERRY)      3.0 PHILLIPS PETROLEU
-TARTAN OIL & GAS                     RECEIVED:  10/07/82    JA: TX
8301157  F-03-054807   4248100000    102-4            A J WENDEL #2               PENDING              110.0
8301158  F-03-054808   4248132292    103              DAVIS HEIRS "B" #1          MILLJE (MIOCENE 3900)  0.0 ESPERANZA TRANSMI
-TCS                                  RECEIVED:  10/07/82    JA: TX
8301222  F-7B-057382   4209300000    108              WATKINS HEIRS #1 (018317)   SIPE SPRINGS (MARBLE  15.0 LONE STAR GAS CO
-TENNECO OIL COMPANY                  RECEIVED:  10/07/82    JA: TX
8301068  F-8A-044897   4203330663    103              PHILLIP CLAYTON JOHNSON 2-8 LUCKPOT (CANYON REEF)  0.0 GETTY OIL CO
-TEXACO INC                           RECEIVED:  10/07/82    JA: TX
8301267  F-08-057466   4210900000    108              CULBERSON "D" FEE #1        GERALDINE (FORD)       1.5 CONOCO INC
8301186  F-10-056214   4217900000    108              G H SAUNDERS NCT-3 #93      PANHANDLE GRAY         0.3 COLTEXO CORP
8301185  F-10-056211   4217900000    108              G H SAUNDERS NCT-3 #98      PANHANDLE GRAY COUNTY  0.3 COLTEXO CORP
8301151  F-8A-054567   4250132068    103              ROBERTS UNIT #2718          WASSON                 0.0 SHELL OIL CO
8301174  F-8A-055732   4216532365    103              ROBERTSON UNIT #48          ROBERTSON N (CLEARFOR 21.1 PHILLIPS PETROLEU
8301173  F-08-055457   4243131150    103              STERLING "G" FEE #1         CONGER (PENN)        413.6 VALERO TRANSMISSI
-TEXAS PRODUCTION CORP                RECEIVED:  10/07/82    JA: TX
8301083  F-06-049116   4220330897    103     107-TF MOBLEY #1                   BLOCKER (COTTON VALLE  0.0
-THOMAS S WEST JR                     RECEIVED:  10/07/82    JA: TX
8301090  F-02-050458   4246931825    102-4            ELMER KOLLE #1 (097693)     ELMER KOLLE (FRIO 240 146.0 TEJAS GAS CORP
-THOMAS-POWELL ROYALTY INC            RECEIVED:  10/07/82    JA: TX
8301266  F-7C-057465   4239932510    102-4            MIKESKA #3 (08628)          WINGATE NW (GRAY)    152.0 UNION TEXAS PETRO
-THROCKMORTON GAS SYSTEMS             RECEIVED:  10/07/82    JA: TX
8301059  F-7B-033297   4244732433    102-2  103       PUTNAM #1 (16837)           RICHARDS RANCH (MISSI  0.0 WARREN PETROLEUM
-TXO PRODUCTION CORP                  RECEIVED:  10/07/82    JA: TX
8301148  F-06-054443   424593054.    103     107-TF MOUGHON "A" #1              GILMER (BOSSIER SAND)  0.0 DELHI GAS PIPELIN
-U S OPERATING INC                    RECEIVED:  10/07/82    JA: TX
8301082  F-03-048871   4228730861    102-4            CORA #1 RRC ID N/A          GIDDINGS (PECAN GAP)   0.0 PERRY PIPELINE CO
8301122  F-03-052718   4228731161    102-2            ERIN #1 RRC ID N/A          GIDDINGS (AUSTIN CHAL  0.0 PERRY PIPELINE CO
8301180  F-03-056106   4228731242    102-2            NANCY PETERSON #2 ID 12204  GIDDINGS (AUSTIN CHAL  0.0 PERRY PIPELINE CO
-UNITED CO                            RECEIVED:  10/07/82    JA: TX
8301224  F-8A-057390   4207931493    103              SLAUGHTER ESTATE "J" #1 100080 LEVELLAND (SAN ANDRES  3.5 EL PASO NATURAL G
8301223  F-8A-057389   4207931431    103              SLAUGHTER ESTATE G #1 098920 LEVELLAND (SAN ANDRES 54.8 EL PASO NATURAL G
-W B TRAMMELL                         RECEIVED:  10/07/82    JA: TX
8301215  F-7B-057149   4215131416    102-4            W B TRAMMELL #4-19          JUDY GAIL EAST (CANYO  0.0 PALO DURO PIPELIN
-W L BRUCE OPERATOR                   RECEIVED:  10/07/82    JA: TX
8301229  F 10-057418   4206531096    103              RAMMING "B" (05078) #1      PANHANDLE CARSON COUN  1.0 GETTY OIL COMPANY
8301230  F 10-057419   4206531202    103              RAMMING "B" (05078) #2      PANHANDLE CARSON COUN 173.0 GETTY OIL CO
-WARREN PETR CO A DIV OF GULF OIL CO RECEIVED:  10/07/82    JA: TX
8301253  F-08-057443   4210300770    108              C-BAR SAN ANDRES UNIT #D-8  C-BAR (SAN ANDRES)     0.6 EL PASO NATURAL G
8301252  F-08-057442   4210331230    108              C-BAR SAN ANDRES UNIT #D-9  C-BAR (SAN ANDRES)     0.4 EL PASO NATURAL G
8301239  F-08-057429   4210331255    108              C-BAR SAN ANDRES UNIT #F-15 C-BAR (SAN ANDRES)     0.4 EL PASO NATURAL G
8301238  F-08-057428   4210331239    108              C-BAR SAN ANDRES UNIT #G-17 C-BAR (SAN ANDRES)     2.1 EL PASO NATURAL G
8301237  F-08-057427   4210331259    108              C-BAR SAN ANDRES UNIT #G-18 C-BAR (SAN ANDRES)     0.4 EL PASO NATURAL G
8301236  F-08-057426   4210331256    108              C-BAR SAN ANDRES UNIT #G-21 C-BAR (SAN ANDRES)     0.3 EL PASO NATURAL G
8301235  F-08-057425   4210331254    108              C-BAR SAN ANDRES UNIT #G-22 C-BAR (SAN ANDRES)     0.4 EL PASO NATURAL G
8301234  F-08-057424   4210331517    108              C-BAR SAN ANDRES UNIT #G-23 C-BAR (SAN ANDRES)     0.5 EL PASO NATURAL G
8301232  F-08-057422   4210331226    108              C-BAR SAN ANDRES UNIT #I-14 C-BAR (SAN ANDRES)     0.7 EL PASO NATURAL G
8301242  F-08-057432   4210303249    108              C-BAR SAN ANDRES UNIT #K-1  C-BAR (SAN ANDRES)     0.5 EL PASO NATURAL G
8301233  F-08-057423   4210310857    108              C-BAR SAN ANDRES UNIT H-7   C-BAR (SAN ANDRES)     0.3 EL PASO NATURAL G
8301243  F-08-057433   4210303250    108              C-BAR SAN ANDRES UNIT K-2   C-BAR (SAN ANDRES)     0.4 EL PASO NATURAL G
8301323  F-08-057593   4210300815    108              J B TUBB #2                 SAND HILLS (JUDKINS)   0.1 EL PASO NATURAL G
8301321  F-08-057590   4210330869    108              J B TUBB #21                SAND HILLS (JUDKINS)   0.2 EL PASO NATURAL G
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 JD NO    JA DKT        API NO       D SEC(1) SEC(2) WELL NAME                        FIELD NAME             PROD  PURCHASER
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 8301318  F-08-057586  4210330955    108           J B TUBB #6                        SAND HILLS (TUBB)        0.1 EL PASO NATURAL G
 8301324  F-08-057594  4210330668    108           J B TUBB "A" #19                   SAND HILLS (JUDKINS)     0.4 EL PASO NATURAL G
 8301322  F-08-057592  4210300840    108           J B TUBB "B" #1                    SAND HILLS (TUBB)        0.8 EL PASO NATURAL G
 8301319  F-08-057588  4210310445    108           J B TUBB "B" #8                    SAND HILLS (TUBB)        0.8 EL PASO NATURAL G
 8301320  F-08-057589  4210310081    108           M B MCKNIGHT #64                   ARMER (6350)             0.3 EL PASO NATURAL G
-WELLS-BATTELSTEIN OIL & GAS INC     RECEIVED:  10/07/82    JA: TX
 8301110  F-04-051717  4224931532    102-2         MARGARET ADAMS #1                  ALFRED 3980 FRIO      3650.0 SOUTHERN GAS PIPE
-WESSELY ENERGY CORPORATION          RECEIVED:  10/07/82    JA: TX
 8301147  F-05-054370  4216130727    103    107-TF LEVELS UNIT I WELL #2 ( )          TEAGUE TOWNSITE (COTT  300.0 LONE STAR GAS CO
-WESTERN CHIEF OIL & GAS CO          RECEIVED:  10/07/82    JA: TX
 8301069  F-09-045031  4223733015    103           HOLLIS LEWIS #1 120642             JACK COUNTY REGULAR     29.0 LONE STAR GAS CO
-WESTLAND OIL DEVELOPMENT CORP       RECEIVED:  10/07/82    JA: TX
 8301312  F-8A-057558  4203330795    102-4         DON A JONES #2                     GRAVEL PIT (STRAWN A)    0.0 SUN GAS CO
 8301166  F-08-055263  4237133523    107-DP        GRANDE #3 8004 JV-P                PECOS GRANDE             0.2 LONE STAR GAS CO
-WILSON ENERGY INC                   RECEIVED:  10/07/82    JA: TX
 8301207  F-08-056900  4231732489    103           STIMSON-BURLEY 10 #2               FRAN-GLASS (PENNSYLVA   35.0 ADOBE OIL & GAS C
 8301206  F-08-056899  4231732512    103           STIMSON-BURLEY 10 #4               FRAN-GLASS (PENNSYLVA   35.0 ADOBE OIL & GAS C
 8301204  F-7C-056889  4210533882    103           UNIVERSITY 15 50 #2                FARMER (SAN ANDRES)    182.0 J L DAVIS
-WOOD & LOCKER INC                   RECEIVED:  10/07/82    JA: TX
 8301127  F-08-053249  4217331196    103           NUTT 35 #1                         SPRABERRY (TREND AREA   26.0 EL PASO NATURAL G

SOURCE DATA FOR THIS NOTICE IS AVAILABLE ON MAGNETIC TAPE FROM THE NATIONAL TECHNICAL INFORMATION SERVICE (NTIS). FOR INFORMATION,
CONTACT STUART WEISMAN (NTIS) AT (703) 487-4808, 5285 PORT ROYAL RD, SPRINGFIELD, VA 22161, OR SANDRA SPEAR (FERC) (202) 357-8344.
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BILLING CODE 6717-01-C

The above notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF). An (*) before the Control (JD) number denotes additional purchasers listed at the end of the notice.

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register**.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
  102–2: New well (2.5 mile rule)
  102–3: New well (1,000 ft rule)
  102–4: New onshore reservoir
  102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
  107–GB: Geopressured brine
  107–CS: Coal seams
  107–DV: Devonian shale
  107–PE: Production enhancement
  107–TF: New tight formation
  107–RT: Recompletion tight formation
Section 108: Stripper well
  108–SA: Seasonally affected
  108–ER: Enhanced recovery
  108–PB: Pressure buildup

BILLING CODE 6717-01-M

CORRECTIONS TO PREVIOUS NOTICES / REVISIONS TO PRIOR DETERMINATIONS

JD No.	JA	Applicant	Well Name	Orig. FERC Vol. No.	Date Pub. in Federal Register	C:	Correction to prior Fed. Register notice
81-47994	TX	Mitchell Energy Corp	J L Gallett #1	511	9-25-81	C:	108 & 108-ER Approved
82-11630	OK	Kaiser-Francis Oil Co	Spurlin #1	579	1-22-82	C:	102 & 103 Approved
82-15904	OH	Petro Evaluation Serv.	Atterholt #1	594	2-17-82	C:	API No. 34-169-22789
82-36846	OH	Towner Petroleum Co	E McCracken #1	677	7-01-82	C:	Well Name
82-39060	TX	Cassell Oil Co	#2 Murdock	686	7-14-82	C:	103 Approved; not 102-4
82-39203	TX	Texaco Inc	Ira P Delouche #27	686	7-14-82	C:	Applicant name, well name 103 Approved; not 102-4 Field: Levelland Purchaser: Levelland Gasoline Plant
82-41453	TX	Tee Operating Co	Treybig #1-1	695	7-30-82	C:	Well Name
82-41943	OK	Dyco Petroleum	Rhoten 1-19	696	8-13-82	C:	Well Name
82-43144	IA	Inc Exploration Co	Grayling Lumber Co N-276	701	8-04-82	C:	Well Name
82-44931	OK	Kaiser-Francis	Russworm #1	709	8-24-82	C:	102-4 & 103 Approved
82-46199	OK	Kaiser-Francis Oil Co	Allen #1	714	8-26-82	C:	108-ER Approved
82-47637	TX	Conoco Inc	Munger-NY #24 ID #10694	720	9-08-82	C:	Well Name
82-47645	TX	Magnatex Corp	Ruth Mary Price#1 ID054430	720	9-08-82	C:	107-PE Approved; not 107-TF
82-47647	TX	William M. Siegel	Brixie #1 ID # 22208	720	9-08-82	C:	Well Name
82-47767	TX	Tommy Littlepage	Mary E. Hinson #1 (19490)	720	9-08-82	C:	Well Name
82-47878	OK	Okie Oil Inc	School Land #1-C/State C#1	721	9-08-82	C:	108 & 108-ER Approved
82-48705	OH	Earth Resources Explor & Devel. Corporation	Alborn #1	724	9-15-82	C:	103 Approved, 107 Denied
82-49070	KS	Robert F. White	Helse B #1	726	9-17-82	C:	108-SA Approved; not 108-ER
82-49426	LA	Mid Louisiana Gas Co	MLGC Fee Gas 933	727	9-17-82	C:	Well Name
82-49579	TX	Venus Oil Company	Gold-Zapp #1	728	9-17-82	C:	Well Name
82-49801	TX	Conoco Inc	Fuqua #8	728	9-17-82	C:	Well Name
82-50050	PA	C. Glenn Merchandising	Winlack No 42	730	9-16-82	C:	Well Name
82-50052	PA	C. Glenn Merchandising	Winlack No. 50	730	9-16-82	C:	Well Name
82-50057	PA	Jay Bee Oil & Gas	Broda No. 1	730	9-16-82	C:	102-4 Approved; not 102-1
82-50058	PA	Jay Bee Oil & Gas	Broda No. 9	730	9-16-82	C:	102-4 Approved; not 102-1
82-50059	PA	Jay Bee Oil & Gas	Broda No. 5	730	9-16-82	C:	102-4 Approved; not 102-1
82-50604	OK	Petro-Lewis	Burris #1	731	9-16-82	C:	108 & 108-ER Approved
82-50644	MMS(NM)	Southland Royalty Co	Hanks #2	731	9-16-82	C:	108-ER Approved; not 108-PB
82-50730	UT	CIG Exploration Inc	CIGE 94D-7-10-21J	731	9-16-82	C:	Well Name
82-50922	TX	Champlin Explor Inc	Roy Karisch #1(RRCID#14023)	732	9-16-82	C:	Well Name
82-50927	TX	Gulf Oil Corporation	I R Bordages "A" #24	732	9-16-82	C:	Well Name
82-50971	TX	Champlin Explor Inc	Gilbert Richards#1(ID14227)	732	9-16-82	C:	Well Name
82-50985	TX	Fair Oil Co	Ronald J Minaldi #1(090862)	732	9-16-82	C:	Well Name

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30254 Filed 11-3-82; 8:45 am]

BILLING CODE 6717-01-C

ENVIRONMENTAL PROTECTION AGENCY

[W-9-FRL 2239-2]

Commonwealth of the Northern Mariana Islands; Water Programs; Determination of Primary Enforcement Responsibility

This notice is issued pursuant to Section 1413 of the Safe Drinking Water Act, as amended (42 U.S.C. 300f et seq.), and 40 CFR 142.10, published at 41 FR 2918 (January 20, 1976).

An application dated August 25, 1982 was received from the Administrator of the Division of Environmental Quality requesting that the Commonwealth of the Northern Mariana Islands (CNMI) be granted primary enforcement responsibility for public water systems in the CNMI, in accordance with the provisions of the Act. The CNMI regulations governing public water systems became effective on August 25, 1982. The Attorney General of the CNMI opined on December 17, 1981, that the CNMI has the necessary legal authorities to administer and enforce the public water system supervision program.

I have determined that the CNMI has met all conditions of the Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in the CNMI. The CNMI—

1. Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations;
2. Has adopted and will implement adequate procedures for the enforcement of such State regulations, including adequate monitoring and inspection;
3. Will keep such records and make such reports as required;
4. If it permits variances or exemptions from the requirements of its regulations, will issue such variances and exemptions in accordance with the provisions of the National Primary Drinking Water Regulations;
5. Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency conditions.

Documents relating to this determination are available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Division of Environmental Quality, Dr. Torres Hospital, Commonwealth of the Northern Mariana Islands, Saipan, CM 96950

Library, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105.

All interested parties are invited to submit written comments on this determination and may request a public hearing. Written comments and/or a request for a public hearing must be submitted on or before thirty (30) days after the date of publication of this notice. Request for public hearing shall include the following information:

1. The name, address and telephone number of the individual organization or other entity requesting a hearing.
2. A brief statement of the requesting person's interest in the Regional Administrator's determination and information that the requesting person intends to submit at such hearing.
3. The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for public hearing is made within thirty (30) days after this notice, a public hearing will be held. The Regional Administrator will give further notice in the **Federal Register** and in a newspaper or newspapers of general circulation in the CNMI of any hearing to be held pursuant to a request submitted by an interested person, or on his own motion. Notice of the hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. In addition to publication as described above, notice will be sent to the person requesting a hearing and to the CNMI. Notice of the hearing will include a statement of the purpose of the hearing, and the address and telephone number of the office at which interested persons may obtain further information concerning the hearing.

After receiving the record of the hearing, the Regional Administrator will issue an order affirming or rescinding this determination. If the determination is affirmed, it shall become effective as of the date of that order.

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become effective thirty (30) days after issuance of this initial notice. Please bring this notice to the attention of any person known by you to have an interest in this determination.

(Sgd.) Sonia F. Crow,

Regional Administrator, Region 9, Environmental Protection Agency.

[FR Doc. 82-30236 Filed 11-3-82; 8:45 am]

BILLING CODE 6560-50-M

[TSH-FRL 2240-1; OPTS-140019]

General Software Corp.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA will disclose information contained in premanufacture notices (PMNs) submitted by manufacturers and importers under section 5 of the Toxic Substances Control Act (TSCA) to General Software Corporation of Landover, Maryland. Some of this information may be claimed to be confidential. General Software Corporation will review and analyze the PMN information for purposes of predicting potential exposures to the PMN substances and will require access to computerized confidential PMN information to perform computer system tuning and analysis. All of the work will be performed on EPA premises.

DATA: The disclosure of data submitted in PMNs and claimed to be confidential will occur no sooner than 10 working days after publication of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Douglas C. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, Toll-Free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator—202-554-1404).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, 5 U.S.C. 2604, manufacturers and importers of chemical substances are required to submit PMNs for new chemical substances (i.e. those that they intend to manufacture or import not included in EPA's Inventory of Chemical Substances). In reviewing PMNs EPA evaluates the potential for and magnitude of possible exposures to PMN substances. To accomplish this, EPA requires the assistance of outside experts to perform analyses of PMN information which may be helpful to EPA in this evaluation.

Under contract to EPA (Contract No. 68-01-6618), General Software Corporation of Landover, Maryland, will review and analyze PMN information, some of which may be claimed confidential. General Software Corporation will be making use of computer-based models in performing exposure assessments for initial and detailed reviews of PMNs. The models are used to predict physical/chemical properties of a PMN substance and for predicting exposure levels associated with release of the substance.

In addition, General Software Corporation, as a subcontractor to Systems Development Corporation (Contract No. 68–02–3562), will have access to the VAX 11/780 computer for purposes of system tuning, computer utilization analysis, user account structure development, and applications implementation analysis.

Pursuant to 40 CFR 2.306(j), EPA has determined that it will need to disclose confidential business information to General Software Corporation. If any PMN information is claimed to be confidential, reports prepared by General Software Corporation dealing with this confidential business information will be treated as confidential.

Since General Software Corporation will review information claimed to be confidential, EPA is publishing this notice to inform all submitters of PMNs that General Software Corporation will have access to confidential business information from EPA. General Software Corporation will have access to confidential business information only while at EPA and will not remove such data from EPA's premises.

General Software Corporation's contract specifically prohibits disclosure of any confidential business information to any third party without written authorization from EPA. General Software Corporation is required to treat all confidential business information in accordance with the requirements of the TSCA Confidential Business Information Security Manual and the Contractor Requirements for the Control and Security of TSCA Confidential Business Information Security Manual. General Software Corporation personnel will be required to sign a nondisclosure agreement before they are permitted access to such information.

Dated: October 27, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82–30318 Filed 11–3–82; 8:45 am]

BILLING CODE 6560-50-M

[TSH-FRL 2240-3; OPTS-59102B]

Polyester From an Alkanedioic Acid, Carbomonocyclic Anhydride and Substituted Alkane Diols, Approval of Test Marketing Exemption

AGENCY: Environment Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM–82–52) under section 5 of the Toxic Substances Control Act (TSCA) on September 21, 1982. Notice of receipt of the application was published in the **Federal Register** of September 30, 1982 (47 FR 43159). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–206, 401 M St., Washington, D.C. 20460, (202–382–3738).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new chemical substance in any chemical substance that is not on the inventory of existing substances compiled by EPA under section 8(b) of TSCA Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances..

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. to grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On September 21, 1982, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM–82–52. The submission is for polyester from alkanedioic acid, carbomonocyclic anhydride and substituted alkane diols. The submitter claimed its identity, the specific chemical identity, specific use, industrial sites, and process information as confidential business information. A maximum of 4,000 kilograms (kg) will be manufactured and will be test marketed for a period not to exceed 2 months.

At the maunfacturing site, 27 workers are potentially exposed for 6 hours/day for 3 days. During processing, 15 workers could be exposed for 4 hours/day for 4 days. During use in an industrial setting, 50 workers are potentially exposed for 8 hours/day for 50 days. Consumers will not be exposed to the new substance except in a cured solid state.

A notice published in the **Federal Register** on September 30, 1982 (47 FR 43159) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning this application.

EPA has established that the test marketing of the new substance in TM–82–52 under the conditions set out in the application will not present any unreasonable risk of injury to health or the environment. The Agency identified no significant health or ecological concerns.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customers specified in the application, and the quantities shipped in each shipment and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 4,000 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a 2-month period commencing on the date of signature of this notice by the Director of the Office of Toxic Substances.

6. The number of workers exposed to the new chemical should not exceed that specified in the application, and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: October 27, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-30318 Filed 11-3-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1383]

Petitions for Reconsideration of Actions in Rule Making Proceedings

October 29, 1982.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Deer Lodge, Montana) (BC Docket No. 82-309, RM-4094).

Filed by: Robert S. Stone, Attorney for Deer Lodge Broadcasting, Inc., on 10-8-82.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-30400 Filed 11-3-82; 8:45 am]

BILLING CODE 6712-01-M

Public Information Collection Requirements Submitted to Office of Management and Budget for Review

October 28, 1982.

On October 28, 1982, the Federal Communications Commission submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511.

Copies of these submissions are available from Richard D. Goodfriend, Agency Clearance Officer, (202) 632-7513. Comments should be sent to Edward H. Clarke, Office of Management and Budget, OIRA, Room 3201 NEOB, 726 Jackson Place NW., Washington, D.C. 20503.

Title: Restricted Radiotelephone Operator Permit Application

Form No.: FCC 753

Action: Revision

Respondents: Individuals who meet the basic requirements for an operator permit.

Estimated Annual Burden: 200,000 Responses; 20,000 Hours.

Title: Application for Commercial Radio Operator License (other than Restricted Radiotelephone Operator Permit)

Form No.: FCC 756

Action: Revision

Respondents: Individuals requesting new or renewed commercial radio operator license.

Estimated Annual Burden: 130,000 Responses; 11,667 Hours.

Title: Application for Ship Radio Inspection or Survey

Form No.: FCC 801

Action: Revision

Respondents: Ship radio service licensees.

Estimated Annual Burden: 3,800 Responses; 319 Hours.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-30399 Filed 11-3-82; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicare Program; Schedule of Limits on Skilled Nursing Facility Inpatient Routine Service Costs

Correction

In FR Doc. 82-26579 appearing on page 42894 as "Part II", in the issue of Wednesday, September 29, 1982, make the following corrections:

1. On page 42894, column 1, line 10 in the "Summary" "Pub. L. 92-248" should be read "Pub. L. 97-248".

2. On page 42894, column 2, under **II. Major Provisions,** the eighth line of paragraph numbered "1.", "from" should read "form".

3. On page 42894, column 2, also under **II. Major Provisions,** in the third line of paragraph numbered "3", "device" should read "derive".

4. On page 42896, column 2, the formula in the "Hypothetical Sample Chart",

"6,375 = 4,990 ""

10

"should read "6,375 + 4,990 ""

10.

5. On page 42898, column 3, line 7. "September 45, 1980" should read "September 4, 1980".

6. On page 42898, column 3, lines 16 and 17, "Pub. L. 92-248" should read "Pub. L. 97-248".

7. a. On page 42900, column 1 in the "Wage Index" entry for "Boston-Lowell-Brockton-Lawrence-Haverhill, MA—NH", remove the reference to footnote 1.

b. The entry for Casper, Wy reading "[1] 1.0638" should read "[1] 1.0632".

c. In the third column, "Rochester, NM" should read "Rochester, MN".

8. On page 42901, the heading in "Appendix I" reading "Forecaster [2] percent changes (1980-84)" should have read "Forecaster [2] percent changes (1981-1984)".

9. On page 42902, the second line of footnote 1, "National Home Survey" should read "National Nursing Home Survey".

10. On page 42902, under Appendix II, "Areas No Longer Qualifying as SMSAs", under "Constituent Counties", "Pennsylvania" should read "Pennington".

BILLING CODE 1505-01-M

Health Resources and Services Administration

Health Planning and Development National Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of December 1982.

Name: Steering Subcommittee of the National Council on Health Planning and Development date and time: December 10, 1982; 9:00 a.m. 3:00 p.m.

Place: Conference Rooms 303-305A, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201. Open for entire meeting.

Purpose: The objectives of the Steering Subcommittee are to (1) assist the Chairperson in planning the order and timing of agenda topics for full Council consideration and action to assure that the Secretary will receive advice and/or recommendations on each of its three areas of functional responsibilities under section 1503(a) in an appropriate time and manner; (2) coordinate information about and among subcommittee activities and plans; and (3) provide preliminary review of proposed changes in Council operations.

Agenda: (1) Status reports on the HRSA reorganization, Office of Health Planning and Office of Health Facilities; (2) Discussion of Agenda for Plenary Session in 1983; and (3) other Council business.

Anyone requiring information regarding the subject Subcommittee should contact Mr. Terry E. Shannon, interim Executive Secretary, National Council on Health Planning and Development, Room 6-22, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782. Telephone (301) 436-6852.

Agenda items are subject to change as priorities dictate.

Date: October 29, 1982.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 82-30390 Filed 11-3-82; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-82-1180]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Robert Neal, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503..

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Acting Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755-5310. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal described below for the collection of information ot OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the agency form number, if applicable; (4) how frequently information submissions will be required; (5) what members of the public will be affected by the proposal; (6) an estimate of the total number of hours needed to prepare the information submission; (7) whether the proposal is new or an extension or reinstatement of an information collection requirement; and (8) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Copies of the proposed forms and other available documents submitted to OMB may be obtained from David S. Cristy, Acting Reports Management Officer for the Department. His address and telephone number are listed above. Comments regarding the proposal should be sent to the OMB Desk Officer at the address listed above.

The proposed information collection requirement is described as follows:

Notice of Submission of Proposed Information Collection to OMB

Proposal: Lump Sum Drawdown of CDBG Funds for Property Rehabilitation.

Office: Community Planning, and Development.

Form Number: None.

Frequency of Submission: Annually.

Affected Public: Individuals or Households and State or Local Governments.

Estimated Burden Hours: 100.

Status: New.

Contact: Leonard Czarniecki, HUD, (202) 755-6336, Robert Neal, OMB, (202) 395-6880

(Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Dated: October 27, 1982.

Judith L. Tardy,

Assistant Secretary for Administration.

[FR Doc. 82-30404 Filed 11-3-82; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-104]

Woodlands New Community, Montgomery County, Tex.; Finding of No Significant Impact

The Department of Housing and Urban Development gives notice concerning the proposed action affecting The Woodlands New Community, Montgomery County, Texas that: A Finding of No Significant Impact (FONSI) has been made based on an Environmental Assessment (EA) of the proposed action and the 1981 Supplemental Environmental Impact Statement (SEIS). Comments are solicited before the New Community Development Corporation (NCDC) of HUD makes a final determination whether to proceed without preparing a new SEIS.

Description

The Woodlands is a new community project approved in 1972 by HUD under Title VII of the Housing and Urban Development Act of 1970 (the "Act"). It is located in Montgomery County, Texas, 28 miles north of downtown Houston. It was originally perceived that the project was to create a new town of approximately 150,000 people, housed in 50,000 dwelling units. Associated and integrated commercial, industrial, institutional, and recreational land use areas were also to be contained within the project. Build-out for this 15,000 acre development was to occur in 1992.

Purpose of FONSI

According to Council on Environmental Quality and HUD environmental regulations, an environmental assessment has been prepared to determine whether or not an SEIS is required. It is the finding of the EA that there would be no significant impact on the human environment. Therefore, in accordance with the applicable regulations, a FONSI has been prepared, and this Notice is being published to that effect. Pursuant to 40 CFR 1501.4(e)(2) of the CEQ regulations, there will be a thirty (30) day comment period before HUD makes its final determination on the FONSI. Interested individuals, governmental agencies, and private organizations are invited to comment on the FONSI by the date and to the address set forth below.

Additional Information and Comments

NCDC completed a Supplement to the original EIS in 1981. It was written to comply with HUD environmental regulations that require an update of on-going projects that have EIS's more than 5 years old. The proposed action for which that SEIS was drafted was to amend the development plan and continue the Title VII status and assistance to the project. Since that time, a Congressional mandate has necessitated that NCDC terminate its relationship with all remaining new community projects.

The only alternative HUD has available to this Proposed Action is to continue the Project Agreement and related documents. This alternative is not organizationally nor fiscally feasible for HUD or the Federal Government. In the opinion of NCDC, the development controls already in existence will be a more realistic and effective control of growth at a substantially lower cost than would be the continuation of HUD involvement.

Comments

Comments on the FONSI should be submitted to: General Manager, Mr. Warren T. Lindquist, New Community Developoment Corporation, U.S. Dept. of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C., 20410 (Attention: Mr. Edwin Baker, Environmental Clearance Officer). Commerical telephone number: (202) 755-6170. Comments should be received within 30 days of the publication of this notice.

Issued at Washington, D.C. October 27, 1982.

Richard H. Broun,

Director, Office of Environment and Energy

[FR Doc. 82-30364 Filed 11-3-82; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Irrigation Operation and Maintenance Charges; Blackfeet Indian Irrigation Project, Montana

October 15, 1982.

ACTION: Recission of General Notice Document published January 27, 1982.

This document is published under authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. A General Notice document was published in the **Federal Register** (FR-3886) on Wednesday, January 27, 1982, establishing an increase in the per acre basic water rate for the Blackfeet Indian Irrigation Project in Montana.

That document is hereby rescinded immediately effective upon publication of this notice in the **Federal Register** because it did not comply with provisions of the Administrative Procedures Act on rulemaking. Any changes to 25 CFR 221 are required to be made in compliance with the Administrative Procedures Act (5 U.S.C 551 et seq.). Water Rates will be increased for the Blackfeet Project in accordance with prescribed rulemaking procedures in the near future.

John W. Fritz,

Acting Assistant Secretary—Indian Affairs

[FR Doc. 30360 Filed 11-3-82; 8:45 am]

BILLING CODE 4310-02-M

Death Valley Timbi-Sha Shoshone Band of California; of Final Determination for Federal Acknowledgment

October 6, 1982.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary-Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(h) (formerly 54.9(h)) notice is hereby given that the Assistant Secretary acknowledges that the Death Valley Timbi-Sha Shoshone Band, c/o Mrs. Madeline Esteves, P.O. Box 108, Death Valley, California 92328, exists as an Indian tribe. This notice is based on a determination that the group satisfies all of the criteria set forth in 25 CFR 83.7 (formerly 54.7).

The modern Death Valley Timbi-Sha Shoshone Band is the successor and direct descendant of Panamint Shoshone groups which inhabited Death Valley and surrounding areas at the time of earliest white contact in 1849. Members of the group have continuously inhabited the area from earliest contact until the present. The original groups, which were historically linked, gradually combined into one beginning around 1920, coming to center on a settlement at Furnace Creek.

The group has functioned as a political unit since earliest historical times. Traditional leaders survived as late as the 1940's. A formal council was created in 1937, with Bureau assistance, and was dealt with as the group's representative until 1949. Spokesmen for the group existed and have been dealt with by the Federal Government from the early 1960's on. There is continuous evidence of informal but effective political processes which are consistent with the traditional culture.

The Timbi-Sha have retained a considerable degree of cultural distinction from surrounding non-Indian populations and are considered relatively conservative in comparison with recognized Indian groups in the area. A clear distinction is maintained with neighboring Indian groups, which recognize it as a distinct Indian group.

The group was considered to be under Bureau of Indian Affairs (BIA) jurisdiction and was provided services from as early as 1908 until 1956, although considered non-ward Indians in the 1930's. Allotments were provided some members and a reservation was created from the land belonging to one part of the group. The BIA unsuccessfully sought to create a reservation for the rest of the group in the 1930's. The group was determined eligible to orgalnize as a community of half-blood Indians under the Indian Reorganization Act in 1977.

Virtually all of the 199 members of the group can conclusively establish their ancestry as Shoshone Indian from the Death Valley area. No evidence was found that the members of the band are members of any other Indian tribes or that the tribe or its members have been terminated or forbidden the Federal relationship by an act of Congrress.

Notice of proposed findings that the Timbi-Sha Shoshone exist as an Indian tribe were published on page 10912 of the **Federal Register** on March 12, 1982. Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the findings that the Death Valley Timbi-Sha Shoshone Band exists as an Indian tribe.

The 120-day comment period ended July 12, 1982. A letter supporting the proposed finding was received from the Office of the American Indian Coordinator of the Governor's Office of the State of California. No other comments were received.

The determination is final and will become effective 60 days from the date of publication, unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 83.10 (formerly 54.10).

Kenneth Smith,

Assistant Secretary—Indian Affairs

[FR Doc. 82-30323 Filed 11-3-82, 8:45 am]

BILLING CODE 4310-02-M

Final Determination That the Munsee-Thames River Delaware Indian Nation Does Not Exist as an Indian Tribe

September 22, 1982.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8

Pursuant to 25 CFR 83.9(h) (formerly 54.9(h)) notice is hereby given that the Assistant Secretary has determined that the Munsee-Thames River Delaware Indian Nation does not exist as an Indian tribe within the meaning of

Federal law. This notice is based on a determination, following a review of public comment on the proposed findings, that the group does not meet four of the criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

Notice of the proposed findings to decline to acknowledge the group was published on page 51652 of the **Federal Register** on October 21, 1981. Interested parties were given 120 days in which to submit factual or legal arguments to rebut evidence used to support the findings that the Munsee-Thames River Delaware do not exist as an Indian tribe. There were no rebuttals submitted pursuant to 25 CFR 83.9(g) to challenge the proposed findings. The Lieutenant Governor of the State of Colorado wrote a letter to the Assistant Secretary—Indian Affairs supporting the findings.

In accordance with § 83.9(j) of the Acknowledgment regulations, an analysis was made to determine what, if any, options other than acknowledgement are available under which the Munsee-Thames River Delaware Indian Nation could make application as a tribe for services and other benefits available to recognized Indian tribes. No alternatives could be found due to the group's doubtful Indian ancestry, lack of social and political organization, and inability to establish any historical connection with the Delaware tribe. This conclusion is based on independent research conducted by the acknowledgment staff and on the factual arguments and evidence presented in the Munsee-Thames River Delaware petition.

Requests for copies of the proposed findings published earlier should be addressed to the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20245, Attention: Branch of Federal Acknwledgment.

This determination is final and will become effective 60 days from the date of publication, unless the Secretary of the Interior requests the determination be reconsidered pursuant to 25 CFR 83.10(a–c).

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82–30324 Filed 11–3–82; 8:45 am]

BILLING CODE 4310–02–M

Samish Indian Tribe; Proposed Finding Against Federal Acknowledgment

October 29, 1982.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pursuant to 25 CFR 83.9(f) (formerly 25 CFR 54.9), notice is hereby given that the Assistant Secretary proposes to decline to acknowledge that the Samish Indian Tribe, c/o Mr. Kenneth C. Hansen, P.O. Box 217, Anacortes, Washington 98221, exists as an Indian tribe within the meaning of Federal law. This notice is based on a determination that the group does not meet three of the criteria set forth in 25 CFR 83.7 and, therefore, does not meet the requirements necessary for a government-to-government relationship with the United States.

Under § 83.9(f) of the Federal regulations, a report summarizing the evidence for the proposed decision is available to the petitioner and interested parties upon written request.

Section 83.9(g) of the regulations provides that any individual or organization wishing to challenge the proposed findings may submit factual or legal arguments and evidence to rebut the evidence relied upon. This material must be submitted within 120 days of the publication of this notice. Comments and requests for a copy of the report should be addressed to the Office of the Assistant Secretary—Indian Affairs, Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20245, Attention: Branch of Federal Acknowledgment.

After consideration of the written arguments and evidence rebutting the proposed findings and within 60 days after the expiration of the response period, the Assistant Secretary will publish his determination regarding the petitioner's status in the **Federal Register** as provided in § 83.9(h).

Ken Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82–30322 Filed 11–3–82; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Land Management

[F–14909–A]

Alaska Native Claims Selection

The purpose of this decision is to modify the Decision to Issue Conveyance (DIC) of lands to Kuugpik Corporation, Inc. dated September 30, 1982, as published in the **Federal Register**, Vol. 47, No. 191, on pages 43436 through 43439, October 1, 1982.

Portions of the land descriptions in Parts I and II of the DIC have been revised to assure that all of those lands which are or may be involved in the National Petroleum Reserve in Alaska (NPR–A) boundary dispute (*State of Alaska* v. *Warner* et al., Civil Action No. J75–13, United States District Court for the District of Alaska) are included in Part II. Lands described in Part I of the DIC of September 30, 1982, which are not revised herein remain unchanged.

These descriptions are revised as follows:

Part I.—Lands Outside Naval Petroleum Reserve No. 4

Umiat Meridian, Alaska (Surveyed)

T. 10 N., R. 4 E.

Those portions of Tract A more particularly described as (protracted):

Sec. 1, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Sec. 12, all land lying above the line of the highest high water mark northeasterly of the northeasterly bank of the Nechelik Channel of the Colville River.

Containing approximately 555 acres.

T. 11 N., R. 4 E.

Those portions of Tract A more particularly described as (protracted):

Secs. 1 and 2, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Secs. 11, 12, and 13, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Secs. 24 and 36, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River.

Containing approximately 2,687 acres.

T. 12 N., R. 4 E.

Those portions of Tract A more particularly described as (protracted):

Secs. 2 and 3, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Secs. 10 and 11, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River, excluding Native allotment F–11949;

Sec. 14, excluding Native allotments F–11951 and F–11949;

Sec. 15, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River, excluding Native allotments F–11949 and F–11951;

Secs. 22 and 23, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Secs. 26 and 35, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River.

Containing approximately 3,406 acres.

T. 10 N., R. 5 E.

Those portions of Tract A more particularly described as (protracted):

Sec. 7, all land lying above the highest high water mark east of the east bank of the Nechelik Channel of the Colville River;

Sec. 9, all land lying above the highest high water mark of the northwesterly bank of the northwesterly channel of the Nechelik Channel of the Colville River.

Sec. 10, all land lying above the highest high water mark on the northwesterly bank of the Nechelik Channel and westerly bank of the Colville River;

Secs. 15 and 16, all land lying northerly of the highest water mark of the northwesterly bank of the Nechelik Channel of the Colville River.

Containing approximately 1,613 acres.

Part II.—Lands Within or Outside Naval Petroleum Reserve No. 4

Umiat Meridian, Alaska (Surveyed)

T. 10 N., R. 4 E.

That portion of Tract A more particularly described as (protracted):

Sec. 1, all land lying below the highest high water mark west of the east bank of the Nechelik Channel of the Colville River.

Containing approximately 35 acres.

T. 11 N., R. 4 E.

Those portions of Tract A more particularly described as (protracted):

Secs. 2, 11, 13, 24, and 36, all land lying below the highest high water mark west of the east bank of the Nechelik Channel of the Colville River;

That portion of Tract B more particularly described as (protracted):

Sec. 11, all land lying above the highest high water mark west of the west bank of the Nechelik Channel of the Colville River.

Containing approximately 608 acres.

T. 12 N., R. 4 E.

Those portions of Tract A more particularly described as (protracted):

Secs. 2, 3, and 4, all land lying below the highest high water mark west of the east bank of the Nechelik Channel of the Colville River;

Sec. 10, all land lying below the highest high water mark west of the east bank of the Nechelik Channel of the Colville River excluding Native allotment F-11949;

Sec. 15, all land lying below the highest high water mark west of the east bank of the Nechelik Channel of the Colville River excluding Native allotments F-11949 and F-11951;

Sec. 22, all land lying below the highest high water mark west of the east bank of the Nechelik Channel of the Colville River;

Secs. 26 and 35, all land lying below the highest high water mark west of the east bank of the Nechelik Channel of the Colville River.

Those portions of Tract B more particularly described as (protracted):

Sec. 15, all land lying above the highest high water mark west of the west bank of the Nechelik Channel of the Colville River, excluding Native allotments F-11943 and F-11947;

Sec. 22, all land lying above the highest high water mark west of the west bank of the Nechelik Channel of the Colville River, excluding Native allotment F-11943;

Secs. 26, 27, and 35, all land lying above the highest high water mark west of the west bank of the Nechelik Channel of the Colville River.

Containing approximately 2,088 acres.

T. 10 N., R. 5 E.

Those portions of Tract A more particularly described as (protracted):

Sec. 9, all land lying below the highest high water mark of the northwesterly bank of the Nechelik Channel of the Colville River;

Sec. 10, all land easterly of the highest high water mark of the west bank of the Colville River and all land lying southerly of the highest high water mark of the northerly bank of the Nechelik Channel of the Colville River;

Secs. 11 and 14;

Sec. 15, all land lying southeasterly of the highest high water mark on the northwesterly bank of the Nechelik Channel of the Colville River;

Sec. 16, all land lying southerly of the highest high water mark on the northerly bank of the Nechelik Channel of the Colville River;

Secs. 21, 22, and 23;

Secs. 27 and 28;

Secs. 32 and 33, excluding Native allotment F-14607;

That portion of Tract B more particularly described as (protracted):

Sec. 32.

Containing approximately 5,199 acres.

The total acreage approved for conveyance in Part I, Lands Outside NPR-A is 35,959 acres and Part II, Lands Within or Outside NPR-A is 7,930 acres.

Sections 1, 2, 10, and 11, of T. 12N., R. 6E., Umiat Meridian, containing 1,574 acres, are deleted from this decision and are not being approved for conveyance at this time. Also, further action on State Selection F-031802 as to these lands will be taken at a later date. Therefore, the total acreage being approved for conveyance to Kuugpik Corporation, Inc. is 48,026 acres. The remaining entitlement of approximately 24,433 acres will be conveyed at a later date.

The paragraph excluding certain water bodies which now reads:

Excluded from the above-described lands herein approved for conveyance are the submerged lands in the bed of the Colville River and in the beds of the Nechelik Channel, Kupigruak Channel, Elaktoveach Channels, Tamayayak Channel, and Sakoonang Channel; these lands are reserved in public ownership, pursuant to Sec. 1431(n), Pub. L. 96-487 of December 2, 1980.

is hereby modified to read as follows:

Excluded from the above-described lands and the acreage herein approved for conveyance are the submerged lands in the bed of the Colville River and in the beds of the Nechelik Channel, Kupigruak Channel, Elakatoveach Channels, Tamayayak Channel, and Sakoonang Channel; these lands are reserved in public ownership, pursuant to Sec. 1431(n), Pub. L. 96-487 of December 2, 1980. Also excluded is the Nanuk Lake which is considered, because of its physical setting, a part of the Colville River.

Except as modified by this decision, the Decision of September 30, 1982 stands as written and those lands not affected by this modification will be conveyed when the decision of September 30, 1982 is final.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Tundra Times.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have thirty days from receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until December 6, 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kuugpik Corporation, Inc., Nooiksut (Nuiqsut), Alaska 99724
Artic Slope Regional Corporation, P.O. Box 129, Barrow, Alaska 99723
State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510

Ann Johnson,

Chief, Branch of Alaska Native Claims Settlement Act Adjudication.

[FR Doc. 82–30321 Filed 11–3–82; 8:45 am]

BILLING CODE 4310-84-M

[C-24224]

Colorado; Correction to Partial Cancellation of Withdrawal Application and Opening of Land

October 29, 1982.

FR Doc. 82–26573 appearing in Vol. 47, No. 188 on September 28, 1982, should be corrected as follows:

The land description on page 42641 starting with T. 51 N., R. 8 E., should be listed under New Mexico Principal Meridian instead of the Sixth Principal Meridian.

The description starting T. 15 S., R. 77 W., and the remainder of the land described in the order should be listed under the Sixth Principal Meridian.

On page 42642, T. 14 S., R. 78 W., Section 9, the final line which reads SE½SE¼ should be corrected to SE¼SE¼.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

[FR Doc. 82–30386 Filed 11–3–82; 8:45 am]

BILLING CODE 4310-84-M

Disposal of Public Lands in Deschutes County, Oregon to the City of Bend, Recreation and Public Purposes Act; Realty Action

The City of Bend applied to purchase lands contained in two existing leases, and has applied to purchase an additional 280 acres of public land to complete acquisitions needed for their Wastewater Management System.

These lands have been examined and classified as suitable for sale under the Recreation and Public Purposes Act of June 14, 1926 as amended (43 U.S.C. 869 et. seq.). This classification segregates the land from all appropriations including location under the mining laws, except applications under the mineral leasing laws.

One of the current leases (OR–23469) was issued on June 15, 1981, and is being used by the City for the disposal of sludge. The lease comprises 850 acres and consists of the following described lands:

The following lands or portions thereof lyng south of the centerline of the North Unit Irrigation District Canal right-of-way and west of McGrath Road.

Willamette Meridian, Oregon

T. 17 S., R. 12 E.,
  Sec 12, SE¼NE¼, E½SE¼.
T. 17 S., R. 13 E.,
  Sec. 7, N½NE¼, SE¼NE¼, E½NW¼, SW¼NW¼, S½;
  Sec. 8, W½SW¼;
  Sec. 18, NE¼, N½NW¼.

The other lease (OR–23573) was issued on September 24, 1980, and is being used by the City for the disposal of effluent. The City has constructed a two cell infiltration evaporation pond on this parcel. This lease contains 440 acres and consists of the following described lands:

Willamette Meridian, Oregon

T. 17 S., R. 13 E.,
  Sec. 5, SW¼;
  Sec. 6, Portion of E½SE¼ lying east of North Unit Canal;
  Sec. 7, E½NE¼, portion lying east of McGrath Road;
  Sec. 8, NW¼.

Both lease areas have been used since July 1981 when the City began operating the Wastewater Treatment Plant. The Plant is situated on a 40 acre tract which was patented to the City by the Bureau under the authority of the Recreation and Public Purposes Act.

The additional 280 acre tract would be used to construct a third pond, necessary to provide an ultimate effluent disposal facility, capable of handling the estimated 6.0 MGD design flow of the Wastewater Treatment Plant through the year 2000. These lands are described as follows:

Willamette Meridian, Oregon

T. 17 S., R. 13 E.,
  Sec. 5, S½NE¼, SE¼NW¼, W½SE¼, SE¼SE¼;
  Sec. 8, NW¼NE¼.

Disposal of this property is consistent with the Bureaus land use planning as well as State and local planning and zoning.

There have been numerous public meetings conducted by the City of Bend during the course of this project.

The U.S. Environmental Protection Agency has prepared an Environmental Assessment with a Finding of No Significant Impact (FONSI) concluding that effluent disposal by a (3) cell infiltration/evaporation pond will not have any significant impacts.

In accordance with 43 CFR 2741.6(a)(2), conveyances under the Act involving public purposes other than recreation, shall not exceed 640 acres in any one calendar year.

Detailed information concerning this Recreation and Public Purposes sale is available for review at the Prineville District Office, P.O. Box 550, Prineville, Oregon 97754.

On or before December 6, 1982, interested parties may submit comments to the Prineville District Manager. Any adverse comments will be evaluated by the State Director, who may vacate or modify this action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

Dated: October 26, 1982.

Gerald E. Magnuson,

District Manager.

[FR Doc. 82–30393 Filed 11–3–82; 8:45 am]

BILLING CODE 4310-84-M

Montana; Notice of Realty Action-Lease

AGENCY: BLM-Butte District Office, Interior.

ACTION: Notice of Realty Action, Lease of public lands in Jefferson County, Montana.

SUMMARY: The following described lands have been identified as suitable for a lease under Section 302 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1732:

T8N, R4W, PMM
  Section 9:
  From corner #84 of M.S. 2679B proceed S34° 50′W, 237.93 feet to the point of beginning; thence S34° 50′W, 256.90 feet; thence S79° 36′W, 130 feet; thence N32° 31′E, 346.35 feet; thence S57° 46′E, 105.603 feet to the point of beginning. Containing .69 acres

DATES: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 3388, Butte, Montana 59702. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of this department.

FOR FURTHER INFORMATION: Information related to this lease is available at the Butte District Office, 106 N. Parkmont, P.O. Box 3388, Butte, Montana 59702.

SUPPLEMENTARY INFORMATION: These lands are to be leased noncompetitively to Donna and Jim Grace who currently own structures on the land without authorization. An incorrect survey in 1968 led Donna Grace to believe that they owned the previously described lands. The Grace's have built and maintain two summer cabins and other miscellaneous improvement on these lands. The terms, conditions, and reservations of the lease are:

1. The lease will run for a five-year period to be further evaluated upon expiration.
2. The lands will be leased subject to all valid existing rights.
3. The United States will reserve:

All the coal, oil, gas, geothermal, and other mineral deposits in the lease land together with the right to enter upon the land and prospect for, mine, and remove such materials.

The right to issue rights-of-way or use permits over the area. Such uses, however, shall not unduly impair the use of said lands for authorized purposes nor damage authorized improvements therein.

The right to use the public lands or authorize use of the public lands by the general public in any way compatible or consistent with the use authorized by this lease.

Gerald L. Quinn,

Acting State Director.

[FR Doc. 82-30349 Filed 11-3-82; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Requesting Comments on the Draft Tract Ranking Factors for the Powder River Coal Production Region

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Request for Public Comment on Draft Tract Ranking Factors.

SUMMARY: This notice is to advise the public that the Powder River Regional Coal Team is requesting comments on the tract ranking factors to be used by the team during the second round of coal activity planning in the Powder River Coal Production Region.

DATES: Comments on the draft tract ranking factors must be received by the Powder River Project Manager by close of business December 21, 1982.

ADDRESSES: Comments on the draft tract ranking factors should be addressed to J. Stan McKee, Powder River Project Manager, Bureau of Land Management, Wyoming State Office (930), P.O. Box 1828, Cheyenne, Wyoming 82001.

FOR FURTHER INFORMATION CONTACT: J. Stan McKee, Powder River Project Manager, at 307-772-2413 or FTS 328-2413.

SUPPLEMENTARY INFORMATION: The team will rank the tracts on the basis of high, medium, and low desirability for leasing using three categories. These categories are coal economics, impacts on the natural environment, and social and economic impacts that could result if the tracts are leased and mined. These major categories may be further subdivided by the team into subcategories such as tons of coal that could be mined, effects on air quality, population increases, etc. For use in the ranking process, the regional coal team will determine the emphasis to be placed on, and the degree of importance of, each of the categories and subcategories.

The proposed tract ranking factors being considered for use by the regional coal team follow:

I. Coal Resource Data

A. Economic Viability.

1. Ratio of recovered Btu's per acre of suface disturbance.

2. Energy production potential. (To what extent is the tract economically feasible and likely to be developed? Includes economy of scale.)

3. Transportation. (Proximity of mine to expected use or transportation facility. Takes into account new construction requirements.)

4. Bypass potential if not mined at this time.

B. Later Delineation Potential. (This is a specialized subfactor relating to carry-over tracts from the first round. Is there the potential for the delineation of a more viable tract if the tract is deferred until a later sale?)

C. Expansion of Existing Mines.

D. Inclusion of State Lands. (Purpose is to rank those tracts higher which include State coal lands.)

II. Impacts on the Natural Environment

A. Wildlife Habitat.

B. Reclamation Potential.

C. Water Quality and Quantity Impacts.

1. Surface.

2. Ground.

D. Air Quality.

E. Conflict of Oil and Gas Development in Coal Areas.

III. Socioeconomic Impacts

A. Disruption of Family Farms/Ranches. (Reduction of economic viability of each farm/ranch unit. Loss of family farm concept.)

B. Changes to Agriculture Productivity. (Temporary loss of land to mining.)

C. Changes to Rural Quality of Life.

D. Changes to Communities and Local Community Services.

E. Conflict with Other State/Local Development Plans/Policies.

Sincerely yours,.

James H. O'Connor,

Acting State Director.

[FR Doc. 82-30392 Filed 11-3-82; 8:45 am]

BILLING CODE 4310-84-M

Coal Preference Right Lease Applications, Meadowlark Farms; Public Hearing

AGENCY: Bureau of Land Management, Richfield District, Interior.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that a public hearing will be held to discuss three coal Preference Right Lease Applications in the Henry Mountain coal field held by Meadowlark Farms, Inc., of Indianapolis, Indiana. The hearing will be held on December 15, 1982 at 1 p.m. in the Sevier County Courthouse Auditorium, Richfield, Utah.

The purpose of the hearing is to allow opportunity for public statements on a draft Environmental Assessment (EA) of the impacts on Federal lands which could result from issuing the proposed leases.

DATES: Copies of the draft Environmental Assessment will be available from the Bureau of Land Management, Richfield District Office, 150 East 900 North, Richfield, Utah 84701 after October 29, 1982. Comments will be accepted in writing until January 3, 1983, or at the public hearing.

SUPPLEMENTARY INFORMATION: The following is a legal description of the lands for which Meadowlark Farms has filed Preference Right Lease Applications:

U-6733—Wildcat Mesa

T. 31 S., R. 8 E., Salt Lake Meridian:
  Sec. 3: Lots 9-16, S½;
  Sec. 10: All;
  Sec. 11: All;
  Sec. 14: All;
  Sec. 15: All;
  Sec. 22: All;
  Sec. 23: All;
  Sec. 26: All.
  5,120 acres.

U-6740—Swap Mesa

T. 33 S., R. 8 E., Salt Lake Meridian:
  Sec. 15: All;
  Sec. 22: All;
  Sec. 23: All;
  Sec. 24: All;

Sec. 25: N½, SW¼;
Sec. 26: N½, SE¼;
Sec. 27: N½, N½S½;
Sec. 35: N½.
4,320 acres.

U–9238—Cave Flat

T. 33 S., R. 9 E., Salt Lake Meridian:
Sec. 22: All;
Sec. 23: All;
Sec. 27: N½, SW¼;
Sec. 28: NE¼.
1,920 acres.

The PRLAs are in the Bureau's Henry Mountain Planning Unit. The coal unsuitability study, which was completed for this unit in February 1982, was used in analyzing the Preference Right Lease Applications. Copies of the study are also available from the Richfield District Office.

FOR MORE INFORMATION CONTACT: Charles Horsburgh, Richfield District Office, 150 East 900 North, Richfield, Utah 84701, or telephone (801) 896–8221.

L. R. Oldroyd,
Acting District Manager.
October 29, 1982.

[FR Doc. 82–30398 Filed 11–3–82; 8:45 am]

BILLING CODE 4310–84–M

Minerals Management Service

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 4834, Block 265, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Minerals Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 29, 1982.

John L. Rankin,
Acting Minerals Manager, Gulf of Mexico OCS Region.

[FR Doc. 82–30347 Filed 11–3–82; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Chesapeake and Ohio Canal National Historical Park Commission; Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held Saturday, December 4, 1982, at 1:00 p.m. at Grace Episcopal Church in Washington, D.C.

The Commission was established by Pub. L. 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Carrie Johnson, Chairman, Arlington, Virginia.
Mr. Carl L. Shipley, Washington, D.C.
Ms. Polly Bloedorn, Bethesda, Maryland.
Mrs. Constance Lieder, Baltimore, Maryland.
Mr. James B. Coulter, Annapolis, Maryland.
Mr. William H. Ansel, Jr., Romney, West Virginia.
Mr. Silas Starry, Shepherdstown, West Virginia.
Ms. Bonnie Troxell, Cumberland, Maryland.
Mr. John D. Millar, Cumberland, Maryland.
Mr. Rockwood H. Foster, Washington, D.C.
Mr. Barry Passett, Washington, D.C.
Ms. Barbara Yeaman, Brookmont, Maryland.
Ms. Marjorie Stanley, Silver Spring, Maryland.
Mrs. Minny Pohlmann, Dickerson, Maryland.
Dr. James H. Gilford, Frederick, Maryland.
Mr. R. Lee Downey, Williamsport, Maryland.
Mr. Edward K. Miller, Hagerstown, Maryland.

Matters to be discussed at this meeting include:

1. Discussion, Park Problems, Georgetown Section.
2. Superintendent's Report.
3. Committee Reports.
   Plans and Projects Committee.
   Recreation, Policies and Issues.
   Resource Protection.
4. Public Comments.
5. New Business.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Superintendent C&O Canal National Historical Park, P.O. Box 4, Sharpsburg, Maryland 21782.

Minutes of the meeting will be available for public inspection four (4) weeks after the meeting at Park Headquarters, Sharpsburg, Maryland.

Dated: October 29, 1982.

Robert Stanton,
Acting Regional Director, National Capital Region.

[FR Doc. 82–30338 Filed 11–3–82; 8:45 am]

BILLING CODE 4310–70–M

Upper Delaware National Scenic and Recreational River; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting of the Upper Delaware Citizens Advisory Council. Notice of this meeting is required under the Federal Advisory Committee Act

DATE: November 26, 1982, 7 p.m.

ADDRESS: Arlington Hotel, Narrowsburg, New York.

FOR FURTHER INFORMATION CONTACT: John T. Hutzky, Superintendent, Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159 (717/729–7135).

SUPPLEMENTARY INFORMATION: The Advisory Council was established under section 704(f) of the National Parks and Recreation Act of 1978, Pub. L. 95–625, 16 U.S.C. 1274 note, to encourage maximum public involvement in the development and implementation of the plans and programs authorized by the Act. The Council is to meet and report to the Delaware River Basin Commission, the Secretary of the Interior, and the Governors of New York and Pennsylvania in the preparation of a management plan and on programs which relate to land and water use in the Upper Delaware region. The agenda for the meeting will include review of Draft Management Plan.

The meeting will be open to the public. Any member of the public may file with the Council a written statement concerning agenda items. The statement should be addressed to the Council c/o

Upper Delaware National Scenic and Recreational River, Drawer C, Narrowsburg, N.Y. 12764–0159. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Upper Delaware National Scenic and Recreational River, River Road, 1¾ miles north of Narrowsburg, N.Y., Damascus Township, Pennsylvania.

Dated: October 29, 1982.

Don H. Castleberry,

Acting Regional Director, Mid-Atlantic Region.

[FR Doc. 82–30337 Filed 11–3–82; 8:45 am]

BILLING CODE 4310–70–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–10 (Sub-11)]

Norfolk and Western Railway Company Abandonment Between New Castle and Rushville, in Henry and Rush Counties, Indiana; Findings

The Commission has issued a decision approving the Norfolk and Western Railway Company's application to abandon its 22.21-mile rail line between milepost 1.92 near New Castle, IN and milepost 23.9 at Rushville, IN in Henry and Rush Counties, IN. An bandonment certificate will be issued unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10906 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–30800 Filed 11–3–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers, Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC–FC–80028. By decision of October 21, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Custom Highway Interstate Express Freight, Inc. of Certificates No. MC–71478 issued July 9, 1951, No. MC–71478 (Sub-No. 14) issued September 22, 1952; No. MC–71478 (Sub-No. 18) issued March 3, 1955; No. MC–71478 (Sub-No. 20) issued October 4, 1955, No. MC–71478 (Sub-No. 21) issued April 7, 1959, No. MC–71478 (Sub-No. 23) issued March 18, 1960; No. MC–71478 (Sub-No. 26) issued February 1, 1962; No. MC–71478 (Sub-No. 28) issued March 10, 1964; No. MC–71478 (Sub-No. 29) issued April 19, 1965; No. MC–71478 (Sub-No. 31) issued April 11, 1967: No. MC–71478 (Sub-No. 32) issued February 17, 1972; No. MC–71478 (Sub-No. 33) issued September 12, 1977; No. MC–71478 (Sub-No. 39) issued October 23, 1978; No. MC–71478 (Sub-No. 46) issued November 4, 1980; No. MC–71478 (Sub-No. 49) issued September 3, 1981; and No. MC–71478 (Sub-No. 50) issued May 26, 1981; and No. MC–71478 (Sub-No. 52)X issued June 15, 1981; to the Chief Freight Lines Company (Debtor in Possession). The operating rights approved for transfer authorize transportation of general commodities, with exceptions, and other commodities over described regular routes named points in MO, OK, KS, and TX and over irregular routes between points in IL, IN, KY, KS, MO, NY, OH, OK, WV, and those in PA on and west of Interstate Hwy 79. Representative: Carl L. Steiner, 29 South LaSalle Street, Chicago, IL 60603.

MC–FC–80049. By decision of September 22, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to PONY LINES, INC. of Certificate No. MC–119864 (Sub-No. 79) issued July 19, 1982 to CRAIG TRANSPORTATION CO., authorizing the transportation of such commodities as are dealt in or used by grocery and food business houses, drug stores and department stores, between those points in the United States east of ND, SD, NE, CO and NM. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167.

Note.—This notice corrects the notice published in the **Federal Register** Vol. 47, No. 192, p. 43801, Monday, October 4, 1982 which contained an inadvertent error.

MC–FC–80055. By decision of October 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to Four Star Trucking, subsidiary of Four Star Construction Inc., of Superior, WI, of Certificate No. MC–14566 (Sub-No. 1) F and all sub-numbers thereunder, issued variously in 1980 and 1981 to Stalberger, Inc. (Conrad H. Lund, Trustee in Bankruptcy), of Duluth, MN, authorizing the transportation of many specified commodities, such as roofing and building materials, metal products, floor coverings, appliances, food and food products, and paper, generally between specified points or points in named counties in MN, IL, PA, NJ, and parts or all of several other States on or near the

Mississippi River, on the one hand, and, on the other, points in named States in the mid-section of the US, or between ports of entry on the international boundary line between the US and Canada, on the one hand, and, on the other, points in many States; and general commodities (with certain exceptions) for the US Government, between points in the U.S. Representative: Dale K, Johnson, Four Star Construction, Inc., 7500 Tower Ave., Superior, WI 54880 (715) 394-9564.

MC-FC-80061—CORRECTION. Previously published in **Federal Register** on October 14, 1982. SHIPPERS TRANSPORTATION, INC., transferee. GRAND ISLAND MOVING & STORAGE, INC., transferor. Representative: Marshall D. Becker, Suite 610, 717 Mercy Road, Omaha, NE 68106. The purpose of this republication is to redescribe part (2)(A) of the authority set forth in the prior publication, so as to specify operations between points in Hall County, NE, and those in that part of Howard and Merrick Counties, NE, south of Nebraska Hwy 92, restricted to the performance of operations solely within Nebraska. Refercence to Howard and Merrick Counties.

MC-FC-80090. By decision of October 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to R.A. Caudle, Inc., d/b/a Fannie Lee Mitchell, Inc., of Lovington, NM of Certificate No. MC-120209 (Sub-No. 2) issued to Fannie Lee Mitchell, Inc., of Lovington, NM authorizing *machinery, materials, supplies, and equipment,* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, between points in Lea County, N. Mex., and Oldham, Potter, Carson, Gary, Wheeler, Deaf Smith, Randall, Armstrong, Donley, Collingsworth, Parmer, Castro, Swisher, Briscoe, Hall, Childress, Bailey, Lamb, Hale, Floyd, Motley, Cottle, Cochran, Hockely, Lubbock, Crosby, Dickens, King, Yoakum, Terry, Lynn, Graza, Kent, Stonewall, Gaines, Dawson, Borden, Scurry, Fisher, Andrews, Martin, Howard, Mitchell, Nolan, Culberson, Loving, Winkler, Ector, Midland, Glassock, Sterling, Coke, Reves, Ward, Crabem Upton, and Reagan Counties, TX. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408.

Note.—TA lease is not sought. Transfer is not a carrier.

MC-FC-80101. By decision of October 26, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Knight Lines, Inc., of Aliquippa, PA, of Permit No. MC-152672 (Sub-No. 1) issued March 26, 1981, to A Roger Leasing, Ltd., of Coraopolis, PA, authorizing: (1) *Iron and steel articles and iron and steel by-products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) between points in the Untied States, under continuing contract(s) with United States Steel Corporation, of Pittsburgh, PA. Representative: Barry WEintraub, Attorney, 8133 Leesburg Pike, Suite 510, Vienna, VA 22180 (703)-442-8330.

Note.—TA lease is not sought. Transferee is not a carrier.

MC-FC-80107. By decision of October 15, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Mercury Transportation, Inc., of Houston, TX, of paragraph 2 Certificate No. MC-142467 (Sub-No. 1) and all of certificate No. MC-142467 (Sub-No. 2), issued, respectively; December 2, 1981, and September 27, 1982, to Dixie Freight Line, Inc., of Greenville, MS, authorizing the transportation of: *such commodities as are dealt in or used in the manufacture, repair and servicing of vessels and watercraft* between points in AL, AR, DE, FL,. GA, KS, KY, IA, IL, IN, LA, MI, MN, MO, MS, NC, OH, OK, PA, SC, TN, TX, VA, WI, and WV; *such commodities as are dealt in or used by regional farm supply, manufacturing and marketing cooperatives,* between those points in the U.S. in and east of ND, SD, NE, CO, and NM. Application has been filed for temporary authority. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335-3576.

MC-FC-80108. By decision of October 26, 1982, issued under 49 U.S.C. 10926 and the transfer rules at CFR Part 1132, Review Board Number 3 approved the transfer to SIOUXLAND REFRIGERATED EXPRESS COMPANY of Sioux City, IA, of Permit No. MC-124774 Sub 147 issued to MIDWEST REFRIGERATED EXPRESS, INC., of Omaha, NE authorizing: Food and related products, between points in the U.S. Representative: Arlyn L. Westergren, Suite 201, 9202 West Dodge Rd., Omaha, NE 68114.

Note.—TA lease is sought. Transferee is not a carrier.

MC-FC-80110. By decision of October 26, 1982 issued under 49 U.S.C 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Majic Transport, Inc., of Syracuse, NY of Certificate No. MC-10955 (Sub-No. 16) issued to Renner Motor Lines, Inc., of Akron, OH authorizing the transportation of *general commodities* (except commodities in bulk, household goods as defined by the Commission, and Classes A and B explosives), between points in CT, DE, IL, IN, KY, MA, MD, MI, MO, NJ, NJ, NY, OH, PA, RI, VT, VA, WV, and WI; subject to coincidental concellation at the written request of Renner Motor Lines, Inc., of Certificate No. MC-10955 (Sub-No. 15X) and the Certificate which it supersedes in No. MC-10955 and Sub-Nos. 2, 3, 6, 7, 10, 11, 12, 13, and 14. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202.

Note.—TA lease is not sought. Transferee is not a carrier.

MC-FC-80118. By decision of October 20, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to Ronaflex Corp. of Certificate No. MC-56641 (Sub-Nos. 4 and 5) issued October 12 and 27, 1976 to Torrey Delivery, Inc. generally authorizing the transporting (1) over irregular routes of food products and materials, equipment and supplies used in the manufacture of food products (except commodities in bulk), between Erie and Northesat, PA and Westfield and Brocton, NY, on the one hand, and the other, points in NY and (2) over irregular and regular routes of general commodities (With exceptions) between various named points in Western NY. Representative: E. Stephen Heisley, P.C., 1919 Pennsylvania Avenue, N.W., Suite 500, Washington, DC 20006.

MC-FC-80125. By decision of October 21, 1982, issued under 49 U.S.C. 10926 and the transfer rules at CFR Part 1132, Review Board Number 3 approved the transfer to RYAN TRANSFER CORPORATION, of Green Bay, WI of Certificate Nos. MC-69145 and MC-69145 (Sub-No 2), issued to CHARLES MONTGOMERY MITCHELL, CHARLES MULLINS MITCHELL AND WILLIAM EDWIN MITCHELL, d/b/a C.M. MITCHELL & SONS TRANSFER CO., of Meridian MS, which authorize the transportation, (1) over regular routes, of *general commodities* (with exceptions), (a) between Mt. Sterling, AL and Meridian MS, serving all intermediate points, and (b) between Mt. Sterling, AL, and the junction of AL Hwys 10 and 19, near Yantley, AL, serving the intermediate points of Lavaca, Pennington, Robjohn, Choctaw, Jachin, and Yantley, and the plant site of Marathon Corporation near Neheoln, AL, as an off-route point; and (2) over irregular routes, *pulp, paper and related products*, between points in Meringo, Choctaw and Sumter Counties, AL, and Lauderdale County, MS, on the one hand, and, on the other, points in AL, MS, and LA. Representative: James Robert Evans, 145 W. Wisconsin Avenue, Neenah, WI 54956.

Note.—Transferee is not a carrier but is affiliated with Ryan Moving & Storage, a carrier under MC-111377.

MC-FC-80148. By decision of October 26, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Summit Trucking, Inc., of Puyallup, WA of Certificate No. MC-156258 issued to Trails End Trucking, Inc., of Orting, WA authorizing the transportation of (1) *such commodities* as are dealt in or used by manufacturers, distributors and suppliers of clothing, between points in WA and UT, on the one hand, and, on the other, points in WA, OR, CA, UT, CO, MN, OH, IL, PA, NY, MA, NJ, RI, CN, and Teton County, WY, (2) *such commodities* as are dealt in or used by manufacturers, distributors and suppliers or ceramic tile, between points in Spokane County, WA on the one hand, and, on the other, Portland, OR, points in King County, WA and points in CA, and (3) *food and related products*, between points in King and Pierce Counties, WA on the one hand, and, on the other, Denver, CO, Milwaukee, WI and Los Angeles, CA. Representative: Jack R. Davis, 1200 IBM Bldg., Seattle, WA 98101.

Note.—TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30301 Filed 11-3-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisidictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3 (202) 275-5223.

Volume No. OP3-11

Decided: October 29, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC 116544 (Sub-255), filed October 21, 1982. Applicant: ALTRUK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Joseph P. Ficurelli, P.O. Box 10280, Palo Alto, CA 94303, (415) 856-0400. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164275, filed October 19, 1982. Applicant: BAY CITIES CRANE & RIGGING, INC., 912 Harbour Way So., Richmond, CA 94804. Representative: P. A. Trentz (same address as applicant), (415) 236-0101. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-234

Decided: October 25, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 164249, filed October 14, 1982. Applicant: A & W TRUCK BROKERS, INC., 7171 Mercy Rd., Suite 143, Omaha, NE 68106. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397-9900. As a *broker* of *general commodities (except household goods)*, between points in the U.S. (except AK and HI).

MC 164238, filed October 15, 1982. Applicant: KEN-WAY LEASING INC., Box 291, R.D. 1, Mertztown, PA 19539. Representative: George E. Campbell, 985 Old Eagle School Rd., Suite 501, Wayne, PA 19087, (215) 293-9220. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 163878, filed September 16, 1982. Applicant: HIGHWAY FREIGHT SERVICE, INC., 20715 N.W. Quail Hollow Drive, Portland, OR 97229. Representative: Fred W. Johnson (same address as applicant), (503) 645-9129. To operate as a *broker* of *general commodities (except household goods), between points in the U.S.*

Volume No. OP5-236

Decided: October 27, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 164219, filed October 12, 1982. Applicant: DIAMOND WESTERN CORPORATION, 11077 N. Vancouver Way, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226-3755. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI), and (2) As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30303 Filed 11-3-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers, Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note:—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3, (202) 275-5223.

Volume No. OP3-09

Decided: October 28, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF-624, filed October 18, 1982. Applicant: AAA FORWARDING, INC., 3700 Barrett Ave., Richmond, CA 94805. Representative: Radford K. Higa (same address as applicant), (415) 237-3700. As a *freight forwarder*, in connection with the transportation of *household goods, baggage, and automobiles*, between points in U.S.

FF-625, filed October 19, 1982. Applicant: SLAY TRANSPORTATION CO., INC., 2001 So. Seventh St., St. Louis, MO 63104. Representative: Gary Slay (same address as applicant), (314) 772-7200. As a *freight forwarder*, in connection with the transportation of *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 15735 (Sub-56), filed October 8, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681-8378. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sperry Corporation of Blue Bell, PA, Sperry Gyroscope of Great Neck, NY, Sperry Flight System of Phoenix, AZ, Sperry New Holland, of New Holland, PA, Sperry Research Center of Sudbury, MA, Sperry Univac Division of Blue Bell, PA, Sperry Vickers of Omaha, NE, Sperry Marine Systems of Charlottesville, PA, Sperry Corporation of Great Neck, NY and Sperry Microwave of Clearwater, FL.

MC 109154 (Sub-27), filed October 21, 1982. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, IN 47031. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635-2339. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with (1) The Wasserstorm Company, Columbus, OH, (2) Crown Zellerbach Corporation, South Glens Falls, NY, and (3) Pri-Pak, Inc., of Sunman, IN.

MC 117165 (Sub-67), filed October 13, 1982. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274-4985. Transporting *lumber and wood products* and *building materials*, between points in the U.S., on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 127064 (Sub-10), filed October 13, 1982. Applicant: E. J. PETER TRUCKING INC., 7525 Corlad Rd., Athens, WI 54411. Representative: Eugene J. Peter (same address as applicant), (715) 257-7121. Transporting *roofing granules*, and *stone and stone products*, between points in Marathon County, WI, on the one hand, and, on the other, points in IL, IN, MN, IA and OH.

MC 144595 (Sub-8), filed October 19, 1982. Applicant: ROBERT D. ANTHOLZ, d.b.a PAWNEE GRAIN COMPANY, Route 3, Box 42, Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting *retail store fixtures and* *equipment*, between points in the U.S. (except AK and HI).

MC 163794, filed October 15, 1982. Applicant: G. G. BARNETT TRANSPORT, INC., 507 York St., Beaver Dam, WI 53916. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. (608) 273–1003. Transporting (1) *food and related products*, between points in Shelby County, TN and Hennepin County, MN, on the one hand, and, on the other, points in Dodge County, WI and (2) *petroleum and related products and automotive parts and supplies*, between Chicago, IL and points in Dodge, Jefferson, Washington and Waukesha Counties, WI.

MC 164314, filed October 19, 1982. Applicant: T.B.L. ENTERPRISES, INC., 4600 American Ave., Bakersfield, CA 93309. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667–8107. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Kern County, CA, and extending to points in OR, WA, MT, WY, ID, CO, ND, SD, AZ, UT, NM, ME, VT, NH, NY, MA and CT.

MC 164325, filed October 21, 1982. Applicant: HAWK TRUCKING, INC., 1725 Miller Rd., Dearborn, MI 48120. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685–0801, (616) 941–5313. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of AR, IA, LA, MN, and MO.

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5-233

Decided: October 25, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 21259 (Sub-9), filed September 30, 1982. (Previously published in the **Federal Register** (republication) on October 18, 1982. Applicant: GERTSEN CARTAGE CO. INC., 3000 Hirsch St., Melrose Park, IL 60160. Representative: Anthony C. Vance, Suite 301, 1307 Dolly Madison Blvd., McLean, VA 22101, 703–821–1305. Transporting *general commodities* (except classes A and B explosives), between Chicago, Il and points in WI, on the one hand, and, on the other points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correct territorial description.

MC 116399 (Sub-1), filed October 15, 1982. Applicant: HILL-TOP TRANSPORT, Old Highway 601, P.O. Box 78, White Plains, NC 27031. Representative: Thomas Baity York (same address as applicant), (919) 789–5561. Transporting *petroleum products*, between points in NC, on the one hand, and, on the other, points in Henry, Patrick, Carroll, Pulaski, Floyd, Wythe, Grayson, Smith, and Washington Counties, VA.

MC 146909 (Sub-5), filed October 8, 1982. Applicant: PIONEER VAN LINES, INC., 1810 Park Place Bldg., Seattle, WA 98101. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *used household goods*, between points in the U.S.

MC 151569 (Sub-4), filed October 11, 1982. Applicant: NEIL WADE TRUCKING, INC., 5225 N. Minnesota Ave., Portland, OR 97217. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224–4840. Transporting *general commodities* (except classes A and B explosives), household goods and commodities in bulk), between points in OR, WA, CA, ID, NV, and UT.

MC 154348 (Sub-2), filed October 1, 1982. Applicant: FRINK'S INDUSTRIAL WASTE, INC., Box 555, Pecatonica, IL 61063. Representative: Donald L. Shriver, 401 W. State St., Suite 701, Rockford, IL 61101. 815–965–8635. Transporting *industrial waste material* between points in Winnebago County, IL, on the one hand, and, on the other, points in Rock County, WI, Fayette County, IA, and Bon Homme County, SD.

MC 159798, filed October 13, 1982. Applicant: M. F. DAVALOS TRUCKING, INC., 13906 Valley Blvd., La Puente, CA 91746. Representative: Raymond Davalos (same address as applicant), (213) 968–4359. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with (1) Latchford Glass Company of Los Angeles, CA, (2) Crown Zellerbach of San Francisco, CA (3) Boise Cascade Corporation of Boise, ID (4) Western Kraft Paper Group of Compton, CA (5) Motion Industries Teglen-Airdraulics Div., of Commerce, CA and (6) Seven Up Bottling Companies of Southern California of Vernon, CA.

MC 161569 (Sub-3), filed October 14, 1982. Applicant: TRANSPORT CONTRACTORS, INC., 2206 Frankfort Avenue, Louisville, KY 40206. Representative: Taylor O. Cowan III, 6408 Clinton Highway, Knoxville, TN 37912, (615) 938–5001. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Niehaus Industrial Sales, Inc., of Evansville, IN.

MC 161618, filed October 14, 1982. Applicant: GOLLERS EXPRESS, INC., 10155 Reading Rd., Cincinnati, OH 45241. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Cincinnati, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162818, filed October 13, 1982. Applicant: CEL, INCORPORATED—ADVANCED TOURS DIVISION. 1379 E. Colorado Blvd., Glendale, CA 91205. Representative: Jesusa D. Caldito (same address as applicant), (213) 500–1365. Transporting *passengers and their baggage*, in special and charter operations, between points in Los Angeles County, CA, on the one hand, and, on the other, points in NV and AZ.

MC 163269, filed October 13, 1982. Applicant: TEXAS LOUISIANA CARTAGE, INC., 669 Good Acre, Pineville, LA 71360. Representative: Earl T. Templeton (same address as applicant), (318) 445–9832. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Houston, TX, on the one hand, and, on the other, points in LA.

MC 163438 (Sub-1), filed October 13, 1982. Applicant: RAYFORD ROGERS, d.b.a. ROGERS FARMS, P.O. Box 248, Leola, AR 72084. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201, (501) 375–3022. Transporting *lumber and wood products* between points in Dallas County, AR, on the one hand, and, on the other, points in TX, LA, KY, NM, OK, MS, AL, TN, IL, IN, KS, MO, IA, FL, SC, NC, and NE.

Volum No. OP5-235

Decided: October 27, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 124408 (Sub-27) filed October 12, 1982. Applicant: THOMPSON BROS., INC., P.O. Box 1283 Sioux Falls, SD 57101. Representative: Richard P. Anderson, 2525 South University Drive, P.O. Box 2581 Fargo, ND 58108 (701) 235–3300. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), (2) *chemicals or allied products*, and *petroleum products*, between points in ND, SD, MN, IA, NE, WY, and WI, and (3) *general commodities* (except household goods and classes A and B explosives) (a) between points in ND, SD, and MN, on the one hand, and, on the other, points in the U.S. (except AK and HI, and (b) between points in ND, SD, and MN.

MC 150879 (Sub-3), filed October 19, 1982. Applicant: MARVIN McINTOSH, 4614 South 35 St., Omaha, NE 68107. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104 (712) 255-3127. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Victor's Iowa Pack, Inc., of Council Bluffs, IA.

MC 157888 (Sub-1), filed October 4, 1982. Applicant: KEN's TRANSPORTATION SERVICE, INC., 10602 E. Pine St., Tulsa, OK 74116. Representative: C. L. Phillips, Room 248 Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106 (405) 528-3884. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 162259 filed October 14 1982. Applicant: D.E.L.L. TRUCKING, INC., P.O. Box 1230, Ft. Morgan, CO 80701. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203 (303) 839-5856. Transporting *Mercer commodities* and *commodities which, because of size or weight, require the use of special equipment or special handling*, between points in ND, SD, NE, KS, OK, TX, LA, NM, CO, WY, MT, UT, NV, AZ, CA, IL, OH and PA.

MC 162569, filed October 19 1982. Applicant: G. R. JONES d.b.a. G. R. JONES CONSTRUCTION CO., Route 1, Box 101AA, Folsom, LA 70436. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205 (601) 355-3543. Transporting (1) *coal*, (2) *lumber and wood products*, (3) *pulp, paper, and related products*, and (4) *fuel oil*, between points in the U.S., under continuing contract(s) with Crown-Zellerbach Corporation, of Bogalusa, LA.

MC 164068, filed October 20, 1982. Applicant: KELLY CHAPLIN AND DON BULLARD, d.b.a. CHAPLIN & BULLARD TRUCKING, 3832 Cypress Ave., Dallas, TX 75227. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245 (214) 358-3341. Transporting *motorcycles and machinery*, between Baton Rouge, LA and Dallas, TX.

MC 164219 (Sub-1), filed October 18, 1982. Applicant: DIAMOND WESTERN CORPORATION, 11077 N. Vancouver Wy, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Ave., Portland, OR 97210, 503-226-3755. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, and CA, on the one hand, and, on the other, points in OR, WA, CA, NV, ID, UT, CO, and AZ.

MC 164259, filed October 15, 1982. Applicant: EMPIRE TRANSPORT COMPANY, P.O. Box 2985, Phoenix, AZ 85062. Representative: John T. Wirth, 717-17th St., Suite 2600, Denver, CO 80202-3357 (303) 892-6700. Transporting (1) *machinery and machinery parts*, (2) *commodities which because of their size or weight require the use of special handling or equipment*, (3) *transportation equipment*, and (4) *construction materials*, between points in AZ, CA, CO, ID, IL, IN, KS, IA, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY.

MC 164269, filed October 19, 1982. Applicant: METRO TRANSPORTATION SERVICES, INC., 4874 Highway 78, Memphis, TN 38118. Representative: Thomas A. Stroud, 109 Madison Avenue, Memphis, TN 38103 (901) 526-2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Memphis, TN, points in Davidson, Fayette and Shelby Counties, TN, on the one hand, and, on the other, points in AR, AL, GA, FL, IL, KY, LA, MS, MO, NC, OK, SC, TN, TX and VA.

MC 164278, filed October 19, 1982. Applicant: NSD WAREHOUSING & DISTRIBUTION SYSTEMS, INC., d.b.a., NSD WAREHOUSING & DISTRIBUTION SYSTEMS, 1010 Knox St., Torrance, CA 90502. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, (213) 655-3573. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA.

MC 164279, filed October 19, 1982. Applicant: WILLIS GRASTY, d.b.a., GRASTY TRUCKING, 620 North Gaines, Stuart, IA 50250. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274-4985. Transporting *building materials*, between Kansas City, MO, and points in Polk, Dallas, and Wapello Counties, IA, and Livingston and Buchanan Counties, MO, on the one hand, and, on the other, points in IA, IL, MN, MO, NE, SD, and WI.

MC 164289, filed October 19, 1982. Applicant: MARK S. SCHIMELPFENIG, d.b.a., H & S TRUCKING, 2509 County Highway N, Stoughton, WI 53589. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sanna, Inc., of Madison, WI.

MC 164309, filed October 19, 1982. Applicant: FAIRVIEW, INC., P.O. Box 449, Ayer, MA 01432. Representative: Edward J. O'Neill, Jr. (same address as applicant), (617) 772-3321. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pepsi Cola Bottling Co., of Greenland, NH.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-30304 Filed 11-3-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 307]

Motor Carriers, Permanent Authority Decisions, Restriction Removals; Decision-Notice

Decided: October 28, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Williams, and Higgins.

Agatha L. Mergenovich,
Secretary.

MC 36918 (Sub-16)X, filed October 6, 1982. Applicant: FASTWAY

TRANSPORTATION, INC., 151 Morristown Rd., P.O. Box 383, Matawan, NJ 07747. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068. Lead and Subs 10F, and authority (portion) acquired in MC–F–13799; (1) broaden to (a) "general commodities (except classes A and B explosives, household goods, and commodities in bulk)" from general commodities (with exceptions) in lead and authority acquired in MC–F–13799, (b) "textile mill products, rubber and plastic products, and chemicals and related products" from carpets, carpet padding, and adhesives, in Sub 10F (part (1)); (2) change to counties (a) points in Westchester and Nassau Counties, NY, within 30 miles of Columbus Circle, (Westchester and Nassau Counties, NY) in lead, (b) facilities at or near Camden and Trenton, NJ, and Eddystone and Philadelphia, PA (Philadelphia, Bucks, Montgomery, Chester, and Delaware Counties, PA, New Castle County, DE, and Hunterdon, Mercer, Monmouth, Burlington, Camden, Gloucester, and Salem Counties, NJ), in Sub 10F; (3) remove restriction against providing service for named corporation, in lead.

MC 109294 (Sub-29)X, filed October 4, 1982. Applicant: COMMERCIAL TRUCK CO., LTD., 2120 United Blvd., Coquitlam, BC, Canada. Representative: Michael B. Crutcher, 200 IBM Bldg., P.O. Box 2927, Seattle, WA 98111. Sub 19 certificate: (1) Eliminate restriction to transportation on trailers and in containers in general commodity (with exceptions) authority; (2) broaden (a) named ports of entry in Washington to "ports of entry in Washington;" (b) Seattle and Tacoma, WA, to "King, Kitsap, Pierce, and Snohomish Counties, WA;" (c) Portland, OR to "Columbia, Washington, Yamhill, Clackamas, and Multnomah Counties, OR, and Clark County, WA;" and (3) remove restriction to prior or subsequent movement by water.

MC 110686 (Sub-70)X, filed May 3, 1982, previously noticed in the **Federal Register** of June 9 and July 2, 1982, and republished as follows: Applicant: McCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherland, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-Nos. 8 and 15 certificates to broaden the territorial description from Orviston, PA to "Centre and Clinton Counties, PA." The purpose of this republication is to reflect applicant's request to include Clinton County as well as Centre County in the countywide expansion of Orviston, PA, and to request comments from interested parties.

MC 110841 (Sub-25)X, filed September 10, 1982. Applicant: PORT NORRIS EXPRESS CO., INC., North Ave., Port Norris, NJ 08349. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Lead and Sub Nos. 2, 4, 5, 9, 10, 11, 13, 14, 18 and 19 certificates: Broaden: (1) sand (lead), clay (Subs 5, 9 and 11), and silica products (Sub 19), to "clay, concrete, glass or stone products"; fertilizer (Sub 2), potash (Sub 2), pitch (Sub 5), and fertilizer and fertilizer ingredients (Sub 4), to "chemicals and related products"; tankage (Sub 2), to "food and related products"; (2) sand (Subs 5, 9, 11, 13, 14 and 18), to "construction materials; gravel (Subs 5, 9, 11, and 18), to "ores and minerals"; silica sand (Sub 19), to "sand and construction materials"; foundry facing (Sub 10), to "such commodities as are dealt in or utilized by foundries"; remove restrictions to: in bulk or dry commodities in bulk (lead and Subs 4, 5, 9 and 10); bagged commodities (Sub 5); remove facilities restriction (Sub 19); broaden to radial authority (lead and all subs); remove service restriction "traversing the District of Columbia for operating convenience only" (lead); exception of Camden from authority to serve points in NJ (Sub 5); and exception of Manumuskin from authority to serve points in Cumberland County, NJ (Sub 11); broaden to countywide authority: Port Elizabeth and points within 10 miles thereof of Cumberland County, NJ; Cape May and points within 10 miles thereof to Cape May County, NJ; Wilmington to New Castle, DE, Salem and Gloucester Counties, NJ, and Chester and Delaware Counties, PA; Philadelphia to Philadelphia, Montgomery, Bucks, Chester and Delaware Counties, PA, Salem, Gloucester, Burlington, Camden, Mercer, Hunterdon and Monmouth Counties, NJ and New Castle County, DE (lead); Bridgeton to Cumberland County, NJ; Hurlock to Dorchester County, MD; Wilkes Barre to Luzerne County, PA; Quantico to Prince William County, VA; Orange to New Haven and Fairfield Counties, CT; Harrington to Kent County, DE; Charleston to Cecil County, MD; Doylestown to Bucks County, PA; Wilmington, DE to New Castle County, DE, Salem and Gloucester Counties, NJ and Chester and Delaware Counties, PA; Harrisburg to Dauphin, Perry, Cumberland and York Counties, PA; Chester to Delaware County, PA; Philadelphia to Philadelphia, Montgomery, Bucks, Chester and Delaware Counties, PA, Salem, Gloucester, Burlington, Camden, Mercer, Hunterdon and Monmouth Counties, NJ and New Castle County, DE (Sub 2); Bridgeton to Cumberland County, NJ (Sub 4); West Elizabeth to Allegheny County, PA (Sub 10); facilities at North Stonington, CT, Ottawa, IL and Rockwood, MI to New London County, CT, LaSalle County, IL and Wayne County, MI, respectively (Sub 19).

MC 116300 (Sub-92)X, Filed October 5, 1982. Applicant: NANCE AND COLLUMS, INC., P. O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P. O. Box 22567, Jackson, MS 39205. Lead and Subs 3, 5, 6, 7, 9, 12, 13, 14, 15, 17, 18, 19, 21, 23, 25. 27, 29, 30, 35F, 37F, 39F, 40F, 42F, 43F, 45F, 48F, 49F, 51F, 53F, 55F, 56F, 57F, 62F, 66F, 69F, 75F, 76F, 77F, 78F, 79F, 81F, 82F, 83F, and 87F: (1) broaden (a) salt, pepper, animal and poultry mineral feed mixtures, sugar, salt products, salt and empty containers, fruit preserves, condiments, liquid feed, liquid feed supplements and molasses, dry animal and fish food, malt beverages, materials and supplies as are used by or dealt in by malt beverage distributors, or used in the manufacture and distribution of malt beverages, such commodities as are dealt in by malt beverage distributors, dry animal and poultry feed, dry animal feed ingredients, promotional supplies, empty malt beverage containers, to "food and related products in the lead and Subs 3, 5, 7, 9, 12, 13, 14, 15, 18, 19, 21, 23, 30, 35F, 37F, 40F, 43F, 45F, 49F, 54F, 56F, 57F, 65F, 69F, 76F, 83F, 84F, and 87F; (b) treated poles, piling, timber and post to "forest products" in the lead and Subs 25 and 80F; (c) granulated slag, and ground limestone to "clay, concrete, glass or stone products" in Subs 75F and 82F; (d) fertilizer, fertilizer ingredients, liquid bleach and fabric finish, and liquid bleach and fabric finish containers, dry fertilizer, dry fertilizer ingredients, salt cake, and herbicides and pesticides to "chemicals and related products" in Subs 6, 27, 29, 39F, 48F, 51F, 53F, 66F, 77F, 79F, and 81F; (e) wood residuals, drag line mats, scaffolds, and treated and untreated lumber to "lumber and wood products" in Subs 17, 62F, and 80F; (f) steel and slab doors to "building materials" in Subs 42F and 85F; (g) drilling mud and proppant to "mercer commodities" in Subs 55F and 78F; (2) eliminate the facilities limitations in Subs 18, 45F, 57F, 62F, 69F, 76F, and 87F: (3) broaden: Fernwood and McComb to Pike County, MS; Weeks Island, Jefferson Island, and New Iberia to Iberia Parish, LA; Reserve, Arabi, Mathews, Supreme, Gramercy, and Houma to St. John Baptist, Saint Bernard, Lafourche, Assumption, Saint James, and Terrebonne Parishes, LA:

Vicksburg to Warren County, MS; Chalmette, Avery Island, Anse La Butte, and Baldwin to Saint Bernard, Iberia, St. Martin, and St. Mary Parishes, LA; Marion to Perry County, AL; Tupelo to Lee County, MS; Red Bay and Decatur to Franklin and Morgan Counties, AL; Hattiesburg, Pascagoula, and Yazoo City to Forrest, Jackson and Yazoo Counties, MS; Donaldsville to Ascension Parish, LA; Mobile and Cherokee to Mobile and Colbert Counties, AL; Lake Charles to Calcasieu Parish, LA; Columbus to Lowndes County, MS; Satsuma to Mobile County, AL; Blytheville, Paragould, El Dorado, Fort Smith, and Pine Bluff to Mississippi, Greene, Union, Sebastian and Jefferson Counties, AR; and Greenville to Washington County, MS; (4) expand one-way to radial; and (5) remove the restrictions, wherever they appear: in packages; in mixed truckloads with salt; when moving at the same time and in the same vehicle with shipments of salt (presently authorized); in bags; in sacks; except in bulk; against transportation of traffic having an immediately prior or subsequent movement by water or rail; packaged in individual servings, in mixed loads with sugar; in bulk; in tank vehicles; when shipped in mixed loads with salt and salt products; in containers; in dump vehicles; against the transportation of imported malt beverages; except Jackson, Hattiesburg, Meridian, Laurel, Picayune, Gulfport, Biloxi, Pascagoula, McComb, and Brookhaven, and points in their respective commerical zones in Sub 6; and except New Orleans, Gretna, and Destrahan in the lead and Sub 12; and restricted against service from the facilities of Gulf Oil Corporation at or near Donaldsonville, LA, to points in AR, MS, and TX, in Sub 39F.

MC 124545 (Sub-2)X, filed October 6, 1982. Applicant: DAVID NOAKE, INC., Rte. 103 Rockingham Rd. Bellows Falls, VT 05101. Representative: Brian S. Stern, 5411-D Backlick Rd., Springfield, VA 22151. MC-124545 lead permit: (1) Broaden mined or ground talc, in each part to "clay, concrete, glass or stone products;" (2) remove the restrictions in part (1) limiting the service to transportation "in bags, in shipper-owned trailers;" and (3) broaden to "between points in the United States" under continuing contract(s) named shipper.

MC 133811 (Sub-7)X, filed August 19, 1982, and previously noticed in FR September 10, 1982, republished as follows to notice inadvertent omission: Applicant: H. E. McCONNELL AND H. E. McCONNELL, II, d.b.a. McCONNELL & SON TRUCKING COMPANY, P.O. Box 3308, North Little Rock, AR 72117. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. Applicant seeks to remove restrictions in its lead and Sub 4F certificates as previously noticed, and, in addition, broaden (1) points on the Arkansas River located in Pulaski County, AR to "Pulaski County" (lead), (2) Bauxite, AR to "Saline County," (lead) and (3) North Little Rock, AR to "Pulaski County," (Sub 4F).

MC 142733 (Sub-6)X, filed October 13, 1982. Applicant: UNITED TRANSPORT, INC., P.O. Box 490, Riverside Station, Miami, FL 33135. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd. St., Miami, FL 33166. Sub 3 permit: Broaden to (1) "food and related products" from plantains and agricultural commodities, the transportation of which is exempt from economic regulation, in mixed loads with plantains, and (2) "between points in the U.S. (except AK and HI)," under continuing contract(s) with a named shipper.

MC 143708 (Sub-9)X, filed September 1, 1982, previously noticed in the Federal Register of Sept. 27, 1982, republished as follows: Applicant: DUNES TRANSPORT, INC., 3965 North Meridian St., Indianapolis, IN 46208. Representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. Sub-3F certificate: broaden, in one portion, to city-wide authority at "Norwalk, OH," from authority limited to serve facilities at Norwalk, OH. The purpose of this republication is to include the above territorial expansion which was inadvertently omitted from the previous publication.

[FR Doc. 82-30302 Filed 11-3-82; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Public Information Collection Requirements Submitted to OMB for Review

The International Development Cooperation Agency submitted the following public information collection requirement to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission may be obtained from the Agency for International Development Clearance Officer by calling (202) 632-0084. Comments regarding this information collection should be addressed to the Reports Management Officer, Ms. Melita E. Yearwood, DM/IM, Room 714, SA-12, Washington, D.C. 20523; and to the OMB reviewer listed at the end of the entry no later than (10 days after publication).

Date submitted: October 26, 1982.

Submitting bureau: Agency for International Development.

OMB No.: N/A (New).

Form No.: N/A

Type of submission: New.

Title: AID Contractor/Grantee Survey.

Purpose: Data from this survey is needed to assess contractor and grantee perception of how well AID's procurement process operates. This information, together with information gathered during an internal analysis of the process, will be used to identify areas for improvement and improvement alternatives.

OMB Reviewer: Francine Picoult (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

Dated: October 28, 1982.

Linwood A. Rhodes,

Chief, Information Management Division.

[FR Doc. 82-30367 Filed 11-3-82; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Judgment in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 CFR Part 1902, notice is hereby given that a proposed Final [Consent] Judgment in *United States* v. *Mountain Mobile Mix*, Civil Action No. 80-M-1517, was lodged with the United States District Court for the District of Colorado on October 18, 1982. The proposed judgment requires Mountain Mobile Mix to pay a civil penalty for alleged violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, for the discharge of pollutants without a permit issued pursuant to 33 U.S.C. 1342.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Mountain Mobile Mix*, D.J. Ref. 90-5-1-1-1463.

The proposed consent judgment may be examined at the Region VIII office of the United States Environmental Protection Agency, Office of Regional Counsel, 1860 Lincoln Street, Denver, Colorado 80203; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed judgment may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Mary L. Walker,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–30395 Filed 11–3–82; 8:45 am]

BILLING CODE 4410–01–M

Proposed Modification to Consent Decree Requiring Compliance With Requirements of Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on October 8, 1982, a proposed modification to a consent decree in *United States of America and State of Michigan* v. *Dow Chemical Company,* Civil Action No. 80-40423, was lodged with the United States District Court for the Eastern District of Michigan. The proposed decree modifies a decree previously entered by the United States District Court on September 28, 1981. The original decree required Dow to pay a civil penalty and bring 10 boilers at Dow's petrochemical plant in Midland, Michigan, into compliance with the opacity, particulate, and sulfur dioxide requirements of the Michigan State Implementation Plan and the Clean Air Act. The proposed modified decree incorporates changes to the facility's compliance schedule which reflect the approval of the United States Environmental Protection Agency of Dow's application for a revision to the opacity and particulate requirements of the Michigan State Implementation Plan. EPA's approval of Dow's application for a revision was published on March 24, 1982, at 47 FR 12625.

The proposed consent decree may be examined at (1) the Office of the United States Attorney, Eastern District of Michigan, 817 Federal Building, 231 W. Lafayette, Detroit, Michigan 48226; (2) the Office of the Environmental Protection Agency, Office of Regional Counsel, 230 South Dearborn Street, Chicago, Illinois 60604; and (3) the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to *United States of America and State Michigan* v. *Dow Chemical Company,* DOJ Reference #90–5–2–1–101.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82–30394 Filed 11–3–82; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Future Meeting Dates

October 28, 1982.

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold meetings on the days listed below in calendar year 1983. All the meetings will be held in Washington, D.C. except for the August meeting which will be held in San Francisco, CA. Exact times and locations will be announced at a later date.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations, and State and local government was established by Congress by Pub. L. 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or Congress.

The tentative meeting dates are as follows:

January 24–25, 1983—Monday and Tuesday.
March 7–8, 1983—Monday and Tuesday.
April 13–14, 1983—Wednesday and Thursday.
May 23–24, 1983—Monday and Tuesday.
July 11–12, 1983—Monday and Tuesday.
August 25–26, 1983—Thursday and Friday.
October 17–18, 1983—Monday and Tuesday.
December 5–6, 1983—Monday and Tuesday.

The public is welcome at the sessions and will be admitted to the extent that seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning these meetings may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653–7818.

Dated: October 28, 1982.

Steven N. Anastasion,

Executive Director.

[FR Doc. 82–30389 Filed 11–3–82; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations; Availability

Reports Issued

Aircraft Accident Report: Lufkin Industries, Inc., Beechcraft Super King Air, BE–200, N456L, near Parker, Colorado, March 27, 1980 (NTSBAAR–82–9).

Aircraft Accident Report: Midair Collision, U.S. Air Force F 111–D, Building Contractors, Inc., Cessna TU–206G, Clovis, New Mexico, February 6, 1980 (NTSB–AAR–82–10).

Railroad Accident Report: Rear-end Collision of Louisville & Nashville Railroad Company Trains No. 586 and Extra 8072 North, New Johnsonville, Tennessee, December 28, 1981 (NTSB–RAR–82–4).

Supplement to Marine Accident Report: Disappearance of U.S. Freighter SS POET, in North Atlantic Ocean, about October 25, 1980 (NTSB–MAR–81–6).

Marine Accident Reports: Summary Format, Issue Number 4—July 1979 through August 1980 (NTSB–MAB–82–3).

Pipeline Accident Report: Missouri Power and Light Company, Natural Gas Fires, Centralia, Missouri, January 28, 1980 (NTSB–PAR–82–3).

Hazardous Materials Accident Spill Maps: Gasoline Release Following Freight Train Collision with Cargo Tank Semitrailer, near Charlotte, North Carolina, November 29, 1980 (NTSB–HZM–82–2).

Recommendations to

Federal Aviation Administration: Feb. 2: A–82–4: Issued a Telert Maintenance Bulletin to notify operators and inspection personnel of the possibility of interchanging aft engine support frames of the Lama 315B and Alouette 316B/C and 319 heticopters and to recommend a dimensional check of the frame prior to installation even though the part number may be legible. *A–82–5:* Require the manufacturer to develop and implement a permanent method of affixing part numbers to the aft engine support frames on the Lama 315B and Alouette 316B/C and 319 helicopters. *Apr. 15: A–82–31:* Implement an in-depth study to determine what remedial action should be taken to eliminate the excessive failure rate of the Allision 250C–28B engine and fuel control system. *Apr. 23: A–82–40:* Issued an emergency Airworthiness Directive for Bell Model 222 helicopters to require removal and an immediate one-time fluorescent dye penetrant inspection of the drive link assembly PN 222–010–460–101 installed on applicable aircraft, and establish a frequent detailed inspection based on operating hours. *A–82–41:* Require that the improved drive link assembly, PN 222–011–416–101, be installed on applicable Bell Model 222 helicopters as soon as parts from the manufacturer are available. *May 3: A–82–42:* Issued an airworthiness directive (AD) making mandatory an inspection (as soon as practical depending on availability of spare units and the capability to replace the defective units) for incorrect split-ring sockets specified in Sundstrand Data Control Service Bulletin Document No. 012–0296–109, dated January 25, 1982, titled "Communications—Cockpit Voice Recorders/Models AV 557A, AV–557B, and AV–557C/Tape Deck Housing Connector Check," and require replacement of incorrect connectors at the earliest possible date. *A–82–44:* Disseminate immediately the contents and intent of this safety recommendation letter to the Civil Aviation Authorities of foreign countries having jurisdiction over aircraft using the subject Sunstrand cockpit voice recorder. *Aug. 11: A–82–79:* Issued a Maintenance Alert Bulletin to require Principal Maintenance Inspectors to emphasize to air carrier maintenance departments that proper maintenance of ground support equipment may be critical to flight operations and the importance of adhering to maintenance practices recommended by the manufacturers of such equipment. *A–82–80:* Issue a Maintenance Alert Bulletin to require Principal Maintenance Inspectors to review contract agreements between an air carrier operating into a facility at which another air carrier or maintenance contractor is providing maintenance services to assure that the responsibilities of both parties and key personnel are clearly defined and that the contractor providing the maintenance is thoroughly familiar with the maintenance of the type of aircraft involved. *A–82–81:* Issue and Operations Alert Bulletin to require Principal Operations Inspectors to require that air carrier training programs adequately cover the effects of aircraft leading edge contamination on aerodynamic performance, particularly as it affects the relationship between airspeed and angle of attack and those functions whose activition is dependent on the angle of attack, such as stall warning systems and autothrottle speed command systems. *A–82–82:* Require revision of the B–737 Approved Flight Manual to add "anti-ice" to the normal taxi and takeoff checklist. Review the checklists for all air carrier aircraft to ensure that all action items required for a successful takeoff are included on the appropriate checklist. Special consideration should be given to items whose functions may be affected by evironmental conditions subject to change during ground delay periods. *A–82–83:* Issue an Airworthiness Directive to implement the necessary airplane modifications and/or changes in operational procedures for B–737 aircraft takeoff operations during weather or runway conditions conducive to the formation of leading edge frost, snow, or ice contamination to require either: (1) that the leading edge is free of frozen contaminant through the pretakeoff use of a ground-operable wing thermal anti-ice system, or (2) an increased stall airspeed margin at liftoff which will provide adequate pitch and roll control to counter the effects of undetected leading edge contaminants by modification of takeoff flaps configuration and/or increased takeoff airspeed schedules. *A–82–84:* Amend Air Traffic Control coordination procedures and practices to require that terminal and en route facilities provide the Central Flow Control Facility (CFCF) with current and accurate information regarding congestion and that CFCF act on that information in a positive manner to minimize airport saturation and extensive traffic delays. Review implementation of prescribed gate-hold procedures and require their use wherever possible. *A–82–85:* Issue a General Notice to terminal area Air Traffic Control facilities to emphasize to controllers that the separation criteria set forth in FAA Air Traffic Control Handbook 7110.65C which require a minimum of 2 miles separation do not permit deviation based upon the anticipated acceleration differences between landing and departing traffic. *A–82–86:* Evaluate the criteria and current practices of Air Traffic Control facilities regarding the declaration and reporting of operational errors to ensure that all such errors are reported and are investigated. *A–82–87:* Provide for essential equipment and increased personnel training to improve the water rescue capabilities at the Washington National Airport in all anticipated weather conditions, and provide necessary funding for surrounding communities and jurisdictions which will be called on to support the airport's rescue response. *A–82–88:* Survey all certificated airports having approach and departure flightpaths over water and evaluate the adequacy of their water rescue plans, facilities, and equipment according to the guidance contained in Advisory Circular 150/5210–13 and make recommendations for improvement as necessary to appropriate airport authorities. *A–82–89:* Amend 14 CFR 139.55 to require adequate water rescue capabilities at airports having approach and departure flightpaths over water which are compatible with the range of weather conditions which can be expected. *Aug. 13: A–82–77:* Issue an Airworthiness Directive applicable to all Robinson R–22 helicopters to require an initial and a prescribed periodic inspection of the tail rotor driveshaft installation for excessive run-out in accordance with Robinson Helicopter Service Letter No. 14 and take appropriate action as required. *A–82–78:* Review the Robinson R–22 tail rotor driveshaft design and verify, through ground dynamic testing, that the installation provides an adequate margin of safety against resonance. If a resonant condition is identified, expedite approval and retrofit of the manufacturer's proposed redesign. *Aug. 26: A–82–99:* Require an immediate inspection of both the fore and aft hinge bolts on the main landing gear doors of Fairchild Swearingen Model SA226 airplanes that are affected by SB 32–026 to verify that the bolts and their retention nut plates are secure. *A–82–100:* Issue an airworthiness directive to require periodic inspection of the main landing gear door aft hinge bolts on Fairchild Swearingen Model SA226 airplanes that are affected by SB 32–026 until the modification prescribed by the service bulletin has been accomplished. In conjunction with the airplane manufacturer, determine whether the need may exist to expand SB 32–026 to require that the forward hinge bolts be safety-wired to their hinge brackets. *Sep. 9: A–82–120:* Require an immediate inspection of the N_s accessory idler gear assembly on all Avco Lycoming LTP–101 (turboprop) engines for proper rigidity of the assembly. *A–82–121:* Require modification of the N_s accessory idler gear assembly in accordance with the provisions of Avco Lycoming Service Bulletin LTP 101A–72–0021, dated May 14, 1982, and establish a mandatory inspection interval for reinspection of the modified gear assembly. *A–82–122:* Review the design of the N_s accessory idler gear assembly on the Avco Lycoming LTP 101 engines to verify the adequacy of the gear assembly design and require modifications as necessary to preclude failure of the gear assembly. *Sep. 27: A–82–123:* Establish a requirement that manufacturers provide, as part of the initial certification of a new general aviation turbojet airplane, a training guide for pilot transition into the airplane. The training guide should encompass the entire flight envelope in which the airplane will be operating and any unique aspects of its systems design, handling characteristics, and performance including the hazards of exceeding the flight envelope. The training guide should be an approved manual for use by appropriate inspectors, pilot schools, flight instructors, and pilot examiners. *A–82–124:* Establish a requirement that manufacturers provide a training guide for pilot transition into currently certificated general aviation turbojet airplanes. The training guide should encompass the entire flight envelope in which the airplane will be operating and any unique aspects of its systems design, handling characteristics, and performance. The training guide should be an approved manual for use by appropriate inspectors, pilot schools, flight instructors, and pilot examiners. *A–82–125:* Review the criteria currently prescribed for evaluating the type-rating requirement for successive Models of turbojet airplanes built by the same manufacturer evolving from an original design, to determine if they are sufficient to provide adequate consideration of performance differences, operating environments, unique operational normal and emergency procedures, and systems design. If the criteria are found to be inadequate, revise them appropriately, and review existent type-rating requirements under the new criteria. *A–82–126:* Upon approval of each specific training guide for general aviation turbojet airplanes, require that the criteria used by inspectors and pilot examiners in conducting type-rating flight checks include full consideration of the material provided in the training guides. *A–82–127:* Establish a minimum training curriculum to be used at pilot schools which covers special considerations involved in a pilot's initial transition into general aviation turbojet airplanes, including the aerodynamic, meteorological and physiological aspects of high-performance, high-altitude flight. *A–82–128:* Require that pilot applicants for an initial type-rating in a general aviation turbojet airplane complete a minimum training curriculum at an approved pilot school or an equivalent military training program for turbojet airplanes. *A–82–129:* Require that type-rating flight checks in general aviation turbojet airplanes include actual demonstration of pilot competency in handling characteristics in high-altitude flight at speed ranges compatible with the specified flight envelope of the airplane. *Sep. 29: A–82–130:* Amend 14 CFR 23.1147, "Mixture Controls," to require a means of assuring that a carburetor mixture control lever will move automatically to the full-rich position in the event it becomes disconnected from the mixture control linkage. *A–82–131:* Encourage manufacturers of small, single-engine airplanes to make available as service or accessory kits carburetor mixture control lever safety springs or their equivalent that will move the carburetor mixture control lever to the full-rich position in the event the lever becomes disconnected from the mixture control linkage. *A–82–132:* Emphasize the importance of proper maintenance and inspection of mixture control linkage assemblies in Advisory Circular No. 43–16, General Aviation Airworthiness Alerts. *Oct. 12: A–82–135:* Issue an immediate Airworthiness Directive to require compliance with the provisions of Fairchild Republic Company Service Letters F27–671 and FH227–36–23 for the inspection and replacement of the moisture separator shell. *A–82–136:* Require the airplane manufacturer to modify the installation of the F–27 and FH-227 left mechanical moisture separator assembly so that critical aircraft components would not be damaged if any mechanical moisture separator failure should occur. *Oct. 18: A–82–133:* Issue an operations bulletin directing Principal Operations Inspectors and Flight Service Station Specialists to remind operators that 14 CFR 91.83(a)(9) requires positively identifying an alternate airport when they file for an instrument flight rules flight. *A–82–134:* Amend the provisions of Flight Service Handbook, 7110.10F, Change 5, concerning domestic instrument flight rules flight plans to require that the alternate airport designated by the pilot be added to the items to be transmitted to the Air Route Traffic Control Center as part of the instrument flight rules flight plan. *Oct. 18: A–82–137:* Issue an Airworthiness Directive applicable to the Aerospatiale AS 350 and AS 355 model helicopters to require that the 1,200-hour life limit and the detailed inspection of the tail rotor driveshaft bearings recommended in Aerospatiale Service Bulletins 05.08 (AS 350) and 05.02 (AS 355) be made mandatory. *A–82–138:* Require that operators of the Aerospatiale AS 350 and AS 355 model helicopters perform a daily visual inspection of the tail rotor driveshaft bearings for proper condition. *A–82–139:* Review and evaluate with the French regulatory agencies the need for replacing the sealed bearings, PN 6007–2RS1KT47CA, now installed on the Aerospatiale AS 350 and AS 355 model helicopters with a bearing that can be lubricated periodically, and take appropriate action as necessary. *Oct. 28: A–82–142:* Issue an Airworthiness Directive requiring that Lockheed L–188 airplanes be modified by incorporating a hydraulic pressure "priority valve." Such a valve should assure adequate hydraulic pressure to the airplane's primary flight controls in the event hydraulic system capability falls below specified standards. *Oct. 27: A–82–143:* Suspend the airworthiness certificate of the Robinson R–22 model helicopter until (1) the main rotor system stability/stall characteristics and the main rotor rpm decay rates are determined to provide adequate margins of safety and to be compatible with normal pilot reaction times, and (2) the R–22 main rotor system is determined to be in compliance with 14 CFR 27.661. *A–82–144:* Conduct a study to verify that adequate engine torque is available to the Robinson R–22 model helicopter main rotor system to recover rpm should a rapid decay of rpm occur during flight.

National Highway Traffic Safety Administration: Oct. 6: H–82–38: Examine the crash performance of vans in rollovers and all accident types, through its crash testing and accident investigation programs, to determine if there is any tendency for doors and other escape areas to unnecessarily jam or be blocked in low-speed crashes. If necessary, establish additional crash performance standards for van escape areas, especially those used for public transportation.

Federal Highway Administration: Oct. 27: H–82–51: In coordination with the Association of American Railroads, study the problem presented by the lack of a standard distance gap between the end of crossing gates and the middle of the road or median, and establish and incorporate such a standard into the Manual on Uniform Traffic Control Devices. *H–82–52:* Review the effectiveness of guidelines in the Manual on Uniform Traffic Control Devices on the use of traffic divisional islands to deter motorists from driving around lowered railroad crossing gates.

Research and Special Programs Administration: Oct. 5: P–82–42: Discontinue the practice of granting waivers prospectively which permits the repair rather than the replacement of defective welds on pipelines yet to be constructed.

U.S. Coast Guard: Oct. 19: M–82–41: Establish a minimum horsepower-to-towlength ratio for downbound tows carrying dangerous cargoes while navigating through the Berwick Bay bridges during high water conditions.

Administration for Children, Youth and Families: Oct. 5: H–82–37: Advise all Head Start grantees and delegate agencies of the circumstances of the accident involving a Head Start school van near Hermanville, Mississippi, on Dec. 17, 1981, and adopt and emphasize the need for adherence to the policies and guidelines provided by the Pupil Transportation Safety Standard, Highway Safety Program Standard Number 17.

State of New York Department of Transportation: Oct. 27: H–82–45: Expeditiously proceed with plans and financing arrangements for the construction of grade separation structures at the Herricks Road crossing of the Long Island Railroad main line and other nearby crossings. *H–82–46:* Analyze the operational aspects of all grade crossings on the Long Island Railroad system and determine what, if any, short-and long-term improvements should be made for each crossing to improve safety. *H–82–47:* Based on the Federal Highway Administration's study to be carried out regarding the lack of a standard distance gap between the ends of crossing gates and the middle of the road or median, establish and incorporate such a standard into the State Manual on Uniform Traffic Control Devices. *H–82–48:* Provide guidelines in the New York State Manual on Uniform Traffic Control Devices on the use of traffic divisional islands to deter motorists from driving around lowered railroad crossing gates.

New York State Department of Motor Vehicles: Oct. 27: H–82–49: Provide information on drivers' responsibilities at grade crossings, particularly those with automatic railroad crossing gates and flashing lights, in the New York State Driver's Manual and examinations. *H–82–50:* Include in a future vehicle registration renewal mailing, an informational flier explaning drivers' responsibilities at automatic railroad crossing gates and flashing lights.

State of South Carolina: Oct. 18: H–82–40: Provide each resident maintenance engineer with an adequate number of construction and maintenance signs and require their use as specified in the Manual on Uniform Traffic Control Devices. *H–82–41:* Provide each resident maintenance engineer with an adequate number of arrowboards to enable work crews to provide additional advance warning and directional information which will assist in diverting and controlling traffic around construction on maintenance activities being conducted on or adjacent to the traveled way. *H–82–42:* Issue instructions to all maintenance crews and highway patrol officers that they are to follow the recommended practices for traffic controls in work zones as promulgated in the Manual on Uniform Traffic Control Devices and/or the South Carolina Manual on Uniform Traffic Control Devices. *H–82–43:* In cooperation with the Federal Highway Administration, train supervisors of maintenance crews and highway patrol officers in the proper use of traffic control devices in maintenance operations. *H–82–44:* Prohibit the practice of using highway patrol vehicles in construction and maintenance zones as a substitute for the traffic control devices specified in the Manual on Uniform Traffic Control Devices.

New Jersey Department of Transportation: Oct. 20: R–82–107: Require that all hand-operated facing point switches on main tracks over which passenger commuter trains under their jurisdiction are permitted to operate at speeds greater than 30 mph be equipped with an electric lock to prevent the switches from being operated immediately in the face of an approaching train.

District of Columbia: Oct. 15: R–82–78: Require the District of Columbia Fire Department to review its planning for maintaining its rescue squad capability at all times. *R–82–79:* Improve the emergency procedures to be activated in the event of a Metrorail emergency which establishes effective and ongoing liaison between the District of Columbia Fire Department's onsite command post and its Communications Center, the Washington Metropolitan Area Transit Authority, the Metropolitan Police, and the hospitals, to (1) communicate the number of seriously injured persons together with the general nature and severity of their injuries; (2) ascertain each hospital's capacity to receive casualties; (3) direct ambulances to the appropriate hospitals; and (4) clear the most direct evacuation routes from the accident site to the hospitals. *R–82–80:* Require that the District of Columbia Fire Department expand its computer storage capability to include all the information needed by the Fire Dispatcher for automatic assignment and response of units to multiple incidents. *R–82–81:* Require the District of Columbia Fire Department in conjunciton with the Washington Metropolitan Area Transit Authority to expand the scope and frequency of the Disaster Crash simulations and include hospitals and fire/rescue units from surrounding jurisdictions.

Claiborne County (Mississippi) Board of Supervisors: Oct. 5: H–82–39: Provide engineering assistance to all public and private schools in the county in planning schoolbus routes and transportation policies for inclement weather that would avoid, to the extent possible, hazardous or substandard routes.

Washington (D.C.) Metropolitan Area Transit Authority: Oct. 15: R–82–55: Immediately implement an indepth continuing training program for controllers and their superiors in the Metrorail Operations Control Center which includes instruction in the rules, procedures, and fundamentals of rail transit operations; familiarization with all Metrorail operations; radio protocol; and periodic testing and certification by a professional training specialist who is knowledgeable in rail transit operations. *R–82–56:* Establish a Training Department for Metrorail that is accountable to top Washington Metropolitan Area Transit Authority management and is staffed by professional specialists in this field. *R–82–57:* Evaluate the quality of the curriculum, instruction, training aids, and periodic certification process of the present Metrorail train operators' training course, and implement necessary improvements. *R–82–58:* Modify the overspeed control on the Metrorail cars to enforce speed commands of the Automatic Train Protection subsystem to and including zero miles per hour. *R–82–59:* Change the identification numbers of its interlocking and interlocking signals to eliminate possible misunderstandings which could result in a train improperly passing a restricing signal. *R–82–60:* Require the Metrorail Operations Control Center personnel, rail transportation supervisors, and train operators to refer to all signals by their complete and proper designation. *R–82–61:* Require that the Metrorail Operations Control Center personnel and the transportation supervisors understand and implement provisions of Standard Operating Procedure No. 15 for the establishment of an absolute block when there is a failure in the Automatic Train Control system. *R–82–62:* Include in Metrorail operating rules a definition of restricted speed. Establish and require that all employees involved in the operation of trains understand and abide by the maximum allowable speed for trains being operated through an interlocking with inoperative track circuits. *R–82–63:* Eliminate the practice of issuing verbal instructions to the Metrorail Operations Control Center personnel which modify or amend operating rules and standard operating procedures. *R–82–64:* Modify the automated alert system to segregate the "serious" physical plant-related Type 1 visual alarms from the less serious train-oriented Type 2 alarms, and to provide an audible indication of a Type 1 alarm which must be manually acknowledged. *R–82–65:* Require that Type 1 automated alert alarms be immediately reported by the Operations Control Center to Maintenance Control for corrective action. *R–82–66:* Require that maintenance forces inspect switch machine fusetrons while making their regular preventive maintenance inspections of the control system apparatus. *R–82–67:* Provide train operators with some type of self-contained radios which will function in the event that auxiliary and emergency car power sources are lost. *R–82–68:* Arrange for a comprehensive review of its Metrorail safety program and of its rules and procedures by a peer review board of the American Public Transit Association. *R–82–69:* Provide all Metrorail Operations Control Center controllers and their supervisors with clear instructions that all automatic reclosing curcuit breakers or the traction power sections in the affected area must be commanded open prior to the commencement of an evacuation of a train. *R–82–70:* Require the installation of an adequate number of marked emergency escape windows on all new Metrorail cars and implement a program to similarly retrofit existing cars. *R–82–71:* Equip each Metrorail car with an adequate number of self-contained, battery-powered emergency lights which will automatically illuminate the car interior in the event the car's auxiliary and emergency power is lost. *R–82–72:* Post emergency information inside Metrorail cars at locations near the doors regarding the location and method of operation of the manual emergency door handle. *R–82–73:* Retrofit existing Metrorail cars with derailment detector devices which will apply the brakes in emergency when a car wheel leaves the rail. Require that all new cars be so equipped. *R–82–74:* Maintain the carborne monitors on existing Metrorail cars and require their installation on cars presently on order. Acquire the necessary equipment to read the monitor tapes. *R–82–75:* Provide a portable radio, compatible with the Metrorail communication system, at each station kiosk for dedicated use by fire/rescue personnel. *R–82–76:* Expedite the completion of its underground communication system. *R–82–77:* In conjunction with the District of Columbia Fire Department, expand the scope and frequency of the Disaster Crash Simulations and include hospitals and fire/rescue units from surrounding jurisdictions.

Consolidated Rail Corporation: Oct. 20: R–82–108: Install locks designed and constructed to resist unauthorized opening to secure hand-operated switches on main tracks over which trains are permitted to operate at speeds greater than 30 mph. *R–82–109:* Install electric locks on all hand-operated switches on main track over which trains are permitted to operate at speeds greater than 30 mph to prevent the switch from being operated in the face of an approaching train.

New York City Transit Authority: Oct. 13: R–82–105: Establish a procedure for scheduling and making permanent repairs within an established minimum time after temporary repairs have been made on signal circuits. *R–82–106:* Establish a training program for signal department employees performing inspections and testing signal circuits to give them a thorough understanding of proper signal circuit test procedures and principles.

Northern Plains Gas Company: Oct. 13: P–82–41: Revise its quality assurance program to provide high qualification standards for X-ray technicians and to prescribe procedures which will result in the detection and repair or replacement of girth weld defects before a pipeline is buried.

General Aviation Manufacturers Association: Oct. 20: A–82–140: Convenee a meeting of representatives of the aviation and petroleum industries to examine the practicality of standardizing and modifying nozzles and tank openings throughout the aviation fuel distribution system from the refinery to the airplane so that jet fuel cannot be inadvertently delivered to tanks intended for the containment of aviation gasoline (AVGAS). *A–82–141:* Coordinate the action by the aviation fuel distribution industry to implement measures in the distribution system that will positively prevent the inadvertent fueling of reciprocating engine-powered aircraft with jet fuel.

Association of American Railroads: Sep. 29: R–82–103: Advise its membership of the circumstances of the wheel failure accident that involved Seaboard Coast Line Train No. 175 near Pembroke, North Carolina, on Feb. 24, 1982, and warn them of the failure record of the D–28 wheel. *R–82–104:* Issue instructions that all D–28 wheels be removed prior to October 1, 1984. *Oct. 27: H–82–56:*

Incoordination with the Federal Highway Administration, study the problem presented by the lack of a standard distance gap between the end of crossing gates and the middle of the road or median, and establish and incorporate such a standard distance into the Association's recommended practices.

The Long Island Railroad: Oct. 27: H–82–53: Extend the length of the crossing gate arms at the Herricks Road grade crossing and where required at the other grade crossings of the main line of the Long Island Railroad so they will comply with your existing standards. *H–82–54:* Remove the billboard and its supports in the northwest quadrant of Herricks Road and the main line of the Long Island Railroad and remove all extraneous matter, such as shrubbery, on the railroad right-of-way which interferes with the sight line of motorists. *H–82–55:* Survey all other grade crossings on the Long Island Railroad system and remove extraneous obstacles on the railroad right-of-way which interfere with a motorist's sight line. Report extraneous matter, not on the railroad right-of-way, which obstructs a motorist's sight line to the owner of the property on which such matter exists and request its removal.

Note.—Reports may be ordered from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, for a fee covering the cost of printing, mailing, handling, and maintenance. For information on reports call 703–487–4650 and to order subscriptions to reports call 703–487–4630. Single copies of recommendation letters (identified by recommendation number) are free on written request to: Public Inquires Section, National Transportation Safety Board, Washington, D.C. 20594.

H. Ray Smith, Jr.,

Federal Register Liaison Officer.

November 4, 1982.

[FR Doc. 82–30097 Filed 11–3–82; 8:45 am]

BILLING CODE 4810–58–M

NUCLEAR REGULATORY COMMISSION

Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals; Meeting

Notice is hereby given in accordance with Section 10 of the Federal advisory Committee Act that NRC's Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals will hold a meeting at 9:30 a.m., December 1, 1982. This meeting will take place at the office of Shaw, Pittmen, Potts and Trowbridge, South Building, 9th Floor Lobby, 1800 M Street, NW., Washington, D.C. and will be open for public observation.

At this meeting, the committee will continue its review of proposals for reforming the NRC's licensing process for nuclear plants. a transcript of the meeting will be made available for public inspection and copying at NRC's Public Document Room, 1717 H Street, NW., Washington, D.C.

Further information may be obtained from Mr. Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20550 (Telephone 202–634–1465).

Dated at Washington, D.C. this 29th day of October, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82–30332 Filed 11–3–82; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–269, 50–270 and 50–287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 114, 114 and 111 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina.

These amendments were authorized by telephone on October 14, 1982, and were confirmed by letter dated October 15, 1982; they were issued on an expedited basis to permit Unit 1 to continue operation based on the Commission's Safety Evaluation. These amendments change the TSs to allow the pressurizer code safety valves on Oconee Unit 1 to be degraded from October 14 through 29, 1982.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 14, 1982, (2) the Commission's letter to the licensee dated October 15, 1982, (3) Amendments Nos. 114, 114, and 111 to Licenses Nos. DPR–38, DPR–47 and DPR–55, repectively, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of October 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82–30328 Filed 11–3–82; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–269, 50–270 and 50–287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 115, 115 and 112 to Facility Operating Licenses Nos. DPR–38, DPR–47 and DPR–55, respectively, issued to Duke Power Company, which revised the Technical Specifications (TSs) for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3, located in Oconee County, South Carolina. The amendments are effective as of the date of issuance.

These amendments revise the TSs to reflect a Duke Power Company reorganization and personnel qualifications in the Administrative Controls Section and also correct the local leak testing requirements for certain containment penetrations.

The applications for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated July 30, 1982, and September 10, 1982, (2) Amendments Nos. 115, 115, and 112 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for pubic inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of October 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-30327 Filed 11-3-82; 8:45 am]

BILLING CODE 7590-01-M

Orion Chemical Co.; Order

[General License (10 CFR 40.22) EA 82-111]

I

Orion Chemical Company, 3853 North Sherwood Drive, Provo, Utah 84604 (the "licensee") is the holder of a general license granted by the Nuclear Regulatory Commission (the "Commission") pursuant to 10 CFR 40.22. The general license authorizes the use or transfer of not more than 15 pounds of source material at one time and the receipt of not more than 150 pounds of source material in any one calendar year.

II

An inspection of the licensee's premises at Orem, Utah, on August 23, 1982, by a representative of the NRC Region IV Office indicated that the licensee had conducted licensed activities in violation of certain Commission requirements. As result of this inspection, an Order to Show Cause and Order Temporarily Suspending License was issued to Orion Chemical Co. on September 3, 1982. The licensee responded to the citations in the Order to Show Cause on September 24, 1982, and described a number of corrective actions it planned to take including: (1) Measures to assure compliance with recordkeeping requirements and to permit inspection of records by representatives of the Commission, (2) improvements in the conduct of operations including the use of protective clothing, frequent instrument and service monitoring, and (3) the use of containers at each step of the process to prevent spills and contamination. In discussions with NRC personnel, the licensee has also committed to the use of a hood at each step of the process and to conduct all future operations in accordance with the recommendations of a consultant, Mr. Bob Decker of Chemrand Corporation. In addition, the licensee committed to meet all state and local regulations.

In view of these representations and commitments, the Director of the Inspection and Enforcement has determined that rescission of the September 3, 1982 Order is appropriate.

III

Accordingly, the licensee may resume operations in accordance with the requirements of the general license, issued under 10 CFR 40.22 of the Commission's regulations.

Dated at Bethesda, Maryland, this 22nd day of October, 1982.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection & Enforcement.

[FR Doc. 82-30328 Filed 11-3-82; 8:45 am]

BILLING CODE 7590-01-M

[Byproduct Material License No. 41-19870-01; EA 82-105]

Radiodiagnostic Imaging Affiliates of Virginia, Inc.; Decision on Order To Show Cause Dated August 27, 1982 and Order Further Modifying License (Effective Immediately)

I

Radiodiagnostic Imaging Affiliates of Virginia, Inc., 2500 21st Avenue South, Nashville, TN 37212 (the "Licensee") is the holder of Byproduct Material License No. 41-19870-01 (the "License") issued by the Nuclear Regulatory Commission (the "Commission"). The License authorizes the possession of byproduct material and its use for medical diagnostic purposes. The License was originally issued on February 26, 1982, and the present expiration date of the License is February 28, 1987.

II

Following a routine inspection on August 12, 1982, an investigation of Licensee activities was conducted by representatives of the NRC Region II (Atlanta, GA) Office on August 17 and 18, 1982, to determine compliance with Commission requirements. As a result of this investigation, an Order to Show Cause Why the License Should Not Be Revoked and an Order Modifying License, dated August 27, 1982, were issued by the Director, Office of Inspection and Enforcement.

The Licensee responded by filing a written answer to the Order to Show Cause on September 17, 1982. The Licensee responded to each of the items of noncompliance cited in the Order and set forth the corrective actions taken. The Licensee also described additional steps taken to improve its activities including obtaining a generator shield to store depleted generators until shipment and obtaining additional shielding for xenon storage. On the basis of an evaluation of the Licensee's response, the results of an inspection conducted on September 16, 1982, and supporting statements from three hospitals, the Director, Office of Inspection and Enforcement, has determined that the specific plans, procedures and facility changes, if continued or implemented as described by the Licensee, are adequate to enable the Licensee to conduct future activities involving licensed material in compliance with Commission requirements. The Director has further determined that the public health, safety and interest requires that these additional commitments be made requirements by an immediately effective Order.

III

In view of the foregoing, pursuant to Section 161(b) of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2, 20, 30, and 35, it is hereby ordered effective immediately that:

A. License No. 41-19870-01 is modified to include the Licensee's statements and representations contained in the letter of September 17, 1982, as specified in Section II above.

B. The Licensee shall, beginning in the fourth quarter of 1982 and continuing through the fourth quarter of 1983, conduct internal compliance audits on a quarterly frequency to be performed by an independent consultant possessing certification or eligibility for certification by the American Board of Health Physics, American Board of Radiology in Radiological Physics or Medical Nuclear Physics, or the American Board of Nuclear Medicine Services. These audits shall be documented and maintained on file at the Licensee's Big Stone Gap Facility. Once these independent audits have commenced, the bi-weekly audits by the Radiation Safety Officer, required by the Order of August 27, 1982, may be discontinued.

IV

The Licensee may request a hearing on this Order within 25 days of its issuance. A request for hearing shall be submitted to the Director, Office of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the request shall also be sent to the Secretary of the Commission and the Executive Legal Director at the same address. If a hearing is requested by the Licensee, the Commission will issue an Order designating the time and place of any such hearing. If a hearing is held, the issue to be considered at such hearing shall be:

Whether, on the basis of the matters set forth in Section II of this Order, License No. 41-19870-01 should be modified as set forth in Section III of this Order.

In the event that a need for further action becomes apparent, either in the course of proceedings on this Order, or any other time, the Director will take appropriate action.

Dated at Bethesda, Maryland, this 28th day of October 1982.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

[FR Doc. 82-30329 Filed 11-3-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312, License No. DPR-54, EA 82-50]

Sacramento Municipal Utility District, Rancho Seco Nuclear Generating Station; Order Imposing Civil Monetary Penalties

I

Sacramento Municipal Utility District, 6201 S. Street, P.O. Box 15830, Sacramento, California 95813 (the "licensee") is the holder of License No. DPR-54 (the "license") issued by the Nuclear Regulatory Commission (the "Commission") which authorizes the licensee to operate the Rancho Seco Nuclear Generating Station in Sacramento County, California, in accordance with conditions specified therein. The license was issued on August 16, 1974.

II

A special inspection of the licensee's activities under the license was conducted on February 11 through April 28, 1982 at the Rancho Seco Nuclear Generating Station in Sacramento County, California. As a result of this inspection, it appears that the licensee had not conducted its activities in full compliance with the conditions of its license. A written Notice of Violation and Proposed Imposition of Civil Penalties was served upon the Licensee by letter dated June 24, 1982. The Notice states the nature of the violations, and the license conditions which the licensee had violated, and the amount of civil penalty proposed for each violation. An answer dated August 31, 1982 to the Notice of Violation and Proposed Imposition of Civil Penalties was received from the licensee.

III

Upon consideration of the answers received and the statements of fact, explanation, and argument for mitigation of the proposed civil penalties contained therein, as set forth in the Appendix to this Order, the Director of the Office of Inspection and Enforcement has determined that the penalties proposed for the violations designated in the Notice of Violation and Proposed Imposition of Civil Penalties should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2282, Pub. L. 96-295), and 10 CFR 2.205, it is hereby ordered that:

The licensee pay civil penalties in the amount of One Hundred Twenty Thousand Dollars ($120,000) within thirty days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director of the Office of Inspection and Enforcement, USNRC, Washington, D.C. 20555.

V

The licensee may within thirty days of the date of this Order request a hearing. A request for a hearing shall be addressed to the Director, Office of Inspection and Enforcement. A copy of the hearing request shall also be sent to the Executive Legal Director, USNRC, Washington, D.C. 20555. If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If the licensee fails to request a hearing within thirty days of the date of this Order, the provisions of this Order shall be effective without further proceedings; if payment has not been made by that time, the matter may be referred to the Attorney General for collection. In the event the licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether the licensee violated NRC license conditions as set forth in the Notice of Violation and Proposed Imposition of Civil Penalties; and

(b) Whether, on the basis of such violations, this Order should be sustained.

Dated at Bethesda, Maryland, this 28th day of October 1982.

For the Nuclear Regulatory Commission.

Richard C. DeYoung,

Director, Office of Inspection and Enforcement.

Appendix—Evaluation and Conclusion

The licensee admits all of the violations as set forth in the Notice of Violation dated June 24, 1982. In the licensee's response dated August 31, 1982, reasons given for the cited violations included inadequate equipment design, inadequate training, inadequate procedures and failure to follow established procedures. Nonetheless, the licensee included in the response a request for mitigation of the proposed civil penalties pursuant to the provisions of 10 CFR 2.205(b) on the following bases:

1. Although the circumstances regarding the inoperability of the "B" diesel generator were similar to those reported in LER-81-33. the licensee contends that appropriate corrective action had been initiated to move the open relay condition from the "Diesel Trouble" alarm to the "Diesel Not Ready for Auto Start" alarm, and, further to investigate better relay marking techniques to insure that disabling conditions would be identified and therefore contends that an increased penalty for inadequate corrective action is improper and unnecessary.

2. With respect to the violation involving the inoperability of the "B" HPI pump, the licensee contends that the events associated with LER-79-11 and reportable occurrences which led to the 1980 enforcement action are not similar and, therefore, penalties beyond the base penalty should not be imposed. As defined in the NRC Enforcement Policy "similar" refers to "those violations which could have been reasonably expected to have been prevented by the licensee's corrective action for previous violations."

3. The fact that the violations were discovered by the licensee, promptly reported to NRC, and comprehensive corrective action initiated prior to the NRC issuing the Notice of Violation along with the contention that neither violation represented multiple examples of a particular violation during the inspection period, is contended by the licensee to warrant consideration of a reduction in the civil penalty.

The licensee's first contention fails to fully recognize that the event described in LER-81-33 occurred on June 11, 1981, some eight months prior to the occurrence which resulted in the current civil penalty action. At that time the licensee stated that to preclude a recurrence more effective relay marking techniques would be developed to assist the operators in detecting open relays during their shift checks. In the licensee's current response to the Notice of Violation the licensee states that once again an open breaker was not discovered by the routine shift checks nor during investigation of the trouble alarm. Since then, white indicating boxes have been added to each relay cover where trip flag indicators are located to assist operators in locating and checking the status of all relay targets.

In addition, evidently, subsequent to the event reported in LER-81-33, the licensee failed to review the circuitry and assure that all identified fault relays that would prevent the diesel from operating were properly put on the diesel generator "Auto Start Inoperable" alarms.

The Commission requires licensee's to perform prompt competent evaluations of events that impact on the safety of facility operations as well as to initiate and complete appropriate corrective action in a timely manner. Nothing less is acceptable. Therefore, the licensee's contention that they had identified the problem and initiated action, some eight months previous is without merit in view of the recurrence of the events and the simplicity of the changes made to reduce the likelihood of operator error subsequent to the subject violation. The Commission also expects the licensee to assure that all personnel operating equipment in a nuclear power plant be appropriately qualified to perform assigned duties. Again, nothing less is acceptable. Therefore, the reasons set forth by the licensee as the cause of the violation relating to inadequate training are inexcusable and without merit.

The licensee's second contention is also without merit. The corrective action for the mispositioned switch reported in LER-79-11 was to institute a log sheet and verify the switch position every eight hours. A similar procedural provision was required for the breaker charging spring status for the HPI pump. In addition, the 1980 NRC Order specifies: (1) "Administrative procedures shall be adopted and implemented to require independent verification of valving line-ups and *equipment operability* (Emphasis added) whenever safety related equipment is removed from or placed in service." and (2) "Existing administrative procedures and controls shall be reviewed and revised as necessary to assure that operating procedures are readily updated and maintained to reflect changes in safety related plant systems or their operation."

The licensee's response focused on the operations personnel's misunderstanding of the meaning of the diesel generator alarm indicator light. The response ignored the cause of the violation. Had the equipment been properly returned to service and had the fault flag been recorded as required, this violation could have been prevented. However, the licensee contends that due to operations personnel's misunderstanding, this violation is not similar to previous items. As used in the NRC enforcement policy previously stated above, the term "similar" means those violations which could have been reasonably expected to have been prevented by licensee's corrective action for previous violations. For the case in point, the events associated with the previous LER and the Order clearly demonstrate the need to assure that any and all switches, breakers and other safety related equipment are routinely verified to be correctly positioned. Failure on the part of procedures or implementation of the procedures to accomplish special or routine verifications are by definition similar. It can be reasonably expected that the corrective action should prevent future similar type violations. The policy does not require that the equipment or system be the same as implied in the licensee's response. Consequently, the staff disagrees with the licensee's assertion that the 1980 Order is irrelevant to the cited violations.

The licensee's final contention is also without merit. The "Diesel Trouble" alarm could not be cleared after the suspected cause had been corrected. The inoperability of the HPI was discovered when an attempt to start the pump resulted in its failure to start. Also, the licensee's procedures required the operations personnel to check the status of the equipment every eight hours. The inoperability of the equipment should have been discovered earlier had the procedures been properly implemented. Concerning the factor of multiple examples of a violation, the civil penalty amount was not increased based upon the existence of multiple examples. Additionally, the enforcement policy does not provide for mitigation on the basis of the absence of multiple examples of a particular violation. In view of the circumstances associated with these violations and information available to the licensee concerning the existence of a problem, the staff concludes that credit for self identification is not appropriate.

Based on the foregoing the staff believes a reduction of the penalty would be contrary to the stated enforcement policy and therefore unwarranted. Further, the staff finds no basis set forth by the licensee in his request for mitigation to grant a reduction of the penalty for these violations and that the penalty is proper and necessary to provide the licensee an incentive to conduct the licensed activities not only to the letter, but also, to the intent of the regulatory requirements.

[FR Doc. 82-30330 Filed 11-3-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co. (San Onofre Nuclear Generating Station, Unit No. 1); Exemption

I

The Southern California Edison Company (SCE) and the San Diego Gas and Electric Company (the licensees) hold Provisional Operating License No. DPR-13, which authorizes Southern California Edison Company to operate the San Onofre Nuclear Generating Station, Unit No. 1 (the facility) at power levels not in excess of 1347 megawatts (thermal) rated power. The facility, which is located in San Diego County, California, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

Section 50.54(t) of 10 CFR Part 50 requires that a nuclear power reactor licensee provide for a review of its emergency preparedness program at least every 12 months by persons who have no direct responsibility for implementation of the emergency preparedness program. By application dated March 18, 1982, the licensee requested an exemption from the § 50.54(t) schedular requirement to permit a one-year extension of the annual review of the review of the emergency preparedness program for San Onofre Nuclear Generating Station, Unit No. 1 from April 1, 1982 to April 1, 1983. Discussions between the licensees' representatives and members of the NRC staff indicated that schedular relief until February 16, 1983, rather than April 1, 1983, would be acceptable for San Onofre Unit No. 1. This modified date coincides with the date that a similar audit is required for San Onofre Unit No. 2. Accordingly, the licensees and the NRC staff mutually agreed to modify the extension request to February 16, 1983.

The licensees stated that the requested schedular relief is justified by the comprehensive review of existing onsite and offsite emergency preparedness for the site, including SONGS-1 conducted during the past year-and-a-half by the NRC staff and the Federal Emergency Management Agency (FEMA) in conjunction with licensing proceedings related to San Onofre Nuclear Generating Station, Units 2 and 3. In an affidavit submitted in support of the exemption request, the licensee cited (1) the full-scale exercise of the San Onofre Unit No. 1 onsite emergency plan and the San Onofre Nuclear Generating Station offsite emergency plans conducted on May 13, 1981, by Southern California Edison Company and the involved offsite jurisdictions, under the observation of FEMA and NRC staff representatives, (2) the April 15, 1982 exercise of the San Onofre Unit No. 2 onsite plan and the offsite emergency plans under the observation of FEMA and NRC represenatatives, (3) the December 2, 1981 FEMA report, (4) the February 9, 1982 report issued by the NRC on the emergency preparedness appraisal for San Onofre Units 2 and 3, and (5) the NRC inspections of emergency preparedness in October and November 1981, and January 1982.

III

The affidavit submitted in support of the licensees' request presents a factual picture of the salient milestones in the development and review of the site's emergency preparedness program. That description is generally consistent with the schedule of events that have occurred at each of the operating plants (and the near term operating license applicant's sites) during the course of calendar year 1981. One significant additional factor unique to the San Onofre Nuclear Generating Station site is the occurrence of an additional exercise during April, 1982 for the purpose of evaluating the San Onofre, Unit 2, onsite program and for demonstrating the level of offsite capability beyond that evaluated during the May, 1981, exercise. We note that the Unit 1 offsite plans are the same plans applicable to Unit 2.

Based on our review, we find that the additional onsite and offsite review performed in conjunction with the April 1982 emergency planning exercise is sufficient to support the granting of an exemption until February 16, 1983 for the conduct of an independent audit of the San Onofre Unit No. 1 emergency plan.

We conclude that the extension until February 16, 1983, is acceptable based on the additional onsite and offsite review performed in conjunction with the April 1982 exercise. We further conclude that this extension of time until February 16, 1983 for the conduct of an independent audit of the San Onofre Unit 1 emergency preparedness program will not endanger the health and safety of the public and should, therefore, be granted.

IV

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security, is otherwise in the public interest, and is hereby granted.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 28th day of October, 1982.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-30331 Filed 11-3-82; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) Collection title: Appeal Under the Railroad Retirement Act.

(2) Form(s) submitted: HA-1.

(3) Type of request: Revision.

(4) Frequency of use: On occasion.

(5) Respondents: 700.

(6) Annual responses: 800.

(7) Annual reporting hours: 267.

(8) Collection description: Under Section 7(b)(3) of the RRA, a person aggrieved by decision on his or her application for an annuity or other benefit has the right to appeal to the agency. The application will porvide the means for initiating the appeals action.

Additional Information or Comments

Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312-751-4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202-395-6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,

Director of Planning and Information Management.

[FR Doc. 82-30396 Filed 11-3-82; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-19185; File No. SR-Amex-82-17]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Relating to Transaction Charges on Treasury Securities Options Transactions

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 20, 1982, the American Stock Exchange filed with the Securities Exchange Commission the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board of Governors of the American Stock Exchange has approved the following Resolution.

Resolution

Resolved, that the following fee schedule for options transactions in Treasury securities be established and imposed by the Exchange pursuant to Article VII, Section 5 of the Exchange Constitution:

—6¢ per contract side for proprietary business; and,
—30¢ per contract side for customer business.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) *Purpose.* The proposed rule change establishes a fee schedule for transactions in Treasury securities options. Such transaction charges will provide a source of revenue to pay for the operational and regulatory activities of the Exchange associated with the trading of these options.

The proposed charges are essentially the same as the Exchange's current stock options charges; there is one difference, reflecting a technical difference in the new contract. Currently, stock options transaction charges provide that if an options premium is less than one dollar, the per contract charge on customer business is 15¢ rather than 30¢. Since interest rate options premiums are expressed as a percentage of principal amounts, this standard would be inappropriate. To provide a similar price differential in interest rate option fees would involve a different formula for each contract which would defeat the uniformity and simplicity the Exchange is pursuing in the development of its new option products.

(b) *Basis*. The adoption of the transaction charge schedule is consistent with Section 6(b) of the Exchange Act in general and furthers the objective of Section 6(b)(4) in particular in that it will assure the equitable allocation of reasonable dues, fees, and other charges among the Exchange's members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on burden on competition

While the proposed change will impose a fee on trading in Treasury options, that fee is not a significant expense. Further, the fee will not create an unnecessary burden on competition in that the revenues generated by the collection of transaction charges on proprietary and customer transactions will be used by the Exchange to help cover its operational costs as well as the cost of carrying out its self-regulatory functions under the Act.

C. Self-Regulatory Organization's statement on comments on proposed rule change received from members, participants, or others

No written comments were solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 27, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30293 Filed 11–3–82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12765; (812–5181)]

Jefferson Standand Life Insurance Co., Jefferson Standard Separate Account A, and Jefferson-Pilot Equity Sales, Inc.; Application For an Order Pursuant to Section 6(c) of the Act Granting Exemptions From Sections 2(a)(32), 2(a)(35), 26(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 Thereunder

October 26, 1982.

Notice is hereby given that Jefferson Standard Life Insurance Company ("Jefferson"), Jefferson Standard Separate Account A ("Account"), and Jefferson-Pilot Equity Sales, Inc. ("Equity Sales") 101 North Elm Street Greensboro, NC 27401, (hereinafter collectively called "Applicants"), filed an application on May 28, 1982, and amendments thereto on September 27 and October 12, 1982, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order granting exemptions to the extent necessary from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Account is a separate account of Jefferson established as the facility for issuing certain variable annuity contracts. All amounts credited to the Account pursuant to variable annuity contracts will initially be invested in shares of JP Growth Fund, Inc., JP Income Fund, Inc., or Jefferson-Pilot Money Market Fund, Inc. ("Funds"), diversified open-end investment companies registered under the Act. It is proposed that upon their registration statements becoming effective under the Securities Act of 1933 the securities of Jefferson-Pilot Growth Fund, Inc. and Jefferson-Pilot Income Fund, Inc., diversified open-end investment companies, will be substituted for securities of JP Growth Fund, Inc. and JP Income Fund, Inc., respectively, pursuant to Rule 6c–6 of the Act.

Jefferson is a stock life insurance company chartered under the laws of North Carolina and a wholly-owned subsidiary of Jefferson-Pilot Corporation. Equity Sales, a wholly-owned subsidiary of Jefferson-Pilot Corporation, is a registered broker-dealer under the Securities Exchange Act of 1934. JP Investment Management Company is investment advisory to the Funds.

According to the application, the contracts ("Contracts") to be funded through the Account are individual immediate and deferred single purchase payment and periodic purchase payment variable annuity Contracts designed for use in connection with tax qualified retirement plans ("qualified Contracts") and sales where no special tax treatment is involved ("non-qualified Contracts"). The Contracts permit purchase payments to be made on a flexible basis subject to certain minimums. The application also states that at the present time contracts are not available for purchase except in connection with pension or profit-sharing plans and individual retirement accounts qualified for special tax treatment under the Internal Revenue Code and public employee deferred compensation plans. Prior to September 25, 1981, contracts were available for purchase otherwise than in connection with such plans and accounts. Any person who prior to that date bought a contract is entitled to continue such contract. The application states that at such time as the securities of Jefferson-Pilot Growth Fund, Inc. and Jefferson-Pilot Income Fund, Inc. are substituted for the securities of JP Growth Fund, Inc. and JP Income Fund, Inc., Contracts, with the terms described below, will be available for purchase otherwise than in connection with such plans and accounts.

According to the application, on each contract anniversary on or prior to the annuity date, there will be deducted from the value of each deferred Contract a maximum contract administration charge of $30 for administration expenses relating to the Contracts. Such charge will also be deducted upon the withdrawal in full of the contract value on any date other than a contract anniversary. For single purchase payment immediate Contracts, the administration charge is $90 and is deducted from the single purchase payment when the Contract is issued. Applicants assert that these charges are designed only to reimburse Jefferson for administration expenses and are not calculated to include a profit element or expected to result in any profit. The applicants further assert that these administrative costs are incurred in full by Jefferson with respect to each Contract each contract year, including a Contract which is surrendered prior to the end of the contract year. Furthermore, according to the application, there are additional administrative costs incurred in the handling of the surrender of a Contract. Applicants state that they are fully justified, therefore in charging the full charge, without proration thereof, with respect to a Contract which is surrendered prior to the end of the contract year.

Applicants state that with respect to deferred Contracts no sales charges will be deducted from purchase payments as they are made. Instead, a contingent deferred sales charge will be assessed (a) in the event of a full or partial withdrawal of the net contract value within fifteen years after the Contract's issue date, or (b) if within five years from the Contract's issue date the Contract's value is used to provide an annuity certain (*i.e.*, without a life contingency) and if the (i) specified payment period is less than ten years or (ii) specified amount, annualized is more than 15 percent of the Contract's value at the time used to provide an annuity certain. The Applicants state that the charge provided for in (b) is intended to prevent an annuitant from avoiding the contingent deferred sales charge by electing, in the early contract years, an annuity involving no life contingency and resulting in the complete liquidation of his contract value within a relatively short period of time. This charge is designed to obtain for Jefferson a sales charge comparable to that provided for under (a).

According to the application, the contingent deferred sales charge made at withdrawal or upon effecting annuity payments will be 9 percent of the amount withdrawn or used to effect annuity payments during the first contract year, and the percentage will scale downward by 1/12 percent each month after end of the first contract year to 2 pecent at the end of the eighth contrct year. According to the application, in no event will the charge exceed 8½ percent of the total gross purchase payments under a periodic payment Contract or 6½ percent of the total gross single purchase payment under a single payment Contract. The application also describes circumstances when the contingent deferred sales charge may be appropriately waived or reduced. The Applicants assert that the amount, computation and timing of the contingent deferred sales charge are designed to reimburse Jefferson solely for expenses relating to the sale of the Contracts.

According to the application, Jefferson guarantees that (i) the $30 contract administration charge assessed annually prior to the annuity date will never be increased and (ii) the amount of each annuity payment after the annuity date will not be affected by variations in the mortality experience of persons receiving such payments or the general population. For assuming these risks, Jefferson will assess an expense risk charge and a mortality risk charge which on an annual basis will equal .2555 percent and .73 percent, respectively, of the daily net asset value of the Account. Jefferson reserves the right to decrease or increase these charges annually, but in no event may such combined charges exceed 1.460 percent annually. The application states that the mortality and expense risk fee charges will be added to the general account of Jefferson and will not be specifically earmarked for any other purpose. According to the application Jefferson utilizes the assets in its general account to meet administration, mortality and general expenses, as well as any shortfall in recovery of distribution costs related to the Contracts. Charges under other contracts Jefferson issues also provide a source of revenue to meet these expenses. Based upon Jefferson's actuarial projections, it is possible that the contingent deferred sales charge described above may, at least initially, be insufficient to recover all of the distribution costs and related expenses incurred in connection with the Contracts. In such event, the applicants state that some portion of the mortality and expense risk charges (to the extent such charges comprise surplus in the general account) may be utilized by Jefferson to meet such excess sales expenses. Applicants have stated that such charges are consistent with industry practice and reasonable in relation to the risks incurred and purposes intended. Also, any premium taxes imposed by a state or other government entity will be deducted from the contract value at the annuity date, at actual cost.

Applicants seek exemptions pursuant to Section 6(c) from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c-1 thereunder to the extent necessary to permit the issuance and sale of the Contracts with a contingent deferred sales charge and Applicant's assessment of an annual contract administration charge, mortality and expense risk charges, and a deduction for premium taxes.

Applicants also request an exemption from Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit Jefferson to hold the assets of the Account for safekeeping rather than to enter into a custodial or safekeeping agreement with a bank, and to permit shares of the Funds to be held under an open account arrangement without the use of stock certificates. In veiw of the absence of stock certificates, Applicants also request an exemption from the requirement of Section 26(a)(2)(D) that a trustee or custodian have physical possession of the assets and that the assets of the Account be segregated and held in trust. The Applicants state that there is little or no necessity, given the other safeguards and conditions, for requiring a bank trustee or custodian in the context of an established insurance company offering variable ennuity contracts though a separate account registered as a unit investment trust.

Section 6(c)

Section 6(c) of the act authorizes the Commission to exempt any person, security or transaction, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. For the reasons stated above, Applicants request exemption pursuant to Section 6(c) from certain provisions of the Act as summarized below.

Sections 2(a)(32), 2(a)(35), 22(c), 27(a)(3), 27(c)(1), 27(d) and Rules 22c–1

Section 2(a)(32) of the Act defines a redeemable security as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell such certificate unless it is a redeemable security.

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or adminitrative expenses or fees which are not properly chargeable to sales or promotional activities.

Section 22(c) of the Act and Rule 22c–1 thereunder prohibit a registered investment company issuing redeemable securities, such as the contracts, from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security.

Section 27(a)(3) of the Act prohibits any registered investment company issuing periodic payment plan certificates, or any depositor or underwriter of such company, from selling any such certificate if the deduction for sales charges on any first payment proportionately exceeds the amount deducted on any other such payment, or the deduction for sales charges on any subsequent payment proportionately exceeds the amount of the deduction on any other subsequent payment. Section 27(d) of the Act, in pertinent part, requires that the holder who surrenders his or her periodic payment plan certificate within eighteen months of issuance receive his or her account value plus an amount equal to the excess paid for sales expenses which exceed 15% of the purchase payments made by the certificate holder.

Sections 27(c)(2) and 26(a)

Section 27(c)(2), in relevant part, prohibits the issuer of a periodic payment plan certificate and any depositor or underwriter for such issuer from selling such certificate unless the proceeds of all payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian, and held under an agreement containing, in substance, the provisions required by Section 26(a)(2) and 26(a)(3). Those provisions require that such agreement must provide, *inter alia*, that the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B), and (C) of such section until distribution to the securityholders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

Notice is further given that any interested person may, not later than November 19, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30295 Filed 11–3–82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22684; (70–6678)]

National Fuel Gas Co., National Fuel Gas Distribution Corp., Penn-York Energy Corp., and National Fuel Gas Supply Corp.; Notice of Intra-System Borrowing Arrangements and Issuance and Sale of Commercial Paper and Notes to Banks by Holding Company; Request for Exception From Competitive Bidding

October 27, 1982.

National Fuel Gas Company ("National"), National Fuel Gas Co., 30 Rockefeller Plaza, New York, New York 10112, a registered holding company, and National Fuel Gas Distribution Corporation ("Distribution"), National Fuel Gas Supply Corporation ("Supply"), National Fuel Gas Supply Corp.; 308 Seneca Street, Oil City, Pennsylvania 16301, and Penn-York Energy Corporation ("Penn-York"), 10 Lafayette Square, Buffalo, New York 14203, each a subsidiary of National, (collectively referred to as the "System") have filed with this Commission an application-declaration and amendments thereto pursuant to Sections 6(a), 7, 9(a), 10, 12(b), and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42(b)(2), 43, 45, 50(a)(2) and 50(a)(5) thereunder.

Applicants-declarants seek to obtain authorization for National to issue and sell through December 31, 1983 commerical paper and short-term notes to banks pursuant to established external short-term lines of credit. The proceeds from such borrowings would be loaned to System subsidiaries. Authorization is also sought to institute a money pool arrangement among National, Distribution, Supply and Penn-York.

The maximum principal amount of unsecured debt, as defined in National's Certificate of Incorporation, that the System may have outstanding at any one time is limited to 25% of the consolidated capitalization of the System pursuant to a restriction in National's Certificate. As of June 30, 1982, twenty-five percent of its consolidated capitalization equals $122,440,250.

Certain borrowings for use by Supply to finance its inventory of storage gas and accounts receivable loans are excluded from the definition of unsecured debt. This permits portions of the short-term debt of the System to fit within an exclusion and short-term borrowings in the aggregate to exceed the above debt limitations.

Applicants-declarants are accordingly seeking authorization to issue and sell through December 31, 1983 commerical paper and short-term notes to banks not exceeding $306,000,000 in aggregate principal amount outstanding at any one time. That amount includes up to $185,559,750 of loans which are excluded from the definition of unsecured debt.

At certain times during the year, National and certain of its subsidiaries generate surplus funds. The Commission has authorized short-term loans of such surplus funds between subsidiaries (HCAR No. 20870, January 4, 1979; HCAR No. 21402, January 21, 1980). More recently the Commission authorized a money pool arrangement for the System. (HCAR No. 21903, February 2, 1981).

Applicants-declarants propose a continuation of the money pool arrangement. The money pool would consist of funds from the following sources: (1) Surplus funds of any of the subsidiaries; (2) surplus funds of National; (3) Proceeds from National's sales of commerical paper; and (4) borrowings by National from banks. During each Year (1982 and 1983), it is anticipated that National and certain subsidiaries will have, on an aggregate basis, up to $100,000,000 of surplus funds which could be made available to other subsidiaries through the money pool.

National would administer the money pool by matching up, to the extent possible, the short-term cash surpluses and borrowing requirements of itself and its subsidiaries. Subsidiary requests for short-term loans would be met first from surplus funds of the other subsidiaries that would be available to the money pool, and then from National's appropriate funds, to the extent available. Each subsidiary would be authorized to make borrowings through the money pool up to the following maximum aggregate principal amounts outstanding at any one time through December 31, 1983:

Distribution, $105,000,000
Supply, $99,000,000
Penn-York, $61,000,000

Distribution would use the proceeds in connection with its construction program and the financing of deferred purchased gas costs. Supply would use the proceeds to purchase storage gas, to finance deferred purchased gas costs and in connection with its construction program. Penn-York would use the proceeds in connection with the construction of underground storage facilities to serve non-affiliates.

Borrowings from and contributions to the money pool will be adequately documented and will be evidence on the books of each participant who is borrowing or contributing surplus funds through the money pool. The interest rate applicable to all loans of surplus funds through the money pool will be the lower of the rate for commercial paper placed by A.G. Becker & Co., Incorporated having the same rating as National and having a term most nearly equal to the particular money pool loan in question or the prime rate at the Chase Manhattan Bank, N.A.

The interest rate applicable to funds borrowed by National (either through commercial paper or bank loans) and loaned through the money pool will be equal to National's net cost for such external borrowings. In cases where both surplus funds from other subsidiaries and external funds are concurrently borrowed through the money pool, the interest rate applicable to all funds borrowed will be equal to the net cost of the externally borrowed funds. Interest on all borrowings through the money pool will be payable monthly until the principal amount is paid in full except where there are external borrowings from Chase. In that instance, interest will be payable in a manner to allow National to make its payment of interest to Chase on a quarterly basis. Supply is expected to repay borrowings from the money pool from funds received when gas in storage is withdrawn and sold and from other funds generated internally.

When sources of funds for the money pool become insufficient to meet short-term loan requests, borrowings would be made from outside the system through the issuance and sale of commercial paper and/or under band lines of credit. National proposes to issue and sell from time to time through December 31, 1983, up to $80,000,000 aggregate principal amount at any one time outstanding of its commercial paper to A. G. Becker & Co., Incorporated ("Dealer") and/or short-term unsecured notes to Chase to evidence borrowings under a back-up line of credit and make the proceeds therefrom available to its subsidiaries through the money pool.

The Commercial paper would be sold by National to the Dealer in minimum sales amounts of not less than $50,000 and note denominations of not less than $25,000, with varying maturities not to exceed nine months, and will not be prepayable prior to maturity. No commission will be payable in connection with the issuance and sale of the commercial paper; however, the Dealer will reoffer and sell the commercial paper at a discount rate of ⅛ of 1% per annum less than the prevailing discount rate from the Dealer to National. The Dealer, in reoffering the commercial paper, will limit the reoffer and sale to a nonpublic list of not more than 200 buyers of commercial paper. No additions will be made to such list of customers without approval of the Commission. It is anticipated that the Commercial paper of National will be held by the buyer to maturity; however, the Dealer may, if desired, repurchase the commercial paper and reoffer it to others on the approved list of buyers.

The decision to issue commercial paper or short-term notes would be at the discretion of National except that, if the effective interest cost for commercial paper exceeds the effective cost of equivalent borrowings from Chase under the back-up line of credit on the date of issue, National will issue its short-term unsecured notes to Chase.

National proposes to establish lines of credit (including the back-up line of credit mentioned above) with various banks aggregating $210,000,000 and to issue and sell from time to time through December 31, 1983, short-term unsecured notes pursuant thereto, and to make the proceeds therefrom available to its subsidiaries through the money pool. The names of the banks and the maximum principal amount to be borrowed and outstanding at any one time from each bank are as follows:

Bank	Amount of line
Chase Manhattan Bank, N.A.	
Line of Credit	40,000,000
Back-up Line of Credit	80,000,000
Buffalo Group	
Marine Midland Bank-Western	14,000,000
Manufacturers and Traders Trust Company	7,000,000
Liberty National Bank and Trust Company	3,000,000
Citibank	25,000,000
Erie Group:	
Erie National Bank of Pennsylvania	3,000,000
Marine Bank	2,000,000
Oil City Group	
First Seneca Bank and Trust Company	2,000,000
Pennsylvania Bank and Trust Company	1,500,000
Northwest Pennsylvania Bank and Trust Company	1,500,000
McDowell National Bank	1,000,000
Foreign	
Swiss Bank Corporation	30,000,000
Total	210,000,000

Under each of the lines of credit, any unsecured note issued will be issued by National, will be dated as of the date of issue, will mature not later than twelve months from the date thereof and will be prepayable at any time, in whole or in part, without penalty or premium. The notes issued and sold to Chase and to the Erie and Oil City banks will bear interest at the prime rate of interest in effect from time to time at Chase. The notes issued and sold to the Buffalo banks will bear interest at the prime rate of interest of each individual bank in effect from time to time. In the case of Chase, interest will be payable quarterly until the principal amount is paid in full. In the case of all the other banks, interest will be payable monthly until the principal amount is paid in full.

In addition to the lines of credit, certain of the banks listed above may have small amounts of funds available, which they will lend to National at fixed rates below the existing prime rate for short periods of time (one day to sixty days). Depending upon market conditions, National may find it beneficial to repay existing notes outstanding at the prime rate with funds borrowed at the lower fixed rate. Since the one-day—sixty-day notes are not prepayable, National will not utilize such notes unless it anticipates the need for the funds for at least the maturity of the notes. With the exception of Citibank there will be no commitment fee or any closing or related costs in connection with the above borrowings. However, each bank may require the system to keep compensating balances on deposit at the bank.

In recent years the banks have required compensating balances from 5–10% of the line of credit and from 0–15% of the amount borrowed. Under proposed lines, the banks have requested that the compensating balance arrangement vary depending upon market conditions, however, in no case would the compensating balance arrangement require a balance greater than 20% of the amount of fully utilized lines of credit. In most cases, the average balances maintained for normal operating needs across the system are sufficient to cover these amounts. Assuming National borrowed the full amount under each line of credit, and a compensating balance of 20% under each line was required, the effective cost of money, based on a 12% prime rate, would be 15%.

If the line of credit with Citibank is exercised, a commitment fee of one-half (½) of one percent (1%) will be charged on the amount borrowed. It is possible that this line of credit with a commitment fee could result in a more favorable borrowing rate for National. Costs, in the form of compensating balances, may be incurred to support the lines of credit. The aggregate of the operating balances of National, Distribution, Supply, and Penn-York are expected to cover these amounts. Initially, the cost of compensating balances will be allocated to the subsidiaries on the basis of 41% to Distribution, 37% to Supply and 22% to Penn-York. At the end of the calendar year, the costs would be retroactively reallocated. Each subsidiary would be reallocated that proportion of the total line of credit costs which is equal to the percentage that its maximum amount of short-term borrowings during the year represents of the aggregate of the maximum short-term borrowings, on a non-coincidental basis, of all the subsidiaries.

National requests that the sale of its commercial paper be excepted from the requirements of Rule 50 pursuant to subparagraph (a)(5) thereof since the notes will have maturity not to exceed nine months, will be issued to a limited defined group of buyers, interest cost thereon will not exceed the cost of equivalent borrowings from Chase, and the rate for commercial paper for prime issuers such as National are at any time ascertainable by reference to daily publications.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 15, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30296 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19183; (SR-OCC-82-18)]

Options Clearing Corp.; Order Approving Proposed Rule Change

October 27, 1982.

On September 8, 1982, OCC filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (b)(1), (the "Act") and Rule 19b-4 thereunder, a proposed rule change that would require all OCC participants to use an approved authorization stamp on various input documents submitted to OCC. Currently, all input documents to OCC are manually signed by authorized personnel of OCC participants, and those signatures are individually compared by OCC against it master files of signatures. In its filing, OCC stated that participants' use of the stamp would reduce OCC's risk of accepting unauthorized documents and would eliminate processing delays inherent in the signature verification process.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by publication of the Commission Release (Securities Exchange Act Release No. 19063, September 20, 1982) and by publication in the **Federal Register** (47 FR 42661, September 28, 1982). No letters of comment were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30297 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19184; File No. SR-PSE-82-12]

Pacific Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

October 27, 1982.

The Pacific Stock Exchange, Incorporated ("PSE") 301 Pine Street, San Francisco, California 94104, submitted on October 19, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), (the "Act") and Rule 19b-4 thereunder, to amend its options rules [1] in order to conform to the revised disclosure system for standardized options recently established by the Commission.[2] In general, the rule change requires member firms to deliver an options disclosure document to each customer at or prior to the time the customer's account is approved for trading the class of options covered by that disclosure document. The proposed rule change would also require member firms to deliver copies of the current Options Clearing Corporation prospectus to a customer upon request by that customer. In addition, the proposed rule change establishes procedures for the furnishing to customers of amendments to the options disclosure documents or the prospectus, and contains technical changes to PSE rules reflecting the fact that the disclosure documents, rather than the prospectus, will be the primary source of information to investors about standardized options.

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[1] The Chicago Board Options Exchange, Incorporated ("CBOE"), American Stock Exchange, Inc. ("Amex"), and Philadelphia Stock Exchange, Inc. ("Phlx") recently filed similar proposed rule

Interested persons are invited to submit any written data, views and arguments concerning the proposed rule change within 21 days from the date of publication of the submission in the **Federal Register.** Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, Washington, D.C. 20549. Reference should be made to File No. SR–PSE–82–12.

Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 of the Exchange Act and the rules and regulations thereunder. The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the rule change implements the immediate use of the new disclosure system with respect to standardized options. The new disclosure system was the subject of extensive notice prior to its adoption by the Commission.[3] Accordingly, the Commission finds that notice on the proposed rule change is unnecessary. In addition, for the reasons set forth in the Commission release adopting the new disclosure rules, the Commission finds it to be in the public interest to permit the disclosure system to go into effect as soon as possible. Prompt approval of the subject proposed rule change is necessary to effectuate that result.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30299 Filed 11–3–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12766; (812–5199)]

Pilot Life Insurance Co., Pilot Separate Account A, and Jefferson-Pilot Equity Sales, Inc.; Application for an Order Pursuant to Section 6(c) of the Act Granting Exemptions From Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 Thereunder

October 26, 1982.

Notice is hereby given that Pilot Life Insurance Company ("Pilot"), Pilot Separate Account A ("Account"), and Jefferson Pilot Equity Sales, Inc. ("Equity Sales"), 101 North Elm Street, Greensboro, NC 27401 (hereinafter collectively called "Applicants"), filed an application on May 28, 1982, and amendments thereto on September 27 and October 12, 1982, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an order granting exemptions to the extent necessary from the provisions of Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Account is a separate account of Pilot established as the facility for issuing certain variable annuity contracts. All amounts credited to the Account pursuant to variable annuity contracts will initially be invested in shares of JP Growth Fund, Inc., JP Income Fund, Inc., or Jefferson-Pilot Money Market Fund, Inc. ("Funds"), diversified open-end investment companies registered under the Act. It is proposed that upon their registration statements becoming effective under the Securities Act of 1933 the securities of Jefferson-Pilot Growth Fund, Inc. and Jefferson-Pilot Income Fund, Inc., diversified open-end investment companies, will be substituted for securities of JP Growth Fund, Inc. and JP Income Fund, Inc., respectively, pursuant to Rule 6c–6 of the Act.

Pilot is a stock life insurance company chartered under the laws of North Carolina and a wholly-owned subsidiary of Jefferson-Pilot Corporation. Equity Sales, a wholly-owned subsidiary of Jefferson-Pilot Corporation, is a registered broker-dealer under the Securities Exchange Act of 1934. JP Investment Management Company is investment advisor to the Funds.

According to the application, the contracts ("Contracts") to be funded through the Account are individual immediate and deferred single purchase payment and periodic purchase payment variable annuity Contracts designed for use in connection with tax qualified retirement plans ("qualified Contracts") and sales where no special tax treatment is involved ("non-qualified Contracts"). The Contracts permit purchase payments to be made on a flexible basis subject to certain minimums. The application also states that at the present time contracts are not available for purchase except in connection with pension or profit-sharing plans and individual retirement accounts qualified for special tax treatment under the Internal Revenue Code and public employee deferred compensation plans. Prior to September 25, 1981, contracts were available for

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changes which were approved by the Commission pursuant to Securities Exchange Act Release No. 19156, Octobe 19, 1982. *See* File Nos. SR–CBOE–82–14, SR–Amex–82–13, SR–Phlx–82–11.

[2] The revised disclosure system was proposed in Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982) and approved in Securities Exchange Act Release No. 19055 (September 16, 1982), 47 FR 41950 (September 23, 1982).

[3] In that regard, the Commission received 13 comments on the new disclosure system in response to Securities Exchange Act Release No. 18836 (June 24, 1982), 47 FR 28688 (July 1, 1982). While many of the commentators raised questions about technical aspects of the disclosure system, each of the commentators endorsed the concept of replacing the prospectus with an options disclosure document as the principal source of information to investors about standardized options.

purchase otherwise than in connection with such plans and accounts. Any person who prior to that date bought a contract is entitled to continue such contract. The application states that at such time as the securities of Jefferson-Pilot Growth Fund, Inc. and Jefferson-Pilot Income Fund, Inc. are substituted for the securities of JP Growth Fund, Inc. and JP Income Fund, Inc., contracts, with the terms described below, will be available for purchase otherwise than in connection with such plans and accounts.

According to the application, on each contract anniversary on or prior to the annuity date, there will be deducted from the value of each deferred Contract a maximum contract administration charge of $30 for administration expenses relating to the Contracts. Such charge will also be deducted upon the withdrawal in full of the contract value on any date other than a contract anniversary. For single purchase payment immediate Contracts, the administration charge is $90 and is deducted from the single purchase payment when the Contract is issued. Applicants assert that these charges are designed only to reimburse Pilot for administration expenses and are not calculated to include a profit element or expected to result in any profit. The applicants further assert that these administrative costs are incurred in full by Pilot with respect to each Contract each contract year, including a Contract which is surrendered prior to the end of the contract year. Furthermore, according to the application, there are additional administrative costs incurred in the handling of the surrender of a Contract. Applicants state that they are fully justified, therefore, in charging the full charge, without proration thereof, with respect to a Contract which is surrendered prior to the end of the contract year.

Applicants state that with respect to deferred Contracts no sales charges will be deducted from purchase payments as they are made. Instead, a contingent deferred sales charge will be assessed (a) in the event of a full or partial withdrawal of the net contract value within fifteen years after the Contract's issue date, or (b) if within five years from the Contract's issue date the Contract's value is used to provide an annuity certain (*i.e.*, without a life contingency) and if the (i) specified payment period is less than ten years or (ii) specified amount, annualized is more than 15 percent of the Contract's value at the time used to provide an annuity certain. The Applicants state that the charge provided for in (b) is intended to prevent an annuitant from avoiding the contingent deferred sales charge by electing, in the early contract years, an annuity involving no life contingency and resulting in the complete liquidation of his contract value within a relatively short period of time. This charge is designed to obtain for Pilot a sales charge comparable to that provided for under (a).

According to the application, the contingent deferred sales charge made at withdrawal or upon effecting annuity payments will be 9 percent of the amount withdrawn or used to effect annuity payments during the first contract year, and the percentage will scale downward by $\frac{1}{12}$ percent each month after the end of the first contract year to 2 percent at the end of the eighth contract year. According to the application, in no event will the charge exceed 8½ percent of the total gross purchase payments under a periodic payment Contract or 6½ percent of the total gross single purchase payment under a single payment Contract. The application also describes circumstances when the contingent deferred sales charge may be appropriately waived or reduced. The Applicants assert that the amount, computation and timing of the contingent deferred sales charge are designed to reimburse Pilot solely for expenses relating to the sale of the Contracts.

According to the application, Pilot guarantees that (i) the $30 contract administration charge assessed annually prior to the annuity date will never be increased and (ii) the amount of each annuity payment after the annuity date will not be affected by variations in the mortality experience of persons receiving such payments or the general population. For assuming these risks, Pilot will assess an expense risk charge and a mortality risk charge which on an annual basis will equal .2555 percent and .73 percent, respectively, of the daily net asset value of the Account. Jefferson reserves the right to decrease or increase these charges annually, but in no event may such combined charges exceed 1.460 percent annually. The application states that the mortality and expense risk fee charges will be added to the general account of Pilot and will not be specifically earmarked for any other purpose. According to the application Pilot utilizes the assets in its general account to meet administration, mortality and general expenses, as well as any shortfall in recovery of distribution costs related to the Contracts. Charges under other contracts Pilot issues also provide a source of revenue to meet these expenses. Based upon Pilot's actuarial projections, it is possible that the contingent deferred sales charge described above may, at least initially, be insufficient to recover all of the distribution costs and related expenses incurred in connection with the Contracts. In such event, the applicants state that some portion of the mortality and expense risk charges (to the extent such charges comprise surplus in the general account) may be utilized by Pilot to meet such excess sales expenses. Applicants have stated that such charges are consistent with industry practice and reasonable in relation to the risks incurred and purposes intended. Also, any premium taxes imposed by a state or other government entity will be deducted from the contract value at the annuity date, at actual cost.

Applicants seek exemptions pursuant to Section 6(c) from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act and Rule 22c–1 thereunder to the extent necessary to permit the issuance and sale of the Contracts with a contingent deferred sales charge and Applicant's assessment of an annual contract administration charge, mortality and expense risk charges, and a deduction for premium taxes.

Applicants also request an exemption from Sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit Pilot to hold the assets of the Account for safekeeping rather than to enter into a custodial or safekeeping agreement with a bank, and to permit shares of the Funds to be held under an open account arrangement without the use of stock certificates. In view of the absence of stock certificates, Applicants also request an exemption from the requirement of Section 26(a)(2)(D) that a trustee or custodian have physical possession of the assets and that the assets of the Account be segregated and held in trust. The Applicants state that there is little or no necessity, given the other safeguards and conditions, for requiring a bank trustee or custodian in the context of an established insurance company offering variable annuity contracts through a separate account registered as a unit investment trust.

Section 6(c)

Section 6(c) of the act authorizes the Commission to exempt any person, security or transaction, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. For the reasons stated above, Applicants request exemption pursuant to Section 6(c) from certain provisions of the Act as summarized below.

Sections 2(a)(32), 2(a)(35), 22(c), 27(a)(3), 27(c)(1), 27(d) and Rules 22c–1

Section 2(a)(32) of the Act defines a redeemable security as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof. Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell such certificate unless it is a redeemable security.

Section 2(a)(35) of the Act defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested, less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities.

Section 22(c) of the Act and Rule 22c–1 thereunder prohibit a registered investment company issuing redeemable securities, such as the contracts, from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security.

Section 27(a)(3) of the Act prohibits any registered investment company issuing periodic payment plan certificates, or any depositor or underwriter of such company, from selling any such certificate if the deduction for sales charges on any first payment proportionately exceeds the amount deducted on any other such payment, or the deduction for sales charges on any subsequent payment proportionately exceeds the amount of the deduction on any other subsequent payment. Section 27(d) of the Act, in pertinent part, requires that the holder who surrenders his or her periodic payment plan certificate within eighteen months of issuance receive his or her account value plus and amount equal to the excess paid for sales expenses which exceed 15% of the purchase payments made by the certificate holder.

Sections 27(c)(2) and 26(a)

Section 27 (c)(2), in relevant part, prohibits the issuer of a periodic payment Plan certificate and any depositor or underwriter for such issuer from selling such certificate unless the proceeds of all payments (other than any sales load) are deposited with a qualified bank acting as trustee or custodian, and held under an agreement containing, in substance, the provisions required by Section 26(a)(2) and 26(a)(3). Those provisions require that such agreement must provide, *inter alia*, That the bank (i) shall have possession of all property of the unit investment trust and segregate and hold the same in trust subject only to the charges and collections specifically allowed under clauses (A), (B), and (C) of such section until distribution to the securityholders of the trust; (ii) shall not resign until the trust has been liquidated or a successor has been appointed; (iii) may collect from the income and, if necessary, from the corpus of the trust such fees for services provided for in the agreement; (iv) shall not allow as an expense any payment to the depositor or principal underwriter except a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services of a character normally performed by the bank itself.

Notice is further given that any interested person may, not later than November 19, 1982, at 5:30 P.M., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon its own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30296 Filed 11–3–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12763; (812–5271)]

Shearson Daily Tax-Free Dividend Inc., Filing of an Application for an Order Pursuant to Section 6(c) of the Act for Exemption From Sections 2(a)(41) and 12(d)(3) of the Act and Rules 2a–4 and 22c–1 Thereunder

October 28, 1982.

Two World Trade Center, New York, New York 10048. Notice is hereby given that Shearson Daily Tax-Free Dividend Inc. ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application of August 11, 1982, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire rights to sell its portfolio securities to brokers or dealers and from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value the rights acquired in the manner described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it registered as an investment company on July 29, 1982, and that it seeks to maximize current income to the extent consistent withe preservation of capital and the maintenance of liquidity by investing primarily, but not exclusively, in securities commonly termed "municipal obligations," the income from which is exempt from federal income taxation. Municipal obligations purchased by the Applicant will be of high quality and will have short-term maturities. Specific municipal obligations in which the Applicant will invest include: (1) Municipal bonds with remaining maturities of one year or less that are rated Aaa or Aa at the date of purchase by Moody's Investors Services, Inc. ("Moody's") or AAA or AA by Standard and Poor's Corporation ("S&P") or, if not rated, are of comparable quality as determined by the Applicant's director (the "directors"); (2) municipal commercial paper that is rated Prime–1 or Prime-2 by Moody's or A-1+, A-1 or A-2 by S&P at the date of purchase or, if not rated, is of comparable quality as determined by the directors; (3) municipal notes with remaining maturities of one year or less that are rated MIG-1 or MIG-2 at the date of purchase by Moody's or, if not rated, are of comparable quality as determined by the directors.

Applicant states that generally in periods of normal market conditions it will attempt to invest 100%, and will at a minimum invest 80%, of its total assets in municipal obligations. Applicant declares that because its purpose is to provide income exempt from federal income taxes, it will invest in taxable obligations only if and when the directors believe it would be in the best interests of its shareholders to do so. Situations in which Applicant may invest in taxable securities include: (a) pending investment of proceeds of sales of Applicant's shares or of portfolio securities (b) pending settlement of purchases of portfolio securities and (c) when Applicant is attempting to maintain liquidity for the purpose of meeting anticipated redemptions. Applicant states that it may temporarily invest more than 20% in taxable securities to maintain a "defensive" posture when, in the opinion of Applicant's investment adviser, it is advisable to do so because of adverse market conditions affecting the market for municipal obligations. Applicant states that the kind of taxable securities in which it may invest are limited to the following: (1) Obligations of the United States Government of its agencies, instrumentalities or authorities; (2) commercial paper rated Prime-1 by Moody's or A-1+ or A-1 by S&P; (3) certificates of deposit of domestic banks with assets of $1 billion or more; and (4) repurchase agreements with respect to any securities that Applicant is permitted to own.

Applicant represents that it expects to maintain a $1.00 constant net asset value per share and a relatively stable daily dividend by keeping its average weighted portfolio maturity under 120 days, by not purchasing any instrument with a remaining maturity of greater than one year, and by calculating net asset value per share by using the amortized cost method of portfolio valuation. Applicant obtained an exemptive order from the Commission permitting it to utilize the amortized cost method of valuing its portfolio securities on October 5, 1982 (Investment Company Act Release No. 12707).

Applicant states that its directors believe that the investors for which Applicant is designed will require not only an assurance of a constant net asset value per share but also the ability to receive next-day redemption proceeds in federal funds. Applicant states that in order to provide its investors with the ability to receive next-day redemption proceeds, it must obtain the cash needed to meet net redemptions within one business day after receipt of redemption requests. Such cash must be obtained from maturing portfolio securities or settlements arranged within one business day on sales of securities. Applicant asserts that unless prior arrangements assuring immediate liquidity have been made, the negotiation of next-day settlements on sales of Applicant's portfolio securities within the brief time available frequently would be difficult or could result in the Applicant's receiving a less favorable execution price on a sale notwithstanding that the securities sold have a short remaining maturity. Applicant states that the investment techniques used by taxable money market funds to obtain liquidity are not viable options for it because their implementation would be prohibitively expensive or would produce undesirable taxable income.

Applicant proposes to improve its portfolio liquidity by assuring same-day settlements on portfolio sales (and thus facilitate the same-day payments of redemption proceeds in federal funds) through the acquisition of "Stand-by Commitments." Applicant describes a Stand-by Commitment as a right granted by a broker, dealer or other financial institution, to an investment company upon a purchase of a municipal obligation permitting the investment company to sell the same principal amount of such securities back to the seller, at the company's option, at a specified price. Stand-by Commitments are also know as "puts." Applicant states that its investment policies will permit the acquisition of Stand-by Commitments solely to facilitate portfolio liquidity, and that the acquisition or exercisability of a Stand-by Commitment will not affect the valuation or maturity of Applicant's underlying portfolio of municipal obligations, which will continue to be valued in accordance with the amortized cost method.

Applicant states that the Stand-by Commitments will have the following features: (1) They will be in writing and will be physically held by Applicant's custodian; (2) they may be exercisable by Applicant at any time prior to the underlying security's maturity; (3) Applicant's rights to exercise them will be unconditional and unqualifies; (4) they will be entered into only with dealers, banks and broker-dealers who in Applicant's investment adviser's opinion present a minimal risk of default; (5) although they will not be transferable, minicipal obligations purchased subject to such commitments may be sold to a third party at any time, even though the commitment was outstanding; and (6) their exercise price will be (i) Applicant's acquisition cost of the municipal obligations that are subject to the commitment (excluding any accrued interest that Applicant paid on their acquisition), less any amortized market premium or plus any amortized market or original issue discount during the period Applicant owned the municipal obligations, plus (ii) all interest accured on the securities since the last interest payment date during the period the municipal obligations were owned by Applicant. Applicant further states that because it will value municipal obligations on an amortized cost basis, the amount payable under a Stand-by Commitment will be sustantially the same as the value assigned by Applicant to the underlying securities. Moreover, Applicant submits that there is little risk of an event occurring that would make amortized cost valuation of Applicant's portfolio securities inappropriate. Applicant represents that in the unlikely event that the market or fair value of securities in its portfolio were not substantially equivalent to their amortized cost value, however, the directors may determine that the securities should be valued on the basis of available market information. Applicant represents that it expects to refrain from exercising the Stand-by Commitments to avoid imposing a loss on a dealer and jeopardizing Applicant's business relationship with that dealer.

According to the application Applicant expects that Stand-by Commitments generally will be available without the payment of any direct or indirect consideration. Applicant states that, if the directors believe it to be necessary or advisable, Applicant will pay for Stand-by Commitments, either separately in cash or by paying a higher price for portfolio securities that are acquired subject to the commitment. As stated by Applicant, as a matter of policy, the total amount "paid" in either manner for outstanding Stand-by Commitments held in its portfolio will not exceed ½ of 1% of the value of its total assets calculated immediately after any Stand-by Commitment is acquired.

As stated in the application, it is difficult to evaluate the likelihood of use or the potential benefit of a Stand-by Commitment. Therefore, Applicant states that the directors believe that the value of a Stand-by Commitment is zero, regardless of whether any direct or indirect consideration is paid. When Applicant has paid for a Stand-by Commitment, its cost will be reflected as unrealized depreciation for the period during which the commitment is held. In addition, Applicant states that, for purposes of complying with the condition of its amortized cost order, the dollar-weighted average maturity of its portfolio shall not exceed 120 days and the maturity of a portfolio security shall not be considered shortened or otherwise affected by the acquisition of a Stand-by Commitment.

Applicant declares that is has not sought a favorable ruling from the Internal Revenue Service ("IRS") with respect to Stand-by Commitments. Applicant states that it will apply to the IRS for a ruling or seek an opinion of counsel that interest on municipal obligations subject to Stand-by Commitments will be tax-exempt. Applicant states that in the absence of a favorable tax ruling or opinion of counsel, Applicant will not engage in the purchase of securities subject to Stand-by Commitments.

In relevant part, Section 2(a)(41) of the Act defines value to mean: (i) With respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule and that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and other securities and assets shall be valued at fair value as determined in good faith by the board of directors.

Section 6(c) of the Act provides, in pertinent part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant requests an order pursuant to Section 6(c) of the Act exempting it from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit it to value the Stand-by Commitments as proposed.

Section 12(d)(3) of the Act, in relevant part, prohibits any registered investment company from purchasing or otherwise acquiring any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is an investment adviser. Therefore, Applicant also requests an order pursuant to Section 6(c) of the Act exempting it from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit its acquisition of Stand-by Commitments from brokers or dealers.

Applicant asserts that the requested relief is appropriate, is in the public interest, and is consistent with the protection of investors. Applicant submits that the proposed acquistion of Stand-by Commitments will not affect the calculation of its net asset value per share and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds on the next day in federal funds. Furthermore, Applicant states that the aquisition of Stand-by Commitments will not meaningfully expose its asets to the entrepreneurial risks of the investment banking business, nor require it to evaluate the credit of dealers in determining its net asset value. Applicant asserts that the relationship between it and a dealer will be comparable to a fully collateralized broker-dealer repurchase agreement or security loan. In this regard, Applicant states that although the failure of a broker or dealer to fulfill its obligation under a Stand-by Commitment could result in a loss to Applicant, this risk of loss is not different quantitatively from the risk of loss faced by any investment company that is holding securities pending settlement after having agreed to sell the securities to a broker or dealer in the ordinary course of business. Finally, Applicant states that it will not acquire Stand-by Commitments to promote reciprocal practices, to encourage the sales of its shares or to obtain research services.

Notice is further given that any interested person may, not later than November 22, 1982, at 5:30 p.m., submit to the Commission, in writing a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, and order disposing of the application herein will be issued as a matter of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30294 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12770; (812-5263)]

American Balanced Fund, Inc.; Filing of an Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicants From the Provisions of Section 22(d) of the Act and Rule 22d-1 Thereunder

October 29, 1982.

In the matter of American Balanced Fund, Inc., AMCAP Fund, Inc., American Mutual Fund, Inc., The Bond Fund of America, Inc., Fundamental Investors, Inc., The Growth Fund of America, Inc., The Income Fund of America, Inc., The Investment Company of America, New Perspective Fund, Inc., The Tax-Exempt Bond Fund of America, Inc., Washington Mutual Investors Fund, Inc., and American Funds Distributors, Inc., 333 South Hope Street, Los Angeles, CA 90071.

Notice is hereby given that American Balanced Fund, Inc., AMCAP Fund, Inc., American Mutual Fund, Inc., The Bond Fund of America, Inc., Fundamental Investors, Inc., The Growth Fund of America, Inc., The Income Fund of America, Inc., The Investment Company of America, New Perspective Fund, Inc., The Tax-Exempt Bond Fund of America, Inc., and Washington Mutual Investors Fund, Inc., each registered under the Investment Company Act of 1940 ("Act") as a diversified, open-end, management investment company, and any other member fund to be formed in the American Funds group of funds (collectively, "Funds"), and American Funds Distributors, Inc. ("AFD"), the principal underwriter of the Funds (collectively referred to with the Funds as "Applicants"), filed an application on August 3, 1982, for an order pursuant to Section 6(c) of the Act exempting Applicants from the provisions of Section 22(d) of the Act and Rule 22d–1 thereunder to the extent necessary to permit, as described below, the sale of shares of the Funds at net asset value to directors, advisory board members and employees of the Funds, employees of the Capital Group, Inc., and its subsidiaries, family members of such persons and trusts primarily for the benefit of such persons. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

According to the application each Fund is currently engaged in a continuous public offering of its shares through AFD at a public offering price equal to the net asset value plus a sales charge. Applicants state that the sales charges on purchases of shares of the Funds vary with the size of purchase and that the Tax-Exempt Bond Fund of America, Inc., has a sales charge which differs from that of the other Funds. Applicants state that each Fund receives the entire net asset value component of the offering price of its shares.

Applicants state that Capital Research and Management Company ("Adviser"), a Delaware corporation, serves as the investment adviser for each of the Funds. AFD, a California corporation, is the principal underwriter for each of the Funds. AFD is a wholly-owned subsidiary of Adviser, which is in turn wholly-owned by The Capital Group, Inc. ("CG"). CG is the parent company of eight other subsidiaries that specialize in investment management services, one of which is the transfer agent for the funds. CG, Adviser, AFD, present subsidiaries of CG and CG subsidiaries acquired or formed subsequent to the date of this application are hereinafter referred to as the "CG Companies."

Applicants represent that the boards of directors of the Funds consist of from seven to eleven members and three of the Funds have from six to ten advisory board members. The Investment Company of America ("ICA") has three employees. While most directors serve on more than one Fund's board, no director serves on all of the Funds' boards. Each advisory board member advises one Fund. The Funds now propose to adopt a non-qualified employee benefit plan (the "Fund Plan") that would permit those directors who do not serve on all boards to purchase shares of any of the Funds at net asset value. In addition, the Funds propose to permit all advisory board members to invest in any of the Funds' shares under the Fund Plan. The employees of ICA will also be permitted to purchase shares under the Fund Plan. In addition, it is proposed that members of families of such persons or trusts primarily for the benefit of the above persons, be eligible for the Fund Plan. Purchase orders for family members must be directed by the director, advisory board member or employee, while associated with the Funds in either the person's individual capacity or as trustee. Also, it is proposed that retired directors, advisory board members and ICA employees, the estates of such active or retired persons, testamentary and insurance trusts established by such persons, and the spouses of such retired or deceased persons be eligible for the Fund Plan. Purchase orders for these accounts must be directed by the retired director, advisory board member, ICA employee, spouse of such retired or deceased person, the executor or administrator of the estate, or the trustee. Persons eligible for the Fund Plan are hereinafter referred to as "Fund Associated Persons."

Applicants also propose to offer a non-qualified employee purchase plan (the "CG Plan") which would permit certain persons to purchase at net asset value, rather than at the current public offering price, shares of any of the Funds. The persons who would be eligible for the Plan include employees of the CG Companies, members of their families and trusts primarily for the benefit of such persons. Purchase orders for these accounts must be directed by the employee while associated with the CG Companies in either the employee's individual capacity or as trustee. In addition, Applicants propose that retired employees, the estates of active or retired employees, testamentary and insurance trusts established by employees, and the spouses of retired or deceased employees be eligible for the Plan. Persons eligible for the CG Plan are hereinafter referred to collectively with the Fund Associated Persons as "Associated Persons."

Applicants state that the minimum investment for each Plan is that which is established for each Fund. Participating Associated Persons would agree not to resell any Fund shares acquired except by repurchase or redemption by or for the account of the appropriate Fund.

Applicants represent that no individual sales solicitations, or face-to-face group sales solicitations concerning either Plan would be made. The directors, advisory board members, ICA employees and employees of the CG Companies will periodically receive a notice concerning the Plans. Applicants state that this notice, which will be furnished at the expense of CG, will describe the Funds and their investment objectives, indicate that investments in the Funds can be made at net asset value and detail the methods by which investments can be made. The notice will also state that additional information concerning the Plans and the Funds can be obtained from CG and will inform Associated Persons of the availability of prospectuses of the Funds from CG. A copy of the appropriate prospectus will be furnished prior to or at the time any person makes an initial investment in a Fund through the Plans. Applicants state that each prospectus will contain appropriate disclosure concerning the Plans.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except either to or through a principal underwriter for distribution or at a current public offering price described in the prospectus, and, if such class of security is being currently offered to the public by or through an underwriter, no principal underwriter of such security and no dealer shall sell any such security to any person except a dealer, a principal underwriter, or the issuer, except at a current public offering price described in the prospectus.

Rule 22d–1 under the Act, permits sales of fund shares without any sales charge to directors, officers, employees or sales representatives of a fund, its investment adviser and principal underwriter, provided that any such person who is not a director, officer or full-time employee of the fund, or other funds having the same investment adviser, must spend one-half of his working time providing investment advice to the fund, selling its shares or supervising those that are entitled to the elimination of sales charges. Applicants state that directors, advisory board members and ICA employees are not affiliated with every Fund and technically could not purchase shares of every Fund under Rule 22d–1. Members of their families also are not covered under the rule; nor are retired directors, advisory board members, ICA employees, their estates, or the spouses of these deceased or retired persons; nor are trusts primarily for the benefit of such persons.

Applicants further state that certain employees of the CG Companies do not qualify for purchases at net asset value under Rule 22d–1 because they do not directly provide investment advice to or distribute shares of the Funds or supervise persons employed in such positions. Also, their relatives and their estates are not covered under the rule; nor are retired employees or the spouses of deceased or retired employees; nor are trusts primarily for the benefit of such persons.

Applicants state that, arguably, sales of Fund shares at net asset value by AFD under the Plans to certain Associated Persons would be permitted by Rule 22d–1, which permits the elimination of sales charges in a sale pursuant to a uniform offer described in a prospectus and made to, inter alia, employee benefit plans not qualified under Section 401 of the Internal Revenue Code, provided such non-qualified Plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales-related expenses. Applicants further state that the term "employee benefit plan" is broadly defined, and "employer" is defined to mean all "affiliated employers" within the meaning of Section 2(a)(3)(C) of the Act. The employers constituting the CG Companies are clearly "affiliated employers" within the meaning of Section 2(a)(3)(C) of the Act. The Plans are employee benefit plans and offer economies of scale in sales effort and sales-related expense. However, according to Applicants, not all Associated Persons are "employees." In addition, Rule 22d–1 does not, by its terms, extend to relatives of employees, deceased employees, estates of employees and certain trusts.

Section 6(c) of the Act provides, in part, that the Commission by order upon application may conditionally or unconditionally exempt any person, security or transaction or any class of persons, securities or transactions from any provision of the Act or any rule under the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that investment by Associated Persons in shares of the Funds at net asset value is supported by strong policy considerations; that such sales should result in demonstrable economies in sales effort and sales-related expense as compared with other sales, and would not be unjustly discriminatory; and that the grant of the exemption requested by this application is appropriate in the public interest and consistent with the protection of investors and the purposes of Section 22(d) of the Act. Applicants therefore submit that the elimination of all sales charges on Fund shares purchased by Associated Persons is justified. Sales of Fund shares to such persons serve legitimate corporate purposes by promoting incentive, goodwill and loyalty. Applicants assert that under the Plan there would be no adverse effects on the interests of investors, and that such sales do not involve any of the abuses against which Section 22(d) was directed.

Applicants believe that sales to directors, advisory board members and ICA employees result in economies of sales effort and sales-related expense. According to the application, those persons possess a sophisticated understanding of the nature of an investment company as well as general familiarity with and loyalty to the Fund with which they are associated. As a result, no individual or group solicitation is necessary for sales to such individuals under the Fund Plan. Applicants further submit that those economies of scale also apply to the relatives of directors, advisory board members and ICA employees and certain trusts for these persons.

Applicants also believe that since employees of the CG Companies are more familiar with the Funds than the ordinary investor, there is no selling effort involved in offering shares of the Funds to such employees. All employees have ready access to prospectuses and reports and are familiar with the management of the Funds. Applicants further believe that the same economies of scale apply to relatives of CG employees and certain trusts for these persons.

Notice is further given that any interested person may, not later than November 23, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30340 Filed 11–3–82; 8:45 am]

BILLING CODE 8010–01–M

[File No. 22–11688]

Dayton Power & Light Co.; Application and Opportunity for Hearing

October 29, 1982.

Notice is hereby given that the Dayton Power & Light Company (the "Company") has filed an application under clause (ii) of Section 310(b) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Irving Trust Co. ("Irving Trust") under four indentures, one of which has been heretofore qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust from acting as trustee under any of the three indentures.

Section 310(b) of the Act provides, in part, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of section (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing, thereon, that trusteeship under the qualified indenture and such other indenture is not likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that:

(1) The Ohio Water Development Authority, an Ohio body politic and corporate and political subdivision of the State of Ohio, proposes to issue and sell approximately $36,000,000 principal amount of its State of Ohio Collateralized Water Development Revenue Bonds, 1982 Series, (The Dayton Power & Light Company Project) (the "Water Development Bonds") to be issued under an indenture to be dated as of October 1, 1982 between the Ohio Water Development Authority and Irving Trust as trustee.

(2) The Ohio Air Quality Development Authority, an Ohio body politic and corporate and political subdivision of the State of Ohio, proposes to issue and sell approximately $24,000,000 principal amount of its State of Ohio Collateralized Air Quality Development Bonds, 1982 Series (The Dayton Power & Light Company Project) (the "Air Quality Development Bonds," together with the Water Development Bonds, hereinafter called "The Pollution Control Bonds"), between the Ohio Air Quality Development Authority and Irving Trust as trustee.

(3) The Company has entered into agreements whereby (a) the proceeds of the Water Development Bonds will be loaned to the Company pursuant to a Loan Agreement between the Ohio Water Development Authority and the Company, dated as of October 1, 1982 and (b) the proceeds of the Air Quality Development Bonds will be loaned to the Company pursuant to a Loan Agreement between the Ohio Air Quality Development Authority and the Company, dated as of October 1, 1982 (the "Loan Agreements"). The proceeds of the Pollution Control Bonds and the Loan Agreements will be used to finance the cost of portions of certain air and water control facilities installed in connection with the Killen Generating Station located in Adams County, Ohio, which the Company owns an undivided 67% interest in as tenant in common with another public utility company.

(4) As of June 30, 1982, the Company has outstanding $785,995,000 principal amount of its First Mortgage Bonds, issued under its First and Refunding Mortgage dated as of October 1, 1935, as amended and supplemented between the Company and Irving Trust, as Trustee, qualified under the Act as File No. 2-5864. The Thirty-First Supplemental Indenture, dated as of October 1, 1982 provides for the Company's First Mortgage Bonds, Series Due 2012 (the "New Mortgage Bonds") between the Company and Irving Trust as trustee.

(5) The Company's obligation to make loan repayments pursuant to the Loan Agreements will be secured by the pledge of New Mortgage Bonds, which will be issued in an aggregate principal amount equal to, bear interest at a rate corresponding to, and have the same maturity and redemption provisions as the Pollution Control Bonds, and

(6) The differences in the provisions of the indentures are not likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under one of the two indentures.

The Company waives notice of hearing and waives hearing and any and all rights to specify procedures under Rule 8(b) of the Commission's Rules and Practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application which is a public document on file in the offices of the Commission at the Public Reference Room, 450 5th Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 24, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest or in the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30344 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 81-674]

Deltec International Limited; Application Pursuant to Section 12(h) of the Securities Exchange Act of 1934 and Opportunity for Hearing

October 29, 1982.

Notice is hereby given that Deltec International Limited ("Applicant"), has filed an application pursuant to Section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an exemption from the periodic reporting requirements under Sections 13 and 15(d) of the 1934 Act.

The Application states in part:

On February 28, 1978, Applicant's shareholders approved a Plan of Distribution of all assets. Applicant has completely terminated business operations and substantially all of the assets of Applicant have been disposed of and the proceeds distributed to shareholders. Trading in Applicant's stock has ceased.

For a more detailed statement of the information presented, all persons are referred to said application which is on file at the Offices of the Commission, 450 5th Street NW., Washington, D.C. 20549.

Notice is further given that any interested person not later than November 23, 1982 may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30343 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12769; (812-5301)]

GIT Tax-Free Trust; Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Sections 2(a)(41) and 12(d)(3) of the Act and Rules 2a-4 and 22c-1 Thereunder

October 29, 1982.

Notice is hereby given that GIT Tax-Free Trust ("Applicant"), 1800 North Kent Street, Arlington, Virginia 22209, an open-end, diversified, management company registered under the Investment Company Act of 1940 ("Act"), filed an application on September 1, 1982, and an amendment thereto on September 30, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant to the extent necessary (1) from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to permit Applicant (a) to compute the net asset value per share of its "Money Market Portfolio" to the nearest cent on a share value of $1.00; (b) to consider the maturity of variable rate demand notes in its portfolio as the longer of the notice period required before Applicant would be entitled to prepayment on the note or the period remaining until the note's next interest rate adjustment; and (c) to value in the manner described herein rights acquired from issuers, dealers, or banks to sell portfolio securities to such persons; and (2) from the provisions of Section 12(d)(3) of the Act to permit Applicant to acquire rights to sell its portfolio securities to brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is an unincorporated business trust, organized under the laws of Massachusetts to provide, through investment principally in municipal obligations, a high level of current income exempt from federal income taxes, in accordance with the maturity and quality rating objectives of the fund. Applicant further states that it maintains two separate portfolios, i.e., the "Money Market Portfolio" and the "High Yield Portfolio." It is further stated that separate series of Applicant's shares of beneficial interest are issued for each portfolio. Applicant's Money Market Portfolio, it is stated, is generally regarded by the public as a no-load "money market fund" and holds itself out as such, whereas Applicant's High Yield Portfolio may be publically regarded as a no-load municipal bond fund. Applicant also states that investment decisions are made for it by its investment manager, Bankers Finance Investment Management Corp. ("Adviser").

Applicant states that municipal obligations in which it may invest consist of debt obligations issued by or on behalf of the states, territories and possessions of the United States, their political subdivisions, the District of Columbia and the duly constituted authorities, agencies, public corporations and other instrumentalities of these jurisdictions, the interest on which is wholly exempt from federal income taxation. Specific types of municipal obligations which, it is stated, Applicant may purchase include bond anticipation notes, construction loan notes, tax anticipation notes and projects notes. Applicant states that it may also invest in general obligation and revenue bonds, industrial development revenue bonds, and short-term tax-exempt commercial paper. Applicant represents that only municipal obligations of "High Grade" quality ratings may be purchased for Applicant's Money Market Portfolio, and that Applicant deems "High Grade" securities to be those rated MIG-1, MIG-2, Prime-1, Aaa, and Aa by Moody's Investors Service, Inc. ("Moody's"), and those rated A-1, AAA and AA by Standard & Poor's Corporation ("S&P"), or securities of comparable quality as determined by the Board of Trustees.

Applicant states that its Board of Trustees has adopted a policy whereby Applicant's Money Market Portfolio will attempt to maintain a net asset value of $1.00 through the method of valuation commonly referred to as "penny rounding", i.e. rounding net asset value per share to the nearest one cent on a share value of $1.00.

In relevent part, Section 2(a)(41) of the Act defines value to mean: (i) With respect to securities for which market quotations are readily available, the market value of such securities, and (ii) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c-1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell any such security.

Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a-4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value and other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a-4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent generally, with the provisions of Rules 2a-4 for a "money market" fund using a "floating" net asset value to "round off" calculations of its net asset value per share to the nearest one cent on a share value of $1.00 (Investment Company Act Release No. 9786, May 31, 1977). In view of the foregoing, Applicant requests exemptions from Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute the net asset value per share of its Money Market Portfolio to the nearest one cent on a share value of $1.00.

In support of the relief requested, Applicant states that experience indicates that two features are necessary in any "money market" fund: (1) Certainty of stability of principal and (2) a steady flow of predictable and competitive investment income.

Applicant states that it can provide these features to investors by maintaining a portfolio of municipal obligations valued pursuant to the penny-rounding valuation method. Applicant asserts that the use of the penny-rounding valuation method will allow Applicant to maintain a constant net asset value of $1.00 per share for the Money Market Portfolio under most circumstances and thereby permit Applicant to serve the interests and requirements of shareholders notwithstanding its use of market-based values for its portfolio securities. Therefore, it is stated, Applicant's Board of Trustees has determined in good faith that, in light of the characteristics of Applicant's Money Market Portfolio, absent unusual or extraordinary circumstances, the penny-rounding valuation method is appropriate and that its use would be in the best interests of Applicant's shareholders. Moreover, Applicant submits that adherence to the conditions set forth below will substantially reduce the likelihood of significant variation from a constant share price and the likelihood of any dilution of the assets or investment returns of incoming and outgoing shareholders. Accordingly, Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to the Adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to Applicant's shareholders—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that the net asset value per share, of Applicant's Money Market Portfolio, as computed for the purpose of sales, redemption and repurchases of its shares, rounded to the nearest one cent, will not deviate from $1.00.

2. Applicant will seek to maintain a dollar-weighted average portfolio maturity for its Money Market Portfolio appropriate to its objective of maintaining a stable net asset value per share. Applicant will not purchase any instrument with a remaining effective maturity of greater than one year, nor will it maintain a dollar-weighted average effective portfolio maturity in excess of 120 days.

3. Applicant will limit its Money Market Portfolio investments, including repurchase agreements, if any, to those U.S. dollar-denominated instruments which Applicant's Board of Trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

In connection with compliance with the undertaking set forth in paragraph (2) above, Applicant asserts that the proliferation of tax-exempt mutual funds has significantly increased the demand for short-term tax-exempt instruments and, as a result, available yields on such instruments have tended to decline. At the same time, Applicant states, certain issuers of tax-exempt instruments have sought to lengthen the maturities of their instruments in an attempt among other things, to decrease the transaction costs associated with repeated short-term issues. Applicant states that, in order to induce longer term investments issuers have begun to offer higher yields on variable rate notes containing a demand feature allowing either party to terminate the obligation within relatively short notice periods. Applicant represents that it believes that the acquisition of such variable rate demand notes by its Money Market Portfolio would provide its shareholders with a higher tax-exempt return than short-term tax-exempt securities without subjecting them to increased investment risk.

Applicant states that it proposes to acquire tax-exempt variable rate demand notes having the following features: (1) Each note would have an interest rate determined by a prescribed formula and adjusted at periodic intervals not to exceed one year; (2) Applicant could at any time demand prepayment of the unpaid principal balance plus accrued interest thereon and would be entitled to prepayment within a prescribed notice period not to exceed seven calendar days; (3) issuers could, at their discretion, prepay the outstanding principal plus accrued interest thereon upon notice to Applicant within a period comparable to the notice periods required for Applicant to demand prepayment; (4) absent an earlier exercise by Applicant or an issuer of their respective prepayment privileges, the principal and interest under each note would be payable on a date exceeding one year from the date of purchase by Applicant; (5) each note purchased by Applicant would be determined under procedures prescribed by Applicant's Board of Trustees to present minimal credit risks and would have a rating by a major rating service that would comport with the permissible quality restrictions of Applicant's Money Market Portfolio or, if not rated, would be determined by the Board of Trustees to be comparable in quality to tax-exempt securities which are of such quality.

Applicant further states that the issuer's obligation to pay principal on its notes would be supported by an irrevocable, unconditional bank letter of credit where necesary to ensure that the notes were of "High Grade" (i.e., in all cases where the Board of Trustees could not determine that a note is of "High Grade" without a letter of credit). It is also stated that if a letter of credit is a feature of a variable rate instrument when it is purchased by Applicant, the variable rate instrument will always be supported by such letter of credit unless the instrument were to rise to the "High Grade" classification without the letter of credit.

Applicant represents that the Adviser intends to evaluate not less frequently than monthly the credit of the issuers of notes and the backing banks in accordance with other procedures used to evaluate the quality of portfolio securities. Applicant undertakes to dispose of any note (by exercising the demand privilege where beneficial) when, due to an adverse change in the issuer's credit, Applicant's Board of Trustees or any rating service concludes that the note is no longer of "High Grade".

Applicant further states that it will normally have an unconditional right to sell the notes at any time. However, Applicant represents that any note that is not freely assignable will be required to be backed by an irrevocable, unconditional bank letter of credit. It is also states that banks issuing such letters of credit will, in the Adviser's opinion, present minimal risk of default and will be major United States commercial banks having outstanding certificates of depoist suitable for portfolios of "High Grade" short-term "money market" instruments.

Applicant states that it proposes to acquire variable rate instruments as described above and to consider the effective maturity of such instruements for purposes of computing the proposed dollar-weighted average maturity limitation applicable to its Money Market Portfolio, and the proposed prohibition against purchases by the Money Market Portfolio of securities maturing in more than one year, as the longer of the notice period required before Applicant is entitled to prepayment under the instrument, or the period remaining until the instrument's next interest rate adjustment.

Applicant states that neither its proposed purchase of variable rate notes nor its proposed method of computing its dollar-weighted average portfolio maturity will violate the intent of the proposed conditions to its requested "penny-rounding" exemptive order for its Money Market Portfolio described herein above. It is states that because a note's interest rate adjustment provision reflects the prevailing rate from time to time on comparable tax-exempt securities, unrealized gains and losses with respect to any note would be eliminated as of each interest rate adjustment date. Absent unusual circumstances, Applicant asserts, the rate adjustment provision would permit the notes to be sold substantially at par on each intertest rate adjustment date. Applicant further states that if the interest rate, as adjusted, does not sufficiently eliminate material unrealized appreciation or depreciation on the adjustment date (due to unforeseen circumstances other than a decline in the notes to below "High Grade"), Applicant would demand prepayment of the note in full. Applicant also states that it will sell the notes or exercise its demand privilege (whichever is more beneficial) if, due to an adverse change in the issuer's credit, the notes are no longer of "High Grade." Applicant states that is believes that the maturity of a variable rate note for purposes of determining its credit risk is appropriately measured by the notice period required before Applicant is entitled to prepayment in full, and that where the period until the next interest rate adjustment is different from the notice period required for repayment, Applicant will utilize the longer of the two periods for purposes of computing the weighted average maturity limitation. It is stated that for purposes of measuring either of these risks, the maturity of a variable rate note in the Money Market Portfolio will never exceed one year. Applicant asserts, in addition, that this approach would be the most conservative one under the circumstances.

Applicant further states that it proposes to improve its portfolio liquidity through the acquisition of "Standby Commitments" for both its Money Market Portfolio and its High Yield Portfolio. A Stand-by Commitment, Applicant states, is a right of a fund, when it purchases a municipal obligation for its portfolio from a broker, dealer, or other financial institution, to sell the same principal amount of such security back to the seller, at the fund's option, at a specified price. It is stated that Standby Commitments are also knows as "puts", and that its investment policies permit the acquisition of Standby Commitments solely to facilitate portfolio liquidity. Applicant represents that the acquisition or exercisability of a Standby Commitment with respect to a portfolio security of Applicant will not affect the valuation or maturity of the underlying security.

Applicant undertakes to acquire only Standby Commitments having the following features: (1) They will be in writing and will by physically held by Applicant's custodian; (2) they may be exercisable by Applicant at any time prior to the underlying security's maturity; (3) Applicant's rights to exercise them will be unconditional and unqualified; (4) they will be entered into only with dealers, banks and brokers who in the Adviser's opinion present a minimal risk of default; (5) although they will not be transferable, Municipal Obligations purchased subject to such commitments could be sold to a third party at any time, even though the commitment was outstanding.

Applicant states that it intends to value any such Standby Commitments as a value of zero as separate securities but to value any related investments held by it at their fair value as determined in good faith by the Board of Trustees, after consideration of the value of the investment unit represented by the specific securities and the related put together, or at the value of such related investment alone, if higher. Thus, it is stated, in making such determinations as to fair value, the Board of Trustees will ascertain that in any situation in which exercise of a Standby Commitment would be advantageous to Applicant (i.e., where the exercise price of the put is higher than the market value of the underlying securities), the price at which the investment would be sold pursuant to the put is the same as the portfolio carrying value of the investment prior to its sale.

Applicant states that the foregoing valuation policy would apply to both the Money Market Portfolio and the High Yield Portfolio, and that such policy would not be affected by the fact that the net assets value per share of the Money Market Portfolio would be, in accordance with the "penny rounding" method of valuation, rounded to the nearest one cent on a value of $1.00 after having been computed exactly.

Applicant states that it expects that Standby Commitments generally will be available without the payment of any direct or indirect consideration. However, if necessary or advisable, Applicant states that it will pay for Standby Commitments, either separately in cash, or by paying a higher price for portfolio securities which are acquired subject to the commitment. Applicant represents that, as a matter of policy, the total amount paid in either manner for outstanding Standby Commitments held in its portfolio will not exceed ½ of 1% of the value of its total assets calculated immediately after any Standby Commitment is acquired.

Applicant asserts that it is difficult to evaluate the likelihood of use or the potential benefit of a Standby Commitment. Therefore, Applicant states that its Board of Trustees will determine that Standby Commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration is paid. Where Applicant has paid for a Standby Commitment, Applicant states that its cost will be reflected as unrealized depreciation for the period during which the commitment is held. In addition, for purposes of complying with the proposed condition to its requested penny-rounding valuation method order, that the dollar-weighted average maturity of its portfolio shall not exceed 120 days, Applicant states that the maturity of a portfolio security shall not be considered shortened or otherwise affected by any Standby Commitment to which such security is subject.

Applicant states that it understands that the Internal Revenue Service ("IRS") has issued a favorable private ruling to the effect that a registered investment company will be the owner of municipal securities acquired subject to a put option and that interest on the securities will be tax-exempt to the company. Applicant states that it does not intend to seek a favorable ruling from the IRS with respect to its Standby Commitments and that there is no assurance that Standby Commitments will be available to it nor does Applicant assume that such commitments would continue to be available under all market conditions.

Section 12(d) of the Act, in relevant part, prohibits any registered investment company from purchasing or otherwise acquiring any security issued by or any other interest in the business of any person who is a broker, a dealer, is engaged in the business of underwriting, or is an investment adviser. Therefore, Applicant requests an order pursuant to Section 6(c) of the Act exempting it from the provisions of Section 12(d)(3) of the Act to the extent necessary to permit its acquisition of Standby Commitments from brokers or dealers. Applicant also requests, pursuant to Section 6(c) of the Act, an exemption from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder, permitting it to value Standby Commitments in the manner described hereinabove.

Applicant asserts that this relief is appropriate in the public interest, and consistent with the protection of investors. Applicant asserts that the proposed acquisition of Standby Commitments will not affect its net asset value per share for purposes of sales and redemptions and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds. Applicant states that its reliance upon the credit of dealers, banks and brokers from which it purchases commitments will be secured to the extent of the value of the underlying municipal securities which are subject to the commitment. Therefore, Applicant asserts that a Standby Commitment may present less risk than a bank certificate of deposit and will be qualitatively no greater a risk than the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities to a broker or dealer in the ordinary course of business. Moreover, Applicant states that the Adviser intends to evaluate periodically the credit of institutions issuing Standby Commitments. According to Applicant, for that reason and in light of the fact that Standby Commitments will not be ascribed value for purposes of determining Applicant's net asset value, the acquisition of such commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require it to evaluate the credit of dealers in determining its net asset value.

Notice is hereby given that any interested person may, not later than November 23, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30341 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19192; (SR-OCC-81-8)]

Options Clearing Corporation ("OCC"); Order Approving Proposed Rule Change

October 29, 1982.

On July 24, 1981, OCC filed a proposed rule change with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder. The proposed rule change alters the terms of OCC's obligation to holders of option contracts and eliminates the requirement that clearing members maintain a separate options settlement account with their correspondent clearing corporation for the settlement of exercised options. Under the proposed rule change, OCC would no longer guarantee the settlement of exercised option contracts. Instead, OCC's obligation with respect to exercised contracts would terminate once such options are irrevocably transferred to the correspondent clearing corporation, after which time an exercising clearing member must look to its correspondent clearing corporation for performance.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 18072, August 28, 1981) and by publication in the **Federal Register** (46 FR 44546, September 4, 1981). OCC submitted various technical amendments to the proposed rule change on October 15, 1981, October 12, 1982, and October 18, 1982. The Commission received letters of comment endorsing the proposed rule change from each of the active correspondent clearing corporations: the Midwest Clearing Corporation; the National Securities Clearing Corporation ("NSCC"); the Pacific Clearing Corporation; and the Stock Clearing Corporation of Philadelphia.

The Commission believes that eliminating exercise settlement accounts will remove impediments to the national clearance and settlement system by allowing option exercise to be netted with regular purchase and sale stock transactions. Increased netting will benefit clearing members and the national clearance and settlement system by reducing the number of settlements clearing members must make and by avoiding the expenses associated with fails, including the expense of borrowing stock to cover fail positions. In addition, eliminating exercise settlement accounts will benefit both clearing members and correspondent clearing corporations by eliminating the cost of maintaining such accounts.

The Commission recognizes that eliminating OCC's secondary guarantee will increase the risk that a clearing member may not receive the benefit of its exercise, in the event an insolvent assigned clearing member fails to make settlement, if either (i) the correspondent clearing corporation becomes insolvent or (ii) option exercises are processed by the correspondent in a non-guaranteed mode. The Commission believes, however, that the benefits associated with eliminating the exercise settlement account outweigh the risk to clearing members that will result from OCC's terminating its secondary guarantee to option holders. Specifically, we note (i) that, given the business and regulatory history of registered clearing agencies, the possibility that one of the corresponding clearing corporations will fail is very remote and (ii) that the number of option exercises processed in a non-guaranteed mode by the correspondent clearing corporations is extremely small and will be further reduced when NSCC introduces its guaranteed balance order processing system. Also, the Commission does not believe that it is inappropriate for OCC to alter its guarantee to option holders. There appears to be no statutory reason why exercising options holders should have settlement guarantees that are greater than the guarantees to parties to stock transactions. (OCC's By-Laws and rules are applicable only to clearing members, and public customers exercising options receive performance from their broker-dealer or, in the event their broker-dealer becomes insolvent, from the Securities Investor Protection Corporation ("SIPC") to the extent of SIPC coverage).

Accordingly, the Commission has determined that the proposed rule change is consistent with the requirements of the Act pertaining to clearing agencies, and, in particular the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30342 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12772 (812-5275)]

Parkway U.S. Government Trust; Filing of Application for Order Pursuant to Section 6(c) of the Act Exempting Applicant From the Provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

October 29, 1982.

Notice is hereby given that Parkway U.S. Government Trust ("Applicant"), Rodney Building, 3411 Silverside Road, Wilmington, Delaware 19810, an open-end investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on August 12, 1982, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant's $1.00 per share net asset value for each class to be computed for purposes of sales and redemptions by using the amortized cost method of valuing its portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is an investment company of the kind termed a "money market fund" and that it presently plans to offer one class of shares of beneficial interest (the "Shares"). Applicant states further that additional classes and series of classes may be offered from time to time in the future; provided, however, that Applicant undertakes to obtain such exemptions as may be required under Section 2(a)(41) of the Act and Rules 22c-1 and 2a-4 thereunder prior to the establishment of any class or series which may acquire puts.

Applicant represents that its investment objective is to provide investors with preservation of capital, liquidity, and, consistent with the foregoing objectives, the highest possible current income consistent with its permitted investments. Applicant represents further that the assets of the Shares will be invested in (1) securities issued or guaranteed by the United States Government ("Governments") and (2) repurchase agreements and reverse repurchase agreements secured by Governments.

Applicant submits that it intends to endeavor to maintain a per share net asset value of $1.00. According to the application, the net asset value of a class of Applicant is calculated by adding the value of all securities and other assets of the class, deducting its actual and accrued liabilities, and dividing by the number of shares of the class outstanding.

Applicant represents that its Trustees believe that it would be in the best interests of Applicant's potential shareholders to use the "amortized cost" method of valuation to maintain Applicant's per share net asset value at $1.00 for each class. Applicant represents further that amortized cost valuation would permit daily dividends to shareholders of each class which would not vary on account of unrealized capital gains and losses. Applicant further asserts that at the same time investors in each class would have the convenience of being able to value their holdings simply by knowing the number of shares of each class they own.

Applicant states that its net income will be declared as a dividend each business day. Applicant states further that net income (from the time of the immediately preceding determination thereof) consists of (a) interest accrued and discount earned (including both original issue and purchase discount), if any, plus or minus (b) all realized gains or losses on sales of portfolio securities of Applicant, less (c) amortization of premium and accrued expenses applicable to that dividend period. Applicant maintains that expenses, including the estimated compensation payable to Applicant's manager for such period, are accrued each day.

Rule 22c-1 provides, in relevant part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any security except at a price based on the current net asset value of each security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. The term "value" is defined in Section 2(a)(41) to mean the market value of securities for which market quotations are readily available, and for other securities and assets, the fair value as determined in good faith by the board of directors. Rule 2a-4 provides, in pertinent part, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption means an amount which reflects calculations made substantially in accordance with the following, with estimates used where necessary or appropriate: portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair value as determined in good faith by the board of directors.

In Investment Company Act Release No. 9786 the Commission issued an interpretation of Rule 2a-4 which would require money market funds to value debt securities with greater than 60 days remaining to maturity based upon current market quotations if readily available or, if such quotations are not readily available, in such a manner as to take into account any unrealized appreciation or depreciation due to changes in interest rates and other factors which would influence the current fair values of such securities.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction or any class or classes of persons, securities or transactions from any provision of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant states that, in general, money market funds are attractive investments for a wide range of investors because these funds offer relative stability of principal and a steady flow of predictable income at a currently competitive rate. Applicant believes that for it to be in a position to meet the needs and expectations of potential investors and to offer its shareholders relative stability of principal and a steady flow of predictable income at currently competitive rates it must be able to price its portfolio at amortized cost. Applicant asserts that if it is not permitted to price its portfolio at amortized cost it will have difficulty maintaining a constant net asset value per share. Applicant further asserts that its not being able to use the amortized cost method could result in artificial yield differentials caused by insignificant changes in the "market" price of securities in its portfolio. Applicant states that an unstable net asset value per share and artificial yield differentials would be clearly contrary to the best interests of its shareholders.

Applicant states that it will make investments only in instruments having a remaining maturity of one year or less, and its dollar-weighted average portfolio maturity will not exceed 120 days. Applicant asserts that given the nature of its policies and expected operations, there will normally be a relatively negligible discrepancy between the market value and the amortized cost value of Applicant's portfolio securities. Applicant believes that the possibility of a change in its price per share is largely obviated by its investment policies. Applicant asserts that because of the stable price, its investors will receive a yield related to yields available in the general debt market that otherwise would not be available if Applicant were required to maintain a portfolio having an average maturity of a duration shorter than proposed. Applicant further asserts that its Trustees have determined in good faith, in light of Applicant's proposed characteristics and the needs of investors, that, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable and will reflect the fair value of Applicant's securities.

Applicant submits that for the foregoing reasons, the issuance of the requested order is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, within the meaning of Section 6(c) of the Act.

Applicant consents to the following conditions to the order granting the exemptions requested in the application:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management by Applicant's investment manager, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabalize Applicant's net asset value per share for each class, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Trustees of Applicant shall be the following:

(a) Review by the Board of Trustees of Applicant as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share for each portfolio as determined by using available market quotations from Applicant's $1.00 amortized cost price per share and the maintenance of records of such review. To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board of Trustees in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia,* (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to types of money market instruments published by reputable sources.

(b) In the event that such deviation from Applicant's $1.00 amortized cost price per share for each of the classes should exceed ½ of 1%, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees determines that the extent of any deviation from Applicant's $1.00 amortized cost price per share for each of the classes may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: Redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; suspending dividends; or utilizing a net asset value per share for such class as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average class maturity appropriate to its objective of maintaining a stable net asset value per share in each of the classes; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity in any of the classes in excess of 120 days. In fulfilling this condition, Applicant agrees that if the disposition of a purtfolio instrument results in a dollar-weighted average portfolio maturity in any of the classes in excess of 120 days, such class will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above; Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the meetings of the Board of Trustees. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its investments in each of the classes, including repurchase agreements and reverse repurchase agreements, to those United States dollar denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by the Board of Trustees.

6. If any action pursuant to condition 2(c) is taken, Applicant will file, as an attachment to Form N-1Q, a statement as to the nature and circumstances of such action.

Notice is further given that any interested person may, not later than November 23, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 29549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30939 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19189; File No. SR-Amex 82-16]

Self-Regulatory Organization; Proposed Rule Change by American Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 18, 1982, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange is proposing to amend Rule 300 to provide that the capital contribution of any partner of a member firm may not be withdrawn sooner than 12 months after it is made.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

(a) *Purpose.* Rule 300(b) requires that the partnership articles of each member firm subject to Rule 470 contain a provision that without the prior written approval of the Exchange, the capital contribution of any partner may not be withdrawn on less than six months written notice of withdrawal given no sooner than six months after such contribution is first made, i.e., 12 months after being made. Rule 470 encompasses only those firms which are subject to SEC Rule 15c3-1, the Net Capital Rule. Thus, a partner of an Amex member firm which is not subject to the Net Capital Rule has the right to withdraw his capital contribution at any time. Since many Amex members, including many Registered Traders and specialists, are not subject to the Net Capital Rule, the present scope of this Rule is too limited for the Exchange to ensure that all new capital contributions are "locked in" for a period of at least one year. While the Exchange has been successful to date in informally discouraging premature withdrawals of partners' capital contributions, there is no way to be sure that future problems will not be presented.

It is therefore proposed that Rule 300(b) be amended by deleting the reference to Rule 470. In this way the Rule will encompass all Amex partnerships.

(b) *Basis.* The proposed amendment is consistent with Section 6(b) of the Exchange Act in general and furthers the objectives of Section 6(b)(5) in particular in that it is designed to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection any copying in the Commission's Public Reference Section, 450 5th Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 28, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30345 Filed 11-3-82; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review By Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, N.W., Washington, D.C. 20549.

Revised
Rule 12g3-2
No. 270-104

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance certain proposals to amend Rule 12g3-2 (17 CFR 240.12g3-2) which governs the disclosure requirements of certain foreign private issuers exempt from Section 12(g) of the Securities Exchange Act of 1934. Please cite Commission file number 270-104 in all references to the submission.

Comments should be submitted to Mr. Robert Veeder, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3235 NEOB, Washington, D.C. 20503.

George A. Fitzsimmons,

Secretary.

October 28, 1982.

[FR Doc. 82-30346 Filed 11-3-82: 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular on Procedures for Determining Acceptable Fuel/Oil Ratio for Small Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft Advisory Circular availability and request for comments.

SUMMARY: The draft Advisory Circular (AC) sets forth an acceptable means, but not the only means, of showing compliance with the Federal Aviation Regulations applicable to procedures for determining acceptable fuel/oil ratio as required by FAR 23.1011(b) for small airplanes.

DATE: Commenters must identify file AC 23.1011-1, Subject: Procedures for Determining Acceptable Fuel/Oil Ratio as required by FAR 23.1011(b) and comments must be received on or before December 26, 1982.

ADDRESS: Send all comments on the draft Advisory Circular to: Federal Aviation Administration, ATTN: Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Richard F. Yotter, Aerospace Engineer, Regulations and Policy Office (ACE-110), Aircraft Certification Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. Commercial telephone (816) 374-6941 or FTS 758-6941.

SUPPLEMENTARY INFORMATION: Any person may obtain a copy of this draft Advisory Circular by writing to: Federal Aviation Administration, Aircraft Certification Division, Regulations and Policy Office (ACE-110), 601 East 12th Street, Kansas City, Missouri 64106.

COMMENTS INVITED: Interested parties are invited to submit comments on the draft AC. Comments received on the draft AC may be inspected at the offices of the Regulations and Policy Office (ACE-110), Room 1656, Federal Office Building, 601 East 12th Street, Kansas City, Missouri, between the hours of 7:30 a.m. and 4 p.m. on weekdays, except Federal holidays.

Issued in Kansas City, Missouri, October 25, 1982.

Murray E. Smith,

Director, Central Region.

[FR Doc. 82-30279 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement: Williams, Fulton, Lucas, Wood, Ottawa, Sandusky, Erie, Lorain, Cuyahoga, Summit, Portage, Trumbull, Mahoning Counties, Ohio

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) is being prepared for a proposed highway project in thirteen counties extending across the northern part of the State of Ohio, from Williams County on the west to Mahoning County on the east.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McBee, Division Administrator, or Mr. David M. Hall, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215. Telephone: (614) 469-6896 or 469-5148.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA), in cooperation with the Ohio Department of Transportation (ODOT), has been preparing a draft environmental impact statement (EIS) since 1980 on the proposed upgrading of the entire 241-mile Ohio turnpike, where practical, to current Interstate standards. This four-lane divided highway, crossing Ohio from Indiana to Pennsylvania, carries the designation of Interstate 80, Interstate 90, and Interstate 76 on various sections.

The proposed action specifically consists of adding thirteen new access points or new interchanges, redesigning four existing interchanges, removing toll booths and re-signing at the fourteen remaining existing interchanges, and constructing 30.6 lane miles of new mainline in the existing Turnpike median.

The proposed action will greatly improve local and regional access to and from the Turnpike by reducing traffic on parallel roadway systems. It will shorten trip lengths by eliminating circuitous routes to the Turnpike, producing savings in time and energy costs.

At each new interchange site, from one to six alternative configuations have been considered. At existing interchanges a number of alternatives have been considered, ranging from minor modification to complete replacement. Preferred configurations have been identified but no final decision has been made regarding alternatives. The no-build alternative is also being considered.

There are currently no plans to hold a formal scoping meeting. To date, there has been extensive federal, state, local and public involvement with the proposed project. It is envisioned that such involvement will continue throughout further development of the project.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Program Assistance Program No. 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: October 28, 1982.

James J. Steele,

Assistant Division Administrator.

[FR Doc. 82-30411 Filed 11-3-82: 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Prince George's County, Maryland

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Cancellation of the notice of intent.

SUMMARY: This notice rescinds the previous notice of intent to prepare an environmental impact statement for a proposed highway project on Maryland Route 214 (Central Avenue) in Prince George's County, Maryland.

FOR FURTHER INFORMATION CONTACT: Roy Gingrich, District Engineer, Federal Highway Administration, The Rotunda—Suite 220, 711 West 40th Street, Baltimore, Maryland 21211, Telephone: (301) 962-4011 and Mr. Hal Kassoff, Director, Office of Planning and Preliminary Engineering, Maryland State Highway Administration (SHA), 707 North Calvert Street, Baltimore, Maryland 21202, Telephone: (301) 659-1110.

SUPPLEMENTARY INFORMATION: Additional environmental analyses have indicated that no significant impacts will result from the proposed highway project. Therefore, preparation of an environmental impact statement is not required for the proposed improvement of Maryland 214 (Central Avenue) from I-95 (Capital Beltway) to U.S. Route 301 in Prince George's County, Maryland. An environmental assessment, however, is being prepared and it will be made available to the public for review and comment. A public hearing will be scheduled upon completion of the environmental assessment. A public notice will be issued announcing the time and place of the hearing.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: October 22, 1982.

Emil Elinsky,

Division Administrator, Baltimore, Maryland.

[FR Doc. 82-30051 Filed 11-3-82: 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-82-21]

Batten Kill Railroad Co.; Petition for Exemption From Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Batten Kill Railroad Company (BK) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64A(e)). That petition requests that the BK be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The BK seeks this exemption so that it can permit certain employees to remain continuously on duty for period not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-82-21, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 17, 1982, will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 7321A, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d))

Issued in Washington, D.C. on October 21, 1982.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 82-30091 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-82-22]

Moscow, Camden & San Augustine Railroad Co.; Petition for Exemption From Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Moscow, Camden & San Augustine Railroad Company (MSCA) has petitioned the Federal Railroad Administration (FRA) for an exemption form the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64A(e)). That petition requests that the MSCA be granted authority to permit certain employees of continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provisions that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The MSCA seeks this exemption so that it can permit certain employees to remain continuously on duty for period not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-82-22, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 17, 1982, will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 7321A, Nassif Building 400 Seventh Street, SW., Washington, D.C. 20590.

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d))

Issued in Washington, D.C. on October 21, 1982.

Joseph W. Walsh,

Chairman. Railroad Safety Board.

[FR Doc. 83-30092 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-82-23]

Texas South-Eastern Railroad Co., Petition for Exemption From Hours of Service Act

In accordance with 49 CFR 211.41 and Section 211.9, notice is hereby given that the Texas South-Eastern Railroad (TSE) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64(e)). That petition requests that the TSE be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The TSE seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-82-23, and must be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 17, 1982, will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 7321A, Nassif Building 400 Seventh Street, SW., Washington, D.C. 20590

(Sec. 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on October 21, 1982.

Joseph W. Walsh,
Chariman, Railroad Safety Board.

[FR Doc. 82-30093 Filed 11-3-82; 8:45 am]
BILLING CODE 4910-06-M

Maritime Administration

Maritime Advisory Committee Meeting

AGENCY: Maritime Administration (MARAD), DOT.

ACTION: Notice.

SUMMARY: The Maritime Advisory Committee will hold its second meeting on November 17, 1982, at 10:30 a.m., in Room 4234, Department of Transportation, 400 7th Street, S.W., Washington, D.C. The matters to be considered will include the structure of the Committee and Government-industry relations. The meeting will be open to the public.

Dated: October 27, 1982.

By order of the Maritime Administrator.

Georgia P. Stamas,
Assistant Secretary.

[FR Doc. 82-30056 Filed 11-3-82; 8:45 am]
BILLING CODE 4910-81-M

[S-724]

Aeron Marine Shipping Co., Aries Marine Shipping Co., Atlas Marine Co., Aquarius Marine Co., American Shipping, Inc., Pacific Shipping, Inc., and Worth Oil Transport Co.; Joint Application for Section 805(a) Permission Concerning Affiliation With Acadian Shipping Corporation

The subject companies—parties to long-term operating-differential subsidy contracts in the foreign bulk trade of the United States—are affiliates of Acadian Shipping Corporation (Acadian) which intends to purchase the RO/RO trailer and vehicle vessel *Atlantic Bear.* The subject companies request written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act), to be affiliated with Acadian, the intended owner of the *Atlantic Bear.*

Acadian plus to operate the *Atlantic Bear* in common carriage of automobiles and other commodities along the U.S. Atlantic coast throughout the period of the Berger subsidized companies' operating-differential subsidy contracts. The permission requested covers all coastwise operations of the *Atlantic Bear* for the period of each subsidy contract.

The Berger subsidized companies have a request pending dated February 23, 1982 (Docket S-715) to be affiliated with any other operator which owns, operates or charters vessels in the coastwise or intercoastal trades. Clearly, the instant request is alo covered in Docket S-715. However, since the coastwise operations of the *Atlantic Bear* are scheduled to commence in the immediate future and Docket S-715 has been scheduled for a hearing, this request is separately submitted. The applicants aver that it in no way derogates from the full breadth of the permission requested in Docket S-715.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a) of the Act) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, by close of business on November 19, 1982, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudcial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 20.804 Operating-Differential Subsidies (ODS))

By Order of the Maritime Administrator.

Dated: November 1, 1982.

Georgia P. Stamas,
Assistant Secretary.

[FR Doc. 82-30360 Filed 11-3-82; 8:45 am]
BILLING CODE 4910-81-M

National Highway Traffic Safety Administration

Final Contract Briefing; Public Meeting

The National Highway Traffic Safety Administration will hold a public meeting on December 8, 1982 to present the findings of a contract research study entitled "Heavy Duty Truck Splash and Spray Reduction." The objectives of the study were to: (1) Develop a simplified laboratory test procedure for evaluating the basic spray suppressing performance of products intended to be installed on trucks; and (2) gather and report data relating to the in-service performance and life cycle costs of currently available spray suppressing systems.

In addition to the oral briefing, a demonstration of the testing apparatus and the procedures for its use will be conducted.

The meeting will be held at the offices of Systems Technology, Inc., 13766 South Hawthorne Boulevard, Hawthorne, California 90250, on December 8, 1982 at 9 a.m. Those planning to attend are asked to call Mr. Robert M. Clarke, Heavy Duty Vehicle Research Division, National Highway Traffic Safety Administration, at (202) 426-4558 on or before December 1, 1982 so that an appropriately sized meeting room can be scheduled.

Issued in Washington, D.C., on October 29, 1982.

Michael M. Finkelstein,

Associate Administrator for Research and Development.

[FR Doc. 82-30383 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-55-M

Office of the Secretary

[Notice No. 82-8]

Frontier Airlines, Inc.; Renewal of Operations Specifications, Jackson Hole Airport, Wyoming

AGENCY: Office of the Secretary, DOT.

ACTION: Request for comments on renewal of operations specifications.

SUMMARY: The purpose of this Notice is to inform the public that the Department of Transportation (DOT) is considering a request by Frontier Airlines, Inc. (Frontier) for a renewal of its authority to serve Jackson Hole Airport, Wyoming, with regularly scheduled Boeing 737 jet operations, and to solicit comments on that proposal.

DATE: Deadline for receipt of comments is December 6, 1982.

FOR FURTHER INFORMATION CONTACT: Joseph Canny, Deputy Director for Environment and Policy Review, Office of Economics, U.S. Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, (202) 426-4361.

The Department of Transportation has received a request from Frontier Airlines, Inc., for renewal of its operations specifications to permit the continuation of regularly scheduled Boeing 737 jet aircraft service at Jackson Hole Airport, Wyoming. The Frontier request seeks to make permanent the existing authority to conduct such operations which is scheduled to expire on January 15, 1983. Frontier also requests elimination of a number of conditions imposed by the Department of Transportation at the time of the issuance of the existing approval in early 1981.

Background

During the 1970's, Frontier made a decision to remove from its operating fleet propeller driven Convair 580 airliners and to provide Boeing 737 jet aircraft service at certain airports previously served by the CV-580 aircraft. In 1978, Frontier requested that the Federal Aviation Administration (FAA), an operating administration of the DOT, amend its operating specifications to permit it to phase out its CV-580 service and to operate regularly scheduled B-737 service for the first time at Jackson Hole Airport, Wyoming. (Charter service by B-737 aircraft had been previously authorized.) Pursuant to FAA and DOT regulations, operations specifications that will not significantly change the character or nature of an airport facility or its operations are routinely granted without any environmental analysis. However, in light of the controversy surrounding Frontier's proposed introduction of regularly scheduled jet service at Jackson Hole Airport, which is located within Grand Teton National Park, a nationally significant recreation area and a major component of the national park system, the Secretary concluded that an environmental impact statement should be prepared to assess fully the potential impact of Frontier's proposal.

A draft environmental impact statement was prepared and circulated to interested public agencies and private individuals and organizations on July 30, 1979. Comments on the draft environmental impact statement identified a number of concerns about the proposal. The Town of Jackson, Teton County, and other local interests generally endorsed the proposal and maintained that the proposed jet service is essential to the economy of the region. Other commentors, including the Department of the Interior (DOI), the Environmental Protection Agency (EPA), and the Sierra Club objected, principally because of their concerns that the existing airport is incompatible with the environment of the National Park and concern about the potential for increased noise within the Park.

The Department of Transportation reviewed the various comments, performed additional studies concerning the noise impacts of the proposal, and published a final environmental impact statement on the proposal in late 1980. On December 24, 1980, the Secretary of Transportation signed a record of decision, in which he indicated his approval of the proposal. Subsequently, the Department of the Interior and the Environmental Protection Agency referred this matter to the Council on Environmental Quality (CEQ) pursuant to its procedures, contending that the proposed action was "environmentally unacceptable." Following extensive negotiations among CEQ, EPA, DOT, DOI and Frontier, a revised record of decision was issued on January 16, 1981. On the basis of the revised record of decision, the Department of the Interior and EPA removed their objections to the proposal.

The Secretary's revised record of decision contained thirteen conditions which the FAA was directed to impose on the proposed authority for Frontier to operate regularly scheduled 737 service at Jackson Hole. In particular, it provided that the approval would be for a two-year period only, and that during this period. FAA and local sponsors were to seek alternative sites to provide commercial air service to Jackson. The record of decision further indicated that the operating specifications would be renewed at the end of the two-year period only if solid progress has been made toward relocating the airport. Other conditions included provisions that commercial jet service would not be permitted between the hours of 9:30 p.m. and 6:00 a.m.; that each B-737 used at Jackson Hole would be fitted with quiet nacelles to reduce aircraft noise; that appropriate air traffic control and noise abatement measures would be instituted; that Frontier would consent to use any new jet aircraft it might acquire that would be quieter than the B-737s and would be feasible for operation at Jackson Hole; and that FAA and local officials would seek zoning of private land in the airport vicinity for purposes compatible with airport operations.

Frontier accepted the amendment to its operations specifications but noted that a number of conditions in the record of decision were beyond its control and that it could not assure the implementations of those conditions. Frontier initiated regularly scheduled B-737 jet service at Jackson Hole Airport on June 1, 1981.

In the spring of 1981, the Sierra Club initiated litigation against the Department of Transportation seeking to overturn the Secretary's decision to permit the B-737 operations at Jackson Hole. The United States Court of Appeals for the District of Columbia affirmed the Department's decision in a judgment filed March 3, 1982. *Sierra Club* v. *U.S. Department of Transportation,* 675 F. 2d 1340 (D.C. Cir. 1982), rehearing denied.

Current Conditions

Frontier has continued to operate B-737 jet service into Jackson Hole. During the summer of 1982, the airline scheduled four B-737 flights per day into and out of Jackson Hole. At present, two daily flights are scheduled. It is likely that two flights per day will be the maximum outside the summer tourist season, except for some possible increase in flights on peak weekends during the skiing season. While the environmental impact statement reflected a proposal to phase out CV-580 service over a period extending to

1985, Frontier has in fact terminated all CV-580 operations at Jackson Hole and is serving the airport with B-737s exclusively.

Certain conditions in the Department's 1981 decision have been implemented. These include the prohibition on commercial jet serice during nighttime hours, institution of air traffic procedures for noise abatement purposes, and use of B-737 aircraft equipped with quiet nacelles to reduce aircraft noise. The other conditions have not been met. The Department's final environmental impact statement incorporated by reference analysis of more than twenty alternative sites for the Jackson Hole Airport, none of which were considered to be both feasible and prudent. In addition, the FAA issued a technical feasibility study on January 7, 1981, of a site in the Webb Draw area. The FAA concluded that it was technically feasible to build an airport at the site but that the practical and political ramifications of establishing an airport at the site remained to be resolved. Since that study was completed, neither the Town of Jackson nor any other local interest has indicated any willingness to seek an alternate site for the airport and no further alternate sites have been identified or studied.

The proposal to construct and staff an air traffic control tower at Jackson Hole Airport, another of the conditions, has not been implemented due to lack of federal funds, the low volume of air traffic at Jackson Hole which is insufficient to justify establishment of a tower under FAA criteria, and the effectiveness of the Jackson Hole Airport noise abatement plan even in the absence of a tower.

Frontier's Request

Frontier has requested that the amendment to its operation specifications be renewed and be made permanent. Further, Frontier has indicated its intent to rely upon the provisions of 5 U.S.C. 558(c), under which Frontier's existing authority and license will be automatically continued in effect until a final determination has been made on the application for renewal. Frontier has also requested that the conditions attached to the prior approval be eliminated in favor of such environmental rules and regulations as may be imposed by the Jackson Hole Airport Board, acting as the airport operator. The Town of Jackson and a number of other public officials and organizations have endorsed Frontier's request for a continuation of the authority to operate B-737 service at Jackson Hole.

The Department of Transportation has undertaken an environmental assessment of Frontier's request. The assessment concludes that aircraft noise conditions at Jackson Hole as a result of Frontier's operations to date are virtually identical to those predicted in the environmental impact statement acted upon in 1980. (The time average difference between predicted and actual noise levels is approximately 1 db.) The environmental assessment also considers the impact of removing the various conditions from the operations specifications. A copy of the environmental assessment is available from: Federal Aviation Administration, Office of Environment and Energy, 800 Independence Avenue SW., Washington, D.C. 20591, (202) 426-4144

Proposed Decision

The Department of Transportation has taken under consideration the request of Frontier. The Department requests any comments that agencies, organizations or individuals may wish to submit concerning this matter.

Subject to the receipt and careful evaluations of such comments, it is the tentative intention of this Department to grant Frontier's request for permanent authority to operate regularly scheduled B-737 service at Jackson Hole. With respect to the conditions on the operations specifications, the Department believes on the basis of its environmental assessment that most of the conditions can be removed without any adverse environmental impact. However, the Department proposes to retain three of the conditions from the prior decision, specifically, the requirements that commercial jet service be restricted to the hours between 6:00 a.m. and 9:30 p.m.; the requirement that the B-737 aircraft used at Jackson Hole be fitted with quiet nacelles to reduce aircraft noise and meet the stage two noise limits set forth in FAR Part 36 (14 CFR Part 36); and the requirement that Frontier ensure the use, to the maximum extent feasible, of established procedures for the abatement of aircraft noise during landings and takeoffs as set forth in the environmental impact statement, including a power reduction at takeoff to achieve an 8.6 percent climb gradient. It is the Department's view that the elimination of any of those three conditions would result in a noisier environment than that depicted in the final environmental impact statement and that those three conditions are justified, feasible and safe. A fourth condition involving aircraft noise—that Frontier would use at Jackson Hole any quieter aircraft it might acquire—can be dropped since there are no quieter aircraft currently available, or likely to be available in the near future, which would be feasible for operation at Jackson Hole.

With respect to the other conditions, the Department believes that they can be removed without adverse impact on the environment of Jackson Hole. In particular, the Department takes cognizance of the views of state and local officials that an effort to relocate the airport is not feasible or desirable. Moreover, any actions of this type would have to be undertaken by appropriate local, state or federal officials and are outside the control of Frontier Airlines and thus not appropriate conditions on the airline's operations specifications. Efforts to assure compatible land use in the vicinity of the airport will continue, and the airport operator is committed to such efforts under the terms of its airport development assistance grants from FAA.

Any comments which any party may wish to propose concerning this matter should be submitted within 30 days of the date of this notice.

Issued in Washington, D.C. on October 29, 1982.

Drew Lewis,

Secretary of Transportation.

[FR Doc. 82-30199 Filed 11-3-82; 8:45 am]

BILLING CODE 4910-62-M

VETERANS ADMINISTRATION

Construct Warehouse, Veterans Administration Medical Center, Albuquerque, New Mex.; Finding of No Significant Impact

The Veterans Administration has assessed the potential environmental impacts that may occur as a result of the construction of a new warehouse at the Veterans Administration Medical Center (VAMC) at Albuquerque, New Mexico. The project consists of the design and construction of a new warehouse to be located in the southwest corner of the VAMC which will provide approximately 14,000 net square feet of space.

Development of the project will have impacts on the human and natural environment byi increasing surface runoff. Caliche clay soil will require special footing design. Temporary construction impacts are dust, noise, and engine fumes.

Mitigation of increased surface runoff has been addressed in the Land Use Master Plan for the VAMC. This long range plan calls for the creation of small ponds to catch the surface runoff and allow controlled water seepage into the ground. This will reduce the volume of water running into the city stormwater system.

Temporary construction impacts will be mitigated by standard Veterans Administration Environmental Protection Specifications and conformance with Federal, State and Local Regulations.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, §§ 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. William F. Sullivan, P.E., Director, Environmental Affairs Staff (005B), Room 423, Veterans Administration, 811 Vermont Avenue, NW., Washington, D.C., (202-389-3316). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Environmental Affairs Staff (005B), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: October 29, 1982.

By direction of the Administrator:

Everett Alvarez, Jr.,

Deputy Administrator.

[FR Doc. 82-30325 Filed 11-3-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 214
Thursday, November 4, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Wednesday, October 27, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Doyle L. Arnold, acting in the place and stead of Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Chittenden Trust Company, Burlington, Vermont, for consent to purchase the assets of and assume the liability to pay deposits made in Rutland Savings Bank, Rutland, Vermont, and for consent to establish the five offices of Rutland Savings Bank as branches of the resultant bank.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: October 28, 1982.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1594-82 Filed 11-2-82; 11:36 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, November 8, 1982, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Recommendations, pursuant to section 10(b) of the Federal Deposit Insurance Act, that the Corporation make special examinations of certain national banks to determine the condition of such banks for insurance purposes.

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Personal actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: November 1, 1982.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1592-82 Filed 11-3-82; 8:45 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, November 8, 1982, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance:

Ameribank, Welch, West Virginia, a proposed new bank to be located at the intersection of U.S. Highway 52 and Riverside Drive, Welch, West Virginia.

Application for consent to merge and establish three branches:

The Fidelity Bank of Indiana, Carmel, Indiana, an insured state nonmember bank, for consent to merge, under its charter and title, with Hamilton County Bank, Cicero, Indiana, and for consent to establish the three offices of Hamilton County Bank as branches of the resultant bank.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 45,459-L—Franklin National Bank, New York, New York

Case No. 45,460-SR—The Peoples Bank of the Virgin Islands, Charlotte Amalie, U.S. Virgin Islands

Case No. 45,465-SR—Hohenwald Bank & Trust Company, Hohenwald, Tennessee

Case No. 45,473-L (Amended)—Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson, & McKinnon, San Francisco, California, in connection with the receivership of United States National Bank, San Diego, California.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications or requests approved by the Director or Associate Director of the Division and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director, Division of Accounting and Corporate Services:

Memorandum re: Investment Management Report—September 30, 1982

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: November 1, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1593-82 Filed 11-2-82; 11:36 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, November 1, 1982, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations, pursuant to section 10(b) of the Federal Deposit Insurance Act, that the Corporation make special examinations of two national banks to determine the condition of such banks for insurance purposes: Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Request for relief from adjustment for violations of Regulation Z: Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Recommendation regarding an Assistance Agreement entered into between the Corporation and an insured bank, pursuant to section 13(e) of the Federal Deposit Insurance Act.

Discussion of the classification of foreign debt.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(i), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), (c)(9)(A)(i) and (c)(9)(A)(ii)).

Dated: November 2, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1597-82 Filed 11-2-82; 3:05 pm]

BILLING CODE 6714-01-M

5

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, November 9, 1982 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, litigation, audits, personnel.

* * * * *

DATE AND TIME: Wednesday, November 10, 1982 at 11 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings

Correction and approval of minutes

Advisory opinion 1982-50—Jon L. Shebel, Florida Breakfast and Lunch Bunch

Proposed revision of 11 CFR 110.11—Disclaimer notice

Proposed regulations on joint fundraising and collecting agents (11 CFR 102.6 and 102.7)

Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone: 202-523-4065.

Majorie W. Emmons,

Secretary of the Commission.

[S-1596-82 Filed 11-2-82; 3:10 pm]

BILLING CODE 6715-01-M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., November 10, 1982.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10051-6: Extension of the Mediterranean Force Majeure Agreement for an indefinite term and definition of the causes under which the agreement may be invoked.
2. Agreement No. 10050-4: Extension of the U.S.-Flag Far East Discussion Agreement and redefinition of the scope of the agreement.
3. Agreement No. 8260-22: Modification of the Mediterranean U.S.A. Great Lakes Westbound Freight Conference Agreement to extend and revise inland Europe authority.

Portion closed to the public:

1. Docket No. 81-62: Westinghouse Electric Corporation v. Delta Steamship Lines, Inc.—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1598-82 Filed 11-2-82; 3:45 pm]

BILLING CODE 6730-01-M

7

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the

Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of November 8, 1982, at 450 5th Street, NW., Washington, D.C.

An open meeting will be held on Tuesday, November 9, 1982, at 10:00 a.m. A closed meeting will be held on Wednesday, November 10, 1982, at 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10).

Commissioners Evans, Thomas and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of the open meeting scheduled for Tuesday, November 9, 1982, at 10:00 a.m., will be:

Consideration of whether to issue an order approving proposed rule changes of several self-regulatory organizations designed to imporve the ability of the securities industry to process institutional trades, particularly during periods of sustained high volume. For further information, contact Heidi Steinberg Coppola at (202) 272-2775.

The subject matter of the closed meeting scheduled for Wednesday, November 10, 1982, at 10:00 a.m., will be:

Access to investigative files by Federal, State, or Self-Regulatory authorities.
Settlement of administrative proceedings of an enforcement nature.
Formal orders of investigation.
Institution of administrative proceeding of an enforcement nature.
Proposal for self-regulation of investment companies.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272-2014.

November 1, 1982.

[S-1595-82 Filed 11-2-82; 11:46 am]

BILLING CODE 8010-01-M

federal register

Thursday
November 4, 1982

Part II

Department of the Interior

Minerals Management Service

Outer Continental Shelf Norton Basin; Proposed Oil and Gas Lease Sale No. 57

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Norton Basin

Proposed Oil and Gas Lease Sale No. 57

With regard to oil and gas leasing on the Outer Continental Shelf (OCS), the Secretary of the Interior, pursuant to Sec. 19 of the OCS Lands Act, as amended, provides the affected States the opportunity to review the proposed notice of sale. The following is a proposed notice of sale for Sale No. 57 in the offshore waters of the Norton Basin. This notice is hereby published as a matter of information to the public.

Harold Doley
Director, Minerals Management Service
Harold Doley

Approved: OCT 29 1982

Donald Paul Hodel
~~Under~~Secretary of the Interior

Certified to be a true
copy of the original
Elwood Oles
Certifying Officer

Proposed Notice of Sale
Sale No. 57, Norton Basin

1. Authority: This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300). A revision of 43 CFR 3300 appeared in the Federal Register of June 16, 1982, at 47 FR 26031 and 25967. The revised regulations became effective on July 16, 1982, and will therefore apply to this sale.

2. Filing of Bids: Sealed bids will be received by the Regional Manager, Alaska Outer Continental Shelf (OCS) Region, 620 East 10th Avenue, P.O. Box 1159, Anchorage, Alaska 99510. Bids may be delivered, either by mail or in person, to the above address until 4:30 p.m., March , 1983; or by personal delivery to the sale site in Anchorage, Alaska (to be announced) between the hours of 8:30 a.m., a.h.s.t., and 9:30 a.m., a.h.s.t., March , 1983. Bids received by the Regional Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Regional Manager prior to 9:30 a.m., a.h.s.t., March , 1983. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in the Federal Register on October 6, 1982.

3. Method of Bidding: A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10 a.m., a.h.s.t., March , 1983," must be submitted for each tract. A suggested bid form appears in 43 CFR Part 3300, Appendix A. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus in cash or by cashier's check, bank draft, or certified check payable to the order of the Minerals Management Service. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to no more than five decimal places after the decimal point, e.g., 50.12345 percent. The previous requirement for a joint bidder's statement has been rescinded by the latest revision of regulations at 43 CFR 3300 (see paragraph 1, above). Other documents may be required of bidders under 43 CFR 3316.4. Partnerships also need to submit a list of signatories authorized to bind the partnership in matters relating to OCS leasing, consistent with the partnership agreement. All documents must be executed in conformance with signatory authorizations on file. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems: All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof, and a minimum royalty payment at an annual rate of $8 per hectare or fraction thereof. The following systems will be utilized.

(a) Bonus Bidding with a Fixed Sliding Scale Royalty. Bids on tracts 57-33, 57-34, 57-35, 57-36, 57-37, 57-38, 57-40, 57-41, 57-42, 57-43, 57-44, 57-45, 57-46, 57-47, 57-49, 57-50, 57-51, 57-52, 57-53, 57-54, 57-55, 57-56, 57-58, 57-59, 57-60, 57-61, 57-62, 57-63, 57-64, 57-65, 57-66, 57-67, 57-68, 57-69, 57-70, 57-71, 57-72, 57-73, 57-74, 57-75, 57-76, 57-77, 57-78, 57-79, 57-80, 57-81, 57-82, 57-83, 57-84, 57-85, 57-86, 57-87, 57-88, 57-89, 57-90, 57-91, 57-92, 57-93, 57-94, 57-95, 57-96, 57-97, 57-98, 57-99, 57-100, 57-101, 57-102, 57-103, 57-104, 57-105, 57-106, 57-107, 57-108, 57-109, 57-110, 57-111, 57-112, 57-113, 57-114, 57-115, 57-116, 57-117, 57-118, 57-119, 57-120, 57-121, 57-122, 57-123, 57-124, 57-125, 57-126, 57-127, 57-128, 57-129, 57-130, 57-131, 57-132, 57-133, 57-134, 57-135, 57-136, 57-137, 57-138, 57-139, 57-140, 57-141, 57-142, 57-143, 57-144, 57-145, 57-146, 57-147, 57-148, 57-149, 57-150, 57-151, 57-152, 57-153, 57-154, 57-155, 57-156, 57-157, and 57-158 must be submitted on a cash bonus basis with the percent royalty due in amount or value of production fixed according to the sliding scale formula described below. This formula fixes the percent royalty at a level determined by the value of lease production during each calendar quarter. For purposes of determining the royalty percent due on production during a quarter, the value of production during the quarter will be adjusted for inflation as described below. The determination of the value of the production on which royalty is due will be made pursuant to 30 CFR 250.64.

The fixed sliding scale formula operates in the following way: when the quarterly value of production, adjusted for inflation, is less than or equal to $16.697566 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $16.697567 million, but less than or equal to $11822.537759 million, the royalty percent due on the unadjusted value or amount of production is given by

$R_j = b[\mathrm{Ln}\,(V_j/S)]$ where

R_j = the percent royalty that is due and payable on the unadjusted amount or value of all production in quarter j

$b = 8.0$

Ln = natural logarithm

V_j = the value of production in quarter j, adjusted for inflation, in millions of dollars

$S = 3.50$

When the adjusted quarterly value of production is equal to or greater than $11822.537760 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., the nearest dollar (for example, 35.624831 millions of dollars).

Figure 1
Form of the Sliding Royalty Schedule

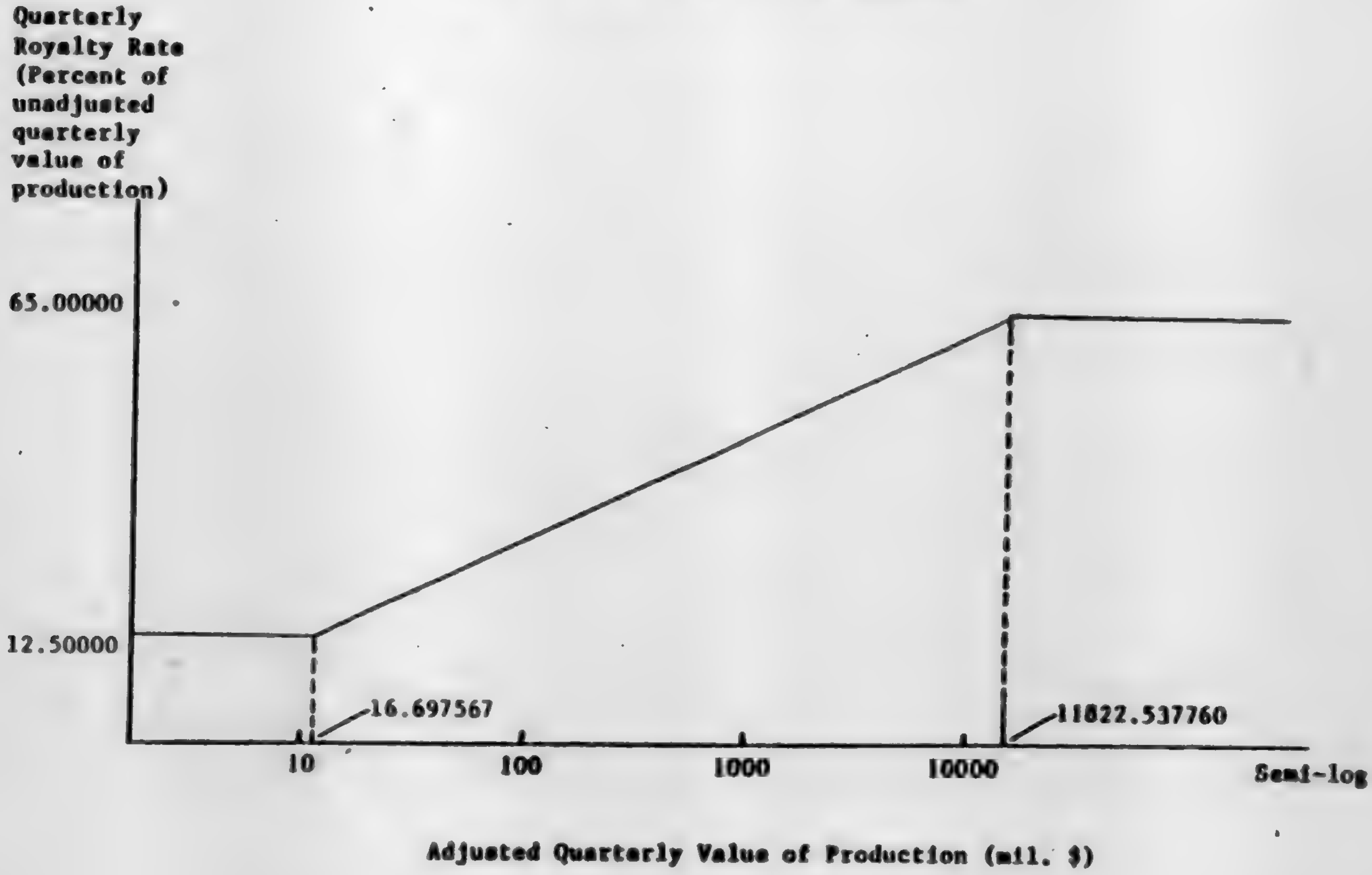

TABLE I. HYPOTHETICAL QUARTERLY ROYALTY CALCULATIONS

(A) Actual Value of Quarterly Production (Millions of Dollars)	(B) GNP Fixed Weighted Price Index	(C) Inflation Factor[1]	(D) Adjusted Value of Quarterly Production[2] (Vj, Millions of $)	(E) Percent Royalty Rate (Rj)	(F) Royalty Payment[3] (Millions of Dollars)
10.000000	200.0	4/3	7.500000	12.50000	1.25000
30.000000	200.0	4/3	22.500000	14.88602	4.46581
90.000000	200.0	4/3	67.500000	23.67492	21.30743
270.000000	200.0	4/3	202.500000	32.46382	87.65231
810.000000	200.0	4/3	607.500000	41.25271	334.14695
10.000000	250.0	5/3	6.000000	12.50000	1.25000
30.000000	250.0	5/3	18.000000	13.10087	3.93026
90.000000	250.0	5/3	54.000000	21.88977	19.70079
270.000000	250.0	5/3	162.000000	30.67867	82.83241
810.000000	250.0	5/3	486.000000	39.46757	319.68732

[1] Column (B) divided by 150.0 (assumed value of GNP fixed weighted price index at time leases are issued).

[2] Column (A) divided by Inflation Factor.

[3] Column (A) times Column (E) divided by 100. All values are rounded for display purposes only.

The form of the sliding scale royalty schedule is illustrated in Figure 1. Note that the effective quarterly royalty rate depends upon the inflation adjusted quarterly value of production. However, this rate is applied to the unadjusted quarterly value of production to determine the royalty payments due.

In adjusting the quarterly value of production for use in calculating the percent royalty due on production during the quarter, the actual value of production will be adjusted to account for the effects of inflation by dividing the actual value of production by the following inflation adjustment factor. The inflation adjustment factor used will be the ratio of the GNP fixed weighted price index for the calendar quarter preceding the quarter of production to the value of that index for the quarter preceding the issuance of the lease. The GNP fixed weighted price index is published monthly in the Survey of Current Business by the Bureau of Economic Analysis, U.S. Department of Commerce. The percent royalty will be due and payable on the actual amount or value of production as determined pursuant to 30 CFR 250.64. The timing of procedures for inflation adjustments and determinations of the royalty due will be specified at a later date. Table 1 provides hypothetical examples of quarterly royalty calculations using the sliding scale formula just described under two different values for the quarterly price index.

(b) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted or a cash bonus basis with a fixed royalty of 12-1/2 percent.

5. Equal Opportunity: Each bidder must have submitted by [illegible]:30 a.m., a.h.s.t., March , 1983, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (June 1982), and the Affirmative Action Representation Form, Form 1140-7 (June 1982). See item 14, "Information to Lessees."

6. Bid Opening: Bids will be opened on March , 1983, beginning at 10 a.m., a.h.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, March , 1983, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment: Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts: The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for that tract.

9. Acceptance or Rejection of Bids: The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

a. The bidder has complied with all requirements of this notice and applicable regulations;

b. The bid is the highest valid cash bonus bid; and

c. The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $371 or more per hectare or fraction thereof.

10. Successful Bidders: Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus bid together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR Subpart 3316.5. A modification of the payments procedure for successful bidders appears in the latest revision of 43 CFR 3300 (see paragraph 1, above). These changes do not apply to the submission of the one-fifth bonus with bids, described in paragraph 3, above.

11. Protraction Diagrams: Tracts offered for lease may be located on the following official protraction diagrams which are available from the Regional Manager, Alaska Outer Continental Shelf Region, at the first address stated in paragraph 2, at a cost of $2 each.

a. Outer Continental Shelf Official Protraction Diagram NP 3-1, Norton Sound (approved December 13, 1976).

b. Outer Continental Shelf Official Protraction Diagram NP [illegible], St. Michael (approved December 13, 1976).

c. Outer Continental Shelf Official Protraction Diagram NQ 3-7, Nome (approved December 13, 1976).

d. Outer Continental Shelf Official Protraction Diagram NQ 3-[illegible], Solomon (approved December 13, 1976).

12. Tract Descriptions: Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice.

The tracts offered for bid are as follows:

OCS OFFICIAL PROTRACTION DIAGRAM, NORTON SOUND NP 3-1
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-1	25	All	2304.00
57-2	26	All	2304.00
57-3	27	All	2304.00
57-4	28	All	2304.00
57-5	29	All	2304.00
57-6	30	All	2304.00
57-7	31	All	2304.00
57-8	32	All	2304.00
57-9	71	All	2304.00
57-10	72	All	2304.00
57-11	73	All	2304.00
57-12	74	All	2304.00
57-13	75	All	2304.00
57-14	76	All	2304.00
57-15	115	All	2304.00
57-16	116	All	2304.00
57-17	117	All	2304.00
57-18	118	All	2304.00
57-19	119	All	2304.00
57-20	120	All	2304.00
57-21	159	All	2304.00
57-22	160	All	2304.00
57-23	161	All	2304.00
57-24	162	All	2304.00
57-25	163	All	2304.00
57-26	164	All	2304.00
57-27	203	All	2304.00
57-28	204	All	2304.00
57-29	205	All	2304.00
57-30	206	All	2304.00
57-31	207	All	2304.00
57-32	208	All	2304.00
57-33	245	All	2304.00
57-34	247	All	2304.00
57-35	248	All	2304.00
57-36	249	All	2304.00
57-37	250	All	2304.00
57-38	251	All	2304.00
57-39	252	All	2304.00
57-40	288	All	2304.00
57-41	289	All	2304.00
57-42	290	All	2304.00
57-43	291	All	2304.00
57-44	292	All	2304.00
57-45	293	All	2304.00
57-46	294	All	2304.00
57-47	295	All	2304.00
57-48	296	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, NORTON SOUND NP 3-1
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-49	332	All	2304.00
57-50	333	All	2304.00
57-51	334	All	2304.00
57-52	335	All	2304.00
57-53	336	All	2304.00
57-54	337	All	2304.00
57-55	338	All	2304.00
57-56	339	All	2304.00
57-57	340	All	2304.00
57-58	375	All	2304.00
57-59	376	All	2304.00
57-60	377	All	2304.00
57-61	378	All	2304.00
57-62	379	All	2304.00
57-63	380	All	2304.00
57-64	381	All	2304.00
57-65	382	All	2304.00
57-66	383	All	2304.00
57-67	419	All	2304.00
57-68	420	All	2304.00
57-69	421	All	2304.00
57-70	422	All	2304.00
57-71	423	All	2304.00
57-72	424	All	2304.00
57-73	425	All	2304.00
57-74	426	All	2304.00
57-75	427	All	2304.00
57-76	464	All	2304.00
57-77	465	All	2304.00
57-78	466	All	2304.00
57-79	467	All	2304.00
57-80	468	All	2304.00
57-81	469	All	2304.00
57-82	470	All	2304.00
57-83	471	All	2304.00
57-84	499	All	2304.00
57-85	510	All	2304.00
57-86	511	All	2304.00
57-87	512	All	2304.00
57-88	513	All	2304.00
57-89	514	All	2304.00
57-90	515	All	2304.00
57-91	543	All	2304.00
57-92	544	All	2304.00
57-93	545	All	2304.00
57-94	554	All	2304.00
57-95	555	All	2304.00
57-96	556	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, NORTON SOUND NP 3-1
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-97	557	All	2304.00
57-98	558	All	2304.00
57-99	559	All	2304.00
57-100	587	All	2304.00
57-101	588	All	2304.00
57-102	589	All	2304.00
57-103	597	All	2304.00
57-104	598	All	2304.00
57-105	599	All	2304.00
57-106	600	All	2304.00
57-107	601	All	2304.00
57-108	602	All	2304.00
57-109	603	All	2304.00
57-110	604	All	2304.00
57-111	631	All	2304.00
57-112	632	All	2304.00
57-113	633	All	2304.00
57-114	634	All	2304.00
57-115	635	All	2304.00
57-116	636	All	2304.00
57-117	640	All	2304.00
57-118	641	All	2304.00
57-119	642	All	2304.00
57-120	643	All	2304.00
57-121	644	All	2304.00
57-122	645	All	2304.00
57-123	646	All	2304.00
57-124	647	All	2304.00
57-125	675	All	2304.00
57-126	676	All	2304.00
57-127	678	All	2304.00
57-128	679	All	2304.00
57-129	680	All	2304.00
57-130	681	All	2304.00
57-131	682	All	2304.00
57-132	684	All	2304.00
57-133	685	All	2304.00
57-134	686	All	2304.00
57-135	687	All	2304.00
57-136	688	All	2304.00
57-137	689	All	2304.00
57-138	690	All	2304.00
57-139	691	All	2304.00
57-140	722	All	2304.00
57-141	723	All	2304.00
57-142	724	All	2304.00
57-143	728	All	2304.00
57-144	729	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, NORTON SOUND NP 3-1
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-145	730	All	2304.00
57-146	731	All	2304.00
57-147	732	All	2304.00
57-148	733	All	2304.00
57-149	734	All	2304.00
57-150	735	All	2304.00
57-151	766	All	2304.00
57-152	767	All	2304.00
57-153	768	All	2304.00
57-154	772	All	2304.00
57-155	773	All	2304.00
57-156	774	All	2304.00
57-157	775	All	2304.00
57-158	776	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, ST. MICHAEL NP 3-2
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-159	1	All	2304.00
57-160	2	All	2304.00
57-161	3	All	2304.00
57-162	4	All	2304.00
57-163	5	All	2304.00
57-164	6	All	2304.00
57-165	7	All	2304.00
57-166	8	All	2304.00
57-167	9	All	2304.00
57-168	10	All	2304.00
57-169	11	All	2304.00
57-170	12	All	2304.00
57-171	13	All	2304.00
57-172	14	All	2304.00
57-173	15	All	2304.00
57-174	16	All	2304.00
57-175	17	All	2304.00
57-176	45	All	2304.00
57-177	46	All	2304.00
57-178	47	All	2304.00
57-179	48	All	2304.00
57-180	49	All	2304.00
57-181	50	All	2304.00
57-182	51	All	2304.00
57-183	52	All	2304.00
57-184	53	All	2304.00
57-185	54	All	2304.00
57-186	55	All	2304.00
57-187	56	All	2304.00
57-188	57	All	2304.00
57-189	58	All	2304.00
57-190	59	All	2304.00
57-191	60	All	2304.00
57-192	61	All	2304.00
57-193	62	All	2304.00
57-194	89	All	2304.00
57-195	90	All	2304.00
57-196	91	All	2304.00
57-197	92	All	2304.00
57-198	93	All	2304.00
57-199	94	All	2304.00
57-200	95	All	2304.00
57-201	96	All	2304.00
57-202	97	All	2304.00
57-203	98	All	2304.00
57-204	99	All	2304.00
57-205	100	All	2304.00
57-206	101	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, ST. MICHAEL NP 3-2
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-207	102	All	2304.00
57-208	103	All	2304.00
57-209	104	All	2304.00
57-210	105	All	2304.00
57-211	106	All	2304.00
57-212	133	All	2304.00
57-213	134	All	2304.00
57-214	135	All	2304.00
57-215	136	All	2304.00
57-216	137	All	2304.00
57-217	138	All	2304.00
57-218	139	All	2304.00
57-219	140	All	2304.00
57-220	141	All	2304.00
57-221	142	All	2304.00
57-222	143	All	2304.00
57-223	144	All	2304.00
57-224	145	All	2304.00
57-225	146	All	2304.00
57-226	147	All	2304.00
57-227	148	All	2304.00
57-228	149	All	2304.00
57-229	150	All	2304.00
57-230	177	All	2304.00
57-231	178	All	2304.00
57-232	179	All	2304.00
57-233	180	All	2304.00
57-234	181	All	2304.00
57-235	182	All	2304.00
57-236	183	All	2304.00
57-237	184	All	2304.00
57-238	185	All	2304.00
57-239	186	All	2304.00
57-240	187	All	2304.00
57-241	188	All	2304.00
57-242	189	All	2304.00
57-243	190	All	2304.00
57-244	191	All	2304.00
57-245	192	All	2304.00
57-246	193	All	2304.00
57-247	194	All	2304.00
57-248	221	All	2304.00
57-249	222	All	2304.00
57-250	223	All	2304.00
57-251	224	All	2304.00
57-252	225	All	2304.00
57-253	226	All	2304.00
57-254	227	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, ST. MICHAEL NP 3-2
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-255	228	All	2304.00
57-256	229	All	2304.00
57-257	230	All	2304.00
57-258	231	All	2304.00
57-259	232	All	2304.00
57-260	233	All	2304.00
57-261	234	All	2304.00
57-262	235	All	2304.00
57-263	236	All	2304.00
57-264	237	All	2304.00
57-265	238	All	2304.00
57-266	265	All	2304.00
57-267	266	All	2304.00
57-268	267	All	2304.00
57-269	268	All	2304.00
57-270	269	All	2304.00
57-271	270	All	2304.00
57-272	271	All	2304.00
57-273	272	All	2304.00
57-274	273	All	2304.00
57-275	274	All	2304.00
57-276	275	All	2304.00
57-277	276	All	2304.00
57-278	277	All	2304.00
57-279	278	All	2304.00
57-280	279	All	2304.00
57-281	280	All	2304.00
57-282	281	All	2304.00
57-283	309	All	2304.00
57-284	310	All	2304.00
57-285	311	All	2304.00
57-286	312	All	2304.00
57-287	313	All	2304.00
57-288	314	All	2304.00
57-289	315	All	2304.00
57-290	316	All	2304.00
57-291	317	All	2304.00
57-292	318	All	2304.00
57-293	319	All	2304.00
57-294	320	All	2304.00
57-295	321	All	2304.00
57-296	322	All	2304.00
57-297	323	All	2304.00
57-298	324	All	2304.00
57-299	325	All	2304.00
57-300	353	All	2304.00
57-301	354	All	2304.00
57-302	355	All	2304.00
57-303	356	All	2304.00
57-304	357	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, ST. MICHAEL NP 3-2
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-305	358	All	2304.00
57-306	359	All	2304.00
57-307	360	All	2304.00
57-308	361	All	2304.00
57-309	362	All	2304.00
57-310	363	All	2304.00
57-311	364	All	2304.00
57-312	365	All	2304.00
57-313	366	All	2304.00
57-314	367	All	2304.00
57-315	368	All	2304.00
57-316	369	All	2304.00
57-317	398	All	2304.00
57-318	399	All	2304.00
57-319	400	All	2304.00
57-320	401	All	2304.00
57-321	402	All	2304.00
57-322	403	All	2304.00
57-323	404	All	2304.00
57-324	405	All	2304.00
57-325	406	All	2304.00
57-326	407	All	2304.00
57-327	408	All	2304.00
57-328	409	All	2304.00
57-329	410	All	2304.00
57-330	411	All	2304.00
57-331	412	All	2304.00
57-332	413	All	2304.00
57-333	442	All	2304.00
57-334	443	All	2304.00
57-335	444	All	2304.00
57-336	445	All	2304.00
57-337	446	All	2304.00
57-338	447	All	2304.00
57-339	448	All	2304.00
57-340	449	All	2304.00
57-341	450	All	2304.00
57-342	451	All	2304.00
57-343	452	All	2304.00
57-344	453	All	2304.00
57-345	454	All	2304.00
57-346	455	All	2304.00
57-347	456	All	2304.00
57-348	486	All	2304.00
57-349	487	All	2304.00
57-350	489	All	2304.00
57-351	490	All	2304.00
57-352	491	All	2304.00
57-353	492	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, ST. MICHAEL NP 3-2
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-354	493	All	2304.00
57-355	494	All	2304.00
57-356	495	All	2304.00
57-357	496	All	2304.00
57-358	497	All	2304.00
57-359	498	All	2304.00
57-360	499	All	2304.00
57-361	500	All	2304.00
57-362	501	All	2304.00
57-363	530	All	2304.00
57-364	531	All	2304.00
57-365	533	All	2304.00
57-366	534	All	2304.00
57-367	535	All	2304.00
57-368	536	All	2304.00
57-369	537	All	2304.00
57-370	538	All	2304.00
57-371	539	All	2304.00
57-372	540	All	2304.00
57-373	541	All	2304.00
57-374	542	All	2304.00
57-375	543	All	2304.00
57-376	544	All	2304.00
57-377	545	All	2304.00
57-378	578	All	2304.00
57-379	579	All	2304.00
57-380	580	All	2304.00
57-381	581	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, NOME NQ 3-7
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-382	859	All	2304.00
57-383	860	All	2304.00
57-384	861	All	2304.00
57-385	948	All	2304.00
57-386	949	All	2304.00
57-387	951	All	2304.00
57-388	952	All	2304.00
57-389	953	All	2304.00
57-390	954	All	2304.00
57-391	992	All	2304.00
57-392	993	All	2304.00
57-393	994	All	2304.00
57-394	995	All	2304.00
57-395	996	All	2304.00
57-396	997	All	2304.00
57-397	998	All	2304.00
57-398	1036	All	2304.00
57-399	1037	All	2304.00
57-400	1038	All	2304.00
57-401	1039	All	2304.00
57-402	1040	All	2304.00
57-403	1041	All	2304.00
57-404	1042	All	2304.00

OCS OFFICIAL PROTRACTION DIAGRAM, SOLOMON NQ 3-8
(Approved December 13, 1976)

Tract	Block	Designation	Hectares
57-405	937	All	2304.00
57-406	938	All	2304.00
57-407	939	All	2304.00
57-408	940	All	2304.00
57-409	969	All	2304.00
57-410	970	All	2304.00
57-411	971	All	2304.00
57-412	972	All	2304.00
57-413	981	All	2304.00
57-414	982	All	2304.00
57-415	983	All	2304.00
57-416	984	All	2304.00
57-417	1013	All	2304.00
57-418	1014	All	2304.00
57-419	1015	All	2304.00
57-420	1016	All	2304.00
57-421	1020	All	2304.00
57-422	1021	All	2304.00
57-423	1022	All	2304.00
57-424	1023	All	2304.00
57-425	1024	All	2304.00
57-426	1025	All	2304.00
57-427	1026	All	2304.00
57-428	1027	All	2304.00
57-429	1028	All	2304.00

13. Lease Terms and Stipulations:

a. All leases issued as a result of this sale will be for an initial term of 10 years. Leases issued as a result of this sale will be on Form MMS-GP-2005 (August 1982), available from the Regional Manager, Alaska Outer Continental Shelf Region, at the first address stated in paragraph 2.

b. Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations the term DMMOFO refers to the Regional Deputy Minerals Manager, Offshore Field Operations, Minerals Management Service, formerly Deputy Conservation Manager, Field Operations, U.S. Geological Survey.

c. For leases resulting from this sale for tracts offered on a cash bonus basis with fixed sliding scale royalty, listed in paragraph 4(a), Form MMS-GP-2005 will be amended as follows:

Sec. 6. Royalty on Production. The lessee agrees to pay the lessor a royalty of that percent in amount or value of production from the leased area as determined by the sliding scale royalty formula as follows. When the quarterly value of production, adjusted for inflation, is less than or equal to $16.697566 million, a royalty of 12.50000 percent in amount or value of production will be due on the unadjusted value or amount of production. When the adjusted quarterly value of production is equal to or greater than $16.697567 million, but less than or equal to $11822.537759 million, the royalty percent due on the unadjusted value or amount of production is given by

Rj = b[Ln (Vj/S)] where

Rj = the percent royalty that is due and payable on the unadjusted amount or value of production in quarter j

b = 8.0

Ln = natural logarithm

Vj = the value of production in quarter j, adjusted for inflation, in millions of dollars

S = 3.50

When the adjusted quarterly value of production is equal to or greater than $11822.537760 million, a royalty of 65.00000 percent in amount or value of production will be due on the unadjusted quarterly value of production. Thus, in no instance will the quarterly royalty due exceed 65.00000 percent in amount or value of quarterly production.

In determining the quarterly percent royalty due, Rj, the calculation will be carried to five decimal places (for example, 18.56224 percent). This calculation will incorporate the adjusted quarterly value of production, Vj, in millions of dollars, rounded to the sixth digit, i.e., to the nearest dollar (for example, 35.624831 millions of dollars). Gas of all kinds (except helium) is subject to royalty. The lessor shall determine whether production royalty shall be paid in amount or value.

Stipulation No. 1: (To be included only in leases resulting from this sale for tracts 57-382 through 57-404.)

If the DMMOFO has reason to believe that a site, structure, or object of historical or archaeological significance (hereinafter referred to as a "cultural resource"), may exist in the lease area and gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline platform placement (hereinafter in this stipulation referred to as "operation"), the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys, as well as other pertinent natural and cultural environmental data, shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DMMOFO, for review.

If such cultural resource indicators are present, the lessee shall (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DMMOFO, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DMMOFO, either that such operation shall not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators, does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DMMOFO for his review. Should the DMMOFO determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DMMOFO has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archaeological significance should be discovered during the conduct of any operations on the lease area, he shall report immediately such findings to the DMMOFO and make every reasonable effort to preserve and protect the cultural resource from damage until the DMMOFO has given directions as to its preservation.

Stipulation No. 2:

The lessee shall include in any exploration and development plans submitted under 30 CFR 250.34 a proposed environmental training program for all personnel involved in exploration or development activities (including personnel of the lessee's contractors and subcontractors) for review and approval by the DMMOFO. The program shall be designed to inform each person working on the project of specific types of environmental, social, and cultural concerns which relate to the individual's job. The program shall be formulated by qualified instructors experienced in each pertinent field of study, and shall employ effective methods to insure that personnel are informed of archaeological, geological, and biological resources including bird colonies and sea mammal haul-out areas, to insure avoidance and non-harassment of wildlife resources. The program shall also be designed to increase the sensitivity and understanding of personnel to community values, customs, and lifestyles in areas in which such personnel will be operating.

The lessee shall also submit for review and approval a continuing technical environmental briefing program for supervisory and managerial personnel of the lessee and its agents, contractors, and subcontractors.

Stipulation No. 3: (To be included only in the leases resulting from this sale for the fixed sliding scale royalty tracts identified in paragraph 4(a) of this notice.)

(a) The royalty rate on production from this lease is subject to consideration for reduction under the same authority that applies to all other oil and gas leases on the Outer Continental Shelf (30 CFR 250.21). The Director, Minerals Management Service, may grant a reduction for only one year at a time and reduction of royalty rates will not be approved unless production has been under way for one year or more.

(b) Although the royalty rate specified in section 6(a) of this lease or as subsequently modified in accordance with applicable regulations and stipulations is applicable to all production under this lease, not more than 16-2/3 percent of the production from the lease area may be taken as royalty in amount, except as provided in sec. 15(d); the royalty on any portion of the production from the lease in excess of 16-2/3 percent may only be taken in value of the production from the lease area.

14. Information to Lessees: Bidders are advised that during the conduct of all activities related to leases issued as a result of this lease sale, the lessee and its agents, contractors, and subcontractors will be subject to the provisions of the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, as amended, and International Treaties.

The lessee or its contractors should be aware that disturbance of wildlife could constitute harassment and could thereby be in violation of existing laws. Violations of these Acts and Treaties may be reported to the National Marine Fisheries Service or U.S. Fish and Wildlife Service, as appropriate.

Behavioral disturbance of most birds and mammals found in or near the Sale 57 area would be unlikely if ocean vessels and aircraft maintained at least a 1-mile distance from observed wildlife or known wildlife concentration areas such as bird colonies, marine mammal haul-out areas, and peregrine falcon nests. Therefore, in concurrence with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, it is recommended that aircraft or vessels operated by lessees maintain at least a 1-mile distance from observed or known wildlife concentration areas. Human safety will take precedence at all times over these provisions. Maps locating major wildlife concentration areas are available for route planning through the DMMOFO and appropriate resource agencies.

Some of the tracts offered for lease may fall in areas which may be included in fairways, precautionary zones, or traffic separation schemes which may be established, among other reasons, to protect maritime commerce. Bidders are advised that the United States reserves the right to designate necessary fairways through leased tracts pursuant to the Port and Tanker Safety Act of 1978, as amended.

Bidders are advised that portions of the Iditarod Trail, from Kaltag to Nome, following along Norton Sound and crossing the ice between Shaktoolik and Bald Head and between Ungalik and Bald Head, are managed by the Bureau of Land Management, U.S. Department of Interior. The management and protection of the Historic Trail is subject to the following laws:

(a) the National Trails System Act, as amended (16 U.S.C. 1241 et seq.);

(b) the National Historic Preservation Act, as amended (16 U.S.C. 470 et seq.);

(c) the Historic Sites Act of 1935 (16 U.S.C. 461 et seq.);

(d) the Antiquities Act of 1906 (16 U.S.C. 431–433); and,

(e) other State and federal laws.

Lessees are advised that oil and gas exploration and production operations should be conducted so as to minimize interference with subsistence harvests.

In accordance with 30 CFR 250-34.1 the Minerals Management Service is required to review oilspill contingency plans for tracts 57-317 through 57-332, and 57-338 through 57-381. Lessees are advised that review of oilspill contingency plans for these tracts may result in the requirement of special measures to protect the biological resources and associated subsistence values of the Yukon Delta.

Lessees are advised that the DMMOFO has the authority to suspend exploratory, development and production operations on any lease in the lease sale area whenever bowhead whales are present in the migration corridor, sale area, or near enough to be subject to oilspill risk or disturbance from offshore oil and gas activities. This authority is very broad and will be exercised to the full extent necessary to protect the bowhead whale. The Department of the Interior has generally determined the timing and location of bowhead whales as they migrate through or adjacent to the Norton Basin lease sale area to be generally, but not limited to, April 15 through June 15 and November 1 through January 1. If the whales are present in Norton Basin, west of Norton Sound or between Norton Sound proper and St. Lawrence Island, the DMMOFO may order the cessation of drilling activities until it is determined that the whales are outside the zone of influence or no longer subject to potential disturbances or oilspills.

Lessees are also notified that adequate oilspill contingency plans are required under proposed Alaska OCS Operating Order No. 7, under 30 CFR 250.11 and 250.43, prior to approval of Exploration or Development and Production Plans. Approval of oilspill contingency plans will require demonstration of theoretical, experimental, and physical capability to detect, contain, clean-up, and dispose of spilled oil in broken ice conditions. Also, leads and polynyas close to St. Lawrence Island are areas of Special Biological Sensitivity under proposed Alaska OCS Operating Order No. 7, and will require protection in oilspill contingency plans. Such protection should not include dispersant usage unless such usage has been approved in advance.

The DMMOFO will not approve exploratory or developmental drilling deeper than a predetermined threshold depth (at a point above which major accumulations of hydrocarbons are not likely) during pack ice conditions unless and until the lessee demonstrates to the DMMOFO's satisfaction, the capability to clean up oil in broken and pack ice.

The Department of the Interior, on June 22, 1982, reinitiated consultation with the National Marine Fisheries Service (NMFS) on whether the Information to Lessees item, consisting of the three paragraphs immediately preceding this one, provides effective protection of the bowhead whale. Since this consultation only calls for a re-examination and update of an existing biological opinion, the Department of the Interior has requested a response from NMFS in a timely manner.

Bidders are advised that drilling or emplacement of bottom-founded structures will not be allowed on tract 57-387 unless or until the lessee has demonstrated to the DMMOFO's satisfaction that drilling or bottom-founded structures can be safely designed to control possible high-pressure, thermogenic gas at the proposed location or that the hazard is not present at the site.

Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are also advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a royalty rate based on a sliding scale.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 F.R. 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form MMS-GP-2005 (August 1982), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative

Action Forms described in Section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Pending the issuance of revised versions of Forms 1140-7 and 1140-8, submission of Form 1140-7 (June 1982) and Form 1140-8 (June 1982) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

Easements for the use of sand and gravel on oil and gas leases may be granted by the Secretary. The appropriate vehicle for this is approval of exploration plans and development and production plans requiring these easements. These easements may extend across tract boundaries to any leasehold covered by a plan. Such plans may apply to more than one lease held by a lessee or by a group of lessees acting under a unitization, pooling, or drilling agreement.

Where sand and gravel sources exist on tracts not leased for oil and gas or not appropriately included in an exploration plan or development and production plan, the rights to use sand and gravel from these tracts can only be obtained through competitive leasing under Section 8(k) of the OCS Lands Act, as amended.

On tracts where the oil and gas lessee and the sand and gravel lessee are not the same, the correlative rights of the holder of an easement to use sand and gravel in connection with an oil and gas lease, and a lessee of the sand and gravel itself, have yet to be determined. Either the regulations concerning easements, or the Notice of Sale for a sand and gravel lease sale, or both, could define the rights of those parties.

Bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to Minerals Management Service either an exploration plan or a general statement of exploration intentions prior to the end of the ninth lease year.

15. OCS Orders: Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Arctic OCS Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

[FR Doc. 82-30270 Filed 11-3-82 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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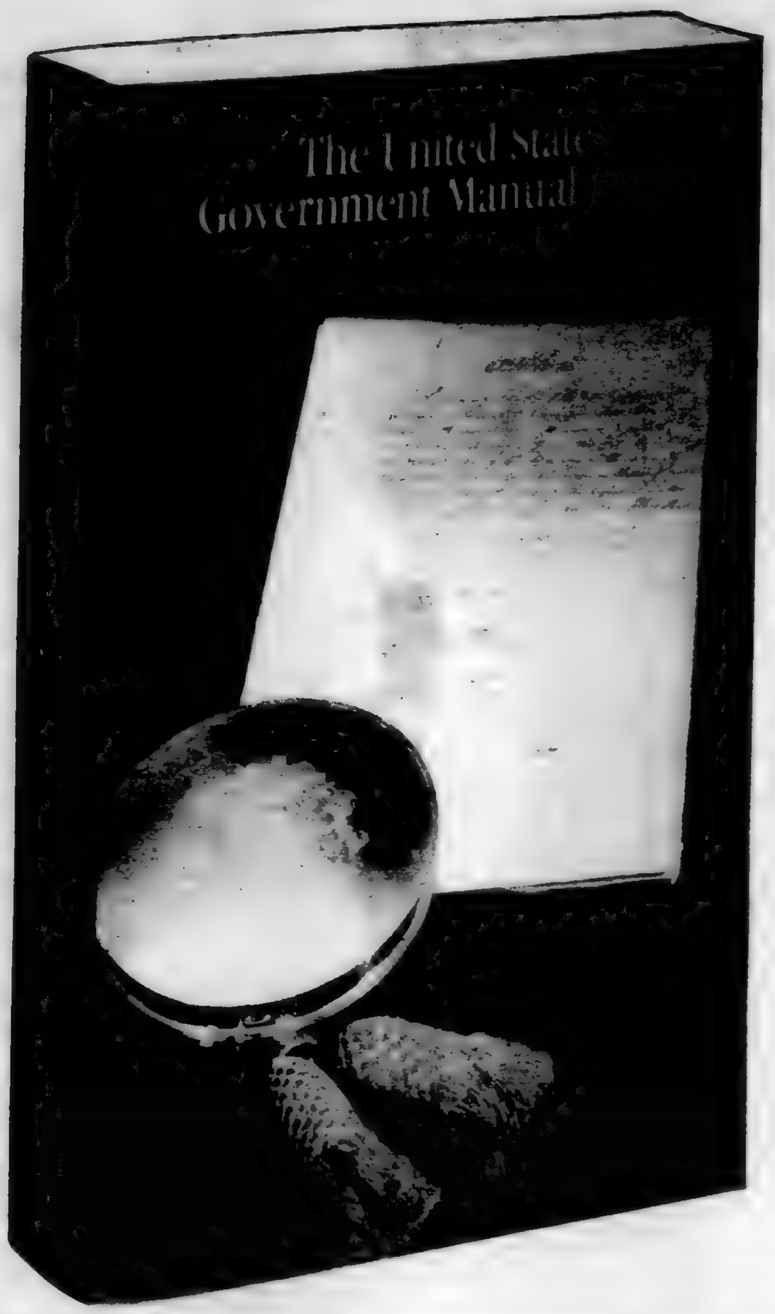

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Of significant historical interest is Appendix A, which describes the agencies and functions of the Federal Government abolished or transferred subsequent to March 4, 1933.

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federal register

Friday
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Cosmetics
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  Federal Crop Insurance Corporation

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Freedom of Information
  Consumer Product Safety Commission
  Selective Service System

Government Procurement
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Grant Programs—Health
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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Presidential Documents

Title 3—

The President

Proclamation 4995 of November 2, 1982

National Christmas Seal Month, 1982

By the President of the United States of America

A Proclamation

Chronic diseases of the lung afflict well over 18 million Americans, cause more than 200,000 deaths annually, and cost the Nation more than $45 billion each year in lost wages, productivity and direct costs of medical care.

Emphysema and related pulmonary diseases have been the fastest rising cause of death in the United States in the past 14 years. Over six million Americans, including two million children, suffer from asthma. It is expected that lung cancer will soon surpass breast cancer as the leading cause of cancer deaths among American women.

Leading the fight to prevent illness, disability and death from lung disease in the voluntary sector is the American Lung Association, a nonprofit health organization supported by individual contributions to Christmas Seals and other donations. Beginning in 1907, Christmas Seals were used to raise funds through private contributions to provide education to Americans with the disease.

Today, the American Lung Association works with the National Institutes of Health to support research, training, and demonstration programs relevant to diseases of the lung. This year, the Association's Christmas Seals will be in 60 million American homes.

The Congress, by Senate Joint Resolution 262, has designated the month of November as "National Christmas Seal Month."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate the month of November, 1982, as "National Christmas Seal Month."

I call upon all government agencies and the American people to observe this month with appropriate activities supporting the Christmas Seal program.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of Nov., in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-30660
Filed 11-4-82; 10:29 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4996 of November 2, 1982

National Alzheimer's Disease Week

By the President of the United States of America

A Proclamation

Alzheimer's disease, a major brain disorder, results in the progressive loss of mental faculties, often beginning with impairment of memory, learning, attention, and judgment. While some types of dementia are curable, Alzheimer's disease is not. In time, it erodes thought, feeling, and behavior and leads to death. Family members and friends of the afflicted fully comprehend the special suffering imposed by this depersonalizing illness.

Alzheimer's disease and related disorders represent a health problem of enormous dimensions. Thanks to progress in neurobiological research, we know that Alzheimer's disease is not, as once thought, a normal consequence of aging. Rather, it is a pathological deviation from the norm—and as such must be susceptible to prevention or treatment once its underlying cause or causes are known. Alzheimer's disease is being fought through several approaches; promising early studies are spurring further vigorous research.

The fight against Alzheimer's disease needs many allies. I salute the many Americans who are working for increased public awareness of this baffling disorder and the scientists whose research holds the promise of hope.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with House Joint Resolution 496, do hereby proclaim the week beginning November 21 through November 27, 1982, as "National Alzheimer's Disease Week," and I call upon government agencies and the people of the United States to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of Nov., in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and seventh.

Ronald Reagan

[FR Doc. 82-30661
Filed 11-4-82; 10:30 am]
Billing code 3195-01-M

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 272

[Amdt. No. 228]

Food Stamp Program; Waiver to Monthly Reporting Rules

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule allows State agencies to request waivers of Food Stamp Program rules on monthly reporting, The Omnibus Budget Reconciliation Act of 1982 (Pub. L. 97-253) provides the Secretary the authority, with certain exceptions, to waive the monthly reporting rules to allow State agencies to establish monthly reporting systems for the Food Stamp Program which are similar to monthly reporting systems which they have established for the Aid to Families with Dependent Children (AFDC) Program. As a consequence, State agencies will have substantially more flexibility in monthly reporting systems and will be able to control administrative costs of such systems.

DATES: This interim rule is effective November 5, 1982; comments must be received on or before February 3, 1983.

ADDRESS: Please submit comments to Thomas O'Connor, Supervisor, Policy and Regulations Section, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302; (703) 756-3429. Comments will be available for public inspection during regular business hours (8:30 a.m. to 5:00 p.m.) at the agency's offices: Room 708, 3101 Park Center Drive, Alexandria, Virginia.

FOR FURTHER INFORMATION CONTACT: Thomas O'Connor, Supervisor, Policy and Regulations Section, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302; (703) 756-3429.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This rule has been reviewed under Executive Order 12291 and Secretary's Memorandum 1512-1. This action will not result in an annual effect on the economy of $100 million or more or in a major increase in costs or prices for consumers, individuals, Federal, State or local governments, or geographical regions. Additionally, this rule will not significantly affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, the Department has determined that this rule is not major.

Regulatory Flexibility Act

Samuel J. Cornelius, the Administrator of the Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. With this rule, State agencies will be able to implement monthly reporting at less administrative cost.

Paperwork Reduction Act.

This rule does not contain reporting and recordkeeping requirements subject to approval by the Office of Management and Budget (OMB).

Publication

This rule is effective on publication because it is closely related to a rule on monthly reporting and retrospective budgeting (MRRB) which the Department published on May 25, 1982 (47 FR 22684). As discussed in its preamble, that rule was effective on publication in order to expedite State agency efforts to design and implement MRRB systems for both the AFDC and Food Stamp Program. On February 5, 1982, the Department of Health and Human Services (HHS) published a rule stating the MRRB for the AFDC Program was to have been implemented on October 1, 1981 (47 FR 5648).

Interim Rule

This rule is published without a prior public comment period because Section 156 of the Food Stamp Program provisions of the Omnibus Budget Reconciliation Act of 1982 which authorizes the Secretary to grant waivers of monthly reporting requirements, was effective upon enactment, September 8, 1982. Furthermore, as discussed in the preceding paragraph, the Department needs to assist State agencies in coordinating MRRB for the Food Stamp Program with the MRRB required in the AFDC Program.

Background of Policy

Section 107 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) amended the Food Stamp Act of 1977 to require that by October 1983 State agencies implement systems of MRRB. This legislation included authority for the Secretary to waive any provision of section 5(f) of the Food Stamp Act so that for households in retrospective budgeting systems State agencies could calculate income on the same retrospective basis for the Food Stamp Program as they do for MRRB households in AFDC Programs. The Department's interim rules on MRRB contain a paragraph (7 CFR 272.3(c)(7)) which states that the Food and Nutrition Service (FNS) may grant waivers as provided by Section 5(f). Now, parallel to this authority, Section 156 of the Omnibus Reconciliation Act of 1982 (Pub. L. 97-253) provides authority for waiver, with certain exceptions, of the provisions of section 6(c) of the Food Stamp Act relating to monthly reporting systems. Explaining this new provision the Senate Budget Committee stated: "This revision would make it easier for States to administer monthly reporting requirements for the substantial portion of the food stamp caseload that also receives AFDC payments and, by allowing States to conform the two reporting systems, is consistent with the committee's actions in other areas intended to grant States maximum administrative flexibility. In addition, it would remove an anomaly whereby the Secretary may waive Food Stamp Act provisions governing retrospective budgeting (a system closely linked with the monthly reporting system), but may not waive food stamp reporting requirements." (Senate Report No. 97-504, 2nd Session, page 37)

Discription of the Policy

Section 6(c) of the Food Stamp Act, as amended by Pub. L. 97–253, now privides that the Secretary may waive certain parts of the statute pertaining to monthly reporting (all of which parts are in section 6(c)). Such waivers must be at the request of State agencies and would be authorized only to the extent necessary to permit State agencies to establish monthly reporting requirements for the Food Stamp Program which are similar to those requirements established for the AFDC Program. Two provisions of section 6(c) may not be waived. These provisions exclude two types of households from monthly reporting: (1) migrant farmworker households and (2) households with no earned income and in which all members are elderly or disabled. The Department is amending 7 CFR 272.3(c) to include the waiver provided in section 156 of the Omnibus Budget Reconciliation Act as discussed above. The Department is not requiring public comment on each waiver. This approach will expedite the waiver process and will allow State agencies to utilize public comment as they determine appropriate.

List of Subjects in 7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

Amendment

For the reasons set out in the preamble, Part 272 of Subchapter C, Chapter II of Title 7, Code of Federal Regulations, is amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. A new paragraph (g)(48) is added to § 272.1 as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(48) Amendment 228. FNS will consider requests for waivers to monthly reporting requirements beginning November 5, 1982.

2. Section 272.3 is amended by adding a new paragraph (c)(8) to read as follows:

§ 272.3 Operating guidelines and forms.

* * * * *

(c) *Waivers.* * * *

(8) Notwithstanding the preceding paragraphs, waivers may be granted by the Administrator of the Food and Nutrition Service or the Deputy Administrator for Family Nutrition Programs as provided in section 6(c) of the Act. Waivers authorized by this paragraph are not subject to the public comment provisions of § 272.3(d).

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalogue of Federal Domestic Assistance Programs No. 10.551, Food Stamps)

Dated: October 29, 1982.

Robert E. Leard,

Associate Administrator, Food and Nutrition Service.

[FR Doc. 81–30203 Filed 11–4–82; 8:45 am]

BILLING CODE 3410-30-M

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7 CFR Parts 272 and 273

[Amdt. No. 213]

Food Stamp Program; Wage Matching

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rulemaking.

SUMMARY: This final rule amends the Food Stamp Program regulations, published October 17, 1978 (43 FR 47846), as amended, which implemented the Food Stamp Act of 1977. Pub. L. 97–98 amended the Food Stamp Act to require State agencies to request information concerning wages from the Social Security Administration unless they request such information from the agencies administering the State unemployment compensation laws. Matching techniques will allow State agencies to identify more readily those households with unreported or incorrectly reported earnings or benefits. This rulemaking will implement this law and will result in savings by reducing errors and fraud.

EFFECTIVE DATE: These rules are effective on January 1, 1983.

FOR FURTHER INFORMATION CONTACT: If you have any questions, please contact Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Program Development Division, Food and Nutrition Service, Alexandria, VA, 22302, 703–756–3429.

SUPPLEMENTARY INFORMATION:

Classification

This final action has been reviewed with regard to the requirements of Executive Order 12291 and Secretary's Memorandum No. 1512–1, and it has been determined that the rule is not a major rule as defined by that Order. It is not likely to result in an annual effect on the economy of $100 million or more. State food stamp agencies, when implementing wage matching, might experience some increase in administrative costs, but it is not anticipated that such an increase would be major. If State agencies have an operating matching system it will cost very little to expand the use of the system for food stamp purposes. This final rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions. Because this rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

This rule has also been reviewed with regard to the requirements of Public Law 96–354, and Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has certified that the rule will not have a significant economic impact on a substantial number of small entities. The rule has no impact whatsoever on small businesses or small organizations. The primary impact is on State governments and individual recipients. To the extent that county governments operate the Food Stamp Program within States, they may be affected. Moreover, there should not be significant economic costs where wage matching is already conducted.

Paperwork Reduction Act

This action does not contain reporting and recordkeeping requirements subject to approval by OMB under the Paperwork Reduction Act.

Introduction

On May 7, 1982, the Department issued a proposed rulemaking, at 47 FR 19943, requiring State agencies to wage match with data from either the Social Security Administration (SSA) or the agencies administering the State unemployment compensation (UC) laws. A full explanation of the rationale and purposes of this rule was provided in the preamble to this proposed rulemaking. Therefore, this preamble deals only with significant issues raised by the commenters and the changes made as a result of these comments. The reasons supporting those proposed rules which are unchanged by the final rules were carefully examined in light of the comments to determine the continued applicability of each justification. Unless otherwise stated, or unless inconsistent with the final rules or preamble, the rationale contained in the proposal should be regarded as a basis for the pertinent final rules. Thus, a thorough understanding of the grounds for the final rules may require reference to the proposed rulemaking.

A total of 28 commenters sent in suggestions and comments on the proposed rules which mandate wage matching. There were 15 comment letters received from State agencies, one from a local agency, two from public interest groups, six from regional Food and Nutrition Service offices, one from the Office of Inspector General, USDA, one from the Social Security Administration and two from the general public.

There were several comments on the value of wage matching in general; the majority of those commenting were State agencies and they supported the concept of wage matching as an aid to determining eligibility, eliminating fraud and as a deterrent to incorrect reporting. However, several State agencies pointed out that a great deal of staff time could be spent working on outdated information, particularly information from SSA, and that the process may not be worthwhile. Two commenters suggested that the wage matching requirement be waived if State agencies can prove that it is not cost effective.

The requirement to wage match cannot be waived since it is mandated by legislation. The Department recognizes that SSA data is usually less current than quarterly UC data but, as pointed out in the final rules on optional wage matching published on May 7, 1982 at 47 FR 19940, the Department does not believe that it is without usefulness. SSA wage data is useful in identifying overpayments and in fraud investigations. It can also serve as an indicator of a household's employment pattern. Moreover, SSA is the best source for interstate data and self-employment wage data (which is not included in UC wage data). Relative to the value of data from unemployment compensation agencies, there are several State agencies which are already matching with UC data and they do not indicate that the age of the data is a problem.

A few commenters raised the question of whether the mandate applies to State and local agencies that do not have access to computer systems. The mandate to wage match applies to all State agencies and a minor change has been made to the final rules to make this clear. The Department expects that most State agencies which are not computerized will be beginning work in this area, especially since 75 percent funding for this activity is now available. On June 11, 1982, the Department issued final rules (at 47 FR 25496) which provided that the Federal financial participation for the design and implementation of automated systems be raised to 75 percent effective retroactively to Oct. 1, 1980. Discussions with FNS Regional Offices indicate that several State agencies have already submitted requests for this funding and several others are planning to do so shortly. Whether a State agency has computer capabilities or not, however, the legislative requirement to wage match applies.

Alternative Data Bases

A number of the commenters raised a question relative to the possibility of using alternative data bases for wage matching. This question arises because there are 12 wage request States, i.e., States which do not require employers to report each quarter wages paid to individual employees. These States do not have UC data available and thus, unless an alternative data base is approved, they will have no option but to wage match with SSA data, regardless of the availability of more current data. The Department recognizes the problem raised by these commenters. However, the statutory language is very specific in this area (Pub. L. 97–98, section 1321(3) 95 Stat. 1287). The law clearly requires that State agencies wage match with SSA data, unless they match with data maintained by agencies administering State unemployment compensation laws. This language does not allow for approval of an alternative data base.

When State Agencies Must Wage Match

The provision in the proposed rules which required State agencies to wage match with SSA data semiannually and/or with UC data quarterly received more comments than any other provision in the rules except for the proposed implementation schedule. This provision's intent was consistency with AFDC. The overwhelming majority of commenters opposed this requirement for varying reasons, and several commenters suggested alternatives.

Most commenters believe that this provision would generate a workload that would be staggering, expensive, and largely unproductive. Several State agencies already match wage information in food stamp cases with UC data and do not want to modify a system which is effective for them. For example, the Nevada State agency indicated that they match a certification and at recertification unless they have current information in the case file. They say: "We have found this to be efficient and workable for our agency, as well as for SSA and UC. If information is obtained on all clients at specific times the ECS (eligibility certification specialist) is unable to handle the volume, and essential information is overlooked. We believe our current procedure provides us with the optimum use of available wage data." The State of Louisiana comments: "The requirement to match data quarterly with the agency administering unemployment compensation laws would increase the administrative burden on some State Agencies who have already entered into wage match agreements. In Louisiana, our current agreement provides for a match with Employment Security files automatically at the time of a household's food stamp redetermination of eligibility. Wage information is on demand otherwise. State agencies with a viable working agreement with the agency administering the unemployment compensation laws should not be required to make changes to their systems which could prove costly and administratively burdensome." Connecticut agrees with this comment and recommends that the rules should, at a minimum, offer State agencies the option of doing a wage match at time of certification or recertification rather than mandating a semiannual or quarterly wage match. These comments reflect the opinions of State agencies already involved with wage matching. These State agencies have found their systems to be effective and workable for the UC agencies too. In one of the States, for example, where the food stamp caseload is almost three times as large as the AFDC caseload—the State UC agency indicates that a quarterly wage match for the large food stamp caseload would be burdensome.

Relative to SSA matching, conversation with staff at SSA suggests that, rather than a semiannual match, it would be more productive for SSA to retain a control file of active inquiries from State agencies and to provide updated data on any new earnings subsequently posted until notified to delete the control by the State agencies. Using this system, a State agency would do an initial match and then SSA would report when changes occur. New accretions and deletions would be reported by the State agency to SSA no less frequently than semiannually.

In light of these comments the Department has revised this section in the final rules to allow State agencies an option ralative to when to wage match. The first option would be to match data no less frequently than at time periods consistent with AFDC wage matching requirements, as outlined in 45 CFR 205.56, *Access to wage information from agencies administering State unemployment compensation laws and from the Social Security Administration.*

The second option would be to match with UC data no less frequently than at time of certification and recertification, and SSA data on a one time basis initially and then as additions and deletions occur, provided that SSA update information as new information is posted to their files. State agencies will be able to utilize this latter option once SSA has the capability to update information. This capability is currently scheduled to become available in January 1983. Although the Department wants to be consistent with AFDC whenever possible, it is also interested in combatting fraud and waste in the most efficient and productive way. To this end, the Department believes that State agencies should be allowed the flexibility to determine which of these two options would have the best results for them.

Data Exchange Agreements

The proposed rules stipulated that a State agency would have to execute a data exchange agreement with SSA and/or the UC agencies specifying the procedures to be used in requesting and providing wage information and included some minimum requirements for these agreements. One commenter felt the final rules should be more specific and require that the name and/or titles of accessing officials be listed. However, as another commenter pointed out, such a requirement would result in continuous amending of the agreement. This section was not changed in the final rule.

A question was raised as to whether the data exchange agreements should be submitted to FNS for approval. The Department regards the data exchange agreement as an agreement between the State agency and SSA and/or the UC agency. It is not necessary that FNS approve the agreement. SSA has completed a draft of the agreement to be used in accessing SSA data; agreements between UC agencies and State agencies will be drafted by these parties on a State-by-State basis.

Safeguard Provisions

The proposed rules required that State agencies agree to comply with the provisions in the Internal Revenue Service (IRS) brochure entitled *Tax Information and Security Guidelines* when accessing SSA data. This brochure implements the safeguard and monitoring provisions and the reporting provisions of sections 6103 and 7213 of the Internal Revenue Code. As noted in the preamble to the proposed rules, the brochure should be identified as the *Tax Information and Security Guidelines,* Publication 1075 (Rev. 6–81), and may be requested from the IRS district disclosure officer in the appropriate IRS district. Relative to safeguarding UC data, the proposed rules required incorporation into the UC data exchange agreements State agency established safeguards, as well as any other safeguards required by Federal or State law or regulation. A comment was received that the proposed rules do not subject the UC agency to the IRS safeguard and reporting requirements. This commenter believed that it was the intent of Congress that UC data be subject to IRS safeguard requirements. The Department disagrees. In House Report 96–788 (96th Congress 2nd Session, February 27, 1980, p. 110) this is addressed as follows: "Disclosure of all this information would be subject to the same safeguards and limitations applicable to the disclosure of tax return information *to the extent such safeguards and limitations as modified were determined to be appropriate in the context of the unemployment compensation files,* with the safeguards to be established by regulations promulgated by the appropriate official, perhaps, in this context, the Secretary of Labor." (Italic added.) The Department believes that Congress intended that the Secretary of Labor establish the safeguard requirements for UC data. The Department has confirmed with staff at the Department of Labor that regulations are being drafted on the disclosure of information. Until such regulations are effective, the language in these final rules requiring incorporation into the UC data exchange agreements State agency established safeguards, as well as any other safeguards required by Federal or State law or regulations, will ensure the adequate safeguarding of information.

Two commenters suggested that the rules should specify what is required by the IRS *Tax Information and Security Guidelines.* The Department feels this is unnecessary since this brochure is very specific and readily available.

Action on "Hits"

Several commenters suggested that the final rules contain some minimum follow-up requirements. For example, one commenter suggested that a minimum standard as to what constitutes a "hit" be established with upper limits left to the discretion of the State agency. Another commenter recommended that the State agency be allowed to establish cut off levels such as eliminating income below certain levels from review and follow-up action. Two commenters suggested that the rule require households known to be error-prone to be specially identified and maintained. The area of how to use wage matching and how to treat the results is an area which the Department believes should be flexible. The Department does agree that the rules should ensure that a State agency develop, at a minimum, follow-up procedures and corrective action requirements. The development of such procedures and requirements is essential. However, the Department believes that the specifics of these procedures and requirements should be left up to the State agency so that the plans can reflect the action best suited to each particular State. A general statement requiring the development of follow-up procedures and corrective action requirements has been added to the final rules. Such follow-up action would include, but not be limited to, adjustment of benefits and eligibility, and the filing of claims, as appropriate.

A comment was received on the fact that the proposed rules did not address the timeframe for agency action on positive matches. This issue was raised within the context that current regulations require the State agency to act within 10 days on information received. Obviously, the workload generated by wage matching activities makes this timeframe unrealistic for action on the information obtained from the match. The Department believes that the most important factor here is the currency of information. Information obtained from wage matching is usually not as current as information individually reported by a recipient and a 10 day processing time is, consequently, not appropriate, as it is when current information becomes known to the agency. If the information obtained from the match is, in some instances, current, then presumably the State agency would take more immediate action. The State agency should evaluate the information received and use its discretion to determine the timeframe for action. The State agency should include the criteria for applying specific timeframes in its plans addressing followup procedures.

Funding

Two commenters suggested that the final rules address funding for wage matching. The Department does not feel that the funding arrangements need to be specifically addressed in these rules. The funding for this activity would be the same as for any other State agency activity, at the 50 percent level. The exception to this would be if any wage matching activity were to be conducted by an investigator in connection with food stamp investigations. In accordance with program regulations (7 CFR 277.15), investigative activity undertaken by investigators may be funded at the 75 percent level. As discussed earlier in this preamble, State agencies planning, enhancing and/or developing automated systems can obtain 75 percent matching funding for this activity. Interested State agencies should request information about the 75 percent matching funding from their respective FNS Regional offices.

Implementation

The requirement in the proposed rules to implement wage matching and the entry of social security numbers into computer systems effective January 1, 1983, received numerous comments. All of the State agencies commenting on this provision felt the implementation date was unrealistic since some are installing new computer systems which will not be ready by January 1, 1983, while for others, reprogramming existing systems and entering nonassistance food stamp cases into a central file are lengthy processes. Several commenters made suggestions on the implementation of these rules. Two State agencies suggested that the implementation date be extended by six to nine months. Another suggestion was that a provision for waiver of the January 1, 1983 implementation date be made for those State agencies able to prove that reasonable efforts are being made to assure regulatory compliance at the earliest possible date.

The Department considered these comments carefully but concluded that the statutory language is specific relative to the implementation date. Subsection (b) of section 127 of Pub. L. 96–249 states that the amendments made by the subsection shall take effect on January 1, 1983. This section pertains to information maintained by State UC agencies. Congress, in the Food Stamp and Commodity Distribution Amendments of 1981, did not modify this date. In fact, the legislative history of the 1981 amendments indicates that this provision is to be effective no later than January 1, 1983. See Senate Report No. 97–290, 97th Congress, 1st Session, 221, 1981. Thus, the January 1, 1983 date in the 1980 legislation remains the date when State agencies must begin wage matching.

A second issue, raised by three commenters on this section, concerns the preamble language in the proposed rules which suggested that State agencies may wage match with UC data prior to January 1, 1983. Two commenters agreed and one did not. As stated above, the January 1, 1983, implementation date is based on section 127(b) of Pub. L. 96–249 which requires that State UC agencies disclose wage information upon request to State food stamp agencies beginning on January 1, 1983. Congress, in the Food Stamp and Commodity Distribution Amendments of 1981, did not modify this date. As a result, the January 1, 1983, date in the 1980 legislation remains the date the wage matching amendments take effect. While the Department feels that it cannot mandate wage matching with UC data prior to that date, this does not mean that State agencies are prohibited from wage matching with UC data prior to that date. There are no Federal prohibitions against such wage matching. Those State agencies which do not have State laws which would preclude such matching can certainly do so prior to January 1, 1983.

Technical Correction

In the final regulations published on May 7, 1982 (at 47 FR 19940) on optional wage matching, the last two sentences in § 273.2(k)(1)(iii)(A)(3) were deleted in error. This error is corrected in this rulemaking.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Reporting and recordkeeping requirements.

7 CFR Part 273

Administrative practice and procedures, Aliens, Claims, Food stamps, Fraud, Grant programs—social programs, Penalties, Reporting and recordkeeping requirements, Social security, Students.

Therefore, Parts 272 and 273 are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. A new paragraph (g)(40) is added to § 272.1 as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) *Implementation.* * * *

(40) *Amendment 213.* All State agencies shall execute the appropriate data exchange agreements and implement the provisions of this amendment not later than January 1, 1983. State agencies may opt to match earnings data with information maintained by the Social Security Administration upon publication of final regulations provided they have executed data exchange agreements with the Social Security Administration. State agencies which are not prohibited by State law from wage matching with agencies administering unemployment compensation may do so upon publication of final regulations, provided they have executed the appropriate data exchange agreements.

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

2. In § 273.2 the title and language of paragraph (f)(7) are revised, a new paragraph (f)(9) is added, and paragraph (k)(1)(iii)(A)(*3*) is revised to read as follows:

§ 273.2 Application processing.

* * * * *

(f) *Verification.* * * *

(7) *State Data Exchange and Beneficiary Data Exchange.* The State agency may verify SSI benefits through the State Data Exchange (SDX), and Social Security benefit information through the Beneficiary Data Exchange (BENDEX), or through verification provided by the household. The State agency may use SDX and BENDEX data to verify other food stamp eligibility criteria. The State agency may access SDX and BENDEX data without release statements from households, provided the State agency makes the appropriate data request to SSA and executes the necessary data exchange agreements with SSA. The household shall be given an opportunity to verify the information from another source if the SDX or BENDEX information is contradictory to the information provided by the household or is unavailable. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of paragraph (g) of this section if SDX or BENDEX data is unavailable.

* * * * *

(9) *Access to wage information.* (i) The State agency shall request wage information available from the Social Security Administration (SSA) under provisions of Section 6103(1)(7) of the Internal Revenue Code of 1954 and/or from agencies administering State unemployment compensation (UC) laws under provisions of Section 303(d) of the Social Security Act. State agencies are not required to request wage information from SSA if such information is available from agencies administering UC laws. At a minimum,

State agencies shall either A) request wage data at time periods consistent with the AFDC requirements in 45 CFR 205.56 or, B) if UC data is used, at certification and recertification and, C) if SSA data is used, on a one time basis initially and then as additions and deletions occur, and provided that SSA updates information as new information is posted to SSA files. The State agency shall submit additions and deletions to SSA no less frequently than semiannually.

(ii) Information on earnings and benefits disclosed by SSA or UC agencies shall be used only for the purposes of:

(A) Verifying a household's eligibility;

(B) Verifying the proper amount of benefits;

(C) Investigating to determine whether participating households received benefits to which they were not entitled; and

(D) Substantiating information which will be used in conducting criminal or civil prosecutions based on receipt of food stamp benefits to which participating households were not entitled.

(iii) State agencies shall develop follow-up procedures and corrective action requirements, including timeframes within which action should be taken, to be applied to data obtained from wage matching. Follow-up actions shall include, but not be limited to, the adjustment of benefits and eligibility, and the filing of claims, as appropriate.

(iv) FNS reserves the right to review State agencies' use of data obtained from wage matching and may require State agencies to take additional specific action to ensure that such data is being used to protect Program integrity.

(v) Prior to accessing wage information from SSA and/or UC agencies, State agencies shall execute data exchange agreements with the respective agency, detailing the procedures to be used in requesting and providing wage information. These agreements shall include, at a minimum, the following:

(A) Identification of all agency officials with authority to request wage information;

(B) Methods and timing of the requests for information, including the format to be used, and the period of time needed to furnish the requested wage information; and

(C) Safeguards limiting release or redisclosure as required by Federal or State law or regulation. The agreement with SSA shall assure compliance with the safeguard, reporting, and other requirements contained in sections 6103 and 7213 of the Internal Revenue Code as implemented by the Internal Revenue Service in its publication, *Tax Information and Security Guidelines.* The agreements with UC agencies shall assure compliance with all safeguard requirements set by the Department of Labor.

(iv) The State agency may access data for wage matching without release statements from households, provided the State agency makes the appropriate data request to SSA and/or the UC agency, and executes the necessary data exchange agreements. The household shall be given an opportunity to verify information from another source if the data obtained from wage matching is contradictory to the information provided by the household or is unavailable. Determination of the household's eligibility and benefit level shall not be delayed past the application processing time standards of paragraph (g) of this section if SSA, UC or State wage data is unavailable.

* * * * *

(k) *SSI households.* * * *

(1) * * *

(iii) * * *

(A) * * *

(*3*) State agencies may verify other information through SDX and BENDIX but only to the extent permitted by data exchange agreements with SSA. Information verified through SDX or BENDIX shall not be reverified unless it is questionable. Households shall be given the opportunity to provide verification from another source if all necessary information is not available on the SDX or the BENDIX, or if the SDX/BENDIX information is contradictory to other household information.

* * * * *

3. In § 273.6 a new paragraph (g) is added as follows:

§ 273.6 Social security numbers.

* * * * *

(g) *Entry of SSN's into automated data bases.* State agencies with automated food stamp data bases containing household information shall enter all social security numbers obtained in accordance with § 273.6(a)(1) into these files.

(91 Stat. 958 (7 U.S.C. 2011–2029))

(Catalog of Federal Domestic Assistance Program No. 10.551 Food Stamps)

Dated: October 27, 1982.

Mary C. Jarratt,

Assistant Secretary.

[FR Doc. 82–30204 Filed 11–4–82; 8:45 am]

BILLING CODE 3410–30–M

Federal Crop Insurance Corporation

7 CFR Part 423

[Amdt. No. 2]

Flax Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Flax Crop Insurance Regulations (7 CFR Part 423), effective for the 1983 and succeeding crop years by (1) adding a Section 11 to the policy to prescribe FCIC's liability in cases of loss by fire when the insured has other such insurance covering fire losses, (2) prescribing the interest to be charged when premium payments are not made within a certain time, and (3) adding a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and require that a representative sample of the unharvested crop be left intact, and making certain other technical and language corrections. The intended effect of this amendment is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage or loss to insured crops, and make the regulations easier to read and more administratively effective.

EFFECTIVE DATE: November 5, 1982..

ADDRESS: Comments on this rule may be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 423) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

This action has heen reviewed under USDA procedures established in

Secretary's Memorandum No. 1512–1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provision of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). That review will be completed prior to the sunset review date established for these regulations.

On Thursday, April 29, 1982, FCIC published a notice of proposed rulemaking in the **Federal Register**, at 47 FR 18339–18340, which proposed to amend the Flax Crop Insurance Regulations (7 CFR Part 423), effective with the 1983 and succeeding crop years, in the following instances:

1. Restore Section 11 to the policy to provide that if an insured has other insurance against fire losses, the Corporation shall be liable for loss due to fire for only the smaller of the indemnity determined on the contract with FCIC, or the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

2. Revise paragraph 5(d) of 7 CFR 423.7(d), Terms and Conditions, to provide that for the 1983 and succeeding crop years, unpaid premiums will bear interest in the amount of 1½ percent simple interest per calendar month or any part thereof starting with the first day of the month following the month in which the acreage reporting date for the crop in the county occurred.

3. Revise paragraph 7(c) of 7 CFR 423.7(d), Terms and Conditions, to provide that if a crop is damaged to the extent that a loss is probable, the insured is required to give notice of damage at least 15 days prior to the beginning of harvest. If a probable loss is not determined until after harvest begins, the insured is required to give such notice immediately and leave a representative sample of the unharvested crop intact for 15 days after the date of the notice.

In addition, FCIC proposed making minor language and format changes to include redesignating Appendix B, listing counties where Flax Crop Insurance is available, as Appendix A.

The public was given 60 days in which to submit written comments, data, and opinions on the proposed rule, but none were received. However, FCIC, in reviewing the amendment before issuance as a final rule, determined that the date interest attaches on any unpaid premium balance, as contained in the proposed rule, is inequitable as published.

The proposed rule states that interest will accrue at the rate of one and a half percent (1½ percent) simple interest per calendar month or any part thereof on any unpaid premium balance *starting from the first day of the month following the month in which the acreage reporting date for the crop occurs.* (Emphasis added)

As this formula would apply for spring planted crops, for example, the acreage reporting date is June 25, with the first premium billing date on September 1. Under this proposal, the insured would have until October 1 to pay the premium without interest. If the premium was not paid by that date, interest would be computed from July 1 (the first day of the month following the month in which the acreage reporting date occurred), resulting in an immediate four-month interest charge.

While the premium is due and payable when insurance attaches at the time of seeding or planting, the common practice is to meet the growing season obligations from the proceeds of the crop at harvest. With this in mind, FCIC has historically deferred collection of the paragraph 5(d) of 7 CFR 423.7(d) premium until after harvest.

FCIC has decided to amend the provision to provide that interest will attach on the first day of the month following the first premium billing date. This will result in little, if any, departure from the general practice of collecting the premium at harvest, thus providing the insured with protection while deferring the premium payment until harvest.

With the amendment decribed above, the Amendment No. 2 to the Flax Crop Insurance Regulations (7 CFR Part 423), is hereby republished as a final rule to be effective with the 1983 and succeeding crop years.

List of Subjects in 7 CFR Part 423

Crop insurance, Flax.

Final Rule

PART 423—FLAX CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Flax Crop Insurance Regulations (7 CFR Part 423), appearing at 44 FR 67343–67349, Monday, November 26, 1979, effective with the 1983 and succeeding crop years, in the following instances:

1. The authority citation for 7 CFR Part 423 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516)

2. The Table of Contents is revised to read as follows:

Sec.
423.1 Availability of flax crop insurance.
423.2 Premium rates, production guarantee, coverage levels, and prices at which indemnities shall be computed.
423.3 Reserved.
423.4 Creditors.
423.5 Good faith reliance on misrepresentation.
423.6 The contract.
423.7 The application and policy.
Appendix A. Counties designated for Flax Crop Insurance.

3. Paragraph 5(d) of the Terms and Conditions section of the Policy as found in 7 CFR 423.7(d) is revised to read as follows:

§ 423.7 The application and policy.

* * * * *

Flax Crop Insurance Policy

Terms and Conditions

* * * * *

5. *Annual Premium.*

* * * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month or any part thereof on any unpaid premium balance starting from the first day of the month following the first premium billing date.

4. In paragraph 7 of the Terms and Conditions section of the Policy as found in 7 CFR 423.7(d) item 7(c) is revised, 7 (d) and (e) are redesignated as 7 (e) and (f), and a new 7(d) is added to read as follows:

* * * * *

Terms and Conditions

* * * * *

7. *Notice of damage or loss.*

* * * * *

(c) Notice shall be given at least 15 days prior to the beginning of harvest if the flax on any unit is damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested flax (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to the insured to harvest the representative sample.

(d) In addition to the notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the service office not later than *30 DAYS* after the earliest of (1) the date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire flax crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if there are extenuating circumstances.

* * * * *

5. The Appendix to the Flax Crop Insurance Policy (Additional Terms and Conditions) as found in the appendix to 7 CFR 423.7 is hereby amended by adding section 11 to read as follows:

* * * * *

Appendix to the Flax Crop Insurance Policy—(Additional Terms and Conditions)

* * * * *

11. Other Insurance Against Fire. If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (a) the amount of indemnity determined by the Corporation under the policy with the Corporation or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

Appendix B Redesignated As Appendix A

6. Appendix B to 7 CFR Part 423 is redesignated as Appendix A.

Done in Washington, D.C., on September 28, 1982.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,
Manager.

Dated: October 7, 1982.

[FR Doc. 82-30362 Filed 11-4-82; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 429

[Amdt. No. 1]

Rye Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) hereby amends the Rye Crop Insurance Regulations (7 CFR Part 429), effective with the 1983 and succeeding crop years by: (1) Adding a Section 11 to the Appendix to the Policy to prescribe FCIC's liability in cases of loss by fire when the insured has other such insurance covering fire losses; (2) prescribing the interest to be charged when premium payments are not made within a certain time; (3) adding a provision to require the insured to file a notice of probable loss when the crop is damaged to the extent that a loss is probable and require that a representative sample of the unharvested crop be left intact; and (4) making certain other technical language and format changes. The intended effect of this rule is to restore a provision in the regulations regarding losses from fire, improve the debt management practices of FCIC, revise the system of reporting damage or loss to insured crops, and make the regulations easier to read and more administratively effective.

EFFECTIVE DATE: November 5, 1982.

ADDRESS: Written comments on this rule may be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing the rule and impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 429) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, or other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically on area and community development; therefore, review as established in OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). That review will be competed before October 29, 1984.

On Thursday, April 29, 1982, FCIC published a notice of proposed rulemaking in the **Federal Register** at 47 FR 18340. In the rule, FCIC proposed to:

1. Restore Section 11 to the Appendix to the Rye Crop Insurance Policy to provide that if the insured has other insurance against fire losses, the Corporation shall be liable for loss due to fire only for the smaller of the amount of indemnity determined on the contract with FCIC, or the amount by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

2. Amend paragraph 5(d) of 7 CFR 429.7(d) Terms and Conditions to provide that, for the 1983 and succeeding crop years, unpaid premiums will bear interest in the amount of 1½% simple interest per calendar month or any part thereof, starting on the first day of the month following the month in which the acreage reporting date for the crop in the county occurred.

3. Add to paragraph 7 of 7 CFR 429.7(d) Terms and Conditions to provide that if a crop is damaged to the extent that a loss is probable, the insured is required to give notice of damage at least 15 days prior to the beginning of harvest. If a probable loss is not determined until after harvest begins, the insured is required to give such notice immediately and leave a representative sample of unharvested

crop intact for 15 days after the date of the notice.

4. Remove and Reserve 7 CFR 429.3. This section required FCIC to annually post in each county courthouse a listing of indemnities paid in that county. That provision was previously required by the FCIC Act. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980), deleted that provision and FCIC is no longer required to post such lists.

In addition to these changes, FCIC hereby makes minor language changes to include correcting the Table of Contents, and redesignating Appendix B listing the counties where rye crop insurance is offered as Appendix A.

The public was given 60 days in which to submit written data, comments, and opinions on the rule, but none were received; however, FCIC, in review of the regulations during the 60-day comment period, determined that the premium billing dates, related to the acreage reporting dates, were inequitable as published. The proposed rule stated that interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month or any part thereof on any unpaid premium balance *starting on the first day of the month following the month in which the acreage reporting date for the crop occurs.* (Emphasis added)

By applying this formula to a spring-seeded crop, for example, the acreage reporting date would be June 25, with the first premium billing date on September 1. Under this proposal, the insured would have until October 1 to pay the premium without interest. If the premium was not paid by that date, interest would be computed to July 1 (the first day of the month following the month in which the acreage reporting date for the crop occurred), resulting in an immediate four-month interest charge.

While the premium is due and payable when insurance attaches at the time of seeding or planting, the practice of farmers insured with FCIC is to meet growing season obligations from the proceeds of the crop at harvest and FCIC has historically deferred collection of premiums until after that time and has not considered the premium delinquent until the termination date of the policy. This has adversely affected the cash flow of the Corporation since most premiums were not paid until after indemnities were paid by the Corporation. This free credit to the insured is contrary to general industry practices and requires the Corporation to expend large amounts in interest on funds borrowed from the Treasury.

While the premium is due and payable when insurance attaches at seeding or planting time, the proposed date for the attachment of an interest charge as contained in the proposed rule would result in a hardship to the insured; therefore, FCIC has decided to amend the provision to provide that interest will attach on the first day of the month following the first premium billing date. This will result in little, if any, departure from the practice of collecting premiums at harvest, thus providing the insured with protection while deferring the premium payment until harvest. In addition, all insureds have been notified of this change in the billing procedure and alerted as to the first premium billing date established for their crop(s).

Accordingly, Amendment No. 1 to the Rye Crop Insurance Regulations (7 CFR Part 429) is herewith republished as a final rule with the amendment described above.

List of Subjects in 7 CFR Part 429

Crop insurance, Rye.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Rye Crop Insurance Regulations (7 CFR Part 429), effective with the 1983 and succeeding crop years, in the following instances:

PART 429—RYE CROP INSURANCE

1. The authority citation for 7 CFR Part 429 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

2. The Table of Contents is revised to read as follows:

Sec.
429.1 Availability of rye crop insurance.
429.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
429.3 [Reserved]
429.4 Creditors.
429.5 Good faith reliance on misrepresentation.
429.6 The contract.
429.7 The application and policy.
Appendix A. Counties designated for Rye Crop Insurance.

§ 429.3 [Reserved]

3. 7 CFR 439.3 is removed and reserved.

4. Paragraph 5(d) of the Terms and Conditions section of the policy as found in 7 CFR 429.7(d) is revised to read as follows:

§ 429.7 The application and policy.

* * * * *

(d) * * *

Rye Crop Insurance Policy

Terms and Conditions

* * * * *

5. *Annual Premium.* * * *

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month or any part thereof on any unpaid premium balance starting on the first day of the month following the first premium billing date.

6. In paragraph 7 of the Terms and Conditions section of the Policy as found in 7 CFR 429.7(d), item 7(c) is revised, 7 (d) and (e) are redesignated as 7 (e) and (f) respectively, and a new 7(d) is added to read as follows:

§ 429.7 The application and policy.

* * * * *

(d) * * *

Terms and Conditions

* * * * *

7. *Notice of damage or loss.* * * *

(c) Notice shall be given at least 15 days prior to the beginning of harvest if the rye on any unit is damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested rye (at least 10 feet wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to harvest the representative sample.

(d) In addition to the notice required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 DAYS* after the earliest of (1) the date the harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire rye crop on the unit is destroyed, as determined by the Corporation. The Corporation may provide additional time if there are extenuating circumstances.

* * * * *

6. The appendix to § 429.7, the Rye Crop Insurance Policy (Additional Terms and Conditions) as found in the appendix to 7 CFR 429.7 is amended by adding Section 11 to read as follows:

§ 429.7 The application and policy.

* * * * *

Appendix to § 429.7—(Additional Terms and Conditions)

* * * * *

11. Other Insurance Against Fire. If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (a) the amount of indemnity determined by the Corporation under the policy with the Corporation or (b) the amount by which the loss from fire exceeds the indemnity paid or payable under

such other insurance. For the purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit before the fire and after the fire, as determined by the Corporation from appraisals made by the Corporation.

7. Appendix B to 7 CFR Part 429 is redesignated as Appendix A and revised to read as follows:

Appendix A

Counties Designated for Rye Crop Insurance—7 CFR Part 429

In accordance with the provisions of 7 CFR 429.1, the following counties are designated for rye crop insurance:

Georgia

Jefferson

Nebraska

Antelope
Sheridan

North Dakota

Barnes
Bottineau
Cass
Dickey
Foster
Hettinger
Kidder
LaMoure
McHenry
McLean
Pierce
Ransom
Richland
Sargent
Stutsman
Ward
Wells

South Carolina

Chesterfield

South Dakota

Beadle
Brown
Clark
Codington
Day
Deuel
Edmunds
Faulk
Grant
Hamlin
Kingsbury
McPherson
Marshall
Roberts
Spink

Done in Washington, D.C., on September 27, 1982.

Dated: October 29, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Robert H. Sindt,

Deputy Manager.

[FR Doc. 82-30361 Filed 11-4-82; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 430

Sugar Beet Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith revises and reissues the Sugar Beet Crop Insurance Regulations (7 CFR Part 430), effective with the 1983 and succeeding crop years, following a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The changes contained in this rule include (1) adding a provision to require (a) that the insurance file a notice of probable loss when the crop is damaged to the extent that a loss is probable, and (b) that the insured leave intact a representative sample of the unharvested crop, (2) prescribing interest rates to be charged when premium payments are not made within a certain time, (3) correcting the table of contents, (4) redesignating Appendix B, which lists the counties where sugar beet crop insurance may be offered, as Appendix A, (5) making minor changes to language, and (6) substituting a multi-crop application for the present application form. The intended effect of this rule is to revise the system of reporting damage or loss to insured crops, improve the debt management practices of FCIC, and make the regulations easier to read and more effective administratively. This action is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

DATE: Effective Date: November 5, 1982.

Comment Date: Written comments on this rule must be submitted not later than January 4, 1983, to be sure of consideration.

ADDRESS: Written comments on this rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been revised under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981).

Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 430) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other person, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.430.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in OMB Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action does constitute a review as to the need currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). The sunset review date for these regulations is established as August 1, 1987.

Merritt W. Sprague, Manager, FCIC, has determined that an emergency situation exists which warrants the immediate implementation of this rule without allowing for the normal 60-day comment period prior to implementation because the Sugar Beet Crop Insurance Regulations (7 CFR Part 430) provide that any amendments to the regulations, or notification to present insureds describing the changes, must be placed on file or mailed to present insureds 15 days before the cancellation date in order to be effective for the crop year, and to allow sufficient time for policyholders to decide on their insurance plans.

Notification of the changes for the 1983 crop year was given to each policyholder in Arizona and California, where the cancellation date is July 15, on June 25, 1982, thus constituting notice to the insureds as required by 7 CFR Part 430.

Since the amendment is already in effect in those two States, and pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to this rule prior to implementation are impracticable and contrary to the public interest; however, comments are solicited for 60 days after publication of this rule, and this interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

The changes involved in this rule, as approved by the Board of Directors of FCIC, are (1) to amend the section dealing with premiums to provide that if the premium payment is not made within 30 days of the first premium billing date, an interest rate of 1½% simple interest per month will accrue to the unpaid premium balance (Premium billing dates for crops have been established at or near the usual harvesttime and allow a period of 30 days in which to pay premiums before such interest rate attaches), (2) to add a provision which established the liability of FCIC in cases of loss by fire when the insured has other insurance against fire for the smaller of the amount of indemnity determined under the contract with FCIC, or the amount by which the loss from fire exceeds the indemnity paid or payable under the other insurance contract, and (3) to add a provision that requires the insured to file a notice of probable loss if the crop is damaged to the extent that a loss is probable and require that a representative sample of the unharvested crop be left intact for FCIC inspection. The provision described in (3) is designed to aid in the loss reporting method, making an earlier determination of losses and thereby improving the loss adjustment system.

In addition, FCIC is amending 7 CFR Part 430 to the extent of minor corrections to language and format including amending the table of contents and redesignating the Appendix B as Appendix A.

All written comments made pursuant to this rule will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 430

Crop insurance, Sugar beets.

Interim Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Sugar Beet Crop Insurance Regulations (7 CFR Part 430), effective with the 1983 and succeeding crop years, to read as follows:

PART 430—SUGAR BEET CROP INSURANCE

Subpart—Regulations for the 1983 and Succeeding Crop Years

Sec.
430.1 Availability of Sugar Beet Insurance.
430.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
430.3 Reserved.
430.4 Creditors.
430.5 Good faith reliance on misrepresentation.
430.6 The contract.
430.7 The application and policy.
Appendix A—Counties Designated for Sugar Beet Crop Insurance.

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

Subpart—Regulations for the 1983 and Succeeding Crop Years

§ 430.1 Availability of Sugar Beet Insurance.

Insurance shall be offered under the provisions of this subpart on sugar beets in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this chapter the names of the counties in which sugar beet insurance will be offered.

§ 430.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for sugar beets which shall be shown on the county actuarial table on file in the service office and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 430.3 [Reserved]

§ 430.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the insurance contract except as provided in the policy.

§ 430.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the sugar beet insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 430.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance. The contract shall cover the sugar beet crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and applicable dates when necessary. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the service office.

§ 430.7 The application and policy.

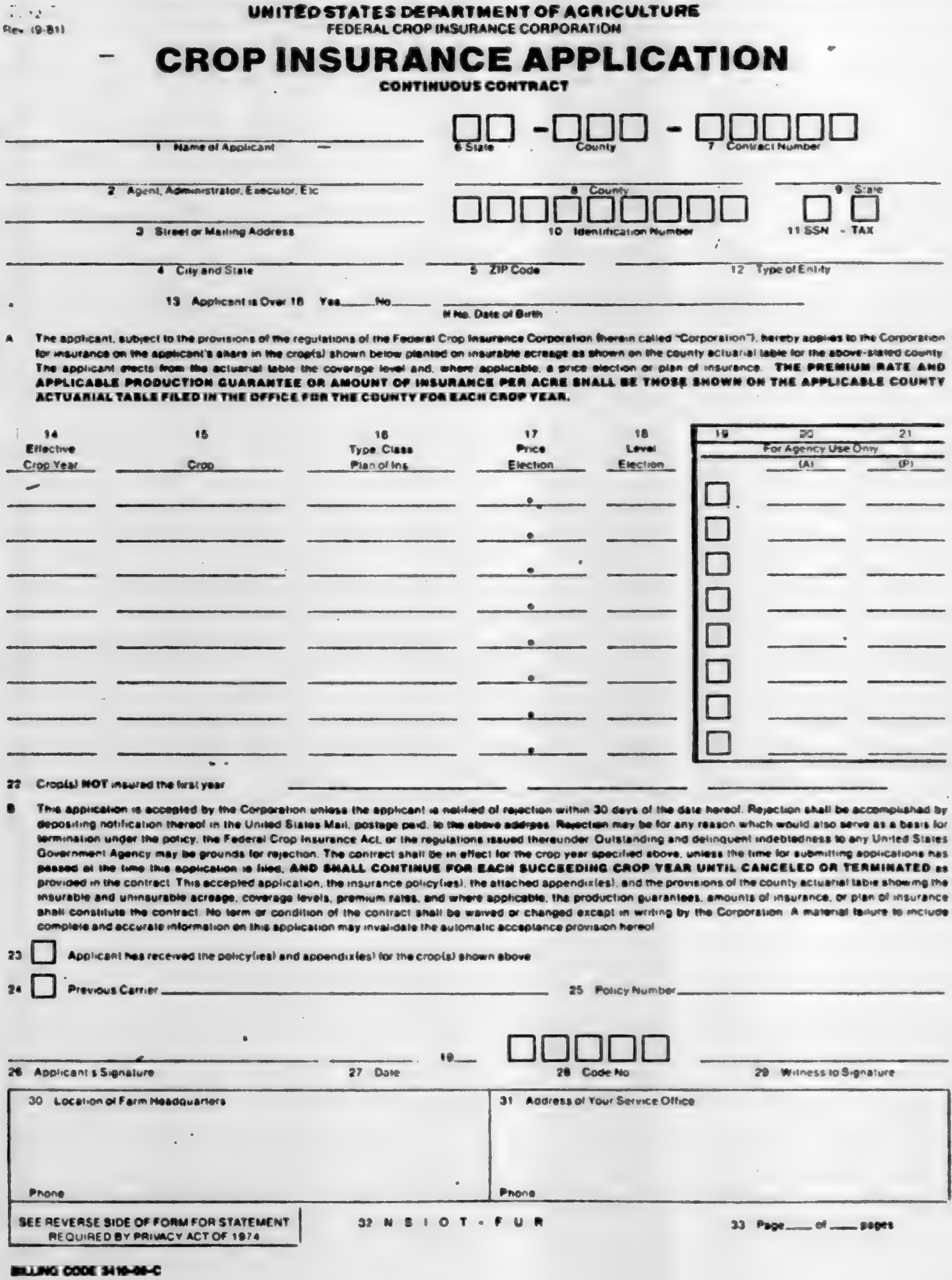
(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the sugar beet crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the service office and, where applicable, on or before the closing date for the crop for that county.

(b) The Corporation may discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications or contracts changes in any county, by placing the extend date on file in service office and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) Sugar beet contracts in effect for the 1982 crop year are amended by the substitution of the 1983 contract and are continuous unless terminated in accordance with their terms. A new application is not required by this amendment for the 1983 crop year.

(d) The provisions of the application and Sugar Beet Insurance Policy for the 1983 and succeeding crop years, are as follows:

BILLING CODE 3410-08-M



Rev (9-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

CROP INSURANCE APPLICATION

CONTINUOUS CONTRACT

1 Name of Applicant ______

6 State ☐☐ - County ☐☐☐ - 7 Contract Number ☐☐☐☐☐

2 Agent, Administrator, Executor, Etc ______

8 County ______ 9 State ______

3 Street or Mailing Address ______

10 Identification Number ☐☐☐☐☐☐☐☐☐ 11 SSN ☐ - TAX ☐

4 City and State ______ 5 ZIP Code ______ 12 Type of Entity ______

13 Applicant is Over 18 Yes____ No____ If No, Date of Birth ______

A The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the crop(s) shown below planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and, where applicable, a price election or plan of insurance. **THE PREMIUM RATE AND APPLICABLE PRODUCTION GUARANTEE OR AMOUNT OF INSURANCE PER ACRE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.**

14 Effective Crop Year	15 Crop	16 Type, Class Plan of Ins.	17 Price Election	18 Level Election	19 For Agency Use Only	20 (A)	21 (P)
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		

22 Crop(s) **NOT** insured the first year ______ ______ ______

B This application is accepted by the Corporation unless the applicant is notified of rejection within 30 days of the date hereof. Rejection shall be accomplished by depositing notification thereof in the United States Mail, postage paid, to the above address. Rejection may be for any reason which would also serve as a basis for termination under the policy, the Federal Crop Insurance Act, or the regulations issued thereunder. Outstanding and delinquent indebtedness to any United States Government Agency may be grounds for rejection. The contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, **AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED** as provided in the contract. This accepted application, the insurance policy(ies), the attached appendix(es), and the provisions of the county actuarial table showing the insurable and uninsurable acreage, coverage levels, premium rates, and where applicable, the production guarantees, amounts of insurance, or plan of insurance shall constitute the contract. No term or condition of the contract shall be waived or changed except in writing by the Corporation. A material failure to include complete and accurate information on this application may invalidate the automatic acceptance provision hereof.

23 ☐ Applicant has received the policy(ies) and appendix(es) for the crop(s) shown above

24 ☐ Previous Carrier ______ 25 Policy Number ______

26 Applicant's Signature ______ 27 Date ______ 19__ 28 Code No ☐☐☐☐☐ 29 Witness to Signature ______

30 Location of Farm Headquarters Phone	31 Address of Your Service Office Phone

SEE REVERSE SIDE OF FORM FOR STATEMENT REQUIRED BY PRIVACY ACT OF 1974

32 N S I O T - F U R

33 Page ____ of ____ pages

BILLING CODE 3410-08-C

Sugar Beet Crop Insurance Policy

Terms and Conditions

1. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, insects, plant disease, wildlife, earthquake or fire occurring within the insurance period subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production due to: (1) The neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants, or the insured's employees; (2) failure to follow recognized good farming practices; (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project; or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and acreage insured.* (a) Upon acceptance of an application for insurance, the crop insured shall be sugar beets grown under a contract with a processor for processing as sugar, for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for sugar beets for each crop year shall be that insurable acreage planted to sugar beets in which the insured has a share as shown on the actuarial table and as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, *Provided*, That insurance shall not attach or be considered to have attached as determined by the Corporation to any acreage: (1) Where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on such acreage are not among those for which a premium rate has been established; (2) excluded from the processor contract for, or during, the crop year; (3) which is destroyed and after such destruction it was practical to replant to sugar beets and such acreage was not replanted; (4) initially planted after the date established by the Corporation and placed on file in the service office as being too late to initially plant and expect a normal crop to be produced; (5) planted to sugar beets the preceding crop year in Michigan, Minnesota, North Dakota and Ohio or the two preceding crop years in all other States unless otherwise provided on the county actuarial table; (6) planted to a type or variety of sugar beets not established as adapted to the area or shown as non-insurable on the actuarial table; or (7) in California other than Imperial County, planted before the filing of the application or reinstatement request if such acreage is not inspected for the crop year and approved in writing by the Corporation after a normal stand is obtained.

(c) Insurance may attach only by written agreement with the Corporation on acreage which is planted for the development or production of hybrid seed or for experimental purposes.

3. *Responsibility of insured to report acreage and share.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (1) all acreage of sugar beets planted in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (2) the insured's share therein at the time of planting. Such report shall be submitted promptly after completion of planting each year not later than the acreage reporting date on file in the service office for this purpose.

4. *Production guarantees, coverage levels and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees, coverage levels and prices at which indemnities shall be computed shall be those shown on the actuarial table.

(b) The production guarantee per acre shall be progressive as follows:

(1) *First Stage*—from planting until July 1 (except in California and Arizona it shall be the earlier of thinning or 90 days after planting); and to any acreage that the Corporation determines was damaged in this stage to the extent that growers in the area usually would not further care for the crop.

(2) *Second Stage*—from the end of first stage until at least 15 percent of the production guarantee per acre or the third stage has been harvested.

(3) *Third Stage*—after harvest of at least 15 percent of the production guarantee per acre for any acreage.

The production guarantee applicable to any acreage within a unit shall be that established for the stage reached by the crop on such acreage as determined by the Corporation.

5. *Annual premium.* (a) The annual premium is earned and payable at the time of planting and the amounts thereof shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, times the premium adjustment percentage in subsection (c) of this section.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

PERCENTAGE ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE

	Numbers of years continuous experience through previous years															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
	Percentage adjustment factor for current crop year															
Loss ratio[1] through previous crop year																
.00-.20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21-.40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41-.60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61-.80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81-1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE

	Number of loss years through previous year[2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio[1] through previous crop year																
1.10-1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20-1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40-1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70-1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00-2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50-3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288

PERCENTAGE ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE—Continued

	Number of loss years through previous year [2]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
3.25–3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00–4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00–5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00–Up	100	100	120	136	156	180	202	224	246	268	290	300	300	300	300	300

[1] Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

[2] Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

(d) Interest will accrue at the rate of one and a half percent (1½%) simple interest per calendar month or any part thereof on any unpaid premium balance starting on the first day of the month following the first premium billing date.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

(f) If there is no break in the continuity of participation, any premium adjustment applicable under this section shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(g) If there is a break in the continuity of participation, any reduction in premium earned under this section shall not thereafter apply; however, any previous unfavorable insurance experience shall be considered in premium computation following a break in continuity.

6. *Insurance period.* Insurance on insured acreage shall attach at the time the sugar beets are planted and shall cease upon the earliest of (a) final adjustment of a loss, (b) harvesting, (c) total destruction of the insured sugar beet crop, (d) the applicable date of the calendar year in which the sugar beets are normally harvested as follows: (1) July 15 for Arizona and Imperial County, California; (2) the last day of the 12th calendar month after planting of the acreage for all other California counties, unless a written request from the insured for an extension of the insurance period is received prior to such date and is approved by the Corporation; (3) November 25 in Ohio; or (4) November 15 in all other States.

7. *Notice of damage or loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the service office.

(b) Notice shall be given promptly if, during the period before harvest, the sugar beets on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or if the insured wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late or impractical to replant to sugar beets. Notice shall also be given when such acreage has been put to another use.

(c) Notice shall be given at least 15 days prior to the begining of harvest if the sugar beets on any unit which will be harvested are damaged to the extent that a loss is probable. If probable loss is not determined until less than 15 days prior to the beginning of harvest on a unit, notice shall be given immediately and a representative sample of the unharvested sugar beets (at least 4 rows wide and the entire length of the field) shall remain intact for a period of 15 days from the date of the notice, unless the Corporation gives written consent to harvest the representative sample.

(d) In addition to the written notices required in paragraphs (b) and (c) of this section, if a loss is to be claimed on any unit, the insured shall give written notice thereof to the Corporation at the service office not later than *30 days* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire sugar beet crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if there are extenuating circumstances.

(e) Any insured acreage which is not to be harvested and upon which an indemnity is to be claimed shall be left intact until inspected by the Corporation.

(f) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for and payment of indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of sugar beets on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of sugar beets on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production of sugar beets to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production for acreage not qualifying for the third stage production guarantee, only the amount of appraised and harvested production in excess of the difference between the third stage production guarantee and the production guarantee applicable to such acreage shall be counted. For acreage abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause not less than the applicable production guarantee shall be counted.

(1) Any harvested production of sugar beets shall be adjusted by the factor (rounded to three decimal places) obtained by dividing the average percentage of sugar in the sugar beets, as determined from individual tests made at the time of delivery to the processor, by the percentage of sugar shown on the actuarial table: *Provided, however,* That if individual tests of sugar content are not made by the processor at the time of delivery of the sugar beets, the factor to be used shall be 1.000; *Provided, further,* That for harvested sugar beets which are not acceptable under the contract with a processor due to an insurable cause of loss occurring within the insurance period, the Corporation will determine the production to be counted by (a) dividing the value of the beets, as determined by the Corporation by the value of undamaged beets containing the percentage of sugar shown on the actuarial table and (b) multiplying the result obtained by the tons of beets harvested: *Provided, further,* That any Corporation appraisals shall be the tons appraised with no adjustment for quality.

(2) Appraised production to be counted for a unit shall include: (i) any appraisals by the Corporation for unharvested or potential production, poor farming practices, or uninsured causes of loss and (ii) not less than the applicable guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause.

(d) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. However, if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is harvested, or (2) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

(e) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(f) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(g) There shall be no abandonment to the Corporation of any insured sugar beet acreage.

(h) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c).

(i) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However*, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(j) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after the sugar beets are planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(k) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

9. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of insured share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form. Both transferee and transferor remain liable for payment of the premium.

11. *Records and access to farm.* The insured shall keep or cause to be kept for two years, after the time of loss, records of the harvesting, storage, shipments, sales or other disposition of all sugar beets produced on each unit including separate records showing the same information for production from any uninsured acreage. The Corporation shall have access to such records and the farm for purposes related to the contract.

12 *Life of contract: Cancellation and termination.* (a) The contract shall be in effect for the first crop year specified on the application and may not be cancelled for such crop year. Thereafter, either party may cancel insurance for any subsequent crop year by giving written notice to the other on or before the cancellation date preceding such crop year.

(b) The contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided*, That the date of payment for premium (1), if deducted from an indemnity claim, shall be the date insured signs claim or (2), if deducted from payment under another program administered by the U.S. Department of Agriculture, shall be the date such payment was approved.

(c) The cancellation and termination dates are:

State and county	Cancellation date	Termination date for indebtedness
Arizona, and Imperial County, California.	July 15	August 31.
All other California counties.	July 15	[1]
All other States	Dec. 31	March 31.

[1] The termination date for indebtedness for all California counties other than Imperial County shall be the date the insured begins planting for the next crop year unless prior to such date the insured has made arrangements satisfactory to the Corporation for payment of the premium owed the Corporation.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of this section and section 17, the contract shall continue in force for each succeeding crop year.

13. *Meaning of terms.*

For the purpose of sugar beet crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the service office, and which show the production guarantees, coverage levels, premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding sugar beet insurance in the county.

(b) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(c) "Crop year" means the period within which the sugar beet crop is normally grown and shall be designated by the calendar year in which the sugar beet crop is normally harvested except that in California and Arizona it shall be the period from planting until the applicable date for the end of the insurance period and shall be designated by reference to the calendar year in which planted if planted by July 15, and if planted after July 15, by reference to the next calendar year.

(d) "Harvest" means the lifting and topping of the sugar beets for the purpose of delivery to a processor.

(e) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(f) "Insured" means the person who submitted the application accepted by the Corporation.

(g) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) "Service office" means the office serving your contract as shown on the application for insurance or such other office as may, in writing, be selected by you after approval by us or designated by us upon written notice to you.

(i) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured sugar beet crop at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured under this contract: *Provided*, That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit; (2) the calendar date for the end of the insurance period; or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(j) "Tenant" means a person who rents land from another person for a share of the sugar beet crop or proceeds therefrom.

(k) "Unit" means all insurable acreage of sugar beets in the county on the date of planting for the crop year (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the sugar beet crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided into two or more units according to applicable guidelines of file in the service office or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and may consider any acreage and share reported by or for the insured's spouse or child or any, member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

14. *Acreage limitations.*

(a) The Corporation may limit the insured acreage of sugar beets to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the planting of sugar beets.

(b) If the insured does not submit an acreage report as provided in section 3 the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero." If the insured does not have a share in any insured acreage in the county for any year, the insured may be revised only upon approval of the Corporation.

15. *Irrigated acreage.*

(a) Where the actuarial table provides for insurance on an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause as determined by the Corporation, occurring after the beginning of planting shall be considered as due to an uninsurable cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

16. *Subrogation.*

The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The insured thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

17. *Termination of the contract.*

(a) The contract shall terminate if no premium is earned for five consecutive years.

(b) If the insured is an individual who dies, or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

18. *Coverage level and price election.*

(a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

19. *Assignment of indemnity.*

Upon approval of the Corporation, and on a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

20. *Contract changes.*

The Corporation may change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the service office at least 15 days prior to the cancellation date preceding the crop year for which the changes are to be effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12.

Appendix A

Counties Designated for Sugar Beet Crop Insurance—7 CFR Part 430

In accordance with the provisions of 7 CFR 430.1, the following counties are designated for sugar beet crop insurance:

Arizona

Maricopa
Pinal

California

Butte
Colusa
Fresno
Glenn
Imperial
Kern
Kings
Los Angeles
Madera
Merced
Monterey
Sacramento
San Benito
San Joaquin
Solano
Stanislaus
Sutter
Tulare
Yolo

Colorado

Adams
Boulder
Kit Carson
Larimer
Logan
Morgan
Phillips
Sedgwick
Weld
Yuma

Idaho

Ada
Bannock
Bingham
Bonneville
Canyon
Cassia
Elmore
Franklin
Jerome
Lincoln
Minidoka
Owyhee
Power
Twin Falls

Kansas

Grant
Sherman
Wallace

Michigan

Bay
Huron
Midland
Saginaw
Sanilac
Tuscola

Minnesota

Chippewa
Clay
Faribault
Grant
Kandiyohi
Kittson
Lac qui Parle
Marshall
Norman
Polk
Redwood
Renville
Swift
Traverse
Wilkin
Yellow Medicine

Montana

Big Horn
Carbon
Dawson
Prairie
Richland
Rosebud
Stillwater
Treasure
Yellowstone

Nebraska

Box Butte
Chase
Morrill
Scotts Bluff
Sioux

New Mexico

Curry

North Dakota

Cass
Grand Forks
McKenzie
Pembina
Richland
Traill
Walsh
Williams

Ohio

Hancock
Henry
Lucas
Ottawa
Putnam
Sandusky
Wood

Oregon

Malheur

Texas

Castro
Deaf Smith
Parmer
Randall

Utah

Box Elder
Cache
Davis
Salt Lake
Utah
Weber

Wyoming

Big Horn
Goshen
Park
Washakie

Done in Washington, D.C., on October 29, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 29, 1982.

Approved by:

Robert H. Sindt,

Deputy Manager.

[FR Doc. 82-30389 Filed 11-4-82; 8:45 am]

BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 384; Lemon Reg. 383, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period November 7–13, 1982, and increases the quantity of lemons that may be shipped during the period October 31–November 6, 1982. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

EFFECTIVE DATES: The regulation becomes effective November 7, 1982, and the amendment is effective for the period October 31–November 6, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291, and has been designated a "non-major" rule. The Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action is designed to promote orderly marketing of the California-Arizona lemon crop for the benefit of producers, and will not substantially affect costs for the directly regulated handlers.

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981–82. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met again publicly on November 2, 1982, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

PART 910—[AMENDED]

1. Section 910.684 is added as follows:

§ 910.684 Lemon Regulation 384.

The quantity of lemons grown in California and Arizona which may be handled during the period November 7, 1982, through November 13, 1982, is established at 225,000 cartons.

2. Section 910.683 Lemon Regulation 383 (47 FR 49012) is revised to read as follows:

§ 910.683 Lemon Regulation 383.

The quantity of lemons grown in California and Arizona which may be handled during the period October 31, 1982, through November 6, 1982, is established at 230,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 4, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 82–30681 Filed 11–4–82; 11:38 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Docket No. AO–144–A13]

Lemons Grown in California and Arizona; Order Amending Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the lemon marketing order program to permit handlers to request that lemons on the trees be included, under specified conditions, in the calculation of their weekly prorate bases.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532–S, Washington, D.C. 20250, telephone 202–447–5975.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing, issued September 7, 1982, published September 10, 1982 (47 FR 39836); and Emergency Decision, issued October 8, 1982, published October 15, 1982 (47 FR 46101).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code, and therefore is excluded from the requirements of Executive Order 12291 and Secretary's Memorandum 1512–1.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant impact on a substantial number of small entities. This action is designed to promote orderly marketing of California-Arizona lemons for the benefit of producers and will not substantially affect costs for the directly regulated handlers.

The reporting and recordkeeping requirements resulting from this action have been submitted for approval to the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). Such requirements are not effective until OMB approval has been obtained.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary, and in addition to, the findings and determinations previously made in connection with the issuance of the aforesaid order and each previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings Upon the Basis of the Hearing Record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendment of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona.

Upon the basis of the record, it is found that:

(1) The order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The order, as amended, and as hereby further amended, regulates the handling of lemons grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial and industrial activity specified in the marketing order upon which hearings have been held;

(3) The order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to

subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production area and marketing of lemons; and

(5) All handling of lemons grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is necessary and in the public interest to make all of the amendatory provisions effective November 5, 1982. This amendatory action was in response to an emergency situation in the lemon industry.

In view of the foregoing, it is hereby found and determined that good cause exists for making this amendatory order effective November 5, 1982, and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the **Federal Register** (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the commodity covered by this order, as amended, and as hereby further amended) of more than 80 percent of the volume of California-Arizona lemons covered by this order refused or failed to sign the proposed amendment of the marketing agreement, as amended, regulating the handling of lemons grown in California and Arizona; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign the proposed amendment of the marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the aforesaid order, as amended, is the only practicable means pursuant to the declared policy of the Act of advancing the interests of the producers of lemons grown in the production area;

(3) The issuance of this amendatory order, amending the aforesaid order, as amended, is favored or approved by producers who have been engaged within the production area, in the production of lemons for market during the period August 1, 1981 through July 31, 1982, (which has been determined to be a representative period) who have produced for market at least two-thirds of the volume of such commodity during such period; and

(4) On the effective date of this order amending the order, as amended, the provisions of the marketing agreement, as amended and now effective, will no longer tend to effectuate the declared policy of the Act because it would be inconsistent with this order amending the order, as amended. Accordingly, the provisions of the current marketing agreement, as amended, are hereby terminated effective November 5, 1982.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of lemons shall be in conformity to and in compliance with the terms and conditions of the said order, as amended, and as hereby further amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.53 is amended by adding a new paragraph (i) to read as follows:

§ 910.53 Prorate bases.

* * * * *

(i) Notwithstanding any other provisions of this section, the prorate base for any handler may be computed as follows:

(1) The prorate base as determined by paragraph (d) of this section, and by that portion of paragraph (f)(2) of this section pertaining to new prorate bases for District 2 handlers, shall be increased by the quantity of lemons certified under this paragraph by the committee. The quantity of lemons which may be so certified for a handler in each certification credit period may not exceed 25 percent of the total estimated tree crop controlled by such handler. The quantity of lemons so certified shall be credited to a handler's average weekly picks in equal amounts over the number of weeks in the credit period.

(2) The committee shall determine the type of fruit eligible for certification in each district to assure that all such fruit was produced during the then current fiscal year.

(3) The committee shall establish time periods during which certification may be approved in the various districts, herein referred to as application periods. The committee shall also establish the number of weeks, herein referred to as the credit periods, over which certification will apply to handlers in each prorate district.

(4) Any handler utilizing the provisions of this paragraph shall be precluded from requesting upward adjustment as provided for in paragraphs (f)(1) and (f)(2) of this section.

(5) The committee shall establish procedures whereby any handler who has fruit certified may have such certification cancelled during a credit period.

(6) At the end of a credit period, certified fruit will not be included as picks to earn prorate base.

(7) The committee shall establish procedures to assure that any certified fruit over which control is transferred from one handler to another handler does not result in duplicate pick credit.

(8) The committee, with the approval of the Secretary, may establish rules and regulations to effectuate the provisions of this paragraph which may include modification of the method or manner of making certification computations.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Signed at Washington, D.C. on November 1, 1982, to become effective November 5, 1982.

C. W. McMillan,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 82–30548 Filed 11–4–82; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 1011

Milk in the Tennessee Valley Marketing Area; Temporary Revision of Supply Plant Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rule.

SUMMARY: This action makes final for October and November 1982 a 10-percentage point decrease in the supply plant shipping requirement under the Tennessee Valley Federal Milk order. The shipping percentage was reduced on an interim basis for these two months on October 20, 1982. Interested parties were invited to submit comments on the interim action. No opposing comments were received. This action is being taken because a supply plant operator is incurring uneconomic shipment of milk to a distributing plant under the current shipping requirements of the order.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Interim Revision of Shipping Percentage: Issued October 15, 1982; published October 20, 1982 (47 FR 46677).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as a "non-major" action.

It has also been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the procedure in time to advise the industry on a timely basis regarding final action on the supply plant shipping requirement revision.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1011.7(b) of the order. This revision was made effective on an interim basis on October 20, 1982. Interested parties were afforded an opportunity to comment on the interim revision by submitting written data, views or arguments. No opposing comments were received.

After consideration of all relevant material, including the material set forth in the aforesaid interim revision document, it is hereby found and determined that for the months of October and November 1982 the supply plant shipping percentage of 60 percent as set forth in § 1011.7(b) should be decreased on a final basis to 50 percent.

A review of the market situation indicates that the Tennessee Valley market has undergone some changes in marketing conditions in the past 18 months. Although month-to-month and year-to year comparisons are complicated by the varying regulatory status of certain plants, the trend in the market has been towards increased producer milk receipts and almost no growth in Class I sales. Increases in production have resulted from greater output by producers historically associated with the Tennessee Valley market, and by the addition of new producers to the market.

Historically, this market has had a high Class I utilization. However, the percentage of producer milk in Class I has been declining for the past two years. The percent of producer milk in Class I averaged about 5 percentage points less in 1981 than in 1979. For the first eight months of 1982 this figure averaged about 6 percentage points below year-earlier levels. For the short-production months of August through November, the percent of producer milk in Class I averaged 78.6 percent in 1980 and 73.6 percent in 1981. It is expected that the percent of producer milk in Class I will continue to be below year-ago levels in the current short-production season.

Because of this general relationship of supplies to demand, Kraft, Inc., petitioned the Department in July 1982 for a temporary reduction of 10 percentage points in the supply plant shipping requirement for certain subsequent months. As the operator of the only pool supply plant in the market, Kraft indicated that it anticipated that it would have to make uneconomic shipments of milk to its distributing plant outlet if the supply plant were to continue to meet the pooling requirements of the order. The Department invited public comments on a proposed revision of the shipping percentage for the months of August through November 1982. Comments were received from Dairymen, Inc., a cooperative association which represents a substantial majority of the producers associated with the market. The cooperative objected to the proposed action, claiming that the marketing situation did not warrant a temporary reduction in the shipping requirement. After a full review of the issue, Kraft's petition for those months was denied.

Actual operating experience now indicates that Kraft, in making the minimum shipments required for pooling its supply plant, is having to back-haul some of the milk to a manufacturing plant since not all of the shipments are needed at the supply plant's regular distributing plant outlet. This situation is likely to continue at least for the next several weeks, if not longer. In recognition of this situation, both Kraft and Dairymen, Inc., have under review alternatives for dealing with this problem, including a possible review of the issue at a public hearing. Under these circumstances, a temporary reduction in the shipping requirement through November 1982 is appropriate in that it can prevent uneconomic movements of milk merely for purposes of assuring pool plant qualification.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of October and November 1982;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Interested parties were afforded an opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making the interim revision of the shipping percentage for the months of October and November 1982 effective on a final basis.

List of Subjects in 7 CFR Part 1011

Milk marketing orders, Milk, Dairy products.

It is therefore ordered, That the shipping percentage in § 1011.7(b) of the order is hereby revised on a final basis for the months of October and November 1982.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective date: November 5, 1982.

Signed at Washington, D.C., on: November 1, 1982.

Edward T. Coughlin,

Director, Dairy Division.

[FR Doc. 82-30519 Filed 11-4-82; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

CCC Grain Price Support Regulations Governing Loan Purchase Program for 1982 and Subsequent Crops Rice

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to amend the regulations governing the loan and purchase program for 1982 and subsequent crops of rice (1) to delete all references to farm and producer allotments currently appearing at 7 CFR 1421.301, 1421.303 and 1421.304, (2) to delete reference to normal crop acreage and set-aside requirements currently appearing at 7 CFR 1421.304; (3) to incorporate availability and maturity

dates; and (4) to remove all references to the annual crop supplements that are no longer being codified.

DATES: This final rule shall become effective November 5, 1982.

ADDRESS: Director, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: H. E. Maynard, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013, (202) 447-8400.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with provisions of Secretary's Memorandum 1512-1 and Executive Order 12129 and has been classified "not major." It has been determined that the provisions of this final rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

The title and number of the Federal Assistance Program to which this rule applies are: Commodity Loans and Purchases, Number 10.051 as filed in the Catalog of Federal Domestic Assistance. This action will not have a significant impact specifically on area and community development. Therefore, review as established by OMB Circular A-95 was not used to assure that units of local government are informed of this action.

The purpose of this rule is to amend the regulations governing the loan and purchase program for 1982 and subsequent crops of rice to include eligibility requirements, availability dates, and maturity dates for making loans and purchases, to delete references to the annual crop supplements for rice that are no longer being codified and to delete certain other references which are no longer applicable to the program.

A separate Regulatory Impact Analysis was not prepared. The effects of this final rule are primarily administrative. Significant impacts to the private sector would be the result of annual program determinations. There will be modest savings to the Government, as the result of decodification.

Since the statutory authority for producer and farm allotments for rice has been repealed and compliance with normal crop acreage and set-aside requirements may no longer be necessary for price support eligibility, references to those requirements have been deleted. The elimination of allotments removes the possibility of having both eligible and ineligible rice being produced on the same farm. Therefore, the requirement specified in the regulations that a producer furnish a cooperative a Form CCC-675, Designation of Eligibility, has been deleted. Annual crop supplements in which the loan availability dates and maturity dates have previously been published in the **Federal Register** are no longer being issued. Therefore, this continuing regulation is being revised to set forth these dates. In addition, Uniform Rice Storage Agreements no longer authorize modified commingled warehouse storage. Therefore, references to modified commingled storage have been deleted.

The availability date establishes the period during which the producer may request a price support loan or sign a purchase agreement. The maturity date defines the length of the price support loan and establishes the final date that loans on the commodity mature for that crop year. Since this final rule makes no substantive changes in the regulations but merely deletes certain obsolete references and generally incorporates and republishes certain existing provisions into a single continuing regulation, it has been determined that no further rulemaking is required. Accordingly, this rule shall become effective upon date of publication in the **Federal Register**.

Accordingly, the general regulations governing price support for 1978 and subsequent crops of rice as set forth at 7 CFR 1421.300 through 1421.313 and the title of the subpart are amended as stated herein for the 1982 and subsequent crops of rice. The material previously appearing in this subpart remains in full force and effect as to the crops to which it was applicable.

List of Subjects in 7 CFR Part 1421

Grains, Loan programs—rice Price support programs.

Final Rule

Accordingly, 7 CFR Part 1421 is amended by revising the title of the subpart and §§ 1421.300-1421.312 to read as follows:

Subpart—Loan and Purchase Program for 1982 and Subsequent Crops Rice

Sec.
1421.300 Purpose.
1421.301 Availability.
1421.302 Eligible rice.
1421.303 Compliance requirements.
1421.304 Determination of quality.
1421.305 Determination of quantity.
1421.306 Warehouse receips.
1421.307 Warehouse charges.
1421.308 Fees and charges.
1421.309 Inspection certificates.
1421.310 Settlement.
1421.311 Maturity of loans and expiration of purchase agreements.
1421.312 Support rates.

Authority: Secs. 4, 5, 62 Stat. 1070, 1072, as amended (15 U.S.C. 714 b and c); secs. 101i, 401, 95 Stat. 1242, 63 Stat. 1051, as amended (7 U.S.C. 1441, 1421).

Subpart—Loan and Purchase Program for 1982 and Subsequent Crops Rice

§ 1421.300 Purpose.

This subpart contains provisions which, together with (a) the General Regulations Governing Price Support for the 1978 and Subsequent Crops, (b) the Cooperative Marketing Associations eligibility requirements for price support as set forth in Part 1425 of this title and (c) any amendments or revisions of such regulations, set forth the requirements with respect to price suport for the 1982 and subsequent crops of rice.

§ 1421.301 Availability.

(a) *Loans.* If a producer desires to participate in the price support loan program, such producer must request a loan on or before March 31 of the year following the year the crop is normally harvested.

(b) *Purchases.* If a producer desires to enter into a purchase agreement with CCC by offering eligible rice which is not under loan, such producer must execute and deliver to the county ASCS office on or before March 31 of the year following the year the crop is normally harvested a Purchase Agreement (Form CCC-614) indicating the approximate quantity of rice the producer will sell to CCC.

§ 1421.302 Eligible rice.

(a) *General.* To be eligible for loans and purchases, rice must meet the requirements of this section in addition to the other eligibility requirements of the program.

(1) *Eligible producer.* The rice must have been produced by an eligible producer.

(2) *Classes.* The rice must be one of the classes specified in: (i) A notice which is published in the **Federal Register** for the applicable crop each year or (ii) the official standards of the United States for rough rice other than "mixed rough rice."

(3) *Contamination and poisonous substances.* Rice must not be contaminated by rodents, birds, insects, or other vermin or contain mercurial compounds, toxin producing molds, or other substances poisonous to humans or animals.

(b) *Grade requirements for loans.* In addition to the requirements of paragraph (a) of this section, rice at the time it is placed under loan must (1) Grade U.S. No. 5 or better (rice of special grades shall not be eligible), and (2) contain not more than 14 percent moisture.

(c) *Quantity eligible for loan and purchase.* Loans and purchases shall be available to eligible producers on all rice produced on a participating farm.

(d) *Cooperative Marketing Association.* If an eligible producer is a member of an approved cooperative and delivers a quantity of eligible rice produced on a participating farm to the cooperative for marketing, such rice shall be eligible for the cooperative to place under loan or deliver for purchase.

§1421.303 Eligible producer.

An eligible producer is a rice producer who shares in the production of rice on a participating farm and has complied with the program eligibility requirements prescribed in Parts 713, 718, and 791 of this title and any amendments thereto.

§ 1421.304 Determination of quality.

(a) *Quality.* The class, grade, grading factors, milling yield, and all other quality factors shall be determined in accordance with the official standards of the United States for rough rice, whether or not such determinations are made on the basis of an official inspection.

(b) *Loans and purchases.* In the case of rice stored commingled in an approved warehouse, loans and purchases will be made on the basis of the quality shown on the warehouse receipt or supplemental certificate, if applicable. In the case of rice stored identity preserved, loans and purchases will be made on the basis of the quality shown on the Federal or Federal-State sample inspection certificate, based on a representative sample of each lot of rice taken as authorized by the county office. Loans and purchases on farm stored rice will be based on the rate published in a notice in the **Federal Register** for the applicable crop year.

§ 1421.305 Determination of quantity.

(a) *In warehouse.*—(1) *Commingled.* The amount of a loan on the quantity of eligible rice stored commingled in an approved warehouse shall be based on the weight specified on the warehouse receipts representing such rice which is pledged as security for the loan, or on the supplemental certificate, if applicable.

(2) *Identity preserved.* The amount of a loan on the quantity of eligible rice stored identity preserved in an approved warehouse shall be based on a percentage, as determined by the State committee, of the weight specified on the warehouse receipt representing such rice which is pledged as security for the loan, or on the supplemental certificate, if applicable. Such percentage shall not exceed 95 percent of the weight so specified. The State committee's determination shall be made on a statewide basis or for specified areas within the State. The county committee may lower such percentage on an individual basis when determined to be in the best interest of CCC. Weights determined on the basis of such percentages shall be expressed in terms of whole units of 100 pounds (round 49 pounds or less to the next lowest hundredweight and round 50 pounds or more to the next highest hundredweight).

(b) *On farm.* The quantity of rice placed under a farm storage loan shall be determined in accordance with § 1421.17 and shall be expressed in whole units of 100 pounds.

§ 1421.306 Warehouse receipts.

(a) *General.* A warehouse receipt representing rice to be placed under a warehouse storage loan, delivered in satisfaction of a farm storage loan, or delivered for purchase must meet the requirements of this section and the general regulations governing price support for 1978 and subsequent crops, as amended or revised. A separate warehouse receipt must be submitted for each class by grade, and milling yield of rice. Each warehouse receipt must carry an endorsement by the warehouse operator in substantially the following form: "Warehouse charges through (applicable maturity date) including, but not limited to, receiving and loading out charges accrued or to accrue and all other charges incident to the acquisition of the rice by CCC on the rice represented by this warehouse receipt have been paid or otherwise provided for and a lien for such charges will not be claimed by the warehouseman from CCC or any subsequent holder of the warehouse receipt."

(b) *Entries.* Each warehouse receipt or supplemental certificate properly identified with the warehouse receipt must be issued in accordance with the Uniform Rice Storage Agreement. The following items must be shown on the warehouse receipt and/or supplemental certificate in the case of rice stored commingled, or on the warehouse receipt, supplemental certificate, or Federal or Federal-State inspection certificate in the case of rice stored identity preserved:

(1) Net weight;
(2) Class;
(3) Grade;
(4) Grading factors;
(5) Milling yield;
(6) Moisture;
(7) Method of storage (commingled or identity preserved);
(8) Manner by which rice was received (truck or rail).

(c) *Supplemental certificate.* When required, the supplemental certificate shall be executed by the warehouse operator for commingled rice and by the producer for identity-preserved rice.

§ 1421.307 Warehouse charges.

(a) *Farm-stored loans and purchases.* CCC will assume receiving and warehouse storage charges with respect to rice delivered to an approved warehouse after loan maturity date and acquired by CCC (1) in satisfaction of a farm storage loan or (2) by purchase, except that warehouse storage charges will be assumed by CCC only from and after the date of completion of deposit of such rice in the warehouse.

(b) *Warehouse-stored loans and purchases.* CCC will assume receiving and warehouse storage charges accruing on or after the day following the loan maturity date with respect to rice which is in approved warehouse storage under loan and is acquired by CCC and with respect to rice which is in approved warehouse storage on the loan maturity date and is purchased by CCC.

(c) *Refund of prepaid handling charges.* The receiving or the receiving and loading out charges to be refunded on the rice referred to in paragraphs (a) and (b) of this section and § 1421.22(i) shall be at the rate charged the producer by the storing warehouse.

§ 1421.308 Fees and charges.

The producer shall pay a loan service fee and delivery charge as specified in § 1421.11. In addition, a charge for the cost of grading each lot sampled will be made in connection with each warehouse receipt serving as security for an identity-preserved warehouse-stored loan.

§ 1421.309 Inspection certificates.

Except in the case of a loan on rice stored commingled in an approved warehouse, settlement with the producer on rice acquired by CCC will be based on the quality shown on the Federal or Federal-State sample inspection certificate. Such inspection certificate shall be dated not earlier than 30 days prior to the maturity date. The cost of Federal or Federal-State inspections as required by this section and § 1421.310 shall be for the account of CCC.

§ 1421.310 Settlement.

Settlement for eligible rice acquired by CCC under loan or by purchase will be made with the producer as provided in § 1421.22 and this section. Where rice is placed under a farm storage loan in an area where a location differential is in effect and is delivered to CCC in satisfaction of the loan in an area where no differential is applicable, settlement for rice acquired by CCC will be made on the basis of the support rate for the area where the rice is delivered. Deliveries of rice shall be in accordance with instructions issued by the county office.

(a) *Commingled warehouse storage.* Settlement for eligible rice stored commingled in an approved warehouse and acquired by CCC under loan or by purchase shall be made on the basis of the class and the grade, quality, and quantity as shown on the warehouse receipt or supplemental certificate, if applicable. Settlement shall also be made on such a basis: (1) Where an approved warehouse issues a commingled warehouse receipt for loan rice delivered into the warehouse from farm storage pursuant to instructions of the county ASCS office, (2) where an approved warehouse issues commingled warehouse receipts in exchange for warehouse receipts representing rice under identity preserved warehouse storage loan, and (3) where CCC determines that the warehouse failed to maintain the identity of rice covered by an identity preserved warehouse storage loan. In such case, the warehouse shall issue a commingled warehouse receipt covering such rice. In the case of purchases, the producer shall, not later than the day following the maturity date specified in § 1421.311, deliver to the county office warehouse receipts under which an approved warehouse guarantees the class and grade, quality, and quantity of rice sold to CCC.

(b) *Other storage.* Settlement for eligible rice acquired under loan or purchase not covered by paragraph (a) of this section shall be made on the basis of the class and of the grade and quality shown on the Federal or Federal-State sample inspection certificate and on the basis of the quantity shown on the official weight certificates. Certificates required by this paragraph (b) shall be dated not earlier than 30 days before the maturity date.

(1) *Loans.* In the case of rice stored identity preserved in approved warehouse storage and acquired by CCC under a loan, the county office shall obtain official weight certificates and sample the rice for quality determination within 10 days following the maturity date.

(2) *Purchases.* In the case of rice stored identity preserved in approved warehouse storage and acquired by CCC under purchase, the producer shall, within 5 days following the maturity date, deliver to the county office warehouse receipts representing rice stored identity preserved in an approved warehouse. The county office shall obtain official weight certificates and sample the rice for settlement purposes within 5 days of the time the producer delivers the warehouse receipt or 10 days after the maturity date, whichever is later.

§ 1421.311 Maturity of loans and expiration of purchase agreements.

(a) *Loans.* Loans mature on demand but not later than April 30 of the year following the year the rice is normally harvested.

(b) *Purchases.* Purchase agreements expire on April 30 of the year following the year the rice is normally harvested.

§ 1421.312 Support rates.

The basic support rate, premium and discounts, and the location differentials for use in making loans and purchases will be available in the county ASCS office for the applicable crop year.

Signed at Washington, D.C., on October 28, 1982.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 82-30422 Filed 11-4-82; 8:45 am]

BILLING CODE 3410-05-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 523, 545 and 563

[No. 82-708]

Liquidity; Investment Authority of Federal Associations; Limitation on Investment in Accounts of Commercial Banks and Thrift Institutions and in Debt Securities Hedged With Forward Commitments

October 27, 1982.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") implements provisions of the recently-enacted Garn-St. Germain Depository Institutions Act of 1982 authorizing federal associations to invest in the accounts of institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation ("insured institutions") and authorizing the counting of investments in such accounts toward the Board's liquidity requirements. The Board also amends its regulations governing liquidity requirements for members of the Federal Home Loan Bank System ("Bank System") by qualifying as liquid assets (1) debt securities hedged with forward commitments (including commitments represented by repurchase agreements) issued by members of the Association of Primary Dealers in United States Government Securities, banks whose accounts are insured by the Federal Deposit Insurance Corporation, or insured institutions, (2) debt securities directly hedged with a short financial futures position, (3) debt securities held subject to exchange-traded options giving the holder the right to sell the securities at a specified value within a specified time, and (4) debt securities that provide the holder with a right to redeem at par value, regardless of the stated maturities of such securities. Finally, the Board amends its regulations limiting investments in commercial banks to reflect the liquidity amendments, extend coverage of the limitation to investments in any commercial bank or thrift institution, and permit a higher level of investment. These amendments grant members of the Bank System additional methods for maintaining liquidity consistent with the purposes underlying the Board's liquidity requirements.

EFFECTIVE DATE: November 3, 1982.

FOR FURTHER INFORMATION CONTACT: Jerry Hartzog ((202) 377-6782), Office of Economic and Policy Research, Michael

S. Joseph ((202) 377–6994), Office of Examinations and Supervision, or Kenneth F. Hall ((202) 377–6466), Attorney, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION:

Summary of Comments

On July 29, 1982, the Board requested comment on whether to amend its regulations governing liquidity requirements for members of the Federal Home Loan Bank System. The proposal would have qualified as liquid assets debt securities that otherwise would not so qualify because of their maturities if the securities were hedged with forward commitments, short financial futures positions or long put options, or gave the holder the right to redeem at par value. FHLBB Res. No. 82–506; 47 FR 34152 (1982). The Board also proposed to extend the coverage of its regulation limiting investments in time deposits of a single commercial bank to include debt securities subject to forward commitments issued by a single institution, and to apply the limitation to investments in savings and loan associations.

The Board received a total of twenty-three comments on the proposed amendments, of which thirteen were from federal savings and loan associations, five were from state-chartered savings and loan associations, four were from various thrift industry trade groups, and one was from a securities dealer. All but one of the comments, from a federal association, expressed strong support for the proposed amendments. The comment expressing opposition to the proposal was based on the view that hedging is never perfect and rarely results in a net gain. Several other commenters suggested various additions or changes to specific aspects of the proposal, which are discussed below.

Implementation of New Statutory Investment Authority

Section 323 of the recently enacted Garn-St Germain Depository Institutions Act of 1982 ("Garn-St Germain Act"), Pub. L. No. 97–320, 96 Stat. 1469 (to be codified in scattered sections of 12 U.S.C.), amends section 5(c)(1)(G) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)(1)(G)) to authorize the investment by federal savings and loan associations in the savings accounts of banks whose accounts are insured by the Federal Deposit Insurance Corporation ("FDIC") ("insured banks") or of insured institutions. In addition, section 332 of the Garn-St Germain Act amends section 5A(b)(1)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1425a(b)(1)(B)) to permit members of the Federal Home Loan Bank System to count towards satisfaction of their liquidity requirements, investments in the savings accounts of both insured banks and insured institutions.

The Board has determined to implement this new statutory authority immediately. Although the Board normally seeks public comment prior to promulgating final regulations, the Board has determined, pursuant to 12 U.S.C. 553(b) (1976), that delay in implementation of the new authority is both unnecessary and contrary to the public interest because (1) the regulatory amendments merely implement the authority expressly granted by the statutory changes and (2) it is in the public interest that federal associations be given the expanded investment powers provided by the statutory changes and that Federal Home Loan Bank System members be permitted to count such investments towards the liquidity requirements at the earliest possible date.

Forward Commitments

As was discussed in the proposal, one manner in which an association can effectively shorten the maturity of a long-term debt security is to obtain a forward commitment on the security. Specifically, if that association, at the time it purchases a debt security that would qualify as a liquid asset but for its maturity or after such purchase, obtains a firm commitment from a third party to purchase the security at a specified price within a time period that would qualify the security as a liquid asset, the debt security can be insulated from fluctuations in market rates regardless of its maturity. Currently, the only type of investment hedged with a forward commitment that qualifies as a liquid asset is a time deposit subject to a repurchase agreement with an insured bank.

However, unlike the case with an option or futures contract where an organized exchange stands behind the obligation to purchase, hedging a debt security with a forward commitment entails the risk that the individual or corporation providing the commitment might fail to fulfill the obligation represented by the commitment. This risk exists even if the commitment is in the form of a secured repurchase agreement. To minimize this risk, the proposed regulation provided that the forward commitment would have to be made by a member of the Association of Primary Dealers in U.S. Government Securities ("Association") or by an insured commercial bank.

One commenter suggested that debt securities hedged with forward commitments issued by any member of the New York Stock Exchange ("NYSE") also should be eligible for liquidity, asserting that institutions would be at no greater risk holding such commitments than they would be holding commitments issued by Association members. No substantiation, however, was offered for this position. The Board notes that members of the Association are required to report their positions to the Federal Reserve Board on a daily basis, and thus are subject to a higher level of supervision than is generally applicable to NYSE members. The Board also notes that the Articles of Association of the Association require that, in identifying primary dealers, account be taken of their ability to make markets and of their financial soundness, thus affording some indication as to the extent of Association members' familiarity with the securities markets. Therefore, in view of the fact that the standards under which Association members operate appear generally to be more stringent than those applicable to NYSE members, the Board has determined to retain the provision as proposed while adding, as discussed above, similar authority to count toward liquidity debt securities subject to forward commitments issued by insured institutions. As an additional measure, the Board has determined to require the board of directors of a Bank System member to review at least annually the financial condition of any insured bank, insured institution or Association member from which it regularly obtains forward commitments.

The proposed regulation provided that, in order for a long-term debt security to qualify as a liquid or short-term liquid asset, it would have to be hedged with a forward commitment obtained at the time of its purchase by an institution. Several commenters suggested that the board should also permit debt securities hedged after their purchase to qualify as liquidity. The general purpose of the liquidity requirements is to ensure that an institution has on hand either sufficient cash to meet demands on it for funds or assets that can be converted readily to cash. The intent of the regulations with respect to assets other than cash is to qualify as liquidity only those assets that retain or stay close to their book values. This reflects the view that the value of a liquid asset as reflected on an institution's books should approximate its market value in order to avoid overstating the liquidity position of the institution. It also reflects the fact that an institution may be reluctant to sell an asset on which it may suffer a large loss, thus undermining the purpose of designating the asset as a part of liquidity. Generally, hedging a long-term debt security already held by an institution merely locks in its market value at the time it is hedged. If at that time its market value were substantially less than its book value, the purpose of the liquidity requirement (to ensure an institution has sufficient cash or cash substitutes) would be defeated, since an institution would then be able to count toward liquidity the book value of a long-term asset whose actual market value is lower than its book value, and which the institution may be reluctant to sell.

However, these concerns are not applicable with respect to securities whose market values equal or exceed their book values. Therefore, the Board has determined to permit the inclusion in liquidity of long-term debt securities hedged after the date of their purchase provided that, at the time of hedging, their market values equal or exceed their book values and only an amount equal to their book values may be counted toward satisfaction of the Board's liquidity requirements.

Debt Securities Hedged With Short Futures Positions

Another way in which the maturity of a long-term debt security can effectively be shortened is to hedge the security by taking a short futures position in that security (*i.e.*, entering into a contract to make delivery of the security at a specified time). Any decrease in the value of the long-term security because of increases in market rates generally is substantially offset by an increase in the value of the futures contract. Thus, even if the stated maturity exceeds five years, taking the short position ensures that the purchaser is able to liquidate the security over the short term at or above a specified value without incurring a substantial capital loss.

As proposed, the final regulation imposes two requirements to ensure that the security is directly hedged. First, the security being hedged must be of deliverable grade pursuant to the specifications of the futures contract. This ensures that the association may deliver the security to meet its obligations under the futures contract and will not be required to purchase another security. Second, the term of the futures contract may not exceed the maximum maturity that would be necessary for a similar debt security not hedged by a futures contract to qualify as a liquid asset or short-term liquid asset. The purpose of this requirement is to ensure that the exposure to fluctuations in market rates of an association investing in hedged long-term debt securities will be no greater than if the association invested in debt securities whose maturities are sufficiently short to qualify them as liquid or short-term liquid assets.

Under the proposal, in order for a long-term debt security to have qualified as a liquid asset, the contract to make delivery (the hedge) would have had to be purchased simultaneously with the security and maintained during the time the maturity of the security was in excess of that permitted for liquid assets. As is noted above, several of the commenters suggested that debt securities hedged after their purchase should qualify as liquid assets. For the reasons set forth above in the discussion of forward commitments, the Board has determined to permit the inclusion in liquidity of long-term debt securities that are hedged with short futures positions after their purchase, provided that their market values at the time of hedging equal or exceed their book values. In addition, only an amount equal to their book values may be counted toward satisfaction of the liquidity requirements.

Debt Securities Hedged With Options

The Board requested comment on whether to authorize institutions to count as liquid and short-term liquid assets long-term debt securities subject to exchange-traded options to sell the securities. Since that time, the Board has authorized federal associations to trade in financial options. FHLBB Res. No. 82–557; 47 FR 36621 (August 23, 1982).

Matched with a properly structured option, a debt security can be insulated from fluctuations in market rates regardless of its maturity. Specifically, if an institution, at the time it purchases a debt security that would qualify as a liquid or short-term liquid asset but for its maturity, obtains a option to sell the security (a "long put option") within a time period that would qualify the security as a liquid asset, the member has effectively shortened the maturity of the security. As with debt securities hedged with forward commitments or futures contracts, the Board has determined to permit the counting toward liquidity of debt securities hedged with long put options only if the securities are hedged at a value equal to or exceeding their book values. Only an amount equal to their book values may be counted toward the liquidity requirements.

The commenters generally supported adoption of this provision. In addition, one commenter suggested that debt securities sold subject to "deep-in-the-money" call options should count toward liquidity. This would constitute a major departure from existing regulations, however, since it would authorize the counting toward liquidity of assets not held by an institution. The Board has determined not to adopt this suggestion.

Debt Securities Providing a Right To Redeem

The Board also proposed to amend its regulations to provide that an obligation that would qualify but for its maturity as a liquid asset under paragraphs (g) (2), (3), (6) or (9) of § 523.10 or as a short-term liquid asset under paragraphs (h) (2), (5) or (7) would so qualify regardless of its maturity if it provided the holder with the right to redeem the obligation with the issuer of the obligation at the obligation's stated or par value. The Board has determined to retain this provision as proposed. The right to redeem ensures that such obligations retain the value they possessed at the time of purchase and, thus, that they retain their liquidity. To ensure that an institution's interest-rate risk exposure under such an instrument will not be excessive, the regulation provides that the period of time within which the right to redeem may be exercised may not exceed the maximum maturity necessary for the obligation to qualify as a liquid asset or short-term liquid asset.

Accounting

Several commenters suggested that the final regulation should clarify the accounting treatment of forward commitments, financial futures contracts and financial options. The Board's regulations, at 12 CFR 563.17–3, 563.17–4 (1982) and 563.17–5 (published at 47 FR 36621 (August 23, 1982)), address the appropriate accounting treatment for these types of instruments. Although the Board considered requiring institutions to carry these instruments on their books at their current market values, it was felt that the result of such a requirement would be to effect a major change in the manner in which they currently are accounted for while not appreciably increasing the accuracy with which their true value is recorded of an institution's books. Therefore, the Board has determined to make no changes at this time in the accounting principles applicable to the instruments described above.

Limitation on Investment in Accounts of Banks and Thrift Institutions and in Debt Securities Hedged With Forward Commitments

The Board proposed to amend § 563.9–6 of its regulations (12 CFR 563.9–6 (1982)), which limits the amount of investments an insured institution may make in time and savings deposits of an insured bank, to include within the limitation debt securities owned by an insured institution and hedged with forward commitments issued by a single bank or by any one member of the Association of Primary Dealers in U.S. Government Securities. One commenter felt that § 563.9–6 should apply just to liquid and short-term liquid assets. Another suggested that repurchase agreements should not be subject to the § 563.9–6 limitation.

The rationale for limiting investments in time deposits of a bank or thrift institution is to prevent an excessive commitment of an insured institution's funds to a single source. In the Board's view, this rationale applies equally well to an institution's reliance on commitments issued by a bank or by a government securities dealer. Therefore, the Board has determined to expand coverage of the limitation as proposed. The Board requested comment as to whether the limitation in § 563.9–6 should be extended to debt securities hedged with forward commitments issued by *any* individual or corporation. Those commenting on this issue differed in opinion, with a slight majority favoring extension of the limitation. The Board believes the limitation should be expanded to prevent over-reliance on the resources of a single individual or corporation.

The proposed amendments would also have made three further changes to § 563.9–6. First, the investment limitation would have been amended to be the greater of (1) one hundred thousand dollars or (2) the lesser of (i) one-quarter of one percent of the deposits of the insured bank or insured institution in which the investment is made or (ii) the greater of the investing institution's net worth or one percent of such institution's assets. The addition of the one-percent-of-assets factor would ensure that an insured institution with declining net worth would retain the ability to make a reasonable investment above one hundred thousand dollars in an insured institution or insured bank. One commenter suggested that the limitation based on one-quarter of one percent of the deposits in the bank or thrift in which an investment is made should be raised to one-half of one percent, asserting that institutions curently are excessively restricted as concerns deposits in financially sound banks. The Board is of the view that a higher limitation would give insured institutions greater flexibility in soundly investing their funds, and therefore has determined to raise the limitation to one-half of one percent. The other provisions are adopted as proposed. The final regulation, then, provides that an insured institution may always invest at least $100,000, but is limited as to the maximum dollar amount it may invest with any one person or entity to the *lesser* of one-half of one percent of the deposits of the bank or thrift in which a deposit is made or (2)(ii) above. (It should be noted that the one-half-of-one-percent-limitation would have no applicability to an investment in debt securities hedged with a forward commitment issued by an entity other than a financial institution, thus leaving (2)(ii) as the only limitation applicable to such an investment.)

The Board also has determined to extend the limitation in § 563.9–6 to investments in the savings accounts of any commercial bank or thrift institution. (It is noted that the regulation does not limit investments in demand accounts of a bank or thrift institution.) This is appropriate in view of the Board's recent authorization of investments by federally-chartered savings and loans in time and savings deposits of insured institutions (47 FR 17468 (1982)) and of the fact that many state-chartered institutions possess similar authority as well as authority to invest in deposits of state-insured banks or thrifts. It also is consistent with the recently-enacted Garn-St Germain Act, which codifies the authority of federal associations to invest in insured institutions and permits time deposits in insured institutions to count toward the Board's liquidity requirements. Finally, the amendments make clear that the term "savings accounts," as used in § 563.9–6, applies also to loans of unsecured day(s) funds to a bank or thrift institution. This limitation is incorporated into the liquidity regulations through amendment of the introductory language to paragraphs (g) and (h) of § 523.10. As amended, paragraphs (g) and (h) provide that no investment may be counted as a liquid or short-term liquid asset to the extent it exceeds any applicable limitation, whether imposed by federal or state law, on investment in such assets by a Bank System member.

Clarifying and Technical Amendments

The Board has determined to adopt two clarifying and one technical amendment to its regulations. First, paragraph (e) of § 523.10 is amended to clarify that short-term borrowings include that portion of the principal amount of a borrowing that has a remaining term to maturity exceeding one year, if it becomes contractually due during the current year. This amendment codifies an interpretation issued by the Board's Office of Examinations and Supervision (T Memorandum 34–4 (May 1, 1973)).

Second, § 545.9, regarding permissible investments by federally-chartered savings and loans, is amended to make clear that the authority provided by paragraph (a) of that section does not exempt an association from the limitations contained in § 545.9–4 relating to investments in corporate debt obligations and commercial paper. This amendment codifies existing interpretations of §§ 545.9 and 545.9–4 issued by the Board's Office of General Counsel.

Finally, the Board amends paragraph (h)(3) of § 545.9, regarding permissible investments by federal associations, which incorrectly references former § 545.6–20. The substance of former § 545.6–20, which addressed loans guaranteed under the Foreign Assistance Act of 1961, was redesignated as § 545.6–11 in July of 1979. 44 FR 39126 (1979). The amendment inserts the proper reference to § 545.6–11.

Regulatory Flexibility Act Certification

Pursuant to Section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354; 5 U.S.C. 601 *et seq.*), the Board certifies that the amendments will not have a significant economic impact on a substantial number of small entities.

List of Subjects

12 CFR Part 523

Federal Home Loan Banks, Savings and loan associations.

12 CFR Part 545

Insurance of accounts, Savings and loan associations.

12 CFR Part 563

Commercial banks, Savings and loan associations.

The Board finds that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary and against the public interest because (1) it implements new authority granted by the Garn-St Germain Act, and (2) it will ease the liquidity problems of the savings and loan industry by permitting institutions to immediately count additional appropriate assets as liquid assets and short-term liquid assets.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 523 of Subchapter B, Part 545 of Subchapter C, and Part 563 of Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

Liquidity

1. Amend § 523.10 by revising paragraphs (a), (b), (e) and introduction text of (g) and (g)(4)(i), and by adding new paragraphs (g)(11), introductory text of (h) and (h)(8), as follows:

§ 523.10 Definitions for purposes of this section, § 523.11 and § 523.12.

(a) *Cash.* Cash on hand and unpledged demand accounts in a Bank, an insured bank, an insured institution, the Bank for Savings and Loan Associations (Chicago, Illinois), or the Savings Banks Trust Company (New York, New York), but not gold in any form.

(b) *Insured bank; insured institution.* (1) "Insured bank" means a commercial or mutual savings bank whose accounts are insured by the Federal Deposit Insurance Corporation and which is not under the control of any supervisory authority.

(2) "Insured institution" means an institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation and which is not under the control of any supervisory authority.

* * * * *

(e) *Short-term borrowings.* All borrowings, or any portion of the principal amount thereof, payable on demand or in one year or less, but not including tax and loan accounts, note accounts, United States Treasury General Accounts, or United States Treasury Time Deposit-Open Accounts.

* * * * *

(g) *Liquid assets.* The total of cash, accrued interest on unpledged assets which qualify as liquid assets under this subsection or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to repurchase agreement), as long as principal and interest on such assets are not in default and a member's investments in such assets do not exceed any applicable limitations on such investments by the member:

* * * * *

(4) Savings accounts of an insured bank or insured institution, including loans of unsecured day(s) funds to an insured bank or insured institution (*i.e.*, Federal funds or similar unsecured loans), if:

(i) Except for loans of unsecured day(s) funds, such accounts are (*a*) negotiable and will mature in one year or less, (*b*) not negotiable and will mature 90 days or less, or (*c*) not withdrawable without notice and the notice periods do not exceed 90 days;

* * * * *

(11) Any obligation that would qualify as a liquid asset under paragraphs (g)(2), (g)(3), (g)(6) or (g)(9) of this section but for its maturity: *Provided,* that the obligation: (i) Is hedged, at a value equal to or exceeding its book value, with a firm forward commitment (including a commitment represented by a repurchase agreement) to purchase the obligation issued by a member of the Association of Primary Dealers in United States Government Securities ("Association member"), an insured institution or an insured bank, as defined in paragraph (b) of this section, and the commitment must be fulfilled within a period of time that does not exceed the maximum maturity necessary for the obligation to qualify as a liquid asset under this paragraph (g); (ii) is hedged, at a value equal to or exceeding its book value, with a financial futures contract under which the obligation is of deliverable grade and the delivery date is at or before the maximum maturity necessary for the obligation (the deliverable security) to qualify as a liquid asset under this paragraph (g); (iii) is hedged, at a value equal to or exceeding its book value, with a long put option and the time period within which the option may be exercised does not exceed the maximum maturity necessary for the obligation to qualify as a liquid asset under this paragraph; or (iv) provides that the holder has the right to redeem the obligation with the issuer of the obligation at the stated or par value and that this right may be exercised within a period of time that does not exceed the maximum maturity necessary for the obligation to qualify as a liquid asset under this paragraph; *provided further,* that the amount of any obligation qualifying under paragraphs (g)(11)(i), (ii) or (iii) of this section that may be counted in satisfaction of the requirements imposed by § 523.11 of this Part shall be the obligation's book value at the time time of hedging; and *provided finally,* that the board of directors of a member institution shall review on at least an annual basis the financial condition of each insured institution, insured bank, and Association member from which it regularly obtains forward commitments.

(h) *Short-term liquid assets.* The total of cash other than vault cash used to satisfy the reserve requirements of 12 CFR Part 204, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to repurchase agreement), as long as a member's investments in such assets do not exceed any applicable limitations on such investments by the member:

* * * * *

(8) Any obligation that would qualify as a short-term liquid asset under paragraph(h)(2), (h)(5) or (h)(7) of this paragraph but for its maturity: *Provided,* that the obligation: (i) Is hedged, at a value equal to or exceeding its book value, with a firm forward commitment (including a commitment represented by a repurchase agreement to purchase the obligation issued by a member of the Association of Primary Dealers in United States Government Securities ("Association member"), an insured institution or an insured bank, as defined in paragraph (b) of this section, and the commitment must be fulfilled within a period of time that does not exceed the maximum maturity necessary for the obligation to qualify as a short-term liquid asset under this paragraph (h); (ii) is hedged, at a value equal to or exceeding its book value, with a financial futures contract under which the obligation is of deliverable grade and the delivery date is at or before the maximum maturity necessary for the obligation (the deliverable security) to qualify as a short-term liquid asset under this paragraph (h); (iii) is hedged, at a value equal to or exceeding its book value, with a long put option and the time period within which the option may be exercised does not exceed the maximum maturity necessary for the obligation to qualify as a short-term liquid asset under this paragraph (h); or (iv) provides that the holder has the right to redeem the obligation with the issuer of the obligation at the stated or par value and that this right may be exercised within a period of time that does not exceed the maximum maturity necessary for the obligation to qualify as a short-term liquid asset under this paragraph (h); *provided further,* that the amount of any obligation qualifying under paragraph (h)(8)(i), (ii) or (iii) of this section that may be counted in satisfaction of the

requirements imposed by § 523.11 of this Part shall be the obligation's book value at the time of hedging; and *provided finally*, that the board of directors of a member institution shall review on at least an annual basis the financial condition of each insured institution, insured bank and Association member from which it regularly obtains forward commitments.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

2. Amend § 545.9 by revising paragraph (a) and by removing the reference in paragraph (h)(3) to § 545.6–20 and substituting in its place a reference to § 545.6–11, as follows:

§ 545.9 Securities and other investments.

A Federal association may invest in:

(a) Assets that qualify as liquid assets, as defined in § 523.10(g) of this Chapter, and assets, other than time deposits and bankers' acceptances, that would so qualify except for their maturities, provided that any investment in corporate debt obligations and commercial paper shall be subject to the limitations of § 545.9–4 of this part.

* * * * *

3. Revise § 545.9–2, as follows:

§ 545.9–2 Investment in savings and demand accounts.

A Federal association may invest in the savings and demand accounts of any institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation. In addition, a Federal association may maintain a non-interest-bearing account at an institution whose accounts are insured pursuant to a state deposit insurance program if the account is necessary or incidental to a correspondent relationship.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

4. Revise the title and the text of § 563.9–6, as follows:

§ 563.9–6 Limitation on investment in accounts of commercial banks and thrift institutions and in debt securities hedged with forward commitments.

An insured institution's investments in savings accounts of a commercial bank or thrift institution (including loans of unsecured day(s) funds, *i.e.*, Federal funds or similar unsecured loans), and debt securities hedged with a firm forward commitment (including a commitment represented by a repurchase agreement) to purchase the debt securities issued by any single individual, partnership, or corporate or mutual entity of any sort, shall not exceed, with respect to any single individual, partnership, or corporate or mutual entity, the greater of one hundred thousand dollars, or the lesser of if applicable, one half of one percent of the deposits of the institution from which the investment is obtained, or the greater of the investing institution's net worth or one percent of the investing institution's assets.

(Secs. 323, 332, Pub. L. No. 97–320, 96 Stat. 1469, amending 12 U.S.C. 1464(c)(1)(G), 1425a(b)(1)(B), respectively; Sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 82–30421 Filed 11–4–82; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 118

Handicapped Assistance Loans

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: These amendments reflect changes made to the Small Business Act (15 USC 631 *et seq.*) by Pub. L. 97–35 (95 Stat. 357). As a result, handicapped persons and certain nonprofit organizations as defined in the regulations, in order to receive financial assistance under the Agency's handicapped assistance loan program, would no longer have to show that other Federal Government financing, such as SBA's regular loan program, is not available.

ADDRESS: Written comments, in duplicate, may be transmitted to Deputy Associate Administrator for Financial Assistance, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Charles R. Hertzberg, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, (202) 653–6574.

SUPPLEMENTARY INFORMATION: Prior to the enactment of Pub. L. 97–35 (95 Stat. 357), the various SBA lending programs could be found in different subsections of Section 7 of the Small Business Act (15 USC 636) ("Act"). Pub. L. 97–35 consolidated the Agency's lending programs into Section 7(a) of the Act (15 U.S.C. 636(a)) so that the handicapped assistance loan program authorization is presently in paragraph (10) thereof. Section 7(a)(1) of the Act provides that no "financial assistance shall be extended pursuant to this subsection if the applicant can obtain credit elsewhere." Both sections 3(h) and 18(b)(2) of the Act define "credit elsewhere" as the "availability of sufficient credit from non-Federal sources at reasonable rates and terms * * *" Prior to the enactment of Pub. L. 97–35, the handicapped assistance subsection had provided for such aid "where other financial assistance is not available on reasonable terms" with no reference to non-Federal sources.

Section 118.11(a)(2) of SBA regulations (13 CFR 118.11(a)(2)) presently provides that HAL–1 assistance is available only if funds are not otherwise available from private sources "or other Federal, State or local programs." Section 118.11(b)(1)(ii)(D) of our regulations (13 CFR 118.11(b)(1)(ii)(D)) presently states that handicapped aid to individuals is not available unless financial assistance is not obtainable through "other applicable Government financing, including SBA's regular Business Loan Program * * *"

The changes in the regulations effected herein bring the regulations into compliance with the Act as amended by Pub. L. 97–35 so that applicants for handicapped assistance need not prove the unavailability of other Federal Government financing, including SBA's regular business loan program. Handicapped assistance thus is available if the applicant could not obtain financial aid from private or non-Federal Government sources. Because these changes reflect statutory amendments and are of a liberalizing nature, the Agency is publishing them as a final rule.

This regulation will not have a significant economic impact on a substantial number of small entities and is, therefore, not subject to the requirements of the Regulatory Flexibility Act, Pub. L. 96–354, because it will not significantly increase the reporting, recordkeeping or compliance burdens of the regulation. This regulation does not constitute a major rule for the purposes of Executive Order 12291. In this regard we are certain that the annual effect on the economy will be less than $100 million. It will not result in a major increase in costs or price for consumers, individual industries, Federal, State or local government agencies or geographic regions, and will not have significant adverse effects on competition, employment, investment, productivity or innovation.

List of Subjects in 13 CFR Part 118

Handicapped, Loan programs—business, Small business.

PART 118—[AMENDED]

Accordingly, pursuant to the authority contained in Section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), Part 118, Chapter 1, Title 13 of the Code of Federal Regulations, is amended as follows:

1. Section 118.11(a)(2) is revised to read as follows:

§ 118.11 Eligibility.

(a) * * *

(2) Financial assistance shall not be extended if funds are otherwise available on reasonable terms from private sources or other State or local programs. It must be demonstrated that:

(i) The applicant's bank of account will not make the loan.

(ii) Private credit is not obtainable.

(iii) Grant funds from other non-Federal Government programs are not available.

(iv) Contributions from foundations, local or State fundraising activities, including tax assessments, donations, and similar historical avenues of funding will not be diminished as a result of the SBA loan.

* * * * *

2. Section 118.11(b)(1)(ii)(D) is amended to read as follows:

§ 118.11 Eligibility.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(D) Through applicable Government financing other than Federal.

(Catalog of Federal Domestic Assistance Program No. 59.021 Small Business Loans)

Dated: October 28, 1982.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 82-30528 Filed 11-4-82; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

15 CFR Part 2009

Submission of Representations Concerning Standards-Related Activity

AGENCY: United States Trade Representative.

ACTION: Final rule.

SUMMARY: These regulations provide for the proper submission of representations by certain foreign countries concerning standards-related activities viewed by such countries as barriers to trade. These regulations implement section 422 of the Trade Agreements Act of 1979 and the Agreement on Technical Barriers to Trade, which was entered into by the United States in the Tokyo Round of Multilateral Trade Negotiations.

EFFECTIVE DATE: December 6, 1982.

FOR FURTHER INFORMATION CONTACT: Donald S. Abelson, Chairman, Trade Policy Staff Committee, Standards Subcommittee (202/395-3063).

SUPPLEMENTARY INFORMATION: The Agreement on Technical Barriers to Trade (the "Agreement") was approved by Congress in Section 2(a)) of the Trade Agreements Act of 1979 (19 U.S.C. 2503(a) and entered into force for the United States on January 1, 1980. Article 14:2 of the Agreement provides:

> If any party considers that any benefit accruing to it, directly or indirectly, under that Agreement is being nullified or impaired, or that the attainment of any objective of this agreement is being impeded by another Party or Parties, and that its trade interests are being significantly affected, the party may make written representations or proposals to the other party or parties which it considers to be concerned. Any party shall give sympathetic consideration to the representations or proposals made to it with a view to reaching a satisfactory resolution of the matter.

This provision was implemented in domestic law by section 422 of the Trade Agreements Act of 1979 (19 U.S.C. 2552), which provides that the United States Trade Representative shall receive all such standards-related representations.

The Office of the United States Trade Representative published proposed regulations to further implement Article 14.2 and section 422 at 46 FR 59547 (December 7, 1981). Comments were due February 5, 1982. One comment was received.

The commenter objected to the requirement that representations by a foreign government conform to part 2009, stating that rejection of an official representation on the basis of formal defects would violate United States obligations to consult under Article 14.2 of the Agreement. The commenter urged that the regulations be expressed as guidelines rather than as mandatory requirements.

However, section 422 explicitly requires that foreign government representations be made in accordance with procedures prescribed by USTR. We have revised the regulations to provide maximum flexibility for foreign representations within the parameters of section 422. The only mandatory requirement is that representations provide information on trade impact; Article 14.2 itself requires such a showing. The non-mandatory guide-lines below are designed to facilitate a prompt and thorough response to the representation in question.

Authority

The authority for the regulations published below is 5 U.S.C. 301; the Trade Agreements Act of 1979, sections 3(b) (19 U.S.C. 2504(b)) and 401–422 (19 U.S.C. 2251–54); E.O. 11846 of March 27, 1975 (40 FR 69173); Reorganization Plan No. 3 of 1979 (44 FR 69173), and E.O. 12188 of January 2, 1980 (45 FR 989).

Drafting Information

The principal authors of this document were Amelia Porges, Clifford Marshall and Robert Stang of the Office of the General Counsel, Office of the United States Trade Representative.

Regulatory Impact Analysis

The Office of Management and Budget has determined that these regulations are issued with respect to a foreign affairs function of the United States. Thus, section 3 of E.O. 12291 does not apply and a Regulatory Impact Analysis is not required.

List of Subjects in 15 CFR Part 2009

Foreign Trade: Standards.

Accordingly, new USTR regulations entitled "Submission of Representations Concerning Standards-Related Activity" are established in a new Part 2009 of Chapter XX of Title 15 of the Code of Federal Regulations and are set forth below:

William E. Brock,

United States Trade Representative.

PART 2009—PROCEDURES FOR REPRESENTATIONS UNDER SECTION 422 OF THE TRADE AGREEMENTS ACT OF 1979

Sec.
2009.0 Submission of representation.
2009.1 Information required in representation.

Authority: 5 U.S.C. 301; 19 U.S.C. 2504(b), 2551–54; E.O. 11846, 40 FR 14291; Reorganization Plan No. 3 of 1979, 44 FR 69173; E.O. 12188, 45 FR 989.

§ 2009.0 Submission of representation.

(a) Any—

(1) Part to the Agreement; or

(2) Foreign country that is not a Party to the Agreement but is found by the United States Trade Representative, ("Trade Representative") to extend rights and privileges to the United States that are substantially the same as those that would be so extended if that foreign country were a Party to the Agreement, may make a representation to the Trade Representative alleging that a standards-related activity engaged in within the United States violates the obligations of the United States under the Agreement on Technical Barriers to Trade.

(b) All representations under section 422 of the Trade Agreements Act of 1979 ("section 422") shall be addressed to the United States Trade Representative, Office of the United States Trade Representative, 600 17th Street, NW., Washington, D.C. 20506. Alternatively, such a representation may be made by diplomatic correspondence and may be accepted by the Trade Representative.

(c) "The Agreement", a "Party to the Agreement" and "standards-related activity" are defined as in section 451 of the Act (19 U.S.C. 2561).

§ 2009.1 Information required in representation.

(a) Each representation submitted under section 422 should state clearly on the first page that the representation is a request for action with respect to the obligations of the United States under the Agreement, and should contain the following information:

(1) The foreign country making the representation, the division of the foreign country's government representing that country's interest, the person(s) within the division who is (are) coordinating the foreign country's representation.

(2) A description of the standards-related activity at issues, including, whenever possible, copies of the standards-related activity's provisions.

(3) Identification of the foreign goods or services affected by the standards-related activity at issue.

(4) A statement of how the standards-related activity concerned is alleged to violate the obligations of the United States under the Agreement. This statement shoud indicate with particularity which such obligations are alleged to be violated.

(5) Indication as to whether the foreign country has officially petitioned, filed or complained for relief concerning the same subject matter as this representation to any international forum.

(b) Each representation submitted under section 422 of the Act must contain information sufficient to provide a reasonable indication that the standards-related activity concerned is having a significant trade effect, including (but not limited to) the volume of trade in the goods concerned.

(c) Representations should be submitted in 10 copies.

[FR Doc. 82-30491 Filed 11-4-82; 8:45 am]

BILLING CODE 3190-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C-3097]

Association of Independent Dentists; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a Colorado dental association to cease, among other things, inhibiting competition by restricting or advising member dentists against the truthful advertising of their services. The order bars the association and its members from coercing any third-party payer into altering the terms and conditions of any dental health care plan. Further, the association is required to timely repeal any provision of its by-laws which are inconsistent with the prohibitions contained in the order; mail a copy of the order together with a letter specifying the changes made to the by-laws to every member; and provide all future members with a copy of the order.

DATES: Complaint and order issued October 22, 1982.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS-8, Arthur Lerner, Washington, D.C. 20580. (202) 724-1303.

SUPPLEMENTARY INFORMATION: On Monday, August 16, 1982, there was published in the **Federal Register**, 47 FR 35519, a proposed consent agreement with analysis In the Matter of Association of Independent Dentists, a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: Section 13.367 Members. Subpart—Combining or Conspiring: Section 13.384 combining or conspiring; § 13.395 To control marketing practices and conditions; § 13.430 To enhance, maintain or unify prices. Subpart—Corrective Actions and/or Requirements: Section 13.533 Corrective actions and/or requirements; 13.533-60 Release of general, specific or contractual constrictions, requirements or restraints.

List of Subjects in 16 CFR Part 13

Dentists, Dental health care services.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 82-30529 Filed 11-4-82; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-3028]

Fred Meyer, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on July 23, 1980 (45 FR 28754), by modifying Paragraphs A and B of Section IV, so as to extend from 10 to 14 days the time in which customers have to come into the store to settle their account once their layaway period has expired. The modification also extends from 11 to 15 days the time the store will wait before returning layaway merchandise to stock.

DATES: Consent Order issued July 23, 1980. Modifying Order issued Oct. 14, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/PC, Julio A. Castillo, Washington, D.C. 20580. (202) 376-2805.

SUPPLEMENTARY INFORMATION: In the Matter of Fred Meyer, Inc. Codification appearing at 45 FR 28754 remains unchanged.

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[1] Copies of the Complaint and the Decision and Order filed with the original document.

List of Subjects in 16 CFR Part 13

Layaway merchandise, trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Order Modifying Cease and Desist Order Issued July 23, 1980 is as follows:

Before the Federal Trade Commission

COMMISSIONERS: James C. Miller III, Chairman, David A. Clanton, Michael Pertschuk, Patricia P. Bailey

In the matter of Fred Meyer, Inc., Docket No. C-3028.

Order Modifying Cease and Desist Order Issued July 23, 1980

The Federal Trade Commission having considered the July 19, 1982, petition of Fred Meyer, Inc., a Delaware corporation, successor to Fred Meyer, Inc., an Oregon corporation, to reopen this matter and modify the consent order to cease and desist issued by the Commission on July 23, 1980, and having determined that public interest warrants reopening and modification of the order

It is ordered that order Paragraph A and B of Section 4 be revised as follows:

Mail to each layaway customer:

1. within twenty (20) days after the end of the period designated in the layaway agreement to make full payment for the merchandise,
2. if the payments received by respondent have not been returned to the customer, and
3. if the merchandise has not been delivered to the customer, and
4. before the merchandise is returned to stock and before making any entries in the layaway account which would close out the account, the following disclosure clearly and conspicuously in twelve-point or larger type, entirely on one side of a single piece of paper, separated from any other written matter:

We Owe You Money

(Date of mailing to be inserted here)

You haven't fully paid for your recent layaway purchase at our (name of store) store. You can fully pay for your purchase within 14 days from the above date. Or you can get a refund from us for the amount you have paid (less 35 cents handling charge). If you want a refund, come to the department of the store where you have the layaway not later than (insert date 14 days from notice) and ask for your money. You also have the choice of getting a credit to purchase other merchandise. Please bring this notice with you. If you don't ask for a refund or a credit, we will send you a check automatically within 45 days if the amount we owe you is more than $1.

Respondent may insert in the above notice a different handling charge that is reasonable in comparison with a 35 cent charge.

B. Defer returning layaway merchandise to stock until 15 days after the mailing of the notice specified in IV. A. and allow completion of the layaway purchase within 14 days after the mailing of the notice.

By direction of the Commission.

Issued: October 14, 1982.

Carol M. Thomas,
Secretary.

[FR Doc. 82-30480 Filed 11-4-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 18

[T.D. 82-204]

Customs Regulations Amendments Relating to Customs Bonded Warehouses

Correction

In FR Doc. 82-29742, beginning at page 49355, in the issue of Monday, November 1, 1982, on page 49368, in the middle column, § 18.4 is corrected in the last line of the authority citation by changing "16461a" to "1646a".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 184

[Docket No. 75G-0117]

GRAS Status of Ozone

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is affirming that ozone is generally recognized as safe (GRAS), with specific limitations, for use as a disinfectant in bottled water. This action is based on an industry petition requesting such affirmation.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Mary C. Custer, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: Under procedures described in § 170.35 (21 CFR 170.35), the American Bottled Water Association, 1141 W. Olympic Blvd., Los Angeles, CA 90015, submitted a petition (GRASP 4G0043) requesting affirmation that the use of ozone as a disinfectant in bottled water is GRAS. FDA published a notice of filing of this petition in the **Federal Register** of June 25, 1975 (40 FR 26723), and the agency gave interested persons an opportunity to review the petition and to submit comments to the Dockets Management Branch, Food and Drug Administration. No comments were received in response to the notice.

Ozone has the chemical formula O_3; is an unstable blue gas with a pungent, characteristic odor; and occurs at low levels (about 0.05 part per million (ppm) in air at sea level) in nature. It is generally encountered in dilute form in a mixture with air or oxygen. Ozone is formed photochemically in the Earth's stratosphere by the action of ultraviolet light of short wavelengths on oxygen. It is produced commercially by passing electrical discharges or ionizing radiation through air or oxygen. Ozone is a powerful oxidant having an oxidation potential of 2.07 volts. In aqueous solution, ozone is relatively unstable. The rate of decay of ozone in solution is dependent both on the termperature and the purity of the water.

Along with chlorine, ozone is generally recognized as one of the most potent germicidal agents used in the treatment of water. Chemical disinfectants kill or inactivate microorganisms by physical or chemical disruption of a critical cellular structure or function. In the case of ozone, a chemical reaction takes place that is oxidative in nature. Thus, the oxidative potential of ozone is an important factor with regard to its capabilities as a disinfectant. The chemical state of ozone that is germicidally active is not known, but it may be the $OH\cdot$. (hydroxyl radical) or the HO_2^- (hydroperoxyl radical). The presence of other species, such as O_3^- (ozonide radical), O_2^- (superoxide radical), and O^- (oxide radical), have been demonstrated, but their role in germicidal activity is not known. Most experimental data indicate that the efficiency of ozone as a disinfectant varies with pH, and that it is somewhat more efficient at a lower pH (6.0) than at a higher pH (10.0). This result is probably caused by the greater stability of ozone in water at lower pH's.

The petitioner has sought agency affirmation that the use of this ingredient as a disinfectant in bottled water is GRAS. Information supplied by the petitioner indicates that, under normal conditions, the ozone dosage applied is 0.5 to 2.0 ppm. The petitioner's quality control standard is a maximum level of 0.4 ppm at the time of bottling.

The petition provides information from the published literature verifying that ozone is toxic, particularly by inhalation, at relatively low levels. However, the petition also provides data from the published literature on the rate of dissipation of ozone in water under a wide range of conditions. These data show that ozone dissipates rapidly when used in water, and that the rate of decay of residual ozone in water varies inversely with the amount of oxidizable materials present. The petition also includes unpublished data confirming the disappearance of ozone under the proposed conditions of use and under what must be considered worst case conditions—from distilled water.

The petition also provides published information indicating that ozone has been in continuous use for disinfecting municipal water for nearly 70 years in Europe, originally in France, extending to Germany, Holland, Switzerland, and other European countries. In addition, published reports indicate that a few municipalities in the United States have used it in their drinking water systems. There have been no reports of human toxicity from the use of ozone in municipal water supplies in the United States and Europe. This information corroborates the safety of the use of ozone as a disinfectant in bottled water.

In a 1968 opinion letter, FDA stated that ozone used to disinfect potable water is GRAS if it is used in accordance with current good manufacturing practice and with the recommendations of the United States Public Health Service. The agency reiterated this position in the preamble to the final rule establishing current good manufacturing practice for bottled water (40 FR 11566; March 12, 1975).

Ozone is also regulated in § 129.80 (21 CFR 129.80), at a level of 0.1 part per million in water, for use in sanitizing operations of product water-contact surfaces and any other critical areas.

After a comprehensive review of all data regarding the use of ozone as a disinfectant for bottled water, the agency has determined that:

1. Ozone is not eligible for GRAS status as a disinfectant in bottled water based on common use in the United States before January 1, 1958.

2. Ozone is GRAS for this limited use based on scientific procedures. The agency's conclusion is based upon published data demonstrating that although ozone may be toxic at relatively low levels, it dissipates rapidly in water. These data are supplemented by unpublished data that confirm the rapid dissipation of ozone in water under the intended conditions of use. This conclusion is corroborated by published information that ozone has been used for 70 years in Europe for disinfecting municipal drinking water, and that it has had a limited use for this purpose in the United States. No reports of safety problems have been associated with this use.

3. Ozone performs the functional effect claimed by the petitioner.

Therefore, the agency concludes that the use and level of use of ozone as set forth in the petition is GRAS. The agency also has considered the potential consumer exposure to oxidation products formed during the reaction of ozone with impurities found in water. To assure that the levels of any oxidation products formed are low and safe, the agency has included in § 184.1563 (21 CFR 184.1563) the requirement that the starting water, before ozonation, meet the microbiological, physical, chemical, and radiological quality standards for bottled water specified in § 103.35 (b) through (e) (21 CFR 103.35 (b) through (e)). The agency thus concludes that this limited approval for use of ozone in bottled water constitutes a specific limitation on its use in accordance with § 184.1(b)(2) (21 CFR 184.1(b)(2)).

FDA is affirming ozone as GRAS even though there are no applicable food-grade specifications. The agency has determined that the method of manufacture of commercial ozone assures a product with purity suitable for the requested use. Therefore, the agency concludes that ozone must be of a purity suitable for its intended use in accordance with 21 CFR 170.30(h)(1), and that further specifications are unnecessary.

The format of the regulation is different from that in previous GRAS affirmation regulations. The agency has modified the form in which the specific limitations on the use of the ingredient is presented. This change has no substantive effect but is made merely for clarity.

The agency has determined under 21 CFR 25.24(d)(6) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment not an environmental impact statement is required.

In accordance with Executive Order 12291, FDA has carefully analyzed the economic effects of this rule, and the agency has determined that the rule is not a major rule as defined by the Order.

List of Subjects in 21 CFR Part 184

Direct food ingredients, Food ingredients, Generally recognized as safe (GRAS) food ingredients

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 184 is amended by adding new § 184.1563, to read as follows:

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

§ 184.1563 Ozone.

(a) Ozone (O_3, CAS Reg. No. 10028–15–6) is an unstable blue gas with a pungent, characteristic odor, which occurs freely in nature. It is produced commercially by passing electrical discharges or ionizing radiation through air or oxygen.

(b) The ingredient must be of a purity suitable for its intended use in accordance with § 170.30(h)(1) of this chapter.

(c) In accordance with § 184.1(b)(2), the ingredient is used to treat food only within the following specific limitations:

Category of food	Maximum treatment level in food	Functional use
Bottled water that prior to ozonation meets the microbiological, physical, chemical, and radiological quality standards of § 103.35 (b) through (e) of this chapter.	Not to exceed current good manufacturing practice. Current good manufacturing practice results in a maximum residual level at the time of bottling of 0.4 milligram of ozone per liter of bottled water.	Antimicrobial agent, § 170.3 (o)(2) of this chapter.

Effective date. This regulation shall become effective November 5, 1982.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348, 371(a)))

Dated: October 18, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–30180 Filed 11–4–82; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 601

Licensing; Reclassification Procedures To Determine That Licensed Biological Products Are Safe, Effective, and Not Misbranded Under Prescribed, Recommended or Suggested Conditions of Use

Correction

In FR Doc. 82–27314, beginning at page 44062, in the issue of Tuesday, October 5, 1982, make the following corrections:

1. On page 44062, in the first column under the "DATE" change "November 6, 1982" to "November 4, 1982".

2. On page 44071, in the middle column, the first full paragraph, last line, add "(d)" after "§ 601.26."

3. On page 44071, last column, the first paragraph under "PART 601—LICENSING", change the last line of the amendatory language from "(1), as follows:" to read "(l), as follows:".

4. On page 44071, in the last column, the footnote designated "[2]Note", first line, change "November 6, 1982" to read "November 4, 1982".

5. On page 44073, in the middle column, the first full paragraph, second line, change "November 6, 1982." to read "November 4, 1982".

BILLING CODE 1505-01-M

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21 CFR Part 1020

[Docket No. 77N-0061]

Diagnostic X-Ray Systems and Their Major Components; X-Ray Beam Limitation Devices for Radiographic and Fluoroscopic X-Ray Systems

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is issuing regulations to (1) clarify the x-ray beam limitation requirements for stationary, general-purpose radiographic systems; (2) incorporate interpretations that have been made about the performance of these systems; (3) relax certain requirements for field size adjustments; and (4) permit a capability for overriding the automatic x-ray field size adjustment on radiographic spot film and fluoroscopic x-ray systems if appropriate labeling is provided.

EFFECTIVE DATE: December 1, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond F. Coakley, Jr., Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: Under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.), FDA is amending the performance standard for diagnostic x-ray systems and their major components (21 CFR 1020.30, 1020.31, and 1020.32). The amendments modify the requirements of § 1020.31(e)(2) concerning the manner in which means to limit the x-ray field are provided for stationary, general-purpose radiographic systems. The amendments also alter §§ 1020.31(g) and 1020.32(b) by permitting a capability for overriding the automatic x-ray field size adjustment on spot film and fluoroscopic x-ray systems and by requiring appropriate labels for these override controls when such a capability is provided.

The development of these amendments was announced in a notice of intent published in the **Federal Register** of April 1, 1977 (42 FR 17494), and drafts of the proposed amendments were made available for review and comment by interested parties. Under section 358(f) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263f(f)), those proposals were reviewed by the Technical Electronic Product Radiation Safety Standards Committee, a permanent statutory advisory committee to the Secretary, Department of Health and Human Services, which must be consulted before establishment or amendment of performance standards for electronic products. The committee concurred with issuing the proposals for public comment.

In the **Federal Register** of May 9, 1978 (43 FR 19879) FDA published the proposed amendments. Interested persons were given 60 days to comment on the proposal. Written comments were received from four manufacturers, two radiologists, and one radiological physics consultant. The substantive comments received and FDA's conclusions are discussed below.

General Comments

1. Several comments lauded FDA's proposal to simplify the requirements concerning positive beam limitation (PBL) but at the same time criticized the agency for the number of regulations and the burden these rules impose. These same comments questioned the need for regulations of this general type.

The agency believes the PBL systems are useful and reliable. The arguments favoring the rule have been previously made a matter of public record. Subsequent data show that PBL can and does achieve its purpose, which is to reduce x-ray beams to the size of the film.

The Bureau of Radiological Health (BRH) conducted a survey of user practices, attitudes, and assessments regrading devices that provide PBL on stationary, general-purpose radiographic systems. The results were compiled, evaluated, and published in a report entitled "Positive Beam Limitation Effectiveness Evaluation" (Ref. 1).

BRH initiated the survey in 1978 after receiving reports that many users of x-ray systems equipped with PBL were overriding the PBL system when the same or better results would have been obtained with the device in full operation. The reports also indicated that, among those who did use the PBL, general acceptance was poor.

The survey participants were a stratified random sample of one of every nine known PBL users in June 1977. BRH sent to 543 persons a questionnaire and instructions developed by BRH. The questionnaire was accompanied by letters of endorsement from the American College of Radiology and the American Society of Radiologic Technologists. An overall 75-percent response was achieved.

Survey responses indicated that PBL has been generally well received by its users but that there is room for improvement. Reliability of the PBL system appeared to be a key factor in user acceptance of PBL. Sixty percent of the respondents rated the reliability of the PBL system as better than that of other x-ray components, and 76 percent reported downtime (lack of use due to malfunction) of 4 percent or less. Ratings of reliability were associated with whether users liked using PBL (66 percent did), whether the users thought PBL was effective in reducing x-ray exposure (80 percent thought so), whether the users concluded that they saved time by using PBL (78 percent did), and whether they believed the effort required to take radiographs was reduced by PBL (76 percent did).

The agency concludes that PBL requirements are not only justified but widely accepted and that the comments that questioned the need for these regulations do not warrant any change.

Requirements for Field Size Adjustment

2. A comment argued that the proposed rule would force manufacturers to redesign all existing PBL systems to a less restrictive requirement to remain competitive.

The agency recognizes that redesign may be necessary to incorporate the features permitted by the amendment. However, each PBL manufacturer will have the opportunity to compete in this area. Increased cost of meeting competition is not a persuasive argument against greater flexibility in government regulation.

Under the previous provisions of the standard, the presence of the PBL override and the need for undersizing of the x-ray field have allowed conditions where poor use by operators sometimes caused unnecessary patient exposure. The agency believes that unnecessary radiation exposure arising from the frequent and continual use of the override mode in existing systems will be reduced when undersizing is more easily accomplished. The amended standard eliminates the requirement that the x-ray field always return to the full size of the image receptor whenever a cassette is changed—even when the cassette is the same size. The universality of that requirement was an occasion for operators to leave the equipment in the override mode when making a series of undersized radiographs (where all the cassettes were the same size) because repeated cassette replacement required repeated undersizing of the field.

Historically, the need for undersizing provided the stimulus for the agency to amend the standard. Practicing radiologists and technologists requested systems that could retain an undersized (coned down) field size smaller than the image receptor size while the operator made a series of exposures. Under the former rule, replacing one image receptor with another (whether of the same size or not) while in PBL mode caused the field size to return to the full size of the image receptor. The proposed amendment was intended to permit (not to require) the field size to remain coned down during a change of image receptor, provided the image receptor's size did not change.

The agency has changed the wording of the final rule to clarify this intent. Section 1020.31(e)(2)(i) requires that the field size and the image receptor size match; however, the agency has added new § 1020.31(e)(5) which permits the operator to initiate undersizing of the field, provided the same image receptor size and the same source-to-image-receptor distance (SID) are maintained.

FDA has also made this change to avoid a possible situation in which, to avoid noncompliance declarations, the field size would be permanently adjusted to a size smaller than the inserted image receptor. The agency evaluated compliance with the current requirements for automatic field size adjustment by analyzing field test results for certified, PBL-equipped, general-purpose radiographic systems. The results showed a significant portion of the noncompliances arose from x-ray field dimensions smaller than permitted. Many of these noncompliances would have resulted in unusable radiographs requiring repeat radiographic studies to obtain usable diagnostic images. Thus, systems fully complying with the proposed rule by permanent adjustment to undersize could be producing radiographs containing little or no diagnostic information and thus force the user to use the override. To avoid this situation the final rule eliminates this provision of the proposal.

3. A comment noted that, before reliable PBL was developed, it was common practice to leave unexposed margins on radiographs. The comment stated that this practice is "a totally unnecessary waste of film and possible loss of diagnostic information." Routine maintenance should control the accuracy of the PBL system and undersizing should not be permitted.

The agency notes that, at some facilities, uncertified beam limitation systems are required to exhibit an unexposed margin as evidence of collimation. For consistency, such evidence of collimation is usually required for radiographs taken with any x-ray equipment, whether certified or uncertified. The former PBL requirement—which applies to certified equipment but not to uncertified—made this consistency somewhat difficult to accomplish routinely. These current radiological practices, along with other information, led to this amendment, which will allow an unexposed margin without the need of an override. Under the amended standard, those facilities having both certified and uncertified equipment can now establish and continue the policy of unexposed margins as part of a uniform quality control program. As mentioned above, the agency never intended that the undersizing provision be used as an excuse by manufacturers or assemblers to set the PBL sensing mechanism to cause undersizing to satisfy the field limitation requirement by means of poor tolerances. In fact, the capability to retain a reduced field configuration is not required by the standard but is only permitted. The agency is confident that manufacturers will produce reliable PBL systems in response to market pressures. Therefore, the final rule retains the undersizing feature that allows the operator the freedom to retain a reduced x-ray field without the need of an override when the cassette size and SID remain unchanged. At the same time, manufacturers may not set the PBL system so that it always produces undersizing.

4. Three comments on proposed § 1020.31(e)(3)(v) suggested that tomography as well as stereoscopic radiography be excepted from PBL requirements.

The agency intended that tomography be excluded from the conditions requiring that PBL be provided and believes that the proposed rule implicitly excepted tomography. Section 1020.31(e)(3)(v) has been revised so as explicitly to exclude tomographic radiography from the requirements.

5. A comment objected to the provision in proposed § 1020.31(e)(2) that "x-ray production be prevented," arguing that this provision is stricter than the current requirement. The comment interpreted the 5-second compliance requirement of proposed § 1020.31(e)(4) as a design standard that would inhibit the development and use of systems such as capacitor discharge or field emission units where x-rays are produced but absorbed by a safety shutter.

The agency advises that the final standard, as amended, is identical to the current standard in requiring that x-ray production be prevented. FDA intended that the x-ray tube not be energized to the point of x-ray emission unless the PBL requirements were met. The requirement in § 1020.31(e)(4) of this final rule—for PBL to be effective within 5 seconds of cassette insertion—is the same as the previous requirement; 5 seconds are allowed for automatic adjustment. The agency notes further that this is not a design standard because the means to achieve the required PBL performance within 5 seconds is not specified.

The agency also notes that the capacitor discharge and field emission units mentioned are usually not in the stationary, general-purpose radiographic systems subject to the PBL requirement.

Conditions for Positive Beam Limitation

6. A comment objected to the proposed condition in § 1020.31(e)(3)(i) that "the image receptor is inserted into a permanently mounted cassette holder," as being a design standard and also a change from the previous rule. It also pointed out that, for a PBL design that is continuously in operation, the proposal did not account for: (1) Image receptors that do not use cassettes, (2) techniques that do not use a permanently mounted cassette holder or film changer (such as tabletop or stretcher exposures), and (3) certain special cases such as the use of a portable cassette holder. The comment suggested that this type of system, designed to provide operational PBL at all times, must be allowed a bypass or override mode and proposed that the condition read: "The image receptor is in position for an exposure and a technique requiring PBL is selected."

The agency does not agree that this condition is a design standard. Section 1020.31(e)(3) identifies the circumstances under which PBL must be operative; it does not give detailed specifications on materials or manner of construction to achieve the required performance. The agency also disagrees with the assertion that § 1020.31(e)(3)(i) is a change from the previous requirement. The rule merely states in a more positive way the conditions under which PBL must be operative. For the type of design mentioned in the comment a bypass mode is not prohibited. The override is present because the standard requires PBL operation only when an image receptor has been inserted into a permanently mounted cassette holder and not for the situations mentioned in the comment. The agency has always discouraged the use of the override switch to permit use of a film changer or to perform table top radiography and other routine radiographic procedures. That type of design requires that the override switch be routinely used for these routine procedures.

This amendment seeks to reduce the misuse of the override switch (as discussed here and in paragraph 2), which PBL design has encouraged or required to use for common everyday operation. The comment is rejected.

7. A comment asserted that the seemingly innocuous changes have major implications that result from applications that were not considered. The comment urged further thought to discover all the techniques for which designs would have to be provided. The only example mentioned is arthrography on a radiographic table that uses film changers with variously sized films instead of a cassette.

The agency concludes that the objection is based on the same premise that was addressed in paragraph 6. The technique mentioned does not require PBL because a permanently mounted cassette holder is not used.

8. One comment objected to proposed § 1020.30(e)(3) (iii) and (iv) that require PBL when the x-ray beam axis is within ±3 degrees. The comment called it a design standard, contended that it was more restrictive than the previous standard, and argued that industry would have to set sensing mechanisms to ±4 degrees or ±5 degrees to assure compliance at ±3 degrees.

As discussed at length in paragraph 2 of the preamble to the proposal the revision relaxes a restriction in the previous rule that required PBL when the beam was within ±10 degrees of the horizontal or vertical. A manufacturer may provide effective PBL at any beam axis angulation. The previous rule, the proposed rule, and this final rule require PBL only when the beam axis and the image receptor plane are very nearly perpendicular. This less restrictive requirement is retained in the final rule.

9. One comment questioned the use of English measurement units in proposed § 1020.31(e)(3)(iii) establishing conditions for the SID. The comment stated that, because the previous rule permitted the PBL range limit to be 100 centimeters when a metric scale is provided, the use of 36 inches in proposed § 1020.31(e)(3)(iii) would require a redesign. Furthermore, the comment said, the metric system is being encouraged by Federal policy.

The agency agrees that the metric system is more appropriate both for policy and for consistency within the standard. The final rule reflects this agreement. In addition, although image receptor sizes continue to be commonly measured in inches, for consistency, § 1020.31(e)(3)(ii) identifies the image receptor to read, 50 centimeters. This unit change differs so slightly from the proposed dimension of 20 inches that the agency considers it to be insignificant. The agency advises that, for compliance purposes, systems will be measured in the units that are provided by the manufacturer.

10. A comment asked why chest radiography at an SID of 7 or 8 feet no longer would require PBL.

The agency advises that the conditions for PBL are those for which most common radiographic examinations are performed. Chest radiography normally is performed at SID's of 72 inches or less. The radiography performed at SID's of 7 or 8 feet is considered to be a specialized application and not routine radiography. Because the demand for these specilized applications is low, manufacturers are not required to produce PBL systems designed to operate at SID's in excess of 72 inches.

Radiographic Override Capability

11. A comment objected to labeling that proposed § 1020.31(e)(5) would require to be included on the key switch because the text would not express a warning. The comment argued that a longer and more meaningful text is necessary.

As discussed in paragraph 4 of the preamble to the proposal, the purpose of the key switch label is to indicate the function of the switch—not to express a warning. The label is intended to reduce misinformation—not carelessness. The agency rejects the comment.

12. The comment that argued that the proposed key switch labeling was inadequate also suggested that including a longer text on the unit itself would interfere with the physical arrangement, and there would not be enough space on the unit to accommodate the needed information. As an alternative, the comment suggested that the longer text should be included in the operator's manual. Another comment noted that the required label may need to be printed in very small type so it would not distract from the operating control labels. This comment also suggested that the warning could be printed on a large holder or durable tag permanently affixed to the key itself. In this manner, the message could be made more prominent, and the tag or holder on the key might also serve to discourage users from leaving the key in the key switch when the override switch is not in use.

The agency recognizes that adding a label will require some production changes on units manufactured after the effective date of this amendment. However, as discussed at length in paragraph 4 of the preamble, FDA believes that labeling the override switch will reduce the inappropriate use of the switch. No data showing the contrary were submitted with the comments. Therefore, the agency concludes that these changes are justified by the reasons explained in the preamble to the proposal and retains in the final rule the requirement for a label. However, the location of the labeling might be improved. The agency rejects the suggestion that the information be confined to the operator's manual and maintains that the switch itself must be labeled to show its intended function. In the final rule, the agency has adopted the suggested option for labeling the key. Thus, an alternative will be available where space limitation is a problem.

13. One comment argued that the costs of attaching any label and of reopening, changing, and repackaging units already manufactured for stock "are not justified when one keeps in mind that the same switch was accepted for years without a label." The comment objected to FDA's proposal to make this requirement effective 60 days after publishing the final rule. The comment claimed 18 months are needed to comply with the provision.

The agency advises that these labels will be required only on units manufactured after the effective date. Thus, it will not be necessary to relabel any warehouse stocks manufactured before that date. The date of manufacture is given on the manufacturer's identification label. The alternative of permanently labeling the key should take even less time than labeling the control unit. The agency, however, has reconsidered the 60-day proposed effective date and has concluded that 1 year is a reasonable period of time to make any changes required by the amendments. To further ease any burden, FDA is making the new requirements effective on the first working day of the thirteenth month after publication of the final rule, which will permit manufacturers to add the override switch label concurrent with their periodic change in date of manufacture given on the manufacturer's identification label.

14. Another comment stated that the requirement of a label indicating that this override switch is for system failure is not facing up to the fact that it will be used for non-bucky techniques (that do not use permanently mounted cassette holders) and special procedures.

The comment misunderstood the requirement. A PBL system that meets either the current or the amended standard does not need an override for "non-bucky techniques" or any known special procedures. Those techniques that do not use a permanently mounted cassette holder do not now nor did they ever require use of an override switch because PBL has not been required under this condition. The standard has been clarified by changing its current requirement (for PBL after insertion of an image receptor—which has previously been interpreted to mean insertion into a permanently mounted cassette holder) to an explicit requirement (for PBL after insertion of an image receptor into a permanently mounted cassette holder—which most special procedures do not use). This change is intended to assure that the x-ray field is limited to and aligned with the boundaries of an image receptor placed in a cassette holder designed as a permanent part of the system. Thus, it applies to the large majority of routine radiographic procedures performed with stationary, general-purpose radiographic systems. By requiring the key switch or key to be labeled, the agency provides for users that might not be trained in the proper use of PBL. Operators previously have been able to "cone down" to small x-ray fields to satisfy their need for an unexposed margin. They now can cone down to satisfy any need for even smaller x-ray fields on an image receptor inserted in a permanently mounted cassette holder. The operator accessible switch is for system failure only—not for special procedures. No change is required in the final rule.

Fluoroscopic Override Capability

15. A comment stated that "spot-film systems with an override switch should not require a visible indicator, because the override mode is recognized immediately by the radiologist as soon as he takes the first spot-film radiograph."

FDA disagrees with the comment. The purpose of the visual indicator required by §§ 1020.31(g)(5) and 1020.32(b)(3) is to alert the radiologist that the unit is in the override mode before the first radiograph is taken. The agency believes that trial and error is not an appropriate way to become informed of this situation. Not requiring a visual indicator would promote unnecessary radiation exposure to the patient as well as waste of film. FDA concludes that, because the override switch is not key-controlled, visible indication of the status is necessary if the operators are to minimize both unnecessary exposure to the patient and the necessity for retakes.

16. A comment questioned the meaning of the phrase "signal visible at the fluoroscopist's position" in proposed §§ 1020.31(g)(5) and 1020.32(b)(3). The comment objected to the use of a light that might distract the attention of the fluoroscopist, and suggested that FDA should restate the provisions to provide only that a "visual indication shall be required * * *".

The agency intends that the signal attract the fluoroscopist's attention before he or she begins to use a system in which the automatic field adjustment has failed. The comment is rejected.

17. With respect to the effective date of the amendments, a comment argued that, because of the design change required, 2 years are needed before the regulation is made effective. Another comment believed that 60 days are sufficient to implement the labeling change and does not mention any design change.

The agency notes that no manufacturer is required to provide an override capability. However, if a manufacturer provides an override, then it must meet the requirements by the effective date of the amendments. As discussed in paragraph 13 above, FDA concludes that 1 year is a reasonable period of time to add an indicator of the override capability, a change that is not major. However, to permit manufacturers to implement the provisions in an orderly and efficient manner, the amendments will become effective on the first working day of the thirteenth month after date of publication in the **Federal Register**.

Reference

The following information has been placed on file in the Dockets Mangement Branch, Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

"Positive Beam Limitation Effectiveness Evaluation," prepared by the Division of Compliance and the Data Systems and Mathematics Staff of the Bureau of Radiological Health, Food and Drug Administration, February 1980 (HHS Publication (FDA) 80-8108). (Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (GPO Stock No. 017-015-0163-6, $2.00)).

In accordance with Executive Order 12291, the economic effects of this final rule have been carefully analyzed, and it has been determined that this rule is not a major rule under the criteria of the Order. The amendments to the standard can be considered generally to be a relaxation of the rule and the additional requirements for a key switch label and a signal visible at the fluoroscopist's position involve a very small increase in cost of future units, especially compared with the cost savings of the overall effect of this rule. Specifically, the annual cost of the label required on stationary, general-purpose radiographic equipment is estimated to be $3,000 ($1.00 per system for approximately 3,000 systems). The annual cost for the label and visible signal required on stationary, general-purpose fluoroscopic equipment is estimated to be $30,000 ($15.00 per system for approximately 2,000 systems). The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because the proposed rule was issued prior to January 1, 1981, and is therefore exempt. In any event, this rule will not have a significant economic impact on a substantial number of small entities, for the reasons stated above.

List of Subjects in 21 CFR Part 1020

Electronic products, Ionizing radiation, Medical devices, Radiation protection, Standards, Television, X-rays.

Therefore, under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177-1179 (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 1020 is amended as follows:

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

1. In § 1020.30 by revising paragraph (b)(19), to read as follows:

§ 1020.30 Diagnostic x-ray systems and their major components.

* * * * *

(b) * * *

(19) "Image receptor" means any device, such as a fluorescent screen or radiographic film, which transforms incident x-ray photons either into a visible image or into another form which can be made into a visible image by further transformations. In those cases where means are provided to preselect portions of the image receptor, the term "image receptor" shall mean the preselected portion of the device.

* * * * *

2. In § 1020.31 by revising paragraph (e)(2), and by adding new paragraphs (e)(3), (4), (5), and (6) and (g)(5), to read as follows:

§ 1020.31 Radiographic equipment.

* * * * *

(e) * * *

(2) *Positive beam limitation (PBL).* The requirements of this paragraph shall apply to stationary, general-purpose radiographic systems which contain a tube housing assembly, an x-ray control, and, for those systems so equipped, a table, all certified in accordance with § 1020.30(c). Means shall be provided for PBL such that x-ray production is prevented when:

(i) Either the length or width of the x-ray field in the plane of the image receptor differs from the corresponding image receptor dimension by more than 3 percent of the SID; or

(ii) The sum of the length and width differences as stated in paragraph (e)(2)(i) of this section without regard to sign exceeds 4 percent of the SID.

(3) *Conditions for positive beam limitation.* PBL shall be provided whenever all the following conditions are met:

(i) The image receptor is inserted into a permanently mounted cassette holder;

(ii) The image receptor length and width are each less than 50 centimeters;

(iii) The x-ray beam axis is within ±3 degrees of vertical and the SID is 90 centimeters to 130 centimeters inclusive; or the x-ray beam axis is within ±3 degrees of horizontal and the SID is 90 centimeters to 205 centimeters inclusive;

(iv) The x-ray beam axis is perpendicular to the plane of the image receptor to within ±3 degrees; and

(v) Neither tomographic nor stereoscopic radiography is being performed.

(4) *Measuring compliance.* Compliance with the requirements of paragraph (e)(2) of this section shall be determined when the equipment indicates that the beam axis is perpendicular to the plane of the image receptor and the provisions of paragraph (e)(3) of this section are met. Compliance shall be determined no sooner than 5 seconds after insertion of the image receptor.

(5) *Operator initiated undersizing.* The PBL system shall be capable of operation, at the discretion of the operator, such that the size of the field may be made smaller than the size of the image receptor through stepless adjustment of the field size. The minimum field size at an SID of 100 centimeters shall be equal to or less than 5 by 5 centimeters. Return to PBL function as described in paragraph (e)(2) of this section shall occur automatically upon any change of image receptor size or SID.

(6) *Override of positive beam limitation.* A capability may be provided for overriding PBL in case of system failure and for servicing the system. This override may be for all SID's and image receptor sizes. A key shall be required for any override capability that is accessible to the operator. It may not be possible to remove the key while the PBL is overridden. Each such key switch or key shall be clearly and durably labeled as follows:

For X-Ray Field Limitation System Failure

The override capability is considered accessible to the operator if it is referenced in the operator's manual or in other material intended for the operator or if its location is such that the operator would consider it part of the operational controls.

* * * * *

(g) * * *

(5) A capability may be provided for overriding the automatic x-ray field size adjustment in case of system failure. If it is so provided, a signal visible at the fluoroscopist's position shall indicate whenever the automatic x-ray field size adjustment override is engaged. Each such system failure override switch shall be clearly labeled as follows:

For X-Ray Field Limitation System Failure

* * * * *

3. In § 1020.32 by adding paragraph (b)(3), to read as follows:

§ 1020.32 Fluoroscopic equipment.

* * * * *

(b) * * *

(3) If the fluoroscopic X-ray field size is adjusted automatically as the SID or image receptor size is changed, a capability may be provided for overriding the automatic adjustment in case of system failure. If it is so provided, a signal visible at the fluoroscopist's position shall indicate whenever the automatic field adjustment is overridden. Each such system failure override switch shall be clearly labeled as follows:

For X-Ray Field Limitation System Failure

* * * * *

Effective date. This regulation shall become effective on December 1, 1983.

(Sec. 358, 82 Stat. 1177–1179 (42 U.S.C. 263f))

Dated: October 14, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82-30181 Filed 11-4-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 3280

[Docket No. R-82-1017]

Manufactured Home Construction and Safety Standards

Correction

In FR Doc. 82–29865, beginning at page 49383, in the issue of Monday, November 1, 1982, make the following corrections:

1. On page 49386, last column, first paragraph, first line, "(l)(2)(i)" should read "(i)"

2. On page 49387, middle column, third full paragraph, designated as amendment "9.", the second line, "(l)(2)(ii), (l)(2)(iii) and (l)(2)(iv)" should read "(e)(2)(ii), (e)(2)(iii) and (e)(2)(iv)" by changing the "l's" to "e's".

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 51

[T.D. 7844]

Crude Oil Windfall Profit Tax Act of 1980; Excise Tax Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final excise tax regulations relating to the windfall profit tax on domestic crude oil imposed by title I of the Crude Oil Windfall Profit Tax Act of 1980. It contains most of the final regulations on

the windfall profit tax, many of which relate to administrative aspects of the tax.

DATES: These regulations are generally effective with respect to all crude oil removed (or deemed removed) from the premises after February 29, 1980. For exceptions to this effective date, see the discussion below of the effective dates of the amendments.

FOR FURTHER INFORMATION CONTACT: Douglas W. Charnas of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

On April 4, 1980, the **Federal Register** published temporary and proposed regulations (45 FR 23384, 23400) under sections 4986, 4987, 4988, 4989, 4991, 4992, 4993, 4994, 4995, 4996, 4997, 6050C, 6076, and 6402 of the Internal Revenue Code of 1954. The temporary regulations were required to implement various sections of the Crude Oil Windfall Profit Tax Act of 1980. Certain amendments to the temporary regulations and further proposed regulations have since been published.

This document provides final regulations pursuant to the notices of proposed rulemaking published on April 4, 1980 (45 FR 23384, 23400), relating to the implementation of the windfall profit tax; April 25, 1980 (45 FR 27929, 27953), relating to withholding and depositing windfall profit tax where the producer is an integrated oil company; September 24, 1980 (45 FR 63263, 63297), relating to the interim rule for determining base prices for tier 2 and tier 3 oil; November 5, 1980 (45 FR 73467, 73512), relating to tax deposits and refunds based on the net income limitation; December 11, 1980 (45 FR 81561, 81606), relating to the definition of the term "producer"; January 19, 1981 (46 FR 4873, 4950), relating to various administrative provisions; and February 23, 1981 (46 FR 13509, 13525), relating to the qualified disburser election. This document amends § 51.4988-1 which was finalized by Treasury Decision 7790, published on October 27, 1981 (46 FR 52334). This document also reflects amendments made to the temporary regulations by Treasury Decision 7811, published on March 3, 1982 (47 FR 8995), relating to exempt royalty oil.

This document does not provide final regulations on such other subjects as front-end tertiary oil or tier 2 and tier 3 base prices. Final regulations on these subjects will be published in the future. Furthermore, numerous comments received on the above-cited proposed regulations addressed many issues not dealt with explicitly in these final regulations. Various issues are under study for possible future amendments to these regulations including newly discovered oil, condensate, exempt stripper well oil, property, net profits interests, and exempt royalty owner oil. The fact that a particular issue has not been addressed in these regulations should not be construed as foreclosing the issuance of amended regulations providing further guidance on those issues.

The rules contained in these final regulations will apply to all entities, large and small, engaged in the production or purchase of domestic crude oil and related activities. The amendments add no rules that duplicate, overlap, or conflict with any other known Federal rules applicable for the same purposes.

Explanation of Provisions

Withholding in Absence of Data on Operator's Certificate

The temporary and proposed windfall profit tax regulations provided withholding rules which are to be followed when an operator's certificate is either absent or data is omitted from it or believed to be incorrect. Various commentators have suggested that these withholding rules are unnecessarily strict. These commentators have suggested that the regulations be amended to permit the purchaser to withhold an amount based on all the information available to the purchaser in order to have the alternative withholding requirement more closely approximate the actual tax due.

These withholding rules were established for two reasons. First, they assure that the failure to certify will never justify underwithholding. Second, the rules protect the purchaser from claims by the producer that too much tax is being withheld based upon information available to the purchaser. The reasons for establishing these withholding rules continue to justify these rules. Therefore, the suggested rule has not been included in the amendments to the regulations.

Heavy Oil

Several commentators on the proposed regulations suggested that the definition of "heavy oil" as oil with a gravity of 16 degrees API or less be revised to include any oil with a gravity of less than 17 degrees API (*e.g.*, 16.9 degrees). This suggestion has not been accepted. Section 4991(e)(3) defines the term "heavy oil" as crude oil having "a weighted average of 16 degrees API or less (corrected to 60 degrees Fahrenheit)." However, the Senate Finance Committee report (S. Rep. No. 96-394, 96th Cong., 1st Sess. 51 (1979)) makes it clear that Congress intended to treat as heavy oil only that oil deregulated by Executive Order 12153 (Exec. Order No. 12153, 3 CFR Part 424 (1980); 44 FR 48949 (1979)). The Executive order applied only to crude oil with a weighted average of 16.0 degrees API or less. The conference report for the Windfall Profit Tax Act of 1980 (H.R. Rep. No. 96-817, 96th Cong., 2d Sess. 102 (1980)) states that the conference was adopting the Senate 16.0 definition. Thus, the definition of "heavy oil" in the temporary and proposed regulations does not include (and was not intended to include) crude oil with a weighted average gravity of more than 16.0 degrees API. The final regulations have been revised to provide explicitly that "heavy oil" must have a weighted average gravity of 16.0 degrees API or less (corrected to 60 degrees Fahrenheit).

Independent Producer Oil

Independent producers commenting on the proposed regulations also requested several clarifications of the rules contained in § 51.4992-1, relating to the lower rates of tax applicable to "independent producer oil." In response to these comments, § 51.4992-1 makes clear (1) that the independent producer amount is to be allocated between tiers 1 and 2 in proportion to the producer's "qualified production" for the quarter, (2) that the term "qualified overriding royalty" includes an overriding royalty that could be converted into an operating interest at the option of the holder of the override, and (3) that an independent producer need only maintain records sufficient to establish to the satisfaction of the district director that a property has not been held by a disqualified transferor.

Section 150.4992-1(d)(3)(i) of the temporary regulations provides that qualified production generally does not include production attributable to an interest acquired after December 31, 1979. However, § 150.4992-1(d)(3)(ii) provides that this rule does not apply if the producer acquiring the property establishes to the satisfaction of the district director that at no time after December 31, 1979, has the interest in the acquired property been held by a person who was a disqualified transferor for any quarter ending after September 30, 1979, and ending before the date such person transferred the interest. The term "disqualified transferor" means with respect to any quarter, any person who (1) had qualified production from such quarter which exceeded such person's independent producer amount for such quarter or (2) was not an independent producer.

Several commentators pointed out that there are situations where a partnership with many partners transfers an interest in property to an independent producer. Under the temporary regulations this transfer does not escape the general prohibition or transferred properties if one partner in the partnership is a disqualified transferor even if the partner has a minimal interest in the partnership. The commentators suggested that a *de minimis* rule be provided. In response to these comments, § 51.4992–1(d)(3)(ii) does not treat a transfer of an interest in property as having been from a disqualified transferor if less than two percent of the interest in the partnership is held by partners who are disqualified transferors.

Tier Determinations for Powerhouse Fuel

Section 150.4996–1(d)(2) provides that oil used to power a production process or production equipment will not be considered removed from the premises if it is transported from one tract or parcel of land to a contiguous tract or parcel of land, provided that 100 percent of the operating mineral interest (as defined in § 1.614–2(b)) in both tracts or parcels of land is held by the same persons. That section also provides that in the case of oil produced from a property from which more than one tier of oil is produced the oil used to power a production process or production equipment will be deemed of the higher or highest tier designation to the extent of production in such tier and thereafter to the next lower tier. The effect of this rule is generally to treat as not removed from the premises the crude oil resulting in the least amount of windfall profit tax liability.

Several commentators suggested that the crude oil should be allocated among the categories of crude oil produced from the property. In response to these comments, § 51.4996–1(d)(2) amends the rule in the temporary regulations and provides that, in the case of oil produced from a property from which more than one category of oil is produced, the crude oil that is injected or used to power a production process or production equipment shall be allocated among such categories in proportion to the production from that property in each such category that was removed from the premises during the immediately preceding calendar quarter. For these purposes, the categories of oil are tier 1 oil, tier 2 oil, newly discovered oil, tier 3 oil other than newly discovered oil, and exempt oil.

Independent Refiner

Section 150.4996–1(h) defines the term "independent refiner." Several commentators have stated that the temporary regulations are unclear on whether a taxpayer must be directly engaged in the refining of crude oil in order to qualify as an independent refiner. Section 51.4996–1(h) makes clear that the term "independent refiner" does not include any taxpayer who is not directly engaged in the refining of crude oil even if such taxpayer is related to a person directly engaged in the refining of crude oil. However, § 51–4996–1(h) provides that a taxpayer not directly engaged in refining will be treated as directly engaged in refining if an amount equal to 95 percent or more of the crude oil purchased during the calendar quarter of which such taxpayer is the first purchaser is refined by a refiner who is a member of a controlled group of corporations of which the taxpayer is a member, provided that the refiner is an independent refiner and that such taxpayer is not a producer of crude oil and is not a retailer or refiner under section 613A(d) (2) or (4). Section 51.4996–1(h) also provides that a purchaser is to be treated as directly engaged in refining if it is clear that the 95 percent rule would have been met but for an act of God, a strike, a severe mechanical breakdown, an injunction, or a restraining order.

Annual Cutoff of Withholding Adjustments

Several commentators on the proposed regulations raised problems with the end of year reporting and withholding adjustment cut-off rules. Under the temporary and proposed regulations, the purchaser or other withholding agent is required to furnish Form 6248 to each producer at the end of each calendar year, and corrections of errors in withholding are not permitted after the form is furnished. Form 6248 is then used by the producer to determine whether the producer is entitled to a refund or is required to pay a balance due.

The commentators stated that, in many cases, Form 6248 will not be entirely accurate when furnished on the required date of March 31 due to errors not yet ascertained on that date. Consequently, numerous corrected Forms 6248 may be required giving rise to corrected claims for refund or windfall profit tax returns. Therefore, several commentators suggested that the withholding agent be permitted to continue to make withholding adjustments for a full year following the year in which the oil giving rise to the withholding error was removed. However, the producer is required annually to pay any balance due if there has been underwithholding of windfall profit tax liability and is entitled to file a claim for credit or refund if there has been overwithholding. The continuation of withholding adjustments after Form 6248 has been furnished would create the likelihood of a double payment by the producer if the adjustment increases withholding or a double refund if the adjustment decreases withholding. In order to avoid this result, the producer's entitlement to a refund claim or obligation to pay a balance due would have to be extended until after the expiration of the withholding adjustment period. The continuation of withholding adjustments suggestion has not been accepted due to the lengthy delay in refunds or payments that would follow.

Disbursers Who Receive Oil Payments They Consider Underwithheld or Forms 6248 They Consider Inaccurate

Many persons disbursing funds from the sale of taxable crude oil of which the disburser is not the purchaser have commented that they are not certain what they should do in a situation where they consider the amount of windfall profit tax withheld on the payments they received to be more or less than the amount that should have been withheld. The withholding rules have been amended to provide that in cases where the disburser is of the opinion that there is an underwithholding or overwithholding, the disburser must, within 5 days, notify the person from whom it received payment that it disagrees with the amount of tax withheld. The reporting requirements of the regulations have also been amended to require the disburser in those cases where it disagrees with the amount of withholding to send a statement to the persons it makes payments to setting forth sufficient information to briefly explain the difference of opinion between the person from whom the disburser received payment and the disburser on the amount withheld.

The final regulations provide guidance in cases where an intermediate disburser receives a Form 6248 that is the basis for Forms 6248 that it will be furnishing to others and filing with the Service and the intermediate disburser believes that the form contains an error.

In such cases the intermediate disburser must notify the person furnishing it with the form that it believes the form contains an error. If the person furnishing the intermediate disburser with the Form 6248 agrees that it contains an error, the error can be corrected on a new Form 6248 issued to the intermediate disburser. If the person furnishing the intermediate disburser with the Form 6248 does not agree that there is an error, the intermediate disburser must furnish and file the Forms 6248 based on the information contained in the Form 6248 furnished it. However, the instructions to Form 6248 may require that the difference of opinion be indicated on the form.

Multiple Forms 6248 to One Producer

In many cases the disburser makes payments to the same producer for crude oil sold from more than one property (such as where the disburser is also a purchaser of oil from another property). The regulations have been amended to provide that in these cases the information for all the properties may be incorporated into one Form 6248. If the disburser prefers to furnish separate forms, it may do so but if the forms are not all furnished at the same time, the producer must be informed.

Detailed Statements

Numerous producers commented that the annual information furnished them on Form 6248 is insufficient to permit accurate computations of windfall profit tax liability, particularly when the producer must allocate the independent producer amount between tiers 1 and 2 or take the net income limitation into account. Under the proposed regulations, the detailed statement required by paragraph (d) of § 51.4997–2 to be furnished upon request was intended to supplement the information required by paragraph (c) (relating to Form 6248), thus providing the producer with the information necessary for a full and correct computation of the tax. The final regulations amend paragraph (d) to clarify that the requested information must be furnished in sufficient detail to permit those computations.

A few producers suggested that the regulations require the detailed information to be furnished in all cases and not just upon the request of the producer. This suggestion has not been adopted because it could impose a significant and unnecessary reporting burden due to the fact that not all producers need the detailed information.

Corrected Forms 6248

The final regulations also revise the procedures to be followed when the person furnishing Form 6248 discovers that the form was in error. Under the new rules, a corrected Form 6248 must be furnished no later than July 31 of the year following the year to which the correction relates if any error ascertained through June 30 in windfall profit tax liability, tax withheld, or amount under or overwithheld equals $100 or more. All corrections of $1 or more must be reflected in a corrected Form 6248 furnished at the time that the next year's Form 6248 is furnished. The new rules should substantially reduce the number of corrected Forms 6248 that would otherwise be required because only large errors must be corrected more frequently than annually.

Miscellaneous Changes

Section 51.4997–2 deletes the requirement that the purchaser or other withholding agent inform an exempt producer each month of the reason for the absence of withholding and by deleting the requirement that the producer be provided additional information relating to withholding adjustments in the annual statement. Section 51.6050C–1 specifies that an operator need not recertify the same information to a producer, unless requested to do so. Furthermore, a new § 51.6081–1 is added to authorize district directors and directors of service centers to grant extensions of time for filing windfall profit tax returns.

Integrated oil company commentators requested a change in the rule of § 51.4995–3 (d)(2). That rule provided that a qualified disburser undertaking the distribution responsibilities of an integrated oil company after December 31, 1980, must deposit tax in accordance with the deposit schedules applicable to integrated oil companies. It was requested that this rule not be applied when the integrated oil company transfers its entire interest in the property. The final regulations make the requested change.

The final regulations also amend the deposit rules applicable to integrated oil companies by permitting estimated tax deposits to be based on liability for the third preceding month, rather than the second preceding month as required in the proposed rules.

The final regulations also make a number of clarifying changes in various sections.

The effectiveness of these regulations will be evaluated on the basis of comments and information received from offices within the Treasury Department and Internal Revenue Service, other governmental agencies, and the public.

Effective Dates of Amendments; Effect on Temporary Regulations

These regulations are effective with respect to all crude oil removed (or deemed removed) from the premises after February 29, 1980, except as provided below:

(i) Paragraph (a)(10 of § 51.4993–2 (relating to the certification by a petroleum engineer of certain facts) is effective for certifications submitted after December 6, 1982.

(ii) Sections 51.4995–1, 51.4995–2, 51.4995–3, 51.4995–4, and 51.4995–5 (relating to requirements for withholding and depositing tax) are effective for payments made after December 6, 1982.

(iii) Paragraphs (c) and (d)(1) of § 51.4996–1 (relating to the definitions of operator and removal from the premises, respectively) are effective with respect to crude oil removed from the premises (as defined in § 150.4996–1(d), title 26, chapter I of the Code of Federal Regulations) on or after January 1, 1981, and so much of paragraph (g) of § 51.4996–1 (relating to the definition of integrated oil company) as precedes subparagraph (1) is effective with respect to crude oil removed after December 6, 1982. For the text of those paragraphs as in effect prior to those dates, see T.D. 7690, 45 FR 23384 (April 4, 1980).

(iv) Sections 51.4997–2 and 51.6050C–1 (relating to certain information statements and returns) are effective for information and statements furnished or filed after December 6, 1982.

In general, these regulations supersede the Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980, title 26, chapter I, part 150 of the Code of Federal Regulations. However, these regulations do not supersede the temporary regulations issued under sections 150.4989–1 (c), 150.4991–1(a), 150.4993–1, 150.4994–1, 150.4995–2(b)(2), 150.4996–1(b)(3), 150.4996–1(i), 150.4997–2(b), and 150.4997–2(d)(1). In addition, the temporary regulations shall continue in effect for those periods prior to the effective dates of these regulations.

Executive Order 12291

The Commissioner of Internal Revenue has determined that these final rules are not major rules as defined in Executive Order 12291 and the Treasury-OMB agreement dated April 28, 1982, implementing that order. Accordingly, a Regulatory Impact Analysis is not required. Most of the economic impact that these rules will have on both small entities and the economy in general is due to requirements imposed by the statute.

Drafting Information

The principal author of these regulations is Douglas W. Charnas of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR §§ 51.4986–1–51.6402–1

Crude Oil Windfall Profit Tax Act of 1980.

Adoption of Amendments to the Regulations

PART 51—[AMENDED]

Accordingly, the proposed addition of and amendments to 26 CFR Part 51 are hereby adopted as set out below:

Paragraph 1. The following new sections are inserted immediately before § 51.4988–1:

§ 51.0 Introduction.

Each section of the regulations in this part is designated by a number composed of the part number followed by a decimal point [51.], the section of the Internal Revenue Code of 1954 to which it relates, a hyphen [-], and a number identifying the section. By use of these designations, the reader can associate sections of the regulations with provisions of the Code. For example, § 51.4986–1 pertains to section 4986 of the Code. For additional rules relating to the windfall profit tax, see part 150 of this chapter (Temporary Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980).

§ 51.4986–1 Imposition of tax.

Section 4986 imposes an excise tax on the windfall profit from taxable crude oil removed from the premises on or after March 1, 1980, and before the end of the phaseout period. See §§ 51.4988–1, 51.4991–1, and 51.4996–1 for the definitions of "windfall profit," "taxable crude oil," and "removed from the premises," respectively. See section 4990 (c) for the definition of "phaseout period." The tax imposed by section 4986 is to be paid by the producer of the crude oil. However, see section 4995 and the regulations thereunder relating to the requirement of withholding by the purchaser of the crude oil or another person electing to withhold. See § 51.4996–1 for the definitions of "purchaser" and "producer."

§ 51.4987–1 Amount of tax.

Section 4987 establishes that the amount of tax imposed by section 4986 with respect to any barrel of taxable crude oil is the applicable percentage of the windfall profit on that barrel. The applicable percentage for tier 1 oil and tier 2 oil which is not independent producer oil is 70 in the case of tier 1 and 60 in the case of tier 2. The applicable percentage for independent producer oil is 50 for tier 1 and 30 for tier 2. The applicable percentage for tier 3 oil other than newly discovered oil is 30. The applicable percentage for newly discovered oil is 30 for taxable periods beginning in 1980 or 1981, 27½ for taxable periods beginning in 1982, 25 for taxable periods beginning in 1983, 22½ for taxable periods beginning in 1984, 20 for taxable periods beginning in 1985, and 15 for taxable periods beginning in 1986 or thereafter. In the case of a fraction of a barrel, the tax is the same fraction of the amount of the tax imposed on the whole barrel.

Par. 2. Section 51.4988–1 is added to read as follows:

§ 51.4988–1 Windfall profit; removal price.

(a) *Windfall profit.* For purposes of this part and chapter 45 of the Code, the term "windfall profit" means the excess of the removal price of the barrel of crude oil over the sum of—

(1) The adjusted base price of the barrel, and

(2) The amount of the severance tax adjustment with respect to the barrel provided by section 4996(c) and § 51.4996–2.

However, the amount of windfall profit is subject to the net income limitation set forth in § 51.4988–2.

(b) *Removal price.*—(1) *In general.* The "removal price" generally is the amount for which the barrel is sold to the purchaser (including any adjustments to the sales price made after sale). However, in the case of a sale between related persons (within the meaning of section 103(b)(6)(C)), the removal price shall not be less than the constructive sales price for purposes of determining gross income from the property under section 613.

Also, if crude oil is removed (or deemed removed) from the premises before it is sold the removal price shall be equal to the amount that results (or would result) from application of the constructive sales price principles under section 613 for purposes of determining gross income from the property regardless of whether gross income from the property is actually increased by reason of that oil). See § 51.4996–1 for rules relating to removal (and deemed removal) from the premises.

(2) *Alaskan oil from Sadlerochit reservoir.* In the case of Alaskan oil from the Sadlerochit reservoir ("Sadlerochit oil"), the removal price of such crude oil removed during any calendar month shall be the average of the producer's removal prices for such month.

(3) *District director's authority.* In determining the removal price of crude oil from a property in the case of any transaction, a district director may adjust the removal price to reflect clearly the fair market value of the crude oil removed.

Par. 3. The following new sections are inserted immediately after § 51.4988–2:

§ 51.4989–1 Adjusted base price.

(a) *Adjusted base price defined.* For purposes of this part and charter 45 of the Code, the "adjusted base price" is the base price for the barrel of crude oil plus the amount equal to the base price multiplied by the inflation adjustment for the calendar quarter in which the crude oil is removed from the premises, rounded to the nearest cent. The inflation adjustment, which is determined under a formula set out in section 4989(b), is greater for tier 3 oil than it is for tier 1 oil or tier 2 oil. Inflation adjustments will be published periodically by the Internal Revenue Service. For a special adjustment to the base price for Sadlerochit oil, see section 4996(d).

(b) *Base price for tier 1 oil.* The base price for tier 1 oil is the ceiling price which would have applied to the crude oil under the March 1979 energy regulations (see § 51.4996–1(f)) if it had been produced and sold in May 1979 as upper tier oil, reduced by 21 cents. For purposes of this determination, the grade and quality of current tier 1 oil shall be presumed to be the same as that of the crude oil produced from the property in May 1979.

(c) *Base prices for tier 2 and tier 3 oil.* [Reserved]

(d) *Variations in grade or quality of oil.* For purposes of paragraphs (b) and (c) of this section, if the production from a property in May or December 1979 varied in grade or quality during the month, the per barrel weighted average grade and quality for the month shall be used. If there was no production in May or December 1979, the grade and quality of the crude oil produced in the first month of production after such month shall be used. Once the base price is determined, it is not to be adjusted for later changes in grade or quality.

§ 51.4991-1 Taxable crude oil; tiers of oil.

(a) *Taxable crude oil.* [Reserved].

(b) *Tiers of oil.* Section 4991 defines the tiers of taxable crude oil. Tier 1 oil is any taxable crude oil other than tier 2 oil and tier 3 oil. Tier 2 oil is any crude oil which is produced from a stripper well property within the meaning of the June 1979 energy regulations (see § 51.4996-1(f)) and any crude oil from an economic interest in a National Petroleum Reserve held by the United States. However, the term "tier 2 oil" does not include tier 3 oil. Tier 3 oil is newly discovered oil, heavy oil, and incremental tertiary oil. The term "newly discovered oil" has the meaning given to that term by the June 1979 energy regulations. The term "heavy oil" means all crude oil which is produced from a property if crude oil produced and sold from that property during either—

(1) The last month before July 1979 in which crude oil was produced and sold from that property, or

(2) The taxable period, had a weighted average gravity of 16.0 degrees API or less (corrected to 60 degrees Fahrenheit). For the definition of incremental tertiary oil, see § 51.4993-1.

§51.4992-1 Independent producer oil.

(a) *General rule.* "Independent producer oil" is that portion of an independent producer's qualified production for a calendar quarter which does not exceed such person's independent producer amount for the quarter.

(b) *Independent producer defined.* An "independent producer," with respect to any calendar quarter, is any person other than a person to whom subsection (c) of section 613A does not apply by reason of paragraph (2) (relating to certain retailers) or paragraph (4) (relating to certain refiners) of section 613A (d) (applying subsection (d) (2) or (4) on the basis of the calendar quarter rather than an annual basis). See § 51.4996-1(g).

(c) *Independent producer amount.* A person's independent producer amount for any quarter is the product of 1,000 barrels multiplied by the number of days in the quarter. If a person's qualified production for any quarter exceeds that person's independent producer amount for the quarter, the independent producer amount is to be allocated between tiers 1 and 2 in proportion to the person's qualified production of crude oil for the quarter in each such tier, and is to be allocated within any tier on the basis of the removal prices for such person's qualified production in that tier removed during that quarter, beginning with the highest of those prices.

(d) *Qualified production of crude oil defined.*—(1) *In general.* An independent producer's qualified production of crude oil for any quarter is the number of barrels of taxable crude oil of which such person is the producer which is removed during that quarter, which is tier 1 oil or tier 2 oil, and which is attributable to the independent producer's working interest in a property.

(2) *Working interest defined.* The term "working interest" means an operating mineral interest (within the meaning of section 614(d)) which was in existence as an operating mineral interest on January 1, 1980, or which is an operating mineral interest derived from a qualified overriding royalty interest after that date. A "qualified overriding royalty interest" is an overriding royalty interest in existence as such an interest on January 1, 1980, but only if on or before February 20, 1980, there was in existence a binding contract under which such interest was to be converted (or, at the option of the owner of such interest, could be converted) into an operating mineral interest.

(3) *Production from transferred property.*—(i) *In general.* Except as otherwise provided in this subparagraph, in the case of a transfer (as defined in § 51.4996-3 (b)) on or after January 1, 1980, of an interest in any property, the qualified production of the transferee shall not include any production attributable to such interest.

(ii) *Small producer transfer exemption.*—(A) *In general.* Subdivision (i) shall not apply to any transfer of an interest in property if the transferee maintains records sufficient to establish to the satisfaction of the district director that at no time after December 31, 1979, has the interest (or any part thereof) in the property been held by a person who was a disqualified transferor (other than as a mere agent for a person not a disqualified transferor or members of a partnership who in the aggregate have less than a two percent share of the interest) for any quarter ending after September 30, 1979, and ending before the date such person transferred the interest.

(B) *Disqualified transferor.* The term "disqualified transferor" means, with respect to any quarter, any person who either had qualified production for such quarter which exceeded such person's independent producer amount for such quarter or was not an independent producer for such quarter.

(C) *Special rules.* For purposes of this paragraph, an interest in property held by a partnership at any time shall be treated as owned proportionately by the partners of such partnership at such time. An interest in property held by any trust or estate shall be treated as owned both by such trust or estate and proportionately by its beneficiaries. See § 51.4996-1(b)(2) for certain general rules relating to partnerships, trusts, and estates. Chapter 45 and this part shall be treated as having been in effect for periods after September 30, 1979, for purposes of making any determination under subdivision (ii)(B).

(iii) *Other exceptions.* Subdivision (i) shall not apply in the case of—

(A) A transfer of an interest in property at death,

(B) A change of beneficiaries of a trust which qualifies under clause (iii) of section 613A(c)(9)(B) (determined without regard to the exception at the end of such clause), and

(C) Any transfer so long as the transferor and transferee are required by section 4992(e) to share the 1,000 barrel amount referred to in paragraph (c) of this section.

The preceding sentence shall apply in the case of any interest in property only if the production from that interest was qualified production for the transferor.

(e) *Allocation within related group.*—(1) *In general.* Section 4992(e) contains rules for the allocation of the 1,000 barrel per day amount among all persons who are members of the same related group.

(2) *Special rules.* [Reserved]

§ 51.4993-1 Incremental tertiary oil. [Reserved]

§ 51.4993-2 Self-certification of tertiary recovery projects.

(a) *Certification of petroleum engineer.* In order to qualify under section 4993(c)(2)(D)(i), relating to the self-certification of a qualified tertiary recovery project, the operator shall submit a certification (attached to Form 6458), signed under penalties of perjury by a petroleum engineer (who has been duly registered or certified in accordance with applicable state law, if any), to the Internal Revenue Service Center, Austin, Texas. The certification shall contain the following:

(1) A statement that the project involves a tertiary recovery method (as defined in section 4993(d)(1)) that is expected to result in more than an insignificant increase in the ultimate recovery of crude oil, together with a description of the process used and the increase in the amount of crude oil to be recovered by reason of the application of the method,

(2) A description of the implementation and operation of the project sufficient to establish that its implementation and operation are in accordance with sound engineering principles.

(3) An identification of the area from which the ultimate recovery of crude oil is expected to be increased as a result of the implementation and operation of the project, and, if that area is less than the entire property, a precise delineation of the portion of the property that is expected to yield the increase in the ultimate recovery of crude oil,

(4) The date on which the tertiary injectant was, or is expected to be, initially introduced into the reservoir,

(5) An explanation of the number and frequency of injections to be made and the expected duration of the project,

(6) If the project involves a single injection, an estimate of the period of time during which the injectant will continue to increase the recovery of crude oil,

(7) Data on crude oil reserve estimates covering the project area with and without the tertiary recovery process,

(8) The past production history and estimates of future production,

(9) The number of wells in the project area and the number of both producing and injection wells expected to be drilled,

(10) The projected date of completion of the injection and producing wells expected to be drilled,

(11) Projected future income and expenses, and

(12) The operator's employer identification number.

The petroleum engineer's certification may be submitted at any time. However, for purposes of section 4993 (d) (2) (B), relating to the "project beginning date", a petroleum engineer shall not be considered as having certified a project until the certification is received by such Internal Revenue Service Center. If the certification is sent to such Service Center by mail, it shall be considered received when posted by United States mail, properly addressed, and with sufficient postage.

(b) *Change in application of any tertiary recovery method.* If the actual application of any tertiary recovery method differs in any manner (including timing differences) from the application of the tertiary method upon which the certification submitted by the operator pursuant to §§ 51.4993-2 or 51-4993-3 was based, the operator shall promptly send a written statement to that effect to such Internal Revenue Service Center setting forth the reasons for the difference. However, such statement is not required to be sent before December 6, 1982.

(c) *Termination of injection.* If any project certified under paragraph (a) of this section involves the continuous or repetitious injection of liquids, gases, or other matter and if the injection is terminated, the operator shall promptly send a written statement (attached to Form 6458) to that effect to such Internal Revenue Service Center setting forth the date that the injection was terminated.

(d) *Significant expansion.* If a project is significantly expanded, the expansion shall be treated as a separate project requiring separate certification.

§ 51.4993-3 Jurisdictional agency certification of tertiary recovery projects.

(a) *Initial certification.* In order to qualify under section 4993 (c) (2) (D) (ii), relating to the approval of tertiary recovery projects by a jurisdictional agency, the operator shall submit the certification (attached to Form 6458) to the Internal Revenue Service Center, Austin Texas. The certification shall state that the appropriate jurisdictional agency has approved the project as having met the requirements set forth in section 4993 (c) (2) (A), (B), and (C), and the operator shall attach the approving document or a certified copy thereof. The certification of the jurisdictional agency's approval may be submitted at any time. However, for purposes of section 4993 (d) (2) (B) (ii), relating to the "project beginning date", a jurisdictional agency shall not be considered as having approved a project until the certification is received by the Service Center. If the certification is sent to the Service Center by mail, it shall be considered received when posted by United States mail, properly addressed, and with sufficient postage.

(b) *Revocation of certification.* If the agency revokes the approval, it shall immediately notify the operator and the Service Center of the revocation setting forth the date of the revocation and stating whether the revocation has retroactive effect (and, if so, to what date the revocation is retroactive), and the operator shall send a copy of the revocation (attached to Form 6458) to such Service Center within 10 days after receiving it.

(c) *Termination of injection.* If any project certified under paragraph (a) of this section involves the continuous or repetitious injection of liquids, gases, or other matter and if the injection is terminated, the operator shall promptly send a written statement (attached to Form 6458) to that effect to the certifying agency and such Internal Revenue Service Center setting forth the date that the injection was terminated. However, such statement is not required to be sent before December 6, 1982.

§ 51.4993-4 Internal Revenue Service rulings relating to qualified tertiary recovery projects.

(a) *In general.* Either the operator of a property or any producer of crude oil from that property may request a ruling from the Internal Revenue Service as to whether any tertiary recovery project involving that property is a "qualified tertiary recovery project" within the meaning of section 4993 (c). If a producer submits the request, the producer shall notify the operator in writing that the request was submitted.

(b) *Manner of requesting ruling.* The request for a ruling described in paragraph (a) of this section shall be made by submitting the request to the Commissioner of Internal Revenue, Attention: Assistant Commissioner (Technical), Washington, D.C. 20224. In addition to meeting the requirements of § 601.201(e) of this chapter (Statement of Procedural Rules), the request shall contain the following (or, in the case of subparagraph (5), (6), or (7), if unavailable, a statement of the reason for the unavailability):

(1) A statement as to whether a jurisdictional agency has approved the project, and if so, a copy of the approving document and a copy of the material upon which the approval was based together with any certification submitted to a Service Center and identification of such Service Center,

(2) A statement from the operator of the property as to whether the operator has previously submitted a request for a ruling on that project and as to whether any producer has notified the operator that a request has been submitted, as well as the date and name of the person who made a request,

(3) A description of the location of the project.

(4) The type of tertiary recovery process instituted,

(5) Data on crude oil reserve estimates covering the project area with and without the tertiary recovery process,

(6) The past production history and estimates of future production,

(7) The characteristics of the formation such as the name, depth, lithology, thickness, porosity, permeability, and reservoir pressure and temperature history,

(8) A description of any secondary or tertiary process previously used, or in use, in the project area,

(9) A full and complete description of the tertiary process stating how it will be developed from the pilot flood through full development, and

(10) A complete description of the geological and engineering factors taken into consideration, together with sufficient data to support the conclusion that the project meets the requirements of section 4993(c) for a "qualified tertiary recovery project."

(c) *Special rule for projects for which a certification of approval by a jurisdictional agency has been submitted.* If, pursuant to section 4993 (c)(2)(D)(ii) and § 51.4993-3, the operator of the property has submitted a certification of approval by a jurisdictional agency, the ruling described in paragraph (a) of this section will be issued within 180 days of the date that a request for the ruling, meeting the requirements of paragraph (b) of this section and § 601.201(e) of this chapter (Statement of Procedural Rules) is received by the Office of the Assistant Commissioner (Technical). However, if the request for a ruling is not complete as to the information required in paragraph (b) (1) through (10) of this section, the Office of the Assistant Commissioner (Technical) may send written notice to the person making the request specifying the further information that must be submitted. The 180-day period shall not include any days after the date of the mailing of the written notice and before the date on which the additional information is received.

§ 51.4994-1 Exemptions. [Reserved]

§ 51.4994-2 Front-end oil. [Reserved]

§ 51.4995-1 Requirement of withholding.

(a) *General rule; when required.*—(1) *In general.* Except as otherwise provided in this section, the purchaser (as defined in § 51.4996-1(a)) of domestic crude oil shall deduct and withhold tax from amounts payable by that purchaser for the crude oil. However, the preceding sentence shall not apply if—

(i) The crude oil is removed from the premises (as defined in § 51.4996-1(d)) before it is sold, or

(ii) The manufacture or conversion of crude oil into refined products begins before the crude oil is removed from the premises, or

(iii) The producer of the crude oil is an integrated oil company (as defined in § 51.4996-1(g)) that has furnished a certificate to the purchaser pursuant to paragraph (c)(2) of § 51.4995-2, or

(iv) The purchaser has received a qualified disburser's certificate pursuant to § 51.4995-5 with respect to that oil and the certificate is still in effect, or

(v) The United States (or any agency or instrumentality thereof) is the producer of the crude oil as holder of a royalty or net profits interest and the crude oil is sold to the purchaser directly by the Department of the Interior, or

(vi) The purchaser has received a Federal royalty certificate from an operator or lessee pursuant to paragraph (c)(3) of § 51.4995-2, or

(vii) The United States (or any agency or instrumentality thereof) is the producer of the crude oil as holder of a royalty or net profits interest and the crude oil is produced from a naval petroleum reserve. See 10 U.S.C. 7420(a)(2) for the definition of naval petroleum reserves.

The amount of tax to be deducted and withheld shall be determined in accordance with the rules of paragraphs (b) and (c) of this section. For purposes of the tax imposed by section 4986, the producer shall be treated as having paid on the last day of the first February after the calendar year in which the crude oil is removed from the premises the amount deducted and withheld with respect to such crude oil by the purchaser under this section.

(2) *Special rule for crude oil removed before sale.* If the purchaser of crude oil would be required to deduct and withhold tax from amounts payable for the crude oil but for the fact that the crude oil was removed from the premises before sale, and if the purchaser can determine the amount of tax imposed by section 4986 with respect to the crude oil, the purchaser may elect to withhold. If the purchaser elects to withhold, the purchaser shall be deemed to be required to withhold under paragraph (a)(1) of this section. The election shall be made by furnishing to the operator of the property from which the crude oil was produced and to each person to whom the purchaser makes payment for the crude oil a document that informs the recipient that the tax is being withheld. The election document shall be furnished within 5 days of receipt of the first crude oil to which it applies. Unless the election document specifies otherwise, the election shall remain effective until 30 days after the purchaser furnishes each recipient of the election document (or a successor in interest) a document informing the recipient that the tax will not be withheld. See §§ 51.4995-4 and 51.4995-5 for the elections pursuant to which an operator or qualified disburser is treated as the purchaser. See § 51.4995-3 for the depositary rules applicable to crude oil removed during each month (semimonthly period in the case of certain integrated oil companies).

(b) *Amount to be deducted and withheld.*—(1) *Operator's certification.* If the purchaser has received the certification required to be furnished by the operator pursuant to section 6050C and § 51.6050C-1, and if the purchaser has no reason to believe that any information contained in that certification that affects the computation of the windfall profit tax is not correct, the amount of tax to be deducted and withheld under paragraph (a) of this section is the amount of tax imposed by section 4986 based on the information provided in the operator's certification. However, in determining the amount to be deducted and withheld, section 4988(b) (relating to the net income limitation on windfall profit) shall not apply.

(2) *Absence of complete and current operator's certification.* This subparagraph applies if the purchaser has not received the certification required to be furnished by the operator pursuant to section 6050C and § 51.6050C-1, or if the certification does not contain all the information necessary for the purchaser to compute the amount to be withheld under paragraph (b)(1) of this section, or if the purchaser has reason to believe that any information contained in that certification that affects the tax computation is not correct (including information that was correct when provided but that has become incorrect.) In such a case, the amount of tax to be deducted and withheld under paragraph (a) of this section is the amount of tax imposed by section 4986 (without regard to the net income limitation provided in section 4988(b)) based on the information, if any, provided in the operator's certification that the purchaser has no reason to believe is not correct, and on the substitution of the following assumptions for any item of information that is absent from the certification or that the purchaser has reason to believe is not correct:

(i) If the item that is absent or that the purchaser has reason to believe is not correct is the tax tier of the crude oil, the crude oil shall be assumed to be in tier 1 subject to the 70 percent rate of tax (except as provided in (b)(3)(ii));

(ii) If the item is the adjusted base price, the adjusted base price shall be assumed to be—

(A) In the case of tier 1 oil, $11.01 plus the amount equal to $11.01 multiplied by the inflation adjustment provided under section 4989(b)(1) for the calendar quarter in which the crude oil was removed,

(B) In the case of tier 2 oil, $12.34 (the amount equal to $11.22 multiplied by 1.1) plus the amount equal to $12.34 multiplied by the inflation adjustment provided under section 4989(b)(1) for the calendar quarter in which the crude oil was removed, and

(C) In the case of tier 3 oil, $13.46 (the amount equal to $11.22 multiplied by 1.2) plus the amount equal to $13.46 multiplied by the inflation adjustment provided under section 4989(b)(2) for the calendar quarter in which the crude oil was removed:

(iii) If the item is the severance tax adjustment provided by section 4996(c), the severance tax adjustment shall be assumed to be inapplicable unless the amount of that adjustment is known by the purchaser.

(3) *Producer's certification.* If, pursuant to § 51.4995–2, the purchaser has received a certification that a producer's share of production from a property qualifies as "exempt oil" or "independent producer oil," and if the purchaser has no reason to believe, at the time of any payment for such share of production, that any statement in the certification bearing on such qualification is not correct, the purchaser—

(i) Shall not withhold tax from amounts payable for the share of production that has been certified as exempt oil (the provisions of paragraph (b) (1) and (2) of this section notwithstanding), and

(ii) In determining the amount to be withheld under paragraph (b)(1) of this section from amounts payable for the share of production that has been certified as independent producer oil, shall apply the rates provided in section 4987(b)(2) and, in determining the amount to be withheld under paragraph (b)(2) of this section, shall substitute 50 percent for 70 percent.

If a payment by a purchaser is made to an operator, partnership, or other disburser, rather than directly to the producer of the crude oil, the amount of exempt oil and independent producer oil shall be determined on the basis of information provided to the purchaser by the operator, partnership, or disburser pursuant to paragraph (e) of § 51.4995–2.

(c) *Withholding adjustments.*—(1) *General rule.* (i) A purchaser who ascertains that the amount of tax withheld from any payment for crude oil was more or less than the amount of tax imposed by section 4986 (computed without regard to the net income limitation) with respect to that crude oil shall make adjustments in the amount to be withheld from subsequent payments to the same person as provided in this paragraph. For purposes of this paragraph, a purchaser has ascertained that the amount withheld was more or less than the tax imposed when the purchaser has sufficient information to be able to determine the amount of tax imposed by section 4986 (computed without regard to the net income limitation) with respect to that crude oil. Thus, adjustments are generally required when the purchaser made an incorrect calculation with respect to a prior payment, when the purchaser has withheld in accordance with the rules of paragraph (b)(2) because of the absence of an effective operator's certification and the purchaser later receives an effective certification, when an earlier certification is corrected, or when the purchaser has withheld tax from a producer at the generally applicable rates and the purchaser subsequently receives a retroactively effective independent producer's certificate. Every adjustment under this paragraph shall be reflected on the return used in reporting windfall profit tax withholding (Form 720). See the instructions for Form 6047. If the entire adjustment would be reported in the return for the same taxable period as the withholding giving rise to the adjustment, the return for that period shall reflect only the amount withheld as adjusted. Otherwise, every return on which an overpayment or underpayment is adjusted pursuant to this paragraph must include such statements and other information as may be required by the instructions to the return.

(ii) Except as otherwise provided in this paragraph, the purchaser must make a full adjustment by underwithholding or overwithholding in subsequent payments to the same person (whether or not from the same property) so that the total amount withheld is equal to the tax imposed by section 4986 (computed without regard to the net income limitation). The full adjustment must be made, if possible, in the next payment. If it is not possible to complete the adjustment in the next payment, the purchaser shall adjust by underwithholding or overwithholding to the fullest extent possible in each subsequent payment until the adjustment is completed. However, no adjustment is to be made in the amount withheld from payments made afer the statement required by § 51.4997–2(c) (relating to yearly statement of windfall profit tax liability) is furnished. Furthermore, no adjustment is required to be made in the amount withheld from payments made for crude oil removed in a subsequent calendar year, although the purchaser may make such an adjustment if the adjustment is reflected in the statement required by § 51.4997–2(c) for the year in which the error occurred. If the error is one of underwithholding that is not fully adjusted under this paragraph (*e.g.*, where the relationship between the producer and the purchaser has terminated), the producer is required to file a return at the end of the year in accordance with § 51.4997–1 unless the producer's entire liability for tax under section 4986 has been satisfied by reason of overwithholding by another purchaser. If the error is one of overwithholding that is not fully adjusted under this paragraph, the rules of § 51.6402–1 with respect to claims for credit or refund are applicable to the producer.

(iii) If the purchaser is required to make an adjustment by overwithholding under this paragraph because the purchaser withheld less than the amount required to be withheld from an earlier payment, the overwithholding under this paragraph shall not be treated as an amount withheld or required to be withheld for purposes of § 51.4995–3 (relating to depositary requirements) to the extent that the excess of the amount originally required to be withheld over the amount actually withheld has been deposited by the purchaser (and reported if the underwithholding occurred in an earlier taxable period).

(2) *Special rules.* (i) No amount shall be deducted or withheld from any payment in excess of the windfall profit with respect to the crude oil giving rise to that payment.

(ii) If, pursuant to section 4995(a)(3)(D), the producer and purchaser agree to additional withholding, any amount withheld pursuant to the agreement shall be treated as an amount required to be withheld.

(iii) If, under the rules of this paragraph, the purchaser would otherwise be required (or permitted) to make an adjustment by underwithholding in subsequent payments, the purchaser may (at the purchaser's option) adjust the overwithholding (in full or in part) by making a payment to the producer or the producer's agent in the amount of the overwithheld tax (or a portion thereof). For purposes of § 51.4995–3 (relating to depositary requirements), any amount paid pursuant to the preceding sentence shall be treated as a reduction in the amount required to be deposited under § 51.4995–3 with respect to oil removed from the premises during the month immediately preceding the month of payment (during the semi-monthly period of the payment in the case of an integrated oil company making deposits under paragraph (a) of § 51.4995–3). However, any adjustment by payment under this subdivision shall not exceed the amount that would reduce to zero the amount otherwise required to be deposited under § 51.4995–3 for the depository period referred to in the preceding sentence.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples:

Example (1). A, a purchaser of crude oil, has been withholding in accordance with the special rules of paragraph (b)(2) because the operator of the property from which A purchases crude oil has not provided A with the certification required by § 51.6050C–1. Subsequently, the operator does provide A with the certification, and A, withholding under the rules of paragraph (b)(1), ascertains that the amount withheld earlier exceeds the amount of tax imposed by section 4986 based upon the information provided by the operator. Although A withheld properly in accordance with the information available during the earlier period, the amount withheld is subject to the adjustment rules of this paragraph.

Example (2). Purchaser B, in the third calendar quarter of the year, ascertains that too little tax was withheld from payments for crude oil purchased in the preceding calendar quarter with respect to producer C. B must attempt to fully adjust the underwithholding by increasing the amount withheld from subsequent payments made to C (up to the full amount of windfall profit). If the adjustment has not been completed when B makes the final payment for crude oil removed during the calendar year, B is permitted, but not required, to continue the adjustments in payments for crude oil removed after the close of the calendar year so long as the annual information statement and return required by § 51.4997–2(c) reflects the adjustment. B is required to inform C of C's liability for any amount remaining unadjusted and to provide that information to the Internal Revenue Service in accordance with the rules of § 51.4997–2.

Example (3). D, the producer of exempt oil, failed to provide purchaser E with an exemption certificate in time to avoid the withholding of tax from a payment made by E to D. Under paragraph (c)(2)(iii), E has the option of adjusting the overwithholding by making a payment to D.

(d) *Extent of purchaser's liability.* Every purchaser required to deduct and withhold tax under this section is liable for the tax required to be withheld, whether or not it is actually withheld by the purchaser. However, in no event shall the purchaser's liability for the tax required to be withheld exceed the producer's liability for the tax imposed by section 4986 (including the application of the net income limitation provided in section 4988(b) if all the data necessary for computing that limitation are available) with respect to crude oil sold to that purchaser, and the purchaser's liability shall abate to the extent that the purchaser establishes that the producer's liability for the tax has been paid (including payments by the producer or by the purchaser through adjustments in amounts later withheld). See paragraph (c) relating to adjustments in withholding. The producer from whom the correct amount was not withheld shall be liable to any purchaser for the amount of the producer's tax liability paid by the purchaser pursuant to this paragraph. The purchaser is relieved of liability to any other person for the amount of any tax withheld pursuant to this section and paid to the Internal Revenue Service or deposited with a duly designated depository of the United States. See § 51.4995–3 relating to depository requirements.

§ 51.4995–2 Producer's certificate.

(a) *In general.* A producer of "exempt Indian oil" (as defined in section 4994(d)) or "exempt royalty oil" (as defined in section 4994(f)), or the holder of any interest in crude oil that is a "qualified governmental interest" (as defined in section 4994(a)) or is a "qualified charitable interest" (as defined in section 4994(b)), generally may execute an exemption certificate with respect to such oil. In the case of "exempt Indian oil" produced from lands administered by the Bureau of Indian Affairs, the certificates may be furnished and filed by the Commissioner of Indian Affairs or his delegate on behalf of the producer. Generally, a producer of "independent producer oil" (as defined in section 4992) may execute a certificate with respect to such oil. Any certificate executed pursuant to this paragraph shall be furnished to the purchaser of the crude oil or, if the producer receives payment for the crude oil through the operator of the property from which the crude oil is produced, a partnership, or other disburser of the sales proceeds, to such operator, partnership, or disburser. The producer need submit only one certificate for each property to each person from whom the producer receives payment. However, see paragraph (d) of this section relating to revocations of certificates. Every integrated oil company shall follow the rules of paragraph (c)(2) of this section (relating to mandatory and optional withholding exemption certificates). Any certificate provided under this section must set forth the facts that establish entitlement to the exemption or lower rates claimed. The certificate (or any revocation of a certificate) shall identify the producer by name, address, and employer identification number (or, if none, social security number) and shall be signed by the producer (under the penalties of perjury except in the case of a revocation). Form 6458 is provided for this purpose. For the requirement that the operator of a property, partnership, or other disburser who has received such a certificate furnish a copy of the certificate, or certify as to its contents, to the person making payment for oil, see paragraph (e) of this section. For the certification requirement of operators or lessees selling certain crude oil from a Federal lease, see paragraph (c)(3) of this section. For the effect of the furnishing of certificates, see § 51.4995–1(b)(3) (relating to the withholding requirements). For the criminal penalty applicable to the furnishing of a false statement, see section 7206.

(b) *Exemption certificate.*—(1) *In general.* For purposes of this section, an exemption certificate is a written statement certifying that the producer's crude oil is exempt from the tax imposed by section 4986 because the crude oil constitutes exempt Indian oil or exempt royalty oil or the oil is from a qualified governmental interest or a qualified charitable interest. Any producer who furnishes an exemption certificate (other than an exempt royalty owner's certificate) to an operator, purchaser, partnership, or other disburser shall also file an exemption certificate with the Internal Revenue Service Center, Austin, Texas. Only one such certificate need be filed even though the producer may furnish certificates to more than one operator, purchaser, partnership, or other disburser.

(2) *Exempt royalty owner's certificate.* [Reserved]

(c) *Other producer's certificates.*—(1) *Independent producer's certificate.* An independent producer's certificate is a written statement certifying that the producer holds a working interest (as defined in section 4992(d)(2)) in a certain property and that the entire amount of tier 1 and tier 2 crude oil production attributable to that interest is qualified production of crude oil as defined in section 4992(d). No certificate may be furnished with respect to crude oil if it is reasonable to believe that the number of barrels attributable to the interest to be certified taken together with all other crude oil with respect to which an independent producer's certificate has been furnished by the producer to any operator, purchaser, partnership, or other disburser, will exceed the producer's independent producer amount (see section 4992 (c) and (e)). Producers who are members of a related group (within the meaning of section 4992(e)(2)) shall set forth in the certificate the members of the related group identified by employer identification number (or, if none, social security account number), and shall file one such certificate with the Internal Revenue Service Center, Austin, Texas. Only one such certificate need be filed even though the producer may furnish certificates to more than one operator, purchaser, partnership, or other disburser. The certificate shall be filed by the 30th day following the day that the producer first furnishes such a certificate to any operator, purchaser, partnership, or other disburser. Independent producers who are not members of a related group need not file the independent producer certificate with the Internal Revenue Service.

(2) *Integrated oil company's certificate.*—(i) *Mandatory certificates.* Every integrated oil company that is a producer of crude oil from a property of which that company is the operator (or would be the operator in the absence of a designation under § 51.4996–1(c)) shall furnish the statement described in paragraph (c)(2)(iii) of this section to each purchaser of crude oil from that property no later than the date by which the first statement by the operator to the purchaser under § 51.6050C–1 is required to be furnished.

(ii) *Optional certificate.* Any integrated oil company that is a producer of crude oil from a property of which that company is not the operator may, at its option, furnish such a statement with respect to such crude oil to the purchaser of the crude oil or, if the producer receives payment for the crude oil through the operator of the property from which the crude oil is produced, a partnership, or other disburser of the sales proceeds, to such operator, partnership, or disburser.

(iii) *Contents of certificate.* The certificate furnished pursuant to this subparagraph shall state that the producer is an integrated oil company (as defined in § 51.4996–1 (g)), that the producer will deposit its own windfall profit tax liability, and that the producer's share of production is not to be withheld upon under § 51.4995–1.

(iv) *Date certificate becomes effective.* Any certificate furnished pursuant to this subparagraph shall apply to all payments for crude oil of which the integrated oil company is the producer made by or for the purchaser after the date on which the purchaser received the certificate.

(3) *Federal royalty certificate.*—(i) *Certificate required.* If the United States (or any agency or instrumentality thereof) is the producer of crude oil that is sold to the purchaser by the lessee or operator for the Department of the Interior, the lessee or operator shall furnish the statement described in paragraph (c)(3)(ii) of this section to each purchaser of such crude oil no later than the date by which the first statement by the operator to the purchaser under § 51.6050C–1 is required to be furnished. The statement described in paragraph (c)(3)(ii) need not be furnished if the United States, acting through the Department of the Interior, sells its production directly to the purchaser.

(ii) *Contents of certificate.* The certificate furnished pursuant to this subparagraph shall state that the United States (or any agency or instrumentality thereof) is the producer of the crude oil (or a specified portion of the oil), that the crude oil is sold for the Department of the Interior, and that the United States' share of production is not to be withheld upon under § 51.4995–1.

(d) *Revocation of certificate.* If the producer has furnished a certificate with respect to crude oil, and the producer subsequently ascertains that the crude oil is not, has ceased to be, or on a certain date will cease to be eligible for certification under the rules of paragraphs (a) through (c) of this section, the producer shall furnish notice within 10 days of the ascertainment to the person to whom the certificate was furnished that the certificate is revoked immediately or as of the appropriate date.

(e) *Operators, partnerships, and other disbursers.* If payment for a producer's crude oil is to be made by the purchaser through one or more operators, partnerships, or other disbursers rather than to each producer individually, the information contained in any certifications permitted by this section shall be aggregated in a certification by the operator, partnership, or disburser to the person from whom payment is received, unless such operator, partnership, or disburser has undertaken the withholding obligation of the purchaser pursuant to §§ 51.4995–4 or 51.4995–5. Each certification shall state the percentage of the crude oil that is certified as exempt from tax or subject to a lower rate of tax. The certification may certify crude oil as exempt from tax or subject to a lower rate of tax only to the extent that the operator, partnership, or disburser has received certifications from the producers (or another operator, partnership, or disburser). Any operator, partnership, or disburser furnishing a certification shall retain in its records, for so long as material in the administration of any internal revenue law, each certification (or a reproduction thereof) that was used as the basis for the certification furnished by the operator, partnership, or disburser under this section.

(f) *Substitution of operator or qualified disburser for purchaser.* If, pursuant to §§ 51.4995–4 or 51.4995–5, the operator of a property or a qualified disburser elects to be responsible for the obligations otherwise imposed upon the purchaser, the purchaser shall forward to the responsible person, at the time of the election, any exemption certificate or any notice of revocation previously received by the purchaser. The purchaser shall immediately forward to the responsible person any exemption certificate or any notice of revocation received after the election. The operator or qualified disburser shall treat any exemption certificate or any notice of revocation forwarded by a purchaser as an exemption certificate or notice of revocation from the producer.

§ 51.4995-3 Depositary requirements.

(a) *Deposits by integrated oil companies other than independent refiners.*—(1) *In general.* Every integrated oil company (as defined in § 51.4996–1 (g)) other than an independent refiner (as defined in § 51.4996–1(h)) that is either liable as a producer for the tax imposed by section 4986 (unless such tax is required by § 51.4995–1 to be deducted and withheld by the purchaser) or is required as a purchaser to deduct and withhold tax pursuant to § 51.4995–1 shall make deposits with respect to semimonthly periods (as defined in paragraph (a)(3)(i) of this section). The amount to be deposited for each semimonthly period is the amount of tax imposed by section 4986 (computed with regard to the net income limitation provided in section 4988(b), if applicable) on the removal in that semimonthly period of crude oil that is not subject to withholding under § 51.4995–1 for which the company is liable as a producer, plus the amount required to be withheld by the company as a purchaser pursuant to § 51.4995–1 from payments that have been or will be made for crude oil removed from the premises during that semimonthly period. However, if the amount withheld by the company as a purchaser from any payment is more than the amount required to be withheld, the amount to be deposited shall be the amount withheld. The deposits shall be made on or before the depositary date (as defined in paragraph (a)(3)(ii) of this section) for the semimonthly period in which the crude oil is removed. These depositary requirements will be considered to have been met for a semimonthly period with respect to estimated deposits, including deposits based upon the producer's estimate of the effect of the net income limitation provided in section 4988(b), only if—

(i)(A) The company's deposit for such semimonthly period is not less than 90 percent of the total amount otherwise required by this section to be deposited by it for such period, and (B) if such period occurs in a month other than the last month in a taxable period, it deposits any underpayment for such month by the 9th day of the second month following such month ; or

(ii)(A) Its deposit for each semimonthly period in the month is not less than 45 percent of the total amount otherwise required by this section to be deposited by it for the month, and (B) if such month is other than the last month in a taxable period, it deposits any underpayment for such month by the 9th day of the second month following such month; or

(iii)(A) Its deposit for each semimonthly period in the month is not less than 50 percent of the total amount required by this section to be deposited by it for the third preceding calendar month (determined without regard to subdivisions (i) through (iv) of this subparagraph), and (B) if such month is other than the last month in a calendar quarter, it deposits any underpayment for such month by the 9th day of the second month following such month; or

(iv)(A) The requirements of (i)(A), (ii)(A), or (iii)(A) are satisfied for the first semimonthly period of a calendar month, and (B) the company's deposit for the second semimonthly period of that calendar month is, when added to the deposit for the first semimonthly period, not less than 90 percent of the total amount otherwise required by this section to be deposited by it for that month, and (C) if such period occurs in a month other than the last month in a calendar quarter, the company deposits any underpayment for such month by the 9th day of the second month following such month.

However, subdivisions (ii) and (iii) of this subparagraph shall not apply to any company that normally incurs in the first semimonthly period in each month more than 75 percent of its total liability for deposit for the month (determined without regard to subdivisions (i) through (iv)).

(2) *Special requirement.* If the aggregate amount of deposit liability for a taxable period (determined without regard to subdivisions (i) through (iv) of paragraph (a)(1) of this section) exceeds the total amount deposited by the company pursuant to paragraph (a)(1) of this section for such taxable period, then the company shall, on or before the last day of the second month following the close of the taxable period, deposit an amount equal to the amount by which the deposit liability exceeds the total deposits made pursuant to paragraph (a)(1) of this section for the taxable period.

(3) *Definitions.* For purposes of this part—

(i) *Semimonthly period.* A "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of such month.

(ii) *Depositary date.* The depositary date for deposits for semimonthly periods is the 9th day of the semimonthly period following the semimonthly period in which the crude oil was removed.

(b) *Independent refiners purchasing oil pursuant to a delayed payment contract.* Purchasers that are independent refiners (as defined in § 51.4996–1(h)) shall make deposits for each calendar month in accordance with the rules of paragraph (c) of this section except in the case of crude oil purchased under a contract therefor under which no payment is required to be made by the purchaser before the 46th day after the close of the month in which the crude oil is purchased. In the case of crude oil purchased under such a contract, the deposits shall be made for each calendar month not later than the last day of the second month which begins after the month in which the crude oil was removed. The amount to be deposited for each month is the amount required to be withheld pursuant to § 51.4995–1 from payments that have been or will be made for crude oil removed during that month. However, if the amount withheld by the purchaser from any payment is more than the amount required to be withheld, the amount to be deposited shall be the amount withheld.

(c) *Deposits by other purchasers.* Except as provided in paragraph (a) or (b) of this section, purchasers shall make deposits for each calendar month not later than 45 days after the close of that month. The amount to be deposited for each month is the amount required to be withheld pursuant to § 51.4995–1 from payments that have been or will be made for crude oil removed from the premises during that month. However, if the amount withheld by the purchaser from any payment is more than the amount required to be withheld, the amount to be deposited shall be the amount withheld.

(d) *Special rules for electing operators and qualified disbursers.*—(1) *Electors who are also producers.* Except as otherwise provided in §§ 51.4995–4 or 51.4995–5, any operator or qualified disburser who makes the election provided by §§ 51.4995–4 or 51.4995–5 and who is the producer of crude oil subject to the election shall deposit with respect to that crude oil by treating the crude oil as not subject to withholding. However, if section 4995(a)(7)(A)(ii) applies to amounts withheld by the operator electing under § 150.4995–4, that section shall also apply to amounts deposited by the operator under the preceding sentence.

(2) *Special rules for qualified disbursers.* The rules of this subparagraph apply to every qualified disburser making the election provided by § 51.4995–5 regardless of whether that qualified disburser is an operator entitled to make (or who has previously made) the election provided by § 51.4995–4. Except as otherwise provided in this subparagraph, a qualified disburser shall deposit both the amount required to be deposited as a purchaser and the liability of the qualified disburser as a producer (if any) in accordance with the rules of paragraph (a) of this section if the qualified disburser is an integrated oil company (other than an independent refiner) and in accordance with the rules of paragraphs (c) and (f) of this section in any other case. If, on December 31, 1980, an integrated oil company (other than an independent refiner) was a disburser (as defined in § 51.4996–1(j)) with respect to a property, any qualified disburser subsequently undertaking any portion of the distribution responsibility of the integrated oil company shall deposit all amounts attributable to that property in accordance with the rules of paragraph (a) of this section. However, the preceding sentence shall not apply if, on December 31, 1980, the integrated oil company was also a producer of crude oil from that property and the integrated oil company transfers the distribution responsibility contemporaneously with the transfer of its entire interest in the property to a person other than a related person (as defined in section 613A(d)(3)).

(e) *Payments by producers to correct underwithholding.* If the amount of tax withheld from a producer for a calendar year is less than the total liability of the producer for the tax imposed by section 4986 with respect to crude oil removed during the calendar year and subject to withholding under § 51.4995–1, the producer shall remit the difference with a timely return filed under § 51.4997–1 or shall, on or before the last day for filing a return under § 51.4997–1, deposit such difference.

(f) *Deposits by producers of tax due on crude oil not subject to* *withholding.*—(1) *In general.* Except as provided in paragraph (a) (relating to certain integrated oil companies), every producer shall deposit for each calendar month the tax imposed by section 4986 (computed with regard to the net income limitation provided in section 4988(b), if applicable) on the removal in that month of crude oil that is not subject to withholding under § 51.4995–1. The deposits shall be made not later than 45 days after the close of the month in which the crude oil was removed (or deemed removed under § 51.4996–1(d)) from the premises. These deposit requirements will be considered to have been met for a month with respect to estimated deposits, including deposits based upon the producer's estimate of the effect of the net income limitation provided in section 4988(b), only if—

(i)(A) The producer's aggregate deposit liability under this subparagraph (1) for the three months of a taxable period is less than $100 and (B) the producer deposits the amount of tax owed on or before the last day for filing the return required by § 51.4997–1 for that taxable period or remits the tax owed with that return; or

(ii)(A) The producer's deposit for the month is not less than 90 percent of the total amount otherwise required by this section to be deposited by it for the month, and (B) the producer complies with the requirements of subparagraph (2) of this paragraph; or

(iii)(A) The producer's deposit for each month of the taxable period is not less than 30 percent of the total amount otherwise required by this section to be deposited by it for the three months of the taxable period, and (B) the producer complies with the requirements of subparagraph (2) of this paragraph; or

(iv)(A) The producer's deposit for the month is not less than 100 percent of the amount required by this section to be deposited by it for the third preceding month (determined without regard to subdivisions (i) through (iv)), and (B) the producer complies with the requirements of subparagraph (2) of this paragraph.

However, subdivisions (iii) and (iv) of this subparagraph shall not apply to any producer that normally incurs in the first month in each taxable period more than 45 percent of its total liability for deposit for the taxable period (determined without regard to subdivision (ii) through (iv)).

(2) *Special requirement.* If the total liability for the tax imposed by section 4986 on the removal of crude oil that is not subject to withholding for a taxable period exceeds the total amount deposited by the producer pursuant to subparagraph (1) of this paragraph for such taxable period, then the producer shall deposit the difference not later than the last day of the second month following the close of the taxable period.

(g) *Special rules applicable to overdeposits.*—(1) *Purchasers who are not also depositing tax as a producer.* If, for any taxable period, a purchaser is not also depositing tax as a producer, the excess (if any) of the purchaser's deposits for a semimonthly period (calendar month in the case of purchasers depositing under paragraph (b) or (c) of this section) with respect to the removal of crude oil in that semimonthly period (or month) over the amount required to be deposited shall be applied in order of time to each of the purchaser's succeeding semimonthly periods (or months) in the same taxable period, to the extent that the amount by which the purchaser's deposit liability for that period (or month) exceeds the deposit for such subsequent period (or month), until such excess is exhausted.

(2) *Treatment of deposits by a producer in excess of liability.*—(i) *In general.* The rules of this subparagraph apply to producers required to deposit tax under paragraph (a) or (f) of this section, including producers who are also depositing as a purchaser. Any overdeposit of tax shall be applied in order of time to each of the producer's succeeding semimonthly periods (calendar months in the case of producers depositing under paragraph (f) of this section) to the extent that the amount by which the total deposit liability (as a producer and purchaser) for that period (or month), exceeds the deposit for subsequent period (or month), until such excess is exhausted. For this purpose an overdeposit is—

(A) The excess of the sum of—

(*1*) A producer's deposits for a semimonthly period (or month) with respect to the tax imposed by section 4986 on the removal in that semimonthly period (or month) of crude oil that is not subject to withholding under § 51.4995–1, plus

(*2*) The amount deposited as a purchaser for crude oil removed during that period (or month)

(B) Over the sum of—

(*1*) The tax imposed by section 4986 (computed with regard to the net income limitation) on the removal of crude oil that is not subject to withholding, plus

(*2*) The amount required to be deposited as a purchaser for that period (or month). The preceding sentences shall not apply to any amount for which the producer files a claim for credit against a liability for a tax imposed by chapter 1 or a claim for refund pursuant to § 51.6402–1. Furthermore, except to the extent otherwise provided in forms and instructions, no amount shall be applied to a deposit for a subsequent semimonthly period (or month) that occurs in a taxable period beginning in a different taxable year (for Federal income tax purposes).

(ii) *Examples.* The rules of this paragraph and their relationship to the rules of § 51.6402–1 may be illustrated by the following examples:

Example (1). A, whose taxable year (for Federal income tax purposes) ends September 30, is the producer of crude oil from property X. For each taxable period (calendar quarter) within his taxable year ending September 30, 1981, A's windfall profit tax liability, determined without taking the net income limitation into account, is $1,000. The purchaser of A's crude oil is not required to withhold any windfall profit tax, and for the last taxable period of 1980 A has deposited $1,000. At the beginning of the first taxable period of 1981, A determines that the net income limitation will reduce the windfall profit tax with respect to the crude oil removed from property X during the taxable year ending September 30, 1981, by approximately 10 percent. Therefore, A concludes that the tax paid for the preceding taxable period (calendar quarter) exceeds his liability for tax for that period, although the exact amount of the excess cannot be determined until the taxable year ends. Under § 51.6402–1 A may not claim a refund for the amount of any such excess until the taxable year ends on September 30, 1981. However, paragraphs (a) and (f) of § 51.4995–3 do not require deposit of more than the tax imposed by section 4986. Therefore, A may estimate the effect of the net income limitation in determining the amount of windfall profit tax to be deposited for each taxable period. Furthermore, the amount by which the tax deposited by A for a preceding deposit period exceeds the actual liability for that period is treated as deposited for the next period. Accordingly, A deposits a total of $800 for the first taxable period of 1981 and $900 for each of the next two taxable periods Thus, at the end of the four taxable periods ending within A's taxable year, A has made the following deposits:

October–December 1980, $1,000
January–March 1981, $800
April–June 1981, $900
July–September 1981, $900.

After September 30, 1981, A computes his net income limitation for property X and determines that his actual tax liability was $850 for each taxable period. A has satisfied the deposit requirements and is entitled to file a claim for credit or refund of $200.

Example (2). Assume the same facts as in example (1), except that A overestimates the effect of the net income limitation and deposits a total of $600 for the first taxable period of 1981 and $800 for each of the next two taxable periods. After September 30, 1981, A's deposits are as follows:

October–December 1980, $1,000
January–March 1981, $600
April–June 1981, $800

July–September 1981, $800.

$150 of the deposits for October, November, and December 1980 is treated as carried over to and deposited in the next taxable period, bringing the total deposit required for Jan-Mar 1981 to $700 (the amount equal to the $850 actual liability less $150 carried from the preceding period). However, due to the overestimation of the effect of the net income limitation, A has not deposited the total liability for that period or the next two taxable periods. Therefore, A is liable for $200 in undeposited tax (the amount equal to $3,400 total liability less $3,200 total deposits) plus interest and penalties (unless A's error was due to reasonable cause).

(iii) *Reporting requirements.* For the requirement that the producer file quarterly and annual statements if windfall profit tax deposits have been based on an application of the net income limitation provided in section 4988(b), see § 51.4997–1.

(h) *Government depositaries.* Deposits required by this section shall be made with a Federal Reserve bank or, at the depositor's election, with an authorized financial institution. See paragraph (i)(2) of this section.

(i) *Depositary forms.*—(1) *In general.* A person may make one, or more than one, remittance of the amount required to be deposited. However, a deposit for one taxable period shall be made separately from any deposit for another taxable period.

(2) *Tax deposit forms.* Each remittance of amounts required to be deposited by this section shall be accompanied by an FTD (Federal Tax Deposit, Excise Taxes) Form (Form 504). Such form shall be prepared in accordance with the instructions applicable thereto. The remittance, together with FTD Form 504, shall be forwarded to a financial institution authorized as a depositary for Federal taxes in accordance with 31 CFR 214 or, at the election of the person remitting the tax, to a Federal Reserve Bank. For procedures governing the deposit of Federal taxes at a Federal Reserve bank see 31 CFR 214.7. The timeliness of the deposit is determined by the date stamped on the Federal Tax Deposit form by the Federal Reserve bank or the authorized financial institution or, if section 7502(e) applies, by the date the deposit is treated as received under section 7502(e). Each person making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return.

(3) *Procurement of prescribed forms.* Copies of the applicable deposit forms will so far as possible be furnished to purchasers and producers. Such a person will not be excused from making a deposit, however, by the fact that no form has been furnished to it. A person not supplied with the proper form should make application therefor in ample time to make the required deposits within the time prescribed. A person may secure the forms or additional forms by applying therefor and supplying its name, identification number, address, and the taxable period to which the deposits will relate. Copies of FTD Form 504 may be secured by application to a director of an Internal Revenue Service Center.

§ 51.4995–4 Election of purchaser and operator to have operator withhold, deposit tax, etc.

(a) *General rule.* Pursuant to section 4995(a)(7)(B), it has been determined that the substitution of the operator for the purchaser will make the administration of the windfall profit tax more practicable only when the operator is otherwise required by § 51.4995–3 to make deposits as a purchaser of crude oil produced from a different crude oil reservoir. Consequently, an election pursuant to section 4995(a)(7) shall be valid only when made under those circumstances. Where an election is allowed, the operator of the property and a purchaser of crude oil produced from that property may make a joint election under this section with respect to crude oil produced from the entire property or any portion thereof. While the election is in effect, and to the extent of the crude oil subject to the election, the operator shall be treated as the purchaser for purposes of chapter 45 (or related provisions of subtitle F of the Code) and this part and, accordingly, is subject to all of the requirements imposed thereby upon the purchaser (except to the extent that a qualified disburser's election under § 51.4995–5 relieves the operator of those requirements). The purchaser shall not be held responsible for failing to meet those requirements. The operator shall promptly notify all producers of crude oil from that property (or portion) that a joint election has been made and that all information otherwise required to be sent to the purchaser should be sent to the operator. If the operator makes payment for crude oil produced from the property to a partnership rather than directly to the producers, the notice shall be sent to the partnership. The operator and the purchaser must agree to transfer to the operator responsibility for meeting all the requirements otherwise imposed upon the purchaser in order for the agreement to constitute an effective election. If an election has been made under this section, the operator generally may treat as not subject to withholding amounts received for its own production from the property with respect to which the election has been made. However, in the case of an operator that is a partnership, a partner shall not be treated as not subject to withholding for amounts received for its own production from the property unless the partner is treated as not subject to withholding without regard to this section.

(b) *Method of making election; termination of election.* The joint election shall be made by the execution of a document, signed and dated by both the purchaser and operator, that states that both parties have agreed that the operator of the property shall be responsible for all the requirements otherwise imposed upon the purchaser by chapter 45 (or related provisions of subtitle F) of the Code or by this part. The purchaser and operator shall, within 10 days of the execution of the document, each forward a copy of the document to the Internal Revenue Service Center, Austin, Texas. The election shall remain in effect from the date of its execution (or later effective date specified in the election document) until either of the parties executes a document, signed, dated, and delivered to the other party, that declares that the joint election is to be terminated. The termination shall not take effect for at least 60 days after the execution of the termination document unless both the operator and the purchaser agree on an earlier effective date. The party executing the termination document shall promptly notify all producers of crud oil from that property of the termination and the resulting changes in responsibilities and shall, within 10 days of executing the termination document, forward a copy to the Internal Revenue Service Center, Austin, Texas. The party receiving the termination document shall, within 10 days of receipt, forward a copy to the Internal Revenue Service Center, Austin, Texas. Both the purchaser and operator shall retain in their records, for so long as they may be material in the administration of any internal revenue law, a copy of the joint election and any subsequent termination.

(c) *Status of operator who is also a producer.* If an election is made by the purchaser and the operator to have the operator treated as the purchaser and the operator is also a producer of crude oil from the property subject to the election, the operator, except as otherwise provided in this section, shall comply with all the requirements of this part that are imposed upon a producer whose crude oil is not subject to withholding (see, *e.g.*, § 51.4995–3 (a) and (f) relating to the deposit schedules for producers not subject to withholding; see also, § 51.4995–3(d) relating to special deposit rules for certain operators and electing qualified disbursers).

§ 51.4995–5 Election of qualified disburser to withhold, deposit tax, etc.

(a) *In general.* Any "qualified disburser," as defined in paragraph (b) of this section, may make an election under this section to act as the withholding agent with respect to the crude oil the sales proceeds of which are distributed by that qualified disburser. An electing qualified disburser generally may treat as not subject to withholding amounts received for its own production from the property with respect to which it elects to act as a qualified disburser. However, in the case of a partnership that is an electing qualified disburser, a partner shall not be treated as not subject to withholding for amounts received for its own production from the property unless the partner is treated as not subject to withholding without regard to this section. While the election is in effect, and to the extent of the crude oil subject to the election, the qualified disburser shall be treated as the purchaser for purposes of chapter 45 (and related provisions of subtitle F of the Code) and this part (other than this section), and, accordingly, is subject to all of the requirements imposed thereby upon the purchaser. The qualified disburser shall promptly notify the operator of the property and every payee of any portion of its disbursements that the election has been made and that all information otherwise required to be sent to the purchaser should be sent to the qualified disburser.

(b) *Qualified disburser defined.* The term "qualified disburser" means—

(1) A disburser (as defined in § 51.4996–1(j)) who distributes an amount equal to or greater than 10 percent of the entire gross proceeds from the sale of crude oil from a property (or a portion of a property if that portion constituted a separate property prior to a unitization or aggregation), exclusive of that person's own share of the proceeds (if any), or

(2) A disburser that is an integrated oil company required to make semimonthly deposits pursuant to § 51.4995–3(a), or

(3) A federally registered partnership as defined in section 6501(o)(4).

(c) *Method of making election; termination of election.* The election shall be made by furnishing to the purchaser a signed and dated document that states facts that would establish that the person making the election is a "qualified disburser" and makes clear that the person has assumed complete responsibility for meeting all the requirements otherwise imposed upon the purchaser by chapter 45 (or related provisions of subtitle F) of the Code or by this part (other than this section) with respect to the crude oil the sales proceeds of which are distributed by the qualified disburser and for treating as not subject to withholding amounts received for its own production. The election document shall set forth the elector's identifying number (employer identification number or, if none, social security account number), the property or properties subject to the election, including the lease name, location, and identifying number, if any, and such other information as may be required by Form 6458 (Certification and Election Form) or its instructions. If the election is made with respect to more than one property, the election document shall identify each property. Generally, the election shall become effective with respect to crude oil removed after the last of the month in which the election document is received by the purchaser (or a later effective date specified in the election document). However, the election may be made retroactively effective with respect to all crude oil removed after December 31, 1980, if the purchaser and qualified disburser so agree in writing, and if the election is made no later than May 31, 1981. The election shall remain in effect until 60 days after the qualified disburser furnishes the purchaser a signed and dated document that contains all of the data required to be in the election document and that declares that the election is terminated (or a later date specified in the termination document), unless the purchaser agrees in writing to an earlier termination date. The qualified disburser shall promptly notify the operator and all affected producers of the termination and the resulting changes in responsibilities and shall, within 10 days of furnishing the termination document to the purchaser, forward a copy to the Internal Revenue Service Center, Austin, Texas. Both the purchaser and qualified disburser shall retain in their records, for so long as they may be material in the administration of any internal revenue law, a copy of the election document and any subsequent termination document. If a qualified disburser making the election provided by this section receives payment of the sales proceeds of the crude oil from an intermediate disburser rather than directly from the purchaser, and document required by this section to be furnished to the purchaser shall be furnished to such other disburser. Any person receiving such a document shall furnish a copy to the person from whom that person receives payment and, if any portion of the payments received by that person remains subject to withholding, shall specify the share of production to which the document relates.

(d) *Obligation of purchaser to file copy of election document with the Internal Revenue Service.* Within 10 days of receipt of an election document under this section, the purchaser shall forward a copy to the Internal Revenue Service Center, Austin, Texas.

(e) *Status of electing qualified disburser who is also a producer.* Except as otherwise provided in this section, an electing qualified disburser who is also a producer of crude oil from the property subject to the election shall comply with all the requirements of this part that are imposed upon a producer whose crude oil is not subject to withholding (see, *e.g.*, § 51.4995–3 (a) and (f) relating to the deposit schedules for producers not subject to withholding; see also, § 51.4995–3(d) relating to special deposit rules for certain operators and electing qualified disbursers).

(f) *Authority of district director to terminate election, require bond, etc.* If the district director for the district in which the principal place of business of the qualified disburser is located determines that the election under this section of any qualified disburser is not in the best interest of the Government in the effective collection and administration of the windfall profit tax, the district director may terminate the election or may permit the election to continue upon compliance with reasonable conditions, such as the posting of a bond. In the case of a termination the district director shall promptly notify the purchaser or other affected disbursers of the change in responsibilities.

(g) *Examples.* The provisions of this section may be illustrated by the following examples:

Example (1). P purchases crude oil from a lease operated by O. P pays 100 percent of the sales proceeds to O who retains 50 percent (the amount attributable to O's share of production) and distributes the remaining 50 percent to all the other producers in accordance with their percentage share of production. Since O is a qualified disburser, O may elect under this section to undertake all the windfall profit tax responsibilities otherwise imposed upon P. If O does elect, O furnishes P the election document and P withholds no windfall profit tax from payments to O. P must submit a copy of the election document to the Internal Revenue Service.

Example (2). Assume the same facts as in example (1) except that one of the producers receiving payment from O is a federally registered partnership. The partnership and O are both qualified disbursers entitled to make the election provided by this section. If the partnership and O both make the election, O must not withhold tax from payments to the partnership and must furnish a copy of the partnership's election document to P together with O's election document. If the partnership makes the election but O does not, O must furnish a copy of the partnership's election document to P and must specify the share of production held by the partnership. P should withhold tax from payments made to O except for the portion of the payment that is attributable to the partnership's share of production. The partnership would withhold tax from payments made to its partners. P must submit to the Internal Revenue Service a copy of any election document received by P.

Example (3). Assume the same facts as in example (1). Assume further that O pays A, a producer that is not an integrated oil company, 20 percent of the entire sales proceeds, and that A retains 75 percent of the 20 percent payment from O and distributes the remaining 25 percent to producer B. A is not a qualified disburser because A distributes only 5 percent of the entire proceeds of sale and is neither an integrated oil company required to make semimonthly deposits pursuant to § 51.4995-3(a) nor a federally registered partnership.

Example (4). Assume the same facts as in example (1) except that P directly pays producer C, who has a 20 percent share of production and that the remaining 80 percent is paid to O who retains the 50 percent share attributable to O's share of production and distributes the remaining 30 percent to the other producers. O is a qualified disburser who may make the election provided by this section with respect to the sales proceeds received by O. C, who retains the entire proceeds received from P, is not a qualified disburser. P must not withhold upon the payment to O but must withhold upon the payment to C in accordance with the rules of § 51.4995-1.

Example (5). Assume the same facts as in example (1) except that O, after retaining the 50 percent share of the sales proceeds attributable to O's production, distributes the remaining proceeds to producer A. Assume further that A retains 20 percent of the 50 percent payment from O and distributes the remaining 80 percent to other producers. O and A are both qualified disbursers because O distributes 50 percent of the entire sales proceeds and A distributes 40 percent. If both O and A make the election provided by this section, O does not withhold tax from the payments to A and deposits tax with respect to O's own production as a producer whose crude oil is not subject to withholding.

§ 51.4996-1 Definitions.

For purposes of this part and chapter 45 of the Code—

(a) *Purchaser.* The term "purchaser" includes only the first person (as defined in section 7701 (a)(1)) purchasing production of domestic crude oil.

(b) *Producer.*— (1) *In general.* Except as otherwise provided in this paragraph, the term "producer" means the holder of the economic interest with respect to the crude oil in place in the ground. For this purpose, the term "economic interest" has the same meaning as it has for purposes of subtitle A of the Code. For example, the owner of a production payment shall be treated as the producer only to the extent that the production payment is treated as an economic interest by section 636 (taking into account the effective date of that section).

(2) *Partnerships, trusts, and estates.* In the case of a partnership, the partnership's economic interest in the crude oil shall be allocated among the partners on the basis of each partner's proportionate share of the partnership's income from the crude oil, and the partner to whom the crude oil is allocated shall be treated as the producer of the crude oil. In the case of a trust or estate, the entity is the producer rather than the beneficiaries (see § 51.4994-1 for the treatment of trusts and estates for purposes of determining the applicability of an exemption from the windfall profit tax).

(3) *Net profits interest.* [Reserved]

(c) *Operator.* The term "operator" means the person who bears more of the responsibility for the management and operation of crude oil production from the property than any other person. In the case of a business entity (including a partnership) the operator is the entity and not its employee or owner (or general partner). However, under section 4996(a)(2)(B), another person may be designated as the operator, for purposes of chapter 45 of the Code by persons holding 50 percent or more of the total shares of production attributable to operating mineral interests in the property. Such a designation must be made in writing and signed by all persons participating in the designation. A copy of the designation document shall be furnished to the Internal Revenue Service Center, Austin, Texas, within 30 days of its effective date.

(d) *Removed from the premises; deemed removed.*—(1) *In general.* Except as otherwise provided in this paragraph, crude oil is removed from the premises when it is physically transported off the premises. If the manufacture or conversion of crude oil into refined products begins before it is considered to have been removed from the premises, the crude oil shall without exception be treated as removed from the premises on the date the manufacture or conversion begins. Additionally, crude oil (other than crude oil described in subparagraph (2) or crude oil that has been manufactured or converted) that is used on the premises shall be treated as removed from the premises on the date of such use. The term "premises" has the same meaning as it has for purposes of determining gross income from the property under section 613 (*i.e.*, immediate vicinity of the well). See § 1.613-3(a).

(2) *Certain use not considered removal.* Crude oil that is produced and then, without leaving the premises and without manufacture or conversion, injected into any well on the premises or used on the premises to power a production process such as a tertiary injection process or a water flood, or production equipment such as an artificial lift device, is not deemed removed from the premises.

(3) *Certain transportation not considered removal.* (i) This subparagraph (3)(i) applies to the transportation of crude oil away from the premises to another part of the same tract or parcel of land, or from one tract or parcel of land to a contiguous tract or parcel of land (or to a tract or parcel that is in a group of contiguous tracts or parcels that is contiguous to a producing tract or parcel). Such transportation shall not be considered removal from the premises provided (A) that the crude oil has not been manufactured or converted, (B) that on a tract or parcel of land described in the preceding sentence the crude oil either is used to power a production process or production equipment or is injected into a well, and (C) that the same person or group of persons holds 100 percent of the operating mineral interests (as defined in § 1.614-2(b)) in each of the tracts or parcels of land. If the crude oil not deemed removed pursuant to this subparagraph (3)(i) is produced from a property from which more than one category of crude oil is produced, the crude oil that is injected or used to power a production process or production equipment shall be allocated among such categories in proportion to the production from that property in each such category that was removed from the premises during the immediately preceding quarter. For purposes of the preceding sentence, the categories of crude oil are tier 1 oil, tier 2 oil, newly discovered oil, tier 3 oil other than newly discovered oil, and exempt oil.

(ii) Crude oil shall not be considered removed from the premises when, prior to sale, it is transported a short distance from the premises to a storage facility where the crude oil is to be held until sale. In that case, the crude oil shall be considered to be removed from the premises when it is removed from the storage facility.

(4) *"Wash" and "frac" oil.* If oil that has been removed or deemed removed pursuant to this paragraph is injected through a well into a reservoir (*e.g.*, "wash" or "frac" oil), the first crude oil produced from the same reservoir through that well after injection (up to an amount equal to the amount injected) shall be deemed not removed, provided the operator certifies the information required by paragraph (b)(7) of § 51.6050C–1. The provisions of this subparagraph do not apply to oil for which a deduction is allowable under section 193.

(e) *Taxable period.* The term "taxable period" means March 1980 and each calendar quarter beginning after March 1980.

(f) *Energy regulations.* The term "energy regulations" means regulations prescribed under section 4(a) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(a)) (crude oil price control regulations). References to the energy regulations shall refer to those regulations as in effect on April 2, 1980, unless the reference is to the March or June 1979 regulations. See section 4996(b)(8).

(g) *Integrated oil company.* Except as provided in paragraph (g)(4) of this section, the term "integrated oil company" means a taxpayer that is a "retailer" or "refiner" or a taxpayer who has made the election provided in paragraph (g)(3) of this section.

(1) *Retailer.* The term "retailer" means any taxpayer described in section 613A(d)(2) applying that section on a quarterly basis, *i.e.*, one who directly, or through a related person, sells crude oil or natural gas (excluding bulk sales to commercial or industrial users) or any product derived from crude oil or natural gas—

(i) Through any retail outlet operated by the taxpayer or a related person, or

(ii) To any person—

(A) Obligated under an agreement or contract with the taxpayer or related person to use a trademark, trade name, of service mark or name owned by such taxpayer or related person, in marketing or distributing crude oil or natural gas or any product derived from crude oil or natural gas, or

(B) Given authority, pursuant to an agreement or contract with the person or related person, to occupy any retail outlet owned, leased, or in any way controlled by the taxpayer or related person.

However, notwithstanding the preceding sentence, this subparagraph shall not apply in any case where the combined gross receipts from the sale of such crude oil, natural gas, or any product derived therefrom, for the taxable period of all retail outlets taken into account for purposes of this subparagraph do not exceed $1,250,000. For purposes of this subparagraph, sales of crude oil, natural gas, or any product derived from crude oil or natural gas shall not include sales made of such items outside the United States, if no domestic production of the person or a related person is exportd during the taxable period or immediately preceding taxable period.

(2) *Refiner.* The term "refiner" means any taxpayer described in section 613A(d)(4) applying that section on a quarterly basis, *i.e.*, one who is engaged in the refining of crude oil or is related to a person so engaged, provided that on any day during the taxable period the refinery runs of the person and any related person exceed 50,000 barrels.

(3) *Election to be treated as an integrated oil company.* Any taxpayer who was an integrated oil company during any taxable period of the current or preceding calendar year may elect, for purposes of administering the windfall profit tax, to be treated as an integrated oil company for some or all of the taxable periods in the current year during which the taxpayer would not otherwise be considered to be an integrated oil company. The election shall be made by filing a document with the Internal Revenue Service Center, Austin, Texas. The document shall state that the election is made and shall set forth the facts that entitle the taxpayer to make the election. The election shall be considered to take effect with the first taxable period beginning after the election document is received by the Internal Revenue Service Center and to remain in effect for all taxable periods until revoked, unless the election document specifies a different effective period. The election may be revoked at any time by filing with the Internal Revenue Service Center, Austin, Texas a document that states that the election is revoked. The revocation shall be effective with the first taxable period beginning after the revocation document is received by the Internal Revenue Service Center unless a later effective date is specified in the revocation document. If an election or revocation document is sent to the service center by mail, it shall be considered received when posted by United States mail, properly addressed, and with sufficient postage.

(4) *Special rule.* For purposes of § 51.4995–3 (relating to depositary requirements) if for any taxable period a taxpayer is an integrated oil company solely because that taxpayer is related to a person who is an independent refiner (as defined in paragraph (h) of this section), such taxpayer shall not be considered an integrated oil company for that taxable period.

For purposes of this paragraph, the term "related person" has the same meaning as in section 613A(d) (2) and (4).

(h) *Independent refginer.* The term "independent refiner" means any taxpayer who is engaged in the refining of crude oil, and who

(1) Obtained, directly or indirectly, in the second preceding calendar quarter, more than 70 percent of his refinery input of domestic crude oil (or 70 percent of his refinery input of domestic and imported crude oil) from producers who do not control, are not controlled by, and are not under common control with such refiner, and

(2) Marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by him through branded independent marketers or nonbranded independent marketers. The term "branded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products pursuant to—

(i) An agreement or contract with a refiner (or a person who controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such person), or

(ii) An agreement or contract under which any such person engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or person who controls, is controlled by, or is under common control with such refiner),

but who is not affiliated with, controlled by, or under common control with, any refiner (other than by means of a supply contract, or an agreement or contract described in subparagraph (1) (i) or (ii)) and who does not control such refiner. The term "nonbranded independent marketer" means a person who is engaged in the marketing or distributing of refined petroleum products, but who is not a refiner, is not a person who controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and is not a branded independent marketer. For purposes of this paragraph, the term "independent refiner" does not include any taxpayer who is not directly engaged in the refining of crude oil even if such taxpayer is related to a person directly engaged in the refining of crude oil. However, for purposes of the preceding sentence, a taxpayer not directly engaged in refining will be treated as directly engaged in refining if an amount equal to 95 percent or more of the crude oil purchased during the calendar quarter of which such taxpayer is the first purchaser is refined (or will be refined) by a refiner (or refiners) who is a member of a controlled group of corporations (within the meaning of section 1563(a)) of which such taxpayer is a member, provided that the refiner (or refiners) is an independent refiner without regard to this sentence and further provided that such taxpayer is not a producer of crude oil and is not a person described in paragraph (2) or (4) of section 613A(d). If a taxpayer would be treated as directly engaged in the refining of crude oil under the rule of the preceding sentence but for the fact that an amount less than 95 percent of such crude oil purchased is refined (or will be refined) by a refiner within the same controlled group of corporations as the taxpayer, the taxpayer nevertheless will be treated as directly engaged in the refining of crude oil if it is established by clear and convincing evidence that an amount equal to 95 percent or more of such crude oil purchased would have been refined by a refiner (or refiners) within the same controlled group of corporations but for an act of God, a strike, a severe mechanical breakdown, an injunction, or a restraining order.

(i) *Property.* [Reserved]

(j) *Disburser.* The term "disburser" means a person receiving payments from the sale of crude oil who is responsible for distributing some or all of the payment to one or more producers of the oil (either directly or through intermediate disbursers). In the case of a partnership distributing proceeds from the sale of crude oil to its partners, the partnership and not the partner (or partners) responsible for distributing the proceeds is considered the disburser.

(k) *Domestic.* The term "domestic," when used with respect to crude oil, refers to any crude oil (including crude oil derived from natural gas production) produced in the United States or in a possession of the United States.

(l) *Crude oil.* [Reserved]

(m) *Other.* See section 4996 (b) and (d) for definitions of "barrel," "United States," "possession of the United States," "Indian tribe," and "Alaskan oil from Sadlerochit reservoir."

§ 51.4996-2 Severance tax adjustment.

(a) *In general.* The severance tax adjustment with respect to any barrel of crude oil is the amount by which any severance tax imposed with respect to that barrel exceeds the severance tax which would have been imposed if the barrel had been valued at its adjusted base price.

(b) *Severance tax defined.* For purposes of this section, the term "severance tax" means any tax imposed by a State (not including a political subdivision of a State) with respect to the extraction of crude oil that is determined on the basis of the gross value of the extracted crude oil. The term "severance tax" does not include a tax levied on the value of reserves in the ground or a tax levied on the basis of net proceeds from production. Furthermore, a tax on the removal of crude oil from the ground levied as a fixed fee per barrel is not a severance tax because the amount of that tax is not determined by reference to the gross value of the extracted crude oil.

(c) *Limitations.*—(1) *15 percent limitation.* A severance tax shall not be taken into account to the extent that the total rate thereof exceeds 15 percent.

(2) *Increases after March 31, 1979.* The amount of a State's severance tax taken into account under paragraph (a) of this section shall not exceed the amount which would have been imposed under that State's severance tax, as in effect on March 31, 1979, unless that excess is attributable to an increase in the rate of the severance tax (or to the imposition of a severance tax) which applies equally to all portions of the gross value of each barrel of crude oil subject to that tax. For purposes of this subparagraph, the conversion of a tax levied at a fixed fee per barrel into a tax based on the gross value of crude oil removed constitutes an initial imposition of a severance tax.

§ 51.4996-3 Special rules for post-1978 transfers of property.

(a) *In general.* The rules of this section apply for all purposes of this part and chapter 45 of the Code, including the application of the June 1979 energy regulations for purposes of this part and chapter 45 of the Code.

(b) *Classification of crude oil from property transferred after 1978.* If a portion of a property (as defined in paragraph (i) of §51.4996-1) is transferred after December 31, 1978, any crude oil produced from any portion of the property constitutes crude oil from a stripper well property, newly discovered oil, or heavy oil only if such crude oil would be so classified if there had not been a transfer. The term "transfer" means any sale, exchange, lease, sublease, gift, bequest, devise, or other disposition (including a distribution by an estate, or a contribution to or distribution by a corporation, partnership, or trust, whether or not a taxable event) of rights (including rights less than fee simple) with respect to the property. Thus, for example, a change in the identity of the holder of a lease, mineral rights, royalty rights, or fee simple ownership rights with respect to a portion of the property is a transfer, even if such change is the result of corporate reorganization, gift, devise, or inheritance.

§ 51.4997-1 Returns and recordkeeping.

(a) *Returns.* Returns with respect to windfall profit taxes imposed by section 4986 shall be made as provided in this section.

(1) *Quarterly return.* A return for each taxable period (on Form 720, with Form 6047 attached thereto, in accordance with the instructions on those forms) shall be made by the following:

(i) Each purchaser of crude oil required to deduct and withhold tax pursuant to § 51.4995-1;

(ii) Each operator of a property or qualified disburser who, having made an election pursuant to §§ 51.4995-4 or 51.4995-5, is required to deduct and withhold tax; and

(iii) Each producer of crude oil the tax with respect to which is excepted from the withholding requirement by a subparagraph of § 51.4995-1 (a).

(2) *Annual return.* A return for each calendar year shall be made by each producer of crude oil whose liability for tax with respect to crude oil that was removed during the four taxable periods of the calendar year exceeds the amount of tax withheld with respect to that crude oil.

Every producer taking the net income limitation provided by section 4988 (b) into account in making windfall profit tax deposits shall file quarterly and annual statements in accordance with forms and instructions provided for that purpose. See § 51.6076-1 for the rules relating to the time for filing the returns required by this section and § 51.6081-1 for extensions of time for filing returns.

(b) *Recordkeeping requirements.* Each taxpayer liable for tax under section 4986, each producer or purchaser of domestic crude oil, each operator of a property from which domestic crude oil was produced, each disburser, and each partnership or other person receiving information on behalf of or providing information to producers under this part shall keep records of all documents, material, and information necessary to the determination of the windfall profit tax or that affect his, her, or its administrative obligations under the Crude Oil Windfall Profit Tax Act of 1980 or the regulations in this part, including material furnished to other persons, as well as information received from other persons. The records shall be kept at all times available for inspection by authorized internal revenue officers or employees, and shall be retained so long as the contents thereof may become material in the administration of any internal revenue law

§ 51.4997-2 Certain information to be furnished by purchaser and others.

(a) *In general*—(1) *Purchasers.* If the rules for collection and deposit of tax under §§ 51.4995-1 and 51.4995-3 apply to a purchaser with respect to any crude oil (or would apply to the purchaser in the absence of an exemption certificate given pursuant to § 51.4995-1 (b)(3)), such purchaser shall furnish statements in accordance with paragraphs (b), (c), (d), and (e) of this section to each producer of the crude oil, except that, if payment for the crude oil is made to the operator of the property from which the crude oil is produced, a partnership, or other disburser (whether or not a "qualified disburser," as defined in § 51.4995-5) rather than to each producer individually, the statements shall be furnished to the operator, partnership, or other disburser, as the case may be. Such purchaser shall also file the information return required by paragraph (c) of this section with the Internal Revenue Service (in the case of yearly statements on Form 6248).

(2) *Operators, partnerships, disbursers*—(i) *In general.* Except as otherwise provided in this subparagraph, any person who is to be furnished a statement pursuant to paragraph (a)(1) with respect to crude oil of which such person is not the producer (referred to hereinafter in this section as the "intermediary") shall, within 15 days of receipt of any statement furnished pursuant to paragraph (a)(1), furnish to each producer, operator, partnership, or disburser to whom such person makes payment for the crude oil a statement containing information relating to the share of crude oil attributable to that producer, operator, partnership, or disburser. However, the rule of the preceding sentence shall apply to the statement required by paragraph (b) of this section (relating to monthly statements of tax withheld) to be furnished by a partnership to a partner only if the partner to receive the statement has requested that it be furnished. The statement furnished by the intermediary to the producer, operator, partnership, or disburser shall be based upon the information contained in the statement received by the intermediary pursuant to paragraph (a)(1) or this subparagraph. Such statement shall not contain any information contrary to the information contained in the statement received by the intermediary pursuant to paragraph (a)(1) or this subparagraph. In the case of a partnership furnishing the statement required by paragraph (c) (Form 6248) or an annual statement required by paragraph (d) directly to any of its partners who are producers, the statement shall be furnished by the date that is the later of—

(A) 15 days following receipt of such a statement by the partnership, or

(B) The first April 30 following the end of the year to which the statement relates.

Any person furnishing the statement required by paragraph (c) (Form 6248) shall file a copy with the Internal Revenue Service as an information return. If a person required to furnish a statement under this paragraph makes payment to the same producer, operator, partnership, or disburser for crude oil removed from more than one property, the information for each property may be aggregated into one statement (and one information return) furnished under this paragraph. If at the time a person furnishes a yearly statement required by paragraph (c) (Form 6248) to a producer, operator, partnership, or disburser such person expects to provide the same producer, operator, partnership, or disburser with another return with an additional or amended statement for the same year, the statement shall inform the recipient of that fact. If an intermediary is required by this subparagaragraph to furnish and file Form 6248 and the intermediary has not been furnished the Form 6248 pursuant to paragraph (a)(1) of this subparagraph on which to base its own Form 6248 by the first April 30 following the end of the year to which the Form 6248 relates, the intermediary shall, within 15 days (*i.e.*, by May 15), furnish to each producer, operator, partnership, or disburser to whom the intermediary makes payments for crude oil for which the Form 6248 was not received, a statement setting forth the amount of payments that the intermediary made to the recipient of the statement during the immediately preceding calendar year, the name, address, and employer identification number (or, if none, social security number) of the person required by paragraph (a)(1) or this subparagraph to furnish Form 6248 to the intermediary, the fact that the person required to furnish Form 6248 to the intermediary has not yet done so, and such other information as may be required by Form 6248 or its instructions. The intermediary shall file with the Internal Revenue Service a copy of each statement furnished pursuant to the preceding sentence by the time the intermediary must furnish such statement (*i.e.*, May 15).

(ii) *Notification of error.*—(A) *Underwithholding.* If an intermediary is of the opinion that there has been an underwithholding or overwithholding of windfall profit tax on a payment received, the intermediary shall, within 5 days of forming the opinion that withholding was inaccurate, notify the person from whom the intermediary received payments of the amount considered to be underwithheld or overwithheld. In addition, the intermediary shall, at the time the intermediary makes payment of an amount considered to be inaccurately withheld upon to any producer, operator, partnership, or disburser, furnish to each such payee a statement setting forth sufficient information to briefly explain the reason for the difference, if known, between the purchaser and the intermediary on the amount withheld.

(B) *Incorrect yearly statement.* If an intermediary is of the opinion that the yearly statement (Form 6248) it received pursuant to paragraph (a)(1) or this subparagraph is incorrect, the intermediary shall, within 15 days of forming that opinion, notify the person furnishing the statement of the intermediary's opinion. If an intermediary notifies the person furnishing the statement that it considers the statement furnished to be in error, the intermediary shall furnish the yearly statement required by paragraph (a)(2)(i) of this section on the date that is the earlier of—

(*1*) 30 days after the intermediary notifies the person furnishing the statement to the intermediary that the intermediary considers it to be in error, or

(*2*) 10 days after notification from such person that such person disagrees with the intermediary's opinion that there is an error.

The statement furnished by the intermediary shall be based upon the information contained in the statement furnished to the intermediary pursuant to paragraph (a)(1) or this subparagraph including any modification made to that statement by the person furnishing the statement after receiving a notification from the intermediary pursuant to this subdivision. However, the intermediary shall indicate on the statement the difference of opinion if Form 6248 or its instructions so require.

(3) *Identifying numbers.* Every person with respect to whom the annual information return prescribed by paragraph (c) of this section (Form 6248) is required to be made by another person and every person who is required to be shown as a member of a related group on another person's independent producer certificate pursuant to § 51.4995-2(c)(1) shall furnish to such other person the person's employer identification number, or if an employer identification number has not been assigned, the person's social security account number.

(b) *Monthly statement.* [Reserved]

(c) *Yearly statement of windfall profit tax liability.*—(1) *In general.* For each calendar year, the purchaser shall furnish statements and shall file information returns with the Internal Revenue Service. A separate statement shall be furnished to and a separate information return shall be filed for each producer, operator, partnership, or disburser to whom the purchaser made payments for crude oil purchased during the calendar year. If the purchaser made payments to the same producer, operator, partnership, or disburser for crude oil purchased from more than one property, the information for each property may be aggregated into one statement and one information return. Furthermore, that statement and return may be combined with any statement and return required by paragraph (a)(2). If at the time such a statement is furnished to a person the purchaser expects to provide that person with another statement with additional information for the same year, the purchaser shall inform the recipient of that fact. Each statement and information return shall contain the information with respect to oil for which that person received payment required by the form (Form 6248) or its instructions. If the purchaser did not withhold tax from payments to that person because of the receipt of an exemption certificate, the yearly statement and information return shall identify the applicable exemption and set forth the number of barrels that would have been in each tax tier if the oil had been taxable crude oil.

(2) *Producers not subject to withholding.* Every producer of crude oil not subject to withholding under § 51.4995-1, other than a producer who has certified pursuant to § 51.4995-2 that its share of production is "exempt oil," shall file the information return with respect to that crude oil that would otherwise have been required to be filed by the purchaser.

(3) *Prescribed form.* The statement and information return required by this paragraph shall be furnished and filed on Form 6248. The statement shall be furnished in duplicate. The information return shall be filed in the place and in the manner provided in the instructions to Form 6248. The Internal Revenue Service may prescribe procedures permitting the filing of the information return required by this paragraph on magnetic tape (or other approved media) instead of paper returns.

(4) *Time for furnishing yearly statement of windfall profit tax liability and filing yearly information returns.* Each yearly statement required to be furnished by a purchaser under this paragraph for any calendar year shall be furnished on or before March 31 of the year immediately following the calendar year to which the statement applies, and each yearly information return required to be filed by a purchaser shall be filed on or before April 30 of that year. Each yearly statement required to be filed by an intermediary shall be filed within 30 days of the date the intermediary is required to furnish such statement.

(5) *Correction of errors in statements and returns.* (i) If a person required to furnish a yearly statement or file an information return under this paragraph or paragraph (a)(2) ascertains not later than June 30 of the year following the year to which the statement relates that the statement or return is not correct, such person shall correct the error by furnishing a corrected statement and filing a corrected return not later than the following July 31. However, the preceding sentence shall not apply (A) in the case of an intermediary for an error for which the intermediary is required by paragraph (a)(2)(ii) to give a notification of error, or (B) if the corrected statement or return would reflect a change of less than $100 in each of the following items: Windfall profit tax liability, windfall profit tax withheld, and amount of underwithheld or overwithheld tax.

(ii) If, at the time that a person is required to furnish an original yearly statement and file a return under this paragraph for any year, it has been ascertained that the statement of an earlier year was not correct and has not been corrected, such person shall furnish a corrected statement and file a corrected return by the time that the next original statement and return is required. However, the preceding sentence shall not apply (A) in the case of an intermediary for an error for which the intermediary is required by paragraph (a)(2)(ii) to give a notification of error, or (B) if the corrected statement or return would reflect a change of less than $1.00 in each of the following items: Windfall profit tax liability, windfall profit tax withheld, and amount of underwithheld or overwithheld tax.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). On March 31, 1983, A, a purchaser of crude oil, furnished B, a producer of crude oil, with a yearly statement (Form 6248) relating to crude oil that A purchased from B during 1982. On June 10, 1983, A ascertained that the yearly statement furnished to B understated B's windfall profit tax liability by $100. A must furnish to B and file with the Internal Revenue Service a corrected yearly statement by July 31, 1983.

Example (2). Assume the facts in example (1) except that A ascertained the error on July 1, 1983. A would be required to furnish and file the corrected yearly statement by March 31, 1984 (the time the next original yearly statement is required to be furnished and filed).

Example (3). Assume the facts in example (1) except that the yearly statement understated B's windfall profit tax liability by $99. A would be required to furnish and file the corrected yearly statement by March 31, 1984.

Example (4). On April 30, 1983, C, an intermediary, furnished D, a producer of crude oil, a yearly statement relating to 1982 for crude oil for which C made payments to D. On June 1, 1983, C ascertained that, based on the information contained in the yearly statement furnished to C on March 31, 1982, C had understated D's windfall profit tax liability by $50. On April 15, 1984, C received a yearly statement relating to payments made to C for crude oil removed in 1983. C is required to furnish to D a yearly statement relating to 1983 for payments made to D by April 30, 1984. C is also required to furnish to D by April 30, 1984, a correct yearly statement relating to 1982. C is also required to file with the Internal Revenue Service the correct yearly statement by May 30, 1984 (the date that is 30 days after the date C is required to furnish the corrected yearly statement).

(6) *Identifying numbers.* Any person required to make an information return with respect to any other person under this paragraph shall obtain from that other person that person's identifying number (employer identification number or, if none, social security account number) and shall include that number in the information return. Furthermore, any person required to make an information return that is based, in whole or in part, upon information received from another person shall include that other person's identifying number in the information return.

(d) *Detailed statement to be furnished upon request.*

(1) [Reserved].

(2) If the information request specifies that the information is requested for each taxable period, the information shall be provided for each taxable period not later than the last day of the second month following the end of the taxable period (or, if later, 90 days following receipt of the request). If the information request states that the person requesting the information has an income tax year (for Federal income tax purposes) that ends on a date other than the last day of a calendar quarter and states the date on which the taxable year ends, the information for the taxable period within which the taxable year (for Federal income tax purposes) ends shall be provided for each month in that period. In any other case, the requested information shall be provided for each calendar year not later than March 31 of the following calendar year (or, if later, 90 days following receipt of the request).

(e) *Suspended accounts.* If, due to the fact that the identity of the producer is not known or is in dispute, the sales proceeds of crude oil have been placed in escrow or otherwise held in suspense and have not been distributed to the producer at the time that the information return is required to be filed under paragraph (c), a return (Form 6248), clearly identified as relating to suspended funds, shall be filed for each such account. At the filer's option, some or all of the returns may be aggregated into a single return. Not later than 60 days after the sales proceeds have been released to the producer, an information return shall be filed with an identification of the producer, and the statements required by paragraphs (c) and (d) of this section for past periods shall be furnished to the producer.

(f) *Cross reference.* For the requirement that the operator or qualified disburser furnish the statements and file the returns required by this section in the event that the election has been made to have the operator or qualified disburser deduct and withhold tax, etc. see §§ 51.4995-4 and 51.4995-5.

§ 51.6050C-1 Information furnished by operator for purposes of windfall profit tax.

(a) *In general.* The operator of any property from which domestic crude oil is removed during a calendar month shall furnish a monthly statement, signed under the penalties of perjury if the statement is furnished to the purchaser, certifying the information specified in paragraph (b) of this section to:

(1) The purchaser of the crude oil, if the purchaser is required to withhold tax from payments for the crude oil pursuant to § 51.4995-1 (see paragraph (e) of this section for the requirement that the statement be furnished to a qualified disburser), or

(2) The producer, in any other case, except that if the producer of crude oil is a partner in a partnership, this statement may be furnished to the partnership if the producer and the partnership so agree. In that case, the partnership shall furnish the information to the producer with respect to that producer's share of the crude oil within 15 days of receipt.

(b) *Information to be certified.* In the case of crude oil that qualifies as exempt Alaskan oil (as defined in § 51.4994-1), the statement shall certify that the crude oil is exempt Alaskan oil. In all statements not certifying an exemption for Alaskan oil, the following information is to be certified in the statement required under paragraph (a) of this section:

(1) The tier, for purposes of the tax imposed by section 4986, of the crude oil removed during the month and, if the crude oil is tier 3 oil, whether the crude oil constitutes newly discovered oil, heavy oil, or incremental tertiary oil;

(2) The amount of the crude oil removed and, if the crude oil removed includes crude oil of different tiers or categories, the amount of crude oil removed of each tier or category;

(3) The adjusted base price (within the meaning of section 4989) for each tier of crude oil removed;

(4) The severance tax adjustment, if any, provided under section 4996(c) with respect to each tier of crude oil removed;

(5) The TAPS adjustment, if any, provided under section 4996(d), and the average removal price for the month, in the case of crude oil from the Sadlerochit Reservoir;

(6) The property from which the crude oil was removed; and

(7) If oil that has been removed or deemed removed is injected into a well (*e.g.*, "wash" or "frac" oil)—

(i) The quantity of crude oil produced that is deemed not removed under § 51.4996-1(d)(4) (assuming the operator makes the certification required by this paragraph), and

(ii) That the operator will maintain records sufficient to establish that such quantity of crude oil is deemed not removed under that section (*e.g.*, documentation of the purchase, injection, recovery, and removal or sale of the "wash" or "frac" oil).

However, in the case of a statement furnished to a purchaser, the statement need not certify any information that was certified in a previous statement furnished to that purchaser under this section provided that the omitted information has not changed since the previous certification and the purchaser has not requested recertification. When providing information to a purchaser, the operator shall provide the information with respect to crude oil sold to that purchaser removed during the month. In the case of a statement furnished to a producer or partnership, the operator shall provide the information with respect to that person's allocable share of all crude oil removed from the premises during the month (including any crude oil delivered in kind to that producer).

(c) *Time and manner of certifying information.* The operator shall furnish the statement required by paragraph (a) of this section to the purchaser or producer, as the case may be, no later than the fifteenth day of the month following the calendar month in which the crude oil was removed.

(d) *Agreement between operator and recipient of statement.* If the purchaser or producer agrees in a signed statement that the operator shall be relieved of the duty of furnishing to such purchaser or producer—

(1) The statement otherwise required under paragraph (a) of this section, or

(2) Some or all of the information required under paragraph (b) of this section.

the operator shall be relieved of such duty, provided that the purchaser or producer has the information necessary to comply with all of the requirements of this part without such statement or information. Such an agreement shall immediately cease to have effect when the operator, purchaser, or producer, by a written statement signed by an authorized person, notifies the other party that it is terminating the agreement.

(e) *Special rule.* If an election under § 51.4995-5 is in effect under which a qualified disburser assumes the obligations of the purchaser, the statement otherwise required by this section to be furnished to the purchaser shall be furnished to the qualified disburser.

(f) *Producer's certificate.* For the requirement that certain operators furnish producer certificates to purchasers, see § 51.4995-2(e).

(g) *Penalties.* See sections 6678, 7206, and 7241 (relating to civil and criminal penalties).

§ 51.6076-1 Time for filing return of windfall profit tax.

Each quarterly return required by paragraph (a)(1) of § 51.4997-1 shall be filed not later than the last day of the second month following the close of the taxable period. Each annual return required by paragraph (a)(2) of § 51.4997–1 shall be filed not later than May 31 of the first year following the close of the calendar year in which the crude oil giving rise to the underpayment was removed.

§ 51.6081–1 Extension of time for filing returns.

(a) District directors and directors of service centers are authorized to grant a reasonable extension of time for filing with the Internal Revenue Service any return, statement, or other document which relates to the tax imposed by chapter 45 and which is required under the provisions of chapter 45 or the regulations thereunder. However, except in the case of taxpayers who are abroad, such extensions of time shall not be granted for more than 3 months. An extension of time for filing a return shall not operate to extend the time for payment of the tax or any part thereof unless specified to the contrary in the extension. Any extension of time for filing a return shall not operate to extend the time for furnishing any information statement or other document with a person other than the Internal Revenue Service.

(b) The application for an extension of time for filing the return shall be addressed to the district director or director of the service center with whom the return is to be filed and must contain a full recital of the causes for the delay. It should be made before the expiration of the time within which the return otherwise must be filed, and failure to do so may indicate negligence and constitute sufficient cause for denial. It should, where possible, be made sufficiently early to permit consideration of the matter and reply before what otherwise would be the due date of the return.

(c) If an extension of time for filing the return is granted, a return shall be filed before the expiration of the period of extension.

§ 51.6402–1 Credit or refund of overpayment of windfall profit tax.

(a) *In general.* Any purchaser or producer who pays, or is deemed to have paid under section 4995(a)(4), more than the correct amount of the crude oil windfall profit tax imposed by chapter 45 for a taxable period may file a claim for refund of the overpayment or may claim credit for such overpayment, in the manner and subject to the conditions stated in this section and § 301.6402–2 of this chapter (Regulations on Procedure and Administration).

(b) *Overpayments by purchasers and by producers depositing tax.*—(1) *In general.* If, for any taxable period, a purchaser or a producer (or a person acting in both capacities) has paid more than the sum of the amount required to be deposited as a purchaser for crude oil removed during that taxable period plus the amount of tax imposed by section 4986 (computed without regard to the net income limitation on windfall profit provided in section 4988(b)) on the removal in that taxable period of crude oil that is not subject to withholding, the purchaser or producer may file a claim for refund of that overpayment on or after the date for filing the return of such tax for such taxable period under section 6076 or may claim credit for such overpayment against any liability for a tax imposed by chapter 1 or 45 in accordance with the forms and instructions provided for that purpose.

(2) *Producers; net income limitation.* Except as provided in paragraph (b)(1), if, for any taxable period, a producer has paid more than the amount of tax imposed by section 4986 (computed with regard to the net income limitation provided in section 4988(b)) on the removal in that taxable period of crude oil that is not subject to withholding, the producer may file a claim for credit or refund of that overpayment only after the end of the taxable year (for Federal income tax purposes) with respect to which the limitation is computed. At that time, the producer may claim a credit or refund of the overpayment as provided in paragraph (b)(1) of this section.

(3) *Purchasers unable to recover underwithholding through subsequent overwithholding.* A purchaser who withheld less than the amount required to be withheld from a payment under § 51.4995–1, who deposited the amount required to be withheld, and who has not corrected the underwithholding pursuant to § 51.4995–1(c) before the expiration of the adjustment period, may file a claim for refund of the excess of the amount deposited over the amount withheld if the amount claimed has been reported as underwithholding on the appropriate Form 6248 furnished and filed pursuant to § 51.4997–2(c) and if the purchaser establishes that the producer has paid in full the producer's liability under section 4986 for the calendar year of removal of the crude oil. Any claim for refund shall be filed on Form 843.

(c) *Overpayments attributable to amounts deducted and withheld.*—(1) *In general.* Under section 4995(a)(4), the producer of crude oil is treated as having paid any amount withheld on the last day of the first February after the calendar year in which the crude oil was removed from the premises. Therefore, if the sum of the producer's liability for the tax imposed by section 4986 (computed without regard to the net income limitation provided in section 4988(b)) on crude oil subject to withholding under § 51.4995–1 for all taxable periods of a calendar year is less than the amount deducted and withheld from the producer under § 51.4995–1 with respect to crude oil removed during the calendar year, an overpayment of tax exists after such last day of February. The producer may file a claim for refund of the overpayment or may claim credit for the overpayment against any liability for a tax imposed by chapter 1 or 45 in accordance with the forms and instructions provided for that purpose. The producer shall attach to the claim a copy of all Forms 6248 furnished to the producer pursuant to § 51.4997–2.

(2) *Net income limitation.* Except as provided in paragraph (c)(1), if the sum of the producer's liability for the tax imposed by section 4986 (computed with regard to the net income limitation provided in section 4988(b)) on crude oil subject to withholding under § 51.4995–1 for any taxable period is less than the sum of the amounts deducted and withheld from the producer under § 51.4995–1 with respect to crude oil removed in that taxable period, the excess may be claimed as a credit or refund only after the later of—

(i) The last day of the first February after the end of the taxable period, or

(ii) The last day of the taxable year (for Federal income tax purposes) with respect to which the limitation is computed.

Thereafter, the producer may file a claim for credit or refund of the overpayment as provided in paragraph (c)(1) of this section.

(d) *Producers who are partners in a partnership with a different taxable year.* If a producer is a partner in a partnership that has a different taxable year (for Federal income tax purposes) than that of the producer and if the net income limitation is taken into account with respect to properties held by the partnership, then the rules of paragraph (b)(2) and (c)(2) shall be applied by treating the partnership taxable year as the taxable year with respect to which the net income limitation is computed. Multiple claims for credit or refund may be filed by a partner who also produces taxable crude oil other than through the partnership.

(e) *Examples.* The rules of this section may be illustrated by the following examples:

Example (1). Under § 51.4995–1, the purchaser of crude oil from producer A is not required to deduct and withhold any tax from payments made to A. Consequently, A deposited a total of $1,100 for a certain taxable period. After the end of the taxable period, it is determined that the tax imposed by section 4986, computed without regard to the net income limitation, is $1,000. A estimates that, due to the net income limitation, the actual liability is only $900. Under paragraph (b)(1) of this section, A may file a claim for credit or refund of $100 (the amount by which the $1,100 deposit exceeds the $1,000 tax imposed by section 4986, computed without regard to the net income limitation). Under paragraph (b)(2) of this section, A may claim credit or refund of any overpayment due to the application of the net income limitation only after A's taxable year (for Federal income tax purposes) has ended. However, see § 51.4995–3 (g)(2) for rules relating to estimated tax deposits.

Example (2). Producer B's taxable year for income tax purposes is the calendar year. Due to the application of the net income limitation, the amount of windfall profit tax withheld from B exceeds B's liability for each of the four taxable periods of the calendar year. B may file a claim for credit or refund of the overwithheld tax after the last day of February following the end of the calendar year.

Example (3). Producer C's taxable year for income tax purposes ends on June 30. Due to the application of the net income limitation, C's windfall profit tax has been overwithheld for each of the four taxable periods within C's taxable year ending June 30, 1981. C may claim credit or refund after June 30, 1981, for the overpayment attributable to crude oil removed during the last two taxable periods of calendar year 1980 (July–September and October–December 1980), because by that time C has been deemed, under section 4995 (a)(4), to have paid the tax with respect to those taxable periods, and the taxable year in which the oil was removed has ended. However, C must wait until after February 28, 1982, to claim credit or refund for the overpayment attributable to crude oil removed during the first two taxable periods of calendar year 1981 (January–March and April–June 1981).

Example (4). Assume the same facts as in example (3), except that the purchaser of C's crude oil made an error and overwithheld tax during the last taxable period of calendar year 1980. The error was not ascertained until after June 30, 1981, and thus remained unadjusted when the purchaser furnished C the annual information statement under § 51.4997–2. After February 28, 1981, C may file a claim for credit or refund of the amount overwithheld due to the withholding error. However, C may not claim a credit or refund for the overpayment due to the withholding error. However, C may not claim a credit or refund for the overpayment due to the application of the net income limitation until the dates specified in example (3).

Example (5). Assume the same facts as in example (3), except that C's taxable year ends on August 31, and the overpayment due to the net income limitation relates to C's taxable year ending August 31, 1981. C may claim a credit or refund after August 31, 1981, for the overpayment attributable to crude oil removed after August 31, 1980, and before January 1, 1981. After February 28, 1982, C may claim credit or refund for the overpayment attributable to crude oil removed from January 1, 1981, through August 31, 1981. That claim may only reflect overpayments due to the application of the net income limitation for crude oil removed through August 1981 because the last month of the third taxable period of 1981 (September 1981) is in C's next income tax year.

Example (6). Under § 51.4995–1, the purchaser of crude oil from producer D is not required to deduct and withhold any tax from payments made to D. D holds a working interest in an oil property and is also a partner in a partnership that holds interests in other properties. D's taxable year for Federal income tax purposes is the calendar year, but the partnership's taxable year ends on June 30. For the four taxable periods of calendar year 1981 D has paid the tax imposed by section 4986, computed without regard to the net income limitation, on the removal of crude oil from both the partnership properties and the property held directly by D. After June 30, 1981, D may file a claim for credit or refund for the first two taxable periods of 1981 if the net income limitation reduces the tax due on the partnership properties. However, that claim may not reflect any reduction in tax due to the net income limitation on the property held directly by D. After D's taxable year ends on December 31, 1981, D may file a claim for credit or refund for any overpayment for the four taxable periods of calendar year 1981 due to the application of the net income limitation to that property. Finally, after June 30, 1982, D may file a claim for credit or refund for the last two taxable periods of 1981 if the net income limitation reduces the tax due on the partnership properties.

Example (7). Assume the same facts as in example (6), except that payments made to D are subject to withholding and that the amount withheld from payments to D for crude oil removed during 1981 is equal to the tax imposed by section 4986 computed without regard to the net income limitation. After February 28, 1982 (the date on which D is treated as having paid the withheld tax), D may file a claim for credit or refund for the four taxable periods of 1981 taking the net income limitation into account for all four taxable periods with respect to the property held directly by D and for the first two taxable periods with respect to the partnership properties. However, the claim for credit or refund may not take into account any reduction in tax due to the application of the net income limitation to partnership properties for the last two taxable periods of 1981. Only after the partnership year ends on June 30, 1982, may D file a claim for credit or refund taking that reduction into account.

(f) *Cross-reference.* For examples illustrating the interrelationship of § 51.4995–3 (relating to depositary requirements) and this section, see § 51.4995–3 (g)(2)(ii).

This Treasury decision is issued under the authority contained in sections 4992, 4993, 4995, 4996, 4997, 6050C, 6402, and 7805 of title 26 of the United States Code.

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: October 6, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82–30524 Filed 11–3–82; 4:31 pm]

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DEPARTMENT OF LABOR

Office of Pension and Welfare Benefit Programs

29 CFR Part 2510

Definitions and Coverage Under Employee Retirement Income Security Act of 1974; Supplemental Payments

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Adoption of regulation.

SUMMARY: This document contains a final regulation providing guidance on the scope of the term "pension plan" under the Employee Retirement Income Security Act of 1974 (the Act), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (the MPPAA). The regulation is intended to enable employers to provide for certain supplemental retirement income payments to former employees under a welfare plan rather than under a pension plan to help offset the effects of inflation on pension benefits. The regulation affects participants and beneficiaries of a single employer and multiemployer pension plans, as well as employers maintaining these plans.

DATE: The regulation applies to payments made on or after September 26, 1980, except that § 2510.3–2(g)(2) applies to payments after January 1, 1975.

FOR FURTHER INFORMATION CONTACT: Mrs. Patricia Nitchie, Pension and Welfare Benefit Programs, U.S. Department of Labor, Washington, D.C., telephone (202) 523–8521. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

A. Background

On January 27 and February 6 and 13, 1981, notice was published in the Federal Register (46 FR 8571, 11292 and 12214) that the Department of Labor (the Department) had under consideration a proposal to adopt a regulation, 29 CFR 2510.3–2 (g), under section 3(2)(B) of the Act. After consideration of all the public comments on the proposal, the

Department has decided to adopt the regulation, with certain modifications. Following is a discussion of the regulation as adopted, the changes from the proposed regulation, and the principal views expressed in the public comments.

B. Summary of Statutory Provisions

In general, payments by employers to supplement the pension benefits of their retirees ("supplemental payments") fall within the definition of the terms "employee pension benefit plan" and "pension plan" set forth in section 3(2)(A) of the Act. Section 409 of the MPPAA amended the Act by adding section 3(2)(B), which, among other things, authorizes the Secretary of Labor to issue regulations treating certain supplemental payment arrangements as welfare plans rather than pension plans if the regulations are consistent with the standards and purposes of the Act. Section 3(2)(B)(ii) of the Act limits welfare plan treatment to arrangements under which the pension benefits of retirees and their beneficiaries are supplemented to take into account some portion or all of the increase in the cost of living (as determined by the Secretary of Labor) since retirement. Section 3(2)(B) also provides that in the case of any arrangement or payment a principal effect of which is the evasion of the standards or purposes of the Act applicable to pension plans, such arrangement or payment shall be treated as a pension plan.

The Department has concluded, for the reasons discussed below, that the regulatory action it is taking is consistent with the standards and purposes of the Act. The possibility of a unique arrangement or payment having as its principal effect the evasion of the standards or purposes of the Act would depend on the facts and circumstances of the particular case. In that regard, the Department notes that it does not issue advisory opinions which involve issues inherently factual in nature (see Section 5 of ERISA Advisory Opinion Procedure 76-1, 41 FR 36281 (August 27, 1976)).

C. Cost of Living Formula

Under the proposed regulation, for a supplemental payment to be considered to have been made under a welfare rather than pension benefit plan, it could not exceed an amount equal to the payee's monthly pension benefit multiplied by the sum of specific percentages for all retirement years, provided also that the amount did not exceed the percentage increase in the cost of living since retirement. The proposal's formula provided that the percentage for any year would equal the higher of 3 percent or one third of the percentage increase in the cost of living for that year. As explained in the preamble to the proposed regulation, the formula was intended to lessen the likelihood that too large a percentage of retiree's retirement income would consist of discretionary payments which are not afforded the protections of a pension plan under ERISA.

Many commentators urged the Department to revise the formula to permit supplemental payments under a welfare plan which would reflect all or a greater percentage of the cost of living increase since retirement. Other commentators took the position that the Department's rules should be expanded even further to permit limited amounts of supplemental payments to be made under a welfare plan even if these payments exceeded the retiree's cost-of-living increase since retirement.

The Department has concluded that retirees, on balance, would not be harmed by permitting their pension benefits to be supplemented by the full increase in their cost of living since retirement. Therefore, the formula in the final regulation permits the payment of supplements that reflect the full increase in the cost of living (based on the retiree's initial pension benefit). The regulation does not allow supplemental payments in excess of the increase in the cost of living, because the Department has concluded that this change would be inconsistent with section 3(2)(B) of the Act, which authorizes welfare plan treatment only for cost-of living increases after retirement.

Under the revised formula in the final regulation, a payment made under a supplemental payment welfare benefit plan with respect to any month may not exceed an amount equal to the product of: (a) The retiree's pension benefit amount, and (b) a percentage equal to the full percentage increase in the cost of living since the commencement of the retiree's pension benefits. This percentage increase is generally measured by comparing the consumer price index for the month in which the retiree's pension benefits commenced to the consumer price index for the month with respect to which the supplemental payment is made. In response to suggestions from some commentators, the formula of the final regulation uses monthly rather than annual consumer price index data. This method of computation permits supplemental payments to retirees for the first month after the month of retirement where there has been an increase in the cost-of-living for that succeeding month. Like the proposal, the final regulation provides that supplemental payments may be cumulated and paid in subsequent months.

D. Payment Out of General Assets

Under the proposed regulation, supplemental payments were required to be made out of an employer's general assets in order to qualify for welfare plan treatment. Several commentators noted that this condition would, as a practical matter, prevent most employers participating in collectively bargained multiple employer pension plans from making supplemental payments under a welfare plan. The final regulation therefore provides that payments may be made out of a welfare plan trust established exclusively for the purpose of supplementing pension benefits, as well as out of an employer's general assets.

E. Limitation on Obligation to Make Supplemental Payments

The proposed regulation provided that where an employer is obligated to make supplemental payments for more than twelve months at a time, the arrangement would not qualify for welfare plan treatment. Commentator objections to this condition fell into two main categories: First, the condition would prevent use of supplemental payment plans in connection with collectively bargained pension plans, which typically are tied to collective bargaining agreements having terms of three years. Second, employers in general might have difficulty assuring themselves that a supplemental payment arrangement does not give rise to a legal obligation to continue the arrangement for more than twelve months, which obligation would disqualify the arrangement from welfare plan treatment. This twelve-month condition was included in the proposed regulation because it was anticipated that setting such a condition would alert retirees to the fact that their supplemental payments were not part of their regular pension benefits which were afforded all of ERISA's protections, and thus the retirees would not expect the supplemental payments to continue as a permanent source of retirement income for them.

In light of the comments received, however, the Department has concluded that the costs to employers in terms of their loss of flexibility to make supplemental payments would outweigh the benefits of imposing this condition. To the extent that employers thus would be discouraged from making supplemental payments, retirees also would be disadvantaged insofar as they would suffer a loss of supplemental income which otherwise might have been given to them. Therefore the final regulation has no condition relating to the length of an employer's obligation to continue the supplemental payments.

F. Two-Year Waiting Period

One of the conditions to welfare plan treatment under the proposed regulation was that supplemental payments to a retiree could not commence until two years after retirement. Several commentators expressed concern that this condition would have a particularly adverse effect upon retirees having small pensions. This two-year waiting period condition was included in the proposed regulation for the purpose of impressing upon retirees the distinction between pension plan payments received from their employers and payments made under a supplemental income arrangement. If there were no significant interlude between the time retirees received supplemental payments from their employers and the time they first received retirement payments from their pension plans, it was believed that retirees could become confused as to the source of these payments and could, in fact, believe that all the payments were pension plan payments which were afforded all of ERISA's protections and which could be expected to remain as a permanent source of their retirement income.

The two-year waiting period has been eliminated in the final regulation, however, because the Department has concluded that the benefits to retirees of receiving supplemental payments during their first two years of retirement are more important than the possibility that they would be affected adversely by their failure to distinguish between supplemental payments and benefits from their pension plans.

G. Lump-Sum Distributions

Under the proposal, employers could not make supplemental payments under a welfare plan with respect to amounts paid to pension plan participants in the form of lump-sum distributions. Several commentators complained that there was no indication in the legislative history that Congress intended to exclude recipients of lump-sum distributions and requested that the rule be changed. Several also suggested methods for conversion.

The final regulation provides a method for supplementing pension benefits paid as a lump sum. In general, an unmarried participant may receive a welfare plan supplement that is calculated as if the participant received a straight life annuity, while a married participant may receive a welfare plan supplement that is computed as if the participant and spouse received a joint and survivor annuity.

H. Treatment of Social Security Benefits

Another commentator urged that the final regulation treat Social Security benefits as benefits paid under a pension plan for purposes of applying the Department's cost of living formula. Because Social Security benefits are not paid by a pension plan, they are not "pension benefits" within the meaning of section 3(2)(B) of the Act. Therefore, the Department has not adopted this suggestion.

I. Definition of "Pension Plan"

One commentator requested that the Department clarify the meaning of the term "pension plan" as used in the proposal. This definition is significant because under section 3(2)(B) of the Act only pension benefits may be supplemented under a welfare plan. In this regard, another commentator expressed the view that the term "pension plan" should be defined to include, among other things, Act section 3(36) excess benefit plans and Act sections 201(2), 301(a)(3), and 401(a)(1) unfunded deferred compensation plans for certain management or highly compensated employees. While the term "pension plan" has been clarified in the final regulation, pension plans described in sections 3(36), 201(2), 301(a)(3), and 401(a)(1) continue to be excluded from the definition. Employers already are free to increase the amounts of payments under these types of plans without having to comply with the requirements of parts 2 and 3 of Title I of the Act, even in the absence of a regulation under section 3(2)(B)(ii) of the Act.

J. Safe Harbor for Arrangements Concerning Pre-1977 Retirees

In the preamble to the proposed regulation, the Department noted that it had taken the position in several advisory opinions that payments outside a pension plan for persons who retired prior to the end of 1976 ("pre-1977 retirees") do not constitute an employee benefit plan so long as certain criteria are met. The Department further explained that, as a result of the enactment of section 409 of the MPPAA, it was reexamining its prior positions with respect to the status of supplemental retirement income arrangements for pre-1977 retirees. The substance of those prior positions was incorporated in the proposed regulation as a temporary safe harbor from coverage under Title I of the Act for payments made before January 1, 1982 to pre-1977 retirees. Many commentators urged that the safe harbor of the proposal be made permanent because some employers with plans covering pre-1977 retirees had designed their supplemental payment arrangements to conform to the Department's prior interpretation. To conform to the proposed change would, according to the commentators, increase the administrative burden on these employers and might cause them to reduce the payment of these supplements to their retirees. The Department also has concluded that Congress, in enacting the MPPAA, did not intend to curtail existing arrangements, made in conformance with the Department's position, for the payment of supplemental cost-of-living increases to retirees but, rather, intended to expand the circumstances under which employers might make supplemental payments within the confines of ERISA. In view of these considerations, the Department has decided not to depart from its prior position concerning supplemental payments.

K. Arrangements for Pre-Act Retirees

In the preamble to the proposal, the Department stated that, if the proposed regulation were adopted, both it and regulation section 29 CFR 2510.3–2(e) would be available with respect to arrangements for persons who separated from the service of an employer prior to September 2, 1974 ("pre-Act retirees"). In § 2510.3–2(e), the Department described circumstances under which "gratuitous" payments by former employers to pre-Act retirees would not be considered part of an employee benefit plan covered by Title I of the Act.

One commentator asked that the Department clarify which regulation would be controlling with respect to payments to pre-Act retirees. In this regard, the Department notes that § 2510.3–2(e) will continue to be available to employers with respect to pre-Act retirees, notwithstanding the adoption of a final rule which will be generally applicable with respect to all retirees. Therefore, if, for example, an employer maintains an arrangement providing for payments to pre-Act retirees which satisfies the conditions of either § 2510.3–2(e) or § 2510.3–2(g)(2), that arrangement would not have to meet the quantitative limitations set forth in § 2510.3–2(g)(1).

Another commentator urged the Department to amend § 2510.3-2(e) to delete the condition contained in § 2510.3–2(e)(3) that the gratuitous payments to pre-Act retirees must have commenced prior to September 2, 1974. Because the safe harbor contained in § 2510.3–2(g)(2) contains no analogous condition, and because the term "pre-1977 retiree" encompasses the term "pre-Act retiree," the Department notes that an arrangement involving a pre-Act retiree does not have to satisfy the condition of § 2510.3–2(e)(3) with respect to the commencement of payments in order not to be considered an employee benefit plan for purposes of Title I of the Act if it meets the conditions of § 2510.3–2(g)(2).

L. Executive Order 12291 Statement

The Department has determined that the rule adopted herein is not a "major rule" within the meaning of section 1(b) of Executive Order 12291 (46 13193, February 19, 1981) because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to complete with foreign-based enterprises in domestic or export markets. The regulation provides employers of all sizes and types with an alternative and voluntary way of supplementing pension benefits, and will impose no new burden or expense on them.

M. Regulatory Flexibility Act Statement

In the notice of proposed rulemaking (January 27, and February 6, 1981, 46 FR 8571 and 11292), the Administrator, Pension and Welfare Benefit Programs, certified pursuant to section 605 of the Regulatory Flexibility Act, 5 U.S.C. 604 *et seq.*, that the proposed regulation would not, if adopted, have a significant impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis is required in connection with the adoption of this final regulation.

N. Paperwork Reduction Act Statement

The regulation permits employers to treat supplemental retirement income payments to former employees as paid under an ERISA welfare rather than pension plan. Employers always have the option, of course, of making these payments under their existing pension plans or to make no supplemental payments to their retirees at all. For employers who choose to have their payments treated as an ERISA welfare plan, the regulation imposes no new paperwork requirements, other than the existing general requirements.

Employers, however, in addition to the above options, may also choose to make supplemental payments in accordance with the criteria established by the "safe harbor" of paragraph (g)(2) of the regulation with respect to pre-1977 retirees. In this case, employers must comply with an additional paperwork requirement, i.e., that the employer send to each retiree a notice, which specifies certain information, during any year in which a supplemental payment is made.

This "safe harbor" aspect of the regulation would result in the imposition of a maximum of 6,500 burden hours annually on employers who choose to comply with the provisions of the "safe harbor" in making supplemental payments to their retirees. This estimate is based on the assumptions that (1) basically only employers sponsoring large (i.e., covering 100 or more participants) defined benefit plans will grant cost-of-living increases to their retirees, and (2) one-half of employers with pre-1977 retirees will choose to comply with the safe harbor rules rather than the general conditions of the regulation.

Information collection requirements contained in this regulation (§ 2510.3–2(g)(2)) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control number 1210–0041.

O. Drafting Information

The principal author of this final regulation is Mr. Rudy Nuissl of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs. However, others in the Department participated in developing the final regulation, both on matters of substance and style.

P. Statutory Authority

The regulation set forth herein is adopted under sections 3(2)(B) and 505 of the Act (29 U.S.C. 1002(2) and 1135). The regulation is made effective on publication, pursuant to 5 U.S.C. 553(d)(1), because it is a rule that recognizes an exemption or relieves a restriction.

List of Subjects in 29 CFR Part 2510

Employee benefit plans, Employee Retirement Income Security Act, Pensions.

Final Regulation

PART 2510—[AMENDED]

In consideration of the matters set forth above, Chapter XXV of Title 29 of the Code of Federal Regulations is amended by adding the following paragraph (g) to § 2510.3–2:

§ 2510.3–2 Employee pension benefit plan.

* * * * *

(g) *Supplemental payment plans.*—(1) *General rule.* Generally, an arrangement by which a payment is made by an employer to supplement retirement income is a pension plan. Supplemental payments made on or after September 26, 1980, shall be treated as being made under a welfare plan rather than a pension plan for purposes of Title I of the Act if all of the following conditions are met:

(i) Payment is made for the purpose of supplementing the pension benefits of a participant or his or her beneficiary out of:

(A) the general assets of the employer, or

(B) A separate trust fund established and maintained solely for that purpose.

(ii) the amount payable under the supplemental payment plan to a participant or his or her beneficiary with respect to a month does not exceed the payee's supplemental payment factor ("SPF," as defined in paragraph (g)(3)(i) of this section) for that month, provided however that unpaid monthly amounts may be cumulated and paid in subsequent months to the participant or his or her beneficiary.

(iii) The payment is not made before the last day of the month with respect to which it is computed.

(2) *Safe harbor for arrangements concerning pre-1977 retirees.* (i) Notwithstanding paragraph (g)(1) of this section, effective January 1, 1975 an arrangement by which a payment is made by an employer to supplement the retirement income of a former employee who separated from the service of the employer prior to January 1, 1977 shall be deemed not to have been made under an employee benefit plan if all of the following conditions are met:

(A) The employer is not obligated to make the payment or similar payments for more than twelve months at a time.

(B) The payment is made out of the general assets of the employer.

(C) The former employee is notified in writing at least once each year in which a payment is made that the payments are not part of an employee benefit plan subject to the protections of the Act.

(D) The former employee is notified in writing at least once each year in which a payment is made of the extent of the employer's obligation, if any, to continue the payments.

(ii) A person who receives a payment on account of his or her relationship to a former employee who retired prior to January 1, 1977 is considered to be a former employee for purposes of this paragraph (g)(2).

(3) *Definitions and special rules.* For purposes of this paragraph (g)—

(i) The term "supplemental payment factor" (SPF) is, for any particular month, the product of: (A) The individual's pension benefit amount (as defined in paragraph (g)(3)(ii) of this section), and (B) the cost of living increase (as defined in paragraph (g)(3)(v) of this section for that month.

(ii)(A) The term "pension benefit amount" (PBA) means, with regard to a retiree, the amount of pension benefits payable, in the form of the annuity chosen by the retiree, for the first full month that he or she is in pay status under a pension plan (as defined in paragraph (g)(3)(iii) of this section) sponsored by his or her employer or under a multiemployer plan in which his or her employer participates. If the retiree has received a lump-sum distribution from the plan, the PBA for the retiree shall be determined as follows:

(*1*) If the plan provides an annuity option at the time of the distribution, the PBA shall be computed as if the distribution had been applied on that date to the purchase from the plan of a level straight annuity for the life of the participant if the participant was unmarried at the time of the distribution or a joint and survivor annuity if the participant was married at the time of distribution.

(*2*) If the plan does not provide an annuity option at the time of the distribution, the PBA shall be computed as if the distribution had been applied on that date to the purchase from an insurance company qualified to do business in a State of a commercially available level straight annuity for the life of the participant if the participant was then single, or a joint and survivor annuity if the participant was then married, based upon the assumption that the participant and beneficiary are standard mortality risks.

(B) If the retiree has received from the plan a series of distributions which do not constitute a lump-sum distribution or an annuity, the PBA for the retiree shall be determined with respect to each distribution according to paragraph (g)(3)(ii)(A) above, or in accordance with a reasonably equivalent method.

(C) The term PBA, with regard to the beneficiary of a plan participant, means: (*1*) The amount of pension benefits, payable in the form of a survivor annuity to the beneficiary, for the first full month that he or she begins to receive the survivor annuity, reduced by: (*2*) Any increases which have been incorporated as part of the survivor annuity under the plan since the participant entered pay status or, if the participant died before the commencement of pension benefits, since the participant's date of death.

(D) Where a plan participant has commenced to receive his or her pension benefits in the form of a straight-life annuity, or another form of an annuity that does not continue after the participant's death in the form of a survivor annuity, no beneficiary of the participant will have a PBA.

(iii) The term "pension plan" means, for purposes of this paragraph (g), a pension plan as defined in section 3(2) of the Act, but not including a plan described in section 4(b), 201(2), or 301(a)(3) of the Act. The term also does not include an arrangement meeting all the conditions of paragraph (g)(1) or (g)(2) of this section or of an arrangement described in § 2510.3–2(e). In the case of a controlled group of corporations within the meaning of section 407(d)(5) of the Act, all pension plans sponsored by members of the group shall be considered to be one pension plan.

(iv) The term "employer" means, for purposes of paragraph (g) of this section, the former employer making the supplemental payment. In the case of a contolled group of corporations within the meaning of section 407(d)(7) of the Act, all members of the controlled group shall be considered to be one employer for purposes of this paragraph (g).

(v) The term "cost of living increase" (CLI) means, as to any month, a percentage equal to the following fraction:

$$\frac{a-b}{b}$$

where a= the CPIU for the month for which a payment is being computed, and b= the CPIU for the first full month the retiree was in pay status. Where the CLI is calculated for the beneficiary of a plan participant, "b" continues to be equal to the CPIU for the first full month the retiree was in pay status. If, however, the participant dies before the commencement of pension benefits, "b" is equal to the CPIU for the first full month the survivor is in pay status.

(vi) The term "CPIU" means the U.S. City Average All Items Consumer Price Index for all Urban Consumers, published by the U.S. Department of Labor, Bureau of Labor Statistics. Data concerning the CPIU for a particular period can be obtained from the U.S. Department of Labor, Bureau of Labor Statistics, Division of Consumer Prices and Price Indexes, Washington, D.C. 20212.

(vii) Where an employer does not pay to a retiree the full amount of the supplemental payments which would be permitted under paragraph (g)(1) of this section, any unpaid amounts may be cumulated and paid in subsequent months to either the retiree or the beneficiary of the retiree. The beneficiary need not be the recipient of a survivor annuity in order to be paid these cumulated supplemental payments.

(5) *Examples.* The following examples illustrate how this paragraph (g) works. As referred to in these examples, the CPIU's for July through November of 1980 are as follows:

July 1980: 247.8
August 1980: 249.4
September 1980: 251.7
October 1980: 253.9
November 1980: 256.2

Example (1)(a). E is an employer. R received monthly benefits of $600 under a straight-life annuity under E's defined benefit pension plan after R retired from E and entered pay status on July 1, 1980. The amount that E may pay to R as supplemental payments under a welfare rather than pension plan with respect to the months of July through September of 1980 is computed as follows:

SPF for July 1980

$$SPF = \frac{a-b}{b} \times PBA$$

$$= \frac{247.8-247.8}{247.8} \times \$600 = \$0.00$$

SPF for August 1980

$$SPF = \frac{249.4-247.8}{247.8} \times \$600 = \$3.87$$

SPF for September 1980

$$SPF = \frac{251.7-247.8}{247.8} \times \$600 = \$9.44$$

Total .	[illegible]
	3 87
	9.44
	$13 31

No supplemental payment may be made to R as a welfare plan payment with respect to July 1980, the month of retirement. The $3.87 that may be paid with respect to August 1980 may be paid at any time after August 31, 1980. The $9.44 that may be paid with respect to September 1980 may be paid at any time after September 30, 1980.

Example (1)(b). S is the beneficiary of R. Because R received pension benefits under a straight-life annuity, S will receive no survivor annuity from E after R's death. S thus will have no PBA after R's death and will not be eligible to receive any supplemental payments from E based on S's PBA. To the extent, however, that R did not receive supplemental payments from E to the maximum limit allowable under paragraph (g)(1), any amounts not paid to R may be cumulated and paid to S after R's death.

Example (2)(a). E is an employer. Q received monthly benefits of $500 in the form of a joint and survivor annuity under E's defined benefit pension plan since retirement from E on July 1, 1980. The amount that E may pay to Q as welfare rather than pension plan payments with respect to the months of July through September of 1980 is computed as follows:

SPF for July 1980

$$SPF=\frac{247.8-247.8}{247.8}\times\$500=\$0.00$$

SPF for August 1980

$$SPF=\frac{249.4-247.8}{247.8}\times\$500=\$3.23$$

SPF for September 1980

$$SPF=\frac{251.7-247.8}{247.8}\times\$500=\$7.87$$

$$\begin{array}{ll} \text{Total}= & \$0.00 \\ & 3.23 \\ & \underline{7.87} \\ & \$11.10 \end{array}$$

No supplemental payment may be made as a welfare plan payment with respect to July 1980, the month of retirement. The $3.23 that may be paid with respect to August 1980 may be paid at any time after August 31, 1980. The $7.87 that may be paid with respect to September 1980 may be paid at any time after September 30, 1980.

Example (2)(b). Q dies on October 15, 1980 without having received any supplemental payments from E. T is the beneficiary of Q. E pays T a survivor's annuity of $300 beginning in November of 1980. The amount payable to T as a survivor annuity under the plan has not been increased since Q began to receive pension benefits. Thus, T's PBA is $300. The amount that E may pay to T as welfare rather than pension plan payments with respect to the months of July through November 1980 is computed as follows:

SPF for July 1980=$0.00

SPF for August 1980=$3.23

SPF for September 1980=$7.87

SPF for October 1980

$$SPF=\frac{a-b}{b}\times PBA$$

$$=\frac{253.9-247.8}{247.8}\times\$500$$

$$=\$12.31$$

(Note that T's "b" is equal to Q's "b".)

SPF for November 1980

$$SPF=\frac{256.2-247.8}{247.8}\times\$300=\$10.17$$

Total that may be paid to T

The maximum E may pay T with respect to the months of July through November 1980 as welfare rather than pension plan payments is the sum of those months' SPFs, which is $33.58.

Example (3). Assume the same facts as in Example (1)(a), except that R elected to receive a lump-sum distribution rather than a straight-life annuity. If R is unmarried on July 1, 1980, R's PBA is $600 for the remainder of R's life. If R is married to S on July 1, 1980, the PBAs of R and S are based on the annuity that would have been paid under an election to receive a joint and survivor annuity. See paragraph (g)(3)(ii)(A)(*1*) of this section.

Signed at Washington, D.C., this 1st day of November 1982.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-30408 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 21001-200]

Court Review of Patent and Trademark Office Decisions; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule; Correction.

SUMMARY: The Patent and Trademark Office corrects an inadvertent error in a final rule published in the **Federal Register** on October 26, 1982 (47 FR 47380) which amended its rules of practice relating to court review of its decisions.

FOR FURTHER INFORMATION CONTACT: Joseph F. Nakamura by telephone at (703) 557-3525 or by mail marked to his attention and addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: On October 26, 1982, the Patent and Trademark Office published a final rulemaking action revising paragraphs (a) and (c) of § 1.304 in Title 37, Code of Federal Regulations, to correct a reference in these paragraphs to the U.S. Court of Customs and Patent Appeals. The correction substitutes the name of the successor court, the U.S. Court of Appeals for the Federal Circuit. Through inadvertence, the text of paragraph (a) which was published on October 26, 1982, was the text which had been superseded on October 1, 1982, pursuant to an earlier final rulemaking action published in the **Federal Register** on July 30, 1982 (47 FR 33086). In the earlier final rulemaking action, paragraph (a), but not (c), of § 1.304 had been revised to correct the name of the court. Accordingly, the revision of paragraph (a) of § 1.304 in the later rulemaking action published on October 26, 1982, in the **Federal Register** (47 FR 47380) is being deleted.

Dated: October 29, 1982.

Donald J. Quigg,

Acting Commissioner of Patents and Trademarks.

The following correction is made in the **Federal Register** notice of final rulemaking published October 26, 1982 (47 FR 47380):

In paragraph No. 6 on page 47381, the language "paragraphs (a) and" in the introductory sentence is changed to read "paragraph" and the text of paragraph (a) of § 1.304 on pages 47381-47382 is removed.

[FR Doc. 82-30401 Filed 11-4-82; 8:45 am]

BILLING CODE 3510-16-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 5

Multiple Award Schedule Procurement

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of procurement policies.

SUMMARY: This notice sets forth certain policies and procedures that GSA will follow when contracting for products or services under the multiple award schedule (MAS) program. This issuance also contains guidance to GSA contracting personnel to be used in the MAS negotiation process. Additionally, this issuance contains the schedule of sales and marketing data reflecting the type of information to be obtained from firms in the solicitation phase of the negotiation process.

GSA is issuing this notice to inform all parties interested in and doing business with GSA under the MAS program of the positions taken on certain issues concerning MAS contracting. In addition to identifying changes to and clarifying its position on the draft MAS policies issued for comment on May 24, 1982, GSA believes that the positions adopted will result in a less costly Government procedure; reduce the paperwork burden on industry and Government; permit the timely award of MAS contracts; and continue the protection of the

Government's interests when contracting under this procurement program.

The implementation of the MAS policies set forth in this document will begin with solicitations issued on or after October 1, 1982.

EFFECTIVE DATE: This statement of policies is effective with solicitations issued on or after October 1, 1982.

ADDRESS: Mr. Allan W. Beres, Acting Assistant Administrator for Acquisition Policy, General Services Administration, 18th and F Sts., NW., Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Mr. Edward J. McAndrew, Office of Policy Formulation, Office of Acquisition Policy, General Services Administration, 18th and F Sts., N.W., Washington, DC 20405 (202-566-1224).

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1982, GSA presented a draft set of MAS policies to industry associations and other interested parties. At that presentation, GSA requested comments on the proposed policies.

The draft policies issued for comment were based on the comments and concerns expressed by the Congress in previous hearings, in reports by the General Accounting Office, by firms and associations doing business under the MAS program, and by customer agencies that order from MAS contracts. In its request for comments, GSA asked interested parties when analyzing the draft policies to keep in mind the comments and concerns that had been expressed.

Comments and Significant Changes in the Policies Set Forth in the Issuance

In response to its May 24, 1982, request for comments, GSA received more than 60 responses. These responses came principally from firms and industry associations that represent firms doing business with GSA under the MAS program. Other responses were received from internal GSA organizations, such as the Inspector General and regional and central office operating procurement elements and from other Government agencies.

With the close of the comment period, June 25, 1982, GSA began an exhaustive analysis of the comments received. Representatives from GSA's Office of Acquisition Policy, the Office of Information Resources Management, the Office of Personal Property, the Office of Inspector General, and the Office of General Counsel participated in developing the revisions adopted in the statement of policies that GSA has issued. In adopting the positions set forth in this issuance, GSA gave serious consideration to the comments expressed by the various, and often competing, interests associated with the MAS program. Because the MAS program primarily involves the purchase of commercial products and services, GSA has aligned the policies with commercial practice to the extent practical given the need for such policies to be consistent with Federal procurement regulations. GSA has tried to make the revised policies cost effective and fair to all parties.

The comments that were received by GSA, for the most part, addressed certain aspects of the draft MAS policies. These issues and the GSA position contained in the revised policies are:

a. *Most Favored Customer.* The most favored customer concept was defined in the draft as including original equipment manufacturer (OEM) and dealer/distributor prices/discounts as the Government's negotiation objective. Comments received from business and industry opposed this concept. In the revised policies, GSA excludes consideration of the OEM and dealer/distributor discount in setting its negotiation objective where an offeror substantiates claims that dealers perform the normal dealer functions for the contractor under the MAS contract or where an offeror claims that the item sold to OEM's is different in physical and performance characteristics and is not the same or similar to the item offered the Government under the MAS contract.

b. *Sales and Marketing Data.* Comments received indicated that the amount of paperwork needed to respond to the data requests is exorbitant. In the revised polices, offerors will be able to certify to those products or services offered that meet the specified tests of commerciality. Sales data will not be required on every model or product offered that is certified as meeting the tests of commerciality. On a sampling basis, the Government will ask for sales data on a selected number of products certified as commercial. For items not certified as meeting the tests of commerciality, sales data is required. The procurement rules for requiring cost and pricing data are unchanged.

c. *Price Reductions Clause.* While some comments received suggested changes to the language in the revised clause and others indicated that the revised clause may still be subject to interpretation, for the most part, there was no opposition to the principal change in the revised clause from the clause presently used in MAS contracts. The revised clause is no longer activated any time that an MAS contractor reduces prices to any customer. Under the revised clause, the clause is activated when prices are changed so as to change the relationship between the Government and the customer or category of customer upon which the award was predicated. Along with narrowing the application of the price reductions clause, the exclusions for certain sales from the application of the revised clause are also changed. The clause in the revised policies is the same as the one contained in the May 24, 1982, draft except for deleting the exclusion for sales to State and local governments. The decision to delete the esclusion for sales to State and local governments was based on a careful analysis of the changes made to the clause. Considering the changes made, operation of the revised price reductions clause should not adversely affect State and local government procurement programs.

d. *Aggregate Discount.* The revised policies include seeking aggregate discounts on MAS contracts. Notwithstanding the position taken by most commentors that the Government should not seek such discounts because of the manner in which orders are placed against MAS contracts, the Government will strive to achieve as part of its negotiation objective an aggregate discount which recognizes not only the manner in which the Government orders but also the aggregate volume of sales expected under the MAS contract. The revised policies reflects latitude in whether such discounts are given when the order in placed or at the conclusion of the contract term.

e. *Maximum Order Limitation.* The revised policies contain the use of the maximum order limitation. This is a change from the draft, which stated that the Federal Supply Service (FSS) will terminate its regular practice of establishing a maximum order limitation in its schedules. Comments received supported the continued use of a maximum order limitation.

f. *Economic Price Adjustments.* The draft policies proposed to terminate the use of an economic price adjustment clause in FSS schedule contracts. The revised policies makes the use of such a clause in FSS schedule contracts optional. The contracting officer will determine whether such a clause should be included in the schedule contracts.

Other Information

Staff members of the appropriate congressional committees were briefed on the revised policies set forth in the issuance.

The revised policies have been given to the Office of Information Resource Management, the Office of Personal Property, and GSA regions for implementation. All GSA contracting people in the Central Office and regions involved with the MAS program were informed of the revised policies and provided a copy of the policy document at a joint meeting held on September 28 1982. In addition, the Office of Information Resources Management and the Office of Personal Property will hold other sessions, as needed, with their contracting personnel on the implementation of the policies. Similarly, audit personnel in the Office of Inspector General have been briefed on the revised policies. The purpose of these sessions is to have the revised policies implemented throughout GSA in a consistent manner. The policies were issued in accordance with 41 CFR 5-1.105(a)(5) and will be incorporated into GSA's formal regulations as soon as is practical.

While GSA is taking steps to implement these policies in the MAS procurement process, GSA's management is committed to continuing its efforts to improve the MAS program. In this regard, the implementation of these policies will be monitored to identify problem areas that may arise. Similarly, GSA is interested in receiving ideas or suggestions from interested parties on further improving the MAS process. After the revised policies have been implemented over a complete procurement cycle for the various products, GSA plans to take another look at the policies and to analyze any difficulties that were encountered in implementation and the suggestions received during the implementation phase which would lead to further improvements.

The complete text of the revised policies follows.

Dated: October 25, 1982.

Ray Kline,

Deputy Administrator of General Services.

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Contract Pricing Arrangements

I. Introduction

This policy statement addresses issues concerning the establishment and maintenance of pricing arrangements on multiple award schedule (MAS) contracts for supplies and services. These issues are the most complex of all the issues associated with the MAS program. Continued interest by Congress, General Accounting Office, this Agency's management, and business and industry, made it apparent that a number of problems exist with respect to negotiating pricing arrangements in MAS contracts. Except where otherwise stated, this policy statement applies to the ADTS and FSS MAS contracts.

The contract pricing policies in this document are those which appear to us to require special attention. None of these policies contravene existing Federal Procurement Regulations nor do they obviate the requirements of existing regulations that are not covered in this document.

In providing supply support to our customer agencies, GSA is responsible for determining the method of support. GSA will continue to emphasize the reduction of the number of items on MAS contracts and to increase the use of competitive procurement methods in providing supply support for items currently in the MAS program. While striving toward this goal, we will continue to use the MAS program, where appropriate, to support our customer agencies.

When GSA provides supply support through the MAS program, it acts as the contracting agent for all Government organizations authorized to use the MAS contracts. Our customer agencies, when they purchase items from the schedules, should be able to buy those items at prices that are better than they could obtain from any other source under similar circumstances. In its role as the contracting agent, GSA will attempt to obtain the best pricing arrangement, i.e., discount(s) from commercial price lists, giving full consideration to the Government's large volume of purchases, in the negotiation process.

II. MAS Contract Pricing Arrangements

The Government's goal when negotiating MAS contract pricing arrangements is to obtain a discount from a firm's established catalog or commercial price list which is equal to or greater than the discount given to that firm's most favored customer. The most favored customer (MFC) discount is equal to the best discount given by a firm to any entity with which that firm conducts business, other than the original equipment manufacturers (OEM), or participating dealers, and distributor's discount.

Consideration may be given to awarding an MAS contract where the Government's discount is not equal to or greater than a firm's MFC discount. This recognizes that there are situations where the Government's terms and conditions may be different from those given the firm's most favored customer. Offerors may cite factors that they claim make the Government different from other customers with which they do business. In these situations, it is the offeror who must provide information identifying such factors, the valuation of the factors identified and the method used for developing the valuation. Contracting officers shall obtain information necessary to judge whether these factors and their valuation are reasonable.

Offerors and contracting officers should understand that there is no guarantee that every offeror who submits an offer will receive a contract. In the event that the Government's negotiation objective cannot be met, the contracting officer must exercise judgment in deciding whether to reject an offer. In exercising this judgment, the contracting officer must weigh the effect that the rejection of the offer will have on meeting the Government's needs.

GSA will not award an MAS contract to a firm that does not give the Government a price equal to the best price given or available to its large volume end user customers with comparable terms and conditions except where the Government's overall volume of purchases does not warrant the best price given to end user customers.

In all MAS contracts, the contracting officer is required to make an affirmative determination that the prices offered to the Government are fair and reasonable (FPR 1-3.807-2).

III. Discount Schedule and Marketing Data

All MAS solicitations will require offerors to submit information on sales, discounts and marketing practices. The required information will be used to determine whether products or services offered meet the tests of commerciality and will be used by the Government in the evaluation of the offeror's proposal and the price reasonableness determination. The offeror will certify to the completeness, accuracy and currency of the data at the conclusion of negotiations. Failure to submit the required sales, discount and marketing data will result in no award. If the data is not found to be complete, current and accurate subsequent to award, the defective pricing clause will be activated and consideration will be given to cancelling the MAS contract if still in effect.

Before a catalog price exemption to the need for submission of cost or pricing data can be granted for products or service offered on MAS solicitations, the tests of commerciality must be met. (FPR 1-3.807-1). FPR 1-3.807-2(d) references ASPM No. 1 which contains the quantified criteria (located in ASPM No. 1, Chapter 8) for these tests and shall be used as the basis for the catalog price exemption.

Offerors will be able to certify to those products or services meeting these tests of commerciality in the discount schedule and marketing data sheets. Information will only be required on a representative sample of the best selling items. Data will be required on all other items offered under the solicitation that are not certified as commercial in accordance with the aforementioned criteria. Cost or pricing data shall be required where sales of a product or service to the general public do not exceed 35 precent of total sales of that product or service; or, where the price cannot be considered "based on" established catalog or market prices of commercial items sold in substantial quantities to the general public in accordance with FPR 1-3.807-1(b)(2)(iii).

Even though an item qualifies for an exemption from the submission of cost or pricing data, price analysis must be performed to determine the reasonableness of price and the need for further negotiations (FPR1-3.807-1(b)(2)(iv)).

IV. OEMs and Dealer/Distributor Discounts and Marketing Data

Information on OEM and dealer/distributor discount or pricing arrangememts will be obtained where the same or similar product or service is offered to the Government under the MAS contract.

Where an offeror markets through dealers or distributors, the contracting officer shall require the offeror to provide sufficient information on the functions or services performed and whether these functions or services will be performed under the MAS contract.

Where an offeror sells to OEMs and claims that there is considerable difference in physical or performance characteristics of the products or services sold to OEMs and the products or services offered to the Government, the offeror must provide sufficient information to substantiate such a claim in lieu of OEM discount or pricing data. Where the contracting officer determines that the offeror's claim is not substantiated, the offeror is required to furnish OEM discount or pricing information.

The contracting officer will use the OEM and dealer/distributor data in the price analysis that result in the Government's negotiation position.

V. Quantity and Aggregate Discounts

In establishing negotiation objectives and in the negotiation process, emphasis will be placed on obtaining discounts based on the aggregate volume of sales for an MAS contract. Negotiation objectives will be established to obtain volume discounts in line with the discounts available to the offeror's other customers. In developing negotiation objectives based on the aggregate volume of sales, consideration may be given to taking discounts on aggregate volume of sales at the conclusion of the contract period, although it is preferred that discounts be obtained when orders are placed.

VI. Maximum Order Limitation (MOL)

All MAS contracts will contain an MOL. The level at which the MOL is established will depend upon the Government's discount arrangement under the schedule and the estimate of sales volume above which suppliers are likely to quote lower prices in other types of contracts. The contracting officer will establish the MOL level for the contract at the conclusion of negotiations.

VII. Price Reductions

All MAS contracts will contain the price reductions clause contained in this document. The price reductions clause is intended to maintain the relationship that was established at the time of award between the Government and the offeror's customer or category of customer upon which the MAS contract was predicated. Any changes in pricing practices by the contractor resulting in a less advantageous relationship between the Government and the customer or category of customer upon which the MAS contracts was predicated shall result in a price reduction to the Government to the extent necessary to retain the original relationship.

The following price reductions clause will be used in all MAS contracts:

Price Reduction Clause [1]

a. *General.* This price reductions clause is intended to ensure that throughout the term of the contract, the Government shall maintain its relative price/discount [and /or term and condition] advantage in relation to the Contractor's commercial customer(s) price/discount upon which this contract award was predicated. The customer or category of customers upon which the contract award is predicated will be identified at the conclusion of negotiations.

b. *Pricing Reductions to Customers Other than the Federal Agencies.* (1) Prior to the award of contract, the contracting officer and the offeror shall reach an agreement as to the price relationship between the Government and the offeror's identified customer or category of customers upon which the contract award is predicated. This relationship shall be maintained throughout the contract period. Any change in the contractor's commercial pricing arrangements for the identified customer or category of customers which disturbs this relationship will constitute a price reduction.

(2) The contractor shall report all price reductions made during the contract period to the contracting officer along with an explanation of the conditions under which the reductions were made. Those reductions which do not disturb the Government's price position relative to the contractor's identified customer or category of customers will not be subject to the provisions of this clause. However, the information will be used in conjunction with the negotiations for the following contract period.

(3) If, after the date of the conclusion of negotiations, the contractor (i) reduces the prices contained in the commercial catalog, pricelist, schedule, or other documents (or grants any more favorable terms and conditions) offered by the contractor and used by the Government to establish the prices with the contract; or (ii) reduces the prices through special discounts to the identified customer or category of customers upon which the award was predicated so as to disturb the relationship of the Government to that identified customer or category of customers, a price reduction shall apply to this contract for the remainder of the contract period, or until further reduced, or, in the case of temporary price

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[1] **Note:—Language in brackets apply to ADP/Communications/Teleprocessing Solicitations/Contracts Only.**

reductions, for the duration of any temporary price reduction period.

(4) This clause will not apply to contractor's firm fixed price Definite Quantity contracts with specified delivery in excess of the Maximum Order Limitation specified in the contract.

(5) The contracting officer may exempt from the application of this clause any sale at a price below the contract price if caused by an error in quotation or billing, provided adequate documentation is furnished by the contractor immediately following the discovery of the error.

c. *Price Reductions to Federal Agencies.* (This paragraph does not apply to Non-Schedule ADP/Communications/Teleprocessing Services contracts entered into with Federal Agencies.)

Except for temporary "Government-only" price reductions described below, if, after the effective date of this contract, the contractor reduces the price of any contract item to any Federal agency and the sale falls within the contract maximum order limitation, an equivalent price reduction shall apply to all subsequent sales of the contract item to Federal agencies for the duration of the contract period or until the price is further reduced. The contractor may offer to the contracting officer a temporary "Government-only" price reduction which has a duration of 30 calendar days or more, except during the last month of the contract period when any such offer must be for the remainder of the contract period.

d. *Effective Dates and Notifications.* (This paragraph does not apply to Non-Schedule ADP/Communications/Teleprocessing Contracts entered into with Federal Agencies.)

(1) Any price reduction pursuant to b. above, shall be effective for the Government at the same time as the price reduction to the other customer. Any price reduction pursuant to c. above, shall be effective at the time of initial purchase in the Federal Agency (Government) at the reduced price, except in the case of a temporary "Government-only" price reduction which shall be effective at the time of acceptance by the contracting officer. The contractor shall invoice at such reduced price and indicate thereon that the price reduction is pursuant to this Price Reduction Clause until such time as this contract is modified.

(2) The contractor shall notify the contracting officer in writing of any price reduction as soon as possible but not later than 10 calendar days after the effective date. Failure to give timely notice shall require that such price reduction (including temporary price reductions) apply to the contract for the duration of the contract period, or until the price is further reduced, and may constitute a basis for termination of the contract as provided in the Default Clause of the contract.

e. *Contractor's Statement of Price Reduction.* (This paragraph does not apply to Non-Schedule ADP/Communications/Teleprocessing Contracts entered into with Federal Agencies.)

The contractor shall furnish within 10 calendar days after the end of the contract period a statement certifying either (1) that there was no applicable reduction; or (2) that any price reduction was reported to the contracting officer. For each reported price reduction, the contractor shall show the date when the contracting officer was so notified.

VIII. Economic Price Adjustments

An economic price adjustment (EPA) clause will be used in FSS MAS contracts where uncertainty exists as to the stability of market prices during the term of the contract. The contracting officer will determine whether items under the MAS contract are subject to unforeseen price fluctuations, thus warranting the use of an EPA clause. The contracting officer's determination on the use of an EPA clause will be made in the negotiation process.

Multiple Award Schedule (MAS) Pricing Guide

I. Discount Schedule and Marketing Data

A. *Requirement for Offeror To Submit Pricing Data.* FPR 1-3.101(c) provides that proposals shall be supported by statements and analyses or other evidence of reasonable prices and by such information concerning other vital matters as is deemed necessary by the contracting officer. Each MAS solicitation will include Discount Schedule and Marketing Data sheets to be completed for each Special Item Number (SIN) and submitted as a part of the offerors proposal. When this form is completed in its entirety, along with pricing data from current or prior contracts and preaward audits, it should provide the necessary data, in most cases, to enable the contracting officer to complete the price analysis and develop the negotiation objective.

B. *Initial Review of Offerors Proposal.* As soon as possible after receipt of proposals, the contracting officer should review in detail the offeror's submission in response to the Discount Schedule and Market Data Sheets. If the offer has failed to respond to specific data elements or if the response is not adequate, the contracting officer should immediately request that the offeror correct any deficiencies in the data submission. In this regard, a specific date for the receipt of the required data should be established with the offeror. Also, it is important that the data be received well in advance of schedule negotiations to permit adequate time for a price analysis by the contracting officer.

C. *Timeliness of the Procurement Action.* The process, to the extent practical, should begin early enough to allow for award of MAS contracts by the beginning of the proposed schedule period.

II. Prenegotiations

A. *Establishing the Negotiation Objective.* In preparing for negotiations, the contracting officer will establish specific negotiation objectives based upon a properly prepared price analysis. This price analysis will serve as the basis for the negotiation objectives including the rationale for the objectives established. The elements of the price analysis are listed in Section IV of this pricing guide.

B. *Negotiation Objective.* In establishing negotiation objectives, contracting officers must remain cognizant of the Government's goal in negotiating MAS contracts, namely, to obtain discounts equal to or better than an offeror's discounts to its favored customer. The most favored customer discount is defined as the largest discount, other than the OEM or dealer/distributor discount given to any entity with which the offeror does business. There are factors, such as, terms and conditions, warranties and FOB point, that may make the Government different from a firm's other customers. Through proper analysis and documentation, the contracting officer may recognize such differences. However, in recognizing these differences, the contracting officer must also consider the volume purchased by the Government under the MAS contract.

C. *Documentation of the Price Analysis and Negotiation Objective.* The contract file will contain the written price analysis report in support of the Government's negotiation position.

The supporting documentation will necessarily vary depending upon the complexity and estimated dollar volume of the contract. The price analysis and negotiation objective will be a part of the price negotiation memorandum (See section V of this pricing guide). The supporting documentation required at this point in the procurement process will normally include:

1. General description of the procurement.

2. Adequacy of data submitted by the offeror.

3. The elements of pricing analyzed preparatory to establishing the negotiation objective. (See section IV of this pricing guide).

4. The negotiation objectives and the supporting rationale.

5. Major differences between the offeror's proposal and the negotiation objectives.

6. The offeror's documentation and rationale if less than the MFC discount is offered. This will also include the contracting officer's evaluation of that data.

D. *Approval of Negotiation Objectives.* The negotiation objectives should be approved by the chief of the purchasing office or designee.

III. Catalog Item Verification

A. *Definition of Established Catalog Price.* FPR 1–3.807–1(b)(2) states that for an item to qualify as a catalog price, the price must be, or be based on, (A) an established catalog price, (B) of commercial items, (C) sold in substantial quantities, (D) to the general public. The criteria contained in the following paragraphs should be applied in determining whether an item falls within the scope of this definition.

B. *Established Catalog Price (FPR 1–3.807–1(b)(2)(ii)(A)).* This is a price that is included in a catalog, price list, schedule or other form that is regularly maintained by the manufacturer or vendor, is either published or otherwise available for inspection by customers and states prices at which sales are currently or were last made to a significant number of buyers who constitute the general public. The following questions will help you determine if there is an established catalog price.

1. Is there a printed catalog, price list, published price or other formal document showing prices and applicable discounts, if any.

2. Can audit validate from seller's records that the price offered is a regular catalog price with appropriate discounts?

3. If the answer to either (1) or (2) above is not "yes" the proposal does not meet the test of a catalog priced item.

C. *Commercial Item (FPR 1–3.807–1(b)(2)(ii)(B)).* This is an item (the term includes both supplies and services) of a class or kind that is regularly used for other than Government purposes and is sold or traded in the course of normal business operations. The following questions will help you determine if the item is a commercial item.

1. Is the item or service identical to that described in the catalog?

2. Is the item or service so similar it can be priced by reference to catalog prices?

3. Is the item or service so similar that differences can be identified and priced as add-ons or deducts from catalog prices by price analysis or other known prices?

4. If the answer to either (1), (2) or (3) above is not "yes," the proposal does not meet the test of a catalog item.

D. *General Public (FPR 1–3.807–1(b)(2)(ii)(D)).* An item is sold "to the general public" if it is sold to other than affiliates of the seller and to nongovernment entities. Items sold to affiliates of the seller and sales for end use by the government are not sales to the general public. The following questions will help you determine if an item is sold to the general public.

1. Does the seller's data show sales over the appropriate past period as between Government and non-Government entities?

2. Is there general knowledge of large public sales of products regularly stocked by dealers or regularly traded in the marketplace?

3. Can audit validate from the seller's records that sales have been made to non-Government entities?

4. If you did not answer "yes" to any of the preceding checklist items, the proposal does not meet the test of a catalog item.

E. *Substantial Quantities (FPR 1–3.807–1(b)(2)(ii)(C)).* Supplies are sold in substantial quantities when the facts or circumstances are sufficient to support a reasonable conclusion that the quantities regularly sold are sufficient to constitute a real commercial market for the item. This test is usually in terms of total quantities sold, but it also should include the number of times the item has been sold and how many times a given price or price structure has been accepted by buyers free to choose. Nominal quantities, like models, specimens, samples and prototype of experimental units do not meet this requirement. Services sold in substantial quantities are those that are customarily provided by the company, with personnel regularly employed and with equipment regularly maintained solely or principally to provide such services. In order to provide more detailed guidance to contracting officers, and to ensure that the policy is carried out in a more uniform manner among all contractors, GSA has adopted the ASPM No. 1 criteria as set forth in Chapter 8A. Also, the sales data requested in section VII of the Discount Schedule and Marketing Data is set forth in a format to facilitate your analysis of this requirement. The following questions will help you determine if the items have been sold in substantial quantities:

1. Are reported sales to non-Government entities at least 55% of total sales and those at catalog price less applicable discounts at least 75% of this amount? When the answer to this question is "yes" the item meets the "substantial quantity" test.

2. Are reported sales to non-Government entities at least 35% of total sales and those at catalog price less applicable discounts at least 55% of this amount? When the answer to this question is "yes" the test of substantial may be deemed to have been met when (i) the criteria in B, C, and D above are met, (ii) the nature of the item or total quantities sold clearly supports such a conclusion even though the Government is the major user, and (iii) approval of the chief or deputy chief of the Procurement Office is obtained.

3. Can audit verify from the seller's records that commercial sales meet the test of (1) and (2) above?

4. Are reported sales to non-Government entities less than 35% of total sales to all customers (Government and non-Government)? If the answer is "yes," the item does not meet the test of substantial quantities. Therefore, if the item is to be included in the MAS, cost or pricing data must be obtained and evaluated in accordance with FPR 1–3.807.

F. *Catalog Price Exemption.* A catalog price exemption to the need for submission of cost or pricing data can be granted for products or services offered on MAS solicitations when the requirements set forth in paragraphs A through E above have been met.

The Discount Schedule and Marketing Data Sheets provides in section VII for the information to determine commerciality. This section permits offerors to certify to the commerciality of items offered under the solicitation. Along with this certification, offerors are required to submit sales information on a representative sample of the best selling items under the SIN. The contracting officer will establish the representative sample size in the solicitation. For items that the offeror cannot certify as commercial, sales information will be required for each item offered under the solicitation. The information provided will be used in determining whether an item should be exempt from the cost and pricing data requirement.

IV. Price Analysis

A. *Requirement for Price Analysis.* FPR 1–3.807–2(a) states that some form of price or cost analysis should be made in connection with every negotiated procurement action. FPR 1–3.807–1(b)(2)(iv) states that even though an item qualifies for exemption from the requirements for submission of certified cost or pricing data, price analysis must be performed to determine the reasonableness of the price and the need for further negotiation.

B. *Preparation for Negotiations.* Preparation for negotiations after receipt of the offer begins with a properly prepared price analysis report. The price analysis should provide the basis for establishing the specific negotiation objectives and the reasons why these objectives were established.

C. *Price Analysis Techniques.* Most of the data needed to perform the price analysis will be submitted by the offerors as required by the Discount Schedule and Marketing Data Sheets and the historical files on existing or prior contracts. Questions on the proposal that arise during the price analysis effort will be addressed to the offeror. The price analysis may include the following elements, as appropriate:

1. Discount arrangements on the existing or prior year contract. Data from these sources can be accumulated prior to receipt of proposals. Information should include: estimated and actual sales volume; categories of customers and discount arrangements; the MAS discounts negotiated; and, any problems or significant events that were experienced during the negotiations affecting the Government's negotiation position. Price reduction information submitted in accordance with the price reductions clause shall also be included. This information is the data base from which to start the price analysis after proposals are received.

2. Offeror's commercial sales data. The sales data submitted in Part B, VII of the Discount Schedule and Marketing Data Sheets will be used to determine price reasonableness, the commerciality of products or services offered and the discount the Government should receive. As a general rule, the larger the percent of commercial sales to total sales, the more reliance the Government can place on prices being set in the marketplace. Because products or services available under schedules should be for the most part commercial items, it is essential that the commerciality of the products or services be established preparatory to negotiations. Where products or services do not clearly meet the tests of commerciality, contract negotiators are required to analyze whether these products or services are comparable to others which meet the tests of commerciality or there are other circumstances that can be used in judging why such items should be considered commercial. Additional information may be required from the offeror in assessing commerciality. Where products or services are not commercial, cost or pricing data is required.

3. The prices and discounts proposed by the offeror. The offeror's proposal should be reviewed to ascertain an understanding of the prices or discounts offered to the Government as compared with offeror's discounts to other entities and to determine if the sales data required is included in the proposal. The analysis of the proposal should determine the reasons for differences between the offered discounts, and other discount arrangements; whether there are special discount arrangements; or other concessions that the offeror makes which should be included in determining the Government's negotiation position.

4. Net price evaluation. Comparison of net prices may be utilized in the evaluation of offers under MAS contracts. Every effort should be made to include products with the lowest net price on the schedule even though there may be instances where the offeror offering the lowest net price may not offer the most favored customer pricing. In addition, you may compare the net prices offered by one offeror with net prices of similar items offered by other offerors to assist in the price reasonableness determination. This may be done on a sampling basis using the high dollar volume items listed on the Discount Schedule and Marketing Data Sheets.

5. Recommendations contained in preaward audits or from other pricing specialists or from other appropriate sources.

6. Trend analysis of price changes using appropriate indices such as the Producer Price Index, other similar market indicators, and price changes in similar produces offered by other companies.

7. The comparison of offered prices/discounts to local retail and discount house catalog prices.

8. The overall discount policy of the offeror. The Discount Schedule and Marketing Data sheets require that complete disclosure regarding discount policy and price reductions in any other form be made. This would include, but not limited to, such things as quantity discounts, end-of-year discounts, discounts for multiple quantities, free service or installation, training, bonus goods of any kind, trade-in allowances, rebates of any kind, F.O.B. point, payment terms, incentives, guaranteed prices. The price analysis should determine whether any such items are included in the offeror's proposal to the Government and the consideration that they should be given in establishing the Government's negotiation position.

9. That the offeror's price to the Government takes into account the volume of Government business anticipated for a fixed period, such as a fiscal year, rather than the size of the individual purchase order (FPR 1–3.807–12).

D. *OEM and Dealer/Distributor Discounts.* 1. An integral part of the price analysis is the consideration given to OEMs and dealers in the establishment of the Government's negotiation position. While the government's goal in negotiating schedule discounts is to obtain an offeror's most favored customer discount other than the OEM or dealer discount, it is none the less necessary for the Government to assure itself that these entities are performing OEM or dealer functions. Accordingly, appropriate information will be obtained from the offeror where an offeror sells to OEMs or dealers.

2. An offeror will be required to furnish information on its dealer/distributor pricing or discount arrangements regardless of whether these entities will participate under the schedule contract. Information will be obtained on the functions that the dealer/distributor performs and which of these functions will be performed under the schedule contract. Where a dealer performs a significant number of functions for the offeror, the Government's negotiation objective will be other than the offeror's dealer/distributor price or discount.

3. Where an offeror sells the same or similar products or services to an OEM that are offered to the Government under the MAS solicitation, the offeror will be required to furnish information on its OEM pricing or discount arrangements. Where an offeror sells to an OEM and claims that there is considerable difference between the item sold to the OEM and the item sold through the MAS contract, the offeror will be given the opportunity to demonstrate such differences. If the differences can be substantiated, the Government's negotiation position will be other than the offeror's OEM price or discount.

V. Negotiations

1. Negotiations can begin upon completion of a properly prepared price analysis and establishment of the Government's negotiation objectives.

2. During the negotiations, Government negotiators will address the following:

a. Aggregate discounts based on the estimated volume of sales under the schedule contract giving consideration to the Government's manner of ordering.

b. In FSS, the use of an economic price adjustment clause considering the uncertainty of prices for the contract term and the resultant improved discounts offered the Government by the offeror for this price protection. The use of the EPA clause is a matter for negotiation.

3. In the event that the Government's negotiation objective cannot be met, the contracting officer must exercise judgment in deciding whether to reject the offer. In exercising this judgment, the contracting officer must weigh the effect that the rejection of the offer will have on meeting the Government's needs. Whenever a decision is made to award an MAS contract where the Government's discount is not equal to or better than the MFC discount, the contracting officer will:

a. Ensure the analysis and reasons for this decision are fully documented and justified in the contract file.

b. Obtain approval for such a decision at a supervisory level higher than the contracting officer, regardless of the dollar value.

4. The Government will not award an MAS contract to a firm that does not give us a price equal to the best price given or available to its volume end user customers under similar circumstances except where the Government's overall volume of purchases for the contract period does not warrant the best price given to end user customers.

5. At the conclusion of negotiations, the contracting officer will decide on the level of the MOL in the contract. The level of the MOL depends on the Government's negotiated discount arrangement and the estimate of sales volume above which suppliers are likely to quote lower prices in other types of contracts.

6. In all MAS contract negotiations, the contracting officer is required to make an affirmative determination that the prices negotiated are fair and reasonable (FPR 1–3.807.2).

7. FPR 1–3.811 requires that a price negotiation memorandum (PNM) be prepared at the conclusion of each negotiation. The PNM is the document that brings together all the principal elements of the negotiation leading to the decision the price/discount is fair and reasonable. In support of that decision, the PNM should contain the significant considerations shaping the pricing/discount arrangement. These include:

a. A summary of the offer received (prices, terms, etc.), the Government's negotiation position (objectives) and the negotiation results. Any revised or adjusted offers and any reversed or adjusted Government negotiation objectives will be explained.

b. Names and titles (position) of the Government and contractor representatives who participated in the negotiations.

c. Reference to the price analysis report should be made or, where appropriate, actual incorporation of the price analysis. (Elements of the price analysis report are in Section II, paragraph C of this pricing guide).

d. Where cost of pricing data is required, the narrative should cover the products or services that require it, the source of the data, the analysis of the data and its use in negotiations. Where the requirement for cost or pricing data is waived, the determination and findings in support of such waiver will be appended to the PNM.

e. Where preaward audit or other pricing assistance is available, the PNM should identify the recommendations. Where the recommendations are not used, appropriate rationale will be included on why they were not used. Any alternate position will be documented and supported with factual data.

f. Any exceptions to the Government's terms and conditions will be documented as will any special or non-standard contract provision.

g. The PNM will document the initial negotiation objectives and actual negotiations including the offers and counter-offers made by the parties with supporting rationale for all Government positions.

h. The document will include the MOL level established with supporting rationale.

i. The document must clearly demonstrate and support that the price/discount negotiated is reasonable. It must document any decision to accept less than the best pricing arrangement granted to the most favored customer. The PNM should also identify the offeror's data used in the negotiation process.

j. The PNM should be signed and dated by the contracting officer as evidence that it is the official record of negotiations and it complies with GSA policies and procedures.

Price Analysis Check Sheet

	Yes	No
1. Did the offeror submit adequate data in response to the solicitation?		
2. If data submitted by offeror was not adequate, did you request that deficiencies be corrected?		
3. Did offeror then submit adequate data?		
4. Did you verify that the items meet the test of:		
a. Established catalog price (FPR 1–3.807–1(b)–(2)(ii)(A))?		
b. Commercial item (FPR 1–3.807–1 (b)(2)(ii)(B))?		
c. General public (FPR 1–3.807–1 (b)(2)(ii)(D))?		
d. Substantial quantities (FPR 1–3.807–1 (b)(2)(ii)(c) and ASPM No. 1, Chapter 8A)?		
5. Did you prepare a price analysis on the offerors proposal?		
6. Did you compare the offerors prices/discounts to existing or prior contracts and reconcile differences?		
7. Did you compare proposed price lists to prior lists and evaluate changes?		
8 Did the offeror propose the MFC discount to the Government?		
9. If MFC discount was not offered, did the offeror's proposal provide the required documentation in support thereof?		
10. If MFC discount was not offered, did you evaluate why and use it in developing the Government's negotiation position?		
11. On a sample basis, did you compare "net prices" on high dollar volume items to similar items offered or available from other sources?		
12. Are the prices negotiated at least equal to the best price that the offeror grants to its end user most favored customer?		
13. Does the PNM contain an affirmative determination that the prices negotiated are fair and reasonable and set forth the basis for such determination?		

Solicitation No. ———

Discount Schedule and Marketing Data

Instructions to Offerors

Part A. General Information, applies to each GSA Special Item Number (SIN) for which an offer is submitted. (If all information is the same, SINs may be combined.)

Part B. Separate discount and sales information, *must be completed for each Special Item Number* for which an offer is submitted. (If discount information is the same for all products under each SIN, SINs may be combined. However, separate sales information rerquired under Part B IV must be provided for each SIN.)

Information required by each space *must* be furnished. If not applicable, indicate by "N/A". Information furnished in Part B relating to discounts, allowances and sales information will be treated as "Confidential" by the Government except for final prices and discounts awarded by the Government. *Failure to provide current, accurate and complete information under Parts A and B may subject the offeror to liability for refunds pursuant to the price reductions or Defective Pricing Clauses.*

Part A—General Information

(Applicable to all special item numbers)

I. *Offeror's Marketing Category* (check applicable item)

(a)——Manufacturer selling direct—has no dealers.

(b)——Manufacturer selling direct to the Government even though he has dealers.

(c)——Manufacturer selling to the Government through dealers.

(d)——Dealer selling direct to the Government. (Dealer must submit manufacturer's price list).

(e)——Other (specify)————

II. *Identification of a Price List as the Basis for This Offer* (check and attach—copies of the price list)

(a)——Manufacturer's catalog/pricelist (indicate type)————

(b)——Dealer's catalog/pricelist

(c)——Retailer's catalog/pricelist

(d)——Other (specify)————

III. *Warranty:* (question (b) applies only to FSS solicitations)

(a) Submit your standard commercial warranty or specify where it may be found in your catalog or pricelist included with this offer.

(b) The warranty offered to GSA is more favorable——less favorable——or equal to——the commercial warranty? (check one). Describe and provide the value (expressed as a percentage of the catalog price) if more favorable or less favorable——%.

IV. *Installation and Instruction* (this section only applies to FSS)

(a) Are installation and instruction included in this effort? Yes—, No—(check one). If *Yes*, give details or indicate where the information may be found in your catalog or pricelist.

(b) Are installation and instruction provisions offered herein to the Government more favorable than those in commercial customers? Yes—, No—(check one). If *Yes*, describe and provide the value (expressed as a percentage)——%.

V. *Other Data:* (In FSS solicitations, answer "Yes" Or "No" for each question)

(a)——Do you maintain stock on hand of the items offered?

(b)——Do you display the Special Item Number(s) offered in showroom?

(c)——Do you provide any design and layout assistance related to this Special Item Number free of charge?

(d) If you are a dealer, will you arrange to have other dealers participate in the schedule contract should you receive a contract?

(e)——Will you administer all incoming orders, including requests for expediting and follow-up?

Solicitation No. ———

Part B—Discount and Sales Information

Name of Offeror ————————

GSA Special Item Number ————————

I. *Identification of Items Offered.* How many Model/type of catalog items do you offer under this GSA special Item Number ——— (enter number).

II. *Discounts.* The following concessions are offered to the Government for delivery FOB destination. In ADTS solicitations, list also concessions to the Government for delivery FOB origin.

(a) Discount offered on the above GSA Special Item Number is —— % from pricelist dated ———, *plus* prompt payment discount, as stated on the first page of this solicitation (additional details may be entered below or attached). If discounts vary, show discounts on pricelist.

(b) Aggregate or end of contract additional discounts. An additional discount of —— percent is offered to the Government which will be applied to the actual aggregate sales in excess of the following base figure under this contract:

1. For current MAS contractors, aggregate sales (annualized) to the Government for most recent 12 month period under similar contract(s) is $———, based on sales during the period ——— to ———.
2. For other offerors, projected aggregate sales under this contract is $———.

(c) Quantity Discounts. List below any quantity discounts included in this offer. (Question (2) below applies only to FSS).

(1) Can models/products be combined within special Item Number? Yes —— No ——. If yes, provide details.

(2) Can special Item Numbers be combined? Yes —— No ——. If yes, provide details.

(d) Other beneficial terms, discounts, or concessions included in this offer such as prompt renewal discounts, purchase option credits, etc. (List below and provide detail explanations.) (This section applies only to FSS solicitations).

III a. List below the best discount and/or concessions resulting in the lowest net price (regardless of quantity and terms and conditions) to other than authorized GSA contract users from *price list* for the same or similar products or services offered to the Government under this solicitation. (Show actual percentage and delivery terms)

	Regular discounts (percent)	Quantity discounts (percent)	Aggregate discounts	Commissions to other than employees (percent)	Prompt payment	FOB point	Other
(1) To dealers/retailers							
(2) To distributors/wholesalers							
(3) To educational institutions							
(4) To state, county, city, and local governments							
(5) To original equipment manufacturers (OEM)							
(6) To others (specify); e.g., national accounts, sales agreements, etc.							
(7) If a dealer, indicate discount from manufacturer's price list							

III.c. Do you have in effect, for any customer of any class within the MOL or outside of the MOL, other discounts and/or concessions including but not limited to the following, regardless of price list, which result in lower net prices than those offered the Government in this offer?

Yes——No——rebates of any kind, including year-end or end of contract discounts?

Yes——No——multiple quantity unit pricing plan?

Yes——No——cumulative discounts of any type which cover items being offered?

Yes——No——products (models)/services that may be combined for maximum discounts?

Yes——No——others (specify).

If answer to any of the above is "Yes", provide detail explanation including the value expressed as a percentage of the list price.

Special Item No. ———

IV. (a) Are any of the models/products offered herein sold by the offeror under a different trade name(s)? Yes ——, No ——. If "Yes," explain and provide applicable pricelists.

(b) To your knowledge, are there identical products offered herein contained in any other GSA Federal Supply Schedule contract? Yes ——, No ——. If "Yes", identify the product, schedule and contract.

(c) Summarize any significant changes in concessions offered herein as compared with those set forth in any current GSA contract.

V. *Allowances:* (This section only applies to FSS solicitations). Do you offer any of the following allowances to any customer which are not available to a GSA contract user under this contract? (Enter "yes" or "no" for each. If yes, explain.)

(a) —— Trade-in allowances?

(b) —— Return/Exchange goods policy?

(c) —— Reduced prices on samples, demonstrator models, reconditioned items or floor models?

(d) —— Do you give any allowances not mentioned above?

VI. *Sales Information* (This section only applies to FSS solicitations). Estimate the percentage of your sales made to the U.S. Government under Federal Supply Schedule Blanket Purchase Arrangements (check one of the following):

None ——. 25% or less ——. 25% to 49% ——. 50% to 74% ——. 75% or more ——.

List agencies below:

1. ————————
2. ————————
3. ————————
4. ———————— etc.

VII

Solicitation No. ——— Special Item No. ——— Offeror Name ———

A. This section requires (1) that sales information be provided to enable the contracting officer to determine that the items meet the test of commerciality in FPR 1-3.807-1 and ASPM No. 1, Chapter 8A; and, (2) that pricing data is furnished in sufficient detail to enable the contracting officer to perform a price analysis in accordance with FPR 1-3.807-1(b)(2)(iv).

B. The offeror certifies that, except for the individual models/types or catalog numbers cited in paragraph C below, all other models/types or catalog numbers offered in response to this solicitation meet the tests of commerciality in FPR 1-3.807-1 and ASPM No. 1, Chapter 8A. Of the individual models/types or catalog numbers so certified, sales information shall be provided in the table below for each of the —— models/types or catalog numbers with the largest dollar sales volume. The sales information provided is for the prior 12 months, from ——— to ——— for this special item number.

1. Total annual sales to the Government under this special item number $———.
2. Total annual sales (to all entities) under this special item number $———.

1	2	3	4	5	6	7	8
Model/type or catalog No.	Total annual sales to Fed. Govt.	Total annual sales to nongovernment customers at catalog price (less published discounts)	Total annual sales to nongovernment customers at other than catalog price	Total annual sales: Columns 2, 3, and 4	Provide information below for largest discount granted to any nongovernment customer	List the largest discount at which the item was sold for comparable sales/quantities shown in column 2 to any nongovernment customer during the past year	Is the discount in block number 6 greater than your current offer under this solicitation? Yes——No——. If yes, provide complete documentation and rationale of the difference. Merely submitting copies of documents such as terms and conditions such as terms and conditions of commercial contracts, commercial warranties, etc., will not be adequate to justify the difference
	$—percent of column 5		$—percent of column 3 if more than 25 percent		Quantity—Discount	Quantity—Discount	

C. Sales information in the table below shall be provided for each individual model/type or catalog number in the above special item number that is not certified commercial when experienced annual government sales are $100,000 or more.

1	2	3	4	5	6	7	8
Model/type or catalog No.	Total annual sales to Fed. Govt.	Total annual sales to nongovernment customers at catalog price (less published discounts)	Total annual sales to nongovernment customers at other than catalog price	Total annual sales Columns 2, 3, and 4	Provide information below for largest discount granted to any nongovernment customer	List the largest discount at which the item was sold for comparable sales/quantities shown in column 2 to any nongovernment customer during the past year	Is the discount in block number 6 greater than your current offer under this solicitation? Yes——No——. If yes, provide complete documentation and rationale of the difference. Merely submitting copies of documents such as terms and conditions of commercial contracts, commercial warranties, etc. will not be adequate to justify the difference
	$—percent of column 5		$—percent of column 3 if more than 25%		Quantity—Discount	Quantity—Discount	

NOTES:

1 Federal Government sales include all sales to U.S. Government and its instrumentalities and for U.S. Government use, sales directly to U.S. Government prime contractors and to their subcontractors or suppliers at any tier, for use as an end item or as part of an end item, by the U.S. Government.

2 Nongovernment customer is defined as other than Government or affiliates (include sales to distributors, dealers, OEM, national accounts, educational institutions, state, etc.)

3 Discounts are reductions to catalog or market prices (published or unpublished) applicable to any customer, including OEMs, dealers, distributors, national accounts, states, etc., and any other form of price reduction such as concessions, rebates, quantity discounts, allowances, services, warranties, installation, free parts, etc., which are granted to any customer.

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41 CFR Parts 1-3, 1-7 and 1-15

[FPR Amdt. 225]

Revisions To Profit Policy and Cost of Money Cost Principle

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment codifies FPR Temporary Regulation 61, which deals with a facilities capital cost of money cost principle and policies for establishing profit or fee prenegotiation objectives. The amendment also adds policies for allowing cost imputed under the provisions of Cost Accounting Standard (CAS) 417, Cost Of Money As An Element Of The Cost Of Capital Assets Under Construction. The basis for the regulation is Office of Federal Procurement Policy Letter 80-7, dated December 9, 1980 (44 FR 82593, December 15, 1980), with regard to profit policy and facilities capital cost of money and Department of Defense initiatives regarding CAS 417. The intended effect is substantial uniformity among Government agency regulations.

EFFECTIVE DATE: November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Office of Federal Procurement Regulations, Office of Acquisition Policy (202-523-4755).

SUPPLEMENTARY INFORMATION: FPR Temporary Regulation 61 (46 FR 27645, May 21, 1981) is canceled and deleted from the appendix at the end of 41 CFR Chapter 1.

List of Subjects

41 CFR Part 1-3

Government procurement, Types of contracts, Procurement by negotiation, Small purchases, Cost accounting standards.

41 CFR Part 1-7

Government procurement, Contract clauses.

41 CFR Part 1-15

Government procurement, Cost principles.

PART 1-3—PROCUREMENT BY NEGOTIATION

The table of contents for Part 1-3 is amended to revise three entries, add three entries under Subpart 1-3.8, and add a new Subpart 1–3.13 with 17 new entries as follows:

* * * * *

Subpart 1–3.8—Price Negotiation Policies and Technique

Sec.
1–3.808–1 Scope and applicability.
1–3.808–2 General.
1–3.808–3 Agency responsibilities.
1–3.808–4 Contracting officer responsibilities.
1–3.808–5 Solicitation provision and contract clause.
1–3.808–6 Profit analysis factors.

Subpart 1–3.13—Cost of Money for Capital Employed on Facilities in Use and Capital Assets Under Construction

1–3.1300 Scope and applicability.
1–3.1301 Cost of money for capital employed on facilities in use.
1–3.1301–1 Policy.
1–3.1301–2 Definitions, measurement, and allocation.
1–3.1301–3 Estimating business unit facilities capital and cost of money.
1–3.1301–4 Contract facilities capital estimates.
1–3.1301–5 Preaward facilities capital applications.
1–3.1301–6 Postaward facilities capital applications.
1–3.1301–7 Administrative procedures.
1–3.1301–8 Format 1301, Contract facilities capital and cost of money.
1–3.1302 Cost of money for capital employed on capital assets under construction.
1–3.1302–1 Policy.
1–3.1302–2 Definitions.
1–3.1302–3 Measurement.
1–3.1302–4 Composition and allocation of costs.
1–3.1302–5 Limitations.
1–3.1302–6 Preaward capital employed application.

Subpart 1–3.8—Price Negotiation Policies and Techniques

1. Section 1–3.808–1 is revised and the caption is revised to read as follows:

§ 1–3.808–1 Scope and applicability.

This section—

(a) Prescribes policies for establishing the profit or fee portion of the government prenegotiation objective;

(b) Applies to price negotiations, based on cost analysis, of contracts and contract modifications (including modifications to contracts awarded by formal advertising);

(c) Prescribes policies for agencies' development and use of a structured approach for determining the profit or fee prenegotiation objective; and

(d) Specifies (1) situations requiring contracting officers to analyze profit, and (2) considerations for that analysis.

2. Section 1–3.808–2 is revised and the caption is revised to read as follows:

§ 1–3.808–2 General.

(a) Profit or fee prenegotiation objectives do not necessarily represent net income to contractors. Rather, they represent the potential remuneration contractors *may* receive for contract performance. This remuneration and the Government's estimate of allowable costs to be incurred in contract performance together equal the Government's total prenegotiation objective. Just as actual costs may vary from estimated costs, the contractor's actual profit may vary from negotiated profit or fee, as a result of such factors as efficiency of performance, incurrence of costs the Government does not recognize as allowable, complexity of work, or contingencies.

(b) It is in the Government's interest to offer contractors opportunities for financial rewards sufficient to (1) stimulate efficient contract performance, (2) attract the best capabilities of qualified large and small business concerns to Government contracts, and (3) maintain a viable industrial base.

(c) Both the Government and contractors should be concerned with profit as a motivator of efficient and effective contract performance. Negotiations aimed merely at reducing prices by reducing profit, without proper recognition of the function of profit, are not in the Government's best interest. Negotiation of extremely low profits, use of historical averages, or automatic application of predetermined percentages to total estimated costs do not provide proper motivation for optimum contract performance. Therefore, agencies shall not (1) establish ceilings on profits or fees, (2) create administrative procedures that could be represented to contractors as de facto ceilings, or (3) otherwise unduly constrain the application of judgment in negotiating fair and reasonable prices (but see § 1–3.808–4(e)).

3. Section 1–3.808–3 is revised and the caption is revised to read as follows:

§ 1–3.808–3 Agency responsibilities.

(a) *Structured approach.* (1) Structured approaches for determining profit or fee prenegotiation objectives provide a discipline for ensuring that all relevant factors are considered (see § 1–3.808–6). The structured approach an agency adopts when required shall allow the tailoring of profit or fee on an individual contract to fit the particular circumstances of that contract. Agencies are encouraged to adopt a weighted-guidelines approach, but may prescribe another structured approach if it incorporates a logic and rationale similar to that of the weighted-guidelines method, an example of which may be found in the Defense Acquisition Regulation (32 CFR 3–808). Instead of independently establishing its own structured approach, an agency may adopt another agency's approach if that approach is consistent with, or is appropriately modified to be consistent with the policies set forth in the various subsections of § 1–3.808. Each agency's approach shall be conceptually sound, practicable to apply, and equitable to both the Government and its suppliers in the market environment from which the agency draws its supplies and services.

(2) Agencies that have awarded less than $50 million in noncompetitive contracts over $100,000 in any fiscal year after fiscal year 1979, need not adopt a structured approach, but may do so. However, any agency which makes noncompetitive contract awards over $100,000 totaling $50 million or more in any fiscal year after fiscal year 1979—

(i) Shall prescribe a structured approach for determining the profit or fee objective in those acquisitions that require cost analysis;

(ii) May prescribe specific exemptions for situations in which mandatory use of a structured approach would be clearly inappropriate; and

(iii) Shall exercise management oversight to ensure that the agency's approach is appropriately structured and applied.

(b) *Cost of money as an element of the cost of facilities capital.* (1) Cost Accounting Standard (CAS) 414 (Cost of Money as an Element of the Cost of Facilities Capital) provides a means for allocating to individual contracts an imputed cost of facilities capital employed, making it practical for the Government to differentiate among contracts with respect to the level of contractor-furnished facilities to be employed in contract performance. This imputed cost is an allowable cost under contracts subject to the cost principles for commercial organizations (see § 1–15.205–51).

(2) Agencies shall ensure that contractors are not compensated for facilities capital cost of money both as a direct or indirect cost and in profit or fee. Before the allowability of facilities capital cost of money, consideration for it was included in profits and fees. Therefore, profit and fee prenegotiation objectives shall be reduced if necessary to reflect this refinement in cost accounting practices. This reduction may be accomplished by means of offsets; that is, by (i) using a dollar-for-dollar offset in the Government's prenegotiation profit or fee objective, or (ii) incorporating a common offset factor

under an agency's structured approach. No offset is necessary when the profit rates applied to the profit analysis factors under an agency's structured approach already take into account the allowability of facilities capital cost of money.

(3) When a prospective contractor does not propose or identify facilities capital cost of money in a proposal for a contract under which this cost could be allowed, it is presumed that consideration for facilities capital to be employed in contract performance is included, but not identified, in the contractor's profit or fee objective. Accordingly, the contractor may not later claim this cost as allowable (see §§ 1–3.808–4(c) and 1–15.205(a)(2)(iii)).

(4) The policy on offsets set forth in paragraph (b)(2) of this section does not apply to the cost of money as an element of the cost of capital assets under construction (see §§ 1–15.205–51(b) and 1–3.1302–6).

4. Section 1–3.808–4 is added to read as follows:

§ 1–3.808–4 Contracting officer responsibilities.

(a) When the price negotiation is not based on cost analysis, contracting officers are not required to analyze profit.

(b) When the price negotiation is based on cost analysis, contracting officers in agencies that have a structured approach shall analyze profit, using their agency's structured approach except as specifically exempted under the agency's procedures. When not using a structured approach (because the agency does not have one or because a specific exemption applies), contracting officers shall comply with § 1–3.808–6 in developing profit or fee prenegotiation objectives.

(c) Contracting officers shall use the Government prenegotiation cost objective amounts as the basis for calculating the profit or fee prenegotiation objective. Before applying profit or fee factors, the contracting officer shall exclude any facilities capital cost of money included in the cost objective amounts. If the prospective contractor fails to identify or propose facilities capital cost of money in a proposal for a contract that will be subject to the cost principles for contracts with commercial organizations (see Subpart 1–15.2), facilities capital cost of money will not be an allowable cost in any resulting contract (see § 1–3.808–5 and 1–15.205–51(a)(2)(iii)).

(d) Contracting officers are not required to use an overall profit or fee objective higher than that proposed by the prospective contractor.

(e)(1) The contracting officer shall not negotiate a price or fee that exceeds the following statutory limitations imposed by 10 U.S.C. 2306(d) and 41 U.S.C. 254(b):

(i) For experimental, developmental, or research work performed under a cost-plus-fixed-fee contract, the fee shall not exceed 15 percent of the contract's estimated cost, excluding fee.

(ii) For architect-engineering services for public works or utilities, the contract price or the estimated cost and fee for production and delivery of designs, plans, drawings, and specifications shall not exceed 6 percent of the estimated cost of construction of the public work or utility, excluding fees.

(iii) For other cost-plus-fixed-fee contracts, the fee shall not exceed 10 percent of the contract's estimated cost, excluding fee.

(2) The limitations in paragraphs (e)(1)(i) and (iii) of this section shall apply also to the maximum fees on cost-plus-incentive-fee and cost-plus-award-fee contracts. However, the agency head or a designee may waive the maximum fee limitation for a specific cost-plus-incentive-fee or cost-plus-award-fee contract.

(3) The estimated costs on which the maximum fees are computed pursuant to the statutory limitations set forth in paragraph (e)(1) of this section shall include facilities capital cost of money when this cost is included in cost estimates.

(f) The contracting officer shall not require any prospective contractor to submit details of its profit or fee objective, but shall consider them if they are submitted voluntarily.

(g) If a change or modification calls for essentially the same type and mix of work as the basic contract or is of relatively small dollar value compared to the total contract value, the contracting officer may use the basic contract's profit or fee rate as the prenegotiation objective for that change or modification.

5. Section 1–3.808–5 is added to read as follows:

§ 1–3.808–5 Solicitation notice and contract clause.

(a) The contracting officer shall insert the notice set forth below in all solicitations that will result in contracts with reimbursable costs subject to the cost principles for contracts with commercial organizations (see Subpart 1–15.2):

Facilities Capital Cost of Money

Facilities capital cost of money (see FPR § 1–15.205–51(a)) will be an allowable cost under the contemplated contract, but only if the contractor specifically identifies or proposes it in the cost proposal for the contract and elects to claim this cost by checking the appropriate box below. If the contractor does not specifically identify or propose facilities capital cost of money and does not elect to claim this cost, the contract will include the Waiver of Facilities Capital Cost of Money clause.

☐ The prospective contractor has specifically identified or proposed facilities capital cost of money in its cost proposal and elects to claim this cost as an allowable cost under the contract.

☐ The prospective contractor has not specifically identified or proposed facilities capital cost of money in its proposal and elects not to claim it as an allowable cost under the contract.

(End of notice)

(b) The contracting officer shall insert the clause set forth below in contracts with reimbursable costs subject to the cost principles for commercial organizations in Subpart 1–15.2, when the contractor has not specifically identified or proposed facilities capital cost of money in its proposal and has elected not to claim it as an allowable cost under the contract (see election under paragraph (a) of this section):

Waiver of Facilities Capital Cost of Money

The Contractor is aware that facilities capital cost of money is an allowable cost but waives the right to claim it under this contract.

(End of clause)

6. Section 1–3.808–6 is added to read as follows:

§ 1–3.808–6 Profit analysis factors.

(a) *Common factors.* Unless it is clearly inappropriate or not applicable, each factor outlined in paragraphs (a)(1) through (6) of this section shall be considered by agencies in developing their structured approaches and by contracting officers in analyzing profit when not using a structured approach.

(1) *Contractor effort.* This factor measures the complexity of the work and the resources required of the prospective contractor for contract performance. Greater profit opportunity should be provided under contracts requiring a high degree of professional and managerial skill and to prospective contractors whose skills, facilities, and technical assets can be expected to lead to efficient and economical contract performance. The following factors (i) through (iv) shall be considered in determining contractor effort, but they may be modified in specific situations to accommodate differences in the categories used by prospective contractors for listing costs:

(i) *Material acquisition.* This subfactor measures the managerial and technical effort needed to obtain the required purchased parts and material, subcontracted items, and special tooling. Considerations include (A) the complexity of the items required, (B) the number of purchase orders and subcontracts to be awarded and administered, (C) whether established sources are available or new or second sources must be developed, and (D) whether material will be obtained through routine purchase orders or through complex subcontracts requiring detailed specifications. Profit consideration should correspond to the managerial and technical effort involved.

(ii) *Conversion direct labor.* This subfactor measures the contribution of direct engineering, manufacturing, and other labor to converting the raw materials, data, and subcontracted items into the contract items. Considerations include the diversity of engineering, scientific, and manufacturing labor skills required and the amount and quality of supervision and coordination needed to perform the contract task.

(iii) *Conversion-related indirect costs.* This subfactor measures how much the indirect costs contribute to contract performance. The labor elements in the allocable indirect cost should be given the profit consideration they would receive if treated as direct labor. The other elements of indirect costs should be evaluated to determine whether they (A) merit only limited profit consideration because of their routine nature, or (B) are elements that contribute significantly to the proposed contract.

(iv) *General management.* This subfactor measures the prospective contractor's other indirect costs and general and administrative (G&A) expense, their composition, and how much they contribute to contract performance. Considerations include (A) how labor in the overhead pools would be treated if it were direct labor, (B) whether elements within the pools are routine expenses or instead are elements that contribute significantly to the proposed contract, and (C) whether the elements require routine as opposed to unusual managerial effort and attention.

(2) *Contract cost risk.* (i) This factor measures the degree of cost responsibility and associated risk that the prospective contractor will assume (A) as a result of the contract type contemplated, and (B) considering the reliability of the cost estimate in relation to the complexity and duration of the contract task. Determination of contract type should be closely related to the risks involved in timely, cost-effective, and efficient performance. This factor should compensate contractors proportionately for assuming greater cost risks.

(ii) The contractor assumes the greatest cost risk in a closely priced firm fixed-price contract under which it agrees to perform a complex undertaking on time and at a predetermined price. Some firm fixed-price contracts may entail substantially less cost risk than others because, for example, the contract task is less complex or many of the contractor's costs are known at the time of price agreement, in which case the risk factor should be reduced accordingly. The contractor assumes the least cost risk in a cost-plus-fixed-fee level-of-effort contract, under which it is reimbursed those costs determined to be allocable and allowable, plus the fixed fee.

(iii) In evaluating assumption of cost risk, contracting officers shall, except in unusual circumstances, treat time and materials, labor-hour, and fixed-price level-of-effort contracts as cost-plus-fixed-fee contracts.

(3) *Federal socioeconomic programs.* This factor, which may be a negative or positive consideration, measures the degree of support given by the prospective contractor to Federal socioeconomic programs, such as those involving small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, handicapped sheltered workshops, labor surplus areas, and energy conservation. Greater profit opportunity should be provided under contracts with contractors adhering to the spirit and intent of these programs.

(4) *Capital investments.* This factor takes into account the contribution of contractor investments to efficient and economical contract performance. The following subfactors shall be considered in the analysis:

(i) *Facilities.* This subfactor, which may be either a negative or a positive consideration, includes consideration of the equipment's and facilities' (A) age, (B) undepreciated value, (C) cost-effectiveness, (D) general or special purpose, and (E) remaining life compared with the length of the contemplated program. Also to be considered are any undue reliance on Government-owned facilities and equipment, any contractor failure to provide the kinds or quantities of facilities required for efficient contract performance, and any special contract provisions that will affect the contractor's facilities capital investment risk. When applicable, the prospective contractor's computation of facilities capital cost of money for pricing purposes under CAS 414 (see §§ 1-15.205-51 and 1-3.1301) can help the contracting officer identify the level of facilities investment to be employed in contract performance.

(ii) *Operating capital.* This subfactor includes consideration of the level of the contractor's operating capital investment required for effective contract performance. This level will vary, depending on such circumstances as (A) the nature of the work and duration of the contract, (B) contract type and dollar magnitude, (C) the reimbursement or progress payment rate, (D) the contractor's financial management practices, and (E) the frequency of and time lag between billings and Government payments. These circumstances should be taken into account in determining what profit adjustment, if any, is appropriate under this subfactor.

(5) *Cost-control and other past accomplishments.* This factor, which may be a negative or positive consideration, allows additional profit opportunities to a prospective contractor that has previously demonstrated its ability to perform similar tasks effectively and economically. In addition, consideration should be given to (i) measures taken by the prospective contractor that result in productivity improvements, and (ii) other cost reduction accomplishments that will benefit the Government in follow-on contracts.

(6) *Independent development.* Under this factor, the contractor may be provided additional profit opportunities in recognition of independent development efforts relevant to the contract end item, including manufacturing or engineering processes, specialized or unique services, or other technologies. The contracting officer should consider the extent of the Government's contribution to the contractor's independent research and development program during the contractor fiscal years in which the applicable development was taking place.

(b) *Additional factors.* In order to foster achievement of program objectives, each agency may include additional factors in its structured approach or take them into account in the profit analysis of individual contract actions.

(c) *Nonprofit organizations.* The profit policy was designed for arriving at profit or fee objectives for other than nonprofit organizations. However, if appropriate adjustments are made to reflect differences between profit and nonprofit organizations, the profit analysis factors and the structured approaches developed by agencies may be used for arriving at fee objectives for nonprofit organizations.

(1) For purposes of this paragraph, nonprofit organizations are defined as those entities organized and operated exclusively for charitable, scientific, or educational purposes, of which no part of the net earnings inure to the benefit of any private shareholder or individual, of which no substantial part of the activities is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office, and which are exempt from Federal income taxation under Section 501 of the Internal Revenue Code.

(2) In developing appropriate adjustment factors for nonprofit organizations, the following items should be considered:

(i) Tax position benefits;

(ii) Granting of financing through letters of credit or other means;

(iii) Facility requirements of the nonprofit organizations; and

(iv) Any other pertinent factors which may work to either the advantage or disadvantage of the contactor in its position as a nonprofit organization.

Subpart 1-3.13 is added to read as follows:

Subpart 1-3.13—Cost of Money for Capital Employed on Facilities in Use and Capital Assets Under Construction

§ 1-3.1300 Scope and applicability.

This subpart sets forth policies and procedures related to implementation of the "cost of money" cost principle set forth in § 1-15.205-51. This cost principle deals with costs provided for under Cost Accounting Standard 414, Cost of Money as an Element of the Cost of Facilities Capital and Cost Accounting Standard 417, Cost of Money as an Element of the Cost of Capital Assets Under Construction. Although these standards may not be specifically applicable to all contracts subject to the cost principles set forth in Subpart 1-15.2, they have been extended to all such contracts by § 1-15.205-51 and the provisions of this subpart (but see § 1-3.808-3(b)).

§ 1-3.1301 Cost of money for capital employed on facilities in use.

§ 1-3.1301-1 Policy.

(a) It is Government policy to recognize facilities capital cost of money for facilities in use as an allowable cost on negotiated contracts subject to Subpart 1-15.2 that are priced on the basis of cost analysis (see §§ 1-3.808-3(b) and 1-15.205-51(a)).

(b) This policy shall apply to new contracts and contract modifications adding new work awarded on or after June 15, 1981. It shall apply in the same manner to any tier subcontracts or modifications thereto, upon the subcontractor's request, *provided* the prime contract or modification was eligible as of the date of award for facilities capital cost of money in accordance with this paragraph.

§ 1-3.1301-2 Definitions, measurement, and allocation.

Cost Accounting Standard (CAS) No. 414, Cost of Money as an Element of the Cost of Facilities Capital, reprinted in § 1-3.1220-14, establishes criteria for the measurement and allocation of the cost of capital committed to facilities as an element of contract cost for historical cost determination purposes. Important features of the CAS are its definitions, techniques for application, and a prescribed Form CASB-CMF (Facilities Capital Cost of Money Factors Computation) with instructions. This § 1-3.1301 adopts the techniques of CAS 414 as the approved method of measurement and allocation of facilities capital cost of money to overhead pools at the business unit level, and adds only such supplementary procedures as are necessary to extend those techniques for contract forward pricing and administration purposes. Therefore, these procedures are intended to be completely compatible with, and an extension of, the definitions, criteria, and techniques of CAS 414. Contractors who computerize their financial data are encouraged to meet the requirements of both CAS 414 and this § 1-3.1301 from the same data bank and programs.

§ 1-3.1301-3 Estimating business unit facilities capital and cost of money.

The method of estimating the business unit facilities capital and cost of money uses the techniques of CAS 414. Cost of money factors (CMF) by overhead pools at the business unit are developed using Form CASB-CMF. Three elements are required to develop cost of money factors: business unit facilities capital data, overhead allocation base data, and the interest rate promulgated by the Secretary of the Treasury under Pub. L. 92-41. These elements are discussed in this section.

(a) *Business unit facilities capital data.* The net book value (acquisition cost less accumulated depreciation) is used for each cost accounting period. The net book value used is the total of (1) the net book value of facilities recorded on the accounting records of the business unit, (2) the capitalized value of leases (see §§ 1-15.205-34 and 1-15.205-50), and (3) the net book value of facilities at the corporate or group level that support depreciation charges allocated to the business unit in accordance with the provisions of CAS 403. Projections of facilities capital will be supported by budget plans and/or similar type documentation and the estimated depreciation will be the same as used in projected overhead rates. Projections will accommodate changes in the level of facilities net book value, e.g., facilities additions, deletions of facilities by sale, abandonment or other disposal, idle facilities (see § 1-15.205-12).

(b) *Overhead allocation bases.* The base data used to compute the CMF must be the same as that used to compute the proposed overhead rates. CMF's should be submitted and evaluated as part of the proposal.

(c) *Interest rate.* For purposes of projection, the most recent interest rate promulgated by the Secretary of the Treasury under Pub. L. 92-41 will be used as the cost of money rate in Column 1 of Form CASB-CMF. Where actual costs are used in definitization actions, the actual treasury rate(s) applicable to the period(s) of the incurred costs will be recognized by development of a composite rate.

(d) *Determination of final cost of money.* CMF's estimated in accordance with the above procedures are used to develop the facilities investment base used in forward pricing. Actual CMF's are required when it is necessary to determine final allowable costs for cost settlement and/or repricing in accordance with CAS 414 and § 1-15.205-51(a).

§ 1-3.1301-4 Contract facilities capital estimates.

(a) After the appropriate Forms CASB-CMF have been analyzed and CMF's have been developed, the contracting officer is in a position to estimate the facilities capital cost of money and capital employed for a contract proposal. Format 1301, Contract Facilities Capital and Cost of Money (see § 1-3.1301-8), has been provided for this purpose. An evaluated contract cost breakdown, reduced to the contracting officer's prenegotiation cost objective, must be available. The procedure is similar to applying overhead rates to appropriate overhead allocation bases to determine contract overhead costs.

(b) Format 1301, provides for listing overhead pools and direct-charging service centers (if used) in the same structure they appear on the contractor's cost proposal and Forms CASB–CMF. The structure and allocation base units-of-measure must be compatible on all three displays. The base for each overhead pool must be broken down by year to match each separate Form CASB–CMF. Appropriate contract overhead allocation base data are extracted by year from the evaluated cost breakdown or prenegotiation cost objective, and are listed against each separate Form CASB–CMF. Each allocation base is multiplied by its corresponding cost of money factor to get the facilities capital cost of money estimated to be incurred each year. The sum of these products represents the estimated contract facilities capital cost of money for the year's effort. Total contract facilities capital cost of money is the sum of the yearly amounts.

(c) Since the facilities capital cost of money factors reflect the applicable cost of money rate in Column 1 of Form CASB–CMF, the contract facilities capital employed can be determined by dividing the contract cost of money by the same rate. Format 1301 is designed to record and compute all the above in the most direct way possible, and the end result is the contract facilities capital cost of money and capital employed. The capital employed amount may be used to identify the level of facilities investment to be employed in contract performance (see § 1–3.808–6 (a)(4)(i)).

§ 1–3.1301–5 Preaward facilities capital applications.

Facilities capital cost of money and capital employed as determined in § 1–3.1301–4, are applied in establishing cost and price objectives as follows:

(a) *Cost of money.* (1) *Cost objective.* This special, imputed cost of money shall be used together with normal, booked costs, in establishing a cost objective or the target cost when structuring an incentive type contract. Target costs thus established at the outset, shall not be adjusted as actual cost of money rates become available for the periods during which contract performance takes place.

(2) *Profit objective.* Cost of money shall not be included as part of the cost base when measuring the contractor's effort in connection with establishing a prenegotiation profit objective. The cost base for this purpose shall be restricted to normal, booked costs (see § 1–3.808–4(c)).

(b) *Facilities capital employed.* The profit objective as it relates to the risk associated with facilities capital employed shall be assessed in accordance with the profit guidelines set forth in § 1–3.808–6(a)(4)(i).

§ 1–3.1301–6 Postaward facilities capital applications.

(a) *Interim billings based on costs incurred.* Contract facilities capital cost of money may be included in cost reimbursement and progress payment invoices. The amount that qualifies as cost incurred for purposes of the "Cost Reimbursement, Fee and Payment" or "Progress Payment" clause of the contract is the result of multiplying the incurred portions of the overhead pool allocation bases by the latest available cost of money factors. Like applied overhead at forecasted overhead rates, such computations are interim estimates subject to adjustment. As each year's data are finalized by computation of the actual cost of money factors under CAS 414 and § 1–15.205–51(a), the new factors should be used to calculate contract facilities capital cost of money for the next accounting period.

(b) *Final settlement.* Contract facilities capital cost of money for final cost determination or repricing is based on each year's cost of money factors determined under CAS 414 and supported by separate Forms CASB–CMF. Contract cost must be separately computed in a manner similar to yearly final overhead rates. Also like overhead costs, the final settlement will include an adjustment from interim to final contract cost of money. However, estimated or target cost will not be adjusted.

§ 1–3.1301–7 Administrative procedures.

(a) Contractor submission of Forms CASB–CMF will normally be initiated under the same circumstances as forward pricing rate agreements (see § 1–3.807–8), and evaluated as complementary documents and procedures. Separate forms are required for each prospective cost accounting period during which Government contract performance is anticipated. If the contractor does not annually negotiate forward pricing rate agreements, submissions may nevertheless be made annually or with individual contract pricing proposals, as agreed to by the contractor and the contracting officer. The contracting officer shall, with the assistance of the cognizant auditor, evaluate the cost of money factors, and retain approved factors with other negotiated forward pricing data and rates.

(b) The contracting officer will complete a Format 1301, Contract Facilities Capital and Cost of Money, after evaluating the contractor's cost proposal and determining the Government prenegotiation cost objective, but before determining the Government prenegotiation profit objective.

(c) A final Form CASB–CMF must be submitted by the contractor under CAS 414 as soon after the end of each cost accounting period as possible, for the purpose of final cost determinations and/or repricing. The submission should accompany the contractor's proposal for actual overhead costs and rates, and be evaluated as complementary documents and procedures.

§ 1–3.1301–8 Format 1301, Contract Facilities Capital and Cost of Money.

(a) Page 1 of Format 1301

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CONTRACT FACILITIES CAPITAL AND COST OF MONEY

CONTRACTOR: BUSINESS UNIT: ADDRESS:			RFP/CONTRACT NO. PERFORMANCE PERIOD	
1. OVERHEAD POOLS	2. COST ACCOUNTING PERIOD	3. CONTRACT OVERHEAD ALLOCATION BASE	FACILITIES CAPITAL COST OF MONEY	
			4. FACTORS	5. AMOUNT
6 CONTRACT FACILITIES CAPITAL COST OF MONEY				
7. FACILITIES CAPITAL COST OF MONEY RATE			÷	
8 CONTRACT FACILITIES CAPITAL EMPLOYED				

BILLING CODE 6820-61-C

This format shall not be printed, reproduced, or stocked by agencies and shall be used only as a guide for individual preparation.

(b) Page 2 of Format 1301.

Instructions for Format 1301 Contract Facilities Capital and Cost of Money

Purpose. The purpose of this format is to compute the estimated facilities capital to be employed for a specific contract proposal. An intermediate step is to compute the estimated facilities capital cost of money, using the Facilities Capital Cost of Money Factors developed on Form(s) CASB–CMF. This procedure is intended to be fully compatible with Cost Accounting Standard 414 "Cost of Money as an Element of the Cost of Facilities Capital," and extend those criteria and techniques to prospective periods for forward pricing purposes. FPR § 1-3.1301 should be referred to for applicability and further explanation.

Identification. Identify the contractor, business unit and address. Identify the specific RFP or contract to which the computation pertains. Identify the estimated performance period of the contract.

Overhead pools (Col. 1). List all business unit overhead pools and direct-charging service/support centers whose costs will be allocated to this contract. The structure must be compatible with contractor's cost proposal and Form(s) CASB–CMF.

Cost accounting period (Col. 2). This column is used only for the "projected" method of estimating contract facilities capital employed and cost of money. Each Overhead Pool listed must be further broken down by each Cost Accounting Period impacted by the Performance Period of the contract. The yearly breakdown must also correspond to yearly overhead allocation bases in the contractor's cost proposal, and to separate Forms CASB—CMF for each year listed. If the "historical" method is used, the column should be ignored.

Contract overhead allocation base (Col 3.). For each Overhead Pool and Cost Accounting Period listed, record the same Contract Overhead Allocation Base amounts used to derive the pre-negotiation cost objective. Such amounts should be the same as those used for burdening contract overhead or applying service/support center use charges. The base units-of-measure must agree with those used on the Form(s) CASB–CMF.

Facilities capital cost of money factors (Col. 4). Carry forward the appropriate estimated Facilities Capital Cost of Money factors from the Form(s) CASB–CMF. Business units, overhead pools and cost accounting periods must agree.

Facilities capital cost of money amount (Col. 5). The product of each Contract Overhead Allocation Base (Col. 3) multiplied by its related Facilities Capital Cost of Money Factor (Col. 4).

Contract facilities capital cost of money (Line 6). The sum of Col. 5. This represents the contract's allocable share of the business unit's estimated cost of money for the cost accounting period(s) impacted by the contract performance period. Therefore it represents a portion of the total(s) of Col. 5 of Form CASB–CMF.

Facilities capital cost of money rate (Line 7). The same Cost of Money Rate used in Col. 1 of the Form(s) CASB–CMF. Only one rate will be used in the facilities capital estimating process regardless of the length of the contract performance period.

Contract facilities capital employed (Line 8). The quotient of Line 6 divided by Line 7. This represents the contract's allocable share of the business unit's estimated facilities value for the cost accounting period(s) impacted by the contract. Therefore it represents a portion of the total(s) of Col. 4 of Form CASB–CMF.

§ 1-3.1302 Cost of money for capital employed on capital assets under construction.

§ 1-3.1302-1 Policy.

(a) It is Government policy to recognize a contractor's investment in capital assets while these are being constructed, fabricated, or developed for the contractor's own use (see § 1-15.205-51(b)). This recognition is made through the allowance of an imputed cost of money amount which is (1) calculated in accordance with Cost Accounting Standard (CAS) 417, Cost of Money as an Element of the Cost of Capital Assets Under Construction (see § 1-3.1220-17), and the instructions in § 1-3.1302-3, (2) capitalized along with the other costs of the asset for which the investment is made, and (3) allocated to Government contracts in accordance with § 1-3.1302-4.

§ 1-3.1302-2 Definitions.

The following definitions have been taken or developed from CAS 417 which is reprinted in § 1-3.1220-17.

(a) *Intangible capital asset.* An asset that has no physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the benefit it yields.

(b) *Tangible capital asset.* An asset that has physical substance, more than minimal value, and is expected to be held by an enterprise for continued use or possession beyond the current accounting period for the service it yields.

(c) *Cost of money rate.* The cost of money rate is either the interest rate determined by the Secretary of the Treasury under Pub. L. 92-41 (85 Stat. 97), or the time-weighted average of such rates for each cost accounting period during which the asset is being constructed, fabricated, or developed. The time-weighted average interest rate is calculated by multiplying the various rates in effect during the months of construction by the number of month(s) each rate was in effect. The sum of the products is divided by the total number of months in which the rates were experienced.

(d) *Representative investment.* The representative investment is the calculated amount considered invested by the contractor in the project to construct, fabricate, or develop the asset during the cost accounting period. In calculating the representative investment, consideration must be given to the rate or expenditure pattern of the investment, i.e., if most of the investment was at the end of the cost accounting period, the representative investment calculation must reflect this fact.

(1) If the contractor experiences an irregular or uneven expenditure pattern in the construction, fabrication, or development of a capital asset, i.e., a majority of the construction costs were incurred toward the beginning, middle, or end of the cost accounting period, the contractor must either:

(i) Determine a representative investment amount for the cost accounting period by calculating the average of the month-end balances for that cost accounting period, or

(ii) Treat month-end balances as individual representative investment amounts.

(2) If the construction, fabrication, or development costs were incurred in a fairly uniform expenditure pattern throughout the construction period, the contractor may:

(i) Determine a representative investment amount for the cost accounting period by averaging the beginning and ending balances of the construction, fabrication, or development cost account for the cost accounting period; or

(ii) Treat month-end balances as individual representative investment amounts.

§ 1-3.1303-3 Measurement.

(a) The imputed cost of money for an asset under construction, fabrication, or development is calculated by applying a cost of money rate (see § 1-3.1302-2(c)), to the representative investment amount (see § 1-3.1302-2(d)).

(1) When a representative investment amount is determined for a cost accounting period in accordance with § 1-3.1302-2(d)(1)(i) or § 1-3.1302-2(d)(2)(i), the cost of money rate used shall be the time-weighted average rate.

(2) When a monthly representative investment amount (see § 1-3.1302-2(d)(1)(ii) or § 1-3.1302.2(d)(2)(ii)) is used, the cost of money rate shall be the rate in effect each month. (Note—Under this method, the cost of money calculation is made monthly and the

total for the cost accounting period is the sum of the monthly calculations.)

(b) The method chosen by a contractor for determining the representative investment amount may be different for each capital asset being constructed, fabricated, or developed as long as the method fits the expenditure pattern of the construction costs incurred.

(c) The imputed cost of money will be capitalized only once in any cost accounting period, either at the end of the period or at the end of the construction period, whichever comes first.

(d) When the construction of an asset takes more than one cost accounting period, the cost of money capitalized for the first cost accounting period will be included in determining the representative investment amount for any future cost accounting periods.

§ 1-3.1302-4 Composition and allocation of costs.

(a) The cost of money for a tangible capital asset determined in accordance with §§ 1-3.1302-2 and 1-3.1302-3 shall be capitalized along with the other construction, fabrication, or development costs of that asset for purposes of depreciation under § 1-15.205-9.

(b) The cost of money for an intangible capital asset determined in accordance with §§ 1-3.1302-2 and 1-3.1302-3 shall be capitalized along with other construction, fabrication, or development costs of that asset and amortized over appropriate cost accounting periods.

(c) Where CAS 414 cost of money is allocated to construction, fabrication, or development effort in accordance with § 1-3.1301, it will be recognized and considered an element of total construction costs and be included in all calculations of the asset's representative investment amount.

§ 1-3.1302-5 Limitations.

If substantially all activities necessary to get an asset ready for its intended use are discontinued, cost of money shall not be capitalized for the period of discontinuance, except when such discontinuance arises out of causes beyond the control and without the fault or negligence of the contractor.

§ 1-3.1302-6 Preaward capital employed application.

An offset to the profit objective as discussed in § 1-3.808-3(b) for CAS 414 cost of money is not required for CAS 417 cost of money.

PART 1-7—CONTRACT CLAUSES

The table of contents for Part 1-7 is amended to add one entry under Subpart 1-7.2 and one entry under Subpart 1-7.4 as follows:

* * * * *

Subpart 1-7.2—Cost-Reimbursement Type Supply Contract

* * * * *

Sec.
1-7.203-26 Waiver of facilities capital cost of money.

* * * * *

Subpart 1-7.4—Cost-Reimbursement Type Research and Development

* * * * *

Sec.
1-7.403-62 Waiver of facilities capital cost of money.

Subpart 1-7.2—Cost-Reimbursement Type Supply Contracts

Section 1-7.203-26 is added to read as follows:

§ 1-7.203-26 Waiver of facilities capital cost of money.

Insert the clause set forth in § 1-3.808-5(b) under the conditions prescribed therein.

Subpart 1-7.4—Cost-Reimbursement Type Research and Development Contracts

Section 1-7.403-62 is added to read as follows:

§ 1-7.403-62 Waiver of facilities capital cost of money.

Insert the clause set forth in § 1-3.808-5(b) under the conditions prescribed therein.

PART 1-15—CONTRACT COST PRINCIPLES AND PROCEDURES

The table of contents for Part 1-15 is amended to add the following entry under Subpart 1-15.2:

Sec.
1-15.205-51 Cost of money.

Subpart 1-15.2—Contracts With Commercial Organizations

Section 1-15.205-51 is added to read as follows:

§ 1-15.205-51 Cost of money.

(a) *Facilities capital cost of money.* (1) Facilities capital cost of money (cost of capital committed to facilities) is an imputed cost determined by applying a cost of money rate to facilities capital employed in support of contract performance. A cost of money rate is derived from a common source and uniformly imputed to all contractors. Capital employed is determined without regard to whether its source is equity or borrowed capital. The resulting cost of money is an imputed cost and is not a form of interest on borrowings as discussed in § 1-15.205-17.

(2) Whether or not the contract is otherwise subject to the cost accounting standards (CAS), and except as specified in paragraph (a)(3) of this section, facilities capital cost of money is allowable only when:

(i) The contractor's capital investment and cost of money is measured, allocated to contracts, and costed in accordance with CAS 414 and § 1-3.1301,

(ii) The contractor maintains adequate records to demonstrate compliance with paragraph (a)(2)(i) of this section, and

(iii) The estimated facilities capital cost of money is specifically identified or proposed in cost proposals relating to the contract under which this cost is to be claimed.

(3) Facilities capital cost of money is not allowable in cost-sharing (see § 1-3.405-3) or in cost contracts (see § 1-3.405-2).

(4) Cost of money for facilities capital need not be entered on the company's books of account. However, a memorandum entry of the cost shall be made. All relevant schedules, cost data, and other data necessary to fully support the entry shall be maintained in a manner to permit audit and verification.

(5) Facilities capital cost of money that is (i) allowable under paragraph (a)(2) of this section and, (ii) calculated, allocated, and documented in accordance with this cost principle shall be an "incurred cost" for reimbursement purposes under applicable cost-reimbursement contracts and for progress payment purposes under fixed-price contracts.

(b) *Cost of money as an element of the cost of capital assets under construction.* (1) Cost of money as an element of the cost of capital assets under construction is an imputed cost determined by applying a cost of money rate to the investment in tangible and intangible capital assets while they are being constructed, fabricated, or developed for a contractor's own use. The source of the investment for capital assets being constructed, whether equity or borrowed capital, is not considered in this cost of money determination. The resulting cost of money is an imputed cost and is not a form of interest on borrowings as discussed in § 1-15.205-17.

(2) Cost of money computed on representative investments before the contractor's first fiscal year subsequent to December 15, 1980, is not allowable. Cost of money may be capitalized on assets under construction beginning with the contractor's first fiscal year after December 15, 1980. The amortization of cost of money will first be allowable for new awards made on or after the effective date of this cost principle change.

(3) Whether or not the contract is otherwise subject to the cost accounting standards, the cost of money for capital assets under construction, fabrication, or development is allowable only when:

(i) The cost of money is calculated, allocated to contracts, and costed in accordance with CAS 417 and § 1-3.1302,

(ii) The contractor maintains adequate records to demonstrate compliance with paragraph (b)(3)(i) of this section, and

(iii) The cost of money for tangible capital assets is included in the capitalized cost which provides the basis for allowable depreciation costs, or in the case of intangible capital assets, the cost of money is included in the cost of those assets for which amortization costs are allowable.

(4) Actual interest cost in lieu of the calculated imputed cost of money for capital assets under construction, fabrication, or development is unallowable.

(5) The cost of money for capital assets under construction need not be entered on the contractor's books of account. However, the contractor shall (i) make a memorandum entry of the cost, and (ii) maintain, in a manner that permits audit and verification, all relevant schedules, cost data, and other data necessary to support the entry.

(6) Cost of money that is allowable under paragraph (b) of this cost principle shall be an "incurred cost" for reimbursement purposes under applicable cost reimbursement contracts and for progress payment purposes under fixed price contracts.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: October 14, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82-30270 Filed 11-4-82; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Parts 52 and 52h

Extension of 42 CFR Parts 52 and 52h To Cover Projects for Research on Adolescent Pregnancy and Family Life

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: The rules below amend the general health research regulations of the Department, 42 CFR Parts 52 and 52h, to make them applicable to research grants funded under the recently enacted Title XX of the Public Health Service Act. Title XX provides for research into questions relating to adolescent premarital sexual relations and adolescent pregnancy and parenthood. The amendments do not expand the scope of the current regulations to include a new type of research project. Rather, they indicate that research in the areas described above, which could have been funded under certain statutory authorities Part 52 presently implements, may also be funded under the new research authority. Public comment is not being requested on the amendments since they are technical in nature and no substantive modification of Parts 52 and 52h is being made.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Donald Underwood, Grants Management Officer, Office of Adolescent Pregnancy Programs, Department of Health and Human Services, Room 602, Reporters' Building, Washington, D.C. 20201, (202) 472-5588.

SUPPLEMENTARY INFORMATION: On August 13, 1981, the Public Health Service Act was amended by the addition of Title XX (42 U.S.C. 300z *et seq.*). Pub. L. 97-35, sec. 955(a). Section 2008 of the new title establishes a program for research into the "societal causes and consequences of various social phenomena associated with adolescent premarital sexual relations, contraceptive use, pregnancy, and child rearing." Sec. 2001(b)(4), incorporated into 2008(a)(1). In addition, the title authorizes "evaluative research to identify effective services which alleviate, eliminate, or resolve any negative consequences of adolescent premarital sexual relations and childbearing for the parents, the child and their families." Sec. 2001(b)(5), incorporated into sec. 2008(a)(1).

The Secretary is implementing the grant authority under this new statute by making applicable the procedures of 42 CFR Part 52. Those regulations, which govern grants under a number of health research authorities, are familiar to the research community generally. Thus, the decision to implement sec. 2008 through use of Part 52 will expedite the development of acceptable projects under the new authority. Part 52 also provides procedural requirements that are compatible with the research to be undertaken under sec. 2008. Thus, no practical purpose would be served by developing separate regulations for the new statute.

Section 2008 also contains a requirement that applications under that section undergo peer review. Sec. 2008(e)(1). The peer review system established is required by the statute to be, at a minimum, "substantially similar" to the system presently used by the National Institutes of Health (NIH). The Secretary is implementing the peer review requirement of sec. 2008 by making applicable the peer review requirements of Part 52h. This decision is obviously consistent with the decision to implement sec. 2008 generally through adoption of the Part 52 procedures. Moreover, it is also consistent with the requirement that the peer review system be substantially similar to that of NIH, since Part 52h is the peer review system used by NIH.

Because the public and the research community affected by the amendments below are already thoroughly familiar with the provisions of the substantive rules, and the addition of the additional statutory authorities to the rules in any event does not affect their substance, the Secretary has determined that public comment on the amendments is unnecessary. There have been prior opportunities for public comment when substantive changes have been made in the rules.

Impact and Regulatory Flexibility Analyses

E.O. 12291 requires a regulatory impact analysis for any rule that has an annual impact on the economy of $100 million or more or certain other effects. Since the appropriation for this program is anticipated not to exceed $3.3 million, the Secretary has determined that an impact analysis is not required. Moreover, he hereby certifies that a regulatory flexibility analysis is not required under the Regulatory Flexibility Act (5 U.S.C. Ch. 6), which requires reduction of impact and paperwork requirements where there will be a "significant economic impact on a substantial number of small entities." Because of the size of the anticipated appropriation it is not expected that a substantial number of grants will be funded.

List of Subjects

42 CFR Part 52 [1]

Grant programs—health, Adolescent pregnancy, Adolescent parenting, Youth.

42 CFR Part 52h

Governmental contracts, Grant programs—health, Adolescent pregnancy, Adolescent parenting, Youth.

In consideration of the foregoing, Parts 52 and 52h of Title 42, Code of Federal Regulations are hereby amended, as set forth below.

Dated: September 3, 1982.

Edward N. Brandt, Jr.,
Assistant Secretary for Health.

Approved: October 19, 1982.

Richard S. Schweiker,
Secretary.

PART 52—[AMENDED]

1. 42 CFR Part 52 is amended by adding the following citation of authority to the end of the Statement of Authority:

Sec. 955(a), Pub. L. 97–35, 95 Stat. 589 (42 U.S.C. 300z–7(a)(1)).

2. 42 CFR Part 52 is amended by adding a new subparagraph (9) to paragraph (a) of § 52.1, to read as follows:

§ 52.1 To which programs do these regulations apply?

(a) * * *

(9) Research on the causes, consequences and approaches to coping with adolescent sexual relations, contraceptive use, pregnancy and parenthood authorized by section 2008 of the Act.

* * * * *

PART 52h—[AMENDED]

3. 42 CFR Part 52h is amended by adding the following citation authority to the Statement of Authority:

Sec. 955(a), Pub. L. 97–35, 95 Stat. 590 (42 U.S.C. 300–7(e)).

4. 42 CFR Part 52h is amended by adding a new paragraph (c) to § 52h.1, to read as follows:

§ 52h.1 Applicability.

* * * * *

(c) Applications for grants and contracts under sec. 2008 of the Act.

[FR Doc. 82–30521 Filed 11–4–82; 8:45 am]

BILLING CODE 4160–17–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039 and 1300

[Ex Parte No. 387]

Railroad Transportation Contracts

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: The Staggers Rail Act of 1980 permitted rail carriers and purchasers of rail service to enter into contracts for rail service. These contracts must be filed with the Commission, with a summary of non-confidential information related to the contract provisions, and with the essential terms presented in tariff format for public inspection. The Commission is adopting rules to implement these provisions of the Rail Act providing for filing contract rates and for filing complaints related to these contracts.

EFFECTIVE DATE: January 4, 1983.

ADDRESS: Interstate Commerce Commission, Room 5340, Washington, DC 20423, Attention: Ex Parte No. 387.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275–7278
or
Michael Sullivan, (202) 275–0826.

SUPPLEMENTARY INFORMATION: We instituted this proceeding by notice of interim rules 45 FR 73841 (November 5, 1980), in response to the Staggers Rail Act of 1980. The interim rules were stayed at 45 FR 85641, December 29, 1980 and a Notice was issued which adopted the interim rules as proposed rules at 45 FR 85641, December 29, 1980. The notice addressed the contract rates provisions, 49 U.S.C. 10713. We have, on this date, issued a final decision including the final rules for rail contract rates. Copies of the complete decision are available by contacting TS Infosystems at 289–4357 in the DC Metropolitan area or toll-free at 800–424–5403.

Section 10713 allows contracts between rail carriers and purchasers of rail transportation. This section: (1) Sets out the requirements for filing contracts; (2) limits the basis of and sets time limits for complaints against contracts; (3) assures the confidentiality of the contract except for its essential terms; (4) requires the rail carriers to maintain their common carrier obligations; and (5) removes the contract service from Commission jurisdiction after approval of the contract is effective.

In this decision, modifications from the proposed rules have been made to the definition of contracts and to the format and procedures for filing contracts. The standing of various parties to enter into contracts and file to complaints against the contract is also discussed. The most pronounced changes from our proposed rules affect what are the essential terms of the contract and thus what must be publicly disclosed in contract summaries. We have expanded the information to include origin and destination when the contract involves agricultural commodities (including forest products and paper). Contract summaries for non-agricultural commodities moving through ports will not include origin/destination information, but tariff mileage to the nearest 50 miles. On the other hand, we have eliminated the tariff mileage information to be disclosed for the remaining contracts while expanding the car-data reporting requirements, as a party's right to relief is limited to whether a carrier can fulfill its common carrier obligation.

The adopted rules under 49 CFR 1039 and 49 CFR 1300 are set forth in Appendix A. Appendix B contains our Regulatory Flexibility Act Analysis.

List of Subjects

49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Railroads.

49 CFR Part 1300

Freight, Maritime carriers, Pipelines, Railroads.

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10713)

Decided: October 8, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons and Gradison. Chairman Taylor and Vice Chairman Gilliam concurred with separate expressions. Commissioners Simmons and Gradison dissented in part with separate expressions.

Agatha L. Mergenovich,
Secretary.

Chairman Taylor concurring:

I depart from the majority's approval of the regulations adopted here today only on the question of disclosure of full rather than base rates and charges in the contract summary (Section 1300.313(a)(6)).

While Congress intended to encourage agricultural, forest products, and paper shippers to contract, it recognized the difficulties such shippers might have in negotiations. The Commission was thus granted the power to find that a contract is unreasonably discriminatory or constitutes a destructive competitive practice. See Report of Committee on Conference on S. 1946, H.R. Rep. No. 1430, 96th Cong., 2nd Sess. 99 (1980).

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[1] The Public Health Service is providing this list in compliance with 1 CFR 18.20, which requires agencies to include a list of index terms for each CFR part affected by Rules and Proposed Rules documents published in the **Federal Register** beginning April 1, 1982.

Section 10713(b) leaves a certain amount of discretion as to what must be disclosed in a contract summary (i.e., it shall contain "such nonconfidential information as the Commission shall prescribe."). There is no discretion, however, as to the publication of essential contract terms. The second sentence of § 10713(b) provides that "(t)he Commission *shall assure* that the essential terms of the contract are available to the general public in tariff format." (Emphasis added.)

Congressional concerns for small businesses and the granting of powers to the Commission to find unreasonable discrimination or destructive competitive practices for shippers of agricultural commodities, forest products, and paper will be totally meaningless if all the applicable rates and charges are not set out in the contract summary. These *are* essential terms. Knowledge of only the base rates and charges, as defined in this decision, does not tell a shipper what it needs to know. Without this itemization, a complainant cannot determine whether a necessary factor for unreasonable discrimination—rate disparities—exists, or whether there are specific grounds to assert that the contract constitutes a destructive competitive practice.

Administratively, without disclosure of the exact rates and charges, we will be forced to develop a "blind procedure" whereby a complainant (1) will have to guess at the proposed contract rates, (2) proffer to enter into a similar type of contract (without knowing what the filed contract contained), and (3) then petition this Commission to see the actual contract rates and charges. Also, since the rates and charges will not be in the administrative record, there will not be the necessary substantial evidence which a reviewing court needs to uphold a ruling that the contract rates are not a destructive competitive practice or unreasonably discriminatory. Accordingly, rates and charges (including rates and charges for special features) are essential elements necessary to determine if unreasonable discrimination or a destructive competitive practice exists, and, therefore, such rates and charges should be fully disclosed.

Vice Chairman Gilliam, concurring:

The final rules do not require the full disclosure in contract summaries of all rates, charges, allowances, rebates, refunds, and any type of pricing or discount mechanism in connection with agricultural commodities (including forest products and paper) and commodities moving to or from ports. I believe that this position is compatible with the intent of the Staggers Act.

The contract rate provisions of the Staggers Act were designed to foster and promote contract ratemaking by railroads. It is also clear that only non-confidential information was to be required by the Commission in prescribing rules for contract summaries. Obviously, the most confidential provisions of any transportation contracts are the rate provisions agreed to by the parties. While I am sympathetic to the needs of affected shippers and ports in bringing discrimination complaints, I believe the overriding thrust of the Staggers Act is to protect the confidentiality of contract provisions and permit railroads a degree of confidentiality similar to that of other businesses throughout the country. To date, contract ratemaking has been very successful with approximately 2,500 contracts on file. Full disclosure of all rate provisions would, I believe, have a chilling effect on future railroad contract rate activity.

Commissioner Simmons, dissenting in part:

I concur in the rules promulgated here except in one respect: I would require the public summary of contracts involving ports to identify both the origin and destination of the contract movement, rather than merely the name of the port involved and the contract mileage. The rules adopted here otherwise properly balance the right of the public and of potential protestants to disclosure of a contract's "essential terms" against the right of contracting parties to confidentiality of competitive information.

The statute permits a port to challenge a contract for only one reason: "unreasonable discrimination". 49 U.S.C. 10713(d)(2)(A)(ii). The four elements to a case of unreasonable discrimination are (1) rate disparity; (2) potential competitive injury; (3) common control by the carrier(s) over the rates charged to both the preferred and disadvantaged ports; and (4) no differing transportation conditions that would justify the rate disparity. *H. Samuels, Inc.* v. *Atchison, T. & S.F. Ry. Co.*, 364 I.C.C. 280 (1980). Under the rules adopted by the majority, when a contract involving a port is filed a competing port will know from the contract summary the name of the port involved in the contract movement, the commodity, the names of participating carriers, rate information, and tariff mileage to the nearest 50 miles. From this data a port could, within the 18-day protest period, file a complaint showing a disparity in rates (Element No. 1) applicable on the same commodity by the same carriers (Element No. 2) over a similar distance, and could argue that this rate disparity would cause a competitive injury (Element No. 3). However, without knowing the origin or destination of the contract movement, a competing port has absolutely no basis for determining whether different transportation conditions apply to the contract movement and its own movement. Because no information is available to a port on a critical element of a discrimination case, the rules adopted by the majority effectively eliminate the port's statutory right to contest a proposed contract.

The burden of proof to show differing transportation conditions is, admittedly, on the contracting carriers and not on the port. *Harborlite Corp.* v. *Southern Pacific Transp. Co.*, 364 I.C.C. 585, 595 (1981). However, the port would have no time to rebut any arguments made by those carriers on differing transportation conditions. Nor would a port be able to anticipate those carriers' arguments by petitioning for additional information under section 1300.310(b)(1), for it could not as a practical matter draft a petition, obtain a Commission order, and receive the information before expiration of the 18-day complaint period.

To eliminate this unfairness to ports, I would require that the summaries in contracts involving ports disclose the origin and destination of the contract movements. This information is disclosed in agricultural contracts (also because such contracts can be challenged for discrimination) and would not release sensitive competitive information.

Commissioner Gradison, dissenting in part:

I voted to issue these final rules in the form of proposed rules inviting comments from carriers and shippers incorporating their experience to date with contract rates. The comments on which these rules are based are almost two years old and stale. They were prepared at a time when only a handful of contract rates were on file. In the ensuing months the number of contracts has increased a hundred fold and carriers' and shippers' experience with contracts has increased as dramatically. The Commission should have had the benefit of this invaluable experience before adopting final rules.

I encourage carriers and shippers to share their experience with us and provide comments or suggestions to the Commission on these rules so that we may make adjustments where needed.

Appendix A

Final Regulations

1. In Part 1039 of Title 49 of the Code of Federal Regulations, the part heading is revised and §§ 1039.1–1039.4 are revised and §§ 1039.5–1039.6 are added to read as follows:

PART 1039—CONTRACTS

Sec.
1039.1 Definition of the term "contract".
1039.2 [Reserved]
1039.3 Filing and approval.
1039.4 Common carrier responsibility.
1039.5 Enforcement.
1039.6 Limitation on agricultural equipment; and relief.

Authority: 49 U.S.C. 10713.

§ 1039.1 Definition of the term "contract."

(a) A contract subject to this section is a written agreement, including any amendment, entered into by one or more rail carriers with one or more purchasers of rail services, to provide specified services under specified rates, charges and conditions.

(b) A contract filed under this section shall:

(1) specify that the contract is made pursuant to 49 U.S.C. 10713, and

(2) be signed by duly authorized parties.

(c) The term "amendment" includes written contract modifications signed by the parties.

(d) An amendment is treated as a new contract. An amendment is lawful only if it is filed and approved in the same manner as a contract. To the extent terms affecting the lawfulness of the underlying contract are changed, remedies are revived and review is again available.

§ 1039.2 [Reserved]

§ 1039.3 Filing and approval.

(a) Rail carriers providing transportation subject to Subchapter I of Chapter 105 of Title 49, United States Code, shall file with the Commission an original and one copy of a contract entered into with one or more purchasers of rail service. The contract shall be accompanied by three copies of a summary of the nonconfidential elements of the contract in the format specified in 49 CFR 1300.300–1300.315. A contract and contract summary (and amendments and supplements) may be rejected for noncompliance with applicable statutes and regulations.

(b) *Grounds for review of contract.* Within 30 days of the filing date of a contract, the Commission may, on its own motion or on complaint, begin a proceeding to review it. Review can be based only on allegation of violations as described in paragraph (c) of this section.

(c) *Grounds for complaints.* A contract may be reviewed by the Commission on its own motion, or upon complaint, only on the following grounds:

(1) In the case of a contract other than a contract for the transportation of agricultural commodities (including forest products and paper), a complaint may be filed:

(i) By a shipper only on the grounds that the shipper individually will be harmed because the proposed contract unduly impairs the ability of the contracting carrier or carriers to meet common carrier obligations under 49 U.S.C. 11101; or

(ii) By a port only on the grounds that the port individually will be harmed because the proposed contract will result in unreasonable discrimination against that port.

(2) In the case of a contract for the transportation of agricultural commodities (including forest products and paper), in addition to the grounds for a complaint described in paragraph (e)(1) of this section, a complaint may be filed by a shipper on the grounds that the shipper individually will be harmed because:

(i) The rail carrier(s) unreasonably discriminated by refusing to enter into a contract with the shipper for rates and services for the transportation of the same type of commodity under similar conditions to the contract at issue and the shipper was ready, willing, and able to enter into such a contract at a time essentially contemporaneous with the period during which the contract was offered; or

(ii) The proposed contract constitutes a destructive competitive practice.

(3) "Unreasonable discrimination," as used in these rules, means, when applied to agricultural shippers, that the railroad has refused to enter into a contract with the shipper for rates and services for the transportation of the same type of commodity under similar conditions to the contract at issue, and that the shipper was ready, willing, and able to enter into such a contract at a time essentially contemporaneous with the period during which the contract at issue was offered; and, when applied to a port, has the same meaning as the term has under 49 U.S.C. 10741.

(4) The definitions for "agricultural commodities," "forest products," and "paper" will be decided on a case-by-case basis.

(d) *Filing and service of complaints.*

(1) A complaint shall be filed with the Commission's Suspension Board by the 18th day after the filing date of the contract.

(2) A reply shall be filed by the 23rd day after the filing of the contract.

(3) An original and 6 copies of each shall be filed with the Commission.

(4) A copy of the complaint shall be served on each railroad participating in the contract and replies shall be served on complainant. Complaints shall be served by hand, express mail, or other overnight delivery service.

(5) An appeal of a Commission decision will be made in accordance with 49 CFR 1100.200(c), subject to the following exception:

(i) An appeal must be made at least two work days prior to the contract approval date as set out in paragraph (f).

(e) *Commission decision upon review of contract.* Within 30 days after the date a proceeding is commenced to review a contract upon the grounds specified in subsection (c), the Commission shall decide whether the contract violates the provisions of 49 U.S.C. 10713. If the Commission finds that the contract violates the provision of 49 U.S.C. 10713, it will:

(1) Disapprove the contract; or

(2) In the case of agricultural contracts where the Commission finds unreasonable discrimination by a carrier in accordance with paragraph (c)(3) of this section, allow the carriers the option to:

(i) Provide rates and services substantially similar to the contract at issue, with such differences in terms and conditions as are justified by the evidence; or

(ii) Cancel the contract.

(f) *Aproval date of contract.* (1) If the Commission does not institute a proceeding to review the contract, it shall be approved on the 30th day after the filing of the contract. The contract shall be considered "expressly approved" by the Commission.

(2) If the Commission institutes a proceeding to review a contract, the contract is approved:

(i) On the date the Commission approves the contract if the date of approval is 30 or more days after the filing date of the contract;

(ii) On the 30th day after the filing date of the contract if the ICC denies the complaint against the contract prior to the 30th day after the filing date of the contract; or

(iii) On the 60th day after the filing date of a contract, if the Commission fails to disapprove the contract.

(g) *Limitation of rights of a rail carrier to enter into future contracts.* The Commission may limit the right of a rail carrier to enter into future contracts if the Commission determines that additional contracts would impair the ability of the rail carrier to fulfill its common carrier obligations under 49 U.S.C. 11101. The Commission will handle these determinations on a case-by-case basis and may investigate either on its own initiative or upon the filing of a verified complaint by a shipper which demonstrates that it individually had been or will be harmed by a carrier's inability to fulfill its common carrier obligations as a result of existing contracts.

§ 1039.4 Common carrier responsibility.

(a) The terms of a contract approved by the Commission determine completely the duties and service obligations of the parties to the contract with respect of the services provided under the contract. The contract does not affect the parties' responsibilities for any services which are not included in the contract.

(b) Service under a contract approved by the Commission is deemed a separate and distinct class of service and the equipment used to fulfill the contract shall not be subject to car service decisions under 49 U.S.C. 11123.

§ 1039.5 Enforcement.

(a) The exclusive remedy for an alleged breach of a contract approved by the Commission shall be an action in an appropriate State Court or United

States District Court, unless the parties otherwise agree in the contract.

(b) The Commission may not require a rail carrier to violate the terms of a contract that has been approved under 49 CFR 1039.3(f), except to the extent necessary to comply with 49 U.S.C. 11128.

§ 1039.6 Limitation on agricultural equipment; and relief.

(a) A rail carrier may enter into contracts for the transportation of agricultural commodities (including forest products and paper) that involve the use of carrier's owned or leased equipment not in excess of 40 percent of the total number of the carrier's owned or leased equipment, by major car type, except as provided in paragraph (b) of this section.

(b) In the case of a proposed contract between a class I carrier and a shipper originating an average of 1,000 cars or more per year during the prior 3-year period by major car type on a particular carrier, not more than 40 percent of carrier owned or leased equipment used on the average during the prior 3-year period may be used for the contract without prior authorization by the Commission.

(c) The Commission may grant relief from the limitations of paragraphs (a) and (b) of this section if:

(1) A rail carrier or other party requests such relief; or the Commission on its own initiative considers granting such relief; and

(2) The Commission determines that making additional equipment available does not impair the rail carrier's ability to meet its common carrier obligations under 49 U.S.C. 11101.

2. Part 1300 of Title 49 of the Code of Federal Regulations is amended by adding the following new §§ 1300.300 and 1300.310 through 1300.315 to read as follows:

PART 1300—[AMENDED]

Sec.

* * * * *

1300.300 Special tariff rules for contracts entered into by one or more rail carriers with one or more purchasers of rail service—general provisions; definitions.
1300.310 Filing and availability of contract, contract amendments, contract summary and contract summary supplements.
1300.311 Contract and contract summary title pages.
1300.312 Contract and contract summary numbering system.
1300.313 Content of contract summary; format.
1300.314 Availability of contract summary.
1300.315 Statutory notice.

Authority: 49 U.S.C. 10713.

§ 1300.300 Special tariff rules for contracts entered into by one or more rail carriers with one or more purchasers of rail service—general provisions; definitions.

(a) This section, and the ensuing sections, numbered between 1300.300 and 1300.399, govern the filing of contracts for railroad transportation services entered into by one or more rail carriers with one or more purchasers of rail service.

(b) Contracts for railroad transportation services and contract summaries shall be filed with the Commission in accordance with the Special Tariff Rules for Contracts prescribed in these sections.

(c) All contracts and amendments shall be of a size not less than 8 by 10½ inches nor greater than 8½ by 14 inches; all contract summaries and supplements shall be of a size not less than 8 by 10½ inches nor greater than 8½ by 11 inches; any amendment to a contract shall be the same size as the contract and any supplement to a summary shall be the same size as the summary; all shall be clear, legible, and on durable paper.

§ 1300.310 Filing and availability of contract, contract amendments, contract summary and contract summary supplements.

(a) A railroad or railroads entering into a contract for railroad transportation services with one or more purchasers of rail service shall file with the Commission the original and one copy of the contract and two copies of the contract summary with the Commission's Bureau of Traffic, Section of Rates.

(1) Contracts and contract summaries shall not be filed in the same packages with standard tariff filings.

(2) The confidential contract shall not be attached to the contract summary.

(3) The envelope or wrapper containing the contract and summary shall be marked "Confidential, Rail Contract."

(4) A contract and summary shall be accompanied by a transmittal letter identifying the submitted documents, and the name and telephone number of a contract person.

(b)(1) The contract filed under these rules will not be available for inspection by persons other than the parties to the contract and authorized Commission personnel, except by petition demonstrating a likelihood of succeeding on the merits of the complaint and that the matter complained of could not be proven without access to additional contract information. The Commission's action in any contract-disclosure matter, including a petition filed under this subparagraph, is subject to the limitations imposed by 5 U.S.C. 552(b) and the Trade Secrets Act, 18 U.S.C. 1905.

(2) A contract and its summary filed under § 10713 may be labeled "Nonconfidential." Such a designation will permit the general public to inspect the entire contract.

(c) The contract summary filed under these rules shall include the information specified in § 1300.313 of this part. The contract summary shall be made available for inspection by the general public.

(d) The contract summary filed under these rules shall not be required to be posted in any stations, but shall be made available from carriers participating in the contract upon reasonable request.

§ 1300.311 Contract and contract summary title pages.

(a) The title page of every contract and amendment shall contain only the following information:

(1) In the upper right corner, the contract number (see § 1300.312).

(2) In the center of the page, the issuing carrier's name, followed by the word "CONTRACT" in large print.

(3) Amendments to contracts shall also show, in the upper right corner, the amendment number (see § 1300.312).

(4) A solid one inch black border down the right side of the title page.

(5) Date of issue and date to be effective.

(b) The title page of every contract summary and supplement shall contain only the following information:

(1) In the upper right corner, the contract summary number (see § 1300.312).

(2) In the center of the page, the issuing carrier's name, followed by the words "CONTRACT SUMMARY" in large print.

(3) Date of issue and date to be effective.

(4) In the center lower portion, the issuing individual's name and address.

(5) Supplements to contract summaries shall also show, in the upper right corner, the supplement number (see § 1300.312).

§ 1300.312 Contract and contract summary numbering system.

(a) Each issuing carrier shall sequentially number the contract and contract summary it issues. The contract and contract summary identification number shall include the word "ICC", the industry standard alphabet code for the issuing railroad (limited to four letters), the letter "C", and the sequential number, with each separated by a hyphen. The following example: the 357th contract filed by the Milwaukee Road would have the following tariff identification number: "ICC–MILW–C–0357."

(b) Any amendment to a contract shall be reflected in a corresponding supplement to the contract summary. If the change in the contract is only in confidential matter, a statement to that effect will be made in the supplement.

(c) At the carrier's option, the carrier's tariff publishing officers may reserve blocks of numbers if tariffs are issued from different departments. An index to the blocks of reserved numbers shall be filed with the Commission.

(d) Contract amendments and contract summary supplements shall be sequentially numbered.

§ 1300.313 Content of contract summary; format.

(a) Contract summaries for agricultural commodities, forest products or paper shall contain the following terms in the order named.

(1) Name(s) of the participating carrier(s). A list, alphabetically arranged, of the corporate names of all carriers that are parties to the contract plus their addresses for service of complaints.

(2) The commodity or commodities to be transported under the contract.

(3) The origin station(s) and destination station(s), including the specific port(s) (if applicable).

(4) The duration of the contract.

(5) Rail car data by number of dedicated cars, or, at the carrier's option, car days:

(i) by major car type used to fulfill the contract or contract options:

(A) Available and owned by the carriers listed in paragraph (a)(1) of this section with average number of bad-order cars identified;

(B) Available and leased by the carriers listed in paragraph (a)(1) of this section, and average number of bad-order cars identified;

(C) (optional) on order (for ownership or lease) along with delivery dates; and

(D) In the event a complaint is filed involving common carrier obligation and carrier furnished cars, the carrier(s) shall immediately submit to the Commission and the complainant additional data on cars used to fulfill the challenged contract. Data shall include (by major car type used to fulfill the contract):

(*1*) total bad car orders;

(*2*) assigned car obligations; and

(*3*) free running cars.

(ii) In addition to paragraph (i) if agricultural commodities (including forest products and paper), a certified statement by the participating rail carrier/carriers:

(A) That the cumulative equipment total for all contracts does not exceed 40 percent of the capacity of the rail carrier's owned and leased cars by applicable major car type, and

(B) In the case of an agricultural shipper which originated an average 1,000 cars or more per year during the prior 3-year period by major car type, that the equipment used does not exceed 40 percent of the rail carrier's owned or leased cars used on the average by that shipper during the previous 3 years.

(iii) Rail car data need not be submitted if:

(A) The shipper furnishes the rail cars, unless the cars are leased from the carrier; or

(B) The contract is restricted to certain services which do not entail car supply.

(6) *Rates and charges.* Identification of base rates or charges, movement type (e.g. single car, multiple car, unit train), the minimum annual volume, and a summary of escalation provisions.

(7) *Special features.* Identification of existence (but not the terms or amount) of special features such as transit time commitments, guaranteed car supply, minimum percentage of traffic requirements, credit terms, discounts, etc.

(b) Contract summaries for other commodities or services not involving a port shall contain the information required in paragraphs (a)(1), (2), (4), (5) of this section. Paragraph (a)(7), *Special features*, shall be applicable to the extent that service requirements are placed in the contract.

(c) Contract summaries for other commodities or services involving a port shall contain the information required in paragraphs (a)(1), (2), (4), (5), (6), and (7) of this section. In addition, the port shall be named and the tariff mileage (rounded to the nearest 50 miles) shall be disclosed (or, at the contracting parties' option, the origin and destination shall be specified). The required information shall be disclosed for each movement involving multiple origins/destinations.

(d) *Format.* The contract summary and supplements shall enumerate and have each item completed. Where the item does not pertain to the contract or amendment, the term "Not applicable" ("NA") shall be used.

§ 1300.314 Availability of contract summary.

Copies of contract summaries shall be available from the Commission's Contract Advisory Service and Bureau of Traffic. Copies of contract summaries shall also be available from carriers participating in the contract.

§ 1300.315 Statutory notice.

All filed contracts (and amendments) and contract summaries (and supplements) shall provide 30-days notice to the public as required by 49 U.S.C. 10713(e).

Appendix B [1]—Regulatory Flexibility Act Analysis

In compliance with section 603(b) of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the following information is provided. (1) The rules are being promulgated to implement 49 U.S.C. 10713 which permits railroads and purchasers of transportation to contract. (2) The objectives of the rules are to establish standards and procedures for filing contracts and to establish criteria (a) for the information to be disclosed in the contract summary, (b) for filing complaints, and (c) for filing contracts. (3) The small entities affected by these rules include railroads, governmental bodies, small businesses which purchase rail transportation, and, possibly, small ports; no estimate of the number affected by these rules can be made. (4) Recordkeeping and accounting requirements remain unchanged; we foresee no additional professional skills needed to comply with these rules. (5) These rules do not duplicate, overlap or conflict with other Federal rules.

There are no significant alternatives which can be established to minimize any significant impact on small entities; most of the requirements are statutorily imposed. The remaining requirements (informational and filing) have been established by balancing the need to maintain confidentiality with the public interest in obtaining sufficient information necessary to bring a successful challenge to a contract.

The rail car informational requirements under 49 CFR § 1300.313 should not impose significant burdens on small entities. Because of the relatively insignificant amount of equipment owned by small rail carriers, the burdens of recordkeeping should be minimal for small entities, and, any burdens imposed on rail carriers must be balanced against the right of other small entities to information about the ability of carriers (large or small) to maintain their common carrier obligation.

As with any contract, specialized assistance from the legal and accounting professions may be required. Whether any assistance would be necessary will depend upon the nature of the contract. In any event, our rules (or lack thereof) will not affect the need for professional advice; such advice is inherent in the contract process itself.

As far as the necessity for professional assistance in instituting complaints against proposed contracts, such assistance should not be any greater than that for other tariff filings, except for the desire to have additional contract information disclosed under FOIA. We see no effective alternative to our requirements for additional disclosure. And, while a small entity might need professional assistance in this aspect of filing a complaint, a small entity is also protected, should it desire to contract with a rail carrier, against having its entire contract disclosed.

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[1] Appendix B will not be shown in the CFR.

The contract filing requirements closely parallel our tariff filing requirements and should not increase costs of filing when a contract is involved. Several of the technical filing requirements (such as address, mailing of the envelopes, etc.), while they may create a little more work, are designed to ensure that the contract remains confidential. One area where expenses may be reduced over our normal tariff publishing requirements is that the contract need not be printed; certain items can be preprinted and the remaining information for the specific contract can be typed.

It is important to note that what must be addressed here is not the benefits or detriments of the statute and the benefits of contracting as compared to shipping under published rates; rather, what must be addressed is our implementation of the statute. Some small entities, including many lumber dealers, believe that it is an imposition to require complaints about contracts to be filed 18 days after the contract is filed. Because of the time factors required for finding out about a filed contract and for preparing a complaint, there have been proposals to extend the time to file a complaint from 30 to 120 days from the contract filing date. While such proposals may have practical merit in some cases, the *statute* gives us jurisdiction for only 30 days. After that, we no longer have jurisdiction, and our statutory authority no longer applies. As a practical matter, we cannot analyze and decide whether to institute an investigation, allow an appeal and decide that appeal in less than 12 days. Thus, our 18-day requirement for filing complaints must remain intact.

We are satisfied that our implementation of § 10713 is fair, equitable, and practical for small entities.

[FR Doc. 82-30617 Filed 11-4-82; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Parts 1201, 1262, and 1263

[No. 38770]

Railroad Map Specifications

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission is eliminating Part 1263, Map Specifications, from the Code of Federal Regulations and is transferring significantly reduced map specifications to the property account instructions in the Uniform System of Accounts for Railroads, Part 1201. Due to improved technology in map making, it is no longer necessary to require railroad companies to maintain the detailed records required in Part 1263. However, because the Commission has a need for Class I railroad property records in rate, abandonment, merger and purchase proceedings, these carriers will still be required to maintain certain basic map information.

DATE: This Rule is effective for the reporting year beginning January 1, 1982.

ADDRESS: Copies of this Rule may be purchased by contacting: TS Infosystems, Inc., Room 2227, 12th & Constitution Avenue, NW., Washington, D.C. 20423, (202) 289-4357—D.C. Metropolitan Area, (800) 424-5403—toll free for outside D.C. area.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission is authorized by the Interstate Commerce Act (49 U.S.C. 10781) to establish the value of all property owned or used by railroad companies subject to Subchapter I of Chapter 105, Title 49, Transportation. Carriers providing rail service subject to the Commission's jurisdiction are required to cooperate with the Commission in the valuation of their property. In so doing, the Commission may require carriers to provide maps, profiles, contracts, engineering reports and other records to assist it in investigating, ascertaining, reporting and recording the value of rail property.

On March 19, 1982, the Commission published a Notice of Proposed Rulemaking (NPR) requesting comments on the proposed elimination of Part 1263, Map Specifications, from the Code of Federal Regulations (47 FR 11910). In that NPR the Commission noted that improved technology in the area of map making no longer necessitates the maintenance of detailed records as required in Part 1263. However, the Commission also considers it essential that certain basic map information be maintained by Class I line-haul railroad companies for accounting, audit and valuation purposes. Therefore, the Commission proposed to delete the detailed map requirements in Part 1263 for all railroads and incorporate certain basic map requirements for Class I railroads in the property account instructions of Part 1201.

Review of Responses

There were two respondents to the NPR, Consolidated Rail Corporation (Conrail) and the Association of American Railroads (AAR). Conrail endorses the Commission's efforts to review the Code of Federal Regulations (CFR) and eliminate requirements for information not used regularly. However, Conrail believes the Commission did not achieve the desired result. Conrail believes that although the NPR would substantially reduce the written regulations, the essence is only to transfer the map requirements from one section of the CFR (Part 1263) to another section of the CFR (Part 1201). Conrail recognizes that maps are useful but does not consider them a part of basic accounting records. It is Conrail's opinion that maps should be a management prerogative, not a regulatory requirement. Therefore, Conrail recommends eliminating Part 1263 entirely and that no change be made to Part 1201.

The AAR supports the Commission's proposal. The AAR believes that the rule changes are a step in the right direction and reflect the Commission's commitment to review its regulations and eliminate those which impose unnecessary recordkeeping and reporting burdens. Therefore, the AAR supports this effort by the Commission to minimize detailed recordkeeping and reporting requirements.

Discussion and Conclusion

The Commission concludes that a map specifications requirement is necessary to properly execute its responsibilities prescribed under the Interstate Commerce Act.

Although maps are not typically viewed as basic accounting records, they have proven to be an integral part of rail property records. Maps are used extensively by the Commission to identify and value rail property. Therefore, it is necessary to prescribe a uniform and consistent basis for identifying rail property.

The Commission's ability to make proper determinations of the extent and value of rail property is of primary importance in rate, abandonment, merger and purchase proceedings. Oftentimes these proceedings become quite complex and controversial with both parties submitting conflicting data. To properly analyze supporting evidence and render a fair and proper decision, the Commission must have the ability to independently determine the extent and value of carrier property. Rail maps have been and will continue to be a major part of this determination.

We do not agree with Conrail that this rule fails to achieve its intended purpose. This rule substantially reduces the regulatory burden associated with maintaining and filing property maps with the Commission. Further, this rule is consistent with Commission policy on reporting financial and statistical data.

This rule will eliminate the extensive map requirements in Part 1263. Class II and III railroads will be relieved from all map requirements. Class I railroads will be subject to a five-part map specification incorporated as Instruction 2–21, Map Specifications, in Part 1201. The revised map specification only requires Class I railroads to:

(1) Maintain a current map of its rail property

(2) Furnish copies of such maps to the Commission upon request

(3) Maintain sufficient detail to show right-of-way, track and other important facilities

(4) Provide appropriate indices and titles

(5) Comply with generally accepted map principles

We believe the revised map specifications will provide railroad management great latitude in developing and maintaining rail property maps and result in a minimal regulatory burden. In conclusion, we believe that the elimination of Part 1263 and the incorporation of the revised map specifications in Part 1201 is in the best interest of all parties.

Regulatory Flexibility Act

Pursuant to 5 U.S.C. 605(b), the Secretary of the Commission has certified in the NPR that this rule will have a significant economic impact on a substantial number of small entities. In this proceeding, we do not add new reporting requirements; rather, we eliminate the existing burden on Class II and III railroad companies and reduce the reporting requirements for Class I railroad companies. Therefore, the effect of this revision will be a lessening of the expense and burden of recordkeeping.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources.

List of Subjects in 49 CFR Parts 1201, 1262 and 1263

Railroads, Reporting and recordkeeping requirements, Uniform System of Accounts.

Accordingly, we are amending 49 CFR Parts 1201 and 1262 and deleting 49 CFR Part 1263, as shown in the Appendix.

(49 U.S.C. 10321 and 5 U.S.C. 553)

Decided: October 12, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Sterrett dissented in part with a separate expression. Commissioner Andre would propose to eliminate the map specifications in their entirety.

Agatha L. Mergenovich,

Secretary.

Commissioner Sterrett, dissenting in part:

We have received two comments from the public in this proceeding, and neither supports retention of map requirements. Thus the only basis offered for the remaining regulations is the Commission's own needs in "rate, abandonment, merger, and purchase proceedings." The parties to those proceedings, however, invariably submit adequate maps in their pleadings, and there is simply no need for the retention of any formal regulations in this area.

Appendix

Title 49 CFR is amended as follows:

PART 1201—[AMENDED]

1. 49 CFR Part 1201 shall be amended by adding instruction 2–21, *Map Specifications*, to the Instructions for Property accounts.

2–21 *Map Specifications.*

(a) Class I Railroad companies shall maintain current maps of its property and shall promptly record any changes that may take place.

(b) Class I companies shall furnish, on request, copies of maps showing its property as it exists on such date or dates as may be fixed by the Commission.

(c) Class I companies shall maintain planimetric maps that show right-of-way, track and other important facilities at a scale to show sufficient detail.

(d) Maps shall be indexed and titled to clearly indicate the specific area depicted.

(e) All maps shall be prepared in accordance with generally accepted mapping practices.

PART 1262—[AMENDED]

§ 1262.7 [Amended]

2. 49 CFR 1262.7(c), is amended by revising the cross reference which follows the paragraph to read as follows:

Cross Reference: From map specifications, see Part 1201, Instruction 2–21 of this chapter.

PART 1263—[REMOVED]

3. 49 CFR Part 1263 is removed.

[FR Doc. 82-30518 Filed 11-4-82; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 47, No. 215
Friday, November 5, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 225

Summer Food Program for Children

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Department is proposing to amend the Summer Food Service Program regulations by adding the required notice concerning collection of social security account numbers on applications for free and reduced price meal benefits in order to clarify the notification procedures. The Department is proposing that the current regulations for the Summer Food Service Program remain unchanged in all other respects.

DATE: Comments must be received on or before December 6, 1982 to be assured of consideration in the final rulemaking.

ADDRESS: Comments should be sent to Jordan Benderly, Director, Child Care and Summer Programs División, Food and Nutrition Service, USDA, Alexandria, Virginia 22302. All written submissions will be available for public viewing in Room 416, 3101 Park Center Drive, Alexandria, Virginia 22302, during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Benderly or Ms. Beverly Walstrom at the address listed above, or call (703) 756–3888.

SUPPLEMENTARY INFORMATION:

Classification. This proposed action has been reviewed under Executive Order 12291 and has been classified *not major* because it will not have an annual effect on the economy of $100 million, will not cause a major increase in cost or prices for Program participants, individual industries, Federal agencies, State or local government agencies or geographic regions, and will not have a significant economic impact on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

This proposal has also been reviewed with regard to the requirements of Public Law 96–354, the Regulatory Flexibility Act. Pursuant to the review, Samuel J. Cornelius, Administrator of the Food and Nutrition Service, has certified that this proposed rule does not have a significant economic impact on a substantial number of small entities.

In accordance with the Paperwork Reduction Act of 1980, (44 U.S.C. 3507), the reporting and recordkeeping requirements that are included in this proposed rule will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained.

Background

The Summer Food Service Program (SFSP) is authorized by Section 13 of the National School Lunch Act. Comprehensive regulations for the SFSP were last published on February 16, 1982 (47 FR 6790).

Section 13(q) of the National School Lunch Act requires the Secretary of Agriculture to publish regulations necessary to implement the SFSP in proposed form by November 1 and final form by January 1. The Department is proposing not to alter the regulations published February 16, 1982, except in one respect. The one proposed change adds to the regulations the requirement that the social security account number disclosure notice be placed on applications for free and reduced price meal benefits distributed by camps and other programs which document site eligibility through collection of family size and income information.

Section 803 of Pub. L. 97–35 requires that parents or guardians who apply for free and reduced price meals must disclose the social security numbers of all adult household members as a condition of eligibility. The Department proposes to amend Section 225.21(d) to include a requirement that the application form contain a notice which informs people of the authority under which the social security numbers are collected, whether disclosure of the numbers is mandatory, and what uses will be made of the numbers. The proposed notice is similar to that used in the SFSP last summer but is more detailed. The proposed change also conforms the notice which the notice required in Part 245 of the regulations governing the delivery of free and reduced price meal benefits in the National School Lunch Program.

The Department has determined that no other changes are necessary for successful implementation of the 1983 SFSP. Therefore, in all other respects, the final SFSP regulations published on February 16, 1982, will remain unchanged for the 1983 SFSP.

List of Subjects in 7 CFR Part 225

Food assistance programs, Grant programs—health, infants and children, Reporting requirements.

PART 225—SUMMER FOOD SERVICE PROGRAM

Accordingly, Part 225 is proposed to be amended as follows:

(1) In § 225.21(d) add subparagraphs (1) and (2) as follows:

§ 225.21 Free meal policy.

* * * * *

(d) * * *

(1) The application shall also contain the following statement, "Sections 9 and 13 of the National School Lunch Act require that in order for your child to be eligible for Program meals, you must provide the social security numbers of all adult members of your household. Provision of these social security numbers is not mandatory, but failure to provide the numbers will result in a denial of the application for Program meals. This notice must be brought to the attention of all household members whose social security numbers are disclosed. The social security numbers may be used to identify household members in carrying out efforts to verify the correctness of information stated on the application. These verification efforts may be carried out through Program reviews, audits, and investigations, and may include contacting employers to determine income, contacting the State employment security office to determine the amount of benefits received and checking the documentation produced by household members to make sure that your child is eligible to receive Program benefits. These efforts may result in loss of benefits, administrative claims, or legal action if incorrect information is reported." State agencies

and institutions shall ensure that the notice complies with Section 7 of Pub. L. 93–579 (Privacy Act of 1974). If a State or local agency plans to use the social security numbers in a manner not described by this notice, the notice shall be altered to include a description of these uses; and

(2) The signature of the parent or guardian who has completed the application.

(Sec. 803, Pub. L. 97–35, 95 Stat. 521–535 (42 U.S.C. 1758))

Dated: November 2, 1982.

Robert E. Leard,

Associate Administrator.

[FR Doc. 82–30428 Filed 11–4–82; 8:45 am]

BILLING CODE 3410–30–M

Federal Crop Insurance Corporation

7 CFR Part 414

[Amdt. No. 1]

Forage Seeding Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA..

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the forage Seeding Crop Insurance Regulations (7 CFR Part 414), effective with the 1983 and succeeding crop years (1984 in New York), by amending the provisions of the policy to prescribe reductions in indemnity if the spring-seeded acreage is less than 75 percent of a normal stand and to add a further definition to reseeded acreage. In addition, FCIC proposes to make minor corrections to language and format by: (1) Deleting a subsection requiring a public notice of indemnities paid as that requirement is no longer a part of the Federal Crop Insurance Act; (2) substituting a multi-crop application for the present single-crop application to reduce paperwork; (3) prescribing the interest to be charged on unpaid premium balances; (4) amending the table of contents; (5) correcting the definition of the party responsible for securing the rights of the Corporation under provisions for subrogation; and, (6) redesignating Appendix B, listing all counties where Forage Seeding Crop Insurance is available, as Appendix A. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended, and its intended effect is to prescribe the reduction of indemnity for less than a normal stand, clarify the provisions of the regulations with regard to reseeding, reduce paperwork and time for the applicant through an improved application form, and to correct both the language and format of the regulations.

DATE: Written comments, data, and opinions on this rule must be submitted not later than January 4, 1983, to be sure of consideration.

ADDRESS: Written comments on this proposed rule should be sent to the Office of the Manager, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–3325.

The Impact Statement describing the options considered in developing this rule and the impact of implementing each option is available upon request from Peter F. Cole.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981).

Information collection requirements contained in the regulations to which this amendment applies (7 CFR Part 414) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35, and have been assigned OMB Nos. 0563–0003 and 0563–0007.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established in OMB Circular A–95 was not used to assure that units of local government are informed of this action.

It has been determined that this action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Impact Statement was prepared.

It has also been determined that this action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512–1 (June 11, 1981). A sunset review date will be established for these regulations as part of the final rule.

The principal changes involved in this rule are as follows:

1. The replacement of the present single-crop application form by a multi-crop application form designed to reduce paperwork and time on the part of the applicant.

2. The amendment of the interest provision to provide that unpaid premium balances will bear interest at the rate of 1½% simple interest per month or any part thereof starting on the first day of the month following the first premium billing date.

3. The addition of a provision which reduces the indemnity by 50% if spring-seeded acreage has less than 75 percent but more than 55% of a normal stand. Such acreage will not be insurable under the forage production policy, a companion policy to forage seeding. until it meets the definition of an "established stand" (at least 75 percent of a normal stand).

In addition to these changes, FCIC proposes to make minor changes to language and format to include correcting the table of contents, deleting a section no longer required by the Federal Crop Insurance Act, as amended, correcting the policy to indicate the party responsible for securing the rights of FCIC relative to subrogation, and redesignating Appendix B, listing counties where forage seeding crop insurance is available, as Appendix A.

All written submissions made pursuant to this rule will be available for public inspection in the Office of the Manager during regular business hours, Monday through Friday.

List of Subjects in 7 CFR Part 414

Crop insurance, Forage seeding.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby proposes to amend the Forage Seeding Crop Insurance Regulations (7 CFR Part 414), appearing at 45 FR 49501–49515, July 25, 1980, effective with the 1983 and succeeding crop years (1984 and succeeding crop years in New York State), in the following instances:

PART 414—[AMENDED]

1. The authority citation for 7 CFR Part 414 is revised to read as follows:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516).

2. The Table of Contents is revised to read as follows:

Secs.
414.1 Availability of Forage Seeding Insurance.
414.2 Premium rates and amounts of insurance.
414.3 Reserved.
414.4 Creditors.
414.5 Good faith reliance on misrepresentation.
414.6 The contract.
414.7 The application and policy.

Appendix A—Counties designated for Forage Seeding Crop Insurance.

§ 414.2 [Amended]

3. 7 CFR 414.2(a) is amended by revising the fifth and sixth lines thereof to read as follows:

(a) * * * on file in the service office and may be changed from year to year.

* * * * *

§ 414.3 [Removed and Reserved]

4. 7 CFR 414.3 is removed and reserved.

5. 7 CFR 414.6 is amended by revising the last sentence thereof to read as follows:

§ 414.6 The contract.

* * * Copies of forms referred to in the contract are available at the service office.

6. 7 CFR 414.7(a) is amended by revising the last sentence thereof to read as follows:

§ 414.7 The application and policy

* * * The application shall be submitted to the Corporation at the service office on or before the applicable closing date on file in the service office.

7. 7 CFR 414.7(b) is amended by revising twelfth and thirteenth lines thereof to read as follows:

§ 414.7 The application and policy.

* * * * *

(b) * * * date on file in the service office and publishing a notice in the * * *

§ 414.7 [Amended]

8. 7 CFR 414.7(d) is amended by changing the year "1981", found in the third line thereof, to read "1983 (1984 in New York State)," and by removing the application found therein and substituting the following:

BILLING CODE 3410-08-M

... 12
Rev (9-81)

UNITED STATES DEPARTMENT OF AGRICULTURE
FEDERAL CROP INSURANCE CORPORATION

CROP INSURANCE APPLICATION

CONTINUOUS CONTRACT

1 Name of Applicant ____________________

6 State ☐☐ - County ☐☐☐ - 7 Contract Number ☐☐☐☐☐

2 Agent, Administrator, Executor, Etc. ____________________

8 County ____________ 9 State ____________

3 Street or Mailing Address ____________________

10 Identification Number ☐☐☐☐☐☐☐☐☐ 11 SSN - TAX ☐ ☐

4 City and State ____________ 5 ZIP Code ____________ 12 Type of Entity ____________

13 Applicant is Over 18 Yes____ No____ If No, Date of Birth ____________

A The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the crop(s) shown below planted on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and, where applicable, a price election or plan of insurance. **THE PREMIUM RATE AND APPLICABLE PRODUCTION GUARANTEE OR AMOUNT OF INSURANCE PER ACRE SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.**

14 Effective Crop Year	15 Crop	16 Type, Class Plan of Ins.	17 Price Election	18 Level Election	19 For Agency Use Only	20 For Agency Use Only (A)	21 For Agency Use Only (P)
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		
			.		☐		

22 Crop(s) NOT insured the first year ____________ ____________ ____________

B This application is accepted by the Corporation unless the applicant is notified of rejection within 30 days of the date hereof. Rejection shall be accomplished by depositing notification thereof in the United States Mail, postage paid, to the above address. Rejection may be for any reason which would also serve as a basis for termination under the policy, the Federal Crop Insurance Act, or the regulations issued thereunder. Outstanding and delinquent indebtedness to any United States Government Agency may be grounds for rejection. The contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, **AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED** as provided in the contract. This accepted application, the insurance policy(ies), the attached appendix(es), and the provisions of the county actuarial table showing the insurable and uninsurable acreage, coverage levels, premium rates, and where applicable, the production guarantees, amounts of insurance, or plan of insurance shall constitute the contract. No term or condition of the contract shall be waived or changed except in writing by the Corporation. A material failure to include complete and accurate information on this application may invalidate the automatic acceptance provision hereof.

23 ☐ Applicant has received the policy(ies) and appendix(es) for the crop(s) shown above

24 ☐ Previous Carrier ____________________ 25 Policy Number ____________________

26 Applicant's Signature ____________ 27 Date ________ 19__ 28 Code No ☐☐☐☐☐ 29 Witness to Signature ____________

30 Location of Farm Headquarters Phone	31 Address of Your Service Office Phone

SEE REVERSE SIDE OF FORM FOR STATEMENT
REQUIRED BY PRIVACY ACT OF 1974

32 H S I O T - F U R

33 Page____ of ____ pages

BILLING CODE 3410-08-C

9. Section 2(a) of the Terms and Conditions section of the policy, as found in 7 CFR 414.7(d), is revised to read as follows:

§ 414.7 The application and policy.

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

2. Crop and Acreage Insured. (a) The crop insured shall be (1) forage seeded or reseeded the calendar year following seeding to establish a stand of forage intended for harvest as livestock feed, (2) for which the actuarial table shows an amount of insurance and premium rate per acre, and (3) which is seeded on insured acreage.

* * * * *

10. Section 3(a) and (b) of the Terms and Conditions section of the policy, as found in 7 CFR 414.7(d), is revised to read as follows:

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

3.* * *

(a) all acreage of forage seeding and reseeding in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share, and (b) the insured's share therein at the time of seeding or reseeding. Such report shall be be submitted each year not later that the acreage reporting date on file in the service office.

11. Section 5(b) of the Terms and Conditions section of the policy, as found in 7 CFR 414.7(d), is revised to read as follows:

§ 414.7 The application and policy.

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

5. * * *

(d) Interest will accrue at the rate of one and one-half percent (1½%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the first premium billing date.

* * * * *

12. Section 6(b) of the Terms and Conditions section of the policy, as found in 7 CFR 414.7(d), is amended to read as follows:

§ 414.7 The application and policy.

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

6. * * *

(b) harvest of the forage crop if not reseeded,

* * * * *

13. Section 7(b)(1) of the Terms and Conditions section of the policy, as found in 7 CFR 414.7(d), is amended to read as follows:

§414.7 The application and policy.

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

7. * * *

(b) * * * (1) during the period before harvest, the forage seeding is damaged to the extent that the insured does not expect to further care for the crop or intends to reseed acreage in the spring by the final seeding date for spring-seeded acreage, or * * *

* * * * *

14. Section 7(c) of the Terms and Conditions section of the policy, as found in 7 CFR 414.7(d), is amended in the fifth line to read as follows:

§ 414.7 The application and policy.

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

7. * * *

(c) * * * at the service office not later than *30* * * *

15. Section 8(c)(4) of the Terms and Conditions section of the policy, as found in 7 CFR 414,7(d), is amended to read as follows:

§414.7 The application and policy.

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

8. * * *

(c) * * * (4) any harvested acreage which was not reseeded.

16. Section 8(d) of the Terms and Conditions section of the policy, as found in 7 CFR § 414.7(d), is redesignated as 8(e), and a new section 8(d) is added to read as follows:

§ 414.7 The application and policy.

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

8. * * *

(d) The amount of indemnity on any insured spring-seeded acreage determined in accordance with subsection (b) of this section shall be reduced by 50 percent if the stand is less than 75 percent but more than 55 percent of a normal stand, as determined by the Corporation.

* * * * *

17. Section 12(b) of the Terms and Conditions section of the policy, as found in 7 CFR 414.7(d), is amended to read as follows:

* * * * *

Forage Seeding Crop Insurance Policy

Terms and Conditions

* * * * *

12. * * *

(b) The contract will terminate as to any crop year if any amount due the Corporation is not paid on or before the termination date for indebtedness preceding such crop year. The date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

* * * * *

18. Section 1(a) of the Appendix to § 414.7 (appendix to the policy) (Additional Terms and Conditions), as found in 7 CFR 414.7(d), is amended in the fourth line thereof to read as follows:

§ 414.7 The application and policy.

* * * * *

Appendix

Additional Terms and Conditions

1. * * *

(a) * * * public inspection in the service office * * *

* * * * *

19. Section 1 of the Appendix is further amended by redesignating paragraphs (h) as (g), (i) as (h) and (g) as (i).

20. Section 1(g) as redesignated, of the Appendix to the policy (Additional Terms and Conditions), as found in 7 CFR 414.7(d), is revised to read as follows:

§ 414.7 The application and policy.

* * * * *

Appendix

Additional Terms and Conditions

1. * * *

(g) "Service office" means the office serving your contract as shown on the application for insurance or such other office as may, in writing, be selected by you after approval by us or designated by us upon written notice to you.

21. Section 1(l) of the Appendix to the policy (Additional Terms and Conditions), as found in 7 CFR 414.7(d), is amended in the thirteenth and fourteenth lines thereof to read as follows:

§ 414.7 The application and policy.

* * * * *

Appendix to § 414.7

Additional Terms and Conditions

1. * * *

(1) * * * applicable guidelines on file in the service office or by written agreement between * * *

* * * * *

22. Section 2(b) of the Appendix to the policy (Additional Terms and Conditions), as found in 7 CFR 414.7(d), is amended in the third and fourth lines thereof to read as follows:

§ 414.7 The application and policy.

* * * * *

Appendix to § 414.7

Additional Terms and Conditions

* * * * *

2. * * *

(b) * * * reporting date on file in the service office, the Corporation may elect to * * *

* * * * *

23. Section 6 of the Appendix to the policy (Additional Terms and Conditions), as found in 7 CFR 414.7(d), is amended by revising the last sentence thereof to read as follows:

§ 414.7 The application and policy.

* * * * *

Appendix to § 414.7

Additional Terms and Conditions

6. * * * The insured thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

Appendix B [Redesignated as Appendix A]

24. Appendix B to 7 CFR Part 414, listing counties where forage seeding crop insurance is available, is designated as Appendix A.

Approved by the Board of Directors on September 16, 1982.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: October 29, 1982.

Approved by:

Robert H. Sindt,

Deputy Manager.

[FR Doc. 82-30378 Filed 11-4-82; 8:45 am]

BILLING CODE 3410-08-M

Farmers Home Administration

7 CFR Parts 1930 and 1944

Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise its regulations governing the rental assistance program to allow for amendment and transfer of rental assistance agreements and to incorporate into the regulations clarifications of procedure and intraagency processing guidance now disseminated by memorandum and/or administrative notice. This action is taken in response to general public and FmHA staff requests for clarification of the rental assistance regulations and to incorporate into the regulations certain needed revisions identified by the Agency. The intended effect is to incorporate the requirements for administering the rental assistance program into the "Multiple Housing Management Handbook" which is issued to owners and managers of FmHA Multiple Family Housing projects.

DATES: Comments must be received on or before November 22, 1982.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th Street and Independence Avenue, SW., Washington, DC 20250. All written comments made pursuant to the notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mrs. Jeanine L. Johnson, Loan Specialist, Multi-Family Housing Servicing and Property Management Division, FmHA, USDA, Room 5321, South Agriculture Building, 14th Street and Independence Avenue, SW., Washington, DC 20250, telephone 202-382-1611.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291, and has been determined "nonmajor." It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Agency has found that 77% of presently funded rental assistance units scheduled to expire pursuant to the 5-year term of their rental assistance contract, or 13,560 rental assistance units, are projected to have unused funds remaining when the rental assistance agreements expire during Fiscal Year 1983.

This constitutes a loss of previously authorized and obligated budget authority of approximately $84 million per year for the next three years. The Agency considered three alternatives.

The first alternative which was incorporated under the President's 1983 Budget was to allow any unliquidated balances remaining under the existing units to expire and be deobligated as needed. The President's budget requested budget authority from Congress for 17,560 rental assistance units to replace those units which were projected to expire in FY 83 either because the rental assistance agreement's term will expire or because obligated funds will be fully disbursed for eligible tenants. This would mean no loss of benefits to tenants or owners but would inflate the FY 83 budget authority requirements.

The second alternative was to request less budget authority for approximately 7,000 rental assistance units. This would represent a major loss of benefit to approximately 10,560 tenant households, including senior citizens, handicapped persons, low-income households and domestic and migrant farm laborers. Without the benefit of rental assistance, most of these tenant households will be forced to vacate their present units and move to substandard housing to find rents they can afford. Borrowers will find a narrowing group of prospective tenants.

Increased vacancy and loss of rental revenues will increase borrower delinquencies and subsequently cause foreclosure of projects. The average per unit cost to the government on foreclosed rental property is $5,670. In addition to this, there is hardship on a community in loss of revenue, taxes, trade, and services. The community could experience a temporary loss of housing for approximately one year since the average foreclosure and subsequent sale presently takes one year. There could be an added delay in resale of the property as most potential purchasers of inventory property require rental assistance as a condition of purchase.

The third alternative was to amend the existing rental assistance agreements so they do not expire until the obligated funds are fully used and to request budget authority for 7,000 rental assistance units to renew agreements where funds will be fully disbursed before January 1, 1984.

The Agency has chosen alternative three which will maximize the benefit to tenant households and communities and will have the least impact on the National budget.

The action also incorporates clarifications to administrative procedures which have previously been contained in memoranda and Agency administrative notices. The rental assistance regulations will be renumbered from Exhibit C, Subpart E, Part 1944 to Exhibit E, Subpart C, Part 1930 becoming part of the Multiple Housing Management Handbook, which is issued to borrowers and management agents.

This documents has been reviewed in accordance with 7 CFR, Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the qualify of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

It is the policy of this Department that rules relating on public property, loans, grants, benefits, or contracts shall be published for comments notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. Compliance with normal 60 day comment period following this proposed rulemaking announcement would greatly decrease the effectiveness of this change and would be contrary to the public interest.

This action is issued for a 15 day comment period to allow time to review the public comments; make necessary changes in the regulation based on the comments; and, publish the final rule by December 1, 1982. In January, 1983 approximately 3,668 of the 13,560 units of rental assistance must either be amended or replaced with new rental assistance units, to avoid loss of benefits to tenants and owners. Owners, tenants, and the Agency need the authority to amend and extend rental assistance agreements at least 30 days in advance of their expiration to insure the orderly processing of the amendments and to assure owners and tenants that benefits will continue without interruption. If the agreements cannot be amended, borrowers must have time to apply for replacement rental assistance units to avoid interruption of benefits and the agency must consider amending their request for FY 83 budget authority to cover the additional 13,560 rental assistance units which will need to be replaced to avoid hardship to tenants and owners.

FmHA proposes to revise the regulation on maintenance of a waiting list in paragraph V D of Exhibit B to Subpart C, Part 1930, to clarify the requirement for selection of tenants on a first come, first served basis.

The Rental Assistance Program regulations are presently in Exhibit C to Subpart E of Part 1944. Since the inception of the rental assistance program in 1977, the rental assistance regulations have not been substantially revised. Administration of the program by borrowers and FmHA field staff has identified areas which should be addressed and clarified in regulations. These needs are now addressed by agency memoranda and administrative notices. FmHA proposes to revise this regulation to address owner and management servicing concerns and incorporate clarifications now contained in memoranda and administrative notices. The regulation will be renumbered as Exhibit E to Subpart C of Part 1930. Some of the proposed changes are as follows:

1. In paragraphs II C and XI, the definition of "eligible tenants" is clarified. The priority for assigning rental assistance within the project is stated more clearly in paragraph XII.

2. An "existing" project is redefined as "operational" to better describe the project status and new definitions are included in paragraphs II E and F for "operational" and "new" projects.

3. The format of the regulation has been restructured for easier use.

4. In paragraphs IV B 2 and V A 2 the procedure for processing replacement rental assistance agreements when present rental assistance funds are fully used is incorporated for borrower and Agency information.

5. In paragraph V C 5, a new system of Rental Assistance Agreement numbers is incorporated for easier identification by the Agency.

6. In paragraph VI B 4, we propose to provide for amendment of present rental assistance agreements to extend their term until all obligated funds are fully used.

7. In paragraph VII B, the requirement that the District Director track rental assistance obligations and disbursements is included and a new Exhibit E–1 is included for that purpose.

8. Paragraph X B adds District Director authority to have a borrower's rental assistance checks delivered to the District Office temporarily, as part of a servicing plan for delinquent accounts.

9. Paragraph XI F incorporates the procedure to be followed when rental assistance is assigned to the wrong household in error.

10. Paragraphs XIII and XIV incorporate Agency procedures for rental assistance payment cancellations and termination rental assistance agreements.

11. Paragraph XV incorporates procedure for transferring a rental assistance agreement when a project is transferred to an eligible borrower.

12. Paragraph XVI C designates that borrower denial of rental assistance will be handled under Subpart L of Part 1944, "Farmers Home Administration Tenant Grievance and Appeals Procedure."

13. All references to Forms FmHA 444–7, "Interest Credit and Rental Assistance Agreement", FmHA 444–9, "Multiple Housing Certification and Payment Transmittal," FmHA 444–25, "Request For Rental Assistance," FmHA 444–26, "Request For Obligation of Rental Assistance," FmHA 444–27, "Rental Assistance Agreement," and FmHA 444–29, "Project Worksheet for Interest Credit and Rental Assistance," have been renumbered to Forms FmHA 1944–7, FmHA 1944–9, FmHA 1944–25, FmHA 1944–26, FmHA 1944–27 and FmHA 1944–29, respectively. All titles remain the same. Reference is added to a new Form FmHA 444–27A, "Amendment To Rental Assistance Agreement."

FmHA proposes to amend Subparts D and E of Part 1944 by changing the references to the Rental Assistance Program regulation from Exhibit C to Subpart E of Part 1944 to Exhibit E, Subpart C of Part 1930 and by renumbering forms.

In Subpart E of Part 1944, § 1944.212 is revised to incorporate a clarified definition for "major rehabilitation."

In Subpart L, Part 1944, § 1944.554, denial of rental assistance is added as a covered grievance. This change is proposed to include all grievances between borrowers and tenants under the same FmHA appeals procedure.

The FmHA programs and projects which are affected by this regulation are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H.

CFDA Numbers and Titles: 10.405, Farm Labor Housing Loans and Grants; 10.415, Rural Rental Housing Loans, and 10.427, Rural Rental Assistance Payments.

Approval has been requested from the Office of Management and Budget for the reporting and recordkeeping requirements contained herein.

List of Subjects

7 CFR Part 1930

Accounting, Administrative practice and procedure, Grant programs—Housing and community development, Loan programs—Housing and community development, Low and moderate income housing—Rental, Reporting requirements.

7 CFR Part 1944

Administrative practice and procedure, Aged, Handicapped, Loan programs—housing and community development, Low- and moderate-income housing—Rental, Mortgages, Nonprofit organizations, Migrant labor, Rent subsidies, Grant programs—housing and community development, Rural housing.

Accordingly, FmHA proposes to amend Part 1930, Subpart C, and Part 1944, Subparts D, E, and L, Chapter XVIII of Title 7 of the Code of Federal Regulations as follows:

PART 1930—GENERAL

Subpart C—Management and Supervision of Multiple Family Housing Borrowers and Grant Recipients

1. Paragraph V D of Exhibit B is revised to read as follows:

Exhibit B—Multiple Housing Management Handbook

* * * * *

V *Renting Procedure.* * * *

* * * * *

D Maintenance of Waiting List.

1. If a living unit is not available when an applicant is determined eligible, the applicant's name and race or ethnic group designation will be placed on a written, master waiting list maintained in the chronological order in which the applications are received. If more than one household applies on the same date the applications will be time dated. Tenants will be selected on a first come, first served basis according to the eligibility criteria in paragraph V B of this Exhibit.

2. For ease of identification separate lists, cross referenced to the master list, may be maintained for categories listed below. When there are separate lists, they must be cross-referenced for applicants who qualify for more than one category or priority. Within each category, selection will be made on a first come, first served basis.

a. Persons who qualify for various sizes of units.

b. Senior citizens and families, or any other combination as planned for the project and shown on the borrower's loan agreement or loan resolution.

c. Persons who require special design features of the handicapped units in the project, such as persons confined to a wheelchair. Persons on this list have priority for these special design units over all other applicants.

d. Frail or impaired applicants in a congregate housing project. Priority will be given to the frail or impaired to sustain an occupancy level not to exceed 35 percent of the project units. After this occupancy level is attained, priority will be given to non-frail or non-impaired applicants.

e. Displacees from a prepaid FmHA financed project who possess a Letter of Priority Entitlement (LOPE) issued by a FmHA District Director. Applicants with a LOPE are placed at the top of the master waiting list and will be given first consideration for the size of unit for which they are eligible, before all other applicants for occupancy. Applicants with a LOPE will be selected first come, first served based on their date of application.

f. Displacees, such as victims of natural disaster and eminent domain action, who may be given priority consideration.

3. Each list by category will be available for inspection by applicants on the waiting list. When the application is first submitted, the applicant will be notified of the category(s) assigned to that application.

4. If an applicant cannot accept a living unit when it is available, but wants to be considered in the future, the contact and reason for not accepting at that time will be documented. The applicant's name will remain on the list in chronological order.

5. No applicant may be given preference for occupancy because he or she qualifies for rental assistance and the project has rental assistance available, except as required in paragraph XII B of Exhibit E to this Subpart.

6. Applicants will be responsible for keeping the borrower or rental agent informed of their availability to occupy a rental unit. This may be done at reasonable intervals established by the rental agent. Applicants who fail to respond to reasonable and documented attempts by the rental agent to provide notification of occupancy availability may be removed from the waiting list without right of appeal.

2. Exhibit C to Subpart E of Part 1944 is revised and redesignated as Exhibit E to Subpart C of Part 1930 and reads as follows:

Exhibit E—Rental Assistance Program (FmHA Instruction 1930-C)

I *General.* The objective of the rental assistance program is to reduce rents paid by low-income households. This Exhibit sets forth the policies and procedures and delegates authority under which rental assistance (RA) will be extended to eligible tenants occupying eligible Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) projects financed by FmHA. This Exhibit also applies to Farm Labor Housing (LH) projects when the borrower is a broadly-based nonprofit organization, nonprofit organization of farmworkers, or a State or local public Agency. Rental assistance will supplement the benefits available to tenants under the interest credit program outlined in Exhibit B to Subpart E of Part 1944.

II *Definitions.*

A *Adjusted Annual Income.* This is the total planned income of the household for the next 12 months as defined in Paragraph II N of Exhibit B to this Subpart, less 5 percent thereof, and less an additional $300 for each minor person, (excluding the tenant, co-tenant and foster children), who is a member of the household and lives in the rental unit.

B *Adjusted Monthly Income.* This is the amount obtained by dividing the Adjusted Annual Income by 12 and rounding to the nearest dollar.

C *Eligible Tenants.*—Any low-income household, handicapped person, or senior citizen meeting the following requirements:

1 Must be unable to pay the approved rental rate plus utility allowance for an eligible FmHA RA unit within 25 percent of their adjusted monthly income.

2 The household adjusted annual income must not exceed the low income limit established for the area as indicated in Exhibit C to Subpart A of Part 1944.

3 The household must meet the "occupancy standard" stated in paragraph V B 1 of Exhibit B of this Subpart and in the borrower's RA agreement, unless otherwise authorized in Exhibit B of this Subpart.

D *Eligible Project.*

1 All projects must operate under Interest Credit Plan II RA to be eligible to receive RA, except (a) LH loans and grants, and (b) direct RRH, and insured RRH loans approved prior to August 1, 1968, which must operate under Plan RA. To be an eligible project, the loan must be a:

a RRH insured or direct loan made to a broadly-based nonprofit organization, or State or local agency, or

b RRH insured loan to an individual or organization who has or will execute a Loan Resolution or Loan Agreement agreeing to operate the housing on a limited profit basis as defined in § 1944.205 (r) of Subpart E of Part 1944,

c RCH insured or direct loan, or

d LH loan, or an LH loan and grant combination, made to a broadly-based nonprofit organization or nonprofit organization of farmworkers or a State or local public Agency.

2 Projects with all or a part of the rental units under contract with the Department of Housing and Urban Development (HUD) developed under the Section 8 program for new construction or rehabilitation by either the dual or single track processing procedures will not be considered an eligible project. However, the borrower may utilize HUD's Section 8 Housing Assistance Payments Program for existing housing and FmHA RA for other eligible households in the same project.

E *Operational Project.* Any FmHA financed project which has been previously occupied by at least one tenant at the time the RA is granted.

F *New Project.* Any FmHA financed, newly constructed project or a project which meets the definition of a major rehabilitation in § 1944.212 of Supart E of Part 1944.

G *Rental Assistance.* Rental assistance (RA), as used in this Exhibit, is the difference between 25 percent of the household's adjusted monthly income and the approved rental rate (including costs of all utilities and services, when applicable) for the rental unit being occupied by the household. When the household's adjusted monthly income is less than the allowance established for utilities and services billed directly to and paid by the tenant, the owner will pay the household that difference in accordance with paragraph VIII A of this Exhibit. Rental assistance is further defined as:

1 For projects operating on Interest Credit Plan II, the difference between 25 percent of the household's adjusted monthly income and the basic rent, including utilities for the rental unit.

2 For all direct RRH loans, insured RRH loans approved prior to August 1, 1968, and all eligible LH loans, the difference between 25 percent of the household's adjusted monthly income and the approved market rental rate, including utilities for the rental unit.

H *Approved Rental Rate.* The rental rates (basic and/or market rent) determined by the budget for the project and approved by FmHA. Rental rates will be considered approved if the budget for the year has been approved in accordance with § 1930.124 of this Subpart and utility allowances, when required, have been determined and approved in accordance with Exhibit A-5 to Subpart E of Part 1944. The rental rate includes the amortized principal and interest payments, operating and maintenance costs, required deposits to the reserve account and a return on the owner's initial investment when allowed by FmHA regulations. The cost of utilities and other public services, when paid by the owner, will be included in the operating and maintenance expenses to determine the approved project rental rates. Tenant paid utilities will be included in the determination of the utility allowance, but not in the calculations of project rental rates. Tenants' individual charges for telephone, TV cable and similar non-housing related costs (including meals and other social services) will not be included in the determination of the utility allowances or the approved rental rate.

I *Utility Allowances.* The allowance approved by FmHA to cover the cost of utilities which are payable directly by the household.

J *District Director.* Includes District Director, Alaska Area Loan Specialist, Director, Western Pacific Territories, or any employee with designated authority to act for the District Director, Alaska Area Loan Specialist or Director, Western Pacific Territories.

III *Eligibility of Borrower.*

A All borrowers with eligible projects as defined in paragraph II D of this Exhibit are eligible and are encouraged to utilize the RA program and receive RA payments on behalf of low-income tenants. Generally, the borrower, or the borrower's approved management agent, will initiate the processing of a RA application.

B Twenty percent or more of the households in an eligible project who are eligible for RA may petition the borrower to obtain RA on their behalf. The petitions must be in writing to the borrower and contain the signature of the head of each household which is paying more than 25 percent of household adjusted monthly income for rent, including utilities, and desire RA. A copy of the petition will be submitted to the District Director.

1 If RA units are available, the District Director should meet with and encourage the borrower to apply for sufficient RA units to meet the needs of the eligible tenants. If the borrower refuses to apply for RA, the borrower shall inform the tenants, in writing, of the reasons.

2 If RA units are not available, the District Director shall inform the petitioning tenants in writing.

IV *Priority of Rental Assistance Applications.* The National Office may establish a State quota on the number of rental units that may receive RA in any fiscal year. The State Director will limit the approval of RA to no more than the number of units allocated to the State. Unless otherwise stated by the National Office, the State allocation will indicate the number of RA units for existing projects and the number of RA units to be used for new construction. Priority in allocating RA units will be as follows:

A *Allocation to Projects Within a State.* The State Director will distribute any RA units allocated to the State in accordance with any specific guidance from the National office and approve requests for RA to projects in accordance with the provisions of this Exhibit.

1 *Operational Housing:* The State Director will distribute any RA units allocated to the State for operational RRH, RCH, and LH projects by considering Forms FmHA 1944-25, "Request for Rental Assistance," that have been submitted by eligible borrowers. The State Director will authorize RA to projects with priority given to projects based on the earliest date that Form FmHA 1944-25 and other required information is received by FmHA in acceptable form. (Also see paragraph VI). The number of RA units to be granted in any project will be based on the number of households in the project needing RA up to the maximum allowed. The National Office will notify the State Director each year of any specific date by which all requests for RA must be submitted to FmHA for consideration.

2 *New Housing:* Any RA units allocated to the State for new construction will be distributed on a priority basis in the following order.

a RRH or RCH projects to be provided in areas where HUD Section 8 units under the FmHA set-aside are not available.

b Applications for RRH and RCH loans where the market survey information indicates that without RA, a large percentage of the prospective tenants will be paying in excess of 25 percent of their adjusted monthly income for rent including utilities. When the number of RA units available is inadequate to cover all such applications, the units will be distributed giving priority to those projects located in areas identified as having the greatest housing needs and selected for funding in accordance with § 1944.231(d)(3) of Subpart E of Part 1944.

c For LH projects, RA units will be allocated by the National Office on a case-by-case basis at the time the projects are considered for funding at the National Office level.

3 *Limitation on number of units of rental assistance in each project:* The maximum number of rental units in a project to obtain RA is limited to the following:

a No limitation for eligible LH loan and grant projects.

b No limitation for RRH, RCH or SCH projects designed and limited to housing for the senior citizen or handicapped, except that the State Director may limit the percentage of RA units granted to senior citizen or handicapped projects to no more than 40 percent of the number of rental units if it appears that the number of RA units distributed to the State will not be adequate to approve all requests for RA.

c An RCH or RRH project designed and/or primarily occupied by low- and moderate-income households will be limited to not more than 40 percent of the total number of rental units in the project.

d An RCH or RRH project planned and designed for a mix of senior citizen or handicapped persons and low- and moderate-income households will be limited to not more than 40 percent of the total number of rental units designed for low- and moderate-income households but there will be no limitation on the rental units designed for and occupied by senior citizens or handicapped persons.

B *Granting Exceptions.*

1 *State Directors Authority.* An exception to the 40 percent limitation indicated in paragraphs IV A 3 b, c and d of this Exhibit may be granted by the State Director for up to 70 percent of the rental units in any particular project. (Number of units × 70 percent = number of RA units rounded to the next higher whole number.) However, the total number of units of RA granted by the State Director, including exceptions, cannot exceed the number of RA units allocated to that State. Exceptions will be granted only when RA units are available, or can be made available, and the following conditions exist:

a When more than 40 percent of the rental units are occupied by households who are paying more than 25 percent of their adjusted income for rent, including utilities, and such units are no larger than needed to meet the household's need, or

b The tenants in a project that is being assisted at the 40 percent level experience a hardship as a result of an income decrease or a rental increase and must obtain RA to remain in the project, or

c The project is located in or is being developed in an area of extremely low-income households and the majority of the proposed tenants will be paying in excess of 25 percent of their income for rent including utilities.

2 *Replacement Agreements.* The State Director may approve RA agreements for replacement units which exceed his/her approval authority provided the units were initially authorized by the National Office.

3 *National Office Authority.* The National Office may authorize the State Director to approve RA up to 100 percent of the rental units on a case-by-case basis. The project must be located in, or development be

proposed in, an area of extremely low-income households and the majority of the tenants are, or will be, paying in excess of 25 percent of their income for rent including utilities. Exception requests must be submitted to and approved by the National Office prior to approving the loan or requesting obligation of rental assistance for more than 70 percent of the rental units in the project.

C *Processing Exception Requests.*

1 A request for an exception to the 40 percent limitation for existing projects will be submitted by the borrower to the District Director. After reviewing the request for completeness, accuracy, and sufficient documentation to fully support the request, the District Director will submit the request with the documentation and recommendations to the State Office by memorandum for approval. Included in the memorandum will be the number and percentage of rental units in excess of the 40 percent limit and justification for the approval. When National Office authorization is required to exceed the 70 percent limitation, the State Director will request this authorization by memorandum and will include the following:

a For new projects: (1) Form FmHA 1944–25, (2) complete data and documentation on the rental housing market, (3) complete data and documentation on the income of households likely to be served, (4) the comments of the District Director, and (5) the comments and recommendations of the State Director.

b For operational projects: (1) Form FmHA 1944–25, (2) Form FmHA 1944–29, "Project Worksheet for Interest Credit and Rental Assistance," with all columns completed for each tenant in the project, (3) a copy of the project's waiting list for occupancy identifying eligible prospective tenants whose incomes have been verified and who are willing to occupy vacant units if an exception to the 70 percent limitation is made, (4) a copy of any existing RA agreement and modifications thereto which may be in effect on the project, (5) the comments of the District Director, and (6) the comments and recommendations of the State Director.

2 If an applicant requests authority to exceed the 70 percent limitation for a new project after the loan is approved, such requests will not be approved until the project is completed, and at least partially occupied and it is apparent that full rent-up will not occur unless the 70 percent limitation is exceeded.

V *Processing of Rental Assistance Applications.* All requests for RA will be processed in accordance with this paragraph and may be approved by the State Director.

A *Operational Projects.*

1 A borrower with an eligible project in which there are tenants paying in excess of 25 percent of their adjusted income for rent is encouraged to file Form FmHA 1944–25 with the District Director. A separate Form FmHA 1944–25 will be submitted for each project. The borrower should include the following with each request.

a Form FmHA 1944–29, with all columns completed for each tenant in the project. (All Forms FmHA 444–8, "Tenant Certification," must be current.)

b Approved or proposed budget for the year with Exhibit A–5 to Subpart E of Part 1944 attached, when applicable.

2 Prior to the full disbursement of obligated funds on any agreement, a borrower or approved management agent may submit a request for replacement RA units. This request should contain all the material requested in paragraph V A 1 of this exhibit and should be submitted no later than three (3) months prior to the expected full disbursement of obligated funds, to allow time for processing the request. The number of replacement units may not exceed the number of units that are expiring.

3 The District Director will review the budget, Exhibit A–5, Form FmHA 1944–29, and Form FmHA 1944–25 submitted by the borrower to assure that the items are complete and accurate. The District Director will complete Form FmHA 1944–25 and submit all data provided by the borrower to the State Director with appropriate comments and recommendations.

B *Projects to be Funded.*

1 Applicants requesting funding for new projects who are planning to utilize the RA program, should submit a completed Form FmHA 1944–25 to the County Supervisor or District Director, as appropriate, when submitting a preapplication or application for funding.

2 The number of units of RA requested should be based on the market data for the area, the proposed rental rates as reflected in a budget for the project, and the income levels of the prospective tenants.

C *State Director Action on Requests for Rental Assistance.*

1 *Timing of Action.* If the State Director determines that RA can be granted or replaced, or a change in the number of RA assisted rental units is needed, Form FmHA 1944–26, "Request for Obligation of Rental Assistance," will be prepared and distributed in accordance with the Forms Manual Insert *Form FmHA 1944–27, "Rental Assistance Agreement" will not be executed until Form FmHA 1944–26 has been returned from the Finance Office indicating that the requested number of RA units and funds have been obligated for the project.*

2 *Initial or Replacement Request.* Once the initial or replacement request for RA has been obligated by the Finance Office, a copy of the Form FmHA 1944–26 indicating the date and amount of obligation will be forwarded to the District Director. The District Director will prepare an original and three copies of Form FmHA 1944–7, "Interest Credit and Rental Assistance Agreement", when the project has not had RA previously, and an original and two copies of Form FmHA 1944–27. The original and three copies of Form FmHA 1944–7 and the original and two copies of Form FmHA 1944–27 will be executed by the borrower and District Director. The forms will be executed and distributed in accordance with the appropriate Forms Manual Insert (FMI).

3 *Modification of an Existing Agreement.* When a change in the amount of RA has been obligated by the Finance Office, the Form FmHA 1944–27 will be prepared, signed and distributed in accordance with the FMI, except a Form FmHA 1944–7 is not required.

4 If RA cannot be provided, the State Director will inform the borrower, in writing, of the reasons. The borrower will be given appeal rights in accordance with Subpart B of Part 1900.

5 *Assigning Rental Assistance Agreement Numbers.* The initial RA agreement request will be coded 01–00. Associated modifications will be coded 01–01, 01–02, etc Replacement RA agreements and associated modifications to those agreements will be coded sequentially beginning with "02–00". The State Director will assign the appropriate agreement number when preparing Form FmHA 1944–26.

VI *Terms of the Rental Assistance Agreement.*

A *Effective Date.* Each "Rental Assistance Agreement" will be effective the first day of the month it is executed. If assistance is granted under an appeal in accordance with paragraph XVI of this Exhibit, the effective date will be retroactive to the first day of the month in which assistance was denied.

B *Term.*

1 *Twenty (20) Year Agreement.* The agreement shall be effective for twenty (20) years from the effective date of the agreement for new projects. This agreement may be superceded by a modified agreement in accordance with Section 4 of the RA agreement or terminated in accordance with conditions stated in Section 8 or 9 of the RA agreement (Section 10 in RA agreements executed prior to (final rule)). The agreement will expire when the funds obligated for the units described in Section 1 of the agreement are fully disbursed. This can be any time before or after the end of the 20-year term Upon expiration of the agreement, a replacement agreement may be executed. If a replacement agreement is considered, it will be for a five (5) year period.

2 *Five (5) Year Agreement.* The agreement shall be effective for five (5) years from the effective date of the agreement for operational projects, or for new projects when twenty (20) year units are not available. This five (5) year agreement may be superceded by a modified agreement in accordance with Section 4 of the RA agreement or terminated in accordance with conditions stated in Section 8 or 9 of the RA agreement (Section 10 in RA agreements executed prior to (final rule)). The agreement will expire when the funds obligated for the units described in Section 1, of the agreement are fully disbursed. This can be any time before or after the end of the five (5) year period.

3 Modification of the number of units assigned to any project will be limited to units of the same term as the original agreement.

4 Any existing RA agreement executed prior to (final rule), which will have a remaining obligation balance at the end of the 5-year or 20-year expiration date stated in Section 9, "Term of the Agreement," may be modified by the use of Form FmHA 444–27A, "Amendment to Rental Assistance Agreement". No additional RA units may be added to the agreement after the amendment is executed.

5 Replacement RA agreements will be for a five (5) year period. All requirements in paragraphs VI B 2 and 3 of this exhibit apply. Expiring RA agreements and replacement RA agreements may run concurrently for one month so any small undisbursed obligation balance on the expiring RA agreement can be used in full.

VIII *Recordkeping Responsibilities.*

A The State Director will maintain Form FmHA 444–28, "Record of Rental Assistance Agreements." The record will include the borrower's case number, fund code, loan number, RA agreement number, number of rental units in the project number of units for RA authorized and the effective date of each agreement and amendment. This information will be obtained from Form FmHA 1944–25, Form FmHA 1944–26, and Form FmHA 1944–27. Any changes which are made in the number of rental units assisted will be recorded on Form FmHA 444–28.

B The District Director is responsible for tracking the obligation and disbursement of funds for each RA agreement. The District Director will maintain Exhibit E–1 of this Subpart, "Payment and Rental Assistance Tracking Form", in accordance with Exhibit E–1. Exhibit E–1 will be inserted in the fold of Form FmHA 1905–6, "Management System Card—Multifamily Housing," for each project. At the end of each twelve month period Exhibit E–1 will be filed in Position 2 of the project case file and maintained indefinitely.

VIII *Responsibilities of Borrower in Administering the Rental Assistance Program.* Each borrower and management agent for each project receiving RA should fully understand the responsibilities and requirements of carrying out the program. The borrower and management agent are the key to the successful operation of the program. The following guidelines will be followed:

A Direct RA payments will not be made to eligible tenants receiving RA except in those instances when utilities are paid by the household and 25 percent of the household's monthly adjusted income is less than the allowance for utilities. In these cases, the borrower will pay the household that difference if the household provides the borrower evidence that the utility bills are due or have been paid (See paragraph IX A). The borrower will maintain an accurate accounting of each tenant's utility allowance and payments made to tenants.

B The borrower must submit Form FmHA 444–8 for each tenant as required in paragraph VI E of Exhibit B to this Subpart (Management Handbook).

C The incomes reported by the tenants must be verified by the borrower in accordance with paragraph VI of Exhibit B to this Subpart (Management Handbook).

D Borrowers utilizing RA must comply with § 1930.124 of this Subpart. RA will not be approved for projets until the operating budgets have been approved by the FmHA State Office or the District Director. District Directors, with assistance from the State Office, must closely supervise and assist borrowers in complying with all accounting and management requirements.

E A Borrower participating in the RA program must have an FmHA approved lease with the assisted household. Leases must comply with the provisions of paragraph VII of Exhibit B to this Subpart (Management Handbook).

IX *Handling Utility Allowances.*

A *Payment of Utilities.* In a project where the tenant is billed directly for the utilities, the tenant receiving the benefit of RA will pay the owner as rent the difference between the established allowance for utilities which the tenant pays and 25 percent of the household's adjusted monthly income. If, however, 25 percent of the household's adjusted monthly income is less than the monthly allowance for utilities, the owner will pay the tenant that difference as directed in paragraph VIII A of this exhibit. In a project where the owner pays all the utilities, the tenant will pay the owner the full 25 percent of the adjusted monthly income toward the approved rent for the rental unit being occupied.

B *Determining the Allowance.* The utility allowance will be determined and recorded by the use of Exhibit A–5 to Subpart E of Part 1944.

C *Changes in Allowances.* The utility allowance should be adjusted annually to reflect substantial changes in utility and public service rates. Normally, allowances will be adjusted on an annual basis if necessary when the owner submits a new budget for approval. Changes in utility allowance which will result in increasing the amount of the rent paid by tenants will be processed in accordance with Exhibit C to this Subpart.

X *Method of Payment of Rental Assistance to Borrower.*

A The borrower will prepare a separate report for the project using Form FmHA 1944–29. The worksheet will be prepared and distributed in accordance with the FMI. This information will be used by the District Director in preparation of Form FmHA 1944–9, "Multiple Housing Certification and Payment Transmittal." The form must be completed in accordance with the FMI. The requred loan payment will be transmitted with the form to the Finance Office. The RA payment will be mailed by the Finance Office directly to the borrower. Since the check will be sent directly to the borrower, the District Director should verify that the borrower's address on Forms FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request," and FmHA 450–14, "Annual Statement of Loan Account," is correct. If the address shown on these forms is not correct, the District Director should complete Form FmHA 450–10, "Advice of Borrower's Change of Address or Name," prior to any request for payment of RA. When a borrower has more than one project within a county, all checks must be sent to the same address.

B When a project loan account is delinquent, the District Director should counsel with the borrower and develop a servicing plan. This plan should incorporate detailed provisions for continuing operation of the project and paying the account current.

1 As part of this plan, the District Director may process a Form FmHA 450–10 to have the borrower's rental assistance checks delivered to the District Office. The Form FmHA 450–10 should be forwarded to Finance Office Multiple Family Housing Unit. If RA payment will be requested, Form FmHA 1944–9 should be attached to the Form FmHA 450–10. Only those data fields on the Form FmHA 1944–9 applicable to the RA checks reqest should be completed.

2 The RA check may be released to the borrower in accordance with the servicing plan. The District Director may require that all or a portion of the RA check be applied to the delinquent loan account.

3 At the District Director's discretion, another Form FmHA 450–10 may be processed to have the check again mailed directly to the borrower. This form should also be forwarded to the Finance Office Multiple Family Housing Unit.

XI *Eligibility of Tenants.*

A All tenants as defined in paragraph II C of this Exhibit are eligible to receive the benefits of RA when occupying a rental unit in an eligible project, provided the project owner has agreed to provide such assistance in accordance with this Exhibit and there are RA units available.

B Tenants occupying an inappropriate size unit, who are covered by paragraphs V B 1 h of Exhibit B to this Subpart, are considered eligible tenants for RA provided they agree, in writing, to move at their own expense to the next available unit of appropriate size. If the project does not contain a unit of appropriate size, the tenant may occupy an inappropriate size unit and receive RA.

C Tenants who initially occupied an apartment unit prior to November 14, 1977 and who were determined eligible for occupancy at that time under guidelines then in effect, may remain in that apartment for an indefinite period and receive RA (and interest credit benefits) without meeting the present occupancy standards, as long as they remain income eligible under current FmHA regulations. Such tenants may receive RA if it becomes available to them without meeting the present occupancy standard.

D Ineligible tenants, with State Director approval, who are income eligible but occupancy ineligible, may receive RA on a month-to-month basis if there is no eligible tenant to whom the RA unit can be assigned. The following clause must be included in the tenant's lease:

"I agree that I will receive the benefits of rental assistance (RA) temporarily, from month-to-month, and only until I can become eligible for RA or until there is an eligible tenant to whom the RA unit can be assigned, whichever comes first."

E An eligible person on the waiting list who qualifies for occupancy under paragraph V D of Exhibit B to this Subpart (Management Handbook) will be given preference for RA before tenants living in the project who do not meet the occupancy standards. RA benefits may be withdrawn from ineligible tenants living in the project if an eligible person on the waiting list accepts occupancy.

F If RA is assigned to a household in error, the RA should be cancelled and reassigned. This paragraph applies only when the tenant has correctly reported income and household size. Incidents involving incorrect reporting are addressed in paragraph VIII C of Exhibit B to this Subpart (Management Handbook).

1 Before the borrower notifies the tenant, the borrower or management agent shall review the case with the District Director. If the District Director verifies that an error has been made, the tenant will be given 30 days written notice that the unit was assigned in error and that the RA benefit will be cancelled effective on the next monthly rental payment due date after the end of the 30 day notice period.

a The tenant has the right to cancel the lease based on the error made by the borrower and the loss of benefit to the tenant.

b The RA granted in error will not be recaptured.

c The tenant may meet with management to discuss the cancellation and the facts on which the decision was based. If the tenant clearly was not entitled to the RA, there will be no appeal from the decision.

2 Reassigning rental assistance:

a The RA unit will be reassigned to the household which was erroneously denied the RA unit. The assignment will be based on the Form FmHA 1944–29 from which the original priority list was established, when the unit was erroneously assigned. The RA will not be retroactive unless the reassignment was based on an appeal by the tenant.

b If the originally denied household now has RA, or is no longer a resident, the RA will be assigned based on a current Form FmHA 1944–29 and the priorities in paragraph XII of this Exhibit.

XII *Priority Among Eligible Households Within a Project Receiving Rental Assistance.* The borrower will determine priority for RA as follows:

A *In Operational Projects:* To determine priority for assigning an available RA unit the latest Form FmHA 1944–29 must be updated as of the date the unit is available assuring that columns 3 through 9 are current and accurate.

1 Priority for assigning RA is as follows:

a *Eligible tenant:*

(1) If the project is fully occupied at the time the RA is initially granted, first priority will be given to eligible households in residence paying the highest percentage of annual adjusted income for rent plus utilities.

(2) No eligible household occupying a rental unit in the project may be required to move from the project to allow a prospective tenant household, with a higher priority for RA, to move in.

(3) When the project has vacancies or vacancies occur and RA is available, first priority will be given to eligible households already living in the project who are eligible for RA, before any prospective tenants are considered for occupancy and/or RA.

b *Eligible applicants from waiting list.* Second priority will be given to eligible applicants on the waiting list. All tenants will be selected on a first come, first served basis as provided in paragraph V D of Exhibit B to this Subpart (Management Handbook).

c *Ineligible tenants:* Third priority for RA will be given to occupancy ineligible households living in the project. The requirement of paragraph XI D of this Exhibit must be met.

2 If the project has vacancies or vacancies occur and RA is not available, an applicant eligible for RA may elect to accept occupancy without the benefit of RA. After occupancy, the household will be considered for RA in accordance with paragraph XII A 1 of this Exhibit. If the applicant elects not to accept occupancy because RA is not available, their application for a unit will retain its original date for priority on the waiting list.

3 Eligible tenants receiving the benefits of RA may continue receiving such benefits as long as they remain eligible for rental assistance and there is a RA agreement in effect.

4 When a tenant receiving RA vacates before the end of the month, the RA unit should be immediately assigned to another tenant using the priority given above. If the borrower has collected RA for the vacating tenant for the full month, the benefit of RA should be immediately passed on to the new RA recipient as rent credit or as a refund of rent previously paid. The amount will be determined by the new recipient's income and will be prorated for the balance of the month.

B *In New Projects.* Applications for occupancy should be accepted during the construction phase of the project and placed on a waiting list as required in paragraph V D of Exhibit B of this Subpart (Management Handbook). During initial rent-up period the following priorities will apply:

1 Until all the RA units have been assigned, units will be rented *only* to applicant households who qualify for RA as defined in paragraph II C of this Exhibit. Applications qualifying for RA will be conidered on a first come, first served basis, by-passing those applicants on the waiting list whose income is above the low-income limit for the area. The District Director may grant a written waiver to this requirement when review of the borrower's method of advertising the rental units satisfactorily demonstrates that households eligible for RA are not available or do not desire occupancy.

2 If there are still vacant units, those applicants by-passed because they did not quality for RA will be considered for occupancy on a first-come first-served basis.

3 After the project is fully occupied, or when the District Director determines that the initital rent-up period is ended, the priority procedures in paragraph XII A for operational projects will be followed.

XIII *Rental Assistance Payment Cancellation:* When a RA check must be cancelled, the following procedure will be followed:

A *Return of the original rental assistance Treasury check:* The District Office will prepare Form FmHA 1940–10, "Cancellation of U.S. Treasury Check and/or Obligation", as specified in the FMI.

B *Return of a portion of the monthly rental assistance payment or refund of rental assistance previously advanced:* A check from the borrower made payable to Farmers Home Administration will be submitted to the Finance Office as specified in the FMI for Form FmHA 1944–9.

XIV *Terminating Existing Rental Assistance Agreements Obligated in Prior and/or Current Fiscal Years.*

A *When Obligated Funds are Fully Disbursed:*

1 RA agreements will be automatically terminated when all obligated funds shown on the agreement are fully disbursed to the borrower. The District Office will enter a "final payment" code on Form FmHA 1944–9 when the last RA payment request is processed.

B *Prior to Full Disbursement of Obligated Funds.*

1 Only the State Director is authorized to terminate RA agreements prior to full disbursement of obligated funds.

2 RA Agreements will be terminated prior to full disbursements of the obligated funds only when RA is to be discontinued on the project in accordance with the provisions of the borrower's Rental Assistance Agreement and Interest Credit and Rental Assistance Agreements. The State Director will notify the borrower in writing of the reason for cancellation and provide the borrower appeal rights in accordance with Subpart B of Part 1900 of this Chapter. Form FmHA 1944–26 deobligating funds will not be forwarded to the Finance Office until the appeals process is completed.

3 When current year RA agreements are terminated, the undisbursed funds for the RA obligation will be returned to the current fiscal year obligation authority.

4 When prior fiscal year RA agreements are terminated the undisbursed funds (unliquidated balances for those obligations) cannot be reused and are lost as a result of the single year RA obligational authority. To ensure effective utilization of RA funds, it is imperative that RA agreements not be terminated prior to the full disbursement of obligated funds if RA payments continue and there are undisbursed funds for that rental assistance agreement obligation.

5 When a project account is accelerated the RA agreement should not be cancelled until Form FmHA 465–6, "Advice of Mortgaged Real Estate Acquired," is forwarded to the Finance Office.

XV *Transferring Existing Rental Assistance Agreements.*

When a loan is transferred to an eligible borrower the transferee may assume the transferor's RA agreement. The RA agreement will be described on the Assumption Agreement (Form FmHA 460–5 or FmHA 460–9) giving date executed, number of units, term of agreement and remaining obligation balance.

XVI *Rights for Appeal if Rental Assistance is not Granted or is Cancelled by Farmers Home Administration.*

A Borrowers who have requested RA in writing and are denied such assistance (whether in whole or in part) by Farmers Home Administration, or when RA is cancelled, will be notified in writing of the specific reasons why they have been denied RA as specified in Subpart B of Part 1900. A meeting will be required between the borrower and the decision maker to explain the adverse decision before the appeals process will begin.

B If at any time it is determined that a borrower or a household was eligible for RA and assistance could have been made available in accordance with this Exhibit, the borrower or household will receive the next available RA unit.

C Borrower denial of RA to tenants will be handled under Subpart L of Part 1944.

XVII *Forms and Exhibits.* Exhibit A–5 to Subpart E of Part 1944 and Form FmHA 444–7 are to be used in determining amount of rental assistance to be provided.

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FmHA Instruction 1930-C
Exhibit E-1
Page 1

PAYMENT AND RENTAL ASSISTANCE TRACKING FORM

BORROWER :
CASE NUMBER :
LOAN CODE :
LOAN AMOUNT :
DATE OF NOTE :
INTEREST RATE:
YEARS :
INTEREST CREDIT EFFECTIVE DATE:
INTEREST CREDIT PLAN :

INSTALLMENT DUE DATE :
INTEREST CREDIT PAYMENT:
NOTE RATE PAYMENT :

RENTAL ASSISTANCE: ( ) 5 Year ( ) 20 Year
Total Units:
Obligation Amount: $
Rental Assistance Agreement No.:

BEGINNING RENTAL ASSISTANCE UNDISBURSED BALANCE:

DATE	AMOUNT DUE	TOTAL PAYMENT MADE	PAID ON INSTALLMENT	OVERAGE - - - - SURCHARGE	ACCOUNT STATUS		R.A. USED CURRENT MONTH	R.A. UNDISBURSED BALANCE
					MONTHLY	ANNUAL		
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							( )	
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Instructions For Use "Payment and Rental Assistance Tracking Form"

I *General.* These instructions are for completing Exhibit E-1, which is a form for recording borrower's loan payments and requests for rental assistance (RA). The objective is for the District Office (DO) to maintain a constant status of the undisbursed balance of the RA obligation so RA disbursements do not exceed obligated funds. Exhibit E-1 can also be used to monitor a borrower's loan account status, as a servicing tool when working with a delinquent borrower, and, as an audit form when requesting account corrections by the Finance Office.

II *Uses for the Exhibit.*

A. *Tracking rental assistance.*

1. When an executed Form FmHA 1944-26, "Request for Obligation of Rental Assistance," is returned by the FO, each obligation or deobligation of RA (including modifications) will be recorded on Exhibit E-1.

2. Each request for payment of RA of Form FmHA 1944-9, "Multiple Housing Certification and Payment Transmittal," must be recorded on Exhibit E-1 and the "Rental Assistance Undisbursed Balance" must be brought current. When Form FmHA 451-26, "Transaction Record," is received the amount of the RA check issued must be verified against the requested amount shown on Exhibit E-1. If no Form FmHA 451-26 is received within 30 days from date of request, the DO should contact the Multiple Family Housing (MFH) unit in the FO by telephone to determine if the check has been issued. If the amount of a check received differs from the amount requested, the DO should contact the MFH Unit in FO immediately by telephone.

B. *Monitoring Loan Account Status.*

1. The date and amount of each payment due should be entered monthly and the Account Status columns brought current.

2. The date and amount of each payment submitted to the FO on Form FmHA 1944-9, and the applications to installment and overage/surcharge, should be entered in the appropriate columns. The current account status should be entered.

3. When Forms FmHA 451-26 are received they should be verified against the entries made from Form FmHA 1944-9. If there is an error, copies of documentation relating to the error and the DO guidance on needed corrections should be forwarded to the State Office (SO) with a request that they contact the FO.

4. If Forms FmHA 451-26 are not received within 30 days after Form FmHA 1944-9 is sent to the FO, the SO should be contacted immediately.

5. The SO is responsible for follow-up with the FO. However, the SO may instruct the DO to contract FO directly if the contact can be made more efficiently by the DO.

C. *Auditing Borrower Accounts.*

1. If the DO feels the account status shown by the FO is incorrect, Exhibit E-1 may be used to record a transaction-by-transaction audit of the borrower's account. This audit can be used to demonstrate to a borrower why the account is delinquent. The audit can also be used to identify where corrections should be made in FO records.

2. A request for action by the FO should be forwarded through the SO to the MFH Unit in the FO, "Open Addressee Only", the request should include a copy of the audit; copies of input and output documents showing the errors made and necessary corrections; and, a memorandum from the DO requesting correction of the account.

3. The FO will use the material submitted to research the account and to make necessary corrections.

III *Completing the Exhibit.*

A. *Heading.*

1. For routine tracking the DO may complete only those items necessary to identify the borrower. 2. For audit purposes, and/or to send to FO all items in the heading must be completed. Heading items should be verified as part of the audit procedure.

B. *Beginning Rental Assistance Undisbursed Balance.* This is the initial obligation for the rental assistance agreement or the balance carried forward from a previous year.

C. *Columns.*

1. *Date*—Due date of payment or transaction date.

2. *Amount Due*—Scheduled payment from promissory note or payment reduced by interest credit.

3. *Total Payment Made*—Amount of payment submitted by borrower including overage or surcharge.

4. *Paid on Installment*—Amount of total payment to be credited to scheduled note installment.

5. *Overage/Surcharge*—Amount of total payment which is applied as overage or surcharge.

6. *Account Status*—

a. *Monthly*—Status of the account after the amount paid on installment is applied. Show the amount of the monthly installment which is ahead (A) or behind (B) schedule as required by the promissory note and interest credit agreement. If the account is neither ahead nor behind schedule, indicate the account is even (E). If the account is ahead or behind schedule at the beginning of the tracking period, indicate the amount and status on the first line of the column and adjust the status with each succeeding entry.

b. *Annual*—Annual payment shown on annual promissory note or twelve times the monthly payment required by a monthly promissory note. The payment will be modified if the borrower has an interest credit agreement. Indicate on the first line any amount due by the date shown in the "Minimum Amount Due" box on Form FmHA 451-26. Include any carryover from a previous due date. Amount will be reduced with each payment made on the installment. This reduced figure should correspond to the "Minimum Amount Due" on Form FmHA 451-26. If these figures do not agree, further investigation is warranted to determine if there is an error and appropriate action should be taken to make the necessary corrections.

7. *R.A. Used Current Month*—Fill in dollar amount of rental assistance requested. The number of rental assistance units used this month should be inserted in ( ).

8. *R.A. Remaining Balance*—This amount is determined by subtracting the dollar amount of RA requested from the R.A. Undisbursed Balance for the previous month. Additional obligations, deobligations or refunds must be entered in this column and the proper balance adjustment must be made.

PART 1944—HOUSING

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

3. In § 1944.212, paragraphs (b) through (q) are redesignated as (c) through (r) respectively, a new paragraph (b) is added, and paragraph (c) is revised to read as follows:

§ 1944.212 Loan purposes.

* * * * *

(b) Purchase existing buildings only when major rehabilitation is necessary in accordance with paragraph (c) of this section.

(c) Rehabilitate existing buildings only when major modifications, repairs, or improvements to the structures are necessary to meet the requirements of decent, safe, and sanitary living units. Loans will not be made for the purchase of adequate housing not in need of major rehabilitation. Major rehabilitation shall not be considered to be minor items of developement work such as painting, cleaning, and improvements to related facilities.

* * * * *

Exhibit C [Removed and Reserved]

4. Exhibit C is removed and reserved.

Subpart L—Farmers Home Administration Tenant Grievance and Appeals Procedures

§ 1944.551 [Amended]

5. Section 1944.551 is amended by removing paragraph (b) and redesignating paragraph (c) as paragraph (b).

6. Section 1944.554 is amended by renumbering paragraph (a)(6) to paragraph (a)(7) and adding a new paragraph (a)(6) which reads as follows:

§ 1944.554 Reasons for grievance and appeal.

(a) * * *

* * * * *

(6) Denials of rental assistance.

* * * * *

(42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: October 5, 1982.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 82-30356 Filed 11-4-82; 8:45 am]

BILLING CODE 3410-07-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1101

Information Disclosure Under Section 6(b) of the Consumer Product Safety Act

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Consumer Product Safety Commission proposes its policy and procedure for the public disclosure of product-specific information under section 6(b) of the Consumer Product Safety Act. That section limits the Commission's authority to disclose product-specific information to the public in various situations. The proposal explains how the Commission will carry out section 6(b) responsibilities to give manufacturers and private labelers notice and then to analyze information the Commission proposes to release to the public.

DATE: Comments should be submitted by January 4, 1983.

ADDRESSES: Written comments should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be reviewed during working hours either at 1111 18th Street NW., Washington, D.C. 20207, Eighth Floor, or at 5401 Westbard Avenue, Bethesda, Md. 20207, Room 332.

FOR FURTHER INFORMATION CONTACT: Alan H. Schoem or Mana L. Jennings, Office of the General Counsel, Consumer Product Safety Commission, Washingon, D.C. 20207, telephone (301) 492–6980.

SUPPLEMENTARY INFORMATION: These proposed rules would establish the policy and procedure of the Consumer Product Safety Commission (Commission or CPSC) when it proposes to release product-specific information subject to section 6(b) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2055(b). They also would establish the policy and procedure of the Commission for retracting any information it has disclosed as provided in section 6(b)(7) of the CPSA, 15 U.S.C. 2055(b)(7).

I. General Policy Under Section 6(b)

In enacting the CPSA, Congress gave the Commission broad powers to gather, analyze and disseminate information related to consumer product safety. Section 6(b) of the CPSA establishes limitations on the Commission's authority to disclose certain product specific information in its possession. Section 6(b) provides safeguards to afford manufacturers or private labelers of consumer products the opportunity to give the Commission explanatory data and information before the Commission discloses information from which the public could readily ascertain their identity. Section 6(b) also requires that the Commission take reasonable steps to assure that certain product-specific information to be disclosed is accurate, and that such disclosure is fair in the circumstances and reasonably related to effectuating the purposes of the statutes the Commission administers. An additional safeguard requires the Commission to retract inaccurate or misleading information it may have disclosed, both product-specific and non product-specific.

In the first instance the Commission attempts to provide information that does not identify a manufacturer or private labeler. Thus, for example, the Commission releases product complains or technical reports and studies with all identifying information deleted.

The Commission has considered several previous draft rules (*e.g.*, proposed drafts submitted by its staff in September and November, 1980, February 1981, and February and April 1982). The Commission's policy under, and interpretation of, section 6(b) has evolved over time and was discussed extensively at Commission meetings held on, *e.g.*, September 25, 1980; June 11, 1981; February 11, March 4, September 9, and September 28, 1982 From these previous drafts and discussions the present draft rules evolved.

In issuing this proposal, the Commission has tried to balance its obligation to inform the public as fully and expeditiously as possible with its obligation to provide safeguards to manufacturers and private labelers when the Commission discloses product-specific information. The Commission intends to make as much information as possible available to the public, consistent with the law and public policy.

II. Reasonable Steps to Assure Accuracy

Section 6(b)(1) requires that before the Commission releases product-specific information it must take reasonable steps to assure the accuracy of the information. This is probably the most controversial and difficult provision of section 6(b). Due to the varied types of materials which the Commission may disclose, the Commission must analyze each release of information on its own merits to determine whether reasonable steps have been taken to assure accuracy. The proposed rules at § 1101.32, however, delineate measures which the Commission believes are reasonable steps.

Section 6(b) does not require the Commission to guarantee the accuracy of information. Rather, the Commission is charged to take "reasonable steps" to assure that the information is accurate. Congress chose the term "reasonable" to permit the Commission to strike a balance between the public's right to disclosure and the statutory protections afforded manufacturers and private labelers in arriving at those steps it would take to assure accuracy. Thus, the Commission has considered a number of factors in proposing the reasonable steps to assure accuracy set out in § 1101.32. Among these factors are the Commission's limited financial and personnel resources; the balance between the public's right to information and manufacturers' rights to safeguards contemplated by section 6(b); the types of information that the Commission possesses, their purposes, and their sources; and the volume of requests (particularly under the Freedom of Information Act) the Commission receives for information of all types.

In many instances, the activities of the Commission staff provide the requisite reasonable step to assure accuracy. For example, a substantial portion of the Commission's field staff time is devoted to performing in-depth investigations of accidents or incidents involving consumer products; inspections of manufacturers, distributors and retailers; and similar types of activities. The Commission believes that an investigation of a particular matter by trained Commission staff is in itself the reasonable step required by section 6(b)(1) to assure accuracy if the information is subsequently disclosed to the public.

Similarly, the technical staff of the Commission often collects and analyzes various types of engineering, toxicological, and epidemiological data in the course of their duties. In other cases, the staff acquires information developed as the result of investigations by state or local authorities or other outside parties with expertise in specific fields, such as fire officials, employees of public utilities, and coroners. The

Commission staff also samples and tests a variety of consumer products and often contracts to have studies and/or testing performed by independent laboratories. The Commission believes that the types of activites described above in themselves are reasonable steps under section 6(b)(1) to assure that the resulting information is accurate.

Accordingly, in those cases where the information to be released is a result of this type of activity, whether the activity is conducted by the Commission or by a qualified non-Commission source, the Commission will, as a matter of course, review the information and release it without further investigation unless (1) on its face there is an indication that the information is inaccurate or (2) a manufacturer or private labeler submits specific comments pursuant to section 6(b) that call into question the accuracy of the information.

The Commission also routinely acquires information that is not verified by a specific investigation or analysis. For the most part, this information consists of written and telephoned complaints about specific consumer products (product complaints). The Commission's experience is that consumers generally accurately report their experiences with products. The Commission recognizes, however, that the existence of a complaint is not always an assurance of the accuracy of the information contained in the complaint.

As the Commission discussed at several of its meetings, it is not in a position to devote substantial financial or personnel resources to conducting an in-depth investigation of each product complaint or other information to assure its accuracy in order to disclose it publicly. (In FY 1982 the average cost for a telephone in-depth investigation was $52.00 and $365.00 for an on-site investigation. In FY 1983 these costs will increase to $75.00 and $400.00 respectively.) Neither can the Commission test, analyze, or evaluate every consumer product about which the Commission receives information.

Every dollar or staff-hour devoted to verifying a product complaint or other information through an in-depth investigation or through testing, analyzing, or evaluating a product simply to permit public disclosure of the underlying information would be a dollar or staff-hour diverted from the projects contained in the Commission's Operating Plan and its Priority Projects. These projects are the vehicle by which the Commission takes regulatory action to protect broad segments of the public from product hazards.

For the Commission to divert resources from its priority and other projects to conduct an in-depth investigation or to test, analyze, or evaluate a product simply to permit public disclosure of the underlying information is, in our view, beyond congressional intent; is tantamount to guaranteeing the accuracy of the product complaint (a burden Congress did not impose); and is a needless expenditure of limited Commission resources especially when viewed in the context of the volume of requests the Commission receives for information from which a manufacturer or private labeler can be identified.

Between January 1980 and July 1982, the Commission received approximately 10,600 FOIA requests that required search, compilation, and review by the Freedom of Information staff.

Product complaints, for example, are responsive to approximately 41% of all FOIA requests received by the Commission. The "typical" FOIA request has numerous product complaints that are responsive to the request. If the Commisssion were required to conduct an investigation of each product complaint before release, the Commission would have to conduct many thousands of investigations just to address product complaints responsive to FOIA requests. For FY 82 the Commission had the resources to conduct 5,700 in-depth investigations and for FY 83 it has the resources to conduct only 5,400 in-depth investigations for all Commission projects. Obviously, in view of the limited financial and personnel resources of the Commission, the Commission cannot undertake an investigation of each product complaint simply for the purpose of disclosing the complaint. Such a burden would be unreasonable.

The Commission recognizes that, at the other end of the spectrum, simply releasing product complaints without restriction might well compromise the safeguards contemplated by Section 6(b) with regard to product complaints. The Commission believes that the procedures discussed below strike a reasonable balance between the obligation to disclose information and the safeguards afforded to manufacturers and private labelers by section 6(b). Accordingly, the Commission believes the procedures below are a reasonable step to assure the accuracy of the information contained in product complaints.

Upon receipt of a product complaint from which a manufacturer or private labeler is readily ascertainable, the Commission proposes to return a copy of the complaint (or a transcription of an oral complaint) to the complainant. The complainant will be requested to review the information contained in the complaint, to make any alterations or additions necessary to make the information accurate, and to return the complaint to the Commission with a statement confirming that the information in the complaint is accurate to the best of his or her knowledge and belief. (A copy of the letters the Commission proposes to send to complainants is attached as Appendix A below.) The Commission proposes that seeking and obtaining the consumer confirmation is a reasonable step to assure accuracy and will permit the Commission to release the information after obtaining section 6(b)(1) comment from the manufacturer or private labeler. Of course disclosure could be affected by the comments received from the complainant, manufacturer, or private labeler. Further, the Commission will not release a confirmed complaint if the complaint on its face does not show that the information was based on the complainant's own observation or experience if the information is not otherwise corroborated.

In situations where requested documents consist of a product complaint and a product confirmation and the manufacturer or private labeler offers specific comment that substantially calls into question the accuracy of the complaint, the Commission would not disclose the confirmed complaint unless it had taken one of the other reasonable steps set forth in the rule and disclosure is supported by the information obtained by having taken that other reasonable step.

The Commission proposes to disclose product complaints not confirmed by the complainant only if (1) the manufacturer or private labeler identified in the product complaint does not object to disclosure or (2) the Commission or some other qualified party has conducted an investigation or inspection, or the Commission has a technical, scientific or other evaluation of the product that is the subject of the complaint(s), the investigation or evaluation corroborates the substance of the information in the complaint(s), and the report of the investigation or evaluation accompanies the complaint(s) upon disclosure.

The Commission will not routinely attempt to obtain consumer confirmation of product complaints predating the effective date of this rule. To do so is extremely burdensome in view of the Commission's limited resources. Instead, the Commission will disclose product complaint predating the effective date of this rule only if (1) the Commission or some other qualified person has conducted an investigation or inspection or the Commission has a technical, scientific or other evaluation of the product that is the subject of the complaint(s), the investigation or evaluation corroborates the substance of the information in the complaint(s), and the report of the investigation or evaluation accompanies the complaint(s) upon release *or* (2) the manufacturer or private labeler identified in the complaint does not object to disclosure.

In addition to taking reasonable steps to assure accuracy, section 6(b)(1) charges the Commission to take reasonable steps to assure that disclosure of the information is fair in the circumstances and reasonably related to effectuating the purposes of the statutes the Commission administers. In proposed sections 1101.33 and 1101.34 the Commission sets out the reasonable steps it proposes to take in these areas (see discussion below at IV).

III. Manufacturers and Private Labelers Opportunity To Comment

A number of manufacturers when asked to comment on information to be disclosed under section 6(b) have indicated that they are unaware of any incidents and/or have insufficient time to investigate. The Commission believes that section 6(b) contemplates that manufacturers and private labelers submit as detailed and specific comments as possible when challenging the accuracy of a proposed information disclosure. To assist manufacturers and private labelers, the Commission intends to routinely transmit to manufacturers and private labelers any information which pertains to a risk of injury associated with any consumer product they manufacture or private label that is received by he Commission. Thus, as they are obtained by the Commission, in-depth investigations and product complaints will be sent to those manufacturers and private labelers who can be identified from that information.

Providing this information to manufacturers and private labelers is an inplementation of section 5, the legislative history of which requires the Commission to provide to manufacturers, insofar as it is practical, any information which indicates that a product may be hazardous. The manufacturer or private labeler may, if it wishes, provide section 6(b) comments to the Commission at the time it receives the information discussed above. Should the Commission subsequently receive an information request covering the information transmitted to the manufacturer or private labeler, it will formally afford the manufacturer or private labeler the opportunity to submit comments under section 6(b)(1).

In the great majority of instances, we expect the manufacturer or private labeler, when asked formally to comment under section 6(b), to be able to provide specific comments on the accuracy of the information the Commission proposes to release to the public because it will have previously received the information through the notification process discussed above. This notification process will allow the manufacturer or private labeler the opportunity to perform its own investigation or analysis. The comments submitted by manufacturers and/or private labelers will, of course, be considered by the Commission in determining whether release of the information is appropriate. The notification process also should assist manufacturers or private labelers in determining whether they have any reporting obligation under section 15(b) of the CPSA.

IV. Reasonable Steps To Assure Disclosure Is Fair in the Circumstances

Section 6(b) requires that the Commission take reasonable steps to assure the disclosure of product-specific information is fair in the circumstances. The Commission has formulated the following procedures to ensure that information disclosures are fair in the circumstances.

Section 6(b) states that the Commission may, and upon the request of a manufacturer or private labeler shall, include with its disclosure any comments or other information (or summary thereof) submitted by the firm. To ensure that the public is aware of a firm's views of the disclosed information, the Commission intends to include the firm's comments with the disclosure unless the firm specifically request the Commission not to release its comments or a designated portion of the comments.

The Commission realizes that in some cases a manufacturer or private labeler may not want its comments or a portion thereof released to the public because the comments contain confidential, trade secret, or sensitive information. Since the Commission wants to encourage manufacturers and private labelers to be as open and forthcoming as possible when commenting on information under section 6(b), it will at the firm's request not release a firm's comments, or will release only that portion designated by the firm when such a request is made. (Any Freedom of Information Act request for the firm's comments will be considered under the FOIA and this rule when issued in final form.)

The Commission also generally will accompany the disclosure of information with an explanatory statement that places the information in context and makes the nature of the information disclosed clear to the public. In addition, other explanatory statements may be provided, as appropriate.

Initial Regulatory Flexibility Analysis

In accordance with Section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this regulation will not have a significant economic impact upon a substantial number of small entities. Nevertheless, the Commission wishes to insure the participation of all affected parties, especially small entities, in the development of this proposed regulation.

Section 6(b) of the Consumer Product Safety Act itself may have economic impact on small business because this statute affects all business entities, regardless of size. Section 6(b) as enacted and subsequently amended demonstrates Congressional concern and intent that statutory safeguards be established and followed by the Commission in fulfilling its purpose of collecting and disseminating accurate product safety information. The proposed regulation merely enumerates the Commission's policy concerning the factors which are balanced in determining whether public disclosure of information is appropriate under section 6(b) and whether the statutory safeguards of that section have been satisfied. The proposed regulation, however, will have no economic impact on small business, either beneficial or negative beyond that which results from the statutory provision.

A certification that the proposed regulation will not have a significant impact on small businesses shall be provided to the Chief Counsel for Advocacy of the Small Business Administration.

Environmental Considerations

The rule proposed below does not fall within any of the categories of Commission activities described in 16 CFR 1021.5(b) which have the potential for producing environmental effects, and which, therefore, require environmental assessments, and, in some cases, environmental impact statements. The Commission does not believe that the proposal contains any unusual aspects which may produce effects on the human environment, nor can the Commission foresee any circumstances in which the rule proposed below may produce such effects. For this reason, neither an environmental assessment nor an environmental impact statement is required.

Conclusion

The Commission believes that the rule proposed below is a reasonable approach to applying section 6(b) of the CPSA. While the rule is interpretive the Commission recognizes that its interpretation of section 6(b) is of great significance to the public, and therefore, it is proposing the rule for public comment. The Commission solicits comment on all aspects of the proposed rule and particularly on those items highlighted in the preamble to the proposal.

List of Subjects in 16 CFR Part 1101

Consumer protection, Disclosure of information, Administrative practice and procedure, Freedom of information.

Therefore, the Commission proposes that Title 16 Chapter II of the Code of Federal Regulations be amended by adding a new Part 1101 to Subchapter B, reading as set forth below.

PART 1101—INFORMATION DISCLOSURE UNDER SECTION 6(b) OF THE CONSUMER PRODUCT SAFETY ACT

Subpart A—Background

Sec. 1101.1 General background.
1101.2 Scope.

Subpart B—Information Subject to Notice and Analysis Provisions of Section 6(b)(1)

1101.11 General application of provisions of Section 6(b)(1).
1101.12 Commission must disclose information to the public.
1101.13 Public ability to ascertain readily identity of manufacturer or private labeler.

Subpart C—Procedure for Providing Notice and Opportunity to Comment Under Section 6(b)(1)

1101.21 Form of notice and opportunity to comment.
1101.22 Timing; request for time extensions.
1101.23 Providing less than 30 days notice before disclosing information.
1101.24 Scope of comments Commission seeks.
1101.25 Notice of intent to disclose.
1101.26 Circumstances when the Commission does not provide notice and opportuntiy to comment.

Subpart D—Reasonable Steps Commission Will Take To Assure Information It Discloses Is Accurate, and That Disclosure Is Fair in the Circumstances and Reasonably Related to Effectuating the Purposes of the Acts It Administers

Sec.
1101.31 General requirements.
1101.32 Reasonable steps to assure information is accurate.
1101.33 Reasonable steps to assure information release is fair in the circumstances.
1101.34 Reasonable steps to assure information release is "reasonably related to effectuating the purposes of the Act" the Commission administers.

Subpart E—Statutory Exceptions of Section 6(b)(4)

1101.41 Generally.
1101.42 Imminent hazard exception.
1101.43 Prohibited acts exception.
1101.44 Rulemaking proceeding exception.
1101.45 Adjudicatory proceeding exception.
1101.46 Other administrative of judicial proceeding exception.

Subpart F—Retraction

1101.51 Commission interpretation.
1101.52 Procedure for retraction.

Subpart G—Information Submitted Pursuant to Section 15(b) of the CPSA

1101.61 Generally.
1101.62 Statutory exceptions to Section 6(b)(5) requirements.
1101.63 Information submitted pursuant to Section 15(b) of the CPSA.

Subpart H—Delegation of Authority to Information Group

1101.71 Delegation of authority.

Authority: Sec. 6(b) of Pub. L. 92–573, 86 Stat. 1212, as amended by Pub. L. No. 97–35, 95 Stat. 703–25, 15 U.S.C. 2055(b); 5 U.S.C. 553.

Subpart A—Background

§ 1101.1 General background.

(a) *Basic purpose.* These rules set forth the Consumer Product Safety Commission's policy and procedure under sections 6(b)(1)–(5) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2055(b)(1)–(5)) which relate to public disclosure of product specific information. In addition, these rules provide for retraction of inaccurate or misleading information the Commission has disclosed that reflects adversely on the safety of a consumer product or class of products or the practices of any manufacturer, private labeler, distributor or retailer of consumer products as required by section 6(b)(7) of the CPSA (15 U.S.C. 2055(b)(7)).

(b) *Statutory requirements.* Section 6(b) establishes procedures that the Commission must follow when it releases certain product-specific information to the public and when it retracts certain information it has released.

(1) Generally, section 6(b)(1) requires the Commission to provide manufacturers or private labelers with advance notice and opportunity to comment on information the Commission proposes to release, if the public can readily ascertain the identity of the firm from the information. Section 6(b)(1) also requires the Commission to take reasonable steps to assure that the information is accurate and that disclosure is fair in the circumstances and reasonably related to effectuating the purposes of the Acts administered by the Commission. Disclosure of information may be not less than 30 days after notice to the manufacturer or private labeler unless the Commission finds the public health and safety requires a lesser period of notice. Exceptions to these requirements are established in section 6(b)(4), and additional limitations on the disclosure of information reported to the Commission under section 15(b) of the CPSA are established in section 6(b)(5).

(2) Section 6(b)(2) requires the Commission to provide further notice to manufacturers or private labelers where the Commission proposes to disclose product-specific information the firms have claimed to be inaccurate.

(3) Section 6(b)(3) authorizes manufacturers and private labelers to bring lawsuits against the Commission to prevent disclosure of product-specific information after the firms have received the notice specified.

(c) *Internal Clearance Procedures.* Section 6(b)(6) requires the Commission to establish internal clearance procedures for Commission initiated disclosures of information that reflect on the safety of a consumer product or class of products, even if the information is not product specific. This rule does not address section 6(b)(6) because the Commission has internal clearance procedures in its directives system. (Directive 1450.2 "Clearance Procedures for Commission Staff to Use in Providing Information to the Public." See also Memorandum from Chairman Nancy Harvey Steorts to All employees dated November 27, 1981.

§ 1101.2 Scope.

Section 6(b) and these rules apply to information concerning products subject to the CPSA, 15 U.S.C. 2051–2085 and to the four other acts the Commission administers (transferred acts). These transferred acts are the Flammable Fabrics Act, 15 U.S.C. 1191–1204 (FFA); the Poison Prevention Packaging Act of 1970, 15 U.S.C. 1471–1476 (PPPA); the Federal Hazardous Substances Act, 15 U.S.C. 1261–1276 (FHSA); and the

Refrigerator Safety Act, 15 U.S.C. 1211–1214 (RSA). *See* section 6(d)(1) of the CPSA, 15 U.S.C. 2055(d)(1).

Subpart B—Information Subject to Notice and Analysis Provisions of Section 6(b)(1)

§ 1101.11 General application of provisions of Section 6(b)(1).

(a) *Information Subject to Section 6(b)(1).* To be subject to the notice an analysis provisions of section 6(b)(1), information must meet all the following criteria:

(1) The information must pertain to a product subject to the jurisdiction of the Commission under one or more of the statutes it administers and the product must be mentioned.

(2) The information must be obtained by the Commission as an entity or by individual members, employees, agents or representatives of the Commission acting in their official capacities.

(3) The Commission or its members, employees, agents or representatives must propose to disclose the information to the public (*see* § 1101.12).

(4) The information must be disclosed in such a way that the public can ascertain readily the identity of the manufacturer or private labeler of the product (*see* § 1101.13).

(b) *Information Not Subject to Section 6(b)(1).* The requirements of section 6(b)(1) do not apply to

(1) Information described in the exclusions contained in section 6(b)(4) of the CPSA (*see* Subpart E of these rules).

(2) Information the Commission is required by law to make publicly available. This information includes, for example, Commission notifications to foreign governments regarding certain products to be exported, as required by section 18(b) of the CPSA, 15 U.S.C. 2068(b); section 14(d) of the FHSA, 15 U.S.C. 1273(d); and section 15(c) of the FFA, 15 U.S.C. 1202(c). (See the Commission's Export Policy Statement, 16 CFR Part 1017.)

(3) Press releases issued by firms.

(4) Information filed or presented in public proceedings, such as hearings, administrative proceedings or litigation.

§ 1101.12 Commission must disclose information to the public.

Public. For the purposes of section 6(b)(1), the public includes any person except:

(a) Members, employees, agents, representatives and contractors of the Commission, in their official capacity.

(b) State officials who are commissioned officers under section29(a)(2) of the CPSA, 15 U.S.C. 2078(a)(2).

(c) Members of a Commission Chronic Hazard Advisory Panel established under section 28 of the CPSA; 15 U.S.C. 2077.

(d) The persons or firms to whom the information to be disclosed pertains, or their legal representatives.

(e) The persons or firms who provided the information to the Commission, or their legal representatives.

(f) Other Federal agencies or state of local governments to whom accident and investigation reports are provided pursuant to section 29(e) of the CPSA, 15 U.S.C. 2078(e). However, as required by that section, employees of Federal agencies or state or local governments may not release to the public copies of any accident or investigation report made under the CPSA by any officer, employee or agent of the Commission unless CPSC has complied with the applicable requirements of section 6(b).

(g) The Chairman or ranking minority member of a committee or subcommittee of Congress acting pursuant to committee business and having jurisdiction over the matter which is the subject of the information requested.

§ 1101.13 Public ability to ascertain readily identity of manufacturer or private labeler.

(a) The advance notice and analysis provisions of section 6(b)(1) apply only when the public can readily ascertain the identity of the manufacturer or private labeler of a particular product. This requirement does not apply when only a few members of the trade could readily identify the manufacturer or private labeler. It also does not apply when a member of the public would need to do research in order to learn the identity of the manufacturer or private labeler. The Commission will provide the advance notice and opportunity to comment if there is a close question whether the public could readily ascertain the identity of amanufacturer or private labeler.

Subpart C—Procedure for Providing Notice and Opportunity To Comment Under Section 6(b)(1)

§ 1101.21 Form of notice and opportunity to comment.

(a) *Notice may be oral or written.* The Commission will generally provide to manufacturers or private labelers written notice and opportunity to comment on information subject to section 6(b)(1). However, when the Commission believes time is of the essence, the notice and opportunity to comment may be made orally, either in person or by telephone.

(b) *Content of notice.* The Commission will provide the manufacturer or private labeler with:

(1) Either a summary of the information to be disclosed or the actual text of the information.

(2) A general description of the manner in which the Commission will disclose the information, including any other relevant information the Commission intends to include with the disclosure. If the Commission advises that the form of disclosure will be by press release, for example, the Commission need not provide further notice to disclose a summary of the press release.

(3) A request for comment with respect to the information, including a request for explanatory data or other relevant information for the Commission's consideration.

(4) A statement that the Commission will release to the public the firm's comments (or a summary thereof) unless the firm requests that its comments, or portions thereof, not be released.

(5) Notice that the firm may request confidential treatment for the information, in accordance with section 6(a)(3) of the Consumer Product Safety Act, 15 U.S.C. 2055(a)(3) (*see* § 1101.24(b)).

(6) The name, address, and telephone number of the person to whom comments should be sent and the time when any comments are due (*see* § 1101.22).

§ 1101.22 Timing; request for time extensions.

(a) *Time for comment.* (1) Generally firms must provide the Commission with comments within fifteen (15) calendar days from the date of the letter in which the Commission transmits the notice, so that the Commission can analyze the comments within the 30 day statutory time limit.

(2) The Commission may provide for a different amount of time for comment in unusual circumstances. In addition, the Commission may find that the public health and safety requires a lesser period of notice and may require a response in a shorter period of time (*see* § 1101.24).

(b) *No response submitted.* (1) If the Commission has not received a response within the time specified and if it has received no request for extension of time, the Commission will presume the manufacturer or private labeler has no comments and will proceed to analyze the information as provided in Subpart D. If no comments are submitted the Commission will assume that the firm does not dispute the accuracy of the information and therefore will not give the further notice provided in section 6(b)(2).

(2) Unless the Commission finds that the public health and safety requires a lesser period of notice (*see* § 1101.23), the Commission will not disclose the information less than 30 days after providing a manufacturer or private labeler notice and opportunity to comment.

(c) *Requests for time extension.* (1) Requests for extension of time to comment on information to be disclosed must be made to the person who provided the Commission's notice and opportunity to comment. The request for time extension may be either oral or written. An oral request for a time extension must be promptly confirmed in writing.

(2) Requests for extension of time must explain with specificity why the extension is needed and how much additional time is required.

(3) The Commission will promptly respond to requests for extension of time.

§ 1101.23 Providing less than 30 days notice before disclosing information.

There are two circumstances in which the Commission may disclose to the public information subject to section 6(b)(1) in a time less than 30 days after providing notice to the manufacturer or private labeler.

(a) *Firm agrees to lesser period or does not object to disclosure.* The Commission may disclose to the public information subject to section 6(b)(1) before the 30 day period expires when, after receiving the Commission's notice and opportunity to comment, the firm involved agrees to the earlier disclosure; notifies the Commission that it has no comment; or notifies the Commission that it does not object to disclosure.

(b) *Commission finding a lesser period is required.* Section 6(b)(1) provides that the Commission may find that the public health and safety requires a lesser period of notice than the 30 days advance notice that section 6(b)(1) generally requires. The Commission may determine that the public health and safety requires less than 30 days advance notice, for example, to warn the public quickly because individuals may be in danger from a product hazard or a potential hazard; to correct inaccurrate or misleading product safety information released by third persons; or to provide information to a person who will use it for a safety-related purpose within a time limit.

(c) *Notice of finding.* The Commission will inform the firm involved of its finding that the public health and safety requires less than 30 days advance notice either orally or in writing, depending on the immediacy of the need for quick action; and the Commission will publish the finding in the **Federal Register**. Disclosure may be made concurrently with the filing of the **Federal Register** notice and need not await its publication. However, where applicable, before releasing information, the Commission will comply with the requirements of section 6(b)(2), which requires further notice before disclosing information claimed by a manufacturer or private labeler to be inaccurate (*see* § 1101.25).

§ 1101.24 Scope of comments Commission seeks.

(a) *Comment in regard to the information.* Manufacturers and private labelers in commenting on information to be disclosed must provide information that will assist the Commission in its evaluation of the information. The submission, therefore, must be specific and should be accompanied by documentation, where available. Comments of a general nature, such as general suggestions or allegations that a document is inaccurate or that the Commission has not taken reasonable steps to assure accuracy, are not sufficient to assist the Commission in its evaluation of the information or to justify a claim of inaccuracy.

(b) *Claims of Confidentiality.* If the manufacturer or private labeler believes the information involved cannot be disclosed because of section 6(b)(2) of the Consumer Product Safety Act, 15 U.S.C. 2055(a)(2), which pertains to trade secret or other confidential material, the firm may make claims of confidentiality at the time it submits its comments to the Commission under this section. Such claims must identify the specific information which the firm believes to be confidential or trade secret material and must state with specificity the grounds on which the firm bases it claims. (*See* Commission's Freedom of Information Act regulation, 16 CFR Part 1015, particularly 16 CFR 1015.18.)

§ 1101.25 Notice of intent to disclose.

(a) *Notice to manufacturer or private labeler.* In accordance with section 6(b)(2) of the CPSA, if the Commission, after following the notice provisions of section 6(b)(1), determines that information claimed to be inaccurate by a manufacturer or private labeler in comments submitted under section 6(b)(1) should be disclosed because the Commission believes it has complied with section 6(b)(1), the Commission shall notify the manufacturer or private labeler that it intends to disclose the information not less than 10 working days after the date of the receipt of notification.

(b) *Commission finding a lesser period is required.* The Commission may determine that the public health and safety requires less than 10 working days advance notice of its intent to disclose information claimed to be inaccurate. For example, the Commission may determine it is necessary to warn the public quickly because individuals may be in danger from a product hazard or a potential hazard; to correct inaccurate or misleading product safety information released by third persons; or to provide information to a person who will use it for a safety-related purpose within a time limit.

(c) *Notice of finding.* The Commission will inform the firm involved of its finding that the public health and safety requires less than 10 days advance notice either orally or in writing, depending on the immediacy of the need for quick action; and the Commission will publish the finding in the **Federal Register**. Disclosure may be concurrently with the filing of the **Federal Register** notice and need not await its publication. The **Federal Register** notice prepared under section 6(b)(2) may be submitted simultaneously with or after a **Federal Register** notice prepared under section 6(b)(1) (*see* § 1101.23(c)).

§ 1101.26 Circumstances when the Commission does not provide notice and opportunity to comment.

(a) *Notice to the extent practicable.* Section 6(b)(1) requires that "to the extent practicable" the Commission must provide manufacturers and private labelers notice and opportunity to comment before disclosing information from which the public can ascertain readiy their identity.

(b) *Circumstances when notice and opportunity to comment is not practicable.* The Commission has determined that there are various circumstances when notice and opportunity to comment is *not* practicable. Examples include the following:

(1) When the Commission has taken reasonable steps to assure that the company to which the information pertains is out of business and has no identifiable successor.

(2) When the information is inadvertently disclosed during an oral discussion at Commission meetings or meetings with outside parties, where the substance of the discussion cannot be predicted before the discussion.

(3) When the information is disclosed in testimony during litigation or in depositions.

(4) When the information is disclosed in response to a subpoena.

Subpart D—Reasonable Steps Commission Will Take To Assure Information It Discloses Is Accurate, and That Disclosure Is Fair in the Circumstances and Reasonably Related to Effectuating the Purposes of the Acts It Administers

§ 1101.31 General requirements.

(a) *Timing of decisions.* The Commission will attempt to make its decision on disclosure before the statutory 30-day period expires so that it may take action immediately upon expiration of the thirty days.

(b) *Inclusion of comments.* In disclosing any information under this section, the Commission will include with the disclosure any comments or other information submitted by the manufacturer or private labeler unless the manufacturer or private labeler requests the Commission not to include the comments or to include only a designated portion of the comments.

(c) *Explanatory statements.* Where appropriate, the Commission will accompany the disclosure of information subject to this subpart with an explanatory statement that makes the nature of the information disclosed clear to the public. To the extent practicable, the Commission will also accompany the disclosure with any other relevant information in its possession that places the released information in context.

(d) *Information previously disclosed.* If the Commission has previously disclosed, in accordance with section 6(b)(1), the identical information it intends to disclose again, it will not customarily take any additional steps to assure accuracy unless the Commission has some reason to question its accuracy. Before disclosing the information the Commission will again review the information to see if accuracy is called into question and will further look to whether disclosure is fair in the circumstances and reasonably related to effectuating the purposes of the Acts the Commission administers.

§ 1101.32 Reasonable steps to assure information is accurate.

(a) The Commission considers that the following types of actions are reasonable steps to assure the accuracy of information it proposes to release to the public:

(1) The Commission staff or a qualified person or entity outside the Commission (*e.g.*, someone with requisite training or experience, such as a fire marshal, a fire investigator, an electrical engineer, or an attending physician) conducts an investigation or an inspection which yields or corroborates the product information to be disclosed; or

(2) The Commission staff conducts a technical, scientific, or other evaluation which yields or corroborates the product information to be disclosed or the staff obtains a copy of such an evaluation conducted by a qualified person or entity; or

(3) The Commission staff provides the information to be disclosed to the person who submitted it to the Commission for review and, if necessary, correction, and the submitter confirms the information as accurate to the best of the submitter's knowledge and belief, provided that:

(i) The confirmation is made by the person injured or nearly injured in an incident involving the product; or

(ii) The confirmation is made by a person who, on the basis of his or her own observation or experience, identifies an alleged safety-related defect in or problem with such a product even though no incident or injury associated with the defect or problem may have occurred; or

(iii) The confirmation is made by an eyewitness to an injury or safety-related incident involving such a product; or

(iv) The confirmation is made by an individual with requisite training or experience who has investigated and/or determined the cause of deaths, injuries or safety-related incidents involving such a product. Such persons would include, for example, a fire marshal, a fire investigator, an electrical engineer, an ambulance attendant, or an attending physician; or

(v) The confirmation is made by a parent or guardian of a child involved in an incident involving such a product, or by a person to whom a child is entrusted on a temporary basis.

(b) The steps set forth below are the steps the Commission will take to analyze the accuracy of information which it proposes to release to the public.

(1) The Commission will review each proposed disclosure to assure that reasonable steps have been taken to assure accuracy in accordance with § 1101.32(a).

(2) As described in Subpart C, the Commission will provide a manufacturer or private labeler with a summary or text of the information the Commission proposes to disclose and will invite comment with respect to that information.

(3) If no comments are submitted to the Commission, the Commission will review the information in accordance with § 1101.32(a) and release it, generally without further investigating its accuracy if there is nothing on the face of the information that calls its accuracy into question.

(4) If a firm comments on the accuracy of the information the Commission proposes to disclose, the Commission will review the information in light of the comments. Further steps may be taken, as appropriate, including asking the source of the information to address the firm's comments.

§ 1101.33 Reasonable steps to assure that disclosure is fair in the circumstances.

(a) The steps set forth below are the steps the Commission has determined are reasonable to take to assure disclosure of information to the public is fair in the circumstances:

(1) The Commission will accompany information disclosed to the public with the manufacturer's or private labeler's comments unless the manufacturer or private labeler asks that its comments or a designated portion thereof not accompany the information.

(2) The Commission generally will accompany the disclosure of information with an explanatory statement that makes the nature of the information disclosed clear to the public. When practicable, the Commission will disclose any other relevant information in its possession that will assure disclosure is fair in the circumstances.

(3) The Commission will limit the form of disclosure to that which it considers appropriate in the circumstances. For example, the Commission may determine it is not appropriate to issue a nationwide press release in a particular situation and rather will issue a press release directed at certain localities, regions, or user populations.

(4) The Commission may delay disclosure of information in some circumstances. For example, the Commission may elect to postpone an information release until an investigation, analysis or test of a product is complete, rather than releasing information piecemeal.

§ 1101.34 Reasonable steps to assure information release is "Reasonably Related to Effectuating the Purposes of the Acts" the Commission administers.

(a) The steps set forth below are the steps the Commission has determined are reasonable to take to assure that the disclosure of information to the public effectuates the purposes of the Acts it administers.

(1) *Purposes of the CPSA.* The Commission will look to the specific purposes of the CPSA, as set forth in sections 2(b) and 5, 15 U.S.C. 2051(b) and 2054, and to the general principles embodied throughout the Act and its legislative history that the public has the right to know about the activities of the Commission.

(2) *Purposes of the FHSA, FFA, PPPA and RSA.* The Commission will also look to the general purposes embodied in the transferred acts it administers and to the Commission's specific functions under those acts.

(3) *Purposes of the FOIA.* Freedom of Information Act requests will also be reviewed in accordance with the purposes of the FOIA. The FOIA establishes a general right of the public to have access to information in the Commission's possession, particularly information that reveals whether the Commission is meeting its statutory responsibilities or information upon which the Commission bases a decision that affects the public health and safety.

(b) In reviewing proposed information disclosures, the Commission will consider disclosing the material on the basis of whether release of the information, when taken as a whole, would effectuate one or more of the purposes of the acts the Commission administers.

Subpart E—Statutory Exceptions of Section 6(b)(4)

§ 1101.41 Generally.

(a) *Scope.* This Subpart describes and interprets the exceptions to the requirements of sections 6 (b)(1)–(b)(3) that are set forth in section 6(b)(4). These exceptions apply in situations where the Commission (1) files an imminent hazard action in federal court, (2) has reason to believe a product violates the prohibited act section of the CPSA, (3) has begun a rulemaking or adjudicatory proceeding, or (4) has begun or is involved in any administrative or judicial proceeding.

(b) *Application to transferred acts.* The Commission will apply the exceptions contained in section 6(b)(4) to those provisions in the transferred acts, comparable to the specific provisions in the CPSA to which section 6(b)(4) applies.

§ 1101.42 Imminent hazard exception.

(a) *Statutory provision.* Section 6(b)(4)(A) provides that the requirements of section 6(b)(1) do not apply to public disclosure of "information about any consumer product with respect to which product the Commission has filed an action under section 12 (relating to imminently hazardous products)."

(b) *Scope of exception.* This exception applies once the Commission has filed an action under section 12 of the CPSA, 15 U.S.C. 2061, in a United States district court. Once the exception applies, information may be disclosed to the public without following the requirements of section 6(b)(1) if the information concerns or relates to the product alleged to be imminently hazardous.

§ 1101.43 Prohibited acts exception.

(a) *Statutory provision.* Section 6(b)(4)(A) provides that the requirements of section 6(b)(1) do not apply to public disclosure of information about any consumer product which the Commission has reason to believe is in violation of a "prohibited act" under any of the statutes administered by the Commission.

(b) *Scope of exception.* This exception applies once the Commission has "reason to believe" there has occurred a violation of sections 19(a) (1), (2), (5) or (10) of the CPSA which pertains to a consumer product. This exception also applies once the Commission has "reason to believe" there has occurred a "prohibited act" pertaining to a product regulated under the transferred acts. Once the exception applies, the Commission may disclose information to the public without following the requirements of section 6(b)(1) if the information concerns the product alleged to be in violation of a "prohibited act" section.

§ 1101.44 Rulemaking proceeding exception.

(a) *Statutory provision.* Section 6(b)(4)(B) provides that the requirements of section 6(b)(1) do not apply to public disclosure of information "in the course of or concerning a rulemaking proceeding (which shall commence upon the publication of an advance notice of proposed rulemaking or a notice of proposed rulemaking) . . . under this Act."

(b) *Scope of exception.* This exception applies upon publication in the **Federal Register** of an advance notice of proposed rulemaking or, if no advance notice of proposed rulemaking is issued, upon publication in **Federal Register** of a notice of proposed rulemaking, under any of the acts the Commission administers. Once the exception applies, the Commission may publicly disclose information in the course of the rulemaking proceeding and concerning the proceeding without following the requirements of section 6(b)(1). A rulemaking proceeding includes a proceeding either to issue, to amend, or to revoke a rule.

(c) The phrase "in the course of" refers to information disclosed as part of the proceeding and may, therefore, include information generated before the proceeding began and later presented as part of the proceeding. A rulemaking proceeding ends once the Commission has published the final rule or a notice of termination of the rulemaking in the **Federal Register.**

(d) The phrase "concerning" refers to information about the proceeding itself both after the proceeding has begun and indefinitely thereafter. Therefore, the Commission may publicly disclose information that describes the substance, process and outcome of the proceeding. By issuing opinions and public statements, the Commissioners, who act as decisionmakers, may also publicly explain their individual votes and any decision rendered.

§ 1101.45 Adjudicatory proceeding exception.

(a) *Statutory provision.* Section 6(b)(4)(B) provides that the requirements of section 6(b)(1) do not apply to public disclosure of "information in the course of or concerning * * * [an] adjudicatory proceeding * * * under this Act."

(b) *Scope of exception.* This exception applies once the Commission begins an administrative adjudication under the CPSA. The Commission will also apply the exception to any administrative adjudicatory proceeding under FHSA, FFA, or PPPA. An adjudicatory proceeding begins with the filing of a complaint under section 15(c) or (d), 17(a)(1) or (3), or 20 of the CPSA (15 U.S.C. 2064(c) or (d), 2066(a)(1) or (3), or 2069); section 15 of the FHSA (15 U.S.C. 1274); section 5(b) of the FFA, (15 U.S.C. 1194(b)); or section 4(c) of the PPPA (15 U.S.C. 1473(c)). An adjudicatory proceeding ends when the Commission issues a final order, 16 CFR 1025.51–1025.58.

(c) The phrase "in the course of" refers to information disclosed as part of the adjudication, whether in documents filed or in testimony given in such proceedings, and may therefore, include information generated before the adjudication began.

(d) The phrase "concerning" refers to information about the administrative adjudication itself, both once it begins and indefinitely thereafter. Therefore, the Commission may publicly disclose information that describes the substance, process and outcome of the proceeding including, for example, the effectiveness of any corrective action such as information on the number of products corrected as a result of a remedial action. By issuing opinions and public statements, the Commissioners and the presiding official, who act as decisionmakers, may publicly explain their individual votes and any decision rendered.

§ 1101.46 Other administrative or judicial proceeding exception.

(a) *Statutory provision.* Section 6(b)(4)(B) provides that the requirements of section 6(b)(1) do not apply to public disclosure of "information in the course of or concerning any * * * other administrative or judicial proceeding under this Act."

(b) *Scope of exception.* This exception applies to an administrative or judicial proceeding, other than a rulemaking or administrative adjudicatory proceeding, under the CPSA, FHSA, FFA, or PPPA. Proceedings within this exception include:

(1) A proceeding to act on a petition to start a rulemaking proceeding. This proceeding begins with the filing of a petition and ends when the petition is denied or, if granted, when the rulemaking proceeding begins.

(2) A proceeding to act on a request for exemption from a rule or regulation. This proceeding begins with the filing of a request for exemption and ends when the request is denied or, if granted, when the Commission takes the first step to implement the exemption, *e.g.*, when an amendment to the rule or regulation is proposed.

(3) A proceeding to issue a subpoena or general or special order. This proceeding begins with a staff request to the Commission to issue a subpoena or general or special order and ends once the request is granted or denied.

(4) A proceeding to act on a motion to quash or to limit a subpoena or general or special order. This proceeding begins with the filing with the Commission of a motion to quash or to limit and ends when the motion is granted or denied.

(5) Any judicial proceeding to which the Commission is a party. This proceeding begins when a complaint is filed and ends when a final decision (including appeal) is rendered with respect to the Commission.

(6) Any administrative proceeding to which the Commission is a party, such as an administrative proceeding before the Merit Systems Protection Board or the Federal Labor Relations Authority. This proceeding begins and ends in accordance with the applicable regulations or procedures of the administrative body before which the proceeding is heard.

(7) A proceeding to obtain a retraction from the Commission pursuant to Subpart F of these rules. This proceeding begins with the filing with the Secretary of the Commission of a request for retraction and ends when the request is denied or, if granted, when the information is retracted.

(c) *In the course of or concerning.* The phrase "in the course of or concerning" shall have the same meaning as set forth in either § 1101.44 (c) and (d) or § 1101.45 (c) and (d), whichever is applicable.

Subpart F—Retraction

§ 1101.51 Commission interpretation.

(a) *Statutory provision.* Section 6(b)(7) of the CPSA provides: If the Commission finds that, in the administration of this Act, it has made public disclosure of inaccurate or misleading information which reflects adversely upon the safety of any consumer product or class of consumer products, or the practices of any manufacturer, private labeler, distributor, or retailer of consumer products, it shall, in a manner equivalent to that in which such disclosure was made, take reasonable steps to publish a retraction of such inaccurate or misleading information.

(b) *Scope.* Section 6(b)(7) applies to inacurate or misleading information only if it is *adverse—i.e.*, if it reflects adversely either on the safety of a consumer product or on the practices of a manufacturer, private labeler, distributor or retailer. In addition, the Commission will apply section 6(b)(7) to information about products, and about manufacturers and private labelers of products, the Commission may regulate under any of the statutes it administers. Section 6(b)(7) applies to information already disclosed by the Commission, members of the Commission, or the Commission employees, agents or representatives in their official capacities.

§ 1101.52 Procedure for retraction.

(a) *Initiative.* The Commission may retract information under section 6(b)(7) on the initiative of the Commission, upon the request of a manufacturer, private labeler, distributor, or retailer of a consumer product, or upon the request of any other person in accordance with the procedures provided in this section.

(b) *Request for retraction.* Any manufacturer, private labeler, distributor or retailer of a consumer product or any other person may request a retraction if it believes the Commission or an individual member, employee, agent or representative of the Commission has made public disclosure of inaccurate or misleading information which reflects adversely either on the safety of a product with which the firm deals or on the practices of the firm. The request must be in writing and addressed to the Secretary, CPSC, Washington, D.C. 20207.

(c) *Content of request.* A request for retraction must do each of the following:

(1) Identify the information disclosed for which retraction is requested, the date on which the information was disclosed, the manner in which it was disclosed, who disclosed it, the type of document (*e.g.*, letter, memorandum, press release) and any other relevant information the firm has to assist the Commission in identifying the information. A photocopy of the disclosure should accompany the request.

(2) Identify what specific aspects of the information the firm believes are inaccurate or misleading and reflect adversely either on the safety of a consumer product with which the firm deals or on the firm's practices.

(3) Explain the reasons the firm believes the information is inaccurate or misleading and reflects adversely either on the safety of a consumer product with which the firm deals or on the firm's practices.

(4) State what action the firm requests the Commission to take in publishing a retraction in a manner equivalent to that in which disclosure was made.

(5) Include any additional date or information the firm believes is relevant.

(d) *Commission action on request.* The Commission will act expeditiously on any request for retraction. If the Commission finds that the Commission or any individual member, employee, agent or representative of the Commission has made public disclosure of inaccurate or misleading information that reflects adversely either on the safety of the firm's produce or the practices of the firm, the Commission will publish a retraction of information in a manner equivalent to that in which the disclosure was made.

(e) *Notification to requester.* The Commission will promptly notify the requester in writing of its decision on request for retraction. Notification shall set forth the reasons for the Commission's decision.

Subpart G—Information Submitted Pursuant to Section 15(b) of the CPSA

§ 1101.61 Generally.

(a) *Generally.* In addition to the requirements of section 6(b)(1), section 6(b)(5) of the CPSA imposes additional limitations on the disclosure of information submitted to the

Commission pursuant to section 15(b) of the CPSA, 15 U.S.C. 2064(b).

(b) *Criteria for disclosure.* Under section 6(b)(5) the Commission shall not disclose to the public information submitted pursuant to section 15(b) respecting a consumer product (including information voluntarily submitted to assist the Commission's evaluation of information required to be submitted) unless:

(1) The Commission has issued a complaint under section 15 (c) or (d) alleging that such product presents a substantial product hazard; or

(2) In lieu of proceeding against such product under section 15 (c) or (d), the Commission has accepted in writing a remedial settlement agreement dealing with such product; or

(3) The person who submitted the information under section 15(b) agrees to its public disclosure.

§ 1101.62 Statutory exceptions to Section 6(b)(5) requirements.

(a) *Scope.* The limitations established by section 6(b)(5) do not apply to the public disclosure of:

(1) Information with respect to a consumer product which is the subject of an action brought under section 12 (*see* Section 1101.42);

(2) Information about a consumer product which the Commission has reasonable cause to believe is in violation of section 19(a) (1), (2), (5), or (10) of the CPSA (*see* Section 1101.43); or

(3) Information in the course of or concerning a judicial proceeding (*see* Section 1101.45).

§ 1101.63 Information submitted pursuant to Section 15(b) of the CPSA.

(a) Section 6(b)(5) applies only to information provided to the Commission by a manufacturer, distributor, or retailer which is identified as being submitted pursuant to section 15(b)

(b) Section 6(b)(5)'s limitation also applies to the portions of staff generated documents that contain, summarize or analyze such information submitted pursuant to section 15(b).

(c) Section 6(b)(5) does not apply to information independently obtained or prepared by the Commission staff.

Subpart H—Delegation of Authority to Information Group

§ 1101.71 Delegation of authority.

(a) *Delegation.* Pursuant to section 27(b)(9) of the CPSA 15 U.S.C. 2076(b)(9), the Commission delegates to an Information Group authority to render all decisions under this Part concerning the release of information subject to section 6(b) except as provided in paragraph (b) of this section.The Information Group shall be composed of the General Counsel and the Secretary of the Commission or their designees who shall be senior staff members.

(b) *Findings not deleted.* The Commission does not delegate its authority—

(1) To find, pursuant to section 6(b)(1) and § 1101.23(b) of this Part, that the public health and safety requires less than 30 days advance notice of proposed disclosures of information.

(2) To find, pursuant to section 6(b)(2) and § 1101.25(b) of this Part, that the public health and safety requires less than ten (10) days advance notice of its intent to disclose information claimed to be inaccurate;

(3) To decide whether it should take reasonable steps to publish a retraction of information in accordance with section 6(b)(7) and § 1101.52 of this Part.

(c) *Final agency action; Commission decision.* A decision of the Information Group shall be a final agency decision and shall not be appealable to the Commission. However, the Information Group may in its discretion refer an issue to the Commission for decision.

Dated: November 2, 1982.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Appendix A—Letters to Persons Who Make Product Complaints

Note.—This Appendix will not be published in the Code of Federal Regulations (CFR).

U.S. Consumer Product Safety Commission,
Washington, D.C.

Dear ————: Thank you for telling us about a potential product safety problem. The Commission depends on concerned people to share product safety information with us. We maintain a record of this information and use it to assist us in our activities.

We often receive requests for copies of product complaint information, such as your letter. Under the law we must take reasonable steps to assure the accuracy of the information before we can give it to others. Please help us by reviewing the attached letter you sent and make sure the details you provided about the incident are accurate. Please indicate any changes or add any comments you may have on the attached page.

When you have reviewed your letter and believe it is correct with any changes you have made or any comments you have added, we ask that you sign the attached page and return everything to the Commission in the enclosed stampled envelope. If you do not want your name released to the public, please check the box on the bottom of the attached page.

If you have any questions, you should call the Commission's toll-free Hotline number at 800-638-8326; Maryland residents only should call 800-492-8363.

Sincerely,

Enclosures.

If you have any changes, additions, or comments you wish to make concerning your attached letter, please make them in the space below.

I confirm that the information in the attached letter (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

— Signature Date ————

( ) Do not release my name to the public.

U.S. Consumer Product Safety Commission,
Washington, D.C.

Dear ————: Thank you for calling us about a potential product safety problem. The Commission depends on concerned people to share product safety information with us. We maintain a record of this information and use it to assist us in our activities.

We often receive requests for copies of product complaint information. Under our law we must take reasonable steps to assure the accuracy of the information before we can give it to others. Please help us by reviewing the attached statement based on your call and make sure the details you provided about the incident are accurate. Please indicate any changes or add any comments you may have on the attached statement.

When you have reviewed the statement and believe it is correct, we ask that you sign at the bottom of the statement and return it to the Commission in the enclosed stamped envelope.

If you have any questions, please call the Commission's toll-free Hotline number at 800-638-8326; Maryland residents only should call 800-492-8363.

Sincerely,

Enclosures.

[FR Doc. 82-30530 Filed 11-4-82; 8:45 am]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 230 and 240

[Release Nos. 33-6433; 34-19187; File No. S7-951]

Foreign Securities

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is publishing for comment revisions of a current rule exempting certain foreign securities from registration under the Securities Exchange Act of 1935 that would generally treat foreign securities quoted in NASDAQ the same as foreign securities listed on a United States ("U.S.") exchange. These proposals and proposals relating to other rules would

further clarify the concept of voluntary entry into the U.S. capital markets.

DATE: Comments should be submitted on or before March 11, 1983.

ADDRESSES: Comments should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Comment letters should refer to File No. S7-951. All comments received will be available for public inspection and copying in the Commission's Public Reference Room.

FOR FURTHER INFORMATION CONTACT: Carl T. Bodolus ((202) 272-3246) or Ronald Adee ((202) 272-3250), Office of International Corporate Finance, Division of Corporate Finance, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is proposing for comment revisions to Rule 12g3-2 (17 CFR 240.12g3-2) under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq. (1976 and Sup. III 1979)) that would terminate the availability of that exemptive rule to foreign issuers with securities quoted in NASDAQ and clarify several provisions of that rule. Proposed amendments to Rule 12g-3 (17 CFR 240.12g-3) and Rule 15d-5 (17 CFR 240.15d-5) relating to successor would further clarify the application of the periodic reporting requirements of the Exchange Act to issuers that acquire reporting issuers by the issuance of securities. The concept of the "essentially U.S. issue" exemption in the definition of foreign private issuer in Rule 405 (17 CFR 230.405) and Rule 3b-4 (17 CFR 240.3b-4) is also proposed to be revised.

I. Background

A. Rule 12g3-2

The Commission adopted Rule 12g3-2 in 1967[1] as part of the project to implement the 1964 amendments to the Exchange Act. These amendments added section 12(g) that required issuers with more than $1 million of assets[2] and a class of equity securities with 500 holders worldwide to register that class under section 12(g). Section 12(g)(3) authorized the Commission to exempt foreign securities if in the public interest and consistent with the protection of investors. Congress recognized that it was imposing significant burdens and obligations on issuers, but indicated that it did not intend to impose these burdens on foreign issuers whose securities were imported into the U.S. and traded in the over-the-counter market without the issuer's approval, or, in some cases, knowledge.

Accordingly, the Commission has attempted to develop a regulatory structure applicable to foreign issuers that distinguishes between voluntary and involuntary entry into the U.S. capital markets.[3] Currently, foreign issuers either having securities listed on a U.S. exchange or having made a public offering of securities registered under the Securities Act of 1933 (the "Securities Act") (17 U.S.C. 77a et seq. (1976 and Supp. III 1979)) are deemed to have voluntarily entered the U.S. capital markets. Other foreign issuers are deemed not to have taken any voluntary acts to enter the U.S. markets.

Rule 12g3-2 provides several exemptions from section 12(g) of the Exchange Act to foreign issuers that have not voluntarily entered the U.S. capital markets. First, paragraph (a) exempts a class of foreign securities held by less than 300 shareholders resident in the U.S.[4] Second, paragraph (b), which is often referred to as the information-supplying exemption, exempts securities of a foreign issuer that furnishes the Commission with a copy of all documents of interest to investors that the issuer makes public or is required to make public under foreign law or regulations. The purpose of this exemption is to have the information that is available to foreign investors available to U.S. investors also. The rule was designed to limit the availability of the information-supplying exemption to foreign issuers that had not voluntarily entered the U.S. capital markets.

The Commission believes that the rule should be revised because of developments since its adoption. In 1971, an automated interdealer system for electronically disseminating quotations, known as NASDAQ, was initiated. The NASDAQ system has become the predominant quotation mechanism in the over-the-counter market. Under current NASDAQ eligibility standards, foreign issuers that comply with the information-supplying exemption are eligible for NASDAQ listing. Issuers must affirmatively apply for NASDAQ listing, pay fees, and meet specific listing standards. This is similar to the procedure to become listed on a U.S. exchange. The Commission believes that such activities constitute voluntary entry into the U.S. capital markets; accordingly, the issuer should not be eligible to use the information-supplying exemption. This is consistent with the treatment of U.S. issuers who must register their securities under section 12 (b) or (g) of the Exchange Act as a condition of listing in NASDAQ. Accordingly, the Commission desires to revise the rule so that it can be used only as originally intended, i.e., by foreign issuers that have not voluntarily entered the U.S. markets.[5]

Synopsis of Proposals

This discussion is included in order to assist all interested persons in understanding the proposals. However, attention is directed to the text of the proposals for a more complete understanding.

A. Rule 12g3-2

Paragraph (a) would be revised to require that separate accounts at brokers, dealers, or banks or their nominees are counted as separate record holders for purposes of determining the number of U.S. holders. Currently, only the separate accounts at U.S. brokers, dealers, or banks are counted as separate record holders.

A new paragraph (v) is proposed to be added to paragraph (b)(1). That paragraph would codify the staff's current practice of requesting certain information relating to the number of U.S. shareholders and the circumstances by which they acquired their shares.

Paragraph (b)(3) was designed to assure issuers that the rule did not require the furnishing of documents such as product catalogs and price lists but rather documents disclosing information of interest to investors. Documents need not be specially prepared to disclose such information. The proposed revision would clarify this purpose.

Paragraph (b)(4) is proposed to be revised to include an English language requirement identical to the one in Form 6-K that requires the furnishing of the same types of information as Rule 12g3-2(b). Foreign language documents would not be required to be furnished. An English translation, version, or summary of press releases and documents sent to shareholders would be required.

Paragraph (c) is proposed to be revised to clarify that the exemption relates only to depositary shares, represented by American Depositary Receipts, not the underlying shares.

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[1] Release No. 34-8066 (April 15, 1967).

[2] Now the test is $3 million of assets. See Rule 12g-1 (17 CFR 240.12g-1) and Release No. 34-18647 (April 15, 1982) (47 FR 17046).

[3] See Release No. 33-6360 (November 20, 1981) (46 FR 58511) for a summary of this system.

[4] The Commission's proposals retain this exemption, although the proposal would slightly change the method of calculating the number of shareholders resident in the U.S.

[5] Currently the depositary banks that issue American Depositary Receipts for certain foreign securities have undertaken the obligations and paid the fees in order to list those securities in NASDAQ. If the proposals are adopted, the foreign issuers would be required to register their securities or to delist them from NASDAQ.

Paragraph (d) of the proposed rule would contain all the limitations on the availability of the information-supplying exemption in paragraph (b). Basically, an issuer that files periodic reports under section 13(a) of the Exchange Act, or had recently been required to, could not reduce its reporting obligation by using the information-supplying exemption. Similarly, an issuer that acquires, by issuing its stock, another issuer that is subject to the periodic reporting requirements could not use the information-supplying exemption. The information-supplying exemption could not be used for securities quoted in an automated inter-dealer quotation system such as NASDAQ. As explained above, the Commission believes that this exemption should be available only to issuers that have not voluntarily entered the U.S. capital markets. Accordingly, the Commission solicits comments on whether any other restrictions should be imposed on the availability of the exemptions, e.g., issuers named in the Foreign Restricted List could not use the exemption. In view of the number of foreign issuers with securities currently quoted in NASDAQ and complying with the information-supplying exemption, the Commission believes that it would be appropriate to provide a transition period for the effectiveness of the adoption of revisions similar to the proposals. The Commission solicits comments on the necessary length of any such period.[6]

Paragraphs (d), (e), and (f) of the current rule contain various limitations on the availability of the information-supplying exemption. The proposals would eliminate or revise these limitations. Paragraph (d) currently exempts from section 12(g) of the Exchange Act all foreign private issuers with a reporting obligation under section 15(d) of the Exchange Act and non-North Americans with a class of securities registered under section 12(b) of the Exchange Act. The original justification of this exemption was the avoidance of duplicate reporting obligations. Since the adoption of Rule 12g3-2, the Exchange Act has been amended by the Williams Act so the current paragraph (d) operates to exempt many foreign securities from the provisions of the Williams Act. Reporting obligations relating to several classes of securities are not particularly burdensome because duplicate periodic reports are not necessary. The registrant can file one set of periodic reports relating to all classes of securities registered.

Paragraph (e) states that foreign private issuers meeting two conditions are deemed to be U.S. issuers. This paragraph is proposed to be moved to the definition of foreign private issuer in Rules 405 and 3b-4. The conditions are also proposed to be revised. One test, relating to the place of principal administration of the business and to the board of directors, is proposed to be deleted because the place of principal administration is often vague and the number of U.S. directors can be, as a practical matter, within the control of the issuer and so is a meaningless test. The Commission believes that there is an important public interest in issuers with a substantial number of U.S. shareholders and managed by U.S. persons. The proposal would use a dual test of shareholders and principal executive officers. The Commission solicits comments on whether the fifty percent figure should be changed and on whether any other tests should be used, e.g., percentage of total assets in the U.S.

Paragraph (f) is proposed to be deleted. The provisions of that paragraph are either obsolete or have become redundant due to the limitations in proposed paragraph (d).

B. Rules 12g-3 and 15d-5

Rules 12g-3 and 15d-5, which relate to the assumption of periodic reporting obligations by successor issuers, are proposed to be revised. The proposals would clarify that an issuer acquiring another issuer with a class of equity securities listed on a U.S. exchange and registered under section 12(b) of the Exchange Act would assume the periodic reporting obligations of the acquired issuer. The Commission believes that an acquisition involving the issuance of securities is another method of voluntarily entering the U.S. capital markets. Currently these rules may apply only when the acquired company has securities registered under section 12(g) and traded over-the-counter but not when the securities of the acquired company are listed on a U.S. exchange. The proposals would eliminate this loophole. The proposals would also clarify the forms on which a successor issuer should file.

Regulatory Flexibility Act

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding the proposals. The analysis is presented at the end of this release.

List of Subjects in 17 CFR Parts 230 and 240

Reporting and recordkeeping requirements, Securities.

Text of Proposals

17 CFR Chapter II is proposed to be amended as follows:

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

1. By revising the definition of "Foreign Private Issuer" in § 230.405 to read as follows:

§230.405 Definitions of terms.

* * * * *

Foreign private issuer. The term "foreign private issuer" means any foreign issuer other than a foreign government except an issuer meeting the following conditions: (1) More than 50 percent of the outstanding voting securities of such issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and (2) either the chief executive officer is a United States citizen or resident or the majority of the principal executive officers are United States citizens or residents. For the purpose of this paragraph, the term "resident," as applied to security holders, shall mean any person whose address appears on the records of the issuer, the voting trustee, or the depositary as being located in the United States.

* * * * *

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

2. By revising the paragraph (c) of § 240.3b-4 to read as follows:

§ 240.3b-4 Definition of "foreign government," "foreign issuer," and "foreign private issuer".

* * * * *

(c) *Foreign private issuer:* The term "foreign private issuer" means any foreign issuer other than a foreign government except an issuer meeting the following conditions: (1) More than 50 percent of the outstanding voting securities of such issuer are held of record either directly or through voting trust certificates or depositary receipts by residents of the United States; and (2) either the chief executive officer is a United States citizen or resident or the majority of the principal executive officers are United States citizens or residents. For the purpose of this paragraph, the term "resident," as applied to security holders, shall mean any person whose address appears on the records of the issuer, the voting trustee, or the depositary as being located in the United States.

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[6] The Commission is contemplating a transition period for each issuer that is the longer of six months after publication of the final rule in the **Federal Register** or four months after the end of the issuer's current fiscal year. This period is based on the period during which an issuer that becomes subject to section 12(g) must file a registration statement.

3. By revising § 240.12g-1 to read as follows:

§ 240.12g-1 Exemption from section 12(g).

An issuer shall be exempt from the requirement to register any class of equity securities pursuant to section 12(g)(1) if on the last day of its most recent fiscal year the issuer had total assets not exceeding $3,000,000 and such securities were not quoted in an automated inter-dealer quotation system.

4. By revising paragraphs (a) and (b) and adding new paragraph (c) to § 240.12g-3 to read as follows:

§ 240.12g-3 Registration of securities of successor issuers.

(a) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, not previously registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is registered pursuant to section 12 of the Act, the class of securities so issued shall be deemed to be registered pursuant to section 12 of the Act unless upon consummation of the succession such class is exempt from such registration other than by Rule 12g3-2 (§ 240.12g3-2 of this chapter) or all securities of such class are held of record by less than 300 persons.

(b) Where in connection with a succession by merger, consolidation, exchange of securities or acquisition of assets, equity securities of an issuer, which are not registered pursuant to section 12 of the Act, are issued to the holders of any class of equity securities of another issuer which is required to file a registration statement pursuant to section 12 but has not yet done so, the duty to file such statement shall be deemed to have been assumed by the issuer of the class of securities so issued and such issuer shall file a registration statement pursuant to section 12 of the Act with respect to such class within the period of time the predecessor issuer would have been required to file such a statement, or within such extended period of time as the Commission may authorize upon application pursuant to § 240.12b-25 of this chapter, unless upon consummation of the succession such class is exempt from such registration other than by Rule 12g3-2 (§ 240.12g3-2 of this chapter) or all securities of the class are held of record by less than 300 persons.

(c) An issuer that is deemed to have a class of securities registered pursuant to section 12 according to either paragraph (a) or (b) of this section shall file reports on the same forms and such class of securities shall be subject to the provisions of sections 14 and 16 to the same extent as the predecessor issuer, except as follows:

(1) An issuer that is not a foreign issuer shall not be eligible to file on Form 20-F (§ 249.220f of this chapter) or to use the exemption in Rule 3a12-3 (§ 240.3a12-3 of this chapter).

(2) A non-North American foreign private issuer shall be eligible to file on Form 20-F and to use the exemption in Rule 3a12-3.

(3) A North American foreign private issuer shall be eligible to file on Form 20-F and to use the exemption in Rule 3a12-3 only if the predecessor issuer filed on Form 20-F and was eligible to use such exemption and it does not have or has not had during the twelve months prior to the consummation of the succession a reporting obligation (suspended or active) under section 15(d) of the Act or a class of securities registered under section 12.

5. By revising § 240.12g3-2 to read as follows:

§240.12g3-2 Exemptions for American depositary receipts and certain foreign securities.

(a)(1) Securities of any class issued by any foreign private issuer shall be exempt from section 12(g) of the Act if the class has fewer than 300 holders resident in the United states. This exemption shall continue until the next fiscal year end at which the issuer has a class of equity securities held by 300 or more persons resident in the United States. For the purpose of determining whether a security is exempt pursuant to this paragraph, securities held of record by persons resident in the United States shall be determined as provided in Rule 12g5-1 (§ 240.12g5-1 of this chapter) except that securities held of record by a broker, dealer, bank or nominee for any of them for the accounts of customers resident in the United States shall be counted as held in the United States by the number of separate accounts for which the securities are held. The issuer may rely in good faith on information as to the number of such separate accounts supplied by all owners of the class of its securities which are brokers, dealers, or banks or a nominee for any of them.

(2) Registration of any class of security by a foreign private issuer pursuant to section 12(g) of the Act shall be terminated ninety days, or such shorter period as the Commission may determine, after the issuer files a certification with the Commission that the number of holders resident in the United States of such class of security is reduced to less than 300 persons. The Commission shall, after notice and opportunity for hearing, deny termination of registration if it finds that there are 300 or more holders resident in the United States. Termination of registration shall be deferred pending final determination on the question of denial.

(b)(1) Securities of any foreign private issuer shall be exempt from section 12(g) of the Act if the issuer, or a government official or agency of the country of the issuer's domicile or in which it is incorporated or organized:

(i) Shall furnish to the Commission whatever information in each of the following categories the issuer during its last fiscal year (A) has made or is required to make public pursuant to the law of the country of its domicile or in which it is incorporated or organized, (B) has filed or is required to file with a stock exchange on which its securities are traded and which was made public by such exchange, or (C) has distributed or is required to distribute to its security holders;

(ii) Shall furnish to the Commission a list identifying the information referred to in paragraph (b)(1)(i) of this section and stating when and by whom it is required to be made public, filed with any such exchange or distributed to security holders;

(iii) Shall furnish to the Commission, during each subsequent fiscal year, whatever information is made public as described in (A), (B) or (C) of paragraph (b)(1)(i) of this section promptly after such information is made or required to be made public as described therein;

(iv) Shall, promptly after the end of any fiscal year in which any changes occur in the kind of information required to be published as referred to in the list furnished under paragraph (b)(ii) of this section or any subsequent list, furnish to the Commission a revised list reflecting such changes; and

(v) Shall furnish to the Commission in connection with the initial submission the following information to the extent known or which can be obtained without unreasonable effort or expense: the number of holders of each class of equity securities resident in the United States, the amount and percentage of each class of outstanding equity securities held by residents in the United States, the circumstances in which such securities were acquired, and the date and circumstances of the most recent public distribution of securities by the issuer or an affiliate thereof.

(2) The information required to be furnished under paragraphs (b)(1)(i) and (b)(1)(ii) of this section shall be furnished on or before the date on which a registration statement under section 12(g) of the Act would otherwise be required to be filed. Any issuer furnishing information under paragraph (b)(1)(i) of this section shall notify the Commission that it is furnished under that paragraph.

(3) The information required to be furnished under this paragraph (b) is information material to an investment decision such as: the financial condition or results of operations; changes in business; acquisitions or dispositions of assets; issuance, redemption or acquisitions of their securities; changes in management or control; the granting of options or the payment of other remuneration to directors or officers; and transactions with directors, officers or principal security holders.

(4) Only one complete copy of any information or document need be furnished uder paragraph (b)(1) of this section. Such information and documents need not be under cover of any prescribed form and shall not be deemed to be "filed" with the Commission or otherwise subject to the liabilities of section 18 of the Act. Press releases and all other communications or materials distributed directly to security-holders of each class of securities to which the exemption relates shall be in English. English versions or adequate summaries in English may be furnished in lieu of original English translations. No other documents need be furnished unless the issuer has prepared or caused to be prepared English translations, versions, or summaries of them. If no English translations, versions, or summaries have been prepared, a brief description in English of any such documents shall be furnished. Information or documents in a language other than English are not required to be furnished. If practicable, the Commission file number shall appear on the information furnished or in an accompanying letter.

(5) The furnishing of any information or document under paragraph (b) of this rule shall not constitute an admission for any purpose that the issuer is subject to the Act.

(c) Depositary Shares registered on Form S–12 (§ 239.19 of this chapter), but not the underlying desposited securities, are exempt from section 12(g) of the Act under this paragraph (c).

(d) The exemption provided by paragraph (b) of this rule shall not be available for the following securities:

(1) Securities of a foreign private issuer that has or has had during the prior eighteen months any securities registered under section 12 of the Act or a reporting obligation (suspended or active) under section 15(d) of the Act;

(2) Securities of a foreign private issure issued in a transaction to acquire by merger, consolidation, exchange of securities, or acquisition of assets, another issuer that had securities registered under section 12 of the Act or a reporting obligation (suspended or active) under section 15(d) of the Act; and

(3) Securities quoted in an "automated inter-dealer quotation system" or securities represented by American Depositary Receipts so quoted.

6. By redesignating the first paragraph of § 240.15d–5 as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 240.15d–5 Reporting by successor issuers.

* * * * * *

(b) An issuer that is deemed to be a successor issuer according to paragraph (a) of this section shall file reports on the same forms as the predecessor issuer except as follows:

(1) An issuer that is not a foreign issuer or that is a North American foreign private issuer shall not be eligible to file on Form 20–F (§ 240.220f of this chapter).

(2) A non-North American foreign private issuer shall be eligible to file on Form 20–F.

Statutory Basis

These amendments are proposed pursuant to authority in sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933; Sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec 308(a)(2), 90 Stat. 57,; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 203(a), 49 Stat., 704; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 82 Stat. 454; sec. 28(c), 84 Stat. 1435; secs. 1, 2, 84 Stat. 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78*l*, 78m, 78*o*(d), 78w(a))

The Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the costs to registrants and others of the addition of the proposals, if adopted.

Pursuant to section 23(a)(2) of the Securities Exchange Act of 1934, the Commission specifically invites comments as to the competitive impact of these proposals, if adopted.

By the Commission.

George A. Fitzsimmons,
Secretary.
October 28, 1982.

Initial Regulatory Flexibility Analysis

This initial regulatory flexibility analysis, which relates to the proposed revision of Rule 12g3–2 under the Securities Exchange Act of 1934 (the "Exchange Act"), has been prepared in accordance with 5 U.S.C. 603.

Reasons for Proposed Action

Rule 12g3–2(b) exempts certain foreign private issuers from registering their securities under Section 12(g) of the Exchange Act if the issuer furnishes the Commission with copies of the information relevant to investment decisions made public in its domicile. The exemption was intended to be available to foreign private issuers that had not voluntarily entered the United States ("U.S.") capital markets. Accordingly, currently the exemption is unavailable to securities listed on a U.S. exchange or registered under the Securities Act of 1933. Therefore, the exemption applies only to foreign securities trading in the over-the-counter (" OTC") market.

Since the adoption of the rule in 1967, the structure of the OTC market has substantially changes. The National Association of Securities Dealers ("NASD") had developed an automated interdealer system for electronically disseminating pricing quotations ("NASDAQ") that has become the predominant quotation mechanism displacing the use of printed daily quotation sheets ("pink sheets"). Quotations for securities can be placed in the pink sheets by market makers without the permision or knowledge of the foreign issuer. On the other hand, obtaining a NASDAQ quotation requires affirmative voluntary action of the foreign issuer.

U.S. issuers with securities quoted in NASDAQ are required to register their securities under Section 12 of the Exchange Act. Foreign securities quoted in NASDAQ, to the contrary, are eligible for the information-supplying exemption. Consequently, far less information is publicly available concerning foreign securities quoted in

NASDAQ than for domestic securities so quoted. Moreover, the Commission's administrative sanctions of deregistration proceedings under Section 12(j) of the Exchange Act and compliance orders under Section 15(c)(4) of the Exchange Act and compliance orders under Section 15(c)(4) of the Exchange act apply only to registered securities.

The proposed revisions to Rule 12g3-2 would not allow the use of the information-supplying exemption for securities quoted in NASDAQ. The proposals are intended to restore the availability of the exemption to its originally intended use and to eliminate the anomaly of special treatment of foreign securities and issuers that have voluntarily entered the U.S. markets.

Related proposals to revise Rules 12g–3 and 15d–5 would further clarify the concept of voluntary entry into the U.S. capital markets. Currently, these rules impose the periodic reporting obligations of an issuer with securities registered with the Commission and traded in the OTC market on any other issuer equity securities. The proposals would close a loophole by applying the rules to cover acquisitions of issuers of securities registered with the Commission and listed on a U.S. exchange.

Other proposals would revise the definition of a foreign private issuer. Generally, issuers organized outside the U.S. are considered foreign, however, Commission regulations deem foreign issuers organized, owned, and run by U.S. persons as domestic issuers. The proposals attempt to make more specific the circumstances in which foreign issuers would be deemed to be domestic issuers.

Objective

The objective of the proposed revision is to restore the availability of the information-supplying exemption to its intended purpose. The Commission believes that Congress did not intend to impose the burdens of registration and of the attendant obligations upon foreign issuers that had not voluntarily entered the U.S. capital markets. Accordingly the information-supplying exemption was developed for such issuers. Because an issuer must take voluntary action to list securities on NASDAQ, the information-supplying exemption should not be available to foreign private issuers that have taken such action.

Legal Basis

The Commission is proposing to revise Rule 12g3–2 under the authority of Sections 12(g)(3) and 23(a) of the Exchange Act. The authority for the other proposals is in sections 6, 7, 8, 10 and 19(a) of the Securities Act and in sections 12, 13, 15(d) and 23(a) of the Exchange Act.

Small Issuers Subject to the Proposals

Small entities, as defined in 17 CFR 240.0–10, are not required to register securities under Section 12(g) of the Exchange Act because their total assets are les than $3,000,000. 17 CFR 240.12g–1. Therefore, the proposals do not affect foreign private issuers that are small entities unless they voluntarily choose to have their securities quoted in NASDAQ. The proposed revision would merely treat U.S. and foreign issuers the same. Currently, approximately 320 issuers have established the information-supplying exemption; approximately 250 of them have securities quoted in NASDAQ. The number of them that are small entities is unknown.

Based on past experience, the proposed revisions to the successor issuer rules would have little impact on small entities. The Commission is aware of only two situations in recent years to which the proposals would apply—both of which involved large corporations. We believe that it is unlikely that a small entity could acquire another entity that is significantly larger. For example,it seems improbable that an entity with $3 million in assets could acquire an entity with more than $10 million in assets (more than three times larger). According to the data presented in Release No. 34–16866 (June 2, 1980), there are only 133 issuers with securities registered with the Commission and listed on a U.S. exchange with less than $10 million of assets. They represent less than 1.5 percent of the total reporting issuers. Moreover, small entities that choose not to list their securities would be eligible to terminate their reporting obligations under Rule 12g2–2.

Removing the Rule 12g3–2 registration exemptions for foreign securities listed on NASDAQ and foreign securities underlying ADRs listed on NASDAQ could conceivably result in some foreign securities being withdrawn from NASDAQ and quoted solely through the pink sheets. Although the manner in which broker-dealers (including possibly some small broker-dealers as defined in Commission Rule 0–10) disseminate quotations in these securities would change as a result of this withdrawal, broker-dealers would be free to continue making markets in these securities as before. The volume of trading in securities withdrawn from NASDAQ is likely to decline; however, securities quoted in the pink sheets characteristically display wider quotation spreads, thus providing market makers with increased revenue offsetting at least in part the loss of trading volume. Thus, the proposed revisions to Rule 12g3–2 would not appear to have a substantial economic impact on small broker-dealers.

Reporting, Recordkeeping and Other Compliance Requirements

The proposal would not alter the reporting or recordkeeping requirements of issuers that have established the information-supplying exemption. That exemption relies solely on the reporting requirements of foreign law and regulations.

Overlapping or Conflicting Federal Rules

The Commission believes no current federal rules duplicate or conflict with the proposed revision of Rule 12g3–2.

Significant Alternatives

Pursuant to Section 603 of the Regulatory Flexibility Act, the following types of alternatives were considered:

(1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities;

(2) The classification, consolidation, or simplification of compliance and reporting requirements under the Rule for small entities;

(3) The use of performance rather than design standards; and

(4) An exemption from coverage of the rule, or any part thereof, for small entities.

In the Commission's view, alternative (3) is irrelevant because the proposal is not related to either performance or design standards. With respect to alternative (4), small entities are exempt from registration by Rule 12g–1 and need not comply with the information-supplying exemption.

With respect to alternatives (1) and (2), the requirements of the exemption rely on foreign law and regulation so compliance with the exemption does not impose significant additional burdens on any entity. The Commission believes that special treatment of foreign small entities is more appropriately covered by foreign law and regulations.

Solicitation of Comments

The Commission encourages the submission of written comments on any aspect of this initial regulatory flexibility analysis. Such comments will be considered in the preparation of the final regulatory analysis, if the proposed revision is adopted. Persons wishing to submit written comments should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. All submissions should refer to File No. S7-951 and will be available for public inspection and copying at the Commission Public Reference Room.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 37

[Docket No. RM80-36-000]

Generic Determination of Rate of Return on Common Equity For Electric Utilities; Notice Extending the Comment Period and Scheduling a Public Conference

October 29, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice extending the comment period and scheduling a public hearing.

SUMMARY: On August 26, 1982, the Commission issued a Notice of Proposed Rulemaking to amend its regulations regarding the determination of allowed rates or return on common equity for electric utilities. Requests have been received by the Commission to extend the comment periods. The Commission grants these requests to the extent set forth in the Notice and schedules a public conference.

DATES: Comments are due by January 15, 1983. Reply comments are due by February 15, 1983. A public conference is scheduled for November 18, 1982. Requests to participate in the public conference are due by November 10, 1982.

ADDRESSES: All filings should reference Docket No. RM80-36-000 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Arnold Meltz, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8153.

Joseph Stefan, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8271.

SUPPLEMENTARY INFORMATION: Request have been received by the Federal Energy Regulatory Commission (Commission) to extend the period for filing comments in this docket. The Commission grants these requests as provided in this order. In addition, the Commission hereby schedules a public conference to discuss selected issues raised by this rulemaking.

On August 26, 1982, the Commission issued a Notice of Proposed Rulemaking in this docket (47 FR 38332, August 31, 1982). The proposed rule would essentially sever rate of return on common equity as a contested issue from individual electric utility rate cases and establish procedures for its determination on a generic basis. As originally scheduled by that Notice, comments on the proposal were to be filed by November 15, 1982.

Requests to extend the comment period in this rulemaking have been received from several parties all of whom cited the importance and complexity of the proposal and the need to undertake extensive technical analysis.

The Commission believes that these concerns are well founded. Accordingly, the initial comment period is extended to January 15, 1983, and the reply comment period is extended to February 15, 1983.

Although no requests have been received thus far for a public hearing, the Commission believes that important benefits would be derived by providing a forum for oral presentations and discussion in connection with this proposed rulemaking. Therefore, a public conference with a Commission staff panel will be scheduled for Thursday, November 18, 1982, in Washington, D.C. This hearing will be held at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. The proceedings will begin at 10:00 a.m. Although participants will be able to place written statements in the record, the oral discussion will focus on the following topics:

(1) The relative merits of determining a rate of return of common equity for each of three risk classes compared with the alternative proposal of relying on an industry average rate of return for all companies.

(2) Whether it is appropriate over the proposed biennial to adjust generic rates of return on a quarterly basis by indexing them to long-term Treasury bond yields.

(3) Whether a biennium, as proposed, represents the appropriate time interval between rulemakings.

(4) Whether it is more appropriate to determine rate of return of common equity based on the evidence over the period of a rate's effectiveness as proposed or over the designated test year as proposed in the alternative.

(5) Whether the rule should include more explicit standards for obtaining waivers from the generic rule and whether timing and other filing limitations for petitions for waiver should be included.

Requests for participation in the conference should be directed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should be filed no later than Wednesday, November 10, 1982. Requests should make reference to Docket No. RM80-36-000, and should indicate the name of the person participating and a phone number at which that person may be contacted, and should indicate the amount of time the person requests for oral presentation. Those having related interests in the rulemaking are encouraged to consolidate their presentations and the Commission reserves the right to group commenters having related interests for the purpose of oral presentation. Persons making oral presentations will be required to file 15 copies of their testimony with the Secretary no later than Wednesday, November 17, 1982. A list of the participants and the room in which the presentation will be held will be available in the Comission's Office of Public Information in Room 1000, 825 North Capitol Street, N.E., Washington, D.C., prior to November 18, 1982, and will be available at the Commission on the morning of the hearing. A transcript will be placed in the public file for this docket and will be made available for inspection at the Commission's Office of Public Information.

Kenneth Plumb,

Secretary.

[FR Doc 82-30544 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-143; Texas-20]

High-Cost Gas Produced From Tight Formations; Texas

November 1, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by

section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinay risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Monte Christo, South (9000′) Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on December 16, 1982. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 16, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

I. Background

On September 29, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Monte Christo, South (9000′) Formation in Hidalgo County, Texas, be designated as a tight formation. The formation is the stratigraphic equivalent of the Monte Christo Vicksburg 9000′ Formation previously recommended for tight formation designation by Texas and adopted by the Commission by Order No. 240 issued June 30, 1982, in Docket No. RM79–76–095 (Texas–20). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Monte Christo, South (9000′) Formation be designated as a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Monte Christo, South (9000′) Formation in the southern portion of Hidalgo County, Texas, Railroad Commission District 4, be designated as a tight formation. The recommendation covers the following surveys:

Macedona Jr. Vela No. 214, A–623; Tex.-Mex. R.R. No. 215, A–130; W.T. Bomar No. 218, A–626; Jas. L. Hudson, A–649; Walter A. Hoffhein, A–797; W. H. Kozel, A–798; Tex.-Mex. R.R. No. 217, A–131;
Northernmost 500 acres of the Nicolas Zamora Porcion No. 48, A–76;
Northernmost 500 acres of the Torebio Zamora Porcion No. 49, A–78; and
Southernmost 900 acres of the northern 1,800 acres of the Francisco Cantu Porcion No. 80, A–570.

The top of the Monte Christo, South (9000′) Formation varies from 8,750 feet subsea to 9,600 feet subsea. The maximum thickness of the formation is 1,030 feet. The recommended formation is the stratigraphic and lithologic equivalent of the Monte Christo Vicksburg (9000′) Formation.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commision Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980) notice is hereby given of the proposal submitted by Texas that the Monte Christo, South (9000′) formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 16, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–143 (Texas–20 Addition) and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 16, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by revising (d)(91)(ii) to read as follows:

§ 271.703 Tight Formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(91) *Vicksburg (9000′) Formation in Texas.* RM 79–86–143 (Texas–20)

(i) *Monte Christo Vicksburg 9000' Formation.*

* * * * *

(ii) *Monte Christo, South (9000') Formation.*

(A) *Delineation of formation.* The Monte Christo, South (9000') Formation is located in the southern portion of Hidalgo County, Texas, Railroad Commission District 4. The designated area includes the following surveys: Macedonia Jr. Vela No. 214, A–623; Tex.-Mex. R.R. No. 215, A–130; W. T. Bomar No. 218, A–626; Jas. L. Hudson, A–649; Walter A. Hoffhein, A–797; W.H. Kozel, A–798; Tex.-Mex. R.R. No. 217, A–131; the northernmost 500 acres of both the Nicolas Zamora Porcion No. 48, A–76 and the Torebio Zamora Porcion No.49, A–78; and the southernmost 900 acres of the northern 1,800 acres of the Francisco Cantu Porcion No. 80, A–570.

(B) *Depth.* The top of the Monte Christo, South (9000') Formation varies from 8,750 feet subsea to 9,600 feet subsea. The maximum thickness of the formation is 1,030 feet.

[FR Doc. 82–30540 Filed 11–4–82; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79–76–144; Texas–25]

High-Cost Gas Produced From Tight Formations; Texas

November 1, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Monte Christo, South (10,500') Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on December 16, 1982. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 16, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

I. Background

On October 1, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Monte Christo, South (10,500') Formation, in Hidalgo County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Monte Christo, South (10,500') Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Monte Christo, South (10,500') Formation in the southern portion of Hidalgo County, Texas, Railroad Commission District 4, be designated as a tight formation. The recommendation covers the following surveys:

Macedonia Jr. Vela No. 214, A–623;
Tex.-Mex. R.R. No. 215, A–130;
W. T. Bomar No. 218, A–626;
Jas. L. Hudson, A–649;
Walter A. Hoffhein, A–797;
W. H. Kozel, A–798;
Tex.-Mex. R.R. No. 217, A–131;
Northernmost 500 acres of the Nicolas Zamora Porcion No. 48, A–76;
Northernmost 500 acres of the Torebio Zamora Porcion No. 49, A–78; and
Southernmost 900 acres of the northern 1,800 acres of the Francisco Cantu Porcion No. 80, A–570.

The depth to the top of the Monte Christo, South (10,500') Formation varies between 10,200 feet subsea and 10,600 feet subsea. The maximum encountered thickness of the formation is approximately 900 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Monte Christo, South (10,500') Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 16, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–144 (Texas–25) and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 16, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703(d) is revised by adding subparagraph (144) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) Designated tight formations.

* * * * *

(112) through (143) [Reserved]

(144) *Monte Christo, South (10,500') Formation in Texas.* RM79-76-144 (Texas-25).

(i) *Delineation of formation.* The Monte Christo, South (10,500') Formation is located in the southern portion of Hidalgo County, Texas, Railroad Commission District 4, and includes the following surveys: Macedonia Jr. Vela No. 214, A-623; Tex.-Mex. R.R. No. 215, A-130; W. T. Bomar No. 218, A-626; Jas. L. Hudson, A-649; Walter A. Hoffhein, A-797; W. H. Kozel, A-798; Tex.-Mex. R.R. No. 217, A-131; the northernmost 500 acres of both the Nicholas Zamora Porcion No. 48, A-76 and the Torebio Zamora Porcion No. 49, A-78; and the southernmost 900 acres of the northern 1,800 acres of the Francisco Cantu Porcion No. 80, A-570.

(ii) *Depth.* The depth to the top of the Monte Christo, South (10,500') Formation varies from 10,200 feet subsea to 10,600 feet subsea. The maximum thickness of the formation is approximately 900 feet.

[FR Doc. 82-30641 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No. RM79-76-145; Texas-26]

High-Cost Gas Produced from Tight Formations; Texas

November 1, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that the Anacacho Formation be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on December 16, 1982. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 16, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On October 4, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Anacacho Formation, located in Atascosa County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Anacacho Formation in the Benton City Area be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

The recommended portion of the Anacacho Formation is located in the northwestern part of Atascosa County, Texas, Railroad Commission District 1. The recommended area is comprised of the following surveys: F. Brockinzen A-90, Abram Cole A-158 and A-159, W. J. Viser A-873 and A-874, Craner Ford A-247 and A-248, John C. Held A-368, John Sharp A-761, Robert C. Rogers A-721, J. S. Joline A-500, H. P. Benningfield A-97, Wm. H. Morris A-899, and Nepomucinco Flores A-244.

The Anacacho Formation is a low-permeability bioclastic limestone that is typically hydrocarbon-bearing wherever reservoir porosity is developed. In the Benton City Area the Anacacho Formation is encountered at measured depths ranging from 1,600 feet to 2,100 feet.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing in support of this recommendation demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Anacacho Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting writen data, views of arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 16, 1982. Each person submitting a comment should indicate that the comment is being submitted in docket No. RM79-76-145 (Texas-26 and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 16, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703(d) is revised by adding subparagraph (145) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(112) through (144) [Reserved]

(145) *Anacacho Formation in Texas.* RM 79-76-145 (Texas-26).

(i) *Delineation of formation.* The Anacacho Formation is located in the northwestern part of Atascosa County, Texas, Railroad Commission District 1 and is comprised of the following surveys: F. Brockinzen A-90, Abram Cole A-158 and A-159, W. J. Viser A-873 and A-874, craner Ford A-247 and A-248, John C. Held A-368, John Sharp A-761, Robert C. Rogers A-721, J. S. Joline A-500, H. P. Benningfield A-97, Wm. H. Morris A-899, and Nepomucinco Flores A-244.

(ii) *Depth.* The Anacacho Formation in the Benton City Area is encountered at measured depths ranging from 1,600 feet to 2,100 feet.

[FR Doc. 82-30642 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

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18 CFR Part 271

[Docket No RM79-76-142; Texas-10 Addition II]

High-Cost Gas Produced From Tight Formations; Texas

November 1, 1982.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Edwards Limestone Formation located in Live Oak County, Texas be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on December 16, 1982. Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on November 16, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On September 20, 1982, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR. 56034, August 22, 1980), that an additional area of the Edwards Limestone Formation located in Live Oak County, Texas be designated as a tight formation. The Commission previously adopted a recommendation that the Edwards Limestone Formation in Dewitt, Karnes, and Lavaca Counties, Texas be designated as a tight formation [Order No. 173, issued September 18, 1981, in Docket No. RM79-76 (Texas-10)]. On January 13, 1982, the Commission issued a Notice of Proposed Rulemaking for an additional area of the Edwards Limestone Formation in Fayette County, Texas, which was recommended by Texas for designation as a tight formation [Docket No. RM79-76 (Texas-10 Addition)]. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of Edwards Limestone Formation be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Edwards Formation located in Live Oak County, Texas, Railroad Commission District 2, be designated as a tight formation. The recommended area includes a portion of Live Oak County lying to the north of the City of Three Rivers, Texas. The area is bounded on the south by the Frio River and includes the folowing surveys: Mrs. M. D. Proctor A-904, A.E. Brown A-828, John Hefferman A-11, Bridget Haughey A-9, Thos. Henry A-13, Patrick Henry A-12, Simon Ryan A-35, Lewis Ayers A-2, Walter Henry A-15, Daniel O'Boyle A-32, Mark Killely A-20, S. M. & S. A-442, S. M. & S. A-443, Laurence Jacobs A-659, and G. H. & H. R.R. A-205.

The recommended portion of the Edwards Formation is part of the Stuart City Trend which consists of a variety of lagoonal, reefal and shoal-water facies that were deposited in relatively quiet waters along the edge of a broad carbonate shelf during Lower Cretaceous (Albian) time. The Edwards

Formation of the Stuart City Trend of South Texas is present in a band several miles in width and extending from Mexico to eastern Texas.

The top of the Edwards Formation is found at depths ranging from approximately 12,000 feet below sea level on the east side of the recommended area to 14,400 feet below sea level on the west side.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on March 10, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM-80 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Edwards Formation as described and delineated in Texas's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedure

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before December 16, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-142 (Texas-10 Addition II) and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than November 1, 1982.

List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432)

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703(d) is amended by adding paragraph (48)(iii) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.*

* * * * *

(48) *Edwards Limestone Formation in Texas.* RM79-76-142 (Texas-10).

(i) *Six Fields in DeWitt, Karnes and Lavaca Counties.*

* * * * *

(ii) *Giddings (Edwards Gas) Field.*

* * * * *

(iii) *Live Oak County.*

(A) *Delineation of formation.* The Edwards Formation is found to the north of the City of Three Rivers in Live Oak County, Texas, Railroad Commission District 2. The designated area is bounded on the south by the Frio River and includes the following surveys: Mrs. M. D. Proctor A-904, A. E. Brown A-828, John Hefferman A-11, Bridget Haughey A-9, Thos. Henry A-13, Patrick Henry A-12, Simon Ryan A-35, Lewis Ayers A-2, Walter Henry A-15, Daniel O'Boyle A-32, Mark Killely A-20, S. M. & S. A-442, S. M. & S. A-443, Lawrence Jacobs A-659, and G. H. & H. R.R. a-205.

(B) *Depth.* The top of the Edwards Formation varies in depth from approximately 12,000 feet subsea on the eastern side of the designated area to 14,000 feet subsea on the west side.

[FR Doc. 82-30643 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 610

[Docket No. 82N-0134]

General Biological Products Standards; Sterility

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the biologics regulations clarify and update certain requirements for sterility testing of biological products. The proposal would ensure the reliability of the growth-promoting qualities of the sterility test media and maintain consistency with the requirements of the current United States Pharmacopeia (USP XX).

DATE: Written comments by January 4, 1983.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Paul Hiranaka, National Center for Drugs and Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: Sterility tests are performed on both bulk and final container material of most biological products to reveal the presence of viable contaminating microorganisms, i.e., bacteria, molds, and/or yeasts. The reliability of a sterility test is dependent on the growth-promoting qualities of the sterility test culture medium. To ensure that the culture medium, Fluid Thioglycollate Medium or Soybean-Casein Digest Medium, has the necessary nutritive requirements, quality control tests must be performed by each product manufacturer on each lot of the sterilized culture medium.

The biologics regulations currently contain some basic requirements concerning the growth-promoting qualities of the sterility test culture media in § 610.12 (21 CFR 610.12) and some requirements concerning the microorganisms that are used in the growth/promoting quality tests in § 610.18 (21 CFR 610.18). Annual FDA inspections of licensed biological product manufacturers have revealed that these requirements have been misunderstood. Several manufacturers have been cited for inadequate or improper quality control tests on culture media. Other deviations cited during inspections included failure to use two strains of microorganisms for each type of sterility test medium used, failure to verify that the cultures of microorganisms used were not contaminated, failure to record the results of verification of culture purity, and even failure to perform the growth/promoting quality test on some lots of media. Further, a comparison between the biologics regulations and the USP XX has revealed that the compendial standards for growth-promoting quality tests are more stringent than the biologics regulations and that some sections of the biologics regulations are in need of updating.

Accordingly, to clarify, update, and improve the biologics regulations governing tests for growth-promoting qualities of culture media, and to make those regulations consistent with current technology as reflected in the USP XX, FDA is proposing to amend and reorganize § 610.12(e)(2) and by (1) defining a lot of culture medium, (2) specifying the storage conditions for the culture media, (3) specifying two or more strains of microorganisms that are exacting in their nutritive and aerobic/anaerobic requirements for each of the two types of medium; (4) specifying the requirements for documentation of such cultures of test organisms, including their storage, maintenance, purity, and periodic verifications of their viability; and (5) specifying the criteria for a satisfactory growth/promoting quality test. The proposed criteria specify that if the first growth/promoting quality test fails, a second test may be performed. If the second test fails, the lot of culture medium being tested must be rejected. In addition, a negative control is required to ensure effective sterilization and freedom from contamination of each lot of culture medium. This test may be performed simultaneously with the sterility test of a biological product, provided the sterility test is considered invalid if the test medium shows no growth.

The current biological regulations for sterility testing of biological products specify in § 610.12(a)(1)(i), (f), and (g)(2) and (8) that Fluid Thioglycollate Medium shall be incubated at 30° C to 32° C. The current USP, however, prescribes a 30° to 35° C incubation range. A request to change the incubation temperature to be consistent with the USP provision was made at a liaison meeting held November 9, 1979, between the Bureau of Biologics (now the National Center for Drugs and Biologics) and the Pharmaceutical Manufacturers Association (PMA) because there is no scientific evidence that a 30° to 32° C range is superior to a 30° to 35° C range. FDA has considered the requested change and finds that the wider temperature range will ensure adequate sensitivity for demonstrating sterility of biological products. Accordingly, FDA is proposing to amend § 610.12(a)(1)(i), (f), and (g)(2) and (8) to require a temperature range of 30° to 35° C for the incubation of Fluid Thioglycollate Medium.

FDA has examined the regulatory impact and regulatory flexibility implications of the proposed regulation in accordance with Executive Order 12291 and the Regulatory Flexibility Act. The agency concludes that about 75 biological product manufacturers will be affected by these requirements, of whom approximately half are small. Costs per firm could possibly vary from 0 to about $600 per year, depending on the firm's current practices. The anticipated costs are insufficient to warrant designation as a major rule under any of the criteria specified under section 1(b) of Executive Order 12291. Further, the agency certifies that the proposed rule, if implemented, would not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act. A copy of the threshold assessment for supporting this determination is on file with the Dockets Management Branch, Food and Drug Administration (address above).

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 610

Biologics, Labeling.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 701, 52 Stat. 1050–1051 as amended, 1055–1056 as amended (21 U.S.C. 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 610 be amended in § 610.12 by revising paragraphs (a)(1)(i), (e)(2), (f), and (g)(2), (3), and (8)(i) to read as follows:

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.12 Sterility.

* * * * *

(a) * * *

(1) * * *

(i) *Bulk and final container material.* The volume of product, as required by paragraph (d) of this section (hereinafter referred to also as the "inoculum"), from samples of both bulk and final container material, shall be inoculated into test vessels of Fluid Thioglycollate Medium. The inoculum and medium shall be mixed thoroughly and incubated at a temperature of 30° to 35° C for a test period of no less than 14 days and examined visually for evidence of growth on the third, fourth, or fifth day, and on the seventh or eighth day, and on the last day of the test period. Results of each examination shall be recorded. If the inoculum renders the medium turbid so that the absence of growth cannot be determined reliably by visual examination, portions of this turbid medium in amounts of no less than 1.0 milliliter shall be transferred on the third, fourth, or fifth day of incubation, from each of the test vessels and inoculated into additional vessels of medium. The material in the additional vessels shall be incubated at a temperature of 30° to 35° C for no less than 14 days. Notwithstanding such transfer of material, examination of the original vessels shall be continued as prescribed above. The additional test vessels shall be examined visually for evidence of growth on the third, fourth, or fifth day of incubation and on the seventh or eighth day and on the last of the incubation period. If growth appears, repeat tests may be performed as prescribed in paragraph (b) of this section and interpreted as specified in paragraph (c) of this section.

* * * * *

(e) * * *

(2) *Culture media requirements.*—(i) *Definition of a lot of culture medium.* A lot of culture medium is that quantity of uniform material identified as having been thoroughly mixed in a single vessel, dispensed in equal volumes into a group of vessels of the same composition, design and capacity, sterilized in the same autoclave during a single autoclave run, and identified in a

manner to distinguish one lot from another.

(ii) *Test organisms, strains, characteristics, identity, and verification.* Two or more strains of microorganisms that are exacting in their nutritive and aerobic/anaerobic requirements shall be used to test the growth-promoting qualities of each lot of test medium. Spores of *Bacillus subtilis* (American Type Culture Collection (ATCC) No. 6633) and *Clostridium sporogens* (ATCC No. 11437), or, if spore-forming organisms are not desired, *Bacteroides fragilis* subspecies *vulgatus* (ATCC No. 8482) and either *Candida albicans* (ATCC No. 10231) or *Micrococcus luteus* (ATCC No. 9341), shall be among the test organisms used to test Fluid Thioglycollate Medium. *Candida albicans* (ATCC No. 10231) and *Micrococcus luteus* (ATCC No. 9341) shall be included among the test organisms used to test Soybean-Casein Digest Medium. (ATCC strains of microorganisms described in this section are available from American Type Culture Collection, 12301 Parklawn Dr., Rockville, MD 20852.) Periodic tests shall be performed to verify the integrity of the test organisms. The results of these periodic tests shall be recorded and retained in accordance with § 600.12(b) of this chapter.

(iii) *Storage and maintenance of cultures of test organisms.* Cultures of the test organisms used to determine the growth-promoting qualities of the medium shall be stored in a manner that will prevent cross contamination or loss of identity, at a temperature and by a method that will retain the initial characteristics of the organisms and ensure freedom from contamination and deterioration. If the test organisms are stored in the freeze-dried state, or frozen, they shall be reconstituted or thawed, whichever is applicable, and plated periodically to verify the colony count of the suspension. If the test suspensions are stored in a state other than freeze-dried or frozen, they shall be plated, and a colony count shall be performed at the time of each growth-promotion quality test to assure that not more than 100 organisms are used per test vessel. The results of tests for verification of the colony count shall be recorded and retained in accordance with § 600.12(b) of this chapter.

(iv) *Storage and condition of media.* A medium shall not be used if the extent of evaporation affects its fluidity, nor shall it be reused in a sterility test of the product. Fluid Thioglycollate Medium shall be stored in the dark at room temperature if the vessels are unsealed. Sealed vessels may be stored at 4° C. Fluid Thioglycollate Medium shall not be used if more than the upper one-third of the medium has acquired a pink color. The medium may be restored once by heating on a steam bath or in free-flowing steam until the pink color disappears. The design of the test vessel for Fluid Thioglycollate Medium shall provide favorable aerobic and anaerobic conditions for growth of the microorganisms throughout the test period. Soybean-Casein Digest Medium shall be stored at 2° to 25° C. Unsealed vessels of either medium may be stored for more than 10 days at the proper temperature, provided they are tested weekly for growth-promotion and found to be satisfactory. Sealed vessels of either medium may be stored for a period of time not to exceed 1 year, provided they are tested for growth-promotion every 3 months and found to be satisfactory. The results of such testing shall be recorded and retained in accordance with § 600.12(b) of this chapter.

(v) *Criteria for a satisfactory growth-promoting quality test.* (*a*) One hundred or fewer organisms of each strain tested shall be used. The test is satisfactory if evidence of growth appears within 7 days in all vessels inoculated. If a lot of medium fails to support the growth of any test organism, or if the test results show that more than 100 organisms of a strain were used or are necessary to promote growth in the lot of medium being tested, a second test may be performed. If it fails the second test, the lot of medium shall be rejected.

(*b*) Inoculated Fluid Thioglycollate Medium shall be incubated at 30° to 35° C for 7 days. If the test medium is to be used in determining the sterility of a product containing a mercurial preservative, a second test shall be performed by the method described above, except that the test shall be incubated at 20° to 25° C for 7 days. The sterility of each lot of medium shall be confirmed by the incubation of uninoculated control test vessels at the temperature(s) for that particular medium. The lot of medium is satisfactory if no growth is observed in the control test vessels within the incubation period. The tests for growth-promoting qualities of culture media may be performed simultaneously with sterility testing of biological products, provided the sterility test is considered invalid if the test medium shows no growth response.

(vi) *Volume of culture medium.* The volume of each culture medium shall be determined for each bulk and final container sterility test required for each product. The ratio of the volume of inoculum to the volume of culture medium shall result in a dilution of the product that is not bacteriostatic or fungistatic, except for products to be tested by membrane filtration. The volume of inhibitors or neutralizers of preservatives added should be considered in determining the proper ratio of inoculum/medium. Vessels of the product-medium mixture(s) and control vessels of the medium shall be inoculated with dilutions of cultures of bacteria or fungi which are viable in the product being tested, and incubated at the appropriate temperature for no less than 7 days.

(f) *Membrane filtration.* Bulk and final container material or products containing oil products in water-insoluble ointments may be tested for sterility using the membrane filtration procedure set forth in the United States Pharmacopeia (20th Revision, 1980), section entitled "Test Procedures Using Membrane Filtration," pages 881–882, except that (1) the test samples shall conform with paragraph (d) of this section; and (2) in addition, for products containing a mercurial preservative, the product shall be tested in a second test using Fluid Thioglycollate Medium incubated at 20° to 25° C in lieu of the test in Soybean-Casein Digest Medium.

(g) * * *

(2) *Alternate incubation temperatures.* Two tests may be performed as prescribed in paragraph (a)(1)(i) of this section, one test using an incubation temperature of 18° to 22° C, the other test using an incubation temperature of 35° to 37° C, in lieu of performing one test using an incubation temperature of 30° to 35° C.

(3) *Different tests equal or superior.* A different test may be performed provided that prior to the performance of such test a manufacturer submits data which the Commissioner of Food and Drugs finds adequate to establish that the different test is equal or superior to the tests described in paragraphs (a) and (b) of this section in detecting contamination and makes the finding a matter of official record.

* * * * *

(8) *Diagnostic products not intended for injection.* For diagnostic products not intended for injection, (i) only the Thioglycollate Medium test incubated at 30° to 35° C is required. * * *

* * * * *

Interested persons may, on or before January 4, 1983 submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 14, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc 82-30182 Filed 11-4-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-42-78]

Group-Term Life Insurance; Individual Selection

Correction

In FR Doc. 82-27590 beginning on page 44343 in the issue of Thursday, October 7, 1982, make the following change:

On Page 44345, second column, § 1.79-1 (g)(3)(ii), third line, the date certain was omitted and should read "November 7, 1982".

BILLING CODE 1505-01-M

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26 CFR Part 51

[LR-224-81]

Definition of Newly Discovered Oil

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations concerning the definition of the term "newly discovered oil" for purposes of the windfall profit tax. Changes to the applicable tax law were made by the Crude Oil Windfall Profit Tax Act of 1980 and by the Economic Recovery Tax Act of 1981. The regulations would provide guidance on the requirements for the qualification of crude oil as newly discovered oil, as well as a definition of production in "commercial quantities" that affects the new income limitation on windfall profit and the exemption for Alaskan oil.

DATES: Written comments and requests for a public hearing must be delivered or mailed by January 4, 1983. The amendments are proposed to be effective after February 29, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-224-81), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Robert H. Ginsburgh of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3297).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Excise Tax Regulations Under the Crude Oil Windfall Profit Tax Act of 1980 (26 CFR Part 51), as promulgated by Treasury Decision 7844, which appears in the Rules and Regulations section of this **Federal Register,** and by T.D. 7790, published on October 27, 1981 (46 FR 52334). These proposed regulations are to be issued under the authority contained in sections 4997 and 7805 of the Internal Revenue Code of 1954 (94 Stat. 249 and 68A Stat. 917; 26 U.S.C. 4997 and 7805).

The classification of certain crude oil as newly discovered oil was initially proposed by the Department of Energy ("DOE") in a notice of proposed rulemaking that was published in the **Federal Register** on January 8, 1979. In proposing that classification, DOE intended to parallel in substance the provisions of the National Gas Policy Act of 1978 that relate to the definition of new natural gas and the regulations that implement those provisions.

The newly discovered oil category was established by DOE in a final rule that was published in the **Federal Register** on May 2, 1979, and that became effective as of June 1, 1979. By establishing that classification, DOE permitted crude oil production that qualifies as newly discovered oil to be sold without regard to ceiling prices that would otherwise have been applicable to such production under the crude oil pricing provisions of DOE petroleum price regulations. The newly discovered oil qualification rules for crude oil produced from the Outer Continental Shelf are different from the newly discoverd oil qualification rules for crude oil produced other than from the Outer Continental Shelf. The qualification of crude oil (produced from the Outer Continental Shelf) as newly discovered oil is based on the "new lease" concept, and the qualification of crude oil (produced other than from the Outer Continental Shelf) as newly discovered oil is based on the "property" concept. The June 1979 energy regulations permit a producer to elect to treat a separate reservoir as a separate "property" and thereby possibly qualify post-1978 production (other than from the Outer Continental Shelf) from that reservoir as newly discovered oil. However, because newly discovered oil produced from the Outer Continental Shelf is classified only on a lease basis, the separate reservoir election cannot be used to give newly discovered oil treatment to crude oil produced from a new reservoir (*ie.,* a reservoir from which crude oil was not produced in commercial quantities before January 1, 1979) on an OCS lease that does not qualify as a "new lease."

Definition of Newly Discovered Oil for Purposes of the Windfall Profit Tax

Section 4991(e)(2) and the proposed regulations define the term "newly discovered oil." Taxable crude oil qualifies as "newly discovered oil" if it is produced from a "newly discovered crude oil property" or is imputed newly discovered oil from a unitized property. The imputing rules will be developed by another regulations project. The definition of the term "newly discovered crude oil property" is based largely on DOE's most recent definition of that term, which became effective as of January 1, 1981. In general, a "newly discovered crude oil property" is a property (not on the Outer Continental Shelf) that did not produce crude oil in "commercial quantities" in calendar year 1978, or is a new lease on the Outer Continental Shelf. A "new lease" is a lease entered into on or after January 1, 1979, of submerged acreage that did not produce crude oil in commercial quantities in calender year 1978. In addition, a lease is denied new lease status if any portion of its submerged acreage was included at any time during 1978 in a lease on the Outer Continental Shelf whose submerged acreage produced crude oil in commercial quantities in calendar year 1978. The proposed regulations define crude oil produced in "commercial quantities" as any production that is (1) sold or exchanged or (2) retained for beneficial economic use by the operator or by any producer. However, production that is incidental to the drilling of an exploratory well (including a test well) is to be disregarded. This definition of commercial quantities is also applicable for purposes of the net income limitation on windfall profit and the exemption for Alaskan oil.

Comments and Request for a Public Hearing

Before adopting those proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request of any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Special Analyses

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required.

Although this document is a notice of proposed rulemaking which solicits public comments, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and that the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

Drafting Information

The principal author of these proposed regulations is Robert H. Ginsburgh of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing these regulations, both on matters of substance and style.

List of Subjects in 26 CFR Part 51

Excise tax, Petroleum, Crude Oil Windfall Profit Tax Act of 1980.

Proposed Amendments to the Regulations

PART 26—[AMENDED]

The proposed amendments to 26 CFR Part 51 are as follows:

Paragraph 1. Section 51.4996–1 is amended by redesignating paragraph (m) as paragraph (o) and by inserting immediately after paragraph (l) new paragraphs (m) and (n), to read as follows:

§ 51.4996–1 Definitions.

* * * * *

(m) *Newly discovered oil.*—(1) *In general.* The term "newly discovered oil" means taxable crude oil that either is produced from a newly discovered crude oil property or is imputed newly discovered oil from a unitized property.

(2) *Newly discovered crude oil property.* The term "newly discovered crude oil property" means—

(i) A new lease on the Outer Continental Shelf; or

(ii) A property (not on the Outer Continental Shelf) that did not produce crude oil in commercial quantities in calendar year 1978; or

(iii) Any unitized property that is made up entirely of leases described in subdivision (i) of this subparagraph or properties described in subdivision (ii) of this subparagraph, or both.

(3) *Imputed newly discovered oil.* [Reserved]

(4) *New lease.* The term "new lease" means any lease of submerged acreage that satisfies all of the following three requirements:

(i) It was entered into on or after January 1, 1979;

(ii) Its submerged acreage did not produce crude oil in commercial quantities in calendar year 1978; and

(iii) No portion of its submerged acreage was included at any time during 1978 in a lease on the Outer Continental Shelf whose submerged acreage produced crude oil in commercial quantities in calendar year 1978.

Determinations under subdivision (i) of this subparagraph of the date on which a lease was entered into shall be made without regard to any extension, renewal, modification, assignment, or sublease of the lease. Accordingly, the original date on which that lease was entered into is controlling for purposes of that subdivision.

(5) *Outer Continental Shelf.* The term "Outer Continental Shelf" means Outer Continental Shelf as defined by section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

(6) *Production in commercial quantities in 1978.* A property (or submerged acreage on the Outer Continental Shelf) produced crude oil in commercial quantities in calendar year 1978 if any crude oil that was produced in calendar year 1978 (other than crude oil production that is disregarded under paragraph (n) of this section because it was incidental to the drilling of an exploratory well, including a test well) from that property (or submerged acreage) ultimately met the definition of crude oil produced in commercial quantities (set forth in paragraph (n) of this section).

(n) *Commercial quantities.* Crude oil is produced in commercial quantities if any of the crude oil produced is—

(1) Sold or exchanged; or

(2) Retained for beneficial economic use by the operator of that production; or

(3) Retained for beneficial economic use by any producer of that production.

However, crude oil production that is incidental to the drilling of an exploratory well (including a test well) shall be disregarded. Whether or not crude oil production is incidental to such drilling shall be determined on the basis of all the facts and circumstances of the particular case. However, in no case shall crude oil produced from a well after its casing, including the so-called "Christmas tree," has been installed be considered crude oil production that is incidental to the drilling of an exploratory well.

(o) *Other.* * * *

Par. 2. Paragraph (b) of § 51.4991–1 is amended by revising the sixth sentence to read as follows:

§ 51.4991–1 Taxable crude oil; tiers of oil.

* * * * *

(b) *Tiers of oil.* * * * The term "newly discovered oil" has the meaning given to that term in § 51.4996–1(m). * * *

Par. 3. Section 51.4988–2 is amended by adding at the end of paragraph (b)(3)(iii) a sixth sentence to read as follows:

§ 51.4988–2 Net income limitation on windfall profit.

* * * * *

(b) *Calculation of net income limitation.* * * *

(3) *Taxable income from the property reduced by cost depletion.*

* * * * *

(iii) * * * See paragraph (n) of § 51.4996–1 for the definition of the term "commercial quantities."

* * * * *

Roscoe L. Egger, Jr.,
Commissioner of Internal Revenue.

[FR Doc. 82–30525 Filed 11–2–82; 4:32 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1902

Revision of Rules Regarding Final Approval of State Plans

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: As a result of a recent Congressional appropriations action, OSHA is prohibited from obligating or expending any appropriated funds to enforce or prescribe, as a condition for initial, continuing, or final approval of state plans under Section 18 of the Occupational Safety and Health Act of

1970, state administrative or enforcement staffing levels which are greater than levels which are determined by the Secretary to be equivalent to federal staffing levels. OSHA is required by this congressional mandate to calculate enforcement staffing levels for each state plan state which are equivalent to federal staffing levels. This document proposes to amend 29 CFR 1902.37(b)(1) through notice and comment rulemaking in order to incorporate therein the new method to be used by OSHA in arriving at the required enforcement staffing levels or "benchmarks" for state plans. This document also gives notice of the new benchmarks which result from the application of this methodology. Finally, this document proposes the reinstatement of 29 CFR 1902.39(a), which was suspended on January 20, 1978 (43 FR 11196), and which sets forth the procedure under which state plans will be reviewed for final approval under Section 18(e) of the Act.

DATE: Comments on this proposed rule must be postmarked by December 6, 1982.

ADDRESS: Comments are to be sent to: Docket Officer, Docket No. T-001, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-4212, Washington, D.C. 20210

FOR FURTHER INFORMATION CONTACT: Barbara Bryant, Office of State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Room N-3613, Washington, D.C. 20210, (202) 523-8045.

SUPPLEMENTARY INFORMATION:

Background

A. History of the Benchmarks

As a result of the decision of the U.S. Court of Appeals in "AFL-CIO v. Marshall," 570 F.2d 1030 (D.C. Cir. 1978), OSHA was directed by the District Court for the District of Columbia to establish benchmarks for state plan staffing levels which reflect a fully effective enforcement effort. However, the Court of Appeals recognized in its decision that Congress may affect the ultimate implementation of the benchmarks through the appropriations process. The Court expressly stated that:

> We realize that the Secretary may draw up his plan and find that at some point in the future Congress is unwilling to appropriate the funds requested. The significance of such actions will depend on the nature of the Congressional action and its history. It may reflect a Congressional estimate that the some goals may be achieved with less expenditure, through greater efficiency. However, it may evince a legislative judgment that the administrative goal was excessive. If Congress approves only X percent of the Secretary's benchmark, a legitimate corollary would be the Secretary's approval of state plans that provide detailed assurances to meet at least X percent of the Secretary's benchmark during the appropriate time frame. "*AFL-CIO* v. *Marshall,*" *Supra.* at 1042, n. 40.

The Court of Appeals remanded the case to the District Court for the District of Columbia for the entry of a decree implementing the appeals court's opinion. The District Court entered its order on December 5, 1978. That order directed the Secretary to: (1) Develop benchmarks for each state establishing the number of safety inspectors and industrial hygienists necessary to meet the standard of a "fully effective enforcement program," (2) develop funding criteria to achieve these levels, (3) develop for each state a schedule for meeting the new benchmarks within a five year period, and (4) submit draft regulations requiring each state to have achieved 100 percent of its benchmark in order to obtain and retain final approval under Section 18(e) of the Act. Additionally, consistent with the Court of Appeals decision, the District Court order directed the Secretary in developing his plan to provide procedures for revision of the benchmarks to reflect congressional action in response to previously established benchmarks.

In compliance with the District Court order, the Secretary submitted a report to the Court on April 25, 1980. The American Federation of Labor and Congress of Industrial Organizations, (AFL-CIO) stipulated and agreed that this report represented a satisfactory response to the Court's order. The report set out the Secretary's initial benchmarks and explained in detail the process utilized in arriving at the staffing levels. The report additionally described the various ways in which the benchmarks may be revised. With respect to congressional action, the report provided that such action may have the effect of either changing the benchmark itself or modifying the rate at which states would be required to move toward achievement of the benchmark.

B. Recent Congressional Action

On September 10, 1982, Congress enacted Pub. L. 97-257. This enactment provides supplemental appropriations for various agencies for the fiscal year ending September 30, 1982. With regard to OSHA's supplemental request, the bill provides:

> In addition to the amounts made available under Pub. L. 97-92, making further continuing appropriations for fiscal year 1982, for grants to States under section 23(g) of the Occupational Safety and Health Act of 1970, $3,800,000 shall be available for such expenses: Provided, that none of the funds made available under this head for fiscal year 1982 may be obligated or expended to enforce or prescribe, as a condition for initial, continuing, or final approval of State plans under section 18 of the Occupational Safety and Health Act of 1970, State administrative or enforcement staffing levels which are greater than levels which are determined by the Secretary to be equivalent to Federal Staffing levels.

The intent of Congress is made clear in the legislative history of this provision. This appropriations language "allows the Secretary to approve State plans that provide administrative and enforcement staffing levels equivalent to Federal levels." Conference Report on H.R. 6863, H. Rept. No. 97-747, 97th Cong., 2d Sess. (1982).

Accordingly, exercising the authority recognized by the Court of Appeals decision in "AFL-CIO v. Marshall" and the District Court order implementing that decision, Congress has required the modification of OSHA's original benchmarks. Although Congress did not establish specific staffing levels for each state operating an Section 18(b) plan, the provision embodies a congressional judgment that the benchmarks derived from the present "fully effective" formula were excessive, and permits the Secretary to grant final approval to those state plans that have staffing levels which are determined by the Secretary to be equivalent to federal staffing levels. Many of the procedures established by the 1978 District Court order and the 1980 Report to the Court (such as periodic reevaluation of the original benchmarks by OSHA, or state petitions for revision based on factors specific to individual states) are not directly addressed by Pub. L. 97-257 and therefore remain in effect. However, the congressional action sets an upper limit on the staffing level requirements which OSHA may impose during this process, in that the provision prohibits OSHA from requiring states to meet staffing levels greater than those determined to be equivalent to federal level.

C. Summary of Proposed Revision to 29 CFR 1902.37(b)(1)

29 CFR 1902.37(b)(1) presently provides that as a condition for final approval state plans shall provide sufficient number of adequately trained and qualified personnel necessary for the enforcement of standards. The proposed amendment sets forth the methodology for determining, consistently with the mandate of Congress and the District Court order in

"AFL–CIO v. Marshall", what number of compliance safety and health personnel particular states must have in order to satisfy the "sufficient personnel" requirement of § 1902.37(b)(1) and Section 18(c)(4) of the Act.

Public Law 97–257 requires the Secretary to determine when a state's staffing levels are equivalent to Federal staffing levels. A first step, therefore, is to calculate a measure of Federal staffing to which a similar measure of state staffing may be compared. This can be accomplished by developing a ratio of Federal staff to a measure of workload for which that staff is responsible. The benchmarks for states set forth in OSHA's April 25, 1980, Report to the District Court in "AFL–CIO v. Marshall" were developed with a methodology based on a measure of workload. Accordingly, the Department has determined that calculating the ratio of Federal staff to the staffing levels that would be produced by application of the April 25, 1980, Report methodology to the Federal area of responsibility would be the equivalent of a ratio of Federal staff to the workload for which it is responsible. Although this method relies in part upon the benchmarks previously established, it is not to be interpreted as a disagreement with the Congressional judgment that the previous benchmarks were excessive.

The formula for determining the new state benchmarks employs, as a preliminary step, the methodology originally used in calculating the 1980 "fully effective" benchmarks for states set forth in OSHA's April 25, 1980 Report to the District Court in "AFL–CIO v. Marshall". Using methods identical to those described in that report OSHA has calculated "federal comparison benchmarks". Next, allocated federal staffing levels (i.e., the total number of federal compliance officer positions allocated to OSHA for conducting enforcement visits in non-plan states) are compared with the federal comparison benchmarks to produce a ratio.

The new benchmarks for states are derived by applying the percentage factor just described to each state's 1980 benchmarks. The proposed revision to 29 CFR 1902.37(b)(1) provides that a state will be considered to have a sufficient number of enforcement personnel when the ratio of its currently allocated compliance safety and health staff to the benchmark for that state set forth in the April 25, 1980 *Report to the Court* in "AFL–CIO v. Marshall" is at least equivalent to the ratio of current federal allocated enforcement staff to the federal comparison benchmarks. The following Table sets forth the resulting equivalent staffing benchmarks for each state plan state as of 1982.

REVISED STATE BENCHMARKS

State plan States	Safety	Health
	Equivalent staffing benchmark	Equivalent staffing benchmark
Alaska	2	1
Arizona	10	[illegible]
California	134	[illegible]
Connecticut	[1]1	[1]1
Hawaii	4	2
Indiana	32	[illegible]
Iowa	16	10
Kentucky	14	9
Maryland	12	7
Michigan	[illegible]	[illegible]
Minnesota	22	13
Nevada	3	[illegible]
New Mexico	4	3
North Carolina	[illegible]	[illegible]
Oregon	19	10
Puerto Rico	[illegible]	[illegible]
South Carolina	16	10
Tennessee	21	13
Utah	[illegible]	[illegible]
Vermont	[illegible]	2
Virginia	[illegible]	13
Virgin Island	1	[1]0
Washington	22	13
Wyoming	2	[illegible]
Total	463	[illegible]

[1] Denotes public sector coverage only.

E. Proposed Reinstatement of 29 CFR 1902.39(a)

As a result of the Court of Appeals decision in "AFL–CIO v. Marshall" OSHA on January 20, 1978 suspended 29 CFR 1902.39(a), which sets forth procedures for making determinations under Section 18(e) of the Act (43 FR 11196). Section 1902.39(a) of 29 CFR establishes time frames for making final approval determinations under Section 18(e) and provides for state petitions for initiating the determination procedures. Suspension of these procedures was necessary because, until OSHA had established benchmarks and states had reached 100 percent of these benchmarks, no Section 18(e) determinations could be made. However, several states now meet or exceed the benchmarks required by the recent congressional action and proceedings to determine whether such states meet the remaining tests for final approval are now appropriate. Accordingly, it is proposed that 29 CFR 1902.39(a) be reinstated.

Regulatory Assessment

The proposed actions described herein (amendment to 29 CFR 1902.37(b)(1)); proposed reinstatement of 29 CFR 1902.39(a), and revision of the benchmarks under terms of the court's order in "AFL–CIO v. Marshall") do not constitute a major action as defined by Executive Order No. 12291 (46 FR 13193, February 19, 1980) as they will not have an annual effect on the economy of $100 million or more, cause major increases in costs or prices or have any other significant adverse effects. Additionally these actions are taken in response to an express mandate of Congress and a decision of the United States Court of Appeals for the District of Columbia Circuit.

Regulatory Flexibility Act

The Regulatory Flexibility Act provides that in developing regulatory proposals, agencies should evaluate and include alternatives that minimize any adverse impact on "small entities." Today's proposed rule does not directly impact upon "small entities" within the meaning of the Regulatory Flexibility Act. The proposed rule concerns safety and health staffing levels of certain state governments, whereas the Regulatory Flexibility Act defines small governmental entities as "governments of cities, counties, towns, townships, villages, school districts, or special districts, with populations of less than fifty thousand." Theoretically, the proposed rule could indirectly affect small business entities by affecting the number of state inspectors available for conducting inspections of small firms in state plan states. However, the economic impact is not expected to be significant. Moreover, most state plan states already meet or exceed the benchmark levels expected to result from the proposed regulation, and the new benchmark levels would be substantially below those established under the previous 1980 benchmarks. For these reasons, no regulatory flexibility analysis is required.

Regulatory Flexibility Act Certification

For the foregoing reasons, Thorne A. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, hereby certifies that the proposed actions described herein (amendment to 29 CFR 1902.37(b)(1), proposed reinstatement of 29 CFR 1902.39(a), and revision of the benchmarks under the terms of the court's order in "AFL–CIO v. Marshall") will not have a significant economic impact on a substantial number of small entities. A letter containing this certification has been transmitted by the Assistant Secretary to the Chief Counsel for Advocacy of the Small Business Administration.

Public Participation

Interested persons are invited to submit written data, views and arguments on the specific provisions and issues raised in this proposed rulemaking. These comments must be postmarked on or before December 6, 1982 and submitted in quadruplicate to: Docket Officer, Docket No. T-001, Room S-4212, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Written submissions must clearly identify the provisions of the proposal which are addressed and the position taken with respect to each issue.

The data, views and arguments that are submitted will be available for public inspection and copying at the above address. All timely submissions received will be made a part of the record of this proceeding and will be considered in formulating the final rule.

List of Subjects in 29 CFR Part 1902

Administrative practice and procedure, Occupational safety and health.

Authority

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210. Accordingly, pursuant to Sections 8(g) and 18 of the Occupational Safety and Health Act of 1970 (84 Stat. 1600, 1608; 29 U.S.C. 657, 667), and Secretary of Labor's Order No. 8-76 (41 FR 25059), it is proposed to amend 29 CFR Part 1902 as set forth below.

Signed at Washington, D.C. this 29th day of October 1982.

Thorne G. Auchter,
Assistant Secretary of Labor.

PART 1902—[AMENDED]

1. It is proposed that 29 CFR 1902.39(a) be reinstated.

2. It is further proposed to revise 29 CFR 1902.37(b)(1) to read as follows:

§ 1902.37 Factors for determination.

* * * * *

(b) * * *

(1) The State has a sufficient number of adequately trained and competent personnel to discharge its responsibilities under the plan. With respect to compliance staffing levels, this factor is considered satisfied when the ratio of the State's currently allocated staff to the benchmarks set forth in the April 25, 1980 Report to the Court in "AFL-CIO v. Marshall" is at least equivalent to the ratio of the current Federal allocated staff to the federal comparison benchmarks. The federal comparison benchmarks are a hypothetical projection applying the formula used to derive the April 25, 1980 State plan benchmarks to the Federal program.

* * * * *

[FR Doc. 82-30200 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-26-M

SELECTIVE SERVICE SYSTEM

32 CFR Part 1662

Selective Service Regulations; Freedom of Information Act Procedures

AGENCY: Selective Service System.

ACTION: Proposed rule.

SUMMARY: Fees for the processing of Freedom of Information Act requests are revised to assure the recovery of costs of such processing.

DATES: Comment Date: Written comments received on or before December 4, 1982 will be considered. Effective date. Subject to the comments received the amendments are proposed to become effective upon publication in the **Federal Register** of a final rule not earlier than December 6, 1982.

ADDRESS: Written comment to: Selective Service System, ATTN: General Counsel, Washington, D.C. 20435.

FOR FURTHER INFORMATION CONTACT: Henry N. Williams, General Counsel, Selective Service System, Washington, D.C. 20435 Phone (202) 724-1167.

SUPPLEMENTARY INFORMATION: This amendment to Selective Service Regulations is published pursuant to 5 U.S.C. 552

Interested persons are invited to submit written comments on the proposed regulations. All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the General Counsel from 9:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, I have determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), I have determined that these regulations do not have significant economic impact on a substantial number of small entities.

List of Subjects in 32 CFR Part 1662

Freedom of information.

Dated: October 29, 1982.

Thomas K. Turnage,
Director.

PART 1662—[AMENDED]

32 C.F.R. 1662.6 is revised to read:

§ 1662.6 Fees.

(a) Following is the fees schedule for the search and reproduction of information available under the Freedom of Information Act (5 U.S.C. 552), as amended.

(1) Search for records—the product of the time used in the search, in units of ¼ hour (a fraction thereof to be counted a ¼ hour) X the hourly pay of the employee making the search. No charge will be made for searches the estimated cost of which is less than $5.00.

(2) Duplication of records. The charge for office copy reproduction is 25 cents per page. The charge for shelf stock is 10 cent per page.

(3) Other—When no specific fee has been established for a service, or the request for a service does not fall under one of the above categories due to the amount or type thereof, the Associate Director for Administration is authorized to establish an appropriate fee based on "direct costs" as provided in the Freedom of Information Act and in accordance with Office of Management and Budget Circular No. A-25, "User Charges." Examples of services covered by this provision include searches involving computer time or special travel, transportation, or communications costs.

(b) If records requested under this part are stored elsewhere than the headquarters of the Selective Service System (SSS) at Washington, D.C., the special costs of retrieving and returning such records to the headquarters for review will be added to the search costs.

(c) A search will not be undertaken until the requester pays the estimated cost thereof in excess of $5.00. No other service will be rendered until the requester pays the estimated cost thereof.

(d) Fees must be paid in full prior to issuance of requested copies. In the event the requester is in arrears for previous requests, copies of records will not be provided for any subsequent request until the arrears have been paid in full.

(e) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to the order of the Selective Service System and mailed or delivered to the Records Manager, Selective Service System, Washington, D.C. 20435.

(f) A receipt for fees paid will be given upon request. Refund of fees paid for services actually rendered will not be made.

(g) The Associate Director for Administration or an officer designated by the Associate Director for Administration may, in accordance with the Freedom of Information Act, as amended, waive all or part of any fee provided for in this section when the Associate Director for Administration or the designated officer deems it to be in the general public's interest.

[FR Doc. 82-30460 Filed 11-4-82; 8:45 am]

BILLING CODE 8015-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-14)]

Rail General Exemption Authority—Miscellaneous Agricultural Commodities

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking—Exemption.

SUMMARY: The Commission proposes to exercise its authority under 49 U.S.C. 10505 to exempt the transportation by rail of all farm products (STCC No. 01) not previously exempt, with the exception of grain (STCC No. 0113) and soybeans (01144), from the provisions of Subtitle IV of Title 49 U.S.C.; except that carriers shall continue to comply with the Commission's accounting and reporting requirements and shall include in their annual reports a brief statement of operations under this exemption authority. Because of the large quantities of grain and soybeans moving by rail, if exemption of these commodities were considered, separate treatment would be warranted. The purpose of this exemption is to provide the railroads full flexibility to compete with unregulated motor carriage which has already captured the predominant share of traffic in these agricultural commodities, and to accommodate the needs of shippers and receivers in responding to fundamental changes or substantial fluctuations taking place in these industries.

DATE: Comments by interested persons shall be filed with the Secretary of the Commission on or before December 6, 1982.

ADDRESS: An original and 10 copies, if possible, of each submission should be forwarded to: Secretary, Interstate Commerce Commission, Washington, DC 20423.

For copies of the Complete Text of the Exemption Decision Contact: Secretary, Interstate Commerce Commission, Washington, DC 20423, (202) 275-7428.

FOR FURTHER INFORMATION CONTACT: Leland L. Gardner or Robert Lundy, Office of Transportation Analysis, Interstate Commerce Commission, Washington, DC 20423, (202) 275-0811 or 275-6853.

SUPPLEMENTARY INFORMATION: This proceeding is not a major Federal action significantly affecting the quality of the human environment or the conservation of energy resources. It does not appear that the proposed exemption would have a significant economic impact upon small businesses, within the meaning of the Regulatory Flexibility Act.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Railroads.

(49 U.S.C. 10505 and 5 U.S.C. 553)

Decided: October 29, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett Andre, Simmons, and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30480 Filed 11-4-82; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 47, No. 215
Friday, November 5, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Allegheny Electric Cooperative, Inc., Harrisburg, PA; Proposed Loan Guarantee

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed loan guarantee.

SUMMARY: Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20–22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $200,000,000 to Allegheny Electric Cooperative, Inc., (Allegheny). This loan guarantee will provide supplemental funds needed to complete the financing of Allegheny's 10 percent undivided ownership interest in the Susquehanna Steam Electric Nuclear Station Units 1 and 2 and for completion of associated transmission facilities being constructed by Allegheny.

FOR FURTHER INFORMATION CONTACT: Mr. William F. Matson, General Manager and Executive Vice President, Allegheny Electric Cooperative, Inc., P.O. Box 1266, Harrisburg, Pennsylvania 17108.

SUPPLEMENTARY INFORMATION: Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed program, including the engineering and economic feasibility studies and the proposed schedule for advances to the borrower of the guaranteed loan funds from Mr. Matson at the address given above.

In order to be considered, proposals must be submitted on or before December 6, 1982 to Mr. Matson. The right is reserved to give such consideration and to make such evaluation or other disposition of all proposals received as Allegheny and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20–22 are available from the Director, Public Information Office, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

This program is listed in the Catalog of Federal Domestic Assistance as 10,850—Rural Electrification Loans and Loan Guarantees.

Dated: October 29, 1982.

Jack Van Mark,
Acting Administrator.

[FR Doc. 82–30336 Filed 11–4–82; 8:45 am]

BILLING CODE 3410–15–M

Soil Conservation Service

Aha Quin Public Water-Based Recreation Development RC&D Measure, Arizona; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Aha Quin Public Water-based Recreation Development RC&D Measure, Colorado River Indian Reservation, La Paz County, Arizona.

FOR FURTHER INFORMATION CONTACT: Verne M. Bathurst, State Conservationist, Soil Conservation Service, 230 North First Avenue, Room 3008, Phoenix, Arizona 85025, telephone (602) 261–6711.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Verne M. Bathurst, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the development of a relatively small recreation facility for local public use. The planned works of improvement include picnic tables, grills, benches, comfort station, ramada, swimming beach and utility lines.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FNSI are available, to fill single copy requests, at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Verne M. Bathurst.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(Catalog of Federal Domestic Assistance Program No. 10–901, Resource Conservation and Development Program, Office of Management and Budget Circular A95, regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Verne M. Bathurst,
State Conservationist.

[FR Doc. 82–30391 Filed 11–4–82; 8:45 am]

BILLING CODE 3410–16–M

Arroyo Colorado Watershed, Texas; Intent To Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Arroyo Colorado Watershed project, Cameron County, Texas.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817/774–1214.

SUPPLEMENTARY INFORMATION: A determination has been made by George C. Marks that the proposed works of improvement for the Arroyo Colorado Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from George C. Marks, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 27, 1982.

George C. Marks,

State Conservationist.

[FR Doc. 82–30463 Filed 11–4–82; 8:45 am]

BILLING CODE 3410-16-M

Los Fresnos Resaca Watershed, Texas; Intent To Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Los Fresnos Resaca Watershed project, Cameron County, Texas.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817/774–1214.

SUPPLEMENTARY INFORMATION: A determination has been made by George C. Marks that the proposed works of improvement for the Los Fresnos Resaca Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from George C. Marks, State Conservationist, at the above address and telephone number..

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 27, 1982.

George C. Marks,

State Conservationist.

[FR Doc. 82–30462 Filed 11–4–82; 8:45 am]

BILLING CODE 3410-16-M

Rancho Viejo Watershed, Texas; Intent To Deauthorize Federal Funding

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to deauthorize Federal funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of the intent to deauthorize Federal funding for the Rancho Viejo Watershed project, Cameron County, Texas.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817/774–1214.

SUPPLEMENTARY INFORMATION: A determination has been made by George C. Marks that the proposed works of improvement for the Rancho Viejo Watershed project will not be installed. The sponsoring local organizations have concurred in this determination and agree that Federal funding should be deauthorized for the project. Information regarding this determination may be obtained from George C. Marks, State Conservationist, at the above address and telephone number.

No administrative action on implementation of the proposed deauthorization will be taken until 60 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 27, 1982.

George C. Marks,

State Conservationist.

[FR Doc. 82–30461 Filed 11–4–82; 8:45 am]

BILLING CODE 3410-16-M

Sam Houston RC&D Area, Northwest Montgomery County Critical Area Treatment RC&D Measure, Texas; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Northwest Montgomery County Critical Area Treatment RC&D Measure, Montgomery County, Texas.

FOR FURTHER INFORMATION CONTACT: George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Texas 76503, telephone 817–774–1214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for treatment of critical erosion at 14 identified sites and includes 142 acres of shaping, 232 acres of vegetation, 14 grade stabilization structures, and 6800 feet of fencing.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting George C. Marks.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 28, 1982.

Jimmy W. Hill,

Assistant State Conservationist for Water Resources.

[FR Doc. 82–30465 Filed 11–04–82; 8:45 am]

BILLING CODE 3410–16–M

Shawnee RC&D Critical Area Treatment Measures, Illinois Finding of No. Significant Impact U.S.D.A.

AGENCY: Soil Conservation Service, U.S.D.A.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Critical Area Treatment RC&D Measures, Alexander, Edwards, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, Wabash, Wayne, White, and Williamson Counties, Illinois.

FOR FURTHER INFORMATION CONTACT: John J. Eckes, State Conservationist, Soil Conservation Service, Springer Federal Building, 301 North Randolph Street, Champaign, Illinois 61820, telephone 217/398–5267.

SUPPLEMENTARY INFORMATION: The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional or national impacts on the environment. As a result of these findings, John J. Eckes, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measures concern plans for critical area treatment. Conservation practices include subsurface drains, diversions, stone waterways, streambank stabilization, and seeding.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting John J. Eckes. The FONSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

John J. Eckes,

State Conservationist

October 29, 1982.

[FR Doc. 82–30397 Filed 11–4–82; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Affirmative Countervailing Duty Determination; Roses and Other Cut Flowers From Colombia

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We preliminarily determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in Colombia of roses and other cut flowers, as described in the "Scope of Investigation" section of this notice. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all entries of the merchandise subject to this determination which are entered, or withdrawn from warehouse, for consumption, and to require a cash deposit or bond on this merchandise in an amount equal to 4 percent of the f.o.b. value of the subject merchandise on entries made prior to January 1, 1983, and 5 percent of the f.o.b. value of the subject merchandise on entries made on or after January 1, 1983. If this investigation proceeds normally, we will make our final determination by January 13, 1983.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Gary Taverman, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–0161.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation, we preliminarily determine that there is reason to believe or suspect that certain benefits which constitute bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (the Act), are being provided to manufacturers, producers, or exporters in Colombia of roses and other cut flowers (cut flowers), as described in the "Scope of Investigation" section of this notice.

For purposes of this investigation, the export payments made under the Tax Reimbursement Certificate Program (CAT) are preliminarily determined to bestow a countervailable benefit on the subject merchandise. We estimate the net bounty or grant to be equal to 4 percent of the f.o.b. value of the subject merchandise on entries made prior to January 1, 1983, and 5 percent of the f.o.b. value of the subject merchandise on entries made on or after January 1, 1983.

Case History

On August 6, 1982, we received a petition from a group of independent producers of cut flowers, filed on behalf of the U.S. industry producing cut flowers. The petition alleged that certain benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided, directly or indirectly, to the manufacturers, producers, or exporters in Colombia of cut flowers.

We found the petition to contain sufficient grounds upon which to inititate a countervailing duty investigation, and on August 26, 1982, we initiated a countervailing duty investigation (47 FR 38570). We stated that we expected to issue a preliminary determination by November 1, 1982.

Since Colombia is not a "country under the Agreement" within the meaning of section 701(b) of the Act, section 303 of the Act applies to this investigation. Because the subject merchandise is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission is not required to determine whether, imports of this product cause or threaten to cause material injury to a U.S. industry.

We presented a questionnaire concerning the allegations to the government of Colombia in Washington, D.C. On October 6, 1982, we received the response to the questionnaire. A supplemental response was received on October 13, 1982.

Scope of Investigation

The merchandise covered by this investigation is roses and other fresh cut flowers (excluding miniature carnations), and bouquets, wreaths, sprays, or similar articles made from such flowers or other fresh plant parts. Roses are currently classifiable under item number 192.1800 and other fresh cut flowers (excluding miniature carnations) under item number 192.2100 of the *Tariff Schedules of the United States Annotated.*

There are approximately 140 known producers and exporters of cut flowers. The period for which we are measuring subsidization is January through June of 1982.

Analysis of Programs

In its response, the government of Colombia provided data for the applicable period. Based upon our analysis to date of the petition and response to our questionnaire, we have preliminarily determined the following:

I. Program Preliminarily Determined To Confer Bounties or Grants

We preliminarily determine that bounties or grants are being provided to manufacturers, producers, or exporters in Colombia of cut flowers included in this investigation under the program discussed below.

Tax Reimbursement Certificate Program (CAT)

The government of Colombia provides payments to exporters of cut flowers in the form of negotiable tax certificates, which may be used for the payment of various taxes (i.e. income, sales, and customs taxes), or may be sold on the stock exchange at a discount. Under Government Decree No. 2401 of 1981, the current level of payment is 4 percent of the domestic value-added content of the exported product and the certificates cannot be redeemed until three months after issuance. However, effective January 1, 1983, as authorized by Government Decree No. 2440 of August 20, 1982, the rebate will rise to 5 percent of the domestic value-added content of the exported product and the certificate will be redeemable upon issuance.

The government of Colombia and Asocoflores, a Colombian trade association of producers and exporters of cut flowers, jointly contend that the CAT is not a bounty or grant because it represents a non-excessive rebate of indirect taxes.

In support of this contention, the respondents have submitted copies of various government decrees, which either implemented or modified the CAT program with respect to cut flowers, and an economic study, prepared by Asocoflores and verified by the Government of Colombia, which purportedly measures the tax incidence borne by the Colombian cut flower producers and which the respondents appear to claim was the basis for calculating the amount of the CAT rebate.

Under U.S. countervailing duty law, the primary considerations in determining whether an export rebate program can be considered a *bona fide* indirect tax rebate are: (1) Whether the program operates for the purpose of rebating indirect taxes, (2) whether there is a clear link between eligibility for the export payments and the payment of indirect taxes, and (3) whether the government has reasonably calculated and documented the actual indirect tax incidence borne by the exported product and has demonstrated a clear link between such tax incidence and the amount of the export payments. See, e.g., *Industrial Fasteners Group, American Importers Association v. United States,* 585 F. Supp. 885, 890 (CIT 1981).

We preliminarily determine that the CAT program does not satisfy the first criterion because its purpose appears to have been to rebate taxes in general, not just indirect taxes.

Although the respondents contend that their tax study demonstrates the government's intent to link the CAT payments to indirect taxes paid, it appears that the study was prepared to enable the rebate of many direct taxes as well. The study concludes that Colombian cut flower producers purportedly bear a tax incidence of approximately 25 percent of the value added in Colombia, of which roughly 90 percent concerns social security taxes and other social welfare taxes which appear to be in the form of taxes on income or profits. We consider these types of taxes to be direct, not indirect, taxes. This view is consistent with international consensus and U.S. obligations under the *Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade,* Illustrative List of Export Subsidies, n. 1, which states in part: "(T)the term 'direct taxes' shall mean taxes on wages, profits, interest, rents, royalties, and all other forms of income, and taxes on the ownership of real property." Given that the study includes the analysis of significant amounts of direct taxes, and that the CAT rebate calculations were evidently based on the conclusions of this study, we preliminarily determine that the CAT study fails to meet our established criteria.

The government of Colombia also claims that the applicable CAT rate on exports of cut flowers is payable only on the value-added component of the export value, which they claim to be 90 percent of the value of the exported merchandise. No evidence supporting this claim has been presented, however. Therefore, we have calculated the CAT rebate for purposes of the preliminary determination as though it were payable on the entire value of the exported merchandise.

Finally, the government claims that the value of the CAT certificate is diminished because the government mandates a three-month delay in payment of the CAT rebate which results in a loss of the use of the payments during a period of inflation or devaluation. However, since the CAT certificates may be sold at a discount at any time during that three-month period, we have preliminarily determined not to consider the loss which might result from a government-mandated deferral at this time.

Therefore, we preliminarily determine that the net benefit to exporters of cut flowers under the CAT program amounts to 4 percent of the f.o.b. value of the subject merchandise on entries made prior to January 1, 1983, and 5 percent of the f.o.b. value of the subject merchandise on entries made on or after January 1, 1983.

II. Program Preliminarily Determined Not To Confer Bounties or Grants

We preliminarily determine that the government of Colombia is not providing bounties or grants to manufacturers, producers, or exporters of cut flowers under the following program.

Foreign Currency Exchange Controls

Petitioners alleged that the exporters in Colombia of cut flowers benefit from an exchange rate advantage over other products. Information available to the Department when this investigation was initiated indicated that all foreign currency receipts were sold to the Central Bank in Colombia for foreign currency certificates of exchange. Those certificates issued on the sale of flowers could then be redeemed at a fixed discount rate lower than the discount rate applicable to other products.

In its response, the government of Colombia indicates that this system is no longer in effect. Currently, all foreign currency receipts are sold to the Central Bank and exchanged for Colombian pesos at the exchange rate in effect on that day. Foreign currency certificates of exchange are no longer issued. A single exchange rate system now exists without discounts. Therefore, we preliminarily determine that no countervailable benefit exists.

III. Program for Which Additional Information is Needed

We preliminarily determine that additional information is needed for the following program alleged by the petitioners to provide bounties or grants to the manufacturers, producers, or exporters in Columbia of the product subject to this investigation.

Air Freight Reductions

The government of Colombia, through the Administrative Department of Civil Aeronautics (DAAC), issued Resolution No. 5833 on September 1, 1981. That resolution established new air freight rates for the transport of cut flowers from Colombia to the United States and Europe. While setting only rate ceilings on shipments of cut flowers to Europe, the DAAC set both minimum and maximum rates for shipments of cut flowers from Bogota, Cali, and Medellin to Miami.

We will seek additional information on the international freight rates established by DAAC covering other products that are transported to the United States to determine whether the rates for cut flowers are comparable. We will also seek information on the air freight rates established by the DAAC that the cut flower producers are charged for the domestic transport of their products.

Verification

In accordance with section 776(a) of the Act, we will verify all data used in making our final determination.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend liquidation of entries of the roses and other cut flowers (excluding miniature carnations) which are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to require a cash deposit or the posting of a bond for each such entry of the merchandise in an amount equal to 4 percent of the f.o.b. value of the subject merchandise on entries made prior to January 1, 1983, and 5 percent of the f.o.b. value of the subject merchandise on entries made on or after January 1, 1983.

This suspension will remain in effect until further notice.

Public Comment

In accordance with § 355.35 of the Commerce Department Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination at 10:00 a.m. on November 29, 1982 at the U.S. Department of Commerce, Room 3708, 14th and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within ten days of this notice's publication. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by November 22, 1982. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 355.43, within thirty days of this notice's publication, at the above address and in at least ten copies.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

November 1, 1982.

[FR Doc. 82-30523 Filed 11-4-82; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

[Docket No. 21013-210]

Planned Companion Standard To Federal Information Processing Standard 86; Additional Controls for Use with ASCII

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce is authorized to establish uniform Federal automatic data processing standards.

On January 29, 1981, a notice was published in the **Federal Register** (46 FR 9687–9688), announcing the approval of Federal Information Processing Standard Publication (FIPS PUB) 86, Additional Controls for Use with ASCII. As a result of comments received after the standard was approved, the National Bureau of Standards (NBS) is proposing to revise the "Applicability" section of FIPS PUB 86, and is planning to develop and issue a companion standard to FIPS PUB 86. On February 5, 1982, a notice was published in the **Federal Register** (47 FR 5450) indicating that the Secretary of Commerce had amended FIPS PUB 86 by changing the effective date from January 29, 1982 to September 30, 1982, and indicated that a proposed revision to the applicability section of FIPS PUB 86 would be forthcoming. On May 21, 1982 that proposed revision to FIPS PUB 86 was announced in the **Federal Register** (47 FR 22139–22140) and comments were solicited.

This present notice announces an intention to develop a planned companion standard that may be used as an alternative to the revised FIPS PUB 86. This companion standard will be based upon bit-oriented control techniques, as contrasted to the character-oriented controls of FIPS PUB 86. Such a bit-oriented standard would be compatible with many existing user terminals and printing devices.

The controls of FIPS PUB 86 apply to devices whose control is based upon ASCII characters and control extensions comprised of character strings, as employed by many existing graphics and alphanumeric screen-editing terminals.

The character-oriented controls of FIPS PUB 86 and the bit-oriented controls of the planned FIPS PUB each have the capability to provide graphics, drawing and display capability and other features requiring "transparent" or "code insensitive" representation and communication capabilities, such as that required for facsimile data stream picture communication. The need for this planned standard as a companion to FIPS 86 is based on the fact that these two techniques for controlling transparency and for controlling other aspects of text and graphics representations and communication are currently incompatible, and each is currently used in a substantial base of existing equipment.

This announcement solicits both candidate proposals and comments on the impact and applicability as well as benefits and costs of such a bit-oriented standard.

This accouncement provides 90 days for comment to ensure adequate opportunity for vendors of relevant terminal equipment and software, potentially impacted favorably or unfavorably by this planned companion standard to FIPS PUB 86, to prepare and submit responses or for persons to submit proposals. Interested parties may submit comments or proposals in writing to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234, Attention: Planned Companion Standard to FIPS PUB 86 on Additional Controls. To be considered, comments and proposals in response to this announcement must be received on or before February 3, 1983.

Written comments and proposals received in response to this notice will be made part of the public record and will be available for inspection and copying in the Central Reference and Records Inspection Facility, Room 6622, Main Commerce Building, 14th Street between Constitution Avenue and E Street, N.W., Washington, DC 20230.

Persons desiring further information about this planned companion standard to FIPS PUB 86 may contact Mr. John L. Little, System Components Division, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234, telephone 301/921-3723.

Dated: November 1, 1982.

Ernest Ambler,

Director.

[FR Doc. 82-30501 Filed 11-4-82; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adusting the Import Restraint Level for Certain Cotton Textile Products from Taiwan

November 2, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting an increase by application of swing from 657,295 dozen to 696,733 dozen for men's and boys' woven cotton shirts in Category 340, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (47 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654)).

SUMMARY: The bilateral textile agreement of June 8, 1978, as amended, concerning cotton, wool, and man-made fiber textile products from Taiwan provides, among other things, for percentage increases in certain specific category ceilings during an agreement year (swing). Pursuant to the terms of the bilateral agreement, the import restraint level established for Category 340 is being increased to 696,733 dozen for the twelve-month period which began on January 1, 1982 and extends through December 31, 1982.

EFFECTIVE DATE: November 2, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 17, 1981, there was published in the **Federal Register** (46 FR 61497) a letter dated December 14, 1982 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specific categories of cotton, wool, and man-made fiber textile products, including Category 340, produced or manufactured in Taiwan and exported to the United States during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In accordance with the terms of the bilateral agreement, the level of restraint for cotton textile products in Category 340 is being increased to 696,733 dozen. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase that level to the designated amount.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 2, 1982.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: On December 14, 1982, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1982 and extending through December 31, 1982 of cotton, wool, and man-made fiber textile products in certain specified categories, produced or manufactured in Taiwan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977 and December 22, 1981; pursuant to the bilateral textile agreement of June 8, 1978, as amended, concerning cotton, wool, and man-made fiber textile products from Taiwan; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to increase, effective on November 2, 1982, the twelve-month level of restraint established for cotton textile products in Category 340 to 696,733 dozen.[2]

The action taken with respect to the authorities in Taiwan and with respect to imports of cotton textile products from Taiwan has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-30522 Filed 11-4-82; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contract from whom a copy of the information proposal may be obtained.

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[1] The term "adjustment" refers to those provisions of the bilateral textile agreement of June 8, 1978, as amended, concerning cotton, wool, and man-made fiber textile products from Taiwan which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; up to 11 percent of the applicable category limit; and (3) administrative arrangement or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

Extension

Application for Establishment of an Army Senior Reserve Officer's Training Corps Unit, DA Form 918.

College level institutions desiring to host an Army ROTC Unit make application and commit themselves to an agreement by completing and forwarding DA Form 918. Once approved, the application is kept on file as a record of agreement.

Colleges and Universities: 16 responses; 160 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–51111.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

Dated: November 2, 1982.

[FR Doc. 82–30495 Filed 11–4–82; 8:45 am]

BILLING CODE 3710–08–M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Uniform Cost Accounting Reporting Systems (UCARS)

The Military Standard (UCARS) was needed to bring uniformity to the accounting systems at the Government Owned Contractor Operated (GOCO) Ammunition plants. USCARS provides uniform cost accounting data that can be used to evaluate individual contractor performance, and to make comparisons among the plants of cost and manpower information.

Government-owned-Contractor-Operated (GOCO) Plants: 132 responses; 2,640 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 2, 1982.

[FR Doc. 82–30496 Filed 11–4–82; 8:45 am]

BILLING CODE 3710–08–M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Application for Correction of Military or Naval Records

The DD Form 149 allows an applicant to request correction of a Military or Naval Record. The routine uses are (1) To docket a case (2) Source of information for review board in determining – A. Relief sought B. Qualifications C. Analysis of actual records.

Individuals requesting change in military records; 31,000 responses; 31,000 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, DOD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301, telephone (202) 697–1195.

A copy of the information collection proposal may be obtained from David O. Cochran, DAAG–OPI, Room 1D667, Pentagon, Washington, D.C. 20310, telephone (202) 695–5111.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 2, 1982.

[FR Doc. 82–30497 Filed 11–4–82; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

Defense Advisory Committee on Women in the Services (DACOWITS); Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that a meeting of the Executive Committee of the Defense Advisory Committee on Women in the Services (DACOWITS) is scheduled to be held from 1:30 p.m. to 5:00 p.m., 7 December 1982 in MRA&L Conference Room #3E794, The Pentagon, and from 9:30 a.m. to approximately 12:00 noon, 8 December 1982 in MRA&L Conference Room #3E794, The Pentagon. Meeting sessions will be open to the public.

The purpose of the meeting is to review the recommendations/requests for information/continuing concerns made at the 1982 Fall Meeting, discuss current issues relevant to women in the Services, and to begin planning the itinerary/program for the next Semiannual Meeting scheduled for 24–28 April 1983 in Washington, D.C.

Persons desiring to make oral presentations or submit written statements for consideration at the Executive Committee Meeting must contact Captain Mary J. Mayer, Executive Secretary, DACOWITS, OASD (Manpower, Reserve Affairs, and Logistics), Room 3D769, The Pentagon, Washington, D.C. 20301, telephone (202) 697–2122 no later than 22 November 1982.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 2, 1982.

[FR Doc. 82–30493 Filed 11–4–82; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement—Request Submitted To OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Youth Attitude Tracking Study (YATS)

Used to determine and evaluate knowledge of, and attitudes and motivations toward Military Service (active duty) of youth (16–21 years of age). Generate cross-sectional time series data on propensity to serve and on other key issues for trend analyses. Used by DoD and Services to develop recruiting strategies and incentive programs including different bonus levels, various types of educational assistance, and other enlistment options.

16 to 21 year old males and females who are not beyond their second year of college and who have not previously served nor are currently serving in the Military; 10,400 responses, 5,200 burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, DC 20301, telephone (202) 697–1195.

A copy of the information collection request may be obtained from Mr. Robert L. Newhart, OASD, MRA&L(PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695–0643. This survey is under contract.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 2, 1982.

[FR Doc. 82–30494 Filed 11–4–82; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF EDUCATION

National Advisory Council on Vocational Education, Meeting

AGENCY: National Advisory Council on Vocational Education.

ACTION: Notice of public meeting of the council.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Adivsory Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

DATE: December 6, 1982, 9:00 a.m.–4:30 p.m.

ADDRESS: The Holiday Inn Riverfront, 4th and Pine Streets, St. Louis, Missouri, The Riverfront Room.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Vocational Education is established under Section 104 of the Vocational Education Amendments of 1968, Pub. L. 90–576. The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

The meeting of the National Advisory Council, in conjunction with the Annual Convention of the American Vocational Association, is open to the public. The proposed Agenda will include:

Report from the U.S. Department of Education: Departmental Activities
Presentation on Vocational Student Organizations
Report from the National Center for Research in Vocational Education

Records are kept of the Council's proceedings, and are available for public inspection at the office of the National Advisory Council on Vocational Education from 9:00 a.m. to 5:00 p.m., 425 13th Street NW, Suite 412, Washington, D.C. 20004.

For further information contact: Virginia Solt, NACVE Staff, at above address. Telephone (202) 376–8873.

Signed at Washington, D.C. on November 2, 1982.

George Wallrodt,

Acting Executive Director, National Advisory Council on Vocational Education.

[FR Doc. 82–30429 Filed 11–4–82; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Record of Decision To Provide a Point-of-Delivery To Serve the Mt. Tolman Project, Ferry County, Washington

AGENCY: Bonneville Power Administration (BPA), DOE.

DECISION SUMMARY: The Bonneville Power Administration (BPA) has decided to provide a point-of-delivery (POD) to serve a copper and molybdenum mine to be developed at some future time near Mt. Tolman on the Colville Indian Reservation in Ferry County, Washington. The POD consists of modifying one of BPA's transmission towers along its 17-mile long, 230-kV transmission line extending from a BPA substation near Grand Coulee Dam to BPA's Keller substation so that a tapline to serve the Mt. Tolman Project can be accommodated. BPA will provide a metering device and transformer on this modified tower when the Mt. Tolman load materializes and the facilities to serve the project are in place. The tapline and facilities to interconnect with the mine will be provided by Public Utility District (PUD) No. 1 of Ferry County in whose service area the mine is located. Ferry County PUD is a BPA preference customer, and upon request, BPA is obligated to meet its net firm load requirements including the Mt. Tolman mining project. This new POD will be incorporated into Exhibit H of BPA's utility power sales contract offered August 25, 1981, as required by the Pacific Northwest Electric Power Planning and Conservation Act (Pub. L. 96–501 or Regional Act), Section 5 (a), (b), and (c).

SUPPLEMENTARY INFORMATION: The mine and its associated facilities were described in the Mt. Tolman Project Final Environmental Impact Statement (EIS) prepared by the U.S. Department of the Interior. This EIS was filed with the Environmental Protection Agency

(EPA) and issued to the public July 20, 1981. BPA was a cooperating agency in the preparation of the EIS because providing a POD so that Ferry County PUD can serve the electrical needs of the mining project is considered a connected action. BPA's Grand Coulee-Keller 230-kV transmission line was described in an environmental assessment (EA) issued in February 1980. The EA resulted in a finding of no significant impact (FONSI) approved April 21, 1980, and published as Appendix F-2 in the Mt. Tolman Project Draft EIS filed with EPA and issued to the public January 1981.

Ferry County PUD has requested that BPA incorporate into Exhibit H of the August 25, 1981, power sales contract offer a provision for a POD to serve the Mt. Tolman Mine Project, even though it is uncertain when the mine will be developed. BPA has made the determination that the Colville Confederated Tribe's Mt. Tolman mining project is a "committed to" load of Ferry County PUD, under Section 3(13)A and 5(b) of the Regional Act. The size of the committed to load as of September 1, 1979, was 75 peak megawatts at an 87 percent load factor or 65.25 average megawatts. As a result of this determination, BPA is obligated to provide power to Ferry County PUD to service this load when it materializes, provided that the PUD sign the new power sales contract offered August 25, 1981.

The point of interconnection between the tapline to serve the mine and BPA's Grand Coulee-Keller 230-kV transmission line determines the POD. Although only one tapline location was discussed in the EIS, it was determined to be the best location from both an engineering and environmental standpoint. Ferry County PUD located its proposed 2-mile, 230-kV tapline between two proposed tailing areas. This location provides the least disruption to the mining activities occurring around the mill site. From the receiving substation at the mill, aboveground connections would be made to the various project load centers. Auxiliary diesel generators would be available to operate essential services in the event of an outage in the main transmission line.

FOR FURTHER INFORMATION CONTACT: Anthony R. Morrell, Environmental Manager, Bonneville Power Administation, P.O. Box 3621-SJ, Portland, Oregon 97208; telephone (503) 230-5136.

Issued in Portland, Oregon, September 1, 1982.

Peter T. Johnson,

Administrator.

[FR Doc. 82-30436 Filed 11-4-82; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 82-CERT-019]

Yale University; Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 20, 1982, Yale University (Yale), Central P.O. Box 1501-A, New Haven, Connecticut 06520, filed with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 an application for recertification of an eligible use of up to 750,000 Mcf of natural gas per year to displace approximatley 121,000 barrels of No. 6 fuel oil (0.5 percent sulfur) at its New Haven, Connecticut campus. The eligible seller of the natural gas is National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203. The gas will be transported by National Fuel Gas Supply Corporation (same address); Tennessee Gas Pipeline Company, a division of Tenneco, Inc., P.O. Box 2511, Houston, Texas 77001; and The Southern Connecticut Gas Company, 55 Church Street, New Haven, Connecticut 06510.

On November 5, 1981, Yale received a recertification (ERA Docket No. 81-CERT-021, effective November 7, 1981) of an eligible use of natural gas purchased from National Fuel Gas Distribution Corporation for a period of one year expiring on November 6, 1982, for use at its New Haven, Connecticut campus. Yale has requested that this new recertification be handled expeditiously because of the November 6, 1982 expiration date of its current certificate.

The ERA has carefully reviewed Yale's application in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Yale's application satisfies the criteria enumerated in 10 CFR Part 595, and therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification, is available for public inspection at the ERA, Natural Gas Branch Docket Room, Room 6144, RG-64, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

This recertification is being issued prior to the 10-day public comment period and being made effective on November 7, 1982, to provide continuity with the current certificate's November 6, 1982, expiration date. The recertification involves the displacement of large volumes of fuel oil and it is in the public interest to maximize the displacement of fuel oil. It is not, therefore, in the public interest to permanently lose this opportunity to displace large volumes to fuel oil while public comments are being solicited, especially since this same purchase and use of gas at this facility has qualified as an "eligible use" for the past two years.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Natural Gas Branch, Room 6144, RG-64, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, Attention: Paula Daigneault, within ten (10) calendar days of the date of publication of this notice in the **Federal Register.**

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Yale and any persons filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., November 1, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-30435 Filed 11-4-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP82-56-000]

Amoco Production Co.; Petition for Declaratory Order

Issued November 2, 1982.

Take notice that on September 19, 1982, Amoco Production Company (Amoco) filed a petition for a declaratory order pursuant to Rule 207 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure. 18 CFR 385.207. Amoco requests a declaratory order stating that the interest rate on refunds made pursuant to certain types of excess collections governed principally by the refund provisions of § 270.101(e) of the Commission's regulations were never intended by the Commission to be subject to the prime interest rate level set forth in Commission Order No. 47, Docket No. RM77-22, 44 FR 53493 (September 14, 1979).

Specifically, Amoco states that the Commission could not have intended to apply the prime rate to every conceivable refund situation which might arise under either the Natural Gas Act or the Natural Gas Policy Act of 1978. Amoco further states that there are three general types of refund situations which Amoco believes should not be included within the ambit of Commission Order No. 47: (1) Stripper well disqualifications, (2) Payments in excess of those sought by the seller, and (3) Payments where the seller is a mere stake-holder of the funds.

Amoco requests that the pre-existing 9 percent simple interest per annum figure should become the applicable measure of interest in the above referenced refund situations (except for the disputed zone refunds which should carry 7% simple interest per annum as discussed in Amoco's application for rehearing in Docket No. RI77-32-000).

Any person desiring to be heard or to make any protest with reference to any or all of said petitions for declaratory orders should file, within 30 days, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30480 Filed 11-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RA82-26-000]

Ashland Oil, Inc.; Filing of Petition for Review Under 42 U.S.C. 7194

November 1, 1982.

Take notice that Ashland Oil, Inc. on August 16, 1982, filed a Petition for Review [1] under 42 U.S.C. 7194(b) from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a motion to intervene. However, any such person wishing to be a participant must file a notice of participation on or before November 9, 1982, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NW., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a motion to intervene on or before November 9, 1982, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.1005(c)).

A notice of participation or motion to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through the Office of General Counsel, the Assistant General Counsel for Regulatory Litigation, Department of Energy, Room 6H-025, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., NE., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30479 Filed 11-4-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER 82-751-000]

Delmarva Power & Light Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, Granting Waiver, Denying Motion To Reject, Denying Motion for Summary Judgment, and Establishing Hearing and Price Squeeze Procedures

Issued: October 29, 1982.

On August 31, 1982, Delmarva Power & Light Company (Delmarva) submitted for filing a proposed rate increase for firm power service to its three electric cooperative and ten municipal customers.[1] Delmarva is also proposing a new firm wheeling service. The proposed rates would increase revenues by approximately $6.8 million (10.6%) for the calendar year 1983 test period. Delmarva also requests waiver of § 35.14 of our regulations because it proposes to recover capacity-related costs through its fuel clause where power is purchased for purposes of reducing energy costs and where total cost per kilowatt-hour is less than Delmarva's fuel cost. Delmarva requests an effective date of October 30, 1982, for proposed rates. In addition, Delmarva requests that the Commission issue a rate order authorizing the use of normalization for cost of service purposes in order that it may qualify for the ACRS benefits afforded by the Economic Recovery Tax Act of 1981 (ERTA).

Notice of the filing was published in the Federal Register with comments due on or before September 23, 1982. On September 22, 1982, five municipalities filed a motion for an extension of time to file protests and motions to intervene. By notice issued September 23, 1982, the Commission's Secretary granted an extension until September 30, 1982. The Public Service Commission of Maryland filed a timely notice of intervention.

Old Dominion Electric Cooperative and three of its member cooperatives (Cooperatives)[2] filed a timely protest, motion to intervene, request for hearing, and a maximum suspension of the proposed rates. In support of their requests, the Cooperatives state that the rates proposed are excessive under the demand allocation methodology employed, and that the information supplied suggests that another methodology should be used. In addition to raising a number of cost of service issues, the Cooperatives also state that

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[1] The petition, styled "Application for Temporary Stay," meets the requirements of 18 CFR 385.1004(a) for purposes of commencing this proceeding.

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[1] Designated as follows:
Delmarva Power & Light Company
FERC Electric Tariff, Original Volume No. 11, Original Sheet Nos. 1-38 (Supersedes Original Volume No. 10).

the proposed rate increase may create a price squeeze and therefore request a phased hearing.

On September 30, 1982, a group of municipal utilities ("Eastern Shore Cities")[3] filed a protest, motion to intervene, motion to reject part of the filing, and motion for maximum suspension and other relief. The Eastern Shore Cities state that a five month suspension is justified under the suspension standard set forth in *Boston Edison Company*, 12 FERC ¶ 61,211 (1980), and that *Boston Edison* is the proper precedent to apply rather than the standard set forth in *West Texas Utilities Company*, 18 FERC ¶ 61,189 (1982). The Eastern Shore Cities allege that a one day suspension would result in Delmarva collecting a rate increase prior to the start of the test year underlying the increase which would be inconsistent with the Commission's rules regarding future test years. In addition to raising various cost of service issues, the Eastern Shore Cities move to reserve price squeeze as an issue if further inquiry reveals the existence of a price squeeze.

Berlin also moves to reject Delmarva's entire increase as applied to Berlin. In support of its request for rejection, Berlin states that as a partial requirements customer which can operate its own generating capacity to reduce its demands on Delmarva's system during hours of peak demand, Delmarva has improperly credited it with an excessive amount of generating capacity. Berlin alleges that although it owns the capacity at issue, Delmarva arbitrarily refuses to recognize contracts which Berlin has made with other utilities to commit that capacity for other purposes.

Also on September 30, 1982, a second group of municipal utilities ("Delmarva Municipalities")[4] filed a motion to intervene, protest, and request for suspension of the filed rates and other relief. In support of their request for a maximum suspension, Delaware Municipalities state that their preliminary analysis shows that under the *West Texas* standard a five month suspension is warranted. In addition, Delaware Municipalities raise cost of service issues involving rate base, expenses, allocation factors, and rate of return.

Delaware Municipalities also move for summary disposition on the issue of a separate rate for each wholesale customer. In support of their motion, the Delaware Municipalities state that the issue was extensively litigated in Docket No. ER80-363-000, that individual customer classifications violate the Federal Power Act, that differences between customers are minor and cannot serve to justify the classifications, and that there have been no significant changes related to this issue since it was litigated. The Delaware Municipalities further request that the Commission initiate an investigation into Delmarva's fuel procurement practices. In support of this request, they state that the Delaware Public Service Commission has found that Delmarva was guilty of imprudence in entering into coal contracts at prices higher than market rates. The municipalities note also that this issue has been set for hearing by the presiding judge in a separate phase of Delmarva's previous rate case in Docket No. ER81-504-000. In addition, the Delaware Municipalities request a price squeeze investigation and raise several issues concerning the proposed wheeling tariff.

Also on September 30, 1982, Joseph R. Biden, Jr., United States Senator from Delaware, filed a protest and request for rejection of the proposed rates or suspension for five months. Senator Biden states that the rate increase would substantially increase the retail rates charged by municipalities to their respective customers, that the wheeling rates proposed will result in a price squeeze, that the proposed individual rates for each customer cannot be cost-justified and are therefore discriminatory, and that the requested rate of return on common equity is excessive.

On October 1, 1982, Delmarva moved for an extension of time until October 15, 1982, in which to respond to the pleadings of the Cooperatives and others in a single additional pleading rather than in several pleadings. By notice issued October 6, 1982, the motion was granted.

On October 15, 1982, Delmarva filed its answer. Delmarva states that its estimates with respect to Berlin's operation of its peaking capacity are reasonable, and cannot be so unreasonable as to require rejection of the filed rates. Delmarva also contends that Berlin will be fully protected by a refund obligation. The company disputes challenges to its method of demand allocation and objects to a proposal that the Commission bifurcate Delmarva's submittal and suspend the transmission rate for a different period than the full and partial requirements rates. With respect to the Delmarva Municipalities' request for a fuel cost investigation, Delmarva acknowledges that the presiding judge has ordered such an investigation in Docket No. ER81-504-000, but states that the Delaware Commission has not issued its final order in Docket No. 81-39. Therefore, Delmarva suggests that if such an investigation is deemed to be appropriate, it should be consolidated with Docket No. ER81-504-000 and deferred pending final resolution of the Delaware Commission's proceedings. Delmarva states that the issue of individual customer classsification should be litigated again in the instant docket because significant changes have occurred since the issue was litigated in Docket No. ER80-363-000, namely that certain customers will now receive wheeling sevices. Finally, Delmarva expresses its view that a one day suspension is appropriate under the Commission's *West Texas* criteria.

On October 21, 1982, the Easton Utilities Commission and the Town of Easton, Maryland (Easton) filed a motion for leave to intervene out of time and a protest and motion to intervene. Because of the lateness of Easton's pleadings and the fact that the period for responses to the motion to intervene has not yet elapsed, we shall leave to the discretion of the presiding judge the question whether to permit Easton to participate as an intervenor.

Discussion

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the Maryland Commission's timely notice of intervention and the unopposed motions to intervene of the Cooperatives, Eastern Shore Cities, and Delaware Municipalities serve to make them parties to this proceeding.

We shall deny Berlin's motion to reject Delmarva's filing. The development of load projections, customer peak-shaving and demand allocators are issues which should be resolved during the course of the hearing which we shall order below. Our review of the submittal indicates that Delmarva has substantially complied with our filing requirements[5] and that no basis exists for rejection.

We shall also deny the motion for summary disposition as to the issue of individual rates for each wholesale customer. This issue has been addressed in Docket No. ER80-363-000 and the parties are now awaiting the presiding judge's initial decision. It would be premature to grant summary disposition on this matter since its has been fully litigated but not yet resolved. However, further hearing on the issue in the instant docket should not be necessary unless there has been a material change in circumstances. The pleadings indicate that the Delaware Municipalities and Delmarva do not agree as to whether conditions have changed significantly since the issue was litigated in Docket No. ER80-363-000. We note that the presiding judge in Docket No. ER81-504-000 has ordered that the decision on this issue in the earlier docket will be binding in the later docket. In the instant proceeding, we will leave it to the presiding judge to determine whether conditions have changed materially since the earlier litigation took place and whether further consideration of the issue is warranted here.

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[3] The Mayor and Council of Berlin, Maryland ("Berlin"), the City of Milford, Delaware, and the Board of Public Works of Lewes, Delaware.

[4] The Cities of Newark, New Castle, and Seaford, the Towns of Smyrna and Clayton, and the Mayor and Council of the Town of Middletown, all in Delaware.

[5] *See Municipal Light Boards of Reading and Wakefield, Massachusetts v. FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

We shall also permit the presiding judge to exercise discretion as to the appropriateness and timing of an investigation into Delmarva's fuel procurement practices. Delmarva is not necessarily correct in its assertion that it makes no sense to investigate the coal purchase issue both in Docket No. ER81-504-000 and in the instant docket since each case involves different test periods and, presumably, different fuel purchases. Again, the presiding judge will be in the best position to ascertain the extent to which circumstances may or may not differ in the two cases.

Consistent with the Commission's decision in *Gulf States Utilities Company*, Docket No. ER82-375-000, 20 FERC ¶ 61,037 (1982), we shall grant waiver of § 35.14 of our regulations in order to allow Delmarva to pass through its fuel clause capacity costs incurred solely to reduce its overall energy cost. However, this waiver is granted on a preliminary basis only and the issue is to be investigated during the hearing in this docket, with revenues recovered under the fuel clause remaining subject to refund.

Our preliminary examination of Delmarva's filing and the pleadings indicates that the rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (February 26, 1982). As noted there, where our preliminary examination indicates that revised rates may be unjust and unreasonable, but may not be substantially excessive as described in *West Texas*, we will ordinarily suspend the rates for one day. Despite the contentions of the protestants, our preliminary review suggests that the rates proposed by Delmarva may not yield substantially excessive revenues. As a result, we shall suspend the proposed rates for one day from sixty days after filing, to become effective, subject to refund, on November 1, 1982.[6]

In accordance with the Commission's policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79-339-000 (August 6, 1979), we shall phase the price squeeze issue raised by the intervenors.

Finally, we note that Delmarva has requested that the Commission issue an order approving the use of tax normalization with respect to Accelerated Cost Recovery System (ACRS) property in order to satisfy the requirements of ERTA. According to our review, it appears that the instant filing reflects a normalization method of accounting for post-1980 property additions, that Delmarva's cost of service correctly reflects the effects of normalization, and that Delmarva's submittal meets the requirements of ERTA.

The Commission orders:

(A) The motions for rejection or summary disposition are hereby denied.

(B) Waiver of § 35.14 of the Commission's regulations is hereby granted on a preliminary basis as discussed in the body of this order.

(C) Delmarva's submittal is hereby accepted for filing and suspended for one day from sixty days after filing to become effective, subject to refund, on November 1, 1982.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of Delmarva's rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before November 12, 1982.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze proceedings and further orders that this case be phased so that the price squeeze proceedings begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause shown. The price squeeze issue shall be governed by § 2.17 of the Commission's regulations as it may be modified prior to the commencement of the price squeeze phase of the instant proceeding.

(H) The Secretary shall promply publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30481 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

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[6] The Commission will not enter into a debate with the Eastern Shore Cities as to the appropriateness of our suspension policy as explained in *West Texas*. Furthermore, we note that the Commission's regulations (18 CFR 35.13) permit a utility to utilize a Period II test year which begins up to three months after the proposed effective date. In this regard, the Eastern Shore Cities are incorrect in asserting that a one day suspension is inconsistent with the regulations regarding future test years.

[Docket No. ER82-732-000]

Duke Power Co.; Order Accepting for Filing and Suspending Rates, Noting Interventions, and Initiating Price Squeeze and Hearing Procedures

Issued: October 29, 1982.

On August 18, 1982, Duke Power Company (Duke) tendered for filing a rate increase for service to 56 wholesale customers.[1] The proposed rate would increase revenues by approximately $44 million (14.7%) for the calendar year 1983 test period. Duke proposes an effective date of November 1, 1982, and requests that the rates be suspended for no more than one day, or until November 2, 1982.

Notice of Duke's filing was published in the **Federal Register** with responses due on or before September 14, 1982. On

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[1] *See* Attachment A for customers and rate schedule designations.

September 13, 1982, Lockhart Power Company (Lockhart) filed a motion to intervene and a conditional protest. Lockhart notes that on August 25, 1982, it filed a proposed increase in its own wholesale rates to reflect a pass-through of the Duke rate increase.[2] Lockhart asks that the effective dates for the two rate increases be made coincident.

On September 14, 1982, the South Carolina Association of Municipal Power Systems (SCAMPS) filed a motion to intervene. SCAMPS requests that the proposed rates be suspended but does not object to a one day suspension; SCAMPS briefly notes that the rate increase may prove to be excessive and reserves the right to seek price squeeze procedures at a later date.

ElectriCities of North Carolina (ElectriCites) also filed a timely motion to intervene which seeks suspension of Duke's proposed rates but does not object to a one day suspension. ElectriCities contends that the proposed rates may be excessive although it indicates that it has not yet been able to review the rate filing in detail.

On September 14, 1982, the North Carolina Electric Membership Corporation, the Blue Ridge Electric Membership Corporation, the Saluda River Electric Cooperative, and the Laurens Electric Cooperative (Cooperatives) filed a motion to intervene. As with the other intervenors, the Cooperatives seek suspension of the proposed rate increase, but do not oppose a one day suspension. The Cooperatives briefly address a number of cost of service and rate of return issues.

Finally, on September 14, 1982, the Haywood Electric Membership Corporation (Haywood) filed a protest objecting to Duke's proposed rate increase as well as a proposed rate increase by Carolina Power and Light Company in Docket No. ER82-743-000. Haywood urges a five month suspension but does not identify any specific issues in this proceeding.

Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure, the timely motions to intervene serve to make Lockhart, SCAMPS, ElectriCities, and the cooperatives parties to this proceeding absent opposition within fifteen days of their respective motions.

Our preliminary review of the instant filing and the pleadings indicates that the rates proposed by Duke have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (February 26, 1982), we explained that where our preliminary examination indicates that proposed rates may be unjust and unreasonable, but may not be substantially excessive, as defined in *West Texas*, we would generally impose a nominal suspension. In the instant proceeding, our examination suggests that the proposed rates may not yield excessive revenues. We shall therefore suspend the rates for one day to become effective, subject to refund, on November 2, 1982.[3]

In addition, in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339 (August 6, 1979), we shall phase the price squeeze issue noted by SCAMPS so that it may be raised, if appropriate, following a commission determination of the rates which would be just and reasonable but for price squeeze.

The Commission orders:

(A) Duke's proposed rates are hereby accepted for filing and suspended for one day from the proposed effective date, to become effective, subject to refund, on November 2, 1982.

(B) Pursuant to the authority contained in and subject to the jurisdiction upon the Federal Energy Regulatory Comission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Duke's rates.

(C) The Commission staff shall serve top sheets in this proceeding on or before November 10, 1982.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(E) The Commission hereby orders initiation of price squeeze proceedings and further orders that this case be phased so that the price squeeze proceedings begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The price squeeze issue shall be governed by section 2.17 of the Commission's regulations as it may be modified prior to the commencement of the price squeeze phase of the instant proceeding.

(F) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—Duke Power Co., Docket No. ER82-732-000

Rate Schedule Designations, Schedule No. 10—Municipalities and Public Utility Companies

Filed: August 18, 1982.

Note.—The following rate schedule designations incorporate the set of rates on the company's proposed Revised Leaf Nos. 40 and 42 to Schedule Nos. 10 and 11.

Supplement No.	Supersedes supp. No.	FPC rate schedule No.	Customer
23	22	225	City of Albemarle, N.C.
5	4	277	Town of Bostic, N.C.
18	17	258	City of Cherryville, N.C.
22	21	245	City of Concord, N.C.
20	19	232	Town of Cornelius, N.C.
19	18	254	Town of Dallas, N.C.
18	17	257	Town of Drexel, N.C.
25	24	237	Town of Forest City, N.C.
65	64	227	City of Gastonia, N.C.
19	18	255	Town of Granite Falls, N.C.
18	17	264	City of High Point, N.C.
17	16	251	Town of Huntersville, N.C.
22	21	260	City of Kings Mountain, N.C.
21	20	230	Town of Landis, N.C.
15	14	257	City of Lexington, N.C.
19	18	229	Town of Lincolnton, N.C.
24	23	246	Town of Maiden, N.C.
24	23	236	City of Monroe, N.C.
26	25	261	City of Morganton, N.C.
15	12	266	City of Newton, N.C.
19	18	234	Town of Pineville, N.C.
34	33	235	City of Shelby, N.C.
22	20	240	City of Statesville, N.C.
24	23	231	City of Abbeville, S.C.
16	15	259	Clemson University, S.C.
17	16	248	City of Clinton, S.C.
12	11	209	Town of Due West, S.C.
36	35	241	City of Easley, S.C.
21	20	243	Commission of Public Works, Gaffney, S.C.
38	37	250	Commissioners of Public Works, Greenwood, S.C
27	26	228	City of Greer, S.C.

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[2] Approximately 80% of the Lockhart rate increase in Docket No. ER82-746-000 represents the pass-through of increased purchased power costs attributable to Duke's rates.

[3] We note that Duke's cost of service reflects rate and accounting treatment for post-1980 property that is normalized in accordance with the requirements of the Economic Recovery Tax Act of 1981. This treatment was previously approved by a letter order dated August 28, 1982, which accepted a rate settlement in Docket No. ER81-550-000.

Supplement No.	Superseded supp. No.	FPC rate schedule No.	Customer
[illegible]	[illegible]	244	Commission of Public Works, Laurens, S.C.
15	14	268	City of Newberry, S.C.
21	20	242	Town of Prosperity, S.C.
36	35	[illegible]	City of Rock Hill, S.C.
14	13	263	Town of Seneca, S.C.
16	15	[illegible]	Town of Westminster, S.C.
19	18	236	Heath Springs Light and Power Company (S.C.)
24	23	252	Lockhart Power Company (S.C.)
18	17	[illegible]	South Carolina Electric & Gas Company (Town of Chappels, S.C.)
13	12	11	Yadkin, Inc.
			Schedule No. 11—Cooperatives
40	39	131	Blue Ridge EMC (N.C.)
85	84	[illegible]	Crescent EMC (N.C.)
57	56	134	Davidson EMC (N.C.)
52	51	135	Haywood EMC (N.C.)
31	30	137	Pee Dee EMC (N.C.)
35	34	138	Piedmont EMC (N.C.)
90	89	139	Rutherford EMC (N.C.)
45	44	140	Surry-Yadkin EMC (N.C.)
47	46	141	Union EMC (N.C.)
12	11	270	Wake EMC (N.C.)
107	106	142	Blue Ridge Elec. Coop., Inc. (S.C.)
77	76	143	Broad River Elec. Coop., Inc. (S.C.)
131	130	144	Laurens Elec. Coop., Inc. (S.C.)
46	45	145	Little River Elec. Coop., Inc. (S.C.)
[illegible]	66	146	York Elec. Coop., Inc. (S.C.)

[FR Doc. 82-30482 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6748-000]

Energenics Systems, Inc.; Application for Preliminary Permit

November 2, 1982.

Take notice that Energenics Systems, Inc. (Applicant) filed on October 4, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 6748 to be known as the DeQueen Lake Dam Project located on the Rolling Fork River in Sevier County, Arkansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Granville J. Smith II, President, Energenics Systems, Inc., 1717 K Street, NW. Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would utilize the existing Corps of Engineers' DeQueen Dam and Reservoir and would consist of: (1) A new powerhouse containing a single Francis Turbine having a rated capacity of 1.4 MW; (2) the existing 34.5-kV transmission lines owned by the Southwestern Electric Power Company; and (e) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7.4 GWh. The most likely market for the derived energy would be Southwestern Electric Power Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies, and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 14, 1983, the competing application itself [see: 18 CFR 4.30 et seq. (1981)]. A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to submit such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before March 11, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before February 14, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30466 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6750-000]

Energenics Systems, Inc.; Application for Preliminary Permit

November 1, 1982

Take notice that Energenics Systems, Inc. (Applicant) filed on October 4, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6750 to be known as the Fresno Dam Project located on the Milk River near Havre, in Hill County, Montana. The application in on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Granville J. Smith II, President, Energenics Systems, Inc., 1717 K Street, NW., Suite 706, Washington, D.C. 20006.

Project Description—The proposed project would be located at the Bureau of Reclamation's Fresno Dam and consists of: (1) A proposed steel penstock; (2) a proposed powerhouse to be located on the east side of the existing stilling basin with an installed capacity of 2.5 MW and an average annual generation of 10.2 GWh; (3) transmission lines; and (4) appertenant facilities. All power generated would be sold to the Montana Power Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $35,000.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 11, 1983, the competing application itself (see: 18 CFR 4.30 *et seq.* (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 12, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et. seq. (1981), as appropriate).

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before February 11, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30467 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4241-001]

Hydro Development, Inc.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 1, 1982.

Take notice that on August 30, 1982, Hydro Development, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 4241 would be located on Volcano Creed near Foresthill, in Placer County, California. Correspondence with the Applicant should be directed to: Mr. David C. Auslam, Jr., Auslam & Associates, Inc., 3327 Longview Drive, Suite 250, North Highlands, California 95660.

Project Description—The proposed Volcano Creek Hydroelectric Project would consist of: (1) A 6-foot-high by approximately 35-foot-long diversion structure; (2) a 42-inch-diameter, 2,000-foot-long conduit; (3) a 27-inch-diameter, 1,800-foot-long penstock; (4) a powerhouse to contain an impulse-type, turbine-generating unit with a rated capacity of 2 MW; and (5) a 1,500-foot-long, 60–kV transmission line to connect to an existing Pacific Gas and Electric Company line. The project would produce about 8.7 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the California Department of Fish and Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representative.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 22, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Application for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Motion to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 22, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30166 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-764-000]

Jersey Central Power & Light Co.; Order Rejecting for Filing Revised Fuel Adjustment Clause

Issued: October 29, 1982.

On August 25, 1982, as part of a compliance filing required by the Commission to reflect an item of summary disposition in Docket No. ER82-426-000,[1] Jersey Central Power & Light company (JCP&L) tendered for filing a revised fuel adjustment clause which would permit a pass-through of demand-related charges associated with power purchases made in lieu of economic dispatch energy transactions. JCP&L requests an effective date of October 31, 1982, for the clause and further requests that the Commission suspend it for one day to become effective on November 1, 1982, contemporaneous with the designated effective date for the company's proposed Phase B rates filed in Docket No. ER82-426-000.

Notice of the instant filing was published in the **Federal Register.**[2] Timely motions to intervene were filed on September 28, 1982, by the Borough of Madison, New Jersey (Madison), and jointly by Allegheny Electric Cooperative, Inc., and the Boroughs of Butler, Pemberton, Lavallette, and Seaside Heights, New Jersey (Boroughs).

Madison alleges that the fuel adjustment clause may be unjust, unreasonable, unduly preferential and discriminatory; accordingly, Madison requests that the Commission suspend the revised fuel adjustment clause for the maximum period permitted by statute and set the matter for hearing. Madison does not raise any substantive issues, however.

The Boroughs request that the proposed inclusion of demand charges in JCP&L's fuel clause be rejected. In support of their position, the Boroughs contend that the Commission's regulations do not permit the inclusion of demand costs in the fuel clause, and that JCP&L has failed to allege good cause for a waiver of the Commission's regulations. The Boroughs also challenge JCP&L's reliance on *Gulf States Utilities Company* (*Gulf States*),[3] arguing that the instant situation is distinguishable from that presented in *Gulf States.* In particular, the Boroughs state that JCP&L is already recovering the demand charges in its cost of service, and that inclusion of such charges in the fuel adjustment clause would result in double recovery.

On October 6, 1982, JCP&L filed an answer to the motions to intervene. While not opposing the requests to intervene, the company disputes the Boroughs' assertion that JCP&L is already recovering the demand charges which it proposes to pass through the fuel clause in its base rates. The company reiterates its position that the filing is consistent with the Commission's order in *Gulf States.*

Discussion

Because no opposition to their motions to intervene has been received, we note that Madison and the Boroughs are parties to this proceeding, pursuant to Rule 214 of the Commission's Rules of Practice and Procedure.[4]

Absent waiver, § 35.14 of the Commission's regulations precludes the recoupment of demand charges by a utility through its fuel adjustment clause. In addition, without special permission under § 35.17 of the regulations, JCP&L is precluded from filing substitute rate provisions while its previously filed Phase B rates remain subject to suspension. Nonetheless, the company has neither requested nor demonstrated good cause for waiver of these regulations.

As explained in JCP&L's letter of transmittal, the instant filing has been submitted in order to correct for a rate design error discovered in the company's original filing in Docket No. ER82-426-000. Previously, on June 14, 1982, JCP&L sought permission to correct for this error in the Phase A rates by adjusting its base rates (rather than its fuel adjustment clause).[5] By order dated August 12, 1982, the Commission accepted the revised Phase A rates for filing, suspended them for one day, and consolidated the matter with Docket No. ER82-426-000 for purposes of hearing. In the interim, the Commission issued its order in *Gulf States.* Citing the approach taken by the Commission in that order, JCP&L now seeks to correct for the same rate design error not by a revision to its base rates, but rather by interposing an entirely new fuel clause provision which on its face is inconsistent with the Commission's regulations. The company has, however, provided us with no explanation as to why this approach is preferable to the base rate adjustment proposed for the Phase A rates, no indication that the results would differ or that the base rate revision constitutes an inadequate mechanism for correcting the original error and making the company whole, no examples or calculations indicating when and how the fuel clause provisions are intended to operate, and no explanation of the specific criteria under which the clause would operate.

Because it appears that a revision to JCP&L's base rates provides an adequate mechanism to correct for the company's inadvertent rate design error and because no attempt has been made to demonstrate good cause for waiver, we do not find it necessary or appropriate to go further at this stage of the proceeding and take the extraordinary step of allowing the company to revise an improperly developed rate design by waiving both the filing regulations and the fuel clause regulations. In this regard, we do not believe that our decision in *Gulf States* is controlling. In that case, the utility specifically requested appropriate waivers as part of its original submittal and was not seeking to amend a rate during a suspension period. Furthermore, Gulf States provided substantial explanation of and justification for its proposed fuel clause treatment which the Commission considered as presenting good cause for waiver of the regulations and a basis for pursuing the issue at hearing. Given the timing of JCP&L request and the absence of any suporting materials, we cannot conclude that similar treatment is warranted and, accordingly, we shall reject the proposed fuel adjustment clause without prejudice to the submittal of revised base demand and energy rates to correct the company's rate design error.

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[1] JCP&L filed a two-phased rate increase in Docket No. ER82-426-000. Summary disposition was ordered as to the cost of service treatment of nuclear radwaste systems. The Phase A rates were suspended for one day to become effective, subject to refund, on June 1, 1982. The Phase B rates, as modified, were suspended until November 1, 1982.

[2] 47 FR 40636 (Sept. 16, 1982).

[3] Docket No. ER82-375-000 (July 9, 1982).

[4] 18 CFR 385.214.

[5] The revisions to the Phase A rates were docketed as Docket No. ER82-610-000.

The Commission orders:

(A) JCP&L's revised fuel adjustment clause is hereby rejected as noted in the body of this order.

(B) Docket No. ER82-764-000 is hereby terminated.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30483 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CS82-7-001, et al.]

Kaiser Energy, Inc. (Ross and Barker Gas Company, et al.); Applications for "Small Producer" Certificates[1]

November 1, 1982.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No.	Date filed	Applicant
CS82-7-001	[1] 10/13/82	Kaiser Energy Inc. (Ross and Barker Gas Company), Kaiser Center, 300 Lakeside Drive, Oakland, California 94643.
CS76-297-000	[2] 9/30/82	OKC Limited Partnership (OKC Corp.), P.O. Box 34190, Dallas, Texas 75234.
CS82-99-000	9/16/82	Sooner Resources, Inc., One Shell Square, 50th Floor, New Orleans, Louisiana 70139.
CS82-100-000	9/27/82	Anderson Oil Company, Inc., P.O. Box 2216, Natchez, Mississippi 39120.
CS83-1-000	10/1/82	March Oil Company, P.O. Box 8505, Wichita, Kansas 67208.
CS83-2-000	10/4/82	Reese Oil & Gas, A Limited Partnership, One Shell Square, Room 1428, New Orleans, Louisiana 70139.
CS83-3-000	10/1/82	Ronald W Waschka & Patricia H. Waschka, Co.-Trustees of the Ronald W. Waschka Trust (Custodial Agent), c/o First Nat'l Bank & Trust Co., Trust Energy Dept. Box 1, Tulsa, Oklahoma 74193.
CS83-4-000	10/7/82	Heritage Energy Corporation, 3201 Franklin Avenue, Waco, Texas 76710.
CS83-5-000	10/7/82	Doran Energy Corporation, P.O. Box 1091, Alice, Texas 78332.
CS83-6-000	10/12/82	D & D Energy Corporation, P.O. Box 1193, Stillwater, Oklahoma 74076.
CS83-7-000	10/15/82	Delbert W. Chumley, III, 800 Johnson Building, Shreveport, Louisiana 71101.
CS83-8-000	10/18/82	Timothy Biff Chumley, 800 Johnson Building, Shreveport, Louisiana 71101.
CS83-9-000	10/18/82	Delbert W. Chumley, Jr, 800 Johnson Building, Shreveport, Louisiana 71101.
CS83-10-000	10/18/82	Hillin Oil Company, 1212 Main Street, Suite 399, Houston, Texas 77002.
CS83-11-000	10/18/82	A. L. Rhodes, Operator, et al., aba Trey Oil Company, 534 Cypress, Suite 107, Abilene, Texas 79601.
CS83-12-000	10/21/82	A A Energy Corporation, 1500 Fidelity Union Tower, Dallas, Texas 75201.
CS83-13-000	10/21/82	Florence E. King (A A Energy Corporation as Agent), 1500 Fidelity Union Tower Dallas, Texas 75201.

[1] On June 2, 1982, Ross and Barker Gas Company, a West Virginia Corporation, was dissolved. Since Ross and Barker Gas Company is dissolved, Kaiser Energy, Inc., requests that the certificate issued Ross and Barker Gas Company in Docket No. CS76-855 be canceled and the docket closed and that Kaiser Energy, Inc., be shown as successor in interest to Ross and Barker Gas Company.

[2] Effective May 1, 1981, OKC Corp. assigned, transferred and conveyed all its title and interst to OKC Limited Partnership.

[FR Doc. 82-30484 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RM81-45-000, GP83-2-000]

Ladd Petroleum Corp.; Petition for Declaratory Order and Assignment of New Docket Number

November 1, 1982.

On September 18, 1981, Ladd Petroleum Corporation (Ladd) filed with the Federal Energy Regulatory Commission (Commission) a petition for clarification or amendment of Subpart A of Part 271 of the Commission's regulations determine whether qualification or disqualification of stripper wells under section 108 of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301, 3318 (Supp. IV 1980), may be based on residue volumes of gas measured at the plant tailgate after the production of natural gas liquids, including reduction of wellhead volumes by volumes used as plant and compressor fuel.

On June 22, 1981, the Commission Staff issued a letter to Ladd indicating only liquid volumes may be excluded from volumes used in qualifying wells as stripper wells under section 108 of the NGPA. Ladd's petition in effect seeks to overturn the interpretation in Staff's letter. It contends that "the qualification and disqualification of stripper wells based on residue volumes is consistent with the NGPA, Congressional intent as expressed in relevant legislative history and jurisdictional agency practice."

Ladd requested that the Commission consider its petition either as one for an interpretive rule under § 1.42 of the Rules of Practice and Procedure (now Rule 1901(i)) or a declaratory order under §§ 1.7(c) and 1.43 of the rules (now Rule 207(a)(2)). Although Ladd's petition was originally docketed as a rulemaking, the Commission will now assign the petition a new docket number consistent with its treatment as a declaratory order and terminate the rulemaking docket.

Any person desiring to participate in this declaratory order proceeding must file a motion to intervene in accordance with Rule 214 of the Rules of Practice and Procedure, Order No. 225, issued April 28, 1982, effective August 26, 1982 (47 FR 19014, May 3, 1982). All motions to intervene must be filed within 15 days after publication of this notice in the **Federal Register**.

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30545 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-746-000]

Lockhart Power Company; Order Accepting for Filing and Suspending Rates, Noting Intervention, Establishing Procedures, and Consolidating Dockets

Issued: October 29, 1982.

On August 25, 1982, Lockhart Power Company (Lockhart) tendered for filing proposed changes in its Resale Electric Service Tariff Rate Schedule[1] which would increase rates for firm power service to the City of Union, South Carolina (Union), its only wholesale customer, by approximately $170,300 (5.24%) for the calendar year 1983 test period. Because Lockhart purchases over 80 percent of its power and energy requirements from Duke Power Company (Duke), Lockhart's filing is designed primarily to pass through Lockhart's increased purchased power costs resulting from Duke's revised rates filed in Docket No. ER82-732-000. Lockhart requests an effective date for its rates to coincide with that established for Duke's corresponding rates in Docket No. ER82-732-000.[2]

Notice of Lockhart's filing was published in the **Federal Register** with comments due on or before September 20, 1982. Union filed a timely protest, motion to intervene, request for suspension, and request for a hearing. Union does not oppose the request to place Lockhart's rates into effect coincident with Duke's increase. However, Union stresses that Lockhart's rates must be suspended to preserve Union's right to refunds. Union further requests that any reduction in Duke's proposed rates in Docket No. ER82-732-000 be ordered carried over as a reduction in Lockhart's purchased power costs and rates. Union notes that Lockhart's filing does not simply track Duke's wholesale rate increase; about 26 percent of Lockhart's increase is due to factors other than the increases in the cost of purchased power. Union also asserts that there are various confusing adjustments that have been made to both revenues and expenses that make it difficult, if not impossible, to verify various components of Lockhart's rate increase. In addition, Union states that Lockhart has carried forward many erroneous adjustments which were made in the previous Lockhart rate filing (Docket No. ER81-561-000) and which remain unresolved in that earlier proceeding. Specifically, Union challenges Lockhart's (1) use of an excessive rate case expense, (2) use of an improper capital structure with an excessive rate of return on common equity (3) use of improperly developed allocation factors and wholesale losses, (4) use of improperly developed labor ratios, (5) improper classification of hydroelectric expenses to demand and energy, (6) use of a zero cash working capital allowance, and (7) inclusion of annual hydroelectric license charges dating from November, 1963.

On October 5, 1982, Lockhart filed a response to Union's pleading. The Company does not oppose Union's intervention but responds to the various arguments presented and reiterates its request for an effective date coincident with the effective date of Duke's rates.

Discussion

Since no objection has been made to Union's motion to intervene, pursuant to Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), Union's moton to intervene makes it a party to this proceeding.

Our preliminary review indicates that Lockhart's rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the proposed rates for filing and suspend them as ordered below.

In *West Texas Utilities Company,* Docket No. ER82-23-000, 18 FERC ¶ 61,189 (February 26, 1982), we explained that where the Commission's preliminary review suggests that proposed rate may be unjust and unreasonable and may produce substantially excessive revenues, as defined in *West Texas,* we would ordinarily impose a five month suspension. While it appears, under the *West Texas* criteria, that Lockhart.s rates may produce substantially excessive revenues, we shall nonetheless impose a shorter suspension so that the Lockhart and Duke increases may become effective at the same time. As noted, Lockhart's increase (as has been its recent practice) is intended in substantial part to reflect a pass-through of increased purchased power costs attributable to Duke's rates. Lockhart's only affected customer has expressed no objection to a nominal suspension or to coincident effective dates. Under these circumstances, we do not believe that a maximum suspension is either necessary or appropriate. By order issued concurrently in Docket No. ER82-732-000, we are suspending Duke's increased rates for one day from November 1, 1982, to become effective on November 2, 1982, subject to refund. Accordingly, we shall similarly suspend Lockhart's rates to become effective, subject to refund, on November 2, 1982.

Inasmuch as the purchased power expenses properly reflected in Lockhart's cost of service are dependent upon the outcome of the Duke proceeding, we shall require that Lockhart's proposed rates be adjusted, as appropriate, to reflect the rate level ultimately approved for Duke in Docket No. ER82-732-000. Furthermore, we note that the remaining cost of service issues presented by Lockhart's instant filing are essentially identical to those already pending before the Commission in Docket No. ER81-560-000. Given the existence of common questions of law and fact, we shall consolidate Docket Nos. ER82-746-000 and ER81-560-000 for purposes of hearing and decision.[3]

The Commission orders:

(A) Lockhart's proposed rates are hereby accepted for filing and suspended to become effective, subject to refund, on November 2, 1982.

(B) That portion of Lockhart's rates which reflects a flow-through of purchased power costs attributable to Duke's submittal in Docket No. ER82-732-000 shall be subject to the outcome of Docket No. ER82-732-000.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of Lockhart's rates.

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[1] Designated as: *Lockhart Power Company,* Supplement Nos. 13 to Rate Schedule FPC Nos. 2 and 3 (Supersedes Supplement No. 12 to Rate Schedule FPC Nos. 2 and 3).

[2] Duke has requested a November 1, 1982 effective date for its proposed rates.

[3] Our decision to consolidate should engender no undue delay since the prior Lockhart proceeding had been held in abeyance until very recently pending consideration of a settlement in Duke's prior rate case By order dated September 1, 1982, the Commission reinitiated hearing proceedings in Docket No. ER81-560-000.

(D) Docket Nos. ER82-746-000 and ER81-560-000 are hereby consolidated for purposes of hearing and decision.

(E) The Commission staff shall serve top sheets in this proceeding on or before November 11, 1982.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30465 Filed 11–4–82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6574–000]

Lynn Mines & Mining Co.; Application for Preliminary Permit

November 1, 1982.

Take notice that Lynn Mines and Mining Company (Applicant) filed on August 6, 1982, and supplemented October 4, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)) for Project No. 6574 to be known as the Crow Creek Hydropower Project located on Crow Creek near Radersburg, in Jefferson and Broadwater Counties, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth Eggert, Simons, Li & Associates, Inc., 3555 Standford Road, P.O. Box 1816, Fort Collins, Colorado 80522.

Project Description—The proposed project would consist of: (1) Two proposed reinforced concrete dams where the upper dam would be located at Crow Creek Falls and the lower dam would be located at Crow Creek Canyon; (2) two proposed steel penstocks with a total length of approximately 10 miles; (3) a proposed powerhouse containing two turbine generators with a maximum installed capacity of 4 MW and an annual energy output of 9.85 GWh; (4) transmission lines; and (5) appurtenant facilities. The proposed Crow Creek Hydroelectric Project would be located in the Helena National Forest and U.S. lands administered by the Bureau of Land Management. All power generated would be sold to the Montana Power Company.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of permit activities is $280,000.

Competing Application—Anyone desiring to file a competing application for preliminary permit must file to the Commission, on or before January 17, 1983, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 17, 1983, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Filing of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 18, 1983.

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comment, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 17, 1983.

Filing and Service of Responsive Documents—Any filing must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above nemed documents must be filed by providing the original and those copies required by the Commission 's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30469 Filed 11–4–82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-769-000]

Minnesota Power & Light Co.; Order Accepting Rates for Filing, Granting Late Intervention, and Terminating Docket

Issued: October 29, 1982.

On September 2, 1982, Minnesota Power and Light Company (MP&L) submitted for filing an unexecuted amendment to its Integrated Transmission Agreement (IT Agreement) with Cooperative Power Association (CPA) providing for an increase in its charge for system control and load dispatching services to CPA from 0.12 mills/kWh to 0.935 mills/kWh.[1] The proposed charges would produce increased revenues of about $121,000 annually based on the 12 month period ending October 31, 1983.

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[1] *See* Attachment A for rate schedule designations. The IT Agreement provides for the joint planning and operation of an integrated MP&L/CPA bulk transmission system (34.5 kV and above) in order to supply the parties' load requirements transmission through maximum utilization of transmission facilities without duplication. The agreement provides, *inter alia*, that MP&L will schedule and dispatch CPA's load requirements and that CPA will be assessed accordingly. CPA has similar IT Agreements with Northern States Power Company (NSP) and Otter Tail Power Company (OTP).

In addition, MP&L submitted for filing an unexecuted Outlet Facilities Agreement No. 3 applicable to CPA.[2] Under the agreement, MP&L would transmit over its interconnection facilities power and energy from CPA's recently constructed Coal Creek Unit Nos. 1 and 2 to the integrated transmission system. For use of this capacity of the interconnection facilities, CPA may share in the ownership of the interconnection facilities or delay its investment for up to 10 years and pay an annual fixed charge rate of 20 percent of the weighted average annual CPA investment obligation. MP&L requests that the instant submittals become effective on November 1, 1982.

Notice of the filing was published in the **Federal Register**, with comments due on or before September 29, 1982. On September 21, 1982, CPA filed a protest in which it claimed that the proposed Outlet Agreement No. 3 imposes upon CPA charges that are contrary to both the IT and GA agreements in that such charges "are not based upon a service that MP&L provides for CPA." CPA also asserted that MP&L's proposed charges for scheduling and dispatching services are contrary to the provisions of the IT Agreement.

CPA did not initially move to intervene in this docket; its protest indicated that the parties' disagreements "should be resolved by good faith negotiations." Subsequently, on October 7, 1982, CPA filed a late motion to intervene. in addition to the issues raised in its protest, CPA requests that the MP&L submittal be rejected on the grounds that MP&L has no authority to impose unilaterally upon CPA contracts which are not acceptable to CPA and that the filing is in contravention of existing contracts between CPA and MP&L. In the alternative, CPA requests a maximum suspension and investigation.

On October 21, 1982, MP&L filed a response to CPA's petition to intervene. MP&L does not object to CPA's intervention but does oppose CPA's request for rejection of the filing and for a five-month suspension. MP&L states that previous agreements between the parties do not prohibit either the amendment to the IT Agreement or the new Outlet Facilities Agreement No. 3, and therefore that the *Sierra-Mobile* doctrine has no bearing whatsoever on its filing.

Discussion

Under Rule 211(a)(2) of the Commission's Rules of Practice and Procedure (18 CFR 385.211(a)(2)), CPA's timely protest does not make CPA a party to this proceeding. However, we find that good cause exists to permit CPA to intervene out of time inasmuch as CPA will be directly affected by MP&L's filing, no disruption to the proceeding will result from permitting intervention, and no prejudice or additional burdens will be placed upon existing parties. Accordingly, we shall grant late intervention under Rule 214(d).

With respect to CPA's motion to reject, we note that the intervenor's vague reference to the *Sierra-Mobile* doctrine and contractual inconsistencies provide little basis on which the Commission can consider such claims. CPA has cited no relevant contract provisions or other substantiation for its position. Our own review of the underlying contracts does not reveal an apparent *Sierra-Mobile* bar to the instant unilateral rate filings. As a result, we shall deny CPA's motion to reject the filing.

With respect to the proposed amendment to the IT Agreement, CPA's protest states that MP&L is attempting to impose some of its operating expenses upon CPA and that its rate study contains other errors which accrue to MP&L's benefit. CPA's vague allegations appear to suggest that MP&L somehow failed to functionalize overall system control and load dispatching expenses and that, as a result, CPA will be overcharged. Our analysis indicates that CPA's contention is without merit. MP&L's submittal indicates that it has assigned approximately 40 percent of its system control and load dispatching costs exclusively to the production function and that such costs have been excluded form the CPA charges. Similarly, the balance of the system control and load dispatching expenses (60 percent) have been spread over the total kilowatt-hour sales at appropriate voltage levels and therefore have been implicitly assigned to the distribution function. Moreover, CPA's statement that MP&L's analysis contains other errors which accrue to MP&L's benefit is unspecific and unsupported. In reviewing the filing, we have identified no such errors. Therefore, in the absence of more specific information, we must conclude that CPA's protest is without merit.

With respect to the proposed Outlet Facilities Agreement No. 3, CPA alleges that MP&L's proposed facilities charges are not based on a service that MP&L provides for CPA. Our analysis indicates that CPA's unsupported allegation is in direct conflict with MP&L's submittal and is also at odds with past service relationships between the parties in that integration of CPA's prior power resources into the joint transmission network similarly required its use of interconnection facilities between MP&L and other electric utilities. Use of such facilities is provided for in Outlet Facilities Agreement Nos. 1 and 2. We note also that the terms and conditions of the proposed Outlet Facilities Agreement are similar to those contaned in FERC Rate Schedule No. 126 on file for service between MP&L and United Power Association. As to the rate proposed under the Outlet Facilities Agreement, our analysis indicates that the 20% fixed charge rate is reasonable.

Since CPA has raised no issues of law or fact which would warrant an evidentiary hearing, and since our preliminary analysis indicates that the rates tendered for filing by MP&L are not excessive, MP&L's submittal will be accepted for filing to become effective on November 1, 1982, as requested.

The Commission orders:

(A) CPA's untimely motion to intervene is hereby granted pursuant to Rule 214 of the Commission's Rules of Practice and Procedure.

(B) CPA's motion to reject MP&L's filing is hereby denied.

(C) MP&L's submittal in this docket is hereby accepted for filing to become effective on November 1, 1982, without suspension.

(D) Docket No. ER82-789-000 is hereby terminated.

(E) The Secretary shall promptly publish this order in the **Federal Register**.

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[2] In 1967, when MP&L originally filed its IT Agreement, it also filed three related agreements—General Coordinating Agreement (GA) and Outlet Facilities Agreement Nos. 1 and 2. NSP, OTP, MP&L, and CPA are all parties to these agreements. The GA establishes the general framework for the operation of the various IT Agreements and provides that each party has the responsibility to construct transmission facilities (outlet facilities) necessary to deliver its power and energy resources into the integrated transmission system or to contract for use of another party's facilities. Outlet Agreement Nos. 1 and 2 provide and define the transmission facilities used as outlet facilities to deliver power and energy from CPA's then-existing power sources. The proposed Outlet Agreement No. 3 has been filed to provide outlet facilities to wheel power from CPA's newly constructed Coal Creek generating station located in Underwood, North Dakota.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A—Minnesota Power & Light Co., Docket No. ER82-769-000

Designations	Descriptions
(1) Supplement No. 6 to Rate Schedule FPC No. 89 (Supersedes Supplement No. 5).	Agreement for System Control and Load Dispatching Service.
(2) Rate Schedule FERC No. 137.	Outlet Facilities Agreement No. 3.

[FR Doc. 82-30469 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2853-002]

Montana Department of Natural Resources and Conservation; Application for License (Over 5 MW)

November 1, 1982.

Take notice that Montana Department of Natural Resources and Conservation (Applicant) filed on May 28, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be known as Broadwater Dam Project No. 2853. The project would be located on the Missouri in Broadwater County, Montana. Correspondence with the Applicant should be directed to: Mr. Richard L. Bondy, Montana Department of Natural Resources and Conservation, 32 South Ewing, Helena, Montana 59601.

Project Description—The proposed project would consist of: (1) An existing reservoir with a surface area of 313 acres and a storage capacity of approximately 3,600 acre-feet at normal power pool elevation of 3950.2 feet m.s.l.; (2) an existing concrete gravity dam, 705 feet long and 25 feet high; (3) proposed radial gates to replace existing flashboard system; (4) a proposed powerplant which would include 4 generating units rated at 2,500 kW each; (5) a proposed 100-kV transmission line; and (6) appurtenant facilities. Part of the project would utilize lands owned by the U.S. Bureau of Land Management.

Purpose of Project—The Applicant intends to obtain a power purchase agreement with a public utility or an electric cooperative in the state of Montana.

Competing Applications—Anyone desiring to file a competing application must file to the Commission, or or before January 17, 1983, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Filing of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before January 17, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above name documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30470 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-56-000]

Northwest Pipeline Corp.; Settlement Conference

November 1, 1982.

On November 9, 1982, at 10:00 a.m., and on November 10, 1982, at 10:00 a.m., settlement conferences will be convened in the above-referenced proceeding. The conference will be held in a room to be designated at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

All interested parties and Staff will be permitted to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30471 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-43-004]

Panhandle Eastern Pipe Line Co.; Proposed Changes

In FERC Gas Tariff November 1, 1982.

Take notice the Panhandle Eastern Pipe Line Company (Panhandle) on October 19, 1982, tendered for filing First Revised Sheet Nos. 2370 and 2404 to it's FERC Gas Tariff, Original Volume No. 2.

Panhandle states that these changes are made to reflect Panhandle's current transportation rate in Rate Schedules T-48 an LT-1, which provide for the transportation of natural gas on behalf of United Gas Pipe Line Company (United). These rates reflect Panhandle's current transportation charge effective October 1, 1982, subject to refund, as filed August 31, 1982, in compliance with Ordering Paragraph (B) of the Commission's Order dated April 30, 1982, in Docket No. RP82-58. Panhandle proposes an effective date of October 1, 1982.

A copy of this filing has been served on United.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30472 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP79-84-000]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

November 1, 1982.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on Oct.

15, 1982 tendered for filing the following sheets to its FERC Gas Tariff, Original Volume No. 2:

Third Revised Sheet No. 1666.1
Fourth Revised Sheet No. 1667
Ninth Revised Sheet No. 1733
Ninth Revised Sheet No. 1741
Ninth Revised Sheet No. 1749
Ninth Revised Sheet No. 1759
Sixth Revised Sheet No. 1760.5
Fourth Revised Sheet No. 1768
Ninth Revised Sheet No. 1834
Ninth Revised Sheet No. 1842

Panhandle proposes that these tariff sheets become effective February 1, 1982.

Third Revised Sheet No. 1688
Third Revised Sheet No. 1689
Tenth Revised Sheet No. 1733
Tenth Revised Sheet No. 1741
Tenth Revised Sheet No. 1749
Tenth Revised Sheet No. 1759
Seventh Revised Sheet No. 1760.5
Second Revised Sheet No. 1789
Second Revised Sheet No. 1790
Tenth Revised Sheet No. 1834
Tenth Revised Sheet No. 1842

Panhandle proposes that these tariff sheets become effective November 1, 1982.

Panhandle states that such changes are made to amend Rate Schedules TS–4 and TS–5 for the transportation and storage of natural gas on behalf of various Panhandle customers, with ANR Storage Company (ANR). Specifically, such changes are made to reflect (1) settlement of ANR's rate proceeding in Docket No. RP81–98–000 which was approved to become effective on February 1, 1982 pursuant to the Commission's Order issued August 2, 1982 and (2) Michigan Wisconsin Pipe Line Company's (Mich-Wisc) current transportation charges as filed in compliance with the Commission's Order issued May 28, 1982 in Docket No. RP82–80–000.

A copy of this filing has been served on the various Panhandle customers involved in the service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rule of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82–30487 Filed 11–4–82; 8:45 am]
BILLING CODE 6717–01–M

[Project No. 6652–000]

Pioneer Hydropower, Inc.; Application for Preliminary Permit

November 2, 1982.

Take notice that Pioneer Hydropower, Inc. (Applicant) filed on August 30, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 6652 to be known as the Middle Fork Hood River Hydroelectric Project located on Middle Fork Hood River, within Mount Hood National Forest in Hood River County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Carl Rounds, 1885 W. Washington Avenue, Slayton, Oregon 97383.

Project Description—The proposed project would consist of: (1) A 6-foot-high diversion structure; (2) a 60-inch-diameter, 15,300-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 3,200 kW; and (4) appurtenant facilities. The applicant estimates a 18,720,000 kWh average annual energy production.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and results of geological, environmental, and economic feasibility studies. The cost of aforementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $77,000. Power would be sold to Portland General Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 24, 1983, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM 81–15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 24, 1983, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate).

Filing of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than February 22, 1983.

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 24, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30473 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6651-000]

Pioneer Hydropower, Inc.; Application for Preliminary Permit

November 2, 1982.

Take notice that Pioneer Hydropower, Inc. (Applicant) filed on August 30, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6651 to be known as the West Fork Hood River #2 Hydroelectric Project located on West Fork Hood River, within Mount Hood National Forest in Hood River County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Carl Rounds, 1885 W. Washington Avenue, Slayton, Oregon 97383.

Project Description—The proposed project would consist of: (1) A 6-foot-high diversion structure; (2) a 72-inch-diameter, 11,600-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 1,350 kW; and (4) appurtenant facilities. The applicant estimates a 7,774,000 kWh average annual energy production.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and results of geological, environmental, and economic feasibility studies. The cost of aforementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $77,000. Power would be sold to Portland General Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 24, 1983, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et. seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 24, 1983, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et. seq. or 4.101 et. seq. (1981), as appropriate)

Filing of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than February 22, 1983.

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 24, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30474 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6650-000]

Pioneer Hydropower, Inc.; Application for Preliminary Permit

November 1, 1982

Take notice that Pioneer Hydropower, Inc. (Applicant) filed on August 30, 1982, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 6650 to be known as the West Fork Hood River Hydroelectric Project located on West Fork Hood River, within Mount Hood National Forest in Hood River County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Carl Rounds, 1885 W. Washington Avenue, Slayton, Oregon 97383.

Project Description—The proposed project would consist of: (1) A 6-foot-high diversion structure; (2) a 72-inch-diameter, 10,000-foot-long penstock; (3) a powerhouse containing a generating unit with a rated capacity of 1,880 kW; and (4) appurtenant facilities. The applicant estimates a 10,902,000 kWh average annual energy production.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, and results of geological, environmental, and economic feasibility studies. The cost of aforementioned activities along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, and preparing a license application is estimated by the Applicant to be $77,000. Power would be sold to Portland General Electric Company.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before January 17, 1983, the competing application itself, or a notice of intent to file such an application (see: 18 CFR 4.30 et seq. (1981); and Docket No. RM81-15, issued October 29, 1981, 46 FR 55245, November 9, 1981.)

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed to the Commission on or before January 17, 1983, and should specify the type of application forthcoming. Any application for license or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or 4.101 et seq. (1981), as appropriate).

Filing of a timely notice of intent to file an application for preliminary permit, allows an interested person to file an acceptable competing application for preliminary permit no later than March 18, 1983.

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 17, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30475 Filed 11–4–82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3620-001]

Power Authority of the State of New York; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 2, 1982.

Take notice that on September 30, 1982, the Power Authority of the State of New York (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 3620 would be located on the Mohawk River near the City of Rome in Oneida County, New York. Correspondence with the Applicant should be directed to: Mr. Scott Lilly, Acting General Counsel, 10 Columbus Circle, New York, New York 10019.

Project Description—The proposed Delta Project would consist of (1) The existing New York State—owned Delta Dam, a cyclopean masonry dam, 76 feet high and 1,016 feet long; (2) a reservoir having an area of 2,700 acres and a storage of 63,200 acre-feet at an elevation of 549 feet msl; (3) a new two-branch manifold and a new 84-inch-diameter, 56-foot-long steel penstock; (4) a new 51 by 36.5-foot reinforced concrete powerhouse containing one new 2.2-MW turbine/generator unit operating under an average net head of 61 feet; (5) a new 88-foot-long tailrace lined with 4 inches of reinforced shotcrete; (6) a new switchyard 80 feet east of the existing stilling basin; (7) a new 13.2-kV transmission line 400 feet long; and (8) appurtenant facilities. This exemption application was filed during the term of the Applicant's preliminary permit for Project No. 3620.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the New York State Department of Environmental Conservation are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file to the Commission, on or before December 27, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no latter than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before December 27, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTESTS," or "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30476 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2789-001]

Raft River Rural Electric Cooperative, Inc.; Application for License (Over 5 MW)

November 2, 1982.

Take notice that Raft River Rural Electric Cooperative, Inc. (Applicant) filed on February 25, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for contruction and operation of a water power project to be known as Eagle Rock Hydroelectric Project No. 2789. The project would be located on Snake River in Power County, Idaho, on lands of the United States administered by the Bureau of Land Management. Correspondence with the Applicant should be directed to: Mr. Bud Tracy, Raft River Rural Electric Cooperative, Inc., Box 617, Malta, Idaho 83342.

Project Description—The proposed project would consist of: (1) A 600-foot-long, 20-foot-high ungated gravity arch concrete spillway structure at rivermile 708.6 on the north channel; (2) a 550-foot-long, 40-foot-high rockfill dam at rivermile 708.5 on the south channel; (3) a reservoir extending 4.7 miles upstream at normal surface elevation 4242 feet; (4) a 3,100-foot-long power canal extending from the south channel; (5) two powerhouses, one on the power canal containing two turbine generating units, each with a rated capacity of 23.5 MW and the other at the spillway containing a turbine generating unit with a rated capacity of 800 kW, producing together an average annual output of 195.1 GWh; and (6) a 3-mile-long transmission line interconnecting with an existing Idaho Power Company distribution line. Proposed recreational development includes fishing access at the dam and tailrace and improved boat launch facilities at the existing Mary's Mine boat ramp. the project requires an access road about one mile long and is expected to cost $89 million.

Purpose of Project—The Applicant expects to sell project output to either the Bonneville Power Administration or to other member utilities of the Pacific Northwest Generating Company.

Competing Applications—Anyone desiring to file a competing application must file with the Commission, on or before January 13, 1983, either the competing application itself (See 18 CFR 4.33 and Part 16) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Filing of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) (1981).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 13, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "MOTION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene, must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30477 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-43-003]

Trunkline Gas Co.; Proposed Changes in FERC Gas Tariff

November 1, 1982.

Take notice that Trunkline Gas Company (Trunkline) on October 19, 1982, tendered for filing First Revised Sheet Nos. 3078 and 3112 to its FERC Gas Tariff, Original Volume No. 2.

Trunkline states that these changes are made to reflect Panhandle Eastern Pipe Line Company's (Panhandle) current transportation rate in Rate Schedules T-72 and LT-3, which provide for the transportation of natural gas on behalf of United Gas Pipe Line Company (United). These rates reflect Panhandle's current transportation charge effective October 1, 1982, subject to refund, as filed August 31, 1982, in compliance with Ordering Paragraph (B) of the Commission's Order dated April 30, 1982, in Docket No. RP82-58. Trunkline proposes an effective date of October 1, 1982.

A copy of this filing has been served on United.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before November 8, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30478 Filed 11-4-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

National Petroleum Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: National Petroleum Council.

Date and Time: Wednesday, December 1, 1982—9:00 a.m.

Place: The Madison Hotel, Dolley Madison Ballroom, 15th and M Streets, NW., Washington, D.C.

Contact: Gloria Decker, Information Management Systems Branch, U.S. Department of Energy, 1000 Independence Avenue, SW., Forrestal Building, Room 4D–024, Washington, D.C. 20585; telephone 202/252–8990.

Purpose of Committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative Agenda:

—Call to Order by Chairman of the National Petroleum Council.
—Remarks by the Secretary of Energy.
—Reports of the Committees of the National Petroleum Council:
a. Committee on Third World Petroleum Development;
b. Committee on Enhanced Oil Recovery.
—Consideration of Administrative Matters.
—Discussion of Any Other Business Properly Brought Before the National Petroleum Council.
—Public Comment (10 Minute rule).

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Gloria Decker at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E–190, Forestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on November 1, 1982.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 82–30434 Filed 11–4–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–2241–2]

Availability of Environmental Impact Statements Filed October 25 Through October 29, 1982, Pursuant to 40 CFR 1506.9

RESPONSIBLE AGENCY: Office of Federal Activities, General Information, 382–5075 or 382–5076.

Corps of Engineers:
  EIS No. 820701, Final, COE, SD, Gregory Hydroelectric Pumped Storage Facility, Gregory County, Due: Dec. 6, 1982.
Department of Energy:
  EIS No. 820708, Draft, DOE, MA, Mt. Tom Generating Station Unit 1, Coal Conversion, Hampden County, Due: Dec. 20, 1982.
  EIS No. 820707, Final, DOE, CO, PRO Naval Oil Shale Reserves Development Options, Garfield County, Due: Dec. 6, 1982.
Department of Interior:
  EIS No. 820705, Draft, BLM, CO, White R. Resource Area, Wilderness Amendments, Moffat/Rio Bianco Cos, Due: Feb. 7, 1983.
  EIS No. 820710, Draft, BLM, CO, Glenwood Springs Resource Area Management Plan, Due Feb. 2, 1983.
  EIS No. 820709, Draft, BLM, ID, Shoshone and Sun Valley Planning Areas Wilderness Designation, Due: Jan. 11, 1983.
  EIS No. 820702, Final, FWS, TX, Matagorda Island, Federal Land Disposition (DOI/GSA), Calhoun County, Due: Dec. 6, 1982.
  EIS No. 820699, F Suppl, IBR, NM, Brantley Dam Alignment and Construction, Pecos River, Eddy County, Due: Dec. 6, 1982.
Department of Transportation:
  EIS No. 820698, Draft, FHW, NY, NY–31 Relocation, Washington Street to I–490, Monroe County, Due: Dec. 20, 1982.
Environmental Protection Agency:
  EIS No. 820704, Draft, EPA, NY, Lake George-Upper Hudson Region WWT Facilities, Grant, Warren County, Due: Jan. 6, 1983.
  EIS No. 820706, Final, EPA, MO, Lower Missouri River Basin WWT Facilities, Grant, St. Louis County, Due: Dec. 6, 1982.
General Services Administration:
  EIS No. 820703, Final, GSA, TX, Matagorda Island, Federal Land Disposition (GSA/DOI), Calhoun County, Due: Dec. 6, 1982.
Department of Agriculture:
  EIS No. 820700, Draft, AFS, OR, Deschutes National Forest Land and Resource Management Plan, Due: Feb. 15, 1982.
Amended Notices:
  EIS No. 820505, Draft, AFS, MT, Lewis and Clark National Forest Land and Resource Management Plan, Published FR Aug. 6, 1982—Review extended, Due: Nov. 30, 1982.
  EIS No. 82686, *D Revised, COE, FL, Eastpoint Breakwater Harbor Construction, Franklin County, *Published FR Oct. 29, 1982—Incorrect status, Due: Dec. 13, 1982.

Dated: November 2, 1982.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 82–30500 Filed 11–4–82; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59107; TSH–FRL–2240–4]

Toxic Substances; Certain Chemicals; Premanufacture Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5 (a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPA's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of three applications for exemptions, provides a summary, and requests comments on the appropriateness of granting each of the exemptions.

DATE: Written comments by November 22, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS–59107]" and the specific TME number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E–401, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M Street SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the TME received by EPA. The complete non-confidential document is available in the Public Reading Room E–107.

TME 83-6

Close of Review Period. December 10, 1982.

Manufacturer. Confidential.

Chemical. (G) Polymer from PMDA and diamines.

Use/Production. (G) Industrial coating. Prod. range: confidential.

Toxicity. No data submitted.

Exposure. Manufacture and processing, a total of 2 workers, up to 1 hr/da, up to 12 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr will be released to air, land or water.

TME 83-7

Close of Review Period. December 10, 1982.

Importer. American Hoescht.

Chemical. (S) 1,2-benzenediamine, 4-ethoxy, sulfate (1:1).

Use. (S) Intermediate in dye production. Import range: 9 mos. 15,000 kg. (max).

Toxicity Data. No data submitted.

Exposure. Use-dermal, a total of 3 workers, up to 68 hrs/total.

Environmental Release/Disposal. No release. Residues will be disposed of through an on-site NPDES permitted treatment facility.

TME 83-8

Close of Review Period. December 10, 1982.

Manufacturer. Minnesota Mining & Manufacturing.

Chemical. Modified fluoroaliphatic adduct.

Use/Production/Import. (S) Carpet fiber coating. Prod. range: 6 mos.-1000 lbs.

Toxicity Data. Acute oral: > 5 g/kg: Irritation: Skin-(FHSA) 0.5/8.0, minimally; Eye-(FHSA)-43/110.0, mildly: Ames test: Negative.

Exposure. Manufacture-dermal, 3 workers, up to 8 hrs/da, up to 19 da/yr; Processing-dermal, 20 workers, 8 hrs/da, an unknown number of days per year.

Environmental Release-Disposal. Minimal residues will be disposed of in approved landfills.

Dated: November 1, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-30305 Filed 11-4-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51438; TSH-FRL 2240-5]

Toxic Substances; Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of thirteen PMNs and provides a summary of each.

DATES: Close of Review Period:

PMN 83-63, 83-64, 83-65, 83-66, 83-67 and 83-68—January 19, 1983

PMN 83-69, 83-70 and 83-71—January 22, 1983

PMN 83-72, 83-73 and 83-74—January 23, 1983

PMN 83-75—January 24, 1983

Written comments by:

PMN 83-63, 83-64, 83-65, 83-66, 83-67 and 83-68—December 20, 1982

PMN 83-69, 83-70 and 83-71—December 23, 1982

PMN 83-72, 83-73 and 83-74—December 24, 1982

PMN 83-75—December 25,1982

ADDRESS: Written comments, identified by the document control number "[OPTS-51438]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-382-3532).

FOR FURTHER INFORMATION CONTACT: David Dull, Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-382-3729).

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the non-confidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete non-confidential document is available in the Public Reading Room E-107.

PMN 83-63

Manufacturer. Confidential.

Chemical. (G) Succinate ester amide.

Use/Production. (G) Contained use. Prod. range: Confidential.

Toxicity Data. Acute oral: >5 g/kg; Acute dermal: >2 g/kg; Irritation: Skin—0/8.0, Eye—5.0/110 @ 24 hrs.

Exposure. Use: dermal, up to 56 da/yr.

Environmental Release/Disposal. Confidential.

PMN 83-64

Manufacturer. Werner G. Smith, Inc.

Chemical. (G) Oxo alcohol (high boilers), ethoxylated alcohol esters of citric acid.

Use/Production. (S) Metal working lubricant. Prod. range: 20,000-100,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 4 workers, up to 12 hrs/da, up to 72 da/yr.

Environmental Release/Disposal. Less than 10 kg/yr released to air, water and land. Disposal by publicly owned treatment works (POTW)

PMN 83-65

Manufacturer. Confidential.

Chemical. (G) Polymer of disubstituted propenoates.

Use/Production. (G) Component of a specialized industrial formulation. Prod. range: 10-150 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing minimal dermal and inhalation, a total of 10 workers, up to 2 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. No Release. Disposal by incineration.

PMN 83-66

Manufacturer. Confidential.

Chemical. (G) Polymer of disubstituted propenoates.

Use/Production. (G) Component of a specialized industrial formulation. Prod. range: 10-150 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture and processing minimal dermal and inhalation, a total of 10 workers, up to 2 hrs/da, up to 20 da/yr.

Environmental Release/Disposal. No Release. Disposal by incineration.

PMN 83-67

Manufacturer. American Cyanamid Company.

Chemical. (G) Substituted thionocarbamate.

Use/Production. (G) Mineral processing. Prod. range: Confidential.

Toxicity Data. Acute oral: 0.773 g/kg; Acute dermal: > 2 gm/kg; Irritation: Skin—Mild, Eye—Mild; Ames Test: Positive; CHO/HGPRT Forward Mutation Assay—Negative.

Exposure. Manufacture: dermal, up to 16 workers, up to 24 hrs/da, up to 200-300 da/yr.

Environmental Release/Disposal. Minimal release to water.

PMN 83-68

Manufacturer. Confidential.

Chemical. (G) Alkylated isopropylbenzene.

Use/Production. (G) Destructive use. Prod. range: Confidential.

Toxicity Data. Acute oral: > 5,000 mg/kg; Acute dermal: > 2,000 mg/kg; Acute Inhalation: 4.39 mg/1; Irritation: Skin—Mild, Eye—Non-irritant; Ames Test: Negative.

Exposure. Confidential.

Environmental Release/Disposal. Confidential.

PMN 83-69

Manufacturer. Confidential.

Chemical. (G) Mixed C_{21} dicarboxylic amino alkyl amines.

Use/Production. (G) Open use. Prod. range: Confidential.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal and inhalation, a total of 3 workers, up to 3 hrs/da, up to 38 da/yr.

Environmental Release/Disposal. Up to 200kg/yr released to water 38 da/yr. Disposal by POTW.

PMN 83-70

Manufacturer. The Goodyear Tire & Rubber Company.

Chemical. (G) Benzenedicarboxylic acid saturated mixed glycols copolyester.

Use/Production. (S) Industrial resin for powder coating. Prod. range: 100,000–800,000 kg/yr.

Toxicity Data. Acute oral > 5 g/kg; Irritation: Skin—None.

Exposure. Manufacture: dust, a total of 10 workers, up to 8 hrs/da, up to 120 da/yr.

Environmental Release/Disposal. 100–1,000 kg/yr released to land. Disposal by on-site lagoon systems, settling ponds/water treatment basin, incineration and approved landfill.

PMN 83-71

Manufacturer. ALCOLAC, INC.

Chemical. (S) 2-propenoic acid, 2 methyl-, octahydro-2, 5-methane-2H-indeneone [1,2-(b)] oxiren-3(or 4)-yl ester.

Use/Production. (S) Industrial photocurable coating. Prod. range: 5,000–15,000 kg/yr.

Toxicity Data. No data submitted.

Exposure. Manufacture: dermal, a total of 1 worker, up to 1 hr/da, up to 3 da/yr.

Environmental Release/Disposal. Disposal by landfill.

PMN 83-72

Importer. Confidential.

Chemical. (G) Benzoquinolinyl-sulfoindenedione.

Use/Import. (S) Colorant for paper. Import range: Confidential.

Toxicity Data. Acute oral: > 5 g/kg; LC_{50}, 48 hrs: > 500 mg/1; Irritation: Skin—Non-irritant, Eye—Moderate.

Exposure. Processing, use, and disposal: dermal, a total of 4 workers, up to 2 hrs/da, up to 60 da/yr.

Environmental Release/Disposal. 100–1,000 kg/yr released to water with 10–100 kg/yr to land. Disposal by incineration.

PMN 83-73

Manufacturer. Confidential.

Chemical. (G) Polymer from PMDA and diamine.

Use-Production. (G) Industrial coating. Prod. range: Confidential.

Tosicity Data. No data submitted.

Exposure. Manufacture: a total of 2 workers, up to 1 hrs/da, up to 12 da/yr.

Environmental Release/Disposal. Less than 10/ kg/yr release to air, water and land.

PMN 83-74

Importer. Confidential.

Chemical. (G) Polymer of styrene, alkyl acrylates and substituted alkyl methacrylates.

Use/Import. Confidential. Import range: 10,000–180,000 kg/yr.

Toxicity Data. Ames Test: Negative.

Exposure. No data submitted.

Environmental Release/Disposal. No data submitted.

PMN 83-75

Manufacturer. Confidential.

Chemical. (G) Sodium 2-substituted propanoate.

Use/Production. Confidential. Prod. range: Confidential.

Toxicity Data. No data on the PMN substance submitted.

Exposure. Manufacture: 2 workers, up to 60 min., up to 310 man/hrs/yr.

Environmental Release/Disposal. Disposal by applicable by regulations.

Dated: November 1, 1982.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 82-30317 Filed 11-4-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

[Docket No. 82-24]

Order of Further Investigation and Hearing and "Pendente Lite" Approval; Availability of Finding of No Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 82-24 will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required.

The proceeding relates to Agreement No. 9925-3, an extension of the cooperative working agreement between Associated Container Transportation, Ltd. and Australian Shipping Commission, trading as Australian National Line. The purpose of this proceeding is to determine, among other things, whether the limitation to six container vessels of an average capacity of 1,350 TEU's per vessel should be varied.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Francis C. Hurney,

Secretary.

[FR Doc. 82-30430 Filed 11-4-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Allied Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of Allied Bank North Belt, N.A., Houston, Texas, a proposed new bank. Comments on this application must be received not later than November 29, 1982.

Board of Governors of the Federal Reserve System, November 1, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30440 Filed 11-4-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Hartford National Corporation*, Hartford, Connecticut; to acquire 100 percent of the voting shares or assets of The Mattatuck Bank & Trust Company, Waterbury, Connecticut. Comments on this application must be received not later than December 1, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *SBT Corporation*, Savannah, Georgia; to acquire 90 percent of the voting shares or assets of Central Bank of Georgia, Macon, Georgia. Comments on this application must be received not later than December 1, 1982.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Northeast United Bankcorp, Inc. of Texas*, Fort Worth, Texas; to acquire 100 percent of the voting shares or assets of Cedar Hill National Bank, Cedar Hill, Texas. Comments on this application must be received not later than December 1, 1982.

D. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Ellis Banking Corporation*, Bradenton, Florida; to acquire 51 percent of the voting shares or assets of First Commercial Bank of Live Oak, Live Oak, Florida. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Comments on this application must be received not later than December 1, 1982.

Board of Governors of the Federal Reserve System, November 1, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30445 Filed 11-4-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Co.; Proposed de Novo Nonbank Activities

The organization identified in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to this application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Barclays Bank PLC* and its subsidiary, Barclays Bank International Limited, each a bank holding company whose principal office is in London, England (consumer finance; Wappingers Falls, New York): To engage through their subsidiaries, BarclaysAmerican/Financial, Inc. and BarclaysAmerican/Retail Services, Inc., in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning) and acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. This activity would be conducted from an office of BAC located in Wappingers Falls, New York, serving customers in Wappinger Falls and surrounding areas in New York. this notification is for the relocation of an existing office located in Newburgh, New York. Comments on this application must be received not later than November 29, 1982.

Board of Governors of the Federal Reserve System, November 1, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30439 Filed 11-4-82; 8:45 am]

BILLING CODE 6210-01-M

Barnett Banks of Florida, Inc.; Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(5)) to merge with Great American Banks, Inc., North Miami, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. section 1842(c)).

Barnett Banks of Florida, Inc., Jacksonville, Florida, is also engaged in the following nonbank activities: servicing and marketing residential mortgage loans originated by

Applicant's banking subsidiaries and furnishing operational support services for its subsidiary banks. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. section 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 29, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 1, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30441 Filed 11-4-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *NBSC Corporation*, Sumter, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The National Bank of South Carolina, Sumter, South Carolina. Comments on this application must be received not later than November 29, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Interedec (Georgia) N.V.*, Curacao, Netherlands Antilles and Interedec (Georgia) Limited, Nassau, Bahamas; to each become a bankholding company by acquiring directly or indirectly 100 percent of the voting shares NBG Financial Corporation (formerly GRP, Inc.) Atlanta, Georgia and indirectly the shares of its subsidiary banks, The National Bank of Georgia, Atlanta, Georgia; First Bank & Trust Co., Marietta, Georgia; Clayton County Bank, Riverdale, Georgia; and First Commercial Bank, Buford, Georgia. Comments on these applications must be received not later than November 29, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Sherman Banc Shares, Inc.*, Sherman, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Sherman Community Bank, Sherman, Illinois. Comments on this application must be received not later than November 29, 1982.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *First Fordyce Bancshares, Inc.*, Fordyce, Arkansas; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank of Fordyce, Fordyce, Arkansas. Comments on this application must be received not later than November 29, 1982.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Comban Shares, Inc.*, Oklahoma City, Oklahoma; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank, Oklahoma City, Oklahoma. Comments on this application must be received not later than November 29, 1982.

F. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Capital Bancshares, Inc.*, Dallas, Texas; to become a bank holding company by acquiring 80 percent of the voting shares of Capital Bank, Dallas, Texas. Comments on this application must be received not later than November 29, 1982.

G. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *Charter 17 Bancorp, Inc.*, Richmond, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank of Richmond, Richmond, Indiana. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Comments on this application must be received not later than November 29, 1982.

Board of Governors of the Federal Reserve System, November 1, 1982

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30442 Filed 11-4-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Philadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *First LeHigh Corporation*, Walnutport, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Walnutport State Bank, Walnutport Pennsylvania. Comments on this application must be received not later than December 1, 1982.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Peoples Liberty Bancorporation,* Covington, Kentucky; to become a bank holding company by acquiring 100 percent of the voting shares of Peoples Liberty Bank & Trust Company, Covington, Kentucky. Comments on this application must be received not later than December 1, 1982.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Pickens County Bancshares, Inc.,* Jasper, Georgia; to become a bank holding company by acquiring at least 80 percent of the voting shares of Pickens County Bank, Jasper, Georgia. Comments on this application must be received not later than December 1, 1982.

D. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *SBI Corporation,* Southgate, Michigan; to become a bank holding company through the merger with Security Bancorp, Inc., Southgate, Michigan, for the purpose of effectuating a change in the State of Incorporation from Delaware to Michigan. Comments on this application must be received not later than December 1, 1982.

E. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *National Bankshares of La Jolla,* La Jolla, California; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of La Jolla, La Jolla, California. Comments on this application must be received not later than December 1, 1982.

Board of Governors of the Federal Reserve System, November 1, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82–30444 Filed 11–4–82; 8:45 am]

BILLING CODE 6210–01–M

[Docket No. R–0433]

Reduction and Pricing of Federal Reserve Float

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board of Governors is requesting public comment on several proposals to reduce and price Federal Reserve float. Public comment is requested on proposals to change Reserve Bank crediting procedures for interterritory check deposits, adopt a new procedure for handling large dollar return items and explicitly price several float categories.

DATE: Comments must be received by December 15, 1982.

ADDRESS: Comments, which should refer to Docket No. R–0433, may be mailed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments may be inspected at Room B–1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding the Availability of Information, 12 CFR 261.6(a).

FOR FURTHER INFORMATION CONTACT: Elliott C. McEntee, Assistant Director (202/452–2231) or Morgan J. Hallmon, Program Manager, Payments Mechanism Planning (202/452–3878), Division of Federal Reserve Bank Operations; or Gilbert T. Schwartz, Associate General Counsel (202/452–3625) or Daniel L. Rhoads, Attorney (202/452–3711), or Robert G. Ballen, Attorney (202/452–3265), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Pub. L. 96–221) ("MCA") requires that fees be established for Federal Reserve Bank services and that the Board shall begin putting into effect a schedule of fees not later than September 1, 1981. The MCA sets forth specific services to be priced and requires the Board to establish principles on which the schedules of fees for priced services are to be based.

On December 31, 1980, the Board adopted a set of pricing principles and fee schedules for certain Federal Reserve services. Subsequently, the Board adopted fee schedules for virtually all Reserve Bank services in accordance with the MCA. In its December 31, 1980 action, the Board determined, in response to comments received to the Board's proposals to reduce and price float (45 FR 58689), to proceed with internal operational improvements with high benefit/cost ratios to reduce float before initiating changes in availability schedules and explicit pricing of float. The Board directed the staff to continue studying methods of changing availability schedules as an alternative to explicit pricing of float and report back to the Board.

For several years, the Federal Reserve System has been taking action to reduce float. Since passage of the Monetary Control Act of 1980, float reduction efforts have been intensified. In 1979, daily average Federal Reserve float was $6.7 billion. In 1980, daily average Federal Reserve float decreased to a level of $4.2 billion. During the second quarter of 1982, Federal Reserve float averaged $1.8 billion daily—73 percent below 1979 levels.

After review of proposals to implement additional float reduction efforts and pricing, the Board has determined to solicit comment on three proposals which, collectively, could result in the elimination or pricing of about 80 percent of the $1.8 billion daily average float. The proposals represent a combination of operational changes to reduce Federal Reserve float and explicit pricing of such float remaining after operational improvements are implemented. It is expected that these proposals, if adopted, would be implemented during the second quarter of 1983. The value of Federal Reserve float would be calculated on the basis of the Federal funds rate published in the Board's H.15 (519) release titled "Selected Interest Rates."

The Board believes these proposals are: (1) Consistent with the MCA and previous Board decisions, (2) reasonable in their impact on depository institutions, and (3) operationally feasible for the Reserve Banks. Moreover, these proposals, together with steps taken previously, should contribute to the efficiency of the payments mechanism.

The largest component of Federal Reserve float is associated with the shipment of checks (cash items) between Federal Reserve offices. This interterritory float is created when a Reserve Bank credits, on the basis of a fixed availability schedule, the institution that deposits the checks, but the checks are not received by the paying institution's Federal Reserve office on a timely basis and thus the charge to the paying institution is delayed. Interterritory float arises from checks, including checks contained in "Other Fed" cash letters, shipped on Federal Reserve arranged transportation as well as those shipped on transportation arranged by depository institutions. The Board is requesting comment on a proposal to eliminate or price this category of float by permitting Reserve Banks to modify their crediting practices for interterritory check shipments. The Board expects these crediting procedures, if adopted, to reduce daily average Federal Reserve float by approximately $900 million. Specifically, each Reserve Bank would offer depository institutions in its district a choice between two or more of the following crediting options:

1. Credit would be given on the day the checks are received on a timely basis by the collecting Federal Reserve Bank ("actual availability");

2. Credit would be given on the basis of a fixed availability schedule (unique to each institution) so that part of an institution's credit for a deposit are deferred an additional day, and, on average, float is zero ("fractional availability"); and

3. Credit would be given on the basis of a fixed availability schedule, with compensation for float being made through either:

a. "as of" adjustments to correct for float after it occurs ("fixed availability with 'as of' adjustments"), or

b. earnings credits on a clearing balance maintained by the depository institution, with the value of float determined at the Federal funds rate, which is the same rate used to compute the earnings credits.

Actual availability would be implemented through an interterritory cash letter monitoring system whereby a Reserve Bank and the depositing bank would know early in the day which cash letters arrived timely at the processing Federal Reserve office. Since the Reserve Banks would be passing credit when charges are made to payor institutions, no float would be created. With fractional availability, a depositing institution would receive partial availability for its interterritory check shipments on the basis of a fixed schedule. This availability would be based on the Reserve Bank's actual experience during a prior period in collecting items for that institution. On average, Federal Reserve float under this procedure should be about zero during the course of a year. Under the fixed availability with "as of" adjustments crediting procedure, the Federal Reserve office in whose territory the depositing institution is located would give provisional credit, based on fixed availability schedules, for check deposits (both direct and consolidated shipments) sent to other Federal Reserve offices. Float incurred by a depositing institution during a reserve maintenance period (Week one) would be calculated by a Federal Reserve office during the following reserve maintenance period (Week two). An "as of" adjustment would then be made to the depositing institution's account to be effective during the next reserve maintenance period (week three). More detailed descriptions of the four options may be obtained from the Reserve Banks.

As an alternative to changing crediting procedures, it has been suggested that Reserve Banks could explicitly price interterritory check float by charging payor institutions directly for "actual" float or by folding the value of float into check prices. Charging payor institutions directly for float entails complex technical, administrative, accounting, and legal issues. With respect to folding the value of float into check prices, the Federal Reserve does not believe that a consensus exists within the banking industry with respect to the best approach to be taken. The Federal Reserve believes further that to explicitly charge for this float category in an equitable manner would necessitate keeping track of the float created by each individual check. This would be operationally burdensome and would increase costs to depository institutions using Federal Reserve check services.

Another significant component of float is associated with return items. Return item float generally occurs with interterritory shipments when a Reserve Bank office receives from a payor institution within its territory a returned check deposited originally by an instititution outside its territory ("depositing institution"). Current System procedures specify that payor (returning) institutions receive immediate credit for return items. Float arises since current interterritory accounting procedures do not provide for immediate debiting of the depositing institution's account for return items prior to receipt of the items by the depositing institution's local Federal Reserve office. The Board is requesting comment on a proposal to eliminate or price this float by charging the depositing institutions' account for large interterritory return items ($50,000 or more) based on receipt of a wire notification from the returning Federal Reserve office. The depositing institution whose account was being charged would receive from its Reserve Bank the wire notifications as they become available, but in no event later than 3:00 p.m. As an alternative to having its account debited immediately, a depository institution could compensate for return item float through an "as of" adjustment to its account. The accounting notification would reduce return item float by permitting Reserve Banks to make same-day debits and credits. It is contemplated that the notification would contain information concerning the returned item; for example, the notification may state the name of the drawee bank, dollar value of check, payee, reason for return, etc. The dollar cut-off for the wire notification would be reviewed periodically to determine the feasibility of lowering the cut-off value. This proposal would eliminate approximately $150 million of the $200 million in return item float and, if adopted, would be implemented during the second quarter of 1983. Remaining return item float would be valued at the average Federal funds rate and be added to the overhead costs for the check collection service.

Public comment is also requested on a proposal to explicitly price two additional categories of float: holdover float and other intraterritory float. During the first two quarters of 1982, these two categories averaged $390 million daily. Holdover float, resulting when a Federal Reserve office is unable to process for collection check deposits received on a timely basis, would be valued at the average Federal funds rate and added to the overhead costs for the check collection service. Other intraterritory float, resulting primarily from the inability of a Federal Reserve office to make presentment of checks to payor institutions as a result of severe weather, transportation equipment failure, or operational delays, would be priced in the same method as holdover float.

Comment is also requested on operational difficulties that depository institutions may encounter as a result of the anticipated implementation of these proposals, if they are adopted, during the second quarter of 1983.

Further study will be done on the pricing of two other categories of float; float associated with non-check activities such as wire transfers, securities transfers, automated clearing house items and other miscellaneous items ("non-check float"), and float incurred by the System incident to the maintenance of an efficient and reliable payments system during times of a natural disaster and other extraordinary circumstances ("residual float"). It is expected that the results of these further studies and recommendations for pricing these categories of float will be presented to the Board in 1983.

By order of the Board of Governors, November 1, 1982.

William W. Wiles,

Secretary of the Board.

[FR Doc. 82-30443 Filed 11-4-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: New York District Office, chaired by Mr. George J. Gerstenberg, New York District Director.

DATE: Tuesday, November 16, 1982, 10 a.m. to 12:30 p.m.

ADDRESS: Marymount College, Library Lecture Hall, Marymount Ave., Tarrytown, NY 10591.

FOR FURTHER INFORMATION CONTACT: Marta De Arce or Carolyn L. Hommel, Consumer Affairs Officers, Food and Drug Administration, New York District Office, 850 Third Ave., Brooklyn, NY 11232, 212-965-5043.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's District Offices,and to contribute to the agency's policymaking decisions on vital issues.

Dated: October 28, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-30187 Filed 11-4-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82N-0095; DESI 6514]

Drugs for Human Use; Drug Efficacy Study Implementation; Prescription Drugs Offered for Relief of Symptoms of Cough, Cold, or Allergy; Amendment

AGENCY: Food and Drug Administration (FDA).

ACTION: Notice.

SUMMARY: FDA amends a notice of opportunity for hearing which proposed to withdraw approval of the entire new drug application (NDA) for Ambenyl Expectorant. As amended, the proposal applies to the NDA only as it pertains to the old formulation of the product. FDA announces the conditions for marketing the reformulated product, named Ambenyl Cough Syrup, for the indication for which it is regarded as effective.

EFFECTIVE DATE: November 5, 1982.

ADDRESSES: Communications in response to this notice should be identified with Docket No. 82N-0095, and directed to the attention of the appropriate office named below:

Supplements to full new drug applications (identify with NDA number): Division of Surgical-Dental Drug Products (HFN-160), National Center for Drugs and Biologics, Food and Drug Administration, 560 Fishers Lane, Rockville, MD 20857.

Original abbreviated new drug applications and supplements thereto (identify as such): Division of Generic Drug Monographs (HFN-530), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFN-310), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFN-501), National Center for Drugs and Biologics, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David T. Read, National Center for Drugs and Biologics (HFN-8), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of May 25, 1982 (47 FR 22604), FDA revoked the temporary exemption from the time limits for completing certain phases of the Drug Efficacy Study Implementation (DESI) program that had been granted for two oral prescription products offered for the relief of symptoms of cough, cold, or allergy. One of these products was Ambenyl Expectorant (NDA 9-319) containing codeine sulfate, bromodiphehydramine hydrochloride, diphenhydramine hydrochloride, ammonium chloride, potassium guaiacolsulfonate, and menthol. The other product, NDA 5-914, which is unaffected by today's amendment. FDA reclassified the two products as lacking substantial evidence of effectiveness, proposed to withdraw approval of the new drug applications for those products in their entirety, and offered an opportunity for a hearing on the proposal.

As previously formulated, NDA 9-319 contained codeine sulfate, bromodiphenhydramine hydrochloride, diphenhydramine hydrochloride, ammonium chloride, potassium guaiacolsulfonate, and menthol; Marion Laboratories, Inc., Pharmaceutical Division, Marion Industrial Park, 10236 Bunker Ridge Rd., Kansas City, MO 64137. The manufacturer of NDA 9-319 has supplemented its NDA to provide for a reformulation of its product. The supplement changes the name of the product from "Ambenyl Expectorant" to "Ambenyl Cough Syrup." The new product contains 10 milligrams codeine phosphate and 12.5 milligrams bromodiphenhydramine hydrochloride per 5 milliliters.

Codeine phosphate was classified as generally recognized as safe and effective by the OTC drug review panel for cough, cold, allergy, bronchodilator, and antiasthmatic (CCABA) drugs (41 FR 38339). Bromodiphenhydramine hydrochloride, which was not reviewed by the OTC drug review panel, was classified by the FDA as effective on September 2, 1977 (DESI 6290; 42 FR 44275). The OTC drug review panel for CCABA drugs concluded that combinations containing an antihistamine and an antitussive, each present in amounts within the effective dosage range, are safe and effective (41 FR 38326).

FDA now amends the May 25, 1982 notice (47 FR 22604): the proposal to withdraw approval of NDA 9-319 does not apply to NDA 9-319 as it pertains to the reformulation described above. The notice, insofar as it affects NDA 9-319, is also amended to include the following:

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug product, as reformulated, is effective for the indication in the labeling conditions below. The drug product lacks substantial evidence of effectiveness in its old formulation, and for other labeled indications. This notice does not prevent FDA, in any future OTC drug monograph, from including any of the ingredients listed above, and requiring labeling different from that approved for prescription use.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications for the formulation now regarded as effective and a supplement to the previously approved new drug application under conditions described herein.

1. *Form of drug.* The preparation is in a syrup form suitable for oral administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indication is as follows:

For relief of upper respiratory symptoms and coughs associated with allergy or the common cold.

3. *Marketing Status.* a. Marketing the drug product that is now the subject of an approved or effective new drug application may be continued provided that, on or before January 4, 1983, the holder of the application has submitted (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated new drug applications (21 CFR 314.1(f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained before marketing such products. The bioavailability regulations (21 CFR 320.21) require any person submitting a full or abbreviated new drug application after July 7, 1977, to include either evidence demonstrating the in vivo bioavailability of the drug or information to permit waiver of the requirement. Marketing drug products before approval of a new drug application will subject those products, and the persons who caused the products to be marketed, to regulatory action.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)), and under the authority delegated to the Director of the National Center for Drugs and Biologics (see 21 CFR 5.70, 5.82 and 47 FR 26913 published in the **Federal Register** of June 22, 1982).

Dated: October 27, 1982.

Harry M. Meyer, Jr.,

Director, National Center for Drugs and Biologics.

[FR Doc. 82-30438 Filed 11-4-82; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Reconsideration Of Disapproval of Alabama State Plan Amendments; Hearing

AGENCY: Health Care Financing Administration (HCFA), HSS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on December 14, 1982 in Atlanta, Georgia to reconsider our decision to disapprove modified Alabama State Plan Amendments 80–13 and 80–18.

CLOSING DATE: Request to participate in the hearing as a party must be received by 15 days after publication.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Bureau of Program Policy, G–20 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207; Telephone (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove two Alabama State plan amendments.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Alabama originally submitted State Plan Amendments 80–13 and 80–18 in 1981. These original submissions were disapproved on November 10, 1981 and the State requested a reconsideration of the determination. The announcement of the reconsideration on these amendments was published on January 22, 1982 (47 FR 3206). At the same time the State requested the reconsideration, it submitted modified State Plan Amendments 80–13 and 80–18 which were also disapproved and on which the State has also requested a reconsideration. This notice addresses the reconsideration request on Alabama's modified State Plan Amendments 80–13 and 80–18.

The issue in this matter relates to the imposition of a copayment on prescription drugs for those eligible individuals who have spendable incomes of more than $25. The effect of this amendment would be to exempt institutionalized individuals from the copayment requirement. The Health Care Financing Administration contends that this provision violated section 1902(a)(10) of the Social Security Act and comparability rules set forth in 42 CFR 440.240.

The notice to Alabama announcing an administrative hearing to reconsider our denial of its State plan amendments reads as follows:

Ms. Faye S. Baggiano,
Acting Commissioner, Alabama Medicaid Agency, 2500 Fairlane Drive, Montgomery, Alabama 36130.

Dear Ms. Baggiano: This is to advise you that your request for reconsideration of the decision to disapprove modified Alabama State Plan Amendments 80–13 and 80–18 was received on October 4, 1982. You have requested a reconsideration of the issue of whether the provisions in these plan amendments with respect to the application of drug copayment requirements for those eligible individuals who have spendable incomes of more than $25, conform to the requirements for approval under the Social Security Act and pertinent Federal requirements.

I am scheduling a hearing on your request to be held on December 14, 1982, at 10:00 a.m. in the 7th floor conference room, 101 Marietta Tower, Spring and Marietta Streets, Atlanta, Georgia. If, however, you wish to postpone the hearing until a hearing date is rescheduled for reconsideration of the original Alabama State Plan Amendments 80–13 and 80–18, so that the hearings can be consolidated we would be glad to set another time.

I have designated Mr. Stanley Krostar as the presiding official. In order to facilitate any communications which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached on (301) 594–8261.

Sincerely yours,

Carolyne K. Davis, Ph.D.

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: November 1, 1982.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 30510 Filed 11-4-82; 8:45 am]

BILLING CODE 4120-03-M

Medicare Program; Schedule of Limits on Hospital Inpatient Operating Costs for Cost Reporting Periods Beginning on or After October 1, 1982

Correction

In FR Doc. 82-27068, beginning on page 43296 in the issue of Thursday, September 30, 1982, portions of the table appearing in Appendix II were printed illegibly. Those pages are republished as follows:

BILLING CODE 1505-01-M

Appendix II

TABLE HOSPITAL CASE MIX INDEXES

PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
01-0001	1.0346	* 01-0057	.9298	01-0117	.9857	03-0003	.9587	03-0067	.9547
01-0004	.9522	* 01-0058	.9889	01-0118	.9849	* 03-0004	1.0078	03-0068	.9376
01-0005	1.0141	01-0059	.9242	01-0119	1.0380	03-0005	1.0294	03-0069	1.0563
01-0006	1.0210	01-0060	.9740	01-0120	.9325	03-0006	1.1539	* 03-0070	.8310
01-0007	.9402	01-0061	.9417	01-0121	.9433	03-0007	1.0036	03-0080	1.0825
01-0008	.9685	01-0062	.9211	01-0122	.9212	03-0008	1.0372	04-0001	.9155
01-0009	.9093	01-0064	1.1458	01-0123	.9617	03-0009	1.1357	04-0002	.9540
01-0010	.9061	01-0065	1.0005	01-0124	.9507	03-0010	1.1192	04-0003	.9521
01-0011	1.0243	01-0066	.8925	01-0125	.9360	03-0011	.9685	04-0004	1.1255
01-0012	.9659	01-0067	.9277	01-0126	.9267	03-0012	1.0005	04-0005	1.0219
01-0013	.9236	01-0068	1.0259	01-0127	.9825	03-0013	1.0775	04-0006	1.0051
01-0014	1.0025	01-0069	.9918	01-0128	.8697	03-0014	1.0904	04-0007	1.0803
01-0015	1.0532	01-0070	.9196	01-0129	.9270	03-0016	.9870	04-0008	.9697
01-0016	1.0175	01-0071	.9708	01-0130	1.0073	03-0017	1.0012	04-0009	.9019
01-0017	.9842	01-0072	1.0301	01-0131	.8299	03-0018	1.0812	04-0010	1.0091
01-0018	.5499	01-0073	.9655	01-0133	.8382	03-0019	1.0037	04-0011	.9129
01-0019	.9459	01-0074	.8080	01-0134	.9559	03-0020	1.0054	04-0013	.9524
01-0020	.8562	* 01-0075	1.0139	* 01-0136	.8252	03-0022	1.1612	04-0014	.9027
01-0021	.9372	01-0078	1.0236	01-0137	1.1494	03-0023	1.0266	04-0015	.9342
01-0022	.9405	01-0079	.9910	01-0138	.9878	03-0024	1.1894	04-0016	1.1506
01-0023	1.0314	01-0080	.8942	01-0139	1.2040	03-0025	1.0036	04-0017	1.0754
01-0024	1.0290	01-0081	1.0744	01-0140	1.1453	* 03-0026	.9278	04-0018	.9656
01-0025	.9707	01-0082	.9260	* 01-0141	1.4744	03-0027	.9936	04-0019	.9237
01-0026	.9373	01-0083	.9600	* 01-0142	.8088	03-0030	1.0339	04-0020	1.0134
01-0027	.9004	01-0084	1.0412	01-0143	.9541	03-0033	.9708	04-0021	.9503
01-0028	.9543	01-0085	1.0219	01-0144	.9714	03-0034	.9624	04-0022	.9949
01-0029	1.0491	01-0086	.9238	01-0145	.9471	03-0035	1.0336	04-0024	.9565
01-0030	.9012	01-0087	1.0473	01-0146	.8783	03-0036	.9010	04-0025	.8794
01-0031	.9596	01-0089	.9490	* 01-0147	.9338	03-0037	1.2264	04-0026	1.0268
* 01-0032	.8430	01-0090	1.0407	01-0148	.9483	03-0038	1.0944	04-0027	.9984
01-0033	1.3904	01-0091	.9703	01-0149	1.0635	* 03-0039	.8674	04-0028	.9712
01-0034	.8580	01-0092	1.0646	02-0001	1.0596	03-0040	.9889	04-0029	1.0044
01-0035	.9452	01-0094	.8869	* 02-0002	1.0677	* 03-0041	.9423	04-0030	.8833
01-0036	.8878	01-0095	1.0057	* 02-0004	.9879	03-0043	1.0477	04-0031	.9241
01-0038	.8633	* 01-0096	.9921	* 02-0005	1.1574	03-0044	.9793	04-0032	.9811
01-0039	1.1107	01-0097	.9566	* 02-0006	1.0106	* 03-0046	.9736	04-0033	.8538
01-0040	1.0338	01-0098	.9647	* 02-0007	.9195	* 03-0047	.9275	04-0034	1.0014
* 01-0041	.9851	01-0099	.9291	02-0008	.9155	03-0048	1.0380	04-0035	.9354
01-0043	.9181	01-0100	.9939	* 02-0009	.6116	03-0049	.9682	04-0036	.9895
01-0044	.9219	01-0101	.9457	* 02-0010	.9337	03-0051	.8984	04-0037	1.0776
01-0045	.9578	* 01-0102	.9197	* 02-0011	.9868	03-0054	.9112	04-0039	.9740
01-0046	.9749	01-0103	1.1033	02-0012	1.0292	03-0055	1.0231	04-0040	.9417
01-0047	.8668	01-0104	1.1028	* 02-0013	.9987	03-0057	1.0253	04-0041	1.0417
01-0049	.9286	01-0108	.9305	* 02-0014	.9533	03-0059	.8656	04-0042	1.0471
01-0050	.9248	01-0109	1.0493	* 02-0016	.8522	03-0060	1.0495	04-0043	.9247
* 01-0051	.9308	* 01-0110	.9864	02-0017	.9797	03-0061	1.1273	04-0044	.8993
01-0052	.9170	01-0111	.8592	* 02-0024	.7816	03-0062	.9490	04-0045	.9177
01-0053	1.0054	01-0112	.9511	* 02-0025	1.0737	03-0063	1.0300	04-0047	.9448
01-0054	.9698	01-0113	1.0677	* 02-0026	.8396	03-0064	1.1777	04-0048	.9465
01-0055	.9486	01-0114	1.0036	03-0001	1.0707	03-0065	1.0979	04-0050	.9574
01-0056	1.0870	01-0115	1.0042	03-0002	1.1963	* 03-0066	1.1014	04-0051	.9992

Republication of page 43314 of the Federal Register of Thursday, September 30, 1982

TABLE HOSPITAL CASE MIX INDEXES

PROVIDER NUMBER	CASE MIX INDEX
04-0053	.9185
04-0054	.8869
04-0055	1.0773
04-0057	.9274
04-0058	.9376
04-0060	.9152
04-0062	1.0609
04-0063	1.0247
04-0064	.9187
04-0066	.8838
04-0067	.8938
04-0068	.9851
04-0069	.9531
04-0070	.9207
04-0071	.9965
04-0072	.9105
04-0074	.9937
04-0075	1.0068
04-0076	.9882
04-0077	.9449
04-0078	1.0009
04-0080	.9141
04-0081	.9036
04-0082	.9679
04-0084	.9260
04-0085	.9208
04-0087	.9378
04-0088	1.0296
04-0090	.9700
04-0091	.9381
04-0093	.8725
04-0095	.8905
04-0098	1.0039
04-0100	1.0065
04-0105	.9866
04-0106	1.0018
04-0107	.9539
04-0108	.9011
04-0109	.9335
* 04-0113	.9675
04-0114	1.1595
04-0115	.9674
04-0116	1.0442
* 04-0117	1.1311
04-0118	.9791
04-0119	.9696
* 04-0121	.9364
04-0122	.9734
04-0123	.9169
04-0124	.9507
04-0125	.8534
* 04-0126	1.0822
* 05-0001	1.0503
05-0002	1.0993
05-0004	1.0329
05-0005	1.0062
05-0006	1.0674
05-0007	1.0983
05-0008	1.1221
05-0009	1.0936
* 05-0010	1.1899
05-0011	.9417
05-0013	1.3489
05-0014	1.0040
05-0015	1.0420
05-0016	1.0660
05-0017	1.1221
05-0018	.9417
* 05-0019	.9100
* 05-0020	.9896
05-0021	.9988
05-0022	1.1115
05-0024	1.0492
05-0025	1.2531
05-0026	1.0502
* 05-0027	1.1939
05-0028	1.1100
05-0029	1.0655
05-0030	1.0080
* 05-0031	1.1119
05-0032	1.0158
05-0033	1.0999
05-0034	1.0343
05-0036	1.0895
05-0038	1.1609
05-0039	1.2146
05-0040	1.0864
05-0041	1.0982
05-0042	.9762
05-0043	1.1811
05-0045	1.0963
05-0046	1.0975
05-0047	1.3103
05-0049	1.0085
05-0051	.9448
* 05-0052	.9288
05-0053	1.1069
05-0054	1.1029
05-0055	1.1206
05-0056	1.0334
05-0057	1.1089
05-0058	1.0150
05-0060	1.0632
05-0061	.9693
05-0063	1.0653
05-0065	1.0641
05-0066	1.0253
05-0067	1.1003
05-0068	.9791
05-0069	1.1052
05-0070	1.0491
05-0071	1.0868
05-0072	1.1121
05-0073	1.0736
05-0074	.9698
05-0075	1.1450
05-0076	1.1194
05-0077	1.1434
05-0078	1.0870
05-0079	1.0818
05-0080	1.0429
05-0081	1.1381
05-0082	1.0831
05-0084	1.1915
05-0085	1.0346
05-0086	1.0020
05-0087	1.1757
05-0088	1.0077
05-0089	1.0915
05-0090	1.0842
05-0091	.9820
05-0092	1.0106
05-0093	1.1654
05-0095	1.0640
05-0096	.9921
05-0097	1.0683
05-0098	1.0327
05-0099	1.1207
05-0100	1.2639
05-0101	1.0427
05-0102	1.0773
05-0103	1.1932
05-0104	1.1061
05-0107	1.0416
05-0108	1.0849
05-0109	1.3265
05-0110	.9716
05-0111	1.0206
05-0112	1.1131
05-0113	1.0196
05-0114	1.0725
05-0115	1.1499
05-0116	1.1537
05-0117	1.0379
05-0118	1.0281
* 05-0119	.8079
05-0121	1.0591
05-0122	1.1661
* 05-0123	1.1938
05-0124	1.0841
05-0125	1.0672
05-0126	1.0201
05-0127	1.1309
05-0128	1.0881
05-0129	1.0604
* 05-0130	2.9394
05-0131	1.0829
05-0132	1.0510
05-0133	.9907
05-0134	1.0181
05-0135	.9567
05-0136	1.0869
05-0137	1.0601
05-0138	1.1444
05-0139	1.1122
05-0140	1.1171
05-0141	1.0420
05-0143	.9417
05-0144	1.1534
05-0145	1.1178
05-0146	1.1398
05-0147	.9608
05-0148	.9923
05-0149	1.0466
05-0150	1.1124
05-0151	1.0114
05-0152	1.0445
05-0153	1.1293
05-0154	1.0189
05-0155	1.0039
05-0156	1.0306
05-0158	1.1568
05-0159	1.0354
05-0161	.9552
* 05-0162	1.0056
05-0164	1.0542
05-0166	1.2751
05-0167	1.0898
05-0168	1.1207
05-0169	1.0666
05-0170	1.0984
05-0172	1.1134
05-0173	1.0071
05-0174	1.1232
05-0175	1.0623
05-0177	1.1082
05-0179	1.1081
05-0180	1.0887
05-0181	.9678
05-0182	1.0978
05-0183	1.0228
* 05-0185	.9942
05-0186	1.0888
05-0187	.9315
05-0188	1.1122
* 05-0189	1.0781
* 05-0190	1.1129
05-0191	1.1058
05-0192	1.0373
05-0193	1.0505
05-0194	1.0455
05-0195	1.0529
05-0196	1.1696
05-0197	1.1567
05-0199	1.1250
05-0200	1.0583
05-0201	1.0606
05-0202	1.0010
05-0204	1.1469
05-0205	1.0508
05-0207	1.0901
05-0208	1.0029
* 05-0209	.7240
05-0210	1.0689
05-0211	1.0108
05-0212	1.0102
05-0213	1.1067
05-0214	1.0585
05-0215	1.0984
05-0216	.9545
05-0217	1.0049
05-0219	1.0504
05-0220	.9536
05-0221	1.0872
05-0222	1.0323
05-0224	1.1189
05-0225	1.0356
05-0226	1.1054
05-0228	1.0844
05-0229	1.0069
05-0230	1.0242
05-0231	1.1042
05-0232	1.1021
05-0233	1.0767
05-0234	1.0281

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TABLE HOSPITAL CASE MIX INDEXES

PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
05-0235	1.0990	05-0299	1.0495	05-0369	1.1126	* 05-0430	.8826	05-0502	1.3915
05-0236	1.0035	05-0300	1.0497	05-0371	1.0813	05-0431	.9537	05-0503	1.0708
* 05-0237	.8983	05-0301	1.0996	05-0372	1.0812	05-0432	1.1060	05-0506	1.0875
05-0238	1.0619	05-0302	1.1155	05-0373	.9721	* 05-0433	.9911	05-0510	1.0649
05-0239	1.1002	* 05-0303	1.0063	05-0375	1.0313	05-0434	1.0618	05-0512	1.1111
05-0240	1.0443	05-0305	1.1071	05-0376	1.1360	05-0435	1.0200	* 05-0513	.9664
05-0241	1.09[illegible]6	05-0307	1.0662	05-0377	1.0048	05-0436	1.0036	05-0515	1.1002
05-0242	1.1602	05-0308	1.1407	05-0378	1.0130	05-0438	1.1155	05-0516	1.0732
05-0243	1.0764	05-0309	1.0243	05-0379	.9332	05-0440	1.0777	05-0517	1.0420
05-0245	1.1057	05-0310	1.0532	05-0380	1.3454	05-0441	1.3993	* 05-0521	1.1116
05-0248	1.0004	05-0312	1.1577	05-0381	.8845	05-0442	1.0595	05-0522	1.0235
05-0251	1.0077	05-0313	.9583	05-0382	1.0721	05-0443	.9261	05-0523	.9603
05-0253	.9967	05-0314	.9110	05-0383	1.2176	05-0444	1.0365	* 05-0525	1.0766
05-0254	1.0286	05-0315	1.0969	05-0385	1.0487	* 05-0446	.9326	05-0526	1.0355
05-0255	.9390	05-0317	1.0906	05-0387	.8755	05-0447	1.0949	05-0527	1.0513
05-0256	1.3208	05-0318	.9192	05-0388	.9550	05-0448	1.0127	05-0528	1.0920
05-0257	1.0354	05-0319	1.0532	05-0390	1.1106	05-0449	.9370	* 05-0530	.9640
05-0258	.9811	05-0320	1.0525	05-0391	.9881	* 05-0450	1.0573	05-0531	.9041
* 05-0260	1.1385	* 05-0322	1.0555	* 05-0392	1.2100	* 05-0451	1.0101	05-0534	.9184
05-0261	1.0816	05-0323	1.0246	05-0393	1.1586	05-0454	1.3804	05-0535	1.0518
05-0262	1.1190	05-0324	1.1321	05-0394	1.0484	05-0455	1.1442	05-0537	1.0849
05-0263	1.0747	05-0325	1.0465	05-0395	.9514	05-0456	1.0671	05-0539	1.0013
05-0264	1.1383	05-0326	1.0336	05-0396	1.2059	05-0457	1.1651	05-0540	1.0809
05-0266	1.0317	05-0327	1.1433	* 05-0397	1.0350	05-0458	1.0153	05-0541	1.3908
05-0267	1.1833	05-0328	.9962	* 05-0398	1.1045	05-0459	1.0865	05-0542	.9231
05-0268	1.0756	05-0329	.9628	* 05-0399	.8857	* 05-0463	1.0579	05-0543	1.0315
05-0269	1.0368	05-0331	1.0025	05-0400	1.0556	05-0464	1.0729	05-0544	1.0482
05-0270	1.1206	* 05-0333	1.0519	05-0401	1.0851	05-0467	1.0901	05-0549	1.0729
05-0272	1.0457	05-0334	1.0913	05-0403	1.0154	05-0468	1.0478	05-0550	1.0344
* 05-0273	.8579	05-0335	.9486	05-0404	1.0112	05-0469	1.0532	05-0551	1.0817
* 05-0274	.9182	05-0336	1.1598	05-0405	.9514	05-0470	1.1120	* 05-0552	.9953
* 05-0275	1.0802	05-0337	1.0398	* 05-0406	.9480	05-0471	1.0847	* 05-0554	1.1790
05-0276	.9865	05-0342	.9806	05-0407	1.0548	05-0473	1.2459	05-0557	1.0698
05-0277	.9664	05-0343	.9323	05-0410	.9682	05-0476	.9948	05-0559	1.0710
05-0278	1.0413	05-0345	.9918	05-0411	1.0974	05-0477	.9940	05-0560	1.0413
05-0279	1.0057	05-0348	1.1359	05-0413	1.1307	05-0478	1.0485	05-0561	1.1213
05-0280	1.0653	05-0349	.9819	05-0414	1.1125	05-0481	1.0273	05-0562	.9637
05-0281	1.1099	05-0350	1.1158	05-0415	.8636	* 05-0482	.9875	05-0564	1.0121
05-0282	1.0941	05-0351	1.1363	* 05-0416	.9444	05-0483	.9858	05-0565	1.0305
05-0283	1.1172	05-0352	1.0326	05-0417	.9889	05-0485	1.0913	* 05-0566	1.0317
05-0284	1.1284	05-0353	1.1598	05-0418	1.0842	05-0486	1.0504	05-0567	1.0370
05-0285	1.0254	* 05-0355	.9079	05-0419	1.0072	* 05-0487	.9403	05-0568	1.1065
05-0286	.9594	05-0357	1.2248	05-0420	1.0749	05-0488	1.1055	05-0569	1.0741
05-0289	1.0855	05-0359	1.1183	05-0421	1.0771	* 05-0489	1.0789	05-0570	1.1065
05-0290	1.0323	05-0360	1.0917	05-0423	.9665	05-0491	1.0579	05-0571	1.0560
05-0291	1.1492	* 05-0361	1.0395	05-0424	1.1409	05-0492	1.0083	05-0573	1.1066
05-0292	1.1608	05-0362	1.0654	05-0425	1.0968	* 05-0494	1.0395	05-0575	.9224
* 05-0293	.9075	05-0363	1.0364	05-0426	1.0498	05-0496	1.1950	05-0576	.9640
05-0295	1.0768	05-0366	1.0481	* 05-0427	.9760	* 05-0497	.9367	05-0577	1.0591
05-0296	1.0088	05-0367	1.0743	* 05-0428	.9858	05-0498	1.0932	05-0578	.9592
05-0298	.9972	05-0368	.9390	* 05-0429	.9097	* 05-0500	.9199	05-0579	.9911

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TABLE HOSPITAL CASE MIX INDEXES

PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
05-0580	.9856	* 05-0640	1.0892	06-0050	.9255	07-0016	1.1284	10-0012	.9770
05-0581	1.0506	05-0641	1.0138	06-0051	.9283	07-0017	1.0225	10-001	.9862
05-0583	1.2181	* 05-0642	.8044	* 06-0052	.9333	07-0018	1.0242	10-0014	1.0416
05-0584	1.0801	05-0644	1.0416	* 06-0053	.9738	07-0019	1.0689	10-0015	1.0358
05-0585	1.0888	* 05-0645	1.1279	06-0054	.9907	07-0020	1.1472	10-0016	.9753
05-0586	.9753	05-0646	.8064	* 06-0055	.8626	07-0021	1.0464	10-0017	1.0839
05-0587	.9757	06-0001	.9456	* 06-0056	.9618	07-0022	1.2445	10-0018	1.0602
05-0588	1.0868	06-0003	1.0336	* 06-0057	.7797	07-0023	.9838	10-0019	1.0808
05-0589	1.0767	06-0004	.9989	* 06-0058	1.0251	07-0024	1.0484	10-0020	1.0086
05-0590	1.0868	06-0005	1.0168	06-0059	.9088	07-0025	1.1823	10-0021	.9695
05-0591	1.0125	06-0006	.9911	06-0060	1.0282	07-0026	1.0465	10-0022	1.2158
05-0592	1.0511	06-0007	1.0078	06-0061	1.0600	07-0027	1.0410	10-0023	1.0085
05-0593	.9632	06-0008	.8868	* 06-0062	1.0315	07-0028	1.1679	10-0024	.9385
05-0594	1.1075	06-0009	1.0184	* 06-0063	1.1251	07-0029	.9985	10-0025	1.1551
05-0595	1.0793	06-0010	.9463	06-0064	1.0099	07-0030	1.0636	10-0026	1.0115
05-0597	1.0394	06-0011	.9858	06-0065	.9968	07-0031	1.0970	* 10-0027	.9664
05-0598	.9729	06-0012	.9686	06-0066	.9139	07-0033	1.1020	10-0028	.9793
05-0599	1.2935	06-0013	1.0154	06-0067	.8997	07-0034	1.0354	10-0029	.9804
05-0601	1.0079	06-0014	1.0369	* 06-0068	.9758	07-0035	1.1284	10-0030	.9513
05-0602	1.1496	06-0015	1.0337	* 06-0069	.8450	07-0036	1.1019	* 10-0031	.8560
05-0603	1.0547	06-0016	.9527	* 06-0070	1.0144	* 07-0037	.6499	10-0032	1.1290
05-0604	1.1203	06-0017	.9992	06-0071	1.0304	* 07-0038	1.1421	10-0033	1.0373
* 05-0605	1.0200	06-0018	.8635	* 06-0072	.9190	08-0001	1.1615	10-0034	1.1021
05-0606	1.0900	06-0019	1.0706	* 06-0073	.9781	08-0002	1.0376	10-0035	1.0330
05-0607	.9800	06-0020	.9613	* 06-0074	.8667	08-0003	1.1027	10-0036	.9892
05-0608	1.0778	06-0022	1.0014	06-0075	1.0633	08-0004	1.1287	10-0038	1.0800
05-0609	1.1174	06-0023	.9647	06-0076	.9018	08-0005	1.0851	10-0039	1.0915
* 05-0611	.8966	06-0024	1.3115	* 06-0077	.8362	08-0006	1.0687	10-0040	1.0897
* 05-0613	.9605	06-0025	.9562	* 06-0081	1.2428	08-0007	1.0391	10-0042	.9966
05-0615	1.0997	06-0026	1.0401	* 06-0083	1.0869	09-0001	1.1799	10-0043	1.0739
05-0616	1.0532	06-0027	1.0632	* 06-0085	.9047	09-0002	1.0920	10-0044	1.0761
* 05-0617	.8250	05-0028	1.1101	06-0087	1.0131	09-0003	1.1162	10-0045	1.0173
05-0618	.9684	* 06-0029	.9215	* 06-0088	.9658	09-0004	1.2551	10-0046	1.0564
05-0619	1.1363	06-0030	1.0857	* 06-0090	.9840	09-0005	1.1097	10-0047	1.0309
05-0622	1.0110	06-0031	1.0368	* 06-0092	.8044	09-0006	1.0508	10-0048	.8510
05-0623	.9256	06-0032	.9919	* 06-0093	.7680	09-0007	.9552	10-0049	1.0703
05-0624	1.0245	06-0033	.9405	07-0001	1.1716	09-0008	1.0531	10-0050	.9590
05-0625	1.2079	06-0034	.9662	07-0002	1.1743	09-0009	.9489	10-0051	.9069
05-0626	.8056	06-0035	1.0208	07-0003	1.0857	* 09-0010	1.0326	10-0052	.9956
05-0627	.8112	06-0036	.9925	07-0004	1.1239	09-0011	1.1699	10-0053	1.0136
05-0628	.8028	06-0037	.9577	07-0005	1.1297	* 09-0014	1.8156	10-0054	.9737
* 05-0629	.8568	* 06-0038	.9725	07-0006	1.0879	10-0001	1.1047	10-0055	.9530
05-0630	1.1375	06-0039	.9189	07-0007	1.1239	10-0002	1.0492	10-0056	.9059
* 05-0631	.8044	* 06-0041	.9562	07-0008	1.0011	10-0004	.9044	10-0057	.9728
05-0632	1.0244	* 06-0042	.9777	07-0009	1.1279	10-0005	1.0036	10-0059	1.0920
05-0633	1.1113	* 06-0043	.8455	07-0010	1.1104	10-0006	.9772	10-0060	1.1090
05-0635	1.0942	06-0044	.9304	07-0011	1.0433	10-0007	1.1535	10-0061	1.0229
05-0636	1.0210	06-0045	.9455	07-0012	1.1111	10-0008	1.0891	10-0062	1.1909
05-0637	1.0329	* 06-0046	.9147	07-0013	1.0735	10-0009	1.0607	10-0063	1.0585
* 05-0638	.8866	* 06-0047	.9334	07-0014	.9824	10-0010	1.0908	10-0065	.9663
* 05-0639	.9900	* 06-0049	.8723	07-0015	1.0063	10-0011	.8645	10-0067	1.0919

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TABLE HOSPITAL CASE MIX INDEXES

PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
10-0068	1.0194	* 10-0130	1.0001	10-0191	.9879	10-0249	.9889	* 11-0050	.9495
10-0065	.9774	10-0131	1.0055	10-0193	.8522	* 10-0250	3.6042	11-0051	.9488
10-0070	1.1124	10-0132	1.0454	10-0194	.9503	10-0251	.8703	11-0052	.8921
10-0071	.9729	* 10-0133	.9300	10-0195	1.1248	10-0252	.9354	11-0054	1.0374
10-0072	1.0017	10-0134	.8705	10-0196	1.0076	10-0253	1.1150	11-0055	.9760
10-0073	1.0496	10-0135	1.0648	* 10-0197	1.0208	10-0254	.9234	11-0056	.9613
10-0074	.9607	10-0137	.9518	10-0199	1.0668	11-0001	.9974	11-0059	.9152
10-0075	1.0141	10-0138	.8359	10-0200	1.0819	11-0002	.9603	11-0061	.9567
10-0076	.9899	10-0139	1.0114	10-0201	1.0796	11-0003	1.0356	11-0062	.9341
10-0077	1.0284	10-0140	.8846	10-0203	1.0656	11-0004	1.0166	11-0063	1.0196
10-0078	.8852	10-0142	.9154	10-0204	1.1849	11-0005	1.0828	11-0064	1.1128
10-0079	.9767	10-0143	.9519	10-0206	1.0490	11-0006	.9942	* 11-0065	1.0006
10-0080	1.0332	10-0144	.9881	10-0207	1.0218	11-0007	1.0728	11-0066	1.1051
10-0081	.8676	10-0145	.9887	10-0208	1.0036	11-0008	1.0097	11-0067	.9780
10-0082	1.0544	10-0146	.9399	10-0209	1.0484	11-0009	.9305	11-0069	.9929
10-0083	1.0132	10-0147	.9254	10-0210	1.0439	11-0010	1.3396	11-0070	.8163
10-0084	.9237	10-0149	1.0663	10-0211	.9495	11-0011	.9779	11-0071	.8966
10-0085	.9632	10-0150	.9093	10-0212	.9903	11-0013	.9867	11-0072	.8774
10-0086	1.0474	10-0151	1.0727	10-0213	1.0488	11-0014	.9274	11-0073	.8801
10-0087	1.1213	10-0152	.8621	10-0214	1.0116	11-0015	.9556	11-0074	1.0783
10-0088	1.0924	10-0153	.8601	10-0217	.9847	11-0016	1.0322	11-0075	.9760
10-0089	1.0245	10-0154	1.0564	10-0218	.9773	11-0017	.9245	11-0076	1.1072
10-0090	.9882	10-0156	.8414	10-0219	1.0096	11-0018	.9741	11-0077	.8886
10-0092	1.0535	10-0157	1.0564	10-0220	1.1056	11-0020	.9787	11-0078	1.0745
10-0093	1.0125	10-0159	.9243	10-0221	1.1431	11-0023	.9112	11-0079	1.0780
10-0098	.9748	10-0160	.9319	10-0222	.9371	11-0024	1.0189	11-0080	.9646
10-0099	1.0144	10-0161	1.0465	10-0223	1.0456	11-0025	1.0298	11-0081	1.0469
10-0100	1.0104	10-0162	1.0927	10-0224	.9976	11-0026	.9608	11-0082	1.2181
10-0102	.9059	10-0164	.9364	10-0225	1.0160	11-0027	.9425	11-0083	1.0803
10-0103	.8989	10-0165	.9105	10-0226	.9975	11-0028	1.0789	11-0084	.8953
10-0105	1.0555	10-0166	1.0113	* 10-0227	1.0342	11-0029	1.0317	11-0085	.9776
10-0106	.8790	10-0167	.9782	10-0228	.9764	11-0030	1.0133	11-0086	.9841
10-0107	.9630	10-0168	1.0642	10-0229	1.0459	11-0031	1.0443	11-0087	.9420
10-0108	.8755	10-0169	1.0115	10-0230	.9740	11-0032	.9653	11-0088	.9015
10-0109	.9323	10-0170	1.0257	10-0231	1.2444	11-0033	.9734	11-0089	.9504
10-0110	.9612	10-0172	1.0081	10-0232	.9504	11-0034	1.1193	11-0091	1.0840
10-0112	.8807	10-0173	1.0292	10-0234	1.0258	11-0035	1.1004	11-0092	.9652
10-0113	1.2977	10-0174	.9358	10-0235	1.0534	11-0036	1.2330	11-0093	.9048
10-0114	1.0040	10-0175	.9331	10-0236	.9715	11-0037	.9279	11-0094	.8678
10-0115	.9320	10-0176	1.0514	10-0237	1.1720	11-0038	1.0419	11-0095	1.0702
10-0117	.9864	10-0177	.9559	10-0238	.9783	11-0039	.9886	11-0096	.9533
10-0118	.9901	10-0179	1.0960	10-0239	1.0610	11-0040	.9129	11-0097	.8906
10-0120	.9028	10-0180	1.1515	10-0240	.5652	11-0041	.9626	11-0098	.9393
10-0121	.8678	10-0181	.8695	* 10-0241	.8718	11-0042	.9197	11-0099	.9772
10-0122	.8447	* 10-0182	.9125	10-0242	.9858	11-0043	1.1070	11-0100	1.0052
10-0124	.8598	10-0183	.9125	10-0243	1.0598	11-0044	1.0077	11-0101	.8561
10-0125	.9769	* 10-0184	1.1555	10-0244	1.0611	11-0045	.9523	11-0103	.8847
10-0126	1.0338	10-0185	.9178	* 10-0245	1.1092	11-0046	.9768	11-0104	.9867
10-0127	1.0593	10-0186	1.0584	10-0246	1.0820	11-0047	.9776	11-0105	.9115
10-0128	1.4980	10-0187	1.0043	* 10-0247	.7752	11-0048	.9674	11-0107	1.1934
10-0129	1.0110	10-0189	.9792	10-0248	1.0358	11-0049	.8667	11-0108	.8876

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14-0131	1.0757
14-0132	1.1030
14-0133	1.0949
14-0134	.8843
14-0135	1.0001
14-0136	.9459
14-0137	.9532
14-0138	.9561
14-0139	.9725
14-0140	1.0045
14-0141	1.0728
14-0142	1.0965
14-0143	.9476
14-0144	1.0164
14-0145	1.0121
14-0146	.9535
14-0147	.9941
14-0148	1.0630
14-0150	1.1055
* 14-0151	.9560
14-0152	1.0750
14-0153	.9944
14-0154	1.0394
14-0155	.9948
14-0156	1.0546
14-0157	1.0337
14-0158	1.0824
14-0159	.9420
14-0160	1.0431
14-0161	.9541
14-0162	1.0286
14-0163	1.0164
14-0164	1.0583
14-0165	.8730
14-0166	1.0424
14-0167	.9681
14-0168	1.0418
14-0170	1.0215
14-0171	.9154
14-0172	1.0630
14-0173	.9496
14-0174	1.0566
14-0176	.9868
14-0177	1.0211
14-0178	.9128
14-0179	1.0802
14-0180	1.1050
14-0181	1.0735
14-0182	1.0406
14-0184	.9558
14-0185	1.0298
14-0186	1.0059
14-0187	.9985
14-0188	.9332
14-0189	1.0245
14-0190	.9067
14-0191	1.0387
14-0192	.9877
14-0193	.9137
14-0197	1.0565
14-0199	.9592
14-0200	1.0574
* 14-0201	.9982
14-0202	.9941
14-0203	1.1076
14-0204	1.0508
14-0205	.9157
14-0206	.8806
14-0207	1.0110
14-0208	1.0685
14-0209	1.0833
14-0210	1.0080
14-0211	1.0427
14-0212	.9807
14-0213	1.0434
14-0215	.9742
* 14-0216	.9005
14-0217	1.0028
14-0218	.9898
14-0219	.9784
14-0220	.9509
14-0223	1.1131
14-0224	1.0714
14-0226	.9311
14-0228	1.0846
14-0229	1.0040
14-0230	.9467
14-0231	1.0658
14-0232	1.0187
14-0233	1.0619
14-0234	.9484
14-0235	.9532
* 14-0236	.8992
14-0239	1.0843
14-0240	1.0352
14-0241	.8310
14-0242	1.0878
14-0243	1.0541
14-0245	.9687
14-0246	.9598
14-0247	.9362
14-0248	.9415
14-0250	1.1083
14-0251	.9727
14-0252	1.0784
14-0253	1.0365
* 14-0255	.9337
14-0257	.8816
14-0258	1.0178
14-0261	1.0674
14-0271	.9247
14-0273	.9015
14-0275	1.0178
14-0276	1.3649
14-0280	1.0397
14-0281	1.1799
* 14-0283	2.3495
14-0285	.9235
14-0286	1.0599
14-0288	1.0806
14-0289	1.1009
14-0290	1.0074
14-0291	1.0675
14-0292	1.0514
15-0001	.9787
15-0002	.9822
15-0003	1.0309
15-0004	1.0340
15-0005	1.0277
15-0006	1.0284
15-0007	1.0149
15-0008	1.1535
15-0009	1.0020
15-0010	1.0072
15-0011	1.0521
15-0012	1.0587
15-0013	.8986
15-0014	1.0034
15-0015	1.0303
15-0017	1.2015
15-0018	1.0592
15-0019	.9399
15-0020	.9974
15-0021	1.1841
15-0022	.9558
15-0023	1.0127
15-0024	1.0772
15-0025	1.0451
15-0026	.9633
15-0027	.9711
15-0029	1.1171
15-0030	.9697
15-0031	.9029
15-0032	1.3328
15-0033	1.0784
15-0034	1.0002
15-0035	1.0292
15-0036	.9461
15-0037	1.0041
15-0038	.9773
15-0039	.9895
15-0042	1.0172
15-0043	.9707
15-0044	.9993
15-0045	1.0052
15-0046	1.0729
15-0047	1.0006
15-0048	1.0396
15-0049	.9094
15-0050	.9644
15-0051	1.0169
15-0052	.8781
15-0053	.9661
15-0054	.9460
15-0056	1.1940
15-0057	.8652
15-0058	1.1080
15-0059	.9446
15-0060	1.0174
15-0061	1.0301
15-0062	.9578
15-0063	.9717
15-0064	.9855
15-0065	1.0155
15-0066	1.0147
15-0067	.9263
15-0069	.9368
15-0070	.9648
15-0071	.9580
15-0072	1.0573
15-0073	.9591
15-0074	1.1401
15-0075	1.0524
15-0076	.9954
15-0077	1.0376
15-0078	.9615
15-0079	.9625
15-0081	.9536
15-0082	1.1286
15-0083	.9210
15-0084	1.2308
15-0085	.8912
15-0086	.9998
15-0088	.9699
15-0089	1.0891
15-0090	1.0402
15-0091	.9713
15-0092	.9613
15-0094	1.0018
15-0095	1.0040
15-0096	.9796
15-0097	.9888
15-0098	.9781
15-0099	1.0043
15-0100	1.0954
15-0101	.9600
15-0102	.9647
15-0103	.9715
15-0104	1.0415
15-0105	1.0010
15-0106	.9298
15-0109	1.0217
15-0110	.9448
15-0111	.9573
15-0112	1.0267
15-0113	.9599
15-0114	.9761
15-0115	.9391
15-0122	.9857
15-0123	.8553
15-0124	1.0135
15-0125	1.0551
15-0126	1.2009
15-0127	.9382
15-0128	.9452
15-0129	.9166
15-0130	.9525
15-0132	1.0524
15-0133	1.0403
15-0134	.9680
* 15-0135	.9764
16-0001	.9205
16-0002	.9502
16-0003	.9897
16-0004	1.0834
16-0005	.9499
* 16-0007	.8623
16-0008	.9767
16-0009	1.0134
16-0012	.9807
16-0013	1.0353
16-0014	.9436
16-0016	1.0276
16-0018	.8945
16-0020	.8993

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PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
16-0021	.9581	16-0074	.9808	16-0134	.8440	17-0039	.8941	17-0098	.9353
16-0023	1.0160	16-0075	.9061	16-0135	.8767	17-0040	1.1699	* 17-0099	1.0272
16-0024	.9611	16-0076	.9179	* 16-0136	.9925	* 17-0041	.9626	* 17-0100	.8490
16-0025	1.1137	16-0077	.9092	16-0138	.9331	17-0043	.9311	17-0101	.9091
16-0026	.9166	16-0079	1.0741	* 16-0139	1.0357	17-0044	.8810	17-0102	.9280
16-0027	1.0456	16-0080	.9781	16-0140	1.0011	17-0045	.8305	17-0103	.9459
16-0028	1.0267	16-0081	1.0225	16-0141	.9115	17-0046	.9044	17-0104	1.0365
16-0029	1.0450	16-0082	1.1818	16-0142	.9403	17-0049	1.0401	17-0105	.9691
16-0030	1.0473	16-0083	1.1449	16-0143	1.0710	* 17-0050	.9425	17-0106	.8446
16-0031	.9544	16-0085	1.1847	16-0145	1.0412	17-0051	.9106	* 17-0108	.8258
16-0032	.9307	16-0086	.9272	16-0146	1.0251	17-0052	.9737	17-0109	.9547
16-0033	1.0855	16-0088	.9139	16-0147	.9815	17-0053	.8806	17-0110	.9756
16-0034	.9578	16-0089	1.0033	* 16-0151	.8897	17-0054	.9530	17-0112	.8927
16-0035	.9000	16-0090	.9390	16-0152	.9414	* 17-0055	.8441	17-0113	1.0255
16-0036	1.0222	16-0091	1.0610	16-0153	1.0469	17-0056	.9074	17-0114	.9989
16-0037	.9784	16-0092	.8927	17-0001	.9804	17-0057	.9101	17-0115	.8819
16-0038	1.0058	16-0093	.9208	17-0002	.9519	17-0058	.9775	17-0116	.9195
16-0039	.9134	16-0094	1.0379	17-0003	1.0500	17-0060	1.0323	* 17-0117	.9174
16-0040	.9568	16-0095	.9385	17-0004	.9334	17-0061	1.0030	* 17-0119	.9149
16-0041	.9560	16-0097	.9333	17-0005	.8790	17-0062	.8635	17-0120	.9478
16-0043	1.0234	* 16-0098	.9197	17-0006	.9879	* 17-0063	.9511	* 17-0121	.9751
16-0044	1.0227	16-0099	.9240	17-0007	.9432	* 17-0064	.8501	17-0122	1.1650
16-0045	1.1427	16-0101	.9995	17-0008	.9114	17-0066	1.0493	17-0123	1.1147
* 16-0046	.9501	16-0102	1.0102	17-0009	.9623	17-0067	.9093	17-0124	.8690
16-0047	1.0347	16-0103	.8508	17-0010	.9665	17-0068	.9580	17-0125	1.0009
16-0048	1.0128	16-0104	.9808	17-0011	1.0141	17-0069	.9182	17-0126	.8696
16-0049	.8698	16-0106	.9571	17-0012	1.1290	17-0070	.9034	17-0128	.8889
16-0050	.9812	16-0107	.9553	17-0013	.9946	17-0072	.8821	17-0130	.9303
* 16-0051	.9901	16-0108	.9884	17-0014	.9344	17-0073	.9041	17-0131	.9607
16-0052	1.0289	* 16-0109	.9328	17-0015	.9967	17-0074	.9848	17-0133	.9858
16-0053	.9819	16-0110	1.1096	17-0016	1.1760	* 17-0075	.9217	* 17-0134	.9263
16-0054	.9678	* 16-0111	1.0084	17-0017	1.0083	17-0076	1.0290	17-0137	1.0516
16-0055	1.0171	16-0112	.9901	17-0018	1.0141	17-0077	.8984	17-0138	.9398
16-0056	.9654	16-0113	.9448	17-0019	1.0148	* 17-0079	.8425	* 17-0139	.8597
16-0057	1.0286	16-0114	.9141	17-0020	1.0225	* 17-0080	.8898	17-0140	.8947
16-0058	1.1657	16-0115	.9372	17-0021	.9227	* 17-0081	1.0354	17-0142	.9509
16-0059	1.0559	16-0116	.9512	17-0022	.9242	* 17-0082	.9320	17-0143	.9998
16-0060	.9261	16-0117	1.1318	17-0023	.9833	17-0084	.9081	17-0144	.9944
16-0061	.8833	16-0118	.9214	17-0024	.9496	17-0085	.9436	17-0145	.9885
16-0062	.9244	* 16-0119	.9106	17-0025	.9231	17-0086	1.1580	17-0146	1.0282
* 16-0063	.9647	16-0120	.8688	17-0026	.9297	17-0087	1.0626	17-0147	1.0502
16-0064	1.0179	16-0121	.9185	17-0027	.9482	17-0088	.9736	17-0148	1.0607
16-0065	.9634	16-0122	.9784	17-0030	.8855	* 17-0089	.9062	17-0150	.9141
16-0066	.9308	16-0123	1.0356	17-0031	.8403	* 17-0090	.8742	17-0151	.9467
16-0067	1.0290	16-0124	.9510	17-0032	.9178	17-0091	.9427	17-0152	.8871
16-0068	.8997	16-0126	.9759	17-0033	.9557	17-0092	.9814	* 17-0159	.9814
16-0069	1.1154	16-0129	.9464	* 17-0034	.9445	17-0093	1.0835	17-0160	.9265
16-0070	.9180	16-0130	.9528	17-0035	.9522	17-0094	.9649	17-0164	.8525
* 16-0071	1.0497	16-0131	1.0527	17-0036	.8950	17-0095	.9685	* 17-0166	1.0426
16-0072	1.0114	* 16-0132	.9886	17-0037	1.0380	* 17-0096	.8993	* 17-0168	.9448
16-0073	.9391	16-0133	1.0089	17-0038	.8562	17-0097	.9378	* 17-0170	.9242

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PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
17-0171	.9717	18-0048	1.0497	18-0123	1.0436	19-0050	.9178	19-0134	.9204
17-0172	1.0120	18-0049	.9988	18-0124	.9783	19-0053	.9056	19-0135	1.1368
* 17-0173	.9454	18-0050	.9783	18-0125	.9063	19-0054	1.0439	19-0136	.8764
* 17-0174	.9558	18-0051	1.0002	18-0126	.9006	19-0058	.9682	19-0137	.8498
17-0175	1.0579	18-0053	.9866	18-0127	.9969	19-0059	.9419	19-0138	.5773
17-0176	1.0010	18-0054	.9401	18-0128	.9254	19-0060	.9864	19-0139	.9243
* 17-0177	.9164	18-0055	.9449	18-0129	1.0330	19-0064	1.0612	19-0140	.8749
18-0001	1.0122	18-0056	.9912	18-0130	1.0750	19-0065	1.1454	19-0141	.8961
18-0002	.9376	18-0058	.9036	18-0132	1.0564	* 19-0066	.9207	19-0142	.8818
18-0004	.9780	18-0059	.9740	18-0133	1.0649	19-0067	.9409	19-0144	.9663
18-0005	1.0032	18-0060	.8611	19-0001	.9174	19-0071	.8918	19-0145	.8928
18-0006	.8639	18-0062	.8859	19-0002	1.2789	19-0073	.8840	19-0146	1.1411
18-0007	1.0649	18-0063	.8986	19-0003	.9658	19-0075	.9672	19-0147	.9542
18-0008	1.1047	18-0064	.9944	19-0004	1.0075	19-0077	.9987	19-0148	.9517
18-0009	.9675	18-0065	.8533	19-0005	1.0233	19-0078	.9674	19-0149	.9210
18-0010	1.1925	18-0066	.9660	19-0006	1.0148	19-0079	.9462	19-0151	.9628
18-0011	.9579	18-0067	1.2113	19-0007	.8803	19-0081	.8535	* 19-0152	.9838
18-0012	.9795	18-0069	1.0319	19-0008	1.0207	19-0083	.8894	* 19-0155	.9410
18-0013	1.0884	18-0070	.9352	19-0009	.9671	19-0086	1.0137	19-0156	.9267
18-0014	1.0360	18-0072	1.0095	19-0010	.8864	19-0088	.9490	19-0157	.9267
18-0015	.9155	18-0075	.8439	19-0011	.9360	19-0089	1.0009	19-0158	.9844
18-0016	.9695	18-0078	.9465	19-0012	.8814	19-0090	.8424	* 19-0159	.9644
18-0017	1.0037	18-0079	.8907	19-0013	.9803	19-0092	1.0230	19-0160	.9831
18-0018	1.0065	18-0080	.9940	19-0014	.9004	19-0095	.8775	19-0161	.9392
18-0019	.9824	18-0081	1.0675	19-0015	.9627	19-0098	1.1795	19-0162	1.0801
18-0020	.8908	18-0085	1.0824	19-0016	.9893	19-0099	.9810	19-0163	.9547
18-0021	.9064	18-0087	1.0137	19-0017	.9310	19-0101	.8737	19-0164	.8787
18-0023	.9021	18-0088	1.1517	19-0018	.9375	19-0102	1.1081	19-0165	.8611
18-0024	.9271	18-0092	.9191	19-0019	1.0591	19-0103	.8878	19-0166	.9333
18-0025	1.0876	18-0093	1.1228	19-0020	.9669	19-0106	.9563	19-0167	.9420
18-0026	.8585	18-0094	.9708	19-0023	.9003	19-0109	1.0159	19-0168	1.1071
18-0027	.9595	18-0095	.9605	19-0025	1.0073	* 19-0110	1.0195	* 19-0169	.9063
18-0028	.9296	18-0099	.9917	19-0026	1.0000	19-0111	.9848	19-0170	.8880
18-0029	.9716	18-0100	1.0459	19-0027	.9941	19-0112	.9982	* 19-0172	.9548
18-0030	.9341	18-0101	.9256	* 19-0028	.8768	19-0113	1.0491	19-0173	1.0609
18-0031	.8912	18-0102	1.0869	19-0029	1.0121	19-0114	.8853	19-0175	.9783
18-0032	.9382	18-0103	1.1559	19-0033	.8831	19-0115	.9846	19-0176	1.2539
18-0033	.9442	18-0104	1.0416	19-0034	1.0032	19-0116	.9608	19-0177	.9513
18-0034	.9538	18-0105	.9123	19-0035	1.0296	19-0117	.8776	* 19-0178	.9817
18-0035	1.0912	18-0106	.9075	19-0036	1.1530	19-0118	.9524	19-0179	.9411
18-0036	.9096	18-0108	.9367	* 19-0037	.9285	19-0119	.9688	19-0180	.9315
18-0037	1.0687	18-0112	.9345	19-0039	1.0040	19-0120	.8763	19-0182	.9546
18-0038	1.0067	18-0114	.8507	19-0040	.9453	19-0122	.9492	19-0183	.8476
18-0040	1.2414	18-0115	.9200	19-0041	1.0962	19-0124	1.0266	19-0184	.9139
18-0041	.9232	18-0116	.9915	19-0043	.9625	19-0125	1.0500	19-0190	.8928
18-0042	.9290	18-0117	.8604	19-0044	.9023	19-0127	.9472	20-0001	1.1542
18-0043	.9450	18-0118	.9065	19-0045	.9913	* 19-0128	.9146	20-0002	.9663
18-0044	.9571	* 18-0119	.8575	19-0046	1.0724	19-0130	.9105	20-0003	.9418
18-0045	.9607	18-0120	.9169	19-0047	.8959	19-0131	.9010	20-0005	.8287
18-0046	.9980	18-0121	.8653	19-0048	.9627	19-0132	.9766	20-0006	1.0202
18-0047	.9742	18-0122	.9261	19-0049	.9517	19-0133	.9516	20-0007	1.0408

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PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
20-0008	1.0348	21-0007	1.1256	22-0006	1.0690	22-0069	1.0513	22-0129	1.0403
20-0009	1.2570	21-0008	1.0893	22-0008	1.0856	22-0070	1.0531	22-0130	.8948
20-0012	1.0541	21-0009	1.1877	22-0009	1.0391	22-0071	1.3418	22-0131	1.0270
20-0013	1.1206	21-0010	.9586	22-0010	1.0813	22-0072	.9464	* 22-0133	.8903
20-0015	1.0912	21-0011	1.1419	22-0011	1.1047	22-0073	1.0883	22-0135	1.0621
20-0016	1.0160	21-0012	1.0528	22-0012	1.0972	22-0074	1.0257	* 22-0153	.8381
20-0017	1.0195	21-0013	1.0291	22-0015	1.0725	22-0075	.6135	22-0154	.9081
20-0018	.9890	21-0015	1.0890	22-0016	1.0120	22-0076	1.0716	22-0156	1.0532
20-0019	1.0470	21-0016	1.1114	22-0017	1.1343	22-0077	1.0913	* 22-0159	1.1322
20-0020	1.0333	21-0017	1.0328	22-0019	1.0389	22-0079	1.0208	22-0162	1.0539
20-0021	.9798	21-0018	1.1006	22-0020	1.0414	22-0080	1.0895	22-0163	1.2802
* 20-0023	.9221	21-0019	1.1554	22-0021	1.0228	22-0081	.9167	* 22-0167	.5330
20-0024	1.0725	21-0021	1.0111	22-0022	.9233	22-0082	1.0107	* 22-0171	.9701
20-0025	.9990	21-0022	1.1489	22-0023	1.0371	22-0083	1.0490	23-0001	.9001
20-0026	.9751	21-0023	1.0638	22-0024	1.0623	22-0084	1.0752	23-0002	1.0899
20-0027	.9607	21-0024	1.1139	22-0025	1.0631	22-0086	1.1475	23-0003	1.0526
20-0028	.9212	21-0025	.9810	22-0026	1.0501	22-0087	.9053	23-0004	1.1176
* 20-0029	.8781	21-0026	1.0514	22-0028	1.0167	22-0088	1.2643	23-0005	.9903
* 20-0030	1.0667	21-0027	1.0322	22-0029	1.0133	22-0089	1.0742	23-0006	.9663
20-0031	1.0467	21-0028	.9610	22-0030	.9724	22-0090	1.0145	23-0007	.8475
20-0032	1.0921	21-0029	1.2160	22-0031	1.1367	22-0091	1.0125	23-0008	.9735
20-0033	1.2005	21-0030	.9633	22-0033	1.0680	22-0092	1.0452	23-0011	1.0652
20-0034	1.0383	21-0031	1.4180	22-0034	.9636	22-0094	1.0052	23-0012	.9442
20-0037	1.0031	21-0032	1.0238	22-0035	1.0775	22-0095	1.0139	23-0013	1.0779
20-0038	.9609	21-0033	1.0941	22-0036	1.1273	22-0096	.8993	23-0014	.9115
20-0039	1.0693	21-0034	1.0674	22-0038	1.0861	22-0097	.9543	23-0015	1.0057
20-0040	.9744	21-0035	1.1310	22-0040	1.0048	22-0098	1.0137	23-0017	1.1264
20-0041	1.0016	21-0036	1.0745	22-0041	1.1151	22-0099	.9286	23-0019	1.1360
* 20-0043	1.0654	21-0037	1.0281	22-0042	1.0158	22-0100	1.1262	23-0020	1.0384
20-0044	1.0294	21-0038	1.0049	22-0044	1.5153	22-0101	1.0939	23-0021	1.1285
20-0046	1.0923	21-0039	1.0095	22-0045	1.0646	* 22-0102	.9050	23-0022	1.0517
20-0047	.9960	21-0040	1.1698	22-0046	1.0623	22-0104	1.0672	23-0023	1.0135
* 20-0049	.9499	21-0041	1.0280	22-0048	1.0233	22-0105	1.0643	23-0024	1.1266
20-0050	1.0066	21-0042	1.0793	22-0049	.9826	22-0106	1.0525	23-0027	.9902
20-0051	1.0150	21-0043	1.0740	22-0050	.9166	22-0107	.9692	23-0029	1.0781
20-0052	1.0245	21-0044	.9627	22-0051	1.0758	22-0108	1.0716	23-0030	1.0720
* 20-0053	1.0633	21-0045	.9591	22-0052	1.0847	22-0110	1.4161	23-0031	1.0638
* 20-0054	.9639	21-0046	.8778	22-0053	1.0310	22-0111	1.0795	23-0032	1.2909
20-0055	.9502	21-0047	.8542	22-0054	1.0540	* 22-0113	1.0068	23-0034	.9736
* 20-0056	.6518	21-0048	.9861	22-0055	1.0530	22-0114	.9770	23-0035	.9689
20-0062	.9952	21-0049	1.0130	22-0057	1.0286	22-0115	1.0583	23-0036	1.0570
20-0063	1.0699	21-0051	1.1282	22-0058	.9688	22-0116	1.3035	23-0037	1.0990
* 20-0064	.9868	21-0054	1.0135	22-0060	1.0541	22-0117	.9356	23-0038	1.2677
* 20-0065	.9611	21-0055	1.0319	22-0061	1.0307	22-0118	1.2522	23-0039	1.1020
20-0066	1.0967	21-0056	1.1307	22-0062	.8675	22-0119	1.1369	23-0040	1.0149
21-0001	1.0460	21-0057	1.1326	22-0063	1.0012	22-0120	1.0327	23-0041	1.0448
21-0002	1.2424	22-0001	1.0654	22-0064	1.0128	22-0121	.9574	23-0042	.9858
21-0003	1.0945	22-0002	1.2137	22-0065	1.0193	* 22-0122	1.1334	23-0043	.9143
21-0004	1.0691	22-0003	.9432	22-0066	1.0344	22-0123	1.0192	23-0044	.9182
21-0005	1.0886	22-0004	1.0415	22-0067	1.1180	22-0126	1.0500	23-0046	1.1451
21-0006	1.0373	22-0005	1.0650	22-0068	.9745	22-0128	1.0706	23-0047	1.0208

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* 23-0049	.8455	23-0110	.9873	23-0169	1.0750	23-0238	.9554	24-0030	.9867
23-0051	.9821	23-0111	.9960	* 23-0170	.9422	23-0239	.9476	24-0031	.9051
23-0052	1.0386	23-0113	.8063	* 23-0171	.9016	* 23-0240	1.6514	* 24-0033	.9362
23-0053	1.2072	23-0114	.7636	23-0172	.9425	23-0241	1.0063	24-0035	.9908
23-0054	1.1307	23-0115	.9645	23-0173	1.0036	23-0244	1.0368	24-0036	1.0486
23-0055	.9967	23-0116	.9248	23-0174	1.0454	23-0253	1.0061	24-0037	.9316
23-0056	.9656	23-0117	1.2374	* 23-0175	1.0649	23-0254	1.0457	24-0038	1.1182
23-0057	.9486	23-0118	.9849	23-0176	1.0069	* 23-0255	.9682	24-0040	.9863
23-0058	1.0690	23-0119	.9762	23-0177	.8949	23-0256	.9555	24-0041	1.0133
23-0059	1.1489	23-0120	.9417	23-0178	1.0000	23-0257	.9730	24-0043	1.0943
23-0060	.9719	23-0121	1.0000	* 23-0179	.9152	* 23-0258	.8890	24-0044	1.0564
23-0062	.9815	23-0122	1.0053	23-0180	.9485	23-0259	.9931	24-0045	.9748
23-0063	1.0620	* 23-0123	.9099	23-0181	.9621	* 23-0260	.7722	24-0046	1.1192
23-0065	1.0642	23-0124	1.0747	23-0183	.9513	23-0261	1.0595	24-0047	1.0605
23-0066	1.0149	23-0125	1.2363	23-0184	.9435	* 23-0262	1.1735	24-0048	.9796
* 23-0067	.8938	23-0126	1.1601	23-0186	.8739	* 23-0264	.8651	24-0049	1.2427
23-0068	1.0975	23-0128	1.0797	23-0188	1.0262	23-0265	1.0451	24-0050	.9879
23-0069	1.0182	23-0129	1.2708	23-0189	.9714	23-0266	1.0327	24-0051	1.0323
23-0070	1.0451	23-0130	1.1545	* 23-0190	.8755	23-0268	1.0833	24-0052	1.1077
* 23-0071	1.0608	23-0132	1.0952	23-0191	.8970	23-0269	1.0678	24-0053	1.1601
23-0072	1.0472	23-0133	1.0803	23-0193	.9767	23-0270	1.0197	24-0054	.9500
23-0075	1.0511	23-0134	.9545	23-0194	1.0035	23-0271	1.0146	24-0055	1.0660
23-0076	1.1255	23-0135	1.0014	23-0195	1.1300	* 23-0272	.8755	24-0056	1.0424
23-0077	1.1733	23-0137	1.0047	* 23-0196	.8802	23-0273	1.2589	24-0057	1.1249
23-0078	.9466	23-0138	.8970	23-0197	1.0523	24-0001	1.0656	24-0058	1.0069
23-0079	.9881	23-0139	.9357	23-0199	.9859	24-0002	1.1283	24-0059	.9169
23-0080	.9756	23-0140	.9577	23-0201	.8719	24-0003	.9951	24-0061	1.1724
23-0081	1.0196	23-0141	1.1122	* 23-0203	.9321	24-0004	1.2218	24-0062	.9931
23-0082	.9461	23-0142	1.1031	23-0204	1.1156	* 24-0005	.9512	24-0063	1.1076
23-0084	.9237	23-0143	1.0139	23-0205	1.0521	24-0006	.9328	24-0064	.9471
23-0085	.9287	23-0144	.9612	23-0207	1.0266	24-0007	.9512	24-0065	.9365
23-0086	.9242	23-0145	1.0225	23-0208	.9517	24-0008	1.0410	24-0066	.9358
23-0087	1.0576	23-0146	1.1145	* 23-0211	.9315	24-0009	.9740	* 24-0068	1.4289
23-0089	1.0329	23-0147	1.0164	23-0212	1.0032	24-0010	1.3412	24-0069	1.0280
23-0090	1.0040	23-0149	1.0399	23-0213	.9925	24-0011	1.0023	24-0071	.9339
23-0092	1.0503	23-0150	1.1375	23-0216	1.1073	24-0013	.9536	24-0072	.8808
23-0093	1.0873	23-0151	1.1642	23-0217	.9092	24-0014	1.0053	24-0073	.9363
23-0095	.9848	23-0152	1.0088	23-0219	.9320	24-0016	1.0454	24-0074	.9632
23-0096	.9776	23-0153	1.0161	23-0221	1.0071	24-0017	.9514	24-0075	1.0413
23-0097	1.0900	23-0154	.9997	23-0222	1.0553	24-0018	.9845	24-0076	.9624
23-0098	1.0978	23-0155	.9854	23-0223	1.0645	24-0019	.8914	* 24-0077	.8600
23-0099	.9788	23-0156	1.1978	23-0224	.9951	24-0020	.9570	24-0078	1.0444
23-0100	1.0042	23-0157	1.0871	23-0225	.9934	* 24-0021	.9362	24-0079	.9191
23-0101	.9659	23-0158	.8946	23-0227	.9757	24-0022	1.0091	24-0080	1.1055
23-0102	1.0280	23-0159	1.0064	23-0228	1.0492	24-0023	.9175	24-0081	1.0838
23-0103	.9883	* 23-0161	.9430	23-0230	1.1236	24-0024	1.0207	24-0082	.9974
23-0104	1.1505	* 23-0162	.9334	23-0231	.9588	24-0025	.9579	24-0083	.9231
23-0105	1.1475	23-0163	.8883	* 23-0232	.9410	24-0026	1.0604	24-0084	1.0736
23-0106	1.0781	23-0165	1.1926	23-0235	.9122	24-0027	1.0167	24-0085	.9966
23-0107	1.0371	23-0167	1.0476	23-0236	1.0200	24-0028	1.0315	24-0086	.9419
23-0108	.9997	23-0168	.9064	23-0237	.9693	24-0029	.9304	24-0087	.9785

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PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
28-0103	1.0067	30-0016	1.0289	31-0044	1.0607	31-0108	1.0690	* 32-0067	.8381
29-0104	.9043	30-0017	.9890	31-0045	1.1604	* 31-0109	1.1564	* 32-0068	.9153
28-0105	1.0910	30-0018	1.0261	31-0046	1.0536	31-0110	.9922	33-0001	1.0839
* 28-0106	.9809	30-0019	.9670	31-0047	1.0947	31-0111	1.0501	33-0002	1.0630
28-0107	.9820	30-0020	.9593	31-0048	1.0281	31-0112	1.0615	33-0003	1.0800
28-0108	.9561	30-0021	.8941	31-0049	1.0408	31-0113	1.0809	33-0004	1.0401
28-0109	1.0018	30-0022	.9701	31-0050	1.0799	31-0114	.9894	33-0005	1.1782
28-0110	1.0363	30-0023	1.1175	31-0051	1.1180	31-0115	1.0038	33-0006	1.1018
28-0111	.9464	30-0024	.9723	31-0052	1.0690	31-0116	1.1095	33-0007	1.0873
* 28-0114	.8427	30-0028	1.0214	31-0053	1.0055	31-0117	1.0598	33-0008	.9910
28-0115	.9839	30-0029	1.0326	31-0054	1.1114	31-0118	.9808	33-0009	.9235
* 28-0116	.8391	30-0033	.9319	31-0056	1.0439	31-0119	.9540	33-0010	1.0152
28-0117	.9423	30-0034	1.0097	31-0057	1.1858	31-0120	.9751	33-0011	1.0335
28-0118	.9345	31-0001	1.0894	31-0058	1.0219	32-0001	1.1245	33-0012	1.0906
* 28-0121	1.1947	31-0002	1.3571	31-0059	.9845	32-0002	1.0249	33-0013	1.1639
29-0001	1.0680	31-0003	1.0207	31-0060	1.0222	32-0003	1.0063	33-0014	1.1011
29-0002	.9078	31-0005	1.0412	31-0061	1.0189	32-0004	.9918	33-0015	.9833
29-0003	1.0514	31-0006	1.0801	31-0062	.9210	32-0005	1.0275	33-0016	1.0021
29-0005	.9118	31-0008	1.1124	31-0063	1.0649	32-0006	.9551	33-0019	1.0207
29-0006	.9338	31-0009	1.0028	31-0064	1.1122	32-0009	1.0666	33-0020	1.0022
29-0007	1.1040	31-0010	1.1202	31-0065	.9777	32-0010	.9464	33-0022	1.0067
29-0008	1.0706	31-0011	1.0869	31-0067	1.0345	32-0011	.9444	33-0023	1.0666
29-0009	.9933	31-0012	1.0886	31-0068	1.0403	32-0012	.9445	33-0024	1.2084
29-0010	.9133	31-0013	.9926	31-0069	.9613	32-0013	1.0636	33-0025	.9377
* 29-0011	.8938	31-0014	1.1295	31-0070	1.0890	32-0014	.9597	33-0027	1.1130
29-0012	.9546	31-0015	1.1186	31-0071	1.0195	32-0016	.9459	33-0028	1.1085
* 29-0013	.9264	31-0016	1.0904	31-0072	.9869	32-0017	1.0463	33-0029	1.0161
29-0014	.9342	31-0017	1.1341	31-0073	1.0630	32-0018	1.0382	33-0030	1.0193
* 29-0015	1.0503	31-0018	.9193	31-0074	1.0718	32-0019	1.0430	33-0032	.9632
* 29-0016	.9864	31-0019	1.0659	31-0075	1.1039	32-0021	1.1565	33-0033	1.0441
* 29-0018	1.1637	31-0020	1.0296	31-0076	1.1096	32-0022	1.0179	33-0034	1.0020
29-0019	1.0251	31-0021	1.0361	31-0077	1.0654	* 32-0023	.8901	33-0036	.9145
* 29-0020	.9313	31-0022	1.0746	31-0078	1.0645	32-0027	.9240	33-0037	1.0547
29-0021	.9986	31-0024	1.0762	31-0080	1.0274	* 32-0028	1.2955	33-0038	.9972
29-0022	1.0531	31-0025	1.0435	31-0081	1.0772	32-0030	1.0122	33-0039	1.0464
29-0024	.8044	31-0026	1.0759	31-0083	1.0632	* 32-0031	.9102	33-0041	1.0442
* 29-0027	1.0450	31-0027	.9997	31-0084	1.0674	32-0032	.8865	33-0043	1.0328
30-0001	1.0706	31-0028	1.0708	31-0085	1.0600	32-0033	.9777	33-0044	1.0977
30-0002	1.0147	31-0029	1.1238	31-0086	1.0885	32-0035	.9564	33-0045	1.1350
30-0003	1.2082	31-0031	1.3030	31-0087	1.0517	32-0036	.9925	33-0046	1.1270
30-0005	.9916	31-0032	1.0405	31-0088	.9607	* 32-0037	.8872	33-0047	.9817
30-0006	.9984	31-0033	1.0555	* 31-0089	1.1298	* 32-0038	.9472	33-0048	1.0162
30-0007	1.0149	31-0034	1.0671	31-0090	.9701	32-0046	.9635	33-0049	.9971
30-0008	1.0593	31-0036	.9961	31-0091	1.0227	* 32-0048	.9308	33-0050	.9750
30-0009	1.0302	31-0037	1.0640	31-0092	1.0905	32-0049	.9694	33-0052	.9422
30-0010	.9305	31-0038	1.0227	31-0093	1.0231	* 32-0051	.9191	33-0053	.9636
30-0011	1.0210	31-0039	1.0249	31-0094	.9903	32-0053	.8848	33-0055	1.1054
30-0012	1.0647	31-0040	1.0313	31-0096	1.1101	* 32-0058	.9302	33-0056	1.0567
30-0013	1.0320	31-0041	1.0449	31-0104	1.0618	32-0063	1.0199	33-0057	1.1662
30-0014	1.0514	31-0042	1.0479	31-0105	.9832	32-0065	1.0712	33-0058	.9755
30-0015	.9508	31-0043	1.0020	31-0106	1.1342	* 32-0066	.9650	33-00[illegible]9	1.1297

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34-0019	.9866	* 34-0078	1.0138	34-0145	.9399	35-0043	1.0020	36-0039	1.0097
34-0020	1.0146	* 34-0079	1.0003	* 34-0146	1.0770	35-0044	.9115	36-0040	1.0596
34-0021	1.0172	34-0080	.9318	34-0147	1.0437	* 35-0045	.8770	36-0041	1.1539
34-0022	.9238	34-0084	1.0008	34-0148	.8603	35-0047	.9978	36-0042	.9993
34-0023	.9764	34-0085	1.0130	* 34-0150	1.2896	35-0048	.8257	36-0044	.9886
34-0024	1.0505	* 34-0086	.8900	34-0151	.9494	35-0049	.8807	36-0045	1.0920
34-0025	.9995	34-0087	.9862	34-0153	1.2472	35-0050	.9192	36-0046	.9491
34-0026	.9099	34-0088	.9868	34-0155	1.0760	35-0051	.9333	36-0047	.9852
34-0027	1.0209	34-0089	.9156	34-0157	.7531	* 35-0053	.9439	36-0048	1.2355
34-0028	1.0232	34-0090	1.0181	34-0158	.9460	35-0055	.8475	36-0049	1.0223
34-0030	1.1117	34-0091	1.1050	34-0159	.9500	35-0056	.9819	36-0050	.9664
34-0031	.9769	34-0092	1.0593	34-0160	.9382	35-0058	.8846	36-0051	1.1585
34-0032	1.0394	34-0093	.9364	* 34-0162	.9011	35-0060	1.0350	36-0052	1.1788
34-0034	.9832	34-0094	.9631	* 35-0001	.8110	35-0061	.9258	36-0053	1.0813
34-0035	.9253	34-0096	.9799	35-0002	1.0055	36-0001	1.0590	36-0054	1.0576
34-0036	.9875	34-0097	1.0266	35-0003	1.0283	36-0002	1.0044	36-0055	1.0685
34-0037	.9374	34-0098	1.0049	35-0004	1.1511	36-0003	1.1468	36-0056	1.0297
34-0038	.9591	34-0099	.9607	35-0005	1.0634	* 36-0005	1.2805	36-0057	.9561
34-0039	.9747	34-0100	.9107	35-0006	1.0072	36-0006	1.1577	36-0058	1.0159
34-0040	1.0896	* 34-0101	1.0052	35-0007	.9168	36-0007	.9710	36-0059	1.1333
34-0041	1.0607	34-0104	.9838	35-0008	.8802	36-0008	.9685	36-0060	.8856
34-0042	1.0102	34-0105	1.0150	35-0009	.9711	36-0009	1.0637	* 36-0061	.6570
34-0044	.9757	34-0106	.8821	35-0010	.9501	36-0010	1.0100	36-0062	1.1103
* 34-0045	.9517	34-0107	1.0450	35-0011	1.2177	36-0011	1.1115	36-0063	.8768
34-0047	1.2294	34-0109	1.0207	35-0012	1.0158	36-0012	1.7516	36-0064	1.1608
* 34-0048	.9074	34-0111	1.0025	35-0013	.9294	36-0013	.9931	36-0065	.9732
34-0049	.5237	34-0112	1.0164	35-0014	.9627	36-0014	.9132	36-0066	1.0404
34-0050	1.0159	34-0113	1.1720	35-0015	1.0703	36-0015	1.1763	36-0067	.9565
34-0051	1.0113	34-0114	1.0254	35-0016	1.0082	36-0016	1.0844	36-0068	1.1059
34-0052	.9545	34-0115	.9990	35-0017	.8967	36-0017	1.0158	36-0069	.9891
34-0053	.9480	34-0116	1.0949	35-0018	1.0006	36-0018	1.0353	36-0070	1.0816
34-0054	.9182	34-0117	.9331	35-0019	1.1040	36-0019	1.0147	36-0071	.9881
34-0055	.9546	34-0119	1.0709	35-0020	.9549	36-0020	1.0559	36-0072	1.0688
* 34-0056	1.0002	34-0120	.9901	* 35-0021	.8789	36-0021	.9718	36-0074	1.0433
* 34-0057	1.0265	34-0121	.9830	35-0023	.9562	36-0022	1.0195	36-0075	1.1005
34-0058	1.0631	* 34-0122	1.0107	* 35-0024	.8914	36-0023	1.0446	36-0076	.9819
34-0060	.9589	34-0123	1.0179	* 35-0025	.8584	36-0024	1.0543	36-0077	1.1223
34-0061	1.1567	34-0124	.9368	* 35-0027	.8458	36-0025	.9822	36-0078	1.0573
34-0063	.9269	34-0125	1.0710	35-0029	.8631	36-0026	1.0299	36-0079	1.2189
34-0064	.5911	34-0126	1.0360	35-0030	.9154	36-0027	1.1634	36-0080	.9500
34-0065	1.0153	34-0127	1.0228	* 35-0031	.8880	36-0028	1.0797	36-0081	1.0332
34-0067	.9005	34-0128	.9495	35-0032	.9583	36-0029	1.0465	36-0082	1.1139
34-0068	.9539	34-0129	.9527	35-0033	.8865	36-0030	1.0442	36-0083	1.0115
34-0069	1.1403	34-0130	1.0000	35-0034	.9534	36-0031	1.0036	36-0084	1.0984
34-0070	1.0150	34-0131	1.0362	* 35-0035	.9469	36-0032	.9574	36-0085	1.2317
34-0071	.9652	34-0132	.9968	* 35-0036	.9344	36-0033	.9932	36-0086	1.0158
34-0072	.9982	34-0133	.9379	* 35-0037	.9021	36-0034	1.0312	36-0087	1.1082
34-0073	.8894	34-0141	1.0461	35-0038	.8833	36-0035	1.1539	36-0088	.9868
34-0075	.9373	34-0142	1.0303	35-0039	.9222	36-0036	.9424	36-0089	1.0454
34-0076	.9127	34-0143	1.0092	* 35-0041	.9399	36-0037	1.1579	36-0090	1.0246
* 34-0077	.9587	34-0144	1.0381	* 35-0042	.8972	36-0038	.9595	36-0091	1.0621

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TABLE HOSPITAL CASE MIX INDEXES

PROVIDER NUMBER	CASE MIX INDEX	FRCVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDFR NUMBER	CASE MIX INDEX	PROVIDER NUPBER	CASE MIX INDEX
36-0092	1.0001	36-0148	1.0042	* 36-0226	1.8281	37-0048	.8780	37-0121	.9711
36-0093	.9323	36-0149	.9511	36-0230	1.0945	37-0049	1.0020	37-0122	.8298
36-0094	.9922	36-0150	1.0703	36-0231	.9461	37-0050	.8690	37-0123	.9431
36-0095	1.0524	36-0151	1.0154	36-0232	1.0845	37-0051	.9758	37-0125	.9566
36-0096	.9781	36-0152	1.0462	36-0234	1.0040	37-0054	1.0510	37-0126	.9254
36-0097	1.0100	36-0153	.9500	36-0236	1.0301	37-0056	1.0782	37-0130	.9029
36-0098	1.1053	36-0154	.9942	* 36-0237	.8680	37-0057	1.0260	* 37-0131	.9682
36-0099	1.0375	36-0155	1.0223	* 36-0238	1.0633	37-0059	.9423	37-0133	.9434
36-0100	1.0263	36-0156	.9316	36-0239	1.0277	37-0060	.9812	37-0136	.9253
36-0101	1.1545	36-0159	1.0320	36-0345	1.0216	37-0061	.9392	37-0138	.8882
36-0102	1.0993	* 36-0160	.9395	37-0001	1.1319	37-0063	.9021	* 37-0139	.9347
36-0103	1.0706	36-0161	1.0330	* 37-0002	.9301	37-0064	.8809	* 37-0140	.8972
36-0104	.9967	36-0162	1.0181	* 37-0003	.8735	37-0065	.9507	37-0141	1.0392
36-0106	1.1363	36-0163	1.1913	37-0004	1.0206	37-0069	.8760	37-0144	.9976
36-0107	.9200	36-0164	.9092	37-0005	.9887	37-0071	.8879	* 37-0146	.9677
36-0108	.9920	36-0165	1.0405	37-0006	1.0330	37-0072	.9349	37-0148	1.0821
36-0109	.9878	36-0166	.9584	37-0007	1.0923	* 37-0073	.7047	37-0149	1.0565
* 36-0110	.9521	36-0167	.9471	37-0008	1.0820	37-0076	1.0013	37-0153	.9371
36-0112	1.1521	* 36-0168	1.0336	37-0011	.9303	37-0077	1.0827	37-0154	.9104
36-0113	1.0656	36-0169	.9357	37-0012	.8972	37-0078	1.0140	* 37-0155	.8229
36-0114	.9816	36-0170	.9537	37-0013	1.0977	37-0079	.9448	37-0156	.9653
36-0115	1.0353	36-0171	1.0785	37-0014	.9448	37-0080	.9076	37-0157	.9124
36-0116	.9707	36-0172	1.0024	37-0015	.9748	* 37-0082	.9551	37-0158	.9413
36-0118	1.0694	36-0174	.9511	37-0016	1.0308	37-0083	.8897	37-0159	1.0359
36-0119	.9855	36-0175	.9852	37-0017	.9617	37-0084	.8795	37-0161	.8500
36-0120	.9629	36-0176	.9722	37-0018	1.0455	37-0085	.9021	37-0163	.8545
36-0121	.9747	36-0177	1.0325	37-0019	.9459	37-0086	.9529	37-0165	.8952
36-0122	1.0665	36-0178	.8976	37-0020	1.0337	37-0089	.9493	37-0166	.9061
36-0123	.9141	36-0179	1.0747	37-0021	.9526	37-0090	.9806	* 37-0167	1.2308
36-0124	1.0015	36-0180	1.2916	37-0022	.9919	37-0091	1.1209	* 37-0168	.9136
36-0125	.9914	36-0184	1.0128	37-0023	1.0245	37-0092	.9083	37-0169	.9059
36-0126	.9824	36-0185	1.0028	37-0025	1.0326	37-0093	1.1186	37-0176	.9156
36-0127	1.0078	36-0186	.9087	37-0026	1.0551	37-0094	1.0154	* 37-0177	1.0948
36-0128	1.0187	36-0187	1.0564	37-0028	1.1636	37-0095	.9213	37-0178	.9535
36-0129	.9536	36-0188	1.1044	37-0029	.9588	* 37-0096	.9830	37-0179	.8352
* 36-0130	1.0459	36-0189	1.0167	37-0030	.9700	37-0097	1.0053	38-0001	1.1221
36-0131	1.0260	36-0190	1.0818	37-0032	1.0175	37-0098	.8649	38-0002	.9787
36-0132	.9716	36-0192	1.0555	37-0033	.9318	37-0099	.8546	38-0003	1.0944
36-0133	1.0456	36-0193	1.0079	37-0034	.9779	37-0100	.8987	38-0004	1.2293
36-0134	1.1962	36-0194	.9933	37-0035	1.1846	37-0103	.9423	38-0005	.9888
36-0135	.9142	36-0195	.9982	37-0036	.9484	37-0105	1.3905	38-0006	1.0451
36-0136	.9970	36-0197	.9861	37-0037	1.0767	37-0106	.8648	38-0007	1.1264
36-0137	1.1666	36-0200	.9031	37-0038	.8719	37-0107	.9231	38-0008	1.0605
36-0139	1.0351	36-0203	.9686	37-0039	.9658	37-0108	.9496	38-0009	1.3144
* 36-0140	.9988	36-0204	1.0563	37-0040	.9333	* 37-0109	.9200	38-0010	1.0363
36-0141	1.0878	36-0210	.9851	37-0041	.8585	37-0110	.9591	38-0011	1.0350
36-0142	.9616	36-0211	.9379	37-0042	.8287	37-0112	.9326	38-0013	1.0769
36-0143	1.0782	36-0212	1.1060	37-0043	.8529	37-0113	.9505	38-0014	1.0946
36-0144	1.0452	36-0213	1.0754	37-0045	1.0122	37-0114	1.1139	* 38-0016	.9528
36-0145	1.1181	36-0218	1.0333	37-0046	.8739	37-0116	.8953	38-0017	1.1359
36-0147	.9563	* 36-0220	.8840	37-0047	.9323	37-0117	.9565	38-0018	1.1568

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TABLE HOSPITAL CASE MIX INDEXES

PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX	PROVIDER NUMBER	CASE MIX INDEX
38-0019	.9868	38-0079	1.1114	39-0042	1.0240	39-0097	1.0858	39-0154	.9939
38-0020	1.1839	* 38-0081	.9328	39-0043	1.0397	39-0098	1.1580	39-0155	1.0062
38-0021	1.0650	38-0082	1.1136	39-0044	1.1119	39-0099	.9913	39-0156	1.0997
38-0022	1.0937	38-0083	.9788	39-0045	1.1068	39-0100	1.0608	39-0157	1.0365
38-0023	.9157	38-0084	1.0949	39-0046	1.1405	39-0101	1.0671	39-0158	1.0621
38-0024	1.0639	38-0087	.9033	39-0047	1.0928	39-0102	1.1216	39-0159	1.0632
38-0025	1.0607	* 38-0088	1.0018	39-0048	1.0697	39-0103	.9925	39-0160	.9590
38-0026	1.0879	38-0089	1.1308	39-0049	1.0951	39-0104	1.0284	39-0161	1.0732
38-0027	1.0449	38-0090	1.1266	39-0050	1.2507	39-0106	.8933	39-0162	1.0745
38-0029	.9302	38-0091	1.1417	39-0051	1.2185	39-0107	1.1383	39-0163	1.0696
* 38-0030	.9087	38-0093	.8044	39-0052	.9726	39-0108	1.1140	39-0164	1.2770
38-0031	.9144	39-0001	1.1596	39-0054	1.0367	39-0109	.9478	39-0165	1.0299
38-0033	1.1672	39-0002	1.0706	39-0055	1.2044	39-0110	1.0483	39-0166	1.0383
38-0035	1.0396	39-0003	.9722	39-0056	1.0698	39-0111	1.3157	39-0167	1.0913
38-0036	.9531	39-0004	1.0209	39-0057	1.0978	39-0112	1.1224	39-0168	.9974
38-0037	1.0779	39-0005	.9372	39-0058	1.0560	39-0113	.9850	39-0169	1.0585
38-0038	1.0823	39-0006	1.1583	39-0059	1.1523	39-0114	.9575	39-0170	1.1907
38-0039	1.1230	39-0007	1.0401	39-0060	1.0761	39-0115	1.1379	39-0171	1.0114
38-0040	1.0097	39-0008	.9933	39-0061	1.0900	39-0116	1.0026	39-0172	1.0593
38-0041	.9135	39-0009	1.0945	39-0062	.9703	39-0117	.9980	39-0173	1.0142
38-0042	1.0023	39-0010	1.0534	39-0063	1.1051	39-0118	.9262	39-0174	1.1798
38-0043	.9669	39-0011	1.0687	39-0064	1.1118	39-0119	1.0728	39-0176	1.0266
* 38-0044	.9939	39-0012	1.0655	39-0065	1.0541	39-0120	.9745	39-0177	.8956
38-0045	1.0570	39-0013	1.0264	39-0066	1.0202	39-0121	.9932	39-0178	1.1098
38-0047	1.1700	39-0014	.9772	39-0067	1.1272	39-0122	.9732	39-0179	1.0749
38-0048	.9805	39-0015	1.0660	39-0068	1.0157	39-0123	1.1098	39-0180	1.0862
38-0050	1.1182	39-0016	1.0448	39-0069	1.0402	39-0125	1.0355	39-0181	.9786
38-0051	1.1251	39-0017	1.0181	39-0070	1.0236	39-0126	1.1038	39-0183	.9697
38-0052	1.0608	39-0018	1.0312	39-0071	.9950	39-0127	1.0369	39-0184	.9579
* 38-0054	.9572	39-0019	1.0103	39-0072	.9735	39-0128	.9893	39-0185	1.0457
38-0055	1.1162	39-0020	1.0015	39-0073	1.0825	39-0130	.9714	39-0186	1.0795
38-0056	.9960	39-0021	1.0828	39-0074	1.0134	39-0131	1.0863	39-0187	1.0108
* 38-0059	.9415	39-0022	1.0775	39-0075	1.0881	39-0132	.9814	39-0188	1.0610
38-0060	1.1080	39-0023	1.0276	39-0076	1.0311	39-0133	1.1492	39-0189	.9687
38-0061	1.2153	39-0024	.5851	39-0077	1.0573	39-0135	.9974	39-0190	1.0105
* 38-0062	.8488	* 39-0025	.8936	39-0078	.9200	39-0136	1.0413	39-0191	.8974
38-0063	1.1037	39-0026	1.1212	39-0079	1.2657	39-0137	1.0587	39-0192	.9319
38-0064	1.0678	39-0027	1.1807	39-0080	1.0433	39-0138	1.1336	39-0193	.9671
* 38-0065	1.0563	39-0028	1.1836	39-0081	1.0383	39-0139	1.0804	39-0194	1.0062
38-0066	1.1398	39-0029	1.1473	39-0082	1.1113	39-0141	.9978	39-0195	1.2255
* 38-0067	.8818	39-0030	.9771	39-0083	1.0924	39-0142	1.1691	39-0196	1.1883
38-0068	1.0453	39-0031	1.0179	39-0084	.9410	39-0143	.6881	39-0197	.9846
38-0069	.9213	39-0032	1.0607	39-0086	.9983	39-0145	1.0603	39-0198	.9191
38-0070	1.0047	39-0034	.9717	39-0087	.9208	39-0146	.9977	39-0199	1.0033
38-0071	.9584	39-0035	1.1358	39-0088	.9581	39-0147	.9831	39-0200	1.0081
38-0072	.9703	39-0036	1.0053	39-0090	1.1549	39-0148	.9993	39-0201	1.1083
38-0074	1.0036	39-0037	1.0413	39-0091	.9939	39-0149	1.0430	39-0203	1.0790
38-0075	1.0659	39-0038	.9470	39-0092	.9705	39-0150	.9964	39-0204	1.0862
* 38-0076	.9348	39-0039	.9841	39-0093	1.0799	39-0151	1.0661	39-0205	1.0550
38-0077	.9205	39-0040	.9228	39-0095	.9461	39-0152	1.0495	39-0206	1.0212
38-0078	1.1134	39-0041	1.0349	39-0096	1.0819	39-0153	1.1077	39-0209	1.0366

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BILLING CODE 1505-01-C

Medicare and Medicaid Programs; Schedule of Limits on Home Health Agency Costs Per Visit

Correction

In FR Doc. 82-26580 appearing on page 42904, as "Part III" in the issue of Wednesday, September 29, 1982, make the following corrections:

1. On page 42906, column 1, line 16, "limited" should read "limit".
2. On page 42907, column 1, line 14, following the table "were" should read "are"; in line 15 "the" should be deleted, and in line 19 under paragraph 4. *Computing the Adjusted Limit*, "and" should read "we".
3. On page 42909, column 3, in line 13, remove the semicolon following the heading "Example—Calculation of Adjusted Occupational Therapy".
4. On page 42911, column 1, second table, the Headings "Limit [2]" and "Add-on [1]" are incorrectly placed. The table should read as follows:

Limit [1]	Add-on [1]			
	Wage portion	Non-wage portion	Wage portion	Non-wage portion
SN	$33.26	$16.08	[illegible]	[illegible]
PT	31.12	15.73	4.34	2.19
HHA	25.11	12.75	[illegible]	2.19

BILLING CODE 1505-01-M

Public Health Service

Alcohol, Drug Abuse, and Mental Health Administration; Statement of Organization, Functions, and Delegation of Authority

Part H, Chapter HM, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 36163-7, August 19, 1975, as amended by 45 FR 71424, October 28, 1980) is amended to reflect the reorganization of the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, which was necessitated by the legislated transition to block grants and accompanying budgetary reductions. The reorganization accomplishes the following: (1) Abolishes the Office of Extramural Policy and Project Review, the Division of Occupational Alcoholism Programs, the Division of State and Community Assistance, the Division of Prevention, and the Division of Alcoholism Services Development; (2) revises the functional statement and title for the Division of Intramural Research, which is retitled the Division of Intramural Clinical and Biological Research; (3) establishes the Office of Scientific Affairs, the Division of Prevention and Research Dissemination, and the Division of Biometry and Epidemiology; and (4) modifies the rest of the functional statements of the Institute.

Section HM-B, Organization and Functions, is amended as follows:

Under ADAMHA (HM), delete all functional statement for the *National Institute on Alcohol Abuse and Alcoholism (HMC)* and substitute the following:

National Institute on Alcohol Abuse and Alcoholism (HMC)

Provides a national focus for the Federal effort to increase knowledge and promote effective strategies to deal with health problems and issues associated with alcohol abuse and alcoholism. In carrying out these responsibilities the Institute: (1) Conducts and supports research on alcohol-related disorders in its own laboratories and through extramural projects; (2) supports epidemiological studies and national and community surveys to assess the risks for alcohol abuse among various population groups; (3) plans, directs, supports, and evaluates research to identify new and improved alcoholism prevention, intervention, and treatment methods and techniques for application in the Nation's health care system; (4) supports traning and development of scientists for participation in alcohol research programs and activities; (5) collaborates with other research institutes and Federal programs relevant to alcohol abuse and alcoholism, and provides coordination of Federal alcohol abuse and alcoholism research activities; (6) serves as a national resource for the collection, analysis, and dissemination of scientific findings and improved methods of alcoholism prevention and treatment services; (7) maintains continuing relationships with institutions and professional associations and with international, national, State, and local officials, and voluntary agencies and organizations engaged in alcohol related work; (8) conducts policy studies and activities which have broad implications for alcoholism treatment, prevention, and rehabilitation activities; (9) performs data collections, analysis, and provides technical assistance/technology transfer to State and local governments, community and voluntary organizations in the areas of policy development, program assessment, establishment of treatment standards, accreditation, and resource utilization; and (10) supports public education activities to inform the public of the risks and consequences associated with alcohol abuse and alcoholism.

Office of the Director (HMC1). (1) Provides leadership, coordination, and direction in the development and implementation of Institute policies, goals and priorities; (2) plans, directs and provides overall administration of the program and management activities of the Institute; (3) serves as the focal point for the Department's efforts on alcohol abuse and alcoholism; (4) conducts and coordinates interagency, intergovernmental, international and public affairs activities of the Institute; and(5) monitors the conducts of the equal employment opportunity activities of the Institute.

Office of Policy Analysis (HMC12). (1) In conjunction with program offices of the Institute, develops and recommends to the Director, NIAAA, program policies for potential application at the national, State or local level; (2) monitors broad policy issues surrounding the field of alcohol abuse and alcoholism; (3) analyzes current alcoholism programs and policies and conducts special studies and analyses in areas related to alcoholism policies and programs; (4) serves as the Institute focal point for the development and analysis of service financing programs designed to improve and increase the financing of alcoholism services; and (5) conducts legislative analyses and provides legislative services.

Office of Scientific Affairs (HMC16). (1) Provides advice and guidance to the Director regarding the Institute's research programs and other scientific activities; (2) provides a continuing assessment of current Institute research activities in relation to broad research goals and objectives, and recommends changes to basic alcohol research policy where needed; (3) administers the peer and objective review of grant applications and contract proposals (4) coordinates and assures the development of, and adherence to, program policies and rules relating to Institute extramural activities; (5) assists the Director in obtaining expert advice to conduct evaluations of NIAAA research programs and scientists; and (6) administers the committee management function.

Office of Planning and Resource Management (HMC15). (1) Coordinates Institute planning activities and participates in the preparation of Institutewide program plans; (2) analyzes program plans developed

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within the divisions, and monitors implementation of the plans; (3) provides administrative management support to the Institute in the areas of (a) financial management, (b) grants and contracts management, and (c) administrative services; (4) develops administrative management policies, procedures and guidelines, and conducts management studies of Institute programs and operations; (5) maintains liaison with the management staff of the Office of the Administrator and implements within the Institute general management policies prescribed by ADAMHA and higher authorities, and (6) provides correspondence control services for the Institute.

Division of Intramural Clinical and Biological Research (HMCB). (1) Plans, develops and conducts a program of basic and applied alcohol research, including metabolic, preclinical and clinical investigations, on the multiple determinants and processes of alcoholism and other alcohol-related problems and in the areas of prevention, diagnosis, treatment and rehabilitation; (2) provides inhouse research scientist training in a variety of disciplines for work in alcohol-related research; (3) collaborates with other agencies, universities, and scientific organizations in the conduct of basis and applied research on alcohol and its effects; and (4) operates a clinical research facility for the purpose of conducting research on alcohol-related illnesses and diseases, and developing improved methods of clinical care.

Division of Biometry and Epidemiology (HMC4). (1) Plans and conducts studies and survey and the incidence and prevalence of alcohol abuse and alcoholism, both nationally and in specific population groups; (2) conducts national surveillance activities to collect and analyze alcohol-related program data through various information systems including the Alcohol Epidemiology Data System, the National Drug and Alcoholism Treatment Utilization Survey, and the State Alcoholism Program Information Systems; (3) develops and maintains information systems to collect and analyze alcohol-related data; (4) collaborates with other organizations engaged in alcohol data collection activities, such as State-based information systems, in order to exchange pertinent data and to utilize existing data systems where appropriate.

Division of Extramural Research (HMCA). (1) Plans, develops and supports programs of basic and applied research on the multiple determinants and processes of alcoholism and other alcohol-related problems, on the prevention of alcohol abuse, and the diagnosis, treatment and rehabilitation of persons who abuse alcohol; (2) develops and supports a clinical research program to assess the efficacy of therapeutic procedures for the treatment of alcoholism and alcohol-related disorders; (3) administers the Institute's National Research Centers program; (4) administers the Institute's extramural research scientists development and training programs; (5) collaborates with other national and international agencies, universities and scientific organizations undertaking studies related to alcoholism and alcohol abuse; (6) provides technical assistance to universities, Federal agencies, State and local governments, and community and voluntary organizations in areas such as program development and assessment; and (7) supports grants and contracts to demonstrate new and more effective alcohol abuse and alcoholism prevention, treatment and rehabilitation programs.

Division of Prevention and Research Dissemination (HMC2). (1) Conducts prevention and public education activities, through alcohol media campaigns and the dissemination of publication and alcohol prevention materials; (2) collects, abstracts, stores and disseminates program and scientific information on alcohol abuse and alcoholism, through the National Clearinghouse for Alcohol Information and other information sources; (3) collects alcohol research findings supported or conducted by the Institute, and incorporates such findings into the body of alcohol-related information available for dissemination; (4) prepares and disseminates the Alcohol and Health Report, and other special reports in response to congressional, departmental, and programmatic needs for information; (5) conducts conferences and workshops for the purpose of conveying up-to-date knowledge on alcoholism prevention, early intervention, treatment and rehabilitation to State and local governments, the private and voluntary sectors and others engaged in alcohol-related work; and (6) develops and publishes monographs which communicate new knowledge of innovative approaches to the alcoholism field, the health community and the public.

Dated: October 28, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-30509 Filed 11-4-82; 8:45 am]

BILLING CODE 4160-20-M

Alcohol, Drug Abuse, and Mental Health Administration; Statement of Organization, Functions and Delegations of Authority

Part H, Chapter HM, Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (39 FR 1654, January 11, 1974, as amended most recently at 45 FR 76517, November 19, 1980) is amended to reflect the reorganization of the Office of the Administrator, ADAMHA, which was necessitated by the legislated transition to block grants and accompanying budgetary reductions. The reorganization accomplishes the following: (1) Abolishes the Office of Special Populations and the Office of Communications and Public Affairs; (2) Abolishes the Division of Science, Division of Treatment, Division of Prevention, and Division of Human Resources Development and Training; (3) retitles the Office of Program Planning and Coordination to be the Office of Planning, Policy Analysis, and Legislation and the Division of General Services to be the Division of Administrative Services; (4) establishes the Division of Planning and Policy Analysis and the Division of Legislation; (5) transfers the legislative services function from the immediate Office of the Administrator to the Office of Planning, Policy Analysis, and Legislation, the statistical data policy coordination function from the Office of Extramural Programs to the Office of Planning, Policy Analysis, and Legislation, the administrative services function from the immediate Office of the Director of the Office of Management to the Division of Administrative Services, the procurement function from the Division of Administrative Services to the Division of Grants and Contracts Management, and the forms management function from the Division of Administrative Services to the Division of Management Policy; and (6) modifies the mission and the functional statements of ADAMHA and the entire Office of the Administrator.

Section HM-A, MISSION, is amended as follows:

Delete the statement for the *MISSION* and substitute the following:

MISSION

The mission of the Alcohol, Drug Abuse, and Mental Health Administration is to provide a national focus for the Federal effort to increase knowledge and promote effective strategies to deal with health problems and issues associated with the use and abuse of alcohol and drugs, and with mental illness and mental health.

To accomplish this mission, the Administration conducts programs of research, training, prevention, information, and education. The Administration provides program expertise and technical assistance in responding to Federal, State, local or private organizations on matters related to their alcohol, drug abuse, and mental health matters.

Section HM–B, Organization and Functions, is amended as follows:

(1) Delete the functional statements for the *Alcohol, Drug Abuse, and Mental Health Administration (HM)* and substitute the following:

Alcohol, Drug Abuse, and Mental Health Administration (HM). Provides a national focus for the Federal effort to increase knowledge and promote effective strategies to deal with health problems and issues associated with the use and abuse of alcohol and drugs, and with mental illness and mental health. In carrying out these responsibilities the Administration: (1) Conducts and supports research on the biological, psychological, behavioral, and epidemiological aspects of alcoholism, drug abuse, and mental health and illness; (2) conducts and supports research on the delivery of alcoholism, drug abuse, and mental health treatment and prevention services; (3) supports the training of scientists to conduct research in the alcoholism, drug abuse,and mental health fields; (4) gathers and analyzes data about the extent of alcohol, drug abuse and mental health problems, and the national response to these needs in terms of planning, establishing, and evaluating alcoholism, drug abuse, and mental health programs; (5) collaborates with, provides assistance to, and encourages other Federal agencies, national, foreign, State and local organizations, hospitals, and voluntary groups to facilitate and expand programs for the prevention and treatment of alcohol, drug abuse, and mental health problems; and (6) provides information on alcoholism, drug abuse, and mental health to the public and to the scientific community.

(2) Delete all functional statements for the *Office of the Administrator (HMA)* and substitute the following:

Office of the Administrator (HMA). (1) Provides leadership in the development of agency policies and programs; (2) coordinates ADAMHA policies and programs among the three Institutes; (3) carries out ADAMHA-wide functions such as coordination of equal employment opportunity activities, international activities and communications and public affairs; and (4) maintains liaison with the Assistant Secretary for Health and the Surgeon General on matters related to program and other activities as may be required.

Office of Planning, Policy Analysis, and Legislation (HMA2). (1) Provides leadership and guidance in the analysis, planning, coordination and evaluation of overall agency and interagency policies and programs; (2) indentifies, coordinates, and performs analyses of key issues relative to policy direction; (3) identifies and highlights the needs, issues, and concerns of unserved, underserved, and other special populations relative to alcohol, drug abuse and mental health and plans, develops, and advocates specific agency strategies and program initiatives for these populations; (4) analyzes legislative issues, develops related policy and position papers, which include appropriate recommendations, and maintains liaison with congressional legislative committee; (5) monitors trends and evaluation of alcohol, drug abuse, and mental health research, treatment, prevention, and human resource developments; and (6) develops policy and coordinates planning and necessary clearances for agency statistical data activities.

Division of Planning and Policy Analysis (HMA25). (1) Coordinates the development of the agency's annual program plan and planning process, working closely with the Office of Management; (2) coordinates and provides expertise and technical advice in the planning, coordination, and evaluation of the agency's policies and programs; (3) coordinates the planning, organization, and general direction of activities pertaining to the eveauation of research and science policy and programs in the agency; (4) identifies, coordinates, and performs short-term and long-term analyses of key issues relative to policy direction and having agency-wide implication; (5) develops new and analyzes existing policy issues relating to the coordination of research, human resources development, prevention and treatment of alcoholism, drug abuse, and mental illness; (6) maintains liaison among Federal, State, and local governments planning staffs around planned activities in the alcohol, drug abuse, and mental health area; and (7) develops briefing materials and conducts briefings for the Administrator and the Associate Administrator for Planning, Policy Analysis, and Legislation.

Division of Legislation (HMA26). (1) Develops, prepares, or provides guidance in preparing agency proposals for new or amended legislation or regulations governing the Federal alcohol, drug abuse, and mental health program; (2) prepares or coordinates analyses, comments, and reports on Federal legislation affecting alcohol, drug abuse, and mental health programs; (3) advises agency staff on the implications of Federal and State legislation as it relates to alcohol, drug abuse, and mental health programs; (4) attends and reports to agency staff on congressional committee hearings affecting alcohol, drug abuse, and mental health programs; and (5) receives and distributes legislative materials.

Office of Management (HMA7). (1) Develops policies, guidelines and procedures concerning overall administrative management; (2) provides executive secretarial services to the agency; (3) provides administrative management and services, including internal coordination, to the agency in such areas as (a) financial management, (b) management policy, (c) grants and contracts management policy, including cost advisory services, (d) computer systems, (e) personnel management, and (f) general services; and (4) advises the Office of the Administrator and the Institutes on administrative policy and management actions, and the administrative implications of program policy, and program operations.

Division of Financial Management (HMA73). (1) Plans and coordinates the agency's financial management activites; (2) provides financial data input for the agency's planning activities; (3) develops the agency's annual budget and participates in budget hearings; (4) develops policies and procedures for and provides appropriate accounting and other fiscal services to the agency; (5) develops financial management reporting systems to meet the needs of agency planning and decisionmaking; and (6) manages the position control system for the agency, including the utilization of full-time equivalent positions.

Division of Management Policy (HMA74). (1) Develops and recommends policies, organizational plans, systems, and procedures for the general management of agency activities; (2) provides advice and assistance to improve management and coordinates the implementation of policies, plans, systems, and procedures; (3) performs or coordinates studies and surveys of the management of agency activities, including those related to manpower utilization, organization, cost of operations, and effectiveness; (4) insures the integration of program and management planning; (5) negotiates solutions to intra-agency problems of organization, functions, policy, procedures, and coordination; (6) maintains the agency directives issuance system; and (7) provides various management analysis services for the agency.

Division of Administration Services (HMA75). (1) Plans and coordinates the provision of general and administrative services for the agency including materiel management, personal property management and accountability, real property management, telecommunications, space management, transportation management, mail management, facilities acquisition, management of duplicating equipment, construction management liaison, energy conservation, and environmental policy; (2) advises the agency on policy, procedures, and other requirements in connection with these services; (3) establishes arrangements with other agencies to provide supplies, equipment, and services; and (4) provides administrative and general services for those components of the agency located in headquarters offices.

Division of Grants and Contracts Management (HMA76). (1) Develops and issues policies, standards, procedures, forms, and guides for the management of agency grants, cooperative agreements, small purchases, and contracts (negotiated as well as advertised), and monitors their application or use; (2) serves as the focal point for interpreting regulations, policies, and procedures concerning agency grants, cooperative agreements, small purchases, and contracts; (3) provides grants and contracts cost advisory services to the agency; (4) administers the agency's system of informal grantee appeal on adverse actions; (5) coordinates agency actions on audit reports and determines final resolution; and (6) reviews and decides upon proposed contract actions as stipulated in departmental and PHS procurement regulations.

Division of Computer Systems (HMA77). (1) Develops policies, standards, and procedures for agency automatic data processing (ADP) activities including the annual ADP plan; (2) participates in establishing agency requirements for computer-based data processing systems in both program and administrative areas; (3) develops computer systems for the agency, including systems analysis, programming, and related activites; (4) provides mathematical and statistical data processing capability and consultation to the agency; (5) operates ADP equipment; (6) initiates and/or coordinates the acquisition of ADP equipment and outside services for the agency; (7) provides technical assistance and clearance to the agency on grants and contracts where ADP elements are involved; and (8) conducts research on ADP systems and equipment for application to present and future operations.

Division of Personnel Management (HMA78). Provides leadership and direction in developing and administering the personnel management program for the agency, including: (1) Central personnel services in such areas as placement and staffing, position classification, employee-management relations, labor relations, career development and performance appraisals; (2) technical oversight for personnel management at Saint Elizabeths Hospital; (3) advisory service to top management on matters relating to the development and administration of personnel policies and programs designed to obtain, compensate, train and develop, utilize, and retain a qualified, effective and efficient workforce; (4) advisory service to managers and supervisors in such matters as supervisor-employee relations and communications, motivation and recognition, training and development and employee services; (5) agency focal point for advisory services regarding the Commissioned Corps personnel system and assistance in preparation and review of Corps personnel action; and (6) represent the agency in personnel matters with PHS, DHHS and the Office of Personnel Management.

Office of Extramural Programs (HMA8). (1) Provides leadership and advice in the development of extramural program policy and implementation of extramural programs; (2) develops, evaluates, and provides guidance on policies relating to peer review of all discretionary grant and cooperative agreement applications and research contracts; (3) performs centralized grant application receipt and referral; (4) develops procedures for collecting and prepares analyses of extramural program data, including agency-wide reports; and (5) provides advice on and coordinates implementation of committee management policies and procedures.

Dated: October 26, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 82-30531 Filed 11-4-82; 8:45 am]

BILLING CODE [illegible]

Office of the Secretary

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Department of Health and Human Services (HHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following are those packages submitted to OMB since the last list was published on October 29.

Public Health Service

Office of the Assistant Secretary for Health

Subject: National Hospital Discharge Survey (0937-0004)—Extension

Respondents: National sample of short-stay non-Federal hospitals

OMB Desk Officer: Richard Eisinger

Food and Drug Administration

Subject: Formaldehyde Clearinghouse Data Form—New

Respondents: Institutions, industries or agencies engaged in research on formaldehyde

OMB Desk Officer: Fay S. Iudicello

Health Resources and Services Administration

Subject: Project Proposal for the Provision of Sanitation Facilities (0915-0018)—Extension

Respondents: Indian tribal governments

OMB Desk Officer: Richard Eisinger

Alcohol, Drug Abuse, and Mental Health Administration

Subject: National Institutes of Mental Health Epidemiologic Catchment Area Program Survey—UCLA Site—New

Respondents: Individuals

OMB Desk Officer: Richard Eisinger

National Institutes of Health

Subject: First Telephone Follow-up in the "Establishment of Populations for Epidemiologic Studies of the Elderly" Survey—New

Respondents: Individuals

OMB Desk Officer: Richard Eisinger

Health Care Financing Administration

Subject: End Stage Renal Disease Medical Information System (HCFA-2744-2746)—Extension/No changes

Respondents: Providers of medical services to treat end stage renal disease

Subject: Accelerated Medicare Repayment Request (HCFA-9042)—New

Respondents: Providers of Medicare services

Subject: Annual Report on Home and Community Based Services (HCFA-371 and 372)—New

Respondents: State Medicaid agencies

Subject: Comprehensive Outpatient Rehabilitation Facility Medicare/ Medicaid Eligibility Form and Certification Survey Process (HCFA-359 and R8)—New

Respondents: Comprehensive outpatient rehabilitation facilities

OMB Desk Officer: Fay S. Iudicello

Social Security Administration

Subject: Application for Search of Census Records for Proof of Age (SSA-1535)—Revision

Respondents: Individuals

OMB Desk Officer: Milo Sunderhauf

Copies of the above information collection clearance packages can be obtained by calling the HHS Reports Clearance Officer on 202-245-6511.

Written comments and recommendations for the proposed information collections should be sent directly to both the HHS Reports Clearance Officer and the appropriate OMB Desk Officer designated above at the following addresses:

J. J. Strnad, HHS Reports Clearance Officer, Hubert H. Humphrey Building, Room 524-F, Washington, D.C. 20201

OMB Reports Management Branch, New Executive Office Building, Room 3208, Washington, D.C. 20503; ATTN: (name of OMB Desk Officer)

Dated: October 29, 1982.

Dale W. Sopper,

Assistant Secretary for Management and Budget.

[FR Doc. 82-30451 Filed 11-4-82; 8:45 am]

BILLING CODE 4160-04-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Programmatic Agreement Regarding Ongoing Activities of the Bureau of Land Management, Department of the Interior, in the State of New Mexico; Notice of Execution

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: The Advisory Council on Historic Preservation, the New Mexico State Director of the Bureau of Land Management, and the New Mexico State Historic Preservation Officer have executed a Programmatic Memorandum of Agreement concerning the ongoing activities of the Bureau in the State of New Mexico. This agreement, executed pursuant to 36 CFR 800.8, was the subject of a notice published in the **Federal Register** on June 10, 1982 (47 FR 25172).

FOR FURTHER INFORMATION CONTACT: Dr. Thomas F. King, Director, Office of Cultural Resource Preservation, Advisory Council on Historic Preservation, 1522 K Street, NW, Washington D.C. 20005.

Dated: November 1, 1982

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 82-30363 Filed 11-4-82; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Glenwood Springs Resource Management Plan; Availability of Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Draft Environmental Impact Statement (DEIS).

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management, has prepared a draft environmental impact statement (DEIS) on the Glenwood Springs Resource Management Plan.

DATE: Comments must be received by February 2, 1983.

ADDRESS: Comments should be sent to Alfred Wright, Bureau of Land Management, P.O. Box 1009, Glenwood Springs, Colorado 81602.

FOR FURTHER INFORMATION CONTACT: Dave Mensing, Team Leader, Bureau of Land Management, P.O. Box 1009, Glenwood Springs, Colorado 81602 Telephone: (303) 945-2341.

SUPPLEMENTARY INFORMATION: The DEIS analyzes four alternatives for managing approximately 566,000 acres of public land in the BLM Glenwood Springs Resource Area.

Management of livestock grazing, land disposals, wilderness, forests, minerals, wildlife, water, scenery, recreation, off-road vehicles, and utility and communication facilities is discussed in the DEIS. Also discussed is management of cultural and paleontological resources, areas of critical environmental concern, BLM roads, and fire.

The public comment period is for 90 days beginning November 5, 1982. Both written and oral comments will be accepted. Oral comments will be received at the following locations:

Place, Date and Time

Holiday Inn, Glenwood Springs, Colorado—December 7, 1982, 2 p.m. to 4 p.m. and 7 p.m. to 9 p.m.

BLM Grand Junction District Office, Grand Junction, Colorado—December 8, 1982, 2 p.m. to 4 p.m. and 7 p.m. to 9 p.m.

Ramada Foothills, Denver, Colorado—December 14, 1982, 2 p.m. to 4 p.m. and 7 p.m. to 9 p.m.

Oral comments will be limited to 10 minutes and should be accompanied by a written synopsis of the comments.

Copies of the DEIS will be available for review at the following locations:

Bureau of Land Management

Colorado State Office, 1037 20th Street, Denver, Colorado 80202

Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501

Glenwood Springs Resource Area Office, 50629 Highway 6 & 24, Glenwood Springs, Colorado 81601

Libraries

Denver Public Library, Conservation Library, 1357 Broadway, Denver, Colorado 80254

Eagle County Public Library, 590 Broadway, Eagle, Colorado 81631

Garfield County Public Library 402 West Main, New Castle, Colorado 81647

Mesa County Library, 530 Grand Avenue, Grand Junction, Colorado 81501

Pitkin County Library, 110 East Main, Aspen, Colorado 81611

Basalt Public Library, 201 West Midland Avenue, Basalt, Colorado 81621

Glenwood Springs Public Library, 806 Cooper, Glenwood Springs, Colorado 81601

Gorden Cooper Library, 433 Main, Carbondale, Colorado 81623

Meeker Public Library, 200 Main Street, Meeker, Colorado 81641

Rifle Public Library 337 East Avenue, Rifle, Colorado 81650.

Dated: October 22, 1982.

Dave Jones,

District Manager, Grand Junction District Office.

[FR Doc. 82-29674 Filed 11-4-82; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Filing of Plat Survey

1. On September 17, 1982, the plat representing the survey of a portion of an unnamed island, a dependent resurvey and an informative traverse in the McKenzie River, was accepted. It

will be officially filed in the Oregon State Office, Portland, Oregon at 9:30 a.m., on December 14, 1982.

Willamette Meridian

T. 17 S., R. 1 W.,
Sec. 24, Lot 11.

The area described contains 45.95 acres in Lane County.

2. The portion of the island described above is located about six miles easterly from the city of Springfield, Oregon. Elevation of the island is approximately 630 feet above sea level. The soil consists of sandy loam from a few inches to several feet in depth covering river-run rock. Vegetation on the island consists of several species of hardwood and conifers.

3. A count of annual growth rings show the standing timber to be from 63 to 120 years old, which indicates the existence of the island prior to Oregon statehood.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208. Copies of the plat are for sale at $2.00 each at the Public Counter, 14th floor, Lloyd Center Tower, 825 NE Multnomah Street, Portland, Oregon 97232.

Dated: October 29, 1982.

Robert J. Rivers,
Chief, Division of Operations.

[FR Doc. 82-30[illegible] Filed 11-4-82; 8:45 am]

BILLING CODE 4310-84-M

Resource Management Planning; Initiation of Wilderness Studies in the Caliente and Bishop Resource Areas, Bakersfield District, California, and the Walker Resource Area, Carson City District, Nevada

October 21, 1982.

In accordance with 43 CFR 1601.3(g), notice is hereby given of resource planning activity now underway.

The proposed action is the preparation of four Management Framework Plan Amendments for 23 Wilderness Study Areas (WSAs) in the Caliente and Bishop Resource Areas, Bakersfield District, and the Walker Resource Area, Carson City District. The plan amendments will involve the South Sierra Foothills, Benton-Owens Valley, Bodie-Coleville, and Pine Nut-Marklesville planning areas. The plans will be incoporated under a single Environmental Impact Statement (EIS), entitled the Benton-Owens Valley/Bodie-Coleville Study Area EIS, and will carry out the requirements of the Federal Land Policy and Management Act (FLPMA) of 1976.

The purpose of these planing amendments is to determine the highest and best use of the subject lands and, through such a determination, the suitability or nonsuitability of the WSAs for wilderness designation. The process will result in recommendations by the Secretary of the Interior to the President as to which areas, or portions or areas, should be designated as wilderness. The final decision as to whether the WSAs should be designated components of the National Wilderness Preservation System will be made by Congress. The plan amendments and the EIS are scheduled for completion by September 30, 1983.

The Wilderness Study Areas are generally located east of the Sierra Nevada and south of Lake Tahoe. The WSAs that will be addressed, along with their size and general location, are:

a. Sacatar Meadows (CA-010-027), 18,175 acres, Tulare/Inyo Counties, Caliente Resource Area.

b. Cerro Gordo (CA-010-055), 16,102 acres, Inyo County, Bishop Resource Area.

c. Southern Inyo (CA-010-056), 38,600 acres, Inyo County, Bishop Resource Area.

d. Independence Creek, (CA-010-057), 9,760 acres, Inyo County, Bishop Resource Area.

e. Wonoga Peak (CA-010-058), 3,530 acres, Inyo County, Bishop Resource Area.

f. Tinemaha (CA-010-059), 3,200 acres, Inyo County, Bishop Resource Area.

g. Crater Mountain (CA-010-062), 7,260 acres,[1] Inyo County, Bishop Resource Area.

h. Symmes Creek (CA-010-064), 8,140 acres,[1] Inyo County, Bishop Resource Area.

i. Rock Creek West (CA-010-070), 414 acres, Mono County, Bishop Resource Area.

j. Chidago Canyon (CA-010-079), 20,246 acres, Mono County, Bishop Resource Area.

k. Fish Slough (CA-010-080), 19,720 acres, Inyo/Mono Counties, Bishop Resource Area.

l. Volcanic Tableland (CA-010-081), 11,840 acres, Inyo/Mono Counties, Bishop Resource Area.

m. Casa Diablo (CA-010-082), 8,847[1] acres, Mono County, Bishop Resource Area.

n. Excelsior (CA-010-088), 12,400 acres, Mono County, Bishop Resource Area.

o. Granite Mountains (CA-010-090), 56,781 acres,[1] Mono County, Bishop Resource Area.

p. Walford Springs (CA-010-092), 13,200 acres, Mono County, Bishop Resource Area.

q. Mormon Meadows (CA-010-094), 7,280 acres, Mono County, Bishop Resource Area.

r. Mt. Biedeman (CA-010-095), 12,420 acres, Mono County, Bishop Resource Area.

s. Bodie Mountains (CA-010-099), 23,360 acres, Mono County, Bishop Resource Area.

t. Bodie (CA-010-100), 15,455 acres, Mono County, Bishop Resource Area.

u. Masonic Mountains (CA-010-102), 6,600 acres, Mono County, Bishop Resource Area.

v. Slinkard (CA-010-105/NV-030-531),[2] 6,760 acres, Mono/Alpine Counties, Bishop Resource Area (Bakersfield District), and Walker Resource Area (Carson City District).

w. Carson-Iceberg (NV-030-532),[2] 500 acres, Alpine County, Walker Resource Area.

The study process will analyze all resource values and uses within each WSA to determine whether the area, or a portion of the area will be recommended as suitable or nonsuitable for wilderness designation. This process will address such issues as the grazing of livestock, motorized vehicle access, all forms of mineral activity, land tenure, watershed, and recreational uses.

Disciplines to be represented on the Interdisciplinary Study Team are: wildlife biology, range management, wilderness, outdoor recreation planning, minerals management, and visual resources.

The public is invited to participate in the planning process by surfacing issues, commenting on the planning criteria which will be developed to guide the planning effort, providing information to be considered in the planning process, and commenting on the proposals and analysis incorporated in the draft plans and EIS when developed. The availability of the issues and planning criteria will be announced in the Federal Register. Public hearing dates, times, and locations will also be announced in the Federal Register at least 30 days prior to any hearing date.

For further information, or to be placed on the mailing lists for the planning efforts, contact Robert D. Rheiner, Jr., District Manager, Bakersfield District, 800 Truxtun Avenue, Room 302, Bakersfield, California 93301, (805) 861-4191.

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[1] Acreage includes approximate size of adjacent, uninventoried Inyo National Forest administered lands that are being studied in accordance with the February 29, 1980, Forest Service/Bureau of Land Management Cooperative Agreement for joint wilderness studies.

[2] Area under joint wilderness study between Carson City District, Nevada, and Bakersfield District, California, with Bakersfield District the lead agency. The lands administered by the Carson City District Office are entirely within California.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 82-30456 Filed 11-4-82; 8:45 am]

BILLING CODE 4310-84-M

White River Resource Area Wilderness; Draft Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notification of Release of Draft Environmental Impact Statement for the White River Resource Area Wilderness Planning Amendment, Craig District, Colorado.

SUMMARY: This notice summarizes the present status of the Wilderness Draft Environmental Impact Statement (DEIS) affecting six Wilderness Study Areas (WSAs) totaling 79,351 acres of public lands in the White River Resource Area, Craig District of Colorado.

FOR FURTHER INFORMATION CONTACT: B. Curtis Smith, Bureau of Land Management, White River Resource Area, PO Box 928, Meeker, Colorado 81641, Telephone (303) 878-3601.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management (BLM) in Colorado has released a Draft Environmental Impact Statement (DEIS) for public review on the wilderness and non-wilderness recommendations for six Wilderness Study Areas (WSAs) totaling 79,351 acres of public lands in the White River Resource Area, Craig District.

The DEIS analyzes the potential impacts resulting from the recommended inclusion of 11,690 acres of public lands in the Craig District of northwestern Colorado in the National Wilderness Preservation System and recommended exclusion of 67,661 acres.

The recommendations made in the Wilderness Draft Environmental Impact Statement are not final decisions. Following the public comment period on the DEIS, a final EIS and recommendations will be prepared for the signature of the Secretary of the Interior, and submitted to Congress for final decision on which areas will be designated in the National Wilderness Preservation System. A mineral survey will be conducted by the U.S. Geological Survey and U.S. Bureau of Mines on those lands preliminarily recommended as suitable for wilderness designation prior to the final recommendation by the BLM.

The six WSAs included in this DEIS are Bull Canyon (12,297 acres), Willow Creek (13,368 acres), Skull Creek (13,740 acres), Black Mountain (9,932 acres), Windy Gulch (12,274 acres) and Oil Spring Mountain (17,740 acres). Two alternatives were studied and analyzed for each WSA. These included designation of the entire study area as wilderness (All Wilderness Alternative) and non-designation of the study areas with management under existing land use plans (No Wilderness—No Action Alternative). A third alternative, the Boundary Adjustment (Partial Wilderness) Alternative, was applied to Bull Canyon to enhance its manageability by allowing the boundary to follow topographic features instead of administrative or legal bounds. Adjustments were considered for the other WSA's but were found to be inappropriate.

The BLM proposes to recommend part (11,690 acres) of Bull Canyon WSA as suitable for wilderness designation and to recommend five WSAs (Willow Creek, Skull Creek, Black Mountain, Windy Gulch and Oil Spring Mountain) as unsuitable for wilderness designation.

Copies of the White River Wilderness DEIS can be obtained from the Project Manager, Bureau of Land Management, White River Resource Area, PO Box 928, 317 East Market, Meeker, Colorado 81641. Copies are also available for inspection at the following locations: Bureau of Land Management, Division of Wilderness and Environmental Areas, Room 5616, 18th and C Streets, NW., Washington, D.C.; Bureau of Land Management, Colorado State Office, Public Affairs Room, 1037 20th Street, Denver, CO 80202: Bureau of Land Management, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, UT 84111; Bureau of Land Management, Craig District Office, PO Box 248, 455 Emerson Street, Craig, CO 81626; Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction CO 81501; Bureau of Land Management, and Vernal District Office, 170 S. 500 E., Vernal, UT 84078.

Written comments on the adequacy of the DEIS should be received by February 7, 1983 and submitted to the Area Manager, Bureau of Land Management, White River Resource Area, PO Box 928, Meeker, Colorado 81641.

Oral testimony and written comments will be received at public hearings to be held at the following locations:

Tuesday, December 7 1982.	Meeker, CO	Fairfield Center, 200 Main Street, 7:00 p.m.
Wednesday, December 8, 1982.	Vernal, CO	7th Circuit Court, Uintah County Courthouse, Main Street, 7:00 p.m.
Tuesday, December 14 1982.	Grand Junction, CO	Ramada Inn, 718 Horizon Drive, 7:00 p.m.
Wednesday, December 15, 1982.	Denver, CO	Ramada Inn Foothills, 11595 W. 6th Ave., 2:00 p.m.

All comments will receive equal consideration in the preparation of the final EIS and Wilderness Study Report.

Harold R. Martin,

Acting Colorado State Director.

[FR Doc. 82-30170 Filed 11-4-82; 8:45 am]

BILLING CODE 4310-84-M

Shoshone/Sun Valley Plan Amendment/Wilderness EIS (Draft); Availability and Notice of Public Hearings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability and notice of public hearings.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a draft environmental impact statement (DEIS) for proposed amendments to land-use plans. The amendments address wilderness study areas (WSAs) in the Shoshone and Sun Valley planning areas of the Shoshone District in south-central Idaho. The proposal would recommend 62,868 acres of public land in seven WSAs as nonsuitable for wilderness designation and 23,735 acres in three WSAs as suitable for wilderness designation.

Pursuant to Section 3(d) of the Wilderness Act of 1964, two public hearings will be held to receive comments regarding the draft recommendations on suitability or nonsuitability of the WSAs for inclusion in the National Wilderness Preservation System. Comments regarding the adequacy of the DEIS may also be submitted at these hearings. The hearings will be held at the county courthouses of Blaine and Gooding counties. In addition to the hearings, an open house to answer questions and to receive written comments will be held at the BLM District Office in Shoshone, Idaho.

DATES: Comments on the DEIS must be received in the Shoshone District Office no later than close of business on January 11, 1983.

The open house will be held at the BLM District Office in Shoshone, Idaho, on December 6, 1982, from 8:00 a.m. to 4:00 p.m.

A public hearing will be held in the courtroom of the Blaine County Courthouse in Hailey, Idaho, on December 7, 1982, beginning at 7:00 p.m. Also, a public hearing will be held in the courtroom of the Gooding County Courthouse in Gooding, Idaho, on December 8, 1982, beginning at 7:00 p.m.

ADDRESS: Comments should be sent to the Bureau of Land Management, Shoshone District Office, ATTN: EIS Team Leader, P.O. Box 2 B, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Rob Hellie, EIS Team Leader, at the above address. Telephone: (208) 886-2206 or FTS 554-6576.

SUPPLEMENTARY INFORMATION: Copies of the DEIS are being distributed to interested parties identified on the Shoshone District's mailing list. A limited number of additional copies are available at the above address. Reviewers are encouraged to retain the DEIS for future reference because the final EIS may not repeat all of the information in the DEIS.

Clair M. Whitlock,

State Director, Idaho.

[FR Doc. 82-30171 Filed 11-4-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Information Collection Submitted for Review

The proposals for the collection of information listed below have been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirements and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official, Mr. Jefferson Hill, at 202-395-7340.

Title: Coal Production and Royalty Report.
Bureau Form No.: 9-373a.
Frequency: Monthly, quarterly, or annually.
Description of Respondents: Lessees and operators of Federal and Indian coal leases.
Annual Responses: 2,600.
Annual Burden Hours: 3,500.
Bureau Clearance Officer:

Title: Production and Royalty Report.
Bureau Form No.: 9-368.
Frequency: Monthly or quarterly.
Description of Respondents: Lessees and operators of Federal and Indian solid mineral leases.
Annual Responses: 1,500.
Annual Burden Hours: 875.
Bureau Clearance Officer:

Dated: October 26, 1982.

Eddie R. Wyatt,

Acting Associate Director, Onshore Minerals Operations.

[FR Doc. 82-30458 Filed 11-4-82; 8:45 am]

BILLING CODE 4310-MR-M

Office of the Secretary

[516 DM 6, App. 5]

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Interior Department.

ACTION: Notice of final revised instructions for the Bureau of Land Management.

SUMMARY: This notice announces revisions to the actions categorically excluded from the NEPA process for the Bureau of Land Management. The proposed revised instructions were published in the **Federal Register** on December 9, 1980 (45 FR 60278).

EFFECTIVE DATE: October 29, 1982.

FOR FURTHER INFORMATION CONTACT: Bruce Blanchard, Director, Office of Environmental Project Review, Office of the Secretary, Department of the Interior, Washington, D.C. 20240, telephone (202) 343-3891. For Bureau of Land Management, contact Alan Stein, telephone (202) 653-8830.

SUPPLEMENTARY INFORMATION: This is a final revision to Section 5.4 of Appendix 5 to Chapter 6, Part 516 of the Departmental Manual (516 DM 6, App. 5.4). It revises and updates categorical exclusions previously published in the **Federal Register** January 23, 1981. The Department's NEPA procedures (516 DM 1-6) were published on April 23, 1980 (45 FR 47941). This revision is based on continued experience with the NEPA process in the Bureau of Land Management.

Response to Comments

We received six comments from industry, three from States, thirteen from interest groups, and fifty-seven from individuals. As a result of these comments and an internal review, changes have been made to improve the list, including minor changes for technical, clarifying and consistency reasons. The numbers cited at the beginning of the response refer to the numbers in the proposed list. The numbers cited at the end of the response refer to the final list as published here. Responses to comments are as follows:

General: Nine commenters supported the proposed list of exclusions and three were opposed. One commenter felt that the exclusions were too specific and too numerous. The commenter felt that BLM should revise the approach and develop a shorter list of more broadly defined categories. We have not adopted this suggestion but have combined some of the proposed exclusions where appropriate. We believe that the more specifically defined categories provide a greater degree of assurance that the exclusions are used properly.

Our exclusions normally do not result in significant impacts; however, we recognize that under extraordinary circumstances, certain of these actions could result in significant impacts. The Departmental Manual (516 DM 2.3A(3)) contains a list of exceptions against which categorical exclusions are screened. We have used this approach for more than a year and have found it to be reliable. We have deleted many of the qualifying phrases from our proposed exclusions because the qualifiers duplicate the screening for exceptions.

One commenter was concerned that categorical exclusions should not apply in wilderness study areas (WSA). We recognize the potential problems with WSA's. One of our exceptions adequately covers the concerns in WSA's by requiring an environmental assessment (EA) for actions which would adversely affect "wilderness areas." The determination of "adversely affect" would include a determination of the effect of an action on the non-impairment criteria for wilderness.

5.4A(6): Two commenters objected to excluding exploratory drilling. While such exploratory drilling takes place on public lands, BLM is not the agency which grants the permit authorizing the action. We have deleted this exclusion.

5.4B(28): Two commenters felt that land transfer actions should take place only after an EA is prepared. If an agency receiving responsibility to manage the land decides to change management practices, that agency is responsible for NEPA compliance. Thus, such a change in management of the land is not being excluded from the NEPA process by BLM. The exclusion has been expanded to cover all Federal agencies—5.4B(28).

5.4B(29)(32): Four commenters objected to excluding the right-of-way actions in proposed B(29) and two objected to those in proposed B(32). Our exceptions provide an adequate safeguard for identifying those individual actions where additional analysis is needed. The two exclusions were retained and combined because of their similarities—5.4B(29).

5.4B(33): Two commenters objected to excluding the granting of a right-of-way for a buried utility line or pipeline. The exclusion was reworded to clarify that it refers only to utility "distribution" lines—5.4B(31).

5.4B(37): One commenter objected to excluding the temporary placement of pipelines above ground along an existing road. Normally these actions do not result in significant impacts. They are typically small water pipelines. Rights-of-way are issued for a short, specified period of time. We have retained the exclusion—5.4B(32).

5.4B(34): One commenter objected to excluding the designation of existing transportation and utility corridors, particularly in the case of interstate corridors. Section 503 of the Federal Land Policy and Management Act of 1976 (FLPMA) encourages joint use of corridors and specifies that existing transportation and utility corridors may be designated without further review. The exclusion is not intended to cover the designation of new corridors. We have retained it and believe that our exceptions are adequate to identify those cases where designation of an existing corridor may result in significant impacts—5.4B(33).

5.4B(35): Two commenters objected to excluding the grant of a right-of-way within a designated corridor. One of their chief concerns was that the cumulative impacts of several rights-of-way within the same corridor may be significant. We agree with this concern and point out that cumulative impacts are considered in making the decision to designate a corridor. The language "within the intent of the designation" reflects this earlier consideration—5.4B(34).

5.4B(36): One commenter objected to excluding renewals, assignments and conversions of existing right-of-way grants. These actions do not convey additional rights beyond those allowed under the original grant. We have retained this exclusion—5.4B(35).

5.4B(38): One commenter objected to granting temporary use permits for storage sites involving little or no environmental disturbance primarily because of the vagueness of the qualifying phrase "little or no environmental disturbance." Many of these actions are minor and result in little or no environmental disturbance. Where such an action is assoicated with a larger proposed action, the exceptions would apply and it would not be categorically excluded. The qualifying phrase was deleted. We have retained this exclusion—5.4B(36).

5.4B(39): This item was broadened to cover more actions of a similar nature—5.4B(37).

5.4D(13): Four commenters objected to excluding the issuance of non-competitive geothermal leases. Our experience over eight years has shown that the existence of a commercially valuable resource in lands open to non-competitive leasing is very speculative and only a small number of non-competitive leases are expected to be developed. Moreover, the lease requires the lessee to submit a plan of development to the Federal Government. Approval of the plan of development is then conditional on the plan being found consistent with applicable statutes, regulations, etc. (including the NEPA process). Language was added to the final exclusion to clarify this point. In addition, all post lease surface distrubance activitites are subject to the approval of both the surface management agency (BLM or the Forest Service) and the Minerals Management Service (formerly part of the U.S. Geological Survey)—5.4D(12).

5.4D(14): One commenter suggested that we clarify this exclusion by specifying that disposal of mineral materials is "by sale." We have not adopted this suggestion because this exclusion was intended to cover free use disposal as well—5.4D(13).

5.4D(15): Five commenters objected to excluding prospecting permits for non-energy, non-competitive minerals. We have deleted this exclusion.

5.4D(16): Five commenters objected to excluding the processing and issuance of preference right leases for non-energy minerals. While these actions do not normally result in significant impacts, environmental assessments have been useful in decisionmaking by helping determine the appropriate terms and conditions for the lease. Consequently, we have deleted this exclusion.

5.4D(17): Three commenters objected to excluding the final issuance of preference right leases for coal. As with preference right leases for non-energy minerals, an environmental assessment is prepared to help determine terms and conditions for the lease. The final issuance of the lease incorporates these terms and conditions for the lease. The final issuance of the lease incorporates these terms and conditions. Therefore, this item was deleted.

5.4D(18): Three commenters objected to excluding the validation of mining claims. The validation of a mining claim is non-discretionary based upon the determination of a valuable discovery. Courts have held that validation of mining claims is not subject to NEPA compliance. Therefore, we have deleted this exclusion.

5.4D(19): Three commenters objected to this exclusion. The exclusion does not cover all competitive oil and gas leases. It is worded to make full use of the tiering concept in the CEQ regulations, the BLM planning process and the cases where oil and gas development is already taking place. We have retained this exclusion and believe our exceptions will be adequate to identify those actions where additional analysis is appropriate—5.4D(14).

5.4E(17): One commenter objected to excluding the issuance of special recreation permits * * * where use is similar to previous permits on which environmental documents have been prepared. The commenter was concerned that competitive vehicle events could result in cumulatively significant impacts over the years. We agree with this point; however, we believe our exceptions will be adequate to identify those permits where cumulatively significant impacts may be expected. In addition, the fact that a permit is granted based on a categorical exclusion does not mean that there would not be any effort to monitor the impacts of such events for future decisionmaking. We have retained the exclusion and do not treat competitive vehicle events differently than other special recreation permits in this category. We have combined this item with proposed E (16) and (25) because they are all special recreation permits—5.4E(16)a–d.

5.4E(18): Two commenters objected to excluding small timber sales for removal of individual trees. We have retained this exclusion because these actions normally do not result in significant impacts—5.4E(17).

5.4E(20): Three commenters objected to excluding precommercial thinning activities using mechanical methods. One commenter felt that presale activities such as precommercial thinning should be analyzed as a part of the land use plan in a general, rather than a specific context. The exclusion was modified to cover only the use of small mechanical devices so that precommercial thinning using vehicles would not be covered by the exclusion—5.4E(19).

5.4E(24): Three commenters objected to excluding ORV designations which do not increase the level of use or continue unsatisfactory environmental conditions. Two groups and fifty-five individual commenters supported the exclusion. One commenter was concerned that ORV designations which decrease the level of use may cause impacts to nearby areas. The exclusion was modified to ensure that nearby areas are considered in ORV designations—5.4E(23).

Three new exclusions were added (5.4B (39), (40) and 5.4E(24)). Comments are welcome and will be considered in periodic revisions to the Appendix.

We are deleting one exclusion from the January 23, 1981, list. The exclusion (5.4D(2)) covered actions taken in conjunction with 43 CFR Part 3809 which do not require an EA, pursuant to Section 3809.2-1. This exclusion was placed on the list in error. There is no Federal action associated with this Section of the regulations.

For ease in reference the entire Appendix is republished with the final revisions to Section 5.4 inserted. Minor updating changes have been made in Sections 5.1–5.3.

Dated: October 29, 1982.

William D. Bettenberg,

Deputy Assistant Secretary, Policy, Budget and Administration.

[516 DM 6]

Appendix 5—Bureau of Land Management

5.1 NEPA Responsibility

A. The *Director/Associate Director* are responsible for NEPA compliance for Bureau of Land Management (BLM) activities.

B. The *Deputy Director, Lands and Renewable Resources* is responsible for policy interpretation, program direction, leadership, and line management for BLM environmental policy, coordination, and procedures.

(1) *Office of Planning and Environmental Coordination.* Although this Office reports to the Deputy Director, Lands and Renewable Resources, it has Bureauwide NEPA responsibilities. These include providing program direction for NEPA compliance and ensuring the incorporation and integration of the NEPA process into BLM management systems and decision processes. Information about BLM environmental documents or the NEPA process can be obtained by contacting this Office.

C. The *Deputy Directors, Energy and Minerals, and Management Services,* are responsible for cooperating with the Deputy Director, Lands and Renewable Resources, to ensure that the NEPA process operates as prescribed within their areas of responsibility. This includes managing and ensuring the quality of environmental analyses, assigned environmental documents, and records of decision.

D. *State Directors* are responsible to the Director/Associate Director for overall direction and integration of the NEPA process into their activities and for NEPA compliance in their States. The Planning and Environmental Coordination (P&EC) unit provides major staff support and is the key focal point for NEPA matters at the State level.

(1) *District Managers* are responsible for implementing the NEPA process at the District level. The P&EC unit provides major support and is the key focal point for NEPA matters at the District level.

(2) *Area Managers* are responsible for implementing the NEPA process at the Resource Area level.

E. *Office of Special Projects,* which reports to the Director, Denver Service Center, is responsible for ensuring that the NEPA process operates as prescribed in its area of responsibility. This includes the organization for and preparation of environmental documents for major inter-State, non-BLM initiated development proposals and other major projects in accordance with established procedures or as assigned.

5.2 Guidance To Applicants

A. *General.* (1) Applicants should make initial contact with the line manager (Resource Area Manager, District Manager, or State Director) of the office where the affected public lands are located.

(2) If the application will affect responsibilities of more than one State Director, an applicant may contact any State Director whose jurisdiction is involved. In such cases, the Director may assign responsibility to the Headquarters Office, the Denver Service Center (Office of Special Projects), or to one of the State Offices at his discretion. From that point, the applicant will deal with the designated lead office.

(3) Potential applicants may secure State Directors a list of program regulations or other directives/guidance providing advice or requirements for submission of environmental information. The purpose of making these regulations known to potential applicants, in advance, is to assist them in presenting a detailed, adequate and accurate description of the proposal and alternatives when they file their application and to minimize the need to request additional information. This is a minimum list and additional requirements may be identified after detailed review of the formal submission and drug scoping.

(4) Since much of an applicant's planning may take place outside of BLM's Planning System, it is important for potential applicants to advise BLM of their planning at the earliest possible stage. Early communication is necessary to conduct properly our stewardship role on the public lands and to seek solutions to situations where private development decisions may conflict with public land use decisions. Early contact will also allow the determination of basic data needs concerning environmental amenities and values, potential data gaps that could be filled by the application and a modification of the list of requirements to fit unique local situations. Scheduling of the environmental analysis process can also be discussed, as well as various ways of preparing any environmental documents.

(B) *Regulations.* The following partial list provides guidance to applicants on program regulations which may apply to a particular application. Many other regulations deal with proposals affecting public lands, some of which are specific to BLM, while others are applicable across a broad range of Federal programs (e.g., Protection of Historic and Cultural Programs, 36 CFR Part 800).

(1) Management of Rights-of-Way and Related Facilities on Public Lands and Reimbursement of Costs (43 CFR Part 2800).

(2) Roads and Highways (43 CFR Part 2820).

(3) Rights-of-Way Under the Mineral Leasing Act (43 CFR Part 2880).

(4) Surface Management Requirements (43 CFR Part 3109).

(5) Surface Management Requirements; Special Requirements (43 CFR Part 3204).

(6) Coal Management; Federally-Owned Coal (43 CFR Part 3400).

(7) Leasing of Minerals Other Than Oil and Gas; General (43 CFR Part 3500).

(8) Exploration and Mining; Wilderness Review Program (43 CFR Part 3802).

(9) Surface Management of Public Lands Under the U.S. Mining Laws (43 CFR Part 3809).

5.3 Major Actions Normally Requiring an EIS

A. The following types of BLM proposals will normally require the preparation of an EIS:

(1) Approval of Resource Management Plans.

Note.—BLM land use plans, termed Management Framework Plans (MFP), for which EIS's are not normally prepared, are based on a set of procedures being phased out during the 1979–1983 period. During this same period, land use plans prescribed by the Federal Land Policy and Management Act

(FLPMA), termed Resource Management Plans (RMP), are being phased in.

(2) Approval of major activity plans, within MFP's, for grazing and timber management in accordance with criteria and schedule established in decrees and court orders.

Note.—To the extent practicable, these activity plans will be phased into RMP's in the future and their associated impacts will be included in the EIS's under paragraph (1) above. This should substantially reduce or eliminate the need for separate EIS's for activity plans.

(3) Recommendations of wilderness proposals to the Congress.

(4) Approval of regional coal lease sales schedules in a coal production region.

(5) Approval of applications to BLM for major actions in the following categories:

(a) Sites for major steam-electric powerplants, petroleum refineries, synfuels plants, and industrial facilities.

(b) Rights-of-way for major reservoirs, canals, pipelines, transmission lines, highways and railroads.

(6) Withdrawals from mineral entry under U.S. Mining Laws of 5,000 acres or more of public lands where evidence indicates minerals of more than nominal value are present or serious interest in mineral development has been expressed.

B. If, for any of these actions, it is proposed not to prepare an EIS, an EA will be prepared and handled in accordance with § 1501.4(e)(2).

5.4 Categorical Exclusions

In addition to the actions listed in the Departmental categorical exclusions outlined in Appendix 1 of 516 DM 2, many of which the Bureau also performs, the following BLM actions are designated categorical exclusions unless the action qualifies as an exception under 516 DM 2.3A(3):

A. *General.* (1) Inventory, data and information collection.

(2) Placing of monitoring equpment (e.g., stream gages).

(3) Non-manipulative research.

(4) Minor routine or preventive operation and maintenance activities on BLM facilities, lands and resource developments.

(5) Actions where BLM has concurrence or co-approval with another bureau and the action is a categorical exclusion for that bureau.

B. *Realty.* (1) Withdrawal continuations or extensions which would merely establish a specific time period and where there would be essentially no change in use and continuation would not lead to environmental degradation.

(2) Withdrawal continuations or extensions for administrative sites, location of facilities, other proprietary purposes, and roadside areas and buffer zones for other bureaus and the Forest Service.

(3) Withdrawal continuations or extensions where a report has been prepared which determined that the land contains minerals of no more than nominal value and there has not been serious interest in mineral development expressed, and no new uses would be permitted and existing uses would not lead to environmental degradation under the continuation.

(4) Withdrawal terminations, modifications or revocations if, because of other withdrawals, classifications, management decisions or administrative determinations that will survive the action, the status of the land, insofar as its availability for appropriation under the general land laws, will not be changed.

(5) Withdrawal terminations, modifications or revocations that, because of underlying withdrawals or statutory provisions, involve merely a record clearing procedure.

(6) Withdrawal revocations and opening orders for stock driveways.

(7) Withdrawal terminations, modifications or revocations and classification cancellations and opening orders where the land would be opened to discretionary land laws and where such future discretionary actions would be subject to the NEPA process.

(8) Withdrawal terminations, modifications or revocations and classification cancellations and opening orders where the land would be opened to the operation of the mining laws, if the land does not contain minerals of more than nominal value, as determined in accordance with the established practices and procedures of BLM and there has not been any serious interest in mineral development expressed.

(9) Withdrawal terminations, modifications or revocations and opening orders that the Secretary of the Interior is under a specific statutory directive to execute.

(10) Transfers of land or interest in land to other bureaus or the Secretary of Agriculture pursuant to Sections 205(c) or 206(c) of FLPMA when the land was acquired for that purpose and the acquisition was covered by an environmental document.

(11) All non-discretionary land actions in Alaska pursuant to the Alaska Native Claims Settlement Act (ANCSA), Alaska Statehood Act, and other statutes, including:

(a) ANCSA grants.

(b) Native allotments.

(c) Trade and manufacturing sites.

(d) Homesites.

(e) Headquarters sites.

(f) Homesteads.

(g) State selections.

(12) Administrative conveyances and leases to the State of Alaska to accommodate airports for which property rights existed prior to the enactment of NEPA.

(13) Continuations of Recreation and Public Purpose Act lands, small tract lands or other land disposal classifications where the surface has been patented and the locatable minerals are reserved to the United States.

(14) Actions taken in conveying mineral interests under Section 209(b) of FLPMA where the intended land use by the non-Federal surface owner would be consistent with surrounding land uses or would cause only minimal environmental impact.

(15) Color of Title cases (Class one).

(16) Recordable disclaimers of interest under Section 315 of FLPMA.

(17) Corrections of patents and other conveyance documents under Section 316 of FLPMA and other applicable statutes.

(18) Assignment of land use authorization (to another party) where the assignment conveys no additional rights beyond those granted in the original authorization.

(19) Transfer of use authorization from one agency to another when an action such as a boundary adjustment necessitates changing a right-of-way from one agency to another (e.g., Forest Service Special Land Use Permit to a BLM Title V right-of-way).

(20) Conversion of existing rights-of-way grants to Title V of FLPMA grants where no new facilities or other changes are needed.

(21) Rights-of-way inside another right-of-way or amendments to rights-of-way where minor deviations from or additions to the original right-of-way are involved and where there is an existing environmental document covering the same or similar impacts in the right-of-way area.

(22) Buried power or telephone lines in an existing right-of-way using the split trench method.

(23) Upgrading or adding new lines (power or telephone) to existing pole(s) when there is no change in pole configuration.

(24) Right-of-way for a single-poled power or telephone line to an individual residence, building or well from an existing line where installation of the line will involve no clearance of

vegetation from the right-of-way other than for placement of poles.

(25) Rights-of-way for overhead line (no pole or tower on BLM land) crossing over a corner of public land.

(26) Right-of-way which would add another radio transmitter to an approved communication site.

(27) Minor ancillary rights-of-way actions associated with the action of another bureau or Federal agency, and the action is a categorical exclusion for that bureau/agency, but only if a cooperative arrangement for the related actions provides for mutually acceptable mitigation measures.

(28) Transfer of land or interest in land to or from other bureaus or Federal agencies where current management will continue and future changes in management will be subject to the NEPA process.

(29) Easement acquisition, grants of right-of-way, temporary use permit, or minor modification to existing grants to use existing improvements, facilities or sites for the same or similar purpose.

(30) Grant of a right-of-way for a pipeline or a terminal transportation road, utility line or drop to an individual residence, well, building or facility adjacent thereto.

(31) Grant of a right-of-way for buried utility distribution line.

(32) Temporary placement of a pipeline above ground.

(33) Designation of existing transportation and utility corridors under Section 503 of FLPMA.

(34) Grant of a right-of-way within a designated corridor, within the intent of the designation.

(35) Renewals, assignments and conversions of existing right-of-way grants.

(36) Grant of temporary use permit for storage sites.

(37) Authorization of installation of devices to protect human or animal life; e.g., raptor electrocution prevention devices, grates across mines, etc.

(38) Issuance of land use authorization in Alaska on land which has been selected by and title will vest in State, native village or regional corporation selected land if the selecting entity does not object to or is promoting the action.

(39) Issuance of rights-of-way for ancillary facilities (gathering or feeder pipelines, tank batteries, access roads, power and communication lines and holding facilities) within an established, unitized or developing oil or gas field which has been covered by either a specific or a programmatic environmental document.

(40) Actions taken in connection with Sections 910 and 1431 of the Alaska National Interest Lands Conservation Act.

C. *Transportation.* (1) Placing of existing roads in BLM road net where no new facilities or other changes are needed.

(2) Installation of routine signs, markers or cattleguards on or adjacent to existing roads.

(3) Temporary road closures.

(4) Placement of recreational, special designation or information signs, visitor registers, kiosks and portable sanitation devices.

(5) Road maintenance activities.

D. *Minerals.* (1) Issuance of mineral patents.

(2) Approval of permits for geologic and paleontologic mapping, inventory, reconnaissance and surface collecting.

(3) Issuance of individual non-competitive upland oil and gas leases.

(4) Conversion of an abandoned oil well to a water well if water facilities are established near the well site only.

(5) Establishment of terms and conditions in Notices of Intent to conduct geophysical explorations of oil and gas pursuant to 43 CFR Part 3045.

(6) Approval of Notices of Intent to conduct geothermal resources exploration operations pursuant to 43 CFR Part 3209.

(7) Approval of a plan of operation for geothermal exploration or development when an environmental document has been prepared at the leasing stage.

(8) Approval of a plan for injection of geothermal fluids meeting the standards of GRO-4 (Environmental Protection Requirements).

(9) Approval of a plan for geothermal production when derived from a plan of utilization which has been covered by an environmental document.

(10) Findings of completeness furnished to the Office of Surface Mining for coal mining and operation plans filed under the Surface Mining Control and Reclamation Act.

(11) Mineral lease adjustments and transfers, including assignments and subleases.

(12) Issuance of individual non-competitive geothermal leases where there will be subsequent NEPA compliance prior to development.

(13) Disposal of small amounts of mineral materials as authorized by the Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

(14) Offering and issuance of upland competitive oil and gas leases where the issuance of the lease is consistent with existing land uses and has been covered by an areawide environmental document.

E. *Other.* (1) Cadastral surveys.

(2) Issuance of special use or short-term permits not entailing environmental disturbance.

(3) Small sales of sand and gravel, wood products or other materials from authorized sale areas.

(4) Dispersed non-commercial recreation activities such as rock collection, Christmas tree cutting and pine nut gathering.

(5) Issuance of grazing permits and leases and annual authorizations which are consistent with decisions covered by a grazing management EIS.

(6) Issuance of grazing permits and leases and annual authorizations in areas scheduled for the preparation of a grazing management EIS which do not increase the level of use or continue unsatisfactory environmental conditions.

(7) Land cultivation activities in forest tree nurseries.

(8) Construction of guzzlers, spring developments and other small water harvesting facilities for wildlife water.

(9) Modification of existing fences to provide improved wildlife ingress and egress.

(10) Reintroduction of endemic or native species into their historical habitats, other than endangered or threatened species.

(11) Construction and maintenance of snow fences for safety purposes or to accumulate snow for small water facilities.

(12) Maintenance of existing water facilities.

(13) Small exclosures constructed for protective purposes, including those to protect reservoirs and springs and those to protect small study areas.

(14) Free use of small quantities of sand and gravel, vegetative products or other materials for non-commercial purposes.

(15) Removal of non-valuable, recent structures and materials (including abandoned automobiles, dumps, fences and buildings) and reclamation of the site.

(16) Issuance of special recreation permits:

(a) To organized groups for search and rescue training, orienteering or similar activities.

(b) For dog trials, endurance horse races and similar events.

(c) Along rivers, trails and other specified areas where use is similar to previous permits for which environmental documents have been prepared, and which would not substantially increase the level of use or continue unsatisfactory environmental conditions.

(d) Where uses are consistent with planning decisions or ORV designations, as applicable, or where there will be no surface disturbance.

(17) Small timber sales for removal of individual trees which are dead, diseased, injured or which constitute a safety hazard, and where the removal requires no more than minor improvement (maintenance) to existing rights-of-way.

(18) Reseeding or reforestation of old timber sale or burn areas where no chemicals are used and there is no conversion of timber type or conversion of nonforested to forested land.

(19) Precommercial thinning activities using small mechanical devices.

(20) Issuance of reindeer grazing permits in Alaska which are consistent with an approved land use plan.

(21) Issuance of authorization for temporary use of small sites for field work camps.

(22) Removal of log jams and debris dams using hand labor or small mechanical devices.

(23) ORV designations which are the result of planning decisions for which there has been NEPA compliance.

(24) Preparation and implementation of Wildlife Management Plans, cooperatively completed with State agencies under authority of the Sikes Act, Title II, Pub. L. 93-452.

[FR Doc. 82-30457 Filed 11-4-82; 8:45 am]

BILLING CODE 4310-84-M

Office of Surface Mining and Enforcement

Abandoned Mine Lands Reclamation Program—Ohio

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Notice of Availability of Findings of No Significant Impact (FONSI) addressing Environmental Assessments (EA's) for the development of two (2) abandoned mine land projects under the State of Ohio Reclamation Plan.

SUMMARY: The Eastern Technical Center, OSM, has prepared two (2) FONSI's based on EA's prepared by the Ohio Department of Natural Resources for two (2) reclamation projects indicated below and included in the grant developed under Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), 30 U.S.C. 1231-1234.

ADDRESS: Copies of the EA's and FONSI's are available for inspection or may be obtained at the following location between the hours of 8:00 a.m. and 4:30 p.m.: Office of Surface Mining Reclamation and Enforcement, Ohio Field Office, 2242 South Hamilton Road, Columbus, Ohio 43227, (614) 866-0578.

FOR FURTHER INFORMATION CONTACT: Nina Rose Hatfield, Director, Ohio Field Office (address above).

Reclamation projects included in FONSI's, location and description:

1. Village of Richmond Project, Jefferson County (reclaim approximately 10 acres of land that is composed of an abandoned strip mine pit, associated spoil banks, and a 50-foot highwall).

2. Perko Project, Belmont County (reclaim and stabilize an earth slip that jeopardizes a local residence).

Dated: November 1, 1982.

J. Steven Griles,

Acting Director, Office of Surface Mining.

[FR Doc. 82-30516 Filed 11-04-82; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or to use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. *Parent corporation and address of principal office.* NERCO Coal Company, 4243 Hunt Road, Cincinnati, OH 45242.

2. *Wholly-Owned subsidiaries which will participate in the operations, and State(s) of incorporation.*

Associated Mining Company, 608 E. Main, Washington, Indiana 47501
Bankhead Mining Company, Inc., P.O. Box 1629, Jasper, Alabama 35501
Cobb Coal Company, Inc., P.O. Box 760, Carbon Hill, Alabama 35549
NERCO Coal Sales Co., 4243 Hunt Road, Cincinnati, Ohio 45242
NERCO Transportation Company, 4900 Shamrock Drive, Evansville, Indiana 47715
P-V Mining Company, Inc., P.O. Box 207, Huntingburg, Indiana 47542
Sand Mountain Minerals, Inc., P.O. Box 170, Pisgah, Alabama 35765
Sequatchie Valley Coal Corporation, Box 30688 Star Route, Dunlap, Tennessee 37327

1. Parent corporation and address of principal office: PepsiCo, Inc., Purchase, NY 10577

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(1) Beverages, Foods & Service Industries, Inc., c/o PepsiCo, Purchase, NY 10577
(2) Conroe Packaging, Inc., 222 Loop 336 East, P.O. Box Y, Conroe, TX 77301
(3) Frito-Lay, Inc., P.O. Box 35034, Dallas, TX 75235
(4) National Beverages, Inc., 1700 Directors Row, Orlando, FL 32809
(5) PBG Beverage Distributors, Inc., c/o PepsiCo, Purchase, NY 10577
(6) Pepsi-Cola Bottling Co. of Los Angeles, Inc., P.O. Box 3338, Torrance, CA 90510
(7) Pepsi-Cola Bottling Company of Puerto Rico, Inc., P.O. Box 1709, Hato Rey, Puerto Rico 00919
(8) Pepsi-Cola Interamericana, S.A., c/o PepsiCo, Purchase, NY 10577
(9) Pepsi-Cola Metropolitan Bottling Company, Inc., c/o PepsiCo, Purchase, NY 10577
(10) Pepsi-Cola Panamericana, S.A., c/o PepsiCo, Purchase, NY 10577
(11) PepsiCo World Trading Company, Inc., c/o PepsiCo, Purchase, NY 10577
(12) Advance Moving & Storage, Inc., 650 North Second Ave., Phoenix, AZ 85003
(13) Agency Media Services, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801
(14) Fleet Insurance Management, Inc., c/o NAVL, Box 988, Fort Wayne, IN 46801
(15) Great Falls North American, Inc., P.O. Box 1414, Great Falls, MT 59401
(16) Lee Way Motor Freight, Inc., P.O. Box 12750, Oklahoma City, OK 73157
(17) Marlew of El Paso, Inc., 8201 Lockhead Drive, El Paso, Tx 79225
(18) Moving Credit, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801
(19) NACAL, Inc. 12842 Valley View, Garden Grove, CA 92645
(20) North American Distribution Systems, Inc., P.O. Box 411, New Haven, IN 46774
(21) North American Forwarding, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801
(22) North American Moving & Storage, Inc., 2122 Bremer Road, Fort Wayne, IN 46803
(23) North American Properties, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801
(24) North American Van Lines, Inc., P.O. Box 988, Fort Wayne, IN 46801
(25) North American Van Lines of Texas, Inc., 811 Central Expressway, Richardson, TX 75080
(26) Tractor Power, Inc., d.b.a. Fleet Service, c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801
(27) Transportation Collections, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801

(28) Triangle Fleet Service, Inc., 801 W. California Road, Fort Wayne, IN 46808
(29) Pizza Hut, Inc., P.O. Box 428, Wichita, KS 67201
(30) Aurora Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(31) Bender Pizza, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(32) Buckeye PH, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(33) Blues Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(34) Chesapeake Bay Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(35) Denver Pizza, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(36) East Moline Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(37) Fiesta Cantina of Ohio, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(38) Franchise Services, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(39) Franchise Services of Kansas, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(40) Indianapolis Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(41) J & G Products, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(42) Lake Michigan Management Co., Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(43) Long's Appleton, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(44) Long's Green Bay #2, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(45) Long's Marshfield, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(46) Long's Neenah, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(47) Long's Wausau #2, Inc., c/o Pizza Hut, P.O: Box 428, Wichita, KS 67201
(48) Mountaineer Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(49) Oriole Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(50) Pizza Hut, Inc., of LaCrosse, c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(51) Pizza Hut of America, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(52) Pizza Hut of Boston, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(53) Pizza Hut of Columbia, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(54) Pizza Hut of Gainesville, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(55) Pizza Hut of Georgia, Inc., P.O. Box 428, Wichita, KS 67201
(56) Pizza Hut of Jeffersonville, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(57) Pizza Hut of Kalamazoo, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(58) Pizza Hut of Knoxville Corporation, c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(59) Pizza Huts of Las Vegas, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(60) Pizza Hut of Louisiana, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(61) Pizza Hut of Louisville, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(62) Pizza Hut of Massachusetts, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(63) Pizza Huts of North Carolina, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(64) Pizza Hut of North Haven, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(65) Pizza Hut of Oklahoma, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(66) Pizza Hut of Oregon, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(67) Pizza Hut of Racine, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(68) Pizza Hut of Rochester, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(69) Pizza Hut of San Diego, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(70) Pizza Hut of Santa Fe, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(71) Pizza Hut of Spokane, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(72) Pizza Hut of Utah, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(73) Pizza Hut of Virginia, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(74) Pizza Hut of West Allis, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(75) Pizza Hut of Wichita, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(76) Pizza Hut of Wisconsin, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(77) Pizza Hut of Zion, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(78) Ross Pizza, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(79) Second Concept, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(80) Sioux Falls Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(81) Sun Devil Pizza Hut, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(82) Taco Kid of Wichita #2, Inc., c/o Pizza Hut, P.O. Box 428, Wichita, KS 67201
(83) Taco Bell, 17381 Red Hill Ave., Irvine, CA 92714
(84) Bell Food Services, Inc., c/o Taco Bell, 17381 Red Hill Ave., Irvine, CA 92714
(85) Taco Bell of Ohio, Inc., c/o Taco Bell, 17381 Red Hill Ave., Irvine, CA 92714
(86) Southwest Snack Equipment, Inc., 900 North Loop 12, Irving, TX 75061
(87) Marlew of Lubbock, Inc., 23rd St. at Ave. E., Box 818, Lubbock, TX 79408
(88) Tri-City Moving & Storage, Inc., c/o NAVL, P.O. Box 988, Fort Wayne, IN 46801
(89) PepsiCo Foods Systems, Inc., P.O. Box 3037, Wichita, KS 67201
(90) Wilson Sporting Goods Co., 2233 West St., River Grove, IL 60171
(91) Sabritas S.A. de C.V., Apartado Postal 15-112, Mexico 15, D.S., Mexico
(92) Pioneer Freight, Inc., P.O. Box 12750, Oklahoma City, OK 73157
(93) Temati, S.A. de C.V., Calle #7, Norte #108, Colonia Industrial, Nva Tijuana, Tijuana, Baja California, Mexico

1. Parent corporation and address of principal office: Pincombe Enterprises, LTD., Box 1480, 406 1st Ave. W., Kindersley, Saskatchewan, Canada S0L 1S0.

2. Wholly-owned subsidiary which will participate in the operation and address of principal office: Sitter's Transport, LTD., Box 1480, 406 1st Ave. W., Kindersley, Saskatchewan, CD S0L 1S0.

1. Parent corporation and address: Pitney Bowes, Wheeler Drive, Stamford, Connecticut 06904.

2. Wholly-owned subsidiaries which will participate in the operation and the States of incorporation: Monarch Marking, Miamisburg, Ohio, Monarch Marking, Industrial Operations Division, Miamisburg, OH, Presto Adhesives, Miamisburg, OH.

1. Parent Corporation: The Stroh Companies, Inc., One Stroh Drive, Detroit, Michigan 48226.

2. Wholly-owned subsidiaries and their State of incorporation:

(i) F. & M. Schaefer Corp., New York
(ii) Jos Schlitz Brewing Co., Wisconsin
(iii) Goebel Brewing Co., Michigan

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-30454 Filed 11-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Administrative Ruling No. 131]

Motor Carrier Rate Bureau Activities

October 28, 1982.

This is an administrative ruling of the Office of Compliance and Consumer Assistance made in response to questions or disagreements that have arisen in the course of the Commission's compliance surveys and its monitoring of rate bureau activities. The ruling indicates what is deemed by the Office to be the correct application and interpretation of the Act and/or regulations and, except where authority for the ruling is cited, is made in the absence of authoritative Commission decisions on the subject.

Question 1

Are all meetings at which rates or rules are to be discussed and/or voted on required to be publicized and open to the public?

Answer

Yes. The legislative history of the Motor Carrier Act of 1980 (MCA) demonstrates strong Congressional concern regarding closed rate bureau proceedings. The opportunity to monitor rate bureau meetings by the public is necessary to protect the public interest and foster the competitive goals of the MCA.

The MCA requires that, "upon request, the organization must divulge to any person the name of the proponent of a rule or rate docketed with it, must admit any person to *any* meeting at which rates or rules will be discussed or voted upon, and must divulge to any person the vote cast by any member carrier on any proposal before the organization." 49 U.S.C. 10706(b)(3)(B)(v).

In Ex Parte No. 297 (Sub-No. 5), 45 FR 86736; December 31, 1980, the Commission required that rate bureaus afford reasonable notice of scheduled meetings in its docket bulletin. In addition to stating the time and place of the meeting, the notice must identify the rates or rules which will be on the agenda; a list or general description of the commodities moving under a rate; the appropriate origin and destination points; the justification for the proposed action; and any other relevant information.

All aspects of ratemaking should be open to all interested parties regardless of whether the issue is addressed in a committee or subcommittee meeting and regardless of whether the item to be discussed has been docketed. To assure that notification requirements are meaningful, discussion of agenda items relating to "any other rate or rule matters brought to the floor" should be limited to the question of whether such items should be included on the agenda for later meetings.

Question 2

May a rate bureau member, which holds authority to participate in the transportation to which a rate proposal applies, vote on a bureau proposal even though it has established and intends to maintain a rate for such transportation in its individually published tariff?

Answer

Yes. The language used in the statute (49 U.S.C. 10706(b)(3)(B)(i)) allows or permits those carriers "to vote which hold authority to participate in transportation to which the rate proposal applies." In Ex Parte No. 297 (Sub-No. 5), the Commission established this as the threshold requirement for voting, but indicated that the membership of individual bureaus may determine whether to require participation in the tariff item as an additional requirement in voting on collective action rates.

Question 3

Is a written affirmation of authority to participate in the transportation to which a rate proposal applies required for every stage of procedure, such as deferral, amendment, etc., which takes place prior to final disposition of the proposal?

Answer

Yes. Ability to vote on a proposal is dependent on the authority to participate in the transportation to which the proposed rate applies. 49 U.S.C. 10706(b)(3)(B)(i). Voting on a motion to amend or defer a proposal, for example, is a vote as contemplated under the statute. It should not be considered a mere ministerial step in the formulation of subject matter of the proposal. Thus only carriers who hold appropriate authority may vote on such motions.

Voting may be accomplished by a showing of hands, by voice, or by written ballot, as the membership chooses. However, the rate bureau is still bound to record and divulge the vote cast by any member carrier on any proposal before the organization upon request. 49 U.S.C. 10706(b)(3)(B)(v). If the rate bureau elects not to use written ballots for such interim votes, it must include the names and positions of members who voted on such issues by a showing of hands or by voice in the minutes of the meeting, or make alternative arrangements to satisfy the sunshine requirement.

Question 4

Finding 14, Ex Parte No. 297, Rate Bureau Investigation, 351 ICC 437, 451 (1976), prohibited rate bureaus from making a disposition of a proposal which, after docketing, was broadened in territorial or commodity scope, until the change is given prior adequate notice. Does the word "broadened" also encompass "diminishing" the territorial or commodity scope of a proposal?

Answer

Yes. The Commission's findings in Ex Parte No. 297 are contained in two printed reports: 349 ICC 811 (1975) and 351 ICC 437 (1976). Those findings were affirmed in *Motor Carriers Tariff Ass'n* v. *United States,* 559 F. 2d 1251 (4th Cir., 1977). When both ICC reports are read together, it is apparent that the Commission intended to answer this question in the affirmative.

Rate Bureau Investigation, 349 ICC 811, 832–33 (1975) states in relevant part:

> In some instances, individual rate proposals are changed after docketing and after public notice to either add or delete points of origin, destination, or commodity descriptions. . . . Our major concern is that all affected parties to any rate change proposal be afforded adequate public notice and an opportunity to be heard and to participate.

A shipper group requested reconsideration of this finding, but the Commission declined to modify its earlier holding.

> * * * our initial report made no distinction between rate proposals for increases or reductions but spoke of "changed" or "broadened" proposals. However, whether increases or reductions are involved, the issue is the same * * *
>
> We adhere to our prior determination that notice is of such overriding importance that our requirement must stand. Absent such a prohibition, commodity and/or territorial changes could be made in proposals which would affect many other interested parties without their knowledge * * *

351 ICC 437, 452 (1976) (emphasis added)

Question 5

A. Does the open meeting provision of the MCA, discussed in Question 1, require the bureau to divulge the name of an objector to a proposal if such information is requested?

Answer

Yes. The intent of MCA is clear. There are to be no secrets in collective ratemaking. Objections or protests are an important part of the procedures. As a regular practice, in the absence of objections or protests, proposals automatically become final.

In the major rate bureaus, if there are protests or objections, the proposals are referred to a General Rate Committee (GRC). Therefore, names of objectors should be revealed if sought.

B. May the bureau reveal the identity of joiners to an independent action?

Answer

Not without authorization. The identity of a Joiner to an Independent Action may be revealed only if specifically authorized in writing by the Joiner. Joining an advance notice Independent Action constitutes the taking of a separate and distinct action and may not be publicized without such written authorization.

Question 6

Must there be a quorum in attendance at *all* stages of a motor carrier rate bureau meeting in order to continue validly to conduct business?

Answer

Yes. The Motor Carrier Act of 1980 directed the Commission to determine reasonable quorum standards for rate bureau meetings. 49 U.S.C. 10706(b)(3)(F). The Commission has established the quorum at 30 percent of the membership of the organization, or 30 percent of the committee holding a meeting, as appropriate. *Motor Carrier, Rate Bureaus - Imp. of Pub. L. 98-290,* 364 ICC 923 (1981) Because of this legislative directive, the Commission's rules regarding quorums take precedence over any other rules for the conduct of meetings.

In the absence of a quorum, any business transacted is without immunity from the antitrust laws. The only action that can legally be taken in the absence of a quorum is to fix the time at which to adjourn, recess, or take measures to obtain a quorum.

Question 7

A. Do proposals initially submitted to apply only for the account of the "proponent" and "carriers" desiring to join constitute the taking of Independent Actions by all parties?

Answer

Yes. When the initial intent at the time of submittal is to restrict application of a proposal to the "proponent" and "carriers desiring", such submittal must be construed as an independent action on the part of the initiator as well as carriers joining. Accordingly all prohibitions against discussion, publicity and cancellation must be applied. To hold otherwise would allow circumvention of prohibitions against discussion, advance docketing, and cancellation of IAs merely by applying the term "proposal" to an "announcement."

B. May proposals which are originally submitted for application to all eligible members be amended during the disposition process to apply only for the account of the proponent and carriers desiring to join?

Answer

No. Not unless there is provision for such a procedure in an agreement approved by the Commission. Antitrust immunity does not accrue to any tariff item established under a procedure which has not been given Commission approval or is not specifically authorized by law. *National Bus Traffic Association Agreement,* 278 ICC 147; *Specialized Motor Carriers Association,* 293 ICC 265; *Indiana Motor Rate and Traffic Bureau,* 297 ICC 593.

Question 8

Can rate bureaus rely on blanket letters of instruction to determine if and when independent actions are to be docketed?

Answer

No. Ex Parte No. 297 (Sub-No. 5) requires that: each agreement must provide that, in submitting independent actions, the proponent must indicate in writing exactly whether the item is to be docketed and, when docketing is to occur. If specific instructions are not given, the bureau may not docket the proposal until it has been filed with the Commission.

Each independent action is a conscious act on the part of the carrier. The initiator is required to submit each announcement in writing and each announcement is required to contain specific docketing instructions. It is the carrier's responsibility to give explicit instructions on each action to the bureau regarding docketing.

Question 9

When may a bureau announce or docket independent actions on which no advance notice is to be given?

Answer

Not until an appropriate tariff has been filed with the Commission. The Bureau of Traffic has consistently held that a tariff is considered filed only after it has been received at the Commission's office in Washington, D.C. Accordingly, docketing may not occur until receipt at the Commission. The date of deposit in the mail is not determinative.

Question 10

Does rulemaking pertaining to Section 10706(b)(3)(B)(ii) permit rate bureaus to provide notice to carrier members which have rates established by Independent Action when in receipt of another carrier's Independent Action which establishes a different rate for similar transportation?

Answer

No. Rulemaking pertaining to Section 10706(b)(3)(B)(ii) of the Act permits notification only when a submittal is received which will change or cancel existing Independent Actions. Lawful procedures employed to establish Independent Actions preclude the automatic cancellation or change of a rate established by Independent Action upon receipt of another carrier's IA. Without the written consent of the carriers with established IAs no change or cancellation as to its rates is accomplished.

A previously independently established rate, however, could become inapplicable when a Bureau is in receipt of a proposal (other than general increase/decrease or broad rate restructuring) which, if approved, would apply to all eligible members (including the independent actor) and result in a lower rate than established by IA. In this situation, if the Initiator of the estabished IA failed to "flag out" of such a proposal its IA rate would be automatically inapplicable. (Commission rules require that if two different rates are on file for similar transportation, the lower of the two must be assessed. Thus the rate would change without written consent of the Initiator.)

Accordingly, when in receipt of proposals which, when received or when amended prior to disposition, will result in rates lower than established by IA, bureaus, in the absence of instructions from the Initiator of the independent action, must notify the Independent Actor that its IA rates will not longer have application unless new action is taken.

This, however, should not be construed to authorize notice to the Initiator of the prior Independent Action of another carrier's independent action establishing a different rate for similar transportation.

In the event of disagreement with the ruling, or portions of it, a petition may be filed in accordance with Section 5(d) of the Administrative Procedure Act, 5 U.S.C. 554(e), which permits the

Commission in its discretion to issue declaratory orders to end controversies or remove uncertainties.

J. Warren McFarland,

Director.

[FR Doc. 82-30455 Filed 11-4-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 122)]

Rail Carriers; Burlington Northern Railroad Company—Abandonment—Between Lewistown and Liverpool, IL; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 8.93 mile rail line between Lewistown, IL (milepost 0.00) and Liverpool, IL (milepost 8.93) in Fulton County, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued, and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information on procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30452 Filed 11-4-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Bureau of Prisons

Advisory Corrections Council; Meeting

Notice is hereby given that the Advisory Corrections Council in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on November 15, 1982, at the Department of Justice, Washington, D.C.

The purpose of the meeting is to discuss: Prison/jail overcrowding Issue; Proposal for concurrent jurisdiction at U.S. Penitentiary, Marion, Illinois; Senate Bill 1747 concerning Federal Prisons Industries and other corrections related topics.

Signed at Washington, D.C., this 1st day of November 1982.

Norman A. Carlson,

Director, Bureau of Prisons.

[FR Doc. 82-30437 Filed 11-04-82; 8:45 am]

BILLING CODE 4410-05-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council Committees; Meetings and Agenda

The regular autumn meetings of committees of the Labor Research Advisory Council will be held on November 30, December 1, and 2, in Room N-5437, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

Tuesday, November 30: 9:30 a.m.—Committee on Employment Structure and Analysis

1. Report on thirteenth ILO Conference of Labor Statisticians—ILO definitions of labor force, employment, unemployment, and underemployment
2. Report on study of duration of unemployment
3. Question on union membership in Current Population Survey
4. Status of revision of 790 report series
5. Discussion of source of difference between the official total unemployment rate and the unemployment insurance (UI) rates
6. Report on trends in defense employment

Tuesday, November 30: 1:30 p.m.—Committee on Prices and Living Conditions

1. Status of homeownership change
2. Status of Continuing Expenditure Survey
3. Plans for CPI revision

Wednesday, December 1: 9:45 a.m.—Committee on Occupational Safety and Health Statistics

1. Discussion of the results of the 1981 annual survey
2. Recordkeeping developments
3. Discussion of Federal-State statistical grant program for Fiscal Year 1983
4. Discussion of Work Injury Reports surveys
5. Supplementary Data System update
6. Other business

Wednesday, December 1: 1:30 p.m.—Committee on Wages and Industrial Relations

1. Review of Office of Wages and Industrial Relations work
2. 1982 patterns in collective bargaining
3. Data needs for collective bargaining—open discussion
4. Other business

Thursday, December 2: 9:30 a.m.—Committee on Foreign Labor and Trade

1. Discussion of all phases of thirteenth ILO Conference of Labor Satisticians: Labor force, occupational injuries, occupational wages, international coding of labor statistics
2. Report on status of programs:
   (a) Trade monitoring
   (b) International comparisons—unemployment, productivity, and labor cost

Thursday, December 2: 1:30 p.m.—Committee on Productivity, Technology and Economic Growth

1. Review of work in progress in the Office of Economic Growth:
   (a) Using BLS projections to examine prospective employment growth in high technology industries;
   (b) Construction industry employment;
   (c) Review of past employment changes in the defense related industries
2. Discussion of the assumptions for the BLS 1995 Projections
3. Current status of the multi-factor productivity measure

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 272-5239.

Signed at Washington, D.C. this 1st day of November 1982.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc 82-30512 Filed 11-04-82; 8:45 am]

BILLING CODE 4510-24-M

Business Research Advisory Council's Committee on Occupational Safety and Health; Meeting

The BRAC Committee on Occupational Safety and Health will meet on Tuesday, November 30, 1982, at 10:00 a.m., in Room N-3437 of the Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C.

The Business Research Advisory Council and its committee advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of technical officers from American business and industry. The agenda for the meeting is as follows:

1. Discussion of the results of the 1981 annual survey;
2. Recordkeeping development;
3. Discussion of Federal-State statistical grant program for fiscal year 1983;
4. Discussion of Work Injury Reports surveys;
5. Supplementary Data System update;
6. Other Business.

This meeting is open to the public. It is suggested that persons planning to attend as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on Area Code (202) 272–5241.

Signed at Washington, D.C., this 29th day of October 1982.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 82-30513 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-82-80-C]

Kenellis Energies, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Kenellis Energies, Inc., Route 2—Box 74, Galatia, IL 62935–9620 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Brushy Creek Mine (I.D. No. 11–02636) located in Saline County, Illinois. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the use of a locked padlock to secure screw caps in place on battery-operated S & S scoops and tractors.

2. Petitioner states that there is an element of danger in having plugs locked together in the event of a fire occurring on the scoop's electrical components, which would result in a diminution of safety for the miners affected.

3. As an alternative method, petitioner proposes that a modified locking device in the form of a threaded bolt, which will prevent loosening of the threaded ring, be used in lieu of a padlock. This device will serve the same purpose as a padlock; it could not fall out of place but could easily be removed in the event of an emergency.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 6, 1982. Copies of the petition are available for inspection at that address.

Dated: November 1, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-30514 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-72-C]

Hopkins Creek Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Hopkins Creek Coal Company, P.O. Box 739, Elkhorn City, Kentucky 41522 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its No. 1 Mine (I.D. No. 15–11602) located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. The coal seam ranges in height from 34 inches to 39 inches, with undualating top and bottom conditions.

3. Petitioner states that the application of the standard would result in a diminution of safety for the miners affected because the canopies have to be installed in a manner to prevent them from striking and weakening the roof support system. Such installation causes an equipment compartment which cramps the operator's position and impairs visibility, which could lead to and contribute to accidents.

4. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 6, 1982. Copies of the petition are available for inspection at that address.

Dated: November 1, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-30515 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-73-C]

Emerald Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

Amoco Minerals Company, 7000 South Yosemite Street, P.O. Box 3299, Englewood, Colorado 80155, has filed, on behalf of Emerald Mines Corporation, a petition to modify the application of 30 CFR 75.1707 (escapeways; intake air; separation from belt and trolley haulage entries) to its Emerald Mine No. 1 (I.D. No. 36–05466) located in Greene County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the escapeway required to be ventilated with intake air be separated from the belt and trolley haulage entries of the mine for the entire length of such entries to the beginning of each working section.

2. The mine's longwall development sections (headgate and tailgate) are designed with a four-entry system. Typically, during development, the No. 1 entry is used as a return, the No. 2 entry is used for the development belt-line, the No. 3 entry is the intake escapeway and contains the supply track, while the No. 4 entry is used as a return.

3. As an alternative method, petitioner proposes that during production shifts:

a. The No. 3 entry (escapeway-track entry) will be developed with track and trolley wire;

b. At the entrance to the section, double air-lock doors will be installed so at that point escapeway air can be introduced. A trolley line switch will be installed at a strategic location out by the air-lock doors and will be padlocked in the "out" position. The keys to the padlock will remain in the possession of the general mine foreman, assistant general mine foreman, and the two foremen on each shift. Only these persons may authorize the use of the key to energize the trolley wire;

c. Under normal operating conditions, the trolley wire will not be energized during any shift while miners are producing coal in the affected section;

d. If the trolley wire must be energized during a production shift, production activities will stop at once and all employees at the face will be notified and removed to the section loading point. During normal production shifts, the intake escapeway air will be provided by the escapeway-track entry with the trolley wire de-energized.

e. The trolley wire will not be energized during any shift or between shifts for mantrips. Battery-powered portal buses will be used to transport employees to and from these sections.

4. In addition, petitioner proposes that the trolley wire may be energized to transport section supplies on off-shifts, idle days, or between shifts when no employees other than those involved in transporting and handling supplies will be in the section and those persons making required examinations. The trolley wire will also be energized when necessary to perform work requiring track-mounted DC equipment. At this time, no employees will be in the section except for those persons performing such work and persons making required examinations.

5. A sign will be conspicuously placed at the entrance to the section on the track haulage outby the air-lock doors warning employees of necessary precautions. Employees working on these development sections for the longwall panels of the mine will be informed of the escapeway system on these sections.

6. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 6, 1982. Copies of the petition are available for inspection at that address.

Dated: October 25, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-30088 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-91-C]

Pansy Hollow Contractors, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Pansy Hollow Contractors, Inc., R.D. 3, Brookville, Pennsylvania 15825 has filed a petition to modify the application of 30 CFR 77.403 (mobile equipment; falling object protective structures (FOPS) to its Blackhawk Mine (I.D. No. 36-06172) located in Jefferson County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that falling object protective structures (FOPS) be installed on equipment used in surface coal mines to protect the equipment operator.

2. The petitioner is using a garden-type tractor equipped with a brush to sweep the surface of a block of coal prior to loading the coal into trucks. This sweeping operation takes approximately one hour to complete with one tractor compared to three hours of work by four persons using hand-held push brooms. The use of push brooms would expose more miners to the hazard of falling objects over a longer period of time.

3. Petitioner states that the addition of a FOPS device to this tractor would significantly reduce the tractor operator's visibility, impairing the machine's maneuverability, resulting in a diminution of safety.

4. As a precaution, petitioner states that an observer will be used to watch the highwall while the tractor is being operated.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before December 6, 1982. Copies of the petition are available for inspection at that address.

Dated: October 21, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-30089 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-29-M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 82-183; Exemption Application L-3372]

Exemption From the Prohibitions for Certain Transactions Involving the Florida Painters District Council No. 56 Vacation Trust Fund Located in Miami, Florida

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the transfer of certain funds by the Painters District Council No. 56 Vacation Trust Fund (the Vacation Plan) to the Florida Painters and Decorators Health and Hospitalization Fund (the Painters Health Plan) and the Painting, Drywall and Allied Trades Health and Hospitalization Plan (the Allied Health Plan).

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216 (202) 523-8883. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 6, 1982, notice was published in the **Federal Register** (47 FR 34219) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) for certain transactions described in an application filed by the Vacation Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of notice to interested persons as stated in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act. These provisions include any prohibited transaction provisions to which the

exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act.

(2) This exemption does not extend to transactions prohibited under section 406(a), 406(b)(1) and 406(b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Vacation Plan, the Painters Health Plan and the Allied Health Plan and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Vacation Plan, the Painters Health Plan and the Allied Health Plan.

Accordingly, the restrictions of section 406(b)(2) of the Act shall not apply to transfer of the unclaimed reserves from the Vacation Plan to the Painters Health Plan and the Allied Health Plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of November 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-30506 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82–182; Exemption Application Nos. D–3338 and D–3339]

Exemption From the Prohibitions for Certain Transactions Involving the Manufacturers Aids Company Profit Sharing Plan and the Manufacturers Aids Company Pension Plan Located in Elk Grove Village, Illinois

AGENCY: Pension and Walfare Benefit Program Office, Labor.

ACTION: Grant of individual exemption

SUMMARY: This exemption will permit the proposed sale of certain stock (the Stock) by the Manufacturers Aids Company Profit Sharing Plan (the Profit Sharing Plan) and the Manufacturers Aids Company Pension Plan (the Pension Plan, together, the Plans) to the Manufacturers Aids Company (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523–7222. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 6, 1982, notice was published in the **Federal Register** (47 FR 34348) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of sections 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has satisfied the notification provisions as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 57713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory of administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interest of the Plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plans.

Accordingly, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the sale by the Plans of the Stock to the Employer at $12 per share provided that this is at least the fair market value of the Stock at the time of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of November, 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-30505 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-181; Exemption Application No. D-3165]

Exemption From the Prohibitions for Certain Transactions Involving Woollen Associates, Inc. Profit Sharing Plan Located in Indianapolis, Indiana

AGENCY: Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits: (1) The loan (the Loan) of $72,000 by the Woollen Associates, Inc. Profit Sharing Plan (the Plan) to the Majestic Partnership (the Partnership), a party in interest with respect to the Plan; and (2) the guarantee of repayment of the Loan by the partners of the Partnership.

FOR FURTHER INFORMATION CONTACT: Horace C. Green of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On July 23, 1982, notice was published in the **Federal Register** (47 FR 31996) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1)(A) through (E) of the Code, for the above described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notification to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to: (1) the Loan by the Plan to the Partnership, provided that the terms and conditions of the Loan will be and remain at least as favorable to the Plan as an arm's-length transaction would be with an unrelated party; and (2) the guarantee of repayment of the Loan by the partners of the Partnership.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of November 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administrator, U.S. Department of Labor.

[FR Doc. 82-30504 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-180; Exemption Application No. D-3163]

Exemption From the Prohibitions for Certain Transactions Involving the F-W Industries, Inc. Profit Sharing Plan Located in Lubbock, Texas

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption permits the proposed purchase of a negotiable promissory note executed by an unrelated third party (the Note), by the individual accounts of Mr. L. H. Fox (Mr. Fox) and Mr. C. E. Wood (Mr. Wood) in the F-W Industries, Inc. Profit Sharing Plan (the Plan), from F-W Industries, Inc. (the Employer), the sponsor of the Plan.

FOR FURTHER INFORMATION CONTACT: Ms. Katherine D. Lewis of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8972. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On September 3, 1982, notice was published in the Federal Register (47 FR 39009) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for the above-described transaction. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of Mr. Wood and Mr. Fox, as participants and beneficiaries of the Plan; and

(c) It is protective of the rights of Mr. Fox and Mr. Wood, as participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed purchase of the Note from the Employer by the individual accounts of Mr. Wood and Mr. Fox in the Plan, provided that the purchase price of the Note is not greater than the fair market value of the Note on the date of sale.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C. this 1st day of November 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-30603 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 82-179; Exemption Application No. D-3094]

Exemption From the Prohibitions for Certain Transactions Involving Texas Home Improvements, Inc. Profit Sharing Plan and Trust Located in San Antonio, Texas

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This exemption permits: (1) The proposed sale to the Texas Home Improvement, Inc. Profit Sharing Plan and Trust (the Plan) by Texas Home Improvements, Inc. (the Employer), the Plan sponsor, of third party mortgages (the Notes); and (2) the Employer's guarantee and possible repurchase of the Notes.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Sandler of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On August 6, 1982, notice was published in the Federal Register (47 FR 34235) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a), 406(b) (1) and (2) of the Employment Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code for the above-described transactions. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition, the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that a copy of the notice was distributed in accordance with the requirements set forth in the proposed exemption. No public comments and no requests for a hearing were received by the Department. The notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly, the restrictions of section 406(a), 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to: (1) The purchase of the Notes by the Plan from the Employer, provided that the terms and conditions of the purchases will be at least as favorable to the Plan as those the Plan could obtain from an unrelated third party; and (2) the guarantee by the Employer to repurchase Notes that are in default and the repurchase by the Employer of such Notes from the Plan.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 1st day of November 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82-30502 Filed 11-4-82; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-3257]

Proposed Exemption for Certain Transactions Involving the Salaried Employee Stock Ownership Plan of the Goodyear Tire & Rubber Co. and Subsidiaries Located in Akron, Ohio

AGENCY: Pension and Welfare Benefit Programs Office, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt quarterly purchases by the trustee (the Trustee) of the Salaried Employee Stock Ownership Plan of the Goodyear Tire & Rubber Company and Subsidiaries (the SESOP), of common stock (the Common Stock) from the Goodyear Tire & Rubber Company (the Employer), under the Goodyear Dividend Reinvestment and Stock Purchase Plan (the Reinvestment Plan), which is also sponsored by the Employer. The proposed exemption, if granted, would affect the SESOP, the participants and beneficiaries of the SESOP, the Employer and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before December 14, 1982.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216, Attention: Application No. D-3257. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Ms. Jan Broady of the Department of Labor, telephone (202) 523-8971. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed on behalf of the Employer and SESOP Trustee, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Employer is a corporation engaged in the manufacture and sale of tire and rubber products. The Employer maintains its principal executive offices in Akron, Ohio, and it has many offices and subsidiaries located nationwide and worldwide.

2. The Employer administers the SESOP as a tax credit employee stock ownership plan which is qualified under sections 401(a) and 409 A of the Code. The SESOP has been in existence since September 1977. It is maintained pursuant to a trust agreement executed by the Employer and Bankers Trust Company of New York, New York which serves as the Trustee. An administrative committee (the Committee), composed of three individuals who are both officers and employees of the Employer, is responsible for the administrative decisions of the SESOP. The SESOP provides eligible salaried employees and officers of the Employer and its subsidiaries with increased participation in the ownership of the respective entities through investment in no par value, publicly-traded Common Stock of the Employer. As of December 31, 1981, approximately 26,000 employees were eligible to participate in the SESOP. As of July 22, 1982, SESOP assets consisting principally of Employer Common Stock, were valued at nearly $13 million.[1]

3. The Trustee is the largest trustee of qualified defined contribution and individial account plans with combined total assets under trusteeship of approximately $15 billion. These assets are attributable to Savings, Thrift, Capital Accumulation, Profit Sharing and Tax Reduction Act Stock Ownership Plans (TRASOPs) which are similar to the SESOP.

The Trustee has maintained a commercial relationship with the Employer for many years. The aggregate average daily balances of the accounts the Employer maintains with the Trustee represent less than .01 percent of the more than $23 billion in total deposits reported by the Trustee in its most current annual report. In addition, the Trustee makes loans from time to time to the Employer and certain of its subsidiaries. As of July 22, 1982, the Trustee and Employer were parties to a credit agrement whereby the Employer may borrow up to $45 million. Currently, $20 million is outstanding under the credit agreement. The Employer also has a standby line of credit with the Trustee. Further, four foreign subsidiaries of the Employer have obtained loans aggregating approximately $57 million from various branches and affiliates of the Trustee.

The Trustee has a legal lending limit to any single customer of approximately $158 million and its total loans outstanding exceed $19 billion. Thus, the total loans and loan commitments to the Employer and its subsidiaries by the Trustee represent approximately 0.6 percent of the total loans outstanding of the Trustee.

4. The Reinvestment Plan was adopted by the Employer's Board of Directors on June 2, 1981 and became effective as of September 1, 1981. The Reinvestment Plan is administered by Citibank, N.A. The purpose of the Reinvestment Plan is to permit eligible shareholders to invest cash dividends in additional shares of Common Stock without the payment of any brokerage commissions or service charges. Purchases of Common Stock through the Reinvestment Plan are made on each of the Employer's dividend payment dates (the Dividend Payment Dates). The Employer's Dividend Payment Dates are March 15, June 15, September 15 and December 15. The purchase price of Common Stock acquired through the Reinvestment Plan is based on 95 percent of the average of the daily high and low sales prices of Common Stock as reported in *The Wall Street Journal* as New York Stock Exchange (NYSE)—Composite Transactions for the five days immediately preceding each Dividend Payment Date (the Formula). Cash dividends payable on all shares, including fractional shares, of Common Stock which are credited to the accounts of eligible shareholders participants of the Reinvestment Plan, are automatically reinvested in additional shares of Common Stock under the Formula.

5. Section 7 of Article VIII of the SESOP provides that, except as may be otherwise directed by the Committee, all dividends and other earnings of the SESOP shall be used by the Trustee to purchase additional shares of Common Stock. To accomplish this reinvestment objective, the Employer wishes to permit the Trustee to participate in the Reinvestment Plan and purchase Common Stock on the prescribed Dividend Payment Dates using the Formula.

6. A study prepared by the Employer's Shareholders Relations Department sets forth the high, low and closing prices of the Common Stock on the NYSE and NYSE-Composite Transactions for forty Dividend Payment Dates over a ten year period beginning on January 1, 1972. The study also shows purchase prices of Common Stock on the basis of the Formula. According to the exemption application, the study discloses that in no instance did the price that would have been paid pursuant to the Reinvestment Plan exceed the high sale price of Common Stock on the NYSE on the Dividend Payment Date. The price did not exceed the low sales and closing prices of the Common Stock on the NYSE in three instances including two instances when the Formula price exceeded the closing price. In no event did the Formula price exceed the low sales price by more than $.18 per chare or the closing price by more than $.06 per share. The application further states that if future price patterns approximate past patterns, participation by the SESOP would benefit SESOP participants since, in most instances, the Reinvestment Plan price per share of Common Stock would have been at least $1.00 less than the low sales price on the Dividend Payment Date

7. In a memorandum prepared by counsel for the Employer, it is argued that there cannot be any manipulation by the Employer of the price of Common Stock on the five trading days preceding the Dividend Payment Date because the federal securities laws and the rules and regulations governing corporations whose shares are listed on the NYSE expressly prohibit corporations from manipulating the prices of their securities. Moreover, these prohibitions are designed to protect all investors,

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[1] There is no limitation under the SESOP on the number of shares of Common Stock which may be purchased by the Trustee or contributed by the Employer.

including the SESOP, and sufficient policing of these prohibitions exists to insure they will not be violated. Furthermore, the addition of the SESOP as a participant to the Reinvestment Plan would only increase the liability of the employer since it would also be in violation of its fiduciary obligations under the Act if it engaged in price manipulation.

8. The Trustee represents that the proposed transactions are appropriate for the SESOP and in the best interests of its participants and beneficiaries. According to the Trustee, the acquisition price for the Common Stock which is based on the Formula, is a prudent procedure for the following reasons: (a) The procedure mitigates the daily fluctuations that sometimes distort the true value of Common Stock; (b) it is similar to certain TRASOP provisions for stock purchases as mandated by Congress under the Tax Reduction Act of 1974; (c) no brokerage or other expenses are incurred by the SESOP; (d) public acquisition of Common Stock by the SESOP can impact the market resulting in higher prices paid by the SESOP than those obtained through the Reinvestment Plan; (e) participation of the Reinvestment Plan by 12,000 shareholders of the Employer is indicative of shareholder acceptance of the pricing mechanism as fair and adequate; and (f) in only remote instances would the SESOP pay a higher price for the Common Stock than the price available in the open market.

In addition, the Trustee represents that it will monitor the price of shares of Common Stock of the Employer that are purchased periodically by the SESOP under the Dividend Reinvestment Plan to determine that such purchases are made on a favorable basis relative to the price available in the market. If the trustee determines that participation in the Dividend Reinvestment Plan is disadvantageous to the SESOP, it will withdraw from future participation in the Dividend Reinvestment Plan for such period as it deems appropriate.

9. In summary, it is represented that the proposed transactions will satisfy the statutory criteria set forth in section 408(a) of the Act because: (a) It will permit the SESOP to reinvest cash dividends in Common Stock of the Employer on the same basis as other shareholders; (b) no fees or expenses incident to such purchases will be borne by the SESOP; (c) the Trustee will monitor the purchases and has determined the transactions are in the best interests of the SESOP and its participants and beneficiaries; and (d) the Trustee will withdraw the SESOP from the Reinvestment Plan if the trustee determines that continued participation by the SESOP is disadvantageous.

Notice to Interested Persons

Notice of the proposed exemption will be given to all present employees of the Employer who may be eligible to receive benefits under the SESOP and to all retired and former participants of the SESOP in receipt of benefit payments, or who have deferred vested benefits, within 25 days of the publication of the notice of pendency in the **Federal Register**. The notice will contain a copy of the notice of pendency as published in the **Federal Register** and will inform interested persons of their right to comment and/or to request a hearing within the time period set forth in the notice of pendency. Notice will be provided to employees of the Employer by posting the required notice on the Employer's bulletin boards. Retired or terminated vested participants will receive notice by mail.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to quarterly purchases by the SESOP Trustee of Common Stock issued by the Employer under the Reinvestment Plan, as described above.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 1st day of November 1982.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 82–30307 Filed 11–4–82; 8:45 am]

BILLING CODE 4510–29–M

MERIT SYSTEMS PROTECTION BOARD

Establishment of Fixed Neutral Hearing Sites

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: The Merit Systems Protection Board ("the Board") publishes notice of a general policy to schedule and conduct appellate hearings at certain designated sites nationwide, and at locations other than the premises of the agency which is the respondent party in any particular appeal before the Board.

EFFECTIVE DATE: November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Charles J. Stanislav (202) 653-8900.

SUPPLEMENTARY INFORMATION: During a recent period which extended for approximately 9 months, the Board experienced a severe restriction of its available operating funds and, in order to curtail travel costs, was required to conduct appellate hearings only at the location of the Board's eleven regional offices. Upon subsequent enactment of the Board's supplemental appropriations for the remainder of Fiscal Year 1982, and looking to the status of operations in forthcoming FY 1983, the Board has been in a position to again authorize expenditure of travel funds by its presiding officials for the purpose of conducting hearings on appeals coming before the Board for adjudication.

However, in connection with its recent severe funding problems, the Board has made a general review of its policy related to the scheduling of hearings. As one primary consideration in this review, the Board has recognized its continuing obligation to utilize its available fundings in the most effective manner possible. As a further consideration, the Board's previous general practice of scheduling hearings on premises of the agency respondents in appeals has been a subject of concern, as to a possible appearance of lack of objectivity in the location selected for the hearing proceedings, by not providing the parties with the environment of a fully neutral hearing site. Accordingly, the Board has adopted a policy that as of November 5, 1982, hearings will be scheduled and conducted at certain designated neutral hearing sites within the Board's eleven regional office areas, as listed below.

The designation of these fixed hearing sites has been derived in part from an analysis of historical data showing concentration of hearing locations during previous years, as well as a selection of sites which will be reasonably convenient in accommodation of the needs of the parties, while at the same time providing for a savings in the Board's necessary expenditure of travel cost funds. The 92 fixed hearing sites now being announced consist of the Board's eleven regional office locations, in addition to 81 other designated sites nationwide. At appropriate times, the Board will review the site selections here announced, and locations may be added or deleted as workload or experience dictates.

In addition, the Board's Regional Directors will have authority to approve travel to locations other than the fixed neutral hearing sites designated below when, if good and sufficient reason is shown, it would be more advantageous to schedule a hearing at another location or at an agency site.

This policy applies only to hearings scheduled within the United States, and does not apply to hearings held at overseas locations. The scheduling sites for hearings conducted at overseas locations will still be arranged by the presiding official as appropriate in each such case.

Approved MSPB Hearing Sites

- *Atlanta Region*
  - Atlanta, Georgia
  - Macon, Georgia
  - Birmingham, Alabama
  - Montgomery, Alabama
  - Miami, Florida
  - Orlando, Florida
  - Lexington, Kentucky
  - Jackson, Mississippi
  - Raleigh, North Carolina
  - Columbia, South Carolina
  - Charleston, South Carolina
  - Knoxville, Tennessee
  - Nashville, Tennessee
  - Memphis, Tennessee
- *Boston Region*
  - Boston, Massachusetts
  - Hartford, Connecticut
  - New Haven, Connecticut
  - Bangor, Maine
  - Portland, Maine
  - Portsmouth, New Hampshire
  - Providence, Rhode Island
  - Burlington, Vermont
- *Chicago Region*
  - Chicago, Illinois
  - Davenport, Iowa/Rock Island, Illinois
  - Indianapolis, Indiana
  - Detroit, Michigan
  - Minneapolis/St. Paul, Minnesota
  - Cleveland, Ohio
  - Columbus, Ohio
  - Cincinnati, Ohio
  - Milwaukee, Wisconsin
- *Dallas Region*
  - Dallas, Texas
  - El Paso, Texas
  - Houston, Texas
  - Lubbock, Texas
  - San Antonio, Texas
  - Little Rock, Arkansas
  - Oklahoma City, Oklahoma
  - Tulsa, Oklahoma
  - New Orleans, Louisiana
  - Shreveport, Louisiana
  - Albuquerque, New Mexico
- *Denver Region*
  - Denver, Colorado
  - Pueblo, Colorado
  - Billings, Montana
  - Great Falls, Montana
  - Missoula, Montana
  - Bismark, North Dakota
  - Fargo, North Dakota
  - Sioux Falls, South Dakota
  - Salt Lake City, Utah
  - Casper, Wyoming
- *New York Region*
  - New York, New York
  - Buffalo, New York
  - Syracuse, New York
  - Newark, New Jersey
- *Philadelphia Region*
  - Philadelphia, Pennsylvania
  - Harrisburg, Pennsylvania
  - Pittsburg, Pennsylvania
  - Dover, Delaware
  - Baltimore, Maryland
  - Norfolk, Virginia
  - Richmond, Virginia
  - Roanoke, Virginia
  - Charleston, West Virginia
  - Clarksburg, West Virginia
- *Seattle Region*
  - Seattle, Washington
  - Spokane, Washington
  - Portland, Oregon
  - Pendleton, Oregon
  - Boise, Idaho
  - Pocatello, Idaho
  - Anchorage, Alaska
  - Fairbanks, Alaska
  - Juneau, Alaska
- *San Francisco Region*
  - San Francisco, California
  - Los Angles, California
  - Sacramento, California
  - San Diego, California
  - Fresno, California
  - Phoenix, Arizona
  - Tucson, Arizona
  - Las Vegas, Nevada
  - Reno, Nevada
  - Honolulu, Hawaii
- *St. Louis Region*
  - St. Louis, Missouri
  - Kansas City, Missouri
  - Springfield, Missouri
  - Des Moines, Iowa
  - Wichita, Kansas
  - Omaha, Nebraska
- *Washington, D.C. Region*
  - Washington, D.C.

Dated: October 29, 1982.

For the Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 82-30606 Filed 11-4-82; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506:

1

Date: December 1, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in U.S. History II, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

2

Date: December 2, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in European History since 1815, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

3

Date: December 3, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in English Literature, 17th Century to the Present, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

4

Date: December 3, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023.
Program: This meeting will review applications for Summer Stipends in Music and Dance, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

5

Date: December 6, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in U.S. History I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

6

Date: December 7, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in Romance Languages and Literatures, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

7

Date: December 7, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications for Summer Stipends in Sociology, Psychology, and Education, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

8

Date: December 8, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in Philosophy I, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

9

Date: December 9, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in Political Science, Law and Jurisprudence, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

10

Date: December 10, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in American Literature, Composition and Rhetoric, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

11

Date: December 10, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1134.
Program: This meeting will review applications for Summer Stipends in Foreign Languages and Literature; Comparative Literature, and Theater, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

12

Date: December 13, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in Literary Theory and Criticism, Linguistics, Speech and Communication, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

13

Date: December 13, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications for Summer Stipends in Latin American, Asian, African, and Near Eastern History, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

14

Date: December 15, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in Classical Studies; English Literature through Shakespeare, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

15

Date: December 15, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 807.
Program: This meeting will review applications for Summer Stipends in Religion, submitted to the Division of Fellowships and Seminars for projects beginning after May 1, 1983.

16

Date: December 16, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in Philosophy II, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

17

Date: December 17, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 314.
Program: This meeting will review applications for Summer Stipends in Modern American Literature and Film, submitted to the Division of Fellowships and Seminars, for projects beginning after May 1, 1983.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information on a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated

January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506; or call (202) 724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 82–30450 Filed 11–4–82; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Ad Hoc Review Group for Scientific and Engineering Personnel; Cancellation of Meeting

The Ad Hoc Review Group for Scientific and Engineering Personnel of the Advisory Committee for Policy Research and Analysis and Science Resources Studies was scheduled to meet in Washington, D.C. on Friday, November 12, 1982. This meeting has been cancelled.

Notice of the November meeting was published in the **Federal Register** on October 22, 1982, Vol. 47, No. 205, page 47112.

M. Rebecca Winkler,

Committee Management Coordinator.

November 2, 1982.

[FR Doc. 82–30432 Filed 11–4–82; 8:45 am]

BILLING CODE 7555–01–M

National Science Foundation Advisory Council; Postponement of Meeting

The NSF Advisory Council was scheduled to meet in Washington, D.C. on Thursday and Friday, November 4 and 5, 1982. This meeting has been postponed until possibly January 1983. A new Notice of Meeting will be published in the **Federal Register** prior to the meeting.

The Notice of the November meeting was published in the **Federal Register** on October 15, 1982, Vol. 47, No. 200, page 46185.

M. Rebecca Winkler,

Committee Management Coordinator.

November 2, 1982.

[FR Doc. 82–30431 Filed 11–4–82; 8:45 am]

BILLING CODE 7555–01–M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05–0169]

Michigan Tech Capital Corp.; Issuance of a Small Business Investment Company License

On June 2, 1982, a notice was published in the **Federal Register** (47 FR 24009) stating that an application has been filed by Michigan Tech Capital Corp., 1414 College Avenue, Houghton, Michigan 49931, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small bisiness investment companies (13 CFR 107.102 (1982)) for a license as a small business investment company.

Interested parties were given until close of business June 17, 1982, to submit their comments to SBA. No comments were received.

Notice in hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05–0169 on August 20, 1982, to Michigan Tech Capital Corp. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: October 29, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82–30498 Filed 11–4–82; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF THE TREASURY

Office of the Secretary

National Productivity Advisory Committee; Meeting

October 29, 1982.

The Subcommittee on Capital Investment of the National Productivity Advisory Committee will hold a meeting on November 12, 1982 from 10:00 a.m. until 12:00 noon in Room 3424 of the Department of Treasury, 15th St. and Pennsylvania Avenue NW., Washington, D.C.

The purpose of the meeting will be to discuss ways in which changes in government policy can improve national productivity.

Roger B. Porter,

Executive Secretary, National Productivity Advisory Committee.

[FR Doc. 82–30508 Filed 11–4–82; 8:45 am]

BILLING CODE 4810–25–M

Public Information Collection Requirements Submitted to OMB for Review

During the period October 22 through October 28, 1982 the Department of Treasury submitted the following public information collection requirements to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections should be addressed to the Treasury Reports Management Officer, Information Resources Management Division, Room 309, 1625 I St. NW., Washington, D.C. 20220: *and* to the OMB reviewer listed at the end of entry.

Date submitted: October 25, 1982.

Submitting bureau: Internal Revenue Service.

OMB No. N/A (new submission).

Form No. 8023.

Type of submission: New.

Title: Certification of Election under Section 338(g).

Purpose: Form 8023 is needed to certify an election of the basis/recapture treatment of IRC Section 338. The information is used to verify that the election has been properly made and that both involved corporations compute their tax liability according to the election.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date submitted: October 25, 1982.

Submitting bureau: Internal Revenue Service.

OMB No. 1545–0232.

Form No. 6497.

Type of submission: Revision.

Title: Information Return of Energy Grants or Subsidized Energy Financing.

Purpose: The form is to be filed by any governmental agency (Federal, State, or local) or the agency that makes grants or subsidized financing for energy conversation projects. The information is required to be reported under IRC section 6050D. The information is used to be sure that energy credits are not taken for government-financed projects.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date submitted: October 25, 1982.

Submitting bureau: Comptroller of the Currency.

OMB No. 1557–0100.

Form No. CC 7610–08, FFIEC 009

Typoe of submission: Extension.

Title: Country Exposure Report.

Purpose: This simi-annual report must be submitted by all national banks with a foreign branch whose transfer risk exposure to foreign borrowers exceeds $20 million. The reports provide statistical data for aggregate exposure of all national banks; the results are published in as interagency release and by the Bank for International Settlements. The reports are also used by examiners and staff to monitor individual banks.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Date submitted: October 27, 1982.

Submitting bureau: Internal Revenue Service.

OMB No. 1545–0067.

Form No. 2555.

Type of submission: Revision.

Title: Foreign Earned Income.

Purpose: This form is used by U.S. citizens and resident aliens who quality for the foreign earned income exclusion and/or the foreign housing exclusion or deduction. This information is used by the Service to determine if a taxpayer qualifies for the exclusion(s) or deduction.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

* * * * *

Date submitted: October 27, 1982.

Submitting bureau: Internal Revenue Service.

OMB No. 1545–0415.

Form No. W–4P.

Type of submission: Revision.

Title: Withholding certificate for Revision or Annuity Payments.

Purpose: Section 3405 of the Code requires that periodic pension or annuity payments have tax withheld as if they were wages. This section does allow a payee to elect to have no tax withheld. The information is used to determine the amount to be withheld from each pension or annuity payment, or if no tax is to be withheld.

OMB Reviewer: Michael Abrahams (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503.

October 29, 1982.

Joy Tucker,

Departmental Reports Management Officer.

[FR Doc. 82–30426 Filed 11–4–82; 8:45 am]

BILLING CODE 4810–25–M

[No. 170–1]

Secret Service Authority Relating to Electronic Funds Transfer Frauds and Thefts

Pursuant to the authority vested in me by the Secretary of the Treasury, including the authority in 31 U.S.C. 321, it is hereby directed that:

1. As part of the Department's responsibilities for obligations of the United States, and in recognition of the fact that the United States is increasing its reliance upon electronic fund transfers in lieu of paper obligations and securities, the Director, United States Secret Service, is authorized to receive and analyze allegations of, and develop information and conduct investigations concerning, thefts and frauds involving any electronic transfer of funds (a) which belong to the Treasury Department or any subordinate agency; (b) for which the Department or any subordinate agency may be responsible or liable; or (c) with respect to which the Department or any subordinate agency may otherwise have, or have to defend against, a civil claim of any type.

2. The Director, United States Secret Service, and, to the extent that current or former Treasury employees or Treasury systems are involved, the Inspector General should be informed of any report or allegation of thefts or frauds involving any electronic transfer of funds covered by this order.

3. This Order does not supersede or affect, expressly or impliedly, any of the terms of Treasury Department Order No. 256, dated July 18, 1978, its implementing directives, or any agreements and understandings related thereto.

Dated: October 26, 1982.

R. T. McNamar,

Deputy Secretary.

[FR Doc. 82–30427 Filed 11–4–82; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 215
Friday, November 5, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, November 10, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposals to extend for three years the following reports:

A. Travelers Checks Outstanding (FR 2054);

B. Report on Claims on Selected Foreign Countries by U.S. Branches and Agencies of Foreign Banks (FR 20298); and

C. Receipts and Shipment of United States and Mexican Currency Between United States and Mexico (FR 2465).

2. Proposal to extend, with revisions, the monthly and quarterly Domestic Finance Company Reports of Assets and Liabilities (FR 2248, 2248a, respectively).

Discussion Agenda;

3. Proposed revisions to certain reports to collect information on new ceiling-free money market accounts (FR 2900, FR 2042, FR 2573, and FR 2071).

4. Consideration of continue weekly publication of money supply data.

5. Any items carried froward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: November 3, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1601-82 Filed 11-3-82; 1:02 pm]

BILLING CODE 6210-01-M

2

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: Approximately 11 a.m., Wednesday, November 10, 1982, following a recess at the conclusion of the open meeting.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: November 3, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1602-82 Filed 11-3-82; 1:02 pm]

BILLING CODE 6210-01-M

3

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-25]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 47513, October 26, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, November 2, 1982.

CHANGE IN MEETING: A majority of the Board determined by recorded vote that the business of the Board required revising the agenda of this meeting and that no earlier announcement was possible. The following item was deleted from the agenda:

3. *Letter* to Kellogg Company regarding Motion to Withdraw Probable Cause, Reconsider, and Investigate Further the Aircraft Accident involving an Avions Marcel Dassault-Brequet Aviation, Falcon 10, N243K, Miegs Field, Chicago, Illinois, January 30, 1980.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, (202) 382-6525.

November 2, 1982.

[S-1600-82 Filed 11-3-82; 11:35 am]

BILLING CODE 4910-58-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of November 8, 1982.

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. and Harrisburg, Pennsylvania Area.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Monday, November 8:

10:00 a.m.:
  Briefing by Regulatory Reform Task Force—Administrative Proposals (Public Meeting)
2:00 p.m.:
  Briefing on Hydrogen Control Program (Public Meeting) (Tentative)

Tuesday, November 9: Harrisburg, Pennsylvania Area

3:00 p.m.:
  Oral Presentations on TMI-1 Restart (Public Meeting)
7:30 p.m.:
  Public Meeting on TMI-1 Restart (Public Meeting)

Wednesday, November 10:

1:30 p.m.:
  Comments from Parties on Phase II Reverification Program for Diablo Canyon (Public Meeting)
3:00 p.m.:
  Options Regarding High Level Waste Rule—Technical Criteria (Part 60) (Public Meeting) (*postponed* from November 2, 1982)

Friday, November 12:

9:30 a.m.:
  Discussion/Possible Vote on Full Power Operating License for Susquehanna (Public Meeting)
11:00 a.m.:
  Affirmation/Discussion and Vote (Public Meeting):
  a. Petition of Sunflower Coalition
  b. Offshore Power Systems
  c. San Onofre Board Certification
  Order in Waste Confidence Proceeding (Tentative)

ADDITIONAL INFORMATION: On October 28 the Commission voted 5-0 to hold Affirmation of 10 CFR Part 61—

"Licensing Requirements for Land Disposal of Radioactive Waste" and Revised S–3 Policy Statement, held that day.

Discussion of Management-Organization and Internal Personnel Matters scheduled for November 3 (*cancelled*).

On October 29 the Commission voted 5–0 to hold Discussion of Office of Investigations Policy and Procedures (Closed—Exemption 2), scheduled for November 3.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Walter Magee,
Office of the Secretary.
November 1, 1982.
[S–1599–82 Filed 11–3–82; 10:11 am]
BILLING CODE 7590–01–M

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federal register

Friday
November 5, 1982

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decision being modified and their dates of publication in the **Federal Register** are listed with each State.

Alabama: AL82-1042	Sept. 10, 1982.
California:	
CA82-5118	Aug. 20, 1982.
CA82-5112	July 4, 1982.
CA82-5120	Aug. 27, 1982.
Louisiana:	
LA82-4021	May 7, 1982
LA82-4022	May 7, 1982.
LA82-4050	Oct. 15, 1982.
Montana: MT82-5101	Feb. 5, 1982
North Dakota: ND81-5130	July 6, 1981
Oklahoma:	
OK82-4051	Oct. 22, 1982
OK82-4035	June 25, 1982
Pennsylvania:	
PA82-3007	Feb. 26, 1982
PA81-3091	Dec. 28, 1981
PA82-3027	Oct. 8, 1982.
PA82-3028	Sept. 10, 1982.
Texas:	
TX82-4025	June 18, 1982.
TX82-4033	June 18, 1982.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Colorado: CO81-5148(CO82-5127)	Sept. 4, 1981
Louisiana: LA82-4020(LA82-4053)	May 7, 1982.
Texas: TX82-4019(TX82-4054)	May 7, 1982.
Wyoming: WY81-5159(WY82-5126)	Oct. 30, 1981

Signed at Washington, D.C. this 29th day of October 1982.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO.: AL82-1042 - MOD # 1 (47-FR-39967 - September 10, 1982) Colbert & Lauderdale Counties, Alabama - BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits
CHANGE:		
BOILERMAKERS	$ 16.20	$ 3.015
ELECTRICIANS:		
Electricians	14.10	1.90 + 4%
Cablesplicers	14.35	1.90 + 4%

DECISION NO. CA82-5118 - Mod. #2
(47 FR 36513 - August 20, 1982)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Bricklayers; Stonemasons:		
Area 3	$18.75	$3.52
Area 6	17.97	4.06
Electricians:		
Area 9:		
Electricians	23.11	3%+3.97
Cable Splicers	25.42	3%+3.97
Line Construction:		
Area 8:		
Groundman	17.69	3%+3.97
Lineman; Equipment Operators	23.11	3%+3.97
Cable Splicers	25.42	3%+3.97
Painters:		
Parking Lot Striping Work and/or Highway Markers:		
Traffic Delineating Device Applicator	13.41	b+1.60
Wheel Stop Installer, Traffic Surface Sandblaster; Striper	12.92	b+1.60
Slurry Seal Operation:		
Mixer Operator	12.92	b+1.60
Squeegee Man, Applicator Operator and Shuttleman	11.45	b+1.60
Top Man	9.62	b+1.60
Refrigeration and Air Conditioning:		
Area 2	19.88	7.88
Add:		
Bricklayers; Stonemasons;		
Area 7: Orange County	19.00	2.97

	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayers; Stonemasons:		
Area 3: Los Angeles Co.		

Modification Page 2

DECISION NO. CA82-5112 - Mod. #5
(47 FR 31154 - July 4, 1982)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Carpneters:		
Area 1:		
Carpenters	$16.68	$6.225
Hardwood Floorlayers; Shinglers; Power Saw Operator; Steel Scaffold Erector and Steel Shoring; Saw Filers	16.83	6.225
Millwrights	16.68	7.225
Area 2:		
Carpenters	16.05	6.225
Hardwood Floorlayers; Shinglers; Power Saw Operators; Steel Scaffold Erector and Steel Shoring; Saw Filers	16.20	6.225
Millwrights	16.95	7.225
Electricians:		
Area 14:		
Electricians	24.535	3%+4.84
Cable Splicers	27.60	3%+4.84
Glaziers:		
Area 1	20.42	5.31
Area 2	15.75	6.44
Area 3	15.40	4.98
Area 4	13.58	2.00
Area 5	19.89	5.45
Line Construction:		
Area 13:		
Lineman	24.535	3%+4.84
Cable Splicers	27.60	3%+4.84
Groundmen	20.85	3%+4.84
Painters:		
Area 4:		
Brush	20.08	3.93
Taper	20.88	3.93
Plasterers:		
Area 5	18.44	6.58
Area 6	16.55	6.10
Area 7	17.56	6.11
Area 8	14.30	7.45

	Basic Hourly Rates	Fringe Benefits
Plasterers' Tenders:		
Area 2	$17.41	$4.45
Soft Floor Layers:		
Area 3	17.69	5.69
Laborers:		
Group 1	14.56	5.11
Group 1(a)	14.785	5.11
Group 1(b)	15.06	5.11
Group 1(c)	14.61	5.11
Group 1(d)	14.81	5.11
Group 1(e)	15.11	5.11
Group 1(f)	15.145	5.11
Group 1(g)	14.76	5.11
Group 2	14.41	5.11
Group 3	14.31	5.11
(Gunnite):		
Group 1	15.02	5.11
Group 2	14.43	5.11
Group 3	14.31	5.11
(Tunnel and Shaft Work):		
Group 1	17.46	5.11
Group 2	17.03	5.11
Group 3	16.78	5.11
Group 4	16.62	5.11
(Wrecking Work):		
Group 1	14.56	5.11
Group 2	14.41	5.11
Group 3	14.31	5.11
(Housemoving):		
Group 1	14.56	5.11
Power Equipment Operators:		
Dredging - Schedule I:		
Clamshell and Dipper Dredging (New Construction):		
Group 1:		
Area 1	14.11	8.56
Area 2	15.37	8.56
Area 3	15.75	8.56
Area 4	16.11	8.56
Group 2:		
Area 1	17.01	8.56
Area 2	18.37	8.56
Area 3	18.75	8.56
Area 4	19.14	8.56

Modification Page 3

DECISION NO. CA82-5112 (Cont'd)

	Basic Hourly Rates	Fringe Benefits
Group 3:		
Area 1	$17.01	$8.56
Area 2	18.37	8.56
Area 3	18.75	8.56
Area 4	19.14	8.56
Group 4:		
Area 1	18.06	8.56
Area 2	19.43	8.56
Area 3	19.80	8.56
Area 4	20.19	8.56
Group 4-A:		
Area 1	19.68	8.56
Area 2	21.06	8.56
Area 3	21.49	8.56
Area 4	21.88	8.56
Schedule II:		
Hydraulic Suction Dredging and all other Dredging:		
Group A-1:		
Area 1	14.09	8.56
Area 2	15.35	8.56
Area 3	15.71	8.56
Area 4	16.09	8.56
Group A-2:		
Area 1	15.45	8.56
Area 2	16.76	8.56
Area 3	17.16	8.56
Area 4	17.54	8.56
Group A-3:		
Area 1	16.36	8.56
Area 2	17.72	8.56
Area 3	18.12	8.56
Area 4	18.50	8.56
Group A-4:		
Area 1	17.60	8.56
Area 2	18.98	8.56
Area 3	19.35	8.56
Area 4	19.74	8.56

	Basic Hourly Rates	Fringe Benefits
Piledriving:		
Group 1	$14.12	$8.75
Group 1A	14.61	8.75
Group 1B	14.90	8.75
Group 2A	14.90	8.75
Group 2B	15.68	8.75
Group 2C	15.98	8.75
Group 2D	16.20	8.75
Group 3	16.41	8.75
Group 3A	17.04	8.75
Group 4	17.82	8.75
Group 5	18.08	8.75
Group 6	19.71	8.75
Steel Erection:		
Group 1	14.79	8.75
Group 2	15.33	8.75
Group 3	16.81	8.75
Group 4	17.00	8.75
Group 4A	17.46	8.75
Group 5	18.18	8.75
Group 6	18.79	8.75
Group 7	19.23	8.75
Group 8	19.65	8.75
Group 9	21.15	8.75
Power Equipment Operators:		
Group 1:		
Area 1	14.05	8.75
Area 2	16.05	8.75
Group 2:		
Area 1	14.55	8.75
Area 2	16.55	8.75
Group 3:		
Area 1	14.85	8.75
Area 2	16.85	8.75
Group 4:		
Area 1	15.62	8.75
Area 2	17.62	8.75

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DECISION NO. CA82-5112 (Cont'd)

	Basic Hourly Rates	Fringe Benefits
Group 5:		
Area 1	$15.92	$8.75
Area 2	17.92	8.75
Group 6:		
Area 1	16.13	8.75
Area 2	18.13	8.75
Group 7:		
Area 1	16.35	8.75
Area 2	18.35	8.75
Group 8:		
Area 1	16.97	8.75
Area 2	18.97	8.75
Group 9:		
Area 1	17.28	8.75
Area 2	19.28	8.75
Group 10:		
Area 1	17.60	8.75
Area 2	19.60	8.75
Group 10-A:		
Area 1	17.77	8.75
Area 2	19.77	8.75
Group 11:		
Area 1	18.01	8.75
Area 2	20.01	8.75
Group 11-A:		
Area 1	19.85	8.75
Area 2	21.85	8.75
Group 11-B:		
Area 1	20.04	8.75
Area 2	22.04	8.75
Group 11-C:		
Area 1	20.05	8.75
Area 2	22.05	8.75

	Basic Hourly Rates	Fringe Benefits
Area Description for Carpenters-Area 1: Alameda, Contra Costa, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties		
Add:		
Carpenters:		
Area 3:		
Carpenters	$16.95	$6.225
Hardwood Floorlayers; Shinglers; Power Saw Operators; Steel Scaffold Erector and Steel Shoring; Saw Filers	17.10	6.225
Millwrights	17.85	7.225
Area Description - Area 3: Monterey and Santa Cruz Counties		

AREA DESCRIPTIONS:

Glaziers:

Area 1:	Alameda, Contra Costa, Monterey, Napa, San Benito, Santa Clara, and Santa Cruz Counties
Area 2:	Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Solano, Stanislaus, Sutter, Tehama, Tullumne, Yolo, and Yuba Counties
Area 3:	Fresno, Madera, Mariposa, Merced, Kings, and Tulare Counties
Area 4:	Del Norte and Humboldt Counties
Area 5:	Lake, Marin, Mendocino, San Francisco, San Mateo, and Sonoma Counties

Modification Page 5

DECISION NO. CA82-5120 - Mod. #2
(47 FR 38022 - August 27, 1982)
Alameda, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara. Santa Cruz, Solano, Sonoma, Sutter, Tuolumne, Yolo, and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits
Change:		
Carpenters:		
Area 1:		
Carpenters	$18.88	$8.225
Hardwood Floorlayers; Shinglers; Power Saw Operator; Steel Scaffold Erector and Steel Shoring; Saw Filers	18.83	6.225
Millwrights	18.88	7.225
Area 2:		
Carpenters	16.05	8.225
Hardwood Floorlayers; Shinglers; Power Saw Operators; Steel Scaffold Erector and Steel Shoring; Saw Filers	16.20	6.225
Millwrights	16.95	7.225
Electricians:		
Area 12:		
Electricians	24.535	3%+4.84
Cable Splicers	27.60	3%+4.84
Glaziers:		
Area 1	20.42	5.31
Area 2	15.75	6.44
Area 3	15.40	4.98
Area 4	13.58	2.00
Area 5	19.89	5.45
Painters:		
Area 3:		
Brush	[illegible]	3.93
Tapers	20.[illegible]	3.93
Plasterers:		
Area 2	16.55	6.11
Area 3	17.56	6.11
Area 6	14.30	7.45
Area 8	18.44	6.58
Laborers:		
Group 1	14.56	5.11
Group 1(a)	14.785	5.11
Group 1(b)	15.06	5.11
Group 1(c)	14.61	5.11
Group 1(d)	15.11	5.11
Group 1(e)	15.145	5.11
Group 1(f)	14.76	5.11
Group 1(g)	14.41	5.11
Group 2	14.41	5.11
Group 3	14.31	5.11

	Basic Hourly Rates	Fringe Benefits
Laborers (Gunnite):		
Group 1	$15.02	$5.11
Group 2	14.43	5.11
Group 3	14.31	5.11
Soft Floor Layers	17.69	5.69
Power Equipment Operators:		
Group 1:		
Area 1	14.05	8.75
Area 2	16.05	8.75
Group 2:		
Area 1	14.55	8.75
Area 2	16.55	8.75
Group 3:		
Area 1	14.85	8.75
Area 2	16.85	8.75
Group 4:		
Area 1	15.62	8.75
Area 2	17.62	8.75
Group 5:		
Area 1	15.92	8.75
Area 2	17.92	8.75
Group 6:		
Area 1	16.13	8.75
Area 2	18.13	8.75
Group 7:		
Area 1	16.35	8.75
Area 2	18.35	8.75
Group 8:		
Area 1	16.97	8.75
Area 2	18.97	8.75
Group 9:		
Area 1	17.60	8.75
Area 2	19.60	8.75
Group 10:		
Area 1	17.60	8.75
Area 2	19.60	8.75
Group 10-A:		
Area 1	17.77	8.75
Area 2	19.77	8.75
Group 11:		
Area 1	18.01	8.75
Area 2	20.01	8.75
Group 11-A:		
Area 1	19.65	8.75
Area 2	21.65	8.75
Group 11-B:		
Area 1	20.04	8.75
Area 2	22.04	8.75

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DECISION NO. CA82-5120 (Cont'd)

	Basic Hourly Rates	Fringe Benefits
Group 11-C:		
Area 1	$20.0[illegible]	$8.75
Area 2	22.0[illegible]	8.75

	Basic Hourly Rates	Fringe Benefits
Add:		
Carpenters:		
Area 3:		
Carpenters	$16.95	$8.225
Hardwood Floorlayers; Shinglers; Power Saw Operators; Steel Scaffold Erector and Steel Shoring; Saw Filers	17.10	6.225
Millwrights	17.85	7.225

AREA DESCRIPTIONS

Glaziers:

Area 1:	Alameda, Contra Costa, Monterey, Napa, San Benito, Santa Clara, and Santa Cruz Counties
Area 2:	Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Solano, Sutter, Tuolumne, Yolo, and Yuba Counties
Area 3:	Mariposa and Merced Counties
Area 4:	Marin, San Francisco, San Mateo and Sonoma Counties

Carpenters:

Area 1:	Alameda, Contra Costa, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties
Area 2:	Amador, Calaveras, Del Norte, El Dorado, Mariposa, Merced, Nevada, Placer, Sacramento, San Joaquin, Sutter, Tuolumne, Yolo, and Yuba Counties
Area 3:	Monterey and Santa Cruz Counties

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DECISION NO. LA82-4021 - MOD. #4 (47 FR 19877 - 5/7/82) Bossier & Caddo Pars., Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayer & stonemason	$13.30	1.70
Carpenters:		
Carpenters & soft floor layers	12.90	1.78
Millwrights	13.65	1.78
Piledrivermen	13.15	1.78
Cement masons	12.10	.85
Ironworkers	14.25	2.36
Laborers - Group 1	8.90	.80
Group 2	9.00	.80
Group 3	9.05	.80
Group 4	9.10	.80
Lathers	13.40	1.78
Marble, tile & terrazzo workers	11.80	.85
Plasterers	12.10	.85
Truck drivers - Group 1	9.87	
Group 2	9.95	
Group 3	10.20	
Group 4	10.35	
Group 5	10.50	
Group 6	10.70	

DECISION NO. LA82-4022 - MOD. #[illegible] (47 FR 19877 - 5/7/82) Calcasieu Par.Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Asbestos workers	17.255	2.215
Bricklayer & stonemason	15.65	2.12
Carpenters:		
Carpenters,piledrivermen & soft floor layer	14.83	1.60
Millwrights	17.19	.07
Cement masons	14.91	
Electricians:		
Other electricians:		
Electricians	18.20	1.50+3-5/10%
Cable splicers	18.70	"
Ironworkers	15.62	1.62

DECISION NO. LA82-4023- MOD. #6 (CONT'D)	Basic Hourly Rates	Fringe Benefits
Laborers - Group 1	$11.11	.94
Group 2	11.21	.94
Group 3	11.26	.94
Group 4	11.36	.94
Group 5	12.07	.94
Group 6	11.63	.94
Group 7	11.47	.94
Group 8	11.16	.94
Marble,terrazzo worker	15.65	2.12
Plasterers	15.78	
Plumbers & pipefitters	17.48	2.00
Roofers	15.06	.20

DECISION NO. LA82-40[illegible] - MOD. #1 (47 FR 46231 - 10/15/82) Jefferson,Orleans,Bossier,Caddo,Calcasieu, Beauregard,Cameron, Jefferson Davis,Allen, Plaquemines,St.Bernard & St.Charles Pars., Louisiana	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Bricklayer & stonemason:		
Zones 1, 6, 7 & 8	14.35	1.84
Zone 2	13.30	1.70
Zones 3, 4 & 5	15.65	2.12
Electricians:		
Zones 1, 6, 7 & 8:		
Electricians	16.45	1.35+3%
Cable splicers	16.45	1.35+3%
Zones 3, 4 & 5:		
Electricians	18.20	1.50+3-5/10%
Cable splicers	18.70	"
Line construction:		
Zones 1, 6, 7 & 8:		
Group 1	16.45	1.35+3%
Group 2	75%JR	1.35+3%
Group 3	65%JR	1.35+3%
Group 4	45%JR	1.35+3%
Group 5	50%JR	1.35+3%
Zones 3, 4 & 5:		
Group 1	18.20	1.50+3-1/10%
Group 2	18.70	"
Group 3	16.20	"
Plumbers & pipefitters:		
Zones 1, 6, 7 & 8	15.80	[illegible].43
Zones 3, 4 & 5	17.48	[illegible].00

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DECISION NO. MT82-5101 - Mod.#3
(46 FR 5630 - February 5, 1982)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits
Change:		
Plumbers:		
Area 2	$16.95	$2.42

DECISION NO. ND81-5130 - Mod. #3(46 FR 35005 - July 6, 1981) Statewide, North Dakota	Basic Hourly Rates	Fringe Benefits
Change:		
POWER EQUIPMENT OPRS:		
Group 6	$10.46	$1.65

DECISION #OK82-4051-Mod.#1 47FR47155-October 22, 1982 Oklahoma, Cleveland, Caddo, Logan, Canadian, McClain, Kingfisher, Lincoln, Grady, Seminole & Pottawatomie Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits
CHANGE:		
CARPENTERS - ZONE II		
Carpenters	$13.85	1.64
Millwrights-Piledrivermen	14.35	1.64

ELECTRICIANS-CABLE SPLICERS ZONE I DEFINITION TO READ:
The area within the twelve mile radius of the Main Post Office located in one of the cities listed as follows - El Reno, Moore, Norman, Midwest City, Tuttle, Tecumseh and Oklahoma City.

ADD:
CEMENT MASONS AREA DEFINITION TO READ "Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain and Grady Counties, Oklahoma."

CARPENTERS - ZONE II		
Power saw operator	14.35	1.64

DECISION #OK82-4035-Mod.#2 47FR27683-June 25, 1982 Tulsa, Delaware, Creek, Craig, Ottawa, Mayes and Roger Counties, Oklahoma		
CHANGE:		
CARPENTERS - AREA I	$14.18	1.62
MILLWRIFHTS-PILEDRIVERMEN - AREA I	14.48	1.62

Basic Hourly Rates	Fringe Benefits

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DECISION NO. PA82-3007
MOD. NO. 6
(47 FR 8529 - February 26, 1982)
Bucks, Chester, Delaware,
Montgomery & Philadelphia Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ADD:					
DRYWALL FINISHERS:					
Rehabilitation work to include demolition, repair and alteration, on any existing structures of not more than four (4) stories which is intended for predominantly residential use	9.50	1.69	.75		.03
All other work	12.03	1.91	1.25	1.00	.03
ELECTRICIANS:					
Rehabilitation work to include demolition, repair & alteration, on any alteration, on any existing structure of not more than four (4) stories which is intended for predominantly residential use:					
ZONE 1	14.92	6%	3%+6%		.24
ZONE 2	10.74	.71	3%+.81		.06
ZONE 3	9.75	.46	3%+.58		.15
ELECTRICIANS					
ZONE 1					
Commercial	17.69	1.26	7%+1.06		.18
Residential up to and including 4 stories	16.53	.99	16%		2%
ZONE 2					
Commercial	17.35	5%	9%		1.5%
Residential up to and including 3 stories	18.74	.71	3%+.81		.86
ZONE 3					
Commercial	16.46	6%	3%+13%		1/2 of1%
Residential up to and including 3 stories	9.85	.59	3%+1.20		1/2 of1%
ZONE 4					
Commercial	16.00	1.17	1.52		1/4 of1%
ZONE 5					
Commercial	15.69	.78	3%+.84		.05
ZONE 6					
Commercial	16.[illegible]	1.05	3%+1.00		.02
ZONE 7					
Commercial	15.35	.80	7%+1.00		.04
ZONE 8					
Commercial	15.[illegible]	7%	3%+.80		.15
ZONE 9					
Commercial	13.33	.60	3%		.03

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	Basic Hourly Rates	Fringe Benefits
DECISION NO. PA81-3091 MOD. NO. 4 (46 FR 62761 - December 28, 1981) Greene, Somerset & Potter Counties, Pennsylvania		
CHANGE:		
Electricians:		
Greene & Somerset Counties	$16.80	2.85+3%
Ironworkers:		
Potter County	14.165	3.435
DECISION NO. PA82-3027 MOD. NO. 1 (47 FR 44670 - October 8, 1982) Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Crawford & Venango Counties, Pennsylvania		
CHANGE:		
Carpenters & Soft floor layers		
Zone 2	13.23	26½%
Ironworkers		
Zone 5	14.165	3.435
LABORERS:		
ZONE 4		
Class 1	12.50	20%
Class 2	12.58	20%
Class 3	12.89	20%
Class 4	12.97	20%
Class 5	12.76	20%
Class 6	13.07	20%
Class 7	12.76	20%
Class 8	12.97	20%

	Basic Hourly Rates	Fringe Benefits
DECISION NO. PA82-3028 MOD. NO. 2 (47 FR 39972 - Sept. 10, 1982) Elk, Forest, McKean, Warren Counties, Pennsylvania		
CHANGE:		
Carpenters & Soft Floor Layers:		
McKean County: Townships of Kane & Bradford: Warren County in its entirety	13.23	26½%
Ironworkers:		
Elk & McKean Cos.	14.165	3.435

DECISION NO. TX82-4025 - MOD. #3 (47 FR 26550 - 6/18/82) Brazos County, Texas	Basic Hourly Rates	Fringe Benefits
CHANGE:		
Ironworkers	$15.46	3.50
Sheet metal workers	16.64	2.09+3%
DECISION NO. TX82-4033 - MOD. #6 (47 FR 26549 - 6/18/82) Galveston & Harris Cos., Texas		
CHANGE:		
Ironworker	15.46	3.50
Sheet metal workers	16.64	2.09+3%

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO82-5127

DATE: Date of Publication

Supersedes Decision No. CO81-5148 dated September 4, 1981, in 46 FR 18732

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$13.27	$2.98
BOILERMAKERS	14.97	2.575
BRICKLAYERS	13.97	2.02
CARPENTERS	12.22	3.20
CEMENT MASONS:		
Cement Masons	13.79	2.32
Working with composition material and color	14.29	2.32
Working on scaffold, swing stage or temporary platform over 25'	14.04	2.32
DRYWALL INSTALLERS	11.72	2.92
ELECTRICIANS:		
Contract over $100,000.00:		
Electricians; Technicians	15.94	2.00+ 4½%
Cable Splicers	17.53	2.00+ 4½%
Contract under $100,000.00:		
Electricians; Technicians	12.00	1.80+ 4½%
ELEVATOR CONSTRUCTORS:		
Mechanics	14.88	2.33+a
Helpers	10.42	2.33+a
Probationary Helpers	7.44	
GLAZIERS	13.80	1.52+b
IRONWORKERS:		
Structural; Ornamental and Reinforcing	14.35	2.71
MARBLE and TILE SETTERS; TERRAZZO WORKERS	15.53	2.79
MILLWRIGHTS	14.66	2.43
PAINTERS:		
Brush and Roller Painters; Tapers and Hand Texture Men:		
Zone 1	11.54	1.69
Zone 2	12.54	1.69
Zone 3	13.29	1.69

	Basic Hourly Rates	Fringe Benefits
PAINTERS: (Cont'd)		
Tapers using Automatic tools, Spray Painters, and Sandblasters:		
Zone 1	$12.29	$1.69
Zone 2	13.29	1.69
Zone 3	14.07	1.69
Paper and Vinyl Hangers; Steel Brush Painters:		
Zone 1	12.04	1.69
Zone 2	13.04	1.69
Zone 3	13.82	1.69
Steel Spray Painters and Sandblasters:		
Zone 1	12.79	1.69
Zone 2	13.79	1.69
Zone 3	14.57	1.69
PLASTERERS	13.44	.01
PLUMBERS:		
Zone 1	16.22	2.60
Zone 2	16.79	2.60
Zone 3	17.22	2.60
Zone 4	18.245	2.60
ROOFERS	12.36	1.24
SHEET METAL WORKERS	14.96	2.54+ 3%
SOFT FLOOR LAYERS	13.14	3.23
SPRINKLER FITTERS	15.31	2.43
TILE, MARBLE and TERRAZZO FINISHERS:		
Finishers	9.55	3.00
Floor Grinders	9.70	3.00
Grinders	10.25	3.00

DECISION NO. CO82-5127 Page 2

	Basic Hourly Rates	Basic Hourly Rates
	ZONE 1	ZONE 2
LABORERS:		
Group 1	$9.40	$9.90
Group 2	9.66	10.16
Group 3	10.30	10.70

FRINGE BENEFITS:
$2.09

	Basic Hourly Rates	Basic Hourly Rates
	ZONE 1	ZONE 2
POWER EQUIPMENT OPERATORS: (Other than for work in Tunnels, Shafts, and Raises):		
Group 1	11.60	11.80
Group 2	11.95	12.70
Group 3	12.30	13.05
Group 4	12.45	13.20
Group 5	12.60	13.35
Group 6	12.75	13.50
(For work in Tunnels, Shafts, and Raises):		
Group 1	11.75	12.50
Group 2	12.10	12.85
Group 3	12.20	12.95
Group 4	12.45	13.20
Group 5	12.60	13.35
Group 6	13.00	13.75
Group 7	12.75	13.50

FRINGE BENEFITS:
$2.95

	Basic Hourly Rates	Basic Hourly Rates
	ZONE 1	ZONE 2
TRUCK DRIVERS:		
Group 1	$9.36	$9.86
Group 2	9.46	9.96
Group 3	9.56	10.06
Group 4	9.61	10.11
Group 5	9.66	10.16
Group 6	9.71	10.21
Group 7	9.76	10.26
Group 8	9.81	10.31
Group 9	9.91	10.41
Group 10	9.96	10.46
Group 11	10.06	10.56
Group 12	10.21	10.71
Group 13	10.26	10.76
Group 14	10.36	10.86
Group 15	10.46	10.96
Group 16	10.56	11.06
Group 17	10.66	11.16
Group 18	10.86	11.36

FRINGE BENEFITS:
$2.04

WELDERS: Receive rates for craft performing operation to which welding is incidental

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Seven Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Friday after Thanksgiving Day; and Christmas Day

b. 15 days Paid Vacation after 1600 hours

ZONE DESCRIPTIONS

PAINTERS:
Zone 1: 0-20 miles
Zone 2: 20-35 miles
Zone 3: 35 miles and over

PLUMBERS:
Zone 1: 0 to 15 miles from Post Office
Zone 2: 15 to 20 miles from Post Office
Zone 3: 20 to 40 miles from Post Office
Zone 4: 40 miles and over from Post Office

LABORERS:
Zone 1: That area encompassed by 0 to 30 driving miles from the Main Post Office in each of the following Cities:
Pueblo La Junta Trinidad

Zone 2: That area encompassed by 30 or more driving miles from the Main Post Office in the Cities listed in Zone 1

POWER EQUIPMENT OPERATORS and TRUCK DRIVERS:

A. Counties entirely within Zone 1:
Otero Pueblo

B. Portions of Las Animas County which are included within Zone 1, as follows:
All of Las Animas County lying west
of the Township Line between R59W
and R60W of the 7th Guide Meridian West

C. Portions of Las Animas County which are included within Zone 2, as follows:
All of Las Animas County lying East
of the Township Line between R59W
and R60W of the 7th Guide Meridian West

LABORERS

Group 1: Building Construction Laborer

Group 2: Laborers - Underpinning and Shoring eight (8) feet or more below working surface. Power Tool Operators of all mechanical, air, gas, and electric tools, including Self-propelled Buggies and Cement Finishers Tenders. Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of Tilt-up Panels. Burners on Demolition and Welders, Gunnite Nozzleman and Sandblasters

Group 3: Pipelayers on Building Construction. Jackhammer Operator for Underpinning and Shoring over twelve (12) feet below working surface, Bellers and Stemmers on Caisson Work; Tender, Mason and Plaster

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Air Compressor; Asphalt Screed; Oiler; Brakeman; Drill Operator - smaller than Williams MF and similar; Tender to Heavy Duty Mechanic and/or Welder; Operators of 5 or more light plants, Welding Machines, Generators, single unit conveyor; Pumps; Vacuum Well Point System; Tractor, under 70 HP with or without attachments; Grade Checker; Compressors, 360 C.F.M. or less

Group 2: Conveyor, handling building materials; Ditch Witch and similar Trenching Machine; Fireman or Tank Heater, road; Forklift; Haulage Motor Man; Pugmill; Portable Screening Plant with or without a spray bar; Screening Plants, with classifier; Self-propelled Roller, rubber-tired under 5 tons

Group 3: Asphalt Plant; Backfiller, Bituminous Spreader or Laydown Machine; Cableway Signalman; Caisson Drill; Williams MF, similar and larger; C.M.I. and similar; Concrete Batching Plants; Concrete Finish Machine; Concrete Gang Saws on concrete paving; Concrete Mixer, less than 1 yd.; Concrete Placement Pumps, under 8 inches; Distributors, Bituminous Surfaces; Drill, Diamond or Core; Drill Rigs, Rotary, Churn, or Cable Tool; Elevating Graders, Equipment Lubricating and Service Engineer; Engineer Fireman; Grout Machine; Gunnite Machine; Hoist, 1 drum; Hydraulic Backhoes, wheel mounted under 3/4 yd.; Loader, Barber Green, etc.; Loader up to and including 6 cu. yds.; Machine Doctor; Mechanic; Motor Grader/Blade, rough; Road Stabilization Machine; Rollers, self-propelled, all types over 5 tons; Sandblasting Machine; Single unit portable Crusher, with or without washer; Tie Tamper, wheel mounted; Tractor, 70 HP and over with or without attachments; Trenching Machine Operator; Welder; Winch on Truck

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 4: Cable operated Crane, truck mounted; Cable operated power Shovels, Draglines, Clamshells, and Backhoes, 5 cu. yds. and under; Concrete Mixer over 1 cu. yd.; Concrete Paver 34E or similar; Concrete Placement Pumps, 8 inches and over; Crane, 50 tons and under; Hoist, 2 drums; Hydraulic Backhoe, 3/4 yd. and over; Loader, over 6 cu. yds.; Mechanic-welder, heavy duty; Mixer Mobile; Motor Grader/blade, finish; Multiple unit portable Crusher, with or without washer; Piledriver; Scrapers, single bowl under 40 cu. yds.; Self-propelled Hydraulic Crane; Tractor with sideboom; Truck mounted Hydraulic Crane

Group 5: Cable operated power Shovels, Draglines, Clamshells and Backhoes over 5 cu. yds.; Crane, over 50 tons, carrier mounted; Derrick, Electric rail type Tower Crane; Hoist 3 drum or more; Quad Nine and similar push unit; Scrapers, single bowl including pups 40 cu. yds. and tandem bowls and over

Group 6: Cableway; Climbing Tower Crane; Crawler or truck mounted Tower Crane; Wheel Excavator, Tower Crane, truck type

(For work in Tunnels, Shafts and Raises)

Group 1: Brakeman

Group 2: Motorman

Group 3: Compressor (500 CFM and over) serving Tunnels, Shafts and raises

Group 4: Air Tractors; Grout Machine; Gunnite Machine; Jumbo Form; Mechanic; Welder

Group 5: Concrete Placement Pumps, 8" and over discharge; Mucking Machines and Front End Loaders, underground; Slusher; Mine Hoist Operator

Group 6: Mole

Group 7: Mechanic - Welder, heavy duty

TRUCK DRIVERS

Group 1: Pickups; Tenders; Dumpmen

Group 2: Dump Trucks, to and including 6 cu. yds.; Sweepers; Flat Rack, single axle; Liquid and Bulk Tankers, single axle

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TRUCK DRIVERS (Cont'd)

Group 3: Dump Trucks, over 6 cu. yds. to and including 14 cu. yds; Flat Rack, tandem axle; Battery Men; Mechanics' Tenders; Man Haul Shuttle Truck or Bus

Group 4: Straddle Truck; Lumber Carrier; Liquid and Bulk Tankers, tandem axle

Group 5: Fork Lift Driver; Fuel Truck; Grease Truck; Combination Fuel and Grease

Group 6: Distributor Truck Driver; Cement Mixer, Agitator Truck to and including 10 cu. yds.; Liquid and Bulk Tankers, semi or combination

Group 7: Multi-purpose Truck; Specialty and Hoisting

Group 8: Dump Trucks, over 14 cu. yds. to and including 29 cu. yds.; High Boy, Low Boy, Floats, semi; Cab operated Distributor Truck Driver, semi; Liquid and Bulk Tankers, Euclid, Electric or similar; Truck Drivers, Dumptor type Youngbuggy, Jumbo and similar type equipment

Group 9: Truck Driver, Snow Plow

Group 10: Cement Mixer, Agitator Truck, over 10 cu. yds., to and including 15 cu. yds.

Group 11: Dump Trucks, over 29 cu. yds. to and including 39 cu. yds.

Group 12: Cement Mixer, Agitator Truck, over 15 cu. yds.

Group 13: Dump Trucks, over 39 cu. yds. to and including 54 cu. yds.; Tireman

Group 14: Mechanic

Group 15: Dump Trucks, over 54 cu. yds. to and including 79 cu. yds.

Group 16: Heavy Duty Diesel, Mechanic, Body Men, Welders or Combination Men

Group 17: Dump Trucks, over 79 cu. yds. to and including 104 cu. yds.

Group 18: Dump Trucks, over 104 cu. yds.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Louisiana
DECISION NO.: LA82-4053
Supersedes Decision No. LA82-4020, dated May 7, 1982, in 47 FR 19880

PARISH: Statewide
DATE: Date of Publication

DESCRIPTION OF WORK: Building projects (does not include single family homes & apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS: ZONE 1	$17.255	2.215
ZONE 2	14.71	2.475
ZONE 3	13.80	2.22
ZONE 4	13.79	1.36
BOILERMAKERS	16.25	2.415
BRICKLAYERS & STONEMASONS:		
ZONE 1	15.65	2.26
ZONE 2	12.74	1.68
ZONE 3	15.65	2.12
ZONE 4	14.35	1.84
ZONE 5	13.75	
ZONE 6	13.30	1.70
ZONE 7	13.10	.30
ZONE 8	14.15	.75
ZONE 9	14.50	
CARPENTERS:		
ZONE 1:		
Carpenters	13.25	.85
Millwrights	13.97	.85
Piledrivermen	14.15	.85
ZONE 2:		
Carpenters, Piledrivermen & Soft Floor Layers	14.83	1.60
Millwrights	17.19	.07
ZONE 3:		
Carpenters	13.15	1.80
Millwrights	13.84	1.80
Piledriverman	13.55	1.80
ZONE 4:		
Carpenters & Piledrivermen	15.20	1.78
Millwrights	18.025	1%
ZONE 5:		
Carpenters & Soft Floor Layers	14.35	2.16
Millwrights	14.74	2.16
Piledrivermen	14.45	2.16
ZONE 6:		
Carpenters & Soft Floor Layers	14.19	2.16
Millwrights	14.74	2.16
Piledrivermen	14.45	2.16
ZONE 7:		
Carpenters & Soft Floor Layers	12.95	
Millwrights	13.70	
Piledrivermen	13.45	

CARPENTERS (Cont'd):	Basic Hourly Rates	Fringe Benefits
ZONE 8:		
Carpenters & Soft Floor Layers	$12.90	1.78
Millwrights	13.65	1.78
Piledriverman	13.15	1.79
ZONE 9:		
Carpenters & Soft Floor Layers	12.30	1.85
Millwrights	13.20	1.85
Piledrivermen	12.80	1.85
CEMENT MASONS:		
Zone 1	14.09	.05
Zone 2	14.91	
Zone 3	12.65	1.65
Zone 4	14.01	1.58
Zone 5	13.75	
Zone 6	10.00	
Zone 7	12.10	.85
Zone 8	12.65	.75
Zone 9	11.60	.30
ELECTRICIANS:		
Zone 1: Electricians	16.64	13-5/10%
Cable Splicers	16.89	"
Zone 2: Electricians	15.00	.82+3%
Cable Splicers	15.50	.82+3%
Zone 3: Electricians	18.20	1.50+3-5/10%
Cable Splicers	18.70	"
Zone 4: Electricians	17.10	.70+3-2/10%
Cable Splicers	17.35	"
Zone 5: Electricians	16.45	1.35+3%
Cable Splicers	16.45	1.35+3%
Zone 6: Electricians	14.15	1.15+3½%
Cable Splicers	14.65	"
Zone 7: Electricians	14.60	2.40+4%
Cable Splicers	15.10	2.40+4%
Zone 8: Electricians	14.58	.80+3½%
Cable Splicers	14.83	.80+3½%
ELEVATOR CONSTRUCTORS:		
Zone 1: Mechanics	13.43	2.465+a
Helpers	70% JR	2.465+a
Helpers (Prob)	50% JR	
Zone 2: Mechanics	13.66	2.465+a
Helpers	70% JR	2.465+a
Helpers (Prob)	50% JR	

DECISION NO: LA82-4053

	Basic Hourly Rates	Fringe Benefits
GLAZIERS:		
Zone 1	$14.65	.02+b
Zone 2	11.75	.01
Zone 3	14.55	.73
Zone 4	9.88	.34
Zone 5	6.80	
Zone 6	10.99	
IRONWORKERS:		
Zone 1	14.70	2.08
Zone 2	15.29	1.99
Zone 3	14.25	2.36
Zone 4	14.55	2.31
Zone 5	11.50	1.59
Zone 6	15.62	1.62
LABORERS:		
Zone 1:		
Group 1	7.20	.30
Group 2	7.40	.30
Group 3	7.45	.30
Zone 2:		
Group 1	8.92	.80
Group 2	9.12	.80
Zone 3:		
Group 1	11.11	.94
Group 2	11.21	.94
Group 3	11.26	.94
Group 4	12.07	.94
Group 5	11.63	.94
Group 6	11.47	.94
Group 7	11.16	.94
Group 8	11.36	.94
Zone 4:		
Group 1	10.37	.85
Group 2	10.47	.85
Group 3	10.52	.85
Zone 5:		
Group 1	9.97	.85
Group 2	10.37	.85
Group 3	10.12	.85
Zone 6:		
Group 1	10.72	.95
Group 2	10.82	.95
Group 3	10.97	.95
Group 4	10.88	.95
Group 5	10.98	.95
Zone 7:		
Group 1	10.40	.95
Group 2	10.55	.95
Group 3	10.60	.95
Zone 8:		
Group 1	8.11	.80
Group 2	8.31	.80
Group 3	8.36	.80
Group 4	8.41	.80
Group 5	8.76	.80

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits
Zone 9:		
Group 1	$ 8.90	.80
Group 2	9.00	.80
Group 3	9.05	.80
Group 4	9.10	.80
Zone 10:		
Group 1	8.45	.80
Group 2	8.60	.80
Group 3	8.75	.80
LATHERS:		
Zone 1	12.73	1.00
Zone 2	12.88	1.00
Zone 3	13.28	1.00
Zone 4	13.48	1.00
Zone 5	15.20	1.76
Zone 6	13.25	.65
Zone 7	14.83	1.60
Zone 8	12.90	1.78
Zone 9	12.95	
Zone 10	12.30	1.88
LINE CONSTRUCTION:		
Zone 1:		
Linemen	16.85	1.35+3%
Hole digging equip.; tractor w/winch & derrick; line truck w/winch & derrick working hot lines	75% JR	1.35+3%
Pole truck & trailer or pole hauling & setting truck (not energized lines)	65% JR	1.35+3%
Truck w/o winch	45% JR	1.35+3%
Groundmen	50% JR	1.35+3%
Zone 2:		
Linemen	16.64	13-3/10%
Cable Splicers	16.89	"
Equipment Oprs.	12.48	"
Truck drivers and groundmen	7.49	"
Zone 3:		
Linemen, equipment opr.	18.20	1.50+3-1/10%
Cable Splicers	18.70	"
Groundmen	16.20	"
Zone 4:		
Linemen, equipment opr.	14.80	.70+3%
Cable Splicers	14.85	.70+3%
Groundmen	50% JR	.70+3%
Zone 5:		
Linemen, equipment opr.	15.36	3½%
Cable Splicers	15.61	3½%
Groundmen	40% JR	3½%

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LINE CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits
Zone 6:		
Linemen, equipment oprs.	$14.15	1.15+ 3½%
Cable Splicers	14.65	"
Groundmen	4.19	"
Zone 7:		
Linemen, Operators	14.60	2.40+ 3-3/4%
Cable Splicers	15.10	"
Groundmen	12.60	"
MARBLE, TILE & TERRAZZO WORKERS & FINISHERS:		
Zone 1:		
Marble Setters	14.35	1.84
Tile & Terrazzo Workers	14.05	.65
Marble, Tile & Terrazzo Finishers	10.10	1.00
Zone 2:		
Marble & Terrazzo Wkrs.	15.65	2.12
Tile Setters	12.07	1.70
Zone 3:		
Marble Setters	14.50	
Terrazzo Workers	11.65	
Zone 4:		
Marble, Tile & Terrazzo Workers	12.85	.75
Zone 5:		
Marble, Tile & Terrazzo Workers	11.80	.85
Zone 6:		
Marble, Tile & Terrazzo Workers	17.25	
Marble, Tile & Terrazzo Finishers	10.10	1.00
Zone 7:		
Tile Setters	13.75	
Tile Finishers	10.10	1.00
PAINTERS:		
Zone 1:		
Group 1	15.395	.40
Group 2	15.605	.40
Group 3	15.76	.40
Group 4	17.275	.40
Zone 2:		
Group 1	11.85	1.33
Group 2	13.42	1.33
Zone 3:		
Group 1	12.055	1.895
Group 2	12.43	1.895
Group 3	14.005	1.895
Zone 4:		
Group 1	10.99	
Group 2	11.43	
Group 3	11.12	
Group 4	12.25	
Group 5	12.59	
Group 6	11.09	
Group 7	11.33	

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PAINTERS (Cont'd):	Basic Hourly Rates	Fringe Benefits
Zone 5:		
Group 1	10.75	
Group 2	11.60	
Group 3	12.10	
Zone 6:		
Painters, tape & float, vinyl & paperhanger	11.40	1.10
Zone 7:		
Group 1	9.05	
Group 2	9.55	
Group 3	10.05	
Zone 8:		
Painters	10.85	.83
Industrial	13.42	1.33
PLASTERERS:		
Zone 1	13.20	
Zone 2	13.00	.01
Zone 3	15.78	
Zone 4	15.20	.01
Zone 5	12.08	1.58
Zone 6	8.00	.01
Zone 7	12.10	.85
Zone 8	14.15	.75
Zone 9	13.10	.30
PLUMBERS & PIPEFITTERS:		
Zone 1	15.80	2.43
Zone 2	16.145	2.305
Zone 3	14.25	2.35
Zone 4	13.94	3.04
Zone 5	17.48	2.00
Zone 6	15.05	1.65
POWER EQUIPMENT OPERATORS:		
Zone 1:		
Group 1	10.32	1.95
Group 2	11.56	1.95
Group 3	11.30	1.95
Group 4	11.67	1.95
Group 5	13.50	1.95
Group 6	12.25	1.95
Zones 2, 3 & 4:		
Group 1	9.80	1.95
Group 2	10.83	1.95
Group 3	10.93	1.95
Group 4	11.40	1.95
Group 5	13.57	1.95
Group 6	12.57	1.95
Zone 5:		
Group 1	10.61	1.95
Group 2	10.29	1.95
Group 3	10.08	1.95
Group 4	10.89	1.95
Group 5	14.01	1.95
Group 6	11.50	1.95
Group 7	12.38	1.95
Group 8	12.38	1.95

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POWER EQUIPMENT OPERATORS (Cont'd):	Basic Hourly Rates	Fringe Benefits
Zone 6:		
Group 1	15.21	2.20
Group 2	15.46	2.20
Group 3	15.71	2.20
Group 4	15.96	2.20
Group 5	16.46	2.20
Group 6	16.21	2.20
Group 7	14.96	2.20
Group 8	12.88	2.20
Group 9	11.31	2.20
Group 10	9.45	2.20
Group 11	10.63	2.20
Zone 7:		
Group 1	14.73	2.20
Group 2	12.24	2.20
Group 3	12.43	2.20
Group 4	15.23	2.20
Group 5	10.69	2.20
Group 6	9.03	2.20
Group 7	14.98	2.20
Group 8	15.23	2.20
Group 9	15.48	2.20
Group 10	15.73	2.20
Group 11	16.23	2.20
Group 12	16.73	2.20
ROOFERS:		
Zone 1	15.06	.20
Zone 2:		
Roofers	10.36	2.90
Preparers remove old roofing, place, stock or move materials, tools or equipment for journeyman	4.90	.55
Zone 3:		
Roofers	11.63	1.79
Preparers remove old roofing, place, stock or move materials, tools or equipment for journeyman	5.00	
Zone 4:		
Roofers	11.00	.30
Kettlemen	9.00	.30
Zone 5:		
Roofers	12.86	.24

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SHEET METAL WORKERS:	Basic Hourly Rates	Fringe Benefits
Zone 1	14.75	1.74+3%
Zone 2	14.25	2.32+3%
Zone 3	14.12	1.51
Zone 4	13.04	1.62+3%
SPRINKLER FITTERS	14.57	2.83
TRUCK DRIVERS:		
Zone 1:		
Group 1	11.31	.70
Group 2	11.79	.70
Group 3	12.02	.70
Group 4	11.81	.70
Group 5	11.91	.70
Group 6	11.83	.70
Group 7	12.25	.70
Zone 2:		
Group 1	9.05	.60
Group 2	9.30	.60
Group 3	9.85	.60
Group 4	9.70	.60
Group 5	10.15	.60
Group 6	10.25	.60
Group 7	10.55	.60
Group 8	10.70	.60
Zone 3:		
Group 1	9.87	
Group 2	9.95	
Group 3	10.20	
Group 4	10.35	
Group 5	10.50	
Group 6	10.70	
Group 7	11.05	
Zone 4:		
Group 1	11.88	
Group 2	12.18	
Group 3	12.33	
Group 4	12.53	
Group 5	12.68	
Group 6	12.48	
Zone 5:		
Group 1	11.09	.70
Group 2	11.70	.70
Group 3	11.75	.70
Group 4	12.01	.70

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 years - 6%; over 5 years - 8% of basic hourly rate and 7 paid holidays, A thru G.

b - 5 days paid vacation and 6 paid holidays, A thru F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-The Friday After Thanksgiving Day; and G-Christmas Day

ZONE DEFINITIONS FOR ASBESTOS WORKERS

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes

ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes

ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes

ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

ZONE DEFINITIONS FOR BRICKLAYERS AND STONEMASONS

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Pointe Coupee, Rapides & St. Landry Parishes

ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from Tangipahoa Par. on the west along U.S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes

ZONE 5 - St. Tammany (north half including Covington north of Hwy. 90) & Washington Parishes

ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 7 - Natchitoches & Sabine Parishes

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn

ZONE 9 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Pars.

ZONE DEFINITIONS FOR CARPENTERS:

ZONE 1 - All of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars.; Parts of Iberia, St. Martin & St. Mary Pars. (west of the Atchafalaya River)

ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - Parts of St. Tammany & Tangipahoa (north of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Par.) & Washington Parishes

ZONE 4 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Pars.

ZONE 5 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles & St. John the Baptist Pars.; Parts of St. Tammany & Tangipahoa (south of I-12 from the Mississippi State Line to the western boundary of Tangipahoa Par.) Parishes

ZONE 6 - Assumption, Iberia (east of the Atchafalaya River), Lafourche, St. James (south of the Miss. River), St. Martin (eastern segment of the Atchafalaya River), St. Mary (east of the Atchafalaya River) & Terrebonne Parishes

ZONE DEFINITIONS FOR CARPENTERS (Cont'd)

ZONE 7 - Avoyelles, Grant, LaSalle, Natchitoches, Rapides & Sabine

ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 9 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE DEFINITIONS FOR CEMENT MASONS

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes

ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (north to Interstate Hwy. 12) & Terrebonne Parishes

ZONE 5 - St. Tammany (northern half including Covington north of Hwy 190) & Washington Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn

ZONE 9 - Natchitoches & Sabine Parishes

ZONE DEFINITIONS FOR ELECTRICIANS

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes

ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Pars.

ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes

ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northest of the Atchafalaya River) & Terrebonne Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Pars.

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Pars.

ZONE DEFINITIONS FOR ELEVATOR CONSTRUCTORS:

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes

ZONE DEFINITIONS FOR ELEVATOR CONSTRUCTORS (Cont'd):

ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

ZONE DEFINITIONS FOR GLAZIERS:

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Acadia, Ascension (north of Hwy. 22), Assumption (north of Hwy. 22), East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area), Tangipahoa (west of Hwy. 51), Vermilion, West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Jefferson, Lafourche, Livingston (south of Hwy. 22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes

ZONE 4 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster

ZONE 5 - Bienville (eastern portion everything east of Rt. 9 inclusive), Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (northern half everything north of a line running east & west through Winfield, excluding Winfield) Parishes

ZONE 6 - St. Tammany (northern 2/3 everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Parishes

ZONE DEFINITIONS FOR IRONWORKERS:

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Pars.; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, east of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (east of a line drawn from the meeting point of the boundaries of the Pars. of Rapides, Avoyelles & Evangeline, southeast along the western city limits of Abbeville to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Pars. (west of a straight line drawn from the La.-Miss. border, west of the city limits of Warrenton, southwest through Hammond to the Gulf of Mexico); Parts of Catahoula, Concordia & LaSalle Pars. (south of a line drawn from Natchez through the city of Cottonport to the Rapides Par. line, then west along the southern border of Rapides Par.)

ZONE DEFINITIONS FOR IRONWORKERS (Cont'd):

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (west of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Sabine Par. (north of a line drawn from the Natchitoches Par. boundary west through the city of Peason to the Tex.-La. border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Rapides, Richland, Tensas, Union & West Carroll Pars.; Parts of Bienville, Claiborne, Natchitoches & Winn Pars. (east of a line drawn directly south from the Ark.-La. border through the cities of Arcadia & Cloutierville); Part of Madison Par. (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia & LaSalle Pars. (north of a line drawn from Natchez through the city of Cottonport to the Rapides Par. line)

ZONE 5 - That part of Madison Par. (including the cities of Mound, Delta & adjacent areas)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Pars.; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Pars. (southwest of Rapides Par. & west of a line south of the western most border between Rapides & Evangeline)

LABORERS - ZONE 1 (CLASSIFICATION DEFINITIONS)

GROUP 1 - Building and labor construction

GROUP 2 - Stone mason tenders, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers & ditchers 4 ft. or over); tender of all crafts; sandblaster (nozzlemen); sandblaster (pot tender); laying non-metallic pipe over 4 ft. deep, including sewer, drain & underground tile; septic tank diggers & installers, over 4 ft. deep; gas & oil pipeline laborers & wrappers

GROUP 3 - Gunite tool operators

LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewman

GROUP 2 - Mason mixer; plaster mixer; mechanical tool op. (jackhammer, vibrator, tamper, chipping gun, soil tillers); sandblaster; laying concrete, clay, plastic, asbestos cement, casing & corrugated metal pipe, as sewer, drain & underground tile (caulkers, joint wrappers hot pot & pipe layers); gas & oil pipeline laborers wrappers & dopers

LABORERS - ZONE 3

GROUP 1 - Building & general laborer; tenders (carpenter, plaster, cement finisher, mason), tank & vessel cleaners

GROUP 2 - Mechanical tool op. (except jackhammer); interior of closed tanks & vessels power equipped

GROUP 3 - Mortar mixers

GROUP 4 - Blasterers

GROUP 5 - Blaster tenders; concrete cutters behind paving machine & puddlers; form setters & liner asphalt worker

GROUP 6 - Wiping joints, laying pipe & tile from pumpcrete

GROUP 7 - Interior of closed tanks & vessels manually

GROUP 8 - Jackhammer operators

LABORERS (CLASSIFICATION DEFINITIONS) (Cont'd):

LABORERS - ZONES 4 & 5
GROUP 1 - Building and general laborers, carpenter tenders
GROUP 2 - Power tool ops. (hammer men, tamper, vibrator, power buggies, concrete chippers & cutters, chain saw ops., etc.); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6
GROUP 1 - Laborers
GROUP 2 - Laborers handling pans, stone mason tenders, mechanical tool ops., sewermen, sandblaster; laying non-metallic pipe over 4' deep, including sewer pipe, drain pipe, & underground tile; septic tank diggers & installers over 4' deep; gas & oil pipeline laborers & wrappers; scalers using boatswain's chair, safety belt or power tool; scaler & cleaners
GROUP 3 - Gunite tool operators
GROUP 4 - Bricklayer & mason tender
GROUP 5 - Hod carrier using a prime mover to serve a bricklayer; mortar mixer, either hand or machine

LABORERS - ZONE 7
GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tenders, plaster tenders, stone mason tenders, vibratormen
GROUP 3 - Mortar mixers

LABORERS - ZONE 8
GROUP 1 - Common laborers; carpenter tenders; mason tenders (other than cement); plasterers tenders; stone mason tenders; concrete workers; scaffold builders
GROUP 2 - Air tool ops. (jackhammer, vibrator & tamper); sewer pipe joiners & setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); Mortar mixer (wet or dry); motorized buggy op.; water proofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother & shovelers; sewer pipelayers; blaster tenders
GROUP 5 - Powderman

LABORERS - ZONE 9
GROUP 1 - Laborers, Plasterer tenders, asphalt rakers & smoothers
GROUP 2 - Mason tenders
GROUP 3 - Mortar mixers
GROUP 4 - Sewer pipe layers & wipers, burners on demolition, mechanical tool ops. (including but not limited to jackhammer, tamper, vibrator chipping hammer)

LABORERS - ZONE 10
GROUP 1 - Laborers, tenders (brickmasons, stonemasons, cement masons, carpenters, plasterers), stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artificial stone; building scaffolds; shoring
GROUP 2 - Mechanical tool op. (air, electric, motor, engine, etc.); sewer pipelayers; mortar mixers (hand or machine); gunite op., tile, terrazzo & marble setter finishers
GROUP 3 - Pipe dopers & burners

ZONE DEFINITIONS FOR LABORERS:

ZONE 1 - St. Tammany (as far south as Bayou Lacombe & east to the Miss. State Line at Pearlington), Tangipahoa (all but southwestern corner) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (excluding that part of Par. to the Calumet Locks west) & Vermilion
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Pars.; Parts of Assumption, St. James, St. John the Baptist Pars. (north of a line drawn from the southern limits of the town of St. James in St. James Par. to the northern limits of the town of Napoleonville in Assumption Par. & then directly west to the Par. Line, all of St. James Par. except that part which is east of a line drawn from Lutcher to U.S. Hwy. 61 (Airline Hwy.) then west on U.S. 61 to Blind River & on a direct line to Manchac)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western Par. line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Miss. River & the portion of St. John the Baptist on the east bank of the Miss. River as far as the Sycamore Inn at Lutcher & north to Blind River & Manchac) & St. Tammany (north as far as Bayou Lacombe, east to the Miss. State Line at Pearlington) Pars.
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank & including the town of Vacherie), St. Mary (that part of Parish to the Calumet Locks west) & Terrebonne Parishes
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Ricland, Tensas, Union & West Carroll Parishes

ZONE DEFINITIONS FOR LATHERS:

ZONE 1 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are 12.5 miles from center of New Orleans
ZONE 2 - That part of Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Pars. which are within a 22.5 mile radius of New Orleans Center
ZONE 3 - That part of Jefferson, Lafourche (except that area southeast of Raceland to Bayou Lafourche), Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Tangipahoa Pars. which are within a 32.5 mile radius of New Orleans Center
ZONE 4 - That part of Jefferson, Lafourche (including that area southeast of Raceland to Bayou Lafourche), Livingston (westward to Rt. 22 including towns of Maurepas, Killian & Springfield), Plaquemines, St. Bernard, St. James (including towns of Gramercy, Lutcher & Paulina), St. Tammany, Tangipahoa (northward to Rt. 16 including towns of Amite & Holton), Terrebonne (westward to Rts. 24 & 315 including city of Houma) & Washington (only northward to Rt. 10 to southern limits of towns of Bogalusa, Sheridan & Franklinton) Pars. outside 32.5 mile radius of New Orleans Center

ZONE DEFINITIONS FOR LATHERS (Cont'd):

ZONE 5 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston (western part), Pointe Coupee, St. Helena, St. James (only towns of Union, Hymel, Convent & Lutcher), St. Martin (only lower separated section), St. Mary (only Morgan City), Tangipahoa (north of Rt. 16 & west of Rt. 51 including Amite, Hammond & Pontchatoula), Washington (only north of Rt. 16 & west of Rt. 25), West Baton Rouge & West Feliciana Parishes

ZONE 6 - Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin (excluding lower separated section), St. Mary (east to Berwick) & Vermilion Parishes

ZONE 7 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 9 - Avoyelles, Grant, LaSalle, Natchitoches, Rapides & Sabine Pars.

ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE DEFINITIONS FOR LINE CONSTRUCTION

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (southern segment), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes

ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Pars.

ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (northern segment), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes

ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Pars.

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Pars.

ZONE DEFINITIONS FOR MARBLE, TILE & TERRAZZO WORKERS AND FINISHERS

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Par. from the Tangipahoa Par. Line on the west along U.S. Hwy. 190 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Covington, along State Hwy. 58 through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Parishes

ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 3 - Iberia, Lafayette, St. Martin, St. Mary & Vermilion Pars.

ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, De Soto, Red River & Webster Parishes

ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 7 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Parishes

PAINTERS CLASSIFICATION DEFINITIONS

ZONE 1
- GROUP 1 - Painters brush, roller & buffer
- GROUP 2 - Paperhanging, taping & floating
- GROUP 3 - Spray, sandblasting, hydroblasting, spider op., rubberizing & pyroflexing, steam jennies, taping & floating machine
- GROUP 4 - Water towers, radio & TV towers

ZONE 2
- GROUP 1 - Brush; taping; floating & texture
- GROUP 2 - Sandblasting, industrial & steel

ZONE 3
- GROUP 1 - Painters, paperhangers & sheetrock tapers & floaters
- GROUP 2 - Structural steel painters of new building under construction; the following overall of 30 ft.; tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves & structural steel in old buildings; spray painters, swing stage painter
- GROUP 3 - Industrial

ZONE 4
- GROUP 1 - Brush
- GROUP 2 - Brush swing stage
- GROUP 3 - Brush industrial
- GROUP 4 - Spray; spray steel, sandblasting
- GROUP 5 - Spray swing stage
- GROUP 6 - Paperhanger
- GROUP 7 - Sheetrock finishers

ZONE 5
- GROUP 1 - Painters, paperhangers, tapers, floaters, commercial steel, such as churches or any commercial building with closed roof deck or walls
- GROUP 2 - Other commercial work brush spray, stage, window jacks flagpoles & steeple work
- GROUP 3 - All industrial work including sandblasting or power tools of any kind

ZONE 7
- GROUP 1 - Painters, paperhangers, tapers & floaters
- GROUP 2 - Stage,window jacks, bosun chairs, structural steel, rollers, equipment painting; sandblasting, spray, stack sign, tank painting, steeple jack
- GROUP 3 - Structural steel brush

PAINTERS ZONE DEFINITIONS

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 2 - Ascension (north of Hwy.22), Assumption (north of Hwy. 22), Concordia, East Baton Rouge, East Feliciana, Iberville, Livingston (north of Hwy. 22), Pointe Coupee, St. Helena, Tangipahoa (west of Hwy. 51), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Ascension (south of Hwy. 22), Assumption (south of Hwy. 22), Lafourche, Livingston (south of Hwy. 22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne

ZONE 4 - St. Tammany (northern 2/3, everything north of a straight line running east & west from Pearl River to Mandeville), Tangipahoa (everything east of Rt. 51 & everything north of a straight line running east & west from Madisonville through Ponchatoula) & Washington Pars.

ZONE 5 - Allen (northeastern most corner, north of Rt. 10), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (southern half, everything south of Rt. 6 including City of Natchitoches), Rapides, St. Landry (northern portion) & Winn (southern half from a line running east & west through the intersection of Rts. 84 & 71, including the town of Winnfield at that intersection) Parishes

ZONE 6 - Bienville (western half), Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to City of Natchitoches), Red River, Sabine & Webster

PAINTERS ZONE DEFINITIONS (Cont'd):

ZONE 7 - Bienville (eastern portion, everything east of Rt. 9 inclusive), Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (northern half, everything north of a line running east & west through Winnfield, excluding Winnfield) Parishes

ZONE 8 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes

PLASTERERS ZONE DEFINITIONS

ZONE 1 - St. Tammany (northern half including Covington north of Hwy. 190) & Washington Parishes

ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes

ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (Par. line on the west along U.S. Hwy. 190 through the lower limits of Covington & Abita Springs along State Hwy. 435 to Talisheek & on a line due east from Talisheek to the Miss. State Line) & Terrebonne Parishes

ZONE 6 - Avoyelles, Catahoula, Concordia, Evangline, Grant, LaSalle & Rapides Parishes

ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn

ZONE 9 - Natchitoches & Sabine Parishes

PLUMBERS & PIPEFITTERS ZONE DEFINITIONS

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Par.), St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Par.), Iberville, Livingston, Pointe Coupee, St. Helena, St. James (western 1/3 of Par.), St. Martin (southern part of eastern 1/2 of Par.), St. Mary, West Baton Rouge & West Feliciana Parishes

ZONE 3 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (south of Hwy. 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Rapides, Vernon (northeast of Hwy. 10 & Winn (south of Hwy. 84) Parishes

ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Pars.; Parts of Natchitoches & Vernon Pars. (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Hwy. 111 between Anacoco & Haddens) Parishes

ZONE 5 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia (western 1/2 of Par.), Jefferson Davis, Lafayette, St. Landry, St. Martin (west of Hwy. 31) & Vermilion Parishes

ZONE 6 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn north of Hwy. 84) Parishes

POWER EQUIPMENT OPERATORS - ZONE 1 - CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler

GROUP 2 - Oiler-Driver

GROUP 3 - Scaleman

GROUP 4 - Air compressor, Asphalt plant; Bulldozers, D-4 & equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe); Front end loader 1-1/2 yd. bucket & below

GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Dragline; Fork lifts (setting steel, machinery or pipe); Front end loaders over 1-1/2 yd. bucket (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe); Well point system

GROUP 6 - Unit & well point operator

POWER EQUIPMENT OPERATORS - ZONE 2 - CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler

GROUP 2 - Oiler-Driver

GROUP 3 - Scaleman

GROUP 4 - Air compressor; Asphalt plant op.; Bulldozer, D-4 equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)

GROUP 5 - Asphalt spreader, Backhoe, Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes, Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)

GROUP 6 - Well point system & unit operator

POWER EQUIPMENT OPERATORS - ZONE 3 - CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler

GROUP 2 - Oiler-Driver

GROUP 3 - Scaleman

POWER EQUIPMENT OPERATORS - ZONE 3 - CLASSIFICATION DEFINITIONS (Cont'd)

GROUP 4 - Air compressor; Asphalt plant; Bulldozer, D-4 equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)

GROUP 5 - Asphalt spreader; Backhoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump, concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman

GROUP 6 - Well point & unit operator

POWER EQUIPMENT OPERATORS - ZONE 4 - CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler

GROUP 2 - Oiler-Driver

GROUP 3 - Scaleman

GROUP 4 - Air compressor; Asphalt plant; Bulldozer, D-4 & equivalent & under; Bullfloats; Concrete spreader; Finishing machines; Concrete mixer (16-s or less); Concrete saw; Distributors (bitum surface); Dowell bar machine; Farm-type tractor (with all attachments except backhoe); Fireman; Fork lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum buff machine; Pull cats; Pump (3" & over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle buggies; Sweepers on streets & roads (motorized); Winch truck, A-frame (other than handling steel or pipe)

GROUP 5 - Asphalt spreader; BackHoe; Bulldozer, over D-4 & equivalent; Cableways; Concrete mixer, over 16-s; Cranes; Derricks; Ditching or trenching machines; Draglines; Fork lifts (setting steel, machinery or pipe); Front end loaders (except farm-type tractors); Grease serviceman; Hoist, 1 drum, 4 stories or more or 40 ft. (on structures other than buildings); Hoist, 2 drums & over; Hydrolifts; Heavy duty mechanic; Motor patrols; Piledrivers; Pump concrete (6" & over); Road pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom cats; Shovels; Tractorvators; Welder, journeyman; Winch cats (hoisting); Winch truck, A-frame (handling steel or pipe)

GROUP 6 - Unit operator

POWER EQUIPMENT OPERATORS - ZONE 5 - CLASSIFICATION DEFINITIONS

GROUP 1 - Scale op.; Oiler driver on motor crane; Batch plant

GROUP 2 - Pumps under 3 inch suction

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination oiler-compressor; Combination oiler-fireman; Asphalt spreader; Backhoe (all types); Bulldozers; Cableways; Cherry pickers (all types); Concrete mixers (over 1 sack); Cranes; Deck winch (2 drums or over); Derricks; Ditching or trenching machines (riding types); Draglines; Dredges; Fork lifts (other than farm type); Outside warehouses; Foundation drill; Front end loaders (except farm type); Grease serviceman; Hoist-1 drum (4 stories or more on

POWER EQUIPMENT OPERATORS - ZONE 5 - CLASSIFICATION DEFINITIONS (Cont'd);

GROUP 5 (Cont'd)

buildings); Hoist-1 drum (over 40 ft. on structures other than buildings); Hoist (2 drums or over); Locomotives (all types); Mechanic; Mixer plant-central mix; Motor patrols; Piledrivers; Pull cats; Pump crete-6" & over discharge; Push cat; Road pavers; Rollers (plant mix asphalt); Scrapers; Shovels; Sidebooms; Welder, journeyman; Well point system; Whirleys; Winch cats (Cat D-4 & over); Winch truck with A-frame (5 tons & over); Work boats-requiring licensed op.

GROUP 6 - Bush hog; Compressor; Concrete pump-under 6" discharge; Concrete saw; Deck winch (1 drum); Distributors; Ditching or trenching machines (non-riding type); Dowell bar machines; Farm-type tractor (when used to pull discs, grasscutters, etc.); Hoist-1 drum (under 4 stories on buildings); Hoist-1 drum (40 feet or under on structures other than buildings); Kolum buff machines; Mixers (1 sack & under); Motorized street sweepers (self-propelled); Pump (3 inch & over); Test pump-internal combustion engine powered; Water blast pump

GROUP 7 - Asphalt plant; Boom trucks; Bullfloats; Concrete spreader; Farm-type front end loaders; Finishing machines (roadway, riding type); Roller (other than plant mix asphalt); Straddle buggies; Winch truck with A-frame (under 5 tons); Work boats-not requiring licensed operator

GROUP 8 - Unit operator

POWER EQUIPMENT OPERATORS - ZONE 6 - CLASSIFICATION DEFINITIONS

GROUP 1 - Crane op. 60 tons & over; Crane op boom 100 ft. & over but less than 150 ft.; Piledriver op. leads 100 ft. & over but less than 150 ft.

GROUP 2 - Crane op. 100 tons up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Piledriver op. leads 150 ft. & over but less than 225 ft.

GROUP 3 - Crane op. 125 tons up to 200 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Piledriver op. leads 225 ft. & over but less than 300 ft.

GROUP 4 - Crane op. 200 tons up to 300 tons

GROUP 5 - Crane op. 300 tons

GROUP 6 - Crane op. boom 300 ft. & over;Piledriver Op. 300 ft. & Over

GROUP 7 - Crane; Backhoe; Cableway; Concrete mixer, 16S & up; Derrick; Dragline; Dredge; Hoist-2 drums; Locomotvie crane; Paving mixer; Piledriver; Road paver; Roller on asphalt or brick (5 tons or over); Shovel; Sideboom cat; Bulldozer; Motor patrol; Scraper; Hydrolift crane; Hydrolift truck, yard crane, cherry picker, etc.; Foundation, boring & reaming machine; Cement stabilizer; Trenching machine; Asphalt spreader; Traxcavator & similar front end loading equipment with scoop or bucket of 1 cu. yd. or more capacity; Tug boat op.; Turnapull, euclid, DW-10 & other similar self-loading earth moving equipment; Concrete pump (not pumpcrete);Computer Batch Plant

GROUP 8 - A-frame truck; Crew boat op.; Fireman; Fork lift; Straddle buggy; Traxcavator, scoopmobile & similar front end loading equipment with scoop or bucket under 1 cu. yd. capacity; Locomotive; Well point system; Unit operator; Hoist-1 drum, 4 stories & over

GROUP 9 - Air compressor; Asphalt plant engineer; Blade grader; Distributor (bitum surface); Finishing machine (concrete, paving); Hoist-1 drum, less than 4 stories; Concrete mixer under 16-S; Oiler driver; Pump crete; Street & road sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-hole digger; Tractor operator bush hog & similar grass or bush cutting equipment; Batch Plant Op.

GROUP 10 - Oiler

GROUP 11 - Pumps, over 3 inch suction; Snatch cat

POWER EQUIPMENT OPERATORS - ZONE 7 - CLASSIFICATION DEFINITIONS

GROUP 1 - A-Frame truck when working with ironworkers, pipefitters, boilermakers & electricians; Bulldozers & tractors; Cableways; Concrete mixer (over 16S) paving machines, crane, derricks, draglines & clamshells; Concrete pump/boom combinations; Deck winches (2); Economobile model #620B or equivalent or heavier equipment; Gradealls; Hi-Ho & similar type equipment; Hoist, 1 drum, 4 stories & over; Hoist, 2 drums or more; Hydro cranes; Mechanics; Motor patrols; Piledrivers; Rollers on brick & asphalt; Rubber-tired front end loader, with or without blade attachment, 1 cu. yd. capacity or more; Scraper; Shovels, Backhoes (all types); Side boom cats; Stabilizers, 3 drums or more; Traxcavators; Trenching machines; Welder, journeyman; Firemen, when firing more than one boiler mounted on one machine

GROUP 2 - A-frame truck except when working with ironworkers or pipefitters; Air compressor; Asphalt plant engineer; Asphalt finisher, screed men; Blade graders; Small boat op.; Bullfloats; Concrete joining machines; Concrete mixer, 16S & under; Concrete spreader; Crusher op.; Deck winch (1); Distributors, asphalt; "Ditch witch" & similar equipment; Electric elevator (inside); Finishing machine; Firemen; Form graders; Fork lifts; Hoist, 1 drum, under 4 stories; Power subgraders; Pug mill; Pull tractors; Pump; Pump crete; Rollers except on brick & asphalt; Rubber-tired front end loader (with or without attachments) less than 1 cu. yd. capacity; Scale op.; Scoopmobile; Snatch cats; Spray machines; Stabilizers, less than 3 drums; Straddle buggy; Track machines & equivalent machine; Outside Electric Elevator Operator

GROUP 3 - Unit and well point operator

GROUP 4 - Work Boat requiring license

GROUP 5 - Batch plant operator, oilers(driver)

GROUP 6 - Oiler

GROUP 7 - Crane op. 60 tons & above; Crane op. boom 100 ft. & over but less than 150 ft.; Tower crane op. boom height 100 ft. & over but less than 150 ft.

GROUP 8 - Crane op. 100 tons & up to 125 tons; Crane op. boom 150 ft. & over but less than 225 ft.; Tower crane op. boom height 150 ft. & over but less than 225 ft.

GROUP 9 - Crane op. 125 tons & up to 200 tons

GROUP 10 - Crane op. 200 tons & up to 300 tons; Crane op. boom 225 ft. & over but less than 300 ft.; Tower crane op. boom height 225 ft. & over up to 30 floors

GROUP 11 - Crane op. 300 tons & up to 400 tons; Crane op. boom 300 ft. & over but less than 400 ft.; Tower crane over 30 floors

GROUP 12 - Crane op. over 400 tons; Crane op boom 400 ft & over

POWER EQUIPMENT OPERATORS ZONE DEFINITIONS

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

ZONE 2 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes

ZONE 3 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (west of a line drawn from the City of Berwick to the junction of Iberville-St. Landry Pars. border)

ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes

POWER EQUIPMENT OPERATORS ZONE DEFINITIONS (Cont'd):

ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Pars.; Parts of Assumption & St. James Pars. (northwest of a straight line drawn from the City of Berwick to the City of Lutcher); Parts of Iberia & southern & northern St. Martin Pars. (east & west of a line from the City of Berwick north to the eastern boundary of the City of Krotz Springs); Parts of Livingston, Tangipahoa & Washington Pars. (west of a line drawn north from the City of Lutcher to the east side of the City of Hammond to the Louisiana-Mississippi border)

ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Pars.; Parts of Assumption, Livingston, St. James, St. Martin; St. Mary, Tangipahoa & Washington Pars. (that portion of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi & the Mississippi Sound, on the south by the Gulf of Mexico & on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Par., due north of the town of Hackley, then southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gramercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to the Atchafalaya Bay & in a line due south to the Gulf of Mexico

ZONE DEFINITIONS FOR ROOFERS:

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes

ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes

ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes

ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes

ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

ZONE DEFINITIONS FOR SHEET METAL WORKERS:

ZONE 1 - Calcasieu Parish

ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes

ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes

ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

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ZONE DEFINITIONS FOR TRUCK DRIVERS

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes

TRUCK DRIVER CLASSIFICATION DEFINITIONS:

ZONE 1 - GROUP 1 - Teamsters, pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trrucks trailer & dumps over 8 yds.; mixers on trucks over 3 yds.; Miss. wagons & Koehring dumpsters & similar dirt moving equipment (up to & incl. 8 yds.)
GROUP 4 - Mixers on trucks up to & including 3 yds.
GROUP 5 - Winch trucks
GROUP 6 - Trucks, dump
GROUP 7 - Miss. wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.

ZONE 2 - GROUP 1 - Teamsters, pick-up drivers
GROUP 2 - Stake bodies (all sizes); platform dump
GROUP 3 - Truck & trailer; dump
GROUP 4 - Mixers on trucks up to & including 3 yds.
GROUP 5 - Mixers over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Miss. wagons & Koehring dumpster, tandem dumps & similar dirt moving equip. up to & including 8 yds.
GROUP 8 - Miss. wagons, Koehring dumpsters, tandem dumps & similar dirt moving equipment over 8 yds.

ZONE 3 - GROUP 1 - Pick-ups, spotters & dumpers of dirt, gravel, etc.
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, batch & water trucks over 3 tons, pickups with trailer
GROUP 5 - Miss. wagons, floats, tractor trailers; ribber tired tractors & wobble wheels
GROUP 6 - Euclids, lowboys, dempsey dumpster, Koehring dumps, 5 axle trucks, transit mix over 3 yds.
GROUP 7 - Fork lift

ZONE 4 - GROUP 1 - Pick-ups
GROUP 2 - Over 1 ton up to but not including 3 tons
GROUP 3 - 3 tons up to but not including 5 tons
GROUP 4 - 5 tons & over including but not limited to: winch, dempsey dumpster, lowboy, semi-trailer, euclid, tournapull & similar equipment when used for transporting material
GROUP 5 - Larger trucks, carrying capacity rear axles 50,000 lbs. & over
GROUP 6 - Winch truck with A-frame when used for transporting

ZONE 5 - GROUP 1 - Up to but not including 1-1/2 tons
GROUP 2 - 1-1/2 tons up to but not including 3 tons
GROUP 3 - 3 tons up to but not including 5 tons
GROUP 4 - 5 tons & over

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Collin,Dallas,Denton,Ellis,Grayson,Hood,Hunt,Johnson,Kaufman,Palo Pinto,Rockwall,Tarrant & Wise
DECISION NO.: TX82-4054 DATE: Date of Publication
Supersedes Decision No. TX82-4019, dated 5/7/82, in 47 FR 19935.
DESCRIPTION OF WORK: Building Projects(does not include single family homes & apartments up to & including 4 stories).(Use current heavy & highway general wage determination for Paving Incidental to Building Const. in Tarrant Co. & for Paving & Utilities Incidental to Building Const. in remaining Cos.).

	Basic Hourly Rates	Fringe Benefits
ASBESTOS WORKERS	$14.71	2.475
BOILERMAKERS	16.25	2.415
BRICKLAYERS & STONEMASONS:		
ZONE 1 - Collin,Dallas, Ellis,Grayson,Hunt,Kaufman & Rockwall Cos.	16.65	1.74
ZONE 2 - Denton,Hood,Johnson,Palo Pinto, Tarrant & Wise Cos.	16.64	1.71
CARPENTERS:		
ZONE 1 - Grayson Co.:		
Carpenters	14.61	1.705
Millwrights	15.01	1.705
Piledrivermen	15.11	1.705
ZONE 2 - Collin,Dallas, Denton,Ellis,Hood,Hunt, Johnson,Kaufman,Palo Pinto,Rockwall,Tarrant & Wise Cos.:		
Carpenters & piledrivermen	16.21	1.83
Millwrights	15.75	2.98
CEMENT MASONS:		
ZONE 1 - Denton,Hood,Johnson,Palo Pinto,Tarrant & Wise Cos.	16.20	1.50
ZONE 2 - Collin,Dallas, Ellis,Hunt,Kaufman & Rockwall Cos.	14.45	1.42
ELECTRICIANS:		
ZONE 1 - Denton,Hood, Johnson,Palo Pinto,Tarrant & Wise Cos.:		
Electricians	15.15	.80+8%
Cable splicers	15.40	.80+8%
ZONE 2 - Collin,Dallas, Ellis,Grayson,Hunt,Kaufman & Rockwall Cos.:		
Electricians	16.15	.80+9%
Cable splicers	17.77	.80+9%
ELEVATOR CONSTRUCTORS:		
Mechanics	14.99	2.465+a
Helpers	70%JR	2.465+a
Helpers (Prob.)	50%JR	

	Basic Hourly Rates	Fringe Benefits
GLAZIERS (excluding Grayson Co.)	[illegible]	1.30
IRONWORKERS:		
ZONE 1 - Collin,Dallas, Denton,Ellis,Grayson, Hood,Hunt,Johnson,Kaufman,Palo Pinto(excluding northwest corner),Rockwall,Tarrant & Wise(excluding northwest 1/2)	15.20	[illegible]
ZONE 2 - Palo Pinto(northwest corner) & Wise (northwest 1/2)	[illegible]	[illegible]
LABORERS:		
ZONE 1 - Grayson Co.:		
GROUP 1 - Unskilled	[illegible]	[illegible]
GROUP 2 - Air tool op. (jackhammer,vibrator), mason tenders & mortar mixers,pipelayers	[illegible]	[illegible]
ZONE 2 - Collin,Dallas, Denton,Ellis,Hood Hunt, Johnson,Kaufman,Palo Pinto,Rockwall,Tarrant & Wise Cos.:		
GROUP 1	[illegible]	[illegible]
GROUP 2	10.34	.95
GROUP 3	10.44	.95
GROUP 4	10.59	.95
LATHERS	16.42	1.54
LINE CONSTRUCTION:		
Linemen	16.15	[illegible]
Cable splicers	17.77	[illegible]
Operators	[illegible]	.60+8½%
Groundmen	[illegible]	[illegible]
MARBLE, TILE & TERRAZZO WORKERS (excluding Ellis Co.)	[illegible]	1.07
MARBLE & TILE FINISHERS (excluding Ellis Co.)	[illegible]	

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	Basic Hourly Rates	Fringe Benefits
PAINTERS:		
ZONE 1 - Collin,Dallas, Denton,Ellis,Grayson, Hunt,Kaufman & Rockwall:		
GROUP 1 - Brush	$14.31	1.62
GROUP 2 - All wall covering work:paper, fabric,sheeting,flexwood,etc.	14.56	1.62
GROUP 3 - Ames tool op.	14.435	1.62
GROUP 4 - Structural steel,stage work,bosun chair,spray gun,sandblasting & window jack & fire escapes	14.685	1.62
ZONE 2 - Hood,Johnson, Palo Pinto,Tarrant & Wise:		
GROUP 1 - Brush	14.91	1.02
GROUP 2 - Wallcovering; pressure roller;sandblasting;structural steel;bosun chair,window jack & window sill; stage,fireescape;steel storage tank;stilts; mittens;ames tools, drywall finishing	15.16	1.02
GROUP 3 - Steeple jack (radio & TV towers, smoke stacks,chimneys & water towers & similar facilities & flagpole atop bldgs. located closer to the edge of bldg. than the height of the pole);toxic material(creosote,coal tar products or similar materials injurious to the skin	16.16	1.02
GROUP 4 - Spray	15.285	1.02
PLASTERERS:		
ZONE 1 - Collin,Dallas, Ellis,Hunt,Kaufman & Rockwall Cos.	14.92	3.04
ZONE 2 - Denton,Hood,Johnson,Palo Pinto,Tarrant & Wise Cos.	17.95	.01

	Basic Hourly Rates	Fringe Benefits
PLUMBERS & PIPEFITTERS:		
ZONE 1 - Collin,Dallas, Ellis,Grayson,Hood, Hunt,Kaufman & Rockwall	$15.77	1.81
ZONE 2 - Denton,Johnson, Palo Pinto,Tarrant & Wise Cos	14.92	1.76
ROOFERS:		
GROUP 1 - Slate & tile	12.96	.35
GROUP 2 - Composition & built-up,dampproofing & bituminious waterproofing	12.81	.35
SHEET METAL WORKERS:		
ZONE 1 - Collin,Dallas, Denton,Ellis,Grayson, Hood,Hunt,Johnson,Kaufman,Rockwall,Tarrant & Wise Cos.	12.645	1.655
ZONE 2 - Palo Pinto Co.	12.84	.09
SOFT FLOOR LAYERS	15.32	1.15
SOUND INSTALLERS - repair, service & install intercommunication telephone interconnect sound & public address equip., electronic systems,music & TV distributing system for commercial bldgs. & shall include the pulling of all wires in conduit or raceways or surface wiring,the running of open wires,the running of conduit & raceways not to exceed 10 ft. in length & the wiring of all electrical communication devises of 100 volts or less controlling the equip. described above	11.36	.54+a +b
SPRINKLER FITTERS	16.17	2.83
POWER EQUIPMENT OPERATORS:		
ZONE 1 - Dallas County:		
GROUP 1	14.13	2.35
GROUP 2	14.53	2.35
ZONE 2 - Remaining Cos.:		
GROUP 1	7.265	2.30
GROUP 2	14.18	2.30
GROUP 3	14.58	2.30

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

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PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate. Also 7 Paid Holidays A thru G

b - Sick or Injury Pay:
1st day out - no pay
2nd day out - 1/2 pay
3rd day out & thereafter - full pay for a maximum of 10 days pay per year
Employees who receive pay for less than 5 sick days per year shall receive on 8/31 of each year incentive pay equal in amount to a day's pay for each day that such days were less than 5

Employees who are members of a reserve component of the Armed Services & are ordered to annual active duty for training as a normal part of their reserve obiligation shall be eligible for & shall receive differential pay equal to the difference between their computed daily base rate (excluding overtime compensation) & their daily military base pay (excluding quarters & subsistence allowances) for each day of military leave where the employee would normally have performed work up to a maximum of 10 work days per year

Employees absent from work while serving as jurors shall be paid at their hourly rate excluding overtime for the hours actually lost from work less any amount received by the employee as juror's fee

Up to 3 days leave for death of immediate family member (spouse,child,parent, brother,sister,mother-in-law,father-in-law,grandparents & grandchildren)

Paid Vacation:
after 1 year service - 1 week vacation
after 2 years service - 2 weeks vacation
after 5 years service - 2 weeks & 1 day vacation
after 6 years service - 2 years & 2 days vacation
after 7 years service - 2 years & 3 days vacation
after 8 years service - 2 years & 4 days vacation
after 9 years service - 3 weeks vacation

Paid Holidays - A thru G plus the last working day preceding Christmas Day & another day designated by the Company

LABORERS (ZONE 2) CLASSIFICATION DEFINITIONS

GROUP 1 - All hand digging dirt work & backfilling;firing of salamanders,loading & unloading of materials to & from hoist or cages;loading & unloading of tools & equip,;wheeling,placing & pouring of concrete;all excavation;handling of lumber, steel,cement;distribution of all materials;miscellaneous job clean-up;wrecking & razing of bldgs. & all structures;cleaning & clearing of all debris;handling of broken concrete or other damanaged or undamanged materials;removing,moving, handling & greasing of forms,wrecking forms;storing materials to storage place; slip form jacks,scaffold builders, checking materials & tools in & out of receiving lots & sheds; tool housemen;landscaper;asphalt ironer & raker;waterproofing tender;dumper;spotter;concrete pumpcrete pipe(handling & laying); carpenter tender

GROUP 2 - All power tool & equip. ops.(gas,electric or air);cutting torch man; concrete grademan;power buggy op.;wagon drill op.,well driller,drilling rig tender;cement finisher tender;metal pan & steel form men;handling creosoted materials;liquid acids or like materials injurious to health,eyes,skin or clothes; all newly developed equip. which replaces wheelbarrows or buggies previously used by laborers;scale men on batch plants

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LABORERS (ZONE 2) (CONT'D)

GROUP 3 - Concrete & clay pipe(handling & laying);mason handler;scaffold bldr.;mason tender;hod carrier mortar mixers;lather tenders,plaster tenders;water pump ops. up to 4"; cement masons tenders;mortar mixers;hod carriers;dry mixers;tank cleaning;all pipe doping,treating & wrapping,including all men working with dope,mortar & plaster mixing machines;grout machines,pumpcrete machines,gunite mixing machine,including placing & cleaning of pipe & conduits used in placing of concrete,handling & placing of gunite materials from stockpile;screening sand,running sand dryer & loading & operating sand blaster,except nozzle, conveying,stocking & handling of all materials for brickmasons,lathers,cement finisher,plasterers;ditch work over 6 ft. & cleaning out drill piers

GROUP 4 - Sand blaster,blaster powderman;gunite worker;gunite nozzleman & terrazzo grinder

POWER EQUIPMENT OPERATORS (ZONE 1) CLASSIFICATION DEFINITIONS

GROUP 1 - Air compressor,water pumps,welding machines(2 to 6 machines) & generators;Blade grader,towed;Flex plane;Form grader;Concrete mixer,less than 14 cu. ft.;Pulsometer;Wagon drill op.;Conveyor;Hoist,single drum;Scraper, 3 cu. yd. or less;Bob cat with loader

GROUP 2 - Heavy duty mechanic;Asphalt mixer op. on job;Blade grader,self-propelled;Bull clam;Backfiller;Bulldozer & all cat type tractors;Backhoe;Concrete mixers over 14 cu. ft.;Crusher on job;Concrete batch plant;Clamshell;Cranes (all types);Truck mounted or crawler requires oiler including groves(hydraulic) or similar type over 12½ ton cap.;Escalated rate on crane & derrick booms: .01¢ per hr., per ft. over 90 ft. including jib;Draglines;Derricks,power operated (all types);DW-10 caterpillar,S-8 Euclid & similar tractors;Elevating grader,self-propelled;Foundation drilling machines(all);Forklifts used in handling machinery on const.;Gradeall;Hoist,motor driven,2 drums or more;Locomotive crane;Mixmobile;Paving mixers(all types);Piledriver;Pumpcrete machines;Pneumatic roller,self-propelled;Shovels,power operated;Scrapers, over 3 cu. yds.;Scoopmobile;Trenching machines,all types;Winch trucks,when pole & winch is used;Water well drilling machines,used on construction;Well point pump:Welding machines(7 to 13 machines)

POWER EQUIPMENT OPERATORS (ZONE 2) CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air compressors,Pumps,Welding Machines,Throttle Valves,Light Plants;Conveyor;Wagon drill;Elevators Building;Form Graders,Hoist,Single drum;Ford Tractor including blade & mower on rear;Mixers less than 14 cu. ft.;Screening Plants;Crushing Plants;Forklifts(short under 25 ft.);Concrete Pumps(all types);Bobcat type equip.

GROUP 3 - Ford Tractor or like with any attachments(except blade & mower on rear);Drilling Machines(all types);Scoopmobiles;Hoist,2 drums or more;Forklifts (over 25 ft.);Winch Truck, 6 wheel truck,when used continuously for 5 days;Mixermobile;Locomotives;Mixers,14 cu. ft. or over;Blade Graders,self-propelled;Cableways;Cranes-power operated to 100 ft.;Derricks,power operated (all types);Gradall;Hy-Ho;Hop-To;Paving Mixers (all types);Piledrivers;Mobile Concrete Mixers over 14 cu. ft.;Bulldozers,Loaders,Tractorvators;
Scrapers & Pulls;Welding;Trenching Machines;Roller, 10 tons or over;Air Compressor & Air Tugger;Boilers,2 or more fired by 1 man;Heavy Duty Mechanic

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SUPERSEDEAS DECISION

STATE: Wyoming COUNTIES: Statewide
DECISION NUMBER: WY82-5126 DATE: Date of Publication
Supersedes Decision No. WY81-5159 dated October 30, 1981, in 46 FR 53953
DESCRIPTION OF WORK: Highway Projects (excluding tunnels, building structures in rest area projects and railroad construction; bascule, supension and spandrel arch bridges; bridges designed for commercial navigation; bridges involving marine construction; and other major bridges)

	Basic Hourly Rates	Fringe Benefits
CARPENTERS	$10.71	
CEMENT MASONS	10.65	
IRONWORKERS;		
Structural	12.56	
Reinforcing	9.07	
PAINTERS:		
Brush and Spray	10.17	
LINE CONSTRUCTION:		
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work and all motor traffic controlling, street,and highway lighting:		
Linemen/Technicians	16.00	3½%+.95
Equipment Operators	14.39	3½%+.95
Groundmen/Truck Drivers	10.60	3½%+.95
All work 34.5 KV and under:		
Lineman/Technicians	16.00	3½%+.95
Line Equipment Operators	13.74	3½%+.95
Groundman/Truck Drivers	10.60	3½%+.95
LABORERS:		
Group 1	8.06	
Group 2	8.16	
Group 3	8.31	
Group 4	8.58	
Group 5:		
(a)	8.54	
(b)	8.38	
(c)	8.81	
(d)	8.65	

	Basic Hourly Rates	Fringe Benefits
POWER EQUIPMENT OPERATORS:		
Group 1	$10.29	
Group 2	10.34	
Group 3	10.39	
Group 4	10.43	
Group 5	10.46	
Group 6	10.51	
Group 7	10.55	
Group 8	10.57	
Group 9	10.68	
Group 10	10.74	
Group 11	10.76	
Group 12	10.94	
Group 13	10.98	
Group 14	11.05	
Group 15	11.11	
Group 16	11.28	
Group 17	11.62	
TRUCK DRIVERS:		
Pickup Truck Drivers (when used for hauling)	8.50	
Dump Truck Drivers (water level capacity box):		
7 cu. yds. and less	8.55	
over 7 cu. yds. to and including 10 cu. yds.	8.70	
over 10 cu. yds. to and including 13 cu. yds.	8.80	
over 13 cu. yds. to and including 20 cu. yds.	9.30	
over 20 cu. yds. to and including 25 cu. yds.	9.30	
over 25 cu. yds. to and including 30 cu. yds.	9.40	
over 30 cu. yds. to and including 35 cu. yds.	9.45	
over 35 cu. yds. to and including 40 cu. yds.	9.50	
over 40 cu. yds. to and including 45 cu. yds.	9.55	
over 45 cu. yds. (to be negotiated prior to use)		

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits
Snow Plow Truck Drivers (the cu. yd. rate of the truck driver classification)		
Pilot Car Drivers	$8.50	
Gravel Spreader	8.55	
Flat Rack Material Truck Drivers:		
Less than 2 tons	8.55	
2 tons to 5 tons	8.70	
Over 5 tons	8.80	
Low Boy and Tandem Axle Float Drivers	9.30	
Gang Truck Drivers	8.55	
Stringing Truck Driver:		
Single axle type truck	8.55	
Multiple axle type truck semi	9.30	
Winch Trailer Truck Drivers (cable and hoist)	8.80	
Utility Winch Truck Drivers	8.80	
"A" Frame Truck Drivers	8.80	
Transit Mix or Wet Mix Truck Drivers:		
Less than 5 cu. yds.; single axle	8.80	
Over 5 cu. yds. to and including 10 cu. yds.; Tandem axle	8.90	
over 10 cu. yds.	9.00	

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits
Power Broom Drivers and/or Operators	$8.70	
Water Truck Drivers:		
2500 gallons or less (straight truck)	8.55	
2500 gallons or less (semi truck)	8.70	
over 2500 gallons to and including 3600 gallons	8.80	
over 3600 gallons (straight truck)	8.90	
over 3600 gallons (semi truck)	9.00	
Heavy Duty (Euclids, electric or similar type)	9.30	
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental		

LABORERS

Group 1: Axeman and Hand Faller; Concrete Worker (wet or dry); Concrete Worker (curing and drying); Dumpman; Erector and Installer (includes the installation and erection of fences, snow fences, guard rails, median rails, median posts, signs and right-of way marker); Form Stripper; General Labor; Heater Tender; Material Handler (lumber, rods, cement, concrete); Nozzleman, air and water; Pre-watering, pre-wetting and pre-irrigation (all work); Riprap Man; Sandblaster Pot Tender; Signal Men; Grade Concrete, etc.; Scissor Man or Hopper Man; Stake Jumper for equipment; Tar and Asphalt Pot Tender; Wrecking and demolition crews

Group 2: Asphalt Raker and Tamper; Bin Wall Installer; Bituminous Curb Builder; Cement Mason or Finisher and Tender; Chuck Tender; Form Setter (paving); Hand operated Vibratory Roller; Landscaper; Mortar Man on Stone Riprap; Operator of pneumatic, electric, gas tamper and similar mechanical tools; Pipe Setter (corrugated culvert pipe sectional, multiplate and similar type); Pipe Setter; Pipelayer (non-metallic); Pipe Wrapper; Power type concrete buggy (push or ride); Power Saw Operator (clearing); Vibrator - concrete

Group 3: Concrete Saw; Gunite Nozzleman; High Scaler (using air tools from Bos'n Chair, Swing Stage, Lift Belt or Block and Tackle, shall receive $.20 per hour more than the classified rate); Jackhammer and Pavement Breaker; Sandblaster Nozzleman; Sewer Pipe Installer (non-metallic), clay, concrete, etc. (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker)

Group 4: Powderman and Blaster; Wagon Drill, Air-trac, Diamond and other drills for blasting powder or grouting

Group 5: Tunnel and Underground Work:
(a) Brakeman; Swamper; Vibrator Man
(b) Bull Gang; Dumpman; Mucker; Trackman
(c) Miners (Drillers); Machine Men; Timbermen; Steelmen; Drill Doctor Form Setter and Mover; Spader; Tuggers spilling and/or Caisson Workers; Powderman; Jackhammermen Finishers
(d) Nipper; Chucktender; Topman; Toploader

POWER EQUIPMENT OPERATORS

Group 1: Auger Machine Operator (post holes, etc.); Batch Bin Weighman, Scissorman or Hopperman; Brakeman; Crusher Oiler; Oiler Utility; Screed Operator; Tractor Operators (Farm, Crawler or wheel type, 60 HSP - drawbar) or less with or without use of power attachments, except for use of Backhoe or Bucket

Group 2: Broom Operators, self-propelled; Cableway Signalman (Bellboy); Concrete Saw (self-propelled); Fireman; Power Loader, belt and bucket type

Group 3: Air Compressor over 315 cu. ft. capacity; Chip Spreader Operator; Form Grader Operator; Joint Machine Operator; Longitudinal Float Operator; Mixer Operator Concrete (under one yard); Roller Operators (self-propelled pneumatic, rubber tired, sheep foot vibratory or combination type); Tire Repairman

Group 4: Pump Operator (all others)

Group 5: Conveyor Belt Operator; Fork Lift and Lumber Stacker; Screening Plant Operator

Group 6: A-Frame Truck; Tractor Operators (farm, crawler or wheel type, over 60 HSP - drawbar) without use of power attachments)

Group 7: Oiler, Lead Utility

Group 8: Gunnite and Grout Machine Operator; Mulching Machine Operator; Oil Distributor

Group 9: Front End Loader (up to and including 1½ cu. yds.); Pavement Breakers, Hydro-tamper and similar type machines; Pumps, Well Points

Group 10: Hoist Operator (one drum)

Group 11: Haulage Motorman and Industrial type Motorman; Motor Patrol Operator (all others); Pump Operator (in tunnels, shafts, raises); Hydro type Cranes (up to 15 tons)

[FR Doc. 82-30201 Filed 11-4-82; 8:45 am]

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POWER EQUIPMENT OPERATORS (Cont'd)

Group 12: Air Compressor, two or more machines or tunnels, shafts, raises or Plant Operators; Asphalt Plant Operator; Bituminous Laydown Machine Operator; CMI Machine or similar; Concrete Batch Plant; Concrete Finish Machine Operator; Concrete Multi Blade Span Saw (Hunt process or similar); Concrete Spreader and Paver Operator; Crusher Operator; Drilling Machine, integrated (Core, Rotary, Caisson, Diamond); Elevating Grader; Front End Loader (over 1½ cu. yds.); Jumbo Form Operator; Mixer Operator, base course pug mill type; Mixer Bituminous Operator (travel plant); Mixer Operator Concrete (over one yard); Motor Patrol Operator (finish); Mucking Machine Operator (all types); Pneumatic Guns; Pumpcrete Operator; Roller Operator (Tandem steel wheel, three axle or three wheel); Scraper Equipment (all types); Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes (manufacturers' rating) up to 3½ yds., all attachments; Hydro type cranes (15 tons and over); Shuttle Car Operator; Subgrade Machine Operator (power); Tractor Operator, all with use of power attachments and including Pushcat, Dozer, Tournadozer, etc. (The use of power attachments shall not include disking, pulling of rollers, or similar unskilled actions); Trenching Machine Operator; Wash Plant Operator

Group 13: Welder, Machine Doctor

Group 14: Hoist Operator (two or more drums of shafts or raises); Repairman; Mechanics; Machine Doctors, Welders; Heavy Duty Mechanic, Machine Doctor

Group 15: Cableway Operators; Mixer Dual Drum; Cranes, (Whirley, Gantry, Stiffleg, Overhead traveling)

Group 16: Shovels, Draglines, Cranes, Piledrivers, all truck mounted cranes (manufacturer's rating) 3½ yds. to 7 cu. yds.; all attachments; Wheel Excavator Operator

Group 17: Shovels, Draglines, Cranes, Piledrivers, all truck mounted Cranes, (manufacturer's rating) 7 cu. yds. and over, all attachments

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii))

federal register

Friday
November 5, 1982

Part III

Department of Health and Human Services

Health Resources and Services Administration

Population Groups With Health Manpower Shortages; Guidelines on Designation

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Guidelines on Designation of Population Groups With Health Manpower Shortages

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Guidelines.

SUMMARY: This notice sets forth guidelines for the preparation of requests for designation of population groups as having health manpower shortages.

DATE: These guidelines are effective November 5, 1982.

FOR FURTHER INFORMATION CONTACT: Richard C. Lee, Chief, Distribution and Shortage Analysis Branch, Office of Data Analysis and Management, Bureau of Health Professions, HRSA, 3700 East-West Highway, Room 4-50, Hyattsville, Maryland 20782 (301-436-6750)

SUPPLEMENTARY INFORMATION: Section 332 of the Public Health Service Act, as amended by Pub. L. 94-484, the Health Professions Educational Assistance Act of 1976, required that the Secretary establish, by regulation, criteria for designation of health manpower shortage areas. Those criteria were published as Final Regulations (42 CFR Part 5) in the **Federal Register** on November 17, 1980 (Vol. 45, p. 75996). The regulations include criteria for the designation of seven types of health manpower shortage areas: primary medical, dental, psychiatric, vision, podiatric, pharmacy, and veterinary care. For all seven of these types, criteria for the designation of geographic areas are included; in addition, the regulations contain criteria for the designation of population groups having shortages of primary medical, dental, or psychiatric manpower, as well as criteria for the designation of facilities which have such shortages or which serve an area or population group having such shortages.

The published criteria for designation of population groups allow for designation of those groups prevented by access barriers from utilizing some or all of the health care providers within geographic areas where the rest of the population appears to be well-served. The access barriers involved may be economic, linguistic, cultural, or architectural. (In addition, automatic designation is provided for those Indian tribes covered by the definition in Section 4(d) of Pub. L. 94-437, The Indian Health Care Improvement Act of 1976.)

At the time the regulations were published in final form, more specific criteria for designation of certain particular population groups were under consideration by the Department, and it was indicated that these more specific criteria would be published in a future Notice of Proposed Rulemaking. However, more specific population group criteria have not yet been adopted. Furthermore, pending the results of an evaluation of the shortage area criteria called for by the Omnibus Budget Reconciliation Act of 1981 and now in progress, which may result in recommendations for revisions to the criteria, immediate changes are unlikely. Consequently, in order to expedite designation of population groups currently experiencing health manpower shortages within the provisions of the existing regulations, guidelines are being published. These guidelines are intended to assist individuals and organizations in preparing submissions in support of such designation requests that will facilitate their evaluation by the Health Resources and Services Administration.

The following guidelines indicate the information which should be included in any request for designation of a low-income population group or other population group experiencing access problems. Such information is needed in order to determine whether the requirements of the regulations are met.

Dated: October 22, 1982.

Robert Graham,

Administrator, Assistant Surgeon General.

A. Guidelines for designation of Population Groups With Shortages of Primary Care Health Manpower

Criteria for designation of population groups as having a shortage of primary medical care manpower are set forth in Appendix A, Part II of 42 CFR Part 5, the regulations for designation of Health Manpower Shortage Areas. The following guidelines are provided to indicate the information which should be included in any request for designation of a low-income population group or other population group experiencing access problems. Such information is needed by the Health Resources and Services Administration in order to determine whether the requirements of the regulations are met.

The request should clearly define the specific population group for which designation is requested, with reference to the geographic area within which the population group resides. The population group may be defined in terms of one or more of the following categories:

1. Population with incomes below the poverty level
2. Medicaid eligibles
3. "Medically indigent population"—defined as that portion of the population with incomes below the poverty level which is ineligible for Medicaid
4. Migrant workers and their families
5. Native Americans (Indians or Alaskan natives) not automatically designated
6. Other populations isolated from access by means of language or cultual barriers (specify the language and/or culture involved) or by handicaps

Under Part II A(1)(a) of the criteria in Appendix A, the geographic area within which the population group resides should be defined in terms of counties, civil divisions or census tracts, in accordance with the same rational service area criteria stated in part I B(1) for designation of geographic areas. (For example, a request for designation of the poverty population of an entire State would be inappropriate since the State as a whole would not constitute a rational service area.)

Under Part II A(1)(b) of Appendix A, the request should contain a description of the barriers to access experienced by the population group and should contain appropriate supporting data. This description should address the following points:

1. Whether the barriers to access for the population group are primarily economic in nature, or primarily due to non-economic factors such as minority status, language differences, or cultural differences. If significant numbers of providers refuse to accept patients on the basis of non-economic factors, this problem and its extent should be discussed. If an access barrier appears to exist because of demographic or other differences between the population group and available providers, this should also be discussed and evidence of it should be presented.
2. With respect to economic barriers, whether the major difficulty is lack of access for Medicaid-eligibles, lack of access for other low-income persons who do not qualify for Medicaid, or both. The applicant should also provide estimates of the number of persons in each of these categories.
3. Whether primary care physicians in the area accept Medicaid reimbursement. If some, but not all, accept Medicaid, the request should state the number which do accept Medicaid and the approximate percentage of their practices devoted to Medicaid-eligibles.

4. Whether there are providers, health centers or hospitals in the area which accept patients for primary care on an ability-to-pay or sliding-fee-scale basis.[1] If there are, the applicant should list the facilities and locations involved and estimate the number of full-time-equivalent practitioners available to the low-income population in each such setting.

5. An estimate of the amount of practice time which private practice primary care physicians in the area already devote to serving the affected populations, with the source of the estimate.

In order to make possible the calculation of the appropriate population-to-primary care physician ratio (R) under Part II(A)(1)(c) of Appendix A, the request should clearly state the total number of persons in the population group for which designation is requested and the total number of full-time equivalent (FTE) primary care physicians in the defined area that are serving that population, using the data and estimates described above. (By full-time-equivalent physicians is meant the number of physicians involved, adjusted by the percentage of their time in patient care in the area, further adjusted by the estimated percentage of that time devoted to serving the population group in question.)

The appropriate ratio (R) will then be computed as follows:

1. *Poverty populations*

N=population with incomes below poverty level

D=(FTE non-Federal primary care physicians accepting Medicaid)
+(FTE other non-Federal primary care physicians available in settings offering primary care on an ability-to-pay or sliding-fee-scale basis)
+(estimated % of the time private practice primary care physicians in area devote to serving Medicaid-ineligible indigent populations) × (number of FTE private practice primary care physicians in area)

R=N/D

2. *Medicaid-eligible populations.*

N=population eligible for Medicaid under applicable State's medical assistance program

D=FTE non-Federal primary care physicians accepting Medicaid

R=N/D

3. *Medically indigent populations.*

N=(population with incomes below poverty level)
−(population eligible for Medicaid)

D=(FTE non-Federal primary care physicians available in settings offering care on an ability-to-pay or sliding-fee-scale basis)
+(estimated % of time private practice primary care physicians in area devote to serving Medicaid-ineligible indigent populations) × (number of FTE private practice primary care physicians in area)

R=N/D

4. *Migrant workers and their families.*

N=(average daily number of migrant workers and dependents present in the area during portion of year that migrants are present) × (fraction of year migrants are present)

D=number of FTE non-Federal primary care physicians serving migrants

R=N/D

5. *Indians or Alaskan natives.*

N=number of Indians or Alaskan natives

D=number of FTE non-Federal primary care physicians serving Indians or Alaskan natives

R=N/D

6. *Other publications isolated by linguistic or cultural barriers or by handicaps.*

N=number of people in language or cultural or handicapped group involved

D=number of FTE non-Federal primary care physicians speaking language involved (or using interpreters), or familiar with culture involved, or serving handicapped group

R=N/D

The material provided by the applicant will be reviewed and compared with the established criteria for designation of population groups with primary care manpower shortages. As indicated in the criteria, barriers to access for the population group involved must be demonstrated, and the ratio (R) of the number of persons in the population group described to the number of FTE primary care physicians serving that population group must be at least 3000:1 for designation.

In accordance with the criteria, a degree-of-shortage will be assigned to each designated population group on the basis of the computed ration (R) as follows:

Group 1—No primary care physicians, or $R>5000$
Group 2—$5000>R>4000$
Group 3—$4000>R>3500$
Group 4—$3500>R>3000$

B. Guidelines for Designation of Population Groups With Shortages of Dental Health Manpower

Criteria for designation of specific population groups as having a shortage of dental care manpower are set forth in Appendix B, Part II of 42 CFR Part 5, the regulations for designation of Health Manpower Shortage Areas. The following guidelines are provided to indicate the information which should be included in any request for designation of a low-income population group or other population group experiencing access problems. Such information is needed by the Health Resources and Services Administration in order to determine whether the requirements of the regulations are met.

The request should clearly define the specific population group for which designation is requested, with reference to the geographic area within which the population group resides. The population group may be defined in terms of one or more of the following categories:

1. Population with incomes below the poverty level
2. Medicaid eligibles (in States with a dental component of Medicaid)
3. "Dentally indigent population"—defined as that portion of the population with incomes below the poverty level which is ineligible for dental Medicaid
4. Migrant worker and their families
5. Native Americans (Indians or Alaskan natives) not automatically designated
6. Other populations isolated from access by means of language or cultural barriers (specify the language and/or culture involved) or by handicaps

Under Part II A(1)(a) of the criteria in Appendix B, the geographic area within which the population group resides should be defined in terms of counties, civil divisions or census tracts, in accordance with the same rational service area criteria stated in Part I B(1) for designation of geographic areas. (For example, a request for designation of the poverty population of an entire State would be inappropriate since the State as a whole would not constitute a rational service area.)

Under Part II A(1)(b) of Appendix B, the request should contain a description of the barriers to access experienced by the population group and should contain appropriate supporting data. This description should address the following points:

1. Whether the barriers to access for the population group are primarily economic in nature, or primarily due to non-economic factors such as minority status, language differences, or cultural differences. If significant numbers of providers refuse to accept patients on the basis of non-economic factors, this problem and its extent should be discussed. If an access barrier appears to exist because of demographic or other differences between the population group and available providers, this should also be discussed and evidence of it should be presented.

2. With respect to economic barriers, whether the major difficulty is lack of

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[1] For example, a community health center or public health clinic.

access for dental-Medicaid eligibles, lack of access for other low-income persons who do not qualify for dental Medicaid, or both. The applicant should also provide estimates of the number of persons in each of these categories.

3. Whether dentists in the area accept Medicaid reimbursement. If some, but not all, accept Medicaid, the request should state the number which do accept Medicaid and the approximate percentage of their practices devoted to Medicaid eligibles.

4. Whether there are providers or health centers in the area which accept patients for dental care on an ability-to-pay or sliding-fee-scale basis.[2]

If there are, the applicant should list the facilities and locations involved and estimate the number of full-time-equivalent practitioners available to the low-income population in each such setting.

5. An estimate of the amount of practice time which private practice dentists in the area already devote to serving the affected populations, with the source of the estimate.

In order to make possible the calculation of the appropriate population-to-dentist ratio under Part II(A)(1)(c) of Appendix B, the request should clearly state the total number of persons in the population group for which designation is requested and the total number of full-time equivalent (FTE) dentists in the defined area that are serving that population, using the data and estimates described above. The calculation of FTE dentists should utilize the appropriate weights based on age and/or auxiliaries as provided for in Tables 1 and 2 of Part II(A)(3)(b) of Appendix B.

The appropriate ratio (R) will then be computed as follows:

1. *Poverty populations.*

N = population with incomes below poverty level
D = (FTE non-Federal dentists accepting dental Medicaid)
  + (FTE other non-Federal dentists available in settings offering dental care on an ability-to-pay or sliding-fee-scale basis),
  + (estimated % of time private practice dentist in area devote to serving Medicaid-ineligible indigent populations)
  × (number of FTE private practice dentists in area)
R = N/D

2. *Medicaid-eligible populations.*

N = population eligible for dental Medicaid under applicable State's medical assistance program
D = FTE non-Federal dentists accepting Medicaid
R = N/D

3. *Dentally indigent populations.*

N = (population with incomes below poverty level),
  − (population eligible for dental Medicaid)
D = (FTE non-Federal dentists available in settings offering dental care on an ability-to-pay or sliding-fee-scale basis)
  + (estimated % of time private practice dentists in area devote to serving Medicaid-ineligible indigent populations)
  × (number of FTE private practice dentists in area)
R = N/D

4. *Migrant workers and their families.*

N = (average daily number of migrant workers and dependents present in the area during portion of year that migrants are present)
  × (fraction of year migrants are present)
D = number of FTE non-Federal dentists serving migrants
R = N/D

5. *Indians or Alaskan natives.*

N = number of Indians or Alaskan natives
D = number of FTE non-Federal dentists serving Indians or Alaskan natives
R = N/D

6. *Other populations isolated by linguistic or cultural barriers or by handicaps.*

N = number of people in language or cultural or handicapped group involved
D = number of FTE non-Federal dentists speaking languate involved (or using interpreters), or familiar with culture involved, or serving handicapped group
R = N/D

The material provided by the applicant will be reviewed and compared with the established criteria for designation of population groups with dental care manpower shortages. As indicated in the criteria, barriers to access for the population group involved must be demonstrated, and the ratio (R) of the number of persons in the population group described to the number of FTE dentists serving that population group must be at least 4000:1 for designation.

In accordance with the criteria, a degree-of-shortage will be assigned to each designated population group on the basis of the computed ratio (R) as follows:

Group 1—No dentists or R >8000
Group 2—8000 > R > 6000
Group 3—6000 > R > 5000
Group 4—5000 > R > 4000

C. Guidelines for Designation of Population Groups With Shortages of Psychiatric Manpower

Criteria for designation of specific population groups as having a shortage of psychiatric manpower are set forth in Appendix C, Part II of 42 CFR Part 5, the regulations for designation of Health Manpower Shortage Areas. The following guidelines are provided to indicate the information which should be included in any request for designation of a low-income population group or other population group experiencing access problems. Such information is needed by the Health Resources and Services Administration in order to determine whether the requirements of the regulations are met.

The request should clearly define the specific population group for which designation is requested, with reference to the geographic area within which the population group resides. The population group may be defined in terms of one or more of the following categories:

1. Population with incomes below the poverty level

2. Medicaid eligibles

3. "Medically indigent population"—defined as that portion of the population with incomes below the poverty level which is ineligible for Medicaid

4. Migrant workers and their families.

5. Native Americans (Indians or Alaskan natives)

6. Other populations isolated from access by means of language or cultural barriers (specify the language and/or culture involved) or by handicaps

Under Part II A(1)(a) of the criteria in Appendix C, the geographic area within which the population group resides should be defined in terms of catchment areas, counties, civil divisions or census tracts, in accordance with the same rational service area criteria stated in Part I B(1) for designation of geographic areas. (For example, a request for designation of the poverty population of an entire State would be inappropriate since the State as a whole would not constitute a rational service area.)

Under Part II A(1)(b) of Appendix C, the request should contain a description of the barriers to access experienced by the population group and should contain appropriate supporting data. This description should address the following points:

1. Whether the barriers to access for the population group are primarily economic in nature, or primarily due to non-economic factors such as minority status, language differences, or cultural differences. If significant numbers of providers refuse to accept patients on the basis of non-economic factors, this problem and its extent should be discussed. If an access barrier appears to exist because of demographic or other differences between the population group and available providers, this

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[2] For example, a community health center or public health clinic.

should also be discussed and evidence of it should be presented.

2. With respect to economic barriers, whether the major difficulty is lack of access for Medicaid eligibles, lack of access for other low-income persons who do not qualify for Medicaid, or both. The applicant should also provide estimates of the number of persons in each of these categories.

3. Whether psychiatrists in the area accept Medicaid reimbursement. If some, but not all, accept Medicaid, the request should state the number which do accept Medicaid and the approximate percentage of their practices devoted to Medicaid eligibles.

4. Whether there are providers, mental health centers or hospitals in the area which accept patients for psychiatric care on an ability-to-pay or sliding-fee-scale basis.[3] If there are, the applicant should list the facilities and locations involved and estimate the number of full-time-equivalent practitioners available to the low-income population in each such setting.

5. An estimate of the amount of practice time which private practice psychiatrists in the area already devote to serving the affected populations, with the source of the estimate.

In order to make possible the calculation of the appropriate population-to-psychiatrist ratio under Part II(A)(1)(c) of Appendix C, the request should clearly state the total number of persons in the population group for which designation is requested and the total number of full-time equivalent (FTE) psychiatrists in the defined area that are serving that population, using the data and estimates described above.

The appropriate ratio (R) will then be computed as follows:

1. *Poverty populations.*

N=population with incomes below poverty level
D=(FTE non-Federal psychiatrists accepting Medicaid)
+(FTE other non-Federal psychiatrists available in settings offering care on an ability-to-pay or sliding-fee-scale basis)
+(estimated % of time private practice psychiatrists in area devote to serving Medicaid-ineligible indigent populations) X (number of FTE private practice psychiatrists in area)
R=N/D

2. *Medicaid-eligible populations.*

N=population eligible for Medicaid
D=FTE non-Federal psychiatrists accepting Medicaid
R=N/D

3. *Medically indigent populations.*

N=(population with incomes below poverty level)
−(population eligible for Medicaid)
D=(FTE non-Federal psychiatrists available in settings offering care on an ability-to-pay or sliding-fee-scale basis)
+(estimated % of time private practice psychiatrists in area devote to serving Medicaid-ineligible indigent populations) X (number of FTE private practice psychiatrists in area)
R=N/D

4. *Migrant workers and their families*

N=(average daily number of migrant workers and dependents present in the area during portion of year that migrants are present)
X (fraction of year migrants are present)
D=number of FTE non-Federal psychiatrists serving migrants
R=N/D

5. *Indians or Alaskan natives.*

N=number of Indians or Alaskan natives
D=number of FTE non-Federal psychiatrists serving Indians or Alaskan natives
R=N/D

6. *Other populations isolated by linguistic or cultural barriers or by handicaps.*

N=number of people in language or cultural or handicapped group involved
D=number of FTE non-Federal psychiatrists speaking language involved (or using interpreters), or familiar with culture involved, or serving handicapped group
R=N/D

The material provided by the applicant will be reviewed and compared with the established criteria for designation of population groups with psychiatric care manpower shortages. As indicated in the criteria, barriers to access for the population group involved must be demonstrated, and the ratio (R) of the number of persons in the population group described to the number of FTE psychiatrists serving that population group must be at least 30,000:1 for designation (20,000:1 where unusually high needs for psychiatric services are indicated, as provided for in Part I(B)(4) of Appendix C).

In accordance with the criteria, a degree-of-shortage will be assigned to each designated population group on the basis of the computed ratio (R) as follows:

	High needs not indicated	High needs indicated
Group 1	No psychiatrists	No psychiatrists.
Group 2	R>50,000	R>40,000
Group 3	50,000>R>40,000	40,000>R>30,000
Group 4	40,000>R>30,000	30,000>R>20,000

[FR Doc. 82–30425 Filed 11–4–82; 8:45 am]

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[3] For example, a community mental health center.

federal register

Friday
November 5, 1982

Part IV

Department of Health and Human Services

Food and Drug Administration

Tamper-Resistant Packaging Requirements; Certain Over-the-Counter Human Drugs and Cosmetic Products; Contact Lens Solutions and Tablets; Final Rules

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 211, 314, and 700

[Docket No. 82N-0330]

Tamper-Resistant Packaging Requirements for Certain Over-the-Counter Human Drug and Cosmetic Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing requirements for tamper-resistant packaging for all over-the-counter (OTC) human drug products, except dermatologics, dentifrices, and insulin, and for cosmetic liquid oral hygiene products and vaginal products. These regulations will also require a statement on the labeling of such products to alert consumers to the specific tamper-resistant feature of the package. This action is taken to assure package integrity and product security in light of the recent cases of malicious adulteration of OTC drug products that resulted in seven deaths in the Chicago area and other cases in several geographic areas nationwide.

DATES: Packaging requirements are initially effective February 7, 1983 for all OTC drug products subject to this rule (except oral and vaginal tablets and vaginal and rectal suppositories) and for cosmetic liquid oral hygiene products and liquid vaginal products packaged on or after that date. Labeling requirements for all products and packaging requirements for oral and vaginal tablets and vaginal and rectal suppositories are effective on May 5, 1983. Products packaged prior to May 5, 1983 and held for sale at the retail level must be in compliance with the tamper-resistant packaging requirement, but not the distinctive indicator or barrier to entry or labeling requirements of the regulations by February 6, 1984. Comments by December 6, 1982. For further details see the effective dates information following the text of the regulations.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

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For cosmetics: Heinz J. Eiermann, Bureau of Foods (HFF-440), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-245-1530.

SUPPLEMENTARY INFORMATION: FDA is issuing final regulations to require tamper-resistant packaging for certain over-the-counter (OTC) drug and cosmetic products. OTC drug products subject to these regulations include all OTC drug products except dermatologics (i.e., products applied to the skin), dentifrices, and insulin. The OTC drug products that are covered by these regulations include oral (except dentifrices), nasal, otic, ophthalmic, rectal, and vaginal drug products. Cosmetic products covered by these regulations are liquids that are used orally, such as mouthwashes, gargles, breath fresheners, etc., and vaginal cosmetic products. The agency is requiring that the packaging of these products be capable of providing consumers with visible evidence of package tampering. In response to seven recent deaths linked to Extra-Strength Tylenol capsules found to be contaminated with cyanide and to other recent tampering incidents nationwide, this action is being taken to provide safeguards against the future occurrence of such incidents. Further, the agency is requiring a labeling statement on the container to alert the consumer to the specific tamper-resistant feature. In addition, ophthalmic device adjuncts such as contact lens solutions and lubricants are covered by a separate final regulation published elsewhere in this issue of the **Federal Register.**

I. Background

The Chicago Poisonings

On September 30, 1982, FDA was advised that several persons living in the Chicago metropolitan area had died from cyanide poisoning after taking Extra-Strength Tylenol capsules. Capsules taken from bottles of Extra-Strength Tylenol in the possession of the victims were chemically analyzed by local authorities, and some of the capsules in these bottles were found to contain lethal amounts of potassium cyanide. By October 1, several more Chicago area residents had died from cyanide poisoning after ingesting Tylenol Extra-Strength capsules, bringing the total of deaths to seven.

On September 30, government authorities and the manufacturer of Tylenol, McNeil Consumer Products, Fort Washington, PA, began an investigation to determine the manner in which the capsules had become contaminated with cyanide. The capsules involved in the seven deaths were manufactured in two plants, one in Pennsylvania and one in Texas. FDA investigators immediately inspected both plants. Based on the plant inspections, FDA concluded that the contamination had not occurred at either plant, but rather was the result of tampering after the capsules had been shipped to distribution points and, most likely, after they had reached the retail shelves. Further evidence to support this position is described below.

The pattern of contamination revealed during subsequent events was inconsistent with the theory that the cyanide had been introduced either at the source of manufacture or at intermediate points in the chain of distribution. The capsules involved in the Chicago deaths were manufactured at three different times and in two widely separated plants, yet they were apparently purchased within a short period of time in one geographic area. FDA and other agencies have tested 1.7 million Tylenol capsules and investigated about 270 incidents in which death or illness was thought possibly to be connected with the use of Tylenol. To date, no Tylenol capsules outside the Chicago area have been found to contain cyanide, and there has been no other confirmed case in which cyanide poisoning was linked to the ingestion of Tylenol. That the poisoning deaths occurred in only one location during a brief space of time, although the capsules were made in two places at different times, makes it extremely unlikely that the cyanide contamination occurred before the capsules arrived in the Chicago area.

In addition, certain other facts strongly support the position that the tampering occurred after the capsules had been shipped to distribution points and, most likely, after they reached the retail shelves. One of the bottles associated with a death held both Extra-Strength and Regular Strength capsules; only the Extra-Strength capsules contained cyanide. Some of the contaminated capsules showed visible signs of tampering. FDA laboratory testing of capsules containing cyanide revealed that the gelatin capsule begins to deteriorate 6 to 7 days after first exposure to cyanide; samples of capsules collected and analyzed by FDA from a drug store in Schaumberg, IL, and from victims' bottles revealed the beginning stages of such deterioration.

Although conclusive evidence of the exact circumstances of the tampering does not exist, it is believed that one or more persons obtained the Extra-

Strength Tylenol capsules, contaminated them with cyanide, inserted these capsules into the bottles, returned them to the boxes in which they are sold, and surreptitiously placed the boxes on the shelves of the stores from which the victims purchased them. These Extra-Strength Tylenol capsules were packaged in plastic snap-top bottles, with cotton wadding inserted into the neck of the bottle. The bottles were placed inside individual cardboard cartons. Although packaged in compliance with current FDA requirements, neither the bottles nor the cartons were sealed or otherwise fabricated to ensure that access to the product required the destruction or visible disturbance of the package.

Response to the Chicago deaths

The tragic events in Chicago elicited response on several levels. Authorities in Illinois, aided by Federal Government agencies, launched an intensive investigation to identify the person or persons who contaminated the Tylenol. Municipal authorities in the Chicago area took immediate steps to protect their citizens against further poisonings by cautioning against the use of Tylenol capsules and, in the city of Chicago, banning the sale and use of all Tylenol products. FDA conducted a nationwide campaign to sample and analyze Tylenol capsules and other Tylenol products susceptible to contamination, and warned against the use of Extra-Strength and Regular Strength Tylenol capsules. McNeil withdrew Extra-Strength, and then Regular Strength, Tylenol capsules from sale and warned against the use of all Tylenol capsules. State and local jurisdictions throughout the country took a variety of precautionary measures. Police and regulatory authorities investigated dozens of reports of possible related incidents. Poison control centers around the country responded to questions from concerned consumers.

In addition to these actions aimed at the immediate problem, several jurisdictions are considering enacting laws to improve the security of drug product packaging to deter tampering or alert the consumer to its occurrence. Cook County, IL, approved an ordinance on October 4, 1982, requiring all OTC drugs to be sold only in sealed containers. On October 6, the city of Chicago submitted a similar ordinance to the city council.

On the national level, Secretary of Health and Human Services Richard Schweiker requested FDA to begin drafting a regulation to require tamper-resistant packaging for OTC drugs. Several Members of Congress stated their intention to introduce appropriate legislation, and on October 15, the House Subcommittee on Health and the Environment conducted a hearing to explore the packaging security issue.

At the request of FDA, the Proprietary Association, a national trade association representing manufacturers of OTC drugs, announced the formation of a Joint Committee on Product Security to explore ways of reducing the risk of malicious tampering with OTC drugs. A special Expert Technical Committee of industry experts, established to develop specific recommendations for tamper-resistant packaging, met in Washington, DC, and reported its conclusions on October 14, 1982, to the Board of Directors of the Proprietary Association in New York. On October 20, the Board formally transmitted recommendations for action to FDA.

Other Poisonings.

Since the Tylenol poisonings, several cases of serious injuries have been reported resulting from the use of products that have been tampered with. These incidents, although not the initial impetus for these regulations, further demonstrate the need for their prompt implementation.

Need for Federal Regulation To Improve OTC Packaging Security

The poisoning fatalities make plain the gravity of the risk to which the nation's population is exposed from malicious tampering with drug products sold over-the-counter to the consumer. The Tylenol incident occurred in the Chicago area, but is was followed by others elsewhere in the country. Nor is the potential for such tampering confined to one manufacturer's products. Incidents of OTC drug product tampering involving products other than Tylenol have occurred in recent weeks. The combined incidents demonstrate that the need for adequate product security is national in scope and requires an industrywide response.

FDA is the agency designated by Congress to assure the safety of drugs marketed in the United States. It is, therefore, appropriate for FDA, in accordance with Secretary Schweiker's request, to develop and issue regulations to meet the problem of OTC product tampering on a national basis. A Federal requirement will not only help to protect the entire population, it will also obviate the need for State and local laws aimed at accomplishing the same objective for smaller numbers of people. OTC drugs are an important component of the nation's health care system. Conflicting packaging security requirements imposed at the local level would create a strong likelihood that distribution of OTC drugs might be disrupted, thus limiting the available supply of OTC drugs. In addition, unnecessary costs might be imposed on purchasers of OTC drugs as a result of the efforts by manufacturers and distributors to meet differing standards.

An FDA tamper-resistant packaging regulation applicable uniformly to all manufacturers of OTC drug products in all geographic markets will provide the public health protection the country needs and deserves, without unduly burdening the national system of drug distribution and without raising health costs more than necessary to achieve the intended result.

FDA is also responsible for assuring the safety of cosmetic products. Most cosmetic products are applied topically to the skin. Such topical products do not pose the same health threat if tampered with as do products that are ingested, inserted, inhaled, or intended for ophthalmic use. For this reason, neither dermatologic OTC drugs, nor topically applied cosmetics, are subject to the regulations issued in this document.

Because some cosmetics such as liquid cosmetic mouthwashes are used within the oral cavity, they come in contact with sensitive mucous membranes and small but significant amounts are usually ingested. The agency believes, therefore, that these products present the same high degree of risk from tampering that is presented by the drugs covered by this final rule. The agency is aware of a recent incident in which a cosmetic mouthwash was contaminated with acid by a person who tampered with the product before retail sale. Accordingly, FDA is requiring that liquid cosmetics used orally be marketed in tamper-resistant packaging meeting the criteria of this final rule.

Vaginal drug and cosmetic products, most of which are liquid in form, are also highly susceptible to tampering and are capable of causing serious injury if tampered with. Thus, these products are also included in this final rule.

Many OTC drug and cosmetic products are already packaged in tamper-resistant containers that are sealed so that the contents cannot be used without obvious destruction of the packaging seal. (FDA notes, however, that such packaging, without an accompanying label statement, may not be completely effective, as evidenced by several recent incidents involving ophthalmic products.) The agency recognizes that although the technology is currently available to make all packaging of the products mentioned above tamper-resistant, it will take manufacturers some time to adapt the technology to their particular products. The agency concludes, however, that such packaging is in the interest of the public health and should be required as soon as possible. This final rule will make available to consumers more securely packaged OTC drug and cosmetic products, while allowing manufacturers and packers flexibility by taking into account the availability of the necessary packaging materials and machinery for manufacturers to use, and the time needed to set into place any new requirements. The agency encourages drug and cosmetic manufacturers to make the necessary packaging and labeling changes, if possible, before the effective dates imposed by this final rule and it anticipates that a large segment of the industry will comply fully before the various effective dates discussed later in this document.

II. Concept of Tamper-Resistance

The Proprietary Association/FDA Expert Technical Committee on Tamper-Resistant Packaging met on October 7 and 11 to consider measures that would ensure container integrity and make tampering evident if it occurred. On October 14, the Committee's conclusions were considered by the Board of Directors of the Proprietary Association. On the same day, the Board recommended that FDA adopt a regulation requiring OTC drug packaging to meet a tamper-resistance performance standard. The standard would require OTC drug packages to have an indicator or barrier to entry that would provide the consumer with visible evidence that the package had been tampered with or opened. The Proprietary Association also recommended that packages bear a label statement describing the tamper-resistant mechanism.

Based on the information developed by the Expert Technical Committee, on the Proprietary Association's recommendation, and on the agency's own knowledge and experience, FDA has concluded that adequate public health protection against malicious tampering will be provided by the use of tamper-resistant packaging meeting the criteria discussed below.

The agency defines a tamper-resistant package as one having an indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred. Tamper-resistant packaging may involve immediate-container/closure systems or secondary-container/carton systems or any combination thereof intended to provide a visual indication of package integrity when handled in a reasonable manner during manufacture, distribution, and retail display. The visual indication is required to be accompanied by appropriate illustrations or precautionary statements to describe the safeguarding mechanism to the consumer. To reduce the possibility that the security mechanism can be restored after tampering, the agency is also requiring that either the tamper-resistant feature be designed from materials that are generally not readily available (e.g., an aerosol system) or that barriers made from readily obtainable material (e.g., plain tape, paper seals, clear plastic) carry a distinctive design or logo.

The agency stresses that tamper-*proof* packaging is not possible. Although the requirements in this final rule will reduce the potential for tampering, they cannot eliminate it. Neither the agency nor manufacturers can guarantee protection against malicious tampering but can only make tampering more difficult by making product packaging more *resistant* to tampering. For this reason, the agency will consider any labeling statement suggesting that the package is tamper-proof, as contrasted with tamper-resistant, to be false and misleading. Consumers must act to protect themselves from injury by inspecting the condition of the packages they buy, the tablets and capsules they take, and the liquids they drink.

The standards for tamper-resistant packaging established by this final rule will allow manufacturers flexibility in determining which packaging system to use. Several packaging options are available to provide increased assurance of tamper-resistance for a large number of products. Alternative systems that provide comparable margins of assurance will also be acceptable under this final rule because the agency realizes that the state of the art of this technology is evolving. FDA considers the packaging systems listed below, which are currently available, to be examples of those capable of meeting the tamper-resistant requirement of this final rule. It is not the agency's intent to preclude technological innovation that may introduce totally different systems for providing protection to the consumer against tampered products.

1. *Film wrappers.* A transparent film with distinctive design is wrapped securely around a product or product container. The film must be cut or torn to open the container and remove the product.

2. *Blister or strip packs.* Dosage units (for example, capsules or tablets) are individually sealed in clear plastic or foil. The individual compartment must be torn or broken to obtain the product.

3. *Bubble packs.* The product and container are sealed in plastic and mounted in or on a display card. The plastic must be torn or broken to remove the product.

4. *Shrink seals and bands.* Bands or wrappers with distinctive design are shrunk by heat or drying to seal the union of the cap and container. The seal must be cut or torn to open the container and remove the product.

5. *Foil, paper, or plastic pouches.* The product is enclosed in an individual pouch that must be torn or broken to obtain the product.

6. *Bottle seals.* Paper or foil with a distinctive design is sealed to the mouth of a container under the cap. The seal must be torn or broken to open the container and remove the product.

7. *Tape seals.* Paper or foil with a distinctive design is sealed over all carton flaps or a bottle cap. The seal must be torn or broken to open the container and remove the product.

8. *Breakable caps.* The container is sealed by a plastic or metal cap that either breaks away completely when removed from the container or leaves part of the cap attached to the container. The cap must be broken to open the container and remove the product.

9. *Sealed tubes.* The mouth of a tube is sealed and the seal must be punctured to obtain the product.

10. *Sealed carton.* All flaps of a carton are securely sealed and the carton must be visibly damaged when opened to remove the product.

11. *Aerosol containers.* Aerosol containers are inherently tamper resistant.

The agency urges manufacturers and packagers, in designing the tamper-resistant packages, to take into consideration that such packaging should not be so difficult to open that arthritics and others manually impaired cannot open them.

III. Provisions of the Rule

Applicability

FDA is revising its regulations to establish requirements for tamper-resistant packaging for all OTC drug products, except dermatologics, dentifrices, and insulin, and for cosmetic liquid oral hygiene products and vaginal products. FDA's current good manufacturing practice (CGMP) regulations (21 CFR Part 211) are intended to provide assurance that drug product quality does not fall below that which is feasible and available under contemporary technology. FDA's cosmetic regulations describe circumstances under which cosmetics are adulterated or misbranded, or both.

In addition to establishing a tamper-resistant packaging requirement, the final rule also imposes a requirement that the package label of the products subject to this final rule alert the consumer to the existence of the specific tamper-resistant mechanism. This requirement is needed to assure that the tamper-resistant packaging mechanism achieves its intended purpose. Failure to comply with either requirement will result in the affected product's being considered adulterated under section 501 (a)(2)(B), (b), or (c), or 601 (a) and (c) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 351 (a)(2)(B), (b), or (c), or 361 (a) and (c)). Failure to comply with the labeling requirement or the addition of labeling suggesting that the packaging is tamper-proof will result in the product's being considered misbranded under section 201(n), 502 (a) or (c), 602 (a) or (c) of the act (21 U.S.C. 321(n), 352 (a) or (c), 362 (a) or (c)). Products that are imported into the United States will be required to meet these requirements as well.

This final rule applies to all nonprescription drug products (other than dermatologics, dentifrices, and insulin), and to cosmetic liquid oral hygiene products and vaginal products. Dermatological OTC drug products (i.e., those applied to the skin), dentifrices, and insulin, and cosmetic products other than liquid oral hygiene products and vaginal products are not covered by this final rule at this time because of the lower probability of tampering or the less severe consequences from tampering with these products than with those products that are ingested, inserted, inhaled, or intended for ophthalmic use.

This final rule requires manufacturers and packers of products subject to this rule to package their products for retail sale in tamper-resistant packages. The agency contends that manufacturers and packers can comply with these regulations through the use of currently available packaging technology, which has been shown to be both feasible and valuable in assuring product quality.

The agency concludes that by specifying a result to be achieved rather than specific kinds of packaging systems for particular products, it is providing manufacturers flexibility to determine for themselves the most cost-effective packaging system that produces a tamper-resistant package for their products. Manufacturers and packers are, of course, free to adopt a packaging technology not listed in this final rule if that technology produces a tamper-resistant package. Conversely, use of one of the identified technologies does not, by itself, constitute compliance with the requirement for the use of a tamper-resistant packaging system if the application of the technology in a particular case does not meet the standard established in this final rule (e.g., if the system is inappropriate to the product or is faulty in design).

In addition to requiring tamper-resistant packaging, this final rule also requires the labeling of the affected products to contain a statement describing the tamper-resistant feature of the package and advising consumers that, if the feature is breached or missing when the product is purchased, tampering may have occurred. Tamper-resistant packaging with an appropriate labeling statement will be more likely to protect consumers because the consumer will be in a better position to detect tampering when he or she has knowledge that a tamper-resistant feature has been incorporated into the package design. For example, ophthalmic products, including both drugs and contact lens solutions (regulated as devices), are now required to be sealed so that the contents cannot be used without destroying the seal (21 CFR 200.50), but a labeling statement drawing the consumer's attention to the seal is not required. The agency is aware of incidents in which products subject to that requirement may have been maliciously adulterated, with subsequent injury to consumers. A label statement describing the purpose of the seal and cautioning against purchase if the seal were broken or missing is now required by this final rule for ophthalmic OTC drug products. In a separate document published elsewhere in this issue of the **Federal Register**, the agency is establishing a requirement for a statement in the labeling of contact lens solutions to alert consumers to the tamper-resistant features of the package.

Although this final rule applies to many OTC drug products and cosmetics, the agency recognizes that existing packaging or marketing practices for some products or classes of products may provide adequate protection for consumers, but not meet the specific requirements of the regulations. Thus, FDA also is establishing in the regulations a procedure for manufacturers and packers to obtain exemptions from the tamper-resistant packaging requirement, the labeling requirement, or both. Although an exemption may be sought through the citizen petition procedures in § 10.30 (21 CFR 10.30), the agency believes instances justifying an exemption will be rare.

Because of the importance of the public health concerns addressed by these regulations, the agency has established an early effective date for them. The effective date provisions are described more fully below. Some manufacturers may have difficulty in meeting the early effective date of the regulations. The equipment needed to implement tamper-resistant packaging is often built on order and therefore may not be readily obtained in a short period of time. Moreover, these regulations will create additional demand for packaging equipment and, therefore, the supply of certain equipment may not be adequate for many months. If manufacturers cannot obtain necessary equipment in time to comply with the effective date provisions, it may be necessary to stay the effective date for particular products to avoid disruption of the market for these products. Stays under the citizen petition procedures in § 10.30 may be requested for any aspect of the regulations, including those relating to the label statement and the use of a distinctive barrier to entry.

The agency will accept petitions for stays of the effective date, but only if manufacturers and packers adequately demonstrate that they have taken all reasonable steps to apply tamper-resistant packaging technology to their products, but cannot comply by the effective date or cannot get new labeling printed by the effective date. The showing must include a description of the tamper-resistant packaging technology the petitioner proposes to use; a description of the facilities and equipment needed to apply that technology; a timetable identifying the date when the technology was chosen, the date when the facilities and equipment will be available for applying the technology to the product, and the date by which the product will be in compliance with the regulations. A lengthy stay will not be granted if the petitioner has selected a technology that will require a substantial period of time to obtain and apply and the petitioner could, without undue expense, adequately comply with the regulation by using another technology.

To assist the agency in handling any petition for a stay of the effective date or for an exemption for a covered product, it is requested that the submission be clearly identified on the envelope as either a "Request for Exemption from Tamper-Resistant Rule" or "Request for Stay of Tamper-Resistant Rule." If a firm submits both a stay and an exemption for the same product, it is requested that each petition be submitted separately in its own envelope clearly marked as set forth above. Further, if a firm submits comments on the final rule, they should be submitted separately to the agency and not combined with either a request for a stay or request for an exemption.

Effective date. The regulations become effective in three steps. The requirement that a tamper-resistant package be used is effective February 7, 1983 for OTC drug products and cosmetics that are the most vulnerable to tampering. The OTC drug products subject to this effective date are: oral, vaginal, and rectal drugs (other than tablets and suppositories), otic drugs, nasal drugs, ophthalmic drugs. A later effective date of May 5, 1983 is provided for oral and vaginal tablets and vaginal and rectal suppositories. The tablet and suppository dosage forms are considered less susceptible to tampering because known methods of tampering are more difficult to apply to tablets and suppositories without creating visible evidence that tampering has occurred. For all products, the label statement requirement and the requirement that the barrier to entry be distinctive are effective May 5, 1983.

There is a third effective date, 1 year from the initial effective date, February 6, 1984, by which time all stocks held for sale (including stocks in retail stores), no matter when packaged, must be in compliance with the requirements for tamper-resistant packaging. This date also applies to imported products. The effective date provisions assure that those products that are most susceptible to malicious adulteration will be the first required to be packaged in tamper-resistant packaging. FDA believes that longer effective dates for those products for which malicious adulteration is less likely will permit manufacturers to comply more quickly with the requirement applicable to the more susceptible products without undue risk to consumers. The later effective date for the label statement requirement and the requirement for a distinctive barrier to entry recognize that these requirements, although important, are not as urgent as the need to assure that tamper-resistant packaging is used, and that it may take more time to arrange for the labeling and package design changes that must be made to comply with these provisions of the regulations.

The time limits selected by FDA also take into account information provided to the agency by the Proprietary Association concerning the ability of the OTC drug industry to acquire the necessary packaging equipment and integrate it into their production systems. Accordingly, a requirement effective immediately or a requirement effective for all products at the end of a comparatively short period of time, such as 3 months, would impose a serious strain on the packaging machinery industry to produce, and on the OTC drug industry and other affected manufacturers to acquire and put into place, the equipment needed to produce tamper-resistant packaging.

Several consequences could be anticipated were the agency to require an early effective date for all products. First, companies unable to meet the requirement would have to discontinue marketing their products after the effective date. Second, it could force industry to compete for scarce resources as if all products presented identical risks. Either result could disrupt the supply of OTC drugs to the consumer and make it difficult for manufacturers of tamper-susceptible products in particular to meet the deadline. The costs of compliance, and thereby the price of OTC drug products to the consumer, would also be unnecessarily high.

FDA concludes, therefore, that the sequential effective dates established by this regulation are reasonable and necessary. It is appropriate for FDA to assure an adequate supply of OTC products at a reasonable price, and it is therefore appropriate for FDA to phase in the requirements of the regulations set forth in this final rule to assure that the supply of these products is not unnecessarily disrupted and that their prices are not unnecessarily increased. That objective can be achieved by deferring the effective date for products that are less susceptible to tampering or less harmful if tampered with. By providing a deferred effective date for less susceptible products, the agency is providing on a categorical basis the relief it would have been likely to grant on an individual basis.

These regulations apply to all affected products produced in retail packaging on or after the effective dates. Applying the same effective date to products produced earlier than the effective date would require immediate withdrawal from the retail shelves of noncomplying products after the 3- or 6-month effective dates, a result that would be impractical and disruptive to health care. Because of the need for the affected industry to avoid further incidents of tampering and the incentive the industry has to maintain consumer confidence in OTC drug and cosmetic products, the agency anticipates that manufacturers will take prompt action to implement the provisions of these regulations even before the mandatory effective dates. FDA believes that, for this reason, the market will be significantly depleted of products in non-tamper-resistant packaging within a relatively short period of time.

However, in order to assure that at some defined future date all products covered by the rule are contained in tamper-resistant packaging (although without the labeling or distinctive design requirement), even to the retail level, the agency is establishing a retail level effective date of February 6, 1984 after which all products packaged before May 5, 1983 must be in compliance with the requirement that they be packaged in tamper-resistant packaging. (Products packaged after the May 5, 1983 effective date must be in compliance with all aspects of the regulations after that date, without regard to the retail level effective date. Products packaged after the February 7, 1983 effective date must be in compliance with the tamper-resistant packaging requirement after that date, without regard to the retail level effective date.) The agency believes that manufacturers will be encouraged to convert their product packaging to the non-tamper-resistant variety sooner if products meeting that requirement of the regulations that are packaged before May 5, 1983 are not subject to the retail level effective date with respect to the labeling and distinctive design requirements. Accordingly, the retail level effective date will not apply to the labeling and distinctive indicator or barrier to entry requirements of the regulations.

The agency acknowledges that it may prove difficult to meet this effective date. In that event, FDA must consider whether removal of all products that are not in compliance as of that date may have an adverse impact on the availability of some products in the marketplace and consequential disruption of health care. It is also possible that the quantity of noncomplying products remaining on the market by this time will be negligible, in which case a retail level effective date may be unnecessary. Because of the uncertainty involved in attempting to estimate the circumstances that will prevail at the time of the retail level effective date, the agency will review the need for such a date and what the date should be after it has had an opportunity to determine the effects of this regulation on the marketplace. Such review will take place long enough before the retail level effective date occurs for any change in that date to be taken into account by those who will be required to meet it. In addition, FDA will consider requests for stays in the retail level effective date on a case-by-case basis.

After the retail level effective date, products remaining on retail shelves that were packaged before May 5, 1983 that are not packaged in tamper-resistant packaging will be considered adulterated and misbranded. Given the unique circumstances that have made these regulations necessary, FDA will consider all feasible alternatives to dealing with noncomplying products remaining in trade channels.

IV. Legal Authority

Under the Federal Food, Drug, and Cosmetic Act, FDA is authorized to impose requirements necessary to assure that drugs meet the requirements of the act for identity, strength, quality, and purity. Such requirements may be imposed as current good manufacturing practice (CGMP) (21 U.S.C. 351 (a)(2)(B)) and in aid of other statutory requirements relating to product safety and integrity. See, e.g., 21 U.S.C. 351(b) and (c).

Under its authority to specify CGMP's, FDA already requires drug product containers to protect against "foreseeable external factors in storage and use that can cause deterioration or contamination of the drug product" (21 CFR 211.94(b)). That regulation was intended to deal with contamination originating during storage of drug products throughout the chain of distribution up to the point of use by the consumer, including storage by intermediaries, retail outlets, and the consumer. That regulation was not, however, intended to require the use of tamper-resistant packaging. When that regulation was issued, tampering was not regarded as a sufficiently serious problem to justify the imposition of container security measures aimed at safeguarding drug products against contamination from tampering. The recent events involving Tylenol, combined with other recent tampering incidents, make it clear that tampering is a serious problem to which the affected industry must respond. The requirements set forth in FDA's CGMP regulations for pharmaceutical products represent those measures needed to ensure that drugs purchased by the people of this country meet all statutory requirements at the time of purchase. Such measures must now include provision for container and package design that provides protection against intentional product adulteration by means of tampering.

FDA's authority to issue Federal standards for tamper-resistant drug packaging is also derived from other provisions of the act relating to drug adulteration. Under section 501(b) of the act, drugs are required to meet applicable compendial standards for strength, quality, and purity. Under section 501(c) of the act, drugs not subject to compendial standards are required to possess the strength, quality, and purity they are represented to have. Because contamination of drugs by tampering causes these requirements to be violated, FDA is authorized to impose packaging requirements reasonably designed to prevent such contamination. The existing regulation requiring the use of seals on ophthalmic products was issued under the authority of section 501(c) of the act. See 21 CFR 200.50(a)(3). That regulation was issued in response to contamination of ophthalmic products at the retail level by persons using the products in the store and then returning them to the shelves. Persons who subsequently bought the products were exposed to injury from contamination of the products caused by this kind of tampering.

FDA is also authorized to issue package security requirements for cosmetics. Such authority is found in sections 601 (a) and (c) and 701(a) of the act. Under section 601(a) of the act, a cosmetic is adulterated if it bears or contains any poisonous or deleterious substance which may render it injurious to users. Under section 601(c) of the act, a cosmetic is adulterated if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health. Section 701(a) of the act authorized FDA to issue regulations for the efficient enforcement of the act.

In the past, FDA has issued regulations requiring the labeling of certain cosmetic products to contain warning statements. In some cases, the statements have been required to warn consumers of the danger of intentional misuse. For example, § 740.11(b)(1) (21 CFR 740.11(b)(1)) requires a warning against the intentional inhalation of certain aerosol propellants. The agency required the warning after it became apparent that the dangerous practice of inhaling propellants had become sufficiently frequent to constitute a hazard of widespread public concern. (40 FR 8912; March 3, 1975.) Intentional tampering is an abusive practice that also presents hazards for consumers of the cosmetic products named in the regulation and, therefore, the agency is requiring the same packaging and warning statements for cosmetic liquid oral hygiene products and vaginal products that it is requiring for certain OTC drugs.

The requirement for a label statement alerting the purchaser to the tamper-resistant feature of a product's packaging is authorized under the cited adulteration provisions and under sections 502(c), 602(c), and 201(n) of the act. The label statement is necessary to assure the effectiveness of the tamper-resistant feature and is an integral part of the tamper-resistant package design. The absence of the label statement thus causes the product to be adulterated. In addition, under sections 501(c) and 602(c) of the act, a product is misbranded if a statement required under other authority in the act is omitted from the product's labeling. Finally, under sections 201(n), 502(a), and 602(a) of the act, a product may be misbranded by reason of the omission of a material fact about the product. The agency believes that omission of a statement alerting the consumer to a packaging feature designed to prevent adulteration would constitute the omission of a material fact, in light of representations made elsewhere in the labeling of a product intended to induce purchase through the implicit representation that the product is not adulterated.

FDA concludes that mandatory standards for tamper-resistant packaging are necessary. The affected industry has shown a commendable interest in improving product security by voluntary means. However, in a matter of such serious public health concern, it is appropriate that the agency assure that all necessary steps will be taken by manufacturers through the issuance of a binding regulation.

Nothing in these regulations relieves any person of the responsibility for compliance with other applicable regulations including the drug CGMP regulations. In particular, major changes in packaging to comply with these regulations may affect compliance with the expiration dating requirements of 21 CFR 211.137. Additional stability studies may be necessary under these circumstances.

Preemptive status of these packaging requirements

FDA intends that the regulations issued in this document preempt State and local packaging requirements that are not identical to it in all respects, including those relating to the use of alternative tamper-resistant packaging systems, the coverage of the regulations within the product categories addressed, the label statement alternating consumers, exemptions, and effective dates.

As previously discussed, FDA is authorized to assure the safety of drugs and cosmetics marketed in interstate commerce in this country. The manufacturing and distribution system for these products is national in scope and the measures adopted by FDA to regulate this national system should be adequate to safeguard the interests of the entire population. While State and local requirements for products may on occasion be appropriate and necessary, such measures should not interfere with FDA's accomplishing those purposes that are within its Congressionally mandated area of responsibility.

The requirements established by these regulations provide for the use of tamper-resistant packaging for most OTC drug products and certain cosmetics. The requirements become effective on a staggered basis aimed at bringing about the use of tamper-resistant packaging more quickly for those affected products that are most susceptible to tampering or most potentially harmful if maliciously adulterated. The effective dates take into account the availability of packaging machinery, and the ability of manufacturers to acquire and begin to use it, such that the need for consumer protection is met without unnecessary disruption of the supply or increase in the cost of affected products. FDA therefore regards this final rule as providing protection against malicious tampering in the manner most advantageous to consumers. FDA acknowledges the interest of State and local jurisdictions in protecting their citizens from criminal acts involving OTC drug products. The agency believes that this interest is given effect by the regulations issued in this final rule.

State and local requirements for OTC product packaging that differ from those established by this final rule would interfere with the accomplishment of FDA's objectives in several ways. These regulations are intended to allow the use of alternative packaging systems to guard against tampering. A State or local requirement that one or several specific packaging systems be used exclusively would have one of several undesirable effects. First, it would exclude from that market products not using the designated systems. Such an exclusion would curtail the supply of OTC drugs and cosmetic products to the residents of the jurisdiction involved. It would also interfere with competition within that market, with an accompanying potential for higher prices. Second, it could, if the State or local market was big enough, force manufacturers to adopt the State or local standard for products marketed anywhere in the country where that standard was consistent with other State or local standards. This result would effectively negate the FDA regulations set forth in this final rule. It would also force manufacturers to use a limited number of packaging systems with no assurance that such systems are the best adapted to providing tamper-resistance or the most cost-effective packaging system that produces a tamper-resistant package. It would, finally, provoke intense competition among manufacturers for a limited range of packaging equipment capable of producing the complying packaging, thus impeding the conversion of all affected OTC drugs and cosmetics to the tamper-resistant variety. Third, affected manufacturers could be forced to adopt different packaging systems meeting the separate requirements of each jurisdiction. If this were done, product costs and prices would be increased by the need to create different manufacturing and distribution systems adapted to the different requirements prevailing throughout the country.

In addition to these undesirable effects on the distribution and cost of affected OTC drugs and cosmetics and on the ability of the affected industry to convert quickly and efficiently its products to tamper-resistant packaging, State and local drug and cosmetic packaging requirements have the potential for interfering with FDA's ability to enforce the agency's own tamper-resistant packaging requirements. For example, because of differences in interpretation, it is possible that a product that met the Federal requirement would be deemed illegal at the State or local level, or vice versa.

Imposition of State or local packaging requirements prior to the effective dates of these regulations would also hinder the orderly attainment of the objectives that these regulations are intended to achieve. The 3- and 6-month effective dates specified in this document have been established in response to information concerning the availability of packaging equipment and the ability of manufacturers to procure it and integrate it into their manufacturing operations. These effective dates will assure that products are produced in tamper-resistant packaging as soon as possible consistent with an adequate supply of products at a reasonable cost. The retail level effective date, February 6, 1984, for products packaged prior to May 5, 1983 balances the infeasibility of converting the packaging of already manufactured products into tamper-resistant packaging against the consumer's need at some point to be certain that all products for retail sale are contained in such packaging. An earlier retail level effective date, or State or local packaging requirements applicable to the retail sale of products in noncomplying packaging, would potentially undermine the ability of manufacturers to implement these regulations by diverting attention from the effort to bring new packaging into compliance with those regulations. An early requirement for retail level compliance would also disrupt the availability of products to the consumer for an indeterminate period of time.

For these reasons, FDA concludes that, as of the date of publication of this final rule, the requirements imposed by this final rule should be the exclusive means of bringing about the use of tamper-resistant OTC drug and cosmetic packaging and associated labeling. See *Jones* v. *Rath Packing Co.*, 430 U.S. 519, *reh. denied*, 431 U.S. 925 (1977); *Cosmetic, Toiletry & Fragrance Ass'n* v. *State of Minnesota*, 440 F. Supp. 1216 (D. Minn. 1977, *aff'd per curiam*. 575 F.2d 1256 (8th Cir. 1978)); *Brookhaven Cable TV, Inc.* v. *Kelly*, 573 F.2d 765 (2d Cir. 1978) *cert. denied*, 441 U.S. 904 (1979).

Good cause to issue a final regulation

The Administrative Procedure Act and FDA regulations provide that a general notice of proposed rulemaking need not be published in the Federal Register when the agency for good cause finds that "notice and public procedure * * * are impracticable, unnecessary, or contrary to the public interest." (5 U.S.C. 553(b)(B), 21 CFR 10.40(e)(1).) As discussed above, the problems caused by malicious tampering are multiple and pose significant public health concerns. As reports of each new episode of malicious tampering receive wide exposure in the news media, the likelihood of further similar incidents increases. It is clearly in the public interest to move quickly to establish uniform Federal regulatory standards that will enable manufacturers to implement tamper-resistant packaging and labeling requirements as efficiently and expeditiously as possible. Quick action by the agency is vitally necessary to reduce the likelihood that additional tampering will occur or that other innocent purchasers will be harmed. In addition, a rapid response will enhance agency efforts to educate purchasers by alerting them to the problems and will help restore public confidence in the integrity of the OTC drug and cosmetic products in the marketplace.

The requirements contained in the regulations set forth in this final rule are based on standards and technology suggested by and discussed with representatives of the OTC drug manufacturing industry. Based in part on those discussions and on discussions with representatives from the cosmetic industry, the agency believes that the requirements are reasonable and that the timetable for compliance is attainable.

Therefore, the agency has concluded that because adequate protection of the public health requires that tamper-resistant packaging be implemented as quickly as possible, there is good cause to issue these regulations as a final rule. See generally *Hercules, Inc.* v. *Environmental Protection Agency,* 598 F.2d 91, 126 (D.C. Cir. 1978).

The agency is providing a 30-day comment period and will review carefully all comments submitted during that period to determine the appropriateness of revisions to this final rule.

V. Economic Considerations

FDA has examined the regulatory impact and regulatory flexibility implications of this final rule in accordance with Executive Order 12291 and the Regulatory Flexibility Act. The agency estimates that this final rule will affect about 2 billion retail packages per year. Some of these OTC products (perhaps 10 to 30 percent) are already packaged in ways defined as acceptable, and will need only labeling statements and distinctive indicators or barriers to entry. Many, probably most, of the remaining products would be converted to tamper-resistant packaging even in the absence of this final rule—to reduce actual risks, to restore or sustain consumer confidence, or, in some cases, to comply with new State or local requirements. Therefore, the cost impacts attributable to this final rule are some fraction of the total costs that will be incurred by manufacturers to improve the integrity of their products' packaging.

The Expert Technical Committee on Tamper-Resistant Packaging estimated unit costs of tamper-resistant packaging to range from a fraction of a cent for some popular packaging systems, such as shrink seals, to several cents per unit for bubble packs and manual seals. If unit costs average 1.0 to 2.0 cents per retail package, aggregate recurring costs for tamper-resistant packaging would be $20 to $40 million per year.

Costs for new packaging equipment are not expected to have a significant impact on the average cost per package. Equipment investment outlays would presumably be spread over several years following the effective date, depending on equipment availability (which varies from several months to 2 years) and manufacturer preferences as to packaging systems. Some manufacturers may temporize with the less expensive equipment, until they have decided upon and taken delivery of the equipment they will use in the long run. The cost of packaging equipment varies widely from less than $100 to over $100,000 per unit. When these investments are depreciated over the life of the equipment and the number of packages handled, the average cost per package appears extremely small regardless of the original cost.

The 3- and 6-month effective dates for tamper-resistant packaging may impose some additional cost penalty on manufacturers. If manufacturers cannot install new packaging equipment before the effective date, they could experience a period of market disruptions or high manual packaging costs. The final rule anticipates some difficulty in obtaining delivery of packaging equipment. The provision for petitions for stays of the effective date should largely eliminate cost impacts in these situations. Similarly, the 6-month effective date for labeling statements may impose added costs. The one-time change in labeling for all affected products is expected to cost $5 to $10 million. The agency does not believe that the industry will experience significant costs for stocks of obsolete packaging at the 6-month effective date.

The 15-month retail level effective date may result in some returns of non-tamper-resistant packages to manufacturers. The agency believes that any such returns will be very small in volume, will not occur at the wholesale level, and will be confined to the smallest retail outlets. The agency's stated intent to reconsider this effective date after it has an opportunity to observe the market effects of the final rule supports the conclusion that the cost of obsolete stock returns will be insignificant.

Thus, the agency believes that the total cost of conversion to tamper-resistant packaging would not be sufficient even in its entirety to warrant designation of the rule as a major rule. Moreover, it is the obvious intention of major industry segments to proceed with tamper-resistant packaging regardless of any regulation. Therefore, the net cost impact attributable to the final rule is far below that which would require a regulatory impact analysis.

Because these regulations are issued as a final rule without being preceded by general notice of proposed rulemaking, a final regulatory analysis under section 604 of the Regulatory Flexibility Act (94 Stat. 1167) is not required. In any event, the rule will not have a significant economic impact on a substantial number of small entities. A comparatively few large firms dominate the OTC drug market with the 20 largest firms accounting for about two-thirds of sales. These large firms will probably utilize the more expensive, high-volume packaging equipment. Moreover, exemptions and petitions for a stay are available to small firms that may have difficulty complying with the provisions of this final rule.

VI. Environmental Impact

The agency has determined pursuant to 21 CFR 25.24(d) (12) and (13) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental statement is required.

List of Subjects

21 CFR Part 211

Drugs—Manufacturing, Labeling, Laboratories, Packaging and containers, Warehouses.

21 CFR Part 314

Administrative practice and procedure, Drugs.

21 CFR Part 700

Cosmetics, Definitions, Prohibited cosmetic ingredients.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 501, 502, 505, 506, 507, 601, 602, 701, 52 Stat. 1049–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 321(n), 351, 352, 355, 356, 357, 361, 362, 371)) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Parts 211, 314, and 700 are amended as follows:

PART 211—CURRENT GOOD MANUFACTURING PRACTICE FOR FINISHED PHARMACEUTICALS

1. Part 211 is amended by adding new § 211.132 to read as follows:

§ 211.132 Tamper-resistant packaging requirements for over-the-counter human drug products.

(a) *General.* Because most over-the-counter (OTC) human drug products are not now packaged in tamper-resistant retail packages, there is the opportunity for the malicious adulteration of OTC drug products with health risks to individuals who unknowingly purchase adulterated products and with loss of consumer confidence in the security of OTC drug product packages. The Food and Drug Administration has the authority and responsibility under the Federal Food, Drug, and Cosmetic act (the Act) to establish a uniform national requirement for tamper-resistant packaging of OTC drug products that will improve the security of OTC drug packaging and help assure the safety and effectiveness of OTC drug products. An OTC drug product (except a dermatological, dentifrice, or insulin product) for retail sale that is not packaged in a tamper-resistant package or that is not properly labeled under this section is adulterated under section 501 of the act or misbranded under section 502 of the act, or both.

(b) *Requirement for tamper-resistant package.* Each manufacturer and packer who packages an OTC drug product (except a dermatological, dentifrice, or insulin product) for retail sale, shall package the product in a tamper-resistant package. A tamper-resistant package is one having an indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred. To prevent the substitution of the tamper-resistant feature after tampering, the indicator or barrier to entry is required to be distinctive by design (e.g., an aerosol container) or by the use of an identifying characteristic. A tamper-resistant package may involve an immediate-container and closure system or secondary-container or carton system or any combination of systems intended to provide a visual indication of package integrity. The tamper-resistant feature must remain intact when handled in a reasonable manner during manufacture, distribution, and retail display.

(c) *Labeling.* Each retail package of an OTC drug product covered by this section is required to contain a statement that is prominently placed so that consumers are alerted to the specific tamper-resistant feature of the package. The labeling statement is required to be so placed that it will be unaffected if the tamper-resistant feature of the package is breached or missing.

(d) *Requests for exemptions from packaging and labeling requirements.* A manufacturer or packer may request an exemption from the packaging and labeling requirements of this section. A request for an exemption is required to be submitted in the form of a citizen petition under § 10.30 of this chapter and should be clearly identified on the envelope as a "Request for Exemption from Tamper-resistant Rule." The petition is required to contain the following:

(1) The name of the drug product or, if the petition seeks an exemption for a drug class, the name of the drug class, and a list of products within that class.

(2) The reasons that the drug product's compliance with the tamper-resistant packaging or labeling requirements of this section is unnecessary or cannot be achieved.

(3) A description of alternative steps that are available, or that the petitioner has already taken, to reduce the likelihood that the product or drug class will be the subject of malicious adulteration.

(4) Other information justifying an exemption.

This information collection requirement has been approved by the Office of Management and Budget under number 0910–0149.

(e) *OTC drug products subject to approved new drug applications.* Holders of approved new drug applications for OTC drug products are required under § 314.8 (a) (4)(vi), (5)(xi), or (d)(5) of this chapter to provide for changes in packaging, and under § 314.8(a)(5)(xii) to provide for changes in labeling to comply with the requirements of this section.

(f) *Poison Prevention Packaging Act of 1970.* This section does not affect any requirements for "special packaging" as defined under § 310.3(1) of this chapter and required under the Poison Prevention Packaging Act of 1970.

(g) *Effective date.* OTC drug products, except dermatological, dentifrice, and insulin products, are required to comply with the requirements of this section on the dates listed below except to the extent that a product's manufacturer or packer has obtained an exemption from a packaging or labeling requirement.

(1) *Initial effective date for packaging requirements.* (i) The packaging requirement in paragraph (b) of this section is effective on February 7, 1983 for each affected OTC drug product (except oral and vaginal tablets and vaginal and rectal suppositories) packaged on or after that date, except for the requirement in paragraph (b) of this section for a distinctive indicator or barrier to entry.

(ii) The packaging requirement in paragraph (b) of this section is effective on May 5, 1983 for each OTC drug product that is an oral or vaginal tablet or a vaginal or rectal suppository packaged on or after that date.

(2) *Initial effective date for labeling requirements.* The requirement in paragraph (b) of this section that the indicator or barrier to entry be distinctive by design and the requirement in paragraph (c) of this section for a labeling statement are effective on May 5, 1983 for each affected OTC drug product packaged on or after that date.

(3) *Retail level effective date.* The tamper-resistant packaging requirement of paragraph (b) of this section is effective on February 6, 1984 for each affected OTC drug product held for sale on or after that date that was packaged before May 5, 1983. This does not include the requirement in paragraph (b) of this section that the indicator or barrier to entry be distinctive by design. Products packaged after May 5, 1983 must be in compliance with all aspects of the regulations without regard to the retail level effective date.

PART 314—NEW DRUG APPLICATIONS

2. Part 314 is amended in § 314.8 by revising the first sentence in paragraph (a) (4) (vi) and (5) (xi), by revising paragraph (a) (5) (xii), and by revising the first sentence in paragraph (d) (5) to read as follows:

§ 314.8 Supplemental applications.

(a) * * *

(4) * * *

(vi) A change in container to provide for "special packaging" as defined in § 310.3(1) of this chapter pursuant to the requirements of regulations under the Poison Prevention Packaging Act of 1970 or to provide for tamper-resistant packaging under § 211.132 of this chapter. * * *

(5) * * *

(xi) Changes which provide for "special packaging" as defined in § 310.3(1) of this chapter which are in the form of an "overcap" to the existing closure of a container without any other changes in the container/closure system or provide for tamper-resistant packaging under § 211.132 of this chapter. * * *

(xii) Addition to the labeling of such statements as required by the Poison Prevention Act of 1970 or regulations promulgated thereunder or required for tamper-resistant packaging under § 211.132 of this chapter.

* * * * *

(d) * * *

(5) Changes which provide for "special packaging" as defined in § 310.3(1) of this chapter other than the use of an additional closure as provided

for in paragraph (a)(5)(xi) of this section, where the composition of the container, the torque (tightness) of the container, and the composition of the closure component in contact with the drug (cap liner or innerseal) remain the same as provided in the approved new drug application or provide for tamper-resistant packaging under § 211.132 of this chapter.

PART 700—GENERAL

3. Part 700 is amended by adding new § 700.25 to read as follows:

§ 700.25 Tamper-resistant packaging requirements for cosmetic products.

(a) *General.* Because most cosmetic liquid oral hygiene products and vaginal products are not now packaged in tamper-resistant retail packages, there is the opportunity for the malicious adulteration of those cosmetic products with health risks to individuals who unknowingly purchase adulterated products and with loss of consumer confidence in the security of cosmetic product packages. The Food and Drug Administration has the authority and responsiblity under the Federal Food, Drug, and Cosmetic Act (the act) to establish a uniform national requirement for tamper-resistant packaging of cosmetic liquid oral hygiene products or products used vaginally that will improve the packaging security and help assure the safety of those products. Such a cosmetic product for retail sale that is not packaged in a tamper-resistant package or that is not properly labeled under this section is adulterated under section 601 of the act or misbranded under section 602 of the act, or both.

(b) *Requirement for tamper-resistant package.* Each manufacturer and packer who packages a cosmetic liquid oral hygiene product or vaginal product for retail sale shall package the product in a tamper-resistant package. A tamper-resistant package is one having an indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred. To prevent substitution of the tamper-resistant feature after tampering the indicator or barrier to entry is required to be distinctive by design (e.g., an aerosol container) or by the use of an identifying characteristic. A tamper-resistant package may involve an immediate-container and closure system or secondary-container or carton system or any combination of systems intended to provide a visual indication of package integrity. The tamper-resistant feature must remain intact when handled in a reasonable manner during manufacture, distribution, and retail display.

(c) *Labeling.* Each retail package of a cosmetic product covered by this section is required to contain a statement that is prominently placed so that consumers are alerted to the specific tamper-resistant feature of the package. The labeling statement is required to be so placed that it will be unaffected if the tamper-resistant feature of the package is breached or missing.

(d) *Requests for exemptions from packaging and labeling requirements.* A manufacturer or packer may request an exemption from the packaging and labeling requirements of this section. A request for an exemption is required to be submitted in the form of a citizen petition under § 10.30 of this chapter and should be clearly identified on the envelope as a "Request for Exemption from Tamper-resistant Rule." The petition is required to contain the following:

(1) The name of the product.

(2) The reasons that the product's compliance with the tamper-resistant packaging or labeling requirements of this section is unnecessary or cannot be achieved.

(3) A description of alternative steps that are available, or that the petitioner has already taken, to reduce the likelihood that the product will be the subject of malicious adulteration.

(4) Other information justifying an exemption.

This information collection requirement has been approved by the Office of Management and Budget under number 0910–0149.

(el) *Effective date.* Cosmetic products covered by this section are required to comply with the requirements of this section on the dates listed below except to the extent that a product's manufacturer or packer has obtained an exemption from a packaging or labeling requirement.

(1) *Initial effective date for packaging requirements.* (i) The packaging requirement of paragraph (b) of this section is effective on Feburary 7, 1983 for each affected cosmetic product (except vaginal tablets) packaged on or after that date, except for the requirement in paragraph (b) of this section for a distinctive indicator or barrier to entry.

(ii) The packaging requirement of paragraph (b) of this section is effective on May 5, 1983 for each cosmetic product that is a vaginal tablet packaged on or after that date.

(2) *Initial effective date for labeling requirements.* The requirement in paragraph (b) of this section that the indicator or barrier to entry be distinctive by design and the requirement in paragraph (c) of this section for a labeling statement are effective on May 5, 1983 for each affected cosmetic product packaged on or after that date.

(3) *Retail level effective date.* The tamper-resistant packaging requirement of paragraph (b) of this section is effective February 6, 1984 for each affected cosmetic product held for sale on or after that date that was packaged before May 5, 1983. This does not include the requirement in paragraph (b) of this section that the indicator or barrier to entry be distinctive by design. Products packaged after May 5, 1983 must be in compliance with all aspects of the regulations without regard to the retail level effective date.

Interested persons may, on or before December 6, 1982, submit to the Dockets Management Branch (address above) written comments regarding this final rule. Two copies of any comments are to be submitted, except individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above and between 9 a.m. and 4 p.m., Monday through Friday.

Effective dates. These regulations are effective November 5, 1982, with the following exceptions:

(1) Section 211.132(b) and (c).

(2) Section 700.25(b) and (c).

For the effective dates applicable to the specified sections, see §§ 211.132(g) and 700.25(c). Those sections provide that packaging requirements are effective February 7, 1983 for all OTC drug products subject to this rule (except oral and vaginal tablets and vaginal and rectal suppositories) and for cosmetic liquid oral hygiene products and liquid vaginal products packaged on or after that date. Labeling requirements for all products and packaging requirements for oral and vaginal tablets and vaginal and rectal suppositories are effective May 5, 1983. Products packaged prior to May 5, 1983, and held for sale at the retail level must be in compliance with the tamper-resistant packaging requirement, but not the distinctive indicator or barrier to entry or labeling requirements of the regulations by February 6, 1984.

(Secs. 201(n), 501, 502, 505, 506, 507, 601, 602, 701, 52 Stat. 1049–1056 as amended, 55 Stat.

851, 59 Stat. 463 as amended (21 U.S.C. 321(n), 351, 352, 355, 356, 357, 361, 362, 371))

Arthur Hull Hayes, Jr.,
Commissioner of Food and Drugs.
Richard S. Schweiker,
Secretary of Health and Human Services.

Dated: November 3, 1982.

[FR Doc. 82-30645 Filed 11-4-82; 8:45 am]

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21 CFR Parts 200 and 800

[Docket No. 82N-0332]

Tamper-Resistant Packaging Requirements for Contact Lens Solutions and Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing additional requirements for tamper-resistant packaging of contact lens solutions and tablets used to make those solutions. These products are regulated as medical devices because they are accessories to medical devices, i.e., contact lenses. Contact lens solutions and tablets used to make these solutions are, like drugs, vulnerable to malicious adulteration. FDA is revising a regulation that now requires sealed packaging for contact lens solutions and is making conforming amendments in the provisions for opthalmic preparations that are regulated as drugs. FDA is adding to current requirements a new requirement for a distinctive indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering had occurred. Also required is a statement on the labeling of the products to alert consumers to the tamper-resistant feature. This action is taken because of the recent cases of malicious adulteration of over-the-counter drug products that resulted in seven deaths in the Chicago area and the risk of similar episodes with other over-the-counter products.

DATES: The packaging requirements are initially effctive on February 7, 1983 for each liquid contact lens solution product packaged on or after that date. The distinctive indicator or barrier to entry and the labeling requirements for all contact lens solution products, as well as the packaging requirements for tablets intended to make such solutions, are initially effective on May 5, 1983. Products packaged prior to May 5, 1983 and held for sale at the retail level must be in compliance with the tamper-resistant packaging requirement, but not the distinctive indicator or barrier to entry or labeling requirements of the regulations by February 6, 1984. Comments by December 6, 1982. For further details see the effective dates information following the text of the regulations.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph M. Sheehan, National Center for Devices and Radiological Health (HFK-140), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7114.

SUPPLEMENTARY INFORMATION: Elsewhere in this issue of the **Federal Register**, FDA is publishing a final rule to require tamper-resistant packaging and related labeling for most over-the-counter (OTC) drug products for human use and for certain cosmetics.

FDA is now adding to the medical device regulations, as new § 800.10 (21 CFR 800.10), a current requirement now codified with the drug regulations (21 CFR 200.50) for sealed packaging of contact lens solutions, which are regulated as medical devices. FDA also is adding, in new § 800.12 (21 CFR 800.12), more specific requirements for tamper-resistant packaging and a new requirement for labeling alerting consumers not to purchase the product if the tamper-resistant feature has been altered. The requirements apply to solutions intended for use in cleaning, disinfecting, wetting, or storing contact lenses and to tablets intended to make such solutions. (Salt tablets not intended for such use would be subject to the regulations for OTC drugs.)

The new requirements are similar to those for OTC drugs. Contact lens solutions and tablets used to make these solutions resemble OTC drugs, may be introduced directly or indirectly into the eye, and are marketed at the retail level in the same way as OTC opthalmic drugs. They are, as a result, similarly vulnerable to malicious adulteration.

FDA recognized the susceptibility of ophthalmic preparations to tampering when it promulgated § 200.50(a)(3), which requires all ophthalmic preparations, including contact lens solutions, to have containers or individual cartons that are so sealed that the contents cannot be used without destroying the seal. This regulation was issued in response to contamination of ophthalmic products at the retail level by individuals using the products in the store and then returning them to the shelves, thus exposing those who later purchased the products to injury from contamination resulting from this kind of tampering. Section 200.50 applies to ophthalmic preparations whether regulated as drugs or as devices. When FDA issued this regulation in the **Federal Register** of October 28, 1972 (37 FR 23105), the agency regulated as drugs solutions used, for example, to clean, disinfect, wet, or store contact lenses and tablets used to make such solutions. Although certain contact lenses ("soft" lenses) were also regulated then as drugs, others ("hard" lenses) were regulated as devices. In 1976, as a part of the Medical Device Amendments (Pub. L. 94-295), Congress both strengthened FDA's authority to ensure that devices are safe and effective and broadened the definition of "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)). Under the broadened definition, all contact lenses and their accessories, including solutions, are treated as devices. Despite the change in statutory treatment of contact lens solutions, however, FDA has inadvertently left unchanged in the drug regulations the regulatory requirements in § 200.50, even though some provisions of this section apply to products now regulated as devices. (At one time, a single set of regulations covered drugs and devices. FDA recodified its regulations to establish Subchapter C on drugs (March 27, 1975; 40 FR 13996) and Subchapter H on medical devices (February 13, 1976; 41 FR 6896).)

Although § 200.50 has continued to apply to all contact lens solutions, this regulation alone is not enough. As is explained in the preamble to the rule on OTC drugs, a packaging requirement should be supplemented with a requirement of a distinctive indicator or barrier to entry which, if breached or missing, indicates tampering, as well as a labeling statement to enable consumers to detect tampering through knowledge that a tamper-resistant feature has been incorporated into the package design. The inadequacy of a packaging requirement alone is demonstrated by recent incidents in which ophthalmic OTC drug products subject to § 200.50 may have been maliciously adulterated, with subsequent injury to consumers. A distinctive indicator or barrier to entry, and a labeling statement describing the purpose of the tamper-resistant feature and cautioning against purchase if the feature were broken or absent, might have provided additional security in these cases.

Accordingly, FDA is now removing from § 200.50 those provisions that pertain to contact lens solutions and tablets used to make these solutions and is establishing these provisions in new § 800.10. FDA also is publishing new § 800.12 applying to these solutions and tablets the same tamper-resistant packaging and labeling requirements as are being applied to OTC drugs. For brevity and efficiency, FDA is incorporating into this rulemaking proceeding the preamble to, and the administrative record of, the final rule on OTC drugs and certain cosmetics published elsewhere in this issue of the **Federal Register**. FDA also is removing from § 200.50 the original 1972 effective date provisions, which no longer are relevant.

EFFECTIVE DATES: The regulations become effective in three steps. The requirement that a tamper-resistant package be used is effective February 7, 1983 for lens solutions in liquid form, which are more vulnerable to tampering than are tablets used to make these solutions. Because of the requirement in § 200.50 of a sealed package, some of these products already should be packaged in conformity with the new requirement of a tamper-resistant package. An effective date of May 5, 1983 is provided for application of the tamper-resistant package requirement to tablets used to make lens solutions. The tablet dosage form is considered less susceptible to tampering because known methods of tampering are more difficult to apply to tablets without creating visible evidence that tampering has occurred. For all products, the label statement and the requirement of a distinctive indicator or barrier to entry are also effective on May 5, 1983. FDA believes that longer effective dates for those products for which malicious adulteration is less likely will permit manufacturers to comply more quickly with the requirement applicable to the more susceptible products without undue risk to consumers. The later effective date for the label statement and distinctive barrier requirements recognizes that these requirements, although important, are not as urgent as the need for adequate tamper-resistant packaging, and that it may take more time to arrange for the labeling and package design changes that must be made to comply with these provisions of the regulations.

The time limits selected by FDA also take into account information provided to the agency by the Proprietary Association, and relevant to this rule, concerning the capacity of the OTC drug industry to acquire necessary packaging equipment and integrate it into their production systems. As is discussed in further detail in the OTC drug rule published elsewhere in this issue of the **Federal Register**, making all the new requirements effective immediately or at the end of a comparatively short period of time, such as 3 months, would impose a serious strain on the packaging machinery industry to produce, and on affected manufacturers to acquire and put into place, the equipment needed to produce tamper-resistant packaging.

These regulations apply to all affected products produced in retail packaging on or after the effective dates. Applying the same effective date to products produced earlier than the effective date would require immediate withdrawal from the retail shelves or noncomplying products after 3- or 6-month effective dates, a result that would be impractical and disruptive to health care. Because of the need for the affected industry to avoid further incidents of tampering, and the incentive the industry has to maintain consumer confidence in OTC drug and cosmetic products, the agency anticipates that manufacturers will take prompt action to implement the provisions of these regulations even before the mandatory effective dates. FDA believes that, for this reason, the market will be significantly depleted of products in non-tamper-resistant packaging within a relatively short period of time.

However, in order to assure that at some defined future date all products covered by the rule are contained in tamper-resistant packaging (although without the labeling or distinctive design requirement), even to the retail level, the agency is establishing a retail level effective date of February 6, 1984 after which all products packaged before May 5, 1983 must be in compliance with the requirement that they be packaged in tamper-resistant packaging. (Products packaged after the May 5, 1983 effective date must be in compliance with all aspects of the regulations after that date, without regard to the retail level effective date. Products packaged after the February 7, 1983 effective date must be in compliance with the tamper-resistant packaging requirement after that date, without regard to the retail level effective date.) The agency believes that manufacturers will be encouraged to convert their product packaging to the non-tamper-resistant variety sooner if products meeting that requirement of the regulations that are packaged before May 5, 1983 are not subject to the retail level effective date with respect to the labeling and distinctive design requirement. Accordingly, the retail level effective date will not apply to the labeling and distinctive indicator or barrier to entry requirements of the regulations.

The agency acknowledges that it may prove difficult to meet this effective date. In that event, FDA must consider whether removal of all products that are not in compliance as of that date may have an adverse impact on the availability of some products in the marketplace and consequential disruption of health care. It is also possible that the quantity of noncomplying products remaining on the market by that time will be negligible, in which case a retail level effective date may be unnecessary. Because of the uncertainty involved in attempting to estimate the circumstances that will prevail at the time of the retail level effective date, the agency will review the need for such a date and what the date should be after it has had an opportunity to determine the effects of this regulation on the marketplace. Such review will take place long enough before the retail level effective date occurs for any change in that date to be taken into account by those who will be required to meet it. In addition, FDA will consider requests for stays in the retail level effective date on a case-by-case basis.

After the retail level effective date, products remaining on retail shelves that were packaged before May 5, 1983 that are not packaged in tamper-resistant packaging will be considered adulterated and misbranded. Given the unique circumstances that have made these regulations necessary, FDA will consider all feasible alternatives to dealing with noncomplying products remaining in trade channels.

If manufacturers cannot obtain necessary equipment in time to comply with the effective date provisions, it may be necessary to stay the effective date for particular products to avoid disruption of the market for these products. Stays under the citizen petition procedures in § 10.30 (21 CFR 10.30) may be requested for any aspect of the regulations, including those relating to the label statement and the use of a distinctive barrier to entry.

The agency will accept petitions for stays of the effective date, but only if manufacturers and packers adequately demonstrate that they have taken all reasonable steps to apply tamper-resistant packaging technology to their products, but cannot comply by the effective date or cannot get new labeling printed by the effective date. The showing must include a description of the tamper-resistant packaging technology the petitioner proposes to use; a description of the facilities and equipment needed to apply that technology; a timetable identifying the date when the technology was chosen, the date when the facilities and equipment will be available for applying the technology to the product, and the date by which the product will be in compliance with the regulations. A lengthy stay will not be granted if the petitioner has selected a technology that will require a substantial period of time to obtain and apply and the petitioner could, without undue expense, adequately comply with the regulation by using another technology. To assist the agency in handling any petition for a stay of the effective date or for an exemption for a covered product, it is requested that the submission be clearly identified on the envelope as either a "Request for Exemption from Tamper-Resistant Rule" or "Request for Stay of Tamper-Resistant Rule." If a firm submits both a stay and an exemption for the same product, it is requested that each petition be submitted separately in its own envelope clearly marked as set forth above. Further, if a firm submits comments on the final rule, they should be submitted separately to the agency and not combined with either a request for a stay or request for an exemption.

Legal Authority; Preemption

The new requirements in § 800.12 for contact lens solutions and tablets, like those that are being moved to § 800.10, are issued under section 501(c) of the act (21 U.S.C. 351(c)). This provision requires devices to possess the strength, quality, and purity they are represented to have. See *Dean Rubber Mfg. Co.* v. *United States*, 356 F. 2d 161 (8th Cir. 1966). Because contamination by tampering of contact lens solutions and tablets could cause the requirements to be violated, FDA is authorized to impose packaging standards and related labeling requirements reasonably designed to prevent such contamination.

Other authority for the regulations is found in sections 502(c), 515, and 701(a) of the act (21 U.S.C. 352(c), 360(e), and 371(a)). Section 502(c) of the act deems a device to be misbranded "If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use." Section 515 of the act authorizes the establishment of requirements to provide reasonable assurance of the safety and effectiveness of devices, such as contact lens solutions and tablets, that are classified into class III (premarket approval). Section 701(a) of the act authorizes the promulgation of regulations, such as these, for the efficient enforcement of the foregoing provisions of the act.

State and local requirements applicable to tamper-resistant packaging would be preempted, for the reasons given in the OTC drug document and because of the express preemption provisions for medical device requirements in section 521 of the act (21 U.S.C. 360k).

FDA could also promulgate §§ 800.10 and 800.12 under the authority in section 520(f) of the act (21 U.S.C. 360j(f)) to issue good manufacturing practice regulations. The agency is not relying on section 520(f), however, because it has ample authority under the other provisions cited above. In addition, considering both the need to act promptly to respond to recent tampering incidents and the fact that FDA is merely strengthening a current packaging requirement, the delay that would be entailed in complying with the requirements of section 520(f) of the act of issuing a proposed rule, obtaining advisory committee recommendations, and holding an oral hearing would be unacceptable and unnecessary. Although FDA's current good manufacturing practice regulations (21 CFR Part 820) require device packages to be "designed and constructed to protect the device from adulteration or damage during the customary conditions of processing, storage, handling, and distribution" (21 CFR 820.130), this provision does not specifically address tampering. The current good manufacturing practice regulations are in no way superseded or otherwise affected by this rulemaking.

Good Cause To Issue a Final Regulation

The Administrative Procedure Act and FDA regulations provide that a general notice of proposed rulemaking need not be published in the **Federal Register** when the agency for good cause finds that "notice and public procedure * * * are impracticable, unnecessary, or contrary to the public interest." (5 U.S.C. 553(b)(B), 21 CFR 10.40(e)(1).) As discussed above and in the preamble to the OTC drug rule, the problems caused by malicious tampering are multiple and pose significant public health concerns. As reports of each new incident of malicious tampering receive wide exposure in the news media, the likelihood of further similar incidents increases. It is clearly in the public interest to move quickly to establish uniform regulatory standards that will enable manufacturers to implement tamper-resistant packaging and labeling requirements as efficiently and expeditiously as possible. Only by acting quickly can the agency hope to reduce the likelihood that additional tampering will occur or that other innocent purchasers will be harmed. In addition, a rapid response should enhance agency efforts to educate purchasers by alerting them to the problems and should help restore public confidence in the integrity of health care products in the marketplace.

The new requirements are based on standards and technology suggested by and discussed with representatives of the OTC drug manufacturing industry. Based in part on those discussions, which are technologically relevant to the packaging and labeling of contact lens solutions and tablets, the agency believes that the requirements are reasonable and that the timetable for compliance is attainable.

Therefore, the agency has concluded that because adequate protection of the public health requires that the new tamper-resistant packaging and labeling requirements be implemented as quickly as possible, there is good cause to issue these regulations as a final rule. See generally *Hercules, Inc.* v. *Environmental Protection Agency*, 598 F.2d 91, 126 (D.C. Cir. 1978).

The agency is providing a 30-day comment period and will review carefully all comments submitted during that period to determine the appropriateness of the revisions to the final rule.

Economic Considerations

The agency has carefully considered the economic effects of this rule and has concluded that it is not a major rule under Executive Order 12291 and would not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act. Most manufacturers already must comply with an existing regulation (§ 200.50). Although each such manufacturer will have to examine the more specific new packaging requirements to ensure compliance with them, and some may have to improve existing packaging, the costs expected to be incurred by manufacturers to comply with the packaging requirements are expected to be small. Manufacturers of contact lens solutions and tablets will need to comply with the new requirements of a label statement and a distinctive indicator or barrier to entry. The discussion of economic considerations in the preamble to the

OTC drug regulation, published elsewhere in this issue of the **Federal Register**, is relevant to the economic impact of the new labeling requirements to contact lens solution and tablet manufacturers. Because this provision is issued as a final rule without being preceded by general notice of proposed rulemaking, a final regulatory analysis under section 604 of the Regulatory Flexibility Act (94 Stat. 1167) is not required. In any event, the rule would not have a significant impact on a substantial number of small entities.

FDA has determined under 21 CFR 25.24(d)(13) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects

21 CFR Part 200

Drugs, Prescription drugs.

21 CFR Part 800

Administrative practice and procedure, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 515, 521, 701, 52 Stat. 1049–1051 as amended, 1055–1056 as amended, 90 Stat. 552–559, 574 (21 U.S.C. 351, 352, 360e, 360k, 371)) and under 21 CFR 5.11 as revised (see 47 FR 16010; April 14, 1982), Parts 200 and 800 are amended as follows:

PART 200—GENERAL

1. Part 200 is amended in § 200.50 by revising paragraphs (a) and (c), to read as follows:

§ 200.50 Ophthalmic preparations and dispensers.

(a)(1) Informed medical opinion is in agreement that all preparations offered or intended for ophthalmic use, including preparations for cleansing the eyes, should be sterile. It is further evident that such preparations purport to be of such purity and quality as to be suitable for safe use in the eye.

(2) The Food and Drug Administration concludes that all such preparations, if they are not sterile, fall below their professed standard of purity or quality and may be unsafe. In a statement of policy issued on September 1, 1964, the Food and Drug Administration ruled that liquid preparations offered or intended for ophthalmic use that are not sterile may be regarded as adulterated within the meaning of section 501(c) of the Federal Food, Drug, and Cosmetic Act (the act), and, further, may be deemed misbranded within the meaning of section 502(j) of the act. This ruling is extended to affect all preparations for ophthalmic use. By this regulation, this ruling is applicable to ophthalmic preparations that are regulated as drugs. By the regulation in § 800.10 of this chapter, this ruling is applicable to ophthalmic preparations that are regulated as medical devices.

(3) The containers of ophthalmic preparations shall be sterile at the time of filling and closing, and the container or individual carton shall be so sealed that the contents cannot be used without destroying the seal. The packaging and labeling of ophthalmic preparations that are over-the-counter drugs shall also comply with § 211.132 of this chapter on tamper-resistant packaging requirements.

* * * * *

(c) Eye cups, eye droppers, and other dispensers intended for ophthalmic use should be sterile, and may be regarded as falling below their professed standard of purity or quality if they are not sterile. These articles, which are regulated as drugs if packaged with the drugs with which they are to be used, should be packaged so as to maintain sterility until the package is opened and be labeled, on or within the retail package, so as to afford adequate directions and necessary warnings to minimize the hazard of injury resulting from contamination during use.

PART 800—GENERAL

2. Part 800 is amended by adding new Subpart B, to read as follows:

Subpart B—Requirements for Specific Medical Devices

Sec.

800.10 Contact lens solution; sterility.

800.12 Contact lens solutions and tablets; tamper-resistant packaging.

Authority: Secs. 501, 502, 515, 521, 701, 82 Stat. 1049–1051 as amended, 1055–1056 as amended, 90 Stat. 552–559, 574 (21 U.S.C. 351, 352, 360e, 360k, 371).

Subpart B—Requirements for Specific Medical Devices

§ 800.10 Contact lens solutions; sterility.

(a)(1) Informed medical opinion is in agreement that all preparations offered or intended for ophthalmic use, including contact lens solutions, should be sterile. It is further evident that such preparations purport to be of such purity and quality as to be suitable for safe use in the eye.

(2) The Food and Drug Administration concludes that all such preparations, if they are not sterile, fall below their professed standard of purity or quality and may be unsafe. In a statement of policy issued on September 1, 1964, the Food and Drug Administration ruled that liquid preparations offered or intended for ophthalmic use that are not sterile may be regarded as adulterated within the meaning of section 501(c) of the Federal Food, Drug, and Cosmetic Act (the act), and, further, may be deemed misbranded within the meaning of section 502(j) of the act. By this regulation, this ruling is applicable to all preparations for ophthalmic use that are regulated as medical devices, i.e., contact lens solutions. By the regulation in § 200.50 of this chapter, this ruling is applicable to ophthalmic preparations that are regulated as drugs.

(3) The containers shall be sterile at the time of filling and closing, and the container or individual carton shall be so sealed that the contents cannot be used without destroying the seal. The packaging and labeling of these solutions shall also comply with § 800.12 on tamper-resistant packaging requirements.

(b) Liquid ophthalmic preparations packed in multiple-dose containers should:

(1) Contain one or more suitable and harmless substances that will inhibit the growth of microorganisms; or

(2) Be so packaged as to volume and type of container and so labeled as to duration of use and with such necessary warnings as to afford adequate protection and minimize the hazard of injury resulting from contamination during use.

(c) Eye cups, eye droppers, and other dispensers intended for ophthalmic use should be sterile, and may be regarded as falling below their professed standard of purity or quality if they are not sterile. These articles, which are regulated as medical devices unless packaged with the drugs with which they are to be used, should be packaged so as to maintain sterility until the package is opened and be labeled, on or within the retail package, so as to afford adequate directions and necessary warnings to minimize the hazard of injury resulting from contamination during use.

§ 800.12 Contact lens solutions and tablets; tamper-resistant packaging.

(a) *General.* Unless contact lens solutions used, for example, to clean, disinfect, wet, lubricate, rinse, soak, or store contact lenses and salt tablets to be used to make any such solutions are packaged in tamper-resistant retail packages, there is the opportunity for the malicious adulteration of these products with risks both to individuals who unknowingly purchase adulterated products and to the public health through the loss of consumer confidence in the security of the packages of over-the-counter (OTC) health care products. The Food and Drug Administration has the authority and responsibility under the Federal Food, Drug, and Cosmetic Act (the act) to establish a uniform national standard for tamper-resistant packaging of those OTC products vulnerable to malicious adulteration that will improve the security of OTC packaging and help assure the safety and effectiveness of the products contained therein. A contact lens solution or tablet for retail sale that is not packaged in a tamper-resistant package and labeled in accordance with this section is adulterated under section 501 of the act or misbranded under section 502 of the act, or both.

(b) *Requirement for tamper-resistant package.* Each manufacturer or packer who packages for retail sale a product regulated as a medical device that is a solution intended for use with contact lenses, e.g., for cleaning, disinfecting, wetting, lubricating, rinsing, soaking, or storing contact lenses or tablets to be used to make any such solution shall package the product in a tamper-resistant package. A tamper-resistant package is one having an indicator or barrier to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred. The indicator or barrier to entry is required to be distinctive by design or by the use of an identifying characteristic. A tamper-resistant package may involve an immediate-container and closure system or secondary-container or carton system or any combination of systems intended to provide a visual indication of package integrity. The tamper-resistant feature should remain intact when handled in a reasonable manner during manufacture, distribution, and retail display.

(c) *Labeling.* Each retail package of a product subject to paragraph (b) of this section is required to contain a statement that is prominently placed so that consumers are alerted to the tamper-resistant feature of the package. The labeling statement is required to be so placed that it will be unaffected if the tamper-resistant feature of the package is breached or missing.

(d) *Requests for exemptions from packaging and labeling requirements.* A manufacturer or packer may request an exemption from the packaging and labeling requirements of this section. A request for an exemption is required to be submitted in the form of a citizen petition under § 10.30 of this chapter and should be clearly identified on the envelope as a "Request for Exemption from Tamper-resistant Rule." A petition for an exemption from a requirement of this section is required to contain the same kind of information about the product as is specified for OTC drugs in § 211.132(d) of this chapter. This information collection requirement has been approved by the Office of Management and Budget under number 0910–0150.

(e) *Products subject to approved premarket approval applications.* Holders of approved premarket approval applications for products subject to this section are required to submit supplements to provide for changes in packaging to comply with the requirement of paragraph (b) of this section unless these changes do not affect the composition of the container, the torque (tightness) of the container, or the composition of the closure component in contact with the contents (cap liner or innerseal) as these features are described in the approved premarket approval application. Other changes in packaging shall be the subject of a supplemental premarket approval application which is required to include data sufficient to show that these changes do not adversely affect the product.

(f) *Effective date.* Each product subject to this section is required to comply with the requirements of this section on the dates listed below except to the extent that the manufacturer or packer has obtained an exemption from a requirement.

(1) *Initial effective date for packaging requirements.* (i) The packaging requirement in paragraph (b) of this section is effective on February 7, 1983 for each contact lens solution packaged on or after that date, except for the requirement in paragraph (b) of this section for a distinctive indicator or barrier to entry.

(ii) The packaging requirement in paragraph (b) of this section is effective on May 5, 1983 for each tablet that is to be used to make a contact lens solution and that is packaged on or after that date.

(2) *Initial effective date for labeling requirements.* The requirements in paragraph (b) of this section for a distinctive indicator or barrier to entry and in paragraph (c) of this section for a labeling statement are effective on May 5, 1983 for each product subject to this section and packaged on or after that date.

(3) *Retail level effective date.* The tamper-resistant packaging requirement of paragraph (b) of this section is effective on February 6, 1984 for each product subject to this section that is held for sale at retail level on or after that date that was packaged before May 5, 1983. This does not include the requirement in paragraph (b) of this section that the indicator or barrier to entry be distinctive by design. Products packaged after May 5, 1983 must be in compliance with all aspects of the regulations without regard to the retail level effective date.

Interested persons may, on or before December 6, 1982 submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective dates. These regulations are effective November 5, 1982, with the following exceptions:

(1) Section 200.50 (a)(3).

(2) Sections 800.10 (a)(3) and 800.12 (b) and (c).

For the effective dates applicable to the specified sections, see §§ 211.132 (g) (published elsewhere in this issue of the **Federal Register**) and 800.12 (f). Those sections provide that the packaging requirements are initially effective on February 7, 1983 for each liquid contact lens solution product packaged on or after that date. The distinctive indicator or barrier to entry and the labeling requirements for all contact lens solution products, as well as the packaging requirements for tablets intended to make such solutions, are initially effective on May 5, 1983. Products packaged prior to May 5, 1983 and held for sale at the retail level must be in compliance with the tamper-resistent packaging requirement, but not the distinctive indicator or barrier to entry or labeling requirements of the regulations by February 6, 1984.

(Secs. 501, 502, 515, 521, 701, 52 Stat. 1049–1051 as amended, 1055–1056 as amended, 90 Stat. 552–559, 574 (21 U.S.C. 351, 352, 360e, 360k, 371))

Arthur Hull Hayes, Jr.,
Commissioner of Food and Drugs.

Richard S. Schweiker,
Secretary of Health and Human Services.

Dated: November 3, 1982.

[FR. Doc. 82–30644 Filed 11–4–82; 8:45 am]

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federal register

**Monday
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Plants (Agriculture)
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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Supplemental Security Income
  Social Security Administration

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  Coast Guard

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  Environmental Protection Agency

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Presidential Documents

Title 3—

The President

Executive Order 12391 of November 4, 1982

Partial Suspension of Federal Service Labor-Management Relations

By the authority vested in me as President by the Constitution and statutes of the United States of America, including Section 7103(b)(2) of Title 5 and Section 301 of Title 3 of the United States Code, and having determined that it is necessary in the interest of national security to suspend certain labor-management relations provisions with respect to overseas activities of the Department of Defense, it is hereby ordered as follows:

Section 1. *Suspensions.* With regard to United States citizen employees of the Department of Defense, including the Military Departments, who are employed outside the United States as defined in 5 U.S.C. 7103(a)(18), with the exception of those employed in the Republic of Panama:

(a) The provisions of 5 U.S.C. 7105(a)(2)(D), (E), (G), and (H) and of 5 U.S.C. 7123(b) are suspended with respect to any matter which substantially impairs the implementation by the United States Forces of any treaty or agreement, including any minutes or understandings thereto, between the United States and the Government of the host nation;

(b) The provisions of 5 U.S.C. 7102(2), 7114(a)(1), 7114(a)(4), 7116(a)(5), and 7117(c) are suspended with respect to any matter proposed for bargaining which would substantially impair the implementation by the United States Forces of any treaty or agreement, including any minutes or understandings thereto, between the United States and the Government of the host nation;

(c) The provisions of 5 U.S.C. 7116(a)(7) and 7117(b) are suspended with regard to any regulation governing the implementation by the United States Forces of any treaty or agreement, including any minutes or understandings thereto, between the United States and the Government of the host nations; and

(d) The provisions of 5 U.S.C. 7121(b)(3)(C) are suspended with respect to any grievance involving the implementation by the United States Forces of any treaty or agreement, including any minutes or understandings thereto, between the United States and the Government of the host nation.

Sec. 2. *Disputes.* Disputes between a labor organization and the United States Forces as to whether a particular matter is covered by one or more of the suspensions set forth in this Order shall be referred to the Secretary of Defense. The decision of the Secretary in such disputes shall be made after consultation with the Secretary of State and shall be final. The Secretary of Defense may delegate this authority, but only to the Deputy Secretary of Defense, an Under Secretary of Defense, or an Assistant Secretary of Defense. The functions assigned to the Secretary of State may not be delegated or assigned to anyone below the rank of an Assistant Secretary of State.

Ronald Reagan

THE WHITE HOUSE,
November 4, 1982.

[FR Doc. 82-30803
Filed 11-5-82; 10:04 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4991 of October 27, 1982

Suspension of the Application of Column 1 Rates of Duty of the Tariff Schedules of the United States to the Products of Poland

Correction

In the November 2, 1982, issue of the **Federal Register,** there appears on page 49623 an incorrect reference to paragraph (1). In order to clarify the correct text, the seventh through twelfth paragraphs are printed below. They should read as follows:

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States including, but not limited to, the TEA and the Trade Act do proclaim that:

(1) The obligations of the United States pursuant to the General Agreement on Tariffs and Trade to extend the rates of duty provided in column 1 of the Tariff Schedules of the United States (TSUS) to products of Poland, whether imported directly or indirectly, are suspended until this Proclamation has been modified or terminated.

(2) General Headnote 3(f) of the TSUS is modified

(i) by deleting the colon at the end of the first paragraph and inserting "or pursuant to Presidential Proclamation 4991, dated October 27, 1982:" in lieu thereof; and

(ii) by inserting "Polish People's Republic" in alphabetical order in the list of countries therein.

(3) This Proclamation shall take effect with respect to articles exported on and after the third day following the date of publication of this Proclamation in the **Federal Register.**[1]

Ronald Reagan

[FR Doc. 82-30808
Filed 11-5-82; 11:26 am]
Billing code 3195-01-M

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[1] **Editorial Note:** Proclamation 4991 originally was published in the **Federal Register** of October 29, 1982 (47 FR 49005, 49006). The proclamation is thus effective with respect to articles exported on and after November 1, 1982.

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 180

Plant Variety Protection Act: Increase of Certification Fee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule.

SUMMARY: The Plant Variety Protection Act of 1970 authorizes the Secretary of Agriculture to prescribe, charge, and collect reasonable fees incurred in the issuance of plant variety protection certificates. The Secretary is amending the regulations to increase the rates for the certification services to make the administration of the Act substantially self-supporting at the earliest date

DATES: Interim rule effective November 8, 1982; comments must be received on or before, January 7, 1983.

ADDRESS: Written comments may be mailed to Kenneth H. Evans, Acting Commissioner; Plant Variety Protection Office; Livestock, Meat, Grain, and Seed Division; Agricultural Marketing Service; U.S. Department of Agriculture; Room 500, National Agricultural Library Building; Beltsville, Maryland 20705. (Comments will be available for public inspection at this location during regular business hours, Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: Kenneth H. Evans (301/344-2518).

SUPPLEMENTARY INFORMATION: The Plant Variety Protection Act of 1970 (7 U.S.C. 2321 *et seq.*, "Act") provides for the assessment and collection of fees for certification services performed by the Department of Agriculture. The legislative history indicates that the Act was intended to be self-supporting, with the fees to substantially cover all costs of administration. Although the cost of administration has increased over the years, there has been no fee increase since 1972 when the fee was originally set. Therefore, the Department promulgates this interim final rule to increase the fee to $1,500 to better reflect the costs incurred by the Department. When the certification fees were initially set in 1972, no operating experience existed upon which to base costs. The Department anticipated that substantial startup costs would be incurred in the development of background information on various varieties of crops and the preparation of information for computer storage. Moreover, since 1972, program costs have continued to rise. There have been significant increases in costs such as rent and other overhead and administrative costs. Federal employees have received pay increases in conformity with the Federal Pay Comparability Act of 1970 and the grade level as well as the pay scale of examiners performing services have shifted to a higher level due to longevity and progressive performance for promotion to the journeyman examiner level.

On September 29 1982, the Plant Variety Protection Board (Board) met and received information that the costs incurred by the Department in processing a single application for a plant variety certificate ranged from $2,000 to $3,500. Based on that information, the Board recommended to the Secretary that the certification fees immediately be increased from the current $750 to $1,500 and that the fee increase be effective upon publication of a notice in the **Federal Register.** The Board also implemented action to study the operation of the Plant Variety Protection Office to more precisely determine current costs of the program and, where appropriate, to recommend to the Department changes which would effectively reduce costs. The Department accepts the Board's recommendation as a temporary measure until the Board's study is completed and the costs of the certification program can be better determined.

The Board's recommendation for the immediate increase in the fee reflects a concern that numerous applications might be submitted immediately to take advantage of present low fees. The Plant Variety Protection Office staff has been reduced by half due to 1983 budget reductions. An increase in the number of applications filed at this time would substantially backlog the processing of applications and delay conversion to a more efficient examining procedure. An alternative to increasing fees would be to delay significantly the processing of applications. This would substantially increase the backlog of applications awaiting processing and could result in protecting ineligible varieties under the protection applied for status. It would also increase the financial liability of the Government by requiring the processing of applications at less than cost which is contrary to the legislative intent of the Act. Other alternatives include reducing the amount of supervision and review of plant examiner's work by the Chief Examiner/Commissioner and eliminating the placing of information on new varieties in the computer file. Either of the latter alternatives would increase the probability of issuing certificates on ineligible applications which would seriously affect the integrity of the program. Moreover, all of the above discussed alternatives would merely delay the expenditure of necessary funds thereby increasing the average costs of processing future applications.

Accordingly, the Administrator has determined upon good cause shown that notice and other public procedures with respect to this action are impracticable, unnecessary, and contrary to the public interest, and good cause is found for publishing this interim final rule at this time with opportunity for public coments after publication.

This interim final rule has been reviewed under USDA procedures established to implement Executive Order 12291 and the Secretary's Memorandum 1512-1 and has been determined to be "nonmajor." It will not result in an annual effect on the economy of $100 million or more; a major increase in production costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effect on competition, employment, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601) full consideration has been given to the potential economic impact upon small businesses. A number of breeders of novel varieties fall within the confines of "small businesses" as defined in the Regulatory Flexibility Act.

The Department has determined that this action will not have a significant economic impact on these small entities because the increased fee reflects the inflationary costs incurred by the Department and is a relatively small cost in the total cost of the development and release of a new variety. It has been determined that the economic impact upon all entities, small and large, by the increased fee will not be adverse and will not affect normal competition in the marketplace.

Interested persons are invited to submit written comments concerning this interim final rule. Comments must be sent in duplicate to the Plant Variety Protection Office and should bear a reference to the date and page number of this issue of the Federal Register. Comments submitted pursuant to this document will be made available for public inspection in the Plant Variety Protection Office in Beltsville, Maryland, during regular business hours.

List of Subjects in 7 CFR Part 180:

Plant Variety Protection Act, Administrative practices and Procedures, Fees.

PART 180—[AMENDED]

Accordingly, the Department amends Part 180, Code of Federal Regulations as follows:

§ 180.175 [Amended]

Section 180.175 is amended by revising paragraphs (a), (b), and (c) to read as follows:

(a) Filing application, $500
(b) Search or examination, $900
(c) Allowance and issuance of certificate, $500

(7 U.S.C. 2326 and 2371)

Done at Washington, D.C., November 2, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82–30629 Filed 11–5–82; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82–ANE–41; Amdt. 39–4488]

Garrett Turbine Engine Company Engine Models TFE731-2, -3, -3R, -A, -3AR, -3B, and -3BR Series Engines; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comment.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an inspection for fatigue cracking of certain high pressure compressor impellers used in Garrett Model TFE731–2 and –3 series engines. This AD is being issued to reduce the possibility of an uncontained failure of a turbine engine rotating impeller.

DATES: Effective November 15, 1982. Comments must be received on or before January 15, 1983. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010; telephone: (602) 267–3011.

A copy of the service information is contained in the FAA Rules Docket, FAA, New England Region, Office of the Regional Counsel, Attn: Docket No. 82–ANE–41, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Bill Moring, Aerospace Engineer, ANM–174W, Western Aircraft Certification Field Office, Northwest Mountain Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009; telephone: (213) 536–6381.

SUPPLEMENTARY INFORMATION: This AD is required due to recent experimental investigations of the high pressure compressor impeller, supported by analyses, which identify the low cycle fatigue life limiting region to be on the seal relief surface of the impellers currently in use on all TFE731–2 and –3 series engines. Previously, the life location was identified to be in the impeller bore. Furthermore, a manufacturing indexing notch also exists in the forward balance ring of a number of impellers now in service. These design deficiencies, if not removed, will develop fatigue cracks and subsequently may result in an uncontained rotor failure.

An inspection for fatigue cracks in the seal relief area of the impeller is required by this AD. Crack indications are cause for rejection of the impeller. If no cracks are present, the manufacturer has provided a method for removing the stress riser in the seal relief area as well as the manufacturing notch in the forward balance ring to make the impeller serviceable again.

The impeller may operate 1,100 cycles more in the TFE731–2 engines than in the TFE731–3 series engines prior to the required inspection due to the increased impeller backside cooling airflow conditions. Operators are hereby advised that early inspection and rework of the subject compressor impellers reduces the probability that a crack indication will be found and, therefore, may result in an increase in the total serviceable life of the impeller. Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule which was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, and Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Garrett Turbine Engine Company. Applies to all Garrett TFE731–2, –3, –3R, –3A, –3AR, –3B, and –3BR turbofan engines incorporating high pressure compressor impeller part number 3070274–1 or 3072639–1.

Compliance required as indicated unless already accomplished.

To prevent failure of high pressure compressor impellers due to cracks originating from a double radius in the seal relief region or a manufacturing notch in the forward balance ring, inspect and rework these impellers in accordance with the procedures contained in the accomplishment instructions section of Garrett Service Bulletin Number TFE731–72–3239RWK, dated September 13, 1982, or later FAA approved revisions, or equivalent means approved by the Manager, Aircraft Certification Division, New England Region.

Inspect in accordance with the following schedule:

(1) Impellers which have been operated in TFE731-3, -3R, -3A, -3AR, -3B, or -3BR engines during any portion of their service lives must be inspected prior to exceeding 5,100 cycles in service.

Note.—The engine life limited parts log card for each impeller is located with the impeller or in the engine log book. This card lists the engine serial number of each engine in which the impeller has operated. The 5 digit serial numbers of the TFE731-3 series engines begin with the 2 digits 75, 76, 77, 78, 80, 82, 83, 84, 85, 87, or 90.

(2) Impellers which have been operated in TFE731-2 engines only must be inspected prior to exceeding 6,200 cycles in service.

Note.—The 5 digit serial numbers of the TFE731-2 series engines begin with the 2 digits 73, 74, 81, 86, or 89.

Impellers found to have crack indications are to be removed from, and not returned to, service. Impellers not found to have crack indications may be returned to service after having the seal relief region and notch in the forward balance ring recontoured in accordance with the procedures contained in the accomplishment instructions section of Garrett Service Bulletin Number TFE731–72–3239RWK, dated September 13, 1982, or later FAA approved revisions, or equivalent means approved by the Manager, Western Aircraft Certification Field Office, ANM–170W, Northwest Mountain Aircraft Certification Division.

Note.—Service lives of impellers which are reworked and reidentified in accordance with Service Bulletin 72–3239RKW may be found in Garrett Service Bulletin Number TFE731–72–3001.

The manufacturer's specifications and procedures identified and described in this directive may be obtained from the manufacturer, Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010. These documents may also be examined at FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591.

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA, New England Region Headquarters, Burlington, Massachusetts.

This amendment becomes effective November 15, 1982.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "**FOR FURTHER INFORMATION CONTACT**".

Issued in Burlington, Massachusetts, on October 27, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82–30526 Filed 11–5–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 80–ANE–36; Amdt. 39–4464]

General Electric Company CF6–45 Series and CF6–50 Series Model Turbofan Engines; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In Docket No. 80–ANE–36 Amendment No. 39–4464, appearing on page 41943 Volume 47, No. 185, in the **Federal Register** of September 23, 1982, the effective date of the amendment shown on page 41944 was erroneously stated as October 31, 1981. The correct effective date of the amendment is October 31, 1982. Also on page 41944, subparagraph E, P/N 945M34P09 should read 9045M34P09.

FOR FURTHER INFORMATION CONTACT: George F. Mulcahy, Engine and Propeller Standards Staff, ANE–110, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts, 01803; Telephone: (617) 273–7330.

SUPPLEMENTARY INFORMATION: In consideration of the foregoing and pursuant to the authority delegated to me by the administrator, Amendment 39–4464 published in the **Federal Register** on page 41943, volume 47, No. 185, September 23, 1982, is hereby amended by correcting the effective date of the amendment shown on page 41944 from October 31, 1981, to October 31, 1982, and revising the P/N shown in subparagraph E from 945M34P09 to 9045M34P09.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1345(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); (14 CFR 11.89.)

Issued in Burlington, Massachusetts, on October 27, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82–30534 Filed 11–5–82; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 82–ANE–36; Amdt. 39–4490]

Ratier-Figeac Propeller Model FH.146

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to the Ratier-Figeac Model FH.146 propeller, which requires a one time inspection for possible short circuit between the deicing counterweight pins. This AD is the result of the discovery of excessive were on the tailpin of the rear counterweight and the counterweight assembly.

DATES: Effective November 15, 1982. Compliance schedule—as prescribed in text of AD. Comments on the rule must be received on or before January 15, 1983.

ADDRESSES: The applicable Service Bulletin [1] may be obtained from Ratier-Figeac, 46100 Figeac, France.

A copy of the Service Bulletin is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: George F. Mulcahy, Engine and Propeller Standards Staff, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273–7330.

SUPPLEMENTARY INFORMATION: A Ratier-Figeac Model FH.146 propeller installed on a Nord 262 aircraft suffered an in-flight failure and separation of one of its three blades. Investigation indicates the blade failure resulted from a corrosive pitting in an area covered by the electrical deicing boot causing an extensive fatigue crack. Evidence suggests that an electrical short had occurred in the area of the fatigue origin creating corrosive elements due to local overheating.

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[1] The Service Bulletin is filed as a part of the original document.

Since this condition is likely to exist on other Ratier-Figeac Model FH.146 propellers, an AD is being issued to require an electrical check of the deicer element.

Since a situation exists that may result in the loss of an aircraft, immediate adoption of this regulation is required. It is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

List of Subjects in 14 CFR Part 39

Propellers, Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Ratier-Figeac FH.146: Applies to Ratier-Figeac propeller Model FH.146.

Compliance required within the next 100 hours of operation after the effective date of this AD unless already accomplished.

To preclude the possibility of propeller blade failure, accomplish the following:

(a) In accordance with Ratier-Figeac Service Bulletin No. 61-142 dated June 1, 1982, or an equivalent method approved by the Manager, Aircraft Certification Division, Federal Aviation Administration, New England Region:

1. Measure electrical resistance at end of disconnected wires of slip ring assembly.

2. Measure electrical resistance of insulation between wires and each propeller blade.

(b) Remove propellers with measurements outside the limits of Bulletin No. 61-142 from service prior to further flight.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and § 11.89 Federal Aviation Regulation (14 CFR 11.89))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Burlington, Massachusetts, on October 28, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-30642 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 82-ANE-43; Amdt. 39-4489]

WSK "PZL-Rzeszow" PZL-3S Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to the WSK "PZL-Rzeszow" PZL-3S engines, which requires inspection for wear on the rear counterweight supporting arm and resistors and the propeller blade body. This AD is the result of an investigation of an in-flight failure of these propellers, installed on a Nord 262 aircraft, which indicated the blade failure resulted from corrosive pitting in an area covered by an electrical deicing boot.

DATES: Effective November 15, 1982. Compliance schedule—as prescribed in text of AD. Comments on the rule must be received on or before January 15, 1983.

ADDRESS: Information supporting this AD is in the Rules Docket, FAA, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: George F. Mulcahy, Engine and Propeller Standards Staff, ANE-110, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7330.

SUPPLEMENTARY INFORMATION: As a result of recent propeller blade and propeller bolt failures and subsequent engine teardown and inspection, excess wear was discovered on the trailing pin of the rear counterweight and the counterweight assembly itself. In addition, an inspection not involving teardown, on one engine with abnormal engine/propeller noise indicates potential counterweight pin wear. These incidents occurred between 330 and 1400 hours total time.

In one incident the propeller separated from the engine during an emergency landing. A second incident resulted in an in-flight propeller separation with subsequent destruction of the aircraft.

Since this condition is likely to exist on other engines of the same type design, an AD is being issued to require inspection for wear on engines within the next 25 hours of operation and every 100 hours thereafter.

Since a situation exists that may result in the loss of an aircraft, immediate adoption of this regulation is required. It is found that notice and public procedures hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule which involves requirements affecting immediate flight safety and, thus, was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. Send comments to Federal Aviation Administration, Office of Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

List of Subject in 14 CFR Part 39

Propellers, Engines, Aircraft, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

Wytwornia Sprzetu Komunikacyjnego "PZL-Rzeszow": Applies to PZL-3S engine.

Compliance required as indicated, unless already accomplished.

To preclude the possibility of propeller blade failures, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, and thereafter at intervals not to exceed 100 hours operation since the last inspection, inspect the rear vibration damper counterweight pins and counterweight assembly for excessive wear as follows:

1. Remove cylinder number four.
2. Rotate the propeller to bring the rear vibration damper assembly near the cylinder #4 position so that the counterweight mass hangs down on the counterweight pins.

Note.—That position is achieved when the #1 piston is at top dead center.

3. By hand, grasp the rear counterweight mass and move it through its complete arc at least two times.
4. Rotate each pin through three complete revolutions with counterweight mass hanging on pins.
5. Repeat Step 4 with counterweight mass held in full left and right deflection positions.
6. Observe the smoothness of operation through the revolutions of the counterweight pins.

(b) If any roughness, binding, catching, or uneven resistance to motion is detected, remove the engine from service, inspect for secondary damage, and repair as necessary prior to return to service.

(c) If there is no indication of counterweight pin damage, replace cylinder #4 and make the appropriate logbook entry.

(d) Upon request of the operator, equivalent means of compliance with the requirements of this AD may be approved by the Manager, Aircraft Certification Division, Federal Aviation Administration, New England Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Section 1169 Federal Aviation Regulation (14 CFR 11.69))

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Burlington, Massachusetts, on October 28, 1982.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-30643 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ANM-9]

Transition Areas; Designation; Colorado

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates a 700' transition area to provide controlled airspace for aircraft executing a new VOR/DME instrument approach to Kremmling Airport, Kremmling, Colorado. The intended effect of this action is to ensure segregation of aircraft using approach procedures in instrument weather conditions and other aircraft operating in visual weather conditions.

EFFECTIVE DATE: December 23, 1982.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered to 700' above the ground. Development of a new instrument procedure requires that the FAA lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The area will be shown on aeronautical charts which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule conditions. For further information contact Ted Melland, Airspace & Procedures Specialist, ANM-533, FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The telephone number is (206) 433-1640.

History

On page 35518 of the Federal Register dated August 16, 1982, the FAA proposed to amend § 71.181 of the Federal Aviation Regulations (14 CFR Part 17) so as to establish a new 700' controlled airspace transition area near Kremmling, Colorado. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rulemaking.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective 0901 G.m.t., December 23, 1982, as follows:

That airspace extending upward from 700 feet above the surface within an 11.5 mile radius of the Kremmling Airport (latitude 40 03'13" N, longitude 106°22'06" W) and 11.5 miles each side of the Kremmling Airport 215° bearing extending from the 11.5 mile radius to 24 miles southwest of the airport excluding the Eagle, Colorado, transition area.

(Sec. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); (Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); (Section 11.65 of the Federal Aviation Regulations (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (14 FR 11034, February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on October 21, 1982.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 82-30637 Filed 11-05-82; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 82-ANM-5]

Alteration of Transition Areas, Bozeman and Coppertown, Montana; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: The Coppertown, Montana 1200′ transition area was erroneously identified as the Butte, Montana 1200′ transition area in the **Federal Register** on September 2, 1982 (47 FR 38687—Airspace Docket No. 82-ANM-5). This action corrects that error.

EFFECTIVE DATE: November 8, 1982.

FOR FURTHER INFORMATION CONTACT: William H. Dickson, Airspace and Procedures Specialist, ANM-531, Airspace & Procedures Branch, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, telephone number (206) 433-1640.

List of Subjects in 14 CFR Part 71

Transition areas, Aviation safety.

History

Federal Register Document 82-23783 (Airspace Docket No. 82-ANM-5) published on September 2, 1982, altered the 1200 foot transition areas of Bozeman and Coppertown, Montana, to allow arriving aircraft at Butte, executing the ILS Runway 15 approach with a Whitehall (HIA) transition, to utilize the minimum transition altitude of 11,000 feet in controlled airspace. The Coppertown, Montana transition area was erroneously identified as the Butte, Montana transition area.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 82-23783, as published in the **Federal Register** on September 2, 1982, is corrected to read:

§ 71.181 Bozeman, Montana

Is amended as follows:

Delete lines 4, 5, 6, & 7 in their entirety.

§ 71.181 Coppertown, Montana

Is amended as follows:

Delete all words following "* * * 11 miles northwest of the VORTAC," and insert" * * * and that airspace extending upward from 1200 feet above the surface beginning at (latitude 46°33′00″ N., longitude 113°05′00″ W.) direct to (latitude 46°33′00″ N., longitude 112°54′00″ W.); then bounded on the north by the Helena, Montana 1200 foot transition area and the south edge of V2N; on the east along longitude 110°42′00″ W.; on the south along latitude 45°35′00″ N.; on the west along longitude 113°05′00″ W. to the point of beginning, excluding that airspace within the Dillon and Livingston, Montana 1200 foot transition areas."

(Sec. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c), and 1501); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

Note—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule: under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) is certified that it will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on October 22, 1982.

David E. Jones,

Director, Northwest Mountain Region.

[FR Doc. 82-30538 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ANM-12]

Revised Transition Area; Eugene, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: An omission in the description of the Revised Transition Area for Eugene, Oregon, was noted after publication in the **Federal Register** on August 9, 1982, (47 FR 34361). This action corrects that omission.

EFFECTIVE DATE: November 8, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace & Procedures Specialist (ANM-534), Airspace & Procedures Branch, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168; Telephone (206) 433-1640.

SUPPLEMENTARY INFORMATION:

List of Subjects in 14 CFR Part 71

Transition areas.

History

Federal Register Document 82-21392 (Airspace Docket No. 82-ANM-12) published on August 9, 1982, revised the Eugene, Oregon Transition Area to reduce the size of controlled airspace designated in the Willamette Valley (West Central Oregon) to ease the burden imposed by controlled airspace to visual flight rules (VFR) operations. The description inadvertently omitted a small area of 1200 foot controlled airspace southwest of Eugene, Oregon, which is completely encompassed by controlled airspace and, therefore, operationally insignificant for use other than instrument flight rules (IFR) operations.

Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 82-21392, as published on August 9, 1982, is corrected to read:

Eugene, Oregon (Amended)

"* * * clockwise to (latitude 44°37′00″N., longitude 123°21′00″W.); that airspace within an area bounded by V-452 on the north, V-448 on the east, V-121 on the south, and V-27 on the west."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and (14 CFR 11.69))

Note.—The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, on October 27, 1982.

Charles R. Foster,

Director Northwest Mountain Region.

[FR Doc. 82-30533 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1212

Privacy Act of 1974; Protection of Personal Privacy

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: The National Aeronautics and Space Administration (NASA) is amending its regulations implementing the Privacy Act of 1974, Pub. L. 93-579, 88 Stat. 1896, which currently appear at 14 CFR Part 1212. As a result of recent reorganizations in NASA, this revision changes the internal agency organization for handling Privacy Act matters and also makes some administrative changes. Since this revision involves only agency organization and management procedures, no public comment period is required.

EFFECTIVE DATE: November 8, 1982.

ADDRESS: Office of Management, Code NI, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Lawrence W. Vogel, (202) 755-3430.

List of Subjects in 14 CFR Part 1212

Privacy

PART 1212—PROTECTION OF PERSONAL PRIVACY

For reasons set out in the Preamble, 14 CFR Part 1212 is amended by revising the Table of Contents for Subpart 1212.3; § 1212.302 (a) and (b); § 1212.303(b); § 1212.304 (b) and (c); § 1212.305; and § 1212.401 (b) and (c) to read as follows:

1. The Table of Contents for Subpart 1212.3 is revised to read as follows:

Subpart 1212.3—Authority and Responsibilities

Sec.
1212.300 NASA employees.
1212.301 Associate Deputy Administrator.
1212.302 Associate Administrator for Management.
1212.303 Headquarters and field or component installations.
1212.304 System manager.
1212.305 Assistant Administrator for Procurement.
1212.306 Delegation of authority.

Subpart 1212.3—Authority and Responsibilities

2. Section 1212.302 is amended by revising the section heading, the introductory text of paragraph (a), and paragraph (b) to read as follows:

§ 1212.302 Associate Administrator for Management.

(a) The Associate Administrator for Management is responsible for the following:

* * * * *

(b) The Associate Administrator for Management may establish a position of "NASA Privacy Officer" or designate someone to function as such an officer, reporting directly to the Associate Administrator for Management, and delegate to that officer any of the functions described in paragraph (a) of this section.

3. In § 1212.303, paragraph (b) is revised to read as follows:

§ 1212.303 Headquarters and field or component installations.

* * * * *

(b) Directors of NASA Field Installations and Officials-in-Charge of Component Installations may establish the position of Installation Privacy Officer or designate someone to function as such to assist in carrying out the responsibilities listed in paragraph (a) of this section.

4. In § 1212.304, paragraph (b) and (c) are revised to read as follows:

§ 1212.304 System manager.

* * * * *

(b) Where a system of records has subsystems described in the system notice, the subsystem manager will have the responsibilities outlined in paragraph (a) of this section. Although the system manager has no line authority over subsystem managers, the system manager does have overall functional responsibility for the total system, and may issue guidance to subsystem managers on implementation of this part. When furnishing information for required reports, the system manager will be responsible for reporting on the entire system of records, including any subsystems.

(c) Exercise of the responsibilities and authorities in paragraph (a) of this section by any system or subsystem managers at a NASA installation shall be subject to any conditions or limitations imposed in accordance with § 1212.303 (a)(4) and (b).

5. Section 1212.305 is amended by revising the heading and text to read as follows:

§ 1212.305 Assistant Administrator for Procurement.

The Assistant Administrator for Procurement is responsible for developing appropriate procurement regulations and procedures under which NASA contracts requiring the maintenance of a system of records in order to accomplish an agency function are made subject to the requirements of this part.

Subpart 1212.4—Disclosure of Records

6. In § 1212.401, introductory text of paragraph (b) and paragraph (c) are revised to read as follows:

§ 1212.401 Accounting of certain disclosures.

* * * * *

(b) The disclosure accounting required by paragraph (a) of this section include:

* * * * *

(c) The disclosure accounting shall be retained for at least 5 years after the disclosure or for the life of the record, whichever is longer.

* * * * *

(The National Aeronautics and Space Act of 1958, as amended, 72 Stat. 429, 42 U.S.C. 2473; The Privacy Act of 1974, 88 Stat. 1896, 5 U.S.C. 552a)

James M. Beggs,
Administrator.
October 28, 1982.

[FR Doc. 82-30539 Filed 11-5-82; 8:45 am]
BILLING CODE 7510-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-19190]

Broker-Dealer Recordkeeping and Preservation Requirements

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its recordkeeping requirements to clarify the authority of the Commission staff to obtain from broker-dealers, upon request, legible, true and complete copies of documents required to be made and/or preserved by Commission Rules.

EFFECTIVE DATE: December 10, 1982.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549 (202)272-2372.

SUPPLEMENTARY INFORMATION: Section 17(a)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] provides in pertinent part that all members of a national securities exchange and registered brokers and dealers shall make and keep for prescribed periods such records, furnish such copies thereof, and make and disseminate such reports as the Commission, by rule, prescribes as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. Section 17(b) of the Act provides that all records required to be made and/or preserved are subject at any time to reasonable examination by representatives of the Commission.

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[1] 15 U.S.C. 78q, as amended by Pub. L. No. 94-29 (June 4, 1975).

Rules 17a-3 and 17a-4 (17 CFR 240.17a-3 and 17a-4), adopted pursuant to Section 17, require specified records to be made and/or preserved by exchange members and brokers and dealers. Rule 17a-4 in addition, requires the preservation of records required to be made by other Commission rules and other kinds of records which firms ordinarily make or receive in the course of their businesses. At present, however, these rules do not explicitly require those subject to the rules to furnish copies of the required records to Commission examiners or other representatives of the Commission.

Despite the statutory authority of the Commission,[2] some broker-dealers have resisted requests of the Commission staff to supply copies of their records, which are required to be maintained and preserved, arguing the lack of an explicit rule. The Commission, on March 11, 1980, proposed for public comment an amendment to its recordkeeping requirements under Rule 17a-4,[3] to clarify the authority of Commission examiners or representatives to obtain promptly[4] from broker-dealers, upon request, legible, true and complete copies[5] of documents required to be made and/or preserved by Rules 17a-3 and 17a-4.

In response to the proposed amendment the Commission received a number of thoughtful comments from members of the securities industry.[6] None of the comments, however, described specific abuses in the authority heretofore exercised. On balance, after consideration of all of the comments which are discussed below, the Commission has determined to adopt the amendment, substantially as proposed.

I. Expense

Many commentators complained about the expense of duplication. A few expressed the fear that copies of all their records could be requested under the proposed rule. One firm suggested that the first copy be furnished at the expense of the firm with additional copying costs to be borne by the Commission.

While these comments appear to be sincere, they are unwarranted in light of the purpose of the amendment. The amendment is not intended to expand present Commission practice regarding requests for copies of broker-dealer records in connection with examinations or informal investigations nor is it intended to impose an unreasonable or unwarranted burden or expense on broker-dealers. Its purpose is to clarify the obligation of a broker-dealer to turn over promptly to Commission representatives, upon request, legible, true and complete copies of documents required to be made and/or preserved by Rules 17a-3 and 17a-4.

As in the past, the Commission staff will make reasonable efforts to minimize the need to duplicate records. Normally, copies of records should be requested only where the Commission examiner or representative believes that copies of such records are necessary for analysis or preservation outside the broker-dealer's offices.[7] It would be most unusual for a Commission examiner or representative to request more than one copy of a particular record. Finally, none of the many firms that have provided copies of records to Commission personnel in the past commented on experiencing any unreasonable duplication expenses.[8]

II. Reasonableness

The second major group of comments dealt with the "reasonableness" of Commission requests for copies of records required to be made and/or preserved under Rules 17a-3 and 17a-4. As did those parties who commented upon the expense involved in furnishing copies, broker-dealers and other commentators voiced concern that "unrealistic and unreasonable" requests for copies of records would be made by the Commission staff.

Commission demands for copies of records in the course of an examination should always be reasonable and, as stated previously, the Commission staff will attempt to minimize duplication requests. Where a broker-dealer believes that requests for copies of records are unreasonable, it should discuss the request with the person making it and, if unsuccessful, may always take the matter to an appropriate official in the Commission's regional or headquarters office and ultimately to the Commission.[9]

III. Confidentiality

Several commentators expressed concern about the confidentiality of records where copies of such records are made.[10] Some claimed that they would be exposed to potential liability for invasion of a customer's privacy if copies of customer records were made.

Commentators did not cite any authority for this proposition nor did they cite any specific instances where broker-dealers have been held liable for invasion of customer privacy in similar circumstances. It appears to the Commission that there could be no liability for violation of customer privacy where such records are required to be made and are subject to review to determine compliance with the federal securities law.[11] The furnishing of copies in connection with an examination would be pursuant to a legitimately authorized purpose, examination of a broker-dealer. Providing copies of records which may be examined by the Commission staff would not involve a greater invasion of privacy than the initial examination. In any event, the Commission is sensitive to the privacy of customers of broker-dealers[12] and has made every reasonable effort to shield information about customers from public scrutiny except where necessary for enforcement action or where the consent of the customer has been obtained.

Commentators were also concerned about the effect that the amendment would have on the broker-dealer's attorney-client privilege. Rule 17a-4 requires broker-dealers to retain for a specified period "originals of all communications received and copies of all communications sent * * *." The word communication is defined to include inter-office memoranda and communications.[13] This may include letters or memoranda between a firm's executives and its attorneys. However, the attorney-client privilege is one of non-disclosure, not one of "non-copying." To the extent that a broker-dealer has a privilege which it could assert from disclosing certain documents to Commission examiners, it could assert that privilege against the copying of those same documents.

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[2] *Cf.* Securities Exchange Act Release No. 16340 (Nov. 14, 1979), 18 SEC Docket 922, 44 FR 66607 (November 20, 1979).

[3] Securities Exchange Act Release No. 16644, (March 11, 1980), 19 SEC Docket 874, 45 FR 17024 (March 17, 1980).

[4] The word "promptly" is not defined in the rule. In many, if not most, instances the rule generally will require the broker-dealer to turn over copies of the required records almost immediately. The time to turn over the records will, however, in all cases, depend on the particular circumstances.

[5] The term "copies" includes printouts of information stored in computers.

[6] The Commission received comments from 22 broker-dealers, as well as from the Securities Industry Association. Copies of all comments are available at the Commission's Public Reference Room in Washington, D.C.

[7] Where a particularly important document is involved, an examiner may ask for a copy to ensure its availability in the event the original cannot later be found.

[8] One commentator voiced concern that the amendment would require additional Commission filings. The amendment does not require a broker-dealer to make a filing with the Commission. The amendment simply clarifies the right of Commission representatives to receive copies of documents already required to be made and/or preserved.

[9] One commentator argued that any representative of the Commission could dispatch a letter to any broker-dealer requesting copies of all of its records and base his request on this new rule. This would seem to be an unreasonable request on its face. The respondent should proceed as suggested in the text of this Release.

[10] In addition, one commentator expressed concern that the Privacy Act, 5 U.SC. 552a, and the Trade Secrets Act, 18 U.S.C. 1905, might be applicable to copies of customer records obtained by the Commission pursuant to the proposed rule amendment. However, these Acts are designed to protect rather than threaten the confidentiality of information. The Commission will of course comply with applicable provisions of these Acts in connection with copies of documents obtained pursuant to the proposed rule.

[11] *See* Section 17(b) of the Act.

[12] *See* 17 CFR 240.0-4 (nondisclosure of information obtained in examinations and investigations).

Also in the area of confidentiality, some commentators expressed concern that requests under the Freedom of Information Act ("FOIA") [14] would result in the public dissemination of copies of records furnished during the course of an examination. Paragraph (a)(3) of the FOIA requires that each agency make certain information available to any person on request. Paragraph (b) provides certain exemptions to this requirement.

The Commission believes that several of these exemptions permit those documents for which broker-dealers have legitimate confidentiality concerns to be withheld from mandatory public disclosure.[15] The Commission also notes that broker-dealers providing copies may request confidential treatment pursuant to the Commission's confidential treatment rule which expressly provides for notice of, and an opportunity to contest, a Commission determination to release documents subject to a FOIA request.[16]

IV. Written Requests

Several commentators suggested that any request for copies of records be in writing. Ordinarily, this would seem unnecessary. However, Commission representatives will be willing to acknowledge receipt of materials on a document prepared by the broker-dealer which lists the materials duplicated for the Commission representative at his request, where this is not simply an attempt to delay or impede an examination or investigation. The paper should not be argumentative or contain stipulations or other statements which could cause the representative to hesitate to acknowledge the document.[17]

V. Subpoena Power

Two broker-dealers raised the possibility that the Commission could utilize the amendment to sidestep the Commission's procedure in issuing subpoenas. However, records subject to Rules 17a–3 and 17a–4 are records required to be made and/or preserved, and are subject "at any time" to reasonable examinations by Commission representatives.[18] This rule simply requires the furnishing of copies of these records to the staff. Thus, the Commission has a pre-existing authorization to examine such records, without the need for a subpoena.

Statutory Basis and Competitive Considerations

The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, and particularly Sections 17 and 23 thereof, (15 U.S.C. 78q and 78w), hereby adds paragraph (j) to Rule 17a–4 (17 CFR 240.17a–4(j)) as set forth below.

It appears to the Commission that no burden will be imposed on competition by adoption of this amendment. If there is any burden on competition, it is necessary and appropriate in furtherance of the purposes of the Act, particularly in furtherance of the Commission's obligation to protect investors.

* * * * *

List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

Text of Amendment

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Accordingly, 17 CFR Part 240 is amended by adding paragraph (j) to § 240.17a–4 as follows:

§ 240.17a–4 Records to be preserved by certain exchange members, brokers and dealers.

* * * * *

(j) Every member, broker or dealer subject to this Section shall furnish promptly to a representative of the Commission such legible, true and complete copies of those records of the member, broker or dealer, which are required to be preserved under this Section, as are requested by the representative of the Commission.

Dated: October 29, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30627 Filed 11–5–82; 8:45 am]

BILLING CODE 8010–01–M

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[13] *See* Rule 17a–4(b)(4).

[14] 5 U.S.C. 552.

[15] 17 CFR 200.83.

[16] *See, e.g.,* 17 CFR 240.24b–3 and the Trade Secrets Act, 18 U.S.C. 1905.

[17] One commentator stated that such written requests should be signed by higher level Commission staff. Such a requirement, however, would be highly impractical and unnecessary in light of the ability of the broker-dealer to protest to the representative's supervisor and to the Commission. (*see* discussion on p. 6 *supra*).

[18] Section 17(b) of the Act.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Parts 652 and 663

[FHWA Docket No. 79–3, Notice 4]

Adoption of Design and Construction Criteria for Bikeway Construction

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration is issuing this final rule to adopt flexible criteria for the design and construction of bikeway projects. The recommended criteria adopted are contained in the "Guide for Development of New Bicycle Facilities, 1981" which was originally developed by FHWA, and subsequently published by the American Association of State Highway and Transportation Officials (AASHTO). The regulation is being revised to reflect the latest state-of-the-art information on the development of bicycle facilities while allowing flexibility to adjust to existing conditions, local needs, or fiscal constraints.

EFFECTIVE DATE: December 8, 1982.

FOR FURTHER INFORMATION CONTACT: John C. Wasley, Highway Design Division, Office of Engineering (202–426–0306); or Reid Alsop, Office of the Chief Counsel (202–426–0800). Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: Pursuant to Section 141(b) of the Surface Transportation Assistance Act of 1978 (Pub. L. 95–599, 92 Stat. 2689), the FHWA is updating its existing criteria for the design and construction of bikeway projects. The FHWA hereby amends the existing regulations concerning bikeway construction, 23 CFR 652, Pedestrian Facilities and Bikeways, and 23 CFR 663, Bicycle Grant Program. References in those regulations to the AASHTO publication entitled "Guide for Bicycle Routes" (1974) are being deleted and reference to the document, "Guide for Development of New Bicycle Facilities, 1981" (hereinafter "Guide") published by

AASHTO, is being added. In addition, the definitions currently contained in Part 652 will be amended to reflect the definitions contained in the Guide. This Guide contains the criteria which are recommended for use in the development of bikeway projects funded under FHWA programs.

An advance notice of proposed rulemaking (ANPRM) for developing design and construction criteria was published on February 8, 1979 (44 FR 7979). Comments were specifically requested regarding the criteria that should be included in bikeway design and construction standards, and the FHWA's existing criteria in the AASHTO "Guide for Bicycle Routes" (1974).

A notice of proposed rulemaking (NPRM) setting forth a draft "Guide for Bicycle Facilities" was published on August 4, 1980 (45 FR 51720). This NPRM discussed the comments received in response to the ANPRM, and identified other material used to develop the draft guide published with the NPRM.

As noted in the NPRM, the FHWA would prefer to see the Guide's criteria apply to all bikeway projects nationwide rather than having separate criteria apply based on the type of funding available. The NPRM anticipated requesting AASHTO to adopt the Guide and to promote the application of its criteria on all bicycle projects including those funded exclusively with State and local funds as well as on those receiving Federal funds.

Comments received in response to the NPRM were analyzed and are discussed below. The Guide was revised by FHWA in response to the comments and was subsequently adopted and published by AASHTO in October 1981.

This amendment revises existing regulations, in 23 CFR 652 and 663, concerning the design and construction of bicycle facilities to include the Guide in sections relating to design and construction criteria for bikeways.

The Guide does not set forth standards, but rather provides recommended criteria that are valuable in attaining good safe design, and that should be met when designing and constructing bicycle facilities. In addition, the Guide includes information on planning, operating, and maintaining bicycle facilities.

One hundred and four comments were received in response to the NPRM. These included 31 from State highway agencies, 23 from city or county governments, 14 from bicycle clubs, and 17 from private citizens. The remaining 19 comments were from metropolitan planning organizations, consultants, industry groups, and other bodies. Commenters overwhelmingly supported the overall value of the draft guide and considered it an improvement over the 1974 AASHTO version. The following are some of the major issues that were raised by the commenters and considered in preparing the final rule.

1. A number of commenters questioned whether the Guide should be issued in the form of mandatory standards rather than as guidelines. It was determined that a guideline format was preferable to prescribing rigid Federal requirements that could only be made mandatory on federally assisted projects. The guideline approach provides state-of-the-art information on the development of bicycle facilities while allowing flexibility to adjust to existing conditions, local needs, or fiscal constraints.

2. A number of the commenters questioned whether bicyclists and pedestrians should share the same facility. The Guide adopted in this final rule remains essentially unchanged from that in the NPRM. It discourages shared facilities for safety reasons but recognizes that occasionally they may be necessary to achieve transportation objectives. While noting that shared bicycle-pedestrian facilities are undesirable and should be discouraged, the Guide also suggests measures that can be taken to insure greater safety if a facility is shared.

3. Many comments were made suggesting various minimum widths for both one way and two way bicycle facilities. The final rule adopts the widths proposed in the NPRM with one exception. The suggested minimum width for bicycle lanes on curbed streets was increased from four feet to five feet. These widths are considered the minimum widths required to provide a safe facility.

4. A number of comments reflected a feeling that since essentially all public roads are open to the use of bicyclists, and since bicyclists are likely to use all such roads to some degree, all public roads and bridges should be designed to safely accommodate bicyclists and certain routes should not be singled out as more accessible for bicyclists, while others are ignored.

The Guide adopted in the final rule, like that in the NPRM, is silent on this issue. This is considered a question of State and local policy that should not be addressed in a document providing technical information on the design and construction of bicycle facilities.

5. Some commenters felt that bicycle lanes on existing highways create a false sense of security and thus aggravate accident problems, or that if sufficient highway width exists for bike lanes they are not necessary. These commenters opposed bicycle lanes in general and would prefer to allow bicycles and automobiles to mix and co-exist in the traffic stream. On the opposite extreme, some commenters believe that cars and bikes do not mix well at all, and, therefore, bicycles should be permitted to operate only in special bicycle facilities (i.e., lanes, paths). The final rule does not adopt either position. FHWA does not believe that available information on bicycle safety would support the adoption of either of these suggestions. The final rule does contain some additional information on problems that bike lanes could create at intersections.

6. Finally, there was considerable opposition to section 11-1205.1 of the Uniform Vehicle Code, which was included in the appendix of the guide published with the NPRM *for information purposes only.* This provision where adopted, requires bicyclists to use a bicycle path in lieu of a parallel roadway whenever a path exists. Commenting bicyclists objected to being required to use bike paths that may in some cases be inadequate or inferior. They argue that if the bicycle path is properly designed and constructed then bicyclists will prefer to use it rather than the parallel road. Since the excerpt from the Uniform Vehicle Code was only included in the NPRM for information purposes, the Guide adopted by the final rule does not discuss the merits of the position taken in the Uniform Vehicle Code. However, FHWA agrees with the commenters that, if a bicycle facility is well constructed and maintained, bicyclists would choose to use it rather than a parallel road. The appendix of the Guide adopted in the final rule now only contains citations to those provisions of the Uniform Vehicle Code that were set forth in the NPRM.

The following are other significant changes to the Guide that were made as a result of the comments received on the NPRM.

The "Definitions" section was reworked. Definitions of several other words and phrases were added to promote greater clarity.

The section on "Pavement Structures" was rewritten to outline the dangers of poor pavements and to describe features that make pavements suitable for bicyclists. The figure illustrating pavement structural sections was considered unnecessary and deleted.

Highway shoulders are described as less desirable than wide curb lanes from a bicyclist's viewpoint.

The recommendation against two-way bicycle lanes on one side of a road was strengthened.

The complications to normal turning movements caused by adding bicycle lanes have been outlined.

Language was added to discourage one-way bicycle paths.

The section on horizontal alignment was rewritten. It now provides much greater design radii.

The minimum vertical clearance was decreased from 8½ feet to 8 feet.

Stopping sight distances have been based on a zero-height object.

A chart has been added to aid in the selection of vertical curve length.

Mixed use of facilities by bicycles and mopeds has been discouraged.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under DOT regulatory procedures. This change merely provides guidelines that will encourage the development of more effective bicycle facilities. No requirements are imposed. Accordingly, under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities. The anticipated economic impact of this proposal is so minimal as not to require preparation of a full regulatory evaluation.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

(23 U.S.C. 315; Sec. 141(b) of Pub. L. 95–599, 92 Stat. 2711; 49 CFR 1.48)

Accordingly, 23 CFR Parts 652 and 663 are amended as set forth below.

List of Subjects in 23 CFR Parts 652 and 663:

Bicycles, Grant programs—transportation, Highways and roads.

Issued on: October 18, 1982.

L. P. Lamm,

Deputy Federal Highway Administrator Federal Highway Administration.

PART 652—PEDESTRIAN FACILITIES AND BIKEWAYS [AMENDED]

1. Amend § 652.3 by redesignating paragraphs (f) through (j) to read as (g) through (k) and revise paragraphs (a) through (f) to read as follows:

§ 652.3 Definitions.

(a) *Bicycle.* A vehicle having two tandem wheels, propelled solely by human power, upon which any person or persons may ride.

(b) *Bikeway.* Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

(c) *Bicycle path (bike path).* A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

(d) *Bicycle lane (bike lane).* A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

(e) *Bicycle route (bike route).* A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number.

(f) *Shared roadway.* Any roadway upon which a bicycle lane is not designated and which may be legally used by bicycles regardless of whether such facility is specifically designated as a bikeway.

* * * * *

2. Section 652.11 is added as follows:

§ 652.11 Design and construction criteria.

Current FHWA design and construction criteria for bikeways contained in "Guide for Development of New Bicycle Facilities, 1981" or equivalent criteria approved by the FHWA Division Administrator shall apply. A copy of the guide may be examined during normal business hours at the FHWA division offices and at FHWA Washington Headquarters located at 400 Seventh Street, SW., Washington, D.C. 20590. The addresses of those document inspection facilities are set forth in 49 CFR Part 7, Appendix D. Copies are also available from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, NW., Washington, D.C. 20001.

PART 663—BICYCLE GRANT PROGRAM

3. Part 663 is amended by revising §663.7 (a) and (b) to read as follows:

§ 663.7 Construction criteria.

Current FHWA design and construction criteria for bikeways contained in "Guide for Development of New Bicycle Facilities, 1981" or equivalent criteria approved by the FHWA Division Administrator shall apply. A copy of the guide may be examined during normal business hours at the FHWA division offices and at FHWA Washington Headquarters located at 400 Seventh Street, SW., Washington, D.C. 20590. The addresses of those document inspection facilities are set forth in 49 CFR Part 7, Appendix D. Copies are also available from the American Association of State Highway and Transportation Officials, Suite 225, 444 North Capitol Street, NW., Washington, D.C. 20001.

[FR Doc. 82–30424 Filed 11–5–82; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7843]

Indirect Foreign Tax Credit for Domestic Corporations Required To Include Amounts in Gross Income With Respect to Certain Third-Tier Corporations Under Section 951

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the indirect foreign tax credit for domestic corporations required to include amounts in gross income with respect to certain controlled foreign corporations. Changes to the applicable law were made by the Tax Reform Act of 1976. These regulations provide the public with guidance needed to comply with the law and will affect all domestic corporations required to include amounts attributable to the earnings and profits of a third-tier corporation in gross income under section 951.

DATE: These regulations are effective generally for taxable years beginning after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Diane L. Renfroe of the Legislation & Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Attention: CC:LR:T, 202–566–3287, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On November 19, 1980, the Federal Register published proposed amendments to the Income Tax Regulations (26 CFR Part I) under section 960 of the Internal Revenue Code of 1954 (45 FR 76450). These amendments were proposed to conform the regulations to changes made by section 1037 of the Tax Reform Act of 1976 (90 Stat. 1633). One written comment was received, however, a public hearing was not requested. The comment suggested that the regulations address the issue of the discrepancy between the methods of determining earnings and profits under section 960(a)(1) and section 902. This issue was not addressed in the proposed regulations because it was beyond the scope of this regulation project.

The comment also suggested certain technical changes to the notice. These changes have been incorporated in the final regulations. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

Section 960 Credit

Section 960 of the Code provides that domestic corporations which are required to include amounts attributable to the earnings and profits of certain controlled foreign corporations in gross income under section 951(a) shall be deemed to have paid a portion of the foreign taxes paid, accrued, or deemed to be paid by such controlled foreign corporations on or with respect to their earnings and profits. Prior to amendment by the Tax Reform Act of 1976, the credit provisions of section 960 were applicable to first- and second-tier corporations only. Section 1037 of the Tax Reform Act of 1976 extended this credit to third-tier corporations. These amendments change the regulations under section 960 accordingly.

Minor Changes to the Notice

These regulations are being published as they appeared in the notice of proposed rulemaking with several minor changes. For the most part, these changes correct technical errors or omissions. Several new parenthetical phrases have been added to proposed § 1.960–1 (c)(1)(i) and (c)(1)(ii) to provide a rule for Example (4) contained in proposed § 1.960–1(c)(4). The notice updated the figures in that example but deleted the explanatory parenthetical phrase contained in § 1.960–1(c)(1)(ii) because it was incorrectly stated. The new parenthetical phrases merely restate the rule embodied in the existing regulations. A new sentence has been added to paragraph (c)(1)(v) of § 1.960–1, to make it clear that the rule contained therein applies in taxable years subsequent to the Tax Reduction Act of 1975 only in those situations where an adjustment is required as a result of a section 963 election made prior to the Act. Calculations in the examples have been clarified by citations to the relevant section of the regulations or to the formulas contained in § 1.960–2(g).

Drafting Information

The principal author of this regulation is Diane L. Renfroe of the Legislation & Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Regulatory Flexibility Act and Executive Order 12291

This regulation is not subject to the Regulatory Flexibility Act because the notice of proposed rulemaking upon which this final regulation is based was published prior to January 1, 1981. The Commissioner has determined that this final regulation is not a major regulation as defined in Executive Order 12291 and therefore a regulatory impact analysis is not required.

List of Subjects in 26 CFR Parts 1.861–1.997–1

Income taxes, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credit, Sources of income, United States investments abroad.

Adoption of Amendments to the Regulations

PART 1—[AMENDED]

Accordingly, the amendments to 26 CFR Part 1 are adopted as follows:

Paragraph 1. Section 1.960–1 is amended by revising paragraphs (a), (b), (c) (1) through (3) and (d) through (h); by redesignating examples (3) and (4) under paragraph (c)(4) as examples (4) and (5), and by revising the new example (4); and by adding a new example (3) under paragraph (c)(4) as follows:

§ 1.960–1 Foreign tax credit with respect to taxes paid on earnings and profits of controlled foreign corporations.

(a) *Scope of regulations under section 960.* This section prescribes rules for determining the foreign income taxes deemed paid under section 960(a)(1) by a domestic corporation which is required under section 951 to include in gross income an amount attributable to a first-, second-, or third-tier corporation's earnings and profits. Section 1.960–2 prescribes rules for applying section 902 to dividends paid by a third-, second-, or first-tier corporation from earnings and profits attributable to an amount which is, or has been, included in gross income under section 951. Section 1.960–3 provides special rules for the application of the gross-up provisions of section 78 where an amount is included in gross income under section 951. Section 1.960–4 prescribes rules for increasing the applicable foreign tax credit limitation under section 904(a) of the domestic corporation for the taxable year in which it receives a distribution of earnings and profits in respect of which it was required under section 951 to include an amount in its gross income for a prior taxable year. Section 1.960–5 prescribes rules for disallowing a deduction for foreign income taxes for such taxable year of receipt where the domestic corporation received the benefits of the foreign tax credit for such previous taxable year of inclusion. Section 1.960–6 provides that the excess of such an increase in the applicable limitation under section 904(a) over the tax liability of the domestic corporation for such taxable year of receipt results in an overpayment of tax. Section 1.960–7 prescribes the effective dates for application of these rules.

(b) *Definitions.* For purposes of section 960 and §§ 1.960–1 through 1.960–7—

(1) *First-tier corporation.* The term "first-tier corporation" means a foreign corporation at least 10 percent of the voting stock of which is owned by the domestic corporation described in paragraph (a) of this section.

(2) *Second-tier corporation.* In the case of amounts included in the gross income of the taxpayer under section 951—

(i) For taxable years beginning before January 1, 1977, the term "second-tier corporation" means a foreign corporation at least 50 percent of the voting stock of which is owned by such first-tier corporation.

(ii) For taxable years beginning after December 31, 1976, the term "second-tier corporation" means a foreign corporation as least 10 percent of the voting stock of which is owned by such first-tier corporation.

(3) *Third-tier corporation.* In the case of amounts included in the gross income of a domestic shareholder under section 951 for taxable years beginning after December 31, 1976, the term "third-tier corporation" means a foreign corporation at least 10 percent of the voting stock of which is owned by such second-tier corporation.

(4) *Immediately lower-tier corporation.* In the case of a first-tier corporation the term "immediately lower-tier corporation" means a second-tier corporation. In the case of a second-tier corporation, the term "immediately lower-tier corporation" means a third-

tier corporation. In the case of a third-tier corporation, the term "immediately lower-tier corporation" means a fourth-tier corporation.

(5) *Foreign income taxes.* The term "foreign income taxes" means income, war profits, and excess profits taxes, and taxes included in the term "income, war profits, and excess profits taxes" by reason of section 903, imposed by a foreign country or a possession of the United States.

(c) *Amount of foreign income taxes deemed paid by domestic corporation in respect of earnings and profits of foreign corporation attributable to amount included in income under section 951*—(1) *In general.* For purposes of section 901—

(i) If for the taxable year there is included in the gross income of a domestic corporation under section 951 an amount attributable to the earnings and profits of a first- or second-tier corporation for any taxable year, the domestic corporation shall be deemed to have paid the same proportion of the total foreign income taxes paid, accrued, or deemed (in accordance with paragraph (b) of § 1.960-2) to be paid by such foreign corporation on or with respect to its earnings and profits for its taxable year as the amount (in the case of a first-tier corporation, determined without regard to section 958(a)(2); in the case of a second-tier corporation, determined without regard to section 958(a)(1)(A) and, to the extent that stock of such second-tier corporation is owned by the domestic corporation through a foreign corporation other than the first-tier corporation, determined without regard to section 958(a)(2)) so included in the gross income of the domestic corporation under section 951 with respect to such foreign corporation bears to the total earnings and profits of such foreign corporation for its taxable year. This paragraph (c)(1)(i) shall not apply to amounts included in the gross income of the domestic corporation under section 951 with respect to the second-tier corporation unless the percentage-of-voting-stock requirement of section 902(b)(3)(A) is satisfied.

(ii) If for the taxable year there is included in the gross income of a domestic corporation under section 951 an amount attributable to the earnings and profits of a third-tier corporation for any taxable year, the domestic corporation shall be deemed to have paid the same proportion of the total foreign income taxes paid or accrued by such foreign corporation on or with respect to its earnings and profits for its taxable year as the amount (determined without regard to section 958(a)(1)(A) and, to the extent that stock of such third-tier corporation is owned by the domestic corporation through a foreign corporation other than the second-tier corporation, determined without regard to section 958(a)(2)) so included in the gross income of the domestic corporation under section 951 with respect to such foreign corporation bears to the total earnings and profits of such foreign corporation. This paragraph (c)(1)(ii) shall not apply unless the percentage-of-voting-stock requirement of section 902(b)(3)(B) is satisfied.

(iii) In applying paragraph (c)(1)(i) or (c)(1)(ii) of this section to a first-, second-, or third-tier corporation which for the taxable year has income excluded under section 959(b), paragraph (c)(3) of this section shall apply for purposes of excluding certain earnings and profits of such foreign corporation and foreign income taxes, if any, attributable to such excluded income.

(iv) This paragraph (c)(1) applies whether or not the first-, second-, or third-tier corporation makes a distribution for the taxable year of its earnings and profits which are attributable to the amount included in the gross income of the domestic corporation under section 951.

(v) This paragraph (c)(1) does not apply to an increase in current earnings invested in United States property which, but for paragraph (e) of § 1.963-3 (applied as if section 963 had not been repealed by the Tax Reduction Act of 1975), would be included in the gross income of the domestic corporation under section 951(a)(1)(B) but which, pursuant to such paragraph, counts toward a minimum distribution for the taxable year. This subdivision shall apply in taxable years subsequent to the Tax Reduction Act of 1975 only in those cases where an adjustment is required as a result of an election made under section 963 prior to the Act.

(2) *Taxes paid or accrued on or with respect to earnings and profits of foreign corporation.* For purposes of paragraph (c)(1) of this section, the foreign income taxes paid or accrued by a first-, second- or third-tier corporation on or with respect to its earnings and profits for its taxable years shall be the total amount of the foreign income taxes paid or accrued by such foreign corporation for such taxable year.

(3) *Exclusion of earnings and profits and taxes of a first-, second-, or third-tier corporation having income excluded under section 959(b).* If in the case of a first-, second-, or third-tier corporation to which paragraph (c)(1)(i) or (c)(1)(ii) of this section is applied—

(i) The earnings and profits of such foreign corporation for its taxable year consist of (A) earnings and profits attributable to dividends received from an immediately lower-tier corporation which are attributable to amounts included in the gross income of a domestic corporation under section 951 with respect to the immediately lower- or lower-tier corporations, and (B) other earnings and profits, and

(ii) The effective rate of foreign income taxes paid or accrued by such foreign corporation in respect to the dividends to which its earnings and profits described in paragraph (c)(3)(i)(A) of this section are attributable is higher or lower than the effective rate of foreign income taxes paid or accrued by such foreign corporation in respect to the income to which its earnings and profits described in paragraph (c)(3)(i)(B) of this section are attributable, then, for the purposes of applying paragraph (c)(1)(i) or (c)(1)(ii) of this section to the foreign income taxes paid, accrued, or deemed to be paid, by such foreign corporation on or with respect to its earnings and profits for such taxable year, the earnings and profits of such foreign corporation for such taxable year shall be considered not to include the earnings and profits described in paragraph (c)(3)(i)(A) of this section and only the foreign income taxes paid, accrued, or deemed to be paid, by such foreign corporation in respect to the income to which its earnings and profits described in paragraph (c)(3)(i)(B) of this section are attributable shall be taken into account. For purposes of applying this paragraph (c)(3), the effective rate of foreign income taxes paid or accrued in respect to income shall be determined consistently with the principles of paragraphs (b)(3) (iv) and (viii) and (c) of § 1.954-1. Thus, for example, the effective rate of foreign income taxes paid or accrued in respect to dividends received by such foreign corporation shall be determined by taking into account any intercorporate dividends received deduction allowed to such corporation for such dividends.

(4) *Illustrations.* * * *

* * * * *

Example (8). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, which owns all the one class of stock of controlled foreign corporation B, which owns all the one class of stock of foreign corporation C. All such corporations use the calendar year as the taxable year. For 1978, N Corporation is required under section 951 to include in gross income $80 attributable to the earnings and profits of C Corporation for such year, $45 attributable to the earnings and profits of B Corporation for such year and $50 attributable to the earnings and profits of A Corporation for such year.

Neither C Corporation nor B corporation distributes any earnings and profits for 1978. The foreign income taxes which are deemed paid by N Corporation for such year under section 960(a)(1) are determined as follows upon the basis of the facts assumed:

C Corporation (third-tier corporation):

Pretax earnings of C Corporation	$150.00
Foreign income taxes (40%)	60.00
Earnings and profits	90.00
Amounts required to be included in N Corporation's gross income under section 951	80.00
Dividends paid to B Corporation	0
Foreign income taxes paid on or with respect to earnings and profits of C Corporation	60.00

B Corporation (second-tier corporation):

Pretax earnings of B Corporation	$100.00
Foreign income taxes (40%)	40.00
Earnings and profits	60.00
Amount required to be included in N Corporation's gross income under section 951	45.00
Dividends paid to A Corporation	0
Foreign income taxes paid on or with respect to earnings and profits of B Corporation	40.00

A Corporation (first-tier corporation):

Pretax earnings and profits of A Corporation	$100.00
Foreign income taxes (20%)	20.00
Earnings and profits	80.00
Amount required to be included in N Corporation's gross income under section 951	50.00
Dividends paid to N Corporation	0
Foreign income taxes paid on or with respect to earnings and profits of A Corporation	20.00

N Corporation (domestic corporation):

Foreign income taxes deemed paid by N Corporation under section 960(a)(1):	
Taxes of C Corporation $80/$90×$60	$53.33
Taxes of B Corporation $45/$60×$40	30.00
Taxes of A Corporation $50/$80×$20	12.50
Total taxes deemed paid under section 960(a)(1)	$95.83

Example (4). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, which owns 5 percent of the one class of stock of controlled foreign corporation B. N Corporation also directly owns 95 percent of the one class of stock of B Corporation. (Under these facts, B Corporation is only a first-tier corporation with respect to N Corporation) all such corporations use the calendar year as the taxable year. For 1978, N Corporation is required under section 951 to include in gross income $60 attributable to the earnings and profits of B Corporation and $79.20 attributable to the earnings and profits of A Corporation. For 1978, B Corporation distributes $19 to N Corporation and $1 to A Corporation, but A Corporation makes no distribution to N Corporation. The foreign income taxes paid by N Corporation for such year under section 960(a)(1) are determined as follows upon the basis of the facts assumed in accordance with § 1.960–1(c)(1)(i):

B Corporation (first-tier corporation):

Pretax earnings and profits	$100.00
Foreign income taxes (40%)	40.00
Earnings and profits	60.00
Amount requred to be included in N Corporation's gross income under section 951 with respect to B Corporation	60.00

A Corporation (first-tier corporation):

Pretax earnings and profits (including $1 dividend from B Corporataion)	$100.00
Foreign income taxes (20%)	20.00
Earnings and profits	80.00
Amount required to be included in N Corporation's gross income with respect to A Corporation ($99 − [$99×0.20]	79.20

N Corporation (domestic corporation):

Foreign income taxes deemed paid by N Corporation under section 960(a)(1) with respect to—	
B Corporation ([$60×0.95/$60]×$40)	$38.00
A Corporation ($79.20/$80×$20)	19.80
Total taxes deemed paid under section 960(a)(1)	$57.80

Example (5). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, which owns all the one class of stock of controlled foreign corporation B. All such corporations use the calendar year as the taxable year. For 1978, N Corporation is required under section 951 to include in gross income $175 attrubutable to the earnings and profits of A Corporation for such year. For 1978, B Corporation has earnings and profits of $225, on which it pays foreign income taxes of $75. In 1978, B Corporation distributes $150, which, under paragraph (b) of § 1.960–2, consists of $100 to which section 902(b)(1) does not apply (from B Corporation's earnings and profits attributable to an amount required under section 951 to be included in N Corporation's gross income with respect to B Corporation) and $50 to which section 902(b)(1) applies (from B Corporation's other earnings and profits). The country under the laws of which A Corporation is incorporated imposes an income tax of 40 percent on all income but exempts from tax dividends received from a subsidiary corporation. A Corporation makes no distribution for 1978. Under paragraph (b) of § 1.960–2, A Corporation is deemed to have paid $25 ($50/$150×$75) of the $75 foreign income taxes paid by B Corporation on its pretax earnings and profits of $225. The foreign income taxes deemed paid by N Corporation for 1978 under section 960(a)(1) with respect to A Corporation are determined as follows upon the basis of the following assumed facts:

Pretax earnings and profits of A Corporation:			
Dividends received from B Corporation	$150.00		
Other income		250.00	
Total pretax earnings and profits			$400.00
Foreign income taxes:			
On dividends received from B Corporation		0	
On other income ($250×0.40)		100.00	
Total foreign income taxes			100.00
Earnings and profits:			
Attributable to dividends received from B Corporation which are attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation		100.00	
Attributable to other income:			
Attributable to dividends received from B Corporation which are attributable to amounts not included in N Corporation's gross income under 951 with respect to B Corporation	$50.00		
Attributable to other income ($250 − $100 [$250×0.40]	150.00	$200.00	
Total earnings and profits			$300.00
Foreign income taxes deemed paid by N Corporation under sec. 960(a)(1) with respect to A Corporation:			
Tax paid by A Corporation in respect to its income other than dividends received from B Corporation attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation ($175/$200×$100)			[illegible]
Tax of B Corporation deemed paid by A Corporation under sec. 902(b)(1) in respect to such income ($175/$200×$25)			21.88
Total foreign income taxes deemed paid by N Corporation under sec. 960(a)(1) with respect to A Corporation			[illegible]

(d) *Time for meeting stock ownership requirements*—(1) *In general.* For the purposes of applying paragraph (c) of this section to amounts included in the gross income of a domestic corporation attributable to the earnings and profits of a first-, second-, or third-tier corporation, the stock ownership requirements of paragraph (b) (1), (2), and (3) of this section and the percentage of voting stock requirements of paragraph (c)(1) (i) and (ii) of this section, if applicable, must be satisfied on the last day in the taxable year of such first-, second-, or third-tier corporation, as the case may be, on which such foreign corporation is a controlled foreign corporation. For paragraph (c) to apply to amounts included in a domestic corporation's gross income attributable to the earnings and profits of a second-tier corporation, the requirements of paragraph (b) (1) and (2) of this section and the percentage of voting stock requirement of paragraph (c)(1)(i) of this section must be met on such date. For paragraph (c) to apply to amounts included in a domestic corporation's gross income attributable to the earnings and profits of a third-tier corporation, the requirements of paragraph (b) (1), (2), and (3) of this section and the percentage of voting stock requirement of paragraph (c)(1)(ii) of this section must be met on such date.

(2) *Illustrations.* The application of this paragraph may be illustrated by the following examples:

Example (1). Domestic corporation N is required for its taxable year ending June 30, 1978, to include in gross income under section 951 an amount attributable to the earnings and profits of controlled foreign corporation A for 1977 and another amount attributable to the earnings and profits of controlled foreign corporation B for such year. Corporations A and B use the calendar year as the taxable year. Such amounts are required to be included in N Corporation's gross income by reason of its ownership of stock in A Corporation and in turn by A Corporation's ownership of stock in B Corporation. Corporation A is a controlled foreign corporation throughout 1977, but B Corporation is a controlled foreign corporation only from January 1, 1977, through September 30, 1977. Corporation N may obtain credit under section 960(a)(1) for the year ending June 30, 1978, for foreign income taxes paid by A Corporation for 1977, only if N Corporation owns at least 10 percent of the voting stock of A Corporation on December 31, 1977. Corporation N may obtain credit under section 960(a)(1) for the year ending June 30, 1978, for foreign income taxes paid by B Corporation for 1977, only if on September 30, 1977, N Corporation owns at least 10 percent of the voting stock of A Corporation, A Corporation owns at least 10 percent of the voting stock of B Corporation, and the percentage of voting stock requirement of paragraph (c)(1)(i) of this section is met.

Example (2). The facts are the same as in example (1), except that A Corporation is a controlled foreign corporation only from January 1, 1977, through March 31, 1977. Corporation N may obtain credit under section 960(a)(1) for the year ending June 30, 1978, for foreign income taxes paid by A Corporation for 1977, only if N Corporation owns at least 10 percent of the voting stock of A Corporation on March 31, 1977. Corporation N may obtain credit under section 960(a)(1) for the year ending June 30, 1978, for foreign income taxes paid by B Corporation for 1977, only if on September 30, 1977, N Corporation owns at least 10 percent of the voting stock of A Corporation, A Corporation owns at least 10 percent of the voting stock of B Corporation, and the percentage of voting stock requirement of paragraph (c)(1)(i) of this section is met.

Example (3). Domestic Corporation N owns 100 percent of the stock of controlled foreign corporation A. A Corporation owns 20 percent of the stock of controlled foreign corporation B. B Corporation owns 10 percent of the voting stock of controlled foreign corporation C. For calendar year 1983, N Corporation is required to include amounts in its gross income attributable to the earnings and profits of A, B, and C Corporations. A, B, and C Corporations were all controlled foreign corporations throughout their respective taxable years ending as follows: A Corporation, December 31, 1983; B Corporation, November 31, 1983; and C Corporation, August 31, 1983. Paragraph (c) of this section applies to amounts included in gross income of N Corporation with respect to the earnings and profits of A Corporation because the 10 percent ownership requirement of paragraph (b)(1) of this section is met on December 31, 1983. Paragraph (c) of this section applies to amounts included in the gross income of N Corporation with respect to the earnings and profits of B Corporation because the 10 percent stock ownership requirements of paragraph (b) (1) and (2) of this section are met on November 30, 1983, and the percentage of voting stock requirement of paragraph (c)(1)(i) of this section (5 percent) is also met on such date. The percentage of voting stock in A Corporation owned by N Corporation (100 percent) multiplied by the percentage of voting stock in B Corporation owned by A Corporation (20 percent) is 20 percent. Paragraph (c) of this section will not apply to amounts included in N Corporation's gross income attributable to the earnings and profits of C Corporation even though on August 31, 1983, the 10 percent stock ownership requirements of paragraph (b) (1), (2), and (3) of this section are met, because the percentage of voting stock requirement of paragraph (c)(1)(ii) of this section (5 percent) is not met on such date. The percentage of voting stock of C Corporation owned by B Corporation (10 percent) multiplied by 20 percent (the percentage of voting stock of A Corporation owned by N Corporation multiplied by the percentage of voting stock of B Corporation owned by A Corporation) is 2 percent.

(e) *Information to be furnished.* If the credit for foreign income taxes claimed under section 901 includes taxes deemed paid under section 960(a)(1), the domestic corporation must furnish the same information with respect to the taxes so deemed paid as it is required to furnish with respect to the taxes actually paid or accrued by it and for which credit is claimed. See § 1.905–2. For other information required to be furnished by the domestic corporation for the annual accounting period of certain foreign corporations ending with or within such corporation's taxable year, see section 6038(a) and the regulations thereunder.

(f) *Reduction of foreign income taxes paid or deemed paid.* For reduction of the amount of foreign income taxes paid or deemed paid by a foreign corporation for purposes of section 960, see section 6038(c) (as amended by section 338 of the Tax Equity and Fiscal Responsibility Act of 1982) and the regulations thereunder, relating to failure to furnish information with respect to certain foreign corporations.

(g) *Amounts under section 951 treated as distributions for purposes of applying effective dates.* For purposes of applying section 902 in determining the amount of credit allowed under section 960(a)(1) and paragraph (c) of this section, the effective date provisions of the regulations under section 902 shall apply, and for purposes of so applying the regulations under section 902, any amount attributable to the earnings and profits for the taxable year of a first-, second-, or third-tier corporation which is included in the gross income of a domestic corporation under section 951 shall be treated as a distribution received by such domestic corporation on the last day in such taxable year on which such foreign corporation is a controlled foreign corporation.

(h) *Source of income and country to which tax is deemed paid*—(1) *Source of income.* For purposes of section 904—

(i) The amount included in gross income of a domestic corporation under section 951 for the taxable year with respect to a first-, second-, or third-tier corporation, plus

(ii) Any section 78 dividend to which such section 951 amount gives rise by reason of taxes deemed paid by such domestic corporation under section 960(a)(1), shall be deemed to be derived from sources within the foreign country or possession of the United States under the laws of which such first-tier corporation, or the first-tier corporation in the same chain of ownership as such second- or third-tier corporation, is created or organized.

(2) *Country to which taxes deemed paid.* For purposes of section 904, the foreign income taxes paid by the first-, second-, or third-tier corporation and deemed to be paid by the domestic corporation under section 960(a)(1) by reason of the inclusion of the amount described in paragraph (h)(1)(i) of this section in the gross income of such domestic corporation shall be deemed to be paid to the foreign country or possession of the United States under the laws of which such first-tier corporation, or the first-tier corporation in the same chain of ownership as such second- or third-tier corporation, is created or organized.

(3) *Illustration.* The application of this paragraph may be illustrated by the following example:

Example. Domestic corporation N owns all the one class of stock of controlled foreign corporation A, incorporated under the laws of foreign country X, which owns all the one class of stock of controlled foreign corporation B, incorporated under the laws of foreign country Y. All such corporations use the calendar year as the taxable year. For 1978, N Corporation is required under section 951 to include in gross income $45 attributable to the earnings and profits of B Corporation for such year and $50 attributable to the earnings and profits of A Corporation for such year. For 1978, because of the inclusion of such amounts in gross income, N Corporation is deemed under section 960(a)(1) and paragraph (c) of this section to have paid $15 of foreign income taxes paid by B Corporation for such year and $10 of foreign income taxes paid by A Corporation for such year. For purposes of section 904, the amount ($95) included in N Corporation's gross income under section 951 attributable to the earnings and profits of corporations A and B is deemed to be derived from sources within country X, and the section 78 dividend consisting of the foreign income taxes ($25) deemed paid by N Corporation under section 960(a)(1) with respect to such $95 is deemed to be derived from sources within country X. The $25 of foreign income taxes so deemed paid by N Corporation are deemed to be paid to country X for purposes of section 904.

Par. 2. Section 1.960–2 is amended as follows:

Paragraphs (a) through (d) are revised;

Paragraph (e) is redesignated as (f), the introductory text of paragraph (f) and the introductory text of example (6) under paragraph (f) are revised, and examples (8) through (10) under paragraph (f) are added; and

New paragraphs (e) and (g) are added as follows:

§ 1.960–2 Interrelation of section 902 and section 960 when dividends are paid by third-, second-, or first-tier corporation.

(a) *Scope of this section.* This section prescribes rules for the application of section 902 in a case where dividends are paid by a third-, second-, or first-tier corporation, as the case may be, from its earnings and profits for a taxable year when an amount attributable to such earnings and profits is included in the gross income of a domestic corporation under section 951, or when such earnings and profits are attributable to an amount excluded from the gross income of such foreign corporation under section 959(b) and § 1.959–2, with respect to the domestic corporation. In making determinations under this section, any portion of a distribution received from a first-tier corporation by the domestic corporation which is excluded from the domestic corporation's gross income under section 959(a) and § 1.959–1, or any portion of a distribution received from an immediately lower-tier corporation by the third-, second-, or first-tier corporation which is excluded from such foreign corporation's gross income under section 959(b) and § 1.959–2, shall be treated as a dividend for purposes of taking into account under section 902 any foreign income taxes paid by such third-, second-, or first-tier corporation which are not deemed paid by the domestic corporation under section 960(a)(1) and § 1.960–1.

(b) *Application of section 902(b) to dividends received from an immediately lower-tier corporation.* For purposes of paragraph (a) of this section and paragraph (c)(1)(i) of § 1.960–1, section 902(b) shall apply to all dividends received by the first- or second-tier corporation from the immediately lower-tier corporation other than dividends attributable to earnings and profits of such immediately lower-tier corporation in respect of which an amount is, or has been, included in the gross income of a domestic corporation under section 951 with respect to such immediately lower-tier corporation.

(c) *Application of section 902(a) to dividends received by domestic corporation from first-tier corporation.* For purposes of paragraph (a) of this section, section 902 (a) shall apply to all dividends received by the domestic corporation for its taxable year from the first-tier corporation other than dividends attributable to earnings and profits of such first-tier corporation in respect of which an amount is, or has been, included in the gross income of a domestic corporation under section 951 with respect to such first-tier corporation.

(d) *Allocation of earnings and profits of a first- or second-tier corporation having income excluded under section 959(b)*—(1) *First- tier corporations.* If the first-tier corporation for its taxable year receives dividends from the second-tier corporation to which in accordance with paragraph (b) of this section 902(b)(1) or section 902(b)(2) applies and other dividends from the second-tier corporation to which such sections do not apply, then in applying section 902(a) pursuant to this section and in applying section 960(a)(1) pursuant to § 1.960–1(c)(1)(i), with respect to the foreign income taxes paid and deemed paid by the second-tier corporation which are deemed paid by the first-tier corporation for such taxable year under section 902(b)(1)—

(i) The earnings and profits of the first-tier corporation for such taxable year shall be considered not to include its earnings and profits which are attributable to the dividends to which section 902(b)(1) does not apply (in determining the domestic corporation's credit for the taxes paid by the second-tier corporation) or which are attributable to the dividends to which sections 902(b)(1) and 902(b)(2) do not apply (in determining the domestic corporation's credit for taxes deemed paid by the second-tier corporation) and

(ii) For the purposes of so applying section 902(a), distributions to the domestic corporation from such earnings and profits which are attributable to the dividends to which section 902(b)(1) does not apply (in determining the domestic corporation's credit for taxes paid by the second-tier corporation) or which are attributable to the dividends to which sections 902(b)(1) and 902(b)(2) do not apply (in determining the domestic corporation's credit for taxes deemed paid by the second-tier corporation) shall not be treated as a dividend.

(2) *Second-tier corporations.* If the second-tier corporation for its taxable year receives dividends from the third-tier corporation to which, in accordance with paragraph (b) of this section, section 902(b)(2) applies and other dividends from the third-tier corporation to which such section does not apply, then in applying section 902(b)(1) pursuant to this section, and in applying section 960(a)(1) pursuant to paragraph (c)(1)(i) of § 1.960–1, with respect to the foreign taxes deemed paid by the second-tier corporation for such taxable year under section 902(b)(2)—

(i) The earnings and profits of the second-tier corporation for such taxable year shall be considered not to include its earnings and profits which are attributable to such other dividends from the third-tier corporation, and

(ii) For the purposes of so applying section 902(b)(1), distributions to the first-tier corporation from such earnings and profits which are attributable to such other dividends from the third-tier corporation shall not be treated as a dividend.

(e) *Separate determinations under sections 902(a), 902(b)(1), and 902(b)(2) in the case of a first-, second-, or third-tier corporation having income excluded under section 956(b).* If in the case of a first-, second-, or third-tier corporation to which paragraph (b) or (c) of this section is applied—

(1) The earnings and profits of such foreign corporation for its taxable year consist of—

(i) Dividends received from an immediately lower-tier corporation which are attributable to amounts included in the gross income of a domestic corporation under section 951 with respect to the immediately lower- or lower-tier corporations, and

(ii) Other earnings and profits, and

(2) The effective rate of foreign income taxes paid or accrued by such foreign corporation on the dividends described in paragraph (e)(1)(i) of this section is higher or lower than the effective rate of foreign income taxes attributable to its earnings and profits described in paragraph (e)(1)(ii) of this section, then, for purposes of applying paragraph (b) or (c) of this section to dividends paid by such foreign corporation to the domestic corporation

or the first- or second-tier corporation, sections 902(a), 902(b)(1), and 902(b)(2) shall be applied separately to the portion of the dividend which is attributable to the earnings and profits described in paragraph (e)(1)(i) of this section and separately to the portion of the dividend which is attributable to the earnings and profits described in paragraph (e)(1)(ii) of this section. In making a separate determination with respect to the earnings and profits described in paragraph (e)(1)(i) or (e)(1)(ii) of this section, only the foreign income taxes paid or accrued (or, in the case of earnings and profits of a first- or second-tier corporation described in paragraph (e)(1)(ii) of this section, deemed to be paid) by such foreign corporation on the income attributable to such earnings and profits shall be taken into account. For purposes of applying this paragraph (e), no part of the foreign income taxes paid, accrued, or deemed to be paid which are attributable to the earnings and profits described in paragraph(e)(1)(ii) of this section shall be attributed to the dividend described in paragraph (e)(1)(i) of this section; and no part of the foreign income taxes paid or accrued on the dividend described in paragraph (e)(1)(i) of this section shall be attributed to the earnings and profits described in paragraph (e)(1)(ii) of this section. Furthermore, the effective rate of foreign income taxes paid or accrued shall be determined consistently with the principles of paragraph (b)(3) (iv) and (viii) and (c) of § 1.954–1. Thus, for example, the effective rate of foreign income taxes on dividends received by such foreign corporation shall be determined by taking into account any intercorporate dividends received deduction allowed to such corporation for such dividends.

(f) *Illustrations.* The application of this section may be illustrated by the following examples. In all of the examples other than examples (6), (7), (9) and (10), it is assumed that the effective rate of foreign income taxes paid or accrued by the first- or second-tier corporation, as the case may be, in respect to dividends received from the immediately lower-tier corporation, is the same as the effective rate of foreign income taxes paid or accrued by the first- or second-tier corporation with respect to its other income: * * *

Example (6). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, which owns all the one class of stock of controlled foreign corporation B. All such corporations use the calendar year as the taxable year. A and B corporations are organized under the laws of foreign country X. All of B corporation's assets used in a trade or business are located in country X. Country X imposes an income tax of 20 percent on B corporation's income. For 1978, N Corporation is required under section 951 to include in gross income $100 attributable to the earnings and profits of B Corporation for such year. For 1978, B Corporation distributes $150, consisting of $100 from its earnings and profits attributable to the amount required under section 951 to be included in N Corporation's gross income with respect to B Corporation and $50 from its other earnings and profits. Country X imposes an income tax of 10 percent on A Corporation's income but exempts from tax dividends received from B Corporation. N is not required to include any amount in gross income under section 951 for 1978 attributable to the earnings and profits of A Corporation for such year. For 1978, A Corporation distributes $175, consisting of $100 from its earnings and profits attributable to the amount required under section 951 to be included in N Corporation's gross income with respect to B Corporation, and $75 from its other earnings and profits. The foreign income taxes deemed paid by N Corporation for 1978 under section 960(a)(1) and section 902(a) are determined as follows on the basis of the facts assumed:

* * * * *

Example (8). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, which owns all the one class of stock of controlled foreign corporation B, which owns all the one class of stock of controlled foreign corporation C. All such corporations use the calendar year as the taxable year. For 1978, N Corporation is required under section 951 to include $50 attributable to the earnings and profits of C Corporation and $15 attributable to the earnings and profits of B Corporation in its gross income. N Corporation is not required to include any amount in its gross income with respect to A Corporation under section 951 in 1978. For such year, C Corporation distributes $75 to B Corporation. B Corporation in turn distributes $60 of its earnings and profits to A Corporation. A Corporation has no other earnings and profits for 1978 and distributes $45 of its earnings and profits to N Corporation. The foreign income taxes deemed paid by N Corporation under section 960(a)(1) and section 902(a) are determined as follows on the basis of the facts assumed:

C Corporation (third-tier corporation):

Pretax earnings and profits	$150.00
Foreign taxes paid by C Corporation (30%)	45.00
Earnings and profits	105.00
Amount required to be included in gross income of N Corporation under section 951 with respect to C Corporation	50.00
Dividend to B Corporation	75.00
Dividend from earnings and profits to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	50.00
Dividend from earnings and profits to which section 902(b)(2) applies (attributable to amounts not included in N Corporation's gross income with respect to C Corporation)	25.00

Amount of foreign income taxes of C Corporation deemed paid by B Corporation under section 902(b)(2) and § 1.960–2(b):

$$\frac{\text{Dividend to B Corporation less portion of dividend from earnings included in N Corporation's gross income under section 951 with respect to C Corporation}}{\text{Earnings and profits of C Corporation}} \times \text{Taxes paid by C Corporation}$$

($25/$105 × $45)	$10.71

B Corporation (second-tier corporation):

Pretax earnings and profits:	
Dividend from C Corporation	$75.00
Other earnings and profits	225.00
Total pretax earnings and profits	300.00
Foreign income taxes paid by B Corporation (40%)	120.00
Earnings and profits	180.00
Earnings and profits attributable to amounts to which section 902(b)(2) does not apply (amounts included in N Corporation's gross income under section 951 with respect to C Corporation ($50 – ($50 × .40))	30.00
Other earnings and profits	150.00
Earnings and profits of B Corporation after exclusion for amounts to which section 902(b)(2) does not apply (amounts attributable to earnings and profits which are included in N Corporation's gross income under section 951 with respect to C Corporation) ($180 – $30)	150.00
Amount to be included in gross income under section 951 of N Corporation with respect to B Corporation	15.00
Amount of dividend to A Corporation	60.00
Dividend from earnings and profits to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	30.00
Dividend from earnings and profits to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation)	15.00
Dividend from other earnings and profits (attributable to amounts not included in N Corporation's gross income under section 951 with respect to B or C Corporation)	15.00

Foreign income taxes of B Corporation deemed paid by A Corporation under section 902(b)(1) and § 1.960–2(b):

$$\frac{\text{Dividend to A Corporation less portion of dividend from earnings included in N Corporation's gross income under section 951 with respect to B Corporation}}{\text{Earnings and profits of B Corporation}} \times \text{Taxes paid by B Corporation}$$

($45/$180 × 120)	$30.00

Foreign income taxes (of C Corporation) deemed paid by B Corporation deemed paid by A Corporation under section 902(b)(1) in accordance with § 1.960–2(b) and § 1.960–2(b)(2) (i) and (ii):

$$\frac{\text{Dividend to A Corporation less portion of dividend from earnings included in N Corporation's gross income under section 951 with respect to B Corporation and C Corporation}}{\text{Earnings and profits of B Corporation less earnings and profits attributable to amounts included in N Corporation's gross income with respect to C Corporation}} \times \text{Taxes paid by C Corporation which are deemed paid by B Corporation}$$

($15/$150 × $10.71)	1.07

A Corporation (first-tier corporation):

Pretax earnings and profits:	
Dividend from B Corporation	$60.00
Other earnings and profits	0
Total pretax earnings and profits	60.00
Foreign income taxes paid by A Corporation (10%)	6.00
Earnings and profits	54.00
Earnings and profits attributable to amounts to which section 902(b)(2) does not apply (attributable to amounts previously included in N Corporation's gross income under section 951 with respect to C Corporation) ($30 – ($30X.10))	27.00
Earnings and profits attributable to amounts to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation) ($15 – ($15X.10))	13.50
Other earnings and profits ($15—($15X.10))	13.50
Earnings and profits of A Corporation after exclusion for amounts to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation) ($54.00 – $13.50)	40.50
Earnings and profits of A Corporation after exclusion for amounts to which sections 902(b) (1) and (2) do not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B or C Corporation) ($40.50 – $27.00)	13.50
Dividend to N Corporation	45.00
Dividend from earnings and profits to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	27.00
Dividend from earnings and profits to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation)	13.50
Dividend from earnings and profits to which section 902(a) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to A Corporation)	0
Dividend from other earnings and profits (attributable to amounts not included in N Corporation's gross income under section 951 with respect to A, B, or C Corporation)	4.50

N Corporation (domestic corporation):

Foreign income taxes deemed paid by N Corporation under section 960(a)(1) and § 1.960-1(c)(1)(ii) with respect to C Corporation:

$$\frac{\text{Amount included in N Corporation's gross income under section 951 with respect to C Corporation}}{\text{Earnings and profits of C Corporation}} \times \text{Taxes paid by C Corporation}$$

($50/$105 × $45.00)	$21.43
Foreign income taxes deemed paid by N Corporation under section 960(a)(1) and § 1.960-1(c)(1)(i) with respect to B Corporation	11.07

Taxes paid by B Corporation:

$$\frac{\text{Amount included in N Corporation's gross income under section 951 with respect to B Corporation}}{\text{Earnings and profits of B Corporation}} \times \text{Taxes paid by B Corporation}$$

($15/$180 × $120)	10.00

Taxes deemed paid by B Corporation in accordance with § 1.960-2(d)(2)(i):

$$\frac{\text{Amount included in N Corporation's gross income under section 951 with respect to B Corporation}}{\text{Earnings and profits of B Corporation less earnings and profits attributable to amounts included in N Corporation's gross income with respect to C Corporation}} \times \text{Taxes paid by C Corporation which are deemed paid by B Corporation}$$

($15/$150 × $10.71)	$1.07
Total taxes deemed paid by N Corporation under section 960(a)(1)	$32.50

Foreign income taxes deemed paid by N Corporation under section 902(a):

Taxes paid by A Corporation in accordance with § 1.960-2(c):

$$\frac{\text{Dividend to N Corporation less portion of dividend from earnings included in N Corporation's gross income under section 951 with respect to A Corporation}}{\text{Earnings and profits of A Corporation}} \times \text{Taxes paid by A Corporation}$$

($45/$54 × $6)	5.00

Taxes paid by B Corporation deemed paid by A Corporation in accordance with §§ 1.960-2(c) and 1.960-2(d)(1) (i) and (ii):

$$\frac{\text{Dividend to N Corporation less portion of dividend from earnings included in N Corporation's gross income under section 951 with respect to A and B Corporations}}{\text{Earnings and profits of A Corporation less earnings and profits attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation}} \times \text{Taxes paid by B Corporation which are deemed paid by A Corporation}$$

($31.50/$40.50 × $30.00)	23.33

Taxes (of C Corporation) deemed paid by B Corporation deemed paid by A Corporation in accordance with §§ 1.960-2(c) and 1.960-2(d)(1) (i) and (ii):

$$\frac{\text{Dividend to N Corporation less portion of dividend from earnings included in N Corporation's gross income under section 951 with respect to A, B, and C Corporations}}{\text{Earnings and profits of A Corporation less earnings and profits attributable to amounts included in N Corporation's gross income under section 951 with respect to B and C Corporations}} \times \text{Taxes deemed paid by B Corporation which are deemed paid by A Corporation}$$

($4.50/$13.50 × $1.07)	36
Total taxes deemed paid by N Corporation under section 902(a)	$28.69
Total foreign income taxes deemed paid by N Corporation under section 901	$61.19

Example (9). Domestic corporation N owns all the one class of stock of controlled foreign corporation A, which owns all the one class of stock of controlled foreign corporation B, which owns all the one class of stock of controlled foreign corporation C. A and B Corporations are organized under the laws of foreign country X. C Corporation is organized under the laws of foreign country Y. All of B Corporation's assets used in a trade or business are located in country X. All such corporations use the calendar year as the taxable year. For 1978, N Corporation is required to include in its gross income under section 951, $50 attributable to the earnings and profits of C Corporation and $100 attributable to the earnings and profits of B Corporation. N Corporation is not required to include any amount in its gross income under section 951 with respect to A Corporation. Country X imposes an income tax of 10 percent on dividends from foreign subsidiaries, 20 percent on dividends from domestic subsidiaries, and 40 percent on other earnings and profits. For 1978, C Corporation distributes $75 to B Corporation. For such year, B Corporation distributes $175 of its earnings and profits to A Corporation. A Corporation has no other earnings and profits for 1978 and distributes $130 of its earnings and profits to N Corporation. The foreign income taxes deemed paid by N Corporation under sections 960(a)(1) and 902(a) are determined as follows on the basis of the facts assumed:

C Corporation (third-tier corporation):

Pretax earnings and profits	$150.00
Foreign income taxes paid by C Corporation (30%)	45.00
Earnings and profits	105.00
Amount required to be included in gross income of N Corporation under section 951 with respect to C Corporation	50.00
Dividend to B Corporation	75.00
Dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	50.00
Dividend to which section 902(b)(2) applies (attributable to amounts not included in N Corporation's gross income under section 951 with respect to C Corporation)	25.00
Amount of foreign income taxes of C Corporation deemed paid by B Corporation under section 902(b)(2) and § 1.960-2(b) ($25/$105 × $45)	10.71
(For formula see § 1.960-2(g)(1)(i)(A))	

B Corporation (second-tier corporation):

Pretax earnings and profits:	
Dividend from C Corporation	75.00
Other earnings and profits	225.00
Total pretax earnings and profits	300.00
Foreign income taxes paid by B Corporation	97.50
On dividends received from C Corporation to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($50 × .10)	5.00
On dividend from C Corporation to which section 902(b)(2) applies (attributable to amounts not included in N Corporation's gross income under section 951 with respect to C Corporation) ($25 × .10)	2.50
On other income of B Corporation ($225 × .40)	90.00
Earnings and profits	202.50
Attributable to dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($50 - $5)	45.00

Attributable to dividend from C Corporation to which section 902(b)(2) applies (attributable to amounts not included in N Corporation's gross income under section 951 with respect to C Corporation) ($25 – $2.50)	22.50
Attributable to other income of B Corporation ($225 – $90)	135.00
Earnings and profits after exclusion of amounts attributable to dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($202.50 – $45)	157.50
Amount required to be included in N Corporation's gross income under section 951 with respect to B Corporation	100.00
Dividend paid by B Corporation	175.00
Dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	45.00
Dividend to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation)	100.00
Dividend from other earnings and profits (attributable to amounts not included in N Corporation's gross income with respect to B or C Corporation)	30.00

Foreign income taxes of B Corporation deemed paid by A Corporation under section 902(b)(1) (separate tax rate applicable to dividend received by B Corporation allocation in accordance with § 1.960–2(e)) (for formula see § 1.960–2(g)(1)(ii)(A)(*2*) (*i*) and (*ii*)):

Tax paid by B Corporation on earnings previously taxed with respect to C Corporation or lower-tiers which is deemed paid by A Corporation.

$$\frac{\text{Portion of dividend to A Corporation from earnings included in N Corporation's gross income under section 951 with respect to C Corporation or lower-tiers}}{\text{Earnings and profits of B Corporation included in N Corporation's gross income under section 951 with respect to C Corporation or lower-tiers}}\quad\text{Tax paid by B Corporation on dividend received by B Corporation from earnings included in N Corporation's gross income with respect to C Corporation or lower-tiers.}$$

($45/$45 × $5)	$5.00

Tax paid by B Corporation on earnings not previously taxed with respect to C Corporation or lower-tiers which is deemed paid by A Corporation:

$$\frac{\text{Portion of dividend to A Corporation which is from earnings not included in N Corporation's gross income under section 951 with respect to B Corporation or lower-tiers}}{\text{Earnings and profits of B Corporation not included in N Corporation's gross income under section 951 with respect ot C Corporation or lower-tiers}}\quad\text{Tax paid by B Corporation on earnings not included in N Corporation's gross income with respect to C Corporation or lower-tiers}$$

($30/157.50 × $92.50)	17.62
Foreign income taxes (of C Corporation) deemed paid by B Corporation deemed paid by A Corporation under section 902(b)(1) ($30/$157.50 × $10.71)	2.04

(For formula see § 1.960–2(g)(1)(ii)(B)(*1*))

A Corporation (first-tier corporation):

Pretax earnings and profits:	
Dividend from B Corporation	$175.00
Other income	0
Total pretax earnings and profits	175.00
Foreign income taxes paid by A Corporation (20%)	35.00
Earnings and profits	140.00
Attributable to dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($45 – ($45 × .20))	36.00
Attributable to amounts to which section 902(b)(1) does not apply (Attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation) ($100 – ($100 × .20))	80.00
Attributable to other earnings and profits (attributable to amounts not included in N Corporation's gross income with respect to B or C Corporation)	24.00
Earnings and profits after exclusion for amounts to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation) ($140 – $80)	60.00
Earnings and profits after exclusion for amounts to which sections 902(b)(1) and 902(b)(2) do not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B or C Corporation) ($60 – $36)	24.00
Amount required to be included in N Corporation's gross income under section 1951 with respect to A Corporation	None
Dividend to N Corporation	130.00
Dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	36.00
Dividend to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation)	80.00
Dividend to which section 902(a) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to A Corporation)	0
Dividend from other earnings and profits (attributable to amounts not included in N Corporation's gross income with respect to A, B, or C Corporation)	14.00

N Corporation (domestic corporation):

Foreign income taxes deemed paid by N Corporation under section 960(a)(1) and § 1.960–1(c) with respect to C Corporation ($50/$105 × $45)	21.43
(for formula see § 1.960–2(g)(2)(i)(A))	
Foreign income taxes deemed paid by N Corporation under section 960(a)(1) with respect to B Corporation (allocation of earnings and profits being made in accordance with § 1.960–1(c)(3) and § 1.960–2(e)) (Separate tax rate applicable to dividend received by B Corporation)	65.53

Taxes paid by B corporation (for formula see § 1.960–2(g)(2)(ii)(A)(*2*)):

$$\frac{\text{Amount included in N Corporation's gross income under section 951 with respect to B Corporation}}{\text{Earnings and profits of B Corporation not included in N Corporation's gross income under section 951 with respect to C Corporation or lower tiers}} \times \text{Tax paid by B Corporation on earnings not included in N Corporation's gross income with respect to C Corporation or lower tiers}$$

($100/$157.50 × $92.50)	$58.73
Taxes (of C Corporation) deemed paid by B Corporation under section 902(b)(2) which are deemed paid by N Corporation under section 960(a)(1) ($100/$157.50 × $10.71)	6.80
(for formula see § 1.960–2(g)(2)(ii)(B)(*1*))	
Total taxes deemed paid by N Corporation under section 960(a)(1)	86.96
Foreign income taxes deemed paid by N Corporation under section 902(a):	
Taxes paid by A Corporation ($130/$140 × $35)	32.50
(for formula see § 1.960–2(g)(1)(iii)(A)(*1*))	

Taxes paid by B Corporation deemed paid by A Corporation (Separate tax rate applicable to dividend received by B Corporation allocation required by § 1.960–2(e)) (for formula see § 1.960–2(g)(1)(iii)(B)(*2*) (*i*) and (*ii*)):

Tax paid by B Corporation on earnings previously taxed with respect to C Corporation or lower tiers which is deemed paid by N Corporation:

$$\frac{\text{Portion of dividend to N Corporation which is from earnings included in N Corporation's gross income under section 951 with respect to C Corporation or lower tiers}}{\text{Earnings and profits of A Corporation included in N Corporation's gross income under section 951 with respect to C Corporation or lower tiers}}\quad\text{Tax paid by B Corporation on earnings previously taxed with respect to C Corporation or lower tiers which is deemed paid by A Corporation}$$

($36/$36 × $5)	5.00

Tax paid by B Corporation on earnings not previously taxed with respect to C Corporation or lower tiers which is deemed paid by N Corporation

$$\frac{\text{Portion of dividend to N Corporation which is from earnings not included in N Corporation's gross income under section 951 with respect to A Corporation or lower tiers}}{\text{Earnings and profits of A Corporation not included in N Corporation's gross income under section 951 with respect to B Corporation or lower tiers}}\quad\text{Tax paid by B Corporation on earnings not previously taxed with respect to C Corporation or lower tiers which is deemed paid by A Corporation}$$

($14/$24 × $17.62)	10.28
Taxes (of C Corporation) deemed paid by B Corporation deemed paid by A Corporation ($14/$24 × $2.04)	1.19
(for formula see § 1.960–2(g)(1)(iii)(C)(*1*))	
Total taxes deemed paid by N Corporation under section 902(a)	48.97
Total foreign income taxes deemed paid by N Corporation under section 901	135.93

Example (10) The facts are the same as in example (9) except that A Corporation has other earnings and profits of $200 in 1978 and country X imposes a tax of 50 percent on A Corporation's other earnings and profits. A Corporation distributes $200 of its earnings and profits to N Corporation in 1978. The foreign income taxes paid by N Corporation under sections 960 (a)(1) and 902 (a) are determined as follows on the basis of the facts assumed:

C Corporation (third-tier corporation):

Pretax earnings and profits	$150.00
Foreign income taxes paid by C Corporation (30%)	45.00
Earnings and profits	105.00
Amount required to be included in gross income of N Corporation under section 951 with respect to C Corporation	50.00
Dividend to B Corporation	75.00
Dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	50.00
Dividend to which section 902(b)(2) applies (attributable to amounts not included in N Corporation's gross income under section 951 with respect to C Corporation)	25.00
Amount of foreign income taxes of C Corporation deemed paid by B Corporation under section 902(b)(2) and § 1.960-2(b) ($25/$105 × $45)	10.71
(for formula see § 1.960-2(g)(1)(i)(A))	

B Corporation (second-tier corporation):

Pretax earnings and profits:	
Dividend from C Corporation	75.00
Other earnings and profits	225.00
Total pretax earnings and profits	300.00
Foreign income taxes of B Corporation	97.50
On dividends received from C Corporation to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($50 × .10)	$5.00
On dividend from C Corporation to which section 902(b)(2) applies (attributable to amounts not included in N Corporation's gross income under section 951 with respect to C Corporation) ($25 × .10)	2.50
On other income of B Corporation ($225 × .40)	90.00
Earnings and profits	$202.50
Attributable to dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($50–$5)	45.00
Attributable to dividend from C Corporation to which section 902(b)(2) applies (attributable to amounts not included in N Corporation's gross income under section 951 with respect to C Corporation) ($25–$2.50)	22.50
Attributable to other income of B Corporation ($225–$90)	135.00
Earnings and profits after exclusion of amounts attributable to dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($202.50–$45)	157.50
Amount required to be included in N Corporation's gross income under section 951 with respect to B Corporation	100.00
Dividend paid by B Corporation	$175.00
Dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	$45.00
Dividend to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation)	100.00
Dividend from other earnings and profits (attributable to amounts not included in N Corporation's gross income with respect to B or C Corporation)	30.00
Foreign income taxes of B Corporation deemed paid by A Corporation under section 902(b)(1) with allocation required by § 1.960-2 (e):	
($45/$45 × $5)	5.00
($30/$157.50 × $92.50)	17.62
(for formula see § 1.960-2(g)(1)(ii)(A)(*2*) (*i*) and (*ii*))	
Foreign income taxes (of C Corporation) deemed paid by B Corporation deemed paid by A Corporation under section 902(b)(1)	
($30/$157.50 × $10.71)	2.04
(for formula see § 1.960-2(g)(1)(ii)(B)(*1*))	

A corporation (first-tier corporation):

Pretax earnings and profits:	
Dividend from B Corporation	$175.00
Other earnings and profits	200.00
Total pretax earnings and profits	375.00
Foreign income taxes paid by A Corporation	135.00
On dividend received from B Corporation to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($45 × .20)	9.00
On dividend received from B Corporation to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation) ($100 × .20)	20.00
On dividend from B Corporation attributable to B Corporation's other earnings and profits (attributable to amounts not included in N Corporation's gross income with respect to B or C Corporation) ($30 × .20)	6.00
On other income of A Corporation ($200 × .50)	100.00
Earnings and profits	240.00
Attributable to dividend to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation) ($45 – $9)	36.00
Attributable to dividend to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income with respect to B Corporation) ($100 – $20)	80.00
Attributable to other earnings and profits of A Corporation (attributable to amounts not included in N Corporation's gross income with respect to A, B, or C Corporation) [($30 – $6) + ($200 – $100)]	124.00
Amount required to be included in N Corporation's gross income under section 951 with respect to A Corporation	None
Earnings and profits after exclusion of amounts attributable to dividend to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B Corporation)	160.00
Earnings and profits after exclusion of amounts attributable to dividend to which sections 902(b)(1) and 902(b)(2) do not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to B and C Corporation)	124.00
Dividend to N Corporation	200.00
Dividend attributable to amounts to which section 902(b)(2) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to C Corporation)	36.00
Dividend attributable to amounts to which section 902(b)(1) does not apply (attributable to amounts included in N Corporation's gross income with respect to B Corporation)	80.00
Dividend attributable to amounts to which section 902(a) does not apply (attributable to amounts included in N Corporation's gross income under section 951 with respect to A Corporation)	0
Dividend attributable to A Corporation's other earnings and profits (attributable to amounts not included in N Corporation's gross income under section 951 with respect to A, B, or C Corporation)	84.00

N Corporation (domestic corporation):

Foreign income taxes deemed paid by N Corporation under section 960(a)(1) and § 1.960-1(c) with respect to C Corporation ($50/$150 × $45)	21.43
(for formula see § 1.960-2(g)(2)(ii)(A))	
Foreign income taxes deemed paid by N Corporation under section 960(a)(1) with respect to B Corporation (allocation of earning and profits being made in accordance with § 1.960-1(c)(3) and § 1.960-2(e))	65.53
Taxes paid by B Corporation ($100/$157.50 × $92.50)	58.73
(for formula see § 1.960-2(g)(2)(ii)(A)(*2*))	
Taxes deemed paid by B Corporation ($100 × $157.50 × $10.71)	6.80
(for formula see § 1.960-2(g)(2)(ii)(B)(*1*))	
Total taxes deemed paid by N Corporation under section 960(a)(1)	86.96

Foreign income taxes deemed paid by N Corporation under section 902(a) (separate tax rate applicable to dividends received by A Corporation allocation required by § 1.960-2(e)) (for formula see § 1.960-2(g)(1)(iii)(A)(*2*) (*i*) and (*ii*)):

Tax paid by A Corporation on earnings previously taxed with respect to B Corporation or lower tiers which is deemed paid by N Corporation:

$$\frac{\text{Portion of dividend to N Corporation which is from earnings included in N Corporation's gross income under section 951 with respect to B Corporation or lower tiers}}{\text{Earnings and profits of A Corporation included in N Corporation's gross income under section 951 with respect to B Corporation or lower tiers}} \times \text{Tax paid by A Corporation on dividends received by A Corporation from earnings included in N Corporation's gross income with respect to B Corporation or lower tiers}$$

($116/$116 × $29)	$29.00

Tax paid by A Corporation on earnings not previously taxed with respect to B Corporation or lower tiers which is deemed paid by N Corporation:

$$\frac{\text{Portion of dividend to N Corporation which is from earnings not included in N Corporation's gross income under section 951 with respect to A Corporation or lower tiers}}{\text{Earnings and profits of A Corporation not included in N Corporation's gross income under section 951 with respect to B Corporation or lower tiers}} \times \text{Tax paid by A Corporation on earnings not included in N Corporation's gross income with respect to B Corporation or lower tiers}$$

($84/$124 × $106)	71.81
Taxes (paid by B Corporation) deemed paid by A Corporation allocation required by § 1.960-2(e):	
($36/$36 × $5)	5.00
($84/$124 × $17.62)	11.94
(for formula see § 1.960-2(g)(1)(iii)(B)(*2*) (*i*) and (*ii*))	
Taxes (of C Corporation) deemed paid by B Corporation deemed paid by A Corporation ($84/$124 × $2.04)	1.38
(for formula see § 1.960-2(g)(1)(iii)(C)(*1*))	
Total taxes deemed paid by N Corporation under section 902(a) credit	119.13
Total foreign income taxes deemed paid by N Corporation under section 901	206.09

(g) *Formulas.* This paragraph contains formulas for determining a domestic corporation's section 902 and 960 credits when amounts distributed through a chain of ownership have been included in whole or in part in the gross income of a domestic corporation under section 951 with respect to first-, second-, third-, or lower-tier corporations.

(1) *Determination of the section 902 credit.*—(i) *Section 902(b)(2) credit.* If the second-tier corporation receives a dividend from a third-tier corporation attributable in whole or in part to amounts included in a domestic corporation's gross income under section 951 with respect to the third- or lower-tier corporations, the second-tier corporation's credit for taxes paid by the third-tier corporation under section 902(b)(2) is determined as follows:

(A) If the effective rate of tax on dividends received by the third-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Dividend to second-tier corporation less portion of dividend from earnings included in domestic corporation's gross income under section 951 with respect to third-tier corporation}}{\text{Earnings and profits of third-tier corporation}} \times \text{Taxes paid by third-tier corporation}$$

(B) If the effective rate of tax on dividends received by the third-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

(*1*) Credit for tax paid by third-tier corporation on earnings included in domestic corporation's gross income with respect to fourth- or lower-tier corporations—

$$\frac{\text{Portion of dividends to second-tier corporation which is from earnings included in domestic corporation's gross income under section 951 with respect to fourth- or lower-tier corporations}}{\text{Earnings and profits of third-tier corporation included in domestic corporation's gross income under section 951 with respect to fourth- or lower-tier corporations}} \times \text{Tax paid by third-tier corporation on dividend received by third-tier corporation from earnings included in domestic corporation's gross income with respect to fourth- or lower-tier corporations}$$

(*2*) Credit for tax paid by third-tier corporation on earnings not included in domestic corporation's gross income with respect to fourth- or lower-tier corporations—

$$\frac{\text{Portion of dividend to second-tier corporation which is from earnings not included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporations}}{\text{Earnings and profits of third-tier corporation not included in domestic corporation's gross income under section 951 with respect to fourth- or lower-tier corporations}} \times \text{Tax paid by third-tier corporation on earnings not included in domestic corporation's gross income with respect to fourth- or lower-tier corporations}$$

(ii) *Section 902(b)(1) credit.* If the first-tier corporation receives a dividend from a second-tier corporation attributable in a whole or in part to amounts included in a domestic corporation's gross income under section 951 with respect to the second- or lower-tier corporations, the first-tier corporation's credit for taxes paid and deemed paid by the second-tier corporation under section 902(b)(1) is determined as follows:

(A) *Taxes paid by the second-tier corporation which are deemed paid by the first-tier corporation.*

(*1*) If the effective rate of tax on dividends received by the second-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Dividend to first-tier corporation less portion of dividend from earnings included in domestic corporation's gross income under section 951 with respect to second-tier corporation}}{\text{Earnings and profits of second-tier corporation}} \times \text{Taxes paid by second-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the second-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

(*i*) Credit for tax paid by second-tier corporation on earnings previously taxed with respect to third- or lower-tier corporations—

$$\frac{\text{Portion of dividend to first-tier corporation which is from earnings included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporations}}{\text{Earnings and profits of second-tier corporation included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporations}} \times \text{Tax paid by second-tier corporation on dividend received by second-tier corporation from earnings included in domestic corporation's gross income with respect to third- or lower-tier corporations}$$

(*ii*) Credit for tax paid by second-tier corporation on earnings not previously taxed with respect to third- or lower-tier corporations—

$$\frac{\text{Portion of dividend to first-tier corporation which is from earnings not included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}}{\text{Earnings and profits of second-tier corporation not included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporations}} \times \text{Tax paid by second-tier corporation on earnings not included in domestic corporation's gross income with respect to third- or lower-tier corporations}$$

(B) *Taxes deemed paid by the second-tier corporation which are deemed paid by the first-tier corporation.* (*1*) If the effective rate of tax dividends received by the third-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Dividend to first-tier corporation less portion of dividend from earnings included in domestic corporation's gross income under section 951 with respect to second- and third-tier corporations}}{\text{Earnings and profits of second-tier corporation less earnings and profits attributable to amounts included in domestic corporation's gross income under section 951 with respect to third-tier corporation}} \times \text{Taxes paid by third-tier corporation which are deemed paid by second-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the third-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

(*i*) Credit for tax paid by third-tier corporation on earnings previously taxed with respect to fourth- or lower-tier corporations—

$$\frac{\text{Portion of dividend to first-tier corporation which is from earnings included in domestic corporation's gross income under section 951 with respect to fourth- or lower-tier corporations}}{\text{Earnings and profits of second-tier corporations included in domestic corporation's gross income under section 951 with respect to fourth- or lower-tier corporations}} \times \text{Tax paid by third-tier corporation on earnings previously taxed with respect to fourth- or lower-tier corporations which is deemed paid by second-tier corporation}$$

(*ii*) Credit for tax paid by third-tier corporation on earnings not previously taxed with respect to fourth- or lower-tier corporations—

$$\frac{\text{Portion of dividend to first-tier corporation which is from earnings not included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}}{\text{Earnings and profits of second-tier corporation not included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporations}} \times \text{Tax paid by third-tier corporation on earnings not previously taxed with respect to fourth- or lower-tier corporations which is deemed paid by second-tier corporation}$$

(iii) *Section 902(a) credit.* If the domestic corporation receives a dividend from a first-tier corporation attributable in whole or in part to amounts included in a domestic corporation's gross income under section 951 with respect to the first- or lower-tier corporations, the domestic corporation's credit for taxes paid and deemed paid by the first-tier corporation under section 902(a) is determined as follows:

(A) *Taxes paid by the first-tier corporation which are deemed paid by domestic corporation.*

(*1*) If the effective rate of tax on dividends received by the first-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Dividend to domestic corporation less portion of dividend from earnings included in domestic corporation's gross income under section 951 with respect to first-tier corporation}}{\text{Earnings and profits of first-tier corporation}} \times \text{Taxes paid by first-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the first-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

(*i*) Credit for tax paid by first-tier corporation on earnings previously taxed with respect to second- or lower-tier corporations—

$$\frac{\text{Portion of dividend to domestic corporation which is from earnings included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}}{\text{Earnings and profits of first-tier corporation included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}} \times \text{Tax paid by first-tier corporation on dividends received by first-tier corporation from earnings included in domestic corporation's gross income with respect to second- or lower-tier corporations}$$

(*ii*) Credit for tax paid by first-tier corporation on earnings not previously taxed with respect to second- or lower-tier corporations—

$$\frac{\text{Portion of dividend to domestic corporation which is from earnings not included in domestic corporation's gross income under section 951 with respect to first- or lower-tier corporations}}{\text{Earnings and profits of first-tier corporation not included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}} \times \text{Tax paid by first-tier corporation on earnings not included in domestic corporation's gross income with respect to second- or lower-tier corporations}$$

(B) *Taxes (paid by second-tier corporation) deemed paid by first-tier corporation which are deemed paid by domestic corporation.*

(*1*) If the effective rate of tax on dividends received by the second-tier corporation is the same as its tax rate on other earnings and profits—

$$\frac{\text{Dividend to domestic corporation less portion of dividend from earnings included in domestic corporation's gross income under section 951 with respect to first- and second-tier corporations}}{\text{Earnings and profits of first-tier corporation less earnings and profits attributable to amounts included in domestic corporation's gross income under section 951 with respect to second-tier corporation}} \times \text{Taxes paid by second-tier corporation which are deemed paid by first-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the second-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

(*i*) Credit for tax paid by second-tier corporation on earnings previously taxed with respect to third-tier or lower-tier corporations—

$$\frac{\text{Portion of dividend to domestic corporation which is from earnings included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporations}}{\text{Earnings and profits of first-tier corporation included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporations}} \times \text{Tax paid by second-tier corporation on earnings previously taxed with respect to third- or lower-tier corporations which is deemed paid by first-tier corporation.}$$

(*ii*) Credit for tax paid by second-tier corporation on earnings not previously taxed with respect to third- or lower-tier corporations—

$$\frac{\text{Portion of dividend to domestic corporation which is from earnings not included in domestic corporation's gross income under section 951 with respect to first- or lower-tier corporations}}{\text{Earnings and profits of first-tier corporation not included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}} \times \text{Tax paid by second-tier corporation on earnings not previously taxed with respect to third- or lower-tier corporations which is deemed paid by first-tier corporation}$$

(C) *Taxes (of third-tier corporation) deemed paid by first-tier corporation which are deemed paid by domestic corporation.*

(*1*) If the effective rate of tax on dividends received by the third-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Dividend to domestic corporation less portion of dividend from earnings included in domestic corporation's gross income under section 951 with respect to first-, second- and third-tier corporations}}{\text{Earnings and profits of first-tier corporation less earnings and profits attributable to amounts included in domestic corporation's gross income with respect to second- and third-tier corporations}} \times \text{Taxes deemed paid by second-tier corporation which are deemed paid by first-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the third-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

(*i*) Credit for tax (of third-tier corporation) deemed paid by second-tier corporation on earnings previously taxed with respect to fourth- or lower-tier corporations—

$$\frac{\text{Portion of dividend to domestic corporation which is from earnings included in domestic corporation's gross income under section 951 with respect to fourth- or lower-tier corporations}}{\text{Earnings and profits of first-tier corporation included in domestic corporation's gross income under section 951 with respect to fourth- or lower-tier corporations}} \times \text{Tax deemed paid by second-tier corporation on earnings previously taxed with respect to fourth- or lower-tier corporations which is deemed paid by first-tier corporation}$$

(*ii*) Credit for tax (of third-tier corporation) deemed paid by second-tier on earnings not previously taxed with respect to fourth- or lower-tier corporations—

$$\frac{\text{Portion of dividend to domestic corporation which is from earnings not included in domestic corporation's gross income under section 951 with respect to first- or lower-tier corporations}}{\text{Earnings and profits of first-tier corporation not included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}} \times \text{Tax deemed paid by second-tier corporation on earnings not previously taxed with respect to fourth- or lower-tier corporations which is deemed paid by first-tier corporation}$$

(2) *Determination of domestic corporation's section 960 credit for amounts included in its gross income with respect to a first-, second-, or third-tier corporation which has received a distribution previously included in the gross income of a domestic corporation under section 951.*—(i) *Third-tier credit.* If a domestic corporation is required to include an amount in its gross income under section 951 with respect to a third-tier corporation which has received a distribution from a fourth-tier corporation of amounts included in a domestic corporation's gross income under section 951 with respect to the fourth- or lower-tier corporations, the domestic corporation's credit for taxes paid by the third-tier corporation under section 960(a)(1) is determined as follows:

(A) If the effective rate of tax on dividends received by the third-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to third-tier corporation}}{\text{Earnings and profits of third-tier corporation}} \times \text{Taxes paid by third-tier corporation}$$

(B) If the effective rate of tax on dividends received by the third-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to third-tier corporation}}{\text{Earnings and profits of third-tier corporation not included in domestic corporation's gross income under section 951 with respect to fourth- or lower-tier corporations}} \times \text{Tax paid by third-tier corporation on earnings not included in domestic corporation's gross income with respect to fourth- or lower-tier corporations}$$

(ii) *Second-tier credit.* If a domestic corporation is required to include an amount in its gross income under section 951 with respect to a second-tier corporation which has received a distribution from a third-tier corporation of amounts included in a domestic corporation's gross income under section 951 with respect to the third- or lower-tier corporations, the domestic corporation's credit for taxes paid and deemed paid by the second-tier corporation under section 960(a)(1) is determined as follows:

(A) *Credit for taxes paid by the second-tier corporation which are deemed paid by the domestic corporation.*

(*1*) If the effective rate of tax on dividends received by the second-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to second-tier corporation}}{\text{Earnings and profits of second-tier corporation}} \times \text{Taxes paid by second-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the second-tier is higher or lower than the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to second-tier corporation}}{\text{Earnings and profits of second-tier corporation not included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporations}} \times \text{Tax paid by second-tier corporation on earnings not included in domestic corporation's gross income with respect to third- or lower-tier corporations}$$

(B) *Credit for taxes (of the third-tier corporation) deemed paid by the second-tier corporation under section 902(b)(2).*

(*1*) If the effective rate of tax on dividends received by the third-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to second-tier corporation}}{\text{Earnings and profits of second-tier corporation less earnings and profits attributable to amounts included in domestic corporation's gross income with respect to third-tier corporation}} \times \text{Taxes paid by third-tier corporation which are deemed paid by second-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the third-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to second-tier corporation}}{\text{Earnings and profits of second-tier corporation not included in domestic corporation's gross income under section 951 with respect to third- or lower-tier corporation}} \times \text{Tax paid by third-tier corporation on earnings not previously taxed with respect to fourth- or lower-tier corporations which is deemed paid by second-tier corporation}$$

(iii) *First-tier credit.* If a domestic corporation is required to include amounts in its gross income under section 951 with respect to a first-tier corporation which has received a distribution from a second-tier corporation of amounts included in a domestic corporation's gross income under section 951 with respect to the second- or lower-tier corporations, the domestic corporation's credit for taxes paid and deemed paid by the first-tier corporation under section 960(a)(1) shall be determined as follows:

(A) *Credit for taxes paid by the first-tier corporation.*

(*1*) If the effective rate of tax on dividends received by the first-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to first-tier corporation}}{\text{Earnings and profits of first-tier corporations}} \times \text{Taxes paid by first-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the first-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to first-tier corporation}}{\text{Earnings and profits of first-tier corporation not included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}} \times \text{Tax paid by first-tier corporation on earnings not included in domestic corporation's gross income with respect to second- or lower-tier corporations}$$

(B) *Credit for taxes paid by the second-tier corporation deemed paid by the first-tier corporation under section 902(b)(1).*

(*1*) If the effective rate of tax on dividends received by the second-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to first-tier corporation}}{\text{Earnings and profits of first-tier corportion less earnings and profits attributable to amounts included in domestic corporation's gross income under section 951 with respect to second-tier corporation}} \times \text{Taxes paid by second-tier corporation which are deemed paid by first-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the second-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to first-tier corporation}}{\text{Earnings and profits of first-tier corporation not included in domestic corporation's gross income under section 951 with respect to second- or lower-tier corporations}} \times \text{Tax paid by second-tier corporation on earnings not previously taxed with respect to third- or lower-tier corporations which is deemed paid by first-tier corporation}$$

(C) *Credit for taxes (of the third-tier corporation) deemed paid by the second-tier corporation which are deemed paid by first-tier corporation under section 902(b)(1).*

(*1*) If the effective rate of tax on dividends received by the third-tier corporation is the same as the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to first-tier corporation}}{\text{Earnings and profits of first-tier corporation less earnings and profits attributable to amounts included in domestic corporation's gross income with respect to second- and third-tier corporation}} \times \text{Taxes deemed paid by second-tier corporation which are deemed paid by first-tier corporation}$$

(*2*) If the effective rate of tax on dividends received by the third-tier corporation is higher or lower than the effective rate of tax on its other earnings and profits—

$$\frac{\text{Amount included in domestic corporation's gross income under section 951 with respect to first-tier corporation}}{\text{Earnings and profits of first-tier corporation not included in domestic corporation's gross income under section 951 with respect to second-or lower-tier corporation}} \times \text{Tax deemed paid by second-tier corporation on earnings not previously taxed with respect to fourth- or lower-tier corporations which is deemed paid by first-tier corporation}$$

Par. 3. Section 1.960–3(b) is revised to read as follows:

§ 1.960–3 Gross-up of amounts included in income under section 951.

* * * * *

(b) *Certain taxes not included in income.* Any taxes deemed paid by a domestic corporation for the taxable year pursuant to section 902(a) or section 960(a)(1) shall not be included in the gross income of such corporation for such year as a dividend pursuant to section 78 and § 1.78–1 to the extent that such taxes are paid or accrued by the first-, second-, or third-tier corporation, as the case may be, on or with respect to an amount which is excluded from the gross income of such foreign corporation under section 959(b) and § 1.959–2 as distributions from the earnings and profits of another controlled foreign corporation attributable to an amount which is, or has been, required to be included in the gross income of the domestic corporation under section 951.

* * * * *

Par. 4. Section 1.960–7(c) is revised to read as follows:

§ 1.960–7 Effective dates.

* * * * *

(c) *Third-tier credit.* The rules contained in §§ 1.960–1—1.960–6 shall apply to amounts included in the gross income of a domestic corporation under section 951 with respect to the earnings and profits of third-tier corporations (as defined in § 1.960–1) in taxable years beginning after December 31, 1976.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: October 6, 1982.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 82–30416 Filed 11–5–82; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 301

[T.D. 7845]

Inspection of Applications for Tax Exemption and Applications for Determination Letters for Pension and Other Plans

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to public inspection of applications for tax exemption, applications for determination of the qualification of pension and other plans, and other related material. Changes to the applicable law were made by the Employee Retirement Income Security Act of 1974 and the Tax Reform Act of 1976. The regulations provide guidance to the public on how documents may be obtained for inspection, and would affect all persons wishing to inspect the documents, as well as those submitting them.

DATE: The regulations are effective for applications for tax exemption filed after October 31, 1976, and applications for determination letters for pension and other plans filed after September 2, 1974.

FOR FURTHER INFORMATION CONTACT: Paul B. Accettura of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224 (Attention:CC:LR:T) (202–566–3544, not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1980, the **Federal Register** published proposed amendments to the Regulations on Procedure and Administration (26 CFR Part 301) under section 6104(a)(1) of the Internal Revenue Code of 1954 (45 FR 85788). The amendments were proposed to conform the regulations under section 6104(a)(1)(A) to section 1201(d) of the Tax Reform Act of 1976 (90 Stat. 1667), and the regulations under section 6104(a)(1) (B), (C) and (D) to section 1022(g) of the Employee Retirement Income Security Act of 1974 (ERISA) (88 Stat. 940).

A public hearing was not requested on the regulations. After careful consideration of all comments received regarding the proposed amendments, the amendments are adopted as revised by this Treasury Decision.

Group Exemption Situations

One comment questioned how the regulations apply to requests for information with respect to an organization covered by a group exemption. In this context, a request for information with respect to any organization will be treated as a request for information only on that organization. The Internal Revenue Service's response will provide all disclosable information relating to the organization. If the information received shows that the organization is a subordinate organization covered by a group exemption, the person making the request can then proceed with a request under these regulations for all disclosable information relating to the parent organization upon which the group exemption is based.

Compensation Ranges

Two comments specifically objected to the last sentence of section 301.6104 (a)–5 (b)(4) of the proposed regulations. That sentence stated: "Further, a description of the numbers of individuals covered and not covered by a plan, listed by compensation range, does not constitute confidential compensation information." Section 301.6104 (a)–5 (b)(4) is intended to describe that information which constitutes confidential compensation information within the meaning of section 6104(a)(1)(c).

The following three sentences are contained in the House Report on ERISA, and relate to section 6104 in general and section 6104(a)(1)(C) in particular:

> However, under the bill information contained in these papers and documents from which the compensation of any participant (or other person) may be ascertained is not to be open to public inspection. (However, all other information in these documents is to be available to the public, including information such as the numbers of individuals covered and not covered in a plan, listed by compensation range.) These rules are to enable plan participants and beneficiaries to obtain the full information needed to enforce their plan rights, pursuant to the new rules established in the bill, and are also to protect the confidentiality of information regarding the financial status of specific individuals.

H.R. Rep. No. 93–807, 93rd Cong., 2d Sess. 162 (1974), 1974–3 (supp.) C.B. 397.

The above quote specifically states congressional intent that compensation ranges are not considered confidential compensation information within the meaning of section 6104(a)(1)(C), and are to be made available to the public under section 6104(a). The above quote additionally points out the Congressional intent in providing plan participants and beneficiaries with full information to enforce their plan rights. Compensation ranges are an important part of many plan applications and allow interested parties to better enforce their plan rights where appropriate. Accordingly, the final regulations retain the provision that compensation ranges do not constitute section 6104(a)(1)(C) material and are, therefore, available to the public to the extent otherwise provided in these regulations.

One comment on compensation ranges also objected to the retroactivity of § 301.6104 (a)–5 (b)(4). In addition to the actual language of section 6104(a)(1)(C), the above quoted legislative history put the public on notice that such information would be disclosed to the public. The public was also informed of the disclosure of compensation ranges in the 5300 series of applications completed and filed with the Internal Revenue Service. The instructions for Forms 5300, 5301, 5303 and 5307 specifically state that "the application is open to public inspection if there are more than 25 participants." Also, Forms 5302 and 5310A, which relate to the twenty-five highest paid participating employees, state in the upper right hand corner: "This form (Schedule) is NOT open to Public Inspection." The instructions to Form 5302 specifically refer to section 6104(a)(1)(C) as the source of the nondisclosure of the information included in Form 5302. The statement in the House Report, and the statement in the instructions to Forms 5300, 5301, 5303 and 5307 (in which compensation range information is required in certain circumstances), as well as the specific statement in Forms 5302 and 5310A that it, in contrast, is not open to public inspection gave adequate notice to the applicants that compensation ranges were to be disclosed. Thus, the applicable date of the proposed regulations remains unchanged in the final regulations.

One comment also claimed that compensation ranges may be trade secret information. After careful consideration, it was determined that compensation ranges, except under extraordinary circumstances, cannot be considered trade secret material. The trade secret section of the proposed regulations (section 301.6104(a)–5) is equally applicable to compensation ranges, and serves as a protection for an applicant's trade secret information.

Revocation Letters

One comment claimed there was an inconsistency between § 301.6104 (a)–1 (i)(2) and § 301.6104 (a)–3 (c)(4) regarding disclosure of letters from the Internal Revenue Service revoking favorable determination letters. The wording of sections 6104(a)(1)(A) and 6104(a)(1)(B) are distinct from each other regarding the scope of disclosure of letters issued by the Internal Revenue Service. These distinctions result in revocation letters regarding pension plans being disclosed (section 6104(a)(1)(B) and section 301.6104 (a)–3 (c)(4)) while similar material relating to tax-exempt organizations is not disclosed (section 6104(a)(1)(A) and § 301.6104 (a)–1 (i)(2)). Both provisions are retained as proposed.

Definition of "Issued By"

One comment objected to § 301.6104(a)–3(b) of the proposed regulations as unduly limiting the definition of documents "issued by" the Internal Revenue Service, within the meaning of section 6104(a)(1)(B)(iv). This definition has been retained since Congressional intent only extended to those letters or documents issued by the Internal Revenue Service to the applicant, or the applicant's representative.

Plan Participant

One comment objected to § 301.6104(a)–4(c) of the proposed regulations which provided that an administrator, executor, or trustee of the estate of a deceased plan participant automatically qualified as a plan participant for purposes of inspecting material relating to a plan with fewer than 26 participants. This section has been revised to include as plan participants, for purposes of inspecting material relating to a plan with fewer than 26 participants, only those administrators, executors, or trustees who are receiving benefits or are entitled to receive future benefits under the plan in their official capacity.

Trade Secrets

With regard to material identified in § 301.6104(a)–5, additions of specific time deadlines have been made for organizations to respond to a determination by the Commissioner that information which an organization sought to protect from disclosure will be disclosed.

Non-Applicability of Executive Order 12291

The Treasury Department has determined that this regulation is not subject to review under Executive Order 12291 or the Treasury and OMB implementation of the Order dated April 28, 1982.

Regulatory Flexibility Act

No general notice of proposed rulemaking is required by 5 U.S.C. 553(b) for interpretative regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no regulatory Flexibility Analysis is required for this rule.

Drafting Information

The principal author of this regulation is Paul G. Accettura of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department, participated in developing the regulations, both on matters of substance and style.

List of Subjects in 26 CFR Parts 301.6104(a)–1—301.6104(a)–6

Administrative practice and procedure, Disclosure.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR Part 301 is amended as follows:

PART 301—[AMENDED]

Paragraph 1. Section 301.6104–1 is removed, and the following new sections are added in its place:

§ 301.6104(a)–1 Public inspection of material relating to tax-exempt organizations.

(a) *Application for tax exemption and supporting documents.* If the Internal Revenue Service determines that an organization described in section 501 (c) or (d) is exempt from taxation for any taxable year, the application for tax exemption upon which the determination is based, together with any supporting documents, is open to public inspection. Some applications for tax exemption have been destroyed and therefore are not available for inspection. For purposes of determining the availability for public inspection, a claim for tax exemption filed to reestablish exempt status after denial thereof under the provisions of section 503 or 504 (as in effect on December 31, 1969), or under the corresponding provisions of any prior revenue law, is considered an application for tax exemption.

(b) *Letters or documents issued by the Internal Revenue Service with respect to an application for tax exemption.* If an application for tax exemption is filed with the Internal Revenue Service after October 31, 1976, and is open to public inspection under paragraph (a) of this section, then any letter or document issued to the applicant by the Internal Revenue Service which relates to the application is also open to public inspection. For rules relating to when a letter or document is issued, see § 301.6110–2(h). Letters or documents to which this paragraph applies include, but are not limited to—

(1) Favorable rulings and determination letters (see § 601.201(n)(1)) issued in response to applications for tax exemption,

(2) Technical advice memoranda (see § 601.201(n)(9)) issued with respect to an approved, or subsequently approved, application for tax exemption, and

(3) Letters issued in response to an application for tax exemption that propose a finding that the organization is not entitled to be exempt from tax, if the organization is subsequently determined, on the basis of the application, to be exempt from tax.

(c) *Requirement of exempt status.* An application for tax exemption, supporting documents, and letters or documents issued by the Internal Revenue Service that relate to the application will not be open to public inspection before the organization filing the application is determined, on the basis of the application, to be exempt from taxation for any taxable year. On the other hand, if the organization is determined to be exempt for any taxable year, the material will not be withheld from public inspection on the ground that the organization is determined not to be exempt for any other taxable year.

(d) *Documents included in the term "application for tax exemption".* For purposes of this section—

(1) *Prescribed application form.* If a form is prescribed for an organization's application for tax exemption, the application for tax exemption includes the form and all documents and statements the Internal Revenue Service requires to be filed with the form.

(2) *No prescribed application form.* If no form is prescribed for an organization's application for tax exemption, the application for tax exemption includes:

(i) The application letter and a copy of the articles of incorporation, declaration of trust, or other instrument of similar import that sets forth the permitted powers or activities of the organization,

(ii) The bylaws or other code of regulations,

(iii) The latest financial statement showing assets, liabilities, receipts and disbursements,

(iv) Statements showing the character of the organization, the purpose for which it was organized, and its actual activities,

(v) Statements showing sources of income and receipts and the disposition thereof, and whether or not any income or receipts is credited to surplus or may inure to the benefit of any private shareholder or individual, and

(vi) Any other statements or documents the Internal Revenue Service requires to be filed with the application lettter.

(3) *Prohibited transactions.* An application for tax exemption does not include a request for a ruling as to whether a proposed transaction is a prohibited transaction under section 503.

(e) *Supporting documents defined.* For purposes of this section, "supporting documents", as used with respect to an application for tax exemption, means any statement or document not described in paragraph (d) of this section that is submitted by an organization in support of its application. For example, a legal brief submitted in support of an application for tax exemption is a supporting document.

(f) *Statement of exempt status.* In addition to having the opportunity to inspect material relating to tax exempt organizations, a person may request a statement setting forth the following information:

(1) The subsection and paragraph of section 501 (or the corresponding provision of any prior revenue law) under which an organization has been determined, on the basis of an application open to public inspection, to qualify for exemption from taxation, and

(2) Whether the organization is currently held to be exempt.

The request for the statement must be made in the same manner as a request for inspection (see § 301.6104(a)-6).

(g) *Withholding of certain information from public inspection.* For rules relating to certain information contained in an application for tax exemption and related material which will be withheld from public inspection, see § 301.6104(a)-5(a).

(h) *Procedures for inspection.* For rules relating to procedures for public inspection of applications for tax exemption and related material, see § 301.6104(a)-6.

(i) *Material not open to public inspection under section 6104 or 6110.* Under section 6110 certain written determinations issued by the Internal Revenue Service are made available for public inspection. Section 6110 does not apply, however, to matters on which the determination of availability for public inspection is made under section 6104. Accordingly, § 301.6110-1(a) describes matters which, for purposes of section 6110, are considered within the ambit of section 6104. Some determination letters and other documents relating to tax exempt organizations that are not open to public inspection under section 6104(a)(1)(A) and this section are nevertheless within the ambit of section 6104 for purposes of section 6110. These determination letters and other documents are therefore not available for public inspection under either section 6104 or section 6110. They include but are not limited to—

(1) Unfavorable rulings or determination letters (see § 601.201(n)) issued in response to applications for tax exemption,

(2) Rulings or determination letters revoking or modifying a favorable determination letter (see § 601.201(n)(6)),

(3) Technical advice memoranda (see § 601.201(n)(9)) relating to a disapproved application for tax exemption or the revocation or modification of a favorable determination letter,

(4) Any letter or document filed with or issued by the Internal Revenue Service relating to whether a proposed or accomplished transaction is a prohibited transaction under section 503,

(5) Any letter or document filed with or issued by the Internal Revenue Service relating to an organization's status as an organization described in section 509 (a) or 4942(j)(3), unless the letter or document relates to the organization's application for tax exemption, and

(6) Any other letter or document filed with or issued by the Internal Revenue Service which, although it relates to an organization's tax exempt status as an organization described in section 501 (c) or (d), does not relate to that organization's application for tax exemption, within the meaning of paragraph (d).

§ 301.6104(a)-2 Public inspection of material relating to pension and other plans.

(a) *Material open to inspection.* Except as provided in § 301.6104(a)-4 with respect to plans having fewer than 26 participants, an application for a determination letter which is filed with the Internal Revenue Service after September 2, 1974, together with supporting documents filed by the applicant in support of the application, will be open to public inspection under section 6104(a)(1)(B) (i) and (ii). An application for a determination letter and supporting documents will be open to public inspection whether or not the application is withdrawn by the applicant, and whether or not the Internal Revenue Service determines that the plan, account, or annuity to which the application relates is qualified or that any related trust or custodial account is exempt from tax.

(b) *Documents included in the term "application for a determination letter".*—(1) *Employees' plans and individual retirement plans.* For purposes of this section, the term "application for a determination letter" includes the documents that an applicant files with respect to a request that the Internal Revenue Service determine the qualification of—

(i) A pension, profit-sharing, or stock bonus plan under section 401(a),

(ii) An annuity plan under section 403(a),

(iii) A bond purchase plan under section 405(a), or

(iv) An individual retirement account or annuity described in section 408 (a), (b) or (c).

(2) *Tax exempt trusts or custodial accounts.* The term "application for a determination letter" also includes the documents an applicant files with respect to a request that the Internal Revenue Service determine the exemption from tax under section 501(a) of an organization forming part of a plan or account described in subparagraph (1) of this paragraph, or a custodial account described in section 401(f).

(3) *Master, prototype and pattern plans.* the term "application for a determination letter" also includes documents which an applicant files with respect to a request for approval of a master, prototype, pattern or other such plan or account.

(4) *Prescribed forms and application letters.* With respect to an application for a determination letter described in this paragraph (b) for which an application form is prescribed, the application for a determination letter includes the form and all documents and statements required to be filed in connection with the form. With respect to an application for a determination letter for which no application form is prescribed, the application for a determination letter includes the application letter and all documents and statements the Internal Revenue Service requires to be submitted with the application letter.

(c) *Documents not constituting an "application for a determination letter".* The following are not applications for a determination letter for purposes of this section:

(1) An incomplete application that is returned without action for proper completion,

(2) An application that is returned without action to the applicant for failure to notify all interested parties in accordance with the regulations under section 7476 (relating to declaratory judgments), and

(3) A request for a ruling as to whether a proposed transaction is a prohibited transaction under section 4975.

(d) *Supporting documents.* "Supporting documents", as used with respect to an application for a determination letter which is open to public inspection under this section, means any statement or document submitted in support of the application which is not specifically required by the application form or the Internal Revenue Service. For example, a legal brief submitted in support of an application for a determination letter is a supporting document.

(e) *Applicant.* For purposes of this section, § 301.6104(a)-3 (relating to Internal Revenue Service letters and documents open to public inspection) and § 301.6104(a)-5 (relating to the withholding of certain information from public inspection), an "applicant" includes, but is not limited to, an employer, plan administrator (as defined in section 414(g)), labor union, bank, or insurance company that files an application for a determination letter.

§ 301.6104(a)-3 Public inspection of Internal Revenue Service letters and documents relating to pension and other plans.

(a) *In general.* Except as provided in § 301.6104(a)-4 with respect to plans having fewer than 26 participants, a letter or other document issued by the Internal Revenue Service after September 2, 1974, is open to public inspection under section 6104(a)(1)(B)(iv) and this section, if it is issued with respect to—

(1) The qualification of a pension, profit-sharing or stock bonus plan under section 401(a), an annuity plan under section 403(a), a bond purchase plan under section 405(a), or an individual retirement account or annuity described in section 408 (a), (b) or (c),

(2) The exemption from tax under section 501(a) of an organization forming part of such a plan or account, or a custodial account described in section 401(f), or

(3) The approval of a master, prototype, pattern or other such plan or account.

(b) *Scope.* Internal Revenue Service letters and documents open to public inspection under section 6104(a)(1)(B)(iv) and this section are not limited to those issued in response to an application for a determination letter described in § 301.6104(a)–2. They are, however, limited to those issued by the Internal Revenue Service to the person or organization which either did or could file an application for a determination letter for the plan, account or annuity to which the letter or document relates. If such a person or organization designates a representative having a power of attorney, however, then the letter or document will be open to inspection if issued to the representative. For rules relating to when a letter or document is issued, see § 301.6110–2(h). Internal Revenue Service letters and documents are open to public inspection under section 6104(a)(1)(B)(iv) and this section whether or not the Internal Revenue Service determines that the plan, account or annuity to which the letter or document relates is qualified or that any related trust or custodial account is exempt from tax.

(c) *Letters and documents open to public inspection.* Internal Revenue Service letters and documents open to public inspection under section 6104(a)(1)(B)(iv) and this section include, but are not limited to:

(1) Determination letters relating to the qualification of a plan, account or annuity described in paragraph (a)(1) of this section (see § 601.201 (o)),

(2) Technical advice memoranda (see § 601.201(a)(9)) relating to the issuance of such determination letters,

(3) Technical advice memoranda relating to the continuing qualification of a plan, account or annuity previously determined to be qualified, or to the qualification of a plan, account or annuity for which no determination letter has been issued,

(4) Letters or documents revoking or modifying any prior favorable determination letter or denying the qualification of a plan, account or annuity for which no determination letter has been issued,

(5) Determination letters relating to the exemption from tax of a trust or custodial account described in paragraph (a)(2) of this section (see § 601.201 (o)(2)(i)(*b*)), or

(6) Opinion letters relating to the acceptability of the form of any master, prototype or other such plan or account (see § 601.201 (p) and (q)) or notification letters issued with respect to pattern plans.

(d) *Extent letter or document open to public inspection.* A letter or document issued by the Internal Revenue Service is open to public inspection under section 6104(a)(1)(B)(iv) and this section only to the extent it relates directly to the qualification of a plan, account or annuity, the exemption from tax of a related organization or custodial account, or the approval of a master, prototype, pattern or other such plan. Any part of the letter or document which does not directly relate to such a qualification, exemption or approval is not open to public inspection. For example, a letter to an employer which concludes that an employee's plan is not qualified and the related trust is not tax exempt will be open to public inspection. However, that same letter may also assert an income tax deficiency because employer contributions to the trust are, therefore, not deductible. In such a case, that part of the letter relating to the tax deficiency will be deleted before the letter is opened to public inspection.

(e) *Letters or documents issued with respect to tax return examination.* In the case of an examination of a taxpayer's return or consideration of a taxpayer's claim for credit or refund, no letter or document issued to the taxpayer before the preliminary or "30-day" letter described in § 601.105(d)(1) is issued to the taxpayer will be open to public inspection under section 6104(a)(1)(B)(iv) and this section. The "30-day" letter and any statutory notice of deficiency subsequently issued to the taxpayer under section 6212 will be open to public inspection to the extent provided in paragraph (d) of this section. If any letter or document other than a statutory notice of deficiency is issued to the taxpayer after the "30-day" letter is issued, such letter or document will be open to inspection to the extent provided in paragraph (d) of this section only if it finally resolves or otherwise disposes of a plan qualification or tax exemption issue raised in the "30-day" letter.

(f) *Letters or documents issued after September 2, 1974.* Section 6104(a)(1)(B)(iv) and this section apply to letters or documents issued by the Internal Revenue Service after September 2, 1974, even though the relevant application for a determination letter or other initiating correspondence from the applicant was filed with the Internal Revenue Service before September 2, 1974.

§ 301.6104(a)–4 Requirement for 26 or more plan participants.

(a) *Inspection by plan participants.* In the case of a plan, annuity or account described in § 301.6104(a)–2(b) and § 301.6104(a)–3(a) that has fewer than 26 participants, material described in §§ 301.6104(a)–2 and 301.6104(a)–3 as open to public inspection is only open to inspection by a plan participant or the participant's authorized representative. This limitation does not apply, however, with respect to documents which an applicant files with respect to a request for approval of a master, prototype, pattern or other such plan (see § 301.6104 (a)–2 (b)(3)) or to opinion, notification or other such letters issued by the Internal Revenue Service with respect to such plans (see § 301.6104 (a)–3 (a)(3)).

(b) *Determining number of plan participants.*—(1) *In general.* For purposes of determining whether a plan has fewer than 26 participants, the number of plan participants will be the number indicated on the most recent annual return filed for the plan under section 6058. Where an annual return indicates the number of participants both at the beginning and end of the plan year, the number indicated on the return means the number at the end of the plan year. If no annual return has been filed for the plan, then the number of plan participants will be the number indicated on the most recent application for a determination letter filed for the plan. If, however, the number of plan participants is increased prior to final Internal Revenue Service action on the application, the number of plan participants will be that increased number.

(2) *Decreasing number of plan participants.* If a plan having 26 or more participants, as indicated on an annual return or application for a determination letter, subsequently files an annual return indicating fewer than 26 plan participants, then material relating to the plan which is issued or received by the Internal Revenue Service after the date the annual return is filed will be

open to inspection only by plan participants or their authorized representatives. Similarly, if a plan having 26 or more participants as indicated on an annual return or an application for a determination letter, subsequently files an application for a determination letter which indicates fewer than 26 plan participants, then that application and related material, as well as any other material relating to the plan which is received or issued by the Internal Revenue Service after the date of receipt of that application, will be open to inspection only by plan participants or their authorized representatives. In either case, material open to public inspection pursuant to the number of plan participants indicated on previous annual returns or applications for a determination letter will remain open to public inspection.

(3) *Increasing number of plan participants.* If a plan having fewer than 26 plan participants, as indicated on an annual return or application for a determination letter, files a subsequent return or application indicating 26 or more plan participants, all the plan's prior applications and other material received or issued by the Internal Revenue Service after September 2, 1974, will be open to public inspection regardless of the number of plan participants indicated on any prior return or application.

(c) *Plan participant.* Solely for purposes of determining who is a plan participant permitted to inspect material relating to a plan having fewer that 26 participants, the term "plan participant" includes, but is not limited to, former employees (such as certain retired and terminated employees) who have a nonforfeitable right to benefits under the plan. An individual who is merely a beneficiary of an employee or former employee is not a plan participant, unless the individual is a beneficiary of a deceased former employee and is receiving benefits or entitled to receive future benefits under the plan. The term "plan participant" also includes the administrator, executor, or trustee of the estate of a deceased plan participant if such administrator, executor, or trustee is receiving benefits or entitled to receive future benefits under the plan in his or her official capacity. That material may be available for inspection to an individual under this paragraph does not constitute a determination by the Internal Revenue Service that the individual is a plan participant for any purpose other than inspection under section 6104(a)(1)(B).

(d) *Authorized representative.* "Authorized representative" means the representative of a plan participant designated by the participant in writing to inspect material described in §§ 301.6104(a)-2 and 301.6104(a)-3. The document designating the authorized representative must be signed by the plan participant and must specify that the representative is authorized to inspect the material. The document, or a copy, must be filed with the office of the Internal Revenue Service in which the authorized representative is to inspect the material. A copy which is reproduced by a photographic process need not be certified as a true and correct copy of the original.

§ 301.6104(a)-5 Withholding of certain information from public inspection.

(a) *Tax exempt organizations.*—(1) *Trade secrets, patents, processes, styles of work, or apparatus.* An organization whose application for tax exemption is open to public inspection under section 6104(a)(1)(A) and § 301.6104(a)-1 may in writing request the withholding of information contained in the application or supporting documents which relates to any trade secret, patent, process, style of work, or apparatus of the organization. The information will be withheld from public inspection if the Commissioner determines that the disclosure of such information would adversely affect the organization. Requests for withholding information from public inspection should be filed with the office with which the organization files the documents containing the information. The request must clearly identify the material desired to be withheld (the document, page, paragraph, and line) and must state why the information should not be open to public inspection. The organization will be notified of the Commissioner's determination as to whether the information will be withheld from public inspection. If the Commissioner determines that the information will be disclosed, the organization will be given 15 days after notification of the Commissioner's decision to contest that decision before the document is disclosed.

(2) *National defense material.* The Internal Revenue Service will withhold from public inspection any information which is submitted by an organization whose application for tax exemption is open to inspection under section 6104(a)(1)(A) and § 301.6104(a)-1, if the Commissioner determines that public disclosure would adversely affect the national defense.

(b) *Pension and other plans.*—(1) *Applicant's exclusion of certain information.* Except as provided in subparagraph (2) of this paragraph, information that, in the opinion of the applicant, is of the type described in section 6104 (a) (1) (C) or (D) should not be included in an application for a determination letter, supporting documents, or any other document open to inspection under section 6104(a)(1)(B). Accordingly, an applicant should not include in an application for a determination letter or supporting documents confidential compensation information as described in subparagraph (4) of this paragraph. Neither should an applicant include information relating to any trade secret, patent, process, style of work or apparatus, the disclosure of which would be adverse to the applicant.

(2) *Exception for separate document.* The rule that an applicant should exclude from an application for a determination letter of other documents information of the type in section 6104(a)(1) (C) or (D) does not apply—

(i) In the case of the separate schedule to certain applications for a determination letter which is provided for the purpose of setting forth confidential compensation information (as described in subparagraph (4) of this paragraph) which must be submitted by the applicant.

(ii) If the applicant determines that it is impossible to provide the Internal Revenue Service with sufficient information to support an application for a determination letter without submitting what is believed to be information of the type described in section 6104(a)(1) (C) or (D), or

(iii) If the Internal Revenue Service requests that the applicant submit information of the type described in section 6104(a)(1) (C) and (D).

In a case described in subdivision (ii) or (iii) of this subparagraph, the applicant is to set forth the information in a document separate from the remainder of the application for a determination letter or other documents. The separate document is to state why the information is to be witheld from public inspection under section 6104(a)(1) (C) or (D). If the Internal Revenue Service has not requested the information, the separate document is to also state why it is impossible to provide the Internal Revenue Service sufficient information to support the application for a determination letter without including information which is to be withheld. The separate document should clearly identify the relevant portion of the application for a determination letter or other document (the document, page, paragraph, and line) to which the information set forth in the separate document relates. The Internal Revenue

Service will withhold from public inspection (including inspection by a plan participant or authorized representative) information contained in the separate document if the Commissioner determines that the information is in fact information of the type described in section 6104(a)(1) (C) or (D), and, in the case of information relating to any trade secret, patent, process, style of work or apparatus, the Commissioner further determines that disclosure would be adverse to the applicant. If the Commissioner determines that the information will be disclosed, the organization will be given 15 days after notification of the Commissioner's decision to contest the decision before the document is disclosed.

(3) *National defense material.* The Internal Revenue Service will withhold from public inspection (including inspection by a plan participant or authorized representative) any information which is included in an application for a determination letter or supporting documents if the Commissioner determines that public disclosure would adversely affect the national defense. The information will be withheld whether or not submitted on a separate document pursuant to subparagraph (2) of this paragraph.

(4) *Confidential compensation information.* If an application for a determination letter, supporting document, or related letter or document referred to in section 6104(a)(1)(B) and §§ 301.6104(a)–2 and 301.6104(a)–3 contains information (including aggregate figures) from which an individual's compensation (including deferred compensation) may be ascertained, that information is not open to public inspection (including inspection by a plan participant or authorized representative). Confidential compensation information includes the amount of benefit a specific plan participant may expect to receive at normal or early retirement age and the amount of the employer's contributions under the plan that may be allocated to a specific plan participant. However, so long as a plan has more than one participant, the amount of benefit provided under the plan to plan participants, in general, at normal or early retirement age, or the amount of the employer's contributions under the plan that are allocable to plan participants, in general, does not constitute confidential compensation information. Further, a description of the numbers of individuals covered and not covered by a plan, listed by compensation range, does not constitute confidential compensation information.

§ 301.6104(a)–6 Procedural rules for inspection.

(a) *Place of inspection; tax exempt organizations and pension and other plans.* Material relating either to tax exempt organizations or to pension and other plans that is open to public inspection under section 6104(a)(1) and § 301.6104(a)–1 through § 301.6104(a)–3 will be made available for inspection at the Freedom of Information Reading Room, National Office, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, and in the office of any district director of internal revenue.

(b) *Request for inspection.*—(1) *Tax exempt organizations and pension and other plans; public inspection.* Material relating to either tax exempt organizations or pension and other plans that is open to public inspection under section 6104(a)(1) and §§ 301.6104(a)–1 through § 301.6104(a)–3 will be available for inspection only upon request. If inspection at the National Office is desired, a request should be made in writing to the Commissioner of Internal Revenue, Attention: Freedom of Information Reading Room, 1111 Constitution Avenue, NW., Washington, D.C. 20224. Requests for inspection in the office of a district director should be made in writing to the district director's office. The request must describe the material to be inspected in reasonably sufficient detail so that Internal Revenue Service personnel can locate the material. If a tax-exempt organization has more than one application for tax exemption open to public inspection, or if a pension or other plan has more than one application for a determination letter open to public inspection, only the most recent application and related material will be made available for inspection unless the request states otherwise. Further, in the case of a pension or other plan, only Internal Revenue Service documents issued or delivered after the date of the filing of the most recent application for a determination letter will be made available for inspection, unless the request states otherwise.

(2) *Pension and other plans; inspection by plan participant or authorized representative.* As described in § 301.6104(a)–4, material relating to plans having fewer than 26 participants is only open to inspection by a plan participant or authorized representative. In the case of such a plan, the rules described in subparagraph (1) of this paragraph apply. The request for inspection must include satisfactory evidence that the person requesting inspection is a plan participant (see § 301.6104(a)–4(c)) or an authorized representative of such a plan participant within the meaning of § 301.6104(a)–4(d).

(c) *Time and extent of inspection.* A person requesting inspection will be notified when the material will be made available for inspection. The material will be made available for inspection at times that will not interfere with its use by the Internal Revenue Service or exclude other persons from inspecting it. In addition, the Commissioner or district director may limit the number of applications for tax exemption, applications for a determination letter, supporting documents, or letters and documents issued by the Internal Revenue Service that will be made available to any person for inspection on a given date. Inspection will be allowed only in the presence of an Internal Revenue Service employee and only during regular business hours.

(d) *Copies.* Notes may be taken of the material open for inspection. Copies may be made manually or, if a person provides the equipment, photographically at the place of inspection. Photographic copying is subject to reasonable supervision with regard to the facilities and equipment used. A fee will be charged for copies of the material furnished by the Internal Revenue Service. Copies will be certified upon request.

§§ 301.6104–2, 301.6104–3 and 301.6104–4 [Redesignated as §§ 301.6104(b)–1, 301.6104(c)–1, 301.6104(d)–1]

Par. 2 Sections 301.6104–2, 301.6104–3 and 301.6104–4 are redesignated §§ 301.6104(b)–1, 301.6104(c)–1 and 301.6104(d)–1, respectively.

This Treasury Decision is issued under the authority contained in sections 6104(a)(1)(A), 6104(a)(1)(B), and 7805 of the Internal Revenue Code of 1954 (72 Stat. 1660, 88 Stat. 940, 68A Stat 917; 26 U.S.C. 6104(a)(1)(A), 6104(a)(1)(B), 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: September 14, 1982.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 82–30527 Filed 11–5–82; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD CR-22-82]

Establishment of Special Local Regulations for the "NJBA Nationals" on the Colorado River

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulated area on the Colorado River at approximate river mile 179½ on 5, 6 and 7 November 1982. This action is required to permit the conducting of an approved marine event. It is intended to restrict vessel navigation in the regulated area for the safety of the spectators and participants in the event.

EFFECTIVE DATE: This regulation is effective 5, 6 and 7 November 1982.

FOR FURTHER INFORMATION CONTACT: Lt. N. M. Turner, Commander(bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2213.

SUPPLEMENTARY INFORMATION: The details concerning this year's event were not known in time to publish a proposed rule before the event. Therefore, this regulation is published as a final rule and will become effective in less than 30 days.

Drafting Information

The principal individuals involved in drafting this rule are Lt. Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and Lt. Catherine M. Kelly, Project Attorney, Legal Office, Eleventh Coast Guard District.

Special Local Regulation

Discussion

The National Jet Boat Association's "NJBA Nationals" will be conducted beginning 5, 6 and 7 November 1982, starting from river mile 179½, thence southerly along the natural flow of the river to Headgate Rock Dam and return. This event will have 200 inboard ski boats 18–20 feet in length that could pose hazards to navigation, along the race route. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Procedure

This regulation has been promulgated as an emergency Final Rule without any prior announcement of Notice of Proposed Rulemaking since this is a well-known annual event and has received wide advertisement in anticipation of its occurrence. Also, the event is scheduled to occur in less than 30 days. Therefore, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, and opportunity for public participation are considered unnecessary. Nevertheless, interested persons wishing to comment may do so by submitting written comments to the office listed under **"FOR FURTHER INFORMATION CONTACT"** in this preamble. Commenters should include their names and addresses, identify the docket number for the rulemaking, and give reasons for their comments. Based upon comments received, the regulation may be changed.

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels. Also, the regulated area will be in effect for a limited time. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted, since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 USC 605 (b)), it is certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life in the area during the event.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Final Regulations: In consideration of the foregoing, Part 100 of Title 33 Code of Federal Regulations is amended by adding the following section:

§ 100.35–CR22 Colorado River/NJBA Nationals.

(a) The following controlled traffic area will be closed intermittently to all vessel traffic from 7:00 a.m. to 7:00 p.m. each day on 5, 6 and 7 November 1982: The Colorado River commencing approximately at river mile 179½, thence southerly along the natural flow of the river to Headgate Rock Dam.

(b) No person or vessel may enter or remain in the regulated area unless participating in the event or authorized by the sponsor of the event to do so.

(c) Procedures for transiting the race course:

(1) The regulated area will be opened every hour on the hour or after each heat or race for a minimum of ten (10) minutes for the safe transit of nonparticipant watercraft.

(d) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1), 33 CFR 100.35; 49 CFR 1.46(b))

John Dirschel,

Captain, U.S. Coast Guard, Commander, Eleventh Coast Guard District, Acting.

[FR Doc. 81–30531 Filed 11–5–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Part 100

[CGD 11–04–82]

Establishment of Special Local Regulations for the "12th Los Angeles to Mazatlan Invitational Yacht Race"

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulated area outside the San Pedro Breakwater near Los Angeles Light on November 6, 1982. This action is required to permit the conducting of an approved marine event. It is intended to restrict vessel navigation in the regulated area for the safety of the spectators and participants in the event.

EFFECTIVE DATE: This regulation is effective November 6, 1982.

FOR FURTHER INFORMATION CONTACT: Lt. N. M. Turner, Commander (bpa), Eleventh Coast Guard District, 400 Oceangate, Long Beach, California 90822, (213) 590–2213.

SUPPLEMENTARY INFORMATION: The details concerning this year's event were not known in time to publish a proposed rule before the event. Therefore, this regulation is published as a final rule and will become effective in less than 30 days.

Drafting Information

The principal individuals involved in drafting this rule are Lt. Noris M. Turner, Chief, Boating and Public Affairs Branch, Eleventh Coast Guard District, and Lt. Catherine M. Kelly, Project

Attorney, Legal Office, Eleventh Coast Guard District.

Discussion

The Los Angeles Yacht Club's "12th Los Angeles to Mazatlan Invitational Yacht Race" will be conducted beginning November 6, 1982 from a starting line outside the Los Angeles Harbor breakwater. This event will have 32 racing yachts under sail 30–80 feet in length that could pose hazards to navigation, particularly in the immediate area of the starting line. Vessels desiring to transit the regulated area may do so only with clearance from a patrolling law enforcement vessel or an event committee boat.

Procedure

This regulation has been promulgated as an emergency Final Rule without any prior announcement of Notice of Proposed Rulemaking since this is a well-known biennial event and has received wide advertisement and news media attention in past years, as well as this year, in anticipation of its occurrence. Also, the event is scheduled to occur in less than 30 days. Therefore, the provisions of the Administrative Procedure Act (5 U.S.C 553) requiring notice of proposed rulemaking, and opportunity for public participation are considered unnecessary. Nevertheless, interested persons wishing to comment may do so by submitting written comments to the office listed under "**FOR FURTHER INFORMATION CONTACT**" in this preamble. Commenters should include their names and addresses, identify the docket number for the rulemaking, and give reasons for their comments. Based upon comments received, the regulation may be changed.

Evaluation

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the regulated area will be open for the passage of commercial vessels and can be opened periodically to recreational vessels.

Also, the regulated area will be in effect for a limited time. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of 5–22–80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 USC 605(b)), it is certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to insure the protection of life in the area during the event.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Final Regulations

In consideration of the foregoing, Part 100 of Title 33 Code of Federal Regulations, is amended by adding the following section:

§ 100.35–1104 Port of Los Angeles/Los Angeles to Mazatlan Yacht Race.

(a) The following regulated area will be closed intermittently to all vessel traffic from 11:00 AM to 1:30 PM on November 6, 1982: That portion of the Pacific Ocean south and west of the San Pedro Breakwater bounded by straight lines between and the following coordinates on chart 18751:

33°41′38″N	118°17′12″W
33°40′51″N	118°17′12″W
33°42′14″N	118°15′00″W
33°40′51″N	118°15′00″W

(b) No vessels, other than participants, U.S. Coast Guard operated and employed small craft, public vessels, state and local law enforcement agencies and the sponsor's vessels shall enter the regulated area during above hours unless cleared for such entry by or through a patrolling law enforcement vessel, or an event committee boat.

(c) When hailed by Coast Guard or Coast Guard Auxiliary vessels patrolling the race area, a vessel shall come to an immediate stop. Vessels shall comply with all directions of the designated Coast Guard Regatta Patrol.

(d) These regulations are temporary in nature and shall cease to be in effect or further enforced at the end of the period set forth.

(46 U.S.C. 454; 49 U.S.C. 1655(b)(1); 33 CFR 100.35; 49 CFR 1.46(b)):

John Dirschel,

Captain, U.S. Coast Guard, Commander, Eleventh Coast Guard District Acting.

[FR Doc. 82–30532 Filed 11–5–82; 8:45 am]

BILLING CODE 4910–14–M

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33 CFR Parts 100, 165

[CGD 82–104]

Temporary Safety and Security Zones; Establishment

AGENCY: Coast Guard, DOT.

ACTION: Notice of Temporary Rules Issued.

SUMMARY: This document gives notice of temporary safety and security zones. Periodically the Coast Guard must issue safety and security zones for limited periods to time in limited areas. These zones are established, for example, around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area.

DATES: The following list includes zones that were established between June 11, 1982 and October 16, 1982 and have since been terminated.

ADDRESS: The complete text of any of these temporary zones may be examined at, and is available on request from Executive Secretary, Marine Safety Council (G–CMC), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: LTJG Dave Schoorens at (202) 426–1477.

SUPPLEMENTARY INFORMATION: The local COTP must be immediately responsive to the safety needs of the waters within his jurisdiction; therefore, he has been delegated the authority to issue these zones. Since these events usually take place without advance notice, timely publication of notice in the **Federal Register** is often precluded. However, the affected public is informed by means of local notice to mariners, press releases, and other means. Moreover, actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity. Because most mariners are notified by the local notice to mariners and Coast Guard Officials on scene, **Federal Register** notice is not required to place the security zone or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, Coast Guard publishes a periodic list of temporary security and safety zones which have been established throughout the United States. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking. Temporary zones are also published in their entirety if sufficient time is available to do so before they are placed in effect or terminated.

Non-major safety zones and security zones have been exempted from review under E.O. 12291 because of their emergency nature and temporary effectiveness.

These temporary safety and security zones were established and terminated between June 11, 1982 and October 16, 1982 and are listed as follows:

Docket No.	Location	Type	Date
1. CGD 02-82-04	Mississippi River, Mississippi	Safety Zone	07-12-82
2. CGD 03-82-21R	New York Harbor-Hudson River, New York	do	07-29-82
3. CGD 03-82-22R	New London Harbor, Connecticut	do	07-10-82
4. CGD 03-82-25R	New York Harbor, New York	do	[illegible]-19-82
5. CGD 03-82-26	Toms River, New Jersey	do	[illegible]
6. CGD 03-82-28R	New London Harbor, Connecticut	Security Zone	[illegible]-19-82
7. CGD 03-82-29R	Upper New York Harbor, New York	Safety Zone	[illegible]-30-82
8. CGD 05-82-13R	Chesapeake Bay, Hampton Roads, Elizabeth River, Norfolk Virginia	do	06-11-82
9. CGD 05-82-15R	Chesapeake Bay, Baltimore Harbor, Baltimore, Maryland	do	07-04-82
10. CGD 05-82-17R	Chesapeake Bay, Hampton Roads, Elizabeth River, Norfolk, Virginia	do	07-24-82
11. CGD 05-82-18R	Chesapeake Bay, Hampton Roads, Elizabeth River, Norfolk, Virginia	do	07-28-82
12. CGD 05-82-19R	Chesapeake Bay, Hampton Roads, James River, Newport News, Virginia	do	[illegible]-02-82
13. CGD 05-82-20R	Chesapeake River, Baltimore Harbor, Baltimore, Maryland, Norfolk, Virginia	do	[illegible]-07-82
14. CGD 05-82-21R	Chesapeake River, Hampton Roads, Elizabeth River, Norfolk, Virginia	do	[illegible]-16-82
15. CGD 05-82-22R	Chesapeake River, Severn River, Annapolis, Maryland,	do	[illegible]-13-82
16. CGD 05-82-23R	Chesapeake River, Baltimore Harbor, Baltimore, Maryland	do	[illegible]-12-82
17. CGD 05-82-24R	Chesapeake Bay, Hampton Roads, James River, Newport News, Virginia	do	10-16-82
18. CGD 05-82-25R	Chesapeake Bay, Hampton Roads, Elizabeth River, Norfolk, Virginia	do	10-15-82
19. CGD 08-82-14	Vicinity of Matagorda Island, Texas,	do	[illegible]-09-82
20. CGD 09-82-09	Detroit River, Michigan	do	[illegible]-22-82
21. CGD 09-82-10	Lake Erie, Michigan	do	[illegible]-05-82
22. CGD 09-82-14	Detroit River, Michigan	do	06-30-82
23. CGD 09-82-22	Chicago Harbor, Illinois	do	07-23-82
24. CGD 13-82-02	Seattle, Washington	do	[illegible]

Bruce P. Novak,

Acting Executive Secretary, Marine Safety Council.

[FR Doc. 82-30357 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-14-M

Environmental Protection Agency

40 CFR Part 120

[WH-FRL 2242-1]

Water Quality Standards; State of Ohio; Withdrawal of Regulation; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to a rulemaking.

SUMMARY: On July 7, 1982, EPA published a rule in the **Federal Register** by which the Agency intended to withdraw all of the water quality standards previously promulgated for Ohio (47 FR 29541). However, that promulgation inadvertently limited the withdrawal to 40 CFR 120.45(a)–(g). The withdrawal should have been for 40 CFR 120.45(a)–(h). Therefore, the Rule should read as follows.

FOR FURTHER INFORMATION CONTACT: Mr. David K. Sabock, Environmental Protection Agency, Criteria and Standards Division (WH-585), 401 M Street SW., Washington, DC 20460, (202) 245-3042.

PART 120—WATER QUALITY STANDARDS

§ 120.45 Ohio [Amended]

Section 120.45 paragraphs (a)–(h), of Part 120, Chapter 1, Title 40 of the Code of Federal Regulations are removed and reserved.

(Sec. 303 of the Clean Water Act, as amended (Pub. L. 92-500 (33 U.S.C. 1313))

Dated: November 1, 1982.

Frederic A. Eidness, Jr.,

Assistant Administrator for Water.

[FR Doc. 82-30623 Filed 11-5-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Community Services

41 CFR Ch. 22

Community Services Administration Contract Regulations; Removal of Former Community Services Administration Contract Regulations

AGENCY: Office of Community Services, HHS.

ACTION: Final rule.

SUMMARY: The Office of Community Services (OCS) is removing the former Community Services Administration (CSA) contract regulations. As CSA was abolished effective October 1, 1981, and as performance under all former CSA contracts is completed, there is no further need for these regulations. The removal of these regulations eliminates obsolete material, leaving any closeout of CSA contracts to be governed by the Federal Procurement Regulations, 41 CFR, Chapter 1.

EFFECTIVE DATE: November 8, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Meyer, Office of Community Services, Department of Health and Human Services, 1200 19th Street NW., Washington, D.C. 20506; telephone 202-653-9233.

SUPPLEMENTARY INFORMATION: As this issuance merely removes an obsolete Chapter, public notice and comment procedures would be impracticable, unnecessary, and contrary to the public interest. For the same reasons, this issuance is effective immediately rather than thirty days after publication. This rule does not have any appreciable effect on the national economy, so it is not subject to the provisions of Executive Order 12291 requiring preparation of a regulatory impact analysis for regulations with an impact of $100 million or more on the national economy. Neither do the provisions of the Regulatory Flexibility Act of 1980 (5 U.S.C. Ch. 6) apply to this rule, since it has no significant impact on a substantial number of small entities. Accordingly the Secretary hereby certifies that a regulatory flexibility analysis is not required.

(Sec. 682(e), Pub. L. 97-35, 95 Stat. 519 (42 U.S.C. 9911); Statement of Organization, Functions and Delegations of Authority, Office of Community Services, 46 FR 49211)

CHAPTER 22—[REMOVED]

For the reasons set forth in the preamble Title 41 of the Code of Federal Regulations is amended by removing Chapter 22.

Dated: September 27, 1982.

Harvey R. Vieth,

Director, Office of Community Services.

Dated: October 14, 1982.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 82-30520 Filed 11-5-82 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

49 CFR Parts 450, 451, 452 and 453

[CGD 82-086]

Requirements for Safety Approval of Cargo Containers

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: These regulations amend certain requirements of the Safety Approval of Cargo Container regulations. In addition to certain administrative changes, this final rule makes the following amendments to the existing regulations: [1] It changes the date by which container owners must have new containers, that were not approved at the time of manufacture, and existing containers examined and fitted with a safety plate. [2] It modifies the schedule for subsequent examination of containers. [3] It provides a transition period for the marking of the date of re-examination of new and existing containers. These changes are being made to implement amendments to the International Safe Container Act and the International Convention for Safe Containers. These changes will give container owners a reasonable transition period to enable them to have their existing containers examined and safety plated. These regulations do not extend the date by which they must have their existing containers approved.

EFFECTIVE DATE: These regulations are effective September 8, 1982.

FOR FURTHER INFORMATION CONTACT: Lt. Jeffrey G. Lantz, Merchant Vessel Inspection Division (G-MVI-5), Room 2407, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street SW, Washington, DC 20593, 202-426-4431.

SUPPLEMENTARY INFORMATION: On June 2, 1980, the U.S. Coast Guard published a Final Rule, Safety Approval of Cargo Containers, Docket CGD 79-027 (45 FR 37212), that amended the existing procedure for approval of freight containers subject to the requirements of the International Convention for Safe Containers (CSC), 1972. The CSC came into force on September 6, 1977 and was ratified by the United States on January 3, 1978. On November 15, 1979 the International Maritime Organization (IMO), formerly known as the Inter-Governmental Maritime Consultative Organization (IMCO), adopted Resolution A.436(XI), Harmonized Interpretation and Implementation of the International Convention for Safe Containers, which was also incorporated into the June 2 Final Rule. On April 2, 1981 IMO adopted amendments to the CSC to: (1) Allow container owners until January 1, 1985 to have their existing containers examined and affixed with a safety plate; (2) Treat new containers not approved at the time of construction as existing containers and not require them to be examined and safety plated until January 1, 1985; and (3) Provide a transition period until January 1, 1987 to have containers marked with the date of the next examination. These amendments entered into force December 1, 1981. Additionally, the Maritime Safety Committee, during its 44th session in April 1981, adopted the Revised and Consolidated Recommendation on Harmonized Interpretation and Implementation of the International Convention for Safe Containers to be consistent with the adopted amendments to the CSC. On September 8, 1982 Pub. L. 97-249 amended the International Safe Container Act (46 U.S.C. 1501) to incorporate the January 1, 1985 date as the deadline for having existing containers examined and fitted with a safety plate.

Notice of Proposed Rulemaking

Since these amendments consist only of changes to compliance dates to conform to amended statutes and international conventions to which the United States is a party, editorial additions, and organizational changes within the Coast Guard, notice and opportunity for comment has been determined to be impracticable and unnecessary. Therefore, under the provisions of 52 U.S.C. 553 these amendments are being issued as a final rule without prior publication of a notice of proposed rulemaking.

Drafting Information

The principal drafters of this document are Lt. Jeffrey G. Lantz, Project Officer, Office of Merchant Marine Safety and Michael N. Mervin, Office of Chief Counsel.

Discussion of Changes

When written in 1972, the CSC allowed the owners of existing containers five years after the date of entry into force of the Convention to have their existing containers approved, examined and affixed with a safety plate. This five year period was considered sufficient time for the envisioned fleet of existing containers. The CSC entered into force on September 6, 1977 which set this date at September 6, 1982. Several large container owning nations including the United States did not ratify the CSC until after it entered into force (the United States ratified the CSC on January 3, 1978 and by the terms of the Convention, it did not come into force in the United States until January 3, 1979). By this time, the fleet of existing containers had grown to approximately 2½ times that which had been envisioned when the Convention was drafted in 1972. On January 6, 1981 IMO released the results of a survey conducted to determine the progress of compliance with the CSC for existing containers and new containers not approved at the time of construction. The survey, which included responses from the U.S. and most of the other major countries owning containers, showed that of approximately 850,000 existing containers, 80% had been approved but only 12% had been examined and plated. For approximately 55,000 new containers not approved at the time of construction, 92% had been approved, examined and plated. Recognizing the need to allow container owners a longer transition period to have their existing containers examined and plated, the following actions were taken:

(1) IMO amended Annex I of the CSC to extend the date from September 6, 1982 to January 1, 1985 by which container owners must examine and safety plate their existing containers. The date by which owners must obtain approval of their existing containers remains September 6, 1982. On September 8, 1982 the International Safe Container Act (46 U.S.C. 1501) was amended by Pub. L. 97-249 to incorporate this change to the CSC. Accordingly § 452.1(a) and § 453.1(a) are being amended to incorporate this change to the law.

(2) IMO added Regulation 10 to Annex I of the CSC. This regulation, which supersedes paragraph 3.6 of Resolution A.436(XI), specifies the approval procedure for new containers that were not approved at the time of construction and establishes January 1, 1985 as the date by which they must be examined and safety plated. When issued on June 2, 1980 the regulations in §451.14(a) implemented the provisions of

paragraph 3.6 of Resolution A.436(XI) regarding the treatment of new containers built before June 16, 1978 which were not approved at the time of construction. It specified the approval procedure for these containers would be the same as for existing containers and the June 16, 1978 date was chosen as the cut off point because that was the date on which the first listing of the Coast Guard's delegated approval authorities was published in the **Federal Register.** It also specified that these containers must be examined and fitted with a safety plate within 5 years of the date of manufacture. In view of the IMO action, § 451.14(a) is being amended to allow new containers, as described above, to have safety plates affixed and receive their first examination by January 1, 1985 rather than 5 years after the date of manufacture. By making this change, container owners will not have to have new containers, which were not approved at the time of construction, examined and plated before they must have their older existing containers examined and plated.

(3) IMO also amended the CSC to provide a transition period until January 1, 1987 by which container owners are to have all containers marked with the date of the next examination. This amendment does not relieve container owners from having to meet the requirements for subsequent examination of containers plated before January 1, 1985, it only relieves them from having to mark the date for the next examination on the container until January 1, 1987. The only control to be exercised between January 1, 1985 and January 1, 1987 is in seeing that all containers are fitted with a safety plate, however, containers can be detained if they are deemed unsafe as currently provided for in the regulations section 452.1(b) is being changed to incorporate this amendment to the CSC.

(4) IMO recognized that the CSC would require re-examination of existing containers, that were approved, examined and plated at an early stage of the implementation of the CSC, before other existing containers would have to be initially examined and plated. Not wanting container owners to delay the initial examination and plating of existing containers, IMO proposed a schedule for the re-examination of existing containers approved and plated during the transition period. This schedule was included in Resolution A.436(XI) and was incorporated into the regulations in § 452.1(a). With the amending of the CSC postponing the date by which existing containers must be examined and safety plated from September 6, 1982 to January 1, 1985, IMO realized that not only existing containers, but some new containers would require examination prior to the time other containers had been initially plated. Therefore in April 1981 the Maritime Safety Committee within IMO adopted changes to the Harmonized Interpretation and Implementation of the International Convention for Safe Containers which modified the schedule for subsequent examinations of containers approved, examined and plated before January 1, 1985. Section 452.1(a) is being amended to incorporate the new schedule.

In addition there are two other minor administrative amendments to the regulations. They are:

(1) The definitions of "new" and "existing" containers have been added to § 450.3 for completeness and to aid in the application of these regulations. These definitions are the same as those in the International Safe Container Act.

(2) The cognizant office for implementation of these regulations is changed to the Merchant Vessel Inspection Division (G–MVI) in lieu of the Cargo and Hazardous Materials Division (G–MHM).

Final Evaluation and Environmental Assessment

These regulations are considered to be nonsignificant and accordingly, a final evaluation has been prepared and placed in the public docket as required by the DOT Policies and Procedures for Simplification, Analysis and Review of Regulations (DOT Order 2100.5 of May 22, 1980). The DOT Order requires that each evaluation include an economic analysis that quantifies, to the extent practicable, the estimated cost of the regulations to the private sector, consumers, and Federal, State and local governments, as well as the anticipated benefits and impact of the regulations. Since these rules only postpone the dates by which existing containers must comply with the standards for safe containers and do not increase or decrease the standards themselves, no additional cost will be incurred by container owners or the public from these rules. These rules generate an economic benefit to U.S. container owners by allowing them to defer and spread the cost of examining and plating their existing containers, estimated at $18 million ($52/container for approximately 350,000 U.S. containers) over the 27 month period from September 6, 1982 to January 1, 1985. Without the statutory change reflected in this rulemaking, container owners would have had to spend this amount to have these containers examined and plated by September 6, 1982.

The evaluation is available for public inspection and copying between the hours of 8:00 AM and 4:00 PM, Monday through Friday, except holidays, at the office of Marine Safety Council (G–CMC), Room 4402, U.S. Coast Guard Headquarters, Trans Point Building, 2100 Second Street SW, Washington, DC. 20593, 202–426–1477.

An environmental assessment has not been prepared since these regulations are considered to be administrative and procedural. As specified by DOT Order 5610.1C and Commandant Instruction M16714.1A, regulations of this type are excluded from the requirement to prepare an environmental assessment.

Regulatory Impact Analysis and Regulatory Flexibility Act Certification

A Regulatory Impact Analysis has not been prepared since these regulations are considered to be nonmajor under Executive Order 12291. As specified by Section 3(c)(3) of the Executive Order, regulations of this type are excluded from the requirement to prepare a Regulatory Impact Analysis.

Under the provisions of 5 U.S.C. 601 this rule is not subject to the Regulatory Flexibility Act, however, it has been evaluated and it is certified that this rule will not have a significant economic impact on a substantial number of small entities, since, as explained above, it merely allows the deferral of costs for a limited time.

List of Subjects

49 CFR Part 450

Authority delegations (Government agencies), Freight, Packaging and containers, Safety.

49 CFR Part 451

Freight, Packaging and containers, Safety.

49 CFR Part 452

Freight, Packaging and containers, Safety.

49 CFR Part 453

Administrative practice and procedure, Freight, Packaging and containers, Safety.

PARTS 450 THROUGH 453—[AMENDED]

In consideration of the foregoing, 49 CFR Parts 450 through 453 are amended as follows:

1. Section 450.3 is amended by adding paragraphs (a) (5) and (6) to read as follows:

§ 450.3 Definitions.

(a) * * *

(5) "New Container" means a container, the construction of which began on or after September 6, 1977.

(6) "Existing Container" means a container that is not a new container.

2. § 451.14 is amended by revising paragraph (a) to read as follows:

§ 451.14 Alternative approval of new containers by design type.

(a) New containers manufactured before June 16, 1978 without being approved under the preceding section may be approved by submission to an approval authority of an application corresponding to that required under § 451.1(b) for existing containers. All new containers so approved must have safety approval plates affixed and receive their first periodic examination in accordance with the procedures prescribed in § 452.3 by January 1, 1985.

3. Paragraphs (a) and (b) of § 452.1 are revised to read as follows:

§ 452.1 Periodic examination required.

(a) Each owner of an approved container subject to this part shall examine the container or have it examined in accordance with the procedures prescribed in § 452.3 at intervals of not more than 24 months, except that for containers approved as new containers the interval from the date of manufacture to the date of the first examination must not exceed five years. For containers approved, examined and plated as existing containers before January 1, 1985 and containers approved and plated as new containers before January 1, 1985, the subsequent examination must be carried out in accordance with the following schedule:

Date of initial plating and subsequent examination

Existing containers before September 30, 1981 and New containers before December 31, 1978; before January 1986

Existing containers between October 1, 1981 and September 30, 1982 and New Containers between January 1, 1979 and December 31, 1979; before April 1986

Existing Containers between October 1, 1982 and September 30, 1983 and New Containers between January 1, 1980 and December 31, 1980; before September 1986

Existing containers between October 1, 1983 and December 31, 1984 and New Containers between January 1, 1981 and December 31, 1981; before January 1987

(b) Upon completion of an examination required by this part, the owner shall mark on the safety approval plate, or on the container itself as close as practicable to the safety approval plate, the month and year before which the container must next be examined. This marking must be on all containers by January 1, 1987. The marking may be by a decal, sticker, stencil, or other means so long as it is capable of remaining legible for at least 24 months. Affixing such a marking to a container that has not been examined in accordance with § 452.3 constitutes a misrepresentation in a matter within the jurisdiction of an agency of the United States, and makes the owner punishable under 18 U.S.C. 1001.

* * * * *

4. Section 453.1 is amended by revising paragraph (a) to read as follows:

§ 453.1 Unsafe and noncomplying containers subject to detention or control.

(a) Any container used in or offered for movement in international transport which does not have a valid safety approval plate attached to it is subject to detention or other control by a District Commander or Captain of the Port. However, upon receipt of evidence that a container which does not have a valid safety approval plate attached to it meets the standards of the convention, the District Commander or Captain of the Port may authorize limited movement of such container under conditions he deems appropriate. This paragraph becomes effective on January 3, 1979 for new containers and on January 1, 1985 for existing containers."

* * * * *

§ 450.11 [Amended]

5. Paragraph (a) of § 450.11 is amended by removing the words "Commandant, (G-MHM)" and inserting in their place "Commandant, (G-MVI)" wherever it appears.

§ 451.1 [Amended]

6. Paragraph (a) of § 451.1 is amended by removing the words "Commandant, (G-MHM)" and inserting in their place "Commandant, (G-MVI)" wherever it appears.

§§ 450.11, 450.12, 450.13, 450.14, 450.15, 450.16, 451.3, 451.5, 451.18, and 453.7 [Amended]

7. Sections 450.11, 450.12, 450.13, 450.14, 450.15, 450.16, 451.3, 451.5, 451.18 and 453.7 are amended by removing the words "Cargo and Hazardous Materials Division" and inserting in their place "Merchant Vessel Inspection Division", wherever these words appear.

(46 U.S.C. 1503, 49 CFR 1.46(n))

Dated: September 27, 1982.

Clyde T. Lusk, Jr.,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 82-30356 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-14-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 76-06; Notice 13]

Federal Motor Vehicle Safety Standards; Speedometers and Odometers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Response to petition for reconsideration.

SUMMARY: This notice responds to one petition for reconsideration of the agency's decision to rescind Standard No. 127, *Speedometers and Odometers*. After reviewing its decision, the agency has concluded that the rescission of the standard was a necessary and appropriate action under the National Traffic and Motor Vehicle Safety Act. The petition is, therefore, denied.

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590, (202-426-2720).

SUPPLEMENTARY INFORMATION: On February 16, 1982 (47 FR 7250; February 18, 1982), the agency rescinded Standard No. 127, *Speedometers and Odometers* (49 CFR Part 571.127). The agency had concluded that there was no likelihood that the standard would yield significant safety benefits. Subsequently, Congressman Ronald Mottl timely filed a petition for reconsideration of the agency's decision. The agency has reviewed the arguments set forth in Congressman Mottl's petition and determined that the rescission was a necessary and appropriate action under the National Traffic and Motor Vehicle Safety Act.

Congressman Mottl raised two basic arguments. First, he argued that an accurate odometer reading is an important contributing factor to the safe operating condition of a vehicle. In addition, he argued that rescission of the standard will lead to increased odometer fraud.

As discussed in the rescission notice, the agency has never disputed that mileage is a factor that may influence some drivers to take preventive maintenance measures. The issue has always been whether there are other factors which play a more significant role in influencing drivers to perform preventive maintenance.

In making the determination that factors other than mileage have a more significant effect on driver preventive maintenance behavior, the agency relied on a report entitled "Tri-Level Study of the Causes of Traffic Accidents." The study, done by the Indiana University Institute for Research in Public Safety, concluded that problems with vehicle systems were causal or contributing factors in 4.5 to 25.2 percent of the accidents that were studied in-depth by investigation teams. The study found that there were four predominant vehicle-related causes. Those causes are (1) Brake system problems, (2) problems in tires and wheels, (3) steering system problems, and (4) communication system problems (problems with lights, signal, horns, etc.). All of those causes involve components which must be periodically replaced or serviced regardless of mileage. Deterioration in performance, such as brakes pulling, or in appearance, such as low tire tread depth, are readily apparent to the driver and should do more to alert the driver to potential safety-related problems than does the mileage of the vehicle.

The National Traffic and Motor Vehicle Safety Act authorizes the agency to issue Federal motor vehicle safety standards addressed to significant safety problems. Since the role of the odometer in alerting drivers to potential safety-related problems is not crucial, the agency concluded that rescission of the standard would not have an adverse impact on safety and was a necessary and appropriate action under the Act.

Odometer Fraud

The agency recognizes that odometer-related fraud is a major consumer problem. While it is conceivable that the standard might have had some effect on the incidence of odometer tampering, that possible benefit did not justify retention of the standard. The Vehicle Safety Act does not authorize the agency to issue standards addressed to the problem of odometer fraud.

The agency emphasizes that its decision to rescind the safety standard on odometers does not have any effect on the agency's vigorous efforts to enforce the odometer disclosure requirement of Title IV of the Motor Vehicle Information and Cost Savings Act. Last fiscal year, the agency's investigations confirmed instances of odometer fraud in 92 investigations in 21 States. Twenty-two cases involving large-scale odometer tampering were turned over to the Department of Justice for criminal prosecution. The agency is actively pursuing additional investigations, as well as exploring other ways of reducing the problem of odometer tampering.

In consideration of the foregoing, the agency's decision to rescind Standard No. 127 is affirmed and the petition for reconsideration is denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on October 29, 1982.

Raymond A. Peck, Jr.,

Administrator.

[FR Doc. 82-30636 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-59-M

Proposed Rules

Federal Register
Vol. 47, No. 216
Monday, November 8, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1207

Irish Potatoes Grown in the 48 Contiguous States of the United States; Recommended Decision on Proposed Amendment of Potato Research and Promotion Plan and Opportunity to File Written Exceptions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This recommended decision proposes an amendment to the Potato Research and promotion Plan regulating potatoes grown in the 48 contiguous States of the United States, and provides interested persons an opportunity to file written exceptions to this decision. The proposed amendment would authorize an increase in the rate of assessment, the addition of a public member to the National Potato Promotion Board, hereinafter called the "Board," and provide for reimbursement of referendum and administrative costs incurred by the Department. These provisions are designed to allow the Broad to maintain research and promotion activities at effective levels, and to improve the program's administration.

DATE: Written exceptions to this recommended decision may be filed by November 23, 1982.

ADDRESSES: Written exceptions should be filed in duplicate with the Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable, Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–2615.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing—Issued September 17, 1982, and published September 21, 1982 (47 FR 41578).

This formal rulemaking action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and therefore is not subject to the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not significantly affect costs for the regulated handlers.

It has been determined that a comment period of less than 60 days is warranted. The proposal has already been discussed intensively at industry meetings and most industry members are familiar with the provisions. Additionally, the proposal was considered at a public hearing on September 28, 1982, and interested persons were allowed to file proposed findings and conclusions and written arguments or briefs based on evidence presented at the hearing through October 15. No briefs were filed during this period. Because evidence presented at the hearing indicates that the industry has an urgent need for the changes in the program which are proposed, it is hereby found and determined that a comment period of 15 days is sufficient and will effectuate the declared policy of the act.

Preliminary statement. Notice is hereby given of the filing with the Hearing Clerk of this recommended decision on proposed amendment of the Potato Research and Promotion Plan. The plan provides for a nationally coordinated research and promotion program financed by an assessment on potatoes for food and seed.

On August 26, 1982, an amendment to the Potato Research and Promotion Act was approved (Public Law 97–244, 7 U.S.C. 2617–2623) which provides authority to change the maximum assessment rate, to add a public member on the Board, and to reimburse the Department for referendum and administrative costs.

The above notice of filing of this decision and of opportunity to file exceptions to it are issued pursuant to the provisions of the Potato Research and Promotion Act (7 U.S.C. 2611–2627), and the applicable rules of practice and procedure governing proceedings under research, promotion and education programs (47 FR 44684).

This proposed amendment was formulated on the record of a public hearing held in Denver, Colorado, on September 28, 1982. Notice of the hearing was published in the September 21, 1982, issue of the **Federal Register** (47 FR 41578). The notice set forth a proposed amendment submitted by the Board on behalf of potato producers in the 48 contiguous States of the United States.

Material issues. The material issues of record are as follows:

(1) Authorizing a change in the maximum assessment rate;

(2) Authorizing the addition of a public member on the Board and establishing qualifications for such membership;

(3) Providing for the reimbursement of referendum and administrative costs incurred by the Department;

(4) Making such changes in the plan as may be necessary to bring it into conformity with any amendments that may result from the hearing.

Findings and conclusions. The following findings and conclusions on the material issues are based on the record of hearing:

(1) The Potato Research and Promotion Plan (hereinafter referred to as the "plan") should be amended to authorize increasing the maximum allowable assessment which may be levied upon designated handlers under the program. This change may be effectuated by revising § 1207.342 "Assessments" to provide that the assessment rate shall not exceed one-half of one percent of the immediate past 10 calendar year average U.S. price received for potatoes by growers as reported by the Department.

A number of witnesses testified on the objectives and achievements of the plan. Since its inception in 1972, the annual assessment rate under the plan has been one cent per hundredweight, the maximum authorized. That rate has resulted in a yearly net assessment income of about $2.5 million which has been used to finance a board variety of potato promotion, market development, and research activities.

The Board's efforts focused on a nutritional education program designed to change consumers' perception of the potato. Television, print ads, and public relations activities were used to inform the public that the potato is relatively low in calories and an important source of essential vitamins and minerals. Other major activities highlighted in the record included a continuing program to stimulate sales by retailers through better merchandising techniques, and market development projects to boost shipments of U.S. seed potatoes and a variety of processed potato products to numerous foreign markets. Research projects included analyses of buyer attitudes and use patterns, and measurement of the potato's average nutrient values through a pioneer market survey procedure.

Record evidence indicates that the Board's overall program has been meeting its objective, with more people aware of the positive attributes of the potato and market opportunities expanding. But over time the Board encountered major problems as inflation sharply eroded the buying power of the Board's funds. Advertising costs in general more than doubled over the past decade, with television advertising rates up about 170 percent during that period. Despite continuing economy measures, Board administrative costs also moved up sharply. With income stable but costs rising, it became necessary for the Board to gradually curtail major activities, thereby holding the program's effectiveness below its potential. The use of television ads was stopped in the mid-1970's most print ads were not used in 1982, and market development activities in other countries were not as broad as they otherwise could have been if more adequate funds had been available.

Without exception industry witnesses expressed the need to increase the rate of assessment. The Board requires significantly more income so that promotion activity can return to the level of ten years ago, and market development can be maintained and expanded. Therefore, the plan should be amended to allow the collection of increased funds. This would effectuate the policy of the act, which is to provide for an adequately financed broad program to improve the competitive position of potatoes.

The record indicates that the maximum assessment rate should not exceed one-half of one percent of the immediate past 10 year U.S. average price received by growers as reported by the Department. This maximum rate would compensate for inflation which has affected program operations since 1972, yet would not result in a burdensome rate of assessment. For example, during the 1982 fiscal period, the Board's maximum allowable rate of assessment would have been about 2.1 cents per hundredweight under the proposal, and at that rate revenues would have approximated about $4 million. This would provide sufficient revenue to fund a program level similar to that undertaken in the early 1970's. Further, the proposal would automatically compensate for future inflation to some extent by tying rates of assessment to the value of potatoes, which tends to vary with changes in the general economy.

(2) The plan should be amended to provide for public representation on the Board. To effectuate such a change, § 1207.320 of the current plan providing for the establishment and membership of the Board should be revised to enlarge the Board by adding a public member and to indicate qualification criteria for the public member. Further, a new paragraph (d) should be added to § 1207.322 "Nominations" to indicate criteria and procedures for selecting the public member; and § 1207.328 "Duties" should be revised to incorporate nominating the public member as a Board duty.

Record evidence indicates that public representation on the Board could improve the exchange of information and viewpoints between industry members and the public. While the influence of consumers is implicitly present in the deliberations of members, and all Board meetings are open to the public, the appointment of a public member would provide more direct communication between industry members and the public. The public member should have the same rights and privileges as other Board members, such as voting rights, reimbursement for expenses, and membership on committees and subcommittees of Board members.

Individuals selected from the public to serve on the Board should meet eligibility requirements specified by the Board in administrative rules issued with approval of the Secretary. The record indicates that the public representative should not be permitted to have a direct financial interest in the commercial production, financing, buying, packing, or marketing of potatoes except as a consumer, or be a director, officer, or employee of any firm so engaged. Also, the public representative should be able to devote sufficient time and indicate a willingness to attend Board meetings regularly and become familiar with the background and economics of the industry.

The record indicates that the public member should be nominated by the industry members of the Board at its first meeting following selection of members for a new term of office, and should serve on the Board until a successor is selected and has qualified.

(3) Paragraph (b) of § 1207.341 "Budget and expenses" should be revised to also provide that any referendum and administrative costs incurred by the Secretary under the program will be reimbursed by the Board. Such a change is necessary so that the plan will conform to the act as amended in 1982. The reason for these changes, in both the act and the plan, is that Federal administrative costs for programs such as the potato promotion program should be borne by those who would benefit from such programs.

Record evidence indicates that administrative costs incurred by the Department would include salaries and overhead costs associated with oversight of the program. Reimbursement to the Department for conduct of the referendum would be related to costs for such items as printing, postage, and supplies, and any fees or service charges which are directly attributed to a referendum.

(d) Certain conforming changes should also be made so that the plan, as amended, would be consistent. One such change, to add nominating the public member as a Board duty to § 1207.328 "Duties," has already been mentioned. All such changes should be incorporated in the recommended amendment of the plan.

Rulings on briefs of interested persons. At the end of the hearing, the Administrative Law Judge fixed October 15, 1982, as the final date for interested persons to file proposed findings and conclusions, and written arguments or briefs, based upon evidence received at the hearing. No briefs were filed.

General findings. (1) The following findings are supplementary and in addition to the ones made in issuing the Plan. Except for those findings which may be in conflict with these findings, all such prior findings are hereby ratified and affirmed; (2) The amendment to the Plan will tend to effectuate the declared policy of the Act;

(3) The following terms and conditions are recommended as the detailed means of carrying out the declared policy of the Act with respect to carrying out a program of research and promotion for potatoes.

Recommended amendment of the Potato Research and Promotion Plan. The following amendment of the Plan is recommended as the detailed means by which the foregoing conclusions may be carried. out:

List of Subjects in 7 CFR Part 1207

Administrative practice and procedure, Advertising, Agricultural research, Potatoes.

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

1. Section 1207.320 is amended by revising paragraphs (a), (b), and adding (e) to read:

§ 1207.320 Establishment and membership.

(a) There is hereby established a National Potato Promotion Board, hereinafter called the "Board," composed of producers and the public as selected by the Secretary. The public representative to the Board shall be nominated by Board members in such manner as recommended by the Board and approved by the Secretary. Producer members shall be selected from nominations submitted by producers in the various States or groups of States pursuant to § 1207.322.

(b) Producer membership on the Board shall be determined on the basis of the potato production set forth in the latest Crop Production Annual Summary Report issued by the Crop Reporting Board, U.S. Department of Agriculture. Each State's producer membership shall be initially determined on the basis of one member for each five million hundredweight of production, or major fraction thereof, produced within such State. Each State initially shall be entitled to at least one producer member on the Board. The public member shall have no direct financial interest in the commercial production or marketing of potatoes except as a consumer and shall not be a director, officer or employee of any firm so engaged. The basis for determining the membership of future boards shall be determined by the Secretary upon recommendation of the Board.

* * * * *

(e) In the event that producer Board members fail to select a public representative nominee the Secretary may appoint such a member.

§ 1207.322 [Amended]

2. Section 1207.322 is amended as follows:

Where "member" or "nominees" appears in paragraphs (a), (b), and (c), insert "producer" before each. Also, add a new paragraph (d) to read:

* * * * *

(d) The public member shall be nominated by the producer members of the Board. The Board shall prescribe such additional qualifications, administrative rules and procedure for selection and voting for each candidate as it deems necessary and the Secretary approves.

§ 1207.328 [Amended]

3. In § 1207.328, paragraph (a) is revised by adding "to nominate the public member;" after "of Board members;".

4. In § 1207.341, paragraph (b) is revised to read:

§ 1207.341 Budget and expenses.

* * * * *

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion of potatoes and potato products, such other expenses for the administration, maintenance, and functioning of the Board, and any referendum and administrative costs incurred by the Department of Agriculture as are approved pursuant to § 1207.361.

5. In § 1207.342, paragraph (a) is revised to read:

§ 1207.342 Assessments.

(a) The funds to cover the Board's expenses shall be acquired by the levying of assessments upon handlers as designated in regulations issued by the Board. Such assessments shall be levied at a rate fixed by the Secretary which shall not exceed one-half of one per centum of the immediate past ten calendar year United States average price received for potatoes by growers as reported by the Department of Agriculture and not more than one such assessment may be collected on any potatoes.

* * * * *

Signed at Washington, D.C., on November 2, 1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82-30628 Filed 11-5-82; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Docket No. 22101; Petition Notice PR 82-14]

Petition of Jerome J. Seidenman; Encoding Transponders and Redundant Electrical Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Petition for rulemaking.

SUMMARY: This notice publishes for public comment the petitions of Jerome J. Seidenman dated August 6 and October 14, 1981, and August 23, 1982. The petitioner proposes to amend Part 91 of the Federal Aviation Regulations to require that all aircraft be equipped with an operable coded radar beacon transponder. This transponder must have a mode 3/A 4096 code capability, replying to mode 3/A interrogation with the code specified by ATC, and must be equipped with automatic pressure reporting having a Mode C capability that automatically replies to Mode C interrogations by transmitting pressure altitude information in 100-foot increments. This requirement would apply at any time an aircraft is being operated.

Additionally, the petitioner proposes to amend Parts 91 and 23 to require all manufacturers of high-performance single-engine aircraft to design into the aircraft they build a redundancy capability in the event of an electrical system failure.

The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Publication of this notice is not intended to affect the legal status of the petition or its final disposition.

DATE: Comments must be received on or before January 6, 1983.

ADDRESS: Send comments on this petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22101, 800 Independence Avenue, SW., Washington, D.C. 20591, or deliver in triplicate to Room 916, 800 Independence Avenue, SW., Washington, D.C. Comments delivered must be marked: Docket No. 22101. Comments may be inspected at Room 916 weekdays, except holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Roger Baker, Project Development Branch (AFO-850), General Aviation and Commercial Division, Office of

Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426–8150.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to submit such written data, views, or arguments on the petitions as they may desire. Communications should identify the docket and petition notice number and be submitted in triplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the FAA docket. Persons wishing the FAA to acknowledge receipt of comments received in response to this notice should submit a self-addressed stamped postcard which states "Comments to Docket No. 22101." The postcard will be date/time stamped and returned to the commenter.

Normally, the FAA only summarizes petitions for rulemaking for publication in the **Federal Register**. In the case of the petition of Mr. Jerome J. Seidenman, however, because the position taken in the petition is more restrictive than that taken by the FAA in Part 91 and may have a significant economic impact, the FAA has elected to publish the petition and its revisions verbatim. The FAA also believes verbatim publication of this petition is desirable since it might add to the growing dialogue concerning the National Airspace System Plan. This action also ensures that commenters will be able to review the content of the petition free from any possible inappropriate characterizations arising from a summarization.

This notice sets forth the contents of the petitions as received by the FAA without changes, and it invites public comment upon the petition in accordance with FAA procedures governing petitions for rulemaking. It does not propose a rule for adoption. represent and FAA position, or otherwise commit the agency on the merits of the petition. The FAA intends to proceed to consider the petition under the applicable procedures of Part 11 and reach a conclusion on the merits of the proposal after it has had an opportunity to evaluate it carefully in light of the comments received and other relevant matters presented. If the FAA concludes that it should initiate public rulemaking action on the petition, appropriate rulemaking action, including an evaluation of the proposal, will be published.

The Petition

Accordingly, the Federal Aviation Administration publishes verbatim for public comment the following petitions for rulemaking of Mr. Jerome J. Seidenmen dated August 6 and October 14, 1981, and August 23, 1982.

Issued in Washington, D.C., on November 1, 1982.

John H. Cassady, III,

Assistant Chief Counsel, Regulations and Enforcement Division.

August 23, 1982.

Re My 8/6/81 letter, Docket: 22101.

William J. Sullivan, Chief, Safety Regulations Staff,
Associate Administrator for Aviation Standards, U.S. Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591

Dear Mr. Sullivan: Enclosed please find: 1. 8/6/81 letter Seidenman to Helms; 2. 8/26/81 letter Sullivan to Seidenman; 3. 10/14/81 letter Seidenman to Sullivan.

There is no doubt that what I advocated could be very effective in helping to avoid mid-air collisions.

Please read the enclosed article "Learning and Looking" which appears in the August, 1982 issue of "FAA General Aviation News".

The story I have bracketed on page 9 emphasizes my point. I direct your attention to the observation by the arrow ". . . a functioning transponder with altitude encoding capability would have provided a constant altitude readout to ATC."

Here it is—published in a DOT/FAA Flight Operations Safety Publication. Can't you do something to get the ball rolling on requiring encoding transponders to be in all aircraft as outlined in my proposal?

It is really a silly and dangerous game to have ATC point out to some IFR or VFR aircraft, both with altitude encoders that other traffic is close by heading its way and the "altitude is unknown."

The technology has existed for some time now to make the unknown, known.

There are lots of unsuspecting people who fly as pilots, crew and passengers who are put at greater risk because ATC many, many times cannot do better than say that the altitude of certain blips is "unknown".

What can be done?

I think for starters I shall write to the manufacturers of encoding transponders to see if they can't get some sort of a lobby going to get this proposal made into a regulation.

I would appreciate your observations.

Thank you.

Very truly yours,

Jerome J. Seidenman

October 14, 1981

Re My 8/6/81 letter, Docket: 22101.

William J. Sullivan, Chief, Safety Regulations Staff,
Associate Administrator for Aviation Standards, U.S. Department of Transportation, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591

Dear Mr. Sullivan: Your letter to me of August 26, 1981 is enclosed for ready reference.

1. The text of the rule changes I propose is that *all* operational single engine and multi-engine aircraft, without exception, now subject to the FARs, be required to have on board an operable transponder with altitude reporting capability; that the pilot in command of any such aircraft be required to activate such transponder to its altitude reporting mode and appropriate VFR or IFR codes on *all* flights; that such transponder be checked for accuracy at no later interval than every 100 flight hours or 12 calendar months, which shall first occur; that any pilot found guilty of operating any such aircraft in violation of this FAR shall be subject to a minimum $1,000.00 fine or suspension of flight privileges for not more than 30 days or both.

2. This rule change is in the public interest and will benefit the public as a whole because the potential for safer and more efficient aircraft control will be established so as to significantly reduce the risk of two or more aircraft colliding in flight expecially in congested traffic airport areas outside of TCAs and TRSAs.

3. Summary: This rule change requires all operational single and multi-engine aircraft to have transponders with altitude reporting modes on board and operating during flight for the purpose of further reducing or eliminating the risk of mid-air collisions.

A hearing is requested.

Thank you.

Very truly yours,

Jerome J. Seidenman

August 6, 1981

Re Air Safety

J. Lynn Helms, Administrator,
Federal Aviation Administration, Washington, D.C. 20591

Dear Mr. Helms:

I applaud the action you have taken recently in choosing an airborne collision avoidance system, and while it is a step in the right direction, it is still far in the future and, even when it is implemented, it will not be mandatory for all aircraft to employ.

I respectfully suggest that the FAA, under your leadership, require *all* aircraft, certified as air worthy, to have an operable transponder with altitude reporting capability installed and kept in proper working condition.

This should be required as standard equipment on all new airplanes and as a retrofit requirement to all other aircraft flying, without exception. A short time limit should be imposed within which all aircraft should have this piece of equipment installed.

I am sure I do not have to tell you that it is a rather scary experience when you are flying an aircraft that is equipped with an encoder, an ATC or an approach controller calls traffic at a certain position—then adds, "* * * altitude unknown"—and you say "negative contact, but looking" and all of a sudden you see a late model Bonanza or some other high performance single engine or twin engine airplane whiz by a few hundred feet away. That has happened to me several times. Has it happened to you? Should it happen?

I suggest that this kind of event happens all too frequently and could be avoided if only all aircraft were required to have encoding transponders.

Changes are that if the FAA requires such equipment to be aboard and functioning, the owner/operator will maintain it and use it. I dislike somebody enjoying the "privilege" of flying and then having the so-called "right" to fly in the same air space as other aircraft without being required to employ technology that helps promote safety in the air—such as mid-air collisions.

I am not impressed by excuses such as strong lobbying pressure, or AOPA opposes it, or its too expensive for the average guy, etc.

In my opinion, if you can't afford to fly safely, then you can't afford to fly.

The FAA should require the elimination and/or the minimization of all unreasonable risks of danger that reasonable technology provides and guards against. In that regard, I suggest the requirement I ask the FAA to implement is reasonable.

Additionally, the FAA should require all manufacturers of high performance single engine aircraft to design into the aircraft it builds a redundancy capability in the event of an electrical system failure. Many high performance singles fly day and night, IFR, over mountains, etc., and there is no legitimate reason why these aircraft should not have some reliable redundancy systems built into them in the event of an electrical system failure.

I am suggesting that manufacturers be required to design out the risk of danger whenever possible and that aircraft manufacturers, owners, and operators, be required to have encoding transponders.

Please respond.

Thank you.

Sincerely,

Jerome J. Seidenman.

[FR Doc. 82-30564 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 82-ANM-7]

Revised Control Zone; Salem, Oregon

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to revise the control zone of Salem, Oregon to accommodate instrument approach procedures at McNary Field.

DATES: Comments must be received on or before December 18, 1982.

ADDRESSES: Send comments to: Manager, Airspace & Procedures Branch, ANM-503, Federal Aviation Administration, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The official docket may be examined in the Regional Counsel Office (and an informal docket may be examined in the Airspace & Procedures Branch) at the same address.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace & Procedures Specialist, ANM-534. The telephone number is (206) 433-1640.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 82-ANM-7." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Airspace & Procedures Branch at the address previously listed. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment of § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide controlled airspace for the protection of aircraft executing the current ILS Rwy 31 and NDB Rwy 31 standard instrument approach procedures at McNary Field, Salem, Oregon.

Index Terms

List of Subjects in 14 CFR Part 71

Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by replacing the description of the Salem, Oregon Control Zone with the following:

Within a 5 mile radius of McNary Field, Salem, Oregon. Latitude 44°54'36"N., Longitude 123°00'05"W.; and within 3 mile each side of the Salem ILS localizer SE course, extending from the 5 mile radius zone to 8.5 miles SE of the LOM; within 4 miles each side of the Salem ILS localizer NW course, extending from the 5 mile radius zone to 15 miles NW of the airport.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); and (14 CFR 11.65))

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington on October 27, 1982.

Charles R. Foster,

Director, Northwest Mountain Region.

[FR Doc. 82-30336 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket 9151]

Champion Home Builders Co.; Proposed Consent Agreement With Analysis To Aid public comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require a Drydon, Mich., manufacturer and seller of solar energy equipment to cease, among other things, making false or unsubstantiated representations concerning the performance, durability, quality, and maintenance requirements of its solar energy equipment. Also prohibited would be any unsubstantiated claims concerning the enrgy- and money-savings potential realized from use of such equipment. Further, the order would require the company to contact all purchasers of its equipment and inform them that the company is offering cash settlements to eligible persons. Those accepting the cash settlement would waive any legal claims they may have against the company, and any rights to receive service or repairs under the manufacturer's warranty. Additionally, the company would be required to send a warning package to all purchasers of its equipment, notifying them of precautions that should be taken to minimize any potential for fire in Champion-manufactured solar energy equipment.

DATE: Comments must be received on or before January 7, 1983.

ADDRESS: Comments should be directed to: FTC/S, Office of the Secretary, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/PA, Marilyn J. Holmes, Washington, D.C. 20580. (202) 724–0727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's Rules of Practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

List of Subjects in 16 CFR Part 13

Solar energy equipment.

In the matter of Champion Home Builders Co., a corporation; Docket No. 9151, agreement containing consent order to cease and desist.

The agreement herein, by and between Champion Home Builders Co., a corporation, by its duly authorized officer, hereafter sometimes referred to as respondent, and its attorney, and counsel for the Federal Trade Commission, is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent Champion Home Builders Co. is a corporation organized, existing and doing business under and by virtue of the laws of the State of Michigan, with its office and principal place of business located at 5573 East North Street, in the City of Dryden, State of Michigan.

2. Respondent has been served with a copy of the complaint issued by the Federal Trade Commission charging it with violation of Section 5 of the Federal Trade Commission Act, and has filed an answer to said complaint denying said charges.

3. Respondent admits all the jurisdictional facts set forth in the Commission's complaint in this proceeding.

4. Respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim under the Equal Access to Justice Act.

5. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondent, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondent that the law has been violated as alleged in the said copy of the complaint issued by the Commission.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's Rules, the Commission may without further notice to respondent, (1) issue its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to order to respondent's address as stated in this agreement shall constitute service. Respondent waives any right it might have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or in the agreement may be used to vary or to contradict the terms of the order.

8. Respondent has read the complaint and the order contemplated hereby. Respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

9. By its final acceptance of this agreement, the Commission waives its right to commence a proceeding or action against respondent seeking consumer redress or other relief under Section 5 or Section 19 of the Federal Trade Commission Act with respect to the specific acts or practices alleged in the complaint, or alleged in the proposed amendment to the complaint certified to the Commission on January 5, 1982, which occurred pror to the date of service of the order.

Order

For purposes of this Order, the following definitions shall apply:

(1) "Solar energy equipment" shall mean all space heating or cooling or water heating equipment utilizing energy from the sun, including but not limited to Solar Furnaces and solar collectors manufactured by respondent, whether sold under the Champion brand name or another brand name.

(2) "Solar Furnace" shall mean the solar heating equipment manufactured by respondent between approximately 1976 and 1979, consisting of a self-contained A-frame structure with a collector and storage compartment, including but not limited to equipment

designated by respondent, or possessing the same design and physical characteristics as equipment designated by respondent, as models 96, 128, 160, 1500, 2000, and 2500, whether sold under the Champion brand name or another brand name.

(3) "Solar collector" shall mean the solar heating equipment manufactured by respondent between approximately 1976 and 1979, consisting of a glass-covered box with a dark absorber suface over which air can pass, including but not limited to the product marketed under the name "Champion Vertafin Collector."

(4) "Solar collector system" shall mean each distinct system of solar collector(s), air handlers, and controls.

(5) As used in this Order, the requirement to cease and desist from representing or misrepresenting shall include representing or misrepresenting orally, visually, in writing, or in any other manner, directly or by implication.

(6) "Competent and reliable scientific test" shall mean a test in which persons with skill and expert knowledge in the field to which the test pertains conduct the test and evaluate its results in an objective manner using testing, evaluation, and analytical procedures that ensure accurate and reliable results.

(7) "Purchaser" shall mean any person who purchased a Solar Furnace or solar collector for his or her own use as heating equipment or as a demonstrator, and who did not sell any Solar Furnace or solar collector (except for second-hand resale of the Solar Furnace or solar collector purchased by such person for his or her own use). This term shall include any dealer as defined below who did not sell any Solar Furnace or solar collector (except for second-hand resale of the Solar Furnace or solar collector purchased by such dealer for his or her own use.)

(8) "Dealer" shall mean any person authorized by respondent, by a distributor of respondent, or by a licensee or a distributor of a licensee of International Solarthermics Corporation, to sell Solar Furnaces or solar collectors to purchasers.

(9) "Eligible direct purchaser" shall mean any purchaser who purchased a Champion brand name Solar Furnace or solar collector, as new. This term shall not include any purchaser who, prior to April 1, 1982, waived all claims with respect to the Solar Furnance or solar collector in exchange for monetary compensation, or who received a judgment in a court of law for monetary damages or for a full or partial refund of the purchase price in an action against respondent with respect to the Solar Furnace or solar collector.

(10) "Eligible direct dealer" shall mean any dealer who purchased a Champion brand name Solar Furnace or solar collector, as new, for his or her own use as heating equipment or as a demonstrator, and who sold at least one but less than three Solar Furnaces and solar collectors to purchasers. This term shall not include any dealer who, prior to April 1, 1982, waived all claims with respect to the Solar Furnace or solar collector in exchange for monetary compensation, or who received a judgment in a court of law for monetary damages or for a full or partial refund of the purchase price in an action against respondent with respect to the Solar Furnace or solar collector.

(11) "Eligible licensee purchaser" shall mean any purchaser who purchased a Solar Furnace or solar collector of a brand name other than Champion, as new. This term shall not include any purchaser who, prior to April 1, 1982, waived all claims with respect to the Solar Furnace or solar collector in exchange for monetary compensation, or who received a judgment in a court of law for monetary damages or for a full or partial refund of the purchase price in an action against respondent with respect to the Solar Furnance or solar collector.

Part I

It is ordered that respondent Champion Home Builders Co., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution of any solar energy equipment in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Representing in any manner that:

(1) Respondent's solar energy equipment does not have any defect which substantially impairs the reliability, durability, or performance of the equipment;

(2) Little or no maintenance is required to keep respondent's solar energy equipment in operating condition;

(3) Respondent's solar energy equipment, or any material or component thereof, is durable or reliable;

(4) Respondent's solar energy equipment, or any material or component thereof, is not adversely affected by high temperatures;

(5) Respondent has 60 factories producing solar energy equipment, has a 22-year record of mass producing solar energy equipment, or has 3,200 trained dealers nationwide to provide prompt service on its solar energy equipment; or

(6) Competent, independently conducted tests have verified the performance or quality of respondent's solar energy equipment; unless such representation is true, and unless, at the time that the representation is made, respondent possesses and relies upon a competent and reliable scientific test or other objective material which substantiates the representation.

B. Representing in any manner the thermal or economic performance or efficiency, energy savings, heat output, cost recovery, "payback" potential, or investment potential of respondent's solar energy equipment unless such representation is true, and unless, at the time that the representation is made, respondent possesses and relies upon a competent and reliable scientific test or other objective material which substantiates the representation.

C. Misrepresenting in any manner:

(1) The reliability, durability, performance capabilities, or maintenance requirements of respondent's solar energy equipment;

(2) The production capabilities, manufacturing experience, or service capabilities of respondent relating to solar energy equipment; or

(3) The results or conclusions of any test upon which respondent relies to substantiate any representation relating to solar energy equipment.

Part II

It is further ordered that respondent shall:

A. Within 45 days after the date of service of this Order, determine the names and last known addresses of all purchasers and the names and last known addresses of all dealers. In making these determinations, respondent shall search all relevant records in its possession, custody, or control, and shall obtain and search all relevant service and repair records maintained by International Solar Technologies, Inc. as of the date of service of this Order.

B. Send by first-class mail, address correction requested, within 45 days after the date of service of this Order, to the last known address of each purchaser and dealer identified by respondent pursuant to Subpart A of this Part or identified by the Federal Trade Commission or its staff, a notice package consisting of: (i) A copy of the letter attached to this Order as Attachment A, incorporated herein by reference, with the return date filled in;

(ii) a copy of the questionnaire form attached to this Order as Attachment B, incorporated herein by reference, with the return date filled in; (iii) a self-addressed, postage-paid envelope; and (iv) an envelope containing the materials described in subsections (i) through (iii) and bearing the legend "CHAMPION SOLAR PROGRAM, IMPORTANT CASH SETTLEMENT OFFER." For the purposes of this Subpart, the return date shall be the date 90 days after the date of service of this Order.

Respondent shall also send by first-class mail a notice package to each person who, within 85 days after the date of service of this Order, contacts respondent or about whom respondent receives information indicating that the person may be a purchaser or dealer, and who has not received a notice package or received a notice package but subsequently lost it. The notice package shall be sent within five days after respondent's receipt of the contact or information.

Provided that respondent may refrain from sending a notice package to any person identified pursuant to Subparts A or B of this Part who respondent's records conclusively show is not an eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser.

C. Determine all eligible direct purchasers, eligible direct dealers, and eligible licensee purchasers. These determinations shall be based upon all information received by respondent from returned Attachment B questionnaires, and all other information in respondent's possession, as of the date 105 days after the date of service of this Order.

Provided that respondent may determine that a person is or is not an eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser notwithstanding the information provided by such person in an Attachment B form if respondent's records conclusively show that the person does or does not meet the definition of eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser as set forth in Definitions (9), (10), and (11) of this Order.

D. Determine a tentative cash settlement amount for each eligible direct purchaser and eligible direct dealer identified pursuant to Subpart C of this Part. The tentative cash settlement amounts shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector and shall consist of the following:

(1) $1500 for each Solar Furnace or solar collector system purchased by an eligible direct purchaser who currently owns the unit(s) or who disposed of the unit(s) not for value;

(2) $1000 for each Solar Furnace or solar collector system purchased by an eligible direct purchaser and subsequently disposed of for value; and

(3) $750 for each Solar Furnace or solar collector system purchased by an eligible direct dealer which has purchased for the dealer's own use, either as heating equipment or as a demonstrator.

Provided that if the aggregate dollar value of all tentative cash settlements determined pursuant to subsections (1) through (3) of this Subpart exceeds $375,000, then each tentative cash settlement shall be prorated by multiplying the tentative cash settlement amount by the ratio of $375,000 to the aggregate dollar value of all tentative cash settlements determined pursuant to subsections (1) through (3).

E. Determine a tentative cash settlement amount for each eligible licensee purchaser identified pursuant to Subpart C of this Part. The tentative cash settlement amounts shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector and shall consist of the following:

(1) $750 for each Solar Furnace or solar collector system purchased by an eligible licensee purchaser who currently owns the unit(s) or who disposed of the unit(s) not for value; and

(2) $500 for each Solar Furnace or solar collector system purchased by an eligible licensee purchaser and subsequently disposed of for value.

Provided that if the aggregate dollar value of all tentative cash settlements determined pursuant to subsections (1) and (2) of this Subpart exceeds $150,000 plus any remaining portion of the $375,000 amount provided in Subpart D, then each tentative cash settlement shall be prorated by multiplying the tentative cash settlement amount by the ratio of $150,000 plus any remaining portion of the $375,000 amount to the aggregate dollar value of all tentative cash settlements determined pursuant to subsections (1) and (2).

F. Send by first-class mail, within 125 days after the date of service of this Order, to each eligible direct purchaser, eligible direct dealer, and eligible licensee purchaser who is determined pursuant to Subpart C of this Part: (i) A copy of the letter attached to this Order as Attachment C, incorporated herein by reference, with the tentative cash settlement amount and the return date filled in; (ii) a copy of the acceptance and waiver form attached to this Order as Attachment D, incorporated herein by reference, with the tentative cash settlement amount, the return data, and the date of the Attachment C letter filled in; and (iii) a self-addressed, postage-paid envelope. The tentative cash settlement amount shall be determined as provided in Subparts D and E of this Part. For the purposes of this Subpart, the return date shall be the date 155 days after the date of service of this Order.

G. Send by first-class mail, within 180 days after the date of service of this Order, a cash settlement check to each eligible direct purchaser and eligible direct dealer who returned to respondent a signed Attachment D form which was received by respondent on or before the date 170 days after the date of service of this Order. Each cash settlement shall be in the amount determined as provided in Subpart D, subsections (1) through (3) of this Part, and shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector.

Provided that in the aggregate dollar value of all cash settlements as determined above exceeds $375,000, then each cash settlement shall be prorated by multiplying the cash settlement amount by the ratio of $375,000 to the aggregate dollar value of all cash settlements as determined above.

H. Send by first-class mail, within 240 days after the date of service of this Order, a cash settlement check to each eligible licensee purchaser who returned to respondent a signed Attachment D form which was received by respondent on or before the date 170 days after the date of service of this Order. Each cash settlement shall be in the amount determined as provided in Subpart E, subsections (1) and (2) of this Part, and shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector.

Provided that if the aggregate dollar value of all cash settlements as determined above exceeds $150,000 plus any undistributed portion of the $375,000 fund provided in Subpart G of this Part, then each cash settlement shall be prorated by multiplying the cash settlement amount by the ratio of $150,000 plus any undistributed portion of the $375,000 found to the aggregate value of all cash settlement as determined above.

I. Send by first-class mail to each person who, within 86 to 270 days after the date of service of this Order, contacts respondent or about whom rspondent receives information indicating that the person may be a purchaser or dealer, and who has not received a notice package as provided in Subpart B or who received a notice package as provided in Subpart B but subsequently lost it, a notice package consisting of: (i) A copy of the letter attached to this Order as Attachment E, incorporated herein by reference, with the return date filled in: (ii) a copy of Attachment B, with the return date filled in; (iii) a self-addressed, postage-paid envelope; and (iv) an envelope containing the materials described in subsections (i) through (iii) and bearing the legend "CHAMPION SOLAR PROGRAM, IMPORTANT CASE SETTLEMENT OFFER." For the purposes of this Subpart, the return date shall be the date 275 days after the date of service of this Order. The notice package shall be sent within five days after respondent's receipt of the contact or information.

Provided that respondent may refrain from sending a notice package to any person who respondent's records conclusively show is not an eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser.

J. Determine all additional eligible direct purchasers, eligible direct dealers, and eligible licensee purchasers. These persons shall include (i) persons whose Attachment B forms were received by respondent subsequent to the date 105 days after the date of service of this Order, and (ii) persons whose Attachment D forms were received by respondent subsequent to the date 170 days after the date of service of this Order. The determinations shall be based upon all information received by respondent from returned Attachment B questionnaires, and all other information in respondent's possession, as of the date 290 days after the date of service of this Order.

Provided that respondent may determine that a person is or is not an eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser notwithstanding the information provided by such person in an Attachment B form if respondent's records conclusively show that the person does or does not meet the definition of eligible direct purchaser, eligible direct dealer, or eligible licensee purchaser as set forth in Definition (9), (10), and (11) of this Order.

K. Determine a tentative cash settlement amount for each eligible direct purchaser, eligible direct dealer, and eligible licensee purchaser identified pursuant to Subpart J of this Part. The tentative cash settlement amounts shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector and shall consist of those amounts specified in Subpart D, subsections (1) through (3) and Subpart E, subsections (1) and (2) of this Part.

Provided that if the aggregate dollar value of all tentative cash settlements determined above exceeds $25,000 plus any undistributed portion of the $375,000 and $150,000 funds provided in Subparts G and H of this Part, then each tentative cash settlement shall be prorated by multiplying the tentative cash settlement amount by the ratio of $25,000 plus any undistributed portion of the $375,000 and $150,000 funds to the aggregate value of all cash settlements as determined above.

L. Send by first-class mail, within 310 days after the date of service of this Order, to each eligible direct purchaser, eligible direct dealer and eligible licensee purchaser who is determined pursuant to Subpart J(i) of this Part: (i) A copy of Attachment C, with the tentative cash settlement amount and the return date filled in; (ii) a copy of Attachment D, with the tentative cash settlement amount, the return date, and the date of the Attachment C letter filled in; and (iii) a self-addressed, postage-paid envelope. The tentative cash settlement amount shall be determined as provided in Subpart K of this Part. For the purposes of this Subpart, the return date shall be the date 340 days after the date of service of this Order.

M. Send by first-class mail, within 310 days after the date of service of this Order, to each eligible direct purchaser, eligible direct dealer and eligible licensee purchaser who is determined pursuant to Subpart J(ii) of this Part and whose new tentative cash settlement amount is less than the tentative cash settlement amount previously determined for that person pursuant to Subpart D or E of this Part: (i) A copy of the letter attached to this Order as Attachment F, incorporated herein by reference, with the new tentative cash settlement amount and the return date filled in; (ii) a copy of Attachment D, with the new tentative cash settlement amount, the return date, and the date of the Attachment F letter filled in; and (iii) a self-addressed postage-paid envelope. The new tentative cash settlement amount shall be determined as provided in Subpart K of this part. For the purposes of this Subpart, the return date shall be the date 340 days after the date of service of this Order.

N. Send by first-class mail, within 365 days after the date of service of this Order, a cash settlement check to each eligible direct purchaser, eligible direct dealer, and eligible licensee purchaser who did not receive a cash settlement check as provided in Subparts I and J, and who returned to respondent a signed Attachment D form which was received by respondent on or before the date 355 days after the date of service of this Order. Each cash settlement shall be in the amount determined as provided in Subpart D, subsections (1) through (3) and Subpart E, subsections (1) and (2) of this Part, and shall be determined according to the status of the person at the time of purchase of each Solar Furnace or solar collector.

Provided that if the aggregate dollar value of all cash settlements as determined above exceeds $25,000 plus any undistributed portion of the $375,000 and $150,000 funds provided in Subparts G and H of this Part, then each cash settlement shall be prorated by multiplying the cash settlement amount by the ratio of $25,000 plus any undistributed portion of the $375,000 and $150,000 funds to the aggregate value of all cash settlements as determined above.

O. Send by first-class mail a copy of the letter attached to this Order as Attachment G, incorporated herein by reference, with the appropriate box checked, to each person who is determined to be ineligible for a cash settlement under the provisions of this Order or whose Attachment D form was not received by respondent on or before the date 355 days after the date of service of this Order.

The copy of Attachment G shall be sent within ten days after the determination of ineligibility is made or the Attachment D form is received by respondent.

P. Use all reasonable efforts to determine the correct and complete name and last known address of a purchaser or dealer in each instance where the records searched by respondent do not provide correct or complete information, and use all reasonable efforts to determine the correct eligibility and status of a person in each instance where the returned Attachment B form contains insufficient, ambiguous, or conflicting information. Such efforts shall include, but not be limited to, searches of respondent's records and requests for additional information by mail or telephone calls.

Q. In each instance where a letter or notice package provided for by Part II of this Order is returned by the Post Office undelivered and respondent is provided with a corrected address, remail the letter or notice package to the corrected address within five days after respondent's receipt of the corrected address from the Post Office.

R. Establish and maintain a telephone number which persons may call to receive information and materials relating to the programs provided in this Part and in Part III of this Order.

Part III

It is further ordered that respondent shall:

A. Within 45 days after the date of service of this Order, determine the names and original addresses of all persons who purchased Solar Furnaces or solar collectors, including purchasers, dealers, distributors of respondent, licensees of International Solarthermics Corporation, and distributors of licensees of International Solarthermics Corporation. In making these determinations, respondent shall search all relevant records in its possession, custody, or control.

B. Send by third-class mail, within 45 days after the date of service of this Order, to the original address of each person who purchased a Solar Furnace or solar collector identified by respondent pursuant to Subpart A of this Part or identified by the Federal Trade Commission or its staff, a warning package consisting of: (i) A copy of the letter attached to this Order as Attachment H, incorporated herein by reference; (ii) two copies of the sign attached to this Order as Attachment I, incorporated herein by reference, consisting of a white self-adhesive label of latex impregnated material, no smaller than four inches by six inches, with the first line printed in red in thirty-six point type and the second line printed in red in twenty-four point type; and (iii) an envelope containing the materials described in subsections (i) and (ii) bearing the legend "IMPORTANT SOLAR EQUIPMENT WARNING" and addressed as follows: "(Name of Person) or Current Resident."

Respondent shall also send by first-class mail a warning package to each person who, within 365 days after the date of service of this Order, contacts respondent or about whom respondent receives information indicating that the person may be a current owner of a Solar Furnace or solar collector, and who has not received a warning package or who received a warning package but subsequently lost it. The warning package shall be sent within five days after respondent's receipt of the contact or information.

Provided that respondent shall substitute on the envelope containing copies of Attachments H and I the name of the current owner of the Solar Furnace or solar collector for the name of the person who purchased the Solar Furnace or solar collector, if respondent's records show that the person who purchased the Solar Furnace or solar collector no longer owns the unit and if respondent's records contain the name of the current owner.

Provided that respondent may refrain from sending a warning package to any person identified pursuant to Subpart A of this Part who respondent's records conclusively show is not a current owner of a Solar Furnace or solar collector.

C. Use all reasonable efforts to determine the correct and complete name and original address of a person who purhased or owns a Solar Furnace or solar collector in each instance where the records searched by respondent do not provide correct or complete information. Such efforts shall include, but not be limited to, searches of respondent's records and requests for additional information by mail or telephone calls.

Part IV

It is further ordered that:

A. Respondent shall maintain documents and records demonstrating the manner and form of respondent's compliance with Part I of this Order, including:

(1) Documentation in support of and upon which respondent relies in making any representation concerning the reliability, durability or performance of solar energy equipment, and any other documentation which contradicts, qualifies, or otherwise calls into question any representation concerning the reliability, durability or performance of solar energy equipment, included in advertising or sales promotional materials disseminated by respondent or by any officer, representative, agent, employee, subsidiary, or division of respondent;

(2) Documentation or written results of tests performed in connection with carrying out the provisions of Part I, Subparts A and B of this Order.

Such documentation shall be retained by respondent for a period of three (3) years from the date such advertising or sales promotional materials were last disseminated, and may be inspected by the Commission or its staff upon reasonable notice.

B. Respondent shall maintain documents and records demonstrating the manner and form of respondent's compliance with Parts II and III of this Order, including but not limited to those reflecting:

(1) Efforts made and actions taken by respondent to identify, locate, contact, and provide cash settlements to persons as provided in Part II of this Order;

(2) Efforts made and actions taken by respondent to identify, locate and mail notices to addresses and persons as provided in Part III of this Order;

(3) The names, original addresses, and last known addresses of all persons required to be determined as provided in Part II, Subparts A and P and Part III, Subparts A and C of this Order;

(4) The name and address of each person to whom a notice package is sent as provided in Part II, Subparts B and I of this Order;

(5) The name and address of each person who is determined to be eligible and each person who is determined to be ineligible for a cash settlement as provided in Part II, Subparts B, C, I and J of this Order;

(6) The name and address of each person who receives a cash settlement as provided in Part II, Subparts G, H and N of this Order, and the amount of each refund;

(7) The Attachment B and Attachment D forms returned to respondent as provided in Part II, Subparts C, G, H, J and N of this Order;

(8) Any information used in making determinations of eligibility and ineligibility as provided in Part II of this Order;

(9) The name and address of each person who disputes a determination of ineligibility or cash settlement amount made as provided in Part II of this Order, the nature of such person's dispute, and the resolution of the dispute;

(10) All written communications, and a log of all telephonic communications which includes a summary of the communications, between respondent and any person relating to the programs provided in Parts II and III of this Order;

(11) The name and address of each person to whom an Attachment H letter is sent as provided in Part III of this Order.

Such documents and records shall be maintained by respondent for a period of three (3) years from the date of the creation of the document or record, and may be inspected by the Commission or its staff upon reasonable notice.

Part V

It is further ordered that respondent shall forthwith distribute a copy of this Order to each of its operating divisions, to its successors and assigns, and to each of its officers, agents, representatives, or employees who have sales, marketing, advertising, servicing, warranty, or policy responsibilities with respect to the subject matter of this Order.

Part VI

It is further ordered that respondent shall notify the Commission at least thirty (30) days prior to the effective date of any proposed change in respondent such as dissolution, assignment, or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

Part VII

It is further ordered that respondent shall, within sixty (60) days after the date of service of this Order, and within eighteen months after the date of service of this Order, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form in which it has complied with this Order.

Attachment A—[Champion letterhead]

[Date]

Dear : Our records show that you may have purchased a Solar Furnace or solar collector manufactured by Champion Home Builders Co. Champion has recently started a program to offer cash settlements of at least several hundred dollars each to certain people who purchased solar energy equipment sold under the "Champion" and other brand names. You may be eligible for a cash settlement under this program. Please read this letter and follow the steps listed below.

This program is part of an agreement between the Federal Trade Commission (FTC) and Champion. The FTC had alleged that Champion's Solar Furnaces and solar collectors did not provide as much heat as represented and required a great deal of maintenance and repairs. Although Champion does not admit this is true, we have agreed to offer these cash settlements.

How To Apply

In order to apply for a cash settlement, you *must* do the following:

(1) Fill out the enclosed questionnaire completely. This will be used to determine your eligibility for the cash settlement.

(2) If you owned more than one Solar Furnace or solar collector system, make extra copies of the questionnaire and fill out one for each Solar Furnace or solar collector system you owned.

(3) Return the completed questionnaire to us in the enclosed envelope. You must mail the questionnaire back to us by [return date] to make sure you are considered for the full settlement for which you may be eligible. If you are eligible for a cash settlement but we do not receive your completed questionnaire in time, you may get a lesser amount or you may get nothing.

Even if you no longer own the Solar Furnace or solar collector, or you were a dealer, or you bought a non-Champion brand, you may still be eligible for a cash settlement. Please fill out the questionnaire so that you may be considered.

How To Obtain Your Cash Settlement

Once we receive your completed questionnaire, we will determine if you are eligible for a cash settlement and let you know in writing within the next three months. If you are eligible, we will also tell you how much the settlement will be. Please let us know if you change your address in the next several months, so we can contact you again.

You will *not* have to return your Solar Furnace or solar collector if you decide to take the cash settlement. However, you *will* have to sign a waiver form which we will send you. By signing the waiver you will give up any rights you may have remaining under a warranty if you got a warranty from Champion. You will also give up your right to sue Champion for any existing claims you may have relating to your Solar Furnace or solar collector.

If you have any questions about this program, please contract:

Champion Solar Program
c/o Champion Home Builders Co.
5573 E. North Street
Dryden, Michigan 48428
[Telephone number]

Remember: You must mail the completed questionnaire to us by [return date]. Also, please remember to let us know if you change your address.

Sincerely yours,

Champion Home Builders Co.

Enclosures.

Attachment B—Questionnaire

Please print your name, address, and telephone number. Then, answer the questions below by putting an "X" in the proper box.

Fill out a separate questionnaire form for each Solar Furnace or solar collector system you have owned. If you were a dealer, fill out a questionnaire form for each Solar Furnace or solar collector system you had for your own use as heating equipment or as a demonstrator.

Name: ————————
Telephone: ————————
Address: ————————
Zip Code: ————————

1. Have you or your family ever bought a Solar Furnace or solar collector for your own use as heating equipment or as a demonstrator? (Answer yes if you bought the unit by itself or with your home.)

☐ Yes ☐ No

Note.—If you answered yes, please answer the following questions. If you answered no, please skip to Question 12.

2. Did you buy the Solar Furnace or solar collector as new?

☐ Yes ☐ No

3. What is the brand name of the Solar Furnace or solar collector?

☐ Champion ☐ Other (please specify):———

4. If you own or owned a Solar Furnace, does the outside surface look like:

☐ Aluminum or metal with a brown wood-grain pattern?

☐ Wood, fiberglass or other non-metallic material?

☐ Other (please specify):———

5. If you own or owned a Solar Furnace, does the collector have underneath the glass:

Fins or long slats? ☐ Yes ☐ No
Round cup? ☐ Yes ☐ No

6. What is the serial number of your Solar Furnace or solar collector?———

Note.— The serial number should appear on your warranty registration form. If you can't find your serial number, leave this answer blank.

7. Do you still own the Solar Furnace or solar collector?

☐ Yes ☐ No

8. If the answer to question 7 is no, did you:

☐ Sell the unit (either by itself or with your home)?

☐ Dispose of the unit without selling it or receiving any compensation?

Note.—If you sold the unit to someone else, please provide the name and address of the buyer:

————————————————

9. Were you ever a dealer for Solar Furnaces?

☐ Yes (please specify brand name of equipment you sold):———

☐ No

Note.—If you answered yes, please answer the following questions. If you answered no, please skip to Question 12.

10. Did you by the Solar Furnace or solar collector described above before you became a Solar Furnace dealer?

☐ Yes ☐ No

11. How many Solar Furnaces and Champion solar collector systems did you sell? (Do not count any units you bought for your own use and later sold second-hand.)

☐ None ☐ One or two ☐ More than two

12. Do you know anyone else who bought a Solar Furnace or Champion solar collector? If so, please provide their names and addresses:

————————————————
————————————————
————————————————

This completes our questions. If you have a copy of your bill of sale, warranty form, or other evidence of purchase, please enclose it with this form in the envelope we have provided. If you do not have anything like this, please return the form anyway. Evidence of purchase is *not* required for you to be eligible for a cash settlement, but will help us in reviewing your eligibility.

Remember: You must fill out this form and mail it to us by [return date] to be eligible for a full cash settlement.

Attachment C—[Champion letterhead]

[Date]

Dear : As part of an agreement with the Federal Trade Commission (FTC), Champion Home Builders Co. is offering cash settlements to certain people who purchased Solar Furnaces and solar collectors manufactured by Champion. We have reviewed our records and the questionnaire that you returned and have determined that you are eligible for a cash settlement under this program.

Amount of Your Cash Settlement

The tentative amount of your cash settlement is [tentative cash settlement amount]. This amount was determined based on the number of Solar Furnaces or solar collectors you purchased and the circumstances under which you purchased them. The amount of money you will actually receive may increase slightly if someone who is eligible decides not to accept a settlement, but this amount will *not* be lowered.

How To Obtain Your Cash Settlement

In order to obtain your cash settlement, you must sign and return the enclosed form entitled "Notice of Acceptance of Cash Settlement and Waiver of Claims." Please read this form and make your decision carefully. By signing and returning this form and accepting your cash settlement, you give up any rights you may have remaining under a warranty if you got a warranty from Champion. You also give up your right to sue Champion for any existing claims you may have relating to your Solar Furnace or solar collector.

If you decide to accept the cash settlement and give up these rights, please sign the form and return it to us in the enclosed envelope. You *must* mail the signed form back to us by [return date] to make certain you receive your settlement. We will then mail you a check within the next two to four months. If we do not receive your signed form in time, you may get a smaller cash settlement or you may get nothing.

If you decide not to accept the cash settlement, please do not return the form. You will not give up any rights and you will not receive any money.

If you have any questions about this program, or if you change your address, please contact:

Champion Solar Program
c/o Champion Home Builders Co.
5573 E. North Street
Dryden, Michigan 48428

[Telephone number]

Remember: You must mail the signed waiver form to us by [return date].

Sincerely yours,

Champion Home Builders Co.

Enclosures.

Attachment D—Notice of Acceptance of Cash Settlement and Waiver of Claims

I hereby accept Champion's offer of a cash settlement, as contained in its letter of [date of Attachment C or F letter], in an amount not less than [tentative cash settlement amount].

In consideration of this cash settlement, I hereby release and discharge Champion Home Builders Co., its successors and assigns, and its directors, officers, agents, representatives, and employees, and its divisions and other subsidiaries, from any and all claims of every name and nature relating to solar energy equipment manufactured and sold by Champion Home Builders Co., including any claims I may have under any express or implied warranty, including any warranty of merchantability or fitness for particular use, from the beginning of time to the date of this instrument and forever after, except any claims for future personal injury or future property damage relating to the solar energy equipment.

(Date) ____________________
(Signature) ____________________
(Name) ____________________
(Address) ____________________
____
(City, State and Zip Code)

Remember: You must sign this form and mail it to us by [return date].

Attachment E—[Champion letterhead]

[Date]

Dear : Our records show that you may have purchased a Solar Furnace or solar collector manufactured by Champion Home Builders Co. Champion has recently started a program to offer cash settlements of at least several hundred dollars each to certain people who purchased solar energy equipment sold under the "Champion" and other brand names. You may be eligible for a cash settlement under this program. Please read this letter and follow the steps listed below.

This program is part of an agreement between the Federal Trade Commission (FTC) and Champion. The FTC had alleged that Champion's Solar Furnaces and solar collectors did not provide as much heat as represented and required a great deal of maintenance and repairs. Although Champion does not admit this is true, we have agreed to offer these cash settlements.

How To Apply

In order to apply for a cash settlement, you *must* do the following:

(1) Fill our the enclosed questionnaire completely. This will be used to determine your eligibility for the cash settlement.

(2) If you owned more than one Solar Furnace or solar collector system, make extra copies of the questionnaire and fill out one for each Solar Furnace or solar collector system you owned.

(3) Return the completed questionnaire to us in the enclosed envelope. You must mail the questionnaire back to us by [return date] to make sure you are considered for the full cash settlement for which you may be eligible. If you are eligible for a cash settlement but we do not receive your completed questionnaire in time, you will receive no cash settlement.

Even if you no longer own the Solar Furnace or solar collector, or you were a dealer, or you bought a non-Champion brand, you may still be eligible for a cash settlement. Please fill out the questionnaire so that you may be considered.

How To Obtain Your Cash Settlement

Once we receive your completed questionnaire, we will determine if you are eligible for a cash settlement and let you know in writing within the next several months. If you are eligible, we will also tell you how much the settlement will be. Please let us know if you change your address in the next several months, so we can contact you again.

You will *not* have to return your Solar Furnace or solar collector if you decide to take the cash settlement. However, you *will* have to sign a waiver form which we will send you. By signing the waiver you will give up any rights you may have remaining under a warranty if you got a warranty from Champion. You will also give up your right to sue Champion for any existing claims you may have relating to your Solar Furnace or solar collector.

If you have any questions about this program, please contact:

Champion Solar Program
c/o Champion Home Builders Co.
5573 E. North Street
Dryden, Michigan 48428

[Telephone number]

Remember: You must mail the completed questionnaire to us by [return date]. Also, please remember to let us know if you change your address.

Sincerely yours,

Champion Home Builders Co.

Enclosures.

Attachment F—[Champion letterhead]

[Date]

Dear : As part of an agreement with the Federal Trade Commission, Champion Home Builders Co. is offering cash settlements to certain people who purchased Solar Furnaces and solar collectors manufactured by Champion. Some time ago, we sent you a letter notifying you of your eligibility for a cash settlement under this program. We also sent you a form to sign in order to accept your cash settlement.

We have received back your signed acceptance form. Unfortunately, we did not receive it in time to include you in the first group of people eligible for cash settlements. For that reason, the amount of the cash settlement you can receive has changed. We are sending you this letter to notify you of the change in your cash settlement, and to obtain your approval of the new amount.

Amount of Your Cash Settlement

The tentative amount of your cash settlement is now [tentative cash settlement amount]. The amount of money you will actually receive may increase slightly if someone who is eligible decides not to accept a settlement, but this amount will *not* be lowered.

How To Obtain Your Cash Settlement

In order to obtain your cash settlement, you must sign and return the enclosed form entitled "Notice of Acceptance of Cash Settlement and Waiver of Claims." You must do this even though you previously signed and returned a form.

Please read this form and make your decision carefully. By signing and returning this form and accepting your cash settlement, you give up any rights you may have remaining under a warranty if you got a warranty from Champion. You also give up your right to sue Champion for any existing claims you may have relating to your Solar Furnace or solar collector.

If you decide to accept the cash settlement and give up these rights, please sign the form and return it to us in the enclosed envelope. You *must* mail the signed form back to us by [return date] to make certain you receive your settlement. We will then mail you a check within the next two months. If we do not receive your signed form in time, you will receive no cash settlement.

If you decide not to accept the cash settlement, please do not return the form. You will not give up any rights and you will not receive any money.

If you have any questions about this program, or if you change your address, please contact:

Champion Solar Program
c/o Champion Home Builders Co.
5573 E. North Street

Dryden, Michigan 48428
[Telephone number]

Remember: You must mail the signed waiver form to us by [return date].

Sincerely,

Champion Home Builders Co.

Enclosures.

Attachment G—[Champion letterhead]

[Date]

Dear   : As part of an agreement with the Federal Trade Commission (FTC), Champion Home Builders Co. is offering cash settlements to certain people who purchased Solar Furnaces and solar collectors manufactured by Champion. We have reviewed our records and the questionnaire that you returned and have determined that you are *not eligible* for this program, for the following reason:

☐ Your Solar Furnace or solar collector was not manufactured by Champion.
☐ You are not the original purchaser.
☐ You were a Champion dealer and sold three or more Solar Furnaces or solar collectors.
☐ You were a dealer for an International Solarthermics Corporation licensee and sold one or more Solar Furnaces or solar collectors.
☐ You previously received a refund or monetary award from Champion.
☐ Your information was received after the program had ended.
☐ Other: ———

If you believe that our determination is incorrect, please contact:

Champion Solar Program
c/o Champion Home Builders Co.
5573 E. North Street
Dryden, Michigan 48428
[Telephone number]

For a copy of the FTC agreement, write:

Federal Trade Commission
Public Reference Branch
Room 130
Washington, D.C. 20580

We regret that we cannot be of assistance to you.

Sincerely yours,

Champion Home Builders Co.

Attachment H—[Champion letterhead]

[Date]

Dear Sir/Madam: Our records indicate that you may own solar energy equipment manufactured by Champion Home Builders Co. As a result, we are sending you this important notice about your equipment.

Important Warning

Your Champion solar equipment contains wood and other flammable materials. Federal Government Agencies have recently expressed concern that wood in solar collectors may ignite when exposed to excessive heat over a long period of time. Although we do not expect a fire would occur under normal operating conditions, we recommend that these precautionary steps be taken.

1. Close the Reflector Shield When Your Solar Equipment Is Not in Use

Always cover the collector when the unit is not operating to prevent build-up of excessive heat. Close the reflector shield to cover the collector during months you are not using your equipment. The reflector shield should also be closed if a motor or controller stops working, or if you have a power outage. If you do not have a reflector shield, use a tarpaulin or similar material to cover the collector.

2. Never Smoke or Use an Open Flame Near the Equipment or Ductwork

Your Champion solar equipment and ductwork contain polyurethane foam which can release toxic smoke if ignited. Therefore, you should never smoke or use an open flame, such as a butane torch, near the equipment or ductwork. The two warning labels enclosed with this letter should be glued to the outside of the Solar Furnace at the motor maintenance opening, and to the exposed ductwork inside your house.

3. Install a Smoke Detector

We believe that all homes should be equipped with smoke detectors. If you don't already have one, you should consider purchasing and installing a smoke detector in your home.

If you have any questions about this notice, you may call us at [telephone number].

Sincerely,

Champion Home Builders Co.

Enclosures.

Attachment I

— WARNING —

Combustible Materials

Do not expose to open flames

Analysis of Proposed Consent Order to Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Champion Home Builders Co.

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments by interested persons. Comments received during this time will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The complaint issued by the Commission in this case charged Champion with violating Section 5 of the Federal Trade Commission Act by engaging in unfair and deceptive acts and practices in connection with the advertising, promotion, and sale of solar energy equipment. The complaint alleged that Champion's advertising and promotional literature misrepresented the performance, durability, reliability and quality of its solar energy equipment. In addition, the complaint alleged that Champion did not possess and rely on a reasonable basis for advertising and promotional claims the company made relating to the energy- and money-savings potential of its solar equipment. Finally, the complaint charged that Champion failed to disclose the prospective purchasers important information relating to problems in the operation and performance of its solar equipment. This information included facts about malfunctions and poor performance which would have been likely to affect consumers' decisions whether or not to buy solar energy equipment made by Champion.

Through the proposed consent order, Champion has agreed to:

1. Avoid making deceptive and unsubstantiated claims for solar energy equipment in the future.
2. Provide partial redress in the form of cash settlements to certain purchasers and dealers of solar energy equipment manufactured by Champion.
3. Notify current owners of steps they should take to minimize any potential for fire in Champion-manufactured solar energy equipment.
4. Comply with requirements for recordkeeping, distribution of the order, notification to the Commission, and submission of compliance reports to the Commission.

Background

In January of 1976 Champion Home Builders Co. purchased a license to manufacture a "Solar Furnace," a self-contained A-frame solar heating system capable of being connected to new or existing homes. From the spring of 1976 until April of 1979, Champion built and sold more than 1,400 Solar Furnaces. Champion also manufactured and sold other types of solar energy equipment, including solar collector panels.

Champion sold its solar energy equipment through two separate marketing networks. Some equipment was sold under the Champion brand name by Champion's distributors and dealers, while the remaining equipment was sold through "licensees" and their distributors and dealers. The licensees were separate companies which purchased solar equipment from Champion and resold it under their own brand names.

Champion ceased manufacturing solar energy products sometime in 1978, and sold its Solar Division in April of 1979.

Part I—Prohibition of Misrepresentations

Part I of the order contains three provisions that prohibit Champion from making deceptive or unsupported product claims. The first provision forbids the company from making certain specific claims unless they are true and are adequately substantiated. In order to substantiate claims, Champion must possess and rely upon a competent and reliable test or other objective supporting evidence. The second provision requires that Champion substantiate any energy-savings claims for solar energy equipment. The third provision prohibits Champion from misrepresenting its corporate capabilities and various product attributes of its solar energy equipment.

These provisions are designed to correct specific violations of law which the Commission alleged in the complaint against Champion. Acceptance of this order is intended to ensure that, if Champion markets solar energy equipment in the future, any performance claims made for the equipment in the future, any performance claims made for the equipment are accurate and supported by objective evidence.

Part II—Redress to Purchasers and Dealers

Part II of the order requires Champion to pay cash settlements to certain persons who bought Champion-manufactured solar energy equipment. These payments are designed to compensate consumers for some of the losses they may have suffered as a result of Champion's practices. Persons who are eligible will be offered cash settlements ranging from a few hundred dollars to over one thousand dollars. The total amount Champion will pay in cash settlements will not exceed $550,000. The redress program is to be handled by Champion and all payments should be made within one year of the date of the order becomes final.

The order defines three classes of persons who may be eligible for cash settlements. They are: (1) Consumers who bought new Champion brand solar equipment; (2) consumers who bought new solar equipment made by Champion but sold under a different brand name; and (3) some small solar equipment dealers who bought equipment for their own use. Depending on the class they fall into and whether they still own their solar equipment, these eligible persons will be offered cash settlements of various amounts of money, up to a maximum of $1,500 for each unit they bought. Only original owners of solar equipment are eligible for the payments, but they are eligible even if they no longer own the equipment.

In order to receive the cash settlements, eligible persons will have to sign and return a waiver form giving up any legal claims they might now have against Champion. This includes any rights to receive service or repairs under a Champion warranty.

Part II of the order contains all of the procedural requirements and timetables for Champion to carry out the redress program. The order states that Champion must notify potentially eligible people about the program, send out questionnaires, determine who is actually eligible, and offer them cash settlements. Champion must then send cash settlements to all eligible persons who sign and return a waiver form. The order also provides for a second phase of the redress program for "latecomers" who learn about the program late or who miss some of the time deadlines for returning forms to Champion.

Acceptance of this order will have the immediate effect of compensating injured consumers and preventing the recurrence of unlawful practices by Champion. It should also serve to discourage other solar equipment manufacturers from making false and unsubstantiated claims and failing to disclose to consumers the existence of serious defects in their products.

Part III—Notification of Fire Prevention Procedures

Part III of the order requires Champion to notify current owners of solar energy equipment made by the company as to how to avoid the possibility of fire in their solar energy equipment. The notification consists of a written warning describing a possible risk of fire and three steps which owners should take as a precaution to minimize any hazard. Champion must also enclose with the notice two warning signs which owners are instructed to attach to their solar equipment. These provisions should have the effect of encouraging precautions by owners and thus of minimizing any potential for fire in solar energy equipment manufactured by Champion.

Parts IV–VII—Recordkeeping, Notification, Compliance

Part IV of the order requires Champion to maintain records which will help the Commission review the company's compliance with its duties under the order. Part V requires Champion to distribute the order to officers and employees of the corporation. Part VI orders Champion to notify the Commission of changes in its corporate structure. Finally, Part VII requires Champion to file with the Commission two reports describing its compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 82-30628 Filed 11-5-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Resources Provisions

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: We are proposing to rewrite and reorganize our rules on resources under the Supplemental Security Income (SSI) program. These rules describe what we mean by resources, how we count resources and how resources effect eligibility for SSI benefits. Our purposes are to make these rules clearer and easier for the public to understand, to update current policy and to implement recent statutory changes.

DATE: Your comments will be considered if we receive them no later than January 7, 1983.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3-A-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7414.

SUPPLEMENTARY INFORMATION: We have retitled, rearranged, and rewritten the rules in Subpart L to clarify and update the rules which are now in use. Subtitles are used in these rules to highlight those that are most important and make them easier to locate. We have moved the list of resources that are excluded under the SSI program by Federal laws, other than the Social Security Act, from the text of the regulations to an appendix. The appendix will be updated periodically.

We have also modified the rules to implement recent changes in the law that (1) deeming of resources from parents to children will stop at age 18 even if the child is still a student and that (2) eligibility will be based on an individual's resources in a month rather than a calendar quarter.

Resources—General

In § 416.1200 we give a general introduction to the resources subpart. We explain that the value of a person's resources is a basic factor in determining eligibility for SSI benefits.

Section 416.1201 defines terms that are used throughout the subpart. However, we have also added definitions to other sections where they specifically apply.

Section 416.1202 explains that, as a general rule, resources are any cash or other liquid assets or any real or personal property a person can use to meet his or her needs for food, clothing, or shelter. We have included a discussion to distinguish between liquid and non-liquid resources. Liquid resources are those items such as cash on hand, bank savings and checking accounts and similar items which can be quickly converted to cash (within 20 work days). It is necessary to distinguish between liquid and non-liquid resources because liquid resources cannot be excluded as property essential to self-support unless they are part of a trade or business. In addition, a person cannot use the conditional payment procedure if the liquid resources exceed a certain limit.

Section 416.1203 states what are not resources and lists some items that are not resources.

Section 416.1204 explains how much a person can have in resources and still get SSI benefits. This section also clarifies for the first time in the regulations that changes in resources during a month are not taken into account until the first day of the next month. Section 416.1204(d) and (e) also explain for the first time in regulations when income becomes a resource and when retroactive SSI benefits become a resource. Prior to April 1, 1982, SSI benefits which were received on a regular basis became a resource (as did other items of value held at the beginning of a quarter) if retained into the quarter following the quarter of receipt. There was, however, one exception. Retroactive SSI benefits did not count as a resource until the second quarter following the quarter of receipt. Beginning April 1, 1982, due to a change in the law (sec. 2341 of Pub. L. 97-35) we determine eligibility for SSI benefits on a monthly rather than a quarterly basis. (These rules were published as an NPRM in the **Federal Register** on October 29, 1981 (46 FR 53449)). As a result of this change, retroactive SSI benefits will not count as a resource until the first day of the fourth month following the month of receipt.

In § 416.1205, we explain that we value most resources by their equity value. The only exceptions are contained in the rules for treatment of automobiles which are discussed in § 416.1214 and the rules for alternative resource counting in § 416.1280. "Equity value" means the current market value of an item minus any legal debt on the item.

In addition, § 416.1205 is revised to show how we determine the value of a resource and when this value will be effective. The value is established as of the month in which information showing an estimate of the value is dated.

Resources We Do Not Count

The rules dealing with resources we do not count (called exclusions) are in §§ 416.1210 through § 416.1250. These rules explain when we do not count all or part of the value of a particular type of resource toward the resource limit.

Section § 416.1210 defines the home and explains that the home is not counted toward the resource limit, regardless of its value. We are modifying this rule to provide that when a person has sold a home and intends to buy another, we do not count the net proceeds from the sale until the person has had a reasonable time to buy another home and agrees to accept the SSI benefits as conditional payments while buying another home. We will consider 3 months from the date the person gets the net proceeds from the sale of a home to be a reasonable time to buy another home. However, if a person leaves the home to move into an institution, we will not count the former home as a resource as long as a dependent relative lives there.

Section § 416.1212 describes household goods and personal effects and explains when we count the value of household goods and personal effects as resources.

In § 416.1214, we explain the rules dealing with automobile(s). We indicate in this section that either equity value or current market value will be used to value an automobile depending on the situation. The rules for automobiles in this NPRM are essentially the same rules that were published in the **Federal Register** on July 24, 1979 (44 FR 43266) with interim effect. These rules were effective November 1, 1979. There is one exception. We have modified this section to provide for the total exclusion of an automobile necessary for transportation to perform essential daily activities in unusual climate and terrain. Current rules provide for this exclusion as part of the rules about property essential to self-support. This NPRM relocates this exclusion to § 416.1214. We invited public comments through September 24, 1979. Views were expressed by several commenters on the automobile interim rules and will be addressed when the rules in this recodified subpart are published in final.

The rules dealing with property essential to self-support are in §§ 416.1220 through § 416.1228. When we count the value of the resources persons have, we do not count the value of property essential to self-support, if it meets certain limitations. Property essential to self-support can include both real and personal property used in a trade or business, nonbusiness income-producing property, and property used to produce goods or services essential to daily activities. Property essential to self-support does not include the home as defined in § 416.1210.

Section 416.1220 describes property essential to self-support and explains how we count that property. This section provides value limitations for property essential to self-support which do not appear in existing regulations. In order to be excluded as property essential to self-support, income-producing property must not exceed $6,000 in equity value and it must yield a net annual return of 6 percent of the equity.

Sections 416.1226 through 416.1228 describe the conditions under which we exclude resources that beneficiaries use or set aside to complete an approved plan to become self-supporting. These rules are not new but have been in Subpart Q, Referral for Rehabilitation Services, Other Benefits, Other Services and Assistance. The rules are now being located in this subpart because they concern resources. These rules are also similar to the income rules on an approved plan for self-support that were published in the **Federal Register** on October 3, 1980 (45 FR 65541).

Section 416.1230 explains when we exclude a person's life insurance policies. We define the different types of life insurance policies a person may own and explain how life insurance is valued. We explain that we only count the cash surrender value of policies when the face value of all policies total more than $1,500. We also explain the conditions under which burial insurance policies or contracts are considered a resource.

Section 416.1240 describes how we treat assistance received because of a major disaster. This assistance and interest earned on the assistance is not counted toward the resource limit for a period of 9 months beginning with the month you receive the assistance and for up to an additional 9 months for good cause.

Section 416.1242 describes how we treat excluded resources that have been lost, damaged or stolen. We do not count any cash (including interest) or in-kind replacement of resources individuals receive for purposes of repairing or replacing lost, damaged or stolen excluded resources for a period of 9 months beginning with the month you received the cash or in-kind replacement. An extension of up to an additional 9 months is possible if there is a delay which is beyond the control of the beneficiary.

Section 416.1244 explains that we exclude an additional resource (that is, certain stock holdings) if a person is a native of Alaska.

Section 416.1250 describes the resources that are excluded under Federal laws other than the Social Security Act. These laws are listed in the appendix at the end of the Subpart.

Deeming of Resources

When a person applies for or receives SSI, we consider the value of the person's own resources, and we also deem (consider) the value of the resources of the person's ineligible spouse, ineligible parent or the spouse of a parent (if the eligible individual is a child under age 18), or an essential person if they live in the same household. The rules which explain deeming of resources are in §§ 416.1260 through 416.1269. These rules are similar to the final income deeming rules that were published in the **Federal Register** on October 3, 1980 (45 FR 65541).

Section 416.1260 explains that we deem resources to an eligible individual (spouse), or eligible child, because we expect an ineligible spouse, or ineligible parent living in the same household to use part of his or her resources to help take care of all or some of the eligible individual's needs. We deem resources of an essential person to the eligible individual because we have increased the benefit of the eligible individual to help provide for the needs of the essential person.

Section 416.1262 explains when we deem resources and how we determine the amount of resources we deem from an ineligible spouse to an eligible individual (spouse).

Section 416.1263 explains how resources are deemed from an ineligible parent to an eligible child. It includes the rule that, when there is more than one eligible child in the household, resources deemed from parents are divided equally among the eligible children. However, if a child has countable resources of his or her own, we deem from the parents only enough to make that child ineligible and apportion any excess deemed resources equally among the remaining eligible children. This rule is consistent with the rule on deeming of income under like circumstances as well as with the concept of treating parents and their eligible children as a unit when they live in the same household; that is, it considers that the unit will share its resources. This section also reflects the provision of section 203 of Pub. L. 96–265 which amends section 1614(c)(2) of the Social Security Act to eliminate deeming of parents' income and resources to students age 18 to 21. The law permits certain children who were receiving SSI in September 1980 to continue to have parental income and resources deemed to them until they reach age 21 if it would be to their advantage to do so. This change has been announced in a separate notice of proposed rulemaking as well as in these proposed regulations. This section also discusses for the first time situations where more than one eligible child is in the household.

We have also added new rules to the deeming situations in §§ 416.1262 and 416.1263 which are the result of a Commissioner's decision dated October 22, 1976. Pension funds owned by an ineligible spouse or parent will not be counted as the eligible individual's resources. We define pension funds as funds held in individual retirement accounts (IRA) or Keogh accounts as described by the Internal Revenue Code, or in a work-related pension plan.

Section 416.1264 describes how we deem resources to an eligible individual and eligible child from an ineligible spouse. It explains that we deem from an ineligible parent to an eligible parent only that amount of resources which, when combined with the eligible parent's own countable resources, would make a couple ineligible; that is, would exceed the $2,250 statutory limit for a couple. We then deem any remaining resources to the eligible child or children. (If the combined countable resources of the two parents do not exceed $2,250, there is nothing to deem to the child.) Although this policy has not previously been spelled out with respect to deeming of resources, it has been in regulations governing deeming of income since 1976. Thus, the rule provided in these regulations would clearly make the deeming of resources consistent with the deeming of income when the same set of circumstances exists.

Section 416.1266 describes how we deem resources to an eligible individual from an essential person.

Section 416.1269 discusses for the first time how a change in a person's living arrangement can affect the deeming of resources. This section also explains that we stop deeming resources to an eligible child the month after he or she reaches age 18 unless the child was between the ages of 18 and 21 in September 1980 and received an SSI benefit for that month and if deeming would be to the eligible child's advantage.

Section 504 of Pub. L. 96–265 provides, effective October 1, 1980, that income and resources of sponsors will be deemed to aliens under certain conditions. Rules to implement this provision are not included in these proposed regulations. They were published separately as an NPRM in the **Federal Register** on December 10, 1981 (46 FR 60470). We intend to include them when these regulations are published in final.

Conditional Payments While Disposing of Excess Resources

If the value of a person's resources is greater than the maximum dollar limits set out in § 416.1204, a person may receive conditional payments for a short period of time if certain requirements are met. These rules are in §§ 416.1270 through 416.1276. One of these requirements is that the total value of a person's countable resources must not exceed $3,000 ($4,500 for a couple). Also, the person must agree to sell the excess resources (that is, the amount over $1,500 or $2,250 for a couple) and apply the proceeds toward repayment of the conditional payments. We have added new rules to allow some persons or couples whose homes are no longer excludable to qualify for conditional payments. They must agree to sell their former home and apply the proceeds of the sale toward repayment of the conditional payments.

Alternative Resource Counting Rules for Certain Individuals

Alternative resources rules aply to persons who receive SSI benefits because they are aged, blind or disabled and were transferred from State programs to the Federal SSI program when it began in January 1974. These persons must have received State assistance payments for the aged, blind or disabled for December 1973 under the provisions of the State plan which was in effect for October 1972, must continue to live in the same State, and must continue to be eligible for SSI benefits. We have added a statement that for purposes of these rules, an "SSI benefit" means a Federal benefit only and does not include any State supplement. Prior to the rules on the counting of income which were published in the **Federal Register** on October 3, 1980 (45 FR 65541), SSA interpreted an SSI benefit for the purpose of the alternative income rules to include receipt of a State supplementary payment. The income regulations qualified the rule by limiting and SSI benefit to a Federal payment. The qualification was necessary to implement the alternative income rules in a manner consistent with the Act. The alternative rules on resources are, therefore, being revised to make them consistent with the income rules and the Act. We intend to apply this interpretation in a limited manner so that it will have only future effect and will not be applied to determinations made prior to publication of these rules in final.

Sections 416.1280 through 416.1282 explain that for these persons converted from former State plans, we count resources under the rules in this subpart, or under the rules that would have applied under the State plan for October 1972, whichever results in lower countable resources.

Disposal of Resources for Less Than Fair Market Value

Section 5 of Pub. L. 96–611, which amends section 1613 of the Act, deals with the disposal of resources for less than fair market value for the purpose of establishing eligibility for SSI benefits. Proposed regulations implementing this change have been announced in a separate publication in the **Federal Register** (46 FR 51778) dated October 22, 1981, and do not appear in these proposed regulations.

Retrospective Monthly Accounting

These regulations include the provisions of section 2341 of Pub. L. 97–35. Section 2341 requires, with certain exceptions, the use of retrospective monthly accounting in the SSI program. The provision was effective April 1, 1982.

Prior to April 1 1982, an individual's eligibility for and amount of SSI benefits were determined on a quarterly basis. Under section 2341, eligibility for and the amount of SSI benefits are determined on a monthly basis. However, the method of determining eligibility differs from that used to determine benefit amount even though both are determined on a monthly basis. Eligibility for SSI benefits will always be determined based on income, resources and other relevant factors in the month for which the payment is to be made (the current month). If eligibility is found for the current month, the amount of the benefit to be paid for that month will be based on income and other relevant factors in a prior month.

Deeming of Resources Where Medicaid Eligibility is Affected

These proposed regulations do not include the special temporary rules on deeming of resources where Medicaid eligibility is affected. Those rules were published with interim effect on June 4, 1982 (47 FR 24274). The interim rules primarily address the problem of certain beneficiaries to SSI payments who remain unnecessarily institutionalized because returning home for less costly medical treatment would result in Medicaid ineligibility.

Burial Plots and Prepaid Burial Contracts

These proposed regulations do not include the rules on burial plots and prepaid burial contracts. Those rules were published with interim effect on August 17, 1982 (47 FR 35948). They specify that burial plots and prepaid burial contracts are not resources for purposes of determining eligibility for SSI. This change of policy was necessary so that SSI applicants and recipients who purchase burial plots do not risk losing their eligibility for SSI. Recently enacted legislation, the Tax Equity and Fiscal Responsibility Act of 1982, H.R. 4961, contains provisions dealing with the exclusion from resources of burial plots and certain funds set aside for burial expenses. We are considering what changes may be required in these currently effective regulations because of this legislation.

Appendix

Some Federal laws other than the Social Security Act exclude certain types of resources for SSI purposes. This NPRM lists the various statutes under headings according to the kind of resources they exclude.

Executive Order 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations do not have a significant economic impact on small entities because these rules affect only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96–354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping requirements requiring OMB clearance. Sections 416.1227, 416.1271(c), and 416.1276(b)(1) include reporting requirements which OMB has approved under Nos. 0960–0045, 0960–0127, and 0960–0045, respectively.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental Security Income (SSI).

Dated: August 25, 1982.

Paul B. Simmons,
Acting Commissioner of Social Security.

Approved: October 19, 1982.

Richard S. Schweiker,
Secretary of Health and Human Services.

PART 416—[AMENDED]

It is proposed to revise Subpart L of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations to read as follows:

Subpart L—Resources

General

Sec.
416.1200 Resources and SSI eligibility.
416.1201 Definition of terms.
416.1202 What are resources.
416.1203 What are not resources.
416.1204 The value of resource you can have.
416.1205 How we value resources.
416.1206 Resources we count.

Resources We Do Not Count

416.1210 Your home.
416.1212 Your household goods and personal effects.
416.1214 Your automobile.
416.1220 Property essential to self-support.
416.1226 You have an approved plan for self-support.
416.1227 What a plan to achieve self-support is.
416.1228 When we begin to count the resources excluded under a plan to achieve self support.
416.1230 Your life insurance.
416.1240 How we treat assistance received because of a major disaster.
416.1242 Replacement of your lost, damaged, or stolen excluded resources.
416.1244 Resources of a native of Alaska.
416.1250 Resources excluded by statutes other than the Social Security Act.

Deeming of Resources

416.1260 What is deeming.
416.1262 How we deem resources to you from your ineligible spouse.
416.1263 How we deem resources to you from your parent.
416.1264 How we deem resources to you and your eligible child from your ineligible spouse.
416.1266 How we deem resources to you from your essential person.
416.1268 When we stop deeming resources from an essential person.
416.1269 When a change in status affects use of deeming rules.

Conditional Payments While Disposing of Excess Resources

Sec.
416.1270 Conditional payments; general.
416.1271 Conditions for disposal.
416.1272 Time limits for disposal.
416.1274 Proceeds from disposition.
416.1276 Conditional payments relating to your home.

Alternative Resource Counting Rules for Certain Individuals

416.1280 General.
416.1281 When the alternative rules apply.
416.1282 How we apply the alternative rules in certain situations.
Appendix—List of types of resources provided by Federal laws other than the Social Security Act which are excluded under the SSI program.

Authority: Secs. 1102, 1611, 1613, 1614, and 1631 of the Social Security Act as amended; sec. 211 of Pub. L. 93-66; 49 Stat. 647 as amended, 86 Stat. 1466, 86 Stat. 1470, 86 Stat. 1471, 86 Stat. 1475, 87 Stat. 154; U.S.C. 1302, 1382, 1382b, 1382c, and 1383.

Subpart L—Resources

General

§ 416.1200 Resources and SSI eligibility

You are eligible for supplemental security income (SSI) benefits if you are an aged, blind or disabled person who meets the requirements described in Subpart B on eligibility and who has limited income and resources. Thus, the value of your resources is a major factor in deciding if you can receive SSI benefits. In applying the resource value limits in this subpart, we do not count all of your resources to determine your eligibility. We explain in the following sections what are resources and how we treat your resources for the SSI program. If the resources we do count exceed the limits, we cannot pay you SSI benefits. These rules apply to eligibility for the Federal benefit and to any optional or mandatory State supplement paid by us on behalf of a State (See Subpart T of this part for more information concerning State supplements).

§ 416.1201 Definition of terms.

As used in this subpart—

"Child" means someone who is not married, is not the head of a household, and is either under age 18 or is under age 22 and a student (see § 416.1856).

"Couple" means an eligible individual and his or her eligible spouse.

"Current market value" means the price an item would sell for on the open market in your locality.

"Equity value" means the current market value of an item minus any legal debt on the item.

"Spouse" means someone who lives with another person as that person's husband or wife (see §§ 416.1806–416.1811).

"We," "Us," or "Our" refers to the Social Security Administration.

"You" or "Your" refers to a person who is applying for, or already receiving, SSI benefits.

§ 416.1202 What are resources.

Resources are your cash or other liquid assets or any real or personal property you own and can use or convert to cash to meet your needs for food, clothing or shelter. Also, if your property (either real or personal) can be used to obtain food, clothing or shelter, we count it as your resource whether you intend to use it for those purposes or for some other purpose. There are two general kinds of resources, liquid and nonliquid, and we must count both of these in deciding if we can pay you.

(a) *Liquid resources.* Liquid resources are cash or other property which you can convert to cash within 20 work days. (Note: We count the value of the resource whether it has been converted to cash or not.) Examples of liquid resources are stocks, bonds, mutual fund shares, promissory notes, mortgages, life insurance policies, bank accounts (savings and checking), certificates of deposit and similar items.

(b) *Nonliquid resources.* Nonliquid resources are all forms of property other than liquid resources, including those things you cannot ordinarily convert to cash within 20 work days. Examples of nonliquid resources are loan agreements, certain savings bonds, household goods, automobiles, trucks, tractors, boats, machinery, livestock, buildings and land.

§ 416.1203 What are not resources.

(a) *We do not count something as a resource if—*

(1) It has no cash value (for example, a nontransferable license, permit, passport, visa, etc.); or

(2) You cannot sell or trade it because someone else owns the resource with you, has the legal right to prevent you from selling your share of it, and enforces that right (that is, the co-owner refuses to consent to the sale). However, if you own property with someone else and that person is filing for or receiving SSI benefits, his or her refusal to consent to sell the property will not prevent us from counting the value of your share in the property as your resource.

Example: Two brothers, Tom and Joe, own a piece of real property worth $4,000. Each brother's share is worth $2,000. Joe files for SSI benefits and since his share of the property ($2,000) exceeds the allowable limit ($1,500), he must dispose of his share of the property to be eligible. However, Tom's consent is necessary for Joe to dispose of the property, and Tom refuses to give his consent. Therefore, the value of Joe's share of the property is not a countable resource as long as Tom's refusal is in effect.

(3) You cannot sell or trade it because no one will buy it from you or give you something of value for it.

(b) *Indian lands.* When we decide on the resources of a person who is an enrolled member of an Indian tribe which is recognized by the Federal Government, we do not count those lands that cannot be given away or sold without permission from the tribe, a tribal council or from an agency of the Federal Government.

§ 416.1204 The value of resources you can have.

(a) *Value limit.* If you are single, the most you can have in countable resources and still get SSI benefits is $1,500. If you have a spouse who is receiving SSI benefits, and we can consider the two of you an eligible couple (see §§ 416.1806–416.1811 and 416.1830), the value of your resources includes the value of your spouse's resources and the two of you cannot have more than $2,250. If you have a spouse with whom you are living who is not receiving SSI payments, the value of your resources include those deemed to you from your spouse (see § 416.1262) and cannot be more than $2,250. If you got assistance from a State in December 1973 under a State plan which was in effect for October 1972, State resource counting rules may be used to determine how much you have in countable resources and whether your resources make you ineligible, if applying these rules is to your advantage (see §§ 416.1280–416.1282).

(b) *Increase in value of resources.* If a resource increases in value or you acquire an additional resource or replace a resource during a month which makes the value of your resources go over the allowable limit, the increase in the value of your resources is counted as of the first day of the next month.

(c) *Decrease in value of resources.* If a particular resource decreases in value or the overall amount of your resources decreases, the new value is counted as of the first day of the month following the decrease.

(d) *When income becomes a resource.* Any income received in cash or in kind (See Subpart K of this Part) becomes a resource as of the first day of the next month if it is retained until then. If you sell a resource, what you receive will not count as income; it continues to be a resource.

(e) *When retroactive SSI payments become a resource.* Any SSI payment for months before the month of payment will not be counted as a resource until the first day of the fourth month after the month in which the payment was received.

§ 416.1205 How we value resources.

(a) When counting the value of your resources, we use equity value. For exceptions, see § 416.1214(b) on valuing automobiles and the alternative resource counting rules in §§ 416.1280–416.1282. To determine equity value, we first obtain the current market value of the resource and then subtract any legal debts on that particular resource. Current market value means the price of an item on the open market in your locality.

(b) The current market value of an item is established as of the month in which information showing an estimate of the value is dated. (See § 416.1204(b) and (c) for the effect on your eligibility if the value of a resource increases or decreases.)

Example: Aaron owns a piece of land which we determined to be worth $1,200 in February 1978. It is located three miles away from his home. There are no debts on the property. The piece of land is his only countable resource. He receives a tax assessment notice dated April 1982 which shows that the property is now worth $1,600. This becomes the value of the property that will be used to determine his eligibility for SSI. This newly established current market value will not affect his eligibility for SSI before May 1, 1982.

§ 416.1206 Resources we count.

We have described generally what resources are and are not (§§ 416.1202 and 416.1203) and what the value limit is for resources in the SSI program (§ 416.1204). We have different rules for considering different kinds of resources, such as a home, automobiles, life insurance, etc. These rules are described in §§ 416.1210–416.1248. In some situations we count all or part of the resources of certain people with whom you live as your own resources. These rules are described in §§ 416.1210–416.1269. Also, in some situations, if your resources would ordinarily keep you from getting SSI benefits, either when you apply for SSI benefits or after you have been receiving SSI benefits, we may be able to pay you for some months while you are trying to sell the resources, if you agree to pay us back after you sell them. We call these conditional payments and the rules are described in §§ 416.1270–416.1276. If you received assistance under a State plan for December 1973, alternative rules on your resource limits may help you. Those rules are described in §§ 416.1280–416.1282. In deciding whether you can get SSI benefits, we determine the kind of resources you have and apply the rules for counting each before arriving at a total value to see if you are below the resource limits.

Resources We Do Not Count

§ 416.1210 Your home.

(a) *Defined.* Your home is any property in which you have an ownership interest and which serves as your principal place of residence. This property includes the shelter in which you reside, the land on which the shelter is located and related outbuildings.

(b) *Home not counted.* We do not count your home regardless of its value. However, see §§ 416.1220–416.1224 when there is an income-producing property located on the home property that does not qualify under the home exclusion.

(c) *If you change your principal place of residence.* If you move out of your home, your home becomes a countable resource because it is no longer your principal place of residence. The equity value of your former home becomes a countable resource effective with the first day of the month following the month it is no longer your principal place of residence. If you intend to sell your home after you move out of it, we may be able to pay you conditional payments as described in § 416.1276(a). However, if you leave your home to live in an institution, we will not count your former home as your resource as long as a relative who depends on you for support continues to live there.

(d) *Proceeds from the sale of your home.* If you have sold your home we have different rules for treating the proceeds depending on whether or not you intend to buy another home.

(1) *If you intend to buy another home.* If you have sold your home and intend to buy another home, we will not count the net proceeds you get from the sale as a part of your resources. The net proceeds will not be counted if you replace the home using the proceeds of the sale of your former home within a 3-month period of time and you agree in writing to accept SSI benefits during that period as conditional payments (see § 416.1276(b)). We do this because a person who intends to buy another house should be allowed enough time to obtain another shelter. If you buy another home and use less than all the proceeds of the home sale, we count only the remaining amount as your resources at the beginning of the month following the end of the 3-month period.

(2) *If you do not intend to buy another home.* If you do not intend to buy another home, the money (net proceeds) you get from the sale of your home will be counted as a resource on the first day of the month that begins after the date you sold your home.

§ 416.1212 Your household goods and personal effects.

(a) *Household goods.* Household goods are those items usually found in a home and used for living in and maintaining a home. Examples of household goods include your furniture, draperies, stove, vacuum cleaner, etc.

(b) *Personal effects.* Personal effects are items which you wear or use in a purely personal way. Examples of personal effects include your clothing, jewelry, grooming articles, recreational items, musical instruments, etc. Personal effects also include a wedding ring and an engagement ring and any medical or prosthetic devices that you or a member of your household need.

(c) *Value of household goods and personal effects.* We do not count the value of your household goods and personal effects toward the resource limit if their total equity value is not more than $2,000. If the total equity value is greater than $2,000, we count only the amount that is over $2,000, toward your resource limit. The value of a wedding ring and engagement ring as well as any medical or prosthetic devices is not counted at all.

§ 416.1214 Your automobile.

(a) *General.* We consider an automobile to be any type of vehicle you own and use for transportation. This includes passenger cars, trucks, or other sources of transportation such as animal drawn vehicles, boats, and snowmobiles. In determining a value of your automobile (or other source of transportation), we will consider independent valuations presented by you from established sales sources in your area.

(b) *How we count your automobile.* (1) An automobile may be excluded if it meets any of the following conditions:

(i) An automobile may be totally excluded regardless of value if it is used by you or a member of your household for employment;

(ii) An automobile may be totally excluded regardless of value if it is used by you or a member of your household for medical treatment of a specific or regular medical problem;

(iii) An automobile may be totally excluded regardless of value if it is specially equipped so that it can be used by you or another handicapped person in your household;

(iv) An automobile may be totally excluded regardless of value if it is necessary because of climate, terrain, distance, or similar factors or to provide necessary transportation to perform essential daily activities; or

(v) An automobile may be excluded to the extent that its current market value (not equity) does not exceed $4,500. If the current market value exceeds $4,500, we count the excess toward your resource limit.

(2) *How we count other automobiles you may have.* If you have more than one automobile, we can apply the rules in paragraph(b)(1) of this section to only one automobile. However, we apply those rules in whatever way is most advantageous to you. We then check to see if any other resource exclusion can be applied to your automobile(s). If no other exclusion applies, we treat your other automobile(s) as nonliquid resources and count their full equity value toward your resource limit (see § 416.1205).

(c) *Current market value of your automobile.* The current market value of your automobile is the average price that an automobile of that particular year, make, model, and condition can be sold for on the open market (to a private individual) in your locality.

Example 1. Henry owns a car with a current market value of $5,500. The car is not used for employment or medical reasons and is not specially equipped for use by a handicapped person or necessary to perform essential daily activities. Since only $4,500 of that value can be excluded, $1,000 of the car's value is counted toward Henry's resource limit of $1,500 ($5,500 − 4,500 = $1,000).

Example 2. Ellen owns a car with a current market value of $5,000 which she uses to obtain regular treatment for a medical problem. Although the car's value exceeds $4,500, the full value of the car is excluded from resorces because Ellen uses it in obtaining medical treatment.

Example 3. Brandon owns two cars, neither of which is used for employment or medical treatment. They are not specially equipped for use by a handicapped person. Also, neither car is needed to perform essential daily activities. Both are completely paid for. One car has a current market value of $2,800 and the other a current market value of $1,000. We can exclude either car under the $4,500 rule. It is more advantageous to Brandon to apply the current market value rule to the $2,800 car. Therefore, we count the full equity value of the other car.

§ 416.1220 Property essential to self-support.

(a) *General.* When we count the value of resources you have, we do not count the value of property essential to your self-support, within certain limits. We have different rules for considering this property depending on whether it is income-producing or not. Property essential to self-support can include real and personal property used in a trade or business (land, buildings, equipment and supplies, motor vehicles and tools, etc.), nonbusiness income-producing property (houses or apartments for rent, land other than home property, etc.) and property used to produce goods or services essential to your daily activities. Liquid resources other than those used as part of a trade or business are not property essential to your self-support. Property which is your principal place of residence qualifies under the home exclusions, so we do not consider it in evaluating property essential to self-support.

(b) *How we count income-producing property essential to self-support.* When we decide the value of property used in a trade or business or nonbusiness income-producing activity, we count only the equity value of the property. In order for income-producing property to be excluded as essential to self-support, the equity value of all the property must not exceed $6,000 and it must produce the equivalent of a net annual income of at least 6 percent of the equity value. However, we make an exception if the activity produces less than a 6 percent return due to circumstances beyond your control (for example, crop failure, illness, etc.), and there is a reasonable expectation that your activity will again produce a 6 percent return. If you own more than one piece of property and each produces income, we look at each to see if the 6 percent rule is met and then we total your equity value in all of those properties producing 6 percent to see if the total value is $6,000 or less. The equity values of those that do not meet the 6 percent rule are counted towards your allowable resource limit of

$1,500 for an individual ($2,250 for a couple). If the total equity in your properties producing 6 percent income is over the $6,000 equity limit, we count the amount of equity value exceeding $6,000 as a resource towards your allowable resource limit.

Example 1. Sharon has a small business in her home making handwoven rugs. The looms and other equipment used in the business have a current market value of $7,000. The value of her equity is $5,500, since she owes $1,500 on the looms. Sharon's annual income from the business after deducting tax return expenses is $400. Since the equity value of Sharon's looms and other equipment ($5,500) is under the $6,000 limit for property essential to self-support and her net income after expenses ($400) is greater than 6 percent of her equity value, her income-producing property is excluded from countable resources. The home is not considered in any way in valuing property essential to self-support.

Example 2. Charlotte operates a farm. She owns 3 acres of land on which her home is located. She also owns 10 acres of farm land not connected to her home. There are 2 tool sheds and 2 animal shelters located on the 10 acres. She has various pieces of farm equipment that are necessary for her farming activities. We exclude the house and the 3 acres under the home exclusion (see § 416.1210). However, we look at the other 10 acres of land, the buildings and equipment separately to see if their total equity value is no more than $6,000 and if the annual rate of return is 6 percent of their (equity) value. In this case, the 10 acres and buildings are valued at $4,000 and the few items of farm equipment and other inventory are valued at $1,500. Charlotte sells produce which nets her more than 6 percent for this year. The 10 acres and other items are excluded as essential to her self-support and they continue to be excluded as long as she meets the 6 percent annual return requirement and the value of the 10 acres and other items remain less than $6,000.

Example 3. Jean lives in her home and rents a few of the rooms and a small apartment. She does not furnish anything to the tenants except heat, electricity, and water. Her home is not considered in evaluating property essential to self-support. There are no other assets to be valued and counted. If Jean supplied furniture for the rooms and apartment, the furniture would be an income-producing asset and would have to be considered under the rules for property essential to self-support.

Example 4. Henry has an automobile repair business valued at $5,000. There are no debts on the property and bills are paid monthly. For the past 4 years the business has just broken even. Since Henry's income from the business is less than 6 percent of the equity value, the entire $5,000 is counted as his resources. Since this exceeds the $1,500 limit he is not eligible for SSI benefits.

(c) *How we count nonbusiness property used to produce goods or services essential to your self-support.* We will consider property to be essential for your self-support if it is used to produce goods or services necessary for your daily activities. This type of property includes real property such as land which is used to produce vegetables or livestock only for personal consumption in your household (for example, corn, tomatoes, chicken, cattle). We exclude property used to produce goods or services or property necessary to perform daily functions if the total equity value of the property does not exceed $6,000. Personal property which is required by your employer for work is not counted regardless of value, while you are employed. Examples of this type of personal property include tools, safety equipment, uniforms and similar items.

Example. Bill owns a small unimproved lot several blocks from his home. He uses the lot, which is valued at $4,800, to grow vegetables and fruit only for his own consumption. Since his equity in the property is less than $6,000, the property is excluded as necessary to self-support.

§ 416.1226 You have an approved plan for self-support.

If you are blind or disabled, we will not count any of your resources that are identified as necessary to fulfill a plan for achieving self-support which is in writing, has been approved by us and is being pursued by you.

§ 416.1227 What a plan to achieve self-support is.

A plan to achieve self-support must—

(a) Be designed especially for you;

(b) Be in writing;

(c) Be approved by us (a change of plan must also be approved);

(d) Be designed for an initial period of not more than 18 months. We may extend the period for up to another 18 months if you cannot complete the plan in the first 18-month period. We may allow a total of up to 48 months to fulfill a plan for a lengthy education or training program designed to make you self-supporting;

(e) Show your specific occupational goal;

(f) Show what resources you have or will receive for purposes of the plan and how you will use them to attain your occupational goal; and

(g) Show how the resource you set aside under the plan will be kept separate from your other funds.

§ 416.1228 When we begin to count the resources excluded under a plan to achieve self-support.

We will begin to count the resources that were excluded under your plan as of the first day of the month following the month in which any of these cricumstances occur:

(a) You fail to follow the conditions of your plan:

(b) You abandon your plan;

(c) You complete the time schedule outlined in the plan; or

(d) You reach your goal as outlined in the plan.

§ 416.1230 Your life insurance or burial insurance.

(a) *Definitions.*

(1) *Life insurance.* Life insurance is a contract between you and an insurer (company or association that sells insurance). The insurer agrees to pay your beneficiary a specified amount of money upon your death. There are 2 basic types of life insurance:

(i) *Ordinary or whole life* is a contract under which you pay premiums during your lifetime (or until a specified age) so that the company will pay a beneficiary upon your death. This type of life insurance has cash surrender value.

(ii) *Term insurance* is a contract under which you pay premiums for a specified or limited amount of time and the company pays the face value of the policy upon your death if death occurs with the specified time. Term insurance is not a resource and has no cash surrender value.

(2) *Burial insurance.* Burial insurance is a contract that specifies an amount of insurance that will be used to pay burial costs.

(3) *Cash surrender value.* Cash surrender value is the amount the company will pay you if you cancel your life or burial insurance policy. The cash surrender value of ordinary life insurance will increase if you continue to pay premiums or if you reinvest dividends instead of drawing them out.

(4) *Face value.* Face value is the specified basic (death) benefit of the policy. The face value does not include additions to the policy such as dividends or accidental death beneftis.

(b) *Valuing life insurance.* In determining the value of life insurance policies, we look at the face value of all life insurance policies you own. As long as you have the right to change the policy, we consider you the owner regardless of who pays the premiums. If the face value of all your life insurance policies (except term insurance) totals $1,500 or less, no part of the cash surrender value of the policies is counted toward your resource limit. If the face values total more than $1,500, we count the cash surrender value of all your policies toward your resources.

(c) *Valuing burial insurance.* Burial insurance will not be considered in computing the face value or cash surrender value of life insurance.

However, if the insured can cash in the burial insurance policy or burial contract, the cash surrender value will be considered a resource.

§ 416.1240 How we treat assistance received because of a major disaster.

(a) *Assistance you receive.* We exclude from your resources for a 9-month period any assistance you receive under the Disaster Relief Act of 1974 or another Federal statute because of a catastrophe which the President declares to be a major disaster. This 9-month period begins with the month you receive the assistance. Funds received under these requirements must be kept separate from other funds; otherwise, we will have to count them as we do the funds with which they are mixed.

(b) *Interest payments.* We exclude any interest earned on the assistance described in paragraph (a) from resources for a period of 9 months beginning with the month you receive the assistance.

(c) *Extension for good cause.* We can extend the 9-month periods in paragraphs (a) and (b) for up to an additional 9 months if we find you have good cause for not repairing or replacing the resource within the initial period. Good cause exists, for example, if you show that circumstances beyond your control prevent the repair or replacement, or contracting for the repair or replacement, of a home or other kinds of property within the initial 9-month period. If there is a finding of good cause, we count the unused cash (and interest) as a resource beginning with the month after the good cause extension period ends.

§ 416.1242 Replacement of your lost, damaged or stolen excluded resources.

The following rules apply only to your resources that are excluded (for example, your home, household goods and personal effects, or your automobile).

(a) *Source of replacement.* We do not count as a resource any cash (including any interest earned on that cash) or in-kind replacement you receive from any source for purposes of repairing or replacing your lost, damaged or stolen excluded resources. This rule applies if the cash (including the interest, see § 416.1151) or in-kind replacement is used to repair or replace lost, damaged or stolen property within 9 months beginning with the month you received the cash or in-kind replacement. Any of the cash (and interest) that is not used to repair or replace the excluded resource will be counted as a resource beginning with the calendar month after the 9-month period expires. Funds received under these requirements must be kept separate from other funds; otherwise, we will have to count them as we do the funds with which they are mixed.

(b) *Extension of 9-month period.* We can extend the 9-month period for up to an additional 9 months if we find you have good cause for not replacing or repairing the resource within the initial period. Good cause exists, for example, if you show that circumstances beyond your control prevent the repair or replacement, or contracting for the repair or replacement of the resource within the initial 9-month period. If there is a finding of good cause, we count any unused cash (and interest) as a resource beginning with the month after the good cause extension period ends.

§ 416.1244 Resources of a native of Alaska.

(a) *Resources we do not count.* If you are a native of Alaska, in addition to excluding other resources as provided under these rules, we do not count shares of stock you hold in a regional or village corporation during the period of 20 years in which the stock is not transferable, as provided by sections 7(h) and 8(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1606, 1607). The 20-year period expires on January 1, 1992.

(b) *Native of Alaska.* "Native of Alaska" is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

§ 416.1250 Resources excluded by statutes other than the Social Security Act.

Some Federal laws other than the Social Security Act exclude resources for SSI purposes. We list these laws and their exclusions in the appendix at the end of this subpart. We update this appendix periodically.

Deeming of Resources

§ 416.1260 What is deeming.

(a) *General.* (1) If you live in the same household as your ineligible spouse, or if you are a child living in the same household as your parent, we look at that other person's resources to determination whether we must count (deem) them as your resources. If you have an essential person, we also look at that person's resources to decide if we must count them as your resources.

(2) We use the term "deeming" to identify the process of counting another person's resources as your own. When the rules for deeming apply, it does not matter whether you or the other person(s) share the deemed resources or consider the deemed resources of the other person(s) as actually available to you. We deem the resources of your parent (if you are a child under age 18) or ineligible spouse living in the same household with you because we expect that you will benefit from the resources. Similarly, we deem to you the resources of your essential person(s), since we pay you an extra amount to help meet the needs of the essential person. We do not deem any of the resources owned by a child living in your household to you unless that child is your essential person.

(b) *Deeming rules.* The way we deem resources varies depending upon whether you are on an eligible adult, eligible child, or an individual with an essential person.

(1) For deeming resources from your ineligible spouse, see § 416.1262.

(2) For deeming resources from your parent, see § 416.1263.

(3) For deeming resources from your ineligilbe spouse when you also have an eligible child, see § 416.1264.

(4) For deeming resources from your essential person, see § 416.1266.

(5) For provisions on change in status, see § 416.1269.

(c) *Definitions for deeming purposes.*

(1) "Ineligible spouse" means someone who lives with you as your husband or wife as defined in §§ 416.1806–416.1811 and who is not eligible for SSI benefits.

(2) "Ineligible parent" means a natural or adoptive parent, or the spouse (as defined in §§ 416.1806–416.1811 of a natural or adoptive parent who lives with you and is not eligible for SSI benefits. The resources of an ineligible parent can affect your eligibility for SSI only if you are a child.

(3) "Essential person" is someone who was identified as essential to your welfare under a State program that preceded the SSI program. (See §§ 416.141–416.1249 for the rules on essential persons.)

§ 416.1262 How we deem resources to you from your ineligible spouse.

If you and your ineligible spouse live in the same household, we deem your spouse's resources to you. We treat your and your spouse's resources as if you were an eligible couple and we combine your resources with any resources that your spouse may have before applying appropriate exclusions as described in §§ 416.1210–416.1250. Then, we exclude pension funds your ineligible spouse may have. We define pension funds as funds held in individual retirement accounts (IRA) or Keogh accounts as described by the Internal Revenue Code, or in a work-related pension plan. If the value of countable resources remaining is $2,250 or less, you meet the resource eligibility requirement.

Example: A blind woman lives with her ineligible husband. The couple owns a home, a car valued at $5,000 which is used to obtain medical treatment, household goods and personal effects with an equity value of $2,200, and a bank account of $800. The home in which they live is totally excluded from countable resources. We do not count the value of the car ($5,000) since it is excluded because of its use to obtain medical treatment. We count $200 of the value of household goods and personal effects ($2,200-$2,000 = $200), and the $800 bank account for a total of $1,000 countable resources. Since $1,000 is less than $2,250 (couple limit), the blind spouse meets the resources eligibility requirement.

§ 416.1263 How we deem resources to you from your parent.

If you are a child under age 18 living with one or both of your parents, we deem the resources of the parent or parents with whom you live to you. If you were between the ages of 18 and 21 in September 1980, you may be considered a child as defined in § 416.1856, and if you received an SSI benefits for the month, the deeming rules can also apply until your 21st birthday (if use of these rules gives you a higher benefit) as long as you still meet the definition of a child and live with your parent(s).

(a) *Determination of your parents' resources.* We first determine the amount of resources your parents have, using the appropriate exclusions described in §§ 416.1210–416.1250. In addition, we exclude pension funds your parents may have. We define pension funds as funds held in individual retirement accounts (IRA) or Keogh accounts as described by the Internal Revenue Code, or in a work-related pension plan.

(b) *Allocations for your parents.* We then deduct an allocation for your parents. The amount of the allocation depends on whether you live with one or both of your parents.

(1) If you live in the same household with one parent, the allocation is $1,500 (the resource limit for one individual).

(2) If you live in the same household with both parents, the allocation is $2,250 (the resource limit for a couple).

(c) *Determination of your resources.* After we have applied the exclusions to your parents' resources and made an allocation for your parents, we consider that the remaining value of your parents' resources is yours. If you have any resources of your own, we apply the resource exclusions in §§ 416.1210–416.1250 to determine your countable resources. We add your countable resources to the value of your parents' resources that is deemed to you. If the total is $1,500 or less, you meet the resource eligibility requirement.

Example: A disabled child lives with both parents. The child owns no resources. The parents own their home, a car valued at $2,300 (paid for), household goods and personal effects valued at $2,100, a bank account of $1,200, and a piece of real property valued at $2,000 (paid for). We exclude the home, the car, and $2,000 of the value of the household goods and personal effects ($2,100–$2,000=$100 excess). We must count the bank account ($1,200), the value of the real property ($2,000) and the excess household goods and personal effects ($100), which total $3,300. We then subtract the parents' allocation of $2,250 which leaves countable resources of $1,050 to be deemed to the disabled child. Since the resources deemed to the child are less than $1,500 and there are no other resources, the child meets the resource eligibility requirement.

(d) *When you are not the only eligible child.* If your parents have more than one eligible child in the household, we first apply the exclusions and allocations to your parents' resources and then we divide the remainder equally among the eligible children. However, we do not deem more to an eligible child than the amount which, when combined with the child's own countable resources, makes him or her ineligible. If the share of parental resources deemed to a child makes that child ineligible because the child has other countable resources, we deem the value of any remaining parental resources to other eligible children in the household in the manner described in this paragraph.

Example. Jack and Bill are blind children who live with both parents. Bill has a bank account worth $800 and Jack owns no resources. After we apply the allowable exclusions and allocations to the parents' resources, the parents have remaining countable resources of $1,600 to be deemed. Ordinarily, we could divide the deemable resources evenly between Jack and Bill and attribute $800 to each child. However, since Bill already has $800 in resources (the bank account) we deem only enough to make him ineligible, $701 ($800+701=$1,501) and deem the balance, $899, to Jack. The parents' $1,600 in countable resources must be deemed to both children and we do not deem more to Bill than the amount that makes him ineligible. Bill is ineligible and Jack is eligible based on resources.

§ 416.1264 How we deem resources to you and your eligible child from your ineligible spouse.

If you and your eligible child live in the same household with your ineligible spouse, we deem your ineligible spouse's resources first to you and then we deem any remainder to your eligible child as described in paragraphs (a) and (b) of this section.

(a) *Your ineligible spouse's resources.* We determine the amount of resources your ineligible spouse has by using the appropriate exclusions in §§ 416.1210–416.1250 and 416.1262–416.1263.

(b) *Your eligible child's resources.* (1) If your countable resources, including those which have been deemed to you from your ineligible spouse, as described in § 416.1262 are not more than $2,250, we do not deem any resources to your eligible child. We determine your child's eligibility by counting only the value of his or her own countable resources toward the resource limit of $1,500 (the limit for an eligible individual).

(2) If your countable resources are greater than $2,250 including the resources of your ineligible spouse which are deemed to you, we deem to your eligible child any of your ineligible spouses' resources which are not used to make you ineligible. We then follow the rules in § 416.1263 to determine the amount of your child's resources.

§ 416.1266 How we deem resources to you from your essential person.

(a) *Essential person's resources.* If you have an essential person, we deem all of that person's resources to you except those resources which are not counted because of other Federal statutes as described in § 416.1250.

(b) *Your SSI eligibility.* We apply the exclusions to which you are entitled as discussed in §§ 416.1210–416.1250 to your resources, including any deemed to you from your essential person. We then apply the amount of your countable resources toward the resource limits in § 416.1204 to determine whether you meet the resource eligibility requirements.

§ 416.1268 When we stop deeming resources from an essential person.

If the value of your resources, including the resources deemed to you from your essential person, is greater than the amount allowed in § 416.1204, we no longer consider this person to be your essential person. However, other deeming rules may then apply as follows:

(a) *Essential person is your spouse.* If the person who was your essential person is your ineligible spouse, we apply the deeming rules in § 416.1262 to determine if you are eligible.

(b) *Essential person is your parent.* If you are a child, and the person who was your essential person is your ineligible parent, we apply the deeming rules in § 416.1264 to determine if you are eligible.

§ 416.1269 When a change in status affects the use of deeming rules.

(a) *When you are no longer living in the same household with your spouse or parent.* If you and your ineligible spouse or parent stop living in the same household, we stop applying deeming rules with the first full month that one of you is absent, unless the absence is temporary. For example, if you leave the household in September with no intention of returning, the deeming rules no longer apply to you beginning in October.

(1) A temporary absence, for purposes of deeming, occurs when you or your ineligible spouse or parent leave the household but intend to, and do, return in the same month or the month immediately following. If the absence is temporary, we continue to deem. If you are a child and separate from your parents, it does not matter whether you are subject to parental control; the same rule applies, unless you are away at school as described in paragraph (2) of this section.

(2) If you are an eligible child who is away at school but comes home on some weekends or lengthy holidays and you are subject to the control of your parent, we consider you temporarily absent from your parents' household. However, if you are not subject to parental control, we do not consider your absence temporary and we do not deem parental resources to you. Being subject to parental control affects whether resources are deemed to you only if you are away at school.

(b) *When you move into the same household with your spouse or parent.* If you have not been subject to deeming rules and then move into a household with your ineligible spouse or parent, or if you become the spouse of an ineligible person, we start applying the deeming rules with the month following the change. For example, if you marry in September, the deeming rules apply to your spouse's resources beginning in October.

(c) *When you reach age 18.* If you are a child living with your parent, we stop deeming with the month following the month you reach age 18. For example, if you reach age 18 in June, the deeming rules do not apply to you beginning in July. However, if you are a child who was between the ages of 18 and 21 in September 1980 and received an SSI benefit for that month, we may continue deeming to you until age 21 if use of these rules gives you a higher benefit. You "reach" a certain age on the day before your birthday. For example, if your birthday is the first day of July, you reached a certain age on June 30.

Conditional Payments While Disposing of Excess Resources

§ 416.1270 Conditional payments; general.

We may be able to pay you monthly benefits to meet your basic needs while you are disposing of excess nonliquid resources. The rules are described in § § 416.1271–416.1274. Also, there are special rules for a conditional payment relating to the sale of your home. These rules are described in § 416.1276.

§ 416.1271 Conditions for disposal.

If the value of your resources is greater than the amounts set out in § 416.1204, you may receive conditional payments if—

(a) The value of your total countable resources, except for a home as described in § 416.1276(a), is not more than $3,000 or $4,500 if you live with your spouse;

(b) Your total countable liquid resources do not exceed 3 times the full amount of your monthly Federal benefit rate; and

(c) You agree in writing to:

(1) Dispose of your excess nonliquid resources within a specified period of time (see § 416.1272); and

(2) Repay from the net proceeds of the sale the payments advanced to you (see § 416.1274).

§ 416.1272 Time limits for disposal.

When we agree to pay you SSI payments on the condition that you sell excess nonliquid property, within a specified period of time—

(a) You must agree to dispose of—

(1) Real property over the allowable limits within 6 months; and

(2) Other resources over the allowable limits within 3 months.

(b) The time limit begins—

(1) On the date you sign the agreement; or

(2) If you are applying because you are disabled or blind, on the date we decide that you are disabled or blind if that date is later than the date you sign the agreement.

(c) We will extend the time period for 3 months if we find you have good cause for failing to sell your excess resources within the original time period.

(d) Good cause exists if you cannot sell the property for some reason beyond your control (for example, someone who has agreed to buy your property within the time period is unable to obtain necessary funds or you have as extended illness which keeps you from carrying out your agreement).

§ 416.1274 Proceeds from disposition.

You must use the net proceeds to repay us up to the amount of the conditional payments we made to you.

(a) Net proceeds are the sale price less—

(1) Legally binding debts against the property, such as a mortgage or tax lein; and

(2) Expenses of the sale such as taxes for transfer of property, advertising, legal fees, and other fees required to transfer title.

(b) You must use the net proceeds to pay us back for the conditional payments we made to you. We will determine the amount you must pay us by counting your resources as though you had the net proceeds at the time we started to pay you. We will subtract $1,500 from the total value of your countable resources, or if you are an eligible couple, $2,250. Any amounts over the $1,500 ($2,250) limit must be used to pay us back as follows:

(1) The full balance of the net proceeds if this is less than the payments you received; or

(2) The total amount of payments you received if the balance of the net proceeds is greater than the payments. NOTE: If any amount is left after you pay us back and it places you over the resources limit, you will be ineligible for SSI benefits.

§ 416.1276 Conditional payments relating to your home.

(a) *When you sell your home.* If the home which was your principal place of residence becomes a countable resource because you are no longer living there, yuou may receive conditional payments while you are selling your home. In making these conditional payments we apply the rules described in §§ 416.1271–416.1274. The only exception is that we substitute the value of your home plus $1,500 (or $2,250 if your have a spouse) for the value limits in § 416.1271(a)).

(b) *When you replace your home.* When you sell your home and intend to buy another home, we may not count the net proceeds you get from the sale as part of your resources. If you replace your home using the proceeds from the sale of your former home within 3 months from the closing date of your sale and you agree in writing to accept SSI benefits as conditional payments, the net proceeds will not be counted. A valid contract for the purchase of another home is considered to be a purchase and we exclude from countable resources the amount of the contract purchase price plus closing costs. If you have a contract for another home and that contract is not fulfilled through no fault of your own (for example, the seller backs out), we will give you an additional 3 months.

(1) *Agreement to repay SSI conditional payments.* You must agree in writing to repay the total SSI benefits we have paid you for the months after you sell your home if you do not purchase another home. Also, if you purchase another home, and your new home purchase amount is less than the amount of the net proceeds from the sale of your previous home, you must agree to repay the SSI conditional payments from the period of the sale but only to the extent your excess proceeds are larger than the resource limit ($1,500 or $2,250) that applies to you.

(2) *How we determine the amount to be repaid.* If you do not buy another home, we determine the amount to be repaid by counting your resources as though you had the new proceeds from the sale of your former home at the time we started to pay you under the terms of the agreement. However, if you buy another home and use less than the proceeds you received from the sale of your former home, we determine the amount to be repaid by counting the unused part of the proceeds as your resources at the beginning of the month following the end of the 3-month period.

Alternative Resource Counting Rules for Certain Individuals

§ 416.1280 General.

(a) *What the alternative rules are.* If you received State assistance as an aged, blind, or disabled person for December 1973 and meet the requirements in § 416.1281, you qualify for use of alternative resource limit rules. We use whichever of the following set of rules is to your advantage:

(1) The SSI resource limit and exclusions described in this subpart; or

(2) The resources limit and exclusions that would have applied to you under the State plan for October 1972.

(b) *State plan.* As used in this subpart, "State plan for October 1972" means a State plan for providing assistance to the aged, blind or disabled under titles I, X, XIV, or XVI (AABD) of the Social Security Act. That plan must have been approved under the provisions of 45 CFR Chapter II as in effect for October 1972. If the alternative rules apply to you, we will use the method applied by the State under the State plan to evaluate your resources.

§ 416.1281 When the alternative rules apply.

(a) *Eligibility for the alternative rules.* You are eligible for the alternative resource rules if—

(1) You were eligible for, and received, assistance for December 1973 under a State plan in effect for October 1972;

(2) You have continued to live in that same State since December 1973;

(3) You were transferred to the SSI rolls and received a payment for January 1974; and

(4) You have not been ineligible for an SSI benefit for any period of more than 6 consecutive months. (For purposes of this alternative rule, an SSI benefit means a Federal benefit only; it does not include any State supplement.)

(b) *Living in the same State.* For purposes of this section, you have continued to live in the same State since December 1973 unless you left it at any time with the intention of moving to another State. If there is no evidence to the contrary, we assume that—

(1) If you leave the State for 90 calendar days or less, the absence is temporary and you still live in that State; and

(2) If you leave the State for more than 90 calendar days, you are no longer living there.

§ 416.1282 How we apply the alternative rules in certain situations.

(a) *When you have an eligible spouse.* If you and your eligible spouse both qualify for the alternative rules, we will determine the State plan resource limit and exclusions by applying the State rules for a couple.

(b) *When you have an essential person.* If you receive additional payments because an essential person (see § 416.243) lives in your home, we will determine your State plan resource limit and exclusions by applying the State plan rules for recipients with essential persons. If your essential person loses that status for any month after December 1973, we will determine your State plan resource limit and exclusions by applying the appropriate State plan rules for a recipient without an essential person.

(c) *When your spouse is not eligible for the alternative rules.* If you are eligible for the alternative rules but your spouse is not, we will determine your State plan resource limit and exclusions by applying the State plan rules for an individual.

(d) *When you are the surviving spouse of someone eligible for the alternative rules.* If you are an SSI beneficiary who is the surviving spouse of someone who was eligible under the alternative rules but you were not, we apply the Federal resource limits and exclusions to you.

Appendix—List of Type of Resources Excluded Under the SSI Program As Provided by Federal Laws Other Than the Social Security Act

Many Federal statutes in addition to the Social Security Act provide assistance or benefits for individuals and specify that the assistance or benefits must not be considered in deciding eligibility for SSI benefits. We have listed these statutes in this appendix and have placed them in categories according to the kind of assistance or benefits they provide or the persons who get them. The list gives the legal authority for the exclusion, for example, the name of the Federal statute, the public law number, and the citation. Each item briefly describes what the statute provides that will not eliminate SSI eligibility. More detailed information is available from a social security office or by reference to the statutes. When funds are received under these laws, they must be kept separate from other funds or they will be treated in the same way as the funds with which they are mixed.

We update this list periodically. However, when new Federal statutes of this kind are enacted, or existing statutes are changed, we apply the law currently in effect, even before this appendix is updated.

I. Food

(a) Value of food coupons under the Food Stamp Act of 1977, section 1301 of Pub. L. No. 95–113 (91 Stat. 968, 7 U.S.C. 2017(b)).

(b) Value of federally donated foods distributed under section 32 of Pub. L. No. 74–320 (49 Stat. 774) or section 416 of the Agriculture Act of 1949 (63 Stat. 1058, 7 CFR 250.6(e)(9)).

(c) Value of free or reduced price food for women and children under the—

(1) Child Nutrition Act of 1966, Section 11(b) of Pub. L. No. 89–642 (80 Stat. 889, 42 U.S.C. 1780(b)) and section 17 of that Act as added by Pub. L. No. 92–433 (86 Stat. 729, 42 U.S.C. 1786); and

(2) National School Lunch Act, section 12(e), as amended by section 3 of Pub. L. No. 94–105 (89 Stat. 515, 42 U.S.C. 1760(e)).

II. Housing and Utilities

(a) Assistance to prevent fuel cut-offs and to promote energy efficiency under the Emergency Energy Conservation Services Program or the Energy Crisis Assistance Program as authorized by section 222(a)(5) of the Economic Opportunity Act of 1964, as amended by section 5(d)(1) of Pub. L. No. 93–644 and section 5(a)(2) of Pub. L. No. 95–568 (88 Stat. 2294 as amended, 42 U.S.C. 2809(a)(5)).

(b) Fuel assistance payments and allowances under the Home Energy Assistance Act of 1980, section 313(c) of Pub. L. No. 96–223 (94 Stat. 299, 42 U.S.C. 8612(c)).

(c) Value of any assistance paid with respect to a dwelling unit under—

(1) The United States Housing Act of 1937;

(2) The National Housing Act;

(3) Section 101 of the Housing and Urban Development Act of 1965; or

(4) Title V of the Housing Act of 1949.

(d) Payment for relocating, made to persons displaced by Federal or federally assisted programs which acquire real property, under section 216 of Pub. L. No. 91–646, the unform Relocation Assistance and Real Property Acquistion Policies Act of 1970 (84 Stat. 1902, 42 U.S.C. 4636).

III. Education and Employment

(a) Incentive allowances for individuals under section 124(a)(3) of the Comprehensive Employment and Training Act (CETA) (92 Stat. 1943, 29 U.S.C. 826(a)), also earnings and allowances paid to a youth in certain training or employment programs (applies to the youth and the youth's family) under section 446 of CETA (92 Stat. 1992, 29 U.S.C. 921).

(b) Grants or loans to undergraduate students made or insured under programs administered by the Secretary of Education under section 507 of the Higher Education amendments of 1968, Pub. L. No. 90–575 (82 Stat. 1063).

(c) Any wages, allowances, or reimbursement for transportation and attendant care costs, unless excepted on a case by case basis, when received by an eligible handicapped individual employed in a project under title VI of the Rehabilitation Act of 1973 as added by title II of Pub. L. No. 95–602 (92 Stat. 2992, 29 U.S.C. 795b(c)).

IV. Native Americans

(a) Revenues from the Alaska Native Fund paid under section 21(a) of the Alaska Native Claims Settlement Act, Pub. L. No. 92–203 (85 Stat. 713, 43 U.S.C. 1620(a)).

(b) Indian tribes—distribution of per capita judgment funds to members of—

(1) The Blackfeet and Gros Ventre Tribes under section 4 of Pub. L. No. 92–254 (86 Stat. 65, 25 U.S.C. 1264);

(2) The Grand River Band of Ottawa Indians in Indian Claims Commission docket numbered 40–K under section 6 of Pub. L. No. 94–540 (90 Stat. 2504);

(3) Tribes or groups under section 7 of Pub. L. No. 93–134 (87 Stat. 468, 25 U.S.C 1407); and

(4) The Yakima Indian Nation or the Apache Tribe of the Mescalero Reservation as authorized by section 2 of Pub. L. No. 95–433 (92 Stat. 1047, 25 U.S.C. 609c–1).

(c) Receipts from land held in trust by the Federal government and distributed to members of certain tribes referred to in section 6 of Pub. L. No. 94–114 (89 Stat. 579).

(d) Revenues from The Maine Indian Claims Settlement Fund and the Maine Indian Claims Land Acquisition Fund paid under section 5 of the Maine Indian Claims Settlement Act of 1980, Pub. L. No 96–420 (94 Stat. 1796, 25 U.S.C. 1728(c)).

V. Other

(a) Compensation provided volunteers in the foster grandparents program and other similar programs, unless determined by the Director of the Action Agency to constitute the minimum wage under sections 404(g) and 418 of the Domestic Volunteer Service Act of 1973 (87 Stat. 409, 413), as amended by Pub. L. No. 96–143 (93 Stat. 1077); 42 U.S.C. 5044(g) and 5058.

(b) Any assistance to an individual (other than wages or salaries) under the Older Americans Act of 1965, as amended by section 102(h)(1) of Pub. L. No. 95–478 (92 Stat. 1515, 42 U.S.C. 3020a).

[FR Doc. 82–30802 Filed 11–5–82; 8:45 am]

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 5

[Docket No. 21001-202]

Revision of Patent Procedure

Corrections

In FR Doc. 82–29267 beginning at page 47744 in the issue for Wednesday, October 27, 1982, make the following corrections:

1. On page 47748, in § 1.6(a), the comma following "holidays" should be removed.

2. In § 1.6(b), the penultimate line, the word "so" should follow the word "was".

3. In § 1.6(c), the word "department" should be capitalized.

4. In the heading for § 1.7, the word "**[**federal**]**" should read "►federal◄".

5. In the heading for § 1.10, an "►" should precede the section number.

6. On page 47749, in § 1.41(a), the last line should read "by §§ 1.42, 1.43, and 1.47. (See § 1.60)**]**".

7. In § 1.41(c), the last line should read "the application (§ 1.63) can only be made in accordance with § 1.64.◄"

8. In § 1.46, the fourth line, the word "and" should be added after the word "made".

9. On page 47750 (§ 1.47(b)), the first column, the twenty-fifth line, the word "or" should read "of".

10. In § 1.48, the fifth line, after the word "only" insert the word "the".

11. In the same section, the ninth line, the word "verfied" should read "verified".

12. In § 1.52(c), the fifth line from the end, after the word "in" insert the word "a".

13. In the same section, the fourth line from the end, the word "or" should read "of".

14. In § 1.53(a), the seventh line, insert a comma after the word "parts".

15. In § 1.54(a), the first line, the word "part" should read "parts".

16. On page 47751, in the heading for § 1.57, the bracket following the heading should be removed.

17. On page 47752 (§ 1.63), in the first column, the paragraph designated (c), the word "paragaraphs" should read "paragraphs" and the word "fogein" should read "foreign". Also, in the third line of that paragraph, the phrase "oath of declaration" should read "oath or declaration".

18. In the heading for § 1.64, an "►" should precede the heading.

19. In § 1.65(a)(1), the second column, the sixth line from the end, the word "indentify" should read "identify".

20. In paragraph (b) of the same section, the word "relastionship" should read "relationship" and the word "iformation" should read "information".

21. In § 1.69(b), the third line from the end, the word "aftr" should read "after".

22. On page 47753, in § 1.70(a)(1), the tenth line from the end, add the material set out below following the word "assigns" and before the period: "more than twelve months prior to his or her international application. He or she must acknowledge a duty to disclose information he or she is aware of which is material to the examination of the application. He or she shall state whether or not any application for patent or inventor's certificate on the same invention has been filed in any foreign country, either by himself or herself, or by his or her legal representatives or assigns".

23. In the same paragraph, eight lines from the end, the comma after the word "country" should be removed. Three lines from the end the word "filing" should read "filed" and the comma immediately following should be removed.

24. At the end of § 1.98(a), five asterisks should appear below the text.

25. In § 1.99, the ninth line, the word "promptmess" should read "promptness".

26. In § 1.101(a), the tenth line, before the word "order" insert the word "the".

27. On page 47754, in § 1.132, the first line, the word "clain" should read "claim". In the fifth line from the end of that section, the word "lacing" should read "lacking".

28. In § 1.137(b), the third column of the page, the eighth line from the end, the word "extentions" should read "extensions".

29. On page 47755, in § 1.174(a), the third sentence from the end, the word "pating" should read "pasting". In the last line of that paragraph, a comma should be placed immediately before the word "or".

30. In the middle column, the paragraph designated "50", the reference to "1.30.1" should read "1.301".

31. On page 47756, in § 1.324, the sixth line, the word "ommission" should read "omission".

BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[OW-FRL 2234-8]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate an ocean disposal site offshore of Tampa Harbor for continuing use for the disposal of dredged material. This proposed action is necessary to provide an ocean dumping site for the current and future disposal of dredged material from the Tampa Harbor Project in order to permit unrestricted access for interstate and foreign commerce to the Port of Tampa.

DATE: Comments must be received on or before January 3, 1983.

ADDRESSES: Send comments to: Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, D.C. 20460.

The draft Environmental Impact Statement (EIS) and other material considered in this proposed rulemaking are available for public inspection at the following locations:

EPA Public Information Reference Unit (PIRU), Room 2404 (rear), 401 M Street Southwest, Washington, D.C.

Tampa-Hillsborough County Public Library, Special Collections Department, 900 North Ashley Street, Tampa, Florida.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereinafter "the Act"), gives the administrator of EPA the authority to designate sites where ocean dumping may be permitted. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water and Waste Management, now the Assistant Administrator for Water. This proposed site designation is made pursuant to that authority.

The purpose of this notice is to provide the public an opportunity to comment on the proposed final designation, as an EPA approved ocean dumping site, of a site offshore of Tampa Harbor for the continuing disposal of dredged material. A more complete discussion of the factors considered by EPA and the basis for the proposed action may be found in the draft EIS.

The location of the dredged material site, known as Site 4, is approximately 17 nautical miles from Egmont Key, positioned in a square with coordinates as follows:

27d 32' 27"N., 83d 03' 46"W.;
27d 30' 27"N., 83d 03' 46"W.;
27d 30' 27"N., 83d 06' 02"W.;
27d 32' 27"N., 83d 06' 02"W.

The site occupies an area of 4 square nautical miles. Water depths within this area range from 21.8 to 24.1 meters.

On January 11, 1977, EPA designated two interim sites in the Tampa Bay area for the disposal of dredged material. 42 FR 2461 et seq. One site ("Site A") is located 13 miles from the mouth of Tampa Bay. The other site ("Site B") is located adjacent to Egmont Channel in the Gulf of Mexico. Dredged material was disposed of at Site B from 1969 to 1973, but not since then.

The sites were designated for a three-year period or until final site designation studies could be completed. On December 9, 1980, the interim designations were renewed until February 1983 pending completion of final site designation studies. 45 FR 81042. The Corps has disposed of dredged material at Site A from 1980 to the present.

In April 1982, Manatee County sued EPA and the Corps of Engineers with respect to the interim designation and continuing use of Site A for the disposal of dredged material. "Manatee County v. Gorsuch," 82-248-Civ.-T-GC. That litigation is now proceeding in the United States District Court for the Middle District of Florida.

The Tampa Harbor Project is a major new channel deepening project undertaken by the Corps of Engineers which will provide deep draft access to additional parts of the Tampa and Hillsborough Bay system. As of October 15, 1982, the Corps had disposed of approximately 4,738,742 cubic yards of material dredged in construction of the Tampa Harbor Project and in maintenance of two other navigation projects at Site A. The Corps currently has a contract for the dredging and disposal of material from two sections of the Tampa Harbor Project ("Section 2C(Portion)" and "Section 4 (Remainder)"). Section 4 (Remainder) has been completed, but, as of October 15, 1982, approximately 1,400,000 cubic yards remained from Section 2C (Portion). An additional 2,570,000 cubic yards remaining to be dredged from funded portions of the Tampa Harbor Project and disposed in the Gulf of Mexico are not yet under contract.

In order to avoid delay to and cost escalation for the Corps' Tampa Harbor Project, EPA has proposed to extend the interim designation of Site A, for the sole purpose of disposal of dredged material from Section 2C (Portion) of the Tampa Harbor Project. 47 FR 44122 (October 6, 1982.)

EPA has also proposed to designate Site 4 on an interim basis. 47 FR 44122 (October 6, 1982). This interim designation, which will expire upon the completion of the final site designation process, is proposed to provide a site for the disposal of dredged material (other than that from Section 2C (Portion)) after the current interim designation of Site A expires and before final designation of a site for continuing use takes place.

EPA has prepared a draft EIS entitled "Draft Environmental Impact Statement for Tampa Harbor, Florida Ocean Dredged Material Disposal Site Designation." This draft EIS evaluates the suitability for disposal of material dredged from the Tampa Harbor Project at the two existing sites (Site A and Site B) as well as at four shallow-water alternative sites (Sites 1, 2, 3, and 4). The draft EIS was filed with the EPA Office of Federal Activities on October 22, 1982, and a notice of availability for public review and comment was published in the **Federal Register** on October 29, 1982. 47 FR 49074.

An initial evaluation of the results of EPA surveys conducted in 1979 and 1980 at Sites A and B indicated that they might not be the best locations for receiving the planned amounts of dredged material. Consequently, a reconnaissance survey of alternative Sites 1, 2, and 3 was conducted in October 1981. This was followed by an intensive survey in May 1982 of existing Sites A and B, alternative Site 3, and a new area found to be more promising than any of the other sites surveyed.

These surveys showed that alternative Sites 1, 2, and 3 contained significant hard-bottom areas. Such hard-bottom areas are unsuitable for dredged material disposal because they contain, or are capable of containing, productive coral and sponge habitats valuable for recreational and commercial use. By contrast, Site 4 was found to contain few hard-bottom areas and appears to be a suitable disposal site.

The EIS contains pertinent information gathered by EPA from all of its surveys as well as other pertinent information on these sites. Based on the information presented in the EIS, Site 4 is the best site from an environmental standpoint because of the lack of hard-bottom areas and the relative lack of unique communities which may be adversely affected by dredged material disposal.

The EIS also contains an evaluation of the statutory factors contained in Section 102(a) of the Act and § 228.6 of the EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, section 228.) This evaluation also supports the proposal to designate Site 4 for continuing use. A discussion of the most important of the criteria follows.

Location in relation to beaches and other amenity areas. The nearest developed beaches are 18 nautical miles away; there is little or no recreational diving, sport, or commercial fishing, and no known hard-bottom outcrops which might support commercial or sport fishing.

Dispersal, horizontal transport, and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any. Dispersion and horizontal transport will occur primarily to the north and south resulting from wind-induced seasonal current reversals. Vertical mixing is inhibited only during strong late-summer stratification. Influence from waters flowing out of Tampa Bay is less than at Site A, with sediments less likely than those at Site A to be transported back into the entrance channel.

Existence and effects of current and previous discharges and dumping in the area. No disposal has occurred at this site.

Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance, and other legitimate uses of the ocean. No interference is expected with recreational or commercial interests, nor with shipping, mineral extraction, desalination, fish and shellfish culture, or areas of special scientific importance.

For a more complete discussion of factors used to evaluate this Site 4 and other sites in the area, interested persons should examine Chapter 2 of the draft EIS.

Based on the foregoing information, EPA is proposing to designate Site 4 for continuing disposal of dredged material. Management authority of this site will be delegated to the Regional Administrator of EPA Region IV.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this proposed action will not have a significant impact on small entities. The site designation will only have the effect of providing a disposal option for dredged material. Consequently, this proposal does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this proposed rule does not necessitate preparation of a Regulatory Impact Analysis.

This proposed rule was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

List of Subjects in 40 CFR Part 228

Water pollution control.

(33 U.S.C. 1412 and 1418.)

Dated: November 1, 1982.

Frederic A. Eidsness, Jr.,

Assistant Administrator for Water

PART 228—[AMENDED]

In consideration of the foregoing, Part 228 of Chapter I of Title 40 is proposed to be amended by adding a § 228.12(b)(15) an ocean dumping site for Region IV as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(15) Tampa Harbor Site 4—Region IV.

Location: 27d 32′ 27″N., 83d 03′ 46″W.; 27d 30′ 27″N., 83d 03′ 46″W.; 27d 30′ 27″N., 83d 06′ 02″W; 27d 32′ 27″N., 83d 06′ 02″W

Size: 4 square nautical miles

Depth: Ranges from 21.8 to 24.1 meters

Primary Use: Dredged material

Period of Use: Continuing use

Restriction: Disposal shall be limited to dredged material

[FR Doc. 82–30622 Filed 11–5–82; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 31, 32 and 35

[CGD 80–009]

Correction of Miscellaneous Disparities in 46 CFR, Subchapter D, Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to amend the Tank Vessel regulations in Title 46 CFR to eliminate miscellaneous disparities and conflicts which have been noted and accumulated. The changes basically reflect solutions which have already been implemented through policy decisions and therefore should have minimal impact, and should result in less confusing regulations.

DATES: Comments must be received on or before December 23, 1982.

ADDRESSES: Comments should be sent to: Commandant (G–CMC/24), CGD 80–009, U.S. Coast Guard Headquarters, Washington, D.C. 20593. Comments may be delivered to and will be available for inspecton and copying from 8:00 a.m. to 4:00 p.m., Monday through Friday, at the Marine Safety Council, Room 4402, U.S. Coast Guard Headquarters, 2100 2nd Street, SW., Washington, D.C. 20593, (202) 426–1477.

FOR FURTHER INFORMATION CONTACT: Lt. John Astley (G–MVI–2/24), Room 2612, U.S. Coast Guard Headquarters, Washington, D.C. 20593, (202) 426–2190. Normal office hours are between 7:00 a.m. and 5:00 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. The comment submitted should include the name and address of the sender, identify this notice as CGD 80–009, the specific section of the proposal to which the comment applies, and give the reason for the comment. If an acknowledgement is desired a stamped, self-addressed postcard or envelope must be included. All comments received before the expiration of the comment period will be considered before final action is taken on the proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial.

Drafting Information

The principal persons involved in drafting this proposal are: LT Robert MURRAY, Project Manager, Office of Merchant Marine Safety, and LT Michael TAGG, Project Attorney, Office of the Chief Counsel.

Discussion of the Proposed Regulations

This document proposes eight changes to the Tank Vessel regulations in Subchapter D of Title 46 CFR to eliminate minor disparities which have been noted over the last several years. Some of these disparities result from conflicting requirements in the Pollution Prevention regulations in Subchapter O of Title 33 CFR which also address Tank Vessels. The remainder have been uncovered as daily usage of the regulations revealed a need for a modification. Some of the language has been revised with no substantive changes.

Each of the proposed changes is discussed as follows:

(1) *Cargo transfer piping.* When the Pollution Prevention regulations were issued in 1972 they contained a requirement in 33 CFR 156.120 that tank vessels utilize fixed piping for transferring oil of any grade. This was found to conflict with 46 CFR 32.50–15 which required fixed piping only for Grades A, B, and C cargo. The problem was compounded when the 1980 amendments to the Pollution Prevention regulations altered the requirement in 33 CFR 156.120 from "fixed piping" to "fixed connection" which, in some cases, could be a system of lesser quality than fixed piping. The proposed changes, therefore, would amend 46 CFR 32.50–15 to effect two results: (i) to provide for the transfer of *all* grades of cargo through a "fixed connection" system as is required in Title 33, and (ii) to specify the two systems which are acceptable as fixed connections.

These changes will eliminate the implied sanction in 46 CFR 32.50–15 of "drop loading" grades D and E cargoes through an open end hose in a hatch. Drop loading produces high concentrations of hydrocarbon vapor and static electricity which may result in a violent explosion. The proposal makes some exception for animal fats and vegetable oils which do not present such a hazard.

(2) *Tank barge security.* 33 CFR 155.810 requires that a security watch be maintained on any moored tank barge containing more cargo than normal residue after pump-out operations. 46 CFR 35.05–15(b)(2) does not differentiate between moored barges which contain cargo and those which do not. Instead the operator of a barge in either condition is given the option of maintaining a security watch or merely closing up the vessel by securing all hatches and posting appropriate warnings. This proposal would amend § 35.05–15(b)(2) to require a security watch on any moored tank barge containing more cargo than normal residue after pump-out operations, but would continue to allow barges which are pumped out to be left with hatches secure and warnings posted.

(3) *Bolt in flanged connections.* 46 CFR 35.35–15(d) requires not less than three bolts per flange to be used for oil transfer connections, while 33 CFR 156.130(d)(2) requires not less than four bolts. The proposal would amend 46 CFR 35.35–15(d) to require not less than four bolts.

(4) *Smoking on tank vessels.* 46 CFR 35.50–5(d) prohibits smoking on the weather decks of tank vessels which are not gas free or which are alongside docks. The section also states that prior to the loading of Grades A, B, or C cargo the master or senior deck officer on duty must inspect the vessel and designate any area where smoking may be permitted with reasonable safety during the loading operation. On tank ships, a check for this inspection is specified on the Declaration of Inspection in 46 CFR 35.35–30(10). However, in specifying this requirement, no mention is made of the overall prohibition against smoking on the weather decks. As written, a person in charge might see an implication that he actually has the discretion to allow smoking on the weather deck. This implication was not intended. The prohibition of smoking on the weather decks is a well-accepted safety measure. Therefore, a slight editorial change is proposed to clarify the wording on the Declaration of Inspection. No additional reporting burden is imposed by this clarification as it is currently an existing requirement.

(5) *Addition to Declaration of Inspection.* 46 CFR 32.53–5 requires the master of a tankship to insure the proper operation of the vessel's inert gas system. The National Transportation Safety Board has recommended that this be incorporated into the § 35.35–30 Declaration of Inspection. This originated from a tankship explosion caused in part by the failure to utilize the inert gas system during the cargo transfer. The addition of the inert system operation to the Declaration of Inspection will emphasize the requirement. Since the operation of the system is currently required, the addition to the Declaration of Inspection will place no new burdens on the industry.

(6) *Tank vessels not in service.* 46 CFR 31.01–1(b) exempts tank vessels which are layed up, dismantled and out of commission from the requirements of Subchapter D. It is also the policy of the Coast Guard that any tank vessel which is removed from the bulk liquid cargo service is likewise exempt from these requirements, so long as the vessel is rendered safe from explosion and pollution. The proposal, therefore, incorporates this policy into the provisions of 46 CFR 31.01(b).

(7) *Inappropriate container references.* 46 CFR 35.30–40(a) makes several references to ICC specifications for containers for flammable liquid and gas fuels used as ship's stores. Specifications for these containers are now under Department of Transportation (DOT) and included in 49 CFR 171–179. This proposal, therefore, incorporates the proper references to DOT specifications and eliminates the inaccurate labeling description.

(8) *Dual requirements for transfer hose.* 46 CFR 32.50–30 stipulates a minimum design pressure for cargo hose on tank vessels of no less than 100 psi. However, 33 CFR stipulates a design pressure of 150 psi (33 CFR 155.800 and 154.500). The proposal, therefore, amends 46 CFR to conform with Title 33.

Regulatory Evaluation

These proposed regulations have been determined to be non-significant under guidelines set out in the "Policies and Procedures for Simplification, Analysis, and Review of Regulation" (DOT Order 2100.5 of May 22, 1980), and to be non-major under the criteria of Executive Order 12291. With one exception, the proposed regulations impose no new requirements. They merely correct provisions that conflict with more recently promulgated regulations. For example, one provision requires not less than three bolts per flange on oil transfer connections, while a parallel provision requires not less than four. Therefore, to be in compliance with both regulations, each connection must have not less than four bolts. This proposal would amend the three bolt provision to conform with the four without imposing any new burdens on the regulated industry.

The only new requirement proposed is the one discussed in paragraph (5) of this preamble. This provision would add a check on the performance of the vessel's inert gas system to the items listed on the Declaration of Inspection. The proper operation of the inert gas system when cargo is being off-loaded is currently required by other regulations. Adding this item to the checklist merely serves as a reminder to ensure that the requirement of other regulations is being met and adds no new burdens. Therefore, because the expected impact of these proposals is so minimal, a full regulatory evaluation is not warranted and none has been prepared.

The Regulatory Flexibility Act (P.L. 96–354, 5 U.S.C. 601) requires an analysis of the economic impact of the proposed regulations on small businesses and other small entities. The proposed regulations will amend several sections of the tank vessel regulations to provide for internal consistency. The remaining changes have generally been implemented through policy decisions by the Coast Guard, so no new costs would be imposed on tank vessel operators. The proposed regulations would not overlap, duplicate, or conflict with any other rules. For these reasons, pursuant to § 605(b) of the Regulatory Flexibility Act, it is certified that the proposed regulations will not have a significant economic impact on a substantial number of small entities.

OMB Control Numbers

Information collection requirements contained in these regulations at 46 CFR 35.35–30 have been approved by the Office of Management and Budget under 44 U.S.C. Chapter 35 and have been assigned OBM approval number 2115–0506.

List of Subjects

46 CFR Part 31

Tank vessels.

46 CFR Part 32

Tank vessels, Barges, Marine safety, Fire protection.

46 CFR Part 35

Tank vessels, Barges, Marine safety.

In consideration of the foregoing, it is proposed that Chapter 1 of Title 46, code of Federal Regulations be amended as follows:

PART 31—INSPECTION AND CERTIFICATION

1. By revising paragraph (b) of § 31.01–1 to read as follows:

§ 31.01-1 Inspections required—TB/ALL.

* * * * *

(b) Tank vessels which are layed up, dismantled and out of commission, and tank vessels removed from the bulk liquid cargo service are exempt from inspections required by law or regulations in this subchapter, provided that such vessels are cleaned of all cargo residue and maintained in a gas free condition.

* * * * *

PART 32—SPECIAL EQUIPMENT, MACHINERY, AND HULL REQUIREMENTS

2. By revising paragraph (a) of § 32.50–15 to read as follows:

§ 32.50-15 Cargo piping on tank vessels constructed on or after July 1, 1951—TB/ALL.

(a) All tank vessels constructed or converted after July 1, 1951, shall install a fixed cargo piping system arranged so as to avoid excessive stress at the joints. The joints on piping of two inches and more in diameter must be flanged, welded, or of another approved type. Connection at bulkheads shall be made so that the plating does not form part of a flanged joint. Piping may be carried through bunker spaces and deep tanks when run through a pipe tunnel. When the pipe is extra heavy, all joints are welded and bends are installed to provide for expansion and contraction, the pipe tunnel may be omitted.

(1) Tank vessels carrying only Grades D and E cargo may use a portable piping system in lieu of fixed piping, provided:

(i) The hose complies with 33 CFR 154.500 or the portable piping complies with 46 CFR Part 56;

(ii) The connections comply with 33 CFR 156.130;

(iii) The system has a closure which forms a vapor-tight seal on the tank opening through which the cargo is transferred. The closure must be bolted or dogged in place and have the hose and drop line connected to it;

(iv) The system has a metallic drop line which complied with 46 CFR 153.282, except for the carriage of animal fats or vegetable oils;

(v) A shutoff valve is at or near the point of entry into the tank.

* * * * *

3. By revising § 32.50–30 to read as follows:

§ 32.50-30 Cargo hose—TB/ALL.

Cargo hose carried on tank vessels shall be suitable for oil service and designed to withstand the pressure of the shutoff head of the cargo pump or pump relief valve setting, less static head, but in no case less than 150 pounds per square inch.

Note.—For additional requirements concerning cargo hose, reference 33 CFR 145.500, 155.800 and 156.170.

PART 35—OPERATIONS

4. By revising paragraph (b) of § 35.05–15 to read as follows:

§ 35.05-15(b) Watchman for a tank vessel—TB/ALL.

* * * * *

(b) *Unmanned barge.* (1) A strict watch of each unmanned barge in tow will be maintained from the towing vessel while underway.

(2) When a barge in moored and contains more cargo that the normal clingage and unpumpable bilge or sump residues, the barge will be kept under surveillance of a person responsible for the security of the barge and for keeping unauthorized persons off the barge.

(3) When a barge is moored and contains no cargo but is not gas free, it shall be maintained under surveillance as required in paragraph (1), or, all cargo tank hatches shall be clearly marked in not less than three inch lettering "DANGER–KEEP OUT," and all hatch covers will be closed and dogged down in such a way that the hatch cannot be opened by the use of the bare hands alone.

5. By revising § 35.30–40 to read as follows:

§ 35.30-40 Flammable liquid and gas fuels, as ship's stores—TB/ALL.

(a) Flammable liquids and gases other than diesel fuel to be used as fuel for approved equipment shall be marked, labeled, and stowed as follows:

(1) Stowage shall be in containers conforming to DOT, ICC, and A.S.M.E. specifications, or in a portable safety container having the approval of a recognized testing laboratory, and which are authorized for the contents.

(2) The contents will be marked on the containers, and the containers will be labeled in accordance with DOT requirements for flammable liquids and gases.

(3) Containers must be stowed on or above the weather deck in locations designated by the master. Containers specified in paragraph (1) which do not exceed a capacity of five gallons may be stowed below the weather deck in a paint or lamp locker.

(b) Diesel fuel must be stowed in locations designated by the master.

6. By revising paragraph (a) to read as follows:

§ 35.35-15(a) Connecting for cargo transfer—TB/ALL.

(a) Movement of the vessel shall be considered to insure safe cargo transfer. Suitable material shall be used in joints and in couplings to insure that connections are tight. Under no circumstances shall less than four bolts be used in a bolted flanged coupling.

* * * * *

7. By revising paragraphs (d) and (j) of § 35.35–20 to read as follows:

§ 35.35-20 Inspection prior to transfer of cargo—TB/ALL.

* * * * *

(d) All cargo connections have been made to the vessel's pipeline, and not through an open end hose through a hatch.

* * * * *

(j) When loading Grades A, B, and C cargoes whether smoking may be permitted in areas other than the weather deck with reasonable safety.

* * * * *

8. By revising § 35.35–30 to read as follows:

§ 35.35-30 "Declaration of Inspection" for tankships—T/ALL.

(a) After the completion of the § 35.35–20 inspection but before approving the start of cargo transfer, the master or senior deck officer will prepare the following Declaration of Inspection in duplicate. The original shall be kept aboard and the duplicate provided to the terminal supervisor or representative. The terminal supervisor or representative may, upon demand, inspect the vessel to satisfy himself that its condition is as stated on the Declaration of Inspection.

(b) The Declaration of Inspection shall read as follows:

Declaration of Inspection Prior to Bulk Cargo Transfer

Date ____________________
Vessel ____________________
Port of ____________________

I, ———, being the master or senior deck officer in charge of the transfer of bulk, flammable and combustible cargo about to be undertaken, do certify that I have personally inspected this vessel with reference to the following requirements set forth in § 35.35–20, Code of Federal Regulations, and that opposite each of them I have indicated that the regulations have been complied with.

(1) Are warnings displayed as required?

(2) Is there any repair work in way of cargo spaces being carried on for which permission has not been given?

(3) Have cargo connections been properly made and are cargo valves properly set?

(4) Have all cargo connections for loading been made to the vessel's pipelines?

(5) Are there any fires or open flames present on the deck or in any compartment which is located on, facing, open and adjacent to the main deck of the vessels on which the cargo connections have been made?

(6) Has the shore terminal or other tank vessel concerned reported itself in readiness for transfer or cargo?

(7) Are sea valves connected to the cargo system closed?

(8) If Grades A, B, and C cargoes are to be loaded and boiler fires are lighted, had an inspection been made to determine that they may be operated with reasonable safety?

(9) If Grades A, B, and C cargoes are to be loaded and galley fires are lighted, has an inspection been made to determine that they may be operated with reasonable safety?

(10) If Grades A, B, and C cargoes are to be loaded, has an inspection been made to determine whether smoking is to be permitted in areas not on the weather decks?

(11) If smoking is to be permitted in areas not on the weather decks, have spaces been designated for this purpose?

(12) Is the inert gas system being operated as necessary to maintain an inert atmosphere in the cargo tanks in compliance with 46 CFR 32.53-5?

The OMB approval number for § 35.35–30 is 2115–0506.

(46 U.S.C. 391a; 49 CFR 146(n)(4))

Dated: October 28, 1982.

Clyde T. Lusk, Jr.,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 82-30605 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-14-M

Federal Highway Administration

49 CFR Part 391

[BMCS Docket No. MC-92, Notice No. 82-9]

Qualifications of Drivers; Handicapped Driver Waiver Program

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA is seeking comments on a proposal to amend the Federal Motor Carrier Safety Regulations (FMCSR) to expand the current Handicapped Driver Waiver Program (hereafter referred to as the Waiver Program) to cover the operations of hazardous materials-laden and passenger-carrying vehicles in interstate or foreign commerce. This proposal is being advanced because accident statistics do not indicate that individuals who have suffered the loss or impairment of a limb and who are granted waivers drive more unsafely than nonhandicapped drivers. Furthermore, the FHWA is proposing to rescind the requirement for a coapplicant motor carrier for each waiver application. This action will permit handicapped drivers who have waivers to present themselves to any motor carrier for immediate employment.

DATE: Comments must be received on or before December 23, 1982.

ADDRESS: All comments should refer to the docket number and notice number that appear at the top of this document and should be submitted, preferably in triplicate, to Room 3402, Bureau of Motor Carrier Safety, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Bureau of Motor Carrier Safety (BMCS), (202) 426–9767; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, (202) 426–0346, Federal Highway Administration, Department of Transportation, 400 Seventh St., SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The FMCSR prohibit an individual who has lost a limb or has a limb impairment from driving in interstate or foreign commerce (49 CFR 391.41(b)(1) and (2)); however, upon application to the BMCS, waivers of this prohibition may be granted on a case-by-case basis with two exclusions: (1) a handicapped driver who intends to drive a hazardous materials-laden vehicle, and (2) a handicapped driver who intends to drive a passenger-carrying vehicle. On June 12, 1980, a notice of request for public comment (NRPC) was published in the Federal Register (45 FR 39872). It solicited comments on the continuing rationale for these two exceptions to the Waiver Program.

The exceptions were included in the initial waiver rule in 1964 because of the type of equipment involved, the inherent dangers of hazardous materials cargo transportation, and the potential of a catastrophic bus accident. Prior to publishing the NRPC, the BMCS collected and analyzed data concerning the issue of whether the exceptions should be eliminated.

In the NRPC, the BMCS related the history of the Waiver program and discussed the rationale for the two exceptions. Studies were cited which showed handicapped drivers to be associated with increased traffic violations and accidents. Also discussed was the difference in operations among general commodity, passenger, and hazardous materials cargo transportation. Comments were requested on the validity of the BMCS' rationale.

Comment Summary and Appraisal

The BMCS received 57 written comments. Thirty-one commenters argued to retain the exceptions, 18 argued to grant relief and accept applications, six argued positions not relevant to this rulemaking, and two expressed no preference.

The 31 commenters who urged retention are classified as follows: one individual, 12 motor carriers, five motor carrier associations, one representative of a union, two insurance companies, one local government agency, seven State agencies, and two Federal Government officials. The 18 commenters who argued to eliminate the two exceptions are classified as follows: three individuals, four motor carriers, two representatives of two unions, five State agencies, two Federal Government officials, and two handicapped advocacy organizations. Two individual commenters expressed no preference toward a particular point of view. All these comments have been carefully considered.

The comments of those supporting retention of the present rule with its exceptions are summarized and appraised as follows:

1. *Comment:* Several commenters related that if relief is granted, intrastate commerce will certainly be affected. They related that the intrastate bus accident rate is 12.94 times higher than the rate for interstate bus travel.[1] The Commissioner of Education for the State of Missouri stated that Missouri does not permit persons who have missing limbs to drive school buses because of the deep concern for the safety of its children.

BMCS Appraisal: In 1973, the BMCS studied the frequency of accidents per million miles driven of its Waiver Program participants.[2] The accident statistics for drivers who were granted waivers indicated that the accident frequency for that group was identical to the frequency of accidents prevailing at that time for all nonhandicapped commercial drivers. It has been observed that handicapped drivers present no greater risk than nonhandicapped drivers when evaluated under the Waiver Program. No evidence was submitted that showed handicapped drivers have contributed to the high frequency of intrastate bus accidents. In addition, the FMCSR are minimum qualifications and do not prevent a motor carrier from enacting policies imposing more stringent or additional qualifications, requirements, examinations, or certificates.

2. *Comment:* One bus company pointed out that considerable ability in eye-hand-foot coordination is necessary for bus drivers and that it is unlikely a handicapped person could adequately handle all contingencies a bus driver encounters.

BMCS Appraisal: The BMCS recognizes the considerable eye-hand-foot coordination requirements needed by bus drivers. This requirement may be even more important to tractor-trailer drivers, considering the increased number of forward speeds (clutch and gearshift manipulations), vehicle weight, and need to maneuver the vehicle. The BMCS concludes that the portion of the Waiver Program which requires a demonstration of ability, the Skill Performance Evaluation (SPE), adequately evaluates the eye-hand-foot coordination task, as well as numerous other tasks which cover some 216 individual driving safety items. These tasks are assessed under actual work conditions over an average 35–50-mile prescribed course, which is run twice to eliminate possible driver error due to nervousness. Also, the waiver may require equipment modifications to compensate for a deficiency of eye-hand-foot coordination. It is believed that an individual evaluation can be made which will eliminate those candidates who do not have adequate eye-hand-foot coordination.

3. *Comment:* Many commenters, including the New York City Fire Department, felt the exceptions should be retained because of the major responsibilities of the hazardous materials cargo driver in emergency situations such as: using the fire extinguisher, retrieving documents, climbing up on a cargo tank to check hatchcovers and valves, and performing other vehicle inspection tasks.

BMCS Appraisal: The Waiver Program's SPE provides numerous tasks which are used to directly evaluate the driver's use of emergency equipment. One section of the SPE requires demonstration of proficiency with a fire extinguisher. The BMCS periodically updates its procedures and could introduce additional items or procedures unique to hazardous materials-laden or passenger-carrying vehicles for testing during the SPE. The BMCS has surveyed it safety personnel to identify driver safety-related job tasks unique to hazardous materials-laden or passenger-carrying vehicles. Those safety-related job tasks identified would be assessed through a revised SPE.

4. *Comment:* The American Bus Association (ABA) pointed out that courts recognize numerous lives are dependent on the safety practices of passenger carriers. Hodgson v. Greyhound Line, Inc., 499 F. 2d 859 (7th Cir. 1974). The ABA states that the public's perception of bus safety influences its level of travel by bus. A bus driver's job tasks (lifting luggage of considerable weight, as much as 100 pounds) and responsibilities (emergency passenger evacuation and assisting the handicapped) are too difficult for those with a missing or impaired limb.

BMCS Appraisal: The BMCS concurs that passenger carriers must concentrate on safety, but submits that the accident frequency of drivers who have waivers is the same as that of nonhandicapped drivers, indicating that the selective factors used in the administration of the Waiver Program are working. It is believed that, generally, the perceptions of the public have changed considerably since the passage of the Rehabilitation Act of 1973 and that ridership will not suffer if a qualified handicapped driver operates a passenger-carrying vehicle. One ABA concern was that a handicapped driver could not lift luggage. Lifting luggage is not a safety-related task. It is the employer's responsibility to evaluate whether a handicapped employee can accomplish nonsafety-related job tasks.

5. *Comment:* The American Insurance Association, which claims to underwrite 45 percent of all insurance policies for ICC-regulated motor carriers, cites the increased responsibilities of the hazardous materials cargo drivers and the potential for a catastrophic accident as reasons to retain the exceptions.

BMCS Appraisal: As previously stated, the BMCS' appraisal of its Waiver Program does not substantiate an increased accident frequency for its handicapped drivers who have waivers as compared to nonhandicapped commercial drivers. It is believed that the ability to perform any different responsibilities required of drivers who operate hazardous materials-laden vehicles can be evaluated through the Waiver Program's SPE.

6. *Comment:* The American Trucking Associations Inc. (ATA), restates the rationale contained in the NRPC on which the present exceptions to the Waiver Program are based. It adds that the average cost of an accident involving a hazardous materials cargo is approximately $14,500, while the average cost of an accident involving a general commodity is only $8,000. The ATA repeats the point made in the NRPC that the cargo itself represents a risk to safety in the case of a hazardous materials cargo, whereas if there is damage or spillage of a general commodity, the cargo presents little risk to the public safety. In the case of a hazardous materials cargo spill or release, it could be a major public health problem.

The ATA further states, that the proposed rule change would impose undue burden on the motor carrier industry. According to the ATA, its members are presently, "* * * being confronted by a host of State and local government regulations restricting the movement of hazardous materials cargoes throughout their jurisdictions. The removal of the exceptions will assure that proliferation of such restrictions becomes even more widespread, resulting in further inability to effectively and safely transport hazardous materials cargoes on our Nation's highways."

BMCS Appraisal: The BMCS is aware of the potential public health consequences of a major hazardous materials cargo accident and because of this would work closely with hazardous materials cargo carriers to ensure that each handicapped applicant is adequately evaluated in his or her safety-related duties and responsibilities. Each Waiver Program participant is individually monitored with respect to accidents and traffic offenses. Restrictions can be applied to the waiver if warranted, and the waiver can be withdrawn.

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[1] National Safety Council, *Accident Facts*, Chicago, IL, 1979, Ed.

[2] A copy of the study has been placed in the public docket for review by all interested parties.

A new evaluation study of the Waiver Program was instituted in 1979. Sufficient quantity of new data for statistical analysis and evaluation will be available in 1983. Review of 1979 through 1981 data indicates that the Waiver Program participants' accident frequency has not changed from that of 1973 and that those handicapped drivers granted waivers present no greater accident risks than nonhandicapped drivers.

The comments of those requesting the elimination of the exceptions are summarized and appraised as follows:

In general, most commenters expressed the opinion that the BMCS was discriminating against the handicapped. Basically, they argued the BMCS has not proven its case on either point of its rationale presented in the NRPC that: (1) Handicapped drivers are greater risks, and (2) passenger and hazardous materials cargo transportation are different in terms of vehicles, accident type, and severity from general commodity transportation and the resultant conclusion that higher standards are necessary. Most of these commenters thought the BMCS could make an individual determination as it already does in its present Waiver Program for general commodity drivers.

1. *Comment:* One commenter, ARMIRA, Corp., a motor carrier presently employing two Waiver Program participants says it has had good success with them, but believes their usefulness is lessened by the fact that neither can operate hazardous materials-laden vehicles. The ARMIRA believes the present exclusions financially penalizes these two drivers. If the rule is changed, ARMIRA would use these two drivers to transport hazardous materials-laden vehicles.

BMCS Appraisal: The comments of ARMIRA support the proposal of allowing drivers with waivers to transport hazardous materials-laden vehicles. Its position also verifies that it is ready to utilize its two handicapped drivers to transport hazardous materials-laden vehicles.

2. *Comment:* The State Board of Vocational Education for West Virginia states that the BMCS cited studies are not reflective of handicapped commercial drivers.

BMCS Appraisal: The BMCS concurs that the drivers in the studies it cited were not commercial drivers and that its Waiver Program participants' accident frequency is the same as nonhandicapped commercial drivers. However, it is concluded that the studies cited in the NRPC do indicate increased accidents for the handicapped automobile drivers and thus necessitates a good evaluation program.

3. *Comment:* The International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America (IBT) argues that blanket exclusions are discriminatory and unjustified because the BMCS does certify the ability of some handicapped drivers. Further, the IBT states that the BMCS' data support the similar accident and violation history of its Waiver Program's participants as compared to the nonhandicapped truck driver. The IBT cited numerous legal cases to substantiate its claim that the exclusions violate the Rehabilitation Act of 1973.

BMCS Appraisal: The proposed rulemaking would permit the BMCS to evaluate those handicapped drivers who intend to drive vehicles transporting passengers or hazardous materials cargoes.

4. *Comment:* The Department of Human Resources for the State of North Carolina points out that DuPont's on-the-job analysis of accidents associated with handicapped workers shows them to be safer than nonhandicapped workers. The Department suggests that since the data are mixed on the safety risks of the handicapped, the correct approach is to make individual decisions on a case-by-case basis which is exactly what the BMCS is presently doing for current waiver applicants who intend to engage in general commodity transportation.

BMCS Appraisal: It is concluded that some handicapped populations, if not properly evaluated, have shown an increase in accident frequency. However, as previously stated, the Waiver Program participants' accident frequency is the same as that of the nonhandicapped commercial population. Because of this, it is believed that applications from handicapped drivers who intend to transport hazardous material cargoes or passengers can be tested and evaluated within the Waiver Program.

5. *Comment:* The Disability Rights Education Defense Fund, Inc. presented a legal analysis centering on the allegation that the BMCS has not demonstrated a rational basis for the current exceptions. It also argues that even if there were support for the basis rule, there is no reason to make bus and hazardous materials drivers ineligible for waivers. The Waiver program, it submits, will eliminate unsafe operations.

BMCS Appraisal: The Waiver Program would be open to drivers of buses and vehicles transporting hazardous material cargoes under this rulemaking proposal.

The comments of those expressing no preference are summarized and appraised as follows:

1. *Comment:* Two individual commenters who expressed no preference concerning the retention or elimination of the exceptions asked the BMCS to decide the issue on the merits of the comparison of the frequency of accidents of Waiver Program participants to that of nonhandicapped interstate commercial drivers. One commenter suggested elimination of the Waiver Program if no difference were found in the above comparison.

BMCS Appraisal: The BMCS has assessed the frequency of accidents of its Waiver Program participants and found it equivalent to that of the nonhandicapped interstate commercial drivers. As addressed earlier in this notice of proposed rulemaking (NPRM), the BMCS has a second ongoing analysis which will be completed in 1983. The BMCS finds no evidence to substantiate eliminating the Waiver Program. As previously stated, the studies cited in the NRPC indicate safety problems associated with handicapped drivers (private automobile drivers). The BMCS believes the reason the frequency of accidents for the Waiver Program drivers is equivalent to that of nonhandicapped drivers is because the SPE provides the capability to discern those applicants who have adequately compensated for their handicap. The BMCS experience shows that a carefully screened Waiver Program participant can meet all of the physical demands of the driver profession. This does not mean all applicants meet the demands, since some applicants have failed the evaluation.

Based on the comments to the NRPC and an analysis of available accident data, it is proposed to amend the waiver rule at 49 CFR 391.49 to permit handicapped drivers who are granted a waiver to operate hazardous materials-laden or passenger-carrying vehicles in interstate or foreign commerce.

The Coapplicant Requirement

A second change this NPRM proposes is a rescission of the requirement under 49 CFR 391.49 for a coapplicant motor carrier for each waiver application.

Comment was not requested on this proposal in the NRPC when it was published in the Federal Register (45 FR 39872) on June 12, 1980. The proposed change is generated by the BMCS' observations of its Waiver Program.

At present, an application for waiver is submitted by both the driver applicant and the motor carrier for whom the driver applicant intends to drive. It was determined that the requirement for a coapplicant motor carrier may be responsible for lost employment opportunities due to the time required to process the waiver. At present, it can take from less than ten days to four weeks from application to the issuance of a waiver. Even if all waivers could be granted in ten days, this is generally nine days more than it takes to hire a nonhandicapped driver.

One reason for the coapplicant requirement is to protect the handicapped driver from being employed by a motor carrier with unsafe practices. Coapplicant motor carriers are checked for their compliance with the FMCSR. If found in noncompliance, a handicapped driver is dissuaded from obtaining employment with that particular motor carrier. This same level of protection is not afforded to nonhandicapped drivers. The nonhandicapped driver's means of protection is the ability to readily change employers. The rescission of the coapplicant requirement will afford handicapped drivers who have been granted waivers the same readily available ability to change employers and, thus protect themselves from motor carriers with unsafe practices.

A second reason for a coapplication requirement is the need to monitor those individuals granted a waiver and to collect data to evaluate the Waiver Program (OMB number 2125-0091). Individual monitoring and data collection needs are still necessary. If a driver is having numerous accidents or committing traffic violations, it is important to address these incidents when they are happening rather than wait two years until the renewal application. The proposed change would not alter the responsibility of a motor carrier who hires a driver with a waiver. It would, however, minimize the paperwork burden to the motor carrier who employs on a regular basis a driver with a waiver. It would significantly reduce the paperwork burden to those motor carriers who hire a driver with a waiver for a single trip or on an intermittent, casual, or occasional basis.

Upon employing a driver with a waiver, as a "regularly employed driver," a motor carrier must agree to file (within 15 days) with the Regional Federal Highway Adminstrator, in the region in which the driver legally resides, the following information: The motor carrier's name, address, Federal Highway Administration Motor Carrier Identification Number (FHWA-MCIN), and a description of certain items on the vehicle that the motor carrier employs the driver to operate. The motor carrier who employs a driver with a waiver on a regular basis must also agree to file (within 30 days) the following information on the driving activities of the driver: reports of all accidents, arrests, suspensions, revocations, withdrawal of driving licenses, permits or privileges, and traffic convictions involving the driver.

A motor carrier who employs a driver with a waiver for a singe trip or on an intermittent, casual or occasional basis need not file information pertaining to its name, address, FHWA-MCIN, and vehicle description items, but must agree to file (within 30 days), with the Regional Federal Highway Administrator, in the region in which the driver legally resides, information on the driving activities mentioned above. The duties and responsibilities of any motor carrier who employs a driver with a waiver, whether as a regularly employed driver, or for a single trip, or on an intermittent, casual, or occasional basis will be stated on the waiver provisions. A copy of the waiver form must be in the driver's possession when driving. The driver must give a copy to all motor carriers that employ the driver, whether it be on a regular, single trip, intermittent, casual, or occasional basis.

Waiver Renewal

A change is proposed in the waiver renewal procedures that will eliminate the necessity for a medical evaluation summary upon renewal, if: (1) The handicap condition is of an impaired limb type as listed in § 391.41(b)(2), and (2) in the initial or a previous medical evaluation summary, the physiatrist or orthopedic surgeon states that the condition is likely to remain medically stable over the lifetime of the driver applicant. This provision does not apply to conditions under § 391.41(b)(1) since in conditions of amputation, which require prostheses, (1) the remaining portion of a limb that has been amputated may further degenerate over time, (2) the prosthetic prescription may need to be changed, or (3) the prosthesis may wear out. This proposal will reduce the financial burden on waiver renewals for those waiver program participants who have been initially found disqualified under 49 CFR 391.41(b)(2).

Conclusions

The NRPC has generated considerable and diverse comments from many vantage points. They include motor carriers, union representatives, rehabilitation specialists and physicians, State, Federal and local representatives, motor carrier associations, insurance companies, and other concerned individuals. For the most part, the motor carrier industry and its associations requested retention of the exceptions which make drivers intent on driving hazardous materials-laden or passenger-carrying vehicles ineligible to apply for a waiver. Their concerns center on perceived safety risks, economic disadvantages, passenger aversion to traveling on a bus operated by a handicapped driver, or increased insurance premiums.

Since no specific data was presented which clearly refuted the NRPC's cited handicapped driver studies (private passenger car drivers), it is concluded that handicapped individuals are associated with increased risks to safety on the highway. However, the BMCS' own Waiver Program statistics on the frequency of accidents of its participants compare favorably with those of nonhandicapped interstate commercial drivers. Therefore, it is believed that a program which provides safeguards to assure reasonable control and safety standards can adequately evaluate individual handicapped drivers. At present, the BMCS monitors all accidents and violations of its Waiver Program participants. Additional restrictions on participants are imposed if warranted by their traffic records.

No comment of significance was received contending that vehicular differences are so great between general commodity and hazardous materials-laden or passenger-carrying vehicles that the differences would reasonably constitute a rationale for continuing the exclusions of these types of operations from the Waiver Program. Also, the argument that handicapped drivers cannot handle emergency situations involving hazardous materials-laden or passenger-carrying vehicles is not persuasive. The BMCS' Waiver Program presently evaluates the handicapped driver's ability to handle the vehicle. The SPE can be altered to evaluate tasks related to hazardous materials cargo transportation or passenger-carrying operations. A survey is being completed to identify those safety-related driver job tasks unique to hazardous materials-laden or passenger-carrying vehicles. Those tasks identified will be incorporated into the SPE which is given to every Waiver Program applicant.

This NPRM also proposes to eliminate the coapplicant requirement from waiver applications. This was not discussed or commented on in the NRPC. The elimination of the coapplicant requirement will permit handicapped drivers who have been granted waivers to present themselves to motor carriers for immediate employment. This is a procedural change and will grant a measure of relief from the regulatory burden both to the driver applicants who are applying for waivers and to the motor carriers from whom the applicant is seeking employment.

Finally, to reduce the financial burden on handicapped drivers who have been granted a waiver it is proposed that handicapped drivers (those found qualified for a waiver of § 391.41(b)(2)) not be required to submit a medical evaluation summary with renewal applications, if their condition is certified in the initial or a previous medical evaluation summary as likely to remain medically stable over the lifetime of the individual.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation.

A draft regulatory evaluation has been prepared and is available for review in the public docket. A copy may be obtained by contacting Mr. Neill L. Thomas at the address provided under the heading "For Further Information Contact." It is believed, based on information currently available to the BMCS, that the impact of this action on small business entities would be minimal, but beneficial. Accordingly, under the criteria of the Regulatory Flexibility Act, it is certified that this action, if promulgated, will not have a significant impact on a substantial number of small entities.

PART 391—[AMENDED]

In consideration of the foregoing, the FHWA proposes to amend Title 49, Code of Federal Regulations, Subtitle B, Chapter III, Subchapter B, Part 391, as set forth below.

Section 391.49 is revised to read as follows:

§ 391.49 Waiver of certain physical defects (OMB number 2125–0091).

(a) A person who is not physically qualified to drive under § 391.49(b) (1) or (2) and who is otherwise qualified to drive a motor vehicle, may drive a motor vehicle, if the Regional Federal Highway Administrator has granted a waiver to that person.

(b) A letter of application for a waiver must be submitted by the person who seeks a waiver of a physical disqualification. The application must be addressed to the Regional Federal Highway Administrator in the region in which the driver legally resides. The address for each regional office is listed in § 390.40 of this subchapter. The letter of application shall contain—

(1) Name of the driver applicant, street address (number and street, or rural route, or post office box), city, State, and zip code;

(2) A description of the applicant's limb impairment for which a waiver is requested;

(3) The number of years experience in operating the type of vehicle(s) described in paragraph (b)(4) of this section and total number of years experience driving all types of motor vehicles; and

(4) A description of the vehicle(s) the driver applicant intends to drive:

(i) Motor vehicle make, and model;

(ii) Description of any vehicle modification(s) made for the driver applicant (attach photograph(s) where applicable);

(iii) Type of brake system;

(iv) Types of steering (manual or power);

(v) Number of semitrailers or full trailers to be towed in combination;

(iv) Description of type of trailer(s) (e.g., van, flatbed, cargo tank, etc.) and;

(vii) Drive train:

(A) Transmission type (manual, or automatic, and number of forward gears (speeds));

(B) Auxiliary transmission (if any), number of forward gears; and

(C) Variable speed rear axle (if any), number of gear ratios.

(c) The letter of application shall be accompanied by—

(1) A copy of the medical examination made pursuant to § 391.43;

(2) A copy of the medical examiner's certification made pursuant to § 391.43(e);

(3) A medical evaluation summary conducted by either a board qualified or board certified physiatrist (doctor of physical medicine) or orthopedic surgeon;

(i) The driver shall provide the physiatrist or orthopedic surgeon a description of the job tasks the driver applicant will be required to perform;

(ii) If the medical evaluation summary applies to a driver applicant disqualified under § 391.41(b)(1), the summary shall include an assessment of the driver's functional capabilities as they relate to the driver's ability to perform normal tasks associated with operating a commercial motor vehicle; or

(iii) If the medical evaluation summary applies to a driver applicant disqualified under § 391.41(b)(2), the summary shall include an explanation as to how and why the impaired area interferes with the driver's ability to perform normal tasks associated with the operation of a commercial motor vehicle. The summary shall also assess whether the condition will likely remain medically stable over the driver applicant's lifetime;

(4) A description of the driver applicant's prosthetic or orthotic device, if any'

(5) A copy of the driver applicant's waiver of certain physical defects issued by the individual State(s), where applicable; and

(6) A copy of the driver applicant's State motor vehicle driving record for the past 3 years in each State where a motor vehicle driver's license or permit has been obtained.

(d) *Agreement.* A motor carrier who employs a driver with a waiver agrees to the following—

(1) File within 15 days with the Regional Federal Highway Administrator in the region in which the driver legally resides, the following:

(i) Name of the motor carrier;

(ii) Street address of the motor carrier (number and street, or rural route, or post office box), city, State, and ZIP code;

(iii) Name of the driver;

(iv) Federal Highway Administration Motor Carrier Identification Number, if known;

(v) Items listed in paragraph (b)(4) of this section;

(vi) A statement certifying that the driver is fully qualified to drive a motor vehicle under the rules in Part 391; and

(vii) Motor carrier official's signature, title and date signed. Dependent upon the motor carrier's organizational structure (corporation, partnership, or proprietorship), the signatory to the agreement shall be an officer, partner, or the proprietor.

(2) File within 30 days with the Regional Federal Highway Administrator in the region in which the driver legally resides, reports of all accidents, suspensions, revocations, and withdrawals of driving licenses, permits or privileges, and traffic convictions involving the handicapped driver.

(3) *Exception:* A motor carrier employing a driver with a waiver for a single trip, or on an intermittent, casual, or occasional basis need not file the items listed in paragraph (d)(1) of this section. A motor carrier who employs a

driver with a waiver for a single trip, or on an intermittent, casual, or occasional basis must report those items in paragraph (d)(2) of this section. The motor carrier must retain a copy of the waiver in the driver's qualification file for 3 years after the driver's employment by the motor carrier ceases.

(e) The waiver authorizes the driver to operate in interstate or foreign commerce when—

(1) the driver is employed by a motor carrier complying with the requirements of paragraph (d) of this section; and

(2) the driver is in compliance with the conditions specified in the waiver.

(f) The Regional Federal Highway Administrator may require the driver applicant to demonstrate the driver's ability to safely operte a motor vehicle(s) similar to the motor vehicle the driver intends to drive in interstate or foreign commerce.

(g) The Regional Federal Highway Administrator may deny the application or may grant it in whole or in part and issue a waiver subject to such terms, conditions, and limitations as deemed consistent with the public interest. A waiver is valid for a period not to exceed 2 years from date of issue, and may be renewed 30 days prior to the expiration date. A waiver renewal application shall be submitted by the driver holding the waiver to the Regional Federal Highway Administrator, in the region in which the driver legally resides, and contain the following:

(1) Name and address of the driver;

(2) Effective date of the current waiver;

(3) Expiration date of the current waiver;

(4) Total miles driven under the current waiver;

(5) Number of accidents incurred while driving under the current waiver, including date of the accident(s), number of fatalities, number of injuries, and the dollar amount of property damage;

(6) A current medial examination;

(7) A medical evaluation summary pursuant to paragraph (c)(3) of this section if an unstable medical condition exists. All handicapped conditions classified under § 391.41(b)(1) are considered unstable. Refer to (c)(3)(iii) for conditions under § 391.41(b)(2) which may be considered medically stable;

(8) A copy of driver's current State motor vehicle driving record for the period the current waiver has been in effect;

(9) Notification of any change in the type of vehicle the driver will operate; and

(10) Driver's signature and date signed.

(h) If the Regional Federal Highway Administrator grants a waiver, the driver applicant will be notified by letter, which will set forth the terms, conditions, and limitations of the waiver. A motor carrier shall maintain a copy of the waiver in its driver qualification file. A copy of the waiver shall be retained in the motor carrier's file for 3 years after the driver's employment ceases. The driver applicant shall have the waiver (or a legible copy) in his/her possession whenever on duty.

(i) The Regional Federal Highway Administrator may revoke a waiver after the person to whom it was issued is given notice of the proposed revocation and a reasonable opportunity to appeal.

(j) Falsifying information in the letter of application, the renewal application, or in the information required under the agreement in paragraph (d) of this section by either the applicant or motor carrier is prohibited.

(49 U.S.C. 304,1655, 49 CFR 1.48)

(Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety.)

List of Subjects in 49 CFR Part 391

Motor carrier—driver qualifications, Motor carrier—handicapped drivers.

Issued on: October 28, 1982.

Kenneth L. Pierson,

Director, Bureau of Motor Carrier Safety Federal Highway Administration.

[FR Doc. 82-30546 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

49 CFR Parts 571 and 575

[Docket Nos. 80-14 and 25 Notices 6 and 51]

Consumer Information Regulations; Uniform Tire Quality Grading; Federal Motor Vehicle Safety Standards

AGENCY: National Highway Traffic Safety Administration. (NHTSA), DOT.

ACTION: Proposed rule; extension of public comment deadline.

SUMMARY: NHTSA has recently issued a series of three related documents (2 interim final rules with request for comments and 1 proposed rule) involving the effects of deleting the tire tables in Federal Motor Vehicle Safety Standard (FMVSS) 109 on the manner in which tire test loads are to be determined for purposes of compliance testing under FMVSS 109 and for purposes of the Uniform Tire Quality Grading Standards. See 47 FR 25930, June 15, 1982; FR 34990, August 12, 1982; and 47 FR 36260, August 19, 1982. Test loads under both regulations were previously determined by reference to the FMVSS 109 tables. However, given the deletion of those tables, the three documents invited comments on alternative methods for specifying test loads.

The Rubber Manufacturers Association, on October 7, 1982, requested that the comment deadlines for the three documents be extended from August 16, October 12 and 18, respectively, to December 13, 1982, to permit additional time to prepare comments and recommendations. Under the agency's Rulemaking Procedures, this request was timely filed only with regard to the October 18 comment deadline. See 49 CFR 553.19. However, given the intimate relationship between these documents and the many complex technical issues involved, the agency in a previously issued document (47 FR 49407, Nov. 1, 1982), reopened the comment period for the June 15 and August 12 interim final rules is herein granting the request to extend the comment deadline for the August 19 Proposed Rule.

DATE: Comments on this document must be received on or before December 13, 1982.

ADDRESS: Comments on these documents should refer to the docket numbers set forth above and be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-1740)

(Secs. 103, 119, and 203, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407 and 1423); delegations of authority at 49 CFR 1.50 and 501.8)

Issued on October 29, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-30370 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register

Vol. 47, No. 216

Monday, November 8, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

National Voluntary Service Advisory Council; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Voluntary Service Advisory Council (Council) will be held on November 30 and December 1 in Washington, D.C. On November 30, 1982, the Council will meet as a whole from 9:00 A.M.–12:00 noon, and in Subcommittees from 2:30 P.M.–5:00 P.M. at ACTION, 806 Connecticut Avenue, NW., Washington, D.C. For specific room locations of the meetings contact Mark Blitz, Assistant Director for Policy and Planning at (202) 254–7630. On December 1, 1982, the Council will meet from 9:00 A.M.–12 noon in the Old Executive Office Building, SE Corner of 17th and Pennsylvania Avenue, NW., Washington, D.C.

The purposes of this meeting are to conduct ongoing discussions of ACTION policy and programs, to meet with ACTION staff, and to review the criteria to be used for evaluating the nominees submitted for the Volunteer Action Awards. In accordance with the determination of the Director of ACTION, the Council meeting on December 1, 1982 and the Council's Subcommittee on Awards meeting during the afternoon of November 30, 1982 which both involve the award evaluation process will be closed to the public pursuant to subsection (c)(9)(B) of section 552b of Title 5, United States Code. The determination of the Director of ACTION is available to the public at 806 Connecticut Avenue, NW., Washington, D.C. 20525 during the regular working hours of 8:30 A.M. to 5:15 P.M.

Signed this 1st day of November 1982 in Washington, D.C.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 82–30588 Filed 11–5–82; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Decision Notice and Finding of No Significant Impact; Pacific Crest National Scenic Trail Relocation Angeles and Sequoia National Forests; Kern and Los Angeles Counties, California

Background

The 1968 National Trails System Act (ACT) designated the Pacific Crest National Scenic Trail (PCNST). Responsibility for administration of the trail was assigned to the Secretary of Agriculture, and he delegated this responsibility to the Chief of the Forest Service. As required by the Act, the original route (Published Route) for the PCNST was published in the Tuesday, January 30, 1973, **Federal Register**, (Vol. 38, No. 19, Part 11, 38 FR 2832).

Approximately 45 miles of the PCNST in the vicinity of Antelope Valley and Oak Creek Canyon, Los Angeles and Kern Counties, California, have not been constructed. As provided in Section 7(b) of the Act, this section of the trail is to be relocated to a new route in the same general vicinity. This relocation is not considered to be substantial, and will meet the needs of the trail user while reducing impacts on adjacent private lands.

The relocation to preserve the purposes for which the PCNST was established is based on two Environmental Assessments entitled "Antelope Valley-Tejon Segment, Pacific Crest National Scenic Trail" and "Alternative Route for the Desert Segment of the Pacific Crest National Scenic Trail" prepared by the Angeles and Sequoia National Forests, respectively.

Decision

Based on the analysis and evaluations described in the Environmental Assessments, it is my decision to adopt Alternative 4 for the Antelope Valley-Tejon Segment and Alternative A for the Desert Segment. The appendix to this Decision Notice provides a detailed description of the route relocation.

In the analysis for the Antelope Valley-Tejon Segment, five (5) alternative routes were considered, including a "no-action" alternative. These routes are summarized here:

No-Action—The National Trails Systems Act mandated that a trail be constructed. Therefore, the "No-Action" alternative for this segment of the trail did not meet the intent of Congress, nor did it meet the needs of the trail user.

Alternative 1—This is an all-road alternative, utilizing existing road rights-of-way, with the majority of the distance along 90th Street West (Willow Springs Road), joining the published route at Oak Creek Canyon.

Alternative 2—This is a road-aqueduct right-of-way combination, utilizing existing road rights-of-way along 170th Street West, 90th Street West (Willow Springs Road), and the City of Los Angeles, Department of Water and Power underground aqueduct right-of-way, joining the published route at Oak Creek Canyon.

Alternative 3 (Published Route)—This is an all-trail alternative utilizing an existing State aqueduct right-of-way, traversing through private land and ending at the eastern boundary of the Tejon Ranch.

Alternative 4 (Foothill Route)—This is an all-trail alternative, utilizing the City of Los Angeles, Department of Water and Power underground aqueduct right-of-way, traversing through private land and ending at a tie point with the Sequoia National Forest Desert Segment.

In the analysis for the Desert Segment, four (4) alternative routes were considered. These routes are summarized here:

Published Route—The Published Route follows the south bank of Oak Creek by way of Horsethief Canyon and around Bison Mountain to Tejon Ranch.

Alternative A—This route begins at the intersection of Willow Springs Road and Oak Creek Canyon Road and climbs immediately to the ridge crest proceeding southwesterly along the ridgelines of Pitney and Burham Canyons, crossing a section of BLM lands east of Pitney Canyon. Just west of Burham Canyon, the Trail takes a southwesterly direction, traversing Gamble Springs Canyon and Tylerhorse Canyon, ending at the Angeles National

Forest-Sequoia National Forest tie point identified in Alternative 4.

Alternative B—This route begins at the intersection of Willow Springs Road and Oak Creek Canyon Road and coincides with Alternative Route A to the point where Alternative Route A turns south near Burham Canyon. From here, Alternative Route B proceeds west along the upper ridges above Burham Canyon, Gamble Springs Canyon and Tylerhorse Canyon to Tejon Ranch.

Alternative C—This route begins east of the intersection of the Willow Springs and Oak Creek Roads, turns south crossing the Oak Creek Canyon Road, follows the Willow Springs Road through low elevations before turning west to cross the Willow Springs Road to climb about 300 meters (1,000 feet) to join Alternatives A–B.

Considerable public involvement took place, including consultation with the California subgroup of the PCNST Advisory Council. This resulted in the identification of the following issues and concerns which were used as criteria to guide the decision:

- Minimize impact on private land
- Protect water quality and assure water availability
- Provide public access to the trail
- Minimize cost
- Minimize impacts on wildlife and cultural resources
- Maintain the PCNST concept
- Maximize use of public land or rights-of-way

The public was clearly opposed to the Published Route because of the adverse effect the trail would have on private lands. Also, ranching practices, subdivision development, mining operations and other private land activities conflict with recreation objectives for the trail.

Alternatives 4 and A minimize the impact on private lands by utilizing existing public land and a right-of-way along the City of Los Angeles under ground aqueduct. California Portland Cement Company operations, private land development, and a major portion of the Tejon Ranch operations are avoided by selection of these alternatives.

Water quality and availability problems associated with the Published Route are eliminated by utilizing water from the aqueduct, where feasible, and from a spring located in Tylerhorse Canyon.

Access points for the Published Route were limited to the beginning and end of the combined segments, a distance of 51 miles, without trespass on private land by the trail user. Alternatives 4 and A have several access points available.

Alternatives 4 and A are located away from the critical habitat of the California Condor, and endangered species of bird. Use of the Published Route would likely jeopardize the continued existence of the California Condor and adversely modify its critical habitat.

Alternatives 4 and A both maintain the PCNST concept by maximizing user experience in terms of recreation activities, interpretive opportunities, and the variety in landscapes.

Both Alternatives are the lowest cost, and therefore, are the economically preferred alternatives.

Finding of No Significant Impact

I have determined, based on the two environment assessments, that this is not a major Federal action that would significantly affect the quality of the human environment; therefore, an environmental impact statement is not needed. This determination was made considering the following factors:

(a) Alternative 4 and Alternative A, with included mitigation measures, will protect cultural resources, plants, and animals, including the California Condor, an endangered species.

(b) Impacts on private lands have been minimized by using public lands, existing public rights-of-way, or locating along property boundaries.

(c) The critical concerns of the public have been mitigated.

(d) There are no irreversible resources commitments or irretrievable loss of natural resources.

(e) There are no apparent adverse cumulative or secondary effects.

(f) The physical and biological effects are limited to the trail tread and trail camps.

(g) A balance is achieved between local short-term uses of renewable resources and the maintenance and enhancement of long-term productivity.

(h) No wetlands of floodplains are involved.

(i) The proposal is in accord with the intent of Congress through the National Scenic Trails Act, Section 7(b).

The Environmental Assessments are available for public review during regular working hours in the following Forest Service offices:

Angeles National Forest, 150 S. Los Robles Avenue, Suite 300, Pasadena, CA 91101
Sequoia National Forest, 900 W. Grand Avenue, Porterville, CA 93257
Forest Service, USDA, Room 4241–S, 12th and Independence Avenue, SW, Washington, DC 20013

Questions regarding this Decision Notice should be directed to:

Ed Medina, Lands Staff, Angeles National Forest, 150 South Los Robles Avenue, Suite 300, Pasadena, CA 91101—Telephone (213) 557–0050, Ext. 332; or

Norman Arseneault, Recreation Staff, Sequoia National Forest, 900 West Grand Avenue, Porterville, CA 93257—telephone (209) 784–1500

Implementation of this trail relocation may take place immediately. This decision is subject to administrative review pursuant to 36 CFR 211.19.

Dated: November 2, 1982.

R. Max Peterson,
Chief.

APPENDIX

Pacific Crest National Scenic Trail Relocation; Angeles and Sequoia National Forests; Los Angeles and Kern Counties, CA

This minor relocation is proposed under the provisions of Section 7(b) of the National Trails Systems Act (82 Stat. 919; U.S.C. 1241–1249). The following wording changes to the Tuesday, January 30, 1973 **Federal Register**, (Vol. 38, No. 19, Part II, 38 FR 2832) are recommended:

Page 2836, column 2, paragraph 2, lines 3–20 and paragraph 3, lines 1–4.

Delete: "* * * erly through the El Tejon Ranch, follows Cameron Creek and Oak Creek and climbs into the Tehachapi Mountains, passing to the south of Double Mountain, switches back into Cottonwood Creek, crosses Cottonwood Creek road and climbs to Liebre Twins. It continues southwesterly on the ridge between Little Oak Creek and El Paso Creek. Staying on the ridge, the Trail passes Marble Springs Canyon. It continues along the ridge of the Tehachapi Mountains between Beartrap Canyon and Sycamore Canyon to the head of Cottonwood Canyon. The Trail turns southeasterly down Cottonwood Canyon to the Kern County-Los Angeles County line. It then turns southerly to Quail Lake and the San Andreas Rift Zone and enters the Angeles National Forest to the east of Bald Mountain.

It then passes on the east side of West Liebre Lookout and winds along the ridge of the Liebre Mountains easterly by radio tower between Bear Canyon and Cow Spring Can * * *."

Add: "* * * erly, follows Cameron Ridge and climbs into the Tehachapi Mountains. The Trail crosses Tylerhorse Canyon, and then heads southerly switching back down to the eastern bench of Cottonwood Canyon to the Los Angeles D.W.P. Aqueduct. Following the California Aqueduct west for one mile, the trail intersects 270th Street. Following 270th Street south, it crosses Highway 138, then heads southwesterly to Cow Springs Canyon, Crossing Oakdale Road at Horse Trail Campground. Then the trail goes south winding up Horse Camp Canyon to the ridge of Liebre Mountains, and easterly along the ridge past Cow Spring Canyon."

Page 2837, column 3—

Delete the following described private lands:

SAN BERNARDINO MERIDIAN

Township	Range	Section
5 North	14 West	1.
11 North	14 West	35.
12 North	14 West	36.
7 North	15 West	34.
10 North	15 West	6 and 7.
11 North	15 West	25, 26, 27, 28, 31, 32, 33.
10 North	16 West	12, 13, 14, 15, 19, 20, 22 and 30.
7 North	17 West	3.
8 North	17 West	19, 30, 31 and 32.
9 North	17 West	3, 4, 5, 6, 7 and 8.
10 North	17 West	24, 25, 26, 34 and 35.
8 North	18 West	24.
9 North	18 West	11, 12, 13 and 14.

Add the following described private lands:

SAN BERNARDINO MERIDIAN

Township	Range	Section
11 North	14 West	1, 2, 3, 10, 15, 16, 20, 21, 29, and 31.
11 North	15 West	25 and 36.
10 North	15 West	1, 11, 15, 16, 22, 27 and 33.
9 North	15 West	3, 10, 11, 15, 16, 19, 20 and 21.
9 North	16 West	23, 24, 27, 28 and 33.
8 North	16 West	4, 9, 17, 18 and 19.
8 North	17 West	24, 25, 26 and 35.

The above route relocation also requires changes of the map base shown on pages 2924, 2925, 2926 and 2927 of the original **Federal Register** publication. Map Exhibits A, B, and C showing the relocation are available for inspection at the offices and addresses listed above.

[FR Doc. 82-30499 Filed 11-5-82; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Announcement of Approval of Reporting Requirements by the Office of Management and Budget Under the Paperwork Reduction Act (44 U.S.C. 35)

On September 29, 1982, the Office of Management and Budget approved the following new reporting requirements: Reporting requirements contained in new Part 320 of the Procedural Regulations, "Procedures for Awarding Japanese Charter Authorizations"—approved through September 30, 1984, under OMB No. 3024-0055.

On October 18, 1982, the Office of Management and Budget approved the extension of the following reporting requirements: Reporting requirements contained in Part 325 of the Procedural Regulations, "Essential Air Service Procedures"—extended through June 30, 1985, under OMB No. 3024-0037.

Robin A. Caldwell,

Chief, Information Management Division, Office of Comptroller.

October 29, 1982.

[FR Doc. 82-30637 Filed 11-5-82; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits

Permit Filed under Subpart Q of the Board's Procedural Regulations; see, 14 CFR 302.1701 et. seq.; week ended October 29, 1982.

Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Date filed	Docket No.	Description
Oct. 25, 1982	41069	Empresa Guatemalteca De Aviacion, c/o Philip Schleit, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Application of Empresa Guatemalteca De Aviacion pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests that the board amend its said Foreign Air Carrier Permit authorizing the foreign air transportation of persons, property and mail: (A) So as to include Houston Texas as a coterminal point on route 2. The amended permit should authorize the holder to operate between Guatemala and Houston either (1) nonstop; (2) via the coterminal point New Orleans (without local traffic between New Orleans and Houston) or (3) via Mexico City (without local traffic rights between Mexico City and Houston); and (B) So as to include Cancun, Mexico as an intermediate point between Guatemala and the coterminal points Houston, Texas, New Orleans, Louisiana and Dallas/Ft. Worth, Texas; and (C) So as to include Merida, Mexico as an intermediate point between Guatemala and the coterminal points Houston, Texas, New Orleans, Louisiana and Dallas/Ft. Worth, Texas. Answers may be filed by November 22, 1982.
Oct. 26, 1982	41070	Maersk Air I/S, c/o Peter J. Nickles, Covington & Burling, 1201 Pennsylvania Avenue, N.W., P.O. Box 7566, Washington, D.C. 20044. Application of Maersk Air I/S pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests renewal of its existing authority. Maersk also requests amendment of that authority to include Norway and Sweden within Maersk's "homeland" (along with Denmark) and such further amendment to or revision of its permit as needed to compord with amendments to Board regulations and modifications to Board practice occuring since the terms of Maersk's existing permit were established in 1977. Accordingly, Maersk requests authority to engage in foreign charter air transportation of persons and/or property, separately or in combination, as follows: A. Between any point or points in Denmark, Norway or Sweden and any point or points in the United States; B. Between a point or points in the United States and a point or points not in either Demark, Norway, Sweden or the United States, provided such charters stop over for at least two consecutive nights in Denmark, Norway or Sweden; and C. Between any point or points in the United States and any point or points not in either Denmark, Norway, Sweden or the United States which charters do not stop over in Denmark, Norway or Sweden for at least two consecutive nights. Answers may be filed by November 23, 1982.
Oct. 27, 1982	41071	Akron/Canton Airlines, Inc., c/o Edmond L. Sikorovsky, Calfee, Halter & Griswold, 1800 Central National Bank Building, Cleveland, Ohio 44144. Application of Akron/Canton Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a "Type I" certificate of public convenience and necessity which would authorize it to engage in the interstate and overseas air transportation of persons. ACA also requests authorization to engage in the interstate and overseas air transportation of property and mail between all points in the United States, its territories and possessions. Conforming Applications, Motions to Modify Scope, and answers may be filed by November 26, 1982.

Date filed	Docket No.	Description
Oct. 29, 1982	41077	American International Airways, Inc., c/o Howard S. Boros, Boros & Garofalo, 1120 Connecticut Avenue, N.W., Washington, D.C. 20036 Application of American International Airways, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests authority to engage in: "the interstate and overses air transportation of persons, property and mail between all points in the United States, its territories and possession." Conforming Applications, Motions to Modify Scope, and Answers may be filed by November 26, 1982
Oct. 28, 1982	40850	Aeronaves Del Peru S.A., c/o Paul Reber, 6714 Whittier Avenue, McLean, Virginia 22101. Supplemental Exhibits in support of the Application of Aeronaves Del Peru S.A Answers may be filed by November 26, 1982.

Phyllis T. Kaylor,
Secretary.
[FR Doc. 82-30636 Filed 11-5-82; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41074]

Miami-Madrid-Tel Aviv Route Proceeding; Notice of Assignment of Proceeding

This proceeding has been assigned to Administrative Law Judge Ronnie A. Yoder. Future communications should be addressed to him.

Dated at Washington, D.C., November 2, 1982.

Elias C. Rodriguez,
Chief Administrative Law Judge.
[FR Doc. 82-30639 Filed 11-5-82; 8:45 am]
BILLING CODE 6320-01-M

[Docket 41032]

Jet USA Airlines Fitness Investigation; Notice of Hearing

Notice is hereby given that a Hearing in the above-entitled proceeding is assigned to be held on December 7, 1982, at 9:30 a.m. (local time), Room 1027, Main Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Chief Administrative Law Judge.

Dated at Washington, D.C., November 3, 1982.

Elias C. Rodriquez,
Chief Administrative Law Judge.
[FR Doc. 82-30638 Filed 11-5-82; 8:45 am]
BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

Louisiana Advisory Committee; Agenda and Notice of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Louisiana Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on December 2, 1982, at the Warwick Hotel, 1315 Gravier Street, New Orleans, Louisiana 70112. The purpose of this meeting is to plan followup to the block grant project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson Dr. Louis C. Pendleton, 1514 Gary, Shreveport LA 71103, (318) 424-1297; to the Southwestern Regional Office, Heritage Plaza, 418 South Main, San Antonio TX 78204, (512) 730-5570.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 2, 1982.

John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 82-30580 Filed 11-5-82; 8:45 am]
BILLING CODE 6335-01-M

New York Advisory Committee; Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission originally scheduled for November 18, 1982, at New York, New York (FR Doc. 82-29716, page 47900) has been changed.

The new location will be the Summit Hotel, 569 Lexington Avenue, 2nd Floor Conference Room, New York, NY 10017. The time and date will remain the same.

Dated at Washington, D.C., November 2, 1982.

John I. Binkley,
Advisory Committee Management Officer.
[FR Doc. 82-30581 Filed 11-5-82; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-053]

Birch 3-Ply Doorskins From Japan; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding

SUMMARY: On March 18, 1982, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on birch 3-ply doorskins from Japan. The review covered the sixteen known manufacturers and ten known exporters of this merchandise to the United States and generally the period January 1, 1980 through January 31, 1981.

Interested parties were given an opportunity to submit oral or written comments on the preliminary results. The Department received comments from two interested parties. Following our analysis of the comments we have made no changes in the final results from those contained in our preliminary results of review.

EFFECTIVE DATE: November 8, 1982.

FOR FURTHER INFORMATION CONTACT: Brian Kelly or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 1976, a dumping finding with respect to birch 3-ply doorskins from Japan was published in the **Federal Register** as Treasury Decision 76–48 (41 FR 7389). On March 18, 1982, the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 11737–8) the preliminary results of its administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of birch 3-ply doorskins, manufactured in a variety of glue types, sizes, and colors. Birch 3-ply doorskins are currently classifiable under item numbers 240.1420, 240.1440, and 240.1460 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of sixteen manufacturers and ten exporters of Japanese birch 3-ply doorskins to the United States. This review covers all twenty-six firms and generally the period from January 1, 1980 through January 31, 1981.

Analysis of Comments Received

Interested parties were given an opportunity to submit oral or written comments on our preliminary results. We received written comments from the Hokkaido Plywood Manufacturers' Association ("the Association") and Mitsui & Co.

Comments: For one of the manufacturers, Sanmoku Lumber Co., the Department used third country sales as the basis for foreign market value. The sales used were made through a related trading company, Mitsui & Co., which in turn sold through a related subsidiary in the third country, Canada. Since the prices between Sanmoku, Mitsui, and the Mitsui subsidiary were all between related parties, we used the selling price to the first unrelated purchaser in Canada as the basis for foreign market value. For sales to the unrelated Canadian purchasers the terms of sale were f.o.b. Hokkaido ports. The basis for United States price was purchase price from Sanmoku to unrelated trading companies in Japan, or exporter's sales price to the first unrelated American buyer where Sanmoku sold through Mitsui (Japan) and Mitsui (U.S.A.). The terms of sale for the former sales were f.o.b. Hokkaido and for the latter were ex-warehouse in the United States. In comparing United States price with foreign market value, we adjusted both for loading charges and Japanese inland freight where United States price was based on purchase price, and we made certain additional adjustments to the United States price where it was based on exporter's sales price.

The Association and Mitsui argue that we should make a level of trade adjustment when comparing the sales made to unrelated Canadian purchasers to those sales made to unrelated trading companies in Japan.

Department's Position: We disagree. Mitsui sells to the independent Canadian purchasers on the same terms that it buys from Sanmoku, that is, f.o.b. Hokkaido. Therefore, any differences in level of trade are due purely to other expenses arising from selling the merchandise to the Canadian purchasers. We have received no evidence to suggest what these expenses are or their magnitude. The mark-up to Mitsui (Canada) over the price paid by Mitsui (Japan) to Sanmoku (and indeed that latter price) involves only related parties, and there is no indication that this represents the selling expenses incurred in making the sales to the Canadian customer. In sum, we have no evidence that the selling expenses involved in the Canadian sales are more or less than those involved in selling to the unrelated trading companies in Japan. Therefore, we disallowed the claimed adjustment.

Final Results of the Review

After analysis of the comments received, the final results of our review are the same as those presented in our preliminary results of review, and we determine that the following weighted-average margins exist:

Manufacturer (exporter)	Time period	Percent of margin
Marutama Industries Co., Ltd.:		
Mitsubishi Corp.)	Feb. 1, 1980 to Jan. 31, 1981.	0
Mitsui & Co., Ltd.	Jan. 1, 1980 to Jan. 31, 1981.	0
Nichimen Co., Ltd.	Feb. 1, 1980 to Jan. 31, 1981.	0
Toyo Menka Kaisha, Ltd..	......do	0
Matsumoku Industries, Ltd.:		
C. Itoh & Co., Ltd.	Feb. 1, 1980 to Jan. 31, 1981.	4.3
Mitsubishi Corp.	......do	4.3
Nitta Veneer: C. Itoh & Co., Ltd..	......do	0
Sanmoku Lumber Co., Ltd.:		
C. Itoh & Co., Ltd.	Feb. 1, 1980 to Jan. 31, 1981.	3
Associated Lumber Co., Ltd..	Jan. 1, 1980 to Jan. 31, 1981.	2.7
Mitsui & Co., Ltd.	......do	1.2
Toyo Menka Kaisha, Ltd..	Feb. 1, 1980 to Jan. 31, 1981.	4.3
Sattsuru Veneer Co., Ltd.:		
C. Itoh & Co., Ltd.	......do	0
Mitsubishi Corp.	......do	0
Mitsui & Co., Ltd.	Jan. 1, 1980 to Jan. 31, 1981.	0
Toyo Menka Kaisha, Ltd..	Feb. 1, 1980 to Jan. 31, 1981.	0.2
Yuasa Trading Co., Ltd.	......do	0
Teshiogawa Lumber Co., Ltd.: Ikeuchi Industry Co., Ltd.	......do	0
Ataka & Co.	Feb. 1, 1980 to Jan. 31, 1981.	[1]5
Fujikawa Veneer Co., Ltd.	......do	[1]0
Hokusei Plywood	......do	[1]5
Iwakura Gumi:		
Mitsubishi Corp.	Feb. 1, 1980 to Jan. 31, 1981.	[1]0
Toyo Menka Kaisha	......do	[1]0
All other exporters	......do	[1]7.2
Keisei Lumber Co., Ltd.	......do	[1]0
Kiyosato Rinsan:		
Nissho-Iwai	......do	[1]1.6
All other exporters	......do	[1]0.7
Okura & Co	......do	[1]1.8
Shingu Shoko	......do	[1]0
Showa Lumber	......do	[1]0
Tokiwa Plywood	......do	[1]1.6

[1] No shipments during the review period.

The Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries with purchase or export dates during the periods of review. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue assessment instructions directly to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the above margins shall be required on all shipments of Japanese birch 3-ply doorskins from these firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. The Department waives the deposit requirement for Sattsuru Veneer (exporter Toyo Menka), since the margin is *de minimis*. For any shipment from a new exporter not covered in this review, unrelated to any covered firm, a cash deposit shall be required at the highest rate for responding firms with shipments during the current period. These deposit requirements, and the waiver for Toyo Menka's exports of this merchandise manufactured by Sattsuru Veneer, shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of February 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information during the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Dated: October 28, 1982.

Judith Hippler Bello,

Acting Deputy Assistant Secretary, Import Administration.

[FR Doc. 82-30617 Filed 11-5-82; 8:45 am]

BILLING CODE 3510-25-M

Results of Examination of Possible Transshipments of Television Receiving Sets From Japan

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Results of Examination of Possible Transshipments.

SUMMARY: The Department of Commerce has examined imports of television receivers from four Taiwanese manufacturers to determine whether the shipments are transshipments of television receivers from Japan. These firms were not included in the results of examination published in the **Federal Register** on June 5, 1981, since we had not received sufficient information at that time. We have now received sufficient information and have completed our analysis for these firm.

Our analysis indicates no transshipments of Japanese television receivers by any of the four Tawianese firms examined. Interested parties were afforded an opportunity to submit written comments on the results of the examination. No comments were received.

EFFECTIVE DATE: November 8, 1982.

FOR FURTHER INFORMATION CONTACT: Larry T. Hampel or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On March 10, 1971, the Treasury Department published in the **Federal Register** a dumping finding concerning television receiving sets from Japan as Treasury Decision 71-76 (36 FR 4597). On April 7, 1977, the U.S. Customs Service suspended liquidation of entries of television receivers from Taiwan and Korea pending a determination whether exports from those countries were actually transshipments of television receivers from Japan subject to T.D. 71-76.

On January 2, 1980, the authority for administering the antidumping duty law (including the authority to determine whether merchandise is subject to an order) was transferred from the Treasury Department to the Department of Commerce ("the Department").

The Department published the results of its examination of possible transshipments in the **Federal Register** on June 5, 1981 (46 FR 30167-68). Those results covered 22 of the 26 known firms in Taiwan, Korea, Hong Kong, and Singapore exporting televisions to the United States. The results did not cover four Taiwanese firms for which analysis had not been completed due to insufficient information. Since that time the Department received additional information, and we have now completed our analysis of these firms.

Interested parties were afforded an opportunity to submit written comments on the results of this examination. The Department received no comments.

Results of the Examination

From our examination of television exports from Taiwan, we conclude that the following firms are not transhipping television receiving sets from Japan:

Firm	Review period
A.O.C. International	1/1/79-3/31/80
Sylvania Philco (Taiwan)	7/1/78-3-31-80
Shirasune Electric	4/1/78-3/31/80
United Electronic International	1/1/78-3/31/80

We previously requested the U.S. Customs Service to resume liquidation of all entries of televisions from Hong Kong, Korea, Singapore, and Taiwan, with the exception of shipments from the firms named above.

As a result of this examination, the Department will request the Customs Service to resume liquidation of all entries of television receivers from Taiwan

Judith Hippler Bello,

Acting Deputy Assistant Secretary, Import Administration.

November 1, 1982.

[FR Doc. 82-30619 Filed 11-5-82; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Italy; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from Italy. The review covers the only known exporter of this merchandise to the United States, Snia Fibre S.p.A. (formerly Italviscosa), and the period June 1, 1981 through May 31, 1982. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

As a result of the review, the Department has preliminarily determined to require cash deposits of estimated antidumping duties on future entries equal to the margin calculated on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 8, 1982.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher or Susan Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3601).

SUPPLEMENTARY INFORMATION:

Background

On December 14, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 60869-70) the final results of its last administrative review of the antidumping finding on viscose rayon staple fiber from Italy (44 FR 33878-9, June 13, 1979) and announced its intent to conduct the next administrative review by the end of June 1983. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed, and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments), currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The Department knows of only one exporter of Italian viscose rayon staple fiber to the United States, Snia Fibre S.p.A. (formerly Italviscosa). The review covers the period June 1, 1981 through May 31, 1982. There were no known shipments to the United States during the period and there are no known unliquidated entries.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that, as provided for in § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties of

18.6%, based on the margin calculated on the last known shipments by Snia Fibre, shall be required on all shipments of Italian viscose rayon staple fiber entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication or the first workday thereafter. The Department will publish the final results of this administrative review including the results of its analysis of any such comments or hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

November 1, 1982.

[FR Doc. 82-30616 Filed 11-5-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 354]

Marine Mammals; Modification of Permit

Notice is hereby given that pursuant to the provisions of § 216.33 of the Regulations Governing the Taking and Importing of Marine Mammals, Scientific Research Permit No. 354 issued to Dr. Donald B. Siniff, Department of Ecology and Behavioral Biology, University of Minnesota, Minneapolis, Minnesota 55455, on October 15, 1981 (46 FR 51629) is modified to allow the radio tagging of 30 newly independent young Weddell seals, in lieu of 30 adult Weddell seals.

Accordingly, Section A-1.a. of Permit No. 354 is deleted and replaced by:

"a. 210 adults may also be instrumented with radio frequency and/or sonic tags; and 30 newly independent young may be fitted with radio frequency tags as described in the modification request."

This modification becomes effective upon publication in the **Federal Register**.

The Permit, as modified, is available for review in the following office:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Dated: November 2, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-30651 Filed 11-582; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service

Marine Mammals; Receipt of Application for General Permit

Notice is hereby given that the following application has been received to take marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone during 1983 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations thereunder.

Asociacion Nacional de Armadores de Buques Congeladores de Pesquerias Varias (ANAVAR), Puerto Pesquero, Edificio Vendores, Of. 1A6, Apartado de Correos, 1078, Vigo, Spain, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 20 small cetaceans and 20 phocid seals in the North Atlantic Ocean.

The application is available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.

Interested parties may submit written comments on this application within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: November 2, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-30652 Filed 11-5-82; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Ms. Susan Shane (P127A).

b. Address: biology Applied Sciences Building, University of California, Santa Cruz, California 95064.

2. Type of Permit: Scientific Research.

3. Name and number of animals: Pacific long-finned pilot whale (Globicephala melaena scammoni) up to 2000.

4. Type of take: Potential harassment while observing, photographing, and recording in order to investigate social behavior.

5. Location of activity: Santa Catalina Island, California.

6. Period of activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service,
3300 Whitehaven Street NW.,
Washington, D.C.; and
Regional Director, National Marine
Fisheries Service, Southwest Region,
300 South Ferry Street, Terminal
Island, California 90731.

Dated: November 2, 1982.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 82-30653 Filed 11-5-82; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Charges for Certain Cotton Apparel Products from the Philippines

November 4, 1982

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Deleting charges for cotton velveteen jackets in T.S.U.S.A. number 383.3460 from the level of restraint established for Category 335 pt. (infants' cotton coats), produced or manufactured in the Philippines and exported during the agreement year which began on January 1, 1982 (adding these charges to the level established for Category 335 pt. (women's and girls' cotton coats)). This will result in a reduction of 6,721 dozen in imports currently charged to the level for Category 335 pt. (infants') with a corresponding increase to the amount charged to Category 335 pt. (women's and girls'). In addition T.S.U.S.A. number 383.3460 is being deleted from the coverage of the level for Category 335 pt. (infants' cotton coats) and added to the coverage of the level for Category 335 pt. (women's and girls').

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), February 9, 1982 (47 FR 5926), and May 13, 1982 (47 FR 20654).)

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22, and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, an investigation was made of the data discrepancy in Category 335. As a result of that investigation, we determined that imports in T.S.U.S.A. number 383.3460 would be more appropriately charged to the level of restraint established for women's and girl's cotton coats in Category 335 pt. (Non-Traditional).

EFFECTIVE DATE: November 9, 1982.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published in the **Federal Register** (46 FR 61688) a letter dated December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, including Category 335, produced or manufactured in the Philippines which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to delete T.S.U.S.A. 383.3460 (cotton velveteen jackets) from the coverage of the level of restraint previously established for Category 335 pt. (infants' cotton coats) and to add T.S.U.S.A. number 383.3460 to the coverage of the level of restraint previously established for Category 335 pt. (women's and girls' cotton coats) and to adjust the imports charged to both levels of restraint accordingly.

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Commissioner of Customers,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends but does not cancel, the directive of December 14, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool, and man-made fiber textitle products, produced or manufactured in the Philippines.

Effective on November 9, 1982, you are directed to exclude T.S.U.S.A. number 383.3460 from the coverage of the level of restraint established for Category 335 pt. (Infants' cotton coats/Traditional), produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 1982. T.S.U.S.A. number 383,3460 should be added to the coverage of the level of restraint established for Category 335 pt. (women's and girls' cotton coats/Non-Traditional) for the same period.

Also effective November 9, 1982, the amount of 6,721 dozen should be deducted from charges made to the level of restraint established for Category 335 pt. (traditional) and added to the level of restraint established for Category 335 pt. (Non-Traditional) in the directive of December 14, 1982. This reduction accounts for merchandise in T.S.U.S.A. number 383.3460, exported during the agreement year which began on January 1, 1982 and imported during the period which began on January 1, 1982 and extended through October 25, 1982.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exeption to the rule-making provisions of 5 U.S.C 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82-30799 Filed 11-5-82; 9:00 am]

BILLING CODE 3510-25-M

DEPARTMENT OF EDUCATION

National Center for Education Statistics; Collection of Information and Data Acquisition

AGENCY: Department of Education.

ACTION: Notice of Collection of Information and Data Acquisition.

SUMMARY: The Secretary of Education changes the reporting data for NCES Form 2404-2 (finance) to March 1 of the year following the end of the data collection year being reported. All other reporting dates for the Vocational Education Data System (VEDS) remain as previously announced.

FOR FURTHER INFORMATION CONTACT: Dr. Robert L. Morgan, VEDS Section Chief, National Center for Education Statistics, 400 Maryland Avenue, SW., Washington, D.C. 20202.

SUPPLEMENTARY INFORMATION: Section 161(a) of the Vocational Education Act of 1963, as amended, (20 U.S.C. 2391(a)) requires the Secretary and the Administrator of NCES to develop and operate a "Vocational Education Data and Accounting System" (VEDS) utilizing uniform definitions and standard data elements. States participating in programs under the Vocational Education Act must comply with the reporting requirements established for the VEDS. A notice establishing general reporting dates for VEDS was published in the **Federal Register** on April 22, 1980 (45 FR 27018).

Due to the variety of procedures the States use for collecting and auditing financial data as well as their different fiscal years, it is necessary to establish a new reporting date for the submission of finance data. States are hereby informed that the reporting date for NCES form 2402-2 (finance) is changed from December 1st to March 1st of the year following the end of the data collection year being reported.

Therefore the reporting date for NCES Form 2404-2 for 1981-1982 is changed to March 1, 1983. The December 1, 1982 reporting date for Program Enrollment and Completion Reports for 1981-1982 and Student Follow-up Reports for 1980-81 is unchanged.

Dated: November 1, 1982.

Fred W. Decker,

Acting Assistant Secretary, Office of Educational Research and Improvement.

[FR Doc. 82-30634 Filed 11-5-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CI62-38-001, et al.]

Texaco Inc., et al.; Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

November 1, 1982.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the National Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 17, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and Location	Price Per 1,000 ft^3	Pressure base
CI62-38-001, D, Oct. 7, 1982	Texaco Inc., P.O. Box 2420, Tulsa, Okla. 74102	Panhandle Eastern Pipeline Co., N.E. Carthage Field, Texas County, Okla.	(1)	
CI62-1041-001, D, Oct. 8, 1982	Diamond Shamrock Corp., (successor to the Shamrock Oil & Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Natural Gas Pipeline Co. of America, McKee Plants, Moore County, Tex.	(2)	
CI64-71-001, D, Oct. 12, 1982	Texaco Inc. (operator), *et al.*, P.O. Box 2420, Tulsa, Okla. 74102.	Panhandle Eastern Pipeline Co., N.W. Midwell Field, Cimarron County, Okla.	(3)	
CI61-1646-000, D, Oct. 4, 1982	Energy Reserves Group, P.O. Box 1201, 217 North Water Street, Wichita, Kans. 67201.	Cities Service Gas Co., Quinlan Northwest Field, Hugoton-Anadarko Area, Woodward County, Okla.	(4)	
CI69-327-000, E, Oct. 15, 1982	Eugene Shoal Oil Co. (successor in interest to Union Oil Co. of California), Union Oil Center, Room 932, P.O. Box 7600, Los Angeles, Calif. 90051.	Transcontinental Gas Pipe Line Corp., Block 253 (OCS-G-1031) and Block 252 (OCS-G-1529), Ship Shoal Block 252 Field, Ship Shoal Area, Offshore, La.	(5)	15.025
CI79-540-001, E, Oct. 15, 1982	do	Texas Gas Transmission Corp., Blocks A-531 (OCS-G-2696), A-536 (OCS-G 2697) and A-537 (OCS-G 2698), High Island Block A-537 Field, South Addition, High Island Area, Offshore Tex.	(6)	14.65
CI80-203-001, E, Oct. 15, 1982	do	Southern Natural Gas Co., Block 150 (OCS-G 2642), Block 194 Field, Mississippi Canyon Area, Offshore La.	(7)	15.025
CI80-225-000, Oct. 19, 1982	Phillips Petroleum Co., 336 Home Savings and Loan Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Tunstill Plant, Reeves County, Tex.	(8)	14.73
CI82-324-000, F, July 19, 1982	El Paso Exploration Co., (partial successor in interest to Henry Black Drilling Co. Inc.) (Operator), *et al.*, P.O. Box 1492, El Paso, Tex. 79978.	El Paso Natural Gas Co., Spraberry Field, Upton County, Tex.	(10)	14.73
CI83-7-000, A, Oct. 5, 1982	Arco Oil & Gas Co., division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., High Island Area Blocks A-563 and A-564, Offshore Texas.	(11)	14.73
CI83-8-000, A, Oct. 4, 1982	Amoco Production Co., P.O. Box 50879, New Orleans, La. 70150.	Michigan Wisconsin Pipe Line Co., High Island Area, High Island Block 318 Field, Offshore Tex.	(12)	14.73
CI83-9-000, B, Oct. 5, 1982	R. Lacy Inc., *et al.*, P.O. Box 2146, Longview, Tex. 75601.	Lone Star Gas Co., a Division of Enserch Corp., Carthage Field, Panola County, Tex.	(13)	
CI83-10-000, A, Oct. 6, 1982	McMoRan-Freeport Oil Co., P.O. Box 6800, Metairie, La. 70009.	Florida Gas Transmission Co., Matagorda Island Blocks 527, 528 and 555, Offshore Tex.	(12)	14.73
CI83-11-000, A, Oct. 6, 1982	do	do	(12)	14.73
CI83-14-000, A, Oct. 6, 1982	CNG Producing Co., One Canal Place, Suite 3100, New Orleans, La. 70130.	Texas Eastern Transmission Corp., Block 295 (OCS-G-3999), Ship Shoal Area, Offshore La.	(14)	14.73
CI83-15-000, B, Oct. 12, 1982	Bellwether Exploration Co., 1630 Welton Street, Suite 300, Denver, Colo. 80202.	Michigan Wisconsin Pipe Line Co., NE/4 Section 9, T27N, R18W, Woods County, Okla.	(15)	
CI83-16-000, A, Oct. 15, 1982	Odeco Oil & Gas Co. and Murphy Oil Corp., 1600 Canal Street, New Orleans, La. 70161.	Trunkline Gas Co., High Island Block A-542, in the Gulf of Mexico. Offshore Tex.	(16)	14.65
CI83-17-000, A, Oct. 15, 1982	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Tex. 79189.	Texas Eastern Transmission Corp., East Cameron Block 336, Offshore La.	(17)	15.025
CI83-18-000, A, Oct. 15, 1982	do	Michigan Wisconsin Pipe Line Co., High Island Block A-499, Offshore Tex.	(18)	14.65
CI83-19-000, F, Oct. 15, 1982	Eugene Shoal Oil Co. (successor in interest to Union Oil Co. of California), Union Oil Center, Room 932, P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Gas Transmission Corp., Block A-382, East Addition, South Extension and Blocks A-572, A-573, and A-596, South Addition Block A-573 Field, High Island Area, Offshore Tex.	(19)	14.65

Docket No. and date filed	Applicant	Purchaser and Location	Price Per 1,000 ft³	Pressure base
CI83-20-000, F, Oct. 15, 1982	......do	United Gas Pipe Line Co., Block 32 (OCS-0196), Eugene Island Area, Offshore La.	(20)	15.025
CI83-21-000, A, Oct. 18, 1982	Koch Industries, Inc., P.O. Box 2256, Wichita, Kans. 67201.	Texas Eastern Transmission Corp., Ship Shoal Block 295 (OCS-G-3999), Offshore La.	(21)	15.025
CI83-22-000, B, Oct. 18, 1982	Sun Gas Division, Sun Exploration and Production Co., (formerly Sun Oil Co.), P.O. Box 20, Dallas, Tex. 75221.	Mobil Oil Corp., East Texas Field, Gregg County, Tex.	(22)	
CI83-23-000, A, Oct. 18, 1982	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Tex. 79189.	Michigan Wisconsin Pipe Line Co., High Island Blocks A-563 and A-564, Offshore Tex.	(18)	14.65
CI83-24-000, B, Oct. 18, 1982	Edwin L. Cox, (operator), *et al.*, 3800 First National Bank Building, Dallas, Tex. 75202.	Southern Natural Gas Co., Marrero Field, Jefferson Parish, La.	(24)	
CI83-25-000, A, Oct. 19, 1982	Mesa Petroleum Co., One Mesa Square, P.O. Box 2009, Amarillo, Tex. 79189.	Michigan Wisconsin Pipe Line Co., High Island Block A-582, Offshore Tex.	(17)	14.65
CI83-26-000, A, Oct. 19, 1982	......do	Michigan Wisconsin Pipe Line Co., High Island Block A-567, Offshore Tex.	(17)	14.65
CI72-685-000, Oct. 19, 1982	Phillips Petroleum Co., 336 Home Savings and Loan Bldg., Bartlesville, Okla. 74004.	El Paso Natural Gas Co., Tunstill Plant, Reeves County, Tex.	(9)	14.73
CI68-1027-001, E, Oct. 15, 1982	Eugene Shoal Oil Co., (successor in interest to Union Oil Co. of California), Union Oil Center, Room 932, P.O. Box 7600, Los Angeles, Calif. 90051.	Transcontinental Gas Pipe Line Corp., Block 269 (OCS-G-1036), Block 274 Field, Ship Shoal Area, Offshore La.	(25)	15.025

[1] Acreage was released.

[2] The subject leases have expired or terminated by their own terms and were not included in the rollover contract dated March 16, 1982.

[3] Leases have been released.

[4] Effective September 1, 1982, Energy Reserves Group sold its interest in the acreage covered by the leases and units.

[5] By sale and Transfer of Interest documents dated September 16, 1982, pursuant to a Sale of Oil and Gas Properties Agreement executed on September 14, 1982, effective September 30, 1982, as to the assets and October 1, 1982 as to production from said assets, Union Oil Company of California assigned all of its right, title and interest in Blocks 253 (OCS-G-1031), and 252 (OCS-G-1529), to Eugene Shoal Oil Company, a wholly owned subsidiary of Union. Eugene Shoal herein seeks authorization, as successor in interest, to render service previously authorized by the Commission in Docket No. CI69-327.

[6] By Sale and Transfer of Interest documents dated September 16, 1982, pursuant to a Sale of Oil and Gas Properties Agreement executed on September 14, 1982, effective September 30, 1982, as to the assets and October 1, 1982 as to production from said assets, Union Oil Company of California assigned all of its right, title and interest in Blocks A-531 (OCS-G-2696), A-536 (OCS-G-2697) and A-537 (OCS-G-2698) to Eugene Shoal Oil Company, a wholly owned subsidiary of Union. Eugene Shoal herein seeks authorization, as successor in interest to render service previously authorized by the Commission in Docket No. CI79-540.

[7] By a Sale and Transfer of Interest documents dated September 16, 1982, pursuant to a Sale of Oil and Gas Properties Agreement executed on September 14, 1982, effective September 30, 1982, as to the assets and October 1, 1982 as to production from said assets, Union Oil Company of California assigned all of its right, title and interest in Block 150 (OCS-G-2642) to Eugene Shoal Oil Company, a wholly owned subsidiary of Union. Eugene Shoal herein seeks authorization, as successor in interest, to render service previously authorized by the Commission in Docket No. CI80-203.

[8] Applicant is filing to add additional delivery point.

[9] By Assignment dated January 1, 1981, El Paso Exploration Company acquired the subject properties and requested this certificate of public convenience and necessity be effective as of that date.

[10] Applicant is filing under Casinghead Gas Contracts dated November 3, 1952, and June 20, 1958, as amended. The sale of natural gas to El Paso is currently covered under the certificate of public convenience and necessity issued to Henry Black Drilling Company, Inc. (Operator), *et al.* ("Drilling Company") at Docket No. G-15439.

[11] Applicant is filing under Gas Purchase Contract dated September 29, 1982.

[12] Applicant is filing under Gas Purchase Contract dated September 10, 1982.

[13] Ordering Paragraph (C) of the Order issued on June 26, 1981, in Docket Nos. CP75-123-006 and CP75-141-004 requires a filing for a partial abandonment authorization to reflect the change in the sale of 20% of the referenced contract gas from Lone Star to Natural.

[14] Applicant is willing to accept a certificate conditioned to the applicable national rate as determined by the Natural Gas Policy Act of 1978.

[15] Well has become non-commercial.

[16] Applicant is filing under Gas Purchase Contract dated June 11, 1982.

[17] Applicant is filing under Gas Purchase Contract dated September 17, 1982.

[18] Applicant is filing under Gas Purchase Contract dated September 20, 1982.

[19] By Sale and Transfer of Interest documents dated September 16, 1982, pursuant to a sale of Oil and Gas Properties Agreement executed on September 14, 1982, effective September 30, 1982, as to the assets and October 1, 1982 as to production from said assets, Union Oil Company of California assigned all of its right, title and interest in Blocks A-382, A-572, A-573 and A-596 to Eugene Shoal Oil Company, a wholly owned subsidiary of Union. Eugene Shoal herein seeks authorization, as successor in interest, to render service previously authorized by the Commission in Docket No. CI77-828 applicable only to Blocks A-382, A-572, A-573 and A-596

[20] By a Sale and Transfer of Interest document dated September 16, 1982, pursuant to a Sale of Oil and Gas Properties Agreement executed on September 14, 1982, effective September 30, 1982, as to the assets and October 1, 1982 as to production from said assets, Union Oil Company of California assigned all of its right, title and interest in Block 32 (OCS-0196) to Eugene Shoal Oil Company, a wholly owned subsidiary of Union. Eugene Shoal herein seeks authorization, as successor in interest, to render service previously authorized by the Commission in Docket No. G-7193 applicable only to Block 32.

[21] Applicant is filing under Gas Purchase Contract dated September 28, 1982.

[22] The primary terms of all the Casinghead Gas Contract ended January 1, 1978, but the contracts would continue on a year-to-year basis, and would be terminated any January 1, by written notice. Sun served a timely notice to terminate effective January 1, 1979.

[23] NOT USED.

[24] Due to the depletion of reserves, the wellhead pressure is now and will continue to be insufficient to allow delivery into Southern Natural's pipeline.

[25] By a Sale and Transfer of Interest document dated September 16, 1982, pursuant to a Sale of Oil and Gas Properties Agreement executed on September 14, 1982, effective September 30, 1982, as to the assets and October 1, 1982 as to production from said assets, Union Oil Company of California assigned all of its right, title and interest in Block 269 (OCS-G-1036) to Eugene Shoal Oil Company, a wholly owned subsidiary of Union. Eugene Shoal herein seeks authorization, as successor in interest, to render service previously authorized by the Commission in Docket No. CI68-1027.

Filing Code: A—Initial Service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 82-30488 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-552-000]

Alabama-Tennessee Natural Gas Co.; Application

November 3, 1982.

Take notice that on September 27, 1982 Alabama-Tennessee Natural Gas Company (Applicant) P.O. Box 918, Florence, Alabama, 35631, filed in Docket No. CP82-552-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery into storage, withdrawal, transportation, and sale of natural gas in interstate commerce, as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authority to inject into storage each year until the year 2000, up to a maximum of 2,000,000 Mcf of natural gas per year and the withdrawal and redelivery of equivalent volumes on a daily basis, not to exceed 20,000 Mcf per day to its customers. It is indicated that such gas would be delivered into the storage facilities of Mid-Continent Gas Storage Company (Mid-Continent) by displacement through the facilities of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), United Gas Pipe Line Company (United), Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), and Northern Illinois Gas Company (NiGas) and withdrawn from storage and delivered to Applicant's existing customers by displacement through the facilities of NiGas, Midwestern Gas Transmission Company (Mid-Western), and Tennessee.

Applicant states that during the period beginning April 1, 1983, through October 31, 1983, and each year thereafter until the year 2000, when there is gas available from Tennessee, its supplier, under the terms of its contract with Tennessee, which is not required by Applicant's on-system customers, up to 2,000,000 Mcf of such gas would be delivered into storage facilities of Mid-Continent by displacement through the facilities of Tennessee, United, and Northern. It is further stated that during the winter months of November through March of each year, equivalent volumes would be available for withdrawal from the storage facilities of Mid-Continent and redelivered to those customers of Applicant desiring such peak day service up to a total volume of 20,000 Mcf per day. It is indicated that such gas would be in addition to the previously agreed upon volumes for fuel and shrinkage in accordance with the revelant transportation contracts.

Applicant alleges that the requested authorization would enable it to avoid the payment of take-or-pay obligations which it is estimated may amount to $1,000,000 per month for each of the months in which the storage injection service would be rendered.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intevene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30569 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES83-7-000]

Baltimore Gas and Electric Co.; Application

November 2, 1982.

Take notice that on October 26, 1982, Baltimore Gas and Electric Company (Applicant) filed an application seeking authority pursuant to Section 204 of the Federal Power Act to issue up to $375,000,000 principal amount of short-term debt to be issued from time to time with maturities not later than December 31, 1984.

Any person desiring to be heard or to make protest with reference to said application should on or before November 24, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30570 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-549-000]

Cities Service Gas Co.; Application

November 3, 1982.

Take notice that on September 24, 1982, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP82-549-000 an application pursuant to Section 7(b) of the Natural Gas Act for an order permitting and approving the abandonment by reclaim of certain facilities on its transmission system and of interruptible direct deliveries of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to discontinue the sale of gas to Arrowhead Asphalt Company (Arrowhead) in Miami, Oklahoma, and reclaim the meter and regulator facilities used to make this sale. The sale commenced in 1970 pursuant to budget-type authorization issued in Docket No. CP70-75. Applicant states that Arrowhead has not paid for gas delivered to it and now owes Applicant $68,452.51. Applicant asserts that action has been taken against Arrowhead in the District Court of Ottawa County to collect this delinquent account.

Applicant states that the salvage value of the facilities to be reclaimed is approximately $2,320 with a cost to reclaim of $2,110.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30571 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-2-000]

Columbia Gulf Transmission Co.; Application

November 3, 1982.

Take notice that on October 1, 1982, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP83-2-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessary authorizing the transportation of natural gas for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport on a best-efforts basis, 25,000 Mcf per day of Tennessee's gas produced from South Timbalier 53, offshore Louisiana, pursuant to a gas transportation agreement dated June 4, 1982. Applicant would transport the gas from the South Timbalier 37 project through Applicant's 24-inch pipeline that intersects the South Timbalier Project 37 pipeline and deliver a thermally equivalent quantity of gas to Tennessee at the terminus of the Blue Water Project located near Egan, Louisiana. Applicant asserts it would transport such volumes of gas for Tennessee through Applicant's available capacity in its East Lateral and redeliver to Tennessee a thermally equivalent quantity of gas, reduced by 1.05 percent of the total volume for unaccounted-for gas.

It is stated Tennessee would pay Applicant a rate of 2.64 cents per Mcf of gas received for transportation at the South Timbalier point of receipt. It is further stated that the minimum monthly bill would be 66⅔ percent of the daily quantity of 25,000 Mcf per day multiplied by the transportation rate of 2.64 cents and multiplied by the number of days in the month.

Applicant indicates that the transportation service commenced on June 4, 1982, under the authorization issued pursuant to Section 284.221 of the Commission's Regulations. Applicant submits that the proposed service is the most practical and economic way of making the South Timbalier gas supplies available to Tennessee.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30562 Filed 11-5-82; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP80-281-001]

Columbia Gulf Transmission Co.; Petition To Amend

November 3, 1982.

Take notice that on October 4, 1982, Columbia Gulf Transmission Company (Petitioner), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP80-281-001 a petition to amend the order issued July 3, 1980, in Docket No. CP80-281 pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize the construction of gas supply facilities in excess of the single project cost limitation of $2,500,000 onshore and $3,500,000 offshore for the calendar year 1981, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on July 3, 1980, it was issued a budget-type certificate authorizing, *inter alia*, the construction of gas supply facilities as defined in § 157.7(b) of the Commission's Regulations, for an indefinite period commencing the date of the order. Total annual expenditures were limited to $20,000,000 with no single onshore project cost to exceed $2,500,000 and with no single offshore project cost to exceed $3,500,000.

Petitioner indicates that while the total cost for all gas supply facilities constructed, pursuant to authorization in Docket No. CP80.281, is within the $20,000,000 annual cost limitation, the cost of constructing (1) pipeline and valves necessary for compressors in St. Landry Parish, Louisiana (St. Landry Project) was $2,725,919 and (2) a pipeline to connect Petitioner's affiliate, Columbia Gas Development Corporation's (Columbia Development), platform in West Cameron 426, offshore Louisiana, to an interconnection with Petitioner's 6-inch supply line in West Cameron 479 (West Cameron 426 Project) was $4,512,944.

Petitioner submits that initial cost estimates indicated the St. Landry Project would be constructed within the $2,500,000 cost limitation for onshore projects and the decision was made to construct the facilities under Petitioner's budget-type authorization. Subsequently, after a more detailed analysis was made of the work to be performed and bids were obtained for construction and for the required materials and supplies, it is asserted that work orders were issued reflecting a total estimated cost of less than $2,500,000. Construction was commenced in September 1981.

Petitioner indicates that a variety of factors contributed to the cost overrun which it experienced. It asserts that the major factor was an increase in contract cost. Installation contract costs were increased as a result of the reallocation of funds for the installation of pipeline blow down stacks, valves, piping and operators of contract compressor units, it is explained. Additionally, Petitioner states that due to soil conditions, foundation piling was required and adverse weather added 38 days to the contractor's time on the job.

Petitioner also submits that initial cost estimates and later detailed analysis of the work to be performed indicated that the West Cameron 426 Project would be constructed within the $3,500,000 cost limitation for offshore projects. Construction was commenced in February 1981.

Petitioner indicates a major factor contributing to the cost overrun was an increase in contract cost due to (1) costs associated with the contractor's unanticipated encounter of "sugar sand," (2) weather downtimes, (3) an unanticipated foreign pipeline crossing, (4) extra work on a riser, and (5) an underwater tie-in excluded from the original budget by oversight.

Petitioner, therefore, requests waiver of the single project limitation for onshore and offshore projects and amendment of the July 3, 1980, order to the extent required to authorize the construction of the St. Landry and West Cameron 426 Projects.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Nov. 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30563 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-557-000]

Consolidated Gas Supply Corp.; Application

November 3, 1982.

Take notice that on September 30, 1982, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP82-557-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline tap facilities and the transportation and delivery of an average daily quantity of 10,000 Mcf of natural gas to Gulf Energy Processing Corporation (Gulf) in Pleasants County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposed to construct and operate tap facilities for the delivery of gas to a connection between Applicant's production gathering lines and Gulf's plant and tap facilities required to accept redelivery of residue gas at a connection to be made between Gulf's plant and Applicant's transmission Line No. TL-345. It is indicated the estimated cost of these facilities, which would be financed from funds on hand, is $78,000.

It is stated that as a consideration for the gas processing and treatment services to be rendered by Gulf, Applicant has agreed that Gulf may retain all liquefiable hydrocarbons removed from the raw gas stream and that Gulf, in turn, has agreed to reimburse Applicant for the heating value reduction resulting from processing at a rate equal to Applicant's monthly average cost of gas purchased from West Virginia producers. As a further consideration for Gulf's making field gas marketable and raising its pressure from field to transmission pressure, Applicant states that it has agreed to reimburse Gulf for all reasonable and necessary compression costs, including fuel.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30564 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-459-000]

Consumers Power Co.; Application for Approval of Rates

November 3, 1982.

Take notice that on September 14, 1982, Consumers Power Company (Applicant), 212 West Michigan Avenue, Jackson, Michigan 49201, filed in Docket No. ST82-459-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and Section 284.123(b)(2) of the Commission's Regulations for approval of its rate for the transportation, including storage, of certain natural gas supplies on behalf of Michigan Wisconsin Pipe Line Company (Mich Wis), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement dated August 12, 1982, Applicant has agreed to provide certain transmission and storage services for Mich Wis. It is submitted that Mich Wis would cause to be delivered to Applicant up to 10,000,000 Mcf of natural gas for storage injection beginning on September 15, 1982. Applicant asserts that it would store gas for the account of Mich Wis using existing storage fields that are owned and operated by Applicant. It is proposed further that at the direction of Mich Wis, Applicant would withdraw and redeliver stored volumes, with the provision that no withdrawals would begin prior to June 14, 1984. It is asserted that the points of delivery and redelivery would be the existing interconnections between Applicant and Michigan Consolidated Gas Company in the vicinity of Northville and St. Clair, Michigan.

Applicant proposes a transportation rate consisting of a one time injection fee of 9.148 cents per million Btu, and beginning on November 15, 1982, a monthly holding fee of 4.574 cents per million Btu on all gas held in storage under the agreement. Applicant proposes that this rate remain in effect until September 14, 1983, and that thereafter a rate of 3.293 cents per million Btu on the average daily volume (for the month) held in storage under the agreement be charged. Further, Applicant proposes that in the event the term of the agreement is extended, Applicant would have the right to adjust the applicable monthly charge.

Applicant submits that the proposed rates are fair and equitable and not in excess of the rates and charges interstate pipelines would be permitted to charge for providing similar service.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30572 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-543-000]

Delhi Gas Pipeline Corp.; Application

November 3, 1982.

Take notice that on September 21, 1982, Delhi Gas Pipeline Corporation (Applicant), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP82-543-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and Section 284.127 of the Commission's Regulations for long-term authorization to transport natural gas on behalf of Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the terms of a transportation agreement with Northern dated November 25, 1980, Applicant would receive natural gas at various points of delivery on Applicant's Western Oklahoma System and transport and redeliver equal quantities of natural gas to Northern in Beaver County, Oklahoma. It is stated that the transportation service commenced on December 1, 1980, as set forth in a report filed with the Commission on January 21, 1981, in Docket No. ST81-146. It is further stated that a report was filed on August 5, 1982, extending said transportation service on a self-implementing basis until December 1, 1984.

Applicant further states that it now proposes to continue said transportation service for five years and one month until January 1, 1990. Applicant requests that said long-term authorization be made effective as of December 1, 1984, the date upon which the current authorization expires. Applicant states that it would continue to receive gas from Northern at various points in Roger Mills and Blaine Counties, Oklahoma, and would transport and redeliver equal quantities of natural gas to Northern at points in Beaver County, Oklahoma.

Applicant estimates that the daily and total volumes of natural gas to be transported during the remainder of the term of the transaction would be 30 billion Btu and 55,680 billion Btu, respectively. Applicant states that the transportation fee to be charged Northern would be 37.89 cents per million Btu.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 82-30573 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-13-000]

Florida Gas Transmission Co.; Application

November 3, 1982.

Take notice that on October 7, 1982, Florida Gas Transmission Company (Applicant) filed in Docket No. CP83-13-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Natural Gas Pipeline Company of America (NGPL) from Nueces County, Texas, to Matagorda County, Texas, all as more fully described in its application which is on file with the Commission and open to public inspection.

It is stated that by order issued March 28, 1980, in Docket No. CP79-471, Applicant was authorized to transport up to 3 billion Btu per day of natural gas that NGPL purchased from the Laguna Madre Field Area, Kleberg and Nueces Counties, Texas. It is indicated Applicant received the natural gas at its facilities in Mustang Island, Nueces County, Texas and redelivered such gas to NGPL's facilities in Matagorda County, Texas. Abandonment of the transportation service is requested because of a drained depletion of gas supply from Laguna Madre Field Area. It is asserted that production ceased from the Field in March 1981, and NGPL's having determined that production would not resume at such Field, requested by letter dated July 19, 1982, termination of the July 1, 1979, transportation agreement with Applicant. Applicant, therefore, requests authorization for abandonment of the transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unles otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30674 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-61-000]

Indianapolis Power & Light Co.; Filing

November 2, 1982.

Take notice that Indianapolis Power & Light Company (Indianapolis) on October 25, 1982, tendered for filing Modification No. 7 dated as of June 1, 1982, to the Interconnection Agreement dated December 2, 1968, as heretofore amended (1968 Agreement), between Indianapolis and Southern Indiana Gas and Electric Company (Southern Indiana), designated Indianapolis Rate Schedule FPC No. 6.

Indianapolis states that Section 1 of Modification No. 7 cancels Service Schedule D of the 1968 Agreement and substitutes a new Service Schedule D which provides for an increase in the Demand Charge for Short Term Power from $0.85 to $1.05 per kilowatt per week and from $0.14 to $0.18 per kilowatt per day for Short Term Power sold (purchased) for periods less than one week. Indianapolis further states that Section 2 of said Modification cancels Service Schedule F of the 1968 Agreement and substitutes a new Service Schedule F which provides for an increase in the Demand Charge for Limited Term Power (Firm) from $4.50 to $5.50 per kilowatt per month.

A copy of this filing has been sent to Southern Indiana and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30675 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-7-000]

Louisiana Resources Co.; Application

November 3, 1982.

Take notice that on October 5, 1982, Louisiana Resources Company (Applicant), P.O. Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP83-7-000, an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and Sections 284.123(b)(2) and 284.127 of the Commission's Regulations for authorization of firm natural gas transportation service in excess of 2 years proposed to be rendered on behalf of Southern Natural Gas Company (Southern), and for approval of Applicant's transportation rates, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement dated July 10, 1982, it proposes to transport up to 150 billion Btu of natural gas per day for Southern from various points of Applicant's contiguous mainline facilities located in southern Louisiana to any other points located on those same facilities. Such transportation would be performed on a firm basis for the fifteen-year primary term of the agreement, and on an interruptible basis thereafter. It is indicated that upon reasonable notice to Applicant, Southern would be permitted to tender or receive to or from Applicant each day up to the full contract demand at any point on Applicant's system which Southern would elect in its sole discretion.

For such service, Applicant proposes a two-part rate. The first part is an initial commodity rate of 16.44 cents per million Btu transported and redelivered. Applicant represents that such a rate is the result of competitive factors and is less than that which would be cost justified. The second part is a minimum annual charge which would be equal to the commodity rate times 80 percent of the applicable contract quantity multiplied by the number of days in the year. Southern would be permitted to make up any charges during the 5-year period following each year in which a minimum charge is assessed. Applicant alleges that both components are fair and equitable and not more than an interstate pipeline would be permitted to charge for providing a similar transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30565 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-243-001]

Northern Border Pipeline Co.; Petition To Amend

November 3, 1982.

Take notice that on October 7, 1982, Northern Border Pipeline Company (Petitioner), 224 South 108th Avenue, Omaha, Nebraska 68103, filed in Docket No. CP82-243-001 a petition to amend the order issued May 21, 1982, in Docket No. CP82-243-000 pursuant to Section 7(c) of the Natural Gas Act so as to conform the authorization granted by said order to the actual construction which Applicant has undertaken, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued May 21, 1982, in Docket No. CP82-243-000 it was authorized, among other things, to construct interconnecting facilities consisting of a tee, side valve, and blind flange in order to accommodate requests by various pipeline companies for potential points of receipt and delivery of natural gas along Petitioner's system. In addition, Petitioner was authorized to install up to $1,000,000 of prospective interconnect facilities prior to its in-service date, it is explained.

Petitioner states that it did not install certain interconnect facilities authorized to be constructed for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern) which facilities were to serve as delivery points in Murray

County, Minnesota, Hamlin County, South Dakota and Brown County, South Dakota. It is asserted that after closer review and economic evaluation Northern indicated that the market potential did not justify those projects. Petitioner also states that it did not install three interconnect facilities jointly requested by United Gas Pipe Line Company, Natural Gas Pipeline Company of America, and Northern. Such facilities it is submitted, were to serve as receipt points for natural gas produced in the Williston Basin Area and transported by laterals jointly proposed in Docket No. CP81-498-000 now withdrawn. It is stated that two interconnect facilities were installed to accommodate the receipt of such natural gas in Montana-Dakota Utilities Company's (MDU) proceeding in Docket No. CP82-522-000. Hence it is asserted that the excluded interconnects are no longer required.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30566 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP79-80-019 and CP80-7-002]

Overthrust Pipeline Co. and Mountain Fuel Supply Co.; Petitions To Amend

November 3, 1982.

Take notice that on September 30, 1982, Overthrust Pipeline Company (Overthrust), 79 South State Street, Salt Lake City, Utah 84147, in Docket No. CP79-80-019, and Mountain Fuel Supply Company (Mountain Fuel), 180 East First South Street, Salt Lake City, Utah 84139, in Docket No. CP80-7-002, filed to amend the order issued March 12, 1982, in Docket Nos. CP79-80 and CP80-7, respectively, pursuant to Section 7 of the Natural Gas Act so as to authorize Overthrust to provide line pack gas and to include in its rate base the cost of such natural gas to be purchased from Mountain Fuel and so as to permit Mountain Fuel to use an existing interconnection between the facilities of Mountain Fuel and Overthrust for transportation and delivery of line pack gas to Overthrust, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Specifically, Petitioners request amendment of the order issued March 12, 1982, in Docket Nos. CP79-80 and CP80-7 so as to permit Overthrust to include the cost of line pack gas in its rate base and to permit Mountain Fuel to transport and deliver such gas to Overthrust.

Overthrust states that it has agreed to provide the line pack for the Overthrust segment of the Trailblazer Pipeline System. It is asserted that pursuant to a gas service agreement between Overthrust and Mountain Fuel dated August 23, 1982, Overthrust proposes to purchase approximately 250,000 Mcf of natural gas under Mountain Fuel's existisng Wyoming Rate Schedule T-1 for use as line pack for the Overthrust segment of the Trailblazer System. Mountain Fuel proposes to deliver and Overthrust proposes to receive the gas at an existing interconnection between their facilities at Mountain Fuel's Kanda Compressor Station in Sweetwater County, Wyoming. Petitioners state that no new facilities are proposed.

It is stated that originally the transportation contracts reflected ownership of line pack by the individual shipper. Overthrust asserts that its facilities would eventually serve a number of shippers other than the initial shippers. Overthrust avers that its ownership of the line peak gas would be a simple appropriate method of matching burdens and benefits for all shippers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30567 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-57-000]

Public Service Company of New Hampshire; Filing

November 2, 1982.

Take notice that on October 21, 1982 Public Service Company of New Hampshire (PSNH) tendered for filing revised sheets to its transmission tariff (FERC Electric Tariff, Original Volume No. 1), which (1) revise the joint rate provision and (2) reduce the rate of return on common equity from 19.5% to 17.5%. The Company requests that both changes be made effective retroactively as of February 7, 1982 when the tariff became effective subject to refund in Docket No. ER82-141-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30577 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-7-002]

Sea Robin Pipeline Co.; Petition To Amend

November 3, 1982.

Take notice that on September 30, 1982, Sea Robin Pipeline Company (Petitioner), P.O. Box 1476, Houston, Texas 77001, filed in Docket No. CP78-7-002 a petition to amend the order issued December 20, 1977, in Docket No. CP78-7 pursuant to Section 7(c) of the Natural Gas Act so as to authorize

Petitioner to increase the contract demand level applicable to the transportation of natural gas for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner and Natural have entered into an amendatory agreement dated July 23, 1981, whereby the gas transportation agreement between the parties, dated August 16, 1977, is further amended to provide for an increase in the transportation contract demand level applicable to Natural. Petitioner indicates that it presently transports gas produced from Blocks 142 and 143, South Marsh Island Area, offshore Louisiana, for Natural under its FERC Gas Tariff Rate Schedule X-23, from an interconnection with Petitioner's facilities in Block 127, South Marsh Island Area, offshore Louisiana, to the terminus of Petitioner's system near Erath, Vermilion Parish, Louisiana. The presently effective contract demand level applicable to Natural under Rate Schedule X-23 is said to be 2,000 Mcf per day.

It is explained that Natural has purchased, or is negotiating to purchase, from Kerr-McGee Corporation additional volumes of gas to be produced at Blocks 142 and 143, South Marsh Island Area, offshore Louisiana, and desires that Petitioner transport such additional gas under the amendatory agreement. Accordingly, Petitioner requests authorization increasing the total contract demand level applicable to Natural under Rate Schedule X-23 from 2,000 Mcf per day to 7,000 Mcf per day.

Petitioner indicates that for the additional service it would utilize the same delivery point and redelivery point as it was to render the present transportation service and that this proposal would not require any new facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30678 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ST82-476-000]

Sun Gas Transmission Company, Inc.; Application for Approval of Rates

November 3, 1982.

Take notice that on September 20, 1982, Sun Gas Transmission Company, Inc., (Applicant), P.O. Box 20, Dallas, Texas 75221, filed in Docket No. ST82-476-000 an application pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and Section 284.123(b)(2) of the Commission's Regulations for approval of its rates for the transportation for and redelivery of natural gas to Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a transportation agreement with Tennessee dated March 24, 1982, Applicant has agreed to transport gas attributable to Tennessee's interest in various wells in the Lelong Field area in Desoto Parish, Louisiana. It is proposed that the gas attributable to the interest of Tennessee would be delivered to Tennessee at a point of interconnection in Natchitoches Parish, Louisiana. It is further stated that the agreement is to be for an initial term of two years and for a longer term thereafter. It is submitted that intitially, approximately 1.5 billion Btu per day would be transported on behalf of Tennessee, with a projected total of 2,007 billion Btu to be delivered during the two-year period.

Applicant proposes a transportation rate of 21.2 cents per million Btu as an intitial base transportation charge for the transportation service proposed. Applicant asserts that this transportation charge is both fair and equitable and is a rate comparable to the rates for like transportation service on file with the Louisiana Commissioner of Conservation.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30679 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-544-000]

Tennessee Gas Pipeline Co.; Application

November 3, 1982.

Take notice that on September 21, 1982, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-544-000 an applicant pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity for blanket authorization to transport gas and to make interruptible sales of natural gas to off-system customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to sell up to 129,100,000 Bcf of natural gas during the remainder of 1982, and 381,500,000 Bcf in 1983 on a limited-term and interruptible basis. Applicant states that this volume of gas is temporarily surplus to its system requirements and that unless action is taken to alleviate its short-term surplus, Applicant estimates that by 1983 potential take-or-pay claims may reach $300–$400 million. Applicant proposes to make sales on a self-implementing basis under procedures similar to those set forth in Part 284 of the Commission's Regulations. It is stated that the self-implemented sales would be limited to a term of one year with extensions of one year, unless disallowed by the Commission.

Applicant proposes the following restrictions for each off-system sales and transportation transaction:

(1) Sales would be made at no less than a 100 percent load factor rate.

(2) Transportation rates would comply with Section 284.103 of the Regulations.

(3) The term of each sale would not exceed one year, provided that extensions of one year would be permitted upon notice to the

Commission within sixty days of the expiration of the initial term, unless disallowed by the Commission prior to the expiration of the initial term.

(4) No individual sale would exceed 200,000 Mcf per day without prior authorization.

(5) Revenues in excess of out-of-pocket expenses would be flowed through to Applicant's customers and/or treated in Applicant's current rate cases before the Commission.

(6) Applicant would notify the Commission within 48 hours after the commencement of deliveries to any off-system customer. Such notice would include the identity of the customer, end-use of the gas, dates of commencement and projected termination of the sale, maximum daily volume, sales and transportation rates.

(7) Sales and transportation contracts would be filed within 30 days after the commencement of deliveries.

(8) Applicant would file in this docket a monthly report of sales and transportation revenues from each transaction hereunder.

(9) The Commission would retain the authority to set any transaction for public hearing within 30 days of the commencement of deliveries. After hearing and upon recommendation of the presiding judge, the Commission could terminate sales and transportation pending final order.

(10) Sales and transportation would be fully interruptible and subject to the availability of sufficient supply and capacity to serve Applicant's existing customers without detriment or disadvantage.

(11) To the extent facilities are necessary to make sales hereunder, Applicant would only construct facilities within the limitations of its budget certificate issued in Docket No. CP80-83, or its blanket certificate issued in Docket No. CP82-413-000, when accepted.

Applicant also requests the Commission to authorize the abandonment of such sales and transportations pursuant to Section 7(b) of the Natural Gas Act, effective upon expiration of each contract for service under the blanket authorization herein sought.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval to abandon are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30560 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP79-60-018 and CP82-555-000]

Trailblazer Pipeline Co. et al.; Application and Petition To Amend

November 3, 1982.

Take notice that on September 29, 1982, Trailblazer Pipeline Company (Trailblazer), 122 South Michigan Avenue, Chicago, Illinois 60603, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, Northern Natural Gas Company, Division of InterNorth Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska; and Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, Charleston, West Virginia 25325 filed in Docket Nos. CP79-018 and CP82-555-000 a joint petition to amend the order issued in Docket No. CP79-80 and an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act so as to permit Trailblazer to include in its rates the cost of testing, packing, and purging the Trailblazer Segment of the Trailblazer Pipeline System with gas from Natural, Northern, and Columbia and to authorize Natural, Northern, and Columbia to transport and deliver such gas, all as more fully set forth in the petition and application which is on file with the Commission and open to public inspection.

Specifically, Trailblazer requests amendment of the order issued March 12, 1982, in Docket No. CP79-80 so as to permit Trailblazer to include in its rates the cost of testing, purging, and packing the Trailblazer Segment with gas obtained from Columbia, Natural, and Northern. The total amount of line pack, test and purge gas to be purchased is estimated to be 1,000,000 Mcf.

It is stated that originally the transportation contracts reflected ownership of line pack by the individual shippers. Trailblazer avers that its facilities would eventually serve a number of shippers other than Natural, Northern, and Columbia. Trailblazer asserts that ownership of the line pack gas by Trailblazer would be a simple appropriate method of matching benefits and burdens for all shippers.

In Docket No. CP82-555-000 Columbia, Natural, and Northern request authorization to the extent required to effectuate the direct sale and delivery of gas to Trailblazer. It is indicated that each applicant would provide one-third of the required line pack and purge gas at the Cheyenne interconnect.

Applicants propose the sale of gas to Trailblazer at the following rates based upon existing rate schedules for the respective companies:

Applicant	Rate
Northern	Then effective Rate Schedule PO-1 Zone 1 Rate.
Natural	Then effective Rate Schedule DMQ-1 Rate at the actual Rate Schedule DMQ-1 load factor for the most recent 12 months, minus any Gas Research Institute (GRI) surcharge.
Columbia	Then effective Rate Schedule CDS Rate at actual Rate Schedule CDS load factor for the most recent 12 months, minus any GRI surcharge.

Any person desiring to be heard or to make any protest with reference to said application and petition to amend should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30561 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-554-000]

Transcontinental Gas Pipe Line Corp. and Mid Louisiana Gas Co.; Application

November 3, 1982.

Take notice that on September 27, 1982, Transcontinental Gas Pipe Line Corporation (Transco), Post Office Box 1396, Houston, Texas 77251, and Mid Louisiana Gas Company, 300 Poydras Street, New Orleans, Louisiana 70130 (Mid Louisiana) filed in Docket No. CP82-554-000, an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a deferred exchange of gas between Transco and Mid Louisiana and the temporary storage of such gas by Transco for Mid Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to the terms of such exchange arrangement Transco would make available to Mid Louisiana 525,263 dekatherms (dt) equivalent of gas at Transco's Hester Gas Storage Field in St. James Parish, Louisiana (Hester Field) on November 1, 1982, or as soon thereafter as the Commission authorizes this arrangement, but in no event would Transco make such gas available to Mid Louisiana after March 31, 1983. It is indicated Mid Louisiana would redeliver to Transco 525,263 dt equivalent of gas, or such lesser quantity in equivalent heating value as Mid Louisiana may have received from Transco, at the Hester Field during the period April 1, 1983, through October 31, 1983, and there would be no charge by either party for this service.

Transco also seeks authority to provide a temporary storage service for Mid Louisiana for the gas which Transco would make available to Mid Louisiana as described above. Such storage service would be rendered at the Hester Field, and it is stated that pursuant to the terms of such storage service Transco would store up to 517,500 dt equivalent of gas to be made available to Mid Louisiana pursuant to the exchange arrangement. Further, it is indicated that upon request by Mid Louisiana, Transco would withdraw up to 25,875 dt equivalent per day and redeliver such gas to Mid Louisiana at Ethel, East Feliciana Parish, Louisiana, and that Mid Louisiana would be able to request withdrawals and deliveries of the subject gas from November 1, 1982, through March 31, 1983.

It is stated that for the temporary storage service, Transco would charge Mid Louisiana (1) a storage demand charge of $297,000, (2) a storage capacity charge of $84,000, (3) a withdrawal charge of 1.8 cents per dt equivalent withdrawn for Mid Louisiana's account, and (4) a transportation charge of $97,750 for related transportation of the subject gas. It is stated that such rates are based upon the same unit charges as the rates which Transco is currently charging Mid Louisiana pursuant to a long-term storage service which Transco is rendering to Mid Louisiana at the Hester Field.

It is asserted that the Hester Field currently has available 6,400,000 Mcf of authorized but unallocated capacity and that no field facilities other than those presently authorized, and no additional base gas, would be required to render the proposed temporary storage service.

It is indicated that Mid Louisiana needs the gas during the 1982-83 winter heating season to meet the peak and winter season requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30562 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-271-001]

United Gas Pipe Line Co.; Petition To Amend

November 3, 1982.

Take notice that on September 13, 1982, United Gas Pipe Line Company (Petitioner) P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP80-271-001 a petition to amend the order issued March 25, 1981, in Docket No. CP80-271-000 pursuant to Section 7(c) of the Natural Gas Act so as to delete the authorization to construct and operate a 1,300 horsepower station and appurtenant facilities in Bienville Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states the order of March 25, 1981, authorized the construction and operation of a 6,000 horsepower compressor station and appurtenant facilities in Panola County, Texas, to be known as the Carthage Junction Station, and a 1,300 horsepower compressor station in Bienville Parish, Louisiana, to be known as the Ringgold Station. Petitioner states that the Ringgold Station was to be installed to compress surplus volumes from the Carthage area for transportation to Monroe, Louisiana, but that to date the projected surplus conditions have not occurred. Petitioner further states that it was authorized in another docket to construct a 30-inch pipeline from Natchitoches to LaSalle Parishes, Louisiana, which in conjunction with the Carthage Junction would reduce volume flow in the Carthage area and subsequently eliminate the need to compress gas through the proposed pipeline. As a result, Petitioner asserts that the additional compression at the Ringgold Station is no longer necessary.

Accordingly, Petitioner proposes that the Commission amend the order issued March 25, 1981, to delete the authorization to construct and operate the Bienville station.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before Nov. 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30563 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP67-286-001]

United Gas Pipe Line Co. and Transcontinental Gas Pipe Line Corp.; Petition To Amend

November 3, 1982.

Take notice that on October 1, 1982, United Gas Pipe Line Company (United), United Energy Plaza, 600 Travis, Houston, Texas 77002 and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP67-286-001 a joint petition to amend the order issued July 24, 1967[1] as amended, in Docket No. CP67-286, pursuant to Section 7(c) of the Natural Gas Act so as to authorize the exchange of natural gas from a new delivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that the July 24, 1967, order, as amended, authorized them to exchange up to 150,000 Mcf of gas, at points in Texas, Louisiana, and Mississippi. Petitioners request authorization to establish an additional delivery point to United at Starks, Calcasieu Parish, Louisiana, pursuant to an amendatory letter agreement between them dated October 29, 1979. It is asserted that no additional facilities would be required to effectuate deliveries at this point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 19, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30566 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-52-000]

Washington Water Power Co.; Filing

October 26, 1982.

Take notice that on October 21, 1982, Washington Water Power Company (Washington) tendered for filing a service schedule applicable to what Washington refers to as a Letter Agreement which applies to the sale of 50,000 kilowatts of firm capacity. The Letter Agreement between Washington and the Montana Power Company is effective from October 1, 1982, through June 30, 1984.

Washington requests an effective date of October 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30565 Filed 11-5-82; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPRM-FRL-2240-6]

Agency Forms Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests that have been forwarded to the Office of Management and Budget (OMB) for review. The information collection requests listed are available to the public for review and comment.

FOR FURTHER INFORMATION CONTACT: David Bowers, Office of Standards and Regulations, Information Management Section (PM-223), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone (202) 382-2742 or FTS 382-2742.

SUPPLEMENTARY INFORMATION:

Water Programs

- Title: Construction Grants Consolidated Request (EPA ID 0827).

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[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

Abstract: This information collection request consolidates the specific activities required to implement EPA's municipal wastewater treatment construction grants program under the Clean Water Act. EPA collects this information at the time of proposal and during construction of a wastewater treatment facility. The information is used to determine if the facility meets statutory requirements and is in accordance with sound planning principles and prudent use of federal funds.

Respondents: State and local governments.

- Title: Notice of Purge for New Coal Preparation Plants (EPA ID 1007).

Abstract: New Coal Preparation Plants are generally subject to zero discharge requirements under the Coal Mining Effluent Limitation Guidelines (40 CFR Part 434). However, if necessary for operation, an occasional wastewater purge may be allowed if the facility submits advance written notice to the permit authority.

Respondents: Coal preparation plants.

Toxics Programs

- Title: Premanufacture Notification Interim Policy (EPA ID 0573).

Abstract: The Premanufacture Notification Interim Policy clarifies the information EPA requires from anyone who intends to manufacture or import a new chemical substance under the Toxic Substances Control Act. Notification must be submitted to EPA at least 90 days prior to manufacture or import and must contain general identification and production information as well as specific test data. EPA uses these data to determine the safety of the chemical in the uses proposed.

Respondents: Chemical manufacturers or importers.

- Title: Final Exemption for Site-Limited/Low Volume (EPA ID 0852).

Abstract: This information collection request outlines the criteria for manufacturers/importers of site-limited intermediates and low-volume chemicals to apply for an exemption from premanufacturers notification requirements under TSCA. EPA uses the information to verify that exemption requirements have been met.

Respondents: Chemical manufacturers and importers.

Solid Waste Programs

Title: Information Requirements for RCRA Closure and Post-Closure Plans (EPA ID 0887).

Abstract: In order to obtain a RCRA permit, owners and operators of hazardous waste treatment, storage, and disposal facilities must prepare plans for properly closing their facilities. These plans give notice to the public about a closing facility; ensure minimum post-closure maintenance; and ensure control or elimination of waste, leachate, and contaminated rainfall or waste decomposition products.

Respondents: Owners and operators of hazardous waste treatment, storage, and disposal facilities.

Title: Information Requirements for RCRA Land Disposal Facilities (EPA ID 0995).

Abstract: Under the Resource Conservation and Recovery Act, owners and operators of hazardous waste land disposal facilities must maintain certain records relating to the technical design and operation and the administration of their facilities. They must also submit specific information for Part B of their permit applications. This information enables the Regional Administrator to set permit conditions for design and operation of the facility. EPA varies the number of Part B responses required annually; each facility submits this information only once.

Respondents: Owners and operators of hazardous waste land disposal facilities—surface impoundments, landfills, waste piles and land treatment facilities.

Air Program

Title: Information Collection for the Selective Enforcement Audit Program (EPA ID 0011).

Abstract: Information obtained from eight car manufacturers allows EPA to determine emissions conformity of new automobiles via Selective Enforcement Aduits (SEAs). Additionally, 18 manufacturers voluntarily submit QA assembly-line emissions data quarterly (utilized in selecting classes for SEAs). SEAs are conducted throughout the production year.

Respondents: Automobile manufacturers.

Comments on this notice should be sent to:

David Bowers, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM-223), 401 M Street, SW., Washington, D.C. 20460; and

Geoffrey White, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, D.C. 20503.

Dated: October 27, 1982.

C. Ronald Smith,

Director, Office of Standards and Regulations.

[FR Doc. 82-30621 Filed 11-5-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS 140021; TSH-FRL-2240-7]

American Management Systems, Inc. and Target Data Systems, Inc.; Transfer of Data to Contractor and Subcontractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will provide to American Management Systems (AMS), Inc., and TARGET Data Systems (TARGET), Inc., a subcontractor to AMS, access on EPA premises to information submitted by manufacturers, processors, and importers of chemical substances under section 8 (a) and (d) of the Toxic Substances Control Act (TSCA). Some of this information may be claimed confidential. Under EPA guidance, AMS and TARGET will develop, maintain, and operate computer software which will facilitate the collection, storage, processing, and analysis of this TSCA information.

DATE: Access to information submitted to EPA and claimed confidential will take place no sooner than 10 working days after publication of this notice in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll-free: (800-424-9065). In Washington, D.C.: (544-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: Under section 8(a) of TSCA, 15 U.S.C. 2607(a), manufacturers, importers and processors of chemical substances are required to submit basic information on use, release, and exposure to enable EPA to set priorities for testing chemicals and for assessing chemical risk. Under section 8(d), 15 U.S.C. 2607(d), manufacturers, processors, and distributors of chemicals will be required to submit lists of health and safety studies. Some of the information submitted under these sections of TSCA may be claimed confidential.

Under its contract with EPA (No. 68-01-5146), American Management Systems Inc., with guidance from EPA, will convey tasks to TARGET Data Systems, Inc., and will itself perform tasks to develop, maintain, and operate software to assist in the collection, storage, processing and analysis of confidential TSCA data at the secure computer data center at EPA's regional office in Research Triangle Park, North Carolina. AMS and TARGET will require access to information submitted under section 8 (a) and (d) of TSCA.

In accordance with 40 CFR 2.306(j), it has been determined that access to TSCA confidential business information by AMS and TARGET will be necessary for the satisfactory performance of work under this contract.

AMS and TARGET are legally required under the terms of their respective contracts to safeguard from any unauthorized disclosure the confidential business information to which they receive access from EPA or which they generate during the performance of their work. Neither AMS nor TARGET will remove any confidential business information from EPA premises.

AMS and TARGET personnel will be required to sign a nondisclosure agreement before they are permitted access to confidential information. AMS and TARGET are required to treat all confidential business information in accordance with the requirements of the "TSCA Confidential Business Information Security Manual" and the "Contractor Requirements for the Control and Security of TSCA Confidential Business Information Manual."

Dated: October 26, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-30624 Filed 11-5-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-140024; TSH-FRL-2240-8]

Tracor Jitco, Inc.; Transfer of Data to Contractor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will transfer to its contractor, Tracor Jitco, Inc., of Rockville, Maryland, information which has been or will be submitted by manufacturers and importers under section 5 of the Toxic Substances Control Act (TSCA). Some of the information may be claimed confidential. Tracor Jitco, Inc., will review this information and use it to perform literature searches on the health and environmental effects of the chemical substances or analogs and submit the results to EPA.

DATE: The transfer of data submitted to EPA and claimed to be confidential will occur no sooner than 10 working days after publication of this notice in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-511, 401 M St. SW., Washington, D.C. 20460, Toll-free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator 202-554-1404).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, 15 U.S.C. 2604, EPA must determine whether or not certain chemical substances or mixtures may present an unreasonable risk of injury to health or the environment from their manufacture, processing, distribution in commerce, use, or disposal. As a component of the unreasonable risk determination, the Agency must ascertain whether or not there is potential for a health and/or environmental hazard or risk from exposure to the substances or mixtures in question. To accomplish this, EPA will require the assistance of outside experts. Tracor Jitco, Inc., of Rockville, Maryland, is assisting EPA in conducting literature searches to locate studies which have been done on these chemical substances or mixtures (Contract No. 68-01-6651). In particular, the contractor will be searching the literature for material on health and environmental effects of PMN substances and their analogs.

Under 40 CFR 2.306(j), EPA has determined that it will need to disclose confidential business information to Tracor Jitco, Inc. Under the terms of the contract, EPA will provide the contractor with information submitted in premanufacturing notices (PMN's), including chemical identity, manufacturer identity, product formulation, and specific processes used to manufacture or process new chemical substances, as well as other information related to the uses, release rates, exposure levels, and assessment of potential hazard and/or risk to health and the environment of new chemical substances.

Under the EPA Contractor Requirements for the Control and Security of TSCA Confidential Business Information Manual, Tracor Jitco, Inc., has been authorized to have access to this information. EPA has approved the contractor's security plan and has conducted the required inspection of its facilities and found them to be in compliance with the provisions of the manual.

EPA is publishing this notice to inform all submitters of PMN's that Tracor Jitco, Inc., will receive confidential business information in PMN's from EPA. After completing the literature searches, Tracor Jitco, Inc., will return all confidential business information to EPA.

The Tracor Jitco, Inc., personnel will be required to sign a nondisclosure agreement before they are permitted access to confidential business information. Tracor Jitco, Inc., is required to treat all such information in accordance with the requirements of the TSCA Confidential Business Information Security Manual and the Contractor Requirements for the Control and Security of TSCA Confidential Business Information Manual.

Dated: October 26, 1982.

Don R. Clay,

Director, Office of Toxic Substances.

[FR Doc. 82-30620 Filed 11-5-82; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-42026; THS-FRL-2224-2]

Toxic Substances; 4-Chlorobenzotrifluoride; Response to Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and Request for Comments.

SUMMARY: The Ninth Report of the Interagency Testing Committee (ITC) designated the chemical 4-chlorobenzotrifluoride (4-CBTF) for health and environmental effects testing consideration. Following the designation, Occidental Chemical Corporation, the sole American manufacturer of 4-CBTF, presented to the EPA plans for testing the health and environmental effects of 4-CBTF. The Agency has tentatively concluded that the program appears acceptable in lieu of a test rule. Consequently, at this time, the EPA is not initiating rulemaking under section 4(a) of the Toxic Substances Control Act (TSCA) to require health or environmental effects testing of 4-CBTF. This notice constitutes the Agency's response to the ITC's designation of 4-CBTF, as mandated by section 4(e) of TSCA. Interested persons are invited to comment on this tentative decision.

DATE: All comments should be submitted on or before January 7, 1983.

ADDRESS: Written comments should bear the document control number

OPTS-*42026* and should be submitted to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E-409, 401 M Street, SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room E-511, Washington, D.C. 20460. Toll Free: (800-424-9065). In Washington, D.C.: (554-1404). Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of the Toxic Substances Control Act (TSCA) authorizes EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemicals may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee (ITC) to recommend to EPA a list of chemicals to be considered for the promulgation of testing rules under section 4(a) of the Act. The ITC may designate up to 50 of its recommendations at any one time for priority consideration by EPA. EPA is required to respond within 12 months of the date of designation, either by initiating rulemaking under section 4(a) or publishing in the Federal Register reasons for not doing so.

The ITC placed 4-CBTF on its priority testing list published in the Federal Register of October 30, 1981 (47 FR 5456) and designated it for testing for chronic effects, chemical fate, and bioconcentration. The reasons for the ITC's recommendations were (1) the high production volume of 4-CBTF, (2) positive results in two short term assays (sister chromatid exchange and unscheduled DNA synthesis), (3) the detection of 4-CBTF in the edible portion of 3 species of freshwater fish in the Niagara River, and (4) the lack of data on environmental fate and transport.

II. Health and Environmental Effects

4-CBTF is a clear, colorless liquid at room temperature with a naphthalene-like odor. Hooker Chemicals and Plastics Corporation (now Occidental Chemical Corporation) in Niagara Falls, New York, reported a 1977 production volume of 10-50 million pounds in the TSCA Inventory (Ref. 28). Occidental is the only major producer of 4-CBTF in the United States. The major use of 4-CBTF is as an intermediate in the manufacture of dinitroaniline herbicides such as trifluralin (Ref. 11). The main route of environmental entry of 4-CBTF is leaching and runoff from disposal sites. Hooker disposed of 8,500 tons of benzotrifluoride and benzotrifluoride derivatives in the Hyde Park Landfill in Niagara Falls between 1953 and 1975 (Ref. 12). Low levels of 4-CBTF have been detected in Bloody Run Creek, which is a drainage ditch leading from the landfill to the Niagara River, and in fish in the river (Refs. 7 and 30). Occidental is no longer disposing of waste in the landfill and, has provided confidential information showing that environmental releases from the manufacture of 4-CBTF have been reduced considerably (Ref. 8).

The Agency found no specific information on the transport and fate of 4-CBTF in the environment. 4-CBTF has low water solubility (29.1±4.8 ppm at 23°C) and a relatively high vapor pressure of 5.8 mm Hg at 20°C and would be expected to evaporate from surfaces into the atmosphere (Refs. 9 and 10). The evaporation half-life of 4-CBTF from water can be estimated to be about 7.08 hours at a depth of 1 meter (Refs. 4 and 20). Adsorption to organic sediments may be a competing process in the environment. The soil adsorption coefficient of 4-CBTF, calculated from its water solubility, indicates that 4-CBTF would be expected to adsorb to organic matter in soils and sediments (Refs. 3 and 13). The Agency has no information on the biodegradability of 4-CBTF or on chemical transformation processes relevant to determining the persistence of this compound in the environment.

The ITC was concerned about the potential of 4-CBTF to bioconcentrate. Calculated bioconcentration factors ranging from 92 to 398 indicate that 4-CBTF has a low to moderate potential to bioconcentrate (Refs. 14, 21, and 29). These estimates have not been experimentally verified for 4-CBTF. The compound has been detected at levels of 0.17 to 2.0 ppm in the edible portion of fish taken from the Niagara River (Ref. 30).

4-CBTF has been characterized as being moderately toxic to aquatic organisms on an acute exposure basis (Refs. 25 and 26). The potential chronic effects of 4-CBTF to aquatic organisms have been characterized in a 21-day chronic study with Daphnia (LC50, 0.05 mg/1) and in an early life-stage test. The maximum acceptable toxicant concentration (MATC) for fathead minnows and larvae was estimated to be greater than 0.54 mg/l and less than 1.4 mg/l. (Refs. 5 and 27).

4-CBTF shows low acute toxicity when given orally to rats (LD_{50}>6.7g/kg) or applied dermally to rabbits (LD_{50}>2.7g/kg) (Refs. 23 and 24). The acute inhalation toxicity (LD_{50}) in rats was reported to be 33 mg/1 for a 4-hour exposure (Ref. 2). A 90-day subchronic oral toxicity study in rats was modified according to an FDA protocol used to evaluate the safety of low level exposure to contaminants (Ref. 6). The no-effect level was judged to be 45 mg/kg/day or greater since no toxic effects were observed in the study.

The mutagenicity of 4-CBTF has been investigated in bacterial, yeast and cell culture systems. The results were negative in the microbial mutagenesis systems tested (*Salmonella, E. Coli* and *Saccharomyces*) (Ref. 15). No evidence of mutagenic material was found in mouse urine in an *in vivo/in vitro* urine assay (Ref. 18). However, this conclusion may not be accurate because of questions about the experimental design. Statistically significant increases were observed in the sister chromatid exchange assay using L-5178Y cells when tested both with and without activation (Ref. 17). In cell culture systems, 4-CBTF gave negative results in both the forward mutation assay with mouse lymphoma cells (L5178Y) and the *in vitro* transformation assay using BALB/3T3 cells (Refs. 16 and 19). The latter study was conducted without metabloic activation making the results inconclusive. 4-CBTF was reported to induce unscheduled DNA synthesis in EUE cells; however, no details of the study were provided (Ref. 1).

III. Proposed Testing

Occidental Chemical Corporation presented a detailed testing proposal for 4-CBTF to the EPA in August, 1982 (Ref. 22). The Occidental proposal consists of tiered systems for testing both health and environmental effects, with lower tier tests acting as triggers to additional testing or as stop points following review of the data with EPA personnel. The health effects testing program is divided into four major testing segments: (1) Acute toxicity screen which has already been completed, (2) base set of tests, (3) conditional tests, and (4) additional mammalian testing, with three full program reviews (December 1983, March 1984, and March 1985). The environmental effects testing is divided into: (1) Screening tests (acute toxicity, physical/chemical properties), (2) base set of tests, and (3) conditional tests, with one full program review occurring in November 1983.

The Occidental testing program will develop base sets of data for both environmental and health effects. For environmental effects, the base set data are derived from complete and partial life cycle tests using *Daphnia* and fathead minnow respectively, bluegill flowthrough bioaccumulation tests, soil adsoprtion/desorption tests, volatilization from water and photolysis in water studies, and anaerobic and aerobic aquatic metabolism investigations. The complete and partial life cycle tests are already completed; the other studies are scheduled to be completed in August 1983. For health effects, the base set data are derived from subchronic exposure studies, primary metabolic studies (already completed), and mutagenicity and cell transformation studies (to be completed in August, 1983). Occidental is proposing to conduct a new 90-day subchronic toxicity study (scheduled for completion by November, 1983) because the existing study did not include a dose level at which toxic effects were observed. After a review of results from the base set tests by Occidental and EPA personnel, a determination will be made if further studies are necessary, such as metabolic, reproductive, teratogenci, and atmospheric fate studies. Depending on the outcome of the base set tests, other testing such as carcinogenicity or effects on benthic organisms also may need to be considered.

Occidental will supply EPA with the name and address of the laboratory(ies) conducting the tests under this agreement. Occidental has agreed to adhere to the Good Laboratory Practice Standards issued by the U.S. Food and Drug Administration as published in the **Federal Register** of December 22, 1978 (43 FR 59986). All testing protocols will be reviewed and approved by EPA. Occidental also has agreed to permit laboratory audits/inspections in accordance with the procedures outlined in TSCA section 11 at the request of authorized representatives of the EPA for the purpose of determining compliance with this agreement. These inspections may be conducted for purposes which include verification that testing has begun, that schedules are being met, that reports accurately reflect the underlying raw data and interpretations and evaluations thereof, and that the studies are being conducted according to Good Laboratory Practices.

Occidental has further agreed that all raw data, documentation, records, protocols, specimens, and reports generated as a result of each study will be retained as specified in the FDA Good Laboratory Practice Standards and made available during an inspection or submitted to EPA if requested by EPA or its authorized representative.

Occidental understands that the Agency plans to publish in the **Federal Register** a notice of the receipt of any test data submitted under this agreement. Subject to TSCA section 14, the notice will provide information similar to that described in TSCA section 4(d). Except as otherwise provided in TSCA section 14, any data submitted will be made available by EPA for examination by any person.

Finally, Occidental understands that failure to conduct the testing according to the specified protocols and failure to follow Good Laboratory Practices may invalidate the tests. In such cases, a data gap may still exist, and the Agency may decide to promulgate a test rule or otherwise require further testing.

IV. Decision Not To Require Testing

The proposed Occidental testing program addresses the ITC's recommendations concerning chronic effects, chemical fate and bioconcentration testing for 4-CBTF. The Agency, therefore, is proposing not to require testing under section 4 of TSCA.

For implementing TSCA section 4, EPA generally accepts subchronic toxicity testing as a surrogate for chronic toxicity testing, with the exception of oncogenicity, delayed toxicity and age-related endpoints. The ITC did not indicate concern for these, and EPA is aware of no data indicating that 4-CBTF may cause delayed or age-related effects. Therefore, it is the Agency's view that the proposed 90-day subchronic toxicity study of 4-CBTF is likely to provide adequate data to reasonably predict its non-oncogenic chronic toxicity.

In EPA's view, the two mutagenicity tests reported to be positive for 4-CBTF (sister chromated exchange and unscheduled DNA synthesis) do not, in the light of the other negative mutagenicity test results, warrant initiation of a lifetime oncogenicity bioassay at this time. Neither did the ITC recommend oncogenicity testing. The additional mutagenicity and cell transformation tests to be performed by Occidental will provide a basis for deciding whether oncogenicity testing is needed.

Although the ITC did not specifically recommend further testing for mutagenicity, there is some basis for concern as to the mutagenic potential of 4-CBTF because of the positive results reported in two studies. Occidental has proposed doing a chromosomal aberrations testing battery which, along with the gene mutation testing already completed, comprises the mutagenicity testing that EPA normally requires as the first tier of a section 4 test rule. If the results of the proposed tests indicate the need for additional testing, EPA may either come to an agreement with Occidental to do the additional testing or, if that proves unsatisfactory, EPA reserves the right to promulgate a test rule.

EPA also has concluded that the testing completed or committed to under the Occidental environmental testing program can be expected to yield data sufficient to reasonably predict the chemical fate and bioconcentration potential of 4-CBTF. The base set testing focuses on the aquatic environment, which is where 4-CBTF has been detected. Atmospheric fate testing will depend on the results of the base set tests and the development of suitable procedures for evaluating 4-CBTF's fate in the atmosphere. If the results of Occidental's testing or other data indicate the need for additional testing which Occidental does not agree to perform, EPA reserves the right to promulgate a test rule.

Because of the expectation that data received from the testing already undertaken and committed to by Occidental will permit EPA to reasonably determine or predict the effects of concern highlighted by ITC, and the fact that the testing will be conducted more expeditiously than would be possible under a test rule, EPA has tentatively concluded not to initiate rulemaking to require testing at this time. EPA's conclusion that the test data provided will serve to reasonably predict these effects is reinforced by the provision for inspections to verify that the testing is being properly conducted. In addition, the data developed by Occidental will be available to the public on a similar basis as the results of a test rule.

In order to provide the same type of opportunity for public input that would be served by public comment on a proposed test rule, EPA is soliciting comments on the Occidental program and the Agency decision to accept it in lieu of section 4(a) rulemaking. After considering these comments, EPA will either publish in the **Federal Register** a final notice of acceptance of a negotiated test program or will initiate rulemaking under section 4(a) of TSCA.

V. References

(1) Benigni R, Dogliotti E. 1980. UDS studies on environmental chemicals. Mutat Res 71:217.

(2) Bio/dynamics Inc. 1979. An acute inhalation toxicity study of parachlorobenzotrifluoride in the rat. Project No. 78-7132. Niagara Falls, N.Y.: Hooker Chemical Corp.

(3) Briggs GG. 1973. A simple relationship between soil adsorption of organic chemicals and their octanol/water partition coefficients. Proc Br Insectic Fungic Conf, 7th (1973): 83–86.

(4) Dilling WL. 1977. Interphase transfer processes. II. Evaportation rates of chloromethanes, ethanes, ethylenes, propanes, and propylenes from dilute aqueous solutions. Comparisons with theoretical predictions. Environ Sci Technol 11(4): 405–409.

(5) EG&G, Bionomics. 1981 (Mar.). The toxicity of parachlorobenzotrifluoride (PCBTF) to fathead minnow (*Pimephales promelas*) embryos and larvae. Report BW–81–3–838. Niagara Falls, N.Y.: Hooker Specialty Chemical Division.

(6) Elars Bioresearch Laboratories, Inc. 1981 (June). Gas chromatographic assay. PCBTF and modified 90-day gavage and reproductive study in rats. Parts I and II. Niagara Falls, N.Y.: Hooker Chemical Co.

(7) Elder Va, Proctor BL, Hites RA. 1981. Organic compounds found near dump sites in Niagara Falls, N.Y. Environ Sci Technol 15 (10): 1237–1243.

(8) Gelfand, S. 1982. Hooker Research Center, Niagara Falls, N.Y. Letter to Steven D. Newburg-RINN, Environmental Protection Agency, Washington, D.C. Confidential.

(9) Hooker Chemicals and Plastics Corp. 1980 (Mar. 10). Niagara Falls, N.Y. Solubility of p–chloro– benzotrifluoride in water. Interoffice memorandum from R. J. Bromboe and N. Cortellucci.

(10) Hooker Chemicals and Plastics Corp. 1981 (Jan.). Material safety data sheet: p–chlorobenzotrifluoride. Niagara Falls, N.Y. 14302.

(11) Ifeadi CN. 1975. Battelle Columbus Labs. Screening study to develop background information and determine the significance of air contaminant emissions from pesticide plants. Washington, D.C.: Strategic Studies Unit, Office of Pesticide Programs, U.S. Environmental Protection Agency. Contract 68–02–0611, Task 12. EPA 540/9–75/026. PB 244–734.

(12) Interagency Task Force on Hazardous Wastes. 1979 (Mar.). Draft report on hazardous wastes disposal in Erie and Niagara counties, New York.

(13) Kenaga EE. 1980. Predicted bioconcentration factors and soil sorption coefficients of pesticides and other chemicals. Ecotoxicol Environ Saf 4:26–38.

(14) Kenaga EE, Goring CAI. 1980. Relationship between water solubility, soil sorption, octanol-water partitioning, and concentration of chemicals in biota. In: Aquatic toxicology. ASTM STP 707. Eaton JG. Parrish PR, Hendricks AC, eds. Philadelphia, PA: American Society for Testing and Materials, pp. 78–115.

(15) LBI. 1978a (Aug.). Litton Bionetics, Inc. Mutagenicity evaluation of parachlorobenzotrifluoride (PCBTF) in the Ames *Salmonella*/microsome plate test. Final report. LBI Project 20988. Niagara Falls, N.Y.: Hooker Specialty Chemicals Division.

(16) LBI. 1978b (Nov.). Litton Bionetics, Inc. Mutagenicity evaluation of parachlorobenzotrifluoride in the mouse lymphoma forward mutation assay. Final report. LBI Project 209899. Niagara Falls, N.Y.: Hooker Specialty Chemicals Division.

(17) LBI. 1979a (Jan.). Litton Bionetics, Inc. Mutagenicity evaluation of parchlorobenzotrifluoride (PCBTF) in the sister chromatid exchange assay in L5178Y mouse lymphoma cells. Final report. LBI Project 20795. Niagara Falls, N.Y.: Hooker Specialty Chemicals Division.

(18) LBI. 1979b (June). Litton Bionetics, Inc. Mutagenicity evaluation in a *in vivo/in vitro* urine assay. Final report. LBI Project 20838. Niagara Falls, N.Y.: Hooker Specialty Chemicals Division.

(19) LBI. 1980 (Oct.). Litton Bionetics, Inc. Evaluation of p-chlorobenzotrifluoride in the *in vitro* transformation of BALB/3T3 cells assay. Final report. LBI Project 20992. Niagara Falls, N.Y.: Hooker Chemicals Corp.

(20) Mackay D, Leinonen PJ. 1975. Rate of evaporation of low-solubility contaminants from water bodies to atmosphere. Environ Sci Technol 9(13):1178–1180.

(21) Neely WB, Branson DR., Blau GE. 1974. Partition coefficient to measure bioconcentration potential of organic chemicals in fish. Environ Sci Technol 8:13 1113–1115.

(22) Occidental Chemical Corporation [Hooker Industrial & Specialty Chemical], 4-Chlorobenzotrifluoride Proposal for Voluntary Testing Program, August 23, 1982.

(23) Raltech Scientific Services, Inc. 1978 (Oct. 12). Acute dermal toxicity (LD_{50}) in albino rabbits. RT No. 8072227. Niagara Falls, N.Y.: Hooker Chemicals Corp.

(24) Raltech Scientific Services, Inc. 1979. Acute oral toxicity (LD_{50}) in albino rats. RT No. 8072227. Niagara Falls, N.Y.: Hooker Chemicals Corp.

(25) UCES. 1979a (June 27). Union Carbide Environmental Services. The acute toxicity of parachlorobenzotri-fluoride to the rainbow trout *Salmo gairdneri* Richardson. UCES Project 11506–81–08. Niagara Falls, N.Y.: Hooker Chemicals and Plastics Corp.

(26) UCES. 1979b (June 27). Union Carbide Environmental Services. The acute toxicity of parachlorobenzotri-fluoride to the water flea *Daphnia magna* Straus. UCES Project 11506–81–08. Niagara Falls, N.Y.: Hooker Chemicals and Plastics Corp.

(27) UCES. 1979c (Nov. 30). Union Carbide Environmental Services. *Daphnia magna* chronic study testing parachlorobenzotrifluoride (97 percent active ingredient). UCES Project 11507–18. Niagara Falls, N.Y.: Hooker Chemicals and Plastics Corp.

(28) USEPA. 1979. U.S. Environmental Protection Agency. TSCA inventory of producers of chemicals in commerce for 1977. Washington, D.C.: Office of Toxic Substances, USEPA.

(29) Vieth GD, Macek KJ, Petrocelli SR, Carroll J. 1980. An evaluation of using partition coefficients and water solubility to estimate bioconcentration factors for organic chemicals in fish. In: Aquatic Toxicology, ASTM STP 707. Eaton JG, Parrish PR, Hendricks AC, eds. Philadelphia, PA: ASTM, pp. 116–129.

(30) Yurawecz MP. 1979. Gas-liquid chromatographic and mass spectrometric identification of chlorinated trifluorotoluene residues in Niagara River fish. J Assoc Off Anal Chem 62(1):36–40.

VI. Public Record

The EPA has established a public record for this testing decision (docket number OPTS–42026). This record includes:

(1) **Federal Register** notice designating 4-CBTF to the priority list.

(2) Communications before industry testing proposal consisting of letters, contact reports of telephone conversations, and meeting summaries.

(3) Testing proposals and protocols.

(4) Published and unpublished data.

(5) **Federal Register** notice requesting comment on the negotiated testing proposal and comments received in response thereto.

The record, containing the basic information considered by the Agency in developing the decision, is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m., Monday through Friday in Room E–107, 401 M Street, SW., Washington, D.C. 20460. The Agency will supplement this record periodically with additional relevant information received.

(Sec. 4, 90 Stat. 2003; (15 U.S.C. 2601))

Dated: October 29, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82–30625 Filed 11–5–82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

November 1, 1982.

Background

When executive departments and independent agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsiblilities under the act also considers comments on the forms and recordkeeping requirements that will affect the public. Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. OMB's usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

List of Forms Under Review

Immediately following the submission of a request by the Federal Reserve for OMB approval of a reporting or recordkeeping requirement, a description of the report is published in the Federal Register. This information contains the name and telephone number of the Federal Reserve Board clearance officer (from whom a copy of the form and supporting documents are available). The entries are grouped by type of submission—i.e., new forms, revisions, extensions (burden change), extensions (no change), and reinstatements.

Copies of the proposed forms and supporting documents may be obtained from the Federal Reserve Board clearance officer whose name, address, and telephone number appear below. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review.

FOR FURTHER INFORMATION CONTACT:

Federal Reserve Board Clearance Officer—Cynthia Glassman—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202–452–3829).

OMB Reviewer—Richard Sheppard—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503 (202–395–6880).

Request for extension with revision

1. Report title: Quartely Report of Interest Rates on Selected Direct Consumer Installment Loans.

Agency form number: FR 2835.

Frequency: Quarterly.

Reporters: Commercial banks that are members of the Federal Reserve System.

SIC Code: 602.

Small businesses are not affected.

General description of report: 704 responses annually; 1,760 hours needed to complete the form on an annual basis; average response time of 2½ hours; respondent's obligation to reply is voluntary (12 U.S.C. 248(a)); confidentiality is not promised; cost to the Federal Government is approximately $25,037 annually; cost to the public is approximately $26,400 annually; 1 form is submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96–511.

This report collects interest rate information on selected consumer installment loans from a sample of member banks. Information provided by this report is needed in assessing interest rate developments, and is used in general financial analysis for monetary policy purposes.

2. Report title: Commercial Bank Report on Consumer Installment Credit.

Agency form number: FR 2571.

Frequency: Monthly.

Reporters: Commercial banks.

SIC Code: 602.

Small businesses are affected.

General description of report: approximately 3,576 responses annually; approximately 2,146 hours neded to complete the form on an annual basis; average response time of 36 minutes; respondent's obligation to reply is voluntary (12 U.S.C. 248 (a) and (i)); confidentiality is promised; cost to the Federal Government is approximately $61,094 annually; cost to the public is approximately $32,184 annually; 1 form is submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96–511.

This report collects information from a sample of member banks on the amount of consumer installment credit outstanding by type of loan. This commercial bank information forms a component of the estimate of total consumer installment credit at all lender groups which is used in generl finanical analysis for monetary policy purposes.

3. Report title: Quartely Gasoline Company Report.

Agency form number: FR 2580.

Frequency: Quarterly.

Reporters: Gasoline and home heating oil retailers.

SIC Code: 554.

Small businesses are not affected.

General description of report: 48 responses annually; 7 hours needed to complete the form on an annual basis; average response time of 9 minutes; respondent's obligation to reply is voluntary (12 U.S.C. 353 *et seq.*); confidentiality is not promised; cost to the Federal Government is approximately $400 annually; cost to the public is approximately $105 annually; 1 form is submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96–511.

This report collects the amount outstanding of retail credit card accounts. These data are included in the non-installment credit component of total consumer credit which is used by the Federal Reserve in general financial analysis for monetary policy purposes.

Request for extension with adjustment to burden

1. Report title: Monthly Survey of Industrial Electricity Use.

Agency form numbers: FR 2009A, B.

Frequency: Monthly.

Reporters: Public and privately-owned electric utilities and self-generators.

SIC Code: 491, 261–265, 281, 286, 331, 333.

Small businesses are not affected.

General description of report: approximately 4,800 responses; approximately 3,732 hours needed to complete the form on an annual basis; average response time of three quarters of an hour per report; respondent's obligation to reply is voluntary; a pledge of confidentiality is promised; cost to the public is approximately $111,960 on an annual basis; cost to the Federal Goverment is approximately $111,500 on an annual basis; two forms submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96–511.

The report collects information on the volume of electric power sold to mining or manufacturing establishments or generated by such establishments for their own use. Survey results are used as a proxy for physical production measures in certain categories for the Industrial Production Index.

Request for extension without revision

1. Report titles: Applications for and to Cancel Federal Reserve Stock-National bank; Nonmember bank; Member bank.

Agency form numbers: FR 2030, FR 2030A, FR 2056, FR 2086A, FR 2086B.

Frequency: On occasion.

Reporters: Member banks, nonmember banks, national banks.

SIC Code: 602.

Small businesses are affected.

General description of report: approximately 3,180 responses; approximately 3,180 hours needed to complete the form on an annual basis; average response time is 1 hour per report; respondent's obligation to reply is mandatory; a pledge of confidentiality is not promised; cost to the public is approximately $63,200 on an annual basis; cost to the Federal Government is approximately $30,000 on an annual basis; 5 forms submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96–511.

These applications are used when either an organizing bank subscribes to Federal Reserve Bank stock; when a state nonmember is converting to a natl. bank and thus needs to subscribe to FRB stock; when a member increases or decreases their holdings of FRB stock; when a nonmember cancels its holdings of FRB stock; or when a natl. bank converts to a nonmember and thus must cancel its FRB stock.

2. Report title: Report on Loans Granted to Executive Officers During Preceding Quarter.

Agency form number: FR 2105S.
Frequency: Quarterly.
Reporters: State member banks.
SIC Code: 602.
Small businesses are not affected.

General description of report: approximately 4,084 responses; approximately 4,084 hours needed to complete the form on an annual basis; average response time is 1 hour per report; respondent's obligation to reply is mandatory; a pledge of confidentiality is promised; cost to the public is approximately $81,680 on an annual basis; cost to the Federal Government is approximately $60,780 on an annual basis; 1 form is submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96-511.

Each member bank of the Federal Reserve System is required to report quarterly all extensions of credit made by the bank to its executive officers since the bank's previous report.

3. Report title: Letter Advising Federal Reserve System of Consummation of Proposed Acquisition of Bank and/or Nonbank Company.

Agency form number: N/A.
Frequency: On occasion.
Reporters: Bank Holding Companies.
SIC Code: 671.
Small businesses are affected.

General description of report: approximately 1,075 responses; approximately 8,600 hours needed to complete the form on an annual basis; average response time is 8 hours per report; respondent's obligation to reply is mandatory; a pledge of confidentiality is promised; cost to the public is approximately $172,000 on an annual basis; cost to the Federal Government is approximately $150,000 on an annual basis; 1 form submitted for approval; the report is not being reviewed under Section 3504(h) of Pub. L. 96-511.

Letters transmitting approval of bank holding company formations require filing of certain financial and managerial data which, when provided by the affected organization, constitutes the latter's registration as a bank holding company. These and transmittal letters on other types of bank holding company acquisitions may also contain various commitments or conditions about which the applicant upon fulfillment, must notify the Federal Reserve System.

Board of Governors of the Federal Reserve System, November 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30654 Filed 11-5-82; 8:45 am]

BILLING CODE 6210-01-M

Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First City Bancorporation of Texas, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of First City Bank-Westheimer Plaza, N.A., (a proposed new bank), Houston, Texas. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Comments on this application must be received not later than December 2, 1982.

Board of Governors of the Federal Reserve System, November 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30656 Filed 11-5-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Chemical New York Corporation*, New York, New York (data processing activities; eastern United States): To engage through its subsidiary, ChemNetwork Processing Services, Inc. in providing data processing and data transmission services, data bases and facilities for the internal operations of CNYC, including Chemical Bank and all other CNYC subsidiaries; providing to others data processing and transmission services, facilities, data bases or access to such services, facilities or data bases by any technologically feasible means for financial, banking or economic data; and providing to others excess capacity and time sharing on data processing or transmission equipment or facilities. These activities will be performed from offices in Somerset, New Jersey. The service area of the company will be the eastern United States. Comments on this application must be received not later than December 1, 1982.

B. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *RepublicBank Corporation*, Dallas, Texas (mortgage banking activities; Texas): To expand the service area of its

subsidiary, Republic National Mortgage Corporation of Texas; the activities in which the Republic National Mortgage Corporation of Texas will engage are making and acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a mortgage company; and servicing loans and other extensions of credit for others. These activities will be conducted from offices located in Dallas, and Lubbock, Texas; the proposed expanded service area for the conduct of these activities will be the State of Texas. Comments on this application must be received not later than December 2, 1982.

Board of Governors of the Federal Reserve System, November 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30555 Filed 11-5-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *The Hongkong and Shanghai Banking Corporation*, Hongkong, B.C.C. (leasing and financing activities; United States): To engage through its existing indirect subsidiary, U.S. Concord, Inc., in leasing and installment financing activities and to act as agent, broker or adviser for such activities, from two additional *de novo* offices in Los Angeles and New York City, serving the entire continental United States. Comments on this application must be received not later than December 1, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Louisiana Bancorp, Inc.*, Crowley, Louisiana (leasing activities; United States): To engage through its *de novo* subsidiary, Louisiana Bancorp Leasing Company, Crowley, Louisiana, in making leases of personal property from an office in Crowley, Louisiana, serving the entire United States. Comments on this application must be received not later than November 19, 1982.

C. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *First City Financial Corporation*, Albuquerque, New Mexico (mortgage banking and servicing activities; State of New Mexico and west Texas): To engage through its subsidiary, First City Mortgage Company, in originating, selling and servicing real estate loans of all types for its own account and for the accounts of others. These activities would be conducted from an office in Albuquerque, New Mexico, serving the States of New Mexico and west Texas, with additional loan production offices to be located in other cities in New Mexico. Comments on this application must be received not later than December 1, 1982.

Board of Governors of the Federal Reserve System, November 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30552 Filed 11-5-82; 8:45 am]

BILLING 6210-01-M

Barnett Banks of Florida, Inc.; Proposed Acquisition of Great American Banks, Inc.

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Great American Banks, Inc., North Miami, Florida, and thereby indirectly acquire its nonbank subsidiary American Bancshares Insurance Agency, Inc.

Applicant states that these proposed subsidiaries would engage in the sale of credit related insurance directly related to extensions of credit by its subsidiary banks. These activities would be performed from offices of Applicant's subsidiary in North Miami, Florida, and the geographic areas to be served are Monroe, Dade, Broward, Hillsborough, Pinellas, and Alachua Counties, Florida. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accomplished by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views of requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 29, 1982.

Board of Governors of the Federal Reserve System, November 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30553 Filed 11-5-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. *Union Bankshares, Inc.*, Morrisville, Vermont; to become a bank holding company by acquiring 100 percent of the voting shares of Union Bank, Morrisville, Vermont. Comments on this application must be received not later than December 2, 1982.

B. **Federal Reserve Bank of Cleveland** (Lee S. Adams, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Farmers National Banc Corp.*, Canfield, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The Farmers National Bank of Canfield, Canfield, Ohio. Comments on this application must be received not later than December 2, 1982.

C. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *First Citizens Bancorporation of South Carolina, Inc.*, Columbia, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of First-Citizens Bank and Trust Company of South Carolina, Columbia, South Carolina. Comments on this application must be received not later than December 2, 1982.

D. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Goreville Bancorporation, Inc.*, Goreville, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of Goreville State Bank, Goreville, Illinois. Comments on this application must be received not later than December 2, 1982.

E. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First National Bankshares, Inc.*, Logansport, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The First National Bank of Logansport, Logansport, Indiana. This application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Comments on this application must be received not later than December 2, 1982.

Board of Governors of the Federal Reserve System, November 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30556 Filed 11-5-82; 8:45 am]

BILLING CODE 6210-01-M

Old Kent Financial Corp.; Acquisition of Bank

Old Kent Financial Corporation, Grand Rapids, Michigan, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with the successor by consolidation to Pacesetter Financial Corporation, Grand Rapids, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, November 2, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30557 Filed 11-5-82; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Senior Executive Service Performance Review Board Membership

AGENCY: Office of the Secretary, HHS.

ACTION: Listing of members of this Department's Senior Executive Service Performance Review Boards.

DATE: Performance Review Boards effective October 13, 1982.

FOR FURTHER INFORMATION CONTACT: Merle G. Forney, 202:426-2753.

Title 5, U.S. Code Section 4314(c)(4) of the Civil Service Reform Act of 1978, Public Law 95-454, requires that the appointment of Performance Review Board members be published in the **Federal Register**.

The following persons will serve on the Performance Review Boards or Panels which oversee the evaluation of performance appraisals of Senior Executive Service members of the Department of Health and Human Services:

Federal Performance Review Board Members

Faye G. Abdellah
Richard H. Adamson
Clifford Allen
Pamela G. Bailey
Calvin B. Baldwin, Jr.
Albert Balows
Francisco R. Bayo
David D. Bayse
Edwin D. Becker
Peter J. Bersano
James D. Bloom
Gerald L. Boyd
Gerald H. Britten
Everett F. Bryant
Charles C. Carter
Bruce A. Chabner
Thomas N. Chase
Lois R. Chatham
Philip S. Chen, Jr.
Sandy Crank
Lester M. Crawford
Martin M. Cummings
Juan A. del Real
Vincent T. DeVita, Jr.
Philip J. DiBenedetto
Carl D. Douglass
Walter R. Dowdle
John C. Eberhart
Joyce D. K. Essien
Joseph N. Exendine
Jacob J. Feldman
Frederick K. Goodwin
Robert A. Goyer
R. Alexander Grant
Jerome C. Green
Richard C. Greulich
Darrel J. Grinstead
Elizabeth J. Haglund
M. Gene Handelsman
George E. Hardy, Jr.
Lowell T. Harmison
Elliott S. Harris
Ronald W. Hart
Teresa A. Hawkes
Joseph R. Held
Joseph P. Hile
Donald R. Hopkins
Robert A. Israel
James S. Jeffers
Irving G. Kagan
Martin L. Kappert
John H. Kelso
John D. Kennedy
Roland E. King
Jin H. Kinoshita
Henry G. Kirschenmann, Jr.
Ruth L. Kirschstein
Richard M. Krause
Carl Kupfer
Richard P. Kusserow
James D. Lawrence
Claude J. Lenfant
Joseph R. Leone
Rose M. Lepore
A. David Lester
Bryan Luce
Michael W. Maher
Thomas E. Malone
Jaime L. Manzano
John E. Marshall
Warren A. Master
F. Lynn May
Charlene G. McCants
Robert F. McClernan
Thomas S. McFee
Edward E. McManus
Marjory E. Mecklenberg
Gerald F. Meyer
Harry M. Meyer, Jr.
J. Donald Millar
Bryan B. Mitchell
Edward J. Montminy
Joesph A. Mottola
Thomas P. Murphy
David Newhall III
Stuart L. Nightingale
A. Mark Novitch
Marie U. Nylen
Gregory F. O'Conor

Vincent T. Oliverio
Jack Orloff
Julie C. Ponquinette
Arnold W. Pratt
Alan S. Rabson
David P. Rall
Joseph E. Rall
William F. Raub
Darrel A. Regier
Robert L. Ringler
Jo Anne B. Ross
Robert J. Rubin
Jay T. Sanford
Thomas Scarlett
Stephen S. Schiaffino
Fred Schutzman
Kenneth W. Sell
Robert F. Sermier
Frank H. Seubold
Richard E. Shute
James B. Sidbury, Jr.
Clay E. Simpson, Jr.
Vivian L. Smith
James A. Solomon
Dale W. Sopper
DeWitt Stetten, Jr.
James S. Stockdale
Michio Suzuki
George A. Thompson
Larry J. Tomayko
Lorraine B. Torres
Robert L. Trachtenberg
James A. Walsh
William C. Watson, Jr.
Storm H. Whaley
Frances L. White

Non-Federal Performance Review Board Member

James O. Mason

Date: October 19, 1982.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 82–30646 Filed 11–5–82; 8:45 am]

BILLING CODE 4150–04–M

Senior Executive Service Performance Awards (Bonuses)

AGENCY: Office of the Secretary, HHS.

ACTION: To signify intent of the Department of Health and Human Services to grant SES Performance Awards.

FOR FURTHER INFORMATION CONTACT: Evelyn Kirby, 202–426–2753.

Notice is hereby given that pursuant to section 5384 of Title 5 of the U.S. Code, the Department of Health and Human Services will grant performance awards to members of the Senior Executive Service for FY 82 performance.

Checks will be distributed no later than December 31, 1982.

Dated: October 19, 1982.

Thomas S. McFee,

Assistant Secretary for Personnel Administration.

[FR Doc. 82–30647 Filed 11–5–82; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

[Docket No. N–82–1181]

Performance of Legal Work Associated with GNMA Held Mortgages; Register of Single Family Foreclosure Attorneys

AGENCY: Government National Mortagage Association (GNMA), HUD.

ACTION: Notice—Application for Register of Single Family Foreclosure Attorneys.

SUMMARY: The Government National Mortgage Association (GNMA) maintains a register of attorneys to perform foreclosure work required on GNMA held, single family mortgages. Attorneys may apply for listing on that register.

FOR FURTHER INFORMATION CONTACT: Eleanor Roberts Lewis, Assistant General Counsel for Finance, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Telephone (202) 755–7260. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Government National Mortgage Association is the owner and holder of a large number of single family mortgages acquired under various programs authorized by the Congress. Servicing of these mortgages is carried out in behalf of GNMA by designated financial institutions and mortgage companies. The need for legal work in connection with this servicing is limited almost entirely to foreclosure actions. In the event of a foreclosure, GNMA bears all of the costs of paying for the action and is liable for any and all shortfalls for conventional mortgages and those shortfalls not covered by claim payments under the FHA and VA programs.

GNMA requires its designated mortgage servicers to utilize only attorneys registered with GNMA for foreclosure actions. On request of a mortgage servicer, GNMA advises the servicer of an appropriate attorney on the register. Since June 23, 1978, listing on that register has been by open application. (See 43 FR 27246.) Attorneys desiring to be added to the register may do so by making application by letter to the Finance Division, Office of General Counsel, Room 9238, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. The letter should include:

1. Name of applicant (firm or individual).
2. Business address and telephone (principal office or office from which foreclosures will be conducted).
3. Bar Membership (where and when admitted).
4. Experience in mortgage foreclosures.

Those attorneys who are currently on the register based on compliance with the notice published at 43 FR 27246 must reregister under the terms of this notice within 2 years of the publication date of this notice. Attorneys registering under the terms of this notice must reapply every three years. Attorneys who do not reapply as required by this paragraph will be deleted from the register.

In accordance with the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the reporting and recordkeeping provisions that are included in this notice have been or will be submitted for approval to the Office of Management and Budget (OMB). They are not effective until OMB approval has been obtained and the public notified to that effect.

(Secs. 306 and 309 of the National Housing Act as amended; 12 U.S.C. 1721 and 1723a.)

Dated: October 22, 1982.

Robert W. Karpe,

President, Government National Mortgage Association.

[FR Doc. 82–30589 Filed 11–5–82; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–978]

California; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal, Correction

October 27, 1982.

In Federal Register Document No. 77–17649, appearing on page 31497 of the Tuesday issue of June 21, 1977, the twenty-fourth line of the first paragraph reading Secs. 10, 12, 14, 18, 20, 22, 24, 26, 28, 32, is corrected to read Secs. 10, 12, 14, 18, 20, 22, and 24; Sec. 25, S½SW¼, SW¼SE¼; Sec. 26, 28, 32.

Walter F. Holmes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82–30605 Filed 11–5–82; 8:45 am]

BILLING CODE 4310–84–M

Availability of Technical Reports

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of 22 Technical Reports prepared in association with the draft Environmental Impact Statement (EIS) on Public Service Company of New Mexico's Proposed New Mexico Generating Station and Possible New town (NMGS) San Juan, Mckinley, Rio Arriba and Sandoval Counties, New Mexico.

SUMMARY: The Bureau of Land Management (BLM), New Mexico State Office, is announcing the availability of 22 Technical Reports developed as a basis for writing the draft

Environmental Impact Statement (EIS) mentioned above.

These Technical Reports provide detailed information on the affected environment, methods used for impact analysis and related data supportive of the analysis and conclusions presented in the EIS in the following subject areas:

1. Purpose and Need.
2. Project Description.
3. Alternatives to the Project.
4. Site Alternatives.
5. Permit Reconnaissance.
6. Air Quality.
7. Geologic Setting.
8. Mineral Resources.
9. Peleontology.
10. Hydrology.
11. Water Quality.
13. Vegetation.
14. Wildlife and Aquatic Biology.
15. Threatened and Endangered Species.
16. Cultural Resources.
17. Visual Resources.
18. Recreation Resources.
19. Wilderness Values.
20. Transportation.
21. Social and Economic Conditions.
22. Land Use Controls and Constraints.

These reports are intended for use in conjunction with the draft and final NMGS EIS and with other environmental documents related to the BLM's San Juan Basin Action Plan (SJBAP). The SJBAP considers six separate but interrelated proposals within the San Juan Basin Area of northern New Mexico, including the NMGS EIS, the San juan River regional Coal Leasing EIS, the Bisti, De-na-zin and Ah-she-sle-pah Wilderness Study Areas Proposal EIS. The Ute Mountain Land Exchange Environmental Assessment (EA) and the Bisti Coal Lease Exchange EA.

The draft NMGS EIS will be filed with the Environmental Protection Agency and released for public review on November 30, 1982. Comments on the draft EIS and associated Technical Reports will be due by close of business February 7, 1983, at the BLM New Mexico State Office. Because of the large volume of material presented in the Technical Reports, the BLM is distributing these reports in advance of the the draft EIS to provide as much time as possible for public review. The technical reports will be available for public review at the places indicated on the list at the end of this Notice. Copies will also be available from the BLM New Mexico State Office, U.S. Post Office and Federal Building, Santa Fe, for a copy fee.

Informational public meetings are scheduled for December 1982 to provide a public forum to clarify questions and concerns about the SJBAP proposals and the related environmental documents, which will all have been issued by the time.

The meetings are scheduled as follows:

December 14, Civic Center, Farmington, 3 to 9 PM
December 14, Convention Center, Albuquerque, 3 to 9 PM
December 15, Chapter House, Crownpoint, 3 to 9 PM
December 16, Holiday Inn, Gallup, 3 to 9 PM
December 16, Kachina Lodge, Taos, 3 to 9 PM

In addition, formal public hearings will be held in January 1983 to solicit public comments on the SJBAP Proposals.

These meetings are scheduled as follows:

January 10, Chapter House, Crownpoint, beginning at 1:00 PM
January 12, Civic Center, Farmington, beginning at 9:00 AM
January 14 (and 15 if necessary because of the number of registrants), Four Seasons Motor Lodge, Albuquerque, I-40 and Carlisle Blvd., beginning at 9:00 AM (each day)

ADDRESS: Inquiries related to the NMGS EIS and its Technical reports should be sent to: State Director (934A). Bureau of Land Management, U. S. Post Office and Federal Building, South Federal Place, P.O. Box 1449, Santa Fe, NM 87501.

FOR FURTHER INFORMATION CONTACT: Leslie M. Cone, NMGS Project Manager, Room 122, Federal Building, Cathedral Place, P.O. Box 1449, Santa Fe, NM 87501. Phone: (505) 988-6184 FTS 476-6184.

Daniel C. B. Rathbun,
Acting State Director.

Technical Report Titles

1. Purpose and Need.
2. Project Description.
3. Alternatives to the Project.
4. Site Alternatives.
5. Permit Reconnaissance.
6. Air Quality.
7. Geologic Setting.
8. Mineral Resources.
9. Paleontology.
10. Soil; Prime and Unique Farmlands.
11. Hydrology.
12. Water Quality.
13. Vegetation.
14. Wildlife and Aquatic Biology.
15. Threatened and Endangered Species.
16. Cultural Resources.
17. Visual Resources.
18. Recreation Resources.
19. Wilderness Values.
20. Transportation.
21. Social and Economic Conditions.
22. Land Use Controls and Constraints.

Locations Where NMGS Technical Reports Are Available for Review

Bureau of Land Management Offices

New Mexico State Office:

NMGS Project Staff (934A), Room 122, Federal Building, Cathedral Place, P.O. Box 1449, Santa Fe, NM 87501, (505) 988-6184, FTS 476-6184
San Juan Energy Project Staff (911), Room 126, Federal Building, Cathedral Place, Santa Fe, NM 87501, (505) 988-6226, FTS 476-6226
Public Affairs Staff (912), Room 2016, U.S. Post Office and Federal Building, P.O. Box 1449, Santa Fe, NM 87501, (505) 988-6316, FTS 476-6316
Division of Resources (930), 509 Camino De los Marquez, Suite 3, P.O. Box 1449, Santa Fe, NM 87501, (505) 988-6212, FTS 476-6212
Albuquerque District Office, 3550 Pan American Freeway N.E., P.O. Box 6770, Albuquerque, NM 87107, (505) 766-2455, FTS 474-2455
Farmington Resource Area Headquarters, 900 La Plata Road, P.O. Box 568, Farmington, NM 87401, (505) 325-3581
Taos Resource Area Office, Montevideo Plaza, P.O. Box 1045, Taos, NM 87571, (505) 758-8851
Socorro District Office, 198 Neel Avenue, P.O. Box 1219, Socorro, NM 87801, (505) 835-0412, FTS 476-6280
Las Cruces District Office, 1705 N. Valley Drive, P.O. Box 1420, Las Cruces, NM 88001, (505) 524-8551, FTS 571-8312
Roswell District Office, 1717 W. Second Street, P.O. Box 1397, Roswell, NM 88201, (505) 622-7670, FTS 476-9251
Carlsbad Resource Area Headquarters, 114 S. Halagueno Street, P.O. Box 506, Carlsbad, NM 88220, (505) 887-6544

Other Department of the Interior Agencies

Bureau of Indian Affairs,[*] Albuquerque Area Office, 123 4th Street, P.O. Box 2088, Albuquerque, NM 87198, (505) 766-3374, FTS 474-3374
Bureau of Indian Affairs,[*] Eastern Navajo Agency, P.O. Box 328, Crownpoint, NM 87313, (505) 786-5228
Bureau of Indian Affairs,[*] Navajo Area Office, Box M—Mail Code 305, Window Rock, Arizona 86515, (602) 871-5151, FTS 479-5314
Bureau of Reclamation,[*] Upper Colorado Regional Office, 125 S. State Street, P.O. Box 11568, Salt Lake City,

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[*] Cooperating agencies.

Utah 84147 (801) 524-5463, FTS 588-5463

*Minerals Management Service**, South Central Region, 505 Marquette Avenue N.W., Suite 815, Albuquerque, NM 87102, (505) 766-1173, FTS 474-1173

*Minerals Management Service**, Resource Evaluation Office, 411 N. Auburn, Farmington, NM 87401, (505) 327-7397, FTS 572-6254

*National Park Service**, Southwest Regional Office, 1100 Old Santa Fe Trail, Santa Fe, NM 87501, (505) 988-6375, FTS 476-6375

*National Park Service**, Environmental Coordination Office, Pinon Building, 1220 St. Francis Drive, P.O. Box 728, Santa Fe, NM 87501, (505) 988-6681, FTS 476-6681

*U.S. Fish and Wildlife Service**, Field Supervisor, Ecological Services, 3530 Pan American Highway, Suite C, Albuquerque, NM 87107, (505) 766-3966, FTS 479-3966

*U.S. Geological Survey (WRD)**, 505 Marquette Avenue, Room 720, Albuquerque, NM 87101, (505) 766-2810, FTS 474-2817

Other Federal Agencies and Organizations

*Environmental Protection Agency**, Region VI, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2716, FTS 729-2716

*Navajo Tribe**, c/o Division of Resources, P.O. Box 308, Window Rock, Arizona 86515, (602) 871-6592

*Pueblo of Zia**, General Delivery San Ysidro, NM 87053, (505) 867-3304

*Soil Conservation Service**, 424 N. Mesa Verde, Aztec, NM 87410, (505) 334-9437

*U.S. Corps of Engineers**, P.O. Box 1580, Albuquerque, NM 87103, (505) 766-2657, FTS 474-2657

*USDA, Forest Service**, 717 Gold Avenue, Albuquerque, NM 87102, (505) 474-1676, FTS 474-1676

*USDA, Forest Service**, District Ranger, Mt. Taylor Ranger District, 201 Roosevelt Avenue, Grants, NM 87020, (505) 287-8833

USDI, Bureau of Land Management, Division of Rights-of-Way (330), 18th and C Streets, NW, Washington, D.C. 20240, (202) 343-5441, FTS 343-5441

USDI, Bureau of Land Management, Denver Service Center, (D-460), Technical Publications Library, Denver Federal Center, Bldg. 50, Denver, Colorado 80225, (303) 234-2368, FTS 234-2368

New Mexico State Agencies

*New Mexico State Environmental Improvement Division**, 725 St. Michaels Drive, P.O. Box 968, Santa Fe, NM 87503, (505) 827-5271, ext. 2416

*New Mexico Energy and Minerals Department**, 525 Camino De Los Marquez, P.O. Box 2770, Santa Fe, NM 87503, (505) 827-3326

*New Mexico Historic Preservation Bureau**, State Historic Preservation Officer, 505 Don Gaspar Avenue, Santa Fe, NM 87503, (505) 827-2108

*New Mexico Natural Resource Department**, Villagra Building, Santa Fe, NM 87503, (505) 827-5531

*New Mexico Public Service Commission**, Bataan Memorial Building, Santa Fe, NM 87503, (505) 827-3361

*New Mexico State Engineer's Office**, Bataan Memorial Building, Santa Fe, NM 87503 (505) 827-2423

*New Mexico State Planning Office**, 505 Don Gaspar Avenue, Santa Fe, NM 87503, (505) 827-5191

Other Organizations

Public Service Company of New Mexico, Alvarado Square, P.O. Box 2268, Albuquerque, NM 87158, (505) 848-2700

Woodward-Clyde Consultants, Inc., 3 Embarcadero Center, Suite 700, San Francisco, California 94111, (415) 956-7070

Public and University Libraries

Reading copies of the NMGS EIS and associated Technical Reports will be available at the following public and university libraries:

State/Public Libraries

Albuquerque Public Library, 501 Copper Avenue NW, Albuquerque, NM 87102

Aztec Public Library, 201 W. Chaco, Aztec, NM 87401

Crownpoint Community Library, c/o Lioness Club, P.O. Box 731, Crownpoint, NM 87313

Cuba Public Library, Box 5, La Jara, Cuba, NM 87027

Farmington Public Library, 302 N. Orchard, Farmington, NM 87401

Gallup Public Library, 115 W. Hill Avenue, Gallup, NM 87301

Mother Whiteside Memorial Library (Public), 525 W. High Street, P.O. Box 96, Grants, NM 87020

New Mexico State Library, 326 Don Gaspar Avenue, Santa Fe, NM 87503

Harwood Foundation Library, 25 LeDoux, P.O. Box 766, Taos, NM 87571

University/College Libraries

University of New Mexico, General Library, Albuquerque, NM 87131

Navajo Community College Library, Shiprock Branch, P.O. Box 580, Shiprock, Arizona 87420

Northern New Mexico Community College, P.O. Box 250, Espanola, NM 87532

San Juan College, 4601 College Blvd., Farmington, NM 87401

University of New Mexico, Gallup Campus, Learning Resources Center, 200 College Road, Gallup, NM 87301

New Mexico State University/Grants, 1500 Third Street, Grants, NM 87020

New Mexico Highlands University, Connelly Library, National Avenue, Las Vegas, NM 87701

College of Santa Fe, Fogelson Memorial Library, St. Michael's Drive, Santa Fe, NM 87501

[FR Doc. 82-29529 Filed 11-5-82; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Intent To Prepare an Environmental Impact Statement; Outer Continental Shelf; Oil and Gas Leasing Proposals

Pursuant to § 1501.7 of the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act of 1969, the Department of the Interior is announcing its intent to prepare Environmental Impact Statements (EIS) for the offshore oil and gas leasing proposals known as Outer Continental Shelf (OCS) Sales Nos. 82, 85, 88, 89, 90, 92, 94, 98, and 102.

The EIS analysis for each of these proposals will focus on the potential environmental effects of leasing the identified area. Alternatives to be considered in each EIS include options to modify, delay, or withdraw the proposed lease offering. Each EIS will also include an environmental description of the entire planning area in order to provide the best and most complete information available for decisionmaking.

Federal, State, or local governments, environmental groups, and interested individuals having questions concerning the proposed action on the EIS and those wishing to assist the Minerals Management Service in determining the scope of the EIS should contact the individuals listed in each of the following sections.

1. OCS Sale No. 82—North Atlantic Planning Area. This proposed sale is presently scheduled for February 1984. The draft EIS is tentatively scheduled for release in May 1983. Comments bearing on the scope of this EIS should be addressed to Richard Wildermann, Chief, Environmental Assessment Division, Minerals Management Service, Atlantic OCS Region, 26 Federal Plaza, Federal Building, Suite 32-120, New York, New York 10278, telephone (212) 264-5580 or Archie Melancon, Minerals Management Service, Mail Stop 644, 12203 Sunrise Valley Drive, Reston,

Virginia 22091, telephone (202) 343–6264. Comments should be received by February 28, 1983.

2. OCS Sale No. 85—The Barrow Arch Planning Area in Alaska. This proposed sale is presently scheduled for February 1985. The draft EIS is tentatively scheduled for release in May 1984. Comments bearing on the scope of this EIS should be directed to Raymond Emerson, Chief, Arctic Branch, Environmental Assessment Division, Minerals Management Service, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510, telephone (907) 276–2955, or Ralph Ainger, Minerals Management Service, Mail Stop 644, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (202) 343–6264. Comments should be received by October 28, 1983.

3. OCS Sale No. 88—The Gulf of Alaska/Cook Inlet Planning Area in Alaska. This preposed sale is presently scheduled for October 1984. The draft EIS is tentatively scheduled for release in January 1984. Comments bearing on the scope of this EIS should be addressed to Frederick Sieber, Chief, Sub-Arctic Branch, Environmental Assessment Division, Minerals Management Service, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510, telephone (907) 276–2955, or Ralph Ainger, Minerals Management Service, Mail Stop 644, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (202) 343–6264. Comments should be received by June 30, 1983.

4. OCS Sale No. 89—The St. George Planning Area in Alaska. This proposed sale is presently scheduled for December 1984. The draft EIS is tentatively scheduled for release in March 1984. Comments bearing on the scope of this EIS should be addressed to Frederick Sieber, Chief, Sub-Arctic Branch, Environmental Assessment Division, Minerals Management Service, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510, telephone (907) 276–2955, or Ralph Ainger, Minerals Management Service, Mail Stop 644, 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (202) 343–6264. Comments should be received by August 31, 1983.

5. OCS Sale No. 90—The South Atlantic Planning Area. This proposed sale is presently scheduled for January 1985. The draft EIS is tentatively scheduled for release in April 1984. Comments bearing on the scope of this EIS should be addressed to Richard Wildermann, Chief, Environmental Assessment Division, Minerals Management Service, Atlantic OCS Region, 26 Federal Plaza, Federal Building, Suite 32–120, New York, New York 10278, telephone (212) 264–5580, or Archie Melancon, Minerals Management Service (MMS–644), 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (202) 343–6264. Comments should be received by February 28, 1983.

6. OCS Sale No. 92—The North Aleutian Basin Planning Area in Alaska. This proposed sale is presently scheduled for April 1985. The draft EIS is tentatively scheduled for release in July 1984. Comments bearing on the scope of this EIS should be addressed to Frederick Sieber, Chief, Sub-Arctic Branch, Environmental Assessment Division, Minerals Management Service, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510, telephone (907) 276–2955, or Ralph Ainger, Minerals Management Service MMS–644), 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (202) 343–6264. Comments should be received by December 31, 1983.

7. OCS Sale No. 94—Eastern Gulf of Mexico Planning Area; Sale No. 98—Central Gulf of Mexico Planning Area; and sale No. 102—Western Gulf of Mexico Planning Area. These sales are tentatively scheduled for May 1985 (Sale No. 98); August 1985 (Sale No. 102); and November 1985 (Sale No. 94). The draft EIS is tentativley scheduled for release in August 1984. Comments bearing on the scope of the EIS should be addressed to Douglas Elvers, Chief, Environmental Assessment Division, Mineral Management Service, Gulf of Mexico OCS Region, P.O. Box 7944, Metarie, Louisiana 70010, telephone (504) 837–4720, or Richard Miller, Minerals Management Service (MMS–644), 12203 Sunrise Valley Drive, Reston, Virginia 22091, telephone (202) 343–6264. Comments should be received by February 28, 1983.

Dated: November 2, 1982.

Harold Doley,

Director, Minerals Management Service.

[FR Doc. 82–30606 Filed 11–5–82; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 22, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 23, 1982.

Bruce MacDougal,

Acting Chief of Registration, National Register.

CONNECTICUT

Hartford County

New Britain, *Walnut Hill Park*, W. Main St.

New Haven County

Waterbury, *Bishop School*, 178 Bishop St.

Waterbury, *Waterbury Clock Company (The Movement Shop Complex)*, North Elm, Cherry Sts. and Cherry Ave.

GEORGIA

Crisp County

Cordele, *United States Post Office*, 102–104 6th St.

KENTUCKY

Clark County

Winchester, *Hickman, William, House*, 31 W. Hickman St.

Graves County

Mayfield, *U.S. Post Office*, 9th St. and Broadway

Oldham County

Goshen vicinity, *Hermitage, The*, Off U.S. 42

Goshen vicinity, *Locke-Mount House*, S of Goshen off U.S. 42

LaGrange vicinity, *Sale, Reuben, House*, 3700 Smith Lane

MICHIGAN

Chippewa County

Sugar Island, *Church, Philetus S., House*, North Shore Rd.

Ingham County

Lansing, *Moon, Darius B., House*, 216 Huron St.

Kent County

Grand Rapids, *Loraine Building*, 124 E. Fulton St.

Washtenaw County

Ann Arbor, *First National Bank Building*, 201 S. Main St.

MISSISSIPPI

Clairborne County

Alcorn vicinity, *Canemount*, N of Alcorn off MS 552

Washington County

Greenville, *Atterbury House*, 148 N. Broadway

MISSOURI

Jackson County

Kansas City, *Tocama, The (Netherlands Hotel)*, 3835 Main St.

MONTANA

Valley County

Fort Peck, *Fort Peck Theatre*, Missouri Ave.

NEW JERSEY

Burlington County

Pemberton vicinity, *Jones, Benjamin, House (Halstead),* Pemberton-Browns Mills Rd.

Hudson County

Jersey City, *Hamilton Park Historic District Extension (Boundary increase),* Jersey Ave. and 10th St.

Morris County

Chatham, *Bower, David S., House (Harvey M. Lum House),* 427 Main St.

Long Valley vicinity, *Flocktown Schoolhouse,* Flocktown and Naughright Rds.

Warren County

Phillipsburg vicinity, *Hixson-Skinner Mill Complex,* Still Valley Rd.

OHIO

Coshocton County

Gambier vicinity, *Nichols, Eli, Farm,*

Cuyahoga County

Cleveland, *Wade Park District,* Roughly bounded by E. 105 St., East Blvd., Chester and Euclid Aves.

Franklin County

Columbus, *Columbus Transfer Company Warehouse,* 55 Nationwide Blvd.

Greene County

Yellow Springs vicinity, *Grinnell Mill Historic District,* Grinnell Mill and Bryan Park Rd.

Cuyahoga County

Cleveland, *Allen Memorial Medical Library,* 11000 Euclid Ave.

Hamilton County

Cincinnati vicinity, *Pine Meer (William C. Schott House,),* 5336 Cleves-Warsaw Pk

Cincinnati, *Bauer Apartments,* 2015–2017 Madison Rd.

Montgomery, *Blair House,* 7844 Remington Rd.

Lorain County

Lorain, *Antlers Hotel,* SW. Erie and Washington Aves.

Meigs County

Rock Springs, *Meigs County Fairgrounds, Grandstand and Racetrack,* OH 124

Mercer County

Celina, *Celina Main Street Commercial Historic District,* Roughly bounded by Walnut, W. Livingston, Ash and Warren Sts

Morrow County

Mount Gilead, *Trimble, James S., House,* 167 Iberia St.

Muskingum County

Zanesville, *Fairmont Avenue Historic District,* Fairmont Ave.

VIRGINIA

Alexandria (Independent City), *Stabler-Leadbeater Apothecary Shop,* 105–107 S. Fairfax St.

Henry County

Stanleytown, *Stoneleigh,* VA 608

Richmond County

Simons Corner, *Woodford,* VA 610

Staunton (Independent City), *Oakdene,* 605 E. Beverley St.

WISCONSIN

Dane County

Madison, *First Church of Christ Scientist,* 315 Wisconsin Ave.

Sheboygan County

Sheboygan, *Kohler, John Michael, House,* 608 New York Ave.

[FR Doc. 82-30612 Filed 11-5-82; 8:45 am]

BILLING CODE 4310-70-M

Canaveral National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Canaveral National Seashore Advisory Commission will be held at 1:00 p.m. on Thursday, December 2, 1982, in the City Council Chambers of the Titusville City Hall, 555 South Washington Avenue, (U.S. 1), Titusville, Florida.

The purpose of the Canaveral National Seashore Advisory Commission is to consult and advise with the Secretary of the Interior on all matters of planning, development and operation of the Canaveral National Seashore. The agenda will include reorganization of the Commission and a discussion of the seashore's current operational thrusts.

The members of the Advisory Commission are as follows:

Mr. James Reinman, Chairman
Mr. James Powell
Mr. Ney C. Landrum
Ms. Doris Leeper
Mr. Sion Faulk
Mr. Peter E. Cardiff

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Donald Guiton, Superintendent, Canaveral National Seashore, Post Office Box 2538, Titusville, Florida 32780, Telephone 305/867-4675. Minutes of the meeting will be available for public inspection at part headquarters approximately 4 weeks after the meeting.

Dated: October 28, 1982.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 82-30609 Filed 11-5-82; 8:45 am]

BILLING CODE 4310-70-M

Standards for Documentation of Historic Buildings, Sites, Structures or Objects

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service announces the availability of proposed documentation standards for public comment and review. These standards are intended for the use of Federal, State, local, and private agencies and by individuals who prepare documentation for inclusion in the Historic American Buildings Survey (HABS) and Historic American Engineering Record (HAER) collections in the Library of Congress. Such documentation is submitted to the National Park Service's HABS/HAER office in Washington for review and accpetance into the HABS and HAER collections, or to the National Park Service's regional offices for review and acceptance and, if accepted, subsequent transmittal to the HABS/HAER office in Washington.

ADDRESS: The proposed documentation standards are available from the HABS/HAER office, Attn: Ms. Kim Hoagland, National Park Service, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Robert J. Kapsch, Chief, HABS/HAER (Telephone: 202-272-3527)

SUPPLEMENTARY INFORMATION: The HABS and HAER programs are the national historical architectural and engineering documentation programs of the National Park Service which produce documentation incorporated into the HABS and HAER collections in the Library of Congress. The documentation produced, which is generally in the form of measured drawings, photographs, and written data, is made available by the Library of Congress to the public, researchers, and scholars.

These standards are intended for use in the development of HABS and HAER documentation. HABS and HAER documentation is developed in a number of ways. First, and most usually, the National Park Service employs summer teams of student architects, engineers, historians, and architectural historians to develop HABS and HAER documentation under the supervision of National Park Service professionals. Second, these standards are intended for use by the National Park Service for producing HABS and HAER documentation in conjunction with restoration or other preservation treatment drawings of historic buildings entrusted to the National Park Service's care. Third, these standards are intended for those agencies which pursuant to Section 110(b) of the National Historic Preservation Act, as amended, record to HABS or HAER standards those historic buildings or structures about to be demolished or substantially altered as a result of Federal agency action or assisted action (referred to as mitigation documentation projects). Fourth, these standards are intended for the use of those individuals and organizations who wish to prepare documentation to HABS/HAER standards and donate that documentation to the HABS and HAER collections.

These standards form the core of HABS and HAER documentation. They will be supplemented by other material describing more specific guidelines such as line weights for drawings, preferred techniques for architectural photography and formats for written data. This supplemental material will be developed from the final HABS/HAER standards. Based on public comment received, these standards will be appropriately revised and issued as the final HABS/HAER standards for architectural and engineering documentation projects.

Russell T. Dickenson,

Director, National Park Service.

[FR Doc. 82-30611 Filed 11-5-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 164030 (Sub-II-1TA), filed October, 1982. Applicant: ALBERTI VAN & STORAGE CO., INC., 18930 Gaithersburg Laytonsville Road, Gaithersburg, MD 20879-4197. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. *Household goods, as defined,* between points in MD, VA, WV and the DC, on the one hand, and, on the other, points in the US (except AK and HI). An underlying ETA seeks 120 days authority. Applicant intends to interline with other carriers at Atlanta, GA; Biloxi, MS; Boston, MA; Columbus, OH; Chicago, IL; Jacksonville, FL; Minneapolis, MN; Nashville, TN; Philadelphia, PA; San Antonio, TX; Salt Lake City, UT; St. Louis, MO; San Diego, CA; Seattle, WA. Supporting shipper(s): US Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

MC 163846 (Sub-II-1TA), filed October 20, 1982. Applicant: MALO INC., d.b.a. CHARTER BUS SERVICE, 1630 Westwood Ave., Cincinnati, OH 45214. Representative: Norman A. Murdock, 4037 Glenway Ave., Cincinnati, OH 45205. *Passengers and their baggage,* between points in the states of OH, KY, IN, WV, PA, TN, and MI for 270 days. Supporting shipper(s): Seton Council Knights of Columbus, 4301 Glenway Ave., Cincinnati, OH 45205, Price Hill/Western Hills Kiwanis Club, 10152 Zig Road, Cincinnati, OH 45242, St. Simon's Men's Social Club, 825 Pontius Road, Cincinnati, OH 45238.

MC 153287 (Sub-II-4TA), filed October 20, 1982. Applicant: DRESSER TRANSPORTATION SERVICES, INC., 400 W. Wilson Bridge Road, Worthington, OH 43085. Representative: George C. Sanders, 4445 Weaver Court North, Hilliard, OH 43026. Conrtract Irregular: *Mining machinery parts and equipment, materials and supplies used in the manufacture and repair of mining machinery* between Columbus, Ohio on the one hand and on the other all points in AL, CO, IL, IN, KY, MD, MI, NV, NJ, NY, PA, TN, UT, VA, WV, WY for 270 days. Under continuing contract with Jeffrey Mining Machinery Division of Columbus, OH. Supporting shipper(s): Jeffrey Mining Machinery Division, Dresser Industries Inc., 274 E. First Ave., Columbus, OH 43216.

MC 109856 (Sub-II-1TA), filed October 21, 1982. Applicant: MERCURY VAN SERVICE, INC., 18930 Gaithersburg-Laytonsville Road, Gaithersburg, MD 20879-4197. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. *Household goods, as defined,* between points in MD, VA, WV and the DC, on the one hand, and, on the other, points in the US (except AK and HI) for 270 days. An underlying eta seeks 120 days authority. Applicant intends to interline with other carriers at New Orleans, LA; Denver, CO; Kansas City, MO; Norfolk, NE; Los Angeles, CA; Chicago, IL; Pontiac, IL; Indianapolis, IN; Hartford, CT; and Macon, GA. Supporting shipper(s): U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

MC 163937 (Sub-II-1TA), filed October 19, 1982. Applicant: RELIABLE TRANSPORT, INC., 1520 Waynesburg Rd., SE., Canton, OH 44707. Representative: Stephen L. Oliver, 275 E. State St. Columbus, OH 43215. *Coal,* between Guernsey County, OH, on the one hand, and, on the other, Monroe, MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Union Camp Corporation, 1220 E. Elm Ave., Monroe, MI 48161.

MC 164294 (Sub-II-1TA), filed October 19, 1982. Applicant: RUDDLE TRUCKING, INC., P.O. Box 123, Riverton, WV 26184. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. *Lumber and lumber products,* from Pendleton and Grant Counties, WV, to points in KY, IL, IN, TN, OH, VA, MD, PA, NJ, NY, NC, SC, and DE. An underlying ETA seeks 120 days authority. Supporting shipper(s): Allegheny Wood Products, Inc. of Petersburg, WV.

MC 146807 (Sub-II–32TA), filed October 19, 1982. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131 Wilkes Barre, PA 18701. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. Contract, irregular, *plastic and plastic products* between points in AL, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, and WI under continuing contract with Exxon Chemical Americas, Pottsville, PA for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): Exxon Chemical Americas, P.O. Box 395, Pottsville, PA 17901.

MC 164292 (Sub-II–1TA), filed October 19, 1982. Applicant: EUGENE HELMICK t/a SOUTHERN BANANA COMPANY, 3712 Mechanicsville Pike, Richmond, VA 23178. Representative: Calvin F. Major, 200 W. Grace St., P.O.B. 5010, Richmond, VA 23220. Contract, irregular: *Bananas, in bulk,* from Charleston, SC; Wilmington, DE; Newark, NJ; Baltimore, MD and New York, NY to Richmond, VA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Great A & P Tea Co., 2 Paragon Dr., Montvale, NJ 07645.

MC 162983 (Sub-II–1TA), filed October 19, 1982. Applicant: JOSEPH TUZZE d.b.a. TUZZE TRUCKING, 56 Cottage St., Carbondale, PA 18407. Representative: Peter Wolff 722 Pittston Ave., Scranton, PA 18505. *Gloss beads* between Carbondale, PA, on the one hand, and, on the other, points in NJ and NY, for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): North Eastern Safety Products, Inc., 60 Dundaff St., Carbondale, PA 18407.

MC 155342 (Sub-II–2TA), filed October 25, 1982. Applicant: GWD EXPRESS, INC., P.O. Box 396, Pioneer, OH 43554. Representative: A. Charles Tell, Baker & Hostetler, 110 E. Broad St., Columbus, OH 43215. *Metal products* between points in Williams County, OH, on the one hand, and, on the other, points in the US west of ND, SD, NE, KS, OK, and TX for 270 days. Supporting shipper(s): Chase Brass & Copper Company, P.O. Box 39548, Solon, OH 44139.

MC 40600 (Sub-II–1TA), filed October 25, 1982. Applicant: THE HATHAWAY TRANSFER, INCORPORATED, 910 S. Belmont Street, Box 518, Bellaire, OH 43906. Representative: F. James Hathaway, President, P.O. Box 518, Bellaire, OH 43906. *Meats and Packing House Products* from points in Belmont County, OH, to points in Monongalia, Marion, Harrison, Barbour, Wentzel, Taylor, Tyler, and Preston Counties, WV for 270 days. Supporting shipper(s): The Rath Packing Co., 108 Dalmation Drive, Bethel Park, PA 15102.

MC 150339 (Sub-2–56 TA), filed October 25, 1982. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: R. M. Evans (same as applicant). Contract; irregular: *Industrial air filters,* from Kenly, NC, to points in IL, GA, MA, MI, MS, NJ, NY, OK, TX, MO, OH, PA, IA, DC, VA, FL and WV, under continuing contract(s) with Servodyne Industries, Inc. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Servodyne Industries, Inc., P.O. Box 817, Kenly, NC 27542.

MC 129453 (Sub-III–1TA), filed October 25, 1982. Applicant: STARCK VAN LINES OF COLUMBUS, INC., 3901 Grove Port Road, Columbus, OH 43207. Representative: ROBERT J. GALLAGHER, ESQ., 1000 Connecticut Avenue, NW, Suite 1200, Washington, DC 20036. *Household Goods,* as defined by the Commission, *General Commodities* (except Class A & B Explosives and Commodities in Bulk) restricted to transportation for the United States Government, between points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WA, WV, WI, and WY for 270 days. An underlying eta seeks 120 days authority supporting shipper(s) (1) Cartwright International Van Lines, Inc., 11901 Cartwright Avenue, Grandview, MO 64030, (2) Wainwright Transfer Corp. of VA, P. O. Box 1854, Quantico, VA 22134, (3) Sunland Moving & Storage, 9700 Railroad Avenue, El Paso, TX 79924, (4) AFI Worldwide Forwarders, 5725 Paradise Drive, Suite 500 Corte Madera, CA 94925, (5) H C & D Forwarders International, Inc., P. O. Box 4475, Burlingame, CA 94010, (6) Starck Van Lines, Inc., RD #1 Burgettstown, PA 15021, (7) Metropolitan Movers, Inc., 10303 Portland Avenue, Tacoma, WA 98445, (8) Sunshine Van & Storage, Inc., 1333 N. Brunnel Parkway, Lakeland, FL 33805, (9) Chip Services, Inc., 431 Hecker Street, Belleville, IL, (10) Gulf Forwarding, Inc., P. O. Box 468, Biloxi, MS 39533, (11) Swift International, Inc., 7901 4th Street, North, Suite 308, St. Petersburg, FL 33735–6500, (12) Metropolitan Van & Storage, Inc., 115 W. Channel Road, Benicia, CA 94510, (13) Central Van & Storage, 1954 A. Friendship Drive, El Cajon, 92020.

MC 164372 (Sub-II–1TA), filed October 25, 1982. Applicant: TAKOMA TRANSFER AND STORAGE COMPANY, INC., 4011 Penn Belt Place, Forestville, MD 20747. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. *Household goods,* as defined, between points in the United States east of MN, IA, MO, AR, and LA for 270 days. An underlying ETA seeks 120 days authority. Applicant intends to interline with other carriers at Phila., PA; Trenton, NJ; New York, NY; Jacksonville, FL; Pensacola, FL; Cherry Point, NC; and Atlanta, GA. Supporting shipper(s): U.S. Army Legal Services Agency, 5611 Columbia Pike, Falls Church, VA 22041.

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, NE., Atlanta, GA 30309.

MC 128504 (Sub-3–2TA), filed October 25, 1982. Applicant: JAMES M. BARNETT and Mrs. JAMES M. BARNETT d.b.a. BARNETT'S MOVING & STORAGE, Rt. 4, P.O. Box 726, Kosciusko, Mississippi 39090. Representative: Mrs. James M. Barnett (same address as applicant). *Used household goods restricted to the transportation of traffic handled for the Department of Defense, General Service Administration,* or *United States Government* between points in the United States. Supporting shipper: there are six (6) support statements attached to the application which may be examined at the Interstate Commerce Commission Regional Office, Atlanta, Georgia.

MC 161054 (Sub-3–1TA), filed October 27, 1982. Applicant: PIPER INDUSTRIES, INC., 1195 Harbor Avenue, Memphis, TN 38113–9990. Representative: Ronald N. Cobert, Suite 501, 1730 M Street, Northwest, Washington, D.C. 20036. *Small electrical appliances,* from Alamogordo, NM, to the facilities utilized by Canton Sales & Storage Co., in Hinds and Madison Counties, MS. Supporting shipper: Canton Sales & Storage Co., P.O. Box 529, Canton, MS. 39046.

MC 128469 (Sub-3–1TA), filed October 27, 1982. Applicant: A & A TRANSFER & STORAGE, INC., 113 Hollywood Blvd., NW., Fort Walton Beach, FL 32549. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391. *Household goods,* between points in the U.S. (including AK and HI, but excluding ND and MT), restricted to the transportation of traffic handled for or on behalf of the U.S. Government. Support for this application is provided in a traffic exhibit, as authorized by Commission Order of September 13, 1982.

MC 120905 (Sub-3–1TA), Filed October 27, 1982 Applicant: F & S

MOVING & STORAGE, INC., 250 East Bayview Avenue, Biloxi, MS 39503. Representative: David Earl Tinker 1000, Connecticut Ave., NW., Suite 1112, Washington, DC 20036–5391. *Household goods,* between points in the U.S. (including AK and HI, but excluding ME, ND and SD), restricted to the transportation of traffic handled for or on behalf of the U.S. Government. Support for this application is provided in a traffic exhibit, as authorized by Commission Order of September 13, 1982.

MC 150423 (Sub-3–2TA), filed October 27, 1982. Applicant: SOUTHERN CONTAINER TRANSPORT, INC., 3306 Palm Island Road, Jacksonville Beach, FL 32250. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *General Commodities (except classes A and B explosives, household goods, commodities in bulk and hazardous materials),* between points in Chatham County, GA, on the one hand, and, on the other, points in the United States east of the Mississippi River. Supporting shipper: Barber Blue Sea, Travis Field Road, P.O. Box 186, Savannah, GA 31402.

MC 164407 (Sub-3–1TA), filed October 27, 1982. Applicant: M/A–COM TRANSPORTATION, INC., P.O. Box 199, Catawba, NC 28609. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *General commodities, except Classes A and B explosives,* between points in the U.S., except AK and HI, under continuing contract with M/A–COM, Inc. and its wholly owned subsidiaries. Supporting shipper: M/A–COM, Inc., P.O. Box 199, Catawba, NC 28609.

MC 164371 (Sub-3–1TA), filed October 25, 1982. Applicant: COMMODITY CARRIER CORPORATION, 942 Escambia Street, Jacksonville, FL 32208. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Lumber,* from points in Georgia to Jacksonville, FL; *Pallets,* from Jacksonville, FL to points in Georgia; *Brick,* from Augusta and Macon, GA and Columbia, SC to Jacksonville, FL; *Steel,* from Jacksonville, FL to points in the United States in and east of ND, SD, NE, KS, OK and TX; *Masonry and Cement,* from Harleyville, SC and Atlanta, GA to Jacksonville, FL; from Jacksonville, FL to points in Georgia on and south of Interstate 20; *Fencing and Fencing Materials,* between Jacksonville, FL on the one hand, and, on the other, points in NY, NJ, MD, PA, NC, SC, GA and AL. Supporting shippers: There are 5 supporting shippers. Their statements may be examined at the ICC Regional Office, Atlanta, GA.

MC 164398 (Sub-3–1TA), filed October 29, 1982. Applicant: CAMION'S, INC., 744 Forestdale Boulevard, Birmingham, AL 35214. Representative: Gerald D. Colvin, Jr., 601–09 Frank Nelson Building, Birmingham, Alabama 35203–3668. *Contract carrier,* Irregular Routes; *General Commodities (except Classes A and B explosives, commodities in bulk, and Household Goods),* Between points in the US (except AK and HI) under continuing contract with Decor, Inc. Supporting shipper: Decor, Inc., 3900 Commerce Ave., Fairfield, AL 35064.

MC 164097 (Sub-3–1TA), filed October 29, 1982. Applicant: GREENVILLE SOUTH TOURS, INCORPORATED, 111 North Main Street, Greenville, SC 29602. Representative: Archibald W. Black, 109 East North Street, Greenville, SC 29602. *Passengers and their baggage in charter and special operations* beginning and ending at points in Anderson, Greenville, and Spartanburg Counties SC and extending to points in GA, NC and TN. Supporting shipper(s): Hyatt Regency, 220 North Main St., Greenville, SC 29601 and Greenville Chamber of Commerce, P.O. Box 10048, Greenville, SC 29603.

MC 164114 (Sub-3–1TA), filed October 29, 1982. Applicant: NORTH FLORIDA TRANSPORT SERVICE, Route 1, Box 595, Summerfield, FL 32691. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Contract carrier,* irregular; *General Commodities (except Classes A and B explosives and household goods),* between points in the U.S. under continuing contract(s) with Lykes Pasco Packing Company, Dade City, FL. Supporting shipper: Lykes Pasco Packing Co., P.O. Box 97, Dade City, FL 33525.

MC 149133 (Sub-3–25TA), filed October 29, 1982. Applicant: DIST/TRANS MULTI-SERVICES, INC., d.b.a. TAHWHEELALEN EXPRESS, INC., 1333 Nevada Boulevard, Post Office Box 7191, Charlotte, NC 28217. Representative: Charles L. Garrison (same as above). *Contract carrier,* irregular routes; Fans and Accessories, between points in TN, NC, SC and GA. Restricted to service performed under a continuing contract or contracts with Robbins & Meyers, Inc. of Memphis. Supporting shipper: Robbins & Meyers, Inc., 1616 Panama Street, Memphis, TN 38106.

MC 158280 (Sub-3–2TA), filed October 29, 1982. Applicant: W. F. MEADOWS, INC., 6028 Maddox Rd. Morrow, GA 30260. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. (1) *Shortening, Salad Dressing, Salad Oil, Flour, Paper Products and related Food Items,* from Atlanta, GA; Jackson, MS; Birmingham, AL; Mooreville, IN; and Chattanooga, TN to Tampa, FL; (2) *Dog Food,* from Royston, GA to points in FL, AL, SC, NC, and TN. Supporting shippers: Collins Food Service, 4947 Distribution Dr., Tampa, FL and Delite Feeds, Inc., 301 Railroad St., Royston, GA 30662.

The following applications were filed in region 4: Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 6992 (Sub-4–7TA), filed October 26, 1982. Applicant: AMERICAN RED BALL TRANSIT CO., INC., 1335 Sadlier Circle, East Drive, Indianapolis, IN 46239. Representative: John F. Spickelmier (same address as applicant). Transporting *household goods, as defined by the Commission,* between points in the U.S. (except AR and HI), under continuing contract(s) with Rockwell International for 270 days. Supporting shipper: Rockwell International, 600 Grant Street, Pittsburgh, PA 15219.

MC 120794 (Sub-4–1TA), filed October 26, 1982. Applicant: O'MARA MOVING & STORAGE, INC., 1240 S. Adams, Freeport, IL 61032. Representative: Michael D. O'Mara, 4 E. South St., Freeport, IL. 61032. *Contract* irregular, *Items used in the production of charcoal grills, gas grills, electric grills, water coolers and water fountains.* Between points IN and IL, and between points in IL and WI, under continuing contracts with King-Seeley Thermos Co. Freeport, IL. Supporting shipper: King-Seeley Thermos Co., 1555 IL 75 East, Freeport, IL. 61032.

MC 145807 (Sub-4–6TA), filed October 22, 1982. Applicant: DERBY TRANSPORT, INC., 609 1st Ave. N., Box 695, Weyburn, Sask., Canada S4H 1P1. Representative: James B. Hovland, 525 Lumber Exchange Bldg., Minneapolis, MN 55402. *Contract Carrier,* Irregular Routes: *Lumber and wood products,* between points of entry on the International Boundary Line between the U.S. and Canada located in ND, MN and MT, on the one hand, and, on the other, points in IL, IN, MN and IA. *Restriction:* Restricted to performance of a service under a continuing contract or contracts with Burrows Lumber, Inc. of Winnipeg, Manitoba, Canada, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Burrows Lumber, Inc., 301–1200 Pembina Hwy., Winnipeg, Manitoba, Canada R3T 2A7.

MC 149284 (Sub-4–3TA), filed October 25, 1982. Applicant: MARION D. DAY, d.b.a. DAY'S EXPRESS, 1942 7th Street.

Columbus, IN 47201. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. *Contract*, irregular: transporting *mineral wool and insulating material* between the facilities of Knauf Fiberglass GMBH located at or near Shelbyville, IN, on the one hand, and, on the other, points in CA, NV, OR and WA for 270 days. An underlying ETA seeks 30 days authority. Supporting shipper: Knauf Fiberglass GMBH, 240 Elizabeth Ave., Shelbyville, IN 46176.

MC 151726 (Sub-4-2TA), filed October 25, 1982. Applicant: SHEYENNE VALLEY LUMBER CO., POB 276, Leonard, ND 58052. Representative: Robert N. Maxwell, POB 2471, Fargo, ND 58108. *Building materials*, (1) From points in ID, MT, OR and WA, to points in MN, ND and SD, and (2) from Minneapolis, MN, to points in ND and SD, for 270 days. An underlying ETA seeks up to 120 days authority. Supporting shipper: Reserve Supply Co., POB 1372, 5110 Main Street, Minneapolis, MN 55440.

MC 156461 (Sub-4-4TA), filed October 26, 1982. Applicant: BURWICK'S, INC., Route 3, Box 159X, Dickinson, ND 58601. Representative: Richard P. Anderson, P.O. Box 2581, Fargo, ND 58108. *Building materials* from ports of entry on the U.S.-Canada International Boundary line located in MT to points in MT, WA, ID and UT. *Restriction:* Restricted to traffic originating at the facilities of IKO Industries, Ltd. in Calgary, Alberta. Supporting shipper: IKO Industries, Ltd., P.O. Box 1325, 1600 42nd Ave., S.E., Calgary, Alberta, T2P 2L2.

MC 160334 (Sub-41TA), filed October 25, 1982. Applicant: H.J.M. DELIVERY, INC., P.O. Box 06963, Detroit, MI 48206. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084. *Such commodities as are dealt in or used by manufacturers of electrical equipment and supplies and lighting fixtures*, from Croswell, MI and Newark, OH and the commercial zones thereof to Chicago, IL and the commercial zone thereof. An underlying ETA seeks 120 days authority. Supporting shipper: General Electric Supply Company Division of General Electric Company, 777 Church Road, Elmhurst, IL 60126.

MC 160574 (Sub-4-2TA), filed October 21, 1982. Applicant: A. BRANDWEIN & COMPANY, 3190 Doolittle Drive, Northbrook, IL 60062. Representative: Edward G. Bazelon, 135 South La Salle Street, Chicago, IL 60603. *Contract*, Irregular: (1) *General commodities* (except classes A and B explosives, household goods, and commodities in bulk), (a) between Chicago, IL, and points in its commercial zone, on the one hand, and, on the other, points in IN, IA, MI, OH and WI, under continuing contract(s) with Adams Foam Rubber Company and Ideal Box Company of Chicago, IL, and Harris-Hub Company, Inc., of Harvey, IL; (b) between Edison, OH, on the one hand, and, on the other, points in IN, IL, IA, MI and WI, under continuing contract(s) with J. G. Clark Company of Edison, OH; (c) between Huntingburg and Ferdinand, IN, on the one hand, and, on the other, points in IL, IA, MI, OH and WI, under continuing contract(s) with DMi Furniture Inc. of Huntingburg, IN, and (2) *empty drums, cement and sand* (except in bulk), from Chicago, IL, to Milwaukee, Madison and Beloit, WI; Fort Wayne and Indianapolis, IN, and Cincinnati, OH, under continuing contract(s) with American Backhaulers Corporation of Chicago, IL, for 270 days. Supporting shippers: Adams Foam Rubber Company, Inc. 4737 South Christiana Ave., Chicago, IL 60632; Ideal Box Co. 4800 South Austin Ave., Chicago, IL 60638; Harris-Hub Company, Inc. 15600 South Commercial, Harvey, IL 60426; J. G. Clark Company, Edison, OH 43320; DMi Furniture Inc., State Road 64, P.O. Box 129, Huntingburg, IN 47542, and American Backhaulers Corporation, 407 South Dearborn Street, Room 985, Chicago, IL 60605. 6 Supporting shippers.

MC 163711 (Sub-4-2TA), filed October 26, 1982. Applicant: McCOY OF WISCONSIN, INC., d.b.a. FOODLINER, P.O. Box 956, Monroe, WI 53566. Representative: Donald B. Levine, 180 North LaSalle Street, Chicago, IL 60601. *Food and related products and gift items* between Green, Dane and LaCrosse Counties, WI on the one hand, and, on the other, points in the U.S. (except AK and HI) for 270 days. Supporting Shipper: Swiss Colony Stores, Inc. and Swiss Colony, Inc. of Monroe, WI.

MC 163948 (Sub-4-1TA), filed October 22, 1982. Applicant: SID AND TINA ROLLINGS d.b.a. ROLLINGS TRUCKING, a partnership, Box 273, Hudson, SD 57034. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101-1103. *Metal products, lumber and wood products and machinery*, between points in Woodbury, Plymouth, Cherokee, Sioux, Lyon, O'Brien and Osceola Counties, IA and Minnehaha, Lincoln, Union, Turner, Hutchinson, and Yankton Counties, SD, on the one hand, and, on the other, points in Nebraska, Doniphon County, KS, Minnehaha County, SD, Nobles County, MN, Sioux County, IA, Dane County, WI, Cass County, ND, Jasper County, IN, and Chicago, IL and points in its commercial zone. Supporting Shipper: Agri-Steel Equipment, 1510 Central, Hawarden, IA 51023.

MC 164365 (Sub-4-1TA), filed October 22, 1982. Applicant: PAUL A. FRANKO, JR., d.b.a. WEST TOWN AUTO BODY, 1313 Sentry Drive, Waukesha, WI 53186. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. *Metal products* from Waukesha, WI to points in IL, IA, and MN. Underlying ETA seeks 120 days authority. Supporting Shipper: Sullivan Corporation, 809 Philip Drive, Waukesha, WI 53186, J & L Plate Machine Works, 809 Philip Drive, Waukesha, WI 53186, and Gartland Foundries, Inc., 525 Progress Drive, Waukesha, WI 53186.

MC 164381 (Sub-4-1TA), filed October 25, 1982. Applicant: JOHN J. WAGGONER, JR. d.b.a. JOHN WAGGONER TRUCKING, 9300 Fleming Rd., Dexter, MI 48130. Representative: Jack L. Schiller, 111-56 76th Dr. Forest Hills, NY 11375. *Contract*, irregular: transporting *books* from the facilities of Malloy Lithographing, Inc., located at or near Ann Arbor, MI, to Chicago, IL; Pinola, IN and Columbus, OH under account with Malloy Lithographing, Inc. of Ann Arbor, MI for 270 days. An underlying ETA seeks 30 days authority. Supporting shipper: Malloy Lithographing, Inc. 5411 Jackson Rd., Ann Arbor, MI 48106.

MC 164383 (Sub-4-1TA), filed October 25, 1982. Applicant: JAMES McDONNELL d.b.a. H & M TRUCKING, c/o 2 Markland Dr., Morrision, IL 61270. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602. Ammonium Nitrate fertilizer in bags between LaSalle and Grundy Counties, IL, on the one hand, and, on the other, the Chicago, IL Commercial Zone, for interstate movement to points in the U.S. Supporting shipper: E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898.

MC 164385 (Sub-4-1TA), filed October 25, 1982. Applicant: BRIGHAM TRUCKING, INC., 4777 E. Duck Lake Road, Grawn, MI 49637. Representative: James M. Leibenguth, Attorney at Law, 445 S. Airport Road, Traverse City, MI 49684. *Contract irregular:* Hauling used automobiles and vans from Traverse City, MI, to points in WHI, OH, MI and FL, under continuing contract with Wares Automobile Sales, Inc., of Traverse City, MI. Supporting shipper: Wares Automobile Sales, Inc., 720 E. 8th St., Traverse City, MI 49684.

MC 164391 (Sub-4-1TA), filed October 28, 1982. Applicant: WAYNE TRANSPORTATION, INC., 32 West 140 Glos, P.O. Box 154, Wayne, IL 60184.

Representative: Donald B. Levine, 180 North LaSalle Street, Chicago, IL 60601. *Contract;* irregular; *ink, glue, cartons, boxes, fibreboard, pulpboard and materials, equipment and supplies used in the manufacture, sale and distribution thereof* under contract with Field Container corporation and its subsidiaries between points in IL, Detroit and Flint, MI and Edison, OH for 270 days. Supporting shipper: Field Container Corporation, 1500 Nicholas Boulevard, Elk Grove Village, IL 60007.

MC 164392 (Sub-4-1TA), filed October 26, 1982. Applicant: METZGER & SON TRUCKING COMPANY, Box 8, Silver Lake, IN 46982. Representative: Norman R. Garvin, Scopelitis & Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204-3491. *Contract;* irregular; transporting *Feeder livestock conveyors, bins, cribs and grain storage, and materials, equipment and supplies in return movements,* from the facilities of CTB, Inc. at Milford, IN to points in and east of ND, SD, NE, KS, OK, and TX, under continuing contract(s) with CTB, Inc., P.O. Box 632, State Road 15, Milford, IN 46542. Applicant has applied for emergency temporary authority for 120 days. Supporting shipper: CTB, Inc., P.O. Box 632, State Road 15, Milford, IN 46542.

MC 164394 (Sub-4-1TA), filed October 25, 1982. Applicant: J & C CARTAGE, INC. 13231 Conant Avenue, Detroit, MI 48212. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482-2400. Transporting *office supplies, store fixtures, commercial refrigeration equipment and household appliances* between Wayne County, MI and Lucas and Wood Counties, OH. An underlying ETA seeks 120-day authority. Supporting shipper: United Stationers, Inc., 32432 Capital Drive, Livonia, MI 48150.

MC 15317 (Sub-4-2TA), filed October 27, 1982. Applicant: CROWN TRANSIT LINES, INC., 1650 North 14th St., Springfield, IL 62702. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, 907 South Fourth St. Springfield, IL 62703. *Passengers and baggage and small packages incidental thereto in charter and special operations* between Morgan and Sangamon Counties, IL, on the one hand, and points in the U.S. (except AK & HI), on the other hand. Supporting shippers: There are nine (9) statements of support attached with this application.

MC 15735 (Sub-4-37TA), filed October 28, 1982. Applicant: ALLIED VAN LINES, INC., 2120 S. 25th Avenue, Broadview, IL 60153. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Contract* irregular: *Household goods* between points in the U.S. (except AK and HI) under a continuing contract with Rockwell International Corp. and its subsidiaries. Supporting shipper: Rockwell International Corporation of Pittsburgh, PA.

MC 144927 (Sub-4-20TA), filed October 28, 1982. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Steve Martin (address same as applicant). *Glassware* from plantsite of J. G. Durand, International at Millville, NJ to Montgomery, AL; Chicago, IL; St. Louis, and Kansas City, MO; Los Angeles, CA; Nashville, TN; Jackson, MS; Dallas, TX; Oklahoma City, OK; Boston, MA; Buffalo, and New York, NY; Pittsburg, PA; Cleveland, Columbus, and Akron, OH; Detroit, MI; Indianapolis, IN; Louisville, KY; Washington, D.C.; Alexandria, VA; and Atlanta, GA. An underlying ETA seeks 120 days authority. Supporting shipper: J. D. Durand International, Wase Blvd., Millville, NJ 08332.

MC 147644 (Sub-4-13TA), filed October 27, 1982. Applicant: J. M. C. TRANSPORT, INC., 1719 Potters Ln., Jeffersonville, IN 47130. Representative: Gerald K. Gimmel, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877. *Such commodities* as are dealt in or used by manufacturers and distributors of vegetable oil products, between Louisville, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Louisville Edible Oil Products, Inc., 1303 S. Shelby St., Box 32540, Louisville, KY 40232.

MC 146761 (Sub-4-2), filed October 28, 1982. Applicant: P. J. TRUCKING, INC., P.O. Box 376, Summit, IL 60501. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 59456, (414) 722-2848. *Contract* irregular: *disinfectant water treatment compound; cleaning, washing, scouring compounds; swimming pool compounds; softeners; textiles; polishing compounds; chemicals; prepared foods; beverage preparations; candy or confectionary; toilet preparations; shampoos; magazines or periodicals; drug or medicines* between points in the Chicago, IL commercial zone, Niles, IL and Wixom, MI on the one hand, and, on the other, points in CA, GA, MI, NJ & TX under a continuing contract with Shaklee Corporation of San Francisco, CA. Supporting shipper: Shaklee Corporation Shaklee Terraces, 444 Market St., San Francisco, CA 94111.

MC 150631 (Sub-4-4TA), filed October 28, 1982. Applicant: HENRY W. FREDENBERG, LTD., Route 1, 2360 Uphoff Road, Cottage Grove, WI 53527. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract* irregular: *food and related products and pet foods* between points in WI on the one hand, and, on the other hand, points within CA, IL, MN, MO and OK. Restriction: restricted to transportation performed under a continuing contract(s) with Miller Surplus Sales. Supporting shipper: Miller Surplus Sales, 1125 Jonathon, Madison, WI 53707.

MC 156088 (Sub-4-5), filed October 28, 1982. Applicant: R & S TRUCK LEASING, INC., 1651 Walker Road, Muskegon, MI 49442. Representative: D. Richard Black, Jr., 285 James Street, P.O. Box 638C, Holland, MI 49423. *Pulp, paper, paper tapes and related products,* between Sparta, MI on the one hand, and on the other, points in NJ. An underlying ETA seeks 90 days authority. Supporting shipper: Tesa Corporation, 324 Union Avenue, Sparta, MI 49345.

MC 164451 (Sub-4-TA), filed October 28, 1982. Applicant: POLYOCK FARMS TRUCKING, INC., Box 43, Zenda, WI 53195. Representative: Richard A. Kerwin, 180 North La Salle Street, Chicago, IL 60601. *Contract* irregular; *Plastic and rubber products,* between Chicago, Il on the one hand, and, on the other, points in WI; St. Louis, MO; Detroit, MI; Louisville, KY; and, Cincinnati and Cleveland, OH. Supporting shipper: Arrow Plastic Manufacturing Co., 2332 West Logan Boulevard, Chicago, IL 60647.

MC 164453 (Sub-4-1), filed October 28, 1982. Applicant: CHARLES WEATHERLY d.b.a. WEATHERLY TOURS, 300 Pendleton Avenue, Anderson, IN 46016. Representative: Charles Weatherly (same as above). *Passengers and their baggage in the same vehicle, in charter operations,* between places of origin in the counties of Howard, Grant, Tipton, Hamilton, Marion, Hancock, Madison, Henry and Delaware in the state of IN, and extending to the contiguous continental U.S. and return. Supporting shipper: Wilson Boys Club, Inc., 1017 W. 19th St., P.O. Box 2311, Anderson, IN 46011; Community Action-Madison County Headstart, Anderson, IN 46011; and Anderson Chapter of the Gospel Music Workshops of America, Inc., 2412 Eckhouse, Anderson, IN 46011.

The following applications were filed in Region 5. Send protest to: Consumer Assistance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 139973 (Sub-5-16TA), filed October 25, 1982. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Compressors and pumps,* from the facilities of Energair America, Division of Ingersoll Rand Company, Davidson, NC to points in CA, IL, NJ, and TX. Supporting shipper: Ingersoll Rand Company, Piscataway, NJ.

MC 141364 (Sub-5-2TA), filed October 25, 1982. Applicant: AFFILIATED TRANSPORTATION SYSTEMS, INC., 2124 Washington Street, Lawton, OK 73501. Representative: Charles J. Kimball, 1600 Sherman, No. 665, Denver, CO 80203. *Household goods* between points in the U.S. (except AK, HI and ND). Supporting shipper: Department of Defense, Falls Church, VA.

MC 146853 (Sub-5-13TA), filed October 25, 1982. Applicant: FRANK F. SLOAN, d.b.a. HAWKEYE WOODSHAVINGS, Route 1, Runnells, Iowa 50327. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. *Such commodities as are dealt in or used by manufacturers and distributors of beer,* between St. Paul, MN; Phoenix, AZ; La Crosse, WI; Seattle, WA and Omaha, NE, on the one hand, and, on the other, Casper, WY. Supporting shipper: J & K, Inc., d.b.a. S & S Distributing, Casper, WY.

MC 148437 (Sub-5-10TA), filed October 26, 1982. Applicant: BORK TRANSPORT, INC., 2843 Ingersoll, Des Moines, IA 50312. Representative: William L. Fairbanks, 2400 Financial Center, Des Moines, IA 50309. *Petroleum products, in bulk,* between points in IL, IA, MN, MO and WI, restricted to traffic originating at or destined to facilities utilized by Ashland Petroleum Company. Supporting shipper: Ashland Petroleum Company, Ashland, KY.

MC 151841 (Sub-5-2TA), filed October 25, 1982. Applicant: R. L. HARRISON TRUCKING CO., INC., 1107 Airlane Dr., Benton, AR 72015. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St. N.W., Washington, DC 20004. *Alcoholic beverages and distilled spirits,* from Louisville, Owensboro, Bardstown, Clermont, KY, and Lawrenceburg, IN, to points in CA and NV. Supporting shipper(s): J. P. Keating Co., Sacramento, CA and American Mart, Las Vegas, NV.

MC 164144 (Sub-5-1TA), filed October 25, 1982. Applicant: BUSTER SHOEMAKE d.b.a. SHOEMAKE EQUIPMENT RENTAL, P.O. Box 82946, Oklahoma City, OK 73148. Representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Contract, irregular; *beer and malt beverages,* from St. Louis, MO, to points in Shawnee, Norman and Oklahoma City, OK under continuing contracts with Bryson, Inc. Supporting shipper: Bryson, Inc., Oklahoma City, OK.

MC 164272 (Sub-5-1TA), filed October 25, 1982. Applicant: ALAN K. ROBINSON d.b.a. ROBINSON TRUCKING, 6137 NW 6th Street, Lincoln, NE 68521. Representative: Lavern R. Holdeman, 1610 South 70th Street, No. 200, Lincoln, NE 68506. *Metal Products,* from the facilities of Central Nebraska Tubing and Brownie Manufacturing Co., Inc., at or near Waverly, NE, to points in IA, MO, AR and KS.

MC 164367 (Sub-5-1TA), filed October 25, 1982. Applicant: STAPLES TRUCK LINE, INC., P.O. Box 216, Blackwell, OK 74631. Representative: G. Timothy Armstrong, P.O. Box 1124, El Reno, OK 73036. *Sacked flour,* from Blackwell, OK to Austin, Ft. Worth and Mesquite, TX. Supporting shipper: International Multifood Corp., Minneapolis, MN.

MC 164403 (Sub-4-1TA), filed October 26, 1982. Applicant: TRIPCO TRUCKING, 1106 West Sheridan, Shenandoah, IA 51601. Representative: James L. Davis (same as applicant). (1) *Hydraulic lift gates for pick ups, yard windmills, and parts and accessories thereof,* from the facilities of Woodbine Manufacturing at Woodbine, IA to Atlanta, GA and Whittier, CA. (2) *Laundry detergent* from the facilities of Triple K Manufacturing at Shenandoah, IA to Savannah, GA. Supporting shippers: Woodbine Mfg., Woodbine, IA and Triple K Mfg., Shenadoah, IA.

MC 164384 (Sub-4-1TA), filed October 25, 1982. Applicant: A. H. CHANEY, INC., 9900 Woody Drive, El Paso, TX 79925. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768-2207. *Sand, rock, gravel, precoated rock, asphalt materials, ores and minerals, in bulk,* between points in Gaines County, TX, on the one hand, and, on the other, points in Lea, Roosevelt, Curry and Quay Counties, NM. Supporting shippers: Aristera Company, Lubbock, TX.

The following applications were filed in Region 6. Send protests to: Interstate Commerce Commission, Region 6 Motor Carrier Board, 211 Main St., Suite 501, San Francisco, CA 94105.

MC 159142 (Sub-6-3TA), filed October 22, 1982. Applicant: C AND C TRANSPORTATION, 6275 E. 39th Ave., Denver, CO 80207. Representative: Ross Van Derhule (same as applicant). *Meat, meat products, and meat byproducts* (1) between Denver, CO, on the one hand, and, on the other, points in IL, IN, MI, NY, OH, and PA, and (2) between Denver, CO, on the one hand, and, on the other, Phoenix, AZ; San Francisco, CA; Minneapolis, MN; St. Louis, MO; El Paso, TX; Houston, TX; and Seattle, WA; for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Cattle King Beef Company, 5590 High St., Denver, CO 80216; Mr. Steak, Inc., 5100 Race Ct., Denver, CO 80216.

MC 164400 (Sub-6-1TA), filed October 26, 1982. Applicant: CHEROKEE TOURS, 7313 Fairytale St., Citrus Heights, CA 95610. Representative: Denis S. Fowler (same as applicant). *Passengers and their baggage* in the same vehicle in special and charter operations between CA, OR, WY, NV, UT, AZ, AK and ports of entry on the U.S.-Canadian border in WA, ID and MT for 180 days. Supporting shippers: There are 5 shippers. Their statements may be examined in the office listed.

MC 42487 (Sub-6-72TA), filed October 25, 1982. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Contract carrier,* Irregular routes. *Salt in packages and blocks.* From Clearfield, Lake Point, Little Mountain, Saltair, and Solar, UT to points in IL, IN, IA, MO, OH and WI, for 270 days. Supporting shipper: Domtar Industries, Inc., 4825 N. Scott St., Suite 419, Schiller Park, IL 60176.

MC 161976 (Sub-6-2TA), filed October 20, 1982. Applicant: LORA L. DALLUM d.b.a. DALLUM TRUCKING, 1020 W. 100th Place, Northglenn, CO 80221. Representative: Loral L. Dallum (same as above). Contract Carrier, Irregular routes: Building Materials, between: Santa Fe county, NM and points in CO, for the account of Western Gypsum Co., for 270 days. Supporting shipper: Western Gypsum Co., P.O. B. 2636, Santa Fe, NM 87501.

MC 93734 (Sub-6-1TA), filed October 28, 1982. Applicant: DeWITT TRANSFER & STORAGE CO., P.O. B. 82109, San Diego, CA 92138. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20423. *Household goods, as defined by the Commission, General Commodities* (except Class A & B explosives and Commodities in Bulk) restricted to the transportation for the U.S. Government, between points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, WA, MD, WV, WI, and WY, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 9 shippers. Their statements may be examined in the office listed.

MC 161930 (Sub-6-2TA), filed October 25, 1982. Applicant: FLEENOR BROS. LTD., 328 Panorama Crescent, Courteney, B.C., Canada V9N 6V2. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055. *Contract carrier*—irregular routes: (1) *Red cedar skakes and shingles* from the ports of entry on the international boundary line between the U.S. and Canada located in WA, to points in AZ and CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Watkins Sawmills Ltd., P.O.B. 3280, Mission, B.C., V2V 4J4.

MC 154735 (Sub-6-2TA), filed October 22, 1982. Applicant: JAKE'S CRANE & RIGGING, INC., 6109 S. Industrial Rd., Las Vegas, NV 89118. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701. *Mining and Construction Materials, Equipment and Supplies*, between points in NV, WA, OR, NM, CO, OK, TX, WY, ID, MO and OH, and to tack the applied for authority at points in the State of NV with Applicant's existing authority authorizing service between points in CA, NV, UT and AZ, for 270 days. An underlying ETA seeks 90 days authority. Supporting shipper: There are twelve (12) shippers. Their statements may be examined at the Regional Office listed.

MC 146422 (Sub-6-1TA), filed October 25, 1982. Applicant: DELBERT F. JOHNSTON, 2801 Gore Road, Pueblo, CO 81006. Representative: Charles M. Williams, 1600 Sherman St., No. 665, Denver, CO 80203. *Corrugated board containers* from the facilities of Packaging Corporation of America, Inc., at or near Commerce City, CO to points in NM for 270 days. Supporting shipper: Packaging Corporation of America, Inc., 5150 Brighton Blvd, Denver, CO 80022.

MC 159075 (Sub-6-3TA), filed October 22, 1982. Applicant: WILLIAM P. JONES, d.b.a. JONES BROS. TRUCKING, P.O. Box 4414, Missoula, MT 59806. Representative: Richard D. Howe, 600 Hubbell Building, Des Moines, IA 50309. (1) *Iron and steel articles*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1), (1) between Sherman, TX; Peoria and Chicago, IL; and Santa Clara, CA, on the one hand, and, on the other, points in the U.S. (except AZ, CA, ID, IL, MT, MN, NY, ND, OR, PA, SD., TX, WA, WY, AK, and HI); and (2) between Sedalia, MO, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Keystone Group, a Division of Keystone Consolidated Industries, Inc., 7000 Southwest Adams St., Peoria, Il 61607.

MC 75138 (Sub-6-1TA), filed October 21, 1982. Applicant: OGDEN TRANSFER AND STORAGE COMPANY, 2105 Wall Ave., Ogden, UT 84401. Representative: Thomas R. Kingsley, 10614 Amherst Ave., Silver Spring, MD 20902. *Household goods*, as defined, (1) between points in the U.S. in and west of MN, WI, IL, MO, AR, and LA, and (2) between those points in the U.S. in and west of MN, WI, IL, MO, AR, and LA, on the one hand, and, on the other, points in the U.S. east of MN, WI, IL, MO, AR and LA (except VT for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Department of Defense, 5611 Columbia Pike, Falls Church, VA 22041.

MC 164388 (Sub-6-1TA), filed October 25, 1982. Applicant: FRANK O. WRIGHT, d.b.a. "PARKINSON T & T", 240 King St., Delta, CO 80416. Representative: Dale E. Isley, Esq., 50 S. Steele St., No. 330, Denver, CO 80209. *General Commodities* (except Classes A & B explosives, commodities in bulk, and hazardous materials) between points in Mesa, Delta, Montrose, Gunnison and Denver Counties, CO for 270 days. There are eleven supporting shipper statements attached to this application which may be inspected at the San Francisco Regional Office.

MC 164389 (Sub-6-1TA), filed October 25, 1982. Applicant: DALE A. SEVERNS, JR., 10062 Chase St., Broomfield, CO 80020. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202-3357. *Contract carrier*, irregular routes: (1) *Machinery, metal products and commodities which because of their size or weight require the use of special handling or equipment, T1(a) between Westminster, CO on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with the Apparatus Division of General Cable Co. of Westminster, CO; (b) between Sumter, OR, Denio, NV, Humboldt, AZ, Price, UT, and Denver, CO commercial zones on the one hand, and on the other, points in the U.S. (except AK and HI), under continuing contract(s) with American Mine Services, Inc. of Denver, CO; (2) Lumber and wood products*, (a) between points in CA, ID, MT, WA and OR on the one hand, and, on the other, points in CO, WY and KS under continuing contract(s) with Click Lumber Co. and Geddes Lumber Co., both of Denver, CO, for 270 days. Supporting shippers: American Mine Services, Inc., 4705 Paris St., Denver, CO 80239; Click Lumber Co., 1711 W. Colfax, Denver, CO 80204; Geddes Lumber Co., 1711 W. Colfax, Denver, CO 80204; and General Cable Co. Apparatus Division, 5600 W. 88th Ave., Westminster, CO 80030.

MC 164104 (Sub-6-3TA), filed October 21, 1982. Applicant: SITTER'S TRANSPORT LIMITED, 406 1st Ave., Kindersley, Saskatchewan S0L 1S0. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Ground clay* from Christmas Valley, OR to points on the U.S.-Canada International Boundary Line in ID, MT and WA for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Oil-Dri West, Inc., Christmas Valley, OR 97641.

MC 126327 (Sub-6-11TA), filed October 25, 1982. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Metal frames and plastic articles*, from Maricopa and Pinal Counties, AZ, to points in Santa Clara County, CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Memorex Corporation, 2400 Condensa St., Santa Clara, CA 95051.

MC 153082 (Sub-6-2TA), filed October 25, 1982. Applicant: TRANS CONTINENTAL TRANSPORT, INC., 2661 Federal Way, P.O. Box 7583, Boise, ID 83707. Representative: Paul R. Blomberg (same as applicant). *Metal products* (except household goods and except class A and B explosives) between points in Jefferson County, AL; Whiteside and Cook Counties, IL; Lake County, IN; Muscatine County, IA; Wayne County, MI; Stark, Cuyahoga and Trumbull Counties, OH; and Northampton and Allegheny Counties, PA, on the one hand, and, on the other, points in Maricopa and Pima Counties, AZ; Denver, Pueblo, El Paso, Larimer, Fremont and Weld Counties, CO; ID; Yellowstone County, MT; Bernalillo County, NM; OR; Dallas and Tarrant Counties, TX; UT; King, Cowlitz, Grays Harbor and Kitsap Counties, WA; and Natrona and Sweetwater Counties, WY, for 270 days. Supporting shipper: Azcon Steel, P.O.B. 501, Pleasant Grove, UT 84062.

MC 164458 (Sub-6-1TA), filed October 28, 1982. Applicant: TERRY ANDERSEN, d.b.a. TERRY ANDERSEN TRUCKING, 5102-70th Ave. N.E., Olympia, WA 98506. Representative: (same as applicant). *Contract Carrier*, Irregular routes: *Furniture and fixtures*, from Kent, WA to points in OR and CA and from CA and OR to Kent, WA for the account of A-America, Inc., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: A-America, Inc. 18405–72nd Ave. S.W. Kent, WA 98188.

MC 41098 (Sub-6–10TA), filed October 27, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K Street N.W., Washington, D.C. 20006. *Contract,* irregular: *Household goods* between points in the U.S. under continuing contract(s) with Employee Transfer Corporation of Chicago, IL. for 270 days. Supporting shipper: Employee Transfer Corporation of Chicago, IL 60606.

MC 41098 (Sub-6–11TA), filed October 27, 1982. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, D.C. 20006. *Contract carrier,* irregular routes, transporting *general commodities* (except commodities in bulk and classes A and B explosives) between points in the U.S. under continuing contracts with Rockwell International Corporation of Pittsburgh, PA, for 270 days. Supporting shipper: Rockwell International Corporation, 600 Grant St., Pittsburgh, PA 15219.

MC 154510 (Sub-6–2TA) filed October 27, 1982. Applicant: INLAND CORPORATION, P.O. Box 1528, Farmington, NM 87401. Representative: Dale E. Isley, Esq., 50 S. Steele St., No. 330, Denver, CO 80209. *Commodities in bulk,* between points in La Plata, Montezuma, Dolores, San Juan, San Miguel, Ouray, Montrose and Mesa Counties, CO; San Juan, Grand and Emery Counties, UT: McKinley, Rio Arriba and Sandoval Counties, NM; and Apache County AZ, for 270 San Juan, days. Supporting shipper: Shell Oil Co., P.O. Box 2099, Houston, TX 77001.

MC 164187 (Sub-6–1TA) filed October 27, 1982. Applicant: LAN NGUYEN CHU AND TED NGUYEN d.b.a. LUCKY RENO TOURS, 2250 Mission St., San Francisco, CA 94110. Representative: Lan Nguyen Chu (same as applicant). *Passengers and their baggage,* in charter and special operations, between points in San Francisco, Oakland and San Jose, CA on the one hand, and, on the other, points in NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined in the office listed.

MC 138505 (Sub-6–7TA) filed October 28, 1982. Applicant: METROPOLITAN CONTRACT, SERVICES, INC., 6000 South Ulster, Suite 206, Englewood, CO 80111. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102. *Contract, irregular,* transporting *such commodities as are dealt in by retail department stores and hardware stores,* between St. Louis, MO and points in St. Charles and St. Louis Counties, MO, on the one hand, and, on the other, points in Calhoun, Greene, Jersey, Macoupin, Montgomery, Bond, Clinton, Washington, Perry, Randolph, Monroe, St. Clair and Madison Counties, IL, under a continuing contract or contracts with Central Hardware CO. for 270 days. Supporting shipper: Central Hardware Co., 111 Boulder Industrial Drive, Bridgeton, MO 63044.

MC 96931 (Sub-6–2TA) filed October 28, 1982. Applicant: VALDEZ TRANSFER, INC., P.O. Box 6985, Phoenix, AZ 85009. Representative: Marshall Kragen, 1919 Pennsyvania Avenue NW., Suite 300, Washington, D.C. 20006. *Contract carrier,* irregular routes: *semiconductor products and equipment, material, and supplies used in the manufacture thereof,* between points in Maricopa County, AZ, on the one hand, and, on the other, points on the U.S.-Mexico border in AZ, for 270 days. Supporting shipper: Motorola, Inc., Semiconductor Sector, 5005 E. McDowell Road, Phoenix, AZ 85008.

[FR Doc. 82I–30601 Filed 11–5–82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: November 2, 1982.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

No. MC–F–14982, filed October 26, 1982. CAROLINA FREIGHT CORPORATION (North Carolina Highway 150 East, P.O. Box 697, Cherryville, NC 28021)—CONTROL—CAROLINA FREIGHT CARRIERS CORPORATION (North Carolina Highway 150 East, Cherryville, NC 28021), and CARDINAL CONTRACT CARRIERS, INC. (P.O. BOX 1728, Concord, NC 28025). Representative: Francis W. McInerny, Suite 502, Solar Bldg., 1000 16th St., N.W., Washington, D.C. 20036.

Carolina Freight Corporation, a non-carrier, seeks authority to acquire control of Carolina Freight Carriers Corporation, a common carrier, Cardinal Contract Carriers, Inc., a contract and a common carrier, and Motor Carrier Insurance, Ltd., a non-carrier. Carolina Freight Carriers Corporation currently controls Cardinal Contract Carriers, Inc., and Motor Carrier Insurance, Ltd., through direct ownership of all of the latters' capital stock. C. Grier Beam, who controls Carolina Freight Corporation, seeks authority to control the carriers through the transaction.

Carolina Freight Carriers Corporation holds authority under No. MC–2253 to transport *general commodities* (with exceptions) and specified commodities including, but not limited to, *textile products, machinery, food and related products, wood products, rubber and plastic products*, etc., over a network of regular and irregular routes between specified points in the United States (except AK and HI).

Cardinal Contract Carriers, Inc., holds authority under Docket No. MC–154105 as a contract carrier to transport *general commodities* (with exceptions) between points in the U.S. under contracts with specified shippers and as a common carrier to transport *general commodities* (with exceptions) between points in the United States (except AK and HI).

Control of Cardinal Contract Carriers, Inc., by Carolina Freight Carriers Corporation was authorized by the Commission in Docket No. MC–F–14605.

Carolina Freight Carriers Corporation presently controls CaroTrans, Inc., which is a transitory company that will go out of existence on consummation of the proposed transaction.

[FR Doc. 82–30600 Filed 11–5–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

For the following please direct status inquiries to Team 1 at 202–275–7992.

Volume No. OP1–191

Decided: October 29, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 163781, filed October 22, 1982. Applicant: PRADON CONSTRUCTION & TRUCKING CO., INC., 2020 West 83rd, Odessa, TX 79762. Representative: William D. Lynch, 1003 West 6th Street, Austin, TX 78703, (512) 472–1101. Transporting *Mercer commodities*, between points in TX, OK, LA, NM, CO, WY, AZ, CA, UT, ND, MS, MT, AR, SD, NE, NV, and KS.

MC 164371, filed October 25, 1982. Applicant: COMMODITY CARRIER CORPORATION, 942 Escambia Street, Jacksonville, FL 32208. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Duval County, FL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 164341, filed October 21, 1982. Applicant: ALVIN M. STRICKLAND d.b.a. STRICKLAND TRUCKING, 4519 W. Knox St., Tampa, FL 33614. Representative: Alvin M. Strickland (same address as applicant), (813)–886–0454. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Florida Steel Corporation, of Tampa, FL.

MC 164340, filed October 21, 1982. Applicant: PATTERSON TRUCKING, INC., Box 56, Line Lexington, PA 18932. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (212) 263–2078. Transporting *commodities in bulk*, between points in CA, CT, DE, KY, MA, MD, MI, NJ, NY, OH, PA, RI, VA, WV and DC.

MC 164291, filed October 19, 1982. Applicant: CURTIS KNIGHT, E. E. STAFFORD, and B. H. KNIGHT, d.b.a. EVER READY BUS LINE, 6614 South Western Ave., Los Angeles, CA 90047. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213)–879–5955. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Los Angeles County, CA, and extending to points in the U.S. (except AK and HI).

MC 161981, filed October 20, 1982. Applicant: JERRY J. LEVASSEUR d.b.a. LEVASSEUR MOUNTAIN EXPRESS, 16542 Cedar Heights Drive, Pioneer, CA 95666. Representative: Jerry J. LeVasseur (same address as applicant), (209)–295–7015. Transporting *lumber and related products*, between points in OR and WA, on the one hand, and, on the other, points in CA.

MC 150301 (Sub-25), filed October 19, 1982. Applicant: Representative: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Country Roads, Inc., of Belding, MI.

MC 148560 (Sub-14), filed October 22, 1982. Applicant: GOLD STAR, INC., 130 Davidson Ave., Somerset, NJ 08873. Representative: A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068, (201) 992–2200. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with First National Supermarkets, Inc., of Maple Heights, OH.

MC 146761 (Sub-5), filed October 22, 1982. Applicant: P. J. TRUCKING, INC., P.O. Box 376, Summit, IL 60501. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Shaklee Corporation, of San Francisco, CA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 1, Room 2379.

MC 124411 (Sub-27), filed October 22, 1982. Applicant: SULLY TRANSPORT, INC., 601 8th St., Sully, IA 50251. Representative: James M. Hodge, 3730 Ingersoll Ave., Des Moines, IA 50312, (515) 274–4985. Transporting *kerosene*, between St. Paul, MN, on the one hand, and, on the other, points in IA.

MC 96931 (Sub-4), filed October 22, 1982. Applicant: VALDEZ TRANSFER, INC., P.O. Box 6985, Phoenix, AZ 85009. Representative: Marshall Kragen, 1919 Pennsylvania Ave., N.W., Suite 300, Washington, DC 20006, (202) 466–3778. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Motorola, Inc., Semiconductor Sector, of Phoenix, AZ.

MC 87730 (Sub-31), filed October 20, 1982. Applicant: R. W. BOZEL TRANSFER, INC., 4500 Hollins Ferry Rd., Baltimore, MD 21227. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 14251 (Sub-9), filed October 21, 1982. Applicant: APPLIED DISTRIBUTION SYSTEMS CORP., 3275 Alum Creek Dr., Columbus, OH 43207. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164301 filed October 20, 1982. Applicant: CAPRI TRANSPORT LTEE, 515 Ste. Catherine St., West, Room 207, Montreal, Quebec, Canada H3B 1B4. Representative: Adrien R. Paquette, 200 St. James St., Room 900, Montreal, Quebec, Canada H2Y 1M1, (514) 842–1864. Transporting *lumber and empty containers*, between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—This decision has been made in accordance with statutory provision of the Bus Regulatory Act of 1982 with great weight being given to the mandates set forth in the National Transportation policy.

MC 531 (Sub-467), filed October 20, 1982. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd., P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant), (713) 748–1000. Transporting *bulk commodities*, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 2 at 202–275–7030.

Volume No. OP2-272

Decided: October 27, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 2202 (Sub-684), filed October 22, 1982. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309. Representative: William O. Turney, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20814, (301) 986–1410. Transporting *general commodities* (except household goods, classes A and B explosives, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sears, Roebuck and Company, of Chicago, IL.

MC 15643 (Sub-16), filed October 20, 1982. Applicant: FOUR WINDS VAN LINES, INC., 7035 Convoy Court, San Diego, CA 82138. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW, Suite 1200, Washington, DC 20036 (202) 785–0024. Transporting *household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with E-Systems, of Dallas, TX.

MC 110683 (Sub-200), filed October 19, 1982. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, U.S. Hwy 11, Staunton, VA 24401 Representative: Francis W. McInerny, Suite 502, Solar Bldg., 1000 16th St. NW, Washington, DC 20036, 202–783–8131. Transporting *general commodities*, (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Air Products and Chemicals, Inc., of Allentown, PA.

MC 121473 (Sub-4), filed October 14, 1982. Applicant: VENCO TRUCKING, INC., R.D. 3 Emlenton, PA 16373. Representative: John E. McFate, 229 Elm St., Oil City, PA 16301 (814) 676–2736. Transporting *general commodities*, (except classes A and B explosives and household goods), between points in the U.S, under continuing contract(s) with Pennzoil Products Company, of Houston, TX.

MC 124333 (Sub-40), filed October 19, 1982. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Joseph F. Fogarty (same address as applicant) 302–652–0508. Transporting *petroleum and petroleum products*, between points in DE, NJ, and PA, under continuing contract(s) with F. C. Haab Company, Inc., of Philadelphia, PA, and Ryder Truck Rental, Inc., Division of Ryder System, Inc., of Auburn, MA.

MC 129903 (Sub-21), filed October 21, 1982. Applicant: EMPORIA MOTOR FREIGHT, INC., Route 5, Box 1103, Emporia, KS 66801. Representative: Warren A. Goff, 109 Madison Ave., Memphis, TN 38103 (901) 526–2900. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 142913 (Sub-4), filed October 20, 1982. Applicant: TRAVIS TRANSPORT, INC., 3546 Vandalia Rd., Des Moines, IA 50317. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309 (515) 245–4300. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with ITOFCA, Inc., of Downers Grove, IL. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authortiy please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 2, Room 2373.

MC 147853 (Sub-3), filed October 19, 1982. Applicant: MOYER & SONS, INC., 301 Marshall St., P.O. Box 733, Gaithersburg, MD 20877. Representative: Dean N. Wolfe, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877 (301) 840–8565. Transporting *household goods*, between points in the U.S (except AK and HI).

MC 148093 (Sub-2), filed October 20, 1982. Applicant: MIDWEST INDUSTRIAL FUEL, INC., 615 Sumner St., P.O. Box 385, La Crosse, WI 54601. Representative: Joseph E. Ludden, 2707 South Ave. P.O. Box 1567, La Crosse, WI 54601, 608–788–2000. Transporting *general commodities* (except classes A and B explosives and household goods), between points in La Crosse County, WI, on the one hand, and, on the other, points in IA and MN, under continuing contract(s) with Domtar Industries, Inc., Sifto Salt Division, of Schiller Park, IL.

MC 151583 (Sub-4), filed October 21, 1982. Applicant: UTF CARRIERS, INC., Benson Rd., Middlebury, CT 06749. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, 413–781–8205. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with United Forwarding, Inc., of Omaha, NE.

MC 153492 (Sub-1), filed October 18, 1982. Applicant: JOHN M. CORCORAN d.b.a. CORCORAN'S DRIVEAWAY, 1713 Bracknel Blvd., Rockford, IL 61103. Representative: John M. Corcoran (same address as applicant) 815–633–7740. Transporting *motor vehicles*, between points in the U.S. (except AK and HI), under continuing contract(s) with Rock River Ford, Inc., of Rockford, IL.

MC 153862 (Sub-3), filed October 18, 1982. Applicant: E & F TRUCKING, INC., R.D. No 3, Denver, PA 17517. Representative: Daniel W. Krane, P.O. Box E, Shiremanstown, PA 17011, 717–761–0520. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Tioga, Lycoming, Northumberland, Dauphin, Cumberland, York, Lancaster, Lebanon, Schuylkill, Montour, Columbia, Sulllivan, Bradford, Susquehanna, Wyoming, Luzerne, Wayne, Lackawanna, Pike, Monroe, Carbon, Northampton, Lehigh, Berks, Philadelphia, Montgomery, Chester, Delaware, and Cumberland Counties, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155022 (Sub-5), filed October 21, 1982. Applicant: PROCHNOW FARMS, INC., Rte. 5, Medford, WI 54451. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, 608–273–1003. Transporting *such commodities* as are dealt in, used by, and sold by manufacturers and distributors of disposable medical supplies, between points in Cobb County, GA and Middlesex County, NJ, on the hand, and, on the other, those points in the U.S., in and east of ND, SD, CO, and NM.

MC 155143 (Sub-1), filed October 21, 1982. Applicant: NEW DIXIE TRANSPORTATION CORP., P.O. Box 112, Providence Forge, VA 23140. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229,(804) 282–3809. Transporting *ammonium sulfate*, between Hopewell, VA, on the one hand, and, on the other, points in KY, NC, OH, SC, TN, VA, and WV.

MC 157692 (sub-1), filed October 20, 1982. Applicant: KRONEBUSCH FARMS, INC., RR No.1, Box 3, Altura, MN 55910. Representative: Joseph E., Ludden, P.O. Box 1567, 2707 South Ave., La Crosse, WI 54601, (608) 788–2000. Transporting *food and related products*, between points in Manitowoc County, WI, and Wabasha County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160043 (Sub-1), filed October 6, 1982. Applicant: RICHARD GREER TRUCKING, INC., P.O. Box 10864, Mehlville, MO 63129. Representative: B. W. LaTourette, Jr., 11 So. Meramec, Suite 1400, St. Louis MO 63105, (314) 727–0777. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk, between points in the U.S., under continuing contract(s) with (1) United Bags, Inc., (2) Loose Leaf Metals, Inc., (3) Allen Foods, Inc., (4) Halben Foods Manufacturing Co., Inc., (5) Allen Frozen Food Inc., (6) Bensinger's Inc., (7) Northwestern Bottle Company, (8) Krane Manufacture Co., and (9) Clinton, Inc., all of St. Louis, MO and (10) Loose Leaf Hardware, Inc., of West Memphis, AR, (11) Friday Canning Corporation, of New Richmond, WI, (12) Charleswood Laminating, of Wright City, MO, and (13) Golden Dipt Company, of Millstadt, IL.

MC 160302 (Sub-1), filed October 21, 1982. Applicant: THOMAS INDUSTRIES EXPRESS, INC., P.O. Box 769, 1700 Gilvert St., Hopkinsville, KY 42240. Representative: J. D. Youngblood, 207 E. Broadway, P.O. Box 35120, Louisville, KY 40232, (502) 582–3771. Transporting *paper and business forms*, between points in the U.S. under continuing contract(s) with Moore Business Forms, Inc., of Paducah, KY, and (2) *steel bins and steel shelving*, between points in the U.S., under continuing contract(s) with Nestier Corporation, of Dawson Springs, KY.

MC 164062, filed October 14, 1982. Applicant: BIRCHWOOD TRANSPORT, INC., P.O. Box 639, Kenosha, WI 53141. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53103, 414–273–7410. Transporting *such commodities* as are dealt in or used by chain grocers, food business houses, and restaurants, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Chart House, Inc., of Lafayette, LA, (b) Echo Lake Farm Produce Co., Inc., of Burlington, WI, (c) Evans Brothers Co., Inc., of Waukesha, WI, (d) H. H. Post Incorporated, of Denver, CO, (e) Kenosha Beef International, Inc., and its wholly owned subsidiary, Birchwood Meat and Provision Co., Inc., both of Kenosha, WI, (f) Packerland Packing Company, Inc., of Green Bay, WI, (g) The Sonneveldt Company, of Grand Rapids, MI, (h) Village Supply, Inc., of Des Moines, IA, (i) Wyatt Distributing Company, Inc., of Warrenton, MO, and (j) McMahon Food Co., Inc., of Noblesville, IN.

MC 164282, filed October 15, 1982. Applicant: GRANDCHAMP TRUCKING, 435 S.W. Liberty Bell Dr., Beaverton, OR 97006. Representative: Joe E. Grandchamp, 2116 Ocean Beach Hwy., Longview, WA 98632, (206) 423–9293. Transporting *building materials*, between points in WA, ID, MT, OR, WY, CA, NV, UT, CO, AZ, NM, on the one hand, and, on the other, points in WA, and OR.

MC 164343, filed October 22, 1982. Applicant: SIOUX LINE LTD., P.O. Box 5531, SU Station, Fargo, ND 58105. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *general commodities* (except classes A and B explosives and household goods), between points in MN, ND, and SD, on the one hand, and, on the other, points in the U.S (except AK and HI).

Volume No. OP2–274

Decided: October 28, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 64423 (Sub-4), filed October 25, 1982. Applicant: FREY'S MOTOR EXPRESS, INC., R.D. 3, Fox Farm Rd., P.P. Box 196, Phillipsburg, NJ 08865. Representative: James M. Cope (same address as applicant), 215–253–7181. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 135203 (Sub-2), filed October 19, 1982. Applicant: TEPICO, INC., 150 Lincoln Boulevard, Middlesex, NJ 08846. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Synray Corporation, of Kenilworth, NJ.

MC 140493 (Sub-5), filed October 20, 1982. Applicant: R & J INDUSTRIES, INC., P.O. Box 266, Elizabeth, NJ 07207. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304, (703) 751–2441. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of ND, SD, NE, KS, OK and TX.

MC 145093 (Sub-3), filed October 22, 1982. Applicant: J. C. TRANSPORT CORPORATION, 49 Roulston Rd., P.O. Box 496, Windham, NH 03087. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 273–3530. Transporting *such commodities* as are used in the manufacture, sale, and distribution of computer and computer parts, (1) between points in MA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, MD, ME, MI, NH, NJ, NY, OH, PA, RI, TX, VA, VT, WV, and DC, and (2) between points in MA and points in the U.S. (except AK and HI).

MC 151403 (Sub-2), filed October 15, 1982. Applicant: WM. L. AMMANN, 49 Cardinal Lane, Highland, IL 62249. Representative: Wm. L. Ammann (same address as applicant), 618–654–8269. Transporting *general commodities* (except classes A and B explosives, household goods and bulk commodities), between St. Louis, MO, points in St. Louis, St. Charles, Jefferson, Franklin and Warren Counties, MO, and Clinton, Madison, Marion, Monroe, St. Clair and Washington Counties, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155162 (Sub-1), filed October 15, 1982. Applicant: BRUCE J. HAWLEY, 22920 S.W. 82nd Ave., Tualatin, OR 97062. Representative: Bruce Hawley (same as applicant), (503) 638–6312. Transporting *machinery*, between points in OR, on the one hand, and, on the other, points in CA and WA.

MC 155342 (Sub-1), filed October 22, 1982. Applicant: GWD EXPRESS, INC., P.O. Box 396, Pioneer, OH 43554. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614–228–1541. Transporting *metal products*, between points in Williams County, OH, on the one hand, and, on the other, those points in the U.S. west of ND, SD, NE, KS, OK, and TX (except AK and HI).

MC 158923 (Sub-1), filed October 25, 1982. Applicant: JOHN R. VALENTINO TRUCKING, R.D. #2, Box 9B, Cochranville, PA 19330. Representative: John R. Valentino (same address as applicant), (215) 593–2186. Transporting *such commodities* as are dealt in or used by animal and poultry feed business houses, between points in CT, NH, VT, OH, IN, ME, MA, and RI.

MC 161033 (Sub-1), filed October 18, 1982. Applicant: CARDINAL CONTAINER, INC., 500 Nordhoff Pl., Englewood, NJ. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (201) 569–2236. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NJ, NY, OH and PA.

MC 163203, filed October 25, 1982. Applicant: MITCHELL A. HAUSKINS d.b.a. MITCH HAUSKINS TRUCKING, Box 213, Elmore, MN 56027. Representative: James M. Christenson, 4444 IDS Center, 80 South Eighth St., Minneapolis, MN 55402, (612) 339–4546. Transporting *feed and feed ingredients and fabricated metal products*, between points in MN, on the one hand, and, on the other, points in IA, IL, IN, MI, MN, NE, ND, SD, and WI.

MC 163223 (Sub-1), filed October 19, 1982. Applicant: FULTON HAULING COMPANY, INC., 11470 North Fulton Industrial Blvd., Alpharetta, GA 30201. Representative; Richard J. Reynolds III, 1400 Candler Bldg., 127 Peachtree St., N.E., Atlanta, GA 30043, (404) 658–8093. Transporting *cement*, between points in GA, NC, SC, and TN.

MC 164222, filed October 14, 1982. Applicant: THE BURKHARDT CORPORATION, 6516 S.W. 20th Court, Plantation, FL 33317. Representative: Gerard J. Donovan, 4791 S.W. 82nd Ave., Davie, FL 33328, 305–434–7621. Transporting *electric lamps, and bulbs, tile, flooring, roofing, cement, lumber and such commodities* used in the sale and manufacture of lumber, between points in AL, AR, FL, GA, KY, LA, MS, NC, SC, TN AND VA.

MC 164223, filed October 14, 1982. Applicant: BRUCE HEGNE, d.b.a. HEGNE TRUCKING SERVICE, P.O. Box 2594, Reno, NV 89505. Representative: Robert L. Crowell, 402 North Carson St., P.O. Box 1000, Carson City, NV 89702. Transporting *building materials, food and related products, beer, wine, and alcoholic beverages*, between points in Washoe, Carson and Churchill Counties, NV, and points in CA.

MC 164363. filed October 22, 1982. Applicant: RIGGERS, INC., 11 East Seventh St., Richmond, VA 23224. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th Street NW., Washington, DC 20004, (202) 737–1030. Transporting *commodities which because of their size or weight require the use of special handling or equipment*, between points in MD, NC, SC, VA, WV, and DC.

For the following, please direct status inquiries to Team 3 at 202–275–5223.

Volume No. OP3–10

Decided: October 2, 1982.

By the Commission, Review Board No. 2, M;embers Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC 15735 (Sub-57), filed October 8, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681–8378. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Standard Oil (Indiana) of Chicago, IL.

MC 78644 (Sub-3), filed October 19, 1982. Applicant: COPPES TRANSFER, INC., Box 718, Yarmouth, IA 52660. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting (1) *chemicals*, between points in IA, IL, MN, MO,NE KS, and WI, and (2) *lawn and garden machinery*, between Omaha, NE, and points in Washington County, IA, on the one hand, and, on the other, points in KS, IL, and IN.

MC 96725 (Sub-3), filed October 19, 1982. Applicant: M.SMITH, INC., 131st and 107th Ave., Orland Park, IL 60462. Representative: Stephen H. Loeb, Suite 4, 2777 Finley Rd., Downers Grove, IL 60515, (312) 953–0330. Transporting *such commodities* as are dealt in or used by agricultrual equipment, contruction equipment, motor vehicle manufacturers, and lawn and leisure product dealers and manufacturers, between points in the U.S. (except AK and HI).

MC 146234 (Sub-2), filed October 19, 1982. Applicant: BURNHAM TRUCKING COMPANY, INC., Box 393, 4101 W. Burnham St., Milwaukee, WI 53201. Representative: B. A. Klimek, 30 W. Monroe St., Chicago, IL 60603, (312) 346–0300. Transporting *lumber and wood products*, and *metal products*, between points in the U.S. (except AK and HI).

MC 148764 (Sub-7), filed October 13, 1982. Applicant: BUFFALO FUEL CORP., 2445 Allen Ave., Niagara Falls, NY 14303. Representative: August A. Iacovitti (same address as applicant), (716) 285–9101. Transporting (1) *minerals*, (2) *clay, concrete, stone or glass products*, and (3) *steel products*, between points in AL, CT, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, NH, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, WI, and WY.

MC 149054 (Sub-3), filed October 21, 1982. Applicant: THOMAS OVERLAND EXPRESS, INC., P.O. Box 2251, Mobile, AL 36601. Representative: Frank D. Hall S, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (405) 451–0401. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Louisiana-Pacific Corporation, of Portland, OR.

MC 151004 (Sub-5), filed October 12, 1982. Applicant: WARNACO TRUCKING CORP. 350 Lafayette St., Bridgeport, CT 06601. Representative: John F. Ryan (same address as applicant), (203) 579–8006. Transporting *clock parts*, between Dallas, TX, and points in Middlesex County, MA, under continuing contract(s) with Dallas Lighthouse for the Blind, Inc., of Dallas, TX.

MC 160745, filed October 15, 1982. Applicant: ARLYN ROWAN, d.b.a. ARLYN ROWAN TRUCKING, 425 S. Lincoln Ave., Fleming, CO 80728. Representative: Arlyn Rowan (same address as applicant), (303) 265–2121. Transporting *clay, concrete, glass or stone products*, between points in McPherson and Franklin Counties, KS, on the one hand, and, on the other, points in Weld, Larimer, Boulder, Denver, Adams, Jefferson, Logan, Arapahoe, and Morgan Counties, CO, and Laramie County, WY.

MC 163464, filed October 19, 1982. Applicant: TRANS SET CORP., P O. Box 250, Smiths, AL 36877. Representative: W. P. Leffler, P.O. Box 298, Smiths, AL 36877, (205) 298–1667. Transporting *mobile homes, mobile offices, modular structures*, and *portable buildings*, between points in AL and GA.

MC 164115, filed October 19, 1982. Applicant: TRAILCON, INC., 1527 Vandall St., Mendota Hts., MN 55118. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Ramsey County, MN, on the one hand, and, on the other, points in MN, and LaCrosse and Douglas Counties, WI.

MC 164164, filed October 7, 1982. Applicant: MORGAN DALE GRIGGS AND NATHAN MORGAN GRIGGS, d.b.a. N.M. GRIGGS COMPANY, 859 E. Highway 78, Brawley, CA 92227. Representative: Morgan Dale Griggs (same address as applicant), (714) 344–6141. Transporting *construction and farm machinery*, between points in AZ, on the one hand, and, on the other, points in CA.

MC 164194, filed October 13, 1982. Applicant: GOLDEN DONUT COMPANY, 3855 Hamilton Rd., Columbus, GA 31904. Representative: W. H. Tomlinson, 1601 13th St., Suite B, Columbus, GA 31901, (404) 322–8404. Transporting *doughnuts and pastries*, between points in GA, on the one hand, and, on the other, points in AL, under continuing contract(s) with GA–ALA Donut Co., Inc., d.b.a. Krispy Kreme Donut Company, of Columbus, GA, and ITT Continental Baking Company, of Rome, GA.

MC 164354, filed October 20, 1982. Applicant: TITAN TRANSFER INC., 3617A Silverside Rd., Wilmington, DE 19803. Representative: Gerald K. Burns, 3308 Englewood Rd., Wilmington, DE 19810. Transporting *building materials* and *clay, concrete, glass and stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with TAMKO Asphalt Products, Inc., of Joplin, MO.

For the following, please direct status inquires to Team 4 at 202–275–7669.

Volume No. OP4–017

Decided: November 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 30237 (Sub-48), filed October 19, 1982. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt (same address as applicant), (804) 369–5695. Transporting *plastic products*, between points in Greenup County, KY, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, MO, AR and LA.

MC 99737 (Sub-5), filed October 18, 1982. Applicant: SUPERLINE TRANSPORTATION COMPANY, INC., 111 Braley Rd., E. Freetown, MA 02717. Representative: John DeGrazia (same address as applicant), (617) 642–7558. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in MA, IL, IN, MI, OH, and WI.

MC 115496 (Sub-139), filed October 19, 1982. Applicant: LUMBER TRANSPORT, INC., P.O. Box 312, Cochran, GA 31014. Representative: Kim G. Meyer, P.O. Box 56282, Atlanta, GA 30303, (404) 523–1717. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 141167 (Sub-62), filed October 19, 1982. Applicant: BLUFF CITY TRANSPORTATION, INC., P.O. Box 18391, Memphis, TN 38118. Representative: Elmer Kernan (same address as applicant), (901) 396–2201. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. under continuing contract(s) with American Cyanamid Company of Wayne, NJ and Lakeside Packing Company of Manitowoc, WI.

MC 145797 (Sub-18), filed October 19, 1982. Applicant: NANCY TRANSPORTATION, INC., 11 Hilltown Village Center, Chesterfield, MO 63017. Representative: R. Thomas Grasso (same address as applicant), (314) 532–7035. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146336 (Sub-30), filed October 19, 1982. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Valu-Rite Pharmacies, Inc., of Grand Prairie, TX.

MC 146336 (Sub-31), filed October 19, 1982. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609 109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Glazer's Wholesale Drug Company, Inc., of Dallas, TX.

MC 148407 (Sub-3), filed October 19, 1982. Applicant: CHEMICAL DISTRIBUTORS, INC., 2262 N.W. Nicolai St., P.O. Box 10763, Portland, OR 97210. Representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055–3273, (206) 235–1111. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Cargill Incorporated, of Lynwood, CA.

MC 149387 (Sub-4), filed October 19, 1982. Applicant: DEAN BRENNAN TRANSPORT, INC., 2529 Hwy 42, Manitowoc, WI 54220. Representative: Richard C. Alexander, 710 North Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting *food and related products*, between points in the U.S. (except AK and HI). CONDITION: Applicant seeks to convert its permits into a certificate with the filing of this application, therefore issuance of a certificate in this proceeding is subject to coincidental cancellation, of the permits in MC–149387 Sub 1X, issued March 9, 1982, and MC–149387 Sub 2, issued April 29, 1982.

MC 152706 (Sub-7), filed October 19, 1982. Applicant: MIDWEST OIL TRANSIT, INC., P. O. Box 68083, Indianapolis, IN 46268. Representative: Robert B. Hebert, Suite 1600, One Indiana Square, Indianapolis, IN 46204, (317) 632–6262. Transporting *chemicals and related products*, between Louisville, KY, and points in Tazewell and Macon Counties, IL, and Lawrence County, OH, on the one hand, and, on the other, Indianapolis, IN.

MC 163046, filed October 19, 1982. Applicant: VOYAGER II TRAVELS, INC., 3752 E. 127th St., Cleveland, OH 44105. Representative: Christopher L. Gibbon, 1215 Terminal Tower, Cleveland, OH 44113, (216) 781–1212. Transporting *passengers and their baggage*, in special and charter operations, between points in Cuyahoga County, OH, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 164247, filed October 14, 1982. Applicant: AAA TRANSPORTATION, INC., 14805 E. Moncrieff Pl., Aurora, CO 80011. Representative: Blythe Elkerton (same address as applicant), (303) 371–2990. Transporting *building materials, supplies and equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with AAA Wholesale, Inc., of Aurora, CO.

MC 164267, filed October 19, 1982. Applicant: L. G. MOORE TRUCKING, P. O. Box 48, Modesto, WA 98563. Representative: Jim Pitzer, 15 South Grady, Suite 321, Reston, WA 98055–3273, (206) 235–1111. Transporting *food and related products*, and (2) *lumber and wood products*, between points in WA and CA.

MC 164277, filed October 19, 1982. Applicant: RICHARD C. PUTMAN, d.b.a., R. C. PUTMAN TRUCKING, P. O. Box 105, Caroga Lake, NY 12032. Representative: David Earl Tinker, 1000 Connecticut Avenue, NW., Suite 1112, Washington, DC 20036–5391, (202) 887–5868. Transporting *commodities in bulk*, between points in AL, GA, IL, IN, MD, MS, NC, NJ, NY, OH, PA, SC, TN, and VA.

MC 164286, filed October 19, 1982. Applicant: EVANS AND SON TOURS, INCORPORATED, d.b.a CALIFORNIA TOUCH OF CLASS, 2502 W. 115th St., Inglewood, CA 90303. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, Ca 92702, (714) 667–8107. Transporting *passengers and their baggage*, in the same vehicle, in round-trip charter operations, beginning and ending at points in Los Angeles County, CA and extending to points in AZ, NV, OR, WA, CO, TX, OK, and FL.

Volume No. OP–019

Decided: November 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams.

MC 16567 (Sub-9), filed October 15, 1982. Applicant: J. L. SCHEFFLER TRANSPORT, INC., 1801 W. Fulton St., Chicago, IL 60612. Representative: Julius L. Scheffler, Jr., (same address as applicant), (312) 733–4733. Transporting *general commodities* (except classes A and B expolosives, household goods, and commodities in bulk), between points in IL, IN, MI, MN, MO, and WI.

MC 29886 (Sub-388), filed October 19, 1982. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Ave., Kenosha, WI 53142. Representative: Paul F. Sullivan, 3408 Wisconsin Avenue NW., Suite 202, Washington, D.C. 20016, (202) 363–1848. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S in and west of ND, SD, WY, CO, and NM, on the one hand, and, on the other, points in the U.S (except AK and HI).

MC 51146 (Sub-865), filed October 19, 1982. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Thomas E. Vanderberg, P.O. Box 2545, Green Bay, WI 54306, (414) 498–7690. Transporting (1) *paper and paper products*, and (2) *plastic products*, between points in the U.S., under continuing contract(s) with Menasha Corporation, of Neenah, WI.

MC 116086 (Sub-3), filed October 21, 1982. Applicant: LAWRENCE FREIGHT LINE, INC., 1321 North 3rd St., Lawrence, KS 66044. Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, (913) 843–0110. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Shawnee, Jefferson, Douglas, Johnson, Miami, Wyandotte, Leavenworth, and Atchison Counties, KS, on the one hand, and, on the other, points in Buchanan, Clinton, Platte, Ray, Clay, Lafayette, Jackson, Cass, and Johnson Counties, MO.

MC 143406 (Sub-8), filed October 12, 1982. Applicant: MICHEL PROPERTIES, INC., Stensersen Lane, Cockeysville, MD 21030. Representative: Walter T. Evans, 4304 East-West Highway, Bethesda, MD 20814, (301) 657–2636. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI). Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of the Permits in Nos. MC–143406 (Sub-2), MC–143406 (Sub-3), MC–

143406 (Sub–P4X), MC–143406 (Sub–6), and MC–143406 (Sub–7), served April 28, 1981, May 14, 1981, June 23, 1981, July 22, 1982, and September 21, 1982, respectively. This is a conversion application filed under 49 U.S.C. 10923(e).

MC 144927 (Sub-49), filed October 19, 1982. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, US. 24 W., Remington, IN 47977. Representative: Steve Martin (same address as applicant), (219) 261–3461. Transporting *metal products* and *chemicals products*, between points in the U.S. (except AK and HI).

MC 151826 (Sub-7), filed October 21, 1982. Applicant: J & S TRUCK SERVICE, INC., P.O. Box 807, Lexington, NC 27292. Representative: C. Jack Pearce, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036, (202) 786–0048. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 152267 (Sub-3), filed October 20, 1982. Applicant: JET-REST TRANSPORTATION COMPANY, INC., South Carolina Hwy. 14, Greer, SC 29651. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. Transporting *machinery*, between points in Greenville County, SC, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 164207, filed October 13, 1982. Applicant: A-LINE, LTD., 2000 S. 71st St., Philadelphia, PA 19142. Representative: Robert B. Einhorn, 3220 P. S. F. S. Bldg. 12 S. 12th St., Philadelphia, PA 19107, (215) 922–1400. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MA, CT, NY, NJ, PA, DE, MD, MI, IL, IN, OH, WV, VA, NC, SC, GA, FL, AL, MS, TN, KY, LA, AR, TX, OK, MO, IA, WI, MN, NE, KS, WY, CO, NM, AZ, UT, NV, CA, OR, WA, and DC. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request, of Permits Nos. MC–151710, MC–151710 (Sub-No. 1), and MC–151710 (Sub-No. 2).

MC 164266, filed October 19, 1982. Applicant: MICHAEL LLOYD, d.b.a. PINE TREE TRUCKING, 13912 E. Lomitas, La Puente, CA 91746. Representative: Michael Lloyd (same address as applicant), (213) 333–2421. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Cascade West Transportation Brokers, of Lake Oswego, OR.

MC 164317, filed October 20, 1982. Applicant: E & H TRANSFER, INC., P.O. Box 1303, Woodward, OK 73801. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424–3301. Transporting *Mercer commodities*, between points in OK, on the one hand, and, on the other, points in AR, CO, KS, LA, NM, TX, and WY.

Volume No. OP4–021

Decided: November 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams.

FF 626, filed October 20, 1982. Applicant: BEST FORWARDERS, INC., 4419 Van Nuys Blvd., Suite No. 300, Sherman Oaks, CA 91403. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 785–0024. As a *freight forwarder*, in connection with the transportation of *household goods, unaccompanied baggage, and used automobiles*, between points in the U.S.

MC 105457 (Sub-106), filed October 22, 1982. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Rd., Charlotte, NC 28206. Representative: John Luckadoo (same address as applicant), (704) 373-1933. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with E.I. DuPont de Nemours & Company, Inc., of Wilmington, DE.

MC 115557 (Sub-44), filed October 22, 1982. Applicant: CHARLES A. McCAULEY, 308 Leasure Way, New Bethlehem, PA 16242. Representative: VERNE T. MAHOOD, (same address as applicant), (814) 365–5811. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in PA, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an applicatio under 49 USC 11343 (A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, room 2410.

MC 136086 (Sub-20), filed October 22, 1982. Applicant: GUILEY TRUCKING, INC., 8615 Pecan Ave., Fontana, CA 92335. Representative: Milton W. Flack, 8484 Wilshire Blvd., No. 840, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, ID, KS, MT, NV, NM OK, OR, TX, UT, WA, and WY.

MC 142407 (Sub-5), filed October 21, 1982. Applicant: ROLL-ON, INC., Rt No. 3, Box 36C, Brevard, NC 28712. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555.Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Clinton County, NY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 143036 (Sub-2), filed October 22, 1982. Applicant: CUSTOM TOWING, INC., 5951 Marion Dr., Denver, CO 80216. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264, (303) 861–4028. Transporting *transportation equipment*, between points in CO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150136 (Sub-5), filed October 21, 1982. Applicant: JOE SICILIA, INC., N. 5523 Julia, Spokane, WA 99207. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009, (206) 453–0312. Transporting *farm machinery and implements*, between points in the U.S., under continuing contract(s) with Saunders & Ott, Inc., of Fairfield, WA.

MC 151667 (Sub-8), filed October 22, 1982. Applicant: J. F. LOMMA, INC., 286 Central Ave., S. Kearny, NJ 07032. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, DE, MD, ME, MA, NC, NH, NJ, NY, OH, PA, RI, VT, VA, WV and DC, on the one hand and, on the other, points in the U.S. (except AK and HI).

MC 151726 (Sub-2), filed October 21, 1982. Applicant: SHEYENNE VALLEY LUMBER CO., P.O. Box 276, Leonard, ND 58052. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *building materials*, (1) between points in CA, ID, MT, OR, WA and WY, on the one hand, and, on the other, points in the MN, ND, SD, and WI, and (2) between points in MN, ND, SD, and WI.

MC 152176 (Sub-3), filed October 22, 1982. Applicant: SAIN & HEAVNER TRUCKING, Rt. 1, Box 316, Vale, NC 28168. Representative: Frank A. Graham, Jr., P.O. Box 11864, Columbia, SC 29211,

(805) 799–9122. Transporting *such commodities* as are dealt in by food supermarkets, between points in the U.S., on the one hand, and, on the other, points in Mecklenburg and Union Counties, NC, under continuing contract(s) with Harris-Teeters Super Markets, Inc., of Charlotte, NC.

MC 162696, filed October 21, 1982. Applicant: GENE MILLER, 1919 Ashland Ave., Sheboygan, WI 53081. Representative: Richard D. Armstrong, 925 Hyland Dr., Stoughton, WI 53589, (608) 873–8929.. Transporting (1) *building materials,* (2) *clothing and related products,* (3) *commodities in bulk,* (4) *food and related products,* (5) *furniture* and *fixtures,* and (6) *pulp, paper and related products,* between points in WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 164336, filed October 21, 1982. Applicant: WINTERLAND EXPRESS, INC., 1729 13th Ave., N., Grand Forks, ND 58201. Representative: Dale F. Kuzel (same address as applicant), (701) 746–5134.. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IA, MN, MT, ND, SD, and WI, on the one hand, and, on the other hand, points in the U.S. (except AK and HI).

MC 164356, filed October 22, 1982. Applicant: R. PEDRONCELLI TRUCKING, 27 Vermont Terrace, Southington, CT 06489.. Representative: Joseph Crispino, 25 Berlin Ave., P.O. Box 71, Southington, CT 06489, (203) 628–9617. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Radnor Manufacturing, Inc., of Southington, CT.

Volume No. OP4–023

Decided: November 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams.

MC 42487 (Sub-1063), filed September 13, 1982, previously noticed in the FR issue of September 29, 1982, and republished this issue. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ingersoll-Rand Company, of Piscataway, NJ and its wholly-owned subsidiaries Ingersoll-Rand Company, Northern Research & Engineering Co., of Woburn, MA; The Torrington Company, of Torrington, CT; The Torrington Company, of Cairo, GA Clinton, SC, Dahlonega, GA, Honea Path, SC, Rutherfordton, NC, South Bend, IN, Sylvania, GA, Thomaston, CT, Union, SC, Walhalla, SC, Waterbury, CT, and Syracuse, NY: Ingersoll-Rand Company, LCN Closers Division, of Princeton, IL, Ingersoll-Rand Company, Von Duprin Division of Indianapolis, IN, Ingersoll-Rand, Von Duprin Ltd, of Chambly, Quebec, Canada, Ingersoll-Rand Company, Schlage Electronics Division, of Santa Clara, CA; Western Land Roller Company, of Hastings, NE, McCartney Manufacturing Division, of Baxter Springs, KS; Lee Norse Company, of Charlerio, PA, Beckley, WV, Indiana, PA, Benton, IL, Price, UT, Taylorville, IL, Paisley, PA, Wise, VA, and Manson Machine Company, of Taylorville, IL; Sier-Bath Gear Company, Inc., of North Bergen, and Ridgefield, NJ; Terry Corporation, of Windsor, CT, Terry Corp., of East Lyme, CT and Terry Corp. (Terry Southwest), of Houston, TX; California Pellet Mill Company, of San Francisco, CA, Sparks, NV, Crawsfordsville, IN, N. Kansas City, MO, and Freeport, IL; S & S Corporation, of Cedar Bluff, and Bristol, VA, Renewal Parts, Cedar Bluff, VA, E. M. Hill Machine Co., Inc., of Walpole, MA, Schlage Lock Co., of San Francisco, CA Rocky Mount, NC, Security, CO, Colorado Springs, CO and Reno NV. NOTE: The purpose of this republication is to include the subsidiaries of Ingersoll-Rand Company, which were previously ommitted.

For the following, please direct status inquiries to Team 5 at 202–275–7289.

Volume No. OP5–237

Decided: October 28, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 69938 (Sub-4), filed October 14, 1982. Applicant: B V & G TRANSPORT CO., P.O. Box 723, 1557R State St., Granite city, IL 62040. Representative: Joel H. Steiner, 135 South LaSalle St., Suite 2106, Chicago, Il 60603, (312) 236–9375. Transporting *building materials* between points in AR, IL, IN, IA, KS, KY, TN, NE, MO, MI, OH, and WI.

MC 108859 (Sub-88), filed October 14, 1982. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Ave., North, Escanaba, MI 49829. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53701, 608–257–9521. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 115818 (Sub-16), filed October 21, 1982. Applicant: WESTBURY TRANSPORT, INC., 93–59 183rd St., Jamaica, NY 11423. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835–4411. Transporting *such commodities* as are dealt in by retail department stores, between points in the U.S., under continuing contract(s) with Miami Interior Design Warehousing and Delivery, Inc., of Medley, FL.

MC 141988 (Sub-3), filed October 19, 1982. Applicant: C. F. HEARN, INC., 101 Main St. Box 6, Colon, NC 27236. Representative: Cleveland Floyd Hearn (same address as applicant), 919–776–1123. Transporting *passengers* and their baggage in the same vehicle with passengers in charter operations, beginning and ending at points in Alamance, Chatham, Cumberland, Durham, Guilford, Harnett, Hoke, Johnston, Lee, Montgomery, Moore, Orange, Randolph, Robeson, Sampson, and Wake Counties, NC, an extending to points in the U.S. (except AK and HI).

MC 142899 (Sub-5), filed October 20, 1982. Applicant: CORRUGATED CARRIERS, INC., 8998 L. Street, Suite 131, Omaha, NE 68127. Representative: Steven L. Crouse, (same address as applicant), (402) 339–6600. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CO, IA, KS, MO, NE, MN, and SD.

MC 144678 (Sub-45), filed October 19, 1982. Aplicant: AMERICAN FREIGHT SYSTEM, INC., 9393 West 110th St., Overland Park, KS 66210. Representative: Harold H. Clokey (same address as applicant), 913–648–5540. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Sears Roebuck and Co., of Chicago, IL.

MC 146329 (Sub-15), filed October 19, 1982. Applicant: W–H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except commodities in bulk, household goods, and classes A and B explosives), between points in WI and the Upper Peninsula of MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148569 (Sub-10), filed October 18, 1982. Applicant: JAMES BRUCE LEE &

STANLEY LEE, d.b.a. LEE CONTRACT CARRIERS, Old Route 66, P.O. Box 48, Pontiac, IL 61764. Representative: Edward F. Stanula, 900 East 162nd St., South Holland, IL 60473, (312) 596–8575. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Proctor Products, Inc., of Chesterfield, MO; Wilson Leather Company, Inc., of St. Louis, MO; and W. C. Reynolds Co., of St. Louis, MO.

MC 152068 (Sub-5), filed October 14, 1982. Applicant: HOC–EXPRESS, INC., 125 N. Elizabeth, Wichita, KS 67203. Representative: Clyde N. Christey, KS. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, 913–233–9629. Transporting *non-metallic minerals,* between points in MT, SD, NE, WY, and UT, on the one hand, and, on the other, points in AR, KS, NE, LA, OK, and TX.

MC 152238 (Sub-20), filed October 20, 1982. Applicant: CALIFORNIA–AMERICAN TRUCKING, INC., 1215 S. Main St., Yreka, CA 96097. Representative: John R. Harleman, P.O. Box E, Yreka, CA 96097, 916–842–1271. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, CA, IL, IN, MD, MI, NY, OH, OR, PA, TX, UT, WA, and WI.

MC 152928 (Sub-2), filed October 21, 1982. Applicant: SEA RAIL PIGGYBACK SERVICES, INC., 4901 West 31st St., Cicero, IL 60650. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *general commodites* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, GA, IL, IN, IA, KS, KY, MI, MN, MS, MO, NE, NY, OH, TN, TX, and VA, on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NY, OH, OK, PA, TN, TX, VA, WV, and WI.

MC 153668, filed October 21, 1982. Applicant: CHALLENGE TRANSPORTATION, INC., Route 2, Box 116, Jefferson, TX 75657. Representative: J. Michael Alexander, Suite 301, Allied Bank-Southwest, 5801 Marvin D. Love Freeway, Dallas, TX 75237–2385, (214) 339–4108. Transporting (1) *Mercer commodities,* (2) *machinery* and (3) *metal products,* between points in the U.S. (except AK and HI).

MC 154419 (Sub-3), filed October 20, 1982. Applicant: ENID TRANSPORT, INC., 1303 S. 66th St., Enid, OK 73702. Representative: C. L. Phillips, Classen Terrace Bldg., Room 248, 1411 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *non-alcoholic beverages* between points in Garfield County, OK, on the one hand, and, on the other, points in TX.

MC 156299 (Sub-2), filed October 19, 1982. Applicant: BILL HILL d.b.a. HILL TRUCKING, 104 Castle Ave., Paragould, AR 72450. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201 (501) 375–3022. Transporting *shock absorbers* between points in the U.S. (except AK and HI), under continuing contract(s) with Monroe Auto Equipment Company of Monroe, MI.

Volume No. OP5–238

Decided: October 28, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 157488 (Sub-2), filed October 19, 1982. Applicant: ROY M. WESSELS, d.b.a. D & K TRANSPORTATION, P.O. Box 818, Lewiston, ID 83501. Representative: Roy Wessels (same address as applicant) (208) 743–3212. Transporting *lumber and wood products,* between points in WA, ID, OR, CA, AZ, ND, SD, UT, CO, WY, NE, NV, MN, IA, KS, and MT, under continuing contract(s) with Inland Forest Products, of Clarkston, WA.

MC 158618, filed October 19, 1982. Applicant: SCHNEIDER TRUCKING CO., INC., 326 East Stonehedge, Suite 19G, Salt Lake City, UT 84107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114 (502) 397–9900. Transporting *Mercer commodities* between points in AR, CA, CO, ID, KS, LA, MT, NV, OK, TX, UT, and WY.

MC 159659 (Sub-1), filed October 21, 1982. Applicant: J WAY STERILE SERVICE, INC., 639 Ramsey Avenue, Hillside, NJ 07205. Representative: A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roseland, NJ 07068 (201) 992–2200. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI) under continuing contracts(s) with (a) Medical Action Corporation, of Plainview, NY, and (b) South Mountain Medical Company, of Asheville, NC.

MC 160279 (Sub-4), filed October 20, 1982. Applicant: MBPXL TRANSPORTATION, INC., P.O. Box 2519, Wichita, KS 67201. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501 (402) 475–6761. Transporting *such commodities* as are dealt in by home improvement centers between points in the U.S. (except AK and HI), under continuing contract(s) with Star Lumber & Supply Co., Inc., of Wichita, KS.

MC 160669, filed October 15, 1982. Applicant: SUNRAY COOPERATIVE TRUCKING, INC., Building 123, Naval Shipyard, San Francisco, CA 94124. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518 (415) 825–1774. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S., under continuing contract(s) with Cofco Piggyback Service, of Mount Prospect, IL; Streamline Shippers Association, Inc., of Baltimore, MD; United Shippers Association, Inc., of Cicero, IL; and West Coast Shippers Association, Bright Star Christmas Decorations, Ltd., East-West Shippers Association, and American Cardboard Company, all of Philadelphia, PA.

MC 161248, filed October 20, 1982. Applicant: JAMES L. MANNING d.b.a. DIRECT EXPRESS, 1742 Lonna Dr., Roanoke, VA 24019. Representative: James L. Manning (same address as applicant) 703–366–4680. Transporting *pulp, paper and related products,* between Big Island, VA, on the one hand, and, on the other, Philadelphia, PA and points in Adams, Bucks, Delaware and Montgomery Counties, PA, New Castle County, DE and Middlesex County, NJ, under continuing contract(s) with Owens-Illinois, Inc., of Big Island, VA.

MC 162208 (Sub-1), filed October 20, 1982. Applicant: OUTLAW ENTERPRISES, INC., 2537 Rubidoux Blvd., Riverside, CA 92509. Representative: Miles L. Kavaller, 315 South Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277–2323. Transporting *transportation equipment,* between points in AZ, CA, and NV, on the one hand, and, on the other, points in IL, OH, and OR.

MC 163289, filed October 21, 1982. Applicant: RICHLAND ENTERPRISES, INC., Rural Route 4, Auburn, IN 46706. Representative: Andrew K. Light, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting *malt beverages,* between points in IN, on the one hand, and, on the other, those points in the U.S. in and east of MN, WI, IL, MO, TN and AL.

MC 163348, filed October 13, 1982. Applicant: CLAUDE P. ROBINSON, d.b.a. C.P. ROBINSON TRUCKING and HOT SHOT SERVICE, P.O. Box 1030, Borger, TX 79007. Representative: Doyle G. Owens, P.O. Box 7735, Beaumont, TX 77706, 713–898–8086. Transporting *Mercer commodities,* between points in

Hutchinson, Potter and Randall Counties, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163458 (Sub-1), filed October 11, 1982. Applicant: McCONNELL TRUCKING COMPANY, Maint St., P.O. Box 42, Tioga, PA 16946. Representative: Henry McConnell, R.D. 1, Round Lake Rd., Savona, NY 14879, 607–583–2132.Transporting *malt beverages*, between points in Monroe County, NY and PA, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the eastern boundaries of Itasca and Koochicing Counties, MN, to the international boundary line between the U.S. and Canada.

MC 163559, filed October 20, 1982. Applicant: GRAPHIC ARTS MACHINISTS, INC., 3901 Perry St., Brentwood, MD 20722. Representative: Dennis Dean Kirk, Suite 929, Pennsylvania Bldg., 425–13th St. NW., Washington, DC 20004, (202) 347–1857. Transporting (1) *machinery*, (2) *metal products* and (3) *those commodities which because of size or weight require the use of special equipment*, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 164199, filed October 12, 1982. Applicant: FALCON EXPRESS, INC., 3343 Sweetbriar Place, Bensalem, PA 19020. Representative: Robert R. Harris, 1730 M St., NW., Suite 501, Washington, DC 20036–4579, (202) 296–2900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CT, DE, MD, MA, NJ, NY, NC, PA, SC, VA, and DC.

MC 164318, filed October 19, 1982. Applicant: FELMAC LEASING, INC., 3 Balch Street, P.O. Box 2423, Pawtucket, RI 02861. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852, (401) 884–0969. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, and (3) *machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Holliston Mills, Inc., of Hyannis, MA.

Volume No OP5–239

Decided: October 29, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell,

MC 30018 (Sub-2), filed October 14, 1982. Applicant: MARK A. BOZAICH, d.b.a. SACRAMENTO AUTO TRUCK CO., 525 Galveston St., West Sacramento, CA 95691. Representative: Mark A. Bozaich (same address as applicant), (916) 371–4040. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CA in and north of Monterey, Fresno, and Mono Counties.

MC 160929, filed October 5, 1982. Applicant: T-N-T SERVICES, INC., P.O. Box 4107, Santa Ana, CA 92702. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5856. Transporting *general commodities* (except classess A and B explosives, commodities in bulk, and household goods), between points in CA, TX, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 163718, filed October 20, 1982. Applicant: MAY TRANSPORTATION CO., INC., Route 1, Box 84, N. Little Rock, AR 72217. Representative: Thomas A. Stroud, 109 Madison Ave., Memphis, TN 38103, (901) 26–2900.Transporting *petroleum products*, between points in AR, LA, MO, MS, OK, TN, and TX.

MC 163788, filed October 12, 1982. Applicant: JOHN R. LADD, d.b.a. INDIAN NATION EXPRESS, 2201 Chandler Rd., Muskogee, OK 74401. Representative: Jack R. Anderson, Suite 305, Reunion Center, 9 East Fourth St., Tulsa, OK 74103, (918) 583–9000. Over regular routes, transporting *metal products*, between Wagoner, OK and Tulsa, OK, (a) from Wagoner over US. Hwy 69 to junction Oklahoma Hwy 51, then over Oklahoma Hwy 51, then over Oklahoma Hwy 51 to junction Muskogee Turnpike, then over the Muskogee Turnpike and the Broken Arrow Expressway to Tulsa, and return over the same route, serving all intermediate points.

MC 164229, filed October 14, 1982. Applicant: JESSE HUGHES, d.b.a. HUGHES TRANSPORTATION, PO. Box 698, Reform, AL 35481. Representative: Donald B. Sweeney, Jr., P.O. Box 2366, Birmingham, AL 35201, (205) 254–3880. Transporting (1) *lumber and wood products*, (2) *metal products*, (3) *machinery*, (4) *building materials*, (5) *rubber and plastic products*, (6) *textile mill products*, and (7) *paper and paper products*, between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

Volume No. OP5–242

Decided: November 1, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 36788 (Sub-3), filed October 1, 1982. Applicant: DILLON'S BUS SERVICE, INC., 8383 Elvaton Rd., Millersville, MD 21108. Representative: Steven L. Weiman, Suite 200, 444 N. Frederick Ave., Gaithersburg, MD 20877, 301–840–8565. Transporting *passengers and their baggage* in the same vehicle with passengers, over regular routes, between Annapolis, MD and Washington, DC. From Annapolis, MD over city streets to MD Hwy 450, then west on MD Hwy 450 to its junction with U.S. Hwy 50 and then west on U.S. Hwy 50 Washington, DC, and return over the same route.

MC 48948 (Sub-26), filed October 22, 1982. Applicant: THE HOCKING CARTAGE COMPANY, 28424 Chieftain Dr., Logan, OH 43138. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, 614–889–2531. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in OH, on the one hand, and, the other, points in the U.S. (except AK and HI).

MC 141889 (Sub-20), filed October 22, 1982. Applicant: DE BOER, INC., Box 145, Blenker, WI 54415. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, 608–256–7444. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and west of WI, IL, MO, AR and LA (except AK and HI).

MC 148678 (Sub-6), filed October 21, 1982. Applicant: McGRATH TRUCKING INC., 229 Old Elm Street, Mansfield, MA 02048. Representative: Ronald McGrath. (same address as applicant), (617) 339–2098. Transporting (1) *recreational equipment*, (2) *juvenile furniture* and (3) *toys and games*, between points in the U.S. under contract(s) with Child World Inc., of Avon, MA.

MC 151809 (Sub-3), filed October 22, 1982. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladik St., Piermont, NY 10968. Representative: Bruce J. Robbins, 18 East 48th St., New York, NY 10017, 212–755–9400. Transporting *such commodities* as are used by or dealt in by manufacturers and distributors of containers, container closures, books, and binders, between points in the U.S. (except AK and HI), under continuing contract(s) with Diamond Glass Company, Inc., of Royersford, PA, Federal Paper Board Co., Inc., of Piermont, NY, Garwood Paper Mill, Division of Millen Industries of Garwood, NJ, The Newark Group and its subsidiaries, Newark Boxboard Co. and Book Covers, Inc., of Newark, NJ.

MC 152329, filed October 22, 1982. Applicant: ROBERT F. WALL, d.b.a. ROBERT F. WALL TRUCKING, 933 Fredensborg Canyon Rd., Solvang, CA 93463. Representative: Robert F Wall (same address as applicant) 805–688–1248. Transporting *rubber and plastic products,* between points in Harris County, TX and Los Angeles County, CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 155759 (Sub-1), filed October 14, 1982. Applicant: BOWSER REGAL, INC., d.b.a. REGAL SERVICES, P.O. Box 509, Northeast, PA 16428. Representative: Richard L. Bowser (same address as applicant) (814) 725–8687. Transporting (1) *machinery,* between points in PA, on the one hand, and, on the other, points in NC, NY, TN, KY, SC, and VA, and (2) *foodstuffs,* between points in PA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, LA, MA, MD, ME, MI, NH, NJ, NC, NY, OH, RI, SC, TN, VT, VA, and WV.

MC 164268, filed October 19, 1982. Applicant: AMERICAN COLORS, INC., 1423 Fifth St., Sandusky, OH 44870. Representative: George M. Kunkle, American Colors, Inc., P.O. Box 1017, Sandusky, OH 44870, (419) 625–2173. Transporting (1) *chemicals, ores, and minerals and related products,* between points in FL, GA, IL, IN, KY, MI, NC, OH, PA, SC, TN, WI, and WV, and (2) *textile mill products* between points in Cleveland and Davidson Counties, NC, on the one hand, and, on the other, points in Elkhart County, IN, and Greene County, OH.

MC 164299, filed October 20, 1982. Applicant: CF ARROWHEAD SERVICES, INC., 175 Linfield Drive, Menlo Park, CA 94025. Representative: T. O. NELSON, P.O. Box 3062, Portland, OR 97208, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 5, Room 2416.

Agatha L. Morgenovich,
Secretary.

[FR Doc. 82-30604 Filed 11-5-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Team 3 (202) 275–5223.

Volume No. OP3–12

Decided: November 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Ewing not participating.)

MC 159044 (Sub-1), filed October 21, 1982. Applicant: MIDLAND EXPRESS, INC., 3930 W. 29th St., Suite 70, Wichita, KS 67217. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110–L, Topeka, KS 66612, (913) 233–9629. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 164265, filed October 19, 1982. Applicant: JAMES E. SCHAUSS, d.b.a. J C SCHAUSS TRUCKING, P.O. Box 366, Reedpoint, MT 59069. Representative: James E. Schauss (same address as applicant) (406) 326–4624. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Note.—This decision has been made in accordance with the statutory provisions of the Bus Regulatory Reform Act of 1982 with great weight being given to the mandates set forth in the National Transportation Policy.

For the following, please direct status inquiries to Team 1, 202–275–7992.

Volume No. OP1–190

Decided: October 29, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 164270, filed October 19, 1982. Applicant: MULTI-STATES CONSOLIDATORS, INC., P.O. Box M544, Gary, IN 46401. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW, Washington, DC 20005 (202)–783–7900. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 164290, filed October 20, 1982. Applicant: JOHN CARRECIA d.b.a. CHRISTIAN BROKERAGE LTD., P.O. Box 848, Shoreham, NY 11786. Representative: Joseph F. Stern, 17 Bradley Drive, Shoreham, NY 11786 (516)–744–0520. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 164331, filed October 21, 1982. Applicant: FRANK J. KELLY, INC., 99 Sunrise Drive, Bohemia, NY 11716. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 785–0024. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164360, filed October 22, 1982. Applicant: MELTON'S TRUCK BROKERAGE, 896 South Cherry Lane, Ft. Worth, TX 76108. Representative: William Sheridan, P.O. Drawer, Irving, TX 75062, (214)–255–6279. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164370, filed October 25, 1982. Applicant: NORTH BAY CORP., d.b.a. J & M TRANSPORTATION, 3200 West 65 Street, Suite 208, Cleveland, OH 44102. Representative: Frank J. Preziuso (same address as applicant), (216) 631–7850. As a *broker* of *general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–30596 Filed 11–5–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 308]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

October 29, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Shaffer, Williams, and Higgins.

Agatha L. Mergenovich,
Secretary.

MC 30383 (Sub-22)X, filed October 12, 1982. Applicant: JOSEPH F. WHELAN CO., INC., 439 West 54th St., New York, NY 10019. Representative: Arthur Liberstein, 888 Seventh Ave., New York, NY 10106. Lead and Sub-No. 20F permits: broaden (1) both permits to authorize service "between points in the U.S.," under continuing contract(s) with unnamed (lead) and named shippers (sub 20F); (2) lead permit, to "such commodities as are dealt in by retail food stores and retail drug stores," from soap products, glycerine, oil, cooking fats, soap, soap powder, cleaning and washing compounds, lard substitutes, toilet preparations, advertising matter, and premiums.

MC 117439 (Sub-70)X, filed October 21, 1982. Applicant: M & G FLEET SERVICE, INC., P.O. Box 15901, Baton Rouge, LA 70895. Representative: Thomas A. Stroud, 109 Madison Ave., Memphis, TN 38103. Sub 69 certificate: (1) broaden from (a) cement to "building materials", (b) drilling mud to "mercer commodities," (c) lime to "chemicals and related products," (d) dry corn products and dry blends of corn products to "food and related products," (e) salt and salt products to "non-metallic minerals," (f) fly ash, flue dust and lignite to "coal and coal products," and (g) dry fertilizer, liquid fertilizer and dry urea to "chemicals and related products"; (2) expand to city, county or parishwide authority and remove facilities restrictions: (a) Lake Charles, LA (Calcasieu Parish), (b) Echo, TX (Orange County), (c) Alexandria, LA (Rapides Parish), (d) facilities at Houston, TX (Houston, TX), (e) Houma, LA (Terrebonne Parish), (f) Garden City, Berwick, Lake Charles, and Boeuf, LA (St. Mary, Calcasieu, and Assumption Parishes), (g) National, AR (Hot Springs County), (h) facilities at New Orleans, LA (New Orleans, LA), (i) facilities at Amelia, LA (St. Mary Parish), (j) Avery Island, Jefferson Island, and Weeks Island, and Weeks, LA (Iberia Parish), (k) Mulford, TX (Orange County), (l) facilities at Erwinville and New Roads, LA (West Baton Rouge and Pointe Coupee Parishes), (m) facilities at Luling, LA (St. Charles Parish), (n) Geismar and facilities at Donaldsonville, LA (Ascension Parish); (3) change one-way to radial authority; and (4) remove the following restrictions and exceptions: in bulk, bags, and tank or hopper type vehicles; except commodities in bulk, liquid commodities in bulk, dry lime in bulk and agricultural lime; ex-rail and ex-water restrictions; and restrictions against service to particular commodities moving to or from particular points.

MC 135887 (Sub-3)X, filed October 6, 1982. Applicant: VOYNE E. GLEASON, P.O. Box 1051, Hayden Lake, ID 83835. Representative: Michael D. Duppenthaler, 211 South Washington St., Seattle, WA 98104. Sub-No. 2 permit: broaden to (1) "food and related products," from malt beverages and wines, in containers; and (2) "between points in the U.S.," under continuing contracts with the named shippers.

MC 145728 (Sub-3)X, filed October 19, 1982. Applicant: VISALIA FREIGHT LINES, INC., P.O. Box 3181, Visalia, CA 93277. Representative: Owen B. Katzman, Suite 1111, 1828 L St. N.W., Washington, DC 20036. Sub-No. 2F certificate: broaden (1) to "iron and steel articles," from trailer axles, wheels and parts; (2) to countywide authority: "Riverside, San Bernadino, Los Angeles and Orange Counties, CA" (Chino, CA), and "Yamhill County, OR (McMinnville, OR); and (3) to radial authority from one-way authority.

MC 150549 (Sub-1)X, filed October 5, 1982. Applicant: C.A.N. TRANSPORT, INC., 300 Market St., Oakland, CA 94607. Representative: David J. Marchant, One Maritime Plaza, Suite 300, San Francisco, CA 94111. Lead certificate, remove the restriction limiting transportation of general commodities to marine containers and trailers to authorize transportation of "general commodities (except classes A and B explosives, household goods, and commodities in bulk); and eliminate the ex-water restriction.

MC 152827 (Sub-2)X, filed July 22, 1982. Applicant: YEAGER TRUCKING, INC., 1552 S. Pennsylvania Ave., Morrisville, PA 19067. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Lead certificate: Broaden commodity description from iron and steel articles (except commodities in bulk) to "metal products."

[FR Doc. 82-30599 Filed 11-5-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP5-241]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this **Federal Register** notice addressing specifically the issue(s) indicated as the purpose for republication.

Agatha L. Mergenovich,
Secretary.

MC 142059 (Sub-187) (Republication), filed April 22, 1982, published in the **Federal Register** issue of June 23, 1982, and republished this issue. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Drive, Channachon, IL 60410. Representative: Jack Riley (same address as applicant), (815) 729-3808. An Order of the Commission, Review Board 2, decided September 14, 1982, and served September 29, 1982, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier,* by motor vehicle, over irregular routes, transporting *general commodities,* between Blanche and Blue Pond, AL, Bartlett, Cartago, Coso, Inyokern, Little Lake, Lone Pine, Olancha, Pencilwood, and Swanston, CA, Dundee, Lake Hamilton, and Waverly, FL, Chelsea and Meno, GA, Corral and Hill City, ID, Addison, Grand Tower, Mooseheart, and Sand Ridge, IL, LaOtto, IN, Orange City, IA, Viola and Wier, KS, Benton and Hardin, KY, Amesbury and Salisbury, MA, Alden, Bellaire, Bendon, Central Lake, Chief Lake, Ellsworth, Interlochen, Kaleva, Norwalk, and Rapid City, MI, Key West, MN, Fairfax and Tarkio, MO, Huntley and Reagan, NE, Pactolus, Stokes, and Whichard, NC, Dunseith, ND, Ehrhardt and Lodge, SC, and Ralston and Terrell, TN, on the one hand, and, on the other, points in the United States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to include household goods, commodities in bulk, and service to points in AK and HI. Conditions: I. The certificate to be issued in the proceeding, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring five (5) years from the date of issuance. II. Applicant must also certify to the Commission, prior to instituting the operations, that all rail service has actually terminated at the involved points. To accomplish this, applicant will be required to send an affidavit marked "Certification of Rail Service Termination" to the Deputy Director, Section of Operating Rights, Interstate Commerce Commission, Washington, D.C. 20423.

[FR Doc. 82-30598 Filed 11-5-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Volume No. 187, Republication of Grants of Operating Rights Authority Prior to Certification; Correction

[Permanent Authority Volume No. 187]

The following application was published in the **Federal Register** of October 27, 1982, 47 FR 47700. The notice preceding the republication reflected opposing verified statements were due to be filed within 45 days after publication. To the extent the notice applies to the following application it should read, "An original and one copy of opposing verified statements must be filed with the Commission within 30 days after the date of this **Federal Register** Notice.

No. MC-147770 (Sub-5), WEST AMERICAN TRANSPORT, INC., 1260 West North Temple, Salt Lake City, UT 84116.

The rest of the publication remains the same.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-30595 Filed 11-5-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6 (Sub-No. 122)]

Burlington Northern Railroad Company—Abandonment—Between Lewistown and Liverpool, IL; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 8.93 mile rail line between Lewistown, IL (milepost 0.00) and Liverpool, IL (milepost 8.93) in Fulton County, IL. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued, and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Mr. Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be remade within this 10 day period.

Information on procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-30597 Filed 11-5-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Provisional Exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Douglas Galloway, (202) 275-7278

or

Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No.	Name of railroad, contract No., and specific	Review Board[1]	Decided date
353	Burlington Northern Railroad Co., ICC-BN-C-0159, (Empty shipper owned or leased cars).	[illegible]	11-2-82
354	Chicago and North Western Transportation Co., ICC-CNW-C-0357, (Grain or oil seeds).	1	11-2-82
355	Savannah State Docks Railroad Co., ICC-SSDK-C-0001, (Soybean meal and sunflower seeds), Via Port of Savannah, GA.	[illegible]	11-2-82
[illegible]	Illinois Central Gulf Railroad Co., ICC-ICG-C-0048, (Corn).	[illegible]	11-2-82

[1] Review Board No: 1, Members Parker, Chandler, and Fortier. Member Parker not participating. Review Board No. 2, Members Carleton, Williams, and Ewing. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30603 Filed 11-5-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387]

Exemptions for Contract Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Notices of provisional exemptions.

SUMMARY: Provisional exemptions are granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the below-listed contract tariffs may become effective on one day's notice. These exemptions may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the Federal Register.

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway (202) 275-7278; or Tom Smerdon (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in these instances to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption requests meet the requirements of 49 U.S.C. 10505(a) and are granted subject to the following conditions:

These grants neither shall be construed to mean that the Commission has approved the contracts for purposes of 49 U.S.C. 10713(e) not that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review these contracts and to determine their lawfulness.

Sub-No	Name of railroad, contract no., and specifics	Review board[1]	Decided date
342	Grand Trunk Western Railroad Co., ICC-GTW-C-0016, Supplement 2, (Isobutylenes	2	Nov. 1, 1982.
343	Grand Trunk Western Railroad Co., ICC-GTW-C-0050, (Bulk Portland cement)	3	Do.
344	Southern Pacific Transportation Co., ICC-SP-C-0237, (Particleboard and hardboard)	1	Do.
345	Illinois Central Gulf Railroad Co., ICC-ICG-C-0007, Supplement 7, (Grain), Via the Ports of Mobile, AL, Chicago, IL, Baton Rouge, LA, Destrehan, LA, New Orleans, LA, Remy, LA, Reserve, LA, and Pascagoula, MS.	2	Do.
346	Soo Line Railroad, ICC-SOO-C-0114, (Sunflower seed oil)	3	Do.
347	Norfolk and Western Railway Co., ICC-NW-C-0029, (Wheat flour carloads)	1	Do.
348	Louisville and Nashville Railroad Co., ICC-LN-C-0047, (grain), Via the Port of Evansville, IN.	2	Do.
350	Consolidated Rail Corp., ICC-CR-C-0177, (Caustic soda or chlorine)	2	Do.
351	Southern Railway Co., ICC-SOU-C-0115,	1	Do
352	Missouri Pacific Railroad Co., ICC-MP-C-0164, (Cleaned rice)	2	Do.

[1] Review Board No. 1, Members Parker, Chandler, and Fortier. Review Board No. 2, Members Carleton, Williams and Ewing. Member Carleton not participating. Review Board No. 3, Members Krock, Joyce, and Dowell.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30453 Filed 11-5-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Frank T. Riforgiato, M.D.; Revocation of Registration and Denial of Application; Final Order

On April 19, 1982, the Acting Administrator of the Drug Enforcement Administration (DEA) directed to Frank T. Riforgiato, M.D, 292 Niagara Street, Buffalo, New York, (Respondent) an Order to Show Cause seeking to revoke DEA Certificate of Registration AR0487303. The statutory predicate under 21 U.S.C. 824(a)(e) was Respondent's conviction in the United States District Court for the Western District of New York of one count of furnishing false and fraudulent material information in a record required to be made and kept under 21 U.S.C. 827(a)(3) and 21 U.S.C. 827(c)(1)(B), in violation of 21 U.S.C. 843 (a)(4)(A), a controlled substance related felony.

Respondent, through counsel, requested a hearing on the issues raised by the Order and the matter was placed on the docket of Administrative Law Judge Francis L. Young. During the pendency of these proceedings Respondent applied for reregistration as a practitioner in Schedules II through V. In lieu of a hearing on the issues raised by the Order, Respondent and DEA entered into an agreement. The Administrative Law Judge approved the agreement and terminated administrative proceedings.

The Acting Administrator has considered the agreement entered into by the parties and pursuant to 21 CFR 1316.67 publishes this final order. The Acting Administrator finds that respondent pled guilty on October 8, 1981, to one count of furnishing false and fraudulent material information in a record required to be made and kept under the Controlled Substances Act in violation of 21 U.S.C. 843(a)(4)(A), a conviction for a controlled substance related felony. The Acting Administrator further finds that the parties and the Buffalo Columbus Hospital, 300 Niagara Street, Buffalo, New York, (hospital) agreed that the hospital will hire Respondent as a consultant and assume responsibility for his handling of controlled substances as a consultant to the hospital. The Acting Administrator further finds that the parties have agreed that Respondent will have no personal authorization to possess, prescribe, dispense, or otherwise handle controlled substances and his only authorization to handle controlled substances is as a consultant to Buffalo Columbus Hospital. The Acting Administrator further finds the DEA will conduct such monitoring as necessary to insure Dr. Riforgiato's compliance with the terms of this agreement, and that any violation of the terms of this agreement by Dr. Riforgiato will result in summary revocation by DEA of his authorization to use the Certificate of Registration issued to the hospital, and invocation of such other civil, criminal and administrative remedies available to the United States. The Acting Administrator further finds that the parties have stipulated that Respondent will notify DEA immediately of any change of status at Buffalo Columbus Hospital or affiliation with any other hospital.

The Acting Administrator finds that the agreement is an appropriate resolution of the issues raised in the Order to Show Cause and incorporates the agreement into the final disposition of this case. 21 CFR 1301.76(a) provides that a "registrant shall not employ as an agent or an employee who has access to controlled substances any person who has had * * * his registration revoked at any time." The Acting Administrator finds that the employment of Respondent as a consultant to Buffalo Columbus Hospital is in the public interest, and that the public interest will be served if Respondent is permitted to handle controlled substances according to the terms of the agreement. Accordingly, the Acting Administrator waives the prohibition of 21 CFR 1301.76(a) with respect to the employment of Frank T. Riforgiato, M.D. as a consultant to Buffalo Columbus Hospital. See *Anthony Di Flumeri, M.D.*, Docket No. 82-9, 47 FR 30123 (1982); *Joseph Bruce Friedman, M.D.*, Docket No. 81-17, 46 FR 58621 (1981); *David Frank Micci, M.D.*, 45 FR 71448 (1980) and 45 FR 74795 (1980) and *Charles J. Burks, M.D.*, Docket No. 79-4, 44 FR 61466 (1979) where the Administrator has waived application of 21 CFR 1301.76(a) in similar cases. The Acting Administrator further waives as much of 21 CFR 1301.24(c) for Buffalo Columbus Hospital to permit Respondent to use the hospital's DEA Certificate of Registration as a consultant rather than as an intern, resident or foreign-trained physician as contemplated by the regulation.

Pursuant to the authority vested in the Attorney General by Sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, and redelegated to Administrator of the Drug Enforcement Administration, the Acting Administrator orders that DEA Certificate of Registration AR0487303 issued to Frank T. Riforgiato, M.D. be revoked and an application for registration as practitioner executed March 27, 1982, be denied. The Acting Administrator further orders the waiver of 21 CFR 1301.76(a) for Buffalo Columbus Hospital to hire Respondent as a consultant, and the waiver of as much of 21 CFR 1301.24(c) for Buffalo Columbus Hospital to permit Respondent to use the hospital's DEA Certificate of Registration as a consultant rather that as an intern, resident or foreign-trained physician as comtemplated by the regulation, said denial and revocation and waivers to be effective immediately.

Dated: October 26, 1982.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 82-30154 Filed 11-5-82; 8:45 am]

BILLING CODE 4410-09-M

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Public Meeting

DATE: Tuesday, November 23, 1982.

PLACE: Russell Senate Office Building, Room 235, Constitution Avenue and First Street, NE., Washington, D.C. 20510.

TIME: 9:00 a.m.

PURPOSE: The Motor Carrier Act of 1980, Pub. L. 96-296, as amended by the Bus Regulatory Reform Act of 1982, directs the Motor Carrier Ratemaking Study Commission (Study Commission) to make a full and complete investigation and study of the collective ratemaking process for all rates of motor common carriers of property and of the need or lack of need for continued antitrust immunity thereof. The Study Commission is specifically directed to estimate the impact of the elimination of such immunity upon the rate levels and rate structures and to describe the impact of such on the Interstate Commerce Commission and its staff. Also, the Study Commission has been directed to give special consideration to the impact of the elimination of such immunity upon rural areas and small communities. The Study Commission shall, not later than January 1, 1983, submit to the President and the Congress its final report including its findings and recommendations.

The purpose of this meeting is to provide the opportunity for the Study Commission to discuss and consider the draft report, findings, and recommendations; to direct issuance of the final document with its findings and recommendations to the Congress and President; and to consider other business as appropriate.

FOR FURTHER INFORMATION, CONTACT: NAME: J. Kent Jarrell, TITLE: General Counsel, PHONE NO.: (202) 724-9600.

Submitted this, the 3rd day of November, 1982.

Larry F. Darby,

Executive Director.

[FR Doc. 82-30814 Filed 11-5-82; 8:45 am]

BILLING CODE 6820-BD-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittees on Reactor Radiological Effects and Site Evaluation; Addition to Agenda

The additional agenda item to be discussed by the ACRS Subcommittees on Reactor Radiological Effects and Site Evaluation on November 12 and 13, 1982 in Room 1046, 1717 H Street, NW, Washington, DC includes the following:

Review of status of De Minimis rulemaking.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Monday, October 25, 1982 (47 FR 47343).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Ms. R. C. Tang (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., e.s.t.

Dated: November 3, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-30640 Filed 11-5-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Waterford Steam Electric Station Unit No. 3; Meeting Location Change

The ACRS Subcommittee on Waterford Steam Electric Station Unit No. 3 scheduled for November 9, 1982, at ARNAUD'S, 813 Bienville Street, has been relocated to The International Hotel, 300 Canal Street, New Orleans, LA.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Tuesday, October 19, 1982 (47 FR 46604).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Gary Quittschreiber or the Staff Engineer, Mr. Don Bucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., e.d.t.

Dated: November 1, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-30641 Filed 11-5-82; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Clinch River Breeder Reactor; Working Group on Structures and Materials; Meeting Date Change

The ACRS Subcommittee on Clinch River Breeder Reactor (CRBR) Working Group on Structures and Materials scheduled for November 18, 1982 has been changed to December 1, 1982, Room 1046, 1717 H Street, NW., Washington, D.C.

All other items regarding this meeting remain the same as announced in the **Federal Register** published Tuesday, October 26, 1982 (47 FR 47505).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Anthony Cappucci (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: November 2, 1982.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 82-30650 Filed 11-5-82; 8:45 am]

BILLING CODE 7590-01-M

Licensing and Regulatory Policy and Procedures for Environmental Protection; Uranium Fuel Cycle Impacts

AGENCY: Nuclear Regulatory Commission.

ACTION: Statement of policy.

Earlier this year a decision of the United States Court of Appeals for the District of Columbia Circuit vacated three Commission rules which govern the treatment of uranium fuel cycle environmental impacts in individual nuclear power reactor licensing proceedings. *Natural Resources Defense Council, et al.* v. *NRC,* No. 74-1586 and consolidated cases (decided April 27, 1982).[1] By its order of September 1, 1982, the D.C. Circuit stayed its mandate pending the filing of application for review of the decision by the Supreme Court. The Solicitor General, on behalf of the Nuclear Regulatory Commission, on September 27, 1982, filed with the Supreme Court a petition for a writ of *certiorari.* Other parties to the case have also filed petitions for Supreme Court review. In this Statement of Policy the Commission provides guidance to the Commission's staff and licensing boards and the interested public regarding ongoing licensing proceedings and the status of licenses already issued, pending final action by the Supreme Court.[2]

1. Background of the Decision in NRDC v. NRC

The rules in question form part of the Commission's procedures for compliance with the National Environmental Policy Act of 1969 (NEPA). 10 CFR Part 51. The Commission has interpreted NEPA as requiring that the environmental impacts of the uranium fuel cycle be considered in environmental impact statements for individual light water nuclear power reactors.[3] The Commission determined some time ago that a generic rule would be the most effective means for considering such impacts in individual reactor licensing proceedings. The most recent version of the Commission's fuel cycle rule, the "Final" fuel cycle rule, was promulgated in 1979. 44 FR 45362 (August 2, 1979). 10 CFR 51.20, 51.23. The rule is frequently referred to as "Table S-3," after the table of impacts which the rule prescribes for use in evaluating the fuel cycle contribution to the environmental costs of licensing an individual nuclear power reactor. In issuing reactor construction permits and operating licenses the Commission has relied on this fuel cycle rule or its predecessors (the "Original" and "Interim" rules) since adoption of the Original rule in 1974. 39 FR 14188 (April 22, 1974).

Litigation involving the fuel cycle rules began with the Original S-3 rule. In a decision issued July 21, 1976 the United States Court of Appeals for the District of Columbia Circuit set aside those portions of the Original rule pertaining to waste management and spent fuel reprocessing. *Natural Resources Defense Council* v. *NRC,* 547 F.2d 633, rev'd *sub nom. Vermont Yankee Nuclear Power Corp.* v. *NRC,* 435 U.S. 519 (1978), but the court stayed its mandate pending review on a petition for *certiorari* to the United States Supreme Court. The Supreme Court reversed the Court of Appeals and remanded for further proceedings. The Court of Appeals consolidated the remanded case with challenges to the Commission's Interim and Final fuel cycle rules and issued a decision on April 27, 1982. *NRDC* v. *NRC,* No. 74-1486 and consolidated cases.

2. The Holding by the Court of Appeals

In the D.C. Circuit's decision in *NRDC* v. *NRC,* Judge Bazelon, speaking for the majority, held the Commission's Original, Interim and Final Table S-3 rules invalid "due to their failure to allow for proper consideration of the uncertainties that underlie the assumption that solidified high-level and transuranic wastes will not affect the environment once they are sealed in a permanent repository." Slip Op. at 69. The court's opinion acknowledged that in promulgating the Final rule the Commission considered and disclosed uncertainties concerning permanent disposal of spent fuel and high-level wates from power reactors. *See* the Commission's notice of final rulemaking, 44 FR 45362 (August 2, 1979). The court did not suggest that the evidentiary record for the Commission's final rulemaking omitted any substantial body of material regarding waste disposal uncertainties which might have been available at the time of the rulemaking. Nevertheless, the court held it to be a violation of NEPA that the rule binds Licensing Boards to evaluate fuel cycle impacts on the basis of waste disposal impacts in Table S-3, which does not explicitly include uncertainties.[4]

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[1] On June 30, 1982 the D.C. Circuit denied the Commission's petitions for rehearing and rehearing *en banc.*

[2] The Commission dealt with a previous invalidation of a fuel cycle rule by the D.C. Circuit in 1976 by issuance of a policy statement. *Natural Resources Defense Council* v. *NRC,* 547 F.2d 633, rev'd *sub nom. Vermont Yankee Nuclear Power Corp.* v. *NRC,* 435 U.S. 519 (1978). *See* General Statement of Policy, 41 *Fed. Reg.* 34707 (August 16, 1976), and Supplemental General Statement of Policy, 41 *Fed. Reg.* 49898 (November 11, 1976). For reasons discussed in the text below, the Commission does not believe that the major, though temporary, disruption in licensing announced by the policy statement of August 1976 is a necessary or appropriate response to the D.C. Circuit's latest decision.

[3] In addition to the operation of the nuclear power reactor itself, the uranium fuel cycle includes uranium mining and milling, the production of uranium hexafluoride, isotopic enrichment, fuel fabrication, spent fuel storage and disposal, possible reprocessing of irradiated fuel, transportation of radioactive materials and management of low- and high-level wastes.

[4] Concerning the choice not to include uncertainties explicitly in Table S-3, the Commission stated in promulgating the rule:

In view of the uncertainties noted regarding waste disposal, the question then arises whether these

Although the court concluded that uncertainties could be dealt with generically, rather than on a case-by-case basis, the court held that the Table S–3 rule in question "does not allow the uncertainites concerning permanent storage to play a role in the ultimate licensing decision. That omission, and hence, the Rule, which causes it, constitutes a blatant violation of NEPA." Slip Op. at 46. The dissenting opinion by Judge Wilkey rejected the majority's analysis and would have upheld the Final rule on the grounds that in dealing with uncertainties the Commission had considered the relevant factors and arrived at a reasonable policy judgment.

An additional challenge had been raised on the Original and Interim rules that they improperly precluded Licensing Boards from considering health effects that might result from radioactive effluents set out in Table S–3 and also precluded consideration of socioeconomic and possible cumulative impacts of the fuel cycle.[5] No such preclusion appeared explicitly in the rules, and the Commission had maintained before the court that no preclusion had been implicitly intended or ever actually applied. Nevertheless, the majority held that the Original rule and the Interim rule, prior to an amendment in 1976, "effectively eliminated the consideration and disclosure of the health, socioeconomic and cumulative impacts of fuel-cycle activities." Slip Op. at 57. Accordingly, the majority held that the Original and Interim rules, in addition to their failure to provide for proper consideration of uncertainties, also failed to allow for proper consideration of health, socioeconomic and cumulative fuel cycle effects.

On the issue whether the waste management and reprocessing models underlying the entries in Table S-3 would be economically feasible, a majority of the panel (Judge Bazelon and Judge Wilkey) upheld the Commission's finding of feasibility.

3. Effect on the Power Reactor Licensing Program

The D.C. Circuit's decision does not call into question the Commission's awareness of waste disposal uncertainties or the adequacy of the evidence regarding uncertainties in the record on which the Commission relied.[6] The state of the Final rulemaking record does not suggest that supplementary studies of uncertainties are likely to produce evidence that would change licensing decisions. The Commission continues to address the uncertainty over whether and when a permanent repository, or equivalent system of disposal, will be developed. Slip Op. at 45. The Commission has stated that it would not license plants without reasonable confidence that safe waste disposal will be available when needed, and has found that it has such reasonable confidence. 42 FR 34391 (July 5, 1977), *NRDC* v. *NRC*, 581 F.2d 166 (2d Cir. 1978). The Commission is now entering the final stages of the so-called "waste confidence" proceeding, a proceeding designed to reassess whether there is reasonable assurance that safe waste disposal will be available when needed. 44 FR 61372 (1979). The Court of Appeals has made clear that licensing need not be suspended pending the outcome of this reassessment. *See Potomac Alliance* v. *NRC*, —— F.2d —— (D.C. Cir. No. 80–1862, decided July 20, 1982). In view of these considerations and the high cost of delaying the issuance of licenses for qualified facilities, the Commission concludes that power reactor licensing may continue. Should the "waste confidence" proceeding arrive at an outcome inconsistent with this policy judgment, the Commission will immediately inform the Congress and will reassess the positions taken in this policy statement.

Next the question arises what role the fuel cycle rules should play in continued licensing. As the Commission interprets the D.C. Circuit and Supreme Court decisions which bear on enviromental analysis of fuel cycle impacts, the Commission could conduct individual licensing proceedings by addressing fuel cycle impacts on a case-by-case basis without a generic rule. The Commission already deals with the matter partly in this fashion. In application of the Commission's Final rule a number of significant generic fuel cycle issues, including health effects associated with the effluents given in Table S–3, are presently treated on a case-by-case basis, pending further progress toward an expanded generic rule. To move further toward case-by-case litigation would reintroduce the significant burdens the rule was intended to relieve. Use of the S–3 rule has served the important purpose of providing the underlying basis for consideration of fuel cycle impacts, and the Commission believes that an attempt to proceed without the rule would probably prove unworkable. In principle, and quite possibly in practice, contested licensing cases could rapidly evolve into replays of the S–3 rulemaking.[7] The resulting delay and drain on staff resources would be substantial, and would not only delay licensing of qualified facilities, but would also substantially disrupt the Commission's regulatory program, including its program to develop safety standards for high-level waste disposal facilities.

The most straightforward way of proceeding is to continue using the S–3 rule in licensing, pending possible supplementation to be discussed later in this statement, insofar as such use is permissible. The Commission notes that after the *NRDC* v. *NRC* decision of 1976 invalidating the Original S–3 rule, 547 F.2d 633, the court, by staying its mandate, in effect permitted the continuation of licensing pursuant to the rule pending further judicial proceedings provided that future licenses be conditioned on the outcome of those proceedings. *See* Supplemental General

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uncertainties can or should be reflected explicitly in the fuel cycle rule. The Commission has concluded that the rule should not be so modified. On the individual reactor licensing level, where the proceedings deal with fuel cycle issues only peripherally, the Commission sees no advantage in having licensing boards repeatedly weigh for themselves the effect of uncertainties on the selection of fuel cycle impacts for use in cost-benefit balancing. This is a generic question properly dealt with in this rulemaking as part of choosing what impact values should go into the fuel cycle rule. The Commission concludes, having noted that uncertainties exist, that for the limited purpose of the fuel cycle rule it is reasonable to base impacts on the assumption which the Commission believes the probabilities favor, *i.e.*, that bedded-salt repository sites can be found which will provide effective isolation of radioactive waste from the biosphere.

44 FR 45369 (footnote omitted).

[5] This challenge was not raised against the Final rule, which specifically requires that environmental impact statements "shall take account of dose commitments and health effects from fuel cycle effluents set forth in Table S–3 and shall in addition take account of economic, socioeconomic, and possible cumulative impacts and such other fuel cycle impacts as may reasonably appear significant." 10 CFR 51.23(c). Since ongoing licensing proceedings depend on the Final rule, this aspect of the court's decision does not bear on the Commission's decision whether to continue licensing

[6] The Commission thus views the present decision by the D.C. Circuit not as a finding of fault with the evidentiary record on waste management impacts and uncertainities but rather as a rejection of the Commission's policy judgments regarding the weight and effect which those impacts and uncertainties should exert in reactor licensing. By way of contrast, after the D.C. Circuit issued its 1976 decision the Commission suspended licensing pending the outcome of a supplementary environmental survey of waste management and reprocessing impacts to remedy what the Commission perceived as gaps in the record identified by the court. 41 FR 43707, 43708, col. 2.

[7] The same result could follow if the Commission amended the rule to allow Licensing Boards to take evidence on uncertainties in the Table S–3 entries. Such a proceeding could readily lead to complete reexamination of the Table by each board.

Statement of Policy, 41 FR 49898 (November 11, 1976). The D.C. Circuit's current stay of mandate and the filing of petitions for Supreme Court review place the present case in a similar posture. Indeed the NRC advised the D.C. Circuit that it would proceed in reliance on the rule should the court grant its request to stay the mandate. The Commission anticipates that the mandate will not issue until the Supreme Court has either declined review or taken review and addressed the merits of the lower court's decision. Accordingly, the Commission directs its Licensing and Appeal Boards to proceed in continued reliance on the Final S–3 rule until further order from the Commission, provided that any license authorizations or other decisions issued in reliance on the rule are conditioned on the final outcome of the judicial proceedings.

With regard to licensing proceedings now closed in which there was reliance on any of the fuel cycle rules, the Commission has concluded that for the present, at least, show-cause proceedings based on issues raised by the D.C. Circuit's decision should not be initiated. The Court of Appeals specifically noted that it expressed no view as to the validity of licenses already issued pursuant to the rules and that the matter of the validity of each would be addressed in subsequent judicial proceedings. Slip Op. at 69. Several cases which have been held in abeyance pending disposition of the main case challenge the validity of licenses and permits issued for specific facilities.[8] The Commission believes these cases should remain in abeyance, pending final Supreme Court action and has advised the courts of this position. The Commission does not intend to initiate show-cause proceedings *sua sponte* for these or other licenses, pending further direction by the courts. The Commission directs that any petitions for such proceedings filed pursuant to 10 CFR 2.206, insofar as they raise issues associated with validity of the S–3 rules, be held in abeyance pending a further order from the Commission.

4. Supplementation of the Record

As the Commission noted in promulgating the Final rule, events which might lead to major releases from the bedded-salt repository used as the model for the S–3 rule appear remote in probability while any releases which might reasonably be expected eventually to occur appear very small. Accordingly, the Commission found that the staff's assumption that the integrity of the repository would be maintained after sealing was a reasonable description of the performance of a properly selected repository and, when taken together with the staff's highly conservative assumption that all volatile fission products in reactor spent fuel would be released to the atmosphere prior to repository sealing, left Table S–3 overall a conservative description of fuel cycle impacts. *See* 44 FR 45369, col. 2. Considering the rule's limited purpose and taking into account the Commission's "waste confidence" proceeding, the Commission continues to believe that the record of the final S–3 rulemaking contains adequate information on waste disposal uncertainties to support continued use of the fuel cycle rule.

The Commission notes that over the past few years considerable effort has been devoted to the development of the national standards for a repository by the Environmental Protection Agency. These draft standards are essentially complete and should be issued soon as formal proposals. The NRC staff has informed the Commission that the release limits contained in the EPA standards and the studies done in support of the standards may provide additional information on releases associated with waste disposal. The Chairman of the NRC has urged early issuance of these important standards and the supporting documents.

The NRC staff has been directed to examine the EPA standard when published for comment and supporting documentation as it becomes available to determine the degree to which it could be used in Table S–3. This examination will include releases under both normal and abnormal conditions. The NRC staff should be prepared to provide recommendations on possible revisions within 60 days of publication of the EPA standards for comment.

Dated at Washington, D.C. this 29th day of October, 1982.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 82–30540 Filed 11–5–82; 8:45 am]

BILLING CODE 7590–01–M

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[8] The court cited five cases now before the D.C. Circuit in which individual licenses granted under the Original or Interim rules have been challenged on that ground. These include *Lloyd Harbor Study Group, Inc.* v. *NRC*, No. 73–2266; *Aeschliman* v. *NRC*, No. 73–1776; *Saginaw Valley Study Group* v. *NRC*, No. 73–1867; *NRDC* v. *NRC*, No. 74–1385; *Coalition for the Environment* v. *NRC*, No. 77–1905. Also, there is pending in the First Circuit a challenge to a reactor construction permit involving as an issue the validity of the fuel cycle rule. *New England Coalition on Nuclear Pollution* v. *NRC*, No. 76–1525.

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Reserves and Reliability Subcommittee Meeting

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council)

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Reserves and Reliability Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Thursday, November 11, 1982. 10:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Ms. Torian Donohoe, (503) 222–5161.

Edward Sheets,

Executive Director.

[FR Doc. 82–30587 Filed 11–5–82; 8:45 am]

BILLING CODE 0000–00–M

PENSION BENEFIT GUARANTY CORPORATION

Exemption From Bond Escrow Requirement Relating to Sale of Assets by an Employer Who Contributes to a Multiemployer Plan: Leonard Silver Manufacturing Company, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of exemption.

SUMMARY: The Pension Benefit Guaranty Corporation has granted Leonard Silver Manufacturing Company, Inc. an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. A notice of the request for exemption from this requirement was published on August 9, 1982 (47 FR 34476). The effect of this notice is to advise the public of the decision on the exemption request.

ADDRESS: The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC

Disclosure Officer (160) at the above address.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, NW., Washington, D.C. 20006; (202) 254–4862.

SUPPLEMENTARY INFORMATION:

Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. 1384, provides that the sale of assets of an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B). Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions.

ERISA section 4204(c) and § 2643.3(b) of the regulation re the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

Decision

On August 9, 1982 (47 FR 34476), the PBGC published a notice of the pendency of a request from Leonard Silver Manufacturing Company, Inc. ("Leonard Silver") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA, in connection with the purchase by Leonard Silver of the operating assets of the Coppercraft Guild Division of Dart Industries, Inc. ("Coppercraft"). The sale of assets became effective on July 13, 1981. No comments were received in response to the notice.

Coppercraft contributed to the I.A.M. National Pension Fund Benefit Plan A (the "Fund"). Prior to the sale, Coppercraft's potential withdrawal liability to the Fund had been calculated to be $615,355. The amount of the bond or escrow required under section 4204(a)(1)(B) is $220,527 (the average annual contribution required to be made by Coppercraft for the three plan years preceding the sale).

Leonard Silver is a wholly owned subsidiary of Towle Manufacturing Company ("Towle"). According to its audited statements for the fiscal year ending on December 31, 1980, Towle and its subsidiaries had total net assets of approximately $46 million, and an average net income for fiscal years 1979–1980 of about $6.7 million.

Based on the facts of this case and the representations and statements made in connection with the request for exemption, PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, PBGC hereby grants Leonard Silver's request for an exemption from the bond/escrow requirement. The granting of an exemption or variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is a determination to be made by the plan sponsor.

Issued at Washington, D.C., on this 1st day of November, 1982.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 82–30551 Filed 11–5–82; 8:45 am]

BILLING CODE 7708–01–M

SECURITIES AND EXCHANGE COMMISSION

Agency Forms Under Review

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.), the Securities and Exchange Commission has submitted for extension of approval rule 204–2 under the ("Advisers Act") of 1940. Rule 204–2 applies to any investment adviser subject to registration under the Advisers Act who makes use of the mails or any means or instrumentality of interstate commerce in connection with his business and requires such investment advisers to keep, maintain and preserve the books and records specified in the rule.

The potential respondents are investment advisers subject to registration under the Investment Advisers Act of 1940.

Submit comments to OMB Desk officer: Robert Veeder, Office of Information and Regulatory Affairs, Room 3225–NEOB, Washington, D.C. 20503.

Agency Clearance Officer: Kenneth A. Fogash, (202) 272–2142.

Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, NW., Washington, D.C. 20549.

Extension
Rule 204–2 (17 CFR 275.204–2).
SEC File No. 270–215.

Dated: October 28, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30690 Filed 11–5–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 12771; 812–5310]

American Southwest Financial Corp. and American Southwest Financial Co.; Filing of Application

October 29, 1982.

In the matter of American Southwest Financial Corporation and American Southwest Financial Co., Inc., Suite 2030, 201 N. Central Avenue, Phoenix, Arizona 85073 (812–5310).

Notice is hereby given that American Southwest Financial Corporation and American Southwest Financial Co., Inc. ("Applicants") filed an application on September 9, 1982, for an order pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), exempting Applicants from all of the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Applicants are newly-formed Arizona corporations organized by a number of otherwise unrelated concerns. Each Applicant is a limited purpose financing corporation organized and owned by limited purpose financing companies (the "Finance Companies"), each of which was organized and is principally owned or otherwise controlled by a separate concern principally involved in the home building business (the "Builders"). As stated in the application, each Applicant was incorporated for the limited purpose of facilitating the financing of long-term residential mortgages on single family residences constructed primarily by the Builders and will not engage in any other unrelated business or investment activities.

Applicants contemplate that American Southwest Financial Corporation will issue in series GNMA Collateralized Bonds, each series to be separately secured principally by the pledge by the Finance Companies to the Applicant and by the Applicant to a trustee of collateral consisting primarily of "fully-modified pass-through" mortgage-backed certificates ("GNMA Certificates") (together with the payments thereon), fully guaranteed as to principal and interest by the Government National Mortgage Association ("GNMA") and a supplemental debt service fund established under an indenture. Each GNMA Certificate will evidence an interest in a pool of mortgage loans owned by a Finance Company of single family residences constructed primarily by the Builder affiliated with the Finance Company.

Applicants contemplate that American Southwest Financial Co., Inc., will issue in series Mortgage Backed Bonds, each series to be separately secured principally by the pledge by the Finance Companies to the Applicant and by the Applicant to a trustee of collateral consisting principally of conventional (i.e. not government guaranteed or insured) first mortgage loans (and payments thereon) on single family residences constructed primarily by the Builders and payments due under certain mortgage insurance and hazard insurance policies. The pledged mortgages will be secured by single-family dwelling units.

Applicants state that each series of GNMA Collateralized Bonds or Mortgage Backed Bonds (collectively, the "Bonds") will be issued pursuant to an indenture ("Indenture") between the Applicant and an independent trustee (the "Trustee") and as supplemented by one or more supplemental indentures. Each series of Bonds will be sold to institutional or retail investors through one or more investment banking firms. Applicants represent that certain series of the Bonds will be registered under the Securities Act of 1933 and others will be sold in private placements. Indentures for public offerings will be subject to the provisions of the Trust Indenture Act of 1939.

Applicants indicate that the net proceeds of the sale of each series of Bonds will be loaned by the Applicant to the various Finance Companies. Each Finance Company will use such proceeds to repay indebtedness to lenders or others incurred in connection with the funding or acquisition of mortgage loans owned by such Finance Company on single-family residences constructed primarily by its respective Builder. Such mortgage loans funded or acquired by such Finance Companies will have original maturities (and amortization schedules) of not more than the lesser of 30 years or the term of the Bonds, if shorter than 30 years. The Finance Companies will repay loans made to them by the Applicant by making or causing payments to be made to the Trustee on behalf of the Applicant in such amounts as are necessary to pay the principal of and interest on the Bonds secured by GNMA Certificates or pledged mortgages as the same shall become due. The Finance Companies will assign the collateral securing the Bonds to the Applicant, which will assign its entire right, title and interest in the collateral to the Trustee under the Indenture.

Applicants state that in the case of each series of Bonds, (a) payments of first mortgage loans on single-family residences constructed by the Builders will be the primary source of funds for payments of principal and interest due on the Bonds; (b) the Bonds will be secured by collateral consisting principally of either GNMA Certificates evidencing interests in pools of mortgage loans on single-family residences constructed primarily by the Builders or by first mortgages or deeds of trust on such properties with an aggregate principal amount at least equal to the initial principal amount of the Bonds; (c) the GNMA Certificates or mortgage loans will be pledged in their entirety by the Finance Companies to the the Applicant and by the Applicant to the Trustee; and (d) an independent mortgage company, as servicer, will have the right and obligation to foreclose against the mortgaged properties, liquidate the properties, collect prepayments of principal, and collect any insurance proceeds. Funds so collected will be paid directly to the Trustee pursuant to the Indenture.

Applicants submit that each of the activities they propose to engage in could be conducted directly by each individual Finance Company without the requirement of registration, since each of the Finance Companies is exempt under Section 3(c)(5)(C) of the Act. In this regard, Applicants submit that a number of large home builders have issued mortgage backed bonds through wholly-owned finance companies, and that none of these finance companies has been required to register under the Act, apparently based upon the 3(c)(5)(C) exemption. Applicants assert that there is no public policy reason to require them so to register merely because they are facilitating the financing efforts of a number of smaller builders to achieve economies of size the same as the larger builders achieve. Nevertheless, Applicants note that a question has been raised concerning the possibility that they may be required, by the strict language of the Act, to register as investment companies under the Act.

As here pertinent, Section 3(a)(1) of the Act defines an investment company as "any issuer which * * * is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting, or trading in securities." Section 3(a)(3) of the Act defines an investment company as "any issuer which * * * is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) * * *"

While Applicants believe that they do not fall within the definition of an investment company as set forth in the Act, they state that the principal asset of each of them will be evidences of indebtedness of the Finance Companies. Although the Applicants believe that such evidences of indebtedness are not securities within the purview of Section 3 of the Act, and that each Applicant's primary activity will be the facilitating of the sale of single-family residential property through the financing of whole residential mortgages rather than investing, reinvesting, owning, holding or trading in securities, they state that this application has been filed to eliminate any possible ambiguity concerning the applicability of the Act to these Applicants, and to avoid the possibility that the evidences of indebtedness of the Finance Companies might, at a later date, be held to be securities as that term is used in Section 3(a)(3) of the Act.

Applicants also believe that they should be exempt from the Act by virtue of Section 3(c)(5)(C) thereof, which excludes from the definition of an investment company, companies which do not issue redeemable securities, face amount certificates of the installment type or periodic payment plan certificates and which are primarily engaged in the business of "purchasing or otherwise acquiring mortgages and other liens on or interests in real estate."

Applicants assert that they will not issue any of the securities described in Section 3(c)(5)(C), and that they will be engaged in the business of facilitating the financing of mortgage loans. Although Applicants note that they will not acquire legal title to GNMA Certificates or mortgages since they will continue to be owned by the Finance Companies, they will acquire a security interest in the GNMA Certificates or mortgages to secure payment of the loans to the Finance Companies and therefore have direct or indirect liens on and other interests in real estate. Such security interests will be evidenced by irrevocable assignments of said GNMA Certificates or mortgages by the Finance Companies to the Applicants and by the Applicants to the Trustee.

Applicants also state that while it appears from the legislative history of the Act that companies such as the Applicants which are involved in real estate activities should not be viewed as investment companies, they request an order of the Commission to eliminate any doubt as to the inapplicability of the Act. Finally, Applicants submit that they have been formed for the primary purpose of facilitating the financing of mortgages to expand the availability of residential mortgages, a critical national need, and that their proposed business is one method which can contribute to the solution of the need for mortgage funds in the economy.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons securities, or transactions, from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants submit that the relief requested is necessary and appropriate in the public interest because: (1) Applicants should not be deemed to be entities to which the provisions of the Act were intended to be applied (and do not concede herein that they are such entities); (2) Applicants may be unable to proceed with their proposed business if the uncertainties concerning the applicability of the Act are not removed; and (3) Applicant's proposed business is intended to serve a recognized and critical public need. Applicants assert that the relief requested would be consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. The securities proposed to be issued to finance this growth of mortgage funding will either be issued pursuant to the registration provisions of the Securities Act of 1933 or will be sold in exempt transactions. Thereafter, investors will be protected both by the terms of the Indenture providing for a Trustee qualified to protect investors' interests, and by combinations of real estate, GNMA Certificates (with appropriate protection provided by GNMA and the United States Government) and cash or cash equivalent deposits. Applicants further submit that Congress has clearly expressed a policy to exclude from the effects of the Act entities which are participating in the funding of, and whose securities are secured by, residential mortgages.

Notice is further given that any interested person may, not later than November 22, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served pesonally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter ordered a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30593 Filed 11–5–82; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–4304]

Commercial Metals Co.; Application To Withdraw from Listing and Registration

October 29, 1982.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Commercial Metals Company ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on July 26, 1982, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before November 22, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30591 Filed 11–5–82; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1-3247]

Triton Energy Corp.; Application To Withdraw From Listing and Registration

October 29, 1982.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Triton Energy Corporation ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8-A which became effective on September 3, 1982, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company wishes to broaden its base of international shareholders and in this regard believes that the Company's opportunity to do so will be enhanced by the listing of its common stock on the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before November 22, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30592 Filed 11-5-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19191; SR-NSCC-82-13]

National Securities Clearing Corp.; Order Approving Proposed Rule Change

October 29, 1982.

National Securities Clearing Corporation ("NSCC"), on July 2, 1982, submitted proposed rule change, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, that establishes under NSCC Rules 2 and 15 standards and procedures for bank membership in NSCC, as well as standards to monitor those participants' financial and operational capabilities. More specifically, the proposed standards would impose on bank participants (i) minimum capital and other financial requirements; and (ii) monthly, quarterly and annual reporting requirements relating to adverse financial or operational developments. In addition, the proposed rule change sets forth NSCC's guidelines for determining when bank participants may be placed on closer than normal surveillance.

Notice of the proposed rule change, together with the terms of substance of the proposed rule change, was given by publication of the Commission Release (Securities Exchange Act Release No. 18921, July 28, 1982) and by publication in the **Federal Register** (47 FR 33351, August 2, 1982). No letters of comment were received by the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30594 Filed 11-5-82; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-5318]

New England MESBIC, Inc.; Notice of Issuance of License To Operate as a Small Business Investment Company

On October 19, 1981, a notice was published in the **Federal Register** (46 FR 51356) stating that New England MESBIC, Inc. 167 Oak Street, Westwood, Massachusetts 02090 had filed an Application with the Small business Administration, pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1981)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on November 3, 1981, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 01/01-5318 on October 26, 1982, to New England MESBIC, Inc., pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 3, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-30632 filed 11-5-82; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0438]

New Publication Fund, Inc.; Notice of Issuance of License To Operate as a Small Business Investment Company

On April 12, 1982, a notice was published in the **Federal Register** (47 FR 15678) stating that New Publication Fund, Inc., 325 East 75th Street, New York, New York 10021 had filed an Application with the Small Business Administration, pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1982)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on April 27, 1982, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 02/02-0438 on October 26, 1982, to New Publication Fund, Inc., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: November 3, 1982.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 82-30831 Filed 11-5-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 832]

International Regime for Antarctic Mineral Resources; Proposed Negotiation

AGENCY: State Department.

ACTION: Notice of Record of Decision regarding the Department's action on the proposed negotiation of an international regime for Antarctic mineral resources. The environmental consequences of the proposed negotiation and the reasonable alternatives to a regime for this purpose were evaluated in a Final Environmental Impact Statement (FEIS), which was prepared pursuant to Executive Order 12114 "Environmental Effects Abroad of Major Federal Actions", Sections 2–3(a) and 2–4(a)(i). The FEIS was filed with EPA on July 21, 1982. This Record of Decision is being issued pursuant to Regulations of the Council on Environmental Quality (Section 1505.2 of 1978) and Implementing Regulations of the Department of State (22 CFR Part 161.9(h)).

Decision

The Department of State has decided to carry out negotiations with the other Consultative Parties of the Antarctic Treaty with the object of establishing an international regime which would have as its purpose determination of the acceptability of mineral resource activities in Antarctica and the management of any such activities determined to be acceptable.

Basis for Decision

The Antarctic Treaty, which was originally signed by 12 countries and came into force in 1961, sets aside Antarctica and waters south of 60° latitude for peaceful purposes—most notably the pursuit of scientific inquiry—and, among other things, prohibits nuclear explosions and the disposal of nuclear wastes. The Antarctic Treaty, together with its consultative meetings, and resulting recommendations, has developed into an unusually successful system of international cooperation. The Treaty, however, does not address the issues relating to possible mineral resource activities in Antarctica.

In recognition of growing international interest in the potential of Antarctic resources the Antarctic Treaty Consultative Parties have taken the initiative to negotiate a management regime for Antarctic Marine Living Resources. The resulting Convention on the Conservation of Antarctic Marine Living Resources entered into force in April, 1982. A similar initiative has emerged with regard to Antarctic mineral resources. Specifically, the 1981 meeting of the Antarctic Treaty Consultative Parties committed the participants to specific discussions to develop an international regime covering possible exploration for and development of mineral resources in Antarctica.

Since such activities could result in significant harm to the environment, an Environmental Impact Statement (EIS) was prepared to determine whether and with what goals the Government of the United States would participate in negotiations on a regime for Antarctic mineral resources. The alternatives were:

1. No action;
2. Negotiation of coordinated national activities to deal with Antarctic minerals;
3. Negotiation of a regime covering exploration activities only;
4. Negotiation of a regime with the presumption that activities are permitted;
5. Negotiation of a regime allowing only activities which would be judged acceptable;
6. Negotiation of a regime coupled with a temporary moratorium on mineral activities; and
7. Negotiation of a permanent moratorium of mineral resource activities in the Antarctic.

In theory, the last of these alternatives (alternative 7) would involve the minimum adverse environmental impact since—if the ban were effective—there would be no mineral resource activities. The difficulty with that alternative is that such a moratorium, even if negotiable, would probably be unstable over time. In the absence of realistic information regarding mineral resource potential, pressures for exploration and possible development could become overwhelming, with a consequent breakdown of such a moratorium. In this eventuality, no structure would exist for control of mineral resource-related activities. Also, this alternative rests partly on the assumption that final decisions on Antarctic mineral resources can or should be made at this time, an assumption for which there is little justification. In addition, the alternative does not accord with US interest in possible participation in mineral resource activities, should such activities be determined acceptable.

The alternative adopted (alternative 6) provides the best approach to US goals in Antarctica, including long-term protection for the Antarctic environment. Proposed activities would have to meet environmental standards before they could be undertaken. There would also be standards relating to the sufficiency of information for making necessary decisions, thereby creating incentives for research to fill data gaps. Site-specific considerations would be evaluated as well as the aggregate impacts of mineral resource activities. This alternative would also protect the full range of United States interests, including nondiscriminatory access for the United States nationals and firms to engage in any permitted mineral resource activities. It would offer a stable international basis for necessary economic, as well as environmental, decisions.

All of the other alternatives have major drawbacks from either an environmental standpoint or in terms of other national policy interests, as brought out in the FEIS.

It is important to note Recommendation XI–1 of the Antarctic Treaty Consultative Parties, which concerns the development of a regime for mineral resources. Environmental protection is a key element of the Recommendation. Paragraph 5 states that "The regime should be based on the following principles * * * (c) protection of the unique Antarctic environment and of its dependent ecosystems should be a basic consideration * * *." And paragraph 7 (I) states:

> 7. The regime should *inter alia*:
>
> I. Include means for:
>
> a. assessing the possible impact of mineral resource activities on the Antarctic environment in order to provide for informed decisionmaking;
>
> b. determining whether mineral resource activities will be acceptable;
>
> c. governing the ecological, technological, political, legal and economic aspects of these activities in cases where they would be determined acceptable, including:
>
> The establishment, as an important part of the regime, or rules relating to the protection of the Antarctic environment; and
>
> The requirement that mineral resource activities undertaken pursuant to the regime be undertaken in compliance with such rules.

Although the Recommendation has not received formal approval from all the Consultative Parties, such approval is expected. In the interim, all the Consultative Parties have agreed to conduct negotiations on the basis of the Recommendation.

The United States position in the negotiation will be consistent with the Recommendation. The United States delegation will seek as one of its principal goals elaboration of a regime incorporating provisions to avoid or minimize by all practicable means harmful environmental impacts. At this stage it is impossible to predict the form that monitoring and enforcement of environmental protection provisions of the regime will take, but most probably they will be an integral part of the operating terms and conditions. A cornerstone in the concept of the regime is to allow minerals exploration and exploitation in Antarctica only if these activities are deemed to be environmentally acceptable upon the basis of adequate scientific information. Such information would have to be developed first before a decision to go ahead with minerals activities was made. This approach is judged to be the most viable one to protect the environment within the context of the Antarctic Treaty System.

FOR FURTHER INFORMATION CONTACT: Irene E. Friedrichs, OES/ENH, Room 7820, Department of State, Washington, D.C. 20520, (202) 632-2311.

Dated: October 18, 1982.

Mary Rose Hughes,

Deputy Assistant Secretary for Environment, Health and Natural Resources.

[FR Doc. 82-30633 Filed 11-5-82; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

System Design Analysis; Advisory Circular

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: IIssuance of Advisory Circular 25.1309-1, System Design Analysis

SUMMARY: This advisory circular provides guidance material for acceptable means, but not the only means, of demonstrating compliance with the requirements of Part 25 of the Federal Aviation Regulations which includes probabilistic terms, as introduced by Amendment 25-23, for airplane equipment, systems, and installations.

DATE: The Advisory circular was issued by the Part 25 Transport Airplane Certification Directorate in Seattle, Washington, on September 7, 1982.

HOW TO OBTAIN COPIES: A copy of the advisory circular may be obtained by writing to the U.S. Department of Transportation, Publications Section, M-443.1, Washington, D.C. 20590.

Issued in Seattle, Washington on October 22, 1982.

D. L. Riggin,

Manager, Regulations and Policy Office, ANM-110, Northwest Mountain Region.

[FR Doc. 82-30446 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 136—Installation of Emergency Locator Transmitters (ELT) in Aircraft; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App I) notice is hereby given of a meeting of Special Committee 136 on Installation of Emergency Locator Transmitters (ELT) in Aircraft to be held on December 6-8, 1982 in RTCA Conference Room, Suite 500, 1425 K Street NW., Washington, D.C. commencing at 1:00 p.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Fourteenth Meeting Held on June 21-23, 1982; (3) Consideration of Comments Received on Proposed Final Draft of Committee Report on Minimum Operational Performance Standards for Emergency Locator Transmitters; and (4) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1425 K Street, NW., Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on November 1, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-30447 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Study Group on Airborne Thunderstorm Detection Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Study Group on Airborne Thunderstorm Detection Equipment to be held on December 2-3, 1982 in RTCA Conference Room, Suite 500, 1425 K Street NW., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Introductory Remarks; (2) Review of the Study Group's Terms of Reference; (3) Technical Briefings; (4) Review of Working Papers; (5) Establish Work Program and Assign Tasks; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1425 K Street, NW., Washington, D.C. 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on November 1, 1982.

Karl F. Bierach,

Designated Officer.

[FR Doc. 82-30448 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. IP82-10; Notice 2]

Modular Ambulance Corp.; Action on Petition for Exemption From Notice and Remedy for Inconsequential Noncompliance

This notice grants in part and denies in part the petition by Modular Ambulance Corp. of Grand Prairie, Texas, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for two apparent noncompliances with 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment.* The basis of the petition was that the noncompliances were inconsequential as they relate to motor vehicle safety.

Notice of receipt of the petition was published on May 6, 1982 (47 FR 19611) and an opportunity afforded for comment.

Standard No. 108 distinguishes between vehicles whose overall width is less than 80 inches, and those of 80 inches or more overall width. The latter are required to be equipped with clearance lamps, to indicate the overall width, and with identification lamps, a cluster of three lamps generally located at or near the top, to identify that the vehicle is a wide vehicle. Table II of Standard No. 108 establishes location requirements for lighting equipment. Clearance lamps are to be mounted "to indicate the overall width of the vehicle * * * as near the top as practicable." Identification lamps are to be mounted "as close as practicable to the top of the vehicle * * * with lamp centers spaced not less than 6 inches or more than 12 inches apart."

Modular produced 60 Type I ambulances between September 1980 and March 1982 in which the front clearance and identification lamps were not located as close as practicable to the top of the vehicle; they were mounted on the truck cab roof rather than the top of the ambulance module behind the cab.

Furthermore, the identification lamp cluster on the near had its lamp centers spaced at 5¾ inches, slightly under the minimum of 6 inches established by Table II.

Modular argued that the noncompliances were inconsequential "because they do not represent a safety hazard to the vehicle occupants, or to traffic * * *" As a practical matter, it would cost $21,000 to repair all vehicles, two-thirds of which are "over 1,500 miles from our plant location."

Two comments were received on the petition. Truck Safety Equipment Institute recommended granting it because of the type and use of the vehicle concerned, although expressing support for high-mounted lamps which it believes "allows for better and faster judgment on the part of the approaching vehicle operator". Dominion Auto Assessories, Ltd. of Toronto, Canada, asked NHTSA to grant the petition with respect to the improper spacing between the rear identification lamps. However, it recommended denying the remaining portion of the petition and require front clearance and front identification lamps to be mounted at the height called for by the standard. Because an ambulance is an emergency vehicle operating at high speed, "it is imperative that drivers of opposing vehicles see the ambulance as far away as possible so they can take evasive and 'out-of-the-way' actions". In its view, the mislocation represented a safety hazard.

The National Highway Traffic Safety Administration concurs with the opinion of the commenters that the quarter-inch difference in spacing of the rear identification lamps is too minimal to have a consequential relationship to safety. During its review of the materials submitted, NHTSA discovered a further noncompliance with the front identification lamps. Standard No. 108 requires them to be located so that the lamp centers are not more than 12 inches apart but the Modular spacing was 12¼ inches. But NHTSA has determined that this noncompliance also is inconsequential in nature. Accordingly, petitioner has met its burden of persuasion that the quarter-inch error in spacing of its identification lamps is inconsequential as it relates to motor vehicle safety and its petition is granted.

However, the agency has also concluded that Modular should provide clearance lamps at the corners of the ambulance box. As mislocated, they are approximately 23 inches below and 17 inches inboard of the top front corner of the ambulance body. The agency concurs with the comments of Dominion Auto Accessories but it also believes that the corners should be identified as well when the vehicles are operating at night in nonemergency use. However, because of the limited number of vehiches involved, NHTSA does not believe that safety requires the front identification lamp cluster to be remounted as well. Petitioner need not remove the existing clearance lamps if it wishes but under this decision must provide lighting at the upper corners. Accordingly, petitioner has met its burdern of persuasion that mislocation of the identification lamps is inconsequential as it relates to motor vehicle safety and its petition is granted. But it has not met such burden with respect to the clearance lamp location and its petition is denied.

The engineer and attorney principally responsible for this notice are Jere Medlin and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on November 2, 1982.

Courtney M. Price,

Associate Administrator for Rulemaking.

[FR Doc. 82-30613 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

Privacy Act of 1974; System of Records

The Department of Transportation herewith publishes one notice of a new system of records.

DOT/DG–501 reported as deleted on page 59740 of FR Vol. 46, No. 234, dated December 7, 1981, is hereby reinstated exactly as it appears on page 59747 of the same issue.

Any person or agency may submit written comments on the proposals to the Privacy Act Officer (M–30), Room 7109, U.S. Department of Transportation, 400 7th St., S.W., Washington, D.C. 20590. Comments must be received by November 30, 1982, to be considered.

If no comments are received, the proposed new systems will become effective on December 5, 1982. If comments are received, the comments will be considered and where adopted, the document will be republished with the changes.

Issued in Washington, D.C., on October 29, 1982.

Karen S. Lee,

Acting Assistant Secretary for Administration.

DOT/OST 063

SYSTEM NAME:

Civil Rights Case Tracking System.

SYSTEM LOCATION:

Office of Civil Rights, U.S. Department of Transportation, Room 9201, 400 7th Street, S.W., Washington, D.C. 20590.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records in this system will be maintained on individuals who have submitted complaints of alleged civil rights violations to the Department of Transportation or any of the Administrations within the Department of Transportation, including:

The Office of the Secretary of Transportation
The U.S. Coast Guard
The Federal Aviation Administration
The National Highway Traffic Safety Administration
The Federal Highway Administration
The Federal Railroad Administration
The Urban Mass Transportation Administration
The St. Lawrence Seaway Development Corporation
The U.S. Maritime Administration
The Research and Special Programs Administration

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in the system will be categorized by source of complaint (internal or external to the Department of Transportation) and by basis of complaint (race, sex, age, etc.).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be accessed for the purpose of producing reports and statistical profiles showing the progress of investigations and the status of complaints. The use of reports generated from these records will be within the Department of Transportation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records will be stored in machine readable form on disk. All stored disks will be kept in the Office of Civil Rights and will be secured at all times. Computer access to the records will be controlled by means of identification numbers and passwords known only to the users and systems manager. Only employees of the Office of Civil Rights and the Transportation Computer Center will have access to the records.

RETRIEVABILITY:

Records can be retrieved individually in order to examine the status and progress of the investigation pertaining to the complaint.

SAFEGUARDS:

Access to and use of these records are limited to agency personnel whose offical duties require such access, and to officially recognized labor unions with respect to employees within the units that they represent. Safeguards include locked buildings, guard service and locked file cabinets. Statistical information from these records may be made available to other agencies or to the interested public without the person to whom the record pertains being identified.

RETENTION AND DISPOSAL:

Records will be purged from the electronic storage system at periodic intervals and transferred to printed documents for storage and eventual retention in the archives.

SYSTEM MANAGER(S) AND ADDRESS:

The official in the Department of Transportation responsible for the system of records is the Director of Civil Rights, Department of Transportation, Room 10215, 400 7th Street, S.W., Washington, D.C. 20590.

NOTIFICATION PROCEDURE:

An individual who wishes to be notified if the system of records contains a record pertaining to him may apply in writing to the System Manager.

RECORD ACCESS PROCEDURES:

An individual who wishes to review the contents of a record pertaining to him may apply in writing to the Systems Manager.

CONTESTING RECORD PROCEDURES:

Contact or write the System Manager. Reasonably identify the record and specify the information to be contested.

RECORD SOURCE CATEGORIES:

The sources used for records in this system are the complainant, witnesses of alleged violations of civil rights statutes and regulations, written documents pertinent to such investigations, and other records maintained by the Department of Transportation.

[FR Doc. 82-30433 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

Hazardous Materials; Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATE: Comment period closes December 8, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, D.C.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8933-N	Ford Aerospace and Communications Corp., Newport Beach, CA.	49 CFR 173.206	To authorize shipment of sodium metal as part of a sodium-sulfur battery installed in an electric vehicle (mode 1).
8934-N	Korean Air Lines, Inc., Los Angeles, CA	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.302, Part 107, Appendix B.	To authorize carriage of various Class A, B and C explosives (military ammunition) not permitted for air shipment or in quantities greater than those prescribed for air shipment (mode 4).
8935-N	Quaker State Oil Refining Corp., Bradford, PA	49 CFR 173.119, 178.342	To authorize shipment of crude oil, classed as a flammable liquid in non-DOT cargo tanks complying with DOT Specification MC-307 except for circumferential reinforcement (mode 1).
8936-N	Great Lakes Chemical Corp., West Lafayette, IN.	49 CFR 173.357(b)(2)	To authorize shipment of a poison B mixture containing 57% chloropicrin in DOT Specification 56 drums not over 33 gallon capacity (modes 1, 2, 3).
8937-N	Amax Specialty Metals Corp., Salt Lake City, UT.	49 CFR 173.176	To authorize shipment of magnesium granules, coated, classed as flammable solid, contained in collapsible polypropylene disposable bulk bags, of approximately 2,000 pound capacity (modes 1, 2).
8938-N	Cryogenic Services Inc., Savage, MN	49 CFR 173.304(a)	To manufacture, mark and sell DOT Specification 4L cylinders for shipment of carbon dioxide liquefied or nitrous oxide classed as nonflammable gases (modes 1, 2, 3, 4).
8940-N	Arapahoe Chemicals, Inc., Boulder, CO	49 CFR 173.230	To authorize shipment of sodium, metal dispersion in organic solvent, flammable solid, contained in DOT Specification 5, 5C, 6B or 6C drums, overpacked in DOT specification 55 gallon 17H drums (mode 1).
8941-N	Day & Zimmerman, Inc., Philadelphia, PA	49 CFR 172.101, 173.65, 175.30	To authorize a one-time shipment of a high explosive, Class A, contained in 35 non-DOT specification fiberboard drums net weight not over 133 pounds each (mode 4).
8942-N	Poly Processing Co., Inc., Monroe, LA	49 CFR 173.266, Part 173	To manufacture, mark and sell non-DOT specification 300 gallon cross-linked polyethylene tanks enclosed in a steel overpack, for shipment of hydrogen peroxide, classed as an oxidizer and corrosive materials authorized in DOT Specification 34 containers and DOT Specification 57 portable tanks.
8943-N	BASF Wyandotte Corp., Parsippany, NJ	49 CFR 173.154	To ship a polyol filter cake wetted with water, described as a flammable solid, n.o.s., in bulk in a metal cargo carrying body (mode 1).

NEW EXEMPTIONS—Continued

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereo
8944–N	Union Carbide Corp., Danbury, CT	49 CFR 173.302, 173.34, Part 197 Appendix	To authorize DOT Specification 3AAX and 3T cylinders to be periodically retested by acoustic emission equipment instead of hydrostatic retest and to allow a reduced test pressure, latitude in external inspection, and determination of wall stress, etc., commensurate with the retest technique (modes 1, 2).

This notice of receipt of applications for new exemptions is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, D.C., on October 29, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82–30371 Filed 11–5–82; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials; Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Materials Transportation Bureau, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g., to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These appliciations have been separated from the new applications for exemptions to facilitate processing.

DATE: Comment period closes 15 days after date of publication in the **Federal Register**.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590. Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, DC.

Application No.	Applicant	Renewal of exemption
2787–X	Raytheon Co., Andover, MA	2787
3330–X	Teledyne Wah Chang Albany Corp., Albany, OR.	3330
3330–X	General Electric Co., Schenectady, NY.	3330
4575–X	Racon Inc., Wichita, KS	4575
4575–X	Union Carbide Corp., Danbury, CT	4575
4588–X	U.S. Department of Energy, Washington, D.C.	[illegible]
4696–X	American Bosch Diesel Products, Springfield, MA.	[illegible]
5557–X	U.S. Department of Energy, Washington, D.C.	5557
6243–X	Liquid Carbonic Corp., Chicago, IL [1]	6243
6752–X	Pennwalt Corp., Philadelphia, PA [2]	6752
6802–X	Welders Gas & Supply, Sioux Falls, SD.	6802
6802–X	Harvey Co., Greensburg, PA	6802
6971–X	PolyScience Corp., Niles, IL	7971
7013–X	Airsco Welding Products, Murray Hill, NJ.	7013
7096–X	Fike Metal Products Corp., Blue Springs, MO.	7096
7247–X	U.S. Department of Defense, Washington, D.C.	7247
7259–X	Stauffer Chemical Co., Westport, CT	7259
7259–X	Occidental Chemical Corp., Niagara Falls, NY.	7259
7259–X	IKC Corp., Philadelphia, PA	7259
7259–X	Exxon Chemical Americas, Houston, TX.	7259
7259–X	Monsanto Co., St. Louis, MO	7259
7694–X	Borg Warner Corp., Van Nuys, CA	7694
7608–X	Whitmire Research Laboratories, Inc., St. Louis, MO.	7608
7623–X	Air Products & Chemicals, Inc., Allentown, PA.	7623
7840–X	Douglas Aircraft Co., Long Beach, CA.	7840
7846–X	Union Carbide Corp., Danbury, CT	7846
7857–X	Makhteshim Derom, Beer Sheva, Israel.	7857
7873–X	Bromine Compounds, Ltd., Beer Sheva, Israel.	7873
8023–X	Acurex Corp., Mountain View, CA	8023
8050–X	XMAS Corp., Tulsa, OK	8050
8055–X	Hammond Lead Products, Inc., Hammond, IN.	8055
8060–X	Allied Corp., Morristown, NJ	8060
8116–X	Shell Oil Co., Houston, TX	8116
8116–X	U.S. Department of Defense, Washington, D.C.	8116
8119–X	BJ-Hughes, Inc., Long Beach, CA TN.	8120
8120–X	Starflight Inc., Smyrna, TN	8120
8125–X	Compagnie des Containers Reservoirs, Paris, France.	8125
8127–X	Hercules, Inc., Wilmington, DE	8127
8141–X	GTE Products Corp., Waltham, MA	8141
8144–X	Atlas Powder Co., Dallas, TX [3]	8144
8390–X	Ashland Oil, Inc., Columnbus, OH [4]	8390
8414–X	SLEMI, Paris, France	8414
8480–X	The Gillette Co., Boston, MA	8480
8488–X	Born Free Plastics, Gardena, CA	8488
8506–X	Dow Chemical Co., Midland, MI	8506
8509–X	Dow Chemical Co., Midland, MI	8509
8522–X	Preferred Plastics, Inc., Sterling, VA	8522
8528–X	Beech Aircraft Corp., Boulder, CO	8528
8690–X	Air Products and Chemicals, Inc., Allentown, PA.	8690
8741–X	Alpha Aviation, Inc., Dallas, TX [5]	8741
8795–X	The Marison Co., South Elgin, IL [6]	8795
8890–X	Sunbelt Airlines, Camden, AR [7]	8890
8925–X	Military Sealift Command, Washington, D.C.	8925

[1] To allow an increased filling density for liquid carbon monoxide in tank motor vehicles.

[2] To authorize DOT Specification 3AAX and 3T cylinders containing difluoroethlene manifolded in an ISO frame as an additional container configuration.

[3] To increase quantity limit for DOT Specification 2U inside containers, from 6 quarts to 5 gallons, for shipment of spirits of nitroglycerin (nitroglycerin-propylene glycol mix).

[4] To modify exemption to authorize 6 x 6.5 or 4 x 6.5 pint DOT Specification 2E bottles containing sulfuric acid overpacked in DOT Specification 12A fiberboard boxes.

[5] To amend exemption to include various Class B, and C explosives.

[6] To amend exemption to allow qualification tests for new design cylinders or significant design changes

[7] To modify exemption to authorize transport to various Class A, B and C explosives not permitted for air shipment or in quantities greater then those prescribed.

Application No.	Applicant	Parties to exemption
5767–P	E. F. Houghton & Co., Valley Forge, PA. [1].	5767
7060–P	Coast Air Freight Inc., Long Beach, CA.	7060
7835–P	Scott Environmental Technology, Inc., Plumsteadville, PA.	7835
8129–P	Ecolio, Inc., Bladensburg, MD	8129
8129–P	Rollins Environmental Services (LA), Inc., Baton Rouge, LA.	8129
8129–P	FMC Corp., Princeton, NJ	8129
8390–P	Van Waters & Rogers, San Jose, CA	8390
8441–P	EG&G Environmental Equipment Div., Sea-Link System, Herndon, VA.	8441
8480–P	Braun A.G., Kronberg, West Germany.	8480
8509–P	Mobay Chemical Corp., Pittsburgh, PA.	8509
8526–P	3M, St. Paul, MN	8526

Application No.	Applicant	Parties to exemption
8618–P	Northern Air Cargo, Inc., Anchorage, AK.	8618
8627–P	Nalco Chemical Co., Oak Brook, IL	8627
8655–P	International Silver Co., Meriden, CT	8655
8732–P	American Emulsions Co., Inc., Dalton, GA.	8732
8854–P	Compagnie des Containers Reservoirs, Neuilly-Sur-Seine, France.	8854
8878–P	Amalgamet Canada—Division of Premetalco Inc., Toronto, Ontario, Canada.	8878

[1] Request party status and to authorize an additional corrosive liquid, n.o.s.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on October 29, 1982.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 82-30372 Filed 11-8-82; 8:45 am]

BILLING CODE 4910-60-M

Technical Hazardous-Liquid Pipeline Safety Standards Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 1), notice is hereby given of a meeting of the Technical Hazardous-Liquid Pipeline Safety Standards Committee on December 7–8, 1982, at 9 a.m. in Room 3442, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

The purpose of the meeting is to discuss and develop a report on the technical feasibility, reasonableness, and practicability of the following proposed standards and amendments to safety standards:

1. Line marking at navigable waterways.
2. Temperature limits on cold expanded steel pipe.
3. Qualification of metallic components.
4. Repair and removal of weld defects.

The Committee will also discuss the following regulatory projects:

1. Isolated corrosion pitting.
2. Records for hydrostatic testing, operation, and maintenance.
3. Nondestructive testing of girth welds.

Attendance is open to the public, but limited to the space available. With approval of the chair of the Committee, members of the public may present oral statements on any items scheduled for discussion. Due to the limited time available, each person who wants to make an oral statement is requested to notify Betty Clark, Room 8101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, telephone 202–426–1640, of the topics to be addressed and the time requested to address each topic. The chair may deny any request to present an oral statement and may limit the time of any oral presentation. Members of the public may present written statements to the Committee before or after any session of the meeting.

Dated: November 3, 1982.

Richard L. Beam,

Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 82-30615 Filed 11-5-82; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1982 Rev., Supp. No. 9]

Federated Mutual Insurance Company; Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificate of authority issued by the Treasury to Federated Mutual Insurance Company, Owatonna, Minnesota, under Sections 9304 to 9308 of Title 31 of the United States Code (formerly 6 U.S.C., Section 6–13), to qualify as an acceptable surety on federal bonds is hereby terminated, effective today.

The company was last listed as an acceptible surety on federal bonds at 47 FR 28875, July 1, 1982.

With respect to any bonds currently in force with Federated Mutual Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company.

Questions concerning this notice may be directed to the Operations Staff (Surety), Banking and Cash Management, Bureau of Government Financial Operations, Department of the Treasury, Washington, DC. 20226, Telephone (202) 634–5752.

Dated: October 27, 1982.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 82-30589 Filed 11-5-82; 8:45 am]

BILLING CODE 4810-35-M

Internal Revenue Service

Individual Retirement Arrangement Information; Proposed Form 5498; Request for Comments

AGENCY: Internal Revenue Service, Department of the Treasury.

ACTION: Notice of proposed new Form 5498, Individual Retirement Arrangement Information, and request for comments.

SUMMARY: The Internal Revenue Service is proposing for public comment a new form for making reports concerning individual retirement arrangements (IRAs), simplified employee pensions (SEPs), and deductible employee contributions (DECs). The Service, after considering all comments and suggestions, will adopt one of the proposed forms for 1983, with any appropriate changes resulting from the comments. When reporting requirements are finalized, the applicable regulations will be revised accordingly.

DATE: Written comments and suggestions should be mailed or delivered by December 8, 1982.

ADDRESS: Written comments and suggestions should be mailed or delivered to the Chairman, Tax Forms Coordinating Committee, Internal Revenue Service, Room 5577, 1111 Constitution Avenue, N.W., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Mr. Ray Nolan, Internal Revenue Service, Constitution Avenue, N.W., Washington, DC 20224, telephone (202) 566–3601 (not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: Currently, only distributions from these plans are required to be reported to both the Service and to recipients. Periodic distributions are reported on Form W–2P, Statement for Recipients of Periodic Annuities, Pensions, Retired Pay, or IRA Payments; and total distributions are reported on Form 1099R, Statement for Recipients of Total Distributions from Profit Sharing, Retirement Plans, and Individual Retirement Arrangements. Plan administrators, trustees, etc. are required to furnish information concerning contributions only to the participants in the plan. This information is not currently required to be furnished to the Service.

Two versions of the proposed Form 5498 are included in this notice. When submitting comments, please include your preference for one or the other version.

Version A would be used to report to plan participants information concerning only contributions to IRAs.

SEPs, and employer plans that allow DECs. The plan administrator, trustee, etc. would not file a copy with the Service; however, participants would be required to attach a copy of Form 5498 to their income tax return to verify the deduction for the contribution. Forms 1099R and W-2P would continue to be used to report distributions.

Version B would be used to report to the Service and plan participants information concerning both contributions to and distributions from IRAs, SEPs, and employer plans that allow DECs. Income tax withheld on distributions would also be reported. The Service is considering making Copy A (For Internal Revenue Service) optional in cases where there are no entries in boxes 4 through 8. Participants would be required to attach a copy of Form 5498 to their income tax returns to verify contributions, distributions, and income tax withheld. Forms 1099R and W-2P would no longer be used to report distributions from IRAs, SEPs, or employer plans that allow DECs.

With either version, plan administrators, trustees, etc., would be required to issue Form 5498 by January 31 of the year following the year during which the contribution (or distribution if Version B is used) was made. If contributions that apply to the preceding year are made after December 31, an additional Form 5498 would be required to be issued at the time of, or immediately after, the contribution is made. In order to limit the amount of participant's financial information disclosed to the Service on the new form, it is expected that more restrictive substitute forms procedures will be implemented upon adoption of either version.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Nelson A. Brooke,

Chairman, Tax Forms Coordinating Committee.

BILLING CODE 4830-01-M

Version A

Page 1 of Form 5498 (3-Part)

The type and rule above prints on all proofs including departmental reproduction proofs. Must be removed before printing forms.

For Official Use Only

◀ Type or print Trustee's or Insurance Company's name, address, ZIP code, and Federal identifying number

OMB No.

1983

Individual Retirement Arrangement Information

Copy A

For Plan Administrator

51 ☐

Participant's social security number	1 IRA contributions (a) Regular	(b) Rollover	2 SEP contributions	3 Deductible employee contributions (DEC's)
Type or print PARTICIPANT'S name, address, and ZIP code below (Name must aline with arrow.)			4 Amount of contributions used to pay for life insurance	

Name ▶

For Paperwork Reduction Act Notice and instructions on completing this from, see back of this copy.

Form **5498** 363–289–1 Department of the Treasury—Internal Revenue Service

Version A

Page 2 of Form 5498 (3-Part)

The type and rule above prints on all proofs including departmental reproduction proofs. Must be removed before printing forms.

General Instructions

(Section references are to the Internal Revenue Code unless otherwise specified.)

Paperwork Reduction Act Notice.—We ask for the information to carry out the Internal Revenue laws of the United States. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. You are required to give us this information.

Purpose of Form.—Use Form 5498 to report all contributions to an IRA, SEP, or deductible employee contributions (DEC) to the participant. The form is not required to be filed with IRS but the participant must attach a copy of the form to his or her Federal income tax return. That copy will be used to verify the deduction taken for contributions to plans shown.

Who Must Use Form 5498.—Any plan administrator of one of the three types of plans shown on the form, who receives a contribution to one of those plans, must fill out Form 5498 and give two copies of it to the participant by January 31st of each year. If no contributions have been received, Form 5498 is not required.

Contributions After December 31st.—When a contribution is received after December 31st, 1983 and before the participant files his or her Federal income tax return and he or she designates that contribution as applicable to the year ending December 31st, 1983, Form 5498 should be given upon receipt of the contribution to enable the participant to attach it to the tax return. If the participant made other contributions, he or she may receive more than one Form 5498.

Specific Instructions.—Report in:

Box 1(a).—all regular contributions to an IRA. This includes individual retirement accounts or annuities.

Box 1(b).—any IRA contribution which is being rolled over from another plan.

Box 2.—all contributions to a simplified employee pension (SEP).

Box 3.—all deductible employee contributions to an employer's plan. See the instructions for deductible employee contributions (DEC's) following Box 4 instructions.

Box 4.—any amount included in boxes 1, 2, or 3, which was used to pay for life insurance. If an endowment contract has been purchased, the amount of the premium must be reported here. See table in Rev. Rul. 55–747, 1955–2 C.B. 228.

Deductible Employee Contributions (DEC's).—These are voluntary contributions by an employee to qualified plans, SEP's, or plans funded with annuity contracts (See section 403 (b)), and government plans (whether or not qualified). They are deductible only if:

a. the plan provides for voluntary employee contributions,

b. the employee does not designate the contributions as other than deductible, and

c. the employer agrees to treat the contributions as deductible.

Mandatory contribution plans are not deductible. See Notice 82–13, IRB 82–19, page 16 for more information.

Payroll Deductions.—When an employee designates a contribution as applicable to the prior year, and notifies the plan administrator of such designation, Form 5498 should be made out for the appropriate amount so designated even though the contributions were received in a stated amount through payroll deductions.

363–289–1

Version A

Page 3 of Form 5498 (Page 4 is blank) (3-Part)

The type and rule above prints on all proofs including departmental reproduction proofs. Must be removed before printing forms.

OMB No.

1983

Individual Retirement Arrangement Information

Copy B

File with recipient's FEDERAL tax return

◀ Type or print Trustee's or Insurance Company's name, address, ZIP code, and Federal identifying number

Participant's social security number	1 IRA contributions (a) Regular	 (b) Rollover	2 SEP contributions	3 Deductible employee contributions (DEC's)
Type or print PARTICIPANT'S name, address, and ZIP code below			4 Amount of contributions used to pay for life insurance	

Form **5498** 363-289-1 Department of the Treasury—Internal Revenue Service

Version A

Page 5 of Form 5498 (3-Part)

The type and rule above prints on all proofs including departmental reproduction proofs. Must be removed before printing forms.

OMB No.

1983

Individual Retirement Arrangement Information

Copy C

For Recipient's Records

◀ Type or print Trustee's or Insurance Company's name, address, ZIP code, and Federal identifying number

Participant's social security number	1 IRA contributions (a) Regular	 (b) Rollover	2 SEP contributions	3 Deductible employee contributions (DEC's)
Type or print PARTICIPANT'S name, address, and ZIP code below			4 Amount of contributions used to pay for life insurance	

For instructions see back of this form.

Form **5498** 363-289-1 Department of the Treasury—Internal Revenue Service

Version A

Page 6 of Form 5498 (3-Part)

The type and rule above prints on all proofs including departmental reproduction proofs. Must be removed before printing forms.

Instructions to Participant

The amount shown on Form 5498 is the amount that has been received by your plan administrator during 1983, or in 1984 and designated by you as applicable to 1983.

You should receive two copies of Form 5498 for all contributions made to your plan (or plans) prior to filing your Federal income tax return. You should attach Copy B, of each Form 5498 you receive, to your tax return along with your copies of Form W-2, Wage and Tax Statement. This will enable IRS to verify the deduction you take, and should eliminate the need to contact you for that verification.

If you make contributions after December 31st, 1983, and you want them to be considered as part of your 1983 contributions, be sure to tell the person receiving the contributions that they are to be designated as received in 1983. You should then be given two copies of Form 5493 showing 1983 contributions (even though they were made in 1984 prior to filing your income tax return.) If you have made other contributions you may receive more than one Form 5498. Any amount deducted and not shown on a Copy B that is attached to your tax return may be disallowed as a deduction.

☆ U.S. GOVERNMENT PRINTING OFFICE : [illegible]—O-363-280

Version B

Page 1 of Form 5498 (Page 2 is blank) (4-Part)

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For Official Use Only

Type or print Trustee's or Insurance Company's name, address, ZIP code, and Federal identifying number

OMB No.

1983

Individual Retirement Arrangement Information

Copy A For Internal Revenue Service Center

51 ☐

Participant's social security number	1 IRA contributions (a) Regular	(b) Rollover	2 SEP contributions	3 Deductible employee contributions (DEC)
4 Category of distribution	5 IRA distributions	6 SEP distributions	7 DEC distributions	8 Federal income tax withheld

Name ▶

9 Amount of contributions used to pay for life insurance

Type or print PARTICIPANT'S name, address, and ZIP code above.

For Paperwork Reduction Act Notice and instructions on completing this form, see back of Copy D.

Form **5498** 363–289–1 Department of the Treasury—Internal Revenue Service

Version B

Page 3 of Form 5498 (Page 4 is blank) (4-Part)

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Type or print PAYER'S name, address, ZIP code, and Federal identifying number

OMB No.

1983

Individual Retirement Arrangement Information

Copy B To be filed with Participant's FEDERAL tax return

Participant's social security number	1 IRA contributions (a) Regular	(b) Rollover	2 SEP contributions	3 Deductible employee contributions (DEC)
4 Category of distribution	5 IRA distributions	6 SEP distributions	7 DEC distributions	8 Federal income tax withheld

9 Amount of contributions used to pay for life insurance

Type or print PARTICIPANT'S name, address, and ZIP code above.

This information is being furnished to the Internal Revenue Service.

Form **5498** 363–289–1 Department of the Treasury—Internal Revenue Service

Version B

Page 5 of Form 5498 **(4-Part)**

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OMB No.

1983

Individual Retirement Arrangement Information

Copy C

For Participant's Records

Type or print PAYER'S name, address, ZIP code, and Federal identifying number

Participant's social security number	1 IRA contributions (a) Regular	(b) Rollover	2 SEP contributions	3 Deductible employee contributions (DEC)
4 Category of distribution	5 IRA distributions	6 SEP distributions	7 DEC distributions	8 Federal income tax withheld
			9 Amount of contributions used to pay for life insurance	

Type or print PARTICIPANT'S name, address, and ZIP code above.

For instructions see back of Copy C

Form **5498** 363-289-1 Department of the Treasury—Internal Revenue Service

Version B

Page 6 of Form 5498 **(4-Part)**

The type and rule above prints on all proofs including departmental reproduction proofs. Must be removed before printing forms.

Instructions to Participant

The amounts shown on Form 5498 represent contributions received by, or distributions made by, the administrator of your individual retirement arrangement, during 1983, or in 1984 for contributions designated by you as applicable to 1983 contributions.

You should receive two copies of Form 5498 for all contributions made to your plan (or plans) prior to filing your Federal income tax return. You should attach Copy B, of each Form 5493 you receive, to your tax return along with your copies of Form W–2, Wage and Tax Statement. This will enable IRS to verify the deduction you take, and should eliminate the need to contact you for that verification.

If you make contributions after December 31st, 1983, and you want them to be considered as part of your 1983 contributions, be sure to tell the person receiving the contributions that they are to be designated as received in 1983. You should then be given two copies of Form 5498 showing 1983 contributions (even though they were made in 1984 prior to filing your income tax return.) If you have made other contributions you may receive more than one Form 5498. Any amount deducted and not shown on a Copy B that is attached to your tax return may be disallowed as a deduction.

The code number shown in Box 4 identifies the type of distribution that has been made to you. These numbers are:

1—Premature Distribution (other than codes 2, 3, 4, or 5); 2—Rollover; 3—Disability; 4—Death; 5—Prohibited Transaction; 6—Other; 7—Normal Distributions; 8—Excess contributions refunded plus earnings on such excess contributions; 9—Transfers to an IRA for a spouse due to a divorce.

Amounts shown in Boxes 5, 6, or 7 are amounts you received as distributions. These amounts may be includible in income depending on the type of distribution. See **Publication 590** Tax Information Individual Retirement Arrangements for more information.

The amount shown in Box 8 is the amount, if any, of Federal income tax withheld from your distribution.

363-289-1

Version B

Page 7 of Form 5498 **(4-Part)**

The type and rule above prints on all proofs including departmental reproduction proofs. Must be removed before printing forms.

OMB No.

1983

Individual Retirement Arrangement Information

Copy D
For Plan Administrator

◁ Type or print PAYER'S name, address, ZIP code, and Federal identifying number

Participant's social security number	1 IRA contributions (a) Regular	(b) Rollover	2 SEP contributions	3 Deductible employee contributions (DEC)
4 Category of distribution	5 IRA distributions	6 SEP distributions	7 DEC distributions	8 Federal income tax withheld

9 Amount of contributions used to pay for life insurance

Type or print PARTICIPANT'S name, address, and ZIP code above.

For instructions see back of Copy C and D.

Form **5498** 363-289-1 Department of the Treasury—Internal Revenue Service

Version B

Page 8 of Form 5498 **(4-Part)**

The type and rule above prints on all proofs including departmental reproduction proofs. Must be removed before printing forms.

General Instructions

Paperwork Reduction Act Notice.—We ask for the information to carry out the Internal Revenue laws of the United States. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax. You are required to give us this information.

Purpose of Form.—Use Form 5498 to report all contributions to and distributions from an IRA, SEP, or deductible employee contributions (DEC). Give the participant copies B and C of the form so he or she can attach a copy to their Federal income tax return. It will be used to verify the deduction taken.

Who Must File.—Any plan administrator of one of the three types of plans shown on the form, who receives a contribution or makes a distribution from one of those plans, must file Form 5498 with the Internal Revenue Service.

Where and When to File.—File Form 5498 with the Service Center for your area by February 28th of the year following the year of the contributions or distribution. Give copies B and C to the participant by January 31st of that year.

Contributions After December 31st.—When a contribution is received after December 31st, 1983 and before the participant files his or her Federal income tax return and he or she designates that contribution as applicable to the year ending December 31st, 1983, file Copy A, of forms showing contributions after 12/31/83.

sixty days after the last date allowed for these contributions. Form 5498 should be given upon receipt of the contribution to enable the participant to attach it to the tax return. If the participant made other contributions, he may receive more than one Form 5498.

Specific Instructions.—Report in:

Box 1(a).—All regular contributions to an IRA. This includes individual retirement accounts or annuities.

Box 1(b).—Any IRA contribution which is being rolled over from another plan.

Box 2.—All contributions to a simplified employee pension (SEP).

Box 3.—All deductible employee contributions to an employer's plan. See the instructions following Box 9 instructions.

Box 4.—The code number that identifies the type of distribution you made. The numbers are as follows:

1—Premature Distribution (other than codes 2, 3, 4, or 5); 2—Rollover; 3—Disability; 4—Death; 5—Prohibited Transaction; 6—Other; 7—Normal Distributions; 8—Excess contributions refunded plus earnings on such excess contributions; 9—Transfers to an IRA for a spouse due to divorce.

Boxes 5, 6, and 7.—The amount of any distributions from one of these retirement arrangements. Be sure you have identified it with a Code number in Box 4.

Box 8.—The amount of Federal income tax withheld from any distributions (if applicable).

Box 9.—Any amount included in boxes 1, 2, or 3, which was used to pay for life insurance. If an endowment contract has been purchased, the amount of the premium must be reported here. See table in Rev. Rul. 55–747, 1955–2 C.B. 228.

Deductible employee contributions (DEC).—These are voluntary contributions by an employee to qualified plans, SEP's, or plans funded with annuity contracts (See section 403(b)), and government plans (whether or not qualified). They are deductible only if:

a. the plan provides for voluntary employee contributions,
b. the employee does not designate the contributions as other than deductible, and
c. the employer agrees to treat the contributions as deductible.

Mandatory contribution plans are not deductible. See Notice 82–13, IRB 82–19, page 16 for more information.

Payroll Deductions.—When an employee designates a contribution as applicable to the prior year, and notifies the plan administrator of such designation, Form 5498 should be made out for the appropriate amount so designated even though the contributions were received in a stated amount through payroll deductions.

★ U.S. GOVERNMENT PRINTING OFFICE : [illegible]

363-289-1

[FR Doc. 82-30016 Filed 11-5-82; 8:45 am]

BILLING CODE 4830-01-C

Sunshine Act Meetings

Federal Register
Vol. 47, No. 216
Monday, November 8, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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Nuclear Regulatory Commission	12
Securities and Exchange Commission	13

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10 a.m., Wednesday, November 10, 1982.

LOCATION: Room 456, Westwood Towers, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED: Compliance Status Report:

The staff will brief the Commission on the status of compliance activities.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, 5401 Westbard Avenue, Bethesda, Maryland 20207; 301-492-6800.

For an recorded message concerning latest agenda information call 301-492-5707.

[S-1614-82 Filed 11-4-82: 4:06 pm]

BILLING CODE 6355-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, November 9, 1982, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room No. 5240 on the fifth floor of the Columbia Plaza Office Building, 2401 E Street N.W., Washington, DC. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1 Ratification of Notation Vote/s.

2. Report on Commission Operations (optional).

3. Freedom of Information Act Request No. 82-8-FOIA-34-CL, concerning a request for a closed ADEA file.

4. Freedom of Information Act Request No. 82-9-FOIA-68-ME, concerning a request for deliberative documents in a closed age discrimination case file.

Closed:

1. Litigation Authorization; General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

(In addition to publishing notices on EEOC Commission Meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Officer, Executive Secretariat at (202) 634-6748.

This Notice Issued November 2, 1982.

[S-1613-82 Filed 11-4-82: 4:04 pm]

BILLING CODE 6750-06

3

FEDERAL ENERGY REGULATORY COMMISSION

November 3, 1982.

TIME AND DATE: 10 a.m., November 10, 1982.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—759th Meeting November 10, 1982, Regular meeting (10 a.m.)

CAP-1. Project No. 6246-002, Mr. Lester Kelley, et al.
CAP-2. Project No. 6267-001, Mr. Lester Kelley, et al.
CAP-3. Project No. 6148-000, Western Hydroelectric, Inc.
CAP-4. Project No. 5998-000, City of Emporia, Virginia
CAP-5. Project No. 6206-002, Mr. Lester Kelley, et al.
CAP-6. Project No. 6435-000, Joseph B. Nelson
CAP-7. Project No. 6433-000, Warren B. Nelson
CAP-8. Project No. 6037-000, French Paper Co.
CAP-9. Project No. 6412-000, Lyonsdale Hydroelectric Co.
CAP-10. Project No. 5571-001, Cataldo Hydro Power Associates
CAP-11. Project No. 6272-000, Lawrence J. McMurtrey; Project No. 6448-000, Western Hydro Electric, Inc.
CAP-12. Project No. 6437-000, Western Hydro Electric, Inc.
CAP-13. Project No. 6175-002, Mr. Lester Kelley, et al.
CAP-14. Project No. 6434-000, Mr. Joseph B. Nelson
CAP-15. Project No. 4006-001, City of Ogdensburg
CAP-16. Project Nos. 2149-007, 008 and 009, Public Utility District No. 1 of Douglas County
CAP-17. Project No. 2840-004, South Columbia Basin Irrigation District, East Columbia Irrigation District and Quincy-Columbia Basin Irrigation District
CAP-18. Project No. 3551-001, Continental Hydro Corp. and the Shoshone and Arapahoe Tribes; Project No. 4533-000, City of Gillette, Wyoming; Project No. 3636-000, Gregory Wilcox; Project No. 3954-000, Energenics; Project No. 4694-000, Midvale Irrigation District; Project No. 4695-000, Midvale Irrigation District
CAP-19. Project No. 5867-001, Long Lake Energy Corp.
CAP-20. Docket No. E-6454-006, City of Centralia
CAP-21. Project No. 4705-002, John J. Hockberger
CAP-22. Project No. 3407-003, Cook Electric Co.; Project No. 4468-000, Big Wood Canal Co. and American Falls Reservoir District No. 2
CAP-23. Project No. 289-003, Louisville Gas & Electric Co.
CAP-24. Project No. 176-011, Escondido Mutual Water Co.
CAP-25. Project No. 2769-000, Pennsylvania Electric Co. and Allegheny Electric Cooperative, Inc.
CAP-26. Project No. 2709-006, Monongahela Power Co., The Potomac Edison Co. and West Penn Power Co.
CAP-27. Project No. 3747-002, Borough of Central City, Pennsylvania
CAP-28. Project No. 4309-002, Tuolumne Regional Water District

CAP-29. Project Nos. 943-012, 013 and 014, Public Utility District No. 1 of Chelan County, Washington

CAP-30. Project No. 3856-000, Idaho Renewable Resources, Inc., City of Ashton, Idaho; Project No. 4166-000, Energenics; Project No. 4803-002, American Falls Reservoir District No. 2 Big Wood Canal Co.

CAP-31. Project No. 3151-000, Chain Dam Hydroelectric Corp., Chain Dam Hydroelectric Associates and Palmer Township, Pennsylvania; Project No. 3547-000, Commonwealth of Pennsylvania, Department of Environmental Resources and City of Easton, Pennsylvania

CAP-32. Project No. 3925-000, JBC Hydro Tennessee, Ltd.; Project Nos. 4443-000, 4443-001 and 4443-002, Daniel E. Burgner; Project Nos. 5474-000 and 5474-001, Southeastern Hydro-Power, Inc.

CAP-33. Project No. 6372-000, American Hydro Power Co.

CAP-34. Project No. 4262-000, Consolidated Hydroelectric, Inc.; Project No. 4840-001, Modesto Irrigation District

CAP-35. Project Nos. 2849-001, and 3295-000, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District

CAP-36. Project Nos. 2958-001, and 2958-002, Madera Irrigation District

CAP-37. Project No. 5906-001, North Canal Waterworks

CAP-38. Project No. 4885-002, South Fork Resources, Inc.

CAP-39. Project Nos. 2930-001, and 002, Idaho Power Co.

CAP-40. Project No. 2879-002, Green Montain Power Corp.

CAP-41. Project No. 4634-000, The City of Billings, Montana; Project No. 4616-000, Montana Department of Natural Resources and Conservation

CAP-42. Project No. 4635-000, City of Billings, Montana; Project No. 4657-001, Montana Department of Natural Resources and Conservation; Project No. 4657-002, Montana Department of Natural Resources and Conservation; Project No. 5564-000, Bitterroot Conservation district

CAP-43. Project No. 3365-000, Continental Hydro Corp.; Project No. 3579-000, Town of Converse, Indiana; Project No. 4197-000, Indiana Municipal Power Agency

CAP-44. Project No. 4575-000, Crown Zellerbach Corp.; Project No. 5202-000, Public Utility District No. 1 of Jefferson County, Washington; Project No. 5459-002, City of Port Townsend

CAP-45. Project No. 2280, Pennsylvania Electric Co. and The Cleveland Electric Illuminating Co.

CAP-46. Project No. 5574-000, Energenics Systems, Inc.; Project No. 5894-000, Town of Granby, Colorado; Project Nos. 5970-000 and 5970-001, Northern Colorado Water Conservancy District

CAP-47. Project No. 5860-000, West Slope Power Co.

CAP-48. Project No. 2375-001, International Paper Co.

CAP-49. Project No. 6156-001, Milton and Morris Zack

CAP-50. Project No. 3736-000, Mitchell Energy Co., Inc.; Project No. 3613-000, Energenics Systems, Inc.; Project No. 4145-000, The city of Valentine, Nebraska; Project No. 4225-000, Ainsworth Irrigation District

CAP-51. Project Nos. 3865-000, 001 and 002, Guadalupe-Blanco River Authority; Project No. 4921-000, Perdernales Electric Cooperative, Inc.

CAP-52. Project No. 3634-000, Gregory Wilcox; Project No. 3898-000, Mitchell Energy Co., Inc.; Project No. 3915-000, Hydroelectric Constructors, Inc.; Project No. 4137-000, Enagenics; Project No. 4388-000, Vidler Tunnel Water Co.; Project No. 4676-000, The City of Gunnison, Colorado

CAP-53. Project No. 5534-000, Messrs. Owen, Castagna and Bean; Project No. 5629-000, Modesto Irrigation District; Project No. 5756-000, Resource Investments; Project No. 5863-000, West Slope Power Co.

CAP-54. Project No. 3186, City of Ukiah, California; Project No. 3351, Sonoma County Water Agency

CAP-55. Project Nos. 4189-001, 4190-000, 4326-000, 4329-000, 4343-000, 4366-000, 4417-000 and 4419-001, Consolidated Hydroelectric, Inc.; Project Nos. 4830-000, 4833-000, 4927-000, 4957-000, 4970-000, 4973-000, 4992-001 and 4993-000, City of Rohnert Park, California; Project Nos. 4873-000, 4953-001, 5009-002, 5013-002, 5224-000, 5240-000, 5252-000 and 5254-000, Modesto Irrigation District; Project Nos. 5232-000 and 5374-000, Tehama County Flood Control and Water Conservation District

CAP-56. Project No. 67-000, Southern California Edison Co.; Project No. 2904-000, The Cities of Anaheim and Riverside, California

CAP-57. Southern Pacific Land Co.

CAP-58. Project Nos. 4437-000 and 001, Glacier Energy Co.; Project No. 5332, City of Seattle, City Light Department

CAP-59. Project No. 5838-000, Pickett Hydro Associates; Project No. 6517-000, Blackstone, Virginia

CAP-60. Project No. 2763-000, City of Golden, Colorado and Vidler Tunnel Water Co.; Project No. 2773-000, Oak Creek Power Co.; Project Nos. 2779-000 and 001, Colorado River Water Conservation District and Municipal Subdivision of the Northern Colorado Water Conservancy District

CAP-61. Project No. 3118-000, Franklin Falls Hydro Electric Corp.; Project No. 3170-000, Public Service Co. of New Hampshire

CAP-62. Project No. 5126-000, Mega Hydro Inc.

CAP-63. Omitted

CAP-64. Project No. 2835-000, New York State Electric & Gas Corp.

CAP-65. Project No. 4632-000, Clifton Power Corp.

CAP-66. Project No. 2100-019, State of California Department of Water Resources

CAP-67. Project No. 2244-003, Washington Public Power Supply System

CAP-68. Project No. 1984-005, Wisconsin River Power Co.

CAP-69. Omitted.

CAP-70. Docket No. ER82-793-000, Florida Power & Light Co.

CAP-71. Docket No. ER82-803-000, New York State Electric & Gas Corp.

CAP-72. Docket Nos. ER82-799-000 and EL82-6-000, Niagara Mohawk Power Corp.

CAP-73. Docket No. ER82-673-001 and 002, Kentucky Utilities Co.

CAP-74. Docket No. ER80-214-002, Pacific Gas & Electric Co.

CAP-75. Docket Nos. ER77-578-002 and ER80-259-000, Kansas Gas & Electric Co.

CAP-76. Docket Nos. ER76-532-002 and 003, Pacific Gas & Electric Co.

CAP-77. Docket Nos. ER79-105-004, 005 and 006, Southern California Edison Co.

CAP-78. Omitted.

CAP-79. Docket No. E-8851-002, Alabama Power Corp.

CAP-80. Docket Nos. ER76-828-002, 003, 004 and 005, Nantahala Power & Light Co.; Docket Nos. EL78-18-002, 003, 004 and 005, Town of Highlands, North Carolina, et al. v. Nantahala Power & Light Co.

CAP-81. Docket No. ER82-375-002, Gulf States Utilities Co.

CAP-82. Docket No. EL82-20-000, The Town of Highlands, North Carolina, Haywood Electric Membership Corp., and North Carolina Electric Membership Corp. v. Nantahala Power & Light Co.

CAP-83. Docket No. ER82-271-000, Pacific Gas & Electric Co.

CAP-84. Docket No. ER82-669-000, Westchester Resco Co.

CAP-85. Docket No. ER81-504-001, Delmarva Power & Light Co.

CAP-86. Docket Nos. ER82-456-000 and 002, The Cincinnati Gas & Electric Co.

CAP-87. Omitted.

CAP-88. Docket No. ER82-347-000, Wisconsin Electric Power Co.

CAP-89. Docket No. ER80-592, et al., Allegheny Power System, et al.; Docket Nos. ER81-66-000, ER81-225-000, ER81-136-000, ER81-292-000, Louisville Gas & Electric Co.

CAP-90. Docket No. ER82-23-000, West Texas Utilities Co.

CAP-91. Docket No. EL81-11-000, Kansas City Power & Light Co.

CAP-92. Docket Nos. ER76-507 and EL81-15-000, Public Service Co. of Colorado

CAP-93. Omitted.

CAP-94. Project No. 3417, Southeastern Renewable Resources, Inc. and the Town of Grafton, West Virginia; Project No. 3476, Noah Corp.; Project No. 4067, City of Bedford, et al.; Project No. 4239, City of Philippi, West Virginia; Project No. 4255, Taylor County Commission and the Town of Flemington, West Virginia

CAP-95. Project No. 6301-000, Woods Creek, Inc./ Murray-Pacific Corp., a Joint Venture

CAP-96. Docket No. QF82-206-001, American Lignite Products Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM83-4-000, Discontinuance of FERC Form No. 5: Electric Utility Co. Monthly Statement

CAM-2. Docket No. RM83-5-000, Revision of FERC Form No. 121: Application for determination of the maximum lawful price under the Natural Gas Policy Act of 1978 (Sections 102, 103, 107 and 108)

CAM-3. Docket No. RM79-76-050 (New Mexico—5), high-cost gas produced from tight formations

CAM–4. Docket No. RM79–76–114 (Texas—23), high-cost gas produced from tight formations

CAM–5. Docket No. RM79–76–126 (Colorado—27), high-cost gas produced from tight formations

CAM–6. Docket No. RM79–76–133 (Colorado—29), high-cost gas produced from tight formations

CAM–7. Docket No. RM79–76–128 (Colorado—1 amendment), high-cost gas produced from tight formations

CAM–8. Docket No. GP82–27–001, Amoco Production Co.

CAM–9. Docket No. GP81–47–000, State of Texas, Section 108 NGPA determinations, Mobil Producing Texas & N.M., Inc., J. W. Lutz "C" No. 1 Well, JD. No. 80–27143; No. 4 Well, JD. No. 80–27144 and State of New Mexico, Section 108 NGPA determination, Mobil Producing Texas & N.M., Inc., Bridges State 90 Well, JD No. 79–07660

CAM–10. Docket No. GP80–12–001, Ashland Exploration, Inc.

CAM–11. Docket No. GP81–50–000, Oklahoma Corp. Commission, Section 108 NGPA determination, Gulf Oil Corp., Roetker No. 1 Well, JD81–01664

CAM–12. Docket No. GP82–39–000, Phillips Petroleum Co., NGPA Section 108 Well Category Determinations

CAM–13. Docket No. GP82–40–000, Phillips Petroleum Co., NGPA Section 108 Well Category Determinations

CAM–14. Docket No. GP82–3–000, Ohio Department of Natural Resources, Section 107 NGPA determination, Cyclops Corporation "Clinton," Sandstone Davis #1 Well, FERC No. JD81–36332

CAM–15. Docket No. RA81–61–000, Beacon Oil Co.

CAM–16. Docket No. RO82–69–000, Gary Pfister's Mobil Service; Docket No. RO82–70–000, Pete Aljian Chevron, and Docket No. RO82–71–000 (not consolidated), Shaw and 99 Chevron

CAM–17. Docket No. RA80–64, Valero Energy Corp.

Consent Gas Agenda

CAG–1. (a) Docket Nos. RP77–98–006 and RP78–78–009, Natural Gas Pipeline Co. of America; (b) Docket No. RP78–62–000 (reserved issues), Panhandle Eastern Pipe Line Co.

CAG–2. Docket No. TA82–2–33–000, El Paso Natural Gas Co.

CAG–3. Docket Nos. RP81–85–001 and CP74–138–002, Trunkline LNG Co.

CAG–4. Docket No. TA82–2–15–000, Mid Louisiana Gas Co.

CAG–5. Docket No. TA83–1–37–000, Northwest Pipe Line Corp.

CAG–6. Docket No. TA82–2–11–003 (PGA82–2a), United Gas Pipeline Co.

CAG–7. Docket No. TA82–1–60–000 (PGA82–1), Locust Ridge Gas Co.

CAG–8. Docket No. TA82–2–33–012, El Paso Natural Gas Co.

CAG–9. Docket No. RP75–114–004, et al., East Tennessee Natural Gas Co.

CAG–10. Docket Nos. TA82–2–11–000, 001 and 002, United Gas Pipe Line Co.; Docket No. RP82–57–000, United Gas Pipe Line Co.

CAG–11. Docket Nos. RP82–124–001 and RP81–53–001, East Tennessee Natural Gas Co.

CAG–12. Docket No. RP82–74–001, Texas Gas Transmission Corp.

CAG–13. Docket No. RP82–35–000, National Fuel & Gas Distribution Corp.

CAG–14. Docket No. RP82–117–001, Midwestern Gas Transmission Co.

CAG–15. Docket Nos. RP82–125–001 and RP81–121–000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

CAG–16. Docket Nos. TA82–2–17–000 (PGA82–2) (IPR82–2) and (DCA82–2), Texas Eastern Transmission Corp.

CAG–17. Docket No. RP82–13–000, National Fuel Gas Supply Corp.

CAG–18. Docket No. RP81–109–000, Texas Eastern Transmission Corp.

CAG–19. Docket No. TA82–1–22–001 (PGA82–1, IPR82–1 and RD&D82–1), Consolidated Gas Supply Corp.

CAG–20. Docket No. RP82–51–000, Mid Louisiana Gas Co.

CAG–21. Docket No. TA82–2–6–002, Sea Robin Pipeline Co.

CAG–22. Docket No. TA82–2–46–001 (PGA82–2) (IPR82–2), Kentucky West Virginia Gas Co.

CAG–23. Docket No. RP82–87–000, National Fuel Gas Supply Corp.

CAG–24. Docket Nos. RP82–123–000 and RP82–95–000, Western Transmission Corp.

CAG–25. Docket No. TA82–2–5–002, Midwestern Gas Transmission Co.

CAG–26. Docket No. TA82–2–42–000 (PGA82–2 and IPR82–2), Transwestern Pipeline Co.

CAG–27. Docket No. TA81–1–21–001 (PGA81–1, IPR81–1, LFUT81–1, TT81–1 and AP81–1), Columbia Gas Transmission Corp.

CAG–28. Docket No. TA83–1–7–000 (PGA83–1, IPR83–1 and DCA83–1), Southern Natural Gas Co.

CAG–29. Docket No. RP82–116–001, Southern Natural Gas Co.

CAG–30. Docket No. TA83–1–46–000 (PGA83–1, IPR83–1), Kentucky West Virginia Gas Co.

CAG–31. Docket No. TA82–2–30–000 and TA82–2–30–001 (PGA82–2, IPR82–2 and AP82–2), Trunkline Gas Co.

CAG–32. Docket No. TA82–2–21–000 (PGA82–2, IPR82–2 and AP82–2), Columbia Gas Transmission Corp.

CAG–33. Docket No. TA82–2–18–000 (PGA82–2, IPR82–2, AP82–2 and TT82–2), Texas Gas Transmission Corp.

CAG–34. Docket No. TA82–2–26–000, Panhandle Eastern Pipe Line Co.

CAG–35. Docket No. TA82–2–33–001 (PGA82–2, IPR82–2, AP82–2, TT82–2) and TA83–1–33–001, El Paso Natural Gas Co.

CAG–36. Docket No. TA83–1–48–000 (PGA83–1), Michigan Wisconsin Pipeline Co.

CAG–37. Omitted

CAG–38. Docket No. TA83–1–43–000 (PGA83–1), Cities Service Gas Co.

CAG–39. Docket No. TA82–2–22–000 (PGA82–2, IPR82–2 and RD&D82–2), Consolidated Gas Supply Corp.

CAG–40. Docket No. RP81–103–000, State of Michigan and Michigan Public Service Commission v. Trunkline Gas Co.; Docket No. RP82–131–000, Southwest Gas Corp.

CAG–41. Docket No. RP82–56–000, Northwest Pipeline Corp.

CAG–42. Docket No. TA83–1–34–000 (PGA83–1 and IPR83–1), Florida Gas Transmission Co.

CAG–43. Docket No. RP83–6–000, El Paso Natural Gas Co.

CAG–44. Docket No. RP82–58–000, Panhandle Eastern Pipe Line Co.; Docket No. RP82–105–000, Central Illinois Light Co. v. Panhandle Eastern Pipe Line Co.

CAG–45. Docket No. RP82–128–000, Texas Eastern Transmission Corp.; Docket No. RP82–129–000, Transwestern Pipeline Co.

CAG–46. Docket No. RP81–96–000, Tennessee Natural Gas Lines, Inc.

CAG–47. Docket No. RP81–80–000, Consolidated Gas Supply Corp.

CAG–48. Docket No. RP81–69–004, South Georgia Natural Gas Co.

CAG–49. Docket Nos. RP80–55–003, RP80–118–004, RP81–73–002 and RP82–32–002, Sea Robin Pipeline Co.

CAG–50. Docket No. RP81–47–003, Northwest Pipeline Corp.

CAG–51. Docket No. IS80–9, et al., Mid-America Pipeline Co.

CAG–52. Docket No. IS80–15, et al., Buckeye Pipe Line Co.

CAG–53. Docket Nos. ST82–356–000 and ST82–357–000, Delhi Gas Pipeline Corp.

CAG–54. Docket No. ST82–352–000, J–W Gathering Co.

CAG–55. Omitted

CAG–56. Docket No. ST82–340–000, Consumers Power Co.

CAG–57. Docket Nos. ST80–298–000 and ST82–287–000, Mississippi Fuel Co.

CAG–58. Omitted

CAG–59. Docket No. CI82–385–001, Sohio Petroluem Co.; Docket No. CI82–339–001, Kerr-McGee Corp.; Docket No. CI82–342–001, Getty Oil Co.; Docket No. CI82–350–001, Cities Service Co.; Docket No. CI75–19–001, Texas Eastern Exploration Co.; Docket No. CI82–11–002, Conoco, Inc. Co.; Docket No. CI82–365–001, Koch Industries, Inc.; Docket No. CI82–366–001, Mobil Producing Texas & New Mexico Inc.; Docket No. CI82–367–001, CNG Producing Co.; Docket No. CI82–355–001, Union Oil Co. of California; Docket No. CI78–1074–002, Mobil Oil Exploration & Producing Southeast Inc.; Docket No. CI72–393–002, Exxon Corp.; Docket No. CI64–668–003, Union Oil Co. of California, et al.; Docket No. CI82–348–001, ELF Aquitaine, Inc.; Docket No. CI64–668–004, Union Oil Co. of California; Docket No. CI72–393–001, Exxon Corp.

CAG–60. Docket Nos. CI73–293–001 and CI79–653–001, Beclo Petroleum Corp.

CAG–61. Docket No. CI77–635–002, Gulf Oil Corp.

CAG–62. FERC Gas Rate Schedule No. 38, Cabot Petroleum Corp.

CAG–63. FERC Gas Rate Schedule No. 107, Gulf Oil Corp.

CAG–64. FERC Gas Rate Schedule No. 6, MCOR Oil & Gas Corp.

CAG–65. FERC Gas Rate Schedule Nos. 285, et al., Arco Oil & Gas Co., et al.

CAG–66. FERC Gas Rate Schedule No. 38 and Docket No. RI76–143–000, Cabot Petroleum Corp.

CAG–67. Docket No. CP74–94–006 and 007, United Gas Pipe Line Co. complainant, v. Billy J. McCombs and R. James Stillings, respondents

CAG–68. Docket No. CP79–473–002, Alabama-Tennessee Natural Gas Co.
CAG–69. Docket No. CP80–435–000, Alaskan Northwest Natural Gas Transportation Co.; Docket No. CP78–123–000, et al., Northwest Alaskan Pipeline Co.
CAG–70. Docket No. CP82–141–001, Trunkline Gas Co.; Docket No. CP82–230–000, Columbia Gulf Transmission Co. and Columbia Gas Transmission Corp.
CAG–71. Docket No. CP82–347–001 and 002, Michigan Wisconsin Pipe Line Co. and Trunkline Gas Co.
CAG–72. Docket Nos. CP82–290–001 and 002, Panhandle Eastern Pipe Line Co.
CAG–73. Docket Nos. CP82–255–001 and 002, Transcontinental Gas Pipe Line Corp.
CAG–74. Docket No. CP81–40–002, Michigan Wisconsin Pipe Line Co.
CAG–75. Docket No. CP73–185–000, New England LNG Co., Inc., Docket No. CP74–54–000, Lowell Gas Co.
CAG–76. Docket No. CP82–138–000, et al., East Tennessee Natural Gas Co., et al.
CAG–77. Docket No. G–104–000, El Paso Natural Gas Co.
CAG–78. Docket No. RP80–58–000, the State of Oklahoma and the Corporation Commission of the State of Oklahoma
CAG–79. Docket No. CP78–128–000, Inter-City Minnesota Pipelines Ltd., Inc.
CAG–80. Docket No. CP82–296–000, Northern Border Pipeline Co.
CAG–81. Docket No. CP81–389–000, Sugar Bowl Gas Corp.
CAG–82. Docket Nos. TC82–36–000 and 001, The Inland Gas Co., Inc.
CAG–83. Docket No. CP82–405–000, Montana-Dakota Utilities Co.; Docket No. CP82–449–000, Colorado Interstate Gas Co.
CAG–84. Docket No. CP82–15–001, El Paso Natural Gas Co.
CAG–85. Docket No. CP82–460–000, Mountain Fuel Supply Co.; Docket No. CP82–483–000, Colorado Interstate Gas Co.
CAG–86. Docket No. CP82–511–000, Kansas-Nebraska Natural Gas Co.
CAG–87. Omitted
CAG–88. Omitted
CAG–89. Docket No. CP82–65–000, Panhandle Eastern Pipe Line Co.
CAG–90. Docket No. CP81–531–000, Mountain Fuel Supply Co.; Docket No. CP82–3–000, Colorado Interstate Gas Co.
CAG–91. Docket No. G–10699–000, Panhandle Eastern Pipe Line Co.
CAG–92. Docket No. CP82–214–000, Western Gas Interstate Co.
CAG–93. Docket No. CP82–464–000, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–94. Docket No. CP82–384–000, Granite State Gas Transmission, Inc.; Docket No. CP82–358–000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CAG–95. Docket No. CP82–37–000, Galaxy Energies, Inc.
CAG–96. Docket No. CP81–377–002, Northern Natural Gas Co., Division of Internorth, Inc.
CAG–97. Docket No. CP82–461–000, Columbia Gas Transmission Corp.
CAG–98. Docket No. CP81–323–000, International Paper Co.
CAG–99. Docket No. CP81–472–000, Colorado Interstate Gas Co.; Docket No. CP81–447–000, MIGC, Inc.
CAG–100. Docket Nos. CP81–522–000, and 002, Northern States Power Co. (Minnesota)
CAG–101. Docket No. CP80–22–000, Northern Natural Gas Co., Division of Internorth, Inc.; Docket No. CP78–124–007, Northern Border Pipeline Co.

I. Licensed Project Matters

P–1. Project No. 2890–001, Kings River Conservation District
P–2. Project No. 4861–000, Arthur L. Bloom and Ada County, Idaho; Project No. 3598–000, Cook Electric Co.
P–3. Project No. 2750, Town of Springfield, Vermont
P–4. Omitted
P–5. Project No. 3283–000, Gas and Electric Department of the City of Holyoke, Massachusetts

II. Electric Rate Matters

ER–1. Docket Nos. ER77–277–002 and EL82–24–000 (Phase II), Pennsylvania Power Co.
ER–2. Docket Nos. ER77–175–000 and ER78–19–000 (Phase II), et al., Florida Power & Light Co.
ER–3. Docket No. ER81–736–000, Central Illinois Public Service Co.
ER–4. Docket No. ER82–414–000, Ohio Edison Co.
ER–5. Docket No. ER82–576–000, Energy Conversions of America, Inc.
ER–6. Omitted.
ER–7. Docket No. EL80–25–001, Commonwealth Edison Co.
ER–8. Docket No. ID–1998–000, Alfred W. Eames, Jr.
ER–9. Docket No. ID–1956–001, William T. Coleman, Jr.
ER–10. Docket No. ID–1969–001, Keith R. Potter.
ER–11. Docket No. ID–1997–000, Frederick W. Mielke, Jr.
ER–12. Docket No. ER82–774–000, Tapoco, Inc.; Docket No. ER82–829–000, Nantahala Power & Light Co.

Miscellaneous Agenda

M–1. Reserved
M–2. Reserved
M–3. Docket No. RM83–2–000, fees applicable to natural gas pipeline rate matters
M–4. Docket No. RM83–3–000, reduction filing requirements for well category applications under Sections 102, 103, 107, and 108 of the Natural Gas Policy Act of 1978
M–5. Docket No. GP80–44–001, National Fuel Gas Supply Corp.; Docket No. GP81–15–000, Glenbrook Oil & Gas. Inc.
M–6. Docket No. GP82–2–000, Goldking Production Co.

Gas Agenda

I. Pipeline Rate Matters

RP–1. Docket Nos. RP79–6–001 and RP80–8–001, Kansas-Nebraska Natural Gas Co., Inc.

II. Producer Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. Docket Nos. CP81–107–000 and CP81–108–000, Boundary Gas, Inc.; Docket Nos. CP81–296–000, CP81–298–000, CP82–470–000,Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP–2. Docket No. CP82–462–000, Florida Gas Transmission Co.
CP–3. Docket Nos. CP80–274–000, CP80–275–000, CP76–397–000, CP80–144–005, CP82–153–000 and CP82–153–001, Mountain Fuel Supply Co.; Docket No. CP80–274–001, Mountain Fuel Resources, Inc.; Docket Nos. CP80–275–002 and CI82–216–000, Wexpro Co.; Docket Nos. CI80–233–000 and 002, Celsius Energy Co.
CP–4. Docket No. CP80–520–004, Natural Gas Pipe Line Co. of America
CP–5. Docket No. TC82–43–000, Kansas-Nebraska Natural Gas Co., Inc.

Kenneth F. Plumb,

Secretary.

[S–1610–82 Filed 11–4–82: 3:21 p.m.]

BILLING CODE 6717–01–M

4

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 49787, Tuesday, November 2, 1982.

PLACE: Board Room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled Thursday, November 4, 1982:

Reports to the Board; Market Value Accounting; and Public Dissemination of Financial Statements

[No. 76, November 4, 1982]

[S–1604–82 Filed 11–4–82: 9:55 am]

BILLING CODE 6720–01–M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 49787, Tuesday, November 2, 1982.

PLACE: Board room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Lockwood (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting scheduled, Thursday, November 4, 1982:

Accounting for Gains Disposition of Loans Acquired Through Mergers Accounted for Under Purchase Accounting

[No. 77, November 4, 1982]

[S–1606–82 Filed 11–4–82: 11:02 am]

BILLING CODE 6720–01–M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 3 p.m., November 3, 1982.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, D.C. 20573.

STATUS: Closed.

MATTER TO BE CONSIDERED: 1. Petition of Delta Steamship Lines for Relief Under Section 19 of the Merchant Marine Act, 1920.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1615-82 Filed 11-4-82; 4:14 pm]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM

Board of Governors

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 49139, Friday, October 29, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Approximately 10:30 a.m., Wednesday, November 3, 1982, following a recess at the conclusion of the open meeting.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Proposed revisions to the Federal Reserve Bank employee salary structure adjustment policies. (This item was originally announced for a meeting on Monday, October 25, 1982.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: November 3, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1603-82 Filed 11-4-82; 9:26 am]

BILLING CODE 6210-01-M

8

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10:00 a.m., Friday, November 12, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: November 4, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1611-82 Filed 11-4-82; 3:27 pm]

BILLING CODE 6210-01-M

9

FEDERAL RESERVE SYSTEM

(Board of Governors)

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to **Federal Register** on November 3, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, November 10, 1982.

CHANGES IN THE MEETING: Deletion of the following open item(s) from the agenda:

Proposed revisions to certain reports to collect information on new ceiling-free money market accounts (FR 2900, FR 2042, FR 2573, and FR 2071).

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: November 4, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1612-82 Filed 11-4-82; 3:35 pm]

BILLING CODE 6210-01-M

10

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-48

TIME AND DATE: 2:30 p.m., Wednesday, November 17, 1982.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Certain jogging apparatus (Docket No. 887).
5. Investigation 701-TA-195 (Preliminary) (Stainless Steel Sheet and Strip from the United Kingdom)—briefing and vote.
6. Investigation 701-TA-196 (Preliminary) (Stainless Steel Plate from the United Kingdom)—briefing and vote.
7. Investigation 701-TA-197 (Preliminary) (Softwood Lumber from Canada)—briefing and vote.
8. Investigation 701-TA-198 (Preliminary) (Softwood Shakes and Shingles from Canada)—briefing and vote.
9. Investigation 701-TA-199 (Preliminary) (Softwood Fence from Canada)—briefing and vote.
10. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1605-82 Filed 11-4-82; 10:17 am]

BILLING CODE 7020-02-M

11

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 10 a.m., Thursday, November 18, 1982.

PLACE: Bellevue Stratford Hotel, Ball Room, Broad Street at Walnut, Philadelphia, Pa.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Review of Central Liquidity Facility Lending Rate.
2. Amendments to NCUA's Lending Regulations to Implement the Provisions of the Garn-St Germain Depository Institutions Act of 1982 (includes amendments to implement title V, due-on-sale regulations, and NCUA's study of its regulations governing alternative mortgage transactions by Federal credit unions).
3. Technical Amendment to Part 708 to clarify the provisions of authority of the NCUA Board to approve emergency mergers pursuant to the Garn-St Germain Depository Institutions Act of 1982.
4. Final Amendments to conform Part 747 with the Garn-St Germain Depository Institutions Act of 1982, amendments regarding civil money penalties and authority of NCUA Board to remove management officials for violations of the Depository Institution Management Interlocks Act.
5. Standard Bylaw Amendments to implement the new provisions to the Federal Credit Union Act as amended by the Garn-St Germain Depository Institutions Act of 1982.
6. Plan of approach to conduct the Study of Directors' Compensation as required by the Garn-St Germain Depository Institutions Act of 1982.
7. Plan of approach to conduct the NCUA Insurance Study required by the Garn-St Germain Depository Institutions Act of 1982.
8. Interpretive Ruling and Policy Statement: Designation of state agencies as appropriate parties to conduct inspections of Federal credit union records to determine compliance with state unclaimed property laws.
9. Proposed operating fee scale of assessment for calendar year 1983.
10. Report on Credit Union Expansion '84 Program.

* * * * *

TIME AND DATE: 5 p.m., Wednesday, November 17, 1982.

PLACE: Bellevue Stratford Hotel, Gold Room, Broad Street at Walnut, Philadelphia, Pa.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudication. Closed pursuant to exemptions (8), (9)(A)(ii), and (10).

2. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (10).

3. Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board; telephone (202) 357-1100.

[S-1609-82 Filed 11-4-82; 3:00 pm]

BILLING CODE 7535-01-M

12

NUCLEAR REGULATORY COMMISSION

DATE: Week of November 8, 1982 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C. and Harrisburg, Pennsylvania Area.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Monday, November 8*, H Street, NW.:

10:00 a.m.:
Briefing by Regulatory Reform Task Force—Administrative Proposals (Public Meeting) (as announced)

2:00 p.m.:
Discussion of Office of Investigations Policy and Procedures (Continued) (Closed—Exemption 2) (Replaces Briefing on Hydrogen Control Program)

Tuesday, November 9, Harrisburg, Pennsylvania Area:

2:00 p.m.:
Oral Presentations on TMI-1 Restart (Public Meeting) (Note time change) William Penn Museum

7:30 p.m.:
Public Meeting on TMI-1 Restart (Public Meeting) (as announced) Central Dauphin High School

Wednesday, November 10, H Street, NW.:

1:00 p.m.:
Comments from Parties on Phase II Reverification Program for Diablo Canyon (Public Meeting) (Note time change)

3:00 p.m.:
Options Regarding High Level Waste Rule—Technical Criteria (Part 60) (Public Meeting) (as announced)

Friday, November 12, H Street, NW.:

9:30 a.m.:
Discussion/Possible Vote on Full Power Operating License for Susquehanna (Public Meeting) (as announced)

11:00 a.m.:
Affirmation/Discussion and Vote (Public Meeting) (items revised)

a. Petition of Sunflower Coalition
b. Offshore Power Systems
c. San Onofre Board Certification

2:00 p.m.:
Briefing on Sandia Consequences Study (Public Meeting) (additional item)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

Dated: November 4, 1982.

Walter Magee,
Office of the Secretary.

[S-1608-82 Filed 11-4-82; 3:00 pm]

BILLING CODE 7590-01-M

13

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (TO BE PUBLISHED).

STATUS: Closed/open meetings.

PLACE: Rooms 6059 and C130, 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, November 1, 1982.

CHANGES IN THE MEETING: Additional items/deletion. The following additional items will be considered at a closed meeting scheduled for Wednesday, November 3, 1982, at 10:00 a.m.:

Litigation matter.
Institution of injunctive actions.

The following items will not be considered at an open meeting scheduled for Thursday, November 4, 1982, at 10:00 a.m.:

1. Consideration of whether to issue an order authorizing the Louisiana Power & Light Company, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company under the Pubic Utility Holding Company Act of 1935 to acquire the municipal electric system of the City of Monroe, Louisiana. For further information, please contact Mary Ann Oliver at (202) 272-7647.

2. Consideration of whether to adopt final rules which would amend Article 6 of Regulation S-X relative to financial statements filed by registered investment companies. The amendments to Article 6 being considered are intended to (1) eliminate rules which are duplicative of generally accepted accounting principles, (2) effect changes which recognize current industry practices, and (3) integrate and simplify the rules to improve financial reporting. The Commission will also consider whether to adopt similar amendments to financial statement requirements for employee stock purchase, savings and similar plans. For further information, please contact Clarence M. Staubs at (202) 272-2130.

Commissioners Evans, Thomas, Longstreth and Treadway determined by vote that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Diane Klinke at (202) 272-2014.

November 3, 1982.

[S-1607-82 Filed 11-4-82; 11:32 am]

BILLING CODE 8010-01-M

federal register

Monday
November 8, 1982

Part II

Environmental Protection Agency

Standards of Performance for New Stationary Sources—Graphic Arts Industry: Publication Rotogravure Printing

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2070-6]

Standards of Performance for New Stationary Sources—Graphic Arts Industry: Publication Rotogravure Printing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Standards of performance for publication rotogravure printing presses were proposed in the **Federal Register** on October 28, 1980 (45 FR 71538). This action promulgates a standard of performance to limit emissions of volatile organic compounds (VOC) from new, modified, and reconstructed publication rotogravure printing presses. Reference Method 24A is included with this promulgation. The standard implements Section 111 of the Clean Air Act and is based on the Administrator's determination that the graphic arts industry causes or contributes significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of the standard is to require all new, modified, and reconstructed publication rotogravure printing presses to control VOC emissions to the level achievable through use of the best demonstrated system of continuous emission reduction, considering costs, nonair quality health, and environmental and energy impacts.

EFFECTIVE DATE: November 8, 1982.

The incorporation by reference of the ASTM Standard listed in the regulations is approved by the Director of the Federal Register as of November 8, 1982.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this new source performance standard is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this rule. Under Section 370(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Background Information Document.* The background information document (BID) for the promulgated standard may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Publication Rotogravure Printing—Background Information for Promulgated Standards" (EPA-450/3-80-031b). The BID contains (1) a summary of all the public comments made on the proposed standards and the Administrator's response to the comments, (2) a summary of the changes made to the regulation since proposal. The final Environmental Impact Statement, which summarizes the impacts of the standards, is included in "Publication Rotogravure Printing—Background Information for Proposed Standards" (EPA-450/3-80-031a). The environmental impacts have not changed since proposal.

Docket. A docket, number A-79-50, containing information considered by EPA in development of the promulgated standard, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (A-130), West Tower Lobby, Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Porter, Section Chief, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-5578.

SUPPLEMENTARY INFORMATION:

OMB Control number: 2000-0462.

The Standard

Standards of performance for new sources established under Section 111 of the Clean Air Act reflect:

> * * * application of the best technological system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated [Section 111(a)(1)].

For convenience, this will be referred to as "best demonstrated technology" or "BDT."

The promulgated standard applies to publication rotogravure production presses for which construction, reconstruction, or modification commenced after October 28, 1980. Definition of the terms "modification" and "reconstruction" are included in 40 CFR 60.14 and 60.15. Proof presses are not affected by the standard. Proof presses are used only to check the quality of the image formation of newly etched or engraved printing cylinders and do not print saleable items.

VOC emissions from publication rotogravure presses are limited to 16 percent of the total mass of VOC solvent and water used at the press.

Compliance with the emission limit must be demonstrated during a long-term performance test. The performance averaging period of each test is 30 consecutive calendar days instead of an average of three runs as prescribed under 40 CFR 60.8. Actual press emissions and the average control system performance are determined by a solvent mass balance. The total mass of recovered solvent is compared to the total mass of the solvent and water used at the press. If only solvent-borne are used, performance may be determined by a temperature/density-corrected solvent volume balance, at the option of the owner or operator. VOC content data for solvent-borne inks and related coatings are obtained from the ink manufacturer or determined by analysis with Reference Method 24A. VOC and water content data for waterborne inks and related coatings are obtained from the ink manufacturer. EPA is not promulgating a test method for analysis of waterborne printing inks. The calculated emission percentage can be reported as rounded-off to the nearest whole number.

The regulation includes compliance provisions based on the use of solvent-borne ink systems with a solvent vapor capture system and a fixed-bed carbon adsorption/solvent recovery system for VOC emission control. Provisions for compliance using waterborne inks have been included in expectation of future development of this low VOC emitting printing technique. Emission control equipment is not expected to be used with waterborne ink systems. When affected facilities are installed in plants with existing facilities, the owner or operator is allowed to choose among several compliance options for conducting performance tests.

After completion of the performance test, the owner or operator is required to monitor for proper operation and maintenance. The performance averaging period for monitoring is either a calendar month or a 4 consecutive week period, at the option of the owner or operator. Records of the amount of solvent and water used, solvent recovered, and the estimated emission percentage for each performance averaging period must be maintained for 2 years. No periodic reporting of the monthly monitoring results is required.

The emission limit can also be met through the use of other control techniques. Fluidized-bed carbon adsorption/solvent recovery systems might be applied, but this method has not been successfully demonstrated in this industry. Regenerative cryogenic condensation/solvent recovery systems are becoming feasible on a commercial scale, but have not been tried in this industry. Solvent destruction (i.e., oxidation) control systems are used on other similar services, but are not desirable or necessary in this industry since the solvents used can be recovered in suitable enough condition to permit direct recycle to the presses. Specific procedures for determination of compliance with solvent destruction are not being promulgated since this control technique is not expected to be used on any new, modified, or reconstructed press.

Summary of Environmental, Energy, and Economic Impacts

The environmental, energy, and economic impacts of the standard are expressed as incremental differences relative to a baseline level. A 75 percent overall VOC reduction efficiency, or 25 percent emission level, was chosen as the baseline for the impact analyses. This baseline level corresponds to the recommendation in EPA's control techniques guideline (CTG) document, "Control of Volatile Organic Emissions from Existing Stationary Sources—Volume VIII: Graphic Arts—Rotogravure and Flexography" (EPA-450/2-78-033 [CTG]). The states are expected to use this document in developing their revised State Implementation Plans (SIP) for new and existing publication rotogravure printing facilities. If no NSPS were promulgated, new and existing facilities would be controlled to this baseline level by virtue of SIPs. The impact analyses compared impacts of new facilities under SIP control (i.e., in the absence of a NSPS) with impacts under the promulgated standard level of control. These impact analyses are based on the use of fixed-bed carbon adsorption/solvent recovery systems for control of VOC emissions from both existing and affected facilities. All existing facilities installed before October 1980 are assumed to be controlled at the 75 percent baseline level.

The projected impacts are calculated based on the expectation that 15 percent (85 percent overall control) of the total VOC solvent used at affected facilities will be emitted. Emissions are expected to increase to the 16 percent level (84 percent overall control) during only 1 or 2 months per year.

Compared to the baseline control level, the standard will further reduce VOC air pollutant emissions from typical affected facilities by 13 percent. The standard will reduce the industrywide VOC emissions by about 7,900 megagrams per year in the year 1985, the fifth year after the applicable date of the standard. This represents about five percent more reduction of industrywide emissions than with control at the baseline level. This projection is based on the expectation of 7 percent annual real growth rate in this industry.

Potential water pollution from a facility controlled under the standards is 13 percent greater than that from one controlled at the baseline level. Projected nationwide discharges for 1985 will increase by about 32 million liters above that for control at the baseline level. In the year 1985, dissolved organic solvents in the nationwide effluent will potentially amount to about 6 megagrams per year more than for control at the baseline level. This represents about a five percent incremental increase. Some treatment of this wastewater is necessary. One very effective demonstrated treatment method involves on-site hot air-stripping. The stripped solvent vapors are directed back to the carbon adsorber system for recovery. The resultant solvent-free water (less than 5 ppm) can be directly recycled for process use within the plant. This technique is effective because the solvents used exhibit very low miscibility with water. This inexpensive solvent removal system was included in cost analyses of the model plant carbon adsorption control systems. Two other treatment options are discharge to a conventional biological waste treatment system (e.g., activated sludge, trickle filter) and liquid-phase carbon adsorption. Air-stripping, biological treatment and liquid-phase carbon adsorption could successfully treat all wastewater generated from vapor-phase carbon adsorption control systems.

Implementation of the standard will increase the generation of solid waste because of the installation of additional recovery equipment. Spent carbon and carbon fines will increase as will the waste filters used to clean the solvent laden air upstream of the carbon bed. By 1985, however, the maximum amount of additional waste carbon generated because of the standard would be only about 85 Mg. Disposing of this small incremental amount of solid waste will pose no significant problem. The carbon may be sent back to the manufacturer for regeneration, or it could be incinerated, supplying an excellent source of fuel energy. Landfilling is also an appropriate method of disposal. Even if all of it were disposed of in landfills, it would amount to less than 2 tons per state during the entire 5-year period, truly an insignificant amount. Similarly, the incremental quantity of waste filters would also be very small.

The only significant source of noise is from the large SLA fans. However, these are normally installed in an enclosed housing, and should not affect the surrounding environment.

In the Administrator's opinion, the standard's environmental impacts as just described are reasonable.

The standard requires a direct energy consumption increase for the industry; however, the impact of solvent recovery control systems will decrease the nationwide demand for crude oil for solvent production. The direct energy consumption by a facility controlled under the standard is about 18 percent higher than if controlled at the baseline level. The direct annual energy consumption for a typical four-press plant will be increased by about the equivalent of 2,200 barrels of fuel oil. The industry's total direct energy consumption for the year 1985 will be about 40,200 barrels of fuel oil above that required for baseline control. This represents an energy consumption increase of about 9 percent more than with control of affected facilities at the baseline level.

The solvent recovery impact of the standard results in net national energy savings when the fuel energy value of the recovered solvent is considered. In the year 1985, industry's direct energy consumption will be favorably offset by a nationwide decrease in energy demand equivalent to about 21,800 barrels of fuel oil from that required for baseline control. The Administrator believes that the direct energy impact on the industry is reasonable, particularly in view of the net national energy savings that would result from decreased solvent demand.

The standard will increase industry's required capital investment by about two percent more than for control at the baseline level. The capital investment for a typical four-press plant will increase by about $650,000. Industry's cumulative five-year capital investments, through the year 1985, will increase by about $17 million. However, this incremental capital requirement is not large enough to reduce capital availability and, therefore, will not restrict industry growth.

Control system operating costs will increase under the standard; however, the high cost value of recovered solvent will enable solvent recovery systems to provide a net profit (negative annualized costs) and positive return on investments. Control of a typical plant at baseline level would provide about $345,000 annualized net profit and 17 percent annual return on controls investment (ROI) because of the recovered solvent credit. Control at the standard level will decrease the annualized savings to about $271,000 and controls ROI to about ten percent annually. Thus, the standard will impose an incremental annual operating cost of about $74,000. In the year 1985, industry's incremental total annualized control costs with solvent recovery credit will be about $2.5 million. Despite these added costs, this industry's average pre-tax profit margin of eight percent at the baseline control level should not decrease below 7.8 percent under the standard. This very small profitability impact will not cause any significant price increases for publication gravure products. The Administrator, therefore, believes that the economic impacts of the standard are reasonable.

The environmental, energy and economic impacts are discussed in greater detail in "Publication Rotogravure Printing—Background Information for Proposed Standards" (EPA-450/3-80-031a). These impacts have not changed since proposal.

Standards of performance have other benefits in addition to achieving reductions in emissions beyond those required by a typical SIP. They establish a degree of national uniformity, which precludes situations in which some States may attract new industries as a result of having relaxed air pollution standards relative to other States. Further, standards of performance provide documentation which reduces uncertainty in case-by-case determinations of best available control technology (BACT) for facilities located in attainment areas, and lowest achievable emission rates (LAER) for facilities located in nonattainment areas. This documentation includes identification and comprehensive analysis of alternative emission control technologies, development of associated costs, an evaluation and verification of applicable emission test methods, and identification of specific emission limits achievable with alternate technologies. The costs are provided for an economic analysis that reveals the affordability of controls in a study of the economic impact of controls on an industry.

Public Participation

Prior to proposal of this standard, interested parties were advised by public notice in the **Federal Register** (44 FR 65670, November 14, 1979) of a meeting of the National Air Pollution Control Techniques Advisory Committee to discuss the regulation recommended for proposal. This meeting was held on December 13, 1979. The meeting was open to the public and each attendant was given an opportunity to comment on the standard recommended for proposal. The standard was proposed and published in the **Federal Register** on October 28, 1980 (45 FR 71538). The preamble to the proposed standard discussed the availability of the BID, "Publication Rotogravure Printing—Background Information for Proposed Standards" (EPA-450/3-80-031a), which described in detail the regulatory alternatives considered and the impacts of those alternatives. Public comments were solicited at the time of proposal and, when requested, copies of the BID were distributed to interested parties. To provide interested persons the opportunity for oral presentation of data, views, or arguments concerning the proposed standard, a public hearing was held on November 25, 1980, at Research Triangle Park, North Carolina. The hearing was open to the public and each person was given an opportunity to comment on the proposed standard. The public comment period was from October 28, 1980 to January 5, 1981.

Seven comment letters were received and one interested party testified at the public hearing concerning issues relative to the proposed standard of performance for publication rotogravure printing. The comments have been carefully considered and, where determined to be appropriate by the Administrator, changes have been made in the proposed standard.

Significant Comments and Changes to the Proposed Standard

The proposed regulation was extensively revised for promulgation. The format of the standard and compliance provisions were changed from a volume to a mass basis. Continual monthly performance tests and all periodic reporting requirements were deleted. Recordkeeping requirements were reduced. Also, options for ink and solvent monitoring procedures were added. The title for the proposed reference test method was changed from 29 to 24A.

Comments on the proposed standard were received from industry, one Federal agency, one State air pollution control agency, and one trade association. No comments were received from environmental groups. A detailed discussion of these comments and responses can be found in the BID for the promulgated standard, which is referred to in the ADDRESSES section of this preamble. The summary of comments and responses in the BID, serves as the basis for the revisions made to the regulation between proposal and promulgation. This preamble contains summaries of the Agency's responses to the major comments. More detailed discussion of the Agency's responses to these and to other comments is contained in the BID. The comments have been divided into the following areas: General, Emission Control Technology, Modification and Reconstruction, Economic Impact, Emission Monitoring, Test Methods, and Recordkeeping and Reporting.

General

Two commenters felt that the definition of VOC was not clear and asked if EPA had planned to publish a method of determining if an organic compound participated in atmospheric photochemical reactions. The definition of VOC, to which this comment referred, was promulgated at 45 FR 85415 on December 24, 1980 as part of another regulation after this regulation was proposed. The 40 CFR 60.2 was amended in July 1981 to include this definition. A method of determining photochemical reactivity is not part of the definition of VOC. However, EPA does determine photochemical reactivity of organic compounds and lists in the **Federal Register** those considered to be of negligible reactivity. EPA's latest policy, as of this date, was published on July 22, 1980 (45 FR 48941).

Emission Control Technology

One commenter referrred to an industry study reported in a trade newsletter. The study was conducted on paperboard rotogravure presses and the report implied the solvent vapor capture efficiency may not be as high as contemplated by EPA, especially for retrofitted presses. EPA noted, however, that the report of the study cited by the commenter acknowledged that the test methods used were not accurate. Paperboard presses are not subject to this standard, but the press and capture system are similar to publication rotogravure presses. During the development of this standard, EPA used accurate and rigorous test procedures in determining capture efficiency. Furthermore, EPA finds no reason, and the commenter did not identify any reason, for a retrofitted press to have a lower capture efficiency than a new press since both capture systems could consist of similarly designed add-on devices having the same capture efficiencies. No commenter offered specific process reasons that would render control technology infeasible or exorbitantly costly. No changes were made in the standard as a result of this comment.

Modification and Reconstruction

During the development of this standard, prior to proposal, the information EPA obtained from the industry led to the conclusion that existing facilities would not likely become affected facilities under the provisions for modification and reconstruction (40 CFR 60.14 and 60.15). Rapidly improving press operation technology would make new printing presses and associated equipment significantly more desirable to maintain or improve a printer's competitive position.

EPA was subsequently told in a meeting requested by industry (docket number A-79-50/77/8-IV-E-19) that reconstruction and modification may occur due to the present high cost of capital. One commenter further stated that neither modified nor reconstructed presses should be subject to emission limits as stringent as totally new facilities.

EPA requested more information in order to assess the possibility that the standard may not be reasonable for modified or reconstructed facilities. Specifically, EPA attempted to conduct cost and economic analyses on expansion of existing carbon adsorption controls for retrofit model plant cases. Discussions with a carbon adsorber manfacturer and a trade association representative indicated that capital costs for a control system on a retrofitted facility are generally higher than for the same size new facility. This information does not suggest, however, that these costs would be unreasonable. No one could provide specific cost factors for retrofitted installations because the costs would be dependent upon site-specific situations. EPA must conclude that the effect of the standard on modified and reconstructed facilities is not significantly different from new facilities and that possible impacts would be reasonable. Since the provisions of 40 CFR 60.15 provide for case-by-case determinations of technical and economic feasibility, reconstructed sources are precluded from unreasonable impact. In the case of a modification, without any specific examples of circumstances under which unreasonable impact would result from compliance with the standard, EPA finds no basis at this time for establishing a separate standard or an exemption.

Economic Impact

One commenter noted that proper handling and disposal of spent carbon from the adsorber might increase the economic impact of the standard especially if spent carbon was considered a hazardous waste under the Resource Conservation and Recovery Act. In response to this comment, EPA pointed out that in the analysis of carbon adsorption systems undertaken by EPA prior to the development of the standard, it was assumed that facilities would use the existing, routine option of returning the waste carbon to the activated carbon supplier who would be equipped to handle the waste in an acceptable way. The economic impact analysis is correct as computed and no changes were made in the regulation as a result of this comment.

Emission Monitoring

Several commenters stated that the specific requirements for ink and solvent press flow meters, meter recalibrations, associated temperature monitoring, and waterborne ink systems made the regulation too detailed, complex, and inflexible. The Agency has made five major changes that simplify and add flexibility to the final regulation. First, the final regulation allows several options for measuring the amount of ink and solvent used at the press. Second, facilities are not subject to continual monthly performance tests. Third, in addition to the compliance options included in the proposed standards, the final regulation permits the owner or operator to show compliance on a plantwide basis, involving existing as well as affected facilities. Fourth, the monthly and all periodic reporting requirements have been deleted. Finally, the waterborne ink compliance provisions have been revised and combined with those for solvent-borne ink systems.

The specific requirements for individual press flow meters were deleted. As suggested by the commenters, alternatives to press flow meters as measuring devices have been provided. Ink, solvent, and water used at affected facilities may be measured by any accurate method the owner or operator chooses to use. Alternative measurement techniques include storage tank weighings or level measurements, delivery tank truck loading and unloading meters, tank truck weighings, and ink supplier shipment records.

Continual monthly performance test requirements were deleted. Compliance with the standard must be demonstrated during an initial performance test and additional performance tests as requested by the Administrator. Performance is measured over a 30 consecutive calendar day period for each test. The regulation allows several compliance options for conducting the tests. If affected facilities are controlled by solvent recovery systems separate from existing facilities, but are installed to routinely share the same ink and solvent/handling system with existing facilities, then the ink, solvent, and water measurement procedures used during the tests must include a temporary method of accounting for segregated usage by that one affected facility or group of affected facilities. An overall emission percentage for the combined facilities as well as for only the affected facilities must be determined during the test period to provide a point of comparison for monthly records of performance. In this case, monthly emission percentages for the combined facilities can be compared to the overall average for the existing and affected facilities' performance determined during the performance test.

If affected and existing facilities are controlled by the same solvent recovery system, the owner or operator can choose between two optional test procedures to show compliance of the affected facilities. The first test option requires a separate 30-day emission test on the existing facilities. Then a 30-day performance test is conducted on the combined existing and affected facilities to determine the affected facilities' emission percentage. Like the previous case, the ink, solvent, and water measurement procedures used during the performance test must include a temporary method of accounting for segregated usage by the tested facilities. The second test option is to show compliance of the combined affected and existing facilities. No separate emission tests for existing facilities are required for this option. Also, no temporary segregated liquid measurement procedures are required for this second option.

In response to the commenters' request for alternative compliance provisions, the Agency has added a final plantwide test option. This option allows the owner or operator to demonstrate compliance by showing that the total VOC discharged from all affected and existing facilities in the plant is equal to or less than 16 percent of the toal mass of VOC solvent and water used at those facilities during the performance test. This option gives industry the flexibility requested in the comments by removing the requirement that the owner or operator measure raw ink usage at each affected facility. No separate emission tests on existing facilities and no temporary segregated liquid measurement procedures for affected facilities are required for tests under this option.

Because this last option permits a showing of plantwide compliance, an owner or operator choosing this option would be required to show that the average control among all plant facilities—affected and existing—is equal to or better than the NSPS level of control. In the Agency's judgment, under the circumstances presented here this assures that the affected facilities within the plants will achieve the degree of control reflecting application of the best demonstrated system of continuous emission reduction. As a result, the plantwide compliance option will provide rotogravure plant owners the benefit of measurement flexibility without any resulting loss in emission reduction.

For all performance tests, the final regulation requires at least weekly accounting of liquid usages and recovered solvent. Temperature monitoring was also reduced from daily to at least weekly for performance tests. This is a reduction from the daily meter and temperature readings required by the proposed regulation. However, if press flow meters are not used, records for each liquid material shipment may require more frequent accounting. In cases where ink, solvent, and water usages are measured by volume, liquid densities are required to convert to a mass basis material balance. Since density of a liquid varies with temperature, it is necessary to monitor the temperature while the quantity of liquid used or recovered is measured. For the solvents used in this industry, the potential density error in determination of compliance could be 2 to 3.5 percent or more, depending on ambient weather and equipment operating conditions.

An option was added to the final regulation to allow owners or operators using only solvent-borne inks to choose to show compliance by a temperature/density-corrected solvent volume balance instead of converting to a mass balance. This option may be desirable where all ink and solvents used are measured by volume. In the unique case where all solvent used and recovered are measured at the same temperature, the direct volume calculated emission percentage would be identical to a mass balance.

After performance tests are completed, only monthly monitoring for proper operation and maintenance of the control system is required. Monthly totals of solvent and water usage and recovered solvent are used to document emission percentages of affected facilities that have liquid monitoring systems segregated from existing facilities. However, temperature measurements are not required for monthly monitoring. The liquid densities determined in the latest performance test are assumed to remain constant and are used in the emission percentage estimates. For affected facilities which share the same ink and solvent storage/handling system with existing facilities, segregated liquid accounting procedures for affected facilities are not required for monthly monitoring. Monthly emission percentages for the combined facilities can be documented and compared to the overall average for the existing and affected facilities' emission percentage determined during the latest performance test.

The monthly monitoring requirement is a major change from the proposed regulation requirement of continual monthly performance tests. The Administrator feels that the burden of continual performance tests is unnecessary. This industry's economic incentive to recover solvent and the possibility that the Administrator could impose a performance test are sufficient to ensure that this industry will operate the best demonstrated control system effectively.

The fourth major change, deletion of monthly reporting requirements is discussed below in the Reporting and Recordkeeping Section.

The final major change responded to comments on emission monitoring with waterborne ink systems. Commenters noted that the waterborne ink compliance provisions were too restrictive because addition of VOC at the press was prohibited and because the VOC-to-solids ratio basis would severely restrict the allowable VOC content of inks with a low solids content.

It was not EPA's intent to restrict the use of waterborne inks. As a result of these comments, the proposed standard was revised to allow the addition of VOC at the press. The waterborne ink standard was changed from a volume to a VOC weight percentage basis. The promulgated standard requires that the VOC weight content be no more than 16 percent of the total volatile portion of mixed waterborne inks, as applied. Use of this approach requires measurement of water and VOC added at the press.

Another commenter pointed out that the proposed standards did not address the approach of using a combination of waterborne and solvent-borne inks on different printing units of the same press. This comment stressed that dryer exhausts from waterborne units should be vented to the atmosphere instead of to the carbon adsorption system. If not, water vapor would affect the carbon's activity and the water miscible organics would be lost through the recovery decanter anyway.

The final standard includes compliance provisions that allow the combined use of low VOC waterborne and solvent-borne inks. The provisions also allow use of higher VOC waterborne inks, provided that the capture and control of solvent-borne VOC would be correspondingly increased to comply with the 16 percent emission limit for the entire press. EPA agrees that dryer exhaust and fugitive emissions from waterborne units should not be vented through carbon adsorbers and may be vented to the atmosphere provided the entire press complies with the 16 percent emission limit.

Test Methods

One commenter urged EPA to give printers the option of determining solvent-borne ink VOC content by using alternative analytical methods. Methods such as gas chromatography (GC) and mass spectrometry (MS) were suggested.

The regulation was not changed as this comment requested. At the present time, EPA has no reference method or specific procedures for GC or MS total VOC content analysis of solvent-borne printing inks. The regulation specifies Reference Method 24A (title number changed from proposed Reference Method 29) as the only acceptable analytical method. It is less expensive and less complicated than GC or MS, and it is more reliable for determination of total VOC content. However, the General Provisions for Standards of Performance for New Stationary Sources (40 CFR 60.8(b)) allow owners or operators of affected facilities to petition the Administrator for permission to use an alternative procedure for determining VOC content.

Recordkeeping and Reporting

The major comment on recordkeeping was that the requirements for daily temperature monitoring, daily meter readings, and monthly solvent base temperature calculations were excessive and unnecessary. As discussed above, the requirement for monthly compliance tests was deleted. The proposed recordkeeping requirements of ink and solvent usage and temperature monitoring have been reduced from daily to at least weekly during a performance test. All requirements for temperature monitoring during the months following the performance test were deleted. In addition, only monthly records of the amount of solvent and water used, solvent recovered, and the estimated emission percentage are required. The calculation of solvent base temperature was deleted because it is not necessary when the emission limit standard changed from a volume to a mass basis. The required records will enable the company to be aware of the quality of the operation of the control system and allow enforcement personnel to check for proper operation and maintenance.

The major comment on reporting stated that the time limit of 10 days for submitting non-compliance reports was too short. Monthly non-compliance reports and all periodic reporting requirements have been deleted from the regulation. There are only two types of reports required: notifications as facilities become subject to the standard and a report of performance test results.

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process. On judicial review, the record will consist of all materials in the docket (including the statement of basis and purpose of the proposed and promulgated standards), except for certain intra-agency review materials [Section 307(d)(7)(A)].

Miscellaneous

The rulemaking process that implements a performance standard assures adequate technical review and promotes participation of representatives of the industry being considered for regulation, government, and the public affected by that industry's emissions. The resultant regulation represents a balance in which government resources are applied in a well publicized national forum to reach a decision on a pollution emission level that allows for a dynamic enonomy and a healthful environment.

The effective date of this regulation is November 8, 1982. Section 111 of the Clean Air Act provides that standards of performance or revisions thereof become effective upon promulgation and apply to affected facilities, construction or modification of which was commenced after the date of proposal; in this case October 28, 1980.

As prescribed by Section 111, the promulgation of this standard was preceded by the Administrator's determination (40 CFR 60.16, 44 FR 49222, dated August 21, 1979) that these sources contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. In accordance with Section 117 of the Act, publication of this promulgated standard was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies.

This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act. This review will include an assessment of such factors as the need for integration with other programs, the existence of alternative methods, enforceability, improvements in emission control technology, and reporting requirements. The reporting requirements in this regulation will be reviewed as required under EPA's sunset policy for reporting requirements in regulations.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under Section 111(b) of the Act. An economic impact assessment was prepared for this regulation and for other regulatory alternatives. All aspects of the assessment were considered in the formulation of the standards to insure that cost was carefully considered in determining BDT. The economic impact assessment is included in the background information document for the proposed standards.

The Paperwork Reduction Act of 1980 (PL # 96–511) requires clearance from the Office of Management and Budget (OMB) of certain public reporting/recordkeeping requirements before certain information requests can be made of the public. The reporting/recordkeeping requirements associated with this standard have been approved by OMB, and have been assigned OMB control number 2000–0462.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be major. In the fifth year after the standards would go into effect, the industry-wide incremental annualized control costs with solvent recovery credit will be about $2.5 million. This is much less than the $100 million established as the first criterion for a major regulation in the Order. No measureable price increase for gravure products would occur as a result of this standard. Of course, this would not be considered a "major increase in costs or prices" specified as the second criterion in the Order. The economic analysis of the proposed standard's effects on the industry did not indicate any significant adverse effects on competition, investment, productivity, employment, innovation, or the ability of U.S. firms to compete with foreign firms (the third criterion in the Order).

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the docket referenced in the address section of this preamble.

List of Subjects in 40 CFR Part 60

Air pollution control, Aluminum, Ammonium sulfate plants, Cement industry, Coal, Copper, Electric power plants, Glass and glass products, Grains, Incorporation by reference, Intergovernmental relations, Iron, Lead, Metals, Motor vehicles, Nitric acid plants, Paper and paper products industry, Petroleum, Phosphate, Sewage disposal, Steel, Sulfuric acid plants, Waste treatment and disposal, Zinc.

Dated: October 20, 1982.

Anne M. Gorsuch,
Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. A new Subpart QQ is added as follows:

Subpart QQ—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing

Sec.
60.430 Applicability and designation of affected facility.
60.431 Definitions and notations.
60.432 Standard for volatile organic compounds.
60.433 Performance test and compliance provisions.
60.434 Monitoring of operations and recordkeeping.
60.435 Test methods and procedures.

Authority: Sec. 111 and 301(a) of the Clean Air Act, as amended, (42 U.S.C. 7411, 7601 (a)), and additional authority as noted below.

Subpart QQ—Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing

§ 60.430 Applicability and designation of affected facility.

(a) Except as provided in paragraph (b) of this section, the affected facility to which the provisions of this subpart apply is each publication rotogravure printing press.

(b) The provisions of this subpart do not apply to proof presses.

(c) Any facility under paragraph (a) of this section that commences construction, modification, or reconstruction after October 28, 1980 is subject to the requirements of this subpart.

§ 60.431 Definitions and notations.

(a) All terms used in this subpart that are not defined below have the meaning given to them in the Act and in Subpart A of this part.

"Automatic temperature compensator" means a device that continuously senses the temperature of fluid flowing through a metering device and automatically adjusts the registration of the measured volume to the corrected equivalent volume at a base temperature.

"Base temperature" means an arbitrary reference temperature for determining liquid densities or adjusting the measured volume of a liquid quantity.

"Density" means the mass of a unit volume of liquid, expressed as grams per cubic centimeter, kilograms per liter, or pounds per gallon, at a specified temperature.

"Gravure cylinder" means a printing cylinder with an intaglio image consisting of minute cells or indentations specially engraved or etched into the cylinder's surface to hold ink when continuously revolved through a fountain of ink.

"Performance averaging period" means 30 calendar days, one calendar month, or four consecutive weeks as specified in sections of this subpart.

"Proof press" means any device used only to check the quality of the image formation of newly engraved or etched gravure cylinders and prints only non-saleable items.

"Publication rotogravure printing press" means any number of rotogravure printing units capable of printing simultaneously on the same continuous web or substrate and includes any associated device for continuously cutting and folding the printed web, where the following saleable paper products are printed:

- Catalogues, including mail order and premium,
- Direct mail advertisements, including circulars, letters, pamphlets, cards, and printed envelopes,
- Display advertisements, including general posters, outdoor advertisements, car cards, window posters; counter and floor displays; point-of-purchase, and other printed display material,
- Magazines,
- Miscellaneous advertisements, including brochures, pamphlets, catalogue sheets, circular folders, announcements, package inserts, book jackets, market circulars, magazine inserts, and shopping news,
- Newspapers, magazine and comic supplements for newspapers, and preprinted newspaper inserts, including hi-fi and spectacolor rolls and sections,
- Periodicals, and
- Telephone and other directories, including business reference services.

"Raw ink" means all purchased ink.

"Related coatings" means all non-ink purchased liquids and liquid-solid mixtures containing VOC solvent, usually referred to as extenders or varnishes, that are used at publication rotogravure printing presses.

"Rotogravure printing unit" means any device designed to print one color ink on one side of a continuous web or substrate using a gravure cylinder.

"Solvent-borne ink systems" means ink and related coating mixtures whose volatile portion consists essentially of VOC solvent with not more than five weight percent water, as applied to the gravure cylinder.

"Solvent recovery system" means an air pollution control system by which VOC solvent vapors in air or other gases are captured and directed through a condenser(s) or a vessel(s) containing beds of activated carbon or other adsorbents. For the condensation method, the solvent is recovered directly from the condenser. For the adsorption method, the vapors are adsorbed, then desorbed by steam or other media, and finally condensed and recovered.

"VOC" means volatile organic compound.

"VOC solvent" means an organic liquid or liquid mixture consisting of VOC components.

"Waterborne ink systems" means ink and related coating mixtures whose volatile portion consists of a mixture of VOC solvent and more than five weight percent water, as applied to the gravure cylinder.

(b) Symbols used in this subpart are defined as follows:

D_b = the density at the base temperature of VOC solvent used or recovered during one performance averaging period.

D_{ci} = the density of each color of raw ink and each related coating (i) used at the subject facility (or facilities), at the coating temperature when the volume of coating used is measured.

D_{di} = the density of each VOC solvent (i) added to the ink for dilution at the subject facility (or facilities), at the solvent temperature when the volume of solvent used is measured.

D_{gi} = the density of each VOC solvent (i) used as a cleaning agent at the subject facility (or facilities), at the solvent temperature when the volume of cleaning solvent used is measured.

D_{hi} = the density of each quantity of water (i) added at the subject facility (or facilities) for dilution of waterborne ink systems at the water temperature when the volume of dilution water used is measured.

D_{mi} = the density of each quantity of VOC solvent and miscellaneous solvent-borne waste inks and waste VOC solvents (i) recovered from the subject facility (or facilities), at the solvent temperature when the volume of solvent recovered is measured.

D_{oi} = the density of the VOC solvent contained in each raw ink and related coating (i) used at the subject facility (or facilities), at the coating temperature when the volume of coating used is measured.

D_{wi} = the density of the water contained in each waterborne raw ink and related coating (i) used at the subject facility (or facilities), at the coating temperature when the volume of coating used is measured.

L_{ci} = the measured liquid volume of each color of raw ink and each related coating (i) used at the facility of a corresponding VOC content, V_{oi} or W_{oi}, with a VOC density, D_{oi}, and a coating density, D_{ci}.

L_{di} = the measured liquid volume of each VOC solvent (i) with corresponding density, D_{di}, added to dilute the ink used at

M_{ci} = the mass, determined by direct weighing, of each color of raw ink and each related coating (i) used at the subject facility (or facilities).

M_d = the mass, determined by direct weighing, of VOC solvent added to dilute the ink used at the subject facility (or facilities) during one performance averaging period.

M_g = the mass, determined by direct weighing, of VOC solvent used as a cleaning agent at the subject facility (or facilities) during one performance averaging period.

M_h = the mass, determined by direct weighing, of water added for dilution with waterborne ink systems used at the subject facility (or facilities) during one performance averaging period.

M_m = the mass, determined by direct weighing, of VOC solvent and miscellaneous solvent-borne waste inks and waste VOC solvents recovered from the subject facility (or facilities) during one performance averaging period.

M_o = the total mass of VOC solvent contained in the raw inks and related coatings used at the subject facility (or facilities) during one performance averaging period.

M_r = the total mass of VOC solvent recovered from the subject facility (or facilities) during one performance averaging period.

M_t = the total mass of VOC solvent used at the subject facility (or facilities) during one performance averaging period.

M_v = the total mass of water used with waterborne ink systems at the subject facility (or facilities) during one performance averaging period.

M_w = the total mass of water contained in the waterborne raw inks and related coatings used at the subject facility (or facilities) during one performance averaging period.

P = the average VOC emission percentage for the subject facility (or facilities) for one performance averaging period.

V_{oi} = the liquid VOC content, expressed as a volume fraction of VOC volume per total volume of coating, of each color of raw ink and related coating (i) used at the subject facility (or facilities).

V_{wi} = the water content, expressed as a volume fraction of water volume per total volume of coating, of each color of waterborne raw ink and related coating (i) used at the subject facility (or facilities).

W_{oi} = the VOC content, expressed as a weight fraction of mass of VOC per total mass of coating, of each color of raw ink and related coating (i) used at the subject facility (or facilities).

W_{wi} = the water content, expressed as a weight fraction of mass of water per total mass of coating, of each color of waterborne raw ink and related coating (i) used at the subject facility (or facilities).

(c) The following subscripts are used in this subpart with the above symbols to denote the applicable facility:

a = affected facility.

b = both affected and existing facilities controlled in common by the same air pollution control equipment.

e = existing facility.

f = all affected and existing facilities located within the same plant boundary.

§ 60.432 Standard for volatile organic compounds.

During the period of the performance test required to be conducted by § 60.8 and after the date required for completion of the test, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any affected facility VOC equal to more than 16 percent of the total mass of VOC solvent and water used at that facility during any one performance averaging period. The water used includes only that water contained in the waterborne raw inks and related coatings and the water added for dilution with waterborne ink systems.

§ 60.433 Performance test and compliance provisions.

(a) The owner or operator of any affected facility (or facilities) shall conduct performance tests in accordance with § 60.8, under the following conditions:

(1) The performance averaging period for each test is 30 consecutive calendar days and not an average of three separate runs as prescribed under § 60.8(f).

(2) Except as provided under paragraphs (f) and (g) of this section, it affected facilities routinely share the same raw ink storage/handling system with existing facilities, then temporary measurement procedures for segregating the raw inks, related coatings, VOC solvent, and water used at the affected facilities must be employed during the test. For this case, an overall emission percentage for the combined facilities as well as for only the affected facilities must be calculated during the test.

(3) For the purpose of measuring bulk storage tank quantities of each color of raw ink and each related coating used, the owner or operator of any affected facility shall install, calibrate, maintain, and continuously operate during the test one or more—

(i) Non-resettable totalizer metering device(s) for indicating the cumulative liquid volumes used at each affected facility; or

(ii) Segregated storage tanks for each affected facility to allow determination of the liquid quantities used by measuring devices other than the press meters required under item (i) of this article; or

(iii) Storage tanks to serve more than one facility with the liquid quantities used determined by measuring devices other than press meters, if facilities are combined as decribed under paragraph (d), (f), or (g) of this section.

(4) The owner or operator may choose to install an automatic temperature compensator with any liquid metering device used to measure the raw inks, related coatings, water, or VOC solvent used, or VOC solvent recovered.

(5) Records of the measured amounts used at the affected facility and the liquid temperature at which the amounts were measured are maintained for each shipment of all purchased material or on at least a weekly basis for—

(i) The raw inks and related coatings used;

(ii) The VOC and water content of each raw ink and related coating used as determined according to § 60.435.

(iii) The VOC solvent and water added to the inks used;

(iv) The VOC solvent used as a cleaning agent; and

(v) The VOC solvent recovered.

(6) The density variations with temperature of the raw inks, related coatings, VOC solvents used, and VOC solvent recovered are determined by the methods stipulated in § 60.435(d).

(7) The calculated emission percentage may be reported as rounded-off to the nearest whole number.

(8) Printing press startups and shutdowns are not included in the exemption provisions under § 60.8(c). Frequent periods of press startups and shutdowns are normal operations and constitute representative conditions for the purpose of a performance test.

(b) If an affected facility uses waterborne ink systems or a combination of waterborne and solvent-borne ink systems with a solvent recovery system, compliance is determined by the following procedures, except as provided in paragraphs (d), (e), (f), and (g) of this section:

(1) The mass of VOC in the solvent-borne and waterborne raw inks and related coatings used is determined by the following equation:

$$(M_o)_a = \sum_{i=1}^{k} (M_{ci})_a (W_{oi})_a + \sum_{i=1}^{m} (L_{ci})_a (D_{ci})_a (W_{oi})_a + \sum_{i=1}^{n} (L_{ci})_a (V_{oi})_a (D_{oi})_a$$

where:

k is the total number of raw inks and related coatings measured as used in direct mass quantities with different amounts of VOC content.

m is the total number of raw inks and related coatings measured as used by volume with different amounts of VOC content or different densities.

n is the total number of raw inks and related coatings measured as used by volume with different amounts of VOC content or different VOC solvent densities.

(2) The total mass of VOC used is determined by the following equation:

$$(M_t)_a = (M_o)_a + \sum_{j=1}^{m} (L_{dj})_a (D_{dj})_a + (M_d)_a + \sum_{j=1}^{n} (L_{gj})_a (D_{gj})_a + (M_g)_a$$

Where "m" and "n" are the respective total numbers of VOC dilution and cleaning solvents measured as used by volume with different densities.

(3) The mass of water in the waterborne raw inks and related coatings used is determined by the following equation:

$$(M_w)_a = \sum_{i=1}^{k} (M_{ci})_a (W_{wi})_a + \sum_{i=1}^{m} (L_{ci})_a (D_{ci})_a (W_{wi})_a + \sum_{i=1}^{n} (L_{ci})_a (V_{wi})_a (D_{wi})_a$$

k is the total number of raw inks and related coatings measured as used in direct mass quantities with different amounts of water content.

m is the total number of raw inks and related coatings measured as used by volume with different amounts of water content or different densities.

n is the total number of raw inks and related coatings measured as used by volume with different amounts of water content or different water densities.

(4) The total mass of water used is determined by the following equation:

$$(M_v)_a = (M_w)_a + (M_h)_a + \sum_{i=1}^{m} (L_{hi})_a (D_{hi})_a$$

where "m" is the total number of water dilution additions measured as used by volume with different densities.

(5) The total mass of VOC solvent recovered is determined by the following equation:

$$(M_r)_a = (M_m)_a + \sum_{i=1}^{k} (L_{mi})_a (D_{mi})_a$$

where "k" if the total number of VOC solvents, miscellaneous solvent-borne waste inks, and waste VOC solvents measured as recovered by volume with different densities.

(6) The average VOC emission percentage for the affected facility is determined by the following equation:

$$P_a = \left[\frac{(M_t)_a - (M_r)_a}{(M_t)_a + (M_v)_a} \right] \times 100$$

(c) If an affected facility controlled by a solvent recovery system uses only solvent-borne ink systems, the owner or operator may choose to determine compliance on a direct mass or a density-corrected liquid volume basis. Except as provided in paragraphs (d), (e), (f), and (g) of this section, compliance is determined as follows:

(1) On a direct mass basis, compliance is determined according to paragraph (b) of this section, except that the water term, M_v, does not apply.

(2) On a density-corrected liquid volume basis, compliance is determined by the following procedures:

(i) A base temperature corresponding to that for the largest individual amount of VOC solvent used or recovered from the affected facility, or other reference temperature, is chosen by the owner or operator.

(ii) The corrected liquid volume of VOC in the raw inks and related coatings used is determined by the following equation:

$$(L_o)_a = \sum_{i=1}^{k} \frac{(M_{ci})_a (W_{oi})_a}{D_B} + \sum_{i=1}^{m} \frac{(L_{ci})_a (D_{ci})_a (W_{oi})_a}{D_B} + \sum_{i=1}^{n} \frac{(L_{ci})_a (V_{oi})_a (D_{oi})_a}{D_B}$$

where,

k is the total number of raw inks and related coatings measured as used in direct mass quantities with different amounts of VOC content.

m is the total number of raw inks and related coatings measured as used by volume with different amounts of VOC content or different densities.

n is the total number of raw inks and related coatings measured as used by volume with different amounts of VOC content or different VOC solvent densities.

(iii) The total corrected liquid volume of VOC used is determined by the following equation:

$$(L_t)_a = (L_o)_a + \sum_{i=1}^{m} \frac{(L_{di})_a (D_{di})_a}{D_B} + \frac{(M_d)_a}{D_B} + \sum_{i=1}^{n} \frac{(L_{gi})_a (D_{gi})_a}{D_B} + \frac{(M_g)_a}{D_B}$$

where "m" and "n" are the respective total numbers of VOC dilution and cleaning solvents measured as used by volume with different densities.

(iv) The total corrected liquid volume of VOC solvent recovered is determined by the following equation:

$$(L_r)_a = \frac{(M_m)_a}{D_B} + \sum_{i=1}^{k} \frac{(L_{mi})_a (D_{mi})_a}{D_B}$$

where "k" is the total number of VOC solvents, miscellaneous solvent-borne waste inks, and waste VOC solvents measured as recovered by volume with different densities.

(v) The average VOC emission percentage for the affected facility is determined by the following equation:

$$P_a = \left[\frac{(L_t)_a - (L_r)_a}{(L_t)_a} \right] \times 100$$

(d) If two or more affected facilities are controlled by the same solvent recovery system, compliance is determined by the procedures specified in paragraph (b) or (c) of this section, whichever applies, except that $(L_t)_a$ and $(L_r)_a$, $(M_t)_a$, $(M_r)_a$, and $(M_v)_a$, are the collective amounts of VOC solvent and water corresponding to all the affected facilities controlled by that solvent recovery system. The average VOC emission percentage for each of the affected facilities controlled by that same solvent recovery system is assumed to be equal.

(e) Except as provided under paragraph (f) of this section, if an existing facility (or facilities) and an affected facility (or facilities) are controlled in common by the same solvent recovery system, the owner or operator shall determine compliance by conducting a separate emission test on the existing facility (or facilities) and then conducting a performance test on the combined facilities as follows:

(1) Before the initial startup of the affected facility (or facilities) and at any other time as requested by the Administrator, the owner or operator shall conduct emission test(s) on the existing facility (or facilities) controlled by the subject solvent recovery system. The solvent recovery system must handle VOC emissions from only the

subject existing facility (or facilities), not from affected facilities, during the emission test.

(2) During the emission test, the affected facilities are subject to the standard stated in § 60.432.

(3) The emission test is conducted over a 30 consecutive calendar day averaging period according to the conditions stipulated in § 60.433(a)(1) through (a)(5), except that the conditions pertain to only existing facilities instead of affected facilities.

(4) The owner or operator of the existing facility (or facilities) shall provide the Administrator at least 30 days prior notice of the emission test to afford the Administrator the opportunity to have an observer present.

(5) The emission percentage for the existing facility (or facilities) during the emission test is determined by one of the following procedures:

(i) If the existing facility (or facilities) uses a combination of waterborne and solvent-borne ink systems, the average VOC emission percentage must be determined on a direct mass basis according to paragraph (b) or (d) of this section, whichever applies, with the following equation:

$$P_e = \left[\frac{(M_t)_e - (M_r)_e}{(M_t)_e + (M_w)_e}\right] \times 100$$

where the water and VOC solvent amounts pertain to only existing facilities.

(ii) If the existing facility (or facilities) uses only solvent-borne ink systems, the owner or operator may choose to determine the emission percentage either on a direct mass basis or a density-corrected liquid volume basis according to paragraph (c) or (d) of this section, whichever applies. On a direct mass basis, the average VOC emission percentage is determined by the equation presented in article (i) of this paragraph. On a density-corrected liquid volume basis, the average VOC emission percentage is determined by the following equation:

$$P_e = \left[\frac{(L_t)_e - (L_r)_e}{(L_t)_e}\right] \times 100$$

where the VOC solvent amounts pertain to only existing facilities.

(6) The owner or operator of the existing facility (or facilities) shall furnish the Administrator a written report of the results of the emission test.

(7) After completion of the separate emission test on the existing facility (or facilities), the owner or operator shall conduct performance test(s) on the combined facilities with the solvent recovery system handling VOC emissions from both the existing and affected facilities.

(8) During performance test(s), the emission percentage for the existing facility (or facilities), P_e, is assumed to be equal to that determined in the latest emission test. The administrator may request additional emission tests if any physical or operational changes occur to any of the subject existing facilities.

(9) The emission percentage for the affected facility (or facilities) during performance test(s) with both existing and affected facilities connected to the solvent recovery system is determined by one of the following procedures:

(i) If any of the combined facilities uses both waterborne and solvent-borne ink systems, the average VOC emission percentage must be determined on a direct mass basis according to paragraph (b) or (d) of this section, whichever applies, with the following equation:

$$P_a = \left\{\frac{(M_t)_b - (M_r)_b - \left(\frac{P_e}{100}\right)[(M_t)_e + (M_w)_e]}{(M_t)_a + (M_w)_a}\right\} \times 100$$

where $(M_t)_b$ and $(M_r)_b$ are the collective VOC solvent amounts pertaining to all the combined facilities.

(ii) If all of the combined facilities use only solvent-borne ink systems, the owner or operator may choose to determine performance of the affected facility (or facilities) either on a direct mass basis or a density-corrected liquid volume basis according to paragraph (c) or (d) of this section, whichever applies. On a direct mass basis, the average VOC emission percentage is determined by the equation presented in article (i) of this paragraph. On a density-corrected liquid volume basis, the average VOC emission percentage is determined by the following equation:

$$P_a = \left[\frac{(L_t)_b - (L_r)_b - (L_t)_e\left(\frac{P_e}{100}\right)}{(L_t)_a}\right] \times 100$$

where $(L_t)_b$ and $(L_r)_b$ are the collective VOC solvent amounts pertaining to all the combined facilities.

(f) The owner or operator may choose to show compliance of the combined performance of existing and affected facilities controlled in common by the same solvent recovery system. A separate emission test for existing facilities is not required for this option. The combined performance is determined by one of the following procedures:

(1) If any of the combined facilities uses both waterborne and solvent-borne ink systems, the combined average VOC emission percentage must be determined on a direct mass basis according to paragraph (b) or (d) of this section, whichever applies, with the following equation:

$$P_b = \left[\frac{(M_t)_b - (M_r)_b}{(M_t)_b + (M_w)_b}\right] \times 100$$

(2) If all of the combined facilities use only solvent-borne ink systems, the owner or operator may choose to determine performance either on a direct mass basis or a density-corrected liquid volume basis according to paragraph (c) or (d) of this section, whichever applies. On a direct mass basis, the average VOC emission percentage is determined by the equation presented in article (i) of this paragraph. On a density-corrected liquid volume basis, the average VOC emission percentage is determined by the following equation:

$$P_b = \left[\frac{(L_t)_b - (L_r)_b}{L_t)_b}\right] \times 100$$

(g) If all existing and affected facilities located within the same plant boundary use waterborne ink systems or solvent-borne ink systems with solvent recovery systems, the owner or operator may choose to show compliance on a plantwide basis for all the existing and affected facilities together. No separate emission tests on existing facilities and no temporary segregated liquid measurement procedures for affected facilities are required for this option. The plantwide performance is determined by one of the following procedures:

(1) If any of the facilities use waterborne ink systems, the total plant average VOC emission percentage must be determined on a direct mass basis according to paragraph (b) of this section with the following equation:

$$P_f = \left[\frac{(M_t)_f - (M_r)_a - (M_r)_e - (M_r)_b}{(M_t)_f + (M_v)_f}\right] \times 100$$

Where $(M_t)_f$ and $(M_v)_f$ are the collective VOC solvent and water amounts used at all the subject plant facilities during the performance test.

(2) If all of the plant facilities use only solvent-borne ink systems, the owner or operator may choose to determine performance either on a direct mass basis or a density-corrected liquid volume basis according to paragraph (c) of this section. On a direct mass basis, the total plant average VOC emission percentage is determined by the equation presented in article (i) of this paragraph. On a density-corrected liquid volume basis, the total plant average VOC emission percentage is determined by the following equation:

$$P_f = \left[\frac{(L_t)_f - (L_r)_a - (L_r)_e - (L_r)_b}{(L_t)_f}\right] \times 100$$

Where $(L_t)_f$ is the collective VOC solvent amount used at all the subject plant facilities during the performance test.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.434 Monitoring of operations and recordkeeping.

(a) After completion of the performance test required under § 60.8, the owner or operator of any affected facility using waterborne ink systems or solvent-borne ink systems with solvent recovery systems shall record the amount of solvent and water used, solvent recovered, and estimated emission percentage for each performance averaging period and shall maintain these records for 2 years. The emission percentage is estimated as follows:

(1) The performance averaging period for monitoring of proper operation and maintenance is a calendar month or 4 consecutive weeks, at the option of the owner or operator.

(2) If affected facilities share the same raw ink storage/handling system with existing facilities, solvent and water used, solvent recovered, and emission percentages for the combined facilities may be documented. Separate emission percentages for only the affected facilities are not required in this case. The combined emission percentage is compared to the overall average for the existing and affected facilities' emission percentage determined during the most recent performance test.

(3) Except as provided in article (4) of this paragraph, temperatures and liquid densities determined during the most recent performance test are used to calculate corrected volumes and mass quantities.

(4) The owner or operator may choose to measure temperatures for determination of actual liquid densities during each performance averaging period. A different base temperature may be used for each performance averaging period if desired by the owner or operator.

(5) The emission percentage is calculated according to the procedures under § 60.433(b) through (g), whichever applies, or by a comparable calculation which compares the total solvent recovered to the total solvent used at the affected facility.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

§ 60.435 Test methods and procedures.

(a) The owner or operator of any affected facility using solvent-borne ink systems shall determine the VOC content of the raw inks and related coatings used at the affected facility by—

(1) Analysis using Reference Method 24A of routine weekly samples of raw ink and related coatings in each respective storage tank; or

(2) Analysis using Reference Method 24A of samples of each shipment of all purchased raw inks and related coatings; or

(3) Determination of the VOC content from the formulation data supplied by the ink manufacturer with each shipment of raw inks and related coatings used.

(b) The owner or operator of any affected facility using solvent-borne ink systems shall use the results of verification analyses by Reference Method 24A to determine compliance when discrepancies with ink manufacturers' formulation data occur.

(c) The owner or operator of any affected facility using waterborne ink systems shall determine the VOC and water content of raw inks and related coatings used at the affected facility by—

(1) Determination of the VOC and water content from the formulation data supplied by the ink manufacturer with each shipment of purchased raw inks and related coatings used; or

(2) Analysis of samples of each shipment of purchased raw inks and related coatings using a test method approved by the Administrator in accordance with § 60.8(b).

(d) The owner or operator of any affected facility shall determine the density of raw inks, related coatings, and VOC solvents by—

(1) Making a total of three determinations for each liquid sample at specified temperatures using the procedure outlined in ASTM D 1475–60 (Reapproved 1980), which is incorporated by reference. It is available from the American Society of Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. It is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, N.W., Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register on November 8, 1982. This material is incorporated as it exists on the date of approval and a notice of any change in these materials will be published in the **Federal Register**. The temperature and density is recorded as the arithmetic average of the three determinations; or

(2) Using literature values, at specified temperatures, acceptable to the Administrator.

(e) If compliance is determined according to § 60.433(e), (f), or (g), the existing as well as affected facilities are subject to the requirements of paragraphs (a) through (d) of this section.

(Sec. 114 of the Clean Air Act as amended (42 U.S.C. 7414))

2. Method 24A is added to Appendix A as follows:

Appendix A—Reference Methods

* * * * *

Method 24A—Determination of Volatile Matter Content and Density of Printing Inks and Related Coatings

1. *Applicability and Principle.*

1.1 Applicability. This method applies to the determination of the volatile organic compound (VOC) content and density of solvent-borne (solvent reducible) printing inks or related coatings.

1.2 Principle. Separate procedures are used to determine the VOC weight fraction and density of the coating and the density of the solvent in the coating. The VOC weight fraction is determined by measuring the weight loss of a known sample quantity which has been heated for a specified length of time at a specified temperature. The density of both the coating and solvent are measured by a standard procedure. From this information, the VOC volume fraction is calculated.

2. *Procedure.*

2.1 Weight Fraction VOC.

2.1.1 Apparatus.

2.1.1.1 Weighing Dishes. Aluminum foil, 58 mm in diameter by 18 mm high, with a flat bottom. There must be at least three weighing dishes per sample.

2.1.1.2 Disposable syringe, 5 ml.

2.1.1.3 Analytical Balance. To measure to within 0.1 mg.

2.1.1.4 Oven. Vacuum oven capable of maintaining a temperature of 120±2°C and an absolute pressure of 510 ±51 mm Hg for 4 hours. Alternatively, a forced draft oven capable of maintaining a temperature of 120 ±2°C for 24 hours.

2.1.1.5 Analysis. Shake or mix the sample thoroughly to assure that all the solids are completely suspended. Label and weigh to the nearest 0.1 mg a weighing dish and record this weight (M_{x1}).

Using a 5-ml syringe without a needle remove a sample of the coating. Weigh the syringe and sample to the nearest 0.1 mg and record this weight (M_{cy1}). Transfer 1 to 3 g of the sample to the tared weighing dish. Reweigh the syringe and sample to the nearest 0.1 mg and record this weight (M_{cy2}). Heat the weighing dish and sample in a vacuum oven at an absolute pressure of 510 ±51 mm Hg and a temperature of 120 ±2°C for 4 hours. Alternatively, heat the weighing dish and sample in a forced draft oven at a temperature of 120 ±2°C for 24 hours. After the weighing dish has cooled, reweigh it to the nearest 0.1 mg and record the weight (M_{x2}). Repeat this procedure for a total of three determinations for each sample.

2.2 Coating Density. Determine the density of the ink or related coating according to the procedure outlined in ASTM D 1475–60 (Reapproved 1980), which is incorporated by reference. It is available from the American Society of Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103. It is also available for inspection at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C. This incorporation by reference was approved by the Director of the Federal Register on November 8, 1982. This material is incorporated as it exists on the date of approval and a notice of any change in these materials will be published in the **Federal Register**.

2.3 Solvent Density. Determine the density of the solvent according to the procedure outlined in ASTM D 1475–60 (reapproved 1980). Make a total of three determinations for each coating. Report the density D_o as the arithmetic average of the three determinations.

3. *Calculations.*

3.1 Weight Fraction VOC. Calculate the weight fraction volatile organic content W_o using the following equation:

$$W_o = \frac{M_{x1} + M_{cy1} - M_{cy2} - M_{x2}}{M_{cy1} - M_{cy2}}$$

Report the weight fraction VOC W_o as the arithmetic average of the three determinations.

3.2 Volume Fraction VOC. Calculate the volume fraction volatile organic content V_o using the following equation:

$$V_o + \frac{\overline{W}_o \, \overline{D}_c}{\overline{D}_o}$$

4. *Bibliography.*

4.1 Standard Test Method for Density of Paint, Varnish, Lacquer, and Related Products. ASTM Designation D 1475–60 (Reapproved 1980).

4.2 Teleconversation. Wright, Chuck, Inmont Corporation with Reich, R. A., Radian Corporation. September 25, 1979. Gravure Ink Analysis.

4.3 Teleconversation. Oppenheimer, Robert, Gravure Research Institute with Burt, Rick, Radian Corporation, November 5, 1979. Gravure Ink Analysis.

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November 8, 1982

Part III

Legal Services Corporation

Proposed Implementation of Limitations on Uses of Funds

LEGAL SERVICES CORPORATION

45 CFR Parts 1606, 1607, 1612, 1617, and 1625

Proposed Implementation of Limitations on Uses of Funds

AGENCY: Legal Services Corporation.

ACTION: Proposed rules.

SUMMARY: The Continuing Resolution which appropriated funds for the Legal Services Corporation (the "Corporation") for the 1983 fiscal year imposed a number of limitations and restrictions on the use of Corporation funds. Certain of these limitations and restrictions will necessitate changes in current Corporation regulations. The Corporation staff prepared proposed regulations revising four current sections of the Corporation's regulations, Parts 1606, 1607, 1612 and 1617, and adding a new Part 1625 ("staff proposals") pursuant to instructions from the Chairman of the Operations and Regulations Committee. Two members of the Corporation's Board of Directors prepared alternatives to three of the staff proposals, Parts 1606, 1617 and 1625 ("Harvey/Olson proposals"). At its October 29–30, 1982, meeting, the Corporation's Board approved the publication in the **Federal Register** of both the staff proposals and the Harvey/Olson proposals.

Both of the proposed revisions of Part 1606 would delete references to denials of refunding which would be covered by the procedures described in either version of the new Part 1625. The staff proposal would also make some additional changes that are consistent with the continuing resolution. The proposed revisions of Part 1607 would implement changes in the requirements for recipients' governing board structure mandated by the continuing resolution. The proposed revisions of Part 1612 would implement the restrictions on administrative and legislative representation required by the continuing resolution. Both of the Proposed alternative revisions of Part 1617 would establish the policies governing class action suits by legal services programs against Federal, state or local governments required by the continuing resolution.

DATES: Comments must be submitted on or before December 8, 1982.

ADDRESS: Comments may be mailed to: Office of General Counsel, Legal Services Corporation, 733 Fifteenth Street, N.W., Suite 700, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Mary Wieseman, (202) 272–4010.

SUPPLEMENTARY INFORMATION—PART 1606: Under the continuing resolution providing funds for the Corporation during the 1983 fiscal year there are several changes in the hearing rights that recipients of Corporation funds are entitled to before funding may be terminated or an application for refunding denied. There is no longer a right to an independent hearing examiner in either proceeding and the level of interim funding that the Corporation must provide pending a final determination granting or denying a refunding application has been changed. The hearing rights in a denial of refunding are substantially circumscribed. Both the staff and the Harvey/Olson proposals basically leave intact the hearing rights for terminations, but remove from the current Part 1606 all references to "denials of refunding" which would, instead, be governed by the procedures described in either of the proposed versions of Part 1625. In addition, the staff proposal would revise the definition of "presiding officer" to make it consistent with the definition contained in the Corporation staff proposal for Part 1625, and would change the obligation for the providing interim funding pending the completion of the termination procedures to make it consistent with the language of the continuing resolution. For the most part, the remaining revisions consist of technical changes, e.g., renumbering of sections. For those sections where the staff proposal and the Harvey/Olson proposal differ, the staff proposal is designated as Alternative A and the Harvey/Olson proposal is designated as Alternative B.

List of Subjects in 45 CFR Part 1606

Legal services.

For the reasons set out above, 45 CFR Part 1606 is proposed to be amended as follows:

PART 1606—[AMENDED]

1. Part 1606—"Procedures Governing Termination of Financial Assistance and Denial of Refunding" is renamed "Procedures Governing Termination of Financial Assistance."

2. The authority citation for Part 1606 is revised to read as follows:

Authority: Sec. 1006(b)(1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1007(d), 1008(e), 1011 (42 U.S.C. Sections 2996e(b)(1) and (3), 2996f(a)(1), 2996f(a)(3), 2996f(a)(9), 2996f(d), 2996g(e), 2996j), Sec. 122, Pub. L. 97–276, 96 Stat. 1186.

§ 1606.1 [Amended]

3. (Alternative A).

Section 1606.1 is amended by removing the word "full" and the commas enclosing it, and by removing the phrase "or refunding denied."

(Alternative B).

Section 1606.1 is amended by removing the phrase "or refunding denied."

§ 1606.2 [Amended]

4. Section 1606.2 is amended by removing § 1606.2(b) and redesignating §§ 1606.2(c) and 1606.2(d) as §§ 1606.2(b) and 1606.2(c).

5. (Alternative A).

Newly redesignated § 1606.2(c) is revised to read as follows:

* * * * *

(c) "Presiding Officer" means an impartial person appointed by the President to recommend a decision that a grant or contract should be continued or terminated, who is familiar with legal services and supportive of the purposes of the Act, who is fair and impartial, who has not participated in the matter at issue, and who has no supervisory responsibility for the Corporation employee who made the initial determination.

(Alternative B).

Newly redesignated § 1606.2(c) is further amended by removing the phrase ", or that refunding should be granted or denied."

§ 1606.3 [Removed]

§§ 1606.4–1606.20 [Redesignated as §§ 1606.3–1606.19]

6. Section 1606.3 is removed in its entirety and §§ 1606.4 through 1606.20 are redesignated §§ 1606.3 through 1606.19.

7. The references to the following Sections are redesignated as indicated wherever they appear in Part 1606.

Old section	New section
1606.5	1606.4
1606.5(b)	1606.4(b)
1606.6	1606.5
1606.7	1606.6
1606.8(a)	1606.7(a)
1606.9	1606.8
1606.9(c)	1606.8(c)
1606.10	1606.9
1606.13(b)	1606.12(b)
1606.15	1606.14
1606.18	1606.17
1606.19	1606.18

8. Newly redesignated § 1606.3 is revised to read as follows:

§ 1606.3 Grounds for termination.

A grant or contract may be terminated when:

(a) Termination is required by, or will implement, a provision of law, a Corporation rule, regulation, guideline, or instruction that is generally applicable to all recipients of the same class or a funding policy, standard, or criterion approved by the Board, except that termination shall not be based on a Corporation rule, regulation, guideline, or instruction that was not in effect when the current grant was made or when the current contract was entered into; or

(B) There has been substantial failure by a recipient to comply with a provision of law, or a rule, regulation, or guideline issued by the Corporation, or a term or condition of a current or prior grant from or contract with the Corporation. In the absence of unusual circumstances, a grant or contract shall not be terminated for this cause unless the Corporation has given the recipient notice of such failure and an opportunity to take effective corrective action; or

(c) There has been substantial failure by a recipient to use its resources to provide economical and effective legal assistance of high quality as measured by generally accepted professional standards, the provisions of the Act, or a rule, regulation or guideline issued by the Corporation. In the absence of unusual circumstances, a grant or contract shall not be terminated for this cause unless the Corporation has given the recipient notice of such failure and an opportunity to take effective corrective action.

§ 1606.4 [Amended]

9. Newly redesignated § 1606.4(a) is amended by removing the phrase "or that refunding should be denied."

§ 1606.7 [Amended]

10. (Alternative A).

Newly redesignated § 1606.7(a) is revised to read as follows:

(a) The presiding officer shall be appointed by the President and shall be a person who is impartial and who is familar with legal services and supportive of the purposes of the Act.

* * * * *

(Alternative B).

No change except for redesignation of section.

§ 1606.9 [Amended]

11. (Alternative A).

Newly redesignated § 1606.9(b) is amended by removing the words "full and" from the first sentence.

(Alternative B).

No change except for redesignation of section.

§ 1606.10 [Amended]

12. Newly redesignated § 1606.10(a) is amended by removing the words "or denial of refunding."

13. Newly redesignated § 1606.10(b) is amended by removing the words "or denying refunding."

§ 1606.12 [Amended]

14. Newly redesignated § 1606.12(a)(1) is amended by removing the words "or granting refunding."

15. Newly redesignated § 1606.12(a)(2) is amended by removing the words "or denying refunding."

§ 1606.16 [Amended]

16. Newly redesignated § 1606.16 is amended by removing the words "or refunding is granted."

§ 1606.17 [Amended]

17. (Alternative A).

Newly redesignated § 1606.17 is revised to read as follows:

§ 1606.17 Interim funding.

(a) Failure by the Corporation to meet a time requirement of this part shall not entitle a recipient to continuation of its grant or contract.

(b) Pending a final determination under this part, or until the end of the recipient's current grant or contract term, whichever comes first, the Corporation shall continue to provide the recipient with funding necessary to maintain its current level of legal assistance activities under the act.

(c) If a final determination is not issued prior to the end of the recipient's current grant or contract term, the Corporation shall provide the recipient with interim funding sufficient to allow for the continuation of representation of clients on whose behalf litigation, negotiation or other forms of representation have been initiated, for the period after the end of the recipient's current grant or contract term, pending such final determination.

(Alternative B.)

Newly redesignated § 1606.17 is amended by removing the phrase "or to refunding" in the first sentence.

§ 1606.18 [Amended]

18. Newly redesignated § 1606.18 is amended by removing the phrase "or to deny refunding."

SUPPLEMENTARY INFORMATION—PART 1607:

No funds made available under Pub. L. 97-276 shall be used in making grants or entering into contracts for legal assistance unless the Corporation ensures that any recipient organized primarily for the purpose of providing legal services to eligible clients is governed by a board of directors or other governing body, the majority of whose membership is comprised of attorneys appointed by the governing bodies of State, county or municipal bar associations which represent a majority of attorneys practicing in the recipient's service area. Congress recognized that in many cases there will not be a single local bar association which represents a majority of attorneys in the recipient's service area. In light of this, a combination of bar associations, including the state bar association, may collectively appoint the attorney members of the governing body. These amendments to Part 1607 implement this statutory requirement.

The legislative history recognizes the practical difficulties involved in immediate compliance with this provision. The Senate Report states that recipients "shall expeditiously submit a plan to the Corporation which outlines its proposed efforts to comply with this provision. Submission of the compliance plan should be viewed as a good faith effort by the grantee to comply; failure to submit a plan should not." Section 1607.7 sets forth the requirements regarding such compliance plans. This approach should help to avoid disruption of programs' operation by allowing recipients to develop a plan for restructuring their governing bodies in order to provide for an orderly transition.

This new provision regarding appointment of the majority of members to recipient governing bodies will not affect the appointment of clients or nonlawyers to these boards, nor should it affect the selection of remaining 9% of the board members required to be attorneys. The Amendment provides for selection of the remaining 9% of attorney members and does not change the current regulation with respect to the selection of nonattorney members of recipient governing bodies.

List of Subjects in 45 CFR Part 1607

Legal services.

It is proposed to amend 45 CFR Part 1607 as follows:

PART 1607—[AMENDED]

1. The authority citation for Part 1607 is revised to read as follows:

Authority: Sec. 1007(c) U.S.C. 2996f(c); Pub. L. 97-276; 96 Stat. 1186.

2. Section 1607.2 is revised to read as follows:

§ 1607.2 Definitions

(a) "Eligible client," as used in this part means a person eligible to receive legal assistance under the Act, without regard to whether the person is receiving assistance at the time of selection for membership on a governing body.

(b) "Governing body" refers to the board of directors or other governing board of recipient receiving funds under Section 1006(a)(1)(A) of the Act.

(c) "Board member" refers to a member of a recipient's governing body.

3. Section 1607.3 (c) and (g) are revised to read as follows:

§ 1607.3 Composition.

* * * * *

(c) Appointment of the attorney members of the governing body shall be conducted so that a majority of the governing body are appointed by the governing bodies of State, county or municipal bar associations, the membership of which represents a majority of attorneys practicing law in the localities in which the recipient is to provide legal assistance. Appointments shall be made so as to insure that the attorney board members include women and minorities and reasonably reflect the population of the areas served. Appointments may be made either by the bar association which represents a majority of attorneys in the recipient's service area or by the bar associations which collectively represent a majority of the attorneys practicing law in the recipient's service area. Any additional attorney members of the board may be appointed by or selected from other bar associations or legal organizations with an interest in the delivery of legal services to the poor.

* * * * *

(g) The nonattorney board membership shall not be dominated by persons serving as the representatives of a single association group or organization.

* * * * *

4. Section 1607.7 is revised to read as follows:

§ 1607.7 Compliance

(a) A recipient whose current governing body does not satisfy the requirements of this part shall submit a plan for achieving compliance to the relevant Regional Office By March 1, 1983. The plan shall include:

(1) The current composition of the recipient's governing body, and the date upon which the composition was achieved;

(2) The date upon which the terms of each current member of the recipient's governing body will expire;

(3) The recipient's plan for complying with the requirements of § 1607.3 and timetables for implementation. This plan shall:

(i) Identify the bar associations in the localities in which the recipient provides legal services identifying the individual bar association or combinations of bar associations to which a majority of practicing attorneys belong;

(ii) Detail the method of selecting attorney members to provide for representation on the recipient's governing body in accordance with this regulation and

(iii) Insure that the attorney board members include women and minorities and reasonably reflect the population of the areas served.

(b) Compliance with § 1607.3 shall occur no later than June 15, 1982.

(c) The President may, upon application, extend the time in which a recipient must comply with the requirements of § 1607.3(c). The application must state the reasons why complying by June 15, 1982 would be unduly burdensome or impossible to achieve for the recipients.

(d) An application for an extension of time under paragraph (c) of this section must be received by the Corporation no later than 30 days after the effective date of the regulation. An extension may be granted for no more than three months, and no more than two extensions may be granted to any recipient. In no event may the time for compliance be extended beyond January 15, 1983.

SUPPLEMENTARY INFORMATION—PART 1612:

Background

The proposed amendments to § 1612.4 are intended to clarify the scope of permissible recipient activities concerning legislative and administrative representation. Thus, the proposed amendments include changes in the language of the regulation to more closely conform it to the language of the Legal Services Corporation Act and provisions which implement Legal Services Corporation's appropriations prohibiting grassroots lobbying activities. These riders are the Moorehead Amendment, which has been a rider on each Corporation appropriation from FY 1979 through FY 1982, and Section 607(a) of the Treasury, Postal Service, and General Government Appropriations Act which contains provisions substantially identical to the Moorehead Amendment, and by its terms, applies to all federal appropriations. The proposed amendments also provide for additional recipient documentation and reporting retirements, including a provision application to recipient publications which address legislative measures, which are intended to improve the Corporation's ability, from a management perspective, to insure that Corporation funds are not used for purposes prohibited by the Legal Services Corporation Act or other applicable law.

Finally, the proposed amendments impose additional restrictions on legislative and administrative activities made applicable to the Corporation's FY 1983 appropriation by Section 122 of Pub. L. 97–276. Public Law 97–276, a joint continuing resolution appropriating FY 1983 funds for the Legal Services Corporation, incorporates the provisions of Section 5 of H.R. 3480 as passed by the House of Representatives on June 18, 1981. The Corporation proposes to implement these provisions of Pub. L. 97–276 through the proposed new paragraph (f) of § 1612.4. In doing so, the Corporation recognizes that, under Section 102 of Pub. L. 97–276, Section 122 of Pub. L. 97–276, expires on December 17, 1983. The Corporation anticipates that it may be necessary to issue additional or amended instructions or regulations on legislative and administrative representation when Congress enacts either a succeeding continuing resolution, an FY 1983 appropriation for the Corporation, or enacts new authorization legislation for the Corporation.

The Corporation considers all provisions of amended § 1612.4 which are consistent with the additional restrictions mandated by Pub. L. 97–276, namely, § 1612.4(b)(5), § 1612.4(c), § 1612.4(e), and § 1612.4(h)(1), (2), (3), and (5), to be also applicable to funds made available under Pub. L. 97–276. Similarly, since the restrictions on legislative activity contained in Pub. L. 97–276 preclude grass roots lobbying activities, the provisions of proposed new paragraph (d) are also applicable to funds made available pursuant to Pub. L. 97–276.

Section-by-Section Summary

Section 1612.4(a)—The additional language added by the proposed amendment tracks the language of Section 1007(a)(5) of the Legal Services Corporation Act.

Section 1612.4(a)(1)—The proposed amendment adds languagae intended to specify the kind of activities that may be undertaken in response to a request.

Section 1612.4(a)(2)—The additional language added by the proposed amendment tracks the language of Section 1007(a)(5)(A) of the Legal Services Corporation Act.

Section 1612.4(a)(3)—The proposed amendment is intended to make explicit in the regulation the statement now contained in the comment to the regulation that legislative activity on measures directly affecting the recipient refers to appropriations or other measures directed to the Corporation or a recipient and not to poor people's issues generally.

Section 1612.4(b)—The proposed amendment strikes the reference to "appropriate" documentation contained in the existing regulation and adds provisions which specify the kinds of documentation required to establish that recipient legislative and administrative activities fall within the activities permitted under the regulations. The proposed amendment requires that recipient must obtain the necessary documentation prior to undertaking any legislative or administrative advocacy. This provision is now contained only in the comment to the existing regulation. The proposed regulation also would require recipients to submit monthly activity reports describing their legislative and administrative advocacy activities.

Section 1612.4(c)—The proposed amendment would require that recipients provide the Corporation with a copy of the board of directors resolution, required under the existing regulation, which authorizes the establishment of a full time legislative office, along with an annual budget for the office which includes personnel costs.

Section 1612.4(d)—The proposed amendment adds a new paragraph (d) to the existing regulation. Existing paragraph (d) is redesignated paragraph (g).

Proposed paragraph (d) essentially incorporates the provisions of Moorhead Amendment and Section 607(a) of the Treasury, Postal Service, and General Government Approriations Act prohibiting the use of Corporation funds for publicity or propaganda purposes designed to support or defeat proposed or pending legislation. "Publicity or propaganda" is defined in the proposed amendment in a manner intended to put recipients on notice that the Corporation will look to the content of a communication in its totality and not simply for an explicit statement urging persons to contact their legislators to determine whether or not a particular communication is proscribed.

Section 1612.4(e)—The proposed amendment adds a new paragraph (e) which establishes a Corporation policy for recipient publications which contain references to proposed or pending legislation. The proposed regulation makes the provisions of the Moorhead Amendment applicable to such publications, and establishes a system of review or publications to insure accountability for violations of the regulations. Neither the Moorhead Amendment nor any other provision of law applicable to the Corporation bans purely informational and educational discussions of legislative issues. The Corporation believes that the approach to a publication policy contained in the proposed regulation represents a reasonable balance between clients' legitimate interest in obtaining information about proposed or pending legislation and the Corporation's obligation to insure that Corporation funds are not expended contrary to applicable restrictions. The proposed regulation would retain the substance of existing § 1612.4(b)(2), which permits informing a client about a new of proposed statute, executive order, or administrative regulation. The proposed regulation would insure compliance and promote accountability by requiring that the recipient executive director, or his or her designee, review all publications for compliance with the regulations prior to dissemination, and further require recipient to provide the Corporation with a copy of each publication for review within 30 days. Further, the proposed regulation would limit the use of Corporation funds to newsletters or other publications disseminated to recipients, recipient staff, board members, private attorneys representing eligible clients, eligible clients, and the Corporation. Production and dissemination of publications dealing with legislative issues intended for the general public would have to be financed from non-Corporation funding sources, such as subscription income.

Section 1612.4(f)—The proposed amendment adds a new paragraph (f) incorporating the restrictions on recipient legislative and administrative activities imposed by Section 122 of PL 97-276 which appropriates FY 1983 funds to the Corporation. The proposed regulation tracks the language of Section 5 of H.R. 3480 as enacted by the House of Representatives on June 18, 1981.

Section 1612.4(g) The proposed regulation provides for documentation of recipient activities permitted under § 1612.4(f). Thus, proposed § 1612.4(g)(2) requires the recipient's executive director, or his or her designee, to authorize any communications to elected officials made at the request of the official. This is consistent with the legislative history of H.R. 3480 which indicates that the statutory requirement that a request be made through "official channels" was intended to impose some recipient management control on communications made in response to requests from elected officials. Further, consistent with the legislative history of H.R. 3480, the proposed regulation would authorize a recipient to respond to an official request from an elected official on any authorization, appropriation, or oversight measure concerning a substantive issue in which the recipient was involved on which the recipient or an employee of the recipient has expertise.

List of Subjects in 45 CFR Part 1612

Civil disorder, Legal services, Lobbying.

45 CFR Part 1612 is proposed to be amended as follows:

PART 1612—[AMENDED]

1. The authority citation for Part 1612 is revised to read as follows:

Authority: Secs. 1006(b)(5), 1007(a)(5), 1011, 1008(e), Pub. L. 93–355, 88 Stat. 378 (42 U.S.C. 2996e(b)(5), 2996f(a)(5), 2996j, 2996g(e), Pub. L. 95–431, 92 Stat 1021, Pub. L. 96–68, 93 Stat 416, Pub L. 96–536, 94 Stat 3166, Pub. L. 97–161, 96 Stat 22, Pub. L. 97–276, 96 Stat 1186.

2. Section 1612.4 is revised as follows:

§ 1612.4 Legislative and administrative representation.

(a) No funds made available to a recipient by the Corporation shall be used, at any time, directly or indirectly, to support activities intended to influence the issuance, amendment, or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body or State proposals by initiative petition, except that:

(1) An employee may engage in such activities in response to a request from a governmental agency or a legislative body, committee, or member made to the employee or to a recipient to testify, draft or review measures or to make representations to such agency, body, committee or member; or,

(2) An employee may engage in such activities on behalf of an eligible client of a recipient, if such activities are necessary to the provision of legal advice and representation to a client who may be affected by a particular legislative or administrative measure but no employee shall solicit a client in violation of professional responsibilities for the purpose of making such representation possible; or,

(3) An employee may engage in such activities if a governmental agency, legislative body, committee, or member

thereof is considering a measure directly affecting the activities under the Act of the recipient or the Corporation. This exception extends only to appropriations or other measures directed to the Corporation, or the recipient or its employees.

(b) Recipients shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted in § 1612.4(a). Such documentation shall include:

(1) With respect to activities permitted under § 1612.4(a)(1), a written request signed by an official of the governmental agency or a member of the legislative body or committee making the request which states the type of representation or assistance requested and identifies the executive or administrative order or regulation, or legislation, to be addressed;

(2) With respect to activities permitted under § 1612.4(a)(2), a retainer agreement, signed by the client or clients represented, or by an official of the client group in the case of a group client, which agreement shall specify the legislative or administrative measure on which representation is sought, the type of representation sought, (appearance at a hearing, legislative drafting, etc.), and which shall include a statement of the client's direct interest in the particular legislative or administrative measure to be addressed;

(3) With respect to activities permitted under § 1612.4(a)(3), a written statement signed by the recipient's executive director authorizing the initiation of such activities.

(4) Recipients shall obtain the documentation required by this section prior to undertaking any of the activities permitted by § 1612.4(a).

(5) Recipients shall submit monthly reports, in a form prescribed by the Corporation, describing their legislative and administrative advocacy activities conducted pursuant to these regulations.

(c) Recipients may not establish full time legislative offices unless the decision to establish such an office is formally made by the Board of Directors of the recipient consistent with the provisions of Section 1620, provided that the legislative activities of these offices are solely activities permitted under § 1612.4(a). Recipents shall provide the Corporation with a copy of the board resolution formally approving the establishment of a full time legislative office together with an annual budget for such office which describes, in a form prescribed by the Corporation, the annual costs of the office, including personnel costs.

(d) Notwithstanding the provisions of § 1612.4(a), recipients shall not use funds made available by the Corporation for publicity or propaganda purposes designed to support or defeat proposed legislation or legislation pending before Congress or any state legislature. For purposes of this regulation, "publicity or propaganda" means any oral communication or any advertisement, telegram, letter, article, newsletter, or other printed or written matter or device which contains a direct suggestion, or, when taken as a whole, an indirect suggestion to the public at large or to selected individuals to contact elected representatives in support of or in opposition to pending or proposed legislation.

(e) No funds made available to a recipient by the Corporation shall be used to support the preparation, production, and dissemination of any article, newsletter, or other publication or written matter for general distribution which contains any reference to proposed or pending legislation unless:

(1) The publication does not contain any publicity or propaganda prohibited by § 1612.4(d); and

(2) The recipient has adopted a policy requiring the recipient's executive director, or his or her designee, to review each publication produced by the recipient prior to its dissemination for conformity to these regulations; and

(3) The recipient provides a copy of any such material produced by the recipient to the Corporation within 30 days after publication; and

(4) Such funds are used only for costs incident to the preparation, production, and dissemination of such publications to recipients, recipient staff and board members, private attorneys representing eligible clients, eligible clients, and the Corporation, as opposed to the public at large.

(f) Notwithstanding the provisions of § 1612.4(a), no funds made available to a recipient by the Corporation under the authority of Pub. L. 97-276 shall be used, directly or indirectly, to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except where legal assistance is provided by an employee of a recipient to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights and responsibilities, or to influence any Member of Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, inititative, constitutional amendment, or any similar procedure of the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the formal request of such officials through proper official channels, pertaining to the authorization or appropriations of funds or oversight measures directly affecting the operation of the program involved.

(g) Recipients shall adopt procedures and forms to document that the legislative and administrative activities in which they engage fall within the activities permitted under § 1612.4(f). Such documentation shall include:

(1) With respect to activities on behalf of eligible clients, a retainer agreement, signed by the client or clients represented, or by an official of the client group in the case of a group client, which agreement shall specify the administrative measure on which representation is sought, the type of representation sought, (appearance at a hearing, etc.) and which shall include a statement of the client's direct interest in the particular administrative measure to be addressed;

(2) With respect to activities in response to a request from a Federal, State, or local elected official, a written request signed by the official making the request which states the type of communication requested (testimony, legal analysis, legislative drafting, etc.) and identifies the legislative measure to be addressed. Such documentation shall also include the signature of the recipient's executive director (or his or her designee) authorizing the communications requested.

(h) Nothing in this section is intended to prohibit an employee from

(1) Communicating with a governmental agency for the purpose of obtaining information, clarification, or interpretation of the agency's rules, regulations, practices, or policies; or

(2) Informing a client about a new or proposed statute, executive order, or administrative regulation consistent with the requirements of § 1612.4(e); or

(3) Advising a client with respect to the client's own communications to elected officials concerning proposed or pending legislation; or

(4) Making direct contact with elected officials concerning proposed or pending legislation as long as such activities are authorized by § 1612.4(a); or

(5) Communicating with the Corporation for any purpose.

SUPPLEMENTARY INFORMATION—PART 1617

Alternative A (Staff Proposal); Background

Under the continuing resolution, Pub. L. 92–276, Corporation funds may not be used to bring a class action suit against the federal government or any state or local government unless the action is brought in accordance with policies or regulations adopted by the Board of Directors of the Corporation. This provision is derived from the Senate version of the continuing resolution (S. Rep. No. 97–581, 97th Cong., 2nd Sess.) which was adopted by the Conference Committee. The House version, which was rejected in Committee, would have banned class action suits against governmental bodies entirely. Therefore, consistent with the legislative history, the proposed regulation would permit class actions against the federal government and state or local governments, but only under the conditions provided for in the regulations. Similarly, the proposed regulations follow the legislative history of the continuing resolution which indicates that the Corporation's regulations on class action against governmental entities should guard against the misuse of such actions while permitting their use in appropriate cases with the objective of enhancing the "efficient and productive use" of Corporation funds. (S. Rep. No. 97–581, 97th Cong., 2nd Sess., p. 11).

Discussion

The proposed regulation imposes restrictions on class actions against the federal government and state or local governments in addition to those contained in existing Part 1617 of the regulations. The existing regulations were promulgated pursuant to Section 1006(d)(5) of the Legal Services Corporation Act which requires the governing body of a recipient to establish policies for class action suits. The continuing resolution, however, requires the Corporation to directly regulate class action suits against governmental bodies through the issuance of policies or regulations (S. Rep. No. 97–581, 97th Cong., 2nd Sess., p. 10). Therefore, the proposed regulations mandate the criteria which the recipient must apply in determining whether a class action may be brought against a governmental entity as opposed to merely requiring recipient governing boards to adopt policies to implement the provisions of the continuing resolution. In addition, reporting requirements are imposed to improve the Corporation's oversight of recipient activities in this area. This approach avoids Corporation review of class action litigation on a case-by-case basis which is precluded both by the Legal Services Corporation Act and relevant American Bar Association Ethics Opinions. See Sections 1006(a)(3); 1007(a)(1); ABA Committee on Ethics and Professional Responsibility, Formal Opinion 334.

The proposed regulation requires recipients to attempt to resolve matters in dispute with governmental entities prior to bringing a class action, except in circumstances which require immediate action to protect the client's interests. Recipients would also be required to document their efforts to resolve the matter without resort to filing a class action.

The proposed regulation provides that class relief must be sought for the primary purpose of benefiting eligible clients. This provision recognizes that some members of a class ultimately certified by a court could be persons who are not eligible for legal assistance when the case is brought or who become ineligible during the pendency of the suit. This would not preclude maintaining a class action, as long as the primary purpose of the suit is to benefit eligible clients. The suit could not be maintained if the purpose is to benefit a broader group than eligible clients.

List of Subjects in 45 CFR Part 1617

Legal services.

It is proposed to amend 45 CFR Part 1617 as follows:

PART 1617—[AMENDED]

1. The authority citation for Part 1617 is revised to read as follows:

Authority: Sections 1008(b)(5), 1007(a)(5), 1011, 1008(e), Pub. L. 93–355, 88 Stat 378 (42 U.S.C. 2996e(b)(5)), 2996f(a)(5), 2996j, 2996g(e), Pub. L. 97–276, 96 Stat 1186.

2. Part 1617 is amended by adding a new § 1617.5 to read as follows:

§ 1617.5 Class actions against the federal government or state or local governments.

(a) No funds made available to a recipient by the Corporation pursuant to PL 97–276 shall be used to bring a class action suit against the federal government or any state of local government unless:

(1) All the requirements of §§ 1617.3 and 1617.4 are met;

(2) The recipient executive director has determined that the proposed class action is the most effective and efficient means of resolving the legal problems common to a number of similar situated eligible clients. In making such a determination, the director shall take into account:

(i) The likelihood of and potential cost to the recipient of litigating multiple claims on behalf of eligible clients on the issue involved as opposed to the cost of maintaining a class action;

(ii) The likelihood that potential class members can obtain representation from other sources;

(iii) The likelihood that the class will certified.

(3) Class relief is sought for the primary benefit of individuals who are eligible for legal assistance;

(4) Prior to filing such an action, the recipient executive director has determined that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient has given notice of its intention to seek class relief and that reasonable efforts to resolve without litigation the adverse effects of the policy or practice have not been successful, except that nothing in this paragraph shall preclude immediately filing a class action suit where the circumstances of the case, as determined by the recipient executive director, require immediate action to protect the interests of a client.

(b) With respect to class actions authorized under this section, recipients shall maintain the following records:

(1) A written statement signed by the recipient executive director authorizing the maintenance of the suit as a class action which contains documentation that the executive director has considered all of the factors required by § 1617.5(a) and a specific statement of the efforts undertaken to resolve the matter without litigation required by § 1617.5(a)(4). Such statement shall be available for inspection by the Corporation.

(2) Quarterly reports, prepared in a form prescribed by the Corporation, listing the class action suits brought under § 1617.5.

Alternative B (Harvey-Olson Proposal)

The Continuing Resolution of 1983 contains a directive to the Board of Directors, which requires that this Board regulate class action suits against governmental bodies, through the issuance of policies or regulations.

The language on this is as follows:

> Finally, the Committee amendment provides that no funds appropriated under this joint resolution may be used to bring a class action against the Federal Government or any State or local government unless such action is brought in accordance with policies or regulations adopted by the Board of the

> Corporation. Currently, local agency boards can authorize class action suits; this amendment will require that the Board of Directors of the Corporation itself regulate class action suits against other governmental bodies, through issuance of policies or regulations. This prohibition assures that recipients must conform to Corporation regulations in bringing class actions against the Government with these Federal funds. The Committee believes this will guard against the misuse of such actions while permitting their use in appropriate cases and thereby enhance the efficient and productive use of these funds.

Two members of the Corporation's Board of Directors believe that the staff's proposed amendment to Part 1617 (alternative A) is not responsive to the Congressional mandate and would not bring the Board into compliance with either (a) and the clear intention of the Congress to effect a major change and (b) the language of the statute and its interpretive committee comment. They, therefore, proposed this alternative amendment.

This amendment is intended to insure that class actions against governmental entities do not divert funds from governmental programs, result in increased taxation or benefit a group of persons smaller than the entire eligible client population of the jurisdiction. For example, if two (2) million persons are eligible clients who are found within the taxing authority which raises funds which are being administered by the individual with whom the executive director consults, and if the court judgment in the proposed class action might result in the allocation of public funds for the construction of a penal institution which might benefit 100 eligible clients, assuming of course that the action can be brought when other criteria have been met, then the class action cannot be commenced because it might result in the allocation of public funds away from the larger class of eligible clients, and the expenditure of those funds on the smaller group of eligible clients.

It is proposed to amend 45 CFR Part 1617 as follows:

PART 1617—[AMENDED]

1. The authority citation for part 1617 is revised to read as follows:

Authority: Sections 1006(d)(5), 1007(a)(1), 1007(a)(3), 1008(e); 42 U.S.C. 2996e(d)(5), 2996f(a)(1), 2996f(a)(3), 2996g(e); Pub. L. 97–276; 96 Stat. 118.

2. Part 1617 is amended by revising § 1617.4 to read as follows:

§ 1617.4 Standards for approval.

The governing body of a recipient shall adopt policies to guide the director of the recipient in determining whether to approve class action litigation. The policies adopted;

(a) Shall assure that no funds made available to a recipient by the Corporation shall be used to bring a class action suit against the federal government, or any state or local government, or governmental-type organization such as but not limited to a school system, or a Department of Prisons or Mental Health, or county trustees or similar persons who are charged with maintaining county jails, unless:

(1) Class relief is sought exclusively for the benefit of individuals who are eligible for legal assistance and their consent to file the class action has been obtained in advance of suit;

(2) Prior to filing such an action, the recipient executive director has determined that the governmental entity is not likely to change the policy or practice in question, and that the policy or practice will continue to adversely affect eligible clients when the class action is concluded as it affects them when the action is commenced, that the recipient has given notice of its intention to seek class relief and that reasonable efforts to resolve without litigation the adverse effects of the policy or practice have not been successful;

(3) Prior to filing such an action, the recipient's executive director has determined, after consultation with the appropriate governmental officer or person, that the court judgment in the class action will not result in the expenditure of funds received by a public tax authority, which funds; (i) are taken from or diverted from another governmental program; or (ii) are raised by an increase in public taxation; or (iii) are raised by the sale of public securities of any kind which are supported by an increase in public indebtedness which is to be paid by public taxation;

(4) Prior to filing such an action, the recipient's executive director has determined, after consultation with the appropriate person who is charged with the administration of money produced by public taxation, that the court judgment in the class action will not result in the expenditure of public funds on a group of eligible clients which is smaller than the group of all eligible clients which is found within the jurisdication of the taxing authority which has raised the public funds being administered.

(b) With respect to class actions authorized under this section, recipients shall maintain the following records;

(1) A written statement signed by the recipient executive director authorizing the maintenance of the suit as a class action which contains documentation that the executive director has considered all of the factors required by § 1617.4(a)(3) and (4), and a specific statement of the efforts undertaken to resolve the matter without litigation required by § 1617.4(a)(2). Such statement shall be available for inspection by the Corporation in the Office of the Inspector General.

(2) Quarterly reports, prepared in a form prescribed by the Corporation, listing the class action suits brought under § 1617.4.

SUPPLEMENTARY INFORMATION—PART 1625

Background

Under the continuing resolution the Corporation is required to provide procedures for denials of refunding that comport with the language of the Conference Report that states:

> The conferees are agreed that none of the funds available under this joint resolution for the Legal Services Corporation shall be available for a full adversarial hearing in advance of the denial of any application for refunding. The conferees are also agreed that prior to the denial of any application for refunding, the Corporation shall insure that, the applicant has been given reasonable notice and an opportunity for a timely and fair hearing pursuant to regulations promulgated by the Corporation.

At its October 29–30, 1982, meeting the Corporation's Board of Directors authorized the publication of two alternative proposed regulations setting out procedures for denials of refunding. The first of these proposals (Part 1625—Alternative A) was written by the Corporation staff; the second (Part 1625—Alternative B) was written by Board Chairman William F. Harvey and Board member William J. Olson.

Discussion—Alternative A (Staff Proposal)

The purpose of Alternative A of Part 1625 is to provide for a timely, impartial, flexible and fair process for reaching a final determination on refunding while avoiding unnecessary and precipitous disruption in the delivery of legal assistance, Part 1625. As a general framework, the proposed regulation provides for a review of a written record and a summary hearing for all recipients preliminarily denied refunding unless the presiding officer "finds that there are complex issues or material facts in dispute . . . which cannot be adequately resolved by review of the written record," § 1625.9(c). Only if such a finding is made will there be an evidentiary hearing, and such a hearing is likely to be substantially more abbreviated than the hearing now provided by Part 1606 (45 CFR Part 1606).

At the outset, § 1625.2(a) contains a revised definition of denial of refunding that increases from $20,000 to $40,000 the threshold amount by which the Corporation may reduce the annualized level of a grant or contract before it is considered a denial of refunding. This increase is simply a recognition of the fact that, even with the 1981 funding cut suffered by Corporation recipients, funding levels for legal services programs have increased substantially since 1976 when Part 1606 was adopted and that the $20,000 level unnecessarily inhibits Board flexibility.

In addition, the definition has been expanded to be consistent with the spirit of the continuing resolution's provision on minimum access. Thus, it provides that any reduction in a recipient's annualized funding level which reduces that level to below the current minimum access level (approximately $6.20 per poor person for 1982 grants) must be considered a denial of refunding subject to the hearing provisions of Part 1625.

The definition of the presiding officer has been revised to reflect the removal of the requirement for an independent hearing officer. In addition, the sections of Part 1606 specifically dealing with challenges to the qualifications of the presiding officer have been left out of Part 1625.

The grounds for denial of refunding remain basically the same as those under Part 1606. Section 1625.3(a) provides the Corporation and the Board with great flexibility in designing rules, regulations, guidelines, instructions, funding policies, standards and criteria that can be used to justify denials of refunding. The only significant change in the grounds is the statement that, with some qualifications, the validity of these Corporation actions are not subject to review in proceedings under Part 1265 unless there are questions of whether any such action was taken in accordance with appropriate procedural safeguards (e.g. notice and comment periods), whether it is appropriately applied to a particular recipient or whether it was adopted in violation of the Act or regulations, thus ensuring that Corporation action is legal and not arbitrary. Sections 1625.3(b) and (c) which state the grounds for denial of refunding "for cause" are identical to the parallel sections of Part 1606.

Sections 1625.4 and 1625.5 retain the provisions for a preliminary determination and an informal conference now contained in Part 1606. The minor changes are intended to make these provisions consistent with the remaining provisions of Part 1625.

Consistent with the notion that most final determinations in denial cases will be made primarily on review of a written record supplemented by a summary hearing, §§ 1625.7 and 1625.8 are intended to provide simple and orderly procedures to guide the preparation of a complete written record, while guarding against repetitious, unnecessarily voluminous or irrelevant materials.

Section 1625.9 describes the circumstances under which either summary or evidentiary hearings are to be held. In most instances, it is anticipated that hearings will be summary in nature.

Section 1625.10 describes the procedures to be followed in a summary hearing. Such a hearing permits the parties to make oral presentations based primarily on materials already in the written record and limits post-hearing submissions to those the presiding officer determines would be helpful to resolve the case.

Section 1625.11 describes the procedures to be followed in an evidentiary hearing. The presiding officer is empowered to informally attempt in advance to limit the scope of the evidentiary hearing as much as possible to the materials already in the written record and to permit additional materials to be added only in unusual circumstances. The presiding officer also may request that written testimony be submitted in advance so that the oral hearing is limited to cross-examination of witnesses. Unlike the hearings under Part 1606, these procedures do not provide specifically for participation by non-parties. In general, the procedures under § 1625.11 are intended to be as flexible and informal as appropriate under the circumstances.

Under § 1625.12, the burden of proving factual and other issues is on the recipient, not on the Corporation as under Part 1606.

With the exception of technical revisions to conform with the changes in numbering, §§ 1625.13 and 1625.14 dealing with the presiding officer's recommended decision and issuance of a final decision by the Corporation's President are identical to the parallel provisions of current Part 1606.

Sections 1625.16 (Right to Counsel), 1625.17 (Reimbursement), 1625.19 (Termination Funding), and 1625.20 (Notice) are basically identical to the parallel provisions of current Part 1606.

Section 1625.18 dealing with interim funding revises the current § 1606.8 to make it clear that should the proceedings under this part extend beyond the end of the recipient's current grant or contract term, the Corporation's obligation to continue funding pending a final determination is only at that level of funding "sufficient to allow for the representation of clients on whose behalf litigation, negotiation or other forms of representation have been initiated" as provided in the continuing resolution. However, the Corporation may provide funding at a higher level, and is obligated to continue funding at the recipient's current grant or contract level until the end of the current grant term.

Discussion—Alternative B (Harvey/Olson Proposal

The purpose of Alternative B of Part 1625 is to increase the ability of the Corporation to use its resources effectively to promote the objectives of the Legal Services Corporation Act by providing recipients with reasonable notice of any proposed application for refunding and opportunity for a timely, expeditious and fair informal hearing prior to the cessation or substantial reduction of financial assistance § 1625.1.

Under § 1625.2(a)(2), the definition of denial of refunding is changed to include a provision that would permit reprogramming of carryover funds. Thus if a recipient received $100,000 funding and obligated only $80,000 in one year and then received $75,000 plus a reprogramming of the $20,000 carryover funds, its funding level would be $95,000 and the reduction in funding only 5%, not requiring a hearing. In addition, it is the level of support per time period, not the total amount that is protected. Hence if a recipient had received $100,000 for one year and then received $48,000 for six months, there would be no denial of refunding, although there might be at the end of six months unless another grant was made. However, if such a recipient received only $35,000 for six months, a denial of refunding would have occurred and a hearing would be required.

Also, Part 1625 eliminates the section of Part 1606 that provides for a hearing when a special condition is imposed on a recipient without the required reduction in funding; also note that in § 1625.2(a)(2) a reduction of over $20,000 which is not 10% is no longer a denial of refunding.

The proposed § 1625.3 (Grounds for Denials of Refunding) deletes the requirement for prior notice and the opportunity to correct either specific violations or general ineffectiveness. In addition, it provides that an alternative ground for denial of refunding is that the

President of the Corporation or the Board of Directors has found that another organization, whether a recipient or not, could better serve eligible clients in the recipient's service area.

The proposed version of Part 1625 contains no informal conference prior to the initiation of proceedings and provides for an informal hearing in all instances.

Under § 1625.10 the burden of going forward with the evidence remains with the Corporation, but the burden of proof is shifted to the recipient. However, the Corporation must show a reasonable basis for concluding that another recipient can better serve eligible clients.

List of Subjects in 45 CFR Part 1625

Administrative practice and procedure, Legal services.

Accordingly, 45 CFR Part 1625 (Alternatives A and B) is proposed to be added as follows:

Alternative A (Staff Proposal)

PART 1625—PROCEDURES GOVERNING DENIAL OF REFUNDING

Sec.
1625.1 Purpose.
1625.2 Definitions.
1625.3 Grounds for denial of refunding.
1624.4 Preliminary determination.
1625.5 Informal conference.
1625.6 Initiation of proceedings.
1625.7 Preparation of written hearing materials.
1625.8 Development of the record by the presiding officer.
1625.9 Nature of hearing.
1625.10 Summary hearing.
1625.11 Evidentiary hearing.
1625.12 Burden of proof.
1625.13 Recommended decision.
1625.14 Final decision.
1625.15 Time extension and waiver.
1625.16 Right to counsel.
1625.17 Reimbursement.
1625.18 Interim funding.
1625.19 Termination funding.
1625.20 Notice.

Authority: Sec. 1006(b)(1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1007(d), 1008(e), 1011 (42 U.S.C. Sections 2996e(b) (1) and (3), 2996f(a)(1), 2996f(a)(3), 2996f(a)(9), 2996f(d), 2996g(e), 2996j, Pub. L. 97-276, 96 Stat. 1188.

§ 1625.1 Purpose.

This part is intended to provide a fair, impartial, timely and flexible process for reaching a final determination when there is reason to believe that refunding of a grant or contract should be denied. At the same time, this part seeks to avoid unnecessary and precipitous disruption in the delivery of legal assistance to eligible clients.

§ 1625.2 Definitions.

(a) "Denial of refunding" means a decision that, after expiration of its current grant or contract, a recipient:

(1) Will not be provided with financial assistance; or

(2) Will have its annual level of financial support reduced to an extent that is not required either by a change of law or by a reduction in the Corporation's appropriation that is apportioned among all recipients of the class in proportion to their current level of funding, and is either more than 10 percent or more than $40,000 below the recipient's annual level of financial assistance under its current grant or contract; provided, however, that any such reduction in a recipient's annual level of financial support which reduces that level below the minimum access level for the term of the new grant shall be considered a denial of refunding; or

(3) Will be provided with financial assistance subject to a new condition or restriction that is not generally applicable to all recipients of the same class, and that would significantly reduce the ability of a recipient to maintain the quality and quantity of its current legal assistance to eligible clients.

(b) "Director of a recipient" means the person who has overall day-to-day responsibility for management of operations by the recipient.

(c) "Presiding Officer" means a person appointed by the President to recommend a decision that refunding should be granted or denied, who is familiar with legal services and supportive of the purposes of the Act, who is fair and impartial, who has not participated in the matter at issue, and who has no supervisory responsibility for the Corporation employee who made the initial determination.

§ 1625.3 Grounds for denial of refunding.

Refunding may be denied when:

(a) Denial is required by, or will implement, a provision of law, a Corporation rule, regulation, guideline, or instruction that is generally applicable to all recipients of the same class, or a funding policy, standard, or criterion approved by the Board, the validity of which shall not be subject to review in these proceedings except to the extent that they are challenged as violating the Act or other substantive legislation affecting the Corporation or its regulations, or as having been adopted in violation of the Corporation's rule-making procedures; or

(b) There has been substantial failure by a recipient to comply with a provision of law, or a rule, regulation, or guideline issued by the Corporation, or a term or condition of a current or prior grant from or contract with the Corporation. In the absence of unusual circumstances, refunding shall not be denied for this cause unless the Corporation has given the recipient notice of such failure and an opportunity to take effective corrective action; or

(c) There has been substantial failure by a recipient to use its resources to provide economical and effective legal assistance of high quality as measured by generally accepted professional standards, the provisions of the Act, or a rule, regulation or guideline issued by the Corporation. in the absence of unusual circumstances, refunding shall not be denied for this cause unless the Corporation has given the recipient notice of such failure and an opportunity to take effective corrective action.

§ 1625.4 Preliminary determination.

(a) When there is reason to believe that rufunding should be denied, the Corporation shall serve a written preliminary determination upon the recipient, which shall state the grounds for the proposed action, and shall identify, with reasonable specificity, any facts or documents relied upon as justification for that action.

(b) The preliminary determination shall advise the recipient that it may, within 10 days of receipt of the preliminary determination, make written request for a review of the preliminary determination in accordance with the procedures under this part.

(c) The preliminary determination shall also advise the recipient of its right to receive interim, and to request termination, funding, under §§ 1625.18 and 1625.19 of this part.

(d) If the recipient advises the Corporation that it will not request review, or if it fails to request review within the time prescribed in § 1625.4(b) or § 1625.5, the preliminary determination shall become final.

§ 1625.5 Informal conference.

(a) On timely request for review by the recipient under § 1625.4(b), the Corporation employee who made the preliminary determination shall promptly conduct an informal conference with the recipient at a time and place designated by the employee. Such conference should, if possible, be held within 7 working days of the request. The parties thereto shall exchange views, seek to narrow the issues, and explore the possibilities of settlement or compromise. At the conclusion of the conference, which may be adjourned for deliberation or consultation, the Corporation employee shall, in writing, modify, withdraw, or affirm the preliminary determination.

(b) The recipient may, within 5 working days after the conclusion of the informal conference, make written request for a hearing in accordance with §§ 1625.7 through 1625.13 of this part. This request must include a brief statement of why the recipient believes the preliminary determination is wrong and why refunding should be approved.

§ 1625.6 Initiation of proceedings.

Within 7 days after receipt of a request for continued review made under § 1625.5(b), the Corporation will send the recipient an acknowledgment, enclose a copy of these procedures, advise the recipient of the name of the presiding officer appointed by the President and of the next steps in the review process.

§ 1625.7 Preparation of written hearing materials.

(a) Within 15 days after making the written request for a hearing under § 1625.5, the recipient shall submit the following to the Corporation (and to the presiding officer if not an employee of the Corporation):

(1) A written statement of the recipient's argument concerning why the Corporation's preliminary determination is wrong and why refunding should be approved ("recipient's brief");

(2) A written request for an evidentiary hearing under § 1625.11 of this Part, if desired, and a written statement of why such a hearing is necessary and appropriate to permit adequate review of the written record.

(3) Copies of all documents that the recipient believes are important to the Corporation's decision on the issues in the case.

(b) Within 10 days after receiving the recipient's submission under paragraph (a) of this section, the Corporation shall submit the following to the recipient (and to the presiding officer if not an employee of the Corporation):

(1) A written statement responding to the recipient's brief ("Corporation's brief");

(2) A written statement either requesting an evidentiary hearing, acceding to or opposing such a request by the recipient if one was made under paragraph (a)(2) of this section. If the Corporation opposes such a request, it shall state in writing why it considers such a hearing unnecessary and inappropriate. If the Corporation requests such a hearing in the absence of a request by the recipient, the Corporation shall state in writing why it considers such a hearing necessary and appropriate.

(3) Any additional documents, not submitted previously by the recipient, supporting the Corporation's position.

(c) Within 7 days after receiving the Corporation's submission under paragraph (b) of this section, the recipient may submit a short reply, including a statement that it accedes to or opposes any Corporation request for an evidentiary hearing. The recipient should avoid repeating arguments already made.

(d) Whenever possible, the Corporation and the recipient should try to develop the record jointly, agree to preparation of documents by one of them, agree to facts to eliminate the need for some documents, or agree that one party will submit documents identified by the other. Where submission of all relevant documents would lead to a voluminous record, the presiding officer will consult with the parties about how to reduce the size of the record.

§ 1625.8 Development of the record by the presiding officer.

The presiding officer may request additional documents or information; request briefing on issues in the case; hold preliminary conferences (generally by telephone) to establish schedules and refine issues; and take such other steps as he or she determines appropriate to develop a prompt, sound recommendation.

§ 1625.9 Nature of Hearing.

A hearing under this part may be either a summary hearing under § 1612.10 or an evidentiary hearing under § 1625.11, depending on the following circumstances:

(a) If neither party requests an evidentiary hearing, the hearing will be a summary hearing.

(b) If either party requests an evidentiary hearing and the other party accedes to that request, the hearing will be an evidentiary hearing.

(c) If one party requests an evidentiary hearing and the other party opposes that request, the presiding officer will preliminarily review the written record and grant or deny the request within 5 days of receipt of the final submission under § 1625.7. If the presiding officer finds that there are complex issues or material facts in dispute, the resolution of which would be significantly aided by such an evidentiary hearing and which cannot be adequately resolved by review of the written record, the presiding officer shall grant the request for an evidentiary hearing. Otherwise, such request shall be denied.

(d) If at the conclusion of a summary hearing the presiding officer finds that there are outstanding issues of material fact that require an evidentiary hearing he or she may order that an evidentiary hearing be held.

§ 1625.10 Summary Hearing.

(a) The purposes of the summary hearing are to give the parties an opportunity to make oral presentations to the presiding officer and to give the presiding officer the opportunity to clarify issues and question both parties about matters which the presiding officer may not yet fully understand from the record.

(b) Unless the parties and the presiding officer otherwise agree, the following procedures for a summary hearing apply:

(1) The hearing will be held within 15 days of a determination under § 1625.9(a) or (c).

(2) The hearing generally will be held in Washington, D.C. In exceptional circumstances, the presiding officer may hold the hearing at a Corporation Regional Office or other place convenient to the recipient.

(3) The hearing will be recorded at Corporation expense. The Corporation will send one copy of the transcript to the recipient as soon as it is received by the presiding officer (and forwarded to the Corporation if the presiding officer is not a Corporation employee).

(4) Only in exceptional circumstances will documents be received at a summary hearing. Inquiry will focus on material already in the record. If a party finds that further documents should be in the record for the summary hearing, the party should supplement the record, submitting copies of the documents to the Corporation (and the presiding officer if not a Corporation employee) not less than 5 days prior to the summary hearing.

(5) Each party's representative may make an oral presentation. The presiding officer will allow reply comments, and may allow short closing statements. On request, the presiding officer may allow the Corporation and the recipient to question each other.

(6) There will be no post-hearing submissions, unless the presiding officer determines they would be helpful to resolve the case. The presiding officer may require or allow the parties to submit proposed findings and conclusions.

§ 1625.11 Evidentiary hearing.

(a) Evidentiary hearings generally will be held within 20 days of a determination under § 1625.9 (b), (c) or (d).

(b) The presiding officer may hold a prehearing conference to consider any of the following: the possibility of settlement; simplifying and clarifying issues; stipulations and admissions; limitations on evidence and witnesses that will be presented at the hearing; scheduling the hearing; and any other matter that may aid in resolving the issues. The presiding officer, after consulting with the parties, may reduce the results of the conference to writing in a document which will be made part of the record, or may transcribe the proceedings and make the transcript part of the record.

(c) Evidentiary hearings generally are held at a place convenient to the recipient and the community it serves. A hearing affecting more than one community shall be held in a single centrally located place unless the presiding officer determines that additional hearing places are required.

(d) *Conduct of the evidentiary hearing.* (1) The presiding officer will conduct the evidentiary hearing in a manner that is as flexible as reasonably possible, keeping in mind the need to establish an orderly record. The presiding officer generally will admit evidence unless it is determined to be clearly irrelevant, immaterial or unduly repetitious, so the parties should avoid frequent objections to questions and documents. Both sides may make opening and closing statements, may present witnesses as agreed upon in the prehearing conference, and may cross-examine witnesses. Since the parties have ample opportunity to develop a complete record prior to the evidentiary hearing, a party may introduce an exhibit at such a hearing only after explaining to the satisfaction of the presiding officer why the exhibit was not submitted earlier (for example, because the information was not available).

(2) The presiding officer may request the parties to submit written statements of witnesses prior to the evidentiary hearing so that such hearing will primarily be concerned with cross-examination and rebuttal.

(3) Official notice may be taken of published policies, rules, regulations, guidelines, and instructions of the Corporation, of any matter of which judicial notice may be taken in a Federal court, or of any other matter whose existence, authenticity, or accuracy is not open to serious question.

(4) The hearing will be recorded at Corporation expense. The Corporation will send one copy of the transcript to the recipient as soon as it is received by the presiding officer (and forwarded to the Corporation if the presiding officer is not a Corporation employee).

(e) At the discretion of the presiding officer, the parties may be required or allowed to submit post-hearing briefs or proposed findings and conclusions (the parties will be informed at the hearing). A party should note any major prejudicial transcript errors in an addendum to its post-hearing brief (or if no brief will be submitted, in a letter submitted within a time limit set by the presiding officer).

(f) The transcript and any post-hearing briefs or letters will become part of the record.

§ 1625.12 Burden of proof.

The recipient shall have the obligation of proving, by a preponderance of the evidence contained in the record that any disputed fact relied upon by the Corporation as justification for denial of refunding was incorrect; with respect to all other issues, the recipient shall have the obligation to establish that the Corporation lacked a substantial basis for denying refunding.

§ 1625.13 Recommended decision.

(a) As soon as practicable after the record is completed and normally within 10 days after the conclusion of the summary or evidentiary hearing, the presiding officer shall issue a written recommended decision:

(1) Granting refunding subject to any modification or condition that may be deemed necessary and appropriate on the basis of information adduced from the record; or

(2) Denying refunding.

(b) The recommended decision shall contain findings of the significant and relevant facts and shall state reasons for the recommended decision. Findings of fact shall be based solely on evidence adduced from the record or on matters of which official notice was taken.

§ 1625.14 Final decision.

(a) If neither the Corporation nor the recipient requests review by the President, a recommended decision shall become final 10 days after receipt by the recipient.

(b) The recipient or the Corporation may seek review by the President of a recommended decision. A request shall be made in writing within 5 days after receipt by the party of the recommended decision, and shall state in detail the reasons for seeking review.

(c) As soon as practicable after receipt of a request for review of a recommended decision, and normally within 10 days, the President shall adopt, modify, or reverse the recommended decision, or direct further consideration of the matter. In the event of modification or reversal, the President's decision shall conform to the requirements of § 1625.13(b).

(d) A decision by the President shall become final upon receipt by the recipient.

§ 1625.15 Time extension and waiver.

(a) Any period of time provided in these rules may, upon good cause shown and determined, be extended:

(1) By the person making the preliminary determination, prior to the time the presiding officer is designated;

(2) By the presiding officer, prior to the issuance of a recommended decision; or

(3) By the President at any time.

(b) Requests for extensions of time shall be considered in light of the overall objective that the recommended decision under § 1625.13 shall be issued within 90 days of the request for a hearing under § 1625.5(b).

(c) Any other provision of these rules may be waived or modified:

(1) By the presiding officer with the assent of the recipient and of counsel for the Corporation; or

(2) By the President upon good cause shown and determined.

§ 1625.16 Right to counsel.

At a hearing under § 1625.10 or § 1625.11, the Corporation and the recipient each shall be entitled to be represented by counsel, or by another person. The person designated to represent a party may be an employee, or may be outside counsel retained for the purpose. Unless prior written approval is received from the Corporation, the fee paid to outside counsel shall not exceed the hourly equivalent of the rate of level V of the executive schedule specified in Section 5316 of Title 5, United States Code.

§ 1625.17 Reimbursement.

If refunding is granted after a final determination has been issued under § 1625.14, a recipient shall receive reimbursement by the Corporation, to the extent it has prevailed, for reasonable and actual expenses that were required in connection with proceedings under this part.

§ 1625.18 Interim funding.

(a) Failure by the Corporation to meet a time requirement of this part shall not entitle a recipient to refunding of its grant or contract.

(b) If a final determination is not issued prior to the end of the recipient's current grant or contract term, the Corporation shall provide the recipient with interim funding sufficient to allow for the representation of clients on whose behalf litigation, negotiation or other forms of representation have been initiated, for the period after the end of the recipient's current grant or contract term, pending receipt of such final determination.

§ 1625.19 Termination funding.

After a final determination to deny refunding, and without regard to whether a hearing has occurred, the Corporation may authorize temporary funding if necessary to enable a recipient to close or transfer current matters in a manner consistent with the recipient's professional responsibility to its present clients.

§ 1625.20 Notice.

A notice required to be sent to a recipient under this part shall be sent to the director of the recipient, and may be sent to the chairperson of its governing body.

Alternative B (Harvey/Olson Proposal)

PART 1625—DENIAL OF APPLICATION FOR REFUNDING

Sec.

1625.1 Purpose.
1625.2 Definitions.
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1625.4 Preliminary determination.
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1625.19 Notice.

Authority: Sec. 1006(b)(1) and (3), 1007(a)(1), 1007(a)(3), 1007(a)(9), 1007(d), 1008(e), 1011 (42 U.S.C. 2996e(b)(1) and (3), 2996f(a)(1), 2996f(a)(3), 2996f(a)(g), 2996f(d), 2996g(e), 2996j, Pub. L. 97-276, 96 Stat. 1186.

§ 1625.1 Purpose.

This part seeks to increase the ability of the Corportion to use its resources effectively to promote the objectives of the Act by providing recipients with reasonable notice of any proposed application for refunding and opportunity for a timely, expeditious and fair informal hearing prior to the cessation or substantial reduction of financial assistance.

§ 1625.2 Definitions.

(a) "Denial of refunding" means a decision that after the expiration of a grant or contract a recipient:

(1) Will not be provided financial assistance; or

(2) Will have its annualized level of financial support reduced to an extent that is not required by a change of law or a reduction in the Corporation's appropriation apportioned among all recipients of the same class and that is more than 10 percent below the recipient's annualized level of financial assistance under its current grant or contract. Carryover funds reprogrammed from a recipient's previous funding period(s) shall be included in a recipient's current level of funding.

(c) "Director of a recipient" means the person who has overall day to day responsibility for management of operations by the recipient.

(d) "Presiding officer" means the person appointed by the President to recommend a decision that a grant or contract should be refunded or not refunded.

§ 1625.3 Grounds for denial of refunding.

Refunding may be denied when:

(a) Denial is required by, or will implement, a provision of law, a Corporation rule, regulation, guideline, or instruction that is generally applicable to all recipients of the same class, or a funding policy, standard, or criterion approved by the Board; or

(b) The recipient has not complied with a provision of law, or a rule, regulation, or guideline issued by the Corporation, or a term or condition of a current or prior grant from or contract with the Corporation; or

(c) The recipient has not used its resources to provide economical and effective legal assistance of high quality as measured by generally accepted professional standards, or the provisions of the act, or a rule, or regulation or guideline issued by the Corporation.

(d) The President of the Corportion or the Board of Directors finds that another organization, whether a recipient or not, could better serve eligible clients in the recipient's service area.

§ 1625.4 Preliminary determination.

(a) When, based on one or more of the reasons set forth in § 1625.3, a tentative decision not to refund a recipient has been reached, the Corporation shall serve a written preliminary determination upon the recipient. It shall state the bases for denial of refunding, and may identify with reasonable specificity any fact or documents relied upon which supports the denial of refunding.

(b) The preliminary determination shall advise the recipient that it may make a written request for an informal hearing within 10 days after it receives the preliminary determination.

(c) The preliminary determination shall also advise the recipient of its right to receive interim funding and to request termination funding under §§ 1625.17 and 1625.18.

(d) If the recipient advises the Corporation it will not seek review, or if it fails to request review within the time prescribed in § 1625.4(b), the preliminary determination shall become final.

§ 1625.5 Initiation of proceedings.

Within 10 days after receipt of a request for an informal hearing the Corporation shall notify the recipient of:

(a) The name of the presiding officer and of the attorney representing the Corporation; and

(b) The date, time and place of the hearing.

§ 1625.6 Presiding officer.

(a) The presiding officer shall be appointed by the President. The presiding officer shall be a person who is independent and has had no previous participation in the issues between the Corporation and the recipient. Furthermore, this person shall not have been involved with any other dealings between the Corporation and the recipient in the previous year.

(b) Within 5 days of receipt of notice of the name of the presiding officer, the recipient may file a written notice that it objects to the presiding officer on the basis that this person does not fit the criteria of § 1625.6(a) or as made statements or taken actions indicating personal bias against the recipient.

(c) Within 10 days thereafter, the President shall consider the recipient's objection(s) with any supporting documentation and (1) retain the presiding officer; or (2) replace the presiding officer; and (3) shall promptly notify the recipient of the President's decision.

(d) No objection to the appointment of a presiding officer may be made unless presented in the manner specified in this section.

§ 1625.7 Pre-hearing conference.

(a) In particularly complex cases, a pre-hearing conference may be desirable. The convening of such a conference shall be at the discretion of the presiding officer, except that a prehearing conference shall be convened at the request of both parties.

(b) Matters to be discussed at the pre-hearing conference may include:

(1) The possibility of a settlement;

(2) Proposals to define and narrow the issues;

(3) Proposed stipulations of fact;

(4) Other matters concerning the conduct of the hearing.

§ 1625.8 Pre-hearng requirements.

(a) With or without a pre-hearing conference, the presiding officer may establish specific procedures, consistent with this part for conduct of the informal hearing. The presiding officer may request or permit written submission of arguments and supporting material prior to the hearing.

(b) The presiding officer may, at any time prior to the completion of the hearing, require either party, upon sufficient notice, to produce a relevant document in its possession; the presiding officer may require either party to produce a person in its employ to testify at the hearing.

§ 1625.9 Conduct of the informal hearing.

(a) The hearing shall be scheduled to commence at the earliest appropriate date no less than 20 days after the date of the ntoice to the recipient required under § 1625.5.

(b) The hearing shall be scheduled at a place convenient to the parties. When accessible to the recipient, the Corporation Headquarters or the nearest Corporation Regional Office may be used as the hearing site. The presiding officer may for good cause shown change the hearing site upon request of the recipient filed not more than 10 days after the date of the notice required under § 1625.5.

(c) The presiding officer shall preside over the hearing, avoid delay, maintain order, conduct a fair hearing, and insure that an adequate record of the facts and issues is made.

(d) The hearing shall be open to the public, unless, in the interests of justice or maintaining order, the presiding officer shall determine otherwise.

(e) The presiding officer may, upon request, allow any interested party or individual to intervene in the hearing, if, in the judgment of the presiding officer, such participation will materially assist in proper determination of the issues.

(1) A person or organization wishing to intervene in a hearing shall request permission from the presiding officer, stating the reason for the request, and the nature of the evidence or argument to be offered; and shall notify the Corporation and the recipient of its request.

(2) The presiding office shall notify the Corporation, the recipient, and the person or organization requesting intervention whether the request has been granted.

(3) The presiding officer will allow only written presentation by intervenors, except when, in his or her judgment their verbal participation is desirable. The presiding officer may impose other limitations on the scope or form of intervention.

(f) The Corporation and the recipient each may present its case by written or oral documentary evidence, conduct examination and cross-examination of witnesses, examine any document submitted by another party, and submit rebuttal evidence.

(g) If a party fails, with good cause, to produce a person or document required under § 1625.8(b), the presiding officer may make a finding adverse to the party, or any lesser determination may be made.

(h) Technical rules of evidence shall not apply. The presiding officer shall make any procedural or evidentiary ruling that may help to insure full disclosure of the facts, to maintain order, or to avoid delay. Irrelevant, immaterial, repetitious or unduly prejudicial matter may be excluded.

(i) Official notice may be taken of published policies, rules, regulations, guidelines, and instructions of the Corporation, of any matter of which judicial notice may be taken in Federal court, or of any other matter whose existence, authenticity, or accuracy is not open to serious question.

(j) A stenographic or electronic sound record, or a summary of the hearing shall be made in a manner determined by the presiding officer, and a copy shall be made available to a party upon payment of its cost.

§ 1625.10 Burden of proof.

At an informal hearing under § 1625.9:

(a) The Corporation shall present its evidence showing the grounds for the denial of refunding under § 1625.3, and

(b) Thereafter, on all issues, the recipient shall have the obligation and burden of establishing by a preponderance of the evidence a basis for continuation of funding; except that

(c) The President or the Board of Directors must show a reasonable basis for concluding that another recipient can better serve eligible clients.

§ 1625.11 Post-hearing arguments.

In particularly complex cases, at the discretion of the presiding officer, the parties may submit to the presiding officer, with service on all other parties, proposed findings of fact and conclusion of law. Such arguments shall be submitted within 10 days of the conclusion of the hearing.

§ 1625.12 Recommended decision.

(a) As soon as practicable after the hearing, and normally within 15 days after its conclusion, the presiding officer shall issue a written recommended decision.

(b) The decision shall:

(1) Deny refunding; or

(2) Grant refunding; or grant refunding subject to modification or conditions which appear necessary on the basis of information disclosed at the hearing; or

(3) Recommend another recipient to serve eligible clients.

(c) The recommended decision shall contain findings of the significant and relevant facts and shall state the reasons for the decision. Findings of fact shall be based solely on the evidence adduced at the hearing or on matters of which official notice was taken.

§ 1625.13 Final decision.

(a) If neither the Corporation nor the recipient requests review by the President, a recommended decision shall become final 10 days after receipt by a recipient.

(b) The recipient or the Corporation may seek review by the President of a recommended decision. A request shall be made in writing within 10 days after receipt by the party of the recommended decision, and shall state in detail the reasons for seeking review.

(c) As soon as practicable after receipt of a request for review of a recommended decision, and within 30 days, the President shall adopt, modify, or reverse the recommended decision, or direct further consideration of the matter. In the event of modification or reversal, the President's decision shall conform to the requirements of § 1625.12(c).

(d) A decision by the President shall become final upon receipt by a recipient.

§ 1625.14 Extension of time and waiver.

(a) Any period of time provided in these rules may, upon good cause shown and determined, be extended:

(1) By the presiding officer, prior to the issuance of a recommended decision; or

(2) By the President at any time.

(b) Requests for extension of time shall be considered in light of the overall objective that the procedures prescribed by this part ordinarily shall be concluded within 60 days of the preliminary determination.

(c) As to any recipient, any provision of these rules may be waived or modified:

(1) By the presiding officer with the assent of the recipient, and of counsel for the Corporation after consultation with the President; or

(2) By the President upon good cause shown and determined.

§ 1625.15 Right to counsel.

At a hearing under § 1625.9, the Corporation and the recipient each shall be entitled to be represented by counsel, or by another person. The attorney designated may be an employee, or may be outside counsel retained for the purpose. Unless prior written approval is received from the Corporation, the fee paid to outside counsel shall not exceed the hourly equivalent of the rate of level V of the executive schedule specified in section 5316 of title 5, United States Code.

§ 1625.16 Reimbursement.

If refunding is granted after a preliminary determination has been issued under § 1625.4, a recipient shall receive reimbursement by the Corporation, to the extent it has prevailed, for reasonable and actual expenses that were required in connection with proceedings under this part.

§ 1625.17 Interim funding.

Failure by the Corporation to meet a time requirement of this part shall not entitle a recipient to refunding. Pending a final determination under this part, the Corporation shall provide the recipient with interim funding necessary to maintain its current level of legal assistance activities under the Act.

§ 1625.18 Termination funding.

After a final determination to deny refunding, and without regard to whether a hearing has occurred, the Corporation may authorize temporary funding if necessary to enable a recipient to close or transfer current matters in a manner consistent with the recipient's professional responsibility to its present clients.

§ 1625.19 Notice.

A notice required to be sent to a recipient under this part shall go to the director of the recipient, and may be sent to the chairperson of its governing body.

Mary F. Wieseman,

Acting General Counsel.

[FR Doc. 82-30666 Filed 11-5-82; 8:45 am]

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federal register

Monday
November 8, 1982

Part IV

Department of Transportation

Federal Aviation Administration

Special Federal Aviation Regulation No. 44-5; Air Traffic Control System; Interim Operations Plan

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 22050; SFAR No. 44–5; Notice No. 82–14]

Special Federal Aviation Regulation No. 44–5, Air Traffic Control System; Interim Operations Plan

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to modify the number of slots which carriers would be eligible to select during the first slot selection sequence during the slot allocation process. This is responsive to a number of carriers that have suggested that the slot process does not reflect differences between carriers operating hundreds of operations at dozens of airports as opposed to those that only operate a few operations at a few airports.

The notice also proposes to establish a provision which would penalize those carriers which select a number of slots but never operate them. This provision is proposed in order to maximize the number of slots actually utilized by the carriers and thus is in the public interest.

EFFECTIVE DATE: Comments must be received on or before December 6, 1982.

ADDRESSES: Send comments on the rule proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–204), Docket No. 22050, 800 Independence Avenue, SW., Washington, D.C. 20591

or deliver them to:

800 Independence Avenue, SW., Room 915G, Washington, D.C.

Comments may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Edward P. Faberman, Deputy Chief Counsel, 202–426–3775

or

Thomas P. Messier, Deputy Director, Office of Aviation Policy and Plans, 202–426–0583

Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impacts that might result from adoption of the proposals contained in this notice are invited. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket. Commenters wishing to have the FAA acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 22050." The postcard will be dated, time-stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11–2, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On August 8, 1982, the FAA issued SFAR 44–5 (47 FR 35156; August 12, 1982) which established procedures to be used in the allocation of additional air traffic system capacity as it becomes available. The amendment established a slot selection system which allows carriers to choose slots they desire from those available during a slot selection session.

SFAR 44–5 provides for a national selection process which allows carriers to select slots at any controlled airport or center. The number of slot selections which a carrier is entitled to during the first sequence is as follows:

Number of controlled airports at which carrier operates (minimum of 2 slots) as of Aug. 1, 1982	Number of slots carrier may select during first sequence
0–5	2
6–21	4

After the first sequence (round), all carriers are limited to two selections each time their turn comes up in the selection process. The SFAR provides for these additional slot selections based upon the number of controlled airports at which an air carrier operates in recognition of differences between air carrier operations. If each carrier had the same number of selections in each round, a carrier with a few operations per day at a few airports would be placed on an equal footing with carriers operating hundreds of operations at dozens of airports.

A number of commenters have suggested that the two or four slot entitlement does not fully recognize the operational differences between larger and smaller carriers. They do not believe that the two additional slots in the first round for carriers operating at six or more controlled airports is equitable. Numerous alternatives have been presented as alternatives to the 2/4 slot rule. In recognition of these comments, the FAA proposes to modify this requirement as follows:

Number of controlled airports at which carrier operates (minimum of 2 slots) as of Aug. 1, 1982	Number of slots carrier may select
0–5	2
6–14	4
15–21	6

This would continue to apply only during the first slot selection sequence. Comments are invited on alternative methods of slot selection.

A large number of slots have been taken during the past several months by carriers which have never utilized those slots. This has resulted in unused capacity which in turn means that the public has been denied full use of the air traffic system. Although agency officials have repeatedly asked carriers not to select slots which are likely not to be utilized, slots throughout the day at controlled and non-controlled airports continue to be unutilized. Therefore, the agency is proposing a requirement which would result in a carrier losing its initial two selections in the next slot selection session if the carrier fails to utilize two or more slots allocated for the current schedule period.

This means that if a carrier obtains six slots for the January–February schedule period and only uses four of those slots in that period, it will be penalized for the following schedule period by losing the first two of its slot selections. A carrier which selects slots and finds that it cannot utilize those slots, is obligated to return the slots to the FAA. If the carrier does so prior to the start of the next slot selection session, the carrier will not be penalized.

List of Subjects in 14 CFR Part 91

Air traffic control, Aviation safety.

The Proposed Amendment

PART 91—[AMENDED]

Accordingly, it is proposed to amend Chapter I of Title 14 of the Code of Federal Regulations as follows:

Special Federal Aviation Regulation 44–5

1. By removing the chart in paragraph 2(e) of the Appendix and substituting the following in lieu thereof:

Air carriers operating two or more slots on August 1, 1982 at each of 0–5 controlled airports.	2 slots.
Air carriers operating two or more slots on August 1, 1982 at each of 6–14 controlled airports.	4 slots
Air carriers operating two or more slots on August 1, 1982 at each of 15–21 controlled airports.	6 slots.
Air carriers defined as new entrants	4 slots

2. By adding as a subparagraph at the end of paragraph 2(e) the following:

* * * * *

If a carrier does not operate two or more of the slots it has been allocated, in a particular slot selection session, the carrier will lose its first two opportunities for slot selection in the next slot selection session.

(Secs. 307(a) and (c), 313(a), and 601(a), Federal Aviation Act of 1958, as amended (49 U.S.C. Sections 1348(a) and (c), 1354(a), and 1421(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. Section 1655(c)).)

Note.—The FAA has determined that this proposal, if adopted, would not affect the number of carriers obtaining slots or the number of slots available. There are no apparent direct or indirect (non-industry) costs asiciated with the amendment. Therefore, the preparation of a regulatory evaluation is unnecessary.

Based on the above, it has been determined that this is not a major regulation under Executive Order 12291 and I certify that, under the criteria of the Regulatory Flexibility Act, the rule will not have a significant economic impact on a substantial number of small entities. In addition, the FAA has determined that this amendment is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Washington, D.C., on November 4, 1982.

Donald R. Segner,

Associate Administrator for Policy and International Aviation.

[FR Doc. 82–30800 Filed 11–5–82; 8:43 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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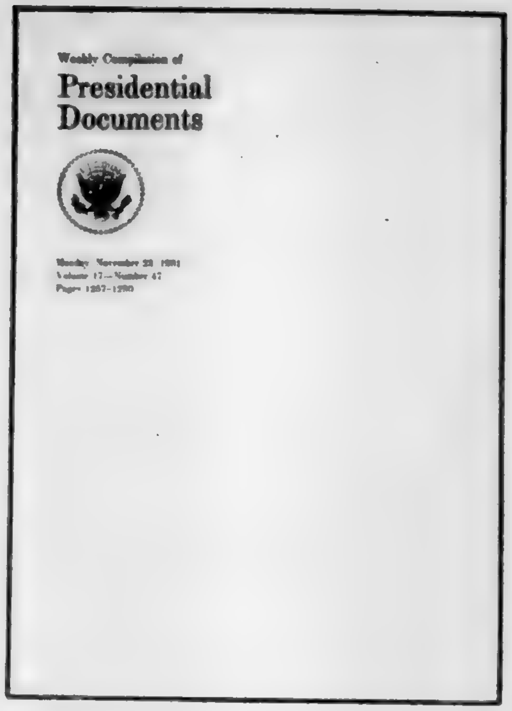

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11-9-82
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Pages 50677-50840

federal register

Tuesday
November 9, 1982

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Retirement
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Voting Rights
  Personnel Management Office

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

Retirement; Voluntary State Tax Withholding

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations to implement the State tax withholding program under the provision of Section 1705 of Pub. L. 97-35, The Omnibus Budget Reconciliation Act of 1981, which requires the Office of Personnel Management to enter into agreements with the various States to permit voluntary State income tax withholding from civil service annuities.

DATE: Effective Date: November 9, 1982.

ADDRESS: Craig B. Pettibone, Assistant Director for Pay and Benefits Policy, Compensation Group, Office of Personnel Management, P.O. Box 57, Room 4351, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Eugene Littleford, (202) 632-4634.

SUPPLEMENTARY INFORMATION: Section 1705 of Pub. L. 97-35, The Omnibus Budget Reconciliation Act of 1981, requires the Office of Personnel Management (OPM) to enter into agreements at the request of a State to permit voluntary State income tax withholding from civil service annuities. The purpose of these regulations is to establish a regulatory basis for the State income tax program authorized by that statute.

OPM published a notice of a proposed rulemaking in the **Federal Register** on March 5, 1982, (47 FR 9470) proposing the addition of a new Subpart S to Part 831 of Title 5, Code of Federal Regulations, entitled "State Income Tax Withholding." These proposed rules incorporated by reference OPM's "Notice of standard tax withholding agreement" published in the **Federal Register** that same date (47 FR 9621). Interested parties were given 60 days in which to submit comments, suggestions or objections to the proposed rule.

Written comments were received from State representatives, employee organizations, a national association and private individuals. Comments from the individuals and employee organizations were all favorable, and eight States and the District of Columbia have returned signed agreements.

We take the receipt of signed agreements to participate in the program as outlined to mean that our regulations and procedures were found to be acceptable to those jurisdictions. In addition, most of the written comments noted agreement that the proposed service was needed by and beneficial to the civil service annuitant population.

Several States, and the national association, expressed concerns regarding the administrative procedures outlined in the agreement. They raised four general issues about our proposal, which were:

(1) That the terms of our uniform agreement, which required the participating State to interact directly with resident annuitants who wish to have State taxes withheld, was contrary to the intent of the statute;

(2) That the administrative process described above is circuitous and impractical;

(3) That the proposal alters the normal State/withholding agent relationship which exists between a State and an employer within the State; and

(4) That the uniform agreement's requirement of access to State tax withholding records is unnecessary and contrary to State law in many cases.

OPM has carefully considered these arguments, and has found them insufficient cause to significantly modify our proposed regulations. Our reasons for this decision are as follows:

1. Congressional Intent

Our review of the legislative history of section 1705 of Pub. L. 97-35 has led us to the conclusion that our proposal is consistent with the intent of the statute. The proposed regulations and notice of agreement which implemented the voluntary State tax withholding program took into account longstanding Congressional interest in affording civil service annuitants the opportunity to make voluntary allotments from monthly benefit checks for the purpose of State income tax payments. Indeed, several bills were introduced to accomplish this specific purpose prior to the enactment of section 1705 of Pub. L. 97-35. In regard to Pub. L. 94-166, (December 23, 1975), which first established a general allotment authority from civil service annuities, House Report 94-446, (accompanying H.R. 6642), made clear the Congressional intent to provide specific statutory authority for allotments from civil service annuity checks similar to the allotments then existing for Federal employees. Through this authority, annuitants might continue, upon retirement, the convenient practice, begun as employees, of making allotments for such purposes as savings, employee organization dues, and charitable contributions. It was recognized that, as computer capacity increased, the Civil Service Commission, (now OPM), could expand the number and types of allotments without further Congressional action, thus serving the additional needs of annuitants.

Following the enactment of Pub. L. 94-166, legislation was proposed, specifically H.R. 6372 (96th Congress) and H.R. 2463 (97th Congress), to provide allotments for voluntary State tax withholding from annuity payments. The impetus for these legislative proposals was Congressional dissatisfaction with the pace at which OPM was moving to provide allotments for State tax payments under the existing authority provided in Pub. L. 94-166. Indeed, House of Representatives, Committee on Post Office and Civil Service Report No. 96-1281, (accompanying H.R. 6372), makes clear that OPM's agreement to make allotments for monthly union dues from the annuities of retirees under Pub. L. 94-166 was a compelling factor in stimulating the Committee to press for legislation that would expedite the implementation of a program of voluntary allotments for State tax from civil service annuities. H.R. 6372 was approved by the House of Representatives but was not considered by the Senate prior to the adjournment of the 96th Congress. Section 1705 of Pub. L. 97-35 merely incorporated specific provisions of H.R. 2463 (then pending in the 97th Congress) into the Omnibus Budget Reconciliation Act of 1981, enacted August 13th of that year.

The legislative history indicates that Congress intended to implement an allotment program for State tax payments similar to the existing allotment program for organization dues or for other voluntary allotments such as savings and charitable contributions. Our State tax withholding program, as originally proposed and as implemented in this final rule, is equivalent in its division of administrative responsibility between OPM and the participating allottee (the State) to the organizational dues withholding program.

In that program, the organization enters into a voluntary agreement with OPM for withholding of dues. The organization then provides information to that subset of the annuitant population who might be interested in voluntarily electing to join the allotment program. Those annuitants who choose to participate contact the organization which in turn prepares a periodic computer tape of transactions. The pre-edited tape is processed by OPM, and the allotment is withheld from the monthly annuity. Amounts withheld are paid to the organizations, accompanied by listings and reports, on a periodic basis.

2. Administrative Practicality

While certain State officials complained that a process of this nature would be circuitous and impractical, this procedure has been successful in the existing voluntary allotment program, and we foresee a like result for the State income tax withholding program. The nine jurisdictions which have already signed agreements apparently agree that the proposed method of administration is workable at the State agency level.

For those States which, as of now, have not elected to participate, we recognize other reasons for their hesitancy besides the alleged impracticality of this program. Seventeen States do not tax civil service annuities as income. Of the remaining 33 States and the District of Columbia, 25 jurisdictions do not tax the full annuity as income. We understand that some of these taxing jurisdictions have analyzed trends in similar populations (indications are that 8% to 35% of the eligible annuitants would voluntarily elect to have State tax allotments withheld) and statistical data provided by OPM and have determined simply that the potential limited interest on the part of annuitants may not warrant their offering a withholding allotment service.

However, we believe that those States which have not yet joined the program may not have given adequate consideration to Congressional interest in providing a convenience to annuitants or to the fact that this program has the potential of reducing the demand on a State's quarterly filing and payment system. The reduction in demand in this area coupled with the regularized collections offered by a monthly allotment could produce a net reduction in a State's resource requirements due to the OPM program's lower input requirements.

3. Traditional Relationships

In regard to the objection that OPM's program alters the traditional relationship between the State and an employer within the State, in which the employer withholds taxes from the employee on the basis of State instructions, we are compelled to note that in the case of State tax allotments, OPM serves not as an employer—in the conventional sense—but as a benefit-paying agency. Moreover, the voluntary withholding program specified by Congress is completely different from State-mandated withholding from wages. While an employer generally has easy access to the employee, and on the basis of information supplied by the State and the employee can quickly and accurately determine the amount to be withheld from salary, the Civil Service Retirement System (not an employer but a Federal benefit program), has only limited access to its annuitants and no expertise in the amount of their State tax liability.

While the annuitant chooses the amount to be paid, his choice must necessarily be based on expert advice, and the only readily available source of expertise on State taxes is the State itself. This unique relationship between the taxpayer and the taxing jurisdiction is another reason why we have designed the voluntary program in the manner described by these regulations. The question of which Federal annuitants would be subjected to the State's estimated tax filing and payment requirements is determined by particulars of State law, factors which vary widely from State to State. The decision as to whether a retiree should have taxes withheld from annuity payments will be based, in large measure, by the tax liability incurred in a given State, and also on other, more personal considerations. Many questions can only be answered by competent State officials. Our proposal recognizes this vital relationship between the annuitant (as taxpayer) and the State (as a sovereign entity) while providing a reasonable alternative to the estimated tax filing and quarterly payment requirements of many States.

4. Access to State records

In the final general issue, where concern was expressed that OPM required access to all State tax records, we believe that the complaints are simply a result of a misunderstanding of OPM's intent by the several State officials. OPM is only interested in access to those records which pertain to the processing of Federal annuitants' requests as part of the allotment service. The sole purpose of this authority is to permit OPM and the Comptroller General to periodically audit records in keeping with our fiduciary responsibilities to the Civil Service Retirement Fund. We have amended the language of this requirement to avoid any further confusion.

A number of other minor issues have been raised singly by replying entities:

The 60 days a State was allowed to refund any overpayment made by OPM, if and when an agreement was terminated, was suggested to be, on occasion, insufficient time to process the repayment. Because there is no interest or penalty charged for an overdue payment under this section, we believe it is not necessary to amend the language for the possible exception.

A question as to the liability a State might incur under the agreement if it processed an erroneous request for withholding was also raised. The standard agreement states that a State will refund to the annuitant on demand any amounts withheld pursuant to an erroneous request. This provision is intended to allow for refund of erroneous withholding due to clerical error when the withholding made from the annuity is not in accordance with the annuitant's request. Erroneous withholding will not result from revocation of a prior request even if not processed within the month in which received by the State. (For the purpose of the statute, a revocation of withholding is not "received" until the processed information is received by OPM from the State.)

Completion of standard State reports required from employers within the State regarding employer withholding from wages cannot be accommodated since OPM serves, in this instance, as a benefit program rather than an employer. Every effort will be made for it to be possible for States to extract any information they need for their withholding systems from the standard OPM reports; if certain information is needed which is not provided by the standard OPM reports OPM may provide it, on an *ad hoc* basis, when requested.

OPM cannot, as requested in the comments, notify new annuitants individually when they enter onto the annuity rolls regarding the availability of State tax withholding in their respective States. However, we will provide periodic information to employing agencies so that personnel offices in affected States may include information about the availability of allotments for State taxes in individual pre-retirement counseling sessions. Also, when we revise our general information literature, this item will be included.

Concern was raised that an agreement could be terminated by either party with 60 days notice. It was proposed that the time period be extended to 120 days, the equivalent of the time period in which OPM is required to enter into an agreement when a request has been made. OPM does not contemplate terminating any agreement whether the notice period is 60 or 120 days. The termination provision is primarily to protect the States who may, on occasion, find that further participation is detrimental to their interests due to changing circumstances. In that nine jurisdictions have already signed the agreement, it would be a disservice to them to change the termination provisions at this time.

The provision which states that OPM will "Pay the net withholding to the State on the last day of the first month following each calendar quarter," was questioned. It was suggested that payment be made on the fifteenth of the month instead. OPM must consider the lead time necessary to voucher a payment from the Treasury, reconcile accounts, and generate reports. In addition, as a provision of the 1981 Budget Reconciliation Act, generation of earned interest accruing to the Federal Treasury is contemplated by the statute. This is best accomplished by retaining the funds until the end of the month.

In order to effect the above specified changes to the standard agreement, OPM is incorporating the standard agreement into the regulations. The "Notice of standard agreement", as published March 5, 1982, allows OPM to modify the terms on a unilateral basis through the regulatory process. While the changes being made are solely for the purpose of clarity, and generally favor the participating States in interpretation, any State which has entered into the standard agreement prior to the effective date of these regulations may choose to be bound by the terms of the standard agreement in effect at the time, rather than the equivalent terms of these regulations.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because these regulations would govern only the relations between OPM and participating States and annuitants in regard to voluntary State tax withholding from civil service annuities.

List of Subjects in 5 CFR Part 831

Administrative practices and procedure, Government employees, Life insurance, Retirement, Workers' compensation.

Office Of Personnel Management.

Donald J. Devine,

Director.

Accordingly, OPM is amending 5 CFR Part 831 as follows:

PART 831—RETIREMENT

1. In § 831.1705, paragraph (a)(6) is revised to read as follows:

§ 831.1705 Retirement benefits—amount, when payable.

(a)* * *

(6) Property withheld for Federal and State income tax purposes, if amounts withheld are not greater than they would be if the individual claimed all dependents to which he or she was entitled.

* * * * *

2. Subpart S is added to read as follows:

Subpart S—State Income Tax Withholding

831.1901 Definitions.
831.1902 Federal-State agreements.
831.1903 OPM responsibilities.
831.1904 State responsibilities.
831.1905 Additional provisions.
831.1906 Agreement modification and termination.
831.1907 Authority to use the Federal Personnel Manual System.

Authority: 5 U.S.C. 8345(k).

Subpart S—State Income Tax Withholding

* * * * *

§ 831.1901 Definitions.

For the purpose of this subpart:

"Agreement" means the Federal-State agreement contained in this subpart.

"Annuitant" means an employee or Member retired, or a spouse, widow, or widower receiving survivor benefits, under the provisions of subchapter III, chapter 83 of title 5, United States Code.

"Effective date" means, with respect to a request or revocation, that the request or revocation will be reflected in payments authorized after that date, and before the next request or revocation is implemented.

"Fund" means the Civil Service Retirement and Disability Fund as established and described in section 8348 of title 5, United States Code.

"Income tax" and "State income tax" mean any form of tax for which, under a State statute, (a) collection is provided, either in imposing on employers generally the duty of withholding sums from the compensation of employees and making returns of such sums to the State or by granting to employers generally the authority to withhold sums from the compensation of employees, if any employee voluntarily elects to make such sums withheld; and (b) the duty to withhold generally is imposed, or the authority to withhold generally is granted, with respect to the compensation of employees who are residents of the State.

"Net recurring payment" means the amount of annuity or survivor benefits (not recurring interim payments made while a claim is pending adjudication) payable to the annuitant on a monthly basis less the amounts currently being deducted for health benefits, Medicare, life insurance, Federal income tax, overpayment of annuity, indebtedness to the Government, voluntary allotments, waivers, or being paid to a third party or a court officer in compliance with a court order or decree.

"Net withholding" means the amount of State income tax deductions withheld during the previous calendar quarter as a result of requests which designated the State as payee, less similar deductions taken from prior payments which were cancelled in the previous calendar quarter."Proper State official" means a State officer authorized to bind the State contractually in matters relating to tax administration.

"Received" means, in respect to the magnetic tape containing requests and revocations, received at the special mailing address established by OPM for income tax requests, or, for those items not so received, received at the OPM data processing center charged with processing requests.

"Request" means, in regard to a request for tax withholding, a change in the amount withheld, or revocation of a prior request, a written submission from an annuitant in a format acceptable to the State which provides the annuitant's name, Civil Service Retirement Claim number, Social Security identification number, address, the amount to be withheld and the State to which payment is to be made, which is signed by the annuitant or, in the case of incompetence, his or her representative payee.

"State" means a State, the District of Columbia, or any territory or possession of the United States.

§831.1902 Federal-State agreements.

OPM will enter into an agreement with any State within 120 days of an application for agreement from the proper State official. The terms of the standard agreement will be sections 831.1903 through 831.1906 of this subpart. OPM and the State may agree to additional terms and provisions, insofar as those additional terms and provisions do not contradict or otherwise limit the terms of the standard agreement.

§ 831.1903 OPM responsibilities.

OPM will, in performance of this agreement:

(a) Process the magnetic tape containing State tax transactions against the annuity roll once a month at the time monthly recurring payments are prepared for the United States Treasury Department. Errors that are identified will not be processed into the file, and will be identified and returned to the State for resolution via the monthly error report. Collections of State income tax will continue in effect until the State requesting the initial action supplies either a valid revocation or change. The magnetic tape must be received 35 days prior to the date of the check in which the transactions are to be effective. For example, withholding transactions for the July 1 check must be received 5 days prior to June 1. If the magnetic tape submitted by the State cannot be read, OPM will notify the State of this fact, and if a satisfactory replacement can be supplied in time for monthly processing, it will be processed.

(b) Deduct from the regular, recurring annuity payments of an annuitant the amount he or she has so requested to be withheld, provided that:

(1) The amount of the request is an even dollar amount, not less than Five Dollars nor more than the net recurring amount. The State may set any even dollar amount above Five Dollars as a minimum withholding amount.

(2) The annuitant has not designated more than one other State for withholding purposes within the calendar year. The State can set any limit on the number of changes an annuitant may make in the amount to be withheld.

(c) Retain the amounts withheld in the Fund until payment is due.

(d) Pay the net withholding to the State on the last day of the first month following each calendar quarter.

(e) Make the following reports:

(1) A monthly report which will include all the State tax withholdings, cancellations and adjustments for the month, and also each request OPM was not able to process, with an explanation, in coded format, of the reason for rejection.

(2) A quarterly report which will include State, State address, quarterly withholdings, quarterly cancellations and adjustments, quarterly net withholdings and year-to-date amounts. Where cancelled or adjusted payments were made in a previous year, OPM shall append a listing of the cancelled or adjusted payments which shows the date and amount of each cancelled or adjusted tax withholding, and the name and Social Security identification number of the annuitant from whom it was withheld. If either party terminates the agreement and the amount of cancelled or adjusted deductions exceeds the amount withheld for the final quarter, then the quarterly report shall show the amount to be refunded to OPM and the address to which payment should be made.

(3) An annual summary report which contains the name, Social Security identification number, and total amount withheld from non-cancelled payments during the previous calendar year, for each annuitant who requested tax withholding payable to the State. In the event the annuitant had State income tax withholding in effect for more than one State in that calendar year, the report will show only the amount withheld for the State receiving the report.

(4) An annual report to each annuitant for whom State income taxes were withheld giving the amount of withholding paid to the State during the calendar year.

§ 831.1904 State responsibilities.

The State will, in performance of this agreement:

(a) Accept requests and revocations from annuitants who have designated that State income tax deductions will go to the State.

(b) Convert these requests on a monthly basis to a machine-readable magnetic tape using specifications received from OPM, and forward that tape to OPM for processing.

(c) Inform annuitants whose tax requests are rejected by OPM that the request was so rejected and of the reason why it was so rejected.

(d) Recognize that, to the extent not prohibited by State laws, records maintained by the State relating to this program are considered jointly maintained by OPM and are subject to the Privacy Act of 1974 (5 U.S.C. 552a). Accordingly, the States will maintain such records in accordance with that statute and OPM's implementing regulations at 5 CFR Part 297.

(e) Respond to requests of annuitants for information and advice in regard to State income tax withholding.

(f) Credit the amounts withheld from civil service annuities to the State tax liability of the respective annuitants, and, subject to applicable provisions of State law to the contrary, refund any balance over and above that liability to the annuitant, unless he or she should request otherwise.

(g) Surrender all tax withholding requests to OPM when this agreement is terminated or when the documents are not otherwise needed for this State tax withholding program.

(h) Allow OPM, the Comptroller General or any of their duly authorized representatives access to, and the right to examine, all records, books, papers or documents related to the processing of requests for State income tax withholding from civil service annuities.

§ 831.1905 Additional provisions.

These additional provisions are also binding on the State and OPM:

(a) A request or revocation is effective when processed by OPM. OPM will process each request by the first day of the second month following the month in which it is received, but incurs no liability or indebtedness by its failure to do so.

(b) Any amount deducted from an annuity payment and paid to the State as a result of a request is deemed properly paid, unless the annuity payment itself is cancelled.

(c) OPM will provide the State with the information necessary to properly process a request for State income tax withholding.

(d) If the State is paid withholding which is contrary to the terms of the annuitant's request, the State is liable to the annuitant for the amount improperly withheld, and subject to account verification from OPM, agrees to pay that amount to the annuitant on demand.

(e) In the case of a disputed amount in any of the reports described and authorized by this agreement, the Associate Director for Compensation of OPM will issue an accounting. If the State finds this accounting unacceptable, it may then and only then pursue such remedies as are otherwise available.

(f) If a State receives an overpayment of monies properly belonging to the Fund, OPM will offset the overpayment from a future payment due the State. If there are no further payments due the State, OPM will inform the State in writing of the amount due. Within 60 days of the date of receipt of that communication the State will make payment of the amount due.

§ 831.1906 Agreement modification and termination.

This agreement may be modified or terminated in the following manner:

(a) Either party may suggest a modification of non-regulatory provisions of the agreement in writing to the other party. The other party must accept or reject the modification within 60 calendar days of the date of the suggestion.

(b) The agreement may be terminated by either party on 60 calendar days written notice.

(c) OPM may modify this agreement unilaterally through the rule making process described in sections 553, 1103, 1105 of title 5, United States Code.

§ 831.1907 Authority to use the Federal Personnel Manual System.

OPM may provide such further rules, procedural instructions, and operational guidance as may be necessary and proper under this Subpart and not inconsistent therewith, in the Federal Personnel Manual System.

[FR Doc. 82-30665 Filed 11-8-82; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 272, 274 and 276

[Amdt. 229]

Food Stamp Program; Mail Issuance Loss Tolerance Levels

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rulemaking.

SUMMARY: This Food Stamp Program rulemaking establishes tolerance limits for mail issuance losses and procedures for holding State agencies liable for losses that exceed the limits. This rule is based on provisions of the Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98), and is designed to control program losses and, thus, to conserve program funding.

DATE: This rule will be effective January 1, 1983. Comments must be received on or before December 9, 1982, to be assured of consideration.

ADDRESS: Comments should be submitted to Thomas O'Connor, Supervisor, Policy and Regulations Section, Program Standards Branch, Family Nutrition Programs, Food and Nutrition Service, USDA, Alexandria, Virginia 22302.

All written comments will be available for public inspection at the offices of the Food and Nutrition Service during regular business hours (8:30 a.m. to 5:00 p.m., Monday through Friday) at 3101 Park Center Drive, Alexandria, Virginia 22302, Room 708.

FOR FURTHER INFORMATION CONTACT: Mr. O'Connor at the above address. Phone (703) 756–3429.

SUPPLEMENTARY INFORMATION: This action has been reviewed in relation to the requirements of Executive Order 12291 and Secretary's Memorandum 1512–1, and it has been determined that the action is a non-major rule as defined by that Order. It will not result in an annual effect on the economy of $100 million or more because this rule does not mandate any State activities that will significantly increase expenditures. The rule is not likely to result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. State agencies whose mail issuance losses exceed tolerance levels and take no corrective action may experience some increase in program administrative costs, but it is not anticipated that such an increase will be major. Those State agencies that implement corrective action will likely experience a modest increase in costs by using more secure mail issuance systems or alternative issuance systems. Because the rule will not affect the business community, it will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 94 Stat. 1164, September 19, 1980). Samuel J. Cornelius, Administrator, Food and Nutrition Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. Requirements are not placed on small businesses or small organizations. Some requirements are placed on State agencies. However, the requirements do not have significant economic impact on local governments.

This action does not contain any new reporting and recordkeeping requirements subject to OMB approval under the Paperwork Reduction Act.

This rulemaking is being published as an interim rule. Section 1312 of Pub. L. 97–98, dealing with State issuance liability, was among provisions which, under section 1338 of that law, were originally scheduled to become effective on dates prescribed by the Secretary, taking into account the need for orderly implementation (Pub. L. 97–98, Title XIII, sec 1338, 95 Stat. 1285, December 22, 1981). However, this effective date provision of Pub. L. 97–98 was modified by passage of the Food Stamp Act Amendments of 1982 which, notwithstanding section 1338, made all of the food stamp provisions of Pub. L. 97–98 not already effective, effective upon enactment of the 1982 legislation (Pub. L. 97–253, Subtitle F, Sec 192(b), Sept. 8, 1982). For this reason, Samuel J. Cornelius, Administrator, Food and Nutrition Service has determined, pursuant to 5 U.S.C. 553, that prior public comment on this rulemaking is impracticable and contrary to public interest. The rulemaking provides for the determination of mail issuance losses on a quarterly and annual basis. The rule is therefore effective January 1, 1983, the beginning of the first fiscal quarter after promulgation of the rule. Public comment is solicited on this rule for 30 days. All comments received will be analyzed and any appropriate changes in the rule will be incorporated in a subsequent publication.

Background

Mail Issuance Loss Tolerance Limits

Some State agencies mail food stamps to participants since it can be a less expensive and more convenient alternative to over-the-counter issuance. However, some mailings are lost. Currently, State agencies are instructed to replace coupons which the recipient reports to be lost. Since individual food stamp coupons are highly negotiable, coupons claimed to be lost could be used by anyone who acquired them. The Federal government must redeem both the original and the replacement allotments, thereby doubling its costs for that issuance.

In the past, FNS has assumed full financial liability for coupons lost in the mail in mail issuance systems. Although mail issuance losses have been small in most areas using this system, some State agencies have not used adequate control measures to reduce losses. Apportioning the liability for losses between FNS and State agencies would be a strong incentive for States to implement better control measures. The Administration, therefore, sought legislative authority to permit sharing of liability between FNS and State agencies.

The Food Stamp and Commodity Distribution Amendments of 1981 (Pub. L. 97–98) contain a provision, section 1312, making State agencies liable for mail issuance losses to the extent to be prescribed by the Secretary. This provides the basis for implementing these regulations to set mail issuance loss tolerance limits. Establishment of State agency liability for losses over a tolerance level will improve program operations in two ways. It will provide an incentive to lower losses in those project areas that are over the limit even though mail issuance is providing a cost-effective and practical issuance system. It will also point out clearly those areas where mail issuance is inappropriate project area-wide, where it should be restricted to certain participant groups such as the handicapped, or where alternative issuance systems should be considered.

This rule will transfer liability to State agencies for certain mail issuance losses. Mail losses are costing USDA more than $5 million per quarter, or more than $20 million per year, based on the most recent loss rate of .86 percent. If the 0.5 percent loss tolerance level implemented in this rulemaking had been in effect for the fiscal quarter October–December 1981, and State agencies had taken appropriate action to contain mail losses within the tolerance level, federal losses would have been reduced by over $2 million in that quarter. Projected over a full year potential federal cost-savings would be about $8.5 million.

Setting the Tolerance Level

A prime concern in establishing a loss tolerance level is to give State agencies a significant and realistic incentive to reduce losses, while taking care not to discourage mail issuance use where it is proving cost-effective and appropriate. FNS studied mail loss data collected in 1979 and 1980, and now has some preliminary data from the first quarter of fiscal year 1982. In the 1980 survey all project areas nationwide averaged a mail loss rate of 1.3 percent. Data on losses over the first quarter of fiscal 1982 show a decline in the nationwide average of about one third to 0.86 percent. With implementation of the recently issued replacement rules (46 FR 50277) we expect a further reduction in loss rates. Those rules restricted the number of times people could be given replacements for coupons not received in the mail.

This rule will establish the mail loss tolerance limit at 0.5 percent of total dollar value of mail issuance for each project area using this system. A 0.5 percent tolerance level applied to the losses reported in the 1980 survey would have placed a liability on only about one fourth (26.3 percent) of the project areas using mail issuance. This 0.5 percent limit, therefore, establishes a realistically attainable goal and provides the incentive to reduce losses to this level.

Low Volume Mail Issuance Project Areas

One serious problem raised by the use of a percentage tolerance level is that in low volume mail issuance project areas it creates a situation in which a single lost allotment would result in a liability for the State agency. For example, if one allotment of $100 was lost each month in an area with a monthly mail issuance volume of $10,000 the State agency would be liable for $50 ($100–($10,000×0.5)). This, in the Department's view, is a disproportionately harsh penalty that could result in low volume mail issuance project areas abandoning mail issuance in favor of over-the-counter issuances. Since low volume mail issuance project areas are mostly rural or, where they are not, are project areas in which mail issuance is restricted to certain segments of the participant population such as the elderly and disabled, replacing mail issuance would not be desirable. Therefore, the Department has decided to establish an absolute dollar tolerance limit for these areas.

Using data from December 1980 we examined several levels of quarterly mail issuance volume to use as a determinant of low volume mail issuance project areas. We found that, below the $300,000 quarterly level, most project areas are rural or urban with restricted use of mail issuances; above $300,000 most are urban with no restrictions on the use of mail issuance. Thus, by using $300,000 of quarterly mail issuance as the break point between high and low volume mail issuance project areas, we will be applying the absolute dollar tolerance limit primarily to rural project areas and urban project areas with restricted mail issuance. The percentage tolerance limit will apply primarily to urban project areas with unrestricted mail issuance.

With the break point between high and low volume mail issuance project areas set at $300,000 per quarter, we have established the dollar tolerance limit as $1500 of losses per quarter. This represents 0.5 percent of $300,000. Since the national average issuance to households is about $100 per month, the $1500 level also represents about five issuances per month.

While the Department is confident that the $300,000 level is a reasonable point at which to switch from a percentage tolerance limit to a dollar tolerance limit, we are interested in receiving comments on this issue. Any suggestions regarding altering the level or approaching the issue differently will be given particular attention.

Issuance Loss Reporting

One purpose of mail issuance loss tolerance levels is to point out areas with high losses where mail issuance is not cost-effective at all, or cost-effective only when used with a limited segment of the participant population. Targeting mail issuance to areas of greatest cost-effectiveness is impossible where State agencies report only Statewide issuance data and mail loss data. In addition, Statewide reporting can obscure the fact that some project area losses exceed the tolerance limit. Because other project areas would be below the limit, the high loss rate in specific projects is balanced out and remains undiscovered.

The Department realizes that some State agencies report Statewide issuance and participation data because doing so reduces paperwork and manpower requirements. We are reluctant to impose greater reporting burdens on State agencies, but we must have a means of capturing data that would permit identification of losses incurred by administrative subdivisions within these States. Requiring data at a county level (or comparable level of State subdivision) for all States would also assure equitable application of the tolerance limit from State to State. FNS will negotiate with State agencies as to the reporting level and the report format if the current report, the FNS–259 Food Stamp Mail Loss Report, is inappropriate. FNS will make a final determination on the liability assessment areas after consideration of State agency proposals and alternatives. In addition, any reporting requirement revisions subsequently deemed necessary by FNS would go into effect for the next full fiscal quarter after the revisions are communicated to the State agency. The Department is especially interested in receiving comments and suggestions on approaches to the reporting unit issue that would ensure that the liability will be assessed equitably and practicably.

Assessing Liability Amount and Billing

FNS will determine, on a quarterly basis, if the State agency has incurred liability for mail issuance losses over the tolerance level. All reporting units (project areas, or other administrative divisions within the State agency agreed to by FNS and the State agency) using mail issuance shall be evaluated by FNS for mail losses, as reported on FNS–259 or other reporting documents, if any. The amount of liability incurred by the State agency will be the amount by which each high volume reporting unit's mail issuance losses exceed 0.5 percent of that unit's total mail issuance dollar amount for the quarter. For low-volume units (those under $300,000 total quarterly mail issuance), the liability incurred will be for the amount by which mail losses exceed $1500 each quarter. State agencies will be billed for liabilities semiannually.

Grace Period for Project Areas Newly Implementing Mail Issuance System

Project areas considering implementation of a mail issuance system, and facing an immediate liability potential for losses over the tolerance limit, could be dissuaded from mail issuance before they have had the opportunity to learn from experience how high their losses may be. Additionally, project areas new to mail issuance may experience an abnormally high loss rate in the first quarter of operation because of start-up problems such as staff inexperience. Therefore, for those project areas that have not previously used some form of mail issuance, for the first fiscal quarter in which the system is implemented, or the time remaining in that quarter, the tolerance levels will be 1 percent for high-volume reporting units, or $3,000 for low-volume units. This will enable project areas to assess and modify their mail issuance procedures and to implement corrective action while subject to a lower liability. FNS is very interested in receiving comments on the necessity for and the length of this grace period.

Implementation

As stated above, this rulemaking is effective January 1, 1983, the beginning of the next fiscal quarter.

List of Subjects

7 CFR Part 272

Alaska, Civil rights, Food stamps, Grant programs—social programs, Records, Reporting requirements.

7 CFR Part 274

Administrative practice and procedure, Food stamps, Grant programs—social programs, Reporting requirements.

7 CFR Part 276

Administrative practice and procedure, Food stamps, Fraud, Grant programs—social programs, Penalties.

Therefore, 7 CFR Parts 272, 274 and 276 are amended as follows:

PART 272—REQUIREMENTS FOR PARTICIPATING STATE AGENCIES

1. In § 272.1, paragraph (49) is being added to paragraph (g) in numerical order, to read as follows:

§ 272.1 General terms and conditions.

* * * * *

(g) Implementation. * * *

(49) Amendment 229. This rulemaking establishing mail issuance loss tolerance levels is effective with the fiscal quarter beginning January 1, 1983. State agency negotiations and consultation with FNS on the definition of each State's reporting units as well as the format for reporting, if other than form FNS–259, shall be concluded by January 1, 1983.

PART 274—ISSUANCE AND USE OF FOOD COUPONS

2. In § 274.3 paragraph (c)(4) is added following the end of paragraph (c)(3), to read as follows:

§ 274.3 Issuance of coupons through the mail.

* * * * *

(c) *Coupons lost in the mail prior to receipt.* * * *

(4) FNS will assume financial liability for coupons lost in the mail in all project areas, parts of project areas, or other administrative divisions within the State agency that operate a mail issuance system except as follows:

(i) The State agency shall be strictly liable to FNS for the value of all mail losses in excess of 0.5 percent of the dollar value of each project (or other) area's total quarterly mail issuance or in excess of $1,500 quarterly in low volume project areas, i.e. those areas with less than $300,000 of mail issuance in a quarter.

(ii) The liability shall be computed using data from form FNS–259 (Mail Issuance Loss Report) for the quarter.

(iii) Where the State agency reports mail issuance loss data on Statewide basis only, the State agency shall work in consultation with FNS to identify a practical administrative division below that of the State agency that will permit reporting and computation of mail issuance losses and liability assessment. FNS reserves the right to make the final determination on reporting requirements and on administrative divisions within the State for the purpose of determining and assessing liability for mail issuance losses. FNS also reserves the right to revise any such determination as necessary. Revisions will be communicated to State agencies by FNS. Liability assessments will be based on the revised reporting requirements for the next full fiscal quarter.

(iv) State agencies shall be given a grace period immediately following implementation of mail issuance in a project area during which liability will be assessed at either of two lower rates. The grace period will be the fiscal quarter, or the period of time remaining in the fiscal quarter, in which the mail issuance system was implemented, whichever is shorter, and the lower rate will be either a 1 percent tolerance level for high-volume reporting units, or $3,000 per quarter for low-volume reporting units.

PART 276—STATE AGENCY LIABILITIES AND FEDERAL SANCTIONS

3. In § 276.2 paragraph (b)(2)(v) is redesignated as paragraph (b)(2)(vi) and a new paragraph (v) is added. The addition reads as follows:

§ 276.2 State agency liabilities.

* * * * *

(b) *Coupon shortages, losses, unauthorized issuance and overissuances.* * * *

(2) * * *

(v) Mail issuance losses that exceed either of the appropriate tolerance levels set forth in § 274.3(c)(4) if applicable.

* * * * *

(91 Stat. 958 (7 U.S.C. 2011–2027))

(Catalog of Federal Domestic Assistance Program No. 10551, Food Stamps)

Dated: November 2, 1982.

Robert E. Leard,

Associate Administrator, Food and Nutrition Service.

[FR Doc. 82–30566 Filed 11–8–82; 8:45 am]

BILLING CODE 3410–30–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 256

43 CFR Part 3300

Outer Continental Shelf Minerals and Rights-of-Way Management, General; Redesignation of Regulations

Correction

In FR Doc. 82-29083 appearing on page 47006 in the issue for Friday, October 22, 1982, the redesignation table in the third column of that page, the entries under Subpart 3310 should read "3310" instead of "3300".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 931

Animals in DOD Research and Training

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 931 "Animals in DOD Research and Training" of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 169-2 has been revised. It is intended for internal guidance and has limited applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: November 9, 1982.

FOR FURTHER INFORMATION CONTACT: Col Brooks, USAF/SGEB, Bolling AFB, D.C. 20332, telephone (202) 767-4595.

PART 931—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 931.

List of Subjects in 32 CFR Part 931

Animals, Research, Laboratories, Medical research.

(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 82-30783 Filed 11-8-82; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60

[A-9-FRL 2241-3]

Delegation of New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) States of Arizona, California, Nevada and Territory of Guam

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA hereby places the public on notice of its delegation of NSPS and NESHAPS authority to the state and local air pollution control agencies in Region 9. This action is necessary to inform the public of what categories each agency have been delegated. This action does not create any new regulatory requirements affecting the public. The intended effect of this notice is to publish a complete listing of agencies that have received delegation authority for NSPS/NESHAPS categories and the categories delegated to each.

EFFECTIVE DATE: September 27, 1982.

FOR FURTHER INFORMATION CONTACT: Julie A. Rose. New Source Section (A-3-1), Air Operations Branch, Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, Tel: (415) 974-8236, FTS 456-8236.

SUPPLEMENTARY INFORMATION: Sections 111(c) (NSPS) and 112(d) (NESHAPS) of the Clean Air Act require the Administrator of EPA to delegate authority to implement and enforce NSPS and NESHAPS to any state or local agency that submits adequate procedures. Pursuant to Sections 111(c) and 112(d), EPA, Region 9 has delegated authority to implement and enforce the NSPS and NESHAPS programs to various state and local agencies in Region 9.

The NSPS and NESHAPS programs are delegated by each category of source and pollutant, not by the total program. A request for delegation of authority for each source and pollutant category is submitted by a state or local agency to EPA where it is reviewed and delegated if it meets the proper standards.

The primary purpose of this notice is to clarify which agencies have previously been delegated the authority to administer a particular source and pollutant category and to rectify any omissions EPA has made in publishing past notices of delegation in the Federal Register.

This notice lists, in tabular form, the specific source and pollutant categories that have been delegated in Region 9.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

(Sec. 111 and 112 of the Clean Air Act, as amended (42 U.S.C. 1857, *et seq.*))

Dated: October 26, 1982.

Sonia F. Crow,

Regional Administrator.

PART 60—[AMENDED]

Subpart A of Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.4(b) is amended by adding subparagraph (D)(1) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(D) * * *

(1) The following table lists the specific source and pollutant categories that have been delegated to the air pollution control agencies in Arizona. A star (*) is used to indicate each category that has been delegated.

BILLING CODE 6560-50-M

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ARIZONA

AIR POLLUTION CONTROL AGENCY	POLLUTANT CATEGORY	ARIZONA	Maricopa	Pima
General Provisions	A			
Fossil Fuel Fired Steam Generating Units Constructed After 8/17/71	D	*	*	■
Electric Utility Steam Generating Units Constructed After 9/18/78	D■		■	*
Incinerators	E	*	*	■
Portland Cement Plants	F	*	*	■
Nitric Acid Plants	G	*	*	■
Sulfuric Acid Plants	H	*	*	*
Asphalt Concrete Plants	I	*	*	■
Petroleum Refineries	J	*	*	*
Storage Vessels for Petroleum Liquids Constructed After 6/11/73 Prior to 5/19/78	K	*	*	■
Storage Vessels For Petroleum Liquids Constructed After 5/18/78	Ka		*	■
Secondary Lead Smelters	L	*	*	*
Secondary Brass And Bronze Ingot Production	M	*	*	*
Iron And Steel Plants	N	*	*	■
Sewage Treatment Plants	O	*	*	■
Primary Copper Smelters	P	*	*	*
Primary Zinc Smelters	Q	*	*	■
Primary Lead Smelters	R	*	*	*
Primary Aluminum Reduction Plants	S	*	*	*
Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	T	*	*	*
Phosphate Fertilizer Industry: Super Phosphoric Acid Plants	U	*	*	*
Phosphate Fertilizer Industry: Diammonium Phosphate Plant	V	*	*	*
Phosphate Fertilizer Industry: Triple Super Phosphate Plant	W	*	*	*
Phosphate Fertilizer Industry: Granular Triple Super Phosphate Storage Facilities	X	*	*	*
Coal Preparation Plants	Y	*	*	*
Ferralloy Production Facilities	Z	*	*	*

■ indicates delegation

AIR POLLUTION CONTROL AGENCY	POLLUTANT CATEGORY	ARIZONA	Maricopa	Pima
DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR ARIZONA				
Steel Plants: Electric Arc Furnaces	AA	*	*	*
Kraft Pulp Mills	■B	*	*	*
Glass Manufacturing Plants	CC		*	
Grain Elevators	DD	*	*	*
Stationary Gas Turbines	GG	*	*	*
Lime Manufacturing Plants	HH	*	*	*
Lead - Acid Battery Manufacturing Plants	KK			
Automobile & Light Duty Surface Coating Operations	MM		*	
Phosphate Rock Plants	NN			
Ammonium Sulfate Manufacturing	PP		*	
NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)				
General Provisions	A			
Asbestos	B	*	*	*
Beryllium	C	*	*	*
Beryllium Rocket Motor Firing	D	*	*	
Mercury	E	*	*	*
Vinyl Chloride	F	*	*	*

*indicates delegation

2. Section 60.4(b) is amended by revising subparagraph (F)(1) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(F) * * *

(1) The following table lists the specific source and pollutant categories that have been delegated to the air pollution control agencies in California. A star (*) is used to indicate each category that has been delegated.

BILLING CODE 6560-50-M

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR CALIFORNIA

AIR POLLUTION CONTROL DISTRICT	General Provisions	Fossil Fuel Fired Steam Generating Units Constructed After 8/17/71	Electric Utility Steam Generating Units Constructed After 9/18/78	Incinerators	Portland Cement Plants	Nitric Acid Plants	Sulfuric Acid Plants	Asphalt Concrete Plants	Petroleum Refineries	Storage Vessels for Petroleum Liquids Constructed After 6/11/73 Prior to 5/19/78	Storage Vessels For Petroleum Liquids Constructed After 5/18/78	Secondary Lead Smelters	Secondary Brass And Bronze Ingot Production	Iron And Steel Plants	Sewage Treatment Plants	Primary Copper Smelters	Primary Zinc Smelters	Primary Lead Smelters	Primary Aluminum Reduction Plants	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	Phosphate Fertilizer Industry: Super Phosphoric Acid Plants	Phosphate Fertilizer Industry: Diammonium Phosphate Plant	Phosphate Fertilizer Industry: Triple Super Phosphate Plant	Phosphate Fertilizer Industry: Granular Triple Super Phosphate Storage Facilities	Coal Preparation Plants	Ferralloy Production Facilities
POLLUTANT CATEGORY	A	D	Da	E	F	G	H	I	J	K	Ka	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
Bay Area	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Del Norte	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Fresno	*	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Great Basin		*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Humboldt	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Kern	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Kings		*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Lake	*	*		*	*	*	*	*	*	*		*	*	*	*					*	*	*	*	*		
Madera		*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Mendocino	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Merced		*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Modoc		*		*	*			*																		
Monterey Bay	*	*		*	*			*		*					*	*	*	*	*	*	*	*	*	*	*	*
Northern Sonoma	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Sacramento								*		*					*											
San Bernardino		*		*	*	*	*	*	*	*		*	*	*	*					*	*	*	*	*	*	
San Diego	*	*	*	*				*	*	*	*	*	*													
San Joaquin	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
San Luis Obispo	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Santa Barbara	*	*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Shasta		*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
South Coast	*	*		*	*	*	*	*	*	*	*	*	*	*	*					*	*	*	*	*	*	
Stanislaus		*		*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Trinity	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Tulare	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Ventura	*			*		*	*	*	*	*		*	*	*	*					*	*	*	*	*	*	*
Yolo-Solano		*						*		*																

* indicates delegation

	DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR CALIFORNIA										NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)					
AIR POLLUTION CONTROL DISTRICT	Steel Plants: Electric Arc Furnaces	Kraft Pulp Mills	Glass Manufacturing Plants	Grain Elevators	Stationary Gas Turbines	Lime Manufacturing Plants	Lead - Acid Battery Manufacturing Plants	Automobile & Light Duty Surface Coating Operations	Phosphate Rock Plants	Ammonium Sulfate Manufacturing	General Provisions	Asbestos	Beryllium	Beryllium Rocket Motor Firing	Mercury	Vinyl Chloride
POLLUTANT CATEGORY	AA	BB	CC	DD	GG	HH	KK	MM	NN	PP	A	B	C	D	E	F
Bay Area	*	*		*	*	*				*	*	*	*	*	*	*
Del Norte	*	*	*	*	*	*		*		*	*	*	*	*	*	*
Fresno	*	*		*		*					*	*	*	*	*	*
Great Basin	*										*	*	*	*	*	
Humboldt	*	*	*	*	*	*		*		*	*	*	*	*	*	*
Kern	*	*	*	*	*	*		*		*	*	*	*	*	*	*
Kings	*	*		*		*					*	*	*	*	*	
Lake	*										*	*	*	*	*	
Madera	*	*		*		*						*	*	*	*	*
Mendocino	*	*	*	*	*	*		*		*	*	*	*	*	*	*
Merced	*										*	*	*	*	*	
Modoc											*	*	*	*	*	
Monterey Bay	*										*	*	*	*	*	
Northern Sonoma	*	*	*	*	*	*		*		*	*	*	*	*	*	*
Sacramento												*				*
San Bernardino	*										*	*	*	*	*	
San Diego			*	*	*						*	*	*	*	*	*
San Joaquin	*	*	*	*	*			*		*	*	*	*	*	*	*
San Luis Obispo	*	*	*	*	*	*		*		*	*	*	*	*	*	*
Santa Barbara	*					*						*	*	*	*	
Shasta	*	*		*		*						*	*	*	*	*
South Coast	*			*	*	*				*	*	*	*	*	*	*
Stanislaus	*											*	*	*	*	
Trinity	*	*	*	*	*	*		*		*	*	*	*	*	*	*
Tulare	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Ventura	*										*	*	*	*	*	
Yolo-Solano	*											*			*	

* indicates delegation

BILLING CODE 6560-50-C

3. Section 60.4(b) is amended by adding subparagraph (DD)(1) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(DD) * * *

(1) The following table lists the specific source and pollutant categories that have been delegated to the air pollution control agencies in Nevada. A star (*) is used to indicate each category that has been delegated.

BILLING CODE 6560-50-M

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR NEVADA

AIR POLLUTION CONTROL AGENCY	General Provisions	Fossil Fuel Fired Steam Generating Units Constructed After 8/17/71	Electric Utility Steam Generating Units Constructed After 9/18/78	Incinerators	Portland Cement Plants	Nitric Acid Plants	Sulfuric Acid Plants	Asphalt Concrete Plants	Petroleum Refineries	Storage Vessels for Petroleum Liquids Constructed After 6/11/73 Prior to 5/19/78	Storage Vessels for Petroleum Liquids Constructed After 5/18/78	Secondary Lead Smelters	Secondary Brass and Bronze Ingot Production	Iron and Steel Plants	Sewage Treatment Plants	Primary Copper Smelters	Primary Zinc Smelters	Primary Lead Smelters	Primary Aluminum Reduction Plants	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	Phosphate Fertilizer Industry: Super Phosphoric Acid Plants	Phosphate Fertilizer Industry: Diammonium Phosphate Plant	Phosphate Fertilizer Industry: Triple Super Phosphate Plant	Phosphate Fertilizer Industry: Granular Triple Super Phosphate Storage Facilities	Coal Preparation Plants	Ferralloy Production Facilities
POLLUTANT CATEGORY	A	D	Da	E	F	G	H	I	J	K	Ka	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
NEVADA		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Clark	*	*		*	*			*		*	*	*			*	*	*	*							*	
Washoe		*		*	*			*		*					*											

* indicates delegation

	DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR NEVADA										NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)					
AIR POLLUTION CONTROL AGENCY	Steel Plants: Electric Arc Furnaces	Kraft Pulp Mills	Glass Manufacturing Plants	Grain Elevators	Stationary Gas Turbines	Lime Manufacturing Plants	Lead - Acid Battery Manufacturing Plants	Automobile & Light Duty Surface Coating Operations	Phosphate Rock Plants	Ammonium Sulfate Manufacturing	General Provisions	Asbestos	Beryllium	Beryllium Rocket Motor Firing	Mercury	Vinyl Chloride
POLLUTANT CATEGORY	AA	BB	CC	DD	GG	HH	KK	MM	NN	PP	A	B	C	D	E	F
NEVADA	*	*	*	*	*	*	*	*	*	*		*	*	*	*	*
Clark				*	*	*		*			*	*	*	*	*	*
Washoe												*	*		*	

* indicates delegation

BILLING CODE 6560-50-C

4. Section 60.4(b) is amended by adding subparagraph (AAA)(1) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(AAA) * * *

(1) The following table lists the specific source and pollutant categories that have been delegated to the air pollution control agency in Guam. A star (*) is used to indicate each category that has been delegated.

BILLING CODE 6560-50-M

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR GUAM

AIR POLLUTION CONTROL AGENCY	General Provisions	Fossil Fuel Fired Steam Generating Units Constructed After 8/17/71	Electric Utility Steam Generating Units Constructed After 9/18/78	Incinerators	Portland Cement Plants	Nitric Acid Plants	Sulfuric Acid Plants	Asphalt Concrete Plants	Petroleum Refineries	Storage Vessels for Petroleum Liquids Constructed After 6/11/73 Prior to 5/19/78	Storage Vessels for Petroleum Liquids Constructed After 5/18/78	Secondary Lead Smelters	Secondary Brass and Bronze Ingot Production	Iron and Steel Plants	Sewage Treatment Plants	Primary Copper Smelters	Primary Zinc Smelters	Primary Lead Smelters	Primary Aluminum Reduction Plants	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants	Phosphate Fertilizer Industry: Super Phosphoric Acid Plants	Phosphate Fertilizer Industry: Diammonium Phosphate Plant	Phosphate Fertilizer Industry: Triple Super Phosphate Plant	Phosphate Fertilizer Industry: Granular Triple Super Phosphate Storage Facilities	Coal Preparation Plants	Ferralloy Production Facilities
POLLUTANT CATEGORY	A	D	Da	E	F	G	H	I	J	K	Ka	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z
GUAM	*	*			*			*	*	*																

* indicates delegation

	DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS (NSPS) FOR GUAM											NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)					
AIR POLLUTION CONTROL AGENCY	Steel Plants: Electric Arc Furnaces	Kraft Pulp Mills	Glass Manufacturing Plants	Grain Elevators	Stationary Gas Turbines	Lime Manufacturing Plants	Lead - Acid Battery Manufacturing Plants	Automobile & Light Duty Surface Coating Operations	Phosphate Rock Plants	Ammonium Sulfate Manufacturing		General Provisions	Asbestos	Beryllium	Beryllium Rocket Motor Firing	Mercury,	Vinyl Chloride
POLLUTANT CATEGORY	AA	BB	CC	DD	GG	HH	KK	MM	NN	PP		A	B	C	D	E	F
No Delegation In These Categories																	

[FR Doc. 82-30781 Filed 11-8-82; 8:45 am]

BILLING CODE 6560-50-C

40 CFR Part 60

[A-10-FRL 2241-4]

Standards of Performance for New Stationary Sources; Delegation to the State of Alaska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is announcing approval of a request dated September 29, 1982 from the State of Alaska Department of Environmental Conservation for delegation of authority for seven source categories under the New Source Performance Standards (NSPS) as approved in their regulations under Title 18, AAC 50.040 through AAC 50.900.

DATE: Effective November 1, 1982.

ADDRESSES: The related material in support of this delegation may be examined during normal business hours at the following locations:

Central Docket Section (10A-82-16), Environmental Protection Agency, West Tower Lobby, Gallery I, 401 M Street, SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101

Department of Environmental Conservation, 3220 Hospital Drive, Juneau, Alaska 99811

FOR FURTHER INFORMATION CONTACT: Mark H. Hooper, Air Programs Branch M/S 532, Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1949, FTS: 399-1949.

SUPPLEMENTARY INFORMATION: On December 23, 1971 (36 FR 24876), March 8, 1974 (39 FR 9308) and January 15, 1976 (41 FR 2232), pursuant to Section 111 of the Clean Air Act, as amended, the Administrator of the Environmental Protection Agency (EPA) promulgated regulations establishing standards of performance for seven categories of new stationary sources (NSPS). Section 111(c) directs the Administrator to delegate authority to implement and enforce NSPS to any State which has submitted adequate procedures. Nevertheless, the Administrator retains concurrent authority to implement and enforce the standards following delegation of authority to the State.

The State of Alaska Department of Environmental Conservation (ADEC), in a letter dated September 29, 1982, requested delegation of seven source categories under NSPS. After a thorough review of that request, the Regional Administrator has determined that for the source categories set forth in of the following official letter to the Commissioner of the Alaska Department of Environmental Conservation, delegation is appropriate subject to the conditions set forth in paragraphs 1 through 6 of that letter as follows:

Ernst W. Mueller,
Director, State of Alaska, Department of Environmental Conservation, Pouch 0, Juneau, Alaska 99811

Dear Mr. Mueller: This letter is for the purpose of delegating to the State of Alaska authority for implementation and enforcement of the Standards Performance of New Stationary Sources (NSPS) for the following seven source categories:

Portland cement plants
Asphalt concrete plants
Incinerators
Petroleum refinery and claus sulfur recovery plants
Petroleum refinery fuel gas combustion units
Sewage treatment plants serving a population of 10,000 or more
Coal preparation plants

The Environmental Protection Agency (EPA) has determined that the statutes for the State of Alaska and the regulations for the Alaska Department of Environmental Conservation generally provide for an adequate and effective procedure for implementation and enforcement of the NSPS by the State of Alaska and the Department of Environmental Conservation. EPA hereby delegates to the State of Alaska on behalf of the Department of Environmental Conservation effective on the date of formal adoption of the regulations, subject to the conditions set forth in paragraphs 1 through 6, the authority for:

(a) All sources in the State included in the list of source categories noted above which are subject to the standards of performance for new stationary sources promulgated in 40 CFR 60 prior to November 1, 1982.

1. Sources subject to NSPS shall be excluded from AS 40.03.170 which provides for variance from limitations contained in 18 AAC 50.040 and 18AAC50.050 in accordance with the provisions of 40 CFR § 60.11 which does not allow for variance from emission limitations.

2. Enforcement of the NSPS in the State will be primarily the responsibility of the State of Alaska Department of Environmental Conservation. If the State determines that such enforcement is not feasible and so notifies EPA, or where the State acts in a manner inconsistent with the terms of this delegation, EPA may exercise its concurrent enforcement authority pursuant to Section 113 of the Clean Air Act as amended, with respect to sources which are subject to the NSPS.

3. Upon approval of the Regional Administrator of Region 10, the Commissioner of the Department of Environmental Conservation may subdelegate authority to implement and enforce the NSPS to air pollution control authorities in the State when such authorities have demonstrated that they have equivalent or more stringent programs in force.

4. Acceptance of this delegation of presently promulgated NSPS does not commit the State of Alaska and the Department of Environmental Conservation to request or accept delegation of future standards and requirements. A new request for delegation will be required for any standards not included in the State's official request.

5. The Department of Environmental Conservation will utilize the methods specified in 40 CFR Part 60 in performing source tests pursuant to the regulations, as specified in Appendix A and Appendix B and as allowed by any waiver provision as amended through November 1, 1982.

6. If the Regional Administrator determines that a State procedure for enforcing or implementing the NSPS is inadequate, or is not being effectively carried out, this delegation may be revoked in whole or part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the Governor of the State of Alaska.

A Notice announcing this delegation will be published in the **Federal Register** soon after the State regulations go into effect. The Notice will state, among other things, that, effective immediately, all reports required pursuant to the Federal NSPS from sources located in the State should be submitted to the State of Alaska Department of Environmental Conservation, Juneau, Alaska. Any reports which have been or may be received in this office prior to or at any time subsequent to the publication of the Notice will be forwarded to the Department of Environmental Conservation.

Since this delegation is effective immediately upon official adoption of rules, there is no requirement that the State notify EPA of its acceptance. Unless EPA receives from the State written notice of objections within 10 days of the date of receipt of this letter, the State will be deemed to have accepted all the terms of the delegation.

Sincerely,

John R. Spencer,
Regional Administrator.

This Notice hereby notified the public that a delegation of New Source Performance Standards to the State of Alaska took place on September 30, 1982.

Dated: September 30, 1982.

John R. Spencer,
Regional Administrator.

This Notice is issued under the authority of Section 111 of the Clean Air Act, as amended (42 U.S.C. 1857, et seq.).

PART 60—[AMENDED]

Accordingly, Subpart A of Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Section 60.4(b) is amended by adding paragraph (C) to read as follows:

§ 60.4 Address.

* * * * *

(b) * * *

(C) State of Alaska, Department of Environmental Conservation, Pouch O, Juneau, Alaska 99811.

[FR Doc. 82-30782 Filed 11-8-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

Medicare Program; Elimination of Medicare Indirect Subsidy for Private Rooms

Correction

In FR Doc. 82-26342 beginning on page 42676 in the issue of Tuesday, September 28, 1982, make the following corrections:

On page 42682, the table entitled "Hospital E" (within § 405.452(e)(2)(iii)) appeared in the wrong format. It should have appeared as follows:

HOSPITAL E

Facts	Private accommodations	Semi-private accommodations	Total
Total charges	$20,000	$175,000	$195,000
Total days	100	1,000	1,100
Programs days	70	400	470
Medically necessary for program beneficiaries	20		20
Total general routine service costs			165,000
Average private room per diem charge ($20,000 private room charges ÷ 100 days)			$200
Average semi-private room per diem charge ($175,000 semi-private charges ÷ 1,000 days)			$175
Average per diem private room cost differential			
1. Average per diem private room charge differential ($200 private room per diem − $175 semi-private room per diem)			$25
2. Inpatient general routine cost/charge ratio ($165,000 total costs ÷ $195,000 total charges)			.8461538
3. Average per diem private room cost differential ($25 charge differential × .8461538 cost/charge ratio)			$21.15
Average cost per diem for inpatient general routine services			
4. Total private room cost differential ($21.15 average per diem cost differential × 100 private room days)			$2,115
5. Total inpatient general routine service costs net of private room cost differential ($165,000 total routine cost − $2,115 private room cost differential)			162,885
6. Average cost per diem for inpatient general routine services ($162,885 routine cost net of private room cost differential ÷ 1,100 patient days)			$148.08
Medicare general routine service cost			
7. Total routine per diem cost applicable to Medicare ($148.08 average cost per diem × 470 Medicare private and semi-private patient days)			$69,598
8. Total private room cost differential applicable to Medicare ($21.15 average per diem private room cost differential × 20 medically necessary private room days)			$423
9. Medicare inpatient general routine service cost ($423 Medicare private room cost differential + $69,598 Medicare cost of general routine inpatient services)			$70,021

BILLING CODE 1505-01-M

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42 CFR Part 405

Medicare Program; Medicare Hospital Reimbursement Reforms: Limitations on Reimbursable Costs and the Rate of Hospital Cost Increases

Correction

In FR Doc. 82-27082 beginning on page 43282 in the issue of Thursday, September 30, 1982, make the following corrections:

1. On page 43282, second column, in the fourth line under **I. Background**, "section 1861(v)(i)" should have read "section 1861(v)(1)".

2. On page 43289, in the third column, lines 12 through 29 are misplaced and should be inserted between lines 11 and 12 in the second column of the same page.

BILLING CODE 1505-01-M

OFFICE OF PERSONNEL MANAGEMENT

45 CFR Part 801

Voting Rights Program, Georgia; Location of Offices for Filing of Applications or Complaints

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This Notice identifies the location of new offices for filing of applications or complaints under the Voting Rights Act of 1965, as amended.

EFFECTIVE DATE: August 26, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Clogston, Coordinator, Voting Rights Program, Office of Personnel Management, Washington, D.C. 20415, 202-632-5691.

SUPPLEMENTARY INFORMATION: The Attorney General has designated additional examination points as coming under the provisions of the Voting Rights Act of 1965, as amended. This designation is necessary to enforce the guarantees of the Fourteenth and Fifteenth amendments to the Constitution. Accordingly, pursuant to Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d, the U.S. Office of Personnel Management has appointed Federal examiners to review the qualifications of applicants to be registered to vote.

E.O. 12291 Federal Regulation

OPM has determined that this is not a major rule as defined under Section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have significant economic impact on a substantial number of small entities because its purpose is the addition of one county to the list of counties in the regulation concerning OPM's responsibilities under the Voting Rights Act.

List of Subjects in 45 CFR Part 801

Administrative practice and procedures, Voting rights.

U.S. Office of Personnel Management.

Donald J. Devine,

Director.

PART 801—[AMENDED]

Accordingly, the Office of Personnel Management is amending 45 CFR Part 801, Appendix A, by adding Butts County, Georgia, to read as follows:

Georgia

County; Place for filing; Beginning date.

* * * * *

Batts; (1) Jackson—Daughty Foundation, 221 College Street; September 4, 1982; (2) Flovilla—Flovilla Community Center, Collier Street; September 4, 1982; (3) Jenkinsburg—Cleveland BBQ Restaurant Building, Corner of Highway 42 and High Falls Road; September 4, 1982.

* * * * *

(5 U.S.C. 1103; secs. 7, 9, 79 Stat. 440, 441 (42 U.S.C. 1973c, 1973g))

[FR Doc. 82-30668 Filed 11-8-82; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22 and 43

[CC Docket No. 82-85; FCC 82-451]

Annual Report of Licensees in Public Mobile Radio Services (FCC Form L)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission concluded that the costs of collecting annual data from all Public Mobile Radio Service licensees outweigh the benefits derived from its availability. Therefore, it has significantly reduced the burden to all Public Mobile Radio Service licensees by eliminating the annual reporting requirement.

EFFECTIVE DATE: October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Feldman, Common Carrier Bureau (202) 632-7084.

SUPPLEMENTARY INFORMATION:

List of Subjects

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Reporting requirements, Telecommunications.

47 CFR Part 22

Cellular radio service, Communications common carriers, Mobile radio service, Offshore radio telecommunications service, Radio common carriers.

47 CFR Part 43

Communications common carriers, Reporting requirements, Telephone.

Report and Order, Proceeding Terminated

Adopted: October 21, 1982.

Released: October 27, 1982.

Introduction

1. On February 11, 1982, the Commission adopted a Notice of Proposed Rulemaking (NPRM) proposing to modify FCC Form L by substantially reducing the amount of information required or to eliminate the reporting requirement entirely.[1] Form L is the annual report of licensees in the Domestic Public Land Mobile Radio Services (DPLMRS), required by §§ 1.785 and 43.21 of the Commission's Rules. While on their face, these rules literally apply only to the licensees in the DPLMRS, it has been customary for all licensees in the Public Mobile Radio Service (PMRS) who do not file on Form M to file Form L.[2] The *NPRM* was issued in response to a petition for rulemaking submitted by Mobilfone Service, Inc., a licensee in the DPLMRS. The petitioner alleged that the burdens imposed on licensees to complete Form L outweighed the benefits derived from it and requested therefore that the form be simplified.

2. The Commission agreed that if a reporting requirement were continued, Form L should be substantially simplified and that licensees should be required to report only such information as is necessary for the Commission to fulfill its regulatory responsibilities. The Commission stated that it would not collect information for its own sake nor would it serve as an information source for private interests. The Commission solicited comments on whether and how often the proposed Form L should be submitted, whether or not the instructions in the form were sufficiently clear, and if not, how they could be improved. Finally, the Commission temporarily suspended the Form L reporting requirement covering calendar year 1981 pending the issuance of this Order.

Summary of Comments

3. In response to the *NPRM*, comments were submitted by twenty-nine parties.[3] Joint comments were filed by two groups of licensees: Mobilfone Service, Inc., joined by ten other radio common carriers, (Mobilfone *et al.*) and Airphone Company, Inc., joined by eleven other carriers (Airphone *et al.*). Comments were also filed by the Office of Management and Budget (OMB), Telocator Network of America (Telocator), the Havilland Telephone Company (Havilland), the United States Independent Telephone Association (USITA), Dowden & Barker Accountancy Corporation, and Mr. James A. Muth, a member of the staff of the Pennsylvania Public Utility Commission. There was general agreement that the proposed Form L was far less burdensome and less costly to prepare than the current Form L. Nonetheless, approximately half the respondents felt that the reporting requirement should not be retained in any form.

4. Mobilfone *et al.* and Havilland argue that the Form L reporting requirement for DPLMRS licensees should be eliminated. In virtually identical comments, these parties state that the considerations that led the Commission to eliminate the annual broadcast financial report (FCC Form 324) also apply to FCC Form L. They point out that in the broadcast case, the Commission found "that the magnitude of the burden which the report places on licensees and on the agency itself far exceeds the benefits derived from the use of the data", that a proposal for an abbreviated version of the reporting form should be rejected, and that the agency's future information needs could be handled best by conducting special studies.

5. Mobilfone *et al.* and Havilland, in addressing themselves to the simplified version of the Form L presented in the *NPRM*, assert that none of the data specified in the proposed form—gross revenues, the number of mobile units, and the number of fixed stations for each class of service—are necessary for regulatory purposes. They base this assertion on "across-the-board agency disinterest in DPLMRS financial matters" and on their stated belief that Form L service data have never been necessary for spectrum allocation. Further, they contend that the number of fixed stations can be readily ascertained from the Commission's license files.

6. If the Commission decides to adopt a revised Form L, Mobilfone *et al.* state that the agency should (1) require only one report during each license term, (2) specify that *gross* revenues for each type of service should be reported, (3) allow the carriers to report revenue data on a fiscal year basis, and (4) clarify Part B of the proposed form to insure that licensees understand that units of plant in service rather than numbers of calls or customers are to be reported.

7. Telocator and Airphone *et al.* support the modification of Form L. Telocator states that accurate and up-to-date information on the radio common carrier industry must be readily available if the Commission is to fulfill its regulatory responsibilities in matters of frequency allocation and licensing policy. Comments by Airphone *et al.* also stress the importance of a Form L data base if the Commission is to make informed decisions on spectrum utilization. In addition, they suggest that making information on units of service available to the PMRS carriers can advance the agency's goal of promoting competition in this area.

8. Telocator and Airphone *et al.* agree that the proposed revision of Form L would substantially reduce the regulatory burden on the licensees, and they support the proposal that telephone carriers offering public mobile radio service and reporting on Form M be required to submit the information called for on the revised Form L, so as to establish a comprehensive data base. Telocator also concurs in the Commission's proposal that company-wide revenues be reported by class of service and that the report be submitted annually.

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[1] FCC 82-77, released February 23, 1982. *See* 47 FR 10871, March 12, 1982.

[2] PMRS includes Domestic Public Land Mobile Radio Service, Rural Radio Service, Offshore Telecommunications Service, and Cellular Communications Service.

[3] See Appendix A.

9. Comments by Airphone *et al.* also urge the Commission to adopt follow-up procedures to insure that Form L data are filed by all carriers engaged in the provision of PMRS. They point out that the value of PMRS data base is greatly diminished if some carriers neglect to file and steps are not taken to insure compliance with the Commission's rules.

10. Mr. Muth supports the Commission's proposal, but suggests that the instructions for the proposed Form L specify that revenues by class of service be reported on a gross receipts basis and that the definitions included in the instructions state whether a service is one-way or two-way. He also suggests that the instructions be amended to specify that Part A should include data on customer-owned units.

11. USITA supports the Commission in its efforts to eliminate or minimize the reporting burdens imposed on the carriers. USITA asumes that the information required by Part A of the proposed form would be useful, but states that the Commission's need for the Part B data is not clear. It suggests that the former might be required annually and the latter less frequently—perhaps at the time of license renewal.

12. Under the provisions of Section 3504(h) of the Paperwork Reduction Act of 1980, the *NPRM* was submitted to OMB. Based on their review of the *NPRM*, OMB agrees that the Commission should seriously consider eliminating the Form L reporting requirement entirely.

13. Finally, the accounting firm of Dowden & Barker, writing on behalf of three independent telephone companies, requests that licensees who are authorized to serve 200 or fewer mobile units be exempted from the Form L reporting requirements.

Discussion

14. In this rulemaking we have focused on two options: (1) Eliminate the annual report and (2) adopt an abbreviated Form L requiring limited service data and gross revenues. Under either option, the Commission maintains the right to request data from the carriers for use in conducting special studies tailored to specific issues. After a thorough analysis of our regulatory responsibilities and a complete review of the comments filed in response to the *NPRM*, we find it is best to eliminate the annual reporting requirement for the industry and rely on special data requests as necessary.

15. Several factors have led us to the conclusion that Form L is no longer necessary for the conduct of Commission business. Changes in Commission policy have greatly reduced our need for this large scale collection effort. The Commission no longer requires conventional DPLMRS applicants to establish their financial qualifications and for the majority of DPLMRS licensees has eliminated the filing of tariffs.[4] Likewise, the Commission has eliminated the requirement that applicants for a single initial two-way or paging frequency in a community demonstrate public need.[5] However, applicants seeking additional frequencies must provide traffic load studies for their existing facilities.

16. Furthermore, the collection effort is extremely burdensome. All licensees are required to file both financial and service data every year. Commenters have stated that completion of the current Form L is both time consuming and costly. Approximately 3000 stations currently provide data annually. The company's burden has been estimated at 30 hours per station for an industry total of 90,000 hours. In addition, the Commission spends approximately 2000 hours on Form L filings.

17. We are also rejecting the option of collecting limited data on an abbreviated Form L. First, the validity of the financial data would be virtually unverifiable. The abbreviated form would have required only gross revenues. No line items subdividing these would be reported, thereby eliminating the basic means of verifying the accuracy of the data. Second, service data are available to the Commission and the general public from construction permits and the license renewal process. The third reason for our decision not to adopt an abbreviated form relates to the fact that most commenters who favored such collection wanted the data for private use. We reject the argument that the Commission should maintain an annual report from this industry as a service to private interests when it entails substantial costs to the Commission and to the licensees.

18. Finally, we think that the Commission's continued needs for data can be adequately served in a more efficient manner. When necessary, special data requests can be tailored to particular needs. Special studies will eliminate the need for all licensees to submit annual data. This will not only reduce the costs to licensees, it will also reduce the Commission's substantial costs associated with printing, mailing, reviewing and analyzing the reports. We are convinced that our planning and policy analysis would best be served by special studies designed to address particular issues.

19. Telephone companies submitting Form M have also been required to submit data pertaining to their domestic public land mobile radio services. These data, required in Schedule 57C in Form M, are no longer deemed necessary since relevant data can be requested on an as needed basis.

20. In summary, we conclude that the costs of collecting annual data from all PMRS licensees outweigh the benefits derived from its availability to the Commission. Special studies can be conducted as the need arises. While state and local authorities might consider the information important enough for their own regulatory purposes to collect it themselves, an annual collection is no longer warranted at the federal level. To the extent that such data are needed by the private sector, private voluntary collection can be carried out.

21. Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 602, 604 (Nov. 1980 Supp.) this final rule is accompanied by a final regulatory flexibility analysis addressing comments filed in this proceeding. The analysis is included as Appendix B.

Ordering Clauses

22. It is ordered, That, under the authority contained in Sections 4(i), 219, 303, 307, and 403 of the Communications Act of 1934, as amended, FCC Form L, Annual Report of Licensee in Domestic Public Land Mobile Radio Service, and Schedule 57C of Annual Report Form M for Telephone Companies, are eliminated, effective with the Form L reports for calendar year 1981 and the Form M reports for calendar year 1982.

23. It is further ordered, That Part 1, Part 22 and Part 43 of the FCC Rules and Regulations are amended as set forth in Appendix C, attached hereto, effective October 27, 1982.

24. It is further ordered, That the Secretary shall cause a copy of this Report and Order to be published in the **Federal Register**.

25. It is further ordered, That this proceeding is hereby terminated.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

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[4] *See* Elimination of Financial Qualifications, 82 FCC 2d 152 (1980); Mobile Tariff Filings, 1 FCC 2d 830 (1965); reissued at 53 FCC 2d 579 (1975).

[5] *See* Regulatory Policies and Procedures for the DPLMRS, FCC 82–201, released May 5, 1982; and *First Report and Order*, 900 MHz Paging, FCC 82–202, released May 14, 1982.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix A.—Parties Filing Comments in CC Docket No. 82–85

1. **Parties filing joint comments:**

a. Radio common carriers represented by Blooston and Mordkofsky: Armour Radio Communications, Inc., Blacker's Communications Divisions, Inc., Business Center Service, Inc., Contact Communications, Inc., Emerald Communications Company, LaVergne's Telephone Answering Service, Mobilfone Service, Inc., Pine Mountain Communications, Polito Communications, Inc., Radio Comm, Inc., Tel-A-Voice.

b. Radio common carriers represented by Kadison, Pfaelzer, Woodard, Quinn and Rossi: Airphone Company, Inc., Answer, Inc. of San Antonio, Communications, Inc., Dial-A-Page, Inc., Fort Smith Beepers, Inc., Instant Communications, Inc., Kelley's Radio Telephone, Inc., Metro Fone Communications, Inc. Pac-West Telecomm, Incorporated, Pacific Paging, Inc., Page Communications, Yakima Telephone Answering Service.

2. Other parties: Office of Management and Budget, Havilland Telephone Company, Telocator Network of America, United States Independent Telephone Association, Dowden & Barker Accountancy Corporation, Mr. James A. Muth (Pa. PUC staff member).

Appendix B.—Regulatory Flexibility Analysis:

I. Need for and Objectives of the Rule

1. The Commission has concluded that revisions of Form L, Annual Report of Licensee in Domestic Public Land Mobile Radio Service, as outlined in a Notice of Proposed Rule Making adopted by the Commission on February 11, 1982, would not provide data essential to the conduct of Commission business. The Commission is providing a cost effective procedure that would facilitate the collection of financial and service data for planning and policy analysis, while at the same time reducing the burden such reports have on Public Mobile Radio Service licensees.

II. Summary of Issues Raised by Public Comment in Response to the Initial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result

A. Issues raised: 2. Some licensees contend that the Commission's reasons for eliminating the annual broadcast financial report (FCC Form 324) should also apply to Form L, and they argue that studies could be conducted as needed. Some commenters suggested reporting on a less frequent basis, such as once during a five-year license term.

B. Assessment: 3. The Commission concluded that the arguments supporting an annual report were not persuasive and that the most cost effective means of obtaining data from PMRS licensees was to tailor special studies to the specific needs of the Commission. Additionally, we conclude that the benefit derived by the private sector from the Commission's reports of PMRS licensees does not warrant the reporting burden.

C. Changes made as a result of such comment: 4. An annual report will no longer be required and it will be replaced with special studies when they are needed.

III. Significant Alternatives Considered and Rejected

4. The *NPRM* contemplated two basic alternatives: (1) Eliminating the annual reporting requirement and replacing it with special data requests, and (2) adopting an abbreviated Form L. We determined that special requests can satisfy our needs and that an abbreviated form would be very limited in value since the financial data would be virtually unverifiable.

Appendix C

PART 1—PRACTICE AND PROCEDURE

§ 1.785 [Amended]

I. In Part 1, Practice and Procedures, § 1.785, paragraph (a)(2) is removed and paragraphs (a)(3) through (a)(6) are renumbered (a)(2) through (a)(5).

PART 22—PUBLIC MOBILE RADIO SERVICES

§ 22.300 [Removed and reserved]

II. In Part 22, Public Mobile Radio Services, § 22.300 is removed and reserved.

PART 43—REPORTS OF COMMUNICATIONS COMMON CARRIERS AND CERTAIN AFFILIATES

III. In Part 43, Reports of Communications Common Carriers and Certain Affiliates, § 43.21, paragraph (a) is revised to read as follows:

§ 43.21 Annual reports of carriers and certain affiliates.

(a) Communications common carriers having annual operating revenues in excess of $1 million, Licensees in the Domestic Public Point-to-Point Microwave Radio Service who are miscellaneous common carriers as defined by § 21.1 of this chapter, communication common carriers operating to overseas points or in the Maritime radio services and having annual operating revenues in excess of $50,000, and certain companies (as indicating in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports as provided in this section. Except as provided in paragraph (c) of this section, each annual report required by this section shall be filed not later than March 31 of each year covering the preceding calendar year. It shall be filed on the appropriate report form prescribed by the Commission (see § 1.785 of this chapter) and shall contain full and specific answers to all questions propounded and information requested in the currently effective report forms. The number of copies to be filed shall be as specified in the applicable report form. At least one copy of the report shall be signed on the signature page by the responsible accounting officer. A copy of each annual report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection.

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[FR Doc. 82–30671 Filed 11–8–82; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 22

[CC Docket No. 79–318; FCC 82–466]

Public Mobile Radio Services; Use of Specific MHz Bands for Cellular Communications Systems; and Amendment of the Commission's Rules Relative to Cellular Communications Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Order revises the procedures and the filing dates of cellular mobile radio applications. This action was taken to permit the Commission's staff to keep up in the cellular filings and avoid the applicant's having to rush to prepare applications only to have them receive no attention for months.

EFFECTIVE DATE: October 28, 1982.

FOR FURTHER INFORMATION CONTACT: Gene Belardi, (202) 632–6450.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 22

Cellular radio service,
Communications common carriers,
Mobile radio service.

In the matter of an inquiry into the use of the bands 825–845 and 870–890 MHz for cellular communications systems; and amendment of Parts 2 and 22 of the Commission's rules relative to cellular communications systems.

Adopted: October 26, 1982.

Released: October 28, 1982.

By the Commission: Commissioner Rivera absent.

1. On February 25, 1982, the Commission adopted a *Memorandum Opinion and Order on Reconsideration* in this proceeding. *Reconsideration Order,* 89 FCC 2d 58 (1982). In the *Reconsideration Order,* the Commission provided, *inter alia,* that applications for the top-30 markets were to be filed on June 7, 1982, and that applications for all other markets were to be filed starting September 7, 1982. 89 FCC 2d at 87–88. In a *Memorandum Opinion and Order on Further Reconsideration (Further Reconsideration Order),* the Commission revised the dates for the filing of applications in markets beyond the top-30. 90 FCC 2d 571 (1982). Applications in markets 31–60 are now to be filed on November 8, 1982; applications for markets 61–90 are to be filed on January 7, 1983; and applications for all other markets are to be accepted starting March 8, 1983. In the *Reconsideration Order,* the Commission also provided that all competing applicants in markets beyond the top-30 must file their affirmative direct cases within 30 days of the date of the Public Notice announcing the mutually exclusive filings. 89 FCC 2d at 93. *See* also § 22.916(b)(1) of our Rules, 47 CFR 22.916(b)(1).

2. Our experience in dealing with applications for the top-30 markets since we established the dates discussed above has demonstrated that the processing of cellular applications requires significantly more staff time than previously contemplated. We have also learned, through informal contacts, that the number of applications to be filed in markets beyond the top-30, and the associated workload for the public and the staff, may be considerably greater than initially expected. As a result, we believe it is necessary to revise some of the time frames for filing applications and submitting direct affirmative cases for applications due to be filed on the future filing dates. By so doing, we can keep the cellular filings more in line with realistic projections of the staff's ability to process applications, and avoid the applicants' having to rush to prepare applications only to have them receive no attention at the Commission for months.

3. We will retain the November 8, 1982, filing date for markets 31–60. This is because we expect to be able to begin processing these applications shortly after this date, and because prospective applicants have already invested considerable time and money in preparing applications to meet this filing date. We will, however, revise the filing dates for markets beyond the top-60 because we do not expect the staff's processing of applications in those markets to keep pace with the application inflow as presently scheduled. Applications for markets 61–90 will be due on March 8, 1983, and applications for all other markets will be accepted starting June 7, 1983, with normal Public Mobile Radio Services notice and cut-off procedures being applicable.

4. We will also revise the due date for submission of affirmative direct cases for mutually exclusive applications. The affirmative direct case, and all accompanying documentary evidence, must be submitted within 90 days, rather than 30 days, of the date of the Public Notice announcing the mutually exclusive findings. This extension is necessary because many of the applicants for the next filing date are also applicants in markets 1–30 and are preparing materials needed for the upcoming hearings. Therefore, the applicants may need additional time to prepare thorough, informative, affirmative direct cases that will assist the Commission in selecting the best-qualified cellular applicants. In addition, the direct cases will not be needed until the staff is ready to work on them. The proposed filing date for the direct cases will more nearly track the time when the Commission's staff will be able to work on the direct case. While we recognize that this revision will increase slightly the time needed to arrive at decisions in comparative hearings, the benefits stemming from the change far outweigh any associated delays.

5. Accordingly, it is ordered, That cellular applications for markets below the 30 largest shall be filed according to the schedule attached in Appendix A; that applications for markets 31 through 60 must be filed on November 8, 1982; that applications for markets 61 through 90 must be filed on March 8, 1983; that applications for all other markets are to be accepted starting June 7, 1983; and that all applications, both wireline and non-wireline, are subject to the requirements of 47 CFR 22.901 *et seq.*

6. It is further ordered, That competing cellular applicants are required to submit their affirmative direct cases within 90 days of the date of Public Notice announcing mutually exclusive filings.

7. It is further ordered, that the Secretary shall cause a copy of this Order to be published in the **Federal Register.**

8. It is further ordered, pursuant to 47 U.S.C. 154 (i), 301 and 303 (r), that Title 47 of the Code of Federal Regulation is amended as set forth in Appendix B. These amendments shall become effective October 28, 1982. [1]

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Williams J. Tricarico,

Secretary.

Appendix A—Schedule for Acceptance of Cellular Applications

All applications, both wireline and non-wireline, listed in Column A, below, are due on November 8, 1982.[2] All applications, both wireline and non-wireline, listed in Column B, below, are due on March 8, 1983.[2] Applications for all other markets will be accepted starting June 7, 1983, with normal Public Mobile Radio Services notice and cut-off procedures being applicable.

Column A (markets 31–60)	Column B (markets 61–90)
Columbus, OH	Charlotte-Gastonia, NC
Hartford-New Britain-Bristol, CT.	New Brunswick-Perth Amboy-Sayreville, NJ
San Antonio, TX	Springfield-Chicopee-Holyoke, MA
Rochester, NY	Grand Rapids, MI
Sacramento, CA	Omaha, NB–IA
Memphis, TN-AR-MS	Youngstown-Warren, OH

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[1] Our action today is a rule of agency procedure and practice, rather than a substantive rule, because it affects only the time when applications can be filed. Therefore, there is no need for publication or service prior to the effective date of this order.

[2] Applicants may file within two weeks prior to this date. This will accommodate concerns that because of uncertainties surrounding the mail, an application might be received before or after this date. Applications received before this date will be formally accepted for filing as of this date and will not be made available for public inspection earlier than those actually filed on this date. In the event that one, or both frequency blocks in a market are not applied for on this date, we will accept applications for those frequency blocks starting June 7, 1983, with normal Public Mobile Radio Services notice and cut-off procedures being applicable.

Column A (markets 31–60)	Column B (markets 61–90)
Louisville, KY-IN	Greenville-Spartanburg, SC
Providence-Warwick-Pawtucket, RI.	Flint, MI
Salt Lake City-Ogden, UT	Wilmington, DE-NJ-MD
Dayton, OH	Long Branch-Asbury Park, NJ
Birmingham, AL	Raleigh-Durham, NC
Bridgeport-Stamford-Norwalk-Denbury, CT.	West Palm Beach-Boca Raton, FL
Norfolk-Virginia Beach-Portsmouth, VA-NC.	Oxnard-Semi Valley-Ventura, CA
Albany-Schenectady-Troy, NY.	Fresno, CA
Oklahoma City, OK	Austin, TX
Nashville-Davidson, TN	New Bedford-Fall River, MA
Greensboro-Winston-Salem-High Point, NC.	Tucson, AZ
Toledo, OH-MI	Lansing-East Lansing, MI
New Haven-West New Haven-Waterbury-Meriden, CT.	Knoxville, TN
Honolulu, HI	Baton Rouge, LA
Jacksonville, FL	El Paso, TX
Akron, OH	Tacoma, WA
Syracuse, NY	Mobile, AL
Gray-Hammond-East Chicago, IN.	Harrisburg, PA
Worchester-Fitchburg-Leominster, MA.	Johnson City-Kingsport-Bristol, TN-VA
Northeast Pennsylvania, PA	Albuquerque, NM
Tulsa, OK	Canton, OH
Allentown-Bethlehem-Easton, PA-NJ.	Chattanooga, TN-GA
Richmond, VA	Wichita, KS
Orlando, FL	Charleston-North Charleston, SC

Appendix B

PART 22—[AMENDED]

Title 47, Part 22 of the Code of Federal Regulations, is amended as follows:

1. Section 22.916 is amended by revising paragraph (b)(1) to read as follows:

§ 22.916 Evaluation of cellular applications.

* * * * *

(b)* * *

(1) The affirmative direct case, including all documentary evidence upon which an applicant intends to rely in a comparative context, must be submitted within 90 days of the date of the Public Notice announcing the mutually exclusive filings. An original and four copies must be filed: two to the Mobile Services Division, Common Carrier Bureau, two for the Office of Administrative Law Judges, and one for the Common Carrier Bureau's Separated Trial Staff. The burden will be on each applicant to obtain copies of its mutually exclusive opponent's exhibits in a timely manner, either from the opponents or by duplicating the Commission's copies. We expect all parties to cooperate in making available materials to each other upon request.

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[FR Doc. 82–30673 Filed 11–8–82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82–418; RM4123]

Radio Broadcast Services, FM Broadcast Station in Luverne, Minn.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes Class C FM Channel 266 for FM Channel 265A at Luverne, Minnesota, and modifies the license of the Class A station, KQAAD(FM), to specify operation on the Class C channel, at the request of the licensee, Siouxland Broadcasting, Inc.

DATE: Effective: January 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Luverne, Minnesota).

Report and Order, Proceeding Terminated

Adopted: October 26, 1982.

Released: November 1, 1982.

1. The Commission has under consideration the Notice of Proposed Rule Making, 47 FR 32553, published July 28, 1982, proposing the substitution of Class C FM Channel 266 for Channel 265A at Luverne, Minnesota, in response to a petiton filed by Siouxland Broadcasting, Inc. ("petitioner"), licensee of Station KQAD(FM). The notice also proposed modification of the license for Channel 265A to specify operation on Class C Channel 266. Petitioner submitted comments in support of the proposal and reaffirmed its interest in the Class C channel. No oppositions to the proposal were received.

2. A site restriction of approximately 5.2 miles north of Luverne is required due to Station KOXI at Columbus, Nebraska, and unused Channel 265A at Blue Earth, Minnesota.

3. After consideration of the proposal, we believe that the public interest would be served by the substitution of channels inasmuch as it would provide service to a wide area. We have also authorized, in paragraph 5, herein, a modification of the petitioner's license for Station KQAD(FM) to specify operation on Channel 266, since there has been no other expression of interest in the Class C channel. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

4. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281 of the Commission's Rules, it is ordered, That effective January 3, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with respect to the following community:

City	Channel No.
Luverne, Minn.	266

5. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the outstanding license held by Siouxland Broadcasting, Inc. for Station KQAD(FM), Luverne, Minnesota, is modified, effective January 3, 1983, to specify operation on Channel 266 instead of Channel 265A. Station KQAD(FM) may continue to operate on Channel 265A for one year from the effective date of this action or until it is ready to operate on Channel 266, whichever is earlier, unless the Commission sooner directs, subject to the following:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301) specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

6. It is further ordered, That this proceeding is terminated.

7. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 82–30670 Filed 11–8–82; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 90

Private Land Mobile Radio Services, Allocation of Frequencies in a Certain MHz band for use by Operational-Fixed Stations in the Automobile Emergency Radio Service

[PR Docket No. 82–121; RM–3964; FCC 82–468]

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The FCC is adopting a rule change that would allow the use of 72–76 MHz band frequencies for fixed radio link use by eligibles in the Automobile Emergency, Taxicab, Manufacturers, and Telephone Radio Services. Previously, these frequencies were not allocated to these services. The new rules will benefit the licensees of private land mobile radio systems in these radio services by maximizing their options for obtaining reliable communications in an economical, efficient, and effective manner.

DATE: Effective December 9, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Eugene Thomson, Private Radio Bureau, (202) 634–2443.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 90

Industrial radio service, Land transportation radio service.

Report and Order, Proceeding Terminated

Adopted: October 28, 1982.

Released: November 2, 1982.

In the matter of allocation of frequencies in the 72–76 MHz band for use by operational-fixed stations in the automobile emergency radio service.

Background

1. On February 25, 1982, the Commission adopted a Notice of Proposed Rule Making, PR Docket 82–121, 47 FR 11731 (March 18, 1982), which proposed to amend various sections of Part 90 of the Commission's Rules and Regulations to allow the use of 72–76 MHz band frequencies by persons eligible in the Automobile Emergency, Taxicab, Manufacturers, and Telephone Maintenance Radio Services.

2. The NPRM was issued in response to a Petition for Rule Making, filed on August 6, 1981, by the American Automobile Association, Inc. (AAA), which had asked the Commission to allocate frequencies in the 72–76 MHz band for fixed station use by eligibles in the Automobile Emergency Radio Service (AERS).

3. In support of its petition, AAA had noted that automobiles often are disabled in remote locations or are involved in accidents that seriously disrupt the flow of traffic. Therefore, AAA argued, licensees who assist these motorists must be able to communicate with their mobile units in all parts of their service area with a high degree of reliability. This often means that AERS licensees must install multiple base stations at optimum locations. It is desirable, AAA maintained, to control these base stations by fixed radio links rather than by wireline, since telephone lines are often unavailable or costly for control purposes. The number of bands in which fixed links are available, however, is limited. Because it has become increasingly difficult to obtain 450 MHz frequencies for fixed base station control links,[1] AERS licensees may only operate such fixed links by applying in the Business Radio Service for 72–76 MHz band frequencies,[2] or by employing microwave frequencies above 952 MHz. AAA, therefore, asked that AERS eligibles be permitted to apply in the AERS for these fixed links.

4. In the NPRM, we indicated that there appeared to be merit to the AAA request. Also, in the interest of allowing greater flexibility in the use of available spectrum by all private radio services eligibles, we proposed to permit fixed use of 72–76 MHz band frequencies by eligibles in the private land mobile services presently denied access to this band. Specifically, we proposed to extend eligibility to the Manufacturers, Telephone Maintenance, Taxicab and Automobile Emergency Radio Services.[3] As proposed, the use of these frequencies would be subject to the same technical restrictions on geographical location, operating parameters, and interference protection criteria to television channels 4 and 5 which now govern other private land mobile services eligibles operating in the 72–76 MHz band.[4]

Summary of Comments

5. Comments supporting the proposals in the NPRM were received from AAA, the Manufacturers Radio Frequency Advisory Committee (MRFAC), the Special Industrial Radio Service Association (SIRSA), and Teletech, Inc. (TELETECH). Opposing comments were filed jointly by Phonic Ear, Inc., Com-Tek, Inc., Earmark, Inc., and Telex Communications, Inc., entities involved in the production or distribution of auditory training equipment operated under Part 15 of the Rules (hereinafter referred to collectively as the Training Companies).

6. In its comments, AAA essentially reasserted its position that AERS licensees have expanding service areas which in many cases require multiple stations utilizing radio control links, and that eligibles in the AERS should have access to the 72–76 MHz band for fixed control link requirements. MRFAC and SIRSA expressed agreement with all points in the AAA petition and indicated similar fixed needs in the radio services for which they speak. TELETECH also supported the petition and affirmed the economic advantage of 72–76 MHz equipment, stating that the 72–76 MHz band is under-utilized, and claiming that expanding the eligibility for these frequencies would reduce the future burden on 450–470 MHz and microwave frequency users.

7. In opposing comments, the Training Companies claimed that this rule making would result in increased use of the 72–76 MHz band. They maintained this is undesirable because of the adverse effect this increase would have upon hearing impaired users of auditory training devices. They argued that these devices already face interference problems from other services which at times can be very serious. They referred to a recent NPRM[5] in which the Commission proposed to eliminate place-of-use restrictions that currently limit the use of auditory training devices to institutional educational programs. They also stated that AAA has an alternative, namely, the use of frequencies above 952 MHz, and that AAA offered no reason for not using the microwave bands other than cost. Finally, they acknowledged that auditory training devices authorized under Part 15 must operate on a secondary basis to primary licensed services in the band, but claimed that the Commission cannot simply ignore auditory training devices, whether secondary or not, if a new action would

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[1] These frequencies are available only beyond 65 miles from the centers of the top 40 urbanized areas.

[2] The use of frequencies in the 72–76 MHz band for fixed use is allowed in 15 of the 20 land mobile radio services. In the Manufacturers Radio Service it is allowed only for mobile use on a secondary basis. It is not allowed at all in the Telephone Maintenance, Taxicab, Automobile Emergency, and Radiolocation Radio Services.

[3] Use of 72–76 MHz band frequencies was not proposed for the Radiolocation Service since there does not appear to be a demonstrated need for these frequencies in that service.

[4] 47 CFR 90.252.

[5] Notice of Proposed Rule Making, General Docket No. 81–786, 47 FR 216 (January 5, 1982).

have a significant adverse impact on such devices.[6]

8. Reply comments were received only from AAA where they state that the Training Companies have raised, but not documented, an alleged potential for interference to auditory training devices. In addition, while stating that the devices that they sell "already face interference problems from other services which at times can be very serious," The Training Companies have not presented a single documented case of interference to an auditory training device.

Discussion

9. We have reviewed the comments and replies concerning our proposal to extend the use of 72–76 MHz frequencies to the Automobile Emergency, Taxicab, Manufacturers, and Telephone Maintenance Radio Services for fixed purposes and we have decided to adopt the rules as proposed. As an initial point, we believe the Training Companies are incorrect in their assertion that the use of the 72–76 MHz band for increased services is undesirable because of the adverse effects on users of auditory training devices. The Training Companies fail to take into consideration that eligibles in the Automobile Emergency, Telephone Maintenance, Manufacturers, and Taxicab Radio Services are all presently also eligible in the Business Radio Service. There is, therefore, no likely significant increase in the use of the band as a result of this action. It is merely an administrative procedure which permits these eligibles to apply in the radio services in which they hold primary eligibility in order to realize the advantages which flow from having the use of these frequencies coordinated among like users, rather than in the Business Radio Service.

10. Moreover, no evidence of interference from operation in this band to auditory devices has been presented to us, nor is the Commission aware of any serious interference problems. In the absence of such documentation we see no reason to deny this operational advantage. Lastly, we emphasize that all Part 15 devices operate on a secondary basis to other spectrum users.[7]

11. Therefore, after considering the record in this proceeding, we are adopting our proposal to extend the use of 72–76 MHz frequencies to the Automobile Emergency, Taxicab, Manufacturers, and Telephone Maintenance Radio Services for fixed purposes. We conclude that these rule changes will benefit the licensees of private land mobile radio systems by maximizing licensee options of securing reliable communications in an economical, efficient, and effective manner.

12. Adoption of these rules will not increase recording, record keeping, or other compliance requirements. Moreover, it will benefit small business entities operating in the private services by enabling them to obtain needed economical communications systems. We, therefore, conclude this action will have no detrimental effect on small business operating in the private land mobile services. We also conclude there is little likelihood of adversely affecting small businesses engaged in the production of auditory training devices since there has been no demonstration either that there will be any significant increased numbers of users in the band which might affect their sales, or that the likelihood of interference which might destroy the effective use of these devices is significant.

Conclusion

13. Accordingly, it is hereby ordered, that pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 90 of the Commission's Rules is amended, effective December 9, 1982, as set forth in the attached Appendix. It is further ordered that this proceeding is terminated.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—[AMENDED]

Part 90 of Title 47 CFR is amended as follows:

1. The Automobile Emergency Radio Service Frequency Table in § 90.95(c) is amended by adding the frequency 72–76 as the first entry to the table as follows:

§ 90.95 Automobile emergency radio service.

* * * * *

(c) * * *

AUTOMOBILE EMERGENCY RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Megahertz:		
72–76	Operational fixed	16

* * * * *

2. A new paragraph, § 90.95(d)(16) is added to read as follows:

§ 90.95 Automobile emergency radio service

(d) * * *

(16) The frequencies available for use at operational-fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

3. The Manufacturers Radio Service Frequency Table in § 90.79(c) is amended by adding the frequency 72–76 as the first entry to the table as follows:

§ 90.79 Manufacturers radio service.

* * * * *

(c) * * *

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Megahertz:		
72–76	Operational fixed	25

* * * * *

4. A new paragraph § 90.79(d)(25) is added to read as follows:

§ 90.79 Manufacturers radio service.

* * * * *

(d) * * *

(25) The frequencies available for use at operational-fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

5. The Telephone Maintenance Radio Service Frequency Table in § 90.81(c) is amended by adding the frequency 72–76 as the third entry to the table as follows:

§ 90.81 Telephone Maintenance Radio Service.

* * * * *

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[6] In support of this statement, they cite *H&B Communications Corp. v. FCC*, 420 F. 2d 638, 17 RR 2d 2069 (D.C. Cir. 1969).

[7] See *Report and Order*, General Docket No. 81–786, FCC 82–331, released July 30, 1982, where the Commission said: "We, therefore, do not see a need at this time to impose any restriction on place-of-use of auditory devices. Use of the devices, however, is subject to the general requirement of operations on the basis of non-interference to licensed service. (See Section 15.3 of the Commission's Rules)".

Section 15.3, General Conditions of Operation, states: "Persons operating restricted or incidental radiation devices shall not be deemed to have any vested or recognized right to the continued use of any given frequency, by virtue of prior registration or certification of equipment. Operation of these devices is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by other incidental or restricted radiation devices, industrial, scientific or medical equipment, or from any authorized radio service."

(c) * * *

TELEPHONE MAINTENANCE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
* * * * *		
Megahertz.		

6. A new paragraph (d)(13) is added to § 90.81 to read as follows:

§ 90.81 Telephone maintenance radio service.

* * * * *

(d) * * *

(13) The frequencies available for use at operational-fixed stations in the band 72–76 MHz are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

7. The Taxicab Radio Service Frequency Table in § 90.93(b) is amended by adding the frequency 72–76 as the first entry to the table as follows:

§ 90.93 Taxicab radio service.

* * * * *

(b) * * *

TAXICAB RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
Megahertz: 72–76	Operational fixed	14

* * * * *

8. A new paragraph (c)(14) is added to § 90.93 to read as follows:

§ 90.93 Taxicab radio service.

(c) * * *

(14) The frequencies available for use at operational-fixed stations in the band 72–76 are listed in § 90.257(a)(1). These frequencies are shared with other services and are available only in accordance with the provisions of § 90.257.

[FR Doc. 82-30668 Filed 11-8-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 81-823; RM-3474; RM-3522; RM-3877; FCC 82-455]

Amateur Radio Service, Beacon Operation in the Amateur Radio Service and; Petition for Rulemaking to Authorize Automatic Control of Beacon Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule (report and order).

SUMMARY: The Commission is amending the Amateur Radio Service Rules to define certain types of experimental transmissions as "beacon operation." Rules are also included to govern this type of operation, including provisions to permit beacon operation under automatic control. Amateur radio operators have been interested in expanding the use of experimental transmissions for determining radio propagation conditions and adjusting equipment, however they believe that the existing requirements for a control operator to be present at all times during such operation effectively limits this use. The revised rules will permit automatic control of beacon operations without a control operator being in attendance. Amateur operators have also expressed concern about some experimental transmissions being used to harass bona fide operations. The revised rules include provisions to curtail this abuse.

EFFECTIVE DATE: January 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, Special Services Division, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Radio.

In the matter of Beacon Operation in the Amateur Radio Service; petition for rule making to authorize automatic control of Beacon Operations.

Report and Order; Proceeding Terminated

Adopted: October 21, 1982.

Released: November 2, 1982.

1. On November 24, 1981, the Commission adopted a Notice of Proposed Rule Making [1] in the matter of *Beacon Operation in the Amateur Radio Service.* That Notice was in response to two petitions for rule making which request changes in the rules governing amateur radio station transmissions made for the purposes of "* * * measurement of emissions, temporary observation of transmission phenomena * * * and similar experimental purposes." [2] The first petition, RM-3474, submitted by the Johns Hopkins University Applied Physics Laboratory Amateur Radio Club (APLARC), seeks amendment of the Amateur Radio Service Rules (Part 97) to classify such transmissions as "Beacon Operation" and "* * * to permit unattended automatic control of amateur stations engaging in 'Beacon Operation' under specific provisions." The second petition, RM-3522, submitted by Charles Spencer *et al*, requests that the Amateur Radio Service Rules be amended to require that an amateur radio station engaging in such transmissions cease operation "* * * upon notification by the Commission (that the transmissions are) causing undue interference."

2. In its Notice of Proposed Rule Making, the Commission specifically proposed to classify beacon operation as a form of amateur radio operation defined in the Rules and to permit automatic control of amateur radio stations in beacon operation. It was also proposed to limit beacon operation, whether manually or automatically controlled, to certain portions of the amateur radio frequency bands above 28 MHz. The Commission proposed to authorize the use of only A0, A1, F0 and F1 emission types on frequencies below 450 MHz and to limit the frequency shift of F1 emissions to less than 900 Hz. A transmitter power input limitation of 100 watts was proposed for stations in beacon operation along with additional requirements for station identification to be made once each minute during operation, using a special "beacon" designator. Finally, the proposed rules included a provision prohibiting beacon operation on more than one frequency in the same band, from the same location, and a provision explicitly stating that the Commission could order the termination of any beacon operation it might deem improper. (This latter provision also explicitly delegated such authority to the Engineers-in-Charge of Commission field facilities.)

3. Virtually all of the comments on the Notice support the Commission's proposal, however there are requests for modifications. By far the greatest objection to a specific aspect of our proposal concerns our choice of frequencies for beacon operation in the 28.0–29.7 MHz frequency band. We had selected the frequencies 28.08–28.10 MHz to authorize for beacon operation since this was consistent with the frequency range requested by RM-3474 and since no widely recognized band plan addressing beacon operations in this band had come to our attention. However, virtually all of the comments recommend that we authorize the frequencies 28.20–28.30 MHz for beacon operation in place of those we had proposed.

4. The comments of the APLARC, petitioner in RM-3474, state, "since filing the petition, we have learned that

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[1] 46 FR 60859, December 14, 1981.

[2] Section 97.89 paragraph (b) of the Commission's Rules.

the International Amateur Radio Union (IARU) has established a segment beginning at 28.200 MHz for beacon operation." Typical of other remarks on this issue, the comments of the American Radio Relay League, Incorporated (ARRL)[3] state that replacing our proposed frequencies with the frequencies 28.20–28.30 MHz" * * * would also preclude interference to A1 transmissions which often substantially fill the 28.0–28.1 MHz portion of the amateur 28 MHz band." The ARRL continues that "* * * it would be desirable to have the entire 28.2–28.3 segment available for increased flexibility and to allow for the IARU International Beacon Project concept of cycling each beacon onto 28.2 MHz for a segment of time each hour so that a complete picture of propagation can be gained from monitoring a single frequency." The Commission is persuaded by the overwhelming support for this change and we are adjusting our final rules in this proceeding accordingly.

5. Also with regard to our proposals for band segments to be authorized for beacon operation, some commenters request additional changes. Some comments suggest that the frequencies we have selected to authorize for the bands above 29.7 MHz should be changed slightly and in some cases comments suggest that we should authorize more spectrum for beacon operations. We stated in our Notice in this proceeding that the frequencies we were selecting to propose were chosen to correlate with the widely accepted ARRL band plans. Each of the individual requests of the commenters would be at variance with those plans. Furthermore, the comments which request that we authorize additional spectrum offer no compelling evidence for those requests. Accordingly, in view of the fact that there is no consensus in the comments as to the most desirable approach to take on this issue, we feel compelled to reaffirm our decision to authorize only those frequencies which conform to the widely-accepted band plans. We believe that the amount and placement of spectrum that we are authorizing for beacon operations should at least be adequate for the foreseeable future. If at a later time it appears that some additional adjustment is necessary, we will consider the issues then in the context of a new proceeding.

6. Most of the comments received on our Notice do not address our proposal to prohibit manually, as well as automatically, controlled beacon operations on frequencies other than those specifically designated. However, the few that do request that we reconsider that proposal. We had suggested such a restriction as a means "* * * to prevent beacon transmissions from being used to harass other operations * * * (this being) one instance of increased amateur-to-amateur malicious interference * * *" that we will not tolerate.[4] However the reply comments of the ARRL, typifying comments on this issue, state, "The Commission has stated honorable bases for such prohibition, but in the view of the League, the prohibition incidentally prevents some extremely important amateur activities which, it is believed, the Commission did not intend." The ARRL specifically cites propagation studies on frequencies below 28 MHz "* * * during short-term geophysical occurrences such as for example, eclipses of the sun and moon * * *" as being one case of such amateur activities. "Transmitter hunts" used "* * * to polish the direction-finding skills of amateurs and the development of equipment useful in detecting hidden or covertly operated transmitters * * *" is cited as another example.

7. Specifically with respect to our concern over malicious interference, the ARRL reply comments state:

> The League is sympathetic to, and appreciates the Commission's concern over instances of malicious interference, occasionally perpetrated by means of pseudo-"beacon" operation. However, as recently shown by able Administrative Law Judge Kuhlmann,[5] the distinction between bona fide beacon transmissions and those reasonably calculated to interfere with normal transmissions of radio signals in violation of §§ 97.78 and 97.125 of the Amateur Radio Service rules is easily made in most cases.

While we are still concerned by the growth of malicious interference in the Amateur Radio Service, we are persuaded by the sentiment of these comments and will not place frequency restrictions on manually-controlled beacon operations.[6] However, we wish to reiterate that we will not stand idle when illegally-caused interference occurs and accordingly, we are including in the final rules a provision which will authorize the Engineers-in-Charge of the Commission's field facilities to order the cessation of beacon operation where "* * * the station is operating improperly or causing undue interference."

8. Most of the comments support our proposed power limitation for beacon operations, including those of the APLARC. However in their comments, they state:

> With respect to power, we had proposed that 100 watts *output* be authorized for stations in Beacon Operation.[7] We did this feeling that output is a superior method of measuring RF power than is input. Nevertheless, from the standpoint of utility of beacons, there is little difference between the power we suggested and that proposed by the Commission. Therefore, other than to reiterate our contention with respect to the use of output as a measure of RF power, we have no comments relative to this portion of the subject docket.

9. The Commission is in agreement with this comment of the APLARC. We stated in our Notice that we were "* * * proposing a power input limitation since this would be * * * consistent with our current regulations regarding operating power measurements."[8] However, we are considering a complete revision of our regulations concerning power measurement techniques in a separate proceeding.[9] Our belief, as discussed in the Notice of that proceeding, is that power output is the superior measurement technique. Nonetheless, for the final rules of this proceeding, we are prescribing that the power of a station in beacon operation be measured in terms of input. We intend this as an interim measure until we have completed our findings in the proceeding dealing specifically with power measurement techniques. At that time we will reconcile the measurement specifications for beacon operations with our final decision in that proceeding.

10. The National Radio Astronomy Observatory (NRAO) and the Naval Research Laboratory (NRL) filed comments requesting that provisions be added to the rules for beacon operation to protect their operations from interference in the area known as the "National Radio Quiet Zone"

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[3] The American Radio Relay League, Incorporated is an association of radio amateurs that has developed informal recommendations for situating compatible forms of operation on certain frequencies segregated from other, noncompatible forms of operation in each amateur band. These "band plans" have gained widespread acceptance by amateur operators.

[4] Notice at paragraphs 7 and 10.

[5] See *Gary W. Kerr*, —— FCC 2d —, PR Docket 81–66, FCC 82D–24, Initial Decision of Administrative Law Judge Edward J. Kuhlmann, at Paragraphs 13 and 14. (Released April 5, 1982.)

[6] However, we are clarifying our control operator requirements for stations under automatic control as well as stations under manual control.

[7] Emphasis added.

[8] Notice at paragraph 14.

[9] See Notice of Proposed Rule Making in PR Docket No. 82–624, FCC 82–410, Adopted September 1, 1982, Released October 1, 1982.

("NRQZ").[10] Their comments state, "* * * the Commission * * * now requires that proposals to establish Amateur Radio repeaters in the NRQZ must be coordinated with these Agencies before operation can commence.[11] The situation is similar here and demands like protection of these Agencies." They go on the state, "because amateur radio beacons operating in the VHF and UHF bands would often transmit lengthy periods, in some instances 24 hours per day, 7 days a week for propagation and transmission purposes, the potential harmful inteference is perhaps greater than for Amateur Repeaters." We concur that given these unique circumstances, protection for NRAO/NRL is warranted. We are including in the final rules requirements for stations in beacon operation within the NRQZ which parallel those for stations in repeater operation.

11. Finally, the Commission received a petition for rule making, RM-3877 submitted by the Middle Atlantic FM and Repeater Council (T-MARC), on March 26, 1981. That petition requests that the Commission authorize automatic control of beacon transmitters in the Amateur Radio Service. Although the subject of that petition relates directly to the issues addressed in the Notice of this proceeding, it was filed too late for consideration in the Notice. On March 12, 1982, the Commission received a "petition for dismissal" of RM-3877 from T-MARC, the original petitioner. That petition requests dismissal of the original petition, provided that the original petition is associated with the proceeding as a formal comment. We have considered the requests of RM-3877 in the context of this proceeding and with the action we are now taking those issues are moot. Consequently, in accordance with the request of T-MARC, we are dismissing their original petition.

12. Accordingly, it is ordered that effective January 3, 1983, Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as set forth in the attached Appendix. It is further ordered that to the extent specified herein, RM-3474 and RM-3522 are granted, and in all other respects they are denied. It is further ordered that RM-3877 is dismissed. It is further ordered that this proceeding is terminated. This action is taken pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. Further information on this matter may be obtained by contacting: Steve Lett, (202) 632-4964, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—[AMENDED]

Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, is amended as follows:

1. In § 97.3, paragraph (l) is revised to read as follows:

§ 97.3 Definitions.

* * * * *

(l) Amateur radio operation. Amateur radio communication conducted by amateur radio operators from amateur radio stations, including the following:

Fixed operation. Radio communication conducted from the specific geographical land location shown on the station license.

Portable operation. Radio communication conducted from a specific geographical location other than that shown on the station license.

Mobile operation. Radio communication conducted while in motion or during halts at unspecified locations.

Repeater operation. Radio communication, other than auxiliary operation, for retransmitting automatically the radio signals of other amateur radio stations.

Auxiliary operation. Radio communication for remotely controlling other amateur radio stations, for automatically relaying the radio signals of other amateur radio stations in a system of stations, or for intercommunicating with other amateur radio stations in a system of amateur radio stations.

Beacon operation. One-way radio communication conducted in order to facilitate measurement of radio equipment characteristics, adjustment of radio equipment, observation of propagation or transmission phenomena, or other related experimental activities.

Radio control operation. One-way radio communication for remotely controlling objects or apparatus other than amateur radio stations.

* * * * *

2. Also in § 97.3, the parenthetical sentence in paragraph (m)(3) is removed.

3. In § 97.61, paragraph (a) is revised and paragraph (e) is added to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) The following frequency bands and associated emissions are available to amateur radio stations for amateur radio operation, other than repeater operation, auxiliary operation and automatically-controlled beacon operation, subject to the limitations of § 97.65 and paragraph (b) of this section:

Frequency band	Emissions	Limitations (see paragraph (b))
kHz		
1800–1900	A1, A3	
[illegible]–2000	A1, A3	1, 2
3500–4000	A1	
3500–3775	F1	
3775–4000	A3, A4, A5, F3, F4, F5	[illegible]
4383.8	A3A, A3J	13
7000–7300	A1	3, 4
7000–7150	F1	3, 4
7075–7100	A3, F3	11
7150–7300	A3, A4, A5, F3, F4, F5	3, 4
14,000–14,350	A1	
14,000–14,200	F1	
14,200–14,350	A3, A4, A5, F3, F4, F5	
21,000–21,450	A1	
21,000–21,250	F1	
21,250–21,450	A3, A4, A5, F3, F4, F5	
28,000–29,700	A1	
28,000–28,500	F1	
28,500–29,700	A3, A4, A5, F3, F4, F5	
MHz		
50.0–54.0	A1	
50.1–54.0	A2, A3, A4, A5, F1, F2, F3, F4, F5.	
51.0–54.0	A0, F0	
144.0–148.0	A1	
144.1–148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	
220–225	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
420–450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5, 7
1215–1300	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	[illegible]
2300–2450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 6
GHz		
3.300–3.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 12
5.650–5.925	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 9
10.000–10.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5.	5
24.000–24.250	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	5, 10
48.000–50.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
71.000–76.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
165.000–170.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
240.000–250.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	
Above 300.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P.	

* * * * *

(e) The following amateur frequency bands and emissions are available for automatically-controlled beacon operation: 28.20–28.30 MHz, 50.06–50.08 MHz, 144.05–144.06 MHz, 220.05–220.06 MHz, 222.05–222.06 MHz and 432.07–432.08 MHz using type A0, A1, F0, F1, or A2J emissions (when type F1 or A2J emissions are employed in these bands, the radio or audio frequency shift, as appropriate, shall be less than 900 Hz); all amateur frequency bands above 450 MHz using emission types authorized under paragraph (a) of this section. Limitations of paragraph (b) of this section apply.

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[10] The National Radio Quiet Zone is the area bounded by 39°15′ N. on the north, 78°30′ W. on the east, 37°30′ N. on the south and 80°30′ W. on the west.

[11] See Report and Order in SS Docket No. 78-352, 46 FR 21169, April 9, 1981.

4. In § 97.67, paragraph (e) is added to read as follows:

§ 97.67 Maximum authorized power.

* * * * *

(e) Within the limitations of paragraph (b) of this section, the power input to the transmitter final amplifying stage of an amateur radio station in beacon operation shall not exceed 100 watts, exclusive of power for heating the cathode of a vacuum tube(s).

5. In § 97.79, paragraph (b) is revised to read as follows:

§ 97.79 Control operator requirements.

* * * * *

(b) Every amateur radio station, when in operation, shall have a control operator. The control operator shall be present at a control point of the station, except when the station is operated under automatic control. (Automatic control is only permitted where specifically authorized by the rules of this part.) The control operator may be the station licensee, if a licensed amateur radio operator, or may be another amateur radio operator with the required class of license and designated by the station licensee. The control operator shall also be responsible, together with the station licensee, for the proper operation of the station.

* * * * *

6. In § 97.84, paragraph (d) is revised and paragraph (d)(3) is added to read as follows:

§ 97.84 Station identification.

* * * * *

(d) When an amateur radio station is in repeater, auxiliary or beacon operation, the following additional requirements shall apply:

* * * * *

(3) When identifying by radiotelephony, a station in beacon operation shall transmit the word "beacon" at the end of the station call sign. When identifying by radiotelegraphy, a station in beacon operation shall transmit the fraction bar DN followed by the letters "BCN" or "B" at the end of the station call sign. This station identification shall be made at intervals not to exceed one minute during any period of operation.

* * * * *

7. A new § 97.87, is added to read as follows:

§ 97.87 Beacon operation.

(a) A station in beacon operation shall not concurrently operate on more than one frequency in the same amateur frequency band, from the same location.

(b) A station in beacon operation, either locally controlled or remotely controlled, may also be operated by automatic control when devices have been installed and procedures have been implemented to ensure compliance with the rules when the duty control operator is not present at a control point of the station.

(c) Beacon operation shall cease upon notification by any Engineer-in-Charge of a Commission field facility that the station is operating improperly or causing undue interference to other operations. Beacon operation shall not resume without prior approval of the Engineer-in-Charge.

(d) The licensee of an amateur radio station, before modifying an existing station in automatically-controlled beacon operation in the National Radio Quiet Zone, or before placing his/her station in automatically-controlled beacon operation in the National Radio Quiet Zone, shall give written notification thereof to the Director, National Radio Astronomy Observatory, P.O. Box 2, Green Bank, West Virginia 24944. Station modification is any change in frequency, power, antenna height or directivity, or the location of the station. In such cases, the rules of § 97.85(f) (1), (2) and (3) shall apply.

8. In § 97.89, paragraph (b) is revised to read as follows:

§ 97.89 Points of communications.

* * * * *

(b) Amateur radio stations may transmit one-way signals to receiving apparatus while in beacon operation or radio control operation.

9. Section 97.91 is revised to read as follows:

§ 97.91 One-way communications.

In addition to beacon operation and radio control operation, the following kinds of one-way communications, addressed to amateur stations, are authorized and will not be construed as broadcasting: (a) Emergency communications, including bona fide emergency drill practice transmissions; (b) Information bulletins consisting solely of subject matter having direct interest to the amateur radio service as such; (c) Round-table discussions or net-type operations where more than two amateur stations are in communication, each station taking a turn at transmitting to other station(s) of the group; and (d) Code practice transmissions intended for persons learning or improving proficiency in the international Morse code.

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Proposed Rules

Federal Register
Vol. 47, No. 217
Tuesday, November 9, 1982

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 729

Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule sets forth the regulations for: (1) Establishing State and farm poundage quotas and farm yields; (2) providing for transfers of quota; (3) determining undermarketings; (4) identification of marketings; (5) determining marketing penalties; and (6) handling marketing violations. These regulations are necessary in order to implement amendments made to the Agricultural Adjustment Act of 1938 and the Agricultural Act of 1949 by the Agriculture and Food Act of 1981 with respect to the 1983 through 1985 crops of peanuts. The most significant provisions of this proposed regulation are those relating to the reduction of individual farm poundage quotas for those farms from which the farm poundage quota was leased to another farm and produced by a different farm operator.

DATES: Comments must be received before December 27, 1982, in order to be assured of consideration.

ADDRESS: Send comments to the Director, Tobacco and Peanuts Division, ASCS, Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 5750 South Building, USDA, between the hours of 8:15 and 4:45, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: David L. Kincannon (ASCS) 202-382-0154. The Preliminary Impact Analysis describing the options considered in developing this proposed rule is available upon request.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified "not major." It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, industries, Federal, State or local governments, or geographical regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which this proposed rule applies are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this proposed rule since the Agricultural Stabilization and Conservation Service is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Background

The Agriculture and Food Act of 1981 (the "1981 ACT"), which was enacted on December 22, 1981, amended the Agricultural Adjustment Act of 1938 (the "1938 Act") and the Agricultural Act of 1949 (the "1949 Act") to make significant changes in the administration of the peanut production and price support program. The changes required by the 1981 Act were incorporated into the regulations governing 1982 poundage quotas (7 CFR 729.111 through 729.164) in a final rule published April 13, 1982, (47 FR 15966) and in an interim rule, governing the marketing of peanuts (7 CFR 729.165 through 729.210) published August 31, 1982 (47 FR 38259).

This proposed regulation sets forth the procedures for the establishment of farm poundage quotas and other terms and conditions of the program affecting the production and marketing of peanuts. This includes transfers of quotas, determination of yields, identification of marketings, and the determination, assessment, and review of marketing penalties. These regulations are basically the same as the regulations that are applicable to the 1982 crop, with the exception of the manner in which the individual farm poundage quotas will be determined and the dates for making transfers of farm poundage quota. These regulations will be codified at 7 CFR 729.211 through 729.306.

Poundage quotas establish eligibility for quota price support and are an important part of a farmer's financial planning. Since the planting season for peanuts begins in late March, farmers need to know the details of the peanut program authorizing price support and poundage quotas for the 1983 through 1985 crops of peanuts as soon as possible. Therefore, it has been determined that the comment period with respect to this rule shall be limited to a period of 45 days after the publication of this document in the **Federal Register** in order that comments received can be reviewed and a Final Rule can be published at the earliest possible date.

Statutory Requirements

Section 358 of the 1938 Act provides that there shall be a national poundage quota for each marketing year as follows: 1,200,000 tons for 1982; 1,167,300 tons for 1983; 1,134,700 tons for 1984; and 1,100,000 tons for 1985. The national poundage quota is apportioned to individual States on the basis of State's share of the national poundage quota for the 1981 marketing year. The State poundage quota is then apportioned to individual farms. Section 358 (1)(2) of the 1938 Act provides that the yearly reductions in the State poundage quotas:

> * * * shall insofar as practicable and on such fair and equitable basis as the Secretary may by regulation prescribe, be accomplished by reducing the farm poundage quota for each farm in the State to the extent that the farm poundage quota has not been produced on such farm. For purposes of the foregoing sentence, the farm poundage quota shall be considered as not having been produced on a farm to the extent that (i) during any crop year immediately preceding the crop year for which the adjustment is being made, such quota was not actually produced on the farm because there was inadequate tillable cropland available on the farm to produce such quota; or (ii) during any two of the three crop years immediately preceding the crop year for which the adjustment is made, (I) such quota was not actually produced for any

> other reason (other than natural disasters or such other reasons as the Secretary may prescribe), or (II) such quota was produced but by another operator on a farm to which the poundage quota (or the acreage allotment upon which such poundage quota was based) was transferred by lease. To achieve the reduction in the State poundage quota in any marketing year, the reductions in farm poundage quotas shall be made first under clause (i) of the preceding sentence and, if necessary, under clause (ii)(I) and then clause (ii)(II) thereof * * *.

Basically, the 1938 Act sets forth farm poundage quota reduction categories for the purpose of establishing priorities in determining individual farm poundage quota reductions. The first category is for farms which did not actually produce peanuts on the farm because there was inadequate tillable cropland available on the farm to produce the quota quantity in the preceding crop year. The second category consists of those farms where peanuts were not actually produced in two out of the three preceding years, except in those situations where peanuts were not produced because of a natural disaster or such other reasons as are prescribed by the Secretary. The third category contains those farms for which the quota quantity was produced but by another operator on a farm to which the quota (or the allotment on which the quota was based) has been transferred by lease two out of the three preceding years. The third category also covers hybrid situations in which during the three base period years a farm had both nonproduction of quota quantity and transfers of quota by lease to another operator on another farm. The fourth category consists of all farms which were not reduced to a zero poundage quota under the first three categories. Reductions will be apportioned on a pro rata basis within a category in any State in which the quota poundage in that category exceeds the remaining required poundage quota reduction for the State.

The 1938 Act requires the Secretary to make reductions in this order and in accordance with such regulations as the Secretary determines to be fair and equitable.

Application of Quota Reduction for 1982 Farm Poundage Quotas

During the development of the proposed regulations in early 1982 to implement the 1981 Act for the 1982 crop, it became apparent that there were a large number of farms falling into the third category. It was also apparent that the application of the poundage quota reduction to farms in the third category might, in some instances, cause significant individual hardships and the disruption of normal production practices in a number of peanut growing areas. In particular, because of the late date on which the 1981 Act became law, the Department had inadequate time to gather sufficient information upon which to evaluate the impact of reductions of farm poundage quotas in the third category. Moreover, producers had to prepare for planting the 1982 crop of peanuts without knowing the specific manner in which the Department intended to implement the poundage quota reductions mandated by the Act.

In view of this situation, the Secretary proposed (March 8, 1982, 47 FR 9972) that in order to implement the amendments made by the 1981 Act in a fair and equitable manner, no individual farm poundage quota reductions would be made in the third category for the 1982 crop. Instead, a uniform State factor would be applied to all farms in the State if the poundage quota reductions in the first category and second category were insufficient to meet the required overall reduction in the State poundage quota.

The proposed rule was adopted as a final rule (April 13, 1982, 47 FR 15966) applicable to the 1982 crop of peanuts only.

Application of Quota Reductions for the 1983 Through 1985 Crop Years

This proposed rule would define the four categories for reducing farm poundage quotas for the 1983 through 1985 crop years in the following manner:

A. *Category 1. Inadequate Tillable Cropland.* Adequate tillable cropland is land determined by the county committee for the preceding crop year to be: (1) Suitable for the production of peanuts; and (2) land on which a seedbed could have been prepared and a normal crop produced using practices and equipment normally used in the county for planting peanuts. Land not considered suitable for the production of peanuts includes, but is not limited to, established orchards, vineyards, one-row shelter belts, land seeded to trees, and land being prepared for housing developments, shopping centers, or other noncrop uses as determined by the county committee.

B. *Category 2. Nonproduction of the quota during two out of the three preceding years.* In this category, the farm poundage quota shall be reduced for the current year to the extent that the county committee determines that peanuts were not actually produced during two out of the three preceding years, except when the county committee determines that quota quantity was not produced because of natural disaster or other reasons beyond the control of the producer.

C. *Category 3. Farms from which quota was transferred by lease.* Category 3 applies to situations in which the farm poundage quota was produced two of the three preceding years but by another operator on a farm to which the poundage quota was transferred by lease. This category of reduction is expected to have the largest impact of the three categories. The lease and transfer authority under which such leases were executed was added to the 1938 Act by Pub. L. 90–211, 81 Stat. 658, December 18, 1967, and requires the owner and operator of the transferring farm to approve the transfer. In addition, Section 358a(b)(4) of the 1983 Act provides that: "no transfer of allotment shall be effective until a record thereof is filed with the county committee of the county in which such transfer complies with the provisions of this section." The record used by ASCS to accomplish the transfer is Form ASCS–375, Record of Transfer of Allotment or Quota. This record was required to be executed for each year of the base period showing the names of the operator and owner of the transferring farm, and the name of the owner or operator (but not both) of the receiving farm. The ASCS–375 transfer record, as well as other similar records, are to be used in making determinations with respect to reductions in category 3.

Transfers between farm tracts within a reconstituted farm (combined worksheet) and leasing arrangements which did not involve a transfer are not treated in the proposed rule as being in category 3, since these arrangements are not transfers of farm poundage quota by one operator to a different operator on a different farm.

However, the proposed rule treats "hybrid situations" as being in category 3. A hybrid situation can occur when during the three base period years (1980, 1981, 1982, for the 1983 crop) a farm has both nonproduction of the farm poundage quota and production of farm poundage quota by another operator on a farm to which the farm poundage quota (or portion thereof) was transferred by lease. The proposed rule takes into account the potential cumulative effect of both nonproduction and leasing of poundage quota, and provides a method for allocating reductions in the farm poundage quota between category 2 and category 3. It would also prevent duplication of reductions in both categories. It is anticipated that there will not be a significant number of farms falling into a hybrid situation.

D. *Category 4. Farms not reduced to zero in categories 1, 2 or 3.* A uniform

State factor will be determined and applied against the preliminary farm poundage quotas on all farms not reduced to zero in the first three reduction categories. Because each State's reduction will be made independent of other States, the application and size of the factor may vary with respect to categories between States. Included in this group will be farms that received a partial reduction in categories 1, 2, or 3 and still retained farm poundage quota. Also, some farms may be reduced in two or three categories prior to a factor being applied because of a combination of circumstances. For example, a farm may take a partial reduction in category 1 because of inadequate tillable cropland and also a reduction for not producing in category 2.

E. Calculation of the farm poundage quota reduction in categories 1, 2, and 3. Calculations of farm poundage quota reductions will be done by individual categories in order of priority. In category 1, the reduction will equal the percentage of nonproduction of the farm poundage quota that is attributable to inadequate tillable cropland during the previous crop year, *times* the preliminary farm poundage quota. (The preliminary farm poundage quota is equal to the farm poundage quota for the farm for the immediately preceding crop year.)

In category 2, the reduction will be based on the average of the two highest percentages of nonproduction of the farm poundage quota during the three base period years. The amount of the reduction would equal: (1) The product of the average percentage *times* the preliminary farm poundage quota, *minus* (2) the amount of any reduction made under category 1, but may not be less than zero. The amount of reduction under category 1 is subtracted in order to prevent a duplication of reductions between the two categories. Otherwise, the cumulative effect of reductions in categories 1 and 2 could cause the farm poundage quota to be reduced below the amount of actual production of peanuts on the farm during the base period years.

In category 3, the reduction will be based on the average of the two highest percentages of the combined amount of quota produced by lease by another operator and nonproduction of the farm poundage quota. This procedure will accommodate both the pure category 3 situation and the hybrid situation discussed above. The amount of the reduction would equal: (1) The product of the average percentage *times* the preliminary farm poundage quota, *minus* (2) the amount of any reductions made under category 1 and category 2. As explained above, the amount of reductions under category 1 and category 2 are subtracted in order to prevent duplication of reductions between the three categories.

The following is an example of how the calculations described above would be made for the 1983-crop farm poundage quota. The example assumes that the farm poundage quota for the base period years was 65,000 pounds for 1980; 60,000 pounds for 1981, and 50,000 pounds for 1982. In 1983, the preliminary farm poundage quota is 50,000 pounds (the 1982 farm poundage quota).

EXAMPLE OF QUOTA REDUCTION CALCULATIONS

[All numbers in pounds]

Category	Year		
	1980	1981	1982
1—Inadequate tillable cropland		[illegible]	1,000
2—Nonproduction of quota	5,000	4,000	1,000
3—Production of quota transferred by lease	20,000	11,000	1,000
4—Actual production of quota on the farm	[illegible]	[illegible]	48,000
Farm Poundage Quota	65,000	60,000	50,000

Category 1

Percentage of nonproduction due to inadequate tillable cropland = 1,000 divided by 50,000 = .02

Reduction (percentage × preliminary farm poundage quota) = .02 × 50,000 = 1,000

Category 2

Two highest percentages of nonproduction = 5,000 divided by 65,000 = .0769 (1980) and 4,000 divided by 60,000 = .0667 (1981)

Average of two highest percentages = .0718

Reduction (average percentages × preliminary farm poundage quota, minus Category 1 reduction) = (.0718 × 50,000) minus 1,000 = 2,590

Category 3

Two highest percentages of *combined* leased production (Category 3) and nonproduction (Category 2) = 25,000 divided by 65,000 = .3846 (1980) and 15,000 divided by 60,000 = .25 (1981)

Average of two highest percentages = .3173

Reduction (average percentage × preliminary farm poundage quota, minus Category 1 and Category 2 reduction) = (.3173 × 50,000) minus (1,000 + 2,590) = 12,275

Total reduction (Category 1 plus 2 plus 3) = 15,865

1983 Adjusted Preliminary

Quota = 50,000 minus 15,865 = 34,135[1]

Reserves for Correction of Errors and Quota Reduction Exemptions

The 1938 Act requires the Secretary to accomplish the reduction in farm poundage quotas in each State by reducing the farm poundage quota on individual farms on such fair and equitable basis as is practicable. To accomplish this objective, the proposed rule would establish two separate State reserves to be allocated to individual counties upon request.

A. *Correction of errors.* The State Agricultural Stabilization and Conservation committee will establish a State Reserve of poundage quota (not to exceed 1 percent of the State poundage quota) to be used to the extent available to correct errors, including, but not limited to, missed farms and errors in establishing preliminary farm poundage quotas.

B. *Quota reduction exemptions.* In addition to the reserve for the correction of errors, the State committee will establish a State reserve of poundage quota (not to exceed 1 percent of the State poundage quota) to be used to the extent available to exempt farms from poundage quota reductions where transfers by lease have been made to another farm with a different operator in one or more years of the base period, if the county committee determines that the transfer was made to facilitate sound management practices. Such practices include:

(1) Crop rotation to control plant disease or soil borne pests such as black root rot, nematodes, or other similar conditions.

(2) Economical use of farm equipment. This exemption will apply only when the county committee determines that a producer on the receiving farm was a producer of record on the transferring farm during the base period.

(3) Difficulty in settling an estate. This exemption applies to a farming operation involving an estate where the ownership share of heirs in the estate property cannot or has not been determined. For example, all heirs to the property may not be known, or property boundaries are in dispute with adjacent landowners, or other similar situations.

In considering whether exemptions will be granted, the county committees will be required to consider all relevant factors, including, but not limited to, the following: available cropland, experience of the quota holder, and availability of equipment on the farm. In order to obtain a quota reduction exemption, the owner or operator of the affected farm must request the exemption from the county committee. The decision of the county committee may be appealed to the State committee under the provisions of Part 780 of this Chapter. The decision of the State committee shall be administratively final.

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[1] Prior to the application of any uniform State factor should further reductions in category 4 be necessary.

Impact of Quota Reductions

The method of calculating quota reductions as proposed by this rule will have the greatest impact on farms in category 3, in that this rule separates category 3 and category 4 for quota reduction purposes, whereas the method adopted for the 1982 crop combined those two categories. The magnitude of the 240,000 ton reduction (from 1,440,000 tons in 1981 to 1,200,000 tons in 1982, or 16.7 percent) in the national farm poundage quota for the 1982 crop was a major factor in the decision to combine categories 3 and 4 for the 1982 crop. This situation was further complicated by the late date on which the statute mandating quota reductions was enacted and the uncertainty surrounding the implementation of the statute.

Had categories 3 and 4 been separated for purposes of the 1982 crop, the 16.7 percent national poundage quota would have resulted in an average quota reduction of 86 percent for farms in category 3, rather than the 15 percent reduction with the method adopted. In contrast, farms in category 4 were reduced an average of 15 percent in 1982 rather than 7 percent, which would have been the case had categories 3 and 4 not been combined.

Upon preliminary analysis, it would appear that the reasons for combining categories 3 and 4 are no longer present. During the process of determining quota reductions for the 1982 crop year, the Department collected data related to potential 1983 crop reductions of individual farm poundage quotas by category for two of the three base period years and has used the analysis of that data in developing this proposed rule. Producers have also had an adequate amount of time to analyze the new statutory requirements and will have had sufficient time to make appropriate plans and preparations with respect to the 1983 crop of peanuts by the time planting season begins next spring. Moreover, the required reduction in the national poundage quota is only 2.7 percent in 1983; 2.8 percent in 1984; and 3.1 percent in 1985. Accordingly, this proposed rule provides that separate poundage quota reductions will be made for categories 3 and 4.

It is anticipated that in 1983 through 1985 most States will have only negligible reductions in categories 1 and 2. Therefore, the reductions will have a proportionately greater impact on category 3.

It is estimated that in 1981 there were about 270,000,000 pounds of quota in category 3. The average reduction for 1982 for each farm in category 3 was about 15 percent. This would leave nearly 230,000,000 pounds in category 3 in 1982, assuming there were no significant changes in leasing patterns during the base period of 1980, 1981 and 1982. Data on the amount of farm poundage quota leased in 1982 is not available at this time, but the amount of quota leased in 1982 is expected to decline somewhat. The 65,400,000 pounds reduction in the 1983 national poundage quota would therefore represent an average decrease of about 23 percent for each farm in category 3 in 1983.

Transfer Dates

The 1938 Act provides that producers and handlers may enter into contracts for the sale and purchase of additional peanuts for exportation or crushing. Such contracts must be completed and submitted to the Secretary of Agriculture prior to April 15 of the marketing year.

The 1938 Act also provides that producers may transfer poundage quota by lease under regulations promulgated by the Secretary. In the past, there have been two types of transfers by lease permitted: "spring transfers" and temporary "fall transfers." Spring transfers refer to the type of transfer which is generally completed prior to the end of the normal planting season. In that case, peanuts would not normally have been planted on the transferring farm.

The temporary fall transfer occurs after the normal planting season, and may only be exercised if the: (1) Acreage of peanuts planted on the transferring farm was equal to at least 80 percent of the acreage determined by dividing the effective farm poundage quota by the larger of the current farm yield or the highest actual yield for the farm for any one of the three preceding crop years; and (2) the production of peanuts was limited to less than the effective farm poundage quota because of conditions beyond the control of the producer. The fall transfer is designed solely to help alleviate the effects of a natural disaster on a producer who planted peanuts but is unable to fill the effective farm poundage quota because of the disaster.

For the 1982 crop year, many problems were encountered because farm poundage quotas could not be determined and farm operators notified until after April 15. Consequently, farm operators could not complete transfers of quota before the closing date for filing of contracts for production of additional peanuts for export or crushing, thus creating considerable confusion and difficulty in administration of the peanut program. In some cases, transfers made after the April 14 contracting deadline changed the farm numbers as shown on the contract (CCC-1005), and in other cases, the transfer resulted in a different producer, operator, or owner than the one shown on the contract. For 1983, farm operators should be notified of their 1983 farm poundage quotas (excluding undermarketings) several weeks before the April 14 contracting deadline. However, it is believed that this problem could be further alleviated if the final date for contracting for planting purposes was later than the date for filing transfers. Therefore, a spring transfer closing date of April 1 is proposed. In addition, it is proposed that temporary fall transfers to accommodate marketing should not be approved until after July 31 in order to further assure that transfers to accommodate planting would be completed before the contracting deadline. The Department especially requests comments on the filing dates. For example, will the issuance of notices to farmers before the contracting deadline correct the problem or is there some other solution that would be more appropriate than that proposed?

List of Subjects in 7 CFR Part 729

Poundage quotas, Penalties, Reporting requirements.

Proposed Rule

PART 729—[AMENDED]

Accordingly, it is proposed to amend 7 CFR Part 729 as set forth below:

1. The title "Subpart—Acreage Allotments, Marketing Quotas, and Poundage Quotas for 1978 and Subsequent Crops of Peanuts" is revised to read "Subpart—Acreage Allotments, Marketing Quotas, and Poundage Quotas for 1978 through 1981 Crops of Peanuts".

2. The text of 7 CFR 729.1 is revised to read as follows:

§ 729.1 Basis and purpose.

The regulations contained in this subpart are issued in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) and are applicable to peanuts for the 1978 through 1981 crops. They govern the establishment of farm acreage allotments and marketing quotas, farm poundage quotas, the issuance of marketing cards, the identification of marketings of peanuts, and the keeping of records, and making reports incident thereto. The allotment and marketing quota regulations for peanuts of the 1972 and subsequent crops (37 FR 2045 and 37 FR 3629, as amended) are superseded but remain effective with respect to the 1972 through 1977 crops of peanuts.

3. The text of 7 CFR 729.7(b)(2) is revised to read as follows:

§ 729.7 Determination of farm peanut history acreage.

* * * * *

(b) * * *

(2) Farm acreage allotment times the national quota for the 1978 through 1981 crop years.

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4. The italicized heading of 7 CFR 729.46(b)(2) is revised to read as follows:

§ 729.46 Penalty rate.

* * * * *

(b) * * *

(2) *1979 through 1981 marketing years.* * * *

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5. A new subpart is added to 7 CFR Part 729, as follows:

Subpart—Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts

General

Sec.
729.211 Basis and purpose.
729.212 Extent of calculations and rule of fractions.
729.213 Definitions.
729.214 Types of peanuts.
729.215 Supervisory authority of State committee.
729.216–729.219 [Reserved].

State Poundage Quota, Farm Poundage Quota, Notice to Farm Operator and Apppeals

729.220 Instructions and forms.
729.221 Determination of State poundage quota.
729.222 Reserves for corrections and quota reduction exemptions.
729.223 Determination of preliminary farm poundage quota.
729.224 Determination of farm poundage quota.
729.225 Determination of undermarketings.
729.226 Determination of effective farm poundage quota.
729.227 Determination of farm yield.
729.228 Determination of farm yield for reconstituted farm.
729.229 Approval of farm poundage quota and notice to farm operator.

Sec.
729.230 Erroneous notice of effective farm poundage quota.
729.231 Request for reconsideration or appeal.
729.232 Farms with one acre or less of peanuts.
729.233–729.239 [Reserved]

Transfers of Farm Poundage Quota

729.240 Transfer by sale or lease.
729.241 Transfer by owner or operator.
729.242 Transfer within State.
729.243 Witness of signatures.
729.244 Filing transfer agreement and time for filing.
729.245 Maximum period of transfer.
729.246 Transfer not to be approved.
729.247 Consent of lienholder.
729.248 Transfer to and from a farm (subleasing).
729.249 Effect of permanent transfer on determination of farm poundage quota.
729.250 County committee action.
729.251 Withdrawl or minor revision.
729.252 Recomputation of previously approved multiple year transfer.
729.253 Amendment of multiple year transfer agreements approved on or before December 22, 1981.
729.254–729.264 [Reserved]

Marketing Cards and Producer Identification Cards

729.265 Issuance of cards.
729.266 Claim stamping marketing cards.
729.267 Invalid cards.
729.268–729.270 [Reserved]

Marketing Penalties

729.271 Basic penalty rate.
729.272 Peanuts on which penalties are due.
729.273 Peanuts on which penalties are not to be assessed.
729.274 Persons to pay penalty.
729.275 Payment of penalty.
729.276 Lien for penalty.
729.277 Assessment of penalties.
729.278 Reduction or waiver of penalty.
729.279 Appeals.
729.280–729–285 [Reserved]

Producer Identification and Designation of Peanuts Marketed

729.286 Identification of producer marketings.
729.287 Designation of peanuts.
729.288–729.289 [Reserved]

Producer Records and Reports

729.290 Report of marketing green peanuts.
729.291 Report of acquisition of seed peanuts.
729.292 Peanuts marketed to persons who are not registered handlers.
729.293 Report on marketing card.
729.294 Report of production and disposition.
729.295–729.299 [Reserved]

Handler's Registration, Responsibilities and Records

729.300 Registration of handlers.
729.301 Records and reports required of handlers.
729.302 Persons engaged in more than one business.
729.303 Penalty for failure to keep records and make reports.
729.304 Examination of records and reports.

Sec.
728.305 Length of time records and reports are to be kept.
729.306 Information confidential.
729.307–729.319 [Reserved]

Authority: Secs. 301, 357, 358, 358a, 359, 372, 373, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 61 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended, 70 Stat. 206, as amended, Secs. 801, 802, 803, 804, 805, 806, 91 Stat. 91 Stat. 944, as amended, 95 Stat. 1248, (7 U.S.C. 1301, 1357, 1358, 1358a, 1359, 1372, 1373, 1375, as amended); sec. 108A, 95 Stat. 1254 (7 U.S.C. 1445c–1).

Subpart—Poundage Quota and Marketing Regulations for 1983 Through 1985 Crops of Peanuts

General

§ 729.211 Basis and purpose.

The regulations contained in this subpart are issued in accordance with the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, and are applicable to the 1983 through 1985 crops of peanuts. They govern the establishment of farm poundage quotas, the issuance of marketing cards, the identification of marketings of peanuts, the collection and refund of penalties, the keeping of records, and the making of reports incident thereto.

§ 729.212 Extent of calculations and rule of fractions.

Computations shall be rounded according to Part 793 of this chapter. The terms set forth below shall be expressed as follows:

(a) Acreage in acres and tenths of acres.

(b) Penalties or damages in dollars and cents.

(c) The quantity of peanuts produced, considered produced and marketed; a preliminary farm poundage quota; a farm poundage quota; an effective farm poundage quota; a farm yield; and an actual yield per acre, in whole pounds.

(d) Factors as a four place decimal except where a different place decimal factor is established by the Deputy Administrator.

§ 729.213 Definitions.

The definitions in and provisions of Parts 718, 719, and 720 of this chapter are hereby incorporated by reference in these regulations unless the context or subject matter or the provisions of these regulations require otherwise. References to other parts of this chapter or title include any amendments to the referenced parts. Unless the context or subject matter require otherwise, the following words and phrases, as used in this subpart and in all related instructions and forms shall mean:

(a) *Additional peanuts.* Any peanuts which are marketed from a farm other than peanuts marketed or considered marketed as quota peanuts.

(b) *Areas.*—(1) The southeastern area consisting of Puerto Rico, the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The southwestern area consisting of the States of Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

(3) The Virginia-Carolina area consisting of the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) *Base period.* The 3 calendar years immediately preceding the year for which a farm poundage quota is being established.

(d) *Buyer.* A person who:

(1) Buys or otherwise acquires peanuts in any form;

(2) Markets, as a commission merchant, broker, or cooperative, any peanuts for the account of a producer and is responsible to the producer for the amount received for the peanuts; or

(3) Receives peanuts as collateral for or in settlement of a price support loan.

(e) *Considered produced.* The number of pounds of peanuts to be considered produced for the current year or for a base period year for use in computing a future farm poundage quota. Considered produced pounds for a farm will be the sum of the pounds (limited to the farm poundage quota less the pounds of peanuts marketed) which:

(1) Were not produced because of a natural disaster as determined by the county committee in accordance with instructions issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service (hereinafter referred to as the "Deputy Administrator");

(2) Were equal to the farm poundage quota on a farm where the farm was either purchased, or a transfer by sale was approved, or the farm was acquired by an agency having the right of eminent domain, after the latest normal planting date for peanuts for the county, and only to the extent that such farm poundage quota was produced or considered produced on the farm to which allocated during the following crop year.

(f) *Cropland.* Land on a farm which is determined by the county committee to be suitable for the production of peanuts and on which a seedbed could have been prepared and a normal crop produced using practices and equipment normally used in the county for planting peanuts. Land not considered suitable includes, but is not limited to, established orchards, vineyards, one-row shelter belts, land seeded to trees, and land being prepared for housing developments, shopping centers, or other noncrop uses as determined by the county committee.

(g) *Crushing.* The processing of peanuts (1) to extract oil for food uses and meal for feed uses, or (2) into flakes for domestic food uses other than peanut butter, candy, confections or other traditional domestic edible uses.

(h) *Director.* The Director, or Acting Director, Tobacco and Peanuts Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(i) *Domestic edible use.* Domestic edible use means, for purposes of the regulations found in this part: (1) Use for milling to produce domestic food products (including the processing of peanuts into flakes for traditional domestic edible uses); (2) use of peanuts for seed, excluding unique strains which are not commercially available and which are used for the production of green peanuts; and (3) use of peanuts on a farm.

(j) *Effective farm poundage quota.* The quota determined in accordance with § 729.226.

(k) *Excess peanuts.* The quantity of peanuts marketed or considered marketed for domestic edible use in the current marketing year in excess of the effective farm poundage quota.

(l) *False identification.* False identification shall include the following:

(1) Identifying or permitting the identification of peanuts at time of marketing as having been produced on a farm other than the farm of actual production; or

(2) Marketing or permitting the marketing of peanuts from a farm without identifying the peanuts with a peanut marketing card issued for the farm; or

(3) Permitting the use of the peanut marketing card for the farm to record a marketing of peanuts when, in fact, no peanuts were marketed from the farm.

(m) *Farm poundage quota.* The quota determined in accordance with § 729.224.

(n) *Farm yield.* The farm yield determined in accordance with § 729.227.

(o) *Farmers stock peanuts.* Dug peanuts produced in the United States which have not been shelled, crushed, cleaned, or otherwise changed (except for removal of foreign material, loose shelled kernels, and excess moisture) from the condition in which picked or threshed peanut are customarily marketed by producers.

(p) *Final acreage.* The acreage on the farm from which peanuts are produced as determined and adjusted in accordance with Part 718 of this chapter.

(q) *Green peanuts.* Peanuts which, before drying or removal of moisture from the peanuts either by natural or artificial means, are marketed by the producer for consumption exclusively as boiled peanuts.

(r) *Inspector.* A Federal or Federal-State inspector authorized or licensed by the Secretary, U.S. Department of Agriculture.

(s) *Loan additional peanuts.* Peanuts which are not eligible for marketings as quota peanuts, are not subject to delivery to fulfill a contract for additional peanuts, and which are pledged as collateral for price support loan at the additional loan rate.

(t) *Marketed.* To dispose of peanuts (including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form) by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "market", "marketing", and "for market" shall have corresponding meanings to the term "marketed" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts, for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to the producer by anyone. Any lot of farmers stock peanuts will be considered as marketed when delivered by the producer to the buyer pursuant to an oral or written sales agreement. Peanuts which are delivered by the producer as collateral for or in settlement of a price support loan will be considered as marketed at the time of delivery. Delivery shall be deemed to have occurred when unloaded at the delivery point. Any peanuts retained on the farm for seed or other use shall be considered marketings of quota peanuts or marketings for domestic edible use.

(u) *Marketing year.* For each crop of peanuts, the period beginning August 1 of the current year and ending July 31 of the following year.

(v) *National poundage quota.* 1,167,300 tons for 1983; 1,134,700 tons for 1984; and 1,100,000 tons for 1985.

(w) *Peanuts.* All peanuts produced, excluding: (1) Any peanuts which were not dug or were not picked or threshed before or after marketing from the farm; and (2) any peanuts marketed by the producer for consumption exclusively as boiled peanuts before drying or removal of moisture from such peanuts by natural or artificial means (referred to as "green peanuts"). If a lot of farmers stock peanuts has been inspected by the Federal-State Inspection Service at the time of marketing, the quantity in the lot shall be the gross weight thereof less foreign material and excess moisture (moisture in excess of 7 percent in traditional peanut producing States in the southeastern and southwestern areas, 8 percent in traditional peanut producing States in the Virginia-Carolina area, and 8 percent in all States not in the traditional peanut producing areas). If the lot of peanuts is not inspected by the Federal-State Inspection Service, the quantity in the lot shall be the gross weight thereof. If shelled peanuts are marketed by a producer, the quantity in the lot (farmers stock basis) shall be determined by multiplying the poundage of the shelled peanuts by 1.5.

(x) *Planted acreage.* The final acreage of peanuts on a farm determined in accordance with the provisions of Part 718 of this chapter.

(y) *Preliminary farm poundage quota.* The quota determined in accordance with § 729.223.

(z) *Produced.* The total pounds of peanuts dug.

(aa) *Quota peanuts.* Peanuts (except green peanuts) which are marketed or considered marketed from a farm for domestic edible use. This includes all peanuts which are dug on a farm except the following: (1) Green peanuts; (2) peanuts which are placed under loan at the additional support rate and not redeemed by the producer; or (3) peanuts which are marketed under a contract between a handler and a producer for exportation and/or crushing.

(bb) *Seed sheller.* A person who in the course of his usual business operations shells peanuts for producers for use as seed for the subsequent year's crop.

(cc) *Segregation 1 peanuts.* A lot of farmers stock peanuts which: (1) Has at least 99 percent peanuts of one type; (2) has not more than 2 percent damaged kernels nor more than 1 percent concealed damage caused by rancidity, mold, or decay; and (3) is free from visible Aspergillus flavus mold.

(dd) *Undermarketings.* The number of pounds determined in accordance with § 729.225.

(ee) *Yield per acre or actual yield.* The actual yield per acre for the farm obtained by dividing the total production of peanuts for the farm by the final acreage of peanuts.

§ 729.214 Types of peanuts.

The generally known types of peanuts have identifying characteristics as follows:

(a) *Runner type peanuts.* These peanuts are commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner. They are produced principally in the southeastern peanut producing area of the United States and are identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium-sized, stem end round and the other pointed with a slight keel having shells fairly thick and strong, with shallow veining and corrugation; seeds crowded in pod with adjacent ends sharply shouldered.

(b) *Spanish type peanuts.* These peanuts are commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish. They are produced principally in the southeastern and southwestern peanut-producing areas of the United States and are identified by the following general characteristics: Typically two-seeded pods which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep, and seed globular to oval and practically smooth.

(c) *Valencia type peanuts.* These peanuts are commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia. They are produced principally in Tennessee and New Mexico and are identified by the following general characteristics: Typically three or four-seeded, and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation, and seeds globular to oval.

(d) *Virginia type peanuts.* These peanuts are commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia. They are produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and are identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type, pods are roughly cylindrical, with veining and corrugation deep, and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth.

§ 729.215 Supervisory authority of State committee.

The State committee shall take any action required to be taken by the county committee which the county committee fails to take. The State committee shall correct or require the county committee to correct any action taken by the county committee which is not in accordance with this subpart. The State committee shall also require the county committee to withhold taking any action which is not in accordance with this subpart.

§§ 729.216–729.19 [Reserved]

State Poundage Quota, Farm Poundage Quota, Notice to Farm Operator and Appeals

§ 729.220 Instructions and forms.

The Director shall cause to be prepared and issued, such forms and instructions as are necessary for carrying out the regulations in this subpart. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 729.221 Determination of State poundage quota.

The State poundage quota shall be the State's share of the current year's national poundage quota calculated to equal the percentage of the 1981 national poundage quota allocated to farms in the State.

§ 729.222 Reserves for corrections and quota reduction exemptions.

(a) For the purpose of correcting errors, the State committee shall establish a reserve not to exceed 1 percent of the State poundage quota. If the amount of poundage quota necessary to correct errors is in excess of the reserve established by the State committee, such errors may nevertheless be corrected with the approval of the Deputy Administrator. However, the Deputy Administrator may require the State committee to recalcuate the farm poundage quotas for all farms in the State, if the Deputy Administrator determines that the amount of poundage quota necessary to correct errors is substantially in excess of the reserve. In such case, the State committee shall reissue corrected farm poundage quotas for all farms in the State and such corrected farm poundage quota shall be considered the farm poundage quota for the farm for all purposes.

(b) In addition to the reserve established in accordance with paragraph (a) of this section, the State committee shall establish a State reserve for quota reduction exemptions based on estimated requirements. Such reserve shall not exceed 1 percent of the State poundage quota.

§ 729.223 Determination of preliminary farm poundage quota.

The preliminary farm poundage quota shall be the farm poundage quota established for the farm for the preceding year.

§ 729.224 Determination of farm poundage quota.

The farm poundage quota shall be the preliminary farm poundage quota adjusted downward for poundage quota reductions as required by this section, plus permanent adjustments from reserves and permanent transfers.

(a) *Poundage quota reductions.* The preliminary farm poundage quota for each farm shall be reduced by the county committee in the following order of priority to the extent necessary, in whole or in part, to accomplish the reduction in the total of the preliminary farm poundage quotas for the State to the State poundage quota less the amount withheld for reserves for the current marketing year.

(1) *Inadequate tillable cropland.* The preliminary farm poundage quota shall be reduced for a farm to the extent the county committee determines that the farm did not have adequate tillable cropland to produce the farm poundage quota during the preceding crop year. Farms on which there is inadequate tillable cropland as the result of performance of a conservation practice shall not be exempt from poundage quota reductions under this paragraph. If the constitution of the farm differs from the constitution of the farm for the preceding crop year, an individual determination shall be made for each separately indentifiable farm tract as it was constituted during the preceding crop year.

(2) *Quota not produced.* The preliminary farm poundage quota for a farm shall be reduced, or further reduced, to the extent the county committee determines that the farm poundage quota for such farm was not produced or considered produced during any two of the base period years. If the constitution of the farm differs from the constitution of the farm for any one or more of the base period years, an individual determination shall be made for each separately identifiable farm tract as it was constituted for that year of the base period.

(3) *Quota transferred by lease and produced on another farm by a different farm operator.* The preliminary farm poundage quota for a farm shall be reduced, or further reduced, to the extent the county committee determines that any of the following situations apply:

(i) The farm poundage quota was transferred in whole or in part by a lease filed during the normal planting period for peanuts as determined in accordance with § 729.30(b)(1) for the crop years 1980 and 1981, by July 31 for crop year 1982, and by April 1 for 1983 and subsequent crop years, and was produced or considered produced on a receiving farm where the operator of the receiving farm was a different person than the operator of the transferring farm, for 2 or more years of the base period.

(ii) The farm poundage quota (A) was transferred in whole or in part by a lease filed during the normal planting period for peanuts as determined in accordance with § 729.30(b)(1) for the crop years 1980 and 1981, by July 31 for crop year 1982, and by April 1 for 1983 and subsequent crop years, and was produced or considered produced on the receiving farm where the operator of the receiving farm was a different person than the operator of the transferring farm for 2 or more of the base period years, and (B) was not 100 percent produced or considered produced in 1 or more of the same base period years.

(iii) The farm poundage quota (A) was not 100 percent produced or considered produced in 2 or more of the base period years, and (B) was transferred in whole or in part by a lease filed during the normal planting period for peanuts as determined in accordance with § 729.30(b)(1) for the crop years 1980 and 1981, by July 31 for crop year 1982, and by April 1 for 1983 and subsequent crop years, and was produced or considered produced in part on a receiving farm where the operator of the receiving farm was a different person than the operator of the transferring farm in 1 or more of the same base period years.

(iv) The farm poundage quota (A) was transferred in whole or in part by a lease filed during the normal planting period for peanuts as determined in accordance with § 729.30(b)(1) for the years 1980 and 1981, by July 31 for crop year 1982, and by April 1 for 1983 and subsequent crop years, and was produced or considered produced on the receiving farm and the operator of the receiving farm was a different person than the operator of the transferring farm for 1 or more of the base period years, and (B) was not 100 percent produced or considered produced in 1 or more of the other base period years.

If the constitution of the farm differs from the constitution of the farm for any one or more of base period years, an individual determination shall be made for separately identifiable farm tracts as they were constituted for that year of the base period.

(b) *Calculation of farm poundage quota reductions under paragraph (a)(1), (2) and (3).*—(1) The amount of the farm poundage quota reduction made under paragraph (a)(1) of this section shall equal the preliminary farm poundage quota times the percentage of the farm poundage quota that was not produced on the farm during the previous crop year because of inadequate tillable cropland.

(2) The amount of the farm poundage quota reduction made under paragraph (a)(2) shall equal: (i) The preliminary farm poundage quota times the average of the two highest percentages of the farm poundage quota that was not produced or considered produced during two of the three base period years, minus (ii) the amount of any reduction under paragraph (b)(1) of this section, but not less than zero.

(3) The amount of the farm poundage quota reduction made under subparagraph (a)(3) shall equal: (i) The product of the preliminary farm poundage quota times the average of the two highest percentages of the farm poundage quota which, during two of the three base period years, was produced or considered produced by another operator to which the farm poundage quota was transferred by lease and which was not produced or considered produced, minus (ii) the amount of any reduction calculated under paragraphs (b)(1) and (b)(2) of this section, but not less than zero.

(c) *Application of State factor.*—(1) If the cumulative totals of individual farm poundage quota reductions computed in accordance with paragraphs (b) (1), (2), or (3) of this section are more than the required reduction (including amounts withheld for reserves) in the State poundage quota for the current year, a uniform State factor shall be determined by the State committee and multiplied times the reductions of farm poundage quotas computed for the farms in the category for which the farm poundage quota reduction exceeds the total of the required reduction for the State, so as to cause the cumulative total of reductions of individual farm poundage quotas to equal the total reduction for the State plus amounts withheld for reserves.

(2) If the cumulative total of individual farm poundage quota reductions in paragraphs (a) (1), (2), and (3) of this section is less than the required reduction (including amounts withheld for reserves) in the State poundage quota for the current year, a uniform State factor shall be determined by the State committee and multiplied times the preliminary farm poundage quotas on the remaining farms in the State (including those not reduced to zero in paragraphs (a) (1), (2), and (3) of this section), so as to cause the cumulative total of reductions of individual farm poundage quotas to equal the total reduction for the State plus amounts withheld for reserves.

(d) *Exemption from quota reduction.*—(1) Within the limitations set forth in this paragraph and upon request by a county committee, the State committee may make poundage quota reserved under § 729.222(b) available to the county committee for exempting a farm in whole or in part from quota reduction. Where a farm poundage quota on a farm would otherwise be reduced in accordance with paragraph (a)(3) of this section, exemptions may be made where the county committee determines that the farm poundage quota on the transferring farm was transferred to another farm during one or more of the base period years to facilitate sound management practices associated with: (i) Crop rotation to control plant disease or soil borne pest; (ii) the economical use of farm equipment, but only to the extent that a producer on the farm to which quota was transferred by lease has a producer interest in the farm from which the quota was transferred; and (iv) difficulty in settling an estate.

(2) In considering whether an exemption is to be granted in accordance with the provisions of paragraph (d)(1) of this section, the county committee shall consider factors such as, but not limited to, the availability of land, labor, equipment, and an experienced peanut producer to produce peanuts on the farm, to the extent that such factors affected the production of peanuts on the farm during the base period years.

(e) *Permanent adjustments.* The preliminary farm poundage quota, after adjustments under paragraph (a) of this section, if any, shall be adjusted by the county committee to reflect permanent transfers or adjustments from reserves as set forth in this subpart.

(f) *Eminent domain pool quota.* In order to preserve peanut farm poundage quotas on farms acquired by an agency having the right of eminent domain, such quota must be transferred pursuant to the provisions of this subpart.

§ 729.225 Determination of undermarketings.

(a) *Actual undermarketings.* Actual undermarketings are the number of pounds by which the total marketings of quota peanuts from the farm during previous marketing years (excluding any marketing year before the marketing year for the 1980 crop) were less than the total amount of the applicable effective farm poundage quotas (disregarding adjustments for undermarketings from prior marketing years. For purposes of the foregoing sentence, total marketings of quota peanuts for any marketing year shall be the larger of (1) the total production of segregation 1 peanuts on the farm for such year, or (2) the total amount of quota peanuts which were marketed or considered marketed from the farm. However, the total marketings of quota peanuts for any marketing year shall not exceed the effective farm poundage quota for that farm for such year.

(b) *Effective undermarketings.*—(1) If 10 percent of the national poundage quota for the marketing year to which the actual undermarketings are to be applied is equal to or greater than the actual undermarketings on all farms, the effective under marketings for the farm shall be the same as the actual undermarketings.

(2) If the conditions in paragraph (b)(1) of this section are not applicable, the actual undermarketings will be apportioned to each farm in such manner that the effective undermarketings: (i) Will not be less than the smaller of the actual undermarketings on all farms to equal 10 percent of the national poundage quota for the marketing year to which the effective undermarketings are to be applied.

§ 729.226 Determination of effective farm poundage quota.

The effective farm poundage quota shall be the farm poundage quota adjusted for temporary transfers and effective undermarketings.

§ 729.227 Determination of farm yield.

The farm yield established for a farm for which a farm poundage quota is established for the current year shall be the farm yield established for the farm for the immediately preceding year. If a farm yield is not established for a farm on which a farm poundage quota is established, the county committee shall establish a farm yield in accordance with instructions issued by the Deputy Administrator.

§ 729.228 Determination of farm yield for reconstituted farm.

For reconstitutions which are effective after farm yields have been established the farm yield shall be determined as follows:

(a) *Combination*—(1) *Quota farm.* The farm yield for a combined farm shall be the weighted average of the farm yields for the tracts being combined.

(2) *Quota and nonquota farm.* A combined farm shall be assigned the farm yield of the tract with an established quota if placed in combination with a nonquota tract even though a farm yield previously had been established for such nonquota.

(3) *Nonquota farms.* The yield for combined nonquota tracts shall be established by the county committee in accordance with § 729.227 even though a farm yield had been previously established for such tracts.

(b) *Divisions*—(1) *No identifiable tracts having tract yield established.* The farm yield shall be the same for each tract as the farm yield for the parent farm.

(2) *Identifiable tracts with tract yield established.* The farm yield shall be the same as the yield which has been previously established for the tract which is divided from the parent farm.

(3) *Division of an identifiable tract having a tract yield established.* The farm yield shall be the same as the yield which has been previously established for the tract which is being divided.

729.229 Approval of farm poundage quota and notice to farm operator.

(a) *Approval.* Each farm yield, preliminary farm poundage quota, farm poundage quota, and effective farm poundage quota shall be determined under the supervision of, and approved by, the county committee of the county in which the farm is administratively located, subject to the concurrence of the State committee or a representative of the State committee. The initial notice of farm poundage quota shall not be mailed to a farm operator until the farm poundage quota has been approved. A revised notice may be mailed without prior approval in any case resulting from: (1) Farm reconstitution that does not require allocation of additional poundage quota; or (2) a transfer by lease, sale, owner or operator, of poundage quota.

(b) *Notice to farm operator.*—(1) As soon as possible after the farm poundage quota or the effective farm poundage quota is approved, an official notice of such quota shall be mailed to the farm operator.

(2) If a farm poundage quota is reduced to zero for the current year, the county committee shall mail to the farm operator a notice of such determination.

(3) A revised notice of farm poundage quota or the effective farm poundage quota shall be mailed to the farm operator as soon as possible after the county committee determines that an incorrect notice has been mailed or the county committee takes an action which requires a revision of the previously determined quota.

(4) The notice to the operator shall constitute notice to all persons who as operator, landlord, tenant, or sharecropper have an interest in the farm for which the quota is established.

§ 729.230 Erroneous notice of effective farm poundage quota.

If the official notice of effective farm poundage quota issued for a farm erroneously stated a quota larger than the correct effective farm poundage quota, the quota shown on the erroneous notice shall be used as the effective farm poundage quota. Such quota shall serve as the basis for marketing penalty computations for the farm for the current marketing year, only if the county committee determines and the State Executive Director concurs that: (1) The error was not so substantial as to place the operator on notice thereof; and (2) the operator was not notified of the correct effective farm poundage quota prior to marketing peanuts as quota peanuts in excess of the correct effective farm poundage quota. Notwithstanding the foregoing, undermarketings for farms for which the erroneous notice of the effective farm poundage quota is applied shall be determined on the basis of the correct effective farm poundage quota for the farm.

§ 729.231 Request for reconsideration or appeal.

Any producer who is dissatisfied with the initial determination of the farm poundage quota or the effective farm poundage quota which is established for such farm may file a request for reconsideration with the county committee in accordance with Part 780 of this Chapter. Such request must be filed no later than 15 days after the producer receives the notice of the farm poundage quota or effective farm poundage quota. If after reconsideration the producer remains dissatisfied with the determination, the producer may appeal such determination to the State committee in accordance with Part 780 of this Chapter. Determinations rendered by the State committee with respect to the determination of individual farm poundage quotas and effective farm poundage quotas shall be final and there shall be no further administrative appeal.

§ 729.232 Farms with one acre or less of peanuts.

Peanuts produced on a farm on which the acreage of peanuts is one acre or less are eligible to be marketed for domestic edible use provided that all producers that share in the peanuts produced on such farm do not share in the peanuts produced on any other farm.

§§ 729.233–729.239 [Reserved]

Transfers of Farm Poundage Quota

§ 729.240 Transfer by sale or lease.

The owner and operator of any farm having a farm poundage quota in the current year is eligible to file a record of transfer for sale or lease of all or any part of the farm poundage quota to any other owner or operator of a farm in the same county. The receiving farm need not have a farm poundage quota. If the owner(s) and operator of the farm from which the transfer by sale or lease is to be made are different persons, each shall execute the record of transfer. However, only the owner(s) or operator of the receiving farm is required to execute the record of transfer.

§ 729.241 Transfer by owner or operator.

The owner or operator of any farm having a farm poundage quota in the current year is eligible to file a record of transfer to transfer the farm poundage quota from such farm to another farm owned or controlled by the applicant: (a) In the same county; or (b) in a county that is contiguous to the transferring county in the same State if the receiving farm had a farm poundage quota established for the 1981 crop.

§ 729.242 Transfer within State.

Notwithstanding the provisions of § 729.240 and § 729.241, a transfer of a farm poundage quota by sale, lease, owner or operator, may be made to any other farm in the same State, pursuant to instructions issued by the Deputy Administrator, in the States of Arizona, Arkansas, California, Louisiana, Mississippi, Missouri, New Mexico and Tennessee.

§ 729.243 Witness of signatures.

A county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located, they may be witnessed in any county office convenient to the owner or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or are in similar hardship situations, or who may be unduly inconvenienced, may be waived provided the county office mails Form ASCS–375 or such other form approved by the Deputy Administrator to such person for the required signature. In the case of a transfer by sale, such request must be accompanied by a statement signed by all parties to the transaction confirming that the sale has been made.

§ 729.244 Filing transfer agreement and time for filing.

No transfer of any quota under this section shall become effective until a record of transfer, determined by the county committee to be in compliance with the provisions of this subpart, has been executed on Form ASCS–375 or such other form approved by the Deputy Administrator and filed within the time periods set forth in this section with the county committee in the county where the farms are administratively located.

(a) *Transfer filed by April 1.* A record of transfer filed after April 1 but prior to April 14 may be considered timely filed by April 1 if the county committee, with approval of the State committee, finds that: (1) the transfer was agreed upon no later than April 1; and (2) the record of transfer was not filed by April 1 because of conditions beyond the control of the parties to the transfer.

(b) *Transfer filed after April 1.* A transfer filed after April 1 but by July 31 shall not become effective until August 1. A transfer filed after July 31 shall not become effective unless filed no later than December 31 of the current year. A record of transfer filed after December 31 but prior to January 31 may be considered timely filed by December 31 if the county committee with approval of the State committee finds that (1) the transfer was agreed upon no later than December 31, and (2) the record of transfer was not timely filed with the county committee because of conditions beyond the control of the parties to the transfer.

§ 729.245 Maximum period of transfer.

(a) *Owner transfer.* (1) An owner transfer may be approved to a farm owned by such person temporarily (but not beyond the 1985 marketing year) or permanently. (2) An owner transfer to a farm controlled by such person may be approved for only one year.

(b) *All other transfers.* Transfers by lease and by operator may only be approved for one year. Multiyear leases and permanent operator transfers shall not be permitted.

§ 729.246 Transfer not to be approved.

The county committee shall not approve:

(a) A transfer of poundage quota by sale if poundage quota was transferred to the farm by sale within the 3 preceding crop years.

(b) Temporary transfers by an operator for more than one year.

(c) Permanent transfers by an operator.

(d) Transfers filed after April 1 for more than 1 marketing year.

(e) Transfers of actual or effective undermarketings.

(f) Transfers of poundage quota to farms with inadequate tillable cropland to produce the poundage quota.

§ 729.247 Consent of lienholder.

A transfer of poundage quota from a farm which the county committee has been informed is subject to a mortgage or other lien shall not be approved unless the transfer is agreed to in wrting by the lienholder.

§ 729.248 Transfer to and from a farm (subleasing).

(a) *Transfer filed before April 1.* Generally the county committee shall not approve a transfer which is filed (or considered filed) on or before April 1 if the approval would result in a transfer both to and from the farm during the period ending April 1 of the same crop year. However, a transfer may be approved if a poundage quota is transferred temporarily from a farm for 1 or more years (and the transfer remains in effect) and the farm is subsequently combined with another farm that is otherwise eligible to receive poundage quota by transfer.

(b) *Transfer filed after April 1.* A temporary transfer of poundage quota either to or from a farm (but not both) may be approved by the county committee if filed after April 1, regardless of whether a transfer which was filed on or before April 1 is in effect for such farm, provided that the producers on the transferring farm certify, and the county committee determines, that the (1) acreage of peanuts planted on the transferring farm was equal to at least 80 percent of the acreage determined by dividing the effective farm poundage quota by the larger of the current farm yield or the highest actual yield for the farm for any one of the preceding three crop years, and (2) the production of peanuts was limited to less than the effective farm poundage quota because of conditions beyond the control of the producer.

§ 729.249 Effect of permanent transfer on determination of farm poundage quota.

The quota, pounds produced, pounds considered produced, pounds transferred and produced on a receiving farm for both the transferring farm and the receiving farm shall be adjusted for the current year and for the 2 preceding years to reflect the applicable increase or decrease in the farm poundage quota and other historical data or farm practices affecting the determination of farm poundage quotas.

§ 729.250 County committee action.

(a) *Approval of transfer.* The county committee shall approve the transfer of poundage quota only if it determines that a timely filed record has been received and that the transfer complies with the requirements of this subpart. A transfer shall not be effective until approved by the county committee. The county committee may delegate authority to the county executive director and to other county office employees to approve transfers of poundage quotas.

(b) *Notice of revised quotas.* A revised notice of farm poundage quota must be issued for each farm affected by the transfer of farm poundage quota.

(c) *Cancellation of transfer.* (1) A transfer approved on the basis of incorrect information furnished by the parties to the transfer agreement or approved due to error by the county committee shall be canceled effective as of the date of approval. However, the cancellation shall not be effective for the current marketing year if:

(i) The transfer approval was made on the basis of incorrect information unknowingly furnished in good faith by the parties to the transfer agreement or the transfer approval was made in error by the county committee, and

(ii) The parties to the transfer agreement were not notified of the cancellation prior to the marketing of quota peanuts in excess of the revised effective farm poundage quota.

(2) Where cancellation of a transfer is required, the county committee shall issue revised notices of poundage quota showing the reasons for cancellation.

§ 729.251 Withdrawal or minor revision.

Where the county committee determines that it is clearly in the best interest of all the producers and that effective operation of the peanut program will not be impaired, the county committee may permit withdrawal or minor revisions of a transfer upon written request by all parties to the transfer. However, a temporary transfer may be withdrawn or revised before peanuts are harvested during any year of the agreement, and a permanent transfer may be withdrawn or revised before peanuts are harvested only during the first year of the agreement.

§ 729.252 Recomputation of previously approved multiple year transfer.

For a multiple year temporary transfer approved on or before December 22, 1981, the county committee shall annually recompute the transfer by limiting the poundage quota transferred to the smaller of: (a) The poundage quota initially transferred, or (b) the farm poundage quota for the transferring farm.

§ 729.253 Amendment of multiple year transfer agreements approved on or before December 22, 1981.

Notwithstanding any other provision in this subpart, a multiple year temporary transfer approved on or before December 22, 1981, shall not be effective for the 1982 through 1985 crop years unless an amended record of transfer is filed. The county committee shall notify the operator of both the transferring farm and the receiving farm of the requirement for filing an amended record of transfer in order for the previously filed transfer agreement to remain in effect. The amended record of transfer must be filed at the county ASCS office within 30 days from the date of notification by the county committee that an amended transfer agreement is required. The amended agreement shall be on the basis of the farm poundage quota established for the applicable crop year and shall be agreed upon and signed by each person whose signature is required and in accordance with the provisions of this subpart.

§ 729.254-729.264 [Reserved]

Marketing Cards and Producer Identification Cards

§ 729.265 Issuance of cards.

(a) *Issuance of marketing cards.* A marketing card (ASCS-1002) shall be issued in the name of the farm operator for each farm on which peanuts are produced in the United States in the current year for use by each producer on the farm for marketing such producer's share of the peanuts produced, except that: (1) A card issued for experimental peanuts shall be issued in the name of the experiment station; and (2) a card issued to a successor-in-interest shall be issued in the name of the successor-in-interest. The face of the marketing card may show the names of other interested producers.

(b) *Issuance of producer identification cards.* A producer identification card shall be issued in the same name that is entered on the marketing card(s) for each eligible farm. The producer identification card will be used to identify the farm on which the peanuts were produced and the card must accompany each lot of peanuts when offered for sale. Producer identification cards shall be issued at the time marketing cards are issued.

(c) *Person authorized to issue cards.* The county executive director shall be responsible for the issuance of marketing cards and producer identification cards.

(d) *Rights of producers and successors-in-interest.* (1) Each producer having a share in the peanuts available for marketing from a farm shall be entitled to the use of the marketing and identification cards for marketing such producer's proportionate share of the peanuts produced on the farm.

(2) Any person who succeeds, in whole or in part, to the share of a producer in the peanuts available for marketing from a farm, shall, to the extent of such succession, have the same rights to the use of the marketing and identification cards and bear the same liability for penalties as the original producer.

(e) *Data on marketing card and supplemental card.* (1) Before issuance, the following data and information must be entered on the marketing card in the spaces provided: (i) Effective farm poundage quota; (ii) if applicable, the pounds of additional peanuts contracted and the handler number of the contracting handler; and (iii) if applicable, the converted basic penalty rate determined in accordance with § 729.272(b).

(2) A supplemental marketing card bearing the same name identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The balance of the poundage quota from the returned marketing card shall be entered as the effective farm poundage quota on the supplemental card.

(3) Two or more marketing cards may be issued for a farm if the farm operator specifies in writing the poundage quota (not to exceed the balance of poundage quota available) to be assigned to each card.

(4) The face of the marketing card shall show the entry "Eligible for Buyback" if the farm operator authorizes the handler to purchase peanuts under the "Immediate Buyback" purchase as provided in Part 1446 of this Chapter. Two or more marketing cards may be issued for a farm if the producer wishes to obtain an additional card for purposes of indicating or not indicating "Eligible for Buyback."

(5) Other data specified in instructions issued by the Deputy Administrator shall be entered on the marketing card.

(f) *Data on producer identification cards.* (1) The identification card issued in the name of the farm operator shall be embossed to show the: (i) Name and address of the farm operator; and (ii) State, county code, and farm serial number. If an embossed identification card is not available, the above information shall be entered by the county ASCS office.

(2) A farm operator may recevie as many identification cards as may be needed at any one time to accompany each lot of peanuts offered for sale until such time as the peanuts are inspected and an ASCS–1007 has been executed by the inspection service.

(3) After the identification card is returned to the operator, it may be used again to identify another lot of peanuts.

(g) *Replacing a lost, stolen, or destroyed marketing card.* A new marketing card shall be issued to replace a card which has been determined by the county executive director who issued the card to have been lost, destroyed, or stolen: *Provided,* That the farm operator gives immediate written notice of such fact and furnishes a satisfactory report of the quantity of peanuts which was marketed using the marketing card prior to the time such card was lost, stolen, or destroyed.

§ 729.266 Claim stamping marketing cards.

If a person is indebted to the United States and the indebtedness is listed on the county office claim record, any marketing card issued for the farm on which the person has an interest as a producer shall bear the notation "U.S. Claim" or "PPQ" (peanut poundage quota) followed by the amount of the indebtedness. The name of the indebted producer, if different from the farm operator, shall be recorded directly under the notation. A notation showing "PPQ" as the type of indebtedness shall constitute notice to any peanut buyer that until the amount of penalty and accrued interest is paid, the United States has a lien on the crop of peanuts with respect to which the penalty was incurred and on any subsequent crop of peanuts subject to farm poundage quotas in which the person liable for payment of the penalty has an interest. Peanut poundage quota liens shall be collected and paid to the Agricultural Stabilization and Conservation Service prior to making collection for any other lien or claim. A notation showing "U.S. Claim" shall constitute notice to any peanut buyer that, to the extent of the indebtedness shown, and subject to prior liens, the net proceeds from any price support loan or purchase settlement due the debtor must be paid to the Agricultural Stabilization and Conservation Service. The acceptance and use of a marketing card bearing a notation concerning indebtedness to the United States shall not constitute a waiver by the indebted producer of any right to contest the validity of such indebtedness by appropriate administrative appeal or legal action. A lien-free or claim-free marketing card shall be issued by the county ASCS office when the lien or claim has been paid.

§ 729.267 Invalid cards.

(a) *Reasons for being invalid.* A marketing card shall be invalid under any one of the following conditions:

(1) It is not issued or delivered in the form and manner prescribed.

(2) Any entry is omitted or is incorrect.

(3) It is lost, destroyed, stolen, or becomes illegible.

(4) An erasure or alteration has been made and not initialed by the county executive director.

(b) *Validating invalid cards.* If a marketing card is invalid because an entry is not made as required, the farm operator or other producer shall return the marketing card to the county office. Except for an incorrect entry of the converted basic penalty rate determined in accordance with § 729.272(b), the marketing card may be made valid by entering data previously omitted or by correcting any incorrect data previously entered. The county executive director shall initial each correction made on the marketing card. An invalid card, if not validated, shall be canceled and a replacement card shall be issued.

§§ 729.268–729.270 [Reserved]

Marketing Penalties

§ 729.271 Basic penalty rate.

The basic penalty rate is 140 percent of the national average support level for quota peanuts, as determined for the marketing year in which the peanuts were produced.

§ 729.272 Peanuts on which penalties are due.

Penalty is due at the basic penalty rate on:

(a) The quantity of peanuts which is marketed or considered to be marketed from a farm for domestic edible use in excess of the effective farm poundage quota for the farm.

(b) All peanuts marketed from the farm, if the certified acreage differs from the measured acreage by more than the tolerance provided in Part 718 of this Chapter: *Provided,* That such penalty shall be paid on each lot of peanuts marketed from a farm based on a converted basic penalty rate as shown on the marketing card. The converted basic penalty rate shall be determined by: (1) Calculating the percentage of incorrect certification; and (2) multiplying the percentage by the basic penalty rate per pound.

(c) All peanuts produced on a farm for which the producer: (1) Failed to certify peanut acreage as provided in Part 718 of this Chapter; or (2) refused to permit entry on the farm to authorized representatives of the Secretary for the purpose of determining the acreage of peanuts on the farm.

(d) The quantity of peanuts marketed without identification by a valid marketing card.

(e) The quantity of peanuts falsely identified, as determined by the county committee with State committee concurrence.

(f) All peanuts, the disposition of which the producer has failed to account for to the satisfaction of the county committee. The quantity of peanuts subject to penalty under this provision shall be the amount of peanuts determined by the county committee to have been marketed or considered marketed from the farm for domestic edible use in excess of the effective farm poundage quota for that farm.

(g) All additional peanuts marketed as contract additional peanuts in excess of the pounds contracted on CCC–1005 between the producer and handler as provided in Part 1446 of this title. Any penalty collected pursuant to this paragraph may be refunded to the extent that the total of all marketings for domestic edible use from the farm for such marketing year do not exceed the farm's effective farm poundage quota.

§ 729.273 Peanuts on which penalties are not to be assessed.

(a) *Error in weight.* Penalty is not due and shall not be collected if the error in net weight as reported on each ASCS–1007, Inspection Certificate and Sales Memorandum, does not exceed one-tenth of 1 percent. However, in the case of fraud or conspiracy, a penalty shall be due for any error in the net weight, regardless of the size of the error.

(b) *Peanuts grown on State prison farms.* No penalty shall be collected on peanuts grown on State prison farms for consumption within such State prison system.

(c) *Peanuts grown for experimental purposes.* No penalty shall be collected on the marketings of any peanuts which are grown only for experimental purposes on land owned or leased by a publicly-owned agricultural experiment station and produced at public expense by employees of the experiment station, or peanuts produced by farmers for experimental purposes pursuant to an agreement with a publicly-owned experiment station: *Provided,* That the director of the publicly-owned agricultural experiment station must furnish the State Executive Director a list by counties showing the following information for farms in the State on which peanuts are grown for experimental purposes only:

(1) Name and address of the publicly-owned experiment station;

(2) Name of the owner, and name of the operator if different from the owner, of each farm in the State on which peanuts are grown for experimental purposes only;

(3) The acreage of peanuts grown on each farm for experimental purposes only; and

(4) A signed statement that such acreage of peanuts was grown on each farm only for experimental purposes and was necessary for carrying out experimentation, and that the peanuts were produced under the direction of representatives of the publicly-owned experiment station.

(d) *Unique strains used to plant green peanut acreage.* Seed peanuts shall not be subject to penalty if the county committee determines, based upon guidelines furnished by the Deputy Administrator, that such peanuts are unique strains, are not commercially available, and are used to plant green peanut acreage.

§ 729.274 Persons to pay penalty.

(a) *Marketings to handlers.* The handler is liable for the penalty due on peanuts which the handler buys or otherwise acquires from a producer. The handler may deduct the penalty from the price paid to the producer. If a handler fails to collect the penalty due on any marketing of peanuts from a farm, the handler and each of the producers on the farm shall be held jointly and severally liable for the amount of the penalty.

(b) *Other marketings.* The producer is liable for the penalty due on any peanuts marketed to persons who are not peanut handlers.

(c) *Penalty for error on marketing card.* The producer and the handler are jointly and severally liable for any penalties which may be due if the handler made an error or failed to properly record the pounds of peanuts marketed on the producer's marketing card and such error resulted in the effective poundage quota or the pounds contracted in accordance with Part 1446 of this Chapter to be exceeded.

(d) *Notice to affected parties.* Penalties shown on a farm marketing card shall be deemed to be notice to all affected parties of such penalties. In addition, all affected parties shall be deemed to be on notice that penalties are due when the marketings of peanuts for domestic edible use exceed the effective poundage quota indicated on the marketing card.

§ 729.275 Payment of penalty.

(a) A draft, money order, or check made payable to the Agricultural Stabilization and Conservation Service, may be used to pay any penalty, other indebtedness, or interest thereon. A draft or check shall be received subject to collection and payment at face value. The penalty becomes due on the date of marketing, or in the case of false identification or failure to account for the disposition of peanuts, the date the producer is notified of the false identification or the failure to account, as applicable.

(b) The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of interest charged CCC for its borrowings by the United States Treasury on the date such penalty became due. Interest shall accrue from the date the penalty was due if the penalty is not remitted by Monday of the third calendar week following the week in which the penalty is assessed in accordance with § 729.277. For cases of false identification or failure to account, if the penalty is not paid within 15 days after receipt of written notice by the person liable for such penalty, interest shall accrue from the date of receipt of the written notice by such person.

§ 729.276 Lien for penalty.

A lien on the crop of peanuts on which the penalty is incurred, and on any subsequent crops of peanuts subject to poundage quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States until the penalty is paid. The lien on a subsequent crop takes precedence over all other claims as of the time the debt is entered on a county claim record in the county ASCS office for the county in which the subsequent crop is grown. Each county ASCS office shall maintain a list of peanut marketing penalty liens on subsequent crops which have been entered on the county claim record. The list shall be available for examination upon written request by an interested person.

§ 729.277 Assessment of penalties.

Any producer, farm operator, or handler against whom a penalty is assessed in accordance with this subpart, shall be notified of the penalty assessment in writing by the appropriate county committee. Such notice shall state the amount of the penalty and the basis upon which the penalty is being assessed. The notice shall also state that the person against whom the penalty is being assessed has the right to appeal the assessment of the penalty in accordance with §§ 729.278 and 729.279.

§ 729.278 Reduction or waiver of penalty.

(a) *General.* The county committee may, in accordance with instructions and guidelines issued by the Deputy Administrator, reduce or waive any penalty required to be assessed by this subpart in cases in which the county committee determines that the violations upon which the penalties were based were unintentional or without knowledge on the part of the parties concerned.

(b) *Time of reduction or waiver.* The county committee may reduce or waive a penalty either before or after it has been assessed in accordance with § 729.277. In those instances where the county committee makes the reduction or waiver prior to assessment, the notice of assessment issued under § 729.277 shall state the amount of reduction or waiver and the basis upon which the reduction or waiver was made.

(c) *Appeal procedure.* Any person against whom a penalty is assessed under this subpart may request that the penalty be reduced or waived in accordance with guidelines issued by the Deputy Administrator and the producers set forth under § 729.279.

(d) *Review authority.* The Deputy Administrator may, either upon his own motion or in response to appeals which are being taken under § 729.279, require that any determination of a county committee with regard to the reduction or waiver of penalties be reviewed by the State committee or the Deputy Administrator for the purpose of maintaining consistency between different counties in the application of this authority. The Deputy Administrator or the State committee may require a county committee to reverse or otherwise modify its previous determination if the Deputy Administrator or State committee determines that the county committee's previous determination was not made in accordance with the instructions and guidelines issued by the Deputy Administrator. Any person who is adversely affected by any action of the Deputy Administrator or State committee taken under this paragraph may appeal such action by filing a request for reconsideration (or an appeal, if the action was taken by the State committee) with the Deputy Administrator in accordance with Part 780 of this chapter.

§ 729.279 Appeals.

(a) *General.* Any person who is dissatisfied with the penalties assessed by the county committee may file a written request for reconsideration with the county committee in accordance with Part 780 of this chapter. Such request must be filed no later than 15 days after such person receives the notice of assessment issued pursuant to § 729.277. If the person is dissatisfied with the determination, the determination may be appealed to the State committee in accordance with Part 780 of this chapter. If the person is dissatisfied with the State committee's determination, the person may request a review of the determination by the Deputy Administrator by filing an appeal with the Deputy Administrator in accordance with Part 780 of this Chapter.

(b) *Scope.* In any request for reconsideration or appeal, any adversely affected party may both contest liability for the penalty and, in the alternative, request a reduction or waiver of the penalty.

(c) *Waiver of procedural requirements and delegation of authority.*—(1) Nothing herein shall be construed as limiting the authority conferred upon the reviewing authority by Part 780 of this Chapter to waive compliance with the procedural requirements for making a request for reconsideration or an appeal.

(2) Nothing contained herein shall preclude the Administrator, ASCS, or his designee, on his own motion, from determining any question arising under the programs to which the regulations in this part apply or from reversing or modifying any determinations made by a State or county committee or the Deputy Administrator.

§ 729.280–729.285 [Reserved]

Producer Identification and Designation of Peanuts Marketed

§ 729.286 Identification of producer marketings.

The producer must identify each lot a peanuts offered for marketing through a handler by furnishing to the handler the farm operator identification card (ASCS–1003) and the peanut marketing card (ASCS–1002) which was issued for the farm on which the peanuts were produced.

§ 729.287 Designation of peanuts.

Any marketings of peanuts which are not inspected by the Federal-State Inspection Service prior to marketing shall be deemed to be a marketing of quota peanuts. If a lot of peanuts is inspected by the Federal-State Inspection Service, the producer shall designate to the handler whether the lot of peanuts is to be marketed as quota, loan additional, or contract additional as defined in Part 1446 of this Chapter. The designation must be made within the time allowed by the handler but not later than the close of inspection on the first workday (excluding Saturday, Sunday, or legal holiday) after the peanuts are inspected. In the absence of a designation, any segregation 1 peanuts shall be marketed in the following order of priority:

(a) As quota peanuts to extent of the unused poundage quota on the peanut marketing card which is used to identify the peanuts for marketing;

(b) As contract additional to the extent of the unused contract poundage balance on the peanut marketing card which is used to identify the peanuts for marketing if the peanuts are being marketed through the contracting handler; or

(c) As loan additional peanuts.

§ 729.288–729.289 [Reserved]

Producer Records and Reports

§ 729.290 Report of marketing green peanuts.

(a) The operator of each farm from which green peanuts are marketed shall report the marketing of green peanuts. The operator shall make the report by filing Form ASCS–1011 at the county ASCS office of the county in which the farm is administratively located. The report shall show for the farm:

(1) The number of acres on the farm planted from seed stocks of peanuts;

(2) The acreage on the farm from which peanuts were marketed as green peanuts; and

(3) The name and address of the buyer to or through whom each lot of green peanuts was marketed and the quantity in each lot marketed and the date marketed: *Provided, however,* That if green peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, the report may be made as either a daily or weekly summary of the quantity so marketed and the place of

marketing may be reported in lieu of the name and address of each buyer.

(b) Failure to file any report of the marketing of green peanuts as required by this section or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts produced on the farm which will subject the producer to marketing penalties as set forth in § 729.272.

§ 729.291 Report of acquisition of seed peanuts.

(a) If peanuts are planted on a farm in the current year and the seed peanuts were acquired by purchase or gift, the farm operator shall file a report with the county ASCS office of the acquisition(s) of the seed peanuts. The report must be filed by the farm operator at the time a report of planted acreage of peanuts is made under Part 718 of this title. The report shall include:

(1) The name and address of the handler or person from whom peanuts were purchased or obtained as a gift for the purpose of planting the peanut acreage on the farm in the current year;

(2) The pounds of peanuts acquired for seed;

(3) The basis (farmer's stock or shelled) of determining the quantity acquired;

(4) The type of peanuts acquired; and

(5) The date of acquisition.

(b) Unique strains of peanuts that are not commercially available and are retained on a farm to plant 1983 through 1985 crops of green peanuts shall also be reported to the county ASCS office.

§ 729.292 Peanuts marketed to persons who are not registered handlers.

(a) If peanuts are marketed to persons other than registered peanut handlers, the operator of the farm on which the peanuts were produced shall file a report of the marketings by executing Form ASCS-1011, Report of Acreage and Marketing of Peanuts to Nonestablished Buyers. The ASCS-1011 must be mailed or delivered to the county executive director of the county in which the farm is administratively located whithin 15 days after the marketing of peanuts from the farm has been completed. If peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, a daily or weekly summary of the quantity marketed and the place of marketing may be reported in lieu of the name and address of each buyer.

(b) Failure to file an ASCS-1011 as required or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts on the farm and may result in the assessment of marketing penalties, as provided in § 729.272.

(c) All peanuts marketed to persons other than registered handlers shall be considered as marketings of quota peanuts.

§ 729.293 Report on marketing card.

The farm operator shall return each peanut marketing card to the issuing county ASCS office as soon as marketings from the farm are completed or at such earlier time as the county executive director may request. At the time the last marketing card for a farm is returned, the farm operator shall execute the certification on the marketing card as to the pounds of peanuts retained for seed or other uses. Failure to return a marketing card or failure to execute the certification of the quantity of peanuts retained for seed or other uses shall constitute failure to account for the disposition of peanuts marketed from the farm for which marketing penalties may be assessed as provided in § 729.272, unless a satisfactory report of disposition is furnished to the county committee.

§ 279.294 Report of production and disposition.

(a) In addition to any other reports which may be required under this subpart, the farm operator or any producer on the farm shall furnish, upon written request by certified mail from the State Executive Director, a report of production and disposition of the peanuts grown on the farm to the State committee. The report must be filed on ASCS-1010, Report of Production and Disposition, within 15 days after the request is mailed. The report shall show:

(1) The final acreage of peanuts on the farm;

(2) The total production of peanuts on the farm; and

(3) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds in each lot, and the date marketed: *Provided, however,* That where peanuts are marketed in small lots to persons who are not established buyers, the report may be made as either a daily or weekly summary of the number of pounds marketed and the place of marketing may be reported in lieu of the name and address of each buyer; and

(4) The quantity and disposition of peanuts not marketed.

(b) Failure to file the ASCS-1010 as requested or the filing of an ASCS-1010 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for the production and disposition of peanuts produced on the farm for which marketing penalties may be assessed, as provided in § 729.272.

§ 729.295-729.299 [Reserved]

Handler's Registration, Responsibilities and Records

§ 729.300 Registration of handlers.

(a) *Registration requirements.* Each person who plans to acquire peanuts for processing or resale shall register as a handler in accordance with the provisions of this section prior to the acquisition of any peanuts.

(b) *Persons acquiring noninspected peanuts.* A person who has not registered under the provisions of paragraph (c) of this section and who plans to buy or otherwise acquire peanuts for processing or resale prior to the peanuts being inspected by a duly authorized inspector of the Federal-State Inspection Service must register with the State ASCS office of the State in which the person will operate as a handler, or if operating in more than one State, the State of residence or principal business location. A person may register by completing an MQ-96, Application for Peanut Handler Card, and submitting it to the appropriate State ASCS office.

(c) *Persons acquiring inspected peanuts.* A person who plans to acquire peanuts that have been inspected by a duly authorized inspector of the Federal-State Inspection Service must register as a handler by completing an MQ-96, Application for Peanut Handler Card, and submitting it to the Virginia, Georgia, or Texas State ASCS Office in the marketing area in which the handler is located.

(d) *Peanut buyer card and buying point card.* The office through which a handler registers will issue an embossed peanut buyer card on which will be entered the handler's registration number, name and address. The buyer card will be used by the handler for identification when the handler buys or sells peanuts. A buying point identification card will be issued by ASCS to the Federal-State Inspection Service for delivery to each handler who operates a buying point at which peanuts are inspected. The buying point card will be embossed with a number and used to identify the physical location of the buying point at which the peanuts are inspected.

§ 729.301 Records and reports required of handlers.

Each handler shall keep records and make reports as required by this section.

(a) *Marketing records.* The handler shall maintain the following records with respect to each lot of farmer's stock peanuts which the handler acquires for his own account:

(1) Farm number (including State and county code) of the farm on which peanuts were produced (obtained from producer's identification card or marketing card), or if purchased from a handler, the handler's number;

(2) Name of seller;

(3) Date of marketing;

(4) Pounds of peanuts marketed as commercial quota or contract additional;

(5) Type of peanuts; and

(6) Amount of penalty due and amount collected from the producer.

(b) *Resales.* Each handler who resells farmer's stock peanuts shall keep records of:

(1) The name and address of the buyer;

(2) The handler number of the buyer if the peanuts are sold to a handler;

(3) The date of the sale;

(4) The type of peanuts sold; and

(5) The pounds (net weight) of peanuts sold.

(c) *Inspected peanuts.* If a lot of peanuts was inspected by the Federal-State Inspection Service, the handler shall complete ASCS-1007, Inspection Certificate and Sales Memorandum, on which the following information must be entered:

(1) Name and address of the farm operator and the State and county code and farm number of the farm on which the peanuts were produced if the peanuts are marketed by the producer, or the handler number if the peanuts are marketed by a handler;

(2) Buying point number assigned to identify the physical location of the buying point at which the peanuts were marketed;

(3) Name, address, and handler number of the handler, or the association number, name and address if the peanuts are accepted for loan through the association;

(4) Net weight of the peanuts;

(5) Quality of peanuts marketed as either loan quota, loan additional, commercial quota or contract additional;

(6) Date of purchase; and

(7) Amount of penalty collected.

(4) *Noninspected peanuts.* A handler who purchases farmer's stock peanuts which have not been inspected by the Federal-State Inspection Service shall complete ASCS-1030, Report of Purchase of Noninspected Peanuts, for each lot of farmer's stock peanuts purchased. The handler shall complete the ASCS-1030 to show the following:

(1) The name and address of the seller;

(2) Name and address of farm operator and the State and county code and farm number if the peanuts are purchased from the producer of the peanuts, or if the peanuts are purchased from a handler, the ASCS-1030 shall show the handler's name, address, and registration number;

(3) The type of peanut purchased;

(4) The date of purchase;

(5) Quality purchased; and

(6) Method of determining the weight. After the required information has been recorded, the seller shall sign and date the ASCS-1030. The handler shall use ASCS-1030-P, Handler's Report of Purchases of Noninspected Peanuts, to transmit the ASCS-1030 to the State ASC committee in the State in which the handler's business is located. The ASCS-1030's shall be transmitted weekly.

(e) *Marketing card entries.* Immediately after each lot of peanuts is marketed, the handler shall make the following entries on the marketing card from the ASCS-1007 or ASCS-1030:

(1) The ASCS-1007 serial number which identifies the lot of peanuts, or the date of marketing if the peanuts were not inspected;

(2) The net pounds marketed;

(3) The unused poundage quota balance remaining after the marketing;

(4) The unused contract additional poundage balance remaining after the marketing;

(5) The handler's number or, for loan peanuts, the association number;

(6) For inspected peanuts, the buying point number;

(7) Type of peanuts marketed; and

(8) Any penalties or claims collected.

(f) *Transmittal of penalties.* Form ASCS-1012 Peanuts, "Buyer's Transmittal of Claims and/or Marketing Penalty", shall be used by a handler to transmit a collection of a penalty or a claim. Each collection shall be sent to the county ASCS office which issued the marketing card. The transmittal shall be made within two weeks after the end of the week in which the collection is made.

(g) *Peanuts shelled for a producer.* The handler shall maintain records of peanuts shelled for a producer as follows:

(1) Date of shelling;

(2) Name and address of the producer for whom the peanuts were shelled;

(3) State and county code and farm number of the farm on which the peanuts were produced;

(4) Quantity of peanuts (farmer's stock basis) shelled;

(5) Quantity of shelled peanuts retained by the sheller; and

(6) Quantity returned to the producer.

(h) *Peanuts dried for a producer.* The handler shall maintain records of peanuts dried for a producer as follows:

(1) State and county code and farm number of the farm on which the peanuts were produced;

(2) Name and address of the producer for whom the peanuts were dried; and

(3) Quantity dried (weight after drying, farmer's stock basis) and date drying is completed.

(i) *Green peanuts purchased from producer.* Each buyer of green peanuts shall report on Form ASCS-1011 the purchase of green peanuts, except small lot purchases such as street sales, local market sales, and grocery store sales. The report of the purchase of green peanuts by the buyer shall subject the buyer to a review of the purchase and sales records. Any buyer of green peanuts who fails to keep records as required by this section shall be deemed guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $500. Each buyer shall keep the following records of green peanuts purchased:

(1) Date of purchase;

(2) Name and address of producer selling green peanuts;

(3) Name and address of farm operator and farm number (including State and county code) of the farm on which the green peanuts were produced; and

(4) Pounds of green peanuts purchased.

§ 729.302 Persons engaged in more than one business.

Any person who is required under this subpart to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business, shall keep such records for each business.

§ 729.303 Penalty for failure to keep records and make reports.

Any person, who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agency marketing peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, or any farmer engaged in the production of peanuts, who fails to make any report or keep any record as required under this subpart or who makes any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.

§ 729.304 Examination of records and reports.

The Deputy Administrator, the Director of the Tobacco and Peanuts Division, the State Executive Director, or any person authorized by any one of such persons, and any auditor or agent of the Office of Inspector General, is authorized to examine any records pertinent to the peanut poundage quota program. Upon request from any such person, any person who dries farmers stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any farmer engaged in the production of peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine, shall make available for examination such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as are under his control which any person hereby authorized to examine records has reason to believe are relevant to any matter under investigation which relates to the provisions of this subpart.

§ 729.305 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained for a period of 3 years after the end of the marketing year. Records shall be kept for such longer periods of time as may be requested in writing by the State Executive Director. or the Director of the Tobacco and Peanuts Division.

§ 729.306 Information confidential.

All data requested and obtained by the Secretary which are required in accordance with the provisions of this subpart shall be kept confidential by all employees of the U.S. Department of Agriculture. Such data shall be released only at the discretion of the Deputy Administrator and then only in a suit or administrative hearing under title III of the Agricultural Adjustment Act of 1938, as amended.

§§ 729.307-729.310 [Reserved]

Signed at Washington, D.C. on November 3, 1982.

Richard E. Lyng,

Acting Secretary.

[FR Doc. 82-30630 Filed 11-8-82; 8:45 am]

BILLING CODE 3410-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 35, 120, and 131

[WH-FRL 2113-3]

Water Quality Standards Regulation

Correction

In FR Doc. 82-29543 appearing on page 49234 in the issue for Friday, October 29, 1982, the date under the DATES caption should read "January 27, 1983".

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 82-730; RM-4195]

FM Broadcast Station in Imperial, Nebr.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 221A to Imperial, Nebraska, in response to a petition filed by Jerrell E. Kautz. The assignment could provide a first FM service to that community.

DATES: Comments must be filed on or before December 17, 1982, and reply comments must be filed on or before January 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations, (Imperial, Nebraska), BC Docket No. 82-730, RM-4195.

Notice of Proposed Rule Making

Adopted: October 26, 1982.

Released: November 2, 1982.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed September 8, 1982, by Jerrell E. Kautz ("petitioner"), proposing the assignment of Channel 221A [1] to Imperial, Nebraska, as its first FM assignment. Petitioner expressed his interest in applying for a channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a first FM broadcast service to Imperial, Nebraska, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission Rules, with respect to the following community:

City	Channel No.
Imperial, Nebr.	221A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before December 17, 1982, and reply comments on or before January 3, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevent provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504, 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to

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[1] The petition, as filed, sought the assignment of Channel 276A to Imperial, Nebraska. However, Channel 276A would be short spaced approximately 13 miles to Station KZMC-FM, McCook, Nebraska. A staff study shows that Channel 221A is available for assignment to Imperial, Nebraska, without a site restriction.

Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Sec. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303).

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (f), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.181(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *notice of proposed rule making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced, in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commissions's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-30674 Filed 11-8-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-729; RM-4189]

FM Broadcast Stations in Cabo Rojo and Hormigueros, Puerto Rico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 272A to Cabo Rojo, Puerto Rico, in response to a petition filed by Nestor Perez. In addition, we are proposing to reassign Channel 221A from Cabo Rojo to Hormigueros, Puerto Rico, to reflect its use there.

DATES: Comments must be filed on or before December 17, 1982, and reply comments on or before January 3, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcast.

Adopted: October 25, 1982.

Released: November 2, 1982.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cabo Rojo and Hormigueros, Puerto Rico).

1. Nestor Perez (petitioner) filed a petition for rule making on August 16, 1982, seeking to assign Channel 272A to Cabo Rojo, Puerto Rico. Although Cabo Rojo presently has Channel 221A assigned, that channel is being used at Hormigueros, Puerto Rico, under § 73.203(b) of the Commission's Rules. Thus, we are proposing to reassign the channel to reflect its actual use in that community. Petitioner stated his intention to apply for Channel 272A at Cabo Rojo, if assigned.

2. In support of the proposal, the petitioner submitted population and economic data. However, in view of the action taken in the *Revision of FM Assignment Policies and Procedures,* 90 F.C.C. 2d 88 (1982), this information is no longer relevant.

3. The proposed assignment requires a site restriction of approximately 7 miles southwest of the city, due to Station WCHQ in Camuy, Puerto Rico. Petitioner proposes to locate the transmitter approximately 7.6 miles southwest of the city. In comments on this proposal, petitioner should furnish information demonstrating that a transmitter located at this distance could provide a 70 dBu signal over Cabo Rojo.

4. In view of the foregoing and the fact that the proposed assignment would provide a first FM broadcast service to Cabo Rojo, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following cities:

City	Channel No.	
	Present	Proposed
Cabo Rojo, Puerto Rico	221A	272A
Hormigueros, Puerto Rico		221A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before December 17, 1982, and reply comments on or before January 3, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. As *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.204(b) and 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Proceedings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 82-30675 Filed 11-8-82; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 83

[PR Docket No. 82-728; RM-3916; FCC 82-458]

Inquiry About the Characteristics of Radio Rescue Devices That May Be Used by Small Vessels in the Maritime Service

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: In this Notice of Inquiry the Commission invites public comments regarding the technical and non-technical standards that might be used to facilitate the operation of radio rescue devices by small vessels. This action is taken in response to a petition for rulemaking (RM-3916) filed by Gerald T. Weiss, of WREN Industries, in May 1981. During distress situations, crews of small vessels, such as recreational boats, would be able to use the signals of these radio rescue devices to "home in" and rescue persons that fall overboard from their vessels.

DATES: Comments must be received by November 29, 1982, reply comments must be received by December 14, 1982.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR INFORMATION CONTACT: William P. Berges, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

List of Subjects in 4 CFR Part 83

Maritime safety.

Notice of Inquiry

Adopted: October 21, 1982.

Released: October 28, 1982.

In the matter of amendment of Part 83 of the Commission's rules to allow the use of radio rescue devices by small vessels in the Maritime Services.

Introduction

1. Gerald T. Weiss, of WREN Industries, has filed a petition (RM-3916) requesting the Commission to amend Parts 2 and 83 of its rules to provide for the operation of portable, low power and relatively inexpensive Emergency Position Indicating Radio Beacons (EPIRB's) that can be used by the crew of a relatively small vessel to rescue its members during "man overboard" situations, without the need of outside assistance.

2. In support, the petitioner notes that the existing classes of EPIRB's are designed primarily for use by comparatively large vessels and life rafts. These EPIRB's are large and expensive. They require outside monitoring. Some models rely on aircraft or land-based Coast Guard stations to receive their distress signals. EPIRB's depend heavily on other vessels and planes to "home in" to the distress area for search and rescue (SAR) operations. For the millions of recreational boats there is no rescue device that is designed to be used for the "man overboard" cases which occur during poor visibility and adverse weather conditions or at night.

Description of System

3. The petitioner states that he has developed an inexpensive device, called WREN, which is small, lightweight and can be attached to personal clothing or a life preserver by a clasp or lanyard. A person who has fallen overboard would activate a WREN manually, extend its antenna, and hold it above water to alert his/her vessel's crew at short range that one of its members is in distress. By using the WREN radio signal, the crew would then be able to "home-in" on and rescue the person fallen overboard. The vessel must be equipped with a special alarm system that responds to the time duration and frerquency tone of the WREN signal only, in order to prevent accidental alarm responses by other transmissions utilizing the WREN frequencies. If the alarm system were inoperative, a "beep" signal acting as a "back up" alarm would be heard by the crew, through the vessel's marine receiver, to alert it that one of its members is overboard. Thus, the petitioner states, the use of the WREN device would improve the ability of recreational vessel crews to rescue persons who fall overboard from their boats, without the need of outside assistance.

4. For maximum effectiveness and minimum cost, the petitioner proposes two types of WREN's: one operating between 4,075 kHz and 4,200 kHz and the other operating on two VHF frequencies simultaneously, 156.30 MHz (channel 6) and 156.80 MHz (channel 16). Their transmission range would be 2 to 3 miles and their operating life expectancy 6 to 8 hours. Power for the WREN devices would be provided by a small, nine volt battery.

5. The petitioner selected the 4,075 kHz to 4,200 kHz band for the operation of one WREN type because, he states, the crystals used in this band are reliable and inexpensive. He also estimates that 60% of recreational boats that have installed Radio Direction Finder (RDF) equipment operate in the 2,000 kHz to 5,000 kHz band and would be able to utilize these WREN devices. Nevertheless, the petitioner states, any other frequency in the maritime mobile band would be acceptable, provided inexpensive crystals are available.

6. The emission of the 4,075 kHz to 4,200 kHz WREN would be pulsed CW (A9). Its effective radiated power would be less than 200 milliwatts and its deviation 5 kHz. The carrier would be modulated with an 800 Hz tone, pulsed for 0.75 seconds "on" and 0.25 seconds "off". The tolerance of the pulsing rate would be ±20 ppm. Many receivers in the maritime mobile radio service, the petitioner claims, would not be able to receive the WREN A9 signal because they utilize A3 emission. But typical RDF receivers utilize A9 emission and would be able to receive the WREN signal without requiring additional equipment.

7. The frequencies of 156.30 MHz and 156.80 MHz were selected for the VHF WREN because their use is mandatory on all U.S. marine radio telephones for emergency and SAR operations. The emission on both VHF frequencies would be pulsed CW (F9). The effective radiated power would be less than 300 milliwatts and the deviation 5 kHz. Both carriers would be modulated with an 800 Hz tone pulsed for 0.75 seconds "on" and 0.25 seconds "off". Both carriers would remain "on" continously; that is, during both "on" and "off" periods of the pulsed modulation. The tolerance of the pulsing rate would be ±5 ppm.

8. To use the VHF WREN, in addition to the use of the special alarm system that is responsive to the WREN signal only, the vessel would have to be equipped with a special hand-held portable directional antenna. This antenna would consist of two ¼ wave vertical elements spaced ¼ wavelength apart. This type of antenna can produce an unambiguous signal null when its elements are oriented in line with the antenna of an incoming transmitted signal. During normal VHF communications, the standard marine VHF anntenna would be used with the receiver. If a WREN distress signal were received on either frequency, 156.30 MHz or 156.80 MHz, the crew would replace the standard VHF receiver antenna with the special hand-held portable directional antenna. The antenna replacement would be accomplished by utilizing either connect/disconnect plugs or a switch. By rotating the hand-held antenna, an audio null would be obtained to determine the direction of the incoming WREN signal, thus enabling the crew to "home-in" to the distress area to search for and rescue its "overboard" member, without the need of outside assistance.

Inquiry

9. The Commission recognizes that recreational boaters could use radio beacons for "man overboard" distress purposes. Our staff has received a number of letters and telephone inquiries regarding the operational authorization of such devices. We feel, however, that some aspects of the devices proposed by the petitioner require futher consideration. For this reason, we seek public comments to determine what rules should be proposed to accommodate their operation.

10. Specifically, after reviewing the petitioner's request with the U.S. Coast Guard, the opinion of our staff is that the proposed operation of these radio beacons in the 4,075 kHz to 4,200 kHz band would interfere with the operations of other maritime radio services that are currently authorized in these frequencies.[1] Likewise, their transmissions on 156.30 MHz would interfere with the SAR operations on this frequency by ships, aircraft and the U.S. Coast Guard.[2] In addition, the uninterrupted transmissions of the 156.30 MHz and 156.80 MHz carriers would prevent ship, plane and coast stations in the vicinity of these radio beacons from detecting any other more distant distress and SAR signal, whose arriving strength is substantially reduced. To avoid these problems, it would appear prudent for these devices to utilize the same frequencies and modulation schemes that are presently utilized by EPIRB's for similar purposes. Thus, they could utilize 2,182 kHz or 8,364 kHz in the low band, and on an alternative basis, the frequencies of

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[1] For the allocation of the 4,075 kHz to 4,200 kHz band see Section 2.106 of the Commission's rules.

[2] See § 83.359, channel 06, in the Commission's rules.

156.75 MHz (channel 15) and 156.80 MHz (channel 16) in the VHF band.[3] An 800 Hz tone could modulate these radio frequencies, so that the transmissions of these devices can be distinguished from the transmissions of other similar systems. The modulating duration in the low band frequency could be 1.5 seconds "on" and 14.5 seconds "off". The modulating duration in the VHF band could be 1.5 seconds "on" and 14.5 seconds "off" in the 156.80 MHz frequency and 14.5 seconds "on" and 1.5 seconds "off" in the 156.75 MHz frequency. Accordingly, we will pose questions as to the appropriate frequencies and technical requirements for these devices.

11. If it is determined that rules should be proposed to authorize the operation of these devices, we believe they should be inexpensive, in order to facilitate their wide use by recreational boaters. Nevertheless, we cannot ignore that such authorization by the Commission would suggest to the public that the use of these devices would be reliable for alert, search and rescue operations during distress situations. We question, therefore, whether they should be subject to stringent, non-technical requirements (temperature, shock, physical configuration, maintenance, record keeping and the like) similar to those found in § 83.144, 83.145, 83.146 and 83.406 of the Commission's rules that govern the operation of Class A, B and C EPIRB's. We also question the type of equipment authorization procedures we must establish.

12. Similarly, we believe that the licensing requirements for the operation of these devices should be lenient. We are inclined to permit their use under an expansion of the authority of an existing station license. We will pose a question, therefore, regarding the licensing requirements of these devices.

13. Finally, the foregoing discussion indicates that the means which may be employed for search and rescue operations when the proposed devices are used would be of a limited nature. Also, many of the rules that will govern their operation would differ significantly from the rules that govern the operation of ordinary EPIRB's. Therefore, in order for the public to distinguish them from the Emergency Position Indicating Radio Beacons (EPIRB's) that are presently available, we propose to designate these devices "Limited Radio Rescue Devices" (LRRD's).

14. In view of the foregoing, we request comments on the following questions:

(a) Are the proposed frequencies of 2,182 kHz, 8,364 kHz, 156.75 MHz and 156.80 MHz acceptable for the operation of LRRD's? If not, what frequencies are recommended, keeping in mind that these devices would be utilizing frequencies that are currently authorized for the operation of other maritime radio services?

(b) What technical requirements (e.g. modulating tone, "on/off" periods) should be regulated by the Commission?

(c) What operating rules or limitations should be placed on these devices to prevent them from interfering with co-channel operation of maritime radio services that are currently authorized to utilize the same frequencies?

(d) Should the non-technical requirements (e.g., temperature, shock, physical configuration, maintenance) be regulated by the Commission? And if so, what form of equipment authorization should the Commission employ?

(e) What scheme of licensing should the Commission require for the operation of these devices?

Order

15. For the reasons set forth above, it is ordered, That this Notice of Inquiry is adopted.

16. Authority for this inquiry is contained in Sections 1, 4(i) and 303(b), (c), (e), (g), and (r) of the Communications Act of 1934, as amended. Pursuant to procedures set out in § 1.1415 of the Commission's rules, 47 CFR 1.415, interested persons may file comments on or before November 29, 1982, and reply comments on or before December 14, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in its Report and Order.

17. In accordance with the provisions of § 1.419 of the Commission's rules, 47 CFR 1.419 formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All filings will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

18. For questions on matters covered in this document contact William P. Berges (202) 632-7175.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 82-30672 Filed 11-8-82; 8:45 am]

BILLING CODE 6712-01-M

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[3] The 2,182 kHz and 8,364 kHz frequencies may be used for radio direction-finding purposes during distress. See § 83.401(c) of the Commission's rules. The 156.75 MHz and 156.80 MHz frequencies are used by class "C" EPIRB's. See § 83.137(j) of the Commission's rules.

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47 CFR Part 97

[PR Docket No. 82-726; FCC 82-456]

Amateur Radio Service; Elimination of Logging Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to amend the Amateur Radio Service Rules to eliminate requirements that station licensees maintain detailed logs of station operation. Most of the current requirements were first established decades ago, although they have been relaxed somewhat during the past decade. Still, many of the logging requirements which exist today serve no regulatory purpose, or are unnecessarily complex or confusing. Eliminating requirements for station logs and placing requirements which are still useful in a more simple and appropriate rule format will relieve licensees of an unnecessary paperwork burden and clarify the intent of the Rules.

DATES: Comments are due by January 14, 1983 and replies by February 14, 1983.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, Special Services Division, (202) 632-7125 or (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Radio.

Adopted: October 21, 1982.

Released: November 3, 1982.

In the matter of elimination of logging requirements in the Amateur radio service.

Introduction

1. Notice of Proposed Rule Making in the above-captioned matter is hereby given.

2. The Commission, on its own initiative, is proposing to delete from the Amateur Radio Service Rules the requirements that an account of operation be maintained in a log for each amateur radio station. The present rules require each amateur radio station to maintain such a log and to include in it a variety of information regarding station activity, operators, facilities and communications. In an effort to eliminate rules and requirements which are not essential to the administration of the Amateur Radio Service, the Commission intends to delete many of these requirements since they serve no regulatory purpose. That information which would still be useful to the Commission in carrying out its regulatory responsibilities would simply be included by the licensee with other "station records." No record of routine station activity would be required.

Background

3. Section 97.103 of the Commission's Rules requires that "(a)n accurate legible account of station operation shall be entered into a log for each amateur radio station." The items to be entered as a minimum include the call sign of the station, the signature of the station licensee, or a photocopy of the station license; the locations and dates upon which fixed or portable operation was initiated and terminated; the date and time periods the duty control operator for the station was other than the licensee, together with the signature and primary station call sign of that duty control operator; and a notation of third-party traffic sent or received, including the names of all third parties and a brief description of the traffic content.

4. In addition, the log of a remotely controlled station must have entered the names, addresses and call signs of all authorized control operators; a functional block diagram and a technical explanation of the operation of the control link; and a description of the measures taken for protection against access to or operation of the remotely controlled station by unauthorized persons, for shutting down the station in the case of control link malfunction, and for monitoring the transmitting frequencies.

5. When a station has one or more associated stations, that is, stations in repeater or auxiliary operation, a system network diagram must be entered in the station log.

6. The log of a station in repeater operation transmitting with an effective radiated power (ERP) greater than that authorized as a general case (by § 97.67(c)) must contain the location of the antenna marked on a topographic map, the antenna height above average terrain, the ERP and relative gain in the horizontal plane of the antenna pattern, the transmitter output power, the loss in the transmission line, and the horizontal and vertical radiation patterns of the antenna shown on polar coordinate graph paper and the method used to determine them.

7. The log of a station in auxiliary operation must contain a system network diagram for each associated system, and must specify the transmitting bands and the transmitter input power.

8. The logging requirements specified in § 97.103 were intended to serve a variety of regulatory purposes, most of which are no longer valid. The requirements for noting various aspects of routine station operation were intended to provide the Commission with a means to verify when the station was in operation and whether communications from the station were of a permissible nature. The Commission has rarely used this information from the log, preferring to rely instead on monitoring data it has collected. Other regulations for logging actually imply requirements which more appropriately should be explicitly stated elsewhere. For example, the station log for a remotely controlled station must include "(a) description of the provisions for shutting down the station in the case of control link malfunction * * *" even though no current rule specifies explicitly that such provisions exist. Finally, the remainder of the logging regulations require that certain documentation be on hand at the station to confirm that technical aspects of the station's operation, which are unique to that particular station, are within the confines of the rules and that the station is operated in good faith. Examples of this last case are the requirements for documentation of a station licensee's calculation of the station's antenna height above average terrain when the station is in repeater operation with a power level greater than that authorized as a general case. This information should be compiled by the licensee regardless of the logging requirements and it remains beneficial to the Commission for this information to be retained by the licensee for Commission review during station inspections.

Proposal

9. The Commission proposes to eliminate all requirements that routine station activity be accounted for in a station log. We would no longer require that information which appears on the station license be duplicated in the log. We would no longer require that entries be made specifying the dates upon which fixed or portable operation was initiated and terminated or the locations of such operations. We would no longer require notations describing third party traffic sent and received. The only routine logging activities which currently serve a regulatory purpose are the entries made in the log when the control operator of a station is someone other than the station licensee. This information is used to determine who is the control operator at any given time and thus who shares responsibility with the station licensee when a rule violation occurs. The Commission believes that while this information is valuable for assigning responsibility for station operation, there is no reason that this information must be kept in the form of a log. Instead, we are proposing to let each individual licensee determine how he/she wishes to document the identity of control operators other than the station licensee. This documentation could be in the form of a statement signed by the control operator acknowledging the times and dates during which he/she was the control operator, or could be in the form of a tape recording of the control operator, acknowledging that he/she is the control operator, or could be in any other form the station licensee finds adequate. In any instance where such a record did not exist, the Commission would presume that the station licensee was the control operator.

10. The Commission further proposes to remove the implied operational requirements from the logging requirements and place them explicitly in the rule sections to which they apply. Specifically, this means that we would delete the requirements that the station log of a remotely controlled station must contain a description of measures taken for protection against unauthorized operation, a description of the provisions for shutting down the station in case of a control link malfunction, and a description of the means for monitoring the transmitting frequencies. Instead, we would place a single requirement in the section regarding "operation of a station by remote control" (§ 97.88) which would specify that "each remotely controlled station

shall be protected against unauthorized station operation. * * *"

11. Finally, the Commission proposes to allow licensees to keep those few records which we would still require—that is, certain technical documentation regarding repeater operation, auxiliary operation and operation of stations by remote control—in any form which could be made readily available to the Commission rather than requiring that information to specifically be placed in the station log. This would prevent licensees from having to duplicate information which might be available elsewhere. The requirements that this technical documentation be available will be placed in the rule sections addressing the type of operation involved.

12. The Commission believes that with adoption of our proposal it may be desirable to delegate authority to the Engineers-in-Charge of Commission field facilities to require individual station licensees to maintain a log with certain items of information that are currently required. This authority would be used on those occasions when it would clearly benefit Commission enforcement activities. We specifically invite comments as to the desirability and scope of this authority.

Conclusion

13. The net effect of our proposals described above would be to eliminate from the Rules any requirement that station licensees maintain a log and would also eliminate all references to logs in the Rules. As a practical matter, our proposals would eliminate most of the record keeping burden which we place on amateur radio operators. We wish to emphasize, however, that nothing in our proposal would prevent station licensees from maintaining a station log in the current fashion or from including in it any information that they so desire to include. In fact, the few requirements for record keeping which would remain in the rules could be satisfied quite adequately by the traditional amateur station log. The Commission is merely interested in giving licensees a choice of either maintaining a thorough and complete chronology of all station operation for the licensee's personal benefit or maintaining only those records which the Commission may need to review to determine that the station is being operated in good faith within the rules.

14. Accordingly, notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposal set forth in the attached Appendix.

Procedural Matters

15. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested persons may file comments on or before January 14, 1983, and reply comments on or before February 14, 1983. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

16. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission, Washington, DC 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

17. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final Order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20554, (202) 632–7000.

18. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rule making proceeding since this proposal would simply eliminate certain individual record-keeping requirements for amateur radio operators. These proposals are either insignificant in effect or deregulatory. Consequently, there would be no economic impact on small businesses, small organizations or small governmental jurisdictions.

19. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register**.

20. For further information on this proceeding, contact Steve Lett, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554, (202) 632–4964.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

It is proposed that Part 97 of the Commission's Rules and Regulations, 47 CFR Part 97, be amended as follows:

PART 97—[AMENDED]

1. In § 97.79, paragraph (b) would be revised to read as follows:

§ 97.79 Control operator requirements.

* * * * *

(b) Every amateur radio station, when in operation, shall have a control operator at an authorized control point. The control operator shall be on duty, except where the station is operated under automatic control. The control operator may be the station licensee, if a licensed amateur radio operator, or may be another amateur radio operator with the required class of license and designated by the station licensee. The control operator shall also be responsible, together with the station licensee, for the proper operation of the station. (For purposes of enforcement of the rules of this part, the FCC will presume that the station licensee is, at all times, the control operator of the station, unless documentation exists to the contrary.)

* * * * *

2. In § 97.85, a new paragraph (g) would be added to read as follows:

§ 97.85 Repeater operation.

* * * * *

(g) Each station in repeater operation transmitting with an effective radiated power greater than 100 watts on frequencies between 29.5 and 420 MHz, or 400 watts on frequencies between 420 and 1215 MHz, shall have the following information included in the station records during any period of operation:

(1) The location of the station transmitting antenna marked upon a topographic map having contour intervals and having a scale of 1:250,000 (indexes and ordering information for suitable maps are available from the U.S. Geological Survey, Washington, D.C. 20242, or from the Federal Center, Denver, CO 80255);

(2) The transmitting antenna height above average terrain (see Appendix 5);

(3) The effective radiated power in the horizontal plane for the main lobe of the antenna pattern, calculated for the maximum transmitter output power which occurs during operation;

(4) The maximum transmitter output power which occurs during operation;

(5) The loss in the transmission line between the transmitter and the antenna (including devices such as duplexers, cavities or circulators), expressed in decibels; and

(6) The relative gain in the horizontal plane of the transmitting antenna.

3. In § 97.87 the designation "[Reserved]" would be replaced with the following:

§ 97.87 System network diagram required.

When a station has one or more associated stations, that is, stations in repeater or auxiliary operation, a system network diagram [see § 97.3(v)] shall be included in the station records during any period of operation.

4. In § 97.88, paragraph (a) would be revised, paragraphs (a)(1) and (a)(2) would be removed, and new paragraphs (f) and (g) would be added to read as follows:

§ 97.88 Operation of a station by remote control.

* * * * *

(a) A photocopy of the remotely controlled station license shall be posted in a conspicuous place at the station location.

* * * * *

(f) The station records shall include during any period of operation:

(1) The names, addresses, and call signs of all persons authorized by the station licensee to be control operators; and

(2) A functional block diagram of the control link and a technical explanation sufficient to describe its operation.

(g) Each remotely controlled station shall be protected against unauthorized station operation, whether caused by activation of the control link, or otherwise.

§ 97.99 [Amended].

5. In § 97.99, paragraph (c) would be removed in its entirety.

§§ 97.103 and 97.105 [Removed].

6. Sections 97.103, 97.105 and the undesignated heading "Logs" which precedes § 97.103 would be removed in their entirety.

§ 97.417 [Removed].

7. In § 97.417, paragraph (d) would be removed in its entirety.

[FR Doc. 82-30667 Filed 11-8-82; 8:45 am]
BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 217
Tuesday, November 9, 1982

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States, to be held at 9:30 a.m., Tuesday, November 16, 1982, at 400 Maryland Avenue, SW., Room 7002, Washington, D.C. 20546.

The Committee will meet primarily to discuss consultant draft recommendations on officials' liability for constitutional violations.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a writen statement with the Committee before, during or after the meeting.

For further information contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. (Telephone 202-254-7065). Minutes of the meeting will be available on request.

Richard K. Berg,

General Counsel.

November 5, 1982.

[FR Doc 82-30850 Filed 11-8-82; 8:45 am]

BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Coal Leasing Within Grand Mesa, Uncompahgre, and Gunnison National Forests—Delta, Garfield, Gunnison, Mesa, Montrose, and Ouray Counties, Colorado; Application of Coal Unsuitability Criteria

Pursuant to the Federal Coal Leasing Amendments Act of 1976, as amended (90 Stat. 1083-1092) and Title 43, Subpart 3461, of the Code of Federal Regulations (43 CFR Part 3461), the Forest Service, Department of Agriculture, has applied coal unsuitability criteria to lands in which the United States owns an interest in the coal resource within the boundary of the Grand Mesa, Uncompahgre, and Gunnison National Forests. These criteria were applied as part of the Grand Mesa, Uncompahgre, and Gunnison National Forests' land and resource planning process to identify lands suitable for further consideration for coal leasing. If and when the Bureau of Land Management proposes to lease specific tracts which are suitable, mineral leasing direction in the Forest Plan will be applied.

The coal unsuitability criteria were applied to a total of 755,862 acres.

A preliminary coal unsuitability assessment is in Appendix F of the Draft Environmental Impact Statement on the Proposed Grand Mesa, Uncompahgre, and Gunnison National Forests' Land and Resource Management Plan. Copies are available for public review at Forest Service Offices in Collbran, Delta, Denver, Grand Junction, Gunnison, Montrose, Norwood, and Paonia, Colorado. Detailed maps and information are available at the Forest Supervisor's Office in Delta, Colorado.

Comments on the draft coal unsuitability assessment must be sent to Forest Supervisor; Grand Mesa, Uncompahgre, and Gunnison Forests; 2250 Highway 50; Delta, Colorado 81416; by February 19, 1983, to be considered. For further information, contact Arnie Arneson at the above address or call (303) 874-7691.

Dated: October 29, 1982.

William W. Sutton,

Acting Forest Supervisor, Grand Mesa, Uncompahgre, and Gunnison National Forests.

[FR Doc. 82-30674 Filed 11-8-82; 8:45 am]

BILLING CODE 3410-11-M

Agricultural Marketing Service

Agricultural Stabilization and Conservation Service and Agricultural Marketing Service

Wool and Mohair Advertising and Promotion

AGENCIES: Agricultural Stabilization and Conservation Service (ASCS) and Agricultural Marketing Service (AMS), USDA.

ACTION: Notice of Referendum.

SUMMARY: The purpose of this notice is to announce that a referendum will be conducted on December 6-17, 1982, among mohair producers to determine if such producers are in favor of a proposed agreement between the Mohair Council of America (MCA) and the United States Department of Agriculture with respect to advertising and sales promotion programs. Under the proposed agreement, the Department would make deductions for the 1982 through 1985 marketing years from price support payments which are made to angora goat producers for mohair under the National Wool Act of 1954, as amended (hereinafter referred to as the "Act"). The amounts so deducted would be used by the MCA for advertising and sales promotion programs and for programs pertaining to the dissemination of information concerning mohair or the products thereof.

EFFECTIVE DATE: November 9, 1982.

FOR FURTHER INFORMATION CONTACT: Gerald Schiermeyer, Emergency Operations and Livestock Programs Division, ASCS, USDA, Room 4095 South Building, P.O. Box 2415, Washington, D.C. 20013. (202) 447-7674. A final regulatory impact analysis is available from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice of referendum has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified as "not major." It has been determined that this notice will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based interprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of referendum since ASCS and AMS are not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The title and number of the Federal assistance program that this notice of referendum applies to are: Title—National Wool Act Payments: NUMBER–10.059 as found in the Catalog of Federal Domestic Assistance.

Section 708 of the Act authorizes the Secretary of Agriculture to enter into agreements with, or to approve agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof for the purpose of developing and conducting advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvements for wool, mohair, sheep, or goats or their products. These activities are administered for the Secretary by the Agricultural Marketing Service (AMS) of the Department of Agriculture. In order to defray the expenses for carrying out these activities, the agreements may provide for deductions to be made from price support payments which are paid to producers under the Act. However, as required by Section 708 of the Act, no agreement providing for any such deduction shall become effective unless the agreement is approved in a referendum by at least two-thirds of the producers voting or by producers with at least two-thirds of the volume of production represented in the referendum.

Mohair producers approved agreements for advertising and sales promotion activities between the Secretary and the Mohair Council of America (MCA) in referendums conducted in 1967 and 1971. The 1971 agreement was approved by 81 percent of the producers voting. Funds generated under the 1971 agreement were exhausted in 1978. Since 1978 MCA activities have been funded by the Texas Mohair Board.

It is proposed that a new agreement be entered into between the Secretary and the MCA for the 1982–1985 marketing years. The proposed agreement will be similar to the most recent agreement dated July 15, 1971 (published at 36 FR 13168), except that the maximum amount which can be deducted from price support payments which are made to angora goat producers for mohair sold during the specified marketing years is being increased from 1½ cents to 4½ cents per pound of mohair marketed.

Since the purpose of this notice is only to announce the period when the referendum will be conducted and certain eligibility requirements for producers to participate in such referendum it has been determined that no further public rulemaking is required.

Notice of Referendum

1. *Period of Mohair Referendum for the 1982, 1983, 1984, and 1985 marketing years.* In accordance with Section 708 of the National Wool Act of 1954, as amended, the Secretary of Agriculture will conduct a referendum among mohair producers to determine whether they approve of the proposed agreement between the Mohair Council of America, and Agricultural Marketing Service regarding advertising and sales promotion programs for goats, mohair or the products thereof. The referendum will be conducted in accordance with the provisions of 7 CFR Part 1270 during the period December 6–17, 1982, inclusive. Voting will conducted through county offices of the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture. Copies of the proposed agreement are available at ASCS county offices and will be mailed to individual producers.

2. *Eligibility requirements to participate in the referendum.* Only those producers who owned angora goats (6 months old or older) in the United States for at least 30 consecutive days during 1981 are eligible to vote.

(Sec. 708, 68 Stat. 912, as amended (7 U.S.C. 1787))

Signed at Washington, D.C., on October 28, 1982.

Everett Rank

Administrator, Agricultural Stabilization and Conservation Service.

Vera F. Highley,

Administrator, Agricultural Marketing Service.

[FR Doc. 82–30635 Filed 11–8–82; 8:45 am]

BILLING CODE 3410–05–M

Soil Conservation Service

Mud River Watershed, Kentucky; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mud River Watershed, Butler, Logan, Muhlenberg and Todd Counties, Kentucky.

FOR FURTHER INFORMATION CONTACT: Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, KY 40504, telephone 606–233–2749.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Eddie L. Wood, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The original work plan called for twenty two (22) floodwater retarding structures, four (4) multi-purpose structures and sixteen (16) miles of channel improvement. Nineteen (19) floodwater retarding structures, four (4) multi-purpose structures and sixteen (16) miles of channel improvement have been completed. Two flood water retarding structures, at the request of the sponsors, have been deleted from the project. The planned action is to continue ongoing land treatment programs and construct one (1) remaining floodwater retarding structure. This planned action will reduce upland erosion, downstream flooding and sedimentation.

The Finding of No Significant Impact (FONSI), has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Eddie L. Wood, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, KY 40504.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding state and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: November 1, 1982.

Eddie L. Wood,

State Conservationist.

[FR Doc. 82-30712 Filed 11-8-82; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Survey of Retail Sales and Inventories; Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1983 the Annual Retail Trade Survey, which has been conducted each year since 1951 (except 1954) under title 13, United States Code, sections 182, 224, and 225. This survey of retail firms is conducted to collect data covering year-end inventories, accounts receivable balances, and annual sales. This survey, which would provide data for 1982, is the only continuing source available on a comparable classification and timely basis for use as a benchmark for developing estimates of retail inventory, accounts receivable, and sales. Such a survey, if conducted, shall begin not earlier than December 31, 1982.

Information and recommendations received by the Bureau of the Census indicated that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources.

Reports will be required only from a selected sample of firms operating retail establishments in the United States, with probability of selection based on their sales size. The sample will provide, with measurable reliability, statistics on the subjects specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey will receive consideration if submitted in writing to the Director of the Bureau of the Census on or before December 17, 1982.

Dated: November 3, 1982.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 82-30765 Filed 11-8-82; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Carbon Steel Wire Rod From Belgium and France; Termination of Countervailing Duty Investigations

AGENCY: International Trade Administration, Commerce.

ACTION: Termination of countervailing duty investigations.

SUMMARY: The petitioners in the investigations have withdrawn their petitions concerning carbon steel wire rod. Therefore, we are terminating these countervailing duty investigations.

EFFECTIVE DATE: November 9, 1982.

FOR FURTHER INFORMATION CONTACT: David L. Binder, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230; telephone: (202) 377-1779.

SUPPLEMENTARY INFORMATION:

Case Histories

On February 8, 1982, we received petitions from counsel for Atlantic Steel Corporation, Georgetown Steel Corporation, Georgetown Texas Steel Corporation, Keystone Consolidated, Inc., Korf Industries, Inc., Penn-Dixie Steel Corporation, and Raritan River Steel Company, filed on behalf of the U.S. industry producing carbon steel wire rod. The petitions alleged that certain benefits constituting subsidies within the meaning of section 701 of the Tariff Act of 1930, as amended ("the Act"), were being provided, directly or indirectly, to the manufacturers, producers or exporters in Belgium and France of carbon steel wire rod. We found that these petitions contained sufficient grounds upon which to initiate countervailing duty investigations and initiated such investigations on March 1, 1982 (47 FR 9261, 5739). On July 8, 1982, we issued our preliminary determinations in these investigations (47 FR 30541, 30553) and issued our final determinations on September 21, 1982 (47 FR 42403, 42422). These final determinations stated our conclusions that the governments of Belgium and France were providing certain of their manufacturers, producers or exporters of carbon steel wire rod with benefits constituting subsidies within the meaning of the countervailing duty law.

Scope of Investigations

For the purpose of these investigations the term "carbon steel wire rod" covers a coiled, semi-finished, hot-rolled carbon steel product of approximately round solid cross section, not under 0.20 inch nor over 0.74 inch in diameter, not tempered, not treated, not partly manufactured; and valued over 4 cents per pound, as currently provided for in item 607.17 of the *Tariff Schedules of the United States*.

Withdrawal of Petitions

On November 3, 1982, the petitioners in these investigations notified us that they were withdrawing their petitions and requested that the investigations be terminated. Under section 704(a) of the Act, upon withdrawal of a petition, the administering authority may terminate an investigation after giving notice to all parties to the investigation. All parties to these investigations have been notified of the petitioners' withdrawals. We have determined that the termination of these cases is in the public interest.

Customs officers have been instructed to refund any estimated countervailing duties collected and to release any bonds or deposits posted with respect to carbon steel wire rod affected by these terminations.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

November 4, 1982.

[FR Doc. 82-30780 Filed 11-8-82; 8:45 am]

BILLING CODE 3510-25-M

Fireplace Mesh Panels From Taiwan; Postponement of Countervailing Duty; Preliminary Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of countervailing duty preliminary determination.

SUMMARY: The countervailing duty preliminary determination involving fireplace mesh panels from Taiwan is being postponed upon request of counsel for the petitioners in this case. We intend to issue the countervailing duty preliminary determination no later than December 20, 1982.

EFFECTIVE DATE: November 9, 1982.

FOR FURTHER INFORMATION CONTACT: Steven Lim, Office of Investigations, Department of Commerce, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C., (202) 377-4136.

SUPPLEMENTARY INFORMATION: On August 11, 1982, we announced the initiation of a countervailing duty investigation to determine whether the manufacturers, producers, or exporters of fireplace mesh panels from Taiwan receive subsidies within the meaning of the countervailing duty law. The notice of initiation stated that if the investigation proceeded normally we would issue a preliminary determination on or before October 15, 1982. However, since initiation of this investigation, petitioners have requested, pursuant to section 703(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), that the period for the preliminary determination be extended in this case. The petitioners request this extension to allow additional time to prepare comments on the questionnaire responses of the respondents in this case.

Based on this request, in accordance with section 703(c)(1)(A) of the Act, we are extending the period for our preliminary determination in this case to not later than December 20, 1982.

This notice is published pursuant to section 703(c)(2) of the Act.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

November 1, 1982.

[FR Doc. 82-30715 Filed 11-8-82; 8:45 am]

BILLING CODE 3510-25-M

Tomato Products From Greece; Preliminary Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Countervailing Duty Order.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on tomato products from Greece. The review covers the period January 1, 1980 through December 31, 1980. As a result of the review, the Department has preliminarily determined the amount of net subsidies to range from 3.65 to 28.45 drachmas per gross kilogram, depending on the specific product. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: November 9, 1982.

FOR FURTHER INFORMATION CONTACT: Lorenza Olivas or Richard Moreland, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 20, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 51425) the final results of its first administrative review of the countervailing duty order on tomato products from Greece (T.D. 72-88, 37 FR 6360) and announced its intent to conduct the next administrative review. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department has now conducted that administrative review.

Scope of the Review

Imports covered by the review are tomato paste and sauce, peeled tomatoes and tomato juice. Such imports are currently classifiable under items 141.6520, 141.6540, 141.6600 and 166.3000 of the Tariff Schedules of the United States Annotated. The review covers the period January 1, 1980 through December 31, 1980, and is limited to a program of "production aid" to processors of tomato products.

Analysis of Program

On August 16, 1979, the Greek government abolished its regime of production subsidies for tomato growers and adopted an acquisition assistance program for processors in anticipation of joining the European Communities ("the EC"). Under the adopted program the Greek government made payments to processors of tomatoes.

The amount of aid was calculated to compensate for the difference between the price to the processors of EC tomato products and of those from non-member countries. The aid was granted only to processors which concluded contracts withproducers at or above a minimum price, and whose products met the quality standards of the EC.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the net subsidies conferred on tomato products from Greece during the period of review are those shown in the Appendix to this notice.

Accordingly, the Department intends to instruct the Customs Service to assess countervailing duties at those rates on all shipments of this merchandise exported on or after January 1, 1980 and before January 1, 1981.

Further, as provided for by section 751(a)(1) of the Tariff Act, we intend to instruct the U.S. Custom Service to collect cash deposits of estimated countervailing duties at the rates specified in the Appendix on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 10 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in written comments or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

November 4, 1982.

Appendix

Subsidies Conferred

(1) Tomato paste and sauce:

Concentration (percent)		Drachmas per gross kilogram (packing size)				
From	To	More than 1.5 kJ.	From 1.5 to 0.7 kJ.	From 0.7 to 0.25 kJ.	From 0.25 to 0.15	0.15 and less
12	14	6.9	8.06	8.75	10.60	11.93
14	16	7.54	8.84	9.56	11.58	13.03
16	18	8.17	9.58	10.36	12.56	14.12
18	20	8.82	10.34	11.18	13.55	15.25
20	22	9.46	11.09	11.99	14.53	16.34
22	24	10.09	11.83	12.80	15.51	17.44
24	26	10.73	12.58	13.61	16.48	18.54
26	28	11.36	13.32	14.41	17.46	19.64
28	30	12.00	14.07	15.22	18.44	20.74
30	32	12.64	14.81	16.03	19.42	21.84

Concentration (percent)		Drachmas per gross kilogram (packing size)				
From	To	More than 1.5 kJ.	From 1.5 to 0.7 kJ.	From 0.7 to 0.25 kJ.	From 0.25 to 0.15	0.15 and less
32	34	13.27	15.56	16.82	20.38	22.94
34	36	13.91	16.31	17.64	21.37	24.04
36	38	14.54	17.05	18.45	22.36	25.10
38	40	15.19	17.81	19.27	23.34	26.28
40	42	15.83	18.56	20.06	24.33	27.36
42	93	16.46	19.31	20.88	25.30	28.45
93	100	46.80	46.80	46.80	46.80	46.80

(2) Tomato juice: 3.65 drachmas per gross kilogram.

(3) Peeled tomatoes: 6.30 drachmas per gross kilogram.

[FR Doc. 82-30779 Filed 11-8-82; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 628]

Ingeneria y Desarrollo; Order Vacating Temporary Denial of Export Privileges

By Order of June 4, 1982, 46 FR 25396 (June 11, 1982), the respondent, Ingeneria y Desarrollo Industrial, S.A. ("INDEIN") Guzman el Bueno, 121 and 133, Parque de las Naciones, Edificio Britannia, Madrid 3, Spain, was temporarily denied, pursuant to § 388.19 of the Export Administration Regulations (15 C.F.R. Part 368, *et seq.* (1982)) (the "Regulations"), all privileges of participating in any manner or capacity in the export of U.S.-origin commodities or technical data.

The Department of Commerce (the "Department") has now filed an Amended Answer joining in Respondent's Motion to Vacate the Temporary Denial Order, giving as reasons for the amended answer: (1) Additional information provided by INDEIN; (2) other facts available to the Department, and (3) a settlement reached by the parties, constituting final disposition of the administrative proceeding initiated against INDEIN by the Department.

Based upon the representations made by the parties, I find that it would be appropriate to vacate the temporary denial order.

Accordingly, it is hereby

Ordered that, effective immediately, the Order of June 4, 1982 is Vacated.

A copy of this vacation of the Order of June 4, 1982 shall be served upon the respondent and published in the **Federal Register.**

Dated: November 2, 1982.

Thomas W. Hoya,

Hearing Commissioner.

[FR Doc. 82-30777 Filed 11-8-82; 8:45 am]

BILLING CODE 3510-25-M

Joint Business-Department of Commerce Hearings on the Export Administration Act of 1979; Correction

A document previously published in 47 FR 49879 (FR Doc. 82-30260) on Wednesday, November 3, 1982. Hearing procedures were inadvertently omitted. These procedures would have followed the date in the document and are set out below.

Hearing Procedures

Submission of Written Comments

In order to assure that comments may be given the fullest possible consideration, interested persons are urged to submit their written comments as early as possible. Comments postmarked on or before December 10, 1982, will be considered in the Development of the Administration position on the Export Administration Act. Comments postmarked after December 10 will be accepted but cannot be assured consideration.

Persons appearing at a hearing should submit five copies of their written comments at the hearing. Other persons may deliver their comments at any one of the hearings or send them to: Paige Bryan, U.S. Department of Commerce, ITA, Room 3898B, Washington, D.C. 20230.

Persons making presentations at the hearings will be given five minutes to deliver a prepared statement. Accordingly, such persons should be prepared to summarize their written comments, if they are comprehensive in length. Subsequent to the five minute presentation, the panel members will have an opportunity to question the presentor. Only panel members will be permitted to ask questions.

A transcript or summary of the hearing will be prepared.

The transcript or summary, as well as all written comments, will be made available for public review and copying. Any information received with instructions that it be treated as confidential will not be accepted. All public comments, both written and made at the hearing, will be a matter of public record.

The public record concerning this subject will be maintained in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3012, Main Building, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230. All records in this facility on the subject of these hearings may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about inspecting and copying records at the facility may be obtained from Ms. Patricia Mann, the International Trade Administration's Freedom of Information Officer, at the above address, or by calling (202) 377-3031.

Selection of Presentors at Hearings

Requests to appear at a hearing should be made to the Department of Commerce District Office located in the city where the hearing will take place. Because it may be necessary to limit the number of persons making presentations, requestors may be asked to provide the following information to assist in the selection process: Describe requestor's interest in the proceeding; explain whether the requestor represents a certain group of interested parties, e.g., an association, a public interest group; explain the nature of the comments to be presented.

The District Office will notify each person selected to present comments at a hearing no later than two days prior to the hearing in question.

The Department of Commerce reserves the right to select the persons to be heard at each meeting, schedule their respective presentations and establish the procedures governing the conduct of the hearing. In light of the time limitations of the hearings, no person or organization should expect to be permitted to speak at more than one hearing.

Dated: November 5, 1982.

Lawrence J. Bradey,

Assistant Secretary for Trade Administration.

[FR Doc. 82-30847 Filed 11-8-82; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Evaluation of Coastal Zone Management Programs

AGENCY: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the evaluation findings for the Mississippi, Washington, Puerto Rico, and Alaska Coastal Zone Management Programs.

Section 312 of the Coastal Zone Management Act of 1972, as amended, requires a continuing review of the performance of each coastal state with respect to the implementation of its federally approved coastal management

program. The states evaluated were found to be adhering both to the programmatic items of their financial assistance awards and to their approved coastal management programs; and to be making satisfactory progress on grant tasks, special award conditions, and significant improvement tasks. Accomplishments were occurring with respect to the national coastal management objectives identified in Section 303(2)(A)–(I) of the Coastal Zone Management Act.

A copy of the findings made by the acting Assistant Administrator for Coastal Zone Management for each of these states may be obtained on request from: Harriet Knight, Chief of Program Evaluation, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, NW., Washington, D.C. 20235 (telephone: 202/634–4245).

Dated: October 28, 1982.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 82–30714 Filed 11–8–82; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Prepare an Environmental Impact Statement; Military Ocean Terminal, Sunny Point, N.C.

AGENCY: U.S. Army Military Traffic Management Command, DOD.

ACTION: Notice.

Notice of intent to prepare National Environmental Policy Act (NEPA) documents for the following proposed actions at the Military Ocean Terminal, Sunny Point, N.C.:

Upland diked disposal area 5 and reconfiguration of the MOTSU channels and basins—supplement to the final Environmental Impact Statement, MOTSU;

Bulkheads and scour jet arrays for the MOTSU wharves and rehabilitation of upland diked disposal area 2—Environmental Assessment;

Scour jet test array—Environmental Assessment; and

Modification of seasonal restrictions to maintenance dredging at MOTSU—supplement to the final Environmental Impact Statement, MOTSU

SUMMARY:

1. A multifaceted plan of action is proposed to address the problems caused by siltation within the MOTSU channels and ship basing namely: rapid decrease in the overall defense preparedness arising from the immediate and continuing reduction in navigation depths following maintenance dredging operations; operational impediments with respect to vessel movement, berthing and cooling water intake; and, costly and recurring requirements for dredging and dredged material disposal. The foundation of the plan is the reconfiguration of the MOTSU channels and basins, which will improve circulation and cause shoaling to occur in a manner less restrictive to facility operations. Associated with the reconfiguration is the installation of scour jets and bulkheads along the wharves to maintain project depths in the berthing areas (within 100 feet of the wharves) between dredging operations. Also included in the plan of action is the construction of a new diked upland disposal area (disposal area 5) and the rehabilitation of an existing diked upland disposal area (disposal area 2) through the use of a slurry wall and well/pumping system. The plan contains a proposed modification of the seasonal restrictions on maintenance dredging to allow maintenance dredging whenever required.

2. The alternatives to the proposed plan of action include ocean dumping of dredged material, continuation of present diked upland disposal areas, construction of new diked upland disposal areas, various combinations of the components of the proposed action, and no action.

3. a. Participation and public involvement of affected Federal, State, and local agencies, private organizations and parties are invited. Input to the NEPA process will be solicited through: letters to State and Federal agencies, and environmental action groups; a Notice of Intent published in the **Federal Register** and a public notice published by the Wilmington District, Corps of Engineers.

b. Significant issues to be addressed in the NEPA documents mentioned above will include: loss of habitat associated with construction of a new diked upland disposal area, effects dredging new areas of river bottom as a result of channel and basin reconfiguration, potential for saltwater intrusion to ground water associated with new and rehabilitated dredged material disposal areas and the effects of dredging during seasonally restricted periods.

c. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service will furnish input as cooperating agencies to the NEPA documents which contain alternatives in environments within their respective jurisdictions.

4. A scoping meeting will be held 19 November 1982, beginning at 10:00 a.m. in the Headquarters conference room of the Military Ocean Terminal, Sunny Point, North Carolina. The meeting will consist of three parts: an overview of the MOTSU facility and the proposed plan of action; a project area site visit; and finally, and most importantly, discussion by concerned agencies and individuals of significant issues related to the proposed plan of action which should be addressed in the NEPA documents.

5. Estimated date of the NEPA documents being made available to the public:

a. Scour jet test array (Environmental Assessment)—April 1983.

b. Bulkheads and scour jet arrays for the MOTSU wharves and rehabilitation of upland diked disposal area 2, (Environmental Assessment)—October 1983.

c. Upland diked disposal area 5 and reconfiguration of the MOTSU channels and basins (supplement to the final EIS)—February 1984.

d. Modification of seasonal restrictions to maintenance dredging at MOTSU (supplement to the final EIS)—February 1985.

ADDRESS: Questions about the proposed action and NEPA documents can be answered by Mr. Philip M. Payonk/SAWPD–EW, U.S. Army Engineer District, Wilmington, P.O. Box 1890, Wilmington, NC 28402.

Dated: October 14, 1982.

William A. Heizmann III,

Colonel, Transportation Corps Commander.

[FR Doc. 82–30720 Filed 11–8–82; 8:45 am]

BILLING CODE 3710–08–M

Defense Audit Service

Bonus Awards Schedule for Senior Executive Service (SES)

AGENCY: Defense Audit Service, DOD.

ACTION: Notice of schedule for awarding bonuses to SES members.

SUMMARY: The Defense Audit Service plans to grant performance awards to SES members on or about November 22, 1982.

EFFECTIVE DATE: October 27, 1982.

FOR FURTHER INFORMATION CONTACT: Susan E. Irons, Defense Audit Service, 1300 Wilson Boulevard, Arlington, VA 22209, (202) 694–5317.

Robert J. Coffey,

Staff Manager.

[FR Doc. 82–30713 Filed 11–8–82; 8:45 am]

BILLING CODE 3820–01–M

Office of the Secretary

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

CHAMPUS Prepaid Health Benefits Demonstration (CHAMPUS CHOICE)

The survey will provide information on the health insurance offered to CHAMPUS eligible families through other employers. This information will be used to help determine the cost-effectiveness of a nationwide offer of prepaid plans as an alternative to CHAMPUS.

Employers in Portland: 144 responses; 24 hours

Forward comments to Ed Springer, OMB desk officer, Room 3235, NEOB, Washington, D.C. 20503, and John V. Wenderoth, Agency clearance officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, D.C. 20301.

A copy of the information collection proposal may be obtained from LTC Joseph C. H. Smith, OCHAMPUS, Health Systems Research, Aurora, Colorado 80045, telephone (303) 361-8608.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

November 4, 1982.

[FR Doc. 82-30786 Filed 11-8-82; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement; Request Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following request for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains: (1) Type of Submission; (2) title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected: (4) Type pf Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension

Supplemental Application for Employment with DoD Overseas Dependent Schools

To provide in brief, personal, professional, and academic data for use in screening applicants for employment with the Department of Defense Dependent Schools—overseas.

Professional Educators; 4, 500 responses; 2,250 burden hours.

Forward comments to Mr. Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, DC 20503, and Mr. John V. Wenderoth, DoD Clearance Officer, OASD(C), DIRMS, IRAD, Room 1A658, Pentagon, Washington, DC 20301, telephone (202) 697-1195.

A copy of the information collection request may be obtained from Mr. Robert L. Newhart, OASD, MRA&L (PI), Room 3C800, Pentagon, Washington, DC 20301, telephone (202) 695-0643. This survey is under contract.

November 4, 1982.

M. S. Healy

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 82-30787 Filed 11-8-82; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

The Department of Defense has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Each entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for and the uses to be made of the information collected; (4) Type of respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; (8) The point of contact from whom a copy of the information proposed may be obtained.

Extension

Raw, Basic, Processed and Semi-fabricated Stock Form Bill of Material for Sub-contracted Parts or Purchased Parts/GFP (DD Forms 346 and 347).

DD Forms 346 and 347 are used in the development of current and mobilization requirements for materials for support of the Defense Materials System and the DoD Industrial Preparedness Planning Program.

DoD Contractors and Suppliers; 290 responses; 870 hours.

Forward comments to Edward Springer, OMB Desk Officer, Room 3235, NEOB, Washington, D.C. 20503 and John V. Wenderoth, Agency Clearance Officer, OASD(C), IRMS, IRAD, Room 1A 658, Pentagon, Washington, D.C. 20301, telephone (202) 697-1195.

A copy of the information collection proposal may be obtained from Kenneth Foster, OUSDRE(AM)IR, Room 2A 330, Pentagon, Washington, D.C. 20301, telephone (202) 694-4783.

M. S. Healy,

OSD Federal Register Officer, Department of Defense.

November 4, 1982.

[FR Doc. 82-30788 Filed 11-8-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Continuing Education; Meeting

AGENCY: National Advisory Council on Continuing Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: December 1, 2, and 3, 1982.

ADDRESS: The Century Plaza Hotel, 2025 Avenue of the Stars, Century City, Los Angeles, California 90067.

FOR FURTHER INFORMATION CONTACT: Dr. William G. Shannon, Executive Director, National Advisory Council on Continuing Education, 425 Thirteen Street NW.; Suite 529, Washington, D.C. 20004, Telephone: (202) 376-8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on

Continuing Education is established under Section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education; and

(c) activities that will lead to changes in the legislative provisions of this title and other federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The Council meeting will be held from 2:00 p.m. until 5:00 p.m., and from 7:00 p.m. until 9:00 p.m. on December 1; from 9:00 a.m. until 5:00 p.m. on December 2; and from 9:00 a.m. until 12:00 Noon on December 3,. 1982.

The proposed agenda includes:

—The Chairperson's Report
—The Executive Director's Report
—Legislative Update
—Guest speakers from industry, business, and Government on Federal policies dealing with training of the American workforce.
—Council budget
—Work assignments
—Future meetings

Records are kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteen Street NW., Room 529, Washington, D.C.

Signed at Washington, D.C., on November 4, 1982.

William G. Shannon,

Executive Director.

[FR Doc. 82-30696 Filed 11-8-82; 8:45 am]

BILLING CODE 4000-01-M

National Institute of Education; Closing Date for Submission of Proposals

AGENCY: National Institute of Education, ED.

ACTION: Closing date for submission of proposals.

SUMMARY: This notice sets forth the closing date and schedule for consideration of unsolicited proposals.

FOR FURTHER INFORMATION CONTACT: Sarah Price, national Institute of Education, Room 637, 1200 19th Street, NW., Washington, D.C. 20208: 202-254-6778.

SUPPLEMENTARY INFORMATION: The National Institute of Education announces February 3, 1983, as the next closing date for receiving proposals under the unsolicited proposals program.

Unsolicited proposals may be submitted at any time to the NIE Proposals Clearinghouse, Room 813, 1200 19th Street, NW., National Institute of Education, Washington, D.C. 20208. Funding decisions for proposals received by 4:30 P.M., February 3, 1983 are expected by August, 1983, with awards planned for October, 1983.

Dated: November 3, 1982.

Donald J. Senese,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 82-30789 Filed 11-8-82; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Coordinating Subcommittee of the Committee on Enhanced Oil Recovery; Meeting

Notice is hereby given that the Coordinating Subcommittee of the Committee on Enhanced Oil Recovery will meet in November 1982. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Coordinating Subcommittee meeting follows:

The Coordinating Subcommittee will hold its second meeting on Thursday, November 18, 1982, starting at 9:00 a.m. in the Consulate Room of the Westin Oaks, 5011 Westheimer, Houston, Texas.

The tentative agenda for the Coordinating Subcommittee meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Discuss study assignments.
3. Review task group formation.
4. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Coordinating Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Coordinating Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil, Gas, Shale and Coal Liquids, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on November 3, 1982.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

[FR Doc. 82-30729 Filed 11-8-82; 8:45 am]

BILLING CODE 6450-01-M

Receipt and Financial Settlement Provisions for Nuclear Research Reactor Fuels

AGENCY: Department of Energy.

ACTION: Notice

SUMMARY: The Department of Energy is extending until December 31, 1987, its policy of receiving, and making financial settlement for, United States origin spent reactor fuels from research reactors not owned and operated by the Department. This policy had been scheduled to expire December 31, 1982. Additionally, the Department is revising its financial settlement terms for these services, to reflect changes in the Department's cost for providing the services.

FOR FURTHER INFORMATION CONTACT: Roger K. Heusser, Office of Nuclear Materials Production DP-132, U.S. Department of Energy, Washington, D.C. 20545, (301) 353-5496.

SUPPLEMENTARY INFORMATION: Since 1968, the Department of Energy (DOE) and its predecessor agencies, the Atomic Energy Commission, and the Energy Research and Development

Adminstration, have undertaken to receive, at DOE fuel processing sites, and to make financial settlement for, spent reactor fuel from non-Departmental research reactors. The specific terms and conditions for such services were first set forth in a Federal Register Notice entitled "Spent Fuel—Chemical Processing and Conversion" (33 FR 30, January 3, 1968). Subsequently, that Notice was amended on five occasions (35 FR 8715, June 4, 1970; 35 FR 18302, December 1, 1970; 40 FR 3031, January 17, 1975; 40 FR 59774, December 30, 1975; and 41 FR 36144, August 27, 1976). The amendments generally updated the terms for settlement on specific fuels delivered to the Department or its predecessors, and extended the allowable date for delivery. The current deadline for receipt and settlement for United States-origin spent reactor fuels from non-Departmental owned and operated research reactors is December 31, 1982.

There are two conditions for providing this service. First, commercial fuel processing must be unavailable at reasonable terms and conditions, and, second, the reactor fuel must be of United States origin—that is, composed of nuclear materials produced or enriched in this country. The fuel processing charges used for settlement under this program are based upon either the actual processing costs, if the fuel can be processed at a DOE facility, or the conceptual capital and operating costs for an assumed plant. There are a number of non-Departmental research reactor operations in the United States that utilize the processing service provided by DOE. Additionally, a large number of foreign reactor operators using nuclear materials of United States origin have returned fuels to this country under this policy.

DOE has recently reviewed its policy on receipt and financial settlement for nuclear research reactor fuels of United States origin. Because (1) no commercial fuel processing services are currently available, or projected to become available, to meet current needs; (2) basic beneficial nuclear research would have to be curtailed absent a spent fuel disposal capability; and (3) the existence of the policy provides a mechanism for the return of highly enriched uranium to the United States, the Department has determined to extend until December 31, 1987, the deadline for receipt and settlement of spent fuel from non-Departmental research reactors.

The terms and conditions upon which the Department will provide these services are as follows:

1. This policy applies to irradiated nuclear research reactor fuels and blanket materials (reactor materials). This policy pertains only to reactor materials from research reactors other than those involved in the conduct of research and development activities leading to the demonstration of the practical value of such reactors for industrial or commercial purposes.

2. Commercial fuel processing must be unavailable at reasonable terms and conditions.

3. The fuel must be of United States origin—that is, composed of nuclear materials produced or enriched in the United States.

4. This policy applies solely to the following types of reactor fuels:

a. Aluminum-clad, uranium-aluminum (other than uranium–233) alloy fuel types with a uranium-235 content of greater than 20 percent, by weight, of the total uranium content.

b. Aluminum-clad, uranium (other than uranium–233) oxide fuel types with a uranium–235 content greater than 20 percent, by weight, of the total uranium content.

c. Aluminum-clad, uranium-aluminide (other than uranium–233) fuel types with a uranium–235 content of greater than 20 percent, by weight, of the total uranium content.

d. Aluminum or stainless steel-clad, uranium-zirconium hydride (other than uranium–233) TRIGA fuel types.

The percentage of uranium-235 of the eligible fuel types shall be that measured or estimated at the time of delivery to the DOE.[1]

5. DOE will undertake, under contracts individually negotiated with persons licensed pursuant to sections 53.a.(4), 63.a.(4), 103, or 104 of the Atomic Energy Act of 1954, and persons operating research reactors abroad fueled with material produced or enriched by the United States, who possess or will possess eligible reactor materials, to receive such reactor materials at DOE-designated facilities, and to make a settlement therefor in accordance with this Notice and other established DOE policies. This settlement will take into account the charges for the chemical processing of received reactor materials and any conversion of recovered uranium to the standard form, uranium hexafluoride, for which specifications and prices have been established by DOE. Furthermore, DOE may chemically process and convert all or part of such received reactor materials to the extent, in such manner, and at such time and place as it determines advisable, or otherwise dispose of such materials as it may deem advisable.

6. Firm charges for DOE services provided under this policy will be a part of each contract. These charges will be expressed in terms of a unit weight charge fixed by DOE to the reactor materials in question, to apply over the total number of units of weight.

The charges for chemical processing services provided under this policy will reflect the Government's full cost for providing this service, in accordance with the provisions of 10 CFR Part 1009. The basic charges for processing services will be reviewed periodically and adjusted when necessary.

7. As of January 1, 1983, the following charges will be applied to DOE processing services under this policy:

a. For aluminum-clad research reactor fuels, including alloy, oxide, and aluminide composition, $1,000 per kilogram of total delivered weight. Of this charge, $375 is capital-related and $625 is related to operating costs.

b. For aluminum and stainless steel-clad uranium-zirconium hydride research reactor fuels, $1,050 per kilogram of total delivered weight. Of this charge, $395 is capital-related and $655 is related to operating costs.

The capital-related for those DOE-provided services shall be adjusted to reflect changes in price levels from the base date of June 1982, in accordance with the Official Monthly Construction Cost Indices appearing in "Engineering News Record." The operations-related charges for the services shall be adjusted to reflect changes in price levels from the base date of June 1982, in accordance with the Basic Inorganic Chemicals Index appearing in "Wholesale Price Indexes", published by the U.S. Bureau of Labor Statistics.

8. The charge for the conversion to uranium hexafluoride of the purified nitrate salt of uranium that is converted by DOE in its processing of reactor materials is $175/kg of contained uranium.

9. A minimum charge of $44,500 will be applied to each batch of fuel material delivered to DOE under the provisions

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[1] The processing of aluminum-clad research reactor fuels with uranium enrichments (i.e., uranium-235 contents as a percentage of total contained uranium) of less than 20 percent is currently being evaluated. Similarly, the reprocessing of uranium silicide research reactor fuel types is now under study. If these studies show that these research reactor fuel types can be reprocessed in available DOE facilities, the provisions of this policy will be extended to include receipt of these fuels.

of this policy. This charge reflects the minimum cost to DOE of providing processing services for small-batched fuel materials. The size of the processing batch to be shipped shall be as specified by the person seeking the processing services. DOE will permit a person to combine its batch with those of other persons in order to avoid the full impact of the minimum charge for handling a small batch size. Persons must notify DOE of their intent to combine batches prior to the delivery of any reactor materials to be included in a proposed batch. Specific arrangements must include a formula for distributing the processing charges and other settlement factors associated with the delivery of the reactor materials to DOE.

10. DOE has the option of compensating the reactor operator for enriched uranium recovered in the processing of reactor materials delivered to DOE facilities in accordance with the appropriate DOE-published price schedule for enriched uranium material. Such compensation by DOE will consist of providing materials or services of equivalent value. DOE will, thereby, acquire title to the uranium for which it provides compensation. DOE also will acquire title, without cost, to all waste and other materials, including plutonium, contained in the reactor materials.

The enriched uranium recovered in processing reactor materials (or its equivalent) delivered to DOE facilities and not compensated for by DOE, shall be returned to the reactor operator. Enriched uranium will be returned to the reactor operator f.o.b. the DOE processing site, in a reactor-operator furnished cask suitable for shipment offsite.

11. In lieu of processing uranium-zirconium hydride fuel types, DOE will agree to provide disposition services for such fuels. In this case, no compensation for recovered uranium will be made. Research reactor operators may prefer to write-off the value of the uranium contained in the fuel and accept this service. Additional information concerning DOE's disposition service may be obtained from the Manager, Idaho Operations Office, U.S. Department of Energy, Idaho Falls, Idaho 83401.

Issued in Washington, D.C., October 26, 1982.

Herman E. Roser,

Assistant Secretary for Defense Programs.

[FR Doc. 82-30686 Filed 11-8-82; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ES83-8-000]

Interstate Power Co.; Application

November 2, 1982.

Take notice that on October 25, 1982, Interstate Power Company (Applicant) filed an application with the Federal Energy Regulatory Commission, pursuant to Section 204(a) of the Federal Power Act, seeking an order authorizing entry into a loan agreement related to the issuance of up to $2,800,000 of pollution control revenue bonds by Louisa County, Iowa, for the Louisa Generating Station Unit No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 23, 1982, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 385.211 or 385.214). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30576 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-56-000]

Allegheny Power Service Corp.; Filing

November 2, 1982.

Take notice that on October 22, 1982, Allegheny Power Service Corporation (APSC) tendered for filing on behalf of Monongahela Power Company (Monongahela), the Potomac Edison Company (Potomac), and West Penn Power Company (West Penn), the electric utilities which make up the integrated Allegheny Power System, Amendment No. 9 dated as of September 1, 1982 to the Operating Agreement dated January 1, 1973 among Monongahela, Potomac and West Penn and Virginia Electric and Power Company (VEPCO) designated Monongahela Rate Schedule FERC No. 32, Potomac Rate Schedule FERC No. 33, West Penn Rate Schedule FERC No. 31, and VEPCO Rate Schedule FERC No. 99.

APSC states that Amendment No. 9 provides for increases in the demand charges for Short Term Power from $0.85 to $1.05 per kilowatt-week and in the demand charges for Limited Term Power from $4.50 to $5.50 per kilowatt-month when the Allegheny Power System companies are providing the service.

APSC further states that since Short Term Power and Limited Term Power transactions are scheduled from time to time as load and capacity conditions on the systems of the parties dictate it is impossible to estimate the increases in revenues which would result from Amendment No. 9.

APSC requests an effective date of September 1, 1982, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30753 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-59-000]

Carolina Power & Light Co.; Filing

November 2, 1982.

Take notice that Carolina Power & Light Company on October 25, 1982, tendered for filing changes outlined below in its agreement with Lumbee River EMC, Wake EMC, Tideland EMC, Central EMC, and Carteret-Craven EMC.

1. *Lumbee River EMC*—The establishment of a new point of delivery to be known as Raeford 115 kV.

2. *Wake EMC*—The relocation of metering equipment, a change in metered voltage to 69 kV, provide metering pulse information under Company's additional facilities plan and a name change in the point of delivery from Creedmoor to a more descriptive name to be known as Youngsville 69 kV.

3. *Tideland EMC*—An upgrade of the metered voltage from 12 kV to 23 kV at the Edwards 115 kV point of delivery.

4. *Wake EMC*—The relocation of metering equipment for the Emit 69 kV point of delivery from the customer's 12 kV bus of the 66/12 kV substation to the customer's Emit 69 kV Breaker Station.

5. *Central EMC*—The termination and cancellation of the Cape Fear 23 kV point of delivery.

6. *Carteret-Craven EMC*—The termination and cancellation of the Maysville 12 kV point of delivery.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30754 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3210-001]

City of Gold Hill and Western Energy & Resources, Inc.; Application for License (5 MW or Less)

November 4, 1982.

Take notice that City of Gold Hill and Western States Energy & Resources, Inc. (Applicant) filed on September 17, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for construction and operation of a water power project to be known as Gold Hill Hydroelectric Project No. 3210. The project would be located on Rogue River, near Gold Hill, in Jackson County, Oregon. Correspondence with the Applicant should be directed to: Mr. George Eicher, 8787 S.W. Becker Drive, Portland, Oregon 97223.

Project Description—The project would consist of: (1) An existing 3-foot-high, 800-foot-long concrete diversion weir; (2) the existing fish passage facilities to be upgraded; (3) the existing 2,400-foot-long earthfill rock canal to be upgraded; (4) the existing powerhouse to be upgraded from a total installed capacity of 2.5 MW to 3.0 MW; and (5) a proposed 900-foot-long, 23-kV transmission line. The Applicant estimates that the average annual energy production would be 21.14 million kWh. The existing project facilities are owned by the City of Gold Hill.

Purpose of Project—The energy produced by the project would be sold to Pacific Power & Light Company.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must file with the Commission, on or before January 19, 1983, either the competing application itself (See 18 CFR 4.33(a) and (d)) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Filing of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et. seq. (1981).

Comments, Protests, or Motions to Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 19, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30755 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-58-000]

Connecticut Light & Power Co.; Filing

November 2, 1982.

Take notice that on October 25, 1982, Connecticut Light & Power Company (CL&P) tendered for filing as an initial rate schedule an exchange agreement (the Agreement) between CL&P, the Hartford Electric Light Company (HELCO), Western Massachusetts Electric Company (WMECO) (together, the NU Companies); and Boston Edison Company (BECO). The Agreement, dated as of December 14, 1981, provides for the NU Companies to exchange capacity and related pondage from the Northfield Mountain Pumped Storage Hydro Electric Project (Project) for equal capacity from various generating units on the BECO system as shown in Appendix A to the Agreement (the Exchange Units).

CL&P states that the Agreement provides that the parties will determine weekly during the term of the Agreement whether or not it is economically advantageous that an exchange shall take place during any particular week.

CL&P further states that BECO will pay a capacity charge to the NU Companies in an amount equal to the kilowatts of capactiy exchanged during each week times $0.211006 reduced on a pro rata basis for exchanges of less than one week duration. BECO will also pay a station service energy charge to the NU Companies for BECO's share of the station service energy consumed by the Project during an exchange at a rate representing the average cost of providing such energy from the system of NU Companies during the prior calendar month. The NU Companies would purchase energy from the Exchange Units at the average cost or the NEPEX replacement cost of providing such energy.

CL&P Requests an effective date of December 14, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 17, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 30756; Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5028-001]

Energenics Systems, Inc., Surrender of Preliminary Permit

November 4, 1982.

Take notice that Energenics Systems, Inc., Permittee for the proposed Mill Creek Dam Project No. 5028, has requested that its preliminary permit be terminated. The permit was issued on November 3, 1981, and would have expired on April 30, 1983. The project would have been located on Mill Creek in Walla Walla County, Washington. The Permittee states that studies have shown that the project would have been technically and environmentally infeasible.

The Permittee filed its request on October 19, 1982, and the surrender of the preliminary permit for Project No. 5028 is deemed accepted as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc.82-30757 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6607-000]

Energenics Systems Inc.; Application for Preliminary Permit

November 4, 1982.

Take notice that Energenics Systems Inc. (Applicant) filed on August 18, 1982, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 6607 to be known as the Okatibbee Reservoir Dam Hydroelectric Project located on Okatibbee Creek in Lauderdale County, Mississippi. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Granville J. Smith, Energenics Systems Inc., 1717 K Street, N.W., Suite 706, Washington, D.C. 20006

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 6607 would consist of: (1) A proposed 100-foot-long penstock with bifurcation installation running from the existing intake structure conduit to the powerhouse; (2) a proposed powerhouse to be built adjacent to the intake structure conduit; (3) the installation of one tubular turbine unit with a total installed capacity of 500 kw; (4) a short open channel tailrace; (5) a proposed transmission line, less than one mile long, interconnecting with East Mississippi Electric Power Company. Applicant estimates the average annual energy generation to be 2.1 Gwh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $30,000,.

Competing Applications—Anyone desiring to file a competing application for preliminary permit must file with the Commission, on or before February 22, 1983, the competing application itself (see 18 CFR 4.30 et seq. (1981)). A notice of intent to file a competing application for preliminary permit will not be accepted for filing.

The Commission will accept applications for license or exemption from licensing, or a notice of intent to file such an application in response to this notice. A notice of intent to file an application for license or exemption must be filed with the Commission on or before March 7, 1983, and should specify the type of application forthcoming. Applications for licensing or exemption from licensing must be filed in accordance with the Commission's regulations (see: 18 CFR 4.30 et seq. or § 4.101 et seq. (1981), as appropriate.)

Agency Comments—Federal, State, and local agencies are invited to file comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before February 22, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30758 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4345-001]

Mega Hydro, Inc.; Surrender of Preliminary Permit

November 3, 1982.

Take notice that Mega Hydro, Inc., Permittee for the proposed Dutch Creek Power Project No. 4345, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on May 7, 1981, and would have expired on April 30, 1983. The project would have been located on Dutch and Maple Creeks in Trinity County, California. The Permittee states that measures required to mitigate adverse impacts on anadromous fisheries render the project infeasible.

The Permittee filed its request on September 29, 1982, and the surrender of its pemit for Project No. 4345 is deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30759 Filed 11–8–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5360–001]

Mega Hydro, Inc.; Surrender of Preliminary Permit

November 3, 1982.

Take notice that Mega Hydro, Inc., Permittee for the proposed Soldier Creek Power Project No. 5360, has requested that its preliminary permit be terminated. The Preliminary Permit was issued on March 1, 1982, and would have expired on August 31, 1983. The project would have been located on Soldier Creek near Junction City, in Trinity County, California. The Permittee states that measures required to mitigate adverse impacts on anadromous fisheries render the project infeasible.

The Permittee filed its request on September 29, 1982, and the surrender of its permit for Project No. 5360 is deemed effective as of the date of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30760 Filed 11–8–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 6361–000]

Lawrence J. McMurtrey; Suspending 120-Day Period for Action on Small Hydro Exemption

November 1, 1982.

Lawrence J. McMurtrey has filed an application for exemption for the proposed Tenas Creek Project No. 6361 located on Tenas Creek in Skagit County, Washington. The application was filed pursuant to Section 408 of the Energy Security Act of 1980 and § 4.101 *et seq.* of the Commission's Regulations.

Having determined that additional time is necessary for action on the application in order to ensure full consideration of all information received, the 120-day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30761 Filed 11–8–82; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP82–13–000]

National Fuel Gas Supply Co.; Settlement Conference

November 3, 1982.

On November 12, 1982 at 1:00 p.m., a settlement conference will be convened in the above-referenced proceeding. The conference will be held in a room to be designated at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

All interested parties and Staff will be permitted to attend.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82–30766 Filed 11–8–82; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 5834–000]

Pennsylvania Hydro-Electric Development Corp.; Notice of Application for License (5 MW or Less)

November 4, 1982.

Take notice that Pennsylvania Hydro-Electric Development Corporation (Applicant) filed on December 31, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for construction and operation of a water power project to be known as Auburn Water Power Project No. 5834. This application for license was filed during the term of the Applicant's preliminary permit for Project No. 2803. The project would be located on the Schuylkill River in Schuylkill County, Pennsylvania. Correspondence with the Applicant should be directed to: Larry Gleeson, President, Pennsylvania Hydro-Electric Development Corporation, Suite 213, Continental Offices, P.O. Box 814, King of Prussia, PA 19406.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) The existing Auburn Dam, approximately 500 feet long and 16 feet high, constructed of concrete with spillway crest elevation at 472 feet m.s.l.; (2) a reservoir having minimal pondage; (3) three self contained turbine-generator units (with either siphon penstocks or conventional penstocks depending on final economic and environmental considerations) having rated capacities of 136 kW each for a total rated capacity of 408 kW; (4) draft tube outlets discharging immediately downstream of the dam; (5) a new transmission line, 2000 feet long, connecting to an existing 12.47-kV transmission line; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,500,000 kWh. Project energy would be sold to the Pennsylvania Power and Light Company. Auburn Dam is owned by the Commonwealth of Pennsylvania.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide coments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. 88–29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the Applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must file with the Commission, on or before January 19, 1983, either the competing application itself (See 18 CFR 4.33(a) and (d)) or a notice of intent (See 18 CFR 4.33(b) and (c)) to file a competing application. Submisison of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 19, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory

Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30762 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 4678-001]

Power Authority of the State of New York; Application for License (Over 5 MW)

November 4, 1982.

Take notice that the Power Authority of the State of New York (Applicant) filed on September 30, 1982, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r) for construction and operation of a water power project to be known as the Crescent Project No. 4678. The project would be located on the Mohawk River in Saratoga, Albany and Schenectady Counties, New York. Correspondence with the Applicant should be directed to: Mr. Scott Lilly, Acting General Counsel, 10 Columbus Circle, New York, New York 10019.

Project Description—The proposed project would include: (1) The existing Crescent Dam, consisting of two independent concrete gravity overflow sections, the eastern section being 900 feet long and 52 feet high and the western section being 536 feet long and 32 feet high; (2) the reservoir with an area of 2,000 acres and storage of 50,000 acre-feet at an elevation of 183 feet msl; (3) an existing regulating structure consisting of a sluiceway 8 feet wide and a Taintor gate 30 feet wide; (4) an existing intake structure with ten arches 8 feet wide and 14 feet high; (5) an existing brick and concrete powerhouse, 104 feet long and 73 feet wide, to be enlarged by an addition measuring 73 by 78 feet and to contain two presently operating turbine/generator units rated at 2.8 MW each and two new units rated at 3.0 MW each, all operating under a head of 27.5 feet; (6) an existing switchyard to be expanded; (7) two existing 34.5-kV transmission lines; and (8) appurtenant facilities.

This license application was filed during the term of the Applicant's preliminary permit for Project No. 4678.

The dam is owned by the State of New York and is under the jurisdiction of the State Department of Transportation.

Purpose of Project—The average annual generation of 60.8 million kWh would be used by the Applicant or sold to Niagara Mohawk Power Corporation.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 21, 1983, either the competing application itself (See 18 CFR 4.33 (a) and (d)) or a notice of intent (See 18 CFR 4.33 (b) and (c)) to file a competing application. Filing of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c) or § 4.101 et seq. (1981).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of the Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before January 21, 1983.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30763 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL83-1-000]

Sacramento Municipal Utility District v. Pacific Gas and Electric Co.; Filing

November 3, 1982.

The Complainant submits the following:

Take notice that on October 21, 1982, Sacramento Municipal Utility District ("Sacramento") filed a complaint against Pacific Gas and Electric Company ("Pacific"). Sacramento alleges that Pacific refuses to provide wholesale electric service on the terms prescribed in the Power Sale, Exchange and Integration Contract between Pacific and Sacramento. Sacramento states that the contract is on file with the Commission as FPC Rate Schedule No. 45.

Sacramento requests the following relief:

1. That the Commission issue an order requiring just and reasonable allocation between Sacramento and Pacific of the cost of out of area purchases under Article 6 of FPC Rate Schedule No. 45;
2. That the Commission declare unlawful Pacific's present attempt to allocate most of the cost of its out of area purchases to Sacramento;
3. That the Commission prohibit Pacific, until this matter is finally resolved, from collecting the cost of its out of area purchases from Sacramento by withholding further payments due Sacramento under FPC Rate Schedule No. 45 (or by any other means);
4. That the Commission grant Sacramento such other or further relief as may be appropriate.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before December 3, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30767 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3079-001]

State of Idaho Water Resources Board; Surrender of Preliminary Permit

November 3, 1982.

Take notice that State of Idaho Water Resources Board, Permittee for the proposed Clear Springs Power Project No. 3079, has requested that its preliminary permit be terminated. The preliminary permit was issued on August 27, 1980, and would have expired on July 31, 1983. The project would have been located on the Snake River in the Counties of Gooding and Twin Falls, Idaho. The Permittee stated that if found unsuitable foundation conditions at the site of its proposed 25 to 50-foot-high dam.

The Permittee filed its request on October 12, 1982, and the surrender of preliminary permit for Project No. 3079 is deemed effective as of the date of this notice

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30768 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6205-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 4, 1982.

Take notice that on April 12, 1982, Western Hydro Electric, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6205 would be located on White Chuck River, near Darrington, within Mount Baker National Forest, in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Western Hydro Electric, Inc., Commercial Security Bank Building, Suite 600, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A 6-foot-high, 50-foot-long concrete diversion structure; (2) a 12,000-foot-long, 84-inch-diameter pipeline; (3) a 1,100-foot-long, 84-inch-diameter penstock; (4) a powerhouse containing two generating units with a total installed capacity of 4.8 MW; and (5) a 900-foot-long, 34.5-kV transmission line to a proposed substation. The Applicant estimates that the average annual energy production would be 23.0 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Department of Fisheries and Department of Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing appliction must file with the Commission, on or before December 29, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025-26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary

[FR Doc. 82-30764 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 6215-000]

Western Hydro Electric, Inc.; Application for Exemption for Small Hydroelectric Power Project of 5 MW or Less Capacity

November 4, 1982.

Take notice that on April 15, 1982, Western Hydro Electric, Inc. (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric Project No. 6215 would be located on White Chuck River, near Darrington, within Mount Baker National Forest, in Snohomish County, Washington. Correspondence with the Applicant should be directed to: Mr. Donald J. White, Western Hydro Electric, Inc., Commercial Security Bank Building, Suite 600, 50 S. Main Street, Salt Lake City, Utah 84144.

Project Description—The proposed project would consist of: (1) A 6-foot-high, 50-foot-long concrete diversion structure; (2) an 11,000-foot-long, 96-inch-diameter pipeline; (3) a 1,000-foot-long, 96-inch-diameter penstock; (4) a powerhouse containing three generating units with a total installed capacity of 4.71 MW; and (5) an 8-mile-long, 46-kV transmission line interconnecting to an existing transmission line. The Applicant estimates that the average annual energy production would be 23.6 million kWh.

Purpose of Exemption—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the Washington Department of Fisheries and Department of Game are requested, for the purposes set forth in Section 408 of the Act, to file within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must file with the Commission, on or before December 29, 1982 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Filing of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Motions To Intervene—Anyone may file comments, a protest, or a motion to intervene in accordance with the requirements of Commission Rules 211 or 214, 18 CFR 385.211 or 385.214, 47 FR 19025–26 (1982). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be filed on or before December 29, 1982.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 82-30765 Filed 11-8-82; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearing and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals announces the procedures for disbursement of the funds obtained as the result of the consent orders which the DOE entered into with Ada Resources, Inc. and Arcone Oil Company, Inc. The funds will be available to customers which purchased covered petroleum products from the firms during the consent order periods.

DATE AND ADDRESS: Applications for refund of a portion of the Ada or Arcone consent order funds must be postmarked within 90 days of publication of this notice in the Federal Register and should be addressed to: Ada and Arcone Consent Order Refund Proceedings, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20461. All applications should conspicuously display a reference to the appropriate case number BEF–0086 (Ada) or BEF–0089 (Arcone).

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director Office of Hearings and Appeals, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461 (202) 633–8377.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(c) of the procedural regulations of the Department of Energy, 10 CFR 205.282(c) notice is hereby given of the issuance of the decision and order set out below. The decision and order concerns two separate consent orders which the DOE's Office of Enforcement entered into with Ada Resources, Inc. and Arcone Oil Company, Inc. *See* 44 FR. 63135 (1979), 44 FR. 66653 (1979), and 45 FR. 61657 (1980). The two consent orders settled disputes between the DOE and the firms regarding their compliance with the DOE price and allocation regulations. Under the terms of the consent orders, Ada has deposited $100,000 in an escrow account, and Arcone has deposited $200,000 in an escrow account. It was stipulated in each consent order that the refund amount was in settlement of possible enforcement actions based on allegations that the firms had violated DOE regulations.

The Office of Hearings and Appeals previously issued a proposed decision and order which tentatively established a two-stage refund procedure and solicited comments from interested parties concerning the proper disposition of both consent order funds. The proposed decision and order discussing the distribution of funds obtained through the Ada and Arcone consent orders was issued on April 9, 1982. 47FR. 16396.

The decision and order published with this Notice Reflects an analysis of the comments received from interested parties. As the decision indicates, applications for refund from the escrow funds may now be filed. Applications will be accepted provided they are postmarked no later than 90 days after publication of this decision and order in the **Federal Register.** Applications will be accepted from all persons who claim that they were injured by Ada's or Arcone's alleged regulatory violations during the period covered by the consent orders. In order to establish entitlement to a portion of the consent order funds, a purchaser must generally establish, in addition to proof of purchase of the volume claimed, that the purchaser did not pass through price increases to its own customers. The specific information required in an application for refund is set forth in the decision and order.

The decision does not establish mechanical standards for the proper allocation of funds among successful claimants, such as a *pro rata* volumetric distribution. Instead, the decision discusses a number of equitable factors which will be considered in the process of allocating funds among successful claimants. The decision and order also reserves the question of the proper disposition of any remaining consent order funds until the first stage claims procedure is completed.

Dated: November 1, 1982.

George B. Breznay,

Director, Office of Hearings and Appeals.

November 1, 1982.

Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Ada Resources, Inc. and Arcone Oil Company, Inc.

Dates of Filing: September 4, 1981, September 11, 1981.

Case Numbers: BEF-0066, BEF-0089.

This proceeding concerns two Petitions for the Implementation of Special Refund Procedures filed by the Economic Regulatory Administration's Office of Enforcement (OE) (now the Office of Special Counsel) with the Office of Hearings and Appeals pursuant to the provisions of 10 CFR, Part 205, Subpart V. Under those procedural regulations the OE may request that the Office of Hearings and Appeals formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of DOE regulations. The OE filed the petitions in this case in connection with consent orders which the DOE entered into with Ada Resources, Inc. (Ada) and Arcone Oil Company, Inc. (Arcone). Ada, headquartered in Houston, Texas, and Arcone, located in Newark, New Jersey, are both engaged in the marketing of petroleum products to resellers and end-users, and were subject to the Mandatory Petroleum Price Regulations set forth at 10 CFR Part 212, Subpart F.

A DOE audit of Ada's records revealed possible violations of the DOE price regulations with respect to sales of motor gasoline, kerosene, No. 2 diesel fuel and aviation fuel during the period November 1, 1973, through August 31,1974, and with respect to sales of natural gasoline, butane and residual fuel oil from November 1, 1973 through June 30, 1974. In order to settle the dispute between Ada and the DOE regarding those sales, Ada and the DOE entered into a consent order on October 16, 1979. Under the terms of the consent order, Ada agreed to remit $100,000 to the DOE, which is being held in an interest-bearing account established with the United States Treasury pending determination of its proper distribution.

On November 2 and 20, 1979, the OE published notices in the **Federal Register** requesting that interested persons who believe that they have claims to all or a portion of the Ada refund amount provide written notification of their claims within 30 days of publication. 44 FR 63135 (1979); 44 FR 66653 (1979). The DOE also gave notice through a press release. The OE received notices of claim from Rapid Transit Lines, Inc. and the Metropolitan Transit Authority of Harris County, Texas. Subsequently, the OE filed its petition pursuant to Subpart V.

A DOE audit of Arcone's records revealed possible violations of the DOE price regulations with respect to sales of No. 2 fuel oil made to four resellers during November 1973. In order to settle the dispute between Arcone and the DOE regarding Arcone's sales of No. 2 fuel oil during the audit period, Arcone and the DOE entered into a consent order on March 27, 1979. Under terms of that order, Arcone agreed to remit $200,000 to the DOE, which is also being held in an interest-bearing account established with the United States Treasury pending determination of its proper distribution.

On September 27, 1980, the OE published a notice in the **Federal Register** requesting that persons who believe that they had claims to all or a portion of the Arcone refund amount submit written notification of their claims within 30 days of publication. 45 FR 61657 (1980). The DOE also issued a press release the same day. The OE did not receive any notices of claim in response to the **Federal Register** notice or the press release. Subsequently, the OE filed its petition pursuant to Subpart V.

On April 9, 1982, the Office of Hearings and Appeals issued a Proposed Decision and Orders tentatively setting forth procedures to distribute refunds to parties who were injured by Ada's or Arcone's alleged violations. 47 FR 16396 (1982). In the proposed decision we described a two-stage process for distribution of the funds made available by the Ada and Arcone consent orders. Specifically, we proposed to disburse funds in the first stage to claimants who could demonstrate that they were adversely affected by Ada's or Arcone's alleged overcharges in sales of covered products during the applicable period. We also proposed several procedures for disbursing any funds remaining after the meritorious claimants had received appropriate refunds. We suggested that the amount of money available for the second-stage refund process would influence the ultimate disposition of those funds. We proposed that such funds be distributed to state governments in areas affected by the alleged overcharges for the purpose of reducing energy-related expenses subject to the direct control of those governments. In the alternative, remaining funds might be deposited in the United States Treasury.

The purpose of this decision is the establishment of procedures to be used for filing claims in the first stage of the Ada and Arcone refund process. This decision sets forth the information that a customer of Ada or Arcone should submit in order to establish entitlement to a portion of the respective consent order funds. In establishing these requirements, we will address comments filed in response to the first-stage proposal in the April 9 decision. We will not, however, determine procedures for the second stage of the refund process in this decision. Our determination concerning the final disposition of any remaining funds will necessarily depend on the size of the fund. *Office of Enforcement (Coline),* 9 DOE ¶ 82,506 (1981). It is therefore premature for us to address the issues raised by commenters concerning the proposed disposition of funds remaining after all the meritorious claims have been paid.

Jurisdiction

In our April 9 proposed determination and in other recent decisions, we have discussed at length our jurisdiction and authority to fashion special refund procedures. *See* 47 FR 16396 (April 16, 1982); *Office of Enforcement (Olin),* 9 DOE ¶ 82,539 (1982). We have received no comments challenging our authority to fashion special refund procedures in these two cases. We will therefore exercise jurisdiction over the Ada and Arcone consent order funds.

Any party that believes that it is eligible for a refund may file an application. To establish eligibility for a portion of the Ada and Arcone consent order funds, we proposed in our April 9 determination that claimants that are resellers or that are involved in the production or distribution of goods or services be required to demonstrate that, during the period covered by the consent order, they would have kept their prices for petroleum products or goods and services at the same level had the alleged overcharges not occurred. In other words, we stated that we wanted an indication that the reseller was not simply passing on to its customers any Ada or Arcone price increases. We stated that a claimant should demonstrate that at the time it purchased covered products from its supplier, market conditions would not permit it to pass through the additional costs associated with the alleged overcharges. In addition, we suggested that a reseller of petroleum products must have maintained a "bank" of unrecovered product costs until January 28, 1981, the date on which the President decontrolled all remaining covered products. Finally, we stated that a purchaser who is an ultimate consumer and not engaged in the sale of goods or services would not have to make these showings.

We received comments on this issue from the Association of American Railroads. It asks us to follow our previous decisions and add regulated transportation companies to the class of claimants that would not be required to demonstrate that they did not pass through to their customers cost increases resulting from alleged overcharges. *See, e.g., Office of Special Counsel (Tenneco),* 9 DOE § 82,538 (1982). The Association contends that any overcharges which regulated transportation companies had incurred would have been channeled to their customers by the regulatory bodies. It notes that any refunds which regulated transportation companies receive would also be passed through to their customers. The Association thus argues that regulated transportation companies should be treated in the same manner as ultimate-purchaser claimants, which need only demonstrate that they purchased a specific quantity of product sold by Ada or Arcone during the relevant time period in order to qualify for refunds.

We will adopt the Association's proposal. This position is consistent with our determination in prior cases, *see, e.g., Office of Special Counsel (Pennzoil),* 9 DOE ¶ 82,545 at 85,244 (1982), and as we have noted, the DOE's Office of Special Counsel has reviewed the operation of the agencies that regulate transportation companies and public utilities and has determined that refunds to these firms are indeed factored into their rate making systems. *Id.* Similarly, we believe that refunds to claimants that are agricultural cooperatives will likewise directly influence the prices charged to their member customers. These cooperatives are owned by their customers, and the ultimate consumers of the petroleum products purchased by the cooperative will therefore receive the benefit of the refund either as a price reduction or an a distribution at the close of the cooperative's fiscal year. *See Tenneco,* 9 DOE at 85,203. Consequently, we have concluded that refund applications from firms whose prices for goods or services are regulated by a government agency or by the terms of a cooperative agreement will not be required to show that they absorbed alleged Ada or Arcone overcharges. Instead, those firms should supply us with a full explanation of the manner in which refunds will be passed through to their customers. In addition, these applicants' receipt of refund money will be conditioned on notice to the appropriate regulatory body or membership group.

We suggested in our proposed decision that another group of purchasers be excused from having to document more than the fact that they purchased products from Ada or Arcone during the relevant period of time. We stated that we would consider establishing a threshold level of purchases under which applicants, primarily small firms and individuals, would not be required to make a detailed showing of actual injury. We proposed a purchase threshold of 50,000 gallons per month on each product. Firms with purchases below that level would be permitted to claim a refund based upon their level of purchases without having to submit evidence concerning their banks of unrecouped product cost increases or prevailing market conditions which had prevented them from passing through the alleged overcharges. In addition, firms that purchased more than an average of 50,000 gallons per month of a product would be excused from the requirement of showing that the effects of the alleged violations were not passed through, provided that they limit their claims to the 50,000 gallons per month level.

The State of New York in its comments urges us not to adopt any threshold purchase level. Instead, the State requests us to adopt a presumption that any reseller that was overcharged would have passed through the alleged violation to its customers. After careful consideration we have concluded that it is in the best interests of efficient resolution of these proceedings to establish a threshold level of purchases below which a claimant need not demonstrate injury. The State of New York has offered no evidence in support of its position that most small resellers should be presumed to have passed on all of the alleged overcharges to their customers. The adoption of a small claims threshold purchasee level below which firms do not have to submit evidence of injury is based upon several considerations. First, it has been our experience in dealing with tens of thousands of firms in the petroleum industry that businesses with a relatively low level of sales will not have maintained sophisticated recordkeeping systems. A requirement that these firms produce records of transactions that oocurred eight years ago, if those records even exist, would prove to be an onerous one. Secondly, the cost of compiling this information from a recordkeeping system of this type would in many cases exceed the refund to be gained. Consequently, in the interest of fostering the restitutionary objectives of the Subpart V process, we will establish a threshold figure of 50,000 gallons per month, or 600,000 gallons per year. Claims based upon a sales figure below this level will not have to supply documentation of injury.

In summary, with respect to applicants that claim a refund based upon purchases of less than an average of 50,000 gallons per month of a relevant Ada or Arcone product during the period for which a refund is claimed, we will require only proof of purchase from either Ada or Arcone. With respect to applicants claiming a refund based upon purchase volumes greater than that amount, we will require a showing that the purchaser did not pass through the price increases to its own customers. Retailers and resellers who claim refunds on the basis of purchases exceeding an average of 50,000 gallons per month should submit two types of data in order to make the required showing. They should submit data summarizing the applicant's unrecouped increased product costs (bank) for each calendar quarter for which the firm claims a refund. If the applicant used its banked costs to increase its selling price at a later date, such data should be included in the application and the firm's refund may be appropriately reduced. We note that even if a firm's bank was reduced to zero during the period covered by the consent order, it may nevertheless be possible for the firm to establish eligibility for a refund by showing that during the period, market forces reduced its sales and compelled the applicant to purchase and consequently to sell a smaller volume of product with correspondingly lessened profits. In addition, applicants should submit any other type of available data showing that they were not able to increase their prices to pass through the alleged overcharges due to market conditions. Although we shall not engage in a time-consuming legal and factual analysis leading to a precise measure of damages, we wish to emphasize that the burden of establishing eligibility for a refund rests on the claimant.

Allocation of Refund Money

In *Office of Enforcement (Vickers),* 8 DOE ¶ 82,597 (1981), we used a "pure" volumetric method of allocating refunds to claimants. Refunds in that case were based on the proportion of the product bought by the applicant to the total amount of product sold by the supplier during the relevant time period. Based on our experience in Subpart V cases since that time, we stated in our proposed decision that the adoption of the "pure" volumetric plan of distribution would not be the best mechanism for allocating the Ada and Arcone consent order funds. Because of the nature of consent orders, the amount of money available for distribution is likely to be less than the amount needed to make full restitution to injured claimants. Where a "pure" volumetric refund distribution scheme is adopted, there is in effect an additional limitation on the amount of refund which can be distributed to a successful claimant because of the per gallon refund ceiling. In the event that a significant number of applicants fail to demonstrate the merits of their claims, the total amount of refunds made to successful claimants may be far less than the amount of the settlement funds available for distribution. We therefore believe that it is fully consistent with the restitutionary objectives of the present proceeding to distribute available funds by a method other than the *Vickers* "pure" volumetric distribution scheme. Accordingly, we proposed an alternative means of distribution based on a modified version of the "pure" volumetric refund formula that would permit additional refunds to successful claimants.

In its comments, the State of New York expresses a concern that our proposal to use a modified volumetric mechanism for distribution of first-stage funds may deprive some injured consumers of a share of the refunds. The State's concern is based on the possiblitiy that meritorious claims filed during the first stage of the Ada and Arcone refund proceeding might exhaust the settlement fund and thereby obviate the need for a second stage.(*1*) We believe this concern is unfounded. First, consumers of Ada or Arcone products will not be precluded from sharing in the refund pool. Individual consumers and groups of consumers that can document the volumes of Ada or Arcone products they purchased during the relevant time period will have the opportunity to file applications for refund.

Secondly, even if the consent order funds will be depleted in the first stage of the proceeding because of the large number of eligible claimants that can successfully document their injuries attributable to the alleged charges, the purpose of this proceeding would not be frustrated, as New York State contends.(*2*) Distribution of settlement funds to those who may have been injured by the alleged overcharges is the goal of a Subpart V proceeding. That goal is not compromised if the settlement funds can be distributed in a first-stage proceeding, rather than in two stages.

Consequently, we will utilize a modified volumetric scheme of the type discussed in our April 9 proposed decision because we believe that the restitutionary objectives of the present proceeding can be best achieved by utilizing such a scheme. We will first establish a "floor" or minimum amount a successful claimant could receive. Knowledge of this amount will assist a potential applicant in deciding whether to apply for a refund. In this proceeding the minimum amount that a successful claimant will recover can be determined by multiplying its total product purchases (in gallons) by the total amount of money available for distribution (the relevant consent order amount) divided by the total sales (in gallons) by the relevant firm of all products covered by the individual consent order. The refund floor in the Ada case is $.00083418426 per gallon and in the Arcone case it is $.06148792792 per gallon. (*3*) The OHA will also consider the following factors in determining individual refunds: (i) The number of qualified claimants, and the aggregate volume of their purchases from the firms as compared to the amount of products sold by these firms during the consent order period; (ii) the impact of the alleged violations on the claimant's business; (iii) the market conditions prevalent during the consent order period; (iv) the claimant's position in the distribution chain, that is, whether it is a refiner, reseller, or ultimate consumer; and (v) the manner in which the claimant's business is governed by federal, state or local regulatory agencies or other relevant private contractual agreements, such as those affecting agricultural cooperatives. A balancing of these factors will enable us to further the restitutionary goals of Subpart V and the underlying statutory objectives.

We will also establish a minimum amount of $15 for first stage claims. We have found through our experience in prior refund cases that the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the modest benefits of restitution in those situations. *See, e.g., Uban Oil Co.*, 9 DOE ¶ 82,541 at 85,225 (1982); *see also* 10 CFR 205.286(b).

Application for Refund Procedures

After having considered all the comments received concerning the first stage proceedings tentatively adopted in our April 9 proposed decision, we have concluded that applications for refund should now be accepted from parties who purchased petroleum products from Ada or Arcone. Applications for refund of a portion of the Ada or Arcone consent order funds must be postmarked within 90 days after publication of this Decision and Order in the Federal Register. *See* 10 CFR 205.286. Applications made on behalf of a class of claimants will be considered on a case-by-case basis. An application must be in writing, signed by the applicant, and specify that it pertains to the Ada Consent Order Fund, Case Number BEF-0086 or Arcone Consent Order Fund, Case Number BEF-0089. If the applicant is not a direct purchaser from Ada or Arcone, it should indicate from whom the product was purchased and indicate what basis the applicant has for its belief that the product which it purchased originated from Ada or Arcone.

All applications for refund must be filed in duplicate. A copy of each application will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, 1200 Pennsylvania Avenue, NW., Washington, D.C. Any applicant that believes that its application contains confidential information must so indicate on the first page of its application and submit two additional copies of its application from which the information that the applicant claims is confidential has been deleted, together with a statement specifying why any such information is privileged or confidential. Each application must indicate whether the applicant or any person acting on its instructions has filed or intends to file any other application or claim of whatever nature regarding the matters at issue in the underlying enforcement proceeding. Each application must also include the following statement: I swear (or affirm) that the information submitted is true and accurate to the best of my knowledge and belief. *See* 10 CFR 205.283(c); 18 U.S.C. 1001. In addition, the applicant should furnish us with the name, position title, and telephone number of a person who may be contacted by us for additional information concerning the application. All applications should be sent to: Ada and Arcone Consent Order Refund Proceedings, Office of Hearings and Appeals, Department of Energy, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20461. All applications for refund received within the time limit specified will be processed pursuant to 10 CFR 205.284.

In order to assist applicants in establishing eligibility for a portion of the consent order funds, the following subjects should be covered by each purchaser of Ada or Arcone products:

A. Each applicant should report its volume of purchases by calendar quarter for the period of time for which it is claiming it wa injured by the alleged overcharges, if any.

B. Each applicant should specify how it used the Ada or Arcone product, such as whether it was a reseller or ultimate user.

C. If the applicant is a reseller, it should state whether it maintained banks or unrecouped product cost increases from the date of the alleged violation through January 27, 1981. (*4*) It should furnish the OHA with quarterly bank calculations.

D. The applicant must state whether it or any or its affiliate have filed any other applications for refunds which might affect its level of banks.

E. The applicant must submit evidence to establish that it did not pass on the alleged injury to its customers. For example, a firm may submit market surveys to show that price increases to recover alleged overcharges where infeasible.

F. The applicant should report whether it is or has been involved as a party in DOE or private section 210 enforcement actions. If these actions have terminated, the applicant should furnish a copy of any final order issued in the matter. If the action is ongoing, the applicant should briefly describe the action and its current status. Of course, the applicant is under a continuing obligation to keep the OHA informed of any change in status during the pendency of its application for refund. *See* 10 CFR 205.9(d).

It is therefore ordered that: The Petitions for Implementation of Special Refund Procedures filed by the Economic Regulatory Administration in Case Numbers BEF-0086 and BEF-0089 are hereby granted. The refund amounts provided by Ada Resources, Inc. and Arcone Oil Company, Inc. will be distributed in the manner set forth in the foregoing decision.

George B. Breznay,

Director, Office of Hearings and Appeals.

Dated: November 1, 1982.

Footnotes

(*1*) In our April 9 decision we proposed that if a second stage should prove necessary in either case, state governments in the affected areas may be designated as refund recipients for the purpose of reducing energy-related expenses subject to their control.

(*2*) Based on our experience in previous Subpart V cases, it is unlikely that the settlement funds will be exhausted in the first stage.

(*3*) If valid claims exceed the total amount of money available for refund, there will be a pro rata reduction.

(*4*) Those resellers who did not elect to maintain bank calculations for the period May 1, 1980 through January 27, 1981, do not, of course, have to supply bank calculations for that period. *See* 45 F.R. 29546(1980).

[FR Doc. 82-30068 Filed 11-8-82; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of October 4 Through October 8, 1982

During the week of October 4 through October 8, 1982 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Elk Trading Co., Inc., 10/6/82, HFA-0062

Elk Trading Co., Inc. filed and Appeal from a partial denial by the Director of the Economic Regulatory Administration's Office of Fuels Programs (Director) of a Request for

Information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Director conducted a thorough and conscientious search for responsive documents and correctly applied Exemption 5 to most of the withheld material, but incorrectly withheld certain segregable factual material. Accordingly the Appeal was granted in part.

Taxpayers Coalition Against Clinch River, 10/5/82, HFA-0083

Taxpayers Coalition Against Clinch River filed an Appeal from a denial by the Assistant Manager for Administration at DOE's Oak Ridge Operations Office of a Request for Information which the Coalition had submitted under the Freedom of Information Act. The Assistant Manager held that there were no documents in existence responsive to this request. In considering the Appeal, the DOE found that because of the specific nature of the initial request the Assistant Manager's determination was correct. The Appeal was therefore denied.

Requests for Modification and or Rescission

Duncan Allen and Mitchell, 10/7/82, HEP-0040

The law firm of Duncan, Allen and Mitchell (Duncan) filed a motion requesting reconsideration of a decision issued to it on August 9, 1982 by the Office of Hearings and Appeals (OHA). *Duncan, Allen and Mitchell,* 10 DOE ¶80,103 (1982). In that decision , OHA denied Duncan's Appeal from a determination issued by the Executive Secretary of the Department of Energy which denied Duncan's request for information under the Freedom of Information Act on the grounds that there were no responsive documents. In considering Duncan's motion for reconsideration, OHA found that there had been a substantial change in the facts upon which the August 9 decision was based, and that the new facts indicated that the search conducted by the Office of the Executive Secretariat was inadequate. Consequently, OHA granted Duncan's motion and remanded the matter to the Director of Freedom of Information Act Activities for an additional search for documents responsive to Duncan's request.

Laketon Asphalt Refining, Inc., 10/4/82, HYR-0023

On March 5, 1982, Laketon Asphalt Refining, Inc. (Laketon) filed a Motion for Reconsideration of a Year End Entitlements Exception Review Decision issued by the Office of Hearings and Appeals of the Department of Energy on February 5, 1982. That Order determined that the firm had received $3,484,245 in excessive entitlements exception relief for its fiscal year 1980. In the Motion for Reconsideration, Laketon contended that compliance with the February 5 Order would result in the imposition of a gross inequity upon the firm. In considering the firm's Motion, the DOE determined that Laketon had failed to substantiate its claim of gross inequity. The DOE also found Laketon's procedural contentions of denial of due process and mootness to be without merit. Accordingly, Laketon's Motion for Reconsideration was denied.

Requests for Exception

Dixon R-1 Schools, 10/7/82, BEE-1686

Dixon R-1 Schools (Dixon) filed an Application for Exception from the provisions of 10 CFR Part 455 in which the school district sought credit for the costs which it incurred in installing energy conservation measures at its elementary school building. In considering the request, the DOE found that Dixon had already received the full amount of federal funds to which it was entitled. Furthermore, the DOE found that Dixon had not shown that it was unable to complete its energy conservation project with funds from other sources. Accordingly, exception relief was denied.

Gulf Oil Corporation, 10/7/82, BFE-0008

Gulf Oil Corporation filed an Application for Exception from the provisions of 10 CFR 212.83(c)(2) (iii). In its Application, the firm requested that it be permitted not to adjust the cost allocation factor contained in the refiner price rule to account for repayment of motor gasoline that it had received in exchanges entered into before December 31, 1978. In considering the request, the DOE found that Gulf had failed to make a showing of gross inequity or serious hardship, as required by the regulations governing exception relief. The DOE also rejected, as a ground for exception relief, Gulf's argument that the December 1978 Amendments to the refiner price rules, which addressed the allocation of costs in exchange transactions, were invalid insofar as they preclude the full pass-through of increased costs on products exchanged with other firms. Accordingly, the Application for Exception was denied.

State of Connecticut, 10/4/82, HEE-0032

The State of Connecticut (Connecticut) filed an Application for Exception in which it requested that it be allowed to use a larger proportion of the funds allocated to it under the DOE Institutional Building Grant Program for technical assistance (TA) programs. In considering the request, the DOE found that Connecticut had not shown that the 15 percent limitation on TA program funding was causing it to experience any more difficulty than any other state. Accordingly, exception relief was denied. The important issues discussed in the Decision and Order are (i) the type of showing necessary to obtain exception relief from the requirements of the DOE Institutional Building Grant Program; (ii) the relative energy savings of energy conservation measures (ECM's) and TA programs; and (iii) the Congressional policy of favoring ECM's over TA programs.

Motion for Discovery

Atlantic Richfield Company, 10/4/82, HRD-0051

The Atlantic Richfield Company (Arco) filed a motion to compel the Office of Special Counsel (OSC) to respond to discovery requests the firm had filed on October 1, 1979, whose consideration had been deferred pursuant to stipulations between the parties. The motion related to Arco's objections to a Proposed Remedial Order OSC issued to the firm on May 1, 1979. In considering the motion, the DOE determined that the three deferred Arco interrogatories which were audit-related should be denied because the firm had not demonstrated how these interrogatories were relevant to specific issues put into dispute by Arco's Statement of Factual Objections. The remaining deferred interrogatories all sought discovery concerning the legal issues in the proceeding. Because the OSC had already made available to Arco all relevant documents concerning these legal issues, the DOE concluded that OSC would not be required to furnish interrogatory-specific responses to these discovery requests. OSC was required, however, to provide Arco with any existing compilations or indices categorizing its document production.

Interlocutory Orders

Atlantic Richfield Company, Gulf Oil Corporation, Standard Oil Company (Ohio), Marathon Oil Company, Texaco Inc., Louisiana Land, and Exploration Company, 10/4/82, HRZ-0056, HRZ-0057, HRZ-0058, HRZ-0059, HRZ-0060, HRZ-0061.

On April 27, 1982, the Atlantic Richfield Company, the Gulf Oil Corporation, the Marathon Oil Company, the Standard Oil Company (Ohio), Texaco Inc., and the Louisiana Land and Exploration Company (collectively "the producers") filed a motion to compel additional discovery with the Office of Hearings and Appeals (OHA). In that motion, the producers requested the OHA order the Office of Special Counsel for Compliance (OSC) to produce certain documents which the OSC had identified pursuant to the OHA's discovery order in *Atlantic Richfield Co.,* 5 DOE ¶ 82,521 (1980), and for which the OSC had asserted claims of privilege. In considering the producers' motion, the OHA sustained the OSC's privilege claims with respect to approximately 90 of the documents at issue. In approximately 45 instances, however, the OHA rejected the OSC's privilege claims and ordered material released to the producers. Finally, in approximately 140 instances, the OHA ordered the OSC to produce the material in question for *in camera* review. Issues that were considered in the decision were: (1) Whether a verification submitted by an OSC litigation attorney is adequate as a means of invoking the deliberative process privilege; (2) whether the OSC was required to identify non-responsive portions of documents; (3) whether the OSC's privilege claims had been waived; and (4) the requirement for an adequate index of privileged documents.

Robert Gregory d/b/a Robert J. Heald Shell, 10/4/82, HRZ-0088

On May 20, 1982 Robert Gregory d/b/a Robert J. Heald Shell (Gregory) filed a Motion to Dismiss a Proposed Remedial Order which the ERA had issued to him. In considering the request, the DOE found that Gregory was the proper recipient of the PRO, and therefore the Motion to Dismiss was denied.

Supplemental Orders

Robert Gregory d/b/a Robert J. Heald Shell, 10/8/82, HRX-0049

On October 4, 1982, the Office of Hearings and Appeals (OHA) issued a Decision and Order to Rober Gregory d/b/a Robert J. Heald Shell, which found that Robert Gregory, the current operator of Robert J. Heald Shell, was the proper recipient of the Proposed Remedial Order that the Economic Regulatory Administration had issued to him. After issuing the Decision, it was brought to the attention of the OHA that a previous Decision, which was relied upon in the October 4 Decision, had been reversed by the Federal Energy Regulatory Commission. Accordingly, the OHA determined that the findings made in the Interlocutory Order should be reconsidered. The October 4 Decision and Order was therefore rescinded.

Office of Enforcement, Era: in the Matter of G. K. Smith & Co., Inc., 10/4/82, HEX-0044

The Office of Enforcement of the Economic Regulatory Administration filed a Petition for the Implementation of Special Refund Proceedings pursuant to 10 CFR Part 205, Subpart V, requesting that the Office of Hearings and Appeals formulate and implement procedures to distribute refunds received as a result of a Consent Order entered into by the DOE and G. K. Smith & Company, Inc. The DOE ordered that the DOE Office of the Controller distributed refunds on a volumetric basis to Smith customers that were allegedly overcharged during the consent order period. However, the DOE directed that refund shares of 7 firms for which no current address was available remain in the Smith escrow account for a period of 60 days. During that time, the DOE indicated that it would again publicize the G. K. Smith refund plan in the Federal Register, giving those 7 firms the opportunity to notify the DOE of their current addresses. The DOE stated that the refund share of any firm for which it was unable to determine the correct address would be deposited into the United States Treasury.

Dismissals

The following submissions were dismissed without prejudice: Name and Case No.

Burek Oil Co., Inc., DRO-0109
William P. Johnson, BPO-0434, HRD-0066, HRZ-0070
Moran Oil Co., Inc., DRO-0202
Robert Kane Associates Inc., HFA-0066
Safe Energy Communication Concil, HFA-0085

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room 1111, New Post Office Building, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,
Director, Office of Hearings and Appeals.
November 1, 1982.

[FR Doc. 82-30667 Filed 11-8-82; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 82-724, File No. BP-810121AD; BC Docket No. 82-725; File No. BP-810526AB]

Norman E. Bauer d.b.a. Bauer Broadcasting Co. and Bee Broadcasting Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: September 30, 1982.

Released: October 20, 1982.

In re applications of Norman E. Bauer DBA, Bauer Broadcasting Co., KSPT, Sandpoint, Idaho, Has: 1400 kHz, 250 W, 1 kW-LS,U, Req: 880 kHz, 1kW, 10kW-LS,U, BC Docket No. 82-724, File No. BP-810121AD; and Bee Broadcasting Inc., KJJR, Whitefish, Montana, Has: 1400 kHz, 250 W, 1kW-LS,U, Req: 880 kHz, 500 W, 50 kW-LS,U, BC Docket No. 82-725, File No. BP-810526AB; for construction permit.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above-captioned mutually exclusive applications for modified AM broadcast stations. In addition, it has before it motions to dismiss both applications filed by Firebird Communications, Inc., licensee of station KWIP, Dallas, Oregon,[1] and opposition thereto, and petitions to specify issue against both filed by Loyola University (WWL), New Orleans, Louisiana. Both licensees seek modified operations on 880 kHz, a clear channel frequency opened up for additional stations by our Report and Order, *Clear Channel Broadcasting in the AM Broadcast Band*, 78 FCC 2d 1345, reconsid. granted in part and denied in part, 83 FCC 2d 216 (1980), *aff'd sub nom Loyola University* v. *FCC*, 670 F.2d 1222 (D.C. Cir., 1982).

2. Applicants seeking to move to a Class I-A clear channel frequency must meet the criteria of § 73.37(e) of our Rules. Firebird maintains that both applicants' reliance on § 73.37(e)(2)(ii) of our Rules[2] in this regard is misplaced, as both Sandpoint and Whitefish already possess two authorized nighttime aural transmission services, one of them in the case of Sandpoint, Bauer Broadcasting's KSPT facility, and one in the case of Whitefish, Bee Broadcasting's KJJR facility. The applicants in contrast argue that the proposals represent effective second nighttime services, in that the new facilities would replace existing ones, leaving the communities with only two authorized nighttime stations.

3. Our decision to apply § 73.37(e)(2) to proposed modifications involving the 25 Class I-A frequencies (the provision does not apply to other proposed modifications) reflected a desire that these channels increase opportunities for additional stations, 83 FCC 2d at 224. Whether modified existing second services are "additional" stations in this context is a question that was not addressed at that time, either directly or by implication. While there is merit in both of the positions set forth here, and while neither position is mandated or prohibited by our prior decision and its underlying rationale, we are persuaded that acceptance is the better course.[3]

4. Each applicant can operate only one AM station in its community, which facility will function as a second authorized nighttime transmission service. As such, we believe, it may appropriately operate on a Class I-A clear channel. No sound basis exists, we find, for distinguishing between second services in communities with one existing station and those in communities with two existing stations where use of these frequencies is concerned.

5. In its petitions to specify issue, Loyola University contends that the primary objective of our clear channel proceeding was the fostering of minority ownership of broadcast facilities. Hence, it requests that we evaluate whether grant of these non-minority owned applications would preclude potential minority-owned stations in the future. However, while fostering minority ownership was one of our goals in opening up the U.S. Class I-A clear channels for new facilities it was not our only objective. Service to unserved and underserved areas, first and second local service and non-commercial

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[1] While the pleading directed to the Bauer Broadcasting application is styled a petition to deny, Firebird Communications has not established itself a party in interest, given the lack of prohibited overlap or interference between the two proposals. Hence, we are considering both pleadings as informal objections.

[2] Section 73.37(e)(2)(ii) requires in pertinent part that applicants for new unlimited time stations provide a first or second authorized nighttime aural transmission service to the proposed community of license.

[3] We will accordingly dismiss as moot Bauer Broadcasting's request for waiver of § 73.37(e)(2).

service were also to be encouraged. See 78 FCC 2d at 1368–70. Loyola's contentions to the contrary notwithstanding, our clear channel decision does not place a higher priority on one of these objectives than on others. Hence, the possibility of a minority-owned station in the future is not a proper basis for withholding now grants to applicants otherwise qualified to be Commission licensees.[4]

6. Bauer Broadcasting has requested waiver of § 73.24(g) of our Rules which provides that the population within the proposed 1V/m contour may not exceed 1.0 percent of the population within the proposed 25 mV/m contour except where the number of persons within the 1 V/m contour is 300 or less. While the Bauer Broadcasting proposal does not comply with this provision, the excess population within the 1V/m contour is so small (25) as to warrant waiver.

7. *Other matters.* We have no evidence that Bauer Broadcasting or Bee Broadcasting published and broadcast the required local notice of the filing of their applications. To remedy this deficiency, they will be required to publish and broadcast local notice of their applications, if they have not already done so, and to file appropriate certifications with the presiding Administrative Law Judge.

8. Both applicants are qualified to construct and operate as proposed. However, the proposals are mutually exclusive, so they must be set for hearing in a consolidated proceeding. Since the proposals are for different communities, an issue must be specified to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of them would better provide a fair, efficient, and equitable distribution of radio service. Further, since the proposals would serve substantial common areas, a contingent comparative issue will be specified.

9. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each proposal, and the availability of other primary aural service to such areas and populations.

2. To determine, in light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provided a fair, efficient, and equitable distribution of radio service.

3. To determine, in the event it be concluded that a choice between the applicants should not be based solely on considerations relating to Section 307(b), which of the proposals would on a comparative basis better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, That in the event the application of Bauer Broadcasting Company is granted, § 73.24(g) of the Rules will be waived on its behalf.

11. It is further ordered, That the motions to dismiss filed by Firebird Communications, Inc., are denied.

12. It is further ordered, That the petitions to specify issue filed by Loyola University (WWL), are denied.

13. It is further ordered, That Bauer Broadcasting Company and Bee Broadcasting Incorporated shall publish and broadcast local notice of the filing of their applications (if they have not already done so), and shall file appropriate certifications with the presiding Administrative Law Judge within 40 days after this order is published in the **Federal Register**.

14. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

15. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing within the time and in the manner prescribed in such rules, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Laurence E. Harris,

Chief, Broadcast Bureau.

Appendix

The Commission has not yet received Federal Aviation Administration clearance for the antenna tower(s) proposed by the below listed applicant(s). Accordingly, it is further ordered, That the following issue is specified: To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower height(s) and location(s) proposed by Bee Broadcasting Incorporated.

It is further ordered, That the Federal Aviation Administration is made a party to the proceeding.

[FR Doc. 82–30694 Filed 11–8–82; 8:45 am]

BILLING CODE 6712–01–M

[BC Docket No. 82–731; File No. BPH–810427 AJ et al.]

South Florida Broadcasting Co., Inc. et al.; Construction Permit for New FM Station; Hearing Designation Order

In re application of South Florida Broadcasting Company Inc., North Miami, Florida, Req: 96.5 MHz Channel 243, 100 kW (H&V), 923 feet, BC Docket No. 82–731, File No. BPH–810427AJ; Unity Broadcasting Network-Florida Inc., Miami, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 360 feet, BC Docket No. 82–732, File No. BPH–810427AL; Radiocentro Broadcasting Co., Miami, Florida, Req: 96.5 MHz, Channel 243, 98 kW (H&V), 799 feet, BC Docket No. 82–733 File No. BPH–810630AJ; First Black Broadcasters of Miami, Inc., Miami, Florida Req: 96.5 MHz, Channel 243, 100 kW (H&V), 950 feet, BC Docket No. 82–734, File No. BPH–810630AK; Everglades Broadcasting Corp., Miami, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 920 feet, BC Docket No. 82–735, File No. BPH–810630AM; Constance J. Wodlinger, Miramar, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 923 feet, BC Docket No. 82–736, File No. BPH–810630AT; Onyx Broadcasting of Miami, Inc., Miami, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 923 feet, BC Docket No. 82–737, File No. BPH–810701AC; Rana Broadcasting Co., Inc., Liberty City, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 910 feet, BC Docket No. 82–738, File No. BPH–810701AE; Hispanic Community Broadcasters, Inc., Miami, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 1,200 feet, BC Docket No. 82–739, File No. BPH–810701AH; Elayne N. Boros and Marian L. Feniger d/b/a/ Flamingo Broadcasters, Miami, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 800 feet, BC Docket No. 82–740, File No. BPH–810701AI; William H. Hernstadt, North Miami Beach, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 923 feet, BC Docket No. 82–741, File No. BPH–810701AK; Southwest Radio Enterprises, Inc., North Miami Beach, Florida, Req: 96.5 MHz, Channel 243, 100 kW (H&V), 404 feet, BC Docket No. 82–742, File No. BPH–810701AN; for a construction permit for a new FM station.

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[4] The Commission's denial of Loyola's request for conditions concerning possible higher power for station WWL has been affirmed on appeal. *Loyola University* v. *FCC, supra,* rendering unnecessary the protection it seeks.

Hearing Designation Order

Adopted: October 21, 1982.

Released: November 3, 1982.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration (i) the above-captioned mutually exclusive applications; (ii) motions to dismiss filed by Unity Broadcasting Network-Florida against Radiocentro and Rana Broadcasting Company, Inc.; (iii) a petition for leave to amend filed by Southwest Radio Enterprises, Inc.; (iv) an objection and request for imposition of conditions on grant of application filed by Post-Newsweek Stations of Florida, Inc.; and (v) related pleadings.[1]

2. *Rana.* Rana's application states that the city of license of the proposed FM station is Liberty City, Florida. Section 73.1120 requires that each FM broadcast station will be licensed to the principal community or other political subdivision which it primarily serves. From the information before us, including the 1980 Census reports, we find no evidence that allows us to consider Liberty City as a principal community or political subdivision for purposes of our Rule. Liberty City appears to be no more than a neighborhood in Miami. Accordingly, an issue will be specified to determine whether Liberty City is a separate and distinct principal community or political subdivision in compliance with § 73.1120 of the Rules.

3. The financial data submitted by Rana reveals that $268,300 will be required to construct the proposed station and operate for three months. Rana plans to finance construction and operation with a $500,000 loan from its principal, Michael A. Benages, whose balance sheet shows only $61,000 in liquid assets ($58,000 in cash and $3,000 cash value life insurance). This does not meet the Commission's financial standards, but by an amendment dated June 15, 1982, Rana updated the balance sheet. Mr. Benages shows non-liquid assets of $5,036,169; over ten times the value of the cash which such assets are relied upon to yield. The Commission has held "where a party shows ownership of non-liquid assets several times the value of the cash which such assets are relied upon to yield, [it] cannot seriously question the ability of that party to secure the required funds." *International Broadcasting Co.*, 3 FCC 2d 449, 451 (1966). Accordingly, we find Rana financially qualified to construct the proposed station.

4. *Hispanic.* From the evidence before us, Hispanic has filed with the Commission the local notice statement described in former § 73.3580(h) of the Rules, but it lacked a list of the applicant's principals. To remedy this deficiency, Hispanic will be required to publish adequate local notice of its application and to so inform the presiding Administrative Law Judge.

5. *Hernstadt.* From the evidence before us, Hernstadt has failed to file with the Commission the local notice statement described in former § 73.3580(h) of the Rules. To remedy this deficiency, Hernstadt will be required to publish local notice of its application and to so inform the presiding Administrative Law Judge.

6. *Southwest.* Southwest seeks to amend its application by reporting the Commission's grant of the assignment of stations KSAS and KLDY, Liberty, Missouri, to a new licensee and the consummation of that transaction by the parties. William H. Hernstadt opposes the acceptance of the amendment citing Southwest's failure to make any showing of good cause as to why its amendment that was filed after the June 15, 1982 "B" cut-off date should be accepted for filing. Both parties recognize that acceptance of the proffered amendment will improve the comparative position of Southwest because of its impact on the diversification criteria. As a general rule, a late-filed amendment will not be accepted if it improves the comparative position of the petitioner. *Flower City Television Corp.*, 4 FCC 2d 384 (1966). However, post cut-off amendments which report the culmination of events previously begun and previously reported have been accepted notwithstanding the general policy against such amendments which improve the comparative standing of an applicant. *Bie Broadcasting Co.*, 44 RR 2d 1346 (ALJ 1978) citing *Dover Broadcasting Co., Inc.*, 4 RR 2d 248 (Rev. Bd. 1965). An applicant's amendment was accepted where the applicant had reported in prior amendments (1) that a contract for sale of the station in question had been signed, and (2) that an application for transfer of control had been filed, and the amendment reported a culmination of the events which began and which were reported prior to designation. *Bie Broadcasting Co., supra.* We now have before us a similar set of facts. In December of 1981, Southwest amended its application and notified the Commission that a contract had been executed to sell the Liberty stations. Another amendment was filed by Southwest in January of 1982 reporting that an application for assignment of the Liberty licenses had been filed with the Commission. Therefore, we find that the instant amendment, that is required by 1.65 of the Commission's rules for purposes of keeping the information in the application current, merely reported the culmination of affirmative steps taken prior to the "B" cut-off date to dispose of commonly owned broadcast interests. Accordingly, Southwest's petition for leave to amend will be granted and the amendment accepted even for comparative purposes.

7. *Other Matters.* We are in possession of a letter dated November 17, 1981, from the counsel for WAIA(FM), Miami, Florida informing us of that station's discontinuance of a diplex which had permitted a shared antenna operation with WMJX, Miami, Florida and which was being relied upon by some of the applicants as an antenna site. Therefore, WAIA(FM) has advised everyone that the former WMJX site will not be available. Accordingly, an issue will be specified.

8. The material submitted in the Wodlinger, Unity, and Hispanic applications does not demonstrate that the applicants are financially qualified.[2] Although the financial standards are unchanged, the Commission has changed the application form to require only certification as to financial qualifications. Accordingly, these applicants will be given 30 days from the mailing of this Order to review their financial proposals in light of Commission requirements, to make any changes that may be necessary, and if appropriate, to submit a certification to the Administrative Law Judge in the manner called for in revised Section III, Form 301, as to its financial qualifications. If any of the applicants cannot make the required certification, they shall so advise the Administrative Law Judge who shall then specify an

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[1] Unity's petitions to deny are essentially petitions to specify issues. Since the Commission's *Report and Order in re Revised Procedures for the Processing of Contested Broadcasting Applications; Amendments of Part 1 of the Commission's Rules*, 72 FCC 2d 202, 45 RR 2d 1220 (1979), directed the deletion of all issues pleadings in pending cases, the matters sought to be raised in these petitions have not been considered. Accordingly, an opportunity to raise any allegations contained therein will be afforded the parties post-designation pursuant to § 1.229.

[2] Wodlinger's balance sheet failed to identify the stocks & bonds, upon which he relies to finance construction. Unity failed to document its parent corporations's availability of funds to finance its proposal. Hispanic failed to supply the necessary documentation required to demonstrate the availability of sufficient private donations.

appropriate issue. *Minority Broadcasters of East St. Louis, Inc., BC Docket No. 82–378.*

9. The Post-Newsweek Stations of Florida, Inc., licensee of WPLG–TV, Miami, Florida, filed an objection and request for imposition of conditions on grant of application requesting that any grant for a new FM station be conditioned to require that the successful applicant take all necessary steps to alleviate FM interference to television reception. The engineering statement submitted with the request for imposition of conditions relies on § 73.317(a)(14) which states in pertinent part:

> Any emission appearing on a frequency removed from the carrier by more than 600 kHz shall be attenuated at least 43+ 10 log (power, in watts) decibels below the level of the unmodulated carrier, or 80 decibels, whichever is the lesser attenuation.

The engineering statement further adds that, "the normal 80 decibel requirement may not be sufficient to avoid interference to some nearby receivers. Where the strong FM fundamental at the receiver is the source of the interference, the cure is to provide a trap attenuating the 96.5 mHz signal at the receiver imput terminals." The Commission's technical rules cover the situations mentioned by Post-Newsweek, specifically § 73.315(e) regarding blanketing interference, and § 73.317(f)(2) regarding interference in general. Under equipment and program tests, §§ 73.1610 and 73.1620(b) respectively, permittees are required to resolve instances of objectionable interference. Therefore, we find Post-Newsweek's request for imposition of condition unjustified. Accordingly, the objection and request for imposition of conditions on grant of application will be denied.

10. William H. Hernstadt proposes to divest himself of his 80% interest in Hernstadt Broadcasting Company, licensee of WKAT(AM), Miami Beach, Florida. Michael A. Benages of Rana Broadcasting proposes to divest his 85% interest in Marr Broadcasting Company, Inc., licensee of KXKX(FM), Galveston, Texas and his 60% interest in Joselyn Broadcasting Company, Inc., licensee of WDGS(AM), New Albany, Indiana. Similarly, Allen Wheeler of Rana Broadcasting proposes to divest himself of his 7.5% interest in Joselyn Broadcasting. Since the ownership of these stations and the proposed stations would not violate our multiple ownership rules, we will not require a divestiture at this time. However, should either William H. Hernstadt or Rana Broadcasting be the preferred applicant, we assume that the presiding Administrative Law Judge will impose a suitable condition.

11. The respective proposals although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

13. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary aural service (1 mV/m or greater) from the proposed operation of the new applicants and the availability of other primary service to such areas and populations.

2. To determine, with respect to Rana Broadcasting Company, Inc., whether Liberty City is a principal community or political subdivision in accordance with § 73.1120 of the Rules.

3. To determine whether the transmitter site proposed by Radiocentro Broadcasting Company; Elaine N. Boros and Marian L. Feniger d/b/a Flamingo Broadcasters; and Southwest Radio Enterprises, Inc. is available.

4. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, That Hispanic Communications Broadcasting, Inc. and William H. Hernstadt shall file a statement with the presiding Administrative Law Judge showing compliance with the public notice requirements of § 73.3580(f) of the Commission's Rules.

15. It is further ordered, That Constance J. Wodlinger, Unity Broadcasting Network-Florida, and Hispanic Community Broadcasting, Inc. shall submit financial certifications in the form required by Section II, FCC Form 301, or advise the Administrative Law Judge that the certification cannot be made, as may be appropriate.

16. It is further ordered, That the petition for leave to amend filed by Southwest Radio Enterprises, Inc. is granted and its amendment of June 23, 1982 is accepted for filing.

17. It is further ordered, That the objection and request for imposition of conditions on grant of application filed by Post-Newsweek Stations of Florida, Inc. is denied.

18. It is further ordered, That, due to the proximity of the proposed transmitter sites of these applicants to the Commission's monitoring station in Ft Lauderdale, Florida, a grant to any of the applicants shall contain the following condition:

> The authority granted herein is subject to the condition that, in the event of interference to monitoring, direction finding, or related operations at the Federal Communications Commission's Fort Lauderdale, Florida, Monitoring Station, caused by either spurious or harmonic radiation, the licensee shall take such immediate corrective action as is necessary to eliminate the interference. This shall include responsibility for furnishing, installing, and adjusting filter circuits, shielding or other corrective devices which may be necessary to minimize harmonic or spurious radiation. If these measures fail to eliminate the interference, the licensee shall either immediately reduce the power to the point of no interference, or cease operation.

19. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

20. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, § 73.3594 of Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 82-30692 Filed 11-8-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION: Country Exposure Report.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to Mr. Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429 and to Mr. Richard Sheppard, Reports Management Branch, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: For a complete copy of the "Request for OMB Review" or related information, contact Dr. Panos Konstas, Information Clearance Officer, FDIC, telephone (202) 389-4351.

SUMMARY: OMB is being asked to approve an extension of a semiannual reporting requirement which has previously been approved. This report is designed to collect data on international lending activities of U.S. bank holding companies or their bank subsidiaries. Only institutions with significant activities in international lending or investment are surveyed in this collection. FDIC will collect this report from about 40 state banks that are not members of the Federal Reserve System. We estimate that on the average each of the respondents will expend 35 hours per filing in preparing the report for submission to FDIC.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 82-30728 Filed 11-8-82; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL LABOR RELATIONS AUTHORITY

Names of Members of the Performance Review Board

AGENCY: Federal Labor Relations Authority.

ACTION: Notice.

SUMMARY: Notice is herby given of the names of the members of the Performance Review Board.

DATE: November 9, 1962.

FOR FURTHER INFORMATION CONTACT: Clyde B. Blandford, Jr., Director of Personnel, Federal Labor Relations Authority, 500 C Street S.W., Washington, DC 20424 (202-382-0751)

SUPPLEMENTARY INFORMATION: Section 4314(c) (1) through (5) of title 5, U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more performance review boards. The board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations, to the appointing authority relative to the performance of the senior executive.

Federal Labor Relations Authority.

James J. Shepard,

Executive Director.

THE MEMBERS OF THE PERFORMANCE REVIEW BOARD ARE

1. James J. Shepard, Executive Director, FLRA (Co-chairman).
2. S. Jesse Reuben, Deputy General Counsel (Co-chairman).
3. Howard W. Solomon, Executive Director, FSIP.
4. Harold D. Kessler, Deputy Executive Director, FLRA.
5. Paul Klein, Chief Counsel, FLRA.
6. Richard Schwarz, Assistant General Counsel, FLRA (Appeals).
7. Alexander Graham, Regional Director, FLRA.
8. Jerome Hardiman, Assistant Chief Counsel, FLRA(O&TA).
9. Alan Greenwald, Merit Systems Protection Board.
10. Ernest Russell, National Labor Relations Board.

[FR Doc. 82-30700 Filed 11-8-82; 8:45 am]

BILLING CODE 6727-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 993]

Beacon Shipping Co. Inc.; Order of Revocation

On October 25, 1982, Beacon Shipping Co., Inc., 7 Dey Street, New York, NY 10007 surrendered its Independent Ocean Freight Forwarder License No. 993 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder Licence No. 993 issued to Beacon Shipping Co., Inc. be revoked effective October 25, 1982, without prejudice to reapplication for a license in the future.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Beacon Shipping Co., Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 82-30690 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

Filing of Petition for Exemption From Self-Policing Requirements

Notice is hereby given that the members of the Household Goods Forwarders Association of America, Inc. (Agreement No. 9510) and the Movers' and Warehousemen's Association of America, Inc. (Agreements Nos. 8530 and 8540) have filed a petition, pursuant to Commission General Order 7 (46 CFR Part 528 *et seq.*) from exemption from the independent policing requirements of that order.

Petitioners are all non-vessel operating common carriers of used household goods and personal effects. Petitioners allege that it is virtually impossible for violations of the Shipping Act, 1916, to occur because of the nature and method of the commodities moved; that the Commission has recently voted in Docket No. 82-8 to exempt similarly situated agreements; and that the expense of retaining an independent policing authority is prohibitive.

In order for the Commission to make a thorough evaluation of the petition, interested persons are requested to submit views, arguments or data on the petition no later than December 10, 1982. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington D.C. 20753, in an original and 15 copies. Responses shall also be served on counsel for petitioners: Alan F. Wohlstetter, Esq., Denning and Wohlstetter, 1700 K Street NW., Washington, D.C. 20006.

Copies of the petition are available for examination at the Washington, D.C., office of the Commission, 1100 L Street, NW., Room 11101, and at the Commission's District Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Ca.; Chicago, Ill.; and San Juan, Puerto Rico.

Francis C. Hurney,

Secretary.

[FR Doc. 82-30689 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

Petition Filed

The Federal Maritime Commission hereby gives notice that the following petition(s) have been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect and obtain a copy of the petition(s) and the justification(s) offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10327; or may inspect the petition(s) at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on the petition(s), including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed petition(s). Comments shall discuss with particularity allegations that the petition is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the petition(s) and the statement should indicate that this has been done.

D.B. TURKISH CARGO LINES. Filing party: Captain Kemal Gurdal, DBT Regional Representative, D.B. Turkish Cargo Lines, One World Trade Center, Suite 2257, New York, N.Y. 10048.

Summary: D.B. Turkish Cargo Lines (DBT) has applied pursuant to section 14(b) of the Shipping Act, 1916 and 46 CFR 538.2, for Commission approval of a modification of its present dual-rate contract system to include therein the Turkish ports of Iskenderun, Mersin, Izmir and Istanbul. By way of background, effective April 4, 1964, the Commission approved the DBT dual-rate contract system for cargo moving from all U.S. Gulf and East Coast ports to all Turkish ports. RCD Shipping Services (RCD) was established July 15, 1965, by the Governments of Turkey, Pakistan and Iran. At that time, DBT was directed by the Turkish Government to participate in the RCD Agreement, No. 9490. Under the authority granted, RCD moved cargo under a dual-rate contract system from all U.S. Gulf and East Coast ports to the Turkish ports of Iskenderun, Mersin, Izmir and Istanbul. Consequently, the DBT dual-rate contract system was modified to exclude these same Turkish ports.

DBT has continued to serve all Turkish ports, as provided under the dual-rate contract systems granted both DBT and RCD. On August 18, 1982, RCD notified the Commission of the decision of the Governments of Turkey, Pakistan and Iran to terminate Agreement No. 9490 effective September 30, 1982.

In order to return to DBT specific dual-rate authority covering the Turkish ports of Iskenderun, Mersin, Izmir and Istanbul, modification of the present DBT contract system is necessary. The current spread and system of contract and non-contract rates between the DBT Contract and the RCD Contract are identical and will remain unchanged upon transfer back to DBT.

By Order of the Federal Maritime Commission.

Dated: November 4, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 30691 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

Shipping Conditions in the Miami/Venezuela Trade; Enlargement of Time

By publication in the **Federal Register** of October 13, 1982 (47 FR 46375), the Commission gave notice that views, data, and arguments on a petition filed by Coordinated Caribbean Transport, Inc. could be filed on or before November 19, 1982. By subsequent notice, this time was shortened to November 8, 1982 (47 FR 47464).

At the request of an interested party, and good cause appearing, the time for filing is re-established at November 19, 1982. This is the date that documents must be in the hands of the Commission.

By the Commission.[1]

Francis C. Hurney,

Secretary.

[FR Doc. 82-30687 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

Shipping Conditions in the Foreign Trade of the United States With Venezuela; Filing of Petition

Delta Steamship Lines, Inc., has petitioned the Commission to determine, pursuant to section 19 of the Merchant Marine Act, 1920 (46 U.S.C. 876), that conditions unfavorable to shipping exist in the foreign trade of the United States with the Republic of Venezuela and to issue countervailing regulations. It is alleged that the Government of Venezuela has enacted laws and regulations which restrict the right of Petitioner to participate in the carriage of cargoes designated as "reserved" or "exonerated" for Venezuelan-flag lines. Petitioner requests that the Commission issue a regulation suspending the tariffs of certain stated Venezuelan-flag carriers.

In order for the Commission to make a thorough evaluation of Petitioner's allegations, interested persons are requested to submit views, arguments or data on the petition no later than November 19, 1982; this is the date it must be received in the Secretary's Office. Responses shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies. Responses shall also be served on counsel for petitioners: Roy G. Bowman, Esq., Hopewell H. Darneille, III, Esq., John B. Yellott, Jr., Esq., Bowman Conner Touhey & Thornton, 2828 Pennsylvania Ave. NW., Washingtn, D.C. 20007.

Copies of the petition are available for examination at the Washington, D.C. office of the Commission, 1100 L Street, NW., Room 11101, and at the Commission's District Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Ca.; Chicago, Ill.; and San Juan, Puerto Rico.

By the Commission[2]

Francis C. Hurney,

Secretary.

[FR Doc. 82-30688 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

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[1] Vice Chairman Moakley would not grant the request for extension.

[2] Inasmuch as a majority of the Commission has granted an extension of time for filing comment on a similar petition of Coordinated Caribbean Transport, INc., Vice Chairman Moakley agrees that the date for filing comments on both petitions should coincide.

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-2756-2.

Filing Party: Ms. Beverly J. Strike, Administrative Assistant, Board of Harbor Commissioners, Port of Milwaukee, 500 N. Harbor Drive, Milwaukee, Wisconsin 53202.

Summary: Agreement No. T-2756-2, between the City of Milwaukee (City) and The Jacobus Company (Jacobus), modifies the basic agreement between the parties which provides for the lease by city to Jacobus of certain premises located on the South Harbor Tract in the Port of Milwaukee for use in the business of sypplying heating oil fuel to industry customers and the export of inedible oil and greases.

The purpose of the modification is to: (1) Extend the term of the agreement for its second five-year option period; (2) increase the annual rental and establish a "throughput charge" based on volume of liquid cargo; and (3) provide for an additional five-year renewal option.

Agreement Nos. T-2880-19, T-3553-4, and T-3879-2.

Filing Party: John C. Barnett, Deputy Chief, Leases and Operating Agreements Division, The Port Authority of New York and New Jersey, One World Trade Center, New York, New York 10048.

Summary: The above agreements between The Port Authority of New York and New Jersey and respective lessees, viz: John W. McGrath Corporation (T-2880-19), International Terminal Operating Co., Inc. (T-3553-4), and Venezuelan Line/Peruvian State Line (T-3879-2) amend the basic lease agreements by providing for an increase in the rate per revenue ton payable by the lessees under the minimum/maximum formula without otherwise changing the manner in which the rental is computed.

Agreement No. T-2869-1.

Filing Party: Mr. Roger L. Peters, Traffic Manager, Port of San Francisco, Ferry Building, San Francisco, California 94111.

Summary: Agreement No. T-2869-1 between the San Francisco Port Commission (Port) and Fred F. Noonan Company (Noonan), modifies the basic agreement which provides for the use by Noonan of a maritime terminal at Seawall Lot No. 349 at the Port. The amendment provides for 5-one year options to the present term which expires March 31, 1984, the area of the premises increased from 551,782 sq. ft. to 572,273 sq. ft., and Building No. 11 will be added to the operating area. Noonan may sublease unneeded office space in Building No. 11, and either party may recapture areas for maritime uses as required upon 90 days' notice. Noonan shall guarantee to Port wharfage and dockage charges as indicated in the agreement.

Agreement No. T-3844-5.

Filing party: Mr. H. H. Wittren, Associate Director of Real Estate, Leasing, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Summary: Agreement No. T-3844-5 between the Port of Seattle (Port) and Harbor Island Marine Associates, restates the entire lease as previously amended and assigned under the basis agreement. The basic agreement provided for the leased premises to be used for storage of empty containers and West Seattle Bridge construction material. Agreement No. T-3844-5 modifies the use to include moorage, marine facilities, and proposed facilities for vessel fueling and maintenance. The basic lease as amended will run until July 31, 2022. Rental shall be paid to the Port as per yearly scale indicated in the agreement. The amendment will become effective upon approval by the Commission.

Agreement Nos. 14-48, 5700-31, 10107-15 and 10108-10.

Filing party: George A. Quadrino, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue, N.W, Washington, D.C. 20036.

Summary: Agreements Nos. 14-48, 5700-31, 10107-15 and 10108-10, would amend the basic agreements of the Trans Pacific Freight Conference (Hong Kong), New York Freight Bureau and Agreements Nos. 10107 and 10108, respectively, to authorize the members thereof to agree upon uniform compensation or allowances they may pay or grant to CFS and CY operators who function at ports of origin in Hong Kong and Taiwan.

Agreement No. 134-43.

Filing party: C. J. Smith, Chairman, Gulf/Mediterranean Ports Conference, Whitney Building-Suite 927, New Orleans, Louisiana 70130.

Summary: Agreement No. 134-43 would amend the gulf/Mediterranean Ports Conference Agreement for the express purpose of removing, from conference jurisdiction, all bulk cargoes carried without mark or count and adding foreign inland authority.

Agreement No. 9474-8.

Filing party: Charles F. Warren, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 9474-8 would amend the scope of the Thailand Pacific Freight Conference Agreement for the express purpose of adding U.S. interior point (microbridge) intermodal authority. The conference is presently authorized to offer a minilandbridge service via Pacific Coast ports.

Agreement No. 10044-8.

Filing party: Mr. R. J. Finnan, Chief Tariff Publishing Officer, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, Louisiana 70130.

Summary: Agreement No. 10044-8, between Compania Peruana de Vapores and Lykes Bros. Steamship Co., Inc., amends the basic U.S. Gulf/Peru Pooling Agreement. The purpose of the amendment is to add new language to the basic agreement which will allow the parties, by unanimous agreement, to alter their basic pool share through adjustment of the Pool Earnings. Notice of such action will be filed with the Federal Maritime Commission within 15 days.

Agreement No. 10391-1.

Filing party: Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

Summary: Agreement No. 10391-1 modifies the organic agreement of the United States Florida/Ecuador Steamship Conference for the purpose of providing member lines with a limited right of independent action, to meet the rates or total charges of a non-conference competitor, and for the purpose of speeding up the telephone pool voting procedure.

By Order of the Federal Maritime Commission.

Dated: November 4, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82-30724 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-51]

Companhia Siderurgica Nacional (Brazilian National Steel Co.) v. Moore McCormack Lines, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Companhia Siderurgica Nacional against Moore McCormack Lines, Inc. was served Novemer 2, 1982. Complainant alleges that respondent has subjected it to an overcharge of rates for ocean transportation.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limtations prescribed in 46 CFR 502.61 The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 82-30727 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-52]

Dynamic International Freight Forwarders, Inc.: Order of Investigation and Hearing

Information has come to the attention of the Commission that Dynamic International Freight Forwarders, Inc. (Dynamic) may have engaged in the business of ocean freight forwarding despite not holding a license to do so. Upon further investigation, it was discovered that Dynamic may have violated section 44(a) of the Act by forwarding 37 [1] or more ocean shipments during the period December 16, 1981 through May 20, 1982. (At least 13 of the 37 or more instances of unlawful forwarding, including the apparent unlawful issuance of invoices to carriers for ocean freight compensation, occurred after the receipt of specific verbal advice from Commission staff to Dynamic relative to the jeopardy which attaches to unlicensed forwarding).

Further, the President of Dynamic admitted to Commission staff that Dynamic had been forwarding for the past three years. That admission was made more than a year after the Commission's finding in Docket No. 80-5 (Dynamic International Freight Forwarder, Inc.—Independent Ocean Freight Forwarder License Application and Possible Violation of Section 44, Shipping Act, 1916, January 16, 1981) that Dynamic was unfit to be licensed as an independent ocean freight forwarder. The Commission in that proceeding also assessed a civil penalty of $2,500 against Dynamic for unlicensed freight forwarding.

It is therefore ordered That, pursuant to sections 22, 32 and 44, Shipping Act, 1916 (46 U.S.C. 821, 831 and 841b) a proceeding is hereby instituted to determine:

1. Whether Dynamic International Freight Forwarders, Inc. violated section 44(a) of the Shipping Act, 1916 (46 U.S.C. 841b(a)) by carrying on the business of forwarding, as defined in section one of the Act (46 U.S.C. 801) since January 17, 1981;

2. Whether civil penalties should be assessed against Dynamic International Freight Forwarders, Inc., pursuant to 46 U.S.C. 831(e) if found to be in violation of section 44(a) of the Shipping Act, 1916 and, if so, the amount of any such penalty which should be imposed, taking into consideration factors in possible mitigation of such a penalty;

3. Whether Dynamic International Freight Forwarders, Inc. should be ordered to cease and desist from carrying on the business of forwarding.

It is further ordered That Dynamic International Freight Forwarders, Inc. be named Respondent in this proceeding;

It is further ordered, That in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Director of the Bureau of Hearings and Field Operations (Hearing Counsel) shall be a party to this proceeding;

It is further ordered, That this proceeding shall be limited to the submission to the Commission of affidavits of facts and memoranda of law and replies thereto. Oral argument may also be scheduled if deemed necessary by the Commission. Should any party believe that an evidentiary hearing is required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding and why such proof cannot be submitted through affidavits. Affidavits of fact and memorandum of law shall be filed by Hearing Counsel and served upon all parties of record no later than close of business December 9, 1983. Reply affidavits and memorandum shall be filed no later than close of business January 10, 1983. Hearing Counsel's reply shall be filed no later than close of business February 10, 1983. Intervenors shall file as their interest shall appear;

It is further ordered, That all future notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy be served upon all parties of record;

It is further ordered, That any person other than parties of record having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72); and

It is further ordered, That all documents submitted by any party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118), as well as being mailed directly to all parties of record.

Francis C. Hurney,

Secretary.

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[1] The 37 shipments are identified in the accompanying appendix.

APPENDIX

Carrier name	Vessel	Loaded at	B/L date	B/L No.	Dynamic invoice(s)/ (ref. No.)
Italian Line	Americana	Philadelphia	12/16/81	1000	2475, 2505 (1208)
Italian Line	Americana	Philadelphia	12/16/81	1001	2506
Italian Line	Americana	Philadelphia	12/16/81	1002	2474, 2501
Neptune Orient Line	Neptune Coral	Savannah	12/16/81	1761136	2609, 2610
Costa Line	Family Anthony	Houston	12/24/81	C-5	2462, 2542
Neptune Orient Line	Neptune Diamond	Seattle	1/5/82	1442114	2606
Italian Line	Hermes	Philadelphia	1/6/82	1000	2484, 2543
Italian Line	Arcadia	Baltimore	1/22/82	1002	2603, 2604
Costa Line	Unterturkheim	Houston	2/6/82	C-9	(01009)
Spanish Line	Covadonga	Baltimore	2/11/82	802	2676, 2717
Showa Line	Hotaka Maru	Portland	2/12/82	920-04657	2635
Showa Line	Hotaka Maru	Portland	2/12/82	920-04658	
Zim Container Service	Northland	Boston	2/16/82	536	(02010)
Showa Line	Alaska Maru	Portland	2/19/82	920-04673	
Showa Line	Hikawa Maru	Portland	2/8/82	920-04637	
Dart Containerline	D. Americana	Philadelphia	1/27/82	BBLI 500	(1257)
Spanish Line	Covadonga		1/27/82	805	2716
Spanish Line	Covadonga	Baltimore	3/1/82	805	2715
Spanish Line	Covadonga	Baltimore	3/1/82	807	2714
Spanish Line	Guadalupe	Baltimore	3/14/82	800	2757
Spanish Line	Guadalupe	Baltimore	3/14/82	804	2770
Spanish Line	Covadonga	Baltimore	3/30/82	805	(03035)
Spanish Line	Covadonga	Baltimore	3/30/82	806	02110)
Spanish Line	Guadalupe	Baltimore	4/16/82	800	(03037)
Spanish Line	Guadalupe	Baltimore	4/16/82	805	(03131)
Spanish Line	Guadalupe	Baltimore	4/16/82	806	
Spanish Line	Covadonga	Baltimore	5/2/82	803	(04136)
Spanish Line	Guadalupe	Baltimore	5/20/82	802	(03125)
Spanish Line	Guadalupe	Baltimore	8/2/82	803	(07160)
Spanish Line	Guadalupe	Baltimore	8/2/82	800	(06153)
Spanish Line	Guadalupe	Baltimore	8/2/82	801	(06145)
Spanish Line	Guadalupe	Baltimore	8/2/82	802	(06156)
Spanish Line	Guadalupe	Baltimore	8/2/82	803	[illegible]
Spanish Line	Guadalupe	Baltimore	8/2/82	804	(06071)
Spanish Line	Covadonga	Baltimore	8/20/82	800	
Spanish Line	Covadonga	Baltimore	8/20/82	801	

[FR Doc. 82-30725 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Y.S. International, Inc., 6819 S.W. 81st Street, Suite E, Miami, FL 33143. Officer: John Southby, President/Sole Stockholder.

CFI Group, Inc., 15 East 26th Street, New York, NY 10010. Officers: Jacques D. Campion, President/Director; Peter A. Holzer, Executive Vice President/Director; Arthur L. Rookwood, Vice President; Dolores M. Vila, Secretary/Assistant Treasurer; Alain Campion, Treasurer/Assistant Secretary/Director; Daniel Curtis, Director; Michael Pschorr, Director.

Melvin K. Kerr, 1001 Lafayette Bldg., 437 Chestnut Street, Philadelphia, PA 19106.

By the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-30728 Filed 11-8-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President), 400 South Akard Street, Dallas, Texas 75222:

1. *Northshore Bancshares, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares of First National Bank of Crosby, Crosby, Texas. Comments on this application must be received not later than December 3, 1982.

Board of Governors of the Federal Reserve System, November 3, 1982.

James McAfee

Associate Secretary of the Board.

[FR Doc. 82-30686 Filed 11-8-82; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Notice of Proposed De Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y

(12 CFR § 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated for each application.

A. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President), 33 Liberty Street, New York, New York 10045:

1. *The Bank of New York Company, Inc.*, New York, New York (finance activities, loan servicing; nationwide and Texas, respectively): To engage, through a wholly-owned subsidiary to be known as BNY Financial Corporation in the following activities: servicing loans and other extensions of credit for any person and making or acquiring, for its own account or for the account of others, loans and other extensions of credit (including issuing letters of credit and accepting drafts), such as would be made by a mortgage, finance, credit card, or factoring company. Such activities would be conducted at its main office located in New York, New York on a nationwide basis and the loan servicing activity only would be conducted at its office located in Houston, Texas, with Texas being the primary service area. Comments on this application must be received not later than December 3, 1982.

B. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President), 701 East Byrd Street, Richmond, Virginia 23261:

1. *Dominion Bankshares Corporation*, Roanoke, Virginia (mortgage banking, loan servicing, and insurance activities; Virginia): To engage, through its subsidiary, Dominion Bankshares Mortgage Corporation, in mortgage banking activities of originating residential, commercial, industrial, and construction loans for its own account and for sale to others, and servicing such loans for others, and the sale of credit life, credit accident and health, credit disability, mortgage redemption and mortgage accident and health insurance in connection with such mortgage loans. These activities will be conducted at an office in Roanoke, Virginia, serving the counties of Roanoke, Alleghany, Rockbridge, Botetourt, Bedford, Giles, Montgomery, Wythe, Carroll, Grayson, Smyth, Tazewell, Buchanan, Russell, Wise, Dickenson, and Washington, and the cities of Roanoke, Salem, Covington, Clifton Forge, Lexington, Buena Vista, Bedford, Bristol, Galax, and Norton, Virginia. Comments on this application must be received not later than December 3, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Merchants National Corporation*, Indianapolis, Indiana (leasing of capital goods and equipment; Ohio, Indiana and Kentucky): To engage through its subsidiary Circle Leasing Corp. in leasing activities of capital goods and equipment to industry, banks, and others or act as agent, broker or advisor in leasing such personal property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Cincinnati, Ohio servicing an area within a 50-mile radius of proposed office including areas within Indiana and Kentucky as well as Ohio. Comments on this application must be received not later than November 30, 1982.

Board of Governors of the Federal Reserve System, November 3, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30883 Filed 11-8-82; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares and/or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Mid-South Bancshares, Inc.*, Sanford, North Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Mid-South Bank and Trust Company, Sanford, North Carolina. Comments on this application must be received not later than December 3, 1982.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *Bank of Gonzales Holding Company, Inc.*, Gonzales, Louisiana; to become a bank holding company by acquiring at least 80 percent of the voting shares of Bank of Gonzales, Gonzales, Louisiana. Comments on this application must be received not later than November 24, 1982.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Monroe Bancshares, Ltd.*, Monroe, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of Monroe State Bank, Monroe, Iowa. Comments on this application must be received not later than December 3, 1982.

Board of Governors of the Federal Reserve System, November 3, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30884 Filed 11-8-82; 8:45 am]

BILLING CODE 6210-01-M

NBD Bancorp, Inc.; Proposed Acquisition of Corporate Funding, Inc.

NBD Bancorp, Inc., Detroit, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12

U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire 100 percent of the voting shares of Corporate Funding, Inc., Grand Rapids, Michigan.

Applicant states that the proposed subsidiary would engage in the activities of making leases of personal property or acting as agent, broker, or advisor in leasing such property, in accordance with the Board's Regulation Y. These activities would be performed from offices of Applicant's subsidiary in Grand Rapids and Birmingham, both in Michigan, and the geographic areas to be served are the United States including Puerto Rico, and Canada. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than November 29, 1982.

Board of Governors of the Federal Reserve System, November 3, 1982.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 82-30686 Filed 11-8-82; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Application for Shipping Instructions and Notice of Availability (GSA Form 1611)

AGENCY: General Services Administration.

ACTION: Notice of Information collection Reinstatement.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the General Service Administration (GSA) plans to request the Office of Management and Budget to review and approve the reinstatement of an information collection request for the collection of data.

DATE: Comments on the information collection request must be submitted on or before November 26, 1982.

ADDRESSES: Send comments to Franklin S. Reeder, GSA Desk Officer, Room 3235, NEOB, Washington, D.C. 20503, and to Anthony Artigliere, GSA Clearance Officer, GSA (ORAI), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT: Louise Jernigan, GSA (703-557-0977).

SUPPLEMENTARY INFORMATION:

a. *Purpose.* The data collected by the information collection request will enable GSA to evaluate and obtain the maximum cubic utilizaiton of shipping vans and containers for export direct delivery shipments, so that the most economical transportation will be arranged.

b. *Description of information collection.* The information will be provided as part of a contractual agreement between the Federal Government and person or persons furnishing the information. The GSA Form 1611 will be used to collect the data. Data will be collected as required by GSA traffic managers throughout the various regions. The respondent burden has been estimated to be one-half hour per respondent.

c. *Obtaining copy of the proposal.* A copy of the information collection proposal may be obtained from the Directives and Reports Management Branch (ORAI), Room 3011, GS Building, Washington, DC 20405, telephone 566-1164.

Dated: November 1, 1982.

Clarence A. Lee, Jr.,

Director of Administrative Services.

[FR Doc. 82-30711 Filed 11-8-82; 8:45 am]

BILLING CODE 6820-34-M

National Archives and Records Service

Advisory Committee on Preservation; Meeting

Notice is hereby given that the Information Capture, Storage, Retrieval and Perpetuation Subcommittee of the National Archives and Records Service Advisory Committee on Preservation will meet on January 17, 1983 from 10:00 a.m. to 4:00 p.m., and January 18, from 9:00 a.m. to 12 noon in Room 105, National Archives Building, Washington, D.C. This meeting will be devoted to information capture and distribution as related to the mission of the National Archives.

The meeting will be open to the public. For further information call Alan Calmes, 202-523-3159.

Dated: October 28, 1982.

G. N. Scaboo,

Acting Archivist of the United States.

[FR Doc. 82-30710 Filed 11-8-82; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of Maine State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on December 21, 1982 in Boston, Massachusetts to reconsider our decision to disapprove Maine State Plan Amendment 82-03-A.

CLOSING DATE: Request to participate in the hearing as a party must be received by November 24, 1982.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Bureau of Program Policy, G-20 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594-8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a Maine State plan amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter relates to the imposition of a $.50 copayment on prescription drugs and exemption from the copayment requirement of categorically needy and medically needy individuals who are institutionalized. The Health Care Financing Administration disapproved the amendment on the basis that it did not comply with section 1902(a)(10) of the Social Security Act and comparability rules set forth in 42 CFR 440.240.

The notice to Maine announcing an administrative hearing to reconsider our denial of its State plan amendment reads as follows:

Mr. Michael R. Petit,
Commissioner, Department of Human Services, State House, Augusta, Maine 04330.

Dear Mr. Petit: This is to advise you that your request for reconsideration of the decision to disapprove Maine State Plan Amendment 82-03-A was received on October 7, 1982. You have requested a reconsideration of whether this amendment, which would exempt institutionalized categorically needy and medically needy individuals from a $.50 copayment requirement for prescribed drugs, conforms to the requirements for approval under the Social Security Act and pertinent Federal requirements.

In accordance with the regulations at 45 CFR 201 and 213, I am scheduling a hearing on your request to be held on December 21, 1982, at 10:00 a.m. in Room 1211, John F. Kennedy Building, Boston, Massachusetts. You indicated, however, that you would be willing to enter into negotiations. Please advise me, therefore, if you wish to postpone the hearing in order to enter into negotiations or if you wish to retain the hearing date but negotiate prior to the hearing.

I have designated Mr. Lawrence Ageloff as the presiding official. In order to facilitate any communications which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached on (301) 594-8261.

Sincerely yours,

Carolyne K. Davis, Ph. D.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: November 4, 1982.

Carolyne K. Davis,
Administrator, Health Care Financing Administration.

[FR Doc. 82-30804 Filed 11-8-82; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

Application Announcement for Grants for Programs for Physician Assistants

The Bureau of Health Professions, Health Resources and Services Administration, announces that applications for Fiscal Year 1983 Grants for Programs for Physician Assistants are now being accepted under the authority of Section 783 of the Public Health Service Act, as amended by Pub. L. 97-35.

Section 783 authorizes the Secretary to make grants to schools of medicine or osteopathy and any other public or nonprofit private entities to assist in meeting the cost of planning, developing and operating or maintaining programs for the training of physician assistants as defined under Sections 701(8) and 783 of the Public Health Service Act.

Funding preference will be accorded approved applications with projects in which:

1. A program is conducted for training physician assistants to provide primary care patient services under the supervision of a doctor of medicine or osteopathy; and/or
2. Substantial training or experience is provided in a health manpower shortage area(s), as defined in Section 332 of the Public Health Service Act, or in an area health education center funded, at least in part, under section 781(a)(1) of the Act; and/or
3. A program is established in a State which does not have a program; and/or
4. A program is conducted in conjunction with primary care physician education in a manner which shares educational resources and encourages the use of physician assistants by physicians.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-21), Bureau of Health Professions, Health Resources and Services Administration, Center Building, Room 4-27, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436-6096.

Should additional programmatic information be required, please contact. Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Center Building, Room 4-50, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436-6436.

Based upon the President's budget, approximately $4.4 million is expected to be available in Fiscal Year 1983 for competitive grants. However, this amount may be changed by final action on the Fiscal Year 1983 appropriation. The deadline date for receipt of applications is December 6, 1982.

This program is listed at 13.886 in the *Catalog of Federal Domestic Assistance.* Applications submitted in response to this announcement are not subject to review by State and areawide clearinghouses under the procedures in the Office of Management and Budget Circular No. A-95.

Dated: October 27, 1982.

Robert Graham,
Administrator, Assistant Surgeon General.

[FR Doc. 82-30717 Filed 11-8-82; 8:45 am]

BILLING CODE 4160-16-M

Qualified Health Maintenance Organizations; August and September

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice, August/September; qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, this notice reports service area revisions and name changes of previously qualified HMOs.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Associate Director for, Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Regulations (42 CFR 110.605(e)) issued under Title XIII of the Public Health Service Act require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under Section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. Ventura County Health Maintenance Organization/dba/VIP Health Plan, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 200 South "A" Street, Suite 202, Oxnard, California 93030. Service area: Ventura County, California excluding the Los Padres National Forest area. Date of qualification: August 2, 1982.

(Transitionally Qualified Health Maintenance Organizations: 42 CFR 110.603(b))

2. Samaritan Health Plan Cooperative, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), 2224 West Kilbourn Avenue, Milwaukee, Wisconsin 53233. Service area: Milwaukee County, Wisconsin and other counties with zip codes as follows:

Ozaukee

53012
53024
53074
53092

Waukesha

53005
53007
53051
53072
53122
53151
53186

Washington

53022

Date of qualification: August 2, 1982.

3. CliniCare, (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 435 North Mulford Road, Rockford, Illinois 61107. Service area: Winnebago and Boone Counties, Illinois and other counties with zip codes as follows:

DeKalb

60111
60115
60129
60135
60145–6
60150
60552
60178

Stephenson

61013
61018–9
61027
61032
61039
61044
61062
61067
61070

Ogle

61007
61010
61015
61020
61030
61043
61047
60113
61049
61052
61054
61061
61068
61064
61091

Date of qualification: September 7, 1982.

4. Abraham Lincoln Health Assurance Plan, Lincoln, Illinois (a regional component of HMO Illinois, Inc., Chicago, Illinois 60601). Service area: Logan County, Illinois. Effective date: August 4, 1982.

5. Shawnee Health Assurance Plan, Carbondale, Illinois, (a regional component of HMO Illinois, Inc., Chicago, Illinois 60601). Service area: Jackson, Perry, and Franklin Counties, Illinois. Effective date: August 4, 1982.

6. HealthCare of Louisville, Inc., Lexington, Kentucky (a regional component of HealthCare of Louisville, Inc., Louisville, Kentucky 40218). Service area: Fayette, Woodford, Scott, Bourbon, Clark, Madison, Jessamine and Franklin Counties, Kentucky. Effective date: August 23, 1982.

Service Area Revisions

1. Health Maintenance Network of Southern California/dba/Health Net, P.O. Box 9103, Van Nuys, California 91409. Add the following to the service area published in the **Federal Register** on May 3, 1982, 47 FR 18971: Santa Barbara and San Diego Counties, California. Effective date: August 23, 1982.

2. HMO Illinois, Inc., 233 North Michigan Avenue, Suite 1625, Chicago, Illinois 60601. Add the following to the service area published in the **Federal Register** on July 1, 1981, 46 FR 34517: Jo Daviess, Stephenson, Winnebago, Boone, Carroll, Whiteside, Lee, DeKalb, and Ogle Counties, Illinois. Effective date: August 6, 1982.

3. Foundation Health Plan, 3030 El Camino Avenue, Carmichael, California 95608. Add the following townships by county to the service area published in the **Federal Register** on July 1, 1981, 46 FR 34516–7:

Alameda County

Dublin
Hayward
Livermore
Pleasanton
Sunol

Contra Costa County

Alamo
Antioch
Brentwood
Byron
Canyon
Danville
Diablo
Knightsen
Oakley
San Ramon
Walnut Creek

Effective date: July 1, 1982.

4. Kaiser Foundation Health Plan of Texas, 12720 Hillcrest, Suite 600, Dallas, Texas 75230. Add the following zip codes by county to the service area published in the **Federal Register** on July 1, 1981, 46 FR 34521:

Collin

75071

Denton

76226 [1]
76201
76247
76262

Ellis

75119
75125
75152
75154
75165
76065

Hunt

75005

Kaufman

75142
75157

Tarrant

76051

[1] Published as 75226 in 46 FR 34521 on July 1, 1981.

Effective date: August 17, 1982.

NAME CHANGES

Change from	Change to	Effective date
1. Family Health Program, Inc.	FHP, Inc., 9930 Talbert Avenue, Fountain Valley, Calif. 92708.	Aug. 3, 1982.
2. Community Health Care Association.	Health Care Plus, Inc., P.O. Box 1066, Wichita, Kans. 67201.	Sept. 17, 1982.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Bureau of Health Maintenance Organizations and Resources Development, Department of Health and Human Services, Park Building 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: October 27, 1982.

Robert Graham,

Administrator, Assistant Surgeon General.

[FR Doc. 82-30719 Filed 11-8-82; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Postponement of Public Land Sale; Wyoming

October 29, 1982.

Two Notices of Realty Action were published September 13, 1982, at 43 FR 40233 and September 30, 1982, at 47 FR 43201 in the **Federal Register** and concerned the competitive sale of public land in Wyoming. Notice is hereby given, that these sales in Sweetwater and Johnson Counties scheduled for November 17 and December 3, 1982, respectively, are hereby postponed until further notice pending completion of action consistent with the Bureau's continuing resolution on appropriations is effected.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 82-30721 Filed 11-8-82; 8:45 am]

BILLING CODE 4310-84-M

[M 56116]

Montana; Realty Action; Exchange

November 2, 1982.

AGENCY: Bureau of Land Management, Lewistown District Office, Interior.

ACTION: Notice of Realty Action M 56116, Exchange of public and private lands in Chouteau, Fergus, Petroleum, Blaine and Treasure Counties, Montana.

SUMMARY: The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Principal Meridian

T. 27 N., R. 4 E.,
Sec. 32, SW¼SE¼.
T. 23 N., R. 6 E.,
Sec. 1, SE¼NW¼.
T. 26 N., R. 7 E.,
Sec. 11, NE¼NE¼.
T. 26 N., R. 8 E.,
Sec. 28, N½NW¼.
T. 21 N., R. 9. E.,
Sec. 5, Lot 2;
Sec. 20, SW¼NE¼, E½NW¼, N½S½;
Sec. 22, SE¼SW¼, SE¼SE¼;
Sec. 25, NE¼SW¼.
T. 22 N., R. 9 E.,
Sec. 33, SW¼NW¼.
T. 26 N., R. 9 E.,
Sec. 19, NW¼NE¼.
T. 21 N., R. 10 E.,
Sec. 18, NW¼SE¼;
Sec. 32, SE¼SW¼.
T. 24 N., R. 10 E.,
Sec. 20, NE¼SE¼.
T. 25 N., R. 10 E.,
Sec. 5, SW¼NW¼.
T. 26 N., R. 11 E.,
Sec. 1, SE¼NE¼, SE¼NW¼;
Sec. 4, SW¼NW¼, NW¼SW¼;
Sec. 5, SE¼NE¼.
T. 20 N., R. 13 E.,
Sec. 2, W½SW¼.
T. 26 N., R. 13 E.,
Sec. 5, SW¼SE¼;
Sec. 8, NE¼SW¼;
Sec. 17, NE¼NW¼.
T. 28 N., R. 13 E.,
Sec. 34, SE¼SW¼.
T. 17 N., R. 14 E.,
Sec. 13, S½SE¼;
Sec. 24, NE¼SW¼.
T. 21 N., R. 14 E.,
Sec. 14, SW¼NW¼.
T. 26 N., R. 15 E.,
Sec. 34, SE¼SE¼.
T. 19 N., R. 16 E.,
Sec. 5, Lot 4.
T. 20 N., R. 16 E.,
Sec. 21, SE¼NW¼;
Sec. 22, NW¼SE¼.
T. 27 N., R. 16 E.,
Sec. 5, SW¼SE¼;
Sec. 7, Lot 3, NE¼SW¼.
T. 17 N., R. 17 E.,
Sec. 12, NW¼NW¼.
T. 18 N., R. 17 E.,
Sec. 20, SW¼SW¼.
T. 19 N., R. 17 E.,
Sec. 21, SE¼SE¼;
Sec. 22, SE¼NW¼;
Sec. 25, NW¼NW¼;
Sec. 26, NE¼NE¼;
Sec. 27, SW¼NW¼.
T. 20 N., R. 17 E.,
Sec. 13, SW¼NE¼.
T. 16 N., R. 18 E.,
Sec. 4, Lot 1.
T. 19 N., R. 19 E.,
Sec. 3, NE¼SW¼;
Sec. 13, SE¼NE¼, NE¼SE¼;
Sec. 14, W½W½;
Sec. 18, S½NE¼, N½SE¼.
T. 16 N., R. 20 E.,
Sec. 35, NW¼SE¼.
T. 20 N., R. 20 E.,
Sec. 30, NW¼SE¼, SE¼SE¼;
Sec. 31, Lot 7.
T. 21 N., R. 20 E.,
Sec. 25, S½SW¼, NE¼SE¼.
T. 22 N., R. 20 E.,
Sec. 20, W½NE¼, SE¼NE¼.
T. 16 N., R. 21 E.,
Sec. 25, SE¼.
T. 17 N., R. 21 E.,
Sec. 34, SE¼NW¼.
T. 18 N., R. 21, E.,
Sec. 34, SE¼NE¼, N½SE¼.
T. 21 N., R. 21 E.,
Sec. 17, NW¼NE¼;
Sec. 31, Lot 2, SE¼NW¼.
T. 17 N., R. 22 E.,
Sec. 32, SE¼SE¼;
Sec. 33, SW¼SW¼.
T. 18 N., R. 22 E.,
Sec. 3, SE¼NW¼.
T. 19 N., R. 22 E.,
Sec. 19, NE¼NW¼, SE¼SE¼;
Sec. 22, SW¼SE¼;
Sec. 29, NW¼SE¼.
T. 17 N., R. 23 E.,
Sec. 9, SE¼NE¼;
Sec. 14, NW¼SW¼, NE¼SE¼, SW¼SE¼;
Sec. 15, NE¼NW¼, SE¼SW¼;
Sec. 22, NW¼SW¼;
Sec. 23, NW¼NE¼;
Sec. 25, NE¼SE¼.
T. 19 N., R. 23 E.,
Sec. 30, Lots 1 and 2.
T. 13 N., R. 24 E.,
Sec. 2, NW¼SE¼.
T. 14 N., R. 24 E.,
Sec. 23, NE¼NW¼;
Sec. 33, NE¼SW¼;
Sec. 35, NW¼NW¼, NE¼SW¼.
T. 15 N., R. 24 E.,
Sec. 8, SE¼NW¼, W½SW¼, NE¼SW¼.
T. 19 N., R. 24 E.,
Sec. 20, NW¼
T. 18 N., R. 25 E.,
Sec. 24, N½SW¼
T. 14 N., R. 26 E.,
Sec. 8, NW¼NW¼
T. 18 N., R. 26 E.,
Sec. 19, E½SW¼, NW¼SE¼
T. 19 N., R. 28 E.,
Sec. 32, NW¼SE¼
T. 15 N., R. 29 E.,
Sec. 21, W½NW¼.

Aggregating 4,987.77 acres of public land.

In exchange for the above public land, the United States will acquire certain lands or interests in lands from the following private land parcels:

Principal Meridian

Fee Estate

Pavlovick—

T. 23 N., R. 16 E.,
Sec. 24, portions of lot 1 and SE¼SW¼;
Sec. 25, lot 7 (excluding trailer court), and a portion of Council Island.
T. 23 N., R. 17 E.,
Sec. 30, portion of Council Island.

Charles Schwenke—

T. 23 N., R. 22 E.,
Sec. 5, lots 12.13, and 20;
Sec. 6, lots 11,12.13.14,20, and 21.

Howrey Island and Accretions Thereto—

T. 6 N., R. 35 E.,
Sec. 15, lots 5,6,7,8,9, SW¼SE¼;
Sec. 21, lot 5;
Sec. 22, lots 1,2,6,7,8, and 9.

Aggregating 864.2 acres of fee land, more or less.

Scenic-Access Easement

Pavlovick—

T. 23 N., R. 16 E.,
Sec. 23, lot 1;
Sec. 24, lot 2 (Norris Island);
Sec. 25, lots 5,6, and 8;
Sec. 26, lots 5 and 6.
T. 23 N., R. 17 E.,

Sec. 30, lots 6 and 7.

Aggregating 216.75 acres of scenic-access easement.

Scenic and Access Easement Only

Darlington Property—

T. 24 N., R. 13 E.,
  Sec. 3, lots 1,2,3,6,7, SE¼NW¼,NE¼SW¼, S½SW¼, NW¼SE¼, S½SE¼;
  Sec. 4, lot 8;
  Sec. 9, lot 1;
  Sec. 10, lots 1,2, NE¼, NW¼NW¼, E½NW¼, NE¼SW¼.
T. 25 N., R. 13 E.,
  Sec. 4. S½S½;
  Sec. 5, lots 5,6,9, NE¼SE¼;
  Sec. 9, lots 1,3,4,7, NE¼, NE¼NW¼, E½SE¼, NW¼SE¼;
  Sec. 10, SW¼SW¼;
  Sec. 15, W½NW¼, NW¼SW¼, S½SW¼;
  Sec. 16, lots 3 and 4;
  Sec. 21, lots 1,2,3,4, E½SE¼;
  Sec. 22, W½, N½NE¼;
  Sec. 27, W½;
  Sec. 28, lots 5,8, E½E½;
  Sec. 33, lot 1, SE¼NE¼;
  Sec. 34, W½NW¼, SE¼NW¼, NE¼SW¼.

Aggregating 3,296.31 acres of scenic easement.

Not all of the lands described above will be involved in the exchange. Selections will be made from both lists to achieve comparable values.

DATES: For a period of 45 days from the date of first publication of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, Airport Road, Lewistown, Montana 59457. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

FOR FURTHER INFORMATION CONTACT: Information concerning this exchange is available at the Lewistown District Office.

SUPPLEMENTARY INFORMATION: The publication of this notice segregates the public lands describved above from settlement, sale, location and entry under the public land laws, including the mining laws, but not from exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976.

The purpose of the exchange is to dispose of hard-to-manage BLM-administered lands, usually scattered, isolated tracts, while concurrently acquiring and consolidating lands or interest in lands of public value. The private land includes land within the Upper Missouri Wild and Scenic Area, a Lewis and Clark campsite, the Kipp Homestead, excellent camping areas and wildlife habitat and various river islands with recreational and wildlife values.

Only the surface estates will be exchanged and the subsurface estate shall remain with the present owners. The exchange will be based on equal appraised values of both the public and the deeded land. The action is consistent with the Bureau's planning for the lands involved and has been discussed with State and local officials. The public interest will be well served by making the exchange.

The exchange will be made subject to:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States in accordance with 43 U.S.C. 945. This reservation applies to the lands being transferred out of Federal ownership.

2. The reservation to the United States of all minerals in the lands being transferred out of Federal ownership.

3. All valid existing rights (e.g., rights-of-way, easements, and leases of record).

4. The exchange must meet the requirements in 43 CFR 4110.4–2(b).

Michael J. Penfold,
State Director.

[FR Doc. 82–30790 Filed 11–8–82; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before October 29, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by November 24, 1982.

Carol D. Shull,
Chief of Registration, National Register.

ARIZONA

Pima County

Tucson, *Coronado Hotel*, 410 E. 9th St.

CONNECTICUT

Fairfield County

Danbury, *Robinson, P., Fur Cutting Company*, Oil Mill Rd.

Hartford County

Hartford, *Buckingham Square Historic District—(Boundary Increase)*, 248–250 Hudson St.

New London County

New London, *Winthrop Mill*, Mill St.

Norwich, *Bean Hill Historic District*, Huntington and Vergason Aves., Sylvis Lane and W. Town St.

INDIANA

Marion County

Indianapolis, *Massachusetts Avenue Commercial District*, Roughly bounded by one block to either side of Massachusetts Ave. from Delaware St. to US 65

Marshall County

Culver vicinity, *Woodbank*, 2738 East Shore Lane, Lake Maxinkuckee

MARYLAND

Anne Arundel County

Tracy's Landing vicinity, *Tracy's Landing Tobacco House No. 2, (Coe Barn)*, Off MD 2

Baltimore (Independent city), *Franklin Square Historic District*, Bounded by Mulberry, N. Carey, W. Baltimore, and N. Monroe Sts.

Caroline County

Williston, *Potter Hall*, Martin Lane

Harford County

Aberdeen, *Baker, James B., House*, 452 W. Bel Air Ave.

Howard County

Ellicott City vicinity, *Burleigh*, Centennial Lane

Kent County

Chestertown, *Chestertown Railroad Station*, Cross St.

Montgomery County

Laytonsville vicinity, *Oaks II*, 5815 Riggs Rd.

Prince Georges County

Upper Marlboro vicinity, *Bowling Heights*, 3610 Old Crain Hwy.

MASSACHUSETTS

Middlesex County

Framingham, *Irving Square Historic District*, Irving Square, Waverly, South, Columbia, Irving, Gordon and Hollis Sts.

Suffolk County

Revere, *Ronan, Mary, T., School*, 154 Bradstreet Ave.

MISSISSIPPI

Leake County

Carthage, *Jordan House*, E. Franklin St.

Neshoba County

Philadelphia, *Philadelphia Historic District*, Holland and Poplar Aves., Jefferson, Watkins and Welsh Sts.

NEW MEXICO

Bernalillo County

Albuquerque, *Albuquerque Indian Hospital*, 801 Vassar, NE

Los Alamos County

White Rock, *Pajarito Springs Site*.

Los Alamos, *Guaje Site,*

Rio Arriba County

Abiquiu, *Abiquiu Messa Grid Gardens,*

Santa Fe County

White Rock, *Navawi)*

NEW YORK

Dutchess County

Poughkeepsie, *First Presbyterian Church Rectory (Poughkeepsie MRA*,, 96 Cannon St.

Poughkeepsie, *Vassar-Warner Row (Poughkeepsie MRA)* S. Hamilton from Montgomery to 40 Hamilton St.

NORTH DAKOTA

Grand Forks County

Grand Forks, *Grand Forks Herald (Downtown Grand Forks MRA),* 120–124 N. Fourth St.

OHIO

Lorain County

Lorain, *US Post Office,* Ninth St. and Broadway Ave.

OREGON

Jackson County

Ashland, *Chappel-Swedenburg House,* 990 Siskiyou Blvd.

RHODE ISLAND

Providence County

Woonsocket, *Darling, Henry, House (WoonsocketMRA),* 786 Harris Ave.

TEXAS

Grimes County

Navasota, *Navasota Commercial Historic District,* Roughly bounded by La Salle, Holland, 9th, and Brule Sts.

UTAH

Utah County

Provo, *Brown, George M., House,* 284 E. 100 North

WISCONSIN

Dane County

Madison, *Steensland, Halle, House,* 315 N. Carroll St.

Jefferson County

Fort Atkinson, *Hoard, Arthur R., House,* 323 Merchants Ave.

Sheboygan County

Elkhart Lake, *Villa von Baumbach,* 754 Elkhart Lake Dr.

Walworth County

Lake Geneva, *Smith, T. C., House,* 665 Main St.

[FR Doc. 82-30610 Filed 11-8-82; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Contracts Available for Holders of Miscellaneous Present Perfected Water Rights; Intent To Enter Into Contracts With Holders of Miscellaneous Present Perfected Water Rights in the Lower Colorado River Basin of the Colorado River

The Department of the Interior, through the Bureau of Reclamation (Bureau), intends to enter into contracts for delivery of water from the Colorado River below Hoover Dam with owners of land with "Miscellaneous Present Perfected Rights" which were determined by Supreme Court Decree, *Arizona* v. *California* (376 U.S. 340), of 1964, as supplemented on January 9, 1979 (439 U.S. 419). "Miscellaneous Present Perfected Rights" are those adjudicated Colorado River water rights existing as of June 25, 1929, in Arizona and California.

The decree and the Boulder Canyon Project Act of December 21, 1928 (45 Stat. 1057), require that water released or delivered from storage to the mainstream of the Colorado River below Hoover Dam for irrigation or domestic uses must be secured by a contract with the Secretary of the Interior. The Bureau has developed a contract form to be used for that purpose. Notice of availability of the draft contract form for public review and comment was published in the **Federal Register,** Volume 45, page 66879, October 8, 1980. As drafted, the contract form provides for permanent delivery of water from Lake Mead by the United States to contracting users with "Miscellaneous Present Perfected Rights" without charge. In return, the contractors are to keep records and report the magnitude of their diversions to the Bureau. Execution of the contracts will further recognize the validity of the rights and comply with the congressional mandate for the Secretary to administer water deliveries from the mainstream of the Colorado River.

Those landowners and municipalities with "Miscellaneous Present Perfected Rights" should apply to the Regional Director, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, for a contract as soon as possible. In the near future, water may not be available from the Colorado River to those not having contracts.

The qualifications of applicants, the validity of rights, and/or the validity of past or proposed transfers of type or place of use will be determined by the Regional Director after consultation with the appropriate agency of each State. To assist in these determinations, applicants will be required to provide appropriate records and documentation that can be submitted to the appropriate agency of each State, as necessary. After verifying that the applicants are owners of lands with "Miscellaneous Present Perfected Rights," and after evaluating the environmental impacts of the water deliveries, the Regional Director will execute the contracts on behalf of the United States for the Secretary.

Dated: November 3, 1982.

R. N. Broadbent,

Commissioner of Reclamation.

[FR Doc. 82-30662 Filed 11-8-82; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

[Volume No. 16]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)—Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. T–10080, filed September 30, 1982, previously noticed in the **Federal Register** of October 28, 1982, republished as corrected this issue.

New York Docket No. T–10080, filed September 30, 1982. Applicant: George Eugene Lewis DBA Geo-Mar, Delivery Service, 3 Norton Rd., Binghamton, NY 13905. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General Commodities in messenger service:* Between the Towns of Delhi, Sidney and Walton

(Delaware County), the Cities of Binghamton, Endicott, Syracuse and Oneonta, and the County of Tioga. Intrastate, interstate and foreign commerce authority sought. Hearing: no hearing scheduled. Request for procedural information should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30678 Filed 11-8-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered: The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-80100. By decision of October 27, 1982, issued under 49 U.S.C. 10926 and the transfer rules at CFR 1132, Review Board Number 3 approved the transfer to STONY'S TRUCKING CO., of Youngstown, OH of Certificate No. MC-107726 and 107726 (Sub-No. 1) issued to MISSISSIPPI-EAST, INC., of Youngstown, OH authorizing the transportation as a common carrier of "mercer" commodities, coal stripping machinery, construction machinery, glass making machinery, such commodities as contractors' equipment, heavy and bulky articles; machinery and machine parts, and articles requiring special handling or rigging because of size or weight, between specified points and territories in the states of OH, PA, and WV. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215.

Note.—TA lease is not sought. Transferee is a carrier.

MC-FC-80111. By decision of October 27, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to Mid Pacific Freight Company, of Bend, OR, of Certificate No. MC-157794 issued February 4, 1982 to Zephyr Factors, Inc., of Bend, OR, authorizing the transportation of *construction material,* between points in OR, on the one hand, and, on the other, points in CA, CO, ID, MT, NV, UT, WA, and WY. Representative: Ron Bryant, 888 W. Evergreen Ave., Redmond, OR 97756.

MC-FC-80123. By decision of October 27, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132 Review Board Number 3 approved the transfer to Truck Control Service, Inc., of Glendale, AZ, of Permits No. MC-144747 (Sub-Nos. 1, 3, 6, and 8)F issued, respectively, January 8, 1980, August 10, 1979, November 26, 1980, and August 12, 1980, to Interstate Equipment Co., Inc., of Glendale, AZ, authorizing the transportation of glass fiber, glass yarn, fiberglass fabric and waste fiber (except in bulk) from the facilities of Owen-Corning, at 2 SC, 1 TN, 1 TX, and 1 PA points to 1 CO, 1 UT, 1 ID, 3 WA, and 2 OR points, and plastic granules and resin (except in bulk) from the facilities of (1) Arco Polymers at 3 TX and 1 PA points, (A) (2) WITCO, at 1 CA, 1 DE, and 1 IL points, (3) Synress, at 1 CA point (4) Abtec, at 1 KY and 1 TX points, (5) Shell Chemical Co., at 1 TX, (6) Cosden, at 1 CA point, (7) Continental Polymers at 1 CA point, and (8) Ashland Chemical Co., at 1 NJ, 1 IL, and 1 CA points to the facilities of Fiberchem, Inc., at 1 CO, 1 OR, 1 UT, and 1 WA points from origin points in (A) above to points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and all under a continuing contract(s) with Fiberchem, Inc., of Seattle, WA, materials, equipment, and supplies used in the manufacture of wood wooden flush doors (except in bulk) from points in the 48 continuous States to the facilities of Walled Lake Door Company at 1 MS, 1 TX, 1 AL, and 1 CA point, and between the facilities of Walled Lake Door Company at 1 MS, 1 TX, 1 AL, and 1 CA points, and wooden flush doors and parts for them from the named shipper's facilities at 1 MS point to points in 12 Southern and Mid-western States, from the same shipper's facilities at 1 CA point to points in 7 Western States, from the same shipper's facilities at 1 TX point to points in 11 Western and Mis-western States, and from the shipper's facilities at 1 AL point to points in 17 States, all under continuing contract(s) with Walled Lake Door Co., of Phoenix, AZ; meats, meat products, and meat byproducts from 1 NE point to points in four Northeastern States, under continuing contract(s) with Minden Beef Company, of Minden, NE, and mineral spring water (except in bulk) from the facilities of Poland Spring Corp. at 1 ME point to 1 ME point to 1 IL, 1 MI, 2 FL, 2TX, 1 NV, 2 CA, 1 OR, 1 WA, 1 CO, 1 WI, 1 MO, and 1 GA points under a continuing contract(s) with Poland Spring Corp. Representative: Phil B. Hammond, Suite 2201, 3003 N. Central, Phoenix, AZ 85012, (602) 266-2224.

MC-FC-80154. By decision of October 27, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to FRANCISCO M. GINESTA, PAUL P. FRINGS, GABRIELE FRINGS AND JUAN E. URETA, A PARTNERSHIP, d.b.a. ACONGAGUA, of Washington, DC, of Certificate No. MC-152135, issued to THE TRIDENT CORPORATION, d.b.a. TRIDENT TOURS, of Arlington, VA, which authorizes the transportation of passengers and their baggage, in special and charter operations, limited to transportation of not more than 14 passengers (excluding the driver), in one vehicle at one time, between points in VA, MD, WV, PA, DE, and DE.

Representative: Robert J. Brooks, 1828 L Street, NW, Suite 1111, Washington, DC 20036.

Note.—TA has been filed. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30677 Filed 11-8-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100. 252. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplyfying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted othewise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

For the following, please direct status inquiries to Team 1 at 202-275-7992.

Volume No. OP1-192

Decided: November 2, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 164351, filed October 19, 1982. Applicant: LEADING FORWARDERS, INC., One World Trade Center, Suite 1923, New York, NY 10048. Representative: Leonard M. Shayne (same address as applicant), (212) 432-0200. As a *broker* of *general commodities* (except household goods), between points in the U.S.

For the following, please direct status inquiries to Team 2 at 202-265-7030.

Volume No. OP2-273

Decided: October 27, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 164132, filed October 7, 1982. Applicant: MALCOLM J. NEWBOURNE, d.b.a. INTERMODAL ASSOCIATES, P.O. Box 5112, Dearborn, MI 48128. Representative: Colin Barrett, 11764 Indian Ridge Rd., Reston, VA 22091, 703-860-8521. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 164173, filed October 8, 1982. Applicant: ROLAND E. DEANE, JR., d.b.a. R. E. Deane, P.O. Box 3855, Bozeman, MT 59715. Representative: Roland E. Deane, Jr. (same address as applicant), 406-586-0749. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164232, filed October 14, 1982. Applicant: MORGAN TOUR AND TRAVEL, INC., d.b.a M T & T TRUCKING, 109 Lake Powell Rd., Williamsburg, VA 23185. Representative: Frank L. Willard, Suite 1001—First & Merchants National, Bank Bldg., Norfolk, VA 23510, 804-627-0070. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 164242, filed October 18, 1982. Applicant: ANRO COLOR SERVICE, INC., d.b.a. ANRO DELIVERY SERVICE, 409 Green St., Rockford, IL 61102. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782-8880. Transporting (a) *shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds*, between points in the U.S. (except AK and HI), and (b) *for or on behalf of the United States Government, general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munition), between points in the U.S. (except AK and HI).

MC 164253, filed October 14, 1982. Applicant: B. JOHNSON ENTERPRISES, 512-B East 8th St., Richmond, VA 23224. Representative: Boyd Clegg Johnson, Jr., (same as applicant), (804) 233-3310. As a *broker of general commodities* (except household goods), between points in the U.S. (including AK and HI).

Volume No. OP2-275

Decided: October 28, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 43262 (Sub-3), filed October 1, 1982. Applicant: SCHOLASTIC TRANSIT CO., 2800 Old Willow Road, Northbrook, IL 60062. Representative: Patrick H. Smyth, 105 West Madison, Suite 1008, Chicago, IL 60602 (312) 263-2397. (1) Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164293, filed October 19, 1982. Applicant: LINDA A. DONCHEZ, d.b.a. AMERICAN TRANSPORT SYSTEMS, 840 Halloran Rd., Bow, WA 98232. Representative: Linda A. Donchez (same address as applicant), 609-692-3724. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except HI).

MC 164362, filed October 22, 1982. Applicant: RABBIT TRANSIT, INCORPORATED, 180 Racine, Suite 108, Memphis, TN 38111. Representative: R. Connor Wiggins, Jr., 100 N. Bain Bldg., Suite 909, Memphis, TN 38103, 901-526-4114. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S. (except AK and HI).

Volume No. OP2-277

Decided: November 1, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 164353, filed October 22, 1982. Applicant: WEICKER-GRUENHUT INTERNATIONAL, INC., 2900 Brighton Blvd., Denver, CO 80216. Representative: Howard G. Feldman, 1211 Connecticut Ave. NW—Suite 300, Washington, D.C. 20036, 202-331-0770. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 164443, filed October 28, 1982. Applicant: NATIONAL BROKERAGE SERVICE, INC., 365 Cross Hwy., Fairfield, CT 06430. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, 203-728-0700. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 4 at 202-275-7669.

Volume No. OP-018

Decided: November 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 164296, filed October 19, 1982. Applicant: ACCREDITED BROKERS OF AMERICA, INC., 4045 Guasti, Suite 205, Ontario, CA 91716. Representative: John C. Russell, 1545 Wilshire Blvd., Suite 606, Los Angeles, CA 90017, (213) 483-4700. As a (1) *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI), (2) transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI).

MC 164297, filed October 20, 1982. Applicant: EARL P. KNOP, d.b.a. E & H. SERVICE, Box 406, Murdock, NE 68407. Representative: Earl P. Knop (same address as applicant), (402) 867-2561. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone, fertilizers and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164306, filed October 20, 1982. Applicant: LARRY PATTERSON, d.b.a. PATTERSON ENTERPRISES, 165 Wheeler Village, Missoula, Mt 59801. Representative: William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543-8369. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164316, filed October 19, 1982. Applicant: OVERFLO PUBLIC WAREHOUSE, INC., 7646 Canton Center Dr., Baltimore, MD 21224. Representative: Herman F. Timme (same address as applicant), (301) 285-2100. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP4-020

Decided: November 1, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams.

MC 164216, filed October 13, 1982. Applicant: ELDON ASSOCIATES, 7517 Pivot St., Downey, CA 90241. Representative: A. Dayton Schell, 6 Cileen Way, Edison, NJ 08837, (201) 494-8765. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 164246, filed October 15, 1982. Applicant: TRAILERLOAD DISTRIBUTION SPECIALISTS, INC., P.O. Box 3265, 19 Dixon Place, Wayne, NJ 07470. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, (202) 791-2270. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 164307, filed October 19, 1982. Applicant: H.D.L. MANAGEMENT CO., INC., 3879 Somers Dr., Huntingdon, PA 19006. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (202) 783-7900. As a *broker of general commodities* (except household goods) between points in the U.S. (except AK and HI).

Volume No. OP4-022

Decided: November 2, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams.

MC 164337, filed October 21, 1982. Applicant: FORT WASHINGTON TRUCKING COMPANY, 5410 Indian Head Hwy., Suite 300, Oxon Hill, MD 20745. Representative: Delma L. Reese II (same address as applicant), (301) 567-1322. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions); (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds; and (3) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

MC 164346, filed October 22, 1982. Applicant: J.J. CARTER & SON MOVING & STORAGE COMPANY OF INDIANA, INC., 2218 Koetter Dr., Clarksville, IN 47130. Representative: George M. Catlett, 700—702 McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

For the following, please direct status inquiries to Team 5 at 202-275-7289.

Volume No. OP5-240

Decided: October 29, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 154789 (Sub-1) filed September 24, 1982. Applicant: WHETSTONE CORPORATION, 615-E Research Rd., Richmond, VA 2326. Representative: James R. Whetstone (same address as applicant), 804-644-3460. Transporting, for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except HI).

MC 164289 (Sub-1), filed October 19, 1982. Applicant: MARK S. SCHIMELPFENIG, d.b.a. H & S TRUCKING, 2509 County Hwy N, Stoughton, WI 53589. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI

53705-0086, (608) 238-3119. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164308, filed October 19, 1982. Applicant: GEORGE DAPSEVICIUS, d.b.a. G. D. TRUCKING, 110 Beattle Rd., Novato, CA 94941. Representative: Anthony L. Keenan, 1385 Iris Dr., Conyers, GA 30208, 1-800-241-3666. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 164319, filed October 18, 1982. Applicant: F.B.N., INC., 4850 W. 132nd Street, Hawthorne, CA 90250. Representative: Frederick J. Coffman, P.O. Box 1455, Upland, CA 91786, (714) 981-9981. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Volume No. OP5-243

Decided: November 1, 1982.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 164138, filed October 6, 1982. Applicant: DALE G. WARD, Rt No. 2 Box 35, Glenwood, WA 98619. Representative: Dale G. Ward, (same address as applicant), 509-364-3419. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30676 Filed 11-8-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to Team Four at (202) 275-7669.

Volume No. OP4-024

Decided: November 3, 1982.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 134916 (Sub-1), filed October 14, 1982, previously noticed in the **Federal Register** issue of October 29, 1982, and republished this issue. Applicant: A-1 VAN LINES, 5916 Carmelita Ave., Huntington Park, CA 90255. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 785-0024. Transporting *household goods, furniture and fixtures*, (1) between points in OR, WA, CA, AZ, NM, TX, CO, UT, NV, MT, and WY, and (2) between points in OR, WA, CA, AZ, NM, TX, CO, UT, NV, MT, and WY, on the one hand, and, on the other, points in AR, KS, NE, SD, ND, MN, WI, MI, OH, PA, NY, DE, MD, VA, NC, SC, FL, GA, AL, MS, LA, ID, IL, IN, KY, TN, AK, and DC.

Note.—The purpose of this republication is to show that the above authority is not a fitness-only application.

For the following, please direct status inquries to Team 1 at 202-275-7992.

Volume No. OP1-193

Decided: November 2, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 106400 (Sub-130), filed October 26, 1982. Applicant: KAW TRANSPORT COMPANY, a corporation, P.O. Box 8525, Sugar Creek, MO 64054. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *chemicals*, between points in the U.S. (except AK and HI), under continuing contract(s) with Reichhold Chemicals, Inc., of Kansas City, KS.

MC 106920 (Sub-137), filed October 25, 1982. Applicant: RIGGS FOOD EXPRESS, INC., Box 28, W. Monroe St., New Bremen, OH 45869. Representative: Michael M. Briley, P.O. Box 2098, Toledo, OH 43603, (419)-255-8220. Transporting *food and related products* and *such commodities* as are dealt in or used by grocery or food business houses, between points in the east of MT, WY, CO and NM.

MC 108380 (Sub-13), filed October 25, 1982. Applicant: JOHNSTON'S FUEL

LINERS, INC., 808 Birch St., Newcastle. WY 82701. Representative: Manuel Andrade, Jr., 770 Grant St., Suite 228. Denver. CO 80203, (303) 861–4273. Transporting *machinery, metal products, forest products and building materials,* between those points in the U.S. in and west of MN, IA, MO, OK and TX (except AK and HI).

MC 133591 (Sub-150), filed October 22, 1982. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101–1103, (605) 335–1777. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 144201 (Sub-10), filed October 25, 1982. Applicant: V.M.P. ENTERPRISES, INC., 933 North Mayfair Rd., Milwaukee, WI 53226. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203, (414)–273–7410. Transporting *buses,* between points in the U.S.

MC 148600 (Sub-20), filed October 25, 1982. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Rd., West Chicago, IL 60185. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW., Suite 500, Washingtron, DC 20006, (202)–828–5015. Transporting *general commodities* (except classes A and B explosives). between points in the U.S., under continuing contract(s) with RAYOVAC Corporation, of Madison, WI.

MC 149141 (Sub-2, filed October 19. 1982. Applicant: MELVIN R. STEEN, Route No. 3, Princeton, IL 61356. Representative: Edward D. McNamara, Jr., 907 South Fourth St., Springfield, IL 62703, (217) 528–8476. Transporting *compressors, compressor pumps and parts, and machined castings,* between points in the U.S. (except AK and HI). under continuing contract(s) with Champion Pneumatic Machinery Company, of Princeton, IL.

MC 150951 (Sub-19), filed October 28, 1982. Applicant: CRANSTON TRUCKING COMPANY, 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton, (same address as applicant), (401)–943–4800. Transporting (1) *textile machinery and attachments* and *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Real Real Corporation, of East Providence, RI, and (2) *fabricated metal products,* between points in the U.S., under continuing contract(s) with Webster Spring, Inc., and General Spring & Wire Co., Inc., both of Oxford, MA.

MC 153510 (Sub-1), filed October 26, 1982. Applicant: FRY TRUCKING CO., INC., Rout No. 7, Box 319, Joplin, MO 64801. Representative: Dale Fry (same address as applicant), (417)–782–5768. Transporting (1) *malt and non-alcoholic beverages,* between points in MO, on the one hand, and, on the other, points in GA, IL, TX and WI, and (2) *food and related products,* between points in the U.S. (except AK and HI).

MC 158930 (Sub-8), filed October 22, 1982. Applicant: U.S. TRANSPORTATION, INC.; 585 W. Valley Blvd., Bloomington, CA 92316. Representative: Frederick J. Coffman, 1834 N. Kelley Ave., P.O. Box 1455, Upland, CA 91786, (714)–981–9981. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 159971, filed October 27, 1982. Applicant: JOHN W. TRIPLETT, 1311 Birch, Lewiston, ID 83501. Representative: John W. Triplett, (same address as applicant), (208) 743–3364. Transporting *such commodities* as are dealt in or used by agricultural feed business houses, between points in Spokane County, WA, on the one hand, and, on the other, points in ID.

MC 163091, filed October 20, 1982. Applicant: GARY D. SCHLEETER, d.b.a. COUNTRY TRUCK LINES, 24624 West Frazier Rd., Plainfield, IL 60544. Representative: Irwin D. Rozner, 134 North LaSalle St., Chicago, IL 60602, (312) 782–6937. Transporting *food and related products,* between points in IL, on the one hand, and, on the other, points in MA, NJ, PA, OH, TN, AL, MO, KS, NE, CO, MN, MI, IN, TX and FL.

MC 163211, filed October 22, 1982. Applicant: ROBERT D. WAGNER, Rt. 3, Box 195, Brighton, CO 80601. Representative: Robert D. Wagner, (same address as applicant), (303)–659–1098. Transporting *clay, concrete, glass or stone products,* between points in Franklin and McPherson Counties, KS, on the one hand, and, on the other, points in Adams and Arapahoe Counties, CO, under continuing contract(s) with Rocky Mountain Prestress, of Englewood, CO.

MC 164280, filed October 19, 1982. Applicant: H & I TRUCKING LIMITED PARTNERSHIP, d.b.a. H & I TRUCKING, Suite 1344 World Trade Center/Baltimore, 401 East Pratt St., Baltimore, MD 21202. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *transportation equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with American Isuzu Motors, Inc., of Whittier, CA.

MC 164361, filed October 22, 1982. Applicant: SAN JOAQUIN VALLEY EXPRESS, 5245 N. Van Clief, Livingston, CA 95334. Representative: Michael S. Rubin, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421–6743. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in AZ, NM, NV, UT, CO, WA, CA, OR, MT, ID and WY.

MC 164380, filed October 25, 1982. Applicant: H. H. HUDSON & SONS, INC., 3450 NW 60th St., Ocala, FL 32675. Representative: James E. Wharton, Suite 811, Metcalf Bldg., 100 South Orange Ave., Orlando, FL 32801, (305) 425–2213. Transporting *horses*, other than ordinary, between points in the U.S. (except AK and HI).

MC 164390, filed October 26, 1982. Applicant: HARRY KAY, d.b.a. KAY FARMS, 3171 S.E. Fifth St., Minneapolis, MN 55414. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting (1) *pulp, paper and related products,* and (2) *such commodities* as are dealt in or used by wholesale and retail grocery and drug stores, between points in the U.S. (except AK and HI), under continuing contract(s) in (1) above with Champion International Corp., of Stamford, CT, and (2) above with Red Owl Stores, Inc., of Hopkins, MN.

CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343 or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 2379.

MC 164391, filed October 27, 1982. Applicant: WAYNE TRANSPORTATION, INC., 32 West 140 Glos, P.O. Box 154, Wayne, IL 60184. Representative: Donald B. Levine, 180 North LaSalle Street, Chicago, IL 60601. (312) 368–0100. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Field Container Corporation, of Elk Grove Village, IL, Eastfield Corporation, of Baltimore, MD, Southfield Corporation, of Tuscaloosa, AL, and J.G. Clark Corporation, of Edison, OH.

MC 164410, filed October 26, 1982. Applicant: DOUGLAS & SONS, INC., Route 5, Box 238, Statesville, NC 28677. Representative: Charles Ephrain, 918 16th Street NW., Suite 406, Washington, D.C. 20006, (202) 833–1170. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 164421, filed October 27, 1982. Applicant: RICE STREET TOWING, INC., 34 E. Sycamore St., St. Paul, MN 55117. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *wrecked or disabled vehicles*, between points in MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164420, filed October 27, 1982. Applicant: GLENN C. ROSENBERRY, Fannettsburg, PA 17221. Representative: Glenn C. Rosenberry (same address as applicant), (717)–319–2220. Transporting *forest, lumber and wood products*, between points in MD and PA.

MC 164430, filed October 22, 1982. Applicant: DELINE TRUCKING, INC., P.O. Box 237, Preble, NY 13141. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202, (315) 472–8845. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Increda-Meal Corporation, of Cato, NY.

MC 164441, filed October 25, 1982. Applicant: TRANS SAIL CORP., 2319 Richmond Terrace, Staten Island, NY 10302. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between New York, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, MA, MD, NJ, NY, OH, PA, RI and VA.

MC 164450, filed October 28, 1982. Applicant: SILCO PETROLEUM CARRIER, INCORPORATED, 8467 No Road, Jacksonville, FL 32210. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440, (216) 652–2789. Transporting *general commodities* (except classes A and B explosives and household goods), between points in FL, on the one hand, and, on the other, points in AL, FL, GA, NC, SC and VA.

MC 164460, filed October 28, 1982. Applicant: H & G TRUCKING CO., 4915 Park St., Newton Falls, OH 44444. Representative: James E. Davis, 611 West Market St., Akron, OH 44303, (216)–376–8111. Transporting *metal products* and *machinery*, between points in FL, IL, IN, KY, MI, MO, NY, OH, PA, TN, TX, VA and WV.

For the following, please direct status inquiries to Team 2 at 202–275–7030.

Volume No. OP2–276

Decided: November 1, 1982.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 38403 (Sub-6), filed October 25, 1982. Applicant: WELLING TRUCK SERVICE, INC., 3610 Tree Court Industrial Dr., Kirkwood, MO 63122. Representative: H. Barney Firestone, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in IL, IN, KY, MO, WI, IA, KS, OH, PA, WV, VA, AR, TN, GA, MS, NY, NJ, LA, and NE.

MC 143562 (Sub-5), filed October 25, 1982. Applicant: DONALD R. FORD, d.b.a. SERVICE TRANSPORT, P.O. Box 37, Burbank, WA 99323. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98099, (206) 453–0312. Transporting *such commodities* as are dealt in by wholesale and retail food business houses, and *commodities in bulk*, between points in WA, OR, and CA.

MC 146343 (Sub-21), filed October 26, 1982. Applicant: SOUTHERN EXPRESS CORPORATION, 505 South Ocean Blvd., Pompano Beach, FL 33062. Representative: Joseph J. Badway, 2 Sawyer Dr., Coventry, RI 02816, (401) 822–0876. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Victor Electric Wire and Cable Corporation, of West Warwick, RI.

MC 150423 (Sub-1), filed October 22, 1982. Applicant: SOUTHERN CONTAINER TRANSPORT, INC., 3306 Palm Island Drive, Jacksonville Beach, FL 32250. Representative: Sol H. Proctor, 1101 Blackstone Blvd., Jacksonville, FL 32202, 904–632–2300. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S., in and east of MT, WY, CO, and NM.

MC 150433 (Sub-1), filed October 25, 1982. Applicant: CRUSE H. THOMASON, Second and Houston, Yuma, CO 80759. Representative: Pam Phifer (same address as applicant), (303) 848–3811. Transporting *fertilizer*, between points in the U.S., under continuing contract(s) with Northeast Fertilizer and Chemical Co., of Eckley, CO, and American Fertilizer and Chemical Co., of Yuma, CO.

MC 154323 (Sub-1), filed October 20, 1982. Applicant: EAGLE CARTAGE CORPORATION, Route 1, Callahan Rd., Knoxville, TN 37912. Representative: Fred Bachschmidt (same address as applicant), (615) 689–7810. Transporting *such commodities* as are dealt in or used in this sale, distribution, and manufacture of non-ferrous metals, non-ferrous metal products, plastic materials, glass, foam products, steel products, and materials used in the recycling of non-ferrous metals, between points in the U.S. (except AK and HI). Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 2, room 2379.

MC 163332 (Sub-1), filed October 21, 1982. Applicant: HOUSTON INTERMODAL TRUCKING, INC., P.O. Box 858, Deer Park, TX 77536. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW–Suite 1200, Washington, DC 20036, 202–785–0024. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with National Carrier Service, Inc., of Anaheim, CA.

MC 164272, filed October 25, 1982. Applicant: ALAN K. ROBINSON, d.b.a. ROBINSON TRUCKING, 6137 NW 6th St., Lincoln, NE 68521. Representative: Lavern R. Holdeman, 1610 South 70th St., Suite 200, Lincoln, NE 68506, (402) 488–0985. Transporting *metal products*, between points in Lancaster County, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC164393, filed October 25, 1982. Applicant: OLYMPIC FOODS, INC., N. 605 Fancher Rd., Spokane, WA 99206. Representative: James E. Wallingford, P.O. Box 2647, Spokane, WA 99220, (509) 534–5665. Transporting *food and related products*, between points in ID, MT, OR, UT, and WA, under continuing contract(s) with (1) Meadow Gold Dairy of Salt Lake City, UT, and (2) URM Stores, Inc., and (3) Perry Brothers, Inc., both of Spokane, WA.

MC 164442, filed October 25, 1982. Applicant: BEAIRD TRUCKING, INC., P.O. Box 1488, Rapid City, SD 57709. Representative: Thomas J. Simmons, P.O. Box 480, Sioux Falls, SD 57101, 605–339–3629. Transporting *malt beverages*, between points in Pennington County, SD, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30703 Filed 11-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29923 (Sub-5)]

Rail Carriers; Oklahoma, Kansas & Texas Railroad Co.—Exemption—Trackage Rights Over St. Louis Southwestern Railway Co., in Herington, KS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the requirements of prior approval under 49 U.S.C. 11343 the trackage rights agreement for Oklahoma, Kansas & Texas Railroad Company to operate over an 11,000 foot segment of the St. Louis Southwestern Railway Company in Herington, KS.

DATES: This exemption will be effective on November 5, 1982. Petitions to reopen must be filed by November 29, 1982.

ADDRESSES: Send pleadings to: (1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423; (2) Petitioner's representative: Michael E. Roper, 701 Commerce Street, Dallas, TX 75202.

Pleadings should refer to Finance Docket No. 29923 (Sub-5).

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th & Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area, (800) 424-5403—Toll free for outside the DC area.

Decided: November 2, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Sterrett, Andre, Simmons, and Gradison. Commissioner Sterrett was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30690 Filed 11-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30053]

Rail Carriers, Seaboard Coast Line Railroad Co.—Merger Exemption—Louisville & Nashville Railroad Co.; Notice of Exemption

November 1, 1982.

Seaboard Coast Line Railroad Company (SCL) and Louisville and Nashville Railroad Company (L&N) have filed a Notice of Exemption in accordance with 49 CFR 1180.4 (g) (former § 1111.4(g)), *Railroad Consolidation Procedures*, 366 I.C.C. 75, 99 (1982), regarding the planned merger of L&N into SCL. The merger is scheduled to occur on December 31, 1982, and the surviving company will be renamed Seaboard System Railroad, Inc. (SSR).

At present, SCL owns 100 percent of L&N's capital stock. SCL and L&N have common officers and are operated as a single system, known generally as the Family Lines System. SSR will acquire all assets of L&N and will assume all of its liabilities. All outstanding shares of L&N stock will be canceled. No securities will be issued relating to the merger. No operating changes will be made by Family Lines. The merger will not have anticompetitive effects on carriers outside the corporate family, and will not have adverse affects on shippers.

The planned merger will be a transaction within a corporate family that will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. Thus, it is an exempt transaction pursuant to 49 CFR 1180.2(d)(3) (former § 1111.2(d)(3)), 366 I.C.C. at 94.

As a condition to the use of this exemption, and employees affected by this transaction shall be protected pursuant to *New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30673 Filed 11-8-82; 8:45 am]

BILLING CODE 7035-01-M

Section 5a Applications 2, 3, and 5; Western Railroads, Eastern Railroads, and Southern Railroads; Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Extension of Filing Deadline to Notice of Final Decision.

SUMMARY: On October 28, 1982, The National Industrial Traffic League (NITL) filed a letter request for a 25 day extension of the November 4, 1982 due date for filing comments concerning the railroads' amended agreements filed in accordance with the Commission's decision noticed at 47 FR 35880, August 17, 1982 filed October 15, 1982. NITL states than an extension is necessary to enable the League to obtain the views of its members at NITL's November 15, 1982 annual meeting. Rule 19 of the Commission's Rules of Practice, 49 CFR 1100.19, (redesignated as 49 CFR 1104.7 at 47 FR 49554, November 1, 1982) requires that extension requests be filed not less than 10 days before the due date, and be served on all parties of record. NITL failed to comply with either condition. NITL should have been aware of the need for an extension in time to comply with the Commission's Rules. The date of the League's annual meeting was known by NITL, and NITL has known for weeks of the comment due date, which was established in a notice published October 1, 1982, at 47 FR 43465. Nevertheless, NITL has shown it needs an extension to accurately represent its membership in this proceeding. Therefore, in the interests of fairness to NITL members, the sought extension is granted.

DATES: Comments on the amended agreements are due November 29, 1982.

FOR FURTHER INFORMATION CONTACT: Tom Smerdon, (202) 275-7277.

Decided: November 2, 1982.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30682 Filed 11-8-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 345)]

Union Pacific Railroad Co.; Exemption for Contract Tariff; ICC-UP-C-0005 Supplement 8, (Assembled Motor Vehicles)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice. This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278

or

Tom Smerdon, (202) 275-7277.

SUPPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10505)

Decided: November 3, 1982.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-30722 Filed 11-8-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market with particular emphasis upon its potential impact upon competitive enterprises in the same areas.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of application involving the establishment of branch plants or facilities, the potential effect of such new facilities in other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Richard C. Gilliland, Director, U.S. Employment Service, Employment and Training Administration, 601 D Street, NW., Room 8000—Patrick Henry Building, Washington, D.C. 20213.

Signed at Washington, D.C., this 4th day of November 1982.

Robert S. Kenyon,

Director, Office of Program Operations.

APPLICATIONS RECEIVED DURING THE WEEK ENDING NOVEMBER 6, 1982

Name of applicant and location of enterprise	Principal product or activity
Warren Nursing Center, Inc., Warrenton, N.C.	Nursing Home.

[FR Doc. 82-30802 Filed 11-8-82; 8:45 am]

BILLING CODE 4510-30-M

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period October 25, 1982–October 29, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-13,077; Port Gibson Electric Manufacturing Corp., Port Gibson, MS

TA-W-13,162; Franklin Brass Foundry, Columbus, OH

TA-W-13,161; Defiance Screw Machine Products, Defiance, OH

TA-W-13,106; Warren Tool Corp., Warren Tool Div., Warren, OH

TA-W-13,074; NRM Corp., Tire Machinery Div., Leetonia, OH

TA-W-13,075; NRM Corp., Tire Machinery Div., Columbiana, OH

TA-W-13,185; True Temper Corp., Charleston, WV

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-12,995; Cyprus Metallurgical Processes Corp., Tucson, AZ

TA-W-13,090; KMMCO, Inc., Pontotoc, MS

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-12,978; International Telephone & Telegraph Corp., United Plastics Div., Madison Heights, MI

Aggregate U.S. imports of plastic automotive parts did not increase as required for certification.

TA-W-13,087; Precision Film Capacitor, Great Neck, NY

Aggregate U.S. imports of paper and file capacitors did not increase as required for certification.

Afirmative Determinations

TA-W-12,806; Vetter Corp., San Luis Obispo, CA

A certification was issued in response to a petition received on June 29, 1981 covering all workers separated on or after March 1, 1981 and before February 28, 1982.

TA-W-13,181; Bethlehem Steel Corp., Burns Harbor Plant, Chesterton, IN

A certification was issued in response to a petition received on January 12, 1982 covering all workers producing carbon plate separated on or after July 1, 1981 and before December 31, 1982.

TA-W-13,184; Outboard Marine Corp., OMC Galesburg, Galesburg, IL

A certification was issued in response to a petition received on December 18, 1981 covering all workers engaged in employment related to the production of electrical and fuel system components for outboards and lawn mowers who became separated on or after October 1, 1981.

TA-W-13,092; Servus Rubber Co., Vinyl Div., Chicopee, MA

A certification was issued in response to a petition received on November 3, 1981 covering all workers separated on or after July 1, 1981.

I hereby certify that the aforementioned determinations were issued during the period October 25, 1982–October 29, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: November 2, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-30774 Filed 11-8-82; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 19, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than November 19, 1982.

The petition filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 29th day of October 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Friend Manufacturing Corp. (company)	Gasport, NY	[illegible]	10/15/82	TA-W-13,888	Sprayers, agricultural.
Ford Motor Company, PSC (workers)	Houston, TX	[illegible]	10/15/82	TA-W-13,889	Service foreign built cars.
Hordis Brothers, Inc. (workers)	St. Louis, MO	10/21/82	10/6/82	TA-W-13,890	Glass, rolled plain and wired—pattern
Ingersoll Rand Co. (IUE)	Painted Post, NY	10/25/82	10/18/82	TA-W-13,891	Compressors—air, reciprocating—small and large, engine, gas.
Lebanon Steel Foundry (USWA)	Lebanon, PA	[illegible]	10/22/82	TA-W-13,892	Castings.
Pacific Steel Casting Company (company)	Berkeley, CA	10/25/82	[illegible]	TA-W-13,893	Castings—steel.
Sand Dunes Apparel, Inc (workers)	Miami, FL	10/20/82	10/14/82	TA-W-13,894	Bathingsuits, dresses, sportswear, girl's.
Tuff Manufacturing Co. (company)	Warren, MI	[illegible]	10/18/82	TA-W-13,895	Machines—removal, metal design and manufacturer
U.S. Steel Mining Co. (workers)	Chesapeake, WV	10/21/82	10/18/82	TA-W-13,896	Coal mining.
Wadell Equipment Co., Inc. (company)	Edison, NJ	10/25/82	10/21/82	TA-W-13,897	Tools—machine.
Conaway-Winter, Inc. (shoe workers)	Mountain View, Mo	10/28/82	10/12/82	TA-W-13,898	Shoes—infants—soft sole.
Copperweld Steel Co. (USWA)	Warren, OH	10/27/82	10/20/82	TA-W-13,899	Steel—tool, alloy.
CTS of West Liberty (workers)	Liberty, OH	10/21/82	10/11/82	TA-W-13,900	Resistors.
Drummond McCall Metals Corp. (workers)	Waterbury, CT	10/25/82	10/23/82	TA-W-13,901	Steel—cut.
Lone Star Steel Co. (USWA)	Lone Star, TX	10/27/82	10/20/82	TA-W-13,902	Tubular, oil—goods.
Mississippi Lime Co., Mississippi Div. and Peerless Rotary Div. (workers).	St. Genevieve, MO	10/20/82	10/19/82	TA-W-13,903	Lime stone—mining and processing
Putnam Manufacturing Co. (workers)	No. Grosvenordale, CT	10/29/82	10/26/82	TA-W-13,904	Suits, snow—children's.
Roane Limited (USWA)	Rockwood, TN	10/28/82	[illegible]	TA-W-13,905	Ferrosilicon, silicomanganese and medium carbon manganese, standard manganese.
Sargent-Welch Scientific Co. (workers)	Skokie, IL	10/22/82	[illegible]	TA-W-13,906	Pumps, vaccuum, instrumentation scientific
Standard Steel, Enterprise of Freedom Forge Corp. (USWA).	Latrobe, PA	10/28/82	10/26/82	TA-W-13,907	Steel, specialty and alloy, forgings melting operation.
U.S. Steel Corp. [illegible] Duluth Lakes Fleet, Inc (workers).	Duluth, MN	[illegible]	[illegible]	TA-W-13,908	Haul iron ore and taconite.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
D.N. Pariso Industrial Glove Co. (ILGWU)	Knox, IN	10/21/82	9/27/82	TA-W-13,909	Gloves—industrial and hot mill.
Indiana Fabrics (ILGWU)	Knox, IN	10/21/82	9/27/82	TA-W-13,910	Fabric—glove.
Sloan Glass, Inc. (company)	Culloden, WV	10/21/82	10/18/82	TA-W-13,911	Globes, bells, shades—blown hand.

[FR Doc. 82-30773 Filed 11-8-82; 8:45 am]

BILLING CODE 4510-30-M

Office of the Secretary

Certification of States to the Secretary of the Treasury Pursuant to Section 3304 of the Internal Revenue Code of 1954

In accordance with the provisions of Section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the following named States to the Secretary of the Treasury for the 12-month period ending October 31, 1982, in regard to the unemployment compensation laws of those States which heretofore have been approved under the Federal Unemployment Tax Act:

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Idaho
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Puerto Rico
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Virgin Islands
Washington
West Virginia
Wisconsin
Wyoming

Signed at Washington, D.C., this 31st day of October, 1982.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-30794 Filed 11-8-82; 8:45 am]

BILLING CODE 4510-30-M

Certification of State Unemployment Compensation Laws to the Secretary of the Treasury Pursuant to Section 3303(b)(1) of the Internal Revenue Code of 1954

In accordance with the provisions of Paragraph (1) of Section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), I hereby certify the unemployment compensation laws of the following named States, which heretofore have been certified pursuant to Paragraph (3) of Section 3303(b) of the Code, to the Secretary of the Treasury for the 12-month period ending October 31, 1982.

Alabama
Alaska
Arizona
Arkansas
California
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Hawaii
Idaho
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maine
Maryland
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New Mexico
New York
North Carolina
North Dakota
Ohio
Oklahoma
Oregon
Pennsylvania
Rhode Island
South Carolina
South Dakota
Tennessee
Texas
Utah
Vermont
Virginia
Washington
West Virginia
Wisconsin
Wyoming

Signed at Washington, D.C., this 31st day of October 1982.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 82-30795 Filed 11-8-82; 8:45 am]

BILLING CODE 4510-30-M

List of Agency Forms Under Review by the Office of Management and Budget (OMB)

BACKGROUND: The Department of Labor, in carrying out its responsibility under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the proposed forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW: On each Tuesday and/or Friday, as necessary, the Department of Labor will publish a list of the Agency forms under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of any particular revision they are interested in. Each entry will contain the following information:

The Agency of the Department issuing this form.

The title of the form.

The Agency form number, if applicable.

How often the form must be filled out.

Who will be required to or asked to report.

Whether small business or organizations are affected.

The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected.

An estimate of the number of responses.

An estimate of the total number of hours needed to fill out the form.

The number of forms in the request for approval.

An abstract describing the need for and uses of the information collection.

COMMENTS AND QUESTIONS: Copies of the proposed forms and supporting documents may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, Telephone 202-523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S-5526, Washington, D.C. 20210. Comments should also be sent to the OMB reviewer, Norman Frumkin, Telephone 202-395-6880, Office of Information and Regulatory Affairs, Office of Management and Budget, room 3208, NEOB, Washington, D.C. 20503.

Any member of the public who wants to comment on a form which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

New

- Bureau of Labor Statistics

Survey of Job Tenure, Occupational Mobility, and Education/Training—

Supplement to January 1983 Current Population Survey
CPS-1
On occasion
Individual or households
78,000 responses; 9,100 hours; 1 form

The data obtained on Job Tenure, Occupational Mobility, and education/training survey will be utilized by the Bureau of Labor Statistics to evaluate length of time on the job, the incidence of job changes, and methods by which workers are trained and the proportion of workers training by each method.

- Employment Standards Administration

Uniform Billing Claim Form
OWCP-82a and OWCP 82b
As required for reimbursement
Businesses or other institutions
Small business or organization
SIC: 806
110,000 responses; 27,500 hours; 1 form

The uniform billing claim form will enable institutional medical providers to submit claims for reimbursement on a form approved by the American Hospital Association and major third party insurance carriers which will ensure prompt payment of authorized claims.

- Employment and Training Administration

Review of Federal Supplemental Compensation Program (FSC)
ETA RC-51
Nonrecurring
State or local governments
SIC: 944
53 responses; 795 hours

Review and assess the State agencies Federal supplemental compensation payment program and performance in accordance with the provisions of the Federal Supplemental Compensation Act of 1982 (P.L. 97-248).

- Employment and Training Administration

Business Confidential Data Request
ETA 8572, 8573-A, B, C, D, E, F, G, H, AA, BB, DD
On occasion
Businesses or other institutions
Small business or organization
SIC: Multiple
1,000 responses; 2,000 hours; 12 forms

Statutory requirements under the Trade Act of 1974, as amended, require complete and accurate business confidential data in order to make a determination as to whether or not imports have contributed to worker separation. The Secretary of Labor's determination decides if petititioning workers are eligible to apply for worker adjustment assistance.

Revisions

- Bureau of Labor Statistics

International Price Program, U.S. Import Product Information
BLS 3007b, 3007c, 3008
Quarterly
Businesses or other institutions
Small business or organization
SIC: All
46,200 responses; 6,035 hours; 3 forms

To produce accurate measures of price changes for U.S. imports and exports.

- Bureau of Labor Statistics

International Price Program, U.S. Export Product Information
BLS 2894b, 2894c, 2894d, 3008
Quarterly
Businesses or other institutions
Small business or organization
33,600 responses; 4,355 hours; 4 forms

To produce accurate measures of price changes for U.S. imports and exports.

- Employment and Training Administration

ET Handbook No. 362
Monthly, quarterly, annually
State or local governments
SIC: 944
2,536 responses; 543,013 hours

The SEASA accounting system is used to account for funds provided to SESAs by ETA to operate employment, unemployment and training programs. Data are used in: appropriation accounting, budget formulation and execution, and financial management monitoring and evaluation.

- Employment and Training Administration

Overpayment and Willful Misrepresentation
ETA 227
Semi-annually
State or local governments
SIC: 944
106 responses, 6,148 hours

Federal law and standards require States to have adequate programs to prevent, detect and recover overpayments that result from willful misrepresentation and other reasons. This report provides data on the levels of fraud and nonfraud overpayment activity as well as recoveries of overpayments and prosecutions for fraud. Data are used to analyze program trends, for budget preparation and for administration of State benefit payment control programs.

Employment and Training Administration
ESARS Handbook—Chapter IV, Reports Preparation
ET Handbook No. 309
Quarterly
State or local governments
SIC: 944
208 responses; 59,488 hours

The ESARS tables used primarily by USES were designed to provided information on services provided by the affiliated State agencies to various applicant groups. The data are used at State and Federal levels for planning, budgeting, operations and evaluation of the public employment service and WIN programs.

Extension (Burden Change)

- Mine Safety and Health Administration

Inspection of Hoisting Equipment
MSHA 242R
Daily when used
Businesses or other institutions
Small business or organization
SIC: 111 and 121
144,600 responses; 96,900 hours

Requires operators to maintain a record of the daily examinations of hoisting equipment. The information is used to ensure all main hoists are inspected daily.

Extensions (No Change)

- Employment Standards Administration

Mail Haul Contract Wage Survey
WD-21
Annually
Businesses or other institutions
Small business or organization
SIC: 421
2,150 responses; 1,075 hours; 1 form

Form is used to survey the wage and fringe benefit levels of mail haul contract drivers. This sector of the overall hauling/trucking industry is judged to have a separate and distinct class of employees with unique wage and fringe benefits paid "in the locality."

- Employment Standards Administration

Economic Survey Schedule
WH-1
Biennially
Farms, businesses or other institutions
SIC: All
100 hours; 100 responses; 1 form

Form is used by industry committees within the Wage and Hour Division to provide data from which the committees base their judgment in setting wage levels in American Samoa.

- Employment and Training Administration

Placement Validation
ETA RC-30
Nonrecurring

Individual or household, state or local government, farms, business or other institutions
Small business or organization
SIC: All
5,000 responses; 500 hours; 2 forms

The special national validation effort is designed to augment existing State and regional validation efforts. The performance of these special surveys will underscore the Department's intention of maintaining the integrity of the ESARS reporting system.

- Employment and Training Administration

Surplus Employment Security Property
ETA-49
On occasion
State or local governments
SIC: 944
25 responses; 13 hours; 1 form

SESAs are required to report to ETA any surplus equipment they have so that it may be offered without cost to other SESAs. The form is completed by the SESA and is used for screening surplus nonexpendable property acquired with grants to states funds by other SESAs. It improves the screening process by reducing time which elapses from the SESAs determination that the equipment is surplus to its disposition, and by standardizing the information.

- Mine Safety and Health Administration

Mine Operator Dust Data Card
MSHA 218
Every other month
Businesses or other institutions
Small business or organization
SIC: 12110
300,000 responses; 4,800 hours

Coal mine operators are required to collect and submit respirable dust samples to the Secretary of Labor for analysis. Pertinent information associated with identifying and analyzing these samples is submitted with the samples. Authority established by Pub. L. 95-164.

- Mine Safety and Health Administration

Quarterly Mine Employment and Coal Production Report
MSHA 7000-2
Quarterly
Businesses or other institutions
Small business or organization
SIC: 101-109, 111, 121, 141-149, 324
79,000 responses; 19,750 hours; 1 form

Need to establish files of employment and injury data in order to measure the levels of injury experience and identify those areas most in need of improvement. The number of employees, employee hours, and coal mine production (along with injury data) are used for computation of injury rates, as well as for analyses of mine industry activity and distribution.

- Occupational Safety and Health Administration

Telecommunications Training Record
OSHA 220T
On occasion
Businesses or other institution
SIC: 481, 482, 483, 489
17,500 responses; 14,300 hours

In 29 CFR 1910.268 OSHA requires telecommunications employees to keep training records for their employees. The record must include: (1) a description of the training program with a list of subject courses; (2) the types of employees taking the course; and, (3) a record of employees who have received the training.

Extension (No Change)

- Occupational Safety and Health Administration

Generic Clearance
OSHA-155
Nonrecurring
Businesses or other institutions
Small business or organization
SIC: 221, 222, 224, 228, 333, 334, 369
1,000 responses; 13,000 hours

This generic report is used to obtain data required to perform mandated regulatory analyses of the economic and environmental effects of a variety of proposed occupational safety and health standards.

Reinstatements

- Bureau of Labor Statistics

BLS-202-A and 202-B
Quarterly
State or local governments
SIC: 944
296 responses; 2,368 hours; 2 forms

Agency financial and operating reports regarding ongoing contract work are primary source of information on the contractor's costs, performance and problems. They provide the Labor Department contracting officers with the information necessary to evaluate contract compliance.

- Mine Safety and Health Administration

Examinations and Tests of Electrical Equipment
MSHA 224R, 234R, 235R, 236R, 237R, 238R, 239R
On occasion, weekly, monthly
Businesses or other institutions
Small business or organization
SIC: 111 and 121
1,726,483 responses, 725,208 hours

Requires coal mine operators to frequently examine, test and properly maintain electric equipment. Needed to ensure that the required tests and examinations are conducted by the mine operator.

Signed at Washington, D.C. this 4th day of November, 1982.

Paul E. Larson,
Departmental Clearance Officer.

[FR Doc. 82-30776 Filed 11-8-82; 8:45 am]
BILLING CODE 4510-24-M
BILLING CODE 4510-26-M
BILLING CODE 4510-27-M
BILLING CODE 4510-30-M
BILLING CODE 4510-43-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Coast Guard Panel; Meeting

November 3, 1982

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the Coast Guard Panel of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet on Wednesday, December 1, 1982. The panel will meet in Houston, Texas at the Rowan Company Board Room, Suite 1900, Post Oak Tower, the Galleria. The session, which will be open to the public, will convene at 9:00 a.m. and adjourn at 5:00 p.m. The meeting will be a work session to draft the panel report.

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Coast Guard Panel, Mr. Michael R. Naess. The Chairperson retains the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or the Staff Member for the Coast Guard Panel, Ms. Linda K. Glover. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington DC 20235.

Dated: November 3, 1982.

Steven N. Anastasion,
Executive Director.

[FR Doc. 82-30791 Filed 11-8-82; 8:45 am]
BILLING CODE 3510-12-M

NATIONAL COMMISSION FOR EMPLOYMENT POLICY

Meeting

AGENCY: National Commission for Employment Policy.

ACTION: Notice of Meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is given of the twenty-eighth meeting of the National Commission for Employment Policy, at the Veterans' Memorial Buiding, 151 W. Jefferson, Room 619, Detroit, Michigan.

DATE: November 30, 1982, 7:30 pm–9:30 pm.

STATUS: This meeting will be open to the public.

MATTERS TO BE DISCUSSED: In connection with site visits and hearings, Commissioners will discuss the staff project on displaced workers. They will also hear updates on staff work on the project considering the employment needs of business and on national employment policy and older Americans. Initial discussions will be held on the theme of the *Ninth Annual Report.* The format and topics for discussion of the hearings on displaced workers (to be held December 1) will be presented.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia W. Hogue, Director, National Commission for Employment Policy, 1522 K Street, NW., Suite 300, Washington, D.C. 20005, (202) 7824–1545.

SUPPLEMENTARY INFORMATION: The National Commission for Employment Policy was established as title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95–524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least five days before the meeting and not more than seven days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least five days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written presentation.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questioning of the Commissioners or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarters, 1522 K Street NW., Suite 300, Washington, D.C. 20005.

Signed in Washington, D.C., this 2d day of November 1982.

Patricia W. Hogue,

Director.

[FR Doc. 82–30775 Filed 11–8–82; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Application for Licenses to Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following application for an export license. A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register.** Any request for a hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, the Secretary, U.S. Nuclear Regulatory Commission and the Executive Secretary, Department of State, Washington, D.C. 20520.

In its review of the application for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported. The table below lists the new major application.

Dated this 2d day of November, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

James V. Zimmerman,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

FEDERAL REGISTER (EXPORT)

Name of applicant, date of application, date received, application number	Material type	Material in Kilograms		End-use	Country of destination
		Total element	Total isotope		
Edlow Int'l, Oct. 13, 1982–Oct. 14, 1982, XSNMO1989.	19.99 percent enriched uranium.	63.0	12.6	For use as LEU fuel development of replacement fuels for the NRX and NRU research reactors.	Canada.

[FR Doc. 82–30730 Filed 11–8–82; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, SG 045–4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 5.23, "In Situ Assay of Plutonium Residual

Holdup." This guide is being developed to describe procedures acceptable to the NRC staff for the in situ assay of plutonium residual holdup. Residual holdup is the inventory component remaining in and about process equipment and handling areas after those collection areas have been prepared for the inventory of special nuclear materials required by the Commission's regulations.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by January 5, 1983.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 1st day of November 1982.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations.

[FR Doc. 82-30750 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

Reassertion of Certain Regulatory Authority in State of Idaho

In 1968, the State of Idaho entered into an agreement with the U.S. Atomic Energy Commission pursuant to which the State assumed the authority to regulate byproduct, source, and special nuclear material in quantities less than a critical mass.

By letter dated August 23, 1982 Governor John V. Evans, State of Idaho, requested that the NRC reassert authority to regulate activities that are related to uranium milling. He stated that the State of Idaho has received on application for a thorium milling operation and that the applicant has indicated that he wishes to withdraw the application until further notice. Presently, there are no State licensed uranium or thorium milling activities in Idaho.

In order to effect this transfer, Section 274j of the Atomic Energy Act requires a finding by the Commission that it is necessary for the Commission to terminate that part of Idaho's agreement relinquishing NRC authority over source material milling activities and to reassert NRC licensing and regulation authority over these activities in Idaho in order to protect the public health and safety.

Pursuant to the provisions of Section 274j of the Atomic Energy Act of 1954, as amended, the Nuclear Regulatory Commission found on October 21, 1982, that it is necessary to terminate that part of Idaho's agreement relinquishing NRC authority over source materials involved in milling activities and to reassert NRC licensing and regulatory authority over such activities in order to protect the public health and safety.[1] This reassertion of authority is effective upon publication in the **Federal Register.**

Persons seeking licenses for recovery activities within Idaho involving source material and byproduct material as defined in Section 11e(2) of the Atomic Energy Act of 1954, as amended, should file such applications with the U.S. Nuclear Regulatory Commission.

Dated at Bethesda, Maryland, this 1st day of November 1982.

For the United States Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 82-30751 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

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[1] The Commission presently has the authority to regulate byproduct material associated with source material recovery activities (i.e., mill tailings) in Idaho since the State of Idaho has not acted to exercise authority over this material. (Pub. L. 96-106, 93 Stat. 796 (1978)).

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Facility Operating License No. DPR-35 issued to Boston Edison Company (the licensee) which revised the Technical Specifications for operating of the Pilgrim Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to incorporate a detailed definition of the term Operable.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since it does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepred in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 1, 1980, (2) Amendment No. 64 to License No. DPR-35, and (3) the Commission's letter to the licensee dated October 28, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. and at the Plymouth Library, North Street, Plymouth, Massachusetts 02360. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of October 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc 82-30734 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-340]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 77 to Facility Operating License No. DPR-39, and Amendment No. 67 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Licenses and the Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise Paragraph 2.B. of License Nos. DPR-39 and DPR-48 to incorporate a more generalized format relative to the authority for the receipt, possession, and use of special nuclear, byproduct, and source materials. Moreover, the amendment revises Technical Specification to incorporate limiting conditions for operation and surveillance requirements for sealed samples. The amendments also correct license paragraphs by deleting Paragraphs 3 and 4 and renumbering Paragraphs 5 and 6 (hereafter to be renumbered as Paragraphs 3 and 4). The deleted paragraphs on fuel densification and Industrial Security Plans were overlooked by amendment Nos. 37 and 34, and 61 and 58 to Facility Operating License Nos. DPR-39 and DPR-48, respectively.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 13, 1982, as supplemented by letter dated July 29, 1982, (2) Amendment Nos. 77 and 67 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of October, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-30731 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-265]

Commonwealth Edison Co.; Issuance of Amendments to Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 82 and 76 Facility Operating License Nos. DPR-29 and PDR-30, issued to Commonwealth Edison Company, and Iowa Illinois Gas and Electric Company which revised the Technical Specifications for operation of the Quad Cities Nuclear Power Station, Units 1 and 2 located in Rock Island County, Illinois. The amendments are effective as of the date of issuance.

The changes to the Technical Specifications provide for primary containment integrated leak rate test requirements and schedules consistent with Appendix J to 10 CFR Part 50. The changes also provide for direct references and use of Appendix J methodology and terminology.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's and rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated April 13, 1981 and letter dated December 2, 1981, (2) Amendment No. 82 to License No. DPR-29 and Amendment No. 76 to License No. DPR-30, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Moline Public Library 504-17th Street, Moline, Illinois. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2d day of November 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-30732 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co. (Big Rock Point Plant); Exemption

I

Consumers Power Company (the licensee) is the holder of Facility Operating License No. DPR-6 which authorizes operation of the Big Rock Point Plant. This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect. The facility is a boiling water reactor rated at 72 MW(e) at the licensee's site located in Charlevoix County, Michigan.

II

The regulation, 10 CFR 50.54(w), requires that each commercial power reactor licensee shall, by June 29, 1982, take reasonable steps to obtain on-site property damage insurance available at reasonable cost and on reasonable terms from private sources or to demonstrate to the satisfaction of the Nuclear Regulatory Commission (the Commission) (NRC) that it possesses an equivalent amount of protection covering the facility, provided, among other things, that "this insurance must have a minimum coverage limit no less than the combined total of (i) that offered by either American Nuclear Insurers (ANI) and Mutual Atomic Energy Reinsurance Pool (MAERP) jointly or Nuclear Mutual Limited (NML); plus (ii) that offered by Nuclear Electric Insurance Limited (NEIL), the Edison Electric Institute (EEI), ANI and MAERP jointly, or NML as excess property insurance."

On June 22, 1982, the licensee filed a Request for Exemption from provision "(ii)" of 10 CFR 50.54(w). In support of this request, the licensee submitted a study indicating that decontamination and cleanup costs following the "worst credible accident" would not exceed $500,000,000. The licensee indicated that it would obtain primary property insurance covering damages up to $450 million (subsequently increased by the carrier to $500 million) but that it did not believe that coverage in excess of $500 million was justified at this time. In reviewing Consumer's exemption request, the staff determined that additional information was required. This information was solicited by letter to the licensee dated July 12, 1982. The licensee has responded to this request by letter dated August 10, 1982.

Because of the additional information provided by the licensee in its August 10th letter, the Commission is able to consider the exemption request on its merits. Both in its study and its response to staff's questions, Consumers Power has postulated a maximum credible accident which results in releases of 100% of the noble gases, 100% of the iodines, 100% of the cesiums and about 10% of the other solids. The licensee states, "This release fraction is consistent with WASH-1400 (Appendix V, Table V2-1), where the worst case (PWR-1) resulted in a release of 90% of the noble gases, 70% of the halogens, 40% of the cesiums and 0-40% of the other solids." The licensee then calculates the quantity of radionuclides available for release as a function of core thermal power and contrasts this to the Three Mile Island accident. Detailed, item-by-item TMI decontamination cost estimates were then used as a basis for estimating decontamination costs after a "maximum credible accident" at Big Rock Point.

The assumptions and methodology used by the licensee in its study provide a reasonable attempt to estimate decommissioning costs and appear to be compatible with preliminary findings of a study developed for the Commission (Technology, Safety and Costs of Decommissioning at Reference Light Water Reactors Involved in Postulated Accidents, NUREG/CR-2601, Pacific Northwest Laboratory, to be published). This report considers three accidents scenarios with a TMI-2 type accident considered to be of intermediate severity. This information indicates that although there is some relationship between size of a reactor and accident cleanup costs, certain of the major costs involved with accident cleanup)—such as defueling a damaged reactor, activities to maintain a facility in cold shutdown, and construction of new treatment facilities—are not strictly power level dependent. The licensee has indicated lower expected costs overall for cleanup of Big Rock Point because of its small size. However, it has correctly indicated those steps in the cleanup process, as used in the examples above, where cost is not directly related to core size.

Additionally, the Big Rock Point plant at 72 MW(e) (240 MW(t)) is below the limit used to exclude small plants from certain NRC requirements. For example, 10 CFR 140.11 excludes reactors rated below 100 MW(e) from the full requirements of deferred premium assessments of the Price-Anderson liability insurance and indemnity program. Likewise, 10 CFR Part 50, Appendix E allows licensees with reactors rated at less than 250 MW(t) to seek to reduce the size of their Emergency Planning Zones if they so wish.

The licensee has also indicated that it has contacted various parties to obtain either insurance or some other method of protection such as a line or letter of credit to obtain the $67 million required excess protection. The cost of this would range from $201,000 to $422,000 per year depending on the method and carrier chosen. When such excess insurance or protection is not required to cover the costs of cleanup of a maximum credible accident, the NRC staff agrees with the licensee's assessment that the cost of such insurance or protection is too burdensome.

In sum, the Commission believes that the licensee has provided adequate justification for being exempted from the excess insurance requirements of 10 CFR 50.54(w)(1)(ii). Although the Commission's information based on the relation between reactor size and accident decontamination cost has not yet been completed, sufficient information exists to determine that decontamination and cleanup costs occurring as a result of an accident at a reactor of Big Rock Point's small size would, with a reasonable degree of assurance, be covered by $500 million insurance. Further, within the next year the issue of accident cost vis-a-vis reactor size will be addressed in the Commission's upcoming revised rulemaking on property insurance (see 47 FR 27371). By that time, the Commission will be better able to determine whether and at what point all small reactors should be exempted from certain property insurance requirements. Because of the relatively short time until such a decision, it is even less likely that a reactor of Big Rock Point's size would require insurance exceeding $500 million to protect public health and safety adequately.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12 an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption:

> The licensee is exempt until further notice from the requirements of 10 CFR 50.54(w)(1)(ii), with respect to excess property insurance offered by Nuclear Electric Insurance Limited (NEIL), the Edison Electric Institute (EEI), American Nuclear Insurers (ANI) and Mutual Atomic Energy Reinsurance Pool (MAERP) jointly, or Nuclear Mutual Limited (NML). The licensee continues to be required to maintain, at a minimum, total primary insurance coverage or equivalent protection offered by ANI and MAERP jointly or NML pursuant to 10 CFR 50.54(w)(1)(i).

The NRC staff has determined that granting this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 3d day of November, 1982.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-30733 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341-OL]

The Detroit Edison Co. (Enrico Fermi Atomic Power Plant, Unit 2); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the

Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license proceeding: Stephen F. Eilperin, Chairman; Thomas S. Moore, Dr. Reginald L. Gotchy.

Dated: November 2, 1982.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 82–30752 Filed 11–8–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–369]

Duke Power Co.; Issuance of Amendment Facility Operating License No. NPF–9

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. NPF–9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina. The amendment is effective as of its date of issuance.

The amendment permits a one-month extension of the time interval between containment penetration type C leak rate tests in order that it coincide with a scheduled shutdown. In connection with this action, the Commission has granted an exemption to 10 CFR Part 50, Appendix J, "Primary Reactor Containment Leakage Testing For Water-Cooled Power Reactors."

Issuance of this amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated October 21, 1982, (2) Amendment No. 18 to Facility Operating License No. NPF–9 and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of these items may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of October 1982.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 82–30735 Filed 11–8–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–334]

Duquesne Light Co., Ohio Edison Co. and Pennsylvania Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 58 to Facility Operating License No. DPR–66 issued to Duquesne Light Company, Ohio Edison Company, and Pennsylvania Power Company (the licensees), which revised Technical Specifications for operation of the Beaver Valley Power Station, Unit No. 1 (the facility) located in Beaver County, Pennsylvania. The amendment is effective as of the date of issuance.

The amendment changes the partial power multiplier from 0.2 to 0.3. In addition, this amendment also corrects an administrative error in Amendment No. 55.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 23, 1982, supplemented by letter dated August 3, 1982, (2) Amendment No. 58 to License No. DPR–66 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the B. F. Jones Memorial Library, 663 Franklin Avenue, Alquippa, Pennsylvania 15001. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 1st day of November 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–30736 Filed 11–8–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–219]

GPU Nuclear Corp. and Jersey Central Power & Light Co.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Provisional Operating License No. DPR–16, issued to GPU Nuclear Corporation and Jersey Central Power & Light Company (the licensees), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station (the facility) located in Ocean County, New Jersey. The amendment is effective as of its date of issuance.

The amendment authorizes changes to the Appendix A Technical Specifications which would clarify the term "Operable" as it applies to support system outages or multiple outages of redundant components.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated May 22, 1980, (2) Amendment No. 64 to License No. DPR-16, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Local Public Document Room, 101 Washington Street, Toms River, New Jersey 08753. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of October, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-30737 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 78 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment clarifies the Technical Specifications for reportable occurrences under the category or reactivity anomalies.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 16, 1977, (2) Amendment No. 78 to License No. DPR-49, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of October 27, 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-30738 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 65 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment was effective on November 1, 1982.

The amendment:

(1) Revises the Appendix A Technical Specifications, Section 3 Limiting Conditions for Operation (LCO) and Definitions section in their entirety, incorporating appropriate remedial actions to be undertaken when an LCO cannot be met.

(2) Clarifies and/or restructures Technical Specifications LCOs without either alteration of intent or deletion of previous requirements.

(3) Imposes certain additional LCO requirements which are conservatively more restrictive, yet consistent with the objective of the changes.

(4) Removes LCO Section 3.17.B.7.b Exception, granted previously on a one-time basis during Cycle 5/6 refueling outage, pending further review.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to the action, see (1) the applications for amendment dated November 30, 1981 and April 12, 1982 as revised May 28, 1982, (2) Amendment No. 65 to License No. DPR-36 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 28th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-30739 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 66 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Company, which revised Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

This amendment changes the maximum nominal enrichment of the fuel permitted in the reactor from 3.03 to 3.30 weight percent U-235.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 29, 1982, (2) Amendment No. 66 to License No. DPR-36 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-30740 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 79 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation (the licensees), which revised the Technical Specifications (TSs) for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. The amendment is effective as of its dates of issuance.

The amendment revises TS Figure 6-2, TMI-1 Onsite Organization, to incorporate a new Plant Chemistry Manager who reports to the facility's Operations and Maintenance Director.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 7, 1982, as modified by letter dated September 17, 1982, (2) Amendment No. 79 to License No. DPR-50, and (3) the Commission's letter to GPU Nuclear Corporation dated October 28, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 28th day of October 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82-30741 Filed 11-08-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 59 and 53 to Facility Operating License Nos. DPR-42 and DPR-60 issued to Northern States Power Company (the licensee), which revised Technical Specifications for operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective on January 1, 1983.

The amendments revise the Technical Specifications to implement the requirements of Appendix I to 10 CFR Part 50. The amendments conclude that the radwaste systems presently installed and the provisions imposed by these amendments are adequate to reduce releases of radioactive material in liquid and gaseous effluents to as low as reasonably achievable levels.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated June 1, 1979 as revised August 13, 1982, (2) Amendment Nos. 59 and 53 to License Nos. DPR-42 and DPR-60, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 21st day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No.3, Division of Licensing.

[FR Doc. 82-30742 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-133]

Pacific Gas and Electric Co.; Granting of Exemption From the Requirements of 10 CFR 50.54(w)

The U.S. Nuclear Regulatory Commission (the Commission) has granted an exemption from the requirements of 10 CFR 50.54(w) to the Pacific Gas and Electric Company (the licensee).

This exemption related to a requirement for obtaining property damage insurance for the Humboldt Bay Power Plant, Unit No. 3. The basis for this action is set forth in the Commission's Exemption dated November 3, 1982.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the licensee's request dated May 28, 1982; (2) the Commission's temporary exemption dated June 29, 1982; and (3) the Commission's Exemption dated November 3, 1982. Items (1), (2) and (3) are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Humboldt County Library, 636 F Street, Eureka, California 95501. A copy of item (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Assistant Director, State and Licensee Relations, Office of State Programs.

Dated at Bethesda, Maryland, this 3rd day of November 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-30743 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-133]

Pacific Gas and Electric Co. (Humboldt Bay Power Plant, Unit No. 3); Exemption

I.

The Pacific Gas and Electric Company (the licensee) is the holder of Facility Operating License No. DPR-7 which authorizes operation of the Humboldt Bay Power Plant, Unit No. 3 (Humboldt). This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

The Facility is a boiling water reactor rated at 63 Mw(e) at the licensee's site located near Eureka, California.

II.

The regulation, 10 CFR 50.54(w), requires that each commercial power reactor licensee shall, by June 29, 1982, take reasonable steps to obtain on-site property damage insurance available at reasonable costs and on reasonable terms from private sources or to demonstrate to the satisfaction of the Commission that it possesses an equivalent amount of protection covering the facility, provided, among other things, that "this insurance must have a minimum coverage limit no less than the combined total of (i) that offered by either American Nuclear Insurers (ANI) and Mutual Atomic Energy Reinsurance Pool (MAERP) jointly or Nuclear Mutual Limited (NML); plus (ii) that offered by Nuclear Electric Insurance Limited (NEIL), the Edison Electric Institute (EEI), ANI and MAERP jointly, or NML as excess property insurance."

On May 28, 1982, the licensee filed a Request for Exemption from 10 CFR 50.54(w). In support of this request, the licensee indicated that Humboldt Unit 3 has been shut down since July 1976 and is presently in cold shutdown condition. The licensee indicated that studies conducted by it and the NRC staff conclude that the unit presents no danger to the health and safety of the public. Further, the licensee presently maintains all-risk property damage insurance at Humboldt Unit 3 in the amount of approximately $100,000,000 which, in the licensee's opinion, is more than enough to cover the very remote possibility of any damage to the unit. The licensee submitted that any additional insurance beyond that currently carried should not be required. In addition, the licensee stated that the annual premium for additional insurance would be a burden on its ratepayers.

The licensee did not provide sufficient information in its exemption request for the Commission to conclude that a permanent exemption to the requirements of 10 CFR 50.54(w) is justified. Consequently, the Commission requested additional information from the licensee in a letter dated June 24, 1982. The licensee has responded to this request by letter dated July 28, 1982.

Because of the additional information provided by the licensee in its July 28th letter and by staff studies performed for the Humboldt unit, the Commission is able to consider the exemption request on its merits. The Commission finds that the risk to public health and safety presented by the Humboldt unit in its present state of cold shutdown is very low compared to operating reactors. In a recent decision, the Director, Office of Nuclear Reactor Regulation declined to order decommissioning of the Humboldt unit as requested by an individual pursuant to 10 CFR 2.206. (DD-82-7; July 7, 1982) The Director found, in part: "The consequences and types of accidents are greatly diminished because of the present condition of the plant. Staff analysis has concluded that Humboldt Bay fuel has decayed sufficiently that air cooling is adequate to preserve fuel cladding integrity. Therefore, measures to assure core cooling or mitigate loss of coolant consequences are unnecessary. Due to the long period since the reactor last operated, mobile radioactivity has decayed very significantly." To illustrate, decay heat in the core of a reactor similar in configuration and cold shutdown status to the Humboldt unit is estimated by staff to be approximately $3.0 X10^{-5}\%$ of full power.

Additionally, preliminary information has been developed for the Commission's accident cost study of light water reactors (*Technology, Safety and Costs of Decommissioning at Reference Light Water Reactors Involved in Postulated Accidents;* Pacific Northwest Laboratory: NUREG/CR-2601; to be published). This report considers three accident scenarios all of which involve loss of coolant accidents of varying severity. Such accidents are considered to present the greatest potential for excessive contamination requiring significant cleanup expense. As indicated above, the staff does not consider loss of coolant accidents to be credible events for Humboldt in its current status. Consequently, it is reasonable to expect that whatever on-site decontamination costs that might arise from an accident at the Humboldt unit in its current state would be covered by the $100,000,000 all-risk property damage insurance currently maintained by PG&E.

Finally, the additional property insurance required to comply with 10 CFR 50.54(w) would require an additional annual premium of from $610,000 to $691,000. The Commission finds that this financial burden, if placed on the licensee and its customers, would not be warranted by the marginal additional benefit that would be obtained.

Accordingly, based upon the additional information provided by the licensee in its July 28 letter, the Commission has determined that pursuant to 10 CFR 50.12 an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption:

> The licensee is exempt until further notice from the requirements of 10 CFR 50.54(w), with respect to on-site property damage insurance, in excess of $100,000,000 unless and until such time as Humboldt Bay Power Plant, Unit No. 3 is removed from cold shutdown and resumes operation.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland this 3rd day of November 1982.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-30744 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 71 to Facility Operating License No. DPR-59 issued to the Power Authority of the State of New York (the licensee), which revises the Technical Specifications for operation of the James A. FitzPatrick Nuclear Power Plant (the facility), located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment revises the Technical Specifications pertaining to the emergency service water system to include an allowance for normal pump wear in the emergency service water pump surveillance test acceptance criteria.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 26, 1979, (2) Amendment No. 71 to License No. DPR-59, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Penfield Library, State University College at Oswego, Oswego, New York 13126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 29th day of October 1982.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 82-30745 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-395]

South Carolina Electric & Gas Co. and South Carolina Public Service Authority (Virgil C. Summer Nuclear Station); Exemption

I

South Carolina Electric & Gas Company and South Carolina Public Service Authority (the licensees) are the holders of Facility Operating License No. NPF-12 which authorizes the operation of Virgil C. Summer Nuclear Station (the facility) at reactor power levels not in excess of 139 megawatts thermal (5% of rated power). The facility consists of a Westinghouse Electric Corporation designed pressurized water reactor (PWR) located at the licensees' site in Fairfield County, South Carolina.

The license is subject to all rules and regulations of the Commission.

II

10 CFR 50.54(q) requires a licensee authorized to operate a nuclear power reactor to follow and maintain in effect emergency plans which meet the standards of § 50.47(b) and the requirements of Appendix E to 10 CFR Part 50. Section IV.F.1.b of Apendix E requires each licensee to conduct a full-scale emergency preparedness exercise for each site at which a power reactor is located for which the first operating license for that site is issued after July 13, 1982, within one year before the issuance of the first operating license for full power, and prior to operation above 5% of rated power of the first reactor which will enable each State and local government within the plume exposure pathway emergency planning zone and each State within the ingestion pathway emergency planning zone to participate.

In letters dated September 23 and 29, 1982 South Carolina Electric & Gas Company provided justification for and requested an exemption, in accordance with the provisions of 10 CFR 50.12(a) and 50.47(c), from literal compliance with one requirement of Section IV.F.1.b of Appendix E to Part 50. That section provides that a full-scale exercise shall be conducted.

Justification for the request is based on the following:

(1) On May 1, 1981 the plant operator, South Carolina Electric & Gas Company, State, local and federal officials engaged in a full-scale emergency exercise for the Virgil C. Summer Nuclear Station. That exercise resulted in favorable findings by the Federal Emergency Management Agency (FEMA) and the NRC. As a result of that exercise, the State and four county government plans relative to the Virgil C. Summer Nuclear Station were approved by FEMA and the NRC on November 13, 1981.

(2) On January 10, 1982, a full, system-wide test of the Emergency Notification System (sirens) for Virgil C. Summer Nuclear Station was conducted. All four counties and the State emergency planning organization participated in the test.

(3) On March 10 and 11, 1982, a full-scale emergency exercise was conducted for Duke Power Company's Oconee Nuclear Station which is also located in South Carolina. The State

was a principal participant in the Oconee exercise. In addition, the emergency preparedness directors of three of the four counties involved in the Virgil C. Summer Nuclear Station emergency planning effort participated in the Oconee exercise as observers (critics) for the county emergency agencies with off-site responsibilities around Oconee.

(4) On April 21, 1982, a medical drill was conducted for the Virgil C. Summer Nuclear Station. This drill involved county emergency medical services and Richland Memorial Hospital, the primary medical support facility for radiation emergencies at the Virgil C. Summer Nuclear Station.

(5) On May 4, 1982, a fire drill for the Virgil C. Summer Nuclear Station was conducted involving the county volunteer fire departments as well as Virgil C. Summer Nuclear Station fire prevention and control personnel.

(6) On May 5, 1982, South Carolina Electric & Gas Company conducted an annual emergency exercise at the Virgil C. Summer Nuclear Station. Although this was not a full-scale exercise in that it did not involve full State and local government participation, it did exercise key portions of the emergency plans fully, including checks of communication links with the State and the four involved counties, and a full test of the emergency notification system, including both the siren system and the emergency broadcasting system.

(7) South Carolina Electric & Gas Company stated that it is prepared to conduct a limited emergency exercise, similar to that conducted on May 5, 1982, but with full local government participation and partial State participation as early as March 1983, if that were necessary to demonstrate adequate emergency preparedness.

In consideration of the exercise and drills conducted by South Carolina Electric & Gas Company and the full-scale exercises participated in by the State in 1981 and 1982, we find that granting an exemption to the exercise, identified above, will not adversely affect the overall state of emergency preparedness at Virgil C. Summer Nuclear Station. The staff therefore concludes that the licensees' request for an exemption should be granted provided that, as agreed upon by the licensees, not later than March 31, 1983 the licensees conduct a limited emergency exercise, similar to that conducted on May 5, 1982, but with full local government participation and partial state participation.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, the exemption requested by the South Carolina Electric & Gas Company letters of September 23 and 29, 1982, as discussed above, is authorized by law and will not endanger life or property or the common defense and security, and is otherwise in the public interest. The requested exemption is hereby granted, modified and conditioned as follows:

> The licensees shall conduct a limited emergency exercise, similar to that conducted on May 5, 1982, but with full local government participation and partial State participation not later than March 31, 1983.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 2d day of November 1982.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Acting Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 82-30746 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. NPF-4 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 1 (the facility) located in Louisa County, Virginia. The amendment is effective as of its date of issuance.

The amendment revises the NA-1 Technical Specifications by upgrading and adding twenty (20) containment isolation valves to Table 3.6-1 to meet the requirements of NUREG-0737, Action Item II.B.2, Post-Accident Shielding, and Action Item II.B.3, Post-Accident Sampling. In addition, eight (8) isolation valves have been added to Table 3.6-1 for upgrading modifications recently completed for the Interior Fire Protection System and the Steam Generator Wet Layup Circulation System.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 25, 1982; (2) Amendment No. 43 to Facility Operating License No. NPF-4; and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottsville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 20th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc 82-30747 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-339]

Virginia Electric and Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. NPF-7 issued to the Virginia Electric and Power Company (the licensee) for operation of the North Anna Power Station, Unit No. 2 (the facility) located in Louisa County, Virginia. The amendment is effective as of its date of issuance.

The amendment revises the time required for the licensee to complete the revised and approved stipulation of Licensing Conditions 2.C.(15)(h)(2) and 2.C.(15)(h)(4) regarding diesel generator reliability. The approved extension in time from the October 1982 Fall maintenance outage to the second refueling outage is due to the impact of manufacturer delivery and qualification of equipment required to meet the diesel generator reliability modifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended the (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 27, 1982 and October 13, 1982, (2) Amendment No. 27 to Facility Operating License No. NPF-7, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Board of Supervisors Office, Louisa County Courthouse, Louisa, Virginia 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. A copy of items (2) and (3) may be obtained upon request to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 29th day of October, 1982.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 82-30748 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co. and Yankee Nuclear Power Station; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee) (the facility) located in Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications to reflect changes in the organizational structure and changes in titles.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated August 24, 1982, (2) Amendment No. 74 to License No. DPR-3 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C, and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 2nd day of November, 1982.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 82-30749 Filed 11-8-82; 8:45 am]

BILLING CODE 7590-01-M

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

Forecasting Subcommittee; Regular Meeting Notice

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Forecasting Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Monday, November 22, 1982, 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 SW. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Terry Morlan, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 82-30654 Filed 11-8-82; 8:45 am]

BILLING CODE 0000-00-M

Resource Assessment Subcommittee; Regular Meeting Notice

AGENCY: Pacific Northwest Electric Power and Conservation Planning Council (Northwest Power Planning Council).

ACTION: Notice of meeting.

STATUS: Open.

SUMMARY: The Northwest Power Planning Council hereby announces a forthcoming meeting of the Resource Assessment Subcommittee of its Scientific and Statistical Advisory Committee.

DATE: Friday, November 19, 1982, 9:00 a.m.

ADDRESS: The meeting will be held at the Council's Central Office located at 700 S.W. Taylor Street, Suite 200, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT: Tom Foley, (503) 222-5161.

Edward Sheets,

Executive Director.

[FR Doc. 82-30665 Filed 11-8-82; 8:45 am]

BILLING CODE 0000-00-M

POSTAL RATE COMMISSION

[Order No. 458; Docket No. MC82-2]

Mail Classification Schedule, 1982 Elimination of the Aggregate Letter Rule; Order Fixing Date for a Prehearing Conference and Establishing Procedures

November 4, 1982.

On August 31, 1982, the United States Postal Service filed a request with the Postal Rate Commission for a recommended decision on the proposed elimination of the Aggregate Letter Rule.[1] At the time of filing its Request, the Postal Service filed a motion seeking a waiver of certain of the filing requirements contained in the Commission's rules of practice.[2] In the interest of expedition, we will proceed with this docket, by scheduling a prehearing conference and establishing procedures in this order.

I. Hearings and Date of Initial Prehearing Conference

In furtherance of expeditious consideration and pursuant to § 30(b) of the Commission's rules of practice (39 CFR 3001.30(b), the Commission will conduct all prehearing conferences and hearings en banc. An initial prehearing conference will be held on November 15, 1982, and, thereafter, on such further dates as may be designated by the Presiding Officer. Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, Suite 500, 2000 L Street, N.W., Washington, D.C. 20268, and shall be on the record and a transcript made except where the Presiding Officer determines otherwise. An agenda for the prehearing conference appears in Appendix A to this order.

II. Procedures and Expedition

To the degree consistency with procedural fairness permits, it is our intention to expedite the proceedings in Docket No. MC82-2.[3] Accordingly, we are issuing a proposed schedule of procedural stages which all participants should review and be prepared to comment upon at the initial prehearing conference. This tentative schedule is presented in Appendix B. This schedule was constructed in view of the holidays, thus, for example, the December 7, 1982, date for completion of all discovery directed to the Postal Service implies that written cross-examination to witness McCaffrey should be designated by December 29, 1982, in order to accommodate a January 4 hearing. Of course, this proposed schedule is tentative and subject to suggestions for expedition at the prehearing conference.

Participants should also be prepared to pose any questions they may have concerning the Postal Service's response to Commission Order No. 457, issued November 2, 1982. Specifically, that order grants the Postal Service's August 31, 1982 motion for waiver of certain filing requirements subject to the condition that the Postal Service determine whether any existing data could be used to develop useful volume/revenue estimates and inform the Commission and parties of any such resources. The parties should also be alerted that our intention to expedite this proceeding applies with equal force to the briefing stage following the close of the record. Parties should therefore be prepared to adhere to a briefing schedule consonant with this policy.

III. Prehearing Conference Statements

Participants should serve prehearing conference statements by November 10, 1982. Such statements should contain the following:

1. A suggested list which states with particularity the issues the party believes should be addressed in this case. (Asterisks, denoting those issues on which the party intends to present evidence, should precede the stated issue.)
2. A statement of the participant's tentative position on each of the proposed issues.
3. A brief statement describing for each issue the evidence, if any, the participant proposes to introduce.
4. A legal memorandum, where appropriate, in support of the issues proposed, the positions taken, the evidence to be presented and other legal matters which should be considered.
5. Any other matter the participant believes should be pursued at the prehearing conference.

Prior to the initial prehearing conference, all participants are encouraged to request informally and promptly from the Postal Service any desired preliminary clarification in the Service's presentation which the participant believes necessary in order to expedite this proceeding.

The Commission Orders

(A) A prehearing conference will be held on November 15, 1982, commencing at 9:30 a.m. in the Postal Rate Commission hearing room, Suite 500, 2000 L Street, NW., Washington, D.C. 20268. The Conference will be held for the purposes specified in section 24 of the Commission's rules of practice (39 CFR 3001.24) and in this Order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be resolved in Docket No. MC82-2. The Conference proceedings shall be recorded by an official reporter except where otherwise directed by a Presiding Officer.

(B) Parties are to serve prehearing conference statements by November 10, 1982.

By the Commission

David F. Harris

Secretary.

Appendix A—Agenda for Prehearing Conference in Docket No. MC82-2

November 15, 1982.Q02

I. Opening statement by the Presiding Officer.

II. Discussion of the appropriate issues to be considered in the proceeding.

III. Discussion of possible stipulations of fact:

  A. Discussion of resuts of any informal settlement attempts conducted between the parties prior to the date of the prehearing conference.

  B. Submission of any stipulations of fact agreed to at the time of the prehearing conference.

  C. Discussion of other areas for which stipulations of fact are possible.

  C. Discussion of who should be assigned responsibility for preparing any draft, stipulations of fact to be submitted.

IV. Discussion of Postal Service's response to Commission Order No. 457 which granted the Postal Service's motion for waiver of certain filing requirements subject to conditions.

V. Discussion of procedural dates. (Tentative preliminary procedural schedule outlining procedural steps, with dates inserted, appears as Attachment B to this notice.)

VI. Discussion of any other matters appropriate for examination at a prehearing conference under section 24 of the Commission's rules of practice.

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[1] Request of the United States Postal Service for a Recommended Decision Eliminating the Aggregate Letter Rule, August 31, 1982.

[2] Motion of the United States Postal Service for Waiver of Certain Provisions of the Rules of Practice and Procedure, August 31,1982.

[3] The Postal Reorganizaiton Act requires us to consider requests for changes in the classification schedule "promptly" and to conduct proceedings "with utmost expedition consistent with procedural fairness" (39 U.S.C. 3624). While the statute does not specify a particular time frame for classification cases, we are are inclined to adopt the 10-month schedule to which we must adhere in rate cases [*see* 39 U.S.C. 3624(c)] as a general guideline. Of course, some cases can, and will, be completed in considerably less time, and we recognize that others which involve particularly complex or novel issues may require somewhat lengthier proceedings.

Appendix B—Tentative Schedule of Proceedings; Aggregate Letter Case

[Docket No. MC82-2]
November 15, 1982: Prehearing Conference
December 7, 1982: Completion of all discovery directed to the Postal Service
January 4, 1983: Hearing on USPS case
January 25, 1983: Intervenors' cases due
February 15, 1983: Completion of discovery
March 14, 1983: Hearing on intervenors' cases

[FR Doc. 82-30796 Filed 11-8-82; 8:45 am]

BILLING CODE 7715-01-M

[Docket No. A83-3; Order No. 454]

Mountville, Georgia 30261 (A. D. Moore, et al., Petitioners); Errata Notice; Notice and Order of Filing of Appeal

Issued: October 21, 1982.

November 4, 1982.

In FR Doc. 82-29342 appearing at pages 47508-47509 in the Federal Register of Tuesday, October 26, 1982, the following changes should be made on page 47509, column 3: Appendix should read:

February 7, 1983	Expiration of 120-day decisional schedule (see 39 U.S.C. 404(b)(5))

in lieu of "January 7, 1983."

By the Commission.

David F. Harris,
Secretary.

[FR Doc. 82-30797 Filed 11-8-82; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22687; (70-6794)]

Proposal To Make Capital Contributions to Subsidiaries

November 1, 1982.

In the matter of Central and South West Corp., 2700 One Main Place, Dallas, Texas 75202; Central Power and Light Co., 102 North Chaparral Street, Corpus Christi, Texas 78401; Southwestern Electric Power Co., P.O. Box 21106, Shreveport, Louisiana 71156; West Texas Utilities Co., 301 Cypress, Abilene, Texas 79601.

Central and Southwest Corporation ("CSW"), a registered holding company, and three of its wholly-owned subsidiaries ("operating companies"), Central Power & Light Company ("CPL"), Southwestern Electric Power Company ("SWEPCO") and West Texas Utilities ("WTU") have filed an application-declaration with this Commission pursuant to Sections 6(a), 7, 9, 10 and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 43 and 45 thereunder.

CSW proposes to make equity investments of up to $50 million in CPL, $50 million in SWEPCO and $25 million in WTU at any time from January 1, 1983 to January 1, 1984. The full amount of these equity investments will, in each case, be added to the operating companies' common equity and will be used to repay short-term debt to be incurred in connection with the 1983 construction expenditures which are anticipated to be $290 million for CPL, $240 million for SWEPCO and $110 million for WTU.

CSW expects to finance the capital contributions with the proceeds from the sales of new issue common stock under CSW's Dividend Reinvestment, Employee Thrift, and Tax Reduction Employee Stock Ownership Plans ("Plans"). Those funds not provided by sales of common stock under these Plans will be provided from permanent funding by CSW. CSW proposes to finance any of the capital contributions that are to be made prior to permanent funding from the sale of its commercial paper or other short-term borrowings previously authorized by this Commission by order dated June 29, 1982 (HCAR No. 22554).

The application-declaration and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 22, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective. For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 82-30703 Filed 11-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19203; (SR-CBOE-80-10)]

Chicago Board Options Exchange, Inc.; Filing of Amendment to Proposed Rule Change and Order Extending Partial Approval of Proposed Rule Change on a Summary and Temporary Basis

November 1, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 19, 1982, the Chicago Board Options Exchange, Incorporated ("CBOE"), filed with the Commission an amendment to a propose rule change as described herein. The Commission is publishing this notice to solicit comments on the amended proposed rule change from interested persons.

On June 9, 1980, the Chicago Board Options Exchange, Incorporated ("CBOE"), filed with the Commission, pursuant to the Act and Rule 19b-4 thereunder, copies of a proposed rule change to modify its operations and procedures relating to options market makers. Among other things, the proposed rule change created a single class of market makers by eliminating supplemental appointments, increased the number of options classes in which market makers were permitted to have appointments, and established a new exchange committee responsible for evaluating the performance of and taking disciplinary action against market makers.[1] The proposed rule change also required that a minimum number of contracts or percentage of trading activity be executed by market makers in person.[2]

On February 12, 1981, the Commission, pursuant to Section 19(b)(2) of the Act, approved the proposed rule change.[3] On April 13, 1981, Charles B. Clement, a member of the Chicago Board of Trade ("CBT") and a market maker on the CBOE, filed a petition for review of the Commission's approval order in the United States Court of Appeals for the Seventh Circuit.[4] On April 5, 1982 the Seventh

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[1] Notice of the proposed rule change was published in Securities Exchange Act Release No. 16919 (June 24, 1980), 45 FR 43914 (1980).

[2] Subsequently, on July 9, 1980, the CBOE filed an amendment to the proposed rule change excluding certain closing transactions from the calculations of transactions required to be executed in person by market makers and requiring the recording of additional information on market maker orders. Notice of the amendment to the proposed rule change was published in Securities Exchange Act Release No. 17022 (July 25, 1980), 45 FR 51325 (1980).

[3] Securities Exchange Act Release No. 17535 (February 12, 1981), 46 FR 13065 (1981).

[4] On April 14, 1981, Clement requested that the Commission stay its approval order pending a

Circuit vacated the Commission's order approving the proposed rule change and remanded the matter to the Commission.[5]

On May 11, 1982, the Commission reviewd the rule filing and approved, on a summary basis and for a 90-day period, those portions of the proposed rule change not in contention in the judicial proceeding.[6] That approval was extended for an additional 90 days on August 16, 1982 in anticipation of an amendment to the proposed rule change.[7] As noted above, CBOE filed a substantive amendment to the proposed rule change on October 19, 1982. To permit the Commission to review this amendment, the Commission has determined to extend for 60 days from the date hereof its temporary approval of those portions of the proposed rule change that were not at issue in the *Clement* decision.

The amendment modifies the proposed rule change to require that for each month in a quarter and except in unusual circumstances, 75 percent of a market maker's total options contract volume must be in his appointed options classes and 25 percent of his total options transactions must be executed in person. Proposals regarding trade information required to be filed daily by clearing members are also amended to except transactions in a market maker's account from the requirement that opening and closing transactions be identified as such.

The purpose of the amendment is to revise the earlier rule change filing concerning market maker obligations. The proposed amendment would change the performance requirements previously proposed by requiring market makers to execute a certain percentage of transactions, rather than contracts, in person. The Exhange believes this will be a more realistic measure of market maker participation on the trading floor. At the same time, the in-person percentage requirement is reduced from 75 to 25 percent, and a previously proposed alternative method of compliance, namely, in-person execution of 20,000 or more options contracts, is eliminated.

As amended, the rule change would obligate market makers to effect the majority of their options volume in their assigned classes and effect a minimum percentage of such transactions in person. Both these obligations are designed to improve market liquidity. The amended rule change proposal is intended to promote the ends of Sections 6(b)(1), 6(b)(5) and 11(b) of the Act, and it is offered on the basis of those sections.

At the same time, as mentioned above, the Commission is extending its approval of those portions of the proposed rule change not at issue in *Clement v. Securities and Exchange Commission* that previously were approved on a temporary and summary basis, in order to permit adequate time for notice and review of the proposed amendments.

In order to assist the Commission in determining whether to approve the proposed rule change as amended or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning either the amendment or those portions of the proposed rule change being temporarily approved within 21 days from the date of publications of this notice and order in the Federal Register. Persons desiring to make written comments should file six copies thereof with ther Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-CBOE-80-16.

Copies of the original submission, all subsequent amendments, all written statements with respect to the proposed changes which are filed with the Commission and all written communications relating to the proposed changes between the Commisison and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available at the principal office of the above-mentioned self-regulatory organization.

It is therefore ordered, that the proposed rule change referenced above, and to the extent indicated above, be, and it hereby is, approved for a period of 60 days from the date hereof.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30708 Filed 11-8-82; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange; Application for Unlisted Trading Privileges and of Opportunity for Hearing

November 2, 1982.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rue 12f-1 thereunder, for unlisted trading privileges in the common stock of:

AMR Corporation

Common Stock, $1 Par Value (File No. 7-6358)

This security is listed and registered on one or more other national securities exchange and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before November 24, 1982 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30709 Filed 11-8-82; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review By Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, 450 Fifth Street, N.W., Washington, D.C. 20549.

Revised

Regulation S-X

No. 270-3

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 [44 U.S.C. 3501 et seq.], the Securities and Exchange Commision has submitted for clearance Regulation S-X, 17 CFR 210. Regulation S-X specifies the form

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determination by the Court of Appeals on the issues presented in his petition. The Commission denied Clement's request in Securities Exchange Act Release No. 17835 (May 22, 1981).

[5] *Clement v. Securities and Exchange Commission*, 674 F.2d 641 (7th Cir. 1982).

[6] *See* Securities Exchange Act Release No. 18727 (May 11, 1982), 47 FR 21160 (1982).

[7] Securities Exchange Act Release No. 18963 (August 16, 1982), 47 FR 37020 (1982).

and content of the requirements for the financial statements that are required in registration statements, reports, certain applications for Commission approval, certain proxy and information statements, issuer and other tender offer statements and issuer transaction statments filed under the securities laws. A copy of this submission is available for public inspection and copying at the Commission's Public Reference Room, 450 5th Street, N.W., Washington, D.C. 20549. Inquiring parties should refer to File No. 270–3.

Comments should be submitted to Mr. Robert Veeder, OMB Desk Officer, Office of Information and Regulatory Affairs, Room 3235 NEOB, Washington, D.C. 20503.

November 1, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30701 Filed 11–8–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19199; File No. SR–PCC–82–08]

Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Clearing Corporation

November 1, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 22, 1982, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change amends PCC Rule 1, Section 13 to authorize PCC (1) to accept from marketplace regulators, as input into PCC's comparison operation, initial or supplemental trade data on behalf of PCC participants, and (2) to transmit to those market place regulators reports of clearing trade data on behalf of those participants. Similar trade input and reporting services are to be provided to service bureaus acting on behalf of PCC participants. The proposed rule change, among other things, allows PCC to receive trade data from, and transmit reports regarding that data to, the National Association of Securities Dealers, Inc. in connection with its Trade Acceptance and Reconciliation Service, when that service is implemented. PCC stated in its filing that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act in that it will promote the prompt and accurate clearance and settlement of securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street NW., Washington, D.C. 20549. Reference should be made to File No. SR–PCC–82–08.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference room, 450 5th Street NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30705 Filed 11–8–82; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19198; File No. SR–PCC–82–07]

Self Regulatory Organizations; Filing of Proposed Rule Change by Pacific Clearing Corp.

November 1, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on September 27, 1982, the Pacific Clearing Corporation ("PCC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change consolidates and enhances PCC's rules with respect to minimum standards for admission to, and for continuing participation in, PCC. More specifically, the proposed rule change would consolidate into a single rule: (i) Minimum standards for admission to PCC and for continuing participation in PCC; (ii) PCC's authority to discipline participants; and (iii) the rights and obligations of PCC and its applicants and participants if PCC limits, denies or conditions their access to PCC. PCC believes that the proposed rule change is in accordance with Section 17A of the Act in that it facilitates participation in the clearing agency and establishes rules with respect to disciplinary actions.

In order to assist the Commission in determining whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the **Federal Register**. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR–PCC–82–07.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30706 Filed 11-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19197; File No. SR-PSDTC-82-3]

Filing and Immediate Effectiveness of Proposed Rule Change by Pacific Securities Depository Trust Company

November 1, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on October 22, 1982, the Pacific Securities Depository Trust Company ("PSDTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change allows PSDTC to add Rule 4, Section (h) to its rules. The new rule would authorize PSDTC (1) to accept from marketplace regulators, as input into PSDTC's comparison operation, initial or supplemental trade data on behalf of PSDTC participants, and (2) to transmit to those market place regulators reports of clearing trade data on behalf of those participants. Similar trade input and reporting services are to be provided to service bureaus acting on behalf of PSDTC participants. PSDTC stated in its filing that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act in that it will promote the prompt and accurate clearance and settlement of securities transactions.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days after the date of publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 5th Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-PSDTC-82-03.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 5th Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30707 Filed 11-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22688; (70-6051)]

Middle South Utilities, Inc., Middle South Energy, Inc.; Proposal by Subsidiary To Issue and Sell Common Stock to Parent Holding Company

November 2, 1982.

Middle South Utilities, Inc. ("MSU"), a registered holding company, and Middle South Energy, Inc. ("MSE"), 225 Baronne Street, New Orleans, Louisiana 70112, a wholly owned subsidiary of MSU, have filed a post-effective amendment to an application-declaration previously filed with this Commission pursuant to Sections 6(a), 7, 9(a), 10 and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and rule 43 promulgated thereunder.

MSE is authorized by its articles of incorporation to issue up to 1,000,000 shares of common stock, no par value. As of September 15, 1982, 578,300 shares had been issued and sold to MSU for an aggregate cash consideration of $578,300,000. By this Commission's order of June 29, 1982 (HCAR No. 22555), MSE was authorized to issue and sell to MSU up to 60,000 additional shares of common stock from time to time through December 31, 1983, at a price of $1,000 per share. As of September 15, 1982, 34,700 of such additional common stock had been sold to MSU. Applicants-declarants now represent that MSE may be required to issue and sell through December 31, 1983 up to 75,000 shares at the same price, in addition to the previously authorized 60,000 shares. The proceeds of such sales will be applied to costs incurred by MSE in the construction of its Grand Gulf nuclear-fired generating facility in Mississippi. Sales will be timed to coincide with MSE's cash needs with respect to the Grand Gulf project.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 26, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30702 Filed 11-8-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19200; File No. SR-CBOE-82-10]

Self-Regulatory Organizations; Proposed Rule Change; Chicago Board Options Exchange, Inc.; Relating to Position and Exercise Limits

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 19, 1982, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Exchange Rules 4.11 and 4.12 concerning position and exercise limits, raising those limits from 2000 to 3000 option contracts.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements is set forth in sections (A), (B), and (C) below.

(A) Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of this proposed increase in position and exercise limits from 2,000 to 3,000 contracts is to add to market depth and liquidity.

In 1978 the Special Study of the Options Markets recommended that existing Exchange rules, which limited the size of options positions held by market participants, be reviewed and that their relaxation or elimination be considered. As a result of re-examination of position limits, as suggested in that Study, the Exchange proposed rule changes which were adopted in October of 1980 to raise position and exercise limits from 1,000 to 2,000 contracts. In view of the increased use of the options markets and the experience gained during the two years since the position limits were increased in 1980, the Exchange believes that it is appropriate at this time to increase the position and exercise limits from 2,000 to 3,000 contracts.

The Commission made the following statements in its release approving the position and exercise limit increase in 1980. (Release No. 34–17237) The Exchange believes that these statements also apply to this proposed increase to 3000 contracts.

> "* * * there is substantial reason to believe that the current ceiling serves to constrict significantly the options activities of certain market professionals and institutions, possibly to the detriment of market depth and liquidity. In addition, the Commission believes that the surveillance capabilities of the options exchanges with respect to large options positions should minimize the possibility of manipulation. Finally, the Commission believes that the information and experience gained from approval of the proposed modification will enhance the ability of the options exchanges and the Commission to responsibly propose and effectively evaluate possible further modifications * * *"

A major concern in any raising of position and exercise limits is the greater potential for "short squeezes" that will result. A "short squeeze" can occur when there is an accumulation of large option positions, which are exercised day after day, so that uncovered option writers who are assigned to deliver stock on the exercises must buy that stock at increasingly higher prices because fewer shares are available. As the Exchange conveyed in its last position limit increase filing (SR–CBOE–80–22), the theoretical peril of a short squeeze is created by the size of the uncovered short interest in an option class. Each option exchange has the ability to impose limitations on uncovered writing or on the uncovering of existing short positions. (See, for example, Exchange Rules 4.15, 4.16 and 15.3) In addition, the Options Clearing Corporation under appropriate circumstances can require cash settlement. In sum, "short squeezes" can be handled directly, rather than indirectly, by means of position limits.

Finally, position limits cannot be justified as a protection against financial exposure. While unhedged larger positions do entail larger financial risks, position limits are cumbersome and ineffective mechanisms for limiting those risks. Rather, those rules which have been designed specifically to limit risk exposure should be used for this purpose, namely, suitability, margin, and net capital rules.

The basis for this proposed rule change is section 6(b)(5), in that the change would increase market depth and liquidity, which is in the public interest, while continuing to protect investors from manipulative activities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, at the above address. Copies of such filing will also be available for inspection and coping at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Dated: November 1, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–30718 Filed 11–8–82; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7976]

Xonics, Inc., Class A Common, $.10 Par Value; Application to Withdraw from Listing and Registration

November 2, 1982.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the Pacific Stock Exchange, Inc. ("PSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Xonics, Inc. ("Company") is listed and registered on the PSE. The Company wishes to list its security on NASDAQ because the Company desires to gain national exposure. In this regard, the Company has determined that the opportunity for national exposure would be enhanced if the Company were listed on NASDAQ and removed from listing and registration on the PSE.

Any interested person may, on or before November 24, 1982, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-30706 Filed 11-8-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Advisory Committee on the International Monetary System; Continuation

Pursuant to the Federal advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. I, Supp. II) the Department of the Treasury announces the continuation of the following advisory committee:

Title: The Advisory Committee on the International Monetary System.

Purpose: The Committee, composed of representatives from banking, industry, labor and the academic community, as well as former government officials, discusses major issues concerning the effective functioning of the international monetary system and potential areas for improvement, advising the Secretary of the Treasury on these questions in the International Monetary Fund and in other forums.

Statement of Public Interest: The world economy is in a period of significant change affecting, among other things, the operations of the international monetary system. It is important that the Secretary of the Treasury continue to receive the advice and recommendations of the Advisory Committee in this period. The depth and breadth of the members' experience in international monetary affairs cannot be duplicated from sources within the Treasury nor from another existing advisory committee.

Authority for this committee will expire August 21, 1984, unless formally extended by the Secretary of the Treasury.

Dated: August 18, 1982.

Beryl W. Sprinkel,

Under Secretary for Monetary Affairs.

[FR Doc. 82-30710 Filed 11-8-82; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 23, 1982, at 1:00 p.m., the Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee on Educational Allowances, shall, at the Federal Building, Room 654, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in an Apprenticeship Training Program at Vero Beach Carpenters Joint Apprenticeship Committee, 2566 12th Avenue, Vero Beach Florida, 32960, should be discountinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: November 1, 1982.

Carlos L. Rainwater,

Director.

[FR Doc. 82-30806 Filed 11-8-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 217
Tuesday, November 9, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

CONSUMER PRODUCT SAFETY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCMENT: 47 FR 49787.

PREVIOUSLY ANNOUNCED TIME AND DATE: 10 a.m., November 3, 1982.

CHANGES IN THE MEETING: Meeting cancelled. Compliance Status Report rescheduled for November 10, 1982. For a recorded message on the latest Agenda information call (301) 492-5707.

[S-1621-82 Filed 11-5-82; 12:50 pm]

BILLING CODE 6355-01-M

2

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

TIME AND DATE: 8 a.m., November 15, 1982

PLACE: Cash Room, Department of the Treasury (use Pennsylvania Avenue Entrance) Pennsylvania Avenue between 15th Street and East Executive Avenue, Washington, D.C. 20220.

STATUS: Open. Matters to be considered:

1. The features of the new money market deposit account mandated by the Garn-St Germain Depository Institutions Act of 1982.

Note.—The meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the DIDC Offices at the Department of the Treasury, and copies may be purchased for $5.00 a cassette by calling (202) 566-5152 or by writing to: Depository Institutions Deregulation Committee, Department of the Treasury, Room 1058 MT, Washington, D.C. 20220.

For further information about the DIDC and the November 15 meeting please call (202) 566-3734.

November 5, 1982.

Gordon Eastburn,

Acting Executive Secretary of the Committee.

[S-1616-82 Filed 11-5-82; 11:[illegible] am]

BILLING CODE [illegible]-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

November 3, 1982.

Deletion of Agenda Item From November 4th Open Meeting

The following item has been deleted at the request of the Office of Commissioner Quello from the list of agenda items scheduled for consideration at the November 4, 1982 Open Meeting, and previously listed in the Commission's Notice of October 28, 1982.

Agenda, Item No., and Subject

General—2—*Title:* UHF Television Receiver Noise Figures. *Summary:* The Commission will consider whether to adopt a *Notice of Proposed Rulemaking* in Docket 21010, proposing to reduce the maximum allowable UHF television receiver noise figure to 12 dB. and to make associated rule changes.

Issued: November 3, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1618-82 Filed 11-5-82; 11:20 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION

FCC Holds Emergency Closed Meeting, Thursday, November 4th

The Federal Communications Commission held an Emergency Closed Meeting on Thursday, November 4, 1982, at 1919 M Street, NW., Washington, D.C. on litigation strategy relating to the decision in the matter listed below:

Agenda, Item No., and Subject

Broadcast—1—Title: Applications for interim Direct Broadcast Satellite (DBS) systems filed by CBS, Inc., Direct Broadcast Satellite Company, Focus Broadcast Satellite Company, Graphic Scanning Corporation, RCA American Communications, Inc., United States Satellite Broadcasting Company, Inc., Video Satellite Systems, Inc., and Western Union Telegraph Company and associated petitions to deny, comments, and other responsive pleadings. Summary: The above referenced applicants seek authority to establish interim Direct Broadcast Satellite (DBS) systems. These applications are subject to petitions to deny, comments, and other responsive pleadings.

The prompt and orderly conduct of Commission business did not permit announcment of this matter prior to the meeting.

This meeting was closed to the public because it concerned adjudicatory matters (See 47 CFR 0.603 (j)).

The following persons attended this meeting:

Commissioners and their Assistants
General Counsel and members of his staff
Managing Director and members of his staff
Chief, Broadcast Bureau and members of his staff
Chief, Office of Public Affairs and members of his staff

Actions by the Commission November 4, 1982. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson and Sharp voting to consider this matter in Closed Session.

Additional information concerning this matter may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1619-82 Filed 11-5-82; 11:25 am]

BILLING CODE 6712-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:35 a.m. on Wednesday, November 3, 1982, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) receive bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in Cedar Bluff Bank, Cedar Bluff, Alabama, which was placed in voluntary liquidation by its board of directors and closed on Tuesday, November 2, 1982; (2) accept the bid for the transaction submitted by Union State bank, Cedar Bluff, Alabama; (3) approve the applications of Union State Bank, Cedar Bluff, Alabama, for Federal deposit insurance, and for consent to purchase certain assets of and to assume the liability to pay deposits made in Cedar Bluff Bank, Cedar Bluff, Alabama; and (4) provide such financial assistance, pursuant to section 13(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(2)), as was necessary to effect the purchase and assumption transaction.

At that same meeting, the Board of Directors considered an aplication for financial assistance, pursuant to section 13(c) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)), by an insured bank. The name and location of the bank are authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

In calling the meeting, the Board determined, on motion of Chariman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director C. T. Conover (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: November 4, 1982.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1617-82 File 11-5-82; 11:10 am]

BILLING CODE 6714-01-M

6

FEDERAL ELECTION COMMISSION

[FR No. 1596]

PREVIOUSLY ANNOUNCED DATE AND TIME: Wednesday, November 10, 1982 at 11 a.m.

CHANGE IN MEETING: The following matter has been *deleted* for the meeting of this date:

Proposed regulations on joint fundraising and collecting agents (11 CFR 102.6 and 102.7)

The following matter has been *added* for the meeting of this date:

Proposed revision of 11 CFR 114.3 and 114.4

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1620-82 Filed 11-5-82; 12:17 pm]

BILLING CODE 6717-01-M

7

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

November 3, 1982.

TIME AND DATE: 10 a.m., Wednesday, November 10, 1982.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Florence Mining Company, Docket No. PITT 77-15, etc., IBMA 77-32. (The Commissioners granted the operators' petition for reconsideration of the Commission's August 31, 1982 decision, and the issues include whether 30 CFR 75.1405 applies to certain mine haulage equipment.)

* * * * *

TIME AND DATE: 11 a.m., or following oral argument, Wednesday, November 10, 1982.

PLACE: Same as above.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

2. Florence Mining Company—same as above.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653-5632.

[S-1626-82 Filed 11-5-82; 3:13 pm]

BILLING CODE 6735-01-M

8

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, November 15, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452-3204.

Dated: November 5, 1982.

James McAfee,

Associate Secretary of the Board.

[S-1624-82 Filed 11-5-82; 3:13 pm]

BILLING CODE 6210-01-M

9

INTERNATIONAL TRADE COMMISSION

Executive Resources Board (ERB)

[USITC ERB-82-3A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 47 FR 49919, NOVEMBER 3, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Monday, November 15, 1982.

CHANGES IN THE MEETING: The Executive Resources Board (ERB) of the United States International Trade Commission has rescheduled the ERB meeting for Monday, November 15, 1982, at 10:00 a.m., instead of 11:00 a.m. There are no other changes to the agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1622-82 Filed 11-5-2:10 pm]

BILLING CODE 7020-02-M

10

INTERNATIONAL TRADE COMMISSION

[USITC SE-82-49]

TIME AND DATE: 10 a.m., Friday, November 19, 1982.

PLACE: Room 117, 701 E. Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Investigation 701-TA-200 [Preliminary] (Automated Fare Card Collection Equipment and Parts Thereof from France)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1623-82 Filed 11-5-82; 2:10 pm]

BILLING CODE 7020-02-M

11

PAROLE COMMISSION

[3P0401]

National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

TIME AND DATE: 10 a.m., Tuesday, November 9, 1982.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed meeting to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5987.

[S-1625-82 Filed 11-5-82; 3:13 pm]

BILLING CODE 4410-01-M

federal register

Tuesday
November 9, 1982

Part II

Department of Health and Human Services

Food and Drug Administration

Immunology and Microbiology Devices; General Provisions and Classification of 162 Devices

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 866

[Docket No. 78N-2113]

Immunology and Microbiology Devices; General Provisions and Classification of 162 Devices

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is classifying 162 immunology and microbiology devices in commercial distribution. The preamble to this rule responds to comments received on the proposals regarding classification of these devices. This action is being taken under the Medical Device Amendments of 1976.

EFFECTIVE DATE: December 9, 1982.

FOR FURTHER INFORMATION CONTACT: Srikrishna Vadlamudi (Immunology), Thomas M. Tsakeris (Microbiology), National Center for Devices and Radiological Health (HFK-440), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 22, 1980 (45 FR 27204-27359), FDA published proposed regulations containing general provisions applicable to the classification of immunology and microbiology devices and individual proposed regulations to classify 160 immunology and microbiology devices into one or more of three regulatory classes: class I (general controls), class II (performance standards), and class III (premarket approval). Of the 160 immunology and microbiology devices that were the subject of proposals, FDA is classifying 93 devices into class I (general controls), 64 devices into class II (performance standards), and two devices into class III (premarket approval). One proposed classification is being withdrawn, because the product is a licensed biologic and is regulated by FDA's National Center for Drugs and Biologics (hemolytic immunological test system, Docket No. 78N-2253, **Federal Register** of March 19, 1982; 47 FR 11880). FDA has decided not to publish classification regulations on medical devices that also are licensed biologics under section 351 of the Public Health Service Act (42 U.S.C. 262). Additionally, FDA is codifying the statute's classification into class III of 3 transitional immunology and microbiology devices previously considered new drugs that are in commercial distribution. Proposed regulations on these statutory classifications were unnecessary.

Classification of medical devices in commercial distribution is required by the Medical Device Amendments of 1976 (Pub. L. 94-295) (the amendments) to the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301-392). The effect of classifying a device into class I is to require that the device continue to meet only the general controls applicable to all devices. The effect of classifying a device into class II is to provide for the future development of one or more performance standards to assure the safety and effectiveness of the device. The effect of classifying a device into class III is to require each manufacturer of the device to submit to FDA a premarket approval application that includes information concerning safety and effectiveness tests for the device. For a class III device not considered a new drug before the amendments that either was in commercial distribution before May 28, 1976, or is substantially equivalent to a device that was in commercial distribution before that date, each application for premarket approval must be submitted to FDA on or before June 28, 1985, or 90 days after promulgation of a separate regulation requiring premarket approval of the device, whichever occurs later. For a class III device previously considered a new drug, the requirement of having premarket approval is already in effect. See section 520(1) of the act (21 U.S.C. 360j(1)).

The preamble to the proposed general provisions described the development of the general provisions and the proposed regulations classifying immunology and microbiology devices and the activities of the Immunology and Microbiology Devices Panel (formerly the Immunology Device Classification Panel and the Microbiology Device Classification Panel), an FDA advisory committee that makes recommendations to FDA concerning the classification of immunology and microbiology devices. FDA provided a period of 60 days for interested persons to submit written comments on these proposals. The comments received are discussed below.

Change in Format of Final Rules for Classification of Devices

To reduce printing costs, FDA is publishing as one final regulation the general provisions and classifications of 162 immunology and microbiology devices. Formerly, a separate final classification regulation was published in the **Federal Register** for each generic type of device. The docket number used to identify each of the proposed classification regulations continues to be used in this final regulation to identify each generic type of device.

Exemptions for Class I Devices

FDA proposed to exempt seven generic types of immunology and microbiology devices from requirements of the premarket notification procedures in Subpart E of Part 807 (21 CFR Part 807): Complement reagent (Docket No. 78N-2212), radial immunodiffusion plate (Docket No. 78N-2217), anaerobic chamber (Docket No. 78N-2119), manual colony counter (Docket No. 78N-2123); automated media dispensing and stacking device (Docket No. 78N-2131); microbiological incubator (Docket No. 78N-2135); and Wood's fluorescent lamp (Docket No. 78N-2138). The final rule for each of the seven devices exempts the device from the requirements of the premarket notification procedures. Further, FDA proposed to exempt each of the latter five of these seven devices from all of the requirements of the good manufacturing practice (GMP) regulations in Part 820 (21 CFR Part 820) with the exception of §§ 820.180 and 820.198 relating to records and complaint files. This final regulation exempts each of the latter five of the above devices from most requirements of the GMP regulations. FDA did not receive any public comments on the seven proposals.

The agency has determined that exemption of any device from requirements of §§ 820.180 and 820.198 of the GMP regulations would not be in the public interest. Moreover, compliance with these sections is not unduly burdensome for device manufacturers. The complaint file requirements of § 820.198 ensure that device manufacturers have adequate systems for complaint investigation and followup. The general requirements concerning records in § 820.180 ensure that FDA has access to complaint files, can investigate device-related injury reports and complaints about product defects, can determine whether the manufacturer's corrective actions are adequate, and can determine whether an exemption from other sections of the GMP regulation, if one has been granted, is still appropriate. Also, for the reasons given in the proposal, these exemptions do not apply to devices that are labeled or otherwise represented as sterile.

FDA has prepared guidelines on the procedures that should be followed by persons who wish to submit petitions for exemption or variance from the device GMP regulation. These petitions may be submitted in accordance with provisions of section 520(f)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(f)(2)). The agency announced the availability of the guidelines in a notice published in the **Federal Register** on Friday, January 18, 1980 (45 FR 3671).

Devices That Have Both Medical and Nonmedical Uses

FDA has clarified several regulations classifying products that have both medical and nonmedical uses. FDA will regulate a multipurpose product as a medical device if it is intended for a medical purpose, i.e., for "use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease," or "to affect the structure or any function of the body." (Section 201(h) of the act (21 U.S.C. 321(h)).) FDA will determine the intended use of a product based upon the expressions of the person legally responsible for its labeling and by the circumstances surrounding its distribution. The most important factors the agency will consider in determining the intended use of a particular product are the labeling, advertising, and other representations accompanying the product. Products that have medical uses only are clearly intended for medical purposes and, therefore, will be regulated as medical devices whether or not medical claims are made for them.

Changes in Classification in Final Regulations

Based on the comments received or upon reconsideration, FDA has changed the classification of each of six devices in the final regulations from that originally proposed. The classification of four devices was changed from class I to class II: cytomegalovirus serological reagents (Docket No.78N–2157), *Haemophilus* spp. serological reagents (Docket No. 78N–2169). varicella-zoster virus serological reagents (Docket No. 78N–2210), and total spinal fluid immunological test systems (Docket No. 78N–2278). The classification for two devices was changed from class II to class III: herpes simplex virus serological reagents (Docket No. 78N–2170) and rubella virus serological reagents (Docket No. 78N–2192). The reasons for these changes are identified in the discussion under each of these six docket numbers. FDA does not believe that it is necessary to issue a new proposal concerning these changes. The purpose of publishing a proposal and soliciting comments is to enable the agency to determine whether its proposed classification of a device is correct. After reviewing the comments submitted on a proposal or after reconsideration, the agency may determine that its proposed classification is incorrect. Persons interested in the classification process should therefore anticipate that in a final regulation a device may be placed in a class different from the one originally proposed. This possibility was specifically identified in the proposed general provisions for immunology and microbiology devices (see 45 FR 27204; April 22, 1980). Persons who disagree with a final classification for a device may petition for reclassification of the device under Subpart C of Part 860 (21 CFR Part 860). Occasionally the agency has made minor changes in device names or identifications to clarify the final regulations. Additionally, the agency is adding an explanation in § 866.1 that references in Part 866 to other regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21, unless otherwise noted.

Changes in Device Advisory Committee Names

On April 28, 1978, the agency terminated all of the device classification panels, then reestablished them under new names and with a new structure. FDA published notices of these changes in the **Federal Register** of May 19, 1978 (43 FR 21666, 21667, and 21668) and May 26, 1978 (43 FR 22672 and 22673). The Immunology Device Classification Panel and the Microbiology Device Classification Panel were terminated, and their functions are now conducted by the Immunology Device Section and the Microbiology Device Section of the Immunology and Microbiology Devices Panel. Further, in the **Federal Register** of September 3, 1982 (47 FR 38883), FDA announced the establishment on August 5, 1982, of the Obstetrics-Gynecology Devices Panel and the Radiologic Devices Panel and the termination of the Obstetrics-Gynecology and Radiologic Devices Panel.

Classification Regulations Published to Date

The following table shows the current structure of the advisory committees involved with the classification of medical devices and a list of all proposed and final classification regulations published to date:

Panel/section name	Publication date in FEDERAL REGISTER
Circulatory Systems Devices Panel.	Mar. 9, 1979, 44 FR 13284–13434 (proposals); Feb. 5, 1980, 45 FR 7904–7971 (final regulations).
Clinical Chemistry and Hematology Devices Panel	
Clinical Chemistry Device Section.	Feb. 2, 1982, 47 FR 4802–4929 (proposals).
Clinical Toxicology Device Section.	Feb. 2, 1982, 47 FR 4802–4929 (proposals).
Hematology and Pathology Device Section.	Sept. 11, 1979, 44 FR 53063 (proposals); Sept. 12, 1980, 45 FR 60576–60651 (final regulations).
General Medical Devices Panel	
General Hospital and Personel Use Device Section.	Aug. 24, 1979, 44 FR 49844–49954 (proposals); Oct. 21, 1980, 45 FR 69678–69737 (final regulations).
Gastroenterology-Urology Device Section.	Jan. 23, 1981, 46 FR 7562–7641 (proposals).
Immunology and Microbiology Devices Panel	
Immunology Device Section.	Apr. 22, 1980, 45 FR 27204–27359 (proposals); Nov. 9, 1982 (final regulations)
Microbiology Device Section.	Apr. 22, 1980, 45 FR 27204–27359 (proposals); Nov. 9, 1982. (final regulations).
Obstetrics-Gynecology Devices Panel.	Apr. 3, 1979, 44 FR 19894–19971 (proposals); Feb. 26, 1980, 45 FR 12682–12720 (final regulations).
Radiologic Devices Panel	Jan. 29, 1982, 47 FR 4406–4451 (proposals).
Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel	
Ophthalmic Device Section.	Jan. 26, 1982, 47 FR 3694–3749. (proposals).
Ear, Nose, and Throat Device Section.	Jan 22, 1982, 47 FR 3280–3325 (proposals).
Dental Device Section	Dec. 30, 1980, 45 FR 85962–86168 (proposals).
Respiratory and Nervous System Devices Panel	
Anesthesiology Device Section.	Nov. 2, 1979, 44 FR 63292–63426 (proposals); July 16, 1982, 47 FR 31130–31150 (final regulations).
Neurological Device Section.	Nov. 23, 1978, 43 FR 54640–55732 (proposals); Sept. 4, 1979, 44 FR 51726–51778 (final regulations).
Surgical and Rehabilitation Devices Panel	
Physical Medicine Device Section.	Aug. 28, 1979, 44 FR 50458–50537 (proposals).
Orthopedic Device Section.	July 2, 1982, 47 FR 29052–29140 (proposals).
General and Plastic Surgery Device Section.	Jan. 19, 1982, 47 FR 2810–2853 (proposals).

Transitional Devices

The amendments included transitional provisions applicable to devices intended for human use that were declared to be new drugs or antibiotic drugs before enactment of the amendments. (See section 520(l)(1)(E) of the act (21 U.S.C. 360j(l)(1)(E).) The transitional provisions assure that devices formerly regarded as new drugs or antibiotic drugs continue to be subject to needed regulatory controls as the amendments are being implemented. A device previously considered a new drug is classified into class III unless the agency in response to a petition has reclassified it into class I or class II. FDA is including in this final rule provisions to codify the statutory classification into class III of the following 3 commercially distributed, transitional immunology and microbiology devices, which were the subject of the **Federal Register** notices on their former status as new drugs as listed below:

Device	Section; docket	Relevant notices
1. Oxidase screening test for gonorrhea	866.2420; 81N–0103	39 FR 3705; Jan. 29, 1974; 42 FR 63471; Dec. 16, 1977.
2. Gonococcal antibody test (GAT)	866.3290; 81N–0104	39 FR 3705; Jan. 29, 1974; 42 FR 63471; Dec. 16, 1977; 46 FR 28946; May 29, 1981.
3. Carcinoembryonic antigen (CEA) immunological test system as an aid in the detection and management of cancer.	866.6010; 81N–0102	38 FR 10488; Apr. 27, 1973; 45 FR 58964; Sept. 5, 1980.

There are, in addition, three other transitional immunological devices that are investigational and that are not in commercial distribution. Accordingly, these devices are not being made the subject of device classification regulations. These three devices are the alpha-1-fetoprotein, the Tennessee antigen, and the tissue polypeptide antigen immunological test systems when each is used as an aid in the detection and management of cancer.

Relevant notices were published in the **Federal Register** of April 27, 1973 (38 FR 10488) and September 5, 1980 (45 FR 58964). If FDA approves a premarket approval application for an investigational transitional device, the agency will publish a final classification regulation describing the device's statutory classification into class III.

As explained above, class III transitional devices that were previously considered new drugs are subject now to premarket approval.

Orders Issued in Response to Reclassification Petitions on Immunology Devices

In addition to classifying commercially marketed preamendments devices and issuing regulations describing the statutory classification of transitional devices, FDA also announces its decisions on reclassification petitions for devices first marketed after the enactment date of the amendments. Postamendments devices that are not substantially equivalent to devices marketed before the amendments are classified by statute into class III by action of section 513(f)(1) of the act without FDA rulemaking. In response to a petition received by FDA under section 513(f)(2) of the act and 21 CFR Part 860 of the regulations, FDA may reclassify a new device into class I or class II. The agency has received two such petitions concerning immunology devices. FDA is announcing the agency's decisions on the petitions. FDA also is issuing final regulations that describe the agency's reclassification of the devices that were subject of the petitions.

Petition 77P–0337; § 866.5240; Docket No. 78N–2235; Complement components immunological test system.

On June 28, 1977, FDA received petition 77P–0337 under section 513(f) of the act requesting that the agency reclassify the petitioner's "FIAX™ test kit for C3" from class III to class II. In the **Federal Register** (43 FR 5071) of February 7, 1978, FDA published the recommendation of the Immunology Device Section of the Immunology and Microbiology Devices Panel that the device be reclassified from class III to class II. The agency provided a period of 30 days for interested persons to submit written comments on the recommendation. No comments were received. FDA agreed with the panel's recommendation that the device be reclassified. In accordance with section 513(f)(2)(C)(i) of the act and 21 CFR 860.134(b)(6) of the regulations, FDA approved the petition and, by order in the form of a letter dated March 24, 1978 and sent to the petitioner, reclassified the device from class III to class II. Based upon additional findings of the panel, FDA advises that the device should be used in conjunction with other methods of diagnosis, such as observation of symptoms and examination of the patient's medical history.

FDA advises that the test kit for C3 reclassified into class II in response to the petition is included in the generic type of device in this final rule identified in § 866.5240 Complement components immunological test system (Docket No. 78N–2235). Accordingly, FDA announces the agency's decision on reclassification petition 77P–0337 as provided in 21 CFR 860.134(b)(7).

Petition 77P–0339; § 866.5100; Docket No. 78N–2225; Anti-nuclear antibody immunological test system.

On July 18, 1977, FDA received petition 77P–0339 under section 513(f) of the act requesting that the agency reclassify the petitioner's "FIAX ™ anti-DNA antibody test" from class III to class II. In the **Federal Register** of February 3, 1978 (43 FR 4680), FDA published the recommendation of the Immunology Device Section of the Immunology and Microbiology Devices Panel that the device be reclassified from class III to class II. The agency provided a period of 30 days for interested persons to submit written comments on the recommendation. The one comment received stated that the data used to support the petitioner's claim that its device was substantially equivalent to another manufacturer's commercially marketed preamendments anti-DNA antibody test kit shows that the petitioner's results were expressed in percent binding, while the preamendments device's results were reported in units of anti-DNA binding activity per milliliter. The comment said that because of the difference in the method used to report the test results from the petitioner's device, the petitioner had not demonstrated its device was substantially equivalent to the commercially marketed preamendments device.

FDA partially agrees with the comment. FDA agrees that the petitioner modified the method of reporting test results. However, FDA believes that the data submitted by the petitioner provided ample evidence that its device can discriminate between the disease and non-disease population and that this minor alteration does not significantly affect the clinical equivalence of its test results when compared with the results obtained using the preamendments device. Thus, FDA agreed with the panel's recommendation that the device be reclassified.

In accordance with section 513(f)(2)(C)(i) of the act and 21 CFR 860.134(b)(6) of the regulations, FDA approved the petition and, by order in the form of a letter dated April 12, 1978, and sent to the petitioner, reclassified the device from class III to class II. Based upon additional findings of the panel, FDA advises that the device should be used in conjunction with other methods of diagnosis, such as observation of symptoms, and examination of the patient's medical history.

FDA advises that the anti-DNA antibody test system reclassified into class II in response to the petition is included in the generic type of device in this final rule identified in § 866.5100 Anti-nuclear antibody immunological test system (Docket No. 78N–2225).

Accordingly, FDA announces the agency's decision on reclassification petition 77P–0339 as provided in 21 CFR 860.134(b)(7).

Related Regulations

In the **Federal Register** of September 7, 1982 (47 FR 39155), FDA amended the antibiotic drug and new animal drug regulations to exempt all classes of antibiotic drugs and antibiotic susceptibility devices from batch certification requirements. Certain devices identified in this final regulation to classify immunology and microbiology devices are antibiotic susceptibility devices: § 866.1620 Antimicrobial susceptibility test disc (Docket No. 78N–2114) and § 866.1640 Antimicrobial susceptibility test powder (Docket No. 78N–2115).

In a final report submitted to FDA by the Panel on Review of Blood and Blood Derivatives, the advisory panel questioned the value of the serological test for syphilis as a routine screening test for potential blood donors. The serological test for syphilis is included in the generic type of device identified in § 866.3820 *Treponema pallidum* nontreponemal test reagents. In the **Federal Register** of November 21, 1980 (45 FR 77134), FDA announced the availability of that panel report.

List of Immunology and Microbiology Devices and an Identification of Those Proposed Classification Regulations That Received Public Comments

The following is a list of immunology and microbiology devices being classified in this final regulation. The list shows the section of the Code of Federal Regulations under which the device classification is being codified, the docket number of the proposed classification regulation, the classification of each device, and a statement (yes or no) whether public comments were received on the proposed classification regulation. If no comments were received, the device is being classified as proposed.

Section	Device	Docket No.	Class	Comments
	Subpart B.—Diagnostic Devices			
866.1620	Antimicrobial susceptibility test disc	78N–2114	II	Yes.
866.1640	Antimicrobial susceptibility test powder	78N–2115	II	Yes.
866.1700	Culture medium for antimicrobial susceptibility tests	78N–2117	II	No.
	Subpart C—Microbiology Devices			
866.2050	Staphylococcal typing bacteriophage	78N–2118	I	Yes.
866.2120	Anaerobic chamber	78N–2119	I	No.
866.2160	Coagulase plasma	78N–2121	II	No.
866.2170	Automated colony counter	78N–2122	I	[illegible]
866.2180	Manual colony counter	78N–2123	I	No.
866.2300	Multipurpose culture medium	78N–2124	I	Yes.
866.2320	Differential culture medium	78N–2125	I	Yes.
866.2330	Enriched culture medium	78N–2126	I	Yes.
866.2350	Microbiological assay culture medium	78N–2127	I	Yes.
866.2360	Selective culture medium	78N–2128	I	Yes.
866.2390	Transport culture medium	78N–2129	I	Yes.
866.2410	Culture medium for pathogenic *Neisseria* spp.	78N–2130	II	No.
866.2420	Oxidase screening test for gonorrhea	81N–0103	III	(1)
866.2440	Automated medium dispensing and stacking device	78N–2131	I	No.
866.2450	Supplement for culture media	78N–2132	I	Yes.
866.2480	Quality control kit for culture media	78N–2133	I	Yes.
866.2500	Microtiter diluting and dispensing device	78N–2134	I	No.
866.2540	Microbiological incubator	78N–2135	I	No.
866.2560	Microbial growth monitor	78N–2136	I	No.
866.2580	Gas-generating device	78N–2137	I	No.
866.2600	Wood's fluorescent lamp	78N–2138	I	No.
866.2660	Microorganism differentiation and identification device	78N–2139	I	No.
866.2850	Automated zone reader	78N–2140	I	No.
866.2900	Microbiological specimen collection and transport device	78N–2141	I	No.
	Subpart D—Serological Reagents			
866.3010	*Acinetobacter calcoaceticus* serological reagents	78N–2281	I	No.
866.3020	Adenovirus serological reagents	78N–2142	I	No.
866.3035	*Arizona* spp. serological reagents	78N–2143	I	Yes.
866.3040	*Aspergillus* spp. serological reagents	78N–2144	I	Yes.
866.3060	*Blastomyces dermatitidis* serological reagents	78N–2145	II	No.
866.3065	*Bordetella* spp. serological reagents	78N–2146	I	No.
866.3085	*Brucella* spp. serological reagents	78N–2147	II	No.
866.3110	*Campylobacter fetus* serological reagents	78N–2149	I	Yes.
866.3120	Chlamydia serological reagents	78N–2150	I	No.
866.3125	*Citrobacter* spp. serological reagents	78N–2151	I	No.
866.3135	*Coccidioides immitis* serological reagents	78N–2152	II	No.
866.3140	*Corynebacterium* spp. serological reagents	78N–2153	I	Yes.
866.3145	Coxsackievirus serological reagents	78N–2154	I	No.
866.3165	*Cryptococcus neoformans* serological reagents	78N–2156	II	Yes.
866.3175	Cytomegalovirus serological reagents	78N–2157	II	Yes.
866.3200	*Echinococcus* spp. serological reagents	78N–2158	I	No.
866.3205	Echovirus serological reagents	78N–2159	I	No.
866.3220	*Entamoeba histolytica* serological reagents	78N–2160	II	No.
866.3235	Epstein-Barr Virus Serological reagents	78N–2162	I	No.
866.3240	Equine encephalomyelitis virus serological reagents	78N–2163	I	No.
866.3250	*Erysipelothrix rhusiopathiae* serological reagents	78N–2164	I	No.
866.3255	*Escherichia coli* serological reagents	78N–2165	I	No.
866.3270	*Flavobacterium* spp. serological reagents	78N–2166	I	No.
866.3280	*Francisella tularensis* serological reagents	78N–2167	II	No.
866.3290	Gonococcal antibody test (GAT)	81N–0103	III	(1)
866.3300	*Haemophilus* spp. serological reagents	78N–2169	II	Yes.
866.3305	Herpes simplex virus serological reagents	78N–2170	III	Yes.
866.3320	*Histoplasma capsulatum* serological reagents	78N–2173	II	No.
866.3330	Influenza virus serological reagents	78N–2174	I	No.
866.3340	*Klebsiella* spp. serological reagents	78N–2175	I	No.
866.3350	*Leptospira* spp. serological reagents	78N–2176	II	No.

Section	Device	Docket No.	Class	Comments
866.3356	*Listeria* spp. serological reagents	78N-2177	I	No
866.3360	Lymphocytic choriomeningitis virus serological reagents	78N-2178	I	No.
866.3370	*Mycobacterium tuberculosis* immunofluorescent reagents	78N-2179	I	No.
866.3375	*Mycoplasma* spp. serological reagents	78N-2180	I	No
866.3380	Mumps virus serological reagents	78N-2181	I	No.
866.3390	*Neisseria* spp. direct serological test reagents	78N-2182	II	No.
866.3400	Parainfluenza virus serological reagents	78N-2183	I	No.
866.3405	Poliovirus serological reagents	78N-2184	I	No.
866.3410	*Proteus* spp. (Weil-Felix) serological reagents	78N-2185	I	No.
866.3415	*Pseudomonas* spp. serological reagents	78N-2186	II	No.
866.3460	Rabiesvirus immunofluorescent reagents	78N-2187	II	No.
866.3470	Reovirus serological reagents	78N-2188	I	No.
866.3480	Respiratory syncytial virus serological reagents	78N-2189	I	No.
866.3490	Rhinovirus serological reagents	78N-2190	I	No.
866.3500	*Rickettsia* serological reagents	78N-2191	I	No.
866.3510	Rubella virus serological reagents	78N-2192	III	Yes.
866.3520	Rubeola (measles) virus serological reagents	78N-2193	I	No.
866.3550	*Salmonella* spp. serological reagents	78N-2194	II	No.
866.3600	*Schistosoma* spp. serological reagents	78N-2197	I	No.
866.3630	*Serratia* spp. serological reagents	78N-2198	I	No.
866.3660	*Shigella* spp. serological reagents	78N-2199	II	No.
866.3680	*Sporothrix schenckii* serological reagents	78N-2200	I	No.
866.3700	*Staphylococcus aureus* serological reagents	78N-2201	I	No.
866.3720	*Streptococcus* spp. exoenzyme reagents	78N-2202	II	Yes.
866.3740	*Streptococcus* spp. serological reagents	78N-2203	I	Yes.
866.3780	*Toxoplasma gondii* serological reagents	78N-2204	II	Yes.
866.3820	*Treponema pallidum* nontreponemal test reagents	78N-2206	II	No.
866.3830	*Treponema pallidum* treponemal test reagents	78N-2207	II	No.
866.3850	*Trichinella spiralis* serological reagents	78N-2208	I	No
866.3870	*Trypanosoma* spp. serological reagents	78N-2209	I	No
866.3900	Varicella-zoster virus serological reagents	78N-2210	II	Yes.
866.3930	*Vibrio cholerae* serological reagents	78N-2211	II	No.
	Subpart E.—Immunology Laboratory Equipment and Reagents			
866.4100	Complement reagent	78N-2212	I	No.
866.4500	Immunoelectrophoresis equipment	78N-2213	I	No.
866.4520	Immunofluorometer equipment	78N-2214	I	No.
866.4540	Immunonephelometer equipment	78N-2215	I	No.
866.4600	Ouchterlony agar plate	78N-2216	I	No.
866.4800	Radial immunodiffusion plate	78N-2217	I	No.
866.4830	Rocket immunoelectrophoresis equipment	78N-2218	I	No.
866.4900	Support gel	78N-2219	I	No.
	Subpart F.—Immunological Test Systems			
866.5040	Albumin immunological test system	78N-2220	II	No.
866.5060	Prealbumin immunological test system	78N-2221	I	No.
866.5065	Human allotypic marker immunological test system	78N-2222	I	Yes.
866.5080	*Alpha*-1-antichymotrypsin immunological test system	78N-2223	II	No.
866.5090	Antimitochondrial antibody immunological test system	78N-2224	II	No.
866.5100	Antinuclear antibody immunological test system	78N-2225	II	No.
866.5110	Antiparietal antibody immunological test system	78N-2226	II	No.
866.5120	Antismooth muscle antibody immunological test system	78N-2227	II	No.
866.5130	*Alpha*-1-antitrypsin immunological test system	78N-2228	II	No.
866.5150	Bence-Jones proteins immunological test system	78N-2229	II	No.
866.5160	*Beta*-globulin immunological test system	78N-2284	I	No.
866.5170	Breast milk immunological test system	78N-2230	I	No.
866.5200	Carbonic anhydrase B and C immunological test system	78N-2231	I	No.
866.5210	Ceruloplasmin immunological test system	78N-2232	II	No.
866.5220	Cohn fraction II immunological test system	78N-2233	I	No.
866.5230	Colostrum immunological test system	78N-2234	I	No.
866.5240	Complement components immunological test system	78N-2235	II	No.
866.5250	Complement C$_1$ inhibitor (inactivator) immunological test system	78N-2236	II	No.
866.5260	Complement C$_{3b}$ inactivator immunological test system	78N-2237	II	No.
866.5270	C-reactive protein immunological test system	78N-2238	II	Yes.
866.5320	Properdin factor B immunological test system	78N-2239	II	No.
866.5330	Factor XIII, A, S, immunological test system	78N-2240	I	No.
866.5340	Ferritin immunological test system	78N-2241	II	No.
866.5350	Fibrinopeptide A immunological test system	78N-2242	II	No.
866.5360	Cohn fraction IV immunological test system	78N-2243	I	No.
866.5370	Cohn fraction V immunological test system	78N-2244	I	No.
866.5380	Free secretory component immunological test system	78N-2245	II	No.
866.5400	*Alpha*-globulin immunological test system	78N-2246	I	No.
866.5420	*Alpha*-1-glycoproteins immunological test system	78N-2247	I	No.
866.5425	*Alpha*-2-glycoproteins immunological test system	78N-2248	I	No.
866.5430	*Beta*-2-glycoprotein I immunological test system	78N-2249	I	No.
866.5440	*Beta*-2-glycoprotein III immunological test system	78N-2250	I	No.
866.5460	Haptoglobin immunological test system	78N-2251	II	No.
866.5470	Hemoglobin immunological test system	78N-2252	II	No.
866.5490	Hemopexin immunological test system	78N-2254	II	No.
866.5500	Hypersensitivity pneumonitis immunological test system	78N-2255	II	No.
866.5510	Immunoglobulins A, G, M, D, and E immunological test system	78N-2256	II	No.
866.5520	Immunoglobulin G (Fab fragment specific) immunological test system	78N-2257	II	Yes.
866.5530	Immunoglobulin G (Fc fragment specific) immunological test system	78N-2258	II	No.
866.5540	Immunoglobulin G (Fd fragment specific) immunological test system	78N-2283	I	No.
866.5550	Immunoglobulin (light chain specific) immunological test system	78N-2259	II	No.
866.5560	Lactic dehydrogenase immunological test system	78N-2260	I	No.
866.5570	Lactoferrin immunological test system	78N-2261	I	No.
866.5580	*Alpha*-1-lipoprotein immunological test system	78N-2262	II	No.
866.5590	Lipoprotein X immunological test system	78N-2263	I	No.
866.5600	Low-density lipoprotein immunological test system	78N-2264	II	No.
866.5620	*Alpha*-2-macroglobulin immunological test system	78N-2265	II	No.
866.5630	*Beta*-2-microglobulin immunological test system	78N-2266	II	No.

Section	Device	Docket No.	Class	Comments
866.5640	Infectious mononucleosis immunological test system	78N–2267	II	No.
866.5660	Multiple autoantibodies immunological test system	78N–2268	II	No.
866.5680	Myoglobin immunological test system	78N–2269	II	No.
866.5700	Whole human plasma or serum immunological test system	78N–2270	I	No.
866.5715	Plasminogen immunological test system	78N–2271	I	No.
866.5735	Prothrombin immunological test system	78N–2272	I	No.
866.5750	Radioallergosorbent (RAST) immunological test system	78N–2273	II	No.
866.5765	Retinol-binding protein immunological test system	78N–2274	I	No.
866.5775	Rheumatoid factor immunological test system	78N–2275	II	No.
866.5800	Seminal fluid (sperm) immunological test system	78N–2276	I	No.
866.5820	Systemic lupus erythematosus immunological test system	78N–2277	II	No.
866.5860	Total spinal fluid immunological test system	78N–2278	II	Yes.
866.5870	Thyroid autoantibody immunological test system	78N–2279	II	No.
866.5880	Transferrin immunological test system	78N–2280	II	No.
866.5890	Inter-*alpha* trypsin inhibitor immunological test system	78N–2281	I	No.
	Subpart G—Tumor Associated Antigen Immunological Test Systems			
866.6010	Carcinoembryonic antigen (CEA) immunological test system as an aid in the detection and management of cancer		III	(1)

[1] Not proposed; statutory classification.

Summaries of Comments and FDA's Responses to Comments

1. Section 866.1620; Docket No. 78N–2114 (45 FR 27211); Antimicrobial susceptibility test disc; proposed class II.

Section 866.1640; Docket No. 78N–2115 (45 FR 27213); Antimicrobial susceptibility test powder; proposed class II.

Section 866.2050; Docket No. 78N–2118 (45 FR 27215); Staphylococcal typing bacteriophage; proposed class I.

Section 866.2300; Docket No. 78N–2124 (45 FR 27219); Multipurpose culture media; proposed class I.

Section 866.2320; Docket No. 78N–2125 (45 FR 27220); Differential culture media; proposed class I.

Section 866.2330; Docket No. 78N–2126 (45 FR 27221); Enriched culture media; proposed class I.

Section 866.2350; Docket No. 78N–2127 (45 FR 27222); Microbiological assay culture media; proposed class I.

Section 866.2360; Docket No. 78N–2128 (45 FR 27223); Selective culture media; proposed class I.

Section 866.2390; Docket No. 78N–2129 (45 FR 27223); Transport culture media; proposed class I.

Section 866.2450; Docket No. 78N–2132 (45 FR 27227); Supplement for culture media; proposed class I.

Section 866.2480; Docket No. 78N–2133 (45 FR 27227); Quality control kit for culture media; proposed class I.

Section 866.3035; Docket No. 78N–2143 (45 FR 27236); *Arizona* spp. serological reagents; proposed class I.

Section 866.3040; Docket No. 78N–2144 (45 FR 27237); *Aspergillus* spp. serological reagents; proposed class I.

Section 866.3110; Docket No. 78N–2149 (45 FR 27241); *Campylobacter fetus* serological reagents; proposed class I.

Section 866.3740; Docket No. 78N–2203 (45 FR 27286); *Streptococcus* spp. serological reagents; proposed class I.

On the proposals concerning the devices listed above, FDA received comments arguing that, because of the devices' clinical importance, those devices proposed for classification into class I should instead be classified into class II, and those devices proposed for classification into class II should instead be classified into class III. No additional data were provided in support of the comments.

FDA disagrees with the comments. The agency believes that the proposed regulations to classify those devices provided adequate support for their proposed classifications. Accordingly, the proposed regulations are being adopted as proposed, sometimes with minor clarifying changes.

2. Section 866.2300; Docket No. 78N–2124; Multipurpose culture media; proposed class I.

Section 866.2320; Docket No. 78N–2125; Differential culture media; proposed class I.

Section 866.2330; Docket No. 78N–2126; Enriched culture media; proposed class I.

Section 866.2360; Docket No. 78N–2128; Selective culture media; proposed class I.

Section 866.2390; Docket No. 78N–2129; Transport culture media; proposed class I.

In addition to the comments described above requesting that the classifications of the devices above be upgraded from those proposed due to the clinical importance of these devices, comments also suggested that the "ready to use" media listed above be classified into class II but that dried media products be in class I. No additional data were provided in support of this position.

FDA disagrees with the comments. The agency believes, however, that manufacturers, through improved labeling of these devices, should provide more information to users regarding the performance characteristics of the devices. Accordingly, except where other comments described below justified changes, the proposed regulations on the devices listed above are being adopted as proposed, sometimes with minor clarifying changes.

3. Section 866.2480; Docket No. 78N–2133; Quality control kit for culture media.

FDA published in the **Federal Register** (45 FR 27227) a proposed regulation to classify quality control kit for culture media into class I.

A comment requested that the identification of the device be expanded to include materials other than paper discs that are capable of serving as vehicles for lyophilized quality control organisms.

FDA agrees with the comment. The agency is broadening the identification of the device to include materials other than paper discs that are suitable as vehicles for lyophilized quality control organisms. Accordingly, the proposed regulation is being adopted with the necessary clarification in the identification of the device.

4. Section 866.3140; Docket No. 78N–2153; *Corynebacterium* spp. serological reagents.

FDA published in the **Federal Register** (45 FR 27244) a proposed regulation to classify *Corynebacterium* spp. serological reagents into class I. One comment was received on the proposal. The comment requested that the device be classified into class II instead of class I because of the need to differentiate the clinically important *Corynebacterium diphtheriae* from other nonpathogenic cornyeforms.

FDA disagrees with the comment. The agency recognizes the importance of being able to differentiate *Corynebacterium diphtheriae* from nonpathogenic coryneforms. However, the agency also recognizes that the diagnosis of disease caused by *Corynebacterium diphtheriae* more often depends upon diagnostic methods other than use of serological reagents, such as culture isolation, biochemical characterization, toxigenicity tests, and morphological examination. The agency believes that general controls for the device are sufficient to provide reasonable assurance of the safety and effectiveness of the device. Accordingly, the proposed regulation is being adopted with a minor clarifying change.

5. Section 866.3165; Docket No. 78N–2156; *Cryptococcus neoformans* serological reagents.

FDA published in the Federal Register (45FR 27246) a proposed regulation to classify *Cryptococcus neoformans* serological reagents into class II. One comment was received on the proposal. The comment recommended that the device be classified into class I. The comment noted that the recommendation of the device advisory panel that the device be classified into class II was based on a published report of unsatisfactory performance with some of these devices. The problems with these devices developed because users were required to perform a preliminary step on the applicable reagents before performing the test, i.e., the sensitization of the latex particles with *Cryptococcus neoformans* antibody. The comment noted that the current manufacturing procedures for this device have been modified to provide users with presensitized latex particles, thereby reducing the variability described in the report.

FDA partially agrees with the comment. With regard to the cited study, FDA agrees that the availability of completely manufactured reagents should reduce the observed variability of test results. However, because of the frequent reliance upon these serologic test results and the serious risk to health resulting from a misdiagnosis of cryptococcosis, FDA believes that a performance standard is necessary to assure the safety and effectiveness of these devices.

In addition, FDA notes that the identification in the proposed regulation for these devices stated that *Cryptococcus neoformans* serological reagents are devices that consist of antigens and antisera used in serological tests to identify *Cryptococcus neoformans* antibodies in serum. The words "and antisera" are erroneous and are deleted in the final rule. Accordingly, the proposed regulation is being adopted with this correction and minor clarifying changes.

6. Section 866.3175; Docket No. 78N–2157; Cytomegalovirus serological reagents.

FDA published in the Federal Register (45 FR 27248) a proposed regulation to classify cytomegalovirus serological reagents into class I. Two comments were received on the proposal. One comment requested that the device be classified into class III instead of class I based on the potential for fetal damage should infection with this virus occur during pregnancy. The second comment requested, for the same reasons, that the device be classified into class II instead of class I.

FDA partially agrees that the device should be more stringently regulated than had been proposed, but believes that performance standards, rather than premarket approval, will offer sufficient additional controls. On July 7, 1980, the agency had the comments considered by the Microbiology Device Section of the Immunology and Microbiology Devices Panel. The Section recommended that the device be classified into class II. The agency agrees with this recommendation.

Infection of humans with congenitally acquired cytomegalovirus is prevalent, but often asymptomatic. Because the antibody to this disease is often found in the general population, the diagnosis of the disease and its precise time of acute infection cannot always be established by serologic testing alone. Often other methods are used to provide a definitive diagnosis of cytomegalovirus infection. In cases where cytomegalovirus infection is diagnosed during pregnancy, it has been found that more than 95 percent of newborns that may have been infected in utero have no apparent disease at birth (Refs. 1, 2, and 3). The agency believes that general controls are insufficient to provide reasonable assurance of the safety and effectiveness of the device, but that premarket approval is not necessary to provide this assurance. Rather, performance standards are necessary to control the risks to health presented by the device and to assure the device has the desired sensitivity, specificity, and reproducibility. The agency believes that performance standards would provide resonable assurance of the safety and effectiveness of these devices. FDA also believes that sufficient reference materials, performance specifications, and evaluation methods are available to establish a performance standard for the device (Ref. 4).

Accordingly, FDA is changing the proposed regulation for cytomegalovirus serological reagents to reflect the change in classification from class I to class II and to make a minor clarifying change. For the reasons discussed above in "Changes in Classification in Final Regulations," FDA has decided that it is unnecessary to issue a new proposal concerning this decision.

7. Section 866.3300; Docket No. 78N–2168; *Haemophilus* spp. serological reagents.

FDA published in the Federal Register (45 FR 27257) a proposed regulation to classify *Haemophilus* spp. serological reagents into class I. One comment was received on the proposal. The comment requested that classification of the devices be changed from class I to class II based on the clinical importance of detecting *Haemophilus influenzae* in cases of infant meningitis.

FDA agrees with the comment. The agency believes that the *Haemophilus* spp. serological reagents identified in the proposed regulation should be classified into class II. The agency believes that performance standards are needed to assure that the devices have the necessary sensitivity, specificity, and reproducibility to detect *Haemophilus influenzae* accurately in cases of infant meningitis. The agency believes that performance standards will provide reasonable assurance of the safety and effectiveness of the devices. The agency also believes that there is sufficient information to establish a performance standard for these devices.

Accordingly, FDA is changing the proposed regulation for *Haemophilus* spp. serological reagents to reflect the change in classification from class I to class II and to make a minor clarifying change. For the reasons discussed above in "Changes in Classification in Final Regulations," FDA has decided that it is unnecessary to issue a new proposal concerning this decision.

8. Section 866.3305; Docket No. 78N–2170; Herpes simplex virus serological reagents.

FDA published in the Federal Register (45 FR 27258) a proposed regulation to classify herpes simplex virus serological reagents into class II. Three comments were received on the proposal. All three comments expressed concern about the risks to the health of newborn infants that are associated with infection with the herpes simplex virus. Two comments requested that class III controls be applied to this device because of these risks to health and because medical practitioners rely upon the accuracy of the test results to make important clinical decisions, such as whether or not to perform a cesarean section delivery of an infant. The third comment urged that, before performance standards are established, clinical data be obtained that compares the sensitivity and specificity of herpes simplex virus serological reagents with the accuracy of diagnosis of the infection by viral culture.

FDA agrees with the comments. On July 7, 1980, the agency had these comments considered by the Microbiology Device Section of the Immunology and Microbiology Devices Panel. The Section recommended that the direct fluorescent antibody reagents, as well as all reagents employed in more recently developed laboratory methods (e.g., enzyme immunoassays) of testing for herpes simplex virus antibodies in a patient's serum, be classified in class III. The agency agrees with this recommendation. FDA believes that, until performance standards are established and in effect for these devices, they should be classified into class III to control the risks to health that may result if these devices lack certain attributes, such as sensitivity specificity, or reproducibility.

The agency believes that the herpes simplex virus serological reagents are purported or represented to be for a use (detection of herpes simplex virus or its antibodies in specimens) which is of substantial importance in preventing impairment of human health. The agency believes that these devices present a potential unreasonable risk of illness or injury because failure to identify the virus or its antibodies may result in a serious risk to the health of the newborn infant. Incorrectly identifying the presence of herpes simplex virus may also cause a practitioner to perform an unnecessary cesarean section delivery of an infant. Premarket approval is necessary for the device because general controls and performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is insufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Accordingly, FDA is changing the proposed regulation for herpes simplex virus serological reagents to reflect the change in classification from class II to class III and to make a minor clarifying change. For the reasons discussed above in "Changes in Classification in Final Regulations," FDA has decided that it is unnecessary to issue a new proposal concerning this decision.

9. Section 866.3510; Docket No. 78N–2192; Rubella virus serological reagents.

FDA published in the **Federal Register** (45 FR 27277) a proposed regulation to classify rubella virus serological reagents into class II. Two comments were received on the proposal. Both comments requested that the classification of the device be changed from class II to class III. The requests were based on the risks to the health of the developing fetus that are associated with infections with this virus. Because irreversible medical decisions are often made on the basis of the diagnostic information derived from the use of this device, the comments suggested classification of the device into class III.

FDA agrees with the comments. Serological testing for rubella virus antibodies is often the only method available to diagnose a current rubella virus infection. A laboratory test showing a significant increase in rubella virus antibodies in serum in the first 10 weeks of pregnancy usually is associated with fetal infection. Additionally, on July 7, 1980, the agency had these comments considered by the Microbiology Device Section of the Immunology and Microbiology Devices Panel. The Section recommended that all reagents employed in the more recently developed laboratory methods for testing for rubella virus be classified into class III. The agency agrees with this recommendation and FDA is classifying into class III all of the rubella virus serological reagents, because the newer methods are based on the older methods. FDA believes that, until performance standards are established and in effect for these devices, they should be classified into class III to control the risks to health that may result if these devices lack certain attributes, such as sensitivity, specificity or reproducibility.

The agency believes that the rubella virus serological reagents are purported or represented to be for a use (identification of rubella virus antibodies in serum) which is of substantial importance in preventing impairment of human health. The agency believes that this device presents a potential unreasonable risk of illness or injury because of the serious therapeutic consequences that can follow inaccurate diagnosis. Premarket approval is necessary for the device because general controls and performance standards are insufficient to provide reasonable assurance of the safety and effectiveness of the device. FDA also believes that there is insufficient information to establish a standard to provide reasonable assurance of the safety and effectiveness of the device.

Accordingly, FDA is changing the proposed regulation for rubella virus serological reagents to reflect the change in classification from class II to class III and to make minor clarifying changes. For the reasons discussed above in "Changes in Classification in Final Regulations," FDA has decided that it is unnecessary to issue a new proposal concerning this decision.

10. Section 866.3720; Docket No. 78N–2202; *Streptococcus* spp. exoenzyme reagents.

FDA published in the **Federal Register** (45 FR 27286) a proposed regulation to classify *Streptococcus* spp. exoenzyme reagents into class II. One comment was received on the proposal. The comment requested that this device be classified into class I instead of class II. The request for change in classification was based on alleged misinterpretation by the reviewing Panel of test results published in the scientific articles cited in support of the proposed classification regulation for the device.

FDA disagrees with the comment. The agency has reviewed the scientific articles in question. FDA believes that the conclusions reached by the Panel and cited in the proposed regulation are valid, particularly those conclusions that suggest that the device lacks adequate sensitivity and has excessive lot-to-lot variations in performance. Therefore, the agency believes that performance standards are necessary to assure the safety and effectiveness of the device. Accordingly, the proposed regulation is being adopted without change.

11. Section 866.3780; Docket No. 78N–2204; *Toxoplasma gondii* serological reagents.

FDA published in the **Federal Register** (45 FR 27287) a proposed regulation to classify *Toxoplasma gondii* serological reagents into class II. One comment was received on the proposal. The comment requested that the device be classified into class III instead of class II because of the potential for fetal damage should infection with *Toxoplasma gondii* occur during pregnancy.

FDA disagrees with the comment. On July 7, 1980, the agency had the comment considered by the Microbiology Device Section of the Immunology and Microbiology Devices Panel. The Section recommended that the device be classified into class II as proposed. Congenitally acquired *Toxoplasma gondii* is prevalent, but that condition is often asymptomatic. Because the antibody to this disease is often found in the general population, the diagnosis of the disease and its precise time of acute infection cannot always be established by serologic testing alone. Often other methods are used to provide a definitive diagnosis of acute toxoplasmosis. The agency believes that the data and views presented in the proposed regulation for these devices adequately support their classification into class II. The agency also believes that performance standards would provide reasonable assurance of the safety and effectiveness of the device. FDA believes that sufficient reference materials, performance specifications, and evaluation methods are available to establish performance standards for these devices. Accordingly, the proposed regulation is being adopted with minor clarifying changes.

12. Section 866.3900; Docket No. 78N–2210; Varicella-zoster virus serological reagents.

FDA published in the **Federal Register** (45 FR 27293) a proposed regulation to classify varicella-zoster serological reagents into class I. One comment was received on the proposal. The comment requested that the device be classified into class III instead of class I because of the potential for fetal damage should infection with varicella-zoster virus occur during pregnancy.

FDA disagrees with the comment. On July 7, 1980, the agency had the comment considered by the Microbiology Device Section of the Immunology and Microbiology Devices Panel. The Section recommended that the device be classified into class II. FDA agrees with the recommendation. Although there is a potential risk to the fetus should infection with the varicella-zoster virus occur during pregnancy, in many cases there is no injury to the fetus due to a diagnosis of varicella-zoster virus infection during pregnancy. The agency believes that performance standards would provide reasonable assurance of the safety and effectiveness of the device and assure that the device has the desired sensitivity, specificity, and reproducibility. The agency also believes that sufficient reference materials, performance specifications, and evaluation methods are available to establish performance standards for these devices (Ref. 4).

Accordingly, FDA is changing the proposed regulation for varicella-zoster virus serological reagents to reflect the change in classification from class I to class II and to make a clarification in the name and identification of the device. For the reasons discussed above in "Changes in Classification in Final Regulations," FDA has decided that it is unnecessary to issue a new proposal concerning this decision.

13. Section 866.5065; Docket No. 78N–2222; Human allotypic marker immunological test system.

FDA published in the **Federal Register** (45 FR 27302) a proposed regulation to classify the human allotypic marker immunological test system into class I. One comment was received on the proposal. The comment stated that the majority of immunoglobulin allotypic reagents are used in forensic medicine and paternity testing and errors caused by incorrect specificity may be of legal significance. The comment suggested classification of the device into class II to provide a performance standard to reduce the chance of errors.

FDA disagrees with this comment. The agency believes that the data included in the proposed regulation and the intended use of the device supports classification into class I. Accordingly, the proposed regulation is being adopted with a minor clarifying change.

14. Section 866.5270; Docket No. 78N–2238; C-reactive protein immunological test system.

FDA published in the **Federal Register** (45 FR 27318) a proposed regulation to classify the C-reactive protein immunological test system into class II. One comment was received on the proposal. The comment alleged that tests for C-reactive protein are of little clinical usefulness and are rarely used in diagnosis of diseases. Therefore, the comment urged that C-reactive protein immunological test systems be in class I instead of class II.

FDA disagrees with this comment. The agency believes that tests for C-reactive protein measurement aid in the evaluation of the amount of injury to body tissues. FDA believes that a performance standard, that prescribes for this device acceptable ranges of accuracy, stability, precision, sensitivity, and specificity, is necessary to minimize any inaccurate diagnostic information. The agency believes that the intended use of the device supports its classification into class II. Accordingly, the proposed regulation is being adopted with minor clarifying changes.

15. Section 866.5520; Docket No. 78N–2257; Immunoglobulin G (Fab fragment specific) immunological test system.

FDA published in the **Federal Register** (45 FR 27336) a proposed regulation to classify the immunoglobulin G (Fab fragment specific) immunological test system into class II. One comment was received on the proposal. The comment suggested that an equally important and related device, the $F(ab')_2$, used in lymphocyte subpopulation identification, also be classified by FDA.

FDA disagrees with this comment. The agency believes that $F(ab')_2$ has been used only for research purposes and that the safety and effectiveness of the device in the diagnosis or treatment of human disease has not been established. Therefore, the classification of $F(ab')_2$ is inappropriate at this time. Because the comment did not address the proposed regulation to classify the immunoglobulin G (Fab fragment specific) immunological test system, the proposed regulation is being adopted with a minor clarifying change.

16. Section 866.5860; Docket No. 78N–2278; Total spinal fluid immunological test system.

FDA published in the **Federal Register** (45 FR 27356) a proposed regulation to classify the total spinal fluid immunological test system into class I. One comment was received on the proposal. The comment suggested that the device be classified into class II instead of class I because the sampling of spinal fluid alone involves significant patient risk and because this device is used in the diagnosis of various diseases of the nervous system, including multiple sclerosis, in addition to the uses of the device described in the proposed regulation.

FDA agrees with the comment. Although the agency believes that the risks to patients from collection of samples of spinal fluid alone would not be a basis for a change in the classification of the device, FDA agrees that measurement of spinal fluid proteins by immunochemical techniques has proven useful as an aid in the diagnosis of multiple sclerosis. Ratios of serum immunoglobulin I_gG and spinal fluid immunoglobulin I_gG in association with albumin levels may be important in diagnosis of other diseases of the nervous system. The agency believes that performance standards are necessary to assure the safety and effectiveness of the device and to assure the device has the desired sensitivity, specificity, and reproducibility. The agency also believes that there is sufficient information to establish a performance standard for these devices.

Accordingly, FDA is changing the proposed regulation for the total spinal fluid immunological test system to reflect the change in classification from class I to class II and to make a minor clarifying change. For the reasons discussed above in "Changes in Classification in Final Regulations," FDA has decided that it is unnecessary to issue a new proposal concerning this decision.

References

The following information has been placed in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen by interested persons from 9 a.m. to 4 p.m., Monday through Friday.

1. Melish, M. E. and J. B. Hanshaw, "Congenital Cytomegalovirus Infection: Developmental Progess of Infants Detected by Routine Screening," *American Journal of Diseases in Children,* 126:190–194, 1973.

2. Reynolds, D. W., et al., "Inapparent Congenital Cytomegalovirus Infection With Elevated Cord I_gM Levels, "*New England Journal of Medicine,* 290:219–296, 1974.

3. Starr, J. B., R. D. Bart, and E. Gold, "Inapparent Congenital Cytomegalovirus Infection," *New England Journal of Medicine,* 282:1075–1077, 1970.

4. "Specifications and Evaluation Methods for Immunological and Microbiological Reagents, "Vol. 2, 4th Ed., Center for Desease Control, Public Health Service, Department of Health and Human Services, BIII–1–11, 1974.

List of Subjects in 21 CFR Part 866

Immunology and microbiology devices, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 513, 520(1), 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 360j(1), 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Chapter I of Title 21 of the Code of Federal Regulations is amended by adding new Part 866, to read as follows:

PART 866—IMMUNOLOGY AND MICROBIOLOGY DEVICES

Subpart A—General Provisions

Sec.
866.1 Scope.

Subpart B—Diagnostic Devices

866.1620 Antimicrobial susceptibility test disc.
866.1640 Antimicrobial susceptibility test powder.
866.1700 Culture medium for antimicrobial susceptibility tests.

Subpart C—Microbiology Devices

866.2050 Staphylococcal typing bacteriophage.
866.2120 Anaerobic chamber.
866.2160 Coagulase plasma.
866.2170 Automated colony counter.
866.2180 Manual colony counter.
866.2300 Multipurpose culture medium.
866.2320 Differential culture medium.
866.2330 Enriched culture medium.
866.2350 Microbiological assay culture medium.
866.2360 Selective culture medium.
866.2390 Transport culture medium.
866.2410 Culture medium for pathogenic *Neisseria* spp.
866.2420 Oxidase screening test for gonorrhea.
866.2440 Automated medium dispensing and stacking device.
866.2450 Supplement for culture media.
866.2480 Quality control kit for culture media.
866.2500 Microtiter diluting and dispensing device.
866.2540 Microbiological incubator.
Sec.
866.2560 Microbial growth monitor.
866.2580 Gas-generating device.
866.2600 Wood's fluorescent lamp.
866.2660 Microorganism differentiation and identification device.
866.2850 Automated zone reader.
866.2900 Microbiological specimen collection and transport device.

Subpart D—Serological Reagents

866.3010 *Acinetobacter calcoaceticus* serological reagents.
866.3020 Adenovirus serological reagents.
866.3035 *Arizona* spp. serological reagents.
866.3040 *Aspergillus* spp. serological reagents.
866.3060 *Blastomyces dermatitidis* serological reagents.
866.3065 *Bordetella* spp. serological reagents.
866.3085 *Brucella* spp. serological reagents.
866.3110 *Campylobacter fetus* serological reagents.
866.3120 Chlamydia serological reagents.
866.3125 *Citrobacter* spp. serological reagents.
866.3135 *Coccidioides immitis* serological reagents.
866.3140 *Corynebacterium* spp. serological reagents.
866.3145 Coxsackievirus serological reagents.
866.3165 *Cryptococcus neoformans* serological reagents.
866.3175 Cytomegalovirus serological reagents.
866.3200 *Echinococcus* spp. serological reagents.
866.3205 Echovirus serological reagents.
866.3220 *Entamoeba histolytica* serological reagents.
866.3235 Epstein-Barr virus serological reagents.
866.3240 Equine encephalomyelitis virus serological reagents.
866.3250 *Erysipelothrix rhusiopathiae* serological reagents.
866.3255 *Escherichia coli* serological reagents.
866.3270 *Flavobacterium* spp. serological reagents.
866.3280 *Francisella tularensis* serological reagents.
866.3290 Gonococcal antibody test (GAT).
866.3300 *Haemophilus* spp. serological reagents.
866.3305 Herpes simplex virus serological reagents.
866.3320 *Histoplasma capsulatum* serological reagents.
866.3330 Influenza virus serological reagents.
866.3340 *Klebsiella* spp. serological reagents.
866.3350 *Leptospira* spp. serological reagents.
866.3355 *Listeria* spp. serological reagents.
866.3360 Lymphocytic choriomeningitis virus serological reagents.
866.3370 *Mycobacterium tuberculois* immunofluorescent reagents.
866.3375 *Mycoplasma* spp. serological reagents.
866.3380 Mumps virus serological reagents.
866.3390 *Neisseria* spp. direct serological test reagents.
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866.3400 Parainfluenza virus serological reagents.
866.3405 Poliovirus serological reagents.
866.3410 *Proteus* spp. (Weil-Felix) serological reagents.
866.3415 *Pseudomonas* spp. serological reagents.
866.3460 Rabiesvirus immunofluorescent reagents.
866.3470 Reovirus serological reagents.
866.3480 Respiratory syncytial virus serological reagents.
866.3490 Rhinovirus serological reagents.
866.3500 Rickettsia serological reagents.
866.3510 Rubella virus serological reagents.
866.3520 Rubeola (measles) virus serological reagents.
866.3550 *Salmonella* spp. serological reagents.
866.3600 *Schistosoma* spp. serological reagents.
866.3630 *Serratia* spp. serological reagents.
866.3660 *Shigella* spp. serological reagents.
866.3680 *Sporothrix schenckii* serological reagents.
866.3700 *Staphylococcus aureus* serological reagents.
866.3720 *Streptococcus* spp. exoenzyme reagents.
866.3740 *Streptococcus* spp. serological reagents.
866.3780 *Toxoplasma gondii* serological reagents.
866.3820 *Treponema pallidum* nontreponemal test reagents.
866.3830 *Treponema pallidum* treponemal test reagents.
866.3850 *Trichinella spiralis* serological reagents.
866.3870 *Trypansoma* spp. serological reagents.
866.3900 Varicella-zoster virus serological reagents.
866.3930 *Vibrio cholerae* serological reagents.

Subpart E—Immunology Laboratory Equipment and Reagents

866.4100 Complement reagent.
866.4500 Immunoelectrophoresis equipment.
866.4520 Immunofluorometer equipment.
866.4540 Immunonephelometer equipment.
866.4600 Ouchterlony agar plate.
866.4800 Radial immunodiffusion plate.
866.4830 Rocket immunoelectrophoresis equipment.
866.4900 Support gel.

Subpart F—Immunological Test Systems

866.5040 Albumin immunological test system.
866.5060 Prealbumin immunological test system.
866.5065 Human allotypic marker immunological test system.
866.5080 *Alpha*-1-antichymotrypsin immunological test system.
866.5090 Antimitochondrial antibody immunological test system.
866.5100 Antinuclear antibody immunological test system.
866.5110 Antiparietal antibody immunological test system.
866.5120 Antismooth muscle antibody immunological test system.

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866.5130 *Alpha*-1-antitrypsin immunological test system.
866.5150 Bence-Jones proteins immunological test system.
866.5160 *Beta-globulin* immunological test system.
866.5170 Breast milk immunological test system.
866.5200 Carbonic anhydrase B and C immunological test system.
866.5210 Ceruloplasmin immunological test system.
866.5220 Cohn fraction II immunological test system.
866.5230 Colostrum immunological test system.
866.5240 Complement components immunological test system.
866.5250 Complement C_1 inhibitor (inactivator) immunological test system.
866.5260 Complement C_{3b} inactivator immunological test system.
866.5270 C-reactive protein immunological test system.
866.5320 Properidin factor B immunological test system.
866.5330 Factor XIII, A, S, immunological test system.
866.5340 Ferritin immunological test system.
866.5350 Fibrinopeptide A immunological test system.
866.5360 Cohn fraction IV immunological test system.
866.5370 Cohn fraction V immunological test system.
866.5380 Free secretory component immunological test system.
866.5400 *Alpha*-globulin immunological test system.
866.5420 *Alpha*-1-glycoproteins immunological test system.
866.5425 *Alpha*-2-glycoproteins immunological test system.
866.5430 *Beta*-2-glycoprotein I immunological test system.
866.5440 *Beta*-2-glycoprotein III immunological test system.
866.5460 Haptoglobin immunological test system.
866.5470 Hemoglobin immunological test system.
866.5490 Hemopexin immunological test system.
866.5500 Hypersensitivity pneumonitis immunological test system.
866.5510 Immunoglobulins A, G, M, D, and E immunological test system.
866.5520 Immunoglobulin G (Fab fragment specific) immunological test system.
866.5530 Immunoglobulin G (Fc fragment specific) immunological test system.
866.5540 Immunoglobulin G (Fd fragment specific) immunological test system.
866.5550 Immunoglobulin (light chain specific) immunological test system.
866.5560 Lactic dehydrogenase immunological test system.
866.5570 Lactoferrin immunological test system.
866.5580 *Alpha*-1-lipoprotein immunological test system.
866.5590 Lipoprotein X immunological test system.
866.5600 Low-density lipoprotein immunological test system.
866.5620 *Alpha*-2-macroglobulin immunological test system.

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866.5630 *Beta*-2-microglobulin immunological test system.
866.5640 Infectious mononucleosis immunological test system.
866.5660 Multiple autoantibodies immunological test system.
866.5680 Myoglobin immunological test system.
866.5700 Whole human plasma or serum immunological test system.
866.5715 Plasminogen immunological test system.
866.5735 Prothrombin immunological test system.
866.5750 Radioallergosorbent (RAST) immunological test system.
866.5765 Retinol-binding protein immunological test system.
866.5775 Rheumatoid factor immunological test system.
866.5800 Seminal fluid (sperm) immunological test system.
866.5820 Systemic lupus erythematosus immunological test system.
866.5860 Total spinal fluid immunological test system.
866.5870 Thyroid autoantibody immunological test system.
866.5880 Transferrin immunological test system.
866.5890 Inter-*alpha* trypsin inhibitor immunological test system.

Subpart G—Tumor Associated Antigen Immunological Test Systems

866.6010 Carcinoembryonic antigen (CEA) immunological test system as an aid in the detection and management of cancer.

Authority: Secs. 513, 520(1), 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 360j(1), 371(a)).

Subpart A—General Provisions

§ 866.1 Scope.

(a) This part sets forth the classification of immunology and microbiology devices intended for human use that are in commercial distribution.

(b) The identification of a device in a regulation in this part is not a precise description of every device that is, or will be, subject to the regulation. A manufacturer who submits a premarket notification submission for a device under Part 807 cannot show merely that the device is accurately described by the section title and identification provisions of a regulation in this part, but shall state why the device is substantially equivalent to other devices, as required by § 807.87.

(c) References in this part to regulatory sections of the Code of Federal Regulations are to Chapter I of Title 21 unless otherwise noted.

Subpart B—Diagnostic Devices

§ 866.1620 Antimicrobial susceptibility test disc.

(a) *Identification.* An antimicrobial susceptibility test disc is a device that consists of antimicrobic-impregnated paper discs used to measure by a disc-agar diffusion technique or a disc-broth elution technique the in vitro susceptibility of most clinically important bacterial pathogens to antimicrobial agents. In the disc-agar diffusion technique, bacterial susceptibility is ascertained by directly measuring the magnitude of a zone of bacterial inhibition around the disc on an agar surface. The disc-broth elution technique is associated with an automated rapid susceptibility test system and employs a fluid medium in which susceptibility is ascertained by photometrically measuring changes in bacterial growth resulting when antimicrobial material is eluted from the disc into the fluid medium. Test results are used to determine the antimicrobial agent of choice in the treatment of bacterial diseases.

(b) *Classification.* Class II (performance standards).

§ 866.1640 Antimicrobial susceptibility test powder.

(a) *Identification.* An antimicrobial susceptibility test powder is a device that consists of an antimicrobial drug powder packaged in vials in specified amounts and intended for use in clinical laboratories for determining in vitro susceptibility of bacterial pathogens to these therapeutic agents. Test results are used to determine the antimicrobial agent of choice in the treatment of bacterial diseases.

(b) *Classification.* Class II (performance standards).

§ 866.1700 Culture medium for antimicrobial susceptibility tests.

(a) *Identification.* A culture medium for antimicrobial susceptibility tests is a device intended for medical purposes that consists of any medium capable of supporting the growth of many of the bacterial pathogens that are subject to antimicrobial susceptibility tests. The medium should be free of components known to be antagonistic to the common agents for which susceptibility tests are performed in the treatment of disease.

(b) *Classification.* Class II (performance standards).

Subpart C—Microbiology Devices

§ 866.2050 Staphylococcal typing bacteriophage.

(a) *Identification.* A staphylococcal typing bacteriophage is a device consisting of a bacterial virus intended for medical purposes to identify pathogenic staphylococcal bacteria through use of the bacteria's susceptibility to destruction by the virus.

Test results are used principally for the collection of epidemiological information.

(b) *Classification.* Class I (general controls).

§ 866.2120 Anaerobic chamber.

(a) *Identification.* An anaerobic chamber is a device intended for medical purposes to maintain an anaerobic (oxygen free) environment. It is used to isolate and cultivate anaerobic microorganisms.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in Subpart E of Part 807. The device also is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 866.2160 Coagulase plasma.

(a) *Identification.* Coagulase plasma is a device that consists of freeze-dried animal or human plasma that is intended for medical purposes to perform coagulase tests primarily on staphylococcal bacteria. When reconstituted, the fluid plasma is clotted by the action of the enzyme coagulase which is produced by pathogenic staphylococci. Test results are used primarily as an aid in the diagnosis of disease caused by pathogenic bacteria belonging to the genus *Staphylococcus* and provide epidemiological information on disease caused by these microorganisms.

(b) *Classification.* Class II (performance standards).

§ 866.2170 Automated colony counter.

(a) *Identification.* An automated colony counter is a mechanical device intended for medical purposes to determine the number of bacterial colonies present on a bacteriological culture medium contained in a petri plate. The number of colonies counted is used in the diagnosis of disease as a measure of the degree of bacterial infection.

(b) *Classification.* Class I (general controls).

§ 866.2180 Manual colony counter.

(a) *Identification.* A manual colony counter is a device intended for medical purposes that consists of a printed grid system superimposed on an illuminated screen. Petri plates containing bacterial colonies to be counted are placed on the screen for better viewing and ease of counting. The number of colonies counted is used in the diagnosis of disease as a measure of the degree of bacterial infection.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in Subpart E of Part 807. The device also is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 866.2300 Multipurpose culture medium.

(a) *Identification.* A multipurpose culture medium is a device that consists primarily of liquid or solid biological materials intended for medical purposes for the cultivation and identification of several types of pathogenic microorganisms without the need of additional nutritional supplements. Test results aid in the diagnosis of disease and also provide epidemiological information on diseases caused by these microorganisms.

(b) *Classification.* Class I (general controls).

§ 866.2320 Differential culture medium.

(a) *Identification.* A differential culture medium is a device that consists primarily of liquid biological materials intended for medical purposes to cultivate and identify different types of pathogenic microorganisms. The identification of these microorganisms is accomplished by the addition of a specific biochemical component(s) to the medium. Microorganisms are identified by a visible change (e.g., a color change) in a specific biochemical component(s) which indicates that specific metabolic reactions have occurred. Test results aid in the diagnosis of disease and also provide epidemiological information on diseases caused by these microorganisms.

(b) *Classification.* Class I (general controls).

§ 866.2330 Enriched culture medium.

(a) *Identification.* An enriched culture medium is a device that consists primarily of liquid or solid biological materials intended for medical purposes to cultivate and identify fastidious microorganisms (those having complex nutritional requirements). The device consists of a relatively simple basal medium enriched by the addition of such nutritional components as blood, blood serum, vitamins, and extracts of plant or animal tissues. The device is used in the diagnosis of disease caused by pathogenic microorganisms and also provides epidemiological information on these diseases.

(b) *Classification.* Class I (general controls).

§ 866.2350 Microbiological assay culture medium.

(a) *Identification.* A microbiological assay culture medium is a device that consists primarily of liquid or solid biological materials intended for medical purposes to cultivate selected test microorganisms in order to measure by microbiological procedures the concentration in a patient's serum of certain substances, such as amino acids, antimicrobial agents, and vitamins. The concentration of these substances is measured by their ability to promote or inhibit the growth of the test organism in the innoculated medium. Test results aid in the diagnosis of disease resulting from either deficient or excessive amounts of these substances in a patient's serum. Tests results may also be used to monitor the effects of the administration of certain antimicrobial drugs.

(b) *Classification.* Class I (general controls).

§ 866.2360 Selective culture medium.

(a) *Identification.* A selective culture medium is a device that consists primarily of liquid or solid biological materials intended for medical purposes to cultivate and identify certain pathogenic microorganisms. The device contains one or more components that suppress the growth of certain microorganisms while either promoting or not affecting the growth of other microorganisms. The device aids in the diagnosis of disease caused by pathogenic microorganisms and also provides epidemiological information on these diseases.

(b) *Classification.* Class I (general controls).

§ 866.2390 Transport culture medium.

(a) *Identification.* A transport culture medium is a device that consists of a semisolid, usually non-nutrient, medium that maintains the viability of suspected pathogens contained in patient specimens while in transit from the specimen collection area to the laboratory. The device aids in the diagnosis of disease caused by pathogenic microorganisms and also provides epidemiological information on these diseases.

(b) *Classification.* Class I (general controls).

§ 866.2410 Culture medium for pathogenic Neisseria spp.

(a) *Identification.* A culture medium for pathogenic *Neisseria* spp. is a device that consists primarily of liquid or solid biological materials used to cultivate and identify pathogenic *Neisseria* spp. The identification aids in the diagnosis of disease caused by bacteria belonging to the genus *Neisseria*, such as epidemic cerebrospinal meningitis, other meningococcal disease, and gonorrhea, and also provides epidemiological information on these microorganisms.

(b) *Classification.* Class II (performance standards).

§ 866.2420 Oxidase screening test for gonorrhea.

(a) *Identification.* An oxidase screening test for gonorrhea is an in vitro device that consists of the articles intended to identify by chemical reaction, cytochrome oxidase, an oxidizing enzyme that is associated with certain bacteria including *Neisseria gonorrhoeae*. A sample of a male's urethral discharge is obtained on a swab which is placed into a wetting agent containing an ingredient that will react with cytochrome oxidase. When cytochrome oxidase is present, the swab turns a dark purple color within 3 minutes. Because it is unlikely that cytochrome oxidase-positive organisms other than *Neisseria gonorrhoeae* are present in the urethral discharge of males, the identification of cytochrome oxidase with this device indicates presumptive infection of the patient with the causative agent of gonorrhea.

(b) *Classification.* Class III (premarket approval) (transitional device).

§ 866.2440 Automated medium dispensing and stacking device.

(a) *Identification.* An automated medium dispensing and stacking device is a device intended for medical purposes to dispense a microbiological culture medium into petri dishes and then mechanically stack the petri dishes.

(b) *Classification.* Class I (general controls). This device is exempt from the premarket notification procedures in Subpart E of Part 807. This device also is exempt from the good manufacturing practice regulation in Part 820, with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 866.2450 Supplement for culture media.

(a) *Identification.* A supplement for culture media is a device, such as a vitamin or sugar mixture, that is added to a solid or liquid basal culture medium to produce a desired formulation and that is intended for medical purposes to enhance the growth of fastidious microorganisms (those having complex nutritional requirements). This device aids in the diagnosis of diseases caused by pathogenic microorganisms.

(b) *Classification.* Class I (general controls).

§ 866.2480 Quality control kit for culture media.

(a) *Identification.* A quality control kit for culture media is a device that consists of paper discs (or other suitable materials), each impregnated with a specified, freeze-dried, viable microorganism, intended for medical purposes to determine if a given culture medium is able to support the growth of that microorganism. The device aids in the diagnosis of disease caused by pathogenic microorganisms and also provides epidemiological information on these diseases.

(b) *Classification.* Class I (general controls).

§ 866.2500 Microtiter diluting and dispensing device.

(a) *Identification.* A microtiter diluting an dispensing device is a mechanical device intended for medical purposes to dispense or serially dilute very small quantities of biological or chemical reagents for use in various diagnostic procedures.

(b) *Classification.* Class I (general controls).

§ 866.2540 Microbiological incubator.

(a) *Identification.* A microbiological incubator is a device with various chambers or water-filled compartments in which controlled environmental conditions, particularly temperature, are maintained. It is intended for medical purposes to cultivate microorganisms and aid in the diagnosis of disease.

(b) *Classification.* Class I (general controls). This device is exempt from premarket notification procedures in Subpart E of Part 807. The device also is exempt from the good manufacturing practice regulation in Part 820 with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198, with respect to complaint files.

§ 866.2560 Microbial growth monitor.

(a) *Identification.* A microbial growth monitor is a device intended for medical purposes that measures the concentration of bacteria suspended in a liquid medium by measuring changes in light scattering properties, optical density, electrical impedance, or by making direct bacterial counts. The device aids in the diagnosis of disease caused by pathogenic microorganisms.

(b) *Classification.* Class I (general controls).

§ 866.2580 Gas-generating device.

(a) *Identification.* A gas-generating device is a device intended for medical purposes that produces predetermined amounts of selected gases to be used in a closed chamber in order to establish suitable atmospheric conditions for cultivation of microorganisms with special atmospheric requirements. The device aids in the diagnosis of disease.

(b) *Classification.* Class I (general controls).

§ 866.2600 Wood's fluorescent lamp.

(a) *Identification.* A Wood's fluorescent lamp is a device intended for medical purposes to detect fluorescent materials (e.g., fluorescein pigment produced by certain microorganisms) as an aid in the identification of these microorganisms. The device aids in the diagnosis of disease.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in Subpart E of Part 807. The device also is exempt from the good manufacturing practice regulation in Part 820 with the exception of § 820.180, with respect to general requirements concerning records, and § 820.198 with respect to complaint files.

§ 866.2660 Microorganism differentiation and identification device.

(a) *Identification.* A microorganism differentiation and identification device is a device intended for medical purposes that consists of one or more components, such as differential culture media, biochemical reagents, and paper discs or paper strips impregnated with test reagents, that are usually contained in individual compartments and used to differentiate and identify selected microorganisms. The device aids in the diagnosis of disease.

(b) *Classification.* Class I (general controls).

§ 866.2850 Automated zone reader.

(a) *Identification.* An automated zone reader is a mechanical device intended for medical purposes to measure zone diameters of microbial growth inhibition (or exhibition), such as those observed on the surface of certain culture media used in disc-agar diffusion antimicrobial susceptibility tests. The device aids in decisionmaking respecting the treatment of disease.

(b) *Classification.* Class I (general controls).

§ 866.2900 Microbiological specimen collection and transport device.

(a) *Identification.* A microbiological specimen collection and transport device is a specimen collecting chamber intended for medical purposes to preserve the viability or integrity of microorganisms in specimens during storage of specimens after their collection and during their transport from the collecting area to the laboratory. The device may be labeled or otherwise represented as sterile. The device aids in the diagnosis of disease caused by pathogenic microorganisms.

(b) *Classification.* Class I (general controls).

Subpart D—Serological Reagents

§ 866.3010 Acinetobacter calcoaceticus serological reagents.

(a) *Identification. Acinetobacter calcoaceticus* serological reagents are devices that consist of *Acinetobacter calcoaceticus* antigens and antisera used to identify this bacterium from cultured isolates derived from clinical specimens. The identification aids in the diagnosis of disease caused by the bacterium *Acinetobacter calcoaceticus* and provides epidemiological information on disease caused by this microorganism. This organism becomes pathogenic in patients with burns or with immunologic deficiency, and infection can result in sepsis (blood poisoning).

(b) *Classification.* Class I (general controls).

§ 866.3020 Adenovirus serological reagents.

(a) *Identification.* Adenovirus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to adenovirus in serum. Additionally, some of these reagents consist of adenovirus antisera conjugated with a fluorescent dye and are used to identify adenoviruses directly from clinical specimens. The identification aids in the diagnosis of disease caused by adenoviruses and provides epidemiological information on these diseases. Adenovirus infections may cause pharyngitis (inflammation of the throat), acute respiratory diseases, and certain external diseases of the eye (e.g., conjunctivitis).

(b) *Classification.* Class I (general controls).

§ 866.3035 Arizona spp. serological reagents.

(a) *Identification. Arizona* spp. serological reagents are devices that consist of antisera and antigens used to identify *Arizona* spp. in cultured isolates derived from clinical specimens. The identification aids in the diagnosis of disease caused by bacteria belonging to the genus *Arizona* and provides epidemiological information on diseases caused by these microorganisms. *Arizona* spp. can cause gastroenteritis (food poisoning) and sepsis (blood poisoning).

(b) *Classification.* Class I (general controls).

§ 866.3040 Aspergillus spp. serological reagents.

(a) *Identification. Aspergillus* spp. serological reagents are devices that consist of antigens and antisera used in various serological tests to identify antibodies to *Aspergillus* spp. in serum. The identification aids in the diagnosis of aspergillosis caused by fungi belonging to the genus *Aspergillus*. Aspergillosis is a disease marked by inflammatory granulomatous (tumor-like) lessions in the skin, ear, eyeball cavity, nasal sinuses, lungs, and occasionally the bones.

(b) *Classification.* Class I (general controls).

§ 866.3060 Blastomyces dermatitidis serological reagents.

(a) *Identification. Blastomyces dermatitidis* serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to *Blastomyces determatitidis* in ssrum. The identification aids in the diagnosis of blastomycosis caused by the fungus *Blastomyces dermatitidis*. Blastomycosis is a chronic granulomatous (tumor-like) disease, which may be limited to the skin or lung or may be widely disseminated in the body resulting in lesions of the bones, liver, spleen, and kidneys.

(b) *Classification.* Class II (performance standards).

§ 866.3065 Bordetella spp. serological reagents.

(a) *Identification. Bordetella* spp. serological reagents are devices that consist of antigens and antisera, including antisera conjugated with a fluorescent dye, used in serological tests to identify *Bordetella* spp. from cultured isolates or directly from clinical specimens. The identification aids in the diagnosis of diseases caused by bacteria belonging to the genus *Bordetella* and provides epidemiological information on these diseases. *Bordetella* spp. cause whooping cough (*Bordetella pertussis*) and other similiarly contagious and acute respiratory infections characterized by pneumonitis (inflammation of the lungs).

(b) *Classification.* Class I (general controls).

§ 866.3085 Brucella spp. serological reagents.

(a) *Identification. Brucella* spp. serological reagents are devices that consist of antigens and antisera used for serological identification of *Brucella* spp. from cultured isolates derived from clinical specimens or to identify antibodies to *Brucella* spp. in serum. Additionally, some of these reagents consist of antisera conjugated with a fluorescent dye (immunofluorescent reagents) used to identify *Brucella* spp. directly from clinical specimens or cultured isolates derived from clinical specimens. The identification aids in the diagnosis of brucellosis (e.g., undulant fever, Malta fever) caused by bacteria belonging to the genus *Brucella* and provides epidemiological information on diseases caused by these microorganisms.

(b) *Classification.* Class II (performance standards).

§ 866.3110 Campylobacter fetus serological reagents.

(a) *Identification. Campylobacter fetus* serological reagents are devices that consist of antisera conjugated with a fluorescent dye used to identify *Campylobacter fetus* from clinical specimens or cultured isolates derived from clinical specimens. The identification aids in the diagnosis of diseases caused by this bacterium and provides epidemiological information on these diseases. *Campylobacter fetus* is a frequent cause of abortion in sheep and cattle and is sometimes responsible for endocarditis (inflammation of certain membranes of the heart) and enteritis (inflammation of the intestines) in humans.

(b) *Classification.* Class I (general controls).

§ 866.3120 Chlamydia serological reagents.

(a) *Identification.* Chlamydia serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to chlamydia in serum. Additionally, some of these reagents consist of chlamydia antisera conjugated with a fluorescent dye used to identify chlamydia directly from clinical specimens or cultured isolates derived from clinical specimens. The identification aids in the diagnosis of disease caused by bacteria belonging to the genus *Chlamydia* and provides epidemiological information on these diseases. Chlamydia are the causative agents of psittacosis (a form of pneumonia), lymphogranuloma venereum (a venereal disease), and trachoma (a chronic disease of the eye and eyelid).

(b) *Classification.* Class I (general controls).

§ 866.3125 Citrobacter spp. serological reagents.

(a) *Identification. Citrobacter* spp. serological reagents are devices that consist of antigens and antisera used in serological tests to identify *Citrobacter* spp. from cultured isolates derived from clinical specimens. The identification aids in the diagnosis of disease caused by bacteria belonging to the genus *Citrobacter* and provides epidemiological information on diseases caused by these microorganisms. *Citrobacter* spp. have occasionally been associated with urinary tract infections.

(b) *Classification.* Class I (general controls).

§ 866.3135 Coccidioides immitis serological reagents.

(a) *Identification. Coccidioides immitis* serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to *Coccidioides immitis* in serum. The identification aids in the diagnosis of coccidioidomycosis caused by a fungus belonging to the genus *Coccidioides* and provides epidemiological information on diseases caused by this microorganism. An infection with *Coccidioides immitis* produces symptoms varying in severity from those accompanying the common cold to those of influenza.

(b) *Classification.* Class II (performance standards).

§ 866.3140 Corynebacterium spp. serological reagents.

(a) *Identification. Corynebacterium* spp. serological reagents are devices that consist of antisera conjugated with a fluorescent dye used to identify *Corynebacterium* spp. from clinical specimens. The identification aids in the diagnosis of disease caused by bacteria belonging to the genus *Corynebacterium* and provides epidemiological information on diseases caused by these microorganisms. The principal human pathogen of this genus, *Corynebacterium diphtheriae,* causes diphtheria. However, many other types of corynebacteria form part of the normal flora of the human respiratory tract, other mucus membranes, and skin, and are either nonpathogenic or have an uncertain role.

(b) *Classification.* Class I (general controls).

§ 866.3145 Coxsackievirus serological reagents.

(a) *Identification.* Coxsackievirus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to coxsackievirus in serum. Additionally, some of these reagents consist of coxsackievirus antisera conjugated with a fluorescent dye that are used to identify coxsackievirus from clinical specimens or from tissue culture isolates derived from clinical specimens. The identification aids in the diagnosis of coxsackievirus infections and provides epidemiological information on diseases caused by these viruses. Coxsackieviruses produce a variety of infections, including common colds, meningitis (inflammation of brain and spinal cord membranes), herpangina (brief fever accompanied by ulcerated lesions of the throat), and myopericarditis (inflammation of heart tissue).

(b) *Classification.* Class I (general controls).

§ 866.3165 Cryptococcus neoformans serological reagents.

(a) *Identification. Cryptococcus neoformans* serological reagents are devices that consist of antigens used in serological tests to identify antibodies to *Cryptococcus neoformans* in serum. Additionally, some of these reagents consist of antisera conjugated with a fluorescent dye (immunofluorescent reagents) and are used to identify *Cryptococcus neoformans* directly from clinical specimens or from cultured isolates derived from clinical specimens. The identification aids in the diagnosis of cryptococcosis and provides epidemiological information on this type of disease. Cryptococcosis infections are found most often as chronic meningitis (inflammation of brain membranes) and, if not treated, are usually fatal.

(b) *Classification.* Class II (performance standards).

§ 866.3175 Cytomegalovirus serological reagents.

(a) *Identification.* Cytomegalovirus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to cytomegalovirus in serum. The identification aids in the diagnosis of diseases caused by cytomegaloviruses (principally cytomegalic inclusion disease) and provides epidemiological information on these diseases. Cytomegalic inclusion disease is a generalized infection of infants and is caused by intrauterine or early postnatal infection with the virus. The disease may cause severe congenital abnormalities, such as microcephaly (abnormal smallness of the head), motor disability, and mental retardation. Cytomegalovirus infection has also been associated with acquired hemolytic anemia, acute and chronic hepatitis, and an infectious mononucleosis-like syndrome.

(b) *Classification.* Class II (performance standards).

§ 866.3200 Echinococcus spp. serological reagents.

(a) *Identification. Echinococcus* spp. serological reagents are devices that consist of *Echinococcus* spp. antigens and antisera used in serological tests to identify antibodies to *Echinococcus* spp. in serum. The identification aids in the diagnosis of echinococcosis, caused by parasitic tapeworms belonging to the genus *Echinococcus* and provides epidemiological information on this disease. Echinococcosis is characterized by the development of cysts in the liver, lung, kidneys, and other organs formed by the larva of the infecting organisms.

(b) *Classification.* Class I (general controls).

§ 866.3205 Echovirus serological reagents.

(a) *Identification.* Echovirus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to echovirus in serum. Additionally, some of these reagents consist of echovirus antisera conjugated with a fluorescent dye used to identify echoviruses from clinical specimens or from tissue culture isolates derived from clinical specimens. The identification aids in the diagnosis of echovirus infections and provides epidemiological information on diseases caused by these viruses. Echoviruses cause illnesses such as meningitis (inflammation of the brain and spinal cord membranes), febrile illnesses (accompanied by fever) with or without rash, and the common cold.

(b) *Classification.* Class I (general controls).

§ 866.3220 Entamoeba histolytica serological reagents.

(a) *Identification. Entamoeba histolytica* serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to *Entamoeba histolytica* in serum. Additionally, some of these reagents consist of antisera conjugated with a fluorescent dye (immunofluorescent reagents) used to identify *Entamoeba histolytica* directly from clinical specimens. The identification aids in the diagnosis of amebiasis caused by the microscopic protozoan parasite *Entamoeba histolytica* and provides epidemiological information on diseases caused by this parasite. The parasite may invade the skin, liver, intestines, lungs, and diaphragm, causing disease conditions such as indolent ulcers, an amebic hepatitis, amebic dysentery, and pulmonary lesions.

(b) *Classification.* Class I (performance standards).

§ 866.3235 Epstein-Barr virus serological reagents.

(a) *Identification.* Epstein-Barr virus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to Epstein-Barr virus in serum. The identification aids in the diagnosis of Epstein-Barr virus infections and provides epidemiological information on diseases caused by these viruses. Epstein-Barr viruses are thought to cause infectious mononucleosis and have been associated with Burkitt's lymphoma (a tumor of the jaw in African children and young adults) and postnasal carcinoma (cancer).

(b) *Classification.* Class I (general controls).

§ 866.3240 Equine encephalomyelitis virus serological reagents.

(a) *Identification.* Equine encephalomyelitis virus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antobodies to equine encephalomyelitis virus in serum. The identification aids in the diagnosis of diseases caused by equine encephalomyelitis viruses and provides epidemiological information on these viruses. Equine encephalomyelitis viruses are transmitted to humans by the bite of insects, such as mosquitos and ticks, and may cause encephalitis (inflammation of the brain), rash, acute arthritis, or hepatitis.

(b) *Classification.* Class I (general controls).

§ 866.3250 Erysipelothrix rhusiopathiae serological reagents.

(a) *Identification. Erysipelothrix rhusiopathiae* serological reagents are devices that consist of antigens and antisera used in serological tests to identify *Erysipelothrix rhusiopathiae* from cultured isolates derived from clinical specimens. The identification aids in the diagnosis of disease caused by this bacterium belonging to the genus *Erysipelothrix.* This organism is responsible for a variety of inflammations of the skin following skin abrasions from contact with fish, shellfish, or poultry.

(b) *Classification.* Class I (general controls).

§ 866.3255 Escherichia coli serological reagents.

(a) *Identification. Escherichia coli* serological reagents are devices that consist of antigens and antisera used in serological tests to identify *Escherichia coli* from cultured isolates derived from clinical specimens. Additionally, some of these reagents consist of *Escherichia coli* antisera conjugated with a fluorescent dye used to identify *Escherichia coli* directly from clinical specimens or cultured isolates derived from clinical specimens. The identification aids in the diagnosis of diseases caused by this bacterium belonging to the genus *Escherichia,* and provides epidemiological information on deseased causes by this microorganism. Although *Escherichia coli* constitutes the greater part of the microorganisms found in the intestinal tract in humans and is usually nonpathogenic, those strains which are pathogenic may cause urinary tract infections or epidemic diarrheal disease, especially in children.

(b) *Classification.* Class I (general controls).

§ 866.3270 Flavobacterium spp. serological reagents.

(a) *Identification. Flavobacterium* spp. serological reagents are devices that consist of antigens and antisera used in serological tests to identify *Flavobacteriuim* spp. from cultured isolates derived from clinical specimens. The identification aids in the diagnosis of disease caused by bacteria belonging to the genus *Flavobacterium* and provides epidemiological information on diseases caused by these microorganisms. Most members of this genus are found in soil and water and, under certain conditions, may become pathogenic to humans. *Flavobacterium meningosepticum* is highly virulent for the newborn, in whom it may cause epidemics of septicemia (blood poisoning) and meningitis (inflammation of the membranes of the brain) and is usually attributable to contaminated hospital equipment.

(b) *Classification.* Class I (general controls).

§ 866.3280 Francisella tularensis serological reagents.

(a) *Identification. Francisella tularensis* serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to *Francisella tularensis* in serum or to identify *Francisella tularensis* in cultured isolates derived from clinical specimens. Additionally, some of these reagents consist of antisera conjugated with a fluorescent dye (immunofluorescent reagents) used to identify *Francisella tularensis* directly from clinical specimens. The identification aids in the diagnosis of tularemia caused by *Francisella tularensis* and provides epidemiological information on this disease. Tularemia is a desease principally of rodents, but may be transmitted to humans through handling of infected animals, animal products, or by the bites of fleas and ticks. The disease takes on several forms depending upon the site of infection, such as skin lesions, lymph node enlargements, or pulmonary infection.

(b) *Classification.* Class II (performance standards).

§ 866.3290 Gonococcal antibody test (GAT).

(a) *Identification.* A gonococcal antibody test (GAT) is an in vitro device that consists of the reagents intended to identify by immunochemical techniques, such as latex agglutination, indirect fluorescent antibody, or radioimmunoassay, antibodies to *Neisseria gonorrhoeae* in sera of asymptomatic females at low risk of infection. Identification of antibodies with this device may indicate past or present infection of the patient with *Neisseria gonorrhoeae.*

(b) *Classification.* Class III (premarket approval) (transitional device).

§ 866.3300 Haemophilus spp. serological reagents.

(a) *Identification. Haemophilus* spp. serological reagents are devices that consist of antigens and antisera, including antisera conjugated with a fluorescent dye, that are used in serological tests to identify *Haemophilus* spp. directly from clinical specimens or tissue culture isolates derived from clinical specimens. The identification aids in the diagnosis of diseases caused by bacteria belonging to the genus *Haemophilus* and provides epidemiological information on diseases cause by these microorganisms. Diseases most often caused by *Haemophilus* spp. include pneumonia, pharyngitis, sinusitis, vaginitis, chancroid venereal desease, and a contagious form of conjunctivitis (inflammation of eyelid membranes).

(b) *Classification.* Class II (performance standards).

§ 866.3305 Herpes simplex virus serological reagents.

(a) *Identification.* Herpes simplex virus serological reagents are devices that consist of antigens and antisera used in various serological tests to identify antibodies to herpes simplex virus in serum. Additionally, some of the reagents consist of herpes simplex virus antisera conjugated with a fluorescent dye (immunofluorescent reagents) used to identify herpes simplex virus directly from clinical specimens or tissue culture isolates derived from clinical specimens. The identification aids in the diagnosis of diseases caused by herpes simplex viruses and provides epidemiological information on these diseases. Herpes simplex viral infections range from common and mild lesions of the skin and mucous membranes to a severe form of encephalitis (inflammation of the brain). Neonatal herpes virus infections range from an mild infection to a severe generalized disease with a fatal outcome.

(b) *Classification.* Class III (premarket approval).

§ 866.3320 Histoplasma capsulatum serological reagents.

(a) *Identification. Histoplasma capsulatum* serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to *Histoplasma capsulatum* in serum. Additionally, some of these reagents consist of *Histoplasma capsulatum* antisera conjugated with a fluorescent dye (immunofluorescent reagents) used to identify *Histoplasma capsulatum* from clinical specimens or cultured isolates derived from clinical specimens. The identification aids in the diagnosis of histoplasmosis caused by this fungus belonging to the genus *Histoplasma* and provides epidemiological information on the diseases caused by this fungus. Histoplasmosis usually is a mild and often asymptomatic respiratory infection, but in a small number of infected individuals the lesions may spread to practically all tissues and organs.

(b) *Classification.* Class II (performance standards).

§ 866.3330 Influenza virus serological reagents.

(a) *Identification.* Influenza virus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to influenza in serum. The identification aids in the diagnosis of influenza (flu) and provides epidemiological information on influenza. Influenza is an acute respiratory tract disease, which is often epidemic.

(b) *Classification.* Class I (general controls).

§ 866.3340 Klebsiella spp. serological reagents.

(a) *Identification. Klebsiella* spp. serological reagents are devices that consist of antigens and antisera, including antisera conjugated with a fluorescent dye (immunofluorescent reagents), that are used in serological tests to identify *Klebsiella* spp. from cultured isolates derived from clinical specimens. The identification aids in the diagnosis of diseases caused by bacteria belonging to the genus *Klebsiella* and provides epidemiological information on these diseases. These organisms can cause serious urinary tract and pulmonary infections, particularly in hospitalized patients.

(b) *Classification.* Class I (general controls).

§ 866.3350 Leptospira spp. serological reagents.

(a) *Identification. Leptospira* spp. serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to *Leptospira* spp. in serum or identify *Leptospira* spp. from cultured isolates derived from clinical specimens. Additionally, some of these antisera are conjugated with a fluorescent dye (immunofluorescent reagents) and used to identify *Leptospira* spp. directly from clinical specimens. The identification aids in the diagnosis of leptospirosis caused by bacteria belonging to the genus *Leptospira* and provides epidemiological information on this disease. *Leptospira* infections range from mild fever-producing illnesses to severe liver and kidney involvement producing hemorrhage and dysfunction of these organs.

(b) *Classification.* Class II (performance standards).

§ 866.3355 Listeria spp. serological reagents.

(a) *Identification. Listeria* spp. serological reagents are devices that consist of antigens and antisera used in serological tests to identify *Listeria* spp. from cultured isolates derived from clinical specimens. Additionally, some of these reagents consist of *Listeria* spp. antisera conjugated with a fluorescent dye (immunofluorescent reagents) used to identify *Listeria* spp. directly from clinical specimens. The identification aids in the diagnosis of listeriosis, a disease caused by bacteria belonging to the genus *Listeria*, and provides epidemiological information on diseases caused by these microorganisms. *Listeria monocytogenes*, the most common human pathogen of this genus, causes meningitis (inflammation of the brain membranes) and meningoencephalitis (inflammation of the brain and brain membranes) and is often fatal if untreated. A second form of human listeriosis is an intrauterine infection in pregnant women that results in a high mortality rate for infants before or after birth.

(b) *Classification.* Class I (general controls).

§ 866.3360 Lymphocytic choriomeningitis virus serological reagents.

(a) *Identification.* Lymphocytic choriomeningitis virus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to lymphocytic choriomeningitis virus in serum. The identification aids in the diagnosis of lymphocytic choriomeningitis virus infections and provides epidemiological information on diseases caused by these viruses. Lymphocytic choriomeningitis viruses usually cause a mild cerebral meningitis (inflammation of membranes that envelop the brain) and occasionally a mild pneumonia, but in rare instances may produce severe and even fatal illnesses due to complications from cerebral meningitis and pneumonia.

(b) *Classification.* Class I (general controls).

§ 866.3370 Mycobacterium tuberculosis immunofluorescent reagents.

(a) *Identification. Mycobacterium tuberculosis* immunofluorescent reagents are devices that consist of antisera conjugated with a fluorescent dye used to identify *Mycobacterium tuberculosis* directly from clinical specimens. The identification aids in the diagnosis of tuberculosis and provides epidemiological information on this disease. *Mycobacterium tuberculosis* is the common causative organism in human tuberculosis, a chronic infectious disease characterized by formation of tubercles (small rounded nodules) and tissue necrosis (destruction), usually occurring in the lung.

(b) *Classification.* Class I (general controls).

§ 866.3375 Mycoplasma spp. serological reagents.

(a) *Identification. Mycoplasma* spp. serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to *Mycoplasma* spp. in serum. Additionally, some of these reagents consist of *Mycoplasma* spp. antisera conjugated with a fluorescent dye (immunofluorescent reagents) used to identify *Mycoplasma* spp. directly from clinical specimens. The identification aids in the diagnosis of disease caused

immune status from past infections or immunizations and provides

tissue around deposited eggs of the parasite in the liver, lungs, and central

intestine) producing staphylococci from cultured isolates. The identification aids by bacteria belonging to the genus *Mycoplasma* and provides epidemiological information on diseases caused by these microorganisms. *Mycoplasma* spp. are associated with inflammatory conditions of the urinary and respiratory tracts, the genitals, and the mouth. The effects in humans of infection with *Mycoplasma pneumoniae* range from inapparent infection to mild or severe upper respiratory disease, ear infection, and bronchial pneumonia.

(b) *Classification.* Class I (general controls).

§ 866.3380 Mumps virus serological reagents.

(a) *Identification.* Mumps virus serological reagents consist of antigens and antisera used in serological tests to identify antibodies to mumps virus in serum. Additionally, some of these reagents consist of antisera conjugated with a fluorescent dye (immunofluorescent reagents) used in serological tests to identify mumps viruses from tissue culture isolates derived from clinical specimens. The identification aids in the diagnosis of mumps and provides epidemiological information of mumps. Mumps is an acute contagious disease, particularly in children, characterized by an enlargement of one or both of the parotid glands (glands situated near the ear), although other organs may also be involved.

(b) *Classification.* Class I (general controls).

§ 866.3390 Neisseria spp. direct serological test reagents.

(a) *Identification. Neisseria* spp. direct serological test reagents are devices that consist of antigens and antisera used in serological tests to identify *Neisseria* spp. from cultured isolates. Additionally, some of these reagents consist of *Neisseria* spp. antisera conjugated with a fluorescent dye (immunofluorescent reagents) which may be used to detect the presence of *Neisseria* spp. directly from clinical specimens. The identification aids in the diagnosis of disease caused by bacteria belonging to the genus *Neisseria,* such as epidemic cerebrospinal meningitis, meningococcal disease, and gonorrhea, and also provides epidemiological information on diseases caused by these microorganisms. The device does not include products for the detection of gonorrhea in humans by indirect methods, such as detection of antibodies or of oxidase produced by gonococcal organisms.

(b) *Classification.* Class II (performance standards).

§ 866.3400 Parainfluenza virus serological reagents.

(a) *Identification.* Parainfluenza virus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to parainfluenza virus in serum. The identification aids in the diagnosis of parainfluenza virus infections and provides epidemiological information on diseases caused by these viruses. Parainfluenza viruses cause a variety of respiratory illnesses ranging from the common cold to pneumonia.

(b) *Classification.* Class I (general controls).

§ 866.3405 Poliovirus serological reagents.

(a) *Identification.* Poliovirus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to poliovirus in serum. Additionally, some of these reagents consist of poliovirus antisera conjugated with a fluorescent dye (immunofluorescent reagents) used to identify polioviruses from clinical specimens or from tissue culture isolates derived from clinical specimens. The identification aids in the diagnosis of poliomyelitis (polio) and provides epidemiological information on this disease. Poliomyelitis is an acute infectious disease which in its serious form affects the central nervous system resulting in atrophy (wasting away) of groups of muscles, ending in contraction and permanent deformity.

(b) *Classification.* Class I (general controls).

§ 866.3410 Proteus spp. (Weil-Felix) serological reagents.

(a) *Identification. Proteus* spp. (Weil-Felix) serological reagents are devices that consist of antigens and antisera, including antisera conjugated with a fluorescent dye (immunofluorescent reagents), derived from the bacterium *Proteus vulgaris* used in agglutination tests (a specific type of antigen-antibody reaction) for the detection of antibodies to rickettsia (virus-like bacteria) in serum. Test results aid in the diagnosis of diseases caused by bacteria belonging to the genus *Rickettsiae* and provide epidemiological information on these diseases. Rickettsia are generally transmitted by arthropods (e.g., ticks and mosquitoes) and produce infections in humans characterized by rash and fever (e.g., typhus fever, spotted fever, Q fever, and trench fever).

(b) *Classification.* Class I (general controls).

§ 866.3415 Pseudomonas spp. serological reagents.

(a) *Identification. Pseudomonas* spp. serological reagents are devices that consist of antigens and antisera, including antisera conjugated with a fluorescent dye (immunofluorescent reagents), used to identify *Pseudomonas* spp. from clinical specimens or from cultured isolates derived from clinical specimens. The identification aids in the diagnosis of disease caused by bacteria belonging to the genus *Pseudomonas. Pseudomonas aeruginosa* is a major cause of hospital-acquired infections, and has been associated with urinary tract infections, eye infections, burn and wound infections, blood poisoning, abscesses, and meningitis (inflammation of brain membranes). *Pseudomonas pseudomallei* causes melioidosis, a chronic pneumonia.

(b) *Classification.* Class II (performance standards).

§ 866.3460 Rabiesvirus immunofluorescent reagents.

(a) *Identification.* Rabiesvirus immunofluorescent reagents are devices that consist of rabiesvirus antisera conjugated with a fluorescent dye used to identify rabiesvirus in specimens taken from suspected rabid animals. The identification aids in the diagnosis of rabies in patients exposed by animal bites and provides epidemiological information on rabies. Rabies is an acute infectious disease of the central nervous system which, if undiagnosed, may be fatal. The disease is commonly transmitted to humans by a bite from a rabid animal.

(b) *Classification.* Class II (performance standards).

§ 866.3470 Reovirus serological reagents.

(a) *Identification.* Reovirus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to reovirus in serum. The identification aids in the diagnosis of reovirus infections and provides epidemiological information on diseases caused by these viruses. Reoviruses are thought to cause only mild respiratory and gastrointestinal illnesses.

(b) *Classification.* Class I (general controls).

§ 866.3480 Respiratory syncytial virus serological reagents.

(a) *Identification.* Respiratory syncytial virus serological reagents are devices that consist of antigens and antisera used in serological tests to identify antibodies to respirator syncytial virus in serum. Additionally, some of these reagents consist of

reagents) used to identify *Toxoplasma gondii* from clinical specimens. The

Trichinella spiralis in serum. The identification aids in the diagnosis of

isolates derived from clinical specimens. The identification aids in the diagnosis of cholera caused by the bacterium *Vibrio cholerae* and provides epidemiological information on cholera. Cholera is an acute infectious disease characterized by severe diarrhea with extreme fluid and electrolyte (salts) depletion, and by vomiting, muscle cramps, and prostration. If untreated, the severe dehydration may lead to shock, renal failure, cardiovascular collapse, and death.

(b) *Classification.* Class II (performance standards).

Subpart E—Immunology Laboratory Equipment and Reagents

§ 866.4100 Complement reagent.

(a) *Identification.* A complement reagent is a device that consists of complement, a naturally occurring serum protein from any warm-blooded animal such as guinea pigs, that may be included as a component part of serological test kits used in the diagnosis of disease.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in Subpart E of Part 807.

§ 866.4500 Immunoelectrophoresis equipment.

(a) *Identification.* Immunoelectrophoresis equipment for clinical use with its electrical power supply is a device used for separating protein molecules. Immunoelectrophoresis is a procedure in which a complex protein mixture is placed in an agar gel and the various proteins are separated on the basis of their relative mobilities under the influence of an electric current. The separated proteins are then permitted to diffuse through the agar toward a multispecific antiserum, allowing precipitation and visualization of the separate complexes.

(b) *Classification.* Class I (general controls).

§ 866.4520 Immunofluorometer equipment.

(a) *Identification.* Immunofluorometer equipment for clinical use with its electrical power supply is a device used to measure the fluorescence of fluorochrome-labeled antigen-antibody complexes. The concentration of these complexes may be measured by means of reflected light. A beam of light is passed through a solution in which a fluorochrome has been selectively attached to serum protein antibody molecules in suspension. The amount of light emitted by the fluorochrome label is detected by a photodetector, which converts light energy into electrical energy. The amount of electrical energy registers on a readout system such as a digital voltmeter or a recording chart. This electrical readout is called the fluorescence value and is used to measure the concentration of antigen-antibody complexes.

(b) *Classification.* Class I (general controls).

§ 866.4540 Immunonephelometer equipment.

(a) *Identification.* Immunonephelometer equipment for clinical use with its electrical power supply is a device that measures light scattering from antigen-antibody complexes. The concentration of these complexes may be measured by means of reflected light. A beam of light passed through a solution is scattered by the particles in suspension. The amount of light is detected by a photodetector, which converts light energy into electrical energy. The amount of electrical energy registers on a readout system such as a digital voltmeter or a recording chart. This electrical readout is called the light-scattering value and is used to measure the concentration of antigen-antibody complexes. This generic type of device includes devices with various kinds of light sources, such as laser equipment.

(b) *Classification.* Class I (general controls).

§ 866.4600 Ouchterlony agar plate.

(a) *Identification.* An ouchterlony agar plate for clinical use is a device containing an agar gel used to examine antigen-antibody reactions. In immunodiffusion, antibodies and antigens migrate toward each other through gel which originally contained neither of these reagents. As the reagents come in contact with each other, they combine to form a precipitate that is trapped in the gel matrix and is immobilized.

(b) *Classification.* Class I (general controls).

§ 866.4800 Radial immunodiffusion plate.

(a) *Identification.* A radial immunodiffusion plate for clinical use is a device that consists of a plastic plate to which agar gel containing antiserum is added. In radial immunodiffusion, antigens migrate through gel which originally contains specific antibodies. As the reagents come in contact with each other, they combine to form a precipitate that is trapped in the gel matrix and immobilized.

(b) *Classification.* Class I (general controls). The device is exempt from the premarket notification procedures in Subpart E of Part 807.

§ 866.4830 Rocket immunoelectrophoresis equipment.

(a) *Identification.* Rocket immunoelectrophoresis equipment for clinical use is a device used to perform a specific test on proteins by using a procedure called rocket immunoelectrophoresis. In this procedure, an electric current causes the protein in solution to migrate through agar gel containing specific antisera. The protein precipitates with the antisera in a rocket-shaped pattern, giving the name to the device. The height of the peak (or the area under the peak) is proportional to the concentration of the protein.

(b) *Classification.* Class I (general controls).

§ 866.4900 Support gel.

(a) *Identification.* A support gel for clinical use is a device that consists of an agar or agarose preparation that is used while measuring various kinds of, or parts of, protein molecules by various immunochemical techniques, such as immunoelectrophoresis, immunodiffusion, or chromatography.

(b) *Classification.* Class I (general controls).

Subpart F—Immunological Test Systems

§ 866.5040 Albumin immunological test system.

(a) Identification. An albumin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the albumin (a plasma protein) in serum and other body fluids. Measurement of albumin aids in the diagnosis of kidney and intestinal diseases.

(b) *Classification.* Class II (performance standards).

§ 866.5060 Prealbumin immunological test system.

(a) *Identification.* A prealbumin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the prealbumin (a plasma protein) in serum and other body fluids. Measurement of prealbumin levels in serum may aid in the assessment of the patient's nutritional status.

(b) *Classification.* Class I (general controls).

§ 866.5065 Human allotypic marker immunological test system.

(a) *Identification.* A human allotypic marker immunological test system is a device that consists of the reagents used to identify by immunochemical techniques the inherited human protein allotypic markers (such as nGm, nA_2m, and Km allotypes) in serum and other body fluids. The identification may be used while studying population genetics.

(b) *Classification.* Class I (general controls).

§ 866.5080 Alpha-1-antichymotrypsin immunological test system.

(a) *Identification.* An *alpha*-1-antichymotrypsin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques *alpha*-1-antichymotrypsin (a protein) in serum, other body fluids, and tissues. *Alpha*-1-antichymotrypsin helps protect tissues against proteolytic (protein-splitting) enzymes released during infection.

(b) *Classification.* Class II (performance standards).

§ 866.5090 Antimitochondrial antibody immunological test system.

(a) *Identification.* An antimitochondrial antibody immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the antimitochondrial antibodies in human serum. The measurements aid in the diagnosis of diseases that produce a spectrum of autoantibodies (antibodies produced against the body's own tissue), such as primary biliary cirrhosis (degeneration of liver tissue) and chronic active hepatitis (inflammation of the liver).

(b) *Classification.* Class II (performance standards).

§ 866.5100 Antinuclear antibody immunological test system.

(a) *Identification.* An antinuclear antibody immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the autoimmune antibodies in serum, other body fluids, and tissues that react with cellular nuclear constituents (molecules present in the nucleus of a cell, such as ribonucleic acid, deoxyribonucleic acid, or nuclear proteins). The measurements aid in the diagnosis of systemic lupus erythematosus (a multisystem autoimmune disease in which antibodies attack the victim's own tissues), hepatitis (a liver disease), rheumatoid arthritis, Sjogren's syndrome (arthritis with inflammation of the eye, eyelid, and salivary glands), and systemic sclerosis (chronic hardening and shrinking of many body tissues).

(b) *Classification.* Class II (performance standards).

§ 866.5110 Antiparietal antibody immunological test system.

(a) *Identification.* An antiparietal antibody immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the specific antibody for gastric parietal cells in serum and other body fluids. Gastric parietal cells are those cells located in the stomach that produce a protein that enables vitamin B_{12} to be absorbed by the body. The measurements aid in the diagnosis of vitamin B_{12} deficiency (or pernicious anemia), atrophic gastritis (inflammation of the stomach), and autoimmune connective tissue diseases (diseases resulting when the body produces antibodies against its own tissues).

(b) *Classification.* Class II (performance standards).

§ 866.5120 Antismooth muscle antibody immunological test system.

(a) *Identification.* An antismooth muscle antibody immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the antismooth muscle antibodies (antibodies to nonstriated, involuntary muscle) in serum. The measurements aid in the diagnosis of chronic hepatitis (inflammation of the liver) and autoimmune connective tissue diseases (diseases resulting from antibodies produced against the body's own tissues).

(b) *Classification* Class II (performance standards).

§ 866.5130 Alpha-1-antitrypsin immunological test system.

(a) *Identification.* An *alpha*-1-antitrypsin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the *alpha*-1-antitrypsin (a plasma protein) in serum, other body fluids, and tissues. The measurements aid in the diagnosis of several conditions including juvenile and adult cirrhosis of the liver. In addition, *alpha*-1-antitrypsin deficiency has been associated with pulmonary emphysema.

(b) *Classification.* Class II (performance standards).

§ 866.5150 Bence-Jones proteins immunological test system.

(a) *Identification.* A Bence-Jones proteins immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the Bence-Jones proteins in urine and plasma. Immunoglobulin molecules normally consist of pairs of polypeptide chains (subunits) of unequal size (light chains and heavy chains) bound together by several disulfide bridges. In some cancerous conditions, there is a proliferation of one plasma cell (antibody-producing cell) with excess production of light chains of one specific kind (monoclonal light chains). These free homogeneous light chains not associated with an immunoglobulin molecule can be found in urine and plasma, and have been called Bence-Jones proteins. Measurement of Bence-Jones proteins and determination that they are monoclonal aid in the diagnosis of multiple myeloma (malignant proliferation of plasma cells), Waldenstrom's macroglobulinemia (increased production of large immunoglobulins by spleen and bone marrow cells), leukemia (cancer of the blood-forming organs), and lymphoma (cancer of the lymphoid tissue).

(b) *Classification.* Class II (performance standards).

§ 866.5160 Beta-globulin immunological test system.

(a) *Identification.* A *beta*-globulin immunological test system is a device that consists of reagents used to measure by immunochemical techniques beta globulins (serum protein) in serum and other body fluids. *Beta*-globulin proteins include *beta*-lipoprotein, transferrin, glycoproteins, and complement, and are rarely associated with specific pathologic disorders.

(b) *Classification.* Class I (general controls).

§ 866.5170 Breast milk immunological test system.

(a) *Identification.* A breast milk immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the breast milk proteins.

(b) *Classification.* Class I (general controls).

§ 866.5200 Carbonic anhydrase B and C immunological test system.

(a) *Identification.* A carbonic anhydrase B and C immunological test system is a device that consists of the reagents used to measure by immunochemical techniques specific carbonic anhydrase protein molecules in serum and other body fluids. Measurements of carbonic anhydrase B and C aid in the diagnosis of abnormal hemoglobin metabolism.

(b) *Classification.* Class I (general controls).

§ 866.5210 Ceruloplasmin immunological test system.

(a) *Identification.* A ceruloplasmin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the ceruloplasmin (copper-transporting serum protein) in serum, other body fluids, or tissues. Measurements of ceruloplasmin aid in the diagnosis of copper metabolism disorders.

(b) *Classification.* Class II (performance standards).

§ 866.5220 Cohn fraction II immunological test system.

(a) *Identification.* A Cohn fraction II immunological test system is a device that consists of the reagents that contain or are used to measure that fraction of plasma containing protein gamma globulins, predominantly of the IgG class. The device may be used as a coprecipitant in radioimmunoassay methods, as raw material for the purification of IgG subclasses, and to reduce nonspecific adsorption of plasma proteins in immunoassay techniques. Measurement of these proteins aids in the diagnosis of any disease concerned with abnormal levels of IgG gamma globulins such as agammaglobulinemia or multiple myeloma.

(b) *Classification.* Class I (general controls).

§ 866.5230 Colostrum immunological test system.

(a) *Identification.* A colostrum immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the specific proteins in colostrum. Colostrum is a substance excreted by the mammary glands during pregnancy and until production of breast milk begins 1 to 5 days after childbirth.

(b) *Classification.* Class I (general controls).

§ 866.5240 Complement components immunological test system.

(a) *Identification.* A complement components immunological test system is a device that consists of the reagents used to measure by immunochemical techniques complement components C1q, C_{1r}, C_{1s}, C_2, C_3, C_4, C_5, C_6, C_7, C_8, and C_9, in serum, other body fluids, and tissues. Complement is a group of serum proteins which destroy infectious agents. Measurements of these proteins aids in the diagnosis of immunologic disorders, especially those associated with deficiencies of complement components.

(b) *Classification.* Class II (performance standards).

§ 866.5250 Complement C_1 inhibitor (inactivator) immunological test system.

(a) *Identification.* A complement C_1 inhibitor (inactivator) immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the complement C_1 inhibitor (a plasma protein) in serum. Complement C_1 inhibitor occurs normally in plasma and blocks the action of the C_1 component of complement (a group of serum proteins which destroy infectious agents). Measurement of complement C_1 inhibitor aids in the diagnosis of hereditary angioneurotic edema (increased blood vessel permeability causing swelling of tissues) and a rare form of angioedema associated with lymphoma (lymph node cancer).

(b) *Classification.* Class II (performance standards).

§ 866.5260 Complement C_{3b} inactivator immunological test system.

(a) *Identification.* A complement C_{3b} inactivator immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the complement C_{3b} inactivator (a plasma protein) in serum. Complement is a group of serum proteins that destroy infectious agents. Measurement of complement C_{3b} inactivator aids in the diagnosis of inherited antibody dysfunction.

(b) *Classification.* Class II (performance standards).

§ 866.5270 C-reactive protein immunological test system.

(a) *Identification.* A C-reactive protein immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the C-reactive protein in serum and other body fluids. Measurement of C-reactive protein aids in evaluation of the amount of injury to body tissues.

(b) *Classification.* Class II (performance standards).

§ 866.5320 Properdin factor B immunological test system.

(a) *Identification.* A properdin factor B immunological test system is a device that consists of the reagents used to measure by immunochemical techniques properdin factor B in serum and other body fluids. The deposition of properdin factor B in body tissues or a corresponding depression in the amount of properdin factor B in serum and other body fluids is evidence of the involvement of the alternative to the classical pathway of activation of complement (a group of plasma proteins which cause the destruction of cells which are foreign to the body). Measurement of properdin factor B aids in the diagnosis of several kidney diseases, e.g., chronic glomerulonephritis (inflammation of the glomeruli of the kidney), lupus nephritis (kidney disease associated with a multisystem autoimmune disease, systemic lupus erythematosus), as well as several skin diseases, e.g., dermititis herpetiformis (presence of vesicles on the skin that burn and itch), and pemphigus vulgaris (large vesicles on the skin). Other diseases in which the alternate pathway of complement activation has been implicated include rheumatoid arthritis, sickle cell anemia, and gram-negative bacteremia.

(b) *Classification.* Class II (performance standards).

§ 866.5330 Factor XIII, A, S, immunological test system.

(a) *Identification.* A factor XIII, A, S, immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the factor XIII (a bloodclotting factor), in platelets (A) or serum (S). Measurements of factor XIII, A, S, aid in the diagnosis and treatment of certain bleeding disorders resulting from a deficiency of this factor.

(b) *Classification.* Class I (general controls).

§ 866.5340 Ferritin immunological test system.

(a) *Identification.* A ferritin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the ferritin (an iron-storing protein) in serum and other body fluids. Measurements of ferritin aid in the diagnosis of diseases affecting iron metabolism, such as hemochromatosis (iron overload) and iron deficiency amemia.

(b) *Classification.* Class II (performance standards).

§ 866.5350 Fibrinopeptide A immunological test system.

(a) *Identification.* A fibrinopeptide A immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the fibrinopeptide A (a blood-clotting factor) in plasma and other body fluids. Measurement of fibrinopeptide A may aid in the diagnosis and treatment of certain blood-clotting disorders.

(b) *Classification.* Class II (performance standards).

§ 866.5360 Cohn fraction IV immunological test system.

(a) *Identification.* A Cohn fraction IV immunological system is a device that consists of or measures that fraction of plasma proteins, predominantly *alpha*- and *beta*-globulins, used as a raw material for the production of pure *alpha*- or *beta*-globulins. Measurement of specific *alpha*- or *beta*-globulins aids in the diagnosis of many diseases, such as Wilson's disease (an inherited disease affecting the liver and brain), Tangier's disease (absence of *alpha*-1-lipoprotein), malnutrition, iron deficiency anemia, red blood cell disorders, and kidney disease.

(b) *Classification.* Class I (general controls).

§ 866.5370 Cohn fraction V immunological test system.

(a) *Identification.* A Cohn fraction V immunological test system is a device that consists of or measures that fraction of plasma containing predominantly albumin (a plasma protein). This test aids in the diagnosis of diseases where albumin levels may be depressed, e.g., nephrosis (disease of the kidney), proteinuria (protein in the urine), gastroenteropathy (disease of the stomach and small intestine), rheumatoid arthritis, and viral hepatitis.

(b) *Classification.* Class I (general controls).

§ 866.5380 Free secretory component immuhological test system.

(a) *Identification.* A free secretory component immunological test system is a device that consists of the reagents used to measure by immunochemical techniques free secretory component (normally a portion of the secretory IgA antibody molecule) in body fluids. Measurement of free secretory component (protein molecules) aids in the diagnosis or repetitive lung infections and other hypogammaglobulinemic conditions (low antibody levels).

(b) *Classification.* Class II (performance standards).

§ 866.5400 Alpha-globulin immunological test system.

(a) *Identification.* An *alpha*-globulin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the *alpha*-globulin (a serum protein) in serum and other body fluids. Measurement of *alpha*-globulin may aid in the diagnosis of inflammatory lesions, infections, severe burns, and a variety of other conditions.

(b) *Classification.* Class I (general controls).

§ 866.5420 Alpha-1-glycoproteins immunological test system.

(a) *Identification.* An *alpha*-1-glycoproteins immunological test system is a device that consists of the reagents used to measure by immunochemical techniques *alpha*-1-glycoproteins (a group of plasma proteins found in the *alpha*-1 group when subjected to electrophoresis) in serum and other body fluids. Measurement of specific *alpha*-1-glycoproteins may aid in the diagnosis of collagen (connective tissue) disorders, tuberculosis, infections, extensive malignancy, and diabetes.

(b) *Classification.* Class I (general controls).

§ 866.5425 Alpha-2-glycoproteins immunological test system.

(a) *Identification.* An *alpha*-2-glycoproteins immunolgical test system is a device that consists of the reagents used to measure by immunochemical techniques the *alpha*-2-glycoproteins (a group of plasma proteins found in the *alpha*-2 group when subjected to electrophoresis) in serum and other body fluids. Measurement of *alpha*-2-glycoproteins aids in the diagnosis of some cancers and genetically inherited deficiencies of these plasma proteins.

(b) *Classification.* Class I (general controls).

§ 866.5430 Beta-2-glycoprotein I immunological test system.

(a) *Identification.* A *beta*-2-glycoprotein I immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the *beta*-2-glycoprotein I (a serum protein) in serum and other body fluids. Measurement of *beta*-2-glycoprotein I aids in the diagnosis of an inherited deficiency of this serum protein.

(b) *Classification.* Class I (general controls).

§ 866.5440 Beta-2-glycoprotein III immunological test system.

(a) *Identification.* A *beta*-2-glycoprotein III immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the *beta*-2-glycoprotein III (a serum protein) in serum and other body fluids. Measurement of *beta*-2-glycoprotein III aids in the diagnosis of an inherited deficiency of this serum protein and a variety of other conditions.

(b) *Classification.* Class I (general controls).

§ 866.5460 Haptoglobin immunological test system.

(a) *Identification.* A haptoglobin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the haptoglobin (a protein that binds hemoglobin, the oxygen-carrying pigment in red blood cells) in serum. Measurement of haptoglobin may aid in the diagnosis of hemolytic diseases (diseases in which the red blood cells rupture and release hemoglobin) related to the formation of hemoglobin-haptoglobin complexes and certain kidney diseases.

(b) *Classification.* Class II (performance standards).

§ 866.5470 Hemoglobin immunological test system.

(a) *Indentification.* A hemoglobin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the different types of free hemoglobin (the oxygen-carrying pigment in red blood cells) in blood, urine, plasma, or other body fluids. Measurements of free hemoglobin aid in the diagnosis of various hematologic disorders, such as sickle cell anemia, Fanconi's anemia (a rare inherited disease), aplastic anemia (bone marrow does not produce enough blood cells), and leukemia (cancer of the blood-forming organs).

(b) *Classification.* Class II (performance standards).

§ 866.5490 Hemopexin immunological test system.

(a) *Indentification.* A hemopexin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the hemopexin (a serum protein that binds heme, a component of hemoglobin) in serum. Measurement of hemopexin aids in the diagnosis of various hematologic disorders, such as hemolytic anemia (anemia due to shortened in vivo survival of mature red blood cells and inability of the bone marrow to compensate for their decreased life span) and sickle cell anemia.

(b) *Classification.* Class II (performance standards).

§ 866.5500 Hypersensitivity pneumonitis immunological test system.

(a) *Identification.* A hypersensitivity pneumonitis immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the immunoglobulin antibodies in serum which react specifically with organic dust derived from fungal or animal protein sources. When these antibodies react with such dusts in the lung, immune complexes precipitate and trigger an inflammatory reaction (hypersensitivity pneumonitis). Measurement of these immunoglobulin G antibodies aids in the diagnosis of hypersensitivity pneumonitis and other allergic respiratory disorders.

(b) *Classification.* Class II (performance standards).

§ 866.5510 Immunoglobulins A, G, M, D, and E immunological test system.

(a) *Identification.* An immunoglobulins A, G, M, D, and E immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the immunoglobulins A, G, M, D, an E (serum antibodies) in serum. Measurement of these immunoglobulins aids in the diagnosis of abnormal protein metabolism and the body's lack of ability to resist infectious agents.

(b) *Classification.* Class II (performance standards).

§ 866.5520 Immunoglobulin G (Fab fragment specific) immunological test system.

(a) *Identification.* An immunoglobulin G (Fab fragment specific) immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the Fab antigen-binding fragment resulting from breakdown of immunoglobulin G antibodies in urine, serum, and other body fluids. Measurement of Fab fragments of immunoglobulin G aids in the diagnosis of lymphoproliferative disorders, such as multiple myeloma (tumor of bone marrow cells), Waldenstrom's macroglobulinemia (increased immunoglobulin production by the spleen and bone marrow cells), and lymphoma (tumor of the lymphoid tissues).

(b) *Classification.* Class II (performance standards).

§ 866.5530 Immunoglobulin G (Fc fragment specific) immunological test system.

(a) *Identification.* An immunoglobulin G (Fc fragment specific) immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the Fc (carbohydrate containing) fragment of immunoglobulin G (resulting from breakdown of immunoglobulin G antibodies) in urine, serum, and other body fluids. Measurement of immunoglobulin G Fc fragments aids in the diagnosis of plasma cell antibody-forming abnormalities, e.g., gamma heavy chain disease.

(b) *Classification.* Class II (performance standards).

§ 866.5540 Immunoglobulin G (Fd fragment specific) immunological test system.

(a) *Identification.* An immunoglobulin G (Fd fragment specific) immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the amino terminal (antigen-binding) end (Fd fragment) of the heavy chain (a subunit) of the immunoglobulin antibody molecule in serum. Measurement of immunoglobulin G Fd fragments aids in the diagnosis of plasma antibody-forming cell abnormalities.

(b) *Classification.* Class I (general controls).

§ 866.5550 Immunoglobulin (light chain specific) immunological test system.

(a) *Identification.* An immunoglobulin (light chain specific) immunological test system is a device that consists of the reagents used to measure by immunochemical techniques both kappa and lambda types of light chain portions of immunoglobulin molecules in serum, other body fluids, and tissues. In some disease states, an excess of light chains are produced by the antibody-forming cells. These free light chains, unassociated with gamma globulin molecules, can be found in a patient's body fluids and tissues. Measurement of the various amounts of the different types of light chains aids in the diagnosis of multiple myeloma (cancer of antibody-forming cells), lymphocytic neoplasms (cancer of lymphoid tissue), Waldenstrom's macroglobulinemia (increased production of large immunoglobulins), and connective tissue diseases such as rheumatoid arthritis or systemic lupus erythematosus.

(b) *Classification.* Class II (performance standards).

§ 866.5560 Lactic dehydrogenase immunological test system.

(a) *Identification.* A lactic dehydrogenase immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the activity of the lactic dehydrogenase enzyme in serum. Increased levels of lactic dehydrogenase are found in a variety of conditions, including megaloblastic anemia (decrease in the number of mature red blood cells), myocardial infarction (heart disease), and some forms of leukemia (cancer of the blood-forming organs). However, the diagnostic usefulness of this device is limited because of the many conditions known to cause increased lactic dehydrogenase levels.

(b) *Classification.* Class I (general controls).

§ 866.5570 Lactoferrin immunological test system.

(a) *Identification.* A lactoferrin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the lactoferrin (an iron-binding protein with the ability to inhibit the growth of bacteria) in serum, breast milk, other body fluids, and tissues. Measurement of lactoferrin may aid in the diagnosis of an inherited deficiency of this protein.

(b) *Classification.* Class I (general controls).

§ 866.5580 Alpha-1-lipoprotein immunological test system.

(a) *Identification.* An *alpha*-1-lipoprotein immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the *alpha*-1-lipoprotein (high-density lipoprotein) in serum and plasma. Measurement of *alpha*-1-lipoprotein may aid in the diagnosis of Tangier disease (a hereditary disorder of fat metabolism).

(b) *Classification.* Class II (performance standards).

§ 866.5590 Lipoprotein X immunological test system.

(a) *Identification.* A lipoprotein X immunological test system is a device that consists of the reagents used to measure by immunochemical techniques lipoprotein X (a high-density lipoprotein) in serum and other body fluids. Measurement of lipoprotein X aids in the diagnosis of obstructive liver disease.

(b) *Classification.* Class I (general controls).

§ 866.5600 Low-density lipoprotein immunological test system.

(a) *Identification.* A low-density lipoprotein immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the low-density lipoprotein in serum and other body fluids. Measurement of low-density lipoprotein in serum may aid in the diagnosis of disorders of lipid (fat) metabolism and help to identify young persons at risk from cardiovascular diseases.

(b) *Classification.* Class II (performance standards).

§ 866.5620 Alpha-2-macroglobulin immunological test system.

(a) *Identification.* An *alpha*-2-macroglobulin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the *alpha*-2-macroglobulin (a serum protein) in plasma. Measurement of *alpha*-2-macroglobulin may aid in the diagnosis of blood-clotting or clot lysis disorders.

(b) *Classification.* Class II (performance standards).

§ 866.5630 Beta-2-microglobulin immunological test system.

(a) *Identification.* A *beta*-2-microglobulin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques *beta*-2-microglobulin (a protein molecule) in serum, urine, and other body fluids. Measurement of *beta*-2-microglobulin aids in the diagnosis of active rheumatoid arthritis and kidney disease.

(b) *Classification.* Class II (performance standards).

§ 866.5640 Infectious mononucleosis immunological test system.

(a) *Identification.* An infectious mononucleosis immunological test system is a device that consists of the reagents used to measure by immunochemical techniques heterophile antibodies frequently associated with infectious mononucleosis in serum, plasma, and other body fluids. Measurements of these antibodies aid in the diagnosis of infectious mononucleosis.

(b) *Classification.* Class II (performance standards).

§ 866.5660 Multiple autoantibodies immunological test system.

(a) *Identification.* A multiple autoantibodies immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the autoantibodies (antibodies produced against the body's own tissues) in serum and other body fluids. Measurement of multiple autoantibodies aids in the diagnosis of autoimmune disorders (disease produced when the body's own tissues are injured by autoantibodies).

(b) *Classification.* Class II (performance standards).

§ 866.5680 Myoglobin immunological test system.

(a) *Identification.* A myoglobin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the myoglobin (an oxygen storage protein found in muscle) in serum and other body fluids. Measurement of myoglobin aids in the rapid diagnosis of heart or renal disease.

(b) *Classification.* Class II (performance standards).

§ 866.5700 Whole human plasma or serum immunological test system.

(a) *Identification.* A whole human plasma or serum immunological test system is a device that consists of reagents used to measure by immunochemical techniques the proteins in plasma or serum. Measurements of proteins in plasma or serum aid in the diagnosis of any disease concerned with abnormal levels of plasma or serum proteins, e.g., agammaglobulinemia, allergies, multiple myeloma, rheumatoid vasculitis, or hereditary angioneurotic edema.

(b) *Classification.* Class I (general controls).

§ 866.5715 Plasminogen immunological test system.

(a) *Identification.* A plasminogen immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the plasminogen (an inactive substance from which plasmin, a blood-clotting factor, is formed) in serum, other body fluids, and tissues. Measurement of plasminogen levels may aid in the diagnosis of fibrinolytic (blood-clotting) disorders.

(b) *Classification.* Class I (general controls).

§ 866.5735 Prothrombin immunological test system.

(a) *Identification.* A prothrombin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the prothrombin (clotting factor II) in serum. Measurements of the amount of antigenically competent (ability to react with protein antibodies) prothrombin aid in the diagnosis of blood-clotting disorders.

(b) *Classification.* Class I (general controls).

§ 866.5750 Radioallergosorbent (RAST) immunological test system.

(a) *Identification.* A radioallergosorbent immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the allergen antibodies (antibodies which cause an allergic reaction) specific for a given allergen. Measurement of specific allergen antibodies may aid in the diagnosis of asthma, allergies, and other pulmonary disorders.

(b) *Classification.* Class II (performance standards).

§ 866.5765 Retinol-binding protein immunological test system.

(a) *Identification.* A retinol-binding protein immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the retinol-binding protein that binds and transports vitamin A in serum and urine. Measurement of this protein may aid in the diagnosis of kidney disease and in monitoring patients with kidney transplants.

(b) *Classification.* Class I (general controls).

§ 866.5775 Rheumatoid factor immunological test system.

(a) *Identification.* A rheumatoid factor immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the rheumatoid factor (antibodies to immunoglobulins) in serum, other body fluids, and tissues. Measurement of rheumatoid factor may aid in the diagnosis of rheumatoid arthritis.

(b) *Classification.* Class II (performance standards).

§ 866.5800 Seminal fluid (sperm) immunological test system.

(a) *Identification.* A seminal fluid (sperm) immunological test system is a device that consists of the reagents used for legal purposes to identify and differentiate animal and human semen. The test results may be used as court evidence in alleged instances of rape and other sex-related crimes.

(b) *Classification.* Class I (general controls).

§ 866.5820 Systemic lupus erythematosus immunological test system.

(a) *Identification.* A systemic lupus erythematosus (SLE) immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the autoimmune antibodies in serum and other body fluids that react with cellular nuclear double-stranded deoxyribonucleic acid (DNA) or other nuclear constituents that are specifically diagnostic of SLE. Measurement of nuclear double-stranded DNA antibodies aids in the diagnosis of SLE (a multisystem autoimmune disease in which tissues are attacked by the person's own antibodies).

(b) *Classification.* Class II (performance standards).

§ 866.5860 Total spinal fluid immunological test system.

(a) *Identification.* A total spinal fluid immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the total protein in cerebrospinal fluid. Measurement of spinal fluid proteins may aid in the diagnosis of multiple sclerosis and other diseases of the nervous system.

(b) *Classification.* Class II (performance standards).

§ 866.5870 Thyroid autoantibody immunological test system.

(a) *Identification.* A thyroid autoantibody immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the thyroid autoantibodies

(antibodies produced against the body's own tissues). Measurement of thyroid autoantibodies may aid in the diagnosis of certain thyroid disorders, such as Hashimoto's disease (chronic lymphocytic thyroiditis), nontoxic goiter (enlargement of thyroid gland), Grave's disease (enlargement of the thyroid gland with protrusion of the eyeballs), and cancer of the thyroid.

(b) *Classification.* Class II (performance standards).

§ 866.5880 Transferrin immunological test system.

(a) *Identification.* A transferrin immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the transferrin (an iron-binding and transporting serum protein) in serum, plasma, and other body fluids. Measurement of transferrin levels aids in the diagnosis of malnutrition, acute inflammation, infection, and red blood cell disorders, such as iron deficiency anemia.

(b) *Classification.* Class II (performance standards).

§ 866.5890 Inter-alpha trypsin inhibitor immunological test system.

(a) *Identification.* An inter-*alpha* trypsin inhibitor immunological test system is a device that consists of the reagents used to measure by immunochemical techniques the inter-*alpha* trypsin inhibitor (a protein) in serum and other body fluids. Measurement of inter-alpha trypsin inhibitor may aid in the diagnosis of acute bacterial infection and inflammation.

(b) *Classification.* Class I (general controls).

Subpart G—Tumor Associated Antigen Immunological Test Systems

§ 866.6010 Carcinoembryonic antigen (CEA) immunological test system as an aid in the detection and management of cancer.

(a) *Identification.* A carcinoembryonic antigen (CEA) immunological test system as an aid in the detection and management of cancer is a device that consists of the reagents intended to measure by immunochemical techniques, such as enzyme immunoassay or radioimmunoassay, CEA in blood, plasma, other body fluids, and tissues. Measurement of CEA levels may aid in the detection and management of cancer.

(b) *Classification.* Class III (premarket approval) (transitional device).

The Food and Drug Administration has carefully analyzed the economic effects of this final rule in accordance with section 3(g)(1) of Executive Order 12291, and it has been determined that the final rule does not constitute a major rule as defined in section 1(b) of the Executive Order. Rules classifying devices into class I generally maintain the status quo: These devices are now subject to only the general controls provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360, 360f, 360h, 360i, and 360j) and under the final rule, would remain subject only to such controls either in their entirety or with certain exemptions. Devices classified into class II would also remain subject only to the general controls provisions of the act unless and until an applicable performance standard were established. Similarly, devices classified into class III remain subject only to the general controls provisions of the act until an additional regulation is promulgated pursuant to section 515(b) of the act (21 U.S.C. 360e(b)) requiring that such devices have in effect approved applications for premarket approval. In accordance with section 501(f)(2)(B) of the act (21 U.S.C. 351(f)(2)(B)), devices classified by regulation into class III that were not previously considered new drugs may remain in commercial distribution without an approved premarket approval application for 30 months following the effective date of classification of the device into class III, or for 90 days following the promulgation of a regulation under section 515(b) of the act (21 U.S.C. 360e(b)), whichever occurs later. In sum, device classification rules are not major rules. The requirement for a regulatory flexibility analysis under the Regulatory Flexibility Act does not apply to this final rule because the proposed rules on which it is based were issued prior to January 1, 1981, and are therefore exempt.

Effective date. This regulation is effective December 9, 1982.

(Secs. 513, 520(l), 701(a), 52 Stat. 1055, 90 Stat. 540–546 (21 U.S.C. 360c, 360j(1), 371(a)).)

Dated: October 14, 1982.

Mark Novitch,

Acting Commissioner of Food and Drugs.

[FR Doc. 82–30449 Filed 11–8–82; 8:45 am]

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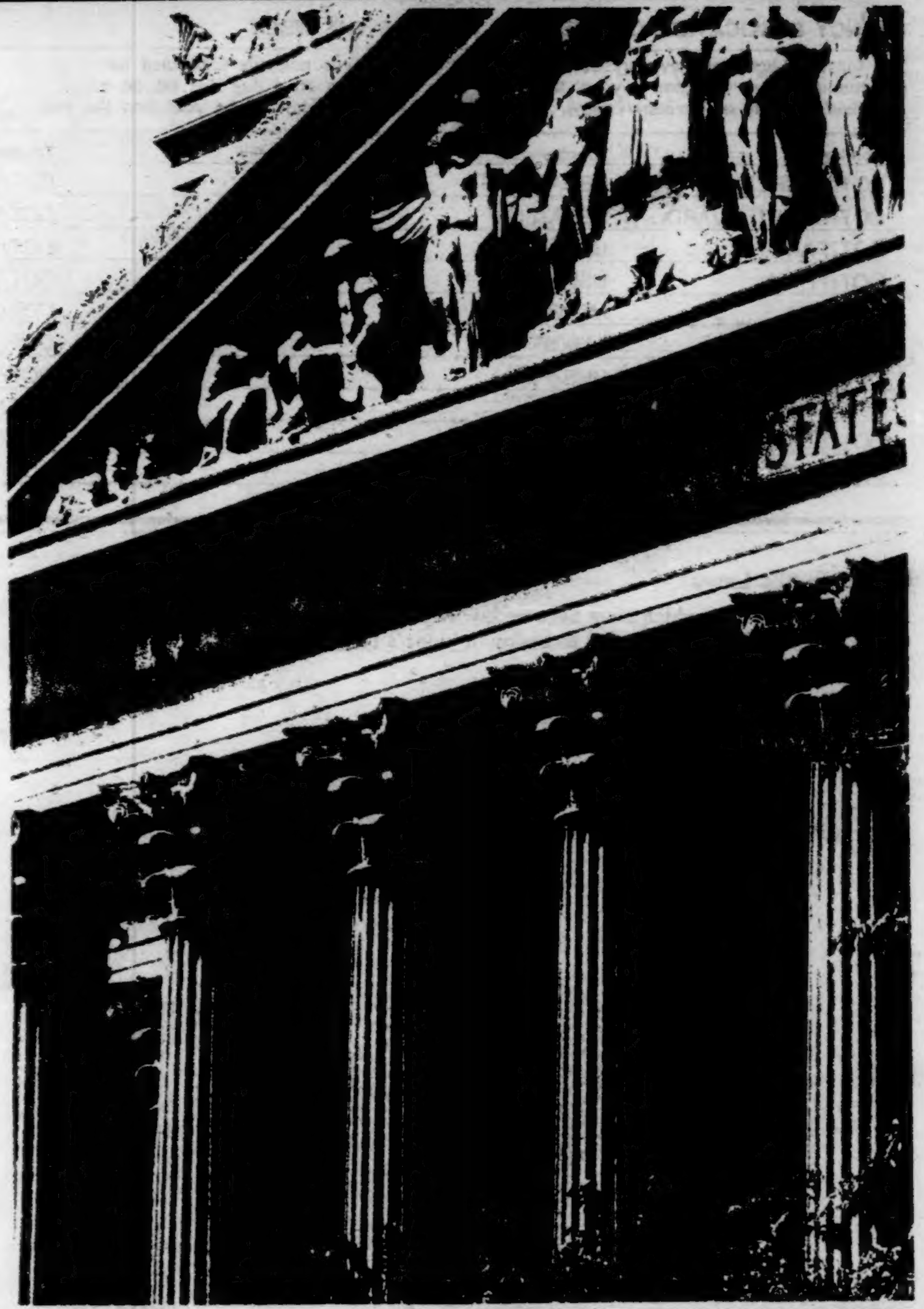

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